Madison
FN-169-3(3)--21-61
Parcel No. 17

Compared

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
2pgs.
Fee 4 50

(568)981

AFFIDAVIT OF POSSESSION

IND. ✓
REC. ✓
PAGE ✓

TO WHOM IT MAY CONCERN:

STATE OF IOWA)
) ss.
MADISON COUNTY)

The undersigned first being duly sworn (or affirmed) upon oath deposes and states:

That Ernest J. McNamara and Mary E. McNamara are now the record titleholders of the following described real estate to-wit:

Thirty-seven (37) acres off the North side of the South Half (1/2) of the Southeast Quarter (1/4) of Section Number Thirty-five (35) and the South Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) of Section Number Thirty-five (35) (except a tract of land described as follows: Commencing at Northeast Corner of the South Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) of said Section Thirty-five (35) running thence South along the East line of said Section Thirty-five (35) 775 feet; thence West 595.06 feet, thence North 775 feet, thence East 595.06 feet to the Place of Beginning, all in Township Number Seventy-six (76), Range Twenty-Eight (28) West of the 5th P.M., Iowa, said tract also described as the North 77 acres of the South 120 acres of the SE 1/4 of Section 35, except 10.57 acres in the northeast corner thereof, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa;

That said Ernest J. McNamara and Mary E. McNamara are now in complete, actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders and its parties in possession; and for the purpose of confirming title to the above described real estate under the provisions of Section 614.17, Code of Iowa, and other statutes relative thereto.

That the North 77 acres of the South 120 acres of the SE 1/4 of Section 35, except 10.57 acres in the northeast corner thereof, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, was purchased by P. M. McNamara, our father, by a Warranty Deed dated February 28, 1917, and filed for record in the office of the Madison County Recorder, State of Iowa, in Book 58, Page 476 on March 2, 1917;

That within the "Inventory of Real Estate" within the probate proceedings of P. M. McNamara, deceased, the above real estate was erroneously described as "North 77 acres of South 120 acres, except 10.57 acres, Sec. 35, Twp. 76, Range 28"1

That the above real estate was also erroneously described as "the North 77 acres of the South 120 acres (except 10.57 acres in the Northeast Corner thereof) in Section Thirty-five, Township 76, Range 28" in a certain Quit Claim Deed executed by Ella E. McNamara (surviving spouse of P. M. McNamara), conveying her interest to Ernest J. McNamara and Mary E. McNamara. Said Quit Claim Deed was dated August 27, 1924, and filed for record in the office of the Madison County Recorder, State of Iowa, on August 23, 1945, and occurs in Book 71, Page 526;

That the intent of this Affidavit of Possession is to call to the attention of the record these erroneous descriptions and to state that the above mentioned "Inventory of Real Estate " and Quit Claim Deed should have described the real estate as "the North 77 acres of the South 120 acres of the SE 1/4 of Section 35, except 10.57 acres in the northeast corner thereof, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa.

Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 22nd day of October, 1974.

Ernest J. McNamara, Affiant

Mary E. McNamara, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiants this 22nd day of October, 1974.

ROBERT DAHLGREN Iowa NOTARIAL SEAL

L. Robert Dahlgren
L. Robert Dahlgren
Notary Public in and for the State of Iowa

POWER OF ATTORNEY

The undersigned, owners in possession of said property as above stated, hereby direct that this affidavit be filed of record and hereby appoint the County Recorder of the County wherein said land is situated as the authorized attorney-in-fact to file same.

Ernest J. McNamara, Owner in Possession

Mary E. McNamara, Owner in Possession

STATE OF IOWA, MADISON COUNTY, ss.

On this 22nd day of October, A.D. 1974, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ernest J. McNamara and Mary E. McNamara to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL) L. ROBERT DAHLGREN Iowa NOTARIAL SEAL

L. Robert Dahlgren
L. Robert Dahlgren
Notary Public in and for the State of Iowa

MARGINAL ENTRY

STATE OF IOWA, COUNTY OF MADISON, ss.

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said affidavit or by his attorney-in-fact as shown by the records; and duly recorded and entered on the records thereon on the 22 day of October, 1974.

Mary E Welty
Recorder