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Book 2018 Page 2059

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

**AFFIDAVIT
Recorder's Cover Sheet**

JH

Preparer Information: Jane E. Hanson, 401 East Main Street, Manchester, IA 52057, Phone:
(563) 927-5920

Taxpayer Information: Dennis A. Pearson, 17206 191st St, Manchester, Iowa 52057

Return Address: Jane E. Hanson, 401 East Main Street, Manchester, IA 52057

Grantors: Dennis A. Pearson

Grantees:

Legal Description: The East four hundred eighty eight (488) feet of the North three hundred thirty (330) feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty One (21), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M.

Document or instrument number if applicable:

AFFIDAVIT

In Re: The East four hundred eighty eight (488) feet of the North three hundred thirty (330) feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty One (21), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M.

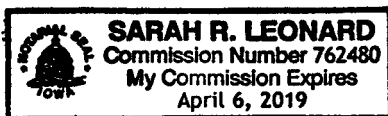
STATE OF IOWA, COUNTY OF DELAWARE ss:

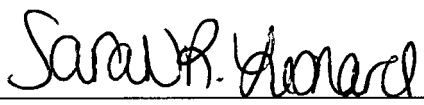
I, Dennis A. Pearson, being first duly sworn an oath, depose and state:

1. That I am one of the mortgagors who gave a mortgage to Joyce R. Pearson who was previously the mortgagee listed on Real Estate Mortgage dated November 1, 1991 and filed November 21, 1991 in Book 114, L.M., Page 93 of the records of the Delaware County Recorder. This mortgage constitutes a lien upon the above-described premises and was not released of record by Joyce R. Pearson or the Estate of Joyce R. Pearson.
2. I am a successor in interest to Joyce R. Pearson.
3. Joyce R. Pearson died on October 18, 2013 in Visalia, Tulare County, California.
4. Joyce R. Pearson's will was entered into probate in Tulare County, California Superior Court on November 7, 2013. A file stamped copy of the Last Will and Testament of Joyce R. Pearson is attached hereto as Exhibit A. The estate administration was completed on July 1, 2014.
5. The beneficiaries of the Estate of Joyce R. Pearson were David L. Pearson, Ellen M. Logan, Dennis A. Pearson and Philip A. Pearson. These are the only persons entitled to receive the personal property of the deceased mortgagee.
6. This Affidavit is given solely for the purpose of explaining the above-described mortgage.


Dennis A. Pearson

Subscribed and sworn before me by Dennis A. Pearson this 19th day of July, 2018.




Notary Public in and for the State of Iowa

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David L. Rauber, #063427 RAUBER & JOHNSON 1007 N. Demaree Street Visalia, CA 93291 TELEPHONE NO.: (559) 741-1800 FAX NO. (Optional): (559) 741-1801 E-MAIL ADDRESS (Optional): estates@rauberjohnson.com ATTORNEY FOR (Name): DAVID L. PEARSON		FOR COURT USE ONLY FILED TULARE COUNTY SUPERIOR COURT VISALIA DIVISION NOV 07 2013 LARAYNE CLEEK, CLERK BY:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: S. Mooney Blvd. and W. Mineral MAILING ADDRESS: King Avenue CITY AND ZIP CODE: Visalia, CA 93291 BRANCH NAME: VISALIA DIVISION			
ESTATE OF (Name): JOYCE RUTH PEARSON aka JOYCE R. PEARSON, JOYCE PEARSON,			
DECEDENT		WILL	
PETITION FOR ☒ Probate of Will and for Letters Testamentary ☐ Probate of Will and for Letters of Administration with Will Annexed ☐ Letters of Administration ☐ Letters of Special Administration ☐ with general powers ☒ Authorization to Administer Under the Independent Administration of Estates Act ☐ with limited authority		CASE NUMBER: 46548 HEARING DATE: 12-11-13 DEPT.: 2 TIME: 8:30 AM	

1. Publication will be in (specify name of newspaper): Visalia Times Delta

- a. ☐ Publication requested.
 b. ☒ Publication to be arranged.

