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BOOK 43 PAGE 888

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REC. SL
A.M.F. SL

RACHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

John E. Casper, 223 East Court, Winterset, IA 50273-0067 (515) 462-4912

AFFIDAVIT

STATE OF IOWA)
) SS
POLK COUNTY)

We, Jeanne S. Jennings and Richard D. Petersen, being first duly sworn and under oath state of our personal knowledge that:

We are the co-trustees under the trust dated February 22, 1963, to which the following described real estate was conveyed to the trustee by Warranty Deed pursuant to an instrument recorded on the 30th day of May, 1985, recorded in the office of the Madison County Recorder on July 22, 1985 in Deed Record Book 120 at Page 62. The affiants are well and truly acquainted with the chain of title for the real estate legally described as:

The South Half (1/2) of the Southwest Quarter (1/4) of Section Thirteen (13) and the North Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-four (24), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and the South 25 feet of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa. Grantor further conveys the Grantee all right, title and interest in and to the following described easement: An easement for road purposes to the Grantee herein, their heirs, and assigns, over and across the following-described real estate, to-wit: The South 30 feet of all that part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., which lies East of the East line of the public highway running North and South through said 40 acre tract and also across the following-described tract, to-wit: Commencing at the Southwest corner of the North Half (1/2) of the Southwest Quarter (1/4) of Section Thirteen (13), Township Seventy-five (75) North, Range Twenty-eight (28), running thence N. 30 feet, thence in a Southeasterly direction

to a point 30 feet East of the place of beginning, thence West to the place of beginning; all rights granted under the foregoing easements are to terminate and shall no longer exist if said right of way is not used for road purposes over a period of two (2) years and the Buyer and all subsequent owners shall construct, repair and maintain all fences required for the use of said easement.

We are the presently existing co-trustees under the trust and are authorized to convey this real estate to Paul Steven Jennings in distribution from the Trust, without any limitation or qualification whatsoever.

The Trust is in existence and we as co-trustees are authorized to transfer the interests in the real estate as described above free and clear of any adverse claims.

The affiants are well and truly acquainted with Paul Steven Jennings. The parents of Paul Steven Jennings are Ralph Lee Jennings and Jeanne S. Jennings. The grandparents of Paul Steven Jennings are W. A. Jennings and Lillian Witt Jennings. The affiant Jeanne S. Jennings has four (4) children born to or adopted by Ralph Lee Jennings and Jeanne S. Jennings who are Diane Marie Jennings, born January 13, 1961; Cindy Louise Jennings, born May 23, 1957; Susan Ann Jennings, born November 18, 1965; and, Paul Steven Jennings, born November 20, 1963. In about February, 1963, W. A. Jennings and Lillian Witt Jennings created four (4) separate intervivos trusts which trusts were known as the Diane Marie Jennings First Trust, the Cindy Louise Jennings First Trust, the Susan Ann Jennings First Trust and the Paul Steven Jennings First Trust. Each trust instrument provided that the primary beneficiary of these trusts was the grandchild for whom the trust was named and that the trust would continue until that child attained the age of thirty-five (35) years when the final trust distribution was to be made. The trust instrument in each of these four (4) trusts provided that Ralph Lee Jennings was to be the original trustee and Ralph Lee Jennings served in this capacity until his death on February 18, 1988.

Article XI, Section 1, of each of these First Trusts provides, among other things, the following:

Ralph Lee Jennings is hereby constituted the "original trustee" and upon the death, resignation, removal or inability to act of said original trustee, Jeanne Carol Jennings, mother of the primary beneficiary, shall become a co-trustee hereunder, and shall as her co-trustee select a bank in Des Moines, Iowa, which is a member of the Federal Reserve System. Such co-trustee shall have all the rights, powers, authorities, duties and obligations herein conferred and imposed upon the trustees, and the trust property shall vest in said trustees, as co-trustees, upon their acceptance without any conveyance or transfer thereof.

