

COMPUTER	FILED NO. <b>004892</b>
RECORDED	BOOK <b>2002</b> PAGE <b>4892</b>
COMPARED	

2002 OCT -3 PM 3:44

REC \$ 10.00  
 AUD \$ \_\_\_\_\_  
 R.M.F. \$ 2.00

MICKI UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

PREPARED AND SUBMITTED BY: Charles L. Smith, 25 Main Place, Suite 200, P.O. Box 248, Council Bluffs, IA, 51502-0248

**AFFIDAVIT EXPLANATORY OF TITLE**

STATE OF IOWA )  
 )SS  
 COUNTY OF POTTAWATTAMIE )

I, Charles L. Smith, being first duly sworn on oath, depose and state the following:

That I am the duly appointed and acting Trustee in the bankruptcy of Marvin R. Mitchell and Marlene M. Mitchell Bankruptcy #02-02720-WH-7, filed in the United States Bankruptcy Court for the Southern District of Iowa on March 5, 2002. This is to advise any and all parties that I claim an interest in the following described property owned by Third Rock, Inc. in Madison County, Iowa, to-wit:

1. The Northeast ¼ of Section 19, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa; except "Tract A": Commencing at the Southwest Corner of the Northeast ¼ of said Section 19; thence North 90°00' East 978.00 feet along the Quarter Section Line to the point of beginning; thence continuing North 90°00' East 310.00 feet; thence North 00°00' 280 feet; thence North 90°00' West 310.00 feet, thence South 00°00' 280 feet to the point of beginning; and except "Tract B": Commencing at the Southwest Corner of the Northeast ¼ of said Section 19; thence North 90°00' East 1,288.00 feet; thence North 00°00' 280 feet to the point of beginning; thence North 00°00' 21 feet; thence North 90°00' West 390 feet; thence South 00°00' 21 feet; thence North 90°00' East 390 feet to the point of beginning and except "Tract C": Commencing at the Southwest Corner of the Northeast ¼ of said Section 19, thence North 90°00' East 788 feet to the point of beginning; thence continuing North 90°00' East 190 feet; thence North 00°00' 280 feet; thence North 90°00' West 80 feet; thence southwesterly to the point of beginning; and except: Parcel "B" located in the Southeast ¼ of the Northeast ¼ of Fractional Section 19, Township 17 North, Range 28 West of the 5th P.M., Madison County, Iowa as shown in Plat of Survey filed in Book 3 at Page 316 on August 21, 1998, in the office of the Recorder of Madison County, Iowa; and except: Commencing at the Northeast Corner of said Section 19, thence South 90°00'00" West 964.85 feet along the North Line of said Section 19 to the point of beginning; thence South 00°00'00" 443.71 feet; thence South 90°00'00" West 294.52 feet, thence North 00°00'00" 443.71 feet to the North line of said Section 19, thence North 90°00'00" East 294.52 feet along said North line to the point of beginning.
2. Parcel 'A' located in the Northwest Quarter of the Northwest Quarter of Section 33, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa,

more particularly described as follows: Commencing at the Northwest corner of Section 33, Township 76 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence along the North line of said Section 33, North 90°00'00" East 365.22 feet to the Point of Beginning, thence, continuing along said North line, North 90°00'00" East 273.00 feet; thence South 00°00'00" West 478.68 feet; thence South 90°00'00" West 273.00 feet; thence North 00°00'00" East 478.68 feet to the Point of Beginning. Said Parcel "A" contains 3.000 acres, including 0.313 acres of county road right-of-way.

- 3. Parcel 'B' located in the Northwest Quarter of the Northwest Quarter of Section 33, Township 76 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows: Beginning at the Northwest corner of Section 33, Township 76 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa, thence North 90°00'00" East 365.22 feet along the North line of the Northwest Quarter of said Section 33; thence South 00°00'00" West 478.68 feet; thence North 90°00'00" West 362.92 feet to the West line of the Northwest Quarter of said Section 33; thence North 00°16'30" West 478.69 feet to the Point of Beginning containing 4.000 acres including 0.748 acres of county road right-of-way.
- 4. The Southeast Quarter (SE ¼) of the Northwest Fractional Quarter (NW ¼) and the East Half (E ½) of the Southwest Fractional Quarter of Section Thirty (30), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

This real estate was transferred to Third Rock, Inc. by a Quit Claim Deed dated June 15, 2000 and recorded in book 142 page 768; book 142 page 770; book 767 recorded July 21, 2000.

Charles L. Smith  
 Charles L. Smith, Trustee  
 IS9999916  
 TELPNER, PETERSON, SMITH, RUESCH  
 & THOMAS  
 25 Main Place, Suite 200 - P.O. Box 248  
 Council Bluffs, IA 51502-0248  
 Telephone: (712) 325-9000  
 Facsimile: (712) 328-1946

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2002.

Nicole Engelhardt  
 Notary Public

