BK: 2012 PG: 3436

Type 06 009 Pages 7

Recorded: 11/13/2012 at 2:43:38.0 PM

Fee Amount: \$37.00 **Revenue Tax:**

LISA SMITH RECORDER Madison County, Iowa

ANNO SCAN CHEK

INDX

INDIVIDUAL TRUSTEE'S AFFIDAVIT

Recorder's Cover Sheet

Taxpayer Information: Patricia Barry, as Trustee of the Survivor's Trust under the Philip and Patricia Barry Family Trust dated May 6, 1998, c/o Stephen F. Breimer, Esq., Bloom Hergott Diemer Rosenthal LaViolette Feldman Schenkman & Goodman, LLP, 150 S. Rodeo Drive, Third Floor, Beverly Hills, CA 90212

Return Document To: Stephen F. Breimer, Esq., Bloom Hergott Diemer Rosenthal LaViolette Feldman Schenkman & Goodman, LLP, 150 S. Rodeo Drive, Third Floor, Beverly Hills, CA 90212

Grantors: Patricia Barry, as Trustee of the Survivor's Trust under the Philip and Patricia Barry Family Trust dated May 6, 1998

Grantees: Danny J. Allen and Sonia B. Allen

Legal Description: See Exhibit 1

INDIVIDUAL TRUSTEE'S AFFIDAVIT

RE: See Exhibit 1

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, ss:

- I, Patricia Barry, being first duly sworn (or affirmed) under oath, state of my personal knowledge that:
- 1. I am the trustee under the Survivor's Trust under the Philip and Patricia Barry Family Trust dated May 6, 1998 (the "Trust"), to which the above-described real estate, or a portion thereof, may have been conveyed to the trustee by Quit Claim Deed, pursuant to an instrument recorded the 30th day of April, 2008, in the office of the Madison County Recorder in book 2008, page 1371.
- 2. I am the presently existing trustee under the Trust and I am authorized to convey the above described real estate to Danny J. Allen and Sonia B. Allen without any limitation or qualification whatsoever.
- 3. The Trust is in existence and I, as trustee, am authorized to transfer the interest in the real estate as described in paragraph 2, free and clear of any adverse claims.
- 4. There were two grantors of the Trust, Philip Barry and Patricia Barry, with Patricia Barry being the sole trustee. Patricia Barry is alive, and Philip Barry is deceased.
- 5. The Trust is partially revocable as to one of the sub-trusts of the Trust, and irrevocable as to another of the sub-trusts of the Trust.
- 6. Form 706, United States Estate Tax return, is not required as a result of the death of one of the Trust's grantors.
- 7. An Iowa Inheritance Tax return is not required to be filed pursuant to Iowa Code Section 450.22 subsection 3 as a result of the death of one of the Trust's grantors.

Patricia Barry, as trustee under the Survivor's Trust under the Philip and Patricia Barry Family Trust dated May 6, 1998, by Stephen F. Breimer, her attorney in fact pursuant to a Power of Attorney recorded in the official records of the Madison County, Iowa Recorder in Book 2012, page 3062 thereof

Exhibit 1

By Warranty Deed:

A. In Section 12 in Township 75N. of Range 28W of the 5th P.M.:

- 1. The SE quarter of the NE fractional quarter, excluding therefrom Parcel H of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2922 in the official records of the County Recorder of Madison County, Iowa.
- 2. That portion of the W. 26 2/3 rods of the E 53 1/3 rods of the S. 120 rods of the E half of the SE fractional quarter (also known as a portion of Lot 9), which lies N. and E. of the main channel of the Middle River, and estimated at one time to contain 2 3/4 acres, more or less.
- 3. That portion of the E 26 2/3 rods of the S half of the NE quarter of the SE fractional quarter (also known as a portion of Lot 8), which lies N. and E. of the Middle River.

B. In Section 7 in Township 75N. of Range 27W of the 5th P.M.:

Subject to that certain agreement entered into between J. M. Robbins and the City of Winterset which is recorded in Miscellaneous Record 19, at page 40, and subject to the conveyance for road purposes and use as a public highway of certain real estate to the State of Iowa, as more particularly described in the conveyance document therefor which is recorded in Deed Record 57, at page 562, and containing 5.6 acres, more or less:

- 1. All of that part of the north 21.25 rods of the SW quarter of the SW fractional quarter which lies north and west of the Middle River.
- 2. All of that part of the S. half of the NW quarter of the SW fractional quarter which lies north and west of the Middle River.
- 3. The N half of the NW quarter of the SW fractional quarter.
- 4. The SW quarter of the NW fractional quarter, excluding therefrom Parcel E of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2919 in the official records of the County Recorder of Madison County Iowa, and except a tract commencing at a point on the NE corner of said SW quarter of the NW fractional quarter, running thence west 33 feet, thence south 120 feet, thence east 33 feet, and thence north 120 feet to the point of beginning.
- 5. Lots 7 and 8 of the SE quarter of the NW fractional quarter.

- 6. Lot 4 of the SE quarter of the NW fractional quarter.
- 7. Lot 2 of a plat or survey recorded April 9, 1873 in book 8, page 284 in the official records of the County Recorder of Madison, County, Iowa situated in the NW quarter of the NE fractional quarter, excepting therefrom the north 20 rods and 7 links thereof.

By Quitclaim Deed:

A. In Section 12 in Township 75N. of Range 28W of the 5th P.M.:

1. The N half of the NE quarter of the SE fractional quarter, also known as Lot 10 per a survey recorded on April 9, 1873 in book 3, page 306 of the Madison County Recorder's records (except that part thereof lying south and west of the Middle River).

