



Document 2014 2926

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Fee Amount: \$12.00

Revenue Tax:

LISA SMITH RECORDER

Madison County, Iowa

INDX
ANNO
SCAN
CHEK

Prepared by and return to: Adam C. Van Dike, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309 Telephone: (515) 242-2400

AFFIDAVIT EXPLANTORY OF TITLE

The undersigned, as Senior Development Manager of Iowa Wireless Services, LLC. ("IWS"), being first duly sworn, deposes and states as follows:

1. I have personal knowledge of the facts stated herein.
2. I am familiar with a Site Lease with Option agreement between Terry L. Waddingham and Carla Waddingham and Iowa Wireless Services, LLC, d/b/a i wireless dated February 22, 2005 (the "Lease"), and the Memorandum of Lease that was recorded August 16, 2005, in Book 2005, Page 3932 in the records of Madison County, Iowa (the "Memorandum of Lease").
3. The legal description set forth in the Memorandum of Lease appears to incorrectly recorded against a portion of the following real estate:

The West Half (1/2) of the Southwest Quarter (1/4) and the North 54 Acres of the East Half (1/2) of the Southwest Quarter (1/4) of Section Twenty-six (26), in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa (the "Real Estate").
4. At no time did Iowa Wireless Services, LLC, d/b/a i wireless have any interest in record title to the Real Estate, and therefore, were not entitled to encumber the Real Estate by virtue of the Lease.
5. The correct legal description that should have been in the Memorandum of Lease is as follows:

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the northwest corner of the Northwest Quarter of the Southwest Quarter of Section 26; thence South 00°34'32" East (bearings referenced to Astronomic North) for 564.90 feet along the west line of the said Northwest Quarter of the Southwest Quarter of

Section 26; thence North 89°25'28" East for 348.78 feet to the TRUE POINT OF BEGINNING; thence North 89°36'44" East for 300.00 feet; thence South 00°23'16" East for 300.00 feet; thence South 89°35'44" West for 300.00 feet; thence North 00°23'16" West for 300.00 feet to the Point of Beginning. Contains 90,000 square feet.

6. This Affidavit is given as an affidavit explanatory of title pursuant to Iowa Code Section 558.8 (2013) for the Real Estate.

Date: Nov 17th, 2014

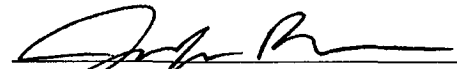
IOWA WIRELESS SERVICES, LLC

By: 
Jay Wilson, Senior Deployment Manager

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 17 day of November, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Jay Wilson, as Senior Deployment Manager of Iowa Wireless Services, LLC, an Iowa Corporation




Notary Public in and for said State