#833

United States District Court } Bankruptcy (Filed for Record Feb. 1st A.D. 1911 at 9.15 o'-
to
Oscar M. Hartzell) according to 19 o'clock A.M.
George Hill Recorder.
By Daisy Hill Deputy.

Debtor's Petition #1938 C.D.

To the Honorable Judge of the District Court of the United States for the Southern District of Iowa, Central Division The petition of Oscar M. Hartzell of the town of Cumming of Cumming, Warren Co., Iowa, in the County of Madison and State of Iowa, by occupation a farmer, respectifully represents: That he has resided for the greater portion of six months next immediately preceding the filing of this petition, at his farm in Madison Co. Iowa, (with P.O. at Cumming, Warren Co. Iowa, in the County of Madison and within said judicial district that he owes debts which he is unable to pay in full; and that he is willing to surrender all his property for the benefit of his creditors, except such as is exempt by law, and desires to obtain the benefits of the Act of Congress relating to bankruptcy. That the Schedule hereto annexed marked A, and verified by your Petitioner's oath, contains a full and true statement of his debts, and (.so far as possible to ascertain) the names and places of residence of his creditors, and such further statements concerning said debts as are required by the provision of said acts. That the Schedule hereto annexed marked B. and verified by your Petitioner's oath contains an accurate inventory of all his property both real and personal, and such further statement concerning said property as are required by the provision of said acts. WHEREFORE, your Potitioner prays that he may be adjudged by the Court to be a bankrupt within the purview of said acts.

(Signed) J.M. Parsons and I.L. &
A.F. Brown, Attorney. T. Bldg.
2e floor Crocker Building,
Des Moines, Iowa,
P.O. Address. (Signed) Oscar M. Hartzell.

O A T H.

State of Iowa County of Polk SS:

I, Oscar M. Hartzell the petitioning debtor mentioned and described in the foregoing petition do hereby make solem oath that the statements contained therein are true, according to the best of my knowledge, information and belief.

(Signed) Oscar M. Hartzell, Petitioner.

Subscribed and sworn to before me this first day of August, A.D. 1908.

(Signed) M.T. Biggins.
(Notarial Seal) Notary Public.

(Endorsed)
Filed August 1st, 1908. 2:10 o'clock P.M.
Wm. C. McArthur, Clerk.

SCHEDULE B - STATEMENT OF ALL PROPERTY OF BANKRUPT.

SCHEDULE B 1- REAL ESTATE.

Location and Description of Real Estate owned by Debtor, or held by him.
NE¼ of SW¼ and S½ of SE¼ Section 10 and Section 14 (except school house site) and E½ of Section 15, all in Township 77, North of Range 26, West of 5e P.M. Madison Co. Iowa.
Incumbrances Thereon, if any, and Dates Thereof.
Emma G. Johnson, Mtg. $33.000
Valley Savings Bank, Mtg. 4.000
Robt. Moody, Mtg. 19,000
Century Savings Bank, 19,000.
Estimated Value 100,000.00.

(Signed) Oscar M. Hartzell, Petitioner.

Order of Reference in Judge's Absence.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF IOWA,
CENTRAL DIVISION.

In the matter of Oscar M. Hartzell, Bankrupt.) In Bankruptcy. No. 1938 C.D.

Whereas on the 1st day of August, A.D. 1908, a petition was filed to have Oscar M. Hartzell of Cumming in the County of Warren and District aforesaid, adjudged a bankrupt according to the provisions of the acts of Congress relating to bankruptcy, and whereas the Judge of said Court was absent from the said Division of said District at the time of filing said petition, it is thereupon ordered that the said matter be referred to S.S. Ethridge, one of the referees in bankruptcy in this Court, to consider said petition and take such proceedings therein as are required by said acts; and that the said Oscar M. Hartzell shall attend before said referee on the 11th day of August, A.D. 1908 at Des Moines, Iowa. Witness my hand and the seal of the Court at Des Moines in said District on the 1st day of August, A.D. 1908.

(Clerk's Seal) (Signed) Wm. C. McArthur, Clerk.

Filed Aug. 1st, 1908.
S.S. Ethridge, Referee.

IN THE UNITED STATES DISTRICT COURT, FOR
THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

Before S.S. Ethridge, Referee.

In the matter of Oscar M. Hartzell, Bankrupt.) In Bankruptcy, No. 1938.

At Des Moines in said District on the 1st day of August, A.D., 1908, before the undersigned, Referee in Bankruptcy, of said Court in bankruptcy, the petition of Oscar M. Hartzell that he be adjudged a bankrupt, within the true intent and meaning of the Acts of Congress relating to bankruptcy, having been heard and duly considered, the said Oscar M. Hartzell is hereby declared and adjudged bankrupt accordingly.

(Signed) S.S. Ethridge, Referee in Bankruptcy.

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

Before S.S. Ethridge,
Referee.

In the matter of)
Oscar M. Hartzell) In Bankruptcy, No. 1938.
Bankrupt.)

