AFFIDAVIT

STATE OF IOWA )
) ss:
JONES COUNTY )

I, Nick Strittmatter, being first duly sworn, on oath do depose and state as follows:

1. I am now, and have been at all times material hereto, a partner in the law firm of Locher, Locher & Strittmatter of Monticello, Iowa, which firm, through Stephen E. Locher, represented the Defendant Town of Delhi, Iowa in Equity No. 2059 in the Iowa District Court for Delaware County, captioned "Regina M. Schmidt, Plaintiff, v. Town of Delhi, et al, Defendants."

2. My partner, Stephen E. Locher, was at all times material hereto the City Attorney for the City of Delhi, Iowa, and was the representative of our firm who handled said litigation on behalf of the City of Delhi.

3. Although technically at the time of said litigation the named Defendant was "Town of Delhi," said action was defended on behalf of the "City of Delhi," an Iowa Municipal Corporation, and all references in said litigation to "Town of Delhi" were to one and the same identical governmental entity as the "City of Delhi," an Iowa Municipal Corporation.

4. This Affidavit is given pursuant to Section 558.8 of the Code of Iowa (1993) for the purpose of explaining a defect in the chain of title to the following described real estate situated in Delhi, Delaware County, Iowa, to-wit:-

> Lot Twenty Seven (27) of Out Lots of Delhi, according to plat recorded in Book A L.D., Page 238, except that part thereof described as commencing at the Southwest corner of said Lot Twenty Seven (27), and running thence North 89° 37' East two hundred eighty nine (289.0) feet along the South line of said Lot, thence North one hundred fifty (150.0) feet, thence South 89° 37' West two hundred eighty nine (289.0) feet to the west line of said Lot, thence South one hundred fifty (150.0) feet to the point of beginning; and that part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M. described as commencing at the Northwest corner of Lot Twenty Seven (27) of Out Lots of Delhi, and running thence East on the North line of said Lot Twenty Seven (27) and the extension thereof to a

FILE No. 25-3045
RECORDING FEE $ 11.00
TRANSFER FEE $
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STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Aff.

point that is thirty three (33.0) feet East of the Northeast corner of said Lot Twenty Seven (27), thence North four (4.0) feet, thence West on a line parallel with the North line of said Lot Twenty Seven (27) to the extended West line of said Lot Twenty Seven (27), thence South four (4.0) feet to the point of beginning; also that portion of Second Street commencing at the Northeast corner of Out Lot Twenty Seven (27), thence East thirty three (33) feet to the midpoint of the line connecting the Northeast corner of Out Lot Twenty Seven (27) and the Northwest corner of Out Lot Twenty Six (26), thence South on a line parallel to the Eastern boundary of Out Lot Twenty Seven (27) and the Southwest corner of Out Lot Twenty Six (26), thence West thirty three (33) feet to the Southeast corner of Out Lot Twenty Seven (27), thence North along the Eastern boundary of Out Lot Twenty Seven (27) to the point of beginning, all in the Town of Delhi, Iowa.

DATED this 31 day of March, 1994.

Nick Strittmatter

Subscribed and sworn to before me by Nick Strittmatter the day, month and year above written.

A N Strittmatter

Notary Public in and for the State of Iowa