

**FINAL  
RECORD**

**NO. 35**

**FINAL  
RECORD**

**NO. 35**

**PROBATE COURT  
UNION COUNTY**

**FINAL  
RECORD**

**NO. 35**

**Notice-Important.**

This is a New Book. When Received Keep It Under a Weight For a week for Seasoning. This will Help to Prevent Warpage.

No. 35

No. **6203**

To Duplicate this book, order above number.

THE WOODROW-WEIL-STANAGE CO.

MANUFACTURERS OF

**BLANK BOOKS**

THREE RETAIL STORES

726 Main Street  
16 E. Twelfth Street  
119 E. Sixth Street

MAIL ORDER DEPT.  
119 E. Sixth Street

PHONE ORDER DEPT.  
Main 4824

CINCINNATI, OHIO

Lettering. Should you desire lettering, send copy and state whether to go on back or side.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
M<sub>c</sub>  
N  
O  
P  
Q  
R  
S  
T  
U  
V  
W  
X  
Y  
Z

order  
GE CO.  
S  
ES  
t  
r.  
desire  
state  
side.

Camp - Oct. 22 - 1929  
Carré M. Hombrecht

#6203

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
M.  
N  
O  
P  
Q  
R  
S  
T  
U  
V  
W  
X  
Y  
Z

Alkin b

Alough. J

Amun. n

Armed. H

Alker, Cora H. assignment 80  
Land Sale 80

Albaugh, Jerome Land Sale 212

Ammer, Nancy J. Land Sale 360  
Ret. to borrow money 360

Arnold, Betty Land Sale - 369

A  
B  
C  
D  
E  
F  
G  
H  
I

B

Buedin Harriet Land Sale 270

Bodine Lydia, A. " " 436 }  
Dismissed

Brown John Land Sale 576

Black (Myrtle B. et al)  
Ganga Land Sale 534



B  
C  
D  
E  
F  
G  
H  
I

|                 |                       |      |
|-----------------|-----------------------|------|
| Cody, M. T.     | Land Sale.            | 35-  |
| Conrad, Henry   | " "                   | 199  |
| Casson, Jane.   | To sell Per. Property | 289  |
| Cabill, Lillie. | Land Sale.            | 335- |
| Clutter, Emma.  | Land sale.            | 495- |
| Channal, Frank  | Land Sale.            | 548. |
| Cook, Cassius   | Land Sale             | 580  |

C  
D  
E  
F  
G  
H  
I

Dondra Sarah E. est. 11  
Lund Sale 15

Dondra Chas. F. Lund Sale. 93.

Dondra Sarah E. " " 159

Dondra Chas. F. " " 173

D  
E  
F  
G  
H  
I

E

E  
F  
G  
H  
I

Forman, Minors L. Land Sale. 24

Fullington Frank G. " " 183 - 1<sup>st</sup> tract (all tracts described)

" " " " " 315- 4<sup>th</sup> " "  
55-6- 3<sup>rd</sup> " "  
422 2<sup>nd</sup> " " cancel advertisement.

Forman, John C. Land Sale. 525-



scribed)

ment.

F  
G  
H  
I

G

G  
H  
I

Manassett. John. Land 209  
Contract complete 209

Minlow John H. Land Sale. 250.

Moore A. D. Pet. to Brown money. 309  
Moore A. D. Land Sale. 440

Weymunderzer Gottlieb. Land sale. 480

Warratt. Wm. E. V. Land Sale. 488.

H

H  
I

Ingram, Hayward    Lumball.    228.  
Distribution    367



Jones. Blanche Land Sale. 272

Johnson Jeremiah, Land Sale. 304



J  
K  
L  
M  
M.  
N  
O  
P  
Q  
R  
S  
T  
U  
V  
W  
X  
Y  
Z

Hoffmuth, Milton B. Land. Sale. 384

Hilbury Minnie A. Complete 474 (

Real Contract 474 )

K

K

L

M

M<sub>c</sub>

N

O

P

Q

R

S

T

U

V

W

X

Y

Z

Layton, Mary J. Land Sale. 122

Long, Melvin Curtis, Pet. To Sell Per. Prop., 353

Lockwood, Chas. H., Pet. to Borrow money. 423

L

L  
M  
Mc  
N  
O  
P

Q  
R  
S  
T  
U  
V  
W  
X  
Y  
Z

Middletown, Conn. Iss. of <sup>land</sup> Forest Sale. 262.

Mader, John A. Land sale. 5-25-

M

M

M

N

O

P

Q

R

S

T

U

V

W

X

Y

Z

*M<sup>rs</sup> Cleland, Emma, Saint Sale.*

291

Mc



M

N

O

P

Q

R

S

T

U

V

W

X

Y

Z

N

N  
O  
P

Q  
R

S  
T

U  
V

W  
X

Y  
Z

0

O  
P

Q  
R

S

T

U

V

W

X

Y

Z

Poling Jesse B. To Bell Bank Stock. 431

Pennybaker Wm Same sale. 538

P

P

Q

R

S

T

U

V

W

X

Y

Z



Q



Q  
R  
S  
T  
U  
V  
W  
X  
Y  
Z

Petterer Mary Land Sale 131

Russell. Sabut. B. " " 138

Rausch. Philp. Land Sale 158

Rush. Ellew. Land Sale 317

Robinson Albert L. To borrow money }  
in city. Real. Est. 432 }

R

R  
S  
T  
U  
V  
W  
X  
Y  
Z

|                          |              |     |
|--------------------------|--------------|-----|
| Stamato, Matthew E.      | Land Sale.   | 10. |
| Stamato, Mary Malissa    | " "          | 16. |
| Scott, David M.          | " "          | 24. |
| Skidmore, Jr. Geraldine  | " "          | 279 |
| Stilling, W <sup>m</sup> | Per. Proply. | 289 |
| Sandusky, John.          | Land Sale.   | 399 |
| Stilling, W <sup>m</sup> | Land Sale.   | 453 |

S  
T  
U  
V  
W  
X  
Y  
Z

Trinity Lillian R. Land Sale  
arr. J. H. Trinity

69

69

T

T  
U  
V  
W  
X  
Y  
Z

U



U  
V  
W  
X  
Y  
Z

V

V  
W  
X  
Y  
Z

Wrightlake Kullick Land Sale. 57

Wise David Land Sale. 58

Walke. Arthur W. " " 149

Miller H.C. ad. of } Land Sale 220  
H. Waldman }

Willis R. H. Land Sale. 405-463.

Wafke James E. Sale Personal- 466.



W  
X  
Y  
Z

X



X  
Y  
Z

Y









11 266.

Feb. 14 - 1928.

J.R. Factor,  
atty.

Petition

Final Record, Union County Probate Court

11266.  
Feb. 14-1928.

J.R. Fackler,  
atly.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

J.R. Fackler, admr.  
of the estate  
of  
Sarah E. Dondura, Deceased,  
Plaintiff

no. 11266.

E. E. Dondura  
North E. Dondura, <sup>and</sup>  
Hyo Orel Jurnings  
Defendants.

Civil action  
Petition to Sell Real Estate  
Petition

The Plaintiff represents, that he is the duly appointed and qualified administrator of the estate of Sarah E. Dondura late of Union County deceased; that the amount of debts due from the deceased, is six thousand five hundred dollars, as near as they can be ascertained  
note for \$5500.<sup>00</sup>  
note for \$800.<sup>00</sup>

Petition

that the charges of administration of said estate will amount to about \$300- and that the total value of the personal estate and effects of said deceased, is but \$3000.<sup>00</sup> Three thousand dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Sarah E. Dondura died seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and in the Township of Jackson, to wit:

Part of Survey no. 3473.

East half of the following described real estate:  
Bounded by true meridian courses, as follows:  
Beginning at a stone (witnessed by two elms and a black ash) south west corner of said Survey no. 3473, and in the Greenville Treaty line; thence with said line N. 83° 30' E. 232½ poles to a stone, (witnessed by two beeches and a hornbeam) south west corner of Nathan Martins' land; thence with the west line of said land, N. 7° W. 71 poles to a stone at the north west corner of said land in the south line of Edward W. Blain's land; thence S. 83° 30' W. 232½ poles to a stone (witnessed by two beeches) south west corner of Levi E. Lewis' land and in the west line of said Survey no. 3473; thence with said line S. 7° E. 70 poles to the beginning, containing 100 Acre more or less.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11266

The land herein described being 50 acres more or less. Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County Ohio by the appraisers of the personal estate of said decedent and that the amount of said appraisement is ----- Dollars.

The said decedent died leaving the defendants, E. E. Doudna, North E. Doudna, and Mrs. Edith Jennings and said children are the only sons and daughters and heirs of said decedent having the next estate of inheritance from said Sarah E. Doudna deceased in said premises.

The Plaintiff therefore prays that your petitioners may be authorized and ordered to sell said real estate free of debt according to the statute in such case made and provided and for all other proper orders and relief in the premises.

J. R. Fackler, Adm. of the estate of Sarah E. Doudna, deceased.

11266

Wainor

Hearing appraisement

Book

The State of Ohio, Union County.

J. R. Fackler, Adm. of the estate of Sarah E. Doudna the within named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

J. R. Fackler, Adm. of the estate of Sarah E. Doudna, deceased.

Subscribed before me and signed in my presence this 14 day of Feb. 1928.

W. W. Husted, Probate Judge

Filing Petition

In the Probate Court of Union County Ohio February 14 - 1928 No. 11266.

J. E. Filing Petition to Sell Real Estate.

This day came the plaintiff J. R. Fackler, Adm. of the estate of Sarah E. Doudna, deceased and presented to this Court his petition duly verified praying an order for the sale of real estate of the said Sarah E. Doudna, deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon it is considered and ordered by this Court that the said petition be filed and that due and legal notice of the filing pending and prayer of the said petition and of the time in which they are required by law to answer the same be given to each of the said defendants.

& this cause is continued. W. W. Husted, Probate Judge

Final Record, Union County Probate Court

11266

Warrant of Summons, on Petition to Sell Real Estate,  
Probate Court, Union County, Ohio

Warrant

Mr. the undersigned parties Defendant to the  
Petition in the above entitled action, do each  
of us, hereby waive the issuing and service of  
Summons and, voluntarily enter our appearance  
as such Defendants,

and, we, do, hereby consent to the sale of  
the Real Estate described in the petition  
in said action according to the prayer  
of the same.

July 14 - 1928.

Mrs. Oral Jennings, E. E. Doudna,  
M. E. Doudna, Kent Jennings  
Pearle Doudna Max Doudna.

Hearing  
appraisement

Journal Entry: orders, on Hearing, of appraisement.

Probate Court, Union County, Ohio,  
July 17 - 1928.

This day this cause came on to be heard upon  
the petition, evidence and testimony as offered,  
and the Court, being fully advised in the  
premises finds: That all the defendants herein  
have been duly and legally served with  
process, or, have voluntarily entered their appearance  
herein, and are now properly before the Court  
and, that the statements and allegations  
in said petition are true.

And the Court being satisfied that it is  
necessary to sell the real estate of said  
Sarah E. Doudna, described in the petition  
to pay her debts.

It is ordered, that B. B. Matteson and  
W. H. Taylor and O. E. Martins three suitable  
and judicious disinterested men of the vicinity  
of said real estate, who are freeholders, do and  
they hereby are appointed to appraise said  
lands, at their true value in money, therein.

It is further ordered, that said appraisers  
be sworn as required by law, and, afterward,  
upon actual view, perform the duties  
required of them, and, make return of  
their proceedings in writing to this Court, on,  
or, before, the 20-day of July, 1928  
and this cause is continued.

W. H. Husted

Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11266

Order of appraisement.

The State of Ohio, Union Co. Probate Court,  
J. J. R. Fackler, Adm., of the estate of Sarah E.  
Doudna. Meeting;

order of  
appraisement

In obedience to an order and decree of the Probate Court, within and for said County, made this day in a certain cause, wherein you, as administrator of the estate of Sarah E. Doudna, are Plaintiff and E. E. Doudna et al. are Defendants, you are commanded that by the oaths of B. H. Matteson Oscar Martins, and W. H. Taylor, judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders of the County in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises.

The east one-half of the following described real estate situated in the County of Union State of Ohio, and Township of Jackson and part of Survey no. 3473:-

Bounded, by true meridian courses, as follows:

Beginning at a stone (witnessed by two elms and a black ash) south west corner of said Survey no 3473 and in the Greenville Treaty line; thence with said line N. 83° 30' E. 232 1/2 poles to a stone (witnessed by two beeches and hornbeam) south west corner of Nathan Martins' land; thence with the west line of said land N. 7° W. 71 poles to a stone at the north west corner of said land in the south line of Edward W. Blair's land; thence S. 83° 30' W. 232 1/2 poles to a stone (witnessed by two beeches) south west corner of Levi E. Lewis' land, and in the west line of said Survey no. 2473; thence with the said line S. 7° E. 70 poles to the beginning.

Containing 100 acres, more or less. The amount herein described is 50 acres, more or less.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 17. day of July 1928.

W. H. Husted, Probate Judge.

Return

To the Probate Court of Union County, Ohio:

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear, by the proceedings hereto attached

Dated July 20 - 1928. J. J. Fackler, Adm.

11266.

11266

oath

Bonds.

11266.



11266

Oath of appraisers.  
The State of Ohio, Union County.

Oath

We, the undersigned Appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the articles described real estate at its fair cash value and perform the duties required of us, in pursuance of the foregoing order.

B. H. Matteson, W. H. Taylor, O. E. Martin appraisers.

Sworn to before me, and signed in my presence, this 18. day of Feb. 1928.

W. D. Cameron, Notary Public, Union Co., O.  
Appraisers Return.

In obedience to the foregoing order, after being just duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at \$7000.00 per ann. \$3500.00.

Given under our hands, this 18. day of February 1928.

B. H. Matteson, W. H. Taylor, O. E. Martin, appraisers  
Bond.

Bond.

Know all men, by these Presents, that Mr. J. R. Fackler, E. C. Doudna, and North E. Doudna, are bred, and firmly bound unto the State of Ohio, in the sum of Seven thousand (\$7000-) Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Rushport, Ohio, this 20. day of February 1928.

The condition of the above obligation is such, that whereas the above bound, J. R. Fackler, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Admin. of the estate of Sarah E. Doudna, deceased.

and whereas, the said J. R. Fackler, as such Admin., has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said decedent described in said petition;

And whereas, said Court, made an order requiring said Administrator to execute a bond according to the Statute in such case made and provided.

Now if the said J. R. Fackler, Admin., as aforesaid, shall account for all the further assets arising from the sale of

11266.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11266

said Real Estate, and that shall remain after payment of the debts and charges, for which the land shall be sold, and to dispose of the same according to law, then, this obligation to be void, otherwise to remain in full force.

J. R. Fackler, E. E. Doudna, N. E. Doudna  
witnessed in presence of B. E. Doudna, N. E. Jacobs.  
This bond approved in open Court this 20 day of  
July, 1928. Seal Disinterested Probate Judge -

appl.  
to  
bill at  
Private sale.

Application to Sell Real Estate at Private Sale.  
Probate Court, Union County, Ohio,  
No. 11266. Application

The said Plaintiff represents that it would be for the best interest of the said estate of Sarah E. Doudna, to sell the real estate described in the petition in this case at private sale for the following reasons:

1. It can be sold for cash.
2. It will save the costs of public sale.
3. It will eliminate delay.
4. It will be sold for all its worth.

and he therefore asks for an order authorizing him to sell said real estate at private sale.  
J. R. Fackler, Adm'r.

order  
7  
sale.

The State of Ohio, Union County.

J. R. Fackler, adm'r. of Sarah E. Doudna, et al.  
being duly sworn, says that the various matters set forth in the foregoing Application are true, as he verily believes.

Sworn to before me this 20 day of July 1928.

Seal Disinterested Probate Judge -

affidavit  
Disinterested  
Persons.

affidavit of Disinterested Persons

The State of Ohio, Union County.

A. J. Miller, and Mrs. Strosvider being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate of Sarah E. Doudna to sell said real estate at private sale than at public sale, as they verily believe.

A. J. Miller, Mrs. S. Strosvider

Sworn to before me, and signed in my presence, this 20 day of July, 1928.

Seal Jacobs, R. Fackler, Notary Public.

11266.

11266

11266

Probate Court, Union County, Ohio.

February 20- 1928.

Confirming appraisement, & ordering Private Sale.

This day this cause came on further to be heard and it appearing to the court that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed; said appraisement being Three Thousand Five Hundred Dollars,

and the plaintiff above named having given bond, dated Feb. 20- 1928, in the sum of \$7000.00 with E. E. Dondua, and N. E. Dondua, sureties conditioned according to law and approved by the court; and it appearing to the court that it would be to the interest of said estate to sell the real estate described in the petition at private sale.

It is now ordered, that said plaintiff proceed to sell said real estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit:

Cash in hand or deed being delivered.

W. H. Husted, Probate Judge -

order

of

sale.

Order of Sale Free from Dower.

The State of Ohio, Union County, Probate Court  
To J. R. Truckler, Adm. of the estate of Sarah E. Dondua  
Interv;

In obedience to an order, and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Adm., of the estate of Sarah E. Dondua, are Plaintiff, and E. E. Dondua, and N. E. Dondua, et al. are Defendants, you are commanded to proceed according to law to sell at private sale, for not less than the appraised value thereof, the following described premises to wit:

Situated in the County of Union, State of Ohio, and Township of Jackson and bounded and described as follows:

Part of Survey No. 3473, bounded and described by true meridian courses as follows:

Beginning at a stone (witnessed by two elms and a Black ash) south west corner to said Survey No. 3473, and in the Greenville Treaty line; thence with said line N. 83° 30' E. 232 1/2 poles to a stone (witnessed by two bushes, and, hougham) south west corner of Nathan Marline's land, thence, with the west line of said land, N. 7° N. 71 poles to a

11266

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11266

stone at the north west corner of said land in the South line of Edward W. Blair's land; thence S. 83° 30' W. 232 1/2 poles to a stone (intressed by two bushes) south west corner of Levi E. Lewis' land, and in the west line of said Survey No. 3473; thence with said line S. 7° E. 70 poles to the beginning, containing 100 acres of land, more or less.

The land herein described consists of the east 1/2 of the above described land consisting of 50 acres, more or less.

Said sale to be private

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 20. day of July, 1928.

W. W. Husted, Probate Judge

Return

To the Probate Court of Union County, Ohio

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 21. day of February, 1928.

Return

To the Probate Court of Union County, Ohio

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 21. day of February, 1928.

J. R. Fackler, Adm.

Report of Sale

Report

of sale.

In obedience to the within order, I sold said premises on the 21. day of Feb. 1928 to William Hickok for the sum of Three Thousand Five Hundred Dollars - said sum being all the appraised value of the same.

J. R. Fackler, Adm.  
Dated this 21. day of Feb. 1928

11266.

Oath

The State of Ohio, Union County.  
The above named J. R. Fackler, Adm. of the estate of Sarah E. Doudou, being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

J. R. Fackler, Adm.

Brought to before me, and signed in my presence this 21. day of Feb. 1928.

W. W. Husted, Probate Judge

11266.

Conferring sale.

J

J

S

E

M

W

S

W

S

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

Confirming  
sale.

Journal entry: orders approving and confirming sale -  
Probate Court, Union County, Ohio.  
February 23 - 1928

J. R. Fackler, adm. of  
The Estate of  
Sarah E. Doudna,  
Plaintiff

v.  
E. E. Doudna, et. al.  
Defendants.

orders approving and confirming  
Sale.

This day, this cause coming on to be heard, on the report, of J. R. Fackler, adm. of the estate of Sarah E. Doudna, deceased, of his proceeding and sale under the former order of this Court: and upon the motion of said petitioner to confirm the sale made in obedience to said order: the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the rights, title and interest of the said Sarah E. Doudna - in said real estate to the purchaser, William Hickok upon the said purchaser, paying the sum of Three Thousand five hundred dollars, therefor.

It is further ordered that this proceeding be recorded and that said petitioner pay the

1/266,

costs, taxed at \$ ---

W. H. H. noted, Probate Judge -

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O., 6203

10354  
July 3,  
1924  
Edward Porter  
atly.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

William A. Mensner, Executor  
of the estate of  
Matthew E. Starnato, deceased.  
Plaintiff

No. 10354

v.  
Claudio S. Mayer  
Altie S. Cheney  
Mrs. Frank A. T. Baker  
Dora Smith  
Carrie S. Williams  
May S. Linn  
Byrno W. Haines  
John O. Starnato  
Lucie Bannick  
Byrno Starnato Ans.  
Malchus Starnato  
Defendants.

bill - action  
Petition  
to  
sell Real Estate  
Petition

Petition

The Plaintiff represents that he the duly appointed and qualified executor of the estate of Matthew E. Starnato, late of Union County, Ohio, deceased; that the amount of debts and legacies due from the deceased is \$6500.00 as near as can be ascertained, that the charges of administration of said estate will amount to about Five Hundred Dollars; and that the total value of the personal estate and effects of said deceased, is but Five Thousand Dollars, being wholly insufficient to pay the debts and costs aforesaid.

The plaintiff further represents that said Matthew E. Starnato died seized in fee simple of the undivided one-half of the following described real estate, situated in the County of Union and State of Ohio, to wit:

In the Township of Clairmont, and Villages of Pickermont, and in Survey no 6307, and being 50 feet off of the north side of the Homestead Lot 5-68 in Joshua H. Gill's second addition to said Villages of Pickermont, Ohio, extending westward to the extension of the alley running northward along the West line of said Lots, No. 322, 323, and 324, etc.

See plat of said Gill's second addition to

10354

10354

Petition

Part

Filing  
Petition

Final Record, Union County Probate Court

1035-4

said village which is duly recorded in the office of the County Recorder, at Marysville, in said Union Co. State of Ohio.

The said decedent died leaving Mary Malissa Starnats his widow, who is since deceased, and who had a life-estate herein: that the defendants Claudie S. Hager, Atte S. Cheney, Mrs. Frank A. S. Baker, Dora E. Smith, Carrie S. Williams, May S. Linn, Cyrus H. Haines, John O. Starnats, Sallie Hamilton, Cyrus Starnats and Marcus Starnats, are the only heirs at law and next of kin of said decedent, having the next estate of inheritance from said Matthew E. Starnats, deceased, in said premises

Petition

The Plaintiff therefore prays that the rights interests and terms of the said Claudie S. Hager, Atte S. Cheney, Mrs. Frank A. S. Baker, Dora E. Smith, Carrie S. Williams, May S. Linn, Cyrus H. Haines, John O. Starnats, Sallie Hamilton, Cyrus Starnats and Marcus Starnats, may be fully determined adjusted and protected according to equity, and that your petitioner may be authorized and ordered to sell said real estate free of doubt according to the statute in such cases made and provided, and for all other proper orders and relief in the premises.

E. H. Porter, atty. for Plaintiff

The State of Ohio, Union County ss.

Date

William A. Heuser, the petitioner named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

William A. Heuser, Ex. as aforesaid known to before me, and signed in my presence, this 2-day of July, 1924.

Edward W. Porter, Notary Public

In the Probate Court, Union Co. Ohio  
Thursday, July 3 - 1924

Filing  
Petition

Journal entry: Filing Petition to Sell Real Estate. This day came the Plaintiff William A. Heuser, executor of the estate of Matthew E. Starnats deceased, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Matthew E. Starnats deceased, to pay the debts, and the costs

Debts,  
ty. Ohio.

te

ly appointed  
w E.

and  
is due  
o can  
oration  
Five

at value  
said  
being  
sto

at said  
simple  
ving  
unity of

ys of  
ing 50 feet  
t 45-68 in

id Village  
the

and  
373,

ition to

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10354

of administering the estate of the said decedent. Whereupon it is considered and ordered by this Court that the said petition be filed and that due and legal notice of the filing, pendency and prayer of the said petition and of the time in which they are required by law to answer the same be given to each of the said defendants and this cause is continued.

W. H. Husted Probate Judge.

Wainor

Wainor of Summons

Probate Court, Union County, Ohio.  
We, the undersigned parties defendant to the Petition in the above entitled action do each of us hereby waive the issuing and service of Summons and voluntarily enter our appearance as such Defendants and we do hereby consent to the sale of the Real Estate described in the petition in said action according to prayer of the same.

Mrs. Claude S. Hayer.  
Mrs. Frankie S. Baker.

Wainor

Wainor of Summons

Probate Court, Union County, Ohio.  
We, the undersigned parties defendant to the Petition in the above entitled action do each of us hereby waive the issuing and service of Summons and voluntarily enter our appearance as such Defendants and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Atta F. Chaney  
John O. Starnato  
Byrns. N. Haines  
M. F. Starnato  
Belle Hamilton  
Byrns. Starnato

Probate Court, Union County, Ohio.  
November, 1st, 1924.

Order for Private Sale

Order for Private Sale

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been

10354

10354

Application Private Sale

10354



Final Record, Union County Probate Court

10354

duly and legally advised in the premises finds:  
 That all the defendants herein have been duly  
 and legally served with process, or have voluntarily  
 entered their appearance herein, and are now  
 properly before the Court. That the statements  
 and allegations in said petition are true. That said  
 Matthew E. Starnato, deceased, did not leave a  
 widow, entitled to dower in the estate to be sold,  
 and an appraisement of such estate is contained  
 in the inventory. It is ordered, that another  
 appraisement be and hereby is dispensed with,  
 and the Court being satisfied that it is  
 necessary to sell the real estate of said Matthew  
 E. Starnato, deceased, described in the petition  
 to pay his debts. And it being made to  
 appear to the Court upon satisfactory evidence  
 that it would be more for the interest of said  
 estate to sell the real estate described in the  
 petition at private sale. It is therefore further  
 ordered, that said William A. Hensner, as such  
 Executor proceed to sell said real estate, free of  
 dower, at private sale, for not less than \$1750.  
 the appraised value thereof on the following terms  
 to wit: Cash in hand on day of sale  
 and said petitioner is ordered to make  
 return to this Court immediately after such  
 sale is made, and this cause is continued.

Application  
Private Sale

W. H. Hustled, Probate Judge  
 Application to Sell at Private Sale  
 Probate Court Union County, Ohio  
 No. 10354

The said Plaintiff represents that it would be for the  
 best interest of the said estate to sell the real  
 estate described in the petition in this case  
 at private sale, for the following reasons:

1. Because if sold at public sale, it might  
 be sold for 75% of the appraisement only, whereas  
 if sold at private sale, it must go for the  
 whole appraisement, or more.

2. Because it will save the costs of  
 advertising, and of time.

and the Plaintiff asks for an order  
 authorizing him to sell said real estate  
 at private sale.

William A. Hensner, Ex. of Matthew E. Starnato

10354

Recd

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O., 6203

10354

The State of Ohio, Union County

William A. Heusner, being duly sworn, says that the various matters set forth in the foregoing application are true, as he truly believes

William A. Heusner,

Sworn to before me, and signed in my presence, this 1<sup>st</sup> day of November, 1924

Edward W. Porter Notary Public

Affidavit of Disinterested Person.

Affidavit of Disinterested Person.

The State of Ohio, Union County

J. H. Harrison, W. D. Sanders, and Henry Moon being duly sworn say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate, to sell said real estate at private sale, than at public sale, and for the reasons herein given, as they truly believe.

J. H. Harrison, W. D. Sanders, Henry Moon,

Sworn to before me, and signed in my presence this 1<sup>st</sup> day of November, 1924.

Edward W. Porter, Notary Public Order of Sale, free of Dower.

The State of Ohio, Union County ss.

Probate Court.

To William A. Heusner, Exr. of the estate of

Mathew E. Starnato, Deceased, Meeting;

Order of Sale.

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause, wherein you as executor of the estate of Mathew E. Starnato Decd. are Plaintiff and Claudia S. Hager, et al. are Defendants, you are commanded to proceed according to law, to sell, at private sale, for not less than \$1750.00 the appraised value thereof free of dower being the undivided one-half of the following described premises, to wit:

Situate in the County of Union, State of Ohio, Township, Blairbone, and village of Richmond, and in Survey no. 6307, and being 50 feet off of the north side of the Homestead Lot 568 in Joshua H. Gill's second addition to said Village of Richmond, Ohio, extending westward to the extension of the alley running northward along the west line of said Lots No. 322, 323, and 324 etc.

See plat of said Gill's second addition to said village which is duly recorded in the office of the County Recorder, at Mansfield, in said

10354

10354

Return

Report of

sale for

Cost

Confirming date

Final Record, Union County Probate Court

10354

Union County, State of Ohio.

Said sale to be free of dower, and to be upon the following terms: cash on delivery of deed.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Court this 1-day of Nov. 1924.

Edw. W. Husted Probate Judge

Return

Return

In the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.

Dated the 1-day of November, 1924.

William A. Hensner, ex-

Report

Report of Sale

In obedience to the within order, I sold said sale premises on the 1-day of Nov. 1924, to William McGinn for the sum of Seventeen Hundred and fifty dollars. Said sum being the appraised value of the same.

William A. Hensner,

Dated the 1-day of November, 1924.

The State of Ohio, Union County ss.

Wath

The above named William A. Hensner, being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

William A. Hensner, (Ex.)

Sworn to before me, and signed in my presence, this 1<sup>st</sup> day of November 1924

Edward H. Porter, Notary Public,

Confirming Sale.

Confirming

Probate Court Union County, O., November 1<sup>st</sup> 1924

Sale

This day this cause coming on to be heard on the return of William A. Hensner, executor of the estate of Mathew E. Stamato, deceased, of his proceedings, and sale under the former order of this Court; The Court having carefully examined said return and being satisfied that such sale has in all respects been regularly and legally made. It is ordered that the same be, and hereby is approved

Final Record, Union County Probate Court

THE W. W. B. CO., CIN., O., 6203

and confirmed, and, it is further ordered, that said William A. Kousner as such, Executor, make, to the purchaser William W. Lee a good, and, sufficient deed for the premises so sold.

It is further ordered that this proceeding be recorded, and that said Executor pay the costs herein taxed, at \$--.

W. W. Husted, Probate Judge

1035-5-

July 3-  
1924

Edward W. Porter  
atly

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio.

William A. Kousner, Executor,  
of the estate of  
Mary Malissa Starnats  
Deceased.  
Plaintiff

Petitioner

- Sura E. Kousner,
- Alice Price Kuffman,
- Jennie M. Horn Lane,
- Almida Price Kosh,
- Flora E. Price Myers,
- Stacy M. Parmer Adams,
- Carrie P. Landersack,
- Morace H. Kow,
- Edwin S. Kow,
- Margaret Price Mulvaine,
- Wallace Kow, Truel Parmer Foly,
- Bert H. Kamineton,
- Fred H. Kamineton,
- Royce Parmer,
- Walter Parmer,
- Varylen Parmer,
- Effie C. H. Clark,
- Effie P. H. Yates,
- John O. Price,
- William B. Price,
- Orva C. Danner,
- William F. Danner,
- Jesse B. Danner,
- Otto E. Danner,
- Christian Overholt,
- Pauline Overholt

Civil action

Petition.

vs.

Sale Real Estate

Petition.

Defendants.

The Plaintiff represents that he is the duly appointed and qualified executor of the estate of Mary Malissa Starnats late of Union County, Ohio; deceased; that the amount of

1035-5-

1035-5

1035-5-

Final Record, Union County Probate Court

1035-5

debts and legacies, due from the deceased, is fifty-five hundred (\$5500-) Dollars, as near as can be ascertained, that the charges of administration of said estate will amount to about five hundred Dollars, and that the total value of the personal estate and effects of said deceased, is but fifty-four hundred and ninety-two and 10/100 Dollars, being wholly insufficient to pay the debts and costs aforesaid.

The plaintiff further represents, that Mary Malissa Stamato died seized in fee simple of the undivided one-half of the following described real estate, situate in the County of Union and State of Ohio, to-wit:

In the Township of Clairborne, and Village of Richmond, and in Survey No. 6307, and being 50 feet off of the north side of the Homestead Lot No. 568 in Joshua V. Gill's second addition to said Village of Richmond, Ohio, extending westward to the extension of the alley running northward along the west line of said lots Nos. 322, 323, and 324.

Petition

See plat of said Gill's second Addition to said Village which is duly recorded, in the office of the County Recorder, at Mansfield, in said Union County, State of Ohio.

The said decedent died leaving no widow; that the defendants Lura E. Heuser, Alice Price Huffman, Jennie M. Horn Lane, Almida Price Koch, Flora E. Price Mysoff, Gladys M. Parmer, Adams, Carrie P. Landersack, Horace H. Horn, Margant Price Mulraine, Pauline Orholt, Wallace Horn, Tracie Parmer Joby, Bert H. Hamilton, Fred H. Hamilton, Royal Parmer, Mathew Parmer, Vangar Parmer, Effie C. H. Clark, Effie P. H. Yates, John O. Price, William B. Price, Emma C. Danner, William J. Danner, Jesse B. Danner, Otto E. Danner, Christian Orholt, are the only heirs at law and next of kin of said decedent, having the next estate of inheritance from said Mary Malissa Stamato, deceased, in said premises;

The Plaintiff therefore prays, that the rights, interests, and heirs of the said Lura E. Heuser, Alice Price Huffman, Jennie M. Horn Lane, Almida Price Koch, Flora E. Price Mysoff, Gladys M. Parmer, Adams, Carrie P. Landersack, Horace H. Horn, Margant Price Mulraine, Wallace Horn, Tracie Parmer Joby, Bert H. Hamilton, Fred H. Hamilton, Royal Parmer, Mathew Parmer, Vangar Parmer, Effie C. H.

1035-5

to said  
to the  
efficient  
to herein  
Pay debts  
county, Ohio  
estate  
duly  
estate  
ion  
out of

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10355

Clark, Eppie P. Ho. Yates, John A. Price, William B. Price, Orva C. Danner, William F. Danner, Jesse B. Danner, Olla E. Danner, Christian Orsholt, Pauline Orsholt.

may be fully determined, adjusted and protected according to equity, and that your petition may be authorized and ordered to sell said real estate free of debt, according to the statute in such cases made and provided, and, for all other proper orders and relief in the premises. E. H. Porter, Attorney for Plaintiff

10355

Wainor

oath

The State of Ohio, Union County, ss. William A. Hensner, the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief

William A. Hensner, Ex.

Sworn to before me, and signed in my presence, this 3-day of July, 1924.

Edward H. Porter, Notary Public.

In the Probate Court of Union County, Ohio,

Thursday, July 3, 1924.

no. 10355.

Journal Entry: Journal 38, Pg. 8-24.

Filing Petition to Sell Real Estate.

Filing Petition

This day came the Plaintiff William A. Hensner, Ex. of the Estate of Mary Malissa Starnato deceased, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of said Mary Malissa Starnato deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon it is considered, and ordered, by this Court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law, to answer the same, be given to each of the defendants; and this case is continued.

W. H. Husted, Probate Judge

Wainor of Summons.

Wainor

Probate Court, Union County, Ohio.

We the undersigned parties defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to prayer of the same.

Wainor

10355

10355

Final Record, Union County Probate Court

10355-

Orra C. Danner,  
William Danner,  
Jesse Danner,  
Otto E. Danner,  
Mrs Carrie Lundstack  
Mrs Rose Bent Mickley  
Mrs Ora Bent Marshall.

Waiver

Waiver of Summons

Probate Court, Union County, Ohio,  
We the undersigned parties Defendant to the Petition  
in the above entitled action, do each of us, hereby  
waive the issuing and service of Summons and,  
voluntarily enter our appearance, as such Defendants,  
and we do hereby consent to the sale of the  
Real Estate described in the petition in said  
action according to the prayer of the same.

Edwin Horn,  
Effie C. Horn, Clerk,  
Wallace Horn,  
Horace H. Horn,  
Floora E. Price Wyckoff,  
Jimmie M. Horn, Lawr.  
Tracy U. Tobey.

Waiver

Waiver of Summons

We the undersigned parties Defendant to the Petition  
in the above entitled action, do each of us  
hereby waive the issuing and service of Summons  
and voluntarily enter our appearance as such  
Defendants. And we do hereby consent to  
the sale of the Real Estate described in the petition  
in said action according to the prayer of  
the same.

Lura E. Hensner,  
Effie Harris Gates  
John C. Price,  
Pauline Overholt,  
Christian A. Overholt,  
William B. Price  
Mrs Margaret Mulvaine  
Mrs Annis P. Koch.

Waiver

Waiver of Summons

We the undersigned parties Defendant to the  
Petition in the above entitled action, do each  
of us hereby waive the issuing and service  
of Summons and voluntarily enter our appearance  
as such Defendants. And we do

10355-

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1935-5

herby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

- Mrs Gladys Adams. 1464 Arlington Ave. Col. O.
- Mr. Matthew Parmur Bardington O.
- Royal Parmur " "
- Vaugh Parmur Delaware, O.
- West H. Hammeton Delaware, O.
- Alice Hoffman 115-N. and more, Dayton, O
- Fred Hammeton 1374 Grant St. Akron, O

1035-5

Order for Private Sale.

Application

Application to Sell Real Estate at Private Sale - Probate Court, Union County, Ohio.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case, at private sale, for the following reasons:

1. Because, if sold at public sale it might be sold for 2/3 of the appraisement only, whereas if sold at private sale it must go for the whole appraisement or more.

and, he, therefore asks for an order authorizing him to sell said real estate at private sale.

William A. Hensner.

Ex. of est. of Mary Malissa Stansel.

Oath

The State of Ohio, Union County  
William A. Hensner, being duly sworn, says that the various matters set forth in the foregoing application are true as he truly believes.

William A. Hensner.

Sworn to before me, and signed in my presence, this 1-day of November, 1924. <sup>seal</sup> Edward W. Porter, Notary Public, affiant of Disinterested Person.

Disinterested Persons

The State of Ohio, Union County.  
J. H. Cornsaw, W. D. Sanders, and Henry Moore, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, and for the reason given herein, as they truly believe.

J. H. Cornsaw, W. D. Sanders, Henry Moore.

Sworn to before me, and signed in my presence, this 1-day of November, 1924

Edward W. Porter, Notary Public <sup>seal</sup>

Order of Sale



Final Record, Union County Probate Court

1035-5

Probate Court, Union County, Ohio,  
November 1 - 1924.

Order for Private Sale -

order for  
Private Sale.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance, herein, and are now properly before the Court.

That the statements and allegations in said petition are true. That said Mary Malissa Stamats, deceased, did not leave a will or testament entitled to do so in the estate to be sold, and an appraisement of such estate is contained in the inventory. It is ordered, that another appraisement be, and hereby is, dispensed with,

and the Court being satisfied that it is necessary to sell the real estate of said Mary Malissa Stamats, described in the petition to pay debts, and it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate described in the petition at private sale -

It is therefore further ordered, that said William A. Heuser, as such Executor proceed to sell said real estate free of doers, at private sale, for not less than \$1750.00 the appraised value thereof, on the following terms, to wit: Cash in hand, on day of sale.

And said petitioner is ordered to make return to this Court, immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge -

Order  
of  
Sale

Order of Sale Free of Doers.

The State of Ohio, Union County Probate Court,  
To William A. Heuser, ex. of the estate of

Mary Malissa Stamats, deceased. Greeting;

I in obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as executor of the estate of Mary Malissa Stamats, deceased, are Plaintiff, and Lura E. Heuser et al. are Defendants, you are commanded, to proceed

described  
the  
Col. O.  
m. O.  
O  
Sale -  
Ohio.  
for the  
real  
at.  
might be  
sold at  
sement.  
authorizing  
in Stamats,  
says that  
ing application  
nce. This  
otary Public,  
ny Moor,  
in facts  
is affidavit  
whatsoever  
that it  
estate  
than at  
heir.  
ore,  
my presence,  
Public Seal

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10355

according to law, to sell at private sale, for not less than \$1750<sup>00</sup> the appraised value thereof, free of donor being the undivided one-half of the following premises to wit:

Situate in the County of Union, State of Ohio, Township of Blairtown, and Village of Richmond, and in Survey No. 6307, and being 50 ft. off of the north side of the Homestead Lot # 568 in Joshua B. Hill's second addition to said village of Richmond, O. extending westward to the extension of the alley running northward along the west line of said lots, Nos. 322, 323 and 324 etc.

Said plot of said Hill's second addition to said village which is duly recorded in the office of the County Recorder at Mansfield in said Union Co. State of Ohio.

Said sale to be free of donor, and to be upon the following terms: Cash on delivery of deed. You will make return of your proceedings to this order.

Witness my signature and the seal of said Court, this 1-day of November, 1924.

W. J. Husted, Probate Judge.

Return

To the Probate Court of Union County, Ohio:

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.

Dated the 1-day of November, 1924.

William A. Heusner, Ex-Report of Sale.

Report

In obedience to the within order, I sold said premises on the 1st day of November, 1924, to William Weber, for the sum of Seventeen Hundred and fifty dollars, said sum being the appraised value of the same.

William A. Heusner, Ex-

Dated the 1-day of Nov-1924.

oath

The State of Ohio, Union County, ss.

The above named, William A. Heusner, being duly sworn, says that the sale above reported had been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

William A. Heusner, Ex-

sworn to before me, and signed in my presence, this 1-day of November, 1924

Edmund W. Porter Notary Public, Union Co., O.

10355

Confirmation

Final Record, Union County Probate Court

10355

Probate Court, Union County, O. Nov. 1 - 1924  
Confirming Sale -

Confirmation

This day, this cause coming on to be heard on, the return of William A. Kousner, Ex., of the estate of Mary Malissa Starnate, deceased, of his proceedings and sale under the former order of this Court; the Court having carefully examined said return, and being satisfied that such sale has in all respects been regularly and legally made -

It is ordered, that the same be, and hereby is approved, and confirmed, and it is further ordered, that said William A. Kousner, as such Ex., make to the purchaser, William W. Lee a good and sufficient deed for the premises so sold.

It is further ordered, that this proceeding be recorded, and that said Ex. pay the costs taxed at \$ -

W. H. Husted, Probate Judge

not less  
nor being  
to omit:  
Furnship  
of the  
and  
being  
n. 322, 323.  
to said  
lice of the  
Co.  
d to  
of deed,  
to this  
of paid  
ndy.  
- have  
d fully  
-  
d premises  
- make,  
dollars.  
same,  
-  
r. being  
reported  
to obtain  
to said  
set for  
in my  
Co. J.

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11091

June 10/27

Demand by  
Atty.

Petition to Sell Real Estate

Probate Court, Union County, Ohio

B. F. Crowley, admr.,  
of the estate of

Minor L. Forman, Deceased.

Plaintiff

Petition to sell Real Estate

v.

Lela G. Elbin.

Donald Lee Forman,

a minor under 14 years

of age.

Charlotte L. Forman, widow

of Minor L. Forman, <sup>decd.</sup>

Elizabeth B. Bradenorth, Trustee.

Defendants.

Case no. 11091

Petition

Petition

The Plaintiff represents that he is the duly appointed and qualified administrator of the estate of Minor L. Forman, late of Union County, Ohio, deceased; that the amount of debts due from the decedent is Forty five hundred dollars as near as can be ascertained; that the charges of administration of said estate will amount to about Two Hundred Dollars, and, that there is no personal estate or effects to pay said debts and costs aforesaid.

The Plaintiff further says, that the said Minor L. Forman, died seized in fee simple of the following described real estate:

Situated in the Township of Washington and State of Ohio, and known as part of Virginia Military Survey, no. 10971 beginning at a stone and a brick in the north east corner to a fifty acre tract of land, by John W. Forman, and wife to Albert M. Forman, thence with the north line of said tract S. 82 W. (true meridian course) 178.40 poles to a stone and brick; thence N. 7 1/2 W. 48.68 poles to a stone and brick from which a black ash 14 inches in diameter bears S. 84 E. 9 links; thence parallel with the first above described line N. 82 E. 156.20 poles to the center of a culvert in the Mansfield and Kenton Grand Road; thence with the center of said gravel road, S. 33 E. 53.56 poles to the place of beginning, containing fifty acres more or less.

That part of said premises is rented on the shares, the tenant receiving part of the crop.

The said decedent died leaving the defendant

11091

Oath

J. E. ...

11091

11091

Final Record, Union County Probate Court

11091

Charlotte L. Forman, widow who is entitled to  
down in said premises; that the defendant, Lela  
M. Elbin, daughter and Donald Lee Forman,  
grandson, a minor under 14 yrs. of age, are the  
only heirs of said decedent, having the next estate of  
inheritance from said Minor L. Forman, deceased,  
in said premises; that the defendant Elizabeth M.  
Madeworth claims to have a firm on said premises.

Petition

That, the plaintiff therefore pray, that the down  
of said Charlotte L. Forman, in said premises may  
be assigned and set off to her; that the rights,  
interest and liens of said Elizabeth M. Madeworth as  
Trustee be fully determined, adjusted and protected  
according to equity and that the petitioner  
may be authorized and ordered to sell said  
real estate according to the Statute in such cases  
made and provided for, and for all other proper  
relief in the premises.

Leonard Cox

Oath

State of Ohio, Union County, ss.

B. F. Crowley, the within named plaintiff being duly  
sworn says that the various matters and things  
set forth in said petition are true to the best  
of his knowledge and belief.  
B. F. Crowley

Sworn to before me, and signed in my presence  
this 10- day of June, 1927

W. H. Husted, Probate Judge

J. Eantoy

Journal, entry: case no 11091.

This day came, B. F. Crowley, administrator of the  
estate of Minor L. Forman, and filed herein his  
petition for the sale of the real estate therein  
described to pay debts of the said decedent.

And on his motion, summons is issued  
for Donald Lee Forman, a minor under 14 yrs-  
of age, directed to the plaintiff and returnable  
according to law.

The Court is informed that the remainder  
of the defendants will enter their appearance and no  
summons is issued.

Said cause is set for hearing on the 11- day  
of July, 1927. That being the first day that the  
same cause can be heard after our day.

W. H. Husted, Probate Judge

11091

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11091

Probate Court, Union County, Ohio

Precipe, no. 11091.

June 10-1927 Issue summons for the said Donald Lee Forman, a minor under fourteen years of age, who resides with his mother, Nellie Forman, at Mt. Victory, Ohio, directed to plaintiff returnable according to law.

11091

Writ

Summons.

Summons

The State of Ohio, Union County,  
vs. B. F. Crowley, Plaintiff

Probate Court,

You are hereby commanded to notify Donald Lee Forman, a minor under 14 yrs. of age, making service of this summons upon said minor and also upon the guardian or father, or if neither guardian or father can be found, then upon the mother, or the person having the care of said minor, or with whom he lives; that on the 10-day of June, 1927, B. F. Crowley, admr. of the estate of minor L. Forman, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described for the purpose of paying debts and that unless they answer by the 9-day of July, 1927, said petition will be taken as true, and an order granted accordingly.

Said B. F. Crowley will make due return of this writ on the 18-day of June, 1927.

Witness my hand and the seal of said Court, this 10th day of June 1927.

W. W. Husted, Probate Judge

Summons

affidavit

B. F. Crowley, Return, affidavit  
State of Ohio, Hardin County, ss.

B. F. Crowley being duly sworn says that he received the within writ on the 11-day of June 1927, and on the 12-day of June 1927, he served the same by delivering a certified copy of this writ and endorsements thereon to Donald Lee Forman, a minor and a certified copy of this writ with all endorsements thereon to Nellie Forman, mother of the said Donald Lee Forman, with whom he lives. His father is dead and he has no guardian.

B. F. Crowley

Sworn to and subscribed before me, and subscribed in my presence, this 14 day of June 1927

Leonard Cox - Notary Public Hardin Co. O.

11091

Shiriffs Return

11091

In the Probate Court, Union County, Ohio  
no. 11091.

Waiver & Consent to Sell.

Waiver

The undersigned party, defendant, in the above entitled cause for the sale of Real Estate of the estate of said Decedent, to pay debts, hereby waive service of process, and consent to the sale of the Real Estate in said Petition mentioned, as herein prayed, for, and the statutory time for pleading is hereby waived and, we consent, that said Petition may be heard at such time as Court orders.

Lela M. Elbin

Summons

Summons on Petition to sell Real Estate  
To the Sheriff of Hardin Co-

You are hereby commanded to notify Nellie Forman at Mt. Victory Ohio, and the following named who are minors, to wit:

Donald Lee Forman, residing at Mt. Victory Ohio, with Nellie Forman, his mother, making service of this summons upon said minor, and, also, upon the guardian, or father or, if neither guardian or father can be found, then upon the mother, or the person having the care of said minor, or with whom he lives that on the 10-day of June, 1927, B. F. Cronley Adm., of the estate of Minor L. Forman deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent in said petition described, for the purpose of paying debts, and unless they answer by the 16-day of July, 1927, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 27-day of June, 1927.

Witness my hand and the seal of said Court this 11-day of June, 1927.

~~Said~~ ~~not~~ ~~trusting~~ Probate Judge -

Sheriff's Return

Sheriff's Return

The State of Ohio Hardin Co -

Recd. this writ 13 of June 1927 at 9 a.m. and on the days and in the manner hereinafter named, I served the same on the within named defendants Donald Lee Forman

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11091

June 20- 1927, on Nellie Forman, the mother of the said Donald Lee Forman. June 20<sup>th</sup> 1927. on Nellie Forman, the person having care of, and with whom lives the said Donald Lee Forman.

J. W. Crooks, Sheriff, Hardin Co. O.  
By F. W. Bender, Clerk, Deputy.

Answer of Widow.

Answer

of

Widow  
And now comes Charlotte C. Forman, one of the defendants in the above entitled cause, and voluntarily enters her appearance herein, and for answer to the petition in this case filed, says that she is the widow of said Minor L. Forman, deceased, and, as such is entitled to dower in the premises described in said petition, that her age is sixty five years, and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds, or in rents and profits and asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower estate may be allowed and paid her in line thereof out of the proceeds of the sale, by such sum of money as the Court deems the just and reasonable value of her dower interest in said real estate.

Charlotte C. Forman,

The State of Ohio, Hardin County.

Charlotte C. Forman, being duly sworn, says that the statements in the foregoing answer are true as she verily believes.

Charlotte C. Forman,

Sworn to before me, and signed in my presence, this 10<sup>th</sup> day of June 1927.

Leonard Cox, Notary Public Hardin Co. O.

Application to Sell at Private Sale -

Probate Court, Union County, Ohio.

The said Plaintiff represents that it would be for the best interest of the estate to sell the real estate described in the petition in this case, at private sale, for the following reasons:

First: The buyers of farms are scarce and it is difficult to get competition in bidding at public auction.

Second:

That by a public sale a substantial savings can be made in the Court costs of said sale, by the saving of advertising the said premises.

appli.

Sell at Private

Sell

11091

Affidavit

of

Disinterested

Person

Order for

Private

Sale.



11091

And, he therefore asks for an order authorizing him to sell said real estate at private sale -

B. F. Cronley, adur -

known to before me, and signed in my presence this 17- day of Feby. 1928.

W. H. Husted, Probate Judge

Affidavit

Affidavit of Disinterested Person.

Disinterested Person

The State of Ohio Hardin Co -

John Willauer and C. L. Thompson,

bring duly sworn, says, that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said estate at private sale than at public sale, for the reasons herein set forth, as they truly believe

John Willauer C. L. Thompson.

Known to before me, and signed in my presence, this 17- day of February, 1928.

Leeward Cox, Notary Public.

Probate Court, Union County, Ohio.

Feby. 24 - 1928.

Order for Private Sale

Order for Private Sale

This day this cause came on to be heard upon the petition, evidence and testimony and answers of Charlotte B. Forman, widow, and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statement and allegations in said petition are true. That said Minor L. Forman deceased, did leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered that another appraisement be hereby is dispensed with, and the Court being satisfied that it is necessary to sell the real estate of said Minor L. Forman, described in the petition, to pay his debts, and it being made to appear to the Court upon satisfactory evidence, that it would be

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11091

mon. for the interest of said estate to sell the real estate described in the petition at private sale. It is therefore further ordered that said B. T. Cronley as such Administrator proceed to sell said real estate, (free of taxes) at private sale for not less than the appraised value thereof on the following terms. To wit: cash in hand on day of sale and said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued

W. H. Husted, Probate Judge

Answer  
an.  
Cross-Petition

Answer and Cross-Petition of

Elizabeth G. Bradsworth

now comes Elizabeth G. Bradsworth and hereby voluntarily enters her appearance, and leave of court. being first had, files this her answer, and for answer says:

That on or about the 20-day of October 1921, Minor B. Forman, and Charlotte B. Forman, made and delivered to this defendant, Elizabeth G. Bradsworth as trustee, their certain promissory note of that date, for the sum of Thirty-five Hundred Dollars, due and payable in five years, from date with interest thereon as represented by ten interest promissory notes for the sum of \$105.00 each, and payable respectively on the 20-day of April and October 1922, and each year thereafter.

That no part of the said principal sum has been paid, and that there is due this defendant the said principal sum of \$3500.00 the same being now past due, and payable

That a part of the interest note due and payable on April 20-1924, has not been paid and there is due thereon a balance in the sum of \$18.00 with interest thereon at 8% per annum, from April 20-1924.

That the interest note for the sum of \$105.00 due, and payable on Oct. 20-1924, has not been paid and there is due this defendant the said sum with interest thereon at 8% from said date.

That the interest note due, and payable on April 20-1925, for the sum of \$105.00 has not been paid, and there is due this defendant, the said sum, with interest thereon at 8% from said date.

That the interest note due, and payable, on Oct 20-1925, for the sum of \$105.00 has not been paid and there is due this defendant the said sum with interest thereon at 8% from this said date.

That the interest note due and

11091

Answer

an.

Cross-Petition

11091

Final Record, Union County Probate Court

11091

payable on April 20 - 1926. for the sum of \$105.00 has not been paid, and there is due this defendant the said sum with interest thereon at 8% from said date.

That the interest note due and payable Oct. 20 - 1926. for the sum of \$105.00 has not been paid, and there is due this defendant the said sum with interest thereon at 8% from said date.

That there is a total amount due on this 24. day of February 1928. principal and interest the sum of \$4566.48

Answer.

Cross-Petition

Second cause of Action

For second cause of action, this defendant says that the said minor L. Forman and Charlotte C. Forman, his wife (who released her dower) on the 20. day of Oct. 1921. in order to secure the payment of the said promissory note the interest notes and all the interest accrued thereon made, executed and delivered to this defendant their certain mortgage deed of that date on the real estate described in the plaintiffs petition and described in said mortgage as follows, to wit:

Situated in the Township of Washington, County of Union and State of Ohio, and a part of Survey No. 10971

Requiring at a stone and bricks in the north east corner to a 5.0 acre tract of land deeded by John W. Forman, and wife to Albert M. Forman: thence with the north line of said tract S. 82° W. (True Meridian Course) 178.40 poles to a stone and brick; thence N 7 1/2° W. 48.68 poles to a stone and brick from which a black ash 14 inches in diameter bears S. 84° E. 9. links; thence parallel with the first above described line N 87° E. 156.20 poles to the center of a creek in the Mansville and Kenton gravel road; thence with the center of said gravel road S. 33° E. 53.56 poles to the place of beginning.

Containing fifty (50) acres.

That the said mortgage deed, was on the 28. day of Oct. 1921. at 3.0 o'clock P.M. and recorded on Nov. 1 - 1921. in Vol. No. 74 Page 125, in the office of the County Recorder, of Union County, Ohio, and that the same is a valid and subsisting and the first and best lien on said real estate.

11091

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11091

wherefore this defendant, Elizabeth G. Madson, as trustee, prays that her interest in said premises, as such trustee, be protected and that if the said premises are sold by order of the court, then that the court determine the priority of her lien and that the proceeds of the sale be applied to the payment of her claim for the sum of \$4066.48 with interest thereon from this date, and such order and further relief in the premises as to which she may be entitled

Milo L. Myers, atty.

Date

State of Ohio, Union County, ss.

Milo L. Myers, being duly sworn, says that he is the attorney at law for Elizabeth G. Madson duly authorized in the premises and that she is a non-resident of the State of Ohio, and this answer is drafted on instruments in writing and are within his possession and that the facts stated and the allegations made, and contained in the foregoing answer and cross-petition are true as he believes

Milo L. Myers

Sworn to before me, and subscribed in my presence this 24 day of July, 1928.

Wm. David Myers, Notary Public

Order

Order of Sale. Free of Debt,

The State of Ohio, Union County, ss.

Probate Court,

of

To, D. F. Crowley, Adm'r of the estate of

Minor L. Forman, Guiting.

In obedience to an order and decree of the

Probate Court, within and for said County made this day, in an certain cause, wherein you as Adm'r of Minor L. Forman, deceased, are Plaintiff and John G. Usher et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof from the donor of Charlotte L. Forman, widow of Minor L. Forman, deceased, the following described premises, to-wit:

Situated in the Township of Washington and State of Ohio, and known as part of Virginia Military Survey No. 10971, beginning at a stone and a brick in the northeast corner to a fifty acre tract of land by John W. Forman, now wife to Albert M. Forman, thence with the north line of said tract S. 82 W. (True meridian Course) 178.40 poles to a stone and bricks; thence N. 7.5° W. 48.68 poles to a stone

11091

11091

Return

Report of Sale

Carte

Confirming Sale

11091

Final Record, Union County Probate Court

11091

and bricks: from which a black ash 14 inches in diameter bears S. 84° E. 9 links: thence parallel with the just above described line N. 82° E. 15-6. 20 poles to the center of a culvert in the Marysville and Kenton gravel Road: thence with the center of said gravel road S. 33° E. 5-3. 5-6 poles to the place of beginning containing fifty acres, more or less.

Said sale to be private and on following terms: Cash. You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Court this 24. day of July, 1928.

Wm. W. Husted, Probate Judge

Return

Return

To the Probate Court, of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 24. day of July, 1928

B. F. Cronley, Auditor

Report of

Report of Sale

In obedience to the within order, I sold said premises, on the 24. day of July, 1928. to Kay Hines and Zella F. Hines for the sum of Forty-six Hundred and Fifty Dollars, said sum being the appraised value of the same.

B. F. Cronley

Dated the 24. day of July, 1928.

Order

The State of Ohio, Union County ss.

The above named, B. F. Cronley being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

B. F. Cronley

Sworn to before me, and signed in my presence, this 24. day of July, 1928.

Wm. Mand Pyles, Notary Public

Confirming Sale

Journal entry:

In the Probate Court of Union Co., Ohio, no. 11091.

Confirming Sale.

This cause came on, this day to be heard upon the report of the plaintiff of sale, made to Kay Hines and Zella F. Hines, for the sum of Forty six and fifty and no/100 Dollars as hereinbefore ordered, and the proceedings

11091

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11091

appearing in all respects regular and in conformity to law. They are hereby approved and confirmed.

And the said B. F. Emley, admr., is ordered to execute and deliver to the said purchaser, a good and sufficient deed for the premises so sold.

W. W. Husted, Probate Judge

11144

Aug 25-1927

Miss M. Myers

attly.

Petition

11144

informally  
med.  
-died to  
ser. a good  
sold.  
Judge-

11144  
Aug 25-1927  
Miss L. Myers  
atty.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio  
vs. 11144

Anna E. Body, Executrix,  
of the estate of  
M. T. Body, deceased,  
Plaintiff  
vs.

vs. 11144

Florence Body,  
Martha Kattenbach,  
Chester Body, and  
Anna E. Body  
The Union Banking Company  
of Mansfield, Ohio,  
The Peoples Savings & Loan  
Company of Urbana Ohio,  
& Catherine Mackay.  
Defendants.

Civil action

Petition to  
Sell Real Estate

Petition

Petition

The Plaintiff represents that she is the duly appointed and qualified executrix of the estate of M. T. Body late of Union County Ohio, deceased; that the amount of debts due from the deceased is ninety-eight hundred and ninety-seven and  $\frac{74}{100}$  Dollars, no near as can be ascertained, that the charges of administration of said estate will amount to about Three Hundred and  $\frac{20}{100}$  Dollars; and that the total value of the personal estate and effects of said deceased, is but \$4132.42, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said deceased died seized in fee simple of the following described real estate, situate in the County of Union and State of Ohio, to-wit:

and in the village of Mansfield, and

Being in lots No. 431, old number 404, in the Fustriater addition to said village of Mansfield.

For a more specific description of said lot reference is hereby made to the recorded plat of said Addition as found in the office of the County Recorder of said County.

The said decedent died leaving the defendant Anna E. Body his widow, who is entitled to dower in said premises; that the defendants Florence Body, Martha Kattenbach & Chester Body are the only children of said decedent, having the next estate of inheritance from said M. T. Body deceased, in said premises;

11144

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11144

that the Defendants,

The Union Banking Co. of Maumville, Ohio,  
The Peoples Bank Savings and Loan  
Company of Urbana, Ohio, and  
Catherine Mackay, have or claim to have  
some claim or lien on said real estate,

The Plaintiff therefore prays that the dower of said  
Anna E. Cody in said premises may be assigned  
and set off to her; that the rights, interests  
and liens of the said defendants,

The Union Banking Company  
The Peoples Savings and Loan Co.,  
Catherine Mackay,

may be fully determined, adjusted and protected  
according to equity, and that your petition may  
be authorized and ordered to sell said real estate  
free from said dower, according to the statute in such  
cases made and provided, and for all other proper orders  
and relief in the premises.

Wills L. Myers, attorney for Pet.

Oath

The State of Ohio, Union County ss.

Anna E. Cody, the within named Plaintiff  
being duly sworn, says that the various matters  
and things set forth in said petition are true, to the  
best of his knowledge and belief.

Anna E. Cody,

Done to before me, and signed in my presence  
this 24. day of August, 1927.

Wm. L. Myers, Notary Public,

Principals

Probate Court, Union County, Ohio,  
Principals

To the Judge and Ex-officio Clerk of said Court:  
Issue summons for said defendant, Chester  
Cody, a minor: Indorse "action for sale of real  
estate to pay debts" directed to the Sheriff of said  
County, returnable according to law.

Wills L. Myers, Pl's attorney

Journal entry: In the Probate Court of Union County, Ohio,  
August 24 - 1927.

Filing Petition to sell Real Estate.

Filing  
Petition

This day came the Plaintiff Anna E. Cody, ex-  
of the estate of M. F. Cody, deceased, and presented  
to this Court her petition, duly verified, praying an  
order for the sale of real estate of the said  
M. F. Cody, deceased, to pay the debts, and the

11144

Wills

Wills

Summons



11144

costs of administering the estate of the said decedent.

whereupon it is considered and ordered by this court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants and this cause is continued.

W.H. Husted, Probate Judge

Wainor

Wainor

We, the undersigned, defendants named in the above entitled case, do hereby voluntarily enter our appearance, herein, and waive the issuing and service of summons and process.

The Peoples Savings & Loan Co.

By W.C. Gifford Secretary

Katherine Mackan

Wainor

Wainor

In the Probate Court, Union County, Ohio, we, the undersigned, defendants named in the above entitled case, do hereby voluntarily enter our appearance, herein and waive the issuing and service of summons and process.

The Union Banking Co.

By Mrs. L. Myers its atty.

Anna E. body

Blanche body

Martha Walterbach.

Summons

Summons on Petition to Sell Real Estate, The State of Ohio, Union County, Probate Court To the Sheriff of said County:

You are hereby commanded to notify Chester body a minor making service of this summons upon said minor, that on the 25 day of August, 1927.

Anna E. body, executor of the estate of M. T. body, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and that unless they answer by the 24 day of Sept. 1927, said petition will be taken as true, and an order

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11144

Granted accordingly  
said Sheriff will make due returns of this writ  
on the 4<sup>th</sup> day of Sept. 1927.

Witness my hand and seal of said Court  
this 26<sup>th</sup> day of August, 1927.

W. W. Husted, Probate Judge

Sheriff's  
Return

Sheriff's Return,

The State of Ohio, Union County,

Received this writ against, 26-1927,

at 11 o'clock a.m. and on the days and in the  
manner herein after named. I served the same  
on the within named defendant, on the 26<sup>th</sup> day of  
August, 1927, Chester Cody, a minor by personally  
handing to him a true and certified copy of this writ  
with all the endorsements thereon

F. S. Hager, Sheriff

m.e.c.

and, on the same day, the said minor having  
no guardian, or having his father living, I served  
a copy of this within writ on Anna E. Cody the  
mother of the said Chester Cody, the person having  
the care of - with whom lives the said Chester Cody.

F. S. Hager Sheriff Union Co. O. Mary E. Chis, Dep.  
Answer and Cross Petition

First cause of action.

Answer

of  
Dorcas  
Peoples,  
Savings and  
Loan  
Co.

Now comes the defendant, The Peoples Savings and Loan  
Company and says that it is a corporation organized  
and existing under the law of the State of Ohio,  
relating to the incorporation and organization  
of Building and Loan associations, and, by way  
of cross petition and for a cause of action says  
that on July 11-1913, Michael J. Cody, Jr. and Anna  
Cody executed and delivered to this defendant  
their certain promissory note in the sum of -  
Two Thousand Four Hundred Dollars, due one year  
after date, bearing interest at the rate of six per  
cent per annum, a copy of which note with all  
credits and endorsements is hereto attached,  
marked "Exhibit A" and made a part hereof;  
there are no credits or endorsements thereon.

Second Cause of action.

Second  
Cause of  
action

For a second cause of action defendant  
says that on July, 11-1913, the said Michael  
J. Cody, Jr. and Anna Cody, his wife, then and  
there being the owners of the real estate  
hereafter described, executed, and delivered to

11144

the  
Lo  
no  
her  
to  
de  
of  
a  
Fre  
Fo  
pe  
Ac  
In  
Joh  
to  
De  
sai  
fol  
19  
tr  
to  
sav  
as  
dep  
not  
an  
an  
cm  
sh  
191  
fil  
Co.  
vol  
the  
vir  
ser  
str  
da  
of

11144

This answering defendant. The Peoples Savings <sup>and</sup> Loan Company, as security for the payment of said note described in the just cause of action herein, their certain mortgage deed conveying to this answering defendant the following described real estate: Situate in the village of Marysville, County of Union, and State of Ohio, and bounded and described as follows to-wit:

Being In lot number 421 and number 404 in the Freshwater addition to said village of Marysville. For a more specific description of said lot, reference is hereby made to the plat of said Addition in the office of the Recorder of said Union County, Ohio.

Being the same real estate conveyed to John Oppihle Sr. later by Sheriff of Union Co. O. to James S. Oppihle and recorded in Vol. 101, Pg. 256, Deed Records Union County, Ohio.

This answering defendant says that said mortgage deed, contained the following condition:

"Now, if said Grantors, their heirs, assigns, executors or administrators shall well and truly pay the aforesaid obligation according to the tenor thereof to the said The Peoples Savings and Loan Company, its successors or assigns then this deed shall be void."

This answering defendant says that default has been made in the payment of said note and mortgage by said Michael T. Body, Jr. and Anna Body, and that said Michael T. Body, Jr. and Anna Body have failed to perform the conditions thereof, wherefore, the same has become absolute.

This defendant further says that on July 11-1913, at 4:42 o'clock P.M. said mortgage was filed for record with the Recorder of Union Co. Ohio, and is recorded in Mortgage Record Vol. 67, page 151-152. of said County.

This answering defendant says further that it is a Savings and Loan Co. and, by virtue of its rules, laws, and Constitution semi-annually settles with each of its stockholders and borrowers of money, on the first day of January, and on the first day of July of each year; that the last settlement

Final Record, Union County Probate Court

THE W-S CO., CIN., O., 6203

11144

on the note and mortgage herein set forth and described was made on January 1-1927. that, there is now due and owing the said the Peoples Saving and Loan Co., on its just cause of action herein the sum of Twenty four hundred seventy-two dollars with interest thereon at the rate of 6 per cent from July 1-1927.

Wherefore this answering defendant prays that if the land described herein be sold as prayed for, in the petition that the Court find that this answering defendant has the first and best lien on the land described in the second cause of action herein; and that it order that out of the proceeds of the sale of said land, this defendant be paid the sum of Twenty-four hundred seventy-two dollars with interest thereon at the rate of six per cent per annum from July 1-1927, and for such other and further relief, as to the Court seems meet and proper.

Deaton Boddy & Boddy  
attys. for the Peoples Saving & Loan Co.

Oath

State of Ohio Champaign Co. ss.  
Walter C. Gifford being first duly sworn, deposes, and says that the above named defendant, The Peoples Saving and Loan Co. is a corporation; that he is the Secy thereof, duly authorized in the premises, and that the statements and allegations contained in the foregoing answer and cross-petition are true, as he verily believes.

Walter C. Gifford

Sworn to before me by the said Walter C. Gifford and by him subscribed in my presence this 29 day of August, 1927.

R. C. Patrick, Notary Public

Copy -

\$ 2400.00

Urbana, Ohio, July 11-1913.

One year after date, for value received, we, or either of us, promise to pay to the Peoples Saving and Loan Co. of Urbana O. For order, the sum of Two Thousand Four Hundred Dollars, with interest at rate of six per cent per annum, from date until paid. Interest payable semi-annually on or before the 15 days of June, and Dec., respectively, after date during the life of this note, and interest not paid when due shall bear interest at the rate of six per centum per annum from date of maturity until paid, and further, if any

Copy note

11144

11144

Answer of Widow

11144

Final Record, Union County Probate Court

11144

interest shall remain unpaid for more than 30 days, then, the legal holder of this note may declare the principal debt owing together with accrued interest at once due and payable. The makers, however, may have the right to pay \$100.00 to \$500.00 on the principal debt on any interest pay day.

(This loan made on 2/14/67)

Michael T. Cody, Jr. Anna Cody

Exhibit A

Answers

In the Probate Court, Union County, this no. 11144.

of Widow

answer of Widow.

Now comes Anna C. Cody, one of the defendants named in the above entitled cause, and, voluntarily enters her appearance herein, and, for answer to the petition filed herein, says, that she is the widow of the said M. T. Cody, deceased, and, as such is entitled to dower in the premises described in the petition, that her age is -- years, and that she freely consents to said sale as prayed for, and, waives the assignment of dower in said premises by metes and bounds, or in rents and profits.

and, further says, that the said decedent left her as his widow and, composing a part of his family; and, that she is still his widow and unmarried; that, at the time of his death, she with her said deceased husband, resided on said premises in the petition described; that she is still residing therein and using and occupying the same as such; and that she is entitled to a homestead as such widow in the lands of her said deceased husband under the laws of this, in such cases.

That she joined with her said husband as his surety only, in the execution of certain mortgages to certain of the defendants in the petition named, which said mortgages precludes the assignment of a homestead to her by metes and bounds, and, that it is necessary to sell said premises to pay said mortgage liens.

Wherefore, this defendant, asks, that the said premises, may be sold free of her dower and homestead therein, and, that the value of such dower estate may be allowed and paid

11144

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11144

her, in money, out of the proceeds of such sale as the court may deem the just and reasonable value thereof, that she be allowed the residue of the proceeds not exceeding \$500 in lieu of her homestead after the satisfaction of said mortgages and the costs of sale herein, and for all other and proper relief in the premises.

Anna E. Body.

Oath

State of Ohio, Union Co. ss.

Anna E. Body being just duly sworn, says that the facts stated and the allegations made and contained in the foregoing answers are true as she believes.

Anna E. Body.

Sworn to before me, and signed in my presence this 24. day of August, 1927.

Maund Pycro, Notary Public

Cross-Petition of the Union Banking Co.

In the Probate Court, Union County, Ohio No. 11144

Cross-Petition of the Union Banking Company

Cross-Petition of Union Banking Co.

Now comes the Union Banking Company, one of the defendants named in the petition herein, and hereby voluntarily enters its appearance herein, and says that on the 30-day of August, 1921, Michael J. Body, the deceased, and Anna Body, his wife being indebted to this defendant on said day made and delivered to it their certain promissory note of that date for the sum of \$1600.00 a copy of which note is as follows, to wit:

\$1600.00 Mansville, O. Aug. 30<sup>th</sup> 1921.

Six months after date, for value received, we, or either of us, promise to pay to the Union Banking Company, or order, at the Banking House of said Company, at Mansville, Ohio, Sixteen Hundred Dollars, with interest at 8% after maturity and 7% from date.

all overdue interest to bear eight per cent payable annually.

(usual cognovit clause attached).

(Signed by)

Michael J. Body Anna Body

That there has been no payments made on the said principal sum, represented by said note, excepting interest payments, and that the interest has been paid in full to the 12<sup>th</sup>

11144

day  
Ba  
of r  
bo  
ai  
pa  
ow  
an  
m  
de  
an  
Fre  
in  
m  
192  
off  
of  
by t  
12  
St  
sa  
B  
ly  
su  
an  
pr  
al  
je  
Suc  
as  
Sta  
Ma  
he  
an  
in  
an  
in

Oath

Final Record, Union County Probate Court

11144

day of December, 1926. and, that the said The Union Banking Company is still the owner and holder of said note.

Further, the said The Union Banking Company says, that the said Michael T. Body and Anna Lerdy, in order to secure the payment of the said promissory note aforesaid on the 30 day of August, 1921, made, executed and delivered to this defendant their certain mortgage deed of that date on the following described real estate:

Situated in the village of Marysville, County of Union, and State of Ohio, and,

Being in lot no 421, old number 404 in the Fresh water Addition to said village of Marysville,

and, being the same premises as described in the said plaintiff's petition.

Further, this defendant says, that the said mortgage deed was, on the 30 day of August, 1921, at 4:25 o'clock P.M. filed for records in the office of the County recorder of Union County,

Ohio, and was, on the 31 day of August 1921 by him recorded in Mortgage Record No. 85 page 120, and that the said mortgage deed, is still a good, valid and subsisting lien on said real estate

Wherefore, this defendant, The Union Banking Company, prays that if it is ordered by the Court, that the said premises be sold, and, if sold, that its interest be protected and, its priority be determined, and out of the proceeds of said sale it be paid its said claim of \$1600.00 with interest thereon at 8% per annum, from the 12 day of Dec. 1926, and for such other and further relief in the premises as may be just and equitable

Mrs. L. Myers atty. for Union Banking Co.

State of Ohio, Union County ss.

Oath. Mrs. L. Myers, being just duly sworn, says, that he is the attorney for The Union Banking Company, and, that this pleading is based upon instrument in writing, that said instrument is now in his possession, and, that the facts stated and the allegations made and contained in the foregoing are true as he believes.

Mrs. L. Myers.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11144

Sworn to before me, and signed in my presence, this 27-day of Aug. 1927. Seal Mand. Pyles, Notary Public

Answer of Catherine Mackan.

In the Probate Court of Union County, Ohio  
Answer of Catherine Mackan.

Answer  
of  
Catherine  
Mackan

now comes, Catherine Mackan, and says that heretofore and on the 26 day of July, 1925, she obtained a judgment in the Court of Common Pleas of Union County, Ohio, in case no. 11471 against M. F. Cody and Anna E. Cody, and caused to be issued an execution on said judgment, and thereby obtained a lien on the real estate owned by the said M. F. Cody and Anna E. Cody.

That the said M. F. Cody during his lifetime made certain payments, leaving a balance due on the said judgment the sum of \$231<sup>06</sup> and her costs herein expended in the said Court of Common Pleas, in the sum of \$6<sup>00</sup>.

Wherefore, this defendant prays that if the said premises are sold by an order of the Court that her interest be protected and the priority of her lien be determined, and out of the proceeds of said sale she receive the said sum of \$237<sup>06</sup>.

Mrs. L. Myers, attorney for  
Catherine Mackan

oath

State of Ohio, Union County, ss.

Mrs. L. Myers, being duly sworn, says that he is the attorney for the said Catherine Mackan, and the facts stated and the allegations made and contained in the foregoing answer are true as he believes.

Mrs. L. Myers

Sworn to before me, and signed in my presence, this 25 day of August 1926.

Seal Mand. Pyles Notary Public

Application for appointment of Guardian ad litem,  
Probate Court, Union County Ohio,  
October 1- 1927.

To the Hon. W. H. Husted Judge of said Court:  
The undersigned Anna E. Cody makes application for the appointment of a Guardian ad litem for the minor defendant in the above entitled case.

The defendant is Hester Cody who is over,

apt. for  
apt. of  
sdm  
ad litem

11144

apt. of  
sdm  
ad litem

Answer  
of  
Gd. ad litem

this  
will  
do  
up  
w  
sd  
apt. of  
sdm  
ad litem  
C. A.  
the  
of  
def  
14  
will  
apt  
to  
C. A.  
the  
of  
Answer  
of  
Gd. ad litem  
As  
de  
C.  
app  
ans  
all  
M  
he  
la  
co  
for



Final Record, Union County Probate Court

11144

the age of fourteen years, and has been duly served with summons herein, has neglected for twenty days, after the return of the summons served upon him to apply for a guardian ad litem. The undersigned suggests that C.A. Hoopes who is a suitable person be appointed as such Guardian ad litem.

Respectfully,

Anna E. Cody,

Probate Court, Union Co. O. Oct. 1-1927.

no 11144

Appt. of Gdn. ad litem.

appt. of Gdn. ad litem

This day Anna E. Cody appeared in open court and made application for the appointment of a Guardian ad litem for the minor defendant in this case.

and it appearing to the Court that the defendant Chester Cody who is over the age of 14 yrs, and has been duly and legally served with summons herein, and has neglected for 20 days after the return of the summons served upon him to apply for a Gdn. ad litem, it is ordered that C.A. Hoopes be and hereby is appointed Gdn. for the suit for said minor defendant.

And now comes the said C.A. Hoopes, and in open court accepts said appointment.

W.H.usted, Probate Judge -

Answer of Guardian Ad litem.

Probate Court, Union County, Ohio.

no. 11144

answer of Gdn. ad litem

And now comes the said Chester Cody the minor defendant to the petition in said cause by C.A. Hoopes, his Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition deny all the material allegations herein contained prejudicial to said minor defendant's. He further says that he is of tender years, and not acquainted with the law in such cases, and therefore prays the Court to protect his rights in this cause, and for such relief as may be just.

Dated this 1-day of Oct. 1927

Chester Cody  
Per C.A. Hoopes Gdn.

Application to Sell Real Estate at Private Sale

Probate Court, Union County, Ohio

No. 11144

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11144

Application

The said Plaintiff represents, that it would be for the application best interest of the said estate to sell the real estate described in the petition in this case, at private sale, for the following reasons:

First, will save expense of public sale.

Second, can be sold for cash in full.

Third, that the sum of \$4250.00 is all

said real estate is reasonably worth.

and she therefore asks for an order authorizing her to sell said real estate at private sale.

Mrs. Anna E. Cody, et al.

The State of Ohio, Union Co.

Oath

Anna E. Cody, being duly sworn, says that the various matters set forth in the foregoing application are true as she truly believes.

Mrs. Anna E. Cody,

known to before me, and signed in my presence, this 22-day of December, 1927.

E. H. Hammer, Notary Public

Affidavit of Disinterested Person.

affidavit

Disinterested Person.

H. C. Drellinger and J. I. Myers, being duly sworn, says, that they know the facts set forth in the application to which this affidavit is attached: that they have no interest whatever in the matter therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale, than at public sale, as they truly believe.

J. I. Myers, H. C. Drellinger.

Known to before me, and signed in my presence, this 22-day of Dec. 1927.

E. H. Hammer, Notary Public

Probate Court, Union County, Ohio  
December 22-1927.

Order for Private Sale.

Order for Private sale

This day this cause came on to be heard upon the petition, evidence and testimony answers of The Union Banking Co., Catherine Mackarr, The Peoples Savings and Loan Co., and Anna E. Cody, widow, and the Court, being fully advised in the premises finds: That all the defendants herein

11144

11144

Order of Sale.

11144

Final Record, Union County Probate Court

11144

have been duly and legally served into process, or have voluntarily entered their appearance herein and are now properly before the Court. That the statements and allegations in said petition are true.

That said M. T. body deceased, did leave a widow entitled to dower in the estate to be sold, and she has filed her answer herein, and an appraisement of such estate is contained in the Inventory.

It is ordered that another appraisement be and hereby is dispensed with, and the Court being satisfied that it is necessary to sell the real estate of said M. T. body, deceased, described in the petition to pay his debts.

And it being made to appear to the Court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale. It is therefore further ordered that said Anna E. body as such ex<sup>t</sup>. proceed to sell said real estate free of dower, widow having waived assignment of dower, at private sale, for not less than \$4250<sup>00</sup> the appraised value thereof on the following terms, to wit: cash in hand on day of sale.

And said petitioner is ordered to make return to this cause is continued.

W. H. Husted, Probate Judge

Order of Sale.

Order of Sale. Free of Dower. The State of Ohio, Union County, Probate Court. To Anna E. body, Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause wherein you, as, executrix of the estate of M. T. body, deceased, are Plaintiff and Florence body, et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than \$4250<sup>00</sup> the appraised value, thereof, free from the dower of Anna E. body, widow of M. T. body deceased, the following described premises to wit:

Situated in the County of Union State of Ohio, and in the village of Marysville, and

11144

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11144

Being In lot No. 421. old number, 404. in the  
Frestwater addition to said village of Marysville.  
For a more definite description of said lot  
reference is hereby made to the recorded plat of  
said addition as found in the office of the  
County Recorder of said county.

Said sale to be private and to be upon the  
following terms: Cash in hand. in full. on day of  
sale.

You will make return of your proceedings to this  
court forthwith upon execution of this order.

Witness my signature and the seal of said  
Probate Court at Marysville Ohio this 22. day of  
Dec. 1927. *[Seal]* W. H. Hanner, Probate Judge.

Return

Return

To the Probate Court, Union County, Ohio.  
In obedience to the foregoing order, I have  
caused the same to be duly executed as will fully  
appear by the proceedings hereto attached.

Dated the 22-day of Dec. 1927.  
Mrs Anna E. Body.

Report

Report of Sale.

In obedience to the within order, I sold said  
premises on the 22-day of Dec. 1927. to  
Florence Body for the sum of Four thousand  
Two hundred and fifty <sup>and</sup> no/100 Dollars -  
said sum being more than the appraised  
value of the same.

Anna E. Body.  
Dated the 22-day of Dec. 1927.

The State of Ohio, Union County.  
The above named, Anna E. Body  
being duly sworn, says that the sale above  
reported has been made after diligent endeavor to  
obtain the best price for said property, and  
that said sale is for the highest price she  
could get for said property.

Anna E. Body.  
Sworn to before me, and signed in my  
presence this 22. day of Dec. 1927.  
*[Seal]* W. H. Hanner,  
Notary Public

11144

11144

Approving  
an. ✓  
Confirming  
Sale of

Distribution

11144

Final Record, Union County Probate Court

11144

Journal Entry: orders approving and confirming sale -  
Probate Court, Union County, Ohio.  
December, 22 - 1927

Approving  
an.  
Confirming  
sale

This day this cause coming on to be heard  
on the report of Anna E. Cody ex<sup>t</sup> of the estate  
of M. T. Cody, deceased, of her proceedings and  
sale under the former order of this Court, and  
upon the motion of said petitioner to confirm  
the sale made in obedience to said order,  
the Court having carefully examined said  
report, and finding the proceedings of said  
petitioner in all respects correct, and being  
satisfied that said sale was fairly and legally  
made.

It is ordered that the same be, and hereby  
is approved, and confirmed.

It is further ordered, that said petitioner  
execute a deed of all the right, title and  
interest of the said M. T. Cody, in said real  
estate, to the purchaser, Florence Cody, upon the  
said purchaser, paying cash therefor.

It is further ordered, that this proceeding  
be recorded, and that said petitioner pay  
the costs herein taxed.

W. H. Husted, Probate Judge

In the Probate Court, Union County, Ohio,  
No. 11144

Distribution

Entry on Distribution

This day this cause came on to be heard upon  
the pleadings herein and upon motion to  
distribute the proceeds of the sale, amounting  
to the sum of \$4250<sup>00</sup>, and the said Anna E.  
Cody, widow, having by her answer herein  
filed waived the assignment of dower in  
said premises, by metes and bounds or, in  
rents and profits, and asked that the value  
of her dower be accounted and paid to her  
out of the proceeds of said sale; the Court  
finds that the said widow has released  
her dower interest in said real estate  
in behalf of the mortgagees on their mortgage  
claims herein set forth, and the said  
premises having not been sold for enough  
to pay the said mortgage claims and costs  
of this action in full, and by reason  
thereof the said widow now has no  
dower interest in the proceeds received

11144

## Final Record, Union County Probate Court

THE W-V-S CO., CIN., O. 6203

11144

from the sale of the said real estate.

Distribution

The Court further finds that there is due the defendant, The Peoples Saving and Loan Co. of Indiana this, upon the note set forth in its answer and Cross-petition from the said estate the sum of \$2529.<sup>68</sup> principal and interest, and the said M. F. Cody deceased, and his wife Anna E. Cody to secure the payment of said promissory note gave a mortgage upon the premises described in the petition ans. which the Court finds to be a valid and subsisting lien and the first and best lien upon said premises, and now upon the funds arising from the sale of said premises:

The Court further finds that there is due the defendant, The Union Banking Co. of Mansfield, O., upon the notes set forth in its answer and Cross-petition filed herein, from the estate of the said deceased, the sum of \$1700.<sup>00</sup> principal and interest; and that the said M. F. Cody deceased, and the said Anna E. Cody his wife, to secure the payment of the said promissory note gave a mortgage upon the premises described in the petition, and which the Court finds to be a valid and subsisting lien and the second and best lien upon said premises, and now upon the fund arising from the sale of said premises.

The Court further finds that the said defendant Catherine Mackan obtained a judgment against the said M. F. Cody, and Anna E. Cody, by the consideration of the Court of Common Pleas of Union County, Ohio for the sum of \$231.<sup>16</sup> and costs in the sum of \$6.<sup>00</sup> ans. for which the Court finds that the said Catherine Mackan, has, and holds, a valid lien, and the third best lien on said premises, and on the funds arising from the sale thereof.

It is therefore ordered, by the Court, that an entry of release and satisfaction of said mortgage liens of the Peoples Saving and Loan Co., and The Union Banking Co. be entered of record in the office of the County Recorder of Union County, Ohio, according to law,

and that an entry of release and satisfaction of said judgment lien be entered of record, in the office of the Clerk of Court, of this

11144

11144

loc

sa

E

F

of.

#

br

jo

Final Record, Union County Probate Court

11144

County, in so far as it relates to, and, releases said real estate, according to law.

It is further ordered, that the said Anna E. Cody, out of the money, in her hands, pay:

First

To the treasurer of this county, the sum of \$38.30, taxes, penalty, and interest thereon.

Second.

To this court, the costs of this action \$17.00

Third.

To the Peoples Savings & Loan Co - \$25.29.68

Fourth.

To the Union Banking Co. the balance, in her hands on its claim \$1665.02

It is further ordered, that this proceeding be recorded, and, that the said plaintiff pay, the said costs.

W. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11147  
July 23/27  
C.A. Hoopes  
atty

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio.  
no. 10975

Nellie C. Westlake Exr.  
of the estate of  
Nellie C. Westlake,  
Deceased.  
Plaintiff.

Civil action

Nellie C. Westlake  
E. B. Westlake  
C. H. Westlake  
and C. O. Westlake  
and J. H. Westlake.  
Defendants

Petition to sell Real Estate

Petition.

