

REQUEST AND AGREEMENT TO HOLD HARMLESS

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STATE OF IOWA)
) SS
MADISON COUNTY)

RECS 15⁰⁰
AUD \$ _____
P.M.F. \$ 1.00

COMPUTER
RECORDED
COMPARED _____

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

TO: FARMERS AND MERCHANTS STATE BANK, WINTERSET, IOWA

I, Dennis Binns, being first duly sworn on oath do hereby depose and state:

I am the son of Margaret L. Binns (a/k/a Margaret Binns) who died testate, a resident of Madison County, Iowa on the 9th day of June, 2000.

The Last Will and Testament of Margaret L. Binns, which devised all of her property to her surviving spouse, Lenard E. Binns, will not be admitted to probate, no administration will be had on her estate and no executor of her estate will be appointed. A copy of such last will and testament is attached hereto and made a part hereof.

The only property owned by Margaret L. Binns at the time of her death was a bank account, being account # [REDACTED] at the Farmers and Merchants State Bank in Winterset, Iowa which had a balance of \$3,753.54 on the date hereof.

The balance in such account will be used to pay the funeral and burial expenses of Margaret Binns, the fees for this Affiant's attorney for services in connection with the preparation of this affidavit and any amounts remaining after the payment of those items will be distributed to Lenard E. Binns.

This Affiant requests the Farmers and Merchants State Bank to pay the balance of account # [REDACTED] owned by Margaret Binns to this Affiant so he may disburse the amounts in accordance with the statements made herein and this Affiant hereby agrees to indemnify and hold Farmers and Merchants State Bank harmless from any loss or damage whatsoever resulting from such payment to this Affiant.

Dennis Binns
Dennis Binns

Subscribed and sworn to before me on this 7th day of August, 2000.

Connie Harvey
CONNIE HARVEY Notary Public



LAST WILL AND TESTAMENT

OF

MARGARET L. BINNS

KNOW ALL MEN BY THESE PRESENTS:

That I, MARGARET L. BINNS, of Winterset, Madison County, Iowa, being in all respects of sound mind and memory, not acting under menace, duress, undue influence or fraud, do hereby revoke any and all prior wills and codicils thereto made by me, and I now hereby make, publish and declare this to be my Last Will and Testament in the manner and form following:

ITEM I

I direct and empower my Executor as soon as convenient and as advantageously as may be done after my death to pay my just debts and funeral expenses and to provide a suitable monument at my grave.

ITEM II

I hereby approve, confirm and ratify all acts and deeds by my Executor in the preservation of my estate from the date of my death to the opening of the probate of this my Last Will and Testament.

ITEM III

I hereby revoke any and all prior wills and codicils thereto made by me or any agreement in writing or orally made purporting to be an agreement to make a will, and I do further state that I have not made nor have I entered into any agreement to make a mutual will.

ITEM IV

Not being unmindful of any other heirs or claimants to my estate, I do hereby will, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, of whatever nature and kind and wherever situated of which I may die seized or possessed or to which I may be entitled to my husband, LENARD E. BINNS, he to have and to hold in absolute ownership. In the event my said husband does not survive me, then and in that event only, I will, devise and bequeath all the aforesaid property to my children:

GARY L. BINNS
KATHLEEN A. JORDAN
DIANA L. MILLSAP
DENNIS A. BINNS

share and share alike per stirpes.

ITEM V

I further state that in making this my Last Will and Testament, I have given the same considerable deliberation and thought and that I have not been unmindful of other possible heirs and and that any person notnamed in this my Last Will and Testament is hereby specifically disinherited, and it is my further will that any beneficiary who shall contest this my Last Will and Testament shall forfeit his legacy and devise and shall not share

M. L. B.
J. W.
D. A. M.

#2 Last Will and Testament
Margaret L. Binns

in any way in my estate.

ITEM VI

I hereby name and appoint my husband, LENARD E. BINNS, as Executor of this my Last Will and Testament, without bond; and in the event my said husband fails to qualify or is unable to serve, I do hereby name and appoint my two children, GARY L. BINNS and KATHLEEN A. JORDAN, to serve as Co-Executors of this my Last Will and Testament to serve without bond.

IN WITNESS WHEREOF, I have hereunto subscribed my name and set my signature on this 22 day of August A. D., 1975, before the witnesses hereinafter named and in the presence of said witnesses have executed this my Last Will and Testament.

Margaret L. Binns

On the date in the foregoing instrument last above written, consisting of only these two typewritten pages, was signed at the end thereof by MARGARET L. BINNS, the maker thereof, in our presence and in the presence of each of us, and at the time she signed said instrument, she did declare that it was her Last Will and Testament, and at her request and in the presence of each other, we, the undersigned hereunto subscribed our names as attentive and attesting witnesses thereto.

Paul Mark residing at Earlham, Iowa.

Marian A. Mark residing at Earlham, Iowa.