Book 2018 Page 724

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by / Return to: Gary J. Streit, Shuttleworth & Ingersoll, P.L.C., 115 Third Street S.E., Suite 500, P.O. Box 2107, Cedar Rapids, Iowa 52406-2107; Phone: (319) 365-9461.

AFFIDAVIT OF TRUSTEE

Re: See Exhibit A, attached hereto

The undersigned being first duly sworn and under oath states of their personal knowledge that:

1. Gary J. Lynch and Linda Lawson are the Co-Trustees of the Velma C. Lynch Residuary Trust, and any amendments thereto. The real estate described on Exhibit A was conveyed to Gary J. Lynch and Farmers and Merchants Savings Bank, as Trustees of the Velma C. Lynch Residuary Trust, pursuant to an instrument filed for record in the Office of the Delaware County, Iowa Recorder on August 26, 2014, in Book 2014, Page 2097, and on August 26, 2014, in Book 2014, Page 2098, of the records of that office. A Corrective Officer deed was filed for record in the Office of the Delaware County, Iowa Recorder on October 2, 2014, in Book 2014, Page 2493, of the records of that office. By Order of the Delaware County, Iowa District Court, a copy of which is attached hereto as Exhibit B, Linda Lawson and Gary J. Lynch were appointed as Co-Trustees of the Velma C. Lynch Residuary Trust.

2. Gary J. Lynch and Farmers and Linda Lawson are presently the Co-Trustees under the Trust and are authorized to convey and transfer the real estate described on Exhibit A to Gary J. Lynch, without any limitation or qualification whatsoever.

3. As Co-Trustees, Gary J. Lynch and Linda Lawson are authorized to transfer the real estate described on Exhibit A free and clear of any adverse claims.

4. The Grantor of the Trust is deceased and the Trust is irrevocable.

Dated this 15 day of March, 2018.

STATE OF IOWA

ss:

DELAWARE COUNTY

This instrument was acknowledged before me this 15 day of March, 2018, by Gary J. Lynch, as Trustee of the Velma C. Lynch Residuary Trust.

Chloe R. Baldwin
Notary Public

CHLOE RENEE BALDWIN
Commission Number 796122
My Commission Expires
05/11/2019

Dated: 3/15, 2018

VELMA C. LYNCH RESIDUARY TRUST

Gary J. Lynch, Trustee of the Velma C. Lynch Residuary Trust

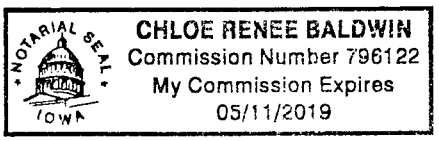
STATE OF IOWA

ss:

DELAWARE COUNTY

This instrument was acknowledged before me this 15 day of March, 2018, by Linda Lawson, as Trustee of the Velma C. Lynch Residuary Trust.

Chloe R. Baldwin
Notary Public



Dated: 3-15-18, 2018

VELMA C. LYNCH RESIDUARY TRUST

Linda Lawson
Linda Lawson, Trustee of the Velma C. Lynch Residuary Trust

EXHIBIT A

That part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Sixteen (16) lying East of the center of the public road; and that part of the South one-half (S½) of the Southwest Quarter (SW¼) of said Section Sixteen (16) lying East of the Center of the public road and West of the right-of-way of the former Manchester and Oneida Railway Company; and that part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Seventeen (17) lying East of the center of the public road, except the right of way of the former Manchester and Oneida Railway Company, all in Township Eighty-Nine (89) North, Range Five (5) West of the Fifth Principal Meridian; except Lynch's Subdivision of part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section Sixteen (16), according to plat recorded in Book 4 Plats, Page 9; and except Lynch's Second Subdivision part of the SW¼ of Section 16 and part of the SE¼ of Section 17 according to plat recorded in Book 2001 Page 1729, all in T89N, R5W of the Fifth P.M. Delaware County, Iowa;

and further excepting that part of said Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 16, T89N, R5W of the Fifth P.M., described as commencing at the Southwest corner of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼),and running thence North on the West line of the Southwest Quarter (SW¼) two hundred eleven and eight-tenths (211.8) feet to the centerline of County Road D-13, thence North 30° 56' East two hundred thirty-eight and two-tenths (238.2) feet to the point of beginning, thence South 59° 04' East one hundred ninety (190) feet, thence North 30° 56' East one hundred (100) feet, thence North 59° 04' West one hundred ninety (190) feet, thence South 30° 56' West one hundred (100) feet to the point of beginning; subject to easements and highways of record;

