

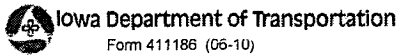


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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA



Form 411186 (06-10)

Preparer Name	Todd G. Nielsen	Street Address	211 N. Maple St.	City	Creston, IA	State	50801	Zip	641-782-7007	Phone
Return Document To:	Todd G. Nielsen, Maple St., Creston, IA 50801									

### AFFIDAVIT IN LIEU OF SURRENDER OF TITLE PURSUANT TO IOWA CODE SECTION 435.26B

#### PART A - OWNER INFORMATION

Full Legal Name - Owner #1: Jason Berry  
First Middle Last

Residence Address 210 West North St., Winterset Madison IA 50273  
(Business Address if organization) Address City County State Zip Code

Mailing Address 210 West North St. Winterset Madison, IA 50273  
Address City County State Zip Code

Iowa DL # or Iowa ID # \_\_\_\_\_ Tax Identification # \_\_\_\_\_  
(If individual) (If organization)

Full Legal Name - Owner #2: \_\_\_\_\_  
First Middle Last

Residence Address \_\_\_\_\_  
(Business Address if organization) Address City County State Zip Code

Mailing Address: \_\_\_\_\_  
Address City County State Zip Code

Iowa DL # or Iowa ID # \_\_\_\_\_ Tax Identification # \_\_\_\_\_  
(If individual) (If organization)

If there are additional owners, attach a separate page to this affidavit listing the owner information required above.

#### PART B - DESCRIPTION OF MANUFACTURED OR MOBILE HOME

Year	2005	Make	Highland	Model	Classic	Serial Number (or other unique identifying number)	HU-11738A HU-11738B
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**PART C - STATEMENT OF OWNERSHIP, LIENS, ENCUMBRANCES, OR SECURITY INTERESTS**

Owner(s) has/have title or interest in the manufactured or mobile home described in Part B of this affidavit ("the Home") as follows:

Owner is fee title holder to real estate the home is affixed to, subject to a mortgage in favor of Wells Fargo Bank.

Following is a complete listing of the names and addresses of all persons having a lien, encumbrance, or security interest in the Home. If none, so state: \_\_\_\_\_

Name	Mailing Address (Address, City, State, Zip)	Interest Held
Wells Fargo Bank, N.A.	203 W. 3rd St., Davenport, IA 52801	1st Lien Holder/ Mortgagee

If there are additional persons that have a lien, encumbrance, or security interest in the Home, attach a separate page to this affidavit listing the name of each person holding the interest, the person's mailing address, and the nature of the interest held.

**PART D - FACTS AFFECTING VALIDITY OF TITLE, LIENS, ENCUMBRANCES OR SECURITY INTERESTS**

Check one of the following:

- The owner(s) is/are NOT aware of (i) any other claim, lien, or encumbrance affecting the Home, (ii) any facts or information that could reasonably affect the validity of title of the Home or the existence of any security interests in it.
- The owner(s) is/are aware of (i) other claims, liens, or encumbrances affecting the Home, and/or (ii) facts or information that could reasonably affect the validity of title of the Home or the existence of any security interests in it. (Attach separate explanation).

**PART E - PERSON FROM WHOM PURCHASED OR ACQUIRED**

The owner(s) purchased the Home from the following:

Name: Sunrise Housing, Inc.

Address: 14374 Hwy 65, Iowa Falls, IA 50126

Street City County State Zip Code

Date of purchase/acquisition: 02/09/06 Location of purchase/acquisition Iowa Falls, Iowa

**PART F - TITLE OPINION**

Attached to this affidavit is a written opinion by an attorney licensed to practice law in this state who has examined the abstract of title of the land upon which the Home is situated. The opinion states the names of the owners and holders of mortgages, liens, or other encumbrances on the land upon which the Home is situated and notes the encumbrances along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances.

**PART G - LOCATION OF MANUFACTURED OR MOBILE HOME**

The Home is located on real property described in the attorney title opinion referenced in Part F and:

1. Is located outside a manufactured home community or mobile home park;
2. Has been converted to real estate by being placed on a permanent foundation;
3. Has been entered on the tax rolls.

THIS PART TO BE ENDORSED BY THE CITY OR COUNTY ASSESSOR:

Joni J Hopkins  
Signature of City or County Assessor Date

Joni J Hopkins  
Printed Name of City or County Assessor

**PART H - DEPARTMENT OF TRANSPORTATION ENDORSEMENT**

The department has searched its records and certifies (i) there is no record of a certificate of title, (ii) no record of surrender of a certificate of title, (iii) no record of any ownership interest contrary to the ownership interest asserted by the owner(s), (iv) no lien, encumbrance, or security interest contrary to those specified by the owner(s) for the Home.

