

WHEN RECORDED RETURN TO:  
William R. Clark, Jr.  
1800 Financial Center  
Des Moines, IA 50309-3911

REC: 10<sup>00</sup>  
AUD: 1  
R.M.F. \$ 1

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BOOK 45 PAGE 600  
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COMPUTER   
RECORDED   
COMPALED

MICHELLE UTSELL  
RECORDER  
MADISON COUNTY, IOWA

Prepared by: William R. Clark, Jr., 1800 Financial Center  
Des Moines, IA 50309-3911 (515) 282-8150

STATE OF IOWA )  
                  ) SS  
COUNTY OF POLK )

I, WILLIAM R. CLARK, JR., after first being duly sworn upon oath do depose and state that I am a licensed practicing attorney in Des Moines, Iowa, with the law firm of Herrick, Langdon & Langdon, 1800 Financial Center, Des Moines, Iowa.

That I am familiar with Thomas A. Pike and Joanne Pike, husband and wife, who own the following-described real estate located in Madison County, Iowa, to-wit:

The Northwest Quarter (1/4) and the West Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-two (22), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 3, Page 395 on February 24, 1999, in the Office of the Recorder of Madison County, Iowa, AND Parcel "A", located in the North Half (1/2) of the Southwest Quarter (1/4) and the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-two (22), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 3, Page 394 on February 24, 1999 in the Office of the Recorder of Madison County, Iowa.

That all or a portion of the above-described real estate was formerly owned by Curtis Howell and Della A. Howell, husband and wife, and his heirs, by virtue of a bequest under the Last Will and Testament of Lanson Howell dated June 9, 1917 and admitted to probate in Madison County, Iowa District Court as Probate No. 2631.

That on November 10, 1972, Curtis Howell and Della A. Howell, husband and wife; Curtis Howell, Jr. and Betty L. Howell, husband and wife; Phyllis D. Wittrup and Norman R. Wittrup, wife and husband; Rose Ann Schmaltz and Eugene A. Schmaltz, wife and husband; Ida Mae Erickson and Floyd Erickson, wife and husband; Jane Wittrup, single; Gwenda Schmaltz, single; Philip Erickson and Linda Erickson, husband and wife; Stacy Howell, single; Mark Wittrup, single; Julie Schmaltz, single; Susan Howell, single; Diana Schmaltz, single; and Todd Schmaltz, single, as Sellers, entered into a contract to sell a portion of the above-described real estate to Donald H. Zarley, said contract being filed of record on January 12, 1973, in Deed Record 102, Page 681 of the Records of the Madison County, Iowa Recorder. That at the time of the execution of the contract to Donald H. Zarley, the contract sellers also executed a Warranty Deed conveying the property to the purchaser, to be held in escrow. After final payment under the terms of the real estate contract, the warranty deed was delivered to the purchaser and subsequently recorded in Deed Record 109, Page 100 of the Records of the Madison County, Iowa Recorder.



That on or about April 28, 1978, Donald H. Zarley entered into an Assignment of Contract in which he assigned all of his interest as contract purchaser in the aforementioned contract with Curtis W. Howell, his wife and their heirs, to the Small Business Administration, said Assignment being recorded May 1, 1978 in Book 107, Page 720 of the Deed Records of Madison County, Iowa. That the Assignment stated in part:

"In order to induce the Small Business Administration to make a loan to the undersigned, and to provide security, in part, therefor, the undersigned borrowers do hereby assign all their right, title and interest in and to a certain real estate contract and agree that upon fulfilling the terms of purchase of the sale contract and acquiring of a deed thereto they will execute a real estate mortgage to the assignee as additional collateral security for the payment of the note secured by the assignment."

That on the same date, April 28, 1978, Donald Zarley and his wife executed a mortgage conveying the same property described in the Assignment of Contract and the contract with the Howells, to the Small Business Administration, said mortgage being dated April 28, 1978, recorded May 1, 1978, in Mortgage Records Book 129, Page 60 of the Madison County, Iowa Recorder. That the aforementioned mortgage was released by the Small Business Administration by Release dated June 26, 1979, recorded June 27, 1979 in Mortgage Release Book 131, Page 601 and recites that it is releasing a certain mortgage dated April 28, 1978 and recorded in the records of the Office of the Recorder of Madison County, Iowa, in Book 129 of the Mortgage Records, Page 60 on May 1, 1978. That as a result of releasing the aforementioned mortgage, any interest which the Small Business Administration had in the above-described real estate by virtue of the aforementioned Assignment of Contract terminated.

That the undersigned affiant knows of his own personal knowledge that at the time the escrowed deed from Curtis Howell and Della Howell and their heirs, dated November 10, 1972, was delivered to Donald Zarley, that said deed was delivered in complete fulfillment of the contract between the Howells and Donald H. Zarley recorded January 12, 1973 in Deed Record 102, Page 681. That the Assignment of Contract of April 28, 1978, recorded May 1, 1978, in Book 107, Page 720 of the Deed Records of Madison County, Iowa, and the mortgage to the Small Business Administration executed the same date, April 28, 1978, recorded May 1, 1978 in Mortgage Records Book 129, Page 60, were part of the same transaction and that the assignment of the real estate contract was for collateral security purposes only, and that the Small Business Administration did not acquire an equitable interest in the real estate by virtue of the Assignment of the contract and that when the Small Business Administration released the mortgage dated April 28, 1978, recorded May 1, 1978 in Book 129, Page 60 by Mortgage Release dated June 26, 1979 and recorded June 27, 1979 in Mortgage Release Book 131, Page 601, it was a release of the mortgage referred to and a termination of the Assignment and that the note secured by the Assignment and Mortgage has been paid in full.

This Affidavit is given for the purpose of removing an apparent cloud upon the title to the above-described real estate.

Dated this 19<sup>th</sup> day of March, 1999.

William R. Clark

Subscribed and sworn to before me this 19<sup>th</sup> day of March, 1999.

Susan Webb  
Notary Public in and for the State of Iowa