B. In Section 7 in Township 75N. of Range 27W of the 5th P.M.:

Subject to that certain agreement entered into between J. M. Robbins and the City of Winterset which is recorded in Miscellaneous Record 19, at page 40, and subject to the conveyance for road purposes and use as a public highway of certain real estate to the State of Iowa, as more particularly described in the conveyance document therefor which is recorded in Deed Record 57, at page 562, and containing 5.6 acres, more or less:

- 1. All of that part of Lot 3 in the east half of the NW fractional quarter which lies south of the public highway formerly traveled across said Lot 3, and containing .229 of an acre more or less.
- 2. Lot 5 of the SE quarter of the NW fractional quarter, EXCEPT the following portions of said Lot 5 which comprise all or a part of the areas described in the records of the Madison County Recorder: (1) the legal parcel depicted and surveyed on that certain Property Line Retracement Survey for Albert L. Little dated 4-11-01 recorded on May 14, 2001 in book 2001, page 1940, (2) the legal parcel described in the warranty deed recorded on August 3, 2005 in book 2005, page 3651, (3) the legal parcel described in the warranty deed recorded on December 23, 2002 in book 2002, page 6253, (4) the legal parcel described in the warranty deed recorded in book 2005, page 3651, Parcel F of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2923, and (5) Parcel G of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2920, all recorded in the official records of the County Recorder of Madison, County, Iowa.
- 3. Lot 6 of the SE quarter of the NW fractional quarter, EXCEPT the following portions of said Lot 6 which comprise all or a part of the areas described in the records of the Madison County Recorder: (1) Parcel F of a plat of survey dated 9-28-12 recorded on

September 28, 2012 in book 2012, page 2923 in the official records of the County Recorder of Madison, County, Iowa, and (2) Parcel G of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2920 in the official records of the County Recorder of Madison, County, Iowa.

- 4. Lot 1 of the NE quarter of the NW fractional quarter, EXCEPT the following portions of said Lot 1 which comprise all or a part of the following areas: (1) a tract described as follows: commencing at the NE quarter of said NE quarter of the NW fractional quarter, running thence south 330 feet, thence west 257.7 feet, thence north 50 degrees, 45 minutes west 357.7 feet, then north 27 degrees east 116.5 feet to the north line of said fractional 40 acre tract, thence east on said line 451.8 feet to the place of beginning, and (2) that portion of Lot 1 which is located within a portion of a tract described as being bounded by a line commencing at a point 627.7 feet west of the NE corner of the East half of the NW fractional quarter, running thence west 37.3 feet, thence south 33° 40' west 603.2 feet, then south 33° 32' west 294.6 feet, thence south 337.0 feet, thence south 24° 9' east 154.0 feet, thence south 33° 30' east 335.0 feet, thence south 63° 35' east 55.6 feet, thence north 75° 18' east 138.6 feet, thence north 67° 00' east 135.0 feet, thence north 23° 18' west 98.3 feet, thence east 92.48 feet, thence north 28° 00' west 700 feet, thence north 25° 0' east 230.0 feet, thence north 27° 0' east 382.0 feet, thence north 16° 44' west 189.1 feet, to the point of beginning.
- 5. Parcel F of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2923 in the official records of the County Recorder of Madison, County, Iowa situated in the NW fractional quarter, EXCEPT that portion thereof described as follows: commencing at the NW corner of the SE quarter of the NW fractional quarter, thence west 33 feet, thence north 00° 33' 20" east 170 feet, thence north 65° 10' 44" east 36.52 feet, thence south 00° 33' 20" west 185.09 feet to the point of beginning.
- 6. Parcel D of a plat of survey dated 9-28-12 recorded on September 28, 2012 in book 2012, page 2921 in the official records of the County Recorder of Madison, County, Iowa situated in the NW quarter of the NW fractional quarter.

Grant of Easements:

Terrace Maintenance Easement

The Easement Area is described as the southern boundary of Parcel E in the Southwest Fractional Quarter of the Northwest Quarter of Section 7, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; AND the Northwest Quarter of the Northwest Quarter of Section 7, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; AND the

southern boundary of Parcel "H" in the Southeast Quarter of the Northeast Quarter of Section 12, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa on its south side and 35 feet north of the Rivulet on its north side, which Rivulet is depicted by a thin white line thirty-five feet to the north of the Rivulet as shown in Exhibit 3 attached hereto.

Ingress/Egress Easement

ACCESS EASEMENT:

A 33.00 foot wide ingress/egress easement across Parcel "E" in the Fractional Southwest Quarter of the Northwest Quarter and to the County Road in the Fractional Northwest Quarter of the Northwest Quarter all in Section 7, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa the perimeter of which is described as follows:

Commencing at the Northwest Corner of the Fractional Southwest Quarter of the Northwest Quarter of Section 7, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa thence North 89°35'20" East 248.78 feet along the North line of said Fractional Southwest Quarter of the Northwest Quarter to the Easement Point of Beginning thence North 03°35'32" West 79.93 feet to the North line of a County Road; thence South 89°45'44" East 33.07 feet; thence South 03°35'32" East 449.20 feet to a point on the South line of Parcel "E"; thence South 75°43'25" West 33.27 feet; thence North 03°35'32" West 375.73 feet to the Point of Beginning.

CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles } ss.

On November 5, 2012, before me, Illus 5, Notary Public, personally appeared Stephen F. Breimer who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

ELAINE E. LOVE
Commission # 1878064
Notary Public - California
Los Angeles County
My Comm. Expires Feb 21, 2014