DELAWARE COUNTY IOWA
FILED

2004 MAY 17 PM 2:01

BOOK 2004 PAGE 1713
DEBORAH L PEYTON
DELAWARE CO RECORDER
16.00

Hertz Farm Mgmt Inc
Attn: Jeff Truedle
P.O. Box 2396
Waterloo IA
50704-2396

Prepared by: Larry L. Anfinson, 726 W. 4th Street, Waterloo, IA 50702 (319) 235-9507

AFFIDAVIT

I, Mahlon Wilson, being first duly sworn, depose and state on oath as follows:

1. That I am a Trustee of the Bay Cemetery Association.

2. That I am aware that the Bay Cemetery Association owns certain real estate located in Delaware County, Iowa, legally-described as follows:

> Commencing Sixty Six rods west of the center of section Thirty Six (36) Township Eighty eight (88) Range Five (5) West of the Fifth P.M. thence runing north Thirteen (13) rods thence East Twelve rods, Thence South Thirteen (13) rods Thence west Twelve rods to place of beginning.

3. That I am further aware of a document entitled "Conveyance of Right of Way Easement for Electric Line to Maquoketa Valley Rural Electric Cooperative, Anamosa, Iowa", dated March 15, 1982, and filed for record February 22, 1983, in Miscellaneous Book V, Page 229, which purported to grant a utility easement to the Maquoketa Valley Rural Electric Cooperative over the following-described real estate:

> That part of the Southeast Quarter (SE. ¼), of the Northwest Quarter (N.W. ¼), as described in deed record 19, Page 564. All in Section Thirty-six (S.36), Township Eighty-eight North (T.88 N.), Range Four (R.4 W.), of the Fifth Principal Meridian (5th P.M.) in Delaware County, Iowa.

4. That the legal description contained in this Easement Agreement to the Maquoketa Valley Rural Electric Cooperative contained a typographical error in that it referred to Range Four West of the Fifth Principal Meridian in Delaware County, Iowa, whereas the true description for the real estate owned by the Bay Cemetery Association should refer to real estate located in Range Five West of the Fifth Principal Meridian in Delaware County, Iowa.

5. That the Bay Cemetery Association would disclaim any interest in any real estate located in Range Four West of the Fifth Principal Meridian in Deleware County, Iowa, including, but not limited to the following-described real estate:

The South one-half (S ½) of the Northeast Quarter (NE ¼) and the South one-half (S ½) of the Northwest Quarter (NW ¼) and the North three-fourths (N ¾) of the North one-half (N ½) of the Southwest Quarter (SW ¼) of Section Thirty-six (36), Township Eighty-eight (88) north, Range Four (4), West of the Fifth P.M.

Dated this 17 day of May, 2004.

Mahlon Wilson

Mahlon Wilson

STATE OF IOWA)
) ss.
COUNTY OF Delaware)

This instrument was acknowledged before me on the 17 day of May, 2004, by Mahlon Wilson, as Trustee of the Bay Cemetery Association.

THOMAS J. HANSON
COMMISSION # 115040
MY COMMISSION EXPIRES
9/22/34

Notary Public in and for the State of Iowa