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Return to: James V. Sarcone, Jr.
Belin Law Firm
666 Walnut, Suite 2000
Des Moines, IA 50309-3989

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AFFIDAVIT

STATE OF IOWA)
) ss
COUNTY OF POLK)

I, James V. Sarcone, Jr., being first duly sworn on oath depose and state that that I am a regular practicing attorney in the City of Des Moines, Iowa. I am familiar with the chain of title to the following described property:

> Lot One (1) of Six (6) of the Subdivision of Lot Six (6) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-two (22), Township Eighty-Eight North (T88N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 3 Plats, Page 218

I undertook on behalf of Centex Home Equity Company, LLC a non-judicial foreclosure action against the above property. On February 9, 2005, the non-judicial foreclosure documents were filed in Book 2005, Page 470 of the Delaware County, Iowa records. However, these documents were filed through inadvertence and error. Prior to the filing of the documents, Centex Home Equity Company, LLC and David E. Fjelstul and Mary E. Fjelstul entered into an agreement with Centex whereby Centex agreed to withhold the non-judicial foreclosure in anticipation of a sale of the above property. This agreement was not communicated to the undersigned and the non-judicial documents were filed.

This affidavit is given to show that the mortgage recorded in Book 2004, Page 2224 of the Delaware County, Iowa records remains in full force and effect and that David E. Fjustul and Mary E. Fjelstul remain as the record titleholders of the above property. Centex requests that the recorder and auditor of Delaware County adjust their records accordingly.

Dated at Des Moines, Iowa this 30th day of March, 2005.

James V. Sarcone, Jr.

Subscribed and sworn to before me this 30 day of March, 2005.

Notary Public in and for the State of Iowa

LINDA M. ENGHAUSEN
COMMISSION NO. 134337
MY COMMISSION EXPIRES
4/7/2007

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