

FILED NO. **657**

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MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

**AFFIDAVIT**

STATE OF IOWA :  
: SS.  
COUNTY OF POLK :

COMPARED

I, Stephen M. Morain, being first duly sworn on oath, depose and state: Fee \$20.00

That I am the attorney for Virginia B. Meriwether of Laguna Hills, California; that I know of my own personal knowledge that Virginia B. Meriwether was a single person on September 20, 1990, the date she executed a Quit Claim Deed to Virginia B. Meriwether as Trustee of the Meriwether Trust dated June 22, 1989, from Virginia B. Meriwether.

That attached hereto is a copy of the pertinent parts of the Declaration of Trust of Virginia B. Meriwether dated June 22, 1989 including the ESTABLISHMENT OF TRUST, Article 4, POWERS AND DUTIES OF TRUSTEE, authorizing the Trustee to convey real estate, and EXECUTION OF TRUST.

This Affidavit is made for the purpose of clearing title to the following described property, to-wit:

The South Half (1/2) of the Northwest Fractional Quarter (1/4) of the Southwest Fractional Quarter (1/4) of Section Thirty-Six (36), in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, except that portion lying South and East of the centerline of the public highway.

Further this affiant sayeth not.

*Stephen M. Morain*  
\_\_\_\_\_

Subscribed and sworn to before me this 24 day of May, 1991.

*Carol J. Kuemli*  
\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF IOWA



**DECLARATION OF TRUST**

This Declaration of Trust is made by VIRGINIA B. MERIWETHER as of June 22, 1989.

**ARTICLE 1****ESTABLISHMENT OF TRUST**

- 1.1. **NAME:** This trust shall be known as the MERIWETHER TRUST dated June 22, 1989.
- 1.2. **SETTLOR:** VIRGINIA B. MERIWETHER is the Settlor of this trust.
- 1.3. **TRUSTEES:** Settlor appoints the following as Trustee of this trust:
- First Appointment:** VIRGINIA B. MERIWETHER.
- Second Appointment:** DAVID R. MERIWETHER and JEAN M. FOX, as Co-Trustees.
- Third Appointment:** LINDA SHAFFER, VIRGINIA B. MERIWETHER's granddaughter.

VIRGINIA B. MERIWETHER shall serve as the first Trustee. If VIRGINIA B. MERIWETHER is unable or unwilling to act, the successor appointee(s) shall serve in the order appointed. Except as otherwise provided in this trust, where Settlor has appointed Co-Trustees, all Co-Trustees shall act together. If any Co-Trustee is unable or unwilling to act, the remaining appointee(s) shall serve as Trustee or Trustees.

If no successor Trustee is designated to act in the event of the death, incapacity or resignation of the Trustee then acting, or no successor Trustee accepts the office, the Trustee then acting may appoint a successor Trustee. If no such appointment is made, the majority of the adult beneficiaries entitled to distribution from this trust may appoint a successor Trustee.

- 1.4. **INTENTIONS:** VIRGINIA B. MERIWETHER intends, by this instrument, to create a revocable trust in accordance with the laws of the State of California to hold Settlor's property for VIRGINIA B. MERIWETHER's benefit during lifetime and to provide for the named beneficiaries upon the death of Settlor.
- 1.5. **MARITAL STATUS:** Settlor is not married.

ARTICLE 4

POWERS AND DUTIES OF TRUSTEE

4.1. **POWERS OF TRUSTEE:** Except as otherwise specifically provided in this trust, the Trustee shall have all powers now or hereafter conferred upon Trustees by applicable state law, and also those powers appropriate to the orderly and effective administration of the trust. The Trustee is authorized to defend, at the expense of the trust estate, any contest or other attack of any nature on this trust or any of its provisions. Any expenditure involved in the exercise of the Trustee's powers shall be borne by the trust estate. In addition, the Trustee shall have the following powers with respect to the assets in the trust estate:

- 4.1.1. To manage, operate, control, sell (for cash or on credit), convey, divide, convert or allot the trust property, and to sell upon deferred payments; to lease for terms within or extending beyond the duration of the trust for any purpose including exploration for and removal of gas, oil or other minerals; to enter into covenants and agreements relating to the property so leased or any improvements which may be erected on such property; and to enter into community oil leases.
- 4.1.2. To abandon or retain under productive property, and to invest and reinvest the trust funds in such property as the Trustee, in the exercise of reasonable business judgment, may deem advisable, whether or not the property is of the character specifically permitted by law for the investment of trust funds, including stock of the Trustee and investments in any common trust fund now or hereafter established by Trustee.
- 4.1.3. To retain nonproductive assets at the direction of Settlor or current income beneficiaries of the trust, or, in the exercise of reasonable business judgment by the Trustee.
- 4.1.4. To abandon any property or interest in property belonging to the trust when, in the exercise of reasonable business judgment, such abandonment is in the best interest of the trust and beneficiaries of the trust.

