Compared

FILED NO. 71
BOOK 34 PAGE 594
1983 JUL 11 PM 1:43
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $6.00

AFFIDAVIT

STATE OF IOWA)
) ss:
COUNTY OF POLK)

I, Frank A Comito, being first duly sworn upon oath, depose and state that I am an attorney licensed to practice law in the State of Iowa. That as part of my practice I have in the past represented Comito Brothers' Orchard, Inc, now known as Comito and Davitt Orchard, Inc. Also I did represent the executor of the Jeannette E Comito estate.

That on or about January 10, 1975, Jeannette E Comito did sell twenty-five (25) shares of stock of Comito Brothers' Orchard, Inc, back to said company on contract, said twenty-five (25) shares representing her total interest in said corporation. That as additional security for said sale Jeannette E Comito did receive a mortgage interest to the following real estate:

Southeast one-quarter (¼) of Section Nine (9) and the West one-half (½) of the West one-half (½) of the Southwest one-quarter (¼) of Section Ten (10) all in Township Seventy-seven (77), North Range Twenty-five (25) in Warren County, Iowa

and

Parcel #2; Southeast one-quarter (¼) of the Northwest one-quarter (¼) and the South one-half (½) of the Northeast one-quarter (¼) of Section Fourteen (14) Township Seventy-six (76), North Range Twenty-six (26) in Madison County, Iowa.

That Jeannette E Comito died testate on December 30, 1980. That her estate was probated in Polk County as Probate Number 33-13057. That at the time of her death there was an outstanding balance remaining on the contract of sale of said stock, which was secured by the mortgage. That the probate inventory does show the contract but makes no mention of the mortgage which secures the same.

That the will of Jeannette E Comito left all of her property, real, personal, and mixed, to her husband, Alfred Joseph Comito. That by the will and probate proceedings, all interest that Jeannette E Comito had in the contract of sale and the mortgage security did pass to Alfred Joseph Comito.

That this Affidavit is given to clarify the present holder of the mortgage interests in the above-described real property. Further deponent sayeth not.

Frank A Comito

Subscribed and sworn to before me this 1st day of July, 1983.

Debra Neal
Notary Public in and for
Polk County, Iowa

DEBRA NEAL
MY COMMISSION EXPIRES
9-1-85