AND

The NW¼ of the SW¼, and all that part of the S½ of the SW¼ lying West of the Manchester and Oneida Railway right-of-way; excepting that part of the NW¼ of the SW¼ lying East of the center of the public road, and also excepting that part of the S½ of the SW¼ lying East of the center of the public road and West of the right-of-way of the former Manchester and Oneida Railway Company and further excepting that part of the NW¼ of the SW¼ described as commencing at the Northeast corner of the NW¼ of the SW¼ of said Section 16, thence West 767.6 feet along the North line of the NW¼ of said SW¼ to the point of beginning, thence continuing West 219.2 feet, thence South 59° 56' East 189.6 feet to the Westerly right-of-way line of County Road D-13, thence North 30° 56' East along said line 109.8 feet to the point of beginning, all in Section 16, Township 89 North, Range 5 West of the Fifth Principal Meridian, subject to highways and easements of record.

AND

Lots 2 and 15 of Lynch's Subdivision of Part of the NW¼ of the SW¼ of Section 16, T89N, R5W of the Fifth P.M., Delaware County, Iowa as Recorded in Book 4 Page 9.

AND

Lots 1, 2, 3, 5, 6, 7 and 8 of Lynch's Second Subdivision of Part of the SW¼ of Section 16 and Part of the SE¼ of Section 17 all in T89N, R5W of the Fifth P.M., Delaware County, Iowa as recorded in Book 2001 Page 1729.

AND

The NE¼ of the SE¼ of Section 17, Township 89 North, Range 5 West, except that part described as commencing at a point 150 feet West of the Southeast corner of said NE¼ of the SE¼ in the center of the public highway and running thence Northeasterly along the center of said public highway 250 feet, thence West 200 feet, thence Southwesterly and parallel with the center of said public highway 250 feet, thence East 200 feet to the point of beginning; and the E½ of the NW¼ of the SE¼; and all that part of the SE¼ of the SE¼ lying West of the center of the public road except the lots of Steely's Home Site Subdivision and Frontage Road and Access Road as shown on plat recorded in Book 2 Plats, Page 76;

and further excepting that part described as commencing in the center of the public road 844 feet West of the Southeast corner of said SE¼ of the SE¼, and running thence West 200 feet, thence Northeasterly and parallel with the center line of said highway a distance of 150 feet, thence East 200 feet to the center of said highway, thence Southwesterly along the center of said highway to place of beginning; and further excepting that tract described as commencing at a point 150 feet West of the Northeast corner of said SE¼ of the SE¼ in the center of the public highway and running thence West 871.23 feet, thence South 47.78 feet, thence Southerly 119.34 feet, thence East 819.37 feet to the center of said public highway, thence Northeasterly along the center of said highway 175 feet to point of beginning;

and further excepting that portion of the SE¼ of the SE¼ described as commencing at the most Westerly corner of Lot 8 of Steely's Home Site Subdivision, thence South 52° 54' East 132 feet, thence North 18° 35' East 238 feet, thence North 42° 47' East 171 feet, thence South 48° 18' East to the center of County Trunk Road lying to the South and East of said premises, thence Southwesterly along the center of said County Trunk Road to a point 150 feet in a Northeasterly direction along the center of the County Trunk Road from the South line of said forty acre tract, thence West 200 feet, thence in a Northerly direction to point of beginning;

and except Lynch's Subdivision designated as Oak Park Subdivision, part of the N½ of the SE¼ of Section 17, T89N, R5W of the Fifth P.M., Delaware County, Iowa as recorded Book 4 Page 11; and except Oak Park Second Subdivision of the E½ of the NW¼ of the SE¼ and part of the NE¼ of the SE¼ of Section 17, T89N, R5W of the Fifth P.M., Delaware County, Iowa as recorded Book 2001 Page 2846 and amended by Affidavit Book 2002 Page 3613.

AND

A strip of land 50 feet in width lying 25 feet on both sides of the following described centerline: commencing 25 feet South of the Northeast corner of the SE¼ of Section 17, T89N, R5W of the Fifth P.M., Delaware County, Iowa, thence South 89° 19' West 484.5 feet, thence South 35° 17' West 740.4 feet, thence continuing South 35° 17' West 351.5 feet, said easement terminating in a 100 feet diameter circle with the last described point being the center of said circle; except commencing at the Northernmost corner of Lot Four of Oak Park Subdivision, thence North 54° 43' West 20 feet, thence South 35° 17' West 97.3 feet, thence South 54° 43' East 18.8 feet, thence Northwesterly 106.1 feet along a circular curve, having a radius of 50 feet to the point of beginning.

