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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Preparer; Brett T. Osborn, 974 - 73rd Street, Suite 16, West Des Moines, IA 50265 (515) 223-6000

When recorded, Return to: Brett T. Osborn, 974 - 73rd Street, Suite 16, West Des Moines, IA 50265 (515) 223-6000

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA)
)ss
COUNTY OF POLK)

I, Brett T. Osborn, being first duly sworn on oath, depose and state as follows:

1. I am an attorney duly licensed and practicing law in Des Moines, Polk County, Iowa.
2. I am acquainted with the chain of title to the following described real estate in

MadisonCounty, Iowa, to-wit:

A tract of land located in the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Seven (7), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Commencing at a point on the North Line of the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of said Section Seven (7), which is 665 feet West of the Northeast corner thereof, and running thence South 33° 40' West, 603.2 feet, thence South 33° 32' West 294.6 feet, thence North 8° 30' East 627.0 feet, thence North 53° 24' East 209.0 feet to the North line of said Forty (40) acre tract, thence East on said North line 241.0 feet to the point of beginning; **AND** a tract of land located in the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Six (6), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Commencing 627.7 feet West of the Southeast



59' East 476.1 feet, thence North 9° 39' West 876.9 feet, thence North 1° 11' East to the intersection of the West line of Public Highway #169, thence South 16° 44' East along the West line of said highway approximately 1685.7 feet to the point of beginning, **EXCEPT** the following-described tracts, to-wit:

1. A tract condemned for highway purposes described as follows: Commencing at a point on the West line of said highway 207.4 feet Northerly from the Southeast corner of the above-described tract, and running thence South 73° 16' West 9.5 feet, thence Southwesterly along a 253.5 foot radius curve central angle 20° concave Southerly 88.7 feet, thence South 53° 16' West 189.1 feet to the South line of said section, thence West 110.4 feet, thence North 53° 16' East 277.5 feet, thence Northeasterly along a 319.5 foot radius curve central angle 20° concave Southerly 111.8 feet, thence North 73° 16' East 9.5 feet, thence South 16° 44' East 66 feet to point of beginning and containing ½ of an acre, more or less;
2. A tract of land situated in the Southeast Quarter (¼) of the Southwest Quarter (¼) and the Southwest Fractional Quarter (¼) of the Southwest Quarter (¼) of said Section Six (6) described as follows: Commencing at the South Quarter (¼) corner of said Section Six (6), thence West 627.7 feet along the South line of said Section Six (6), thence North 16°44' West along the West right of way line of U. S. Highway No. 169 871.7 feet to the point of beginning, thence continuing North 16°44' West along said West right of way line 219.0 feet, thence South 84°55' West 164.8 feet, thence North 07°47' West 44.2 feet, thence South 86°49' West 161.8 feet, thence South 61°04' West 88.0 feet, thence South 00°42' East 99.0 feet, thence South 78°23' West 114.8 feet, thence South 41°52' East 162.1 feet, thence South 33°00' East 392.2 feet, thence North 78°14' East 112.7 feet, thence North 07°52' West 339.0 feet, thence North 82°37' East 198.4 feet to the point of beginning, containing 4.2409 acres exclusive of any public road right of way;
3. A tract located in the East Half (½) of the Southwest Quarter (¼) conveyed to Madison County, Iowa, in Deed Record 109, Page 25 on May 25, 1979, in the Office of the Recorder of Madison County, Iowa,

more particularly described as follows:

Commencing at the South Quarter Corner of said Section Six (6), thence West 627.7 feet along the South line of said Section Six (6), thence North 16°44' West along the West right-of-way line of U. S. Highway No. 169 1090.7 feet to the point of beginning, thence South 84°55' West 164.8 feet, thence North 144 feet, thence West 30 feet, thence North 770 feet, thence East to the West right-of-way line of U. S. Highway No. 169, thence Southeasterly along the West right-of-way line of U. S. Highway No. 169 to the point of beginning;

4. Parcel "A" located in the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of said Section Six (6), and in the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of said Section Seven (7), as shown in Plat of Survey attached to the Warranty Deed filed in Book 106, Page 363 on February 7, 1977 in the Office of the Recorder of Madison County, Iowa.

3. The undersigned has knowledge of the real estate which is the subject matter of this Affidavit Explanatory of Title by virtue of examination of Abstract No. 06752724, by examination of abstracts several years prior on behalf of Danny J. Allen and Sonia B. Allen for property lying to the South of the subject matter parcel which would be separated by Middle River and by examination of real estate in Section 7, Township 75 North, Range 27 West on both sides of Clark Tower Road and Section 12, Township 75 North, Range 28 West. This Examiner is also familiar with Madison County, Iowa over the last thirty some years of his adult life including knowledge of the Winterset City Park land, the intersection of the St. Charles Highway and Old Highway 169 nka CHP71/Clark Tower Road.

4. This Examiner has practiced real estate law for over 17 years in Central Iowa.

5. Upon careful examination of the abstract, maps, surrounding circumstances and general knowledge of legal descriptions, surveying practices and familiarity with the chain of title to the real estate and surrounding parcels, this Examiner has determined that the Madison

County Assessor's Parcel No. 520100742050000 (the property legally described above) has been abstracted and is contained within Abstract No. 06752724.

