

Miscellaneous Record, No. 18, Madison County

Filed for Record Dec 12th A.D. 1912 at 12.00 o'clock P.M.

N.G. Pace et al, Plaintiff(s) Filed for Record Dec 13th A.D. 1912 at 10.40 o'clock A.M.
) Land Severance(George Hill Recorder.
 Town of Patterson, Defendants.) By Daisy Hill Deputy.

In the District Court of Madison County, Iowa.
 In the Matter of the Severance of Certain Territory from the Incorporated Town of
 Patterson, Madison County, Iowa.

N.G. Pace, W.W. Crawford, : No. 10655, L A W.
 George W. Arnold, and)
 A.L. Hennard, Plaintiffs :

vs : Petition at Law,
 The Incorporated Town of :
 Patterson, Madison County, :
 Iowa. Defendants :

The plaintiffs for cause of action allege:

Par. 1. That the Incorporated Town of Patterson as now incorporated embraces the following territory to-wit:

The South West Quarter of Section 29; and the North West Quarter of the North West Quarter of Section 33; and the North Half of the North East Quarter; and the North Half of the North West Quarter of Section 32; all in Township 76 North, Range 26 West of the 5th P.M. Iowa.

Par. 2. That none of said territory is platted and laid out in blocks and lots or used for town purposes except that portion of the South Half of South West Quarter of said Section 29 lying North of the Right-of-way of the Chicago Rock Island & Pacific Railway Company. That all the balance of said territory embraced in said incorporated town of Patterson, Iowa, is farm land and is used exclusively for agricultural purposes.

Par. 3. That the boundary lines of said incorporated town of Patterson, Iowa, as it now exists are as follows: Commencing at the North West corner of the South West Quarter of said Section 29 in Township 76 North, Range 26 West of the 5th P.M. Iowa; running thence East on the North line of the South West Quarter of said Section to the center of said section 29; thence South one-half mile to the Quarter Section corner on the South line of said Section 29; thence East on the Section line three-fourths of a mile to the North East corner of the North West Quarter of the North West Quarter of Section 33; thence South to the South East corner of said last described forty acre; thence West one and one-fourth miles to the South West corner of the North Half of the North West Quarter of Section 32, Township 76 North, Range 26 West of the 5th P.M. Iowa; thence North three-fourths of a mile on the section line to the place of beginning.

Par. 4. That the North West Quarter of the North West Quarter of said Section 33; and the North East Quarter of the North East Quarter of Section 32; and the North West Quarter of the North West Quarter of said section 32; and all that portion of the South West Quarter of the South West Quarter of Section 29 lying South and East of the

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main channel of Middle River; also commencing at a point on the South line of the right-of-way of the Chicago Rock Island and Pacific Railway Company where said line crosses the West line of the South West Quarter of the South West Quarter of said Section 29; running thence East along the South line of the said right-of-way of said railroad 38 rods; thence in a southwesterly direction with the meanderings of Middle River to a point on the South line of said South West Quarter of the South West Quarter of said Section 29, 36 rods East of the South West corner thereof where the river crosses the line thereof; thence West to the South West corner of said South West Quarter of the South West Quarter of said Section 29; thence North to the place of beginning; also a part of a strip of land 21 rods and 22 links wide off the East side of the South East Quarter of the South West Quarter of said Section 29, being that part of said strip of land lying North of the main channel of Middle River and South of the right of way of the Chicago Rock Island and Pacific Railway Company, all of the said land in this paragraph described lying and being in Township 76 North, Range 26 West of the 5th P.M. Iowa; and all of the said real estate in this paragraph described now constitute a part of the Incorporated Town of Patterson, Madison County, Iowa, Par. 5. That the said real estate described in paragraph four of this petition is used exclusively for agriculture purposes and none of said land is necessary for town purposes, and the same is not in any way benefited by reason of being within the limits of the said Incorporated Town of Patterson, Madison County, Iowa.

