

Miscellaneous Record, No. 24, Madison County, Iowa

A. C. VINCE PATR. CO. DES MOINES IOWA

E. W. Cummins, et al

#1124

Filed for record the 5 day of March

Jno. N. Hartley

#1208

Filed for record the 5 day of March,
A. D., 1946 at 2:34 o'clock P. M.

to

The Public.

Fee \$.80

Pearl E. Shetterly, Recorder.

AFFIDAVIT

State of Iowa, Madison County, ss.

I, Jno. N. Hartley, a resident of Madison County, Iowa, being sworn, depose and say as follows:

That I knew the Benjamin S. Binns, who, with his wife, Anne L. Binns, attempted to convey

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to Frank H. Ham, by deed dated Mar. 1, 1932, which was filed for record on July 5, 1932, and recorded at page 420 of Deed Record 69, of Madison County, Iowa, records, the following described real estate, to-wit: the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section 8 except a tract commencing at the Southeast corner of said 40-acre tract and running thence North, $20\frac{1}{2}^\circ$ West, to a point intersecting the center of Middle River, thence following said river in a Northwesterly direction to a point 15 rods North of the South line of said 40-acre tract, thence West to a point 34 rods West of the East line of said 40-acre tract, thence South to the South line of said 40-acre tract, thence East 34 rods to the place of beginning; the Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section 9; the West Half ($\frac{1}{2}$) of the West Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Section 16, and a tract of land commencing at the Northeast corner of the Northwest Quarter ($\frac{1}{4}$) of Section 16 and running thence West on the section line to a point 20 rods and 50 feet East of the Northwest corner of said Northwest Quarter ($\frac{1}{4}$), thence South 700 feet, thence angle to the left 80° running 600 feet, thence angle to the right 45° running 276 feet, thence angle to the left 52° running 1130 feet, thence angle to the left 37° running 600 feet, thence angle to the left 43° running 335 feet to the East line of said Northwest Quarter ($\frac{1}{4}$) of Section 16 at a point 400 feet South of the Northeast corner thereof, thence North 400 feet to the place of beginning; all in Township 75 North, of Range 29 West of the 5th P. M., and that wherever his name appears in the record chain of title to said real estate as B. S. Binns or Ben S. Binns, said names refer to one and the same identical person, to-wit: the said Benjamin S. Binns.

That the said Benjamin S. Binns died on or about Dec. 29th, 1937, a widower and single, leaving surviving him as his sole and only children and heirs at law, the following named persons, to-wit: James A. Binns, Charles ^{B.} Binns, Alfred Ray Binns, Eloise Hart, Lillie ^{E.} Young, and John W. Binns, all of full age and then and now under no legal disability, and no other.

That I am a practicing attorney-at-law, with offices in Winterset, Madison County, Iowa, and that I was the attorney for the plaintiff, Sarah F. Ham, in the divorce proceedings entitled: Sarah F. Ham, Plaintiff, vs. Frank H. Ham, Defendant, No. 17243 Equity of the District Court of Madison County, Iowa, (Docket 32, page 223); that as such attorney, I prepared the decree in said proceedings entered Sept. 26, 1942, as well as the agreement between the parties therein referred to; that I continued to represent said plaintiff in the payment by the defendant of the sums due plaintiff provided by said agreement and said decree, and know of my own personal knowledge that the defendant, Frank H. Ham, did pay, and said plaintiff, Sarah F. Ham, did receive, all sums due her under said agreement and decree, and thereupon the said defendant, Frank H. Ham, received from the said plaintiff, Sarah F. Ham, under her restored name of Sarah F. Palmer, the quit claim deed which is now of record at page 451 of Deed Record 71, of Madison County, Iowa, records. That I know that it was the intent and purpose to convey thereby all her right, title and interest in and to the real estate owned by the said defendant, Frank H. Ham, and particularly the real estate first herein described which was then owned by him under purchase from the said Benjamin S. Binns, and that it was the intent and purpose of the decree hereinbefore referred to, and said decree does so provide, that upon payment to said plaintiff by said defendant of the sums provided by said agreement between the parties and referred to in said decree, the dower rights of the plaintiff in and to any real estate owned by the defendant would thereupon be terminated and cut off.

That I am in no way interested.

Jno. N. Hartley

Subscribed in my presence and sworn to before me by the said Jno. N. Hartley, this 27th day of February, A.D. 1946.

NOTARIAL
SEAL

Marguerite Morrissey, Notary Public
within and for Madison County, Iowa.