Book 2011 Page 3161

Document 2011 3161 Type 06 010 Pages 4
Date 10/04/2011 Time 10:28:05AM
Rec Amt $29.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Affidavit Explanatory of Title

THE IOWA STATE BAR ASSOCIATION
Official Form No. 119
Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)
Mark A. Roeder, 119 E. Main St., Manchester, IA 52057-1736, Phone: (563) 927-2782

Taxpayer Information: (Name and complete address)
Jerry Edward Sprague, 522 Belle St, Waterloo, IA 50702

Return Document To: (Name and complete address)
Mark A. Roeder, 119 E. Main St., Manchester, IA 52057-1736, Phone: (563) 927-2782

Grantors:

Jerry Edward Sprague

~~Alice Jean Bandy~~ M.R.
~~Jim D. Bandy~~ M.R.
~~Joyce J. Bandy~~ M.R.
~~Royce L. Bandy~~ M.R.

Grantees:

Jerry Edward Sprague
Harold Junior Wilcox
Gene Norman Thomas
Dorothy Jean Thomas Vanderbilt
Sharon Ann Sprague Bennett

Legal description: See Page 2

Document or instrument number of previously recorded documents:

© The Iowa State Bar Association 2005
IOWADOCS®

Preparer
Information: Mark A. Roeder, 119 E. Main St., Manchester Ph. (563) 927-2782

Address Tax Statement: Jerry E. Sprague, 522 Belle St., Waterloo IA 50702

Return document to: Mark A. Roeder, 119 E. Main St., Manchester, IA 52057-1736

AFFIDAVIT EXPLANATORY OF TITLE

I, Jerry Edward Sprague, being first duly sworn on oath, depose and state:

1. I am a son of Ethel Bandy Sprague.

2. My mother, Ethel Bandy Sprague, is a daughter of Theodore F. Bandy and Emma Bandy.

3. My mother's sister, Edith Bandy Thomas, a/k/a Edith Bandy Dranginis Thomas is also a daughter to Theodore F. Bandy.

4. On 7 June 1939, my Grandfather Theodore F. Bandy executed his Last Will & Testament under which he gave to his wife, Emma Bandy, the income during the term of her natural life of all his property, both real and personal, and upon the death of Emma Bandy he left the income from all his property to Ethel Bandy and Edith Bandy during their natural life. See *Estate of Theodore F. Bandy*, Probate No. 4240.

5. Emma Bandy died and was survived by both Ethel Bandy and Edith Bandy.

6. Ethel Bandy and Edith Bandy held a life estate under the Last Will and Testament of Theodore F. Bandy, in the following described property in Delaware County, Iowa:

> The North One-Half (N ½) of the Northeast Quarter (NE ¼) of Section Thirty-Two (32), Township Ninety (90) North, Range Six (6) West of the 5th P. M., Delaware County, Iowa.

7. On 21 January 1957, Edith Bandy Thomas, a widow, conveyed her interest in her life estate in the above property to my mother, Ethel Bandy Sprague, by way of Quit Claim Deed recorded at Book 73, Page 303.

8. On 27 April 1964, a Sheriff's Deed was issued conveying my mother's life estate to William John Dale Bandy following execution on a judgment in favor of Herman L. Maire and Mildred M. Maire against my parents, Forrest Sprague and Ethel Sprague. The sheriff's deed is recorded at Book 68, Page 4.

9. On 8 September 1970, a Decree quieting title was filed in *The National Bank of Waterloo as Trustee under the Last Will and Testament of Theodore F. Bandy v. William John Dale Bandy, et. al.,* Civil No. 12467. The Decree quieted title in the above-described real estate in favor of The National Bank of Waterloo as Trustee under the Last Will and Testament of Theodore F. Bandy who it was stated in the Decree "was duly appointed as said Trustee on the 16 day of May, 1962, and by order of Court and under such order was directed to take full possession and custody of all of the real estate of the said Theodore F. Bandy, deceased, and, among other things, to preserve the same for the benefit of the remaindermen, and is bringing this action to protect and preserve the interests of said remaindermen." Decree, p. 3, numbered paragraph 2.

10. The remaindermen to the life estate in the above-described property are identified in the decree quieting title in Civil No. 12467, and they include my cousins Gene Norman Thomas and Dorothy Jean Thomas Vanderbilt the surviving children of Edith Bandy Thomas, my sister Sharon Ann Sprague Bennettt, my brother Harold Junior Wilcox, and me Jerry Edward Sprague, surviving children of Ethel Bandy Sprague.

11. On or about 10 December 1971, a Final Report was filed in the *Estate of William John Dale Bandy,* Probate No. 7745. The Final Report stated, in part:

> 4. The real estate of which the decedent died seized and the nature and extent of his interest therein is as follows:
>
> Life use of:
>
> The North one-half of Northeast Quarter of Section Thirty-Two (32), Township Ninety (90) North, Range Six (6), West of the Fifth P.M. in Delaware County, Iowa.
>
> The life use of the above entitled real estate is for the life of either Ethyl Bandy Sprague or Edith Bandy Wilcox, who are twins, born September 27, 1916, and upon the death of both of them reverts to the grandchildren of Theodore F. Bandy, Deceased.

12. The Final Report in the Estate of *William John Dale Bandy*, Probate No. 7745 was approved by Order of Final Settlement filed 27 December 1971.

13. On 8 May 1976 my Aunt Edith Bandy Dranginis Thomas died.

14. On 16 October 2009, my mother, Ethel Bandy Sprague, died in Black Hawk County, Iowa.

15. My Mother Ethel Bandy Sprague was survived by each of the grandchildren of Theodore F. Bandy, including my sister Sharon Ann Sprague Bennettt, my brother Harold Junior Wilcox, my cousins Gene Norman Thomas, and Dorothy Jean Thomas Vanderbilt, and me, Jerry Edward Sprague.

16. The actions of The National Bank of Waterloo as Trustee were subject to court supervision, in a probate action that was opened on or about 24 May 1962 under the case titled *In the Matter of the Trust of Theodore F. Bandy*, Probate No. 6581 which was later renumbered 01281 Probate No. TRPR001581. On 30 August 1999, an Order was filed approving the final report of the trustee and 01281 Probate No. TRPR001581 was closed.

17. The purpose of this Affidavit is to show that title in fee simple of the above-described real estate passed to Sharon Ann Sprague Bennettt, Harold Junior Wilcox, Gene Norman Thomas, Dorothy Jean Thomas Vanderbilt, and this Affiant Jerry Edward Sprague as tenants in common on 6 October 2009, upon the death of my mother, Ethel Bandy Sprague, in accordance with the Last Will and Testament of Theodore F. Bandy dated 7 June 1939.

18. This Affidavit is based upon my inspection of records referred to in this Affidavit that are available at the Delaware County Courthouse, and from my own personal knowledge of my ancestry, and family history, and the facts stated herein are true.

FURTHER AFFIANT SAYETH NOT.

Jerry E Sprague

Jerry Edward Sprague

STATE OF IOWA)
) ss:
Black Hawk COUNTY)

Signed and sworn to before me this 30 day of September 2011 by Jerry Edward Sprague.

DEBBEE L. WAY
COMMISSION NO. 160645
MY COMMISSION EXPIRES
MAY 16, 2012

Debbee L. Way

Notary Public in and for the State of Iowa