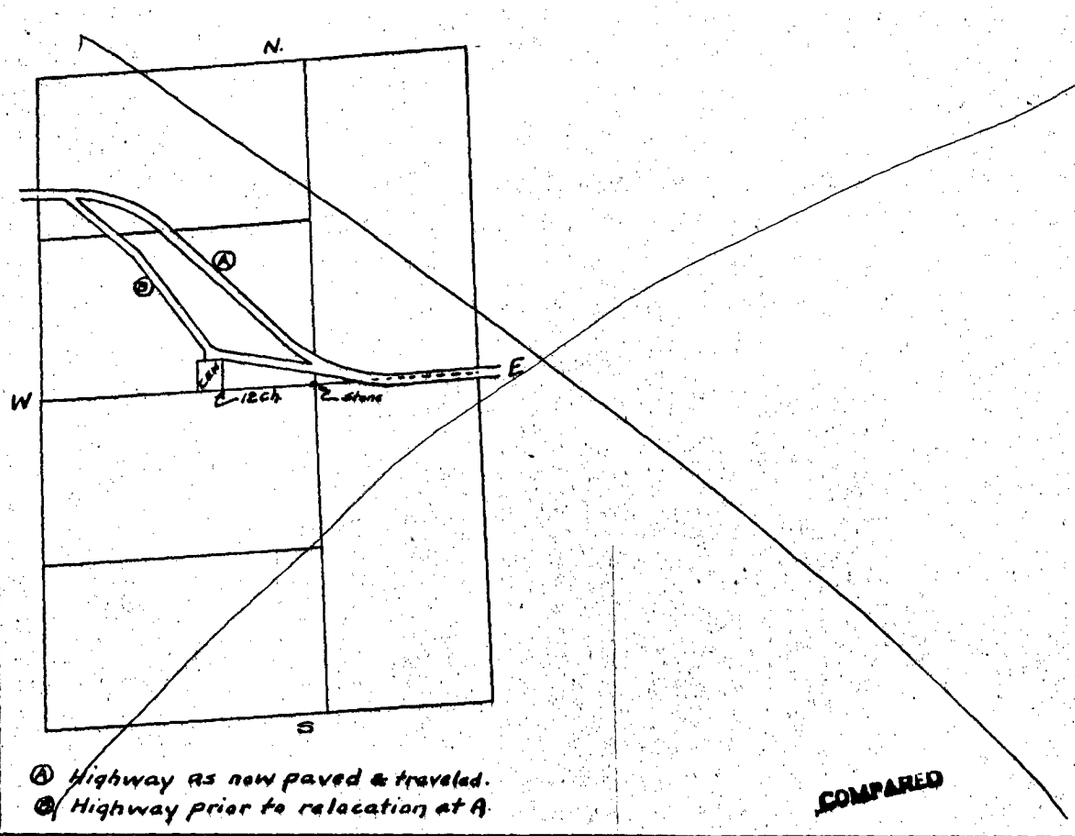


Ⓐ Highway as now paved & traveled.
Ⓑ Highway prior to relocation at A

COMPARED

E. H. Quick & John A. Potter
To
The Public

#5346
Fee $1.70

Filed for record the 12 day of December A. D. 1947 at 2:58 o'clock P. M.
Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss.

We, E. H. Quick and John A. Potter being sworn, depose and say as follows:

That we are now and have been for more than forty years last past, residents of Madison County, Iowa. That we have lived in the immediate vicinity of the Frl. SW¼ NE¼ of Section 30, in Township 76 North, of Range 26 West of the 5th P. M. for many years, and since long prior to Jan. 1, 1920. That we know that W. R. Fort became the owner of the whole of said Frl. SW¼ of NE¼ except 1½ acres for cemetery purposes, by purchase from one J. W. Bunker, as shown by the deed conveying said tract to him by the said J. W. Bunker and wife, which is dated Feb. 26, 1910, and recorded Mar. 1, 1910, in Deed Record 46, at page 361.

