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LISA SMITH, COUNTY RECORDER MADISON IOWA

Prepared By: Mark L. Smith, Post Office Box 230, Winterset, IA 50273

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## AFFIDAVIT EXPLANATORY OF TITLE AND AFFIDAVIT OF POSSESSION

STATE OF IOWA

:. :SS

COUNTY OF MADISON

1, Dona Russell \_\_\_\_\_, of The Union Chapel or Church of Lincoln Township, depose and state as follows:

This is an Affidavit Explanatory of Title and an Affidavit of Possession to the following-described real property:

Commencing at the Southwest corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-four (34), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, running thence East 12 rods, thence North 13 rods, thence West 12 rods, thence South 13 rods to place of beginning.

That Bob W. Gibson and Patricia D. Gibson accepted a Warranty Deed dated March 25, 1999, and filed February 23, 2000, in Book 142, Page 261 of the Recorder's Office of Madison County, lowa. This Deed's legal description excepts out the real estate listed in paragraph 1 hereof, however, that exception contained a scrivener's error. Then, Bob W.

Gibson and Patricia D. Gibson granted an Easement to Southern Iowa Rural Water Association dated June 26, 2000, and filed October 5, 2000, in Book 144, Page 91 of the Recorder's Office of Madison County, Iowa, in which the legal description that was used also contained the same scrivener's error in regard to the real property being excepted out.

The Exceptions listed in both the Warranty Deed given to Bob W. Gibson and Patricia D. Gibson and the limited Easement that was granted from Bob W. Gibson and Patricia D. Gibson to Southern Iowa Rural Water Association should read as set forth in paragraph 1 hereof.

- 3. Bob W. Gibson and Patricia D. Gibson have no right, title or interest in the real estate described in paragraph 1 hereof.
- 4. The Union Chapel or Church of Lincoln Township is the recorded titleholder to the above-described property situated in Madison County, Iowa, and has been so since 1891.
- 5. The Union Chapel or Church of Lincoln Township is now and has been in complete and actual sole possession of said real estate except as may be herein stated. This Affidavit is made from my own personal knowledge and I am familiar with said real estate, its titleholders and its parties in possession; and this Affidavit is for the purpose of confirming title to the above-described real estate under the provisions of Section 614.17 and Section 614.17A, Code of Iowa, and other statutes relative thereto.

By: Nona Russell, 3rd Elder & Transwer

Subscribed and sworn to before me by the said Dina Presell on this day of field, 2009.

JOHN S. SHAW
Commission Number 188747
My Commission Expires

188747 Notary Public in and for the State of Iowa