Jim Clift
P.O. Box 306
Earlville, IA 52041

DELAWARE COUNTY IOWA
FILED
2003 MR 31 PM 3:04
BOOK 302 PAGE 1434
DEBORAH L. PEYTON
DELAWARE CO RECORDER
31.00

Carr & Carr Lawyers 117 S Franklin Street PO Box 333 Manchester, IA 52057 563-927-4164

# AFFIDAVIT

STATE OF IOWA, DELAWARE COUNTY) ss

The undersigned, after being duly sworn on oath states as follows:

1. That I am the appointed attorney-in-fact in documents dated July 31, 1990 signed by Albert W. Nieman and Hazel M. Nieman respectively. A copy of each of such documents are attached hereto, being marked Exhibits "A" and "B".

2. That contained in each of the two documents is the following language,

> "This Power of Attorney shall become effective upon certification by my physician that I am disabled, . . .".

3. That Clint L. Kauffman, M.D. was the physician for the said Albert W. Nieman and Hazel M. Nieman.

4. That as the physician for each of them he has outlined their condition in a letter directed to the undersigned and dated November 11, 2002, the original of which is attached hereto and marked Exhibit "C".

5. That the undersigned is an adult and competent to make this affidavit.

Dated this 28th day of March, 2003.

Joanne Laxson
Joanne Laxson

Subscribed and sworn to before me by Joanne Laxson this 28th day of March, 2003.

JANEL M. RIES
Commission Number 701326
My Commission Expires
1-24-06

Janel M. Ries
Notary Public in and for the State of Iowa

Exhibit "A"

# POWER OF ATTORNEY — PLENARY

I, Albert W. Nieman, residing at RFD #2, Earlville, Iowa, appoint Joanne Laxson, residing at Earlville, IA 52041, my Attorney-in-Fact. I revoke any and all powers of attorney that may have been previously executed by me. My Attorney-in-Fact shall have full power and authority to manage and conduct all of my affairs, with full power and authority to exercise or perform any act, power, duty, right or obligation I now have or may hereafter acquire the legal right, power or capacity to exercise or perform. The power and authority of my Attorney-in-Fact shall include, but not be limited to, the power and authority:

1. To buy, acquire, obtain, take or hold possession of any property or property rights and to retain such property, whether income producing or non-income producing;

2. To sell, convey, lease, manage, care for, preserve, protect, insure, improve, control, store, transport, maintain, repair, remodel, rebuild and in every way deal in and with any of my property or property rights, now or hereafter owned by me, and to establish and maintain reserves for repairs, improvements, upkeep and obsolescence; to eject or remove tenants or other persons and to recover possession of such property. This includes the right to convey or encumber my homestead legally described as follows:

North West quarter of North West quarter of Section Thirty-Five, Township Eighty-Nine North, Range Four, West of the Fifth Principal Meridian, except the West Two Hundred Sixty feet of the South Three Hundred Thirty-five feet thereof, EXCEPT a piece described as commencing at the Southwest corner thereof and running North along the center of the County Road and Section line a distance of Seven Hundred Fifteen (715.0) feet to the point of beginning, thence East Two Hundred Sixty (260.0) feet, thence North Six Hundred Fifteen (615.0) feet, more or less, to the North Section line of said Northwest Quarter (NW¼) of said Northwest Quarter (NW¼), thence West Two Hundred Sixty (260.0) feet to the Northwest corner of said Northwest Quarter (NW¼) of said Northwest Quarter (NW¼), thence South on the West Section line to the point of beginning, subject to highways and easements of record.

Commencing in center of North end of Prospect Street, being 317½ feet East of Northwest corner of Pitkins Addition to Nottingham, Iowa, now Earlville, Iowa, thence North to a point 110 feet South of North line of Section 35, Township 89 North, Range 4, West of the Fifth P.M., thence West to a point 1043¼ feet West of East line of said Section 35, thence North 110 feet, thence West to Northwest corner of Northeast Quarter of Northeast Quarter of Section 35, Township 89 North, Range 4, West of the Fifth P.M., thence South to Northwest corner of Pitkins Addition to Nottingham, Iowa, now Earlville, Iowa, thence East 317½ feet to beginning; Also the Northeast Quarter of Northwest Quarter, and Northwest Quarter of Northeast Quarter of Section 35, Township 89 North, Range 4, West of the Fifth P.M., except a piece in the Southeast corner of said Northwest Quarter of Northeast Quarter commencing at the Southeast corner of said Northwest Quarter of Northeast Quarter, thence West 8 rods, 12½ feet, thence North 40 rods, thence East 8 rods, 12½ feet, thence South 40 rods to beginning and also except commencing at a point 8 rods, 12½ feet West of the Southeast corner of said Northwest Quarter of Northeast Quarter, thence West 109 feet, thence North 265 feet, thence East 109 feet, thence South 265 feet to beginning; and also the South One-Half (S½) of the Southeast Quarter (SE¼) of Section Thirty-Four (34), Township Eighty-Nine (89), North, Range Four (4), West of the Fifth Principal Meridian, EXCEPT the West Ten (10) acres thereof.

