

BK: 2020 PG: 2816
Recorded: 8/4/2020 at 8:56:49.0 AM
Pages 2
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared by Scott A. Hall, 303 Locust Street, Ste 400, Des Moines, IA 50309 (515)282-6803
Return/Send tax statements to J5 LLC, 3229 305th Ln, Truro, IA 50257

STATE OF IOWA)
)SS.
COUNTY OF POLK)

AFFIDAVIT EXPLANATORY OF TITLE

Re: The Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-eight (28), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, EXCEPT that part of Parcel "B" located therein, as shown in Plat of Survey filed in Book 2018, Page 3218 on October 4, 2018, in the Office of the Recorder of Madison County, Iowa.

I, Scott A. Hall, being first duly sworn and placed upon my oath, most solemnly and sincerely depose and state as follows:

1. I am an Iowa licensed attorney in good-standing and I have represented Dogface Farms, LLC, the current fee simple titleholder of the above described real property in all its matters from its inception.
2. It was brought to my attention that when this real property was conveyed from Kenneth E. Carter and Ardys E. Carter to Lawrence E. Reelitz and Dianne F. Reelitz (hereafter "Reelitz"), though a court officer deed was issued from the Estate of Ardys E. Carter to Reelitz, dated January 24, 2007, and filed January 29, 2007, in Book 2007, Page 393, no conveyance was recorded from Kenneth E. Carter at that time.
3. Kenneth E. Carter was the sole owner of the property in January 2007 because he was a joint tenant with his spouse Ardys E. Carter, and she predeceased him.
4. At the time of Ardys E. Carter's death, Kenneth E. Carter was under a conservatorship in Clarke County, Iowa, under Case No. GCPR009513.
5. The Conservator for Kenneth E. Carter joined in the Estate of Ardys E. Carter's (Madison County case No. ESPR011994) motion to sell the real property to Reelitz.
6. The Order Approving the Final Report in the Estate of Ardys E. Carter filed on October 29, 2007, shows that the entire residual benefit of the estate, including the sale proceeds from the sale was distributed to the Kenneth Carter Conservatorship (\$210,735.13).

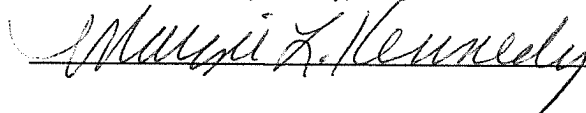
7. The failure of the Kenneth E. Carter Conservatorship to file a Court Officer Deed to Reelitz was a simple oversight and unintentional.
8. Kenneth E. Carter died shortly after his spouse Ardys.
9. A testate estate was administered in Clarke County Case No. ESPR009699.
10. Faced with the revelation that Kenneth E. Carter's conservatorship failed to file a Court Officer Deed to Reelitz in error back in 2007, the examining attorney agreed that the probate Estate should be reopened and a Court Officer Deed from the estate be issued to Reelitz, for the sole purpose of correcting that error in the chain of title.
11. The Court Officer Deed from the Estate of Kenneth E. Carter, ESPR009699, was dated July 28, 2020, and filed July 28, 2020, in Book 2020, Page 2745.
12. Reelitz received fee simple conveyance and ownership from Kenneth and Ardys Carter by court officer deeds.
13. Dogface Farms, LLC received fee simple conveyance and ownership from Reelitz by warranty deed dated November 2, 2018, and filed November 7, 2018, in Book 2018, Page 3603.

This Affidavit is being filed to clear any perceived cloud on title to the real property reference herein. AND FURTHER, affiant sayeth naught.



Scott A. Hall, Affiant

Subscribed and sworn to before me this 30th day of July, 2020.


_____, Notary Public

