



Document 2010 233

Book 2010 Page 233 Type 06 009 Pages 4

Date 2/02/2010 Time 10:28 AM

Rec Amt \$24.00

INDX ✓
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

TRUSTEE AFFIDAVIT
THE IOWA STATE BAR ASSOCIATION
Official Form No. 114
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

James E. McCarthy
Parker Simons McNeill PLC
5400 University Ave
West Des Moines IA 50266
Phone 515-226-6123

Taxpayer Information: (name and complete address)

Jerry D. Burger
29335 Ashworth Road
Adel IA 50003

✓ **Return Document To:** (name and complete address)

James E. McCarthy
Parker Simons McNeill PLC
5400 University Ave
West Des Moines IA 50266

Grantor:

The Harvey D. Burger Family Trust Dated July 10, 1995

Grantee:

Jerry D. Burger
29335 Ashworth Road
Adel IA 50003

Legal Description: See page 2

Document or instrument number of previously recorded documents:

Preparer Info: James E. McCarthy, 5400 University Ave, West Des Moines IA 50266 Phone # 515-226-6123

TRUSTEES AFFIDAVIT

The undersigned CURTIS E. BURGER, CRIS A. BURGER, JACQUELINE BURGER CARPENTER and JERRY D. BURGER, as Trustees of the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995, being first duly sworn under oath, states of personal knowledge that:

1. We are the named successor and alternate Trustees of the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995. Harvey D. Burger, Grantor and initial Trustee, died on January 3, 2000. Geneva J. Burger, an initial successor co-Trustee, died on February 4, 2008. The property described below was conveyed to the Trustees of the Harvey D. Burger Revocable Trust dated July 10, 1995 by Geneva J. Burger, as Executor of the Estate of Harvey D. Burger, Polk County Probate No ESPR #46259, pursuant to Court Officer Deed recorded December 21, 2001, in the office of the Madison County Recorder at Book 2001, page 5779.

SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION OF Earlham Farm in Madison County, Iowa attached hereto and by this reference made a part hereof.

2. We are presently the existing Trustees of the HARVEY D. BURGER FAMILY TRUST dated July 10, 1995, and now have legal authority to act on behalf of the HARVEY D. BURGER FAMILY TRUST and are authorized to transfer the above referenced property to Jerry D. Burger, a married person, without any limitation or qualification whatsoever.

3. The Trust is in existence and we, as Trustees, are authorized to transfer the interest in the real estate as described on the attached legal description, free and clear of any adverse claims.

4. The Grantor of the Trust, Harvey D. Burger, is now deceased. Therefore, the Trust is now irrevocable; none of the Trust beneficiaries are deceased.

The Harvey D. Burger Family Trust Dated July 10, 1995

Curtis E. Burger
Curtis E. Burger, as Trustee of the above-entitled Trust

Dated the 27th day of January, 2010.

Cris A. Burger
Cris A. Burger, as Trustee of the above-entitled Trust

Dated the 25 day of January, 2010.

Jacqueline Burger Carpenter
Jacqueline Burger Carpenter, as Trustee of the above-entitled Trust

Dated the 28 day of January, 2010.

Jerry D. Burger
Jerry D. Burger, as Trustee of the above-entitled Trust

Dated the 8 day of January, 2010.

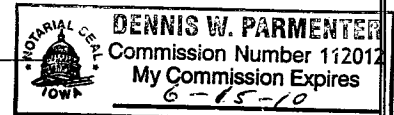
Preparer Information: James E. McCarthy, 5400 University Ave, West Des Moines IA 50266 Phone # 515-226-6123

**TRUSTEE AFFIDAVIT
NOTARY ACKNOWLEDGMENTS**

STATE OF IOWA, COUNTY OF STORY SS:

This instrument was acknowledged before me by Curtis E. Burger, as one of the Trustees of the above-entitled Trust on the 27th day of January, 2010.

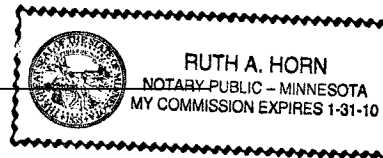
Dennis W. Parmenter
Notary Public, State of Iowa



STATE OF Minnesota, COUNTY OF Hennepin SS:

This instrument was acknowledged before me by Cris A. Burger, as one of the Trustees of the above-entitled Trust on the 25 day of January, 2010.

Ruth A. Horn
Notary Public, State of Minnesota



STATE OF MISSOURI, COUNTY OF ST. LOUIS SS:

This instrument was acknowledged before me by Jacqueline Burger Carpenter, as one of the Trustees of the above-entitled Trust on the 28 day of January, 2010.

Angela Sebben
Notary Public, State of MISSOURI

ANGELA SEBBEN
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: February 13, 2012
Commission Number: 08484086

STATE OF IOWA, COUNTY OF _____ SS:

This instrument was acknowledged before me by Jerry D. Burger, as one of the Trustees of the above-entitled Trust on the 8 day of January, 2010.

James E. McCarthy
Notary Public, State of Iowa



Ex A - Legal Description Earlham Farm, Madison County, Iowa

The South Fractional Half of the Northwest Quarter (S fr. $\frac{1}{2}$ of NW $\frac{1}{4}$); and the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) all in Section 6, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, *EXCEPT* Parcel "A" located in the Southeast Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$), and in the Northeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) and in the Northwest Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section 6, containing 8.787 acres, as shown in Plat of Survey filed in Book 2, page 492 on August 2, 1994 in the Office of the Recorder of Madison County, Iowa.