

Deed Record, No. 77, Madison County, Iowa

H.G.Tilton, Referee

#1340

Filed for record the 1 day of
March A.D.1939 at 3:55 o'clock
P.M.

Fee \$1.00

Pearl E. Shetterly, Recorder

To
Leigh BrownR E F E R E E ' S D E E D

THIS INDENTURE, Made the 27th day of February A.D.1939, between H.G.Tilton, Referee, in the case of Howard H. Lippy vs. Harvey A. McBride, et al., No. 16573 Equity, Madison County, Iowa, District Court, of the first part, and Leigh Brown of Madison County, Iowa, 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 Howard H. Lippy was plaintiff, and Harvey A. McBride, et al were defendants, the said party of the first part was, on the 24th day of February, A.D., 1938, in the decree entered in said cause, duly appointed by said Court as Referee, to make partition of the real estate described in this deed; and it appearing to the Court that the said property cannot be equitably divided into the requisite number of shares, the Court on the 24th day of February, 1938, in said decree, ordered and decreed that sale of said real estate be made by said referee, upon the following terms, to wit: if not sold at private sale on or before August 1, 1938, then to proceed to sell the same at public auction in the manner provided by law for sale of real estate under execution, terms of sale to be 10 per cent to be paid at the time of sale and the balance within thirty days upon approval of abstract of title and before possession is given.

AND, WHEREAS, in pursuance of such order, the said Referee caused four weeks notice of the time and place of said sale to be given, by posting up notices thereof at three public places in Madison County, one of which was at the Court House in Winterset, Iowa, where the last District Court was held, and by causing two publications thereof to be made in the Winterset Madisonian, a newspaper printed in said County, immediately before the day of sale;

AND, WHEREAS, the said Referee, in pursuance of said notice and the order of the Court, did, on the 10th day of September, 1938, at the hour of 2:00 o'clock in the after noon, at the South front door of the Court House, in Winterset, Madison County, Iowa, expose and offer for sale at public auction, the aforesaid Real Estate, and did then and there sell at public auction to Leigh Brown the parcels of real estate hereinafter described, for the sum of Five Thousand and Fifty and no/100 (\$5,050.00) DOLLARS, he being the highest and best bidder therefor;

AND, WHEREAS, on the 1st day of October, 1938, 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 parcels of land so sold to him as aforesaid.

Deed Record, No. 77, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7809

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that in consideration of the premises, and of the said sum of Five Thousand and Fifty and no/100 (\$5,050.00) DOLLARS, 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, H.G.Tilton, Referee, in the case of Howard H.Lippy, vs. Harvey A.McBride, No. 16573 Equity, in Madison County, Iowa, District Court, party of the first part, do by these PRESENTS GRANT, SELL AND CONVEY UNTO THE SAID Leigh Brown, party of the second part, and to his heirs and assigns, the said parcels of Real Estate, situated in Madison County, Iowa, described as follows, to wit:



Northeast Quarter of the Northwest Quarter, except a strip 25 ft. wide off the West and South sides thereof heretofore conveyed for a highway, and except the Railroad right of way across said tract, and the Northwest Quarter of the Northeast Quarter, except the Railroad right of way across the same, of Section 34; and the East Half of the Northeast Quarter of Section 34; and all that part of the Southeast Quarter of the Southeast Quarter of Section 27 lying ~~South~~ and East of the right of way of the Chicago, Rock Island and Pacific Railway, and the Northeast Quarter of the Southeast Quarter and the following described tract of land, to wit: Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 27, and running thence West 80 rods, thence South 55 rods, thence East 25 rods, thence Northeast to place of beginning; all subject to all highway rights; all in Township 76 North Range 27 West of the 5th P.M.

To have and to hold the same to the party of the second part, as fully and absolutely as the said parties 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.

H.G.Tilton
Referee in the Case of Howard H. Lippy vs. Harvey A.McBride,
et al., No. 16573 Equity, Madison County, Iowa, District
Court.

STATE OF IOWA, MADISON COUNTY)SS:

BE IT REMEMBERED, THAT on the 27th day of February, 1939, before the undersigned, Daniel J. Gallery, a Notary Public in and for said County, personally came H.G.Tilton, Referee in the case of Howard H. Lippy vs. Harvey A. McBride, et al., No. 16573 Equity, in Madison County, Iowa, District Court, to me personally known to be the identical person whose name is subscribed to the foregoing deed as Referee, and acknowledged 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) Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

STATE OF IOWA, MADISON,)ss:

I, P.E.Rose, Clerk of the District Court of said County, do hereby certify that the sale of lands described in the within conveyance to Leigh Brown, was reported to the District Court aforesaid by Report of Sale, filed September 21, 1938, and on the 1st day of October, 1938, said sale was approved by said Court, by order and decree confirming the same.

WITNESS my hand and the seal of said Court, this 27th day of February, 1939,

(District Court Seal) P.E.Rose
Clerk of the District Court of Madison County, Iowa.