AFFIDAVIT

STATE OF IOWA )
) ss:
DELAWARE COUNTY )

I, David C. Tracey, first being duly sworn, on oath depose and state that I am an Attorney At Law, having practiced law in the City of Manchester, Iowa, for more than twenty-eight years last past. That I presently represent the Childs family in respect to the sale of the following described real estate:

> The North Half (N½) of the Northwest Quarter (NW¼), Section Thirty-one (31), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa, containing 78 acres more or less.

That an objection has been raised in respect to the abstract of title as to the death of Carl W. Birchard who was a beneficiary named in the "Ralph & Katherine Childs Lifetime Trust". Said trust instrument was dated June 29, 1971, and filed July 7, 1971, in Book N, Misc., Page 161, in the office of the Delaware County, Iowa, Recorder. Under Paragraph 2 of the said trust it was provided that the trust would terminate fifteen years after the date of execution. That upon termination of the trust, a one-tenth interest in the above described real estate would go to Carl W. Birchard if he survived.

Carl W. Birchard died on June 18, 1980, while the trust was still in effect. Paragraph 6 of the trust provided that if the primary beneficiary was not alive at the time of the termination of the trust, said primary beneficiary being Carl W. Birchard, then, in that case, such interest shall go to the lineal descendants of said primary beneficiary, per stirpes. That the said Carl W. Birchard was in fact survived by three sons, namely, Robert Allen Birchard, Thomas Roger Birchard, and John Carl Birchard, who, under the terms of the trust, each took an undivided one-third interest in and to the share of the deceased, Carl W. Birchard.

As further explanation, Carl W. Birchard, was the husband of Jane Marie Childs Birchard who also had an interest in the above real estate and who has executed a deed to convey her interest to Richard M. Jones and Jo Ann K. Jones, Husband & Wife, as Joint Tenants, with full rights of survivorship, and not as Tenants in Common. A deed was also executed for the same purpose by all of the children of the deceased, Carl W. Birchard, as set forth above.

Dated this first day of March, 1991.

David C. Tracey
David C. Tracey

Subscribed and sworn to before me this 1st day of March, 1991.

LILA LUENSMANN IOWA NOTARIAL SEAL

Lila Luensmann
Lila Luensmann, Notary Public in and for the State of Iowa.

FILE No. 79-2067
RECORDING FEE $ 5.00
TRANSFER FEE $

FILED FOR RECORD THE 12 DAY OF March, 19 91 AT 9:27 O'CLOCK A. M. BOOK 16 PAGE 305

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Aff.