

Miscellaneous Record, No. 23, Madison County, Iowa

NOTARIAL day of October A.D. 1942.

SEAL

Charles D. Van Werden
Notary Public in and for said County

E. E. Howard

#4082

Filed for record the 5 day of November
A.D. 1942 at 2:08 o'clock P.M.

Fee \$.60

Pearl E. Shetterly, Recorder

To

The Public

A F F I D A V I T

STATE OF IOWA, MADISON COUNTY, ss.

I, E. E. Howard, a resident of South Township, Madison County, and State of Iowa, being first duly sworn, on my oath, depose and say as follows: That I have resided continuously in said Township, County and State for more than forty years last past.

That on the 4th, day of March A.D. 1911, I executed and delivered to one Parmelia Lathrop, a Warranty Deed conveying to the said Parmelia Lathrop, together with other real property, the following described real estate to wit:-

Commencing in the center of Clanton Creek at a point 10 rods North of the South line of the North West Quarter ($\frac{1}{4}$) of the North West Quarter ($\frac{1}{4}$) of Section Twenty two (22), Township Seventy five (75) North, Range Twenty six (26) West of the 5th, P.M. Iowa, running thence East to the West line of a Street known as Atlantis Avenue in the Town of Hanley, Thence in a South Westerly direction along the West side of said Street to the North Line of the South East Quarter ($\frac{1}{4}$) of the North West Quarter ($\frac{1}{4}$) of Section Twenty two (22), Township Seventy five (75) North, Range Twenty six (26) West of the 5th, P.M. Thence East to the Right of Way of the Chicago Great Western Rail Road Company, Thence in a South Westerly direction along the said Right of Way to the Center of Clanton Creek, Thence up the Center of said Clanton Creek to the place of beginning, containing 13 acres more or less.

Said Warranty Deed, was filed for record in the office of the County Recorder of Madison County, Iowa, on the 6th day of March A.D. 1911, and duly recorded in Deed Record — on page — of the records of Madison County, Iowa, That the said description in the said Warranty Deed was erroneous in that it contained a description of more land than it was my intention to convey. That the said Deed not only contained a description of the land I intended to convey, but in addition thereto it contained a description of the following described real estate to-wit:-

Beginning at the North East Corner of the South West Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Section 22, Township Seventy-five (75) North of Range Twenty-six (26) West of the 5th P.M.; thence West about 133 feet to the center of the abandoned channel of Clanton Creek, thence up this abandoned channel to the East line of the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Section Twenty-two (22), thence North about 184 feet to the point of starting, an area of about 2 acres.

That said real estate last above described was, through error, oversight and mistake, included in the real estate sought to be conveyed to the said Parmelia Lathrop in the Warranty Deed aforesaid.

That I was not the owner of the tract of land last above described at the time I executed said Warranty Deed to the said Parmelia Lathrop, and in fact I never at any time was the owner thereof, and it was not my intention to attempt to convey the same to the said Parmelia Lathrop in said Warranty Deed, and I did not and could not convey said last described real estate to the said Grantee, Parmelia Lathrop, as I was not then and never had been the owner thereof, and I

Miscellaneous Record, No. 23, Madison County, Iowa

know of my own personal knowledge that the said Parmelia Lathrop never considered that she was the owner of said last described land, and that she never exercised any ownership over the same.

That I have known the said tract of land last above described for many years, and I know of my own personal knowledge that it has belonged to J. W. Garmen, and since his death, to his heirs-at-law, continuously, and still belongs to the estate of J. W. Garmen, Deceased.

All of which is true as I verily believe.

E E Howard

NOTARIAL SEAL
Subscribed and sworn to before me and in my presence by the said E. E. Howard this 11 day of February A.D. 1942..

Dorothy D. Longenecker Notary Public
in and for Madison County, Iowa

Filed for record the 9 day of November
1942 at 10:40 o'clock A.M.

on
n
say:
nty,
ded
935,
r.
ntered
his
se, and
he now
rtue
o the
she