Deed Record No. 70, Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA B51937

AMERICAN SAVINGS BANK AND TRUST COMPANY, Davenport, Iowa, (Formerly American Commercial and Savings Bank of Davenport, Iowa)

#1441

Fee$3.00

Filed for Record the 21 day of June 1932 at 10:45 o'clock A. M.,

Mildred E. Knott, Recorder
Valda C. Bishop , Deputy

To

L. A ANDREW, SUPERINTENDENT OF BANKING OF THE STATE OF IOWA AND HIS SUCCESSORS IN OFFICE, RECEIVER OF AMERICAN SAVINGS BANK AND TRUST COMPANY, DAVENPORT, IOWA.

DECREE AND ORDER APPOINTING RECEIVER.
(Transcripted from the office of the Recorder of Scott County, Iowa.)

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

L. A. Andrew, Superintendent of Banking of the State of Iowa,
Plaintiff,

v.

American Savings Bank & Trust Company, Davenport, Iowa.
Defendant.

EQUITY NO. 28268
ORDER APPOINTING RECEIVER.

(Filed October 2, 1931, Emil F. Schroder, Clerk District Court, Scott County, Iowa)

Now, on this 2nd day of October, A. D., 1931, this matter came on for hearing before the Honorable W. R. Maines, a judge of the District Court of the State of Iowa in and for Scott County, upon the petition of the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, in which petition an order is prayed asking for the liquidation of the liabilities, distribution of the assets, and winding up of the affairs of the defendant, the American Savings Bank & Trust Company of Davenport, Iowa, and further asking for the appointment of the Superintendent of Banking of the State of Iowa and of his successors in office as Receiver for the defendant bank and further praying for an order authorizing the Superintendent of Banking of the State of Iowa and his successors in office to designate an examiner for the purpose of assisting him, the Superintendent of Banking, in the performance of his duties as such Receiver. The Plaintiff appears by his attorney, the Honorable John Fletcher, the Attorney General of Iowa, and the defendant appears in person and by written appearance of its board of directors, all in conformity to a resolution duly adopted by said Board of Directors on the 1st day of October, A. D., 1931, at its bank building in Davenport, Scott County, Iowa.

Thereafter this cause was fully tried and submitted to the Court upon the pleadings, proof and evidence introduced by the plaintiff and the appearance of the defendant as aforesaid and the Court, being fully advised in the premises, finds

1. That the defendant in the above entitled cause has expressly waived time and accepted service of notice of the pendency of this suit, all as shown by such acceptance on file herein, and that the defendant has entered its personal appearance in open court in this suit, and that this court has full jurisdiction of both the parties and the subject matter hereof.

2. The Court further finds that the equities of this cause are with plaintiff,

and that an order should be entered by this court providing for the liquidation of the liabilities, the distribution of the assets and the winding up of the affairs of the defendant bank, and further providing for the appointment of the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, and his successors in office, as permanent receiver of said defendant bank for the purpose of making such liquidation, distribution and dissolution, and further providing for the appointment of said Receiver, of an examiner to take charge of the assets of said institution and to assist the said Banking Superintendent in such liquidation, distribution and dissolution.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court:

I. That the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, and his successors in office, be and he is appointed as permanent Receiver of the defendant, the American Savings Bank & Trust Company, Davenport, Iowa, all for the purpose of carrying out orders and decrees of the Court as herein entered and as may be hereafter entered by the Court in this case. That in the event the Honorable L. A. Andrew shall cease to be Banking Superintendent of the State of Iowa, then and in that event his successor in office shall file with the District Court of Scott County, Iowa, a certified copy of his appointment as such Superintendent of Banking of the State of Iowa, and from thence forth such successor shall act as such Receiver, and the Court further provides that said receivership shall be continued in the same manner as to all succeeding Superintendents of Banking in the State of Iowa during the pendency of this receivership proceeding.

2. Said Receiver is hereby vested with full power and authority to appoint an additional bank examiner at the expense of this receivership to assist him as such Receiver in the liquidation of the liabilities, the distribution of the assets and the dissolution of the defendant banking institution. That said examiner shall act in the name of the Banking Superintendent of the State of Iowa and shall qualify in this Court by filing herein certificate duly certified by the Superintendent of Banking of the State of Iowa.

3. Said Receiver is hereby vested with full power and authority to incur all necessary expenses in connection with said receivership and to employ counsel all in accordance with the orders of this Court, as herein and hereafter entered upon the application of such Receiver.

4. Said Receiver is hereby authorized to employ such clerical help and assistants as may be necessary in the work of liquidation, distribution and dissolution as in this decree provided.

5. Said Receiver shall perform such other and further duties as are usually incumbent upon a permanent receiver of a banking institution under the laws of this State and may prosecute or commence actions at law or in equity for the collection of all claims due or to become due said defendant banking institution or this receivership and may defend actions at law or suits in equity against said defendant or this receivership, or to perserve the property thereof, all in accordance with the directions and orders of this court in the premises.

6. The Court reserves the right from time to time as circumstances may arise to make such additional orders in the premises as will secure, preserve and protect the interests of the several stockholders and creditors of the defendant.

7. The Receiver and Examiner in Charge as herein provided shall each furnish bond to this Court conditioned upon the faithful performance of his duties and the faithful preservation of the property of the defendant banking institution and the faithful accounting for its funds in the penal sum of Five Hundred Thousand ($500,000.00) Dollars. The expense of such bonds shall be paid as a part of the costs and expenses of the re-

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ceivership. The compensation of the bank examiner shall be the compensation fixed by the Superintendent of Banking to be approved by this court, not to exceed the compensation of such examiner as fixed by law shall be paid as other costs and expenses of the receivership

8. Said Receiver is hereby given authority to deposit receivership funds in any State or National Bank doing business in the State of Iowa.

