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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

ENV.

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**AFFIDAVIT**
**Confirming Continued Use and Enjoyment of Previously Established Rights**

**State of Iowa** )
)§
**County of Delaware** )

**Comes Now**, the undersigned signatories to this affidavit, all owners of property located in the Cedars Subdivision, Delaware County, Iowa, said subdivision plat recorded in book 8 Plats, Page 103, records of the Delaware County Recorder.

The undersigned affiants hereby state as follows:

That the undersigned and their predecessors have openly and continuously enjoyed rights to the following described property, identified within the Consent of Owners and Plat dated 11/29/1960 and filed of record on February 28, 1961 in Book 2, Plats, Pages 91-92 and Book 108, Page 702, records of the Delaware County Recorder, based upon language within the Plat designating said property to "the use and benefit of the owners of the lots shown on said plat", to wit:

> Lots Thirty Two (32), Thirty Three (33), Thirty Four (34), Thirty Eight (38), and the Roadway of the Cedars Subdivision in the West Half of S.E. ¼, Section 14, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, and the Cedars Subdivision roadway(s) according to Consent of Owners & Plat recorded in Book 2 Plats, Pages 91-92.

The undersigned also claim rights to the following described property previously transferred by the Lake Delhi Recreation Association by Quit Claim Deed dated 12/20/1976 and filed of record on December 22, 1976 in Book 100, L.D., Page 317, records of the Delaware County Recorder. Although said Deed transferred the following described property to a specific Cedars' property owner, Richard and Darlene Eidel, it specifically stated, among other terms, that "all property owners and residents of the Cedars shall have the right of access to the river in connection with this conveyance", the legal description of said property is as follows:

> All that lake frontage running to the middle of the Maquoketa River adjacent to Lots 32, 33, 34 all in the Cedars Subdivision of that part of the Northwest Quarter of the Southeast Quarter of Section 14, Township 88 North, Range 5, West of the 5th P.M., laying East of the Maquoketa River according to plat in Book 2 Plats, Pages 91-92. Said lot lines to be direct extensions of the Northerly and Southerly lot lines of Lot 32 and the Northerly lot line of 33 and the Southerly lot line of 34.

The undersigned affiants acknowledge that their rights to the property previously described within this affidavit are in common with or shared with all Cedars Subdivision property owners. It is the position of the affiants that that the current title holder to the parcels legally described herein, and any future owner of the aforementioned parcels, roadway, and lake frontage would take ownership subject to the rights of all Cedars Subdivision owners, and could not, without the permission and consent of all owners of Cedars Subdivision property, construct anything on said parcels or otherwise limit the use of said parcels due to the rights of all Cedars Owners to have and enjoy the use and benefit of said property as previously outlined herein.

This document is not intended to claim new or recently established rights; rather, it is intended to re-confirm long ago established rights and the continued use and enjoyment by the affiants noted below and their predecessors in interest.

Subscribed and Sworn to this 29th day of March, 2013.

Bruce Lahue
Bruce Lahue

Cindy Lahue
Cindy Lahue

Kit Knutson
Kit (K.K.) Knutson

Gary Burns
Gary Burns

Vicky Staebell
Vicky Staebell

Dan Staebell
Dan Staebell

Peggy Reiff
Peggy Reiff

Joseph Reiff
Joseph Reiff

Michael J. Jones

Robert R. Phillips

Linda S. Peitz

Roger Schnittjer

David L. Sands

Lawrence F. Whiting

Craig J. Witry

Ryan Kuhns

Douglas D. Herman

Sharon L. Jones

Joyce A. Phillips

Michael J. Peitz

Marilyn Schnittjer

Sherry D. Witry

Leann M. Herman

**State of Iowa** )
)§
**County of Jones** )

On this 4th day of April, 2013, before me, the undersigned, Notary Public, in and for the State of Iowa, personally appeared the following persons, Doug Herman and Leann Herman, husband and wife, known to me to be the identical persons named herein, who swore and affirmed that the information set forth within the above and foregoing "Affidavit Confirming Continued Use and Enjoyment of Previously Established Rights" was true and correct to the best of their knowledge and belief.

NOTARIAL SEAL IOWA
CHERYL M. CLARK
COMMISSION NUMBER 152384
MY COMMISSION EXPIRES
7-20-13

Cheryl M. Clark
Notary Public, State of Iowa
My Comm. Expires: 07/20/2013

**State of Iowa** )
)§
**County of Delaware** )

On this 29th day of March, 2013, before me, the undersigned, Notary Public, in and for the State of Iowa, personally appeared the following persons,

Bruce Lahue and Cindy Lahue, Kit (KK) Knutson, Gary Burns, Vicky Staebell and Dan Staebell, Peggy Reiff and Joseph Reiff, Michael J. Jones and Sharon L. Jones, Robert Phillips and Joyce Phillips, Linda Peitz and Michael Peitz, Roger Schnittjer and Marilyn Schnittjer, David Sands, Lawrence Whiting, Craig Witry and Sheree Witry, and Ryan Kuhns,

known to me to be the identical persons named herein, who swore and affirmed that the information set forth within the above and foregoing "Affidavit Confirming Continued Use and Enjoyment of Previously Established Rights" was true and correct to the best of their knowledge and belief.

NOTARIAL SEAL IOWA
DOUGLAS D. HERMAN
COMMISSION NO. 175238
MY COMMISSION EXPIRES
7-25-2015

Notary Public, State of Iowa
My Comm. Expires: 07/25/2015