243-483
DELAWARE COUNTY IOWA
FILED
'96 JUL 29 AM 10 56
18 PAGE 317
PATRICIA A. PEYTON
RECORDER
#31.00

Prepared by:
E. Michael Carr, Manchester, IA.

AFFIDAVIT

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

The undersigned, W. H. Waldman after being duly sworn on oath deposes and states as follows:

1. That I am familiar with matters having to do with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company having worked for them for 15 years in the capacity of ASSISTANT DIRECTOR-INDUSTRIAL DEVELOPMENT, IN NOVEMBER, 1987, I WAS the Area Manager for CMC Real Estate Corporation which WAS the Reorganized Company of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

2. That I am further familiar with the bankruptcy proceedings of the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company which were handled in the United States District Court Northern District of Illinois (Eastern Division).

3. That the final decree in the bankruptcy proceedings is dated November 12, 1985 and was signed by Prentice H. Marshall, District Judge.

4. That contained in the order in paragraph 6 thereof is the following language: "The Trustee is authorized and directed to execute and deliver to the Reorganized Company a deed and bill of sale transferring all of the property of the Estate."

5. That the title to the real estate shown on the copy of deed attached hereto and marked Exhibit "A" vested in and became the absolute property of CMC Real Estate Corporation as the Reorganized Company of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, all pursuant to the said final decree.

6. The trustee issued no deeds referred to in the above paragraph to the said Reorganized Company.

7. That this affidavit is made to explain the chain of title to the attached real estate. In summary the said real estate was owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The said company took bankruptcy. That by the final decree in bankruptcy dated November 12, 1985 all right, title and interest in said real estate vested in and became the absolute property of the Reorganized Company. The Reorganized Company WAS CMC Real Estate Corporation. Therefore CMC Real Estate Corporation was the owner of the real estate shown on the deed, said Exhibit "A" attached hereto and the proper party to execute the said deed to Steven C. McAreavy and Beverly J. McAreavy on November 13, 1987.

W. H. Waldman

Subscribed and sworn to before me by W. H. Waldman this 11th day of July, 1996.

Patricia Johnson
_____, Notary Public in and for said State.

OFFICIAL SEAL
PATRICIA JOHNSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2-19-2000

EXHIBIT "A"

QUITCLAIM DEED

CMC REAL ESTATE CORPORATION, a Wisconsin Corporation, 547 West Jackson Boulevard, Suite 1510, Chicago, Illinois, 60606 (successor to RICHARD B. OGILVIE, not as an individual but solely as Trustee of the property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, being in possession of all the assets and property of said Railroad Company under authority of the United States District Court for the Northern District of Illinois, Eastern Division, Docket No. 77 B 8999 in proceedings under Section 77 of the Bankruptcy Act) ("Grantor"), for and in consideration of the sum of TEN DOLLARS ($10.00), and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, does hereby CONVEY and QUITCLAIM, unto STEVEN C. McAREAVY and BEVERLY J. McAREAVY, whose address is Box 62, Delaware, Iowa ("Grantee"), subject to any and all exceptions and reservations hereinafter set forth, any and all of the Grantor's interest in the following described real estate situated and being in the County of Delaware, State of Iowa, ("the Property"), to-wit:

All of Lot 987 in the Town of Delaware; also,

All or part of the following described Lots in the Town of Delaware lying between parallel line 50 feet westerly of and 50 feet easterly of the centerline of the original main track of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company: Lot 145 through 152 inclusive; Lots 382 through 386 inclusive; Lots 429 through 433 inclusive (except portions of said Lots previously conveyed to Hutchinson, Incorporated by Deed Dated April 17, 1975);

All of part of the following described Lots in the Town of Delaware, lying between parallel line 50 feet westerly of and 150 feet easterly of the centerline of the original main track of said Railroad Company; also, Lots 674 through 683 inclusive; Lots 716 through 722 inclusive; the North Half of Lots 723 and 724; Lots 988 through 997 inclusive; Lots 1018 through 1029 inclusive; Lots 1181 through 1184 inclusive; Lots 1221 through 1224 inclusive; also, all of the 50 foot wide right of way of the said former Railroad Company across the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 31 lying northerly of the centerline of Virginia Street as projected westerly, Town of Delaware, and across the Southwest Quarter of the Southwest Quarter (SW¼SW¼) of Section 32, being in Town Lots, Town of Delaware, all in Township 89 North, Range 4 West.

