

Miscellaneous Record, No. 23, Madison County, Iowa

Hugo H. Joens, Clerk District Court
Tama County, Iowa
To

#5224

Fee \$1.50

CERTIFICATE

Filed for record the 27 day of
September A.D. 1941 at 2:33 o'clock
P.M.

Pearl E. Shetterly, Recorder

The Public

IN THE DISTRICT COURT OF IOWA IN AND FOR TAMA COUNTY

IN THE MATTER OF THE ESTATE OF

WILLIAM KOSTA, DECEASED.

APPLICATION TO COMPROMISE

AND

SETTLE INDEBTEDNESS OWING ESTATE

Comes now Mary A. Sheda and states to the Court that she is the duly qualified and acting administratrix in the above Estate and states to the Court as follows:

That amongst the assets of said Estate is a Promissory Note signed by one, James A. Philby and Cora Gertrude Philby in the sum of \$1500.00, which said Note is secured by a Real Estate Mortgage covering the South West Quarter ($\frac{1}{4}$), of the South East Quarter ($\frac{1}{4}$), Section Twenty-two (22), ~~Section Twenty-two (22)~~ Township Seventy-four (74), North Range Twenty-eight (28), Madison County, Iowa and also the North West Quarter ($\frac{1}{4}$), of the North East Quarter ($\frac{1}{4}$), Section Twenty-seven (27), Township Seventy-four (74), North Range Twenty-eight (28), in Madison County, Iowa,

That this Administratrix has no funds in her hands with which to pay indebtedness owing by by this Estate, that she has endeavored to sell the within described Mortgage to various parties but has been unable to do so, that this Administratrix believes it to be to the best advantage to this Estate to Compromise and settle said indebtedness with the above described Mortgage ^{Ower's} 7

That said Mortgage Ower's will pay to this Administratrix the sum of \$1250.00 in full and complete satisfaction of said indebtedness, and that this Administratrix believes that said settlement is a good and sufficient settlement under all the circumstances and that she believes she should accept said Compromise Settlement. Your petition states that she is the only Heir at Law of the said William Kosta and is entitled to all of the said Estate.

WHEREFORE, your Administratrix now asks that she be authorized and empowered to accept the sum of \$1250.00 in full and complete settlement of the within described indebtedness and to execute a release to the said Mortgage Ower's above named, when the said sum of \$1250.00 has been paid and received.

Mary Sheda

STATE OF IOWA TAMA COUNTY :SS

I, Mary Sheda, being first duly sworn on oath, depose and say that I am the Administratrix in the above Estate, that I have read the foregoing Application and know its contents, and that the statements made therein are true as I verily believe.

Mary Sheda

Subscribed and sworn to before me by Mary Sheda, this 4 day of August, 1941

(Seal)
Filed Aug., 1941
Hugo H. Joens, Clerk
by Arthur Kubisek, Deputy Clerk

George H. Struble

Notary Public

IN THE DISTRICT COURT OF IOWA
IN AND FOR TAMA COUNTY
No 4192

In the Matter of the Estate of

William Kosta Deceased

ORDER FIXING HEARING ON
Application to Compromise and
Settle Indebtedness owing Estate.

And now to-wit, this 5th day of August, 1941, the matter of the application to compromise indebtedness of James A. Philby and Cora Gertrude Philby of Mary Sheda, as (Administratrix) of the estate of William Kosta, deceased, comes on for hearing before Hon. B. O. Tankersley Judge of said Court for orders fixing time of hearing and directing notice thereof, the (Administratrix) being represented by her counsel, George H. Struble.

Upon inspection of the record and the statements of counsel the Judge being fully advised in the premises, finds that the time for hearing the said application should be fixed, and the method of notice thereof prescribed,

IT IS THEREFORE ORDERED, that the hearing on said application be set for the 8 day of August 1941, at nine o'clock A.M. at the Court House in Toledo, Iowa, and that notice of said application and hearing thereon be given by posting up notices, as by law provided, not less than 2 days

before said hearing at the front door of the Court House in Toledo, Tama County, Iowa

Filed Aug 5, 1941

Hugo H. Joens, Clerk.

B. O. Tankersley

Judge of the 17th Judicial District of Iowa.

Miscellaneous Record, No. 23, Madison County, Iowa

Exhibit A

IN THE DISTRICT COURT OF IOWA IN AND FOR TAMA COUNTY

IN THE MATTER OF THE ESTATE (NOTICE OF HEARING OF APPLICATION
 OF WILLIAM KOSTA, DECEASED (TO COMPROMISE AND SETTLE INDEBTEDNESS OWING ESTATE

To Mary A. Sheda and all persons interested in the above Estate.