That we know that the said W. R. Fort sold and conveyed to Green Merryman, all that part of said Frl. SW¼ NE¼ (except 1½ acres for cemetery purposes) lying South of the wagon road as now traveled, by deed dated Dec. 4, 1911, recorded Dec. 18, 1911, in Deed Record 53, page 287, and retained for himself the remainder of said Frl. SW¼ NE¼, being all that part thereof lying North and East of said wagon road,

That subsequent to the purchase of said tract by Green Merryman and the conveyance to him by W. R. Fort as aforesaid, said tract was sold and conveyed by the said Green Merryman to B. H. Simpson by deed recorded in Deed Record 53, page 470, and by the said B. H. Simpson to W. J. Ferrall by deed recorded in Deed Record 53, page 471, and by the said W. J. Ferrall to George Kitt and Emma Kitt by deed recorded in Deed Record 53, page 539; that the said George Kitt and Emma E. Kitt subsequently conveyed to John W. Smith by deed recorded in Deed Record 69, page 85, a part of said tract, to-wit: Commencing at a point 12 chains West, 82½° South, of the Southeast corner of the SW Frl¼ NE¼ of Sec. 30-76-26, running thence North, 2°15' West, to the South line of the public road as now traveled across said tract, thence in a Northwesterly direction along the South line of said road to the West line of said section, thence South along said West line to the SW corner of said SW Frl¼ of NE¼, thence East along the South line of said SW Frl¼ NE¼ to the place of beginning,

State of Iowa
Madison County } ss.
I hereby certify that the annexed affidavit was filed by
the owner in possession of the
lands mentioned therein. Dated December 12 1947
Wilma M. Wade Recorder

excepting 1¼ acres out of the SE corner thereof used for cemetery purposes; that subsequently the heirs at law of the said John W. Smith conveyed to F. L. Johnson by deed recorded in Deed Record 80, page 137, said real estate last described; that subsequently the said F. L. Johnson conveyed said last described tract to C. Ira Gordon and Bessie Gordon, the present owners of record, by deed recorded in Deed Record 79, page 210, and subsequently the said F. L. Johnson sought to clarify the description of the tract conveyed by said last mentioned deed, by executing a new deed to the said C. Ira Gordon and Bessie Gordon, recorded in Deed Record 79, page 592, wherein said tract was described as follows, to-wit: all that part of the Frl. SW¼ NE¼ Sec. 30-76-26 which lies South and West of the public highway as used and traveled across said fractional quarter prior to the relocation of said highway in 1922 and West of the following described line: beginning at a point on the South line of the Frl. SW¼ NE¼ Sec. 30, 12 chains West, 82½° South of the SE corner of the Frl. SW¼ NE¼ of said Sec. 30, thence North 2°15' West, to the public highway as used and traveled across said fractional quarter prior to the relocation of said highway in 1922, except 1¼ acres in the SE corner thereof used for cemetery purposes.

That in the deeds to B. H. Simpson, and George Kitt and Emma Kitt, the land conveyed was described as lying "South of the wagon road as now traveled", and in the deed to W. J. Ferrall, as land which lies "South of the Highway as now traveled", and in the deeds to John W. Smith, F. L. Johnson, and C. Ira Gordon and Bessie Gordon, as hereinbefore shown.

That the said W. R. Fort died, intestate, on a date prior to Aug. 6, 1923, seized of that part of said Frl. SW¼ NE¼ retained by him as aforesaid, being that part of said Frl. SW¼ NE¼ lying North and East of the wagon road hereinbefore referred to, he having never disposed of any part of said Frl. SW¼ NE¼ except that part thereof conveyed to Green Merryman as aforesaid; that the heirs at law of the said W. R. Fort, deceased, subsequently conveyed said tract to Emma J. Fort, surviving widow of said decedent, by deeds recorded in Deed Record 61, at pages 465 and 467, and that in their conveyances thereof, said tract was described as lying North and East of the public highway as now used over and across said Frl. SW¼ NE¼; that the said Emma J. Fort subsequently conveyed said tract to Murl Fort by deed recorded in Deed Record 69, page 306, describing it as all that part of the West 64 acres of S½ N½ of Frl. Sec. 30-76-26 which lies North and East of the public highway over and across said land; that on Nov. 30, 1936, the said Murl Fort sold and conveyed said tract of land to Karl H. Walter by deed of that date recorded Dec. 10, 1936, in Deed Record 72, page 312, wherein it was described as: all that part of the West 64 acres of the S½ N½ of Frl. Sec. 30-76-26 which lies North and East of the public highway over and across said lands except right of way conveyed to the State of Iowa for Primary Road No. 2 as now located and traveled; that on Mar. 19, 1942, the said Karl H. Walter sold and conveyed said tract of land to C. Ira Gordon and Bessie M. Gordon, by deed of that date recorded Mar. 19, 1942, in Deed Record 75, page 583, wherein it was described as: all that part of Frl. SW¼ NE¼ Sec. 30-76-26 which lies North and East of the public highway as now used over and across said tract; and that on Mar. 26, 1945, said Karl H. Walter sought to clarify the description of said tract so sold and conveyed to C. Ira Fordon and Bessie M. Gordon, by a deed of that date to them recorded in Deed Record 79, page 587, wherein said tract was described as: all that part of the Frl. SW¼ NE¼ of Sec. 30-76-26 which lies North and East of the public highway as now used and traveled across said fractional quarter prior to the relocation of said highway in 1922, containing in all 27 acres, more or less, subject to the easements for highway purposes to Madison County, Iowa, dated July 11, 1922, filed for record in Book 66, page 220, and to the State of Iowa, dated Jan. 4, 1932, filed for record in Book 70, page 263, of Madison County records.

