

Miscellaneous Record, No. 25, Madison County, Iowa

to any of the above described property nor against any of the owners or occupants thereof since before January 1, 1930. Further affiant sayeth not.

Erwin M Howell

Subscribed and sworn to before me the undersigned, a Clerk of District Court in and for said County and State, on this 9th day of March, 1948.

(District Court Seal) Rex V Johnson Clerk District Court My commission expires Jan 2, 1949

CERTIFICATE

State of Iowa, County of Madison) 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 owner in possession as named in said affidavit or by his attorney-in-fact, as shown by the records, and recorded and entered on the records thereof on the 9th day of March, 1948.

COMPLETED

Wilma M. Wade Recorder

Rex V Johnson To #1193 Filed for record the 10 day of March A. D. 1948 at 8:33 o'clock A. M.

Fee \$ .50 VC

The Public Wilma M. Wade, Recorder

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF Iowa COUNTY OF Madison) SS.:

I, Rex V. Johnson, being first duly sworn on oath do depose and say 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:

W 1/2 SW 1/4 NE 1/4 of Sec. 22, Twp. 75 North, Rge. 26, West of the 5th P.M. and the SE 1/4 NE 1/4; S 9 rods of the NE 1/4 NE 1/4, the S 3/4 of the E 1/2 SW 1/4 NE 1/4; the E 1/2 NW 1/4 NW 1/4, ex. a strip of land 10 rods in width off the S side thereof, and all that part of the NE 1/4 NW 1/4 lying W of the r/w of the Chicago, Great Western Railway Company (exception) also 3 tracts in Sec. 15, Twp. 75 N. Rge. 26, West of the 5th P.M. also, Lots 27 and 28 in Block 7; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and the S 1/2 of Lot 31 in Block 8; and Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Block 9, in the Town of Hanley, formerly known and platted as West St. Charles, Madison County, Iowa, contg. in all 140 acres

and with the ownership and occupancy thereof, and am personally acquainted with EUGENE HAYMOND, the present owner, and know that he is in actual possession of said land, and that he and his predecessors in the chain of title under which he 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 farmed, cultivated 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 present owner, or of those under whom he claims, has been disputed or openly attacked by any one.

That I have no personal interest in said land and make this affidavit at the request of the present owner in support of his 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 Winterset Iowa this 9 day of Mch, 1948

Rex V Johnson

Subscribed in my presence and sworn to before me by the said Rex V. Johnson this 9

NOTARIAL SEAL 1948.

Harry F. Anderson Notary Public My commission expires July 4, 1948 #215

G. L. Montross, et al #1082 Filed for record the 4 day of March A.D. 1948 at 11:15 o'clock A. M.

Fee \$ .80 VC

TO Grace E. Lamb, et al Wilma M. Wade, Recorder

PARTY WALL AGREEMENT

THIS AGREEMENT, Made and entered into this 4th day of March, A. D. 1948, by and between G. L. Montross and George L. Montross, Jr. and Grace Lamb and Cloyd R. Lamb, wife and husband, WITNESSETH:

WHEREAS, G. L. Montross and George L. Montross, Jr. are at the present time the owners of the following described real estate, to-wit:

State of Iowa Madison County I hereby certify that the annexed affidavit was filed by the owner in possession of the lands mentioned therein. Dated March 10, 1948

Erwin M. Howell, Recorder By Rex V. Johnson, Deputy

## Miscellaneous Record, No. 25, Madison County, Iowa

South Twenty-two (22) feet of Lot One (1), Block Eighteen (18) of the Original Town of Winterset, Iowa,

and, WHEREAS, Grace Lamb and Cloyd R. Lamb, wife and husband, are at the present time the owners of the following described real estate, to-wit:

North Twenty-two (22) feet of Lot Two (2), Block Eighteen (18) of the Original Town of Winterset, Iowa,

and, WHEREAS, there is at the present time a two-story party wall owned by the parties hereto located on approximately the East Eighty (80) feet of the line separating the respective tracts of real estate hereinbefore described, and,

WHEREAS, G. L. Montross and George L. Montross, Jr. are the owners of a one-story wall located on or near the line separating the two tracts hereinbefore described commencing at the West end of the two-story wall hereinbefore referred to and extending thence west on the division line between said tracts, and,

WHEREAS, the said G. L. Montross and George L. Montross, Jr. are desirous of making said one-story wall higher.

NOW THEREFORE it is agreed by and between the parties hereto as follows:

1. That the said Grace Lamb and Cloyd R. Lamb hereby grant unto the said G. L. Montross and George L. Montross, Jr. the right to make said one-story wall thicker and stronger by building an additional thickness or wall on the South side thereof so as to support at least an additional story to be added to said one-story wall.

2. In consideration thereof, the said G. L. Montross and George L. Montross, Jr. agree to erect said additional thickness of wall at their own expense and to add at least an additional story to the height of said wall at their own expense.

3. In further consideration of said grant, the said G. L. Montross and George L. Montross, Jr. agree that Grace Lamb and Cloyd R. Lamb shall own a one-half interest in the West wall when completed by the said G. L. Montross and George L. Montross, Jr.

4. It is the intention of the parties hereto that the said G. L. Montross and George L. Montross, Jr. shall have the right to build an additional thickness and additional height to the West wall herein mentioned and when the same is completed the entire wall on the line separating the respective tracts herein described shall be a party wall and that G. L. Montross, and George L. Montross, Jr. their heirs or assigns, shall be the owners of a one-half interest in said party wall and that Grace Lamb and Cloyd R. Lamb, their heirs or assigns, shall be the owners of a one-half interest in said wall and that the rights of each of the parties in and to said wall shall be that as owners of a wall in common, except that G. L. Montross and George L. Montross, Jr. agree to keep the West part of said wall in repair until such time as Grace Lamb and Cloyd R. Lamb, or their assigns, shall build on to the South side of said West wall, after which the entire wall shall be kept in repair by the owners in common.

George L. Montross Jr.  
George L. Montross, Jr.  
G. L. Montross  
G. L. Montross  
Grace E. Lamb  
Grace Lamb  
Cloyd R. Lamb  
Cloyd R. Lamb

STATE OF IOWA, MADISON COUNTY, ss.

On this 4 day of March, A.D. 1948, before me, Robert O Frederick, a Notary Public in and for Madison County, State of Iowa, personally appeared G. L. Montross and George L. Montross, Jr. and Grace Lamb and Cloyd R. Lamb, wife and husband, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

Robert O Frederick Notary Public  
in and for Madison County, Iowa.

NOTARIAL  
SEAL