

Mortgage Record, No. 86, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7118

My Commission expires July 4 1939

Elmer Orris & Ethel Orris

#4230

Filed for record the 30 day of
October A.D. 1936 at 8:40 o'clock
A.M.

To

Fee \$.60✓

W.J.Cornell, Executor

Valda C. Bishop, Recorder

EXTENSION AGREEMENT

WHEREAS, on August 9, 1923, Elmer Orris, Olive Orris, W.H.Wright and Lucile Wright made, executed and delivered to Emil Allgeyer, of Madison County, Iowa, a note for \$6,000.00 due August 9, 1926, bearing interest at 6 per cent per annum, payable semi-annually, and also made, executed and delivered a mortgage securing said note, dated the same day and covering Lot No. 8, in Block No. 17, of the Original Plat of Winterset, Iowa, and

WHEREAS, on August 18, 1923, the said Emil Allgeyer released the lien of said note as to the South 63½ feet of the East 1/3 of Lot 8, Block 17, Original Plat of Winterset, Iowa and

WHEREAS, said Emil Allgeyer died testate, a resident of Madison County, Iowa, on November 9, 1924, and his Last Will and Testament was probated in Probate matter No. 3140 in Madison County, Iowa, District Court with W.J.Cornell, as Executor thereof, and

WHEREAS, by Order of Court, dated and filed July 30, 1926, said W.J.Cornell was continued in office as Executor of said Last Will and Testament of Emil Allgeyer, Deceased, for the purpose of carrying out certain bequests in said Last Will and Testament. Among them the provisions of Item Five of said Last Will and Testament bequeathed the sum of Six Thousand (\$6,000.00) Dollars to Callie Adams of Madison County, Iowa, she to have use, income and profits thereof for and during her natural life, and with a trust thereafter in favor of a public hospital at Winterset, Iowa, with the Citizens National Bank of Winterset, Winterset, Iowa, as Trustee thereof, and

WHEREAS, the said bank, The Citizens National Bank of Winterset, Winterset, Iowa, was not permitted by law to accept the said Trusteeship, and W.J.Cornell was appointed by order of Court having jurisdiction of said Estate of Emil Allgeyer, Deceased, to act as Trustee in carrying out the terms of said Last Will and Testament, and

WHEREAS, said W.J.Cornell, acting as Executor in carrying out said Item Five has treated the said \$6,000.00 note and mortgage of Elmer Orris, Olive Orris, W.H.Wright and Lucile Wright as representing the said Six Thousand (\$6,000.00) Dollar bequest in said Item 5, and Callie Adams has treated and accepted the said \$6,000.00 note and mortgage as representing the sum of \$6,000.00 provided in said Item Five, and

WHEREAS, said W.J.Cornell, Executor of the Last Will and Testament of Emil Allgeyer, Deceased, has obtained authority of Madison County, Iowa, District Court, to extend said

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note and mortgage as is hereinafter provided, and

WHEREAS, said Callie Adams has consented and agreed that said note and mortgage be extended as is hereinbefore provided.

NOW THEREFORE it is hereby agreed by and between W.J.Cornell, Executor of the Last Will and Testament of Emil Allgeyer, Deceased^{as}/party of the first part, and Elmer Orris and Ethel Orris, husband and wife, parties of the second part, as follows: That said Elmer Orris has made satisfaction and settlement with Callie Adams of all unpaid interest on said note and mortgage up to the date of this extension, such settle-ment and satisfaction^{being} on the basis of \$400.00. That the said Six Thousand (\$6,000.00) Dollar note and mortgage, hereinbefore mentioned, are due and unpaid, the said mortgage being recorded at Page 250 of Book 71 of Real Estate Mortgage Records of Madison County, Iowa, and now covering the following described property, to-wit:

Lot No.8, in Block No. 17, of the Original Plat of Winterset, Iowa,
except the South 63 $\frac{1}{2}$ feet of the East 1/3 of said Lot 8, Block 17,
Original Plat of Winterset, Iowa;

that the interest on said note and mortgage is to be reduced to 5 per cent per annum, payable semi-annually on January 2 and July 2 of each year, and that said W.J.Cornell, Executor of the Last Will and Testament of Emil Allgeyer, Deceased does hereby extend the time of payment of said note and mortgage to January 2, 1942, with interest at 5 per cent per annum, from the date of this extension, said interest being payable semi-annually on January 2 and July 2 of each year, interest not paid when due to become as principal and bear the same rate of interest. And upon default in payment of interest the entire note is to be immediately due and payable, and all terms provisions and stipulations and conditions of the said note and mortgage are expressly kept in full force and effect under this extension except such as are herein expressly changed. The amount of the note and mortgage extended is the sum of \$6,000.00. And the said Elmer Orris, agrees to pay the said note and mortgage in accordance with the terms of said note and mortgage and this extension. And the said Ethel Orris the wife of Elmer Orris, hereby conveys all her rights or claims of homestead and contingent interest known as dower, and any and all other rights in the said real estate hereinbefore described, but it is agreed that said Ethel Orris does not become personally liable on said note and mortgage or on this extension.

IT IS FURTHER AGREED that Olive Orris Adams, the divorced wife of Elmer Orris, who signed said note and mortgage by the name^{of} Olive Orris, and W.H.Wright and Lucile Wright, are each and all released from liability on said note and mortgage, and said Elmer Orris executes this extension agreement with full knowledge of the release of said parties and consents thereto. In witness whereof, we have hereunto set our hands this 26th day of October, 1936.

W.J.Cornell Executor of the
Estate of Emil Allgeyer, deceased Party of the first part.

Elmer Orris
Ethel Orris
Parties of the second part.

STATE OF IOWA, MADISON COUNTY,ss:

On this 29th day of October, 1936, before me, Daniel J. Gallery, a Notary Public in and for Madison County, Iowa, personally appeared W.J.Cornell, Executor of the Last Will and Testament of Emil Allgeyer, Deceased, and Elmer Orris and Ethel Orris, husband and wife, all to me known to be the persons named in and who executed the above and foregoing extension agreement and each acknowledged that they executed the same as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this 29th day of October, 1936.



Daniel J. Gallery
Notary Public in and for Madison
county, Iowa.