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LISA SMITH, COUNTY RECORDER
MADISON IOWA

**INDIVIDUAL and CORPORATE TRUSTEES' AFFIDAVIT
Recorder's Cover Sheet**

Preparer Information: (name, address and phone number)

James E. McCarthy
Parker Simons McNeill PLC
5400 University Ave.
West Des Moines, IA 50266
Phone 515-226-6123

Taxpayer Information: (name and complete address)

Jerry D. Burger
29335 Ashworth Rd.
Adel, IA 50003-8330
Phone 515-987-4630

✓ **Return Document To:** (name and complete address)

James E. McCarthy
Parker Simons McNeill PLC
5400 University Ave.
West Des Moines, IA 50266
Phone 515-226-6123

Grantors:

The Harvey D. Burger Family Trust Dated July 10, 1995
Jerry D. Burger, Trustee
29335 Ashworth Rd.
Adel, IA 50003-8330
Phone 515-987-4630

Grantee:

Jerry D. Burger
29335 Ashworth Rd.
Adel, IA 50003-8330
Phone 515-987-4630

Wells Fargo Bank, Trustee
666 Walnut St.
Des Moines, IA 50309
Phone 515-245-3202

Legal Description: on page 3

Document or Instrument number of previously recorded documents:

Preparer Info: James E. McCarthy, 5400 University Ave, West Des Moines IA 50266 Phone # 515-226-6123

INDIVIDUAL and CORPORATE TRUSTEES' AFFIDAVIT

STATE OF IOWA, COUNTY OF MADISON, ss:

The undersigned WELLS FARGO BANK and JERRY D. BURGER, as co-Trustees of the Geneva J. Burger Trust dated July 10, 1995, as Restated, pursuant to Geneva J. Burger's Exercise of Special Power of Appointment set forth in the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995, being first duly sworn under oath, state of personal knowledge that:

1. We are the co-Trustees of Geneva J. Burger Trust dated July 10, 1995, as Restated, acting pursuant to Geneva J. Burger's Exercise of Special Power of Appointment set forth in the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995. Geneva J. Burger, an initial successor co-Trustee, died on February 4, 2008. The property described below was conveyed to the Trustees of the Harvey D. Burger Revocable Trust dated July 10, 1995 by Geneva J. Burger, as Executor of the Estate of Harvey D. Burger, Polk County Probate No ESPR #46259, pursuant to Court Officer Deed recorded December 21, 2001, in the office of the Madison County Recorder at Book 2001, page 5779.

SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION OF Earlham Farm in Madison County, Iowa attached hereto and by this reference made a part hereof.

2. We are presently the existing co-Trustees of the Geneva J. Burger Trust dated July 10, 1995, as Restated and pursuant to Geneva J. Burger's Exercise of Special Power of Appointment set forth in the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995, now have legal authority to act on behalf of the HARVEY D. BURGER FAMILY TRUST and are authorized to transfer the above referenced property to Jerry D. Burger, a married person, without any limitation or qualification whatsoever.

3. The Trust is in existence and we, as co-Trustees, are authorized to transfer the interest in the real estate as described on the attached legal description, free and clear of any adverse claims.

4. The Grantor of the Trust, Harvey D. Burger, is now deceased. Therefore, the Trust is now irrevocable; none of the Trust beneficiaries are deceased.

Dated this 28th day of October, 2008.

The Harvey D. Burger Family Trust Dated July 10, 1995

Maureen A. Shanaberger
Maureen A. Shanaberger, as Trust Officer of Wells Fargo Bank,
Trustee of the Geneva J. Burger Trust dated July 10, 1995, as Restated,
pursuant to Geneva J. Burger Exercise of Special Power of Appointment
set forth in the Harvey D. Burger Family

Jerry D. Burger
Jerry D. Burger, as co-Trustee of the above-entitled Trust

STATE OF IOWA, COUNTY OF POLK ss:

This instrument was acknowledged before on the 28 day of October, 2008 by me by Maureen A. Shanaberger as Trust Officer of Wells Fargo Bank, Trustee of the of the above-entitled Trust.

James E. McCarthy
Notary Public, State of Iowa



JAMES E. MCCARTHY
COMMISSION NO. 163808
MY COMMISSION EXPIRES
MAY 29, 2009

STATE OF IOWA, COUNTY OF POLK ss:

This instrument was acknowledged before on the 28 day of October, 2008 by Jerry D. Burger, as Trustee of the above-entitled Trust

James E. McCarthy
Notary Public, State of Iowa



JAMES E. MCCARTHY
COMMISSION NO. 163808
MY COMMISSION EXPIRES
MAY 29, 2009

Earlham Farm

Exhibit A – Legal Description of Madison County, Iowa Farm Ground

The South Fractional Half of the Northwest Quarter (S fr. $\frac{1}{2}$ of NW $\frac{1}{4}$); and the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) all in Section 6, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, *EXCEPT* Parcel "A" located in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), and in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) and in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section 6, containing 8.787 acres, as shown in Plat of Survey filed in Book 2, page 492 on August 2, 1994 in the Office of the Recorder of Madison County, Iowa.