



Document 2020 4796

Book 2020 Page 4796 Type 06 009 Pages 11  
Date 12/14/2020 Time 12:30:10PM  
Rec Amt \$57.00

INDX  
ANNO  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

~~€~~ This instrument prepared by and return to:  
ROSS F. BARNETT, ABENDROTH RUSSELL BARNETT LAW FIRM, 2560 – 73<sup>rd</sup> Street, Urbandale, Iowa 50322 Phone # (515) 278-0623  
Mail tax statements to:  
MEGAN RIGG AND MATTHEW RIGG, 2427 Meadow Valley Court, Winterset, Iowa 50273 File #36215-20-RLO (rfb)

$\frac{1}{4}$

# AFFIDAVIT EXPLANATORY OF TITLE

LSB92547

Legal: Lot 2 in CLARK TOWER SUBDIVISION, located in the Northeast Quarter of the Northwest Quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) and in the Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section 18, Township 75 North, Range 27, West of the 5<sup>th</sup> P.M., Madison County, Iowa



Address: 2427 Meadow Valley Court, Winterset, Iowa 50273

I, **Ross F. Barnett**, being first duly sworn upon my oath, do depose and state that I am an attorney duly licensed in and practicing in the State of Iowa. In such capacity, I have been authorized by the titleholders of the above-described property to make this affidavit. I am familiar with the chain of title to the above-referenced property.

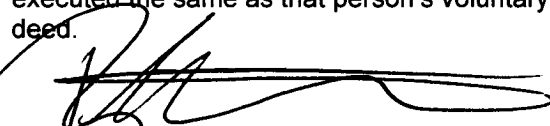


The chain of title reveals a mortgage in the principal amount of \$173,500.00, given by Wade Porter and Becky Porter, husband and wife, in favor of ABN AMRO Mortgage Group, Inc., filed February 3, 2006 in Book 2006, Page 477. The chain of title reveals a purported assignment of this mortgage from CitiMortgage, Inc., successor in interest by merger to ABN AMRO Mortgage Group, Inc., by and through Nationstar Mortgage, LLC as its attorney-in-fact, to Nationstar Mortgage, Inc., filed September 6, 2016 in Book 2016, Page 2599. The abstracter finds no power of attorney on file from CitiMortgage, Inc. to Nationstar Mortgage, LLC.

The chain of title reveals a corrected assignment of this mortgage from CitiMortgage, Inc., successor by merger to ABN AMRO Mortgage Group, Inc. in favor of Nationstar Mortgage, LLC, filed October 4, 2016 in Book 2016, Page 2955. The chain of title reveals a purported release of this mortgage, given by CitiMortgage, successor in interest by merger to ABN AMRO Mortgage Group, Inc., by and through Nationstar Mortgage, LLC, as its attorney-in-fact, filed September 23, 2016 in Book 2016, Page 2780. At the time of the release, ABN AMRO Mortgage Group, Inc. was not the mortgagee.

I know of my own personal knowledge and investigation that **CitiMortgage, Inc.** appointed **Nationstar Mortgage, LLC** as its attorney-in-fact by limited power of attorney recorded August 1, 2012 as Instrument No. 2012-00008645 of the Story County, Iowa, Recorder's Office. A true and exact copy of the recorded power of attorney is attached hereto and by this reference made a part of this affidavit.

This Affidavit is given pursuant to Iowa Code § 558.8 to explain a defect in the chain of title.

Further this Affiant sayeth naught.

<p style="text-align: center;">STATE OF IOWA    )                                   )    SS: COUNTY OF POLK    )</p> <p>On this <u>25</u> day of <u>NOVEMBER</u>, 2020, before me the undersigned, a Notary Public in and for said State, personally appeared <b>Ross F. Barnett</b>, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the person executed the same as that person's voluntary act and deed.</p> <p> _____ Notary Public in and for said State</p>	<p>Dated: <u>11/25/</u> _____, 2020</p> <p> _____ Ross F. Barnett ABENDROTH AND RUSSELL LAW FIRM 2560 – 73<sup>rd</sup> Street Urbandale, Iowa 50322 (515) 278-0623</p> <p style="text-align: right;"> <b>RACHEL LINDSTROM</b> Commission Number 793059 My Commission Expires <u>11-3-21</u></p>
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Instr. Number: 2012-00008645  
Recorded: 8/1/2012 at 9:42:14.0 AM  
Recording Fee: \$17.00  
Transfer Tax:  
Susan L Vande Kamp - Recorder  
Story County, Iowa

***Limited Power of Attorney***

**Recorder's Cover Sheet**

**Preparer Information:** CitiMortgage, Inc.  
Nancie M. Merrick  
(636) 256-5368  
1000 Technology Drive  
O'Fallon, MO 63368

