DELAWARE COUNTY IOWA
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BOOK 2000 PAGE 2183
DEBORAH L. HEYTON
DELAWARE CO RECORDER
21.00

(x) Ens. P.O. Box 8
John C. Compton, P.C., 116½ W. Mission Street, Strawberry Point, IA 319-933-4334

AFFIDAVIT RE: QUIET TITLE

Re: Parcel B, Parcel C, Parcel D, Parcel E, and commencing at the east ¼ corner of Section 4, T90N, R3W of the 5th P.M., thence N01°-47'-50" E 354.00 feet along the east line of the NE¼ of Section 4 to the Point of Beginning, thence South along the east line of the NE¼ 30.00 feet, thence S89°-47'-18" W 357.00 feet, thence N01°-47'-50" E 30.00 feet, thence N89°-47'-18"E 357.00 feet to the Point of Beginning, and Lot 7 of Colesburg East Sub. No. 1 in the Town of Colesburg; all in Section 4, Township 90 North, Range 3 West of the 5th P.M., Delaware County, Iowa according to the Plat recorded at Book 1999 Plats, Page 1949 of the records of Delaware County, Iowa.

STATE OF IOWA)
)ss:
COUNTY OF CLAYTON)

I, John C. Compton, being first duly sworn on oath, state and depose as follows:

1. That I am the attorney of record for the Estate of Bertha H. Phelps, ESPR004102, Delaware County, Iowa.

2. That the real estate described above was owned by the decedent, Bertha H. Phelps, and is included in the description of real estate constituting a part of her estate.

3. That the portion of the above real estate lying north of Oak Hill Cemetery and South of Parcel C of the above-described real estate was used by Bertha H. Phelps, the same being the 30' x 357' parcel described above.

4. That pursuant to the Iowa Probate Code the undersigned made Application to the Court and caused to be filed a Quiet Title action to the real estate described above and, upon notice and hearing obtained a Judgment and Decree to the same, establishing that the Estate of Bertha H. Phelps is the absolute owner of the above real estate.

5. That attached hereto is a file-stamped Judgment and Decree entered January 24, 2000 in the Iowa District Court for Delaware County establishing title thereto in the Estate of Bertha H. Phelps.

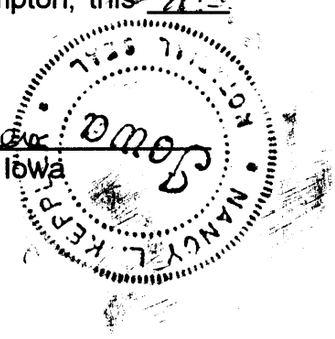
6. That said real estate has been transferred to Dennis J. Salow, Audrey Paine, the Oak Hill Cemetery Association and Lowell Phelps and the Court Officer's Deeds from the Bertha H. Phelps Estate are on file herein.

Dated at Strawberry Point, Iowa, this 11th day of July ,2000.

John C. Compton
Affiant

Subscribed and sworn to before me by the said John C. Compton, this 11th day of July, 2000.

Nancy L Keppler
Notary Public, State of Iowa



IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

ESTATE OF BERTHA H. PHELPS Plaintiff, v. F. A. GRIMES AND EMMA J. GRIMES, MARY S. WALKER, S. G. WALKER AND R. G. WALKER, or the unknown heirs, grantees, representatives. successors and assigns of the above-named defendants, and OAK HILL CEMETERY ASSOCIATION, and any and all Unknown Claimants of the following real estate in Delaware County, Iowa, to wit: Parcel B, Parcel C, Parcel D, Parcel E, and commencing at the east ¼ corner of Section 4, T90N, R3W of the 5th P.M., thence N01°-47'-50" E 354.00 feet along the east line of the NE¼ of Section 4 to the Point of Beginning, thence South along the east line of the NE¼ 30.00 feet, thence S89°-47'-18" W 357.00 feet, thence N01°-47'-50" E 30.00 feet, thence N89°-47'-18"E 357.00 feet to the Point of Beginning, and Lot 7 of Colesburg East Sub. No. 1 in the Town of Colesburg; all in Section 4, Township 90 North, Range 3 West of the 5th P.M., Delaware County, Iowa.	)	No. EQCV004456 JUDGMENT AND DECREE

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NOW ON THIS 24 day of January, 2000, it being later than the date fixed in the Original Notice for the appearance of the defendants herein, this matter comes on for hearing before the Court, the plaintiff appearing by its attorney, John C. Compton, and no appearance or answer having been made by or for the defendants or for any of them, the Court now examines the Original Notice herein and the Return of Service, and finds that due, legal and timely service of notice of the pendency of this action has been given to each and all of the defendants herein, both known and unknown, at least twenty (20) days prior to the date fixed in the Original Notice for the appearance of said defendants, that an Original Notice was filed with the Petition in said cause, with the endorsement of plaintiff's attorney thereon selecting the Manchester Press, Manchester, Iowa as the newspaper in which said notice should be published, and that publication of said notice was made as required by law, once each week for three consecutive weeks, to the last of which publication was on the 16th day of November, 1999 and that more than twenty (20) days has lapsed since the date of final publication.
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The Court further finds that legal and sufficient affidavit was filed in this action as required by law, and that all defendants except the Oak Hill Cemetery Association, which acknowledged Service herein, are non-residents of Iowa or that their residence is unknown and that personal service of the Original Notice in said action cannot be made upon them within the State of Iowa.

The Court further finds that it has jurisdiction of all of the parties to this action and of the subject matter thereof.

The Court further finds that no appearances have been made for any of the defendant's in this action, including the Oak Hill Cemetery Association, which acknowledged service.

The Court further finds that under the circumstances the appointment of a Guardian ad litem for any unknown defendants is waived.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that each and every defendant named herein is adjudged in default for want of appearance, and said default is accordingly entered.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is entitled to the relief requested in the Petition. The Court specifically finds that the plaintiff is the absolute owner in fee simple of the real estate referred to in plaintiff's Petition and that defendants and each of them, have no right, title or interest in or lien upon said real estate or any part thereof; that any right, title or interest that any of the defendant's may have ever had in and to the real estate is junior and inferior to the title of the plaintiff, that the plaintiff and it's grantors have had open, notorious, continuous, exclusive, hostile and adverse possession of said real estate and every part thereof under claim and color of title, for more than ten years last past.

The Court further finds that the plaintiff has made diligent efforts to ascertain the existence of any adverse claim to the real estate and none appears. Any claim is now barred by this action and the statute of limitations.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is the absolute and unqualified owner in fee simple of the real estate described in the caption, and all and each defendant is forever barred and estopped from claiming any right, title or interest in the real estate or to any lien thereon adverse to the plaintiff, and said defendant's are forever barred and restrained from in any manner interfering with the plaintiff and its successors for peaceable possession thereof.

Costs are taxed to the plaintiff.

DONE AND ORDERED this 24 day of January, 2000.

LAWRENCE H. FAUTSCH

Judge, First Judicial District of Iowa