Miscellaneous Record No. 24 Mad.

Ralph O. Mills et al

To
The Public

#47

Fee $1.10 ✓

Filed for record the 6 day of January A.D. 1945 at 2:55 o'clock P.M.

Pearl E. Shetterly, Recorder

A F F I D A V I T

State of Iowa, Madison County, ss.

Ralph O. Mills, E. W. Cummins, and A. E. Emerson, being sworn, depose and say as follows:

That we are now and have been, since long prior to Jan. 1, 1920, residents of Madison County, Iowa, and that during all of said period of time we have been well and personally acquainted with the land in Section 4, in Township 75 North, of Range 27 West of the 5th P.M., commonly known as the "Walnut Grove Farm", which is now owned by one Fred J. Ford, and well and personally acquainted with its particular location. That the daption description of a part of said farm as given by Abstract No. 10834, prepared by Security Loan and Title Company, to-wit: All that part of the West 7/8 of the West Half of Section 4 lying South of the center of the public highway as now located and traveled through and across said Section 4 and lying North and West of a line drawn from the Southwest corner of the SE¼ SW¼ of said Section 4 to a point 20 rods West of the Northeast corner of said 40-acre tract, all in Township 75

State of Iowa } ss
Madison County }

I hereby certify that the annexed affidavit was filed by the owner in possession of the [illegible] January 6 1945

Pearl E. Shetterly Recorder

North, of Range 27 West of the 5th P.M. (except all that part of the SW¼ SW¼ of said Section 4 lying South of the North Bank of Middle River, and all that part of the W½ E½ SW¼ of said Section 4 lying South of the North Bank of Middle River and North and West of a line drawn from the Southwest corner of the SE¼ SW¼ of said Section 4 to a point 20 rods West of the Northeast corner of said 40-acre tract), and the caption description of the remainder of said farm as given by Abstract No. 20851, prepared by Madison County Land and Title Company, to-wit: All that part of the SW¼ SW¼ lying South of the North bank of Middle River, and all that part of the W½ E½ SW¼ lying South of the North bank of Middle River and North and West of a line drawn from the Southwest corner of the SE¼ SW¼ to a point 20 rods West of the Northeast corner of said 40-acre tract, all in Section 4, in Township 75 North, of Range 27 West of the 5th P.M., consolidated, is the same as the description of said farm which appears in the pleadings and in the decree in Cause No. 11623 Equity of the District Court of Madison County, Iowa, which quieted and established the title thereto, to-wit: All that part of the West 5/8 of W½ of Section 4 lying South of the center of the public highway as now located and traveled through and across said Section 4 and lying North and West of a line drawn from the Southwest corner of the SE¼ SW¼ of said Section 4 to a point 20 rods West of the Northeast corner of said 40-acre tract, all in Township 75 North, of Range 27 West of the 5th P.M., in the plaintiff, J. M. Young; and that said separate descriptions, and said descriptions as consolidated, are the same as the description of said farm more particularly set out in the caption of the continuation of said abstracts which is dated Dec. 10, 1938 and in the subsequent continuations thereof which are dated Apr. 4, 1939, and May 27, 1944 and that said particular continuation caption descriptions described the same land described in the decree entered Feb. 9, 1938, in cause entitled:Fred J. Ford, Plaintiff, vs. W. C. Young, et al., Defendants, being Casue No. 16677 Equity of the District Court of Madison County, Iowa, which found that said plaintiff, Fred J. Ford, was the absolute and unqualified owner thereof subject only to claims and costs in said estate. That Middle River, which runs through a part of said land, is not now the boundary line of any part of said land as consolidated, all parts of said land being contiguous and forming a solid unit. That we well know the route and line of the highway which forms the North boundary line of said land; that we have examined the various plats and certificates of surveys which are of record and which are shown in the abstract of title to said land, and know that the line described in said continuation captions and elsewhere in said abstract as; Commencing at a point 10 chains and 60 links South of the Northeast corner of the SW¼ NW¼ of Section 4, in Township 75 North, of Range 27 West of the 5th P.M., thence North, 75° West, 18 chains, thence North, 32½° West, 2 chains and 55 links, thence North, 41° West, 2 chains and 5 links; and as: Commencing at a point 5 rods East of the Southeast corner of the SE¼ NW¼ of Section 4, in Township 75 North, of Range 27 West of the 5th P.M., and North, 2° East, 8 chains, thereof, thence North, 75° West, 5 chains, thence North, 88° West, 19.95 chains, indicates the route and line of the center of the public highway hereinbefore referred to which is the North boundery line of said "Walnut Grove Farm" hereinbefore more particularly described.

That we well know that during all of our said acqueintance with said real estate and since long prior to Jan. 1, 1920, the said Fred J. Ford, present owner thereof, and his grantors and predecessors in ownership and possession, immediate and remote, have had, held and enjoyed the full, absolute, unquestioned, undisputed, undisturbed, uninterrupted, peaceable and adverse possession, ownership, occupancy and control of the whole of said real estate, under claim of right and color of title, paid the taxes levied against the same, maintained the improvements thereon, collected and enjoyed the rents, issues and profits thereof and therefrom, and that to our knowledge, no person, firm, or corporation, has, during said period of time, to-wit: since long prior to Jan. 1, 1920, asserted or attempted to assert any claim

of right, title or interest in or to said land or any part thereof, other then in said Cause No. 16677 Equity of the District Court of Madison County, Iowa, adverse to the right, title and interest of the said Fred J. Ford and his said grantors and predecessors in ownership, in and to said land.

That we are in no way interested.

Ralph O. Mills
E. W. Cummins
A. E. Emerson

Subscribed in my presence and sworn to before me by the said Ralph O. Mills, E. W. Cummins and A. E. Emerson, affients, this 5 day of January, A.D. 1945.

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