

Document 2006 4784

Book 2006 Page 4784 Type 06 009 Pages 2 Date 11/16/2006 Time 2:51 PM Rec Amt \$12.00

MICHELLE UTSLER, COUNTY RECORDER MADISON 10WA

COMPUTE' X

Preparer

/ Information

G. Stephen Walters, P.O. Box 230, Winterset, Iowa 50273; 515-462-3731

AFFIDAVIT EXPLANATORY OF TITLE

· STATE OF IOWA

:ss

MADISON COUNTY

I, Jerrold B. Oliver, after first being duly sworn upon oath, depose and state as follows:

- 1. I am the attorney, licensed to practice under the laws of the State of Iowa, who represented Albert Charles Fagen with regard to the Final Plat of Ponderosa Ranch Subdivision, the Amended Final Plat of Ponderosa Ranch Subdivision, and all matters related to these platting proceedings. As such, I have personal knowledge of the information set forth in this Affidavit Explanatory of Title.
- 2. The Final Plat of Ponderosa Ranch Subdivision recorded in Book 2005 commencing on Page 4947 in the Office of the Madison County, Iowa, Recorder, and the Amended Final Plat of Ponderosa Ranch Subdivision, recorded July 11, 2006, in Book 2006 commencing on Page 2864 in the Office of the Madison County, Iowa, Recorder, described, and are intended to describe exactly the same real property.
- The Amended Final Plat of Ponderosa Ranch Subdivision was prepared and recorded, as indicated on the Amended Final Plat, solely to modify certain lot setback lines located within the plat to bring them into exact conformity with the revised Zoning and Subdivision Ordinances for Madison County. Since this was required by law, and was not discretionary, the Madison County Zoning Administrator approved recording it without further proceedings, and none were necessary.
- 4. The Amended Final Plat of Ponderosa Ranch Subdivision, recorded July 11, 2006, in Book 2006 commencing on Page 2864, contains a typographical error in the legal description where the legal description states: "thence N 00°26′56" ____ a distance of 365.19′ to an iron pin", rather than correctly stating, in accordance with the Amended Final Plat of Ponderosa Ranch Subdivision plat map attached thereto: "thence N 00°26′56" W a distance of 365.19′ to an iron pin". This Amended Final Plat of Ponderosa Ranch Subdivision was intended to refer to, and does refer to, one in the same property as that which is accurately described, without the typographical error on the Amended Final

Plat of Ponderosa Ranch Subdivision plat map attached thereto, and correctly described above.

5. This Affidavit Explanatory of Title is being prepared, executed and filed, with authorization from the owner, Albert Charles Fagen.

Jerrøld B. Oliver

Subscribed and sworn to before me by the said Jerrold B. Oliver on this <u>13</u> day of November, 2006.

Notary Public in and for the State of Iowa