That we well know that the "public highway as now used and traveled across said

fractional quarter prior to the relocation of said highway in 1922" referred to in said deed recorded in Deed Record 79, page 587, and the "public highway as now used over and across said tract", referred to in said deed recorded in Deed Record 75, page 583, and the "public highway over and across said lands" referred to in said deed recorded in Deed Record 72, page 312, and in said deed recorded in Deed Record 69, page 306, and as the "public highway as now used over and across" said Frl. SW¼ NE¼, referred to in said deeds recorded in Deed Record 61, page 465 and in Deed Record 61, page 467, in each and every instance refers to and is the "wagon road as now traveled" and the "public highway as now traveled" and the "public road as now traveled across said tract" and the "public highway as now used and traveled across said fractional quarter prior to the relocation of said highway in 1922", referred to in said conveyances to Green Merryman, B. H. Simpson, W. J. Ferrall, George Kitt and Emma Kitt, John W. Smith, F. L. Johnson, and C. Ira Gordon and Bessie Gordon hereinbefore mentioned, and that said "wagon road", "public road", and "public highway", wherever referred to in any of the conveyances herein mentioned, is the same road or highway as the road or highway designated as Highway "B" on the plat attached to and made part of the certain affidavit of F. Vernon Clark, Assistant County Engineer of Madison County, Iowa, dated Dec.9,1947, filed for record on Dec. 12, 1947, and appearing of record at page 51 of Miscellaneous Record 25; that said "wagon road" is still open and in use as a means of access to said cemetery; that it is not the same road or highway known as Highway No. 92 (formerly Highway No. 2) which traverses said Frl. SW¼ NE¼.

That to our knowledge, the said C. Ira Gordon and Bessie Gordon, together with their grantors, immediate and remote, have had, held, owned and enjoyed the full, absolute, adverse and peaceable possession of the whole of said Frl. SW¼ NE¼ lying North and East of said wagon road, since long prior to Jan. 1, 1920, and that to our knowledge no person, firm or corporation has made any claim of right, title or interest therein or thereto adverse to the right, title or interest of the said C. Ira Gordon and Bessie Gordon or their grantors therein or thereto since long prior to Jan. 1, 1920.

That all of said records are of Madison County, Iowa, and that we have no interest to serve in making this affidavit which is made at the request of the present owners of record C. Ira Gordon and Bessie Gordon, for the purpose of explaining the title to the real estate herein described and for the purpose of having this affidavit filed and recorded as provided by statute.

E. H. Quick
John A. Potter

NOTARIAL SEAL

Subscribed in my presence and sworn to before me by the said E. H. Quick and John A. Potter, affiants, this 12 day of December, A. D. 1947.

H. C. Fosher Notary Public
within and for Madison County, Iowa.

M. S. Creger
To
The Public

#5350
Fee $ .50 √

Filed for record the 13 day of December A. D. 1947 at 10:15 o'clock A. M.
Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Madison County.) ss;

I, M S Creger, of said county and state, being first duly sworn, on my oath depose and say that I have been a resident of Madison County, Iowa, for more than 30 years last past and during said time have lived in and near the town of Truro, in said county, and am well and personally acquainted with the persons hereinafter named, and know that wherever in the chain of title to Lot 22 and the East 10 feet of Lot 21, in Block 8 of the Original Town of Truro, in said county, the names Hattie Belle Atkinson and Hattie Atkinson appear, they refer to one and the same person, and that wherever in said chain of title the names Harold P. Atkinson and Harold Atkinson appear, they refer to one and the same person, and that wherever the names Mary Lucile White, Mary Lucille White and Lucille White appear, they