

Prepared By/Return To: Charles W. Hendricks, 1701 48th # 290, West Des Moines, IA 50266 (515) 222-9900
Taxes: No Change

File 32773

AFFIDAVIT OF EXPLANATORY TITLE

STATE OF IOWA)
COUNTY OF POLK)

ss:

Re: Legal Description Attached as Exhibit A.

I, Charles W. Hendricks, after being duly sworn upon oath, do hereby state as follows: I am an attorney licensed to practice law in the State of Iowa, and a participating Title Guaranty Abstractor. Upon reviewing the chain of title to the property locally known as 2191 Bevington Park Road, Saint Charles, Iowa, I have found the following:

When John B. Cabanis and Jo Anne Cabanis acquired their title interest in this property from Kent L. Mosher, via Warranty Deed recorded July 23, 1971, in Book 101 Page 588, the legal description used the terms "Parcel A" and "Parcel B". Those terms were used merely as descriptive terms, much like "First" or "Second" would be used, and were used because the property was partially found in Section 1, Township 75 North, Range 26 West and also in Section 36, Township 76 North, Range 26 West.

A portion of the property was later surveyed, with the initial survey recorded August 27, 1998, in Book 3 Page 317, with a later amended survey recorded March 29, 1999, in Book 3 Page 413. This survey designated a parcel that was located within the property owned by John B. Cabanis and Jo Anne Cabanis as "Parcel B". This surveyed "Parcel B" was not in any way associated with "Parcel B" as described in the Warranty Deed from Kent L. Mosher, other than the surveyed "Parcel B" was contained in a portion of the Property described in the Warranty Deed from Kent L. Mosher as Parcels A and B.

After the survey was prepared, John B. Cabanis conveyed the surveyed "Parcel B" to James R. Munson and Joyce P. Munson, via Warranty Deed recorded July 23, 1999, in Book 141 Page 727. Upon the recording of this deed, John B. Cabanis ceased to have any interest in Section 1, Township 75 North, Range 26 West and specifically, ceased to have any interest in the "Parcel B" as used in the Warranty Deed recorded July 23, 1971, in Book 101 Page 588. Note, John B. Cabanis had previously deeded away a small portion in Section 1, Township 75 North, Range 26 West, via Quit Claim Deed to Randal D. Wildin and Anita J. Wildin recorded April 25, 1983, in Book 116 Page 627.

After these deeds wherein John B. Cabanis no longer had any interest in Section 1, Township 75 North, Range 26 West and specifically, ceased to have any interest in the "Parcel B" as used in the Warranty Deed recorded July 23, 1971, in Book 101 Page 588, various recordings had errors in the legal description. Those errors included the mortgage recorded September 27, 2005 in Book 2005 Page 4654 and subsequent documents, where in attempting to describe 2191 Bevington Park Road, documents continued to use "Parcel A and Parcel B" as the property was originally described in the Warranty Deed recorded July 23, 1971, in Book 101 Page 588. The errors in these documents included, but were not limited to, switching a "Southeasterly" description in various documents using the original description of "Parcel A and Parcel B" with a "Southwesterly" description in the "Parcel B" description, and also contained errors where documents, such as the Sheriff's Deed recorded May 6, 2016, in Book 2016 Page 1177 and subsequent Special Warranty Deed filed on the same date in Book 2016 Page 1279, wherein the legal description failed to Except from the legal the surveyed

"Parcel B" previously conveyed to James R. Munson and Joyce P. Munson, via Warranty Deed recorded July 23, 1999, in Book 141 Page 727.

