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FILED NO. \_\_\_\_\_

BOOK 2001 PAGE 5050

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NICKI UTSLER  
RECORDER

MADISON COUNTY, IOWA

When recorded, please return to:  
Terry Monson  
Nyemaster Law Firm  
700 Walnut, Suite 1600  
Des Moines, IA 50309

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

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This Document Was Prepared by: Terry Monson, 700 Walnut, Suite 1600, Des Moines, IA 50309 (515)-283-8024

### AFFIDAVIT

STATE OF IOWA        )  
                                  ) SS:  
COUNTY OF POLK    )

I, Mark W. Beerman state under oath that I am a lawyer in the Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee PC law firm in the City of Des Moines, Polk County, Iowa.

I was both personally and professionally acquainted with Lawrence E. Gardner, the grantee named in a special warranty deed recorded at Deed Rec. 107 at page 430 of the Madison County records. I know of my own personal knowledge that Lawrence E. Gardner died a resident of Des Moines, Polk County, Iowa on September 2, 1984. Mr. Gardner was testate and the sole beneficiary of his estate was his wife, Leona M. Gardner (Carlson).

I further state that the Last Will and Testament of Lawrence E. Gardner recites, in part, as follows: "If my beloved wife, Leona M. Gardner, survives me by a period of sixty (60) days, I give outright to her all the residue of my estate not effectively disposed of by previous provisions of this Will."

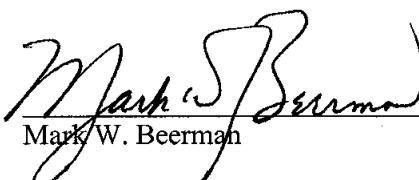
I further state that this law firm has served as attorney for the Executor in the Estate of Lawrence E. Gardner, deceased, Polk County Probate No. P44-19414, and that I have personal knowledge of the assets of the estate.

I further state that the inventory in the estate filed October 3, 1985, in Schedule C, Item 4 lists among the assets of the estate "real estate contracts". I further state of my own personal knowledge that the Seller's interest in a real estate contract between Jon Neal Shepherd, Seller, and Carroll Wayne Kopaska and Eugene Marie Kopaska, Buyers, dated October 30, 1975 and filed October 31, 1975 in Deed Rec. 105, at Page 254 of the Madison County Records and pertaining to the property legally described as:

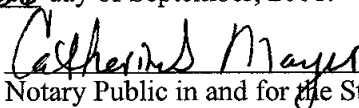
The Northeast Fractional Quarter (1/4) and the East Fractional Half (1/2) of the Northwest Fractional Quarter (1/4) and the Southeast Quarter (1/4) and the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Five (5) in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., Madison County, Iowa

was one of the real estate contracts included in the "real estate contracts" entry of the inventory filed in the estate of Lawrence E. Gardner, which was distributed to Leona Gardner Carlson.

Dated: September 26, 2001.

  
\_\_\_\_\_  
Mark W. Beerman

Subscribed and sworn to before me this 26 day of September, 2001.

  
\_\_\_\_\_  
Catherine S. Mayer  
Notary Public in and for the State of Iowa

