W. T. Guiher and
M. L. Silliman

to

The Public

#1974

Fee $1.10

Filed for record the 26 day of September A. D. 1929 at 8:05 o'clock A. M.

Mildred E. Knott, Recorder
Zelda Wildin, Deputy.

AFFIDAVIT

State of Iowa,
- SS:
Madison County,

I, W. T. Guiher, and I, M. L. Silliman, each being residents of said State and County, each being duly sworn, do, upon our separate oaths depose and say as follows:

That we and each of us have been well, personally and intimately acquainted with the occupancy, ownership and control of the following described real estate, to-wit: the South Half (½) of the Northwest Quarter (¼); the West Half (½) of the Northeast Quarter (¼); the West Half (½) of the Southwest Quarter (¼); the North fifty (50) acres of the East Half (½) of the Southwest Quarter (¼); the West fifteen (15) acres of the South thirty (30) acres of the Southeast Quarter (¼) of the Southwest Quarter (¼) and the Southwest Quarter (¼) of the Southeast Quarter (¼) of Section Twenty-nine (29) except a tract in the Southeast corner of said West Half (½) of the Northeast Quarter (¼) used for church and cemetery purposes and

being 16 rods East and West and 20 rods North and South; and all that part of the East Half (½) of the Southeast Quarter (¼) of Section Thirty (30) lying East of the public highway; all in Township Seventy-four (74) North, of Range Twenty-nine (29) West of the 5th P. M., for more than thirty (30) years last past, and that American Commercial and Savings Bank, of Davenport, Iowa, is now the absolute, unqualified owner of all of the above described land as shown by the Sheriff's deed conveying the same, of record at page 100 of Deed Record 68, of the records of Madison County, Iowa, which was the culmination of an action for foreclosure in the District Court of Madison County, Iowa, at No. 14167, Equity, entitled American Commercial & Savings Bank, of Davenport, Iowa, Plaintiff, vs. L. A. Conway, et al., Defendants.

That to our personal knowledge the said L. A. Conway and his grantors have, during all of the said thirty-year period, had and held the absolute, unqualified, uninterrupted, undisputed and adverse possession, occupancy, ownership and control of the whole of the above described real estate, through actual purchase thereof for a valuable consideration; that during said period of time, the said L. A. Conway and his grantors have cultivated said land, maintained the improvements thereon, paid the taxes assessed against the same, collected and enjoyed the rents, issues and profits therefrom, and that we have never at any time known or heard of the right, title or interest in or to said real estate of the said L. A. Conway ever being questioned nor have we ever heard of any person or persons making or asserting or attempting to make or assert any claim to said real estate adverse to the said L. A. Conway or his grantors, or adverse to the said American Commercial and Savings Bank, of Davenport, Iowa, the present owner of said real estate.

That we are informed that one Rosa Freeman and husband, on or about Apr. 24, 1920, made and executed a mortgage of $845.00 to one L. N. Cleveland, upon the Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Twenty-nine (29), in Township Seventy-four (74) North, of Range Twenty-nine (29) West of the 5th P. M., which said land is a part of the land above described formerly owned by the said L. A. Conway. That to our personal and positive knowledge the said Rosa Freeman never at any time owned the forty acres described said mortgage, which mortgage appears of record at page 421 of Mortgage Record 69, of said Madison County, Iowa, records, but that she did, in fact, at the time of the execution of said mortgage, own the Northwest Quarter (¼) of the Southeast Quarter (¼) of said Section, Township and Range, and the describing of said Northwest Quarter (¼) of the Southwest Quarter (¼) therein was a mistake on the part of the person who drew up said mortgage or of the Recorder in recording the same.

That to our personal knowledge, the said L. N. Cleveland, as such mortgagee, was made a party defendant in a certain action for the foreclosure of a senior mortgage covering said Northwest Quarter (¼) of the Southeast Quarter (¼) of Section Twenty-nine (29), in Township Seventy-four (74) North, of Range Twenty-nine (29) West of the 5th P. M., at No. 12562, Equity, of the District Court of Madison County, Iowa, said action being entitled W. W. Bobsin, Plaintiff, vs. W. V. Bates, et al., Defendants; that notice of said action was personally served on the said L. N. Cleveland on Sept. 12, 1921, in Polk County, Iowa, by a Deputy Sheriff of said county; and on Oct. 17, 1921, decree in said action was rendered foreclosing said senior mortgage, said land sold at execution sale on Dec. 5, 1921, to W. W. Bobsin, plaintiff and senior mortgagee, to whom a Sheriff's deed was issued on Dec. 6, 1922, no redemption having been made by L. N. Cleveland as junior mortgagee. That we never heard of the said L. N. Cleveland ever claiming any lien against the NW¼ SW¼ Sec. 29-74-29 by virtue of said mortgage which should have described the land covered thereby as the NW¼ SE¼ Sec. 29-74-29, and the said W. T. Guiher in his capacity as practicing attorney and having been consulted as such by the said L. A. Conway at divers times prior to and subsequent to the execution of said mortgage, states that he would have heard of any such claim had any ever been made.

State of Iowa, Madison County } ss.
I, Mildred E. Smith, Recorder of said county, hereby certify that the annexed affidavit was filed by ... the owner in possession of the Lands Mentioned therein.
Dated ... 1929
Mildred E. Smith Recorder

That we have no interest to serve in making this affidavit, but that the same is made at the request of the present owner of the land first herein described, to-wit: American Commercial and Savings Bank, of Davenport, Iowa, for the purpose of explaining apparent defects in the record title to said land, and to establish the fact of undisputed ownership thereof.

W. T. Guiher

M. L. Silliman

Subscribed in my presence and sworn to before me by the said W. T. Guiher, affiant, and the said M. L. Silliman, affiant, this 25th day of September, A. D. 1929.

NOTARIAL SEAL

Will H. Henry

Notary Public within and for Madison County, Iowa.