Wm. W. Scott, Judge,

To

Harl Price Cook.

#2830

Fee $1.60 ✓

Filed for record the 11th day of August A. D. 1934 at 10:47 o'clock A. M.
Maggie Reese Hobbs, Recorder.
Jessie Allgeyer, Deputy.

CERTIFIED COPY OF APPLICATION FOR ORDER AND ORDER

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR SCOTT COUNTY.

IN THE MATTER OF THE GUARDIANSHIP OF HARL PRICE COOK, A MINOR.	IN PROBATE NO._____
L. A. ANDREW, Superintendent of Banking of the State of Iowa, Plaintiff, vs. AMERICAN TRUST COMPANY, of Davenport, Iowa, Defendant.	IN EQUITY No. 29218 Filed 7/10/33.

APPLICATION FOR ORDER AUTHORIZING DELIVERY OF ASSETS TO HARL PRICE COOK

Comes now D. W. Bates, the duly appointed, qualified and acting Receiver of American Trust Company, of Davenport, Iowa, and states to the Court:

That in the probate proceeding, entitled and numbered as above, American Trust Company was appointed and qualified as Guardian of the property of Nilla Cook and Harl Price Cook, minors. That thereafter American Trust Company of Davenport, Iowa, accounted to Nilla Cook for her property theretofore managed by it as Guardian, and was finally discharged as Guardian of her property.

On August 23, 1931, Harl Price Cook attained his majority. On the 11th day of September, 1931, American Trust Company of Davenport, Iowa, filed in the probate proceeding, numbered and entitled as above, its Final Report as Guardian of the property of Harl Price Cook, from which it appears that said Guardian at that date held the following described assets:

Undivided interest in a contract with Walter H. Baker & Co. of Boston, Massachusetts, concerning royalties from the plays "Suppressed Desires" and "Tickless Time";

Undivided interest in a contract with Doran & Company concerning royalties on a play entitled "Greek Coins";

Michigan Lake Building Corporation 6% Bonds, dated February 1, 1926, due February 1, 1946, Nos. D2999 and D3002, par value $500.00 each;

Note of Jesse E. Busch and wife in the principal sum of $6500.00, bearing interest at 5½% per annum, due March 1, 1933, secured by mortgage recorded at Book 79, Real Estate Mortgages, Page 70, in the office of the Recorder of Deeds, Madison County, Iowa, which mortgage is a lien upon the following described real estate, to-wit: South One-half (S½) of the Northeast Quarter (NE¼) of Section Nine (9), Township Seventy-five (75), Range Twenty-eight (28), Madison County, Iowa;

Ctf. No. 2211 for six (6) shares of the capital stock of American Commercial and Savings Bank of Davenport, Iowa;

Cash -- $337.20.

At the time of the appointment and qualification of L. A. Andrew as Receiver of American Trust Company on the 28th day of December, 1932, said American Trust Company had in its hands the assets described in said Report, except for the cash balance, which had been altered by subsequent collections and disbursements, and which on December 28, 1932, after allowance of all offsets, including fees then due American Trust Company, amounted to $758.36.

All of said assets, except said cash balance, came into the possession of your Receiver and are now held by your Receiver.

The Receiver of American Trust Company since December 28, 1932, has collected from said assets the sum of $65.68, which sum is the property of Harl Price Cook and is not the property of American Trust Company or its Receiver.

It appears to your Receiver that upon the filing of the Final Report as aforesaid the duties of American Trust Company as Guardian of the property of Harl Price Cook terminated, except for the delivery over to him of the securities and assets then on hand, and that without the appointment of a successor Guardian the claim for said Seven Hundred Fifty-eight and 36/100 ($758.36) Dollars, due December 28, 1932, as aforesaid, should be allowed in favor of Harl Price Cook as a good and valid claim entitled to share with all other claims of similar rank, and that your Receiver should be authorized to deliver over the described assets to the said Harl Price Cook or his duly authorized attorney-in-fact.

WHEREFORE, your Receiver prays the order of the Court.

D. W. BATES, Superintendent of Banking of the State of Iowa, as Receiver of American Trust Company of Davenport, Iowa.

By G. D. Thompson
Examiner-in-Charge.

OTTESEN DOERR & WEISE

STATE OF IOWA,)
)SS:
SCOTT COUNTY,)

I, Geo. D. Thompson, being first duly sworn, on oath depose and say: That I am Examiner-in-Charge for D. W. Bates, Receiver of American Trust Company of Davenport, Iowa; that I have read the foregoing Application, know the contents thereof, and that the statements therein contained are true, as I verily believe.

