Miscellaneous Record, No. 24, Madison County, Iowa

Alf D. Danforth
Mabelle B. Danforth
To
The Public

#2179
Fee $1.60

Filed for record the 3 day of May A.D. 1946 at 10:15 o'clock A.M.
Pearl E. Shetterly, Recorder

AFFIDAVIT

STATE OF IOWA MADISON COUNTY }SS

I, ALF D. DANFORTH, and I, MABELLE B. DANFORTH, being first duly sworn, on oath do depose and say (each of us speaking for himself only) that I have been a resident of Winterset, Madison County, Iowa, for more then fifty years last past; that I have personally and intimately known each and every individual person named in this affidavit for more then twenty-five years last past; that Hattie Tidrick Grout, a daughter of T. F. Mardis and Huldah Ann Mardis and a devisee named under the terms of the Last Will and Testament of Huldah Ann Mardis, died testate in August of 1929, a resident of Los Angeles County, California, seized in fee and the owner of an undivided three-twelfths (3/12) interest in and to Lots Three (3) and Four (4) in Block Eighteen (18) of the Original Town of Winterset, Madison County, Iowa; that the Last Will and Testament of Hattie Tidrick Grout, who was also known as Hattie T. Grout, was admitted to probate in the County Court of Los Angeles County, California on the 16th day of September, 1929, and that the files and proceedings in her estate are found in the office of the Clerk of the District Court of Los Angeles County, California, being File No. 105827; that under the terms of her Will she first provided for the payment of her funeral expenses and just debts and the erection of a marker at her grave; that as shown by the records and files in said estate all of her just debts and funeral expenses were paid in full and a marker erected at her grave; second, her will bequeathed to her son, Geo. Carlson, the sum of $1.00 and that said bequest was complied with and payment made to Geo. Carlson; third, she bequeathed to her son, William Tidrick, who was also known as William Grout, the sum of $1.00 and that said bequest was complied with and payment made to William Grout; fourth, the Will provided that the income from her property, both real and personal, should be paid to her husband, Fred W. Grout; providing further that if at any time Fred W. Grout decided to sell any of the real estate received, he could do so and invest the money received from the sale thereof in something else; that said bequest was complied with and that Fred W. Grout came into possession of the interest of Hattie Tidrick Grout in the real estate above described and that he held said interest during the remainder of his lifetime and did not dispose of same but received the income therefrom; fifth, said will provided that upon the death of Fred W. Grout the property received by Fred W. Grout through the Last Will and Testament of Hattie Tidrick Grout and not disposed of during the lifetime of Fred W. Grout should be devised one-half to Geo. Carlson or his heirs and one-half to William Grout or his heirs.

These affiants further state that Fred W. Grout who was one and the same person as F. W. Grout, died testate a resident of Pasadena, Los Angeles County, California, on the 16th day of May, 1938; that at the time of his death Fred W. Grout was still receiving the income from the undivided three-twelfths (3/12) interest in Lots Three (3) and Four (4) in Block Eighteen (18) of the Original Town of Winterset, Madison County, Iowa, and that he had not disposed of same by sale or otherwise during his lifetime; that by reason of his death and his failure to dispose of the interest in the real estate herein described during his lifetime, said property under the terms of the Last Will and Testament of Hattie Tidrick Grout become the property of Geo. Carlson or his heirs and William Grout or his heirs.

These affiants further state that Geo. Carlson, a son and devisee of Hattie Tidrick Grout, died intestate on February 13, 1934, leaving surviving him a son, Lloyd Carlson, and a daughter, Mrs. L. P. Frick, and that said children were his sole and only heirs-at-law; that the death of Geo. Carlson occurred prior to the death of Fred W. Grout and that by reason thereof Lloyd Carlson and Mrs. L. P. Frick became the owners of an undivided one-eighth (1/8) interest in the real estate herein described; that William Grout, also known as William Tidrick, became and is now the owner of the other undivided one-eighth (1/8) interest in the

State of Iowa
Madison County } ss.
I hereby certify that the annexed affidavit was filed by the owner in my office on the 3 day of May 1946
Land, Mortgage and Abstract Recorder
Pearl E. Shetterly

real estate herein described.

These affiants further state that the real estate herein described was acquired by T. F. Mardis and Thomas F. Mardis in various parcels and by various deeds and that he was named as grantee in some of said deeds as T. F. Mardis and in other deeds as Thomas F. Mardis but that wherever in the chain of title to the real estate herein described the names T. F. or Thomas F. Mardis are found, they refer to one and the same person and that his full, true and correct name is Thomas F. Mardis and that he is one and the same person who died testate a resident of Winterset, Madison County, Iowa, on or about April 7, 1908, and whose estate was probated in the office of the Clerk of the District Court of Madison County, Iowa, being Estate File No. 1863 Probate and found in Probate Docket "E" at Page 394 of the records of said office.

These affiants further state that in the estate proceedings of T. F. Mardis shown in Probate Docket "E" at Page 394 of the records of the office of the Clerk of the District Court of Madison County, Iowa, and in the probate proceedings of the estate of Huldah Ann Mardis shown in Probate Docket "G" at Page 332 of the records of the office of the Clerk of the District Court of Madison County, Iowa, the names Hulda Ann Mardis and Huldah Ann Mardis are found, that they refer to one and the same person and that her full, true and correct name is Huldah Ann Mardis; that in said proceedings wherever the names John Mardis, John C. Mardis and J. C. Mardis, are found, they refer to one and the same person and that his full, true and correct name is John C. Mardis.

These affiants further state that on September 15, 1939, one Annie Mardis Merrill conveyed by warranty deed to Charles T. Merrill an undivided one-third (1/3) interest in and to Lots Three (3) and Four (4) in Block Eighteen (18) of the Original Plat of the City of Winterset, Madison County, Iowa; that at said time the grantor, Annie Mardis Merrill, was a single and unmarried person and that wherever in the chain of title to the real estate herein described the names Anne L. Merrill, Annie Merrill or Annie Mardis Merrill are found, they refer to one and the same person and that her full, true and correct name is Anne L. Mardis Merrill.

These affiants further state that at all times since prior to January 1, 1920, they have been personally acquainted with the real estate herein described and with the ownership and occupancy thereof and are personally acquainted with Lloyd Carlson, Mrs. L. P. Frick, William Grout and Charles T. Merrill, the present owners, and know that they are in actual possession of said land and that they and their predecessors in the chain of title under which they claim the ownership and the right of possession of said premises have since prior to January 1, 1920, been in the continuous, actual, exclusive, open, notorious, visible, and hostile adverse possession thereof under color of title and claim of right as against all the world and have improved said land, either personally or through tenants claiming under them, and have paid the taxes thereon and that neither the title nor the right to possession of said present owners or of those under whom they claim has been disputed or openly attacked by anyone.

That I have no personal interest in said land and make this affidavit at the request of the present owners in support of the title in order that the same may be filed for record under the provisions of Section 11024 of the Code of Iowa.

Dated at Winterset, Iowa, this 27th day of December A.D. 1945.

Alf. D. Danforth
Mabelle B Danforth

Subscribed in my presence and sworn to before me by the said ALF D. DANFORTH and MABELLE B. DANFORTH this 27th day of December A.D. 1945.

(Notarial Seal)

Charles D Van Werden
Notary Public in and for said County.

As owners in possession of the Land described in the foregoing affidavits, we hereby request the Recorder of the above named County to record such affidavits and to note on the

margin of the record thereof that they were recorded at our request.

Lloyd Carlson
Mrs L. P. Frick

COMPARED

William Grout
Charles T. Merrill

H. C. Hilton