| | | RECORDED / | REC \$ / 0 0 AUD \$ | |
|--|-----------|--------------|------------------------|---|
| Preparer Information: A. Stephen Walters | | P.O. Box 230 | Winterset, IA 50273 | (515)462-3731 FILED NO/035 |
| | AFFIDAVIT | EXPLANATOR | RY OF TITLE | BOOK 45 PAGE 859 |
| STATE OF IOWA |) | | | 99 SEP -9 PH 3: 55 |
| MADISON COUNTY | ss) | | | MICHELLE UT JEER RECORDER MADISON COUNTY.10WA |

- I, D.A. Bolton, after first being duly sworn upon oath, depose and state as follows:
- Union State Bank was the seller under a Real Estate Contract from Union State Bank to Anthony P. Leto and Dyane E. Mallett, dated April 13, 1983, and recorded June 10, 1983, in deed record 117 commencing on page 3 in the office of the Madison County, Iowa, Recorder, and I executed that Real Estate Contract as Executive Vice President of Union State Bank.
- 2. Union State Bank later gave a Warranty Deed in fulfillment of the Real Estate Contract described above which ran from Union State Bank to Dyane Elaine Mallett, a single person, dated August 1, 1984, and recorded August 1, 1984, in book 118 on page 120 in the office of the Madison County, Iowa, Recorder, which was executed on behalf of Union State Bank by Jean W. Lange as Chairman, and by myself, as Executive Vice President.
- 3. Through a scrivener's error, an incorrect legal description was used in the Real Estate Contract described above in paragraph 1. The correct legal description, which should have been used in the above described Real Estate Contract, was used in the Warranty Deed described above in paragraph 2, and is as follows:

A tract of land described as commencing 550 feet West of the Southeast Corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Nineteen (19), in Township Seventy-six (76) North, Range Twenty-nine (29) West of the

5th P.M., Madison County, Iowa, thence continuing West 402.20 feet, thence North 225 feet, thence East 402.20 feet, thence South 225 feet to the point of beginning, containing 2.0775 acres including 0.3047 acres of county road right-of-way.

4. Union State Bank has never owned or claimed any interest in the following described real property being sold by John H. Whatley, as executor of the Will of Gladys Baur, deceased, to Russell S. Jensen and Phoebe A. Jensen:

The Southwest Fractional Quarter (1/4) of Section 19, Township 76 North, Range 29 West of the 5th P.M., Madison County, Iowa.

5. I give this Affidavit of my own personal knowledge.

D.A. Bolton

Subscribed and sworn to before me the said D.A. Bolton on this _____ day of September, 1999.

Sowa

Notary Public in and for the State of Iowa