The Plaintiff represents that she is the duly appointed and qualified executrix of the estate of Nellie C. Westlake late of Union County, Ohio, deceased, that the amount of debts due from the deceased is Two Thousand Dollars, as near as they can be ascertained that the charges of administration of said estate will amount to about one thousand and fifty Dollars, and that the total value of the personal estate and effects of said deceased is but One thousand, and twenty-five Dollars, being wholly insufficient to pay the debts and costs aforesaid.

Petition

The Plaintiff further represents that said Nellie C. Westlake did seized in fee simple of the following described real estate, situated in the County of Union State of Ohio, and in the village of Marysville, to-wit:

Being 26 ft. off of the N. side of In-lot 375, and 26 ft. off of the E. side of In-lot 376, and running same width the full depth of said lots. For a more definite description of said lots see the recorded plat of same at the Union Co. Recorder's office.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent and that the amount of said appraisement is -----

That the defendant Nellie Westlake is the sole devisee and legatee of said decedent, and the defendants E. B. Westlake, C. H. Westlake and C. O. Westlake and J. H. Westlake are the only next of kin of said decedent, having the next estate of inheritance

11147

Cash

Principle

Filing

from  
an  
ac  
Jo  
in  
The  
de  
the  
bro  
S.  
2.  
di  
ac  
The  
ju  
pro  
sa  
an  
sa  
Con  
du  
an  
ter  
an  
su



Final Record, Union County Probate Court

11147

from said Nellie C. Mattlake deceased, in said premises, the Plaintiff therefore prays, that she may be authorized and ordered to sell said real estate according to the statute in such case made and provided, and for all other proper orders, and relief in the premises,

Nellie Cody Mattlake, Ex. of the estate of Nellie C. Mattlake, Dec'd

Oath

The State of Ohio, Union County,

Nellie C. Mattlake the within named Plaintiff being duly sworn, says, that the various matters and things set forth in said petition are true, to the best of her knowledge, and belief.

Nellie Cody Mattlake,

Subscribed to before me, and signed in my presence, this 23 day of July, 1927. C. A. Hoopes, Notary Public

Probate Court, Union County, Ohio,

No. 10975-

Precipe

Warrant

To the Probate Judge:

Issue summons for said J. M. Mattlake Defendant directed to the Sheriff of Franklin Co., returnable according to law.

C. A. Hoopes Plft. atty.

Filing

In the Probate Court of Union Co. Ohio, July 23- 1927.

Journal Entry: Filing Petition.

This day came the Plaintiff Nellie M. Mattlake and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said Nellie C. Mattlake, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer, of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CINC., O. 6205

11147

Summons

Probate Court,

Summons,

The State of Ohio, Union County,  
To the Sheriff of said County,

You are commanded to notify J. H. Westlake  
1301 W State St. Columbus. that on the 23 day of Feb. 1927  
Nellie Cody Westlake Ex. of the estate of Nellie C. Westlake  
deceased, filed his petition in the Probate Court of said  
Union County, Ohio, against them and others; the object and  
prayer of which petition is to obtain an order for the  
sale of certain Real Estate belonging to said decedent,  
in said petition described, for the purpose of paying debts  
and that unless they answer by the 1 day of Oct. 1927  
said petition will be taken as true, and an order  
granted accordingly.

Said Sheriff will make due return of this  
writ on the 12 day of Sept. 1927.

Witness my hand and the seal of said Court  
this 30 day of August, 1927.

W. H. Husted, Probate Judge

Sheriff's  
Return

Sheriff's Return

The State of Ohio, Franklin Co-

Received this writ Aug 31-1927, at 9 a.m.  
on Sept. 7-1927. I served the writ named  
J. H. Westlake by leaving for him at his usual  
place of residence, a true and certified copy of this  
writ with all the endorsements thereon.

Walter F. Linsup, Sheriff Franklin Co. O.  
By J. H. Everett, Deputy.

Sheriff's Fees

Service on Return 75  
Miscellaneous 40  
Postage 06 Total \$121

Filed Oct. 13/27

Waiver

Probate Court Union County, Ohio,

Waiver

We the undersigned parties defendant to the Petition  
in the above entitled action, do each of us, hereby  
waive the issuing and service of summons, and  
voluntarily enter our appearance, as shown, Defendants.  
And we do hereby consent to the sale of the  
Real estate described in the petition in said  
action according to prayer of the same.

Aug. 29-1927.  
C. H. Westlake,  
Nellie Cody Westlake  
E. B. Westlake  
C. O. Westlake.

11147

Private

Sale

part

affidavit  
Disinterested

order for  
Private sale

11147

Application to sell Real Estate at Private Sale - Probate Court, Union County, Ohio.

Private Sale

The said Plaintiff represents that it would be for the best interest of the said estate and the beneficiaries thereof to sell the real estate described in the petition in this case at private sale, for the following reasons:

That said real estate can be sold to a better advantage and for a larger sum at private than at public sale.

And she therefore asks for an order authorizing her to sell said real estate at private sale.

Mellie Cody Mattake, Ex. of Nellie C. Mattake Dec'd.

The State of Ohio, Union Co.

oath

Mellie Cody Mattake being duly sworn, says, that the various matters set forth in the foregoing application are true, as she truly believes.

Mellie Cody Mattake.

Sworn to before me, and signed in my presence, this 17-day of Oct. 1927. Seal C.A. Hoopes Notary Public.

affidavit Disinterested

Affidavit of Disinterested Persons Louis P. Rausch, and W. F. Brudrick being duly sworn, says, that they know the facts set forth in the application to which this affidavit is attached, that they have no interest whatsoever, in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale - as they truly believe. Louis P. Rausch, W. F. Brudrick, Sworn to before me, and signed in my presence this 17-day of Oct. 1927. Seal C.A. Hoopes Notary Public

Probate Court, Union County, Ohio, October 17-1927.

Order for Private Sale, etc.

order for Private-sale

This day this cause came on to be heard upon the petition, evidence, and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true,

# Final Record, Union County Probate Court

THE W-W-S CO., CINC., O., #203

11147

That said Nellie C Westlake deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered, that another appraisement be, and hereby, is dispensed with. And the Court being satisfied that it is necessary to sell the real estate of said Nellie C. Westlake, described in the petition to pay her debts, and it being made to appear to the Court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered that said Nellie C. Westlake as such Executrix proceed to sell said real estate, free of dower, at private sale, for not less than the appraised value thereof, on the following terms, to wit: Cash, in hand, on day of sale.

Said said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge

Order

of  
Sale.

Order of Sale, Free from Dower.

The State of Ohio, Union Co. Probate Court.  
To, Nellie C. Westlake, Executrix: Greeting.

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you as executrix of the estate of Nellie C. Westlake are Plaintiff and E. B. Westlake et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, the dower, of

The following described premises, to wit:

Situated in the State of Ohio, Union County, and village of Marysville, being 26 feet off of the West side of In. lot 375 and 26 feet off of the East side of In. lot 376 and running same width the full depth of said lots.

Said sale to be for the highest price obtainable and to be upon the following terms: Cash, in hand on day of sale.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 17 day of October 1927.

W. H. Husted  
Probate Judge

11147

To...

ca...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

fu...

Report

of

Sale

Order

Confirmation

11147

Return

To the Probate Court of Union County, this  
In obedience to the foregoing order, I have  
caused the same to be duly executed, as will  
fully appear by the proceedings hereto attached.  
Dated the 17 day of Oct. 1927  
Nellie Cady Westlake, Executrix

Report

Report of Sale - Private

In obedience to the within order, I sold said  
premises on the 17 day of Oct. 1927 to Clara J.  
Westlake for the sum of Fifteen Hundred Dollars,  
said sum being the appraised value of the  
same.

Dated Oct. 17 - 1927. Nellie Cady Westlake, Ex<sup>r</sup>.

Order

The State of Ohio, Union County,  
The above named, Nellie Cady Westlake being duly  
sworn, says that the sale above reported has  
been made after diligent endeavor to obtain the  
best price for said property, and that said sale  
is for the highest price she could get for said  
property. Nellie Cady Westlake, Ex<sup>r</sup>.

Sworn to before me this 17 day of Oct. 1927.  
C. A. Hoopes, Notary Public

Confirmation

Journal Entry: Orders approving & Confirming Sale.  
Probate Court, Union County, Ohio.  
Oct. 17 - 1927.

This day this cause coming on to be heard on  
the report of Nellie Cady Westlake, executrix  
of the estate of Nellie C. Westlake deceased, of her  
proceedings and sale under the former order  
of this Court, and upon the motion of said  
petitioner to confirm the sale made in obedience  
to said order: the Court having carefully  
examined said report, and finding the  
proceedings of said petitioner in all respects correct,  
and being satisfied that said sale was  
fairly and legally made.

It is ordered that the same be and  
hereto is approved, and confirmed.

It is further ordered, that said petitioner  
execute a deed of all the right, title and  
interest of the said Nellie C. Westlake in said  
real estate, to the purchaser, Charles J. Westlake

It is further ordered that this proceeding be recorded, & that said  
petitioner pay costs \$13.00  
W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W. W. S. CO., CINC., O., #203

11167  
Sept 28/27

L. L. Davis  
Plaintiff  
atty.

Petition for Sale of Real Estate to Settle Estate  
Probate Court. Union Co. Ohio.

Geo. D. Wise, Brown,  
Adx., with the Will annexed  
of David Wise deceased.  
Plaintiff

no. 11167  
Civil action

Lydia A. Wise  
William F. Wise  
Walter Wise O'Harro  
Geo. D. Wise & Brown.

Petition

Defendants.

The Plaintiff represents that she is the duly appointed and qualified Adx. with the Will annexed of the estate of David Wise late of Jerome Tp. Union County, Ohio, deceased; that the amount of debts due from the deceased, is - nil - that the charges of administration of said estate will amount to about \$600- and that the total value of the personal estate and effects of said deceased is, but \$600-.

Petition

The Plaintiff further represents that said David Wise died seized in fee simple of the following described real estate, situated in the County of Union State of Ohio, and in the Township of Jerome.

Being part of Survey # 5166, to wit:

Beginning at a stone (three sugars gone) southerly corner to Survey no 5166; thence with the easterly line of said Survey North 35° N. 104 poles to two hickories; thence S. 55° N. 210 poles to a stake in the center of the Marysville and Columbus Road; thence with the center of said Road S. 52° E. 108 Poles to a stake in the southerly line of said Survey no. 5166; thence with said line N. 55° E 179 Poles to the beginning, containing 126 acres and 69 poles, more or less.

Being part of Survey no. 5166, Surveyed by Andrew S. Mowry Surveyor of Union Co. Ohio, April 13 - 1875, and recorded in Surveyors Record no. 2, Pg 281.

Plaintiff represents that said real estate was appraised in accordance with the order

11167

of a  
app  
the  
E  
Ly  
in  
M  
M  
an  
ha  
D  
sa  
the  
to  
m  
ac  
m  
rea  
pro  
m  
an  
J  
L  
bin  
un  
to  
Sm  
thi  
an  
pro  
of a  
an  
of.

Filing  
Petition

Oate

Final Record, Union County Probate Court

11167

of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent and that the amount of said appraisement is Eighteen thousand nine hundred dollars

The said decedent died leaving the defendant Lydia A. Wise his widow who is entitled to dower in said premises; that the defendants

William F. Wise

Willie O'Harr (or Helen Wise O'Harr)

the Plaintiff

Les D. Wise Brown

are the only heirs at law of said decedent having the next estate of inheritance from said David Wise deceased, in said premises

The Plaintiff therefore prays that the dower of said Lydia A. Wise

that the rights interests and liens of the said Helen Wise O'Harr and Les D. Wise Brown,

may be fully determined, adjusted, and protected according to equity, and that your petitioner may be authorized and ordered to sell said real estate and make distribution as the will provides, according to the statute in such case made, and provided, and for all other proper orders and relief in the premises.

Les D. W. Brown.

Oath

The State of Ohio Union County.  
Les D. W. Brown, <sup>adv.</sup> the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

Les D. W. Brown.

Sworn to before me, and signed in my presence this 21-day of July, 1927.

P. A. Davis, Notary Public

Filing Petition

In the Probate Court of Union County, Ohio  
Sept. 28 - 1927.

Journal entry: Filing Petition to sell Real Estate. This day came the plaintiff Les D. Wise Brown, Adv., with the Will annexed, of David Wise, Dec'd, and presented to this Court her petition, duly verified, praying an order for the sale of real estate of said David Wise deceased, to pay the debts and the costs of administering the estate of the said decedent.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O., 6203

11167

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer, of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Stroud, Probate Judge

Warrant

Warrant

We, the undersigned, hereby waive the issuing and service of summons in the foregoing proceeding and hereby voluntarily enter our appearance herein and consent to the sale of said real estate as prayed for in the petition.

Lydia A. Wise,  
William F. Wise

Sept 28, 1927

Warrant

Warrant

We, the undersigned, hereby waive the issuing and service of summons in the foregoing proceeding and hereby voluntarily enter our appearance herein and consent to the sale of said real estate as prayed for in the petition.

W. H. Wise & Co.

Sept. 28-1927.

Answer of widow

Answer of Widow.

Probate Court, Union County, Ohio,  
No. 11167.

And now comes Lydia A. Wise one of the defendants in the above entitled cause and voluntarily enters her appearance herein and for answer to the petition in this case filed, says that she is the widow of said David Wise, Dec. and as such is entitled to dower in the premises described in said petition, that her age is 89 years, and she freely consents to said sale as prayed for and waives the assignment of dower in said premises, by metes and bounds, or, in rents and profits and asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower estate may be allowed and paid her in life thereof out of the proceeds of the sale, by such sum of money, as the Court deems just

11167.

Order

orders on  
Hearing  
appraisement.

11167



Final Record, Union County Probate Court

11167.

and reasonable value of her dower interest in said real estate

Lydia A. Wise,

Oath

The State of Ohio, Union County,  
Lydia A. Wise being duly sworn, says that the statements in the foregoing answer are true, as she verily believes.

Lydia A. Wise,

Sworn to before me, and signed in my presence, this 6. day of Oct., 1927.

L. A. Davis, Notary Public

orders on  
Hearing  
appraisement.

Journal entry: orders, on hearing appraisement.

Probate Court, Union Co. O.

Oct. 6-1927.

This day this cause came on to be heard upon the petition of, Lis. D. Wise Brown, ady., with the will annexed, of, David Wise, deceased, and, the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court, and, that the statements and allegations in said petition are true. That Lydia A. Wise widow of said David Wise is entitled to her dower in said real estate; That said Lydia A. Wise by her answer herein waives the assignment of dower in said premises by metes and bounds or in rents and profits, and consents to the sale of said premises free from her dower estate therein, and, the Court, being satisfied that it is necessary to sell the real estate of said David Wise described in the petition, to comply with the conditions of the will of said David Wise, dec'd.

It is ordered, that Lis. P. Rausch, Charles Dickson and, A. C. Daniels, three suitable and judicious disinterested men of the vicinity of said real estate, who are freeholders, be and, they hereby are appointed to appraise said lands, at their true value in money, free from the dower estate of, said Lydia A. Wise, therein.

11167

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11167

It is further ordered that said appraisers be sworn as required by law and afterward upon actual view perform the duties required of them and make return of their proceedings in writing to this Court on or before the 20 day of Oct. 1927 and this cause is continued.

W.H. Husted Probate Judge

Order of appraisement

Order of appraisement

The State of Ohio Union County Probate Court  
To Leo D. Wise Brown Adm. with the Will annexed  
of David Wise Deceased. Meeting:

In obedience to an order and decree of the Probate Court within and for said county made this day in a certain cause wherein you as said administrator are Plaintiff and Mrs. F. Wise et al. are Defendants you are commanded that by the oath of Leo P. Rausch, Charles Dickson and A.C. Daniels judicious disinterested men by the vicinity not of kin to the petitioner who are freeholders of the county in which said real estate is situated and upon actual view you cause a just valuation and appraisement to be made according to law of the following described premises free of the dower estate Lydia A. Wise therein to wit:

Beginning at a stone (Three sugars gone) South easterly corner to Survey No. 5166. Thence with the Easterly line of said Survey N. 25° W. 104 poles to two hickories; thence S. 55° W. 210 poles to a stake in the center of the Marysville and Columbus Road; thence with the center of said Road S. 52° E. 108 poles to a stake in the southerly line of said Survey No. 5166; thence with said line N. 55° E. 179 poles to the beginning containing 126.42 acres more or less.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville, O. this 6 day of Oct. A.D. 1927.

W.H. Husted Probate Judge

Return

Return

To the Probate Court of Union County Ohio.  
In obedience to the foregoing order, I

11167

Order of appraisers

Order

Apprais Return

hand  
full  
the  
out  
an  
rea  
dut  
ord  
of  
this  
the  
of  
Sov  
11  
of  
Sign  
rea  
Le  
Giv  
Fe

Final Record, Union County Probate Court

11167

have caused, the same, to be duly executed, as will fully appear by the proceedings hereto attached. Dated the 11-day of Oct. 1927. Leo Wise Brown, Adm.

Cash of appraisers

Oath of appraisers

The State of Ohio, Union County. We, the undersigned, appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

Leo P. Rausch, Charles Dixon, A.C. Daniels & appraisers, sworn to before me and signed in my presence, this 11-day of Oct. 1927. Seal L.A. Davis Notary Public.

Appraisers Return.

The State of Ohio, Union County.

Oath

We, the undersigned, appraisers, do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

Leo P. Rausch, Charles A. Dixon, A.C. Daniels & appraisers, sworn to before me and signed in my presence, this 11-day of Oct. 1927.

Seal L.A. Davis, Notary Public.

Appraisers Return.

Appraisers Return.

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers, estimate the value of said real estate, at \$85.00 per acre.

Ten thousand seven hundred forty-five dollars (\$10457.00) free of said dower estate.

Given under our hands this 11-day of Oct. 1927.

Leo P. Rausch, Charles A. Dixon, A.C. Daniels - appraisers.

Fees of apprs. \$2- per day, each

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11167

Journal entry: Confirming appraisement & ordering Bond.  
 Probate Court, Union Co. O. Oct. 11 - 1927,  
 This day came, the said Plaintiff, by her attorney  
 and produced, to the Court, the report of an  
 appraisement herein made by Geo. C. Rausch, Chas  
 Dickson and A.C. Daniels, in pursuance of a former  
 order of this Court; and, it appearing upon examination  
 that said report is in all respects regular and  
 correct, it is ordered, that the same, be, and hereby, is  
 approved, and confirmed.  
 It further appearing to the Court, that it is not  
 necessary to sell said lands to pay debts, but, to  
 comply with the provisos of the will, of said decedent,  
 David Wise, and it further appearing to the Court  
 that an additional bond should be given by the  
 said Geo. D. Wise Brown to secure the assets arising  
 from the sale of said real estate  
 It is further ordered, that said Geo. D. Wise Brown  
 execute within 10 days, to the State of Ohio, a  
 Bond, with sufficient freehold sureties to be approved by the  
 Court, in the sum of Ten thousand Dollars,  
 according to law, and this cause, is continued.  
 W. W. Husted, Probate Judge

Bond

Bond.  
 Know all men by these Presents; That, we, Geo. D. Wise Brown,  
 Chas. D. Brown and Helen W. Tharrs, are here and  
 firmly bound unto the State of Ohio, in the sum of  
 Ten thousand Dollars, for the payment of which  
 we, hereby jointly and severally bind ourselves, our  
 heirs, executors, and adminrs.,  
 Signed by us, and dated at Mansfield, O., this  
 11. day of Oct., 1927.  
 The condition of the above obligation is such,  
 that, whereas, the above bound Geo. D. Wise Brown  
 was, heretofore duly, appointed my qualified  
 by, the Probate Court of Union Co. O. Adm<sup>r</sup> of the  
 estate of David Wise deceased,  
 And, whereas, the said Geo. D. Wise Brown  
 as such Adm<sup>r</sup>, has filed a petition in said  
 Probate Court, asking for an order for the sale  
 of certain Real Estate of said decedent described  
 in said petition;  
 And, whereas, said Court, on the 11. day of  
 Oct. 1927, made an order regarding said Adm<sup>r</sup> etc.,  
 to execute a bond according to the statute  
 in such cases made, and provided.

11167

Approving  
 Bond  
 for  
 Public Sale.

No  
 Cha  
 from  
 res  
 for  
 of  
 to  
 19  
 Jo  
 The  
 app  
 Se  
 has  
 of  
 Ho  
 it  
 us,  
 real  
 at  
 Char  
 term  
 g  
 tim  
 her  
 bo  
 to  
 u.  
 Leg  
 notie  
 Pu  
 the  
 for  
 on  
 fol  
 Am  
 a  
 Bey

Final Record, Union County Probate Court

111 67

Now, of the said Leo D. Wise Brown, as aforesaid shall account for all the further assets arising from the sale of said Real Estate and that shall remain after payment of the debts and charges for which the land shall be sold, and to dispose of the same according to law, then this obligation to be void, otherwise to remain in full force.

Leo Wise Brown  
Helen Wise Brown  
Chas D. Brown.

This Bond approved in open court, 11 - of Oct. 1927. Seal W. Husted, Probate Judge

Approving Bond for Public Sale.

Journal Entry: Order approving Bond for Public Sale, etc. Probate Court, Union County, Ohio Oct. 11 - 1927.

This day this cause came on further to be heard, app. it appearing to the Court, that the said Leo D. Wise Brown the Plaintiff above named has given bond as heretofore ordered, in the sum of Ten Thousand Dollars, with Chas. D. Brown, and Helen W. Brown, freeholders as, sureties; it is ordered that said Bond be and hereby is approved.

It is therefore ordered, that said Leo D. Wise Brown as, such. Ady. proceed to sell according to law, the real estate, described in the petition for do over at public auction the said premises, for not less than 2/3 the appraised value thereof, on the following terms, to wit: cash in hand on day of sale.

It is further ordered that said petitioner give notice 4 weeks consecutively of the terms and time and place of sale, prior thereto, in some newspaper printed and of general circulation in Union County Ohio, where said real estate is situate.

And said petitioner is ordered to make return to this Court immediately after such sale is made.

W. Husted, Probate Judge -

Legal notice

Legal notice

Administrative Sale of Real Estate. Pursuant to an order of sale to me directed by the Probate Court of Union County, I will offer for sale on the premises to the highest bidder on the 10 - day of November, 1927, at 1. P. M. the following real estate situate in the County of Union State of Ohio, in the Township of Jerome; being a part of Survey No. 5-166 described as follows: Beginning at three Sugar trees corner of Meads

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11167

Survey No. 5166: thence with the original line of Survey No. 37° N. 104 poles to two Hickory trees; thence S. 53° W. 214 poles to a large sugar tree on the manypile road; thence along said road S. 53° E. 180 poles to a stake in an original line of said survey 2 poles S. 53° W. from an ash tree, sugar tree and an Ironwood tree marked as a corner; thence with said line N. 53° E. 184 poles to the beginning, containing 126. a. 68 poles more or less.

and also known as the David Wise farm.

appraised at \$10,745<sup>70</sup>

Terms: cash-

Les. D. Wise Brown adx.

B. E. Thomas, Auctioneer.  
 L. A. Davis, atty.  
 Oct. 12-1927.

Oath

The State of Ohio, Union County ss.  
 Personally appeared before me, Lewis Huber, and made solemn oath, that the notice, a copy of which is hereto attached, was published for four consecutive weeks, on and next after October 12-1927, in the weekly manypile Tribune a newspaper of general circulation in the county aforesaid.

Lewis Huber.

Brown to before me, and signed in my presence this 11-day of November, 1927.

Witness my hand and seal this 11th day of November, 1927.

Notary Public  
 Paid at Tribune office by Chas. Brown.

Order of

Order of Sale  
 The State of Ohio, Union County, Probate Court,  
 To Les. D. Wise Brown adx., with the will annexed of the estate of David Wise, Deceased.

In obedience to an order and decree of the Probate Court within and for said county, made this day, in a certain cause, wherein you, as such adx., are Plaintiff and William F. Wise et al are defendants, you are commanded to proceed according to law, to sell at public sale for not less than <sup>2</sup>/<sub>3</sub> the appraised value thereof the dower of Lydia A. Wise widow of David Wise deceased, the following described premises, to wit: situated in the county of Union, in the State of Ohio, and in the township of Jerome, and bounded and described as follows:

Being part of Survey No. 5166,  
 Beginning at a stone (3 sugars gone)

11167

part  
 with  
 pole  
 to a  
 hole  
 wa  
 son  
 said

Liz

Cas

y  
 Cour

Pro  
 Oct

Return

To

Car  
 full

Report

of  
 Sale.

To

The

ma  
 ye

sa  
 Cou

the

the

the

the

the

Final Record, Union County Probate Court

11167

southeasterly corner to Survey no 5166. Thence, with the easterly line of said Survey N. 35° W. 104 poles to 2. hickories; Thence S. 55° W. 210 poles to a stake in the center of the maysville and Columbus Road; Thence, with the center of said road S. 52° E. 108 poles to a stake in the southerly line of said Survey no. 5166; Thence with said line N 55° E. 179 poles, to the beginning.

Containing 126 acms. and 65 poles.

Said sale to be free of the dower of Lydia A Wise and, to be upon the following terms: Cash in hand upon delivery of deed

You, will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Maysville this 11th day of Oct. 1927. Seal W. Husted, Probate Judge -

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 14 day of Nov. 1927.

Geo. D. Wise Brown, Adm., etc.

Report of Sale.

Report of Sale. Public.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Maysville Tribune a newspaper, printed and of general circulation in Union County, Ohio, where said real estate is situate, for at least 4 consecutive weeks prior to the 10 day of November, 1927, the day of sale therein mentioned; stating in the notice the time, place, and terms of sale; and on said day, at the hour of 1.00 clock P.M. I attended on the premises and offered said real estate for sale, free of dower estate of Lydia A Wise, therein, when, G. E. Herriott bid to pay for the same the sum of ninety-one hundred dollars which being the highest and best bid that was offered and being more than 2/3 of the appraised value of said premises, I then and there sold the same to G. E. Herriott for that sum.

Dated 14 day of Nov. 1927.

Geo. D. Wise Brown,

Adm., etc.,

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11167

Report of Sale - *David Wise*

The State of Ohio, Union County,

The above named *Geo. D. Wise Brown*, being duly sworn, say that the sale above reported was lawfully made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

*Geo. D. Wise Brown, Adm.*

Shown to before me, and signed in my presence this 14 day of November 1927

*W. H. Husted, Probate Judge*

Journal Entry: Orders approving and confirming sale, Probate Court, Union County, Ohio, November, 14 - 1927.

Approving  
and  
confirming  
sale

This day the cause coming on to be heard on the report of *Geo. D. Wise Brown, adm.* with the will annexed of *David Wise*, deceased, of her proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right title and interest of said *David Wise* deceased, in said real estate to the purchaser, *G. E. Herrriott* upon the said purchaser paying the purchase price of \$9100.00 in money

It is further ordered, that this proceeding be recorded, and that said petitioner pay costs \$13.00

*W. H. Husted, Probate Judge*

11197

Filed  
Oct. 23/27

*Richard C. Thrall*  
attly.

*Fred  
Ma  
Ja  
23  
An  
Tra  
Flo  
Gr  
23  
Lic  
aw.  
The*

Petition

*The  
app  
I  
tha  
de  
can  
tim  
\$25  
est  
The  
to p  
The  
die  
de  
of  
of  
3*

649

*no  
Kof  
N  
con  
238  
sai*



Final Record, Union County Probate Court

11197  
Filed

Oct. 23/27

Richard C. Howell  
attly.

Petition for Sale of Real Estate to Pay Debts  
Probate Court, Union County, Ohio  
No. 11197

Lillian N. Trumbly, adx.,  
of the estate of  
J. W. Trumbly, Deceased,  
Plaintiff.

v.

Fred Trumbly  
Ma H. L. Davies  
James C. Trumbly  
Blanche Calhoun,  
Anna L. Atkins  
Frances W. Trumbly  
Flora T. Norris  
Gyepha T. Shipp  
Ben Mc. Allister  
Lillian N. Trumbly  
-w.

The Prudential Life  
Insurance Co. of America,  
Defendants

civil action

Petition to  
sell Real estate

Petition.

Petition

The Plaintiff represents that she is the duly appointed and qualified adx. of the estate of J. W. Trumbly late of Union County Ohio, deceased; that the amount of debts due from the deceased, is five thousand dollars, as near as can be ascertained, that the charges of administration of said estate will amount to about \$250- and that the total value of the personal estate and effects of said deceased is but three thousand dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said J. W. Trumbly died seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and in the Township of Liberty to wit:

First tract:

Being part of Surveys nos. 5-5778-5641-5806-6495; and bounded, and described as follows:

Requiring at a stone N.E. corner of Survey no. 65-63-6778 and in the center of the Hoff Road; thence with the center of said Road N. 11° 30' E. 37.80 poles, to a stone; thence continuing with the center of the road N. 238.60 poles, to a stone in the center of the said road, and S. line of Survey no. 5-635;

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11197

thence with said line S. 78° E. 211 poles to a stone (his ashes) N.W. Corner of Thomas Yeakley's land; thence with the N. line of said land, and continuing with the N. line of John Armstrong's land S. 11° 30' W. 271 poles to a stone (his ashes) and Hickory N.E. Corner of W. F. Jackson's land; thence N. 78° W. 164 poles to the beginning containing 311.83 acres, more or less. Excepting therefrom three pieces of land containing twenty-five acres each heretofore sold and conveyed by S. B. Goff, W. P. Goff, and William H. Goff to Alice A. Collins, Elizabeth A. Collins, Joseph A. Collins, leaving 236.83 acres

Excepting from the above described real estate a tract of 42.14 acres and also another tract of 25.20 acres this day conveyed by said Grantor to his Grantee (see deed description) by separate deed and also to Joseph Collins in the same partition cases, reference to the records of which deed is hereby made.

The real estate hereby conveyed contains 169.49 acres, and is the third parcel of the fifth parcel in said partition.

Second Tract:

Situated in said County and Township and part of Survey nos. 5778- 5641- 5806- 6495 and bounded and described in the petition filed in the Court of Common Pleas in Licking County, Ohio, in the above partition proceeding which lies east of the 24 acre tract owned Joseph Collins and lying N. of the S. line of said Joseph Collins' twenty-five acre tract extending east to the east line of said whole tract containing 42.14 acres and being parcel no. one as subdivided by commissions in Partition appointed to partition said fifth parcel in said Union County, reference being made to the records of said proceedings in said Licking Co. Common Pleas Court.

The foregoing description containing in all 211.63 acres.

The Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent;

The said decedent died leaving the defendant Lillian H. Truby his widow who is entitled to dower in said premises;

11197

the  
Bl  
Tr  
Be  
de  
fr  
pre  
In  
by  
des  
o  
of  
in  
inle  
Jan  
Ar  
gr  
C  
deter  
exp  
an  
sa  
ca  
for

Path

Filing  
Petition

The  
br  
to  
the  
N  
A  
ca  
du  
real  
to  
of

Final Record, Union County Probate Court

11197

that the defendants Mable L. Davis James C. Trimby, Blanche Calhoun, Fred E. Trimby, Anna L. Atkins Francis Trimby, Flora Norris, Zephra T. Shipp and Ber McAllister, are the only heirs at law of said decedent having the next estate of inheritance from said J. H. Trimby deceased, in said premises, that the defendants Prudential Life Insurance Company of America claim a lien by mortgage against the real estate above described.

The Plaintiff therefore prays that the dower of said Lillian N. Trimby in said premises may be assigned and set off to her; that the rights interests and liens of the said Mable L. Davis, James C. Trimby, Blanche Calhoun, Fred E. Trimby, Anna L. Atkins, Francis Trimby, Flora Norris, Zephra Shipp and Ber McAllister and The Prudential Life Insurance Co. of America, may be fully determined, adjusted and protected according to equity, and that your petitioner may be authorized and ordered to sell said real estate free from said dower, according to the statute in such case made and provided, and for all other proper orders and relief in the premises.

Lillian N. Trimby, adx.

Oath

The State of Ohio, Union County,  
Lillian N. Trimby the within named Plaintiff being duly sworn, says that the various matters therein set forth in said petition are true to the best of his knowledge and belief.  
Lillian N. Trimby, adx.

Sworn to before me, and signed in my presence, this 28. day of Oct. 1927.  
Richard C. Thrall, Notary Public

Filing Petition

In the Probate Court of Union County, Ohio,  
Oct. 28- 1927. No. 11197.

Journal entry: Filing Petition.

This day came the plaintiff Lillian N. Trimby, Adx. of the estate of J. H. Trimby, deceased, and represented to this Court her petition duly verified praying an order for the sale of real estate of the said J. H. Trimby deceased, to pay the debts and the cost of administration of the estate of the said decedent.

Whereupon, it is considered and ordered

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11197

this court, that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.  
W. H. Husted, Probate Judge

Waiver

Waiver of Summons.

Probate Court, Union County, Ohio.

We, the undersigned, parties Defendant, to the Petition in the above entitled action, do each, of us, hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such Defendants, and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Oct. 28, 1927

Blauche Colburn, Flora T. Norris, Francis H. Trinity  
Joseph T. Shipp, J. C. Trinity, Fred Trinity,  
Anna L. Atkins, Malal Davis, Mrs. M. K. Allister,  
The Prudential Life Ins. Co. of America.  
By, Richard C. Thrall, Third Atty.

Lansing, Mich. 1927.

We are willing to sell the farm known as the J. H. Trinity farm, Liberty Twp. Union Co. O. for sum \$6000-

Signed, Blauche Colburn

Delaware O. Oct 1927.

I am willing to sell the J. H. Trinity farm 211 a. Liberty Twp. for not less than \$6000-  
Flora T. Norris

Freeport, O. Oct. 12-1927.

We are willing to sell the farm known as J. H. Trinity farm Liberty Twp. for not less than \$6000-  
Francis H. Trinity Opal T. Trinity.

Oct. 17-27, Columbus, O.

We are willing to sell the farm known as J. H. Trinity farm Liberty Twp. for not less than \$6000-  
Ernest L. Shipp Joseph T. Shipp

Hoyland Park, Mich. Oct 1927

We are willing to sell the farm known as J. H. Trinity farm for not less than \$6000-  
J. C. Trinity Lena C. Trinity

11197

me  
J. H.  
The

Hearing  
of  
appraisalment

the  
# 6

Jos

The

the

con

The

an

end

pro

an

J.

in

by

do

or

the

the

ne

J.

to

a.

Jud

of

the

law

for

the

J.

by

up

the

inform

Final Record, Union County Probate Court

11197

Clashe Colo. 1927

We are willing for Lillian N. Trimbly, adx. to sell the J. H. Trimbly farm 211a. Liberty Twp. for not less than \$6000-

Fred E. Trimbly, Anna L. Atkins, J. F. Atkins

Marysville, O. Oct 22-1927

We are willing to sell the farm known as the J. H. Trimbly farm. Liberty Twp. for not less than \$6000-

Mabel L. Davies, Ben T. McAllister Lillian N. Trimbly

Hearing of appraisement

Journal entry: orders on Hearing of appraisement Probate Court, Union County, Ohio,

Nov. 26-1927

This day this cause came on to be heard upon the petition, evidence and testimony and the Court, being fully advised in the premises finds

That all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein and are now properly before the Court, and that the statements and allegations in said petition are true.

That said Lillian N. Trimbly widow of said J. H. Trimbly deceased is entitled to her dower in said real estate; That said Lillian N. Trimbly by her assent herein waives the assignment of dower in said premises, by metes and bounds, or in rents and profits and consents to the sale of said premises free from her dower therein.

and the Court, being satisfied that it is necessary to sell the real estate of said J. H. Trimbly deceased in the petition to pay his debts.

It is ordered, that A. A. Wilgus, P. V. Pursaw, E. Norman C. Bourn, three suitable and judicious disinterested men of the vicinity of said real estate, who are free holders, be and they hereby are appointed to appraise said lands, at their true value in money, free from the dower estate of said Lillian N. Trimbly, therein.

It is further ordered, that said appraisers be sworn, as required by law, and afterwards upon actual view, perform the duties required of them, & make return of their proceedings in writing to this Court, on or before the 28th Nov. 1927. & This cause is continued. W. F. Husted Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11197

Answer of Widow

Probate Court, Union County, Ohio,

no. 11197

Answer of Widow.

And now comes Lillian N. Trumbly, one of the defendants in the above entitled cause, and, voluntarily enters her appearance, herein, and, for answer to the petition in this case filed, says, that she is the widow of said J. N. Trumbly deceased, and, as such is entitled to her dower in the premises described in said petition, that her age is 50 years, and she freely consents to said sale as prayed for and, waives the assignment of dower in said premises, by, metes and bounds or, in rents and profits and asks the Court, that said premises may be sold free from her dower estate therein, and, that the value of such dower estate may be allowed and paid her in lieu thereof out of the proceeds of the sale, by, such sum of money, as the Court deems, the just and reasonable value of her dower estate in said real estate,

Lillian N. Trumbly.

On the

The State of Ohio, Union County,

Lillian N. Trumbly (being duly sworn, says that the statements in the foregoing answer are true, as she truly believes

Lillian N. Trumbly.

Sworn, to before me, and, signed in my presence, this 26 day of Nov. 1927.

Richard C. Small Notary Public.

Order

of Appraisement

Order of appraisement

The State of Ohio, Union County, ss.

Probate Court,

To Lillian N. Trumbly Adm<sup>r</sup> of the estate of J. N. Trumbly, deceased, Executors:

In obedience to an order and decree of the Probate Court, within and for said County made this day in a certain cause wherein you as Adm<sup>r</sup>, as aforesaid are Plaintiff and Fred N. Trumbly et. al. are Defendants, you are Commanded that by the oaths of, O. A. Wilgus, P. V. Benson, and Norman C. Brown, judicious disinterested men of the vicinity, not of kin, to the petitioner, who are freeholders, of the County in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law,

11197.

of l  
dor

to

Pr  
hor

Return

To

the  
by t

oath

of appraisers

The

oath

and

rea

the

for

So

the

Appraisers Return

for

pre

app

at

Gr

Confirming appraisers

The

in d

here

app

11197.

of the following described premises free from the  
dower estate of Lillian N. Timby therein. to wit:  
see description in Petition Pg. 69.

You will make return of your proceedings  
to this Court. forthwith upon execution of this order,  
witness my signature and the seal of said  
Probate Court. at Mansfield, Ohio, this 26-day of  
Nov. 1927. *seal* Wm. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused  
the same to be duly executed, as will fully appear  
by the proceedings hereto attached.

Dated the 26 - Nov. 1927.

Lillian N. Timby, Adm.

Oath of appraisers.

Oath

of

appraisers

The State of Ohio, Union County,

We, the undersigned appraisers do make solemn  
oath that we will, upon actual view, honestly  
and impartially appraise the within described  
real estate at its fair cash value and perform  
the duties required of us, in pursuance of the  
foregoing order.

O. A. Miquis, P. V. Busson, Norman C. Borm & appra-  
isors to before me, and signed in my presence,  
this 26 - day of November, 1927.

*seal*

Richard C. Drull,

Notary Public

Appraisers

Return

Appraisers Return

In obedience to the foregoing order, after being  
first duly sworn, and upon actual view of the  
premises therein described, we, the undersigned  
appraisers estimate the value of said real estate  
at Six thousand dollars - free said dower estate,  
Given under our hands, this 26 - day Nov., 1927.

O. A. Miquis, P. V. Busson, Norman C. Borm & appra-

In the Probate Court of Union County, Ohio  
Nov. 26 - 1927.

Journal Entry: Decree Confirming appraisement,  
An. ordering sale -

Confirming  
appraisers

This day this cause, came on further to be heard  
on the return of the plaintiff, of the appraisement  
herein, and it appearing to the Court, that said  
appraisement heretofore ordered, has been made

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11197

and reported to this Court; and the Court having carefully examined the same, finds that said appraisement has been made in all respects in conformity to law, and the former order of this Court the same is now here by the Court approved and confirmed.

The Court further finds that the said plaintiff as such Adm. has given bond in sufficient amount with approved sureties, conditioned according to law, and this cause coming on further to be heard, on the application of the plaintiff for an order to sell said real estate at private sale, and the same being submitted to the Court on the said application and the evidence adduced in support thereof, on consideration whereof the Court finds that it would be for the best interest of said estate and all parties interested therein that said real estate be sold at private sale.

It is thereupon by the Court ordered that said Lillian W. Trimby Adm. as aforesaid, proceed to advertise and sell the real estate aforesaid for or down, at private sale, at not less than the appraised value, thereof on the following terms to wit: cash in hand, on day of sale.

and further it is by the Court ordered, that said plaintiff make due return of her proceedings herein forthwith upon compliance with the terms thereof. W. H. Husted, Probate Judge.

Application

7,  
sell at,  
Private sale.

Application to Sell Real Estate at Private Sale,

Probate Court, Union County, Ohio

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case at private sale, for the following reasons:

1. Because, the full appraisal can be obtained while at public sale, the land might sell as low as 2/3 of the appraisal.
2. Because the delay and expense of public sale may thus be avoided, a purchaser, having all ready been obtained.

and she therefore asks for an order authorizing her to sell said real estate at private sale.

Lillian W. Trimby, Adm.

The State of Ohio, Union County, ss.

Lillian W. Trimby being duly sworn, says

11197

Affidavit  
of  
Disinterested  
Person.

Order of Sale. The

the  
aff  
br  
B  
fac  
aff  
wh  
it  
to  
ju  
du  
The  
2  
Pro  
this  
Adm  
refer  
no  
less  
the  
dec  
any  
7  
6493  
no  
Pro  
30  
with  
to  
line  
E. 2  
The  
of 2



Final Record, Union County Probate Court

11197

that the various matters set forth in the foregoing application are true, as she truly believes.

Lillian W. Trinky

sworn to before me, Nov. 26-1927.

Richard C. Thrall, Notary Public

Affidavit of Disinterested Person.

affidavit of Disinterested Persons see State of Ohio, Union County, ss.

O. A. Wilgus, P. V. Burson, & Norman C. Bourn.

Bourn, being duly sworn, say, that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matter therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, as they truly believe.

O. A. Wilgus, P. V. Burson, Norman C. Bourn.

sworn to before me, and signed in this 26-day of Nov. 1927. Richard C. Thrall, Notary Public.

Order of Sale. Free from, down.

The State of Ohio, Union County, Probate Court.

In Lillian W. Trinky, ady. of the estate of J. H. Trinky, deceased. Greeting:

In obedience to an order, and decree of the Probate Court, within and for said county, made this day, in a certain cause, wherein you as Ady. are Plaintiff and Fred H. Trinky et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than the appraised value, thereof free from the dower of Lillian W. Trinky widow of J. H. Trinky deceased, the following described, tract:

Situated in the County of Union State of Ohio, and the Township of Liberty: tract:

Tract No. 1.

Being parts of Survey nos. 5778-5641-5-806-6495 and bounded and described as follows: Beginning at a stone N. E. corner Survey no. 6563-6776, and in the center of the Goff Road; thence with the center of said road N 11° 30' E, 37.80 poles to a stone; thence continuing with the center of said road N. 23° 8.60 poles to a stone in the center of said road, and S. line of Survey no. 5635; thence with said line S. 78° E, 211 poles, to a stone (two ashes) N. E. corner of Thomas Yeansley's land; thence with the N. line of said land, and continuing with the N. line

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

111 97

of John Armstrong's land S. 11° 30' W. 271 poles to a stone  
(two bucker and chirkony) N.E. corner of W. F. Jackson's land;  
thence N. 78° W. 164 poles to the beginning containing  
311.83 acres more or less excepting therefrom three pieces  
of land containing twenty-five acres each heretofore  
sold and conveyed by S. B. Goff, H. P. Goff, and William  
H. Goff to Alice A. Collins, Elizabeth A. Collins, Joseph A.  
Collins, leaving 236.83 acres excepting from the  
above described real estate a tract of 42.14 acres  
and also another tract of 25.20 acres this day  
conveyed by said Grantor to this Grantee (see deed  
description) by separate deed, and also to Joseph  
Collins in the same partition case reference to the  
records of which deed is hereby made. The real  
estate hereby conveyed contains 169.49 acres, and is  
the third parcel of the fifth parcel in said  
partition.

Second Tract.

Situated in said county and Township and  
part of Survey No. 5-778-5-641-5-806-6495, and  
bounded and described as follows:

Being all of first parcel, described in the  
petition filed in the Court of Common Pleas, in  
Licking Co. Ohio, in the above partition proceedings  
which lies east of the 24 acre tract owned by  
Joseph Collins and lying N. of the S. line of said  
Joseph Collins' twenty-five acre tract extending  
east to the east line of said whole tract  
containing 42.14 acres and being parcel No. one  
as sub-divided by Commissioners in Partition  
appointed to partition said fifth parcel in said  
Union County, reference being made to the record  
of said proceeding in said Licking County Common  
Pleas Court.

The foregoing description containing in all 211.63  
acres.

Said sale to be upon the following terms:  
Cash in hand, on day of sale -

you will make return of your proceedings  
to this Court forthwith upon execution of this order.

Witness my signature in the seal of said  
Probate Court, at Mansfield, Ohio this 28.  
Nov. 1927. Wm. W. Stults Probate Judge

Return

Return

To the Probate Court of Union County, Ohio:

11197

111 97

Report

of

Sale

Cash

approving  
an.

Confirming  
Sale.

In  
part  
by  
D  
The  
bring  
upin  
to o  
sam  
for  
this  
Jou  
The  
of  
dec  
for  
of  
bra  
can  
the  
con  
fair  
is  
ere  
rite  
to  
The

11197

Final Record, Union County Probate Court

11197

In obedience to the foregoing order, I have caused, the same, to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 28. day of Nov. 1927.

Lillian W. Trimbly, Adx.

Report

Report of Sale

In obedience to the within order, I sold, said premises on, the 28 day of Nov. 1927, to, David Davies for the sum of \$600.00,

said sum being the appraised value of the same.

Lillian W. Trimbly, Adx.

Dated 28. day of, Nov. 1927.

Oath

The State of Ohio, Union County,

The above named, Lillian W. Trimbly an Adx., being duly sworn says, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price she could get for said property.

Lillian W. Trimbly, Adx.

sworn to before me, and signed in my presence, this 28. day of Nov. 1927.

Richard C. Thrall, Notary Public

approving

Journal Entry; Order, approving the Confirming Sale, Probate Court, Union County, Ohio,

Confirming

Nov. 28-1927.

This day this cause coming on to be heard on, the report of Lillian W. Trimbly Adx., of the estate of J. W. Trimbly deceased, of her proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order: the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of said J. W. Trimbly, in said real estate to the purchaser, David Davies

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs.

W. W. Husler Probate Judge

11197

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11168  
Filed  
Sept. 27/27  
L.A. Davis  
Atty.

Petition to sell Real Estate,  
In the Probate Court of Union Co. Ohio  
No. 11168.  
W.P. Hudson, assignee  
for the benefit of the  
creditors of  
Corra H. Alkire,  
Plaintiff

vs.  
Corra H. Alkire,  
Earl B. Alkire,  
The Plain City Home and  
Savings Co.,  
Horsed W.C. Campbell,  
Defendants.

Petition for an order of  
sale of Real Estate.

Petition

The Plaintiff states that on the 5. day of Sept. 1927,  
the defendant Corra H. Alkire made an assignment  
to him of all her property for the benefit of her creditors  
which assignment was on the — day of Sept. 1927,  
at — o'clock — M. duly filed in the Probate Court  
of said county, as assignment no — on the assignment  
docket of said Court and thereupon plaintiff  
duly qualified and entered upon his duties as said  
assignee. That among the property so assigned  
was the following real estate:

Petition

Being lots nos. 20. and 21 in Shepper's Addition  
to the village of Plain City Ohio, and in the county  
of Union as the same are known, numbered, and  
designated on the recorded plat of said Addition  
in the office of the Recorder at Mansfield, Ohio.

Plaintiff further states that it is necessary  
to sell said premises to pay the costs of said  
assignment, the liens on said premises, the  
exemption in lieu of homestead allowed to said  
assignor, and the general creditors of said  
assignor, and that there are not sufficient assets  
to pay said charges, and the claims against said  
estate, without the sale of said premises.

That said Earl B. Alkire is the husband of said  
Corra H. Alkire and as such has a contingent  
right of dower in said premises. That said Corra H.  
Alkire is interested in the sale of said premises  
for the exemption due her in lieu of a  
homestead, and also for the surplus of any, which  
may remain from the sale of said premises after the  
payment of all of her debts.

That the Plain City Home and Savings Co.,

11168

11168

Order

Trains

Judgment

order of sale

11168

Final Record, Union County Probate Court

11168 and. Harold W Campbell each claim a lien on said premises by way of mortgage.

Wherefore your petitioner prays that said premises may be ordered sold free and clear of all claims of all parties to this suit and that she may have such other and further relief as the nature of her case entitles her to.

L.A. Davis.

Attorney for Plaintiff

The State of Ohio Union County, ss. W.P. Hudson, being just duly sworn, says that he is the assignee of the estate of Cora H. Alkins & that the allegations contained in the foregoing petition are true, as he verily believes.

W.P. Hudson, Plaintiff

Known to before me, and signed in my presence, this 21 day of Sept. 1927. L.A. Davis, Notary Public.

In the Probate Court of Union County Ohio, Return of Summons.

Mr. the undersigned defendants in the above entitled case hereby waive the issuing and service of summons and enter our appearance therein & consent to the sale of the premises therein described as prayed for in Plaintiff's Petition, Cora H. Alkins, E. B. Alkins.

The Plain City Home and Savings Co.

By Howard C. Black, attorney.

Harold C. Mc Campbell. By J.A. Woods agent.

Judgment In the Probate Court, Union Co. Ohio No. 11168.

order of Sale. Judgment & order of Sale.

This day this cause came on to be heard upon the petition of the plaintiff filed for the purpose of having the real estate herein described sold to pay the debts and costs of administration of the assignor's and, also, upon the return of summons issued, and the Court being fully advised in the premises that all of the defendants herein have been legally served with process or entered their appearance in writing and that all have been notified of the pending and prayer of the petition as prescribed by law.

The Court further finds that the real estate

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11168 estate in the petition described was appraised by the appraisers of the personal estate at - - dollars and the court also finds that the bond heretofore given by the plaintiff as assignee of the estate of Cora B. Alkin in the amount of \$6000.00 is sufficient. It is therefore ordered that additional Bond be dispensed with.

It is now ordered that the said W.P. Hudson, as such assignee proceed to advertise for sale on the premises real estate for four consecutive weeks in a newspaper of general circulation in said county in which said lands is situated and he is further ordered to sell the same at not less than 2/3 of the appraised value for cash and to employ an auctioneer to cry said sale and is also authorized to expend \$20.00 in advertising said sale.

W. H. Husted, Probate Judge

Answer & Cross Petition

Answer and Cross-Petition.

In the Probate Court of Union Co. Ohio No 11168

Answer.

Now comes Earl B. Alkin, one of the defendants in the above entitled case, and says that he is the lawfully wedded husband of Cora B. Alkin who filed her Deed of Assignment in said case; that by virtue of said relationship he is entitled to an inchoate right of dower in the property so assigned.

This defendant consents to the sale of said property free of dower, but asks that he be given a money settlement for his right of dower as the law provides.

L. A. Davis Defendant's attorney.

oath

The State of Ohio, Union County ss

Before me, a Notary Public, in and for said County personally came, Earl B. Alkin who being sworn says that the statements in the foregoing answer contained are true as he verily believes.

Earl B. Alkin

Sworn to before me and signed in my presence this 3-day of Oct. 1927.

L. A. Davis

Notary Public

11168

Answer

oath

Answer and Cross-Petition

in  
law  
The  
Cora  
Lynn  
can  
for  
this  
The  
an  
Fis  
Earl  
of  
An  
An  
from  
all  
this  
log  
Sec  
Cora  
an  
the  
pres  
sai

Final Record, Union County Probate Court

11168

In the Probate Court of Union County, Ohio  
Answer and Cross-Petition.

Answer

Answer,

Now comes Earl B. Alkin, one of the defendants in the above entitled case, and says that he is the lawfully wedded husband of Cora H. Alkin who filed her Deed of assignment in said case; that by virtue of said relationship he is entitled to an inchoate right of dower in the property so assigned.

This defendant consents to the sale of said property free of dower but asks that he be given a money settlement for his right of dower as the law provided.

L. A. Davis Defendants' atty.

Oath

The State of Ohio, County of Union, ss.

Before me, a Notary Public, in and for said County, personally came Earl B. Alkin, who being sworn, says that the statements in the foregoing answer contained are true, as he truly believes.

Earl B. Alkin.

Given to before me, and signed in my presence, this 3-day of Oct. 1927.

L. A. Davis, Notary Public.

Answer to Cross-Petition of Harold C. McCampbell.

Answer  
an  
Cross-Petition

The defendant Harold C. McCampbell, by way of answer and cross-petition to Plaintiff's petition, says:

First cause of action:

That the defendants Cora H. Alkin and Earl B. Alkin, are indebted to him, in the sum of \$464.40 with interest at the rate of 7% per Annum, from date until due and at 8% per Annum, after maturity until paid, on a certain promissory note, a copy of which is hereto attached, marked "Exhibit A" and made part of this petition to which reference is hereto made, together with all endorsements thereon.

Second Cause of action:

at the time of delivering said note, and to secure payment of the same, the said defendants Cora H. Alkin and E. B. Alkin (Earl B. Alkin) executed and delivered to this defendant, their certain mortgage deed conveying the premises described in plaintiff's petition, which said mortgage, on the 20 day of April, 1927.

Final Record, Union County Probate Court

THE W-S CO., CIN., O., 6203

11166

3:40 o'clock p.m. was duly left for record at the recorder's office of Union County, Ohio, and was duly recorded in Book 95 page 228 of said records.

Wherefore, this answering defendant, asks judgment against said defendants, Vera H. Atkins and Earl B. Atkins in said sum of \$464.45, with from Oct. 1- 1927, at the rate of 7% per annum, and after April 18<sup>th</sup> 1928 at the rate of 8% per annum, payable semi-annually, and asks that the prayer of the plaintiff for the sale of said premises be granted and that inferior to the lien of the said defendant, the Plain City Home and Saving Co., it be decreed, the first lien upon said premises and that out of the proceeds of any sale it be paid the amount of its said judgment and interest as is hereinbefore set up.

Howard C. Black.

Atty. for defendant Howard C. McCampbell.

State of Ohio, Madison Co. ss-

oath

J. R. Woods being duly sworn, says that he is the duly authorized and acting agent, in foregoing matter for this defendant Howard C. McCampbell, that he has in his possession the original note and mortgage executed and delivered to the said defendant

Howard C. McCampbell by the said Vera H. Atkins and Earl B. Atkins; and that the facts set forth in the foregoing answer and cross-petition are true as he truly believes.

J. R. Woods.

Sworn to before me, and subscribed in my presence, this 1<sup>st</sup> day of Oct. 1927.

Hazel Noteman, Notary Public.

To the clerk.

Charge notary fee 50¢.

\$450.00

Plain City, Ohio, April 18- 1927.

One year after date for value received we jointly and severally promise to pay, Howard C. McCampbell or order \$450.00 at the Farmers National Bank, in Plain City, Ohio with interest at the rate of - percent per annum, from date until due, and after maturity at the rate of 8 percent per annum until paid, payable semi-annually.

explicit a.

And it is hereby agreed, that after this obligation shall have become due, time of payment may be extended from time to time without our knowledge or consent, and we shall remain liable

11168

Notary Public... Court... time... five... Conf... in... that... cost... erro... rain... or... susp... ass... all... enti... execu... or... man... the... pub... Bond... as... writ... Exlu... Dur... The Plain City Saving Co. The a... of... is a... un... Ass... of... Ass... The...



Final Record, Union County Probate Court

11168

Notwithstanding such extension of time, and we hereby authorize any attorney at law to appear before any Court of Record, in the State of Ohio, or elsewhere, at any time after this obligation becomes due and waive process and service thereof and without notice confer judgment against us, or any or either of us, in favor of the Legal Holder Hereof, for the amount that may appear due thereon, for principal, interest cost of suit and all attorney fees, releasing all error in the judgment so confessed, and waiving all right and benefit of appeal and any or all proceedings to set aside, vacate, open suspend or reverse such judgment or execution issued for the collection thereof. We also waive all benefit of advantage to which we may be entitled by virtue of any homestead or other exemption law, now or here after, in force in this or any other state or elsewhere, where judgment may be entered by virtue hereof. We hereby authorize the payee, its agents or assigns to sell at public, or private sale, any or all notes, stocks, Bonds, or other evidence of indebtedness pledged as collateral to the payment of this note,

Witness our hands the day and date above written.

signed Cora H. Alkins.

E. B. Alkins

Exhibit A.

Due, Oct. 1 - 1927 \$ 464.<sup>45</sup>

The Plain City Savings Co.

In the Probate Court, Union County, Ohio.

Answer, and Cross-Petition, of The Plain City Home and Savings Company.

The defendant, The Plain City Home and Savings Company, of Plain City Home and Savings Co. states that it is a corporation duly authorized and organized under the laws of Ohio, governing Building and Loan Association.

And that it further admits the assignment of Cora H. Alkins to said W.P. Hudson, as said assigned plaintiff herein.

and by way of cross-petition said defendant The Plain City Home and Savings Co. further says: That cause of action:

That, the said defendants, Cora H. Alkins,

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11168

and Carl B. Alkin are indebted to it in the sum of \$1338.<sup>12</sup> on Oct. 1-1927, upon a certain note or agreement, upon which certain weekly payments are agreed to be made, said note having been originally \$1400.<sup>00</sup> a copy of which is hereto attached, together with all credits reducing it to the said sum herein stated, marked Exhibit A, and made part of this answer and cross-petition, which said amount of \$1338.<sup>12</sup> with interest at the rate of 6% per annum, it, the said Plain City Home, and Savings Co. claims, and asks, from October 1-1927.

Second Cause of action:

At the time of delivering said note or agreement and its secure payment of the same, the defendants, Cora W. Alkin and Carl B. Alkin her husband, duly executed, and delivered to this defendant, the said The Plain City Home, and Savings Co. their certain mortgage deed, conveying the premises described in Plaintiff's petition, which said mortgage was conditioned as follows: to-wit:

"Provided nevertheless, that these presents are upon this condition, that whereas, the said Cora W. Alkin has entered into a writing with said Company in the words, and figures following to-wit:

\$1400.<sup>00</sup>

Plain City, Ohio April 18-1927,

Receives of The Plain City Home, and Savings Co., of Plain City, O. Fourteen Hundred Dollars, as a loan, on 14 shares of stock owned by me, in said Company.

I agree to pay to said Company weekly, not less than five and 1/100 dollars, which shall be applied as follows:-

First: To the payment of fines, insurance, taxes, or any other assessments, made against me, in pursuance of the By-laws, of said Company.

Second: To the payment of the interest due on said loan, at the rate of twelve cents per week upon each share of stock upon which said loan is made.

Third:

To the payment of dues, due on said loan at the rate of twenty-five cents per week upon each share of stock upon which said

11168

loan  
Cont  
toget  
agreed  
full  
said  
and  
can  
Sh  
Jays  
Sha  
no  
Comp  
of m  
then  
be  
there  
Home  
for  
year  
B. A  
from  
the  
lien  
rise  
lien  
The S  
J. C  
Dec  
Hon  
the  
Kro  
Sno  
Cho  
\$140  
Rec  
of P  
on

Carle

Final Record, Union County Probate Court

111 68

loan is made. Said payment shall be continued until dues so credited on said stock, together with the dividends declared thereon shall equal the amount loaned.

Borrowers may also at any time pay up in full one or more shares of stock upon which said loan has been taken and have such shares and proportionate amount of the loan cancelled.

Should I fail for 8 weeks to pay said weekly payments, then the whole amount of said loan shall at once become due and payable.

Signed Lewis H. Alkire E. B. Alkire

now if the said Lewis H. Alkire shall pay to said company, its successors or assigns the said sum of money when due as set forth in said contract, then these presents shall become void.

Said condition has not been complied with and is therefore void.

wherefore this answering defendant The Plain City Home and Savings Company joins in the request for the sale of said premises and asks judgment against said defendants Lewis H. Alkire and Earl B. Alkire in the said sum of \$1338.12 with interest from Oct 1-1927 at the rate of 6% per annum and that it be decreed to have the first and best lien upon said premises and that the proceeds arising from said sale be applied to satisfy its lien and judgment.

Howard C. Black atty. for Defs, The P. C. H + S Co.

The State of Ohio, Madison Co. O.

Oath

J. R. Woods, being first duly sworn, says that he is Secretary of the said defendant The Plain City Home & Savings Co. and that the facts set forth in the foregoing answer are true to the best of his knowledge and belief.

J. R. Woods,

Sworn to before me this 1-day of Oct. 1927.

Hazel Kolerian Notary Public

Chas. H. Notary for 50¢

\$1400.00 Plain City O April 18. 1927.

Receives of the Plain City Home and Savings Co. of Plain City Ohio Fourteen Hundred Dollars as a loan on Fourteen shares of stock owned by me in said

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11168

Company. I. agree to pay said company weekly, not less than \$70 fine and 17.00 dollars which shall be applied as follows:

1st 70. the payment of any fines insurance taxes or any other assessments made against me in guarantee of the by-laws of said company.

2-

70. the payment of the interest due on said loan at the rate of 12 cents per month upon each share of stock upon which said loan is made.

3

70. the payment of dues due on said loan at the rate of 25 cts. per month upon each share of stock upon which said loan is made, said payments shall be continued until the dues so credited on said stock together with the dividends declared thereon shall equal the amount loaned.

Borrower may also at any time pay up in full one or more shares of stock on which a loan has been taken and have such shares and proportionate amount of the loan canceled.

Should I fail for 8 weeks to pay said weekly payments, then the whole amount of said loan shall at once become due and payable.

Signed Vera H. Alkin  
E. B. Alkin

"Exhibit A"

Dura. Oct. 1-1927. 1338<sup>12</sup>

Approving Bond for Public Sale

Journal entry: order approving Bond for Public Sale, Probate Court, Union County, Ohio Oct. 3-1927.

This day this cause came on further to be heard and it appearing to the Court that the said W.P. Hudson, the plaintiff above named, has given bond in his appointment in the sum of \$6000<sup>00</sup> which sum is sufficient to protect the proceeds from the sale of the real estate and all defendants having assumed or waived.

It is therefore further ordered that said W.P. Hudson as such assignee proceed to sell the real estate described in the petition for down of Earl B. Alkin, public auction for not less than 2/3 the appraised value thereof on the following terms, to wit: cash in hand on day of sale.

It is further ordered that said petitioner give notice four weeks consecutively of the terms

11168

Assignee Public Sale

Order of Sale

Order of Sale

and  
Pri  
Chie  
loc  
to  
and  
and  
at  
o'c  
T  
to  
and  
full  
loc  
open  
B.E.  
The  
Pe  
with  
Alla  
m.a  
in  
Circ  
Dr  
Fr  
The  
to W.P.  
Rob

Final Record, Union County Probate Court

11168

and place of sale. prior thereto, in some newspaper, printed and of general circulation in Union Co., Ohio, where said real estate is situate, also some local notices in the Plain City Advocate.

and said petitioner is ordered to make return to this court, immediately after such sale is made, and this cause is continued.

W. H. Husted Probate Judge

Assignee's Sale of Real Estate

Pursuant to an order of sale to me directed by the Probate Court, Union County, I will offer at Public sale on Saturday November 5-- at 1 o'clock P.M. the following real estate:

Being lots no. 20, and 21 in Shaffer's addition to the village of Plain City, in the County of Union and State of Ohio,

Sale to be held on the premises  
Terms: Cash.

W. P. Hudson

Assignee of the estate of Cora H. Alkin.

I will also offer at the same time the following personal property at the place of its location at that time:

A bakery installed and fully equipped for operation

also an overland six sedan 1925 model.

W. P. Hudson Assignee.

B. E. Thomas Auctioneer Oct. 5 1927 - 4 m.

The State of Ohio Union Co. ss:

Carle

Personally appeared before me, Lena Huber, and made oath, that the notice, a copy of which is hereto attached, was published for four consecutive weeks on and next after Oct 5-- 1927,

in Weekly Mansfield Tribune, a newspaper of general circulation in the County aforesaid.

Lena Huber,

Sworn to before me, this 27. day Oct. 1927

J. M. Huber, Notary Public

Frs Printer's 7<sup>23</sup>

Order of

Order of Sale. Free of Debt

The State of Ohio Union Co. ss. Probate Court, to W. P. Hudson, assignee of Cora H. Alkin. Meeting

In obedience to an order and decree of the Probate Court, within and for said County, made

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11168

this day, in a certain cause, wherein you as assignee  
are Plaintiff and Cora B. Alkire et al. are Defendants, you are  
commanded to proceed according to law, to sell at public sale  
for not less than  $\frac{2}{3}$  the appraisement value thereof free the  
dower of Earl B. Alkire husband of Cora B. Alkire assignor,  
the following described premises, to wit:

Being lots no. twenty (20) and twenty-one (21) in Sheppard's  
addition to the village of Plain City in said County of  
Union State of Ohio.

Said sale to be had upon the premises and to be  
upon the following terms: Cash in hand when deed  
delivered

You will make return of your proceedings to  
this Court forthwith upon execution of this order.

Witness my signature and the seal of said  
Probate Court at Mansville, Ohio, this 3 day of Oct. 1927  
W. P. Hudson, Probate Judge

Return

Return  
To The Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have  
caused the same to be duly executed, as will  
fully appear by the proceedings hereto attached.  
Dated the 8 day of November, 1927.

W. P. Hudson, assignee.

Report of Sale - Public.

Report of Sale.

In obedience to the within order, I duly advertised  
the real estate therein described for sale, in the  
Mansville Tribune, a newspaper, printed and of general  
circulation in Union County, Ohio, where said real  
estate is situate, for at least 4 consecutive weeks  
prior to the 5 day of Nov. 1927, the day of sale therein  
mentioned; stating in the notice the time, place, and  
terms of sale; and on said day, at the hour of 1 P.M.,  
I attended at the premises, and offered said real  
estate for sale free of the dower estate of Earl B.  
Alkire therein, when John Senore bid to pay for the  
same the sum of thirty five hundred, Ten dollars,  
which being the highest and best bid that was  
offered, and being more than  $\frac{2}{3}$  of the appraised value  
of said premises, I then and there sold the same to  
him for that sum.

W. P. Hudson, assignee

Dated the 8 day of Nov. 1927.

The State of Ohio, Union County.

The above named, W. P. Hudson.

11168

bring  
repa  
end  
pro  
high  
Brow  
the  
Order of  
Confirmation  
and  
Distribution  
This  
repa  
of le  
Court  
to c  
order  
oid  
piti  
sati  
ma  
hues  
eye  
isla  
rea  
up  
jur  
m  
aut  
of  
thir  
Earl  
Brow  
pres  
prop  
he ar  
of  
and  
in  
Brow  
I  
Plan  
set

Final Record, Union County Probate Court

11168 bring duly sworn, says, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale, is for the highest price he could get for said property.  
W.P. Hudson, assignee.

Done to before me, and signed in my presence, this 8. day of Nov. 1927.

W.H. Husted, Probate Judge

Probate Court, Union County, Ohio,  
November 8- 1927.

Order of Confirmation, Distribution.

Order of Confirmation and Distribution

This day, this cause came on to be heard on the report of W.P. Hudson, Assignee of Corn B. Alkin of his proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; and the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made; it is ordered, that the same, be and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Corn B. Alkin, in said real estate, to the purchaser John Senard, upon the said purchase, making payments of purchase money, and now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale amounting to the sum of thirty-five hundred ten dollars, and the said Est B. Alkin widow leaving by answer herein denied the assignment of dower in said premises by metes and bounds, or in rents and profits and asked that the value of such dower be allowed and paid her out of the proceeds of the said sale; the Court finds the just and reasonable value of her dower interest in said real estate to be the sum of One Hundred forty four <sup>26</sup>/<sub>100</sub> Dollars.

The Court finds that there is due the said Plain City Home Sav. Co. upon the note set forth in its answer and cross-petition

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

111 68

from the estate of said Cora B. Atkins, the sum of Thirteen Hundred Forty-seven  $\frac{4}{100}$  also to Harold McCampbell, the sum of Four Hundred, sixty-eight  $\frac{57}{100}$  Dollars, with interest thereon from the date of this entry; that the said Cora B. Atkins and Earl B. Atkins have given to secure the payment of said promissory notes, mortgages upon the premises in the petition described which were a valid distribution and subsisting lien upon said premises and now upon the fund in the hands of said assignee arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage liens be entered of record in the office of the recorder of Union County, Ohio, according to law.

It is further ordered that said assignee out of the money in his hands pay:

First: To the treasurer of this county, the sum of \$200- being the taxes, penalty and interest thereon, against said property.

Second.

The costs and expenses incurred in the sale of said property, including an attorney fee of \$160<sup>00</sup> to L. A. Davis and P. E. Thomas, <sup>attorneys of \$30<sup>00</sup></sup> the fee of said assignee W. P. Hudson, herein, amounting to the sum of \$350<sup>00</sup>

To Earl B. Atkins husband, the sum of \$145<sup>96</sup> which the Court finds to be the value of his dower interest in said premises

Fourth.

To the Plain City Home and Savings Co. on the note and mortgage set forth and described in its answer and cross-petition herein, the sum of \$1347.04, which the Court finds to be the amount due it

Fifth

To Harold McCampbell on the note and mortgage set forth and described in his answer and cross-petition the sum of Four Hundred sixty-eight  $\frac{57}{100}$  which the Court finds to be the amount due him.

It is further ordered that the balance of said proceeds, amounting to the sum of \$1000<sup>13</sup> be accounted for by said assignee according to law. <sup>and</sup> it is further ordered that this proceeding be recorded, <sup>and</sup> that said petitioner pay the costs herein \$20<sup>00</sup> out of proceeds. W. W. Husted Probate Judge

111 59

Sept. 14 / 1927

J. R. Fuchler, J. R. atty.

Chas

E. E.

Norri

Mrs

The

It

app

estate

bon

due

firm

Petition

Doce

of

join

of m

dece

esta

and

estab

no

to pr

F. D

und

des

of l

of y

of J

12

Bon

Line

in

of e

said

to a

in

for

E. 9



Final Record, Union County Probate Court

11159  
Sept. 14/1927  
J. R. Frackler  
att'y.

Petition for Sale of Real Estate to Pay Debts  
Probate Court, Union Co., Ohio  
no. 11159

J. R. Frackler, admr.  
of the Estate of  
Charles F. Doudna, Deceased.  
Plaintiff.

E. E. Doudna,  
North E. Doudna,  
Mrs Osul Jennings, and  
Natalia Longberry, minor.  
The Virginian Joint Stock  
Land Bank  
of Charleston, W. Va.  
Defendants.

Civil Action  
Petition to sell Real Estate

Petition

Petition

The Plaintiff represents that he is the duly appointed and qualified administrator of the estate of Charles F. Doudna, late of Union County, Ohio, deceased; that the amount of debts due from the deceased, is one-half (1/2) of Five Thousand Seven Hundred (\$5700.00) and 100/100 Dollars as near as they can be ascertained (a schedule of debts attached) and same being a mortgage held by the Virginian Joint Stock Land Bank of Charleston W. Va., one half of which was the obligation of Charles F. Doudna, deceased, that the charges of administration of said estate will amount to about \$200.00 and that the total value of the personal estate and effects of said deceased, is but -- no personal estate -- being wholly insufficient to pay debts and costs aforesaid.

The Plaintiff further represents that said Charles F. Doudna died seized in fee simple of an undivided one-half interest in the following described real estate, situated in the County of Union, State of Ohio, and in the Township of York, to wit:

Part of Survey no. 12542,  
Beginning at a stone in the center of the Boundary Road, and in the Greenville Treaty Line, and N. W. corner, to Lot # 2, assigned in severalty to James E. W. Davis in the partition of the Elza H. Davis land; thence with the said Treaty line S. 83° 45' W. 94.60 poles to a stone; thence S. 17° W. 95.88 poles to a stone in the S. line of the said Elza H. Davis farm; thence with the said line N. 83° E. 96 poles to a stone at the S. W. corner

Final Record, Union County Probate Court

THE W-W-S CO., CIN. O. 6203

11159

of said Lot # 2. of said partition; thence with the N. line of said lot N. 18° E. 93.76 poles to the place of beginning containing 56.50 acres of land more or less.

Being part of a tract of land containing 98 acres assigned as Dower to Mary Ellen Davis now deceased, in the partition of the Estate of Elza B. Davis, deceased.

Also the following tract of land in the same Township, County, State and Survey and described as follows:

Being lot # 3, as shown on the Plat of the sub-division of the farm of Elza B. Davis made by Jonathan B. Bell, Aug. 25<sup>th</sup> 1899

Beginning at a stone in the center of the County road, and N. N. Corner to Temple and Livingston's lot # 3; thence with the center of said road S. 85° W. 49.04 poles to a stone and corner to W. Elroy lot; thence with the said W. Elroy's E. line S. 17° W. 97 poles to a swamp elm bush 4 inches in diameter in the S. line of the Davis farm; thence with the said line N. 84 1/2° E. 49.72 poles to a stone and corner to Temple and Livingston's Lot # 4; thence with their N. line N 16 1/2° E. 95.88 poles to the place of beginning, containing 29.75 acres of land more or less.

The Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio by the appraisers of the personal estate of said decedent and that the amount of said appraisement is \$8600.00

The said decedent died leaving the defendant Sarah E. Dondra, now deceased, his widow, that the defendants E. E. Dondra, North E. Dondra, and Mrs. Orel Jennings are the only heirs of said decedent leaving the next estate of inheritance from said Charles L. Dondra, deceased, in said premises, that the defendants, The Virginia Joint Stock Land Bank, of Charleston, W. Va., claim to have a mortgage lien on said premises.

The Plaintiff therefore prays that The

11159

right  
Joint  
deter  
and  
ord  
stat  
and  
the  
  
he  
  
oath  
Don  
suor  
set  
his  
  
Precipe  
To. it  
I  
wait  
Jim  
Sherr  
  
Filing  
Petition  
The  
of t  
to m  
an c  
said  
debt  
est  
  
by  
file  
of  
said  
they  
be  
ans.

11159

rights, interests and heirs of the said, The Virginian Joint Stock Land Bank, of Charleston W. Va., may be fully determined and protected, according to equity, and that your petitioner may be authorized and ordered to sell said real estate according to the statute in such case made and provided, and for all other proper orders and relief in the premises.

J. R. Fackler, admr., of the estate of Charles F. Doudna, Deceased,

the State of Ohio, Union County,

oath

J. R. Fackler, admr., of the estate of Charles F. Doudna, the within named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

J. R. Fackler, Admr.

Probate Court, Union County, Ohio,  
Civil Action

Receipt

Receipt

To the Probate Judge:

Issue summons for said Defendants Natalie Longbray a minor, and Orel (Doudna) Jennings, mother of said minor, directed to the Sheriff of said County returnable according to law.  
Fackler & Fackler, Plfs. attys.

In the Probate Court, Union Co. O.

Sept. 14 - 1928.

Filing Petition

Filing Petition to Sell Real Estate

This day came the plaintiff J. R. Fackler, admr., of the estate of Chas. F. Doudna, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Charles F. Doudna, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6209

11159

Summons

Summons in Petition to sell Real Estate.  
 The State of Ohio, Union County, Probate Court,  
 To the Sheriff of said County:  
 You are commanded to notify Mrs. Osce Jennings  
 mother of Natalia Longberry, and the following who is  
 a minor, to wit: Natalia Longberry, that on the 15  
 day of Sept. A. D. 1927, J. R. Harkler administrator  
 of the estate of Elias E. Doudna, deceased, filed  
 his petition in the Probate Court of said Union County,  
 Ohio, against them and others: the object and  
 prayer of which petition is to obtain an order  
 for the sale of certain Real Estate belonging to said  
 decedent, in said petition described, for the  
 purpose of paying debts, and that unless they  
 answer by the 15 day of Oct. 1927, said petition  
 will be taken as true, and an order granted  
 accordingly.

Said Sheriff will make due return of this  
 writ on the 26 day of Sept. 1927.

Witness my hand and the seal of said  
 Court, this 17 day of Sept. 1927.

W. W. Husted, Probate Judge

Sheriff's Return

Sheriff's Return

The State of Ohio, Union County,  
 Received this writ Sept. 17 1927, at 11  
 o'clock A. M. and pursuant to its command  
 forthwith on the 17 day of Sept. I served the  
 within named defendant's Mrs. Osce Jennings  
 Mrs. Natalia Longberry (a minor) by personally  
 handing to each of them a true and certified  
 copy of this writ with all the endorsements  
 thereon and at the same time I served the  
 said Mrs. Osce Jennings with a true and  
 certified copy thereof with all the endorsements  
 thereon. She being the mother of the said  
 Natalia Longberry (a minor) and with whom she  
 the said minor resides, she having no father  
 or guardian, or any other person within my  
 jurisdiction, being found upon whom to serve  
 Summons.

F. S. Hayer, Sheriff

By M. E. C. Deputy

Sheriff's Fees  
 Service on Pet. 75  
 names 25 Total \$1.00

11159

Warrant

Warrant on Cross-Petition

Virginian  
 Joint Stock  
 Land Bank  
 Charleston  
 W. Va.

Wa  
 Mr.  
 in  
 here  
 and  
 W  
 to  
 the  
 the  
  
 Warrant on  
 Cross-Petition  
 Virginian  
 Joint Stock  
 Land Bank  
 Charleston  
 W. Va.  
 Stock  
 and  
 and  
 for  
 Stat  
 So  
 pla  
 Court  
 Fri  
 a C  
 the  
 This  
 of  
 del  
 his  
 of  
 at  
 as f  
 (\$19  
 one  
 or  
 and  
 the  
 in  
 this  
 with

11159

Waiver of Summons.

Probate Court, Union County, Ohio

Waiver

We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of summons, and voluntarily enter our appearance as such Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

E. E. Dondura, North E. Dondura,  
Mrs. Paul Jennings.

Answer and Cross-Petition

Answer and

Cross-Petition

of  
Virginia Joint Stock Land Bank of Charleston

Virginia  
Joint Stock  
Land Bank  
Charleston  
W. Va.

Now comes the defendant, the Virginia Joint Stock Land Bank of Charleston, West Virginia, and says that it is a corporation, organized and existing under and by virtue of the provisions of the Acts of Congress of the United States, commonly known as the Federal Farm Loan Act; that it has its offices and principal place of business in the City of Charleston, Kanawha County, West Virginia, and is successor to the First Joint Stock Land Bank of Dayton Ohio, a corporation, formerly organized and existing under the Federal Farm Loan Act.

First Cause of Action

This answering defendant says, that on the 26 day of February 1923, Charles F. Dondura, executed and delivered to the First Joint Stock Land Bank of Dayton his certain negotiable promissory note in the amount of Fifty-seven hundred (\$5700.00) Dollars, with interest at the rate of six percent per annum, and payable as follows:

One hundred ninety-nine dollars and fifty cents (\$199.50) on the 1 day of September, 1923, and one hundred ninety-nine dollars and fifty cents (\$199.50) on the 1st day March, and September, in each and every succeeding year down to, and including the 1st day of September 1955 and a final installment of One Hundred Sixty-six dollars, and thirty-six cents (\$166.36) on the 1st day of March, 1956.

The following is a copy of said note, together with the endorsement of payments thereon:

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8205

11159

No. 139

\$ 5700<sup>00</sup>/<sub>100</sub>

The First Joint Stock Land Bank, Dayton, Ohio.  
First mortgage note

Richmond, Ohio, February 26 - 1923.

For value received, I promise to pay to the order of the First Joint Stock Land Bank of Dayton, at its offices in the City of Dayton, Ohio, the principal sum of fifty-seven hundred <sup>00</sup>/<sub>100</sub> Dollars \$ 5700<sup>00</sup>/<sub>100</sub>, with interest from date on the whole amount of said principal sum remaining from time to time unpaid, at the rate of six per cent per annum, payments to be made on the amortization plan, and in accordance with amortization table set out on the back hereof, which is hereby referred to, accepted and made a part of this note, said payments to be made in sixty-five semi-annual payments of one hundred ninety-nine <sup>50</sup>/<sub>100</sub> (\$199<sup>50</sup>/<sub>100</sub>) Dollars, each, payable on the first day of March<sup>9</sup> Sept. in each year and a final payment of One Hundred Sixty-six <sup>36</sup>/<sub>100</sub> (\$166<sup>36</sup>/<sub>100</sub>) Dollars, March 1 - 1956, under this note shall be sooner matured by extra payments as herein provided.

All payments not made when due, shall bear interest from due date to the date of payment at the rate of eight per cent per annum. Failure to pay any installment of interest when due, shall, at the option of the holder hereof, and without notice, mature the entire indebtedness remaining unpaid.

After five years from the date hereof, on any date when any regular installment becomes due hereunder, the maker or makers, of this note shall have the option of making in advance any number of payments or any portion thereof, on account of the principal hereof, or of paying the entire principal of this note, and any payment in reduction of the principal so made shall be credited on the principal sum remaining due. Such additional payments shall not reduce the fixed payments provided for herein, but shall pay off the loan at an earlier date.

This note is secured by a mortgage of even date here with executed by the maker to the First Joint Stock Land Bank of Dayton.

(signed) Charles F. Dordna

Payments.

Payments

11159

year  
4-  
3-  
9  
3-  
9-  
3-

defa  
Hun  
(\$19  
due.  
defa  
its  
fur  
note  
hun  
(\$8  
mar  
per  
is

Record Cause.

For.  
defe  
here  
Coul  
as.  
at i  
4. jo  
said  
his  
Jou  
of. at  
mort  
Estā  
sui  
office  
28.  
recor  
mort  
mortg  
real

Final Record, Union County Probate Court

11159

| year due. | no. | Payments | Interest | Principal | Balance |
|-----------|-----|----------|----------|-----------|---------|
| 4-1-23    | 1   | 199.50   | 171.00   | 28.50     | 5671.00 |
| 3-1-24    | 2   | 199.50   | 170.14   | 29.36     | 5642.14 |
| 9-1-24    | 3   | 199.50   | 169.26   | 30.24     | 5611.90 |
| 3-2-25    | 4   | 199.50   | 168.36   | 31.14     | 5580.76 |
| 9-1-25    | 5   | 199.50   | 167.42   | 32.08     | 5548.68 |
| 3-9-26    | 6   | 199.50   | 166.46   | 33.04     | 5515.64 |
| 9-3-26    | 7   | 199.50   | 165.47   | 34.03     | 5481.61 |
| 3-1-27    | 8   | 199.50   | 164.45   | 35.05     | 5446.56 |

This answering defendant further says that default has been made in the payment of one hundred ninety-nine dollars and fifty cents (\$199<sup>50</sup>) evidenced by amortization installment due on Sept. 1, 1927, and that by virtue of said default said note is now due and payable in its entirety, and this answering defendant further says that there is now due on the note aforesaid the sum of Five thousand four hundred forty-six dollars and fifty-six cents (\$5446<sup>56</sup>) with interest on said amount from March 1<sup>st</sup>, 1927, until paid, at the rate of six per cent per annum, and that the note aforesaid is now owned by this answering defendant.

Second Cause of action.

Second Cause.

For its second cause of action, this answering defendant makes reference to and incorporates herein all the statements and allegations contained in the first cause of action, the same as of fully re-written herein, and says that at the time of the execution of the note aforesaid, for the purpose of securing the payment of said note, Charles F. Dondua, and Sarah E. Dondua, his wife, duly executed and delivered to the First Joint Stock Land Bank of Dayton, predecessor of this answering defendant, their certain mortgage deed, whereby they conveyed the real estate in the plaintiffs petition described.

This answering defendant further says that said mortgage was duly filed for record in the office of the Recorder of Union County, Ohio, on the 28. day of February, 1923, and was thereafter recorded in Vol. 90, page 29, of the Records of Mortgages of Union County, Ohio, and that said mortgage is now the first and best lien on the real estate therein, and in the plaintiffs

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11159

petition, described.

This answering defendant further says that due to the default in the payment of the amortization installment as provided in said note, which fell due on Sept. 1-1927, it has elected and does hereby elect to declare the whole sum of the principal due and payable and that the condition of the mortgage deed hereinbefore referred to has been broken, and that there is now due and payable to this answering defendant the sum of Five Thousand four Hundred Forty six Dollars and fifty six cents (\$5446<sup>56</sup>) with interest thereon at the rate of six percent per annum, from March 1-1927 until paid.

Wherefore this answering defendant prays that the real estate described in the mortgage aforesaid, and in the plaintiffs petition be ordered sold, free and clear of all liens and encumbrances; that the lien of the mortgage held by this defendant as hereinbefore set up, be ordered to attach to the proceeds of such sale, and the claims of this answering defendant, as therein before set forth, be ordered first paid out of such proceeds.

And this answering defendant further asks for such other and further relief as equity may require.

Virginian Joint Stock Land Bank of Charleston  
By D. H. Mohler, Attorney.

State of West Virginia  
County of Kanawha, To-wit:

Oath

D. H. Mohler being first duly sworn, says that the defendant, the Virginian Joint Stock Land Bank of Charleston, West Virginia, successor to the First Joint Stock Land Bank of Dayton, Ohio, is a corporation organized and existing under the Federal Farm Loan Act, and that he is its attorney, duly authorized in the premises, and that the facts stated and allegations contained in the foregoing answer are true, as he verily believes.

D. H. Mohler,

Sworn to before me, and subscribed in my presence, this 11-day of November, 1927.

*[Signature]* J. W. Thomas, Notary Public  
Kanawha Co. West Va.

11159

app-  
Gdn. ad litem

To. e.  
J. W.

for.  
min

da  
serv  
notif

who  
Gdn

app.  
Gdn.  
ad litem

To. e.  
of

ans.  
of a  
defe

defe  
un  
shu

at id  
app  
mm

ann

Answer

An  
the  
Ca  
here  
con  
the  
pre



Final Record, Union County Probate Court

11159

app -  
Gdn. ad litem

Application for appointment of Guardian Ad litem  
Probate Court, Union County, Ohio  
February, 23- 1928.

To the Hon. W. H. Husted, Judge of said Court:  
The undersigned J. R. Fackler, adm<sup>r</sup> of the estate of  
Charles F. Dondua, makes application  
for the appointment of a Guardian ad litem, for the  
minor defendant, in the above entitled case.

The defendant Natalie Longway a minor,  
daughter of Mrs. Esch Jennings has been duly  
served with summons herein, also, her mother  
notified.

The undersigned suggests that C. E. Fackler  
who is a suitable person be appointed as such  
Guardian ad litem.

Respectfully,

J. R. Fackler, adm<sup>r</sup>  
Probate Court, Union County, O.  
February, 23- 1928.

app.  
Gdn.  
ad litem

app<sup>n</sup> of Guardian ad litem.  
This day J. R. Fackler, adm<sup>r</sup> of the estate  
of Charles F. Dondua, appeared in open Court  
and made application for the appointment  
of a Guardian ad litem for the minor  
defendant in this case.