**Return Document To:** Petosa, Petosa & Boecker, LLP  
1350 NW 138<sup>th</sup> Street  
Clive, IA 50325  
515/222-9400

**FROM:** CitiMortgage, Inc.

**TO:** Nationstar Mortgage, LLC

### **Limited Power of Attorney**

**CitiMortgage, Inc. ("CMI") a corporation organized and existing under the laws of New York, having an office for the conduct of business at 1000 Technology Drive, O'Fallon, Missouri 63368 in connection with the sale, transfer and assignment of mortgages loans (the "Mortgage Loans") to FANNIE MAE (FEDERAL NATIONAL MORTGAGE ASSOCIATION) pursuant to that certain Servicing Rights Purchase and Sale Agreement dated September 24, 2010 entered into by and between Fannie Mae and CMI , hereby grants a limited power of attorney to and hereby makes, constitutes and appoints Nationstar Mortgage LLC ("NSM") as sub-servicer for FANNIE MAE ,a corporation organized and existing under the laws of the State of Delaware with corporate headquarters located at 350 Highland Drive, Lewisville, Texas 75067, or any of its authorized agents, employees or representatives as the true and lawful attorney-in-fact of CMI with full power and authority hereby conferred in its name, place and stead and for its use and benefit, for the following limited purposes with respect to the Mortgage Loans:**

- 1) the release of a borrower from personal liability under the mortgage or deed of trust following an approved transfer of ownership of the security property**
- 2) the full satisfaction or release of a mortgage or the request to a trustee for a full reconveyance of a deed of trust;**
- 3) that partial release or discharge of a mortgage or the request to a trustee for a full reconveyance of a deed of trust;**
- 4) the completion, termination, cancellation, or rescission of foreclosure, or the taking of a deed in lieu of foreclosure relating to a mortgage or deed of trust including (but not limited to) the following transactions;**
  - a) the appointment of a successor or substitute trustee under a deed of trust, in accordance with state law and the deed of trust;**
  - b) the cancellation or rescission of notice of sale; and**
  - c) the issuance of such other documents as may be necessary under the terms of the mortgage, deed of trust, or state law to expeditiously complete said transactions, including, but not limited to, assignments or endorsements of mortgages, deeds of trust, or promissory notes to convey title from CMI**
- 5) The conveyance of the properties to the mortgage insurer, or the closing of the title to the property to be acquired as real estate owned, or conveyance of title to or on real estate owned.**

**The undersigned gives to said Attorney-in-fact full power and authority to execute such instruments and to do and perform all and every act and thing requisite, necessary, and proper to carry into effect the power or powers granted by or under this Limited Power of Attorney as fully, to all intents and purposes, as the undersigned might or could do, and hereby does ratify and confirm all said Attorney-in-fact shall lawfully do or cause to be done by authority hereof. This Limited Power of Attorney expires on August 1, 2011.**

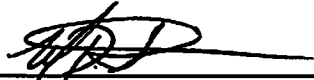
**NSM agrees to indemnify, defend and hold CMI harmless from and against any and all liabilities, claims, damages, losses and expenses (including reasonable attorneys' fees and costs) directly or indirectly arising out of or relating to NSM's unauthorized use of this Power of Attorney**

Third parties without actual notice may rely upon the power granted under this Limited Power of Attorney upon the exercise of such power of the Attorney-in-fact that all conditions precedent to such exercise of power has been satisfied and that this Limited Power of Attorney has not been revoked unless an instrument of revocation has been recorded.

**CITIMORTGAGE, INC.**



Name: Nancie M. Merrick  
Title: Senior Vice President




Name: Michael D. Stinebaker  
Title: Vice President

STATE OF MISSOURI )  
SS.  
COUNTY OF SAINT CHARLES )

On this 19<sup>th</sup> day of April, 2011, before me the undersigned, Notary Public of said State, personally appeared Nancie M. Merrick and Michael D. Stinebaker, personally known to me to be duly authorized officers of the corporation that executed the within instrument and personally known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me such corporation executed the within instrument pursuant to its by-laws.

WITNESS my hand and official seal.

  
Notary Public in and for the State of Missouri

"Notary Seal"  
Vanessa L. Jones, Notary Public  
Franklin County, State of Missouri  
My Commission expires 02/14/2015  
Commission Number 11009938

**BK: 9479 PG: 224**  
**Recorded: 3/3/2016 at 3:05:20.973 PM**  
**Fee Amount: \$32.00**  
**Revenue Tax:**  
**Joan McCalmant RECORDER**  
**Linn County, Iowa**  
**Unique Doc ID: 2366539**

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CERTIFICATE OF MERGER

PREPARED BY:  
ATTN: LORI WOLF  
SOUTH & ASSOCIATES, P.C.  
6363 COLLEGE BLVD, SUITE 100  
OVERLAND PARK, KS 66211  
(913) 663-7600

RETURN TO:  
Premier Escrow Services  
Attn: Terry Mixdorf  
2337 Blairs Ferry Road NE  
Cedar Rapids, IA 52402  
Phone 319-731-2500

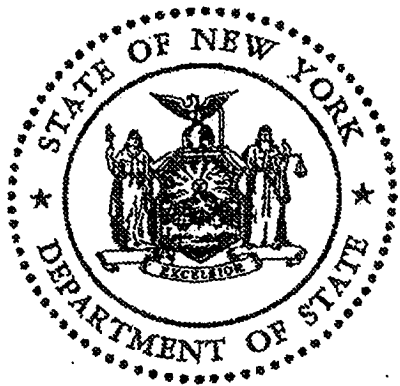
DATE OF INSTRUMENT: August 21, 2007

GRANTOR: ABN AMRO MORTGAGE GROUP, INC.

