Book 2011 Page 2647

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 24th day
of August A.D. 2011
Carla K Zacher Auditor
By R. Hildebrand Deputy
89-132, 89-134

ENV

Prepared by / Return to: Gary J. Streit, Shuttleworth & Ingersoll, P.L.C., P.O. Box 2107, Cedar Rapids, Iowa 52406; Phone: (319) 365-9461

AFFIDAVIT EXPLANATORY OF TITLE

RE: Property described on Exhibit A attached hereto:

The undersigned, Gary J. Streit, being first duly sworn on oath, depose and state as follows:

1. I am a licensed, practicing attorney in Cedar Rapids, Iowa and I was one of the attorneys who represented the executors of the Estate of Harold W. Childs, who died on May 9, 1979, a resident of Delaware County, Iowa.

2. At the time of his death, Harold W. Childs was the owner of an undivided 20% interest in the following described real estate situated in Delaware County, Iowa:

North East Quarter (NE¼) of Section Twenty-Two (22) Township Eighty-Nine (89) North, Range Five (5), West of the 5th P.M., excepting therefrom however a strip of land Eight and One-Half (8½) rods wide along the West side of said described real estate, and the North One-Half (N½) of the Southeast Quarter (SE¼) of Section Twenty-Two (22), Township Eighty-Nine (89) North, Range Five (5), West of the 5 P.M.

The South One-Half (S½) of the North West Quarter (NW¼) of Section Twenty-Four (24), Township Eighty-Nine (89) North, Range Five (5) West of the 5th P.M.

3. Under the terms of the Last Will and Testament of Harold W. Childs, all of his personal property was to be distributed to his surviving spouse, Gladys C. Childs. Further, the Last Will and Testament of Harold W. Childs provided that an amount equal to 50% of his adjusted gross estate was to be distributed to a Marital Trust, established under Article III of said Last Will and Testament provided, however, that the amount of such distribution was to be reduced by the value of any assets includable in the adjusted gross estate of Harold W. Childs which passed to his surviving spouse, Gladys C. Childs outside of the terms of his will and which qualified for the federal estate tax marital deduction. The remaining assets of the estate of Harold W. Childs were to be distributed to the Trust established under Article IV of his Last Will and Testament.

4. The adjusted gross estate of Harold W. Childs, as shown by the Report and Inventory filed in his estate was $362,244.00. Half of this amount was $181,122.00. Assets having a value in excess of $181,122.00 qualified for the federal estate tax marital deduction and passed to Gladys C. Childs outside the terms of the Last Will and Testament of Harold W. Childs. Accordingly, no assets were to be distributed to the Marital Trust established under Article III under the Last Will and Testament of Harold

W. Childs. Instead, all of the remaining assets of the Estate of Harold W. Childs, including his undivided 20% interest in the real estate described in Paragraph 2 above, passed to the Trust under Article IV of his Last Will and Testament, except for items of personal property which were distributed to his spouse, Gladys C. Childs.

4. Pursuant to the terms of the Final Report and Application for Discharge filed by the Executors in the estate proceedings for Harold W. Childs, and the Court's Order Approving said Final Report, all of the interests of Harold W. Childs was distributed to the Trust under IV of his Last Will and Testament.

5. A Report of Change of Title prepared by the then acting Clerk of Court of the Delaware County, Iowa District Court, a copied of which is attached hereto as Exhibit "A" was prepared without advice or input from the undersigned, the executors, or anyone else directly involved in the administration of the Estate of Harold W. Childs. Said Report of Change of Title was incorrect in stating that any portion of the real estate was distributed to Gladys C. Childs in her individual or personal capacity. The purpose of this Affidavit is to clarify and establish that Gladys C. Childs was the owner of an undivided 20% interest in the real estate by virtue of a deed executed, delivered, and recorded in 1976, a copy of which is attached hereto as Exhibit "B". Further, Harold W. Childs was the owner of an undivided 20% interest in the real estate and following his death, this undivided 20% interest passed to the Trust under IV of the Last Will and Testament of Harold W. Childs and that said Trust has been in complete, actual and sole possession.

This Affidavit is given pursuant to and in accordance with the provisions of Iowa Code Section 558.8 for the purpose of explaining certain defects in the chain of title to the property described on Exhibit A attached hereto and placing such information of record.

This Affidavit is based upon the personal knowledge of the undersigned.

Gary J. Streit

STATE OF IOWA)
) SS:
COUNTY OF LINN)

Subscribed and sworn to before me this 18th day of August, 2011, by Gary J. Streit.

