Entered for taxation 17th day
of July AD 2017
Carla K. Becker, Auditor
By D. Hildebrand, Deputy

Book 2017 Page 1939

Document 2017 1939 Type 03 005 Pages 6
Date 7/14/2017 Time 10:19:08AM
Rec Amt $32.00 Aud Amt $5.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

SMW
(X) **Prepared by and Return Document To:** Gary L. Mick, 318 S. River Park Dr., P.O. Box 609, Guttenberg, IA 52052-0609
Taxpayer Information: Sharon K. Kirby: 251 35th Street Drive, SE; Cedar Rapids, IA 52403

AFFIDAVIT OF SURVIVING SPOUSE FOR CHANGE OF TITLE TO REAL ESTATE

STATE OF IOWA, COUNTY OF CLAYTON, ss:

I, Sharon K. Kirby, being first duly sworn on oath, depose and state as follows:

1. I am the surviving spouse of George Kenneth Kirby, who died on May 19, 2017.

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

   A. SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

3. Title was conveyed to the surviving spouse and the decedent by Warranty Deed filed on October 14, 1991, at Book 128, Page 274, File No. 130-948, in the records of the Delaware County Recorder.

4. The following described real estate was owned only by George Kirby and this Affiant, as joint tenants with full rights of survivorship at the time of George Kirby's death:

   B. SEE ATTACHED EXHIBIT "B" FOR LEGAL DESCRIPTION

5. Title was conveyed to the surviving spouse and the decedent by Quit Claim Deed filed on October 14th, 1991, at Book 128, Page 275, File No. 130-949, in the records of the Delaware County Recorder.

6. The following described real estate was owned only by George Kirby and this Affiant, as joint tenants with full rights of survivorship at the time of George Kirby's death:

   C. SEE ATTACHED EXHIBIT "C" FOR LEGAL DESCRIPTION

7. Title was conveyed to the surviving spouse and the decedent by Warranty Deed filed on May 26, 1994, at Book 133, Page **129**, File No. 39-3569, in the records of the Delaware County Recorder.

8. The following described real estate was owned only by George Kirby and this Affiant, as joint tenants with full rights of survivorship at the time of George Kirby's death:

D. SEE ATTACHED EXHIBIT "D" FOR LEGAL DESCRIPTION

9. Title was conveyed to the surviving spouse and the decedent by Warranty Deed filed on May 26, 1994, at Book 133, Page 130, File No. 39-3570, in the records of the Delaware County Recorder.

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

11. Form706, United States Estate Tax return, **IS NOT** required to be filed as a result of the death of the Decedent.

12. An Iowa inheritance tax return is not required to be filed pursuant to Iowa Code Section 450.22 subsection 3.

Sharon K. Kirby

Sharon K. Kirby, Affiant

Signed and sworn to (or affirmed) before me on July 10, 2017, by Sharon K. Kirby.

Signature of Notary Public

GARY L. MICK
Commission Number 102926
My Commission Expires
03-01-19

EXHIBIT "A"

Lot Nine (9) of Petlon's River Subdivision and that part of Lot Eight (8) of Petlon's River Subdivision described as commencing at the Northeast corner of Lot Nine (9), of Petlon's River Subdivision of part of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Fourteen (14), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43, thence South 73° 29' 19" West Twenty (20) feet to the point of beginning, thence North 8° 13' 43" East Fifteen and Ninety Nine Hundredths (15.99) feet, thence North 32° 7' 55" West 70 feet, thence Southerly to a point 80 feet South 73° 29' 19" West of the Northeast corner of Lot 9, thence North 73° 29' 19" East a distance of 60 feet to the point of beginning; said Petlon's River Subdivision being a part of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 14, Township 88 North, Range 5 West of the 5th P.M. in Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43.

This real estate is being conveyed subject to the existing Flood Plain Rights and Grantees shall hold Grantors harmless with regard to flooding on the property conveyed. The Grantees and their successors are restricted from changing or altering the lake frontage without the written permission of the Grantors.