GRANTEE: CITIMORTGAGE, INC.

**STATE OF NEW YORK**  
**DEPARTMENT OF STATE**

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the  
Department of State, at the City of Albany, on  
September 4, 2007.

*Paul LaPointe*

Paul LaPointe  
Special Deputy Secretary of State

07083100 0 219

**CT-07**

**CERTIFICATE OF MERGER**

of

**ABN AMRO MORTGAGE GROUP, INC.**

into

**CITIMORTGAGE, INC.**

Under Section 904 of the Business Corporation Law

It is hereby certified, on behalf of each of the constituent corporations herein named, as follows:

**FIRST:** The Board of Directors of each of the constituent corporations has duly adopted an agreement and plan of merger (the "Plan of Merger") setting forth the terms and conditions of the merger of said corporations.

**SECOND:** The name of the domestic constituent corporation, which is to be the surviving corporation (hereinafter sometimes referred to as the "surviving constituent corporation"), is CITIMORTGAGE, INC. The name under which the surviving constituent corporation was formed is BT International Trading Corporation. The date upon which its certificate of incorporation was originally filed by the Department of State is May 7, 1984.

**THIRD:** The name of the foreign constituent corporation, which is being merged into the surviving constituent corporation (hereinafter sometimes referred to as the "merged constituent corporation"), is ABN AMRO MORTGAGE GROUP, INC. and the name under which it was formed is Cragin Financial Corp. The jurisdiction of its incorporation is Delaware and the date of its incorporation therein is January 3, 1991.

**FOURTH:** An Application for Authority in the State of New York of the merged constituent corporation to transact business as a foreign corporation was not filed with the Department of State of the State of New York.

**FIFTH:** As to each constituent corporation, the Plan of Merger sets forth the designation and number of outstanding shares of each class and series (which number is not subject to change), the specification of the classes and series entitled to vote on the Plan of Merger, and the specification of each class and series entitled to vote as a class on the Plan of Merger, as follows:

**CITIMORTGAGE, INC.**

Designation of each outstanding class and	Number of outstanding shares of	Designation of class and series entitled to	Classes and series entitled to vote as a
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series of shares	each class	vote	class
Common Stock, par value \$1.00 per share	1,000 shares	Common Stock, par value \$1.00 per share	N/A

**ABN AMRO MORTGAGE GROUP, INC.**

Designation of each outstanding class and series of shares	Number of outstanding shares of each class	Designation of class and series entitled to vote	Classes and series entitled to vote as a class
Common Stock, par value \$.01 per share	100 shares	Common Stock, par value \$.01 per share	N/A

**SIXTH:** The merger herein certified was authorized in respect of the surviving constituent corporation by the written consent of the sole stockholder of the corporation which has been given in accordance with section 615 of the Business Corporation Law of the State of New York. Written notice has been given as and to the extent required by the said section 615.

**SEVENTH:** The merger herein certified was permitted by and in compliance with the General Corporation Law of the State of Delaware.

**EIGHTH:** The Amended and Restated Certificate of Incorporation of the Surviving Corporation shall be its Certificate of Incorporation.

**NINTH:** The effective date of the merger herein certified, insofar as the provisions of the Business Corporation Law of the State of New York govern such effective date, shall be the 1st day of September, 2007.

IN WITNESS WHEREOF, the undersigned duly authorized officers of the surviving constituent corporation and the merged constituent corporation hereunto set their hands this 21 day of August, 2007.

CITIMORTGAGE, INC.

BY: W.P. Beckmann  
Name: William P. Beckmann  
Title: President

ABN AMRO MORTGAGE GROUP, INC.

BY: W.P. Beckmann  
Name: William P. Beckmann  
Title: President

CT-07

07088100.0219

CERTIFICATE OF MERGER

OF

ABN AMRO MORTGAGE GROUP, INC.

INTO

CITIMORTGAGE, INC.

2007 AUG 31 AM 11:12

FILED

Under Section 904 of the Business Corporation Law.

Filed by: Donna Englert  
 (Name)  
PO Box 790104  
 (Mailing address)  
St Louis MO 63179  
 (City, State and Zip code)

Cst ref # 7012078my

1cc  
STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED AUG 31 2007

TAXS. \_\_\_\_\_  
By: [Signature]

DOWN

RECEIVED  
2007 AUG 29 PM 12:15

DRAWDOWN

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