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

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MICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

Prepared by: Matthew M. Hurn, Wasker, Dorr, Wimmer & Marcouiller PC 801 Grand Ave Suite 3100, Des Moines IA 50309 (15564REGPM)

**AFFIDAVIT**

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF POLK    )



Re: Lot Nine (9) and the South Half (1/2) of Lot Ten (10) in Block Four (4) of B.F. Allen's Addition to the Town of Earlham, Madison County, Iowa.

I, Matthew M. Hurn, after first being duly sworn upon oath, do depose and state as follows:

1. I am an attorney licensed to practice law in the State of Iowa, currently practicing in Des Moines, Iowa;
2. That in the course of my practice I have become familiar with the chain of title to the above described real estate;
3. That I am aware that there is in existence a General Power of Attorney executed by Roger F. Clayton on August 2, 2002 appointing Barbara Clayton his Attorney-in-Fact and giving Barbara Clayton full power over the above referenced property. A copy of this General Power of Attorney has been attached to this affidavit and marked as Exhibit A;
4. That I am aware that there is in existence a Power of Attorney executed by Francis E. Price on January 10, 1991 appointing Wayne D. Fastle as the Attorney-in-Fact for Francis E. Price. This Power of Attorney gives Wayne D. Fastle power and control over the above referenced property. A copy of this Power of Attorney is attached to this affidavit and marked as Exhibit B.

I offer this Affidavit to clear a potential cloud on the chain of title to the above described real estate.

DATED this 9<sup>th</sup> day of September, 2002.

\_\_\_\_\_  
Matthew M. Hurn

SUBSCRIBED AND SWORN to before me on this 9<sup>th</sup> day of September, 2002.

\_\_\_\_\_  
Notary Public in and for the State of Iowa



Preparer Information Dean R. Nelson, 115 E. First Street, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267

Individual's Name

Street Address

City

Phone

SPACE ABOVE THIS LINE  
FOR RECORDER



### GENERAL POWER OF ATTORNEY

1. Designation of Attorney-in-Fact

I, Roger F. Clayton, of 140 S.E. Cherry Avenue, Earlham, Iowa 50072  
appoint Barbara Claytoon  
of 140 S.E. Cherry Avenue, Earlham, Iowa 50072  
my Attorney-in-Fact. In the event my Attorney-in-Fact is unable to serve for any reason or if my Attorney-in-Fact is currently  
my spouse and we become legally separated or our marriage is dissolved, I name  
Denise R. George  
of 16895 Blue Mist Circle, Parker, Colorado 80134, as successor to my Attorney-in-Fact.

I hereby revoke any and all general powers of attorney that may have been previously executed by me, but specifically  
excepting any powers of attorney for health care decisions which I may have previously executed.

2. Powers of Attorney-in-Fact.

My Attorney-in-Fact shall have full power and authority to manage and conduct all of my affairs, with full power  
and authority to exercise or perform any act, power, duty, right or obligation I now have or may hereafter acquire the legal  
right, power and capacity to exercise or perform. The power and authority of my Attorney-in-Fact shall include, but not be  
limited to, the power and authority:

A. To buy, acquire, obtain, take or hold possession of any property or property rights and to retain such property, whether  
income producing or non-income producing;

B. To sell, convey, lease, manage, care for, preserve, protect, insure, improve, control, store, transport, maintain, repair,  
remodel, rebuild and in every way deal in and with any of my property or property rights, now or hereafter owned by me, and  
to establish and maintain reserves for improvements, upkeep and obsolescence; to eject or remove tenants or other persons  
and to recover possession of such property. This includes the right to convey or encumber my homestead legally described  
as follows:  
N/A

C. To pay my debts; to borrow money, mortgage and grant security interests in property; to complete, extend, modify or  
renew any obligations, either secured, unsecured, negotiable or non-negotiable, at a rate of interest and upon terms  
satisfactory to my Attorney-in-Fact; to lend money, either with or without collateral; to extend or secure credit; and to  
guarantee and insure the performance and payment of obligations of another person or entity;

