Entered for taxation 1 day
of October A.D. 2009
Carla Becker, Auditor
By Dturgeteux, Deputy
Parcel # 0900002-03400
T-171

Book 2009 Page 3752

Document 2009 3752 Type 03 005 Pages 2
Date 9/30/2009 Time 3:20:45PM
Rec Amt $14.00 Aud Amt $5.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AFFIDAVIT OF SURVIVING JOINT TENANT FOR CHANGE OF TITLE TO REAL ESTATE

THE IOWA STATE BAR ASSOCIATION
Official Form No. 339
Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)
Thomas J. Hanson, 401 East Main Street, Manchester, IA 52057, Phone: (563) 927-5920

Taxpayer Information: (Name and complete address)
James O'Brien, P.O. Box 47, Ryan, Iowa 52330

Return Document To: (Name and complete address)
Thomas J. Hanson, 401 East Main Street, Manchester, IA 52057, Phone: (563) 927-5920

Grantors:
Rose Marie O'Brien

Grantees:
James T. O'Brien
Catherine A. Werner

Legal description: See Page 2

Document or instrument number of previously recorded documents:

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THE IOWA STATE BAR ASSOCIATION Official Form No. 339	Thomas J. Hanson	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT OF SURVIVING JOINT TENANT FOR CHANGE OF TITLE TO REAL ESTATE

STATE OF IOWA, COUNTY OF DELAWARE ss:

We, James T. O'Brien and Catherine A. Werner being first duly sworn on oath, depose and state as follows:

1. ~~I am~~ James T. O'Brien and Catherine A. Werner are the surviving joint tenant of Rose Marie O'Brien (the "Decedent"), who died on the 28th day of January, 2009.

2. The following described real estate was owned only by Decedent and ~~this Affiant~~ the undersigned Affiants, as joint tenants with full rights of survivorship at the time of the Decedent's death:

The East 44 feet of the South one-half (S½) of Lot Nine (9), Block Fifteen (15), Ryan, Iowa, according to plat recorded in Book 1 Plats, Page 119.

We

3. ~~I~~ hereby request that the auditor enter this information on the transfer books pursuant to Section 558.66 of the Iowa Code.

The Affiants, James T. and Catherine are

4. ~~This Affiant~~ O'Brien and ~~Catherine~~ A. Werner is the surviving spouse and daughter of the Decedent. (For deaths occurring after July 1, 1997, parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of Iowa, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants are exempt from Iowa inheritance tax.)

5. Form 706, United States Estate Tax return, is not * required to be filed as a result of the death of the Decedent.

6. An Iowa inheritance tax return is not required to be filed pursuant to section 450.22 subsection 3.

James T. O'Brien Catherine A. Werner

James T. O'Brien and Catherine A. Werner

Subscribed and sworn to before me on September 29, 2008, by James T. O'Brien and Catherine A. Werner.

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2010

, Notary Public

* THE CORRECT OPTION MUST BE SELECTED TO DETERMINE WHETHER THE IOWA ESTATE TAX MAY CONSTITUTE A LIEN ON THE ABOVE DESCRIBED PROPERTY.