Eldon & Grace Jessup

To

The Public.

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Filed for record the 4th day of Sept., A. D. 1934 at 1:30 o'clock P. M.
Maggie Reese Hobbs, Recorder.
Jessie Allgeyer, Deputy.

AFFIDAVIT

Eldon Jessup and Grace Jessup
To
The Public, concerning George N. Howell, and the West Half of the Southwest Quarter of the Northwest Quarter of Section 11, Twp. 76 N., Range 29 W.

State of Iowa, Madison County, SS:

We, Eldon Jessup and Grace Jessup, being duly sworn, depose and say: that we are husband and wife, and residents of Madison County, Iowa; that on the 19th day of December, 1933, we entered into a contract for the purchase of the West Half of the Southwest Quarter of the Northwest Quarter of Section Eleven (11), Township 76 North, Range 29 West of the 5th P. M., Madison County, Iowa; that said contract was made and entered into with George N. Howell, of Newton, Iowa; that both the undersigned Eldon Jessup and Grace Jessup were parties to said contract as purchasers thereof; that on or about the 13th day of June, 1934, said George N. Howell and a man named Benson were at the home of the undersigned Eldon Jessup and Grace Jessup on the above described land; that there has been filed in the office of the County Recorder of Madison County, Iowa, a copy of a notice of forfeiture of the said real estate contract, with proofs of service thereon, which proofs purport to show that the said notice of forfeiture was served on the undersigned Grace Jessup and Eldon Jessup; that in truth and in fact, such notice was not served on said Grace Jessup on said day, nor at any other time; that said notice was never read, nor offered to be read to said Grace Jessup by the person making the purported

proofs of service, and a copy of said notice was never delivered, nor offered, to said Grace Jessup on said day, nor at any other time; that the only pretense of service of said notice was by leaving a copy thereof with Eldon Jessup, but that said Grace Jessup was not absent from the county at that time, and could be found in the county at that time, and was in fact at the said home, which was the usual place of residence of said Eldon Jessup and Grace Jessup, and both the party making the said purported return or proofs of service, and the said George N. Howell, knew that said Grace Jessup was at said place and saw her there a short time before leaving the said copy of notice with said Eldon Jessup; that the said purported notice of forfeiture of said real estate contract was of no force and effect, and is void, and that said real estate contract of purchase by said Eldon Jessup and Grace Jessup is still in force and effect, and the rights of said Eldon Jessup and Grace Jessup in the said contract and the said premises are still in force and effect and have not been terminated.

That we are now the persons in the sole and exclusive possession of the said premises, and it is our homestead.

Eldon Jessup
Grace Jessup

Subscribed in my presence and sworn to before me by said Eldon Jessup and Grace Jessup this 1st day of September, 1934.

NOTARIAL SEAL

Daniel J. Gallery
Notary Public in and for Madison County, Iowa.