Pearl E. Shetterly Recorder

Mary L. Danforth and Wes Smith
To
The Public

#4393

Fee $ .60

Filed for record the 3 day of December A.D. 1942 at 2:10 o'clock P.M.

Pearl E. Shetterly, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss.

Mary L. Danforth, and Wes Smith, being first duly sworn, depose and say as follows: That we are children of one Sarah Smith, now deceased, and of Levi Smith, now deceased, who was a cousin of one Abe Smith, now deceased.

That Mary L. Danforth is now seventy-six years of age and the said Wes Smith is now seventy

nine years of age.

That we are familiar with the circumstances surrounding the purchase by one Charles E. Jessup from the said Abe Smith of a tract of land twenty rods East and West and forty rods North and South in the Southwest corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of Section 18, in Township 75 North, of Range 27 West of the 5th P.M., the deed evidencing such purchase and conveyance to the said Charles E. Jessup by the said Abe Smith being recorded in Deed Record 43, at page 121, of the records of Madison County, Iowa. That through error, either on the part of the person preparing such deed, or on the part of the Recorder in recording the same, the above described five-acre tract was described as a tract commencing at the Southwest corner of the Northwest Quarter (¼) of Section 18, in Township 75 North, of Range 27 West of the 5th P.M., running thence North 40 rods, thence East 20 rods, thence South 40 rods, thence West 20 rods to the place of beginning, when, in truth and in fact it should have been described as commencing at the Southwest corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of said Section, Township and Range; and that the five-acre tract first hereinabove described was actually the real estate purchased by the said Charles E. Jessup and intended to be conveyed to him by the said Abe Smith. That at the time of said conveyance, we know that the said Abe Smith did not own any part of the Southwest Quarter (¼) of the North-West Quarter (¼) of said Section 18, but that it was owned by our mother, the said Sarah Smith.

That to our personal knowledge, the said Charles E. Jessup, under and by said purchase and said deed, entered into full possession of the five-acre tract, first hereinabove described and that he has since the date of said deed enjoyed, had and held the full, absolute, uninterrupted, peaceable, undisputed and adverse possession of the whole thereof, paid the taxes thereon and enjoyed the rents, issues and profits therefrom; and that to our knowledge no person has made or asserted or attempted to make or assert any claim of right, title, or interest therein or thereto adverse to the said Charles E. Jessup since long prior to Jan. 1, 1920; and especially do we know that no person claiming by, through or under the said Abe Smith, now deceased, has made any such claim of right, title or interest in and to said land.

Wes Smith
Mary L. Danforth

Subscribed in my presence and sworn to before me by the said Mary L. Danforth, this 28th day of November, A.D. 1942.

(Notarial Seal)

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

Subscribed in my presence and sworn to before me by the said Wes Smith, this 30th day of November, A.D. 1942.

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

State of Iowa } ss.
Madison County }

I hereby certify that the annexed affidavit was filed by Wilma M. Wade deputy the owner in possession of the Lands mentioned therein. Dated December 5 1942.

Pearl E. Shutterly Recorder.

Doris Bennett et al 4411B Filed for record the 7 day of December