R. O. Garber

To

The Public

#3767 √

Fee $ .60

Filed for record the 6 day of October A.D. 1942 at 2:13 o'clock P.M.

Pearl E. Shetterly, Recorder

A F F I D A V I T

STATE OF IOWA POLK COUNTY)ss

I, R. O. Garber, being duly sworn, depose and say that I am an attorney-at-law, engaged in the practice of law in the city of Des Moines, Iowa.

That during the early part of 1933, I was consulted by R. G. Hoskins, of Earlham, who was then ill in the Methodist Hospital in Des Moines, concerning his business and legal problems.

That among other things concerning which he talked to me was the farm located near the town of Earlham lying south of the railroad right-of-way, which, I am informed, is described as follows:

> The Northeast Quarter (NE¼) and the East Half (E½) of the Northwest Quarter (NW¼) of Section Twelve (12), and the West 18.36-acres of the Southeast (SE¼) of the Southeast (SE¼) Quarter, and the West Half of the Southeast Quarter (W½ SE¼) of Section One (1) lying south of The Chicago, Rock Island & Pacific Railway Company right-of-way, all in Township Seventy-seven (77), North, Range Twenty-nine (29) West of the 5th P.M., all in Penn Township, Madison County, Iowa.

That the said farm was encumbered by mortgages, one of which was held by his daughter, Lois Hoskins, and it was determined in those consultations that the said farm should be conveyed to her; and that for the purpose of carrying out such conclusion a deed was prepared in the office of Clark, Byers & Garber, of which firm I was a member, for the purpose of effecting such conveyance.

That I am now informed that the deed so prepared omitted from the description of the land conveyed the following: "the West 18.36-acres of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼)."

That it is my belief that it was the intention of R. G. Hoskins and his wife at the time they executed the deed in question to have conveyed the entire premises, including the west 18.36-acres of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section One (1)

to the grantee in said deed, Lois Hoskins, and that the failure to include the same in the said conveyance was an error by the person copying the description from the mortgage executed by R. C. Hoskins and wife to Lois Hoskins for the sum of Fifteen Thousand ($15,000.00) Dollars under date of August 15, 1931, and recorded in Book 79, page 489, of the Records of Madison County, Iowa.

I further depose and say that the deed above referred to as having been executed in the office of Clark, Byers & Garber was dated January 26, 1933, and recorded February 15, 1933, in Book 69, page 526, of the Records of Madison County, Iowa.

R. O. Garber

NOTARIAL SEAL

SUBSCRIBED and SWORN to before me and in my presence by the above named R. O. Garber this 5th day of October, A.D. 1942.

Mary Bishel Notary Public within and for said County and State.