

Deed Record No. 72, Madison County, Iowa

Acres-Blackmar Co. Burlington 2080

Everett E. Hochstetler, et al

#4179

Filed for record the 26 day of
October A.D. 1936 at 10:30 o'clock
A.M.

To

Fee \$2.80 ✓

Chas. H. Hochstetler

Valda C. Bishop, Recorder

PARTITION DEED

THE STATE OF TEXAS

COUNTY OF SAN PATRICIO.. KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, Everett E. Hochstetler a resident of Dallas Co. Iowa, Chas. H. Hochstetler, a resident of Madison Co. Iowa, Mary E. Hochstetler, a feme sole, a resident of San Patricio Co. Texas, Lulu L. Davies, a resident of the City of Tacoma, State of Washington, and Eva A. Callison, a resident of Howard County, Iowa, are the sole children and heirs, of J.M. Hochstetler, deceased, late of San Patricio Co. Texas, and are the sole legatees and devisees, in the last will and testament of said J.M. Hochstetler, deceased, which has been duly probated in the County Court of San Patricio Co. Texas, wherein the above named Everett E. Hochstetler and Chas. H. Hochstetler, are the duly appointed and acting executors of said last will and testament, being desirous of terminating the administration of said estate under said will and testament, and being further desirous of partitioning the real estate, belonging to said estate of J.M. Hochstetler, do hereby agree among ourselves, that the following division and partition of said real estate of said estate shall be effective among us, in which partition agreement, the above named Lulu L. Davies is joined herein by her husband, T.D. Davies of the City of Tacoma, Washington, and the said Eva A. Callison is joined by her husband S. Callison, of said Howard Co., Iowa, and the above named Chas H. Hochstetler, is joined by his wife, Lillian L. Hochstetler of Madison Co. Iowa, and the above named Everett E. Hochstetler, is joined by his wife, Ina L. Hochstetler, of Dallas Co. Iowa;

The parties first above named have and hold in common, the lands hereinafter mentioned, and are desirous of making partition of the same as aforesaid, it is hereby covenanted, granted, concluded and agreed by and between said parties, and each of them covenants, grants, concludes and agrees for himself, themselves, his and their assigns, that the said partition of said lands be made as follows:-

FIRST.

The said Everett E. Hochstetler, shall from henceforth have, hold, possess and enjoy, in severalty by himself and to him and his heirs and assigns for his part, share, interest and proportion of the said lands and premises, the following tract of land situated in San Patricio County, Texas to-wit:-

The South West one quarter (SW $\frac{1}{4}$) of Section No. Twenty (20) of the Geo. H. Paul Subdivision of the Coleman-Fulton Pasture Co's lands,

containing 160 acres of land; and the other parties hereto do grant, release and confirm unto the said Everett E. Hochstetler, the premises above described, to have and to hold the above described premises, with all and singular the rights hereditaments and appurtenances thereto in anywise belonging, unto the said Everett E. Hochstetler, his heirs and assigns forever

SECOND

The said Chas H. Hochstetler, shall from henceforth have, hold, possess and enjoy in severalty by himself and to him and to his heirs and assigns, for his part, share interest and proportion of the lands and premises, all those tracts of land situated in the County of Madison, State of Iowa, and described as follows:-

(a). The West one half (W $\frac{1}{2}$) of the South West one Quarter (SW $\frac{1}{4}$) of Sect. No. 28, in Township 77, N. of Range 29, West of the 5th P.M., containing 77 acres of land, after deduction for highway.

(b). The South East one quarter (SE $\frac{1}{4}$) of Sect. No. 29 in Township No. 77 N. of Range 29, W. of 5th P.M., containing 156 acres of land, after deduction for highway.

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(c). W.8 acres of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sect. No. 4, in Township 76, N. of Range 29, W. of the 5th P.M., being timber lands.

And the other parties hereto, grant, release and confirm unto the said Chas H. Hochstetler the premises above described, to have and to hold the above described premises, with all and singular the rights, hereditaments and appurtenances thereto in any wise belonging, unto the said Chas. H. Hochstetler, his heirs and assigns forever.

THIRD.

The said Mary E. Hochstetler, shall from henceforth have, hold, possess and enjoy, in severalty, by herself, and to her and her heirs and assigns, for her part, share, interest and proportion of the said lands and premises, the following tracts of land situated in San Patricio County, State of Texas to-wit:-

(a). Lots Nos. one (1) and two (2) in Block No. Two (2) of the WEST COURT Addition to the Town of Sinton, said County and State.

(b). The North East one quarter (NE $\frac{1}{4}$) of Section No. Twenty (20) of the Geo. H. Paul Subdivision of the lands of the Coleman-Fulton Pasture Co. containing 160 acres of land.

And the other parties hereto, do grant, release and confirm unto the said Mary E. Hochstetler, a feme sole, the premises above described, to have and to hold the above described premises, with all and singular the rights, hereditaments and appurtenances thereto in any wise belonging, unto the said Mary E. Hochstetler, her heirs and assigns forever.

