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

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

AFFIDAVIT OF POSSESSION

Compared

FILED NO. 1169
BOOK 31 PAGE 316
1976 DEC 30 AM 11:27
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 2.50 1P8

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 CHARLES E. HOLTMYER and DOROTHY HOLTMYER

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

The East 60 Feet of the West 189 Feet of the South Half (S½) of Out Lot Three (3) of Loughridge & Cassiday's Addition to Winterset, Madison County, Iowa.

That said CHARLES E. HOLTMYER and DOROTHY HOLTMYER are now in complete actual and sole possession of all of said real estate except as may be herein stated, and that they and their predecessors (who held record title thereof) in the recorded chain of title under which they claimed and claim ownership and the right to possession of the said real estate have been, since prior to January 1, 1940, in continuous, actual, visible, open, notorious, exclusive and unquestioned possession thereof, under color of title and claim of right to the exclusive possession as against the world and have improved said property and paid the taxes thereon; that neither the title nor the right to possession of said titleholders or any of those under whom they claim have been disputed or openly attacked by any one. 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.

We further depose and state that in connection with the above described real property, that where said real estate is described as Laughridge & Cassiday's Addition, that the true and correct description of said Addition is Loughridge & Cassiday's Addition.

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 29th day of December, 1976.

Charles E. Holtmyer
(Charles E. Holtmyer)

Dorothy Holtmyer
(Dorothy Holtmyer), Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 29th day of December, 1976.

Dean R. Nelson, Notary Public in and for the State of Iowa

Please type or print names under signatures as per Sec. 335.2 Code of Iowa as amended

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.

Charles E. Holtmyer
(Charles E. Holtmyer, Owner in Possession

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

Dorothy Holtmyer
(Dorothy Holtmyer), Owner in Possession

STATE OF IOWA, Madison COUNTY, ss:

On this 29th day of December, 1976, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Charles E. Holtmyer and Dorothy Holtmyer 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.

Dean R. Nelson, 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 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 30 day of December, 1976.

Mary E. Welty
Recorder

Authority: Tesdell v. Hanes
248 Iowa 749 (1957)
82 NW(2d) 119.

The Code, 1973, Sections 614.17 to 614.20 inclusive.