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Document 2005 1602 Type 06 010 Pages 3
Date 5/06/2005 Time 1:52 PM
Rec Amt $17.00

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY: Laurie L. Dawley, Shuttleworth & Ingersoll, P.L.C., P.O. Box 2107, Cedar Rapids, IA 52406-2107, (319) 365-9461

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:

STATE OF IOWA, LINN COUNTY, ss:

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

1. That Jon Mark Thomas a/k/a Mark Thomas and Lila Thomas a/k/a Lila Jean Thomas, husband and wife, are now the record titleholders of certain Delaware County, Iowa real estate legally described in the attached Exhibit A.

2. That the above titleholders are now in complete, actual and sole possession of the real estate described in the attached Exhibit A, except as may be stated in this Affidavit.

3. That the above titleholders and their predecessors (who held title) in the recorded chain of title under which they claimed and claim ownership and the right to possession of the above real estate have been, for more than 10 years, in continuous, actual, visible, open, notorious, exclusive and unquestioned possession of the real estate, under color of title and claim of right to the exclusive possession as against the world and have improved the above real estate and paid the taxes on it.

4. That neither the title nor the right of possession of the above titleholders or any of their predecessors under whom they claim have been disputed or openly attacked by anyone.

5. This Affidavit is made from the personal knowledge of the undersigned who is familiar with the above real estate, its titleholders, and its parties in possession, and is for the purpose of confirming title to the above described real estate in accordance with Iowa Code section 614.17A and other statutes.

Words and phrases in this Affidavit shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 5 day of May, 2005.

Jon Mark Thomas a/k/a Mark Thomas

Subscribed and sworn to (or affirmed) before me this 5th day of May, 2005.

Notary Public

LAURIE L. DAWLEY
Commission Number 198466
My Commission Expires
September 17, 2007

MARGINAL ENTRY

STATE OF IOWA, DELAWARE COUNTY, ss:

The undersigned Recorder in and for the County in which the above property is located, 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 their attorney-in-fact as shown by the records, and duly recorded and entered on the records on the 6 day of May, 2005.

Deborah L. Peyton/ds
Recorder

EXHIBIT A

Lot One (1) of Walling's Subdivision No. 2 In The NE 1/4 Of The NE 1/4 Of Section 35, T89N, R4W Of The Fifth P.M., City Of Earlville, Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 120;

and

The North forty (40) feet of that part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Four (4), West of the Fifth Principal Meridian, described as commencing at a point on the East line of said Northeast Quarter (NE ¼) of the Northeast Quarter (NE 1/4) which is two hundred eighty (280) feet North of the Northeast corner of Pitkin's Addition to Nottingham, now Earlville, Iowa, and running thence West one hundred sixty five and one-fourth (165 ¼) feet, thence North eighty (80) feet, thence East one hundred sixty five and one-fourth (165 ¼) feet, thence South eighty (80) feet to the place of beginning.