



Document 2023 2465

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BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

This instrument prepared by:

ROSS F. BARNETT, ABENDROTH RUSSELL BARNETT LAW FIRM, 2560 - 73<sup>rd</sup> Street, Urbandale, Iowa 50322

Phone # (515) 259-9327

Return document to and mail tax statements to:

COURTLAND SMITH AND EMILY E. SMITH, 1948 Nature Trail, Winterset, Iowa 50273 *CASH 143202 msk* File #ISS (dmf)

$\frac{1}{3}$

## TRUSTEE'S AFFIDAVIT

Legal:

The Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 21, EXCEPT that part of Parcel "A" located therein, as shown in Plat of Survey filed in Book 3, Page 586 on May 31, 2000, in the Office of the Recorder of Madison County, Iowa, AND EXCEPT Parcel "E" located therein, containing 0.12 acres, more or less, as shown in Plat of Survey filed in Book 2018, Page 1409 on May 7, 2018 in the Office of the Recorder of Madison County, Iowa, AND all that part of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) lying East of the public highway as now located across said 40-acre tract; in Section 20, ALL in Township 76 North, Range 27, West of the 5<sup>th</sup> P.M., Madison County, Iowa



Address: 1948 Nature Trail, Winterset, Iowa 50273

The undersigned, being first duly sworn and under oath, states of the undersigned's own personal knowledge that:

1. I am the Vice President and Trust Officer of Members Trust Company, Successor Trustee of the **Gregory J. Clarke 2011 Exempt Trust Under Agreement Dated December 1, 2011.**
2. The above-described real estate was conveyed to the Trust by deed filed of record July 26, 2018, in Book 2018, Page 2422, of the Madison County, Iowa, Recorder's Office.
3. **Lloyd E. Clarke**, the person creating the Trust, was under no disability or infirmity at the time the Trust was created.

ABENDROTH RUSSELL BARNETT LAW FIRM

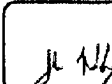
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4. The Settlor of the Trust, **Lloyd E. Clarke**, is alive.
5. Pursuant to the terms of the Trust and a Trustee Resignation and Appointment Agreement dated on or about December 20, 2020, **Members Trust Company** is appointed as the successor Trustee and has accepted such fiduciary position.
6. Pursuant to the terms of the Trust, the Trust will continue to be managed for the benefit of certain beneficiaries, the Settlor's grandchildren.
7. The Trust is not under continuing Court supervision, under Iowa Code §633.10(4).
8. Pursuant to the terms of the Trust, the successor Trustee has full authority to sell, convey, mortgage, encumber, or pledge real estate which is owned by the Trust.
9. This Affidavit is given in compliance with Title Standard 4.7 in connection with a conveyance from the Trustee of an *inter vivos* trust.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Sworn to and subscribed before the notary below.

<p>STATE OF <u>Iowa</u> )  COUNTY OF <u>Polk</u> ) SS:</p> <p>On this <u>22</u> day of <u>September</u>, 2023,  before me the undersigned, a Notary Public in and for said State, personally appeared <b>Carla Hughes, VP and Trust Officer of Members Trust Company, As Successor Trustee of the Gregory J. Clarke 2011 Exempt Trust Under Agreement Dated December 1, 2011 Trust</b>, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the person, as Trustee, executed the instrument as the voluntary act and deed of the Trust and of the Trustee.</p> <div style="text-align: center; margin-top: 20px;">   Notary Public in and for said State </div>	<p>Dated: <u>September 22nd</u>, 2023</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0; text-align: center;"> <b>Carla Hughes, VP - Trust Officer</b>  <small>Signed on 2023/09/22 12:25:57 -0500</small> </div> <p><b>Carla Hughes, VP and Trust Officer of Members Trust Company, As Successor Trustee of the Gregory J. Clarke 2011 Exempt Trust Under Agreement Dated December 1, 2011 Trust</b></p> <div style="border: 2px dashed black; padding: 10px; margin-top: 20px; text-align: center;"> <b>JOHN NEWBURY</b>  NOTARY SEAL - STATE OF IOWA  <b>Commission No. 788449</b>  My Commission Expires February 13, 2024  <small>Notary State 2023/09/22 12:25:41 PST</small> </div>
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Notarial act performed by audio-visual communication

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