

Register's Office

(Register's Office Seal)

Deputy Register

MUTUAL BENEFIT LIFE INS. CO.

#3826

Filed for record the 11 day of August
A. D. 1938 at 11:30 o'clock A. M.,

To

Fee \$.90

Valda C. Bishop Farver, Recorder

MADISON COUNTY, IOWA

MUTUAL BENEFIT LIFE INSURANCE COMPANY

THIS INDENTURE, made the first day of August, A. D. One Thousand Nine Hundred and Thirty-eight, between THE MUTUAL BENEFIT LIFE INSURANCE COMPANY, a corporation of the State of New Jersey, located in the City of Newark, County of Essex in said State of New Jersey, party of the first part, and MADISON COUNTY in the State of Iowa, party of the second part, WITNESSETH, that

WHEREAS, James F. Roby and Ella Roby, his wife, by a mortgage dated March 31, 1928, and recorded in Book 80, at page 287, of the Record of Mortgages in the Office of the Recorder of Madison County, Iowa, for the consideration therein mentioned, and to secure the payment of the money therein specified, did convey certain real estate unto Lane and Waterman, a co-partnership then composed of Joe R. Lane; J. Reed Lane; C. D. Waterman and W. T. Waterman, of Davenport, Scott County, State of Iowa, which mortgage was assigned by the said Lane and Waterman to The Mutual Benefit Life Insurance Company by Assignment of mortgage dated March 31, 1928, and recorded in Book 80 of Mortgages on page 289 of the Record of Mortgages in the Office of the Recorder of Madison County, Iowa, and

Whereas, the party of the first part is still the legal holder and owner of the note evidencing the indebtedness above specified, and

Whereas, the said party of the first part, at the request of W. T. Guiher, as Executor of the Estate of John A. Guiher, the present owner of the mortgaged property, has agreed to give up and surrender for road purposes and for use as a public highway that part of said real estate which is hereinafter described, and retain the residue of the land and premises in said mortgage described as security:

NOW, THEREFORE, in pursuance of said agreement, and in consideration of the sum of Three Hundred and 00/100 (\$300.00) Dollars to it in hand paid by the said W. T. Guiher, Executor, as aforesaid, the party of the first part does hereby release and quit claim unto said party of the second part for road purposes and for use as a public highway all that part of said real estate situate in the County of Madison and State of Iowa, to wit:-

Commencing at the Southwest corner of Section 26, Township 74 North, Range 26 West, thence East 842.0 feet; thence North 18° 27' West 1378.0 feet to the point of beginning; thence West 34.8 feet; thence North 18° 27' West 978.9 feet; thence North 1° 19' East 402.5 feet; thence South 88° 41' East 13.0 feet; thence Southeasterly 482.8 feet along a 1300.5 foot radius curve concave Southeasterly with a central angle of 19° 46'; thence South 18° 27' East 902.2 feet; thence West 34.8 feet to the point of beginning and containing 1.7 acres more or less exclusive of the present established highway.

Mortgage Record, No. 88, Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA C34774

Note: The bearing of the south line of the Southwest Quarter of Section 26 is assumed to lie East and West.

TOGETHER with all the right, title and interest of the said party of the first part in and to the same, to the intent that the lien of said mortgage shall be subordinated to the right of the party of the second part to use said premises for road purposes and not otherwise, and that the residue of the land covered by said mortgage shall remain to the said party of the first part as heretofore.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be signed by its Vice President and its corporate seal to be affixed, the day and year first above written.

(CORPORATE SEAL)

MUTUAL BENEFIT LIFE INSURANCE COMPANY
By Herman G. Hornfeck, Vice President

ATTEST:

Harry Allen
Secretary

STATE OF NEW JERSEY

) SS :

COUNTY OF ESSEX.

On this 3rd day of August, A. D. 1938, before me, a Notary Public in and for said County, personally appeared Herman G. Hornfeck, to me personally known, who being by me duly sworn did say that he is a Vice President of The Mutual Benefit Life Insurance Company, the grantor named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Herman G. Hornfeck acknowledged said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed.

NOTARIAL

My SEAL

My Commission Expires Sept. 9, 1942

Selwyn L. Birrell
Notary Public in New Jersey