

FILED NO. 810
BOOK 2002 PAGE 810
7002 FEB 15 PM 2: 24
MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

REC \$ 10⁰⁰
AUD \$ 10⁰⁰
R.M.F. \$ 10⁰⁰

COMPUTER
RECORDED
COMPARED

William Joseph Fox Iowa Department of Transportation P.O. Box 406 Atlantic, Iowa 50022 712-243-3355

AFFIDAVIT CONFIRMING ERROR ON PLAT AND DESCRIPTION

I, William Joseph Fox, being first duly sworn on oath, do hereby depose and state that I am a duly Licensed Professional Land Surveyor for the Iowa Department of Transportation; and, as such, have the responsibility of preparing legal descriptions and plats for the acquisition and disposal of right of way acquired by the Iowa Department of Transportation.

That on November 19, 2001, in conjunction with Madison County Project FA-169, the Iowa Department of Transportation prepared a Plat of Survey and Description to sell an excess parcel of land, that was originally acquired from Leo C. Percival, Executor for S.W. Stark Estate, on September 28, 1933, Recorded in Administrator's Deed Book 2B, Page 133, said parcel is located in Block 1 of Hornback and Bevington Addition to the City of Winterset, Madison County, Iowa.

That said Plat of Survey and Description contained errors, and subsequently an erroneous Plat of Survey and Description was filed for record on November 19, 2001, recorded in Book 2001, Page 5204 in the office of the Madison County Recorder, Madison County, Iowa.

That said Plat of Survey shows the parcel of land to be located in Block 2 of Hornback and Bevington Addition and should show the parcel of land to be located in Block 1 of Hornback and Bevington Addition.

That the description recorded in said Book and Page, reads, in whole:

"A parcel of land located in Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Block 2 of Hornback and Bevington Addition to the City of Winterset, Madison County, Iowa, as shown on Plat of Survey attached hereto and by reference made a part hereof. Said parcel being more particularly described as follows:

Beginning at the SW Corner of Lot 5 of said Block 2; thence N 0° 09' 27" E 247.28 feet along the west line of said Block 2; thence N 89° 49' 05" E 230.25 feet; thence S 33° 25' 51" E 59.18 feet to a point on the east line of said Block 2; thence S 0° 09' 27" W 198.50 feet along said east line to the SE Corner of Lot 4 of said Block 2; thence S 89° 58' 32" W 262.99 feet along the south line of said Block 2 to the Point of Beginning, excepting therefrom present established alley, said parcel contains 60,229 square feet." said description should properly read:

"A parcel of land located in Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Block 1 of Hornback and Bevington Addition to the City of Winterset, Madison County, Iowa, as shown on Plat of Survey attached hereto and by reference made a part hereof. Said parcel being more particularly described as follows:

Beginning at the SW Corner of Lot 5 of said Block 1; thence N 0° 09' 27" E 247.28 feet along the west line of said Block 1; thence N 89° 49' 05" E 230.25 feet; thence S 33° 25' 51" E 59.18 feet to a point on the east line of said Block 1; thence S 0° 09' 27" W 198.50 feet along said east line to the SE Corner of Lot 4 of said Block 1; thence S 89° 58' 32" W 262.99 feet along the south line of said Block 1 to the Point of Beginning, excepting therefrom present established alley, said parcel contains 60,229 square feet."

That in all other respects the Plat of Survey and Description are correct.

That the above-mentioned facts are true as known to me.

Date: 2-12-02

William J Fox
William Joseph Fox, Reg. No. 15482

STATE OF IOWA Cass County

On this 12 day of February, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William Joseph Fox, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Beth Schroder

Notary Public in and for the State of Iowa

Beth Schroder (Type/Print name)