

Deed Record, No. 77, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7659

F. S. Younkin, Sole Referee	#2309	Filed for record the 25 day of
To		March A.D. 1939 at 1:45 o'clock
		P.M.
Earl H. Smith	FEE \$.70	Pearl E. Shetterly, Recorder.
		COMPARED
REFEREE'S DEED		

THIS INDENTURE, Made the 23 day of March, A.D. 1939, by and between F. S. Younkin, sole referee, party of the first part, and Earl H. Smith, party of the second part, WITNESSETH:

WHEREAS, in an action of partition in the District Court of the State of Iowa, in and for Madison County, wherein Aura Cross was plaintiff and Kate Bair, et al, were defendants, cause No. 16607, in equity, the said party of the first part, F. S. Younkin was, on the 20th day of March, 1937, duly appointed by said Court as referee, to make partition of the following de-scribed real estate, to-wit:

The North One-half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six and the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35) all in Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa

and it appearing to the Court that the property cannot be equitably divided into the requisite number of shares, the Court, on the 27th day of December, 1938, caused an order to be entered directing said referee to sell said real estate at public auction to the highest bidder, and a

Deed Record, No. 77, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7589

sale of said real estate having come on for hearing on the 9th day of February, 1939, the Court refused to approve the sale of said real estate at public auction and the Court on its own motion, accepted bids on said real estate, and the parties of the second part, Earl H. Smith, having offered the sum of Four Thousand (\$4000.00) Dollars for said real estate, and the same being the highest and best bid offered, the Court thereupon ordered the party of the first part to sell and convey said real estate to the said Earl H. Smith, and

WHEREAS, on the 10 day of March, 1939, the said Court, by written findings and order approved and confirmed said sale and by order, directed the party of the first part to execute and deliver to the party of the second part, a referees deed of conveyance in due form of law for said tract 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 Four Thousand (\$4000.00) Dollars so paid by the party of the second part to the party of the first part in conformity with the law, and in obedience to the orders of said Court, I, F. S. Younkin, sole referee, party of the first part, do by these presents, grant, sell and convey unto the said Earl H. Smith, party of the second part, and to his heirs and assigns, the following described real estate, to-wit:

The North One-half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-six (36) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-five (35) all in Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., 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 on the date first above written.

F. S. Younkin Sole Referee

STATE OF IOWA, Madison Madison)ss:

BE IT REMEMBERED, that on the 23 day of March A.D. 1939, before the undersigned, Jno. N. Hartley, a Notary Public in and for said County, personally came F. S. Younkin, Sole Referee herein 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) Jno. N. Hartley
Notary Public in and for Madison County, Iowa

STATE OF IOWA, Madison County)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 Earl H. Smith, was reported to the District Court aforesaid on the 10th day of March, 1939, and on the 10th day of March 1939, said sale was approved by said Court, by order and decree confirming the same.

WITNESS my hand and the seal of said Court, this 25th day of March, 1939.

(District Court Seal) P. E. ROSE Clerk of District Court