DELAWARE COUNTY IOWA
FILED
2000 DE 28 AM 10: 27
BOOK 2000 PAGE 3691
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$16.00

DHG

Prepared by: Attorney Tom Jenk, P.O. Box 304, Dyersville, Iowa 52040-0304 875-9112

AFFIDAVIT

RE: The East 229.7 feet thereof in Section 36, Township 89 North, Range 3 West of the 5th P.M., Delaware County, Iowa

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

The undersigned, Earl J. Tegeler, single, and Tom Jenk, attorney for and on behalf of Tegeler Land Development, Inc. of Dyersville, under oath depose and state as follows:

1. That I, Earl J. Tegeler, now single, was one of the Grantors in the Warranty Deed dated June 21, 1979 in which Alma Manley and John Manley, wife and husband, Earl J. Tegeler and Rosemary Tegeler, husband and wife, Herbert G. Tegeler and Anna Tegeler, husband and wife, and Elmer F. Tegeler and LaVonne Tegeler, husband and wife, deeded to Tegeler Land Development, Inc. of Dyersville real estate located in both Dubuque and Delaware County. That attached to this Affidavit is a copy of the certified Warranty Deed certified by the Deputy Recorder of Dubuque County, Iowa, marked Exhibit "A" denoting that the Warranty Deed was a Warranty Deed which was recorded in the Dubuque County Recorder's Office on the 31st day of July, 1979, per Instrument #6760-79. That this deed was in consummation of a Real Estate Contract entered into between the Grantors and the Grantees of which Earl J. Tegeler was one of the Grantors, and Tegeler Land Development, Inc. a Grantee. That this deed was for real estate located in both Dubuque County and Delaware County and given in consummation of a Real Estate Contract between the Grantors and the Grantee, said contract dated August 4, 1972, filed for record on September 20, 1972, per Instrument #6866-1972 and given in final and full consummation of said Real Estate Contract. That said Warranty Deed was recorded in Dubuque County. That said Warranty Deed was not recorded in Delaware County, although the real estate described in said Warranty Deed was in both Dubuque and Delaware County.

   That it was the intent of the Warranty Deed that the property in Dubuque County and Delaware County should be deeded by the Grantors to the Grantee in full consummation.

TOM JENK, P.C.
TOM JENK
KARL MOORMAN
ATTORNEYS AT LAW
225 - 1ST AVENUE EAST
DYERSVILLE, IOWA
52040-0304
PHONE: (319)875-9112

I, Earl J. Tegeler, am also attaching to this particular Affidavit Exhibit "B" which is a copy of the certified Warranty Deed from Edna Madison and T. R. Madison, wife and husband, to Tegeler Land Development, Inc. which was given in consummation of their interest in the Real Estate Contract with Tegeler Land Development, Inc. That this particular deed was recorded in the Dubuque County Recorder's Office on the 31st day of July, 1979 per Instrument #6761-79.

I, Earl J. Tegeler, under oath depose and state that I have knowledge that these Warranty Deeds were given in full consummation and satisfaction of a contract recorded on September 10, 1975 in Book 97, L.D., Page 387 in the Delaware County Recorder's Office, Manchester, Iowa.

The undersigned further states that the Warranty Deeds attached marked Exhibit "A" and Exhibit "B" were only filed for record in Dubuque County and should have been filed in both Dubuque and Delaware County. That this Affidavit is being signed to verify that the Warranty Deeds which are attached and which will be part of this Affidavit are true and correct and are in complete satisfaction of the Real Estate Contract previously recorded by the Grantee and are in full consummation and satisfaction of said Contract as denoted above. That the certified copies of said deeds will be recorded separately from this Affidavit.

