

439

Deed Record No. 72, Madison County, Iowa

Acres-Blackmar Co. Burlington 2080

John I. Crossley, Sole Referee

#4175

Filed for record the 15 day of
September A.D.1937 at 11:18
o'clock A.M.

To

Fee \$1.80

Evalyn C. Smith

Valda C. Bishop, Recorder

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

16389 ✓

R E F E R E E ' S D E E D

Filed Sep 13, 1937
P.E. Rose Clerk of District
Court

THIS INDENTURE made this 15th day of March A.D.1937 between John I. Crossley, Deputy
Sole Referee,

Party of the First Part and Evalyn C. Smith, Party of the Second Part, WITNESSETH:

THAT WHEREAS in an action of partition in the District Court of the State of Iowa, in
and Evalyn C. Smith were Plaintiffs and James J. Crossley
and for Madison County wherein John I. Crossley, et al, were Defendants, said cause being
No. 16381 Equity, the said Party of the First Part was on the 20th day of May 1936, duly ap-
pointed by said Court as Referee to make partition of the following described real estate,
to-wit:-

Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of
the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34)
Township Seventy-six (76) North, Range Twenty-six (26) West of
the 5th P.M., and the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest
Quarter (NW $\frac{1}{4}$) (except the right of way of the C.R.I. and P. Ry. Co.,
and also except that part thereof heretofore conveyed to the State
of Iowa for highway purposes and more particularly described as follows:

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A strip of land 105 feet wide lying Northerly of and adjacent to the North right-of-way line of said C.R.I. & P.Ry Co., and extending from the West line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the East line thereof, and described as commencing at a point 334 feet South of the North Quarter corner of Section 35, being a point on the North right of way line of said C.R.I. & P.Ry. Co., thence Westerly 1320 feet along said railroad right of way line, thence North 105 feet, thence Easterly 1320 feet parallel to said railroad right of way line, thence South 105 feet to the point of beginning and containing 3.2 acres more or less); and the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and ~~and~~ Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35) (excepting from said last described 80 acre tract all that part thereof included within the following described tracts, to-wit: Commencing at the NW. corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35), and running thence North 83 $\frac{1}{4}$ ° East, 14 rods to the center of Middle River, thence North 40° East, 14 rods thence North 69° East, 11 $\frac{1}{2}$ rods, thence South 15 $\frac{1}{2}$ ° East, 53 rods, thence South 85° West, 18 rods and 3 links, thence North 24 $\frac{1}{2}$ ° West 16 $\frac{1}{2}$ rods, thence North 83° West 11 rods to the East line of the Mill lot, thence to the place of beginning; and also a 4 acre lot having for its center the center of the Mill, said 4 acre lot including a 3 acre lot in the NE. corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35), described as the North 24 rods of the East 20 rods of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35) The East line of the Mill lot referred to being the West side of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35); all in Township Seventy-six (76) North Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

And it then and there having been made to appear to the Court that said property cannot be equitably divided into the requisite number of shares, said Court on the 20th day of May 1936, caused an Order to be entered directing said Referee to sell said premises at private sale.

AND WHEREAS on the 8th day of March 1937, said Referee did then and there sell the said real estate to the said Evalyn C. Smith for the sum of Seventeen Thousand Six Hundred Fifty & no/100 (\$17,650.00) Dollars, she being the highest and best bidder thereof, and said sum being the highest and best offer said Referee was able to get for said real estate.

AND WHEREAS on the 15th day of March A.D. 1937, the said Court approved and confirmed said sale and by order directed the said Party of the First Part to execute to the Party of the Second Part the conveyance in due form of law for said real estate so sold to her as afore/

NOW THEREFORE this indenture witnesseth:- That in consideration of the premises and the said sum of \$17,650.00 so paid by the said Party of the Second Part in conformity with the law and in obedience with the Order of said Court, I, John I. Crossley, Sole Referee, Party of the First Part do by these presents grant, sell and convey to the said Evalyn C. Smith, Party of the Second Part and to her heirs and assigns forever the said real estate described as follows to-wit:-

Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34) Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., and the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) (except the right of way of the C.R.I. and P.Ry Co., and also except that part thereof heretofore conveyed to the State of Iowa for highway purposes and more particularly described as follows:- A strip of land 105 feet wide lying Northerly of and adjacent to the North right of way line of said C.R.I. & P.Ry Co., and extending from the West line of the said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the East line thereof, and described as commencing at a point 334 feet South of the North Quarter corner of Section 35, being a point on the North right of way line of said C.R.I. & P.Ry. Co., thence Westerly 1320 feet along said railroad right of way line, thence North 105 feet, thence Easterly 1320 feet parallel to said railroad right of way line, thence South 105 feet to the point of beginning and containing 3.2 acres more or less); and the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35) (excepting from said last described 80 acre tract all that part thereof included within the following described tracts to-wit: Commencing at the NW corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35), and running thence North 83 $\frac{1}{4}$ ° East, 14 rods to the center of Middle River, thence North 40° East, 14 rods, thence North 69° East, 11 $\frac{1}{2}$ rods, thence South 15 $\frac{1}{2}$ ° East, 53 rods, thence South 85° West, 18 rods and 3 links, thence North, 24 $\frac{1}{2}$ ° West, 16 $\frac{1}{2}$ rods, thence North 83° West, 11 rods to the East line of the Mill lot, thence to the place of beginning; and also a 4 acre lot

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having for its center the center of the Mill, said 4 acre lot including a 3 acre lot in the NE corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35) described as the North 24 rods of the East 20 rods of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35), the East line of the Mill lot referred to being the West side of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35); all in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, 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 the date first above written.

John I. Crossley
Sole Referee.

STATE OF IOWA :
 : SS
MADISON COUNTY :

BE IT REMEMBERED: That on the 15th day of March 1937, before the undersigned Phil R. Wilkinson, a Notary Public within and for the County of Madison and State of Iowa, personally came John I. Crossley, 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 such Referee for the purposes therein mentioned.

WITNESS MY HAND and official seal the day and year last above written.

(Notarial Seal) Phil R. Wilkinson
Notary Public in and for Madison County, Iowa.

STATE OF IOWA :
 : SS
MADISON COUNTY :

The foregoing Deed by said Referee was this day returned into Court for approval and it appearing to the Court that he had complied with the requirements of the law and the orders and decrees of this Court in making the sale and Deed, it was ordered by the Court that said Sale and Deed be and the same are approved and confirmed and by direction of said Court the said approval is hereby certified and endorsed herein by the undersigned. WITNESS my hand and official seal the 15th day of March 1937.

RECEIVED
(District Court Seal)

P.E. Rose
Clerk of the District Court, in and for Madison
County, Iowa.