contract for sale of said real estate, dated May 23, 1960, was made by them with Harold C. Roth and Mary Ann Roth, husband and wife, of Polk County, Iowa, as joint tenants and not as tenants in common, with the right of survivorship, and that I am personally acquainted with said Harry N. Christensen, and also with Charles B. Binns, of Madison County, Iowa, and I know that said Harry N. Christensen acquired ownership of said real estate by deed from Charles B. Binns and wife, ~~dated ,1956~~, and I know that said Charles B. Binns was the owner in possession of said real estate prior to January 1, 1940, and continued to be the owner in possession thereof until he sold the same to said Harry N. Christensen, and that said Charles B. Binns, Harry N. Christensen and Alf Krysan and Louise Krysan, as joint tenants, with right of survivorship and not as tenants in common, were in actual, open, notorious, exclusive, continuous, hostile and adverse possession of said real estate, under color of title and claim of right, under their respective ownerships, from a point of time prior to January 1, 1940, until the said contract hereinbefore referred to was made by said Alf Krysan and Louise Krysan for sale to said Harold C. Roth and Mary Ann Roth, as aforesaid; that I have no interest in this matter except to help establish the facts.

Eugene McNamara

Subscribed in my presence and sworn to before me by said Eugene McNamara the 11th day of August, 1960.

NOTARIAL SEAL

Daniel J. Gallery Notary Public
in and for Madison County, Iowa.

Roscoe Tyer
To
The Public

#3393

Fee $1.00

Filed for record the 16 day of August A. D. 1960 at 9:45 o'clock A. M.
Mary E. Welty, Recorder
Shirley G. Henry, Deputy

AFFIDAVIT

State of Iowa, Madison County, ss.

I, Roscoe Tyer, a resident of said State and County, being sworn, depose and say as follows:

That I am a son of the Lillie B. Tyer and a brother of the Margaret Cameron and of the Ruth Tyer who are named as grantees in a certain warranty deed dated Mar. 1, 1947, executed by Arling E. Smith and Mabelle Smith, husband and wife, filed for record May 1, 1947, and recorded in Deed Record 33, at page 1, of Madison County, Iowa, records, conveying to Lillie B. Tyer a life estate, and to Ruth Tyer, Earl Tyer, Gilbert Tyer, Roscoe Tyer, Esther Pilmer, Margaret Cameron and Calvin Tyer the fee simple title, subject to said life estate, as joint tenants and not as tenants in common, with full right of survivorship, to the following described premises in Madison County, Iowa, to-wit: Commencing at the Northeast corner of Original Out Lot 15 of East Addition of Out Lots to the City of Winterset, and running thence West 63 feet, thence South 140.25 feet, thence East 63 feet, thence North to the point of beginning.

That the husband of the said Margaret Cameron died subsequent to the execution of said deed, and that subsequent to his death, the said Margaret Cameron married one Gene Peterson, and that her name is now Margaret Peterson.

That the full name of the said grantee, Ruth Tyer, was Ruth Wilma Tyer, and that the Ruth Wilma Tyer who is shown by Death Record 4, page 178, in the office of the Clerk of the District Court of Madison County, Iowa, to have departed this life on Sept. 26, 1950, was the same and identical person as said grantee, Ruth Tyer.

That the said Lillie B. Tyer, mother of this affiant, died on Oct. 18, 1959.

That by reason of the deaths of the said Ruth Wilma Tyer and the said Lillie B. Tyer, the surviving grantees, Earl Tyer, Gilbert Tyer, Roscoe Tyer, Esther Pilmer, Margaret Peterson and Calvin Tyer are now the full and absolute owners of the whole of the real estate above described.

That this affidavit is made for the sole purpose of establishing of record the facts hereinabove set forth.

Roscoe Tyer

Subscribed in my presence and sworn to before me by the said Roscoe Tyer, this 16 day of August, A. D. 1960.

NOTARIAL SEAL

H. C. Fosher
Notary Public within and for
Madison County, Iowa.

Sumner G. Whittier
Admr. of Veterans Affairs
To
Homer W. Gardner

#3454
Fee $1.80

Filed for record the 23 day of August A. D. 1960 at 10:30 o'clock A. M.
Mary E. Welty, Recorder

POWER OF ATTORNEY AND DELEGATION OF AUTHORITY

WHEREAS, it is desired to make available in the land title records or other appropriate records of the counties and other political subdivisions within the United States the formal evidence of the authority of the person designated herein to act on behalf of the undersigned, as Administrator of Veterans Affairs, with respect to the execution of certain contracts, conveyances and other instruments relating to or affecting the title to or other interests in lands and other property in the various states, pursuant to section 36:4342 of the Regulations for the Guaranty or Insurance of Home, Farm and Business Loans and section 36:4520 of the Regulations for Direct Loans, promulgated by the Administrator in accordance with and by authority of section 504 of the Servicemen's Readjustment Act of 1944, as amended (38 U.S.C.A. 694d):

NOW THEREFORE, the undersigned Sumner G. Whittier as Administrator of Veterans Affairs, an officer of the United States of America, whose address is Veterans Administration, Washington 25, D.C., does hereby grant to Homer W. Gardner, who presently occupies the Position and performs the duties, of Acting Loan Guaranty Officer of said Veterans Administration, and whose address is Veterans Administration Center, Des Moines 8, Iowa, the power and authority to execute (with or without acknowledgment or seal) and deliver in the name and on behalf of the undersigned as such Administrator, and of his successors in said office, the following instruments, to wit: Evidence of guaranty or of insurance credits, and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental or other disposition of real or personal property, or of any right, title or interest therein, or release of any lien thereon, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, satisfactions, and releases.

Nothing herein shall be construed as authorizing the above named employee to (a) enter appearance for the Administrator in any action or other judicial proceeding, (b) consent to any judgment, order, or decree therein, (c) exercise any of the authority vested in the Administrator under section 504 or section 508(b) of said statute, nor (d) exercise the power and functions reserved to the Administrator by sections 36: 4335, 36:4343m 36:4344 and 36:4518 or delegated to the Deputy Administrator for Veterans Benefits, by sections 36:4343 and 36:4344 of said Regulations.

When appropriately executed by the person hereinabove designated, any instrument of any of the classes indicated above, but subject to the limitations in this instrument, shall have the same force and effect as if personally executed by the undersigned in his official capacity (38 U.S.C.A. 426 and 694(d)).

Except as to persons having actual knowledge of a modification or termination of the aforesaid authority, the recordation of this instrument or of a copy hereof in any of said land records or other appropriate records shall be conclusive as to the authority of the person designated herein to perform the functions and exercise the powers herein granted