

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

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

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RECORDED	✓
COMPARED	✓

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 no longer claim an interest in the following described properties in Madison County, Iowa, to-wit:

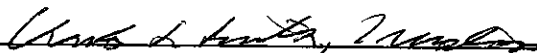
1. The Northeast ¼ of Section 19, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa; except "Tract A": Commencing at the Southwest Corner of the Northeast ¼ of said Section 19; thence North 90°00' East 978.00 feet along the Quarter Section Line to the point of beginning; thence continuing 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 $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 5th 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 5th 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 5th 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 $\frac{1}{4}$) of the Northwest Fractional Quarter (NW $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Southwest Fractional Quarter of Section Thirty (30), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

Further, this is to advise that I had filed an adversary proceeding against Third Rock, Adversary Proceeding No. 03-30059 in the aforesaid bankruptcy proceeding. In an attempt to settle that dispute, the aforesaid real estate was transferred to me by a Quit Claim Deed from Third Rock, Inc. That transfer was subsequently challenged in Adversary Proceeding No. 05-30018 which was consolidated for trial with Adversary Proceeding No. 03-30026 and Adversary Proceeding No. 03-30062.

All of the aforesaid adversary proceedings have now been settled, with court approval, and I have executed Quit Claim Deeds on the aforesaid real estate to Third Rock, Inc.


Charles L. Smith, Trustee IS9999916
TELPNER, PETERSON, SMITH, RUESCH, THOMAS & SIMPSON
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 16th day of June, 2005.


Notary Public

