

Miscellaneous Record No 22 Madison County

John F. Monaghan

#3004

Filed for record the 23 day of July
A.D. 1942 at 10:00 o'clock A.M.

To

Fee \$1.60

Pearl E. Shetterly, Recorder

J. P. Monaghan

POWER OF ATTORNEY
FOR MANAGEMENT AND CONTROL OF REAL AND
PERSONAL PROPERTY

WHEREAS, the undersigned John F. Monaghan, of Madison County, Iowa, is the owner of an undivided one-third (1/3) interest in and to the following described real estate, to-wit:

The West One-half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the East One-half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and about 4 acres in the Northeast corner of the West One-half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Ten (10) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, containing in all about 164 acres.

The East One-half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26) in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); all that part of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) lying North of North River of Section Twelve (12); the Southeast Quarter (SE $\frac{1}{4}$) of Section Eleven (11); except Eight (8) acres out of the Southeast Corner thereof; Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) except sixteen (16) acres out of the Southwest part thereof, of Section Eleven (11) Township Seventy-six (76) North of Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and

WHEREAS, William Monaghan is an adult brother and Joan Monaghan is a minor sister of the undersigned, and that the said William Monaghan and Joan Monaghan are the owners of the remaining two-thirds (2/3) interest in said real estate, and,

WHEREAS, all of said real estate, together with the rents, issues and profits therefrom has, for several years, last past, been in guardianship under the control of the District Court of Madison County, Iowa, and J. P. Monaghan has, for several years last past acted as guardian for the owners of said real estate, and

WHEREAS, the undersigned John F. Monaghan, reached the age of twenty-one (21) years, on the 29th day of September, 1939, and since said date, the interest and property of the undersigned has continued to be under the control of said guardian, and

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WHEREAS, the undersigned desires to have his one-third (1/3) interest in the above described real estate, and in all personal property in said guardianship, including income, rents, choses in action, and all other rights to income therefrom, remain under the control of said Court and guardian, and he to have the same right, power and authority with reference to the interest of the undersigned as he has under the law, and orders of the District Court of Madison County, Iowa, to and over the property of the above named minors.

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, John F. Monaghan, of Madison County, Iowa, do hereby appoint J. P. Monaghan, of Madison County, Iowa, to be my attorney in fact, in my name and stead and on my behalf to continue in possession of and to control and manage the real estate above described, together with all rents, issues and profits therefrom, and all other personal property which I may own, and which is now under guardianship in the matter of the guardianship of John, William and Joan Monaghan, No. 1864 Guardianship, Madison County, Iowa, District Court.

I further authorize my attorney in fact to lease said real estate for such period, and upon such terms as he shall think best, to receive the rents, issues and profits from said land, to erect or repair buildings on any part of said real estate, to insure any such buildings against loss or damage by fire, high winds and tornadoes, and to make arrangements with the tenants and to accept surrenders of leases, and in general, to do with our real estate or any part thereof, as effectually and completely as we, ourselves, could do, and also to take all lawful proceedings by way of action or otherwise for recovery of rent in arrears, or for eviction of tenants, to commence and carry on, or to defend in law or in equity, all actions, suits, and other proceedings effecting said real estate or any part thereof, or touching anything in which we or our real estate herein described may be in any wise concerned; to invest all money received by him to his account as guardian, and to continue to carry said account as he has in the past in said guardianship, and to pay all taxes, insurance, expenses of up keep on said real estate, and costs and expenses in said guardianship, together with allowances heretofore established and made in said guardianship, and generally to act in relation to my property, either real or personal as fully and effectually in all respects, as I, myself could do, it being understood that my interest in said property shall continue for the period hereafter stated under the provision and control of said guardian, and the District Court of Madison County, Iowa, and that all orders made by the District Court of Madison County, Iowa, upon proper application and notice, if required, shall have the same force and effect with reference to my interest in said property as the same had prior to the time I reached the age of twenty-one (21) years.

It is understood that this power of attorney shall terminate on October 4, 1944, the same being the day after Joan Monaghan has reached her 21st birthday, provided a written notice is given said guardian by the undersigned at least thirty (30) days prior to the date of termination and if said notice is not given, the power herein granted shall continue until such time as a thirty (30) days notice in writing is given by the undersigned.

It is further understood that in the event my attorney in fact J. P. Monaghan should become incapacitated, or by any reason whatever unable to carry out his duties, then and in that event I hereby name, nominate and appoint Charles D. Butterfield of Winterset, Iowa, as my attorney in fact, with all the rights, power and authority herein given the said J. P. Monaghan.

In the event my sister Joan Monaghan should, by marriage, reach her majority prior to October 3, 1944, and the guardianship herein referred to is terminated and closed, it is my intention that the said J. P. Monaghan or his successor shall continue as my attorney in fact with the same power and authority which he exercised under said guardianship.

The power and authority herein given my guardian and attorney in fact J. P. Monaghan, includes the right, power and authority for said guardian and attorney in fact for me and in

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my name, place and stead to borrow upon the security of my interest in any or all of the above described real estate, a sum or sums not exceeding the present mortgage indebtedness on each respective mortgage tract and to sign and deliver for me as my attorney in fact, a promissory note for the payment thereof and as collateral thereto, a mortgage upon said real estate with the usual power of sale and interest and insurance clauses and other usual provisions and covenants.

I am now a member of the United States Armed forces and in the event it is necessary to serve any form of legal notice upon me, having any bearing on the real estate hereinbefore described, or the matters herein referred to, I direct that said notice shall be served upon me by serving the same on John Connolly, Jr., attorney at law, Royal Union Life Building, Des Moines, Iowa, and the same shall have the same force and effect as though personally served upon me, and I hereby authorize said attorney to represent me in all such matters without further authority from me relating thereto.

IN WITNESS WHEREOF, I have hereunto signed my name this 25 day of April, 1942.

John F. Monaghan

STATE OF IOWA Madison County)ss.

On this 25 day of April, 1942, before me, the undersigned, a Notary Public within and for Madison County, State of Iowa, personally came John F. Monaghan, personally to me known to be the identical person whose name is affixed to the above instrument, and acknowledged the execution of the same to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the date last above written.
(Notarial Seal)

Lois Martin Notary Public
In and for Madison County, Iowa.

ACCEPTANCE OF POWER OF ATTORNEY

I, J. P. Monaghan, of Madison County, Iowa, hereby accept the above and foregoing power of attorney and agree to the conditions thereof, and to carry out the terms of the same to the best of my knowledge and ability.

J P Monaghan

NOTARIAL Seal and sworn to before me and in my presence this 15th day of July, 1942.

SEAL

/ Harry F. Anderson Notary Public