

Mortgage Record, No. 86, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7116

H.G.Tilton, Admr. of the
Estate of J.J.Gaston,

#4098

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Filed for record the 17 day of
October A.D.1936 at 10:30 o'clock
A.M.

To

Aetna Casualty and Surety Co.

Valda C. Bishop, Recorder

ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, H.G.Tilton is the duly appointed, qualified, and acting administrator with will annexed of the estate of J.J.Gaston, deceased, in the probate proceedings of said estate in the District Court of Iowa in and for Madison County, probate No. 3550; and

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WHEREAS, in and by a certain order, judgment and decree of said district court entered in said probate proceedings February 11, 1936, Aetna Casualty and Surety Company, surety upon the executor's bond of Madison County State Bank, former executor of said estate, was required and ordered to pay to H.G.Tilton, administrator with will annexed of the estate of J.J.Gaston, deceased, the sum of One Thousand Two Hundred Fifteen Dollars (\$1,215.00), on account of the sale of part of the security for a certain note and mortgage belonging to said estate known as the Will H. Henry loan, and the release of the parcel sold from the lien of said mortgage, said mortgage being recorded in Book 79, page 280 of the mortgage records of Madison County, Iowa, and the security for said note and mortgage being the following described property, to-wit :

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 24-75-28;
the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 1-74-29; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of
section 4-77-26; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 3-77-26; and the
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 2-77-26;

and

and, WHEREAS, said Aetna Casualty and Surety Company has now paid to said estate, through said administrator with will annexed, the entire amount required to be paid under said order judgment and decree, with interest thereon from the date of said decree; and

WHEREAS, said order, judgment and decree provided that upon such payment said surety company should be subrogated to the rights of said estate;

NOW, THEREFORE, in consideration of said payment, H.G.Tilton, administrator with will annexed of the estate of J.J.Gaston, deceased, pursuant to the aforesaid order, judgment and decree, and for and on behalf of said estate, hereby assigns, transfers, and sets over to Aetna Casualty and Surety Company, pro tanto, the right, title, and interest of said estate in and to the note and mortgage known in said estate proceedings as the Will H. Henry loan, and in the security therefor above described, in the proportion which the amount of said payment by said surety company on account of said loan bears to the whole amount remaining due and payable thereon. And in connection herewith, said administrator with will annexed hereby agrees to execute to Aetna Casualty and Surety Company such other and further endorsements, assignments, transfers, deeds, or instruments, and to procure such orders of court as may be necessary effectually to complete this assignment; and said administrator with will annexed further agrees that in the event of collection, foreclosure, sale or settlement of said Will H. Henry loan, the rights of said Aetna Casualty and Surety Company, to the extent and in the proportion above indicated, will be protected, the same as if a pro tanto endorsement and assignment had been made upon the original instruments.

IN WITNESS WHEREOF said administrator with will annexed has executed these presents for and on behalf of said estate this fourteenth day of October, 1936.

H.G.Tilton
Administrator with Will Annexed
of the Estate of J.J.Gaston, deceased.

WITNESSES:

Ehlers English
Des Moines, Ia.

STATE OF IOWA, MADISON COUNTY:SS.

BE IT REMEMBERED that on this fourteenth day of October, A.D.1936, before me, a Notary Public in and for Madison County, Iowa, personally appeared H.G.Tilton, administrator with will annexed of the estate of J.J.Gaston, deceased, known to me to be the person named in and who executed the above instrument, and acknowledged that he executed the same as his voluntary act and deed as such administrator.

IN WITNESS WHEREOF I have hereunto affixed my signature and the seal of my office the day and year last above written.

C.A.Robbins
Notary Public in and for Madison
County, Iowa.

NOTARIAL
SEAL