

ENTERED FOR TAXATION:

THIS 2 DAY OF Mar 1987

AUDITORS FEE \$ 5.00

Jan Ouy
AUDITOR
P. Speas
DEPUTY AUDITOR

FILED NO. 1709
BOOK 122 PAGE 735

1987 MAR -2 PM 12:09

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$20.00
Transfer \$5.00

TRUSTEE'S DEED

This indenture, made this 2nd day of March, 1987, by and between David A. Erickson, the duly authorized Trustee of the Estate of Marion Alfred Perin and Shirley Ann Perin, Debtors, party of the first part, and Dean A. Fitzgarrald and Phyllis J. Fitzgarrald, as joint tenants with full right of survivorship and not as tenants in common, party of the second part, witnesseth:

Whereas, the said Marion Alfred Perin and Shirley Ann Perin were duly adjudged bankrupts by the U. S. Bankruptcy Court, Southern District of Iowa upon a Petition filed by them in said Court on March 8, 1985; and

Whereas, the party of the first part, Trustee as aforesaid, by virtue of the power to him granted by said Court on the 23rd day of December, 1986, has sold all the right, title and interest of the Debtors in the real estate hereinafter described, at private sale, to the party of the second part, upon notice to all creditors and parties in interest, and that said sale has been duly approved by said Court.

Now, therefore, by virtue of and in execution of the power to him granted by said Court and of every other power and authority to him hereto enabling, and in consideration of the sum of one dollar and other good and valuable consideration to him paid by the party of the second part, the receipt and sufficiency thereof being hereby acknowledged, the party of the first part as such Trustee does hereby grant, bargain, sell and convey unto the party of the second part all the right, title and interest in and to said real estate which the Debtor had on the date of the commencement of the proceedings in said bankruptcy in and to that parcel of land legally described as:

The Northeast Quarter ($\frac{1}{4}$) and the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

and

Northwest Quarter (NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of the NW $\frac{1}{4}$ of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$ 395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' west 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line of said NW $\frac{1}{4}$; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW $\frac{1}{4}$, 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional $\frac{1}{4}$ of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

Beginning at the N.W. corner of the N.W. fractional $\frac{1}{4}$ of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional $\frac{1}{4}$ of said Section 31, 773.00 feet; thence, S00°00'00"E,

413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence, N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.

to have and to hold the same, with all the privileges and appurtenances thereunto belonging, to the parties of the second part and their heirs, successors and assigns forever.

In witness whereof, the party of the first part, Trustee as aforesaid, hereby deeds to the party of the second part all right, title and interest in and to the real estate set out above.



David A. Erickson
Trustee in bankruptcy for
Marion Alfred Perin and
Shirley Ann Perin
Debtors, and not individually
300 Century Building
2700 Westown Parkway
West Des Moines, IA 50265
(515) 225-1100

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STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 2nd day of March, 1987 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David A. Erickson, as Trustee in the bankruptcy of Marion Alfred Perin and Shirley Ann Perin, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Jane Pitts
Notary Public in and for the State of Iowa