Miscellaneous Record, No. 26, Madison County, Iowa

Arthur Purvis et al
To
The Public

#4957
Fee $2.80 VS
AFFIDAVIT

Filed for record the 25 day of August A. D. 1955 at 10:30 o'clock A.M.
Mary E. Welty, Recorder

STATE OF IOWA MADISON COUNTY) SS:

We, Arthur Purvis and Lewis Mease, being duly sworn, depose and say: that we are both residents of Truro, in Madison County, Iowa, and that we have lived in this community for at least 45 years last past, continuously; that we were acquainted with Walter E. Roby, who is deceased, and who was a resident of Truro, Iowa, at the time of his death and who died in the year 1925, and we were also acquainted with Florence L. Roby, the widow of said Walter E. Roby, and that said Florence L. Roby, died in the month of December in the year 1954, without having re-married since the death of said Walter E. Roby, and we were well and personally acquainted with both said Walter E. Roby and Florence L. Roby as far back as the year 1910, at least; that for a period of time dating back to as far as the year 1910, at least, we have been personally acquainted with the real estate in the Town of Truro in Madison County, Iowa, hereinafter described and referred to; that we know the location of the real estate which is shown as Out Lot Six (6) in the Town of Truro, Iowa, in the official plat of the Town of Truro, Iowa, which was originally platted as the Town of Ego, in Madison County, Iowa; and we know of our own knowledge that in said Town of Truro, Iowa, certain real estate has been generally and usually known and described and referred to as Out Lot Seven (7) in the Town of Truro, Iowa, and we know the real estate which has been so known and described and referred to, and we know that certain real estate which has been generally and usually known and described and referred to as Out Lot Seven (7), south of Prairie Street, in the Town of Truro, Iowa, is that real estate which is bounded by and included within a line commencing sixty feet east of the northeast corner of Block Nine (9) of the Original Town of Truro, Iowa, and running thence east to a point fifty feet south of the southeast corner of Out Lot Five (5) in the Town of Truro, Iowa, which point is on the east boundary line of the Town of Truro, Iowa, and running thence south to the northeast corner of Out Lot Six (6) in the Town of Truro, Iowa, and running thence to the northwest corner of said Out Lot Six (6) in the Town of Truro, Iowa, and running thence North to the place of beginning, and that the right of way of The Chicago, Burlington & Quincy Railroad Company is located upon a portion of said real estate in the northeast part thereof; and we are acquainted with the real estate heretofore conveyed to Beryl Lawrence, described as a tract bounded by and included within a line commencing at the southwest corner of Out Lot Six (6) in the Town of Truro, Iowa, running thence north 132 feet, thence east 162 feet, thence south 132 feet, thence west to the place of beginning; and we know that said Walter E. Roby in the year 1911 entered into possession of the real estate in the Town of Truro, in Madison County, Iowa, described as follows, to wit:

> Out Lot Six (6) in the Town of Truro, Iowa, excepting therefrom all of that part thereof included in the real estate described as bounded by and included within a line commencing at the southwest corner of said Out Lot (6), running thence north 132 feet, thence East 162 feet, thence south 132 feet, thence West 162 feet to the place of beginning, which excepted part has heretofore been conveyed to Beryl Lawrence, and,
>
> also, the real estate which is bounded by and included within a line commencing sixty feet east of the northeast corner of Block Nine (9) of the Original Town of Truro, Iowa, and running thence east to a point fifty feet south of the southeast corner of Out Lot Five (5) in the Town of Truro, Iowa, which point is on the east boundary line of the Town of Truro, Iowa, and running thence south to the northeast corner of Out Lot Six (6) in the Town of Truro, Iowa, and running thence to the northwest corner of said Out Lot Six (6) in the Town of Truro, Iowa, and running thence north to the place of beginning, except that part thereof lying within the right of way of The Chicago, Burlington & Quincy Railroad Company, being also known and described and referred

