

Miscellaneous Record, No. 23, Madison County, Iowa

County Recorder of Madison County, Iowa.
 Phil R. Wilkinson #5888 Filed for record the 1 day of November
 To Fee \$.70 A.D. 1941 at 3:37 o'clock P.M.
 The Public Pearl E. Shetterly, Recorder

A F F I D A V I T

STATE OF IOWA MADISON COUNTY :SS

I, Phil R. Wilkinson of said County and State, being first duly sworn, on oath depose and say:

That I have been a resident of Madison County, Iowa, for more than fifty years last past.
 That I was well and personally acquainted with the J. B. Bivin, who is named as Grantee in the Warranty Deed dated September 11, 1909, conveying Lot One (1) of M. C. Leinard's Addition to the Original Town of Winterset, Iowa, and recorded in Deed Record 16, on page 293 of the Deed records of Madison County, Iowa, and I know of my own personal knowledge that the said Grantee, J. B. Bivin, is the same identical person as the Joseph B. Bivin, who died testate on or about October 4, 1916, and whose estate was administered in the District Court of Madison County, Iowa, being Probate No. 2447, shown in Probate Docket "G" on page 155, and that his estate was fully and finally closed on the 18th day of December 1917, as shown by Probate record "W" on page 491, of the probate records of the District Court of Madison County, Iowa, and is the same person as the Joseph Bivin who is referred to as the testator in said Last Will and Testament in the said probate records of the estate of Joseph B. Bivin, and that his true and correct name is Joseph B. Bivin.

This affiant further states that the said Joseph B. Bivin left surviving him his wife, Mary Bivin, and J. T. Bivin, A. T. Bivin and W. M. Bivin, as his only children and heirs-at-law, and that I am well and creditably informed, and being so informed state that the said J. T. Bivin died in the State of Washington, more than a year ago, and left no spouse or children surviving him but left his Mother, the said Mary Bivin, as his only heir-at-law.

That the said Mary Bivin, who was the sole legatee named in the Last Will and Testament of the said Joseph B. Bivin, died in Madison County, Iowa, on the 26th day of May 1941, and that she left as her only children and heirs-at-law the said A. T. Bivin and William Bivin, and that the said William Bivin is the same person as the said W. M. Bivin referred to in the probate proceedings in the estate of the said Joseph B. Bivin, and that the said J. T. Bivin referred to as one of the heirs-at-law of the said Joseph B. Bivin in said ^{probate} proceedings is the same and identical person as James T. Bivin, and that wherever his name appears in the record of title to the above described real estate, either as James T. Bivin or J. T. Bivin it refers to one and the same identical person.

That the Last Will and Testament of the said Mary Bivin was drawn prior to the death of the said J. T. Bivin or James T. Bivin, but that as aforesaid he died prior to the death of his Mother, Mary Bivin.

That I know of my own personal knowledge that it will not be necessary to sell the real estate above described belonging to the estate of the said Mary Bivin, Deceased, for the purpose of paying any of the debts, claims and charges against her estate, together with the costs and expenses of administration. That this real estate was the homestead of the said Joseph B. Bivin and Mary Bivin. That both the said Joseph B. Bivin and Mary Bivin resided together on

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said premises, as husband and wife, until the date of ^{the death of} the said Joseph B. Bivin, as aforesaid, and from the date of the death of the said Joseph B. Bivin the said Mary Bivin continued to occupy and reside on said premises until the date of her death on May 26, 1941.

All of which is true as I verily believe.

Phil R. Wilkinson

Subscribed and sworn to before me and in my presence by the said Phil R. Wilkinson this
NOTARIAL 12th day of September 1941.