Miscellaneous Record, No. 24, Madison County, Iowa

H. C. Tilton and J. F. Willcox
To
The Public

#1385

Fee $.70

Filed for record the 14 day of March A.D. 1946 at 10:20 o'clock A.M.

Pearl E. Shetterly, Recorder

AFFIDAVIT

State of Iowa, Madison County.)ss:

I, H. C. Tilton, and I, J. F. Willcox, 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 the SW¼ of Section 33, and the East 20 acres of the SE¼ of Section 32, in Township 76 North, Range 27 West, and the North 20 acres of the following described tracts of land:- The NW¼ of the NW.Frl.¼ of Sec. 4 and commencing at the NE. corner of Sec. 5, and running thence W. 3.75 chains, thence S., 45° E., 1.40 chains, thence S. 17.90 chains, thence S., 44° 40' E., to the E. line of said Sec. 5, thence N. to the NE. corner of said Section 5, said last described tract being all that part of said Section 5 lying N. and E. of the public highway as now located and established through said section, in Township 75 North, Range 27, West of the 5th P.M., Madison County, Iowa, and we know of our own personal knowledge that John Horras entered into possession thereof on or about Jan. 17, 1921, under and by virtue of the warranty deed recorded in Deed Rec. 65, page 161, of the records of said county and state, and that he and his 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 crops, rents, 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 Elmer E. Libby and his wife, Bessie Libby, now hold peaceable possession of said real estate under and by virtue of the contract dated Aug. 19, 1943, and recorded in Deed Record 80, page 180, of the records of said county; and we further state that the said Bessie Libby, wife of Elmer E. Libby, above named, is not the same person as the Bessie Bird Libby against whom appear unpaid old age pension taxes for the year 1936 in Monroe Township, Madison County, Iowa, as shown by the Treasurer's Records of said County, but that the said Bessie Bird Libby is the wife of Fred C. Libby, a brother of said Elmer E. Libby.

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

H. C. Tilton
J. F. Willcox

Subscribed in my presence and sworn to before me by the above named affiants this 14 day of March, A.D. 1946.

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

(Notarial Seal)

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 14th day of March, A.D. 1946.

COMPARED

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