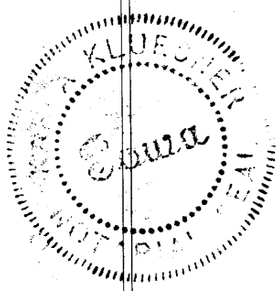
Earl J. Tegeler

I, Tom Jenk, Attorney at Law, under oath depose and state that I have read over the foregoing which is being signed by Earl J. Tegeler, single, regarding the Warranty Deeds as denoted in his Affidavit and I know the content therein is true and correct and that said Warranty Deeds were given in full consummation of a Real Estate Contract with property located in both Dubuque and Delaware County and that the deeds themselves made reference only to a Dubuque County recording and that there was failure to file said deeds in Delaware County to show satisfaction of the recorded Contract recorded in the Delaware County Recorder's Office in Book 97, L.D., Page 387. That the certified copies of the deeds are being recorded separately from this Affidavit in the Delaware County Recorder's Office.

Dated at Dyersville, Iowa, this 26th day of December, 2000.

Tom Jenk

TOM JENK, P.C.
TOM JENK
KARL MOORMAN
ATTORNEYS AT LAW
225 - 1ST AVENUE EAST
DYERSVILLE, IOWA
52040-0304
PHONE: (319) 875-9112



On this 26th day of December, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Earl J. Tegeler, single, and Tom Jenk, Attorney at Law, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Karla K Kluesner
Notary Public in and for the State of Iowa

TOM JENK, P.C.
TOM JENK
KARL MOORMAN
ATTORNEYS AT LAW
225 - 1ST AVENUE EAST
DYERSVILLE, IOWA
52040-0304
PHONE: (319)875-9112

Recd

JUL 31 AM 10 29
6760-79
RECORDER
DELAWARE CO. IOWA
FEES 6.00

REAL ESTATE TRANSFER TAX
-31-
3.1.JL
Cancelled
$007.15

7.15

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Alma Manley and John Manley, wife and husband; Earl J. Tegeler and Rosemary Tegeler, husband and wife; Herbert G. Tegeler and Anna Tegeler, husband and wife; and Elmer F. Tegeler and LaVonne Tegeler, husband and wife, in consideration of the sum of Six Thousand Nine Hundred Fifty Six and no/100 Dollars ($6,956.00) in hand paid do hereby Convey unto TEGELER LAND DEVELOPMENT, INC. of Dyersville, Iowa the following described real estate situated in Dubuque and Delaware County, Iowa, to-wit:

Lot 1 of Lot 904 in the City of Dyersville, Dubuque County, Iowa, and Lot 1 of Lot 3 of the North one half of Section 31, Township 89 North, Range 2 West of the 5th P. M., dimensions 180.3 feet by 726 feet consisting of 3.03 acres, Dubuque County, Iowa. The East 229.7 feet of the Southeast one quarter of the Northeast one quarter of Section 36, Township 89 North, Range 3 West of the 5th P. M., dimensions 229.7 feet by 1320 feet, consisting of 6.956 acres, Delaware County, Iowa. The West 90 feet of Lot 1 of Lot 903 and the West 90 feet of Lot 902 dimensions 180 feet by 426 feet, consisting of .960 acres, Dubuque County, Iowa, together with all easements in servient's estates pertinent thereto; and Lot 2 of Lot 903. Lot 2 of Lot 2 of Lot 904 and Lot 2 of Lot 3 of the North one half of Section 31, Township 89 North, Range 2 West of the 5th P. M., Dubuque County, Iowa subject to: 1. Warranty Deed dated July 17, 1973 and filed for record on September 5, 1973, Instrument 7102-1973 conveying to Jerome Koch Lot 2 of Lot 903, Lot 2 of Lot 2 of Lot 904, Lot 2 of Lot 3 of the North Half of Section 31, Township 89 North, Range 2 West of the 5th P. M., Dubuque County, Iowa. 2. Mortgage to Dyersville National Bank to secure $42,000.00 dated January 18, 1978 and filed for record on June 24, 1978, Instrument No.721-1978. 3. Water Easement given to the City of Dyersville. 4. Ordinance No. 408 and Ordinance No. 428 in regards to future extensions to water-sewer system from the sewer main in the Dyersville Industrial Park.

