

Deed Sep the 6th AD 1858 at 9 Adm (David Bishop Recorder)

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John W Dutton
To Trust Deed
Albert R Fern

Whereas on the 21st day of January AD 1857
Stephen Payne & Catharine Payne his wife
executors to John W Dutton of the County
of Muscatine and State of Iowa as Trustee a

24-74-29

18-74-28

Certain certain deed of trust conveying to said trustee lands in
Madison County and State of Iowa described as follows to wit the
South East quarter of the South East quarter of Section No twenty
four (24) of Township seventy four (74) North of Range twenty Nine (29)
West of the fifth Principal meridian containing forty acres and the South
East quarter of the South west quarter of Section No eighteen (18) of Township
seventy four (74) North of Range twenty Eight (28) West of the fifth Principal
meridian containing forty acres in trust upon the following conditions
as set forth in said Deed which said deed was duly recorded in the County
of Madison State of Iowa on the twenty Eighth (28th) day of January AD 1857
in book B page 330, and 331 that is to say whereas Payne and Griffith
are indebted to abbot & Dutton in the sum of three hundred and twenty
five (\$300) Dollars on a certain promissory note executed by them and payable
to the order of said abbot & Dutton four months after the date thereof
and dated January 21st 1857 and the said Payne being anxious to
secure to the said abbot and Dutton the payment of the said sum of
money when the same shall become due with execute there presents
Now if the said Griffith and Payne shall fail to pay the said Note

when the same matures then the said Dutton Trustee as aforesaid shall sell and convey the said real estate to the highest bidder at auction for cash the said trustee to give notice for thirty Days preceding the said sale stating the terms and place where the said property shall be sold and out of the proceeds arising from said sale to pay the cost and charges arising from the execution of this trust to pay the said Abbott & Dutton the amount of the said note with the interest that may have accrued thereon and the residue to hold subject to the order of said Payne should however the said note be paid before the sale then this conveyance are to be void and the said note having become due & payable and the said Payne and Griffith having failed to pay the same or any part thereof I John M Dutton Trustee as aforesaid in pursuance of the authority in me vested by said Deed of trust did on the tenth day of May 1858 proceed to give notice of the sale of said premises which notice was in the form following - To Stephen Payne and Catharine Payne wife of the said Stephen Payne and all others whom it may concern you are hereby notified that by virtue of a trust Deed executed to me as trustee for said Stephen Payne and Catharine a Payne on the following real estate to wit the South East quarter of the North East quarter of Section No twenty four & 1/2 in township seventy four (74) North of range No twenty nine (29) west of the fifth principal meridian and the South East quarter of the South west quarter of Section Eighteen (18) in Township No seventy four (74) North of range No twenty eight (28) west of the fifth principal meridian I as trustee aforesaid will sell the lands above described for cash to the highest bidder said sale to be at the door of the clerk's office of the District Court in and for Madison County Iowa on the fourth day of June A.D. 1858 between the hours of ten O'clock A.M. & four O'clock P.M. of said Day unless a certain promissory note is sooner paid off which said note was executed by Payne & Griffith dated January 21st 1857 for the sum of three hundred and twenty five Dollars & fifty Eight cents with interest at the rate of ten percent per annum after maturity made payable to the order of Abbott & Dutton & due four months after date which said note is still the property of said Abbott and Dutton to secure the prompt payment of which the said Trust Deed above referred to was executed by said Payne & his wife Catharine which said note is still wholly unpaid on May the 18th 1858

John M Dutton Trustee
A copy of which notice was posted up in three of the most public places in the said County of Madison from the tenth day of May 1858 until the fourteenth day of June 1858 and one copy of which notice was published in the Winterset Madrisman a weekly newspaper published at the County Seat of said Madison County for four weeks successively preceding the day of sale commencing on the Eighth Day of May A.D. 1858 and on the Day appointed for said sale the said promissory note still remaining unpaid on according in accordance with the notice previously given between

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of trustees and others the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said Day to wit the 14th Day of June 1838 offers for sale at public out cry at the Door of the Clerk's office of the District court in said Madison County the land herein before described to the highest bidder for cash and there being no bidder for the tract of land first above Described the two tracts above described being all the land conveyed by said Dea of Trusts were offered together and Albert R. Larn then and there offers for said real estate to wit the S E $\frac{1}{4}$ of N E $\frac{1}{4}$ of Section 14; Township 7 $\frac{1}{2}$ North of Range 29 West and the S E $\frac{1}{4}$ of S W $\frac{1}{4}$ of Section 18; Township 7 $\frac{1}{2}$ North of Range 28 West the sum of three hundred and fifty six Dollars which being the highest and best offered the same was in due form of Law struck off to him as the purchaser thereof Now therefore O John M Dutton Trustee as aforesaid by virtue of the power whi is in me vested by the said Dea of Trust in consideration of the sum of three hundred and fifty six to me paid by the said Albert R. Larn the receipt whereof is hereby acknowledged as hereby grant bargain sell and convey to the said Albert R. Larn the above described real estate with all and singular the appurtenances thereto belonging to have and to hold the same to the said Albert R. Larn his heirs and assigns forever and I hereby Covenant that I will Warrant and defend the title to the above described premises unto the said Albert R. Larn his heirs and assigns against the lawful claims of all and every person whomsoever in witness whereof I have hereunto set my hand and seal this 31st Day of August AD 1838 John M Dutton Trustee State of Iowa Muscatine County

I do hereby certify that before me George S Webb a Notary Public in and for said County personally appeared the above named John M Dutton who is personally known to me to be the identical person whose name is affixed to the above conveyance as grantor and acknowledged the same to be his voluntary act and deed for the purposes therein named Given under my hand and Notarial Seal this 31st Day of August 1838

George S Webb
Notary Public Muscatine County
Iowa

Filed for record September the 7th AD 1838 at 8 O'clock P.M.
(David Bishop Recorder)