Recorded: 12/22/2020 at 9:21:02.0 AM
County Recording Fee: $12.00
Iowa E-Filing Fee: $3.00
Combined Fee: $15.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2020 PG: 4734

Prepared by/Return to: Matt McQuillen, PO Box 228, Anamosa, IA 52205 - (319) 462-3577

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA, COUNTY OF JONES, ss:

I, Terry L. Kehoe, after first being sworn on oath, hereby state and depose as follows:

1. I am a co-owner of the following described real estate located in Delaware County, Iowa:

PARCEL 2020-101 Comprised of Parcel G, Comprised of Parcel M, Part of Parcel D, Part of Parcel A, and Part of the South Half (S½) of the Northeast Quarter (NE¼) lying South and West of the Maquoketa River, All in Section Thirty-Six (36), Township Eighty-Seven North (T87N), Range Four West (R4W), Of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2020, Page 4514.

PARCEL 2020-102 Comprised of Parcel B in Section Thirty-One (31), Township Eighty-Seven North (T87N), Range Three West (R3W), Part of Parcel D in Section Thirty-Six (36), Township Eighty-Seven North (T87N), Range Four West (R4W), Part of Parcel 2014-85 in Section Thirty-One (31), Township Eighty-Seven North (T87N), Range Three West (R3W), Part of Parcel A in Section Thirty-Six (36), Township Eighty-Seven North (T87N), Range Four West (R4W), And in Section Thirty-One (31), Township Eighty-Seven North (T87N), Range Three West (R3W), And Part of the South Half (S½) of the Northeast Quarter (NE¼) lying South and West of the Maquoketa River in Section Thirty-Six (36), Township Eighty-Seven North (T87N), Range Four West (R4W), All of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2020, Page 4514.

PARCEL 2020-103, Part of Parcel 2014-85 And Part of Parcel A, All in Section Thirty-One (31), Township Eighty-Seven North (T87N), Range Three West (R3W), Of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2020, Page 4514.

2. I acquired this real estate in a series of purchases from Leo D. O'Rourke (hereinafter "Leo") following his divorce from his ex-wife, Linda O'Rourke (hereinafter "Linda"). Following the divorce Linda purportedly conveyed all of her interest in the real estate to Leo by a Quit Claim Deed dated October 6, 1994 and recorded October 19, 1994 in Book 134, at Page 34 in the Office of the Delaware County, Iowa Recorder. After that time there were surveys completed that did not properly identify the boundaries of the real estate. It has been determined that some of the property originally acquired by Leo and Linda, as referenced in the formal legal description, was not included in those plats of survey because of boundary lines being confused due to fence locations and interpretation of river references. Any such discrepancy has involved small slivers of land of no significance. In 2008 and 2009 efforts were made to secure a Quit Claim Deed from Linda O'Rourke using legal descriptions in accordance with plats of survey that existed then. Efforts by me, and on my behalf, to engage Linda in discussions were unsuccessful. However, at no time since I acquired the first part of my real estate in December 9, 2008 has Linda O'Rourke ever contacted me or given any indication that she claimed ownership to any part of the real estate I possess.

3. I recently engaged Iowa Registered Land Surveyor William H. Burger (hereinafter "Burger") to survey the real estate I own into three separate parcels as I intended to sell the three parcels to three separate individuals. Burger reported to me that he discovered during the process of surveying and researching real estate records, that according to land surveyor guidelines, the north boundary of my real estate as shown on previous surveys should have been extended to the midline of the Maquoketa River rather than only to the south bank of the river. Although Delaware County, Iowa real estate taxation records made no distinction of the record title ownership to the small sliver of real estate that lies between the south bank of the Maquoketa River and the midline of the Maquoketa River adjacent to my real estate, the discovery by Burger once again raised a question of whether technical record title of this sliver of land would remain in the names of Leo and Linda.

4. I had many discussions with Leo from 2008 until his death on February 7, 2018, about the discrepancies in the legal descriptions for my real estate. He always assured me he received all of Linda's interest in any of this real estate as a result of their divorce and he conveyed his interest in. Neither Leo or Linda has asserted any claims to any of the real estate I have possessed, and any discrepancies in the legal descriptions are simply the result of scrivener's error, oversight, or possibly a surveyor error. There are no claims that exist from Leo or Linda, or their successors, to any of the real estate I own as shown by the new Burger surveys recorded in Book 2020, Page 4514.

Dated this 21st day of December, 2020

Terry L. Kehoe

Terry L. Kehoe

Subscribed and sworn to before me by Terry L. Kehoe on this 21st day of December, 2020.

NOTARIAL SEAL IOWA
MATTHEW G. MCQUILLEN
Commission Number 147941
My Commission Expires
November 04, 2021

Notary Public for said County and State