2. Petitioner (name each): DAVID L. PEARSON

requests that

a. ☒ decedent's will and codicils, if any, be admitted to probate.

b. ☒ (name): DAVID L. PEARSON

be appointed

- (1) ☒ executor
 (2) ☐ administrator with will annexed
 (3) ☐ administrator
 (4) ☐ special administrator ☐ with general powers

and Letters issue upon qualification.

c. ☒ full ☐ limited authority be granted to administer under the Independent Administration of Estates Act.

d. (1) ☒ bond not be required for the reasons stated in item 3d.

(2) ☐ \$ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)

(3) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location):

3. a. Decedent died on (date): 10/18/13

at (place): Visalia, CA

(1) ☒ a resident of the county named above.

(2) ☐ a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1):

b. Street address, city, and county of decedent's residence at time of death (specify):

1610 W. Myrtle Avenue

Visalia, CA 93277

County of Tulare

Exhibit A

(1) Personal property:		\$	175,000.00
(2) Annual gross income from			
(a) real property:		\$	
(b) personal property:		\$	
(3) Subtotal (add (1) and (2)):		\$	<u>175,000.00</u>
(4) Gross fair market value of real property:	\$		
(5) (Less) Encumbrances:	\$ (		)
(6) Net value of real property:		\$	<u></u>
(7) Total (add (3) and (6)):		\$	<u>175,000.00</u>

- d. (1) ☒ Will waives bond. ☐ Special administrator is the named executor, and the will waives bond.
 (2) ☐ All beneficiaries are adults and have waived bond, and the will does not require a bond.
(Affix waiver as Attachment 3d(2).)
 (3) ☐ All heirs at law are adults and have waived bond. *(Affix waiver as Attachment 3d(3).)*
 (4) ☐ Sole personal representative is a corporate fiduciary or an exempt government agency.
- e. (1) ☐ Decedent died intestate.
 (2) ☒ Copy of decedent's will dated: 1/29/92 ☐ codicil dated *(specify for each):*
- are affixed as Attachment 3e(2).*
- (Include typed copies of handwritten documents and English translations of foreign-language documents.)*
- ☒ The will and all codicils are self-proving (Prob. Code, § 8220).

(1) Appointment of executor or administrator with will annexed:

(a) ☒ Proposed executor is named as executor in the will and consents to act.

(b) ☐ No executor is named in the will.

(c) ☐ Proposed personal representative is a nominee of a person entitled to Letters.
(Affix nomination as Attachment 3f(1)(c).)

(d) ☐ Other named executors will not act because of ☐ death ☐ declination
☐ other reasons (specify):

Continued in Attachment 3i(1)(d).

- (2) Appointment of administrator:
- (a) ☐ Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3f(2)(a).)
- (b) ☐ Petitioner is a nominee of a person entitled to Letters. (Attach nomination as Attachment 3f(2)(b).)
- (c) ☐ Petitioner is related to the decedent as (specify):
- (3) ☐ Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3f(3).)

(1) ☒ resident of California.

(2) ☐ nonresident of California (specify permanent address):

- (3) X resident of the United States.
(4) nonresident of the United States.

ESTATE OF (Name): JOYCE RUTH PEARSON aka JOYCE R. PEARSON,
JOYCE PEARSON,

CASE NUMBER:

DECEDENT

4. ☒ Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.

5. a. Decedent is survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))

(1) ☐ spouse.

(2) ☒ no spouse as follows:

(a) ☐ divorced or never married.

(b) ☒ spouse deceased.

(3) ☐ registered domestic partner.

(4) ☒ no registered domestic partner.

(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)

(5) ☒ child as follows:

(a) ☒ natural or adopted.

(b) ☐ natural adopted by a third party.

(6) ☐ no child.

(7) ☐ issue of a predeceased child.

(8) ☒ no issue of a predeceased child.

b. Decedent ☐ was ☒ was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)

6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):

a. ☐ Decedent was survived by a parent or parents who are listed in item 8.

b. ☐ Decedent was survived by issue of deceased parents, all of whom are listed in item 8.

c. ☐ Decedent was survived by a grandparent or grandparents who are listed in item 8.

d. ☐ Decedent was survived by issue of grandparents, all of whom are listed in item 8.

e. ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.

f. ☐ Decedent was survived by next of kin, all of whom are listed in item 8.

g. ☐ Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.

h. ☐ Decedent was survived by no known next of kin.

