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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

### AFFIDAVIT

#### Recorder's Cover Sheet

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2

**Preparer Information:** (name, address and phone number)

John E. Casper, 223 E. Court Avenue, P.O. Box 67, Winterset, Iowa 50273-0067 (515) 462-4912

**Taxpayer Information:** (name and complete address)

Estate of Alma Elizabeth Lyman, c/o Tim Willcockson, P.O. Box 36445, Des Moines, Iowa 50315

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

John E. Casper, 223 E. Court Avenue, P.O. Box 67, Winterset, Iowa 50273-0067

**Grantors:**

Estate of Alma Elizabeth Lyman

**Grantees:**

**Legal Description:** Page -2-

**Document or instrument number of previously recorded documents:** N/A

## AFFIDAVIT

I, Tim Willcockson, upon being duly sworn, does hereby depose and state:

The Affiant is the duly appointed and acting Executor of the Alma Elizabeth Lyman Estate now pending before the Iowa District Court for Madison County in Probate Cause Number ESPR012297. The Affiant is also an attorney for the Iowa Estate Recovery Program.

The Affiant is well and truly acquainted with the chain of title to the real estate legally described as:

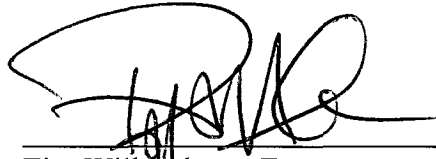
**Lot Two (2) of the Subdivision of Lots Seven (7) and Eight (8) in Valley View Addition to the City of Wintered, Madison County, Iowa.**

The Affiant further states that Alma Elizabeth Lyman (hereafter the decedent) is also known as Alma Elisabeth Lyman and Alma E. Lyman. The decedent owned and occupied the above described real estate as the decedent's homestead from and after on or about March 9, 1988 until the decedent's death on August 4, 2009. The Affiant further states that this real estate at all times material hereto was eligible for, and did receive, a homestead exemption for property taxation purposes from Madison County, Iowa. Under Iowa Code Section 561.16, the above described real estate is exempt from judicial sale.

The Affiant is acquainted with the case of AAA Collections, Inc. vs. Alma Elizabeth Lyman before the Iowa District Court for Madison County in Cause Number SCSC010353 in which judgment was entered on or about August 22, 2001 against this Defendant. This judgment lien does not attach as a lien against the above described real estate. See Baratta vs. Polk County Health Services, Inc., 588 N.W.2nd 107 (Iowa 1999). Also, see House File 2282 amending Iowa Code Section 624.23. Under Iowa Code Section 561.19, the above described real estate shall be exempt from any antecedent debts of the decedent or the antecedent debts of the decedent's issue, except those debts of the decedent contracted prior to the acquisition of the homestead or those debts created under Iowa Code Section 249A.5 relating to the recovery of medical assistance payments. To the knowledge and belief of the Affiant, the aforementioned debt of this decedent was contracted by the decedent after the acquisition of the homestead described above.

Under Iowa Code Sections 633.350 and 633.386, the Affiant as Executor of the decedent's estate has obtained the Court's approval to sell this exempt real estate, which Order was entered in the decedent's estate on or about December 20, 2010. This Court Order approving the exempt real estate sale by the Executor allows the Executor to convey title by Court Officer Deed to this real estate free and clear of any claims, debts or charges of the decedent or the decedent's issue, except for debts created under Iowa Code Section 249A.5 as aforesaid.

Further this Affiant sayeth not.



\_\_\_\_\_  
Tim Willcockson, Executor  
Alma Elizabeth Lyman Estate

STATE OF IOWA, POLK COUNTY, ss:

On this 14<sup>th</sup> day of January, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Tim Willcockson as Executor of the Alma Elizabeth Lyman Estate.

Carolyn R. Whitehead  
Notary Public in and for the State of Iowa

