DELAWARE COUNTY IOWA
FILED
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BOOK 200 PAGE 3174
DEBORAH E. FENTON
DELAWARE COUNTY RECORDER
21.00

THIS INSTRUMENT PREPARED BY: WILLIAM S. VERNON
Moyer & Bergman, PLC, 2720 1st Ave. NE, PO Box 1943, Cedar Rapids, IA 52406-1943, (319) 366-7331

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:-

STATE OF IOWA)
)ss:
COUNTY OF Linn)

The undersigned first being duly sworn upon oath deposes and states that Steven Mitchel and Kathleen M. Mitchel is now the record titleholder of the following described real estate situated in Delaware County, Iowa, to wit:

See Attached Exhibit A

That Steven Mitchel and Kathleen M. Mitchel 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 Section 614.17, Code of Iowa, and other statutes relative thereto.

Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 28 day of August, 2001.

Steven Mitchel

Kathleen M. Mitchel

STATE OF IOWA)
) ss:
COUNTY OF ~~DELAWARE~~ Linn)

On this 28 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven Mitchel and Kathleen M. Mitchel, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for the State of Iowa

POWER OF ATTORNEY

The undersigned, owners 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.

Owner in Possession

Kathleen M. Mitchell

STATE OF IOWA)
) ss:
COUNTY OF LINN)

On this 28 day of August, 2001, before me, personally appeared Steven M. Mitchell and Kathleen M. Mitchell, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NOTARY PUBLIC - STATE OF IOWA

F:\WP\WSV\Mitchell\affposs.wpd August 17, 1999 (2:37PM)

All that part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) lying East of the westerly line of the railroad right-of-way, and the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), and the South one-half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Twenty Eight (28); and all that part of the Southwest Quarter (SW¼) of Section Twenty Eight (28) lying North of the Maquoketa River except that part described as commencing at a point six hundred ten (610.0) feet South of the Northeast corner of the Northwest Quarter (NW¼) of said Southwest Quarter (SW¼) and running thence West to the West line of said Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), thence North six hundred ten (610.0) feet to the Northwest corner of said Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), thence East eight hundred fifteen (815.0) feet to the railroad right-of-way, thence Southeasterly eight hundred fifteen (815.0) feet, more or less, to the point of beginning, and further except that part described as commencing at a point six hundred sixty (660.0) feet South of the Northeast corner of the Southeast Quarter (SE¼) of said Southwest Quarter (SW¼), and running thence South two hundred forty (240.0) feet, thence North 71° 00' West six hundred ten (610.0) feet, thence East five hundred sixty (560.0) feet to the point of beginning; and the Southeast Quarter (SE¼) of Section Twenty Eight (28) except the West five hundred (500.0) feet of the South six hundred sixty (660.0) feet thereof, and further excepting that part of the Northeast Quarter (NE¼) of said Southeast Quarter (SE¼) that lies North and East of the road; also except that part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and that part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of said Section Twenty Eight (28) described as commencing at the Southeast corner of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of said Section Twenty Eight (28), thence North seventy five and sixty three hundredths (75.63) feet along the East line of said Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), thence South 84° 38' 40" West two hundred sixty two and ninety five hundredths (262.95) feet to the point of beginning, thence North 8° 58' 00" East two hundred one and sixty eight hundredths (201.68) feet, thence South 81° 28' 10" East one hundred thirty seven and fifty two hundredths (137.52) feet, thence North 12° 52' 30" East fifty one and eight hundredths (51.08) feet, thence South 75° 33' 30" East four hundred thirty eight and fifty one hundredths (438.51) feet, thence South 23° 21' 50" West sixty one and eighty five hundredths (61.85) feet, thence South 74° 20' 00" West forty five and sixty hundredths (45.60) feet, thence South 84° 38' 40" West five hundred thirty seven and thirty seven hundredths (537.37) feet to the point of beginning; and the North one thousand fifteen (1015.0) feet of the East eight hundred twenty (820.0) feet of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Thirty Three (33), all in Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M., also except Parcel A, Part Of The NE¼ & Part Of The SE¼ Sec. 28, T88N, R4W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 2758 of the records of the Delaware County recorder.

Exhibit "A"
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PARCEL "B"

All that part of the seventeen and two hundredths (17.02) acres of abandoned railroad right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company which lies in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼), the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and the Southeast Quarter (SE¼) of Section Twenty Eight (28), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M.