Par. 6. That the whole of said land described in paragraph four of this petition is now owned and held by the following named persons to-wit: N.G. Pace, W.W. Crawford, George W. Arnold and A.L. Mesnard.

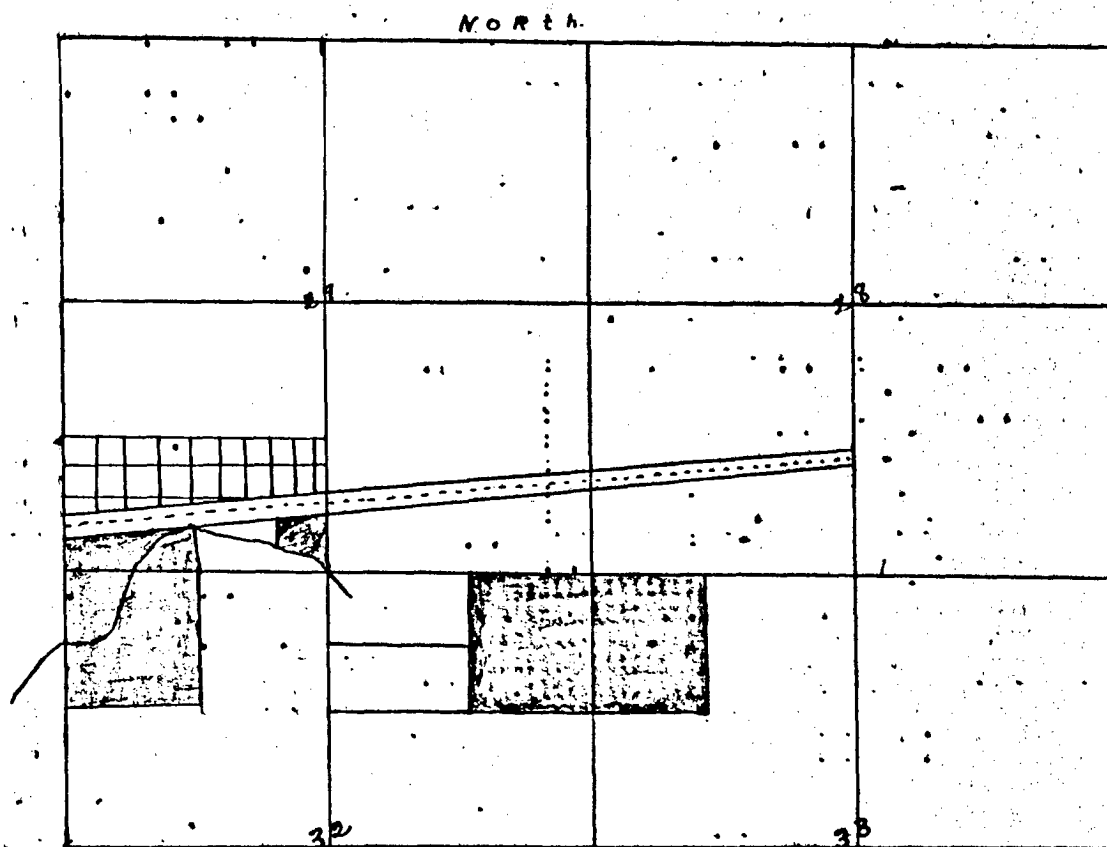
Par. 7. That your petitioners have heretofore subscribed their names for the purpose of having the lands described in paragraph four hereof severed and stricken from the limits of the said Incorporated Town of Patterson, Madison County, Iowa. That your petitioners hereby appoint N.G. Pace and W.W. Crawford our agents to prosecute this petition in our place and stead.

Par. 8. That the plaintiffs attach hereto an accurate plat of the territory South to be severed and stricken from the limits of said Incorporated Town which plat is marked Exhibit "A" and made a part of this petition. Wherefore your petitioners pray that said land described in paragraph four of this petition be severed and stricken from the limits of the said Incorporated Town of Patterson, Madison County, Iowa, and for such other relief as to the Court may seem just and right in the premises.

