MD. ✓
REC. ✓
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1974 AUG -6 AM 11:36
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee # 6 50
3pgs.

AFFIDAVIT

STATE OF IOWA )
) ss.
MADISON COUNTY)

I, Jno. N. Hartley, being first duly sworn on oath, depose and say that I am the duly designated attorney of record for Ralph B. Eyerly, Executor of the estate of M. Marie Eyerly, deceased.

That I know of my own personal knowledge that at the time of her death said M. Marie Eyerly was the owner in fee simple of the following described real estate, to-wit:

> The South Half (½) of Lots One (1) and Two (2) in Block Five (5) of Pitzer & Knight's Addition to the City of Winterset, Madison County, Iowa,

That by the provisions of the Last Will and Testament of the said M. Marie Eyerly, her Executor, Ralph B. Eyerly, was empowered to sell any real estate owned by the decedent for not less than its appraised value. It is shown by proceedings in the estate of the said M. Marie Eyerly, the real estate hereinbefore described was appraised by the Iowa Inheritance Tax appraisers at $9500.00. That the said Ralph B. Eyerly as Executor filed an application in said estate proceedings on September 21, 1973 reporting that he had obtained an offer of $10,000.00 from Ruth E. Shafer for said real estate, or more than its appraised value, and further asking for Court authority to make conveyance

to her; and that on the same date, September 21, 1973, that an order was entered by the District Court of Madison County, Iowa, authorizing the Executor to convey said real estate to Ruth E. Shafer on payment of the sum of $10,000.00.

That in connection with the sale of other real estate owned by the decedent, said Executor also made application to the Court for authority to sell certain other real estate for less than its appraised value. In connection with this parcel of real estate, said Executor filed an application in said estate proceedings on September 21, 1973 asking that his application be set down for hearing and for an order prescribing the time and manner of service of notice of said hearing. In connection with this other real estate, a Court Order was entered in these estate proceedings on September 21, 1973 setting said application for hearing and appointing a Guardian Ad Litem for one of the heirs of the decedent. Neither the application asking that this matter be set for hearing nor the order setting it for hearing and appointing a Guardian Ad Litem contained a description of the real estate involved in that particular proceeding and some question has therefore arisen as to whether or not this application and order refer to the real estate described in this affidavit. The undersigned states that of his own personal knowledge he knows that

said application and order did not involve the real estate described in this affidavit; and that the application for authority to convey the real estate described in this affidavit and the order authorizing conveyance of the real estate described in this affidavit were not required either by Iowa law or the provisions in the Last Will and Testament of said M. Marie Eyerly, deceased, as the real estate described in this affidavit was sold for more than its appraised value.

Dated this 6th day of August, 1974.

Jno. Hartley

MARGARET ROACH Jowa NOTARIAL SEAL

Subscribed and sworn to before me by the said Jno. Hartley this 6th day of August, 1974.

Margaret Roach
Notary Public in and for
the State of Iowa.