At Des Moines in said District on the 15th day of August, A.D. 1908, being the time and at the place appointed for the first meeting of the creditors of the above named bankrupt, of which due notice has been given, to-wit, by mail directed to each creditor whose address was known, deposited in the post office at Des Moines, Iowa, on the 5th day of August, A.D. 1908, and by publication in the Madisonian on the 6th day of August, A.D. 1908, the bankrupt appears in person and by attorneys, J.M. Parsons and the following named creditors appeared and filed proofs of claim and voted for three trustees, to-wit, Frank L. Hall, A.F. Brown and L.J. Klemm, to-wit: (here follows a list of creditors and the amounts of their claims) And it appearing that Frank L. Hall, A.F. Brown and L.J. Klemm have a majority in number and amount of the votes, it is ordered that the choice of the creditors as this shown be and it is hereby approved and confirmed. And the creditors by unanimous vote fix the amount of bond at twenty thousand dollars. It is therefore ordered that the said trustees, before entering upon the duties of their office, give a joint bond in the sum of twenty thousand dollars, to be approved by this Court. Ordered that the creditors first meeting be now adjourned until August 31st, A.D. 1908, at 9 o'clock A.M.

(Signed) S.S. Ethridge.
Referee in Bankruptcy.

BOND OF TRUSTEE.

KNOW ALL MEN BY THESE PRESENTS:

That we Frank L. Hall, A.F. Brown, and L.J. Klemm of Des Moines and Norwalk, Iowa, as principal, and American Surety Company of New York, and as sureties, are held and firmly bound unto the United States of America in the sum of Twenty Thousand Dollars, in lawful money of the United States, to be paid to the United States, for which payment, well and truly to be made, we bind ourselves and our heirs, executors and administrators, jointly and severally by these presents.

Signed and sealed this 17th day of August, A.D. 1908.

The condition of this obligation is such, that whereas the above named Frank L. Hall, A.F. Brown and L.J. Klemm were on the 15th day of August, A.D. 1908, appointed Trustees in the case pending in bankruptcy in said Court; wherein Oscar M. Hartzell is the bankrupt, and they, the said Frank L. Hall, A.F. Brown and L.J. Klemm have accepted said trust with all the duties and obligations pertaining thereto:

Now, therefore, if the said Frank L. Hall, A.F. Brown and L.J. Klemm, Trustees as aforesaid, shall obey such orders as said Court may make in relation to said trust, and shall faithfully and truly account for all the moneys, assets and effects of the estate of said bankrupt which shall come into their hands and possession, and shall in all respects faithfully perform all their official duties as said Trustees, then this obligation to be void; otherwise to remain in full force and virtue.

(Signed) Frank L. Hall.
A.F. Brown.
L.J. Klemm.

(Corporate Seal) American Surety Company of New York,
Surety, By F.H. Nobie, Res. Vice-Prest.,
Attest B.C. Mathew, Res. Asst. Secy.

Signed and sealed in the presence of
J.B. Hall.
A.A. Budke.

(Endorsed)
Filed August 18/08 Wm. C. McArthur, Clerk.
Filed August 17th, 1908 S.S. Ethridge, Referee in Bankruptcy.

IN THE UNITED STATES DISTRICT COURT, FOR THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

Before S.S. Ethridge, Referee.
In the matter of)
Oscar M. Hartzell,) In Bankruptcy, No. 1938.
Bankrupt.)

At Des Moines in said District on the 17th day of August A.D. 1908, it appearing to the Court that Frank L. Hall, A.F. Brown of Des Moines, Iowa, and L.J. Klemm of Norwalk, Iowa, and within said District, have been duly appointed Trustees of the estate of the above named bankrupt and have given a bond with sureties for the faithful performance of their official duties in the amount fixed by the creditors, to-wit: in the sum of Twenty Thousand Dollars, it is ordered that said bond be, and the same is hereby approved.

(Signed) S.S. Ethridge.
Referee in Bankruptcy.

IN THE DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION.

In the matter of the Estate of Oscar M. Hartzell,) No. 1938 Bankruptcy.
A Bankrupt.)

ORDER.

This matter comes on for hearing before the Court, and it appearing to the Court that the real estate as well as the other assets of said estate have not been sold, and the Court being advised, doth now and hereby order that the trustees of this estate with all reasonable speed and with no unnecessary delay sell all and singular the real estate belonging to him, the said Oscar M. Hartzell, and to this estate. Said sale will either be at public sale or private sale as the said trustees may be advised. And in either and any event said

