

## Madison County, Iowa

Book 74

Bert Sanders, Notary Public  
Warren County, Iowa.

J.V. McClure )  
to ) Waiver  
John Fischer Trustee ) Agreement

Filed for record the 22 day of March A.D. 1921  
at 2.50 o'clock P.M.

Nettie B. Winship, Recorder  
Fee \$ .60 # 786

THIS AGREEMENT, Made and entered into this 9th day of March A.D. 1921, by and between J.V. McClure, of Winterset, Madison County, Iowa, as party of the first part and John Fischer, Trustee, of the City of Keosauqua, County of Henry, and State of Illinois, as party of the second part,

WITNESSETH: Whereas the party of the first part is the owner of a certain mortgage made and executed by A.L. Rockwell and Lottie L. Rockwell, his wife, to J.V. McClure, filed for record in the office of the County Recorder for Madison County, Iowa; on the 7th day of March, A.D. 1921, at 10.35 o'clock A.M. given to secure payment of the sum of \$1000.00 a lien on the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 15, Township 75, North, Range 29, West of the 5th P.M.,

That said mortgage was meant to be made a lien subsequent to two prior mortgages, one of said prior mortgages being made and executed by B.F. Myers and wife to the American Commercial and Savings Bank, given to secure payment of \$2400.00 and filed for record in the office of said County Recorder on March 2nd, 1920, and a certain Trust Deed, made and executed by A.L. Rockwell and wife to John Fischer, Trustee, filed for record in the office of said County Recorder on March 7th, 1921, at 1.18 P.M. given to secure payment of the sum of \$1600.00 and which said \$1600.00 Mortgage was made subject only to said above described mortgage of \$2400.00, and

Whereas, the said Mortgage of \$1000.00 to the party of the first part herein was filed for record prior to the said mortgage of \$1600.00 to John Fischer, Trustee.

NOW FOR AND IN CONSIDERATION of the premises and the sum of One Dollar in hand paid by party of the second part to the party of the first part, the party of the first part hereby agrees that the said mortgage or trust deed to John Fischer, trustee, of \$1600.00 which was filed in the office of the County Recorder for Madison County, on March 7th, 1921 at 1.18 P.M. is a lien on the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 15, Township 75, Range 29, West of the 5th P.M. Madison County, Iowa, prior to the said mortgage executed by A.L. Rockwell and wife to J.V. McClure and which said mortgage was filed on March 7th, 1921 at 10.35 o'clock A.M. and the said party of the first part hereby waives any rights over and above the said mortgage to John Fischer, Trustee, resulting from the said mortgage to party of the second part, being filed for record prior to the filing of the said mortgage or Trust Deed to John Fischer, Trustee.

In Testimony Whereof the party of the first part has executed this agreement the day and year first above written.

J.V. McClure  
State of Iowa County of Madison SS: On this 22nd day of March A.D. 1921, before me personally appeared J.V. McClure, to me known to be the person who is named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed. Witness my hand and seal the day and year last above written.

W.F. Craig, Notary Public  
in and for said County.