FILED NO. 1439
BOOK 114 PAGE 760
1981 MAR 31 PM 1:39
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $9.00 Paid

AFFIDAVIT

RE SEVEN OAKS SUBDIVISION

STATE OF IOWA

SS.

MADISON COUNTY

I, Jerry Trevillyan, being first duly sworn on oath do hereby state that I now am and was duly appointed and acting zoning administrator for Madison County, Iowa during the period of time consumed by the platting of a rural subdivision in Madison County, Iowa entitled Seven Oaks Subdivision. On 27 June 1980 I received the following documents from Attorney Chet R. Chickering regarding Seven Oaks Subdivision:

1. 10 final plat engineering drawings
2. Treasurer, Clerk, and Recorder Certificates
3. Mortgagee Bank's consent to platting
4. Dedication of plat
5. Certified resolution of City Council of Winterset, Iowa
6. Affidavit of possession
7. Set of Restrictive Covenants

Upon receipt of these documents all requirements of the rural estates subdivision regulation of Madison County, Iowa, and of Chapter 409 of the 1979 Code of Iowa were complied with regarding Seven Oaks Subdivision and all of the above listed items and documents were made available for inspection and final approval of the Madison County Zoning Commission and the Madison County Board of Supervisors.

After the Madison County Board of Supervisors, by resolution, had approved of the platting of Seven Oaks Subdivision the documents indicated above were recorded in the office of Madison County Recorder but through mistake, inadvertence and oversight two of the documents (Mortgagee Bank's consent to platting and the Affidavit of Possession) were not recorded with the other documents, which other documents were recorded at Book 114, Page 336, on 15 October 1980. The originals of these two documents are attached to this Affidavit (and by this reference made a part hereof) for recording purposes in order to correct the previous mistake, inadvertence and oversight and to complete the recording of all documents regarding Seven Oaks Subdivision as was originally contemplated.

Jerry K. Trevillyan
Jerry Trevillyan
Zoning Administrator for
Madison County, Iowa

STATE OF IOWA
COUNTY OF MADISON
SS

On this 25th day of March, 1981, before me, the undersigned, a Notary Public in and for Madison County, State of Iowa, personally appeared Jerry Trevillyan to me personally known who did say that he is Zoning Administrator for Madison County, a municipal corporation, and that the foregoing instrument was signed on behalf of said municipal corporation by authority of its Board of Supervisors and that Jerry Trevillyan as Zoning Administrator for Madison County executed the foregoing instrument as the voluntary act and deed of said municipal corporation.

Ida L. Silverthorn, Deputy Clerk
~~Notary Public~~ in and for Iowa

IND. ✓
REC. ✓
PAGE ✓

COMMUNITY NATIONAL BANK
AND TRUST COMPANY
KNOXVILLE, IOWA 50138 • 515-842-2126 • MEMBER FDIC

June 14, 1980

TO: Madison County, Iowa

Community National Bank & Trust Company, as holder of a mortgage upon the real estate embraced within the final plat of Seven Oaks Subdivision in Madison County, Iowa, does hereby consent to the platting of said real estate by H. Dwayne Crozier and Jane A. Crozier and does hereby state and agree that partial releases of our mortgage will be provided for each lot within the subdivision as each lot is sold provided two-thirds of the purchase price is paid to this bank to apply upon the current mortgage indebtedness and accrued interest.

Community National Bank & Trust Company

Wm W Burrell

William W. Burrell, Sr. Vice President

lac

IOWA STATE BAR ASSOCIATION
Official Form No. 27B, (Long Form) (Trade-Mark Registered, State of Iowa, 1957)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:

STATE OF IOWA
Madison COUNTY } ss.

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

That H. Dwayne Crozier and Jane A. Crozier

are now the record titleholders of the following described real estate to-wit:

Lots 1, 2, 3, 4 in Seven Oaks Subdivision,
Madison County, Iowa.

1-75-28

That said H. Dwayne Crozier and Jane A. Crozier are now in complete actual and sole possession of all of said real estate except as may be herein stated, and that they and their predecessors (who held record title thereof) in the recorded chain of title under which they claimed and claim ownership and the right to possession of the said real estate have been, since prior to January 1, 1940, in continuous, actual, visible, open, notorious, exclusive and unquestioned possession thereof, under color of title and claim of right to the exclusive possession as against the world and have improved said property and paid the taxes thereon; that neither the title nor the right to possession of said titleholders or any of those under whom they claim have been disputed or openly attacked by any one. 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 I.C.A., and other statutes relative thereto.

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 25 day of June, 1980.

H. Dwayne Crozier — Jane A. Crozier — Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 25 day of June, 1980.

KATHLEEN EDWARDS
MY COMMISSION EXPIRES
9-30-80

Kathleen Edwards
Notary Public in and for said County

Please type or print names under signatures as per Sec. 335.2 I.C.A. as amended

● POWER OF ATTORNEY

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.

H. Dwayne Crozier

Jane A. Crozier — Owner in Possession

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

STATE OF IOWA, Madison COUNTY, ss:

On this 25 day of June, 1980, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared H. Dwayne Crozier & Jane A Crozier, 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.

KATHLEEN EDWARDS
MY COMMISSION EXPIRES
9-30-80

Kathleen Edwards
Notary Public in and for said County

● 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 31 day of March, 1981.

Mary E. Welty
Recorder.

Authority: Tendell v. Hanes
249 Iowa 742 (1957)
88 NW(2d) 119.