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Book 2009 Page 4323

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY/Return to: John H. Ehrhart, 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 the undersigned Richard L. Bowman and Devonne Bowman are now the record titleholder of the following described real estate situated in Delaware County:

See attached Page Three (3) and Four (4) for Legal Description

2. That the above titleholders are now in complete, actual and sole possession of the above real estate, 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, and is for the purpose of confirming title to the above described real estate in accordance with Iowa Code §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 13th day of November, 2009.

Richard L. Bowman

Devonne Bowman

This instrument was subscribed and sworn to (or affirmed) before me this 13th day of November, 2009, by Richard L. Bowman and Devonne Bowman, husband and wife.

CHERRYL VAN FLEET
Commission Number 224323
My Commission Expires
9/2/11

Notary Public in and for the State of Iowa

POWER OF ATTORNEY

STATE OF IOWA, Linn COUNTY, ss:

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

Richard L. Bowman

Devonne Bowman

Subscribed and sworn to (or affirmed) before me this 13 day of Nov, 2009, by Richard L. Bowman and Devonne Bowman, husband and wife.

CHERRYL VAN FLEET
Commission Number 224323
My Commission Expires
9/2/11

Notary Public in and for the State of Iowa

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 his attorney in fact as shown by the records, and duly recorded and entered on the records on the 18th day of November, 2009.

Deborah L. Peyton
Recorder

: Lot Eleven (11) and a strip of land thirty (30) feet in width, Easterly and Westerly, and one hundred fifty (150) feet in length, Northerly and Southerly, marked as Access on the plat, and lying between said Lot Eleven (11) and Lot Ten (10), all in H. L. C. First Subdivision of part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) and part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Nineteen (19), Township Eighty Eight (88) North, Range Four (4), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 176; also all lake frontage running to the waterfront and then at right angles to the middle of Delhi Lake in respect to and adjoining Lot Eleven (11) of said H. L. C. First Subdivision and also all lake frontage running to the waterfront and then at right angles to the middle of Delhi Lake in respect to and adjoining a strip of land thirty (30) feet in width, Easterly and Westerly, and one hundred fifty (150) feet in length, Northerly and Southerly, marked as Access on the plat, and lying between said Lots Ten (10) and Eleven (11)

AND

Lot Ten (10) and the Westerly three (3) feet of Lot Nine (9) of H. L. C. First Subdivision of part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) and part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Nineteen (19), Township Eighty Eight (88) North, Range Four (4), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 176.

All lake frontage running to the waterfront and then at right angles to the middle of Lake Delhi, in respect to and adjoining Lots Ten (10) and the West 3 feet of Lot Nine (9), H.L.C. First Subdivision, Section Nineteen (19), T88N, R4W of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 2005, Page 2142 in the office of the Delaware County Recorder subject to all covenants and restrictions of record and subject to the following covenants:

1) Same is subject to the existing flood plain rights and Grantees shall hold Grantors harmless with respect to the flooding of the property conveyed.

2) The Grantees and their respective successors are restricted from changing or altering lake frontage without the permission of Grantors.

3) In the event other Quit Claim Deeds to lake frontage of similar description have been or are given in the future in connection with other lake lots or land, to all or part of the above described lake frontage, it is understood that the Grantees thereof and their successors in interest shall own same in common with the above Grantees with equal rights to access and to the unrestricted use thereof.