

Miscellaneous Record, No. 23, Madison County, Iowa

Clerk District Court of Dallas County

#4221

Filed for record the 22 day of
July A.D.1941 at 3:35 o'clock
P.M.

To

Fee \$1.00 ✓

Julius G. Jensen, et al

Pearl E. Shetterly, Recorder

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR DALLAS
COUNTYIn the matter of the estate
ofNo. 6810 Probate
March Term A.D.1941
ORDER RE-OPENING ESTATE

Ferdinand Jensen, Deceased.

NOW on this 2nd day of July, A.D., 1941, the above entitled matter comes ^{on} for hearing before the Court upon the petition of Julius G. Jensen and Arthur C. Jensen, to re-open the estate of Ferdinand Jensen, deceased, and the Court being well and fully advised in the premises finds;

That Ferdinand Jensen died testate a resident of Van Meter, Dallas County, Iowa, on the 9th day of March, 1940; that the Last Will and Testament of said Decedent was filed for probate in the District Court of Dallas County, Iowa, and that said Will was duly admitted to probate in said Court and his estate was administered in said Court. That under the terms of the Last Will and Testament of Ferdinand Jensen, deceased, Julius G. Jensen and Arthur C. Jensen were appointed Executors thereof and that upon the opening of said estate said Executors duly qualified and acted as such during the year of Administration of said estate.

That among the assets of said estate which came into the hands of said Executors and were listed in the inventory of said estate was a note of \$9,000 given by A.C. Jensen and Emma E. Jensen, husband and wife, dated February 25, 1933, due March 1, 1938, and a real estate mortgage given as security for the payment of said note, executed by A.C. and Emma E. Jensen to Ferdinand Jensen; said mortgage being dated February 25, 1933, recorded February 27, 1933 and found of record in Mortgage Record Book 83 at Page 531 of the records of the office of the County Recorder of Madison County, Iowa, said mortgage covering the

East Half of the Southwest Quarter and 25 acres off the West side of the Southeast Quarter of Section 4, Township 77 North, Range 27, West of the 5th P.M. Iowa

The Court further finds that on May 19, 1941, A.C. Jensen and Emma E. Jensen paid to the Executors of the estate of Ferdinand Jensen, deceased, to be applied upon said note and mortgage the sum of \$4,416.03 in cash; that A.C. Jensen was a son of Ferdinand Jensen, deceased, and a legatee and devisee named under the terms of his Last Will and Testament and was entitled to receive as a legacy and bequest under the terms of said Will the sum of \$4,583.97 but failed to take said sum in cash and credited same upon the \$9,000 note of A.C. and Emma E. Jensen. That upon the payment of said cash and credit, said note was fully and completely settled and paid off. That under the Order approving the final report in the estate of Ferdinand Jensen, deceased, said note was cancelled, marked paid and returned to the said A.C. and Emma E. Jensen.

The Court further finds that said estate was closed on or about the 3rd day of June, 1941, and that the Executors thereof were discharged without having made a release of the real estate mortgage of A.C. and Emma E. Jensen which was given as security for the payment of the \$9,000 indebtedness, said mortgage having been hereinbefore more definitely referred to.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the undersigned Court that the estate of Ferdinand Jensen, deceased, be re-opened without notice or hearing; and that upon the re-opening thereof Julius G. Jensen and Arthur C. Jensen be and they are now and hereby re-appointed Executors of the Last Will and Testament of Ferdinand Jensen, deceased, without bond, and without the necessity of giving notice of their re-appointment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the re-appointment of Julius G. Jensen and Arthur C. Jensen as Executors of the Last Will and Testament of Ferdinand Jensen, deceased, be for the sole and only purpose of executing a release of the real estate mortgage given by A.C. Jensen and Emma E. Jensen, husband and wife, to Ferdinand Jensen as of date of February 25, 1933, calling for the payment of \$9,000 on March 1, 1938, with interest at 4% from March 1, 1933, said mortgage being recorded as of February 27, 1933 and found of record in Mortgage

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and they are now and hereby authorized, directed and instructed without further order of this Court to release of record said real estate mortgage.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the releasing of said real estate mortgage of record by the said Julius G. Jensen and Arthur C. Jensen, Executors of the Last Will and Testament of Ferdinand Jensen, deceased, that said estate be again considered closed without further notice or hearing and without the necessity of filing further or additional reports in said estate, and that thereupon said Executors be discharged without the necessity of making any additional final report as to their doings in said estate, and that for all intents and purposes said estate be considered closed and completely settled the same as though said mortgage had been released of record before the final report of said Executors was made.

E.W.Dingwell
Judge-Fifth Judicial District.

Filed July 2, 1941
Geo.A. Bennett, Clerk

CLERK'S CERTIFICATE

STATE OF IOWA, DALLAS COUNTY, SS.

In re: Ferdinand Jensen, Estate
#6810 Probate

I, GEO. A. BENNETT, Clerk of the District Court of Dallas County, in the State of Iowa, hereby certify that the within and foregoing is a full, true, correct and complete copy of ORDER RE-OPENING ESTATE in the above entitled matter as full, true, correct and complete as the same is on file and of record in this office.

Given under my hand and the seal of said District Court this 21st day of July 1941

(District Court Seal)

COMPARED

Geo A. Bennett
Clerk District Court in and for Dallas County, Iowa
By Georgia W. Clark Deputy