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THE IOWA STATE BAR ASSOCIATION
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DELAWARE COUNTY IOWA
FILED
2001 JUL 26 PM 2:53
DEBORAH L. PEYTON
DELAWARE CO. RECORDER

2001 #1190

Preparer Information: Craig, Wilson & Flickinger, 316 1st St. East, Independence, IA 50644, (319) 334-6061
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN STATE OF IOWA, Linn COUNTY, ss

The undersigned first being duly sworn (affirmed) upon oath deposes and states:

That John Powell and Merry Powell, husband and wife

are now the record titleholders of the following described real estate situated in Delaware County, to-wit:

Lot 3 and the Southery 1/2 of Lot 4, Cedar Acres Subdivision in the Southwest 1/4 of Section 24, Township 88 North, Range 5 West of the 5th P.M. in Delaware County, Iowa, according to Plat recorded in Book 4 Plats, page 135 in the office of the Delawre County Iowa Recorder. AS RESURVEYED IN THE BOUNDARY SURVEY DATED JUNE 25, 2001 AND FILED FOR RECORD IN BOOK 2001, PAGE 2172 OF THE RECORDS OF THE DELAWARE COUNTY, IOWA, RECORDER.

~~See attached Exhibit "A"~~

That said John Powell and Merry Powell, husband and wife are now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession, and is for the purpose of confirming title to the above described real estate under the provisions of Sections 614.17 and 614.17A, Code of Iowa, and other statutes relative thereto.

Dated this 13th day of July, 2001

John Powell, Affiant

Subscribed in my presence and sworn to (affirmed) before me by the said affiant this 13th day of July, 2001.

Notary Public

NOTARIAL SEAL DAVID M. [illegible]

● POWER OF ATTORNEY

The undersigned, owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the County Recorder of the County wherein said land is situated as the authorized attorney in fact to file same.

John Powell, Owner in Possession

Merry Powell, Owner in Possession

If the Power of Attorney is granted by other than individuals attach appropriate acknowledgment

STATE OF IOWA COUNTY OF Linn

This instrument was acknowledged before me on July 13, 2001 by John Powell and Merry Powell

Notary Public

NOTARIAL SEAL DAVID M. [illegible]

● The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

The undersigned Recorder hereby certifies that the foregoing affidavit was filed in the Recorder's Office by the owner in possession as named in the affidavit or by the attorney-in-fact as shown by the records, and duly recorded and entered on the records on the 26 day of July

Deborah L. Peyton, Recorder

DEBORAH L. PEYTON

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EXHIBIT "A"

This Exhibit "A" is an attachment to an Affidavit of Possession signed by John Powell.

I state that myself and my wife, Merry Powell purchased the real estate described on this Affidavit of Possession on January 3, 1997, by a Deed recorded March 3, 1997 in Book 137, L. D., Page 400 in the office of the Delaware County Iowa Recorder. As shown on the Plat for Cedar Acres Subdivision, there is a 40-foot right-of-way easement that is used for public access for all of the lots in said subdivision. I state that there is not a written agreement in regard to the maintenance of this agreement, however, it was my understanding that when I purchased the property that the maintenance of the road is shared by all parties in the subdivision and the road was recently resurfaced and the cost was divided equally among the owners of the subdivision.

Further, there is a common well for this area and the Well Agreement is not in writing and it has been my understanding that all of the owners of the subdivision share in the repair and maintenance of this well.

Also, there is an Access Easement as shown in a Plat recorded December 31, 1992 at Book 7 Plats, page 6 in the office of the Delaware County Iowa Recorder, describing the easement that is used for access from the public highway to Cedar Acres Subdivision and this easement as shown is the access to the real estate described on this Affidavit.

To the best of my knowledge, the right-of-way as shown in the Plat of Cedar Acres has been used as an access easement by all of the owners for more than 10 years, being from the date of platting of Cedar Acres and to the best of my knowledge has been used for more than 10 years as an access road to said Cedar Acres Subdivision.