H. C. Fosher To The Public — #5850 — Fee $1.00

Filed for record the 13 day of August A. D. 1951 at 10:40 o'clock A.M. Wilma M. Wade, Recorder Mary E. Welty, Deputy

AFFIDAVIT

State of Iowa, Madison County, ss.

I, H. C. Fosher, a resident of said State and County, being sworn, depose and say as follows:

That I am now and have been for more than thirty years last past, a professional abstractor of titles to real estate in Madison County, Iowa, and know that Douglas Township in said county is the name which has been given to the congressional township in said county described as Township 76 North, of Range 28 West of the 5th P. M.

Further, that the N½ W½ NE¼ NE¼ of Section 36, in Township 76 North, of Range 28 West of the 5th P.M., is the same real estate as the North 5 acres of NW¼ NE¼ NE¼ "in Section Thirty-six, Misc. Douglas Township, City of Winterset, Iowa" conveyed to Earl H. Smith by Jno. N. Hartley, Guardian of Rosa McElroy, Incompetent, by deed dated Oct. 24, 1944, filed for record on Oct 8, 1949, and recorded in Deed Record 84, at page 309, of the records of Madison County, Iowa.

That I am in no way interested. H. C. Fosher

Subscribed in my presence and sworn to before me by the said H. C. Fosher, affiant, this 13th day of August, A. D. 1951. (DISTRICT COURT SEAL) Pearl E. Shetterly Clerk of the District in and for Madison County, Iowa.

COMPARED

Hendersons Realty Company To Ray E. Fowler — #5984 — Fee $1.20

Filed for record the 17 day of August A. D. 1951 at 10:20 o'clock A. M. Wilma M. Wade, Recorder

GRANT OF USE OF WALL

THIS AGREEMENT, made and entered into by and between Hendersons Realty Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, hereinafter referred to as Grantor, and Ray E. Fowler of Winterset, Iowa, hereinafter referred to as Grantee, WITNESSETH:

The Grantor hereby grants to the Grantee, his successors and assigns, the right to use the surface of the East wall of the building owned by the Grantor now located on the following described real estate, to-wit:

West Two-thirds (W2/3) of Lot Two (2) in Block Seventeen (17) of the Original Town of Winterset, Iowa.

The Grantee, his successors and assigns, may use the surface of the East side of said East wall and may construct a building against said East wall and also may plaster, paint or otherwise change the appearance of the surface of the East side of said East wall, but may not cut into said wall or use said wall to suspend, support or hold any weight of any building which may be constructed on the following described real estate, to-wit:

North Half (N½) of the East One-third (E 1/3) of Lot Two (2) in Block Seventeen (17) of the Original Town of Winterset, Iowa.

The Grantee, his successors and assigns, may flash his roof against said wall in the customary manner.

This grant of use shall continue only so long as the Grantor, its successors or assigns, shall permit said East wall to stand and shall not be construed as preventing the Grantors from removing, altering, repairing or rebuilding said East wall as said Grantor, its successors or assigns, may chose.

As consideration for this grant, the Grantee hereby waives and relinquishes any rights which he may have under the provisions of Chapter 443 of the 1939 Code of Iowa.

Dated at Winterset, Iowa, this 19 day of July, A. D. 1946.

Ray E. Fowler
Ray E. Fowler

Hendersons Realty Company,
By Erle W. Henderson President
Mahlon Henderson Secretary

STATE OF IOWA MADISON COUNTY) ss

On this 19 day of July, A. D. 1946, before me. Jno. N. Hartley, a Notary Public in and for Madison County, State of Iowa, personally appeared Erle W. Henderson President, and Mahlon Henderson, Secretary of Hendersons Realty Company, the corporation which executed the above and foregoing instrument, who being to me known as the identical persons who signed the foregoing instrument and by me duly sworn, each for himself, did say that they are respectively the President and Secretary of said corporation; that said instrument was by them signed and sealed on behalf of the said corporation, by authority vested in them by the Articles of Incorporation, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and each of them voluntarily executed.

NOTARIAL SEAL

IN TESTIMONY WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

Jno. N. Hartley Notary Public
in and for Madison County, Iowa.

McDonald-Chase Cemetery Association
To
The Public

#6081
Fee $ 3.00

Filed for record the 23 day of August A. D. 1951 at10:45 o'clock A. M.

Wilma M. Wade, Recorder

RECEIVED
AUG 13 1951
SECRETARY OF STATE

ARTICLES OF INCORPORATION
of
MCDONALD-CHASE CEMETERY ASSOCIATION

We, whose named are hereunto subscribed, hereby associate ourselves, our associates and successors, for the purpose of incorporating, as a corporation not for pecuniary profit, under the provisions of Chapter 504, Code of Iowa, 1950, assuming all the rights, powers and privileges granted to, and all the duties and obligations placed upon, corporations not for pecuniary profit, as provided by said Chapter and acts amendatory thereto, and do execute, acknowledge and adopt the following Articles of Incorporation, to-wit:

ARTICLE I

The name of this corporation shall be the McDonald-Chase Cemetery Association.

ARTICLE II

The principal place of business of this corporation shall be Douglas Township, Madison County, Iowa.

ARTICLE III

The objects and purposes of this corporation shall be to operate and maintain a cemetery or cemeteries for the use and benefit of the people of Douglas Township, Madison County, Iowa, and the people of the surrounding community, and former residents of Douglas Township. In connection therewith, and to the extent not forbidden by the laws of Iowa or any other applicable law, the corporation shall have the following powers:

Sec. 1. To acquire, secure by purchase, gift, grant, devise or otherwise lawfully to manage, hold, improve, encumber, sell, convey and dispose of property, both real and personal, in fee simple and otherwise, absolute or in trust, to borrow money, and to have and exercise all of the rights, privileges and powers vested in and conferred upon it by the laws of the State of Iowa.

Sec. 2. To receive and expend for the furtherance of its aforesaid objects and purposes any special cemetery fund taxes levied and paid over by Douglas Township, Madison County, Iowa, or any governmental subdivision of the State of Iowa having authority to levy and collect taxes for the care, preservation or adornment of cemeteries. To receive gifts, bequests and devises of real or personal property donated for cemetery purposes.

Sec. 3. To receive that portion of cemetery lot sales or permanent charges made against cemetery lots which has been set aside for the perpetual care fund, and to supervise, invest and expend the net profit from said perpetual care fund, all as provided by the laws of Iowa.

Sec. 4. To prescribe rules and regulations for the burial of the dead and for the management and control of the cemeteries owned or controlled by this corporation, and to enforce