

Recorded: 8/3/2022 at 9:15:43.0 AM
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2022 PG: 2312

Prepared By: George A. Davis, 225 1st Avenue East, Dyersville, Iowa 52040; 563-875-9112
Return To: Attorney George A. Davis, 225 1st Ave East, Dyersville, Iowa 52040

AFFIDAVIT EXPLANATORY OF TITLE

RE: Lot Six (6) of the Survey and Plat of part of the West one-half (W $\frac{1}{2}$) of the Northwest fractional Quarter (NW $\frac{1}{4}$) of Section Three (3), Township Eighty Eight (88) North, Range Three (3), West of the Fifth Principal Meridian, according to plat recorded in Book 3 Plats, Page 6


STATE OF IOWA)
) SS:
COUNTY OF DUBUQUE)

I, Russell Benn, a Co-Executor and heir at law of the Estate of Gwen Ann Benn-Schmitt, being duly sworn under oath depose and state as follows:

1. That at the time of execution of the Warranty Deed dated December 7, 1973, and filed of record on November 8, 1973, in Book 94, L.D., Page 186, conveying title to Vernon E. Benn and Gwen A. Benn, Vernon E. Benn and Gwen A. Benn were married and continued to be married until Vernon E. Benn's death on April 19, 1985.
2. That said Warranty Deed referenced in Paragraph 1 above conveyed title to Vernon E. Benn and Gwen A. Benn, husband and wife. The Warranty Deed was silent as to how Vernon E. Benn and Gwen A. Benn were to take title to the property; whether as tenants in common or joint tenants with full rights of survivorship.
3. That Vernon E. Benn died testate.
4. That Gwen A. Benn was the sole heir at law and surviving spouse of Vernon E. Benn at the time of his death; and all children of Vernon E. Benn (Russell Benn, Brian Benn, and Brenda Kiefer), are the children of Vernon E. Benn and Gwen A. Benn.

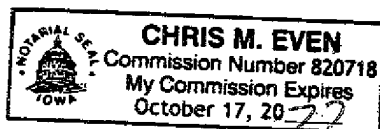
5. That the Estate of Vernon E. Benn was probated showing the above-described real estate as owned jointly and not owned as tenants in common, passing its entirety to his surviving spouse, Gwen Ann Benn.
6. That at the time of Gwen Ann Benn a/k/a Gwen A. Benn a/k/a Gwen Ann Benn-Schmitt's death on March 24, 2021, title to said property was held in Gwen Ann Benn as evidenced by Change of Title dated October 15, 1985 and filed of record on October 15, 1985 in Book 2, Page 16 of the Delaware County records.
7. That more than ten (10) years have passed since the death of Vernon E. Benn and the probate of his Estate.
8. That said Estate of Gwen Ann Benn-Schmitt is now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession; and is for the purpose of confirming title to the above-described real estate under the provisions of Sections 614.17 and 614.17A, Code of Iowa, and other statutes relative thereto.
9. Further the affiant sayeth not.

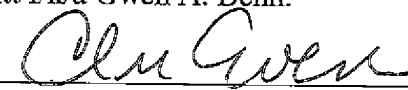
Signed this 15th day of July 2022


Russell Benn, Affiant and Co-Executor
and heir at law of Gwen Ann Benn a/k/a
Gwen A. Benn a/k/a Gwen Ann Benn-
Schmitt

STATE OF IOWA, COUNTY OF DUBUQUE, ss:

This record was acknowledged before me on July 15th, 2022, by Russell Benn,
as Co-Executor of the Estate of Gwen Ann Benn-Schmitt f/k/a Gwen A. Benn.




Signature of Notary Public