F. E. Murphy #488 Filed for record the 20 day of February A.D. 1925 at 9:36 o'clock A.M.

To Fee $ .80

The Public Pearl E. Shetterly, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss,

F. E. Murphy, being sworn, deposes and says as follows:

That I am the same F. E. Murphy who was the guardian of Ethel Alethe Murphy, minor, who was the only child and heir at law of one Alma Murphy, who died in the month of March, 1915, the owner of an undivided one-sixth interest in and to the real estate of which the father of the said Alma Murphy, to-wit: Isaiah Oglesbee, died seized, and who, as such guardian, conveyed the 2/18 interest of the said Ethel Alethe Murphy, minor, in and to the North 96 7/8 rods of the E½ SE¼ of Section 26 and the North 96 7/8 rods of the W½ SW¼ of Section 25, in Township 75 North, of Range 27 West of the 5th P.M., to Evaline Bickett, by deed dated Feb. 23, 1923, recorded Mar. 12, 1923, in Deed Record 59, at page 586, of the records of Madison County, Iowa, and who, individually, as the surviving spouse of the said Alma Murphy, conveyed an undivided 1/18 interest in and to said real estate to the said Evaline Bickett by deed dated Jan. 20, 1923, recorded Feb. 24, 1923, in Deed Record 59, at page 577, of said records.

That as the surviving husband of the said Alma Murphy, a daughter of the said Isaiah Oglesbee, I was and am familiar with the transactions which involved the division of the real estate of Isaiah Oglesbee among his legatees, which division occurred in 1923, after the death of Dulcena Oglesbee, surviving wife of Isaiah Oglesbee, who held a life estate therein.

That it was necessary for the said Evaline Bickett to borrow money in order to acquire full title to the above described real estate, and that she borrowed the sum of $4000.00 from The First Trust Joint Stock Land Bank of Chicago, executing a mortgage in which her husband, M. C. Bickett joined, which was dated Feb. 21, 1923, and was recorded on Mar. 22, 1923, in Mortgage Record 63, at page 507, of said Madison County, Iowa, records. That I know no reason why any part of the said North 96 7/8 rods of the E½ SE¼ Sec. 26 and the North 96 7/8 rods of the W½ SW¼ of Sec. 25, in Twp. 75 North, of Range 27 West of the 5th P.M., otherwise described as the North 48 7/16 acres of the E½ SE¼ Sec. 26 and the North 48 7/16 acres of the W½ SW¼ of Sec. 25, in Twp. 75 North, of Range 27 West of the 5th P.M., would have been eliminated by the said Evaline Bickett when executing said mortgage as security for said loan, and am certain that the said Evaline Bickett, who was a sister of my deceased wife, fully intended to cover and have described in said mortgage the North 48 7/16 acres of the W½ SW¼ of Section 25 and the North 48 7/16 acres of the E½ SE¼ of Section 26, in Township 75 North, of Range 27 West of the 5th P.M. in entirety and without exception, and I am certain that it was not her intention or purpose to mortgage only the North 48 and 7/16 hundredths acres of the W½ SW¼ of Section 25 and the North 48 and 7/16 hundredths acres of the E½ SE¼ of Section 26, in Township 75 North, of Range 27 West of the 5th P.M., and I am certain that she was not aware that her said real estate had been so erroneously described.

That it is my opinion and belief that the land of the said Evaline Bickett, viz: the North 48 7/16 acres of the W½ SW¼ of Section 25 and the North 48 7/16 acres of the E½ SE¼ of Section 26, in Township 75 North, of Range 27 West of the 5th P.M., was erroneously described in said mortgage as the North 48 and 7/16 hundredths acres of the W½ SW¼ of Section 25 and the North 48 and 7/16 hundredths acres of the E½ SE¼ of Section 26, in Township 75 North, of Range 27 West of the 5th P.M., innocently and through inadvertence, by the person who drew said mortgage, and that such error and inadvertence was unquestionably the result of such scrivener having used and followed the above mentioned erroenous description which appeared then and still appears in the ceptions of the abstract of title to said land of the said Evaline Bickett, now owned by The First National Bank of Chicago, instead of using and

following the proper and correct description of said land which appeared in the deeds therefor to the said Evaline Bickett.

That to my knowledge, no person claiming by, through or under the said Evaline Bickett who was deceased prior to May 2, 1935, has ever made or asserted or attempted to make or assert any claim of right, title or interest in or to said North 48 7/16 acres of the W½ SW¼ of Section 25 and the North 48 7/16 acres of the E½ SE¼ of Section 26, in Township 75 North, of Range 27 West of the 5th P.M., adverse to the said The First National Bank of Chicago, or its grantors, therein or thereto.

That I am in no way interested.

F. E. Murphy

Subscribed in my presence and sworn to before me by the said F. E. Murphy, affiant, this 19 day of February, A.D. 1945.

NOTARIAL SEAL

Charles E. Tucker Notary Public within and for Madison County, Iowa.