

Phil R. Wilkinson

P3101

Filed for record the 3 day of August  
A.D. 1942 at 11:30 o'clock A.M.

To

Fee \$1.90

Pearl E. Shetterly, Recorder

The Public

## A F F I D A V I T

STATE OF IOWA MADISON COUNTY )SS:

I, Phil R. Wilkinson, a resident of Madison County, State of Iowa, being first duly sworn on my oath depose and say that I have resided in Madison County, Iowa for more than fifty years last past. That I was well acquainted with Drusilla R. Philbrick who is named as grantor in a Warranty Deed dated September 8th, 1901, conveying the middle one-third (1/3) of Lot Two (2) in Block Twenty-three (23) in the original town of Winterset, Madison County, Iowa, recorded in Deed Record 12, page 407, of the Deed Records of Madison County, Iowa. I know of my own personal knowledge that Drusilla R. Philbrick is now dead, having died in Winterset, Iowa within a few

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years after the execution of the said Deed. The exact date of her death is unknown to me but Drusilla R. Philbrick was the grandmother of my wife, and I remember the day which she died although I cannot place the exact date.

This affiant further deposes and says that I was well and personally acquainted with C.A. Marvin, who is named as grantee in a Warranty Deed of conveyance dated September 14, 1908 conveying the real estate above described and filed for record in the office of the County Recorder of Madison County, Iowa on the 21st day of September, 1908 and recorded in Town Lot Deed Record 11, page 334 of the Deed Records of Madison County, Iowa. And I know of my own personal knowledge that the said grantee, C.A. Marvin is one and the same person as Clayton A. Marvin who is named as grantor in a Quit Claim Deed conveying the said real estate above described, dated August 25th, 1919, which was filed for record in the office of the County Recorder of Madison County, Iowa on February 27th, 1923. and recorded in Town Lot Deed Record 13, page 500. That the said C.A. Marvin and Clayton A. Marvin are one and the same identical person as the C.A. Marvin who is named as the decedent in the matter of the Estate of C.A. Marvin, Deceased, shown in Probate Docket "H", Page 260 of the Probate Records of Madison County, Iowa in the office of the Clerk of the District Court of Madison County, Iowa, and that wherever in this chain of title the name of C.A. Marvin and Clayton A. Marvin appear in either said Deeds of conveyance or in the Probate proceedings in the Administration of his estate, they refer to one and the same identical person, and his true and correct name is Clayton A. Marvin, although he was commonly known as C.A. Marvin and signed his name as such.

This affiant further deposes and says that I was well and personally acquainted with Harriet B. Marvin in her life time, and that the said Harriet B. Marvin was the wife of Clayton A. Marvin, or C.A. Marvin. That the said Harriet B. Marvin who is named as grantee in the Quit Claim Deed dated August 25th, 1919 conveying the real estate above described and filed for record on February 27th, 1923 in the office of the County Recorder of Madison County, Iowa, and recorded in Town Lot Deed Record 13, page 500, is one and the same identical person as the Mrs. C.A. Marvin who was appointed Administratrix of the Estate of C.A. Marvin, Deceased, which is shown as No. 2990 Probate in the records of the Estate of C.A. Marvin, Deceased, in the office of the Clerk of the District Court of Madison County, Iowa, and as shown in Probate Docket "H", page 260, of the Probate Records of Madison County, Iowa. And I know of my own personal knowledge that the said Mrs. C.A. Marvin, Administratrix and the said Harriet B. Marvin are one and the same identical person as the decedent Harriet B. Marvin named in the matter of the Estate of Harriet B. Marvin, being No. 3267 Probate as shown in Probate Docket "I", page 102 of the Probate Records of the District Court of Madison County, Iowa. And I know that wherever in the chain of title to the above described real estate, the name of Harriet B. Marvin, or Mrs. C.A. Marvin or Harriet Marvin, or Mrs. C.A. Marvin, Administratrix of the Estate of C.A. Marvin, Deceased, appear, they refer to one and the same identical person, and her true and correct name is Harriet B. Marvin.

This affiant further deposes and says that I was well acquainted with Mabel M. Kurtz during her life time. That she was a daughter of Clayton A. Marvin, or C.A. Marvin, now deceased, and that wherever her name appears as Mabel M. Kurtz in the Probate Proceedings of the Estate of C.A. Marvin, Deceased, or as Mable M. Kurtz, they refer to one and the same identical person, and her true and correct name was Mabel M. Kurtz. That I know of my own personal knowledge that Mabel M. Kurtz died prior to the date of the death of Harriet B. Marvin. That the said Mabel M. Kurtz left one child surviving her and left no spouse surviving her. That her said child was Harriet M. Kurtz, who was named as a grand-daughter and heir-at-law of Harriet B. Marvin in the Probate proceedings in the Estate of Harriet B. Marvin, Deceased, in the District Court of

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Madison County, Iowa, and the Harriet M. Kurtz shown as one of the grantees in the Quit Claim Deed dated March 10th, 1928, conveying the said real estate and filed for record in the office of the County Recorder of Madison County, Iowa, on March 12th, 1928, and duly recorded in Town Lot Deed Record 21, page 434, and the Harriet Kurtz Simmons shown as one of the grantors in the Quit Claim Deed of Conveyance dated July 8th, 1942 conveying said real estate above described, and filed for record in the office of the County Recorder of Madison County, Iowa on July 22nd, 1942, and duly recorded in Town Lot Deed Record 30, page 153, are one and the same identical person. That she married a man by the name of William/Simmons, and I know of my own personal knowledge that wherever her name appears as Harriet M. Kurtz, Harriet Kurtz, or Harriet Kurtz Simmons in this chain of title, that they refer to one and the same identical person, and that her name is now Harriet Kurtz Simmons.

