

Miscellaneous Record, No. 24, Madison County, Iowa

That the foregoing facts and statements are true

Kimer Jens, Clerk of District Court of Scott County, Iowa
 To The Public
 #2010
 Fee \$1.20

H. W. Braack
 and A. P. Sindt
 A. P. Sindt Assistant Trust Officers
 of said bank.
 Filed for record the 21 day of July
 A.D. 1945 at 9:00 o'clock A.M.
 Pearl E. Shetterly, Recorder

CERTIFIED RECORDS FROM SCOTT COUNTY

THE CLERK OF THE DISTRICT COURT OF IOWA, IN AND FOR SCOTT COUNTY, DOES HEREBY CERTIFY:

I.
EQUITY NO. 29218.

That L. A. Andrew was duly appointed Receiver of the American Trust Company, of Davenport, Iowa, by the District Court of Iowa, in and for Scott County, in Equity Cause No. 29218, on the 28th day of December, 1932, and, after qualifying, Letters of Receivership were issued to him by said Court, bearing date December 31, 1932, and he thereupon served in said capacity until July, 1933;

That in said entry of appointment, and as a part thereof, the said Receiver was authorized and empowered to appoint an Examiner-in-Charge to assist him in his said receivership duties;

That L. A. Andrew, the Receiver aforesaid, on January 26, 1933, appointed G. D. Thompson as such Examiner-in-Charge;

That by an order made and rendered in the above named Court, bearing date April 4, 1933, G. D. Thompson, as such Examiner-in-Charge, was authorized and empowered to execute and acknowledge all instruments necessary to effect the assignment and transfer, in the name of L. A. Andrew, Receiver as aforesaid, by the signature of said G. D. Thompson as such Examiner-in-Charge, of that certain mortgage of John and Lillie C. Thomas, dated March 21, 1923, to the American Commercial and Savings Bank, of Davenport, Iowa, covering 315.46 acres of land in Madison County, Iowa, which mortgage is recorded in Book 71 of Real Estate Mortgages, on page 241, of the records in the office of the Recorder of Madison County, Iowa.

II.
PROBATE NO. 8606 AND 8606-B.

That Max. D. Petersen, a resident of Scott County, Iowa, departed this life on April 12, 1915, leaving his Last Will and Testament and Codicil which were duly admitted to probate on April 15, 1915, by the District Court of Iowa, in and for said county;

That in the probate proceedings of the said estate in said Court there came on for hearing the petition of the widow of said testator, and of the Executor and Trustee of his said will, to have the Court construe the said will and codicil and determine the disposition

Miscellaneous Record, No. 24, Madison County, Iowa

of the estate of said deceased thereunder. Every party in interest appeared in person at said hearing, or filed answer to ^{the} said petition, and on the 14th day of August, 1915, at said hearing, the said Court, by written entry of record in said proceeding, rendered its decision, wherein it decreed that after setting aside the widow's share of said estate, thereupon sufficient property of the estate then remaining should be sold and conveyed in order to realize the sum of \$200,000.00 to be held by the Trustee as a special fund, to be invested and reinvested by the Trustee and the income therefrom to go to seven certain named charitable institutions;

That the said probate proceedings of said estate are still pending in said Court, and by an order duly made and entered of record by said Court on February 2, 1933, the Davenport Bank and Trust Company was appointed as the successor Trustee of the Special Fund as provided under the said decree of said Court and under the Last Will and Testament and Codicil of said Max D. Petersen, deceased. It qualified and Letters of Trusteeship were issued immediately, and said bank as such Trustee has since been acting in said capacity, and is still so acting;

That in the year 1935 the above mentioned Thomas mortgage was one of the assets of the said trust. By an order of the Court in said probate proceedings, made on February 19, 1939, instead of bringing a foreclosure action on account of said mortgage becoming in default, the said Court authorized and directed the said Trustee to accept a deed of the said mortgaged property, and in consideration thereof to release and discharge of record the ^{said} Thomas mortgage;

That the said trust in said Petersen estate is sometimes known and called the "Special Fund" and at other times the "Special Trust" in the said probate proceedings of the said estate;

That the land thus acquired as above stated is now known in said trust proceedings as the "Marzen" farm or land, and upon the application of the said Trustee of said Special Fund or Special Trust, filed in the District Court of Iowa, in and for Scott County, on May 10, 1945, by an order duly made and entered in said trust proceedings on May 14, 1945, after giving due, timely and legal notice of the hearing as ordered by the Court on said application, the said Court did approve a certain written contract of sale by and between the said Trustee and Otis Schwanebeck, by the terms of which the said Trustee did agree to sell unto said Otis Schwanebeck the said Marzen land, and did authorize and direct said Trustee to sell and convey said land unto said Otis Schwanebeck for the sum of \$10,500.00, and did authorize said Trustee, when said purchase price is fully paid, to prepare a good and sufficient Trustee's Deed conveying said land to said purchaser, and to submit said deed to said Court for its approval and endorsement of said approval on same before delivery thereof to the said purchaser.

IN THE DISTRICT COURT OF THE STATE OF IOWA
Within and for Scott County

STATE OF IOWA, Scott County, ss.

I, ELMER JENS, Clerk of the District Court of the State of Iowa, in and for said County, do hereby certify that the above and foregoing is a true and perfect statement of matters shown in the Record Entry of Equity Cause No. 29218 in said Court, in which L. A. Andrew, Superintendent of Banking of the State of Iowa was plaintiff vs. American Trust Company of Davenport, Iowa, defendant; also -

Probate No. 8606 in said Court, which is entitled "In the Matter of the Last Will and Testament and Codicil of Max D. Petersen deceased;" also-

Probate No. 8606-B in said Court, which is the matter of the Special Fund or Special Trust as provided under the said Will and Codicil of said Max D. Petersen, deceased; all in the above entitled Causes as the same remains of record or on file in my office.

And I further certify that the records of said Court are now in my custody and under my control, and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at

Miscellaneous Record, No. 24, Madison County, Iowa

the Court House in Davenport, in said County, this 12th day of July, A.D. 1945.

(DISTRICT COURT SEAL)

COMPARED

by Elmer Jens Clerk of District Court
Olive S. Clements

J. F. Willcox

Notary Public
in and for Madison County, Iowa.