State of Iowa
Madison County } ss.
I hereby certify that the annexed affidavit was filed by
the owner in relation of the
Lands Mentioned therein. Dated Aug 25 1955
Mary E. Welty, Recorder

to as Out Lot Seven, south of Prairie Street, in the Town of Truro, Iowa, except that part lying within the right of way of The Chicago, Burlington & Quincy Railroad Company;

and that said Walter E. Roby remained in possession of said real estate from the time he took possession thereof, as aforesaid, in the year 1911, until his death in the year 1925, and that from and after his death his widow, Florence L. Roby, was in possession thereof until her death in December, 1954, and that from and after her death all of said real estate which lies east of a line running from north to south through said real estate from a point 240 feet east of the northeast corner of Block Nine (9) of the Original Town of Truro, Iowa, to the boundary line on the south side of said Out Lot Six (6) in the Town of Truro, Iowa, has been, and still is, in the possession of the four children of said Walter E. Roby, to wit: Russell R. Roby, Paul O. Roby, Grace Mack and Alvin W. Roby, and the rest of said real estate was in the possession of said four children of Walter E. Roby, until Orville L. Fitzgerald and Evelyn E. Fitzgerald, husband and wife, went into possession thereof in the year 1955, under contract for the purchase thereof from said four children of Walter E. Roby, and since then has been, and still is, in the possession of said Orville L. Fitzgerald and Evelyn E. Fitzgerald, under such contract, and that we are, and at and during all time mentioned herein have been, acquainted with said Orville L. Fitzgerald and Evelyn E. Fitzgerald and said four children of Walter E. Roby, and that the possession of said Walter E. Roby and of said Florence L. Roby was, and the possession of said Russell R. Roby, Paul O. Roby, Grace Mack and Alvin W. Roby has been, and except as to the part now in the possession of said Orville L. Fitzgerald and Evelyn E. Fitzgerald, as aforesaid, now is, and the possession of said Orville L. Fitzgerald and Evelyn E. Fitzgerald, as to the part now in their possession, has been, and now is, actual, open, notorious, exclusive, hostile and adverse possession, under color of title and claim of right; that from our acquaintance for at least forty-five years with the whole area within the corporate limits of the Town of Truro, Iowa, we know that the only real estate which has ever been known or referred to as Out Lot Seven (7), south of Prairie Street, in the Town of Truro, Iowa, in Madison County, Iowa, is that same real estate which we have hereinbefore described by metes and bounds as Out Lot Seven (7), south of Prairie Street, in the Town of Truro, Iowa; that said Walter E. Roby was sometimes known and referred to as W. E. Roby and that wherever in the chain of title to any of the real estate hereinbefore described the name W. E. Roby appears, it refers to the same person as the said Walter E. Roby hereinbefore mentioned, whose estate was No. 3231 Probate in Madison County, Iowa, District Court, he having died in the year 1925, and who was the husband of said Florence L. Roby and the father of said Russell R. Roby, Paul O. Roby, Grace Mack and Alvin W. Roby; all of which is true, as we verily believe.

Arthur Purvis
Lewis Mease

Subscribed in my presence and sworn to before me by said Arthur Purvis and said Lewis Mease on this 11th day of August, 1955.

NOTARIAL SEAL

(Notarial Seal)

Cora B. Danielson Notary Public in and for Madison County, Iowa.

Asa E. Smith
To
The Public

#4971

Fee $1.20 ✓5

Filed for record the 26 day of August A. D. 1955 at 2:30 o'clock P. M.

Mary E. Welty, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss.

I, Asa E. Smith, being sworn, depose and say as follows:

That I am now and have been for more than 33 years last past, a resident of Winterset, in Madison County, Iowa.

That I was well and personally acquainted with Ida Poffinbarger who is named as grantee in a certain deed executed by J. R. Holloway and wife, of date Mar. 4, 1898, filed for