And it appearing to the Court that the  
defendant, Natalie Longway is a minor child,  
under the age of fourteen years and has been  
duly and legally served with summons herein,  
it is ordered, that C. E. Fackler, be and he hereby is  
appointed Guardian for the said  
minor defendant.

and now comes the said C. E. Fackler,  
and in open Court, accepts said appointment.  
W. H. Husted, Judge -

Answer

Answer and Guardian ad litem  
Probate Court, Union County, Ohio  
Answer.

And now comes the said Natalie Longway  
the minor defendants to the petition in said  
cause, by C. E. Fackler, their Guardian ad litem  
heretofore appointed in said cause by said  
Court, and for answer to said petition, deny all  
the material allegations herein contained,  
prejudicial to said minor defendants.  
They further say, that they are of tender years

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11159

and not acquainted with the law in such cases and therefore pray the Court to protect their rights in this cause and for such relief as may be just.

Kathleen Longbrary.

Dated this 23-day of July, 1928.

By C.E. Fackler, Esq. ad litem

Hearing  
appe.

Journal entry: Order on hearing of appraisement.

Probate Court, Union County, Ohio  
February 23 1928.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein and are now properly before the Court and that the statements and allegations in said petition are true.

And the Court being satisfied that it is necessary to sell the real estate of said decedent described in the petition to pay his debts.

It is ordered that B. H. Matteson, and Oscar Martins and W. H. Taylor, three suitable and judicious disinterested men of the vicinity of said real estate, who were freeholders, be and they hereby are appointed to appraise said lands at their true value, in money.

It is further ordered that said appraisers be sworn as required by law and afterward upon actual view perform the duties required of them and make return of their proceedings in writing to this Court on or before the 25th day of July, 1928.

This cause is continued.

W. H. Husted, Probate Judge

Order of  
appraisement

Order of appraisement

The State of Ohio - Union County, ss.

Probate Court,

To J. R. Fackler, Adm. of estate of Charles F. Dondua; Executors;

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause wherein you as Adm. with the Will annexed of the Estate of Charles F. Dondua deceased, are Plaintiff and E. E. Dondua et al. are Defendants, you are commanded that by each of B. H. Matteson, W. H. Taylor, and O. E. Martins judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders of the County in which said real estate is

11159

situ  
jus  
acc  
me  
A  
desc  
unio  
bur  
Par  
Be  
Bon  
and  
Mrs  
Elza  
Trea  
the  
S. H.  
the  
S. H.  
Ther  
Jole  
sc  
S  
98  
Dav  
Est  
a  
Zor  
de  
Zor  
sub  
by  
P. J.  
the  
E.  
Cute  
stos  
pai  
ma  
in  
with  
Jole  
E.  
line

## Final Record, Union County Probate Court

11159

situated, and, upon actual view, you cause, a just valuation and appraisement to be made according to law, of the following described premises free of, down, therein to wit:

An undivided one-half interest in the following described real estate situated in the County of Union, State of Ohio, and, Townships of York and bounded, and, described as follows:

Part of Survey no. 17542

Beginning at a Stone in the center of the Boundary Road and, in the Greenville Treaty line, and N.W. corner to Lot # 2, assigned in mortality to James E. W. Davis, in the partition of the Eliza H. Davis land; thence with the said Treaty line S.  $83^{\circ} 45'$  W.  $94.60$  poles to a stone; thence S.  $17^{\circ}$  W.  $95.88$  poles to a stone in the S. line of the said Eliza H. Davis farm; thence with the said line N.  $83^{\circ}$  E.  $96$  poles to a stone at the S.W. corner of said Lot # 2, of said partition; thence with the W. line of said lot N.  $18^{\circ}$  E.  $93.76$  poles to the place of beginning, containing  $56.55$  acres, of land, more or less.

Being part of a tract of land containing  $98$  acres, assigned as, down, to Mary Ellen Davis, now deceased, in the petition of the Estate of Eliza H. Davis, deceased.

also, the following tract of land in the same Township, County, State as, Survey, and described as follows:

Being Lot # 3 as shown on the Plat of the sub-division of the farm of Eliza H. Davis made by Jonathan H. Dill, Aug. 25, 1899.

Beginning at a stone in the center of the County road, and N.W. corner to Temple E. Livingston's lot # 3, thence, with the center of said road, S.  $85^{\circ}$  W.  $49.84$  poles to a stone and corner to McElroy's lot; thence with the said McElroy's E. line S.  $17^{\circ}$  W.  $97$  poles to a swamp, then bush,  $4$  in, in diameter in the S. line of the Davis farm; thence with the said line N.  $84\frac{1}{2}^{\circ}$  E.  $49.72$  poles to a stone and corner to Temple E. Livingston's lot # 4; thence with their N. line N.  $16\frac{1}{2}^{\circ}$  E.  $95.88$  poles, to place of beginning.

Final Record, Union County Probate Court

THE W-W-B CO., CIN., O. 6203

11159

Containing 29.75 acres of land more or less.  
you will make return of your proceedings  
to this Court forthwith upon execution of this order.  
Witness my signature and the seal of said  
Probate Court at Marysville, Ohio, this 23-day of July, 1928.  
W. W. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have  
caused the same to be duly executed, as will fully  
appear by the proceedings hereto attached.  
Dated the 23-day of July, 1928.  
J. R. Backler, Adm.

Oath  
appraisers

Oath of appraisers

The State of Ohio, Union County  
We, the undersigned appraisers, do make  
solemn oath that we will, upon actual view  
honestly and impartially appraise the within  
described real estate at its fair cash value, and  
perform the duties required of us in pursuance  
of the foregoing order.

B. H. Matteson, W. W. Taylor, O. E. Martin & appraisers

Sworn to before me and signed in my presence this  
23 day of July, 1928.

W. D. Cameron, Notary Public

appraisers  
Return

appraisers Return

In obedience to the foregoing order, after being  
justly duly sworn, and upon actual view of the  
premises therein described, we, the undersigned  
appraisers, estimate the value of said real estate  
at \$70.00 per acre, one half interest \$301.87<sup>75</sup>

Given under our hands, this 23-day of  
July, 1928.

B. H. Matteson, W. W. Taylor, O. E. Martin & appraisers

Confirmation  
appr-  
ordering  
Sale

Confirming appraisement & ordering Private Sale,  
Probate Court, Union County, Ohio  
February, 23 - 1928.  
No 111 59

This day this cause came on further to be  
heard, and it appearing to the Court  
that the appraisement heretofore ordered has been

11159

duly  
appr-  
Doll  
none  
the  
priv  
proce  
sale,  
there

Application  
to  
sell at  
Private Sale.

The  
for. d  
Dow  
in s  
for. d  
1  
2

And  
priv

The

Oath

bring  
ser  
as. d

this

affidavit

The

su  
ret

Final Record, Union County Probate Court

11159

duly made. The same is hereby confirmed: said appraisement being Three Thousand eight hundred <sup>75</sup>/<sub>100</sub> Dollars.

and it appearing to the court that it would be to the interest of said estate to sell the real estate described in the petition at private sale:

It is now ordered that said plaintiff proceed to sell said real estate at private sale, at not less than the appraised value thereof, and upon the follow terms, to wit:

Cash in hand when deed delivered.

W. H. Husted, Probate Judge

Application to sell at Private Sale.

Application to sell Real Estate at Private Sale - Probate Court, Union County, Ohio, no. 11159.

Application

The said Plaintiff represents that it would be for the best interest of the said estate of Charles F. Doudna, to sell the real estate described in the petition in this case at private sale, for the following reasons:

1. It will save the expense of advertisement & public sale.
2. It is sold for all its worth to a buyer who will pay cash.
3. It will eliminate delay.

and he therefore asks for an order authorizing him to sell said real estate at private sale.

J. R. Fackler, Adm. of estate of Chas. F. Doudna.

The State of Ohio, Union County.

J. R. Fackler, Adm. of the estate of Chas. F. Doudna. being duly sworn, says that the various matters set forth in the foregoing application, are true as he verily believes.

J. R. Fackler, Adm.

Sworn to before me, and signed in my presence, this 23 day of July, 1928.

W. H. Husted, Probate Judge

affidavit

Affidavit of Disinterested Persons.

The State of Ohio, Union County.

Miss Stroenider & A. L. Graham, being duly sworn, says that they know the facts set forth in the application to which this

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11139

affidavit is attached: that they have no interest whatsoever in the matters therein referred to. <sup>and</sup> that it will be more for the interest of the said estate of Charles F. Dondua, to sell said real estate at private sale, than at public sale, as they verily believe.  
Wm. Stronider, A.L. Graham.

Shown to before me this 23<sup>rd</sup> day of July, 1928.  
Jacob R. Fackler, Notary Public

Order

Order of Sale - Free from Debt.

of sale The State of Ohio, Union County, Probate Court.  
To J. F. Fackler, Adm. etc. of Charles F. Dondua, Executor;

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Adm. etc. of Charles F. Dondua, are Plaintiff, and E. E. Dondua & North E. Dondua, et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, the following described premises, to-wit:

The undivided half of the following premises, situated in the County of Union, State of Ohio, and in the Township of York, and described as follows:

Part of Survey No. 12542.

Beginning at a stone in the center of the Boundary Road, and in the Greenville Treaty line and N.W. corner of lot # 2, assigned in entirety to James E. W. Davis in the partition of the Elza H. Davis land; thence with the said Treaty line S. 83° E. 40' W. 94.60 poles to a stone; thence S. 17° W. 95.88 poles to a stone in the S. line of the said Elza H. Davis farm; thence with the said line N. 83° E. 96 poles to a stone at the S.W. corner of said lot # 2, in said partition; thence with the W. line of said lot N. 18° E. 93.76 poles to the place of beginning, containing 56.58 acres of land, more or less.

Being part of tract of land containing 98 acres assigned as dower to Mary Ellen Davis, now deceased, in the partition of the estate of Elza H. Davis, deceased.

11159

Return

Report

al  
Jou  
co  
Qu  
by  
Beg  
no  
Lin  
of  
am  
W  
El  
of  
N  
to  
the  
of  
un  
t  
Pr  
T  
To  
Ca  
Ju  
of  
sal  
My  
pa  
D

11159

also, the following tract of land, in the same Township, County State and Surry, and described as follows:

Being lot # 3, as shown on the Plat of the Sub-division of the farm of Eliza H. Davis, made by Jonathan H. Bell, Aug. 25-1899.

Beginning at a stone in the center of the county road, and, W.W. corner to Temple and Livingston's lot # 3. thence, with the center of said road, S. 85° W. 49.04 poles, to a stone and corner to McElroy's lot; thence with the said McElroy's E. line S. 17° W. 97. poles to a swamp-elm bush, 4 inches in diameter in the S. line of the Davis farm; thence with the said line N. 84½° E. 49.72 poles to a stone and corner to Temple and Livingston's lot # 4; thence with their N. line N. 16½° E. 95.88 poles to the place of beginning.

Containing 29.75 acres of land, more or less.

Said sale to be private, and, to be following terms:

cash in hand, when deed delivered, you will make return of your proceedings to this court, forthwith upon execution of this order, minus my signature and seal of said Probate Court, at Marysville, Ohio, this 23-day of Feb. 1928. J. R. Fackler, Probate Judge.

Return

Return

To the Probate Court of Union Co - Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear, by the proceeding hereto attached. Dated the 24 day of Feb. 1928.

J. R. Fackler, Adm.

Report

Report of Sale

In obedience to the within order, I sold said premises, on the 24 day of Feb. 1928, to Mrs. Myrtle May Fierds, for the sum of \$301.87<sup>50</sup> paid cash, being the appraised value of the same.

J. R. Fackler, Adm.

Dated the 24-day of Feb. 1928.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11159

The State of Ohio, Union County.  
 The above named J. R. Fackler, Adm. of the estate of Charles F. Dondua, being duly sworn says, that the sale above has been made after diligent endeavor to obtain the best price for said property and, that said sale is for the highest price he could get for said property.  
 J. R. Fackler Adm. etc

Known to before me, and signed in my presence, this 24. day of July, 1928  
 W. H. Husted Probate Judge

approving an  
 Confirmitg  
 sale-

Journal entry: Order approving an Confirmitg Sale.  
 Probate Court, Union County, Ohio.  
 March 5<sup>th</sup> 1928

This day this cause coming on to be heard on the report of J. R. Fackler Adm. of the estate of Charles F. Dondua, deceased, of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Charles F. Dondua in said real estate to the purchaser Myrtle May Fields, upon said purchase, paying the sum of three thousand Eighteen <sup>75</sup>/<sub>100</sub> Dollars

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs - \$---

W. H. Husted, Probate Judge

11160  
 Files  
 Sept. 14-  
 1927  
 J. R. Fackler  
 atty.

Petition

app  
 of  
 the  
 for  
 Ser  
 as  
 ce  
 m  
 Petition  
 the  
 beh  
 ob  
 the  
 mi  
 the  
 an  
 an  
 L  
 to  
 S  
 of  
 de  
 of  
 tom  
 Ba  
 an  
 se  
 p



Final Record, Union County Probate Court

11168  
files  
Sept. 14-  
1927  
J. R. Fackler,  
attly.

|  |   |
|--|---|
| Petition for Sale of Real Estate to Pay Debts<br>Probate Court, Union County, Ohio.  |   |
| J. R. Fackler, administrator<br>of the estate of<br>Sarah E. Dondua, deceased.   | no. 11160.  |
| Plaintiff  |   |
| vs-  |   |
| E. E. Dondua,<br>North E. Dondua<br>Mrs. Osal Jennings,<br>The Virginian Joint<br>Stock Land Bank,<br>of Charleston W. Va. | line action<br>Petition to sell Real Estate<br>Petition |
| Defendants   |   |

The Plaintiff represents that he is the duly appointed and qualified admin. of the estate of Sarah E. Dondua late of Union County Ohio deceased; that the amount of debts due from the deceased, is one half (1/2) Five Thousand Seven Hundred (\$5700.00) Dollars - as near as they can be ascertained (a schedule of which debts is hereto attached marked exp. A)

Petition

same being a mortgage note held by the Virginia joint Stock Land Bank of Charleston W. Va. one-half of which was the obligation of Sarah E. Dondua, deceased, that the charges of administration of said estate will amount to about Two Hundred (\$200.00) two hundred Dollars and that the total value of the personal estate and effects of said deceased, is but Two Thousand (\$2000) two thousand Dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Sarah E. Dondua, died seized in fee simple of an undivided 1/2 interest in the following described real estate, situated in the County of Union State of Ohio, and in the Township of York, to-wit:

Part of Survey no. 17542,

Beginning at a stone in the center of the Boundary Road, and in the Greenville Treaty line, and N. W. corner to lot # 2, assigned in severally to James E. W. Davis in the partition of Eliza M. Davis land.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11160

thence with the said Treaty line S. 83° 45' W. 94.60 poles to a stone; thence S. 17° W. 95.88 poles to a stone in the S. line of the said Eliza H. Davis farm; thence with the said line N. 83° E. 96 poles to a stone at the S.W. corner of said lot # 2 of said partition; thence with the W. line of said lot N. 18° E. 93.76 poles to the place of beginning.

Containing 56.50 acres of land. more or less.

Being part of a tract of land containing 98 acres assigned as. Dower to Mary Ellen Davis now deceased in the partition of the estate of Eliza H. Davis deceased.

also the following tract of land in the same Township, County State and Survey and described as follows:

Being Lot # 3 as shown on the Plat of the subdivision of the farm of Eliza H. Davis made by Jonathan H. Bell Aug. 25, 1899. Beginning at a stone in the center of the County road and N. W. corner to Temple M. Livingston's lot # 3 thence with the center of said road S. 85° W. 49.04 poles to a stone and corner to M<sup>r</sup> Elroy's lot; thence with the said M<sup>r</sup> Elroy's E. line S. 17° W. 97 poles to a swamp elm bush 4 inches in diameter in the S. line of the Davis farm; thence with the said line N. 84 1/2° E. 49.72 poles to a stone and corner to Temple M. Livingston's lot # 4; thence with their W. line N. 16 1/2° E. 95.88 poles to the place of beginning, containing 29.75 acres of land. more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is \$8600.00

The said decedent died leaving no widow and that the defendants

E. E. Doudna, North E. Doudna, & Mrs. Ore Jennings, are the only heirs of said decedent, having the next estate of inheritance from said Sarah E. Doudna deceased, in said premises, that the defendants

The Virginian Joint Stock Land Bank, of Charleston, W. Va. claim to have a mortgage lien on said premises.

The Plaintiff therefore prays that

11160

Carth

Prasife

Filing Petition

the  
w  
pr  
su  
nw.  
sa  
suc  
orb  
The  
Pa  
brin  
su  
to  
br  
the  
To.  
E.  
J  
Bar  
the  
D  
of  
to  
an  
su  
de  
of  
the  
E.

Final Record, Union County Probate Court

111.60

the rights, interests and liens of the said  
The Virginian Joint Stock Land Bank of  
Charleston, W. Va.

may be fully determined, adjusted, and  
protected according to equity,  
and that your Petitioner may be authorized  
and ordered to sell said real estate free of  
said claims according to the statute in  
such case made, and provided, and for all  
other proper orders and relief in the premises.  
J. R. Fackler, adur.

Carte

The State of this Union County.

J. R. Fackler, Adur., of the estate of  
Sarah E. Dondra, the petitioner named Plaintiff  
being duly sworn, says that the various matters  
and things set forth in said petition are true,  
to the best of his knowledge and belief.

J. R. Fackler, Adur.  
Brought before me and signed in my presence,  
this 14. day of Sept. 1927.

W. H. Husted, Probate Judge

Probate Court, Union County, this  
Precipe.

Prasipe

To the Probate Judge:

Issue summons for said Defendants  
E. E. Dondra, North E. Dondra, and Mrs. Orel  
Jennings and The Virginian Joint Stock Land  
Bank of Charleston W. Va. Defendants directed to  
the Sheriff of said County, returnable according to law.  
Fackler, and Fackler, Refs. Atty.

In the Probate Court of Union County, this  
Sept. 14 - 1927.  
no. 111.60.

Filing  
Petition

Journal entry: Filing Petition to sell Real Est.  
This day came the plaintiff J. R. Fackler, adur.,  
of the estate of Sarah E. Dondra, and presented  
to this Court his petition, duly verified, praying  
an order for the sale of real estate of the  
said Sarah E. Dondra, deceased, to pay the  
debts, and the costs of administering the estate  
of the said decedent.

Whereupon, it is considered and ordered by  
this Court, that the said petition be filed  
& that due and legal notice of the filing

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11160

pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same be given to each of the said defendants; ans. This cause is continued

Warrant

W. Husted, Probate Judge -  
Warrant of Summons.

Probate Court, Union Co. Ohio  
No. 11160. Warrant.

We the undersigned parties defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such defendants and we do hereby consent to the sale of the Real Estate described in the petition in said action, according to the prayer of the same.

October 1 - 1927.

Mrs. Carl Jennings, Mr. North Doudna, E. E. Doudna.

Answer<sup>g</sup>

Answer, and Cross-Petition

Cross  
Petition of  
Virginian  
Stock Land  
Bank  
Charleston  
W. Va.

of  
Virginian Joint Stock Land Bank of Charleston,  
now comes the defendant, the Virginian  
Joint Stock Land Bank of Charleston, West Virginia,  
and says that it is a corporation, organized and  
existing under and by virtue of the provisions of the  
Acts of Congress, of the United States, commonly known  
as the Federal Farm Loan Act: that it has its  
office and principal place of business in the City  
of Charleston, Kanawha Co. West Va., and is successor  
to the First Joint Stock Land Bank of Dayton, Ohio,  
a corporation, formerly organized and existing under the  
Federal Farm Loan Act.

First Cause of Action.

This answering defendant says that on the 26. day of Feb. 1923, Charles F. Doudna, executed and delivered to the First Joint Stock Land Bank of Dayton, his certain negotiable promissory note in the amount of Fifty seven hundred (\$5700-) Dollars, with interest at the rate of 6% per annum, and payable as follows:

One hundred ninety-nine Dollars, and fifty cents (\$199<sup>50</sup>) on the 1 day of Sept. 1923, and one hundred ninety-nine dollars, and fifty cents (\$199<sup>50</sup>) on the 1 day of March, and Sept. in each and every succeeding year down to, and including, the 1<sup>st</sup> day of Sept. 1955, and a final installment of

11161

One  
Cent

Log

" No

1<sup>st</sup> Cause  
of action

F

ord

Da

this

Do

the

from

per

an

an

wh

a

in

on

pay

in

the

und

est

inter

at

when

ans

res

that

due

sho

an

m

the

in

br

the

sho

Final Record, Union County Probate Court

11168

One Hundred and sixty-six dollars and thirty-six cents (\$166<sup>36</sup>/<sub>100</sub>) on the 1-day of March, 1956

The following is a copy of said note together with the endorsement of payments thereon:

" No. 139

\$ 5700<sup>00</sup>/<sub>100</sub>

1st Cause of action

The First Joint Stock Land Bank  
Dayton, Ohio

First mortgage note.

Richmond, Ohio, July 26-1923

For value received, I promise to pay to the order of The First Joint Stock Land Bank of Dayton, Ohio, at its office in the City of Dayton Ohio, the principal sum of Fifty-seven Hundred Dollars \$ 5700<sup>00</sup>/<sub>100</sub> with interest from date on the whole amount of said principal sum remaining from time to time unpaid, at the rate of 6% per annum, payments to be made on the amortization plan, and in accordance with amortization table set out on the back hereof, which is hereby referred to, accepted and made a part of this note. said payments to be made in sixty-five semi-annual payments of one-hundred ninety-nine <sup>50</sup>/<sub>100</sub> (\$199<sup>50</sup>/<sub>100</sub>) Dollars each, payable on the first day of March, and Sept. in each year and a final payment of one Hundred Sixty-six <sup>36</sup>/<sub>100</sub> (\$166<sup>36</sup>/<sub>100</sub>) Dollars March 1-1956 unless this note shall be sooner matured by extra payments as herein provided.

All payments not made when due, shall bear interest from due date to the date of payment at the rate of 8% per annum.

Failure to pay any installments of interest when due, shall, at the option of the holder hereof, and without notice, mature the entire indebtedness remaining unpaid.

After five years from the date hereof, on any date when any regular installment becomes due hereunder, the maker, or makers, of this note shall have the option of making in advance any number of payments or any portion thereof on account of the principal hereof, or of paying the entire principal of this note, and any payment in reduction of the principal so made shall be credited on the principal sum remaining due.

Such additional payments shall not reduce the fixed payments provided for herein, but shall pay off the loan at an earlier date.

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11160

This note is secured by a mortgage of even date herewith executed by the makers, to the First Joint Stock Land Bank of Dayton.

Signed Charles F. Dondua,  
Payments.

| year due. | no. | payments          | Int.              | Principal | Balance            |
|-----------|-----|-------------------|-------------------|-----------|--------------------|
| 9-1-23.   | 1   | 199 <sup>50</sup> | 171 <sup>00</sup> | 28.50     | 5671 <sup>50</sup> |
| 3-1-24    | 2   | 199.50            | 170 <sup>00</sup> | 29.36     | 5642.14            |
| 9-1-24    | 3   | 199.50            | 169 <sup>26</sup> | 30.24     | 5611.90            |
| 3-2-25    | 4   | 199.50            | 168.36            | 31.14     | 5580 <sup>76</sup> |
| 9-1-25    | 5   | 199.50            | 167.42            | 32.08     | 5548.68            |
| 3-9-26    | 6   | 199.50            | 166.46            | 33.04     | 5515.64            |
| 9-3-26    | 7   | 199.50            | 165.47            | 34.03     | 5481.61            |
| 3-1-27    | 8   | 199.50            | 164.45            | 35.05     | 5446.56            |

This answering defendant further says that default has been made in the payment of one hundred ninety-nine dollars and fifty cents (\$199.50) evidenced by amortization installment due on Sept. 1-1927. and that by virtue of said default said note is now due and payable in its entirety, and this answering defendant further says that \$500 is now due it on the note aforesaid the sum of Five Hundred four hundred forty-six dollars and fifty-six cents (\$546<sup>56</sup>) with interest on said amount from March 1-1927 until paid at the rate of six per cent per annum and that the note aforesaid is now owned by this answering defendant.

Second Cause of action.

2nd  
Cause of  
action

For its second Cause of action, this answering defendant makes reference to and incorporates therein all the statements and allegations contained in the first cause of action, the same as if fully re-written herein, and says that at the time of the execution of the note aforesaid, and for the purpose of securing the payment of said note, Charles F. Dondua, and Sarah E. Dondua, his wife, duly executed, and delivered to the First Joint Stock Land Bank of Dayton, predecessor of this answering defendant their certain mortgage deed, whereby they conveyed the real estate in the plaintiffs petition described.

This answering defendant further says that said mortgage was duly filed for record in the office of the Recorder of Union County, Ohio, on the 28-day of February 1923, and was thereafter recorded in Vol. 90. Pat page 29 of the Records of

11160

Outlets

Final Record, Union County Probate Court

even date  
 Joint Stock  
  
 bal Balance  
 5-0 5-671.<sup>50</sup>  
 36 5-642.<sup>14</sup>  
 24 5-611.<sup>90</sup>  
 14 5-580.<sup>76</sup>  
 8 5-548.<sup>68</sup>  
 4 5-575.<sup>64</sup>  
 3 5-481.<sup>61</sup>  
 5 5-446.<sup>56</sup>  
  
 fault  
 ninety-nine  
 mortgagion  
 istur  
 payable in  
 says that  
 sum of  
 fifty-six  
 from  
 per  
 is now  
  
 owing  
 the herein  
 in the  
 duly  
 the time  
 on the  
 Charles  
 duly  
 sold land  
 by  
 debt  
 tiffs  
  
 says that  
 in the  
 on the  
 to  
 cords of

1116d

mortgagors of Union County, Ohio, and that said  
 mortgage is now the first and best lien on the  
 real estate therein, and, in the plaintiff's petition,  
 described.

This answering defendant further says that  
 due to the default in the payment of the  
 amortization installment so provided, in said note, which  
 fell due on Sept. 1- 1927, it has elected and does  
 hereby elect to declare, the whole sum of the  
 principal due and payable, and that the condition  
 of the mortgage deed herein before referred to  
 has been broken, and that there is now due  
 & payable to this answering defendant, the sum  
 of five thousand, four hundred, forty-six and  
 fifty-six cents (\$5,446.<sup>56</sup>) with interest thereon at the  
 rate of six per cent per annum, from March 1- 1927,  
 until paid,

wherefore, this answering defendant prays that  
 the real estate described in the mortgage aforesaid  
 and in the plaintiff's petition be ordered sold free  
 and clear of all liens and encumbrances; that the  
 lien of the mortgage held by this defendant, as  
 herein before set up, be ordered to attach to the  
 proceeds of such sale, and the claims of this  
 answering defendant, as herein before set forth, be  
 ordered just paid out of such proceeds.

And, this answering defendant further  
 asks for such other and further relief, as  
 equity may require.

Virginian Joint Stock Land Bank of Charleston,  
 By D. H. Mohler, Atty.

Order

State of West Virginia  
 County of Kanawha, To-wit:

D. H. Mohler, being just duly sworn, says that the  
 defendant, the Virginian Joint Stock Land Bank of  
 Charleston, West Virginia, successor, to the First Joint  
 Stock Bank of Dayton, Ohio, is a corporation,  
 organized and existing under the Federal  
 Farm Loan act, and that he is its attorney  
 duly authorized in the premises, and that  
 the facts stated and allegations contained  
 in the foregoing answer are true, as he truly believes.

D. H. Mohler.  
 Done to before me, and subscribed in my presence,  
 this 11-day of November, 1927.  
 J. K. Thomas, Notary Public, Kanawha Co. West Va.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1116d

Journal entry: orders on hearing, appraisement.  
February 23-1928.

This day, this cause, came on. To be heard upon the petition, evidence and testimony, and the Court, being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or, have voluntarily entered their appearance herein, and, are now properly before the Court, and, that the statements and allegations in said petition are true, and, the Court, being satisfied that it is necessary to sell the real estate of said decedent, described in the petition, to pay his debts.

It is ordered, that B. B. Matteson, Oscar Martin and W. H. Taylor, three suitable and judicious disinterested men, of the vicinity of said real estate, who are freeholders, be, and, they hereby are appointed to appraise said lands at their true value in money.

It is further ordered that said appraisers, be sworn as required by law, and, afterward, upon actual view perform the duties required of them, and, make return of their proceedings in writing to this Court, on, or, before, the 25-day of February, 1928, and, this cause, is continued.

W. H. Husted, Probate Judge

Probate Court, Union County, Ohio.

February 23-1928.

no. 11160.

Confirming appraisement and ordering Private Sale.

Confirming Appr. and

ordering Private Sale.

This day, this cause came on further to be heard, and, it appearing to the Court, that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed: said appraisement being Three Thousand Eighteen and <sup>75</sup>/<sub>100</sub> Dollars.

and, it appearing to the Court, that it would be to the interest of said estate to sell the real estate described in the petition at private sale:

It is now ordered that said plaintiff proceed to sell said real estate at private sale at not less than the appraised value, thereof, and, upon the following terms, to wit:

Cash in hand, when deed delivered.

W. H. Husted, Probate Judge  
Application to Sell Real Estate at Private Sale,  
Probate Court, Union County, Ohio,  
no. 11160.  
application.

11160

for  
E. &  
pete  
grec

mi

hu

The

Oath

Do

var

app

Affidavit  
Disinterested  
Person.

The

du

set

is

in

the

of

of

of

of

of

of

of

of

of



Final Record, Union County Probate Court

11160

The said Plaintiff represents that it would be for the best interest of the said estate of Sarah E. Dondra, to sell the real estate described in the petition in this case at private sale, for the following reasons.

1. It will save the expense of advertisement <sup>vs. public sale</sup>
  2. It is sold for all its worth to a buyer who will pay cash.
  3. It will eliminate delay.
- and he therefore asks for an order authorizing him, to sell said real estate at private sale—  
J. R. Fackler, admr.

The State of Ohio, Union County,

Oath

J. R. Fackler, admr. of the estate of Sarah E. Dondra, est., being duly sworn, says that the various matters set forth in the foregoing application, are true, as he truly believes.

J. R. Fackler, admr.—  
Sworn to before me, and signed in my presence, this 23-day of Feb., 1928.

seal W. S. Husted, Probate Judge—

affidavit  
Disinterested  
Person.

affidavit of Disinterested Persons.

The State of Ohio, Union Co—

Milo Strouider and A. L. Graham, being duly sworn, says that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate of Sarah E. Dondra, to sell said real estate, at private sale, as they truly believe.

Milo Strouider,  
A. L. Graham.

Sworn to before me, and signed in my presence, this 23-day of February, 1928.

seal W. S. Husted, Probate Judge—

affidavit of Disinterested Persons

The State of Ohio, Union County,

Milo Strouider and A. L. Graham, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11160 interest of the said estate of Sarah E. Dondra, to sell said real estate at private sale, than at public sale, as they may believe.

Miles Strieder, A. L. Graham,  
known to inform me, and signed in my presence, this 23-day of July, 1928.  
Seal Jacob R. Fackler, Notary Public.

Order of appraisement

Order of Appraisement

The State of Ohio, Union County, Probate Court,  
To J. R. Fackler, Adm<sup>r</sup> of the estate of Sarah E. Dondra. Greeting:

In the obedience to an order, and decree of the Probate Court of said County, made this day in a certain cause, wherein you as Adm<sup>r</sup> of the estate of Sarah E. Dondra deceased, are Plaintiff and E. L. Dondra et al, are Defendants, you are commanded that by the oaths of B. B. Mathison, H. W. Taylor, and O. E. Martin, judicious disinterested men of the vicinity, not of kin to the petitioners, who are freeholders of the County in which said real estate is situated, and upon actual view you cause a just valuation and appraisement to be made according to law, of the following described premises free of dower, to-wit:

an undivided one-half interest in the following described real estate situated in the County of Union State of Ohio, and Township of York, and bounded, and described as follows:

Being part of Survey # 12542.

a tract of 56.155 acres, described in the petition filed in this case.

Also, a tract of 29.75 acres, described in the petition filed in this case.

The land to be appraised herein amounting to 86.25 acres.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal, of said Probate Court, at Mansville, Ohio, this 23-day of July, 1928. Seal W. H. Husted, Probate Judge

Return

Return

To, the Probate Court, of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached, Dated the 23-day of July, 1928.

J. R. Fackler - Adm<sup>r</sup>

11160

Order of appraisers

Appro. Return

order

of sale

The  
u  
sa  
inf  
est  
dut  
orde  
  
this  
  
In  
fin  
gr  
app  
sh.  
  
The  
Per  
this  
Ad  
Pla  
ma  
cor  
sel  
up  
ju  
a  
de  
of  
18  
Bo  
lin  
ser  
of  
the  
the  
S.  
un

Final Record, Union County Probate Court

11160

Oath of appraisers.

The State of Ohio, Union County.

Oath of appraisers

We, the undersigned appraisers, do make solemn oath that we will actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us, in pursuance, of the foregoing order.

B. H. Matteson, W. H. Taylor, O. E. Martin, appraisers known to before me - and, signed in my presence, this 23 day of Feb., 1928.

W. D. Cameron, Notary Public, Union Co., O.

Appraisers' Return

Appr. Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at \$70.00 per acre, one-half interest \$311.50

Given under our hands, this 23-day Feb., 1928. B. H. Matteson, W. H. Taylor, O. E. Martin - appraisers

Order of Sale, Free from Deeds.

order

The State of Ohio, Union Co., Probate Court.

of sale

To, J. R. Truettler, Adm. of the estate of Sarah E. Dondua. Meeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Adm. of the estate of Sarah E. Dondua, are Plaintiff and E. E. Dondua, North E. Dondua and Mrs. Paul Jennings et al. are Defendants, you are commanded to proceed, according to law, to sell at private sale, for not less than the appraised value, thereof the following described premises to-wit:

an undivided half of the following described premises situated in Union Co., State of Ohio, Township of York; Part of Survey no. 12542, Beginning at a stone in the center of the Boundary Road, and in the Greenville Treaty line, and N.W. corner to Lot # 2, assigned in servitude to James E. H. Davis in the position of the Elza H. Davis farm; Thence with the said Treaty line S. 83° 45' W. 94.60 poles to a stone; thence S. 17° W. 95.88 poles to a stone in the S. line of the said Elza H. Davis farm; Thence with the said line N 83° E. 96 poles, to a stone

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11160

at the S. W. corner of said lot # 2 of said partition; thence with the W. line of said Lot N. 18° E, 93.76 poles to the place of beginning containing 56.50 a. of land, more or less.

Being part of a tract of land, containing 98 acres, assigned as dower to Mary Ellen Davis now deceased, in the partition of the estate of Eliza H. Davis, deceased.

Also, the following tract of land, in the same Township, County, State and Survey and described as follows:

Being Lot # 3 as shown on the plat of the subdivision of the farm of Eliza H. Davis made by Jonathan B. Bell, Aug. 25-1899.

Beginning at a stone in the center of the County Road, Land N. W. Corner to Temple and Livingston's lot # 3, thence with the center of said road, S. 85° W. 49.04 poles to a stone, and corner to McElroy's lot; thence with the said McElroy's E. line S. 17° W. 97 poles to a swamp, elm bush 4 in. in diameter in the S. line of the Davis farm; thence with the said line N. 84 1/2° E. 49.72 poles, to a stone and corner to Temple and Livingston's lot # 4; thence with their W. line N. 16 1/2° E. 95.88 poles to the place of beginning, containing 29.75 acres of land, more or less.

Said sale to be private, and to be upon the following terms:

Cash, in hand, upon delivery of deed; you will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 23, day of February, 1928. ~~W. W. S.~~ W. W. S. Trustee, Probate Judge.

Return  
To the Probate Court of Union County, Ohio:  
In obedience to the foregoing order, I have caused the foregoing order to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 24 day of February, 1928.

J. R. Frackler, adu-

Report of Sale.

In obedience to the within order, I sold said

Report of Sale.

11160

Oats

Approving

Confessing Sale

Final Record, Union County Probate Court

11160.

permises on the 24. day of July. 1928. to Myrtle May  
Hireds for the sum of \$ 3018<sup>75</sup> said sum  
being all the appraised value of the same.

J. R. Fackler. adur-  
Dated the 24. day of July. 1928.

Oath

The State of Ohio. Union County.

The above named, J. R. Fackler, adur., of Sarah E.  
Dondra, being duly sworn, say- that the sale  
above reported has been made after diligent  
endeavor to obtain the best price for said  
property, and that said sale is for the highest  
price he could get for said property.

J. R. Fackler, adur.

Known to before me, and signed in my presence,  
this 24 - day of July, 1928.

W. H. Husted, Probate Judge-

approving

Journal Entry's orders. approving<sup>tho</sup>. Confirming Sale -  
Probate Court, Union County Ohio.  
March 5 - 1928.

Confirming  
Sale.

This day this cause coming on to be heard  
on the report of J. R. Fackler, adur- of  
estate of Sarah E. Dondra, deceased, of his  
proceedings and sale, under the former order  
of this Court, and upon the motion of said  
petitioner to confirm the sale made in  
obedience to said order; the Court have carefully  
examined said report, and finding the proceedings  
of said petitioner in all respects correct, and  
being satisfied that said sale was fairly  
& legally made -

It is ordered, that the same be and hereby  
is approved, and confirmed.

It is further ordered, that said petitioner  
execute a deed of all the right title  
& interest of the said Sarah E. Dondra, in  
said real estate to the purchaser, Myrtle May  
Hireds upon the said purchaser paying the sum  
of Three Thousand Eighteen <sup>75</sup>/<sub>100</sub> dollars.

Therefore

It is ordered, that this proceeding be recorded  
& said petitioner pay costs. \$ ---.

W. H. Husted, Probate Judge-

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11196

Oct 28/27

F. DeLong Allen, atty.

D. B. Whitehead, Admr. of the estate of Mary J. Layton, Deceased, Plff's vs.

Kate Handley, Mary Robinson, A. E. Layton, R. H. White, F. D. White, Dfds.

Petition for Sale of Real Estate to Pay Debts, Probate Court, Union County, Ohio, no. 11196.

no. 11169 Civil action

Petition to Sell Real Estate.

Petition.

Petition

The Plaintiff represents that he is the duly appointed and qualified Administrator of the estate of Mary J. Layton late of Richmond Union County, Ohio, deceased, that the amount of debts due from the deceased is Two thousand one hundred forty-nine and 10/100 Dollars, as near as can be ascertained (a schedule of which debts is hereto attached marked Exhibit A)

monument \$50- Insurance \$11.50 Taxes \$50.70 Funeral exp - 249.00 M. L. Handley board and nursing \$1788.00 Total \$2449.00

that the charges of administration of said estate will amount to about \$200-

and that the total value of the personal effects and personal estate is but one thousand seven hundred and 50/100 Dollars, being wholly insufficient to pay the debts, and costs aforesaid.

The Plaintiff further represents that said Mary J. Layton died seized in fee simple of the foregoing described real estate situated in the County of Union State of Ohio and in the village of Richmond, to wit:

Being all of Tr-lot number 313 in Norris addition to Richmond, Union Co., O. (For a more specific description reference is hereby made to the Recorder's office at Mansfield, Ohio)

Being the same premises conveyed by Warranty Deed from Edward Norris to Mary J. Layton and recorded in Deed Book Vol. 40 Page 7, in the Union Co., Rec. of Deeds.

Plaintiff represents that said real estate was appraised in accordance with the order

11196

of... cap... m... Eler... wh... dep... Pl... of... in... in... pe... so... ac... an... The... Pla... ma... br... In... the... m... to... m... wh... ret... I... re... de... ot... Do

On the

Principals

Final Record, Union County Probate Court

11196

of the Probate Court of Union County, Ohio by the appraisers of the personal estate of said decedent that the amount of said appraisement is Eleven Hundred and no/100 Dollars.

The said decedent died leaving no widow who is entitled to dower in said premises; that the defendants Kate Handley, Mary Robinson, W. E. Layton, R. L. White, and F. D. White, are the only next of kin of said decedent, having the next estate of inheritance from said Mary J. Layton deceased, in said premises.

The Plaintiff therefore prays and that your petition may be authorized and ordered to sell said real estate free from said dower, according to the statute in such case made and provided, and for all other proper orders, and relief in the premises.

D. B. Whitehead Adur,

On the

The State of Ohio, Union County.

D. B. Whitehead adur, the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

D. B. Whitehead adur-

Sworn to before me, and signed in my presence, this 29 day of Oct. 1927.

F. LeRoy Allen, Notary Public,

Journal 41, Pg. 68. Filing.

Receipts

Receipts

To the Clerk;

Please issue summons in the above matter for the defendant R. L. White directed to the Sheriff of Lucas County, Ohio, and make same returnable according to law.

Also, issue summons for the defendant F. D. White directed to the Sheriff of Cuyahoga Co. Ohio, returnable according to law.

Indorse the above summons "action to sell real estate by adur. of the estate of Mary J. Layton deceased, and all proper relief."

R. L. White resides at 2032 Upton Ave., Toledo, Ohio.

F. D. White resides at 1960 N. 5th St., Cleveland, O.

F. LeRoy Allen.

Dec. 24 - 1927.

ally. for. Plft.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11196

Summons on Petition to Sell Real Estate.  
The State of Ohio, Union County, Probate Court.  
To the Sheriff of said County:

Summons.

You are commanded to notify R. L. White 2532  
Lifton Ave., Toledo, that on the 28<sup>th</sup> day of Oct. a. d. 1927  
D. B. Whitehead, admr. of the estate of Mary J. Layton  
deceased, filed his petition in the Probate Court of said  
Union County, Ohio, against them, and others; the  
object and prayer of which petition is to obtain  
an order for the sale of certain Real Estate belonging  
to said decedent, in said petition described, for  
the purpose of paying debts of said deceased  
and that unless they answer by the 21<sup>st</sup> day  
of January, 1928, said petition will be taken  
as true, and an order granted accordingly.

Said Sheriff will make due returns of this  
writ on the 2<sup>nd</sup> day of Jan'y, 1928.

Witness my hand, and the seal of said  
Court this 24<sup>th</sup> day of Dec. 1927.

W. H. Husted, Probate Judge  
Sheriff's Return.

Sheriff's  
Return

The State of Ohio, Lucas County.

Received this writ Dec. 27- 1927  
at 3.30 o'clock P. M. and pursuant to its  
commands I served on the 27<sup>th</sup> day of December  
1927, R. L. White by leaving at his usual  
place of residence a true and certified copy of this  
writ with all endorsements thereon.

Charles G. Emmert, Sheriff.

By R. E. L. Deputy.

Affidavit  
to  
obtain  
service

In the Probate Court, Union Co., Ohio  
No. 11196.  
affidavit to obtain service by publication.  
State of Ohio, Union County, ss.

D. B. Whitehead the above named plaintiff  
being duly sworn, says that the residence of  
F. D. White is unknown, and cannot with  
reasonable be ascertained and service of  
summons cannot be made upon him, and  
that the case is one of those mentioned in  
Section 5043 of the Revised Statutes of Ohio,

D. B. Whitehead, admr.

known to inform me, and subscribed in my  
presence this 27<sup>th</sup> day of January 1928.

F. LeRoy Allen,

Notary Public

11196

Sheriff's  
Return

Order  
Service  
by  
Publication



Final Record, Union County Probate Court

11196

*Summons on Petition to Sell Real Estate*  
 The State of Ohio, Union County, Probate Court,  
 To the Sheriff of Cuyahoga Co.,  
 you are commanded, to notify F.D. White at  
 1960 W. 58<sup>th</sup> St. Cleveland, Ohio. that on the 28  
 day of Oct. 1927 D. B. Whitehead admr. of the estate  
 of Mary J. Layton deceased, filed his petition in the  
 Probate Court of said Union County, Ohio, against  
 them and others; the object and prayer of which  
 petition is to obtain an order for the sale of  
 certain Real Estate, belonging to said decedent  
 in said petition described, for the purpose of paying  
 debts of said deceased, and that unless they  
 answer by the 21-day of Jan'y. 1928, said  
 petition will be taken as true, and an order  
 granted accordingly.

Said Sheriff will make due return of this writ on the 2-day of Jan'y. 1928.

Witness my hand, and the seal of said Court, this 24-day of Dec. 1927.

*W. H. Husted, Probate Judge*

*Sheriff's Return*

*Sheriff's Return*

The State of Ohio, Cuyahoga County,  
 Received this writ Dec. 27-1927, at 8:45 o'clock  
 A.M. and, pursuant to its command,

*F. D. White*

The within named defendant not found in my county.

*E. J. Harney, Sheriff.*

*By, C. M. Putnam, Deputy.*

*Sheriff's Fees*

Service on Pet. 70

Mileage 64

Postage 02 Total \$141

Journal entry: orders, service, by Publication  
 Probate Court, Union County, Ohio,  
 Jan. 30<sup>th</sup> 1928.

*order Service by Publication*

This day came, the Plaintiff and, filed herein an affidavit under the General Code, in that behalf, for the purpose of procuring service by publication; and, it appearing to the Court that the Defendant F. D. White address, and residence is unknown, to the Plaintiff, that the heirs of Mary J. Layton deceased, defendants, are necessary parties and, their names, and residence

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11196.

are unknown to the Plaintiff cannot with reasonable diligence be ascertained, and that service of summons on such defendants cannot be made; it is ordered, that proceedings against said unknown heirs be had without naming them.

It is ordered, that the publication be made for six consecutive weeks in a newspaper printed in this county, that it contain a summary statement of the object and prayer of the petition, mention the court wherein it is filed, and notify the persons thus to be served when they are required to answer

and it is further ordered, that immediately after the first publication, the party making the service deliver to the clerk of this Court, copies of the publication, with the proper postage, that said clerk mail a copy to each of said defendants, whose residence is known; to his residence named therein and make an entry thereof on the proper docket.  
W. Husted, Probate Judge.

application  
at  
Private sale.

Application to Sell Real Estate at Private Sale,  
Probate Court, Union County, Ohio,  
No. 11196

application

The said Plaintiff represents, that it would be for the best interest of the said estate of Mary J. Dayton, deceased, to sell the real estate described in the petition in this case, at private sale, for the following reasons:

1. Large expense of advertising
2. The nature of the property is such that a public sale is not justifiable.
3. Expediency.

and he therefore asks, for an order, authorizing him to sell said real estate at private sale.

D. B. Whitehead, advor.

Oath.

The State of Ohio, Union County.  
D. B. Whitehead being duly sworn, says, that the various matters set forth in the foregoing application, are true, as he truly believes.  
D. B. Whitehead.

Sworn to before me, and signed in my presence,  
this 12 day of March, 1928  
Gust F. Le Roy Allen, Notary Public

11196

For  
Private Sale

The  
br  
ser  
app  
the  
the  
est  
the  
the  
brin  
the  
per  
the  
Infr  
at  
m  
m  
an  
in  
he  
sa  
est  
pi  
to  
est  
jet  
D.  
sa  
fr  
br.  
m  
con  
Ca

Final Record, Union County Probate Court

11196

affidavit of Disinterested Persons.

The State of Ohio, Union County.  
 L. J. McCoy, Margaret C. Cahill, and Dora E. Dawn  
 being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, as they verily believe.

L. J. McCoy, Margaret C. Cahill, Dora E. Dawn  
 sworn to before me and signed in my presence  
 this 12 - day of March, 1928.

Edw. F. LeRoy, Notary Public,  
 Probate Court, Union County, Ohio,  
 March 12 - 1928.

For Private Sale

order for Private Sale

This day this cause came on to be heard upon the petition, evidence and testimony, and the Court being fully advised in the premises finds; that all the defendants herein have been duly and legally served, with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true, that said Mary J. Layton, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered that another appraisement to be hereby is dispensed with, and the Court being satisfied that it is necessary to sell the real estate of said Mary J. Layton, (described in the petition, to pay her debts, and it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate described in the petition at private sale,

It is therefore further ordered that said D. B. Whitehead, as such, administrator, proceed to sell said real estate, free of dower, at private sale for not less than the appraised value thereof, on the following terms, to wit: Cash in hand on day of sale.

and said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued. W. H. Husted, Probate Judge.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11196

Order of sale.

Order of Sale. Free from Dower.  
 The State of Ohio, Union County. Probate Court.  
 To, D. B. Whitehead, Adm. of the estate of,  
 Mary J. Layton, Deceased, Heiress.  
 In obedience to an order, and decree of Probate  
 Court, within and for said county, made this day, in a  
 certain cause, wherein you, as Adm. of the estate  
 of Mary J. Layton, are Plaintiff, and Kate Handley et al.  
 are defendants you are commanded to proceed according  
 to law, to sell at private sale, for not less than the  
 appraised value, things free from dower, the following  
 described premises to wit:

Situated in the county of Union, in the State  
 of Ohio, and in the village of Richmond, and bounded  
 and described as follows:

Being all of in-lot 313, in Norris' addition  
 to the village of Richmond Union Co. Ohio.

(For a more specific description reference is hereby  
 made to the Recorder's office at Mansville O.)

Being the same premises conveyed by Warranty  
 Deed from Edward Norris to Mary J. Layton, and  
 recorded in Deed Book Vol. 40, Page 7, in the  
 Union County, Rec. of Deeds.

Said sale to be upon the following terms.

Cash in hand on day of sale  
 You will make return of your proceedings  
 to this Court forthwith upon execution of this  
 order.

Witness my signature and the seal of said  
 Probate Court, at Mansville, Ohio, this 17th day of  
 March, 1928. *D. B. Whitehead*, Probate Judge -  
 Return

Return

To, the Probate Court of Union County, Ohio:

In obedience to the foregoing order, I have  
 caused the same to be duly executed, as will fully  
 appear by the proceedings hereto attached.

Dated the 12th day of March, 1928.

D. B. Whitehead, Adm.

Report of Sale, Private

Report of sale.

Private

In obedience to the within order, I sold said  
 premises, on the 12th day of March, 1928, to  
 Kate Handley, for the sum of Eleven Hundred  
 Dollars, said sum being the appraised value of  
 the same.

Dated the 12th day of March, 1928.

D. B. Whitehead, Adm.

11196

Legal notice

Legal notice

The  
 su  
 ma  
 ma  
 is  
 for  
 ju  
 P  
 ma  
 hu  
 m  
 in  
 Ar  
 E  
 H  
 D  
 d  
 b  
 19  
 the  
 J  
 de  
 id  
 Cl  
 de  
 de  
 St  
 m  
 A  
 (3  
 he  
 a  
 of  
 by  
 her

Final Record, Union County Probate Court

11196

The State of Ohio, Union County.

The above named D. B. Whitehead being duly sworn, says that the sale, above reported has been made after diligent endeavor to obtain the best price for said property, and, that said sale is for the highest price, he could get for said property.

D. B. Whitehead, adur -

Brown, to be for me, and signed, in my presence, this 12-day of March, 1928.

F. L. Roy Allen, Notary Public

Legal notice.

Personally appeared before me, O. A. Kingley and notice made oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and after, Feb. 2-1928.

in the Richmond Gazette a newspaper of general circulation in the County aforesaid.

O. A. Kingley

Brown to before me, and signed in my presence this 10-day of March, 1928.

Paul B. Van Winkle, Notary Public

Legal notice.

D. B. Whitehead adur. of the estate of Mary J. Layton, deceased, plaintiff vs. Kate Handley, et al. Defts, case no 11196, in the Probate Court of Union Co. O.

F. D. White, whose last known address was 1960, W. 58 St. Cleveland, Ohio, will take notice that D. B. Whitehead adur. of the estate of Mary J. Layton, deceased, on the 28. day of Oct. 1927, filed his petition in the Probate Court of Union Co. O. alleging that the personal estate of said decedent is insufficient to pay her debts and the charges of administering her estate; that she died seized in fee simple of the following described real estate, to-wit:

Situated in the County of Union, in the State of Ohio, and in the village of Richmond and being all of In-lot # 313 in Norris Addition to said Village of Richmond, Ohio. (For more specific description, reference is hereby made to the recorded plat of said Addition to said Village in the Recorder's office at Mansfield, Ohio).

The prayer of said petition is that said property be sold to pay debts & charges, as aforesaid. F. D. White is hereby notified that he has been made

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11196

a party defendant in said petition, and, that he is required to answer the same on or before the tenth day of March 1928.

D. D. Whitehead admr.

L. DeRoy Allen, atty. for Plff.

2-2-1928 - 67.

approving  
admr.

Journal Entry: Orders approving and confirming sale  
March 12 - 1928

confirming  
sale.

This day this cause coming on to be heard on the report of D. D. Whitehead admr. of the estate of Mary J. Layton, deceased, of his proceedings and sale under the former order of this Court: and upon the motion of said petitioner to confirm the sale made in obedience to said order: the Court having carefully examined said report and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Mary J. Layton in said estate to the purchaser, Kate Landberg, upon the said purchaser paying the purchase money in cash to him.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein taxed at \$ -

W. H. Donated,

Probate Judge

11202.

Nov. 7 - 1927.

John H. Dailey  
city.

Ho.

Elu

app  
of  
de  
the  
new

Petition

at  
Co  
the  
est  
and  
Mr.

ju  
ins  
Ma  
fee  
Co  
Jo

Sm  
lan  
lot  
lot  
E.  
10.  
joll  
to  
me  
Aug  
by  
som

Final Record, Union County Probate Court

11202.  
Nov. 7-1927.  
John W. Dailey  
Att'y.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio,

11202  
Civil action

W. F. Columber, Adm'r.,  
of the estate of  
Mary A. Petherer, Deceased,  
Plaintiff

vs.  
Elizabeth Columber,  
Lee Petherer,  
John Petherer  
Defendants.

Petition.

The Plaintiff represents that he is, the duly appointed and qualified adm'r. of the estate of Mary A. Petherer late of Union County, Ohio deceased, that the amount of debts due from the deceased, is, Four Hundred Dollars, as near, as they can be ascertained

Petition  
Small debts owing at time of decease about \$75<sup>00</sup> burial expenses about 300<sup>00</sup>  
Court costs etc \$25<sup>00</sup>

that the charges of administration of said estate will amount to about Fifty Dollars; and that the total value of the personal estate and effects of said deceased, is, but - no personal property and no dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Mary A. Petherer died in fee simple - of the following described real estate, situated in the County of Union, State of Ohio, and in the Township of Clairborne Twp:

Being part of the Buller Clairborne Survey # 6293.

Beginning at the northwest corner of Joseph Smoot's land and N.E. corner of Elizabeth Battell's land: thence N. 23 poles to the W. line of a lot known as the Woodruff and Knrisky lot to the N.W. Corner of said lot: thence E. 64 poles and 20 links to the original N.W. corner of said lot, to a stake: thence S. 20 poles, and 4 feet on a line of the fence and lane to the middle of the creek. Thence, with the meanderings of the creek to the place of beginning containing 13 acs. more or less.

Excepting therefrom all of said tract lying south of said road running through the same,

Final Record, Union County Probate Court

THE W-W-S CO., CHICAGO, ILL. 6205

11202

same, being six acres, more or less, conveyed to Robert D. Cornell, on April 3 - 1884. also, excepting therefrom one acre heretofore, conveyed out of said tract to Julia Ann Corrigill, on Sept. 29 - 1869, and also excepting a fractional part of an acre heretofore deeded for a school house site.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is \$750.00.

The said decedent died leaving no widow or husband, that the defendants Elizabeth Columbus, John Retterer, and Lee Retterer, and that Florence Retterer one of the heirs at the time of the death of Mary A. Retterer died, May 20 - 1927, and that the said Florence Retterer was single and that the above named, Elizabeth Columbus, John Retterer, and Lee Retterer are her only heirs at law, that the above named, are the only children of said decedent, having the next estate of inheritance from said Mary A. Retterer deceased, in said premises.

The Plaintiff therefore prays that your petitioner may be authorized and ordered, to sell said real estate free from said debt according to the statute in such case made, and provided for all other proper orders, and relief in the premises.

H. F. Columbus, administrator

The State of Ohio, Union County.

H. F. Columbus, the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition, are true to the best of his knowledge and belief.

Sworn to before me, and signed in my presence this 7-day of November, 1927.

John W. Dailay, Notary Public

Journal Entry:

In the Probate Court of Union Co. Ohio Nov. 7 - 1927. No 11202

Filing Petition to Sell Real Estate

This day came the Plaintiff H. F. Columbus, and presented to this Court his petition, duly verified praying an order for the sale of real estate of said Mary A. Retterer deceased, to pay the

60th

Filing Petition

11202

Warrant

application to sell Real Estate

deb  
sai  
be  
de  
an  
in  
20  
W  
Warrant  
No.  
in  
was  
vol  
Rea  
ac  
application  
to  
sell  
Real Estate  
the  
an  
m  
the  
for  
m  
ju  
st.  
ju  
m  
est  
an  
at  
The  
the



Final Record, Union County Probate Court

11 202

debts, and the costs of administering the estate of the said decedent.

whereupon it is considered and ordered by this court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants. This cause is continued.

H. F. Husted, Probate Judge

waiver

Waiver

Probate Court, Union County, Ohio. We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us, hereby waive the issuing and service of Summons and voluntarily enter our appearance, as such Defendants.

We do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Elizabeth F. Columbus, Lee Petteer, John B. Petteer.

application to sell Real Estate

application to sell Real Estate at Private Sale. Probate Court, Union County, Ohio

The said Plaintiff represents that it would be for the best interest of the said real estate and estate of the decedent to sell the real estate described in the petition in this case at private sale for the following reasons:

- 1. That said real estate can be sold for an amount said property is reasonably worth.
- 2. That said is for cash, in hand and can be sold at once and sale by public auction is costly and the purchaser at this time may not be interested in the future.

3. That said property is unoccupied and it is for the best interests of said estate for said property to be occupied and he therefore asks for an order authorizing him to sell said real estate at private sale.

H. F. Columbus, Adver

The State of Ohio, Union County. H. F. Columbus, being duly sworn, says that the various matters set forth in the foregoing.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

application was true as he verily believes.

H. F. Columbus,

Sworn to before me, and signed in my presence, this 9. day of, November, A. D. 1927.

Clara B. Husted, Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Union County,

Pearl Ziegler and Forest Smith, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate of Mary A. Retterer, to sell said real estate at private sale, than at public sale, for the reasons set forth on the face of this application, as they verily believe.

Forest Smith, Pearl Ziegler

Sworn to before me, and signed in my presence, this 9. day of, November, 1927,

O. J. Ziegler Notary Public, Probate Court, Union County, Ohio, November 9-1927.

Order for Private Sale

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises, finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true.

That said Mary A. Retterer deceased, did not a widow entitled to dower in the estate to be sold, and an appraisement of such estate contained in the inventory.

It is ordered, that another appraisement be, and hereby is dispensed with.

And the Court being satisfied that it is necessary to sell the real estate of said Mary A. Retterer, described in the petition to pay her debts, and it being made to appear to the Court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said H. F. Columbus, as such, do proceed to

Final Record, Union County Probate Court

sell said real estate, free of dower, at private sale, for not less than, the appraised value thereof on the following terms, to wit: cash in hand on day of sale.

and said petitioner is ordered, to make return to this Court, immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge.

Order of Sale free Dower.

The State of this Union County, Probate Court.  
vs. H. F. Columbus, admr. of estate of Mary A. Petteur. Meeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause, wherein you as admr. of the estate of Mary A. Petteur are Plaintiff and Elizabeth Columbus, et. al. are Defts., you are commanded to proceed according to law, to sell at private sale, for not less than, the appraised value thereof free from the dower the following described premises, to wit:

Being part of Buller Blairborne Survey no. 3293, Beginning at the N.W. Corner of Joseph Smoots land, and the N.E. Corner of Elizabeth Battell's land; thence N. 73 poles to the N. line of a lot known as the Woodruff and Knudly lot - to the N.W. Corner of said lot; thence E. 64 poles and 20 links to the original N. corner of said lot to a stake; thence S. 20 poles, and 4 feet on a line of the fence and lane to the middle of the creek, thence, with the meanderings of the creek, to the place of beginning containing 13 acres, more or less.

Excepting therefrom all of said tract lying south of said road, running through the same, being 6 acres, more or less, conveyed to Robert D. Cornell, on April 3-1854; also, excepting therefrom one acre herebefore conveyed out of said tract to Julia Ann Corry on Sept. 29-1869; also, excepting a fractional part of an acre herebefore conveyed for a school house - site

Said Sale to be Cash in hand, on day of delivery of deed.

You will make return of your

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11202

proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 9-day of Nov. 1927. ~~W. H. Husted~~ Probate

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 9-day of November, 1927.

H. F. Columbus.

Report of

Report of Sale.

In obedience to the within order, I sold said premises on the 9-day of Nov. 1927, to Bessie M. Buster for the sum of \$850- said sum being the appraised value of the same.

H. F. Columbus.

Dated the 9-day of Nov. 1927.

Both.

The State of Ohio, Union County,

The above named H. F. Columbus, being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

H. F. Columbus.

Sworn to before me, and signed in my presence, this 9-day of Nov. 1927.

~~W. H. Husted~~ Probate Judge

Approving

Journal Entry: orders, approving and Confirming Sale. Probate Court, Union Co. Ohio, November, 9-1927.

Confirming

This day, this coming on, to be heard on, the report of H. F. Columbus, admin. of the estate of Mary A. Petteer deceased, of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order, the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same, be, and, hereby, is approved, and confirmed.

It is further ordered that said petitioner

11202

exec  
int  
real  
up  
da  
rec  
#-

Final Record, Union County Probate Court

11202

execute a deed of all the right, title and interest of the said Mary A. Petteer, in said real estate to the purchaser, Bessie M. Busler upon the said purchaser, paying in cash. This date of sale of the purchase price therefor.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs \$- W. H. Husted, Probate Judge -

cution  
al of  
9-day  
have  
il July  
soed  
Bessie  
un  
duly  
has  
tain  
said  
for said  
roy  
bale Judge  
ing Sale.  
the  
li of  
ing and  
and upon  
e sale  
st,  
and,  
er  
lied  
made,  
and,  
etitioner

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11204  
Nov. 10/1927.

Petition for sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio  
No. 11204.

J.W. Dailey  
atty.

H.D. Burlingame, Executor  
of the estate of  
Samuel B. Russell, deceased.  
Plaintiff

Civil Action  
Petition to Sell Real Estate.

vs.  
Emma Burlingame

Petition

and  
Mau Russell.

Defendants.

The Plaintiff represents that he is the duly appointed and qualified executor of the estate of Samuel B. Russell, late of Union County, Ohio, deceased; that the amount of debts due from the deceased, is about four hundred dollars, as near as they can be ascertained (a schedule of which debts, is hereto attached, marked Exhibit A.)

Petition

Funeral expenses, undertaken 50.00  
medical attention 45.00

H.D. Burlingame money advanced for estate 150.00  
that the charges of administration of said estate will amount to about \$175.00 and that the total value of the personal estate and effects of said deceased, is but \$200.00 being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Samuel B. Russell, died in fee simple of the following described real estate, situated in the County of Ramsey, State of Ohio, and, to-wit:

One half interest (1/2)

1st Tract.

First Tract: Being known, as a part, the west half of the north west quarter of section No. 17, Township 1, and, range, 3, and, being Lots No. 10, 11, 12, 13, 26, 27, 28, 29, and, 30, and, shown and delineated on the plat of Buckley, excepting, all minerals in and underlying said described lots.

Second Tract.

Second Tract:

Being known as, and, situated in a part of the south east quarter of the south west quarter of section 24, Township 1, Range 3, and, described as follows: Beginning at a point on the south line of said quarter section 24 - 107 feet East of the south west corner, which is at the south east corner of land, heretofore deeded, by Charles W. Shimp and, Maria A. Shimp to

11204

the  
paid  
of it  
road  
124  
deed  
cont  
dist  
con  
ex  
the

Third

Tract

State  
gr  
2  
des  
and  
of  
of  
said  
stat  
son  
leav  
Wate  
134.  
most  
Coul  
excep  
and  
of  
Part  
of  
the  
def  
enti  
def  
and  
the  
B.A  
defen  
Jo

Final Record, Union County Probate Court

11204

the National Coal Company of Akron, Ohio; thence along said south line, easterly 128 feet to the west side of the county road; thence northerly along said county road .60 ft; thence parallel with the first course, 124.7 feet to the east line of aforesaid land deeded, by Shipup to the National Coal Co. Thence, southerly along the east line of said land, a distance of 60 feet to the place of beginning, containing .174 acres, by the same, more or less excepting all coal and minerals underlying the same heretofore sold, and conveyed.

Third Tract

Third Tract:

Situate in said township, county and state and, being a part of the north-east quarter of the north-west quarter of section 2 Township 9, and range 10, and, bounded, and described as follows:

Beginning at a stake on the north line and 69.75 feet east of the north-west corner of said north-west quarter of the north-west quarter of section 2, Township 9, and range 10; thence with said north line 85° 53' east 134.80 feet to a stake on the edge of the county road; thence south 10° 23' east 92.62 ft. to a stake; thence leaving said County road with the line of the National Coal Co., property, north 85° 53' east 134.80 feet to a stake; thence north 10° 23' west 92.62 feet to the place of beginning, containing .29 (Twenty-nine hundredths) acre, excepting all coal, and minerals in and underlying said described premises.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is

The said decedent died leaving the defendant May Russell his widow who is entitled to dower in said premises; that the defendants Emma Burlingame, are the only heirs of said decedent, leaving the next estate of inheritance from said Samuel B. Russell, deceased, in said premises, that the defendants

The Plaintiff therefore prays that the dower of

Debts. this Estate. duly estate county. This on le. of k. a.) mill value ad. is int. to and said following ty of the West 7. 10. 11. ting, all lots. a part quarter described south East south by to

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11204

May Russell in said premises, may be assigned and set off to her: that the rights, interest and liens of the said estate may be fully determined, adjudicated and protected according to equity, and that your petitioner may be authorized and ordered to sell said real estate free from the said dower, according to the statute in such case made, and provided, and for all other proper orders, and relief in the premises.

H. D. Burlingame.

The State of Ohio, Union County.

Carte

H. D. Burlingame, admr. of the within named Plaintiff being duly sworn, says, that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

H. D. Burlingame

Known to before me, and signed in my presence, this 10 day of November, 1927.

John W. Darby Notary Public Seal

Journal entry: Filing Petition to sell Real Estate.

In the Probate Court of Union Co. Ohio November, 10 - 1927.

Filing Petition

This day came the plaintiff H. D. Burlingame, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Samuel B. Russell, deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge

Answer of Widow.

Answer

of Widow

Probate Court of Union Co. Ohio has come, H. May Russell, and in answer to the petition filed herein for the sale of real estate says that she is one of the defendants and the widow of Samuel B. Russell.

That as such, widow under the last Will and testament of Samuel B. Russell, she elected,

11204

to... she... des... def... as... diti... ms... on... the... for... pre... Train... des... Hearing of appraisement... H... up... su... Jus... Q... ent... for... sta... arr



Final Record, Union County Probate Court

11204

to take by the terms of the Will and, by such election she, is not entitled to dower in the real estate described in the petition.

That as such widow as aforesaid this defendant consents to the sale of said real estate as prayed for in the petition.

H. May <sup>her</sup> Russell.  
mark

Witness

Mrs. D. H. Miller  
Marion O. Stall.

Attest

State of Ohio, Marion County, ss.  
H. May Russell, being duly sworn, says that the facts stated and allegations made in the foregoing answer are true so she truly believes.

H. May <sup>her</sup> Russell.  
mark

Seen to inform me, and subscribed in my presence this 10-day of Nov. 1927.

Marion O. Stall, Notary Public,  
Union Co. Ohio.

Witness

Declarant

Probate Court, Union County, Ohio.  
The undersigned party Defendant, in the Petition in the above entitled action hereby waives the issuing and service of Summons, and voluntarily enters appearance as such Defendant, and do hereby consent to the sale of the Real estate described in the petition.

Ernest Burdington  
Nov. 11 - 1927.

Hearing of appraisement.

Journal entry:  
Order on Hearing of appraisement.  
Probate Court, Union County, Ohio.  
Nov. 16 - 1927.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds:

That all the defendants herein have been duly & legally served with process, or, have voluntarily entered their appearance, herein, and are now properly before the Court, and that the statements and allegations in said petition are true. That said H. May Russell

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11204

widow of said Samuel B. Russell is not entitled to dower in said real estate; That said widow by her assent herein waives the assignment of dower in said premises by metes and bounds, or in rents and profits and consent to the sale of said premises, free from her dower estate therein. And the Court, being satisfied that it is necessary to sell the real estate of said Samuel B. Russell described in the petition to pay his debts, said one-half of real estate as described in the petition.

It is ordered, that G.C. Woodford, Will Harrington <sup>Ans.</sup> James Curran three suitable and judicious disinterested men of the vicinity of said real estate who are freeholders, be and they hereby are appointed to appraise said lands at their true value, in money, free from the dower estate of said widow H. May Russell, therein.

It is further ordered, that said appraisers be sworn as required by law, and afterward upon actual view perform the duties required of them, and make return of their proceedings in writing, and this caused, is continued

W.H.usted, Probate Judge

order of appraisement

Order of appraisement.

The State of Ohio, Union County, Probate Court.  
 To H. D. Burlingame Ex. of the Est. of  
 Samuel B. Russell, Plaintiff;

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as executor of Samuel B. Russell, are Plaintiff and H. May Russell et al. are Defendants, you are commanded by the oaths of G.C. Woodford, Will Harrington <sup>Ans.</sup> James Curran, judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders, of the county in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made, according to law, of the following described premises, free from the dower estate of H. May Russell, widow, therein, to wit:

Being the undivided one-half interest of the following described premises, to wit:

Situate in the County of, Guernsey and State of Ohio, and being bounded <sup>as</sup> described as follows:

11204

Second Tract

Third Tract.

Final  
 nor  
 and  
 28.  
 Pla  
 un  
 S  
 the  
 of  
 des  
 &  
 sa  
 son  
 Cor  
 and  
 Apr  
 eas  
 Re  
 60  
 12  
 lan  
 the  
 lan  
 by  
 ex  
 her  
 M  
 an  
 nor  
 Pa  
 fee  
 To  
 an  
 of  
 sic  
 su  
 a  
 so  
 the  
 lin  
 in

Final Record, Union County Probate Court

11204

First Tract:

Being known as a part of the west half of the north-west quarter of section No. 17. Township 1, and range 3, and being lots nos 10, 11, 12, 13, 26, 27, 28, 29, and 30, and as shown and delineated on the Plat of Buckeye, excepting all minerals in and underlying said described lots.

Second Tract

Second Tract:

Being known as and situated in a part of the south east quarter of the south-west quarter of section 24, Township 1, and range 3, and described as follows:

Beginning at a point on the south line of said quarter section 24 - 107 feet east of the south-west corner, which is at the south-east corner of land heretofore deeded by Charles W. Shimp and Mira W. Shimp to the National Coal Co. of Akron, Ohio, thence along said south line easterly 128 feet to the west side of the County Road; thence northerly along said road 60 feet; thence parallel with the first course 124.7 feet to the East line of aforesaid land deeded by Shimp to the National Coal Co. thence southerly along the East line of said land a distance of 60 feet to the place of beginning, containing 174 acres more or less excepting all minerals underlying the same heretofore sold and conveyed.

Third Tract

Third Tract:

Situate in said Township, County and State and being a part of North-east quarter of the north-west quarter of section 2, Township 9, and Range 10, and bounded, and described as follows:

Beginning at a stake on the north line of and 69.75 feet east of the north west corner of said North west Quarter off the North west Quarter of section 2, Township 9 and range 10; thence with said north line 85° 53' East, 134.80 feet to a stake on the edge of the county road; thence south 10° 23' East 92.62 feet to a stake thence leaving said county road with the line of the National Coal Co. property north 85° 53' east 134.80 feet to a stake;

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11204

Hence leaving said county road, with the line of the National Coal Co. property north 85° 53' East 134.80 ft. to a stake; thence north 10° 23' west 92.62 ft. to the place of beginning containing .29 acres, excepting all coal and minerals in and underlying said described premises

You will make return of your proceedings to this Court, upon execution of this order.

Witness my signature and seal of said Probate Court at Mansfield, Ohio, this 16- day of Nov. 1927  
Eve W. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio:

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached

Dated Nov. 17- 1927

H. D. Burdick, sure

Oath of appraisers

Oath of appraisers

The State of Ohio, Lawrence Co -

We the undersigned appraisers, do make solemn oath that we will, upon actual view honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us, in pursuance of the foregoing order.

G. C. Woodford, Will Harrington, James Curran & appo-

sworn to before me, and signed in my presence, this 16- day of Nov- 1927

H. D. Burdick, sure

Appraisers Return

Appraisers Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we the undersigned appraisers estimate the value of said real estate at \$1000.00

Given under our hands, this 16- day of Nov. 1927.

G. C. Woodford, Will Harrington, James Curran  
Fees of appraisers \$1.00 each.

11204

Private Sale,

for real prop

Oath

The for

pro

Affidavit Disinterested Person

he to us mfe mlt re sa fu

the

Final Record, Union County Probate Court

11204

Application to sell Real Estate at Private Sale.  
Probate Court, Union County, Ohio,  
Application

Private Sale.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case at private sale, for the following reasons:

1. That said property is located in a mining district and the mines have been closed, and abandoned, and the property is in a state of decay and deterioration in value.
2. That said property can be sold at private sale for the amount of the appraisement and save delay and costs in the sale.
3. That the offer for said property is all that said property is reasonably worth, and he therefore asks for an order authorizing him to sell said real estate at private sale.

H. D. Burlingame Adm.

Oath

The State of Ohio, Union County  
H. D. Burlingame being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.  
H. D. Burlingame.

Sworn to before me, and signed in my presence, this 17. day of Nov. 1927.  
John W. Dailley, Notary Public

Affidavit  
Disinterested  
Person

affidavit of Disinterested Person.  
The State of Ohio, Union Co-  
Samuel L. Jollyff being duly sworn, says that he knows the facts set forth in the application to which this affidavit is attached; that he has no interest whatever in the matter therein referred to, and that it will be more for the interest of the said estate, to sell said real estate at private sale, than at public sale, for the reasons set forth on the face of this application as he verily believes.  
Samuel L. Jollyff.

Sworn to before me, and signed in my presence this 17. day of Nov. 1927.  
Charles Parrott  
Justice of the Peace

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11204

Order of Sale. Free of Dower.

Probate Court.

order of sale

The State of Ohio, Union County.

To H. D. Burlingame, Adm. of the estate of Samuel B. Russell. Meeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause, wherein you, as Adm. of estate Samuel B. Russell, are Plaintiff and H. May Russell et al. are Defendants, you are commanded, to proceed according to law, to sell at private sale, for not less than the appraised value thereof, free of the dower of H. May Russell widow of Samuel B. Russell deceased, the following described premises, to-wit:

Being said premises as described in the Petition in this cause, filed Nov. 10-1927.

Said sale to be private and to be upon the following terms:

Cash in hand, on delivery of deed.

you will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, O. this 18. day of Nov. 1927.  
W. H. Husted, Probate Judge

Return

Return

To the Probate Court, Union County, Ohio

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached

Dated Nov. 19-1927.

H. D. Burlingame

Report of Sale

Report of Sale

of sale

In obedience to the within order, I sold said premises, on the 19-day of November, 1927, to David Assoff, and Simon Assoff, for the sum of \$500.00 said sum, being the appraised value of the same.

Dated 19 Nov. 1927.

H. D. Burlingame

The State of Ohio, Union Co

The above named, H. D. Burlingame being duly sworn, say that the sale above reported, has been made after diligent endeavor to

11204

tbl  
dai  
yus

for  
19-

appr.

appraisement  
ordering

Private

sale

hear  
app  
ma  
app  
the  
of.

for  
the  
at

for  
sai  
the  
the

approving

confirming

for

sta  
for  
of  
peti  
lob  
Car  
the  
Cour  
ma  
I  
appr

Final Record, Union County Probate Court

11204

obtain the best price for said property, and that said sale is for the highest price, he could get for said property.

H. D. Burlingame.

Brought before me, and signed in my presence, this 19th day of Nov. 1927. Seal

W. H. Husted, Probate Judge -

Probate Court, Union County, Ohio.

November, 18 - 1927

appr. appraisement ordering Private Sale

confirming appraisement<sup>an.</sup> ordering Private Sale - This day this cause came on further to be heard, and it appearing to the Court that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed, said appraisement being one thousand Dollars - free of the dower estate therein of W. May Russell, widow of Samuel B. Russell, deceased,

and it appearing to the Court that it would be to the interest of said estate to sell the real estate described in the petition at private sale.

It is now ordered, that said plaintiff proceed to sell said real estate free of said dower estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to-wit:

Cash in hand on delivery of deed.

W. H. Husted, Judge -

approving<sup>an.</sup> confirming Sale

Journal Entry: orders, approving<sup>an.</sup> confirming Sale - Probate Court, Union County, Ohio.

November, 21 - 1927.

This day this cause coming on to be heard on the report of H. D. Burlingame, Adm<sup>r</sup> of the estate of Samuel B. Russell, deceased, of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale, made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved<sup>an.</sup> confirmed.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11204

It is further ordered, that said petition execute a deed of all the right, title and interest of the said Samuel B. Russell, in said real estate to the purchaser David Assoff and Simon Assoff upon the said purchaser, paying the purchase price thereof.

It is further ordered, that this proceeding be recorded and that said petitioner pay the costs herein \$--  
W. H. Husted, Probate Judge

11234  
Dec. 28/27

Mrs. L. Myers,  
Attorney

Joh  
Be  
par  
ar  
Si  
  
hon  
day  
gr  
mill  
dec  
as  
con  
an  
act  
  
8.  
day  
of  
in  
Co. o  
day  
rec  
  
th  
les  
hym  
true  
pro  
paid  
Mr  
su  
or  
the  
esta  
heri  
Sar  
a

Petition



Final Record, Union County Probate Court

ecute a  
the  
tate  
off.  
ase  
  
w recorded  
#--  
Judge-

11234  
Dec. 28/27  
Mrs L. Myers,  
attorney.

Petition to Sell Real Estate.  
In the Probate Court, Union Co. Ohio,  
No. 11234  
John A. Kemmington  
administrator de bonis non  
with will annexed, of  
the estate of Arthur H. Walke,  
Deceased,  
Plaintiff

v.  
John W. Walke,  
Henry P. Walke,  
Sarah J. Goff,  
Arvid W. Mahow, ans.,  
Lillian E. Davis

Petition to Sell Real Estate

Defendants

now comes the plaintiff, John A. Kemmington, and says that he is the duly appointed and qualified administrator de bonis non with the will annexed, of the estate of Arthur H. Walke, deceased, and that he was appointed as such as administrator by the Probate Court of Union County Ohio, on the 20-day of December, 1927, and qualified as such therein and is still acting as such administrator.

Petition

That the said Arthur H. Walke died on the 8-day of December 1907, testate, and that on 19-day of February 1908, the last will and testament of the said deceased, was filed for Probate in the office of the probate Court, of Union Co. Ohio, and was therein probated on the 29 day of Feb. 1908, and therein recorded in Will record B, on page 282.

That by the terms of the said last will and testament the said deceased devised and bequeathed all his property to his wife, Jennie E. Walke for and during her natural life, and he provided in his will that upon the death of his said wife there be purchased and erected a monument at his grave not to exceed the sum of \$200, and there be paid to the wife, or widow of his deceased, son Arthur H. Walke, the sum of \$250 and that the balance of his estate be divided equally between his three living heirs, namely: John W. Walke, Henry P. Walke, and Sarah J. Goff.

A copy of the last will and testament of the said

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11234

Arthur W. Walke, deceased, is hereto attached, marked Exhibit A.

Further the plaintiff says that the estate of the said Arthur W. Walke, deceased, was duly administered as shown by case No. 6818 - B, as found in this Court.

That the said Arthur W. Walke, deceased, died seized and the owner of the following described real estate, to-wit:

Situated in the county of Union, State of Ohio, Township of Union, and part of Survey, No. 4278.

Beginning at a stone in the west line of the C. & C. H. L. Railway grounds, (50 feet from the center of the track of said R.R.); thence with the west line of said railway N. 29° E. 85.20 poles to a stone; thence N. 70° W. 66 poles to a stone in the east line of lot No. 4, of the sub-division of the lands of P. D. Reed, deceased, among his heirs; thence with said line S. 38 3/4° W. 85.20 poles to a stone and brick; thence S. 70° E. 65.60 poles to the beginning.

Containing 33 acres, more or less.

Further, the plaintiff says that on the 10 day of Dec, 1927, Jane E. Walke, the widow of the said Arthur W. Walke, deceased, died, and during her life time she holding the life estate in above described premises. The above described premises were not sold.

That Item 6<sup>th</sup> of the said Will of the said Arthur W. Walke, deceased, provided that as soon after the death of the said Jane E. Walke as found convenient, that all the real estate and personal property remaining be reduced to cash, and the legacies as stated in said Will be paid.

That the defendant, John W. Walke, is a son of the said Arthur W. Walke, deceased, and a legatee named in the Will.

That the defendant, Henry P. Walke, is a son of the said Arthur W. Walke, deceased, and a legatee named in the Will.

That the defendant Sarah Goff, is a daughter of the said Arthur W. Walke, deceased, and is the same person as the Sarah Jeannette Heckly, and legatee in the Will.

That the defendant, Arvid W. Mahon, is a

11234

gr...  
him  
Mad  
Art  
  
ar...  
ar...  
in  
  
corr...  
of...  
lega...  
it is...  
abo...  
  
Cour...  
reac...  
and...  
egre...  
  
Sta...  
the...  
entit...  
all...  
as...  
  
24  
  
(17)  
  
Entry on  
Filing  
  
A  
non...  
ar...  
jete...  
the...  
dis...  
thir...  
  
Ca...  
19...  
san...

Final Record, Union County Probate Court

11234

Grandson of the said Arthur W. Walke, deceased, he being a son, and, only heir at law, of Lydia V. Mahon, deceased, who was a daughter of the said Arthur W. Walke, deceased.

That, the defendant, Lillian E. Davis, is the widow of Arthur W. Walke, deceased, a son of the said Arthur W. Walke, deceased, and, legatee as set forth in the Will.

Further, the plaintiff, says, that in order to carry out the provisions of the last Will and Testament of the said Arthur W. Walke, deceased, and, to pay legacies stated and, to make distribution that it is necessary to sell the real estate herein above described.

Therefore, the plaintiff prays, for, an order, of the Court, directing him to appraise and, sell said real estate, and, such other and further orders and, relief in the premises, as, may be just and equitable.

Wm. L. Myers Atty. for Plaintiff.

Oath

State of Ohio, Union Co., ss.

John A. Kennington, being duly sworn, says, that he, is the plaintiff named, in the above entitled cause, and, that the facts stated and the allegations made, and, contained therein are true as, he believes.

John A. Kennington

Sworn to before me, and signed in my presence, this 24. day of Dec. 1927 ~~at~~ Wm. L. Myers, Notary Public

(Will of Arthur W. Walke, 6818 A. Will, Civ. Dec. J. Pg. 634).

Entry on Filing

In, the Probate Court, Union Co., Ohio, Entry, on, Filing Petition

This day came, John A. Kennington, adur, de bonis non, with the will annexed, of the estate of Arthur W. Walke, deceased, and, filed herein his petition for the sale of the real estate in the petition described for the purpose of making distribution, under the provisions of the last Will and, testament of the deceased.

Therefore, it is ordered, by, the Court, that this cause be set for hearing on, the 4. day of July, 1928, that being the first day at which the same, can be heard after answer day.

Wm. H. Hallett P. J.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11234

In the Probate Court, Union County, Ohio,  
The undersigned, No. 11234, Plaintiff,  
defendant in the above  
entitled cause do hereby waive the issuing and service  
of summons and process, in the above entitled cause  
and do hereby voluntarily enter our appearance, herein,  
Arthur Walke Mahon.

Waiver

Waiver

In the Probate Court, Union Co. Ohio,  
The undersigned, defendants named, in the above  
entitled cause, do hereby waive the issuing and service  
of summons and process, in the above entitled cause  
and do hereby voluntarily enter our appearance herein

John H. Walke, Sarah J. Goff,  
Henry P. Walke, William L. Davis

Hearing of  
appraisement

Journal Entry: orders on hearing of appraisement,  
Probate Court, Union Co. O.  
February 16 - 1928

This day this cause came, on to be heard, upon the  
petition, evidence, and testimony and the Court, being fully  
advised in the premises, finds: that all the defendants  
herein have been duly and legally served with process, or  
have voluntarily entered their appearance, herein and are  
now properly before the Court, and that the statements  
and allegations in said petition are true.

And, the Court, being satisfied that it is  
necessary to sell the real estate of said Arthur H.  
Walke, described in the petition, to make distribution  
as prayed for in the petition and as stated and  
contained in the last will and testament of the  
said Arthur H. Walke, deceased.

It is ordered, that Leonard Kaufman, Carl J.  
Johnson, and Harry L. Agnes, three suitable and  
judicious disinterested men of the vicinity of said  
real estate, who are qualified by law, and they hereby  
are appointed to appraise said lands, at their true  
value, in money, free from debts thereon.

It is further ordered, that said appraisers  
be sworn, as required by law, and afterwards  
upon actual view, perform the duties required  
of them, and make return of their proceedings  
in writing to this Court, on or before the 25 day of  
July, 1928, and this cause, is continued.

W. H. Husted

Probate Judge

11234

Order of  
appraisement

The  
To

Pro  
this

ad

of

and

com

last

dis

peti

sai

view

to

from

Site

of

of

of

of

the

line

of

with

the

ban

con

Pro

the

Return

To

ca

ful

Order

of

appraisers

The

to

out

an

re

Final Record, Union County Probate Court

11234

Order of appraisement

Order of appraisement.  
The State of Ohio, Union County, Probate Court,  
To John A. Kerrington, Secretary:

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause, wherein you, as administrator de bonis non with the will annexed, of the estate of Arthur W. Walke, deceased, as Plaintiff and John W. Walke, et al. are Defendants, you are commanded that by the oaths of Leonard Kaufman, Carl J. Johnson, and Harry L. Agner, judicious disinterested men, of the vicinity, not of kin to the petitioner, who are freeholders of the County in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises, to wit:

Situated in the County of Union, State of Ohio, Township of Union and part of Survey no. 4278.

Beginning at a stone in the West line of the C.C. & St. L. R.R. grounds (50 ft. from the center of the track of said R.R.) thence with the West line of said railway N. 29° E. 85.20 poles to a stone; thence N. 70° W. 66 poles to a stone in the east line of lot no. 4, of the sub-division of the lands of R. D. Reed, deceased, among his heirs; thence with said line S. 38 3/4° W. 15.20 poles to a stone and back; thence S. 70° E. 65.50 poles to the beginning containing 33 acres, more or less.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansfield, Ohio, this 16th day of Feb. 1928. ~~W. H. Husted~~ W. H. Husted, Probate Judge

Return

Return  
To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.  
Dated the 25th day of Feb. 1928.

