Alfred J. Schmuecker To The Public — #2176 — Fee $ .50

Filed for record the 27 day of February A. D. 1951 at 10:30 o'clock A. M.
Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Benton County) ss;

I, Alfred J. Schmuecker, of said county and state, being first duly sworn on my oath, depose and say that I have been a resident of Benton County, Iowa, for more than 20 years last past and was well and personally acquainted with George Frese, formerly a resident of Benton County, Iowa, who died testate in said county on or about Sept. 2, 1937, leaving a last will and testament with codicil thereto, which were admitted to probate in the District Court of Benton County, Iowa, on Sept. 24, 1937.

I further state that the said George Frese left no surviving spouse, he being a widower at the time of his death.

Alfred J. Schmuecker

Subscribed in my presence and Sworn to before me by the above named affiant this 24th day of February, A. D. 1951.

NOTARIAL SEAL

John E. Waychoff Notary Public within and for Benton County, Iowa.

Orvel White To The Public — #2193 — Fee $ .70

Filed for record the 27 day of February A. D. 1951 at 3:05 o'clock P. M.
Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Madison County) SS:

I, Orvel White, being duly sworn, depose and say: that I am a resident of Madison County, Iowa, and am of legal age; that I am well and personally acquainted with the following described real estate situated in Madison County, Iowa, to wit:

> The North Half of the Southwest Quarter of Section Twenty-six (26); and the North 50 acres of the East Half of the Southeast Quarter, and the East Half of the Northeast Quarter, and the East 30 acres of the Southwest Quarter of the Northeast Quarter, of Section 27; in Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa;

and that I have been well and personally acquainted with said real estate for more than 50 years, and have lived in the vicinity where said real estate is situated; that I am familiar with the location of a cemetery in the North Half of the Southwest Quarter of Section 26, Township 77 North, Range 28 West of the 5th P.M., and know that it contains about an acre located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 77 North, Range 28 West of the 5th P.M., and lies in a square form next to the north line thereof, and is fenced off as a separate tract, and the public highway running from the east to the west along the north side of said forty-acre tract in which said cemetery is located as aforesaid, makes a turn to the south at the east line of said cemetery and runs south to the south line of said cemetery, then runs west to the west line of said cemetery, then runs north to the north line of said forty-acre tract, and then runs west along the north line of said forty-acre tract, thus separating and setting off, by said public highway, said cemetery from the remainder of said Northwest Quarter of the Southwest Quarter of Section 26, Township 77 North, Range 28 West of the 5th P.M., and that said highway and said cemetery have been so located ever since I have known said real estate; that said cemetery has graves and monuments marking the graves of deceased persons buried therein; that said cemetery has usually been referred to as the Bennett Cemetery in that community, and many members of the Bennett families who lived in that community are buried there; that there has never been any other cemetery or other place used for burial of deceased persons in any part of any of said real estate hereinbefore described, since I have known said real estate, and there are no signs of any other cemetery or other place of burial used in any other part of said real estate, and I have never heard of any other, and there has never been any other tract of any other kind ever fenced off from or separated from or used separately, in any way, from the remainder of said real estate; that Jotham C. Blackburn and Elizabeth A. Blackburn, husband and wife, the holders of the record title of all

State of Iowa } ss.
Madison County }

I hereby certify that the annexed affidavit was filed by _____ the owners in possession of the Lands Mentioned therein. Dated February 27 1951

Wilma M. Wade Recorder

of said real estate hereinbefore described, and now in possession of all of the same, except said cemetery tract hereinbefore referred to as being separated from the remainder of the land by said public highway, and their grantors, immediate and remote, have been in actual, open, notorious, hostile, exclusive, continuous and adverse possession of all of said real estate, except said cemetery tract hereinbefore referred to as being separated by said public highway, under color of title and claim of right, since prior to January 1, 1901; that I have no interest in this matter except to help establish the facts; all of which is true, as I verily believe. Orvel White

NOTARIAL SEAL

Subscribed in my presence and sworn to before me by said Orvel White this 27th day of February, 1951.

Daniel J. Gallery Notary Public
in and for Madison County, Iowa.

Phil R. Wilkinson
To
The Public

#2194
Fee $.60

Filed for record the 27 day of February A. D. 1951 at 3:30 o'clock P. M.
Wilma M. Wade, Recorder

AFFIDAVIT

State of Iowa, Madison County) SS:

I, Phil R. Wilkinson, being duly sworn, depose and say: that I am the Phil R. Wilkinson who was the Executor of the Estate of Mary E. Cunningham, Deceased, No. 5205 Probate in Warren County, Iowa, District Court; that said Mary E. Cunningham died seized of real estate in Madison County, Iowa, described as the South 30 acres of the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter of the Northeast Quarter, of Section 8, and the Southwest Quarter of the Northwest Quarter of Section 9; all in Township 76 North, Range 26 West of the 5th P.M., and that said real estate was devised, in the last will and testament of said Mary E. Cunningham, to her sister, Katherine Beam, who lives at Winterset, Iowa; that where in the inventory of real estate in the Preliminary Inheritance Tax Report in said estate listing of made of South 30 acres of the SW¼ of the NW¼, in Section 8-76-26, the same is a typographical error, and the real estate intended to be listed there was South 30 acres of the SW¼ of the NE¼, in Section 8-76-26, and that in the Commission to Inheritance Tax Appraisers in said estate said real estate was correctly described as South 30 acres of the SW¼ of the NE¼, in Section 8-76-26, and was appraised by the Inheritance Tax Appraisers in said estate in accordance with said last-mentioned and correct description; that said real estate was correctly described in the Final Report in said estate; that said real estate devised to said Katherine Beam as aforesaid was never sold by the Executor of the said estate of Mary E. Cunningham, Deceased, for the payment of debts or bequests or for any other purpose, nor any power to sell, and it was not sold or disposed of in any way by any proceedings in said estate, neither in whole nor in part, and that inheritance and estate taxes, both State and Federal, on property passing to said Katherine Beam in said estate of Mary E. Cunningham, Deceased, were paid in full, and said real estate so devised to said Katherine Beam passed to her as beneficiary under said last will and testament of said Mary E. Cunningham, Deceased, without being affected in any way by any proceedings to sell or dispose of or mortgage or encumber in any way in said Estate of Mary E. Cunningham, Deceased, and said Katherine Beam took possession of said real estate devised to her, as described in said last will and testament of Mary E. Cunningham, Deceased, and has ever since had actual, open, exclusive possession of the same. All of which is true, as I verily believe. Phil R. Wilkinson

Subscribed in my presence and sworn to before me by said Phil R. Wilkinson on this 26th day of February, 1951.

Daniel J. Gallery Notary Public
in and for Madison County, Iowa.

NOTARIAL SEAL

State of Iowa } ss.
Madison County }

I hereby certify that the annexed affidavit was filed by ____ the owner in possession of the Lands Mentioned therein. Dated February 27 1951

Wilma M. Wade Recorder