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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

# AFFIDAVIT IN RE TITLE TO REAL ESTATE

**Preparer Information:**

Kenneth L. Moss, 137 First Avenue East, PO Box 363, Dyersville, IA 52040
(563) 875-2733

**Taxpayer Information:**

Roger D. Hunt, 2929 218th Street, Earlville, IA 52041

**Return Document To:**

Kenneth L. Moss, 137 First Avenue East, PO Box 363, Dyersville, IA 52040

**Grantor:**

Velma L. Hunt
Lynn H. Hunt

**Grantee:**

Roger D. Hunt
Kimberly K. Hunt
Velma L. Hunt

Legal Description on Page 2

AFFIDAVIT IN RE TITLE TO REAL ESTATE

State of Iowa )
)ss:
Dubuque County )

I, Roger D. Hunt, first being sworn, on oath depose and state that I am the surviving son of Lynn H. Hunt. Lynn H. Hunt died, on the 30th day of November 1998. A copy of his Last Will and Testament is attached hereto marked Exhibit "A" and by this reference make a part hereof.

On April 13, 1974, Lynn H. Hunt was the grantee as Tenant-in-Common by Warranty Deed dated April 13, 1974, filed February 7, 1977 in Book 101, L.D., page 57 to the following described Real Estate in Delaware County, Iowa.

> The Southwest Quarter (SW1/4) of Section Thirty Two (32) in Township Eighty Nine (89) North, Range Three (3) West of the 5th P.M.

On December 22, 1986, Lynn H. Hunt conveyed is Tenancy in Common ownership by Contract in the above described Real Estate filed December 22, 1986 in Book 120, L.D., page 54 to Roger D. Hunt and Kimberly K. Hunt, husband and wife as joint tenants with full rights of survivorship and not as tenants-in-common. Therefore subsequent to this Contract Sale, Lynn H. Hunt owned his share of the proceeds due on the contract (personal property) as a Tenant-in-Common.

Lynn H. Hunt died Testate on November 30, 1998 and his Last Will was admitted to Probate on June 7, 1999. ARTICLE II. a. of his Last Will stated, in part, "Should my wife, Velma L. Hunt, survive me, then in such case I give and bequeath to her all my personal property absolutely _ _ _."

Velma L. Hunt, spouse, survived Lynn. H. Hunt and is still living on the date of this Affidavit and is the owner of one hundred percent 100% of the proceeds and has received one hundred percent of the proceeds paid on the above referred to Real Estate Contract.

Now therefore I request the Auditor transfer title to said property to Velma L. Hunt, surviving spouse of the decedent Lynn H. Hunt.

Dated this 3RD day of SEPTEMBER, 2013.

Roger D. Hunt

Subscribed and sworn to by Roger D. Hunt this 3RD day of SEPTEMBER, 2013.

KENNETH L. MOSS
Commission Number 200111
My Comm. Exp. 5-8-2014

Kenneth L. Moss, Notary Public
in and for the State of Iowa.

EXHIBIT "A"

# Last Will and Testament

OF

LYNN H. HUNT

FILED
99 JUN -7 PM 1:11
CLERK
DELAWARE COUNTY, IOWA

I, Lynn H. Hunt, a resident of Delaware County, Iowa, declare this to be my will, hereby revoking all other wills and testamentary instruments which I may have at any time heretofore made.

ARTICLE I. I declare that I am married and my wife's name is Velma L. Hunt; I have three children now living, namely, my son, Marlowe L. Hunt, my son, Roger D. Hunt, and my daughter, Sandra J. Clinton, and I have no deceased children, nor have I at any time adopted any child.

ARTICLE II. a. Should my wife, Velma L. Hunt, survive me, then and in such case I give and bequeath to her all of my personal property absolutely, together with the rents, use, issues and profits of my real property, during her lifetime.

b. Subject to the foregoing, I give, devise and bequeath, all of my property, real, personal and mixed, of which I may die seized or possessed, or to which I may be entitled, wherever the same may be situated, including any property over which I may have power of appointment, to my said three children, Marlowe L. Hunt, Roger D. Hunt, and Sandra J. Clinton, in equal shares.

ARTICLE III. I appoint my wife, Velma L. Hunt, to be executor of this my Last Will and Testament, and if for any reason she shall fail or cease so to serve, then I nominate and appoint in her place my son, Roger D. Hunt, requesting that neither be required to furnish any surety upon any bond required in the administration of my estate.

In Witness Whereof, I have hereunto set my hand to this my Last Will and Testament this 27th day of July, 1979.

Lynn H. Hunt

WITNESSES:

Lila Luensmann

Mary Lou Tracey

The foregoing instrument, consisting of two typewritten pages, including the page on which this attestation clause appears, was at the date thereof signed, published and declared by the said Lynn H. Hunt to be his Last Will and Testament, in the presence of us, who, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses thereof; and we hereby certify that the above-named testator was of sound and disposing mind and memory at the time of the execution thereof and over twenty-one years of age.

Lila Linnemann of Manchester, Iowa.

Mary Lou Tracy of Manchester, Iowa.

CODICIL TO LAST WILL AND TESTAMENT

OF

LYNN H. HUNT

FILED
99 JUN -7 PM 2
CLERK
DELAWARE COUNTY

I, LYNN H. HUNT, of Dubuque County, Iowa, being of sound and disposing mind and memory and understanding, do hereby make, publish and declare this to be my Codicil to my Last Will and Testament of July 27, 1979, as follows:

FIRST: I hereby add the following paragraph as Article IV of my Last Will and Testament as follows:

ARTICLE IV. I empower the personal representative of my estate, without order of the court and without notice to anyone: to sell, convey, option, lease or mortgage any property, real or personal, publicly or privately, at the fair market price, upon such terms and conditions as shall seem best to such personal representative; to settle, compromise or pay any claim including taxes, asserted in favor of or against me or my estate; and to permit any of the beneficiaries hereunder to enjoy the use in kind, during the administration of my estate, of any tangible personal property without liability on the part of the personal representative for injury, consumption or loss of the property so used, and without liability on the part of the beneficiary for unintentional, non-negligent injury, consumption or loss of the property so used.

SECOND: I hereby make the following change to Article III of my Last Will and Testament, as follows:

In the event my wife, VELMA L. HUNT, is unable to serve as Executor of my Last Will and Testament, then on that event, I hereby appoint ROGER D. HUNT and SANDRA CLINTON as Executors of my Last Will and Testament. I request that they serve without posting bond.

THIRD: In all other respects with the exception of the effect of this Codicil, I wish to express and ratify my former Last Will and Testament.

IN WITNESS WHEREOF, I declare this instrument to be my Codicil to my Last Will and Testament, and hereby sign my name on this 2nd day of September, 1981.

Lynn H. Hunt

Lynn H. Hunt

The foregoing Codicil was by LYNN H. HUNT signed and declared by him to be his Codicil to his Last Will and Testament, and we, at the same time and at his request and in his presence and in the presence of each other, have subscribed our names as witnesses to said Codicil on this 2nd day of September, 1981.

Farley, Iowa

Epworth, Iowa