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 in the City of Manchester, Delaware County, Iowa, for the past thirty years. During the course of such practice, I was well acquainted with Elmo L. Batterton who sold certain property to Daniel Scherbring and Laura Scherbring described as follows:

> That part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section Fifteen (15), Township Ninety (90) North, Range Five (5), West of the Fifth P.M., described as commencing at the Southwest corner of said Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), thence North six hundred ninety three and sixty-one hundredths (693.61) feet along the West line of said Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), said line being the centerline of the County Road, to the point of beginning, thence East three hundred forty nine and thirteen hundredths (349.13) feet, thence North four hundred and sixteen hundredths (400.16) feet, thence North 88 degrees 13'20" West three hundred forty nine and three tenths (349.3) feet to the centerline of the County Road, thence South four hundred eleven (411) feet along the West line of said South-west Quarter (SW¼) of the Southwest Quarter (SW¼) to the point of beginning. The West line of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section Fifteen (15) is assumed to bear due North and South, in Delaware County, Iowa.

I further state that I handled the ancillary administration of the Estate of Elmo L. Batterton in Delaware County, Iowa, and that I am familiar with the DECLARATION OF TRUST made August 30, 1983 (the "Trust") executed by the decedent, Elmo L. Batterton, prior to his death.

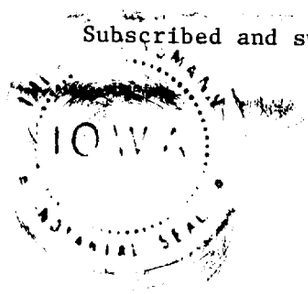
That the trust provided that Kenneth L. Weaver and James Yordy would be Co-trustees thereunder and as such Co-trustees, authorizes them to perform all acts and duties as trustees of the trust including, but not exclusive of, the execution of proper documents for the conveyance or encumbrance of any real estate in said trust. That the legal title to the above described real estate, upon closing of the ancillary administration here in Iowa, was transferred to James Yordy and Kenneth L. Weaver as trustees under said trust, and that said James Yordy and Kenneth L. Weaver were then and presently are the Co-trustees of said trust.

This affidavit is being filed for the purpose of notifying the public and any successors and assigns of the real estate of this fact.

Dated this 1st day of June, 1992.

David C. Tracey
David C. Tracey

Subscribed and sworn to before me this 1st day of June, 1992.



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

FILE No. 125-3591
RECORDING FEE $ 5.00
TRANSFER FEE $

FILED FOR RECORD THE 3 DAY OF June 1992 AT 4:15 O'CLOCK P. M. BOOK 17 PAGE 76

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
AFF.