You, and each of you, are hereby notified that there is now on file in the office of the Clerk of Court, in the above named County, the Application of the Administratrix, in said Estate, asking for authority to compromise and settle a certain promissory note, signed by James A. Philby and Cora Gertrude Philby, in the sum of \$1500.00, which said note is secured by Real Estate Mortgage, covering the South West Quarter (SW $\frac{1}{4}$), of the South East Quarter (SE $\frac{1}{4}$), Section Twenty-two (22), Township Seventy-four (74), Range Twenty-eight (28), and also the North West Quarter (NW $\frac{1}{4}$), of the North East Quarter (NE $\frac{1}{4}$), Section Twenty-seven (27), Twp. Seventy-four (74), Range Twenty-Eight (28), all in Madison County, Iowa.

That said Application asks for authority to compromise said indebtedness for the sum of \$1250.00 in full and complete satisfaction of said indebtedness.

You are further notified that said Application will come on for hearing before the above named Court, in Toledo, Tama County Iowa, on the 8th day of August, 1941, at which time and place you may appear, and state cause, if any, why said Application should not be granted.

Struble & Struble
 STRUBLE & STRUBLE, Attorneys for Estate.

PROOF OF POSTING

State of Iowa, County of Tama, ss :

I, Hugo H. Joens, being first duly sworn, on oath do say that I did on the 5th day of August, 1941 post one notice of which/^{the} attached marked Exhibit A is a true copy, at the front door of the Court House in Toledo, Tama County, Iowa, where the last preceding term of the District Court in and for said county was held.

Subscribed and sworn to before me in my presence by the said Hugo H. Joens, this 5th day of August, 1941.

H. P. Ciger Notary Public
 in and for Tama County, Iowa

(SEAL)
 Filed Aug. 5, 1941
 Hugo H. Joens, Clerk.

IN THE DISTRICT COURT OF IOWA IN AND FOR TAMA COUNTY

IN THE MATTER OF THE ESTATE OF (ORDER APPROVING COMPROMISE
 WILLIAM KOSTA DECEASED (AND
 SETTLEMENT OF INDEBTEDNESS

And now to wit, on this 8 day of August, 1941 it being a regular day of the June 1941 term of Court, in and for the above named County, the Application of the Administratrix comes on to be heard by this Court for authority to Compromise and settle the indebtedness in said Estate, of one James A. Philby and Cora Gertrude Philby, and the Court being duly informed in the premises finds that:

Said statements contained in said Application are true and correct, that after due inquiry by this Court, the Court believes it to be ^{to} the best interest of this Estate that the Administratrix compromise and settle the within described indebtedness for the sum of \$1250.00 cash. The Court further finds that there is not sufficient money on hand to pay existing claims and indebtedness in said Estate, that the Administratrix has endeavored to sell the within described indebtedness, but to no avail, and that said compromise and settlement will be to the advantage of this Estate.

It is therefore, ordered, adjudged, and decreed, that said Administratrix be, and she is hereby authorized, empowered, and directed to compromise and settle indebtedness of one James A. Philby and Cora Gertrude Philby for the sum of \$1250.00 and that when said Administratrix has received said sum, to execute a proper release of said indebtedness.

B O Tankersley
 Judge of the 17th Judicial District.

Filed Aug 8, 1941
 Hugo H. Joens, Clerk

Miscellaneous Record, No. 23, Madison County, Iowa

THE STATE OF IOWA, Tama County, ss.

I, Hugo H. Joens Clerk of the District Court in and for said County do hereby certify that the foregoing is a full, true and correct copy of Application to Compromise and Settle Indebtedness owing Estate, Order Fixing Hearing on Application To Compromise and Settle Indebtedness owing Estate, Notice of Hearing of Application to Compromise and Settle indebtedness owing Estate and Proof of Posting and Order Approving Compromise and Settlement by Indebtedness in the Estate of William Kosta, Deceased, Probate No. 4192; that Mary A. Sheda is the duly qualified and acting Administratrix in the above entitled estate and no petition is on file asking for her discharge as the same appears of record in my office.

Witness my hand and the Seal of said Court hereto affixed, at my office in Toledo, Iowa, in said County on this 20th day of September, 1941.

(DISTRICT COURT SEAL)

COMPALED

Hugo H. Joens, Clerk