and say:

That I am a son of Thomas Gillespie, who by a Warranty Deed dated and filed of record April 14, 1916 in Deed Record 50 at Page 613, of the Deed Records of the County Recorder of Madison County, Iowa acquired from J. F. Quick and Margaret M. Quick, spouse of said grantor, the fee simple title to the following described real estate, to-wit:

A tract of land described as follows: Commencing at a point 33 feet North of the Southeast corner of the Northeast Quarter (¼) of the Southeast Quarter (¼) of Section Fifteen (15), in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa, and running thence North 13 rods and 4 feet, thence West 10 rods, thence South 13 rods and 4 feet, thence East 10 rods to the point of beginning,

and that I have been acquainted with said real estate since my father, Thomas Gillespie acquired title thereto as aforesaid, and that my father, Thomas Gillespie was the owner of the fee simple title to said real estate continuously and at all times until he conveyed said real estate by Warranty Deed to Michael Loftus on May 1, 1944, which deed is recorded in Deed Record 79 at Page 256 of the Deed Records of the County Recorder of Madison County, Iowa, and that I know of my own personal knowledge that C. J. Nuzum and Ada E. Nuzum did not at any time during the period hereinbefore stated from April 14, 1916 to March 1, 1944, own the real estate hereinbefore described, and that they did not have any right, title, claim or interest therein, and that the Warranty Deed from C. J. Nuzum and Ada E. Nuzum, his wife, to the Chicago Joint Stock Land Bank, dated February 22, 1927 and filed for record July 1, 1927 in Deed Record 66, Page 199 of the Deed Records of the County Recorder of Madison County, Iowa, which included the above described real estate and other lands was erroneous as to the above described real estate, and that at the time the said C. J. Nuzum and Ada E. Nuzum signed and executed said Warranty Deed they had no title in and to said real estate which they could have conveyed.

I further depose and say, that I have no interest in making this affidavit other than to establish of record as facts the statements herein contained.

F J Gillespie

NOTARIAL SEAL

Subscribed and sworn to before me and in my presence this 17 day of April, A.D. 1948.

Jno. N. Hartley Notary Public
in and for Madison County, Iowa.

James M Allen et al
To
United Dairy

#1920
Fee $ .70 VC

Filed for record the 20 day of April A. D. 1948 at 2:30 o'clock P. M.
Wilma M. Wade, Recorder

AGREEMENT

THIS AGREEMENT, Made and entered into this 13th day of March, A. D. 1948, by and between James _ Allen and Flora Clark, Parties of the First Part, and United Dairy, a corporation of Winterset, Iowa, Party of the Second Part, WITNESSETH:

WHEREAS, First Parties are the owners of the following described real estate, to-wit:

The North Forty-five (45) feet of Lot Three (3) in Block Eleven (11) of the Original Town of Winterset, Iowa, except sixteen (16) feet off the East side thereof for public alley,

and,

WHEREAS, Second Party has contracted to purchase the following described real estate, to-wit:

The South Twenty-two (22) feet of the North half (½) of Lots Three (3) and Four (4) of Block Eleven (11) of the Original Town of Winterset, Iowa, except sixteen (16) feet off the East side thereof for public alley,

and,

WHEREAS, Second Party has contracted to purchase certain rights in walls now located on the North and South side of said tract of real estate contracted to be purchased by Second Party, and,

WHEREAS, there is some question as to the exact location of the South line of the tract of real estate owned by First Parties, and,

WHEREAS, the Second Party is desirous of erecting a wall due East of and in line with the South wall of the building owned by Green-Rogers Post No. 184, Department of Iowa, American

Legion.

NOW THEREFORE it is agreed by and between the parties hereto in consideration of the covenants herein contained, as follows, to-wit:

1. Second Party shall have the right to construct and erect a wall with proper footings therefore due East of and in line with the South wall of the building now owned by said Green-Rogers Post No. 184.

2. Second Party agrees to construct and build said wall at its own expense and to build the same of sufficient thickness and strength to permit First Parties, or their assigns, to use said wall as a party wall.

3. Second Party agrees that after said wall is constructed it shall be considered as a party wall and First Parties shall be deemed to be the owners of one-half (½) thereof as owners of a wall in common.

4. Second Party agrees to pay for all repairs to said wall until such time as First Parties, or their assigns, shall build on to said wall, after which time the statutes of the State of Iowa governing party walls shall govern the rights of the parties hereto.

James M. Allen
Flora Clark Parties of the First Part
UNITED DAIRY
BY Doyle E. Frank President
Clarence Lucas Secretary
Party of the Second Part.

STATE OF IOWA MADISON COUNTY) ss

On this 3rd day of April, A. D. 1948, before me, Shirley A. Webster, a Notary Public in and for Madison County, State of Iowa, personally appeared James Allen to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

(Notarial Seal)

Shirley A. Webster Notary Public
in and for Madison County, Iowa.

STATE OF Iowa COUNTY OF Madison) ss

On this 3rd day of April, A. D. 1948, before me Shirley A. Webster a Notary Public in and for Madison County, State of Iowa, personally appeared Flora Clark to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

(Notarial Seal)

Shirley A. Webster Notary Public
in and for Madison County, State of Iowa.

STATE OF IOWA MADISON COUNTY) ss

On this 13th day of March, A. D. 1948, before me, Shirley A. Webster, a Notary Public in and for Madison County, State of Iowa, personally appeared Doyle E. Frank President, and Clarence Lucas Secretary of United Dairy the Corporation which executed the above and foregoing instrument, who being to me known as the identical persons who signed the foregoing instrument, and by me duly sworn, each for himself did say that they are respectively the President and Secretary of said Corporation, that said instrument was by them signed and sealed on behalf of the said Corporation by authority of its Board of Directors, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation, by it and each of them voluntarily executed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

Shirley A. Webster Notary Public
in and for Madison County, Iowa.

NOTARIAL SEAL