7. (Complete only if no spouse or issue survived decedent.)

a. ☐ Decedent had no predeceased spouse.

b. ☐ Decedent had a predeceased spouse who

(1) ☐ died not more than 15 years before decedent and who owned an interest in real property that passed to decedent,

(2) ☐ died not more than five years before decedent and who owned personal property valued at \$10,000 or more that passed to decedent,

(If you checked (1) or (2), check only the first box that applies):

(a) ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.

(b) ☐ Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.

(c) ☐ Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.

(d) ☐ Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.

(e) ☐ Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.

(3) ☐ neither (1) nor (2) apply.

8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

ESTATE OF (Name): JOYCE RUTH PEARSON aka JOYCE R. PEARSON,
JOYCE PEARSON,

CASE NUMBER:

DECEDENT

4. ☒ Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.

5. a. Decedent is survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))

(1) ☐ spouse.

(2) ☒ no spouse as follows:

(a) ☐ divorced or never married.

(b) ☒ spouse deceased.

(3) ☐ registered domestic partner.

(4) ☒ no registered domestic partner.

(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)

(5) ☒ child as follows:

(a) ☒ natural or adopted.

(b) ☐ natural adopted by a third party.

(6) ☐ no child.

(7) ☐ issue of a predeceased child.

(8) ☒ no issue of a predeceased child.

b. Decedent ☐ was ☒ was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)

6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):

a. ☐ Decedent was survived by a parent or parents who are listed in item 8.

b. ☐ Decedent was survived by issue of deceased parents, all of whom are listed in item 8.

c. ☐ Decedent was survived by a grandparent or grandparents who are listed in item 8.

d. ☐ Decedent was survived by issue of grandparents, all of whom are listed in item 8.

e. ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.

f. ☐ Decedent was survived by next of kin, all of whom are listed in item 8.

g. ☐ Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.

h. ☐ Decedent was survived by no known next of kin.

7. (Complete only if no spouse or issue survived decedent.)

a. ☐ Decedent had no predeceased spouse.

b. ☐ Decedent had a predeceased spouse who

(1) ☐ died not more than 15 years before decedent and who owned an interest in real property that passed to decedent,

(2) ☐ died not more than five years before decedent and who owned personal property valued at \$10,000 or more that passed to decedent,

(If you checked (1) or (2), check only the first box that applies):

(a) ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.

(b) ☐ Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.

(c) ☐ Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.

(d) ☐ Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.

(e) ☐ Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.

(3) ☐ neither (1) nor (2) apply.

8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

36548

NOV 07 2013

LABAYNE CLEEK, CLERK
BY: ~~WILLIAM J. PEARSON~~ JOYCE R. PEARSON, of the County of Tulare, State
of California, declare that this is my Will.

FIRST: I hereby revoke all Wills and Codicils that
I have previously made.

SECOND: I am a widow. I have four (4) children,
DAVID L. PEARSON, my son, ELLEN M. LOGAN, my daughter, DENNIS
A. PEARSON, my son, and PHILIP A. PEARSON, my son.

THIRD: I give all of my personal vehicles, jewelry,
silverware, books, pictures, paintings, works of art,
household furniture and furnishings, glassware, dishware,
appliances, clothing and other personal effects, and other
tangible articles of a personal nature, or my interest in any
such property, not otherwise specifically disposed of by this
Will, or in any other manner, together with any insurance on
such property, to those of my children who survive me in equal
shares as they shall agree, or as my Executor shall in my
Executor's discretion determine if my children do not agree.

