

UNRECORDEDFILED NO. **530**

AFFIDAVIT EXPLANATORY OF TITLE

BOOK 40 PAGE 406

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STATE OF IOWA)

ss:

COUNTY OF POLK)

NICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

Fee \$15.00

I, George H. Capps, being first duly sworn upon my oath, depose and state that I am a licensed practicing attorney within the State of Iowa. I further state that I was attorney for Blue Plans Credit Union at the time of the execution and filing of record of a Mortgage executed by Jack E. Blackford and Martha B. Blackford, husband and wife, as mortgagors, in favor of Blue Plans Credit Union, as mortgagee, in the amount of \$34,661, and filed December 18, 1986, in Book 147, Page 117, of the Madison County, Iowa, records.

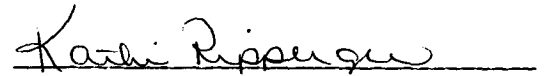
In connection with said Mortgage transaction, I did examine the Abstract of Title to the real estate owned by Jack E. Blackford and Martha B. Blackford, husband and wife, more particularly described in Exhibit "A" attached hereto. That due to scrivener's error, the specific metes and bounds description of the property described in said Exhibit "A" was omitted from the Mortgage executed by Jack E. Blackford and Martha B. Blackford in favor of Blue Plans Credit Union, recorded in Book 147, Page 117. I further state it was the intent of the parties to said Mortgage to encumber only the real estate described on Exhibit "A" attached hereto. Accordingly, said Mortgage filed in Book 147, Page 117, encumbers only the real estate described on Exhibit "A" and the parties to said Mortgage do not now nor have they ever had any claim of right, title or interest in and to the following-described real estate situated in Madison County, Iowa, to-wit:

A tract of land commencing at a point 29.5 feet East of the West Quarter (1/4) Corner of Section Fourteen (14), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence continuing East 1,293 feet along the quarter section line, thence South 00° 48' East 673.72 feet, thence south 89° 57' West 1,297.7 feet, thence North 00° 24' West 674.8 feet to the point of beginning, containing 20.9493 acres including 1.6014 acres of county road right-of-way.

This Affidavit is given for the sole purpose of clearing an apparent cloud upon the title to the above-described real estate.


George H. Capps

Subscribed and sworn to before me this 16th day of August, 1991.


Notary Public in and for the State of Iowa



P.3

EXHIBIT "A"

A parcel of land in the West Half of the Southwest Quarter of Section 14, and in the Southeast Quarter of the Southeast Quarter of Section 15, all in Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, more particularly described as:

Commencing at the Northeast corner of the West Half of the Southwest Quarter of Section 14, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence along the east line of said West Half, South $00^{\circ}41'06''$ East 674.48 feet to the Point of Beginning; thence continuing along said east line, South $00^{\circ}41'06''$ East 960.66 feet; thence South $85^{\circ}47'53''$ West 1371.13 feet; thence parallel with and 33 feet west of the east line of the Southeast Quarter of the Southeast Quarter of Section 15, North $00^{\circ}16'37''$ West 414.76 feet; thence South $89^{\circ}46'26''$ East 66.00 feet; thence parallel with and 33 feet east of the west line of the Northwest Quarter of the Southwest Quarter of Section 14, North $00^{\circ}16'37''$ West 646.21 feet; thence North $89^{\circ}59'00''$ East 1295.10 feet to the Point of Beginning, containing 30.683 acres, more or less, including public road, and 29.954 acres, more or less, excluding public road.

Bearings are based on the north line of the Southwest Quarter of Section 14, T77N, R28W of the 5th P.M., as per Charles Vance's plat dated April 14, 1978, which is assumed to bear East.