

Charles Wicks et al, Referees) COMPARED Filed for record the 29th day of
to (Copy of Referees' Report December A.D. 1926, at 9:30 o'clock A.M.
Chester L. Jones, et al) and Plat. #2590 Gladys B. Devault, Recorder
Certificate of Transcript Fee \$4.00 ✓

THE STATE OF IOWA, Madison COUNTY, ss: I, Warren Smith, Clerk of the District Court in and for said County, do hereby certify that the attached is a full, true, and correct copy of Report of Referees in Partition and Supplementary Decree in Partition in Equity Cause Number 13863 entitled Maude J. Machesney, Plaintiff vs Cora J. Bush et al, Defendants, and also the original "Plat" marked exhibit "A" in the above cause number 13863 signed by the referees, Charles Wicks, John Beck and Harry Olson as the same appears of record in my office, except the Plat marked exhibit "A"

WITNESS my hand and the Seal of said Court hereto affixed, at my office in Winterset, Iowa, in said County, on this 26th day of December 1926.
FILED DEC 29 1926
Ellyson Green (DISTRICT COURT SEAL) Warren Smith, Clerk.
COUNTY AUDITOR By, Deputy.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY.

MAUDE J. MACHESNEY, Plaintiff,)
vs.)
CORA J. BUSH,)
CHESTER L. JONES,) (REPORT OF REFEREES IN PARTITION.
LEAH DURAND JONES,)
LEVI B. JONES,)
NELS V. JOHNSON, and)
SEWELL HOLMES,)
Defendants.)

TO THE COURT: COME NOW the undersigned referees in pursuance of the order of this Court made in the above entitled cause on the 11th day of October, 1926, by which the undersigned were appointed referees and directed to make partition of the following described real estate, to-wit: The West Half (W.½) of the Northwest Quarter (N.W.¼) of Section 21, Township 76 North, Range 29, West of the 5th P. M., Madison County, Iowa, we the said Referees do respectfully report that we have made partition thereof as follows:

To the defendant Cora J. Bush, we have allotted the following described parcel of land, to-wit: - the North Fourteen (14) rods of the West Half of the Northwest Quarter of Section 21, Township 76, North, Range 29, West of the 5th P. M.

To the defendant Chester L. Jones, we have allotted the following described parcel of land, to-wit: - The South Thirty-nine and 9/11ths (39 9/11ths) rods of the North Fifty-three and 9/11ths (53 9/11ths) rods of the said West Half of the Northwest Quarter of Section 21, Township 76 North, Range 29, West of the 5th P. M.

To the defendant Leah Durand Jones, we have allotted the following described parcel of land, to-wit: - The South Thirty-nine and 9/11ths (39 9/11ths) rods of the North Ninety-three and 7/11ths (93 7/11ths) rods of the said West Half of the Northwest Quarter of Section 21, Township 76, North, Range 29, West of the 5th P. M.

To the plaintiff Maude J. Machesney, we have allotted the following described parcel of land, to-wit: - The South Thirty-nine and 9/11ths (39 9/11ths) rods of the North One hun-

dred thirty-three and 5/11ths of the said West Half of the Northwest Quarter of Section 21, Township 76 North, Range 29, West of the 5th P. M.

To the defendant Levi B. Jones, we have allotted the following described parcel of land, to-wit: - The South Twenty-six and 6/11ths (So. 26 6/11ths) rods of the said West Half of the Northwest Quarter of Section 21, Township 76 North, Range 29, West of the 5th P. M.

That each of said shares as allotted are designated upon the plat accompanying this report, marked Exhibit "A". That the land alloted to the defendant Cora J. Bush is designated as Lot 1; that the land allotted to the defendant Chester L. Jones is designated upon said plat as Lot 2; that the land allotted to the defendant Leah Durand Jones is designated upon said plat as Lot 3; that the land allotted to the plaintiff Maude J. Machesney is designated upon said plat as Lot 4 and that the land allotted to the defendant Levi B. Jones is designated upon said plat as Lot 5. That the number of acres in each of said tracts is one-half the number of its width in rods.

We further report that we each were employed one days in making the partition aforesaid. All of which is respectfully submitted this 20th day of October, 1926.

Charles Wicks
John Beck
Harry Olson
Referees.

IN THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.

MAUDE J. MACHESNEY, Plaintiff,)
vs.)
CORA J. BUSH,)
CHESTER L. JONES,)
LEAH DURAND JONES,)
NELS V. JOHNSON,)
SEWELL HOLMES, and)
LEVI B. JONES,)
Defendants.)

EQUITY NO. 13863

SUPPLEMENTARY DECREE IN PARTITION.

