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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return to : Daniel H. Swift, 108 N. Madison Street, PO Box 207, Manchester, Iowa 52057 563-927-4901

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA, DELAWARE COUNTY, ss:

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

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

Parcel D, Part of the North ½ of the Northeast ¼ of Section 23, Township 89 North, Range 6 West of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2007, Page 525

The North one-half (N ½) of the Northwest Quarter (NW ¼) of Section Twenty-three (23), Township Eighty-nine (89) North, Range Six (6), West of the Fifth P.M.

The West one-half (W ½) of the East one-half (E ½) of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Twenty Seven (27), Township Eighty Nine (89) North, Range Six (6), West of the Fifth P.M.

2. The undersigned was the attorney for the Estate of Garrett I. McGee who died on August 12, 1986. His estate was probated in Delaware County, Iowa as Probate Number P-2402. This Affidavit is explanatory of the application for authority to distribute assets to the Greater Delaware County Community Foundation and the order following same filed in the probate matter on October 18, 1988. The undersigned prepared the application and order. I am knowledgeable to the intended effect.

3. The order was intended to give the Greater Delaware County Community Foundation fee simple title to all of the real estate described in the inventory in the estate subject to the life and use provision for Thomas P. O'Connell.

4. The order was intended to permit the sale of the real estate by the Greater Delaware County Community Foundation following the death of Thomas P. O'Connell.

5. The Court required no notice. There were no claimants or any known heirs and the only residuary beneficiary was a charitable trust.

6. The Greater Delaware County Community Foundation was a charitable trust already in place and therefore the residuary assets were distributed to it pursuant to the said order.

7. It was intended that the order superseded any restriction with respect to the sale of the real estate expressed in the testator's Will except for the provisions made for Thomas P. O'Connell.

8. That the proceeds from any sale of real estate by the Greater Delaware County Community Foundation were intended to be unfettered except to perpetuate the memory of the father and mother of the decedent namely Austin E. McGee and Emma L. Barr McGee as the trustees of the Greater Delaware County Community Foundation should deem appropriate in their discretion.

9. This explanatory affidavit is intended to clarify the intent of the application and order with respect to the right to sell real estate previously owned by the decedent in the said estate of Garrett I. McGee and now owned and possessed by the Greater Delaware County Community Foundation.

10. That I make this affidavit for purposes of clearing title to the above described real estate and from my own personal knowledge.

Dated this 16th day of August, 2007.

E. Michael Carr

Subscribed and sworn to before me by E. Michael Carr this 16th day of August, 2007.

Carol A. Cooper

Notary Public in and for the State o flowa

NOTARIAL SEAL IOWA

CAROL A. COOPER
COMMISSION NO. 162921
MY COMMISSION EXPIRES
11-14-09