

unt
elect

(166)

and Harry to D. H. all under these presents that D. H. Harrison

Filed for record from the 11th Nov 1858 at 10 o'clock AM

David Bishop Recorder

out
#475

S D Young, Tandy,
Philip Zimmerman &
Joseph Battershell
To C Mortgage
Estate of T. M. Smally

Know all men by these presents that we
S D Young, Philip Zimmerman and Joseph
Battershell for the consideration of Seventeen
hundred Dollars in hand paid do hereby sell
and convey to B. F. Roberts and John M. Smally

Administrators of the Estate of T. M. Smally deceased for the use
and behoof of said Estate a certain Steam Saw mill with a
Saw Machine & all the rods belonging to the same being the
same formerly owned by T. M. Smally and situate about 3 miles
South East of Winterset in Madison County, Iowa and we warrant
the title to the same against the lawful claims of all persons
Whomsoever it being further agreed and the said S D Young Philip
Zimmerman and Joseph Battershell hereby obligating themselves
to remove and locate the said Saw mill upon the following described
lands situate in said County State of Iowa to wit the west
half 1/2 of Section 31 in Township Seventy Six Range Thirty
this conveyance to be void upon the following condition
to wit where as the said S D Young ^{and as} Philip Zimmerman

(167) & Joseph Battershell are indebted to the estate of Saia
L R Smally in the Sum of Seventeen hundred Dollars evidenced
by note of even date herewith given to B L Roberts & John
R Smally as administrators of the estate of L R Smally deceased
for Saia Sum of with annual interest to be paid in three
equal payments as follows to wit One third of Saia Sum
on or before the first day of July AD 1862 One third on or
before the first day of January AD 1864 & the other one
third on or before the first Day of July AD 1865 Now if
the Saia S D ^{Tandy} Philip Zimmerman and Joseph Batten
shell shall well and truly pay the said note calling for
Saia Sum of \$1700. with interest thereon as aforesaid then
this conveyance to be void otherwise in full force at
law Witness our hands this 21st Day of June AD 1858

Stephen D ^{Tandy} Young
Philip Zimmerman
Joseph Battershell

State of Iowa
Madison County

On this 21st Day of June 1858 before me
a Notary Public in and for said County personally came
Stephen D Tandy Philip Zimmerman and Joseph Batten
shell Battershell to me personally known to be the identical
persons whose names are signed to the foregoing Mortgage as
mortgagees and acknowledged the same to be their voluntary act and
Deed Witness my hand & Notarial Seal

H M B Cummings Notary Public
Filed for record June the 22^d AD 1858 at 8 o'clock Am
David Bishop Recorder