

BK: 2018 PG: 1303
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Fee Amount: \$22.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

AFFIDAVIT EXPLANATORY OF TITLE
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Dustin H. Noble, 1009 Main Street, Adel, IA 50003, 515-993-4545

Taxpayer Information: (name and complete address)

William C. Brookhart and Karen Brookhart, 2334 St. Charles Road, Winterset, IA 50273

Return Document To: (name and complete address)

Dustin H. Noble, 1009 Main Street, Adel, IA 50003, 515-993-4545

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

AFFIDAVIT EXPLANATORY OF TITLE

TO WHOM IT MAY CONCERN:

STATE OF IOWA, DALLAS COUNTY, ss:

The Undersigned first being duly sworn (affirmed) upon oath deposes and states:

1. That William C. Brookhart and Karen Brookhart are the record titleholders of the following described real estate situated in Madison County, to-wit:

Parcel "A" located in the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 13.008 acres as shown in Plat of Survey filed in Book 3, Page 519 on December 8, 1999 in the Office of the Recorder of Madison County, Iowa.

2. That Brookhart Rentals, LLC is the record titleholder of the following described real estate situated in Madison County, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **INCLUDING** Parcel "A" as shown in Plat of Survey filed in Book 3, Page 519 on December 8, 1999 in the Office of the Recorder of Madison County, Iowa,

AND

The Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) lying South of the Public Highway, all in Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **INCLUDING** Lot Two (2) of Sanburg Subdivision located in the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Lot One (1) of Sanburg Subdivision located in the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **AND EXCEPT** Parcel "B", located in the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 9.11 acres, as shown in Plat of Survey filed in Book 2001, Page 3682 on August 20, 2001, in the Office of the Recorder of Madison County, Iowa.

Memorandum of Agreement

3. That a Memorandum of Agreement ("Memorandum") was filed March 4, 2002 in Book 2002 Page 1044 in the Office of the Recorder of Madison County, Iowa indicating the adoption of a Declaration of Covenants, Conditions and Restrictions by the previous owners of the above-described property and additional property not described above.

4. That the legal description of the property to be encompassed by and provided in said Memorandum contains a scrivener's error.

5. That the first line of the legal description provided in said Memorandum provides "The Northwest Quarter (1/4) of the Southwest Quarter (1/4)", but it should provide "The Northeast Quarter (1/4) of the Southwest Quarter (1/4)".

Declarations of Covenants, Conditions and Restrictions for Valley View Estates

6. That a Declarations of Covenants, Conditions and Restrictions for Valley View Estates ("Declaration") was filed March 5, 2003 and recorded in Book 2003 Page 1224 in the Office of the Recorder of Madison County, Iowa by the previous owners of the above-described property and additional property not described above.

7. That said Declaration refers to an "Exhibit A" regarding the legal description of the property encompassed by said Declaration.

8. That an "Exhibit A" never appears to have been attached to said Declaration.

9. That the property described in said Memorandum (with the correction to the scrivener's error) is the same property that was to be encompassed by said Declaration.

Amendments to Declaration of Covenants, Conditions and Restrictions for Valley View Estates

10. That Amendments to said Declaration (Amendments) were filed December 12, 2008 and recorded in Book 2008 Page 3584 in the Office of the Recorder of Madison County, Iowa by the current owners of the above-described property and the previous owners of additional property not described above.

11. That multiple easements were granted in said Amendments.

12. That the legal descriptions provided for the easements granted in said Amendments make reference to a Parcel "A" in the Southeast Quarter (SW ¼) of the Northwest Quarter (NW ¼).

13. That this Parcel "A" was subsequently subdivided into two (2) lots known as the Sanburg Subdivision, as evidenced by the Plat and Certificate for Sanburg Subdivision filed January 7, 2015 and recorded in Book 2015 Page 38 of the Recorder of Madison County, Iowa

by the previous owners of the real property described in said Plat and Certificate.

Roadway Easement

14. That a Roadway Easement was filed March 20, 2003 and recorded in Book 2003 Page 1578 in the Office of the Recorder of Madison County, Iowa by the previous owners of the above-described property and additional property not described above.

15. That the legal description provided in said Roadway Easement contains the same scrivener's error as described in Paragraphs Four (4) and Five (5) above.

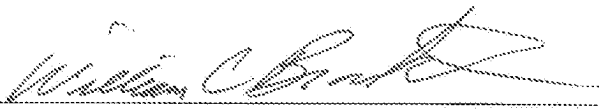
16. That the legal description provided in said Roadway Easement also does not provide a specific location of the roadway referred to in said Roadway Easement.

17. That said Roadway Easement was for the former private road known as Molly D. Court.

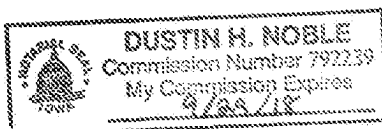
18. That said Roadway Easement and the former private road known as Molly D. Court was vacated as provided in Paragraph 3 of the Amendments described above.

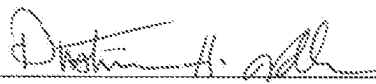
That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession; and is for the purpose of explaining any defect(s) and/or discrepancies in the chain of title and/or encumbrances associated with said real estate under the provisions of Section 558.8, Code of Iowa, and other statutes relative thereto.

Date April 10, 2018


William C. Brookhart, Affiant

Signed and sworn to (or affirmed) before me on April 10, 2018 by William C. Brookhart.




Signature of Notary Public