and that I have been acquainted with the ownership and occupancy thereof, and that I know of my own personal knowledge that F. R. Hunter, his heirs, grantors and assigns is now in possession of all of said lands by due conveyance, and that the said F. R. Hunter 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 owner 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 the records of the facts as above set forth.

Further this affiant sayeth not.

Dated this 29 day of February, A.D., 1956.

Earl Schalkle
Leslie R. Goeldner

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

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

F. R. Hunter Titleholder of Record

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 of the 13 day of March, A.D., 1956 by the owner in possession as named in said affidavit or by the attorney in fact, as shown by the record, and entered on the records thereof.

COMPARED Mary E. Welty, County Recorder

W. F. Craig To The Public | #1358 Fee $2.80 V C.H. | Filed for record the 13 day of March A. D. 1956 at 10:05 o'clock A.M. Mary E. Welty, Recorder

AFFIDAVIT

STATE OF ILLINOIS CHAMPAIGN COUNTY) SS

I, W. F. CRAIG, being first duly sworn on oath depose and state that I was a lifelong resident of Madison County, Iowa, until the year 1932; that I was well and personally acquainted with William Brinson who died testate, a resident of Madison County, Iowa, on December 27, 1929, and that I was on June 2, 1930, appointed Executor of the Last Will and Testament of the said William Brinson, together with the Codicils to said Last Will and Testament, all of which Will and Codicils were duly admitted to probate on May 23, 1930.

2. That at the time of the death of the said William Brinson, he was the owner of certain real estate, a part of which is described as follows, to-wit:

> A tract of land commencing at a point 300 feet West and 42 feet 8 inches South of the Northeast corner of the Southwest Quarter of Section 36, Township 76 North, Range 28, West of the Fifth P.M., Madison County, Iowa, and running thence South 683 feet 4 inches to the middle of the road, thence West 320 feet 2 inches, thence North 683 feet 4 inches, thence East 320 feet 2 inches to the point of beginning.

3. That in the estate proceedings of the said William Brinson, deceased, being Probate File No. 3562, and found in Docket "I" at Page 397 of the records of the office of the Clerk of the District Court of the State of Iowa, in and for Madison County, there

was duly filed on June 11, 1930, the Probate Inventory, Report of Beneficiaries and Real Property and Preliminary Inheritance Tax Report, which described said real estate as follows, to-wit:

> 4.75 acres in the Southwest Quarter of Section 36, Township 76 North, Range 28, West of the Fifth P.M.,

4. That in the Last Will and Testament of William Brinson, deceased, duly admitted to probate as aforesaid, after providing for the devise of specific real estate and items of personal property, the Decedent's Last Will and Testament provided as follows:

> "6. After complying with the above bequests it is my will and I hereby direct that all of the remainder of my property, both real and personal, be converted into money by my Executor hereinafter named, within a reasonable time after my death, and I will, devise and bequeath to W. F. Craig as Trustee for the use and benefit of the Church of Christ of Winterset, Iowa, one-fourth of the remainder of my estate, said amount to be invested by said Trustee or his successors in first mortgage real estate loans upon Madison County, Iowa, land only, upon approval of such investments by the District Court of Madison County, Iowa...."

5. That subsequent to the aforementioned proceedings, and in pursuance of the testamentary direction set out in the Last Will and Testament of William Brinson, deceased, as hereinbefore set out, this Affiant as Executor of said Decedent's estate on July 12, 1930, filed his duly verified Report of Sale showing that he had entered into a written contract with T. F. Ruth to convey by Executor's Deed for Three Thousand ($3,000) Dollars, real estate which was described in said Report of Sale as follows, to-wit:

> Beginning at a point 300 feet West and 42 feet 8 inches South of the Northeast corner of the Southwest Quarter of Section 36, Township 76 North, Range 28, West of the Fifth P. M., running thence South 683 feet 4 inches to the center of the road, thence West 256 feet 5 inches, thence North 683 feet 4 inches, thence East 256 feet 5 inches to the place of beginning, all in Township 76 North, Range 28, West of the Fifth P. M., Iowa.