[If the Attorney-in-Fact to which this power of attorney relates is my spouse, then I also appoint _____ as my Attorney-in-Fact solely for the purpose of releasing any dower or other marital interest I might have in any property, including my homestead specifically described above];

3. To borrow money, mortgage and grant security interests in property; to complete, extend, modify or renew any obligations, either secured, unsecured, negotiable or non-negotiable, at a rate of interest and upon terms satisfactory to my Attorney-in-Fact; to lend money, either with or without collateral; to extend or secure credit; and to guarantee and insure the performance and payment of obligations of another person or entity;

4. To open, maintain or close bank accounts, brokerage accounts, savings and checking accounts; to purchase, renew or cash certificates of deposit; to conduct any business with any banking or lending institution in regard to any of my accounts or certificates of deposit; to write checks, make deposits, make withdrawals and obtain bank statements, passbooks, drafts, money orders, warrants, certificates or vouchers payable to me by any person or entity, including the United States of America and expressly including the right to sell or cash U.S. Treasury Securities and Series E, EE and H Bonds;

5. To have full access to any safety deposit boxes and their contents;

6. To pay all city, county, state or federal taxes and to receive appropriate receipts therefore; to prepare, execute, file and obtain from the government income and other tax returns and other governmental reports, applications, requests and documents; to take any appropriate action to minimize, reduce or establish non-liability for taxes; to sue or take appropriate action for refunds of same; to appear for me before the Internal Revenue Service or any other taxing authority in connection with any matter involving federal, state or local taxes in which I may be a party, giving my Attorney-in-Fact full power to do everything necessary to be done and to receive refund checks; to execute waivers of the statute of limitations and to execute closing agreements on my behalf;

7. To act as proxy, with full power of substitution, at any corporate meeting and to initiate corporate meetings for my benefit as stockholder, in respect to any stocks, stock rights, shares, bonds, debentures or other investments, rights or interests;

8. To invest, re-invest, sell or exchange any assets owned by me and to pay the assessments and charges therefore; to obtain and maintain life insurance upon my life or upon the life of anyone else; to obtain and maintain any other types of insurance policies; to continue any existing plan of insurance or investment;

9. To defend, initiate, prosecute, settle, arbitrate, dismiss or dispose of any lawsuits, administrative hearings, claims, actions, attachments, injunctions, arrests or other proceedings, or otherwise participate in litigation which might affect me;

10. To carry on my business or businesses; to begin new businesses; to retain, utilize or increase the capital of any business; to incorporate or operate as a general partnership, limited partnership or sole proprietorship any of my businesses;

11. To employ professional and business assistants of all kinds, including, but not limited to, attorneys, accountants, realtors, appraisers, salesmen and agents;

12. To apply for benefits and participate in programs offered by any governmental body, administrative agency, person or entity;

13. To transfer to the trustee of any revocable trust created by me, if such trust is in existence at the time, any and all property of mine (excepting property held by me and any other person as joint tenants with full rights of survivorship), which property shall be held in accordance with the terms and provisions of the agreement creating such trust;

14. To disclaim any interest in property passing to me from any person or entity.

My Attorney-in-Fact shall not be liable for any loss sustained through an error of judgment made in good faith, but shall be liable for willful misconduct or breach of good faith.

All references to property or property rights herein shall include all real, personal, tangible, intangible or mixed property.

Words and phrases set forth in this Power of Attorney shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

This Power of Attorney is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts or powers shall not limit or restrict the general and all inclusive powers that I have granted to my Attorney-in-Fact.

**N.B. DELETE INAPPROPRIATE PORTIONS OF THE FOLLOWING PARAGRAPH. IF NO DELETIONS ARE MADE, THE PROVISIONS SET FORTH IN PARAGRAPHS B AND C SHALL BE DEEMED TO HAVE BEEN DELETED.**

~~A. This Power of Attorney shall become effective immediately, shall not be affected by my disability,~~

B. This Power of Attorney shall become effective upon certification by my physician that I am disabled,

~~C. This Power of Attorney shall become effective _____, shall not be affected by my disability,~~

and shall continue effective until my death; provided, however, that this Power may be revoked by me as to my Attorney-in-Fact at any time by written notice to such Attorney-in-Fact.

Dated July 31, 19 90, at Monticello, Iowa.

