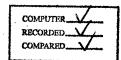
REC \$ 25\* AUD \$ R.M.F. \$ 1\*



FILED NO. 800K 2002 FAGE 4465

2002 SEP 11 PH 3: 25

MICKLUTSLER RECORDER MADISON COUNTY, TOWA

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 (½) 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 9th day of September, 2002.

Matthew M. Hurn

SUBSCRIBED AND SWORN to before me on this 4 day of September, 2002.

KRISTI L. FORST
COMMISSION NO. 194262
MY COMMISSION EXPIRES
JANUARY 9, 2004

Notary Public in and for the State of Iowa

THE IOWA STATE BAR ASSOCIATION Official Form No. 120

Dean R. Nelson ISBA # 000003989

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

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

Individual's Name

Street Address

Phone SPACE ABOVE THIS LINE FOR RECORDER



### GENERAL POWER OF ATTORNEY

Lesignation of Attorney-II-1 act	
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 unab	e 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 hame
Denise R. George	
of 16895 Blue Mist Circle, Parker, C	olorado 80134 , as successor to my Attorney-in-Fact.
I hereby revoke any and all general powers of attorney t	hat may have been previously executed by me, but specifically th 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;
- 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;
- 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;
- 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;

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120 GENERAL POWER OF ATTORNEY

- J. To carry on my business or businesses; to begin new businesses; to retain, utilize or increase the capital of any businesses; to incorporate or operate as a general partnership, limited partnership or sole proprietorship any of my businesses;
- K. To employ professional and business assistants of all kinds, including, but not limited to, attorneys, accountants, real estate agents, appraisers, salesmen and agents;
- L. To apply for benefits and participate in programs offered by any governmental body, administrative agency, person or entity;
- M. To transfer, assign, convey, and deliver any real or personal property in which I may have or own an interest to the Trustee of any revocable trust created by me, if such trust is in existence at the time, notwithstanding the fact that my Attorney-in-Fact, or his or her spouse, descendants, heirs or assigns, may be the (a) Trustee or successor Trustee of any such trust, (b) beneficiary of any such trust; or (c) holder of any special or general power of appointment created under such trust. Nothing in this paragraph shall be construed to allow my Attorney-in-Fact to create, amend, restate or revoke any such revocable trust created by me.
- N. To disclaim any interest in property passing to me from person or entity;

#### 3. Construction.

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. 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.

Any authority granted to my Attorney-in-Fact, however, shall be limited so as to prevent this Power of Attorney (a) from causing my Attorney-in-Fact to be taxed on my income; (b) from causing my estate to be subject to a general power of appointment (as that term is defined by Section 2041, Internal Revenue Code of 1986, as amended) by my Attorney-in-Fact; and (c) from causing my Attorney-in-Fact to have any incidents of ownership (within the meaning of Section 2042 of the Internal Revenue Code of 1986, as amended) with regard to any life insurance policies on the life of my Attorney-in-Fact.

### 4. Liability of Attorney-in-Fact.

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 in the performance of any of the provisions of this power of attorney.

## 5. Compensation of Attorney-in-Fact.

The Attorney-in-Fact understands that this power of attorney is given without any express or implied promise of compensation to said Attorney-in-Fact. Any services performed as my Attorney-in-Fact will be done without compensation, either during my lifetime or upon my death, but the Attorney-in-Fact shall be entitled to reimbursement for all reasonable expenses incurred as a result of carrying out any provisions of this power of attorney.

#### 6. Accounting by Attorney-in-Fact.

Upon my request or the request of any conservator appointed on my behalf or the personal representative of my estate, my Attorney-in-Fact shall provide a complete accounting as to all acts performed pursuant to this power of attorney.

## 7. Effective Date and Durability.

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,

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

Dated	August 5	2002 at Earlham, Iowa	
		Don't Play	$\mathbb{A}$
		Roger F. Claytt	on
STATE OF	IOWA	, COUNTY OF MADISON	
This instr	ument was acknowledged before	me onAugust	t 5 , <u>2002</u>
by Roger F. (	Clayton	$\overline{}$	
-		& Jum III	Pelser
		Dean R. Nelson	Notary Public



## POWER OF ATTORNEY — PLENARY

	OTHER TELIMINATE
I, Frances E. Price , residing at	315 S. Chestnut Avenue, Earlham Jowa.
appoint <u>Wayne D. Fastle</u> , res	iding at 335 S. Chestnut Avenue, Earlham, IA 50072
my Attorney-in-Fact. I revoke any and all powers of Attorney-in-Fact shall have full power and authority authority to exercise or perform any act, power, duty	attorney that may have been previously executed by me. My to manage and conduct all of my affairs, with full power and right or obligation I now have or may hereafter acquire the The power and authority of my Attorney-in-Fact shall include,
<ol> <li>To buy, acquire, obtain, take or hold possession whether income producing or non-income producing;</li> </ol>	of any property or property rights and to retain such property,
repair, remodel, rebuild and in every way deal in and owned by ide, and to establish and maintain reserves	re, protect, insure, improve, control, store, transport, maintain, d with any of my property or property rights, now or hereafter for repairs, improvements, upkeep and obsolescence; to eject cossession of such property. This includes the right to convey pages:
•	
[If the Attorney-in-Fact to which this power of attorne	v relates is my engues, then I also appoint
	as my Attorney-in-Fact solely for the purpose of
releasing any dower or other inchoate interest I mig described above];	ht have in any property, including my homestead specifically
To borrow money, mortgage and grant security in	sterests in property: to complete, extend, modify or renew any

- 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;

Plays State Bar Accordation

- 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,

, pakdeeikkanakaaken mai sieyada yax ya kroita sikin sa kucau kekita sha cankkenkeken kake kake kake kake kake

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 /O ,19 91 ,at Earlham, IA 50072
Frances E. Price
(Frances E. Price)
STATE OF IOWA )
COUNTY (F- MADISON ) SS:
On this day of
in the same terminal documents and documents are the same terminal and the same term
Survey apple
Notary Public in and for the State of Iowa