

Deed Record, No. 59.

J.M.Davis) Filed for record the 5th day of July A.D.1917, at 4:45 o'clock P.M.
to Jeannette E.Beck.Recorder.
Lola E.Clark) Condemnation Proceedings.

Fee, \$ 1.10
2392

In the matter of the Application of Lola E.Clark for the Appointment of Commissioners to Assess Damages for the Taking of certain Real Estate in Madison County, Iowa, for a public way.

BE IT REMEMBERED, That on the nineteenth day of June, 1917, Lola E. Clark did in pursuance of law notify and request me to appoint commissioners under Title Ten, Chapter Four of the Code of Iowa of 1887 and especially under Section 2028 thereof, to assess the damages sustained by J.M.Davis by reason of the taking of a strip two rods in width off the west end of the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section thirty (30) in township seventy-seven (77) north, of range twenty-seven (27) west of the Fifth P.M., Iowa, for the purpose of public way connecting the land of the applicant to-wit: The south half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$), and the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section thirty (30) in township seventy-seven (77) north, of range twenty-seven (27) west of the Fifth P.M., Iowa, with the nearest public highway, and it being made to appear that the said J.M.Davis and the said Lola E. Clark cannot agree upon the compensation to be paid for said public way, I did in pursuance of the power vested in me by law, and of such notice and request, appoint six disinterested freeholders of Madison County, Iowa, not interested in a like question, to-wit: H.Z. Cross, Albert Duff, Ira Greenwood, Douglas Roy, J.F. Wilcox, and R.O. Mills, to inspect the real estate of said J.M.Davis and assess the damage which he might sustain by reason of the appropriation of his said lands by the said Lola E. Clark for a public way, and the above named commissioners were duly and legally summoned to view the premises aforesaid on the second day of July, 1917, at ten o'clock in the forenoon, and I also served upon the said J.M.Davis, notice of the time and place when his said lands would be viewed by the said commissioners. Thereupon all of said commissioners met at my office in the courthouse at Winterset, Iowa, and each of them then and there made and subscribed to their oath as such commissioners, which oath is hereto attached marked Exhibit "A" and made part hereof.

And thereafter, the said commissioners did on the second day of July, 1917, view said premises at ten o'clock in the forenoon of said day, the said J.M.Davis being at the time present, and assessed the damages that he will sustain by reason of the appropriation of his said land as and for the purpose aforesaid. And thereupon the said commissioners made and returned to me their report and assessment of damages, a copy of which is hereto attached marked Exhibit "B" and made a part hereof, and now on this 5th day of July, 1917, the said Lola E. Clark has paid to me the full amount of damages which the said J.M.Davis will sustain by reason of the appropriation of his land for the purpose aforesaid, to-wit: Forty-seven and 91/100 (47.91) dollars, and has also paid to me the full amount of costs incurred in the condemnation of said land.

In Witness Whereof, I hereunto set me official signature at Winterset, Iowa, this 5th day of July, 1917.

F. B. Brock
Sheriff, Madison County, Iowa.

Exhibit "A"

In the Matter of the Application of Lola E. Clark for the Appointment of Commissioners to Assess Damages for the Taking of Certain Real Estate in Madison County, Iowa, for a public way.

Oath of Appraisers.

State of Iowa Madison County SS. We, H.Z. Cross, Albert Duff, Ira Greenwood, Douglas Roy, R.O. Mills, and J.F. Wilcox, Commissioners appointed by the Sheriff of Madison County, Iowa, to assess the damages that may be sustained by J.M.Davis, the owner of certain real estate in Madison County, Iowa, by reason of the appropriation thereof by Lola E. Clark for the establishment of a public way to certain real estate, do solemnly swear that we are freeholders of Madison County, and not interested in any of the real estate involved nor in a like question, and that we will well and truly appraise the damages that J.M.Davis will sustain by reason of the appropriation by the said Lola E. Clark of the following described tract of land, to-wit: A strip two rods in width off the west end of the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the southeast quarter-

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er ($\frac{1}{4}$) of section thirty (30) in township seventy-seven (77) north, of range twenty-seven (27) west of the Fifth P.M., Iowa, and will make a true report and return thereof to the Sheriff of Madison County, Iowa, as required by law. H.Z. Cross, Albert Duff, Ira Greenwood, Douglas Roy, J.F. Willcox, R.O. Mills.

Subscribed and sworn to before me and in my presence by the said affiants this second day of July, A.D. 1917.

D.M. Griswold.
Clerk District Court. (Seal)
Exhibit "B"

In the Matter of the Application of Lola E. Clark for the Appointment of Commissioners to Assess Damages for the Taking of Certain Real Estate in Madison County, Iowa, for a public way. Appraisers' Return.

To F.B. Brock, Sheriff of Madison County, Iowa: The undersigned H.Z. Cross, Albert Duff, Ira Greenwood, Douglas Roy, R.O. Mills, and J.F. Willcox Commissioners appointed by you by an order dated on the nineteenth day of June, 1917, to inspect the lands hereinafter described and assess the damages which J.M. Davis, the owner thereof, will sustain by reason of the appropriation thereof by Lola E. Clark for the establishment of a public way to reach certain real estate, do hereby make report that upon due notice we viewed said premises on the second day of July, 1917, and appraise and assess the damages that will be sustained by the taking thereof as follows: To J.M. Davis, the owner of a strip two rods in width off the west end of the North half ($\frac{1}{2}$) of the south west quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section thirty (30) in township seventy-seven (77) north, of range twenty seven (27) west of the Fifth P.M. Iowa, forty seven and 91/100 dollars, \$47.91.

And we further report that the costs of said assessment are hereby fixed as follows: H.Z. Cross, 3.50, Albert Duff, 3.50, Ira Greenwood, 3.50, Douglas Roy, 3.50, R.O. Mills, 3.50, and J.F. Willcox, 3.50, and F.B. Brock, Sheriff, \$12.50. Dated this second day of July, 1917.

H.Z. Cross. Douglas Roy.
J.F. Willcox. Ira Greenwood.
Albert Duff. R.O. Mills.