FOURTH: I give all of the residue of my estate as
follows:

- a. One-fourth (1/4) thereof to my son, DAVID
L. PEARSON, if he survives me. If he does
not, then his one-fourth (1/4) share shall
be distributed in separate trust for his
issue under the terms and provisions of
paragraph FIFTH. If no issue survive him,
then his share shall augment equally the

Exhibit A

- shares herein given to my other children.
- b. One-fourth (1/4) thereof to my daughter, ELLEN M. LOGAN, if she survives me. If she does not, then her one-fourth (1/4) share shall be distributed in separate trust for her issue under the terms and provisions of paragraph FIFTH. If no issue survive her, then her share shall augment equally the shares herein given to my other children.
- c. One-fourth (1/4) thereof to my son, DENNIS A. PEARSON, if he survives me. If he does not, then his one-fourth (1/4) share shall be distributed in separate trust for his issue under the terms and provisions of paragraph FIFTH. If no issue survive him, then his share shall augment equally the shares herein given to my other children. The one-fourth (1/4) share given herein to my son, DENNIS A. PEARSON, or his issue, shall include the unpaid balance of that certain One Hundred Twenty-five Thousand and No/100 Dollars (\$125,000.00) promissory note dated November 1, 1991, and executed by Dennis A. Pearson and Barbara I. Wessels-Pearson in my favor and

secured by Mortgage dated November 1, 1991, and filed for record on November 21, 1991, in Book 114, Page 93, in Delaware County, Iowa.

- d. One-fourth (1/4) thereof to my son, PHILIP A. PEARSON, if he survives me. If he does not, then his one-fourth (1/4) share shall be distributed in separate trust for his issue under the terms and provisions of paragraph FIFTH. If no issue survive him, then his share shall augment equally the shares herein given to my other children.

FIFTH: Any share of the residue of my estate distributed in trust under the terms of paragraph FOURTH shall be distributed to my Trustee, hereinafter named, to be held, administered and distributed as follows:

- a. Subject to the provisions of subparagraph b. herein, each share allocated to a group composed of the living issue of a deceased child of mine shall be distributed to such issue by right of representation, free of trust.
- b. If any person entitled to outright distribution of a trust is under age twenty-one (21), the Trustee shall hold and administer the beneficiary's portion

of that trust estate for the beneficiary's benefit. Income of the beneficiary's portion shall be added to principal and the Trustee shall pay to or apply for the benefit of the beneficiary as much of the beneficiary's trust as the Trustee in the Trustee's discretion considers necessary for the beneficiary's proper health, education, support, and maintenance. When the beneficiary attains the age of twenty-one (21), the Trustee shall distribute to the beneficiary his or her entire share of the trust estate.

- c. If a beneficiary dies before attaining age twenty-one (21), subject to the provisions of subparagraph b. herein, the beneficiary's portion of the trust shall be distributed to the beneficiary's then living issue by right of representation, or if there are none, then equally to his brothers and sisters then living, or if there are none, then to my then living issue by right of representation.

SIXTH: Any trust created by this Will shall, unless terminated earlier, terminate twenty-one (21) years after the death of the last survivor of those of my issue who are living

at the time of my death. All principal and undistributed income of any trust so terminated shall be distributed to the then income beneficiaries of that trust in the same proportions in which they are, at the time of termination, entitled to receive the income; provided, however, that if the rights to income are not then fixed by the terms of the trust, distribution under this paragraph shall be made, by right of representation, to such issue of mine as are then entitled or authorized in the Trustee's discretion to receive income distributions, or, if there are no such issue of mine, in equal shares to those beneficiaries who are then entitled or authorized to receive distributions of income.

SEVENTH: I nominate my son, DAVID L. PEARSON, as the Trustee of this Will, to serve without bond. If for any reason he shall fail to qualify or cease to act as Trustee, I nominate my daughter, ELLEN M. LOGAN, as the Trustee of this Will, to serve without bond. If for any reason she shall fail to qualify or cease to act as Trustee, I nominate my son, PHILIP A. PEARSON, as the Trustee of this Will, to serve without bond.

