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Duer & Nichol
Duer & Nichol

Duer & Nichol & Kemp all men by these presents
do hereby certify that whereas we Duer & Nichol a
firm composed of Thomas H Duer
and John Nichol both of the
City of Winterset in the County
of Madison and State of Iowa late merchants
of said City are justly indebted to sundry persons
in sundry and diverse sums of money which we
have been unable fully and promptly to pay and
discharge and being desirous to make a fair and
just disposition of our property and effects so
as to if possible fully and speedily pay all our
said debts or at least so much thereof as can be
paid by or with our said property and effects
Now therefore we the said Duer & Nichol have
and by these presents do in consideration of the
premises and of the sum of one dollar to us in hand
paid by John Leonard and Frederick Mott of the
same place the receipt of which is hereby acknowledged
do hereby assign set over and convey to the said John
Leonard and Frederick Mott the following described
Real estate situate in the County of Madison and
State of Iowa to wit the South west quarter (34) of
section number twenty eight (28) and the North half (1/2)
of the North west quarter of section number thirty three (33)
all in Township number seventy four (74) North of Range
number twenty seven (27) West of 5th P.M. and also lot
number five (5) in Block number one (1) in Dubuque
addition to the City of Winterset and also the
following described Real Estate situate in the County
of Clark and State of Iowa to wit commencing at
the South West corner of the South East quarter (34) of
section number twelve (12) in Township number seventy
three (73) North of Range number twenty seven (27) West
of 5th P.M. and running thence forty six and two thirds
(46 2/3) rods East thence thirty three and one third (33 1/3)
rods North thence thirty three and one third (33 1/3) rods
East thence four (4) rods North thence eighty (8) rods
West thence thirty seven and one third (37 1/3) rods South
to the place of beginning containing twelve (12) acres
more or less and also lot number one (1) and four (4) in
Block number nine (9) and lots number five (5) and eight
(8) in Block number four (4) in the town of Ocala and
also all the goods chattels Merchandise bills bonds
notes accounts judgments executions evidences of debt
claims demands chosen in action book of account and

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property of every name and nature whatever of us
 the said Duer & Nichol and more particularly set
 forth enumerated and described in the schedule
 hereto attached marked schedule (A) in trust near-
 thely and to and for the following uses interests
 and purposes that is to say the said Jno Leonard
 and Frederick Mott shall take possession of all
 and singular the lands tenements property and
 effects hereby assigned and sell and dispose of the
 same upon such terms and conditions as in judgement
 they may think best and most for the interest
 of the parties concerned and convert the same into
 money and also to collect all and singular the
 said debts dues bills bonds notes accounts claims
 demands and choses in action or so much thereof
 as may prove collectable and thereupon to make
 execute and acknowledge and deliver all necessary and
 proper conveyances and instruments for the purposes
 aforesaid and by and with the proceeds of such sales
 and collections the said Jno Leonard and Frederick
 Mott shall first pay and discharge all the just and
 reasonable Expenses costs and charges and commissions of
 executing carrying into effect this assignment and all
 rents taxes and assessments due or to become due on the
 lands and tenements aforesaid until the same shall
 be sold disposed of and by and with the residue or
 net proceeds and avails of such sales and collections the
 said Jno Leonard & Frederick Mott shall pay and
 discharge all the debts demands & liabilities whatsoever
 now existing whether due or to become due of us the
 said Duer & Nichol provided such Remainder shall
 be sufficient for that purpose and if insufficient
 then the same shall be applied Pro Rata Share and
 shall alike to the payment of said debts according to
 their Respective amounts and lastly the said Jno
 Leonard & Frederick Mott shall between the surplus
 of the said proceeds if any there shall be to us the
 said Duer & Nichol our Executors administrators or assigns
 and for the better Execution of these presents and of the
 several trusts hereby Referred to the said Duer & Nichol
 do hereby make authorize nominate appoint and constitute
 the said Jno Leonard and Frederick Mott our true and
 lawful attorneys irrevocably with full power and authority
 to do transact and perform all acts matters and things
 which can or may be necessary in the premises or fully and
 completely as we might or could do were these presents

not executed hereby ratifying and confirming all and every thing whatsoever our said attorney shall do or cause to be done in the premises

In testimony whereof we the said Thomas A Dyer and John Nichol have hereunto set our hands this the 16th day of November A D 1857

Thomas A Dyer
John Nichol

Third State of Iowa J. S. I John A Cityer County Judge Madison County of said County and State do hereby certify that on this 16th day of November A D 1857 before me personally came appeared Thomas A Dyer & John Nichol both to me personally known to be the identical persons whose names are affixed to the within assignment as having executed the same and acknowledged the execution thereof by them and that the same is their free and voluntary act and deed for the uses and purposes therein expressed

In witness whereof I have hereunto set my hand and affixed the seal of said county the day and year aforesaid John A Cityer County Judge Madison County Iowa

Schedule Marked as referred to in the foregoing assignment is recorded in Book 8 Page 128

Filed for record the 17th day of November at 10 o'clock A M
Ogden Bishop Recorder
James Shepard Deputy