Phil R. Wilkinson

to

The Public

#215

Fee $ .70

Filed for record the 4 day of February A. D. 1930 at 3:00 o'clock P. M.

Mildred E. Knott, Recorder

AFFIDAVIT

STATE OF IOWA :
: SS
MADISON COUNTY :

I, Phil R. Wilkinson, of said County and State, being sworn, depose and say that I was well and personally acquainted with James Kirby during his life time; that the said James Kirby died in Polk County, Iowa, on July 1st, 1926 seized in fee of the following described real estate, to-wit:-

The West Half (W½) of the Southwest Fractional Quarter (¼) of Section One (1), in Township Seventy-seven (77) North, of Range Twenty-six (26) West of the 5th P. M., except a tract in the Southwest corner thereof 18½ rods square and except a strip 20 feet wide off the West side thereof for road purposes.

That the said James Kirby left surviving him Elizabeth Kirby, his widow, and John Kirby; William W. Kirby; Elizabeth Kirby Kiddie; Mary Kirby; and, Florence Kirby as his only children and heirs-at-law.

At entry #4 of the Continuation of the Abstract of Title to said real estate by the McCall Land and Loan Company of April 25th, 1929 is shown some unpaid personal taxes. That this Affiant is informed and believes and so believing states that William W. Kirby, against whom said taxes were assessed for the year 1919 in the sum of $6.5o, entered the Military Service of the United States of America in the year 1918 and since the year 1918 the said William W. Kirby has never been a resident of Union Township, Madison County, Iowa.

That at the said Entry in said Continuation of the said Abstract is shown certain personal taxes assessed against John Kirby of Monroe Township for the year 1918 in the sum of $17.44 and for the year 1919 in the sum of $29.60. That the John Kirby referred to by this Affiant as an heir-at-law of the said James Kirby, Deceased, was never at any time a resident of Monroe Township, Madison County, Iowa, and the taxes referred to were assessed against some other person by the name of John Kirby who resided in Monroe Township, in the years 1918 and 1919 and were never assessed against the said John Kirby, who is an heir-at-law of James Kirby, Deceased.

In said Entry in said Continuation of the said Abstract is shown personal taxes against J. H. Kirby of Winterset, Iowa, for the year 1926 in the sum of Fifty cents and against J. H. Kirby of Winterset for the year 1927 in the sum of Fifty Cents.

That the said J. H. Kirby never at any time had any interest in said real estate and is not the same person as John Kirby who is referred to as an heir-at-law of James Kirby, Deceased, and the said J. H. Kirby, who is shown as residing in Winterset, Iowa, and the said John Kirby, who is shown as residing in Monroe Township Madison County, Iowa, never at any time had any right, title, lien or interest in or to said real estate and are not in any manner related to James Kirby, Deceased, and none of the taxes referred to herein are liens against the said real estate.

That the said John Kirby referred to as an heir-at-law of said James Kirby, Deceased, was not a resident of the City of Winterset, Iowa, during the years 1926 and 1927.

That this Affiant has no interest in said real estate.

All of which is true as I verily believe.

Phil R. Wilkinson

Subscribed and sworn to before me and in my presence by the said Phil R. Wilkinson this 31st day of January A. D. 1930

NOTARIAL SEAL

Leo C. Percival

NOTARY PUBLIC IN AND FOR MADISON COUNTY, IOWA.