W.W. Crawford,
A.D. Mesnard,

G.W. Arnold,
N.G. Pace,

Exhibit "A"



The colored portion of the above plat is a correct plat of the land sought to be severed.

In the District Court of Madison County, Iowa.

In the Matter of the Severance of Certain Territory from the Incorporated Town of Patterson, Madison County, Iowa.

N.G. Pace, W.W. Crawford,
George W. Arnold, and
A.L. Mesnard, Plaintiffs,
vs

: Notice of Proceedings.
: to sever certain Territory
: from the Incorporated Town
: of Patterson, Iowa.

The Incorporated Town of
Patterson, Madison County,
Iowa. Defendants.

To the Citizens and Residents of the Incorporated Town of Patterson,

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Madison County, Iowa, and to all other whom it may concern;
 You are hereby notified that there is now on file in the office of the Clerk of the District Court of Madison County, Iowa, the petition of N.G. Pace, W.W. Crawford, George W. Arnold and A.L. Mesnard the owners of the following described real estate (which is now a part of the Incorporated Town of Patterson, Iowa) to-wit:
 The North West Quarter of the North West Quarter of said Section 33; and the North East Quarter of the North East Quarter of Section 32; and the North West Quarter of the North West Quarter of said Section 32; and all that portion of the South West Quarter of the South West Quarter of Section 29 lying South and East of the main channel of Middle River; also commencing at a point on the South line of the right of way of the Chicago Rock Island and Pacific Rail Way Company where said line crosses the West line of the South West Quarter of the South West Quarter of said Section 29; running thence East along the South line of the said right of way of said railroad 38 rods; thence in a southwesterly direction with the meanderings of Middle River to a point on the South line of said South West Quarter of the South West Quarter of said Section 29, 36 rods East of the South West corner thereof where the river crosses the line thereof; thence West to the South West corner of said South West Quarter of the South West Quarter of said Section 29; thence North to the place of beginning; also a part of a strip of land 21 rods and 22 links wide off the West side of the South East Quarter of the South West Quarter of said Section 29, being that part of said strip of land lying North of the main channel of Middle River and South of the Right of Way of the Chicago Rock Island and Pacific Railway Company, all of the said land lying and being in Township 76 North, Range 26 West of the 5th P.M. Iowa. Which petitioner prays that the said land hereinbefore described be severed and stricken from the limits of the said Incorporated Town of Patterson, Iowa, and for general relief. For further particulars and for plat showing the territory sought to be stricken as aforesaid see said petition. That said matter will come on for hearing at the October Term A.D. 1912 of said Court which will commence at Winterset, Iowa, on the 1st day of October A.D. 1912 at which time and place you can appear and defend if you see proper and in case you fail to appear at said time and place the prayer of said petition will be granted and said territory severed from the said town of Patterson, Iowa.

A.W. & Phil R. Wilkinson
 Attorneys for Plaintiffs.

State of Iowa, Madison County. SS:

I, hereby certify that the notice of proceedings to sever certain territory from the Incorporated Town of Patterson, Iowa, hereto attached came into my hands for service on August 20th 1912, and on the same day I served the same by posting said notice in five public places in the said Town of Patterson, Iowa, to-wit: in the Post Office, Blacksmith Shop, Livery Barn, Restaurant, and Telephone Pole by the Bridge. All done in Patterson, Iowa, on August 20th A.D. 1912.

Subscribed and sworn to before me and in my presence by said D.M. Pace on this 24th day of August A.D. 1912.

D.M. Pace.

Phil R. Wilkinson
 Notary Public in and for Madison
 County, Iowa.

(Seal)

In the District Court of Madison County, Iowa.
 In the Matter of the Severance of Certain Territory from the Incorporated Town of Patterson, Madison County, Iowa.

N.G. Pace, W.W. Crawford,
 George W. Arnold and
 A.L. Mesnard, Plaintiffs

No. 10655 L A W

vs

Decree Ordering Severance.

