

Mortgage Record, No. 85, Madison County, Iowa

Lucy Clausen, et al,

#3138

To

Fee \$1.40 ✓

Walter Benz.

Filed for record the 15th day of
Sept., A. D. 1934 at 11:05 o'clock
A. M.Maggie Reese Hobbs, Recorder.
Jessie Allgeyer, Deputy.

REAL ESTATE MORTGAGE.

KNOW ALL MEN BY THESE PRESENTS:

That Lucy Clausen, single, of Madison County, State of Iowa; Ferdinand N. Clausen and Minnie Clausen, his wife, of Lyon County, State of Minnesota; Clara C. Happel and Theo. Happel, her husband, of Linn County, State of Iowa; Ida C. Jobst and Bert Jobst, her husband, of Madison County, State of Iowa; Ella Stearns and Earl Stearns, her husband, of Clay County, State of Iowa; Christine Struck and George Struck, her husband, of Adair County, State of Iowa; Anna Clausen, single, of Madison County, State of Iowa; and Margaret Clausen, single of Madison County, State of Iowa, parties of the first part in consideration of Five Thousand Five Hundred and no/100 DOLLARS, the receipt whereof is hereby acknowledged in hand paid by WALTER BENZ 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 North Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$); and the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), all in Section Nine (9), Township Seventy-seven (77) North, Range Twenty-nine (29), West of the Fifth P. M. in Madison County, Iowa.

TO HAVE AND TO HOLD The premises above described with all the appurtenances thereunto belonging unto the said second party and to his heirs and assigns forever. The said parties of the first part hereby covenant that the above described premises are free from any encumbrances 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; Provided always, and these presents are upon this express condition, that if the said Lucy Clausen, Ferdinand N. Clausen, Minnie Clausen, Clara C. Happel, Theo. Happel, Ida C. Jobst, Bert Jobst, Ella Stearns, Earl Stearns, Christine Struck, George Struck, Anna Clausen and Margaret Clausen, their heirs, executors, administrators, assigns or successors shall pay the said Walter Benz his heirs, executors, administrators or assigns, the sum of FIVE THOUSAND FIVE HUNDRED & no/100 (\$5,500.00) DOLLARS, on the 1st day of March, A. D., 1939, with interest thereon payable semi-annually at the rate of five (5%) per cent per annum according to the tenor and effect of the one promissory note of said Lucy Clausen, Ferdinand N. Clausen, Minnie Clausen, Clara C. Happel, Theo. Happel, Ida C. Jobst, Bert Jobst, Ella Stearns, Earl Stearns, Christine Struck, George Struck, Anna Clausen and Margaret Clausen, payable to said Walter Benz, or order and bearing date even herewith then these presents to be void,

For Release of Annexed Mortgage See
Mortgage Record 99 Page 274For Assignment of Annexed Mortgage See
Mortgage Record 90 Page 388For Extension
For Assignment of Annexed Mortgage See
Mortgage Record 94 Page 568

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otherwise to remain in full force.

Option is hereby given, after March 1st, 1936, to pay \$100.00 or multiple thereof on any interest paying date.

The grantors herein further agree to keep the buildings on said foregoing described premises insured against fire and lightning and windstorms, tornadoes and cyclones to a reasonable amount in some company satisfactory to the grantee herein, his executors, administrators, or assigns, and payable in case of loss to such grantee, his executors, administrators or assigns, as his or their interest may appear; 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. In default of the grantors to provide such insurance or to pay such taxes or assessments when due then the grantee herein, his executors, administrators or assigns, may procure such insurance, or 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 for insurance, taxes, assessments or interest thereon as above, and all unpaid interest hereunder; or upon any such default of the grantors herein to provide such insurance or to pay such taxes or assessments or any interest thereon or to pay any part of said principal debt secured hereby or any part of the interest thereon, when due, the grantee, his executors, administrators, or assigns may declare all sums secured hereby immediately due and payable and may proceed by foreclosure, or in any other lawful mode to collect such amounts with all costs, including a reasonable attorney's fee for plaintiff's attorney. All unpaid interest shall bear 8 per cent interest per annum, payable semi-annually from the time when due, and that on the commencement of an action to foreclose this mortgage, the Plaintiff therein shall be entitled to the appointment of a receiver, with the usual powers to take and hold such rents and profits for the benefit of the plaintiff and subject to the order of the court. Cancellation hereof to be at mortgagor's expense.

And said Minnie Clausen, Theo. Happel, Bert Jobst, Earl Stearns and George Struck hereby relinquish their 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., 1934.

Lucy Clausen
Anna Clausen
Margaret Clausen
Ida C. Jobst
Bert Jobst
Clara C. Happel
Theo. Happel

Christine Struck
George Struck
Ella Stearns
Earl Stearns
F. N. Clausen
Minnie Clausen

STATE OF IOWA, DALLAS COUNTY, SS:

On this 17th day of March, A. D., 1934, before me Allen T. Percy, a Notary Public in and for said County, personally appeared Lucy Clausen, Single; Ida C. Jobst and Bert Jobst, her husband; Christine Struck and George Struck, her husband; Anna Clausen, Single, and Margaret Clausen, Single, to me known to be the identical persons named in and who executed the foregoing instrument and whose names are affixed thereto as grantors 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.

(NOTARIAL SEAL)

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

STATE OF MINNESOTA, LYON COUNTY, SS:

On this 31st day of March, A. D., 1934, before me, a Notary Public in and for said County, personally appeared Ferdinand N. Clausen and Minnie Clausen, his wife, to me known to be the identical persons named in and who executed the foregoing instrument

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BOONE BLANK BOOK CO., BOONE, IOWA. 24597-82

and whose names are affixed thereto as grantors 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.

(NOTARIAL SEAL)

Violet Peterson
Notary Public in and for said County.
Violet Peterson
Notary Public, Lyon County, Minn.
My commission expires April 1, 1938

STATE OF IOWA, LINN COUNTY, SS:

On this 10th day of April, A. D., 1934, before me, a Notary Public in and for said County, personally appeared Clara C. Happel and Theo. Happel, her husband, to me known to be the identical persons named in and who executed the foregoing instrument and whose names are affixed thereto as grantors 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.

(NOTARIAL SEAL)

Marie C. May
Notary Public in and for said County.

STATE OF IOWA, POCAHONTAS COUNTY, SS:

On this 28th day of March, A. D., 1934, before me, a Notary Public in and for said County, personally appeared Ella Stearns and Earl Stearns, her husband, to me known to be the identical persons named in and who executed the foregoing instrument and whose names are affixed thereto as grantors 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.

NOTARIAL
SEAL

Wm. J. Allen
Notary Public in and for said
Pocahontas County, Iowa.

Filed for Record this 15th day

NOTARIAL
SEAL

Notary Public in and for
Guthrie County, Ia.