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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer Information: This Document was prepared by Laurie L. Dawley, Shuttleworth & Ingersoll, P.L.C., P.O. Box 2107, Cedar Rapids, Iowa 52406; Phone: (319) 365-9461.

AFFIDAVIT

Re: Lot Two (2) of Earlville ROW Subdivision A Part Of Section Twenty-Six (26) And Part Of Section Thirty-Five (35) Township Eight-Nine North (T89N), Range Four West (R4W) Of The Fifth Principal Meridian, City Of Earlville, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 101; also Lot Seven (7) of Walling's Subdivision In The NE ¼ Of The NE ¼ Of Section 35, T89N, R4W Of The Fifth P.M., City Of Earlville, Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 98.

and

Lot One (1) of Walling's Subdivision No. 2 In The NE 1/4 Of The NE 1/4 Of Section 35, T89N, R4W Of The Fifth P.M., City Of Earlville, Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 120;

and

The North forty (40) feet of that part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Four (4), West of the Fifth Principal Meridian, described as commencing at a point on the East line of said Northeast Quarter (NE ¼) of the Northeast Quarter (NE 1/4) which is two hundred eighty (280) feet North of the Northeast corner of Pitkin's Addition to Nottingham, now Earlville, Iowa, and running thence West one hundred sixty five and one-fourth (165 ¼) feet, thence North eighty (80) feet, thence East one hundred sixty five and one-fourth (165 ¼) feet, thence South eighty (80) feet to the place of beginning.

STATE OF IOWA, COUNTY OF LINN, ss:

I, Jon Mark Thomas, being first duly sworn and under oath, state of my personal knowledge that:

1. TOT Partnership, T.O.T. Partnership, T.O.T. Partners, Pronto Market, and Earlville 66 Pronto are in fact one and the same partnership and wherever those names appear in the chain of title to the above identified property, they refer to one and the same entity.

2. Jon Mark Thomas and Mark Thomas are in fact one and the same person and wherever those names appear in the chain of title to the above identified property, they refer to one and the same person.

3. Lila Jean Thomas and Lila Thomas are in fact one and the same person and wherever those names appear in the chain of title to the above identified property, they refer to one and the same person.

4. The Warranty Deed from Ned J. Walling and Bonnie J. Walling, husband and wife, to Jon Mark Thomas and Lila Jean Thomas, husband and wife, dated March 2, 1985, and filed March 8, 1985, in Book 116, L.D., Page 277 was given in fulfillment of a certain real estate contract between Bonnie J. Walling and Ned J. Walling, as contract vendors, and Jon Mark Thomas and Lila Jean Thomas, as contract vendees, dated July 18, 1984, and filed July 27, 1984, in Book 115, L.D., Page 246.

Jon Mark Thomas

Subscribed and sworn to before me this 5 day of May, 2005.

LAURIE L. DAWLEY
Commission Number 198466
My Commission Expires
September 17, 2007

Notary Public