DELAWARE COUNTY IOWA
FILED ✓

2001 JN -1 AM 10: 29

BOOK 200 PAGE 14
DEBORAH L. PEYTON
DELAWARE CO. RECORDER

11.00

Prepared by: Todd J. Locher, 202 2nd Avenue NW, Box 7, Farley, IA 52046 Phone: 319-744-3359

AFFIDAVIT

RE: The West ½ of the Northeast fractional 1/4, and that part of the East 49 rods, 9 feet, 11 inches of the North 50 acres of the East ½ of the Northwest fractional 1/4 lying North of the present established highway, all in Section 1, Township 89 North, Range 3 West of the 5th P.M., also Lot 1 of the South 30 acres of the SE 1/4 of the NW 1/4 of Section 1, Township 89 North, Range 3 West of the 5th P.M., according to plat recorded in Book 2 Plats, Page 10

We, Henry J. Westhoff and Gerald F. Westhoff, individually and as Conservators for Marie A. Westhoff, and Marilee J. Koelker, being first duly sworn, deposit and state as follows:

1. That on January 23, 1999, Henry J. Westhoff and Gerald F. Westhoff, on behalf of Marie A. Westhoff, executed a Release of Real Estate Mortgage that was recorded on February 2, 2000 in Book 2000, Page 372 of the records of Delaware County, Iowa. On the same date, said individuals also executed a Release and Satisfaction of Judgment in the case styled Marie Westhoff; Henry J. Westhoff and Gerald F. Westhoff, Conservators for Marie Westhoff v. Charles A. Koelker and Marilee J. Koelker, husband and wife; Associates Finance, Inc.; and New Vienna Mutual Insurance, Case No. EQCV004384 (In the Iowa District Court for Delaware County).

2. Henry J. Westhoff and Gerald F. Westhoff, Conservators for Marie Westhoff, executed and provided the Release and Satisfaction of Judgment and Release of Real Estate Mortgage because Charles A. Koelker and Marilee J. Koelker had paid the outstanding mortgage in full, along with interest, costs and attorney fees.

3. That Hubert J. Westhoff died on the 20th day of March, 1997 in Dubuque County, Iowa. That the undersigned individuals are the sole heirs of Hubert J. Westhoff. That because all property, both real and personal, that Hubert J. Westhoff owned at the time of his death was co-owned by Marie A. Westhoff, as joint tenants with full rights of survivorship and not as tenants in common, a probate of the Estate of Hubert J. Westhoff was not necessary.

4. Further, the undersigned agree that Charles A. Koelker and Marilee J. Koelker satisfied in full the Mortgage to Hubert J. Westhoff and Marie A. Westhoff dated January 31, 1995 and filed on February 1, 1995 in Book 125, L.M., Page 196 and judgment rendered in the above referenced lawsuit.

5. That all of the undersigned individuals hereby consent to the execution and filing of said Release of Real Estate Mortgage and Release and Satisfaction of Judgment.

6. The undersigned as the sole heirs of the Estate of Hubert J. Westhoff, hereby surrender, give up and waive any right to said mortgage and further surrender, give up and waive their rights to challenge the Release of Real Estate Mortgage and Release and Satisfaction of Judgment referred to herein.

Dated this 24 day of May, 2001.

MARIE A. WESTHOFF CONSERVATORSHIP

By: Henry J. Westhoff
Henry J. Westhoff, Conservators

By: Gerald F Westhoff
Gerald F. Westhoff, Conservators

Marilee Koelker
Marilee J. Koelker

Henry J. Westhoff
Henry J. Westhoff, individually

Gerald F Westhoff
Gerald F. Westhoff, individually

STATE OF IOWA, DUBUQUE COUNTY, SS:

On this 24th day of May, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Henry J. Westhoff and Gerald F. Westhoff, Conservators of the Marie A. Westhoff Conservatorship, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged to me that such persons, as such fiduciary, executed the same as the voluntary act and deed of such person and of such fiduciary.

NOTARIAL SEAL IOWA
KAREN K. KLUESNER
MY COMMISSION EXPIRES
5-17-02

Karen K Kluesner
Notary Public

STATE OF IOWA, DUBUQUE COUNTY, SS:

On this 24th day of May, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Henry J. Westhoff, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged to me that he executed the same as his voluntary act and deed.

NOTARIAL SEAL IOWA
KAREN K. KLUESNER
MY COMMISSION EXPIRES
5-17-02

Karen K Kluesner
Notary Public

STATE OF IOWA, DUBUQUE COUNTY, SS:

On this 24th day of May, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald F. Westhoff, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged to me that he executed the same as his voluntary act and deed.

NOTARIAL SEAL IOWA
KAREN K. KLUESNER
MY COMMISSION EXPIRES
5-17-02

Karen K Kluesner
Notary Public

STATE OF IOWA, DUBUQUE COUNTY, SS:

On this 30th day of May, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Marilee Koelker, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged to me that she executed the same as her voluntary act and deed.

NOTARIAL SEAL IOWA
TODD J. LOCHER
MY COMMISSION EXPIRES
10-12-03

Notary Public