

FILED  
DIST. COURT  
CASS CO. IOWA

1981 JUN 29 PM 2:03

CAITRYN KCMULLER, CLERK

IN THE IOWA DISTRICT COURT FOR CASS COUNTY

In The Matter of the Estate	:	
	:	Probate No. 11385
of	:	
MILDRED SMITH, deceased,	:	ORDER NUNC PRO TUNC
Keith Smith, Executor.	:	

-----

NOW, on this 29 day of JUNE, 1981, comes before the Court an application by Keith Smith for order nunc pro tunc and the Court finds, having reviewed the same, that said application should be granted.

THE COURT FURTHER FINDS that said application does not contain any new matters in the probate proceedings, but simply clarifies a legal description on certain land located in Pottawattamie County, Iowa.

THE COURT FURTHER FINDS that originally said Pottawattamie County land was described as follows:

That part of the SW/4 SW/4 lying South of the public road Sec. 25, E/2 NE/4, (except the South 60 feet thereof); and the North 179 feet of SW/4 NE/4, lying East of the county road, Sec. 35, NW/4 NW/4 Sec. 36, all in Twp. 75 N., Range 38 in the W. 5th P.M., except: All that part of the S/2 SW/4 of Section 25, lying south of the public road, excepting the east 80 rods thereof, and excepting a parcel described as follows: Beginning at the SW corner of said S/2 SW/4 of Section 25; thence north along the west line thereof 647 feet; thence southeasterly 871 feet; thence west along the south line of the said S/2 SW/4, 594 feet to the point of beginning. All in Twp. 75 North, Range 38, West of the 5th P.M., Pottawattamie County, Iowa; subject to pole-line easement to Southwestern Federated Power Cooperative, recorded in Book 51, page 592; and to pole-line easement to Iowa Power and Light Company, recorded in Book 986, Page 452.

*5/10/81*  
*6/2/81*

and that the said personal representative, now discharged, makes application to the Court to clarify said description by inserting in lieu thereof the following description:

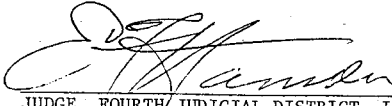
1. A parcel of real estate in the SW Corner of the SW/4 SW/4 more particularly described as follows: Beginning at the SW Corner of said SW/4 SW/4 of Section 25, Twp. 75 North, Range 38, West of the 5th P.M., thence north along the west line thereof a distance of 647 feet; thence southeasterly a distance of 871 feet to the south line of said tract; thence west along the south line of said SW/4 SW/4 a distance of 594 feet to the point of beginning.

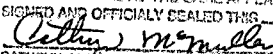
2. The E/2 NE/4 (except the south 60 feet thereof) and the north 179 feet of the SW/4 NE/4 lying east of the county road in Section 35, Twp. 75 North, Range 38, West of the 5th P.M.
3. The NW/4 NW/4 of Section 36, Twp. 75 North, Range 38, West of the 5th P.M., subject to a pole line easement to the Southwestern Federated Power Cooperative, recorded in Book 51, Page 592; and to a pole-line easement to Iowa Power and Light Company recorded in Book 986, Page 452.

and the Court further finds that said descriptions refer to one and the same tract of real estate and that a change of title to the new description should issue from the Clerk of the District Court.

IT IS, THEREFORE, ORDERED BY THE COURT that the Application For Order Nunc Pro Tunc is hereby granted and the Clerk of the District Court of Cass County, Iowa, is hereby directed to issue to the County Auditor of Pottawattamie County, Iowa, a change of title to certain real estate described as follows:

1. A parcel of real estate in the SW Corner of the SW/4 SW/4 more particularly described as follows: Beginning at the SW Corner of said SW/4 SW/4 of Section 25, Twp. 75 North, Range 38, West of the 5th P.M., thence north along the west line thereof a distance of 647 feet; thence southeasterly a distance of 871 feet to the south line of said tract; thence west along the south line of said SW/4 SW/4 a distance of 594 feet to the point of beginning.
2. The E/2 NE/4 (except the south 60 feet thereof) and the north 179 feet of the SW/4 NE/4 lying east of the county road in Section 35, Twp. 75 North, Range 38, West of the 5th P.M.
3. The NW/4 NW/4 of Section 36, Twp. 75 North, Range 38, West of the 5th P.M., subject to a pole line easement to the Southwestern Federated Power Cooperative, recorded in Book 51, Page 592; and to a pole-line easement to Iowa Power and Light Company recorded in Book 986, Page 452.

