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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

✓ This document was prepared by/Return to: Brian G. Sayer, Dunakey & Klatt, PC, 531 Commercial St., Suite 250 Waterloo, IA 50704 (319) 232-3304

ESTOPPEL AFFIDAVIT

STATE OF IOWA  
COUNTY OF MADISON

Dennis E. Smith and Angelia Smith, husband and wife, as joint tenants, being first duly sworn on their oath, depose and say: That we are the identical persons who made, executed, and delivered that certain deed to Citimortgage, dated 5/15/14, and filed in BK 2014 PG 1765, conveying the following-described property,

**Lot One (1) in Block Two (2) of BEAVER AND PATTON'S ADDITION to the Town of St. Charles, 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 for the aforesaid deed is cancellation of the note signed 10/25/07, and secured by the mortgage signed on 12/25/07, and recorded on 10/26/07, in Bk 2007, Pg 3941, in the records for Madison County.

That the aforesaid deed and conveyance was made by this deponent as the result of their request that the grantee accept such deed and was their free and voluntary act; that said deed was not given as a preference against any other creditors of the deponent; 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; that this deponent has no other creditors whose rights would be prejudiced by such conveyance, and that deponent is not obligated upon any bond or other mortgage whereby any lien has been created or exists against the premises described in said deed; and that deponent in offering to execute the aforesaid deed to the grantee therein, and in executing same, was 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 in said deed, and that it was the intention of the deponent as grantor in said deed to convey and by said deed the deponent did convey to the grantee therein all her right, title, and interest absolutely in and to the premises described in said deed.

Dennis E. Smith and Angelia Smith, husband and wife, as joint tenants, ("Grantor") made, executed and delivered a certain Deed to the above described property, Citimortgage, ("Grantee") the current holder of the mortgage, which Deed shall be held in escrow by the Grantee, pending an examination of the title to said property and final approval of the proposed conveyance by the Grantee. In the event the Grantee shall give written notice to the Grantor of its approval of the proposed conveyance of the Grantors' rights of

possession, rentals and equity of redemption in and to said premises with full release of all the Grantors' rights, title and interest of every character in and to said property.

In the event the Grantee in its sole discretion declines to accept title, the aforesaid Deed shall be released from escrow and returned to the Grantor and the Grantee shall have the right to institute or pursue any foreclosure proceeding or other remedy to which it is entitled under law.

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.

The property has been vacated on or before the execution date of this affidavit.

*Dennis E Smith*  
*Angelia Smith*  
Dennis E. Smith and Angelia Smith,  
husband and wife, as joint tenants

STATE OF Iowa, MADISON COUNTY, ss: 2014  
This instrument was acknowledged before me on this 30 day of AUGUST, 2013, by  
Dennis E. Smith and Angelia Smith, husband and wife, as joint tenants. RF

*Robert Fitzgerald*  
\_\_\_\_\_  
, Notary Public in and for said State