AND

Lots 1, 2, 8, and Lot A of Oak Park Second Subdivision, a subdivision of the E½ of the NW¼ of the SE¼ and part of the NE¼ of the SE¼ of Section 17, T89N, R5W of the Fifth P.M., Delaware County, Iowa as recorded Book 2001 Page 2846 and amended by Affidavit Book 2002 Page 3613.

PARCEL D, PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION, EIGHT (8), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, per plat recorded in Book 2011 Page 2515. *

AND

That certain real estate locally known as 1728 State Highway 13, Manchester, County of Delaware, State of Iowa, and legally described as follows:

The East half (E ½) of the Northwest Quarter (NW ¼), except a tract of land described as follows: Beginning at the Northwest corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), running thence South 504.05 feet, thence East 33.0 feet to the point of beginning, thence South 865.7 feet, thence East 21.2 feet, thence North 13.5 minutes West 637.7 feet, thence Northwesterly along a 1482.5 foot radius curve concave Southwesterly 228.8 feet to the point of beginning, containing 0.34 acres, more or less, exclusive of the present established highway; and the North half (N ½) of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼); all in Section Eight (8),

Township Eighty-Nine (89) North, Range Five (5) West, of the 5th P.M., according to government survey, subject to easements, if any, of record, excepting therefrom, **PARCEL D**, PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION, EIGHT (8), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, per plat recorded in Book 2011 Page 2515

***SUBJECT TO** a real estate contract from Gary J. Lynch and Mary Jane Lynch, husband and wife, to Michael A. Lynch dated August 29, 2012 and which was recorded on August 29, 2012 in Book 2012 at Page 2879 of the records of Delaware County, Iowa Recorder.

Exhibit B

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IN THE MATTER OF	)	Probate No. ~~ESPR00~~ TRPR 5821
	)	
THE RESIDUARY TRUST	)	ORDER APPROVING APPLICATION FOR APPOINTMENT OF INDIVIDUAL TRUSTEES
	)	
UNDER THE LAST WILL AND	)	
	)	
TESTAMENT OF VELMA C. LYNCH,	)	
	)	
Deceased.	)	

FILED
2014 DEC -9 AM 11:55
CLERK OF DISTRICT COURT

On this 9 day of December, 2014 the Application for the appointment of Gary J. Lynch and Linda Lawson as Trustees of the Residuary Trust under the Last Will and Testament of Velma C. Lynch (the "Trust), having been presented to the Court and the Court, having reviewed the file, finds that the Trust has been properly submitted to the jurisdiction of this Court and that the Court has jurisdiction over the subject matter of the Application and over the parties.

The Court further finds that the Application should be granted and that Gary J. Lynch and Linda Lawson should be appointed as Trustees of the Velma C. Lynch Residuary Trust on the basis of the following additional findings:

1. Section 7.17 of the Last Will and Testament of Velma C. Lynch permits the income beneficiaries of the Trust to request the resignation, without cause, of an institutional trustee. Farmers & Merchants Savings Bank, Manchester, Iowa is an institutional trustee and has been provided with such notice.

2. Due to low interest rates being paid by banks, it is likely that the fees charged by any other institutional trustee in Delaware County, Iowa will result in little or no income being available to be paid to the beneficiaries of the Trust.

3. Gary J. Lynch and Linda Lawson are qualified to serve as Trustees of the Trust and no bond should be required.

4. Patrick A. Lynch, as the current beneficiary of the Trust, has consented to the appointment of Gary J. Lynch and Linda Lawson as Trustees, to serve without bond.

5. The Last Will and Testament provides, in Section 7.16, that the Trust is not required to be subject to court supervision.

IT IS, THEREFORE, HEREBY ORDERED ADJUDGED AND DECREED as follows:

1. Gary J. Lynch and Linda Lawson are hereby appointed as Trustees of the Residuary Trust under the Last Will and Testament of Velma C. Lynch, to serve without bond.

2. No further reports or accountings to this Court shall be required of the Trustees, unless a request is made therefor by a beneficiary of the Trust.

3. That Letters of Trusteeship not be required of any Trustee named above, and that any third party dealing with the Trust shall be entitled to rely on a certified copy of the Court's order approving this application as proof of the authority of such Trustee to act.

Judge of the 1st Judicial District

Streit