Jno. N. Hartley
To
The Public

#801

Fee $2.50 ✓F.E.A.

Filed for record the 11 day of June A.D. 1969 at 1:33 o'clock P. M.

Mary E. Welty, Recorder

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS:

I, Jno. N.Hartley, of Madison County, Iowa being first duly sworn on oath depose and say: That I am a resident of said state and county and have been for more than 40 years last past and that during all of this period of time, I have been engaged in the practice of law in Madison County, Iowa. That I have also been acquainted with the possession, title and ownership of the following described real estate:

The East One-half (E½) of the East One-half (E½) of Section Twenty-six (26), except a tract described as follows: Commencing at a point 2.89 chains South and 50 links East of the Northwest corner of the East One-half (E½) of the Southeast Quarter (SE¼) of said Section Twenty-six (26), running thence South, 23½° East, 1.68 chains, thence South, 10° East, 6 chains, thence South, 33° West, 3.18 chains thence North 10.12 chains to the place of beginning; and the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-five (25), all in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa.

That on or about August 12th, 1871, J. M. Huglin and Sarah Huglin as grantors delivered to the Des Moines, Winterset, and Southwestern Railroad Company a right of way deed which was recorded March 11th, 1872, in Deed Record 8 at page 431 of the records of the County Recorder of Madison County, Iowa, and that said deed conveyed a strip of land through the E½ SE¼ 26-76-26, 100 feet in width, being 50 feet on either side of the center line of the road of said company as located or to be located by the engineer of said railroad company for the construction of said railroad from Des Moines in Polk County to Winterset in Madison County or from such point as may be designated.

That said deed further provided that in case said railroad company did not construct their road through said tract or should, after construction permanently abandon the route through said tract of land, the same should revert to and become the property of the grantors or their assigns.

That I know of my own personal knowledge that the Des Moines, Winterset and Southwestern Railroad Company did not, at any time, construct, build and operate a railroad over and across the above described real estate and that any construction work that may have been done towards building of said railroad was abandoned before completion.

Dated this 3rd day of June, 1969, at Winterset, Iowa.

Jno. N. Hartley
Jno. N. Hartley

Subscribed and sworn to before me and in my presence this 3rd day of June, 1969.

NOTARIAL SEAL

Mabelle Smith Notary Public in and for Madison County, Iowa
Mabelle Smith

City of Winterset, Iowa
To
The Public

#819

Fee $2.50 ✓F.E.A.

Filed for record the 13 day of June A.D. 1969 at 3:30 o'clock P. M.

Mary E. Welty, Recorder

CERTIFICATE

STATE OF IOWA MADISON COUNTY CITY OF WINTERSET) SS

I. O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify on June 9 1969, a resolution was duly passed and adopted by the City Council and approved by Wayne Newton, Mayor of said City, on June 9, 1969, with reference to Croft Court Addition to Winterset, Iowa, and a true and correct copy of said resolution is attached hereto and marked Exhibit "A".

WITNESS my hand as City Clerk of the City of Winterset, Iowa, and the official seal

of the City of Winterset, Iowa, on June 13, 1969, 1969.

O. D. Simmons
City Clerk of the City
of Winterset, Iowa.

(CITY OF WINTERSET, IOWA SEAL)

RESOLUTION

WHEREAS, on September 11, 1962, the City Council of the City of Winterset, Iowa, passed a resolution approving the plat for Croft Court Addition to Winterset, Iowa, and

WHEREAS, said resolution provided that no construction will be made on Lots One to Six, both inclusive, of said addition until the adjacent portion of extended West Benton Street with necessary and desirable improvements, including street improvements, sanitary sewer and water lines and any other improvements for utilities, shall have been constructed to the satisfaction of the City Council of Winterset, Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of Winterset, Iowa:

1. The construction of the adjacent portion of West Benton Street with necessary and desirable improvements, including street improvements, sanitary sewer and water lines and any other improvements for utilities, has been completed to the satisfaction of the City Council of Winterset, Iowa.

2. All restrictions placed on construction on Lots One to Six, both inclusive, of said addition by the resolution of September 11, 1962, passed by the City Council of Winterset, Iowa, are hereby waived and released.

s/ Wayne Newton Mayor
of the City of Winterset, Iowa.
Attest: s/ O. D. Simmons City Clerk
of the City of Winterset, Iowa

COMPARED

(CITY OF WINTERSET, IOWA SEAL)

EXHIBIT "A"

Francis E. Hagen
To
The Public

$857

$1.50 V F.S.L.

AFFIDAVIT

Filed for record the 24 day of June A.D. 1969 at 10:50 o'clock A. M.

Mary E. Welty, Recorder

STATE OF IOWA COUNTY OF MADISON) SS

I, Francis E. Hagen, being first duly sworn upon my oath depose and state as follows:

That I and my wife Judith K. Hagen are the title-holders of the following described real estate in Madison County, Iowa, to-wit:

The South 49½ feet of Lot 2 and the North 33 feet of Lot 3 in Block 3 of Atkinson's First Addition to the Town of Truro, Madison County, Iowa.

I further depose and state that I, Francis E. Hagen and Judith K. Hagen were husband and wife at the time of the execution and delivery of one certain mortgage dated October 29, 1968, filed November 19, 1968 in Book 114 Page 162 of the Madison County Iowa records. Further that we were husband and wife at the time of the execution and delivery of one certain Financing Statement #G-2291 filed November 8, 1968 entitled Francis E. Hagen and Judith K. Hagen TO Thorp Credit Inc., Winterset.

That I am personally acquainted with Robert M. Johnson and Beverly Jean Johnson, former title-holders of the above real estate, and I know of my own personal knowledge that they were husband and wife at the time of the execution and delivery of one certain Warranty Deed, dated November 14, 1968, filed November 19, 1968 in Book 42, Page 397 of the Madison County Iowa records.

Signed this 21 day of June 1969.

Francis E. Hagen
Francis E. Hagen

Subscribed and sworn to before me this 21 day of June 1969.

M. S. Creger Notary Public
in and for Madison County, Iowa

NOTARIAL SEAL