This deed is given in consummation of the terms of a Land Sale Contract between Alma Manley and John Manley, wife and husband; Edna Madison and T. R. Madison, wife and husband; Earl J. Tegeler and Rosemary Tegeler, husband and wife; Herbert G. Tegeler and Anna Tegeler, husband and wife; and Elmer F. Tegeler and LaVonne Tegeler, husband and wife and Tegeler Land Development, Inc. dated August 4, 1972 and filed for record on September 20, 1972, Instrument No. 6866-1972 and grantors warrant the title against the claims of all persons whomsoever arising on or before August 4, 1972 and against the lawful claims of all persons claiming by, through, or under us or either of us since August 4, 1972.

And the grantors do Hereby Covenant with the said grantees, and successors in interest, that said grantors hold said real estate by title in fee simple; that they have good and lawful authority to sell and convey the same; that said premises are Free and Clear of all Liens and Encumbrances Whatsoever except as may be above stated; and said grantors Covenant to Warrant and Defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the described premises.

Signed this 21 day of June, 1979.

Alma Manley

John Manley

Exception 1. Any deed given in fulfillment of a recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract.

PENGAD-Bayonne, N.J.
EXHIBIT A

Earl J. Tegeler

Rosemary Tegeler

Herbert G. Tegeler

Anna Tegeler

Elmer F. Tegeler

LaVonne Tegeler

STATE OF IOWA)
) SS
COUNTY OF DUBUQUE)

On this 21 day of January, 1979 before me, the undersigned, a Notary Public in and for said County and States, personally appeared Alma Manley and John Manley, wife and husband; Earl J. Tegeler and Rosemary Tegeler, husband and wife; Herbert G. Tegeler and Anna Tegeler, husband and wife; and Elmer F. Tegeler and LaVonne Tegeler, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

IOWA

Max H. Jenk, Notary Public in and for the State of Iowa

STATE OF IOWA, DU[redacted]
I, Kathy Flynn Th[redacted]
hereby certify that th[redacted]
correct copy of the [redacted]
by the records, recorded
as Inst. No. 6760-79
In said County
Dated this 12 day of Dec [redacted] 00

[redacted]
Dubuque County Recorder

by Toni J. Burkhoeder,
Deputy

— Recnd —

IOWA STATE BAR ASSOCIATION
Official Form No. 1.1 (Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

WARRANTY DEED

Know All Men by These Presents: That Edna Madison and T. R. Madison, wife and husband, in consideration of the sum of $1.00 and other valuable consideration----------
in hand paid do hereby Convey unto TEGELER LAND DEVELOPMENT, INC.

Grantees' Address: Dyersville, Iowa 52040

the following described real estate, situated in Dubuque & Delaware County, Iowa, to-wit:

Our 1/5 interest in the following described real estate: Lot 1 of Lot 904 in the City of Dyersville, Dubuque County, Iowa, and Lot 1 of Lot 3 of the North one half of Section 31, Township 89 North, Range 2 West of the 5th P.M., dimensions 180.3 feet by 726 feet consisting of 3.03 acres, Dubuque County, Iowa. The east 229.7 feet of the Southeast one quarter of the Northeast one quarter of Section 36, Township 89 North, Range 3 West of the 5th P.M., dimensions 229.7 feet by 1320 feet, consisting of 6.956 acres, Delaware County, Iowa. The West 90 feet of Lot 1 of Lot 903 and the West 90 feet of Lot 902 dimensions 180 feet by 426 feet, consisting of .960 acres, Dubuque County, Iowa, together with all easements in servient's estates pertinent thereto; and Lot 2 of Lot 903, Lot 2 of Lot 2 of Lot 904 and Lot 2 of Lot 3 of the North one half of Section 31, Township 89 North, Range 2 West of the 5th P. M., Dubuque County, Iowa subject to: 1. Warranty Deed dated July 17, 1973 and filed for record on September 5, 1973, Instrument 7102-1973 conveying to Jerome Koch Lot 2 of Lot 903, Lot 2 of Lot 2 of Lot 904, Lot 2 of Lot 3 of the North Half of Section 31, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa. 2. Mortgage to Dyersville National Bank to secure $42,000.00 dated January 18, 1978 and filed for record on June 24, 1978, Instrument No. 721-1978. 3. Water Easement given to the City of Dyersville. 4. Ordinance No. 408 and Ordinance No. 428 in regards to future extensions to water-sewer system from the sewer main in the Dyersville Industrial Park.

