1065

FILED NO.
Compared BOOK 34 PAGE 47

1982 FEB 10 AM 8:29

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $15.00

A F F I D A V I T

RE: Railroad rights-of-way of Des Moines and Kansas City Railroad Company located in the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-four (24), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., located in the City of St. Charles, Madison, Iowa

COMES NOW the undersigned, after being duly sworn, and states:

1) That I am a resident of the town of St. Charles, Iowa, and have lived here for many years.

2) That I am a son of H. P. Anderson and Anna Anderson, and I lived with them for many years before their deaths. I am familiar with the real estate owned by them at the dates of their deaths. I am also familiar with the geography of the town of St. Charles, and the location of the old railroad right-of-ways running through St. Charles, both from my personal knowledge and from investigation.

3) That the Des Moines and Kansas City Railroad Company had in years past two different railroad right-of-ways running through the Northeast Quarter of the Northwest Quarter of Section 24-75-26 in the town of St. Charles. The earlier of the two was a right-of-way for a Narrow Gauge railroad track running in a northeasterly direction, and crossing the south line and the east line of said Northeast Quarter of the Northwest Quarter. This right-of-way is shown as the Narrow Gauge railroad on the plat of Beaver and Patton's Addition to St. Charles, a copy of which is attached to this Affidavit as Exhibit "A". The latter of the two was a right-of-way located to the east of the old Narrow Gauge right-of-way, which also ran in a northeasterly direction, crossing the south line and the east line of said Northeast Quarter of the Northwest Quarter. The general location of this right-of-way is shown on the 1904 Atlas of the town of St. Charles, a copy of which is attached to this Affidavit as Exhibit "B".

4) That neither of these railroads nor the rights-of-way are now in existence in said Northeast Quarter of the Northwest Quarter of Section 24-75-26.

IND. ✓
REC. ✓
PAGE

5) That this Affidavit is given from my own personal knowledge and is given for the purpose of clarifying the references to the railroad rights-of-way contained in earlier conveyances of property located in the Northeast Quarter of the Northwest Quarter of Section 24-75-26.

Dated this 2nd day of December, 1981.

Gerald H. Anderson
GERALD H. ANDERSON

Subscribed and sworn to me this 2nd day of December, 1981.

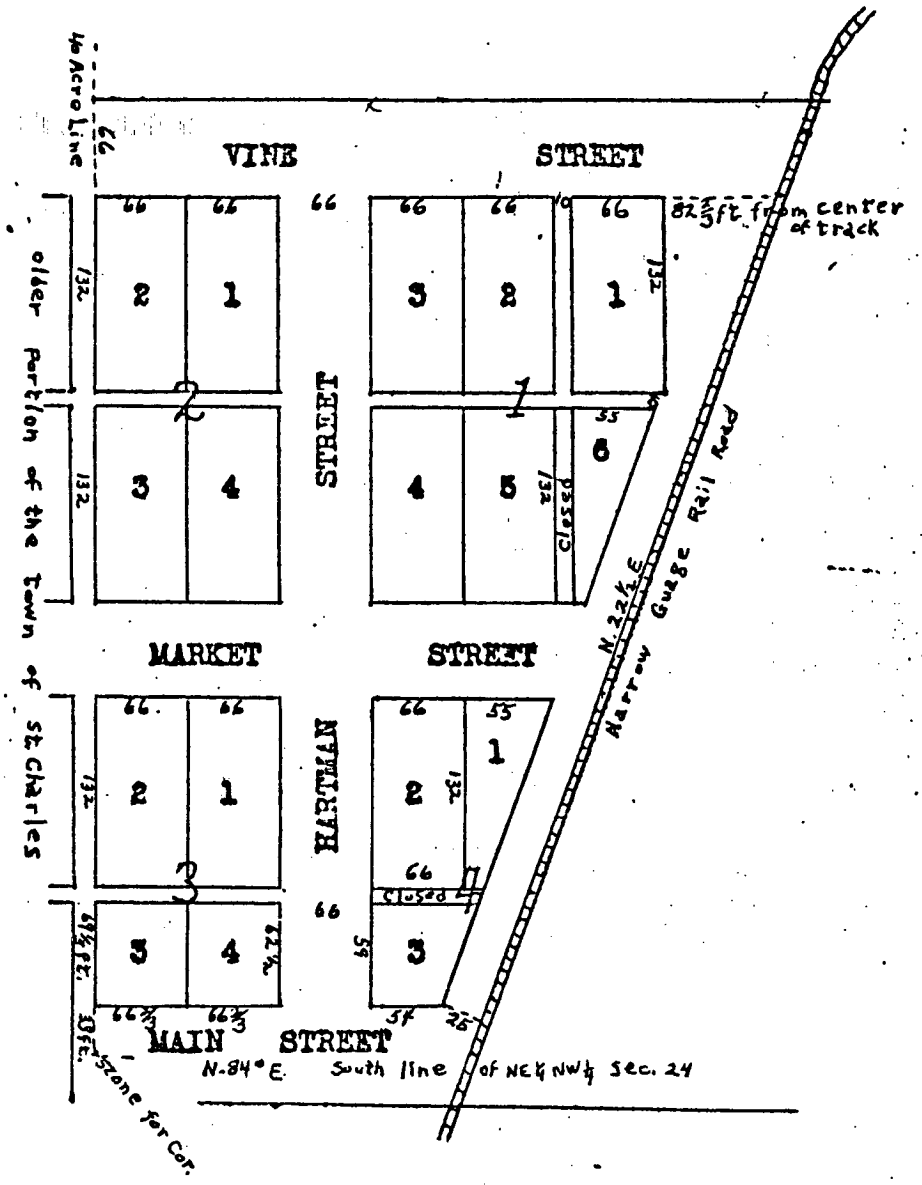
JAMES M. HOLCOMB

James M. Holcomb
Notary Public in and for the
State of Iowa

Security Loan & Abstract Co., Abstracts of Title, Winterset, Madison Co., Iowa

---------:(2):---------

BEAVER AND PATTON'S ADDITION TO ST CHARLES



The foregoing is a true and correct copy of a plat of Beaver and Patton's Addition to St. Charles, Madison County, Iowa, as the same appears of record in the office of the Recorder of Madison County, Iowa, in Town Lot Deed Rec. 2, page 506.

---------:(3):---------

UNITED STATES, By the President, By Asst, Secretary, and Recorder of the General Land Office (L.S.),

to

William Wallace White.

CERTIFIED COPY OF PATENT.
Dated Mar. 25, 1851.
Certified Feb. 12, 1908.
Filed Mar. 17, 1908.
Deed Rec. 44, page 505.
Grants:- The E½ SW¼ of Sec. 13 and the N½ NW¼ of Sec. 24-75-26, containing 160 acres, located in satisfaction of Warrant #39790.

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Exhibit "A"

from 1904 ma



Exhibit "B"

From 1904 Misc

ST. CHARLES

LOCATED IN SOUTH TWP.

Scale 200 feet to one Inch.

Samuel Picken

ST.

BEAVER & PATTON'S ADD. 4

C. Bishop

10 a.

Francis Powers

5¾

R. R.

ROAD

Roller Mill

U. P. Ch.

Wm. Harding

AND KANSAS CITY

DES MOINES

16

Anderson Est.

Anna C. R. Anderson

65 ST.

HIGHLAND

28½ a.

Anderson.

Exhibit "B" MISC. REC. 34