



AFFIDAVIT OF POSSESSION

FILED NO. 581

TO WHOM IT MAY CONCERN:

BOOK 39 PAGE 685

STATE OF ~~XXXXX~~)
) ss.
 _____)
 COUNTY)

90 SEP -7 PM 2:34

Compared

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$ 10.00

The undersigned first being duly sworn (or affirmed) upon oath deposes and states:

That George M. Montross

are now the record titleholders of the following described real estate situated in Madison County, to-wit:

Lots 7, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22 and 23 of Northwest Development - Plat 1, in Winterset, Madison County, Iowa

That said George M. Montross are now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession; and is for the purpose of confirming title to the above described real estate under the provisions of Section 614.17, Code of Iowa, and other statutes relative thereto.

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN.

Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 4 day of SEP 1990
x George M. Montross
George M. Montross, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 4 day of SEP 1990



Notary Public in and for the State of ~~Iowa~~

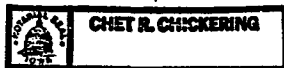
The undersigned, owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the County Recorder of the County wherein said land is situated as the authorized attorney in fact to file same.

If the Power of Attorney is granted by a Corporation attach corporate acknowledgment (Official Form No. 12).

Iowa MADISON COUNTY, ss:
STATE OF ~~IOWA~~)
)
)
)

On this 4 day of SEP 1990 before me, the undersigned, a Notary Public in and for

the State of Iowa, personally appeared George M. Montross to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Notary Public in and for the State of ~~Iowa~~

The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

MARGINAL ENTRY

STATE OF IOWA, COUNTY OF Madison ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said affidavit or by his attorney in fact as shown by the records; and duly recorded and entered on the records thereon on the 7 day of September 1990.

Mary E. Welty
Recorder.

Author: Teedell v. Hanes
249 Iowa 43 (1957)
82 NW(2d) 119.

ATTACHMENT TO AFFIDAVIT OF POSSESSION BY GEORGE M. MONTROSS

That a Warranty Deed from William R. Kent and Elzara H. Kent, husband and wife, to W. Robert Mills, dated and recorded April 29, 1983, in Town Lot Deed Record 51 on page 187, excepts from the property conveyed "that portion thereof designated as Lots 1, 2, 3, 4, 5, 6 and 7"; that this legal description fails to clearly state the plat in which these Lots 1 through 7 are located through some inadvertent error in the preparation of the legal description of the property covered by this deed and by the Real Estate Contract between the same parties that preceded it; that the said Warranty Deed was intended to, and did, describe that portion thereof designated as Lots 1, 2, 3, 4, 5, 6 and 7 in Fourth Avenue Place; and that the real property covered by the above described Warranty Deed has been conveyed to and occupied by W. Robert Mills and Gayla F. Mills, and their successors and assigns, according to the legal description correctly explained above, placing lots 1, 2, 3, 4, 5, 6 and 7 in Fourth Avenue Place.

EXHIBIT A