

3 MAR-31-1994 19:02 FROM GAMBLE & DAVIS LAW FIRM TO 2781211 P.04

RECORDED RETURN TO  
ABENDROTH & RUSSELL, P.C.  
2400 N.W. 86th Street, Suite 10  
Urbandale, IA 50322-4306

REC \$ 10.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1.00

FILED NO. 2783

AFFIDAVIT EXPLANATORY OF TITLE

BOOK 42 PAGE 202

94 APR 14 PM 1:08

STATE OF IOWA )  
                  ) ss:  
COUNTY OF POLK )

COMPUTER   
RECORDED   
COMPARED

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

I, Sharon K. Garmon, on oath depose and state as follows:

1. That I am the record titleholder and the owner in possession of certain real estate described as follows:

The North Half of the Southeast Quarter of Section One (1), Township Seventy-four (74) North of Range Twenty-six (26) West of the Fifth P.M.

2. My former husband and I purchased the above-described property pursuant to a real estate contract dated January 1, 1976 and filed March 29, 1976 in Book 105, commencing at Page 544 in the office of the Madison County Recorder. The contract vendors were Charles E. Beener and Pauline Beener, husband and wife, who held the property in joint tenancy. The contract did not preserve the joint tenancy of Charles E. Beener and Pauline Beener.

3. Charles E. Beener died more than five years ago on June 24, 1985. His Last Will and Testament was admitted to the Iowa District Court for Polk County without present administration as Probate No. 56-26811. However, Charles E. Beener's estate has gone through a CIT proceeding as Polk County Probate No. 31-CIT No. 212.

4. The Charles E. Beener CIT Report and Inventory incorrectly listed Charles E. Beener's interest in the real estate contract as an asset held in joint tenancy with his wife Pauline Beener. In fact, Charles E. Beener owned the vendor's

interest outright. Charles E. Beener's Last Will and Testament, though not administered, directs that all the rest, residue and remainder of his estate, both real and personal, was to be devised and bequeathed onto his wife, Pauline Beener, if she survived him.

5. Pauline Beener survived Charles E. Beener.

6. The assets of Charles E. Beener, at the time of his death, were listed in the CIT Report and Inventory which showed assets, less debts, of \$84,993, including the incorrectly listed vendor's interest in the above-described property.

7. A clearance of inheritance tax is on file with the Iowa District Court for Polk County.

This Affidavit is given to explain the defect in the chain of title caused by the failure to administer the estate of Charles E. Beener and transfer his vendor's interest in the above described property pursuant to his Last Will and Testament.

*Sharon K. Garmon*  
Sharon K. Garmon

Subscribed and sworn to before me this 3 day of April, 1994.

*Mark U. Abendroth*  
Notary Public in and for the State of Iowa



IT-551