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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By & Return to: Steven E. Carr, 117 S. Franklin Street, PO Box 333, Manchester, Iowa 52057 (563) 927-4164

AFFIDAVIT

STATE OF IOWA)
DELAWARE COUNTY) ss.

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

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

> Lot Thirty Three (33) of Stone's Second Addition to Delaware County, Iowa, according to re-recorded plat recorded in Book 3 Plats, Page 110.

2. I am the County Attorney of Delaware County, Iowa, and am familiar with the foreclosure action in the District Court of Delaware County, Iowa Case No. EQCV004481 wherein The Bank of New York as Trustee Under The Pooling and Servicing Agreement dated as of February 28, 1998, Series 1998-A is Plaintiff and Rickey L. Canny a/k/a Rick L. Canny; Three Rivers FS Company; State of Iowa and Peoples State Bank are Defendants.

3. The foreclosure proceedings reflect that "The Bank of New York as Trustee" was the highest bidder at the sale held on May 16, 2000 at 10:00 A.M. and a Sheriff's Certificate was issued to "The Bank of New York as Trustee."

4. Subsequently a Sheriff's Deed dated March 26, 2001, filed March 29, 2001 in Book 2001, Page 977 was given to "The Bank of New York as Trustee."

5. As a result of a scrivener's error the name of the highest bidder was partially omitted and as a result the Sheriff's Certificate and Sheriff's Deed were given to "The Bank of New York as Trustee." The highest bidder was, and the Sheriff's Certificate and Sheriff's Deed should have been given to, "The Bank of New York as Trustee Under The Pooling and Servicing Agreement Dated as of February 28, 1998; Series 1998-A."

Dated this 31 day of December, 2009

John Bernau, County Attorney

Subscribed and sworn to before me by John Bernau as County Attorney of Delaware County, Iowa, this 31st day of December, 2009

Notary Public in and for the State of Iowa

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2010