sales will be reported to the Court for confirmation before effective. The said trustees will give full publicity by advertising and otherwise as the circumstances require to the end that said lands may be sold to the best advantage and for the highest price advertising in such papers and otherwise as the said trustees deem best; and the expenses therefor will be paid out of the moneys of the estate. The lands in Madison County, Iowa, hereinafter described, will be sold by the said trustees free from liens or subject to valid liens as they may be able to sell to the best advantage for the estate. The lands in Barry County, Missouri will be sold free from liens or subject to valid liens as may serve the best interests of the estate, The lands in Presidio County, Texas will be sold free from liens or subject to liens as the best interests of the estate may require. And the lands in Hemphill County, Texas will be sold free from liens or subject to valid liens as the best interests of the estate may require. It has been made to appear to the Court that the said lands in Hemphill County, Texas, one Robert Moody and others have taken some action with reference to said lands, and now claim to be owner of the same by proceedings had and done since the filing of the petition in bankruptcy herein and since the adjudication of the said Hartzell as a bankrupt. The said trustees will at once take action to hold said parties responsible for the full measure of damages for appropriating said lands or for obtaining a cancellation of their claims or pretended claims to said lands, as the said trustees may be advised for the best interests of the estate, and these things they will do forthwith and without any delay. The said trustees will further file with the Referee herein with all reasonable speed a written report giving the value of these lands according to their best judgment, and the condition of the title, and the nature of the liens if any thereon, including taxes, and what said liens are for, and on what account and all other information that may be desirable, to the end that the Referee and the Court may proceed with full information respecting these matters.
The said lands above referred to are described as follows.
The said lands in Madison County, Iowa, are described as follows:- All of Section Fourteen (14), except schoolhouse site, the East Half of Section Fifteen (15), The Northeast Quarter of the Southwest Quarter, and the South Half of the Southeast Quarter of Section Ten (10), all in Township Seventy-seven (77), Range Twenty-six (26) West, of the Fifth P.M., in Madison County, Iowa,

Done at Des Moines, Iowa, December 31st, 1909.

(Signed) Smith McPherson, Judge.

(Endorsed)
Filed Dec. 31/09
Wm. C. McArthur, Clerk. Ent. Journal "I" Page 341.

IN THE DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF IOWA Central Division.

In the matter of the Estate)
of Oscar M. Hartzell,)No. 1938 Bankruptcy.
A Bankrupt,)

REPORT OF SALE OF REAL ESTATE

To The Honorable District Court:
The undersigned trustees in the above entitled estate beg to report that in pursuance of and in accordance with an order for sale of the real estate belonging to said estate made by his Honor Smith McPherson on December 31st, A.D. 1909, directing said trustees to proceed to sell said real estate, a copy of which said order is hereto attached, marked exhibit "A" and made a part hereof, they advertised for bids for the purchase of the bankrupt's real estate, described as follows, to-wit:
All of Section Fourteen (14) except school house site; the East Half of Section 15; the Northeast Quarter of the Southwest Quarter and the South Half of the Southeast Quarter of Section Ten (10), all in Township Seventy-seven (77) North of Range Twenty-six (26) West of the 5th P.M. in Madison County, Iowa, in a number of newspapers of general circulation in various parts of the County, giving a general description of said real estate and stating therein that a sale thereof would take place at the office of the trustees, with Corn Belt Land & Loan Company, 2nd Floor Crocker Building, Des Moines, Iowa, on the 15th, day of February A.D. 1910 at 2 o'clock in the afternoon; that a notice containing a description of the above described real estate and the date and place of sale was mailed to each creditor of said estate scheduled or having filed claims, on the 4th, day of February A.D. 1910, a copy of which said notice is hereto attached, marked exhibit "B" and made a part hereof.
The said trustees report that they have received the bid hereto attached of Joseph Meade offering to pay the sum of Sixty-four Thousand Two Hundred Fifty-three ($64253.00) Dollars for that portion of said real estate described as follows to-wit: Section Fourteen (14), subject to the school right of one acre, and the East Half of Section 15, all in Township Seventy-seven (77) North of Range Twenty-six (26) West of the 5th P.M. Iowa, the same to be free and clear of all liens and incumbrances and all taxes to be paid up to and including the taxes for the year 1910, said trustees to furnish abstract, showing clear title to said lands to date of the transfer.
The said Meade has paid to those trustees the sum of Three Thousand ($3000.00) Dollars as part consideration on said purchase price for said lands, the remaining portion thereof to-wit: Sixty-one Thousand Two Hundred Fifty-three ($61253.00) Dollars to be paid on or before March 1st A.D. 1911, it being understood and agreed between said trustees and said Meade that the trustees should report said bid at once to the Court and should the Court decline to approve and confirm the said bid that said trustees should return said Three Thousand ($3000.00) Dollars to said Meade within ten (10) days. It is further incorporated in said bid that the last above described real estate is to be turned over to said purchaser March 1st, A.D. 1911 in case said bid shall be approved and confirmed by the Court, in as good repair as the same is now the natural wear and tear and destruction of building by fire or other unavoidable accidents excepted. Said trustees further report that said bid is the highest and best bid received by them and they recommedd the acceptance of said bid and respectifully ask for an order approving said bid and confirming sale in accordance therewith, if to the court it shall seem proper, and that they be authorized to make conveyance by deed of said last above described real estate to said purchaser Joseph Meade and for such other and further orders in the premises as to the Court it may seem proper.

