



Document 2021 1731

Book 2021 Page 1731 Type 06 009 Pages 5

Date 4/28/2021 Time 1:19:17PM

Rec Amt \$27.00

INDX

ANNO

SCAN

LISA SMITH, COUNTY RECORDER

MADISON COUNTY IOWA

CHEK

Preparer

Information Mark L. Smith, P.O. Box 230, Winterset, Iowa 50273; 515-462-3731

1 ✓ Return to: Same

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**AFFIDAVIT EXPLANATORY OF TITLE**

STATE OF IOWA :  
 :SS  
MADISON COUNTY :

I, Mark L. Smith, an attorney in Winterset, Iowa, after first being duly sworn upon oath, depose and state as follows:

1. This Affidavit Explanatory of Title concerns the following described property:

**Lot Eight (8) and the East 38 Feet of Lot Nine (9) and the West 2 Feet of Lot Seven (7) of M.C. Leinard’s Addition (also known as Leinard’s Addition) to the City of Winterset, Madison County, Iowa.**



2. On February 26, 2016, the following two mortgages were filed by a neighboring land owner:

A. An Adjustable Rate Home Equity Conversion Mortgage from Barbara Harrison to Mortgage Electronic Registration Systems, Inc., (“MERS”), Mortgagee, acting solely as a Nominee for Lender, American Advisors Group, filed February 26, 2016, in Book 2016, Page 477, of the Recorder’s Office of Madison County, Iowa.

B. An Adjustable Rate Home Equity Conversion Second Mortgage from Barbara Harrison, to The Secretary of Housing and Urban Development, filed February 26, 2016, in Book 2016, Page 478, of the Recorder’s Office of Madison County, Iowa.

3. Both of the mortgages had incorrect legal descriptions that conflicted with the real estate description listed above.

4. American Advisors Group handled the processing of both mortgages, even though the Secretary of Housing and Urban Development is listed as the lender in the second mortgage. It was done this way as part of a governmental program.

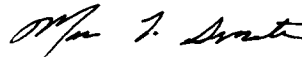
5. American Advisors Group was informed of the mistake in the legal description, and they had their agent Timios, Inc., correct the legal description in the two mortgages.

6. Timios, Inc. did this by filing Affidavits of Correction. One Affidavit of Correction was filed March 26, 2021, in Book 2021, Page 1241 of the Recorder's Office of Madison County, Iowa. A second Affidavit of Correction was filed March 26, 2021, in Book 2021, Page 1242 of the Recorder's Office of Madison County, Iowa.

7. The Affidavits of Correction did not state what authority Timios, Inc. had to act on behalf of the Lender or the Borrower.

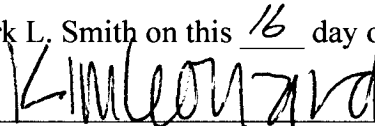
8. Attached to this Affidavit is a copy of a limited power-of-attorney granted from Barbara Harrison to Timios, Inc. to correct the problem, as well as a letter from the post-closing department at American Advisors Group stating that Timios, Inc. has permission to correct the errors in the legal descriptions.

9. I give this Affidavit to Clear any perceived cloud on title to the real estate listed herein.



Mark L. Smith

Subscribed and sworn to before me by the said Mark L. Smith on this 16 day of April, 2021.



Notary Public in and for the State of Iowa





This Power of Attorney shall become effective immediately, and shall not be affected by my subsequent disability, incapacity or lack of mental competence, except as may be provided otherwise by an applicable state statute. This Power of Attorney is not intended to revoke or terminate any previously executed General Durable Power of Attorney except to the limit that it would affect this specific transaction and this Power of Attorney is limited to the specific time and for the specific purposes described herein. I may revoke this Power of Attorney at any time by providing written notice to my Attorney in Fact (also called Agent), however such revocation shall not be effective as to third parties acting in reliance upon this Power of Attorney if recorded, unless and until the revocation is similarly recorded in the same county and state registry or other established records for the recording of Powers of Attorney. This Power of Attorney is limited to a specific Loan Transaction, and this Power of Attorney shall continue in full force and effect until recordation of the Mortgage/Deed of Trust and execution of any other documents necessary to complete this Loan Transaction.

**TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.**

I, BARBARA HARRISON, the principal, sign my name to this power of attorney this 17 day of Feb, 2016 and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, that I execute it as my free and voluntary act for the purpose(s) expressed in the power of attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

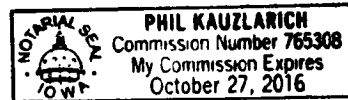
Barbara Harrison  
BARBARA HARRISON, PRINCIPAL

State of Texas  
County of Harris

On this the 17 day of Feb, 2016, before me a notary public, the undersigned officer, personally appeared Barbara Harrison, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Phil Kauzlarich  
Notary Public

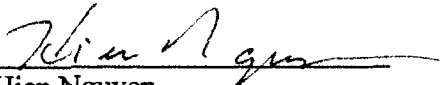


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To Whom it may Concern:

Please be advised that Timios, Inc as Title company for the Harrison transaction has our permission to Create and Record a Scrivener's Affidavit of Correction. This will correct the legal that recorded at the time of closing.

Sincerely,  
American Advisor Group,

  
Hien Nguyen  
Manager, Post-Closing.

Harrison- 9773448