

**BK: 2019 PG: 583**  
**Recorded: 2/19/2019 at 9:08:54.0 AM**  
**Pages 4**  
**County Recording Fee: \$22.00**  
**Iowa E-Filing Fee: \$3.41**  
**Combined Fee: \$25.41**  
**Revenue Tax:**  
**LISA SMITH RECORDER**  
**Madison County, Iowa**



Amended **INDIVIDUAL TRUSTEE'S AFFIDAVIT** RE: Legal Description  
THE IOWA STATE BAR ASSOCIATION  
Official Form No. 113  
**Recorder's Cover Sheet**

**Preparer Information:** (Name, address and phone number)

Brett T. Osborn, 974 73rd Street, Suite 16, West Des Moines, IA 50265, Phone: (515)  
223-6000

**Taxpayer Information:** (Name and complete address)

Yare, LLC, P.O. Box 1150, Hudson, NY 12534

**Return Document To:** (Name and complete address)

Brett T. Osborn, 974 73rd Street, Suite 16, West Des Moines, IA 50265

**Grantors:**

Stephen F. Breimer, Trustee of the Survivor's Trust  
under the Phillip and Patricia Barry Family Trust  
dated May 6, 1998

**Grantees:**

Yare, LLC

**Legal description:** See Addendum

**Document or instrument number of previously recorded documents:** Book 2019, Page 485



# INDIVIDUAL TRUSTEE'S AFFIDAVIT

RE: See 1 in Addendum

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, ss:

I, Stephen F. Breimer, being first duly sworn (or affirmed) under oath, state of my personal knowledge that:

- I am the trustee under the Survivor's Trust under the Philip & Patricia Barry Family Trust dated May 6, 1998, to which the above-described real estate was conveyed to the trustee by Patricia W. Barry, an Unmarried Person, pursuant to an instrument recorded on April 30, 2008, in the office of the Madison County Recorder in Book 2008, Page 1371 (insert recording data).
- I am the presently existing trustee under the Trust and I am authorized to See 2 in Addendum without any limitation or qualification whatsoever.
- The Trust is in existence and I, as trustee, am authorized to transfer the interest in the real estate as described in paragraph 2, free and clear of any adverse claims.
- The grantor of the trust ~~is~~ is not alive.
- Form 706, United States Estate Tax return, is not \* required to be filed as a result of the death of the Grantor.
- An Iowa inheritance tax return is not required to be filed pursuant to section 450.22 subsection 2 and 3.
- The trust is revocable or, if the trust is irrevocable, none of the beneficiaries of the trust are deceased.

Stephen F. Breimer  
Stephen F. Breimer, Affiant

Signed and sworn to (or affirmed) before me on February 13, 2019, by Stephen F. Breimer



Lisa Beth Summerfield  
Signature of Notary Public

\*THE CORRECT OPTION MUST BE SELECTED TO DETERMINE WHETHER THE IOWA ESTATE TAX MAY CONSTITUTE A LIEN ON THE ABOVE DESCRIBED PROPERTY.\*

## ADDENDUM

An undivided  $\frac{1}{2}$  interest in the following:

Land in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa:

The Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section One (1), in Township Seventy-five (75) North, Range Twenty-eight (28), West of the 5<sup>th</sup> P.M., Madison County, Iowa, EXCEPT a tract described as follows: Commencing at the Southwest corner of said 40 acre tract, and running thence North 71 rods, thence East 20 feet, thence South 71 rods, thence West 20 feet to the place of beginning.

Land in Section Six (6), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa:

The South Half ( $\frac{1}{2}$ ) of the Northwest Fractional Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ); AND the South Half ( $\frac{1}{2}$ ) of the Northeast Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) lying West of CHP71 Clark Tower Rd (formerly the old abandoned public Highway 169) EXCEPT that part deeded to Madison County, Iowa set forth in Warranty Deed recorded on May 25, 1979 in Book 109, Page 25 AND

The South Half ( $\frac{1}{2}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) West of CHP71 Clark Tower Rd (formerly the old abandoned public Highway 169) except that part of the old abandoned public highway right-of-way lying South of 230<sup>th</sup> Lane

EXCEPT that part deeded to Madison County, Iowa set forth in Warranty Deed recorded on May 25, 1979 in Book 109, Page 25

EXCEPT the parcel of land located in the Southeast Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) and the Southwest Fractional Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 6, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa described in the Retracement Survey recorded January 28, 2011 in Book 2011, Page 314

EXCEPT that part of Parcels "A" and "B" located in the South Half ( $\frac{1}{2}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 6, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M. described in Plat of Survey recorded February 7, 1977 in Book 106, Page 365

Land in Section Seven (7), Township Seventy-five (75) North, Range Twenty-Seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa:

Parcels "K", "L", "M", "N", & "P" located in the Northwest Fractional Quarter ( $\frac{1}{4}$ ) of Section 7, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M. described in Plat of Survey recorded April 16, 2018 in Book 2018, Page 1162

AND

Commencing at a point on the North line of the Northeast Quarter (¼) of the Northwest Quarter (¼) of said Section 7, which is 665 feet West of the Northeast corner thereof, and running thence South, 33°40', West, 603.2 feet, thence South 33°32' West 294.6 feet, thence North 8°30' East 627.0 feet thence North 53°24' East 209.0 feet to the North line of said Forty (40) acre tract, thence East on said North line 241.0 feet to the point of beginning

AND

The Northwest Quarter (¼) Northwest Quarter (¼) of Section 7 EXCEPT Parcel "D" described in Plat of Survey recorded September 28, 2012 in Book 2012, Page 2921; EXCEPT Parcel "G" described in Plat of Survey recorded September 28, 2012 in Book 2012, Page 2920; AND EXCEPT Parcels "K", "L", "M", "N", & "P" located in the Northwest Fractional Quarter (¼) of Section 7, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M. described in Plat of Survey recorded April 16, 2018 in Book 2018, Page 1162

AND

The Northeast Quarter (¼) Northwest Quarter (¼) of Section 7 lying West of 230<sup>th</sup> Lane EXCEPT that part of Parcels "A" and "B" located in Section 7 described in Plat of Survey recorded February 7, 1977 in Book 106, Page 365

Land in Section Twelve (12), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa:

Parcel "H" located in the Southeast Quarter (¼) of the Northeast Quarter (¼) of Section 12, Township 75 North, Range 28 West of the 5<sup>th</sup> P.M. described in Plat of Survey recorded September 28, 2012 in Book 2012, Page 2922

AND

The East Half (½) of the Northeast Quarter (¼) of the Northeast Quarter (¼); AND the Northwest Quarter (¼) of the Northeast Quarter (¼), subject to public highway