

216463 C. J. COMPARED

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS.

Orville C. Surber and

Mrs. O. C. Surber

to

The Public.

A F F I D A V I T

Orville C. Surber and Jennie Surber his wife, (otherwise known as Mrs. O. C. Surber) each being personally sworn upon oath states:

That they are the owners of real estate in Tulsa, County, as follows, to-wit;
Lots Forty-four (44), Forty-five (45) and Forty-six (46) in Block
Nine (9) of the Forest Park Addition to the City of Tulsa, Tulsa,
County, Oklahoma, as shown by the recorded re-amended plat thereof.

That on February 19, 1919 these affiants bought and purchased said lots forty
five (45) and Forty-six (46) above described from the Forest Park Company receiving
therefore a warranty deed which was recorded on October 6, 1919 and appears in book 282,
page 72 of the records of the County Clerk of Tulsa County. That these affiants on
October 6, 1919 obtained a mortgage from the Aetna Loan Association for Two Thousand
Dollars (\$2000.00) on said Lots Forty-five (45) and Forty-six (46), above described and
gave therefore a mortgage in the sum of Two Thousand Dollars (\$2000.00) which was re-
corded on the same date in the office of the County Clerk and appears in book 299 at
page 349 in said office.

Affiants further state that they bought and purchased, from Elmer R. Wells
and received a deed therefor on June 3, 1921, lot No. Forty-four (44) above described,
which said deed was recorded on June 15, 1921 in the office of the county clerk of Tulsa
County, Oklahoma, and appears in book 366 at page 347.

Affiants further state that they have never made, executed or delivered any
instrument in writing to any person other than above stated and specifically deny that
they or either of them signed or had signed, or knew that an instrument had been signed
until recently, purporting to be a power of attorney from these affiants, from Orville
C. Surber and Mrs. O. C. Surber, to Dr. H. A. Jergesen purporting to give him a power
of attorney over lots Forty-four (44) Forty-five (45) and Forty-six (46) above described,
which purported instrument bears the date of October 6, 1919, was filed of record in
the office of the County Clerk on December 7, 1920 and is recorded in book 312 at
page 504 in that office.

Affiants further state that they did not make, execute or deliver one certain
purported warranty deed purported to be executed by these affiants, by Orville C. Surber
and Mrs. O. C. Surber, to Dr. H. A. Jergessen, bearing the date of October 6, 1919, be-
ing recorded in the office of the County Clerk on June 28, 1922, some time after the
death of Dr. Jergesen and recorded in book 401 at page 25 purporting to convey lots Forty
four (44), Forty-five (45) and Forty-six (46) above described.

Affiants further state that they nor neither of them had anything to do with,
had any knowledge of, countenanced, approved, allowed or knew of any power of attorney
or warranty deed being made to Dr. H. A. Jergesen concerning these lots and declare that
any instrument so made, executed or delivered was not made by them or either of them and
was wholly unauthorized.

Further affiants saith not .

Orville C. Surber

Jennie Surber