

Miscellaneous Record, No. 23, Madison County, Iowa

James H. Cochran

#1072

Filed for record the 18 day of

RECORDER - Madison County, Iowa.

Clerk of District Court

#1132

Filed for record the 20 day of
February A.D.1940 at 3:05
o'clock P.M.,
Pearl E. Shetterly, RecorderTo
The Public

Fee \$1.50 ✓

C E R T I F I C A T E

STATE OF IOWA SCOTT COUNTY)SS:

I, I.M.Mullen, Clerk of the District Court of Iowa, in and for Scott County, do hereby certify that by decree of date December 28, 1932, in the said court being in cause number 29218, L.A.Andrew, Superintendent of Banking of the State of Iowa, was duly appointed Receiver of the American Trust Company of Davenport, Iowa, that thereafter he duly qualified as such. That by reason of the expiration of the term of office of said L.A.Andrew, as Superintendent of Banking as aforesaid, his successor in that office, D.W.Bates, was on July 13, 1933, by Order of said Court, duly appointed to succeed said L.A.Andrew as Receiver of said Trust Company and

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immediately there after duly qualified as such, and he, the said D.W.Bates, still continues to act as such Receiver to this date.

That in an application filed in said action and receivership on October 13, 1934, by said D.W.Bates, as Receiver, it is recited and stated that certain tracts of real estate in the name of said Trust Company, which, it is alleged in said application have been pledged to Peter N. Jacobsen, Arthur H. Ebeling and H.L. Wilcken, as Trustees for the debenture holders of said American Trust Company of Davenport, Iowa, as collateral security to secure certain debentures of said company, and in the possession and custody of Joe Lindburg, as Custodian, for said Trustees, were sold by said trustees under their powers as such, and upon due notice, and on September 1, 1934, to Peter N. Jacobsen, Arthur H. Ebeling, H.L. Wilcken, Fred A. Kahlke and Fred L. Strieter, a committee for the debenture holders of the American Trust Company of Davenport, Iowa, for the sum of \$275,000.00, which, with \$100,024.84 in money, was turned over to said committee on account of the debenture indebtedness of said Trust Company.

That among the tracts of real estate so alleged to have been sold, were the following described tracts situate in Madison County, Iowa:-

D-2267	Keyer	SE $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec. 20. Twp. 77 N. Rng. 27 W of 5th P.M. Madison Co. Ia.
D-2368	Frank Phillips	E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec. 15; the S 12 $\frac{1}{2}$ acres of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec. 10; and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 14; all in Twp. 76 N. Rng. 27 W of 5th P.M., Madison County, Iowa.
D-2800	Patton	SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 1, & S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 2, all in Twp. 75 N, Rng. 28 W of 5th P.M., Madison County, Iowa.
D-3024	J. H. DeVault	E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 5; and E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 8; and W 17 acres of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec 8 & a part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 8 described as follows: Com at NW cor of said last described 40 acre tract, running th E 34 rds. th S 12 rds, th W 14 rds. th S 20 rds, th W 20 rds, th N 32 rds to pl. of beg; all in Twp. 75 N. Rng. 27, W of 5th P.M., Madison County, Iowa.
D-3091	Lucas	NW $\frac{1}{4}$ and a tract of land desc. as follows: Com at NE cor. of W $\frac{1}{2}$ of SW $\frac{1}{4}$ running th W 50 rds. th S 120 rds. th E 50 rds. th N 120 rds to pl of beg; also the N $\frac{1}{2}$ of W 1/8 of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ all in Sec. 11, Twp. 75 N, Rng. 28, W of 5th P.M., Madison County, Iowa
D-3161	Robert Orr	S $\frac{1}{2}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$ of sec. 35, Twp. 74 N. Rng. 27, W of 5th P.M., Madison County, Iowa.
D-3175	Hamilton	SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 14, and S 45 acres of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 15; and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 23; all in Twp. 75 N, Rng. 29, West of 5th P.M., Madison County, Iowa.
D-3330	Smalley	S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE fractional $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE fractional $\frac{1}{4}$ of Sec. 1, in Twp 75, N. Rng. 28; and all that part of the West fractional $\frac{1}{4}$ of Sec. 6 and of the N fractional $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 7, except one acre in SE cor. of NW fractional $\frac{1}{4}$ of NW $\frac{1}{4}$ in Twp. 75, N. Rng. 27 lying and being W of public highway; all West of 5th P.M., and except that part thereof deeded for public highway, Madison County, Ia.

Said tracts being identified by the numbers preceding the description of each tract above, in the list of tracts so sold forming a part of the application above referred to, and under such designation appearing in the inventory of the said Receiver, on file in my office, listed under a schedule and classification (with other real estate and securities) as pledged to said Trustees for the securing of debentures as above particularly set out.

That thereafter there remained unpaid upon debentures of said company, for which claims were duly filed in said receivership the sum of \$2,344,848.43. Said application asked the Court for authority to settle and compromise said claims by the payment of certain sums of money, the assignment of certain securities, and the ratification of the said Trustees sale to said Committee, and the assignment of securities, and the conveyance of real estate so sold to said Committee or the nominee of said Committee in order to vest the record title in said Committee or its nominee to the property so assigned, or sold.

That by Order of said Court made and entered on the 13th day of October, 1934, it fixed the time of hearing of said application as November 5, 1934, at nine o'clock, A.M., and directed

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notice to be given of such hearing by mailing by the Attorneys for said Receiver to all claimants in the said Receivership, a notice of such time at least ten days before the time of hearing fixed, and by publishing such notice once in each the Davenport Democrat and Leader, and the Daily Times, newspapers published in Davenport, Scott County, Iowa, such publication to be at least ten (10) days before the date of hearing so fixed. That proof of such mailing and such publication as required by the Court, was duly filed in my office.

That on said 5th day of November, 1934, in pursuance of said notice, said application was duly heard and the Order of the Court entered thereon. That in and as a part of said Order, the Court finds that notice of the hearing had been given in accordance with its said prior Order and that proof thereof is on file.

The Court thereupon found the statements in said application to be true and granted the prayer therein contained and in particular found that said Committee had acquired the assets in the hands of the Trustees in the manner set out in said application and that said Committee was entitled to have any instruments of transfer and conveyance from the Receiver necessary or convenient to pass the nominal or record title to said Committee. It was ordered that such transfers and conveyances be made by the Receiver.

That thereafter, on February 1, 1935, said Receiver filed his report that said Committee by its unanimous written acknowledged request, had, on January 5, 1935, designated Joe Lindburg to take title to the real estate and other property by the above Order of November 5, 1934, found to be that of said Committee, including that hereinabove particularly described. That thereafter, on the same date the Court entered its Order upon said report, approving the same and approved said transfers and conveyances of personal and real property to said Joe Lindburg, by the said Receiver. That no appeal was taken by anyone from the orders herein referred to, of the District Court of Iowa, in and for Scott County, to the Supreme Court of Iowa, nor was there any motion for new trial or rehearing filed.

All of which appears of record in my office.

Witness my hand officially and the Seal of said Court by me hereto affixed this 13th day of February, A.D. 1940.

(DISTRICT COURT SEAL)

COMPARED

I. K. Mullen
Clerk of the District Court of Iowa
in and for Scott County.
By Rosa Grimmer, Deputy