Dated at Des Moines, Iowa, this 20th day of September, A.D., 1910.

(Signed) Frank L. Hall,
L.J. Klemm,
A.F. Brown,
Trustees in Bankruptcy.

United States of America,)
Southern District of Iowa) SS:
County of Polk)

I, A.F. Brown, one of the trustees named in the above and foregoing report of sale of real estate, do hereby make solemn oath that I have read the above and foregoing report and know the contents thereof and that the statements therein contained are true to the best of my knowledge, information and belief.

(Signed) A.F. Brown.

Subscribed and sworn to before me this 22nd day of September, A.D. 1910.

(Signed) Arthur T. Wallace,
Notary Public in and for
Polk County, Iowa.

(NOTARIAL SEAL)

(Endorsed)
Filed Sept 29/10 Wm. C. McArthur, Clk.
By H. Blank, Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF IOWA.

In matter of Estate of)
O.M. Hartzell,)ORDER.
A Bankrupt)

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The report of the trustees of a sale of land to Joseph Meade for $64253.00 herewith filed is approved and a deed will be presented for approval.
Done this Sept. 29, 1910.

(Signed) Smith McPherson,
Judge.

(Endorsed)
Filed Sept. 29/10 Wm. C. McArthur, Clerk
By H. Blank, Deputy.
Ent. Journal "I", Page 491.

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

In the matter of the Estate) No. 1938 Bankruptcy.
of Oscar M. Hartzell, Bankrupt)

Petition to sell real estate free from liens. And for order prescribing notice to lien holders.

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TO THE HONORABLE SMITH MCPHERSON, JUDGE OF THE DISTRICT COURT OF THE UNITED STATES, FOR THE SOUTHERN DISTRICT OF IOWA:

Now, come, Frank L. Hall, L.J. Klemm and A.F. Brown, and respectfully represent that they are the trustees of the estate of Oscar M. Hartzell, Bankrupt, who was adjudged by this Court to be in bankruptcy on the 1st day of August, 1908, upon his voluntary petition, and that subsequent to the said adjudication of bankruptcy the above named Frank L. Hall, L.J. Klemm and A.F. Brown, were elected as trustees, accepted the trust and qualified as such, and have ever since been, and are now, acting as such trustees. Your trustees represent to the Court that at the time of the adjudication in bankruptcy said Oscar M. Hartzell, Bankrupt, was possessed of the following described real estate, situate in Madison County, Iowa, to-wit: All of Section Fourteen (14), except school house site; the East Half (E½) of Section Fifteen (15); the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and the South Half (S½) of the Southeast Quarter (SE¼) of Section Ten (10), all in Township Seventy-seven (77) North of Range Twenty six (26), West of the 5th P.M. Iowa, Containing about 1080 acres, and that the title to said lands by operation of law is now vested in the aforesaid trustees in bankruptcy; that said above described real estate has been appraised as required by law and said appraisement is now on file in the office of the Referee of this Court. Your trustees further represent to the Court that one R.A. Crawford as admr. of the estate of Emma G. Johnson decd. claims to hold a mortgage on the following described tract of said real estate, to-wit:

All of Section Fourteen (14) except school house site, and the East Half (E½) of Section Fifteen (15), in the sum of thirty-three thousand (33,000) dollars and interest; that the said mortgage was originally given on the 1st day of March, 1904, in the sum of $35,000, $2,000 of which has been paid; that the same was filed for record in the office of the Recorder of Deeds in Madison County, Iowa, on the 7th day of March, 1904, and is of record in the Mortgage Record of said County. That the Valley Savings Bank, a corporation organized under the laws of the State of Iowa, as a savings bank, and doing business in Des Moines, Polk County, Iowa, claims to hold a mortgage upon the following described tract of real estate, to-wit: The Northeast ¼ of the Southwest ¼ and the South ½ of the Southeast ¼ all in Section 10, in said township and range, in the sum of Four Thousand (4,000) Dollars and interest. That the Century Savings, ~~Savings~~ Bank, a corporation organized under the laws of the State of Iowa as a savings bank, and doing business in Des Moines, Polk County, Iowa, claims to hold a mortgage on all of the aforesaid real estate, in the sum of nineteen thousand five hundred thirteen and 50/100 Dollars ($19,513.50) and interest, dated June 11, 1908 filed for record on June 13, 1908 in the office of the Recorder in Madison County, Iowa, and recorded in Book 48, page 397 of Mortgages. That Robt. Moody & Son, a co-partnership doing business at Canadian, Hemphill County, State of Texas, and the members thereof residing in the said town of Canadian, claim to hold a mortgage on the said premises in the sum of Nineteen Thousand Twenty Three and 55/100 Dollars ($19,023.55) and interest; said mortgage being dated on the 23rd day of March, 1908, acknowledged on the 23d day of March, 1908, and filed for record on the 19th day of March, 1908, in the office of the Recorder of Madison County, Iowa, and recorded in Book 48, page 387, and to hold a mortgage upon said premises in the sum of Nineteen Thousand Twenty-three and 55/100 Dollars, dated March 23, 1908, filed for record April 20, 1908 in the office of the recorder, Madison County, Iowa, and recorded in Book 44 of Mortgages page 250, and your petitioners aver that the said two mortgages to Robert Moody & Son were given to secure the same claim. That each of the aforesaid mortgages except the two mortgages to the said Robt. Moody & Son are signed and acknowledged by the bankrupt, Oscar M. Hartzell and his wife, Daisy M. Hartzell; That one L. Oliver residing in Madison County, Iowa, claims a mechanics lien on a part of said premises, to-wit, all of Section 14 except school house site; and the east one-half (½) of section 15; said mechanics'

