County, Iowa.

S. A. Hays #2658 Filed for record the 15th day of Dec. A. D. 1933 at 2:52 o'clock P. M.

To Fee $.50✓

The Public. Maggie Reese Hobbs, Recorder.

AFFIDAVIT

State of Iowa, Madison County, ss:

I, S. A. Hays, resident of said state and county, being first duly sworn, upon my oath depose and say as follows:

That I am a practicing attorney, with offices in Winterset, Iowa. That I was the attorney for C. W. Hays, Administrator of the estate of G. R. (or George Riley) Hays, deceased, which was probated in the District Court of Madison County, Iowa, and, having prepared all papers filed in connection with said estate, I am throughly familiar with all details connected with the probate and closing of said estate.

That I have read the affidavit of J. W. McKee which is dated Dec. 15, 1933 and appears of record in Miscellaneous Rec. 21, at page 588, and know that the promissory note of C. W. Hays and Mary I. Hays, dated Oct. 6, 1916, maturing Oct. 6, 1921, which he states was purchased from C. W. Hays, Administrator, by Citizens National Bank of Winterset, of Winterset, Iowa, on Oct. 16, 1918, was a note for $5000.00 upon which $2000.00 principal had been paid, which was secured by mortgage executed by C. W. Hays and wife, Mary I. Hays, dated Oct. 6, 1916, filed for record Oct. 6, 1916, recorded in Mortgage Rec. 59, page 483, of the records of said county, and covering the N½ SE¼ of Sec. 5-76-28, and for which note said Bank paid the sum of $2931.17, as shown by said Administrator's final report filed in said estate on Jan. 31, 1919. That at the time said note was sold to said Bank, no assignment of said mortgage as to said note, accompanied it, thru oversight, the administrator effecting transfer of the debt merely by endorsing the note; and for that reason no release of mortgage was executed by said Bank when it received payment of said note from the maker, C. W. Hays.

That the other $5000.00 note secured by said mortgage was, in the settlement of said estate, assigned by the administrator to Mary R. Hays who released the mortgage as to said note at the time of the execution and delivery to her by C. W. Hays and wife of the mortgage recorded in Mortgage Rec. 72, at page 430, of said records.

That I am in no way interested and make this affidavit for the sole purpose of explaining the circumstances above set forth.

S. A. Hays,

Subscribed in my presence and sworn to before me by the said S. A. Hays this 15 day of December A. D. 1933.

NOTARIAL SEAL

H. C. Fosher,
Notary Public in and for Madison County, Iowa.