DELAWARE COUNTY IOWA
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BOOK 2001 PAGE 4145
DEBORAH L. PEYTON
DELAWARE CO RECORDER
12.00

Carr & Carr Attorneys 117 S. Franklin St. PO Box 333 Manchester, IA 52057 (563) 927-4164

AFFIDAVIT

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

The undersigned, E. Michael Carr, after being duly sworn on oath, states as follows:

1. This affidavit has to do with the title to the following described real estate:

> The Southwest Quarter (SW¼) of the Southeast Quarter (SE¼), and the South Thirty (30) acres of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Fifteen (15), Township Eighty-seven (87) North, Range Six (6), West of the Fifth Principal Meridian, except the West 640 feet of the East 1948.6 feet of the South 340 feet of the South Half (S½) of the Southeast Quarter (SE¼) if said Section Fifteen (15), Delaware County, Iowa

2. That I am the attorney representing the successors to the sellers' interest in the matter of a contract for the sale of the above described real estate recorded in Book 137, Page 376 in Delaware County, Iowa.

3. The title examiner for the buyers has raised the question of an unreleased Financing Statement shown in Book 92, L.M., Page 160 and a Consent and Disclaimer Agreement shown in Book V, Misc., Page 191.

4. The undersigned has examined the Financing Statement recording shown in Book 92, L.M., Page 160 which was filed for record on November 18, 1982. The word Lapsed is written on such recorded instrument. The effective period of time for the Financing Statement is five years under Iowa law and this time has expired. There was no continuation filed for this instrument.

5. The Consent and Disclaimer Agreement shown in Book V, Misc., Page 191 dated December 2, 1982 and filed for record December 13, 1982 is similar to a mortgage and under Iowa law mortgages expire twenty years from the date thereon unless the record shows an extension of the maturity of the instrument. Twenty years have expired and there is no record showing any extension. Therefore any attempt to enforce rights under this agreement should be barred.

Dated this 5th day of November, 2004.

E. Michael Carr

Subscribed and sworn to before me by E. Michael Carr this 5th day of November, 2004.

Cindy J. Cannon - Notary Public in and for the State of Iowa

CINDY J. CANNON
Commission Number 724068
My Commission Expires
10-13-06