Oath of appraisers

Oath of appraisers.  
The State of Ohio, Union County,  
We, the undersigned appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11234

perform the duties required of us in pursuance of the foregoing order.

H. L. Agner, L. Kaufman, G. J. Johnson, appraisers sworn to before me and signed in my presence, this 25<sup>th</sup> day of February, 1928. P. J. Shea, Notary Public Union Co. - D

appr. Return

Appraisers Return

In obedience to the foregoing order, after being first duly sworn and upon actual view of the premises therein described, we the undersigned appraisers estimate the value of said real estate at \$1,000

One thousand Dollars.

Given under our hands, this 25<sup>th</sup> day Feb. 1928.

H. L. Agner, L. Kaufman, G. J. Johnson, apprs.,  
Fees appraisers \$2.00, per day each.

appe-  
to sell  
at Private

application to sell Real estate at Private Sale Probate Court, Union County, Ohio application

The said Plaintiff represents that it would be for the best interest of the said Arthur H. Walke, to sell the real estate described in the petition in this case at private sale, for following reasons:

First:

That the same can be sold forthwith for more than the appraised value,

Second:

That the appraised value \$1,000<sup>00</sup> is all that said real estate is reasonably worth,

Third:

To sell at private sale, will save the costs and expenses, necessary in offering said real estate at public auction.

Fourth:

That the said real estate can be sold for cash in full for the amount of the sale price at once

And, he therefore asks for an order, authorizing him to sell said real estate, at private sale.

John A. Kennington, ad. De Bonis hon.

The State of Ohio, Union County

Clark

John A. Kennington being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.  
John A. Kennington.

11234

Affidavit of Disinterested Persons.

Confirming appraisement or ordering Private Sale.

5 d  
the  
say  
appl  
that  
then  
for  
real  
the  
this  
the  
he  
the  
has  
law  
pe  
gr  
of  
w.  
un  
to  
of  
des  
pro  
Sal  
the  
be

Final Record, Union County Probate Court

11234

Known to before me, and signed in my presence, this 5 day of March, 1928.

Read Miss L. Dryers, Notary Public,

Affidavit of Disinterested Person of Disinterested Persons.

affidavit of Disinterested Person, The State of Ohio, Union County, W. P. Vollrath, and M. E. Vance, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate of Arthur W. Drake, to sell said real estate at private sale than at public sale, as they truly believe.

W. P. Vollrath, M. E. Vance.

Known to before me, and signed in my presence, this 5 day of March, 1928.

Read H. L. Ayner, Notary Public

Confirming appraisement and ordering Private Sale.

Probate Court, Union County, Ohio, March 5 - 1928. No. 11234

Confirming appraisement and ordering Private Sale. This day this cause came on further to be heard, and it appearing to the Court, that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed; said appraisement being one thousand dollars - and the Court having carefully examined the same, finds that the said appraisement has been made, in all respects, in conformity to law, and the former order of this Court, the same is now hereby approved and confirmed, and the plaintiff above named leaving given Bond, dated Dec. 20 - 1927, in the sum of Four thousand and <sup>no</sup> 100 Dollars, with Margaret W. Kerrington surety, conditioned according to law and approved by the Court; and it appearing to the Court, that it would be to the interest of said estate to sell the real estate described in the petition at private sale;

It is now ordered, that said plaintiff proceed to sell said real estate at private sale, at not less than the appraised value thereof, subject upon the following terms, to wit: Cash, in full on day of sale.

It is further ordered, by the Court, that

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11234

the said plaintiff make due return of his proceedings herein forthwith upon compliance with the terms thereof.  
W. W. Husted, Probate Judge

Order of Sale

Order of Sale Free from Dower.  
The State of Ohio, Union County, Probate Court.  
To, John A. Kinnington, Settling;  
In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause, wherein you, as administrator of the estate of Arthur H. Walke, deceased, is Plaintiff and John H. Walke et al. are Defendants, you are commanded to proceed according to law, to sell at private sale for not less than \$1000 - the appraised value thereof, the following described premises, to wit:  
Situating in the County of Union, State of Ohio, Township of Union and part of Surray, no. 4278.

Beginning at a stone in the west line of C.C.C. St. L. R.R. grounds (50 feet from the center of the track of said R.R.); thence with the west line of said railway N. 39° E. 85.20 poles to a stone; thence N. 70° W. 66 poles to a stone in the east line of lot no. 4 of the sub-division of the lands of R. D. Reed, deceased, among his heirs; thence with said line S. 38 3/4° W. 85.20 poles to a stone and brick; thence S. 70° E. 65.60 poles to the beginning.

Containing 33 acres, more or less.

Said sale to be private and to be upon the following terms: Cash in full on day of sale.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 5th day of Mar. 1928.  
W. W. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.  
Dated the 5th day of March, 1928.  
John A. Kinnington

11234

Report of Sale

Carth

approving

confirming

the said plaintiff  
for  
sale  
value  
D  
H  
D  
from  
the  
sale  
paid  
D  
this  
J  
The  
up  
of  
his  
of  
p  
str  
C  
the  
resp  
sal  
It  
app  
eye  
an  
in  
Ar  
up  
J  
M  
It  
to



Final Record, Union County Probate Court

11234

Report of Sale.

Report

of Sale.

In obedience to the within order, I sold said premises on the 5 day of March, 1928, to Arthur L. Orracker, and Vernetta Orracker, for the sum of Twelve Hundred and <sup>00</sup>/<sub>100</sub> Dollars - said sum being more than the appraised value of the same.

John A. Kennington,

Dated the 5 day of March, 1928.

Carth

The State of Ohio, Union County,

The above named, John A. Kennington being duly sworn, says that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

John A. Kennington

Brought before me, and signed in my presence, this 5 day of March, 1928,

Paul Milo L. Myers, Notary Public

approving

Journal Entry: Order approving & Confirming Sale, Probate Court, Union County, Ohio, March, 5<sup>th</sup> 1928.

confirming

Sale.

This day this cause coming on to be heard in the report of John A. Kennington, adur. de bonis non, of the estate of Arthur W. Walke, deceased, of his proceedings and sale, under the former order of this Court; and upon the motion of said petitioner to confirm the sale made, in obedience to said order; the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied, that said sale was fairly and legally made.

It is ordered, that the same, be, and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Arthur W. Walke, in said real estate to the purchaser,

Arthur L. Orracker, and Vernetta Orracker, upon the said purchaser, paying the purchase price thereof, in full in cash, to wit: Twelve Hundred and <sup>00</sup>/<sub>100</sub> Dollars.

It is further ordered, that this proceeding be recorded, and that said petitioner pay costs \$- - -  
W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11253  
Filed  
Jan. 27-1928  
Milo H. Myers,  
att'y.

Guardian's Petition to sell Real Estate,  
In the Probate Court Union County, Ohio,  
No. 11253  
Edward G. Nicol, Guardian of  
Philip Rausch,  
an Insane Person,  
Plaintiff.

His ward, Philip Rausch,  
Elizabeth Rausch,  
Elizabeth Eickemyer  
and  
Clara Nicol.

Guardian's Petition to  
sell  
Real estate,

Defendants.

Now comes Edward G. Nicol and says that on the 31-day of January, 1927, he was appointed by the Probate Court of Union County, Ohio, guardian of Philip Rausch, an insane person, and that in said Probate Court he duly qualified as said guardian and is now acting as such.

That on the 21 day of June, 1927, the said Philip Rausch, was 75 years of age, and that on the 29-day of April 1902, he was committed by the Probate Court of Union County, Ohio, to the State Hospital for insane, at Columbus, Ohio, and has been committed therein ever since said time and is now an inmate of said Hospital.

That prior to the adjudication of the said Philip Rausch, as an insane person, the said Philip Rausch, was, has ever since been, and now is, the owner of the following described real estate, situated in the State of Ohio, County of Union, Township of Paris, a part of Virginia Military Survey, no. 4072, and bounded and described, as follows:

Beginning at a stone, south west corner to said Survey no. 4072; thence N. 8° 30' W. 138.48 poles with the westerly line of said Survey no. 4072, to the south west corner of D. M. Lee's land; thence, with the southerly line of said Lee's land, N. 85° E. 119.13 poles to a stake, north west corner to John Kandell's land; thence with the west line of said Kandell's land, S. 6° 15' E. 137.70 poles to a stone in the southerly line of said Survey no. 4072; thence with the southerly line of said Survey no. 4072, S. 84° 45' W. 116.16 poles to the place of beginning.

Containing 101.25 acres, more or less.

That the said defendant Elizabeth Rausch, is the

11253

wife  
61  
wife  
of  
of  
Chie  
from  
here  
was  
the  
with  
who  
gr  
sent  
for  
the  
to  
said  
the  
eye  
near  
the  
gr  
of  
in  
on  
all  
wh  
bet  
sa  
the  
pla  
ind  
from  
to pa  
and  
ass  
on  
blu  
an  
near  
from

Petition

Final Record, Union County Probate Court

11253

wife of the said Philip Rausch. and, that her age, was 61 years on the day --- 1927. and, that as such wife she has and is entitled to such right of dower in said real estate.

That, the defendants Elizabeth Eickemeyer, and, Clara Nicol, are, the only children of the said Philip Rausch, having a next estate of inheritance from the said Philip Rausch, in said real estate herein above described.

That, at the time the plaintiff, Edward G. Nicol, was appointed guardian, on the 31 day of Jan'y, 1927, the said Philip Rausch, had no personal estate, either in possession or expectancy, in any nature whatsoever, and, that since said time, as such guardian, he has received from Clarence Ferguson, rents received in part for rental of said real estate for the year of 1927, the sum of \$200.00, and, there is a balance due for rents from said Clarence Ferguson, the sum of \$200- and, that the said ward has no personal estate dependent upon the settlement of any decedent's estate, or, the execution of any trust.

Petition

That, the annual value of the said real estate, or, rents is about \$400- and, that the rents received by the plaintiff, as, such guardian, has been expended for, the maintenance of his said ward and, the wife of the said ward, and, in the payment of taxes and, assessments on said real estate and, that at this time all the personal property of any nature whatsoever that the guardian has, in his hands, belonging to the estate of his said ward, is \$20.00

That, there are no liens or mortgages on said real estate of any nature whatsoever, within the knowledge of the said guardian.

Further, the said Edward G. Nicol, as, said plaintiff, says, that the annual rents and income received, or, that can be, realized from the said real estate is wholly insufficient to pay for the maintenance of his said ward, and, the wife of the said ward, the taxes and assessments, insurance and, repairs necessary on building and, said premises, and, that he believes it to be for the best interest of his ward, and, the estate of the said ward, that the said real estate be sold and, the proceeds received from the sale thereof, be re-invested in Bonds,

uty. Plus,  
on the  
Probate  
Probate  
Philip  
29-  
ate Court,  
e, at  
since  
Hospital;  
said  
Philip  
the owner  
ated  
of Paris,  
ounded  
ner to  
8 poles  
7. to the  
with the  
3 poles  
land;  
and, 8. 6°  
line of  
line of  
les to the  
less,  
als, is the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11253.

or first mortgage real estate securities, or, as the court may order.

wherefore the plaintiff prays, that the court may fix a time for hearing and notice as required by law, and that the plaintiff, as such guardian, may be ordered to sell said real estate for the uses and purposes, as in the petition stated, and for such other further orders and reliefs in the premises, as may be just and equitable.

Wm. A. Myers, atty. for Plaintiff

State of Ohio, Union County, ss.

Co. sh.

Edward G. Nicol, being duly sworn, says, that he is the plaintiff named in the above entitled cause, and the facts stated and the allegations made, and contained in the foregoing petition are true, as he believes.

Edward G. Nicol.

Sworn to before me, and signed in my presence, this 25th day of January, 1928.

Norman C. Down, Notary Public

Filing Time.

Entry: In the Probate Court of Union County, Ohio No. 11253 orders, Filing Time of hearing, and notice.

This day Edward G. Nicol, guardian of Philip Rausch, an insane person, appeared in open Court, and filed his petition duly verified, asking for the sale of real estate therein described, belonging to his ward, Philip Rausch.

It is ordered, that the time of hearing, said petition be, and hereby is fixed for, the 25th day of February, 1928, at 10 o'clock, a.m.

It is further ordered, that said guardian cause notice thereof, and of the filing and demand of said petition, to be given to said, Philip Rausch, his ward, and to Elizabeth Rausch, Elizabeth Eickmeyer, and Clara Nicol, all presumably entitled to the next of inheritance, in such real estate, dependants; in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each, of those who can not be served personally, 20 days before said day of hearing, and this cause is continued.

W. H. Susted.

Probate Judge

11253.

Application for Trustee of

Philip Rausch

Wm. A. Myers

Edward G. Nicol

Norman C. Down

Filing Time

orders

notice

answer and

of trustee

Philip Rausch

Elizabeth Rausch

Elizabeth Eickmeyer

Clara Nicol

Probate

W. H. Susted

Probate Judge

Final Record, Union County Probate Court

11253

In the Probate Court of Union County, Ohio  
No. 11253

Application  
for

application for Trustee  
now comes the undersigned Edward G. Nicol, the  
plaintiff and makes application for the appointment  
of a trustee for the suit for the defendant Philip  
Rausch, an insane person.

The undersigned suggests that Norman C. Bown,  
who is a suitable person be appointed as such  
trustee for the suit.

Wm. L. Dryers, Atty. for Plt.

In the Probate Court, Union County, Ohio,  
Journal Entry.

appointment of Trustee for suit.

This cause coming on for hearing upon  
the application of the Plaintiff for the appointment  
of a trustee for his ward, the defendant Philip  
Rausch, and it appearing to the Court that the  
said Philip Rausch is an insane person, and  
that under Section 11249, a trustee should be  
appointed for the suit, and it further appearing  
to the Court that Norman C. Bown is a suitable  
person to be appointed as such trustee.

Therefore, be and it is hereby ordered, that the  
said Norman C. Bown be appointed as such trustee  
for the suit for the said Philip Rausch.

Wm. L. Dryers, Probate Judge

Answer of Trustee.

Answer  
of Trustee.

In the Probate Court of Union Co, Ohio,  
now comes the said Norman C. Bown, trustee  
heretofore appointed herein for the said Philip  
Rausch, insane, for the suit, and as such trustee  
says that he has investigated the matters and  
allegations made, and contained in the said  
Plaintiff's petition, and says that he believes  
that it would be for the best interest of the said  
Philip Rausch, and his estate that the  
property described in the petition be sold, at this  
time for the reasons as prayed for by the Plaintiff.

Norman C. Bown,

Trustee.

Pathe.

State of Ohio, Union Co- ss.

Norman C. Bown, being duly sworn, says that the  
facts stated, and the allegation made, and  
contained in the foregoing are true, as he believes.  
Norman C. Bown.

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

1125-3

Sworn to before me, and signed in my presence this 31-  
day of Jan'y. 1928. ~~1928~~  
Maud Rogers, Notary Public

Wainor

Wainor

In the Probate Court, Union Co. O.,  
we, the undersigned, defendants named, in the above  
entitled cause, do hereby voluntarily enter our appearance,  
and do hereby waive the issuing and service of process,  
and summons, in the above entitled cause and consent  
to the sale of the real estate as prayed for in the  
plaintiff's petition

Elizabeth K. Eickmeyer, Clara Nicol, Elizabeth Rausch

Order for  
notice

Order for notice

Probate Court, Union County, Ohio

To Edward G. Nicol, Guardian

You, are hereby ordered to give notice to Philip Rausch  
your ward, defendant, to your petition, this day, filed in  
said Probate Court, for assignment of honor, and sale  
of the following described real estate of said ward,  
of the filing of said petition and the time when  
the same will be heard; such notice to be given  
at least 20 days before the time hereinafter named  
for said hearing:

The real estate so asked to be sold, is  
described as follows, See Petition, for description.

Said petition will be for hearing before said  
Probate Court, at the office of the Judge, of said Court,  
in Mansfield, Ohio, on 25 day of Feb'y, 1928, at 10. A.M.

Said Guardian will make due return showing how he  
performs this order.

Witness my hand, and the seal, of said  
Court, at Mansfield, Ohio, this 25<sup>th</sup> day January, 1928.

~~W. H. Husted~~ Probate Judge

Return of  
order.

Return of order.

Received this order, the 1- day of Feb'y, 1928  
and thereupon served, the same, on Philip Rausch,  
as shown hereon.

Edward G. Nicol, Guardian

Return.

The State of Ohio, Union County.

I, Edward G. Nicol, being duly sworn, say  
that on the 4- day of Feb'y, 1928, I served, this writ  
by delivering a true copy, thereof personally to the  
person named, Philip Rausch, who is an inmate

1125-3

of...  
and...  
of...  
Hosp...  
and...  
with...  
Phil...

this

Answer of,  
Elizabeth Rausch.

a...  
de...  
she...  
him...  
don...  
file...

near...  
for...  
of...  
mel...  
con...  
free...  
cons...  
incl...  
sal...  
rem...  
and...

oath

Stat...  
E...  
the...  
th...  
as...

Hearing  
app...

Jo...

Final Record, Union County Probate Court

1125-3

of the State Hospital for Insane at Columbus, Ohio, and at the same time delivered a true copy of this writ to — Superintendent of said Hospital who has said Philip Rausch in charge; and on the same day, I left a copy of the within writ at the usual place of residence of the Phillip Rausch in Union County, Ohio.

Edward G. Nicol, Esq.

Shown to inform me, and signed in my presence, this 4-day of February, 1928.

Norman C. Bour, Notary Public.

In the Probate Court of Union County, Ohio, No. 1125-3.

Answer of Elizabeth Rausch.

Answer of Elizabeth Rausch — and now comes Elizabeth Rausch, one of the defendants named in the petition and says that she is the wife of the said Philip Rausch, an inmate, and as such is entitled to inquire down in the premises described in the Plaintiff's petition that her age is 60 years.

That she consents to the sale of said real estate, as and for the purposes prayed for in the petition, as well as her assignment of her said down interest in said premises, by metes and bounds, or in rents and profits and consents that said premises may be sold free from her down interest therein, and consents that whatever money value her down interest may be therein out of the proceeds of said sale, be retained by said guardian and still remain in, and a part of the said estate and so handled and controlled.

Elizabeth Rausch.

State of Ohio, Union County ss.

oath

Elizabeth Rausch, being duly sworn, says that the statements made and allegations made therein contained in the foregoing answer are true as she believes.

Elizabeth Rausch.

Shown to inform me, and signed in my presence, this 7-day of March, 1928.

Norman C. Bour, Notary Public.

Hearing approved

Journal Entry: Order on Hearing of appraisement, Probate Court, Union County, Ohio March 7-1928.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6205

1125-3

Order of appraisement.

order of appraisement

This day, this cause came on to be heard upon the petition, evidence and testimony, and the answer thereto of Elizabeth Rausch, and the court, being fully advised in the premises finds: that all the defendants herein have been duly and legally served with process, or, have voluntarily entered their appearance, herein, and are now properly before the court, and that the statements and allegations in said petition are true. That said Elizabeth Rausch, the wife of said Philip Rausch is entitled to inchoate dower in said real estate; that said wife by her answer herein waives the assignment of dower in said premises, by metes and bounds or, in rents and profits, and consents to sale of said premises free from her inchoate dower estate therein.

and the court being satisfied that it is necessary to sell the real estate of said Philip Rausch described in the petition for the purpose re-investing the proceeds received from the sale as set forth in the petition.

It is ordered, that V.C. Crist, S. T. Flood, and John Wise, three suitable and judicious men of the vicinity of said real estate, who are freeholders, be and they hereby are appointed to appraise said lands at their true value, in money, free from the sale as set forth in the petition.

It is ordered, that V.C. Crist, S. T. Flood, and John Wise, three suitable and judicious disinterested men of the vicinity of said real estate, who are freeholders, be and they hereby are appointed to appraise said lands at their true value, in money free from the inchoate dower estate of said Elizabeth Rausch, therein.

It is further ordered, that said appraisers be sworn, as required by law, and after ward, upon actual view, perform the duties required of them, and make return of their proceedings in writing to this court on or before the 10. day of March, 1928, and this cause is continued.

W. H. Husted, Probate Judge

1125-3

order of appraisement

Th  
 this  
 and  
 Gm  
 V.C.  
 dis  
 Jett  
 wh  
 ucl  
 app  
 of  
 dow  
 app  
 Cou  
 Par  
 To  
 S  
 Can  
 full  
 The  
 We  
 sol  
 hon  
 des  
 an  
 ju  
 this  
 Return  
 In  
 Jus

Date of appraisement

Return



Final Record, Union County Probate Court

1253

order of appraisement

Order of appraisement.  
 The State of Ohio, Union County, ss. Probate Court.  
 To, Edward G. Nicol, Esquire;  
 In obedience to an order and decree of the Probate Court, within and for said county, made this day in a certain cause, wherein you, as Guardian of Philip Rausch, a lunatic, is Plaintiff and His Ward Philip Rausch, et al. are Defendants you are commanded that by the oaths of V. C. Crist, S. T. Flood, and John Wise judicious disinterested men of the vicinity not of kin the petitioners who are freeholders of the county, in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises, free from the dower estate of Elizabeth Rausch, therein, to-wit:

See description in Petition

you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville, O. this 7th day of Mar. 1928  
 E. G. Nicol, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio,  
 In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.  
 Dated Mar. 9-1928.  
 Edward G. Nicol, Esq.

Date of appraisement

Oaths of appraisers  
 The State of Ohio, Union County.  
 We, the undersigned, appraisers, do make solemn oath, that we will upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us, in pursuance of the foregoing order.

John Mac, V. C. Crist, S. T. Flood, appraisers  
 known to before me, and signed in my presence this 7th day of March, 1928.

Spencer Norman C. V. Brown,  
 Notary Public

Return

Appraisers Return

In obedience to the foregoing order, after being just duly sworn, and upon actual view

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11253

of the premises therein described, we the undersigned appraisers, estimate the value of said real estate at \$6000—

Sign under our hands, this 7-day of March, 1928.  
V.C. Crist, John Wise, J. F. Flood. apprs—

Probate Court, Union County, Ohio, March 13 - 1928.  
Confirming appraisement and ordering Bond.

Confirming appraisement

ordering Bond.

This day came the said Plaintiff by his atty, and produced to the Court the report of an appraisement herein made by V.C. Crist and J. F. Flood, and John Wise in pursuance of a former order of this Court, and it appearing upon execution that said report is in all respects regular and correct, it is ordered, that the same be and hereby is approved, and confirmed.

It is further ordered, that said Edward G. Nicol as such Guardian execute within 5 days to the State of Ohio, a bond with sufficient freehold securities to be approved by the Court, in the sum of Twelve Thousand  $\frac{00}{100}$  Dollars, conditioned according to law, and this cause is continued.

W. H. Trustad, Probate Judge—

Bond.

Guardian's Bond.

Know, all men, by these Presents; That Mr. Edward G. Nicol, Norman C. Borm, and E. A. Emmerh. are held, and firmly bound unto the State of Ohio, in the sum of Twelve Thousand Dollars, for the payment of, which we hereby jointly and severally bind ourselves, our heirs, Executors, and adms.

Signed by us, and, dated at Marysville, Ohio this 13-day of March, 1928.

The condition of the above obligation is such, that whereas, the above bound Edward G. Nicol was heretofore duly appointed and qualified by the Probate Court, of Union County, Ohio, Guardian of Philip Rausch, a lunatic

and, whereas, the said Edward G. Nicol as such Guardian, has filed a petition in said Probate Court, asking an order for the sale of certain real estate of said Ward, described in said petition, which under proceeding in said Court, duly had, has been appraised at the sum of  $\frac{00}{100}$  Dollars

and, whereas, said Court on the 13<sup>th</sup> day of

11253

Mar  
to ex  
Case  
afir  
as.  
acc  
of s  
obli  
Mar  
app  
7:  
dall real estate  
The  
to se  
in  
Jud  
of J  
Sec  
real  
The  
the  
pr  
lun  
The  
Edm  
var  
arr  
S  
his  
affidant  
Disinterested  
Persons

Final Record, Union County Probate Court

11 253

March, 1928. made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now if the said Edward G. Nicol as Guardian aforesaid, shall faithfully discharge his duties as such Guardian, and faithfully pay over and account for, all money arising from the sale of said Real Estate according to Law, then this obligation to be void, otherwise to remain in full force.

Edward G. Nicol. Norman C. Brown, E. A. Emmert,

This Bond approved in open Court this 13 day of March, 1928.

W. H. Husted, Probate Judge

application

application to sell Real Estate at Private Sale - Probate Court, Union County, Ohio.

Real Estate

no. 11253. application

The said Plaintiff represents, that it would be for the best interest of the said estate of Philip Cassels - to sell the real estate described in the petition in this case at private sale, for the following reasons: First

That said real estate can be sold for the appraised value. Furthermore

Second:

That the appraised value, is all said real estate is reasonable, worth.

Third:

That to sell at private sale, will save the expenses of offering said real estate at public sale.

and he therefore asks for an order authorizing him, to sell said real estate at private sale.

Edward G. Nicol, Petitioner.

oath,

The State of Ohio, Union County, Edward G. Nicol being duly sworn, says that the various matters set forth in the foregoing application are true, as he truly believes.

Edward G. Nicol.

Sworn to before me, and signed, in my presence this 13-day of March, 1928.

Norman C. Brown, Notary Public

affidavit

Affidavit of Disinterested Persons.

Disinterested Persons

The State of Ohio, Union Co., P. L. Engard & E. H. Hatton being duly sworn,

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11253

say, that they know the facts set forth in the application to which this affidavit is attached: that they know the facts set forth in the application to which this affidavit is attached: that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said Philip Rausch, to sell said real estate at private sale, than at public sale, as they truly believe.

P. F. Engard E. B. Hatten

known, to inform me, and signed in my presence this 13 day of March, 1928.

Notary Public, Norman C. Boun.

Approving Bond for Private Sale.

Journal entry: Orders approving Bond for Private Sale - Probate Court, Union County, Ohio March 13 - 1928.

This day this cause came on further to be heard and it appearing to the Court that the said Edward G. Nicol the plaintiff above named, has given Bond, as heretofore ordered, in the sum of Twelve thousand & no/100 Dollars, with V. C. Crist, S. T. Flood, or John Wise for holders, as sureties, it is ordered that said Bond be and hereby is approved.

And it being made to appear to the Court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale: it is therefore further ordered, that said Edward G. Nicol as such Guardian proceed to sell said real estate free from the dower of Elizabeth Rausch, at private sale, for not less than \$6000 - the appraised value thereof, on the following terms, to-wit: one-third cash in hand on day of sale - one-third in one year and one-third in two years, from day of sale; deferred payments to be secured by mortgages on the premises sold, and to bear interest from the day of sale, payable annually.

And said petitioner is ordered to make return to this Court, immediately after such sale, is made, and this cause is continued.

W. H. Husted Probate Judge

11253

Ra... an... from... the... the... \$... the... ju... the... the... by... of... up... and... ter... ask... sell... ten... State... idr... fac... Cou... &... this... Modifying terms of sale... The... app... na... mo... is... brin... end... for... the... Jay... sold... of... far... defe... m...

Modifying terms of sale.

Final Record, Union County Probate Court

11253

Application to modify terms of sale -  
now comes Edward G. Nicol, as Guardian of Philip Rausch, a. l. m. t. i. o., the plaintiff named, herein, and represents to the Court, that he has a prospective purchaser for said real estate and will sell the same forthwith for the sum of \$6250.00 upon the following terms, to wit:

\$1750.00 cash in hand, on day of sale, and the balance \$4500.00 within three years, by the purchaser giving his note therefor with interest thereon at 6% per annum, payable semi-annually the deferred payment and interest to be secured by first mortgage on the real estate sold.

That he believes it to be for the best interest of said estate that the said sale be made upon said terms and that the journal entry and order of sale heretofore issued herein as to the terms of sale be so modified, and therefore asks the Court that the Court authorize him to sell said real estate for said sum upon the terms as herein set forth.

Edward G. Nicol

State of Ohio, Union Co. Ss.

Edward G. Nicol, being duly sworn, says that the facts stated and the allegations made, and contained in the foregoing are true.

Edward G. Nicol.

Done to before me, and signed in my presence, this 13. day of March, 1928.

Maud Pyles, Notary Public

Modifying terms of sale.

In the Probate Court of Union County, Ohio, No. 11253. Modifying Terms of Sale.

This day this cause came on for hearing on the application of the guardian the plaintiff herein named asking for an order of the Court for a modification of the order of the Court heretofore issued herein as to the terms of the sale, and it being made to appear to the Court upon satisfactory evidence that the said real estate can be sold forthwith for the sum of \$6250.00 being more than the appraised value thereof by the purchaser paying a sum of \$1750.00 in cash and the balance of \$4500.00 in three years from day of sale, with interest thereon at 6% per annum payable semi-annually and said deferred payment to be secured by first mortgage on the real estate so sold.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1125-3

It is therefore ordered, by the Court, that the entry hereof, entered herein, as to the terms of sale, and the order of sale, be so vacated and set aside and modified as to the terms of sale, and it is further ordered, that the said Guardian proceed, to sell said real estate, for the sum of \$6250<sup>00</sup> \$1750<sup>00</sup> of the purchase price to be paid in cash, on day of sale, and the balance of \$4500<sup>00</sup> to be paid within three years, and evidenced by a promissory note made in favor of the said Guardian, with 6% interest thereon, interest payable semi-annually, and said note and interest to be secured by first mortgage on the real estate so sold, and that the said Guardian report his proceedings forthwith to this Court, and this cause is continued.

W. W. Howled, Probate Judge

Order of sale.

Order of Sale. Term of Court.

The State of Ohio, Union County.

Probate Court.

To Edward S. Nicol, Plaintiff;

In obedience to an order, and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Guardian of Philip Rausch, is Plaintiff and his ward, Philip Rausch, et al, are Defendants, you are commanded, to proceed according to law, to sell at Private sale, for not less than \$6000<sup>00</sup> the appraised value, thereof from the donor of Elizabeth Rausch, wife of Philip Rausch, a lunatic the following described premises, to wit:

Situated in the State of Ohio, County of Union, Township of Virginia Military Survey, # 4072 and bounded and described, as follows:

Beginning at a stone, southwest corner to said Survey # 4072, thence, N. 8° 30' W. 138.48 poles with the westerly line of said Survey no. 4072 to the south west corner to D. M. Lee's land; thence, with the southerly line of said Lee's land, N. 85° E. 119.13 poles to a stake, north west corner, to John Kandell's land; thence, with the west line of said Kandell's land S. 6° 15' E. 137.70 poles to a stone in the southerly line of said Survey, no. 4072, thence, with the southerly line, of said Survey, no. 4072, S. 84° 40' W. 116.16 poles, to the place of beginning.

Containing 101.25 acres more or less.

Said sale, to be private upon the following terms The deferred payments to be secured by mortgage on the premises and to bear interest from the day of

1125-3

Return

Report

of sale.

date

approving an.

confirming sale.

sale  
form  
Prob  
No. 1  
the  
pro  
Report  
of  
sal.  
In o  
Jes  
to  
su  
san  
D  
the  
and  
ma  
had  
is  
prop  
S  
this  
J  
app  
an.  
conf  
sale  
the  
up  
the  
m  
had  
fun  
res  
sa

Final Record, Union County Probate Court

1125-3

sale, payable annually.  
 you will make return of your proceedings this Court, forthwith upon execution of this order.  
 Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 13-day of March, 1928.  
 Seal W. H. Husted, Probate Judge -  
 Return

Return

To the Probate Court of Union County, Ohio.  
 In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.  
 Dated the 13 day of March, 1928.  
 Edward G. Nicol.

Report

of Sale

Report of Sale Private.  
 In obedience to the within order, I sold said premises on the 13 day of March, 1928, to E. B. Tristram, Jr. for the sum of \$6,250<sup>00</sup> said sum being more than the appraised value of the same.  
 Dated the 13-day of March, 1928.  
 Edward G. Nicol.

oath

The State of Ohio, Union County.  
 The above named Edward G. Nicol. being duly sworn says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.  
 Dated to before me and signed in my presence, this 13-day of March, 1928.  
 Seal Roman C. Bourne, Notary Public

approving and

Confirming

Journal Entry: Orders approving and Confirming sale - Probate Court, Union County, Ohio, March, 13-1928.  
 This day, this cause coming on to be heard on the report of Edward G. Nicol. Adm. of the estate of Philip Ranoch, decedent of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order, the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11203

It is ordered that the same be and hereby is approved and confirmed

It is further ordered, that said petitioner execute a deed of all the right title, and interest of the said Philip Rausch, Janr, the donor estate of Elizabeth Rausch, his wife in said real estate to the purchaser, E. B. Mastake Jr, upon the said purchaser executing to said petitioner a mortgage upon the premises sold, to secure the deferred payments of the purchase money.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs \$--  
W. W. Trustad

11265

filed  
Feb. 14. 1928.

J. V. ...  
of ...  
bel ...  
E. E. D ...  
Nor ...  
Mrs ...  
Nat ...  
J ...  
app ...  
of ...  
dec ...  
the ...  
as ...  
of ...  
note ...  
Petition note ...  
the ...  
rec ...  
and ...  
esta ...  
bring ...  
cost ...  
to ...  
bel ...  
of ...  
in ...  
Im ...  
P ...  
D ...  
Com ...  
Bry ...  
a ...  
sur ...  
line ...  
int ...  
own ...  
Inst ...  
clon ...  
H. T ...  
Com ...  
Edm ...  
W ...  
Luc



Final Record, Union County Probate Court

11265  
filed  
July 14<sup>th</sup> P.M.  
1928.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

J. R. Fackler, admr.,  
of the estate of,  
Charles F. Doudna, deceased,  
Plaintiff

vs. 11265-  
Civil Action

vs.  
E. E. Doudna,  
Walter E. Doudna,  
Mrs. Paul Jennings and  
Nathaniel Longberry, a minor.  
Defendants

Petition.

The Plaintiff represents that he is the duly appointed and qualified admr. of the estate of Charles F. Doudna, late of Union County, Ohio, deceased; that the amount of debts due from the deceased, is Six Thousand Five Hundred Dollars, as near as they can be ascertained (a schedule of which debts is hereto attached, marked Exhibit A),  
note for \$500.00

Petition

note for 800.00  
that the charges of administration of said estate will amount to about Two Hundred Dollars; and that the total value of the personal estate and effects of said deceased, is but - none being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Charles F. Doudna, died in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the Township of Jackson, to-wit:

Part of Survey No. 3473,  
bounded, and described by true meridian courses, as follows:-

Beginning at a stone (witnessed by two elms, and a black ash), south west corner of said survey, No. 3473, and in the Greenville Treaty line; thence with said line N. 83° 30' E. 232.5 poles to a stone (witnessed by two Locusts, and houbrow) south west corner of Nathan Martin's land; thence with the west line of said land, N. 7° W. 71 poles to a stone at the north west corner of said land, N. 7° W. 71 poles to a stone at the north west corner of said land, in the south line of Edward W. Blair's land; thence south 83° 30' W. 232½ poles, to a stone (witnessed by two Locusts) south west corner of Levi E. Lewis' land.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6205

11265-

and in the West line of said Survey, No. 3473:  
 Thence with said line S. 7° E. 71 poles to the beginning,  
 containing 100 acres, or the same, more or less.  
 By deed, it is intended to convey to the said  
 Charles F. Doudna, the West half of the above described  
 tract of land, containing 50 acres, more or less.

Plaintiff represents, that said real estate was  
 appraised in accordance with the order of the Probate  
 Court, of Union County, Ohio, by the appraisers of the personal  
 estate of said decedent, and that the amount of said  
 appraisement, is --- Dollars.

The said decedent, died leaving the defendants:  
 that the defendants  
 E. E. Doudna, North E. Doudna, Mrs. Orel Jennings  
 Mrs. Natalia Longbray, devisees, to the above  
 described land.

I the Plaintiff pray, that your petitioner may, be  
 authorized and ordered, to sell said real estate free of  
 doubt, according to the statute in such case made  
 and provided, and for all other proper orders and relief  
 in the premises.

J. R. Frackler, admr. etc.

Done to & for me, and signed in my presence, this  
 14. day of Feb., 1928.

W. D. Husted, Probate Judge

Probate Court, Union County, Ohio.  
 Civil Action  
 Receipt.

Receipt

To, the Probate Judge:

Issue summons for said Natalia Longbray to the  
 Admr. etc. of Charles F. Doudna, Decedent, Defendants,  
 returnable according to law.

By, Plaintiff's atty.

Filing Petition

In the Probate Court of Union County, Ohio  
 February 14 - 1928.  
 No. 11265.

Journal Entry: Filing Petition to sell Real Estate.

This day came the plaintiff J. R. Frackler, admr. etc.,  
 and presented to this Court his petition, duly verified,  
 praying an order, for the sale of real estate  
 of said Charles F. Doudna, Decedent, to pay the  
 debts and the costs of administering the estate  
 of the said decedent.

whereupon, it is considered and ordered by this

11265-

Travis

Appl. for  
adm. estate

Appl. of  
adm. estate

Final Record, Union County Probate Court

11265-

court, that the said petition be filed, and that due legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants and this cause is continued.  
W. H. Husted, Probate Judge

waiver

Waiver of Summons.

Probate Court, Union County, Ohio,  
We, the undersigned parties Defendant, to the Petition in the above entitled action, do, each of us, hereby waive the issuing and service of Summons and voluntarily enter our appearance, as such Defendants, and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Feb. 14 - 1928.

Mrs. Ose Jennings

E. E. Dondura

H. E. Dondura

Went Jennings

Charles Dondura

Wm Dondura

Appl. for  
Gdn. ad litem.

Application for appointment of Gdn. ad litem.  
Probate Court, Union County, Ohio.  
February 17 1928.

To the Hon. W. H. Husted, Judge of said Court:  
The undersigned J. R. Fackler, admr. with the Will annexed, of the estate of Charles F. Dondura, makes application for the appointment of a Guardian ad litem for the minor defendant in the above entitled case.

The defendant, Natalie Longberry under the age of fourteen years, and has been duly served with summons, therein.

The undersigned suggests that C. E. Fackler who is a suitable person be appointed as such Guardian ad litem.

Respectfully,

J. R. Fackler, Admr.

Appl. of  
Gdn ad litem

Probate Court, Union County, O. February 17 1928  
No.

Appl. of Gdn ad litem.

This day J. R. Fackler, admr. of the estate of Charles F. Dondura appeared in open Court, and made application for the appointment of a Guardian ad litem for the minor defendants in this case.

And it appearing to the Court, that

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11265- the defendants, Natalie Longberry is under the age of fourteen years, and has been duly, and legally served with summons, herein, also her mother, Orel Jennings it is ordered, that C.E. Fackler, be, and he hereby is hereby appointed Guardian for the suit, for said minor defendant.

And now comes, the said C.E. Fackler, and in open court, accepts said appointment.

W.W. Husted Probate Judge-

Answer of Gdn. ad litem

Answer of Guardian ad litem

Probate Court, Union County, Ohio, No. 11265.

And, now comes the said Natalie Longberry the minor defendant to the petition in said cause, by C.E. Fackler, their Gdn. ad litem, heretofore appointed in said cause, by said Court, and for answer to said petition deny, all the material allegations, herein contained, prejudicial to said minor defendants.

They further say, that they are of tender years and not acquainted with the law in such cases, and therefore pray the Court, to protect their rights in this cause, and for such relief as may be just.

Dated this 17. day of July, 1928.

Natalie Longberry,

By, C.E. Fackler, Gdn. ad litem

Summons. on. Petition to Sell Real Estate.

Summons

The State of Ohio, Union County.

Probate Court,

To, the administrator of Charles F. Dondura, Dec'd.

you are commanded to notify Natalie Longberry, Orel Jennings, mother of Natalie Longberry, that on the 9. day of July, A. D. 1928, J. R. Fackler, Adm. of the estate of Charles F. Dondura, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts, and complying with condition of will and that unless they answer by the 10. day of March, 1928, said petition will be taken as true, and an order granted accordingly.

Said adm. will make due return of this writ on the 20. day of July, 1928.

Witness my hand, and the seal, of said Court this 9. day of July, 1928. W.W. Husted

Probate Judge-

11265-

The... on... del... na... h...

appl. 1/2

Sell at.

Private Sale.

to y... to h... dec... sal...

h...

The...

Coste

brin... set... as...

hus...

affidant of

Disinterested

Persons - all

in... is... in... it... est... ren... as the

Final Record, Union County Probate Court

11 265-

The State of Ohio, Union County,

J. R. Fackler, adur., being duly sworn, say, that on the 11-day of July, 1928, I served this writ by delivering a copy thereof personally to the following named persons, to-wit:

Natalie Longberry, and Paul Jennings, mother of Natalie Longberry.

J. R. Fackler, adur.

I now to before me, this 14th day July, 1928

W. Husted, Probate Judge

appl. in

application to sell Real Estate at Private Sale - Probate Court, Union County, Ohio, application

Sell at

Private Sale.

The said Plaintiff represents that it would be for the best interest of the said estate of Charles F. Dondena to sell the real estate described in the petition in this case, at private sale for the following reasons:

1. It can be sold for cash-
2. It will save the costs of public sale-
3. " " eliminate delay
4. " " be sold for all its worth,

and he therefore asks for an order authorizing him to sell said real estate at private sale,

J. R. Fackler, adur -

Oath

The State of Ohio, Union County,

J. R. Fackler, adur., of Chas. F. Dondena est., being duly sworn, says, that the various matters set forth in the foregoing application are true as he verily believes.

J. R. Fackler,

Sworn to before me, and signed in my presence this 20-day of July, 1928.

W. Husted, Probate Judge -

affidavit of Disinterested Persons.

Affidavit of Disinterested Persons.

The State of Ohio, Union County,

A. J. Miller and Miss Strozier, being duly sworn, say, that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate of Charles F. Dondena, to sell said real estate at private sale, than at public sale, as they verily believe. A. J. Miller, Miss Strozier

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11265-

Shewn to before me, and signed in my presence this 20. day of February, 1928.

Jacob R. Fackler, notary Public

Bond.

Bond.

I know all men by these Presents: That, Mr. J. R. Fackler, E. E. Doudna, and North E. Doudna, are, held, and, firmly bound unto the State of Ohio, in the sum of \$13000<sup>00</sup> for the payment of which, we, hereby jointly and severally bind ourselves, our heirs, executors and admors

signed, by us, and dated at Richmond, O. this 20-day of Feb. 1928.

The condition of the above obligation is such, that whereas, the above bound J. R. Fackler, was, heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, admor, with the Will annexed, of the estate of Charles F. Doudna deceased,

And, whereas, the said J. R. Fackler, as, such, Admor, has filed a petition in said Probate Court asking an order, for the sale of certain Real Estate of said decedent described in said petition;

And, whereas, said Court, on the 20 day of Feb. 1928, made an order requiring said Admor, to execute a bond according to the statute in such cases, made, and, provided.

Now, if the said J. R. Fackler, Admor, as aforesaid shall, account for all the further assets arising from the sale of said Real Estate and that shall remain after payment of the debts and charges for which the land, shall be sold, and to dispose of the same according to law: then this obligation to be void, otherwise to remain in full force.

J. R. Fackler, E. E. Doudna, N. E. Doudna,

Executed in Presence of

G. E. Fackler.

W. C. Jacobs.

This Bond, approved in open Court this 20 day of Feb. 1928. Seal W. H. Husted, Probate Judge

Probate Court, Union County, Ohio.

Feb. 20 - 1928

No. 11265.

Ordering Private sale -

This day, this cause came on further to be

ordering Private sale.

11265-

hear  
app  
the  
bri  
bon  
wit  
com  
hy.  
it  
sell  
at  
to se  
thar  
jue

Order of appraisement.

The  
To  
Pro  
this  
Ad  
am  
out  
gnd  
Ken  
Com  
am  
val  
to

to the  
to  
Pep  
Feb

Return

To  
D  
Car  
will  
Date

Final Record, Union County Probate Court

11265

heard, and it appearing to the Court that the appraisement heretofore ordered has been duly made, the same is hereby confirmed; said appraisement being \$6500<sup>00</sup>-

and the Plaintiff above named having given bond, dated February 20 - 1928, in sum of \$13000<sup>00</sup> with E. E. Dondana, and North E. Dondana, Sureties, conditioned according to law, and approved by the Court, and it appearing to the Court, that it would be to the interest of said estate to sell the real estate described in the petition at private sale:

It is now ordered, that said Plaintiff proceed to sell said real estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit:

Cash in hand when deed delivered.

W. Husted, Probate Judge -  
Entry: Journal, no. 41, Page 216,  
Order of appraisement.

Order of

appraisement:

The State of Ohio Union County, Probate Court.

To J. R. Fackler, Adm. etc. Executing:

In obedience to an order, and decree of the Probate Court within and for said County, made this day in a certain cause, wherein you, as Adm. etc. are Plaintiff and E. E. Dondana, et al, are Defendants you are commanded that by the outlets of B. H. Matteson, Oscar Martin and W. H. Taylor, judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders of the County in which said real estate is situated and upon actual view you cause a just valuation and appraisement to be made according to law of the following described premises see description in Petition

you will make return of your proceedings to this Court, your oath upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, O. this 17 day of May, 1928.

W. Husted, Probate Judge

Return:

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached, Dated May 20/28. J. R. Fackler, Adm. etc.

1928

Final Record, Union County Probate Court

THE W-S CO., CIN., O. #203

11265-

Oath of appraisers

The State of Ohio, Union Co.

Oath.

We, the undersigned appraisers do make, solemn oath that we will upon actual view honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

B. B. Matteson, W. H. Taylor, O. E. Martins, appraisers

Sworn to before me, and signed in my presence this 18. day of July, 1928

W. D. Cameron, Notary Public

Appraisers Return

Appraisers Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described we the undersigned appraisers estimate the value of said real estate at \$13000 per acre \$6500-

Sworn under our hands, this 18. day of July, 1928. B. B. Matteson, W. H. Taylor, O. E. Martins, appraisers

Order of sale.

Order of Sale, Free from Debt

The State of Ohio, Union County, Probate Court

To J. R. Frackler, adms. etc. Meeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as adms., etc, are Plaintiff and E. E. Dondura, North E. Dondura, et al, are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, the following described premises, to wit:

Situated in the County of Union, State of Ohio, and in the Township of Jackson, to wit:

Part of Survey no 3473, Bounded, and described by true meridian courses, as follows:

Beginning at a stone (witnessed by two elms or black ash) South west corner of said Survey no. 3473 and in the Greenville Treaty line. Thence with said line N. 83° 30' E 232 1/2 poles to a stone (witnessed by two beeches and hickory) South West corner of Nathan Martins' land; Thence with the west line of said land N. 7° W. 71 poles to a stone at the North West corner of said land, in the South line of Edward W. Blair's land; Thence South 83° 30' W. 232 1/2 poles, to a stone (witnessed by two beeches) South West corner of Levi E. Lennis' land and in the West line of said Survey no 3473;

11265-

Then by...

the...

Said...

to the... Probate July

Return

To be... Court full

Report.

of Sale, pres...

for... said...

Date

Oath

The... The... over... has... obtained... said... got...

Sworn this



Final Record, Union County Probate Court

11265-

Thence with said line S. 7° E. 71 poles to the beginning.

Containing 100 acrs. or less, by the same more or less.

By this description it is intended to describe the west half of the above tract of land, consisting of 50 acrs. more or less.

Said sale, to be private and upon the following terms: Cash in hand, at date of delivery of deed, you will make return of your proceedings to this Court, forthwith upon the execution of this order. Witness my signature and the seal of said Probate Court at Mansville, O. this 20. day of July, 1928.

Seal W. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, O.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated July 23-1928.

J. R. Fackler, Adm. etc

Report

Report of Sale

In obedience to the within order, I sold said premises, on the 21 day of July, 1928 to William Bickok

for the sum of \$6500 - said sum being all the appraised value of the same.

J. R. Fackler, Adm. etc.

Dated July 21-1928.

Order

The State of Ohio, Union County, The above named, J. R. Fackler, Adm. being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale, is for the highest price he could get for said property.

J. R. Fackler, Adm. etc

Sworn to before me, and signed in my presence this 24 day of July, 1928

Seal W. Husted

Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11265

Journal entry: orders approving and confirming Sale-  
Probate Court, Union County, Ohio.  
February 23- 1928.

approving  
aw. 7

Confirming  
Sale.

This day, this cause, coming on to be heard on the report of J. R. Frackler, adm., etc., of the estate of Charles F. Dondna, deceased, of his proceedings, and sale under the former order of this court; and upon the motion of said petitioner to confirm the sale made, in obedience to said order; the court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same, be, and hereby, is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Charles F. Dondna, in said real estate to the purchaser William Bickok upon the said purchaser, paying the sum of Six Thousand Five Hundred Dollars therefor.

It is further ordered, that this proceeding be recorded, and that said petitioner pay costs -

W. W. Husted, Probate Judge

11228

Filer  
Dec. 20/1927.

Walt  
Lore

of the  
Fran

Luci

Char

Verqu

Jan

Jan

Verqu

Ohio

Berij

and

Jan

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Id

Petition

11228

Final Record, Union County Probate Court

11228  
Filed  
Dec. 20/1927.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio,  
No. 11228.

Civil action  
Petition to Sell Real Estate  
Petition

Walter Howard, <sup>and</sup>  
Louis Michel,  
Executors  
of the estate of  
Frank M. Fullington  
deceased.  
Plaintiffs.

vs.  
Lucia Fullington  
Charles Fullington  
Virginia Howard.  
Hazel Skiles  
James Fullington  
Jessie Fullington Reynolds  
Virginia Lee Reynolds  
Otis Lee Atherton  
Berj. Fullington  
<sup>and</sup>  
Jessie Fullington Foster, <sup>and</sup>  
Ida Fullington,  
Defendants.

Petition

Petition

The Plaintiff represents that they are the duly appointed and qualified executors of the estate of Frank M. Fullington late of Union County, Ohio, that the amount of debts due from the deceased is thirty thousand dollars, as near as they can be ascertained (a schedule of which debts is hereto attached marked Exhibit A), that the charges of administration of said estate will amount to about two thousand dollars; and that the total value of the personal estate and effects of said deceased is but fifteen thousand seven hundred and eight-tens dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Frank M. Fullington died seized in fee simple of the following described real estate, situated in the county of Union, State of Ohio, and in the Township of Union town:

11228

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11228  
Tract 1.

Tract No. 1.

Bring part of Survey<sup>s</sup> 7789, 5-365, and 4946, bounded, and, described as follows:

Beginning at an iron pipe at the junction of the center line of an unimproved road, with the center line of the Homer gravel road; thence with the center of said Homer gravel road South 25° 30' East 77.84 poles to an iron pipe, a corner to land in the name of W. A. McKerr; thence with the north line of said McKerr's land, as now located South 40° 50' East 16.40 poles to an iron pipe in the east line of Survey<sup>s</sup> 7759; thence with said Survey line South 12° 15' West to an iron pipe 21.32 poles, a corner to said McKerr's land; thence with said gravel road South 12° 15' West 68.04 poles to an iron pipe, a corner to lands, formerly in the name of Walter C. Fullington; thence with a line of said Fullington's land, South 84° 2' East 26.50 poles to the center of Treachus Creek; thence up said Creek North 37° 30' East 24 poles; North 24° East 58 poles; thence North 4° East 72.50 poles to an iron pipe in the center of the unimproved county road; thence with the center of said county road, North 79° West 101.54 poles, to the beginning containing 53 acres, more or less.

Tract 2.

Tract No. 2.

Also, the following, situated in the State of Ohio, County of Union and Township of Union and, bring part of Survey<sup>s</sup> 8151, bounded and described as follows, and bring one acre, of the James Fullington farm, situate on the Homer gravel road; and described, as follows:

Beginning on the westerly line of said gravel road, at the center of an apple tree which stands near the new school house lately built in Sub-district No. 7, in said Township of Union; thence running northerly with said gravel road 5 rods to a stake; thence westerly at right angles, with said road 16 rods to a stake; thence southerly parallel with said road 10 rods to a stake; thence Easterly at right angles with said road 16 rods to a stake in the westerly line of said road; thence with said road northerly 5 rods to the center of said apple tree and place of beginning, containing one acre.

11228  
Tract 3

Tract  
bound  
#5  
des  
By  
corn  
480  
79°  
corn  
Surv  
brick  
the  
bree  
joll  
15'  
som  
cent  
joll  
and  
with  
joll  
thenc  
45  
cont  
Tract  
said  
the  
work  
som  
hand  
East  
80°  
north  
the  
the  
joll  
bound

Tract 4

Tract  
E. V.  
bound

Final Record, Union County Probate Court

11228

Tract 3

Tract No. 3.

Also, the following in the same Township, County and State, and being parts of Surveys #<sup>s</sup> 8151, 5291, 8414, 7926, 4807, 4946-5265- described as follows:

Beginning at a stone S.W. corner to Survey 8523<sup>and</sup> corner to Survey 5265 and in the N. line of Survey 4807: thence with the N. line of Survey 4807, N. 79° W. 112 poles to a stone and brick N.W. corner to Survey 4807: thence with the N. line of said Survey 4807, S. 11° West 30.76 poles to a stone and brick: thence N. 79° 45' W. 163 poles to a stake in the center of Treacle's Creek: thence down said Creek and with the meandering thereof, the following courses and distances: south 5° 15' W. 72 poles: south 23° 15' West 49.32 poles: south 35° West 30.48 poles to a stake in the center of said Creek: thence N. 87° 45' West 27.45 poles to a stone in the West line of Survey 4946: and in the center of the Horner Road: thence with said line and road, S. 10° 45' West, 82.56 poles to a stone: S.W. corner to said Survey 4946: thence with the center of said Horner Road, S. 10° 45' West 40.20 poles to a stake: thence continuing with the center of said road, S. 3° 45' West 97 poles to a stake at the intersection of the said Horner Road with the Post Road: thence with the center of the Post Road as follows: North 83° 15' E. 19.50 poles: South 75° E. 45 poles: South 82° East 158.45 poles to a stake (Iron pin has north 14° 30' East 30 feet) thence North 14° 30' East 221.20 poles to an iron pipe: thence South 80° 15' East 67.83 poles to an iron pipe: thence North 14° 15' East 169.90 poles to an iron pipe in the North line of said Survey 4807: thence with the North line of Survey 4807: North 79° West 91.00 poles to the beginning. Containing 579 acres, more or less.

Also, the following described real estate.

Tract 4

Tract No. 4.

Situated in the State of Ohio, County of Union & Village of Milford Center.

Being a part of sub-lot No. 12 bounded and described as follows:

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228

Beginning at the S.W. intersection of Center Street and Mill Street; thence South parallel with the center of Mill Street to the corner of a lot now owned by Fred Herr; thence westerly parallel with the north line of Fred Herr's lot to the West line of said out-lot #12.

Thence northerly with the line of said out-lot #12 to Center Street; thence easterly parallel with the center of Center Street to the place of beginning.

Being 108 feet on Mill Street and 194 feet on Center Street.

Excepting therefrom 18 feet off of the southerly side of the above described premises having a frontage of 18 feet on Mill Street and a depth of 194 feet more or less to the alley with a frontage on said alley of 18 feet.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is \$57,410.00 for the 579 acre tract; \$4,000.00 for part of out lot no. 12; thirty-nine hundred and seventy-five Dollars for the 53 acres above described and \$800.00 for the 1 acre tract.

That said decedent died leaving the defendant Lucia Fullington his widow who is entitled to dower in said premises; that the defendants James Fullington, Benjamin Fullington, Charles Fullington, Virginia Howard, Isabel Skiles, and Jennie Fullington Foster, and Ida Fullington, are the only next of kin of said decedent, having the next estate of inheritance from said Frank M. Fullington deceased, in said premises, that the defendants Lucia Fullington, James Fullington, Oles Lee A. Thonou, Jennie Fullington Reynolds, Virginia Lee Reynolds, and Virginia Howard, are the only legal heirs and devisees of the said Frank M. Fullington named in his Will.

The Plaintiff therefore prays that the dower of said Lucia Fullington in said premises may be assigned and set off to her, unless she file her answer herein and consent that the same may be sold free from her said dower, homestead and other rights, she may have therein, and that your petition may be authorized and ordered to sell said real estate subject to said dower unless said widow consents to the sale

11228

Oath

Filing Petition

Answer

of it  
stat  
all  
nam  
the  
jett  
In  
this  
Filing  
Petition  
This  
Lore  
Fulli  
petit  
of re  
to p  
the  
Cour  
dow  
pray  
in  
the  
and  
how  
in t  
her  
juli  
the  
an  
pre  
her  
Con  
dow  
you  
prop  
pre

Final Record, Union County Probate Court

11228

of the same free from her dower, according to the statute in such case, made and provided, and for all other proper orders, and relief in the premises  
Walter Howard, Louis Michel, Executors

Oath

The State of this Union County,  
Walter Howard, and Louis Michel the within named Plaintiffs being duly sworn, say, that the various matters and things set forth in said petition are true to the best of their knowledge and belief.  
Walter Howard, Louis Michel.

Sworn to before me, and signed in my presence, this 20 day of Dec. 1927.

W. H. Husted, Probate Judge

Filing Petition

In the Probate Court Union County, this December, 20- 1927.

Journal entry: Filing Petition to Sell Real Estate

This day came, the plaintiffs Walter Howard, and Louis Michel Executors of the estate of Frank G. Fullington dec'd. and presented this Court, their petition, duly verified, praying an order for the sale of real estate of the said Frank G. Fullington deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered, by this Court, that the said petition be filed, and that due, and legal notice of the filing, pendency, and prayer, of the said petition, and of the time in which they are, required by law, to answer the same, be given to each of the said defendants; and this cause is continued.

W. H. Husted, Probate Judge

Answer.

Answer.

Now comes Lucia Fullington, one of the defendants in the above entitled cause and voluntarily enters her appearance herein and for answer to the petition in this case filed, says, that she is the widow of the said Frank G. Fullington and, as such is entitled to dower in the premises described in said petition; that her age is 37 years, and that she freely consents to said sale, as prayed for, and waives the assignment of dower in said premises by metes and bounds, or in rents and profits, and asks, the Court, that said premises may be sold free from her

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11 228

down estate therein and that the value of said down estate may be allowed and paid to her in full thereof out of the proceeds of the sale such sum of money as the court deems the just and reasonable value of her down interest in said real estate.

C.A. Hoopes atty. for Lucia Fullington

10. 28

State of Ohio, Union County, ss.

Lucia Fullington, being first duly sworn, says that the statements in the foregoing Answer, are true, as she truly believes. Lucia Fullington

Sworn to before me, and subscribed in my presence this 21 day of Feb. 1928.

C.A. Hoopes, Notary Public.

Summons

Summons

The State of Ohio, Union County, Probate Court. To the Executors of the estate of Frank C. Fullington, Dec'd, you are commanded, to notify Virginia Lee Reynolds a minor defendant, and Jamie Reynolds, mother of said minor that on the -- day of December, 1927, Walter Howard, and Louis Michael, Executors, of the estate of Frank H. Fullington deceased, filed their petition in the Probate Court of said Union Co., Ohio, against them and others, the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and that unless they answer by the 21 day of January, 1928, said petition will be taken as true, and an order granted accordingly.

Said executors will make due return of this writ on the 2 day of January, 1928.

Witness my hand, and the seal of said Court, this 20 day of Dec. 1927.

W. Husted Probate Judge

10. 28

The State of Ohio, Union Co.

F. Walter Howard, being duly sworn, says that on the 29 day of Dec. 1927, I served this writ by delivering a copy thereof personally to the following named persons, to wit: Virginia Lee Reynolds, also, on Jamie F. Reynolds mother of said minor.

Walter Howard,

Sworn to before me, and signed in my presence this 3 day of Jan. 1928. W. Husted, Probate Judge

11 228.

Summons

The  
To  
3  
that  
Lou  
Full  
Prob  
them  
peti  
Cer  
in  
paye  
21 d  
as to  
So  
writ  
To  
this  
2  
m. e  
del  
mar  
52  
3 d  
Walter  
The  
the  
an.  
as.  
des  
to e  
Walter  
The



Final Record, Union County Probate Court

11 228.

Summons

Summons

The State of Ohio, Union County, Probate Court,  
 To the executors of the estate of Frank G. Fullington, Deceased;  
 You are commanded to notify  
 Otis Lee Atherton, a minor defendant,  
 that on the - day of Dec. 1927, Walter Howard and  
 Louis Michel executors of the estate of Frank G.  
 Fullington deceased, filed their petition in the  
 Probate Court of said Union County, Ohio against  
 them and others, the object and prayer of which  
 petition is to obtain an order for the sale of  
 certain real estate belonging to said decedent,  
 in said petition described for the purpose of  
 paying debts and that unless they answer by the  
 21 day of January, 1928 said petition will be taken  
 as true, and an order granted accordingly.  
 Said executors will make due return of this  
 writ on the 2 day of January, 1928.  
 Witness my hand and the seal of said Court  
 this 20 day of December, 1927.  
 W. W. Husted, Probate Judge

Waiver

The State of Ohio, Union County,  
 I, Walter Howard, being duly sworn, say that  
 on the 21 day of Dec. 1927, I served this writ by  
 delivering a copy thereof personally to the following  
 named persons to wit:  
 Otis Lee Atherton,  
 Walter Howard,  
 Sworn to before me, and signed in Presence, this  
 3 day of Jan. 1928.  
 W. W. Husted, Probate Judge

Waiver

Waiver  
 Probate Court, Union County, Ohio  
 The undersigned party defendant to the Petition in  
 the above entitled action hereby waives the issuing  
 and service of summons and voluntarily enters appearance  
 as such defendant.  
 And hereby consent to the sale of the Real Estate  
 described in the petition in said action according  
 to the prayer of the same.  
 Dec. 31 - 1927.  
 Ida F. Fullington

Waiver

Waiver  
 Probate Court, Union County, Ohio  
 The undersigned party defendant to the Petition

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228

in the above entitled action, hereby waives the issuing and service of summons, and, voluntarily enters appearance as such. Defendant.

and, hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Dec. 31 - 1927.

Benjamin W. Fullington

waiver

waiver

Probate Court, Union County, Ohio.

The undersigned party Defendant to the Petition in the above entitled action, hereby waives the issuing and service of summons, and, voluntarily enters appearance, as such Defendant.

And, do consent to the sale of the Real Estate described in said action according to the prayer of the same.

Dec. 20 - 1927.

Isabel F. Skiles

waiver

waiver

Probate Court, Union County, Ohio.

The undersigned party, Defendant to the Petition in the above entitled action hereby waives the issuing and service of summons and, voluntarily enters appearance as such. Defendant,

and, hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Dec. 23 - 1927.

Charles P. Fullington

waiver

waiver

Probate Court, Union County, Ohio

We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us, hereby waive the issuing and service of summons, and, voluntarily enter our appearance, as such, Defendants,

and, do, hereby consent, to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

December, 20 - 1927.

Lucian Fullington, Virginia F. Howard,

Jamies F. Reynolds, James Fullington

Jamies Fullington Fowler.

11228

orders on  
hearing of  
appointment

John

upon

cons

due

will

an

stat

trust

Trust

said

her

in

and

from

a

to ex

des

I

Trust

dis

estate

an

at

don

to

by

act

and

to th

19

Order of  
appnt.

The

70

Per

m

yn

Fin

an

Final Record, Union County Probate Court

11728

Journal Entry:

Orders on Hearing of appraisement etc., Probate Court, Union County, Ohio, March, 21- 1928.

orders on hearing of appraisement.

This day, this cause, came on to be heard upon the petition, evidence and testimony and the Court, being fully advised in the premises, finds:

That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance, herein, and are now properly before the Court, and that the statements and allegations in said petition are true.

That said Lucia Fullington widow of said Frank G. Fullington is entitled to her dower in said real estate; That said Lucia Fullington by her answer herein waives the assignment of dower in said premises, by metes and bounds or in rents and profits and consents to the sale of said premises free from her dower estate therein.

and the Court being satisfied that it is necessary to sell the real estate of said Frank G. Fullington described in the petition to pay his debts.

It is ordered, that E. H. Kotton, J. M. Lutz, and Walter M. Otte, three suitable and judicious disinterested men of the vicinity of said real estate, who are freeholders, be, and they hereby are appointed to appraise said lands, in parcels at their true value, in money, free from the dower estate of said Lucia Fullington, therein.

It is further ordered, that said appraisers be sworn, as required by law, and afterwards, upon actual view, perform the duties required of them, and make return of their proceedings in writing to this Court, on or before the 21-day of March, 1928. This cause is continued.

M. Husted, Probate Judge

Order of appraisement.

Order of appraisement.

The State of Ohio, Union County, S.S. Probate Court, To, Walter Howard, & Louis Michel, Executors:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as executors, of the estate of Frank G. Fullington, deceased, are Plaintiffs, and Lucia Fullington, et al. are

issuing appearance  
Real estate  
ing to the  
Petition  
he issuing  
appearance,  
estate  
mayer,

this  
Petition  
issuing  
appearance  
the Real  
in

this  
Petition  
and  
Defendants  
of the  
action

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228

Defendants, you are commanded by the oaths of E. H. Batton, J. M. Lentz, and Walter M. Otto, judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders of the county in which said real estate is situated and, upon actual view, you cause a just valuation and appraisement of estate made according to law, of the following described premises free from the down estate of Lucia Fullington therein, to wit:

see description in Petition this number 11228

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature, and the seal of said Probate Court at Marysville, Ohio, this 22 day of March, 1928.

W. H. Husted, Probate Judge.

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 21 day of March, 1928.

Walter Howard.

Louis Truckel.

Oaths of appraisers

Oaths of appraisers.

The State of Ohio, Union County,

We, the undersigned appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

E. H. Batton, J. M. Lentz, Walter M. Otto, apprs.

Sworn to before me, and signed in my presence, this 21 day of March, 1928.

C. A. Hoopes, Notary Public.

Apprais. Return

Appraisers Return.

In obedience to the foregoing order, after being just duly sworn, and upon actual view of the premises therein described, we, the undersigned apprs. estimate the value of said real estate, as follows:

Tract 1. at \$3975.00

" 2 " 800.00

" 3 " 43425.00

" 4 " 4000.00

all of said tracts appraised free from said down estate

11228

Confirming appraisement ordering Bond vs. Bond required by will

Jim... Jos... The... attor... app... in... and... upon... in... app...

Confirming appraisement ordering Private

reg... J... Full... to m... This... sale, app... mad... app... by... "

fre... wid... Ar... hon... the... at y... pro... sa... cha... the... "

Final Record, Union County Probate Court

11228

Given under our hands, this 21-day of March, 1928  
E. H. Hutton J. M. Lutz Walter M. Otto, Appraisers

Confirming  
appraisement  
ordering  
Bond  
No. Bond  
required by  
will

Journal entry: Confirming appraisement & ordering Bond,  
Probate Court, Union County, O.

March 21- 1928.

This day came, the said Plaintiff, by their  
attorney, and produced to the Court, the report of an  
appraisement herein made by  
E. H. Hutton J. M. Lutz, and Walter M. Otto;  
in pursuance of a former order of this Court;  
and it appearing upon examination that said  
report is in all respects regular and correct,  
it is ordered, that the same, by and hereby, is  
approved and confirmed.

It is further ordered, that no bond be  
required of said executors by reason of the  
provision of the Will of the said Frank G.  
Fullington, requesting that no bond be required  
to be given by his executors.

W. H. Husted, Probate Judge

Probate Court, Union County, Ohio.

Marysville, O. March, 21- 1928.

No. 11228.

Confirming  
appraisement,  
ordering  
Private  
Sale.

Confirming appraisement & ordering Private Sale.  
This day this cause came on further to be heard  
and it appearing to the Court that the  
appraisement heretofore ordered, has been duly  
made, the same is hereby confirmed; said  
appraisement being

- Tract No. 1 - \$3975.00
- " " 2 - 800.00
- " " 3 - 43425.00
- " " 4 - 4000.00

free from the dower estate of Lucia Fullington  
widow of Frank G. Fullington, deceased,  
and it appearing to the Court that it  
would be to the interest of said estate to sell  
the real estate described in the petition  
at private sale.

It is now ordered, that said plaintiff  
proceed to sell said real estate free from the  
said dower estate, at private sale, at not less  
than the appraised value thereof, and upon  
the following terms, to wit:

Cash in hand, on day of sale. W. H. Husted Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11 228  
appl. to  
sell at  
Private sale

Application to Sell at Private Sale, Real Estate  
Probate Court, Union County, Ohio,  
no. 11228. application

The said Plaintiff represents, that it would be for the best interest of the said estate, to sell the real estate described in the petition in this case, at private sale, for the following reasons:

That owing to the present conditions, with regard to the sale of real estate, it is not possible to sell same, to good advantage at public sale, and these Executors feel that they will be able to dispose of all of said real estate at private sale, for a higher price than they could obtain for the same at public sale.

And they therefore ask for an order authorizing them to sell said real estate at private sale.

Walter Howard, Louis Michel, Ex<sup>rs</sup>.

oath

The State of Ohio, Union County,  
Walter Howard and Louis Michel being duly sworn, says that the various matters set forth in the foregoing application are true, as they verily believe.

Walter Howard, Louis Michel, Executor.

Sworn to before me, and signed in my presence,  
this 22-day of March, A.D. 1928.

C. A. Hoopes Notary Public

affidavit  
of  
Disinterested  
Persons.

Affidavit of Disinterested Person.  
The State of Ohio, Union Co.,  
A. B. Conkright and W. H. Snodgrass, being duly sworn, says, that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale, than at public sale, as they verily believe.

A. B. Conkright, W. H. Snodgrass

Sworn to before me, and signed in my presence,  
this 22-day of March, 1928.

C. A. Hoopes Notary Public.

11 228  
order of sale

Tract. 1.

Tract. 2.

The  
to.  
Prob  
this  
Exe  
am  
you  
to  
app  
suc  
dece  
Trac  
The  
Stat  
and  
boun  
Be  
of  
Cent  
the  
30'  
lan  
the  
not  
Som  
in  
Sur  
at  
them  
68.  
jone  
lith  
2'  
stem  
nor  
jole  
un  
sac  
to  
a

Final Record, Union County Probate Court

11228

Order of Sale Free from Dower,  
The State of Ohio, Union County, Probate Court,

To, Walter Howard, and Louis Michel, Executors;

order of sale

In obedience to an order and decree of the Probate Court, within and for said County, made, this day, in a certain cause, wherein you as Executors of the estate of Frank G. Fullington, Deceased, are Plaintiffs and Lucia Fullington et. al. are Defendants, you are commanded, to proceed according to law, to sell at private sale, for not less than the appraised value thereof free from the dower of Lucia Fullington widow of Frank G. Fullington deceased, the following described premises, to wit:

Tract No. 1.

Tract No. 1.

The following described real estate, situated in the State of Ohio, County of Union, and Township of Union, and being part of Survey<sup>s</sup> 7789, 5265, and 4946, bounded and described as follows:

Beginning at an iron pipe at the junction of the center line of an unimproved road, with the center line of the Homer Bravel Road; thence with the center of the said Homer Bravel Road, S. 25° 30' East 77.84 poles to an iron pipe a corner to land, in the name of N. A. McKeever; thence with the north line of said McKeever; thence with the north line of said McKeever land, so now located South 40° 50' East, 16.40 poles to an iron pipe in the East line of Survey<sup>s</sup> 7789; thence with said Survey line South 12° 15' West to an iron pipe at 21.22 poles a corner to said McKeever land; thence with said Bravel Road South 12° 15' West 68.04 poles to an iron pipe a corner to lands formerly in the name of Walter G. Fullington; thence with a line of said W. Fullington's land, South 84° 2' East 26.50 poles, to the center of Treacles Creek; thence up said Creek North 37° 30' East 24 poles North 24° East 58 poles; thence North 4° East 72.50 poles, to an iron pipe in the center of an unimproved county road; thence with the center of said county road, North 79° West 101.54 poles to the beginning.

Containing 53 acres, more or less.

Tract No. 2.

Tract No. 2.

Real estate situated in the State of Ohio, County of Union, and Township of Union, and being part of Survey, No. 815-1, and bounded and

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11228

described as follows, and, being one acre of the James Fullington home farm, situated on the Homer gravel Road, and, described as follows, to wit:

Beginning on the westerly line of said gravel road, at the center of an apple tree which stands near the new school house lately built in Sub-district no. 7, in said Township of Union; thence running northerly with said gravel road, 5 rods, to a stake; thence westerly at right angles, with said road 16 rods, to a stake; thence southerly parallel, with said road 10 rods to a stake; thence easterly at right angles, with said road 16 rods to a stake; in the westerly line of said road; thence with said road northerly 5 rods to the center of said apple tree, <sup>the</sup> place of beginning.

Containing one acre

Tract 3.

Tract, No. 3.

Real Estate situated in the State of Ohio County of Union, Township of Union, and, being part of Surveys nos 8151, 5291, 5414, 7926, 4807, 4946, and, 5265, bounded and, described as follows:

Beginning at a stone S.W. Corner to Survey 8523, and, corner to Survey 5265, and, in the north line of Survey, no 4807; thence with the north line of Survey 4807, north 79° N. 112 poles to a stone and brick N.W. Corner to Survey 4807; thence with the west line of said Survey 4807, S. 11° West 30.76 poles, to a stone and brick; thence N. 79° 45" W. 163 poles to a stake in the center of Treacles Creek; thence down said creek, and, with the meanderings thereof, the following courses and, distances: south 5° 15' N. 72 poles; south 23° 15' West 49.32 poles and, south 35° N. 30.48 poles to a stake in the center of said Creek; thence north 87° 45' West, 27.40 poles, to a stone in the west line of Survey, 4946; and, in the center of the Homer Road; thence with said line and, road south 10° 45' West, 82.56 poles, to a stone, S.W. Corner to said Survey, no 4946; thence with the center of said Homer Road south 10° 45' West 40.20 poles, to a stake; thence continuing with the center of said road south 3° 45' West 97 poles, to a stake at the intersection of the said Homer Road with the Post Road; thence with the center of the Post Road, as follows:

North 83° 15' East 19.50 poles, South 75° East 40 poles; South 82° East 158.45 poles to a stake (in four areas north 14° 30' E. 30 feet)

11228

thence

thence

pipe

pipe

thence

70°

Tract. 4.

Trac

bound

Center

des

Mr. W

cont

some

the

of

of

Survey

plea

ben

low

hav

the

bound

Pro

man

Return.

To the

as

as

attach



Final Record, Union County Probate Court

11228 thence north  $14^{\circ} 30'$  East 221. 20 poles to an iron pipe  
 thence, South  $80^{\circ} 15'$  East 67. 83 poles to an iron  
 pipe; thence north  $14^{\circ} 15'$  East 169. 90 poles to an iron  
 pipe, in the north line of said Survey 4807;  
 thence with the north line of Survey 4807, north  
 $70^{\circ}$  West  $91/100$  poles to the beginning.  
 Containing 579 acres, more or less

Tract. 4.

Tract no. 4.

Real estate situated in the State of Ohio,  
 County of Union and in the village of Milford  
 Center.

Being a part of, outlot no. 12, bounded and  
 described as follows:

Beginning at the S.W. intersection of Center Street  
 & Mill Street; thence South parallel with the  
 center of Mill Street to the corner of a lot now  
 owned by Fred Neer; thence westerly parallel, with  
 the north line of Fred Neer's lot to the West line  
 of said out lot 12; thence northerly with the line  
 of said out lot 12, to Center Street; thence easterly  
 parallel, with the center of Center Street to the  
 place of beginning.

Being 108 feet on Mill Street & 194 feet on  
 Center Street.

Excepting therefrom 18 ft. off of the  
 southerly side of the above described premises,  
 having a frontage of 18 feet on Mill Street  
 & a depth of 194 feet, more or less, to the alley,  
 with a frontage on said alley of 18 feet.

Said sale to be for the highest price obtainable  
 & to be upon the following terms: Cash in hand on day  
 of sale.

You will make return of your proceedings to this  
 Court, forthwith upon execution of this order.

Witness my signature and the seal of said  
 Probate Court at Marysville, O. this 21 day of  
 March, 1928. *Reed* *W. H. H. H. H.* Probate Judge.

Return.

Return.

To the Probate Court, of Union County, Ohio.

In obedience to the foregoing order, I have  
 caused the same to be duly executed  
 as will fully appear by the proceedings hereto  
 attached, Dated 22 day of March, 1928.

*Halter/Horn* - Louis Michel - executor.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11228

Report of Sale

Report of Sale.

In obedience to the within order, we sold Tract 1, of said premises on the 22-day of March, 1928 to Charles W. Gugel and Mary A. Gugel, husband and wife, for the sum of Thirty-nine hundred and seventy five dollars, said sum being equal to the appraised value of the same.

Walter Howard, Louis Michel, Executors.

Dated the 22-day of March, 1928.

The State of Ohio, Union County.

The above named Walter Howard and Louis Michel executors being duly sworn, say, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price they could get for said property.

Walter Howard, Louis Michel.

Sworn to before me, and signed in my presence, this 22-day of March, 1928.

C. E. Hoopes, Notary Public

Confirming Sale

Journalizing Order Approving <sup>or</sup> Confirming Sale. March 22- 1928.

This day this cause coming on to be heard on the report of Walter Howard and Louis Michel, Executors of Frank G. Fullington deceased, of their proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale, made in obedience to said order; the Court having carefully examined said report and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be and hereby is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Frank G. Fullington in Tract No. 1, of said real estate as described in the petition to the purchaser, Charles W. Gugel, upon the purchaser paying to said Executors the purchase price, to wit, the sum of \$3975<sup>00</sup> in cash.

It is further ordered, that this proceeding be recorded, and that said petitioner pay costs \$ —

W. H. Husted

Probate Judge (See Pg. 315 Tract 4.)

11737

Jan. 27/1928

F. J. Passinger atty.

Arthur A. ... of

Adm ... m ... low ... by

The duly ... mil ... Jan ... am ... Fr ... Car ... is ... Cha ... am ... and ... esta

Petition

The Court desc ... in ... for

Par ... and ... Mel ... in ... an ... their ... S. S. ... Com ... of ... land ... to a ... 30

Final Record, Union County Probate Court

11737

Jan. 27/1928

F. J. Passinger  
atty.

Petition for sale of Real Estate to Pay Debts  
Probate Court, Union County, Ohio.

Arthur H. Doner,  
Adm., with the Will  
annexed, of the estate  
of Henry Conrad, deceased,  
Plaintiff

No. 11737  
Civil action.

Adell Doner  
Dorine M. Prutz  
Medred Conrad Wilson  
Connecticut Mutual  
Life Insurance Co.,  
Defendants.

Petition to sell Real Estate

Petition

The Plaintiff represents that Arthur H. Doner the  
duly appointed and qualified adm., with the  
will annexed, of the estate of Henry Conrad, late of  
Jerome Township Union Co. Ohio, deceased; that the  
amount of debts due from the deceased is  
Forty one Hundred Dollars, as near as they  
can be ascertained (a schedule of which debts  
is hereto attached marked exhibit A.) that the  
charges of administration of said estate will  
amount to about Two Hundred Dollars;  
and that the total value of the personal  
estate and effects of said deceased, is but

Petition

none

The plaintiff further represents that said Henry  
Conrad died seized in fee simple of the following  
described real estate, situated in the County of  
Union, State of Ohio, and in the Township of  
Jerome, to-wit:

Part of Survey No. 2925;  
and, being lots 2 & 3, of the sub-division of the  
William McCrossy farm, beginning at a stake  
in the east line of said Survey No. 2925,  
and, south east corner to John G. Warner's land;  
thence with the second line of said land  
S. 82° 30' W. 80 poles to a stone southwest  
corner of said land and, in the east line  
of said lot no. 4, of the division of Wm. McCrossy's  
land; thence with said line S. 9° E. 59 1/100 poles  
to a stake southeast corner to said lot no. 4.  
Thence with the south line of said lot S. 82°  
30' W. 56 25/100 poles to a stake corner of

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11237,

said lot in the center of the Grottinger road: thence with the center of said road S. 14° E. 74 80/100 poles to a stake north west corner of said lot no. 1. of said division; thence with the north line of said lot no. 1. north 82° 30' E. 127 poles to a stake corner to said lot no. 1. in the east line of said survey, no. 2925. thence with the said line N. 7° 30' W. 134 12/100 poles to the beginning.

Containing Ninety (90) acres and fifty (50) poles more or less.

Plaintiff represents, that said real estate was appraised in accordance with the order of the Probate Court, Union Co. O. by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is.

The said decedent died leaving no widow, who is entitled to dower in said premises; that the defendants

adull Dorer,

Minnie M. Prutz,

Medred Conrad Wilson, together with this Plf. Arthur Dorer, are the only legatees, devisees, or heirs at law of said decedent. Having the next estate of inheritance from said Henry Conrad deceased, in said premises, that the defendants The Connecticut Mutual Life Insurance Co. claims to hold a mortgage on said premises for \$3200.00 executed by the said Henry Conrad.

The Plaintiff therefore prays that the defendant The Connecticut Mutual Life Insurance Co. be required to answer setting forth more fully the amount and date of said mortgage lien; that the rights, interests and liens of the said Connecticut Mutual Life Insurance Co. may be fully determined, adjusted and protected according to equity and that your petitioner may be authorized and ordered to sell said real estate, according to the statute in such case made, and provided, and for all other proper orders and relief in the premises.

The State of Ohio, Union Co-

oath

Arthur H. Dorer, the herein named Plaintiff being duly sworn, says that the various matters herein set forth in said petition are true to the best of his knowledge and belief.

Arthur H. Dorer

11237

know this

Filing Petition

of the to the for. v. Court of a w. Court dur. pray in the defend

Wain

Wain

Mr. Petition of us. Sum us.

of. in a same

Assurance av. Cross Petition Connecticut Insurance Co. Hartford Conn.

State Ar. with of. The adell med The Co. Insu

Final Record, Union County Probate Court

11237

Known to before me, and signed in my presence, this 5 day of Jan'y, 1928.

W. W. Husted, Probate Judge

In the Probate Court, Union Co. O -

Jan'y. 5 - 1927.

no. 11237.

Filing Petition

Journal Entry Filing Petition to sell Real Estate

This day came the plaintiff Arthur. Doner, ad'v., of the estate of Henry Conrad, and presented to this court his petition duly verified, praying for the sale of real estate of the said Henry Conrad, deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon it is considered and ordered by this court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same be given to each of the said defendants, and this cause is continued.

W. W. Husted, Probate Judge

Waver

Waver

Probate Court, Union County, Ohio.  
Waver.

We, the undersigned parties Defendant, to the Petition in the above entitled action do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance as such Defendants.

And, we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Jan. 5 - 1928.

Adell Doner, Minnie M. Pety, Medred Conrad

Milson

In the Probate Court,

Answer av.  
Gross Petition  
Connecticut  
Insurance  
Co.  
Hartford  
Conn.

State of Ohio, Union County, ss.  
Arthur H. Doner, ad'v.  
with the will annexed,  
of the estate of  
Henry Conrad, Deceased  
Plaintiff  
Adell Doner, Minnie M. Pety,  
Medred Conrad Wilson, av.  
The Connecticut Mutual Life  
Insurance Co -

Case # 11237  
separate.  
Answer, and  
Gross-Petition  
of the Connecticut Mutual Life  
Insurance Co. of  
Hartford Conn.,

Defendants

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11237

Now comes the defendant, Her Connecticut Mutual Life Insurance Company, of Hartford, Conn. and says, that it is a corporation, organized and doing business in the State of Connecticut; and, further answering admits all the averments, and, allegations contained in Plaintiff's petition; and, for its Cross-Petition avers that it is a corporation, organized and doing business in the State of Connecticut, and, that on, or, about, the 20-day of June, 1913, Henry Bourad, executed and delivered his certain promissory note in the sum of \$3200.00 bearing 5 1/2 % interest per annum, payable annually,

and, at the same time and on the same day executed to this answering defendant, five (5) coupon interest notes, each, in the sum of \$176.00 bearing 8% interest after maturity.

That an extension of time was given by this answering defendant at the end of the five year periods by the execution of like coupon interest notes by the mortgagor, heretofore described.

This answering defendant further avers that all but one of said coupon interest notes have been paid. That there still remains unpaid to this answering defendant, the sum of \$3200.00 together with interest represented by a coupon note number 5, which will be due June 20, 1928.

That a copy of said note together with the coupon interest note, is heret attached and marked "Exhibit A."

This answering defendant further avers that on the 20 day of June, 1913, Henry Bourad, Mr. Sophie P. Bourad, his wife, executed and delivered to this answering defendant, a certain mortgage deed conveying to this answering defendant, the premises described in the petition, in the above entitled case, for the purpose of securing the payment of said note and said coupon interest note.

That said mortgage was recorded, on the 24 day of June, 1913, by the County Recorder of Union County, Ohio, and appears of record in volume 58, Page 432, of the record of mortgage Deeds of Union County, Ohio. That said mortgage is the first and best lien on the premises described in said petition in the above.

11237

entire  
with  
and  
able  
event  
suffi  
as.  
Charge  
the  
Anso  
prote  
offici  
is a  
Court  
best  
on  
sale  
set  
that  
suffi  
after  
and  
that  
to it  
and  
just

Cash.

State  
acco  
for. F  
Hortf  
Cof  
State  
the  
and  
true  
Brow  
July.

Final Record, Union County Probate Court

11237

entitled case: and, that said sum of \$3200<sup>00</sup> with 5 1/2 interest from June, 20<sup>th</sup> 1927, is unpaid.

This answering defendant, further avers and states that it stands ready, willing and able to, and does bid, for said premises in the event the same are offered for sale, a sum sufficient to pay its said lien with interest as aforesaid and, the necessary costs and taxes charged against said real estate and asks the court, and said adju., to accept this answer and cross-petition as a bid for the protection of its lien in the event that no official or agent of this answering defendant is able to be present at the time of sale.

Wherefore, this answering defendant prays the court, that its mortgage be declared first and best lien on the premises and that it be paid on the distribution of the fund arising from the sale of said premises according to its claim set forth in this answer and cross-petition that in the event no bid is received for a sufficient amount to pay its said lien in full after payment of the necessary costs, taxes and assessments charged against said premises that said real estate be sold; and, adjudged to it according to the bid hereinbefore set forth and, for such other and further relief as is just and equitable.

The Connecticut Mutual Life Ins. Co.,

By F. H. Downing, Its attorney

State of Ohio, Allen County, ss.

F. H. Downing who being first duly sworn according to law, says that he is the attorney for The Connecticut Mutual Life Insurance Co. of Hartford Connecticut.

That said company is a corporation organized under the laws of the State of Connecticut, and that he is familiar with the instruments described in the foregoing petition, and that the averments and allegations are true, as he verily believes.

F. H. Downing,

Sworn to and subscribed before me, this 3<sup>rd</sup> day of July, 1928.

Louetta E. LeVick, Notary Public, Allen Co. Ohio.

Card.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11237

Copy of note.

"Exhibit A"

#3200

Copy of note

Marysville, Ohio, June 20, 1913,  
 Five years, after date, for value received, I promise to pay, to the order of The Connecticut Mutual Life Insurance Co., of Hartford, Connecticut, the sum of thirty-two hundred dollars, with interest at the rate of 5 1/2% per annum, payable annually according to the tenor of Five (5) interest notes hereto attached; principal and interest payable at the office of said company in Hartford, Conn.