BE IT REMEMBERED that on this 20th day of October, 1926, the same being one of the regular judicial days of the October, 1926, Term of said Court, the above entitled matter came on for further hearing and final determination, the parties appearing as heretofore, and the Court, on being further fully advised, finds:

That the defendant, SEWELL HOLMES, is the holder of a mortgage in the sum of One Thousand and no/100 Dollars (\$1,000.00) covering the interest of the said LEVI B. JONES in the property under partition, said mortgage being in the form of a Warranty Deed made and executed by the said LEVI B. JONES and wife, EVA B. JONES, to the said SEWELL HOLMES, on the 25th day of March, 1926, and recorded in Book 57 at page 470 of the records of the County Recorder of Madison County, Iowa; that said mortgage, with interest on the same from September 22, 1925, at the rate of six (6%) per cent, is unpaid, and that the lien of said mortgage should be confirmed upon the interest of the said LEVI B. JONES in said property as partitioned; that the defendant, NELS V. JOHNSON, is the holder of judgment obtained against the defendant, LEVI B. JONES, in the Adair District Court, on or about the 26 day of March, 1926, in a certain action then pending in said Court, in which the said NELS V. JOHNSON was plaintiff and the said LEVI B. JONES defendant, said judgment having been transcribed to Madison County, Iowa, and is of record in Transcript Book K at page 310 of the records of the District Court of Madison County, Iowa.

That on account of the sale of property situated in Adair ^{and} Guthrie Counties, there has been paid and credited upon said judgment the sum of Twenty-four Thousand and no/100 Dollars (\$24,000.00); that said judgment, or the portion remaining unpaid, is a lien upon the interests of the said LEVI B. JONES in the property partitioned, subject to the lien thereon of the defendant, SEWELL HOLMES, under his mortgage as above described; that the lien of the mortgage held by the defendant, SEWELL HOLMES, and the lien of judgment held by the defendant, NELS V. JOHNSON, do not affect, in any way, the property and interests of the other parties to said partition suit, and that the lien of said mortgage, and the lien of said judgment, in the order of their priorities, are liens only upon that part of said property partitioned

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which has been set aside and allotted to the said LEVI B. JONES in these partition proceedings.

That the Referees appointed by this Court, to-wit: CHARLES WICKS, JOHN BECK, and HARRY OLSON, have made partition of said property described in plaintiff's petition, to-wit:

The west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section Twenty-one (21), Township Seventy-six (76), Range Twenty-nine (29), West of the 5th P.M., Madison County, Iowa, filed their report with the Clerk of this Court and the same should be approved, and the respective shares as allotted to the several parties should be confirmed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court, that said partition as made by said Referees, be and the same is hereby approved and confirmed; that the several shares as allotted by said Referees, to-wit:

The north fourteen (14) rods of the said west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, to the defendant, CORA J. BUSH, designated upon the Partition Plat as Lot One (1);

The south thirty-nine and nine-elevenths ($\frac{39-9}{11}$) rods of the north fifty-three and nine-elevenths ($\frac{53-9}{11}$) rods of the said west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, as returned to the defendant, CHESTER L. JONES, by said Referees, and designated as Lot Two (2) upon said Plat;

The south thirty-nine and nine-elevenths ($\frac{39-9}{11}$) rods of the north ninety-three and seven-elevenths ($\frac{93-7}{11}$) rods of the west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, to the defendant LEAH DURAND JONES, and designated as Lot Three (3) upon said Plat;

The south thirty-nine and nine-elevenths ($\frac{39-9}{11}$) rods of the north one hundred thirty-three and five-elevenths ($\frac{133-5}{11}$) rods of the said west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, to the plaintiff, MAUDE J. MACHESNEY, and designated as Lot Four (4) upon said Plat; and

The south twenty-six and six-elevenths ($\frac{26-6}{11}$) rods of the said west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, to the defendant, LEVI B. JONES, and designated upon said Plat as Lot Five (5),

and that said shares so allotted and designated are each hereby confirmed to the parties and in the respective amounts as stated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the lien of the mortgage of the defendant, SEWELL HOLMES, and the lien of the judgment of the defendant, NELS V. JOHNSON, attach only to the interests of the said LEVI B. JONES in the property as partitioned, to-wit: The south twenty-six and six-elevenths ($\frac{26-6}{11}$) rods of the said west one-half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of Section 21, Township 76, Range 29, West of the 5th P.M., Iowa, and against none of the other shares as allotted by said Referees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that each of said Referees are allowed the sum of \$5.00 for their services in making said partition; that the plaintiff is hereby allowed the sum of Thirty-five and no/100 Dollars (\$35.00) for Abstract of Title furnished by her in connection with said partition proceedings, and that there is hereby allowed RESON S. JONES, as Attorney for the plaintiff, the sum of One Hundred and no/100 Dollars (\$100.00) as attorneys fees in said cause, each and all of said items to be taxed as a part of the costs in said case and with the Court costs assessed by the Clerk to be liens upon the property partitioned in proportion to the respective shares of the parties to whom partition was made.

