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

AFFIDAVIT OF POSSESSION

FILED NO. 42
BOOK 31 PAGE 185

1976 JUL -6 PM 4:23

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 PHILIP R. JOHNSTON and EDYTHE M. JOHNSTON

are now the record titleholders of the following described real estate situated in Madison County, to-wit: A tract of land described as follows: Commencing 341 feet South of the Northwest Corner of Section Twenty-four (24) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, on the West line thereof running thence South 181.1 feet to the North line of Vine Street in the City of St. Charles, thence East along the North line of Vine Street 274 feet, thence North 181.1 feet, thence West to the Point of Beginning.

That said Philip R. Johnston and Edythe M. Johnston 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 esaate, 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. The above described property is a part of a tract which was sometimes described as:
Commencing at the NW cor. of Sec. 24-75-26, thence running S 31 rods, thence E to a point 66' due N. of NW cor. of Lot 4, Block 4, Hartman's & Youngs Addition to the Town of St. Charles, Iowa, thence running N. to the N. line of said Sec. 24, thence W. to the POB, all in Sec. 24-75-26, Madison County, Iowa;
and which was sometimes described as:
Commencing at the NW cor. of Sec. 24-75-26 in Madison County, Iowa, running thence S. 522.65' along the W line of said Section to the N line of Vine Street, thence E. 483' along the N. side of Vine Street to a point 66' directly N. of the N.W. cor. of Lot 4 in Block 4 of Hartman and Young's Addition of 1855 to the Town of St. Charles, thence N. to N. Sec. line of said Sec. 24, thence W. along said N. section line to POB.

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 21st day of January, 1976

Phil Johnston
Philip R. Johnston, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 25th day of January, 1976.

Shirley A. Webster
....., Notary Public in and for the State of Iowa

SHIRLEY A. WEBSTER
Notary Public in and for the State of Iowa
My Commission Expires September 30, 1978

Please type or print name under signatures as per Code Section 335.

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.

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

Phil Johnston
Philip R. Johnston, Owner in Possession

STATE OF IOWA, MADISON COUNTY, ss:

On this 2 1st day of January, 1976, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Philip R. Johnston, 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.

Shirley A. Webster
....., Notary Public in and for the State of Iowa

The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by owner in possession as named in the affidavit.

SHIRLEY A. WEBSTER
Notary Public in and for the State of Iowa
My Commission Expires September 30, 1978

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 6 day of June, 1976

Mary E. Welty
Recorder.

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

MISC. REC. 31

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