lien being filed in the office of the Clerk of the District Court of Madison County, Iowa, on the 7th day of February, 1908, and said L. Oliver claims to hold a mechanics' lien upon said premises, section 14 and the East ½ of Section 15 in the sum of $97.72, which lien was filed in the office of the Clerk of the District Court of Madison County Iowa, on the 14th day of May, 1908; that the said last named lien has been foreclosed by an action in equity in the District Court of Madison County, Iowa, petition for which was filed on the 9th day of September, 1908; that a decree was entered thereon on the 31st day of October, 1908, and that sale has been had under the said decree on an execution issued thereon to the defendant L. Oliver, all of said premises purporting to be covered by said lien, and that the said Oliver is now the holder of the said certificate of sale. That the said Iowa Farmers Protective Mutual Hail Insurance Association, a corporation organized under the laws of the State of Iowa and doing business in the City of Des Moines, Polk County, Iowa, recovered a judgment against this bankrupt, Oscar M. Hartzell in the sum of $211.09 and interest and $20.59 attorney's fee, on the 27th day of January, 1908, a transcript of which said judgment was filed in the office of the Clerk of the District Court of Madison County, Iowa, on the 9th day of October, 1908, and duly entered in Docket "K" of the Records of the District Court of said County at page 214 thereof. That on the 6th day of December, 1909, the Treasurer of Madison County, Iowa, sold for taxes the undivided 99/100 part of said Section 14, and the East ½ of Section 15, to one W.T. Guiher who is now the owner of said purchase certificate No. 977, said sale being in the sum of $217.71. That Simon Casady & Co., a co-partnership, doing business in Madison and Warren Counties, Iowa, the members of which are Simon Casady, residing in Polk County, Iowa, and J.N. Casady residing in Warren County, Iowa, on June 23, 1908, sued out an attachment in the Madison County Iowa District Court and levied the same on all the real estate described herein; that said levy is junior to all the other liens herein set out. That Daisy Hartzell is the wife of the said bankrupt, Oscar M. Hartzell, and was and has been ever since and long before his adjudication as a bankrupt, and the said Daisy Hartzell claims an inchoate right of dower in all of said lands; That these trustees further represent to the Court that in order to properly administer the estate of said Oscar M. Hartzell, bankrupt, it is necessary to sell the above described real estate free from all liens or claims, and to marshal the liens thereon and they further represent that this Court on the 31st day of December, 1909, made an order authorizing and directing these trustees to sell all of said real estate, together with all other real estate belonging to said bankrupt's estate, at either public or pricate sale as these trustees might be advised, free from all liens, or subject to all valid liens as they might be able to sell to the best advantage for said estate; that in pursuance of said order and on the 4th day of February, A.D. 1910, they mailed to each creditor scheduled or filing claims, a notice of the time and place when and where said real estate above described would be sold; that on the 20th day of September, A.D. 1910, these trustees sold to Joseph Meade of Iowa City, Iowa, the following described part of said real estate, to-wit:
All of Section 14 except school house site; the East ½ of Section 15, the same to be free and clear of all liens and incumbrances, and all taxes to be paid up to and including the taxes for the year 1910, for the sum of $64253.00, that being the highest and best bid obtainable therefor; that they reported said sale to the Court and said sale was by the Honorable Smith McPherson, Judge of said Court, duly approved, and your trustees would further represent that it is to the best interest of this estate that all of said real estate be sold free from liens.
WHEREFORE, your trustees would respectfully pray that an order may be entered fixing a time for the hearing of this petition and prescribing the notice to be given to the said parties above named claiming liens against the said above described real estate, as to the time and hearing of this application, commanding said parties claiming to hold liens on said real estate, or any portion thereof or interest adverse to these trustees to set up by answer, if they have not done so, what claims if any they may have against said real estate as hereinbefore described; that such further orders as the Court may deem necessary may issue to the aforesaid trustees in bankruptcy of the said Oscar M. Hartzell relative to the matter of the sale of the above described real estate to the end that said real estate be sold free from all liens and claims and free from the dower interest of the said Daisy M. Hartzell, and that the funds arising from the sale of said real estate be put into Court for further orders, and that it be decreed and ordered that the liens and claims of each of the aforementioned persons who claim to hold liens or other claims be cancelled, and be decreed to not be liens upon the said premises; that the liens of the creditors be marshaled, and that the proceeds of the sale of said real estate be held by the trustees subject to the adjudication of this Court, and for the payment of said liens in the order in which they are established and that the sale of said premises under the mechanic's lien of foreclosure as aforesaid be declared null and void and said attachment be declared null and void and that said sail & attachment be set aside and held for naught, and that these trustees may have all other relief as may be necessary and proper in the premises.

