FILED NO. 1320
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1978 DEC 28 PM 4:43

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee 6 00

A F F I D A V I T

STATE OF IOWA :
:ss
COUNTY OF MADISON :

I, Wilbur D. Creger, being first duly sworn on oath depose and say: That I am also known as Wilbur Creger and was one of the parties of the First Part, along with my Wife, Edna M. Creger, and Freda Creger, a/k/a Freda L. Creger, in a certain real estate contract dated June 23, 1973, which was recorded in the office of the Madison County, Iowa, Recorder, on July 2, 1973, at 4:12 P.M. in Book 45, page 452, wherein said parties of the First Part purported to sell the following-described real estate, to-wit:

> Commencing at a point 188.5 feet North and 33 feet West of the Southeast corner of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, to the point of beginning, thence West 202 feet, thence North 94 feet, thence East 202 feet, thence South 94 feet to the point of beginning,

to Terry L. Berry and Kathlyn D. Berry, his wife, and, that said description was in error in that said parties of the First Party were, at said time, the owners of the following described real estate, to-wit:

> East .48 acres of the South 2.15 acres of the North 7.15 Acres of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) in Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa,
>
> which is also described as:
>
> Commencing at the Southeast Corner of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, thence North 188.5 feet to the point of beginning, thence West 147.3 feet, thence North 141.9 feet, thence East 147.3 feet, thence South 141.9 feet to the point of beginning.

That none of said parties of the First Part to said real estate contract ever intended to claim any interest in the following described real estate, to-wit:

> Commencing at a point 188.5 feet north and 147.3 feet West of the Southeast corner of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, thence 87.7 feet west, thence 94 feet north, thence 87.7 feet east, thence 94 feet South to the point of beginning;

and that any inclusion of said last described tract of real estate in said real estate contract was a mere error in description.

Also, that a certain Notice of Forfeiture, not dated, and an Affidavit dated May 10, 1976, and recorded in the office of the Madison County Recorder on May 13, 1976, at Town Lot Deed Record 47, page 124, merely carries forward said mistake in description and that neither Freda Creger, a/k/a Freda L. Creger, myself, Wilbur D. Creger, a/k/a Wilbur Creger, or my wife, Edna M. Creger, did, by such Notice of Forfeiture and Affidavit, attempt to claim or intend to claim any interest in the tract of real estate last described above.

Wilbur D Creger
Wilbur D. Creger

Subscribed and sworn to before me by the said Wilbur D. Creger on this 27 day of December, 1978.

JEANETTE WHITE
MY COMMISSION EXPIRES
September 30, 1980

Jeanette White
Notary Public in and for the State of Iowa