This note shall bear interest at the rate of eight percent per annum, after default in payment of principal or interest, \$100. or any multiple thereof may be prepaid on this note at any time and upon any such prepayment a proper reduction of the un-matured interest notes shall be made.

This note and said interest notes are secured by mortgage of even date herewith.  
 (signed) Henry Conrad.

Exhibit A.

Copy of Interest Coupon Note

#176

Note

Marysville, Ohio, July 5, 1924.

On the 20 day of June, 1923, for value received I promise to pay to the order of the Connecticut Mutual Life Insurance Co., at its office in Hartford, Connecticut, one hundred seventy-six Dollars, with interest at the rate of 8% per annum, after maturity.

This note is given for interest due, at the maturity hereof, on a loan, evidenced by principal note dated June 20, 1913.

Upon part payment of principal note before maturity this interest note shall be reduced as provided in the principal note.

(signed) Henry Conrad.

Application to sell Real Estate at Private Sale.

Probate Court, Union County, Ohio

appl. to

sell at

Private sale.

The said Plaintiff represents that it would be for the best interest of the said estate, to sell the real estate described in the petition in this case, at private sale, for the following reasons: that he has a good fair price offered for said land, and that the expense of a public sale would be too much, to set off set any increase in price it might bring.

And, he therefore asks for an order

11237

Auth sale.

Order

The...  
var...  
appl...

affidavit

Disinterested

Person.

this...  
bring...  
set of...  
wily...  
prese...

order for Private Sale.

C...  
bring...  
set of...  
affid...  
what...  
that...  
esta...  
tha...  
C...  
this...

This...  
the...  
the...  
find...  
duly...  
volun...  
am...  
state...



Final Record, Union County Probate Court

11 737

authorizing him to sell said real estate at private sale.

Arthur H. Doner, Adm., Est. of Henry Conrad.

Oath

The State of Ohio, Union County  
Arthur Doner, being duly sworn, says, that the various matters set forth in the foregoing application are true as he verily believes.

Arthur H. Doner.

Sworn to before me and signed in my presence, this 2<sup>nd</sup> day of July, 1928.

W. W. Husted, Probate Judge

Affidavit

of Disinterested Persons.

Affidavit of Disinterested Person -  
The State of Ohio, Union County.  
C. E. Stewart, M. E. McKittrick, John W. Farland, being duly sworn, say, that they know the facts set forth in the application are true as they verily believe.

Arthur H. Doner.

Sworn to before me, and signed in my presence, this 2<sup>nd</sup> day of July, 1928.

W. W. Husted, Probate Judge

Affidavit of Disinterested Persons  
C. E. Stewart, M. E. McKittrick, John W. Farland being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, as they verily believe.

C. E. Stewart M. E. McKittrick John W. Farland.

Sworn to before me, and signed in my presence, this 11<sup>th</sup> day of July, 1928.

W. W. Husted, Probate Judge.

Probate Court, Union County, Ohio

July 9 - 1928.

order for Private Sale.

order for Private Sale - etc.  
This day this cause came on to be heard upon the petition, evidence and testimony, and the Court, being fully advised in the premises finds:

That all the defendants herein have been duly and legally served process, or have voluntarily entered their appearance, herein, and are now properly before the Court. That the statements and allegations in said petition

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11237

am true

That said Henry Conrad, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory. It is ordered that another appraisement be and hereby is dispensed with.

and the Court being satisfied that it is necessary to sell the real estate of said Henry Conrad, described in the petition to pay his debts.

And it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered that said Arthur H. Doner, as such Adm., shall proceed to sell said real estate free of dower at private sale for not less than the appraised value thereof on the following terms to wit: Cash in hand on day of sale.

And said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge

order of sale

Order of Sale, free from Dower.  
The State of Ohio,  
Union County,  
Probate Court.

To Arthur H. Doner Adm., et al. of the estate of Henry Conrad, deceased. Greeting.

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause, wherein you as Adm., as aforesaid, is Plaintiff, and Adm. Doner, et al. are Defendants, you are commanded to proceed according to law to sell at private sale for not less than the appraised value thereof, there being no dower interest.

Part of Survey No. 2925 and being lots nos. 2<sup>nd</sup> & 3 of the sub-division of the William W. Crox farm beginning at a stake in the east line of said Survey No. 2925 and South-east corner to John G. Warner's land; thence with the south line of said land S. 82° 30' W. 80 poles to a stone southwest corner of said land and in the east line of said lot no. 4, of the division of Wm. W. Crox's land, thence with said line S. 9° E. 59 <sup>1/100</sup> poles to a stone South east corner to said lot no. 4, thence with the South line

11237

of su  
of sa  
Thene  
pole  
of sa  
Lot  
Corme  
Surv  
30'  
Conta  
said  
to this  
Probate

Return

To, et  
In  
the  
appea

Report

of  
from  
Sale, Dav  
for  
from  
D  
Th

Oath

sum  
mad  
last  
is for  
prop  
D  
9-

Final Record, Union County Probate Court

11237

of said lot. S. 82° 30' W. 56 <sup>28</sup>/<sub>100</sub> poles to a stake corner  
of said lot in the center of the Crattinger road;  
thence, with the center of said road, S. 14° E. 79 <sup>50</sup>/<sub>100</sub>  
poles to a stake north-west corner of said Lot No. 1  
of said division; thence with the north line of said  
Lot No. 1, north 82° 30' east 127 poles to a stake  
corner to said Lot No. 1, in the east line of said  
Survey No. 2925-, thence, with the said line N. 7°  
30' W. 134 <sup>12</sup>/<sub>100</sub> poles, to the beginning.  
Containing 90 acs. and fifty (50) poles more or less.  
Said Sale took upon the following terms:  
Cash in hand.

You will make return of your proceedings  
to this Court forthwith upon execution of this order.  
Witness my signature and the seal of said  
Probate Court at Mansville Ohio, this 9<sup>th</sup> day of March, 1928.  
W. H. Husted, Probate Judge

Return

Return  
To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused  
the same to be duly executed, as will fully  
appear by the proceedings hereto attached.  
Arthur H. Doner

Report

Report of Sale.  
In obedience to the within order, I sold said  
premises on the 9<sup>th</sup> day of March, 1928, to,  
David Freshwater & Berice Freshwater,  
for the sum of \$450.00 said sum being  
more than the appraised value of the same.  
Arthur H. Doner.

Dated the 9<sup>th</sup> day of March, 1928.

Oath

The State of Ohio, Union County,  
The above named Arthur H. Doner, being duly  
sworn, says that the sale above reported has been  
made after diligent endeavor to obtain the  
best price for said property, and that said sale  
is for the highest price he could get for said  
property.  
Arthur H. Doner.

Sworn to before me, and signed in my presence, this  
9<sup>th</sup> day of March, 1928.  
W. H. Husted  
Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11737

Journal Entry: Orders approving and confirming sale,  
Probate Court, Union County, Ohio.

March 9 - 1928.

approving  
and  
confirming  
sale

This day this cause coming on to be heard on the report of Arthur B. Dorer, Adm., etc. of the estate of Henry Conrad, deceased, of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order the Court having carefully examined said report and finding the proceedings of said petitioner in all respects correct and being satisfied that said sale was firmly and legally made.

It is ordered that the same be and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Henry Conrad in said real estate to the purchaser, David Freshwater and Bernice Freshwater, upon the said purchase, paying the purchase price therefor.

It is further ordered that Arthur B. Dorer as such Adm., cancel the mortgage now held by Connecticut Mutual Life Ins. Co.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs \$13.00.

W. T. Trustad, Probate Judge

10703

Mar. 26

1928

Fl  
Tanc  
betwe  
just  
Secom  
  
this  
Secom  
satu  
Hoard  
Milit  
Comm  
one-  
just  
here  
an  
agre  
fr. M  
Hon  
date  
One T  
pre  
W. L  
und  
the t  
one  
paya  
Jea  
and  
of d  
and  
lan  
of d  
lan  
part  
just  
with  
by le  
just  
Odea  
don

## Final Record, Union County Probate Court

10703

Mar. 26

1928

## Petition to Complete Real Contract.

Exhibit A.

article of agreement.

This agreement, made, and entered into at Newton, Ohio, this 3-day of March, 1923, by and between John Hanna and George Clement, as party of the first part and George Clement, as party of the second part, witnesseth:

That said party of the first part, has this day agreed to sell to the said party of the second part the following described real estate situated in the Township of Dudley, County of Hardin and State of Ohio, and being a part of Military Survey no. 10021, in said Township County and State and being the undivided one-half of 69.30 acres of land owned by said first party in said survey, together with all the hereaditaments and appurtenances belonging thereto.

and the said party of the second part hereby agrees to pay to said party of the first part for the aforesaid real estate the sum of Forty-two Hundred Dollars, or, before (5) years, from the date of this contract, with the privilege of paying One Hundred Dollars, or more on said purchase price at any time.

Said party of the first part hereby lets & leases to said party of the second part his undivided one-half interest in said land, for the term of five years at an annual rental of one hundred eighty-nine dollars, per year payable on or before the first day of April of each year, during the continuance of this lease.

And as further consideration for said lease and the rental of said land, the said party of the second part agrees to pay all taxes and assessments that may be levied on said land, and any improvements that said party of the second part puts or makes on said land, shall be paid for by said party and no part thereof shall be paid shall be paid by said first party.

Said party of the second part complying with the conditions of said agreement, to be kept by him and performed, said party of the first part will make and deliver to him a warranty deed for the aforesaid premises with release of dower of the wife of said first party.

In witness whereof the said parties have

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

hereto set their hands, this 3-day of March, 1923.

Witness

John Hananuel  
Sarah Hananuel,  
George Clement.

Petition to complete Real Contract.  
Probate Court, Union County, Ohio,  
Civil Action  
Petition to Complete Real Contract.  
Petition

The Plaintiff represents, that he, is the duly appointed and qualified Adm. of the estate of John Hananuel, dec'd. That, on the 3-day of March, 1923, the said John Hananuel then, in full life entered a contract in writing with the said George Clement for the sale of the following described real estate, situate in the County of Hamilton and State of Ohio, to-wit:

Situated in the Township of Dudley, and being a part of Military Survey # 10021 said Contract being for the sale of an undivided 1/2 interest in above described real estate upon the following terms: That the said George Clement should pay to the said John Hananuel, the sum of \$4200- or on before five (5) years, from the date of said contract with the privilege of paying \$100- or more, on said purchase price at any time, as will appear by said contract a copy of which is hereto attached "marked Exhibit A"

Said George Clement has paid to said Arthur Hananuel, adm., the sum of \$2200- and is ready and willing to pay the balance due, upon, and to perform his part of said Contract as soon as a valid deed can be made to him for said premises

That, the defendants Sarah Hananuel, Arthur Hananuel, George M. Hananuel, Urbana Clement, Bernice Glick, and Dorothy James,

are the only heirs at law of said John Hananuel, deceased; the said Dorothy James being a minor aged 12 years.

Your petitioner desires to complete said contract, and therefore prays, that said heirs at law, and said George Clement, may be made defendants to this petition, and that he may be authorized to complete said contract and upon payment of the residue of said purchase money by execute and deliver to said George Clement for and on behalf of the aforesaid heirs at law, of said decedent, and all other persons

interest here order

The b  
Plai  
mat  
am to

Don  
this

the  
arise  
return

John

This  
John  
Court  
Jury  
real

said  
78 d

issue  
on  
use

Final Record, Union County Probate Court

interested, a deed in fee simple for the real estate hereinbefore described, and for all other proper orders, and relief in the premises.

Arthur Hamannack.

The State of Ohio, Union County.  
Arthur Hamannack, Adver. of the above named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.  
Arthur Hamannack.

Sworn to before me and signed in my presence, this 23 March, 1928.

Richard C. Thrall, Notary Public.

Probate Court, Union Co. Ohio.

Prarrise

Issues summons for said Dorothy James to Gertrude James the person with whom she resides, directed to the Sheriff of Allen Co- returnable according to law.

Richard C. Thrall Plf's. atty.

Journal Entry: orders fixing time of hearing and for summons.

Probate Court, Union County Ohio.

March, 26- 1928.

This day, Arthur Hamannack, adver. of the estate of John Hamannack deceased, appeared in open Court, and filed his petition duly verified, praying for authority to complete a certain real contract as therein described.

It is ordered, that the time of hearing said petition be, and hereby is fixed for the 28 day of April, 1928, at 1- P. M.

It is further ordered, that summons issue to the Sheriff of Allen Co- to be served on the defendant Dorothy James and returnable according to law &c. This cause is continued.

W. W. Husted, Probate Judge.

Journal 41, Pg 267.

See page 225 - continuance.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11184  
Oct. 14/27  
R.C. Thrall  
Atty.

Petition for Sale of Real Estate to Pay Debts.  
Probate Court Union Co. Ohio.

Carl Binderer,  
Adm. of the  
estate of Jerome Albright, Dec'd.  
Plaintiff

no. 11184  
Civil action

Frank Albright,  
Ernest Albright,  
Ella Bogart,  
Helen Reams,  
Chester J. Albright,  
Mrs. Doris Munkhauer,  
Jm Fr. Albright,  
Mary Shay, and  
Ester Scherw.  
Defendants.

Petition to  
Sell Real Estate

Petition.

The Plaintiff represents that he is the duly appointed and qualified administrator of the estate of Jerome Albright, late of Union County, Ohio, deceased; that the amount of debts due from the deceased, is six hundred dollars, as near as can be ascertained, that the charges of administration of said estate will amount to about one hundred dollars; and that the total value of the personal estate and effects of said deceased, is but five hundred and fifty dollars, being wholly insufficient to pay the debts and costs aforesaid. The Plaintiff further represents that said Jerome Albright, died seized in fee simple of the following described real estate

situate in the county of Union and State of Ohio, to wit: In Taylor Township and a. Park surveys no.

Being the east one-half of the following described tract. Situated in the north east corner of the farm formerly owned, by and occupied by Hilda Pull, and is bounded as follows to wit: Beginning at a stake in the center of the road and the north east corner of said farm; thence south along the center of the north and south road 13. 18/33 poles to a stake in the center of said road; thence westerly 25 poles to a stake; thence northerly 1. 18/33 poles; thence, westerly 6 poles, to a stake; thence northerly 22 poles to the center of the road; thence easterly along the center of said road to the beginning, containing 3. 50/100 a. of land,

Petition

11184

Seems  
Track

more  
cont  
Seems  
Track  
east  
of  
road  
7/2  
(Con  
66/100  
In  
Frank  
Ernest  
Ella  
Helen  
Chester  
Don  
Jm  
Mrs.  
ap. 2  
an  
the ne  
dece  
The  
no  
the  
Frank  
Che  
ma  
m  
acc  
to a  
free  
Sue  
other  
The S  
can  
duty  
sh  
the  
Som  
12.d

Cath



Final Record, Union County Probate Court

11184

more, or, less. But subject to all legal highways, containing 1. <sup>75</sup>/<sub>100</sub> acres, more, or less.

Seems  
Track

Secung track:  
Being part of Survey # 14632. Beginning at the east corner of the Aleck Mc. Caney land at the center of the road: thence southerly along center of said road 7 1/2 poles: thence westerly 14 poles: thence northerly 7 1/2 poles: thence easterly 14 poles to the beginning. (Containing 21/32 of an acre, more, or less. 66/100 of an acre.)

The said decedent died leaving the defendants.

- Frank Albaugh,
- Ernest Albaugh,
- Ella Cogart,
- Helen Reams,
- Chester J. Albaugh,
- Doris Munkshauer,
- Wm. J. Albaugh,
- Mary Shay,
- Op. Esther Scherr.

are the only heirs at law of said decedent, having the next estate of inheritance from said Jerome Albaugh deceased, in said premises: that the

The Plaintiff therefore prays that the court of said court do

that the rights, interests and heirs of the said: Frank Albaugh, Ernest Albaugh, Ella Cogart, Helen Reams, Chester J. Albaugh, Doris Munkshauer, Wm. J. Albaugh, Mary Shay and Esther Scherr,

may be fully determined, adjusted and protected according to equity <sup>and</sup> that your petitioner may be authorized and ordered to sell said real estate free said court, according to the statute in such cases, made and provided, and for all other proper orders, and relief in the premises.

Carl Binderer, Adm., as aforesaid.

Carte

The State of Ohio, Union County, ss.

Carl Binderer, the above named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge & belief.

Carl Binderer

Sworn to before me & signed in my presence this 12 day of Oct. 1927.

Richard C. Thrall, Notary Public

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

111 84

Filing  
Petition

In the Probate Court of Union Co. Ohio  
October 12-1927.

Journal Entry

Filing Petition to Sell Real Estate.

This day came the Plaintiff Earl Binderer, as administrator of the estate of Jerome Albough deceased, and presented to this Court this petition duly verified, praying an order for the sale of real estate of the said Jerome Albough, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer, of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants. This cause is continued.

W. H. Husted, Probate Judge

Wainor

Wainor of Process, and Consent to Sell,

The undersigned party defendant in the above entitled cause for the sale of Real estate of the estate of said decedent to pay debts, hereby waives service of process, and consent to the sale of the Real Estate in said Petition mentioned as herein prayed for, and the statutory time for pleading is hereby waived and we consent that said Petition may be heard at such time as may be by the Court ordered.

Ernest C. Albough,

5130 Main Ave., St. Bernard, O.

Wainor

Wainor and Consent to Sell

The undersigned party Defendant to the Petition in the above entitled action, do each of us, hereby waive the issuing and service of summons and voluntarily enter appearance as such Defendant. And we do hereby consent to the sale of the Real Estate described in the petition in said action according to prayer of the same.

William Francis Albough

Wainor

Wainor

The undersigned party Defendant to the Petition in the above entitled action, do hereby waive the issuing and service of summons and voluntarily enter appearance as such Defendant.

And do hereby consent to the sale of the Real Estate described in the petition in said action.

May Shay.

Jan. 9-1928.

111 84

Wainor

The  
the  
serv  
Dyfe

esta  
of it

Wainor

abov

sum

a

disc

Wainor

in

is

enter

de

Wainor

The

abov

of

dis

Wainor

Petit

is

enter

A

pe

Final Record, Union County Probate Court

111.84

Waiver

Waiver

The undersigned party Defendant. to the Petition in the above entitled action, waives the issuing and service of Summons, and enter appearance, as such Defendant.

and do hereby consent to sale of real estate described in petition according to prayer of the same.

Jan. 9-1928.

Walter J. Allbaugh

Waiver

Waiver.

The undersigned party Def. to the Petition in the above entitled action, do waive issuing and service of Summons, and enter appearance, as such Def-

and hereby consent to sale of Real Estate described in petition

Jan. 9-1928.

Mrs. David Munkin Lauer.

Waiver

Waiver

The undersigned party Defendant to the Petition in the above entitled action, do waive the issuing and service of Summons, and voluntarily enter appearance -

and hereby consent to sale of real estate described in petition.

Jan. 9-1928.

Abel Rears

Waiver

Waiver

The undersigned party Defendant, to the Petition in the above entitled action hereby waives issuing & service of Summons & voluntarily enter appearance.

and hereby consent to sale of real estate described in petition.

Jan. 9-1928.

Mrs Esther Scherr

Waiver

Waiver

The undersigned party defendant, to the Petition in the above entitled action, waives the issuing and service of Summons, and, voluntarily enter appearance, as Defendant.

And consent to sale of Real Estate described in petition.

Frank J. Allbaugh

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11184

Plaintiff

Plaintiff

The undersigned, parties Defendant to the Petition hereby  
waives issuing and service of summons and consent  
to sale of real estate.

Mrs. Ella Covert.

application to sell at Private Sale.

Probate Court, Union County, Ohio.

No. 11184.

App. to  
sell at

Private sale.

The said Plaintiff represents that it would be for the  
best interest of the said estate to sell the real estate  
described in the petition in this case at private sale  
for the following reasons:

That the expense and delay incident to  
public sale can thus be avoided

That private sale said property must sell for  
the full amount of the appraisal while at public sale  
it might sell as low as two-thirds

Because a buyer has already been obtained  
who will give the appraised value of the property.

And he therefore asks for an order authorizing  
him to sell said real estate at private sale.

Carl Hinderer Advers.

Oath

The State of Ohio, Union County.

Carl Hinderer being duly sworn, says that the  
various matters set forth in the foregoing application  
are true, as he verily believes.

Carl Hinderer

Sworn to before me and signed in my presence this 19  
day of April, 1928 <sup>at</sup> Richard C. Thrall, Notary Public

-affidavit of Disinterested Person

affidavit  
of

Disinterested  
Persons.

The State of Ohio, Union County.

Pear McElroy, L. H. Miller, and J. A. McCann,  
being duly sworn, says that they know the facts set  
forth in the application to which this affidavit  
is attached; that they have no interest whatever  
in the matters therein referred to, and that it will  
be more for the interest of the said estate to sell  
said real estate at private sale than at public  
sale, as they verily believe.

Pear McElroy, L. H. Miller, J. A. McCann.

Sworn to before me, and signed in my presence  
this 19- day of April, 1928.

<sup>at</sup> Richard C. Thrall,

Notary Public.

Probate Court, Union Co. Ohio

April 19-1928

11184

The

petition

being

and

entire

proper

and

from

entire

approval

from

to be

bring

real

in

bring

sale

for

esta

can

all

proc

at

value

to the

an.

order of  
Sale.

The

Pro

Adm

and

com

at

value

des

Siti

an.

no.

Final Record, Union County Probate Court

11184

This day this cause came on to be heard upon the petition, evidence and testimony, and the Court being fully advised in the premises finds:

That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true. That said Jerome Albaugh, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the Inventory.

It is ordered, that another appraisement be dispensed with, and the Court being satisfied, that it is necessary to sell the real estate of said Jerome Albaugh, described in the petition to pay his debts. And it being made to appear to the Court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered that said Carl Heindner, admr. of the estate of Jerome Albaugh, deceased, do such an administrator proceed to sell said real estate free of dower, at private sale for not less than the appraised value thereof, on the following terms, to wit: Cash in hand on day of sale.

And said petitioner is ordered to make return to this Court immediately after such sale, is made. And this cause is continued.

W. W. Husted, Probate Judge  
Order of Sale Free from Dower.

Order of Sale.

The State of this Union County, Probate Court.  
To Carl Heindner, Admr. of the estate of Jerome Albaugh, deceased. Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you as Admr. of the estate of Jerome Albaugh, are Plaintiff and Frank Albaugh, et al, are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof free from dower, the following described premises to wit:

Situated in the County of Union, State of this, and Township of Taylor, and a part of Survey No. Being the East one-half of the following

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11184 described tract. Situated in the north east corner of the farm formerly owned and occupied by Hulda Bee, and is bounded and described as follows. Start: Beginning at a stake in the center of the road and the northeast corner of said farm; thence south along the center of the north and south road 13, 18/33 poles to a stake in the center of said road; thence westerly 25 poles to a stake; thence northerly 1, 18/33 poles; thence westerly 6 poles to a stake; thence northerly 22 poles to the center of the road; thence Easterly along the center of said road to the beginning containing 3, 50/100 acres of land more or less. But subject to all legal liens.

Containing 1, 75/100 acres more or less.

Second tract. (Second tract)

Being part of Survey # 14632. Beginning at the East corner of the Alick Mc Carney land and in the center of the road; thence southerly along the center of said road 7 1/2 poles (sewn<sup>2</sup>); thence westerly 14 poles; thence northerly 7 1/2 poles; thence easterly 14 poles to the beginning.

Containing 21/32 of an acre more or less. 66/100 of an acre.

Said sale to be upon following terms: cash on hand, at day of sale.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansville, O. This 19 day of April, 1928.

Carl W. Husted, Probate Judge -  
Return

Return

To the Probate Court of Union County, Ohio  
In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached  
Dated the 19 day of April, 1928.  
Carl Binderer, adur.

Report of Sale Private

Report of Sale, Private  
In obedience to the within order, I sold said premises on the 19 day of April 1928, to Arisworth I. Rinehart, for the sum of three hundred and fifty dollars, said sum being the appraised value of the same.  
Dated Apr. 19 - 1928,  
Carl Binderer  
Adur -

11184

The A  
The  
say,  
after  
for  
high  
this  
June  
approving  
Confirming  
sale.  
The  
or. i  
of J  
and  
upon  
sale  
hav  
fin  
respe  
sale  
here  
exp  
into  
real  
upon  
pr  
rec

Final Record, Union County Probate Court

11184

The State of Ohio, Union County

The above named Carl Binderer, being duly sworn, says, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

Carl Binderer

In and to before me, and signed in my presence this 19 day of April, 1928.

Richard C. Thrall, Notary Public.

Journal Entry: orders approving and confirming sale - Probate Court, Union County, Ohio, April, 19-1928.

approving and confirming sale.

This day this cause coming on to be heard on the report of Carl Binderer, administrator of the estate of Jerome Albaugh, deceased of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceeding of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same, be and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Jerome Albaugh, in said real estate, to the purchaser Adinorth D. Birchosh, upon the said purchaser, paying the entire purchase price in cash.

It is further ordered, that this proceeding be recorded, and that said petitioner pay costs. W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O., 6203

11240  
Jan. 13.  
1928

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio.

M. C. Winter, adur.  
of the estate of  
Harriett Baldwin, dec'd.  
Plaintiff

No. 11240  
Civil Action

William Baldwin  
Clayton Baldwin  
Ralph Baldwin  
Frank Higgins Adm. for  
three grand-daughters,  
daughters of a deceased daughter.  
Defendants.

Petition to Sell Real Estate.

Petition.

The Plaintiff represents that M. C. Winter the duly appointed and qualified adur. of the estate of Harriett Baldwin, late of Union County, Ohio, deceased; that the amount of debts due from the deceased is Two Hundred eighty dollars, as near as they can be ascertained, and that the charges of administration of said estate will amount to about ----- Dollars. That the total value of the personal estate and effects of said deceased is but \$115.00 being wholly insufficient to pay the debts and costs aforesaid.

Petition

The Plaintiff further represents that said Harriett Baldwin died seized in fee simple of the following described real estate situated in the County of Union State of Ohio and in the Township of Washington, to-wit:

Being part of Survey (Vir. Vol. No. 7375)  
Beginning at a stake at the north East corner of a lot deeded to the Trustees of the Friends Church; thence north one hundred sixteen and one-half feet; thence eastward parallel with west line of the Church lot 208 feet to the center of the Mangrove pipe; thence southward with the center of said pipe one hundred sixteen and one-half (116 1/2) feet to the north line of Church lot; thence eastward along the north line of said Church lot 208 feet to the place of beginning.

Containing 3/4 of an acre, or the same more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of personal estate of said decedent.

11 240

an. l  
# 25  
will  
a  
dec  
ha  
Har  
may  
real  
cas  
prop  
The  
M.  
dut  
Shir  
het  
a  
Shir  
The  
ad  
pre  
prac  
of d  
deb  
est  
i  
bou  
re.  
ju  
of  
by  
ca  
ca

Carle

Filing  
Petition



Final Record, Union County Probate Court

11 240

an. that the amount of said appraisement is \$250.00

The said decedent died leaving the defendants William Baldwin Clarke Baldwin Ralph Baldwin and three grand-children children of a deceased daughter.

having the next estate of inheritance from said Harriett Baldwin deceased in said premises.

The Plaintiff therefore prays that your petition may be authorized and ordered to sell said real estate according to the statute in such case made and provided, and for all other proper orders and relief in the premises.

M. C. Hunter,

The State of Ohio Union County

Carle

M. C. Hunter, the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

M. C. Hunter advr.

Sworn to before me and signed in my presence this 2 day of November, A. D. 1927  
J. W. Husted, Probate Judge

In the Probate Court of Union County, Ohio,  
November 2-1927

Case no. 11240.

Journal Entry, Filing Petition

This day came the Plaintiff M. C. Hunter advr. of the estate of Harriett Baldwin and presented to this court his petition, duly verified, praying an order for the sale of real estate of the said Harriett Baldwin deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed & that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, & this cause is continued.

J. W. Husted  
Probate Judge

Filing  
Petition

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11240

Wainor

wainor

Probate Court, Union County, Ohio.  
We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us, hereby wainor the issuing and service of Summons, and, voluntarily enter our appearance, as such Defendants, and, we, do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

F. G. Higgins, Gen. of  
Selma Virginia Higgins Wilkins  
Selma Virginia Higgins Wilkins  
Evelyn Beatrice Higgins  
Dorothy May Higgins

Wainor

wainor

Probate Court, Union County, Ohio.  
We, the undersigned parties Defendant, to the Petition in the above entitled action, do, each of us hereby wainor the issuing and service of Summons, and, voluntarily enter our appearance, as such Defendants, and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

November 2 - 1927  
William Baldwin  
F. G. Higgins  
Ralph V. Baldwin  
Summons.

Summons

The State of Ohio, Union County, Probate Court.  
To the Adm. of the estate of Harrieth Baldwin, Dec'd  
You are commanded to notify Clayton Baldwin that on the 6<sup>th</sup> day of Dec. 1927, Martin C. Hunter Adm. of the estate of Harrieth Baldwin dec'd, filed his petition in the Probate Court of said Union County, Ohio, against them & others, the object & prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described for the purpose of paying debts,

and that unless they answer by the 7<sup>th</sup> day of Jan'y, 1928, said petition will be taken as true, and an order granted accordingly.

Said Adm. will make due return of this writ on the 29<sup>th</sup> day of Dec. 1927.  
Witness my hand & the seal of said Court,

11245

this

Order

order

7

Sale

The

on

delin

man

pl

the

The

to

to

Pro

the

you

can

Def

acc

less

the

Br

to

to

to

to

ma

Return

To

to

can

fully

Final Record, Union County Probate Court

11245

this 6. day of Dec. 1927.

W. H. Husted Probate Judge Seal

Order

The State of Ohio Union County.

I, Marion C. Winter being duly sworn, say that on the 8. day of Dec. 1927. I served this writ by delivering a copy thereof personally to the following named persons, to wit:

Clayton Baldwin by leaving a true copy at his place of residence.

M. C. Winter

Brought to before me, and signed in my presence this 13. day of Jan. 1928.

W. H. Husted, Probate Judge

Order of Sale

order

7

Sale

The State of Ohio Union County.

Probate Court.

I, M. C. Winter Adm. of the estate of Harriett Baldwin. Deceit.

In obedience to an order and decree of the Probate Court within and for said county, made this day this day, in a certain cause, wherein you, as Adm. of the estate of Harriett Baldwin are Plaintiff and Clayton Baldwin et al. are Defendants, you are commanded to proceed according to law, to sell at public sale, for not less than 75% the appraised value thereof the following described premises to wit:

Bring a part of Survey (Virginia Military No. 7353) see description in Petition

Said sale to be public and upon the following terms: Cash

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansfield Ohio this 7. day of March 1928.

W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached. Dated the 28. day of April 1928

M. C. Winter

Adm.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11240

Report of Sale.

Report of

In obedience to the within order. I, duly, advertised the real estate therein described, for sale, in the Richmond Gazette, a newspaper, printed, and of general circulation in Union County Ohio, when said real estate is situate, for at least four, consecutive weeks, prior to the 21 day of April, 1928. the day of sale therein mentioned; stating in the notice the time, place, and terms of sale; and on said day, at the hour of 1. P.M. I attended the sale, and offered said real estate for sale, therein, when W. B. Lingard bid to pay for the same, the sum of \$167. which being the highest and best bid that was offered, the being 2/3 of the appraised value of said premises, I then and there sold the same, to W. B. Lingard for that sum.

W. C. Hunter, ad-

Dated the 28. day of April, 1928.

Probate Court, Union County, Ohio.  
No 11240.

Journal entry: ordering sale.

Ordering  
sale.

This day, this case coming on for hearing upon the petition of the plaintiff herein, the court, after hearing the evidence, and the argument, finds that all proper parties defendant are in court by appearance, and waiver; also, that there is insufficient personal property out of which to pay debts and that the allegations of the petition are true.

The Court further finds that the real estate in the petition described was appraised by the appraisers of the personal property for the sum of \$250- and that said appraisement is fair and does hereby confirm the same and orders that no further appraisement be had.

The Court further orders that an order of sale be issued to the plaintiff herein providing for the sale of the land described in the petition & that after said sale the plaintiff make his return to this Court.

W. C. Hunter, Probate Judge-

Dated Mar. 7-1928.

Journal entry:

Orders, approving & confirming sale-

Probate Court, Union County, Ohio  
April, 28- 1928.

11240

The  
report  
of the  
order  
peti-  
to  
said  
peti-  
fali-  
lega-  
is  
exer-  
inter-  
real-  
said  
there  
br  
costs

10703.  
Apr. 9-1928.

App-  
Edm. ad. litem

To  
app-  
for  
Ca  
To  
an  
here  
app-  
her  
here  
Jan  
us.

answer

A  
the

Final Record, Union County Probate Court

11248

This day this cause coming on to be heard on the report of M.C. Winter, ad. ex. of Battie Baldwin dec'd. of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner is in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Battie Baldwin in said real estate to the purchaser, W. B. Lingard, upon the said purchase, paying the purchase price thereof.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs herein taxed at \$13.

W. H. Husted, Probate Judge

10703.  
Apr. 9-188.

From page 211

application and journal entry Gdn. ad litem.

To the Hon. W. H. Husted Judge of said Court;

App.  
Gdn. ad litem

The undersigned Dorothy James makes application for the appointment of a Gdn. ad litem for the minor defendant in the above entitled case.

The defendant Dorothy James of the age of 10 years, more than the age of 14 years and has been duly served with summons herein hereby requests of the Court that it appoint a Guardian ad litem to represent her in this matter and to protect her interests herein.

The undersigned suggests that Gertrude James who is a suitable person be appointed as such Guardian ad litem

Respectfully,

Dorothy James

Journal 41. Pg. 299.

Affidavit of Guardian ad litem.

Probate Court, Union County, Ohio

And now comes the said Dorothy James the minor defendant to the petition in said

answer

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

Cause, by Gertrude James, their Guardian ad litem heretofore appointed in said cause, by said court. <sup>Ans.</sup> for answer to said petition, deny all the material allegations herein contained, prejudicial to said minor defendants. They further say, that they are of tender years, and not acquainted with the law in such cases, and therefore pray the Court, to protect their rights in this cause, and for such relief as may be just.

Dated this 6<sup>th</sup> day of Apr. 1928.

Dorothy James

By Mrs Gertrude James, Gd. ad. litem

Return  
sheriff-

Sur  
Com  
192  
Com  
of i  
defe  
ma  
Ger  
ran  
per  
Mrs  
an  
defe  
by  
plea  
Sh  
Ser.  
2 ad  
me  
Copy  
Jon  
up  
Ad  
Com  
du  
un  
up  
Com  
int  
reg  
sta  
The  
est  
an

Waive

Waiver

We the undersigned parties defendant, to the petition in said contract, waive the issuing and service of summons, and voluntarily enter our appearance, as such defendants, and we do hereby consent to the completion of the contract for the sale of real estate, as prayed for, in the petition.

Bernice Glock.

Arthura Clement.

Geo. W. Kananauet.

Dorothy Kananauet.

Arthuro Kananauet.

George W. Clement.

Summons

Summons

The State of Ohio, Union Co. ss.

To the Sheriff of Allen Co. Greeting:

You are commanded to notify Gertrude James, and Dorothy James, 823 North Mc. Donnell St., Lima, Ohio, minors, making service of this summons upon them, and also upon the guardian, or father, or if neither can be found, upon their mother, or the person, having the care, of such infant, or with whom she lives; that they have been sued by Arthur Kananauet, admr. of the estate of John Kananauet, in the Probate Court, of Union County, Ohio, and that under the answer, by the 28<sup>th</sup> day of April, 1928, the petition of the said Plaintiff for the sale of the real estate of said deceased, therein described for the payment of debts of said estate, against them filed in said Court, such petition will be taken as true <sup>Ans.</sup> Judgment rendered accordingly.

You will make due return of this

Entry

Sh  
Ser.  
2 ad  
me  
Copy  
Jon  
up  
Ad  
Com  
du  
un  
up  
Com  
int  
reg  
sta  
The  
est  
an

Final Record, Union County Probate Court

Summons, on the 9<sup>th</sup> day of April 1928.  
Witness my signature and the seal of said  
Court. this 26<sup>th</sup> day of March, 1928  
J. M. Cook, Trustee Probate Judge

Return  
Sheriff-

Return  
Sheriff's Office, Allen Co. Ohio.  
March 28-1928.

Received this writ on the 27<sup>th</sup> day of March  
1928. at 9 a. m. and pursuant to its  
Command, I served the same by delivering a copy  
of it with the endorsements thereon to the within  
defendants, on the days named:  
Mar. 28-1928. to Gertrude James, and to  
Gertrude James, the mother of the within  
named Dorothy James, a minor, and the  
person with whom the said Dorothy James  
resides,  
and also, as to the within named minor  
defendant. Mar. 28-1928. to Dorothy James  
by leaving a copy of it at her usual  
place of residence.

J. M. Cook, Sheriff  
F. A. Heffner, Deputy

Sheriff's Fees.  
Ser. W. Ret. 75  
2 additional names 50  
Mileage at 8 16  
Copy & Return postage 12 Total \$153

Entry

Journal Entry:  
This day this cause came on to be heard  
upon the petition of Arthur Hanauack,  
Adm. of Jolin Hanauack, for authority to  
complete a contract made by Jolin Hanauack  
during his life time, to convey certain real estate,  
and the same was submitted to the court,  
upon the petition and evidence.  
Whereupon, the Court finds, after due  
consideration, that all of the parties in  
interest have been served, with process, as  
required by law, & that the allegations and  
statements contained in said petition are true.  
Wherefore, it is ordered, by the Court, that  
the said Arthur Hanauack, as Adm. of the  
estate of Jolin Hanauack, Sr. and is hereby  
authorized to complete said contract

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

execute and deliver a proper deed of general warranty for and in behalf of the heirs at law of said John Hamarralt, deceased, to the purchaser, George D. Clement, for the real estate in the petition described.

Dated April 9-1928.

W. H. Hunsled, Probate Judge

11250

Petition to Sell Real Estate

In the Probate Court of Union County, Ohio

No. 11250

Jan. 25/1928  
Doris C. Myers  
atty.

Mollie Ingram, adx.  
of the estate of  
Raymond Ingram,  
Deceased.  
Plaintiff

v.

Lucy Porter  
Helen Clouse,  
Myra Turner,  
Jessie Ingram  
Peach Ingram  
Geo. Ingram  
Mollie Ingram,  
The Northwestern Mutual  
Life Insurance Co.

Glen L. Blair, as Treasurer,  
of Union Co. Ohio

Defendants

Petition

Petition

Petition

Now comes Mollie Ingram, and says that on the 5<sup>th</sup> day of December, 1927, Raymond Ingram, died intestate, and on the 5<sup>th</sup> day of December, 1927, she was appointed by the Probate Court of Union County, Ohio, as adx. of the estate of the said Raymond Ingram, deceased, and that in said Court, she duly qualified as such adx. and is still acting as such.

That the personal estate belonging to the said deceased, is, of the value as near as it can be ascertained, at this time, the sum of \$750<sup>00</sup> and that the debts of the said deceased will amount to about \$1300<sup>00</sup> including expenses and costs of administration of his estate, and that the personal property belonging to said estate is wholly insufficient to pay said indebtedness and costs of administration.

That the said Raymond Ingram

11250

died  
desc  
of M  
Jas  
12  
a 4  
Mc  
of a  
by S  
The  
S. 16  
Big  
Gran  
Cor  
with  
Jas  
with  
to a  
R. 87  
the  
The  
117  
to a  
Big  
Gran  
Jol

in  
of  
me  
33 1/2  
con  
1  
Som  
E. 1  
W. C  
said  
in  
with  
of  
W.  
an  
on  
tran



11250

died seized in fee simple, and the owner of the following described real estate to wit: situated in the County of Union, State of Ohio, and Township of Union and part of Surveys, 8152, 8523, and 5226.

Beginning at a stone in the south line of a  $4\frac{1}{4}$  a. tract of land formerly owned by Chas. Mc. Mullen and the most north westerly corner of the  $141\frac{7}{100}$  acre tract bought of Geo. Riddle by S. P. Carlton

Petition

Thence S.  $56\frac{1}{4}^{\circ}$  E. 65.48 poles to a stone thence S.  $10\frac{1}{2}^{\circ}$  W. 37.32 poles to the centre of the Sabin and Bigelow Gravel Road thence with the centre of said Gravel Road S.  $80^{\circ}$  E. 17.92 poles to the north west corner of the Turpin 7 acre lot. thence S.  $70\frac{3}{4}^{\circ}$  W. with said Turpin line 20.28 poles thence with said Turpin south line S.  $79^{\circ}$  E. 29.25 poles to a stone with tile under it thence S.  $20\frac{3}{4}^{\circ}$  W. 70.88 poles to a tile set on end (witness an Elm tree at N.  $87\frac{1}{2}^{\circ}$  E. 17. links) thence S.  $76\frac{3}{4}^{\circ}$  W. 124.95 poles to the centre of the new channel of Headless Creek thence with the centre of said new channel N.  $11\frac{1}{4}^{\circ}$  W. 53 poles thence N.  $34\frac{3}{4}^{\circ}$  E. 97 poles to a stone in the center of the Sabin and Bigelow Gravel Road thence with the centre of said Gravel Road N.  $50^{\circ}$  W. 16 poles. thence N.  $27^{\circ}$  E. 66.64 poles to the beginning.

Containing  $107\frac{3}{4}$  acres.

also the following real estate situated in surveys No. 8152, and 9798, and.

Beginning at a stone south west corner of the lands of Mrs. Kimball in the centre of the Welford and Irwin Gravel Road. 43 poles N.  $33\frac{1}{2}^{\circ}$  W. from the S. W. corner of a lot of land conveyed by John Reed 3<sup>rd</sup> to Mariah S. Lee (a stone bears S.  $59^{\circ}$  E. 25 feet) thence with the South line of the said Mrs. Kimball land S.  $59^{\circ}$  E. 114.80 poles to a stone corner to Joanna W. Reed. Doro lot thence with the westerly line of said lot S.  $31\frac{1}{2}^{\circ}$  W. 58.60 poles to a stone in the middle line of Geo. Reeds land thence with said line and with the northerly line of Crawford and Drey Reeds land N.  $59^{\circ}$  W. 114.80 poles corner to said Crawford's Reeds and Dyer Reeds land in the centre of the said Welford and Irwin Gravel Road, a stone bears S.  $59^{\circ}$  E. 25 feet thence with the center

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11250 of said road N.  $31\frac{1}{2}^{\circ}$  E. 58.60 poles. to the beginning, containing  $42\frac{1}{4}$  acres.  $12\frac{1}{4}$  acres, in 9754 and 30 acres in 8752,

Tract Two

Tract 2.

Situated in the County of Union, in the State of Ohio, and in the village of Mifflin Centre and bounded, and described, as follows:

Being 65 feet off the east of In lot no. 93.

Being part of the same premises conveyed by quit claim deed from Emeline Cranston et al. to the said Emeline Porter, under date of October 25, 1890, and of record, in volume 64, page 626, Union County Record of Deeds.

That the said Raymond Ingram died leaving the said Mollie Ingram, his widow, who is entitled to a dower in said real estate as such widow.

That the said Raymond Ingram, died leaving the defendants Lucy Porter, Helen Clouse, Genevieve Turner, Jessie Ingram, Seth Ingram, and Geo. Ingram, his only children and heirs at law, having the next estate of inheritance from the said deceased, in said real estate.

That the said defendant Lucy Porter intermarried with one W. F. Porter, that the said defendant Helen Clouse, intermarried with one H. P. Clouse, that the defendant Genevieve Turner, intermarried with Merrill W. Turner, that the defendant Seth Ingram, intermarried with one Mary Brugler, that the defendant George Ingram intermarried with one Sarah Martin and that the defendant Jessie Ingram, is unmarried.

That the defendants The North Western Mutual Life Insurance Co. and Glen L. Cline, as Treasurer of Union County, Ohio, have, or claim to have and hold some claim, or lien against the premises herein described. The Plaintiff further says, as such, adv. that it is necessary to sell the said real estate to pay the debts, and obligation of the said estate.

Therefore, pray, that the said North Western Mutual Life Insurance Co. and said Glen L. Cline as Treasurer, of Union Co. Ohio, be required to set up their claim or lien or be forever barred and that she be ordered and directed to sell the said real estate to pay the debts of the said deceased, and the costs of administering his estate according

11250

Li d  
and  
prem

State

Qua

is  
and  
ma  
are  
br  
this

Filing  
Petition

This  
of  
the  
dis  
na  
the  
wai  
ente  
file  
Co,  
25,

Wain

My  
Pet  
of  
Su  
as  
of  
in  
the  
my  
de

Final Record, Union County Probate Court

11250

In the statutes in such cases, made, and provided and for such other and further relief in the premises, that may be just and equitable.  
Mrs. L. Myers, Atty. for Plaintiff.

Oath

State of Ohio, Union County, ss.  
Mollie Ingram hereby duly sworn says, that she is the plaintiff in the above entitled cause, and that the facts stated and the allegations made and contained in the foregoing petition are true, as she believes.

Mollie Ingram.

Sworn to before me, and signed in my presence, this 23 day of Jan'y, 1928.

~~Geo~~ Mrs. L. Myers, Notary Public.

Filing Petition

Filing Petition to sell Real Estate.

This day came Mollie Ingram, adx. of the estate of Raymond Ingram, deceased, and filed herein her petition for the sale of the real estate therein described to pay debts of the said deceased.

The Court finds that all of the defendants named in the plaintiff's petition, excepting the Northwestern Mutual Life Insurance Co., have waived the issuing and service of summons and have entered their appearance, herein and waivers filed, and that the said life Insurance Co. will enter its appearance.

Therefore, this case is set for hearing the 25, day of February, 1928.

W. H. Husted, Probate Judge.

Waiver

Waiver

We, the undersigned parties Defendant to the Petition in the above entitled, action, do each of us, hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such, Defendants.

and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Mollie Ingram.  
Lessie H. Ingram.  
Belle Ingram

Helen Clouse  
Genevieve Turner.  
George Ingram.

THE W-W-S CO., CIN., O. 6203

11250

Answer

Answer

The undersigned, defendants named, in the above entitled cause, waive the issuing and service of summons and process in the above entitled cause, <sup>an</sup> enter appearance, and consent to the sale of the real estate for the purpose, as prayed for, in plaintiffs petition  
Lucy Porter

answer, and  
cross-petition  
Northwestern  
Life  
Ins. Co.

In the Probate Court, of Union County, Ohio.  
Answer and Cross Petition of The North  
Western Mutual Life Insurance Co.

Now comes this answering defendant, The Northwestern Mutual Life Insurance Co., and admits that Mollie Ingram, was appointed adx. of the estate of Raymond Ingram on the 5 day of Dec. 1927, in the Probate Court of Union County, Ohio, and that she is the qualified and acting adx. of the said estate, but not being familiar with the other facts stated in the plaintiffs petition therefore denies them.

Cross Petition

This answering defendant further says that there is due it from the plaintiffs intestate the sum of \$5563.39 and interest thereon at five per cent. from the 3-day of July, 1928, on a promissory note a copy of which with all the credits and endorsements is hereto attached and marked Exhibit "A" and made a part of this answer and cross-petition.

Second cause of action.

This answering defendant says that at the time of delivery of said note <sup>an</sup> to secure the payment of the same, the Plaintiffs intestate together with Mollie Ingram, wife of the said testate duly executed and delivered to this answering defendant, their mortgage deed, conveying to this answering defendant the following premises: see description Petition

on the 3-day of Dec. 1926. at 10:45 a.m. said mtg. was duly left for record at the recorder's office of Union County, Ohio, and was duly recorded in Book 93 on pages 357 and 358 of his records and thereby became a valid first lien against the premises described in this answer and cross-petition.

Wherefore this answering defendant asks the Court to find that there is due it from the said plaintiffs intestate the sum of \$5563.39 and interest thereon at five per cent. from the 3-day of July, 1928.

11250

and  
proce  
(defe  
relis

Exhibit - a

\$5-6  
For  
of th  
its of  
of  
of f  
there  
for  
for  
ma  
or a  
from  
shu  
pay  
per  
H  
dat  
mol  
mu  
con  
pro  
inte  
or  
or  
mor  
mo  
Nor  
du  
of  
tra  
be  
in  
Con  
bro  
ou  
giv  
agre  
Jri

Final Record, Union County Probate Court

11258

and, that said premises, may be sold, and, the proceeds applied to the payment of this answering defendants claim, and, for such other and further relief as, it is entitled to.

The northwestern Mutual Life Ins. Co.,  
By: Hale R. McGee,

Its attorney

Exhibit a-

Exhibit 'a'

\$5-000<sup>00</sup>

Milford Center, Ohio, Nov. 12 - 1926.

For value received I promise to pay, to the order of the northwestern Mutual Life Insurance Co., at its office in the city of Milwaukee Wisconsin the sum of Fifty-five hundred dollars, at the expiration of five years from the date hereof with interest thereon from date until paid at the rate of five per cent per annum, payable semiannually, with the privilege at any time after two years and before maturity, of paying one hundred dollars or any multiple thereof upon said principal, provided that sixty days additional interest shall be paid on any and all of such payments in excess of one half of the original principal sum.

This note is secured by a mortgage of even date herewith executed by Raymond Ingram and Nellie Ingram, his wife, to said The northwestern Mutual Life Insurance Co., on lands in Union County, Ohio, which is the first lien on the property therein, described; and, in case the interest on this note, is not fully paid when due, or, in case of default, in the performance of any or either of the terms and, in condition of said mortgage, the whole indebtedness secured by said mortgage shall at the option of said The northwestern Mutual Life Insurance Co., become due, and, payable, at once without notice (notice of its exercise of such option being hereby expressly waived).

In case said principal sum shall not be paid at maturity, or, when declared due, in accordance with the provisions herein contained, and, in case suit shall be brought for the collection of said principal sum or, for the foreclosure of the mortgage given to secure this note, I further promise and agree to pay a reasonable attorney's fee, to be fixed by the Court.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11250

No payment of the principal of this note shall be deemed valid, except upon the receipt of the authorized officers of said the Northwestern Mutual Life Insurance Company.

Raymond Ingram.

Endorsements

May 4 - 1927. Received interest to May 12 - 1927

Nov. 14 " " " " " " Nov. 12 - 1927

State of Ohio, County of Logan, ss.

J. J. McKee, being by me first duly sworn deposes, and says, that he is one of the firm of Hale and McKee Attys. for the answering defendant, The Northwestern Mutual Life Insurance Co., a foreign corporation, and that the allegations contained in the foregoing Answer and Cross-Petition are true, as he verily believes.

J. J. McKee.

Sworn to before me, and subscribed in my presence, this 3-day of July, 1928.

Delpha O. Peble.

Notary Public Logan County, Ohio.

waiver

Waiver.

The undersigned defendants, named, in the above entitled cause, do hereby waive the issuing and service of summonses and process in the above entitled cause, do hereby, enter our appearance.

The Northwestern Mutual Life Insurance Co.

By, Hale and McKee, its atty.

answer of Mollie Ingram.

Answer of Mollie Ingram.

Now comes, Mollie Ingram, one of the defendants, in the above entitled cause, and voluntarily enters her appearance herein and, for, answer says, that she, is, the widow of said Raymond Ingram, deceased, and, as such, is entitled to dower in the real estate described in the plaintiffs petition, and, that her age is 60 yrs.

That, she consents to the sale of both trusts as prayed for in the petition, and waives the assignment of her dower therein by writs and bonds, or rents, issues, or profits, and consents that said premises be sold free from her dower estate therein.

That she does not hereby waive her

11250

hom  
Sec  
dec  
incl  
don  
real

am  
to  
ther  
of  
sum  
an  
ther

ord  
rig  
rig  
to  
Jm  
our  
reac

the  
bu

st

the  
as.

A

Appl. to Private Sale

The  
The  
real  
cas

for

is  
hor

Final Record, Union County Probate Court

11250

homestead or right to remain in, or, have control of, the second tract for one year after the death of the deceased, or, otherwise waive any of her lawful interests therein, but asks the Court that her dower interest and other interest in said real estate be protected and determined.

That if either one, or, both, of said tracts are sold, then that her dower interest therein be allowed and paid to her in cash, in lieu thereof, out of the proceeds received from the sale of either one, or, both, of said tracts in such sum of money, as the Court deems is the just and reasonable value of her dower interest therein.

That if the said second tract is ordered sold and sold then that her statutory right, and, interest therein and homestead rights be determined and allowed and paid to her in cash, in lieu thereof out of the proceeds received from the sale thereof in such sum of money, as the Court deems just and reasonable for said, and if so, paid, then she waives the assignment thereof by metes and bounds or, rents, issues or, profits;

Mollie Ingram,

State of Ohio, Union Co. ss.

Mollie Ingram, being duly sworn, says that the statements in the foregoing answers are true as she truly believes.

Mollie Ingram,

Known to before me, this 8<sup>th</sup> day of March, 1928.

Maud Pyles,

*[Signature]*

Notary Public

Appl. to Private Sale

application to Sell Real Estate at Private Sale Probate Court, Union County, Ohio No. 11250. Application.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case, at private sale, for the following reasons:

First:

That the same can be sold forthwith for more than the appraised value.

Second:

That the appraised value \$1000.00 is all that said real estate is reasonably worth.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1/250

Third: To sell at private sale, will save the costs and expenses necessary in offering said real estate at public auction.

Fourth:

That the said real estate can be sold for cash in full for the amount of the sale price at once, and she therefore asks for an order authorizing her to sell said real estate at private sale.

Mollie Ingram, Adx.

The State of Ohio, Union County,

Mollie Ingram, being duly sworn, says that the various matters set forth in the foregoing application are true as she truly believes.

Mollie Ingram.

Known to before me, and signed in my presence, this 8. day of March, 1928.

Seal Mand. Pagers, Notary Public,

affidavit of Disinterested Person.

The State of Ohio, Union County,

John A. Kerington and John W. Waite, being duly sworn, says that they know the facts set forth in the Application to which this affidavit is attached: that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate of Raymond Ingram to sell said real estate at private sale than at public sale as they truly believe.

John A. Kerington  
John W. Waite.

Known to before me, and signed in my presence, this 8. day of March, 1928.

Seal Mand. Pagers.

Probate Court, Union County, Ohio.  
March, 8-1928.

Order for Private Sale

This day, this cause came on, to be heard upon the petition, evidence, and testimony, and the answer or cross petition of the Northwestern Mutual Life

Insurance Co. and Mollie Ingram, and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance, herein, and are now properly before the Court.

That the statements and allegations in

1/250

said  
dece  
the  
and  
in

br,  
boun

the

petit

app

esta

petit

will

real

less.

follow

to sta

as a

order of sale.

The

Pro

the

is

sign

for

Mal

the

of

for

for

for

for

Affidavit  
of  
Disinterested  
Person.

Order for  
Private Sale



Final Record, Union County Probate Court

11250

said petition are true. That said Raymond Ingram, deceased did leave a widow entitled to dower, in the estate to be sold, and has filed answer herein and an appraisement of such estate is contained in the inventory.

It is ordered, that another appraisement be, and hereby is dispensed with. and the court being satisfied that it is necessary to sell the real estate of said deceased, described in the petition, to pay his debts. and it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said Mollie Ingram, as such ady., proceed to sell said real estate, free of dower, at private sale, for not less than \$10650<sup>00</sup> <sup>from the 1<sup>st</sup> tract and 1600<sup>00</sup> for second tract being</sup> the appraised value thereof, on the following terms, to wit: cash in hand, on day of sale.

and said petitioner is ordered, to make return to this Court immediately after such sale is made, and this cause is continued, therefore and as to finding as to liens and claims.

Witness my hand, Probate Judge -  
Order of Sale, free from Dower.  
Probate Court.

order of sale.

The State of Ohio, Union County,  
To, Mollie Ingram, Greeting:

In obedience to an order, and decree of the Probate Court, within and for said county, made this day, in a certain cause, wherein you, as ady., of the estate of Raymond Ingram, dec'd, is Plaintiff and Lucy Porter et al, are Defendants, you are commanded to proceed according to law, to sell at private sale for not less than \$10650<sup>00</sup> for first tract, and 1600<sup>00</sup> for second tract, the appraised value thereof free from the dower of Mollie Ingram, widow of Raymond Ingram, dec'd the following described premises, to wit:

Situated in County of Union State of Ohio, Township of Union, and a part of Surrays 8152, 8523, 6265; see description Petition.

Said Sale to be Private and to be upon the following terms,  
Cash in hand on day of sale.

you will return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature <sup>of</sup> the seal of said

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1125-0 Probate Court, Mt. Mansfield, Ohio, this 8. day of March, 1928  
said court docketed. Probate Judge.  
Return

Return To the Probate Court of Union County, Ohio  
In obedience to the foregoing order, I have caused  
the same to be duly executed, as will fully appear by  
the proceedings hereto attached.  
Dated the 8. day of March, 1928.  
Mollie Ingram.

Report of Sale  
In obedience to the within order, I sold tract no. 1 on the  
8. day of March, 1928. to  
N. F. Porter and Lucy Porter  
for the sum of Eleven thousand and <sup>no</sup>/<sub>100</sub> Dollars  
said sum being more than the appraised value  
of the same.  
Mollie Ingram

Dated March 8. 1928.  
the State of Ohio, Union County.  
The above named Mollie Ingram, being duly  
sworn, says that the sale above reported has been  
made after diligent endeavor to obtain the best price  
for said property, and that said sale is for the  
highest price she could get for said property.  
Mollie Ingram.

Sworn to before me, and signed in my presence this  
8. day of March, 1928. ~~sworn~~

approving and confirming sale  
Journal Entry: orders approving and confirming sale.  
Probate Court, Union County, Ohio  
March 8. 1928.

This day this cause coming on to be heard on the report  
of Mollie Ingram, ady. of the estate of Raymond Ingram,  
deceased, of her proceedings, and sale under the  
former order of this Court, and upon the motion of said  
petitioner to confirm the sale made in obedience  
to said order; the Court having carefully examined  
said report, and finding the proceedings of said  
petitioner in all respects correct, and being satisfied  
that said sale was fairly and legally made.

It is ordered, that the same be, and hereby  
is approved, and confirmed.

It is further ordered, that said petitioner  
execute a deed of all the right, title and  
interest of the said Raymond Ingram, deceased,  
in Tract No. one, in said real estate to the  
purchasers N. F. Porter and Lucy Porter upon

1125-0

the a  
rec  
here

Report  
of

In  
sale, Com  
und  
dece  
may  
the  
Trac  
to g  
sum  
of. a

Cash.

Sta  
sal  
und  
prop  
Aug

Sub

Final Record, Union County Probate Court

11250

the said purchasers paying the purchase price therefor.  
It is further ordered, that this proceeding be  
recorded, and that said petitioners pay the costs  
herein taxed. ---

W. H. Husted, Probate Judge

In the Probate Court, Union County, Ohio  
vs. 11250.

Report

Report of Sale

In obedience to an order, and decree of the  
Court, made on 8. day of March, 1928, to the  
undersigned as adx. of the estate of Raymond Ingram,  
deceased, I, as such adx., have on this 16. day of  
May, 1928, fully executed said order and sold  
the remaining portion of said real estate being  
Tract No. 2, as described in the order of sale,  
to John H. Dr. Ross for the sum of \$1,800.00 said  
sum being more than the appraised value  
of the said Tract No. 2.

Mollie Ingram, adx.

State of Ohio, Union Co. ss.

Mollie Ingram, being duly sworn, says that the  
sale above reported has been made after diligent  
endeavor to obtain the best price for said  
property, and that the said sale is for the  
highest price she could get for said Tract No. 2.

Mollie Ingram.

Known to before me, and signed, in my  
presence, this 16-day of May, 1928.

Wm. L. Myers, Notary Public

See Pg. 367 Distribution,

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11272  
Feb. 17/28.

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio,  
No. 11272

L. A. Davis  
atty.

Hon. P. Hudson, executor,  
of the estate of  
Daniel M. Scott, deceased.  
Plaintiff.

Civil action

Jennie Scott  
Kate Shepherd  
Laura Caplinger  
Clara Epler  
Joseph Scott  
Effie Scott  
Daniel Scott  
Harry Scott  
The Plain City Home and  
Savings Co.  
Mary Elias <sup>in</sup> son.  
Defendants.

Petition to Sell Real Estate.

Petition.

Petition

The Plaintiff represents that H. P. Hudson, the  
duly appointed and qualified executor, of the  
estate of Daniel M. Scott, late of Union County, Ohio,  
deceased, that the amount of debts due from  
the deceased is, Four Hundred Dollars, as near  
as they can be ascertained.

The Plain City Home and Savings Co., Mtg. # 177, 26  
Mary Elias Son. Judgment 110.  
A. D. Hetch mortician.

that the charges of administration of said  
estate will amount to about fifty dollars, and  
that the total value of the personal estate and  
effects of said deceased is, but none being wholly  
insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said  
Daniel M. Scott died in fee simple of the following  
described real estate, situated in the county of Union  
State of Ohio, and in the village of Plain City, to-wit:  
an unimproved half interest as follows:

Being lot no. 79 as the same is known  
numbered, and designated on the recorded plat of  
said village in the office of the Recorder at  
Marysville, Ohio.

Plaintiff represents, that said real estate was  
appraised in accordance with the order of the  
Probate Court of Union County, Ohio, by the  
appraisers of the personal estate of said

11272

de  
is

Jo  
in  
hu  
of  
in  
bily  
mo

sa  
Jo  
an  
Sar

ma  
ac  
ma  
re  
st  
ort

Carte,

Th  
M  
su  
se  
his

13

M

Receipts,

Jo  
2.  
7  
d  
a

Final Record, Union County Probate Court

11272

decendent and, that the amount of said appraisement is two hundred twenty dollars.

The said decendent died leaving the defendant Jennie Scott his widow, who is entitled to dower, in said premises; that the defendants are the only heir at law of said decendent, having the next estate of inheritance from said Daniel M. Scott, deceased, in said premises, that the defendants The Plain City Home and Savings Co., are the holders of a mortgage.

Mary Elias and son hold a judgment.

The Plaintiff therefore prays that the dower of said Jennie Scott in said premises may be paid to her in money; that the rights, interests and claims of the said The Plain City Home and Savings Co.

Mary Elias and son.

may be fully determined, adjusted, and protected according to equity, and that your petitioner may be authorized and ordered to sell said real estate free of said dower, according to the statute in such case made, and provided, and for all other proper orders and relief in the premises.

W. P. Hudson executor.

The State of Ohio Union County.

Carte,

W. P. Hudson, the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge, and belief.

W. P. Hudson, executor.

Sworn to before me, and signed in my presence, this 13. day of February, 1928.

L. A. Davis

Probate Court, Union County, Ohio.

W. P. Hudson, ex-  
Plaintiff

v.

Receipt.

Receipt,

Jennie Scott, et. al.  
Defendants.

To the Probate Judge -

Issue summons for said Daniel Scott Harry Scott, Defendants, directed to Sheriff of said county, returnable, according to law.

L. A. Davis

Plaintiffs Attorney.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11272

Journal Entry: Filing Petition to Sell Real Estate.

This day came the Plaintiff H. P. Hudson, ex. of the estate of Daniel Scott and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Daniel Scott deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants. This cause is continued.

M. Husted, Probate Judge

Wainor

Wainor

Probate Court, Union County, Ohio.

The undersigned parties defendant to the Petition in the above entitled action, do, each of us, hereby waive the issuing and service of summons, and voluntarily enter our appearance as such defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Feb. 13 - 1928.

Jennie herx Scott, attest: L. A. Davis  
Wife V. Ametrout

- John B. Scott
- Blara Epley
- Katie Shepherd
- Effie Scott
- Laura Caspinger

J. R. Woods Secy Plain City, Home & Savings Co -

Answer of Widow.

Answer of Widow.

Probate Court, Union County, Ohio.  
And now comes Jennie Scott, one of the defendants in the above entitled cause, and voluntarily enters her appearance herein, and for answer to the petition in this case filed, says that she is the widow of said Daniel M. Scott, deceased, and as such is entitled to dower in the premises described in said petition, that her age is sixty years and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by, metes and bounds or in rents and profits and asks the Court that said premises may be sold free from

11272

Carte

Summons

Return

her  
do  
lir  
su  
re  
re  
The  
sta  
Ver  
13.  
bo  
m  
l  
it  
of  
the  
m  
je  
re  
fo  
the  
tr  
m  
Co  
co  
je  
or  
W  
by

Final Record, Union County Probate Court

11272

her down estate therein, and, that the value of such down estate may be allowed and paid her, in lieu thereof out of the proceeds of the sale, by such sum of money as the Court deems, just and reasonable value of her down interest in said real estate.

Jennie <sup>her</sup> Scott,  
mark

The State of Ohio, Union County.

Oath.

Jennie Scott being duly sworn, says, that the statements in the foregoing answer, are true, as she verily believes.

Jennie & her mark Scott,

Sworn to before me, <sup>tho</sup>, signed in my presence, this 13. day of Feb., 1928.

L. A. Davis, Notary Public.  
Summons.

Summons.

The State of Ohio, Union County, ss.

To the Sheriff of Union County, Meeting:  
You are commanded to notify J. P. Childress Home, and Harry Scott minor, making service of this summons upon them (he being an inmate of said Childress Home) that he has been sued by W. P. Hudson, administrator of the estate of David Scott, deceased, in the Probate Court of Union County, Ohio, and that under the answer by the 7 day of April, 1928, the petition of the said Plaintiff for the sale of the real estate of said deceased, therein described, for the payment of debts of said estate, against which filed in said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 19 day of March, 1928.

Witness my signature and the seal of said Court, this 7 day of March, 1928

*[Signature]* Probate Judge

Return

Return.

Sheriff's office, Union County, Ohio,  
March 8-1928.

Received the within writ on the 8 day of March, 1928, at 9 a. m. and pursuant to its command, I served the same by delivering a copy of it with the indorsements thereon, personally to the within named defendants on the days here named, viz:  
March 8-1928, to Ode Still, acting Supt. by handing a copy of this writ, and also

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11272

as to the within named minor defendant, March 8-1928,  
J. B. Lingard Sheriff.

Sheriff's fees

Service Am. Ret. 75-

ad. names. 25-

messenger 4 m. 32 Total \$132

Answer  
an.

cross-petition

Answer and Cross-Petition of

The Plain City Home and Savings Co.

The defendant The Plain City Home and Savings Co.,  
of Plain City Ohio, by way of answer and cross-petition to  
plaintiff's petition says:

First cause of action:

That the defendant Daniel M.  
Scott, whose representative herein is plaintiff herein,  
Jennie Scott, defendant herein, are indebted to this  
answering defendant, in the sum of \$176.<sup>58</sup> with  
interest at the rate of 6% per annum, from date  
hereof on a certain promissory note, a copy of which  
is hereto attached, marked exhibit A, and made  
part of this answer and cross-petition together  
with all endorsements thereon, to which reference  
is here to be made.

Second Cause

Second cause of action:

note and to secure payment of the same. The said  
Daniel M. Scott, and Jennie Scott executed and  
delivered to this defendant their certain mortgage  
deed, conveying the premises described in plaintiff's  
petition, which said mortgage, on the 13. day of  
Oct. 1921, at 9. o'clock a. m. was duly left for  
record at the recorder's office of Union County, Ohio, and  
was duly recorded in Book 26 Page 60 of said  
records.

Wherefore, this answering defendant asks  
judgment against said defendants Daniel M.  
Scott and Jennie Scott in the sum of \$176.58  
with interest at the rate of 6% per annum from  
the 15. day of March, 1928, and asks that the  
prayer of the plaintiff for the sale of said  
premises be granted, and that its lien upon  
the said premises be decreed to be the first and  
best lien thereon, and that out of the proceeds  
of any sale, it be paid the amount of its said

11272

cl

exhibit A, #4

R

of

as

sai

not

or

js

A

fr

sh

2

st

st

di

di

an

ju

ha

fr

jo

Ch

Sta

Order

Secy

of

the

of

the

of

of

of

of



Final Record, Union County Probate Court

March 8-1928.

11272 claim and interests as is hereinbefore set up.  
Howard C. Black,

attly. for answering defendant.

Exhibit "a"

Exhibit a. #400- Plain City, Ohio, Oct. 11-1921.

Received of

The Plain City Home and Savings Co.  
of Plain City, Ohio. Four Hundred Dollars.

as a loan 4 shares of stock owned by me in  
said company. I agree to pay said company weekly  
not less than \$1.45 which shall be applied as follows:

First. To the payment of any fines, insurance, taxes  
or any other assessments made against me, in  
pursuance of the by laws of said company.

Second.

To the payment of the interest due on said  
loan, at the rate of 12cts. per wk. upon each  
share of stock upon which said loan is made.

Third:

To the payment of dues due on said loan,  
at the rate of 25cts. per wk. upon each share of  
stock upon which said loan is made.

Said payments shall be continued until the  
dues so credited on said stock together with the  
dividends declared thereon shall equal the  
amount loaned.

Borrower may also at any time pay up in  
full one or more shares of stock on which a loan  
has been taken, and have such shares and  
proportimate amount of the loan canceled.

Should I fail for eight weeks to pay said weekly  
payments, then the whole amount of said loan  
shall at once become due, and payable.

David Scott

James Scott

State of Ohio, Madison Co., ss.

J. R. Woods, being duly sworn, says that he is the  
Secy. of the said The Plain City Home and Savings Co.  
of Plain City, Ohio, duly authorized in the premises;  
that as said official he is custodian of the note  
& mortgage herein named;

that the same are now in his possession, and  
that the facts set forth in the foregoing answer  
& cross petition are true as he verily believes.

J. R. Woods.

Done to and for me, and subscribed in my presence  
this 15 day of March, 1928. ~~at~~ Howard C. Black, Notary Public.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11272

Summons

Summons,

The State of Ohio, Union County, ss.  
 To, the Sheriff of Pickaway County, Greeting:  
 you are commanded to notify the Superintendent of the  
 Orient Farm for feeble minded, and, Daniel Scott a patient  
 therein minor, making service of this summons upon them  
 the being a patient therein. that he has been sued N. P.  
 Hudson, adm. of the estate of Daniel Scott, deceased,  
 in the Probate Court of Union County, Ohio, and, that unless  
 he answers by the 7. day of April, 1928. the petition of  
 the said Plaintiff for the sale of the real estate of said  
 deceased, therein described, for the payment of debts  
 of said estate, against him filed in said Court, such  
 petition will be taken as true, and judgment rendered  
 accordingly.

You will make due return of this summons  
 on the 19. day of March 1928.

Witness my signature and the seal of said  
 Court this 7. day of March, 1928.

*W. H. Husted*, Probate Judge

Return

Return,

Sheriff's office, Pickaway County, Ohio.  
 March, 10<sup>th</sup> 1928.

Received the within writ on the 10. day of March, 1928.  
 at 4. P. M. and pursuant to its command, I served  
 the same by delivering a copy of it with the indorsement  
 thereon, personally to the within named defendants,  
 on the days herein named, viz:

March, 15, 1928. to C. C. Park Supt. of said  
 Inst. who has the care and custody of Daniel Scott  
 and also as to the within named minor defendant.  
 March, 15-1928. to Daniel Scott inmate of said  
 Institution.

Frank Davis Sheriff, By John S. Ward, Jr. Deputy,  
 Sheriff's Fee

|             |      |                          |
|-------------|------|--------------------------|
| Ser. & Ret. | 75   |                          |
| names,      | 25   |                          |
| Mileage 46. | 3.68 |                          |
| Docket      | 10   | Total \$ 4 <sup>28</sup> |

Application to sell at Private Sale  
 Probate Court, Union County, Ohio.  
 Application

To sell  
 at  
 Private sale.

The said Plaintiff represents that it would be  
 for the best interest of the said estate, to sell the  
 real estate described in the petition in this case  
 at private sale for the following reasons:

11272

affidavit  
 of  
 disinterested  
 Persons

order for  
 Private sale.

The  
 mi  
 the  
 to  
 lein  
 the  
 var  
 er  
 this  
 The  
 say  
 app  
 the  
 the  
 the  
 rea  
 as  
 Sm  
 the  
 Fle  
 jet  
 and  
 ju  
 aut  
 vol  
 no  
 a  
 D.  
 cu  
 ar  
 si

Final Record, Union County Probate Court

11272

The estate is held jointly and, a partition sale might be necessary to dispose of the same, and for the further reason that the valuation is too small to warrant a public sale.

and, he therefore asks, for an order authorizing him to sell said real estate at private sale.

W. P. Hudson, ex. of Daniel M Scott, dec'd

The State of Ohio, Union County.

Oath

W. P. Hudson, being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.

W. P. Hudson.

Sworn to before me, and signed in my presence, this 2 day of April, 1928.

Real W. H. Husted, Probate Judge

affidavit of disinterested persons

affidavit of Disinterested Person.

The State of Ohio, Union County.

R. W. Crow, and D. E. Currier, being duly sworn, say that he knows the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said defendants to sell said real estate at private sale than at public sale, as they verily believe.

R. W. Crow.

D. E. Currier.

Sworn to before me, and signed in my presence, this 7 day of April, 1928.

Real L. A. Davis, Notary Public

Probate Court, Union County, Ohio.

April, 10 - 1928.

Order for Private Sale, etc.

order for Private Sale.

This day, this cause came on to be heard upon the petition, evidence and testimony W. P. Hudson, ex. and the Court, being fully advised in the premises finds: that all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true, that said Daniel M Scott, deceased, did leave a widow entitled to dower in the estate to be sold, and an appraisal made of such estate is contained in the inventory.

It is ordered, that another appraisement

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11272

be, and, hereby, is dispensed with, and, the Court, being satisfied that it is necessary to sell the real estate of said Daniel M. Scott, described in the petition, to pay his debts,

and, it being made to appear to the Court upon satisfactory evidence, that it would be, more, for, the interest of, said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said H. P. Hudson, as, such, executor proceed to sell said real estate free of, down, at private sale, for not less than the appraised value, thereof on, the following terms, to wit: cash, in hand, on, day of sale, and, said petitioner is ordered, to make return to this Court, immediately after such sale, is made, and, this cause, is, continued.

W. P. Hudson, Probate Judge

Order of Sale.

Order of Sale, Free of Down.

The State of Ohio, Union County, Probate Court.  
To, H. P. Hudson, ex. of the estate of Daniel M. Scott, Decd.  
Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as, plaintiff and, Jennie Scott, et. al, are, Defendants you, are, commanded to proceed, according to law, to sell, at, Private sale, for not less than the appraised value thereof free of, the down of, Jennie Scott, widow of the estate of Daniel M. Scott deceased, the following described, premises to wit:

See description in Petition.

Said sale, to be private and, to be upon, the following terms, for cash.

You, will make return of, your proceedings to this Court, forthwith upon, execution of, this order.

Witness my, signature and, the seal of said Probate Court, at, Mansfield, O. this 10 day of April, 1928. W. P. Hudson, Probate Judge

Return

To, the Probate Court, of Union County, Ohio.

In obedience to, the foregoing order, I, have caused the same, to be duly executed, as, will fully appear, by the proceedings hereto, attached.

Dated the 10 - day of April, 1928.

W. P. Hudson.

Report of Sale - Private.

Report

of sale.

In obedience to, the within order, I, sold said premises on, the 10 - day of April, 1928, to Carrie Fleck, for, the sum of Three Hundred, thirty-seven 50/100 Dollars, said sum being the appraised

11272

value

The

with

say

made

best

is

prop

two

approving

for

confirming

the

rep

m

and

the

ma

has

for

res

ma

app

is

into

re

be

Final Record, Union County Probate Court

11272

value of the same.

Dated the 10. day of April 1928

W. P. Hudson

oath

The State of Ohio, Union County,

The above named W. P. Hudson, being duly sworn, says, that the sale, above reported, has been made, after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

W. P. Hudson

Sworn to before me, and signed in my presence this 19 day of April 1928.

W. H. Husted, Probate Judge

approving

Journal Entry: Orders, approving and confirming Sale Probate Court, Union County, Ohio.

confirming

April 10 - 1928.

This day this cause coming on, to be heard on the report of W. P. Hudson, ex. of the estate of David M. Scott, deceased, of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made, in obedience to said order; the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said David M. Scott, in said real estate, to the purchaser, Carrie Fleck.

It is further ordered, that this proceeding be recorded, and petitioner pay costs \$ 13-

W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11263  
July 9, 1928.

Petition To Sell Real Estate.

In the Probate Court of Union County, Ohio.  
No. 11263

Thomas J. Binton  
Executor of the estate  
of John B. Binton, Decd.  
Plaintiff

v.

Clay D. Hartshorn  
Wm Ammer  
Blanche Johnson,  
Gertrude Redman,  
Myrtle Woodford,  
Walter Wood, ans.  
Thomas J. Binton,  
Defendants.

Petition.

Now comes Thomas J. Binton, and says that he is the duly appointed and qualified executor of the estate of John B. Binton, deceased, that he was appointed as such executor by the Probate Court of Union Co. Ohio, on the 23. day of December, 1927, and is still acting as such.

That the said John B. Binton died on the 28. day of November, 1927, testate, and his last will and testament was admitted to probate in the Probate Court of Union County, Ohio, on the 20. day of December, 1927, a copy is hereto attached, marked "Exhibit A" and which contains the following provision.

"Third, I direct that my executor sell all my personal and real property, and convert the same into cash, and the remaining portion of my estate I give and bequeath to Thomas Binton and Blanche Johnson, each, a one-half interest, or their legal representatives to & theirs absolutely, and, in fee simple."

That the said John B. Binton deceased, died seized in fee simple and the owner of the following described real estate, to-wit:

Situated in the County of Union in the State of Ohio, and in the Township of Taylor, and bounded and described as follows:

Being in Surveys No. 5629, and, 6493.

Beginning at a stone at the point of intersection of the Mansville and Kenton Grand Road with the north line of said Survey, thence with said survey line S. 77° 15' W. 1.60 poles; thence with said survey line S. 77° 15' E. 67.60 poles to a stake at true angle in the line of Geo W. Arnold land; thence with the west line of said Arnolds

Petition

11263

Law  
Law  
an  
with  
46  
ma  
tra  
son  
so  
to  
Su  
The  
per  
has  
mo  
expe

Petition

Th  
u  
Jo  
of  
of  
in  
dec  
Mo  
Fa  
un  
wa  
eti  
di  
to  
me  
the  
he  
the  
Jo  
ott  
be  
St

Final Record, Union County Probate Court

11263

land and the west line of Abraham Deavris land S. 5° 45' E. 55.50 poles to a stone at an angle in the line of said Deavris land: Thence with the north line of said Deavris land S. 84° 45' N. 54.40 poles to a stone in the center of said Mangrove and Kenton Gravel Road (witness an oak tree S. 89 1/2° E. 24 feet and 10 inches and 2 feet south of said line) thence with the center of said road N. 13° W. 77 poles, to the place of beginning, containing Tract four (24) acres, more or less, as surveyed by Lawson B. Harvey January 15--1895.

That the said deceased, died leaving sufficient personal property, and the said plaintiff, as executor, has sufficient personal property in his hands to more than pay the debts of the deceased, funeral expenses, and expenses of administration of his estate.

That the said John H. Binton died leaving no widow, but left the following named, as his next of kin and heirs at law, namely, the plaintiff Thomas J. Binton (also named as defendant), a brother of the deceased.

Petition

The defendants Bloy D. Hartshorn, Blanche Johnson, and Ala Aurine, who are children of Allie Hartshorn, deceased, who was a sister of the said John H. Binton, deceased, and who died prior to the death of John H. Binton deceased.

The defendants, Gertrude Redman, Myrtle Morford and Walter Wood, who are children of Falmadge Wood, deceased, who was the only child and heir at law of Jane Wood, deceased, who also was a sister of the said John H. Binton, deceased, that the said Jane Wood, and Falmadge Wood, died prior to the death of the said John H. Binton.

The Plaintiff says that it is necessary, in order to carry out the provisions of the said last will and testament, and especially Item Third thereof, that the said real estate be sold.

Wherefore, the plaintiff, as said executor, prays that he be ordered, and directed by the Court, to sell the said real estate herein described for the purposes as herein set forth and for such other and further relief in the premises as may be just and equitable and according to the Statutes in such cases made and provided.

Mrs. L. Myers.  
Atty. for Plaintiff

nty. Ohio.

is the estate of ...

28. day of Testament of Union a copy and

sell all to the same of my estate and

died following

State of bounded

point of gravel my witness with said a stake around and Arnold's

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11263

State of Ohio, Union Co. ss.

Thomas J. Hinton, being duly sworn, says that the facts stated and the allegations made, and contained in the foregoing petition are true, as he believes.

Thomas J. Hinton

Sworn to before me, and signed in my presence, this 7th day of July, 1928 ~~and~~ Mrs. L. Myers, Notary Public.  
(Will in Rec. R. Pg. 390)

In the Probate Court of Union County, Ohio  
July 9 - 1928.

Filing  
Petition

Journal Entry

Filing Petition to Sell Real Estate

This day came the plaintiff Thomas J. Hinton Exr. of the estate of John Hinton and presented to this Court his petition duly verified, praying an order for the sale of real estate of the John B. Hinton, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendancy, and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants; & this cause is continued.

W. H. Huston Probate Judge

Principals

In the Probate Court, Union Co. Ohio.

Receipts

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Delaware Co. Ohio for the defendants Gertrude Reaman & Walter Wood. (Who reside at Radnor) in and on "action for sale of real estate" and made returnable according to law.

Also issue summons in the above entitled cause directed to the Sheriff of Cuyahoga Co. Ohio for the defendant Myrtle Woodford (residence 2133 E. 100th St. Cleveland, Ohio) in and on "action for sale of real estate" and make returnable according to law.

Mrs. L. Myers.

Atty. for Plaintiff

Wainor of Summons.

Wainor

Probate Court, Union County, Ohio  
We the undersigned parties Defendant, to the Petition in the above entitled action, do each of us hereby waive the issuing & service of summons & voluntarily enter our appearance, as such Defendants,

11263

Summons  
Cuyahoga Co., Ohio

Return

Summons  
Delaware Co.



Final Record, Union County Probate Court

11263

And we do hereby consent to the sale of the Real estate described in the petition in said action according to prayer of the same.

Blanche M. Johnson. Thomas J. Hinton

Summons

Summons on Petition to Sell Real Estate

Buyahoga Co.

The State of Ohio, Union County,

Probate Court.

To the Sheriff Buyahoga Co.

You are commanded to notify Myrtle Dorford (residing at 2133 E. 100 St. Cleveland) that on the 9 day of Feb. 1928 Thomas J. Hinton executor of the estate of John H. Hinton deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent in said petition described, for the purpose of paying debts and paying legacies, and that unless they answer by the 10 day of March, 1928, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 20 day of Feb. 1928.

Witness my hand and the seal of said Court this 10 day of Feb. 1928. ~~W. H. Husted~~ Probate Judge.

Sheriff's Return.

Return

The State of Buyahoga Co.

Received this writ Feb. 11-1928. at 8:40. A.M.

and pursuant to its command on the 13 day of Feb. 1928. I served this writ on the within named Myrtle Dorford by leaving a true and attested copy thereof with all the endorsements thereon at her usual place of residence. E. J. Barrally, Sheriff

By C. M. Pettinger Deputy

Sheriff's Fee

Service to mileage 1.12. Postage .02 Total \$ 1.54

Summons

Summons on Petition to Sell Real Estate

Delaware Co.

The State of Ohio, Union County,

Probate Court.

To the Sheriff of Delaware Co.

You are commanded to notify Gertrude Redman & Walter Wood residing at or near Radnor that on the 9 day of Feb. 1928 Thomas J. Hinton ex. of the estate of John H. Hinton dec'd. filed his petition in the Probate Court of said Union County, Ohio, against them, and others; the object and prayer of which petition is to obtain

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11263

an order for the sale of certain Real estate belonging to said decedent, in said petition described, for the purpose of paying debts & legacies and that unless they answer by the 10. day of March, 1928, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 20<sup>th</sup> day of Feb. 1928.

Witness my hand, and the seal of said Court, on this 10. day of Feb. 1928. ~~W. W. Husted~~ Probate Judge.

Sheriff's Return

The State of Ohio. Delaware Co.

Received this writ Feb. 11-1928. at 3. Am.

Costs

after diligent search was unable to find the within named, Bertrude Redman, and Walter Wood in our bailiwick probably located in Marion Co. near Prospect.

Corner Lambert Sheriff

By J. W. Sherris Deputy

Sheriff Fero. Service, 7<sup>5</sup> - 20 miles 1<sup>60</sup> Total \$1<sup>60</sup>

In the Probate Court, Union County, Ohio.

No 11263. Precipe.

Precipe

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Marion Co. Ohio, for the defendants, Gloy D. Karstom (residence 539, Mary St, Marion, Ohio, "Action for sale of Real estate" and make returnable according to law.

Wm. L. Myers.

Atty. for Plaintiff.

Summons

Summons on Petition to sell Real Estate.

The State of Ohio. Union County. Probate Court.

You are commanded to notify Bertrude Redman and Walter Wood, residing at or near Prospect, Ohio, that on the 9. day of Feb. 1928, Thomas J. Binton Executor of the estate of John B. Binton deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and legacies, and that unless they answer by the 31. day of March, 1928, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 12. day of March, 1928.

Witness my hand and the seal of said

11263

Costs

The

an

day

has

wit

t. r

to ju

She

De

Summons

To

E

live

192

of

Pa

The

pe

ce

in

pa

the

sa

or

un

Co

Return

The

P. M

day

in

ju

St

Final Record, Union County Probate Court

11263

Court: this 26. day of Feby. 1928.

~~State~~ W. H. Husted, Probate Judge -

Sheriff's Return

The State of Ohio, Marion Co.,

Received this writ Feby. 28-1928. at 9. o'clock a. m., and pursuant to its command I did on the 28 day of Feby. 1928. serve Gertrude Redman by personally handing her a true and certified copy of this writ, with all endorsements thereon. on the same day I made diligent search for Walter Wood, and failed to find him within my bailiwick.

(Walter Wood resides in Richmond, O.)

James A. Deak Sheriff

Sheriff Return

Service 75 name 25 miles 12<sup>6</sup> total \$ 27<sup>6</sup>

Summons

Decisions.

To the Sheriff of said County:  
You are commanded to notify Ida Aurine living at Broadway - that on the 9-day of Feby. 1928. Thomas J. Hinton executor of the estate of John H. Hinton deceased, filed his petition in the Probate Court of said Union County Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent in said petition described, for the purpose of paying debts and legacies, and that unless they answer by the 31-day of March, 1928. said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 12<sup>th</sup> day of March, 1928.

Witness my hand and the seal of said Court, this 26-day of Feby. 1928.

~~State~~ W. H. Husted, Probate Judge -

Sheriff's Return

Return

The State of Ohio, Union Co.

