W. G. Jackson &
F. R. Hunter
To
The Public

#2264

Fee $ 1.40 VGH

Filed for record the 24 day of March A. D. 1953 at 11:00 o'clock A. M.
Wilma M. Wade, Recorder
Mary E. Welty, Deputy

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF IOWA COUNTY OF MADISON: SS

I, W. G. Jackson and I, F. R. Hunter, BEING residents of Madison County, State of Iowa, and having resided in Madison County, Iowa, for a period of more than fifteen (15) years last past, each for himself and on his own behalf being first duly sworn on oath, depose and say, to-wit:

That my residence has been in the neighborhood of the following described real property, to-wit:

The South Half of the Southeast Quarter (S½ SE¼), and all that part of the North Half of the Southeast Quarter (N½ SE¼) lying South of the right-of-way of the Chicago, Rock Island and Pacific Railway Company, all in Section Three (3), Township Seventy-seven (77), North of Range Twenty-eight (28), West of the 5th P. M., Madison County, Iowa,

and that I have been acquainted with the ownership and occupancy thereof, and that I know of my own personal knowledge that John F. Prohaska, his heirs, grantors, and assigns is now in possession of all of said lands by due conveyance, and that the said John F. Prohaska, together with his grantors and predecessors in said possession, immediate and remote, has been in continuous, exclusive, open, notorious, hostile, and adverse possession of all of said above described land under claim of right and color of title since before January 1, 1940, and that no claim of any kind adverse to the possession and ownership of said party or parties aforementioned is now pending or has been asserted or made as to any of the above described real property, nor against the owners or occupants thereof since January 1, 1940.

I further state that I am in no way interested in the title to said real estate, but make this affidavit at the request of the present owner thereof for the purpose of establishing of the records, the facts as above set forth.

We further depose and say in connection with the chain of title to said real property that where the names John F. Prohaska and John Prohaska appear, it refers to one and the same person; namely, John F. Prohaska.

Further these affiants sayeth not.

Dated this 23 day of March, A. D., 1953.

W. G. Jackson
F. R. Hunter

Subscribed and sworn to before me and in my presence by the above named affiants on the day and year last above written.

H. Claude Peer Notary Public
(Notarial Seal) in and for Said County and State.

STATE OF IOWA, County of Madison: ss

I, the undersigned County Recorder in and for said County and State, hereby certify that the foregoing affidavit was filed in my office by H. Claude Peer, Attorney for the Executrix of the Last Will and Testament of John F. Prohaska, Deceased, as shown by the records, and entered on the records thereof on the 24th day of March, A. D., 1953.

Wilma M. Wade,
County Recorder, Madison County, Iowa.

I hereby authorize the County Recorder to file of record and record the above and foregoing affidavit of adverse possession.

H. Claude Peer

COMPARED

H. Claude Peer, Attorney for Emma Lyon, Executrix of Last Will and Testament of John F. Prohaska, Deceased, TITLEHOLDER OF RECORD.

C. J. Shelley
To
The Public

#2268

Fee $ 1.40 VGH

Filed for record the 24 day of March A. D. 1953 at 4:20 o'clock P. M.
Wilma M. Wade, Recorder
Mary E. Welty, Deputy

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS

I, C. J. Shelley of said County and State, being first duly sworn, on oath depose and

say that I am the son of James Shelley and Maggie M. Shelley; that my father was generally known as Jim Shelley and that death record 4 at Page 145 of the records of the office of the Clerk of the District Court of Madison County, Iowa, shows his death at the age of 70 years on May 9, 1949; that his true and correct name is James Shelley and that he was named as one of the grantees in a warranty deed dated March 1, 1946, and found of record in Town Lot Deed Record Book 31 at Page 368 of the records of the Office of the County Recorder of Madison County, Iowa.

That on March 1, 1946, my mother, Maggie M. Shelley, purchased from Pearl M. Kirkland and Gale Kirkland Lot Nine (9) in Block Eighteen (18) of West Addition to the Town of Winterset, Madison County, Iowa, and at said time received a warranty deed in which the grantees were described as James Shelley and wife, Maggie M. Shelley, as joint tenants with right of survivorship and not as tenants in common; that I knowof my own personal knowledge, that the consideration paid for said property was paid from funds belonging to my mother which she has saved up in previous years; that it was at her direction and instruction that the grantees in said deed were described as they were, it being her thought and intention that if she predeceased my father, he would become the owner of said property; that it is my remembrance, although I could be mistaken, that the amount of money paid by my mother for Lot Nine (9) in Block Eighteen (18) of West Addition to the Town of Winterset, Madison County, Iowa, was Forty-six Hundred ($4,600) Dollars,

That neither my father, James Shelley, nor my mother, Maggie M. Shelley, at any time ever made a federal gift tax report to the Government of the United States of America; that they never made any gift to each other or to any other person that would bring them under the Federal Gift Tax Statute and require their making such a report.

That my father, James Shelley, who was also known as Jim Shelley, died May 9, 1949, a resident of Madison County, Iowa; that at the time of his death he left surviving him my mother, Maggie M. Shelley, and three children as his sole and only heirs-at-law, to-wit: Mary Shelley Aikin, Helen Shelley Davis and myself, C. J. Shelley; that said three children of my father were the sole and only heirs-at-law of my mother, Maggie M. Shelley; that they were of legal age prior to the death of my father and are still living.

That neither my father nor my mother had any other children born to their union, neither did they ever adopt any child or children; that no estate was probated on the death of my father for the reason that he had no property to be administered upon, neither did he have any unpaid debts, liabilities or obligations; that the costs and expenses of his funeral and last sickness were paid by my mother, Maggie M. Shelley; that my father had no life insurance at the time of his death.

That my father was retired at the time of his death, having been inactive for a period of some four or five years; that he had no income which required him to make income tax returns, either federal or state, and that he did not make such returns after he became inactive in business and labor.

Further I sayeth not. C. J. Shelley

NOTARIAL SEAL

Subscribed in my presence and sworn to before me by the said C. J. Shelley this 24th day of March, A. D. 1953.

Charles D. Van Werden Notary Public in and for said County.

Fern Jackson To The Public — #2287 Fee $1.00 VGH — Filed for record the 25 day of March A. D. 1953 at 10:18 o'clock A. M. Wilma M. Wade, Recorder

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) ss

I, Fern Jackson, being first duly sworn on oath depose and say, that I was the grantor named in one certain Warranty Deed dated December 15, 1945, executed by me and my husband, conveying the following described real estate, to-wit: