

Miscellaneous Record, No. 23, Madison County, Iowa

estate, but make this affidavit at the request of the present owner thereof for the purpose of

Phil R. Wilkinson

#1319

To

Fee \$.60

The Public

Harry F. Anderson Notary Public
in and for Madison County, Iowa.

Filed for record the 13 day of
March A.D. 1942 at 3:45 o'clock
P.M.
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 am a resident of Madison County, Iowa, and have been a resident of Madison County, Iowa, for more than fifty years last past.

That I am acquainted with the real estate involved in the case of "R.A.Hindman, plaintiff vs: Etta J. Shoff, et al., defendants" being No 17107 Equity, pending in the District Court of

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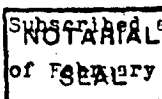
Madison County, Iowa, said real estate being described as follows, to-wit:

All that part of the Northwest quarter (¼) of Section Nine (9), Township Seventy-seven (77) North of Range Twenty-eight (28) West of the 5th P.M., Iowa, lying and being East of the Right of Way of the Chicago Rock Island & Pacific Railway Company, as the same runs through said quarter section containing 90 acres, more or less.

That I have examined to a certain extent the title to said real estate in order to acquaint myself with the title and ownership, thereof. That part of the above description referring to the Right of Way of the Chicago Rock Island & Pacific Railway Company as the same runs through said quarter section, is a spur running South from the main line of the Chicago Rock Island & Pacific Railway Company to the Hawkeye Portland Cement quarry, and I find from looking over the chain of title to this land that the conveyances for many years back have designated the said spur or quarry branch as the "Right of Way of the Chicago Rock Island and Railway Company", but in truth and in fact the said quarry branch or railroad spur, which extends from the main line of the Chicago Rock Island & Pacific Railway Company South across the West line of the above described tract of land, does not belong to the Chicago Rock Island and Pacific Railway Company, but according to the conveyances shown in said abstract, this spur was conveyed on January 2, 1912, by quit Claim Deed of conveyance from J. C. Burch and wife to the Iowa Portland Cement Company, said Deed being recorded in Deed record 59, on page 456 of the Deed Records of Madison County, Iowa, and that thereafter on February 23, 1916, the Iowa Portland Cement Company conveyed, with other land, said railroad spur, to the Hawkeye Portland Cement Company, said Deed having been filed for record on the 8th day of March 1916, and duly recorded in Deed Record 50, on page 589, of the Deed Records of Madison County, Iowa, and that according to the record the Hawkeye Portland Cement Company is now the owner of said quarry branch or railroad spur above referred to in the description of the real estate as being a part of the right of way of the Chicago Rock Island & Pacific Railway Company, and that wherever in this chain of title said quarry branch or spur in the description of the above land is referred to as lying East of the Right of Way of the Chicago Rock Island & Pacific Railway Company, it refers to this same quarry branch or spur which belongs, according to the record title, to the Hawkeye Portland Cement Company. 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 28th day of February A.D. 1948.



Dorothy D. Longenecker Notary Public