Miscellaneous Record, No. 24, Madison County, Iowa

Clifton W. Smith et al #1061 Filed for record the 1 day of March A.D. 1946 at 10:13 o'clock A.M.

To Fee $ .50

The Public Pearl E. Shetterly, Recorder

AFFIDAVIT

State of Iowa, Madison County.)ss:

I, Clifton W. Smith, and I, E. W. Cummins, of said county and state, each being first duly sworn on oath depose and say that we have been residents of Madison County, Iowa, for more than 20 years last past, and during all of said time have lived in the neighborhood of and been familiar with the title, ownership, and occupancy of Lots 2, 3, and 4 and the N. 5 acres of Lot 1 and the S½ of Lot 5 and the N. 16 feet of Lots 5, 6, and 7 and the East 2 acres of the S. 4 chains of the W. 10 chains of the N. Frl. ½ of the NW¼ of Sec. 18, Twp. 75, Range 27, Madison County, Iowa, as shown by the plat and survey thereof recorded in Deed Rec. 12, page 193, of the records of said county and state, and we know of our own personal knowledge that Bessie Libby entered into possession of an undivided 1/6 interest therein on or about July 16, 1926, as one of the heirs at law of Cora Kleatsch, deceased, and that Elmer E. Libby entered into possession of an undivided 5/6 interest therein on or about Jan. 17, 1944, under and by virtue of the warranty deeds recorded in Deed Rec. 79, pages 200 and 201, of the records of Madison County, Iowa, and that they and their grantors, immediate and remote, for more than 20 years last past, have been in the actual, open, notorious, continuous, adverse, exclusive, uninterrupted, and peaceable possession, occupancy, and control of all of said real estate, and every part and parcel thereof, under claim of right and color of title, have occupied the same either by themselves or their tenants claiming under them, have cultivated and fenced the same and paid the taxes thereon, and received the rents, crops, issues and profits thereof, and that no claim of any kind adverse to the possession of said parties has ever been asserted to any of said real estate to our personal knowledge during the past 20 years, and that said Bessie Libby and Elmer E. Libby now enjoy peaceable possession thereof.

We further state that we are in no way interested in the title to said real estate, but make this affidavit at the request of the present owner thereof for the purpose of establishing of record the facts above set forth.

Clifton W Smith
E W Cummins

Subscribed in my presence and Sworn to before me by the above named affiants this 1st day of March, A.D. 1946.

(Notarial Seal)

Harry F. Anderson Notary Public in and for Madison County, Iowa.

State of Iowa, Madison County.)ss:

I, Pearl E. Shetterly, County Recorder in and for said county and state aforesaid, hereby certify that the foregoing affidavit was filed in my office by the owners in possession as named in said affidavit, or by their attorney in fact, as shown by the records, and recorded and entered on the records thereof on the 1st day of March, A.D. 1946.

COMPARED

E. W. Cummins et al

Pearl E. Shetterly County Recorder of Madison County, Iowa.