STATE OF IOWA, MADISON COUNTY, ss.

Inst. No. 1475 Filed for Record this 13 day of October 19 75 at 11:30

Book 111 Page 547 Recording Fee 2.50 Mary E. Welty, Recorder, By MW Deputy

TYPED

AFFIDAVIT EXPLANATORY OF TITLE

I, Duncan Baird, being first duly sworn, on oath, depose and state as follows:

I am the Condemnation Supervisor of the Office of Right of Way of the Iowa Department of Transportation, as such, I have custody and control of the records of the said Department of Transportation relative to condemnation proceedings instituted by said Department and am charged with responsibility for supervising the preparation of documents pertaining to the description of the rights in land to be acquired.

This affidavit explanatory of title is being given for the purpose of explaining a defect in the chain of title to certain lands acquired by the State of Iowa by virtue of certain condemnation proceedings recorded in Book 110, Pages 650 to 654 in the Office of the Madison County Recorder, and affecting property generally described as follows:

> "Part of the North 5 Acres of the NW¼NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa."

Said Condemnation proceedings are entitled:

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of Primary Road No. U.S. 169 in and west of Winterset, located in Madison County, Iowa, Project No. FN-169-3(3)--21-61, Group "D", Leonard D. Whalen, et ux (Parcel 25).

The State of Iowa is the owner in possession of a right of way acquired in fee simple as shown on the Plat Exhibit "B", recorded in said Book 110, Page 654 and it has come to the attention of the Department of Transportation that the description of the fee simple rights acquired was erroneously described as being:

> "All that part of the North 5 Acres of the NW¼NE¼NE¼ lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the west line of the NE¼NE¼, thence to a point 75 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼."

The correct description of the fee simple rights so owned and occupied as shown on said plat and as staked and laid out on the date condemned is as follows:

> "All that part of the North 5 Acres of the NW¼NE¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 75 ft. normally distant southerly of centerline on the west line of said NW¼NE¼NE¼, thence to a point 160 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼" and as shown on said Plat Exhibit "B".

The later correct description should be substituted for the former description so that the record defect may be corrected and explained to coincide with the possession of said right of way as shown in the plat referred to and as staked and laid out; and this affidavit is being given on behalf of said owner in possession, the State of Iowa, in support thereof pursuant to Section 558.8 of the Code of Iowa, in order that said defect in title and description be corrected.

In all other respects said condemnation proceedings are correct and without defect, as I verily believe.

On this 10TH day of OCTOBER, 1975, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Duncan Baird, to me personally known, who, being by me duly sworn, did state that he is the Condemnation Supervisor of the Office of Right of Way of the Iowa Department of Transportation, and that by authority of the Commission Order No. 71-298 approved on March 3, 1971, that he is authorized as Condemnation Supervisor to execute the above instrument on behalf of said Commission and further, that the instrument is the voluntary act and deed of the Iowa Department of Transportation.

Duncan Baird
Duncan Baird
Condemnation Supervisor
Office of Right of Way
Iowa Department of Transportation
State of Iowa

Robert L. Schuman
Notary Public in and for the State of Iowa
Robert L. Schuman

ENTERED FOR TAXATION
THIS 13 DAY OF Oct 1975
AUDITORS FEE $ 1.00
George F. Abraham
AUDITOR
Jean Ahlers
DEPUTY AUDITOR

NOTARIAL SEAL * ROBERT L. SCHUMAN *

DEED REC 111