

Miscellaneous Record, No. 22, Madison County, Iowa

Peter N. Jacobsen, et al

#392

Filed for record the 20 day of
January A.D.1938 at 3:22 o'clock
P.M.
Valda C. Bishop, RecorderTo
The Public

Fee \$.50 ✓

AFFIDAVIT

State of Iowa)

Scott County) ss

We, Peter N. Jacobsen, Arthur H. Ebeling and H.L. Wilcken, being

duly sworn, on oath state that we are now, and have been since December 9th, 1932, trustees for Debenture Holders of the American Trust Company of Davenport, Iowa, formerly German Trust Company of Davenport, Iowa; that we have in our custody and possession the original signed Trust Agreement between the said Company and the original Trustees, to whom we are the duly elected successors. That paragraph Seven of said instrument is in the following words and figures:—"7. In case default shall be made by the German Trust Company in the payment of the interest upon any of its Debentures and such default continue for sixty days, or default be made in the payment of the principal when due, then the said Trustees shall at once proceed to collect or sell the securities in their hands pledged for the payment of the series in which such default occurs, and apply the proceeds for the redemption equally of all Debentures of such series and all costs of such collection or sale shall be charged against the said German Trust Company."

That, as appears from the records of Scott County, Iowa, the said German Trust Company, changed its corporate name by Amendment duly adopted and filed for record.

That default in payment of the Debentures as provided in Paragraph 7 of ^{said} Trust Agreement was made on or about June 1, 1932, so far as interest is concerned and default has continued ^{since.} /

That the right of these Trustees to the taking, keeping and legal ownership of the notes, mortgages, lands and other securities securing said Debentures has never been questioned by any one, in particular not by the Receiver of said Company and in fact the successor trusteeship of said persons has been specifically recognized by the District Court of Iowa, in and for Scott County, it having jurisdiction over the Receivership of the American Trust Company by an order made and entered by it on the 5th day of November, A.D.1934.

Peter N. Jacobsen
Arthur H. Ebeling
H.L. Wilcken

NOTARIAL

ed in my presence and sworn to before me by the said Peter N. Jacobsen, Arthur H. Ebeling and H.L. Wilcken, this 18th day of May, A.D.1937.

F.J. Kaufmann
Notary Public in and for Scott County, Iowa.