Albert W. Nieman

Albert W. Nieman

STATE OF IOWA )
) SS:
COUNTY OF JONES )

On this 31st day of July, 19 90 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Albert W. Nieman, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that such person executed the same as such person's voluntary act and deed.

H. Elvin Erdahl

H. Elvin Erdahl, Notary Public in and for the State of Iowa

Exhibit "B"

# POWER OF ATTORNEY — PLENARY

I, Hazel M. Nieman, residing at RFD #2, Earlville, Iowa, appoint Joanne Laxson, residing at Earlville, IA 52041, my Attorney-in-Fact. I revoke any and all powers of attorney that may have been previously executed by me. My Attorney-in-Fact shall have full power and authority to manage and conduct all of my affairs, with full power and authority to exercise or perform any act, power, duty, right or obligation I now have or may hereafter acquire the legal right, power or capacity to exercise or perform. The power and authority of my Attorney-in-Fact shall include, but not be limited to, the power and authority:

1. To buy, acquire, obtain, take or hold possession of any property or property rights and to retain such property, whether income producing or non-income producing;

2. To sell, convey, lease, manage, care for, preserve, protect, insure, improve, control, store, transport, maintain, repair, remodel, rebuild and in every way deal in and with any of my property or property rights, now or hereafter owned by me, and to establish and maintain reserves for repairs, improvements, upkeep and obsolescence; to eject or remove tenants or other persons and to recover possession of such property. This includes the right to convey or encumber my homestead legally described as follows:

North West quarter of North West quarter of Section Thirty-Five, Township Eighty-Nine North, Range Four, West of the Fifth Principal Meridian, except the West Two Hundred Sixty feet of the South Three Hundred Thirty-five feet thereof, EXCEPT a piece described as commencing at the Southwest corner thereof and running North along the center of the County Road and Section line a distance of Seven Hundred Fifteen (715.0) feet to the point of beginning, thence East Two Hundred Sixty (260.0) feet, thence North Six Hundred Fifteen (615.0) feet, more or less, to the North Section line of said Northwest Quarter (NW¼) of said Northwest Quarter (NW¼), thence West Two Hundred Sixty (260.0) feet to the Northwest corner of said Northwest Quarter (NW¼) of said Northwest Quarter (NW¼), thence South on the West Section line to the point of beginning, subject to highways and easements of record.

Commencing in center of North end of Prospect Street, being 317½ feet East of Northwest corner of Pitkins Addition to Nottingham, Iowa, now Earlville, Iowa, thence North to a point 110 feet South of North line of Section 35, Township 89 North, Range 4, West of the Fifth P.M., thence West to a point 1043¼ feet West of East line of said Section 35, thence North 110 feet, thence West to Northwest corner of Northeast Quarter of Northeast Quarter of Section 35, Township 89 North, Range 4, West of the Fifth P.M., thence South to Northwest corner of Pitkins Addition to Nottingham, Iowa, now Earlville, Iowa, thence East 317½ feet to beginning; Also the Northeast Quarter of Northwest Quarter, and Northwest Quarter of Northeast Quarter of Section 35, Township 89 North, Range 4, West of the Fifth P.M., except a piece in the Southeast corner of said Northwest Quarter of Northeast Quarter commencing at the Southeast corner of said Northwest Quarter of Northeast Quarter, thence West 8 rods, 12½ feet, thence North 40 rods, thence East 8 rods, 12½ feet, thence South 40 rods to beginning and also except commencing at a point 8 rods, 12½ feet West of the Southeast corner of said Northwest Quarter of Northeast Quarter, thence West 109 feet, thence North 265 feet, thence East 109 feet, thence South 265 feet to beginning; and also the South One-Half (S½) of the Southeast Quarter (SE¼) of Section Thirty-Four (34), Township Eighty-Nine (89), North, Range Four (4), West of the Fifth Principal Meridian, EXCEPT the West Ten (10) acres thereof.

[If the Attorney-in-Fact to which this power of attorney relates is my spouse, then I also appoint _____ as my Attorney-in-Fact solely for the purpose of releasing any dower or statutory interest I might have in any property, including my homestead specifically described above.]

3. To borrow money, mortgage and grant security interests in property; to complete, extend, modify or renew any obligations, either secured, unsecured, negotiable or non-negotiable, at a rate of interest and upon terms satisfactory to my Attorney-in-Fact; to lend money, either with or without collateral; to extend or secure credit; and to guarantee and insure the performance and payment of obligations of another person or entity;

4. To open, maintain or close bank accounts, brokerage accounts, savings and checking accounts; to purchase, renew or cash certificates of deposit; to conduct any business with any banking or lending institution in regard to any of my accounts or certificates of deposit; to write checks, make deposits, make withdrawals and obtain bank statements, passbooks, drafts, money orders, warrants, certificates or vouchers payable to me by any person or entity, including the United States of America and expressly including the right to sell or cash U.S. Treasury Securities and Series E, EE and H Bonds;

