

2018-13722

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 10/24/2018 08:22:29 AM

RECORDING FEE	15.00
RMA FEE	1.00
ECM FEE	1.00

Prepared by: Bryce Dalton, Kirton McConkie, 50 E. South Temple, Ste. 400, Salt Lake City, UT 84111 P: (801) 239-3169

After recording, return to: Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints

Attn: Holly Pendleton, 50 E. North Temple, 12th Floor, Salt Lake City, UT 84150-0012

~~1832501 11/7~~

AFFIDAVIT EXPLANATORY OF TITLE AND OF POSSESSION

[PN 554-1808]

I, Terry F. Rudd, being first duly sworn (or affirmed) under oath depose and state as follows:

1. I am the Manager of the Closing and Records Section of the Real Estate Services Division of Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole (“CPB”).

2. In my position with CPB I am familiar with the following instruments:

- a. That certain Warranty Deed dated September 23, 1999, and recorded in the official records of Pottawattamie County, Iowa, on October 27, 1999, in Book 100, at Page 20909 (the “**Original Deed**”), by which Kaneshville Restoration Inc., an Iowa nonprofit corporation (“**Grantor**”), conveyed certain real property to CPB; and
- b. That certain Correction Warranty Deed dated October 28, 2000, and recorded in the official records of Pottawattamie County, Iowa, on May 16, 2002, in Book 102, at Page 89251 (the “**Correction Deed**”), given by Grantor to correct the Original Deed.

3. I know of my own personal and current knowledge that the purpose of the Correction Deed was to merely correct the legal description of Parcel 3 as described in Exhibit “A” attached to the Original Deed and not to replace in its entirety the legal description set forth in said Exhibit “A” of the Original Deed.

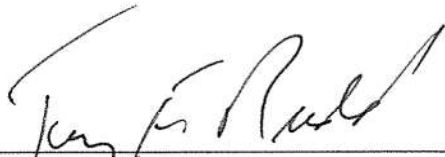
4. The legal description of the real property conveyed by Grantor to CPB pursuant to the Original Deed, as corrected by the Correction Deed, is as set forth in Exhibit A attached hereto and incorporated herein by reference (the “**Property**”).

5. CPB has been in complete actual and sole possession of the Property since the date of the Original Deed.

6. I give this Affidavit of my own personal knowledge being familiar with the Property, its titleholder and its parties in possession, and do so for the purpose of explaining and confirming title to the Property under the provisions of Iowa law, including, without limitation, Iowa Code §§ 558.8, 614.17 and 614.17A (2018).

[Signature and Acknowledgment Follow]

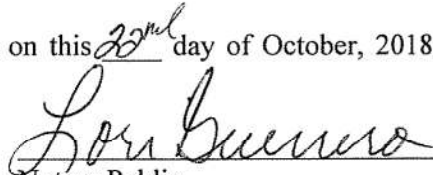
Dated this 22nd day of October, 2018.



Terry F. Rudd, Affiant #6

STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

Signed and sworn to (or affirmed) before me on this 22nd day of October, 2018, by Terry F. Rudd.



Notary Public



(Notary seal above)

EXHIBIT A
(Legal Description of the Property)

Parcel 1:

Lot 1, Subdivision of Lot 21, in original plat, Council Bluffs, Pottawattamie County, Iowa.

Parcel 2:

Lots 6, 7, 8 and 9 Subdivision of Original Plat Lot 37; all of Original Plat Lot 20; Lots 1 and 2 Subdivision of Original Plat Lot 35, EXCEPT a triangle in the Southeasterly corner of said Lot 2 in Original Plat Lot 35, which triangle is described as follows: Commencing at the Southeasterly corner of Original Plat Lot 35 and running thence on Broadway S51 degrees W 3 feet 9 inches; thence N40 degrees 30 minutes W to an intersection with East line of Original Plat Lot 35 or a distance of 27.7 feet; thence S48 degrees 28 feet to place of beginning. ALSO that part of Original Plat Lot 19 lying Westerly of the following described line to-wit: Commencing at a point on Northerly line of Broadway, which point is 3 feet 9 inches Westerly of Southwesterly corner of Original Plat Lot 19 and running thence N40 degrees W (variation 10 degrees) to the Southerly line of Indian Creek Right of Way. AND Lot 2 Subdivision of Original Plat Lot 21. ALSO further described as follows: Beginning at the Southwesterly corner of Lot 6 Original Plat Lot 37, and axle found on Broadway, thence along the Westerly line of said Lot 6 N39 degrees 51 minutes 12 seconds W 86.48 feet to the Northwesterly corner of Lot 6 on the Southerly line of Lot 2 Original Plat Lot 21, thence along said Southerly line S86 degrees 21 minutes 33 seconds West 80.22 feet to the Easterly R.O.W. of Benton Street, thence along said R.O.W. N21 degrees 02 minutes 07 seconds West 23.74 feet to the Northwesterly corner of Lot 2 Original Plat Lot 21, thence continue along said Easterly R.O.W. of Benton Street N21 degrees 36 minutes 26 seconds West 101.00 feet to the Southerly line of "Indian Creek" concrete structure, thence along said line N57 degrees 54 minutes 27 seconds East 57.53 feet, thence continue along said line N59 degrees 34 minutes 58 seconds East 67.62 feet, thence continue along said line N59 degrees 34 minutes 58 seconds East 96.61 feet, thence S40 degrees 35 minutes 40 seconds East 220.52 feet to the Northwesterly R.O.W. of "East Broadway", thence along said R.O.W. S51 degrees 00 minutes 00 seconds West 196.45 feet to the point of beginning, Pottawattamie County, Iowa. NOTE: Bearing are based upon the Southerly line of Original Plat Lots 35 and 37 as bearing S51 degrees 00 minutes 00 seconds West.

Parcel 3:

Part of Lot 4, part of Lot 5, and part of Lot 6 all in the subdivision of original Plat Lot 22; and part of original plat Lot 23; and part of original plat Lot 24; and part of vacated Green Street; all in the City of Council Bluffs, Pottawattamie County, Iowa; more particularly described as follows: Commencing at the intersection of the Westerly line of original Plat Lot 23 and Southerly R.O.W. line of relocated primary Road No. U.S. 6; A.K.A. relocated Washington Avenue; A.K.A. Kanesville Boulevard; thence S 56°12'44" W 0.3 feet to the point of beginning; thence departing said R.O.W. S 22°56'46" E 24.93 feet; thence N 65°06'44" E 0.41 feet to the Westerly line of original Plat Lot 23; thence along said line S 23°30'16" E 109.90 feet to a line 2 feet, more or less, perpendicular distance North of the North edge of the North wall of the Indian Creek Conduit; thence along said line N 60°11'14" E 126.95 feet; thence N 60°09'44" E 73.35 feet; thence N 60°31'14" E 50.20 feet; thence N 59°10'14" E 39.65 feet; thence departing said line N 32°00'46" W 36.60 feet; thence N 89°59'01" W 47.68 feet; thence N 49°10'23" W 60.90 feet; thence N 24°22'15" W 36.55 feet to the Southerly R.O.W. line of said Kanesville Boulevard; thence along said line S 52°24'43" W 35.28 feet; thence continue along said line S 53°47'10" W 75.05 feet; thence continue along said line S 56°12'44" W 106.70 feet to the point of beginning. Said parcel contains 35,199 square feet or 0.808 acres. Note: Bearings are assumed and based on the Southerly line of original Plat Lots 35 and 37 as bearing S 51°00'00" W. This description is from a survey and plat by Kenny's Surveying dated October 25, 1999.