G. D. THOMPSON

Subscribed and sworn to before me by the said Geo. D. Thompson, this 10th day of July, A. D. 1933.

(SEAL)

MARGARET BRUNING
Notary Public in and for Scott County, Iowa.

ORDER ON FOREGOING APPLICATION

BE IT REMEMBERED that on this 10th day of July, A. D. 1933, the foregoing Application was presented to the Court, D. W. Bates, Receiver of American Trust Company of Davenport, Iowa, appearing by Ottesen, Doerr & Weise, his attorneys, and Harl Price Cook appearing by Cook & Balluff, his attorneys.

The Court, being fully advised in the premises, finds, determines and adjudges that it has jurisdiction of the subject matter hereof.

It is, therefore, ordered that the Final Report of American Trust Company, of Davenport, Iowa, as Guardian of the property of Harl Price Cook, a minor, filed on September 11, 1931, in Probate Cause No._____ in this Court, be and the same is hereby approved and said matter closed.

It is further ordered that D. W. Bates, as Receiver of American Trust Company of Davenport, Iowa, forthwith transfer and deliver unto Harl Price Cook, or his duly constituted attorney-in-fact, the following described property, to-wit:

Undivided interest in a contract with Walter H. Baker & Co. of Boston, Massachusetts, concerning royalties from the plays "Suppressed Desires" and "Tickless Time";

Undivided interest in a contract with Doran & Company concerning royalties on a play entitled "Greek Coins";

Michigan Lake Building Corporation 6% Bonds, dated February 1, 1926, due February 1, 1946, Nos. D2999 and D3002, par value $500.00 each;

Note of Jesse E. Busch and wife in the principal sum of $6500.00, bearing interest at 5½% per annum, due March 1, 1933, secured by mortgage recorded at Book 79, Real Estate Mortgages, Page 70, in the office of the Recorder of Deeds, Madison County, Iowa, which mortgage is a lien upon the following described real estate, to-wit: South One-half (S½) of the Northeast Quarter (NE¼) of Section Nine (9), Township Seventy-five (75), Range Twenty-eight (28), Madison County, Iowa;

Ctf. No. 2211 for six (6) shares of the capital stock of American Commercial and Savings Bank of Davenport, Iowa.

It is further ordered that any instruments necessary for the transfer of such assets be executed in the name of D. W. Bates as Receiver of American Trust Company of Davenport, Iowa, by the signature of Geo. D. Thompson as Examiner-in-Charge.

It is further ordered that a claim in favor of Harl Price Cook be and it is hereby allowed in the sum of Seven Hundred Fifty-eight and 36/100 ($758.36) Dollars, entitled to share in the assets of American Trust Company of Davenport, Iowa, along with all other claims of similar rank and classification, the said amount being the balance due December 28, 1932, from American Trust Company to the said Harl Price Cook, as the balance of account arising out of the management of said guardianship estate.

It is further ordered that the Receiver of American Trust Company of Davenport, Iowa, forthwith pay over to Harl Price Cook, or his attorney-in-fact, the sum of Sixty-five and 68/100 ($65.68) Dollars collected by said Receiver since December 28, 1932, and that said Receiver forthwith deliver over to said Harl Price Cook any sums which may hereafter be collected by said Receiver from the property hereinbefore described.

Wm. W. Scott
JUDGE.

IN THE DISTRICT COURT OF THE STATE OF IOWA WITHIN AND FOR SCOTT COUNTY

STATE OF IOWA, Scott County, ss.

I, NIC Le GRAND, Clerk of the District Court of the State of Iowa, in and for said County, do hereby certify that the above and foregoing is a true and perfect transcript of the Record Entry of "Application for Order Authorizing Delivery of Assets to Hark Price Cook" filed on July 10, 1933 in the matter of guardianship of Harl Price Cook, a minor, and in equity cause #29218 entitled L. A. Andrew, Superintendent of Banking of the State of Iowa vs. American Trust Company of Davenport, Iowa.
in the above entitled cause, as fully as the same remains of record or on file in my office.

And I further certify that the records of said Court are now in my custody and under my control, and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at the Court House in Davenport, in said County, this 9th day of August, A. D. 1934.

(DISTRICT COURT SEAL)

Nic Le Grand
Clerk of District Court

COMPARED

By I. M. Mullen
Deputy