

FILED NO. 002308

BOOK 2001 PAGE 2308

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MICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

REC \$ 5<sup>00</sup>  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1<sup>00</sup>

COMPUTER ✓  
RECORDED ✓  
COMPARED ✓

S P A C E A B O V E R E S E R V E D  
RETURN TO PREPARED BY: Franklin J. Feilmeyer, 618 Douglas Ave., P.O. Box 270, Ames, IA 50010 -- Telephone: 515-239-5000

**AFFIDAVIT RE AUTHORITY TO EXECUTE INSTRUMENTS**

STATE OF IOWA, STORY COUNTY, SS.:

I, Franklin J. Feilmeyer, being first duly sworn on oath depose and state as follows:

1. I make this affidavit from my personal knowledge for the purpose of establishing of record certain facts known to me and pertaining to the real property situated in Madison County, Iowa, described as follows:

**TRACT 1:** Parcel "A" located in the East 1/2 of the Southwest 1/4 of Section 32, Township 77 North, Range 26 AND the Northeast Fractional 1/4 of the Northwest 1/4 and the West 1/2 of the Northeast 1/4 of Section 5, Township 76 North, Range 26, ALL West of the 5th P.M., Madison County, Iowa as shown on the "Plat of Survey" filed in the office of the Recorder of Madison County, Iowa on January 10, 2001, and recorded in Book 2001 at Page 95, AND

**TRACT 2:** A 60.00 foot wide Ingress/Egress Easement located in the Northeast 1/4 of the Southwest 1/4 of Section 32, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as: Commencing at the Center of Section 32, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence South 1° 29' 00" West, 33.21 feet along the east line of the Southwest Quarter of said Section 32 to the Easement Point of Beginning; thence South 1° 29' 00" West, 1134.19 feet along an existing fence line which is the East line of the Southwest Quarter of Said Section 32 to the Northeast corner of Parcel "A," which is a Natural Resources Conservation Service wetlands easement; thence North 86° 55' 16" West, 60.03 feet along the North line of said Parcel "A"; thence North 1° 29' 00" East, 1125.79 feet to a point on the South right-of-way line of an existing County Road; thence North 85° 04' 48" East, 60.38 feet along said R.O.W. line to the Easement Point of Beginning.

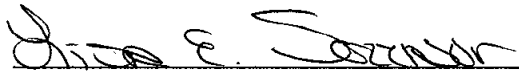
2. I am an attorney licensed to practice law in the State of Iowa. I drafted and reviewed the articles of organization and applicable operating agreement, including all amendments thereto, of **Mallard Flats, L.C.**, for the purpose of determining who has authority to execute documents on behalf of the limited liability company. Based upon that review, I have determined that H.A. Carver (also known as H. Alan Carver and Al Carver), who is the member and manager of the limited liability company, has full power and authority to execute instruments on behalf of said limited liability company.

Dated June 4, 2001.

  
FRANKLIN J. FEILMEYER

Subscribed in my presence and sworn to before me, the undersigned, a Notary Public in and for the State of Iowa, by the above-named affiant on June 4, 2001.

 **LISA E. SORENSON**  
MY COMMISSION EXPIRES  
November 3, 2003

  
NOTARY PUBLIC