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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AFFIDAVIT EXPLANATORY OF TITLE

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)
James C. Holmes, 222 3rd St SE, #314, Cedar Rapids, IA 52401, Phone: (319) 365-6259

Taxpayer Information: (name and complete address)
Diane E. Winch, Executor, 3123 231st Avenue, Hopkinton, IA 52237

Return Document To: (name and complete address)
James C. Holmes, 222 3rd St SE, #314, Cedar Rapids, IA 52401

Grantors:
Diane E. Winch, Executor

Grantees:
The Public

Legal Description: See page 2

Document or instrument number of previously recorded documents:
Plat of Survey recorded Book 2010, page 2425,
Warranty Deed recorded Book 101, page 261, and
Warranty Deed recorded Book 104, page 255.

AFFIDAVIT EXPLANATORY OF TITLE

Re: Parcel F and Parcel G in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty (20), Township Eighty-seven (87) North, Range Four (4) West of the 5th P.M., in Delaware County, Iowa, as shown in the Plat of Survey recorded in Book 2010, page 2425 of the records of the Delaware County Recorder

TO WHOM IT MAY CONCERN:

STATE OF IOWA, LINN COUNTY: ss:

I, Diane E. Winch, being first duly sworn do hereby depose and state:

That I am the Executor of the Elizabeth A. Winch Estate now pending in the Iowa District Court in and for Delaware County, Probate Number ESPR005185, and in that representative capacity, I am the owner in possession of the above described real estate;

That Lyle L. Winch and Elizabeth A. Winch, as joint tenants, acquired title to the following described real estate by the warranty deed recorded May 5, 1977, in Book 101, page 261, Delaware County Recorder's Office:

Parcel #2 as described on plat recorded in Book 3 Plats, Page 118, Delaware County, Iowa Recorder's Office, also described as: That part of the NW¼ NW¼ Section 20-87-4, Delaware County, Iowa described as follows: Commencing at the Northwest corner of the Union Township Cemetery, said point being 85.14 feet North and 221.76 feet West of the Southeast corner of the SW¼ of the NW¼ of the NW¼ of said Section 20, thence North 9.66 feet to the point of beginning, thence North 72° 12' 05" East 152.6 feet; thence North 1° 28' 55" West 79.0 feet, thence North 89° 49' 25" West 173.12 feet, thence South 0° 41' 55" West 136.22 feet, thence North 72° 12' 05" East 33.0 feet to the point of beginning;

That Lyle L. Winch and Elizabeth A. Winch, as joint tenants, acquired title to the following described real estate by the warranty deed recorded October 26, 1978, in Book 104, page 255, Delaware County Recorder's Office:

That part of the NW¼ NW¼ of Section 20-87-4, Delaware County, Iowa, described as: beginning at a point 743.8 feet South 4° 19' East of the Northwest corner of said Section 20, thence South 4° 19' East 584.2 feet to center of highway, thence North 87° 01' East 198.1 feet along center of highway, thence North 59° 26' East 159.85 feet along highway, thence North 69° 11' East 237.6 feet along highway, thence North 4° 30' West 213.2 feet along highway, thence North 53° 21' West 342.0 feet, thence South 88° 23' West 310.7 feet to point of beginning, excepting therefrom that part of Parcel #2 as described on plat recorded in Book 3 Plats, Page 118 contained therein, and also excepting therefrom all of Parcel #1 as described on plat recorded in Book 3 Plats, Page 118;

That the outer boundary of the land embraced by the combination of the legal descriptions in the two deeds referenced above, except the public highways, is the exact same as the outer boundary of the land embraced by the combination of Parcel F and Parcel G in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty (20), Township Eighty-seven (87) North, Range Four (4) West of the 5th P.M., in Delaware County, Iowa, as shown in the Plat of Survey recorded in Book 2010, page 2425 of the records of the Delaware County Recorder, except the public highways; and

That there are variations in measurements and compass bearings between the legal descriptions in the two deeds referenced above and the particular legal descriptions that make up said Parcels F and G, and those variations are due to improvements in surveying technology over time, and due to the fact that the different surveyors who derived those legal descriptions used different reference points within the 231st Avenue right of way and within the 315th Street right of way with which to describe said land.

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 explaining a perceived defect in the chain of title to the real estate parcels described above under the provision of Section 558.8, Code of Iowa.

Dated this September 27, 2010.

Diane E. Winch

Diane E. Winch, Affiant

Subscribed in my presence and sworn to before me by the said affiant this September 27, 2010.

Jamie Havel

Iowa Notary Public

State of Iowa County of Linn
Subscribed and sworn/affirmed before me this 27 day of
Sept, 20 10
by Diane E. Winch
Jamie Havel
Notary Public
My Commission expires: 10-7-12

JAMIE HAVEL
Commission Number 760336
My Commission Expires
10/7/12