

COMPILED ✓
RECORDED ✓
COMPARED ✓

REC \$ 10.00
AUD \$ _____
R.M.F. \$ 1.00

FILED NO. 001500

BOOK 46 PAGE 1

99 OCT 12 PM 3:49

MICHELLE UTULER
RECORDER
MADISON COUNTY, IOWA

Preparer: David L. Dorff, Asst. Att'y. Gen., IA Dept. of Justice,
State Capitol Complex, Des Moines, IA 50319; ph. 515-281-5351

AFFIDAVIT EXPLANATORY OF TITLE
and
DISCLAIMER OF INTEREST IN REAL PROPERTY

STATE OF IOWA)
) SS:
COUNTY OF POLK)

The undersigned, being first duly sworn, states the following:

1. I am an Assistant Attorney General for the State of Iowa. My duties include advising the Madison Soil and Water Conservation District (District). I make this affidavit explanatory of title at the request of John E. Casper, attorney for Farmers and Merchants State Bank, Winterset, Iowa, concerning real property described as:

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Five (5), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

2. The District is the holder of an interest in real property described as the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), (sic), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, pursuant to a maintenance agreement recorded August 21, 1995, as Instrument No. 464, in Book 43, Page 151, Madison County Recorder's Office.

3. The maintenance agreement described in paragraph 2, above, contains a scrivener's error in that it fails to specify any section numbers within Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa. This error was discovered after the instrument was recorded, and the maintenance agreement was subsequently re-recorded to reflect that the Division's interest applies only to the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Fourteen (14), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa. The re-recorded instrument was recorded May 3, 1996, as Instrument No. 3012, in Book 43, Page 444, Madison County Recorder's Office.

4. On behalf of the District, the undersigned specifically denies any interest in the real property described in paragraph 1, above.

10-4-99
Date

David L. Dorff
David L. Dorff
Assistant Attorney General

STATE OF IOWA)
) SS:
COUNTY OF POLK)

On this 4th day of October, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared David L. Dorff, 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.

Colleen Baker
NOTARY PUBLIC in and for the
State of Iowa

