

AFFIDAVIT

COMPUTER ☒RECORDED ☒COMPARED ☒FILED NO. 4517
BOOK 45 PAGE 82

98 MAY 15 PM 2: 26

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWASTATE OF IOWA :
:SS
MADISON COUNTY :REC \$ 15.00AUD \$ 1.00R.M.F. \$ 1.00

We, James Anthony and Rosemary K. Anthony, upon being duly sworn and deposed, do hereby state:

The affiants are the grantors in an easement agreement with the Southern Iowa Rural Water Association as the grantee, which instrument is dated June 3, 1995 and filed for record in the Madison County Recorder's Office on September 14, 1995 in Deed Record Book 134 at page 726. The affiants do further state that the legal description of the real estate in this easement agreement, to-wit:

A part of the West One-half (½) of Section 35, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northeast corner of the Northwest One-fourth (¼) of West One-half (½) of Section 35, 162.80 feet thence North 87°38'40" East 344.30 feet, thence South 18°21'20" East 85.30 feet, thence South 03°40'40" West 727.50 feet to the South line of the N½ NW¼ SW¼ of Section 35, thence South 87°00'00" West along said South line a distance of 947.00 feet to the East line of NW¼ NW¼ SW¼ of said Section 35, thence Northerly along said east line a distance of 654.50 feet to the North line of said NW¼ SW¼, thence North 87°38'40" E along said North line a distance of 676.00 feet to point of beginning,

was erroneous and the result of a scrivener's error. In truth and in fact, the affiants did not intend to encumber the above described real estate in any manner, the grantee Southern Iowa Rural Water Association did not intend to accept an easement grant upon the above described real estate, and these affiants did not intend to describe this real estate in the instrument referred to above.

The affiants know of their own personal knowledge that neither they nor the grantee in the above described instrument did not at any time assert or claim any right, title or interest in and to the real estate legally described as:

The North Half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$); **AND** the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Thirty-four (34); **EXCEPTING THEREFROM** a tract of land conveyed for road purposes described as beginning at the northeast corner of the Northeast Quarter ($\frac{1}{4}$) of Section 34, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence on an assumed bearing of North $90^{\circ}00'00''$ West along the centerline of the existing highway 719.49 feet; thence South $00^{\circ}00'00''$ West 33.00 feet to the south highway right of way line of the existing Madison County highway; thence South $85^{\circ}59'45''$ East 100.24 feet; thence South $86^{\circ}11'09''$ East 300.67 feet; thence South $22^{\circ}37'12''$ East 65.00 feet; thence North $90^{\circ}00'00''$ East 275.00 feet; thence North $19^{\circ}39'14''$ East 57.95 feet; thence North $00^{\circ}00'00''$ East 65.43 feet to the centerline of the existing highway and the point of beginning, containing 1.28 acres more or less including the present highway right of way,

AND

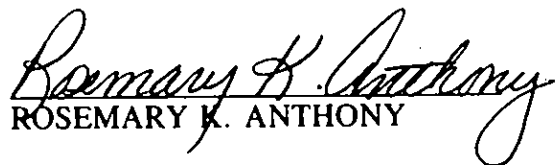
The Northwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$); **AND** the North 75 acres of the East Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$); **AND** the West Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$); **AND** the West Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Thirty-five (35); **EXCEPTING THEREFROM** a tract of land described as follows: Commencing at a point on the North line of Section Thirty-five (35), 295.67 feet Easterly of the Northwest corner of the Northeast Quarter ($\frac{1}{4}$) thereof, thence South $10^{\circ}10'$ East 309.15 feet, thence South $63^{\circ}31'$ East, 457.8 feet, thence North $0^{\circ}55'$ West, 532.65 feet to the North line of said Section, thence Westerly along said Section line 457.8 feet to the point of beginning, said exception containing 4.08 acres, including the present established highway; **AND ALSO EXCEPTING THEREFROM** a tract of land conveyed for road purposes described as beginning at the northwest corner of the Northwest Quarter ($\frac{1}{4}$) of Section 35, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence on an assumed bearing of North $90^{\circ}00'00''$ East 380.49 feet; thence South $00^{\circ}00'00''$ East 33.00 feet to the south highway right of way line of the existing Madison County highway; thence South $87^{\circ}24'15''$ West 375.37 feet; thence South $19^{\circ}39'14''$ West 16.38 feet; thence North $00^{\circ}00'00''$ East 65.43 feet to the centerline of the existing highway and the point of beginning, containing 0.37 acres more or less including the present highway right of way,

ALL

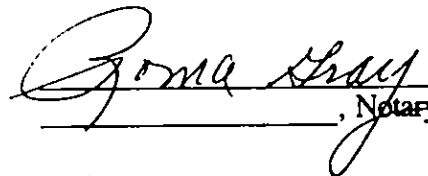
in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa,

Further, the affiants sayeth not.


JAMES ANTHONY


ROSEMARY K. ANTHONY

Subscribed and sworn to before me by JAMES ANTHONY and ROSEMARY K. ANTHONY on this 14 day May, 1998.


_____, Notary Public



c:\wp\m\palmer-t.aff