This deed is given in consummation of the terms of a Land Sale Contract between Alma Manley and John Manley, wife and husband; Edna Madison and T. R. Madison, wife and husband; Earl J. Tegeler and Rosemary Tegeler, husband and wife; Herbert G. Tegeler and Anna Tegeler, husband and wife; and Elmer F. Tegeler and LaVonne Tegeler, husband and wife and Tegeler Land Development, Inc. dated August 4, 1972 and filed for record on September 20, 1972, Instrument No. 6866-1972 and grantors warrant the title against the claims of all persons whomsoever arising on or before August 4, 1972 and against the lawful claims of all persons claiming by, through, or under us or either of us since August 4, 1972.

Exc. 1. Any deed given in fulfillment of a recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract. -STAMPS ON ANOTHER DEED

And the grantors do Hereby Covenant with the said grantees, and successors in interest, that said grantors hold said real estate by title in fee simple; that they have good and lawful authority to sell and convey the same; that said premises are Free and Clear of all Liens and Encumbrances Whatsoever except as may be above stated; and said grantors Covenant to Warrant and Defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the described premises.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 23 day of May, 19 79.

STATE OF IOWA, FLORIDA
COUNTY OF DADE } ss.

Edna Madison
Edna Madison

T. R. Madison
T. R. Madison

On this ____ day of May 19 79 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Edna Madison and T. R. Madison, wife and husband

to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said County and State

(Grantors' address)

79 JUL 31 AM 10 30
6761-79
MATT H. ROMELIK RECORDER
DUBUQUE CO. IOWA
FEES 6.00

Please type or print names under signatures as per Sec. 558.8 Code of Iowa.

901038

(over)

1.1 WARRANTY DEED
This Printing: March, 1979

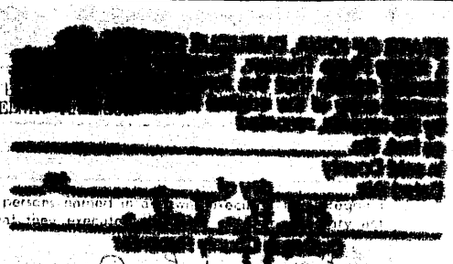
PENGAD-Bayonne, N. J.

EXHIBIT B

STATE OF FLORIDA DADE

On this 23 day of MAY 1979

for said County and said State, personally appeared



to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Peggy B. Young

Peggy B. Young Notary Public in and for said County and said State

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 8, 1981
BONDED THRU GENERAL INS. UNDERWRITERS

STATE OF FLORIDA DADE COUNTY, ss:

On this 4th day of JUNE 19 79 before me, the undersigned, a Notary Public in and for said County and said State, personally appeared T. R. Madison

to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Dixie S. Mattes

Dixie S. Mattes Notary Public in and for said County and said State

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 8, 1981

6751-79

Warranty Deed

TO

Entered upon transfer Books and for taxation

this day of 19

Auditor

By Deputy

Filed for record at request of and delivered at

County Auditor this day of 19

at o'clock M. and recorded in Book on page

of County Records

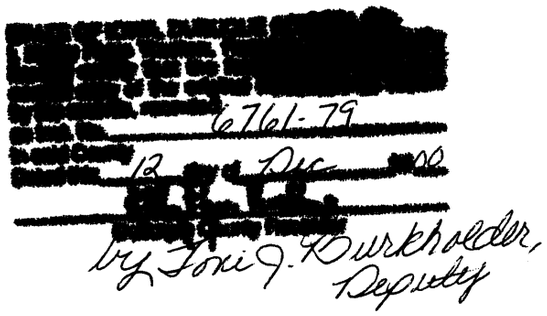
Recorder and Auditor's Fee $ PAID

Recorder

By Deputy

WHEN RECORDED RETURN TO

DADE TITLE SERVICE


6761-79
12 Dec
by Toni J. Burkholder,
Deputy