6. Very particularly Entry No. 15 to Abstract No. 06752724 shows a Warranty Deed dated June 24, 1978 and filed July 10, 1978 in Book 108, Page 143 of the Madison County Recorder's Office. This Deed conveyed a parcel of land in the Southeast Quarter of the Southwest Quarter of Section 6 which is triangular in shape and makes up the Northern section of Parcel No. 5201007420410000 North of the Section line separating the Southeast Quarter of the Southwest Quarter of Section 6 from the Northeast Quarter of the Northwest Quarter of Section 7. Immediately East of the triangular shaped portion of Parcel 520100742050000 is what used to be the Western line of Old Highway 169 as configured several years ago. One can detect from the Western right-of-way line of Old Highway 169 in Parcel No. 520100742010000 a boundary line that if extended Northerly across the Middle River is of similar width West of Old Highway 169 immediately East of the Northeast boundary of Parcel No. 520100742050000. Moreover, Entry No. 9 to Abstract No. 06752724 is a root of title Deed for this property and other property in the Southeast Quarter of the Southwest Quarter of Section 6. The Warranty Deed conveyed real estate to Paul A. White and Alma R. White, husband and wife as tenants in common. That Deed was recorded September 25, 1953 in Book 86, Page 336 of the Madison County Recorder's Office. The legal description contained in that conveyance contains the Northern triangular portion of Parcel No. 520100742050000. There is an exception parcel which excepts the roadway traversing West off of Old Highway 169 Southwesterly along the Northern boundary of Parcel No. 520100742050000. The land South of that excepted roadway was never conveyed by Paul A. White and Alma R. White until the Deed shown at Entry No. 15 filed July 10, 1978 in Book 108, Page 143 of the Madison County Recorder's Office. Entry No. 10 to

Abstract No. 067527 shows a probate proceeding filed April 16, 1971 for the Estate of Paul A. White wherein the real estate under examination was conveyed to Paul M. White, Priscilla W. Dunn and Patricia Barry. Thereafter Entry No. 12 to Abstract No. 06752724 shows a conveyance from Alma R. White, widowed and unmarried, to Paul M. White, Priscilla W. Dunn and Patricia Barry filed December 5, 1973 in Book 103, Page 412 of the Madison County Recorder's Office, being the property at issue herein. These Deeds comprise the chain of title to the triangular portion of parcel 520100742050000 lying North of the section line separating Section 7 from Section 6. There are no other stray or conflicting conveyances of similar real estate in Section 6 which create a cloud upon the Northern triangular portion of parcel 520100742050000.

7. Title to the portion of Parcel 520100742050000 lying within Section 7, Township 75 North, Range 27W of the 5th P.M., has not been questioned and is vested in the Dunn Family Trust dated June 10, 1990 and the Survivor's Trust under the Phillip and Patricia Barry Family Trust dated May 6, 1998.

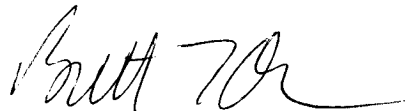
8. Further evidence of the title of the Dunn Family Trust and at the time, Patricia W. Barry is an easement shown at Entry No. 24 to Abstract No. 06752724 filed May 17, 1996 in Book 136, Page 264 of the Madison County Recorders' Office and an Easement in favor of Warren Water, Inc. filed August 10, 2001 in Book 2001, Page 3514 of the Madison County Recorder's Office shown at Entry No. 25 to Abstract No. 06752724. In 2008 Patricia W. Barry conveyed to the Trust what is the Survivor's Trust under the Phillip and Patricia Barry Family Trust dated May 6, 1998 her interest in the real estate described above thereby vesting title in the Dunn Family Trust dated June 10, 1990 as to a one-half interest and a one-half interest in the Survivor's Trust under the Phillip and Patricia Barry Family Trust dated May 6, 1998.

Thereafter an Affidavit of Possession was filed April 30, 2008 in Book 2008, Page 1372 of the

Madison County Recorder's Office. That Affidavit of Possession included the particular real estate at issue herein and other real estate. This Affidavit of Possession has been on file with the Madison County Recorder's Office more than ten years being the statutory limit for any party to bring a claim against the real estate pursuant to Iowa Code Chapter 614.17 and 614.17A of the Code of Iowa. Therefore no claims can be made against the real estate discussed herein by any other party. Therefore title is vested in the Dunn Family Trust dated June 10, 1990 as to one-half interest and the Survivor's Trust under the Phillip and Patricia Barry Family Trust dated May 6, 1998 as to the remaining one-half interest.

9. This Affidavit is given pursuant to Iowa Code Chapter 558.8 and in explanation of various matters that appear within the chain of title to the property described herein. This Affidavit shall be given all of the presumptions and conclusions afforded by Iowa Code Chapter 558.8. This Affidavit is also given to clear any potential cloud upon the title to the property described herein.

Further affiant sayeth naught.



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On this 28th day of November, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Brett T. Osborn, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



NOTARY PUBLIC IN AND FOR THE STATE
OF IOWA