Received this writ, Feby. 27-1928. at 3. o'clock P.M. and pursuant to its command, on the 28 day of February, 1928. I served a copy of this writ upon the mitler named, Ida Aurine personally.

J. B. Lingard Sheriff, By: Mary E. Cline Deputy, Sheriff's Fee.

Service 75- 14 miles at 89 1.44 total \$ 2<sup>19</sup>

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11263  
Summons.

Summons.

To the Sheriff of said County:  
You are commanded to notify Walter Hood residing at Richmond, that on the 9. day of July, 1928, Thomas J. Hinton Executor of the estate of John B. Hinton deceased, filed his petition in the Probate Court of said County Ohio, against them and others; the object and prayer of which petition is, to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts & legacies and that unless they answer by the 31. day of March, 1928, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 12. day of March, 1928.

Witness my hand and the seal of said Court this 1. day of March, 1928.

W. H. Husted, Probate Judge

Sheriff's Return

Sheriff's Return

The State of Ohio, Union Co.

Received this writ March 1. 1928. at 10. A. M. and pursuant to its command on the 1. day of March, 1928. I served the writ named defendant Walter Hood by personally handing to him a true and certified copy of this writ with all endorsements thereon. J. B. Lingard, Sheriff, Mary E. Cline, Deputy  
Fees: ret. 75 miles, 2.88 Total \$ 3.63

Summons.

Summons.

To the Sheriff of Marion Co.

You are commanded to notify Cloy D. Hartstrom 539 Mary St. Marion, O. that on the 9. day of July, 1928, Thomas J. Hinton ex. of the estate of John B. Hinton deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others, the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and legacies, and that unless they answer by the 5. day of May, 1928, said petition will be taken as true & an order granted, accordingly.

Said Sheriff will make due return of this writ on the 16. day of April 1928.

Witness my hand and the seal of said Court this 6. day of April, 1928

W. H. Husted, Probate Judge

11263  
Sheriff's Return

Marion Co.

Sheriff's Ret.

application

Prize Sale

The  
J  
ap  
his  
cop  
S  
Z  
El  
H  
file  
hor  
an  
ord  
to  
f  
an  
J  
an  
ur  
C  
H  
sh  
on  
by  
u  
en  
C  
The  
for  
re  
it

Final Record, Union County Probate Court

11263  
Sheriff's  
Return

Sheriff's Return  
The State of Ohio, Marion Co.  
Received this writ April 7-1928. at 1. P.M. and  
pursuant to its command, I did on the 11. day of  
April 1928. serve Cloy D. Hartshorn by leaving at  
his usual place of residence, a true and certified  
copy of this writ, with all endorsements thereon.  
James A. Deal Sheriff  
By Geo. W. Deal Deputy

Service 75 Miles 16 Total \$ .91  
Summons

Marion Co.

To Sheriff Marion Co -  
You are commanded to notify Cloy Hartshorn  
that on the -- day of March, 1928. Thomas J.  
Hinton Ex. of the estate of John B. Hinton dec'd  
filed his petition in the Probate Court of said Marion  
County, Ohio, against them and others: the object  
and prayer of which petition is to obtain an  
order for the sale of certain Real Estate belonging  
to said decedent, in said petition described,  
for the purpose of paying debts and legacies.  
and that unless they answer by the 2-day of  
June 1928. said petition will be taken as true  
and an order granted accordingly.

Said Sheriff will make due return of this  
writ on the 14. day of May, 1928.  
Witness my hand, and the seal of said  
Court, this 2-day of May, 1928.  
Wm. W. Trustad, Probate Judge -

Sheriff's  
Ret.

Sheriff's Return  
The State of Ohio, Marion Co -  
Received this writ, May 3. 1928.  
at 9. A.M. and pursuant to its command, I did  
on the 3-day of May 1928. serve Cloy Hartshorn  
by leaving at his usual place of residence  
a true and certified copy of this writ, with all  
endorsements thereon.  
James A. Deal Sheriff  
Service 75 Miles 16 Total \$ .91

application  
for

Application to Sell at Private Sale -  
Probate Court, Marion County, Ohio.  
The said Plaintiff represents that it would be  
for the best interest of the said estate of  
John B. Hinton deceased to sell the  
real estate described in the petition in  
this case, at private sale, for the

Sell  
Private Sale

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

11263

following reasons:

First: That the said real estate can be sold forthwith for more than the appraised value thereof.

Second: To sell at private sale will save costs and expenses of offering at public sale.

Third: That said real estate can be sold at private sale for cash for all that it is reasonably worth.

And he therefore asks for an order authorizing him to sell said real estate at private sale.

Thomas J. Hinton, Ex.

Oath

The State of Ohio, Union County.

Thomas J. Hinton, being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.

Thomas J. Hinton

Sworn to before me, and signed in my presence, this 8. day of May, 1928 seal Mand Puges, Notary Public

affidavit of disinterested Person.

Affidavit of Disinterested Person.

The State of Ohio Union County.

A. F. Robinson and John L. Sellers being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached: that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale, than at public sale, as they verily believe.

A. F. Robinson.

John L. Sellers.

Sworn to before me, and signed in my presence, this 8. day of May, 1928. seal Mand Puges, Notary Public

Probate Court, Union County Ohio.

May, 8 - 1928.

Order for Private Sale.

Order Private Sale.

This day, this cause came on, to be heard upon the petition, evidence, and testimony, and the Court being fully advised in the premises, finds: That all the defendants herein have been duly and legally served, with process, or have voluntarily entered their appearance, herein, and are now properly before the Court.

That the statement and allegations in said petition are true. That said John H. Hinton deceased, did not leave a widow, entitled to dower, in the estate to be sold, and an appraisement.

11263

tr. ...  
br ...  
re ...  
the ...  
de ...  
to ...  
no ...  
to ...  
pr ...  
The ...  
for ...  
va ...  
order of sale ...  
The ...  
to ...  
co ...  
da ...  
Ex ...  
un ...  
D ...  
ac ...  
no ...  
th ...  
pr ...  
of ...  
br ...  
in ...  
Pr ...  
mi ...  
m ...  
a ...  
a ...  
sa ...  
a ...  
to ...  
m ...  
li ...  
m ...  
o ...

Final Record, Union County Probate Court

11263

and hereby is dispensed with, and the Court being satisfied that it is necessary to sell the real estate of said John B. Hinton described in the petition as directed in the Will of the deceased, and it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered that said Thomas J. Hinton as such Ex. proceed to sell said real estate free of dower at private sale for not less than \$2500.00 the appraised value thereof on the following terms to wit:

Cash in hand on day of sale -

W. T. Husted Probate Judge -

Order of Sale free from Dower.

The State of Ohio, Union County, Probate Court.

To Thomas J. Hinton, Executor;

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause wherein you as Executor of the estate of John B. Hinton, deceased are Plaintiff and May D. Hartshorn et al. are Defendants you are commanded to proceed according to law to sell at private sale for not less than \$2500.00 the appraised value thereof free from dower the following described premises to wit:

Situated in the County of Union in the State of Ohio and in the Township of Taylor and bounded and described as follows:

Being in Surveys No. 5629 and 6493,

Beginning at a stone at the point of intersection of the Mansville and Kenton Gravel Road with the north line of said Survey, thence a stone N. 77° 15' W. 1.60 poles; thence with said survey line S. 77° 15' E. 67.60 poles to a stake at an angle in the line of Geo. W. Arnold's land; thence with the west line of said Arnold's land and the west line of Abraham Deaver's land S. 5° 45' E. 58.50 poles to a stone at an angle in the line of said Deaver's land; thence with the north line of said Deaver's land S. 84° 45' W.

54.40 poles to a stone in the center of said Mansville & Kenton Gravel Road (situated an oak tree S. 89 1/2° E. 24 feet and 10 inches

order of sale.

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. - 8203

11263

and 2 feet south of said line) thence with the center of said road N. 13° W. 77 poles, to the place of beginning.

containing 24 acres, more or less, as surveyed by Lawson B. Barry Jan'y 15 - 1895.

Said sale to be private and to be upon the following terms:

Cash, in hand, on day of sale.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansville Ohio, this 8 day of May, 1928.

W. W. Husted, Probate Judge

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.

Dated, the 12 day of May, 1928.

Thomas J. Binton

Report

Report of Sale.

In obedience to the within order, I sold said premises on the 12 day of May, 1928 to Leonard Duvon and Arny Duvon for the sum of Twenty-eight Hundred and no/100 Dollars, said sum being more than the appraised value of the same.

Thomas J. Binton

Dated the 12 day of May, 1928.

The State of Ohio, Union County.

Ca. Th.

The above named Thomas J. Binton being duly sworn, says that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

Thomas J. Binton

Sworn to before me, and signed in my presence this 12 day of May, 1928 W. W. Husted, Notary Public

Journal entry: orders approving & confirming sale - Probate Court, Union County, Ohio May 12 - 1928.

Confirmation

This day, this cause coming on, to be heard on the report of Thomas J. Binton executor of the

11263

the  
Proc  
low  
to C  
orde  
upon  
jud  
sate  
ma  
her  
exc  
an  
in  
low  
to re  
her



Final Record, Union County Probate Court

11263

the estate of John H. Hinton deceased, of his proceedings, and sale, under the former order of this Court: and upon the motion of said petitioner to confirm the sale made in obedience to said order: the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same be, and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said John H. Hinton in said real estate to the purchasers, Courad Duran and Amy Duran

It is further ordered that this proceeding be recorded, and that said petitioner pay costs herein taxed \$-

W. H. Husted, Probate Judge.

the  
sued  
following  
to this  
Probate  
8.  
caused  
year  
premises  
and \$100  
used  
duly  
as from  
the prob  
is  
this  
his  
heard  
utor of the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11314  
Apr. 24/28  
F. Le Roy Allen  
atly.

Guardian's Petition to sell Real Estate,  
Probate Court, Union County, Ohio.

No. 11314

Lora Middleton  
Guardian  
Plaintiff

vs.  
Herb Ward,  
Forest Middleton  
Florence (Middleton) Ballinger  
James Francis Middleton,  
Defendants.

Petition.

Petition

The Plaintiff represents, that she is, the duly appointed and qualified Guardian of Forest Middleton of the age of 16 years and residing with Mrs. Barnett at York Township Union County, Ohio.

That said Ward is the owner in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the village of Richmond, to-wit:

and, being a one third interest in the following described real estate.

Being all of Lot no. 184, in Hagan's Addition to the said Village of Richmond, Ohio.

Petition

For a more specific description, see the recorded plat of the said Village of Richmond, in the Recorder's office at Mansfield, Ohio.

That the defendants Florence (Middleton) Ballinger, and James Francis Middleton are all persons, entitled to the next estate of inheritance in such real estate

That it will be for the best interest of said Ward, to sell said real estate and reinvest the proceeds therefrom in bonds for the reason that the income from said real estate, after payment of taxes and upkeep of said premises is practically nothing, and the joint ownership of said premises is unsatisfactory,

That there are no liens on said premises and no debts of said Ward to be paid from the proceeds of this proposed sale, said real estate is worth annually fifty-four Dollars.

That said Plaintiff has received rents

11314

from  
four  
the  
rea  
to  
mi  
(M  
wa  
ju  
acc  
to  
ju  
rel  
The  
Oath,  
she  
ju  
as  
sm  
it  
Jury  
Time for  
Hearing.  
The  
m  
her  
est  
for  
sa  
ma  
no  
of  
her  
T  
en  
in  
to  
be  
res  
to

Final Record, Union County Probate Court

11314

from the real estate of her Ward. the sum of four dollars, and fifty cents. per month.

That the sale of said real estate will be for the benefit of said minor Ward, for the reasons herein set forth.

Petition

The Plaintiff therefore prays that said Ward, Forest Middleton and James Francis Middleton and Florence (Middleton) Bellinger, brother and sister of said Ward, may be made Defendants to this petition, and notified of the pendency hereof, according to law, and that Plaintiff may be ordered to sell said real estate for the reasons and purposes herein before proposed, and for other proper relief.

Cora Middleton, Gen.

Oath

The State of Ohio, Union County.

Cora Middleton being duly sworn, says that she is the plaintiff mentioned in the foregoing petition, and the facts stated therein are true, as she verily believes.

Cora Middleton

sworn to before me, and signed in my presence, this 25 day of April, 1928. J. L. Roy Allen, Notary Public

Fixing Time for Hearing

Journal Entry: Orders Fixing Time for Hearing, for notice, Probate Court, Union County, Ohio, April, 25<sup>th</sup> - 1928.

This day Cora Middleton Guardian of Forest Middleton appeared, in open Court, and filed her petition duly verified, asking for the sale of real estate therein described, belonging to her said Ward Forest Middleton.

It is ordered, that the time of hearing and said petition be, and hereby is fixed for the 14 day of May, 1928, at 1. P.M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition to be given to said Forest Middleton her Ward, & to James Francis Middleton, Esq., Florence Middleton Bellinger, all persons entitled to the next estate of inheritance in such real estate, Defendants; in writing to be served upon them personally, and by leaving copies thereof, at the usual place of residence of each of those who cannot be served personally, - days before said day

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11314

of hearing, and this cause, is continued.

W. H. Husted, Probate Judge.

minor

Wainor

We the undersigned parties Defendant to the Petition to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such Defendants.

and we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

April 26-1928.

James Francis Middleton, Florence Ballinger

Summons.

Summons.

The State of Ohio, Union Co.

To F. LeRoy Allen,

you are hereby commanded, to notify Cora Middleton, mother, and the following named who are minors to wit: Forest Middleton, making service of this summons upon said minor and also upon the

guardian or father, or if neither guardian or father can be found, then upon the mother, or the person having the care of said minor, or with whom he lives: that on the 20. day of April, 1928. Cora

Middleton Gdn., of the person and estate of Forest Middleton minor filed her petition in the Probate Court, of said Union County Ohio against them and others:

the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said minor in said petition described for the purpose of paying debts and that unless they answer by the 14. day of May, 1928. said petition will be taken as true, and an order granted accordingly.

The server will make due return of this writ on the 14 day of May, 1928.

This writ to be served on each of said defendants, by copy personally.

Witness my hand, and the seal of said Court, this 25. day of April, 1928. W. H. Husted, Probate Judge

Return of Service

Return of Service.

Received this writ on the 25 day of April 1928. at 9.0' clock A. M. and on the same day, and in the manner hereinafter named, I served the same on the within named defendants, viz: April 26/28, on Forest Middleton, minor, by handing being personally a true copy hereof and as to the

11314

with  
w.  
by  
an  
from  
mid  
min  
J  
sac  
Rel  
his

ordering  
appraisement

The  
the  
the  
jete  
to  
in  
C  
has  
an  
yo  
Pro  
to  
as  
of  
Id  
Ed  
hol  
is  
app  
an  
an

order of  
appraisement

The  
To  
P  
m  
as

Final Record, Union County Probate Court

11314

within named, defendants, who are minors, April 26<sup>th</sup> 1928  
vs. Cora Middleton the guardian of the said minor  
by handing her personally a true copy hereof,  
and the father of said Forest Middleton, minor,  
being deceased. I did April 26-1928, on Cora  
Middleton, the mother of the said Forest Middleton  
minor, by handing her personally a true copy hereof.  
F. LeRoy Allen.

The above named F. LeRoy Allen, who has signed the  
same, being duly sworn, says the foregoing  
Return of Service, is true, as he really believes.  
Sworn to before me, and signed in my presence;  
this 27. day of April, 1928. W. H. Husted, Probate Judge

ordering  
appraisement

Ordering appraisement.  
Journal Entry.

This day this matter came on to be heard upon  
the petition of Cora Middleton guardian of Forest  
Middleton for an order of this Court authorizing  
the said guardian to sell the premises in her  
petition described, and the same was submitted  
to the Court upon the evidence and the pleadings  
in the case. Whereupon, due consideration, the  
Court finds that all the parties defendant  
have been served with notice, as required by law,  
and the former order of the Court: That said  
guardian secured her appointment in the  
Probate Court of this County: That, it is necessary  
to sell the premises in the petition described  
as alleged in said petition; That the allegations  
of said petition are true; That there is no  
dower estate therein.

It is therefore ordered, that Charles Lindsey  
Edward Lindsey, Jr., Elmer Ball, three judicious free  
holders, of the County, in which said real estate  
is situate, who are not akin to the guardian  
appraise said real estate at its fair cash value  
& return the same, to the Court for confirmation  
& this cause, is continued.  
W. H. Husted, Probate Judge

order of  
appraisement.

Order of Appraisement.

The State of Wis. Union Co. Probate Court.  
To Cora Middleton, Greeting:  
In obedience to an order, and decree of the  
Probate Court, within and for said County  
made, this day, in a certain cause, wherein you  
as, Guardian of Forest Middleton are Plaintiff

Petition  
each of us  
and  
defendants.  
of the  
petition

Ballinger

Cora  
who are  
this  
the  
or father  
a person  
in the  
an  
Forest  
Probate Court,  
others:  
tain an  
ing to said  
pose of  
by, the  
ken es  
y.  
is writ

d defendants,  
Court, this  
udge-

1928.  
in the  
same  
at 26/28,  
being  
to the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11314

Geo. Florence Middleton et al. are Defendants. you are commanded that by the oaths of Elmer Ball, Charles Lindsey and Edward Lindsey, judicious disinterested men, of the vicinity not of kin to the petitioner, who are freeholders, of the county, in which said real estate is situated, and upon actual view, you cause, a just valuation and appraisement to be made, according to law, of the following described premises free from dower therein, to wit: Bring an undivided one-third interest in the following:

Situated in the County of Union, in the State of Ohio, and in the village of Richmond, O. and bounded and described as follows:

Bring all of Lot No. 184, in Bogard's addition to the said village of Richmond, Ohio.

For a more specific description, see the recorded plat of the said village of Richmond, in the Recorder's office at Mansfield, Ohio.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 15 day of May, 1928.

W. H. Husted, Probate Judge.

Return

To the Probate Court, of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 15 day of May, 1928.

Geo. Middleton Edu.

Oath of appraisers.

Oath of appraisers

The State of Ohio, Union County.

We, the undersigned appraisers, do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us, in pursuance of the foregoing order.

Elmer Ball, Charles Lindsey Edward Lindsey I appraisers - Sworn to before me, and signed in my presence, this 15 day of May, 1928.

F. LeRoy Allen, Notary Public

Appraisers Return.

Appraisers Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at Four Hundred Dollars - free from dower.

11314

Confirming appraisement ordering Private Sale

ordering Bond.

Bond

Vertical text on the right edge of the page, including names like 'Giv...', 'El...', 'Jon...', 'The...', 'her...', 'is...', '\$4...', 'Tm...', 'wit...', 'com...', 'bon...', 'nom...', 'the...', 'pr...', 'to...', 'esta...', 'app...', 'for...', 'be...', 'The...', 'an...', 'a...', 'Ed...', 'of...', 'ap...', 'ref...', 'it...', 'is...', 'ex...', 'bu...', 'ap...', 'Co...', 'Co...'.

Final Record, Union County Probate Court

11314

Given under our hands, this 15. day of May, 1928.  
Elmer Hall, Charles Lindsay, Edward Lindsay. apprs -

confirming  
appraisement  
and  
ordering  
Private Sale -

Journal Entry: Confirming appraisement & ordering Private Sale -  
Probate Court, Union County, Ohio.  
May, 15-- 1928.

This day this cause came on, further to be heard  
and it appearing to the Court, that the appraisement  
heretofore ordered has been duly made, the same  
is hereby confirmed; said appraisement being  
\$1400 - free from down.

and, the plaintiff above named having given  
bond, dated May 10-- 1928, in the sum of \$800 -  
with J. F. Middleton and Florence Ballinger sureties,  
conditioned according to law and approved by the  
Court; and, it appearing to the Court, that it  
would be to the interest of said estate to sell  
the real estate described in the petition at  
private sale;

It is now ordered, that said plaintiff proceed  
to sell said real estate free from said down  
estate at private sale, at not less than the  
appraised value thereof, and, upon the  
following terms, to wit:

Cash on hand upon delivery of deed.

W. H. Husted, Probate Judge -

Probate Court, Union County, Ohio, May 15/28  
Confirming appraisement & ordering Bond.

ordering  
Bond.

This day came, the said Plaintiff, by her attorney  
and produced to the Court, the report of an  
appraisement herein made by Charles Lindsay  
Edward Lindsay and Elmer Hall, in pursuance  
of a former order of this Court; and, it  
appearing upon examination that said  
report is in all respects regular and correct,  
it is ordered, that the same be, and hereby  
is approved and confirmed.

It is further ordered, that said Cora Middleton  
execute within 5 days, to the State of Ohio, a  
bond with sufficient freehold sureties, to be  
approved by the Court, in the sum of \$800 -  
conditioned according to law, and, this cause is  
continued.

W. H. Husted Probate Judge -

Bond

Guardian's Bond -

Know all men by these presents, that, Mrs. Cora  
Middleton, J. F. Middleton & Florence Ballinger.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11314

are held and firmly bound unto the State of Ohio, in the sum of \$500 for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Richmond, O. this 15 day of May, 1928.

The condition of the above obligation is such, that whereas the above bound, Cora Middleton, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of Forest Middleton

and whereas the said Cora Middleton as such, Guardian, has filed a petition in said Probate Court, asking an order for the sale of certain real estate of said ward, described in said petition, which under proceedings in said court, duly had, has been appraised at the sum of four hundred and <sup>00</sup>/<sub>100</sub> dollars.

and whereas said court, on the 15 day of May, 1928, made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now if the said Cora Middleton as Guardian aforesaid, shall faithfully discharge his duties, as such Guardian, and faithfully pay over and account for all moneys arising from the sale of said Real Estate according to law, then this obligation to be void, otherwise to remain in full force.

Cora Middleton, J. F. Middleton Florence Ballinger

Executed in Presence of F. Le Roy Allen, Ethel Brown.

This bond approved, in open Court, this 15 day of May, 1928. W. W. Hustid Probate Judge

Journal Entry, Orders, approving Bond for Private Sale, etc. Probate Court, Union County, Ohio. May 15 - 1928.

This day, this cause came on further to be heard, and it appearing to the Court, that the said Cora Middleton the plaintiff above named, has given bond as heretofore ordered, in the sum of Eight Hundred Dollars, with J. E. Middleton and Florence Ballinger freeholders as, sureties, it is ordered that said bond be, and hereby is approved.

And, it being made, to appear, to the Court, upon satisfactory evidence, that it would be more for the interest of said Forest Middleton to sell the real estate described in the petition at

orders approving Bond of Private sale.

11314

affl- 1/2 sell at Private sale.

Oath

affidant administered Oath.

join Cora said sale on dele to sale  
The for. to a in rec one bur 2 of 3 so 4 of 5 pro Au at. The C va an S. this  
The he to re



Final Record, Union County Probate Court

11314

private sale: it is therefore further ordered, that said Cora Middleton as such Guardian proceed, to sell said real estate free from down, at private sale, for not less than the appraised value thereof on the following terms, to wit: cash in hand on delivery of deed, and said petitioner is ordered to make return to this Court, immediately after such sale is made, and, this cause, is continued.

WTT Husted, Probate Judge

appl-  
to sell  
at  
Private Sale.

Application to Sell Real Estate at Private Sale  
Probate Court, Union County, Ohio.  
The said Plaintiff represents that it would be for the best interest of the said Forest Middleton to sell the real estate described in the petition in this case, at private sale, for the following reasons:

1. That the said Forest Middleton owns only a one-third interest in the real estate, the same being a house and lot, and indivisible
  2. That she is offered the appraised value of the real estate at private sale.
  3. That it will save the unnecessary expense of advertising and times.
  4. That it will dispense with the uncertainty of a public auction.
  5. That the price offered her, is all the property is reasonably worth.
- and she therefore asks for an order authorizing her to sell said real estate at private sale-
- Cora Middleton Guardian of Forest Middleton

Oath

The State of Ohio, Union County,  
Cora Middleton being duly sworn, says that the various matters set forth in the foregoing application are true, as she truly believes.

Cora Middleton

Sworn to before me, and signed, in my presence this 15<sup>th</sup> day of May, 1928.

L. H. Roy, Notary Public

affidavit  
disinterested  
Person.

affidavit of Disinterested Person.  
The State of Ohio, Union County, ss.  
Harry C. Hall being duly sworn says, that he knows the facts set forth in the application to which this affidavit is attached: that he has no interest whatever in the matters therein

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11314

referred to and that it will be more for the interest of the said Forst Middleton to sell said real estate at private sale than at public sale. As he truly believes.

Harry E. Hall.

Done, to before me, and signed in my presence, this 15 day of May, 1928. Seal F. LeRoy Allen, Notary Public.

Order of Sale, free from Dower.

Order of Sale

The State of Ohio, Union County, Probate Court, To: Cora Middleton Kesting;

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause, wherein you, as Guardian of Forst Middleton are Plaintiff and your next et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value, thereof free from dower, the following described premises to-wit:

Being an undivided one-third interest in the following:

Situated in Richmond, Union County, Ohio, and being all of Lot No. 184, in Bogard's addition to the said Village of Richmond, Ohio.

For a more specific description see the recorded plat of the said Village of Richmond, in the Recorder's office at Mansfield, Ohio.

Said sale to be upon the following terms: Cash on hand upon delivery of deed.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 15th day, May, 1928. Seal W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio. In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached. Dated the 15 day of May, 1928.

Cora Middleton Adm.

Report of Sale, Private.

Report

In obedience to the within order, I sold said premises on the 15 day of May, 1928, to Florence Ballinger, and William Ballinger for the sum of Four Hundred Dollars, said sum being the appraised value of the same.

Dated May 15 - 1928. Cora Middleton Adm.

11314

Handwritten notes on the right page, including "The", "sum", "m", "hsk", "for", "pro", "thi", "Jo", "orders", "confirmations", "approving", "ref", "m", "un", "the", "ma", "ha", "ju", "my", "sa", "is", "S", "ex", "in", "re", "E", "the", "to".

Final Record, Union County Probate Court

11314

The State of Ohio, Union County,

The above named Cora Middleton being duly sworn, says, that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and, that said sale is for the highest price she could get for said property.

Cora Middleton Esq. -  
Brought to before me, and signed in my presence this 15<sup>th</sup> day of May, 1928.

~~sub~~ F. LeRoy Allen, Notary Public

Journal Entry: Orders approving and confirming Sale-  
Probate Court, Union County, Ohio,  
May, 15-1928.

orders  
confirmations  
approving

This day this cause coming on to be heard on report of Cora Middleton Guardian of Forest Middleton, a minor, of her proceedings, and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale, made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Forest Middleton in said real estate to the purchasers, Florence Ballinger & Miltburn Ballinger, upon the <sup>said</sup> purchasers paying the purchase price in cash in full.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs,  
W. W. Husted Probate Judge

interest  
estate at  
belonged.  
this 15-  
sic.  
ate Court.  
of the  
le this day,  
of Forest  
are  
according  
in the  
the following  
in the  
his, and  
dition to  
the  
rod, in  
ms:  
ding to this  
il of said  
y, May, 1928  
se  
have  
will  
tached  
Esq.-  
I sold  
28. to  
for the  
being  
Esq.,

Final Record, Union County Probate Court

THE W-S CO., CIN., O. #203

11327  
Filed  
May 14/28.  
Comand C. Black  
Atty.

Petition To Sell Real Estate to pay debts.  
The State of Ohio Union County, ss.  
In the Probate Court.  
Ann Kaufman, adx., of  
The Estate of  
Blanche Jones, deceased,  
Plaintiff

v.  
Bery. E. Jones.  
William Benjamin Jones.  
a minor 15 years of age,  
vs. Bery E. Jones,  
father of said William  
Bery. Jones  
Defendants.

Petition to sell  
Real Estate to pay debts.

The above plaintiff represents that she is the duly appointed, qualified and acting adx. of the estate of Blanche Jones, deceased, late of this county; that the amount of valid debts due from said estate is at least four thousand and four hundred (\$4400<sup>00</sup>) dollars, as near as can be ascertained, a schedule whereof is given below and made a part hereof; that the charges of administration of said estate including adx. commission and compensation and attorney's fees will amount to about \$250<sup>00</sup> and that the total value of the personal estate and effects of said decedent are nothing wholly insufficient to pay said debts and charges.

The Plaintiff further represents that said decedent died seized in fee simple of the following described real estate, to-wit:

Being lots 112 and 113 in J. B. Scott's addition to the village of Plain City, Union Co. Ohio so the same are known, numbered and designated on the recorded plat of said addition in the office of the recorder of Union County, Ohio at Mansfield, Ohio.

That said decedent died leaving the defendant, Bery E. Jones, her widow, who is 45 yrs. old; and William Benjamin Jones, 15 years of age the minor child of said decedent, and her only heir at law, having the next estate of inheritance in said premises. The said widow Bery E. Jones is entitled to dower in the said premises.

Wherefore plaintiff prays that the dower

Petition

11327

of  
and  
to  
ma  
ma  
ma  
acc  
an  
ord  
law

hon

Order

Sta  
fo  
va  
pe  
an

St  
the

Mr  
Be  
de  
of  
no  
The  
pe  
of

Filing

J  
A  
ve  
re

Final Record, Union County Probate Court

11327

of said widow in said premises may be assigned and set off to him or the value thereof paid to him in money out of the proceeds of sale as he may elect; and that the interest of all defendants may be adjusted and protected; that the plaintiff may be authorized to sell said premises according to the statute in such cases made and provided; and for all other and further orders and relief to which she may be entitled in law or equity.

Aunt Kaufers Adm. of the estate of  
Blanche Jones, Dec'd.

Howard C. Black,

Atty. for plaintiff

Schedule of Debts.

For money advanced in payment of the real estate herein described. \$4400.00

State of Ohio, Madison Co., ss.

Carte

I, Aunt Kaufers, the Plaintiff adm. of in the foregoing petition, being duly sworn, say that the various matters and things set forth in said petition are true, to the best of my knowledge and belief.

Aunt Kaufers,

sworn to before me, and subscribed in my presence, this 17-day of May, 1928.

Jay D. Ferguson, Notary Public.

Mr. Benj. E. Jones, and Benj. E. Jones, father of William Benjamin Jones, a minor 15 years of age, parties defendant herein, in the issuing and service of summons and voluntarily enter our appearance as such defendants, and do hereby consent to the sale of the real estate described in said petition as prayed for without regard to time of said sale.

Benj. E. Jones.

Benj. E. Jones, father of William Benjamin Jones.

Filing.

Journal Entry: In the Probate Court of Union Co., Ohio.  
May 14 - 1928. No. 11327.

Filing Petition to Sell Real Estate.  
This day came the plaintiff Aunt Kaufers, Adm. of the estate of Blanche Jones, dec'd. who presented to this court her petition duly verified, praying an order for the sale of real estate of the said Blanche Jones, dec'd.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11327

to pay debts, and the costs of administering the estate of the said decedent.

Whereupon, the Court considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W.H. Husted, Probate Judge

Summons

Summons

The State of Ohio, Union County.

To Ann Kaufen, adx. of the estate of Blanche Jones Dec'd you are hereby commanded to notify Benj. E. Jones and the following named, who are minors, to wit:

William Benjamin Jones, a minor 15 years of age, making service of this summons, upon said minor, and also, upon the guardian or father, or if neither guardian or father can be found, then upon the mother, or the person having the care of said minor, or with whom he lives; that on the 14. day of May, 1928.

Ann Kaufen, adx. of the estate of Blanche Jones deceased, filed petition in the Probate Court of said Union Co. D. against them and others: the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and that unless they answer by the 16. day of June 1928, said petition will be taken as true, and an order granted accordingly.

The server will make due return of this writ on the 28. day of May, 1928.

This writ to be served on each of said defendants, by copy personally.

Witness my hand, and the seal of said Court, this 14. day of May, 1928.

W.H. Husted, Probate Judge

Return of Service

Return

Received this writ on the 14. day of May, 1928, at 10 A.M. and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: May 14-1928 on Benj. E. Jones; & as to the within named defendants who are minors May 14-1928

William Benjamin Jones, a minor, 15 years of age, and on May 14-1928, on Benj. E. Jones the father of the said William Benjamin Jones Ann Kaufen.

The above named Ann Kaufen, who has

11327

Answer of widow

Carte

Private Sale

Sign for...  
Hus...  
de...  
Vote...  
for...  
sup...  
J...  
is...  
the...  
Co...  
th...  
for...  
va...  
of...  
St...  
or...  
for...  
Pr...  
J...  
Private Sale...  
L...  
or...  
re...  
C...  
so...  
L...  
e...  
he...

Final Record, Union County Probate Court

11327

signed the same, being duly sworn, says the foregoing Return of Service, is true as he really believes.  
Sworn to before me and signed in my presence, this 14. day of May, 1928.  
Howard C. Black, Notary Public.

Answer of Widower.

Answer of Widower.  
And now comes, Benj. E. Jones, one of the defendants in the above entitled cause, and voluntarily enters his appearance, herein, and for answer to the petition in this case filed says, that he is the widower of said Blanche Jones, deceased, and, as such, is entitled to dower in the premises described in said petition and that his age, is 45 years, and, that he freely consents to said sale as prayed for, and, asks the court that said premises may be sold free from his dower, estate therein, and, that the value of such dower estate may be allowed and paid to him in money out of the proceeds of sale.  
Benj. E. Jones.

State

State of Ohio, Madison Co., ss:-  
Benj. E. Jones, being first duly sworn, upon his oath, says, that the facts set forth in the foregoing answer are true as he truly believes.  
Benj. E. Jones  
Howard C. Black, Notary Public  
Sworn to before me, and subscribed in my presence, this - day of June, 1928.

Private Sale.

Application to Sell Real Estate at Private Sale, Probate Court, Union County, Ohio.  
Application

The said Plaintiff represents that it would be for the best interest of the said estate of the said Blanche Jones, deceased, to sell the real estate described in the petition in this case at private sale, for the following reasons:  
That more could be probably be realized by solicitation in talking to different people; the saving in time; and, the saving in expense of advertising.  
And, she therefore asks for an order authorizing her, to sell said real estate at private sale  
Ann Kauffman, adx.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11327.

The State of Ohio, Madison County.  
Ann Kaufner, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Ann Kaufner

Sworn to before me, and signed in my presence, this 16. day of July 1928.

seal Howard C. Black, Notary Public

Affidavit of Disinterested Persons.

Affidavit of Disinterested Person.

The State of Ohio, Madison County.

Jay D. Ferguson, and J. L. Courssel, each, being duly sworn, says that he knows the facts set forth in the application to which this affidavit is attached; that he has no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate of the said Blanche Jones deceased, to sell said real estate at private sale, than at public sale, as he verily believes.

Jay D. Ferguson.  
J. L. Courssel.

Sworn to before me, and signed in my presence, this 16. day of July, 1928.

seal Howard C. Black, Notary Public

Order for Private Sale.

Probate Court, Union County, Ohio.  
June 19 28.

Order for Private Sale, etc.

This day this cause came on, to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court.

That the statement and allegations in said petition are true. That said Blanche Jones deceased left a widow, Berj. E. Jones deceased, entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the Inventory.

It is ordered that another appraisement be, and hereby is dispensed with.

And the Court, being satisfied that it is necessary to sell the real estate of said Blanche Jones, deceased, described in the petition, to pay her debts. And it being made to appear to the Court, upon

11327.

sat  
int  
des  
H  
a  
fre  
lit  
rel  
sal

order of Sale.

The  
Bl  
Pr  
m  
yo  
a  
yo  
to  
Su  
of  
ite

to  
as  
de  
of

t  
o  
1

Return.

7  
ca  
J  
D



Final Record, Union County Probate Court

11327.

satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said Ann Kaufe as such adx. proceed to sell said real estate free of downr. at private sale for not less than the appraised value thereof.

and, said petitioner is ordered, to make return to this Court immediately after such sale is made, and, this cause is continued.

W.H. Husted, Probate Judge

order of

Order of Sale Free from Downr.

The State of Ohio,

Union County,

Probate Court,

To Ann Kaufe, adx. of the estate of Blanche Jones, deceased. Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as adx. of the estate of Blanche Jones, Deice, are Plaintiff and, Berj. E. Jones et. al. are Defendants you are commended, to proceed according to law to sell at private sale for, not less, than the appraised value, thereof free from the downr of Berj. E. Jones, widower of Blanche Jones, dec'd the following described premises, to wit:

Lots no. 112, and, 113, in J. B. Scott's addition to the village of Plain City, Union County, Ohio, as the same are known, numbered, and designated on the recorded plat of the said addition, in the office of the recorder of Union Co., O., at Mansfield, Ohio.

Said sale to be upon, the following terms cash in hand.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and, the seal of said Probate Court, at Mansfield, Ohio this 16. day of July 1928.

W.H. Husted, Probate Judge

Return.

Return.

To the Probate Court, Union County, Ohio,

In obedience to the foregoing order I have caused the same, to be duly executed, as will fully appear by the proceedings hereto attached.

Dated July 16/28.

Ann Kaufe, adx.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11327

Report of sale.

Report of Sale. Private

In obedience to the within order, I sold said premises on the 9 day July, 1928 to Perry E. Jones, for the sum of ----- said sum being the appraised value of the same.

Dated the 16 day of July, 1928.

Ann Kauffer, Adx., Blanche Jones, Dep.

The State of Ohio, Madison County.

oath

The above named Ann Kauffer, being duly sworn, says, that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale, is for the highest price she could get for said property.

Ann Kauffer.

Sworn to before me, and signed in my presence this 16 day of July, 1928.

Bernard C. Black, Notary Public (Seal)

Journal Entry: Order approving & confirming sale. Probate Court, Union County, Ohio, July, 16-1928.

Approving

confirming

This day this cause coming on to be heard on the sub-report of Ann Kauffer, Adx., of the estate of Blanche Jones, deceased, of her proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same, be and hereby, is approved and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Blanche Jones, deceased, in said real estate, to the purchaser Perry E. Jones, upon the said purchaser paying therefor said purchase price in cash.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs herein taxed at.

W. H. Husted,

Probate Judge

11322

May 7/28

F. de Roy Allen atty.

Ida

Ben

q.

Jo

app

Ben

on

int

M<sup>o</sup>

one

in

to

bro

rea

in

su

af

up

fr

of

th

va

pr

do

fr

de

ho

sh

in

E.

pi

7

2

6

7

Final Record, Union County Probate Court

11322

May 7/28

F. de Roy Allen  
atly.

Ida E. (Skidmore) McNeal.

Plaintiff

Probate Court.

Union County, Ohio.

no. 11322.

Ward.

Juanita Geraldine Skidmore.

Petition

vs. Mrs. Frank McNeal.

Defendants.

The Plaintiff represents that she is the duly appointed and qualified Guardian of Juanita Geraldine Skidmore of the age of Eleven years, on the 16-day of August A.D. 1927, and residing with her mother, Mrs. Frank McNeal, at Green Camp, Ohio.

That Ida E. (Skidmore) McNeal, and Mrs Frank McNeal, are one and the same person.

That the said Mrs Frank McNeal, mother, is the only person entitled to the next of inheritance in the real estate to be sold in this proceeding.

That there are no liens on said real estate to the knowledge of petitioner.

That it will be beneficial to and for the best interest of the said Ward to sell said real estate and reinvest the proceeds therefrom in bonds or otherwise for the reason that the rental from the real estate herein to be sold, after deducting taxes, upkeep and necessary expenses of managing said real estate leaves practically no net income for said Ward.

That said Ward is the owner in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the Virginia Military Survey 3444. To-wit:

Being the undivided one-half interest in the following described real estate subject to the down interest of Mrs Frank McNeal, widow of Freeman H. Skidmore, deceased, bounded and described as follows: to-wit:

Beginning at a stone in the Newland Pike north west corner of a piece of land, sold to Joseph Skidmore; thence North E. 11° 59.18 poles to a stake in the center of said Newland Pike; thence North E. 11° 59.18 poles to a stone south west corner of a piece of land, owned by E. A. Skidmore; thence, 76 3/4° East 126 1/2 poles to a stake or stone in Union book's line; thence South 12 1/2° 58, 95 poles to a stone in the said book line; thence, north 76 1/2° West 124 3/10 poles, to the stake in the center

Petition

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11322

of the Newland Pike. the place of beginning: containing 46 and 1/4 acres. the above described land is the north half of the farm formerly owned by Alonzo Skidmore of 92 1/2 acres.

Being the same premises conveyed by quit claim deed dated August 5<sup>th</sup> 1913. from Alva Skidmore and Golda A. Skidmore to Freeman Skidmore and Ida C. Skidmore and recorded in Union County. Record of Deeds, volume 101. at Page. 234.

That the sale of said real estate should be ordered for the reason herein before set forth.

The plaintiff therefore prays, that said Mrs. Frank McNeal, mother, and the only person entitled to the next estate of inheritance of said Ward, may be made Defendant, to this petition, and notified of the pendency thereof according to law, and that Plaintiff may be ordered to sell said real estate for the reasons, and purposes herein before proposed, and for other proper relief

Mrs Frank McNeal, Guardian of (Ida E. Skidmore) McNeal) Juanita Bernadine Skidmore.

The State of Ohio, Union County.

Oath

Ida E. (Skidmore) McNeal (Mrs Frank McNeal) being duly sworn, says, that she is the plaintiff mentioned in the foregoing petition, and that the facts stated therein are true, as she, verily believes.

Mrs. Frank McNeal.

Sworn to before me, and signed, in my presence, this 1<sup>st</sup> day of May, 1928. F. LeRoy Allen, Notary Public.

Fixing Time

Journal Entry: orders Fixing Time of hearing for notice Probate Court, Union County, Ohio, May 7-1928. order for notice.

This day Ida E. (Skidmore) McNeal, Guardian of Juanita Bernadine Skidmore appeared in open Court, and filed her petition duly verified, asking for the sale of real estate therein described, belonging to her said Ward, Juanita Bernadine Skidmore.

It is ordered, that the time of hearing said petition be, and hereby is fixed for the 23<sup>rd</sup> day of May, 1928. at 2. P.M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition, to be given to said Juanita Bernadine Skidmore, her Ward, and to Mrs Frank McNeal mother of said Ward, all persons, entitled to the next

11322

Order for notice

Return

Order of appraisement

Final Record, Union County Probate Court

11322

estate of inheritance in such real estate. Defendants: in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each of those who can not be served personally -- days before said day of hearing, and this cause is continued. W. H. Husted, Probate Judge

Order for notice

Order for Notice.

Probate Court, Union County, Ohio.

To Ida E (Skidmore) McNeal, Guardian:

You are hereby ordered to give notice to Juanita Geraldine Skidmore your ward, and Ida (Skidmore) McNeal, mother (the father of said ward being deceased)

Defendant to your petition, this day filed in said Probate Court, for assignment of dower, and sale of the following described real estate of said ward, of the filing of said petition and the time when the same will be heard, such notice to be given at least ten days before the time hereinafter named for said hearing.

The real estate to be sold: see description in Petition.

Said petition will be for hearing before said Probate Court, at the office of Judge of said Court, in Marysville, Ohio, the 23 day of May, 1928, at two o'clock p.m.

Said Guardian will make due return showing how he served this order.

Witness my hand and the seal of said Court, at Marysville, O. this 7 day of May, 1928.

W. H. Husted, Probate Judge

Return

Return

The State of Ohio, Union County.

J. F. LeRoy Allen Attorney, being duly sworn, say that on the 8 day of May, 1928, I served this writ by delivering a true copy thereof personally to the children named Juanita Geraldine Skidmore, and Mrs Frank McNeal.

J. LeRoy Allen, atty. for Ida E (Skidmore) McNeal

Sworn to before me, and signed in my presence, this 8 day of May, 1928.

W. H. Husted, Probate Judge

Order of appraisement

Order of appraisement.

The State of Ohio, Union County, ss.

Probate Court.

To Ida E. (Skidmore) McNeal, Guardian:

In obedience to an order and decree of the Probate Court, within and for said County made this day in a certain cause, wherein you, as Guardian of

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

of Juanita Geraldine Skidmore, as Plaintiff <sup>and</sup> your ward et al. are Defendants, you are commanded that by the oaths of G. H. Penhornood, G. S. Coons, and Frank Kerns, judicious disinterested men of the vicinity, not of kin to the petitioner who are freeholders of the county in which said real estate is situated and, upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises, free from the debts estate of Ida E. (Skidmore) McNeal, therein to wit:

Situated in the Township of Taylor, County of Union and State of Ohio, and bounded and described as follows: Virginia Military Survey 3444.

Beginning at a stone in the Newland Pike north west corner of a piece of land sold to Joseph Skidmore; thence north E. 11° 59.18 poles to a stake in the center of said Newland Pike, thence north E. 11° 59.18 poles to a stone south west corner of a piece of land owned by E. A. Skidmore; thence 76 3/4° East 126 1/2 poles to a stake or stone in Great book's line; thence south 12 1/2° 58.95 poles to a stone in the said book line; thence north 76 1/2° West 124 1/10 poles to the stake in the center of the Newland Pike, the place of beginning.

Containing 4 6/10 and 1/4 acres. The above described land is the north half of the farm formerly owned by George Skidmore of 92 1/2 acres.

you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 24. day of May, 1928.

W. W. Husted, Probate Judge - Return.

Return To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.

Dated the 29. day of May, 1928.

Ida E. (Skidmore) McNeal, Exec. by F. L. Roy, Atty. her atty.

Oath of appraisers

Oath of appraisers The State of Ohio, Union County.

We, the undersigned appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us, in pursuance of the foregoing order.

G. S. Coons, Frank Kerns, G. H. Penhornood, Appraisers.

Sworn to before me, and signed in my presence this 28. day of May, 1928 (and) F. L. Roy, Notary Public.

11322

Appraisers Return

Order of appraisement

Final Record, Union County Probate Court

11322

Appraiser's Return

Appraiser's Return

In obedience to the foregoing order, after being just duly sworn, and upon actual view of the premises therein described, we the undersigned appraisers estimate the value of said real estate at Twenty-three hundred twelve and 50/100 Dollars, free from said dower of Ida E. (Skidmore) McNeal, therein and that her dower estate therein is appraised at whatever the same would be computed by the dower tables for such made, and provided figuring the income therefrom upon a basis of 6%.

Given under our hands, this 28. day of May, 1928.  
H. S. Corns, Frank Kerns, G. H. Penhorwood & appraisers

Journal Entry: Orders on bearing of appraisement.  
Probate Court, Union County, Ohio.

May, 24 - 1928.

Order of appraisement

Order of appraisement.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court, and that the statements and allegations in said petition are true. That said Ida E. (Skidmore) McNeal, widow of said Freeman N. Skidmore is entitled to dower in said real estate; That said widow by her answer herein waives the assignment of dower in said premises by notes and bonds, or in rents and profits, and consents to the sale of said premises free from her dower estate therein. And the Court being satisfied that it is necessary to sell the real estate of said wards described in the petition and to reinvest the proceeds therefrom for the reasons set forth in the petition herein.

It is ordered, that G. H. Penhorwood, C. S. Corns & Frank Kerns, three suitable and judicious disinterested men of the vicinity of said real estate who are freeholders, be, and they hereby are appointed to appraise said lands, as a whole, at their true value, in money, free from the dower estate of said Ida E. (Skidmore) McNeal, therein.

It is further ordered, that said appraisers do swear as required by law, and afterward, upon actual view, perform the duties required of them, and make return of their proceedings in writing to this Court, on or before the 1. day of June, 1928. This cause is continued. H. H. Husted, Probate Judge.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11322

Journal Entry: Probate Court, Union County, O. June 29<sup>th</sup> 1928  
Confirming appraisement & ordering Bond.

This day came the said Plaintiff, by her attorney, and produced to the court the report of an appraisement herein made by Bill Pughmood, C. Coons, and Frank Kerns, in pursuance of a former order of this court, and it appearing upon examination that said report is in all respects regular and correct, it is ordered, that the same be and hereby is approved and confirmed.

It is further ordered that said Ida E. (Skidmore) McNeal, execute within 10 days to the State of Ohio, a bond with sufficient freehold sureties, to be approved by the court, in the sum of One thousand Dollars, conditioned according to law, and this cause is continued.

W. H. Winsted, Probate Judge

Guardian's Bond.

Bond.

Know all men by these Presents: That Mr. Ida E. (Skidmore) McNeal, Fannie McNeal, & F. H. McNeal, are held, and jointly bound, unto the State of Ohio, in the sum of One thousand Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and Administrators.

Signed by us, and dated at, Richmond, Ohio, this 25<sup>th</sup> day of July, 1928.

The condition of the above obligation is such, that whereas, the above bound Ida E. (Skidmore) McNeal, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of Juvenile Geraldine Skidmore,

and whereas, the said Ida E. (Skidmore) McNeal as such Guardian, has filed a petition in said Probate Court, asking an order for the sale of certain real estate of said ward, described in said petition, which under proceeding in said court, duly had, has been appraised at the sum of One thousand Dollars

And whereas, said Court, on the 29<sup>th</sup> day of June, 1928 made an order requiring said Guardian to execute a Bond according to the statute in such cases made, and provided,

now, if the said Ida E. (Skidmore) McNeal, as Guardian aforesaid shall faithfully discharge her duties as such Guardian, and faithfully pay over and account for all moneys arising from the sale of said Real estate according to law, then this obligation to be void, otherwise to remain in full force.

Ida E. (Skidmore) McNeal, Fannie McNeal  
F. H. McNeal

11322

Confirming appraisement and ordering Private Sale.

Private Sale.

Answer of widow.



Final Record, Union County Probate Court

11322

Executed in the presence of F. de Roy Allen. Ethel Brown.  
This Bond, approved by, in open Court. this 26 day  
of July, 1928. ~~W. H. Husted~~ Probate Judge -

Confirming  
appraisement  
ans.

Probate Court, Union County, Ohio.  
June 29, 1928.  
Confirming appraisement of  
Ordering Private Sale.

Ordering  
Private Sale.

This day, this cause came on further to be heard  
and, it appearing to the Court that the appraisement  
heretofore ordered, has been duly made, the same is  
fully confirmed; said appraisement being Eleven  
hundred fifty-six <sup>25</sup>/<sub>100</sub> Dollars, free from  
the dower estate therein of Mrs Frank W. Neal, widow  
of Freeman N. Skidmore deceased.

That said dower estate was appraised at Ten  
hundred eighty two <sup>70</sup>/<sub>100</sub>, the same being in  
conformity with the Carlisle Dower Tables.

and, the plaintiff above named having given  
bond, dated June 29, 1928, in the sum of One  
Thousand Dollars, with Francis W. Neal and Frank  
W. Neal sureties, conditioned according to law, and  
approved by the Court, and, it appearing to the Court,  
that it would be to the interest of said estate  
to sell the real estate described in the petition  
at private sale;

It is now ordered, that said plaintiff proceed  
to sell said real estate free from said dower  
at private sale, at not less than the appraised  
value thereof, and, upon the following terms, to wit:  
Cash on hand upon delivery of deed.

W. H. Husted, Probate Judge -  
Answer of Widow.

Answer of  
widow.

Now comes Mrs Frank W. Neal, one of the defendants in  
the above entitled cause and voluntarily enters her  
appearance herein and for answer to the petition  
in this case filed says that she is the widow of  
Freeman N. Skidmore deceased, and, as such, is  
entitled to dower in the premises described in  
said petition.

That her age is 42 years, and she fully  
consents to said sale as prayed for and waives  
the assignment of dower in said premises by  
metes and bounds or in rents and profits, and  
asks the Court that said premises may be sold  
free from her dower estate therein, and, that  
the value of such dower estate may be allowed  
and paid her in lieu thereof out of the  
proceeds of the sale, such sum of money

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11322

as the Court deems the just and reasonable value of her dower interest in said real estate.

Mrs. Frank W. Neal

Oath.

Mrs. Frank W. Neal, being duly sworn, says that the statements in the foregoing answer are true as she truly believes.

Mrs. Frank W. Neal.

Sworn to before me, and signed in my presence this 30. day of June 1928

(Seal) F. LeRoy Allen, Notary Public.

Order of Sale, Free from Dower.

Order of

sale.

The State of Ohio, Union County.

Probate Court.

To Ida E. (Skidmore) W. Neal, Executrix:

In obedience to an order and decree of the Probate Court within and for said county made this day in a certain cause, wherein you, as Guardian of Juveniles Geraldine Skidmore are Plaintiff and your ward et al are Defendants you are commanded to proceed according to law, to sell at private sale for not less than the appraised value thereof free from the dower of Mrs. Frank W. Neal, widow of Freeman K. Skidmore, deceased, the following described premises, to wit:

See description Petition & order for appraisement.

Said sale to be upon the premises and to be upon the following terms: Cash on hand upon delivery of deed.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 26. day of June, 1928. (Seal) W. W. Husted, Probate Judge.

Return

Return

To the Probate Court of Union County Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 25. day of July, 1928.

Ida E. (Skidmore) W. Neal, Exdr.

Report

Report of Sale - Private

In obedience to the within order, I sold said premises on the 25. day of July, 1928. to W. J. Dearth, and Elvora Dearth for the sum of Three Hundred Dollars, said sum being more than the appraised value of the same.

Dated the 25 day of July, 1928. Ida E. (Skidmore) W. Neal, Exdr.

11322.

Handwritten notes on the right margin of the page, including "The", "pay", "af", "sa", "ju", "it", "Entry", "Private Sale", "The", "ref", "in", "of", "my", "C", "C", "to", "he", "J", "M", "p", "a", "a", "C", "to", "the", "a", "g", "p", "s", "a", "1.", "I", "S", "t".

Final Record, Union County Probate Court

11322.

The State of Ohio, Union County.

The above named Ida E. (Skidmore) McNeal, being duly sworn, says, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale, is for the highest price she could get for said property.

Ida E. Skidmore McNeal.

Guardian.

Shown to before me, and signed in my presence, this 25 day of July, 1928

F. LeRoy Allen, Notary Public.

In the Probate Court, Union County, Ohio.

Journal Entry:

Entry Private Sale.

This day this cause came on to be heard, upon the report of a private sale of the property described, in the petition hereto, and there appearing to be no objection to the sale it was submitted to the Court upon such return of sale.

Whereupon the Court finds after due and careful examination of the same, that said sale has been duly and legally made in conformity to law and the former orders of the Court.

Wherefore, it is ordered that the same, be and is hereby approved and confirmed, and it is further ordered that the said Ida E. (Skidmore) McNeal, as such guardian, make to the purchaser W. J. Dearth and Elvora Dearth, a good and sufficient deed for the premises so sold.

And the said Mrs Frank Mc Neal, having by her answer elected to receive in lieu of her dower in said real estate its value in money, the Court finds the just and reasonable value, thereof to be \$ 282.50. and the Court coming now to the distribution of the proceeds of said same

amounting to \$ 1200.00 the said W. J. Dearth & Elvora Dearth, purchaser, having elected to pay the same, in cash, it is ordered that said guardian out of the moneys in her hand pay first the costs and expenses incurred in the sale of said land to the sum of \$ --

as follows:

- 1. Probate Court costs amounting to \$ 13.00
- 2. F. LeRoy Allen, attorney fee. \$ 25.00

leaving to Mrs Frank Mc Neal, widow of Freeman R. Skidmore the sum of \$ 282.50 which the Court finds to be the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11322

finds to be the reasonable value of her dower interest in said premises.

Thirdly it is ordered that the balance of said sum amounting to \$- be retained by said guardian as provided by law.

Dated this 25 day of July, 1928.

W. H. Trustad, Probate Judge

9719  
Dec. 16-1921

10324  
July 22/25

Un  
ov  
"  
"  
"  
(no  
To  
H  
of  
m  
p  
of  
ec  
ev  
in  
s  
ls  
r  
M  
m  
u  
a  
B  
a  
a  
e  
y

Final Record, Union County Probate Court

interest.

said sum

as

age-

9719  
Dec. 16-1921

In the matter of the estate of Jane A. Carson, Dec'd  
Petition to sell Personal Property.

Probate Court, Union Co., O.

Petition to sell at private sale:

- one Liberty Bond. 3<sup>rd</sup> no. 542006
- " " " 4<sup>th</sup> no. 605174
- " Victory " 4. 720351
- " " " 4. 720352.

That said Bonds, will sell to a better advantage  
at private than at public sale -  
(no further Report). Entry Journal 37- Pg. 29

10324  
July 22/25

In the matter of the estate of William Stillings, Dec'd

Petition to sell Personal Property, at Private Sale -

Probate Court, Union County, Ohio.

no. 10324

Petition

To the Judge of said Court:

The undersigned Benj. F. Miller, executor, of the estate  
of William Stillings late of said County, deceased,  
respectfully makes application for authority to sell at  
private sale the part of the personal property  
of said estate which is enumerated in the  
Schedule attached hereto, and which is also  
enumerated in the inventory of said estate filed  
in said Court.

And the petitioner alleges, that said  
sale would be for the advantage of said  
estate for the following reasons:

It is necessary to sell said property to make  
distribution of said estate in accordance with the  
terms of the Will, as to the Bonds set forth  
in the Schedule hereto, the same can be sold  
at the market price which is more than the  
appraised value of the same.

As to the shares of stock in the Farmers  
Banking Co., Milford Center, Ohio, the same can be  
sold at the appraised value which is the highest  
and best price that can be obtained therefor.

As to the shares of stock in Milford Center  
Lumber Co., your petitioner has made diligent  
effort to find a buyer for same at the  
appraised or better value, and the best offer  
that he has been able to obtain is \$55-

Dated July 22-1925

Benj. F. Miller  
Executor

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

The State of Ohio, Union Co.,  
Benj. F. Miller being duly sworn, says that the various  
matters and things contained in the foregoing application  
are true, as he truly believes.

Benj. F. Miller

Brought to before me, and signed in my presence  
this 22. day of July, 1925 Seal W.D. Husted, Probate Judge-  
Schidule.

- |  |                  |
|--|------------------|
| 1. U.S. Second Liberty Loan, converted Coupon Bond.        | 521.25           |
| 5 shares, Capital stock Farmers Banking Co. Miford Ch., O. | 575.00           |
| 9 " " " " " " " " " "                                      |                  |
|  | Lumber Co. 75.00 |

(no Report) Journal 39, pg 311

11298

Mar. 23/1928  
The Roy Allen  
attly.

Petition

Final Record, Union County Probate Court

The various application

11298  
Mar. 23/1928  
The Hon. Allen  
atly.

Guardian's Petition to Sell Real Estate,  
Probate Court, Union County, Ohio,  
no. 11298.  
A. D. Parish, Esq.,  
Plaintiff.

Judge-

Emma M<sup>c</sup> Clelland,  
His Ward.  
vs.  
Ed. Edward Nichols, brother,  
The unknown heirs of  
Emma M<sup>c</sup> Clelland.  
The Ohio Pennsylvania  
Joint Stock Land Bank  
vs. The unknown  
heirs of Emma M<sup>c</sup> Clelland  
Defendants.

Petition.

5-21.25  
375.<sup>00</sup>  
75.<sup>00</sup>

Petition

The Plaintiff represents that he is the duly appointed and qualified Guardian of Emma M<sup>c</sup> Clelland of the age of fifty-eight years, an insane person, and residing or having her legal residence in Blair Township, Union County Ohio, and, at present at the State Hospital at Columbus, Ohio; that the said ward, Emma M<sup>c</sup> Clelland, is a widow, her husband, R. D. M<sup>c</sup> Clelland being deceased;

That it is necessary to sell the real estate of said ward for the reason, that there is a mortgage lien against said real estate and it is impossible to rent said real estate for enough money to pay the taxes and interest on said loan, and, also, it will be more for the interest of said ward to sell said real estate and pay small outstanding debts and place the money on interest due to the condition of the building and fences on said real estate, that all the personal estate of said ward has been heretofore expended by this plaintiff, consisting of the money derived from the sale of the cows, chickens, household furniture, and miscellaneous articles, in the payment of the funeral expenses, of R. D. M<sup>c</sup> Clelland, husband, of said ward, the taxes, and the interest on the loan, and, doctor bills, etc. and, plaintiff is now without personal property of any kind, or any funds, to meet current necessary bills and expenses.

That there is no personal estate of said ward dependent upon the settlement of any decedent's estate or the execution of any trust, nor in effect any.

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

10298

That said Ward, is the owner in fee simple of the following described real estate, situated in the County of Union State of Ohio, and in the Township of Clairborne, to-wit:

Beginning at a stone in the West line of the east survey no. 6307 for 1200 acres and in the center of the Richmond and Miller branch Road; thence with the center of said road S. 84° 15' E. 32 poles to a stone corner to lands conveyed by Laura B. Miller and others to Samuel B. Bungeamer July 3-1909; thence with two consecutive lines of said land S. 12° 30' E. 67.72 poles to a stone; thence N. 77° 30' W. 30 poles to a stone corner to said land in the West line of said survey no. 6307; thence with said line N. 14° 30' W. 71 poles to the place of beginning.

Containing twelve (12) acres, more or less.

Said real estate is worth annually \$ Dollars.

That said plaintiff has received no rents from the real estate of his ward, said property being unfit for rent unless a great amount of money be expended in the improvement of said real estate for erecting and repairing fences, and building and paint, and for other necessary miscellaneous improvements to said real estate, and that in that event the amount for which said real estate could be rented would not justify the expenditure of said money for said improvements.

Petition

The defendant, The Ohio Pennsylvania Joint Stock Land Bank, of Cleveland, Ohio, has a lien on said real estate, by way of mortgage, to secure the sum of eight hundred dollars, dated December 1st 1923, on the Amortization plan, the present amount due on said mortgage debt being unknown to plaintiff.

That the said Edward Nichols is a brother of Emma M. Clelland, and the only next of kin known to the petitioner and that the last known residence of said Edward Nichols brother is Winchester, Ky.

The Plaintiff therefore prays, that said Edward Nichols, The Ohio Pennsylvania Joint Stock Land Bank of Cleveland, Ohio, and the unknown next of kin of the said Emma M. Clelland, may be made defendants to this petition, and notified of the pendency thereof, according to law, that the rights of said lien holders may be adjusted, and that Plaintiff may be ordered, to sell said real estate for the reasons hereinbefore proposed, and for other proper relief.

A. D. Parish, Adm. of

Emma M. Clelland, an Insane Person.

10298

Fixing  
Time  
of  
Hearing.

affidavit  
for  
Service  
by  
Publication

10298



Final Record, Union County Probate Court

10298

The State of Ohio, Union County,

A. D. Parish, guardian, being duly sworn, says that he is the plaintiff in the foregoing petition, and that the facts stated therein are true, as he verily believes.

A. D. Parish, Guardian.

Sworn to before me, and signed in my presence, this 23. day of March, 1929.

F. Le Roy Allen, Notary Public

Fixing Time of Hearing.

Journal entry: orders Fixing Time of Hearing for notice, Probate Court, Union County, Ohio, March, 23 - 1928. order for notice.

This day A. D. Parish Gdn. of Emma W. Clelland, an insane person, appeared in open court and filed his petition duly verified, asking for the sale of real estate therein described, belonging to his said Ward, Emma W. Clelland.

It is ordered that the time of hearing said petition be, and hereby is fixed.

It is further ordered, that said guardian cause notice thereof, and of the filing and demand of said petition, to be given to said Emma W. Clelland, his Ward, and to Edward Nichols, The Ohio Pennsylvania Joint Stock Land Bank of Cleveland (limited) and to the unknown heirs of said Ward Emma W. Clelland, all persons entitled to the next estate of inheritance in such real estate, Defendants; in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each of those who can not be served personally, 3 days before said day of hearing. This cause is continued.

W. H. Husted Probate Judge.

affidavit for Service by Publication.

Affidavit for Service by Publication.

A. D. Parish, Gdn. of Emma W. Clelland, an insane person, plaintiff herein, being duly sworn, says that service of summons, could not be made in this state on the defendants, Edward Nichols, that the last known address of said Edward Nichols, defendant was Winchester, Ky, and that the names and residences of the heirs of the said Emma W. Clelland, an insane person, are unknown to plaintiff & that they cannot with reasonable diligence be ascertained and that this cause is one of those mentioned in Section 11292, of the General Code of Ohio.

10298

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10298

being for an order of said sale of real estate by a guardian of an insane person.

A. D. Parish, Gdn.

Sworn to before me, and subscribed in my presence, this 3-day of March, 1928.

F. LeRoy Allen, Notary Public.

Journal Entry: Orders. Service by Publication Probate Court, Union County, Ohio, March, 23-1928.

Service

by Publication

This day came, the Plaintiff and, filed herein an affidavit under the General Code, in that behalf for the purpose of procuring service by publication; and, it appearing to the Court, that the Defendant Edward Nichols brother of Emma M. Clelland, and, all other next of kin if any, there to is a non-resident of Ohio, that service of summons on him cannot be made in this State; that the resident of said Edward Nichols is Winchester Ky.

It is ordered that the publication be made for six consecutive weeks in a newspaper printed in this County; that it contains a summary statement of the object and prayer of the petition, and that the Court herein it is filed, and notify the persons, thus to be served when they are required to answer.

And, it is further ordered that immediately after the first publication, the party making the service deliver to the clerk of this Court, copies of the publication, with the proper postage, that said clerk mail a copy to each of said defendants, whose residence is known; to their residence named therein, and, make an entry thereof on the proper docket.

Answer <sup>ans.</sup> to Cross-Petition of The Ohio Pennsylvania Joint Stock Land Bank.

W. H. Husted, Probate Judge Answer to Cross-Petition of the Defendant.

The Ohio Pennsylvania Joint Stock Land Bank of Cleveland.

In the Probate Court of Lake Co. Ohio, Case no. 11298.

Answer and Cross-Petition of the Defendant The Ohio Penn. Land Co. -

The Ohio Pennsylvania Joint Stock Land Bank, of Cleveland, admits, that it is a corporation organized under the provisions of the Federal Farm Act of 1916 with its place of business at Cleveland, Ohio;

Admits that it has a claim against Emma M. Clelland,

Admits that it has a lien upon the premises described in the Plaintiffs petition and for

10298

10298

First Cause.

Second Cause.

10298

Final Record, Union County Probate Court

10298

want of information denies all of the other allegations in the plaintiff's petition.

First Cause

Case.

First Cause of action:

There is due to this answering defendant from Emma M. Clelland, the sum of Seven Hundred sixty four dollars and forty three cents (\$764<sup>43</sup>) with accrued interest at 6% per annum from December 1-1927. Said indebtedness is evidenced by a first mortgage promissory note dated December 1<sup>st</sup> 1923, executed and delivered to this answering defendant by Rufus A. McClelland and Emma McClelland, husband and wife, in the original amount of \$800<sup>00</sup>, with interest at the rate of 6% per annum, both principal and interest being payable in semi-annual installments of twenty eight dollars (\$28<sup>00</sup>) on a thirty three year amortization plan. The following installment payments have been credited upon said note:

| Date         | Interest            | Principal       | Balance              |
|--------------|---------------------|-----------------|----------------------|
| June 1- 1924 | \$ 24 <sup>00</sup> | 4 <sup>00</sup> | \$ 796 <sup>00</sup> |
| Dec. 1- 1924 | 23.88               | 4.12            | 791.88               |
| June 1- 1925 | 23.76               | 4.24            | 787.64               |
| Dec. 1- 1925 | 23.63               | 4.37            | 783.27               |
| June 1- 1926 | 23.50               | 4.50            | 778.77               |
| Dec. 1- 1926 | 23.36               | 4.64            | 774.13               |
| June 1- 1927 | 23.22               | 4.78            | 769.35               |
| Dec. 1- 1927 | 23.08               | 4.92            | 764.43               |

Second Cause

Case.

Second Cause of action:

The allegations in the first cause of action are incorporated in the second cause of action by reference as though fully re-written.

To secure the amount due in the first cause of action Rufus A. McClelland, and Emma McClelland, husband and wife, executed and delivered to this answering defendant their first mortgage deed dated Dec. 1-1923, conveying the premises described in the plaintiff's petition. Said mortgage deed was duly filed for record with the recorder of Union County, Ohio, on December 13-1923, at 9:30 A.M. as instrument # 3493, thereby becoming the first and best lien on the premises described in the plaintiff's petition and in said mortgage.

Now therefore, this answering defendant prays that there may be found due it from Emma McClelland, the sum of \$764<sup>43</sup>;

That its said mortgage may be found to be as so declared, the first and best lien on the premises described therein and in the

10298

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10298

plaintiffs petition:

That the premises aforesaid may be sold according to law.

That the amount so found due this answer and defendant be paid to it first out of the proceeds of said sale after court costs and taxes and for such other and further relief as may be equitable and proper.

Armand H. Kolther, atty. for defendant, The Ohio Penn. Joint Stock Land Bank, Cleveland.

State of Ohio, County of Cuyahoga, ss.

Sub.

John G. Hibbard being duly sworn says that he is the secretary of the said The Ohio Penn. Joint Stock Land Bank of Cleveland and that the allegations made in the above answer and cross-petition are true to the best of his knowledge and belief.

John G. Hibbard

Sworn to and subscribed before me this 6th day of April 1928.

Armand H. Kolther

notary Public

my commission expires Jan. 13 - 1931

United States of America  
State of Ohio, Penn.

no. 665

\$ 800.00

The Ohio-Penn. Joint Stock Land Bank of Cleveland.

First mortgage note.

Cleveland, Ohio, December 1 - 1923.

First mortgage note.

For value received we promise to pay to the order of the Ohio-Penn. Joint Stock Land Bank of Cleveland at its office in the City of Cleveland, O. the principal sum of \$ 800.-

with interest on the whole amount of said principal sum remaining from time to time unpaid at the rate of six percent per annum, payable semi-annually; both principal and interest payable on an amortization plan, in 65 equal semi-annual installments of Twenty-eight and 2/100 Dollars each, and one installment of Twenty-three and 39/100 Dollars, all due and payable, as follows: Twenty-eight and 2/100 Dollars, on the 1st day of June 1924, and a like sum semi-annually thereafter on the 1st day of June and December in each, and every year to and including the 1st day of June, 1956, and the last installment of Twenty-three and 39/100 Dollars, on the 1st day of Dec., 1956, unless this note shall be sooner matured.

10298

The maker of this note shall have the option, after

10298

fin  
ins  
pay  
to  
a  
jo  
to  
to  
to  
pr  
in  
jo  
in  
at  
8  
Ev  
L  
bl  
in  
Jo  
1/2  
cr  
th  
w  
m  
a  
m  
p  
19  
"  
19  
"  
19  
19

10298

Final Record, Union County Probate Court

10298

five (5) years, from the date hereof, on any regular installment payment date, to make additional payments in the sum of \$25- or any multiple thereof, to apply on the principal, or, to pay the entire amount of principal then owing. Such additional payments, if any, shall not affect the amount to be paid semi-annually hereunder but shall operate to discharge the indebtedness at an earlier date by reducing the percentage applicable to interest and increasing the percentage applicable to principal.

If any installment payment herein provided for, is not paid when due, such defaulted installment or installments shall bear simple interest from the date of such default until paid, at the highest rate allowed by law not exceeding 8% per annum.

This note is secured by a first mortgage of even date by Rufus A. McClelland & Emma McClelland (husband & wife)

To the Ohio - Pennsylvania Joint Land Stock Bank of Cleveland, conveying certain real estate situated in the County of Union State of Ohio.

If default be made, in any of the payments provided for in this note, or in case of failure to comply with any of the conditions or covenants contained in the said mortgage, then or at any time thereafter during the continuance of such default at the option of the holder hereof, and without demand or notice, the entire principal sum hereof, and all accrued interest thereon may be declared due and shall thereupon become immediately due and payable.

(Signed) Rufus A. McClelland  
 " " Emma McClelland.

Amortization Table.

|      |    |       |      |      |         |        |
|------|----|-------|------|------|---------|--------|
| 1924 | 1- | 24.00 | 4.00 | 6/1  | Balance | 796.00 |
| "    | 2  | 23.88 | 4.12 | 12/1 | "       | 791.88 |
| 1925 | 3  | 23.76 | 4.24 | 6/1  | "       | 787.64 |
| "    | 4  | 23.63 | 4.37 | 12/1 | "       | 783.27 |
| "    | 5  | 23.50 | 4.50 | 6/1  | "       | 778.77 |
| 1926 | 6  | 23.36 | 4.64 | 12/1 | "       | 774.13 |
| 1927 | 7  | 23.22 | 4.78 | 6/1  | "       | 769.35 |
| "    | 8  | 23.08 | 4.92 | 12/1 | "       | 764.43 |

10298.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10298

Journal Entry: Order on Hearing of appraisement.  
Probate Court, Union County, Ohio.  
May 3- 1928.  
Order of appraisement.

Order on  
Hearing  
of  
appraisement

This day this cause came on to be heard, upon the petition evidence and testimony, and the cross-petition of the Ohio Pennsylvania Joint Stock Land Bank, Defendant herein, and the Court being fully advised, in the premises finds: that all the defendants herein have been duly <sup>ly</sup> legally served with process or have voluntarily entered their appearance herein and are now properly before the Court, and that the statements and allegations in said petition are true. And the Court being satisfied that it is necessary to sell the real estate of said ward described in the petition to pay her debts.

The Court further find that the defendant, the Ohio Pennsylvania Joint Stock Bank of Cleveland, Ohio, has a first and best lien on said premises except taxes and costs: that there is due the defendant, the Ohio Pennsylvania Joint Stock Bank, from Emma M. Clelland the sum of \$764.<sup>43</sup> with interest at 6% per annum, from Dec. 1- 1927, that the lien on said premises be transferred to the fund arising from said sale subject only to payment of taxes and costs.

It is ordered, that C. L. Eddy, M. C. Spring and W. L. Decker three suitable & judicious disinterested men of the vicinity of said real estate, who are freeholders be, and they hereby are appointed to appraise said lands as a whole, at their true value in money, free from claims therein.

It is further ordered, that said appraisers be sworn as required by law and afterward, upon actual view, perform the duties required of them, and make return of their proceedings in writing to this Court, on or before the 3- day of May, 1928. This cause is continued.  
W. W. Husted, Probate Judge.

Order  
of  
appraisement

Order of appraisement.

The State of Ohio, Union County, ss. Probate Court.  
To, A. D. Parish, Guardian of Emma M. Clelland, Plaintiff;  
In obedience to an order and decree of Probate Court within <sup>the</sup> for said County, made this day, in an certain cause, wherein you, as Guardian, are Plaintiff & The Ohio Penn., Joint Stock Land Bank et al. are Defendants. You are commanded that by the votes of, C. L. Eddy, M. C. Spring & W. L. Decker judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders, of the County, in which said real estate is situated

10298

10298

Return

each

of  
appraisers

appraisers  
Return

Confirming  
appraisement  
an

ordering  
Private sale.

10298

Final Record, Union County Probate Court

10298

upon actual view you cause a just valuation and appraisement to be made according to law of the following described premises, free from liens thereon to wit:

description in Petition

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansfield Ohio, this 3rd day of May, 1928. W.H. Husted, Probate Judge.

Returns

Return to the Probate Court of Union County Ohio:

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 3-day of May, 1928.

A. D. Parish, Esq.

Oath

Oath of appraisers

The State of Ohio, Union County.

of appraisers

We the undersigned appraisers do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

W. L. Decker, M. C. Spring, C. L. Eddy [ appraisers

Given to before me, and signed in my presence, this 3-day of May, 1928.

W.H. Husted, Probate Judge

Appraisers' Return

Appraisers Return

In obedience to the foregoing order, after being just duly sworn, and upon actual view of the premises therein described, we the undersigned appraisers estimate the value of said real estate at

Seven hundred and two Dollars free from liens.

Given under our hands this 3-day of May, 1928.

W. L. Decker, M. C. Spring, C. L. Eddy apprs.

Confirming appraisement

Probate Court, Union County, Ohio May 3- 1928.

Confirming appraisement and ordering Private Sale

ordering Private Sale

This day, this cause came on further to be heard, and it appearing to the Court, that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed; said appraisement being Sixteen Hundred Dollars free from the liens of any one.

10298

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10298

It is now ordered, that said plaintiff proceed, to sell said real estate free from said dower estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit:

Cash, in hand upon delivery of deed,  
H. H. Husted, Probate Judge,  
application to sell Real Estate, at Private Sale,  
Probate Court, Union County, Ohio,  
application.

Application  
is

Sell at  
Private Sale

The said Plaintiff represents that it would be for the best interest of the said Emma McClelland ward, to sell the real estate described in the petition in this case at private sale, for the following reasons:

That more than the appraised value has been offered;

That the same will dispense with the expense of advertising;

That the property consists of only twelve acres, and the price offered is more than could be expected at public auction.

And he therefore asks for an order authorizing him to sell said real estate at private sale.

A. D. Parish, Adm.

The State of Ohio, Union County

Carth

A. D. Parish, being duly sworn, says that the various matters set forth in the foregoing application are true, as he truly believes.

A. D. Parish, Adm.

Done to before me, and signed in my presence, this 3 day of May, 1928. *(Seal)* J. LeRoy Allen, Notary Public.

Affidavit of Disinterested Persons.

Affidavit  
of

Disinterested  
Persons.

The State of Ohio, Union County,  
S. R. Sanders, A. Allen, and B. C. Humphreys,  
being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matter therein referred to, and that it will be more for the interest of the said Ward, to sell said real estate at private sale, than at public sale, for the reasons hereinbefore stated, as they truly believe.

S. R. Sanders, A. Allen, B. C. Humphreys,  
Done to before me, and signed in my presence, this 3 day of May, 1928.

*(Seal)* J. LeRoy Allen,  
Notary Public.

10298

10298

Order

H.

Sale

Return

Report of  
Sale



Final Record, Union County Probate Court

1928.

Order.

of

Sale.

Order of Sale. Free from Down,  
 The State of Ohio, Union County, Probate Court,  
 Is. A. D. Parish, Exor. of, Emma McClelland, Plaintiff;  
 In obedience to an order and decree of the Probate  
 Court, within and for said County, made this day,  
 in a certain cause, wherein you, as, Guardian of  
 Emma McClelland, are Plaintiff and, The Ohio  
 Penn., Joint Stock Land Bank et al. are Defendants,  
 you are commanded to proceed according to law,  
 to sell at private sale, for not less than the  
 appraised value thereof free from down, the following  
 described premises, to-wit: - (see description Petition) as follows:  
 Situated in Clairborne Township, Union County, Ohio,  
 and,

Beginning at a stone in the west line of the  
 East Survey, No. 6307 for 1200 acres and, in the  
 center of the Richwood and Miller gravel road;  
 thence with the center of said road S. 84° 15' E.  
 32 poles to a stone corner to lands conveyed by Laura  
 B. Miller and others to Samuel J. Buntingburner July 3-  
 1909; thence with two consecutive lines of said land,  
 S. 12° 30' E. 67.72 poles to a stone; thence S. 77°  
 30' W. 30 poles to a stone corner to said land in  
 the west said line N. 14° 30' W. 71 poles, to the  
 place of beginning.

Containing twelve (12) acres more or less.  
 Said sale to be upon the following terms:  
 Cash in hand, upon delivery of deed.

You will make return of your proceedings  
 to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said  
 Probate Court at Mansville, Ohio, this 3-day of  
 May, 1928. Seal W. H. Husted, Probate Judge -  
 Return

Return

To, the Probate Court of Union County, Ohio.  
 In obedience to the foregoing order, I have  
 caused the same, to be duly executed, as will  
 fully appear by the proceedings hereto attached.  
 Dated the 3-day of May, 1928.  
 A. D. Parish,  
 Exor. of Emma McClelland

Report of

Report of Sale.  
 In obedience to the within order, I sold said  
 premises on the 3-day of May, 1928, to  
 Berthana Mossbarger for the sum of  
 Two Thousand and no one hundredths, Dollars -  
 said sum being more than the appraised  
 value of the same. A. D. Parish, Dated May 3<sup>rd</sup> 1928.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10298

The State of Ohio, Union County,  
 The above named A. D. Parish, Gdn. of Emma M. Clelland  
 being duly sworn, says, that the sale above reported  
 has been made after diligent endeavor, to obtain the  
 best price for said property, and, that said sale, is for  
 the highest price he could get for said property.  
 A. D. Parish, Gdn.

Sworn to before me, and, signed in my presence, this  
 3. day of, May, 1928. ~~1928~~

Approving  
 and  
 confirming  
 sale.

W. H. Husted, Probate Judge -  
 Journal Entry: orders, approving, and, confirming sale -  
 Probate Court, Union County, Ohio.

May 3-1928.

This day, this cause coming on, to be heard on, the report  
 of A. D. Parish, Guardian, of Emma M. Clelland, an  
 insane person, of his proceedings and, sale under the  
 former order of, this Court, and, upon the motion of said  
 petitioner to confirm the sale made in obedience to  
 said order; the Court having carefully examined  
 said report, and, finding the proceedings of said  
 petitioner in all respects correct, and being  
 satisfied that said sale was fairly and legally  
 made,

It is ordered that, the same, be, and, hereby is  
 approved, and, confirmed.

It is further ordered, that said petitioner  
 execute a deed of all the right, title  
 and interest of, the said Emma M. Clelland,  
 in said real estate, to the purchaser, Berthene  
 Mossbarger, upon, the said, purchaser, paying the  
 purchase money in cash.

It is further ordered, that this proceeding be  
 recorded, and, that said petitioner pay the costs

W. H. Husted, Probate Judge

Legal notice.

Legal  
 notice

To Edward Nicols, whose last known address was  
 Manchester Ky, and, to the unknown heirs of Emma  
 M. Clelland,

You are hereby notified that on, the  
 23 day of March 1928, A. D. Parish, as, guardian  
 of Emma M. Clelland filed in the Probate Court of  
 Union County, Ohio, a petition, the object and prayer  
 of, which is to procure said Court to order the sale  
 of, the real estate of, the said Emma M. Clelland  
 situate in the County of Union, in the State of Ohio,  
 and, in the Township of Clairbourn, and, bounded and  
 described as follows:

10298

10298

Carte

11347.

Final Record, Union County Probate Court

10298

Beginning at a stone in the west line of the east survey no. 6307 for 1200 a. and in the center of the Richmond and Miller grant road; Thence with the center of said road S. 84° 15' E. 32 poles to a stone corner to lands conveyed by Laura B. Miller and others to Samuel J. Benningner, July, 3<sup>rd</sup> 1909; Thence with two consecutive lines of said line S. 12° 30' E. 67.72 poles to a stone; thence S. 77° 30' W. 30 poles to a stone corner to said land in the west line of said survey no. 6307; thence with said line N. 14° 30' W. 71 poles to the place of beginning containing twelve (12) acrs. more or less.

The application therefor will be for hearing by said Court on the 3-day of May at 10 A.M. at which time unless you show cause to the contrary an order will be asked, as prayed for in said petition.

A. D. Parich.

Edm. Emma McClelland

Dated this 23-day of March, 1928.

3-29-1928. 6+

11347

State of Ohio Union County,

Personally appeared before me, O. A. Krigley and made oath that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks, on and after Mar. 29, 1928, in the Richmond Gazette, a newspaper of general circulation in the county aforesaid

O. A. Krigley

Sworn to before me, and signed in my presence.

this 3-day of May 1928

Paul D. Van Winkle, Notary Public

Printed fees 14<sup>50</sup>

(Waiver of Summons, case 11347 page 304)

Probate Court, Union County, Ohio.

We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Bayler L. Johnson.

Elizabeth F. her mark, Thomas.)

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11347  
June 7/28  
J. M. Daily

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio.  
L. F. McCracken, Adm.  
of the estate of  
Jemimah Johnson, Deceased.  
Plaintiff

no. 11347  
Civil Action

Elizabeth Thomas.  
Oyster Johnson.  
Lucy Andrews.  
vs. George Johnson.  
Defendant.

Petition to Sell Real Estate  
Petition

The Plaintiff represents that he is the duly appointed and qualified adm. of the estate of Jemimah Johnson, late of Union County, Ohio, deceased; that the amount of debts due from the deceased is about \$450.00 as near as they can be ascertained

- Exhibit A. L. H. Miller, Undertaker \$ 329.00
- Ethel Johnson, nursing bill 35.
- Oyster " " " 16.
- Kings Daughter's Hospital 41.
- Dr. Cooks, Strandu. Co.

Medical attention about 75.00

Petition

that the charges of administration of said estate will amount to about \$175.00 and that the total value of the personal estate and effects of said effects of said deceased, is but about eighty three dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Jemimah Johnson, died in seized in fee simple of the following described real estate, situated in the County of Union State of Ohio, and in the Township of Dover, to wit:

Situate in the State of Ohio.  
Beginning at a stone in the center of the Marysville and Delaware, State Highway; thence North 1° West 10 poles to a stake or stone; thence North 84 1/2° West 5 poles and 14 feet to a stone; thence South 1° East 10 poles and 5 links to a stone in the center of the Marysville and Delaware State Highway; thence with the center of said highway South 84° East 5 poles and 14 feet to the place of beginning, containing 50 square poles, more or less.

Being the same premises as recorded in Vol. 58, page 354, in Record of Deeds

11347

Filing  
Petition

Costs

Final Record, Union County Probate Court

11347

Recorders office, Union County, Ohio.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County Ohio by the appraisers of the personal estate of said decedent and that the amount of said appraisement is one thousand dollars.

The said decedent died leaving no widow. That the defendants Elizabeth Thomas, Dexter Johnson, Lucy Andrews, and George Johnson, are the only heirs at law and next of kin of said decedent having the next estate of inheritance from said Jeremiah Johnson deceased in said premises.

The Plaintiff therefore prays that your petitioners may be authorized and ordered to sell said real estate according to the statute in such case made, and provided, and for all other proper orders and relief in the premises.

John W. Dailey, Atty. for Plaintiff

The State of Ohio, Union County.

C. F. M. Cracken, adm. of the estate of Jeremiah Johnson, the petitioner named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge and belief.

C. F. M. Cracken.

Sworn to before me, and signed in my presence, this 2-day of June, 1928.

John W. Dailey, Notary Public.

In the Probate Court, Union County, Ohio.

June 4 - 1928. No. 11347.

Journal Entry, Filing Petition to Sell Real Estate.

Filing Petition

This day came the plaintiff C. F. M. Cracken, adm. of the estate of Jeremiah Johnson, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of said Jeremiah Johnson, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of said defendants & this cause is continued.

W. H. H. noted Probate Judge

ts. Ohio.  
Estate  
ly appointed  
omials  
that  
deceased  
be  
\$ 329.<sup>00</sup>  
35.  
16.  
41.  
75.<sup>00</sup>  
nd that  
effects  
out  
at to pay  
said  
simple  
uated  
in the  
of the  
ue North  
ue North  
to a  
Delaware  
high way  
place of  
cov. or. Cov.  
d in

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11347

Wainor of Summons, <sup>and</sup> Consent to sell,  
Probate Court, Union County, Ohio

Wainor

We the undersigned parties Defendant to the Petition  
in the above entitled action, do each of us, hereby wainor  
the issuing and service of Summons, and voluntarily enter  
our appearance, as such Defendants,  
and we do hereby consent to the sale of the Real  
Estate described in the petition in said action  
according to the prayer of the same.

Lucy A. Andrews.  
William T. Andrews.

11347

Wainor of Summons, <sup>&</sup> Petition to sell Real Estate  
Probate Court, Union County, Ohio.