IT IS FURTHER ORDERED that the Clerk of this Court file with the County Recorder of Madison County, Iowa, a duly certified transcript of this Decree and report and Plat of said Referees; and that prior to said filing, such report and Plat be submitted to the County Auditor of Madison County, Iowa, for appropriate record for taxation purposes, and said Referees are hereby discharged.

J. H. Applegate
JUDGE, 5TH JUDICIAL DISTRICT.

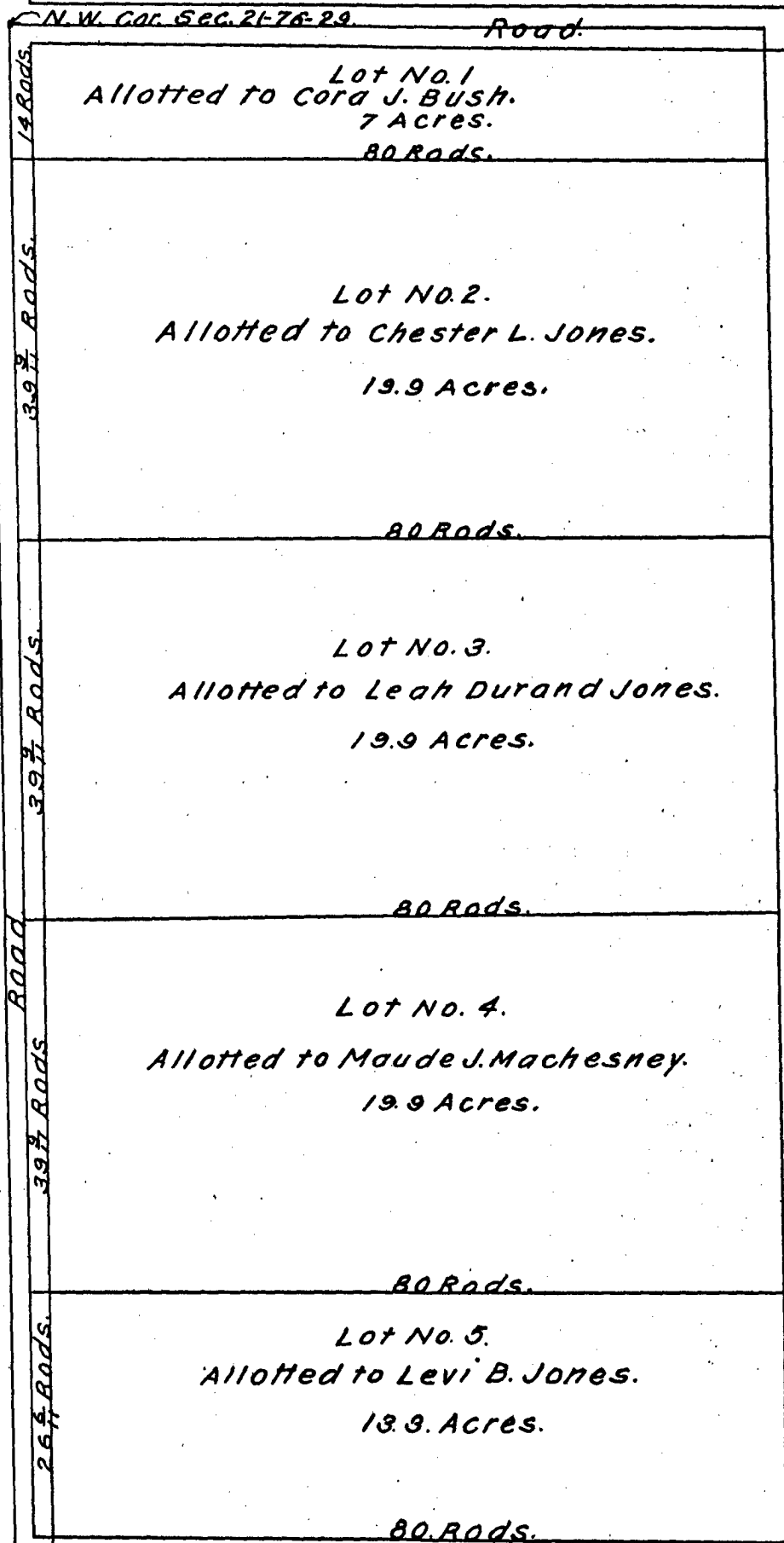


Exhibit "A"

Charles Wicke
John Beck
Harry Olson

Filed Oct 20
1926
Warren Smith
Clerk District
Court