Bettie Berker and
A.C. Schutz
to
The Public

#2445

Fee $ .80

Filed for record the 21 day of May A.D. 1946 at 9:40 o'clock A.M.

Pearl E. Shetterly, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss.

Bettie Berker and A. C. Schutz being sworn, depose and say as follows:

That we are now and have been for more than 40 years last past, residents either of the town of Macksburg, located in Grand River Township, Madison County, Iowa, or of said township, and that throughout such period of time we have been well and personally acquainted with the ownership, occupancy and title to a tract of land conveyed on Jan. 18, 1897 to Independent School District of Grand River by one A. J. Hasty and wife by deed recorded Jan. 22, 1897, in Deed Record 54, at page 226, of Madison County, Iowa, records, and described as: Commencing at a point 12 5/8 rods North of the Southwest corner of the NW¼ NW¼ of Section 15, in Township 74 North, of Range 29 West of the 5th P.M., running thence East 12 5/8 rods, thence North 12 5/8 rods, thence West 12 5/8 rods, thence South 12 5/8 rods to place of beginning,

containing one acre, more or less. That we know that Consolidated Independent School District of Macksburg, which conveyed said tract to F. D. Ross on May 2, 1923, by deed recorded May 3, 1923, in Deed Record 59, at page 601, of said records, was the legal successor to said Independent School District of Grand River, and on May 2, 1923, was the owner of said tract by virtue of such successorship, and that on May 2, 1923, such buildings as were then situated upon said tract, had been by said District abandoned for school purposes, and that said tract was and had been, prior to said date, likewise abandoned for school purposes, and that it ever since has been, by its owners of record, used entirely for agricultural or grazing purposes.

That we have, since long prior to Jan. 1, 1930, been well and personally acquainted with the ownership, occupancy and control of the tract of real estate first hereinabove described, together with the SW¼ NW¼ of Section 15, in Township 74 North, of Renge 29 West of the 5th P.M. and Out-lots 1, 2, 3, 4, 5, 6, 7 and 8 of Barker's Second Addition to the Original Town of Macksburg, Iowa, all of which is now owned of record by Maurice Thrailkill, and we know that since long prior to Jan. 1, 1930, Charles E. Southworth (who conveyed said real estate to the said Maurice Thrailkill on Feb. 28, 1946), together with his grantors and predecessors in ownership and possession, immediate and remote, had had, held, owned and enjoyed the full, absolute, unqualified, peaceable and adverse possession, under color of title and claim of right, of the whole of said real estate, and that to our knowledge, no person, firm or corporation has, since long prior to Jan. 1, 1930, made or asserted or attempted to make or assert any claim of right, title or interest in or to said real estate or any part thereof adverse to the right, title and interest therein or thereto of the said Charles E. Southworth or of his said grantors and predecessors in ownership, or of the said Maurice Thrailkill.

That to our knowledge, L. E. Phifer or Albine Jane Whitworth Phifer never owned or claimed to own any part of the tract first herein described, but that the said Albine Jane Whitworth Phifer did at one time own all of, or an interest in, a tract described as: Commencing at the Southwest corner of the NW¼ NW¼ of Section 15, in Township 74 North, of Range 29 West of the 5th P.M., running thence North 12 5/8 rods, thence East 12 5/8 rods, thence South 12 5/8 rods, thence West 12 5/8 rods to the place of beginning, which tract lies immediately South of the tract first herein described.

That we are well and personally acquainted with Charles E. Southworth, and know that wherever in the record chain of title to any of said real estate excepting the tract last herein described, the names Charles E. Southworth, C. E. Southworth and Chas. Southworth appear, said names, in each and every instance, refer to and are one and the same identical person.

That we are in no way interested.

Bettie Barker
A C Schutz

NOTARIAL SEAL

Subscribed in my presence and sworn to before me by the said Bettie Barker and A. C. Schutz, affients, this 21 day of May, A.D. 1946.

May Pinckney Notary Public
within and for Madison County, Iowa.

State of Iowa
Madison County } ss.
I hereby certify that the annexed affidavit was filed by the owner in possession of the
Legals Mortgaged therein. Dated May 21 1946
Paul E. Slattery Recorder.