

Miscellaneous Record, No. 24, Madison County, Iowa

Notary Public in and for Polk County, Iowa

Mery Farris

#3651

Filed for record the 28 day of
August A.D. 1946 at 2:16 o'clock
P.M.To
The Public

Fee \$ 1.20

Pearl E. Shetterly, Recorder

AFFIDAVIT OF ADVERSE POSSESSION and CORRECTION OF DISCREPANCIES
IN TITLE.

STATE OF IOWA

COUNTY OF POLK

SS

I, Mery Farris, being first duly sworn upon oath depose and say that I am the natural daughter of A.M.Farris who was my natural father. I state that my father, A.M.Farris, died intestate in Madison County, Iowa on the 17th day of April 1938, leaving no surviving spouse, his wife, Eva Farris, who was my mother, predeceased her husband, A.M.Farris, and died intestate on the 24th day of March, 1911 and after the death of Eva Farris, my father, A.M.Farris, remained single and never married again.

That A.M.Farris left surviving him as his sole and only heir at law this affiant, Mery Farris; that A.M.Farris left no debts unpaid and the expenses of his last illness and funeral were paid in full; that no probate proceedings were had on his estate and he died seized of the following described real estate situated in Madison County, Iowa to-wit:

The West Half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$), the West Three-fourths ($\frac{3}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$), the East One-fourth ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) except the South 64 rods thereof, the South Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$), and the South Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) except 1 acre

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out of the Southeast corner thereof used for school purposes, all in Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M.; and the Northeast Fractional Quarter (1/4) of the Northeast Quarter (1/4) of Section One (1), in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, except a strip deeded to Madison County, Iowa, for road purposes 20 feet wide on each side of a line beginning 9 rods and 2 feet West of the Northeast corner of said Section One (1), thence in a Southeasterly direction about 40 rods to intersection of old highway on the East line of said Section One (1); all in Madison County, Iowa,

subject to the terms, conditions and provisions of a certain warranty deed, made, executed and delivered on the 8th day of February, 1932, Recorded in the office of the Recorder of Madison County, Iowa in Deed Record 66 at page 626 thereof in which Drake University as grantor conveyed to A.M.Farris and this affiant, Mary Farris, grantees, as joint tenants with the right of survivorship and not as tenants in common the real estate herein described. That I am the sole and only heir at law of A.M.Farris and upon his death on April 17, 1938, under the terms of said deed, I became the sole owner of the real estate described herein.

I further state that after the death of A.M.Farris I was sole owner of said real estate until the 18th day of September 1944, on which date I, as Seller conveyed the title thereto to G.C.Everitt and his wife, Ethel, AND C.C.Everitt and his wife Madaline, as Purchasers, under written contract which was recorded in the office of the Recorder of Madison County, Iowa on October 6, 1945, in Deed Record Volume 80 at page 584, conveying to said Purchasers all right, title and interest that this affiant had in and to the real estate above described.

This affiant states that in the contract of sale entered into between her and the Everitts as above described and appearing of record in Deed Record 80 at page 584 in Madison County, Iowa, one tract of said real estate is erroneously described in that contract as "and the W. 32 Acres of the SE 1/4, SE 1/4 of Sec. 36-76-27".

I state that it was intended by all parties to that contract that the said tract of the real estate intended to be conveyed by the Seller to the Purchasers and that was conveyed should have been described as follows:

"The West Three-fourths (3/4) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4), the East one-fourth (1/4) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) except the South 64 rods thereof, Section 36, Township 76-North, Range 27, West of the 5th P.M., Madison County, Iowa, containing 32 acres", together with the other real estate described in said contract.

I further state that where the name of my father appears of record in Madison County, Iowa, in connection with any instruments affecting the title to the real estate described in this affidavit, as A.M.Farris and/or Albert M. Farris, they refer to one and the same identical person and the common manner in which my father used and wrote his name was A.M. Farris.

I further state that my father, A.M.Farris, and this affiant have been in open, continuous, notorious, adverse, ^{un}interrupted and peaceable possession of the real estate hereinbefore described since the 8th day of February, 1932; that since said date of February 8th, 1932, A.M.Farris and this affiant, the record title holders, and their grantors, immediate and remote have held the chain of title to said real estate continuously, openly, notoriously, peaceably and without interruption and no claimant by himself or by his attorney or agent or a minor or person under legal disability by his guardian, trustee or either parent have or has filed a statement in writing asserting any claim, right, title or interest in and to the real estate herein described in the Claimant's Book in the office of the Recorder of Madison County, Iowa as required by Section 614.17 Code of Iowa 1946, nor has any one in any manner whatsoever orally or in writing asserted any claim adverse to the right, title or interest of this affiant or to the title holders of this real estate to the date of this affidavit.

This affiant states that she is a single and unmarried person and has never married.

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L. S. WELCH 1970, No. 103, 10/11/1970

I further state that this affidavit is made and filed by and at the request of the owners in possession for the purpose of clarifying the title to the real estate hereinbefore described. Dated at Des Moines, Iowa, this 17th day of August, 1946.

Mary Ferris.

Subscribed and sworn to before me and in my presence on this 17th day of August, 1946 by
Mary Ferris

NOTARIAL
SEAL

C S Missildine
Notary Public in and for Polk County, Iowa.