

FILED NO. 1471
 BOOK 37 PAGE 588

ESTOPPEL AFFIDAVIT

1987 JAN 28 AM 11:55

STATE OF IOWA, CLARKE COUNTY, ss:

MARY E. WELTY
 RECORDER
 MADISON COUNTY, IOWA
 Fee \$10.00

O. Wayne Barr and Gayla J. Barr, husband and wife, and Delbert O. Barr and Daisy A. Barr, husband and wife, being first duly sworn, depose and say:

IND.
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That they are the identical parties who made, executed and delivered that certain deed to the Federal Land Bank of Omaha dated the 27th day of January, 1987, conveying the following described property, to-wit:

The South Half of the Southeast Quarter (1/2 SE 1/4) of Section Thirteen (13), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., EXCEPT a parcel of land in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 13, Township 74 North, Range 28 West of the 5th P.M., more particularly described as follows:

Beginning at the Southeast Corner of Section 13, T74N, R28W of the 5th P.M., Madison County, Iowa; thence North 90 deg 00'00" West 547.53 feet along the South line of said Section 13; thence North 00 deg 16'42" East 440.23 feet; thence North 88 deg 25' 21" East 553.21 feet to the East line of said Section 13; thence South 00 deg 57'27" West 455.51 feet to the point of beginning. Said parcel contains 5.66 acres including 0.76 acres of county road Right of Way; and

The Southwest Fractional Quarter of the Southwest Quarter (SW Frl. 1/4 SW 1/4) of Section Eighteen (18), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

That the aforesaid deed was an absolute conveyance of the title to said premises to the grantee named therein in effect as well as in form, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind, and that possession of said premises has been surrendered to the said grantee; that the consideration in the aforesaid deed was and is a partial release of personal liability in the sum of \$52,455.99, receipt for which is hereby acknowledged, existing under and by virtue of the terms of a certain Note executed by O. Wayne Barr and Gayla J. Barr, husband and wife, and Delbert O. Barr and Daisy A. Barr, husband and wife, dated the 17th day of March, 1976.

That the aforesaid deed and conveyance was made by these deponents as the result of their request that the grantee accept such deed and was their free and voluntary act; that at the time of making said deed, these deponents felt and still feel that the indebtedness above mentioned representing principal and interest and advances under the terms of the note above referenced, represented a fair value of the property so deeded; that said deed was not given as a preference against any other creditors of the deponents; that at the time it was given, there was no other person or persons, firms or corporations, other than the grantee therein named, interested, either directly or indirectly, in said premises described in said deed; and that deponents in offering to execute the aforesaid deed to the grantee therein, and in executing same, were not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the grantee or the agent or attorney of the grantee of said deed, and that it was the intention of these deponents as grantors in

said deed to convey and by said deed these deponents did convey to the grantee therein all their right, title and interest absolutely in and to the premises described in said deed.

This Affidavit is made for the protection and benefit of the aforesaid grantee in said deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described therein, and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

X O. Wayne Barr
O. Wayne Barr

X Gayla J. Barr
Gayla J. Barr

X Delbert O. Barr
Delbert O. Barr

X Daisy A. Barr
Daisy A. Barr

STATE OF IOWA, CLARKE COUNTY, ss:

On this 27th day of January, 1987, before me, a Notary Public in and for said County and State, personally appeared U. Wayne Barr and Gayla J. Barr, husband and wife, and Delbert O. Barr and Daisy A. Barr, husband and wife, 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.

Paul H. Wieck
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA
Paul H. Wieck, II

