Preparer Information (X) David C. Tracey 105 North Franklin Street Manchester 319/927-4925

DELAWARE COUNTY IOWA
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BOOK 19 PAGE 249
DEBORAH L. PEYTON
DELAWARE CO RECORDER
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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, Delaware County, Iowa, for more than thirty-six years last past. That during the course of this law practice I have been well acquainted with Ray E. Vontalge, Roy E. Vontalge and Rhoda M. Vontalge, and am quite familiar with all the real estate that they own in Delaware County. This affidavit is made in respect to certain objections on the abstract of title to the following described real estate:

> Lot One (1) in the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Twenty-three (23), Township Eighty-nine (89) North, Range Six (6), West of the Fifth Principal Meridian, Delaware County, Iowa.

Said real estate was sold on contract by Evelyn Whitman, a single person, to Ray E. Vontalge, Roy E. Vontalge and Rhoda M. Vontalge on the 15th day of June, 1971, said contract being recorded in Book 97, L.D., Page 103. That Roy E. Vontalge died testate on April 16, 1975, and his wife, Rhoda M. Vontalge, inherited his interest in this property, along with other property described in the contract.

By Quit Claim Deed dated June 29, 1981, and filed for record June 30, 1981, in Book 109, L.D., Page 335, Ray E. Vontalge, a single person, deeded to Rhoda M. Vontalge, a/k/a Rhoda M. VonTalge, all of his right, title and interest in and to the above described property as well as the other land shown in the contract. His intent being to divest himself of any and all interest in and to said contract. Subsequently Evelyn Whitman and her heirs by two warranty deeds conveyed title to Ray E. Vontalge and Rhoda M. Vontalge of the property in the contract including the premises set forth above. Their intent was to convey the property in accord with the terms of the contract, not realizing that Ray E. Vontalge had conveyed any and all of his interest in the property to Rhoda M. Vontalge. Said conveyances were made without the knowledge that Ray E. Vontalge had quit claimed his interest. Ray E. Vontalge died on September 23, 1984, and said property was not included in his estate, as he had previously conveyed all his right, title and interest to Rhoda M. Vontalge. Therefore, Rhoda M. Vontalge is the sole owner of said property subject to the contract to Gary D. Vontalge and Dona L. Vontalge.

Further, conveyances to the Vontalges show an exception for one acre for school purposes. I know of my own personal knowledge that the one acre as set forth therein is not located in the above described premises, and that this has been verified to me by the Delaware County Assessor's Office.

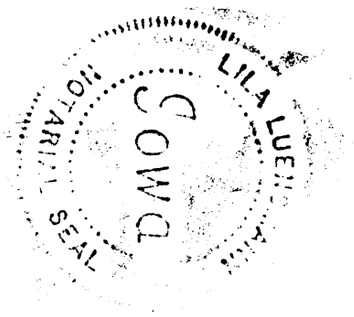
This affidavit is made for the sole purpose of clearing the objections to the title of the above described real estate.

Dated this 21st day of July, 1998.

David C. Tracey

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Subscribed and sworn to before me by David C. Tracey, this 21st day of July, 1998.



Lila Luensmann

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