W. L. Smalley
to
The Public

#1577
Fee $.70

Filed for record the 7 day of August A. D. 1929 at 8:30 o'clock A. M.
Mildred E. Knott, Recorder.

AFFIDAVIT

State of Iowa,
-SS.
Madison County,

I, W. L. Smalley, a resident of said county and state, being first duly sworn, do, upon my oath depose and say that I am the same and identical person as the W. L. Smalley who is named as grantee in a certain deed from J. J. Gaston and wife, dated Aug. 25, 1902, filed Aug. 25, 1902, recorded at page 298 of Deed Record 14 of the records in the office of the Recorder of Madison County, Iowa, and conveying Lot 5, in Block 9, of the Original Town of Winterset, Iowa; that I am the same and identical person as the W. L. Smalley against whom one S. M. Hamilton obtained a judgment in the District Court of Madison County, Iowa, at No. 13772, Judgment Docket 25, page 154, for the sum of $7290.94, together with attorney's fees and costs; and that I am the same person as the William L. Smalley named as the defendant in an action brought by Eva G. Smalley in said District Court at No. 14319, Equity, for divorce.

I further state upon my oath that the above described real estate was my homestead from the date of said deed, to-wit: Aug. 25, 1902, until Oct. 17, 1928, on which date decree of divorce was rendered in said Cause No. 14319. That said property was maintained by me as a home for myself and family continuously during said period and the fact that said property was my homestead was accepted and recognized by the public in general. That I and my family maintained no other domicile.

I further state upon my oath that the debt upon which the said S. M. Hamilton sued and procured judgment above referred to, was, in truth and in fact, contracted long subsequent to the date I acquired title to the above described property and long subsequent to the date said property became my homestead, said debt being contracted about the year 1912.

I further state that on Feb. 20, 1920, I made and executed a quit claim deed to my then wife, Eva G. Smalley, for said Lot 5, in Block 9, of the Original Town of Winterset, Iowa, the same being my homestead, which deed was, on Oct. 22, 1928, recorded in the office of the County Recorder of Madison County, Iowa, at page 461 of Deed Record 21. That said deed was not delivered to said grantee at the time of its execution but remained in my custody and possession until about the date of the decree of divorce above mentioned, at which time the said deed was delivered to the said grantee.

I further state that some time after I acquired title to the above described real estate, I made, executed and delivered a mortgage on said premises for the sum of $3,450.00 to one Mary E. Anson, the mother of the said Eva G. Smalley, which unrecorded mortgage was delivered and surrendered to me in October, 1928, and by me destroyed, together with the note secured thereby.

I further state that I hereby disclaim any and all right, title and interest, claim or demand which I might have or appear to have in, to or upon said Lot 5, in Block 9, of the Original Town of Winterset, Iowa, to the said Eva G. Smalley, by reason of any defect in the proceedings for divorce above referred to, whether by reason of the plaintiff's petition therefor not being verified or by reason of there being no record of service of the original notice in said action upon me, or however else, hereby forever disclaiming unto the said Eva G. Smalley any and all right, title, interest, claim or demand in and to said real estate.

W. L. Smalley

Subscribed in my presence and sworn to before me by the said W. L. Smalley who is personally known to me and by him declared to be his voluntary act and deed, this 6th day of August, A. D. 1929.

NOTARIAL SEAL

Will H. Henry

Notary Public within and for Madison County, Iowa.