

COMPARED

FILED NO. 636  
BOOK 40 PAGE 429

Fee \$10.00 91 AUG 30 AM 9: 17

**AFFIDAVIT**

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

We, Marvin Smith and Judi Smith, husband and wife, being first duly sworn on oath depose and state as follows:

1. That we did enter into One Certain Agreement (hereinafter "AGREEMENT") with Warren R. Carter and Marian P. Carter, dated January 29, 1991, and filed in the Office of the Madison County Recorder on February 21, 1991, in Book 40 at Page 85, which provided that Warren R. Carter and Marian P. Carter would exchange with us certain real property owned by them in Guthrie County, Iowa, in exchange for certain real property located in Madison County, Iowa, in the event we become record title holders thereto, legally described to-wit:

The North Fractional Half (N.F.R.L.1/2) of the Northeast Quarter (NE1/4) and the East Fractional Half (E.F.R.L.1/2) of the Northwest Quarter (NW1/4) of Section Six (6), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M.; and

The West Half of the Southwest Quarter (W1/2SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-one (31), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., subject to easements of record and less approximately three (3) acres that include the buildings which are not included in this exchange.

2. That the real property excluded from the above described Agreement and referred to therein as "approximately three acres that include the buildings which are not included in this Exchange," was infact later surveyed (hereinafter "SURVEY") March 12, 1991, by Charles T. Vance, of Winterset, Iowa, and filed in the Office of the Madison County Recorder, in Book 2 at Page 235 and described therein as follows:

A parcel of land in the North Half (N1/2) of the Northeast Fractional Quarter (N.E.F.R.L.1/4) of Section Six (6), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, more particularly described as follows: Commencing at the Northeast corner of Section (6), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the North line of said Section Six (6), South 90°00'00" West 1,102.94 feet; thence South 00°00'00", 70.00 feet to the point of beginning. Thence continuing South 00°00'00", 362.37 feet; thence South 90°00'00" West, 360.87 feet; thence North 00°00'00" 358.28 feet; thence North 85°23'12" East, 50.82 feet along the South Right of Way line of Highway No. 92; thence North 90°00'00" East, 310.21 feet to the point of beginning, said parcel of land contains 3.000 Acres.

3. That we do hereby state that we did not obtain any interest whatsoever in the real property described in SURVEY nor do we claim any right, title, interest or demand

in said real property whatsoever.

Further these affiants saith not.

Marvin Smith  
Marvin Smith

Judi Smith  
Judi Smith

State of Iowa, County of Guthrie, ss:

On this 24 day of August, 1991, before, me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Marvin Smith and Judi Smith, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Charles E. Tucker, Jr.  
Notary Public in and for said County and State

Charles E. Tucker, Jr.



Witness