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**AFFIDAVIT OF  
 RICHARD MARTIN**

MICHELLE UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

I, Richard Martin, after having been duly sworn upon oath, do depose and state as follows:

1. I am the Seller which appears on the Warranty Deed filed at Book 58, page 707, dated October 26, 1993 and conveys the below-described real estate to Charles Harper and Cheryl Harper (Buyers), pursuant to a real estate contract dated June 3, 1985 and filed at Book 52, page 497, Madison County, Iowa, to wit:

Lots One (1) and Two (2) in Block Sixteen (16) of the Original Town of Patterson, Madison County, Iowa.

2. I further depose and state that at the time the aforementioned contract was made the Buyers were aware that the property then being purchased by Harvey Van Aldridge and Janet Aldridge encroached upon the property being purchased by the Buyers and that a part of the dwelling unit on the property purchased by Harvey Van and Janet Aldridge was west of the east boundary of the aforementioned real estate being purchased by the Harpers.
3. I further depose and state that I reduced the purchase price to be paid by the Harpers because of this encroachment and the Harpers were aware of said reduction.
4. I further depose and state that I am a "Seller" in the real estate contract dated March 14, 1984 and filed of record at Book 118, page 675, wherein the following described real estate was conveyed to Harvey Van and Janet Rae Aldridge, to wit:

The West 110 feet of all of that part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying South of the South line of the public highway known as Iowa Primary Road #92 and North of the right-of-way formerly used by the Chicago, Rock Island and Pacific Railway Company.

5. I further depose and state that the foregoing statements are made for the purpose of explaining the situation as between the Aldridges' and Harpers' at the time the Harpers' entered into their contract to purchase and all statements are made from my direct and personal knowledge.

STATE OF IOWA            }  
                                  }ss:  
COUNTY OF MADISON    }

I, Richard M. Martin, being first duly sworn upon my oath, depose and state that I am the Affiant in the foregoing document; that I have read the statements contained in the foregoing Affidavit and that the statements therein contained are true as I verily believe.

Richard M. Martin  
Richard M. Martin, Affiant

STATE OF IOWA            )  
                                  )§  
COUNTY OF                )

On this 16<sup>th</sup> day of January, 1999, before me, the undersigned, a notary public in and for said county and state, personally appeared Richard M. Martin, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Judy Kephart  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

