

Miscellaneous Record, No. 24, Madison County, Iowa

NOTARIAL

Wes Smith & S. F. Kellogg
To

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Filed for record the 31 day of May
A. D. 1947 at 11:59 o'clock A. M.

The Public

Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Madison County.) ss:

I, Wes Smith, and I, S. F. Kellogg, of said county and State, being first duly sworn on oath depose and say that we have been residents of Madison County, Iowa, for more than 20 years last past, and during all of said time have lived in the neighborhood of and been familiar with the title, ownership, and occupancy of the W. $\frac{1}{3}$ of the S. 120 rods of the E $\frac{1}{2}$ SE $\frac{1}{2}$ and all that part of the N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ which lies S. and W. of Middle River and containing 2 acres

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more or less, and the E. 24 rods and 20 links of the S. 19 chains of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and Lot 3 of the sub-division of the SE $\frac{1}{4}$ as shown by plat thereof recorded in Deed Rec. 8, page 306, of the records of Madison County, Iowa, all in Sec. 12, and the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the E. $\frac{1}{2}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ except the N. 26 $\frac{2}{3}$ rods of the W. 2 rods thereof, in Sec. 13, all in Twp. 75, Range 28, Madison County, Iowa; and we know of our own personal knowledge that Etna Smith entered into possession of a life estate in said real ^{estate} and Ralph Smith and Neta Harrell entered into possession of the fee simple title to said real estate, on or about July 10, 1942, under and by virtue of the last will and testament of Charles F. Smith, deceased, and that they and their grantors and predecessors in interest, immediate and remote, for more than 25 years last past, have been in the actual, open, notorious, continuous, adverse, exclusive, uninterrupted and peaceable possession, occupancy, and control of all of said real estate and every part and parcel thereof, under claim of right and color of title, have occupied the same either by themselves or their tenants claiming under them, have cultivated and fenced the same and paid the taxes thereon and received the rents, issues, profits and crops thereof, and that no claim of any kind adverse to the possession of said parties has ever been asserted to any of said real estate to our personal knowledge during the past 25 years, and that said Etna Smith, Ralph Smith, and Neta Harrell now enjoy peaceable possession thereof.

We further state that we were well and personally acquainted with Nancy E. Smith, the mother of the above named Charles F. Smith, and know that the said Nancy E. Smith died intestate in Madison County, Iowa, on or about Jan. 7, 1934, being at the time of her death a resident of Madison County, Iowa, and being at the time of her death a widow, leaving no surviving spouse, her only heir at law being her said son, Charles F. Smith above mentioned.

We further state that we are in no way interested in the title to the real estate affected by this affidavit, but make the same at the request of the present owners thereof for the purpose of establishing of record the facts above set forth.

SUBSCRIBED in my presence and SWORN to before me by the above named affiants this 29 day of May, A. D. 1947.

Wes Smith
S.F Kellogg

(Notarial Seal)

Harry F Anderson Notary Public
in and for Madison County, Iowa

State of Iowa Madison County,) SS;

I, Wilma M. Wade, County Recorder in and for said County and state aforesaid, hereby certify that the foregoing affidavit was filed in my office by the owners in possession as named in said affidavit, and recorded and entered on the records thereof on the 31 day of May, A. D. 1947.

COMPARED

Wilma M. Wade County Recorder
of Madison County, Iowa.