IOWA STATE BAR ASSOCIATION
Official Form No. 27A. (Short Form) (Trade-Mark Registered, State of Iowa, 1967)

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

Compared

AFFIDAVIT OF POSSESSION

1999

FILED NO.
BOOK 33 PAGE 89

IND. ✓
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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

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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 CLYDE G. BERRY and FERN V. BERRY

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

The North Half (½) of the Northeast Quarter (¼) of Section Twenty (20) and the South Half (½) of the Southeast Quarter (¼) of Section Sixteen (16) and the North Half (½) of the Northeast Quarter (¼) of Section Twenty-one (21) except the East 15 rods and 3½ feet of the South 7 rods thereof, in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa.

That said CLYDE G. BERRY and FERN V. BERRY 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.

Wherever in the chain of title to the above-described property the names Patrick James Tracy and Patrick Tracy appear, wherever in the chain of title to the above-described property the names Beryl Tracy and Beryl LeRoy Tracy appear, and wherever in the chain of title to the above-described property the names Hazel Tracy, Hazel E. Tracy and Hazel Elizabeth Tracy appear, they, respectively, refer to one and the same persons.

See attached sheet.

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 3rd day of June, 1980.

Clyde G. Berry, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 3rd day of June, 1980.

G. Stephen Walters, Notary Public in and for the State of Iowa

G. STEPHEN WALTERS Iowa NOTARIAL SEAL

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.

Please type or print names under signatures as per Code Section 335.2

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

Clyde G. Berry, Owner in Possession

STATE OF IOWA, MADISON COUNTY, ss:

On this 3rd day of June, 1980, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared CLYDE G. BERRY, 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.

G. Stephen Walters, Notary Public in and for the State of Iowa

G. STEPHEN WALTERS Iowa NOTARIAL SEAL

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 3 day of June, 1980.

Mary E. Welty, Recorder.

Authority: Tesdell v. Hanes
248 Iowa 43 (1957)
82 NW(2d) 119.

AFFIDAVIT
Clyde G. Berry

The Winterset Community School District of Madison County, Iowa, is the successor in interest to the School Township of Monroe in Madison County, Iowa, which was a smaller entity now contained within the Winterset Community School District of Madison County, Iowa; and at the time that the Quit Claim Deed from Winterset Community School District of Madison County, Iowa, to Clyde G. Berry, dated September 27, 1961, and filed in Deed Record 93 on Page 513 was executed, the following-described property, covered therein, had been abandoned as a school site and was purchased by Clyde G. Berry at a price agreed upon by the Winterset Community School District of Madison County, Iowa, and Clyde G. Berry:

> A tract of land described as commencing 7 rods North of the Southeast corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-one (21), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, running thence North 5 rods, thence West 251 feet, thence South 5 rods, thence East 251 feet to the point of beginning.