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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Prepared By: Mark L. Smith, P.O. Box 230, Winterset, IA 50273 Telephone: 515/462-3731

Return Document To: Mark L. Smith, P.O. Box 230, Winterset, IA 50273

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AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA; MADISON COUNTY:ss

I, Clarence L. Emerson, after being duly sworn upon oath depose and state as follows:

1. This is an Affidavit explanatory of title to the following-described property:

A tract of land commencing at the point of intersection of the West line of the public highway with the South line of the North 33.82 acres of the Northwest Fractional Quarter (NW Fr. 1/4) of the Southwest Quarter (SW 1/4) of Section Eighteen (18), in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, and running thence North along the West line of said highway 295 feet, thence west 295 feet, thence South 295 feet to the South line of said 33.82-acre tract, thence East 295 feet to the point of beginning, containing 2 acres, more or less.



2. In 2002 I entered into a Contract to sell the real estate described in this Affidavit to Charles B. Smith and Betty J. Smith dated July 21, 2002, and filed July 30, 2002, in Book 2002, Page 3706 of the Recorder's Office of Madison County, Iowa. In the Contract it was stated that I shall have the right to continue to occupy the premises being sold as long as I desire to do so. I

then later passed this property to Charles B. Smith and Betty J. Smith by Warranty Deed. It was not stated in such Deed whether or not the reservation in the Contract was terminated by the Warranty Deed. I affirmatively state that I intended the Warranty Deed to pass all right, title and interest I had in the property to Charles B. Smith and Betty J. Smith and that I claim no right to any reservation and have no remaining interest in the property.

Clarence Emerson

Clarence L. Emerson

Subscribed and sworn to before me by the said Clarence L. Emerson on this 26th day of

January, 2011.

Tim J. Rethmeier

Notary Public in and for the State of Iowa