The Incorporated Town of
 Patterson, Madison County,
 Iowa, Defendant.

Now at this time to-wit: October 2nd A.D. 1912 the same being one of the judicial days of the regular October Term A.D. 1912 of said Court this cause coming on to be heard upon the issues joined, the petitioners appearing by A.W. & Phil R. Wilkinson, their attorneys, and by N.G. Pace and W.W. Crawford their agents, there being no appearance for the defendant, the said Town of Patterson, Iowa. And the Court after having seen and inspected the pleadings and record and after having heard all the evidence and argument of counsel, and having jurisdiction of the subject matter and the parties to this action and being well and fully advised in the premises finds that the petitioners have filed herein as required by law their petition in writing signed by a majority of the residents and property owners of that portion of the territory sought to be severed from the incorporated Town of Patterson, Iowa, which petition correctly described the territory sought to be severed. And that attached to said petition is a correct plat of the said territory sought to be severed. That notice of the filing of the said petition has been given by posting notices thereof in five public places in said Incorporated Town of Patterson, Iowa, for four weeks previous to the commencement of the present term of this Court as required by law. And that the prayer of the petitioners herein should be granted. It is therefore ordered, adjudged and decreed by the Court that the following described lands to-wit: The North West Quarter of the North West Quarter of said Section 33; and the North East Quarter of the North East Quarter of Section 32; and the North West Quarter of the North West Quarter of said Section 32; and all that portion of the South West Quarter of the South West Quarter of Section 29 lying South and East of the main channel of Middle River; also commencing at a point on the South line of the Right of way of the Chicago Rock Island and Pacific Railway Company where said line crosses the West line of the South West Quarter of the South West Quarter of said Section 29; running thence East along the South line of the said Right of Way of said Railroad 38 rods; thence in a Southwesterly direction with the meanderings of Middle River to a

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point on the South line of said South West Quarter of the South West Quarter of said Section 29, 36 rods East of the South West corner thereof where the river crosses the line thereof; thence West to the Southwest corner of said South West Quarter of the South West Quarter of said Section 29; thence North to the place of beginning; also a part of a strip of land 21 rods and 22 links wide off the East side of the South East Quarter of the South West Quarter of the said Section 29, being that part of said strip of land lying North of the main channel of Middle River and South of the Right of Way of the Chicago Rock Island and Pacific Rail Way, all of the said land in this paragraph described lying and being in Township 76 North, Range 26 West of the 5th P.M. Iowa, be and the same is hereby severed and stricken from the limits of the Incorporated Town of Patterson, Iowa. And it is hereby further ordered, adjudged and decreed that W.O. Lucas, M.L. Silliman and John Frankelberger are hereby appointed commissioners to adjust the terms of such severance with reference to any liability of said incorporated Town incurred during the connection of the territory hereby severed with said Town of Patterson, Iowa, and to report their doings hereunder at the next term of this Court as provided by law. It is further ordered and adjudged that the petitioners pay the costs necessarily made in the presentation of the petition herein and also those costs necessarily made in the severance of the territory taxed at ----- Dollars, and that execution issue therefor. And this cause is continued for the report of the commissioners.

J.H. Applegate, Judge.

In the District Court of Madison County, Iowa.

N.G. Pace, et al

No. 10655 L A W

vs

Commission to Commissioners.

The Incorporated Town of Patterson,
Madison County, Iowa.

To W.O. Lucas, M.L. Silliman and John W. Frankelberger:

You are hereby notified that at a regular term of the District Court of Madison County, Iowa, held at Winterset, Iowa, October 1st, 1912, an order of severance was entered in the above entitled case by which the following described real estate was ordered severed and stricken from the Incorporated Town of Patterson, Iowa, to-wit:

The North West Quarter of the North West Quarter of Section 33; and the North East Quarter of the North East Quarter of Section 32; and the North West Quarter of the North West Quarter of Section 32; and all that portion of the South West Quarter of the South West Quarter of Section 29 lying South and East of the main channel of Middle River; also commencing at a point on the South line of the Right of Way of the Chicago Rock Island and Pacific Rail Way Company where said line crosses the West line of the South West Quarter of the South West Quarter of said Section 29; running thence East along the South line of the said Right of Way of said rail road 38 rods; thence in a Southwesterly direction with the meanderings of Middle River to a point on the South line of said South West Quarter of the South West Quarter of said Section 29, 36 rods East of the Southwest corner of said South West Quarter of the South West Quarter of said Section 29; thence North to the place of beginning; also a part of a strip of land 21 rods and 22 links wide off of the East side of the South East Quarter of the South West Quarter of the said Section 29, being a part of said strip of land lying North of the main channel of Middle River and South of the right of way, all of said land in this paragraph described lying and being in Township 76 North, Range 26 West of the 5th P.M. Iowa.

You are hereby further notified that you were by the District Court at the October Term 1912 appointed Commissioners to adjust the terms of the severance of the above described real estate from the Town of Patterson, Iowa, with reference to any liability of said Incorporated Town of Patterson, Iowa, incurred during the connection of the territory herein described from the Town of Patterson, Iowa. And you are directed to make report of your doings herein at the December Term 1912 of this Court.

In Witness Whereof I have hereunto set my hand and caused the seal of the District Court of Madison County, Iowa, to be affixed this 9th day of November A.D. 1912.

W.F. Craig,

Clerk of the District Court.

S E A L

State of Iowa, Madison County SS:

We, W.O. Lucas, M.L. Silliman and John W. Frankelberger do solemnly swear that we will well and truly, without partiality or prejudice perform all the duties of Commissioners in the above entitled cause, and that we will in all respects perform our duties as commissioners to the best of our skill and judgment, as required by the foregoing commission.

W.O. Lucas.

M.L. Silliman.

J.W. Frankelberger.

Subscribed and sworn to before me and in my presence by W.O. Lucas, M.L. Silliman and John W. Frankelberger, this 12th day of November, A.D. 1912.

W.F. Craig, Clerk of the
District Court.

SEAL.

In the District Court of Iowa, within and for Madison County:

N.G. Pace, W.W. Crawford, George : No. 10655 L A W

W. Arnold and A.L. Mesnard, Plaintiffs :

vs :

Report of Commissioners.

The Incorporated Town of Patterson :

Madison County, Iowa, Defendants :

Comes now W.O. Lucas, John W. Frankelberger and M.L. Silliman, heretofore on the 2nd day of October, A.D. 1912, appointed by the District Court of Madison County, Iowa, commissioners in the above entitled cause, and report to the Court as follows, to-wit: That they qualified as such commissioners on the 12th day of November A.D. 1912, and that on the 13th day of November A.D. 1912, they notified all of the plaintiffs and the defendant, that they would be in session at the seal office of Willis Gilloughly in Patterson, Iowa, the usual meeting place of the City Council of Patterson, Iowa, on Tuesday November, 19th, 1912, at 10 o'clock A.M., at which place and hour the said commissioners would hear any evidence or statements of any of the interested parties relative to the terms upon which the land heretofore decreed severed in this cause, should be severed from the Incorporated Town of Patterson, Iowa.

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porated town of Patterson, Madison County, Iowa, and that in accordance with said notice the said commissioners was in session at the place and time named in said notice. That at said hearing the said plaintiffs was represented by the plaintiff W.W. Crawford, and the defendants by the City Treasurer and members of the City Council. These commissioners after hearing the statements of the parties, and after examining the books of the City Treasurer, find as follows, to-wit:

That the said Incorporated Town of Patterson has on hands the sum of \$4.23. That there is outstanding as indebtedness against said town for street improvement the sum of \$150.00. That there is outstanding as indebtedness against said town for salary and fees due the Street Commissioner the sum of \$40.00. That there is outstanding as an indebtedness against said town for lumber for bridges and dump boards the sum of \$16.00. That there is due John H. Klingenberg for labor on the streets of said town the sum of \$4.00, making the total indebtedness of said town the sum of \$216.00. The commissioners further find that all of said land so severed are agricultural tracts of land and are not used for the purpose of city residences, and each tract is either in excess of ten acres, or is a part of a tract that consists of more than ten acres in extent, and none of said tracts are laid out in city lots, and no streets pass along or through any of said tracts, except the public highway that would pass along or through said tracts to the same extent of the said land was not included in the corporate limits of said Town of Patterson.