D. To open, maintain or close accounts, brokerage accounts, savings and checking accounts; to purchase, renew or cash  
certificates of deposit; to conduct any business with any banking or lending institution in regard to any of my accounts or  
certificates of deposit; to write checks, make deposits, make withdrawals and obtain bank statements, passbooks, drafts,  
money orders, warrants, certificates or vouchers payable to me by any person or entity, including the United States of  
America, and expressly including the right to sell or cash U.S. Treasury Securities and Series E, EE, and H and HH Bonds;

E. To have full access to any safety deposit boxes and their contents;

F. To pay all city, county, state or federal taxes and to receive appropriate receipts therefore; to prepare, execute, file and  
obtain from the government income and other tax returns and other governmental reports, applications, requests and  
documents; to take any appropriate action to minimize, reduce or establish non-liability for taxes; to sue or take appropriate  
action for refunds of same; to appear for me before the Internal Revenue Service or any other taxing authority in connection  
with any matter involving federal, state or local taxes in which I may be a party, giving my Attorney-in-Fact full power to do  
everything necessary to be done and to receive refund checks; to execute waivers of the statute of limitations and to  
execute closing agreements on my behalf;

G. To act as proxy, with full power of substitution, at any corporate meeting and to initiate corporate meetings for my  
benefit as stockholder, in respect to any stocks, stock rights, shares, bonds, debentures or other investments, rights or  
interests;

H. To invest, re-invest, sell or exchange any assets owned by me and to pay the assessments and charges therefore; to  
obtain and maintain life insurance upon my life or upon the life of anyone else; to obtain and maintain any other types of  
insurance policies; to continue any existing plan of insurance or investment;

I. To defend, initiate, prosecute, settle, arbitrate, dismiss or dispose of any lawsuits, administrative hearings, claims,  
actions, attachments, injunctions, arrests or other proceedings, or otherwise participate in litigation which might affect me;





## POWER OF ATTORNEY — PLENARY

I, Frances E. Price, residing at 315 S. Chestnut Avenue, Earlham, Iowa, appoint Wayne D. Fastle, residing at 335 S. Chestnut Avenue, Earlham, IA 50072 my Attorney-in-Fact. I revoke any and all powers of attorney that may have been previously executed by me. My Attorney-in-Fact shall have full power and authority to manage and conduct all of my affairs, with full power and authority to exercise or perform any act, power, duty, right or obligation I now have or may hereafter acquire the legal right, power or capacity to exercise or perform. The power and authority of my Attorney-in-Fact shall include, but not be limited to, the power and authority:

1. To buy, acquire, obtain, take or hold possession of any property or property rights and to retain such property, whether income producing or non-income producing;
2. To sell, convey, lease, manage, care for, preserve, protect, insure, improve, control, store, transport, maintain, repair, remodel, rebuild and in every way deal in and with any of my property or property rights, now or hereafter owned by me, and to establish and maintain reserves for repairs, improvements, upkeep and obsolescence; to eject or remove tenants or other persons and to recover possession of such property. This includes the right to convey or encumber my homestead. ~~legally described as follows:~~

[If the Attorney-in-Fact to which this power of attorney relates is my spouse, then I also appoint \_\_\_\_\_ as my Attorney-in-Fact solely for the purpose of releasing any dower or other inchoate interest I might have in any property, including my homestead specifically described above];