9. Said Receiver shall file duplicates of his reports with the Attorney General of the State of Iowa and with this Court and shall report his doings from time to time as may be necessary and as may be ordered by this Court.

All of which is fully ordered, adjudged and decreed by the Court.

Dated at Davenport, Iowa, this 2nd day of Octover, A. D. 1931.

W. R. MAINES
Judge.

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

L. A. ANDREW, Superintendent of Banking of the State of Iowa, Plaintiff, vs. AMERICAN SAVINGS BANK AND TRUST COMPANY, DAVENPORT, IOWA, Defendant	No. 28268 SUPPLEMENTAL ORDER AND DECREE. (Filed June 9, 1932, Emil F. Schroder, Clerk District Court, Scott County, Iowa)

On this 9th day of June, A. D. 1932, there comes on for hearing an Application of the Receiver of the defendant bank for Clarification of Original Order of Appointment and for Instructions. and the Court being fully advised in the premises finds that the defendant bank at the time of the appointment of the Receiver in this cause owned real estate in various counties in the State of Iowa outside of Scott County and that title to some of such real estate appears of record in the name of American Commercial and Savings Bank, of which the defendant American Savings Bank and Trust Company, Davenport, Iowa, is the successor by change of name. The Court further finds that all real estate which was owned by the defendant bank at the time of the appointment of the Receiver in this cause has been, since the original order appointing the Receiver, in the custody of this Court through L. A. Andrew, Superintendent of Banking of the State of Iowa, the Receiver appointed herein, and subject to sale, transfer or encumbrance only by said Receiver under order of this Court. The Court further finds that it is desirable to perfect record evidence of the interest of said Receiver in all such real estate.

THEREFORE, it is now ORDERED, ADJUDGED AND DECREED that L. A. Andrew, Superintendent of Banking of the State of Iowa, Receiver of American Savings Bank and Trust Company, Davenport, Iowa, cause the original order appointing Receiver in this cause and this Supplemental Order and Decree to be recorded in the office of the Recorder of Scott County, Iowa, and that he further cause a copy thereof, duly certified by said Recorder as provided by law, to be filed in the office of the Recorder of each county in which there is situated real estate which belonged to the defendant bank.

It is further ordered that the Receiver cause to be filed in the office of the Clerk of the District Court of each county in which is situated real estate which belonged to to the defendant bank:

(1) A certified transcript of the proceedings in this cause showing the pendency of the action and his appointment as Receiver;

(2) A notice of the pendency of this action with a description of all real estate in such county affected thereby;

and that he cause such Clerk to docket a cause entitled as is this cause and to index such cause and the transcript so filed, and to enter and index the notice of the pendency of

this action as provided by Section 11095 of the Code of Iowa.

It is further ordered that certified copies of all orders for the sale or transfer of real estate in counties other than the County of Scott entered from time to time in this cause be filed in the cause so docketed by the Clerk of the County in which such real estate is situated, and that deeds or conveyances by the Receiver, after approval by this Court, be filed for record in the office of the Recorder of such County.

It is further ordered, adjudged and decreed that the defendant bank be and it is hereby deprived of all power and authority to transfer, convey, encumber or otherwise deal with any and all real estate to which it or its predecessor, American Commercial and Savings Bank, has the record title.

Wm. W. Scott
JUDGE.

STATE OF IOWA, SCOTT COUNTY, SS:

I, A. E. Lindquist, Recorder of Scott County, Iowa, do hereby certify that the foregoing is a true, complete and correct transcript of

ORDER APPOINTING RECEIVER, in cause: L. A. Andrew, Superintendent of Banking of the State of Iowa, Plaintiff, vs American Savings Bank & Trust Company, Davenport, Iowa, Defendant, filed for record in the office of the Recorder of Scott County, Iowa, on the 9th day of June, A. D. 1932, and recorded in Book "128" of Town Lot Deed Record, on page 465, et seq.

and

SUPPLEMENTAL ORDER AND DECREE, in cause: L. A. Andrew, Superintendent of Banking of the State of Iowa, Plaintiff vs. American Savings Bank & Trust Company, Davenport, Iowa, Defendant, filed for record in the office of the Recorder of Scott County, Iowa, on the 9th day of June, A. D. 1932, and recorded in Book "128" of Town Lot Deed Records, on page 467, et seq.

that the records of said Recorder's Office are now in my custody and under my control, and further, that I have no seal of office as Recorder of Scott County, Iowa.

DATED at Davenport, Iowa, this 10th day of June, A. D. 1932.

A. E. Lindquist
Recorder of Scott County, Iowa.

STATE OF IOWA, SCOTT COUNTY, SS:

I, Emil F. Schroder, Clerk of the District Court of the State of Iowa in and for Scott County, the same being a Court of Record, do hereby certify that A. E. Lindquist, whose name is subscribed to the foregoing certificate is the duly elected, qualified and acting RECORDER of Scott County, Iowa, and I further state that I am well acquainted with the hand writing of said Recorder and that the signature to said certificate is the genuine signature of said A. E. Lindquist, Recorder.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said District Court at my office in the City of Davenport in said County, this 10th day of June, A. D. 1932.

COMPARED

(DISTRICT COURT SEAL)

Emil F. Schroder
Clerk of the District Court of
Scott County, Iowa.