

Deed Record No. 70, Madison County, Iowa

Charles A. Berry and
Lula M. Berry

#1234
No fee.

Filed for Record on the 10th
day of March, A. D. 1934, at
11:22 o'clock A. M.

To
State of Iowa.

Maggie Reese Hobbs, Recorder.
Jessie Allgeyer, Deputy.

EASEMENT FOR PUBLIC HIGHWAY

KNOW ALL MEN BY THESE PRESENTS:

That Charles A. Berry and Lula M. Berry, his wife of Madison County, State of Iowa, in consideration of the sum of One Hundred Eighty-Six and No/100 (\$186.00) DOLLARS in hand paid by Iowa State Highway Commission, do hereby sell and convey unto the STATE OF IOWA, for road purposes and for use as a Public Highway, the following described premises situated in the County of Madison, State of Iowa, to-wit:

Commencing at the South Quarter Cor. of Sec. 10, T74N, R28W; thence west 35 ft. to the point of beginning; thence west 1289 ft.; thence north 50 ft.; thence east 1289 ft.; thence south 50 ft.; to the point of beginning, containing 1.48 acres more or less.

Also commencing at the same Quarter corner; thence east 29 ft. to the point of beginning; thence north 60 ft.; thence east 1279 ft.; thence south 60 ft.; thence west 1279 ft. to the point of beginning, containing 1.76 acres more or less.

Note: The South line of Sec. 10 is assumed to be due east and west.

and we hereby covenant with the said STATE OF IOWA that we are lawfully seized of said premises; that they are free from incumbrance; that we have good and lawful authority to sell and convey the same, and we do hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, and the said Lula M. Berry hereby relinquishes right of dower in and to the premises hereinbefore conveyed.

Signed this 26th day of July A. D. Nineteen Hundred and Thirty-three.

Charles A. Berry
Lula M. Berry

STATE OF IOWA,)
Madison County,) ss.

On this 26th day of July A. D. 1933, before me H. C. Fosher a Notary Public in and for Madison County, State of Iowa personally appeared Charles A. Berry and Lula M. Berry, his wife to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(NOTARIAL SEAL)

H. C. Fosher,
Notary Public in and for said County.

EASEMENT PRIORITY AGREEMENT

For a good and valid consideration the Madison County State Bank of Winterset, Iowa a corporation, duly incorporated under the laws of the State of Iowa, agrees that the easement for road purposes, and for use as a public highway, granted the State of Iowa, in and to the premises described in the instrument on the reverse side hereof, shall be superior to the lien of the mortgages recorded in Book 79, Page 402, of the records in the office of the Recorder of Madison County, Iowa, at Winterset, Iowa.

Attest:
N. E. Hollen
Cashier.

(CORPORATE SEAL)

Madison County State Bank,
By Nels Bertholf
President.

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State of Iowa)
County of Madison) ss.

On this 28th day of July, A. D. 1933, before me, Dorothy Gillespie, a Notary Public in and for said county, personally appeared Nels Bertholf and N. E. Hollen, to me personally known, who being by me duly sworn did say that they are the President and Cashier, respectively, of the said Madison County State Bank, a corporation duly organized under the Laws of the State of Iowa, and that the seal affixed to said instrument is the seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and the said Nels Bertholf & N. E. Hollen acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

(NOTARIAL SEAL) Dorothy Gillespie
Notary Public in and for said County.
PARTIAL RELEASE.

THIS INDENTURE, Made the thirteenth day of December, A. D., 1933, BETWEEN The Mutual Benefit Life Insurance Company, a corporation of the State of New Jersey, located in the City of Newark, in said State of New Jersey, Party of the First Part and the State of Iowa, Party of the Second Part, WITNESSETH, That,

WHEREAS, Charles A. Berry and Lulu M. Berry, husband and wife, by a mortgage dated April 2, A. D., 1928, and recorded in Book 80 of the record of Mortgages in Madison County, Iowa, at Page 261, and which said Mortgage for the consideration therein mentioned and to secure the payment of the money therein specified, did convey certain real estate unto Lane & Waterman, a co-partnership, then composed of Joe R. Lane, J. Reed Lane, C. D. Waterman and W. T. Waterman and which said mortgage was duly assigned by the aforesaid co-partnership firm of Lane & Waterman to the said party of the first part, The Mutual Benefit Life Insurance Company, by assignment of mortgage, dated April 2, 1928 and recorded in Book 80 of Mortgages at page 275 of the record of Mortgages for Madison County, Iowa, and

WHEREAS, the party of the first part is still the legal holder and owner of the note evidencing the indebtedness above specified, and

WHEREAS, the said party of the first part, at the request of the said party of the second part, has agreed to give up and surrender that certain right, privilege and authority over that part of said real estate which is hereinafter described for highway purposes only, and retain the residue of the land and premises in said mortgage described as security:

NOW, THEREFORE, in pursuance of said agreement, and in consideration of the sum of One and 00/100 Dollars to it paid, the said party of the first part does hereby release and quitclaim unto the said party of the second part, the following described right, privilege and authority over and across all that part of said real estate, situate in the County of Madison and State of Iowa, to-wit:

Commencing at the South Quarter corner of Section 10, in Township 74 North, Range 28 West of the 5th P. M. thence West 33 feet to the point of beginning; thence West 1,289 feet; thence North 50 feet; thence East 1,289 feet and thence South 50 feet to the point of beginning, containing 1.48 acres more or less.
Also commencing at the same quarter corner, thence East 29 feet to the point of beginning; thence North 60 feet; thence east 1,279 feet, thence South 60 feet; thence West 1,279 feet to the point of beginning, containing 1.76 acres, more or less.

The South line is assumed to be due east and west.

TOGETHER, with all the right, title and interest of the said party of the first part in and to the same, to the intent that the right, privilege and authority over the real estate hereby given shall be discharged from the lien of said mortgage in accordance with

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the terms thereof, and not otherwise; and that the residue thereof shall remain to the said party of the first part, as heretofore.

By the acceptance of this instrument the party of the second part agrees that it will claim no rights in and to the above described real estate as against the party of the first part inconsistent with the terms of this instrument, and should the party of the first part acquire title to the real estate covered by its said mortgage or any renewal thereof, the rights of the party of the second part shall be confined to those expressly given or granted by this instrument.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be signed by its Vice President, attested by its Secretary, and its corporate seal to be affixed, the day and year first above written.

(CORPORATE SEAL)

THE MUTUAL BENEFIT LIFE INSURANCE COMPANY

Herman G. Hornfeck
Vice President

Attest:

Harry H. Allen
Secretary.

State of New Jersey)
) ss:
County of Essex)

On this 20th day of February, A. D. 1934, before me, a Notary Public in and for said County, personally appeared Herman G. Hornfeck, to me personally known, who being by me duly sworn, did say that he is the Vice President of THE MUTUAL BENEFIT LIFE INSURANCE COMPANY, the grantor named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Herman G. Hornfeck acknowledged said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed.

NOTARIAL
SEAL

Gustav A. Hornfeck
Notary Public in and for said County.
Notary Public in New Jersey
My commission expires March 20, 1934