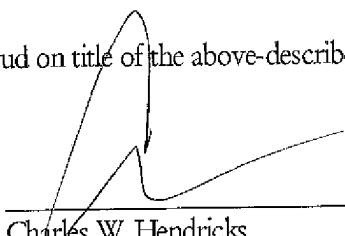
After the deeds from John B. Cabanis to first the Wildins and then to the Munsons, the legal description of the property John B. Cabanis continued to hold and the property that should have been mortgaged and later foreclosed upon, if relying on the legal description of the Warranty Deed recorded July 23, 1971, in Book 101 Page 588, would be described as:

Beginning at the Southwest corner of Section 36, in T76N, R26W of the Fifth Principal Meridian, Madison County, Iowa, proceed N 85°17' E 536.5 feet along the South line of said Section 36 to a point on the West ROW line of County Road R 35; thence N 23°55-½' E along said West ROW line 32.3 feet; thence N 7°13-½' E 156.6 feet; thence N 38°58-½' East 154.1 feet; thence Northeasterly 679.5 feet along a 3765 foot radius curve concave Northwesterly and tangent to the following course, thence N° 13°35' E' 70.5 feet to a point on the South line of the North 10 acres of the SW ¼ of the SW ¼ of said Section 36; thence Westerly 893.6 feet to the Southwest corner of said North 10 acres of the SW ¼ of the SW ¼ of said Section 36; thence Southerly 979.3 feet to the point of beginning, EXCEPT that portion of Parcel "B" that is located in the SW ¼ of the SW ¼ of said Section 36, said Parcel "B" as shown in Amended Plat of Survey filed in Book 3, Page 413 on March 29, 1999, in the Office of the Recorder of Madison County, Iowa.

All of the foregoing legal description being contained within "Parcel A" as described in the Warranty Deed recorded July 23, 1971, in Book 101 Page 588, with John B. Cabanis ceasing to have any interest in "Parcel B" as described in the same Warranty Deed.

I offer this Affidavit to clear a potential cloud on title of the above-described real estate.

DATED this 14th day of March, 2017.


Charles W. Hendricks

SUBSCRIBED AND SWORN to before me this March 14th, 2017, by Charles W. Hendricks.



BROOKE N JOHNSON
Commission Number 729543
My Commission Expires
July 19, 2019

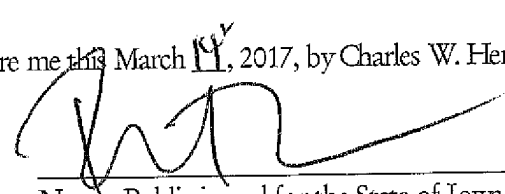

Notary Public in and for the State of Iowa

EXHIBIT A

LEGAL DESCRIPTION

PARCEL "A":

Beginning at the Southwest corner of Section 36, in T76N, R26W of the Fifth Principal Meridian, Madison County, Iowa, proceed N 85°17' E 536.5 feet along the South line of said Section 36 to a point on the West ROW line of County Road R 35; thence N 23°55-½' E along said West ROW line 32.3 feet; thence N 7°13-½' E 156.6 feet; thence N 38°58-½' East 154.1 feet; thence Northeasterly 679.5 feet along a 3765 foot radius curve concave Northwesterly and tangent to the following course, thence N 13°35' E 70.6 feet to a point on the South line of the North 10 acres of the SW¼ of the SW¼ of said Section 36; thence Westerly 893.6 feet to the Southwest corner of said North 10 acres of the SW¼ of the SW¼ of said Section 36; thence Southerly 979.3 feet to the point of beginning, containing 16.38 acres, more or less.

PARCEL "B":

Beginning at the Northwest corner of Section 1, in T75N, Range 25 W of the Fifth Principal Meridian, Madison County, Iowa, proceed N 85°17' E 535.5 feet along the North line of said Section 1 to a point on the West ROW line of County Road R 35; thence S 23°55-½' W 830.4 feet along said West ROW line; thence Southwesterly 516.1 feet along a 2915 foot radius curve concave Southeasterly and tangent to the preceeding course to a point 33 feet East of the West line of said Section 1; thence North parallel to the West line of Section 1 to a point on the North ROW line of a local road; thence Northwesterly along said North ROW line to the West line of said Section 1; thence North to the point of beginning, and containing 6.63 acres, more or less, exclusive of local road right-of-way, except the following: all that part of the Northwest Quarter (N¼) of the Northwest Quarter (N¼) of Section 1-75-26, Madison County, Iowa, lying south of a public highway running in a east-west direction and northwest of a public highway running in a northwesterly-southwesterly direction, containing 1.3 acres, more or less.