Mortgage Record, No. 82, Madison County, Iowa

Azilpha R. Cox et al

to

Security Loan And Title Company

#2229

Filed for record the 31 day August A.D. 1928 at 4:10 o'clock P.M.
Gladys B. DeVault Recorder

Fee $.70

WAIVER.

THIS AGREEMENT, made and entered into by and between Azilpha R. Cox, surviving widow of James R. (or J.R.,) Cox, deceased, and James E. Cox and Malinda J. Marston, surviving Trustees appointed in the Last Will and Testament of said decedent, recorded in Will Record D, page 280, in the office of the Clerk of the District Court of Madison County, Iowa, for the purpose of handling all personal property of said decedent including rent, hereinafter mentioned for the use and benefit of said Azilpha R. Cox, hereinafter designated as parties of the first part, and Security Loan And Title Company, of Winterset, Iowa, hereinafter designated as party of the second part, WITNESSETH:

WHEREAS, Bernice Cox, Hazel Cox and Gladys Cox, were devised and bequeathed the West Sixty (60) acres of the West Half (W½) of the Southeast Quarter (SE¼) of Section Thirty-four (34), Township Seventy-seven North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, by the terms of the Last Will and Testament of said J.R. Cox, deceased, subject to the payment of $180 rent, so called in said Will, to said Trustees for the purposes above mentioned, on January 1st of each year during the lifetime of said Azilpha R. Cox, AND

WHEREAS, the said party of the second part appears as mortgagee in a certain mortgage of $1200, dated August 31, 1928, executed by M.L. Pearson, Trustee for Bernice Cox, (now Bernice Cox Pherman), Gladys Cox and Hazel Cox, filed for record in the office of the Recorder of Madison County, Iowa, on August 31st, 1928, and recorded in Mortgage Record 75 at page 224 of Mortgage Records of said Recorder's Office, and covering the real estate above described;

NOW, for and in consideration of the premises and the sum of One ($1.00) Dollar, in hand paid by party of the second part to parties of the first part, the receipt whereof is hereby acknowledged, the parties of the first part hereby waive the priority of said lien or rent of $180. per annum created in Item Two of a Codicil to the Last Will and Testament of said J.R. Cox, deceased, and in favor of said Azilpha R. Cox;

AND hereby agrees that the said mortgage to said party of the second part, recorded in Mortgage Record 75 at Page 224 of the records of Madison County, Iowa, is a lien on said premises prior to the said lien or charge of said $180 above mentioned, and hereby acknowledging the priority of said mortgage to the said Security Loan and Title Company in all respects.

DATED at Winterset, Iowa, this 31st day of August, A.D., 1928.

Azilpha R Cox
Widow of James R. Cox, deceased.

James E Cox (Trustees.
Malinda J Marston (

State of Iowa, Madison County, -ss-

On this 31st day of August, A.D. 1928, before me L.P. Jackson, a Notary Public within and for Madison County, Iowa, personally appeared James E. Cox and Malinda J. Marston, Trustees as stated in the foregoing Waiver, and Azilpha R. Cox, widow of James R. Cox, deceased, to me known to be the identical persons named in and who executed the foregoing

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instrument as makers thereof, and severally acknowledged the execution of the same to be their voluntary act and deed, and said James E. Cox and Malinda J. Marston each acknowledged said instrument to be their voluntary act and deed as such Trustees for the uses and purposes therein expressed.

NOTARIAL SEAL

L.P. Jackson
Notary Public in and for Madison County, Iowa.