  
 JUDGE, FOURTH JUDICIAL DISTRICT, IOWA

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY  
 OF THE ORIGINAL AS THE SAME APPEARS OF RECORD IN THIS OFFICE.  
 SIGNED AND OFFICIALLY SEALED THIS 22<sup>nd</sup> DAY OF June A.D. 1981  
  
 CATHRYN McMILLEN, CLERK DISTRICT COURT CASS COUNTY, IOWA BILLIE PARK DEPUTY

4970

McLeod Smith

to

Keith Smith

July 1, 1981

8:00 A.M.

Douglas Summer

Witt County

July 1, 1981

Douglas Summer

Marilyn Wade

In the District Court of the State of Iowa in and for..... Cass..... County

STATE OF IOWA

In the matter of..... Estate of.....

MILDRED SMITH, Deceased

CASS..... County

#11385

TO THE AUDITOR OF..... Pottawattamie..... COUNTY, IOWA:

I hereby certify that the title to the real estate hereinafter described, has been changed and established in

(1) Keith Smith, life estate, Sondra Kay Copenhaver, Sharon K. Smith Nanoto and Donald Smith, remainder interest

and in accordance with the provisions of Sec. 606. 14, Code of Iowa, of the State of Iowa, you are therefore required on payment of a transfer fee of one dollar, enter the same upon the transfer books as provided for in the transfer of deeds.

The description of the real estate hereinabove referred to as follows: (2)

An undivided 1/2 share in and to:

That part of the SW/4 SW/4 lying South of the public road Sec. 25, E/2 NE/4, (except the South 60 feet thereof); and the North 179 feet of SW/4 NE/4, lying East of the county road, Sec. 35, NW/4 NW/4 Sec. 36, All in Twp. 75 N., Range 38 in the W. 5th P.M., except: All that part of the S/2 SW/4 of Section 25, lying south of the public road, excepting the east 80 rods thereof, and excepting a parcel described as follows: beginning at the SW corner of said S/2 SW/4 Section 25; thence north along the west line thereof 647 feet; thence southeasterly 871 feet; thence west along the south line of the said S/2 SW/4, 594 feet to the point of beginning. All in Township 75 North, Range 38, West of the 5th P.M., Pottawattamie County, Iowa;

subject to pole-line easement to Southwestern Federated Power Cooperative, recorded in Book 51, Page 592; and to pole-line easement to Iowa Power and Light Company, Recorded in Pottawattamie County, Iowa, in Book 986, Page 452.

The change of title to the above described real estate was made as follows. (3)

According to Order approving final report and discharging personal representatives filed April 30, 1981.

IN TESTIMONY WHEREOF, I have hereunto attached my official signature and affixed my official seal, this 30th day of April 19 81.

Cathryn McMullen
Cathryn McMullen
Janice Reason

Clerk District Court
Deputy.

Atty: Rollie Landsness

- (1) Give full name of person in whose name the title is established.
(2) Give full description of the real estate.
(3) Show how the change of this was made; if by will, give name of testor and action of court thereon (with dates), and if by decree of Court, state the title of the action, giving dates and a brief synopsis of the decree.

04970 10<sup>08</sup>

04/15/81

CHANGE OF TITLE

13-18-81

Michael Smith

TO  
Keith Smith

Filed in my office: May 13

1887 at 8 o'clock A.M.

Jarvis J. Summers  
County Auditor.

Of: Pott County, Iowa

Entered for Taxation this: 18

day of: May 1881

Jarvis J. Summers  
Auditor

By: Howard W. Drake  
Deputy.

Sec. 666, 14. Change in Title Certification. Where any title or any real estate is finally established in any proceeding in any court of the supreme court, or where title to any real estate is finally established in any court, or where title is changed by judgment, decree, will, proceeding, or otherwise, in any court, the auditor of the county in which the land is located shall certify the same, under the seal of the court, to the county auditor of the county in which the land is located.