EIGHTH: I give my Trustee named herein the powers in California Probate Code Sections 16220 to 16249, inclusive, as now existing, amended or succeeded. I incorporate those powers in this Will by reference. In addition, the following provisions shall apply to all trusts created by this Will, subject to any limitations stated elsewhere in this Will:

- a. The Trustee shall account for principal and income in accordance with California principal and income legislation, but with authority in the Trustee to exercise reasonable discretion in matters in which the law is unclear.
- b. The Trustee is authorized to employ custodians, investment advisers, attorneys, accountants and any other agents or advisers to assist the Trustee in the administration of this trust. Reasonable compensation for all services performed by such agents and advisers shall be paid from the trust estate.
- c. No Trustee under this Will shall be liable to any person interested in this trust for any act or default of that Trustee, unless resulting from the Trustee's own bad faith or gross negligence.
- d. In any case in which the Trustee is required, according to the provisions of this Will, to divide any trust property into parts or shares for the purpose of distribution, or otherwise, the Trustee is authorized, in the Trustee's discretion, to make the division and distribution in

identical interests, in kind, or partly in kind and partly in money, and for this purpose to make such sales of the trust property as the Trustee may deem necessary on such terms and conditions as the Trustee determines.

- e. With consent of the Trustee, additional property may be added at any time from any source to any trust held under this Will.
- f. If more than one trust is held under this Will, there need be no physical segregation or division of the various trusts except as segregation or division may be required on the termination of any of the trusts, but the Trustee shall keep separate accounts for the separate undivided interests.
- g. The validity, construction, interpretation and administration of all trusts created under this Will shall be governed by the laws of the State of California in force at the date of my death.
- h. The term "Trustee" and the reference to the Trustee in the singular shall be deemed to refer to the Trustee or Trustees acting hereunder from time to time, except

as otherwise specifically set forth.

- i. The Trustee may make payments to any beneficiary under a legal, mental or physical disability by making them to the Guardian or Conservator of the beneficiary, by making them to the parent of the beneficiary, or by applying them for the beneficiary's benefit. The Trustee may also make payments directly to the beneficiary if, in the judgment of the Trustee, the beneficiary has attained sufficient age and discretion and is sufficiently competent to render it probable that the monies will be properly expended.
- j. The Trustee shall receive reasonable compensation for the services rendered by the Trustee.
- k. The Trustee shall not be required to account to the beneficiaries unless written demand is made upon the Trustee for an accounting.

NINTH: I nominate my son, DAVID L. PEARSON, as the Executor of this Will, to serve without bond. If for any reason he shall fail to qualify or cease to act as Executor, I nominate my daughter, ELLEN M. LOGAN, as the Executor of this Will, to serve without bond. If for any reason she shall fail

to qualify or cease to act as Executor, I nominate my son, PHILIP A. PEARSON, as the Executor of this Will, to serve without bond.

TENTH: I give my Executor the powers in California Probate Code Section 10502 as it exists, is amended or succeeded. I incorporate those powers in this Will by reference.

ELEVENTH: If any provision of this Will is unenforceable, the remaining provisions shall nevertheless be carried into effect.

TWELFTH: Except as otherwise provided in this Will, I have intentionally omitted to provide herein for any of my heirs living at the date of my death. If any beneficiary under this Will in any manner, directly or indirectly contests or attacks this Will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this Will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

THIRTEENTH: As used in this Will, the term "issue" shall refer to lineal descendants of all degrees, and the terms "child," "children," and "issue" shall include adopted persons.

FOURTEENTH: As used in this Will, the masculine, feminine or neuter gender, and the singular or plural number, shall each be deemed to include the others whenever the

context so indicates.

I subscribe my name to this Will this 29th day of JANUARY, 1992, at Visalia, California.

Joyce R. Pearson
Joyce R. Pearson

On the date written below, JOYCE R. PEARSON declared to us, the undersigned, that the foregoing instrument, consisting of ten (10) pages, including this page signed by us as witnesses, was her Will and requested us to act as witnesses to it. She thereupon signed this Will in our presence, all of us being present at the same time. We now, at her request, in her presence and in the presence of each other, subscribe our names as witnesses. At this time, JOYCE R. PEARSON and each of us is over eighteen (18) years and each of us believes JOYCE R. PEARSON to be of sound mind and has no knowledge of any facts indicating that the foregoing instrument, or any part of it, was produced by duress, menace, fraud or undue influence.

We declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on JANUARY 29, 1992, at Visalia, California.

David L. Louder
Residing at VISALIA, California

Laverne C. Snuffer
Residing at VISALIA, California