Andrew P. Lewis 4/28/14  
Signature of Department Representative Date

Andrew P. Lewis  
Printed Name of Department Representative

**PART I - STATEMENT OF TITLE SEARCH**

After diligently searching for the same, the owner(s) has/have been unable to locate and produce a manufacturer's certificate of origin or a certificate of title for the Home.

Owner(s) has/have no knowledge that a certificate of title has previously been issued or surrendered for the Home.

**PART J - EXECUTION BY OWNERS**

State of Iowa )  
County of Madison ) ss:

I (we) the undersigned, being first duly sworn (or affirmed) under oath, state of my (our) personal knowledge that all the preceding information set out in this affidavit is true and correct.

Jason Berry  
Owner #1  
Jason Berry  
Printed Name

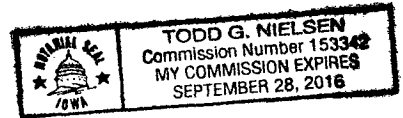
\_\_\_\_\_  
Owner #2  
\_\_\_\_\_  
Printed Name

Additional owners (if applicable):

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Signed and sworn to (or affirmed) before me on Apr 13, 2014, by Jason Berry



Todd G. Nielsen  
Todd G. Nielsen, Notary Public

Official Seal:

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ARNOLD O. KENYON III  
TODD G. NIELSEN

**KENYON & NIELSEN, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW  
211 N. MAPLE STREET  
CRESTON, IOWA 50801

AREA CODE 641  
TELEPHONE 782-7007  
FAX 782-6795  
KenyonandNielsenLaw.com

April 2, 2014

Title Opinion  
Pursuant to Affidavit In  
Lieu of Surrender of Title  
435.26B

Re: 210 W. North St., Winterset, IA

Dear Ladies and Gentlemen:

I have examined an Abstract of Title certified by Madison County Abstract Company, covering the following described property located in Madison County, Iowa, to-wit:

Lot Two (2) and the East Ten (10) feet of Lot Three (3) in Block Six (6)  
of the Original Town of Winterset, Madison County, Iowa

Based entirely upon such abstract examination, I am of the opinion that title of said property is vested in **Jason Berry**, and further subject to the following:

1. **MORTGAGE:** Entry Numbered 42 of the Abstract shows a Real Estate Mortgage from Jason Berry, a single person in the amount of \$88,300.00 given to and held of record by Wells Fargo Bank, N.A. dated February 9, 2006, and recorded February 16, 2006, in Book 2006 at Page 628 of the records of the Madison County Recorder which is a first lien on the above-described property.
2. **MANUFACTURED HOME AFFIDAVIT OF FIXATIOIN:** Entry Numbered 44 of the Abstract shows a Manufactured Home Affidavit of Affixation from Jason Berry, a single person to the Public dated February 9, 2006, and filed February 16, 2006, in Book 2006 at Page 630 of the records of the Madison County Recorder. Said Affidavit states by Jason Berry that the home is in compliance with all rules and regulations associated with said Manufactured Home.
3. **FIRE ORDINANCE:** Entry Numbered 37 of the Abstract shows a Fire Ordinance for the City of Winterset, dated March 4, 1968 and recorded March 6, 1968 in Deed Record 39 at

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Page 95 of the records of the Madison County Recorder. Said Ordinance #184 provides that the real estate shown in the caption hereof, and other land, is included in a Fire District.

4. **AMENDED ZONING AND SUBDIVISION ORDINANCE:** Entry Numbered 38 of the Abstract shows an Amended Zoning and Subdivision Ordinance, dated June 17, 2002 and recorded March 3, 2003, in Book 2003 at Page 1290 of the records of the Madison County Recorder. Ordinance No. 499, an Ordinance adopting the amended Zoning and Subdivision Ordinances for the City of Winterset to be known as Chapters 10 and 12 of the Winterset Municipal Code, repeals and supercedes all previous Zoning and Subdivision regulations. Chapter 10, recorded in the Office of the Recorder in Book 2003, Page 328, relates to the division of land and establishes the area of view. Provides that this chapter shall apply to all proposed plats within two miles of Winterset's City Limits. Copies of the Zoning and Subdivision regulations and copies of the Zoning District map are on file and available for public inspection in the office of the Zoning Administrator, City Hall, City of Winterset, Iowa.

5. **REAL ESTATE TAXES:** The Treasurer's records show that the taxes are paid.

Very truly yours,

KENYON & NIELSEN, P.C.



Todd G. Nielsen

TGN/tdw

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