Wainor

We the undersigned parties Defendant to the Petition  
in the above entitled action, do each of us, hereby  
wainor the issuing and service of Summons, and  
voluntarily enter our appearance, as such Defendants,  
And we do hereby consent to the sale of the  
Real Estate described in the petition in said action.  
According to the prayer of the same.

George Johnson, Jennie Johnson.

order of  
sale.

Probate Court, Union County, Ohio.

No. 11347. June 29: 1928.

This day this cause came on for hearing upon the  
petition filed for the purposes of having the real  
estate described therein sold to pay debts and costs  
of administration of the deceased.

The Court finds that all the defendants  
(being Lucy Andrews, Elizabeth Thomas, Porter Johnson  
and George Johnson) have wainor the issuance of  
summons, and voluntarily entered their appearance,  
and consented to said sale, as prayed for in the  
petition.

The Court further finds that the allegations  
contained in the petition are true, and that it is  
necessary to sell the real estate in the petition  
described to pay the debts of the deceased, and  
costs of administration.

The Court further finds that the real  
estate in the petition described was appraised  
by the appraisers of the personal estate at  
One Thousand Dollars, and the Court also finds  
that the bond given by the plaintiff as admin.  
of the estate of Jennie Johnson, in the sum  
of \$ --- is sufficient.

It is, therefore, ordered, that further

Return

10347

Final Record, Union County Probate Court

11 347

appraisement and additional bond. be dispensed with.

It is ordered, that said C. F. McCracken, as such, admr., proceed, to advertise for sale, at the north door of the Court House, said real estate for four consecutive weeks, in a newspaper of general circulation in this county, in which said land is situated, and he is further ordered, to sell, the said, for not less than 75% of the appraised value for cash.

W. H. Husted, Probate Judge -

Order of Sale - Free of Debt.  
Probate Court.

order of sale.

The State of Ohio, Union County.

To C. F. McCracken, admr. of the estate of Jermiah Johnson, Deceased.

In obedience to an order and decree of the Probate Court within and for said county, made this day, in a certain cause, wherein you, as admr., of the estate of Jermiah Johnson are Plaintiff and Elizabeth Thomas et al. are Defendants, you are commanded to proceed, according to law, to sell at public sale, for not less than 75% the appraised value thereof free the down premises to wit:

Situate in the County of Union State of Ohio, and the Township of Down: Beginning at a stone in the center of the Mansville and Delaware Highway; thence north 1° west 10 poles to a stake or stone; thence north 84 1/2° west 5 poles and 14 feet to a stone; thence south 1° east 10 poles and 5 links to a stone in the center of the Mansville - Delaware State Highway; thence with the center of said Highway south 84° East 5 poles and 14 feet to the place of beginning.

Containing 22 down poles, more or less.

Said sale to be upon the following terms:

Cash in hand on day of sale.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature, and the seal of said Probate Court, at Mansville, Ohio, this 29th day of June, 1928. W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as well fully appear by the proceedings hereto attached.

Dated 4 day of Aug, 1928. C. F. McCracken, Admr.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11347

Report of Sale - Public

Report of Sale

In obedience to the within order, I duly advertised the real estate therein described for sale in the Marysville Tribune, a newspaper printed and of general circulation in Union County, Ohio, where said real estate is situated, for at least 4 consecutive weeks prior to the 4. day of August 1928, the day of sale therein mentioned; stating in the notice the time, place, and terms of sale, and on said day at the hour of 1. P.M. I attended and offered said real estate for sale, free from doubt, when A. J. Kirby bid to pay for the same, the sum of \$700.00, which being the highest and best bid that was offered, and being more than 2/3 of the appraised value of said premises, I then and there sold the same to J. A. Kirby for that sum.

Dated the 4. day of August, 1928.  
C. F. McCracken

The State of Ohio, Union County

Oath

The above named, C. F. McCracken, being duly sworn, say that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale is for the highest price he could get for said property.  
C. F. McCracken

Sworn to before me this 4. day of August 1928.

*(Seal)* W. H. Trustad Probate Judge

Journal Entry:

Orders approving & confirming sale.  
Probate Court Union Co. Ohio  
August, 4-1928.

Order approving and confirming sale.

This day, this cause coming on to be heard on, the report of C. F. McCracken Adm. of the estate of Jermiah Johnson, deceased, of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same be, and hereby is, approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right title and interest of the said Jermiah Johnson, his heirs and legal representatives, in said real estate, to the purchaser, J. A. Kirby upon the

10347

11347

10866

July 26/28  
F. Le Roy Allen  
Atty

Petition

10866



Final Record, Union County Probate Court

11347. said purchasers, paying the purchase price therefor. It is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein taxed at \$ -

W. H. Husted, Probate Judge -

10866  
July 26/28  
F. Le Roy Allen  
Atty

Petition to Borrow money, and, Mortgage Real Estate Probate Court, Union County, Ohio.

Petitioner  
Jesse Hoover, Guardian  
of A. D. Hoover,  
Plaintiff  
vs. 10866

New Ward, and,  
Jesse Hoover, Ind.  
Harris W. Bonhauw,  
Defendants.  
Petitioner.

Petition

The Plaintiff represents that she is the duly appointed and qualified Guardian of A. D. Hoover of the age of 73 years, and, residing at York Township, Union County, Ohio.

That she was duly appointed guardian of A. D. Hoover by an order of the Probate Court, of Union County, Ohio, on the 16-day of Sept. 1926, in Case No. 10866 in said Court.

The following are the names, and, residences of the next of kin of said Ward, residing in this State, to-wit: Jesse Hoover, wife and Harris W. Bonhauw.

That said Ward, is the owner, in fee simple of the following described real estate, situated in the County, of Union State of Ohio, and, in the Township of York, to-wit: Part of Survey No. 11346. Bounded as follows: on the East by the York and Blairtown Township line, on the South by the land of N. M. Shipley heirs on the West by the road and L. H. Morrison land on the north by the land of L. C. Beene

Containing 73 acres more or less

That the following is the nature and amount of the encumbrances upon said real estate described above, showing when the same became, or will become due, and the rate of interest thereon, together with the names & residences of all persons holding such liens, to-wit: There are no liens or encumbrances on said real estate in any amount.

10866

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10866

That the following is the amount and character of all valid debts due from said Ward to whom due, when the same become or will become due, and the rate of interest thereon, to wit:

|  |               |          |
|--|---------------|----------|
| To the First National Bank, Richmond, O. | 7 1/2% int.   | \$300.00 |
| " Dr. Thompson, York Center, O.          | no. interest  | 150.00   |
| " R. H. Sney, Richmond, O.               | 8% " "        | 78.00    |
| " James Hoover, York Twp.,               | 7 1/2% " "    | 100.00   |
| Annual small accounts for necessaries    | approximately | 50.00    |
| Total.                                   |               | \$678.00 |

That the following is the character of repairs and improvements proposed to be made upon said real estate and the necessity therefor.

Both the barn and house needed roofing and paint, and fences are in need of repair. But at this time it is not the intention to make any repairs except of a very minor nature for the reason that the income from the farm does not justify such expenditure.

That the amount required for said repairs and improvements is

That the income from said real estate is not enough to more than pay the taxes and upkeep of the premises.

The following is a statement of said Ward's personal property and the income therefrom:

Two shares of stock in The First National Bank, Richmond, Ohio, valued at \$200 - the income therefrom being \$16.00 per annum.

Checking account The First National Bank. \$9.00

That the amount probably necessary to maintain said Ward will be five hundred dollars per annum.

The Plaintiff therefore prays that said Ward and said James Hoover and Harrison M. Bonham may be made parties Defendant to this Petition, that they be notified of the pendency and prayer hereof in such way as the Court shall direct; and that she may be authorized to borrow the sum of One thousand Dollars, to pay such mortgage debts, legacies and judgments.

And such additional sum as the Court shall deem necessary to make said repairs and improvements on said real estate, and to maintain said Ward, and to mortgage as much of said Wards lands as may be necessary to secure such loan, and for other proper relief.

James Hoover, Gen. of  
A. D. Hoover, Incompetent.

10866

10866

fixing  
time.

notice.

10866

Final Record, Union County Probate Court

10866

The State of Ohio, Union County, ss.

June Hoover Guardian, the Plaintiff named, in the foregoing petition, being duly sworn, says, that she believes the facts stated in said petition are true.

June Hoover.

Sworn to before me, and signed in my presence,

this 26. day of July, 1928.

W. D. Roy Allen, Notary Public.

Fixing Time.

Journal Entry: Orders Fixing Time of Hearing for notice, July 26 - 1928.

order for notice.

This day June Hoover Guardian of W. D. Hoover, appeared in open court, and filed her petition duly verified, praying for authority to borrow money and to mortgage real estate therein described, belonging to her said Ward. It is ordered that the time of hearing said petition be, and hereby is fixed for the 1. day of August 1928, at 10. A. M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition, to be given to said A. D. Hoover, June Hoover, and Hiram M. Bonham, Defendants, in writing to be served upon them personally, and, by leaving copies thereof at the usual place of residence, of each of those who can not be served personally five days before said day of hearing. &c. This cause is continued.

W. D. Husted, Probate Judge -

Notice to Defendants.

notice.

The State of Ohio, Union County, ss.

To A. D. Hoover and Hiram M. Bonham

you are hereby notified, that on the 26. day of July 1928, the undersigned as Guardian, filed in the Probate Court of Union County, Ohio, a petition, the object and prayer of which is that she may be authorized by said court to borrow money, and mortgage Real Estate belonging to the said A. D. Hoover situated in the County of Union, in the State of Ohio, and, in the Township of York, and, described as follows, to wit:

and, being part of Survey No. 11346. Beginning at a stone (witnessed by three sugar trees) north east corner to Survey No. 3468; Thence with the east line of said Survey (and center of the Lynn Run Road) S. 8° W. 68 poles to a stone (witnessed by a tree) N. W. Corner, to lands formerly owned by Mr. M. Shipley; Thence

10866.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10866

with the north line of M. M. Shipleys farm S. 83° E 161 poles to a stake in the center of the Richmond, Summerville and York Travel Road: thence with the center of the said Road N. 62° 30' E. 41.72 poles to a stake in the westerly line of Survey no. 3301 (and York and Blairtown Township line) thence with said line N. 18° W. 46.56 poles to a stone (witnessed by three birches): thence N. 82° W. 162 poles (with the line of L. C. Reems land) to the beginning. Containing 72 1/4 acres more or less. Refer to Vol. 92, page 434.

Said petition will be for hearing by said Court on the first day of August, 1928, at 10 A.M. at which time unless you show cause to the contrary, an order will be asked, as prayed for in said petition.

Dated this 26. day of July, 1928.

June Hoover, Guardian

Affidavit of Service

affidavit

The State of Ohio, Union County, ss.

F. LeRoy Allen, being duly sworn, says that on the 27. day of July, 1928, I served this writ by delivering a true copy thereof personally to the following named persons, to-wit:

A. D. Hoover, and guardian M. Bonham,  
F. LeRoy Allen.

Sworn to before me, and signed in my presence, this 1. day of August, 1928.

W. W. Husted, Probate Judge

In the Probate Court, of Union County, Ohio,  
Case No.

Petition to Borrow money, Qu. Mtg. Real Estate  
Journal Entry

This day this matter came on to be heard upon the application of June Hoover, Guardian of A. D. Hoover, for authority to mortgage certain real estate therein described, and the same was submitted to the Court upon the pleadings, and testimony,

whereupon, after due consideration the Court finds that all the parties defendant have been duly notified as required by law, and the former orders of the Court, of the pendency of said application, its prayer, and the time of hearing.

That the allegations of said petition are true; that it is necessary to mortgage the real estate as therein alleged for the sum of \$1000.00

Wherefore, it is ordered, that said guardian

10866.

10866

Order to  
city,  
wards  
Real Estate

Return  
of  
order

Final Record, Union County Probate Court

10866

shall ascertain and report to this court the rate of interest and the time for which she can borrow said amount, so found necessary.

W. H. Husted, Probate Judge.

Order to Guardian to Mortgage Ward's

Order to  
Mortg.  
Ward's  
Real Estate

The State of Ohio, Union County, Probate Court.

To James Hoover, Esq., of A. D. Hoover & Co., Attorneys

The proceedings required by law having all been had for obtaining an order from this court to borrow money and mortgage real estate of your said ward for the certain purposes designated in the order and the said court having duly made said order upon its Journal you are hereby commanded in pursuance of said order to execute as such guardian a note or notes for one thousand dollars and to execute a mortgage on the following described lands of said ward, to wit:

see description Petition, & notice.

Said notes to bear interest at the rate of 7 percent per annum payable semi-annually and the principal to be payable in one year from date but with the privilege of retaining the loan so long as the interest is promptly paid.

and you are further commanded that the fund so obtained you distribute as follows:

First: To pay all debts as listed in the application for authority to make this loan.

Second: after paying the costs and expenses herein incurred then to place the balance of the fund in the Bank subject to check to be used in the maintenance of your said ward A. D. Hoover.

And you are required to report to the Court forthwith for its approval the execution of said notes and mortgages and your distribution of said fund.

Witness my signature and the seal of said Probate Court at Mansfield, Ohio this 1 day of August, 1928 W. H. Husted, Probate Judge.

Return

Return of Order

To the Probate Court of Union County,

In obedience to the within order I did on the 1 day of August execute the note and mortgage therein directed in all respects according to said order, & having date of Aug. 1-1928

of order  
real estate  
guardian

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10866

I have made distribution of the fund so realized, as follows:  
 I have placed the money in the Bank, subject to check, and will pay the debts listed in the application for authority to make this loan, all of which report, is hereby respectfully submitted for the approval of the Court.  
 June Hoover - Edu.

10866  
Confirmation of

The State of Ohio, Union County, ss.

June Hoover, being duly sworn, says the statement contained in the foregoing report, are true, as she truly believes.

June Hoover.

Sworn to before me, and signed in my presence, this 1 day of August, 1928.

F. LeRoy Allen, Notary Public.

11228  
Aug. 10/28.

Report of Guardian as to Terms of Loan,  
 Probate Court, Union County, Ohio.

Report.

In obedience to the order of said Court, the copy of which is herewith returned, I have made full and diligent inquiry and find that the best terms obtainable in making the loan on behalf of my said ward, are as follows:

For the term of one year the note to bear 7% interest, interest payable semi-annually with the privilege of paying the entire amount at any time upon payment of the interest in full to the date paid. Said loan to run as long as desired and interest paid.

Dated this 1 day of August, 1928.

June Hoover, Edu.

The State of Ohio, Union County, ss.

June Hoover, being duly sworn, says that the statement in the foregoing report, are true, as she truly believes.

June Hoover.

Sworn to before me, and signed in my presence this 1 day of August 1928.

F. LeRoy Allen, Notary Public.

Journal entry: Orders Confirming & Authorizing Loan,  
 Probate Court, Union County Ohio  
 August 1- 1928.  
 orders.

Confirmation  
4<sup>th</sup>  
Inst.

This day, this cause came on to be heard on the report of said June Hoover, Guardian, of the rate

11228.

Final Record, Union County Probate Court

10866  
Confirmation

of interest and time for which she can borrow the amount heretofore found necessary to be borrowed. And the court having carefully examined said report finds the terms proposed satisfactory to the court. It is ordered, that the same be accepted, and is hereby confirmed, and said Guardian is authorized and ordered, as such Guardian to execute a note or notes for said amount, and to execute a mortgage on the lands designated in the former order herein. It is further ordered, that this proceeding be recorded and that said Guardian pay the costs.  
W. Husted, Probate Judge

11228  
Aug. 10/28.

11228 Land Sale, continued, Tract 4, Land Sale, Pg. 183, Pg. 556- (Tracts are sold at different date reason recorded divided)

Walter Howard, and Louis Michel, Executors, Plaintiff vs. 11228

Lucia Fullington et al. Defendants, Report of Sale-

In obedience to the within order, we sold tract 4 on the 6 day of August, 1928, to A. E. Mitchell, and Arny C. Mitchell husband and wife for the sum of \$4500- said sum being equal to the appraised value of the same.

Walter Howard, Louis Michel, Executors, Dated the 6 day of August, 1928. The State of Ohio, Union County.

The above named Walter Howard and Louis Michel, Executors being duly sworn, say, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price they could get for said property.

Walter Howard, Louis Michel, Sworn to before me, and signed in my presence this 6 day of August, 1928. C. A. Hoopes Notary Public

Confirmation  
4<sup>th</sup>  
Tract

Journal entry: Orders approving and confirming sale, Probate Court, Union County, Ohio, August 6- 1928.

This day this cause coming on to be heard, on the report of Walter Howard, and Louis Michel, Executors, of Frank G. Fullington, deceased, of their proceeding & sale under the former order of this Court:

11228.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228

and upon the motion of said petitioner to confirm the sale made, in obedience to said order: the Court having carefully examined said report, and finding the proceeding of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved, and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of said Frank M. Fullington, in Trust <sup>4</sup> of said real estate as described in the petition, to the purchasers, A.E. Mitchell and Amy E. Mitchell upon said purchasers paying to said petitioner the purchase price, to wit: The sum of \$4000.00 in cash.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs, herein taxed

11228

at \$ -- within ten days.

W. W. Husler, Probate Judge -

11104

July 2

1927

F. H. Allen  
Atty.

Petition

11104



Final Record, Union County Probate Court

11104  
July 21  
1927  
H. H. Allen  
Atty.

Petition to Sell Real Estate

In the Probate Court of Union County, Ohio.

D. H. Cheney, Guardian,  
of Ellen Rush,  
Plaintiff

No. 11104

vs.  
His Ward, and  
Ada E. Martins,  
Lucil Rush,  
Iva D. Mc. Gray,  
Lester F. Rush,  
Gorman Rush,  
Oza P. Hoffmann,  
Peggie C. Cheney,  
Laurence O. Rush,  
Orus B. Rush,  
Clifford Rush,  
Zelma Wilson,  
Virgil Rush,  
George Lee,  
The Richmond Banking Co.,  
W. D. Cameron, agt.  
The Richmond Exchange Co.,  
The Farmer Deposit Bank of  
Richmond, O.

Petition to Sell Real Estate

Petition,

Petition.

The plaintiff represents that he is the duly appointed and qualified guardian of Ellen Rush, of the age of only five years and residing in the village of Richmond, County of Union and State of Ohio; that he was appointed such guardian of the person and estate of said Ellen Rush, and alleged incompetent by reason of advance age or mental or physical disability or infirmity by the Probate Court of Union County, Ohio, in Case No. 10901, on the 12 day of November, 1926, and is now acting as such guardian.

That it is necessary to sell the real estate of the said Ward for the following reasons, to-wit:

- (1) For the payment of debts.
- (2) For the discharge of lien on real estate.
- (3) To avoid the suffering of unavoidable waste.
- (4) A better investment can be made.
- (5) For the support of said Ward.

That all the personal estate belonging to said Ward that ever came to the possession and knowledge of petitioner consisted of her household furniture and wearing apparel, reasonably worth Two Hundred Dollars (\$200.00)

11104

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11104

from which no income can be derived nor is there any real estate, personal, or realty, in expectancy.

That, the last Will and Testament of Benjamin Franklin Rush, deceased, husband of said Ward, was produced and duly admitted to record in case no. 9983, in the Union County Probate Court on December 21-1922, which said last Will and Testament provided in substance that this said Ward should hold and enjoy the rents and income from said decedent's property during her natural life time and in case the income therefrom became insufficient for her maintenance and happiness then and in that event, the said property should vest in this ward absolutely with the right to sell the same if necessary for her comfort and happiness. That the income from said property is no longer sufficient for said Ward's maintenance, comfort and happiness.

That, the said Benjamin Franklin Rush, died seized of the twenty-five (25) acre tract of land hereinafter described.

That said Ward is the owner in fee simple of the following described real estate, situate in the County of Union, State of Ohio, and described as follows: to-wit:

Petition

Being part of Survey no. 9898, and bounded, and described as follows: Beginning at three beeches and an ash, + an ash the original N. W. corner of said Survey; thence with the north line of said Survey N. 80 1/4 E. 117 11/17 poles; thence S. 10 1/4 E. 136 poles; thence S. 80 1/4 W. 117 11/17 poles to a stake N. W. corner to D. G. Bronsland; thence N. 10 1/4 136 poles to the place of beginning containing one hundred acres of land.

Second Tract, bounded and described as follows: to-wit: Situate in the Township of Jackson, County of Union, State of Ohio, and in Survey no. 9898, and bounded & described as follows:

Beginning at a point in the N. E. corner of Ella Rush's land; thence N. 80 1/4 E. 30 47/100 poles to a stake; thence S. 10 1/4 E. 131 1/17 poles parallel with the said Ella Rush's East line and the Zibolt Road; thence S. 80 1/4 W. with said Road 30 47/100 poles to said Ella Rush's East line; thence N. 10 1/4 W. 131 1/17 poles with said Ella Rush's line to place of beginning, containing 25 acres of land.

That the following are the names and residents of next of kin of said Ward, to-wit:

- Oda E. Martins residing in Jackson Twp. Union Co. O.
- Becit Rush, residing in Clatsome Twp. Union Co. O.
- Ira D. W. Crary, residing at La Rue, Marion County, Ohio.

11104

11104

Petition

11104

Final Record, Union County Probate Court

111 04

Lester F. Rush, residing in Hardin Co. Ohio,  
 Gorman Rush, residing in Millersburg, Holmes Co. Ohio,  
 Ocie P. Hoffman residing in Prospect, Marion Co. Ohio,  
 Bessie C. Cheney residing in Surrency, in Michigan  
 Lawrence D. Rush residing in Jackson Twp., Union Co. O.  
 Orus F. Rush residing in Richmond " " "  
 Clifford Rush " " Jackson Twp. " " "  
 Zelma Nelson " " Marion O.  
 Ans,  
 Virgil Rush, residing in Hardin Co. Ohio.

That said ward is indebted on notes secured by mortgages, for taxes, on judgment lien for house rent, for groceries and coal, etc. in the aggregate sum of approximately thirty-three hundred dollars. (\$3300.00)

That the income from said real estate, is wholly insufficient for the maintenance of said ward.

That, the nature of the imbecility and incompatibility of said ward, is confirmed and will likely continue during the remainder of her natural life.

Petitioner

That George W. Lee, the Richmond Banking Co., the Farmers Deposit Bank of Richmond, O. W. D. Cameron Agt., and the Richmond Farmers Exchange Company, have or claim some interest in said real estate by way of lien, mortgage or otherwise, the exact nature of which petitioner is unable to state.

Wherefore, plaintiff prays that this said Ellen Rush, Ada E. Martin, Cecil Rush, Don D. McCray, Lester F. Rush, Gorman Rush, Ocie P. Hoffman, Bessie C. Cheney, Lawrence D. Rush, Orus F. Rush, Clifford Rush, Zelma Rush, and Virgil Rush, may be made parties defendants to this petition and notified of the pendency hereof, according to law; that the rights of lien and said lien holder may be adjusted and that plaintiff may be ordered to sell said real estate for the reasons &c. purposes herein before proposed and, for other and proper relief

S. H. Cherry, Adm. of Ellen Rush.

State of Ohio, Union County

S. H. Cherry, being duly sworn says that he is the plaintiff herein, that the facts stated &c. the allegations made, in this his petition are true, as he verily believes.

S. H. Cherry.

Sworn to before me &c. signed in my presence this 2. day of July, 1927. (Seal) F. LeRoy Allen, Notary Public

111 04

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11104

Journal entry: Order fixing time of hearing and for notice.  
Probate Court, Union County, Ohio.

July, 2<sup>nd</sup> 1927.

Fixing  
Time of  
Hearing

This day S. H. Cherry, Guardian of, Ellen Rush, appeared in open court and filed his petition duly verified, asking for the sale of real estate therein described, belonging to said ward. Ellen Rush, appeared in open court and filed his petition, duly verified, asking for the sale of real estate therein described, belonging to his said ward, Ellen Rush.

It is ordered, that the time of hearing said petition be, and hereby is, fixed for the 6. day of August, 1927, at two o'clock P.M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand, of said petition to be given to said Ellen Rush, his ward, to George W. Lee, Richmond Banking Co., W. D. Cameron, Agt., Richmond Farmers Exchange Co., and Farmers Deposit Bank of Richmond him holders, and to Ada E. Martins, Cecil Rush, Ira D. McGary, Lester F. Rush, Gorman Rush, Osa P. Hoffman,

Bessie C. Cherry, Lawrence Rush, Orus S. Rush, Clifford Rush, Grema Wilson and Vergil Rush, all persons entitled to the next estate of inheritance in such real estate, defendants: in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each of those who cannot be served personally. -- days before said day of hearing in this cause, is continued

W. W. Husted, Probate Judge -

Receipt

Receipt

Issue summons, and notice in the above entitled action for the defendants, The Farmers Deposit Bank at Richmond Ohio, The Richmond Farmers Exchange Company, W. D. Cameron, Agent, The Richmond Banking Company, George Lee, Clifford Rush, Orus S. Rush, Lawrence, D. Rush, Cecil Rush, Ada E. Martins, and Ellen Rush, who resides in Union County, Ohio, and make same returnable according to law. Indorse summons, and notice action by guardian to sell real estate to Marshall Hines and equitable relief

F. LeRoy Allen, Atty. for, Plff.

Affidavit  
to obtain  
service by  
Publication

Affidavit

State of Ohio, Union County, ss.

S. H. Cherry, Guardian, being duly sworn, according to law, deposes and says, that he is plaintiff in the above entitled action, that the defendants, Ira,

11104

11104

To obtain  
service by  
Publication

Receipt

11104

Final Record, Union County Probate Court

11104

D. M. Cray, Lester F. Rush, Gorman Rush, Osa P. Hoffman, and Zenna Wilson, and Virgil Rush, are non-residents of Union County, that Bessie C. Cherry, is a non-resident of the State of Ohio, that service of summons, and notice on said defendants can not be made in this County of Union, that the following is the last known address of said defendants, to wit:

Ira D. M. Cray, Lester F. Rush, and Virgil Rush, Hardin Co. Ohio; Gorman Rush, Holmes County, Ohio, and Osa P. Hoffman, and Zenna Wilson, Marion Co. Ohio; and Bessie C. Cherry, Sumbury, Michigan.

That the within is an action in which service by publication may be made.

The affiant therefore asks that service of summons and notice on the above named defendants by publication may be made, and further affiant saith not.

I. H. Cherry.

Sworn to before me, and subscribed in my presence this 2 day of July, 1927

F. LeRoy Allen, Notary Public.

Journal Entry:

To obtain service by Publication

affidavit to obtain service by Publication upon affidavit of plaintiff showing that service of summons cannot be made upon Bessie C. Cherry, one of the defendants herein of the State and that this action is one in which service by publication may be made, is hereby ordered that plaintiff cause to be published for six weeks consecutively, in a paper of general circulation in this County of Union, of the jurisdiction and prayer of the petition herein and that copy of first publication be mailed to the last known address of said Bessie C. Cherry, who resides near Sumbury in the State of Michigan.

W. H. Hasted, Judge

Precipie

Precipie

Issue summons in the above entitled action for the defendant, Ira D. M. Cray, who resides two miles east of Mt. Victory, Ohio, and Lester F. Rush, and Virgil Rush, who resides one-half mile south of Kenton, Ohio, directed to the Sheriff of Hardin County, Ohio; for the defendant, Gorman Rush, who resides at Millersburg, Ohio, directed to the Sheriff of Holmes County, Ohio; Osa P. Hoffman, who resides in Prospect, D. E. Zenna Wilson, who resides on "Fess Ave" in Marion, Ohio,

11104

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11104

directed to the Sheriff of Marion County, Ohio make the above summons returnable according to law. Indorse summons action for Guardian to sell real estate to Marshall firm of equitable relief. F. Le Roy Allen, Atty for Plff.

Summons

Summons. The State of Ohio, Union County, Probate Court. To the Sheriff of said County:

You are commanded to notify the Farmers Deposit Bank, Richmond, O. Farmers Exchange Co. N. D. Cameron, Agent. The Richmond Banking Co. and George Lee of Richmond Ohio. Clifford Rush, Orus Rush, Lawrence D. Rush, Cecil Rush, Ada Martins and Ellen Rush of Union County, Ohio, that on the 2-day of July, 1927 D. H. Cherry, guardian of Ellen Rush, filed his petition in the Probate Court, of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain real estate belonging to said Ward, in said petition described, for the purpose of paying debts, and for the support of said Ward, and that unless they answer by the 6-day of August, 1927, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 18 day of July 1927.

Witness my hand and the seal of said Court, this 6-day of July, 1927.

J. W. Husted Probate Judge

Sheriff's Return

Sheriff's Return

The State of Ohio, Union County. Received this writ July 6-1927, at 2 P.M. and pursuant to its command on the 8 day of July 1927 I served the writ on the named defendant's Fred Rapp Cashier of the Richmond Banking Co. Delos Sullivan manager of the Richmond Farmers Exchange. Benton Cahill Cashier of the Farmers Deposit Bank, Lawrence D. Rush, Cecil Rush, Ada Martins, E. Clifford Rush, by personally handing to each of them a true and certified copy of this writ with all the endorsements thereon, and on the same day I served N. D. Cameron, George Lee, Orus Rush, and Ellen Rush at their usual place of residence with a true copy of this writ.

Sheriff's Fees F. S. Hayer Sheriff Mary E. Glue Deputy

10 additional \$2.50 58 miles 8. 4.64 Total \$ 7.84

11104

11104

Summons

Sheriff's Fees 98 names 20 Mailings 1.76 Total 2.76

Summons

11104

Final Record, Union County Probate Court

11104  
Summons.

Summons. - on Petition.  
The State of Ohio, Union Co. Probate Court  
To the Sheriff of Marion Co.,  
You are commanded to notify Eva P. Hoffman, Prospect, Ohio, and Zelma Wilson, Miss Arv. Marion, Ohio, that on the 2-day of July, 1927, S. H. Cheney Esq. of Ellen Rush, deceased, filed his petition in the Probate Court of said Union County, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts and the support of said Ward, and that unless they answer, by the 13-day of August, 1927, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 25-day of July, 1927.

Witness my hand and the seal of said Court, this 12-day of July, 1927.

Wm. W. Husted, Probate Judge

Sheriff's Return

The State of Ohio, Marion County.

Sheriff's fees  
\$1.00  
names, 20  
mileage, 176  
fees 27

Received this writ July 13, 1927, at 9 a.m. and pursuant to its command, I did on the 14 day of July, 1927, serve Eva P. Hoffman, by personally handing her a true and certified copy of this writ with all the endorsements thereon. On July 15, 1927, I served Zelma Wilson, by leaving at her usual place of residence, a true and certified copy of this writ with all the endorsements thereon.  
James D. Deal, Sheriff By Vane Durland Deputy

Summons.

Summons on Petition to Sell Real Estate  
The State of Ohio Union County Probate Court

To the Sheriff of Hardin County,  
You are commanded to notify Eva D. McBray, two miles of Mt. Victory  
& Lister F. Rush, and Virginia Rush, who resides one half mile south of Henton, that on the 2-day of July, 1927, S. H. Cheney, Esq. of Ellen Rush, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate; belonging to said decedent, in said petition described, for the purpose of

11104

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11104 paying debts and for his wards support, and that unless they answer by the 13 day of August 1927, said petition will be taken as true and an order granted accordingly. Said Sheriff will make return of this writ on the 25 day of July 1927.

Witness my hand and the seal of said Court this 11 day of July 1927. @ W. W. Honsted, Probate Judge

Sheriff's Return

Sheriff's Return  
The State of Ohio, Hamilton County,  
Received this writ July 8-1927 at 9. A. M. and pursuant to its command, on July 15/27 I served the writs named Lester F. Rush, Virgil Rush, by personally handing each of them a true and certified copy thereof with all the endorsements thereon. Ira D. McBray, not found in my Bailiwick.

J. M. Brooks, Sheriff  
By, F. M. Handenschmidt, Deputy.

Sheriff's Fee  
Service & Ret. 75  
names 25  
So. miles \$ 1.60 Local \$ 2.60

Summons

Summons on Petition to Sell Real Estate,  
The State of Ohio Union County, Probate Court.  
To the Sheriff of Holmes County,  
you are commanded to notify Gorman Rush, Millersburg, Ohio that on the 2 day of July 1927, S. H. Cheney, Son of Ellen Rush, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others, the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described for the purpose of paying debts and for the support of said Ward, and that unless they answer by the 13-day of Aug. 1927, said petition will be taken as true and an order granted accordingly.

Said Sheriff will make due return of this writ on the 25-day of July 1927.

Witness my hand, and the seal of said Court this 12 day of July 1927.

@ W. W. Honsted Probate Judge

Return

Sheriff's Return  
The State of Ohio, Holmes Co.  
Received this writ July 14-1927, at 10. A. M. and pursuant to its command, I made diligent search and could not find the writs named in our County to serve, this writ on James V. Gray, Sheriff.

11104

11104

Summons

Sheriff's Return

Summons and

Cross Petition

11104



Final Record, Union County Probate Court

11104  
Summons.

Summons  
The State of Ohio, Union County Probate Court.  
You are hereby commanded, to notify Ira D. McCarry at Lakewood, Ohio, that on the 2-day of July, 1927, S. H. Cheney, Guardian of Ellen Rush, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is, to obtain an order for the sale of certain Real Estate belonging to said ward, in said petition described, for the purpose of paying debts and support, and that unless they answer by the 13-day of August 1927, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 25-day of July, 1927.  
Witness my hand, and the seal, of said Court, this 16-day of July, 1927. *(Signature)* Probate Judge.

Sheriff's Return

Sheriff's Return  
The State of Ohio, Marion County.  
Received this writ, July 18- 1927, at 9. a. m. and on the days and in the manner hereinafter named, I served the same, on the within named defendants July, 19- 1927, on Ira D. McCarry, by personally handing her a true and certified copy of this writ, with all endorsements thereon.

James A. Deak, Sheriff  
By: Vane Ireland, Deputy.

Sheriff's Fee  
Service \$5  
30 miles Exp. Total \$3<sup>10</sup>

Answer and Cross-Petition

Answer and Cross-Petition of  
The Richmond Banking Co.  
Now comes the defendant, The Richmond Banking Co., answer for an answer to the Petition of the Plaintiff in the above entitled action, says:

That this Plaintiff is a Corporation organized under the Laws of the State of Ohio, and is engaged, in the general Banking business, at Richmond Union County, Ohio, and

That this Defendant, has no information sufficient to form a belief as to the truth of the Allegations of the said petition and therefore denies them not.

For Cross-Petition in the said cause, this Defendant, says,

That on the 13-day of September 1926, the

11104

Final Record, Union County Probate Court

THE W-W-S CO., CIN. O. 6203

11104

said Ellen Rush, did make, and deliver to this defendant, her promissory note, in writing in the amount of Two Thousand, One hundred, seventy-five dollars (\$2175.00) payable one year after date, a true copy of which note is hereto attached, marked exhibit "a" and made a part hereof: That no payment upon said note either as to principal or interest has been made, and there is now owing to this defendant, from the said Ellen Rush, the sum of \$2175. with interest at the rate of seven (7) per cent per annum, from the 13 day of Sept., 1926.

This defendant, further says, that on the said 13 day of Sept., 1926, the said Ellen Rush, did duly execute and deliver to this defendant her certain mortgage deed, upon the Real Estate, situate in the County of Union, State of Ohio, which real estate, is, fully, described in the Plaintiff's Petition herein, which real estate the Plaintiff seeks to have sold, and, the said mortgage was, on the 14 day of Sept., 1926, duly recorded, in Book of Mortgages No. 97, page 341, of the records of Union County, Ohio, and the said mortgage is a valid and subsisting lien against said premises, to secure the payment of the said note.

Wherefore, this defendant, prays, that if, said petition of the Plaintiff herein shall be granted and premises therein described shall be ordered, sold for the purposes therein mentioned, that the note and mortgage of this defendant as, herein described be adjudged a valid claim and lien against said Ellen Rush, and, the said premises: and that the Plaintiff herein be ordered, to pay to this defendant, the sum of \$2175. with interest at 7 per cent from Sept. 13-1926, from the proceeds, of said sale, in preference, to all other claims together with costs herein, and, for such other relief as, to the Court, may seem proper, and just.

A. B. Simons Atty. for Defendant Bank Co.

Cash

State of Ohio, Union County.  
J. F. Rapp, being duly sworn says, that he is the Cashier, of the Defendant, The Richmond Banking Co., that he has read, the foregoing Answer, and Cross-Petition, and that the facts stated therein are true, as he truly believes.

J. F. Rapp.

Sworn to before me, this 12-day of July, 1927

A. B. Simons  
Notary Public.

11104

11104

\$2  
one  
Pay  
in  
with  
an  
jo  
in  
app  
a  
a  
ay  
the  
co  
an  
in  
he  
ho  
th  
or  
the  
or  
p  
th  
No  
w  
he

Warrant

Hearing  
of  
affir

11104

defendant,  
I do  
) payable  
te is  
ade a part  
er us, to  
is now  
Dustr. the  
(7) per  
said 13  
ly execute  
tyage  
uty of Union  
did in the  
the  
d mortgage  
in Book of  
Union  
alid and  
the payment of  
d petition  
premises  
the purposes  
of this  
a valid  
and. the  
by

2175. with  
proceeds. of  
this with  
the Court,  
defendant Bank. Co.,

that he is  
King Co., that  
Petition, and

1927

11104

\$2175-

one year after date for value received. we promise to  
Pay to the Richmond Banking Co. of Richmond, Ohio.

Twenty one hundred seventy five dollars,  
in the U.S. gold coin, or its equivalent with 7 per cent  
int. payable semi-annually from date, until due,  
and, with interest at 8% per annum, on all unpaid  
principal and interest after due, until paid  
interest payable semi-annually.

And we hereby authorize any atty-in-law to  
appear in any Court of Record in the U.S. after the  
above money becomes due, and waive the issuing  
and service of process and confess judgment  
against us, or any of us, in favor of the holder of  
this note, for the amount appearing due, and the  
costs of suit, and thereupon to release all errors  
and waive all right of appeal and stay of execution  
in our behalf hereby, authorizing the holder, to apply  
hereon, at any time any money owing by such  
holder to us, or either of us, and further agreeing  
that in cases of insolvency, bankruptcy, business failure,  
or default, on this or any other obligation to the holder  
there, at the option of the holder, this and all such  
other obligations shall at once become due, and  
payable without demand, or notice.

Mrs Susan Ellen Rush.

This 13-day of Sept. 1926

Waiver

Waiver of Summons

Probate Court, Union County, Ohio.  
no. 11104

The undersigned party defendant to the Petition in the  
above entitled action, enter appearance, and do  
hereby consent to the sale of Real estate.

Gorman G. Rush

Hearing  
of  
appir-

Journal entry: orders on Hearing, of appraisement,  
Probate Court, Union County, Ohio  
August 27-1927.

Order of appraisement

This day this cause, came on to be heard upon the  
petition, evidence and testimony and the Court  
being fully advised in the premises finds: That  
all the defendants herein, have been duly  
and legally served, with process, or have  
voluntarily entered their appearance, herein, and are  
now properly before the Court, and that the  
statements and allegations in said petition  
are true.

11104

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11104

That said real estate is free from any claim for dower therein:

And the Court being satisfied that it is necessary to sell the real estate of said Ward, described in the petition to pay her debts.

It is ordered that Walter B. Davis, Homer Richard and Ernest L. Brown, three suitable and judicious disinterested men of the vicinity of said real estate who are freeholders, be and they hereby are appointed to appraise said lands as a whole at their true value in money free from the dower estate therein.

It is further ordered that said appraisers be sworn as required by law and afterward upon actual view perform the duties required of them and make return of their proceedings in writing to this Court on or before 30 day of August 1927. & this cause is continued.

W. W. Husted, Judge

Decree  
confirming  
appraisement  
and  
ordering sale

Journal entry: Decree confirming appraisement and ordering sale

This day this cause came on further to be heard on the return of the Plaintiff of the appraisement herein and it appearing to the Court that said appraisement heretofore ordered has been made and reported to this Court and the Court having carefully examined the same finds that said appraisement has been made in all respects in conformity to law and the former order of this Court the same is now here by the Court approved and confirmed.

The Court further find that the said Plaintiff as such guardian has given bond in sufficient amount with approved sureties conditioned according to law.

And this cause coming on further to be heard on the application of the Plaintiff for an order to sell said real estate at public sale and the same being submitted to the Court on the said application and the evidence adduced in support thereof on consideration whereof the Court finds that it would be for the best interest of said Ellen Rush and all parties interested therein that said real estate be sold at private sale.

And said guardian after diligent endeavor having failed to sell said real estate at private sale.

It is thereupon by the Court ordered that said Sturgis H. Cherry, guardian, as aforesaid proceed to advertise and sell the real estate aforesaid free of dower at public sale at not less than 2/3 of the appraised value thereof on the following terms:

11104

11104

order of appraisement

11104

Final Record, Union County Probate Court

11104

to wit: Cash in hand, on day of sale.

And further it is by the Court ordered, that said plaintiff make due return of his proceeding herein forthwith upon compliance with terms thereof.

W. H. Husted, Probate Judge

order of appraisement

Order of appraisement.

Probate Court.

The State of Ohio, Union County, ss.

To Sturgis H. Cheney, Guardian of Ella Rush, an alleged incompetent, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day in a certain cause, wherein you, as guardian of Ella Rush, alleged incompetent and Plaintiff and his ward, et al. are Defendants, you are commanded that by the oaths of Walter C. Davis, Homer Prichard, and Ernest L. Moore, judicious disinterested men of the vicinity, not of kin to the parties who are freeholders of the County, in which said real estate is situated and, upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises, free from doubts therein to wit:

Situated in Jackson Twp. Union Co. Ohio, and

Being part of Survey no. 9598, and bounded and described as follows:

Beginning at three beeches and an ash, the ash the original N. W. Corner of said Survey; thence with the north line of said Survey, N. 80 1/4° E. 117 1/17 poles; thence S. 10 1/4° E. 136 poles; thence S. 80 1/4° W. 117 1/17 poles to a stake N. W. Corner to D. G. Brownland; thence N. 10 1/4° 136 poles to the place of beginning. Situate in County of Union State of Ohio.

Containing one hundred, acres of land.

Second tract bounded and described as follows, to wit:

Situate in the Township of Jackson, County of Union, and State of Ohio, and in Survey no. 9598.

And bounded and described as follows:

Beginning at a joint in the N. E. Corner of Ella Rush's land; thence N. 80 1/4° E. 30 42/1000 poles to a stake; thence N. 80 1/4° E. 131 10/17 poles parallel with the said Ella Rush's east line and the Zebek Road; thence S. 80 1/4° W. with said Road 30 42/1000 poles to Ella Rush's east line; thence N. 10 1/4° W. 131 10/17 poles with said Ella Rush's line to place of beginning.

Containing 25 acres of land.

You will make return of your proceeding to this Court forthwith upon execution of this order.

11104

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11104 Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 27 day of August, 1927.

Seal W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio. In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 29 day of August, 1927.

Sturgis B. Cheney, Guardian

Oath of appraisers.

Oath of appraisers.

The State of Ohio, Union County.

We, the undersigned, appraisers do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate, at its fair cash value, and perform the duties required of us, in pursuance of the foregoing order.

Walter B. Davis

Gomer Puchard

Ernest L. Moon

} appraisers.

Sworn to before me, and signed in my presence, this 29 day of August, 1927.

Seal F. LeRoy Allen, Notary Public.

Appraisers Return

appr. Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at Twenty-five Hundred and no/100 Dollars, free from said down estate.

Said land appraised at (in two tracts)

100 acres, at \$65.00 per acre \$6500.00

25 " " 40.00 " " 1000.00

Total \$7500.00

Given under our hands, this 29 day of Aug, 1927.

Walter B. Davis

Gomer Puchard

Ernest L. Moon

} appraisers.

Legal notice

Legal Notice

To Bessie C. Cheney, who resides at Surrency Michigan you are hereby notified that on the 2 day of July 1927, S. B. Cheney, guardian of Ellen Rusch, filed in the Probate Court of Union County, Ohio, a petition, the object and prayer of which is to said Court, to order the sale of said real estate of said Ellen Rusch, situated in the County of Union, State of Ohio, and described as follows: Unit

See description in Petition & appraisement.

11104

Legal notice

Oath.

Final Record, Union County Probate Court

11104

The application therefor will be for hearing by said Court on or after the 18. day of August, 1927. at 10. A.M. at which time unless you show cause to the contrary, an order will be asked as prayed for in said petition.

B. H. Cherry, as guardian of Ellen Rusch.  
F. Le Roy Allen, Atty.

Dated this 7<sup>th</sup> day of July, 1927.

State of Ohio, Union County.

Personally appeared before me O. W. Krigley and made oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks, on and after July 14 - 1927 in the Richmond Gazette, a newspaper of general circulation in the County aforesaid.

O. W. Krigley

Known to before me and signed in my presence this 27. day of August, 19 - 1927.

Paul B. Van Winkle, Notary Public.

Printer's Fees \$16<sup>20</sup>.

Legal notice

Legal notice.

Guardian's Sale of Real Estate.

In pursuance of an order of the Probate Court of Union Co. Ohio I will offer for sale at Public Auction at the Court House in Mansfield Ohio Saturday, on the 12<sup>th</sup> day of Nov. 1927. at 2. P.M. eastern Standard time, the following described real estate to wit: see description. Return to appraisement -

The above described 100 acre tract is appraised at \$6500<sup>00</sup> and the above described 25 acre tract is appraised at \$1000<sup>00</sup>

Said 2 tracts of land to sell separately.

Terms of sale - cash

Sturgis H. Cherry, Esq.

F. Le Roy Allen, Atty.

State of Ohio, Union Co.

Oath.

Personally appeared before me O. W. Krigley and made oath, that the notice, a copy of which is hereto attached, was published for 4 consecutive weeks, on and after Oct. 20 - 1927, in the Richmond Gazette, a newspaper of general circulation in County aforesaid.

O. W. Krigley

Known to before me and signed in my presence, this 13<sup>th</sup> day of Nov. 1927.

Paul B. Van Winkle, Notary Public

Printer's Fees - \$11<sup>45</sup>

State Court,

was caused appear by

make personally read read the duties order.

presence,

to bring of the signed estate

) \$6500<sup>00</sup>  
1000.  
\$7500<sup>00</sup>

Michigan of July filed in petition the to order Rusch, Ohio.

appraise ment.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11104

Order of Sale.

Order of Sale Free from Down  
 The State of Ohio, Union County, Probate Court.  
 vs. Sturgis B. Cherry, Guardian of Ellen Rush, Incompetent; Plaintiff;  
 In audience, to the order, and decree of the Probate  
 Court, within and for said County, made, this day in  
 a certain cause, wherein you, as guardian of the  
 person of Ellen Rush, alleged incompetent are Plaintiff  
 and his Ward et. al. are Defendants, you are commanded  
 to proceed according to law, to sell, at public sale, for not  
 less than  $\frac{2}{3}$  the appraised value thereof free from  
 down, the following described premises, to wit:

Situated in the Township of Jackson, County of  
 Union, and State of Ohio, and  
 being part of Survey, No. 9898, and bounded <sup>as</sup>  
 described as follows:  
 Beginning at three beches, and an ash, the ash  
 the original N.W. Corner of said Survey; thence with the  
 north line of said Survey N.  $80\frac{1}{4}$  E.  $117\frac{1}{17}$  poles;  
 thence S.  $10\frac{1}{4}$  E. 136 poles; thence S.  $80\frac{1}{4}$  W.  $117\frac{1}{17}$  poles  
 to a stake N.W. Corner to D. G. Bronsland; thence N.  $10\frac{1}{4}$   
 136 poles to the place of beginning.

Situate in County of Union State of Ohio,  
 containing one hundred acres of land,  
 Second tract bounded, and described as follows, to wit:  
 Situate in the Township of Jackson, County of Union  
 State of Ohio, and in Survey, No. 9898, and bounded  
 as described as follows:

Beginning at a point in the N.E. Corner of  
 Ella Rush's land, thence, N.  $80\frac{1}{4}$  E.  $30\frac{4}{1000}$  poles  
 to a stake; thence S.  $10\frac{1}{4}$  E.  $131\frac{1}{17}$  poles parallel  
 with the said Ella Rush's East line and the Zebob  
 Road; thence S.  $80\frac{1}{4}$  W. with said Road,  $30\frac{4}{1000}$   
 poles to Ella Rush's East line; thence N.  $10\frac{1}{4}$  W.  $131\frac{1}{17}$   
 poles with said Ella Rush's line to the beginning,  
 containing 25 acres of land.

Said sale to be at the north door, of the Court  
 House, at Marysville O., and to be upon the following  
 terms: Cash in hand, upon delivery of deed.  
 You will make return of your proceedings  
 to this Court, for faith upon execution of this order.  
 Witness my signature and the seal of said  
 Probate Court, at Marysville O. this 30. day of August  
 1927. *Wm. M. Husted*, Probate Judge

Return.

Return

To the Probate Court of Union County, Ohio,  
 In audience, to the foregoing order, I have

11104

11104

Report

of Sale

Oath

Approving

Compising

11104



Final Record, Union County Probate Court

11104

caused. the same to be duly executed, as will fully appear by the proceedings hereto attached, Dated the 14. day of Nov. 1927. Sturgis H. Cherry. Exdr-

Report

Report of Sale

In obedience to the within order I duly advertised the real estate therein described for sale in the Richmond Gazette a newspaper printed and of general circulation in Union County Ohio where said real estate is situate for at least four consecutive weeks prior to the 12 day of Nov. 1927 the day of sale therein mentioned: Stating in the notice the time, place and terms of sale: and on said day at the hour of 2 P.M. I attended at the Court House in Mansfield, O. and offered said real estate for sale free from down when Frank Kirk bid to pay for the same the sum of Five thousand one hundred and Twenty five dollars which being the highest and best bid that was offered and being more than 2/3 of the appraised value of said premises I then and there sold the same to him for that sum.

Sturgis H. Cherry. Exdr-

Dated 14 day of Nov - 1927.

Oath

The State of Ohio, Union County. The above named Sturgis H. Cherry, ex. exdr, of Ellen Rush, an alleged incompetent being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale, is for the highest price he could get for said property.

Sturgis H. Cherry.

Sworn to before me, and signed in my presence this 14. day of November, 1927.

Attest J. LeRoy Allen, Notary Public.

Approving

Journal Entry: orders, approving & confirming Sale Probate Court, Union County, Ohio, November 28 - 1927.

Confirming Sale

This day this cause coming on to be heard on the report of Sturgis H. Cherry, guardian of Ellen Rush, an alleged incompetent of his proceedings and sale under the former order of this Court and upon the motion of said

11104

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

11104

petitions to confirm the sale, made in obedience to said order: the court having carefully examined said reports, and, finding the proceedings of said petitioners in all respects correct, and, being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and, hereby, is approved and confirmed.

It is further ordered, that said petitioners execute a deed of all the right, title and interest of said Elmer Bush, in said real estate, to the purchasers, Frank N. Kirk and Dorend M. Kirk, upon the said petitioners paying the purchase price.

It is further ordered, that this proceeding be recorded and, that said petitioners pay costs taxed at \$13-

W. H. Husted, Probate Judge

11320  
May 4  
1928  
F. J. Callinger  
attorney

Distribution

In the Probate Court, Union County, Ohio,  
Journal entry: order for Distribution  
And, coming now, to the distribution of the money derived from the sale of the real estate in this cause, it is hereby ordered that the said guardian Sturgis W. Cherry, out of the money in his hands, pay:

First:

To the treasurer of this County, the same being the taxes, penalty, and interest, against said property, the sum of. \$465.07

Second:

The cost of this action the sum of. 66.55

Third:

To the Richmond Banking Co. on the note & Mtg., as set forth in their cross-petition herein. 2372.33

Fourth:

To A. D. Conkright Clerk, on judgment liens against the real estate herein 370.00

Fifth:

And, the balance, to be retained by said Sturgis W. Cherry, Guardian to be expended for the benefit of his ward, from time to time as the Court may direct the same, being the sum of. 1651.00  
Total. \$5725.00

The same being the amount received for said real estate herein sold.

Balance of said money to be placed on interest for the benefit of said ward.

& to be accounted for, by said guardian according to law. Dated Dec. 19-1927.

W. H. Husted Probate Judge

11104

11320

Final Record, Union County Probate Court

11320  
May 4  
1928  
F. J. Callinger  
attorney

Guardian's Petition to sell Real Estate  
Probate Court, Union County, Ohio.  
no 11320.

Petition to sell Real Estate,  
Petition.

Pearl M. Terry, Guardian.  
Plaintiff.

P-

His Ward.

Lillie Cahill, and.  
Chester Cahill  
Christine Cahill  
Doright Cahill  
Union Co. Sav. and Loan,  
Graham and Graham.  
The Mansville Lumber Co.,  
Defendants.

Petition

Petition.

The Plaintiff represents that he is the duly appointed and qualified Guardian of Lillie Cahill of the age of -- years, on the -- day of -- and residing at the Columbus State Hospital

that no personal estate of any kind belonging to said Ward, nor came to the possession or knowledge of the petitioner

that there is no personal estate of said Ward dependent upon, the settlement of any decedent's estate or the execution of any trust nor in expectancy

that said Ward is the owner in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the village of Mansville, to-wit:

Being all of Lot number 323, new number 340, excepting, 12 1/2 feetaced off of the east side of said lot to Margaret Ell, situated at the northeast corner of West Eight Street and Maple Street.

and, also, the following real estate situated in the County of Mercer, village of Rockford, and State of Ohio, described as follows:

Being the undivided one-half interest, and Beginning at a point forty three feet and seven inches west of the N.E. Corner of Lot no. twenty-nine (29) in the original plat of said village and running thence west along the north line of said lot, nineteen feet and one inch, (19ft. and 1 in.) more or less to the center of the brick wall standing on the line between the real estate herein described and the real

11320.

since to  
said  
said sale  
by is  
cate a deed  
low Rush,  
M. Kirk  
paying the  
to recorded  
\$ 13 -  
udge  
y Ohio,  
lution  
the money  
in this  
guardian  
ds. pay:  
the same  
\$ 465.07  
66.58  
te  
2372.33  
370.00  
aid  
led  
e  
1651.00  
\$ 5725.00  
ian  
id Probate Judge

THE W-W-S CO., CIN., O. 6203

11320

estate immediately adjoining it on the west; thence south at right angles with the said north line of said lot, one hundred twenty eight, and one-half ( $128\frac{1}{2}$ ) feet, more or less, to the north line of a strip of ground, twenty feet wide off the south end of said lot, No. 29, heretofore, deeded to Miller and Saunders; thence east on the said north line of said strip of ground, nineteen feet and one inch, thence north one hundred and twenty eight and one half feet to the place of beginning.

That, said plaintiff has received no rents from any of the real estate of his ward.

That, there is no money in the hands of said Guardian from the estate of his ward.

That the sale of said real estate is necessary for the maintenance of said ward, and the payments of taxes and debts contracted in behalf of said ward. That the petitioner believes, it will be for the interest of said ward to sell real estate, and reinvest the residue of the money arising therefrom, after the debts are paid.

Petition

That, the Union Co. Sav. and Sds. a firm on said real estate first described by way of mortgage executed by said ward, for some hundred dollars ( $\$700^{\circ}$ ) now due.

Plaintiff prays that said mortgage defendants be required to answer setting forth more fully the amount and date of said mortgage lien.

Plaintiff also says, that defendant Graham and Graham, claims a judgment lien of  $\$43\frac{19}{100}$  with costs procured against said ward and levied against the first described real estate above.

Plaintiff also says, that defendant,

The Marysville Lumber Co, claims a judgment lien procured against said ward, and levied against the first described real estate above.

The Plaintiff therefore prays, that said defendants, Graham, and Graham, & The Marysville Lumber Co be required to answer setting forth more particularly their claims, that said lien holder, may be made Defendants to this petition, and notified of the pendency hereof, according to law and, that Plaintiff may be ordered to sell said real estate for the reasons & purposes, heretofore proposed, and for other proper relief.

Pearl W. Henry  
Gdn. of Willie Cahill.

11320

11320

orders  
Furness

Trainor

11320

Final Record, Union County Probate Court

11320

The State of Ohio Union County,

Pearl M<sup>c</sup> Elroy, being duly sworn, says that he is the plaintiff mentioned in the foregoing petition, and that the facts stated therein are true, as he truly believes Pearl M<sup>c</sup> Elroy.

Known to before me, and signed in my presence. This 4-day of May, 1928.

W. H. Husted, Probate Judge

orders  
fixing time

Journal Entry: orders fixing time of hearing for notice, Probate Court, Union County, Ohio.

Pearl M<sup>c</sup> Elroy Guardian of  
Jillie Cahill.

Plaintiff

v.

His Ward, et al.

Defendants.

This day Pearl M<sup>c</sup> Elroy, Guardian of Jillie Cahill, appeared in open Court and filed his petition duly verified, asking for the sale of real estate therein described belonging to his said ward.

It is ordered, that the time of hearing said petition to, and hereby is fixed for the 21-day of May, 1928, at 2 P.M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition, to be given to said defendants,

J. L. Cahill, his ward. All persons entitled to the next estate of inheritance in such real estate Defendants: in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each of those who can not be served personally, -- days, before said day of hearing. If this cause is continued.

W. H. Husted, Probate Judge

waiver

Waiver of Summons

Probate Court, Union County, Ohio.

We the undersigned parties Defendant to the Petition to the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance, as such, Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same, May, 10 - 1928.

11320

Christine Cahill, Chester Cahill, Dwight Cahill.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320

Waviv of Summons.

Probate Court, Union County, Ohio.

Waviv

We the undersigned parties Defendant. to the Petition in the above entitled action do each of us hereby waive the issuing and service of Summons and voluntarily enter our appearance as such Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

May, 8-1928.

Graham & Graham Per. C.C. Graham.

The Mansville, Lumber Co.

By Milo L. Myers its atty.

order for notice

Order for notice.

Probate Court, Union County, Ohio

To Pearl M. Droy Guardian:

You are hereby ordered to give notice to defendants your wards, Defendants to your petition this day filed in said Probate Court for sale of the following described real estate of said ward, of the filing of said petition and the time when the same will be heard: Such notice to be given at least ten days before the time hereinafter named for said hearing.

The real estate so asked to be sold is described as follows to wit: see Petition for description.

Said petition will be for hearing before said Probate Court at the office of the Judge of said Court in Union County Ohio on Monday the 21 day of May 1928 at 2 P.M.

Said Guardian will make due return showing how he served this order.

Witness my hand and the seal of said Court at Mansville Ohio this 4 day of May 1928.

W. W. Husted Probate Judge

Return of order.

Return of order.

Received this order the 10 day of May 1928

at Mansville upon service the same personally as shown hereon. Pearl M. Droy Guardian

acknowledgment

The undersigned defendant named herein do acknowledge due and legal service of the foregoing writ

Lillie Cahill

Return

11320

The State of Ohio Union County

P. Pearl M. Droy being duly sworn

11320

Ancient  
Lorr. Petition  
Graham

say  
ur  
wi  
10  
Ancient  
Lorr. Petition  
Graham  
of  
fa  
pet  
Fi  
de  
of  
th  
of  
fo  
re  
co  
C  
J  
C  
de  
e  
u  
up  
je  
Su  
pe  
ju  
sa  
G  
fr  
t  
J  
a  
W  
D

11320

Final Record, Union County Probate Court

11320

says that on the 10 day of May, 1928. I served this writ by delivering a true copy thereof personally to the within defendant Tillie Cahill

Read M<sup>c</sup>Henry, Esq.,

sum. to before me, and signed in my presence this 10 day of May, 1928. W. H. Husted Probate Judge

In the Probate Court of Union County, Ohio

Answer and Cross-petition

Answer<sup>2</sup>

Cross-Petition

Graham<sup>3</sup>

Now comes the defendants, Graham and McHann, and says that Graham and McHann are partners engaged in the grocery business in Marysville, Ohio composed of C. G. Graham, C. B. Graham, and says that they are not familiar with the facts and allegations contained in the petition of the plaintiff and therefore demur, the same.

Cross Petition

For Cross-petition to the petition of the Plaintiff. These defendants Graham and McHann says that on the 21 day of February, 1928, on consideration of H. H. Bondrick, Justice of the Peace, in and for Paris Township, Union Co. Ohio, they obtained a judgment against the said Tillie Cahill for the sum of \$4<sup>379</sup> with interest thereon at the rate of 6% per annum, from January 17<sup>th</sup> 1926 and costs in the sum of \$9<sup>30</sup>.

That on the 1<sup>st</sup> day of March, 1928, these defendants caused a transcript to be taken from the said Justice Court to the Court of Common Pleas of Union County, Ohio which said transcript was filed by these defendants against the said Tillie Cahill and in said Court of Common Pleas caused execution to be issued on said judgment and levy to be made upon the real estate described in the plaintiffs petition, and thereby obtained a good, valid and subsisting lien on the real estate described in the petition and which said lien is unpaid in any part thereof, and is now a good and subsisting lien on said premises.

Wherefore, these defendants, Graham and McHann, prays that said premises be sold as prayed for in the petition of the plaintiff, and that their claim and lien be protected, and its priority be established, and out of the proceeds of sale according to their priority as found by the Court, and all other equitable relief to which these defendants may be entitled to.

John H. Dairy Notary Public

State of Ohio, Union Co. ss.

11320

C. B. Graham, being duly sworn, says that the

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11320

facts stated and allegations made in the foregoing answer, and cross-petition are true, as he verily believes.

C. C. Graham,

Sworn to before me, and subscribed in my presence, this 16-day of May, 1928. John W. Daily, Notary Public.

Answer, et.

Answer, and Cross Petition

Cross Petition

Now comes the Maupsville Lumber Co. and says that it is a corporation duly incorporated and having a place of business in the village of Maupsville, Union Co. Ohio and says that it is not familiar with the matters and things as stated and set forth in the plaintiff's petition herein filed and therefore denies the same.

Cross Petition

Cross Petition

For Cross Petition to the plaintiff's petition this defendant, The Maupsville Lumber Co. says that on the 30<sup>th</sup> day of May, 1927, on consideration of W. F. Brodrick, a Justice of the Peace, in and for Paris Township Union County, Ohio, it obtained a judgment against the said Lillie Cahill, for the sum of \$151.<sup>55</sup> with interest thereon at 6% per annum from Oct 30<sup>th</sup> 1926, and costs in the sum of \$9.<sup>80</sup>

That on the 29<sup>th</sup> day of June, 1927, this defendant caused a transcript to be taken from the said Justice Court to the Court of Common Pleas of Union Co. O. which transcript was therein filed by the said defendant against the said Lillie Cahill and in said Court of Common Pleas caused execution to issue on said judgment and levy to be made upon the real estate described in the said Plaintiff's petition, and thereby obtained a good valid and subsisting lien on the real estate in the petition described, and which is still a valid lien on said premises.

That on the 30<sup>th</sup> day of Oct. 1926, the said Lillie Cahill paid \$10- on said lien and on the 8 day of June, 1927, she paid \$5- on said lien.

Wherefore, this defendant prays that if it is ordered by the Court that the said premises be sold, as prayed for in the plaintiff's petition, then that it's claim and lien be protected and it's priority established and out of the proceeds of the sale, received it claim, and lien be paid according to it's priority and for such other and further relief in the premises as the Court may find just and equitable.

11320

Wils L. Myers

Attorney for Defendant.

11320

Hearing on appraisement.

Order of appraisement 11320.



Final Record, Union County Probate Court

11320

State of Ohio, Union County, ss.

Verl Graves being duly sworn, says, that he is, the manager of the defendant company The Mansfield Lumber Co., and that the facts stated and the allegations made and contained in the foregoing Answer, and Cross Petition are true as he believes.

Verl. A. Graves.

Brought to before me, and signed in my presence, this 10<sup>th</sup> day of May, 1928.

Maud Pyers, Notary Public.

Journal entry; Order on Hearing, of appraisement. Probate Court, Union County, Ohio May, 21-1928.

Hearing on

appraisement.

This day this cause came on to be heard upon the petition, evidence and testimony, the answer and Cross petition of The Mansfield Lumber Co. and also, Graham, and Graham and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein, and are now properly before the Court, and that the statements and allegations in said petition are true. There is no doubt interest.

And the Court being satisfied that it is necessary to sell the real estate of said Tillie Cahill described in the petition, to pay her debts.

It is ordered, that O. A. Wilgus, C. B. Jarvis and Paul Hutchinson three suitable & judicious disinterested men of the vicinity of said real estate, who are free holders, be and they hereby are appointed to appraise said lands. In the petition first described as a whole at their true value in money. And, A. H. Pontius, C. M. Van Fleet & Wm Robbins three suitable & judicious disinterested free holders be and they hereby are appointed to appraise said lands, in the petition, second described as a whole.

It is further order that said appraisers, be sworn as required by law, and afterward, upon actual view, perform the duties required of them and make return of their proceedings in writing to this Court, on or before 22<sup>nd</sup> day of May, 1928. & this cause is continued. W. H. Hobbs, Probate Judge.

Order of appraisement.

Order of appraisement 11320.

The State of Ohio, Union Co., Probate Court, In Presence of Pearl M. Hoop, Esq., of Tillie Cahill; Meeting:

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320

In obedience to an order and decree of the Probate Court within and for said county, made this day, in a certain cause, wherein you, as Guardian and Plaintiff and of Lillis Cahill et al. are Defendants you are commanded, that by the oaths of O.A. Wilgus, C.C. Jarns, and Paul Hutchinson judicious disinterested men of the vicinity, not of kin to the petitioners who are freeholders, of the county, in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises, situated in the County of Union State of Ohio, village of Mansville town:

Being all of Lot number, 323, new number, 340, excepting 14 1/2 feet sold off of the east side of said lot to Margaret Ell, situated at the northeast corner of West 8th St. and Maple Street

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansville Ohio, this 23 day of May, 1928.

W.S. Wusted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 25 day of May, 1928.

Paul W. Henry

Oath of appraisers

Oath of appraisers

The State of Ohio, Union County. We, the undersigned appraisers, do make solemn oath that we will, upon actual view, honestly, and impartially appraise the within described real estate at its fair cash value; and perform the duties required of us in pursuance of the foregoing order.

C.C. Jarns, P.E. Hutchinson, O.A. Wilgus [appraisers,

known to before me, and signed in my presence, this 25 day of May, 1928. W.S. Wusted, Probate Judge

appraisers Return

appraisers Return

In obedience to the foregoing order, after being first duly sworn, & upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at One Thousand Five Hundred Dollars.

Given under our hands, this 25 day of May, 1928. C.C. Jarns, P.E. Hutchinson, O.A. Wilgus

appraisers

11320

Order of appraisement.

Return

Oath of appraisers.

appraisers Return

Final Record, Union County Probate Court

11320  
Order of appraisement.

Order of appraisement.  
 The State of Ohio, Union County, Probate Court,  
 To: Pearl M<sup>c</sup> Troy, Seeting;  
 In obedience to an order and decree of the  
 Probate Court within and for said County, made this  
 day in a certain cause, wherein you, as Guardian  
 of Tillie Cahill, are Plaintiff and your Ward, et al  
 are Defendants, you are commanded that by the  
 oaths of A. H. Pontius, C. M. Van Fleet, and Wm Robbins  
 judicious disinterested men, of the vicinity, not of kin  
 to the petitioner, who are freeholders of the County in  
 which said real estate is situated, and upon actual  
 view, you cause a just valuation and appraisement  
 to be made according to law, of the following described  
 premises free from any dower estate therein, to wit:  
 description in Petition  
 you will make return of your proceedings to this  
 Court, forthwith upon execution of this order.  
 Witness my signature and the seal of said  
 Probate Court at Mansfield, Ohio, this 29<sup>th</sup> day of June, 1928.  
 Geo W. Husted, Probate Judge -  
 Return

Return

To the Probate Court of Union County, Ohio.  
 In obedience to the foregoing order, I have caused  
 the same to be duly executed, as will fully appear  
 by the proceedings hereto attached.  
 Dated the 9<sup>th</sup> day of July, 1928.  
 Pearl M<sup>c</sup> Troy

Oath of appraisers.

Oath of appraisers  
 The State of Ohio, Mercer County,  
 We, the undersigned appraisers, do make  
 solemn oath that we will, upon actual view,  
 honestly and impartially appraise the within described  
 real estate at fair cash value, and perform the  
 duties required of us, in pursuance of the  
 foregoing order.  
 A. H. Pontius, C. M. Van Fleet, Wm Robbins & appraisers  
 known to before me, and signed in my presence this  
 5<sup>th</sup> day of July, 1928.  
 Geo. W. O. Purdy, Notary Public,  
 appraisers' Return

appraisers Return

In obedience to the foregoing order, after being first  
 duly sworn, and upon actual view of the  
 premises therein described, we, the undersigned  
 appraisers estimate the value of said estate  
 at Rockford, Ohio at \$1200<sup>00</sup> - The undivided one-half  
 being \$600<sup>00</sup> - Six hundred dollars -

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320

Given under our hands, this 5<sup>th</sup> day of July, 1928.  
A. H. Pontius, C. M. Van Fleet, W<sup>m</sup> Robbins, appraisers  
Frs. of appraisers #6-

Confirming  
appraisement.

Probate Court, Union County, Ohio, May, 25-1928,  
confirming appraisement. <sup>and</sup> ordering Bond.  
This day came the said Plaintiff, by his attorney, and  
produced to the Court the report of an appraisement herein  
made by C. E. Jarvis, P. E. Hutchinson <sup>and</sup> O. W. Wilgus in  
pursuance of a former order. This Court, and it appearing  
upon examination that said report is in all respects  
regular and correct, it is ordered that the same be and  
hereby is approved and confirmed.

It is further ordered that said Pearl M<sup>rs</sup> Hroy execute  
within 30 days to the State of Ohio, a bond with sufficient  
sureties to be approved by the Court, in the sum  
of Two Thousand Dollars, conditioned according to law. <sup>and</sup> this  
Cause is continued

W. T. Husted, Probate Judge  
Guardian's Bond.

Bond

Know all men by these Presents, that we, Pearl M<sup>rs</sup> Hroy, and  
United States Fidelity <sup>and</sup> Guaranty Company are held <sup>and</sup>  
firmly bound unto the State of Ohio, in the sum of  
Two Thousand and <sup>no</sup> 00/100 Dollars for the payment of which  
we hereby jointly and severally bind ourselves, our heirs,  
executors, and assigns.

Signed by us and dated at Mansfield, Ohio, this  
5<sup>th</sup> day of June, 1928.

The condition of the above obligation is such, that  
whereas, the above bound Pearl M<sup>rs</sup> Hroy, was heretofore  
duly appointed and qualified by the Probate Court at  
Union County, Ohio, Guardian, has filed a petition in  
said Probate Court asking an order for the sale of  
certain real estate of said Ward, described in said  
petition, which under proceedings in said Court  
duly had, has been appraised at the sum of  
Two Thousand Dollars.

And whereas, said Court, on the 25<sup>th</sup> day of  
May, 1928, made an order requiring said Guardian  
to execute a bond, according to the statute in  
such cases made, and provided,

now, if the said Pearl M<sup>rs</sup> Hroy, as Guardian  
aforesaid, shall faithfully discharge his duties as such  
Guardian, and faithfully pay over and account for  
all moneys arising from the sale of said Real  
Estate according to law, then this obligation to be  
void, otherwise to remain in full force.

Pearl M<sup>rs</sup> Hroy, United States Fidelity <sup>and</sup> Guaranty Co.,

11320

Answer <sup>and</sup>  
Cross-Petition  
Union Co.,  
Sec. <sup>and</sup> Loan Co.,

by  
J  
L  
is  
for  
the  
m  
of  
o  
on  
in  
a  
en  
to  
C  
a  
t  
h  
p  
it  
a  
d  
a  
f  
e  
e  
l  
h  
u  
t

Final Record, Union County Probate Court

928.  
 appraisers  
 May, 25-1928,  
 ering Bond,  
 ny, and,  
 ment herein  
 s in  
 it appearing  
 respects  
 be and  
 execute  
 sufficient  
 in the sum  
 law. As this  
 lroy, and  
 re bred and  
 sum of  
 out of which  
 or heirs.  
 his, this  
 That  
 beutofon  
 Court. at  
 etition in  
 sale of  
 d in said  
 Court  
 sum of  
 day of  
 Guardian  
 tite in  
 ordian  
 so such,  
 account for  
 t. Real  
 tion to be  
 ty Co.,

11320  
 Answer and  
 Cross-Petition  
 Union Co.,  
 Sav. & Loan Co.

by R. S. Banks, agent. (Seal)  
 This bond approved, in open Court, this 5<sup>th</sup> day of  
 June, 1928. (Seal) W. H. Studer, Probate Judge

Answer and Cross-Petition  
 Union Co. Savings & Loan Co.  
 Aug. 6-1928.

Now comes the defendant, The Union County Savings & Loan  
 Company of Marysville, Ohio, and states that it  
 is duly incorporated under the laws of Ohio, for the  
 purposes of loaning money among its members,  
 for use in buying lots or building or repairing  
 houses, and for other purposes. The said Lillie Cahill  
 was one of the members; that now or, about the 23<sup>rd</sup> day  
 of April 1926, it paid to the said Lillie Cahill the  
 sum of \$700.00 the estimated value of seven shares  
 on a contract then and there made and entered  
 into, by which said Lillie Cahill agreed, to repay  
 said sum to the defendant in monthly  
 installments of dues, interest premiums, insurance,  
 taxes and assessments, according to terms and  
 conditions of a certain mortgage deed herein  
 after set forth. This defendant further says  
 that in order to secure the performance of said  
 contract, and to enable it to enforce the  
 payment of the sums coming due, and payable  
 thereunder, the said Lillie Cahill, unmarried, on or  
 about the 23<sup>rd</sup> day of April 1926, executed and  
 delivered to said Loan Company, its successors  
 and assigns her certain mortgage deed with the  
 following described real estate: Situate in the  
 Village of Marysville, Union County, Ohio.

Being all of Lot no. 343, new number 340,  
 excepting 1/2<sup>rd</sup> feet sold off of the East side of  
 said Lot to Margaret E. situated at the north  
 east corner of Eighth St. and Maple Street.

That said mortgage deed contained  
 the following conditions:  
 That whereas, said Lillie Cahill has entered  
 into contract in writing with the said Union  
 County Savings & Loan Company, in words as  
 follows, to wit:

Provided nevertheless, and these presents are  
 upon this condition, that whereas, the said  
 Lillie Cahill, unmarried has entered into  
 a contract in writing with said The  
 Union County Savings & Loan Company  
 in the words and figures following, to wit:

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11320

\$700<sup>00</sup> Marysville, Ohio, April 23-1926.  
 Received as a loan from the Union County Savings  
 and Loan Co. of Marysville, Ohio, the sum of \$700<sup>00</sup>  
 being loan no. 177, which sum I agree to repay with  
 7% interest thereon, payable as follows: I agree to pay  
 said Company monthly on said loan not less than  
 \$7<sup>00</sup> and I hereby authorize the Secretary of said  
 Company on the last day of December, and the last day  
 of June, of each year to apply said payments as follows:  
 First: To the payment of interest due on said loan  
 on the first day of January, and the first day of July of  
 each year.  
 Second:  
 To the payment of sums with interest at same  
 rate as principal debt, advanced by said Company, for  
 insurance, taxes and assessments, which it is hereby  
 authorized to advance.  
 Third:  
 The balance to be credited on the principal  
 of said loan.  
 Said monthly payments of \$7<sup>00</sup> or \$17<sup>50</sup> weekly  
 shall be continued until said loan with interest  
 thereon has been fully paid.  
 On failure of the signor hereof to make said  
 monthly payments for the period of eight weeks, the  
 whole amount then remaining due and unpaid  
 on said loan shall forthwith become due, and  
 payable at the option of said Company, notice of such  
 option being hereby expressly waived.  
 And it is hereby agreed that, if the signor  
 should sell and convey the premises mortgaged to  
 secure this loan, the whole of said mortgages shall  
 become due and payable, at the option of said Company.  
 I hereby subscribe for 7 shares of stock in said  
 Company of \$100<sup>00</sup> each,  
 which I hereby assign to said  
 Company, as collateral security for said loan  
 Tillie Cahill  
 Now, if the said Tillie Cahill, shall pay to the said  
 the Union County Savings and Loan Company, its  
 successors, or assigns, the said sums of money,  
 as set forth in said note and contract as they  
 respectively become due and payable, and shall further  
 pay all taxes and assessments on said premises, and  
 shall keep the buildings thereon insured in favor  
 of the said the Union County Savings and Loan Co.,  
 to the acceptance of the Company, and Justice

11320

the  
 com  
 loan  
 voi  
 ma  
 in  
 un  
 and  
 tax  
 for  
 the  
 un  
 G  
 at  
 Rec  
 was  
 94  
 Clo  
 The  
 an  
 one  
 Com  
 an  
 her  
 da  
 of  
 ar  
 \$5  
 \$  
 un  
 on  
 ma  
 blu  
 mo  
 in  
 the  
 Ste  
 by  
 To  
 the  
 G  
 Com  
 me

Final Record, Union County Probate Court

113-20

that all insurance that is effected by mortgage to cover said property shall be made payable to the Union County Savings & Loan Co. then these presents shall be void; otherwise to remain in full force & effect:

Provided, that if said Tillie Cahill, shall fail to make said weekly payments for the period of 8 wks. in accordance with said contract, or fail to make any of said payment when due, or shall sell and convey said premises, or shall fail to pay, said taxes, or assessments, or keep said premises insured for the benefit of the mortgage as aforesaid, then the whole amount of said loan then remaining unpaid shall forthwith become due and collectible. In this mortgage shall become absolute.

Said Loan Company on the 27 day of April, 1926, at 11 o'clock a.m. delivered the said mortgage to the Recorder of Union County, Ohio, and said mortgage was on the 3 day of May duly recorded in book 94 page 92, of the Union County records, and the claim of said Loan Company thereby became, and still is, the first and best lien upon said premises and this defendant further says that neither said Tillie Cahill nor did her legal representatives comply with the terms and conditions of said mortgage and did not make payment so as aforesaid by her agreed.

That she has made no payment since -- day of --- 19-- and that up to and inclusive of the first day of July, 1928 said Tillie Cahill and her representatives are delinquent in interest \$5-32<sup>8</sup> taxes and insurances paid by said Loan Co, \$118<sup>44</sup> on principal \$700<sup>00</sup> or a total of \$871<sup>72</sup> with interest at 7% per annum on the total sum from July 1- 1928.

Wherefore defendant prays that an account may be taken of the amount due on said mortgage when a decree shall be taken and said premises may be sold to satisfy said mortgage and the interest, premiums and other obligations arising thereunder said mortgage and for all proper relief. State of Ohio

Union County, ss.

Frank Z. Bellinger, being duly sworn, says that he is the attorney for the Union County Savings & Loan Co., & that the facts stated and the allegations made contained in the foregoing Answer & Cross-Petition are true as he believes.

Frank Z. Bellinger Attorney.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320.

Sworn to before me, and signed in my presence, this 6. day of Aug. 1928. *Geo. W. Husted, Probate Judge.*

Application

Application to sell Real Estate at Private Sale  
Probate Court, Union County, Ohio.

The said Raincliff represents that it would be for the best interest of the said estate of Lillie Cahill to sell the real estate described in the petition first in this case, at private sale, for the following reasons:

1st. Because he believes that he can sell it for the full value of the appraisement at private sale.

It would be to avoid the expense of publication and the lack of competitive bidders might compel the sale for two thirds of the appraisement and that would entail a loss to the estate.

And he therefore asks for an order authorizing him to sell said real estate at private sale.

*Pearl M. Army, Sdr., of Lillie Cahill.*

The State of Ohio, Union County.

*Pearl M. Army, being duly sworn says, that the various matters set forth in the foregoing application are true, as he verily believes.*

*Pearl M. Army, Sdr.*

Sworn to before me, this 6. day of August, 1928

*Geo. W. Husted, Probate Judge*

Affidavit

Affidavit of Disinterested Persons.

of

The State of Ohio, Union County.

Disinterested

*Glen L. Blinn, & Clara H. Huber, being duly*

Persons

Sworn, says, that they know the facts set forth in the Application to which this affidavit is attached; that they have no interest whatsoever in the matter therein referred to, and that it will be more for the interest of the said Lillie Cahill to sell said Real Estate at private sale, than at Public sale, as they verily believe.

*Glen L. Blinn,*

*Clara H. Huber,*

Sworn to before me, and signed in my presence, this 6. day of Aug. 1928.

*Geo. W. Husted,*

*Probate Judge*

Probate Court, Union County, Ohio.

Aug. 6 - 1928.

Confirming appraisement and

Ordering Private Sale

Confirming appraisement

Ordering sale.

11320

Return

Report

7  
Sale

Order



Final Record, Union County Probate Court

11 320

This day this cause came on, further to be heard, and it appearing to the Court that the appraisement heretofore ordered, has been duly made, the same is hereby confirmed: said appraisement being one thousand five hundred dollars, free from down.

And, the plaintiff above named having given Bond, dated June 5-1928, in the sum of Two Thousand Dollars, with United States Fidelity and Guaranty Co. conditioned according to law, and approved by the Court: and it appearing to the Court, that it would be to the interest of said estate to sell the real estate described in the petition at private sale:

It is now ordered, that said plaintiff proceed to sell said real estate free from down estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit: Cash in hand. Witness my signature & seal of Probate Court this 6-day of Aug. 1928 Seal W. H. Husted, Probate Judge.

Return

Return

To the Probate Court, Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.

Dated the 6-day of August, 1928.

Pearl M<sup>c</sup> Army, Secy.

Report

Report of Sale

In obedience to the within order, I sold said premises on the 6-day of August 1928, to Emmett LeRoy and Madeline Gordon, for the sum of Fifteen Hundred Dollars. Said sum being the appraised value of the same.

Dated Aug. 6-1928.

Pearl M<sup>c</sup> Army, Secy.

Oath.

The State of Ohio Union Co.

The above named, Pearl M<sup>c</sup> Army, being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

Pearl M<sup>c</sup> Army Secy.

Sworn to before me, & signed in my presence this 6-day of August 1928

Seal W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320

Application to Sell Real Estate at Private Sale.  
Probate Court, Union County, Ohio.

Application

1.  
Sale at  
Private sale

The said Plaintiff represents that it would be for the best interest of the said estate of Lillie Cahill to sell the real estate described in the petition second in this case, at private sale, for the following reasons:

1<sup>st</sup> Because, he believes that he can sell it for the full value of the appraisement at private sale.

2 - It would avoid the expense of publication and, the lack of competitive bidders, might compel the sale for two-thirds of the appraisement, and, that would entail a loss to the estate.

And, he therefore asks for an order authorizing him to sell said real estate at private sale.

Pearl M<sup>c</sup> Hroy, Guardian, Lillie Cahill.

The State of Ohio, Union County.

Oath

Pearl M<sup>c</sup> Hroy, being duly sworn, says, that the various matters set forth in the foregoing application are true as he verily believes.

Pearl M<sup>c</sup> Hroy

Sworn to before me, and signed in my presence, this 25<sup>th</sup> day of Sept., 1928.

W. W. Husted, Probate Judge

affidavit of Disinterested Person.

Affidavit

of  
Disinterested  
Person.

The State of Ohio, Mercer County.

E. E. Jackson, resident of Rockford, Mercer County, O.  
K. C. Kyle, resident of Columbus, Ohio, being duly sworn say, that they know the facts set forth in the Application to which this affidavit is attached; that they have no interest whatever in the matter therein referred to, and, that it will be done for the interest of the said estate of Lillie Cahill, to sell said real estate at private sale, than at public sale, as they verily believe.  
E. E. Jackson. R. C. Kyle

Sworn to before me, and signed in my presence, this 25<sup>th</sup> day of Sept. 1928. J. C. Borrer, Notary Public Mercer Co., O.  
My Commission expires 3-3-1930.

order  
approving  
an

Journal entry: Order approving, & confirming Sale -  
Probate Court, Union County, Ohio.  
Aug. 6 - 1928.

confirming  
Sale.

This day, this cause, coming on to be heard, on the report of Pearl M<sup>c</sup> Hroy, Guardian of Lillie Cahill of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience

11320.

Order of  
Distribution

Order of  
Dis

Final Record, Union County Probate Court

11320.

to said order: the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is approved, and confirmed. It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Lillie Cahill, in said real estate, to the purchasers, Emmitt Leroy Jordan, & Madaline Jordan, upon the said purchaser paying cash on hand.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs \$ - within ten days.

W. H. Knsted, Probate Judge

Probate Court Union County, Aug. 23 - 1928.

Order of Distribution of Proceeds

Order of Distribution

This cause came on this day further to be heard, upon the reports of the plaintiff of the sale made to Emmitt Leroy Jordan, and Madaline Jordan for the sum of fifteen hundred dollars (\$1500) as heretofore ordered, approved, and confirmed.

And the said Guardian having been ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises so sold.

It is further ordered, that satisfaction of the mortgage of the Union County, Savings & Loan Co., herein set forth in their answer and cross-petition be entered on the record thereof in the office of the Recorder of Union County, where it is recorded.

And the Court hereby now to distribute the proceeds of said sale amounting to \$1500<sup>00</sup>

It is ordered, that said Guardian out of the money in his hands, pay to the Treasurer of this County the taxes, penalty and interest against said property, the sum of \$ -

And the cost & expenses incurred in the sale of said property amounting to \$ - as follows:

- (a) The Court costs, amounting to the sum of \$13<sup>00</sup>
- (b) To F. J. Ballinger atty for Plaintiff the sum of 25<sup>00</sup>
- (c) Percentage & charges of the Guardian amounting to \$ -

Order of Dis

3<sup>25</sup> To the Union County Savings & Loan Co, on the note & mortgage set forth in its answer, and cross-petition the sum of \$ 879<sup>56</sup>

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11320.

4<sup>th</sup> To the Clerk of the Courts of this County, in satisfaction of the judgment lien of the Marysville Lumber Co. herein set forth in their answer and cross-petition the sum of \$126<sup>16</sup>

5<sup>th</sup> To the Clerk of Courts of this County in satisfaction of the judgment lien of Graham and Graham, herein set forth in their answer and cross-petition # 61<sup>64</sup>

And, it is ordered that the balance of said fund, be distributed according to law,

W. H. Gualdoni Probate Judge

See page 356.

10942  
July 1-1928.

Petition

Order

Authorizing  
Private sale.

To  
me  
resp  
pro  
of  
inc  
the  
est  
now  
for  
2  
11-  
2  
1  
The  
pe  
br  
sta  
9.  
so  
up  
the  
pro  
to  
to  
up  
C

Final Record, Union County Probate Court

10942  
July 11-1928

In the matter of the Estate of Melvin Curtis Long, dec'd.  
Petition to Sell Personal Property at Private Sale,  
Probate Court, Union County, Ohio,  
No. 10942.

To the Judge of said Court:

The undersigned Nellie E. Long, Ex- of the estate of Melvin Curtis Long late of said County, deceased, respectfully makes application for authority to sell at private sale, and at its appraised value, the part of the personal property of said estate which is enumerated in the Schedule attached hereto, and which is also enumerated in the Inventory of said estate filed in said Court.

