H.E.Kirby )
to Affidavit,
The Public)

Filed for Record the 27th day of September A.D,1920 at 1.25 o'clock P.M.
Nettie E.Winship Recorder
#3560 Fee $.70

State of Iowa, Madison County )SS. I,H.E.Kirby of said County and State being first duly sworn upon oath depose and say that I am now and have been a resident of Winterset Madison County, Iowa for 45 years last past, and that for 15 years last past I have lived within about ½ mile of the following described property, to-wit:- the South ½ of Lot 18 and the North 3/5 of Lot 19 in Hutching's Addition to said City of Winterset.

I further state that I am a son of George W.Kirby. who died intestate on or about Feb 24, 1897 in Madison Co. Iowa, who was the grantee in two certain Warranty deeds, one recorded in Town Lot Deed Record 3, page 129 of the records of Madison County, Iowa, and the other recorded in Town Lot Deed Record 2, page 402 of said records and who was one of the grantors in a Warranty deed recorded in Town Lot Deed Record 6, page 618 of said records, dated April 6, 1889 wherein a part of Lot 19 in Hutching's Addition to Winterset,Iowa. was conveyed to James Smith, I further state that said James Smith was the same and identical person as the James Smith who received a conveyance of the property first above described from Almaretta Fosher and husband, dated March 21, 1891 and recorded in Town Lot Deed Record 7, page 237 of said records.I further state that said James Smith entered into possession of the property first herein described under his said conveyance, and that he and his grantees have at all times since the dates of said conveyances to him been in the actual,open,notorious, peaceable, exclusive, continuous and adverse possession occupancy and control of said premises first above described under color of title and claim of right, and that their ~~title~~ during said time has to my personal knowledge never been questioned, and that I know of my own personal knowledge that neither George W.Kirby nor his widow, and heirs at law nor any one of them nor any person or persons by through or under them now claim or ever asserted any claim of right, title or interest in or to any part of the South ½ of Lot 18 and the North 3/5 of Lot 19 in Hutching's Addition to said City of Winterset, adverse to said James Smith and his grantees, and that said James Smith and his grantees during all of said time have paid the taxes on said last above described property as the same became due and have used and occupied said property and enjoyed the rents and profits thereof and that Daniel Swearingen, the present owner of said last above described property, now has and holds peaceable possession thereof.

I further state that I am in no way interested in the title to the property last herein described, but make this affidavit at the request of the present owner thereof for the purpose of establishing of record the facts herein stated.

H.E.Kirby

Subscribed and sworn to before me and in my presence by the above named affiant, this 25 day of September 1920.

W.F.Craig
Notary Public in and for Madison County,Iowa .

NOTARIAL SEAL