FOURTH.

The said Lulu L. Davies shall henceforth, in her own right, and as her separate property, have, hold, possess and enjoy, in severalty by herself and to her heirs and assigns, for her part, share, interest and proportion of the said lands and premises, all that tract of land situated in San Patricio County, Texas,, and described as follows:-

The North West One Quarter (NW $\frac{1}{4}$) of Section No. Twenty (20) containing 160 acres of land, a part of the Geo. H. Paul Subdivision of the Coleman-Fulton Pasture Co's lands.

And the other parties hereto do grant, release and confirm unto the said Lulu L. Davies, the said premises above described, to have and to hold the above described premises, with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging unto the said Lulu L. Davies, her heirs and assigns forever.

FIFTH.

The said Eva A. Callison, shall from henceforth, in her own right and as her separate property, have, hold, possess and enjoy in severalty by herself and to her and her heirs and assigns, for her part, share, interest and proportion of the said lands and premises, the following described tract of land situated in San Patricio County, State of Texas, to-wit:-

The South East One Quarter (SE $\frac{1}{4}$) of Section No. twenty (20) of the Geo. H. Paul Subdivision of the Coleman-Fulton Pasture Co's lands, said tract containing 160 acres of land.

And the other parties hereto do grant, release and confirm unto the said Eva A. Callison, the premises above described, to have and to hold the above the above described premises, with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging unto the said Eva A. Callison, her heirs and assigns, forever.

It is hereby agreed among the parties hereto, that the foregoing division and partition is made subject to the following outstanding mortgage loans on and against the following lands of said estate to-wit:-

1. A first mortgage held by Dallas Joint Stock Land Bank, of Dallas Texas to secure obligations approximating now the sum of \$12,960.00, on and against the E. $\frac{1}{2}$ of said Sect. No. 20 of the Geo. H. Paul Sub. of the Coleman-Fulton Pasture Co's lands in San Patricio Co, Texas.

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2. A first mortgage loan held by the Federal Land Bank of Houston, Texas, to secure obligations now approximating the sum of \$4425.00, on and against the N.W. $\frac{1}{4}$ of said section No. 20 of the Subdiv. last named in San Patricio Co. Texas.

3. A mortgage loan held by Banker's Life of Des Moines Iowa, to secure obligations ~~now~~ approximating at this time the sum of \$15,750.00 on and against the lands in Madison County, Iowa, allotted herein to Chas H. Hostetler, being tracts (a) and (b) above described in Para. SECOND, which mortgage debt the said Chas. H. Hochstetler, agrees to assume as his own debt and obligation in this partition.

And it is further agreed by and between the parties hereto, that this division and partition is contingent upon refinancing the loans now existing against the E. $\frac{1}{2}$, and the N.W. $\frac{1}{4}$ of said Sect. 20 in said Geo.H.Paul Sub. in San Patricio County, Texas, above described, it being contemplated and intended by the parties hereto, that a new mortgage loan will be financed by the Federal Land Bank of Houston, Texas, on or before Nov. 1st. 1936, whereby money and funds will be secured from said loan agency to pay off, discharge and release the existing loans and mortgages against the said 480 acres in Sect. 20 above described, and that the respective owners of the four Quarter sections above described, Everett E. Hochstetler, owner of the SW $\frac{1}{4}$; Eva A. Callison, owner of the SE $\frac{1}{4}$ Mary E. Hochstetler, owner of the NE $\frac{1}{4}$, and Lulu L. Davies, owner of the N.W. $\frac{1}{4}$ of said Section, will apply severally for, and secure separate mortgage loans from said lending agency, total loan to approximate the sum of ~~sum of~~ \$19,250.00, of which the sum of approximately \$5500.00 to be a separate lien against said SW $\frac{1}{4}$ of said section, owned by Everett E. Hochstetler; \$4250.00 approximately, to be a separate mortgage against the S.E. $\frac{1}{4}$ of said Section, owned by Eva A. Callison; the sum of approximately \$3000.00 to be a separate mortgage lien against the N.E. $\frac{1}{4}$ of said Sec. 20, the property of Mary E. Hochstetler; and the sum of \$6,500.00 approximately to be a separate mortgage lien on and against the NW $\frac{1}{4}$ of said Sect.No. 20, the property of Lulu L. Davies.

It is agreed that it is further contemplated and intended by the parties that Lulu L. Davies, owner of the N.W. $\frac{1}{4}$ of said Sect. No.20, will forthwith apply to said loan agency for an increase of the mortgage loan on and against said tract, increasing same to approximately said sum of \$6,500.00 on said tract, and when said loan is consummated, it is agreed that the sum of \$1000.00 of the proceeds of said loan, shall be paid to Chas H. Hochstetler, to equalize his interest in said estate and in this division.

