Miscellaneous Record, No. 26, Madison County, Iowa

H. G. Tilton
To
The Public

#3297
Fee $1.00

Filed for record the 3 day of August A. D. 1960 at 1:30 o'clock P. M.
Mary E. Welty, Recorder

AFFIDAVIT

State of Iowa, Madison County, ss:

I, H. G. Tilton, of said county and state, being first duly sworn on oath, depose and say that I am well and personally acquainted with the E. M. Fisher and Etta Fisher named as grantees in the warranty deed dated Nov. 29, 1940, recorded in Town Lot Deed Rec. 26, page 567, of the records of Madison County, Iowa, conveying Lots 9 and 10 in Block 1 of Lindsey's Addition to Winterset, Iowa, and know that wherever in the chain of title to said real estate the names E. M. Fisher, Edwin M. Fisher, Edwin Fisher, or Edmond M. Fisher, appear, they refer to one and the same person, and that wherever in said chain of title the names Etta Fisher or Rosetta Fisher appear, they refer to one and the same person; that the said E. M. Fisher died intestate in Madison County, Iowa, on or about Sept. 19, 1950, leaving no children, either natural or adopted, and no issue of any deceased or adopted child or children, and that he was survived by his said wife, Etta Fisher. That the only property owned by the said E. M. Fisher at time of death was his undivided 1/2 interest in the above described real estate, which had a total value at the date of his death of not to exceed $1,250. and that he owned no personal property of any value, but that his just debts and expense of burial and last illness were fully paid, and that his estate was not administered in any court, and that he left no life insurance.

H. G. Tilton

Subscribed in my presence and Sworn to before me by the above named affiant this 2 day of August, A. D. 1960.

NOTARIAL SEAL

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

Eugene McNamara
To
The Public

#3359
Fee $1.40

Filed for record the 11 day of August A. D. 1960 at 1:15 o'clock P. M.
Mary E. Welty, Recorder
Shirley G. Henry, Deputy

AFFIDAVIT

State of Iowa, Madison County) ss:

I, Eugene McNamara, being duly sworn, depose and say: that I am of legal age, and am a resident of Madison County, Iowa, and have been a resident of Madison County, Iowa, at all times referred to herein, and that I am now, and for a number of years past have been, an auctioneer and a real estate dealer, and that at all times referred to herein I have been acquainted with the ownership and possession of the following described real estate in Madison County, Iowa, to wit:

> The Northwest Quarter of the Southwest Quarter of Section 23, in Township 76 North, Range 28 West of the 5th P.M., except a tract described as follows: Commencing at the Northeast corner of said Forty-acre tract, thence West along the North line thereof 123.16 feet, thence Southeasterly 447.54 feet to a point on the East line thereof 430.68 feet South of the place of beginning, thence North along the East line thereof 430.68 feet to the place of beginning, conveyed to Chicago, Rock Island and Pacific Railroad Company,

and that I was personally acquainted with Alf Krysan, who died on June 28, 1960, a resident of Madison County, Iowa, and whose estate is No. 6170 Probate in Madison County, Iowa, District Court, and that I am personally acquainted with Louise Krysan, the widow of said Alf Krysan, and I know that said Alf Krysan and his wife, Louise Krysan, acquired said real estate as joint tenants, with right of survivorship and not as tenants in common, by a deed from Harry N. Christensen and wife, dated October 1, 1957, and that I acted as real estate agent on said transaction, and that said Alf Krysan and Louise Krysan went into possession of said real estate thereafter and remained in possession of the same until

contract for sale of said real estate, dated May 23, 1960, was made by them with Harold C. Roth and Mary Ann Roth, husband and wife, of Polk County, Iowa, as joint tenants and not as tenants in common, with the right of survivorship, and that I am personally acquainted with said Harry N. Christensen, and also with Charles B. Binns, of Madison County, Iowa, and I know that said Harry N. Christensen acquired ownership of said real estate by deed from Charles B. Binns and wife, ~~and/and/and~~, and I know that said Charles B. Binns was the owner in possession of said real estate prior to January 1, 1940, and continued to be the owner in possession thereof until he sold the same to said Harry N. Christensen, and that said Charles B. Binns, Harry N. Christensen and Alf Krysan and Louise Krysan, as joint tenants, with right of survivorship and not as tenants in common, were in actual, open, notorious, exclusive, continuous, hostile and adverse possession of said real estate, under color of title and claim of right, under their respective ownerships, from a point of time prior to January 1, 1940, until the said contract hereinbefore referred to was made by said Alf Krysan and Louise Krysan for sale to said Harold C. Roth and Mary Ann Roth, as aforesaid; that I have no interest in this matter except to help establish the facts.

Eugene McNamara

Subscribed in my presence and sworn to before me by said Eugene McNamara the 11th day of August, 1960.

NOTARIAL SEAL

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

Roscoe Tyer
To
The Public

#3393

Fee $1.00

Filed for record the 16 day of August A. D. 1960 at 9:45 o'clock A. M.
Mary E. Welty, Recorder
Shirley G. Henry, Deputy

AFFIDAVIT

State of Iowa, Madison County, ss.

I, Roscoe Tyer, a resident of said State and County, being sworn, depose and say as follows:

That I am a son of the Lillie B. Tyer and a brother of the Margaret Cameron and of the Ruth Tyer who are named as grantees in a certain warranty deed dated Mar. 1, 1947, executed by Arling E. Smith and Mabelle Smith, husband and wife, filed for record May 1, 1947, and recorded in Deed Record 33, at page 1, of Madison County, Iowa, records, conveying to Lillie B. Tyer a life estate, and to Ruth Tyer, Earl Tyer, Gilbert Tyer, Roscoe Tyer, Esther Pilmer, Margaret Cameron and Calvin Tyer the fee simple title, subject to said life estate, as joint tenants and not as tenants in common, with full right of survivorship, to the following described premises in Madison County, Iowa, to-wit: Commencing at the Northeast corner of Original Out Lot 15 of East Addition of Out Lots to the City of Winterset, and running thence West 63 feet, thence South 140.25 feet, thence East 63 feet, thence North to the point of beginning.

That the husband of the said Margaret Cameron died subsequent to the execution of said deed, and that subsequent to his death, the said Margaret Cameron married one Gene Peterson, and that her name is now Margaret Peterson.

That the full name of the said grantee, Ruth Tyer, was Ruth Wilma Tyer, and that the Ruth Wilma Tyer who is shown by Death Record 4, page 178, in the office of the Clerk of the District Court of Madison County, Iowa, to have departed this life on Sept. 26, 1950, was the same and identical person as said grantee, Ruth Tyer.

That the said Lillie B. Tyer, mother of this affiant, died on Oct. 18, 1959.

That by reason of the deaths of the said Ruth Wilma Tyer and the said Lillie B. Tyer, the surviving grantees, Earl Tyer, Gilbert Tyer, Roscoe Tyer, Esther Pilmer, Margaret Peterson and Calvin Tyer are now the full and absolute owners of the whole of the real estate above described.