

REC \$ 10.00
AUD# - COMPARED

FILED NO. 3043
BOOK 41 PAGE 5

92 JUN 16 PM 2:28

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

AFFIDAVIT

STATE OF IOWA)
) SS
MADISON COUNTY)

I, Lewis H. Jordan, upon being duly sworn, do hereby depose and state as follows:

The affiant is a practicing attorney in Winterset, Madison County, Iowa, and is well and truly acquainted with Emery Shearer who executed and filed for record on April 21, 1980 an Affidavit of Possession which appears in the Madison County Recorder's Office in Miscellaneous Record Book 33 at page 48. The affiant further states that he prepared the instrument and knows of his own personal knowledge that the legal description of the real estate set forth in that instrument was erroneous and the result of a scrivener's error. The description erroneously failed to except from the tract of real estate therein described the real estate legally described as:

A tract of land described as commencing 251 feet East of the Northwest Corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of Section Thirty-six (36), in Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, running thence South 162 feet, thence East 260 feet, thence North 162 feet, thence West 260 feet to the point of beginning; Also, a tract of land described as commencing at the Northwest Corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of said Section Thirty-six (36), in Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, running thence South 82 feet thence East 8 feet, thence North 82 feet, thence West 8 feet to the point of beginning.

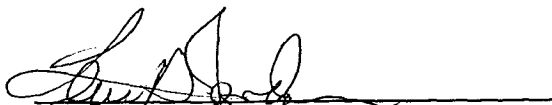
In truth and in fact, Emery Shearer did not intend to claim any right, title or interest in and to the real estate legally described as:

A tract of land described as commencing 251 feet East of the Northwest Corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of Section Thirty-six (36), in Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, running thence South 162 feet, thence East 260 feet, thence North 162 feet, thence West 260 feet to the point of beginning; Also, a tract of land described as commencing at the Northwest Corner of the Northwest Quarter (¼) of the Northwest Quarter (¼) of said Section Thirty-six (36), in Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, running thence South 82 feet thence East 8 feet, thence North 82 feet, thence West 8 feet to the point of beginning.

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Further, this affiant did not intend in the preparation of the Affidavit of Possession to describe the aforesaid real estate in this Affidavit of Possession.

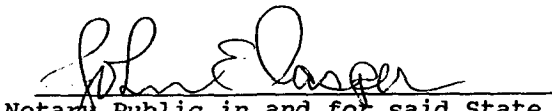
Further the affiant sayeth not.


Lewis H. Jordan

STATE OF IOWA)
) SS
) COUNTY)

On this 15th day of June, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Lewis H. Jordan to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged to me that he executed the same as his voluntary act and deed.




John E. Casper, Notary Public in and for said State