

Miscellaneous Record, No. 23, Madison County, Iowa

Charles D. Van Werden

#3414

Filed for record the 5 day of September
A.D. 1942 at 1:45 o'clock P.M.

To

Fee \$.70

Pearl E. Shetterly, Recorder

The Public

A F F I D A V I T

STATE OF IOWA MADISON COUNTY :SS:

I, C.D. Van Werden, of said County and State being first duly sworn on my oath, depose and say that I am an attorney-at-law engaged in the general practice of law in Winterset, Madison County, Iowa. That I was well and personally acquainted with one Daniel Swearingen during his lifetime and was well and personally acquainted with his wife, Nettie Swearingen. That the said Daniel Swearingen died testate in Madison County, Iowa on or about the 2nd day of February, 1938.

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That I know of my own personal knowledge that on May 28, 1921 one Greer J. Mahan and his wife, May Mahan, conveyed to Daniel Swearingen and Nettie Swearingen by Warranty Deed of Conveyance Lot Six (6) in Block Two (2) of Laughridge & Cassiday's Addition to the City of Winterset, Iowa. Said deed being recorded in Town Lot Deed Record No. 24 on page 167 of the Town Lot Deed Records of Madison County, Iowa. That on the 1st day of June, 1933 Nettie Swearingen conveyed her interest in said premises to Daniel Swearingen by a Quit Claim Deed of Conveyance, but the person drawing the said Quit Claim Deed misspelled the name of the Addition in which the real estate was located, and in said deed the real estate was described as Lot Six (6) in Block Two (2) of Lauridge & Casidy Addition to the city of Winterset, Madison County, Iowa. That the scrivener in drawing said deed intended to describe said real estate as Lot Six (6) in Block Two (2) of Luaghridge & Cassiday's Addition to the city of Winterset, Madison County, Iowa.

That I know of my own personal knowledge that neither Nettie Swearingen nor Daniel Swearingen has owned within the last twenty years any real estate or town property located in the city of Winterset, Iowa except Lot Six (6) in Block Two (2) of Laughridge & Cassiday's Addition to the city of Winterset, Iowa, and that it was the intention and purpose of the said Nettie Swearingen in the said Quit Claim Deed of Conveyance above referred to, to convey all her right, title, and interest in and to the last above described real estate.

I know of my own personal knowledge that Nettie Swearingen was also called Jeanette Swearingen, but that she was commonly known as Nettie Swearingen.

That I was the Executor of the Last Will and Testament of Daniel Swearingen, deceased, and administered his estate in the District Court of Madison County, Iowa. And I know that wherever Jeanette Swearingen or Nettie Swearingen is referred to in the record of his estate as his surviving widow, they refer to one and the same identical person.

And I know of my own personal knowledge that the Last Will and Testament of the said Daniel Swearingen devised Lot Six (6) in Block Two (2) of Laughridge & Cassiday's Addition to the city of Winterset, Iowa to the grandsons of Daniel Swearingen, Max Dodd, and Joe Dodd. And that Nettie Swearingen, the surviving widow of Daniel Swearingen, or as she was sometimes called Jeanette Swearingen, after the death of the said Daniel Swearingen never had, claimed, or asserted any right, title or interest in and to said real estate.

That I know of my own personal knowledge that in drawing the petition for the Probate of the Last Will and Testament of Daniel Swearingen, deceased, through error and mistake the said Last Will and Testament was therein referred to as the Last Will and Testament of Nettie Swearingen instead of Daniel Swearingen. That I have no interest in the above described real estate but I am simply making this affidavit to remove apparent defects in the chain of title of the said real estate.

All of which is true as I verily believe.

Charles D. Van Werden

Subscribed and sworn to before me and in my presence by the said C. D. Van Werden this 5th day of September A.D., 1942.

NOTARIAL
SEAL

Phil R. Wilkinson

Notary Public in and for Madison County, Iowa