United States District Court

to

Joseph Elmer Johnston

#1263

Fee $1.40

Filed for record the 21 day of June A. D. 1929 at 1:55 o'clock P. M.

Mildred E. Knott, Recorder.

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

In the Matter of :
Joseph Elmer Johnston, : No. 6653. AUTHENTICATION.
Bankrupt :

State of Iowa, County of Polk, SS.

I, Frank J. Comfort, Referee in Bankruptcy at Des Moines, Iowa, being first duly sworn on oath do depose and state that I am the referee in bankruptcy at Des Moines, Iowa, before whom the bankruptcy matter of Joseph Elmer Johnston, is now pending for administration, and the attached six (6) pages of typewritten matter are true and exact copies of the following records and pleadings of the Joseph Elmer Johnston bankruptcy matter:

1. Amendment to Bankrupt's Petition.
2. Application for an order declaring and setting off exempt property to Joseph Elmer Johnston.
3. Order setting aside exempt property to said bankrupt.

Frank J. Comfort

Referee in Bankruptcy.

Subscribed and sworn to before me at Des Moines, Iowa, June 11, 1929, by Frank J. Comfort.

NOTARIAL SEAL

John T. Stark

Notary Public, Polk Co., Iowa.

---o---

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

CENTRAL DIVISION, SOUTHERN DISTRICT

OF IOWA.

In the Matter of
JOSKPH ELMER JOHNSTON, BANKRUPT.
R. G. Hoskins, Trustee.

Filed, May 21, 1929,
N. F. Reed, Clerk.

No. 6653 IN BANKRUPTCY

AMENDMENT TO BANKRUPT'S PETITION.

Comes now Joseph Elmer Johnston and amends his petition heretofore filed in Bankruptcy by setting forth and describing more particularly the exempt property as to the homestead referred to therein and further states to the Court that the said Joseph Elmer Johnston was at the time of filing of said petition residing on said property as a homestead and for many years resided on said property described as follows to-wit:

South Half (S½) of Lot Six (6) and all of Lot Seven (7) in Block Three (3) of Johnson's Addition to the Town of Earlham, Madison County, Iowa.

and used the same and claimed the same as a homestead.

WHEREFORE the said Joseph Elmer Johnston respectfully prays that the said property, together with other property as described therein, be set aside to the said Joseph Elmer Johnston and declared as exempt property.

Joseph Elmer Johnston
Bankrupt.

State of Iowa :
: ss.
Polk County :

I, Joseph Elmer Johnston, being first duly sworn upon my oath do depose and state that I have read the foregoing Amendment and that the allegations and statements therein contained are true as I verily believe.

Joseph Elmer Johnston

SUBSCRIBED AND SWORN TO before me on this 22 day of May, A. D., 1928.

NOTARIAL SEAL

C. J. Eller
Notary Public.

---------o---------

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

In the Matter of : Filed, May 22, 1928,
: Frank J. Comfort, Referee.
JOSEPH ELMER JOHNSTON, BANKRUPT. : No. 6653 IN BANKRUPTCY.
:
R. G. Hoskins, Trustee. :
: APPLICATION FOR AN ORDER DECLARING AND SETTING OFF EXEMPT PROPERTY TO JOSEPH ELMER JOHNSTON.

Comes now the bankrupt, Joseph Elmer Johnston, and shows to the Court that it appears of record heretofore shortly after the filing of said Petition in October, 1925, that the said Trustee in Bankruptcy reported that he could not set aside to the bankrupt the exempt property claimed until an examination, and thereafter the said bankrupt was examined and to this date there has been no resistance filed to the claim of exemptions made by said bankrupt, and that the homestead referred to in said petition of said bankrupt is described as follows to-wit:

South Half (S½) of Lot Six (6) and all of Lot Seven (7) in Block Three (3) of Johnson's Addition to the Town of Earlham, Madison County, Iowa.

and that the said bankrupt has filed an Amendment to his petition in bankruptcy describing said property more particularly.

WHEREFORE the said bankrupt respectfully prays the Court that an order be made forthwith setting aside said claimed exempt property to the said bankrupt and for such other order as to said exempt property pursuant to law.

Joseph Elmer Johnston
Bankrupt.

State of Iowa :
: ss.
Polk County :

I, Joseph Elmer Johnston, being first duly sworn upon my oath do depose and state that I have read the foregoing Application, and that the allegations and statements therein contained are true as I verily believe.

Joseph Elmer Johnston.

SUBSCRIBED AND SWORN TO before me on this 22 day of May, A. D., 1928.

NOTARIAL SEAL

C. J. Eller

Notary Public.

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

In the Matter of : NO. 6653 IN BANKRUPTCY.

JOSEPH ELMER JOHNSTON, BANKRUPT. :

R. G. Hoskins, Trustee. : ORDER SETTING ASIDE EXEMPT PROPERTY TO SAID BANKRUPT.

Now on this 22 day of May, A. D., 1928, the application of Joseph Elmer Johnston, Bankrupt, being presented to the Referee in the aforesaid Bankruptcy matter alleging and stating among other things that the Trustee in Bankruptcy had never made any resistance to the application filed in the bankrupt's petition claiming the following described property exempt:

Household furniture and homestead at Earlham, Iowa, value unknown.

All wearing apparel of self and family about $100.00.

Cemetery Lot at Stuart, Iowa. value unknown.

Place of residence situated at Earlham, Madison County, Iowa, being the present place of residence of the petitioner, and his homestead. $6,000.00.

1 Gun. Value unknown.

Fire Insurance at Earlham, Iowa.

Accident Insurance of the petitioner approximately $5,000.00

1 Chevrolet 1923 Sedan Automobile. Value unknown.

and it being the exemption rule and custom as well as the law of the United States that if no resistance is filed to the claimed exemptions within a reasonable time that the said exemptions will be automatically set off unto the said bankrupt, and it further appearing of record that the said trustee in bankruptcy more than one year prior to the date hereof filed an application for examination of the bankrupt alleging and stating among other things that he could not determine the homestead rights of said bankrupt without an examination and that thereafter and more than one year preceding the date hereof has not or did not file any resistance to said claim.

IT IS, THEREFORE, ORDERED That the aforesaid described exemptions be and each of them are hereby and herein set off to said bankrupt, Joseph Elmer Johnston, and are declared to be the exempt property of said bankrupt the said homestead more particularly described as set forth in the said bankrupt's application heretofore filed herein and in the said bankrupt's amendment to his said petition as:

South Half (S½) of Lot Six (6) and all of Lot Seven (7) in Block Three (3) of Johnson's Addition to the Town of Earlham, Madison County, Iowa.

which homestead the said bankrupt was residing at said time and is set off and declared as the exempt property of the said bankrupt, Joseph Elmer Johnston.

Frank J. Comfort

REFEREE.