

## Miscellaneous Record, No. 23, Madison County, Iowa

Clerk U.S. District Court      #2621      A. L. Kreidler  
 To      Fee \$.90 ✓      Filed for record the 29 day of April  
 The Public      CERTIFIED COPY      A.D. 1940 at 11:40 o'clock A.M.  
                                          Pearl E. Shetterly, Recorder

IN THE DISTRICT COURT OF THE UNITED STATES  
 SOUTHERN DISTRICT OF IOWA  
 CENTRAL DIVISION

IN THE MATTER OF      )  
 SYLVESTER FRANK KELLOGG      )  
 AND MARJORIE L. KELLOGG,      )  
                                          DEBTORS.      )

No. 193

ORDER ON REJECTION  
 OF REAL ESTATE.

Filed April 29th, 1939.  
 C. A. Robbins, Conciliation  
 Commissioner acting as Referee.

It appearing to the Court that a Stipulation has been made and entered into by and between the Debtors, Sylvester Frank Kellogg and Marjorie L. Kellogg, of the first part, and Della E. Bruce, Neva E. Lucas, J. W. Cassady, and Mary B. King and Ella F. Cassady, Executrices of the estate of Mary Quinn, deceased, of the second part, by which the real estate described as the South Half (S $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Five (5) Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M. is to be discharged and abandoned from the bankruptcy proceedings, the parties of the second part may proceed to take Sheriff's deeds to said real estate under their respective certificates of sale to portions of said real estate, and the parties of the first part are to have a written option giving the parties of the first part the sole right to repurchase the said real estate at any time prior to March 1, 1940, for \$5400.00, and First parties are to have a lease for said premises for the year commencing March 1, 1939, and First parties waive any claim to moneys or rents in the hands of Charles Beeler, Receiver in the foreclosure cases on the mortgages held by the parties of the second part, and second parties are to place a new wood shingle roof on the dwelling house on the premises and keep the premises insured and pay the taxes which come due in 1939, and Charles Beeler is to act as agent in looking after and renting said real estate during the year commencing March 1, 1939.

And it appearing that the terms of the Stipulation are being carried out by the parties thereto, and that said real estate is in fact burdensome and there is no equity therein.

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And it further appearing that the real estate described as a tract Commencing at the South east corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Eight (8) and running thence North (N) on the East (E) Line of said forty acre tract to a point 27 $\frac{1}{2}$  rods South (S) of the Northeast (NE) corner thereof, thence North (N) 78° 55' West, 47.89 rods to South (S) and 46 rods a point 18 rods West of the Northeast corner of said forty acre tract, thence East (E) 46 rods to the place of beginning; also, the North 12 rods of the East (E) 46 rods of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section Eight (8), all in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M. is encumbered by a mortgage made to McCall Land and Loan Company of Winterset, Iowa, and now held by N. E. Hollen, Administrator of the Estate of Thomas Hirecock, deceased, in the principal sum of \$800.00, and that said mortgage has been extended by said debtors and said administrator of the estate of Thomas Hirecock, deceased, to March 1, 1942, and said extension has been authorized by the District Court of Madison County, Iowa, in which said estate of Thomas Hirecock, is pending, and it is agreed between the debtors and said administrator that said real estate should be rejected, released and discharged from these bankruptcy proceedings; and it appearing that said real estate is in fact burdensome, and there is no equity therein above said mortgage indebtedness.

NOW THEREFORE, it is hereby ordered and adjudged that in accordance with said Stipulation made by and between said Sylvester Frank Kellogg and Marjorie L. Kellogg and Della E. Bruce, Neva E. Lucas, J. W. Cassady, and Mary B. King and Ella F. Cassady, Executrices of the estate of Mary Quinn, Deceased, the said real estate described as the South (S) Half ( $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Five (5), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., is hereby rejected, released, discharged and abandoned from these bankruptcy proceedings as burdensome property and is no longer subject to the bankruptcy court or any charges or liens of the bankruptcy court.

And it is further ordered and adjudged that the said real estate hereinbefore described as being encumbered by a mortgage now held by N. E. Hollen, Administrator of the estate of Thomas Hirecock, deceased, is hereby rejected, released, discharged and abandoned from these bankruptcy proceedings as burdensome property and is no longer subject to the bankruptcy/court or any charges or liens of the bankruptcy court.

This April 29th, 1939,  
Certified Copy  
UNITED STATES OF AMERICA  
Southern District of Iowa

(Signed) C. A. Robbins Conciliation  
Commissioner for Madison County, Iowa

ss:

I, N. F. Reed, Clerk of the United States District Court in and for the Southern District of Iowa, do hereby certify that the annexed and foregoing is a true and full copy of the Original Order on Rejection of Real Estate, made by Conciliation Commissioner of April 29, 1939, in the matter of Sylvester Frank Kellogg and Marjorie L. Kellogg, debtors, No. 193-Debtors' Petition, Central Division, now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Des Moines, Iowa, this 26th day of April, A.D. 1940.

(U.S. District Court Seal)

N. F. Reed Clerk  
By Lela Sampson Deputy Clerk