

COMPARED

Fee \$5.00

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BOOK 40 PAGE 616

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AFFIDAVIT

STATE OF IOWA, ss:

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

I, the undersigned, having been first duly sworn, upon my oath depose and state that I am the President of Warren Water District which is the successor corporation to Warren Water, Inc. which is the Grantee of an Easement by Ernest D. Carroll and Catherine E. Carroll, husband and wife, Grantors, dated November 30, 1989 and filed May 14, 1990 in Book 127, Page 263, in the Office of the Recorder of Madison County, Iowa, that I have personal knowledge of the easement rights of Warren Water, Inc., now known as Warren Water District, to real estate situated in Madison County, Iowa, and that I have authority to execute documents relating to real estate on behalf of Warren Water District, a corporation organized under the provisions of Chapter 357A of the Code of Iowa.

The undersigned further deposes and states that at the time Warren Water, Inc. accepted the above-described Easement, it did not intend to acquire any right, interest or title by virtue of said Easement, in the following described property, to-wit:

North Fr. 1/2 SE 1/4; and SE Fr. 1/4 SE 1/4 of Section 13, Township 77 North, Range 26, W 5th P.M., except the South 389.00 feet of the West 560.00 feet, measured as a parallelogram, of the SW 1/4 SE 1/4 SE 1/4 (as fenced) of Section 13, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa containing 5.00 acres, more or less, and except that part of the SE 1/4 SE 1/4 SE 1/4 of Section 13, Township 77 North, Range 26 West of the 5th P.M., all in Madison County, Iowa described as follows: Beginning from the Highway Intersection forming the SE corner of said Section 13, thence S 82° 40' 20" W distant 357.90 feet; thence N 00° 00' 00" E distant 389.00 feet; thence N 82° 40' 20" E distant 357.90 feet; thence S 00° 00' 00" W distant 389.90 feet to the point of beginning, containing 3.17 acres, more or less, situated in Madison County, Iowa,

nor does Warren Water, Inc. or Warren Water District claim any such right, interest or title now in such real estate by virtue of the above-described Easement; and, to the extent the above-described Easement appears or purports to convey any interest in the real estate described above, the description is in error.

The undersigned further deposes and states that at the time Warren Water, Inc. accepted the above-described Easement, it intended to acquire an easement in the following described property, to-wit:

A parcel of land in the SE fractional 1/4 of the NE 1/4 of the SE Quarter Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa

The undersigned further deposes and states that this affidavit is given for the purpose of clearing title to real estate first described above, and further affiant sayeth not.

Dated this 11 day of February, 1992.

WARREN WATER DISTRICT

By: Kenneth Hines
Kenneth Hines, Chairperson

On this 11 day of February, 1992, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kenneth Hines, to me personally known, who being by me duly sworn, did say that he is the Chairperson of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Kenneth Hines as officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

Twila J. Salsbury
Notary Public in and for said State
TWILA J. SALSBU
MY COMMISSION EXPIRES
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