H. E. Kirby
to
The Public

#1902
Fee $.60 √

Filed for record the 17 day of September A. D. 1929 at 3:50 o'clock P. M.
Mildred E. Knott, Recorder
Zelda Wildin, Deputy.

AFFIDAVIT

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 Madison County, Iowa, for more than 40 years last past.

I further state that I am the same and identical person as H. E. Kirby mortgagee in the mortgage for $125.00 made by E. C. Bailey and wife and recorded in Mortgage Record 60, page 444 of the Records of Madison County, Iowa, and in which mortgage there is a reference to a prior mortgage of $535.00 by Louisa Kinkennon.

I further state that Louisa B. Kinkennon, mortgagee in the mortgage for $500.00 made by Edward C. Bailey and wife, and recorded in Mortgage Record 65, page 616 of said records and whose correct name was Louisa D. Kinkennon, deceased, and that I was appointed Administrator of her Estate, and as such Administrator I brought suit to foreclose said $500.00 mortgage, and from my connection with the title to the premises described in said mortgages, to-wit: Lot 6 in Block 1 of Pitzer's Addition to the City of Winterset, Iowa, and as such Administrator, I am familiar with the encumbrance thereon held by Louisa B. (or Louisa D.) Kinkennon and intended to be referred to in the mortgage to me above described, and I do state that the mortgage mentioned in said mortgage to me was intended to and did in fact refer to the mortgage of $500.00 in favor of Louisa B. Kinkennon, but that through error of the party drawing said $125.00

mortgage the following recitation was inserted in said mortgage: Made second and junior to a mortgage of $535.00 by Louisa Kinkennon, which recitation meant that the $535.00 mortgage was held by her; and I further state that said Louisa B. (or Louisa D.) Kinkennon (who is the same person referred to in said recitation) never held any other mortgage on said premises other than the $500.00 mortgage described above as being in Mortgage Record 65, page 616 of said records, nor was there a mortgage on said premises for $535.00 to any other person whomsoever, or any other mortgage whatsoever on March 3, 1921, the date of said $125.00 mortgage first herein described, except said $500.00 mortgage.

I further state that I am now in no way interested in the title to said premises, but make this affidavit at the request of the present owners thereof for the purpose of establishing of record the facts herein stated.

H. E. Kirby

SUBSCRIBED in my presence and SWORN to before me by the said H. E. Kirby this 17th day of September, A. D., 1929.

NOTARIAL SEAL

Harry F. Anderson

Notary Public in and for Madison County, Iowa.