DELAWARE COUNTY IOWA
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DEBORAH L. EDYTON
DELAWARE COUNTY RECORDER
16.00

Prepared by: Timothy T. Schloss, 118 W Mission St, Strawberry Point, IA 52076 (319) 933-2029

AFFADAVIT EXPLANTORY OF TITLE

The undersigned, Joan A. Kelly, a/k/a Joan Kelley, first being duly sworn on oath, deposes and states:

1. That my husband, Duane F. Kelley, who died January 16, 1989, and I were joint purchasers of real estate described as:

Beginning at a point 78 rods North and two rods West of the center of Section One, Township 89 North, Range 6 West of the 5t^{h} P.M., thence West 260 feet, thence North 260 feet, thence East 175 feet, thence South 170 feet, thence East 85 feet, thence South 90 feet to a point of beginning together with access easement over the following described property: A strip of land running North and South thirty (30) feet wide East and West directly adjacent and to the East of the most Easterly portion of the above described property and commencing at the North line extended East of said most Easterly property and running directly South approximately 1377 feet tot he center of Section One, Township 89 North, Range 6 West of the 5th P.M., where same joins the present East-West county road.

and

The West Half of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Thirty-six (36) in Township Ninety (90) North Range Six (6); and the West Half of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section One (1) in Township Eighty-nine (89) North Range Six (6); The North Half of the Northeast Fractional Quarter of the Northwest Quarter (NW ¼) and the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) and the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), all in Section One (1) Township Eighty-nine (89), North Range Six (6), West of the 5th Principal Meridian subject to right-of-way easement to N. E. Davis as recorded in Book 42, Page 447 of the records of Delaware County and any other easements of record; Except the following described tracts of land;

A. That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section One (1), Township Eighty-nine (89) North, Range Six (6), West of the 5th P.M., in Delaware County, Iowa, described as: Beginning at a point which is 27 rods West on the Quarter Section line from the center of said Section One (1), thence North 18 rods, thence West 27 rods, thence South 18 rods, to the Quarter Section line, thence East 27 rods to the point of beginning, subject to highways and easements of record.

B. That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section One (1), Township 89 North, Range Six (6), West of the 5th P.M. described as

commencing at a point 1171.5 feet North and 600 feet West of the center of said Section One (1), running thence South 480 feet, thence West 181.5 feet, thence North 480 feet, thence East 181.5 feet to point of beginning; Also, an easement for roadway for ingress and egress, in common with Sellers and successors in interest of title of Sellers to adjoining lands over and across a strip of land 20 feet in width adjoining the tract herein sold on the East side thereof and extending in a Southerly and Southeasterly direction to intersect with the present public highway located on the south boundary line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section One (1), at a point where the West line of said roadway easement is not more than 445.5 feet West of the center of said Section One (1).

C. Beginning at the Southwest corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section One (1), Township 89 North, Range Six (6), West of the 5th Principal Meridian, thence East along center of road 26 rods, thence North 12 rods, thence West 26 rods to West line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), thence South 12 rods to point of beginning, containing 1.95 acres, more or less, in Delaware County, Iowa.

D. Beginning at a point 78 rods North and 2 rods West of the center of Section One (1), Township 89 North, Range Six (6) West of the 5th P.M. thence West 260 feet, thence North 260 feet, thence East 175 feet, thence South 170 feet, thence East 85 feet, thence South 90 feet to point of beginning together with an access easement over the following described property: A strip of land running North and South thirty (30) feet wide East and West directly adjacent and to the East of the most Easterly portion of the above described property and commencing at the North line extended East of said most Easterly property and running directly South approximately 1377 feet to the center of Section One (1), Township 89 North, Range Six (6) West of the 5th P.M. where same joins the present East-West county road.

E. Lot One (1) in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section One (1), Township Eighty-nine North (T89N), Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa, containing 1.31 acres, more or less, more particularly described by metes and bounds as follows: Commencing at the center of Section One (1), Township Eighty-nine North (T89N), Range Six (6), West of the 5th P.M., thence N 90°00'00" W 445.50 feet along the East-West Quarter Section Line of said Section One (1); thence N 00°00'00" E 297.00 feet to the Point of Beginning; thence N 90°00'00" W 318.00 feet; thence n 01°47'00" E 230.00 feet; thence N 90°00'00" E 180.00 feet; thence S 29°38'28" E 264.52 feet to the point of beginning. Said described parcel containing 1.31 acres more or less.

2. That I filed a Petition for Probate of Will Without Present Administration of the Estate of Duane F. Kelley on November 8, 1991, and the Court admitted said will to probate by order entered November 8, 1991. Notice of such probate was published but not sent to our children, Kevin Kelley, Timothy Kelley, and Kimberly J. Schnittjer, all of legal age.

3. That our son, Kevin Kelley died October 20, 1990. He was never married and had no children. His estate was not probated. The sole surviving heirs of Kevin Kelley are his mother, Joan A. Kelley, his brother, Timothy Kelley, and his sister, Kimberly Schnittjer.

4. That my two surviving adult children and their spouses have executed a certain deed to me for the above described real estate to release any and all interest they might have in the above described real estate.

6. That I was single at the time of platting certain real estate included in the above described real estate on June 13, 1997. Kelley Subdivision is included in the above described real estate.

5. Further than this affiant saith naught.

Joan A. Kelley

STATE OF IOWA)
) ss.
COUNTY OF CLAYTON)

On this 22nd day of April; 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Joan A. Kelley, to me known to be the persons named in and who executed the foregoing affidavit, and acknowledged that she executed the same as her voluntary act and deed.

Notary Public in and for the
State of Iowa.