This affiant further deposes and says that on August 25th, 1919, I was practicing law in the city of Winterset, Madison County, Iowa, and that I believe that the said Quit Claim Deed from Clayton A. Marvin, grantor, to Harriet B. Marvin, his wife, of date August 25th, 1919 conveying the real estate above described and filed for record in the office of the County Recorder of Madison County, Iowa on February 27th, 1923, and recorded in Town Lot Deed Record 13, page 500, was drawn in my office. That at that time this affiant was in partnership with A.W.Wilkinson, a practicing attorney in Winterset, Madison County, Iowa, and that said Deed was drawn for the said Clayton A. Marvin by the said A.W.Wilkinson. That this affiant believes and so believing states that said Deed was left in escrow for the delivery by the escrow agent to the said grantee, Harriet B. Marvin on the death of the said Clayton A. Marvin, or C.A. Marvin. That the said Clayton A. Marvin died in Madison County, Iowa on the 17th day of February, 1923, and that this Deed was filed for record in the office of the County Recorder of Madison County, Iowa as aforesaid on the 27th day of February, 1923. This affiant believes that said Deed was delivered by the escrow agent to the said Harriet B. Marvin on the 27th day of February, 1923, and that the date of delivery would relate back to the 25th day of August, 1919, the date when the Deed was drawn, and as this affiant believes when said Deed was placed in escrow.

This affiant further deposes and says that even though this above described land were included as part of the real estate belonging to the Estate of C.A. Marvin, Deceased, the said estate would not be liable for Inheritance Tax as in shown by the record therein. The exemptions allowed by statute would amount to Seventy-five thousand and No/100 Dollars (\$75,000.00), and the value of all the property listed amounted as shown by the reports of said estate to be Two thousand five hundred seventeen and 65/100 Dollars (\$2517.65). If the amount of said real estate at that time were added to the sum of \$2517.65 it could not bring the valuation of the estate up to a figure where it would be liable for the imposition of an Inheritance Tax. That all matters connected therewith are now barred by the statute of limitations.

This affiant further deposes and says that he is well and personally acquainted with Nellie M. Gemricher, and has well and personally known Nellie M. Gemricher for more than Forty years last past. That I know of my own personal knowledge that the Nellie M. Gemricher named as one of the heirs-at-law in the registry of heirs, filed February 27th, 1923, by Harriet B. Marvin or Mrs. C.A. Marvin, Administratrix of the Estate of C.A. Marvin, Deceased, in the office of the Clerk of the District Court of Madison County, Iowa as shown by the records in the office of the said Clerk as set out at entry 16 of the Abstract of Title to said real estate, and the Nellie Gemricher referred to in Probate proceedings in the record of the estate of Harriet B. Marvin, Deceased, and the Nellie M. Gemricher named as Executrix of the Last Will and Testament of Harriet B. Marvin, Deceased, as shown by the Probate Records in the office of the Clerk of the District Court, Madison County, Iowa in the Estate of Harriet B. Marvin, Deceased, and the Nellie M. Gemricher referred to in the Quit Claim Deed of conveyance dated March 10th, 1928

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conveying said real estate, and filed for record in Town Lot Deed Record 21, page 434 of the Deed Records of Madison County, Iowa, and the grantee Nellie M. Gemricher named in the Quit Claim Deed of conveyance dated February 24th, 1939 conveying said real estate and recorded in the Town Lot Deed Record 28, page 13 of the Deed Records of Madison County, Iowa, and the Nellie M. Gemricher named as Grantee in the Quit Claim Deed of conveyance dated July 6th, 1942 conveying said real estate and filed for record in the office of the County Recorder in Town Lot Deed Record 30, page 152 of the Deed Records of Madison County, Iowa, and the Nellie M. Gemricher named as grantee in a Quit Claim Deed of conveyance dated July 6th, 1942 and filed for record in the office of the County Recorder July 22nd, 1942 in Deed Record 30, page 153, all refer to one and the same identical person, and wherever the name Nellie M. Gemricher or Nellie Gemricher appear in this chain of title, they refer to one and the same identical person, and her true and correct name is Nellie M. Gemricher.

This affiant further deposes and says that the Last Will and Testament of Harriet B. Marvin directing the purchase of a marker to be placed at her grave was fully complied with by her Executrix as shown by her first Report which shows that a marker was purchased to be placed at the grave of the decedent at a cost of \$45.00.

All of which is true as I verily believe.

Phil R. Wilkinson

NOTARIAL  
Subscribed and sworn to before me and in my presence by Phil R. Wilkinson this 31st day of  
SEAL  
July A.D., 1943.

/ Harry F. Anderson Notary Public