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In November, 1988, an Application For Order Appointing Trustees of these First Trusts was filed with the Iowa District Court for Polk County by Jeanne S. Jennings as the applicant and asking that the Court approve the appointment of Jeanne S. Jennings also known as Jeanne Carol Jennings, and Richard D. Petersen as the co-trustees of each of these four (4) trusts. The Order further waived any requirement that these Trusts file further reports with the Court. Jeanne Carol Jennings and Richard D. Petersen continue to serve as the co-trustees of each of these four (4) Trusts with the powers and authorities as provided by the respective governing instrument. A copy of this Application and Order are attached to this Affidavit as Exhibits "A" and "B" respectively.

Article II of these Trust instruments provide as follows:

The Trust property shall comprise the property above described and any other property which may hereafter be definitely brought within the terms of this Trust by gift, assignment, conveyance, transfer, purchase or otherwise from any person whatsoever; and all substitutions for any of said property, which may be made by said Trustees under the powers herein conferred, and the income to arise from all of the above.

Article VIII, Section 1, subparagraph d of these Trust instruments provide as follows:

d. Manage, sell, pledge, mortgage, exchange, convert or otherwise dispose of, make executory contracts with respect to, or grant options with respect to, all or any of the Trust Estate or Trust Property, in such manner, at such time or times, for such purposes, for such prices, and upon such terms, credits and conditions as they may deem advisable.

Article VIII, Section 1, subparagraph m, of these Trust instruments provide as follows:

m. Make any division or distribution in kind, or in money, or partly in each, or by way of undivided interests, even if shares be composed differently; and for such purposes, value any property allotted, divided or distributed.

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Article VIII, Section 1, subparagraph p of these Trust instruments provide as follows:

p. Execute and deliver any and all instruments in writing deemed advisable to carry out any of the foregoing powers. No person shall be held responsible for the application of any money or property loaned, advanced, paid or transferred to a Trustee.

Article VIII, Section 3, of these Trust instruments provide as follows:

Section 3. Whenever there be more than one Trustee of any Trust, the action of a majority of the Trustees shall be sufficient to bind a Trust and to make effective any act or decision of the whole body of Trustees.

Article V, Section 1, of these Trust instruments provide as follows:

When Primary Beneficiary attains the age of thirty-five (35) years, the Trustee shall transfer and pay over all of the Trust property then in his hands to Primary Beneficiary free and discharged of any trust.

Wherever the names Jeanne S. Jennings and Jeanne Carol Jennings appear in the chain of title to the above described real estate, they refer to one and the same person.

Further the affiant sayeth not.

Richard D. Petersen
Richard D. Petersen

Jeanne S. Jennings
Jeanne S. Jennings

Subscribed and sworn to before me, on this 31st day of December, 1996.

William H. Brenton, Jr. Notary Public



COPY

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

Exhibit A

IN THE MATTER OF THE)	
SUSAN ANN JENNINGS FIRST TRUST,)	APPLICATION FOR ORDER
CINDY LOUISE JENNINGS FIRST TRUST,)	APPOINTING TRUSTEES OF
DIANE MARIE JENNINGS FIRST TRUST, and)	FIRST TRUSTS
PAUL STEVEN JENNINGS FIRST TRUST)	

COMES NOW Jeanne S. Jennings, also known as Jeanne Carol Jennings, the surviving spouse of Ralph L. Jennings and executor of the estate of Ralph L. Jennings, deceased, and respectfully states to the Court:

1. That at the time of his death, Ralph L. Jennings, also known as Ralph Lee Jennings, was the duly qualified and acting trustee of the Susan Ann Jennings First Trust dated February 22, 1963; the Cindy Louise Jennings First Trust dated February 22, 1963; the Diane Marie Jennings First Trust dated February 22, 1963; and the Paul Steven Jennings First Trust dated December 1, 1963, (collectively referred to as the "First Trusts") wherein W. A. Jennings of Des Moines, Iowa, was the trustor, and Ralph Lee Jennings of Des Moines, Iowa, was the designated trustee. Each First Trust provides for an accumulation of income and a payment of the accumulated income and principal to the primary beneficiary at age 35. The primary beneficiary and age of that beneficiary for each First Trust are as follows:

1. Susan Ann Jennings First Trust;
Susan Ann Jennings Sharp, age 32
2. Cindy Louise Jennings First Trust;
Cindy Louise Jennings Greving, age 30
3. Diane Marie Jennings First Trust;
Diane Marie Jennings Horrie, age 27
4. Paul Steven Jennings First Trust;
Paul Steven Jennings, age 24

Ralph Lee Jennings died on February 18, 1968. Article VI, Section 1, of each of said First Trusts provides, among other things, the following:

"Ralph Lee Jennings is hereby constituted the 'Original Trustee' and upon the death, resignation, removal or inability to act as said Original Trustee, Jeanne Carol Jennings, mother of the primary beneficiary, shall become a Co-Trustee hereunder and shall as her Co-Trustee select a bank in Des Moines, Iowa, which is a member of the Federal Reserve System."

2. This applicant believes it is in the best interest of the First Trusts that an individual with personal knowledge of the assets of the First Trusts be appointed as a co-trustee with Jeanne Carol Jennings in lieu of a bank, and requests that the Court take jurisdiction of the First Trusts for this issue only.

3. Richard D. Peterson is a duly qualified person to serve as a co-trustee of each of the First Trusts with the applicant, and, therefore, this applicant requests this Court appoint Richard D. Peterson as a co-trustee to serve with her as a co-trustee of the Susan Ann Jennings First Trust, Cindy Louise Jennings First Trust, Diane Marie Jennings First Trust and the Paul Steven Jennings First Trust. The primary beneficiary of each of the First Trusts concurs and joins in the request that Richard D. Peterson be appointed a co-trustee of their respective First Trust, rather than a bank as provided in Article VI, Section 1, of the First Trusts.

4. Article VI, Section 3, of the First Trusts provides that Jeanne Carol Jennings shall not be required to furnish a bond as a trustee, and, therefore, this applicant requests that a bond be waived for the co-trustees of the First Trusts.

5. Article VII, Section 5, of the First Trusts provides that no trustee shall be required to qualify with any court or make reports or accountings to any court, and, therefore, this applicant requests that upon the Court issuing the order requested herein the Court order that no further reporting to the Court is required.

WHEREFORE, this applicant prays that this Court enter an order appointing Richard D. Peterson to serve as co-trustee with Jeanne Carol Jennings, in lieu of a bank as provided in Article VI, Section 1, of the following First Trusts: Susan Ann Jennings

First Trust, Cindy Louise Jennings First Trust, Diane Marie Jennings First Trust, and Paul Steven Jennings First Trust; that a bond for the co-trustees of the First Trusts be waived, and that no further reporting to the Court by the co-trustees of the First Trusts is required.

Dated this 9 day of September, 1988.

STATE OF IOWA)
) SS:
COUNTY OF FOLK)

Jeanne S. Jennings
Jeanne S. Jennings, Applicant

I, Jeanne S. Jennings, being first duly sworn upon oath, depose and state that I am the applicant herein that I have read the above and foregoing Application for Order Appointing Trustee of First Trusts and the statements therein contained are true and correct as I verily believe.

Jeanne S. Jennings
Jeanne S. Jennings, Applicant

Subscribed and sworn to before me, a Notary Public in and for said county and state, by Jeanne S. Jennings on this 9th day of Sept, 1988.



Scott Petersen
Notary Public in and for the State of Iowa

The undersigned, being the primary beneficiaries of the aforementioned First Trusts, hereby join in this Application for Order Appointing Trustees of the First Trusts.

DATE

9-8-88

Mrs. Susan Ann Jennings Sharp
Susan Ann Jennings Sharp, Primary Beneficiary of the Susan Ann Jennings First Trust dated February 22, 1963.

15 September 1988

Cindy Louise Jennings Grawing
Cindy Louise Jennings Grawing, Primary Beneficiary of the Cindy Louise Jennings First Trust dated February 22, 1963.

9/9/88

Diane Marie Jennings Norris
Diane Marie Jennings Norris, Primary Beneficiary of the Diane Marie Jennings First Trust dated February 22, 1963.

SEPTEMBER 13th, 1988

Paul Steven Jennings
Paul Steven Jennings, Primary Beneficiary of the Paul Steven Jennings First Trust dated December 1, 1963.