Jacque S. Eisenbarth
NOTARY PUBLIC - STATE OF IOWA

NOTARIAL SEAL IOWA
JACQUE S. EISENBARTH
Commission Number 749074
My Commission Expires
September 25, 2013

EXHIBIT "A"

No. P-1114 Book 27, page 156

REPORT OF CHANGE OF TITLE, made by Decree of Court or by Will FIDLAR & CHAMBERS CO., DAVENPORT 60H-192

In the District Court of the State of Iowa in and for Delaware **County**

STATE OF IOWA, Delaware County, } ss. In the matter of the Estate of Harold W. Childs, Deceased.

TO THE COUNTY AUDITOR OF Delaware COUNTY, IOWA:

I hereby certify that the title to the real estate hereinafter described, has been changed and established in (1) Gladys C. Childs, & Gladys C. Childs and the Merchants National Bank of Cedar Rapids, as Trustees

and in accordance with the provisions of Sec. 606.14, Code of Iowa, of the State of Iowa, you are therefore required on payment of a transfer fee of five dollars, to enter the same upon the transfer books as provided for in the transfer of deeds.

The description of the real estate hereinabove referred to, is as follows: (2)

1/5 interest in:

NE¼ of Section 22, Twp. 89 North, Range 5, W of 5thP.M., excepting therefrom however a strip of land 8½ rods wide along the W side of said described real estate, and the N½ of SE¼ of Section 22, Twp. 89 North, Range 5, W of 5th P.M.

The S½ of NW¼ of Section 24, Twp. 89 North, Range 5, W of 5th P.M.

in Delaware County, Iowa.

The change of title to the above described real estate was made as follows: (3)

by will and probate proceedings.

IN TESTIMONY WHEREOF, I have hereunto attached my official signature and affixed my official seal, on this 8 day of October 19 80

(R. W. Nieman)
Clerk of District Court

Deputy

(1) Give full name of person in whose name the title is established.

(2) Give full description of the real estate.

(3) Show how the change of title was made; if by will, give name of testator and action of court thereon (with dates), and if by decree of Court, state the title of the action, giving dates and a brief synopsis of the decree.

EXHIBIT "B"

IOWA STATE BAR ASSOCIATION
Official Form No. 1.1 (Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

WARRANTY DEED

Know All Men by These Presents: That Harold W. Childs and Gladys C. Childs, husband and wife

, in consideration*

of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid do hereby **Convey** unto Harold W. Childs and Gladys C. Childs as Tenants in Common

Grantees' Address: Rural Route #2, Manchester, Iowa 52057

the following described real estate, situated in Delaware County, Iowa, to-wit:

An undivided Four-Tenths (4/10) interest in the following described real estate situated in Delaware County, Iowa, to-wit:

North East Quarter (NE 1/4) of Section Twenty-Two (22), Township Eighty-Nine (89) North, Range Five (5), West of the 5th P.M., excepting therefrom however a strip of land Eight and One Half (8 1/2) rods wide along the West side of said described real estate, and the North One Half (N 1/2) of the South East Quarter (SE 1/4) of Section Twenty-Two (22), Township Eighty-Nine (89) North, Range Five (5), West of the 5th P.M.

The South One Half (S 1/2) of the North West Quarter (NW 1/4) of Section Twenty-Four (24), Township Eighty-Nine (89) North, Range Five (5) West of the 5th P.M.

together constituting approximately 311.5 acres.

No revenue stamps required. No consideration. 428A.1 Code of Iowa 1975

And the grantors do **Hereby Covenant** with the said grantees, and successors in interest, that said grantors hold said real estate by title in fee simple; that they have good and lawful authority to sell and convey the same; that said premises are **Free and Clear of all Liens and Encumbrances Whatsoever** except as may be above stated; and said grantors Covenant to **Warrant and Defend** the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the described premises.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 6 day of July 19 76.

* Real Estate Transfer Tax: Fee (The Code, 1973, Chapter 428A)

Harold W. Childs
Harold W. Childs

Gladys C. Childs
Gladys C. Childs

Rural Route #2

Manchester, Iowa 52057

(Grantors' address)

STATE OF **IOWA**,
COUNTY OF LINN } ss.

On this 6 day of July 19 76 before me, the undersigned, a Notary Public in and for the **State of Iowa**, personally appeared Harold W. Childs and Gladys C. Childs, husband and wife

to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notarial Seal

Thomas M. Collins
Notary Public in and for the **State of Iowa**

THOMAS M. COLLINS
MY COMMISSION EXPIRES
September 30, 1977

1.1 WARRANTY DEED

FILE No. 287-94	FILED FOR RECORD THE 12 DAY OF	STATE OF IOWA, DELAWARE COUNTY
RECORDING FEE $ 2.50	July 19 76 AT 9:00	Joan Sheppard, Recorder
TRANSFER FEE $ 1.00	O'CLOCK A. M. BOOK 100 PAGE 3	By LD, Deputy