

Miscellaneous Record, No. 25, Madison County, Iowa

of James Gillaspie, deceased, probated at #2403, in the District Court of Madison County, Iowa

Paul C. McDonnell Affiant

NOTARIAL
Subscribed
SEA-

and sworn to before me by the said Paul C. McDonnell this 2nd day of January 1948.

Gertrude Zigeler Notary Public
in and for Polk County, Iowa

John F. McDonnell
To

#137

Filed for record the 9 day of January
A. D. 1948 at 1:13 o'clock P. M.

Fee \$ 1.50

Wilma M. Wade, Recorder

The Public

A F F I D A V I T

respecting the title to the following described property, to-wit:
"The West One-half (W $\frac{1}{2}$) of the North One-half
(N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section
Fifteen (15), Township Seventy-six (76), Range
Twenty-six (26), all in and forming a part of
Madison County, Iowa."

STATE OF IOWA COUNTY OF POLK) SS.

I, John F. McDonnell, being first duly sworn on oath depose and state that I am a nephew of the late James Gillespie and Anne Gillespie, that I am a resident of Des, Moines Polk County, Iowa and that I have personal knowledge of the following facts, to-wit:

I depose and state that Anne Gillaspie was the wife of James Gillaspie, both late of Madison County, Iowa and are the same persons referred to in deed record 12 page 54 of Records of Madison County, Iowa. as James Gillespie and Ann Gillespie, husband and wife.

I further depose and state that the said James Gillespie and Anne Gillespie, both deceased, were survived by the following heirs-at-law:

JOHN GILLESPIE, son of James and Anne Gillespie, died intestate on January 26, 1894, survived by his widow, Margaret A. Gilbride, a son, James J. Gillespie married to Bessie P. Gillespie and a daughter, Mary M. Noyes married to Edwin C. Noyes. and the estate of the said John Gillespie was never administered.

MARY FRANCES KINNEY, daughter of James and Anne Gillespie, died intestate on October 30, 1911 and was married to Charles Kinney who died intestate and single on March 24, 1946. They were survived by a son, Frank A. Kinney married to Lorena E. Kinney; a son, John H. Kinney, a single person; a son, Thomas L. Kinney, Sr, married to Pauline C. Kinney; a daughter, Mary Gertrude Galvin married to D. C. Galvin and a son James Kinney who died intestate on January 22, 1934 and was survived by his widow, Florence Kinney, a daughter, Florence Gertrude Babbit married to Robert W. Babbit and a daughter, Kathryn K. Sayler married to John P. Sayler, That no administration was had on the estates of Mary Frances Kinney, Charles Kinney or James Kinney.

FRANK GILLESPIE, son of James and Anne Gillespie, died intestate single and a widower on April 16, 1938 and was survived by a daughter, Esther H. Farrell married to Charles A. Farrell; a daughter, Mary E. Moen married to H. E. Moen; a daughter, Sister Mary Francisco nee Alice Gillespie, single and a son, James D. Gillespie married to Faye C. Gillespie. and the estate of said Frank Gillespie was never administered.

ANNE REILLY, daughter of James and Anne Gillespie, died testate on April 23, 1935 (see transcript of the probating of her estate), was married to Patrick Reilly who died a widower, single and intestate on May 2, 1943. They were survived by a daughter Martha Sullivan married to J. A. Sullivan; a daughter, Mamie F. Wagner married to James Harry Wagner; a daughter, Bessie C. Brayton married to Grant E. Brayton; a daughter, Helen Cahill, a widow; a son, Tom Reilly married to Queenia M. Reilly; a son, Walter E. Reilly married to Minnie M. Reilly; a son, R. J. Reilly, single; a son, John William Reilly married to Gertrude Reilly and a son, James H. Reilly married to Marie Reilly. and the estate said Patrick Reilly was never administered.

THOMAS L. GILLESPIE, a deceased son of James and Anne Gillespie was survived by his widow, Elizabeth C. Gillespie and his estate has been probated in Madison County, Iowa.

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(See transcript of the probating of his estate.)

JAMES J. GILLESPIE, son of James and Anne Gillespie, died testate on December 14, 1937 without mentioning the real estate in question and leaving the residue of his estate to Henry P. Rohlman, the Bishop of the Davenport Diocese and now Archbishop of the Dubuque Diocese, stating that the said Henry P. Rohlman should use the residue of his estate as he sees fit for the benefit of the Davenport Diocese. I further depose and state that James J. Gillespie was a Monsignor of the Catholic Church and therefore a single person. (See transcript of the probating of his estate.)

I further depose and state that the above referred to heirs-at-law of the late Anne Gillespie referred to in Deed Record 12, page 54 of records of Madison County, Iowa, are ALL of the heirs-at-law of the said Anne Gillespie.

I further depose and state that at all times since prior to January 1, 1930, I have been personally acquainted with the following described premises situated in Madison County, Iowa, to-wit:

"The West One-half ($W\frac{1}{2}$) of the North One-half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Fifteen (15), Township Seventy-six (76), Range Twenty-six (26), all in and forming a part of Madison County, Iowa."

That since prior to January 1, 1930, I have been personally acquainted with the ownership, possession and occupancy of said premises, and that I am personally acquainted with Mary P. Bussanmas, the present owner. That I know that said owner is in actual possession of said premises, and that said owner and said owner's predecessors in the chain of title under which said owner claims the ownership and the right of possession of said premises, have since prior to January 1, 1930, been in the continuous, actual, visible, open, notorious, exclusive and hostile adverse possession thereof under color of title and claim of right as against all the world, and have occupied, operated, used and improved said land, either personally or through tenants claiming under them, and have paid the taxes thereon, and that neither the title nor the right to possession of said owner, or of those under whom said owner claims, has been disputed or openly attacked by any one.