We therefore find that the said tracts of land so severed from the said Town of Patterson, Iowa, is not liable for any of the indebtedness of said town above set out, that the said tracts so severed should not be held for any further payment of taxes to, or claims against the said town of Patterson, Iowa.

Dated at Winterset, Iowa, this 27th day of November 1912.

Fees :
W.O. Lucas \$5.00
M.L. Silliman 5.00
John Frankelberger 5.00
D. Roy, expense-Auto 2.50

W.O. Lucas,
M.L. Silliman,
John Frankelberger,
Commissioners.

In the District Court of Madison County, Iowa.
In the Matter of the Severance of Certain Territory from the Incorporated Town of Patterson, Madison County, Iowa.

N.G. Pace, W.W. Crawford, : No. 10655 L A W
George W. Arnold and A.L. :
Mesnard, Plaintiffs : Decree Confirming Report
vs : of Commissioners.

The Incorporated Town of Patterson,
Madison County, Iowa.

Now at this time, to-wit: December 5th A.D. 1912, the same being the third judicial day of the regular December Term A.D. 1912, of said Court this cause coming on for final hearing and trial upon the report of the commissioners appointed at the October Term, A.D. 1912, of this Court to adjust the terms of the severance of the territory by this Court heretofore ordered, stricken and severed from the limits of said Incorporated Town of Patterson, Madison County, Iowa. The petitioners appearing by A.W. & Phil R. Wilkinson, their attorneys, there being no appearance for the said defendant or its officers. And the Court after hearing and inspecting said report and hearing the arguments of counsel and being well and fully advised in the premises finds that said report should be approved and confirmed. It is therefore ordered and decreed by the Court that said report be and the same is hereby approved and confirmed by the Court. And the said severance heretofore ordered and decreed by the Court be and the same is hereby approved and confirmed and made effectual and firm forever. It is further found and adjudged that all of the said lands so severed are agricultural tracts and the same are not used for town purposes, and each tract is in excess of ten acres and none of the same are laid out in city lots and no streets pass along or through any of said tracts except the public highway that would pass along or through said tracts to the same extent if the said land was not included in the corporate limits of said town of Patterson. It is further found and adjudged that none of said land is liable for any indebtedness of said town and that the said tracts so severed should not be held for any further payment of taxes due, or claims against the said town of Patterson. It is hereby further ordered that the petitioners pay the cost of the commissioners taxed at \$17.50 and the costs which were heretofore ordered by the Court be paid by said petitioners and all other costs, and that execution issue therefor, and that severance herein made shall be complete upon the filing of the transcript of the proceedings herein as provided by law.

State of Iowa, Madison County SS:

W.H. Fahey, Judge.

I, W.F. Craig, Clerk of the District Court within and for Madison County, Iowa, the same being a court of record and having a seal, hereby certify that attached hereto is an exact, true and complete copy of the following instruments filed in the case of N.G. Pace, et al vs The Incorporated Town of Patterson, Iowa, the same being all the pleadings filed therein, to-wit: Petition, exhibit "A" Original Notice and Return of Service, Decree ordering severance, Commission to Commissioners and oath, Report of commissioners and order of court confirming report, all as full, true and complete as the originals of the same now on file and appearing of record in this office.

In Witness Whereof I have hereunto set my hand and caused the seal of said court to be affixed at Winterset, Iowa, this 12th day of December A.D. 1912.

District Court
Seal.

W.F. Craig,
Clerk District Court in
and for Madison County, Iowa.