

Deed Record No. 72, Madison County, Iowa

John D. Callison, Sole Referee

#5365

Filed for record the 15 day of
November A.D. 1938 at 4:55 o'clock
P.M.

To

Fee \$1.00

Valda C. Bishop Farver, Recorder
Pearl E. Shetterly, Deputy

H.U. Garrett

REFEREE'S DEED (In Partition) COMPARED

THIS INDENTURE, Made this 5th day of October A.D. 1938, between John D. Callison, Sole Referee, of the first part, and H.U. Garrett 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 Blanche Cameron was plaintiff and Rena Beamer, Nellie Waltman, Mabel Graham, Floss Beck, Lee Stewart and John D. Callison, Administrator of the Estate of Martha Eliza Stewart, Deceased, were defendants, the said party of the first part was on the 9th day of February, 1938, duly appointed by said Court as Sole Referee to make partition of the following described real estate, to-wit:

North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Sixteen (16), 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 said property could not be equitably divided into the requisite number of shares, the Court caused an order to be entered directing said Referee to sell said premises on the following terms: at either public or private sale and if at private sale to be sold at not less than the appraised value, appointing Charley G. Crow, Charles E. Tucker and Eugene Wilson for the purpose of appraising said properties.

AND, WHEREAS, in pursuance of such Order the Clerk of the District Court of Madison County, Iowa, issued an appraisement to the said Charley G. Crow, Charles E. Tucker and Eugene Wilson for the purpose of appraising said property.

AND, WHEREAS, in pursuance of said appraisement the said appraisers did appraise said property and return their appraisement thereon showing an appraisement of same in the amount of \$2800.00.

AND, WHEREAS, the said Sole Referee, in pursuance of said Order, and after the return of the appraisement sold said property at private sale to Roy Crow for the sum of \$3,200, \$500 thereof being paid upon the execution of the contract of sale and the balance of \$2,700 payable on March 1, 1938, it being the highest and best bid he could receive therefor.

AND, WHEREAS, on the 19th day of February, 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 parcel of land so sold to him as aforesaid upon the payment of the balance of the purchase price of said property.

AND, WHEREAS, the said Roy Crow, party of the second part, and Lulu Crow, his wife, did on the 19th day of October, 1938, sell, assign, transfer and deliver to H.U. Garrett all of their right, title and interest in and to the contract of sale hereinbefore referred to, authorizing and directing John D. Callison, Sole Referee and party of the first part, to said contract, to make conveyance of said premises to H.U. Garrett or his assigns.

AND, WHEREAS, the said H.U. Garrett is now the absolute and unqualified owner and holder of said contract of sale and entitled to receive the interest going to the said Roy Crow under the terms of said contract.

AND, WHEREAS, the said H.U. Garrett has paid to party of the first part the balance

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remaining due and unpaid on said contract and having now received payment in full of the purchase price of said property.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That in consideration of the premises and of the said sum of \$3,200 so offered and paid by the party of the second part and his assign H.U.Garrett, in conformity with the law and in obedience to the orders of said Court, I, John D. Callison, Sole Referee, party of the first part, do by these presents grant, sell and convey unto the said H.U.Garrett, assignee of the party of the second part, and to his heirs and assigns, the said parcel of real estate described as follows, to-wit:

North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Iowa.

lying and being situated in the County of Madison and State of Iowa. To have and to hold the same to the said H.U.Garrett 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 D. Callison
Sole Referee.

STATE OF IOWA

) SS.

MADISON COUNTY

BE IT REMEMBERED, That on the 5th day of November A.D.1938, before the undersigned, a Notary Public in and for said County, personally came John D. Callison to me personally known to be the identical person whose name is subscribed to the foregoing deed as Sole Referee, and acknowledged the execution of the instrument to be his voluntary act and deed, as Sole Referee, for the purposes therein mentioned.

WITNESS my hand and official seal the day and year above written.

(Notarial Seal)

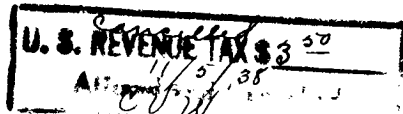
Charles D. Van Werden.
Notary Public, Madison County, Iowa.

STATE OF IOWA

) SS.

MADISON COUNTY

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 Roy Crow was reported to the District Court aforesaid on the 14th day of February, 1938, and that on the 19th day of February, 1938, said sale was approved by said Court, by order and decree confirming same. WITNESS my hand and the seal of said Court this 5th day of November A.D.1938.



P.E. Rose
Clerk of District Court
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Deputy

(District Court Seal)