

J.E.Hamilton, Referee

#5806

To
Elbe W. Berry

Fee \$.60 ✓

REFEREE'S DEED

Filed for record the 31 day of
December A.D.1937 at 4:09 o'clock
P.M.

Valda C. Bishop, Recorder

Filed Dec 31 1937
P.E.Rose Clerk of District Court
..... Deputy

THIS INDENTURE, Made the 9th day of December A.D.1937 between J.E.Hamilton,Sole Referee
of the first part, and Elbe W. Berry of the second part, WITNESSETH:

That, whereas, in an action of partition in the District Court of the State of Iowa, in
and for Madison County, wherein Esther A. Preston and Prudence H. Hamilton were plaintiffs,

Town Lot Deed Record, No. 26

MATT PARROTT & SONS CO., WATERLOO, IOWA B38740

and Ernest Preston, et al., were defendants, the said party of the first part was on the 30th day of October A.D.1931, duly appointed by said Court as Referee, to make partition of the following described Real Estate, to-wit:

Lot Ten (10) in East Addition of Out Lots on on the East side of the City of Winterset, Madison County, Iowa,

and it appearing to the Court that the said property cannot be equitably divided into the requisite number of shares, the Court on the 30th day of October A.D.1931 caused an order to be entered directing said Referee to sell said premises on the following terms, to-wit:
For cash on hand.

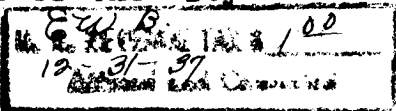
AND, WHEREAS, in pursuance of such order, the said Referee did on the 28th day of May, 1937, enter into a contract with the said Elbe W. Berry for the sale of said real estate for the sum of \$600.00; which sale was the best offer received for said real estate and which is equal to the appraised value.

AND, WHEREAS, the said Elbe W. Berry, party of the second part, has paid to the party of the first part the said sum of money so bid, as aforesaid;

AND, WHEREAS, on the 11th day of December A.D.1937, the said Court approved and confirmed said sale, and by order directed the said party of the first part to execute to the said party of the second part a Conveyance in due form of law, for the said parcel of land so sold to him as aforesaid.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that in consideration of the premises, and of the said sum of \$600.00 so bid and paid by the party of the second part, in conformity with the law and in obedience to the orders of said Court, I, J.E.Hamilton, Sole Referee, party of the first part, do by these presents grant, sell and convey unto the said Elbe W. Berry, party of the second part, and to his heirs and assigns, the said parcel of Real Estate, described as follows, to-wit:

Lot Ten (10) in East Addition of Out Lots on the East side of the City of Winterset, Madison County, Iowa



lying and being situated in the County of Madison and State of Iowa.

To have and to hold the same to the party of the second part, as fully and absolutely as the said party of the first part, by virtue of the premises, might and could sell the same.

IN WITNESS WHEREOF, I have hereunto set my hand the date first above written.

J.E.Hamilton Referee

STATE OF IOWA)
MADISON COUNTY)SS: BE IT REMEMBERED, That on the 9th day of December A.D.1937 before the undersigned, Clair E. Hamilton, Notary Public in and for Madison County, Iowa, personally appeared J.E.Hamilton, to me known to be the identical person whose name is subscribed to the foregoing deed as Referee, and acknowledge the execution of the instrument to be his voluntary act and deed, as Referee, for the purposes therein mentioned.

WITNESS my hand and official seal the day and year above written.

(Notarial Seal)

Clair E. Hamilton
Notary Public in and for Madison County, Iowa.

STATE OF IOWA)
MADISON COUNTY)SS: I, P.E.Rose, Clerk of the District Court of Iowa, in and for Madison County, Iowa, do hereby certify that the sale of lands described in the within conveyance to Elbe W. Berry was reported to the District Court aforesaid on the 11th day of December A.D.1937, and on the 11th day of December A.D.1937, said sale was approved by said Court, by order and decree confirming the same.

Witness my hand and the seal of said Court, this 11th day of December A.D.1937.

(District Court Seal)

COMPARED

P.E.Rose
Clerk of District Court of Iowa, in and for Madison County
Rex V. Johnson Deputy