



Document 2016 284

Book 2016 Page 284 Type 06 009 Pages 3

Date 2/03/2016 Time 3:02:14PM

Rec Amt \$17.00

INDX
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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Prepared By: Mark L. Smith, P.O. Box 230, Winterset, IA 50273 Telephone: 515/462-3731

Return Document To: Mark L. Smith, POB 230, Winterset, IA 50273

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA :
 :SS
COUNTY OF MADISON :

I, Mark L. Smith, after first being duly sworn upon oath depose and state as follows:

I am an attorney practicing law in Winterset, Madison County, Iowa. In my practice I am familiar with the following-described real estate owned by Russell Wilmer Nuzum:

The Southeast Quarter (1/4) of the Northwest Quarter (1/4) and the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Twenty-nine (29), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, Except for a parcel of land described as commencing at the Southeast Corner of the Northwest Quarter (1/4) Section Twenty-nine (29), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, which is the Point of Beginning; thence N 66°53' W 980.6 feet; thence N 00°07' W 854.2 feet to the North line of the Southeast Quarter (1/4) of the Northwest Quarter (1/4) of said Section Twenty-nine (29); thence N 85°10' E along said North line 907.0 feet to the East line of said Southeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-nine (29); thence S 00°00' to Point of Beginning, containing 22.4829 Acres including 0.9037 Acres of County Road Right-of-Way, And Except a parcel of land in the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Twenty-nine (29), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more

particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter (¼) of the Southwest Quarter (¼) of Section Twenty-nine (29), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M.; thence N 84°16' E 360.62 feet along the North line of said Northeast Quarter (¼) of the Southwest Quarter (¼) to the Point of Beginning; thence S 16°48' W 318.65 feet; thence N 81°33' W 263.41 feet; thence S 01°31' E 805.38 feet; thence N 87°14' E 19.75 feet; thence N 28°31' E 259.17 feet; thence N 28°06' E 290.10 feet; thence N 22°25' E 656.44 feet; thence S 84°16' W 200.10 feet along the North line of said Northeast Quarter (¼) of the Southwest Quarter (¼) of Section Twenty-nine (29) to the Point of Beginning. Said parcel contains 5.42 Acres,

I further state that there is a “conflicting instrument” shown of record on this property which is an Affidavit from Michaela Barrett, Sr. Vice President of Horizon Bank, filed February 27, 2012, in Book 2012, Page 565 of the Recorder’s Office of Madison County, Iowa. This Affidavit is appearing as a “conflicting instrument” for the real estate described in this Affidavit because the legal description listed within the Affidavit has a scrivener’s error in it that causes the two descriptions to be conflicting. The Affidavit actually pertains to the following-described real estate:

The Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 29, in Township 75 North, Range 26 West of the 5th PM, Madison County, Iowa, except therefrom a parcel described as: Commencing 108.6 feet east of the southwest corner and on the south line thereof, thence North 3 degrees 57' East, 389.9 feet, thence South 89 degrees 49' East, 299.9 feet, thence South 7 degrees 51' West 391.7 feet to the South line thereof, thence West 273.3 feet to the point of beginning and containing 2.5565 acres including 0.2917 of an acre of county road right-of-way, and EXCEPT Parcel “F” located in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section Twenty-nine (29), containing 18.04 acres of land including 0.47 acres of county road right of way, as shown in Plat of Survey filed in Book 2003, Page 5279 on September 4, 2003, in the Office of the Recorder of Madison County, Iowa;

and, has nothing to do with the real estate owned by Russell Wilmer Nuzum.

I give this Affidavit to cure any cloud that may have been on the title to the real estate owned by Russell Wilmer Nuzum.

Mark L. Smith

Mark L. Smith

Subscribed and sworn to before me by the said Mark L. Smith on this 13 day of January, 2016

Carol Kiernan

Notary Public in and for the State of Iowa

