#495

Filed for Record Nov 19th A.D. 1909 at 2.10 o'clock P.M.

Thomas Kennedy)
to )Afft( Recording Fee 70
The Public )

George Hill Recorder
By Daisy Hill Deputy.

State of Kansas Bourbon County SS;

I, Thomas Kennedy, a resident of said County and State, being first duly sworn, on my oath depose and say that I am a nephew of the Thomas Kennedy, who under the name of Thomas Kenedy, was the grantee in a deed dated October 30th, 1858, and recorded in Deed Record L, page 314 of the records of Madison County, Iowa, conveying the E½ NE¼ Sec 26-77-27, and who, under the same name, was grantee in a deed from the Sheriff of Madisn County, Iowa, dated June 27th 1882, and recorded in Sheriff's Deed Record B, page 20 of the records of Madison County, Iowa, conveying the NE¼ Sec 26-77-27, and who, under the name of Thomas Kennady, was the grantee in a deed from G.W. Phillips, executor, dated April 28th, 1854, and recorded in Deed Record O, page 46 of the records of Madison County, Iowa and who, under the name of Thomas Kenneday (widower), conveyed the NE¼ Sec 26-77-27 to Ambrose Howell by deed dated December 14th, 1874, and recorded in Deed Record No 10, page 490 of the records of Madison County, Iowa. That the name of "Kennedy" in the various ways of spelling as above mentioned, all refer to one and the same person, my said uncle, the correct spelling of his name being Thomas Kennedy.
That the said Thomas Kennedy died, intestate, about the year 1875 in Bourbon County Kansas, and his estate was settled in the Probate Court of said County.
That my Father was appointed administrator of the estate of the said Thomas Kennedy deceased, and that about three years thereafter my father died, leaving the said estate of Thomas Kennedy, deceased, not fully settled. That upon the death of my Father I was appointed administrator de bonis non of the estate of the said Thomas Kennedy, deceased, and completed the settlement of said estate. That in making such settlement, I caused to be brought in the Circuit Court of Madison County, Iowa, an action of foreclosure in which Ambrose Howell and wife, Elizabeth Howell, were defendants, foreclosing a certain mortgage for $2800.00 given by the said Ambrose Howell and Elizabteh Howell, dated December 14th, 1874, and covering the NE¼ Sec 26 77-27. That Judgment was rendered in my favor, as Administrator of said estate, in said action and said real estate sold by the Sheriff of Madison County, Iowa, on execution, and there being no redemption made from said sale, the same riponed into a Sheriff's Deed, which is the deed above mentioned as being recorded in Sheriff's Deed Record B, page 20. That the Sheriff in making out said deed, made it to Thomas Kenedy, who is the same as Thomas Kennedy, above mentioned, and who had been dead for a number of years at the date of the execution of said deed. That it was the intention of the Sheriff in making out said deed to make it to me, as administrator of the estate of the said Thomas Kennedy, deceased, but through error or oversight made the deed to Thomas Kenedy, as aforesaid. That I, individually, acquired no interest in said land under said deed, but treated the same as if it had been made to me as administrator of the estate of said Thomas Kennedy, deceased, for the use and benefit of said estate. That partition proceedings were afterwards brought by one of the heirs of said Thomas Kennedy, deceased, and said real estate sold under order of the District Court of Madison County, Iowa, and the proceeds divided among the several heirs of said estate. That I have no interest whatever in said land and never did have, except as such administrator, and these statements are made to remove doubt from the title to said land.

Thos Kennedy.

Subscribed and sworn to before me by the said Thomas Kennedy this 16 day of January AD 1909.

NOTARIAL SEAL

Oscar Rice Notary Public
in and for said County.
Com Exp Apr. 11, 1912.