MISCELLANEOUS Record No. 27, MADISON County, Iowa

Parrott Form No. 13A — Affidavit of Possession, Iowa State Bar Association, Form No. 278, Long Form

AFFIDAVIT OF POSSESSION

J. Berkley Wilson

TO

The Public

Filed for Record the 6 day of December, A. D. 19 66, at 3:38 o'clock P. M.

#3317

Mary E. Welty, Recorder.

, Deputy.

Recording Fee, $ 1.50

TO WHOM IT MAY CONCERN:

STATE OF IOWA
Warren COUNTY } ss.

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

That Thurman Bender and Muriel M. Bender

are now the record titleholders of the following described real estate to-wit: All that part of the SE¼ of the SW¼ of Section 1 lying South of the public highway excepting that part thereof lying North of the right of way of the Chicago, St. Paul & Kansas City Railway Company; and the E½ of the NW¼ of Section 12 except a tract of land described as follows: Commencing at the southeast corner of said E½ of the NW¼ and running thence North 40 rods, more or less, to the center of the Creek, thence up the center of said Creek 26½ rods, thence South from the center of said Creek to the South line of said East ½ of the NW¼, thence East to the place of beginning; all in Township 75 North, Range 26, West of the 5th P. M., Madison County, Iowa,

That said Thurman Bender and Muriel M. Bender, subject to contractural rights of P. B. West are now in complete actual and sole possession of all of said real estate except as may be herein stated, and that they and their predecessors (who held record title thereof) in the recorded chain of title under which they claimed and claim ownership and the right to possession of the said real estate have been, since prior to January 1, ~~1948~~ 1950 are in continuous, actual, visible, open, notorious, exclusive and unquestioned possession thereof, under color of title and claim of right to the exclusive possession as against the world and have improved said property and paid the taxes thereon; that neither the title nor the right to possession of said titleholders or any of those under whom they claim have been disputed or openly attacked by any one. 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 is for the purpose of confirming title to the above described real estate under the provisions of Section 614.17 I. C. A., and other statutes relative thereto.

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 15th day of November, 19 66.

J. Berkley Wilson
J. Berkley Wilson Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 15th day of November, 19 66.

Marilyn Rankin
Notary Public in and for said County
Marilyn Rankin

NOTARIAL SEAL

● POWER OF ATTORNEY

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

If the Power of Attorney is granted by a Corporation attach corporate acknowledgment (Official Form No. 12).

Thurman Bender
Thurman Bender
Muriel M. Bender Owner in Possession
Muriel M. Bender

STATE OF IOWA, WARREN COUNTY, ss:

On this ---- day of November, 19 66, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Thurman Bender and Muriel M. Bender, to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

NOTARIAL SEAL

J. Berkley Wilson
Notary Public in and for said County
J. Berkley Wilson

● The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

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 6 day of December, 19 66

COMPARED

Mary E. Welty
Recorder

Authority: Tindell v. Hines 248 Iowa 748 (1957) 82 NW(2d) 119.