Eugene Wilson and Chas Rowe #2684

To

The Public

Fee $1.40 ✓

Filed for record the 12 day of July A.D. 1943 at 3:18 o'clock P.M.
Pearl E. Shetterly, Recorder

A F F I D A V I T

STATE OF IOWA: MADISON COUNTY: SS:

I, Eugene Wilson, and I, Charles Rowe of the County of Madison and State of Iowa, each being duly sworn for myself and on my own behalf depose and say:

That I have been a resident of Madison County, Iowa for more than thirty years last past. That I was well and personally acquainted with James Madison Pindell, who is named as the decedent in the probate proceedings in the estate of James Madison Pindell, deceased, as shown in Docket K, page 571 of the probate records in the District Court of Madison County, Iowa; and I know of my own personal knowledge that the said decedent, James Madison Pindell, was one and the same, identical person as the J.M. Pindell who was named as grantee in a werranty deed of conveyance conveying the East Half (½) of the Southeast Quarter (¼) of Section Thirty-four (34) Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Iowa, said deed having been filed for record in the office of the County Recorder of Madison County, Iowa on the 8th day of October, 1892 and recorded in deed record 32, page 450 of the deed records of Madison County, Iowa, and I know of my own personal knowledge that the said decedent, James Madison Pindell, and the said James Pindell, who is named as grantee in a warranty deed of conveyance dated October 2, 1875 conveying to the said James Pindell the East Half (½) of the Northwest Quarter (¼) Section Thirty-five (35) Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Iowa, said deed having been filed for record in the office of the County Recorder of Madison County, Iowa on the 11th day of January, 1876 and filed for record in deed record 11, page 574 of the deed records of Madison County, Iowa, is one and the same, identical person, and that wherever in the chain of title to the real estate above described the name of James Madison Pindell, J.M. Pindell, or James Pindell appear, they all refer to one and the same, identical person, and his true and correct names was James Madison Pindell.

That I was well and personally acquainted with Priscilla Jane Pindell the wife of the said James Madison Pindell, and I know of my own personal knowledge that the said Priscilla Jane Pindell is now dead; that she died in the state of California on the first day of March, A.D., 1942.

I further depose and say that I was well and personally acquainted with Merl Lee Pindell who is named as one of the legatees, devisees and beneficiaries in the last Will and Testament of James Madison Pindell, deceased, and who was appointed under item 2 of said last Will and Testament as Executor of the said last Will and Testament of James Madison Pindell, deceased, as shown by Will Record "E" on page 106 of the Will Records of the District Court of Madison County, Iowa; and I know of my own personal knowledge that the M.L. Pindell who subscribed to the oath of Executor as shown in probate record 2, page 113 of the probate records of Madison County, Iowa and who gave notice of his appointment as such Executor, and the Merl Lee Pindell who is named as one of the beneficiaries under the will in the probate inventory and preliminary inheritance tax report, and the Merle Lee Pindell who is named as one of the devisees, legatees, and beneficiaries of James Madison Pindell, deceased, in the notice of hearing on the application to sell real estate filed in the office of the Clerk of the District Court of Madison County, Iowa on the 13th day of January, 1943, and the Merle Lee Pindell who is named as one of the legatees, devisees and heirs-at-law of James Madison Pindell, deceased, in the order for the sale of real estate as shown in probate record 15 on page 346 of the probate records of the District Court of Madison County, Iowa, and the M.L.Pindell named as the Executor in the order approving the sale of said real

estate as shown in probate record 15 on page 501 of the probate records of the District Court of Madison County, Iowa, and the M.L. Pindell named as Executor in the order approving the deed conveying said real estate as shown by probate record 15 on page 526 of the probate records of Madison County, Iowa and the M.L.Pindell named as Executor in the Executor's deed conveying said real estate, are one and the same, identical person. That wherever in this chain of title there appears the name of Merl Lee Pindell, Merle Lee Pindell, M.L.Pindell, Merl Lee Pindell, Executor, Merle Lee Pindell, Executor, or M.L.Pindell, Executor, they all refer to one and the same, identical person, and his true and correct name is Merl Lee Pindell.

That I was well and personally acquainted with Harriott Mae Burt who is named as one of the legatees, devisees and beneficiaries under the terms and provisions of the last Will and Testement of James Madison Pindell, deceased, as shown by Will Record "E" on page 106 of the Will Records of the District Court of Madison County, Iowa; and I know of my own personal knowledge that the said devisee, Harriott Mae Burt, and the Harriet Mae Burt named as one of the beneficieries and heirs-at-law in the preliminary inheritance tax report filed in the estate of James Madison Pindell on the 19th day of November, 1942, and the Harriet Mae Burt named as one of the children and heirs-at-law of James Madison Pindell, deceased, in the petition to sell real estate by the Executor of the last Will and Testament of James Madison Pindell, deceased, and the Harriet Mae Burt named in the notice of hearing on the petition to sell real estate filed in the office of the Clerk of the District Court of Madison County, Iowa on January 13, 1943, and the Harriet Mae Burt named as one of the heirs-at-law, legatees, devisees of the said James Madison Pindell in the order for the sale of real estate as shown in probate record 15 on page 346 of the probate records of the District Court of Madison County, Iowa, are all one and the same, identical person, and her true and correct name is Harriott Mae Burt. That wherever her name appears in the chain of title to the above real estate or in any of the probate proceedings of James Madison Pindell, deceased, as Harriott Mae Burt or Harriet Mae Burt, they refer to one and the same, identical person.

That I know of my own personal knowledge that Charles Crow, who is named as one of the appraisers in the commission to appraise the said real estate and who signed his name as C.G.Crow in the oath of office as such appraiser on January 5, 1943, is one and the same, identical person, and his common business signature is C.G.Crow; and that wherever in this chain of title the name of Charles Crow or C.G.Crow appears, it refers to one and the same person.

That I have been acquainted with the ownership, occupancy, and possession of said real estate above described for more than thirty years last past, and I know of my own personal knowledge that the said James Madison Pindell, James Pindell, or J.M.Pindell, who are one and the same identical person, and his grantors immediate and remote, have had and held continuous, open, adverse, notorious, hostile, and uninterrupted possession, control, and occupancy of said real estate under a claim of right and color of title for more than thirty years last past, and that the said James Madison Pindell at the time of his death was in possession and ownership of said real estate. The death of the said James Madison Pindell occurred on or about the 6th day of August, 1942.

That I have no interest whatever in the above described real estate, but am simply making this affidavit to correct apparent defects in the chain of title thereto.

All of which is true and correct as I verily believe.

Eugene Wilson
Chas Rowe

Subscribed and sworn to before me and in my presence by the said Eugene Wilson and Charles Rowe this 9th day of July, A.D., 1943.

NOTARIAL SEAL

Phil R Wilkinson
Notary Public in and for Madison County, Iowa.

State of Iowa } ss.
County }

I hereby certify that the annexed affidavit was filed by me for record in the office of the Recorder of Madison County, Iowa, on the 12 day of July 1943

Pearl E. Shelley
Recorder

FRONT