Declaration of Trust

DT-3J

IND. ✓
REC. ✓
CERT. ✓

WHEREAS, WE, Larry D. Smith and Elizabeth A. Smith, of the City/Town of Keosauqua, County of Van Buren, State of Iowa, are the owners as joint tenants of certain real property located ~~at (and known as)~~ on the West Edge of Truro in the City/Town of Truro, State of Iowa, which property is described more fully in the ~~Deed~~ contract conveying it from H.W.DORMAN and HARRIET DORMAN to Larry D. Smith and Elizabeth A. Smith, as "that certain piece or parcel of land with buildings thereon standing, located in said Madison County, Iowa, being

The Southeast Quarter (¼) of the Southwest Quarter (¼); the West Five (5) Acres of the Southwest Quarter (¼) of the Southeast Quarter (¼), and the South 5.45 Acres of the Northeast Quarter (¼) of the Southwest Quarter (¼), of Section Fifteen (15), in Township Seventy-four (74) North, of Range Twenty-six (26) West of the 5th P.M., and the S ½ CB&Q ROW in the NE ¼ of the SW ¼ of Sec. 15, T 74 N, R 26 W of the 5th P.M.

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 6 00

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that we do hereby acknowledge and declare that we hold and will hold said real property and all right, title and interest in and to said property and all furniture, fixtures and personal property situated therein IN TRUST

1. For the use and benefit of the following two persons, in equal shares, ~~or the survivor of them~~ per stirpes:

Shawn Nelson Smith(our son)
Dawn Rene'e Smith(our daughter)
and no others

Upon the death of the survivor of us, unless all the beneficiaries shall predecease us or unless we all shall die as a result of a common accident or disaster, our Successor Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to said property unto the beneficiaries absolutely and thereby terminate this trust; provided, however, that if any bene-

ficiary hereunder shall then be a minor, the Successor Trustee shall hold the trust assets in continuing trust until such beneficiary attains the age of twenty-one years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the specific trust property herein described if he believes it in the best interest of the beneficiary so to do, or he may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as he may deem appropriate. If the specific trust property shall be productive of income or if it be sold or otherwise disposed of, the Successor Trustee may apply or expend any or all of the income or principal directly for the maintenance, education and support of the minor beneficiary without the intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such minor or to the person with whom the minor is living without any liability upon the Successor Trustee to see to the application thereof. If any such minor survives us but dies before the age of twenty-one years, at his or her death the Successor Trustee shall deliver, pay over, transfer and distribute the trust property being held for such minor to said minor's personal representatives, absolutely.

2. We reserve unto ourselves the power and right (a) to place a mortgage or other lien upon the property, and (b) to collect any rental or other income which may accrue from the trust property and, in our sole discretion as Trustees, either to accumulate such income as an addition to the trust assets being held hereunder or pay such income to ourselves as individuals.

3. We reserve unto ourselves the power and right during our lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of any beneficiary, and without giving notice to any beneficiary, but no such amendment or revocation shall be effective unless and until it is filed in the land records. The sale or other disposition by us of the whole or any part of the property shall constitute as to such whole or part a revocation of this trust.

4. The death during our lifetime, or in a common accident or disaster with us, of all of the beneficiaries designated hereunder shall revoke such designation, and in the former event, we reserve the right to designate new beneficiaries. Should we for any reason fail to designate such new beneficiaries, this trust shall terminate upon the death of the survivor of us and the trust property shall revert to the estate of such survivor.

5. Upon the death or legal incapacity of one of us, the survivor shall continue as sole Trustee. Upon the death of the survivor of us, or if we both shall die in a common accident, we hereby nominate and appoint as Successor Trustee hereunder the beneficiary first above named, unless such beneficiary be a minor or legally incompetent, in which event we hereby nominate and appoint as Successor Trustee hereunder the beneficiary whose name appears second above. If such beneficiary named second above shall be a minor or legally incompetent, then we nominate and appoint as Successor Trustee hereunder:

(Name) Donald L. Smith

(Address) Rural Route One (Number Street) Peru (City) Iowa (State)

6. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustee.

7. We as Trustees and our Successor Trustee shall serve without bond.

8. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of Iowa

IN WITNESS WHEREOF we have hereunto set our hands and seals this 22 day of NOVEMBER, 19 78.

(First co-owner sign here) Larry D Smith L.S.

(Second co-owner sign here) Elizabeth A Smith L.S.

Witness: (1) Betty Johnson

Witness: (2) Evelyn W. Cox

State of IOWA
County of VAN BUREN } ss:

On the 22 day of NOVEMBER, nineteen hundred and 78, before me came LARRY D. SMITH and ELIZABETH A. SMITH, known to me to be the individuals described in, and who executed the foregoing instrument, and they acknowledged that they executed the same, and in due form of law acknowledged the foregoing instrument to be their free act and deed and desired the same might be recorded as such.

SHIRLEY P. SIMONS IOWA NOTARIAL SEAL

(Notary Seal)

Shirley P. Simons
Notary Public