That I have no personal interest in said land and make this affidavit from my own knowledge at the request of the said owner in support of said owner's title in order that the same may be filed for record under the provisions of Section 614.17 of the 1946 Code of Iowa.

Dated at Des Moines, Iowa, this 24 day of December, 1947.

John F. McDonnell

STATE OF IOWA COUNTY OF POLK) SS.

BE IT REMEMBERED that on this 24th day of December, 1947, before me, Gertrude Zigeler, a Notary Public in and for the County of Polk, State of Iowa, personally appeared John F. McDonnell to me known to be the person named in and who executed the foregoing affidavit, and acknowledged that he executed the same as his voluntary act and deed.

(Notarial Seal)

Gertrude Zigeler Notary Public
in and for Polk County, Iowa.

A F F I D A V I T

respecting the title to the following described property, to-wit:

"The West One-half ($W\frac{1}{2}$) of the North One-half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Fifteen (15), Township Seventy-six (76), Range Twenty-six (26), all in and forming a part of Madison County, Iowa.

STATE OF IOWA COUNTY OF POLK) SS.

I, Mary P. Bussanmas, being first duly sworn on oath, depose and state that I am the owner of the following described real estate, to-wit:

The West One-half ($W\frac{1}{2}$) of the North One-half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Fifteen (15), Township Seventy-six (76), Range Twenty-six (26), all in and forming a part of Madison County, Iowa.

and that I desire the affidavit of John F. McDonnell be filed and recorded in Madison County, Iowa.

Mary P. Bussanmas

Affiant

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Subscribed and sworn to before me by the said Mary P. Bussanmas this 2nd day of
NOTARIAL
January, 1948.
SEAL

Gertrude Zigeler Notary Public
in and for Polk County, Iowa

Harry F. Anderson
To
The Public

#256 Filed for record the 19 day of January
A. D. 1948 at 11:50 o'clock A. M.
Fee \$.50 **NC**

Wilma M. Wade, Recorder

A F F I D A V I T

STATE OF IOWA COUNTY OF (MADISON) SS.

IN THE MATTER OF THE TITLE TO THE East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twelve (12), in Township Seventy-four (74) North, of Range Twenty-six (26) West of the 5th P. M. in the County of Madison and State of Iowa and, also, the Northwest Fractional Quarter of the Northwest Fractional Quarter (NW fr $\frac{1}{4}$ $\frac{1}{4}$ NW fr $\frac{1}{4}$ $\frac{1}{4}$) (except the South 50 feet thereof) of Section Seven (7), in Township Seventy-four (74) North, of Range Twenty-five (25) West of the 5th P. M. in the County of Warren and State of Iowa.

I, Harry F. Anderson, being first duly sworn, depose and say that I was well and personally acquainted with Bess Frank one of the vendees in that certain Real Estate Contract dated June 26, 1947 and recorded in Book 82 at Page 393 and re-recorded in Book 82 at Page 395 of the records in the office of the Recorder of Madison County, Iowa; that I was also well and personally acquainted with Bess M. Frank one of the grantees in that certain Warranty Deed dated November 4, 1947 and recorded in Book 83 at Page 373 of the records in the office of the Recorder of Madison County, Iowa and which Deed was also recorded in Book 115 at Page 435 of the records in the office of the Recorder of Warren County, Iowa; that I was also well and personally acquainted with Bess Frank one of the mortgagors in that certain Mortgage dated September 15, 1947 and recorded in Book 98 at Page 391 of the records in the office of the Recorder of Madison County, Iowa and which Mortgage was also recorded in Book 101 at Page 268 of the records in the office of the Recorder of Warren County, Iowa; and I know of my own personal knowledge that the said Bess Frank and Bess M. Frank were one and the same identical person.

This Affidavit is made at the request of the owner of said above described premises, for the purpose of explaining certain irregularities in the record title thereto and the statements herein contained are all true as I verily believe.

Harry F. Anderson

Subscribed and sworn to by Harry F. Anderson before me in my presence this 19th day of January, A. D. 1948.

COMPARED

(District Court Seal)

Rex V Johnson, Clerk of Court
in and for Madison County, Iowa.

Geo. C. Pringle
To
The Public

#330 Filed for record the 23 day of January
A. D. 1948 at 2:00 o'clock P. M.
Fee \$.50 **W**

Wilma M. Wade, Recorder

A F F I D A V I T

STATE OF IOWA MADISON COUNTY SS

I, George, C. Pringle, of lawful age, being first duly sworn on oath, depose and say that I am a resident of Madison County, Iowa, and have been such resident for more than one (1) year last past, and that I am a member of Dick and Pringle, a Co-partnership, which is on even date herewith, executing a bill of sale to Harvey Fox and Carl D. Smith, for the personal property and building described as follows:

Grain Elevator and all fixtures and equipment located therein which is presently situated on the real estate belonging to the Chicago, Rock Island & Pacific Railway Company in the Town of Patterson, Iowa, described as follows:

Beginning at a point one hundred fifty (150) feet easterly from the easterly end of the Chicago, Rock Island and Pacific Railway Company's depot and measured along the center line of said Railway Company's passing track, said point being eight and five-tenths (8.5) feet northerly from the center line of said passing track, measured at right angles thereto; thence northerly at right angles to the center line of said passing track fifty-two (52)