#774

James Bertholf) Filed for Record Nov. 22nd A.D. 1910 at 10.50 o'clock A.M.
to)Affidavit(George Hill Recorder.
The Public) By Daisy Hill Deputy.

State of Iowa, Madison County SS:

I, James Bertholf, of said State and County, first being duly sworn upon my oath depose and say that I was well and personally acquainted with Andrew H. Bertholf and Jas. T. Bertholf who purchased the NW¼ SW¼ 16-75-28 from the State of Iowa, and I well and personally know that they were the same and identical persons to whom the State of Iowa issued a patent therefor under date of July 12th, 1855 and that the spelling of their names as Andrew H. and James T. Berlholf was an error and should have been Andrew H. and James T. Bertholf; that I have been a resident of Madison County, Iowa since the year 1851 and well and personally know that no person by the name of Berlholf had or claimed title to said NW¼ SW¼ 16-75-28; I further depose and say that I was well and personally acquainted with Alexander Marley and with his family and I well and personally know that Geo. L. Marley, one of the heirs of said Alexander Marley, died intestate, unmarried and without issue about February 14, 1902 leaving surviving him as his sole and only heir at law his mother Mary A. Marley, and I further state that his estate has long since been settled and all claims paid in full; and I further depose and say that Dorcas R. Marley intermarried with one R.B. Cottrill and that she died intestate about the month of July 1908 leaving surviving her as her husband R.B. Cottrill, and as her sole and only heir at law her son Clarence Cottrill; I further state that Elizabeth Richey, the plaintiff in a certain action for partition of the NW¼ SW¼ 16-75-28 brought in the District Court of Iowa, in and for Madison County, being No. 10022 Equity, is the same and identical person as Maria Elisabety named as one of the heirs at law of said Alexander Marley, deceased, in the registry of heirs filed in his estate; that John Marley one of the defendants in said action for partition is the same and identical person as John J. Marley named as one of the heirs at law of said Alexander Marley, deceased, in the registry of heirs filed in his estate; and I further depose and say that Andrew H. Bertholf and Electa Bertholf who conveyed the NW¼ SW¼ 16-75-28 to Alexander Marley on October 10th, 1866, were husband and wife, on that date and the said Andrew H. Bertholf was the same and identical person as Andrew Bertholf to whom James T. Bertholf and wife conveyed the undivided one-half of the NW¼ SW¼ 16-75-28 on April 13th, 1855.

James Bertholf.

Subscribed in my presence and sworn to before me this 31st day of August A.D. 1910 by James Bertholf, the affiant herein.

A.L. Stout.
Notary Public.

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SEAL