First Trust, Cindy Louise Jennings First Trust, Diane Marie Jennings First Trust, and Paul Steven Jennings First Trust; that a bond for the co-trustees of the First Trusts be waived; and that no further reporting to the Court by the co-trustees of the First Trusts is required.

Dated this 9 day of September, 1988.

STATE OF IOWA)
COUNTY OF POLK)

Jeanne S. Jennings
Jeanne S. Jennings, Applicant

SS:

I, Jeanne S. Jennings, being first duly sworn upon oath, depose and state that I am the applicant herein that I have read the above and foregoing Application for Order Appointing Trustees of First Trusts and the statements therein contained are true and correct as I verily believe.

Jeanne S. Jennings
Jeanne S. Jennings, Applicant

Subscribed and sworn to before me, a Notary Public in and for said county and state, by Jeanne S. Jennings on this 9th day of Sept, 1988.



Scott Petersen
Notary Public in and for the State of Iowa

The undersigned, being the primary beneficiaries of the aforementioned First Trusts, hereby join in this Application for Order Appointing Trustees of the First Trusts.

DATE

9-8-88

Mrs. Susan Ann Jennings Sharp
Susan Ann Jennings Sharp, Primary Beneficiary of the Susan Ann Jennings First Trust dated February 22, 1963.

15 September 1988

Cindy Louise Jennings Greving
Cindy Louise Jennings Greving, Primary Beneficiary of the Cindy Louise Jennings First Trust dated February 22, 1963.

9/9/88

Diane Marie Jennings Noles
Diane Marie Jennings Noles, Primary Beneficiary of the Diane Marie Jennings First Trust dated February 22, 1963.

SEPTEMBER 13th, 1988

Paul Steven Jennings
Paul Steven Jennings, Primary Beneficiary of the Paul Steven Jennings First Trust dated December 1, 1963.

J.39/27-29

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IN IOWA DISTRICT COURT FOR POLK COUNTY

COPY

IN THE MATTER OF ¹⁹⁵⁶ ~~1955~~ ~~NOV 10 PM 7:55~~
 SUSAN ANN JENNINGS FIRST TRUST,
 CLUDY LOUISE JENNINGS (CLARK) TRUST,
 DIANE MARIE JENNINGS FIRST TRUST, and
 PAUL STEVEN JENNINGS FIRST TRUST

Exhibit B
 ORDER APPOINTING
 TRUSTEES OF FIRST
 TRUSTS AND RELEASING
 JURISDICTION

J. P. No. 21511

NOW on the 3rd day of November, 1966, this matter comes on for hearing upon the Application for Order Appointing Trustees of Susan Ann Jennings First Trust, dated February 22, 1963; Cludy Louise Jennings First Trust, dated February 22, 1963; Diane Marie Jennings First Trust, dated February 22, 1963; and Paul Steven Jennings First Trust dated December 1, 1963 (collectively referred to as the "First Trusts"), and the Application Requesting the Court take Jurisdiction, filed herein by Jeanne S. Jennings, and the Court taking Jurisdiction of this matter for this issue only, the matter proceeded to hearing. The Court, having read the Application, inspected the record, heard the evidence and being fully advised in the premises, FINDS:

That the statements of the applicant in the application are true and supported by the evidence.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That Richard D. Peterson is hereby appointed to serve as co-trustee with Jeanne Carol Jennings of the Susan Ann Jennings First Trust, dated February 22, 1963; the Cludy Louise Jennings First Trust, dated February 22, 1963; the Diane Marie Jennings First Trust, dated February 22, 1963; and the Paul Steven Jennings First Trust, dated December 1, 1963; and bond for the co-trustees of the First Trusts is hereby waived.