5. To have full access to any safety deposit boxes and their contents;

6. To pay all city, county, state or federal taxes and to receive appropriate receipts therefore; to prepare, execute, file and obtain from the government income and other tax returns and other governmental reports, applications, requests and documents; to take any appropriate action to minimize, reduce or establish non-liability for taxes; to sue or take appropriate action for refunds of same; to appear for me before the Internal Revenue Service or any other taxing authority in connection with any matter involving federal, state or local taxes in which I may be a party, giving my Attorney-in-Fact full power to do everything necessary to be done and to receive refund checks; to execute waivers of the statute of limitations and to execute closing agreements on my behalf;

7. To act as proxy, with full power of substitution, at any corporate meeting and to initiate corporate meetings for my benefit as stockholder, in respect to any stocks, stock rights, shares, bonds, debentures or other investments, rights or interests;

8. To invest, re-invest, sell or exchange any assets owned by me and to pay the assessments and charges therefore; to obtain and maintain life insurance upon my life or upon the life of anyone else; to obtain and maintain any other types of insurance policies; to continue any existing plan of insurance or investment;

9. To defend, initiate, prosecute, settle, arbitrate, dismiss or dispose of any lawsuits, administrative hearings, claims, actions, attachments, injunctions, arrests or other proceedings, or otherwise participate in litigation which might affect me;

10. To carry on my business or businesses; to begin new businesses; to retain, utilize or increase the capital of any business; to incorporate or operate as a general partnership, limited partnership or sole proprietorship any of my businesses;

11. To employ professional and business assistants of all kinds, including, but not limited to, attorneys, accountants, realtors, appraisers, salesmen and agents;

12. To apply for benefits and participate in programs offered by any governmental body, administrative agency, person or entity;

13. To transfer to the trustee of any revocable trust created by me, if such trust is in existence at the time, any and all property of mine (excepting property held by me and any other person as joint tenants with full rights of survivorship), which property shall be held in accordance with the terms and provisions of the agreement creating such trust;

14. To disclaim any interest in property passing to me from any person or entity.

My Attorney-in-Fact shall not be liable for any loss sustained through an error of judgment made in good faith, but shall be liable for willful misconduct or breach of good faith.

All references to property or property rights herein shall include all real, personal, tangible, intangible or mixed property.

Words and phrases set forth in this Power of Attorney shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

This Power of Attorney is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts or powers shall not limit or restrict the general and all inclusive powers that I have granted to my Attorney-in-Fact.

**N.B. DELETE INAPPROPRIATE PORTIONS OF THE FOLLOWING PARAGRAPH. IF NO DELETIONS ARE MADE, THE PROVISIONS SET FORTH IN PARAGRAPHS B AND C SHALL BE DEEMED TO HAVE BEEN DELETED.**

~~A. This Power of Attorney shall be effective immediately, shall not be affected by my disability~~

B. This Power of Attorney shall become effective upon certification by my physician that I am disabled,

~~and this Power of Attorney shall become effective~~ shall not be affected by my disability,

and shall continue effective until my death; provided, however, that this Power may be revoked by me as to my Attorney-in-Fact at any time by written notice to such Attorney-in-Fact.

Dated July 31, 19 90, at Monticello, Iowa.

Hazel M. Nieman

Hazel M. Nieman

STATE OF IOWA )
) SS:
COUNTY OF JONES )

On this 31st day of July, 19 90 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Hazel M. Nieman, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that such person executed the same as such person's voluntary act and deed.

H. Elvin Erdahl

H. Elvin Erdahl, Notary Public in and for the State of Iowa

Exhibit "C"

STRAWBERRY POINT MEDICAL CENTER, P.C.

CRAIG B. THOMPSON, D.O.

111 EAST MISSION
P.O. BOX 250
STRAWBERRY POINT, IOWA 52076

November 11, 2002

Joanne Laxson
Box 129
Earlville, IA 52041

Re: Albert and Hazel Nieman

Dear Joanne,

I have been caring for Albert and Hazel Nieman since they were admitted to the Edgewood Convalescent Home. This has been over the last 10-12 months.

Since this time, their health has slowly declined.

It is my professional medical opinion that they are no longer able to physically manage their financial duties. This is primarily due to physical limitations rather than any significant mental impairment. I do not know them well enough to comment if they are still mentally able to reliably carry out their financial duties, however physically they are unable to do this.

Joanne, a letter signed by their other physician with the above statements is usually sufficient to meet the legal requirements for you to be able to manage their financial affairs.

We do not have a standardized form as such for this purpose.

If I can provide any further assistance, please feel free to contact me.

Sincerely,

Clint L. Kauffman, M.D.
CLK/nlb