#591

Mary A. Hardin )
VS. )Transcript
Ella S.Johnson,et al.)

(Filed For Record Feb. 18" A.D. 1906 at 4:10 o'clock (P.M.
E.F. Connoran, Recorder.
By Irene E. Connoran, Deputy.

Ella S. Johnson
Nancy S. Hixson
Amos Stevens
George Stevens

You and each of you are hereby notified that on the 10" day of August 1873, there will be on file in the office of the Clerk of the Circuit Court of Wapello County, Iowa, the petition of Mary A. Hardin, late Mary A. Stevens, against you, asking the said court to partition the real estate of which James Stevens, late of said County, died seized, between her and you.

And now unless you appear and answer thereto on or before noon of the second day of the next October Term of said court to be begun on the 27" day of October 1873, a default will be taken and judgment be rendered according to the prayer of said petition.

H.B.Hendershott &
L.C.Hendershott
Attys. for Pltff.

I certify that I served this notice on Nancy S. Hixson, Amos Stevens and George Stevens by reading the same to each of them in Agency Township, Wapello County, Iowa, and at the same time and place I delivered to each of them a true copy of the same this July 30th. 1873. I also served this notice on Mary A. Hardin, she being the Guardian of George Stevens by reading the same to her in agency Tp. Wapello Co. Iowa, and at the same time and place I delivered to her a true copy of the same, this July 30, 1873.

S.A. Swiggett, Sheriff.
By E. F. Pratt, Deputy.

Ella S. Johnson
Nancy S. Hixson
Amos Stevens
George Stevens

You and each of you are hereby notified that on the 10" day of August 1873, there will be on file in the office of the Clerk of the Circuit Court of Wapello County, Iowa, the petition of Mary A. Hardin, late Mary A. Stevens, against you, asking the said court to partition the real estate of which James Stevens, late of said County, died seized, between her and you.

And now unless you appear and answer thereto on or before noon of the second day of the next October Term of said Court to be begun on the 27" day of October 1873, a default will be taken and judgment be rendered according to the prayer of said petition.

H.B.Hendershott &
L.C. Hendershott
Attys. for Pltff.

I, Ella S. Johnson, one of the within named defendants, admit due and legal service of the within notice made on me August 1st. 1873.

Ella S. Johnson.

State of Iowa)
Wapello County) ss.

Circuit Court.
October Term 1873.

Mary Hardin )
VS. ) Petition in Partition
Ella S.Johnson )
Nancy S. Hixson )
Amos Stevens & )
George Stevens )

And now comes William McNett, Guardian ad litem for Amos Stevens and George Stevens and for answer of Amos Stevens and George Stevens says he is ignorant of the matters and things set forth in Pltffs. petition and therefore deny the same and call for proff.

Nov.29th. 1873.

Wm. McNett
Guardian ad litem

Endorsement
Filed Nov. 29, 1873. L. M. Godley. Clerk.

Mary A. Hardin )
VS )
Nancy S. Hixson )
Ella S. Johnson )
Amos Stevens & )
George Stevens )

And now on this 29th. day of November 1873, the Court on the inspection of the service of notice in this case, finds that all the said defendants have been duly, legally and timely served with notice of the pendency of this suit, and it appearing

that the said Amos and George Stevens are minors, the Court appointed Wm. McNett, Esqr. Guardian ad litem for the said minors.

And afterwards, to-wit: on the said 29th. day of November 1873, the said Guardian ad litem filed his answer for said minors defendants, denying the matters set up in said petition.

And afterwards, to-wit: on the said 29th. day of Nov. 1873, this cause was submitted to the court on the pleadings and proofs, from which the court finds that the Pltff. Mary A. Hardin is entitled to one-third of the property set forth and described in her petition and that each of the defendants is entitled to one fourth of the remaining two thirds of said property.

And the court further finds that partition of said property should be made between said Pltff. and Defts. in the interests herein found.

It is therefore ordered and decreed by the court that J.P. Grout, James Lynn and Sederic Reynolds be and they hereby are appointed Referees to make partition of the following described property, to-wit: (Here copy property described in Pltffs. petition).

That said Referees partition and set off to the said Mary A. Hardin the one third in value of said property, and that they partition and set off to each of the said defendants Ella S. Johnson, Nancy S. Hixson, Amos Stevens and George Stevens, one fourth in value of the remaining two thirds, and that said Referees make report to this Court of their doings under this decree at the March Term 1874 of this Court, to which time this cause stands continued.

Nov. 29th. 1873.

Robt. Sloan
Judge.

Filed Nov. 29, 1873. L.M. Godley, Clerk.

State of Iowa, Wapello County, ss.

I, Edwin Dungan Clerk of the District Court, of the State of Iowa, in and for said County, do hereby certify that the foregoing is a true and perfect transcript of the Order appointing Guardian ad litem, answer of Guardian ad litem and Return of Service of Original Notice in Partition Proceedings of Mary A. Hardin vs Ella S. Johnson et al. in the above entitled cause as fully as the same remain on file and of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court at Ottumwa, this 11 day of Jany 1906.

Edwin Dungan
Clerk of the District Court.

District Court
Seal.