Compared

1432

FILED NO. 1432
BOOK 32 PAGE 745

1980 FEB 28 PM 1:28

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee 9.00

AGREEMENT TO SETTLE ESTATE

Whereas, Alfred Nelson, deceased sold real estate to Howard Carter by an installment purchase contract dated August 3, 1957 and recorded in Deed record 88 at page 499 in the records of the Madison County Recorder, the principal balance of which contract will be $6,746,35 after the payment due on October 1, 1969, and;

Whereas, Alfred Nelson, deceased sold real estate to Robert G. Bodwell and Mary K. Bodwell by an installment purchase contract dated April 2, 1966 and recorded in Town Lot Deed Record 41 at page 387 in the records of the Madison County Recorder, the principal balance of which contact will be $4,883.81 after the payment due on October 1, 1969, and;

Whereas, both of said contacts will continue for many years and;

Whereas, the undersigned are the devisees of Alfred Nelson, deceased and;

Whereas, it would be convenient and advantageous for each of the contracts to be assigned to one of the heirs.

Now, therefore, it is agreed by and between the undersigned devisees of Alfred Nelson, deceased, as follows:

1. That the Contract to sell the real estate legally described as:

> West Half (W½) Northwest Quarter (NW¼) Southeast Quarter (SE¼) and the South (S) Fifteen (15) acres of the East Half (E½) Northwest Quarter (NW¼) Southeast Quarter (SE¼) all in Section 30, Township Seventy-six (76) North, Range Twentyseven (27) West of the 5th P.M.&sellers interest in a right of way across the West end of the North Five (5) acres of the East Half (E½) Northwest (Quarter (NW¼) Southeast Quarter (SE¼) Section Thirty (30) Township Seventy-six (76) North, Range Twenty-seven (27) for ingress and egress to the premises conveyed

by and between Alfred Nelson, Seller and Howard Carter which contract is dated August 3, 1957 and recorded in Deed Record 88 at page 499 of the records of the Madison County Recorder be and is hereby assigned, set over and conveyed to Lois Loraine Smith.

2. That the contract to sell the real estate legally described as:

The South Half (S½) of Lots Two(2) and all of Lot Three (3), Block Three (3) of Nicholson Addition to the Town of Earlham, Madison County, Iowa,

by and between Alfred Nelson and Robert G. Bodwell and Mary K. Bodwell which contract is dated April 2, 1966 and is recorded in Town Lot Deed Record 41 at page 387 in the records of the Madison County Recorder, be and is hereby assigned, set over and conveyed to Ruth Shank.

3. That Lois Loraine Smith and Ruth Shank shall pay to the Executor of the Estate of Alfred Nelson, such amount as is equal to the balance due on the contract assigned to them, after the estate receives the payments due on October 1, 1969 less twenty per cent (20%) of said balances due.

4. That these assignments shall be binding upon our spouses, heirs at law, legatees, devisees and successors in interest.

Dated this 14 day of November, 1969.

Ruth Shank
Ruth Shank

Lois Loraine Smith
Lois Loraine Smith, individually and as Executor of the Estate

Berthel Shank
Bert Shank, husband of Ruth Shank

Wayne G. Smith
Wayne G. Smith, husband of Lois Loraine Smith.

Ruth Shank
Ruth Shank, Trustee

Beryle Woodward
Beryle Woodward, single

STATE OF CALIFORNIA)
) ss
County of Los Angeles)

I, Beryle Woodward, being first duly sworn on oath do hereby depose and state: that I am the person referred to in the above and foregoing Agreement to Settle Estate, that I have read the above and foregoing and the statements and allegations contained therein are true and correct, as I verily believe, and I acknowledge that I executed the same as my voluntary act and deed.

Beryle Woodward
Beryle Woodward

Subscribed and sworn to before me this 14th day of November, 1969.

Calvin Y. Fowler
Notary Public

My Commission expires _____.

OFFICIAL SEAL
CALVIN Y. FOWLER
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY

CALVIN Y. FOWLER-Notary Public-Cal.
COM. EXP. SEPT. 24, 1971 - LOS ANGELES CO.
431 E. Haltern Ave., Glendora, Calif. 91740

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA, Polk COUNTY, ss:

On this 19th day of November, A. D. 19 69 before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Ruth Shank and Berthel Shank

to me known to be the identical persons named in and who executed the within and foregoing instrument, to which this is attached, and acknowledged that they executed the same as their voluntary act and deed.

John H. Stone Notary Public in and for said County

IOWA STATE BAR ASSOCIATION
Official Form No. 11 (Trade-Mark Registered, State of Iowa, 1957)
D-9972 This Printing: October 12, 1967

(Section 558.39, Code of Iowa)

STATE OF IOWA, Polk COUNTY: SS

On this 19th day of November, 19 69, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ruth Shank, Trustee, to me known to be the person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed., as Trustee, for Francis Elaine Ballard

John H. Stone Notary Public in and for said County and State

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA, Madison COUNTY, ss:

On this 2nd day of December, A. D. 19 69 before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Lois Loraine Smith and Wayne G. Smith

to me known to be the identical persons named in and who executed the within and foregoing instrument, to which this is attached, and acknowledged that they executed the same as their voluntary act and deed.

Beth Flander Notary Public in and for said County

IOWA STATE BAR ASSOCIATION
Official Form No. 11 (Trade-Mark Registered, State of Iowa, 1957)
D-9972 This Printing: October 12, 1967

(Section 558.39, Code of Iowa)