

Book 74

Mortgage Record, No. 74,

Elmer M. McCleary & wife)
to) 2nd Mtg.
Elmer C. Huff)

Filed for record the 18th day of March A.D. 1921
at 2 o'clock P.M.

Nettie E. Winship, Recorder
Fee \$.90 # 742

KNOW ALL MEN BY THESE PRESENTS: That Elmer M. McCleary and Emma McCleary, his wife of the County of Dallas and State of Iowa, parties of the first part in consideration of Two Thousand One Hundred Twenty Five & No/100 Dollars, in hand paid by Elmer C. Huff of the County of Madison and State of Iowa party of the second part, do by these presents, Grant Bargain Sell and Convey unto the said party of the second part his heirs and assigns forever the following described real estate, lying and being situated in the County of Madison and State of Iowa, to-wit:

The West half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8) Township Seventy seven (77) North, Range Twenty Nine (29) west of the fifth P.M. in Madison County, Iowa subject to incumbrances as follows to-wit: One certain first mortgage in the sum of Sixteen Thousand & no/100 Dollars.

TO HAVE And To Hold The premises above described, with the appurtenances thereunto belonging unto the said second party and to his heirs and assigns forever. The said parties of the first part hereby covenants that the above described premises are free from any incumbrances except as above stated and that they will Warrant and Defend the title unto the said party of the second part his heirs, and assigns against all persons whomsoever lawfully claiming the same, excepting above incumbrances; Provided always, and these presents are upon this express condition, that if the said Elmer M. McCleary and Emma McCleary their heirs, executors, administrators, or assigns shall pay the said Elmer C. Huff his heirs executors, administrators, or assigns the sum of Two Thousand One Hundred Twenty five & No/100 Dollars, on the 1st day of March 1924, with interest thereon payable annually at the rate of Six per cent per annum according to the tenor and effect of the one promissory note of the said Elmer M. McCleary and Emma McCleary payable to said Elmer C. Huff or order and bearing date even herewith then these presents to be void, otherwise to remain in full force.

The grantors also further agree to pay all taxes or assessments levied on said described premises when the same shall be due and before the same or any part thereof shall become delinquent, and to permit said mortgages above described to be come defaulted or breached or delinquent in no respect. In default of the grantors to pay such taxes or assessments when due, then the grantee herein, his executors, administrators, or assigns may pay such taxes or assessments, or either, and shall receive 8 per cent interest, payable semi-annually on all such payments, from the date thereof, and this mortgage shall stand as security for all such payments taxes, assessments or interest thereon as above, and all unpaid interest hereunder; or upon any such default of the grantors herein to pay such taxes or assessments, or any interest or principal when due, or upon any interest or principal becoming due and unpaid upon any of the above described mortgages, or upon any of said mortgages becoming in any way due and payable, the grantee, his executors, administrators or assigns, may declare the whole sum hereunder remaining unpaid immediately due and payable and may proceed by foreclosure or in any other lawful method to collect such amount with all costs, including a reasonable attorney's fee for plaintiff's attorney.

And said Emma McCleary hereby relinquishes her right of dower in the foregoing described real estate, subject to the above reservations and conditions.

Signed by the parties of the first part this 28th day of February A.D. 1921

Elmer M. McCleary
Emma McCleary

For Release of Unrecorded Mortgages
Mortgage Record 74 Page 577

Book 74 Page 27

Madison County, Iowa

BOOK 74

State of Iowa, Dallas County SS: On this 28 day of February A.D. 1920 before me Allen T. Percy, a Notary Public in and for said County, personally appeared Elmer M. McCleary and Emma McCleary, his wife to me known to be the identical persons named in and who executed the foregoing instrument and whose names are affixed thereto and acknowledged that they executed the same as their voluntary act and deed.

Made under my hand and seal of office the day and year last above written.



Allen T. Percy
Notary Public in and for said County.