This partition and agreement is made by and between us, with full knowledge of the provisions of the last will and testament of the said J.M.Hochstetler decd., duly probated as ^{his} aforesaid, wherein the said executors of/said will are authorized and empowered to make sale of the said testate's property for the purpose of division as provided therein among the beneficiaries of his said will; but all of the undersigned are agreed that a sale of said real estate, or any part thereof, cannot be effected at this time, unless it be at a great sacrifice, as there is no sale for property at this time, and that a partition and division of said real estate in the manner herein, is a just and equitable settlement of said estate, and is herein done in order to save further costs of administration of said estate under said will and testament, and to the end that each child, heir and beneficiary named in said will, may receive his respective interest in said estate without further delay.

And it is represented by the said executors of said will, said Everett E. and Chas. H. Hochstetler, the undersigned, that all of the indebtedness due and owing by said estate of J.M.Hochstetler, at the date of his death, have been fully paid and discharged by them, excepting the mortgage loans against the real estate, as above described.

The partition and agreement is further contingent upon Chas H. Hochstetler refinancing the mortgage loan resting against the property in the County of Madison, State of Iowa,

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allotted and set apart to him in this partition, it being contemplated that he will re-finance and extend his said loan against said property, within a reasonable time, not later than June 1st. 1936.

Witness our hands this the 20th of Feb. 1936.

	Everett E. Hochstetler.	T.D.Davies
	Chas H.Hochstetler	S.Callison
	Mary E. Hochstetler	Ina L. Hochstetler
	Lulu L. Davies	Lillian E. Hochstetler
THE STATE OF TEXAS	Eva A. Callison	

County of San Patricio... BEFORE ME, the undersigned authority, on this day personally appeared Chas H. Hochstetler, Everett E. Hochstetler, and Mary E. Hochstetler, a feme sole all known to me to be the person whose names are subscribed to the foregoing instrument, as their voluntary act and deed and they each acknowledged to me that they executed the same/for the purposes and consideration therein expressed.

Given under my hand and seal of office this 20th day of Feb. 1936.

(NOTARIAL SEAL)

Jas.G. Cook Notary Public,
San Patricio Co. Texas.

The State of Washington

County of Pierce..... Before me, the undersigned authority, on this day personally appeared T.D.Davies, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same/for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 5th day of March 1936.

(NOTARIAL SEAL)

The State of Texas

O.L.Clayton Notary Public
in and for the County of Pierce,
State of Washington.

County of San Patricio... BEFORE ME, the undersigned authority, on this day personally appeared Lulu L. Davies, wife of T.D.Davies, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Lulu L. Davies, acknowledged such instrument to be her/act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

/ Given under my hand and seal of office this 20th day of Feby 1936.

(NOTARIAL SEAL)

THE STATE OF IOWA

Jas. G. Cook Notary Public
in and for San Patricio County, Texas.

COUNTY OF DALLAS BEFORE ME, the undersigned authority, on this day personally appeared Lillian L. Hochstetler, wife of Chas. H. Hochstetler known to be to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her said husband, and having the same fully explained to her, she, the said Lillian L. Hochstetler, acknowledged such instrument to be her/act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this/23rd day of March 1936.

(NOTARIAL SEAL)

The State of Iowa

Allen T. Percy Notary Public
Dallas County, State of Iowa.

County of Dallas.... Before me, the undersigned authority, on this day personally appeared Ina L. Hochstetler, wife of Everett E. Hochstetler, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her said husband, and having the same fully explained to her, she, the

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free and voluntary
said Ina L. Hochstetler, acknowledged such instrument to be her/act and deed, and she de-
clared that she had willingly signed the same for the purposes and consideration therein
expressed, and that she did not wish to retract it.

Given under my hand and seal of office this 16th day of March 1936.

(NOTARIAL SEAL)

Allen T. Percy Notary Public
Dallas County, Iowa.

The State of Iowa

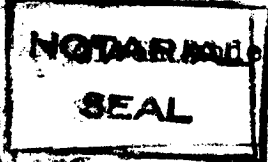
County of Howard.... Before me, the undersigned authority, on this day personally appeared
S. Callison, known to me to be the person whose name is subscribed to the foregoing in-
strument, and he acknowledged to me that he executed the same/as his voluntary act and deed/for the purposes and consider-
ation therein expressed. Given under my hand and seal of office this the 9th day of
March 1936.

(NOTARIAL SEAL)

W.L.Barker Notary Public
for Howard County, Iowa.

The State of Texas

County of San Patricio.... Before me, the undersigned authority, on this day personally
appeared Eva A. Callison, wife of S. Callison, known to me to be the person whose name is
subscribed to the foregoing instrument, and having been examined by me privily and apart
from her said husband, and having the same fully explained to her, she, the said Eva.S.
Callison, acknowledged such instrument to be her/free and voluntary/act and deed, and she declared that she
had willingly signed the same for the purposes and consideration therein expressed, and
that she did not wish to retract it.



my hand and seal of office this the 20th day of Feby 1936.

Jas G. Cook Notary Public,
San Patricio County,
State of Texas.