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

record on Mar. 7, 1898, and recorded in Deed Record 9, at page 266, of Madison County, Iowa, records, which conveyed Lots 3 and 4, in Block 5, in North Addition to the Original Town of Winterset, Iowa, and with the members of her family. That I was a near neighbor of the said Ida Poffinbarger and her family, and that the statements herein made are from personal knowledge or from information whose source I have never questioned.

That the said Ida Poffinbarger departed this life, intestate, on or about Oct. 23, 1926, seized of the real estate hereinbefore described, leaving surviving her, her husband, George W. Poffinbarger, and her sole and only heir at law, her daughter, Jessie M. Poffinbarger, who was at that time of legal age. That no administration was had upon the estate of the said Ida Poffinbarger, deceased, but that to the best of my information and belief, all of her debts, including the expenses of her last illness and funeral, have long since been fully paid by her said surviving husband and daughter. That to the best of my knowledge, information and belief, the said Ida Poffinbarger was possessed of no other real estate, which had a value of not to exceed $2500.00 at the time of her death; that she owned no personal property other than a few articles of a personal character of trivial value, and that her estate was, to the best of my knowledge, information and belief, exempt from payment of a State or Federal tax of any kind.

That I am in no way interested and make this affidavit at the request of Jessie Poffinbarger Murphey who is the same person as the above mentioned Jessie M. Poffinbarger and present owner of the real estate above described, for the sole purpose of establishing of record the matters herein related.

Asa E. Smith

Subscribed in my presence and sworn to before me by Asa E. Smith, affiant, this 26 day of August, A. D. 1955. NOTARIAL SEAL

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

Stanley Croft #5087
To
The Public

Fee $1.00

Filed for record the 1 day of September A. D. 1955 at 10:30 o'clock A. M.

Mary E. Welty, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss:

I, Stanley Croft of said County and State upon my oath depose and say that I am one of the grantees in the Deed from Edwin E. Kirkland and Frances C. Kirkland, husband and wife dated March 10, 1953, and recorded in Town Lot Deed Record 34, page 51 in the Office of the Recorder of Madison County, Iowa, conveying to me and my wife, Catherine Croft, real estate in the City of Winterset, Madison County, Iowa, described as the East 63½ feet of the West 127½ feet of Lot 3 and the East 24 feet of Lot 10 of Burger's Four Acre Lot in said City, in which deed we are grantees as joint tenants, and not as tenants in common, with right of survivorship, and that my said wife, Catherine Croft, and I each furnished one-half of the consideration for the purchase of said real estate and for the improvements which we made on said real estate after the said deed was made to us; and that neither my wife nor I had any other real estate transactions during the year 1953.

I further state that no gift was made by either of us to the other grantee in said deed and for that reason said transaction was not subject to the provisions of the Internal Revenue Code with reference to Gift Taxes.

Stanley Croft

SUBSCRIBED and SWORN TO BEFORE me by the above named affiant this 31st day of August, A. D. 1955.

Harry F. Anderson Notary Public
in and for Madison County, Iowa.

NOTARIAL SEAL