



Document 2010 3408

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INDX ✓
ANNO ✓
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CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

✓ Preparer: When recorded, Return to: Brett T. Osborn, 974 - 73rd Street, Suite 20, Windsor Heights, IA 50324 (515) 223-6000

**AFFIDAVIT EXPLANATORY OF TITLE
PURSUANT TO IOWA CODE §558.8**

STATE OF IOWA, COUNTY OF POLK: ss

I/we, Michael D. Fisher and Phrana Fisher, being first duly sworn on oath, depose and state as follows:

1. We are the Co-Trustees of the Michael and Phrana Fisher Family Trust under Trust Agreement dated August 10, 2001, which is the current titleholder of the below described property by virtue of a Quit Claim Deed dated January 15, 2010, executed by us individually to our Trust, filed February 16, 2010, in Book 2010, Page 327, of the Madison County Recorder's Office.

2. The property which is the subject matter of this Affidavit Explanatory of Title is as follows:

All of the North Half (1/2) of the Northwest Quarter (1/4) lying South of Middle River, the Southeast Quarter (1/4) of the Northwest Quarter (1/4), and the Northeast Quarter (1/4) of the Southwest Quarter (1/4), all in Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" located in the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of said Section Thirty-five (35), containing 3.000 acres, as shown in Plat of Survey filed in Book 2008, Page 3000 on October 8, 2008, in the Office of the Recorder of Madison County, Iowa;

3. I/we state that there are no farm tenants of the farm described immediately above and that there have been no farm tenants during the 2010 crop year or any tenancy rights that need to be terminated in connection with this real estate transaction. That Danny J. Allen and Sonia B. Allen will be taking the farm with full right to farm said land in the remaining portion of 2010/2011 crop year. The property is not subject to any rights, title or interest to anyone other than the Trustees of the Trust, being the Michael and Phrana Fisher Family Trust under Trust Agreement dated August 10, 2001.

4. I/we further state that there is no building upon this farm, there is no homestead on the farm nor has there been a homestead on the farm during the term of our ownership, whether individually and/or as Trustees of the Michael and Phrana Fisher Family Trust under Trust Agreement dated August 10, 2001.

5. That I/we are familiar with the chain of title to the above described property and certain probate proceedings in connection with the death of Claude Marvin LeCocq. The Last Will and Testament of Claude Marvin LeCocq indicated that Lela May Sweikert had a right to live in a residence located on the farm in Madison County, Iowa, for up to one year after the date of death of Claude Marvin LeCocq, which occurred on September 22, 2009. I/we know of our own personal knowledge that Lela May Sweikert has been deceased for a number of years and had no possessory rights at the time of the probate of the Last Will and Testament of Claude Marvin LeCocq and all rights, title and interest in the property were adjudicated within said probate proceedings. That we have been in possession of the property since the death of Claude Marvin LeCocq and hereby affirmatively state that title to the property is not encumbered by any possessory rights of Lela May Sweikert and that Danny J. Allen and Sonia B. Allen are taking the property free and clear of any


rights, title and interest of Lela May Sweikert and/or others.

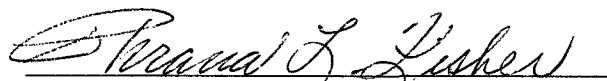
6. I make this Affidavit in explanation of matters which appear within the chain of title to remove any potential cloud upon the title to the real estate described above and is being give to induce Danny J. Allen and Sonia B. Allen to purchase said property and close on the same.

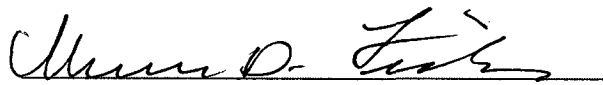
7. This Affidavit is being made pursuant to Iowa Code §558.8 as an Affidavit Explanatory of Title.


Further affiant sayith not.

Dated this 30 day of December, 2010.


MICHAEL D. FISHER, individually


PHRANA L. FISHER, individually


MICHAEL D. FISHER,
Trustee of the Michael and Phrana
Fisher Family Trust under Trust
Agreement dated August 10, 2001


PHRANA L. FISHER,
Trustee of the Michael and Phrana
Fisher Family Trust under Trust
Agreement dated August 10, 2001

On this 30 day of December, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared **Michael D. Fisher and Phrana L. Fisher**, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Lawrence C Watts
Notarial Seal - Iowa
Commission No. 702488
My Commission Expires 3/29/12

Lawrence C Watts
NOTARY PUBLIC - STATE OF IOWA

On this 30 day of December, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael D. Fisher and Phrana Fisher, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that such Trustees of the **Michael and Phrana Fisher Family Trust under Trust Agreement dated August 10, 2001**, executed the same as the voluntary act and deed of such trustees and of such trust.

Lawrence C Watts
Notarial Seal - Iowa
Commission No. 702488
My Commission Expires 3/29/12

Lawrence C Watts
NOTARY PUBLIC