Miscellaneous Record, No. 28, Madison County, Iowa

Myrtle Perona
To
The Public

#861
Fee $3.50 PAID

Filed for record the 24 day of June A.D. 1969 at 11:30 o'clock A. M.
Mary E. Welty, Recorder

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS.

I, Myrtle Perona, being first duly sworn on oath do hereby depose and state:

That I am the daughter and sole and only heir at law of William Mitchel Acheson who died intestate, a resident of Madison County, Iowa, on the 2nd day of May, 1966. At the time of his death, William Mitchel Acheson was divorced and had no children other than myself. That the only asset which he owned at the date of his death was a one-third (1/3) interest in and to the real estate legally described as:

Lots Six (6) and Seven (7) of Block 4 of Kirkwood's Addition to the Town of Winterset, Madison County, Iowa,

That his interest in the said real estate was valued at less than One Hundred and no/100 ($100.00) Dollars and his interest in the real estate was encumbered by an old age assistance lien in excess of Two Thousand and no/100 ($2000.00) Dollars.

That all of the debts and charges against the estate of William Mitchell Acheson have been paid and his funeral expenses have been paid. That no estate was ever opened for said William Mitchell Acheson.

That the record ownership of William Mitchell Acheson in and to the above described real estate is a one-third (1/3) interest however William Mitchell Acheson never claimed any right, title or interest to the real estate and it was always considered as belonging to his sister, Mary Acheson, who also was known as Mary Acheson Pursell and whose estate was probated in Madison County, Iowa, being probate number 6561 and recorded in Probate Docket O at page 181.

That Ray Joseph Acheson who was also known as Ray J. Acheson, Ray Acheson, and R. J. Acheson, obtained title to the premises described above by virtue of a tax deed dated and filed August 12, 1933, and recorded in tax sale deed record 2 at page 392. That whereever in the chain of title to the real estate described above the names Ray Joseph Acheson, Ray J. Acheson, Ray Acheson, or R. J. Acheson, appear, they refer to one and the same person, to-wit: Ray Joseph Acheson.

That Ray Joseph Acheson died intestate, a resident of Madison County, Iowa, on the 6th day of January 1963. That Ray Joseph Acheson was never married and was not survived by any spouse or children. That at the time of his death, his parents were dead and his sole heirs at law were a brother, William Mitchell Acheson, a sister, Mary Acheson Pursell and a brother Sol Acheson. That at the time of his death all of his other brothers and sisters, including Myrtle Acheson and Burt Acheson, were deceased. That no estate was ever opened for Ray Joseph Acheson. That the total value of the assets owned by him at the date of his death, including the real estate described above was less than One Thousand and no/100 ($1000.00) Dollars. That the funeral expenses and all indebtedness of Ray Joseph Acheson have long since been paid.

That Mary Acheson Pursell was also known as Mary Acheson and Mary Jane Acheson. That whereever in the chain of title to the real estate described above the names Mary Acheson Pursell, Mary Acheson or Mary Jane Acheson appear they refer to one and the same person, to-wit: Mary Acheson Pursell.

This Affidavit is made for the purpose of clearing the title and explaining facts in connection with the real estate described above and all of the statements and allegations contained herein are true and correct as I verily believe.

Myrtle Perona
Myrtle Perona

Subscribed and sworn to before me, a Notary Public in and for Madison County, Iowa, this 23 day of June, 1969.

NOTARIAL SEAL

Leonard M. Flander
Leonard M. Flander Notary Public in and for Madison County, Iowa

O. C. Thompson To The Public — #891 — Fee $2.50 V FEL

Filed for record the 27 day of June A.D. 1969 at 2:00 o'clock P. M.

Mary E. Welty, Recorder

AFFIDAVIT

STATE OF ILLINOIS COUNTY OF COOK) SS

O. C. THOMPSON, having been duly sworn, depose and state that:

I Am Manager-Real Estate of and for CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, a Delaware corporation, Mortgagor under an indenture dated as of January 1, 1950, wherein THE FIRST NATIONAL BANK OF CHICAGO, a national banking association, having its office in the City of Chicago, Illinois, and JOSEPH C. WILLIAMS of the City of Kansas City, Missouri, are Trustees.

In order to enable said Mortgagor to convey lands no longer necessary to it in the conduct of its business free and clear of the Mortgage without obtaining a formal written release when the consideration received therefor does not exceed TEN THOUSAND AND 00/100 ($10,000.00) DOLLARS, the Mortgage provides in Article IX, Section 2(b), as follows:

"SECTION 2. Except as hereinafter specifically provided in this Section 2, the Company while remaining in possession of the mortgaged property may, without obtaining a release from, action by, or giving notice to the Trustees, and without other action or proceeding on the part of the Company hereunder:

"(b) In the ordinary course of its business, sell, exchange or otherwise dispose of, free from the lien of the Mortgage, any buildings, bridges, structures, industrial tracks, side tracks or yard tracks which it has been desirable in the conduct of its business to retire from use, and any land constituting abandoned right of way or station grounds, or industrial sites or other land (with or without improvements thereon) which is no longer useful to the Company, if the consideration received on any such sale or other disposition does not exceed $10,000; provided that if the Company shall receive any cash or other consideration (other than property, which may but need not have a similar substitutional use, and which shall become subject to the lien of the Mortgage) on any such sale or other disposition, it shall from time to time, but at intervals of not more than 6 months, deposit with the Corporate Trustee, or with the trustee or mortgagee of any Prior Lien or Permitted Encumbrance as permitted by the provisions of Section 4 of this Article IX, an amount in cash equal to the cash so received and the fair value to the Company of such other consideration;"

By quitclaim deed dated the 11th day of June, 1969, CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY conveyed unto REX R. MARTIN certain land situated in City of Winterset, Madison County, Iowa, which land had been determined by said Company to be no longer necessary to it in the conduct of its business. And the consideration received by the Company for the land being less than TEN THOUSAND AND 00/100 ($10,000.00) DOLLARS, said land was by virtue of the above quoted provision conveyed free and clear of said Mortgage. Further affiant saith not.

Dated at Chicago, Illinois, this 11th day of June, 1969.

O. C. Thompson
Manager-Real Estate for
Chicago, Rock Island and Pacific
Railroad Company

Subscribed and sworn to before me and in my presence by the said O. C. THOMPSON this 11th day of June, 1969.