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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

AFFIDAVIT RE RESERVATION OF LIEN RIGHTS

THE IOWA STATE BAR ASSOCIATION

Official Form No. P201

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Frank Murray Smith, 4215 Hubbell Avenue, Des Moines, IA 50317, Phone: (515) 265-6210

Taxpayer Information: (name and complete address)

Richard Bucklin, 3237 300th Street, Truro, IA 50257-8010

✓ **Return Document To:** (name and complete address)

Frank Murray Smith, 4215 Hubbell Avenue, Des Moines, IA 50317

Grantors:

Special Needs Trust for Rhett Bucklin

Grantees:

Richard Bucklin

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

AFFIDAVIT RE RESERVATION OF LIEN RIGHTS RE

Parcel "A" located in the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 9.00 acres, as shown in Plat of Survey filed in Book 2003, Page 1499 on March 16, 2003, in the Office of the Recorder of Madison County, Iowa

STATE OF IOWA, COUNTY OF POLK, ss:

I, Frank Murray Smith, being first duly sworn upon my oath depose and state:

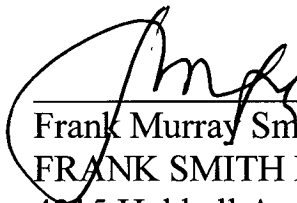
1. I am the attorney for USBank, N.A., Trustee of the Special Needs Trust for Rhett Bucklin which is subject to judicial supervision in Polk County Iowa and is therein identified as Trust No. TRPR061142.

2. On December 2, 2013, the court entered the attached *Order Approving Expenditures from Special Needs Trust* wherein, among other things, the court retained a jurisdiction to determine the amount of funds that should be repaid to the Trustee of the Rhett Bucklin Special Needs Trust upon sale of the above described real estate. Attached hereto and marked Exhibit 1 is a true and exact copy of the court's *Order Approving Expenditures from Special Needs Trust* that was entered on December 2, 2013.

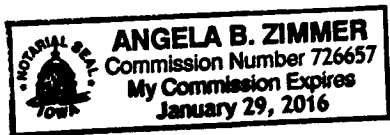
3. This Affidavit is filed to note of record the foregoing.

4. Further Affiant sayeth not.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the above and foregoing is true, accurate and correct.


Frank Murray Smith - AT0007412
FRANK SMITH LAW OFFICE
4215 Hubbell Avenue
Des Moines, IA 50317-4507
Phone: (515) 265-6210
Facsimile: (515) 265-4584
ATTORNEY FOR TRUST

SUBSCRIBED and SWORN to before me by the said Frank Murray Smith on
this 28th day of November, 2014.




Notary Public
In and for said State

IN THE IOWA DISTRICT COURT FOR POLK COUNTY
(Probate Division)

IN THE MATTER OF THE SPECIAL NEEDS TRUST FOR RHETT BUCKLIN,	Trust No. TRPR061142 ORDER APPROVING EXPENDITURES FROM SPECIAL NEEDS TRUST
-----------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

ON NOVEMBER 26, 2013, this matter came before the Court upon the Trustee's *Application for Judicial Determination of Proposed Expenditures for Special Needs Trust Beneficiary* as amended by the *Amendment to Application for Judicial Determination of Proposed Expenditures for Special Needs Trust Beneficiary and Attachment of Exhibit 1 and Exhibit 2* (hereinafter collectively "*Application*"), and the Court, having reviewed the file and being fully advised in the premises, **FINDS:**

1. All interested parties were served with notice hereof as shown by the affidavits on file and that this Court has jurisdiction of the parties hereto and the subject matter of this proceeding. Present for the hearing were Frank Murray Smith, attorney for the Trustee, Richard Bucklin, Laura Bucklin, Kate Kulisky (Rhett Bucklin's aunt), and Rhett Bucklin. Guardian ad litem Larry Wilson participated by telephone.

2. That an *Order Approving Certain Expenditures for Special Needs Trust and Reserving Jurisdiction and Setting Hearing on Other Matters* was entered November 1, 2013.

3. That the Court was provided further information, including specific cost estimates and funding sources, for the purchase of a golf cart or other vehicle that would afford the beneficiary safe transportation on and about the Guardian's New Residence (as that term is defined in the *Application*) and based on such information the Court finds that the Trustee should be authorized to expend up to \$3,500 of Trust funds for this purpose.

4. That the Court was presented additional evidence regarding whether to impose a lien against the Guardian's New Residence for the funds to be expended for the handicap accessible bathroom construction for the benefit of the beneficiary at the New Residence and based upon same the Court determines that it will not impose a lien against the Guardian's New Residence for the funds expended to construct the handicap accessible bathroom for the beneficiary at this time; but the Court retains jurisdiction of this issue to determine the amount of such funds that should be repaid to the Trustee of the Trust upon the sale of the New Residence, taking into consideration the factors then deemed relevant such as depreciation and the amount by which the handicap accessible bathroom increases the overall sale price of the New

Residence. The Court further determines that in all events, interest shall not accrue on the funds so expended and that upon completion of the construction of the handicap accessible bathroom the Trustee shall file a report with the Court stating the amount so expended.

5. That Laura Bucklin stated that she was providing care for Rhett Bucklin but that she was not able to obtain care information about him from other care providers. Richard Bucklin indicated he had no objection to Laura Bucklin being provided such information and the Court determines that it is reasonable and proper that she be provided with such information.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Court will not impose a lien against the Guardian's New Residence¹ for the funds expended to construct the handicap accessible bathroom for the beneficiary at this time; but the Court retains jurisdiction of this issue to determine the amount of such funds that should be repaid to the Trustee of the Trust upon the sale of the New Residence, taking into consideration the factors

¹ The Guardian's New Residence is locally known as 3237 300th Street, Truro, IA, and legally described as follows:

Parcel "A" located in the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 9.00 acres, as shown in Plat of Survey filed in Book 2003, Page 1499 on March 16, 2003, in the Office of the Recorder of Madison County, Iowa.

then deemed relevant such as depreciation and the amount by which the handicap accessible bathroom increases the overall sale price of the New Residence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED upon completion of the construction of the handicap accessible bathroom the Trustee shall file a report with the Court stating the amount so expended and that interest shall not accrue on the funds so expended.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trust is authorized to expend the sum not to exceed \$3,500 to be applied toward the purchase of a golf cart or other multi-purpose terrain vehicle for the benefit of the beneficiary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Laura Bucklin is entitled to receive information regarding Rhett Bucklin's care and that any and all entities or persons providing care to Rhett Bucklin (such as Link Associates) are authorized to release to Laura Bucklin such information as she may reasonably request regarding Rhett Bucklin including, but not limited to, information concerning Rhett Bucklin's health, medical conditions, living arrangements and all similar and related information. Counsel for the Trust shall cause a copy of this order to be filed in the guardianship proceedings so that this determination is noted of record therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the fees for the guardian ad litem are fixed in the amount of \$620 and payment thereof by the Trustee is authorized.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
TRPR061142 RHETT BUCKLIN SPECIAL NEEDS TRUST

So Ordered

A handwritten signature in black ink, appearing to read "Craig E. Block".

Craig E. Block, Associate Probate Judge,
Fifth Judicial District of Iowa

Electronically signed on 2013-12-02 09:00:44 page 6 of 6