

REC 1000
R.M.F. 100

FILED NO. 283
BOOK 43 PAGE 564
96 JUL 30 PM 12: 23
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

COMPUTER ✓
RECORDED ✓
COMPARED ✓

Please return to:

Robert A. Sims
801 Grand Ave., Ste. 3100
Des Moines, Iowa 50309

AFFIDAVIT

STATE OF IOWA)
) SS:
COUNTY OF POLK)

RE: The West 3½ acres of the North 36 rods and 8 feet of the South Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼), except the East 121.64 feet of the North 16.33 feet of said tract, all in Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa (hereinafter referred to as the "Property").

I, Robert A. Sims, being first duly sworn and upon oath do state that:

- 1. I am an attorney licensed to practice law in the State of Iowa, and I have practiced law in Des Moines, Iowa for the past ten years.
- 2. I am familiar with the facts and circumstances surrounding the conveyance of the Property from Dewey S. Eyerly and Mary D. Eyerly, husband and wife, to Craig S. Deichmann and Pamila G. Deichmann.
- 3. The warranty deed which was initially filed conveying the property from the Eyerly's to the Deichmann's contained two errors. The deed misspelled the name of the grantee, incorrectly referring to Pamila G. Deichmann as Pamela G. Deichmann. Also, the deed incorrectly referred to the legal description of the property as being located within the Southeast quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa.
- 4. A corrected warranty deed dated September 30, 1993, filed November 8, 1993, and recorded in Deed Record 58, Page 715 of the Madison County Records (the "First Corrected Warranty Deed") was placed of record which correctly identified the legal description of the property conveyed from the Eyerlys to the Deichmanns. However, the First Corrected Warranty Deed still contained a misspelling of one of the grantee's first name, again misidentifying Pamila G. Deichmann as Pamela G. Deichmann.

5. On December 6, 1994, a Second Corrected Warranty Deed was filed which corrected the error in the spelling of the grantee's first name, correctly identifying the grantee as Pamila G. Deichmann. However, this second corrected warranty deed inadvertently contained the legal description contained in the first (incorrect) deed, rather than the correct legal description contained in the First Corrected Warranty Deed.

6. I know of my own personal knowledge that the grantees under each of these warranty deeds are named Craig S. Deichmann and Pamila G. Deichmann. I also know of my own personal knowledge that Dewey S. Eyerly, Mary D. Eyerly, Craig S. Deichmann, and Pamila G. Deichmann do not own, nor claim an ownership in, the property described as:

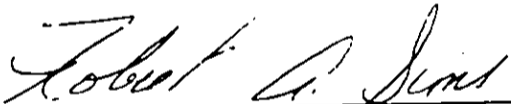
The West 3½ acres of the North 36 rods and 8 feet of the South Half (S½) of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) except the East 121.64 feet of the North 16.33 feet of said tract, all in Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

7. I also know of my own personal knowledge that the property which the Eyerlys owned, which the Deichmann's now own, and which the parties intended to and actually did convey is the Property described as:

The West 3½ acres of the North 36 rods and 8 feet of the South Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼), except the East 121.64 feet of the North 16.33 feet of said tract, all in Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa,

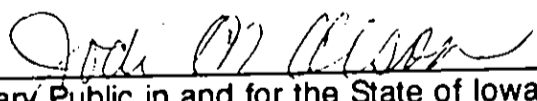
and that is the Property which was intended to be conveyed to Craig S. Deichmann and Pamila G. Deichmann. Therefore, Craig S. Deichmann and Pamila G. Deichmann now own the Property.

FURTHER SAYETH YOUR AFFIANT NOT.


ROBERT A. SIMS

Subscribed and sworn to before me by Robert A. Sims this 23rd day of July, 1996.




Notary Public in and for the State of Iowa