3. To borrow money, mortgage and grant security interests in property; to complete, extend, modify or renew any obligations, either secured, unsecured, negotiable or non-negotiable, at a rate of interest and upon terms satisfactory to my Attorney-in-Fact; to lend money, either with or without collateral; to extend or secure credit; and to guarantee and insure the performance and payment of obligations of another person or entity;
4. To open, maintain or close bank accounts, brokerage accounts, savings and checking accounts; to purchase, renew or cash certificates of deposit; to conduct any business with any banking or lending institution in regard to any of my accounts or certificates of deposit; to write checks, make deposits, make withdrawals and obtain bank statements, passbooks, drafts, money orders, warrants, certificates or vouchers payable to me by any person or entity, including the United States of America and expressly including the right to sell or cash U.S. Treasury Securities and Series E, EE and H Bonds;
5. To have full access to any safety deposit boxes and their contents;
6. To pay all city, county, state or federal taxes and to receive appropriate receipts therefore; to prepare, execute, file and obtain from the government income and other tax returns and other governmental reports, applications, requests and documents; to take any appropriate action to minimize, reduce or establish non-liability for taxes; to sue or take appropriate action for refunds of same; to appear for me before the Internal Revenue Service or any other taxing authority in connection with any matter involving federal, state or local taxes in which I may be a party, giving my Attorney-in-Fact full power to do everything necessary to be done and to receive refund checks; to execute waivers of the statute of limitations and to execute closing agreements on my behalf;
7. To act as proxy, with full power of substitution, at any corporate meeting and to initiate corporate meetings for my benefit as stockholder, in respect to any stocks, stock rights, shares, bonds, debentures or other investments, rights or interests;
8. To invest, re-invest, sell or exchange any assets owned by me and to pay the assessments and charges therefore; to obtain and maintain life insurance upon my life or upon the life of anyone else; to obtain and maintain any other types of insurance policies; to continue any existing plan of insurance or investment;

- 9. To defend, initiate, prosecute, settle, arbitrate, dismiss or dispose of any lawsuits, administrative hearings, claims, actions, attachments, injunctions, arrests or other proceedings, or otherwise participate in litigation which might affect me;
- 10. To carry on my business or businesses; to begin new businesses; to retain, utilize or increase the capital of any business; to incorporate or operate as a general partnership, limited partnership or sole proprietorship any of my businesses;
- 11. To employ professional and business assistants of all kinds, including, but not limited to, attorneys, accountants, realtors, appraisers, salesmen and agents;
- 12. To apply for benefits and participate in programs offered by any governmental body, administrative agency, person or entity;
- 13. To transfer to the trustee of any revocable trust created by me, if such trust is in existence at the time, any and all property of mine (excepting property held by me and any other person as joint tenants with full rights of survivorship), which property shall be held in accordance with the terms and provisions of the agreement creating such trust;
- 14. To disclaim any interest in property passing to me from any person or entity.

My Attorney-in-Fact shall not be liable for any loss sustained through an error of judgment made in good faith, but shall be liable for willful misconduct or breach of good faith.

All references to property or property rights herein shall include all real, personal, tangible, intangible or mixed property.

Words and phrases set forth in this Power of Attorney shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

This Power of Attorney is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts or powers shall not limit or restrict the general and all inclusive powers that I have granted to my Attorney-in-Fact.

**N.B. DELETE INAPPROPRIATE PORTIONS OF THE FOLLOWING PARAGRAPH. IF NO DELETIONS ARE MADE, THE PROVISIONS SET FORTH IN PARAGRAPHS B AND C SHALL BE DEEMED TO HAVE BEEN DELETED.**

A. This Power of Attorney shall be effective immediately, shall not be affected by my disability,

~~By this Power of Attorney shall become effective upon certification by my physician that I am disabled,~~

~~By this Power of Attorney shall become effective xxxxxxxxxxxxxxxxx shall not be affected by my disability~~

and shall continue effective until my death; provided, however, that this Power may be revoked by me as to my Attorney-in-Fact at any time by written notice to such Attorney-in-Fact.

Dated January 10, 19 91, at Earlham, IA 50072

Frances E. Price  
(Frances E. Price)

STATE OF IOWA )  
 ) SS:  
COUNTY OF MADISON )

On this 10<sup>th</sup> day of January, 19 91 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frances E. Price to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that such person executed the same as such person's voluntary act and deed.

Suzanne Apple  
Susan Apple, Notary Public in  
and for the State of Iowa