

LISA SMITH, COUNTY RECORDER
MADISON IOWA

✓ MCA

Prepared by and after recording return to: Christopher R. Pose, 317 Sixth Avenue, Suite 300, Des Moines, Iowa 50309 (515) 243-8157

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA :
: ss:
COUNTY OF POLK :

RE: LOT 4 IN LAKE VIEW RURAL ESTATES, a subdivision of the NE 1/4 of Section 28, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa. ("Property")



The undersigned, being duly sworn and upon oath deposes and states:

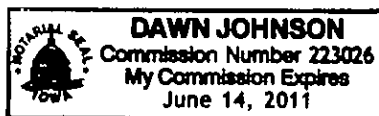
1. That I am an attorney licensed to practice law in the State of Iowa.
2. I presented Donna Joyce Eagle with written notice of a purchase agreement for the Property submitted by Brad Richtsmeier on November 2, 2008, to allow Donna Joyce Eagle to determine whether or not she wanted to exercise her right to purchase the Property pursuant to a First Right of Refusal filed on June 20, 2001 in Book 2001, Page 2759 of the Madison County Records.
3. In response to the written notice, Donna Joyce Eagle provided me with executed form attached hereto as Exhibit "A" which indicates that she declined her right to purchase the Property pursuant to the First Right of Refusal.

The foregoing and attached are provided to evidence Donna Joyce Eagle's refusal under the First Right of Refusal above described.

Dated: November 20, 2008.

By: Christopher R. Pose
Christopher R. Pose

Signed and sworn to (or affirmed) before me on November 20, 2008, by Christopher R. Pose.



Dawn Johnson
Notary Public in and for the State of Iowa

EXHIBIT A

RESPONSE TO FIRST RIGHT OF REFUSAL

The undersigned, hereby responds to the First Right of Refusal pursuant to an Offer to Buy Real Estate and Acceptance ("Offer to Purchase") made by Brad Richtsmeier on November 2, 2008, and accepted that same day by Johnny A. Danos, for property described as:

LOT 4 IN LAKE VIEW RURAL ESTATES, a subdivision of the NE 1/4 of Section 28, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa.

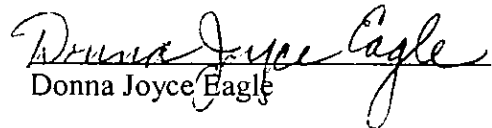
I received written notice and a copy of the Offer to Purchase on November 3, 2008.

Within five (5) days after receiving the written notice of the Offer to Purchase, I hereby:

 accept and exercise my First Right of Refusal and agree to purchase the property pursuant to the Offer to Purchase without modification to the terms or conditions thereof. In which case, I will also provide a check for \$1,000.00 payable to Christopher R. Pose, Esq. to serve as earnest money for the purchase.

 X **decline** to exercise my First Right of Refusal to the Offer to Purchase.

Dated this 7 day of November, 2008.


Donna Joyce Eagle

This form should be returned on or before November 8, 2008, to Christopher R. Pose via one of the following methods:

1. **via email to cpose@connollylawfirm.com;**
2. **via facsimile to (515) 243-3919;**
3. **delivery to office located at 317 6th Ave., Suite 300, Des Moines, Iowa 50309;**
or
4. **delivery to home, 1415 Utopia Court, Cumming, Iowa 50061.**

I would respectfully request that the black top drive remain in the same condition at the end of construction as at the beginning. DJE