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FILED NO. 3710  
BOOK 44 PAGE 897  
98 MAR 30 PH 12: 29

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

AFFIDAVIT

STATE OF IOWA :  
SS:  
WARREN COUNTY:

REC \$ 10<sup>00</sup>  
AUD \$ \_\_\_\_\_  
R.M.F. \$ \_\_\_\_\_

I, John R. Hoyman, having been duly sworn do hereby depose and state:

1. I have examined the abstract of title to real estate at 2218 Bevington Park Road, St. Charles, Iowa, "hereafter referred to as the property under examination" which is legally described as follows:

Parcel "A" in the Northwest Fractional Quarter (1/4) of the Northwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> Principal Meridian, Madison County, Iowa, more particularly described as follows: Commencing at the Northwest Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence along the West line of the Northwest Quarter (1/4) of said Section One (1), South 00°00'00", 996.01 feet; thence South 90°00'00" East, 144.60 feet to the point of beginning. Thence North 85°15'33" East, 643.65 feet; thence North 90°46'26" West, 101.55 feet, thence North 86°49'00" West, 130.02 feet; thence North 09°46'26" West, 448.46 feet; thence South 74°03'23" West, 198.25 feet to the centerline of County Road R-35; thence along said centerline, South 23°53'30" West, 312.13 feet; thence Southwesterly 281.56 feet along a 2,864.79 foot radius curve, concave Southeasterly, having a central angle of 05°37'52" and a chord bearing South 21°04'34" West, 281.44 feet to the point of beginning. Said Parcel "A" contains 4.797 Acres including 0.690 Acres of County Road R-35 right-of-way.

The abstract is in one part and is certified as correct from the date of original entry to March 9, 1998, at 8:00 A.M. The last continuation was by Security Abstract and Title Company, Inc., Winterset, Iowa.

2. At Entry 92 of the abstract, I find a mortgage in the principal sum of \$20,000.00, executed by Ronald Hogan and Patricia K. Hogan f/k/a Patricia Kay McIntosh to Midland Financial Savings & Loan. The mortgage is dated June 28, 1988, and was filed on August 31, 1988, in Book 151, Page 139, office of the Madison County Recorder. The Mortgage encumbers real estate legally described as follows:

All that Part of the South 30 Acres of The Southwest 1/4 of the Southwest 1/4 of Section 36, Township 76 North, Range 26 and of the North 1/2 of the Northwest 1/4 of Section 1, Township 75 North, Range 26, Lying East of Center Line County Road R35 and North of Center Line of County Road, Madison County, Iowa.

3. At Entry 94 of the abstract, I find a Notice of Lien executed by Ronald P. Hogan and Patricia K. Hogan to Financial Plus Credit Union. The Notice of Lien is dated January 11, 1995, and was filed on February 24, 1995, in Book 175, Page 545, office of the

Madison County Recorder. The Notice of Lien encumbers real estate legally described as follows:

All that Part of the South 30 Acres of The SW ¼ of the SW ¼ of Section 36-76-26 and of the N ½ NW ¼ of Section 1-75-26, Lying East of Center Line County Road R-35 and North of Centerline of a County Road, Madison County, Iowa.

4. Neither of the legal descriptions in Entries 92 nor 94 give sufficient detail to ascertain which "County Road" forms the southern boundary of the real estate encumbered by the instruments described in Entries 92 and 94.

5. I have made a careful physical examination of the SW ¼ SW ¼ of Section 36-76-26 and of the N ½ NW ¼ of Section 1-75-26, Madison County, Iowa, and I find the following:

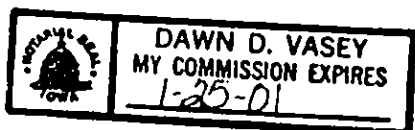
A. There is one east-west county road in the N ½ NW ¼ of Section 1-75-26. It is 215<sup>th</sup> Lane.

B. I find that the southern right-of-way line of 215<sup>th</sup> Lane lies north of the northern most boundary line of the property under examination.

6. This Affidavit is executed and recorded to show that the Mortgage and the Notice of Lien described in Paragraphs 2 and 3 above do not encumber the property under examination and to remove any clouds on the title of the property under examination.

*John R. Hoyman*  
\_\_\_\_\_  
JOHN R. HOYMAN

Subscribed and sworn to before me on this 20<sup>th</sup> day of March, 1998.



*Dawn D. Vasey*  
\_\_\_\_\_  
Notary Public in and for the State of Iowa.