

Miscellaneous Record, No. 23, Madison County, Iowa

C. I. Ditto

#1327

in and for Madison County, Iowa

Filed for record the 27 day of March
A.D. 1943 at 10:23 o'clock A.M.To
The Public

Fee \$.60 ✓

Pearl E. Shetterly, Recorder

A F F I D A V I T

State of Iowa, Madison County, ss.

I, C. I. Ditto, being sworn, depose and say as follows:

That on June 4, 1934, I was appointed Receiver of The Citizens National Bank of Winterset, which was located in Winterset, Madison County, Iowa.

That as such Receiver, the assets of said Bank were in my charge and control and under my direct supervision.

That on Jan. 27, 1937, as such Receiver, I filed an application in the District Court of Madison County, Iowa, which had jurisdiction of the receivership of said Bank, for authority to compromise Assets Nos. 213 and 214, which were two notes of W. A. Quick and Mabel Quick in the amounts of \$156.55 and \$2900.00, respectively, secured by a chattel mortgage on personalty. That the said \$2900.00 note was a note dated Apr. 28, 1930, and had also been secured by a mortgage on real estate owned by the said W. A. Quick, executed by the said W. A. Quick and his wife, Mabel, to said The Citizens National Bank of Winterset, dated Nov. 18, 1930 and recorded Nov. 18, 1930, in Mortgage Record 79, at page 447, of the records of Madison County, Iowa. That said mortgage was junior to a mortgage on the same real estate in favor of Aetna Life Insurance Company executed Mar. 23, 1926 by the said W. A. Quick (under the name of William A. Quick) and his wife, Mable V., which was recorded on Mar. 25, 1926, in Mortgage Record 80, at page 75, of said records. That on Apr. 17, 1935, said Aetna Life Insurance Company instituted proceedings

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to foreclose its said mortgage at No. 16172 Equity of the District Court of Madison County, Iowa, which proceedings were pending on Jan. 27, 1937, on which date I filed my application as Receiver for authority to compromise the indebtedness to said Bank as hereinbefore stated. That because of said foreclosure proceedings it was necessary to rely upon the chattel mortgage securing the indebtedness of W. A. Quick to said Bank for recovery rather than to recover through foreclosure of the Bank's said junior mortgage or ^{by} redemption from a possible execution sale in said Cause 16172. That pursuant to the authority given me by said Court in its order dated Jan. 27, 1937, I accepted the sum of \$800.00 from the said W. A. Quick in full compromise settlement of his notes for \$156.55 and \$2900.00 hereinbefore referred to and forthwith delivered said notes to the said W. A. Quick. That said \$2900.00 note was the only note for that amount made by the said W. A. Quick to said Bank; that said \$2900.00 note was not included in the assets which I sold as such Receiver to International Bank of Washington, D.C., as it had been previously surrendered to the said W. A. Quick upon his payment to me of said sum of \$800.00, whereupon said mortgage recorded in Mortgage Record 79 at page 447, of said records, ceased to be a lien upon the real estate therein described, although the same through oversight was not then or subsequently released of record.

C. L. Ditto

Subscribed in my presence and sworn to before me by the said C. L. Ditto, affiant, this
 20 day of March, A.D. 1943.

NOTARIAL
 SEAL

H. C. Fosher Notary Public
 within and for Madison County, Iowa.