

Deed Record, No. 59.

W.T.Guiher, Executor) Filed for record the 1st day of March A.D.1920, at 3:43 o'clock P.M.
 to Nettie E.Winship.Recorder.
 Iver W.& Agnes Clark) Deed. Fee, \$1.00 ✓
 # 797

This Indenture, made the 20th day of March A.D.1918, by and between W.T.Guiher as the duly appointed, legally qualified and now acting executor of the estate of James Witherow, deceased, late of the County of Madison and State of Iowa party of the first part and Iver W. Clark and Agnes Clark of Madison County and State of Iowa parties of the Second part,

Witnesseth:-That, whereas, the said James Witherow died testate in Madison County, Iowa, on the 30th day of August A.D.1918, the owner in fee simple of the real estate hereinafter described, and

Whereas, on the 2nd day of October A.D.1918 after due and legal notice, the last will and testament of the said James Witherow bearing date the 23rd day of January A.D.1915 witnessed by Chas.Rowe and M.L.Silliman, was duly admitted to probate in the District Court of the State of Iowa in and for Madison County and which said last will and testament named and designated the said W.T.Guiher his sole executor thereof, and

Whereas, on the 3rd day of October A.D.1918 the said W.T.Guiher duly qualified as such executor and letters testamentary were on said date duly issued to him under the seal of said Court, and such said letters testamentary are still in full force and effect and unrevoked, and

Whereas, among other things, Item 1 of said lat-will and testament provides as follows:
 to-wit:"I will and direct that my executor hereinafter named, shall within one year after my

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death, sell the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-five (25) in Township Seventy-six (76) North, of Range Twenty-eight (28) West, of the 5th P.M., Iowa which sale shall be upon the terms and conditions thought best by my said executor.", and

Whereas, among other things, Item V of said last will and testament provides as follows, to-wit: "I nominate and appoint W.T. Guiher executor of this my last will and testament, and I direct that he be not required to give bond as such executor in a sum in excess of One Hundred Thousand (\$100,000.00) Dollars, I expressly empower the above named executor of my estate, in making the sale of the real estate hereinbefore described and which I direct him to sell with all the right and power I could have to sell the said land and said executor shall be not required to make any application to any court for authority so to do, and he shall have full power to make and execute deeds therefor"., and

Whereas, under and by virtue of the authority and directions in said last will and testament, contained, the said W.T. Guiher as such executor sold the real estate hereinafter described at private sale under written contract of date March 20th, 1919, subject to the lease of Frank Martin which expires March 1st, 1921, on the basis of Forty Thousand (\$40,000.00) Dollars. The said vendee to have credit on account of said lease of a certain sum and for a certain sum to pay the taxes to be a lien or charge on March 1st, 1921. The consideration of said conveyance to be paid on March 1st, 1920 upon receipt of deed conveying said premises, now

Therefore, the said W.T. Guiher as executor of the estate of James Witherow deceased, in consideration of the premises and of the said sum of Forty Thousand (\$40,000.00) Dollars in hand paid by the said Iver W. Clark and Agnes Clark the receipt whereof is hereby acknowledged as bargained and sold, granted and conveyed and by these presents it is granted, bargained, sold and conveyed unto the said Iver W. Clark and Agnes Clark, their heirs, administrators and assigns forever all the right, title, interest and estate owned or held by the said James Witherow at the time of his decease, or that has been or may hereafter be acquired by the estate of said James Witherow in and to the following described real estate lying and being in Madison County Iowa, to-wit:

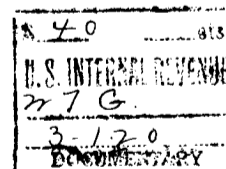
The Southwest Quarter ($\frac{1}{4}$) of Section Twenty-five (25) in Township Seventy-six (76) North, of Range Twenty-eight (28) West, of the 5th P.M. Iowa.

To have and to hold the above granted premises with all the appurtenances thereto belonging unto the said Iver W. Clark and Agnes Clark their heirs, administrators and assigns forever.

In witness whereof, the said W.T. Guiher as executor of the estate of said James Witherow has executed these presents the day and year first herein above written.

W.T. Guiher

Executor of the Estate of James Witherow ---



State of Iowa Madison County SS. On this 1st day of March A.D. 1920, before me personally appeared W.T. Guiher executor of the estate of James Witherow, deceased, to me personally known to be the person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my seal on the date last above written.

Harry F. Anderson

Notary Public in and for said County

