

2063586

VOL 11027 PAGE 45

AFFIDAVIT

In Re: That part of the NE 1/4 of the SE 1/4 of Section 11, T9N, R8E (being a parcel of land approximately 16.5 feet wide and 605.22 feet long) North of the highway known as Lee Road and East of the following described premises:

Part of the NE 1/4 of the SE 1/4 of Section 11, T9N, R8E described as follows: Commencing 16.5 feet (1 rod) W of the NE corner of said forty; thence S parallel with E line thereof, 605.22 feet (36 rods and 17 links) to the margin of the highway; thence along the NE margin of the highway to the N line of said forty; thence E 308.22 feet (18 rods and 17 links) to point of beginning. All in Town of Dane.

STATE OF WISCONSIN )  
                                  ) ss  
COUNTY OF DANE      )

ROGER A. LOFF, being first duly sworn, on oath deposes and says:

THAT he is a resident of the Town of Vienna, Dane County, Wisconsin, and has been such resident for eleven (11) years last past.

THAT on or about the 18th day of May, 1968, Russell A. Knutson entered into possession of the premises described in Exhibit A, which is attached hereto and incorporated herein by reference. Mr. Knutson's mother, Inger Knutson, died intestate May 18, 1968. The real property described in Exhibit A was thereafter assigned and transferred to Russell A. Knutson.

THAT during their possession of the property, Inger Knutson and Russell Knutson maintained and used adjoining properties as a driveway in an open, notorious, continuous, and adverse manner. Inger Knutson owned the described property since 1914 and used the driveway during her entire period of ownership. Russell A. Knutson continued to use the driveway in the same manner until the 2nd day of May, 1980.

THAT on or about the 2nd day of May, 1980, Neil K. Loff and Affiant entered into possession of the property described in Exhibit A, under claim of title, exclusive of any other right, founding such claim upon a warranty deed from Russell A. Knutson, dated May 2, 1980 and recorded June 9, 1980, in the office of the Register of Deeds for Dane County, Wisconsin, in Volume 1965 of

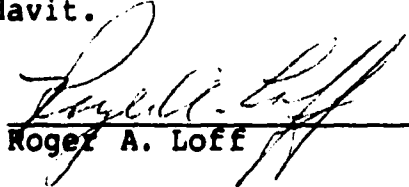
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Records, page 94 as instrument no. 1667631. That from and after the 2nd day of May, 1980, Affiant has also continued to use the driveway in an open, notorious, continuous, and adverse manner as did his predecessors.

THAT said driveway is approximately 12 to 14 feet wide and runs in an easterly direction from the property described in Exhibit A, across a passageway, approximately 16'5" in width which is between the described premises and a 3.5 acre parcel of land also owned by Affiant. The driveway is the only means of ingress to and egress from the property described in Exhibit A. Said driveway was used without written permission from the owners of the adjoining properties.

THAT Affiant is now the owner and in possession of the property on which said driveway lies and is in privity with his predecessors in title, Inger Knutson and Russell A. Knutson, who held and used said property openly, notoriously, exclusively, uninterruptedly, and adversely for a period exceeding thirty (30) years last past.

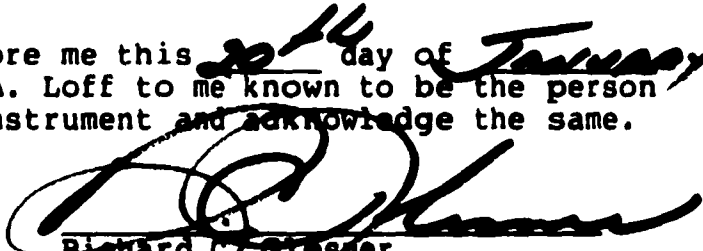
THAT this affidavit is made for the purpose of establishing facts sufficient to prove the acquisition of prescriptive rights through adverse possession to that portion of the property comprising the driveway specifically referred to in the foregoing text of this affidavit.

  
\_\_\_\_\_  
Roger A. Loff

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 )    ss  
COUNTY OF DANE     )

Personally came before me this 20<sup>th</sup> day of January, 1988, the above-named Roger A. Loff to me known to be the person who executed the foregoing instrument and acknowledge the same.

  
\_\_\_\_\_  
Richard C. Glesner  
Notary Public, Dane County, Wis.  
My commission is permanent.

This instrument was drafted by  
Richard C. Glesner, Esq.  
Ross & Stevens, S.C.  
First Wisconsin Plaza  
One South Pinckney Street  
Madison, WI 53703  
(608)257-5353

**EXHIBIT A**

**DESCRIPTION:** Part of the SW 1/4 of the NW 1/4 of Section 12, T9N, R8E, described as follows: Commencing at the quarter post on section line between sections 11 and 12, T9N, R8E; thence N 650 feet (40 rods); thence E 313.5 feet (19 rods); thence SEly 693 feet (42 rods) to the S line of the SW 1/4 of the NW 1/4 of said section; thence W 28 rods to the place of beginning.

Part of the NE 1/4 of the SE 1/4 of Section 11, T9N, R8E, described as follows: Commencing 16.5 feet (1 rod) W of the NE corner of said forty; thence S parallel with E line thereof, 605.22 feet (36 rods and 17 links) to the margin of the highway; thence along the NE margin of the highway to the N line of said forty; thence E 308.22 feet (18 rods and 17 links) to the point of beginning. All in Town of Dane.

REGISTRER'S OFFICE  
DANE COUNTY, WI. SS  
RECORDED ON  
JAN 22 2 52 PM '88  
CAROL R. HAHNKE  
REGISTER OF DEEDS