2. That further reporting to this Court by the co-trustees of the first trusts is hereby waived.

15901520

J. That the Court hereby releases jurisdiction over the First Trusts.

[Handwritten Signature]
PROBATE DEPARTMENT, FIFTH JUDICIAL DISTRICT OF IOWA
Judge

Copies to:
Michael G. Ruffik
2300 Financial Center
Des Moines, Iowa 50309

[Handwritten]
11-2-87
J. J. West

CLERK OF DISTRICT COURT
I, Jerry L. West, Clerk of the District Court of the State of Iowa, do hereby certify that this is a true and correct copy of the Original Instrument of the First Trusts of the DEEDS BOOK 10000, Page 10000, of the State of Iowa, Iowa Des Moines, Iowa this 11th day of November, 1987.
JERRY L. WEST
Clerk of the District Court
By *[Signature]* Deputy

J. J9/31-32

15081529

THE IOWA STATE BAR ASSOCIATION
Official Form No. 154

ISBA # 02714

Jordan, Oliver & Walters, P.C.
Box 230, Winterset, IA 50273 (515/462-3731)

FILED NO. 2552

BOOK 43 PAGE 898

97 MAR 25 PM 4:03

MICHELLE LESBERG
RECORDER
MADISON COUNTY, IOWA

STATE OF IOWA, COUNTY OF MADISON, ss:
The undersigned Recorder in and for said County in the State aforesaid hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said affidavit as shown by the records.

[Signature]
Recorder

COMPUTER RECORDED
COMPARED

Preparer Information Lewis H. Jordan P.O. Box 230 Winterset 515/462-3731
Individual's Name Street Address City Phone

SPACE ABOVE THIS LINE FOR RECORDER

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN: STATE OF IOWA, MADISON COUNTY, ss:

The undersigned first being duly sworn ~~affirmed~~ upon oath deposes and states:

That William O. Dippold and Beverly I. Dippold, Husband and Wife,

are now the record titleholders of the following described real estate situated in Madison County, to-wit:

See Description Attached Hereto

That said William O. Dippold and Beverly I. Dippold are now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession; and is for the purpose of confirming title to the above described real estate under the provisions of Section 614.17, Code of Iowa, and other statutes relative thereto.

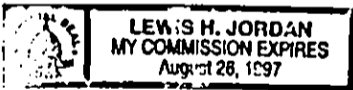
Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 20 day of March, 19 97.

[Signature]
William O. Dippold, Affiant

Subscribed in my presence and sworn to ~~affirmed~~ before me by the said affiant this 20 day of March, 19 97.

[Signature]
Lewis H. Jordan, Notary Public
in and for the State of Iowa



● **POWER OF ATTORNEY**

The undersigned, owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the County Recorder of the County wherein said land is situated as the authorized attorney in fact to file same.

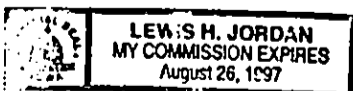
[Signature]
William O. Dippold, Owner in Possession

[Signature]
Beverly I. Dippold, Owner in Possession

If the Power of Attorney is granted by a Corporation attach corporate acknowledgment (Official Form No. 12.)

STATE OF IOWA, MADISON COUNTY, ss:

On this 20th day of March, 19 97, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William O. Dippold and Beverly, to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



[Signature]
Lewis H. Jordan, Notary Public
in and for the State of Iowa

● The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

DIPPOLD REAL ESTATE DESCRIPTION

Parcel "C", located in the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Fifteen (15), and the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Sixteen (16), all in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more particularly described as follows: Beginning at the Northwest corner of Section Fifteen (15), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence North $83^{\circ}56'58''$ East along the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Fifteen (15), 1309.00 feet to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Fifteen (15), thence South $0^{\circ}16'42''$ East along the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Fifteen (15), 2640.68 feet to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Fifteen (15); thence South $84^{\circ}02'48''$ West along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Fifteen (15), 1327.15 feet to the West Quarter Corner of said Section Fifteen (15); thence South $84^{\circ}07'16''$ West along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, 1323.09 feet to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Sixteen (16); thence North $0^{\circ}02'36''$ East along the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Sixteen (16), 1652.50 feet to a point in an existing fenceline; thence North $89^{\circ}03'16''$ East along an existing fenceline, 703.36 feet; thence North $5^{\circ}11'47''$ West along an existing fenceline, 1044.79 feet to a point on the North line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Sixteen (16); thence North $84^{\circ}17'00''$ East 715.26 feet to the Point of Beginning. Said Parcel contains 144.064 acres, including 1.533 acres of County Road Right of Way