REAL ESTATE TRANSFER
TAX PAID 13
STAMP #
$ 175
Joan Sheppard
RECORDER
1/13/88 DELAWARE
DATE COUNTY

FILE No. 149-1612
RECORDING FEE $15.00
TRANSFER FEE $30.00

FILED FOR RECORD THE 13 DAY OF January, 19 88 AT 3:51 O'CLOCK P M. BOOK 47 PAGE 269

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
LD

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This conveyance is subject to general real estate taxes which are a lien but not yet delinquent, and to any and all covenants, leases, licenses, easements, restrictions, and conditions of any kind or character, including but not limited to, building ordinances, codes or laws, public or private roadways and alleys, whether or not of record.

GRANTOR reserves unto itself, its successors, grantees and assigns, all mineral and water rights, including but not limited to, coal, oil, gas, casinghead gas, water, iron ore and all other ores and minerals of every kind and nature, underlying the surface of said premises, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, extract, remove and market any and all such products.

GRANTOR reserves unto itself, its successors, grantees and assigns, the right and privilege in the form of an easement in gross for the continued maintenance, operation and use of all existing driveways, roads, conduits, sewers, water mains, gas, electric power lines, wires and other utilities and easements of any kind whatsoever on said Property, whether or not of record, including the repair, reconstruction and replacement thereof, unless otherwise provided for herein and a further reservation of the right and privilege of the Grantor, its successors, grantees and assigns to convert any existing leases, licenses and agreements for driveways, roads, conduits, sewers, water mains, gas lines, electric power lines, wires and other utilities to permanent easements by issuance of a suitable grant in recordable form.

GRANTOR reserves unto itself, its successors, grantees and assigns, exclusive perpetual easements, together with a reasonable right-of-entry thereto, for the construction, erection, installation, operation and maintenance of transportation and transmission systems for all and every type of energy by whatever means, except by railroad, including, but not limited to, pipelines, telephone, radio, radar or laser, transmission systems, wire, fibers, conduits, utility and energy transmission lines of every kind and character together with all necessary supporting devices which may be constructed, erected or installed in, on, under, above, across and along any portion of the Property lying within fifty (50) feet of the centerline of

the main railroad track(s) as represented on the attached Exhibit "A"; provided, however, that the exercise of the rights reserved herein shall not unreasonably interfere with Grantee's use of the surface; and provided further that all rights reserved herein shall continue forever, whether or not exercised, unless expressly relinquished in writing by Grantor, its successors or assigns. The rights reserved by Grantor shall include the right to reconstruct, re-erect and reinstall each and every transportation or transmission facility herein contemplated.

IN WITNESS WHEREOF, this instrument is executed by Grantor, this 13th day of November, 1987.

CMC REAL ESTATE CORPORATION, a Wisconsin Corporation

ATTEST:

Mary Uppena-Weed
Assistant Secretary

By: Leon Fioreatino
Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On the date above noted, before me, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby certify that Leon Fioreatino, personally known to me to be the Vice President of CMC REAL ESTATE CORPORATION, a Wisconsin corporation, and Mary Uppena-Weed, personally known to me to be the Assistant Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President and Assistant Secretary of said corporation, they caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and seal this 13th day of November, 1987.

Rylon A. Staples
Notary Public
Rylon A. Staples

My commission expires:

January 21, 1990

F.E.I.N. 36-6000639

This document was prepared by Title and Closing Department, CMC Real Estate Corporation, Chicago, Illinois, 60606.

CB/eh43/rv.jbj