Recorded: 12/30/2020 at 11:16:02.0 AM
County Recording Fee: $17.00
Iowa E-Filing Fee: $3.00
Combined Fee: $20.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2020 PG: 4863

Prepared by: George A. Davis, 225 1st Avenue East, Dyersville, Iowa 52040 563-875-9112
Return To: Attorney George A. Davis, 225 1st Avenue East, Dyersville, Iowa 52040

AFFIDAVIT OF POSSESSION & EXPLANATORY OF TITLE

PURSUANT TO IOWA CODE SECTIONS 614.17, 614.17A & 558.8, AS AMENDED

RE:

Parcel #1

Parcel H in Lot 25 of Empire Estates Subdivision in the City of Manchester, Delaware County, Iowa, and more particularly described as follows: Beginning at the Southwest Corner of parcel G in said Lot 25; thence South 00° - 04′ – 03″ West 251.0 feet; thence North 90° - 00′ - 00″ West 219.9 feet; thence North 00° - 00′ - 00″ East 271.0 feet to the North Line of said Lot 25; thence South 90° - 00′ - 00″ East 220.0 feet along said North Line to the West Line of said parcel G; thence South 00° - 47′ - 02″ East 20.0 feet along said West Line to the Point of Beginning, containing 1.369 Acres, more or less, subject to easements of record. Plat recorded in Book 7, Page 26.

Parcel #2

Commencing at the northerly most Northwest corner of Lot 25 of the Plat of Empire Estates Subdivision, City of Manchester, Delaware County, Iowa, said point intersecting the mid-line of East Main Street, thence South 450 feet to the point of beginning, thence South 40 feet, thence Westerly to the Northeast corner of Buena Vista Street, thence West 75.82 feet, thence North 200.11 feet, thence North 89° 59′ 30″ East 223 feet, thence South 120 feet, thence East 100 feet, thence South 45 feet, thence East 120 feet to the point of beginning, all in the Plat of Empire Estates Subdivision, City of Manchester, Delaware County, Iowa

STATE OF IOWA)
) SS:
COUNTY OF DELAWARE)

I, Roger J. Simon, President of Simon's Grain, Inc., being duly sworn under oath depose and state as follows:

1. That Simon's Grain, Inc. is now in complete actual and sole possession of all of said real estate except as may be herein stated. That 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 confirming title to the above described real estate under the provisions of Sections 614.17 and 614.17A, Code of Iowa, and other statutes relative thereto.
2. That a Real Estate Contract was entered into on May 14, 1993, and filed for record May 14, 1993, as instrument #285-3378, regarding parcel # 1;
3. That said Real Estate Contract, for parcel #1, was entered into by M.C.I. Associates (Sellers) and Simon Grain and Feed Service, Inc. (Buyers);
4. That the Real Estate Contract, for parcel #1, was satisfied and the property that is the subject of the contract was transferred by a Warranty Deed executed on May 14, 1993, and filed for record December 15, 1998 in Book 57, Page 46, regarding parcel # 1;
5. That said Warranty Deed referenced in # 4 above was given to Simon Grain and Feed Service, Inc.
6. That there did not exist then or anytime since an entity named Simon Grain and Feed Service, Inc.
7. That a Warranty Deed was executed on December 4, 1989, and filed for record December 5, 1989 in Book 49, Page 148, regarding parcel # 2;
8. That said Warranty Deed was given to Simon & Simon Grain, Inc.;
9. That there did not exist then or anytime since an entity named Simon & Simon Grain, Inc.;
10. That a Quit Claim Deed was executed on April 6, 1995, and filed for record April 26, 1995 in Book 54, Page 185 to correct a description in the Warranty Deed referenced in # 7 above, regarding parcel # 2;
11. That said Quit Claim Deed was given to Simon Grain, Inc. a/k/a Simon & Simon Grain, Inc.;
12. That there did not exist then or anytime since an entity named Simon Grain, Inc. or Simon & Simon Grain, Inc;

13. That the above described Real Estate Contract and Deeds were mistakenly given to incorrect entities due to scrivener's error;
14. That the proper name of the entity should have been Simon's Grain, Inc. as filed with the Iowa Secretary of State.
15. Further the affiant sayeth not.

Signed this 30th day of December, 2020.

Roger J. Simon, President, Simon's Grain, Inc.

This record was acknowledged before me on this 30th day of December, 2020, by Roger J. Simon, President, Simon's Grain, Inc.

Notary Public in and for the State of Iowa

GEORGE A. DAVIS
Commission Number 800975
My Commission Expires
December 28, 20____