(Signed) Frank L. Hall,
L.J. Klemm,
A.P. Brown,
Trustees of the Estate of Oscar M. Hartzell Bankrupt.

(Signed) J.M. Parsons, Attorney for Trustees.

State of Iowa So. Juducial Dist. Polk County. SS:

A.P. Brown, being sworn, deposes and says that he is one of the Trustees in the foregoing matter of application to sell real estate that he has heard the same read, known the contents thereof and that the matters and things therein set out are true, and that he is acquired with the facts set out in said petition.

(Signed) A.P. Brown.

Subscribed to and sworn to before me this 17th day of November, 1910.

(Signed) L.S. Elliott.
Notary Public.

(Notarial Seal)

(Endorsed) Filed November 28/10
Wm. C. McArthur, Clerk.
J.M. Parsons, Des Moines, Attorney for Petitioners.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

In the matter of the Estate) No. 1938 Bankruptcy.
of Oscar M. Hartzell, Bankrupt) ORDER.

BE IT REMEMBERED, that the above entitled matter came on for hearing before the above entitled court, on the 28th, day of November, A.D. 1910, on the petition of Frank L. Hall, L.J. Klemm and A.P. Brown, Trustees of the estate of said Oscar M. Hartzell, Bankrupt, for the sale of All of Section Fourteen (14), except school house site; the East Half (E½ of Section Fifteen (15); the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and the South Half (S½) of the Southeast Quarter (SE¼) of Section Ten (10), all in Township Seventy-seven (77) North of Range Twenty-six (26), West of the 5th, P.M. Iowa, containing about 1080 acres, and on inspecting the said petition and from the hearing on the same the court finds that said real estate belongs to the petitioners as the trustees of said Oscar M. Hartzell, Bankrupt, and it appearing to the Court that it is to be the best interest of the creditors of the estate that said real estate be sold free from liens, and the claims of all other persons than the said trustees; and it further appearing that R.A. Crawford, as administrator of the estate of Emma G. Johnson, deceased, Valley Savings Bank; the Century Savings Bank; Robert Moody & Son; L. Oliver; the Iowa Farmers Protective Mutual Hail Insurance Association; Simon Casady & Company and Daisy Hartzell, claim liens on and interest in said real estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT;

That said petition be heard by the Court on the tenth day of January, 1911, at nine o'clock A.M. at the Court room of the United States District Court in Des Moines, Iowa, and that notice of said hearing be given to each of the above named parties, to-wit: R.A. Crawford as administrator of the estate of Emma G. Johnson, deceased, Valley Savings Bank, Century Savings Bank, Robert Moody & Son, L. Oliver, The Iowa Farmers Protective Mutual Hail Insurance Association; Simon Casady & Company, and Daisy Hartzell, by serving a copy of this order and notice of the time and place of said hearing. And it is further ordered that service of the aforesaid notice and a copy of this order be made upon each of the defendants other than Robert Moody & Son by the United States Marshal of the Southern District of Iowa, or one of his deputies, and that service be made upon the said Robert Moody & Son by the United States Marshal in the District of Texas in which Hemphill County is situated, or by one of his deputies.

(Signed) Smith McPherson, Judge.

(Endorsed)
Filed November 28/10
Wm. C. McArthur, Clerk
Ent, Journal "I" page 562. Parsons & Mills, Des Moines, Iowa.

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION.

In re The Estate of)
Oscar M. Hartzell,) O R D E R.
A Bankrupt.)

The Trustees, heretofore, have made a report in writing that they sold to one Joseph Meade the following described land, namely, Section Fourteen (14), subject to school house location of one acre, and the East Half (E½) of Section Fifteen (15), all in Township Seventy-seven (77), North of Range Twenty-six (26), West of the 5 th P.M. Iowa, Madison County, and the said sale has, heretofore, been by this Court approved and the Trustees directed to make a deed conveying said land to him, the said Joseph Meade, and the said deed is now and here presented to the Court in open court for approval and the said deed is in words and figures following, to-wit: (here Clerk copy deed)

And the said deed is now and hereby the Court fully confirmed and approved, and when such deed is delivered to him, the said Joseph Meade, the full, perfect and absolute title in said real estate heretofore described and the whole thereof will be vested in him, the said Joseph Meade, as fully as can be done under the law in such cases made and provided and the decree made by this Court. And said Trustees will retain possession of said deed and deliver the same to him, the said Joseph Meade, when he has fully complied, on his part, with the terms and conditions of said sale as devolving upon him, the said Joseph Meade. Done in open Court this December 1st, 1910.