That said real estate as last described herein and as described in said Report of Sale was erroneous and described only a portion of the real estate intended by this Affiant to be described and conveyed to the said T. F. Ruth, and intended by the said T. F. Ruth to be purchased, and that said Report of Sale should have described said real estate as is described in Paragraph 2 of this Affidavit. That thereafter there was filed on August 2, 1930, an assignment by T. F. Ruth of his interest in the real estate intended to be sold by this Affiant as Executor of the estate of William Brinson, deceased, as aforesaid, transferring and conveying unto his wife, Venecia G. Ruth, all of his right, title and interest under the contract of sale entered into with this Affiant as Executor as aforesaid, and that said assignment likewise erroneously described said real estate and described the same as set out in this paragraph, and which real estate likewise should have been described as is set out in Paragraph 2 of this Affidavit. That thereafter on August 2, 1930, an Executor's Deed was executed by this Affiant as Executor of the estate of William Brinson, conveying to Venecia G. Ruth real estate, which deed likewise erroneously described said real estate as is hereinbefore set out in this paragraph of this Affidavit, and which likewise should have described said real estate conveyed as is described in Paragraph 2 of this Affidavit.

6. That throughout the probate proceedings of William Brinson, deceased, it was the intention of this Affiant as Executor, and the intention of T. F. Ruth and Venecia G. Ruth that the real estate to be conveyed by this Affiant as Executor and received by the said T. F. Ruth and Venecia G. Ruth respectively as contract-purchaser and assignee-grantee was as follows, to-wit:

> A tract of land commencing at a point 300 feet west and 42 feet 8 inches South of the Northeast corner of the Southwest Quarter of Section 36, Township 76 North, Range 28, West of the Fifth P. M., Madison County, Iowa, and running thence South 683 feet 4 inches to the middle of the road, thence West 320 feet 2 inches, thance North 683 feet 4 inches, thence East 320 feet 2 inches to the point of beginning,

and that wherever in said estate proceedings of William Brinson, deceased, said real estate is otherwise described, the same was erroneously and inadvertently so described, and that it was the intention of this Affiant as Executor and all other parties concerned that there be conveyed all of the real estate owned by the Decedent and situated in Township 76 North, Range 28, West of the Fifth P. M.

7. That Venecia G. Ruth, the purchaser under said Executor's Deed hereinbefore referred to, occupied the whole tract of land intended to be conveyed as last described herein and has at all times since August 2, 1930, occupied the entire tract of real estate intended to be conveyed as last described herein, and has been in continuous, actual, visible, open, notorious, exclusive and hostile adverse possession thereof under color of title and claim of right as against all the world, and personally claims the same, paid the taxes thereon, and that neither the title nor the right to possession of said present owner, Venecia G. Ruth, has been disputed or attacked by anyone.

8. This Affiant further states that he has no personal interest in said real estate and makes this affidavit at the request of the present owner thereof in support of the title in order that the same may be filed for record under the provisions of Section 614.17 of the 1954 Code of Iowa; that I have read the foregoing Affidavit and know the contents thereof and that the statements and allegations therein contained are true and correct as I verily believe.

Dated at Champaign, Illinois, this 24 day of February A. D. 1956.

W. F. Craig

Subscribed and sworn to before me this 24th day of February A. D. 1956.

(Notarial Seal) James L. McDonald Notary Public in and for said County.

I, Mary E. Welty, County Recorder in and for the County of Madison and State of Iowa, do hereby certify that the above and foregoing affidavit was filed in the office - - by the owners in possession as named in said affidavit, or by their attorney in fact as shown by said records, and recorded and entered on the records thereon on the 13th day of March A. D. 1956.

COMPARED

Mary E. Welty County Recorder
Madison County, Iowa

D. E. Hollingsworth & Ernest J. McNamara
To
The Public

#1359

Fee $1.20

Filed for record the 13 day of March A. D. 1956 at 10:08 o'clock A. M.

Mary E. Welty, Recorder

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS

We, D. E. Hollingsworth and Ernest J. McNamara, of said County and State, being first duly sworn, on oath depose and state that at all times since prior to September 1, 1930, we have been well and personally acquainted with the following described real estate situated in Madison County, Iowa, to-wit:

> A tract of land commencing at a point 300 feet West and 42 feet and 8 inches South of the Northeast corner of the Southwest Quarter of Section 36, Township 76 North, Range 28, West of the Fifth P. M., Madison County, Iowa, and running thence South 683 feet 4 inches to the middle of the road, thence West 320 feet 2 inches, thence North 683 feet 4 inches, thence East 320 feet 2 inches to the point of beginning,

and with the ownership and occupancy thereof and that we are personally acquainted with Venecia G. Ruth, the present owner thereof, and know that she is in actual possession of said real estate and that since prior to September 1, 1930, she has been in continuous, actual, visible, open, notorious, hostile, adverse possession thereof, under color of title and claim of right against all the world, and have improved said land either