Title is subject to existing access easements located on the premises. Grantors, their successors and assigns, hereby grant an easement over and across the existing roadway as presently located on Lot Ten (10) of the above described Subdivision; on real estate owned by the Grantors in a Warranty Deed dated July 14, 1989 and filed July 19, 1989 in Book 124, L.D., Page 321, located on the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 13, Township 88 North, Range 5, West of the 5th P.M.; and other portions of the access easement as shown on the Subdivision plat filed herein on May 2, 1989. In addition, Grantees, their successors and assigns are hereby granted an easement over and across portions of Lots Six (6) and Seven (7) of said Petlon's River Subdivision, legally described as follows: commencing at the Northeast corner of Lot 8, thence South 57° 4' 55" West a distance of 20 feet, said point being the point of beginning, thence Northwesterly to a point 40 feet South 58° 9' 28" West of the Northeast corner of said Lot 6, thence Northwesterly to a point 20 feet 62° 41' 23" West of the Northeast corner of Lot 6, thence North 59° 20' 24" West 80.23 feet, thence South 19° 28' 36" East 133.63 feet to the point of beginning, said access easement will be used in conjunction with all others lawfully using the same for access to said Subdivision. Maintenance of said roadway shall be the responsibility of the lot owners. A partition fence between the above described real estate and the real estate retained by the Grantors as shown in the Warranty Deed dated July 14, 1989 and filed July 19, 1989 in Book 124, L.D., Page 321, shall be constructed and maintained solely at the cost of the Grantees and said Grantors in said Warranty Deed contemplate the grazing of cattle on the real estate retained and Grantees shall hold said Grantors in said Warranty Deed harmless with regard to any damage caused by said cattle.

EXHIBIT "B"

All our right, title, interest, estate, claim and demand in the following described real estate in Delaware County, Iowa: All lake frontage running from the water front and at right angles to the middle of Lake Delhi in respect to the following described real estate: Lot Nine (9) of Petlons River Subdivision of part of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Fourteen (14), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43

Subject to the following covenants:

1. Same is subject to the existing Flood Plain Rights and Grantees shall hold Grantors harmless with regard to flooding on the property conveyed.

2. Grantees and their successors are restricted from changing or altering the water frontage without the written permission of Grantors.

EXHIBIT "C"

Legal Description

Lot Eight (8) of Petlon's River Subdivision, being a part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Eighty Eight (88) North, Range Five (5), West of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43, except that part of Lot Eight (8) described as commencing at the Northeast corner of Lot Nine (9) of Petlon's River Subdivision of part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43, thence South 73° 29' 19" West twenty (20.0) feet to the point of beginning, thence North 8° 13' 43" East Fifteen and Ninety Nine Hundredths (15.99) feet, thence North 32° 7' 55" West Seventy (70.0) feet, thence Southerly to a point Eighty (80.0) feet South 73° 29' 19" West of the Northeast corner of Lot Nine (9), thence North 73° 29' 19" East a distance of Sixty (60.0) feet to the point of beginning.

This real estate is being conveyed subject to the existing Flood Plain Rights and Grantees shall hold Grantors harmless with regard to flooding on the property conveyed. The Grantees and their successors are restricted from changing or altering the lake frontage without the written permission of the Grantors.

Title is subject to existing access easements located on the premises. Grantees, their successors and assigns, hereby grant an easement over and across the existing roadway as presently located on Lot Ten (10) of the above described Subdivision; on real estate owned by the Grantors located on the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Thirteen (13), Township Eighty Eight (88) North, Range Five (5), West of the Fifth P.M.; and other portions of the Access Easement as shown on the Subdivision Plat filed herein on May 2, 1989. In addition, Grantees, their successors and assigns are hereby granted an easement over and across portions of Lots Six (6) and Seven (7) of said Petlon's River Subdivision, legally described as follows: Commencing at the Northeast corner of Lot Eight (8), thence South 57° 4' 55" West a distance of Twenty (20.0) feet, said point being the point of beginning, thence Northwesterly to a point Forty (40.0) feet South 58° 9' 28" West of the Northeast corner of said Lot Six (6), thence Northwesterly to a point Twenty (20.0) feet 62° 41' 23" West of the Northeast corner of Lot Six (6), thence North 59° 20' 24" West 80.23 feet, thence South 19° 28' 36" East 133.63 feet to the point of beginning. Said Access Easement will be used in conjunction with all others lawfully using the same for access to said Subdivision. Maintenance of said roadway shall be the responsibility of the lot owners. A partition fence between the above described real estate and the real estate retained by the Grantors shall be constructed and maintained solely at the cost of the Grantees. Grantors contemplate the grazing of cattle on the real estate retained and Grantees shall hold Grantors harmless with regard to any damages caused by said cattle.

EXHIBIT "D"

All lake frontage running from the water front and at right angles to the middle of Lake Delhi in respect to the following described real estate:

Lot Eight (8) of Petlon's River Subdivision of part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Fourteen (14), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43.

Subject to the following Covenants:

1. Same is subject to the existing Flood Plain Rights and the Grantees shall hold Grantors harmless with regard to flooding on the property conveyed.

2. Grantees and their successors are restricted from changing or altering the water frontage without the written permission of Grantors.