(Signed) Smith McPherson, Judge.

(Endorsed)
Filed December 1/10 Wm. C. McArthur, Clerk.
Ent. Journal "I" page 568.

United States of America)SS: #1938 Bktcy, C.D.
Northern District of Texas)

I, George H. Green, United States Marshal for the Northern District of Texas, do hereby certify and return that I received the annexed notice and summons and annexed papers on the first day of December, 1910, and that I personally served the same on Thomas Moody and on said firm of Robert Moody & Son, a firm composed of Robert Moody and Thomas Moody, by reading the said notice and summons to Thomas Moody and by giving to him the said Thomas Moody, duplicates of the notice and summons the 1st day of December, 1910, at Canadian, Texas, within the State of Texas and said District aforesaid. The said Robert Moody not found; said to be in Chicago. Witness my official hand this 1st day of December 1910, at Amarillo, Texas, in said district as aforesaid.

(Signed) Geo. H. Green.
United States Marshal.
By L.J. Bolton.
Deputy United States Marshal.

(Endorsed)
Filed Dec. 15/10
Wm. C. McArthur, Clerk

United States of America, Southern District of Iowa, SS:

I received this writ at Des Moines, Iowa, November 29, 1910; and at Des Moines, Iowa, on December 1, 1910, I served R.A. Crawford as administrator of the estate of Emma G. Johnson, deceased, by delivering to the said R.A. Crawford a duplicate hereof and offering to read it to him, at the same city and on the same day I served the Valley Savings Bank of Des Moines, Iowa, by offering to read and by delivering a duplicate hereof to R.A. Crawford, President thereof; at the same city and on the same date I served

the Century Savings Bank of Des Moines, Iowa, by offering to read and by delivering a duplicate to L.E. Stevens, President thereof; at the same city and on the same date I served Simon Casady & Co., a co-partnership, by delivering a duplicate hereof and offering to read same to Simon Casady, a member of said co-partnership, at Norwalk, Iowa, on December 5, 1910, I served J.N. Casady by offering to read and by delivering a duplicate hereof to him personally; at Cummings, Iowa, on December 5, 1910, I served Daisy Hartzell, wife of Oscar M. Hartzell, by offering to read and by delivering to her personally a duplicate hereof. L. Oliver and Iowa Farmers' Protective Mutual Hail Insurance Association were not found.

Frank B. Clark, United States Marshal
for said District.
By (Signed) Geo. E. Bidwell, Deputy.

Service 12.00
Expense 7.73
19.73

(Endorsed)
Filed January 19/11
Wm. C. McArthur, Clerk
By Hattie Blank, Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION.

In the matter of)
Oscar M. Hartzell) DECREE FOR SALE.
Bankrupt)

Now, on this 24th day of January, 1911, this cause came on to be heard upon the petition of Frank L. Hall, L.J. Klemm and A.F. Brown, trustees of the estate of said Oscar M. Hartzell, and it appearing to the court that the following defendants were each duly and legally served with notice of this proceeding as provided by Order of the Court made on the 28th day of November, 1910, as follows:
By serving Robert Moody & Son with a notice of time of hearing and a copy of said order of the Court on the 1st day of December, 1910 at Canadian in the State of Texas, by the United States Marshal of the District in which said town of Canadian is situated, together with a copy of the petition filed herein by the said trustee plaintiffs herein and that on the 29th day of November, 1910 defendant R.A. Crawford, as administrator of the estate of Emma G. Johnson, deceased; the Century Savings Bank, Des Moines, Iowa; the Valley Savings Bank, Des Moines, Iowa; Simon Casady & Company; were each duly served within this judicial district with a notice of this proceeding, together with a copy of the aforesaid order and a copy of said petition; and that on the 5th day of December, 1910, the said Daisy Hartzell; within this judicial district was likewise served with a notice of this proceeding and a copy of said order and of said petition. Each of the aforesaid services being made by the Marshal of the Southern District of Iowa, and the said notice in each and all of the aforesaid notices, giving the time fixed by the Court in the aforesaid order for the hearing of said matter. The defendant L. Oliver and Iowa Farmers' Protective Mutual Hail Insurance Association, not being found, were not served. And the matter coming on for hearing before the said District Court of the United States for the Southern District of Iowa, Central Division, at the Federal Court Room in the City of Des Moines, Iowa, on the 24th day of January, 1911, 10 o'clock A.M. Hon. Smith McPherson, Judge, presiding, and the said Robert Moody & Son appearing by Mulvaney & Mulvaney and S.F. Prouty, their attorneys, and by Thomas F. Moody, a member of said firm; and the Century Savings Bank appearing by Dale & Harvison, its attorneys; and Simon Casady & Company, appearing by Henry & Henry, their attorney's; and the Farmers' Mutual Hail Insurance Association of Iowa, though not made a party and though not served with process, appearing by filing answer and by E.C. Corry, its attorney, and setting up a claim under judgment of the District Court of Polk County, Iowa, recovered on the 24th day of March, 1908, for the sum of $84.00, with interest at six per cent, and costs of $17.20, including attorneys fees, and asking to have the Court in said order protect its interests; and, it further appearing to the Court that the Mechanics lien of L. Oliver and certificate issued on sale thereunder, having been assigned to the Century Savings Bank and the same being set forth in the answer of said bank, the court finds that it has jurisdiction of all of th the parties of this suit by a service of process and by appearance, except the said Farmers' Protective Mutual Hail Insurance Association, ordered that the matter proceed to hearing, and the matter having then been heard with the consent of all parties aforesaid appearing in said action, and upon the hearing by the Court,
IT IS ORDERED, adjudged and decreed, that the trustees make sale of the real estate described in their said petition, to-wit, all of Section 14, except school house site; the East Half of Section 15, the N.E. Quarter of the S.W. Quarter and the South Half of the S.E. Quarter of Section 10, all in Township 77, North of Range 26, West of the Fifth P.M. in Madison County, Iowa, containing about 1080 acres, and that such sale be made by the trustees in such tracts as in the opinion of the trustees will best protect the interests of said estate and of the various creditors entitled to the proceeds of said sale, and that such sale be a public or private sale as may, to the trustees, seem best. IT IS FURTHER ORDERED, adjudged and decreed that the sale of said premises be free and clear of the dower interests of the defendant, Daisy Hartzell. It appearing to the Court that the said Daisy Hartzell having heretofore given to the trustees of said estate, together with the said bankrupt, the written waiver of her homestead and dower rights in said premises. IT IS FURTHER ORDERED, adjudged and decreed by the Court that the sale of said premises be made free from any and all liens thereon, and that the proceeds of said sale be held by the trustees of said estate for distribution, subject to the further orders of this Court, and that the liens of each and all of the lienholders on said premises or any parts thereof be transferred to the funds arising from the sale of said premises, and that the deed of said land or any part thereof made by the trustees, when approved by the Court, shall convey title to the purchaser, free from all liens thereon. IT IS FURTHER ORDERED that George F. Henry, standing master of this Court, is appointed as Master in this matter to take evidence, determine and report to this Court such evidence and his findings thirty days before the May term thereof as to the priority of the various liens on the aforesaid premises, and as to the value of the homestead interests, of the bankrupt, and the defendant Daisy Hartzell, in any portion of said premises at the time of the institution of proceedings in bankruptcy; and that the said Master have power to direct the

making up of issues between the parties necessary to a full determination of the question of the value of said homestead and of the priority and validity of the various liens. All the foregoing recitals were agreed to by all the parties, except the Iowa Farmers Mutual Hail Insurance Association.

(Endorsed) (Signed) Smith McPherson, Judge.

Filed Jany. 24/11
Wm. C. McArthur, Clerk.
Journal "I" page 605.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF IOWA-
CENTRAL DIVISION.

In the matter of Oscar M.) #1938 Bankruptcy.
Hartzell, A Bankrupt.) Praecipe for Transcript.

To Wm. C. McArthur, Clerk of said Court:

You will please prepare a transcript of the record in the above entitled cause showing 1. Petition in Bankruptcy.
2. That part of Schedule B-1 relating to the land in Madison County, Iowa.
3. Order of Reference.
4. Adjudication in Bankruptcy.
5. Election of Trustees.
6. Bond of Trustees.
7. Order approving Trustees' Bond.
8. Order for sale of real estate (that part relating to land in Madison County, Iowa. 9. Report of Sale of Real Estate (Except exhibits attached)
10. Order approving sale to Joseph Meade and ordering deed to be presented for approval. 11. Trustees application to sell real estate free from liens, and for order prescribing notice to lien holders.
12. Order prescribing notice, etc.
13. Order approving deed (omitting copy of deed)
14. Return on notice served by Marshal of Northern District of Texas.
15. Return on notice served by Marshal of Southern District of Iowa.
16. Decree for sale.

(Signed) J.M. Parsons and
A.F. Brown,
Attorneys for Bankrupt.

(Endorsed)
Filed January, 28, A.D., 1911.
Wm. C. McArthur, Clerk.

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UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF IOWA SS:

I, Wm. C. McArthur, Clerk of the District Court of the United States for the Southern District of Iowa, hereby certify that the above and foregoing is a full, true and complete copy of the record called for by the praecipe filed January 28th, A.D. 1911, in the matter of Oscar M. Hartzell, a bankrupt, No. 1938 Central Division, as full, true and complete as the originals, copies of which were asked in said praecipe, now on file in my office in the City of Des Moines, in said District.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said Court this 30th day of January, A.D. 1911.

Wm. C. McArthur.
Clerk as aforesaid.

U.S. District Court
Seal.