Petition

And the petitioner alleges that said sale would be for the advantage of said estate for the following reasons:

There is not enough goods to have a public sale.

Dated July 11-1928.

Nellie E. Long, Ex-

The State of Ohio, Union County,

Oath

Nellie E. Long, being duly sworn, says that the various matters and things contained in the foregoing application are true as he truly believes.  
Nellie E. Long.

Sworn to before me, and signed in my presence, this 11-day of July, 1928. (Seal) W. W. Husted, Probate Judge -  
Schedule -

- $\frac{2}{3}$  interest in Buster Wagon, Team & Harness. 5-3.33
- $\frac{2}{3}$  " " stock of goods

Probate Court, Union County, O. July 11-1928.

Authorizing Private Sale.

Authorizing Private Sale.

This day this cause came on to be heard upon the petition herein filed by Nellie E. Long, and the Court being fully advised in the premises finds that the statements & allegations in said petition are true, & that the property therein described ought to be sold as prayed for, and the Court being satisfied upon good and sufficient proof, that it will be to the advantage of said estate to sell said personal property at private sale; it is therefore ordered, that Nellie E. Long, as Executor of said estate proceed to sell said personal property at private sale, for not less than the appraised value thereof.

It is further ordered, that said sale be made upon the following terms to-wit:  
Cash in hand, at time of sale -

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

It is further ordered, that said Executrix make return of her proceedings herein within 90 days from this date and forthwith after such sale is made & this cause is continued.

W.H. Kusted, Probate Judge

Order of Private sale.

Order of Private Sale, Personal Property  
Probate Court, Union County, Ohio.  
No. 10 942.

To Nellie E. Long, Ex. of the estate of Melvin Curtis Long.  
In obedience to an order and decree of the Probate Court, within and for said County made this day in the matter of said estate, you are hereby authorized and required to proceed according to law to sell, at Private sale, at not less than the appraised value, thereof, the following goods and chattels belonging to said estate, to-wit:  
2/3 interest in Huxter wagon and team & harness. 5-3.33  
1/3 " " stock of goods

Said sale to be on the following terms:

Cash in hand, at time of sale.

You will return this order within three months from this date & forthwith upon the execution of the same, together with your report thereon endorsed.

Witness my hand and the seal of said Court.  
This 11th day of July, 1928.

W.H. Kusted, Probate Judge.

Return

Probate Court, Union County, Ohio.  
Report Sale of Personal Property.

Report of

The undersigned Executrix of said estate, says, that in obedience to the order of said Court hereto attached

She sold Joseph Titus said personal property 17 day of July, 1928, for the appraised value.

A detailed Bill of said Sales is hereto attached.

Dated this 28th day of Aug. 1928.

Nellie E. Long, Executrix

Bill of Sales.

Bill of

2/3 interest in Huxter wagon

Team and harness 5-3.33

2/3 int. of stock of goods

Sold to  
for Titus 5-3.33

approving

Journal entry orders, approving & confirming sale,  
Probate Court, Union County, Ohio,  
Aug. 28 - 1928.

Confirming sub. This day, this cause coming on to be heard, on the report of Nellie E. Long, Ex. of her proceedings under former

Final Record, Union County Probate Court

the return  
is date  
cause is

Property  
by this

this long  
Probate  
day in the  
and  
to Private  
news of the  
date. tomb:  
5-3, 33

months  
of the  
used,  
and court.

age.  
this  
property,  
is that  
nets attached  
ly  
shed.

his 5-3, 33

this  
d. on the  
under former

order of this court: the court having carefully examined  
said report and being satisfied that said sales are legal  
This ordered that the same be and hereby is  
approved and confirmed  
Further ordered that this proceeding be recorded,  
and Ex. pay. costs \$3-  
W. V. Husted. Probate Judge

Final Record, Union County Probate Court

THE W-V-S CO., CIN., O. 8203

11320

Sept. 25-1928

Guardian's Petition to Sell Real Estate  
From page 335.  
Guardian's Bond.

Know all men by these presents: That we Pearl M<sup>c</sup>Elroy and Emma V. M<sup>c</sup>Elroy are held and firmly bound unto the State of Ohio in the sum of Five Hundred Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Mansfield, Ohio, this 25. day of September A. D. 1928.

The condition of the above obligation is such that whereas, the above bound Pearl M<sup>c</sup>Elroy was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio Guardian of Tillie Cahill

Bond.

And whereas, the said Pearl M<sup>c</sup>Elroy as such Guardian, has filed a petition in said Probate Court asking an order for the sale of certain real estate of said Ward, described in said petition, which under proceedings in said Court duly had, has been appraised at the sum of Five Hundred Dollars.

And whereas, said Court made an order requiring said Guardian to execute a bond according to the Statute in such cases made as provided.

Now if the said Pearl M<sup>c</sup>Elroy as Guardian aforesaid, shall faithfully discharge his duties as such Guardian, and faithfully pay over an account for all moneys arising from the sale of said Real Estate according to law, then this obligation to be void otherwise to remain in full force.

Pearl M<sup>c</sup>Elroy  
Emma V. M<sup>c</sup>Elroy  
This Bond approved in open Court, this 25. day of Sept. 1928.

W. H. Husted, Probate Judge

Probate Court, Union County, Ohio,  
September 25 - 1928.

Confirming appraisement  
Ordering Private Sale.

Confirming appraisement

This day this cause came on further to be heard and it appearing to the Court that the appraisement heretofore ordered, was duly made, the same is hereby confirmed: said appraisement being Six Hundred Dollars.

And the plaintiff above named having given Bond, dated May 25- 1928, in the sum

11320

Order of Sale.

of  
and  
Court  
to  
at  
from  
at  
an  
The  
to  
In  
Pro  
the  
Gu  
na  
for  
for  
the  
R  
Be  
sh  
W  
an  
sa  
an  
m  
in  
in  
sa  
of  
pro  
M  
no  
for  
to  
to  
for



Final Record, Union County Probate Court

11320

of Two Thousand Dollars, with United States Fidelity & Guaranty Co. surety, conditioned according to Law and approved by the Court; And it appearing to the Court that it would be to the interest of said estate to sell the real estate described in the petition at private sale;

It is now ordered that said plaintiff proceed to sell said real estate, at private sale at not less than the appraised value thereof and upon the following terms, to wit:

For cash in hand.

W. Husted, Probate Judge -

Order of Sale, without Dower.

Order

The State of Ohio, Union Co. Probate Court.

of

To Pearl W. Hroy, Adm. of Lillie Cahill. Executors:

Sale.

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you as Guardian of Lillie Cahill are Plaintiff and his said Ward et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, the following described premises, to wit:

Situated in the County of Mercer, Village of Rockford, and State of Ohio, described as follows:

Being the undivided one-half interest, and, Beginning at a point forty-three feet and seven inches west of the N.E. Corner of Lot No. 29 in the original plat of said village & running thence west along the north line of said lot, nineteen feet, and one inch (19 ft. & 1 in.) more or less, to the center of the brick wall standing on the line between the real estate here in described and the real estate immediately adjoining it on the West; thence South at right angles with the said north line of said lot 128 1/2 ft. more or less to the north line of a strip of ground twenty feet wide off the south end of said lot No. 29 heretofore deeded to Miller & Srauder; thence East on the said north line of said strip of ground nineteen feet and one inch thence north one hundred & twenty-eight & one-half (128 1/2) ft. to the place of beginning.

Said Sale, to be private and, to be upon the following terms: Cash in hand.

of Hroy, adm. into the... for... several... strators... Ohio, this... ch. that... heretofore... Court... state of... under... made... full force... this... to be heard... appraisal... the same... by six... the sum

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11320

you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marietta O. This 25 day of Sept. 1928  
W. W. Trustad, Probate Judge

11320

Jen  
and

Return

Return

To the Probate Court of Union County Ohio

In obedience to the foregoing order I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached

Dated 25 day of Sept. 1928.

Pearl M. Droy

Report of

Report of Sale Private

In obedience to the within order I sold said premises on the 25 day of Sept. to Christina Cahill for the sum of Six Hundred Dollars said sum being the appraised value of the same.

Dated 25 day of Sept. 1928

Pearl M. Droy

Wade

The State of Ohio, Union County.

The above named Pearl M. Droy being duly sworn, says that the sale above reported was lawfully made after diligent endeavor to obtain the best price for said property and that said sale is for the highest price he could get for said property.

Pearl M. Droy

Sworn to before me and signed in my presence, this 25 day of Sept. 1928

W. W. Trustad, Probate Judge

Confirming sale

Journal Entry: Orders Approving & Confirming Sale.  
Probate Court, Union County, Ohio  
Sept. 25 - 1928

This day this cause coming on to be heard on the report of Pearl M. Droy, Adm. of said Christina Cahill, of his proceeding and sale under the former order of this Court & upon the motion of said petitioner to confirm the sale made in obedience to said order, the Court having carefully examined said report & finding the proceeding of said petitioner in all respects correct & being satisfied that said sale was fairly and legally made. It is ordered that the same be & hereby is approved & confirmed. It is further ordered that said petitioner execute a deed of all the right, title & interest of the said Christina Cahill in said real estate to the purchaser Christina Cahill upon said

Final Record, Union County Probate Court

This Court.  
said  
1928  
ye-

11320

Purchaser. paying cash.  
It is further ordered that this proceeding be recorded  
and that said petitioner pay the costs \$13-  
W. H. Husted. Probate Judge-

caused  
appear

premises on  
sum of  
raised

ly sworn,  
sw made  
h price  
for the  
ty.

presence,

u-

report of  
the under  
id petitioner  
r! the Court  
proceeding  
if that said  
ed. that he  
further  
the right,  
at Probate  
aid

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O., 6203

11324  
Sept. 17-1928.

Guardian's Petition to Borrow money,  
and Mortgage Real Estate,  
Probate Court, Union County, Ohio.  
no. 11324

Carter D. Aurine  
Guardian of  
Nancy J. Aurine  
Plaintiff

vs.  
His ward, and,  
Lewis F. Aurine  
O. M. Aurine  
Dora Aurine  
Carrie Stillings  
C. D. Aurine  
The Union County  
Savings and Loan Co.,  
Defendants.

Petition to Borrow money, and  
Mortgage Real Estate  
Petition.

Petition

The Plaintiff represents that he is the duly appointed and qualified Guardian of Nancy J. Aurine of the age of 78 years on the 25. day of March, 1928. residing at 324 West Sixth Street, Mansfield, Ohio. That he has been so appointed because said ward, by reason of advanced age and physical disability is incompetent to look after her property and this condition of said ward will continue throughout the remainder of her life.

The following are the names and residences of the next of kin of said ward residing in this State, to wit: Lewis F. Aurine, O. M. Aurine, Dora Aurine, Carrie Stillings C. D. Aurine sons and daughters of said ward.

That said ward is the owner in fee simple of the following described real estate situated in the County of Union State of Ohio and in the village of Mansfield, to wit:

part of Survey no. 3354,  
Being part of In-lot 165  
In lot 41

in said village and described as Beginning at a stake at the intersection of the north line of Sixth Street, and the West line of Cottage street; thence north 5° East with the West line of Cottage street 158 ft. to a stake at the corner of Lewis F. Blue's lot; thence north 85° West 63.50 yds to a post; thence south 5° West 158 feet to a stake in the north line of said Sixth Street; thence with said line south 85° East 63.50 feet to the place of beginning.

Said ward also has a life estate in 15 1/2 acres in Survey no. 5728 in Paris Township Union Co. Ohio and 60 acres in Survey no. 5728 in Paris Township

Petition

Un  
as  
en  
sh  
an  
na  
lic  
a  
Ar  
the  
at  
ra  
Ca  
art  
of  
de  
an  
Lo  
Ca  
b-l  
Bo  
no  
ter  
in  
an  
St  
an  
je  
1  
ju  
2  
g  
e  
o  
be

Final Record, Union County Probate Court

Union County, Ohio, which are rented for cash rent as shown hereinafter.

That the following is the nature, and amount, of the encumbrances upon said real estate above described showing when the same became or will become due, and the rate of interest thereon, together with the names and residences of all persons holding such liens, to wit:

Petition

a note, and mortgage to The Union County Savings & Loan Co., calling originally for \$500.00 on which there is a balance due of \$490.32 with interest at 7% from June 30<sup>th</sup> 1928, and being payable at the rate of \$5.00 per month.

This note is to be paid and this mortgage cancelled upon the making of the new mortgage asked for below.

That the following is the amount and character of all said debts due from said Ward, to whom due, when the same became, or will become due, and the rate of interest thereon, to wit: Dr. P. D. Longbrake Mansfield, Ohio \$88.00; Charles Elbin \$23.82; Catherine Stelling \$20.00; Smiths Dairy \$8.62; R. DeWine Hon \$1.62; Cliff Clark \$6.25; H. M. Wolgamot \$2.95; Southard Bldg. \$3.85 the foregoing all being open accounts now due and without interest if paid in a reasonable time, and the address of all being Mansfield, O.

Taxes due Dec. 20, about \$310.00;

That the following is the character of repairs and improvements proposed to be made upon said real estate and the necessity therefor --- none ---.

That the amount required for said repairs and improvements is --- none ---

That the income from said real estate is \$700.00 per year from farm of 152 acres in Paris Twp. and \$150.00 from 66 acres in Paris Twp.

The following is a statement of said Ward's personal property and the income therefrom:

No personal property except household goods, and no income therefrom.

That the amount probably necessary to maintain said Ward for coal for following six months \$75.00 groceries \$150.00 for 6 mo. Light & Water \$12.00 for 6 mo. & incidentals about \$25.00

The Plaintiff therefore prays that said Ward and said Louis F. Amrine, O. M. Amrine, Dora Amrine, Carrie Stelling & Porter D. Amrine

and estate

appointed the age residing he has been advanced look after will

ances of the etc. to wit: Mrs Stelling said Ward; of the the County Mansfield.

at a time of t: thence tract 152 ft. lot: thence south 5° line of said East 63.50

152 acres Co, Ohio Paris Township

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

may be made parties Defendant, to this Petition, that they be notified of the pendency and prayer, hereof, in such way as the Court shall direct; and, that he may be authorized to borrow the sum of one thousand (1000<sup>00</sup>) Dollars, to pay such mortgages, debts, legacies, and judgments, and such additional sum, as the Court shall deem necessary to make said repairs and improvements on said real estate and to maintain said Ward, &c. to mortgage so much of said Wards land as may be necessary to secure such loans, and for other proper relief

Porter D. Aurine, Guardian, Nancy J. Aurine

The State of Ohio, Union County, ss.

each

Porter D. Aurine Guardian, the Plaintiff named in the foregoing petition, being duly sworn, says, that he believes the facts stated in said petition are true.

Porter D. Aurine

Sworn to before me, and signed in my presence, this 13. day of Sept. 1928. W. H. Husted Probate Judge

Journal entry: orders fixing time of hearing for notices Probate Court, Union County, Ohio, September 25 - 1928

Fixing Time for Hearing

Porter D. Aurine Guardian of Nancy J. Aurine Plaintiff

His Ward, et al.

Defendants.

This day, Porter D. Aurine Guardian of Nancy J. Aurine appeared in open Court, and filed his petition duly verified praying for authority to borrow money and to mortgage real estate therein described, belonging to his said Ward. It is ordered, that the time of hearing said petition be, and hereby is, fixed for the 25 day of Sept. 1928. at 1. P. M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition, to be given to said Lewis F. Aurine, O. M., Aurine, Dora Aurine, Carrie Stillings, &c. Porter D. Aurine Defendants, in writing, to be served upon them personally, and by leaving copies thereof at the usual place of residence of each, of those who cannot be served personally - days, before said day of hearing &c. this cause is continued W. H. Husted, Probate Judge

notice

affidavit of service

main

Final Record, Union County Probate Court

notice

Notice to Defendants.

The State of Ohio Union Co. ss.

To Nancy J. Aurine

You are hereby notified that on the 17th day of Sept. 1928. the undersigned as Guardian, filed in the Probate Court of Union County Ohio. a petition the object and prayer of which is that he may be authorized by said Court to borrow money and mortgage real estate belonging to the said Nancy J. Aurine. Situated in the County of Union, in the State of Ohio and in the Village of Marysville and described as follows, to-wit:

Being part of In-lot 165 and outlot 41 in said Village.

Said petition will be for hearing by said Court on the 25th day of Sept. 1928. at 10. A.M. at which time unless you show cause to the contrary, an order will be asked as prayed for in said petition.

Dated this 20th day of Sept. 1928.

Porter D. Aurine

Edu. of Nancy J. Aurine

affidavit of service

Affidavit of Service.

The State of Ohio Union County ss.

I, Porter D. Aurine being duly sworn say that on the 20th day of Sept. 1928. I served this writ by delivering a true copy thereof personally to the following named persons, to-wit:

Nancy J. Aurine.

Porter D. Aurine.

before me, & in my presence, signed this 25th day of Sept. 1928. @ W. H. Hasted, Probate Judge

waiver

Waiver of Process & Consent

In the Probate Court, Union Co. Ohio.

Petition to Borrow money &

Mortgage Real Estate.

We the undersigned, parties defendant in the above entitled cause, to Borrow money, and Mortgage Real Estate, being the sons and daughters of Nancy J. Aurine.

& having read said petition and being fully advised in the premises hereby waive the issuing and service of process upon us, & enter our appearance herein, & we do consent to the said guardian being authorized to borrow money & mortgage his ward's real estate as prayed for in said petition, & time for pleading is hereby waived & we consent that said petition may be heard at such time as may be by the Court ordered.

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6205

Dated Sept. 14<sup>th</sup> 1928.

L. F. Aurim; Porter D. Aurim; O. M. Aurim;  
Lennie Stillings; Dora Aurim

answer of  
Union Co.,  
Savings &  
Loan Co.

Answer of the Union Co. Savings & Loan Co.  
In the Probate Court, Union Co. Ohio.  
Petition to Borrow money, <sup>and</sup>  
Mortgage Real Estate.

Answer.

Now comes the Union County Savings and Loan Co.,  
defendant in the above entitled cause, to Borrow money  
& mortgage Real Estate, <sup>and</sup> says, that having read the petition  
in said cause, and being fully advised in the premises,  
it does hereby waive the issuing and service of process upon  
it, and enters its appearance herein:

That it is the grantee of and holds a mortgage  
upon the premises described in said petition, and that  
there is now due, it upon said mortgage the sum of  
\$490.32, with interest at 7% from the 1<sup>st</sup> day of July  
1928;

And that it hereby consents that the mortgage  
now on said premises be paid and cancelled, and that  
the plaintiff borrow money, and secure it by a mortgage  
upon said premises to an amount greater than the  
present mortgage thereon, as asked in said plaintiff's  
petition.

The Union County Savings & Loan Co.  
(seal) Pearl M<sup>c</sup> Herry, Secy

State of Ohio, Union Co., ss.

Subst.

Pearl M<sup>c</sup> Herry, being first duly sworn, says that  
he is Secretary of the Union Co. Savings & Loan Co.,  
a corporation; plaintiff in the above entitled action  
& that the facts stated and allegations made in  
the foregoing answer, are true, as he truly believes  
Pearl M<sup>c</sup> Herry.

Sworn to before me, and subscribed in my presence,  
this 21<sup>st</sup> day of Sept. 1928.

(seal) William R. Cameron, Notary Public.

In the Probate Court of Union Co. Ohio.  
Entry: ordering Guardian to Report.

ordering  
Guardian

To  
Report.

This day this matter came on to be heard upon  
the application of Porter D. Aurim, Guardian of  
Nancy J. Aurim, for authority to mortgage certain  
Real Estate, therein described, & the same was  
submitted to the Court upon the pleadings &

order  
of  
Guardian

Report  
of  
Guardian



Final Record, Union County Probate Court

testimony.

whereupon after due consideration, the Court finds that all parties defendant have been duly notified as required by law, and the former orders of this Court of the pendency of said application, its prayer and the time of hearing.

That the allegations of said petition are true, that it is necessary to mortgage the real estate as therein alleged, for in the sum of One Thousand Dollars.

wherefore, it is ordered, that said guardian shall ascertain and report to this Court, the rate of interest and the time for which he can borrow said sum so found, necessary.

W. H. Husted, Probate Judge

order of Guardian

Order of Guardian.

State of Ohio, Union County, ss.

To, Porter D. Aumire, Guardian of Nancy J. Aumire

You are hereby notified that an order has this day been made in this Court in a certain case, wherein you as guardian have made application to mortgage certain real estate belonging to Nancy J. Aumire, your ward; and that you are therein directed to ascertain the rate of interest and the time for which you can borrow the sum of One Thousand Dollars, by mortgaging the real estate therein described, to secure the same.

Witness my signature & the seal of the Probate Court, this - - day of Sept., 1928.

W. H. Husted, Probate Judge

Report of Guardian.

Report of Guardian

In obedience to the order of the Probate Court in the above case, I have made a full and diligent inquiry, and by leave to report that the best terms obtained in making the loan in behalf of my said ward, is as follows:

One thousand Dollars, at 7% per year interest, payments to be made at the rate of \$10.00 monthly the balance of said payments over, and above the interest due, being applied to reduce the principal so as to pay off the mortgage if payments are regularly made, in about twelve and a half years.

Porter D. Aumire.

Known to know me & subscribed in my presence, this 27 day of September, 1928.

Wm. R. Cameron, Notary Public

Loan Co. this date. Loan Co. now money. The petition proceeds upon mortgage and that sum of of July. mortgage and that a mortgage on the plaintiff's Loan Co. says that Loan Co. action made in line my presence, Notary Public. Union Co. Ohio. to Report. heard upon law of. certain was done.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

Confirming  
Report  
an  
making  
Distribution

Entry Confirming Report <sup>an</sup> making Distribution.  
 This day this matter came on to be further heard, upon  
 the report of plaintiff <sup>an</sup> as to the rate of interest  
 and time for which he could borrow said amount of One  
 Thousand Dollars; and the same was submitted to the  
 Court; and the same is found satisfactory to the Court;  
 and is accepted and confirmed; and the said guardian  
 is authorized and ordered, as such, guardian to execute  
 a note for that amount and execute a mortgage on loans  
 so designated, and the matter coming on to be heard  
 further as to the distribution of the money procured  
 by said mortgage. It is ordered that of said  
 money \$498.81 be used in payment and to secure  
 cancellation of the mortgage now subsisting and  
 held by the Union County Savings and Loan Company;  
 that \$135.00 be used to pay the debts of the ward,  
 Nancy J. Amis, set forth in plaintiff's petition;  
 and that the balance be used for the care, maintenance  
 and support of said ward, Nancy J. Amis, in such sums  
 and amounts as shall be necessary and proper  
 to pay taxes on said property.

W. H. Husted, Probate Judge

11250

Distribution

Jo  
 the  
 Im  
 an  
 as  
 sa  
 Jo  
 br  
 pa  
 va  
 to  
 Im  
 as  
 bo  
 E.  
 Lu  
 E.  
 W.  
 Im  
 W.  
 Jo  
 fu  
 m  
 Lu  
 Jo  
 M  
 to  
 q  
 D  
 M  
 W  
 #  
 T  
 Se  
 es  
 a  
 M  
 d  
 =  
 W  
 C  
 7

Final Record, Union County Probate Court

Land Sale pages 228

11250

Journal entry: Order of Distribution of Proceeds,  
Probate Court, Union County, Ohio,  
September 11 - 1928.

Distribution

This day this cause came on to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale amounting to the sum of Twelve Thousand eight hundred and <sup>no</sup>/<sub>100</sub> Dollars and the said Mollie Ingram, widow, leaving by answer herein raised the assignment of dower in said premises by metes and bounds or in rents and profits and asked that the value of such dower be allowed and paid her out of the proceeds of said sale. The Court finds the just and reasonable value of her dower interest in said real estate to be the sum of Ten Thousand one hundred and twenty five <sup>no</sup>/<sub>100</sub> Dollars. The Court finds that there is due the said The Northwestern Mutual Life Insurance Company upon the note set forth in its answer <sup>no</sup>/<sub>100</sub> cross-petition from the estate of said Raymond Ingram, the sum of Ten Thousand six hundred <sup>no</sup>/<sub>100</sub> Sixty-seven <sup>no</sup>/<sub>100</sub> Dollars that the said Raymond Ingram and said Mollie Ingram his wife to secure the payment of said promissory note gave a mortgage upon the premises in the petition described which was a valid and subsisting lien upon said premises and now upon the fund in the hands of said Adx. arising from the sale of said premises.

It is ordered that an entry of release and satisfaction of said mortgage lien be entered of record in the office of the Recorder of Union County, Ohio according to law.

That a Certificate of Cancellation issue from this Court therefor.

It is further ordered that said Adx. out of the money in her hands pay:

- First: To the Treasurer of this County the sum of \$ 834 <sup>61</sup>/<sub>100</sub> being the taxes, penalty, and interest thereon, against said property.
- Second: The costs and expenses incurred in the sale of said property \$ 13 <sup>-</sup>/<sub>100</sub>
- Third: To Mollie Ingram, widow, the sum of \$ 2,125 <sup>89</sup>/<sub>100</sub> which the Court finds to be the value of her dower interest in said premises.
- Fourth: To The Northwestern Mutual Life Ins. Co. on the note <sup>no</sup>/<sub>100</sub> mortgage set forth and described in its Answer and cross-petition herein the sum of \$ 5,667. <sup>61</sup>/<sub>100</sub> which the Court finds to be

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

the amount due, it

It is further ordered, that the balance of said proceeds amounting to the sum of \$415.89 be accounted for by said Adm. according to law.

And, it is further ordered, that this proceedings be recorded, and that said petitioner pay the costs herein taxed at \$13- out of the proceeds of said sale, within ten days.

W. H. Husted, Probate Judge.

105-87

June 18-

1925-

6.  
of  
10  
  
L  
Lo  
m  
Let  
ba  
St  
Fe  
J  
a  
pe  
m  
bo  
Ro  
Li  
Ve  
  
Petition  
b  
Er  
L  
mi  
m  
b  
  
he  
a  
of  
p  
1  
a  
d  
  
h  
a  
a  
v  
J  
m  
a  
a

Final Record, Union County Probate Court

105-87  
June 18-  
1925. Petition to Sell Real Estate  
In the Probate Court, Union County, Wis.

C. C. Penhorwood, Executor,  
of the estate of  
Bettie M. Arnold, deceased.  
Plaintiff.

L. F. Stone  
Lorin Ashbaugh  
Mortie Morley  
Lelia Beck  
Carl Stone  
Stella Richards  
Flora Stewart  
J. G. Arnold  
Anna Smith  
Ellie Holmes  
Maud Jones  
Corine Nicols  
Rose Arnold  
Lura Tufts  
Vernie Arnold  
Mellie Gaffner  
Blyde Schmutz  
Ermitt Arnold  
Gerald Arnold  
William Arnold  
Marjoria Arnold, and  
Beora Lyster

no. 105-81.

Petition

Defendants.

Now comes the plaintiff C. C. Penhorwood, and says that he is the duly appointed, qualified, and acting administrator with the will annexed, of the estate of William J. Arnold, deceased, and that the said deceased, died on the 29-day of November, 1924, the owner in fee simple of the undivided one-half interest in the real estate hereinafter described.

That the said William J. Arnold, deceased, by his last will and testament which was admitted to probate by record, in this probate court, on the 12. day of December, 1924, in Will Record, 2. page 25. Case No. 10445, devised all his property to his wife, Bettie M. Arnold, as the following item was contained in said decedent's last will & testament to wit:

"I give, bequeath & will to my wife, Bettie M. Arnold absolutely and in fee simple all my real

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

105-81

my personal estate to do with and dispose of the same for her own benefit as she thinks best and in the same unrestricted manner, as tho' I were present and did it myself. But in case that we, or both of us, should meet death or, about the same time, then I want my estate to go to the following persons, to whom I devise and give the same: (Stating persons)

Further the said C.C. Pughmord. says, that as, administrator of the said William J. Arnold, deceased, he has sufficient personal property in his hands, to pay all the debts, charges, of administration and funeral expenses, of said deceased, and, it will not be necessary to sell the real estate of which he died seized for that purpose

Further the plaintiff C.C. Pughmord, says, that he, is the duly appointed, qualified and acting executor of the estate of Bette M. Arnold, deceased, who died on the 4-day of March, 1925, testate, she being the widow of the said William J. Arnold, deceased, and, as such, and under the provisions of the last Will and Testament, of the said William J. Arnold, deceased, was, devised the undivided one-half interest in the real estate herein after described, and, at the time of her death was, the owner in her own right to, the other undivided one-half interest in said real estate, which real estate is described, as follows, to-wit:

First Tract:

Situated in the Village of Marysville, County of Union and State of Ohio, and being all of Lot No. 92 in said village. The same, being shown by a plat of record in Vol. of deeds, no. 9, page, 350 and the description of lots in Vol. of deeds no. 1, page, 58, as found, in the recorder's office, of said Union Co., Ohio.

Second Tract:

Situated in the village of Marysville, County of Union and State of Ohio, and, described as follows;

Beginning at, a stake in, the center, of the Town Run, in the north line of Seventh Street and South west corner of Richard Lurner's lot, situated on the north-west corner, of the intersecting of South Main Street, and, Seventh Street; thence northerly with the center, of said Town Run, about 85 feet to the south line of Sidney Fisher's lot; thence with said south line northerly about 85 feet to the east line of an alley; thence with the east line of said alley southerly about 85 feet, to the north line of 7th street; thence with the said north line of, said street;

Petition

105-81

Oath.

Final Record, Union County Probate Court

105-81

eastwardly about 85 feet to the place of beginning.  
 Further, the said plaintiff says, that as such executor, he has sufficient personal property, in his possession belonging to the estate of the said Bettie M. Arnold, deceased, to pay all her debts, general expenses, and charges, of administration of her estate and, by the provisions of her last Will and Testament she devised the remainder of her estate, including the real estate herein above described to twenty or more devisees in certain proportions as in said Will designated, a copy of said last Will and Testament (not the Codicil) is hereto attached and marked "Exhibit A", and made a part of this petition.

Further the plaintiff says, that in order to make distribution of the estate of the said Bettie M. Arnold, deceased, according to the terms and provisions of her said last Will and Testament, or, for any other purpose of distribution, that it will be necessary to sell said real estate herein described.

Further the plaintiff says, that the defendants named herein to wit, L. B. Stone, Louis Ashbaugh, Bertie Manley, Lelia Beck, Carl Stone, Stella Richards, Flora Steubert, J. G. Arnold, Anna Smith, Ollie Holmes, Maud Jones Corine Nicolo, Rose Arnold, Lura Tufts Verne Arnold, Nellie Gaffner, Blyde Schramke, Everett Arnold, Gerard Arnold, William Arnold, Margonis Arnold, and Ceora Syle, are the only next of kin having the next estate of inheritance from the said William T. Arnold, deceased, and the said Bettie M. Arnold, deceased, in said estate.

Wherefore, the said C. C. Penhornwood, as executor of the estate of Bettie M. Arnold, deceased, prays for an order of court, directing him to sell said real estate for the purpose of distribution of the proceeds, received therefrom, and for such other and further relief as the premises as may be just & equitable.

Mrs. L. Myers,  
 Atty. for Plaintiff

The State of Ohio, Union County, ss.  
 Oath. C. C. Penhornwood, being first duly sworn, says, that the facts stated in the foregoing petition are true, as he believes.  
 C. C. Penhornwood,  
 Known to before me, & signed in my presence, this 18 day of June 1925  
 Maud Poyus, Notary Public  
 Fee claimed

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O., 6203

165-81

Receipt

Receipt

To the Probate Court:

Issued summons in the above entitled cause directed to the plaintiff C. C. Penhorne, for the defendants Carl Stone and Flora Stewart, (live near Jerome) Indorse action to sell real estate to make distributions of proceeds, and make returnable according to law. Mate L. Myers, Atty. for Plaintiff (Will Rec 2 114 recorded).

Journal Entry:

In the Probate Court of Union County, Ohio, June 18-1925

Filing

Filing Petition to Sell Real Estate

This day came the Plaintiff C. C. Penhorne, executor of the estate of Bettie M. Arnold, deceased, and presented to this Court his petition duly verified, praying an order for the sale of real estate of the said Bettie M. Arnold, deceased, to pay the debts and the costs of administering the estate of the said decedent.

Whereupon it is considered and ordered by this Court that the said petition be filed and that due legal notice of the filing, pendancy, and prayer of the petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants; this case is continued.

Witness my hand and the seal of said Court, this

Summons on Petition to Sell Real Estate

Summons

The State of Ohio, Union County, ss. To C. C. Penhorne

You are commanded to notify Carl Stone and Flora Stewart that on 18 day of June, 1925, C. C. Penhorne executor of the estate of Bettie M. Arnold, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them & others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent in said petition described, for the purpose of making distribution of the proceeds received therefrom as provided by the last will & testament of the said Bettie M. Arnold, deceased, that unless they answer by the 18 day of July, 1925, said petition will be taken as true, and an order granted accordingly.

You will make due return of this writ on the 29 day of June, 1925.

Witness my hand, and the seal of said Court, this 18 day of June, A. D. 1925.

@ W. H. Husted, Probate Judge

105-87

Shuffe Return

Wainor

Wainor

Wainor

Wainor



Final Record, Union County Probate Court

10587 Sheriff's Return.

Sheriff's Return

The State of Ohio, Union County, ss.

Sheriff's Ret.

Service <sup>or</sup> Return, 75

names, 25

28 miles 2.25 - Total \$ 324

The State of Ohio, Union County, ss.

I, C. C. Peckhormood being duly sworn, say, that on the 19 day of June 1925, I served, this writ, by delivering a copy thereof personally to the following named persons, to wit: Carl Stone, and, Flora Stewart.

C. C. Peckhormood.

Sworn to before me, and signed, in my presence, this 22 day of June, 1925.

Wm. Maud Pyles, Notary Public

Waiver

Waiver

The undersigned defendant named in the above entitled cause, waives the issuing <sup>or</sup> service of summons and process, in above entitled cause; <sup>and</sup> do hereby enter <sup>or</sup> appearance, herein and consent to the sale of said real estate.

Wm. Maud Jones.

Waiver

Waiver.

The undersigned, <sup>or</sup> defendant named in the above entitled cause, do hereby, waive the issuing and service of summons and enter appearance, herein, and consent, to the sale, of said real estate.

Wm. M. Schwanke, Attor. lll.

Waiver

Waiver

The undersigned, <sup>or</sup> defendant, in the above entitled cause, do hereby, waive the issuing and service of summons, and hereby enter appearance, herein, <sup>and</sup> consent to sale, of said real estate.

Ollie Holmes.

Waiver

Waiver

The undersigned, <sup>or</sup> defendant, named, in the above entitled cause, do hereby waive, service of summons, <sup>and</sup> enter appearance, <sup>and</sup> consent, to the sale, of said real estate.

J. G. Arnold.

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

105-81

Waiver

We, the undersigned defendant named in the above entitled cause, do hereby waive the issuing & service of summons, enter our appearance, & consent to sale of real estate.

Mrs. Anna M. Smith, Denver, Colo.

105-81

Waiver

Waiver

Waiver

The undersigned, and defendant, named in the above, entitled cause, do hereby waive issuing & service of summons, & consent to sale of said real estate.

Mrs. Corina J. Nichols.

Waiver

Waiver

Waiver

The undersigned, and defendant, named in the above, entitled cause, do hereby waive the issuing & service of summons, and enter our appearance herein & consent to the sale of said real estate.

Mrs. Lura Tufts.

Application

in

at Private Sale.

Waiver

Waiver

We, the undersigned named defendants in the above entitled cause, do hereby waive the issuing and service of summons, and process in the above entitled cause, do hereby voluntarily enter our appearance in said cause.

Ernest Arnold, William Arnold,  
Bernd Arnold, Margaret Arnold  
Lura Tufts, Beora Lyle

Waiver

Waiver

We, the undersigned, named, defendants in the above, entitled cause, do hereby waive, the issuing & service of summons, and process, in above entitled cause, and voluntarily enter our appearance in said cause.

Mrs. Vertie E. Maulay,  
Mrs. Louise Ashtabugh

Waiver

Waiver

The undersigned, and defendant, named in the above entitled cause, do hereby waive the issuing & service of summons, & enter appearance, and consent to the sale of said real estate.

V. E. Arnold.

Order

Final Record, Union County Probate Court

105-81

Wainor.

Wainor

The undersigned and defendant in above entitled cause do hereby waive the issuing and service of summons and hereby enter appearance and consent to the consent of said real estate.

Nellie Gaffner.

Wainor

Wainor

We the undersigned named defendants in the above entitled cause do hereby waive the issuing and service of summons and voluntarily enter our appearance in said cause.

Stella G. Richards.  
Leta J. Beck.  
L. H. Stone.

application

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio,

no. 105-81,

application.

to sell at Private Sale.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case at private sale for the following reasons:

First: that he believes that the same can be sold for the appraised value, if not more, by a division thereof as set forth in the inventory and appraisement or as a whole.

Second. he believes that it can be sold in part or in whole for cash.

Third. to offer said real estate for sale at this time at public sale, would mean a loss to said estate.

And he therefore asks for an order authorizing him to sell said real estate at private sale.

C. C. Penhornood, Executor of the estate of Bettie M. Arnold, Dec'd.

Order.

The State of Ohio, Union County.

C. C. Penhornood, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

C. C. Penhornood.

Sworn to before me & signed in my presence, this 23-day of Sept. 1925.

Wm. Maud. Pyles, Notary Public.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10587  
Affidavit  
of  
Disinterested  
Person.

Affidavit of Disinterested Person.  
The State of Ohio Union County.  
Chas. D. Webb, and Thos. Randall, being duly sworn,  
says that they know the facts set forth in the application  
to which this affidavit is attached; that they have no  
interest whatsoever in the matter therein referred to, and  
that it will be more for the interest of the said estate  
to sell said real estate at private sale than at public sale,  
as they verily believe.

Chas. D. Webb. Thos. Randall.  
Sworn to before me, and signed in my presence this  
23-day of Sept. 1925  
Wm. Mand Pyles, Notary Public.

Order for  
Private Sale.

Probate Court, Union County, Ohio  
September 23-1925  
Order for Private Sale.

This day this cause came on to be heard upon the  
petition evidence and testimony, and the Court being  
fully advised in the premises finds: That all the  
defendants herein have been duly and legally served  
with process, or have voluntarily entered their appearance  
herein, and are now properly before the Court.

That the statements and allegations in said  
petition are true. That said Bettie M. Arnold,  
deceased, did not leave a widow entitled to  
dower in the estate to be sold, and an  
appraisement of such estate is contained in the  
Inventory. It is ordered that another  
appraisement be and hereby is dispensed with.

And the Court being satisfied that it is  
necessary to sell the real estate of said Bettie  
M. Arnold, described in the petition, to pay her debts,  
And it being made to appear to the Court upon  
satisfactory evidence, that it would be more for the  
interest of said estate to sell the real estate  
described in the petition at private sale.

It is therefore further ordered, that said  
C.C. Penhorwood, as such, executor proceed to  
sell said real estate, free of dower, at private  
sale for not less than the appraised value  
thereof, on the following terms, to-wit:

Cash in hand, on day of sale.

And said petitioner is ordered to make return  
to this Court immediately after such sale is  
made, and this cause is continued.

W.H. Husted

Probate Judge

105-81

Order of  
Sale.

Return

Final Record, Union County Probate Court

105-81

Order of Sale.

order of sale.

The State of Ohio, Union County, Probate Court.  
To: C. C. Puhornrod, executor, of the estate of Bettie M. Arnold,  
Meeting;

In obedience to an order, said, decree, of the Probate Court, within and for said County, made, this day, in a certain cause, wherein you, as executor, of the estate of Bettie M. Arnold, are Plaintiff and L. H. Stone et al. are Defendants, you are commanded to proceed according to law, to sell, at private sale, for not less than \$2950.00 the appraised value, thereof the following described premises, to-wit:

First tract.

Situated in the Village of Mansville County of Union and State of Ohio, and being all of Lots no. 92 in said village

Same being shown by a plat of record in Vol. of deeds no. 9, pages 388, and description of lots of said village in Vol. of deeds no. 1, pages 58 as found in the Recorder's office, of said County.

Second tract:

Situated in the village of Mansville County of Union & State of Ohio, and described as follows:

Beginning at a stake in the north line of Seventh Street and south-west corner of Richard Turner's lot, situated on the north-west corner of the intersecting of South Main Street and Seventh Street; thence northerly with the West line of said lot about 85 feet to the South line of Sidney Fisher's lot; thence with said south line westerly about 85 feet to the east line of an alley; thence with the east line of said alley southerly about 85 feet to the north line of Seventh Street; thence with the said north line of said street easterly about 85 feet to the place of beginning.

Said sale to be private & to be upon the following terms: Cash in hand, on day of sale.  
You will make return of your proceedings to this Court forthwith upon execution of this order.  
Witness my signature & the seal of said Probate Court, at Mansville, Ohio, this 23 day of Sept., 1925  
@ W. H. Husted, Probate Judge.

Return

Return

To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused the same, to be duly executed, as will fully

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10587

appear by the proceedings hereto attached,  
Dated the 28. day of June, 1926.  
C.C. Penhorwood, Executor.

Report

Report of Sale.

of

Sale.

In obedience to the within order, I have not been able to sell or can not sell said premises or any part thereof at private sale, at the appraised value, for the sum of thirty-nine hundred & fifty <sup>00</sup>/<sub>100</sub> Dollars, said sum being the appraised value of the same.  
C.C. Penhorwood, Executor.

Dated the 28. day of June, 1926.

Oath

The State of Ohio, Union County  
The above named C.C. Penhorwood, being duly sworn, says that the above reported has been made after diligent endeavor, to obtain the best price for said property, that the same cannot be sold at private sale, at appraised value.  
C.C. Penhorwood Ex<sup>n</sup>

Sworn to before me, & signed in my presence, this 28 day of June, 1926. E. H. Hammer, Notary Public

In the Probate Court, Union Co. O.  
No. 10581

Application

to sell at

Public sale.

Application to sell Real estate at Public sale.  
Now comes the Plaintiff, C.C. Penhorwood, as executor of the estate of Betty M. Arnold, deceased, and represents to the Court, that this Court on the 23. day of Sept. 1925, issued an order of sale to him as such executor to sell the real estate described in his petition at private sale, for not less than the appraised value thereof.

Further the said plaintiff represents that after diligent endeavor, since receiving said order of sale, he has been unable to sell said real estate or any part thereof, at private sale, & that he has this day returned said order of sale, with his report of non sale annexed thereto.

Therefore, asks for order of Court, for an order directing him to proceed to advertise and offer for sale, said real estate at public sale, for not less than <sup>2</sup>/<sub>3</sub> the appraised value thereof, for cash, in full, on day of sale.  
C.C. Penhorwood.

State of Ohio, Union County ss.

C.C. Penhorwood, being duly sworn, says,

10581

Public Sale.

Oath.

Final Record, Union County Probate Court

10551 that the facts stated and the allegations made and contained in the foregoing are true as the witness.

C. C. Penhorwood.

known to before me this 28 day of June, 1926

Wm. L. Myers, Notary Public

Notary Public

Public Sale.

Arnold Real Estate.

Public Sale.

In pursuance of an order of the probate Court of Union County, Ohio, I will offer for sale at public auction on the 23 day of October, 1926, at 1. on the premises at the corner of 7<sup>th</sup> and Court Sts. opposite the library in the village of Mansville Union Co. Ohio, the following described real estate.

First Tract.

Being all of In-lots no. 92, in said village House, no. 232, South Court Street.

Second Tract: In said village of Mansville Ohio, beginning at a stake in the north line of 7<sup>th</sup> Street and south west corner of Richard Turner's lot, situated on the north west corner of the intersection of South Main Street & Seventh Street; thence northerly, with the West line of said lot, about 85 feet to the south line of Sidney Fisher's lot; thence with the said south line westerly about 85 feet to the east line of an alley; thence with the east line of said alley about 85 feet to the north line of Seventh Street; thence with the said north line of said street easterly about 85 feet to the place of beginning.

Tract no. 1. appraised at \$3700.00

" " 2. " " 250.00

Terms of Sale. Cash on delivery of deed.

Said premises will be offered separately and as a whole, and the executor reserves the right to accept either bid.

C. C. Penhorwood.

Executor of the entire estate of Bettie M. Arnold, dec'd.

Wm. L. Myers, attorney. Sept 30-1926-

Oath.

The State of Ohio, Union County, ss.

Personally appeared before me, Lena Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after September 30-1926 in the Daily Mansville Tribune, a newspaper of general circulation in the county aforesaid, Lena Huber.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

105-81

Brought to before me, and signed in my presence, this 23<sup>rd</sup> day of Oct. 1926. J. M. Humber, Notary Public. Printers fees \$1.25<sup>00</sup>.

105-81

Order of Sale.

Order of Sale. Free from Dower. Probate Court. The State of Ohio, Union County, To G. C. Penhollow, Clerk: In obedience to an order and decree of the Probate Court within and for said county, made this day, in a certain cause, wherein you as executor of the estate of Bettie Brown, deceased, are Plaintiff and L. B. Stone et al. are Defendants you are commanded to proceed according to law, to sell at public sale for not less than 2/3 the appraised value thereof \$2900<sup>00</sup> the following described premises, to-wit:

Reford

7

First tract: Situated in the village of Marysville, County of Union and State of Ohio.

Containing all of Lot no. 92, in said village. Same being shown by a plat of record in vol. of deeds no. 9, page 350, and description of lots of said village in vol. of deeds, no. 1, page 5-8, as found in the office of the County recorder of said county.

Second tract: Situated in the village of Marysville, County of Union, and State of Ohio, and described as follows: Beginning at a stake in the north line of 7<sup>th</sup> St. at south-west corner of Richard Turner's lot, situated on the north-west corner of the intersection of South Main Street and Sumner Street; thence northerly with the west line of said Turner's lot about 85 feet to the south line of Sidney Fisher's lot; thence with said south line westerly about 85 feet to the east line of an alley; thence with the east line of said alley southerly about 85 feet to the north line of Sumner Street; thence with the said north line of said street easterly about 85 feet to the place of beginning.

Dach

Said sale to be public, and to be upon the following terms: Cash in hand, on day of sale. You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Marysville, Ohio, this 28<sup>th</sup> day of June, 1926. W. H. Husted, Probate Judge

Public Sale.

Return

Return To the Probate Court, Union County, Ohio. In obedience to the foregoing order, I have



Final Record, Union County Probate Court

3<sup>rd</sup> day  
Coush.  
Probate Court  
certain  
Lettie Arnold,  
Defendants  
Law, to sell  
ed value  
is, to wit:  
ville, County  
village.  
Vol. of deeds  
village  
the office  
County of  
follows:  
re of 7<sup>th</sup> St.  
situated  
South Main  
the West  
south  
south line  
an alley  
ly about  
thence  
ly about  
the  
of sale.  
ings to this  
r.  
l of said  
of.

105-81

caused, the same, to be duly executed, as will fully appear by the proceedings hereto attached.  
Dated the 6-day of November, 1926.  
C.C. Pughmood, Ex.

Report

Report of Sale.

In obedience to the within order, I, duly advertised the real estate therein described for sale, in the Mansfield Tribune, a newspaper printed and of general circulation in Union County, Ohio, where said real estate is situate, for at least four consecutive weeks prior to the 23-day of Oct. 1926, the day of sale, therein mentioned; stating in the notice the time, place and terms of sale; and on said day, at the hour of one o'clock P.M. I attended at the place of sale, & offered said real estate for sale at public sale, free from the down estate therein, when Richard Turner bid \$2200<sup>00</sup> for tract No. 2 & R.T. White bid to pay the sum of Two thousand nine hundred & <sup>no up</sup> <sup>deeds</sup> for tract No. 1, which being the highest and best bid that was offered, and being more than 2/3 of the appraised value of said premises, I then and there sold the same to them, for that sum respectively.

C.C. Pughmood, Ex. of the estate of  
Lettie M. Arnold, Estate.

Dated the 6-day of November, 1926.

Back

The State of Ohio Union County  
The above named C.C. Pughmood  
The above named C.C. Pughmood being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

C.C. Pughmood, Ex.

Brought before me and signed in my presence, this 6-day of Nov. 1926. Maud Pyles, Notary Public

Public Sale.

Public Sale.  
Arnold Real Estate

In pursuance of an order of the Probate Court of Union County, Ohio, I will offer for sale at public Auction on the 3<sup>rd</sup> day of July, 1926, at one o'clock, in the premises at the corner of 7 and Court Street opposite the Library in the village of Mansfield Union Co. Ohio, the following described real estate: see description Lettin's legal notice order of sale.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10581 Tract no. 1. appraised at. \$3700.00  
" " 2 " " 255.00

Terms of sale. cash on delivery of deed.  
Said premises were to be offered separately, and, as a whole,  
and the executor reserves the right to accept either bid  
Wm. L. Myers. Atty.  
C.C. Penhornrod. Executor

July 31/26

State of Ohio, Union County, ss.  
Personally appeared before me, E.M. Bellville and,  
made solemn oath, that the notice, a copy of which, is hereto  
attached was published for 4 consecutive weeks, on and next  
after June 24-1926 in the Union Co. Journal, a newspaper  
of general circulation in County aforesaid  
E.M. Bellville

Brought to before me, and signed in my presence  
this 27. day of July, 1926  
B.B. Garner

Printer's fees \$1.35<sup>2</sup>

Approving  
an  
Confirming  
sub.

Journal Entry: orders approving & Confirming Sale,  
Probate Court, Union County Ohio,  
November, 6<sup>th</sup> 1926.

This day this cause coming on to be heard on the  
report of C.C. Penhornrod, as ex. of the estate of  
Bettie M. Arnold, deceased, of his proceeding and sale  
under the former order of this Court; and, upon the  
motion of said petitioner to confirm the sale, made in  
obedience to said order; the Court, having carefully  
examined said report, and finding the proceedings  
of said petitioner in all respects correct, and being  
satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby  
is approved and confirmed.

It is further ordered, that said petitioner execute  
a deed of all the right, title and interest of the  
said Bettie M. Arnold, deceased, in said real  
estate to the purchasers, Tract no. 1. to L. F. White  
" " 2. Richard Turner,

It is further ordered, that this proceeding be recorded  
& that said petitioner pay the costs, herein taxed  
at \$--

W.H. Husted, Probate Judge-

10581

For the Probate Court, Union Co. Ohio  
No. 10581.  
Journal entry.

10581

June 28/26

10581

Final Record, Union County Probate Court

10581

June 28/26

This day this cause came on to be heard upon the application of the executor, the plaintiff herein, asking for an order of sale, to sell the real estate in the petition described at public sale, and the court being fully advised in the premises find that on the 3<sup>rd</sup> day of Sept. 1925, that an order of sale, issued from this Court, to the said executor to sell said real estate at private sale, for not less than the appraised value thereof, and that on this 28<sup>th</sup> day of June 1926, the said executor made his return, under oath, stating that he has been unable to sell said real estate or any part thereof, at private sale, for the appraised value.

It is therefore ordered, by the Court that the said report and order of sale be filed, and it is further ordered, that the said C. C. Peuhorood as such executor proceed according to law, to advertise and offer for sale, said real estate described in the plaintiff's petition at public auction, and that he sell the same for not less than  $\frac{2}{3}$  the appraised value thereof, or for good cause shown, for cash, in full, on day of sale, and that the said sale be held on the premises where said real estate is located.

It is further ordered, that the said plaintiff make return of said sale immediately after the same is made, and that an order of sale issue to him from this Court for said purposes.

10581

W. H. Hasted, Probate Judge -

a. w. whole,  
 as bid  
 and,  
 is held  
 and next  
 newspaper  
 purchase  
 is  
 on the  
 of  
 and sale  
 from the  
 made in  
 carefully  
 things  
 being  
 legally made  
 and thereby  
 or execute  
 interest of the  
 real  
 Turner,  
 by recorded  
 into taxed  
 this

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11401  
Sept. 12<sup>th</sup>

1928. Mary Koffroth, adx.  
of the estate.

Petition to Sell Real Estate.  
In the Probate Court Union County, Ohio  
no. 11401

Wm. L. Myers of  
attorney.

Milton B. Koffroth dec'd.  
Plaintiff

Mary Koffroth and  
The Buckeye State  
Building & Loan Company.  
Defendants.

Petition.

now comes Mary Koffroth and says, that on or about  
the 20<sup>th</sup> day of June, 1927, <sup>she</sup> was duly appointed and  
qualified as administratrix of the estate of Milton B.  
Koffroth, deceased, by the probate court of Union County  
Ohio, and is still acting as such administratrix.

That the amount of the debts due from the  
deceased, are about \$8500<sup>00</sup> as near as can be  
ascertained; that the charges of administration of said  
estate will amount to about \$1200<sup>00</sup>

Petition

That the total value of the personal estate  
and effects of said deceased is but about  
\$7500<sup>00</sup> and wholly insufficient to pay the debts  
of the said deceased and the costs of administering  
his estate.

That the said deceased, died intestate and  
owned in fee simple of the following described  
real estate, situated in the village of Richmond,  
County of Union and State of Ohio, to-wit:

Tract No. 1.

Being the undivided one-half interest in all  
of Lot No. 234, and the undivided one-half interest  
in 16 1/2 feet off of the east side of Lot No. 235,  
of the Henry T. Marriott's First Addition to the said  
village of Richmond.

Tract No. 2.

Being all of Lot No. 590, of the G. H. Board's  
Addition to the said village of Richmond.

Tract No. 3.

Being all of Lot No. 588, and a strip of land  
off of the west side of Lot No. 587; the front of  
said strip being 16 feet in width, and the east  
line of said strip, running straight back, so as

11401

11401

Filing  
Petition  
11401

Final Record, Union County Probate Court

11401

To leave said strip of land 10 feet in width at the back of said lot. Said lots being a part of the George W. Court's addition to the said village of Richmond.

That the said decedent died leaving no children or issue of his body surviving him, leaving the next estate of inheritance from him in said premises; but died leaving the defendant, Mary Koffsch, his widow, who is, entitled to dower in the undivided one-half interest in Tract No. 1. and, in the whole of Tracts No. 2. and 3. hereinabove described.

That the said defendant, Mary Koffsch, is the owner of and, is seized in fee-simple of the undivided one-half interest in Tract No. 1. hereinabove described.

That the defendant, The Buckeye State Building and Loan Company has, or, claims to have and hold some claim, or, mortgage, lien on, the premises herein described.

Wherefore, the plaintiff prays, that her dower interest and, the rights and liens of The Buckeye State Building and Loan Company may be fully determined, adjusted, and protected according to equity, and, that she, as such administratrix may be authorized and ordered to sell said real estate to pay the debts and obligations of the said decedent, according to the statutes in such cases, made, and, provided.

And, for such other and further orders in the premises as may be just and equitable.  
Mrs. L. Myers, atty. for Plaintiff.

Oath.

State of Ohio, Union County, ss.  
Mary Koffsch, being first duly sworn according to law, says that the facts, stated and the allegations made, and contained in the foregoing petition are true, as she believes.

Mary Koffsch.

Sworn to before me, signed, in my presence, this 11th day of Sept. 1928. Maud Myers, Notary Public.

In, the Probate Court of Union County, Ohio,  
September 11- 1928.

No. 11401

Journal Entry.

Filing Petition to Sell Real Estate.

This day came, the Plaintiff Mary Koffsch and, presented to this Court her petition

Filing  
Petition  
11401

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 4205

11401

duly verified, praying an order for the sale of real estate of the said Milton B. Koffroth deceased, to pay the debts and the costs of administering the estate, of the said decedent.

Whereupon it is considered and ordered by this court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer, of the said petition and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge

Answer of Widow.

Answer of Widow.

In the Probate Court Union County, Ohio, vs. 11401

Answer of Widow.

Now comes Mary Koffroth, one of the defendants named in the above entitled cause, and hereby voluntarily enters her appearance herein, and waives the issuing of service of summons, and process in this cause and for answer to the petition, says that she is the widow of the said Milton B. Koffroth, deceased, and as such is entitled to dower in the undivided one-half interest in Tract No. 1, as described in the petition and to dower in the whole of the premises described as Tract No. 2, in said petition; that she was 67 years of age, on the 29 day of March, 1928, and she freely consents to the sale of said real estate as prayed for in the petition, and waives the assignment of her dower interest in said premises by dimes and bounds or in rents, issues and profits, and consents that said premises may be sold free from her said dower interest, or any other interest or right she may have therein.

Further, this defendant, says that she is the owner and seized in fee simple of the undivided one-half interest in the premises as described in Tract No. 1, in the plaintiff's petition. She believes it to be for the best interest of the said decedent's estate to her interest that the said Tract No. 1, be sold as a whole and she hereby freely consents to the sale thereof as a whole.

She hereby releases, any and all right or interest that she may have therein, if sold through these proceedings.

Therefore, this defendant, Mary Koffroth, pray.

11401

11401

Oath

Answer of Widow, Cross-Petition

11401

Final Record, Union County Probate Court

11401

the Court, that her interest in the said premises be foreclosed, and that the Court order the said premises sold, as a whole, and out of the proceeds received from the sale, her interest be determined, and that she be allowed and paid, in cash, the one-half interest to which she may be entitled in said Tract No. 1, and that the value of her dower, and homestead interest be determined and that she be paid, in cash, in lieu thereof her dower, in the undivided one-half interest in Tract No. 1, and in the whole in Tracts No. 2 and 3, from the proceeds of the sale as the Court deems the just and reasonable value, of her interest in said real estate and, for such other and further relief and orders in the premises as the Court may find just and equitable.

Mary Koffroth

State of Ohio, Union Co. ss.

Oath

Mary Koffroth, being first duly sworn, according to law, says that the facts stated and the allegations made and contained in the foregoing answer are true, as she believes.

Mary Koffroth

Sworn to before me and signed in my presence, this 11th day of Sept. 1923.

Wm. Grand Pyles, Notary Public.

answer and Cross Petition

Answer Mrs. Cross Petition, of The Buckeye State Building and Loan Company.

The Buckeye State Building and Loan Company is a Corporation, duly organized and existing under the laws of the State of Ohio, and having its principal place of business in the City of Columbus, Franklin County, Ohio.

First Cause of Action:

On February 13-1923, William B. Koffroth and Mary Koffroth executed and delivered to this defendant their certain promissory note of which the following is a true and correct copy:

Straight Loan,

\$2500<sup>00</sup>

Columbus, Ohio, February 13-1923.

For value Received, I, W. or either of us, promise to pay to The Buckeye State Building and Loan Company at its office in Columbus, Ohio, the principal sum of Twenty-five Hundred (\$2500<sup>00</sup>) Dollars, payable, as follows, and, as herein after provided:

\$2500<sup>00</sup> or more before February 13-1928, together with

11401

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11401

interest at the rate of 6 1/2% per annum, or more as hereinafter provided, payable semi-annually, or before the 13-day of July, and August of each year. Payments of One Hundred Dollars, or more, in addition to the interest may be made at any time and the same shall cease to bear interest on the date paid.

Answer  
Cross-Petition  
Buckeye  
B. F. Loan Co.

If any installment of said principal sum is not paid when due, or if any installment of interest is not paid when due, or within thirty days thereafter; or if the maker or makers of this note or the owner or owners of the real estate mortgaged to secure the payment of this note with said interest, or any one of them, fails to keep all taxes, assessments or other charges levied on said real estate or on this note or the mortgage securing it paid as they become due, and due, and payable; or fail to keep the buildings on said real estate in good and proper repair; or fails to keep the premises so mortgaged insured in some reliable fire insurance company acceptable to said company in sum of not less than \$2500.00, with all policies delivered promptly to said company, each containing a clause providing that the loss, if any, shall be payable to said company according to its mortgage interest; or if the buildings on said real estate are altered, remodelled, destroyed, or removed without the written consent of said company; then, and on such default, in whole or in part, all of the indebtedness so secured by such mortgage and owing on this note shall thereupon become due and payable, at the option of said company, or the legal owner of this note; and said company or owner may enforce the repayment of all of said indebtedness, including all accrued interest and money expended, for taxes, insurance, assessments or other charges, as provided for in said mortgage according to law.

This note shall, at the option of said company become due, and payable in full, and said mortgage enforceable should a change occur in the ownership of said real estate or any part thereof without the express written consent of said company.

At any semi-annually interest date said company is expressly authorized at its discretion to fix a legal rate of interest on this note in excess of the rate hereinbefore specified, at least thirty days prior written notice of such increase of interest to be given by mail sent to the last

11401

Seems  
Cause of  
action



Final Record, Union County Probate Court

11401

Known address of each of the undersigned; and, if said rate of interest is so increased, this note shall thereafter draw interest at the higher rate so fixed, and I, Mr. or either of us, hereby promise to pay interest on this note thereafter at such increased rate.

At any time after one year from date the whole amount of principal and interest then unpaid on this note shall become due and payable at the option of said company and upon at least thirty days prior written notice being given by mail sent to the last known address of each of the undersigned, and the mortgage or other security given to secure the payment of this debt may then be enforced.

All of the principal of this note not paid when due and any installments of interest not paid when due shall draw interest at the rate of 8% per annum, payable semi-annually, until paid.

Milton B. Koffroth.

Mary Koffroth.

(U.S. Revenue, 50 cents)

This defendant is now the owner and holder of said note on which there is payable the sum of one thousand five hundred sixty-seven <sup>49</sup>/<sub>100</sub> Dollars, (\$1567<sup>49</sup>) with interest from Sept. 14 - 1928. as per the terms of said note, which said sum with said interest and costs this defendant claims.

Second

Cause of action

Second Cause of action:

This defendant adopts and makes a part of its second cause of action each and all of the allegations of its first cause of action, the same as if fully set forth herein, and further says that on May 13 - 1923, to secure the payment of the note set out in the first cause of action herein, Milton B. Koffroth and Mary Koffroth, husband & wife, executed and delivered to this defendant their certain mortgage deed, whereby to it conveying the following real estate, situated in the Village of Richmond, County of Union, in the State of Ohio, and described as follows:

Tract 1.

Being all of Lot # 588, and a strip of land off of the west side of Lot # 587, the front of said strip being 16 feet in width, and the east line of said strip running straight back in such a way as to leave said strip of land ten (10) feet in width at the back of said lot. (said lots

THE W-S CO., CIN., O. 6203

11401

bring in George W. Court's Addition to said Village of Richmond)

Tract 2.

Tract 2.

Being all of Lot 234 and  $16\frac{1}{2}$  feet off the east side of Lot 235 in Henry J. Marriott's First Addition to said Village of Richmond.

Said mortgage is conditioned as follows:

Provided, nevertheless, and these presents are upon conditions:

That the said mortgagors have executed and delivered to the said mortgagee their certain promissory note of even date, herewith due, and payable, in amounts as follows:

\$2000<sup>00</sup> on or before February 13-1928, together with interest thereon, at the rate of  $6\frac{1}{2}$  percent, per annum, or more, as therein provided, payable semi-annually on or before the 13-day of February and August of each year.

That at any semi-annual interest date said Company at its option and upon giving written notice as provided in said note fix a legal rate of interest or said note in excess of said rate of  $6\frac{1}{2}$ %; that all of the principal not paid when due, and any installment of interest not paid when due, shall draw interest at the rate of 8% per annum, payable semi-annually until paid. That at any time after one year from date the full amount of principal, interest and other charges then owing shall at the option of said Company and upon written notice as provided in said note, become due and payable, and this mortgage enforceable for the payment of the debt secured.

That the said mortgagors further agree, as follows:

To pay all taxes, assessments, and other charges that may be assessed against the property herein conveyed, or against this mortgage or the debt secured by it, promptly as they become due, and payable; to keep the building on the real estate hereby mortgaged in good and proper repair;

To keep said property insured in a responsible fire insurance company satisfactory to said mortgagee in a sum of not less than \$2500<sup>00</sup> with the loss of any payable to said mortgagee as its mortgage interest may appear; and to leave all policies of insurance in the possession of said mortgagee until this mortgage is fully satisfied.

11401

2<sup>nd</sup> mtg.

Final Record, Union County Probate Court

11401

That if said mortgagor, their heirs, or assigns shall fail to pay promptly as they become due, and payable, said taxes, insurance, assessments, or other charges, that may be levied against said property or against this mortgage or the debt secured by it, the said mortgagor may pay the same, which sum, so paid shall be charged against said mortgagor, and bear interest from date of payment thereof, at 8% per annum, payable semi-annually, and to be a lien upon the property herein conveyed, and to be secured by this mortgage as a part of the consideration hereof; and on such default for thirty days, or if said building be not kept in good and proper repair or if a change should occur in the ownership of the real estate mortgaged without the express written consent of said mortgagor, or if any one installment of said principal sum is not paid when due, or if any installment of interest be not paid when due or within thirty days thereafter then all of said principal sum, together with all accrued interests thereon and other charges shall thereupon become due, and payable at the option of the owner of said note and this mortgage.

Now if the said mortgagor shall pay to said company, its successors, or assigns the said sum of money when due, as provided for in said note he shall faithfully keep, each and all of the conditions stipulated in said note, or this mortgage, then these presents shall be void.

Said mortgage contains the further following provisions:

2<sup>nd</sup> mtg.

This mortgage is given to improve the premises herein described or to pay off prior encumbrances thereon, or both, and the mortgagor hereby covenants and agrees with the mortgagee that the mortgagee in paying out the funds secured by this mortgage and in other matters pertaining to this loan may do all things provided in the General Code of this for it to do in such cases, and particularly as provided in Section 8321-1.

Said mortgage was filed for record with the Recorder of Union County, this, on, Feb 13 1923, at 11:20 o'clock, A.M. and was thereafter by him recorded in Book 89, page 13, of the mortgage Records of said County, and is now the first & best lien against said real estate.

This defendant prays that upon a sale of the said real estate, its rights herein

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11401

protected; its said mortgage declared to be the first and best lien on said real estate and its said claim first paid out of the proceeds of such sale; and that it may have all other and further relief to which it may be entitled either in law or equity.

Milton B. Rector,  
Atty. for,  
State Building & Loan Co.,

State of Ohio, Franklin Co. ss.

Oath

I, Fred Rector, being first duly sworn, say that he is one of the duly authorized attorneys for the Buckeye State Building & Loan Co., a corporation, and that the facts stated and allegations contained in the foregoing answer and cross petition are true, as he truly believes.

Fred Rector.

Sworn to before me, and subscribed in my presence, this 14. day of Sept, 1928. Ray W. Poppleton, Notary Public  
Franklin Co., Ohio.

Probate Court, Union County, Ohio.

October 19 - 1928.

Finding Sale necessary and ordering Appraisement

Finding Sale necessary and ordering appraisement

This day this cause came on to be heard upon the petition evidence, and testimony answer of Mary Koffroth widow, and of the Buckeye State Building & Loan Company, and the court being fully advised in the premises finds: That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the court, and that the statements and allegations in said petition are true. That said Mary Koffroth widow of said Milton B. Koffroth deceased, is entitled to dower in said real estate; that said widow by her answer herein waives the assignment of dower in said premises, by notes and bonds, or in rent, and profits, and consents to the sale of said premises free from her said dower estate therein.

And the court being satisfied that it is necessary to sell the real estate of said Milton B. Koffroth deceased, described in the petition to pay his debts, and the said Mary Koffroth, by her answer herein, waives the division of Tract no. 1, and consents that the undivided one-half interest therein owned by her, be sold, with the remaining one-half, and, as a whole, and that

11401

order of appraisement

Final Record, Union County Probate Court

11401

she be paid her interest therein from the proceeds received from the sale of said premises as a whole, therefore.

It is ordered that F. Le Roy Allen, Frank L. Adams, and H. E. Conkright three suitable and judicious disinterested men, of the vicinity of said real estate, who are freeholders, be and they hereby are appointed to appraise said lands, in three tracts as set forth in petition at their true value in money free from any interest or dower estate of said Mary Koffroth, therein.

It is further ordered that said appraisers be sworn as required by law, and after ward, upon actual view, perform the duties required of them, and make return of their proceedings in writing to this Court on or before the 1st day of June and this cause is continued.

W. H. Husted, Probate Judge

order of appraisement

Order of appraisement

The State of Ohio, Union County ss. Probate Court.

To Mary Koffroth: Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you, as adx., of the estate of William B. Koffroth, deceased, are Plaintiff and Mary Koffroth et al. are Defendants, you are commanded that by the oaths of F. Le Roy Allen, Frank L. Adams and H. E. Conkright judicious disinterested men, of the vicinity, not of kin, to the petitioner who are freeholders, of the county, in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises free from any interest or dower estate of Mary Koffroth, therein to wit:

Situated in the village of Richmond, County of Union in the State of Ohio, to wit:

Tract no. 1.

Being all of Lot no. 234 and 16 1/2 feet off of the east side of Lot no. 235, of the Henry T. Marriott's First Addition to the said Village of Richmond.

Tract no. 2.

Being all of Lot no. 5-90 of the G. H. Court's addition to the said Village of Richmond.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11401

Tract no. 3.

Being all of Lot no. 588. and a strip of land off of the west side of Lot no. 587: the front of said strip being 16 feet in width and the east line of said strip running straight back so as to leave said strip of land 10 feet in width at the back of said lot. Said lots being a part of the George W. Courts addition to the said village of Richmond.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansville, Ohio, this 19-day of October, 1928.

W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 19-day of October 1928.

Mary Koffroth.

Oath of appraisers

Oath of appraisers.

The State of Ohio, Union County.

We, the undersigned appraisers, do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

F. Le Roy Allen, Frank L. Adams, H. E. Conkright, appraisers.

Given to before me, and signed in my presence, this 19-day of Oct. 1928.

Maud Pyers, Notary Public.

Appraisers Return

Appraisers Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned, appraisers estimate the value of said real estate, undivided one-half interest in Tract no. 1. at \$2850.00 Tract no. 2 at \$650.00 and Tract no. 3. at \$650.00 free from said lower estate of Mary Koffroth. We do appraise the whole of Tract no. 1. free from any interest of the said Mary Koffroth, therein at \$5700.00

Given under our hands this 19-day of October 1928.

F. Le Roy Allen, Frank L. Adams, H. E. Conkright, appraisers  
Fees of appraisers \$2- each, per day.

Application to Sell Real Estate at Private Sale,  
Probate Court, Union County, Ohio

11401

application  
de  
for  
so  
in  
re  
off  
A  
ja  
The  
ma  
a  
the  
affidavit  
of  
Disinterested  
Person  
cl  
a  
t  
cr  
r  
es  
th  
19

Final Record, Union County Probate Court

11401

No. 11401. Application.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case at private sale, for the following reasons:

First: That all of said real estate can be sold forthwith at the appraised value for cash in hand in full at time of sale.

Second:

That the appraised value is all the said real estate is reasonably worth.

Third:

will save expenses of advertising and offering said real estate at public sale.

And she therefore asks for an order authorizing her to sell said real estate at private sale.

Mary Koffroth, Adm.  
of the estate of Milton B. Koffroth, Dec'd.

The State of Ohio, Union County.

Mary Koffroth being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Mary Koffroth

Sworn to before me and signed in my presence this 19 day of October, A. D. 1928.  
@ Mand Payers, Notary Public.

Affidavit of Disinterested Person.

affidavit  
of  
Disinterested  
Person

The State of Ohio, Union County.

E. E. Koffroth, and J. S. Reed, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, as they verily believe.

E. E. Koffroth.  
J. S. Reed.

Sworn to before me and signed in my presence this 19 day of October, 1928.  
@ Mand Payers, Notary Public.

Probate Court, Union County, Ohio.  
October 19-1928.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11701

Confirming appraisement & ordering Private Sale. This day this cause came on further to be heard, and it appearing to the court, that the appraisement heretofore ordered, has been duly made, the same, is hereby confirmed: said appraisement being seven thousand five hundred & no/100 Dollars, five from the down estate therein of Mary Koffroth, widow of Milton B. Koffroth, deceased.

And, the plaintiff above named, having given Bond, dated June 21-1927, in the sum of, Thirteen thousand and no/100 Dollars, with L.J. McCoy, and Walter Hartman sureties, conditioned according to law, and approved by the law; and it appearing to the court, that it would be, to the interest of said estate to sell the real estate described in the petition at private sale.

It is now ordered that said plaintiff proceed to sell said real estate free from any interest of Mary Koffroth or down estate therein, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit:

Cash, in hand, in full, on day of sale.  
W. H. Husted, Probate Judge.

Order of Sale.

Order of Sale, Free from Down.

The State of Ohio, Union County, Probate Court,

To Mary Koffroth, Plaintiff;

In obedience to an order, and decree, of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as, adv., of the estate of Milton B. Koffroth, deceased, are Plaintiff, and Mary Koffroth, et al. are Defendants, you are commanded, to proceed, according to law, to sell, at private sale, for not less than \$5700.00 the appraised value thereof free from the down of Mary Koffroth, widow of Milton B. Koffroth, deceased, the following described premises, to wit:

Situated in the village of Richmond, County of Union, State of Ohio, to wit:

Tract No. 1.

Being all of Lot No. 234 and 16 1/2 feet off of the east side of Lot No. 235 of the Henry T. Marriott's First Addition to said Village of Richmond.

Tract No. 2.

Being all of In lot No. 590, of the G. H. Court's Addition to the said Village of Richmond.

Tract No. 3.

Being all of Lot No. 588. and a

11401

Return

Report

7 Sale.

Order.

Approving

Confirming



Final Record, Union County Probate Court

11401

strip of land off of the west side of Lot No. 5-87, the front of said strip being 16 feet in width, and the east line of said strip running straight back, so as to leave said strip of land 10 feet in width at the back of said lot. Said lots being a part of the George W. Court's Addition to the said Village of Richmond.

Said sale, to be private <sup>and</sup>, to be upon the following terms: Cash, in hand, in full, on day of sale.

You, will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansfield, Ohio, this 19-day of Oct. 1928  
W. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused, the same, to be duly executed, as will fully appear by the proceedings hereto, attached.

Dated the 24. day of October, 1928.

Mary Koffroth.

Report

Report of Sale.

In obedience to the within order, I sold on the 24. day of October 1928. Tract no. 1. to R. D. Rose for \$5700<sup>00</sup> Tract no. 2. to Loy Schultzy <sup>and</sup> Mary Schultzy for \$783.25- and Tract no. 3. for the sum of \$650<sup>00</sup> to D. B. Whitehead. said sum being the appraised value of the same, respectively.

Mary Koffroth.

Dated the 24- day of Oct. 1928.

The State of Ohio, Union County.

Clerk.

The above named, Mary Koffroth being duly sworn, says, that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale, is for the highest price, she could get for said property.

Mary Koffroth.

Sworn to before me <sup>and</sup>, signed in my presence, this, 24. day of Oct. 1928.

Maud Peyer, Notary Public

Approving

Journal Entry: Orders, Approving <sup>and</sup> Confirming, Sale, Probate Court, Union County, Ohio.

Confirming

Oct. 24- 1928

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11401

This day this cause - coming on to be heard on the report of Mary Koffroth, adx. of the estate of Milton B. Koffroth, deceased, of her proceedings and sale under the former order of this Court; and upon motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same be, and hereby is, approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right title and interest of the said Milton B. Koffroth, in said real estate to the purchasers, that is tract no. 1, to R. D. Rose;

tract no. 2, to Loy Schultz

of tract no. 3, to D. B. Whitehead

upon the said purchasers, paying the purchase price therefor, respectively.

It is further ordered, that this proceeding be continued, and that said petitioner pay the costs.

W. H. Husted, Probate Judge

11401

11362  
June 28  
1928.  
Wm. J. Porter,  
atty.

Petition

Final Record, Union County Probate Court

rd on the  
lton B. Koffroth,  
former order  
mer to  
order:  
not sub,  
respects  
was fairly  
ely, is.  
execute  
of the  
to the  
es. price  
ing to  
Costs.

11362  
June 28  
1928.  
Wm. J. Porter,  
atly.

Petition to Sell Real Estate To Pay Debts.  
Probate Court, Union County, Ohio.  
Manda Sandusky Administratrix  
of the Estate of  
John Sandusky, Deceased.  
Plaintiff

no. 11362  
Civil Action  
Petition to Sell Real Estate  
Petition.

v.  
Manda Sandusky,  
Clarence Sandusky <sup>hus.</sup>  
Johnny Sandusky  
Defendants.

Petition  
The Plaintiff represents that she is the duly appointed and qualified Administratrix of the estate of John Sandusky, late of Union County, Ohio, deceased, that, the amount of debts due from the deceased, is One Thousand Dollars, as near as they can be ascertained that the charges of Administration of said estate will amount to about one hundred Dollars; and that the total value of the personal estate and effects of said deceased, is but Four Hundred Dollars, being wholly insufficient to pay the debts, and costs aforesaid.

The Plaintiff further represents that said John Sandusky died <sup>testate</sup> in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the Township of Washington, to wit:

Being a part of Va. Military Survey # 9917  
Beginning at a stake in the center of the Miller Schertzer Road, S.W. Corner of land formerly owned by Josie Banghman:  
Thence north with the center of said road, 25 poles and 7 feet; thence north 79 1/2 East 63 1/4 poles; thence south 9 1/2 east 25 poles and 7 feet; thence south 79 1/2 West 63 1/4 poles to the place of beginning, containing Ten (10) acres, of land, more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent was, that the amount of said appraisement, is Four Hundred Dollars.

The said decedent, died leaving the defendant, Manda Sandusky, his widow, who is entitled to dower, in said premises; that the defendants Clarence Sandusky, and Johnny Sandusky, are the only heirs at law of said decedent, having the next estate of inheritance from said John Sandusky deceased, in said premises.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11362

The Plaintiff therefore prays, that the dower of said Manda Sandusky may be fully, determined, adjudged, and protected according to equity and that your petitioner may be authorized and ordered, to sell said real estate free of said dower, according to the statute in such case, made, and provided, and for all other proper orders and relief in the premises.  
Manda S. Sandusky

The State of Ohio, Union County.

Oath.

Manda Sandusky, the within named Plaintiff being duly sworn, says, that the various matters and things set forth in said petition are true, to the best of his knowledge, and belief  
Manda S. Sandusky

Sworn to before me, and signed in my presence, this 28 day of June, 1928. W. H. Husted, Probate Judge

In the Probate Court of Union County, Ohio,  
June 28, 1928.  
No. 11362

Filing Petition

Journal Entry.

Filing Petition to Sell Real Estate.

This day came the plaintiff Manda Sandusky and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said John Sandusky deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered, by this Court, that the said petition be filed, and that due, and legal notice of the filing, pendency, and prayer, of the said petition, and of the time in which, they are, required by law, to answer, the same, be given to each, of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge

Summons

Summons.

The State of Ohio, Union County.

To Manda Sandusky

You are hereby commanded to notify Manda Sandusky, the following named, who are, minors, to wit: Clarence Sandusky, and Johnny Sandusky, making service of this summons upon said minor, and also, upon the guardian, or father, or, if neither guardian, or father can be found, then upon the mother, or the person, having the care of said minor, or with whom, they live; that on, the 28

11362

11362

Return of  
per price

application  
to  
sell Real  
Estate at  
Private sale.

Oath  
11362

Final Record, Union County Probate Court

11362

day of June, 1928. Manda Sandusky, Adx., of the estate of John Sandusky deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts <sup>due</sup> that unless they answer by the 23<sup>rd</sup> day of July, 1928, said petition will be taken as true, and an order granted accordingly.

The server will make due return of this writ on the 9<sup>th</sup> day of July, 1928.

This writ to be served on each of said defendants, by copy personally.

Witness my hand, and the seal of said Court, this 28<sup>th</sup> day of June, 1928.

W. W. Husted, Probate Judge.

Return of Service

Return of Service.

Received this writ on the 28<sup>th</sup> day of June, 1928, on the day, and in the manner hereinafter named, I served the same on the within named defendants, viz: June 28<sup>th</sup>, 1928, on Clarence Sandusky, Mr. Johnny Sandusky, <sup>and</sup> as to the within named defendants, who are minors, June 28<sup>th</sup>, 1928, on Manda Sandusky, the mother of the said Clarence Sandusky and Johnny Sandusky minors.

Manda S. Sandusky

The above named Manda Sandusky, who has signed the same, being duly sworn, says the foregoing Return of Service is true so he really believes.

Done, to before me and signed in my presence, this 28<sup>th</sup> day of June, 1928. W. W. Husted, Probate Judge.

application to sell Real Estate at Private Sale - Probate Court, Union County, Ohio.

Application

application to sell Real Estate at Private Sale

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition in this case, at private sale, for the following reasons: for the reason, that we feel that the price offered is the best possible price to be had.

Ans. she therefore asks for an order authorizing her to sell said real estate at private sale -

Manda S. Sandusky, Adx., of the estate of John Sandusky.

The State of Ohio, Union County.

Manda Sandusky, Adx., being duly sworn, says

11362

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11362

that the various matters set forth in the foregoing application are true as he truly believes.

Manda S. Sandusky.

Sworn to before me and signed in my presence, this 6th day of Oct. 1928.

W. H. Strubel, Probate Judge

11362

Affidavit of Disinterested Person

Affidavit of Disinterested Person

This State of Ohio, Union County.

J. C. Landes and Russell S. Banks, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said Manda Sandusky to sell said real estate at private sale than at public sale, for the reason that we feel that the price offered is the best possible price to be had, as they truly believe.

J. C. Landes, Russell S. Banks.

Sworn to before me and signed in my presence, this 24th day of October, 1928. Wm. J. Porter, Notary Public.

Probate Court, Union County, Ohio.

October 24 - 1928.

Order for Private Sale

order for Private sale.

This day this cause came on to be heard upon the petition, evidence and testimony of Manda Sandusky and the court being fully advised in the premises finds; that all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein, and are now properly before the court.

That the statements and allegations in said petition are true, that said John Sandusky, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered, that another appraisement be and hereby is dispensed with.

And the court, being satisfied that it is necessary to sell the real estate of said John Sandusky, described in the petition, to pay his debts.

And it being made to appear to the court upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said

order

of

Sale

Return

Final Record, Union County Probate Court

11362.

Manda Sandusky as such, administrator proceed to sell said real estate free of dower at private sale for not less than the appraised value thereof on the following terms to wit: cash in hand on day of sale.

And said petitioner is ordered to make return to this court immediately after such sale is made and this cause is continued.

W. H. Husted, Probate Judge

Order of Sale no. dower.

order

The State of Ohio,

Union County,

Probate Court.

of Sale,

To Manda Sandusky Adm<sup>n</sup> of the estate of John Sandusky, Dec'd. Secretary:

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain cause wherein you as Adm<sup>n</sup> of the estate of John Sandusky are Plaintiff and Clarence Sandusky and John Sandusky et al are Defendants you are commanded to proceed according to law to sell at private sale for not less than the appraised value thereof no dower of Manda Sandusky widow of John Sandusky deceased, the following described premises to wit:

Located in Washington Township, Union County, Ohio.

Being part of Va Military Survey No. 9417.

Beginning at a stake in the center of the Miller and Schetzger Road S.W. Corner of land formerly owned by Josie Daughman:

Thence north with the center of said road 25 poles and 7 feet:

Thence north 79 1/2 East 63 3/4 poles:

Thence south 9 1/2 East 25 poles and 7 feet:

Thence south 79 1/2 West 63 3/4 poles to the place of beginning.

Containing Ten (10) acres of land more or less.

Said sale to be free of dower and to be upon the following terms: Cash - you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 5th day of October, 1928.

W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11362

as well fully appear by the proceedings. Deeds attached.

Dated the 24. day of Oct. 1928.

Manda S. Sandusky, Adm.

11396

Sept. 8/28

Report of Sale.

Report of

sale.

In obedience to the within order I sold said premises on the 24. day of October 1928. to Alongo Fields for the sum of \$416.00. said sum being the appraised value of the same.

Manda S. Sandusky.

Dated the 24. day of Oct. 1928.

The State of Ohio, Union County.

Each

The above named Manda Sandusky being duly sworn, say that the sale above reported has been made after diligent endeavor to obtain the best price for said property and that said sale is for the highest price she could get for said property.

Manda S. Sandusky

Sworn to before me and signed in my presence this 24. day of October 1928.

Geo Russell, S. Parks, Notary Public

approving  
an.

Journal Entry: order approving and confirming sale Probate Court Union County Ohio Oct. 24 - 1928.

confirming  
sale.

This day this cause coming on to be heard on the report of Manda Sandusky Administratrix of the estate of John Sandusky deceased of her proceedings in sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same be and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said John Sandusky in said real estate to the purchaser, Alongo Fields upon the said purchaser paying the amount of purchase price.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein taxed, at \$13.00

WTTTusted

Probate Judge

Petition



Final Record, Union County Probate Court

11396  
Sept. 8/28

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

Edgar Willis, Executor,  
of the estate of  
R. H. Willis, deceased.  
Plaintiff

No. 11396

Civil Action

William Willis  
R. H. Willis Jr.  
Edgar Willis,  
The Buckeye Building  
Ans.  
Loan Co.,  
Defendants

Petition to Sell Real Estate

Petition

The Plaintiff represents that Edgar Willis the duly appointed and qualified Executor of the Will of R. H. Willis, deceased, late of Union Co. Ohio, deceased; that the amount of debts due from the deceased, Eight Hundred, and Forty one Dollars, and ten cents, as near as can be ascertained, Exhibit A.

Mortgage Buckeye B. & Loan Co. \$500.00  
Taxes 4.50  
Court costs 36.60

\$541.10

Petition

that the charges of administration of said estate will amount to about \$215.00 and that the total value of the personal estate or effects of said deceased, is none at this time being wholly insufficient to pay debts and costs aforesaid.

The Plaintiff further represents that said R. H. Willis Sr. died <sup>single</sup> in fee simple of the following described real estate situated in the County of Union, State of Ohio, and in the Township of Taylor, to-wit:

Being part of Survey No. 879 and bounded <sup>as follows</sup> described as follows:

Beginning at a stone in the center of the Bellefontaine and Delaware Road Being 28 poles S. 76° W. from the center of the crossing of the said road with the Mansville, and Newton road thence from the said beginning stone, with the center of said Delaware, and Bellefontaine road S. 76° W. 55 poles, to a stone Southeast corner of J. E. Fox's land. Thence, with the East line of said land north 12° 45' W. 127 poles to a stone in the southerly line of the N. Y. & O. Railroad thence with the said line

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

N. 40 E.  $84/80/100$  poles to a stone and tile north east corner of J. B. Taylor, land. Thence, with the consecutive lines of said land. South 27 E. 23  $6/100$  poles following in or near the center line of a ditch to a stone and tile on the bank of said ditch. Thence, continuing in or near the center of said ditch South 80 30 E. 7 poles to a stake (witness a stone and tile on the bank. S. 12 45 E. 15 feet. Thence, from said stake South 12 45 East 126  $40/100$  poles to the beginning. Containing 47 - 40 acres more or less.

Also, the following described real estate situate in the above named County and State described as follows:

Being part of Survey No. 829.

Beginning at a stake at the north east corner of plat of Union Center, and in the center of the Mansville and Newton gravel road. Thence with the center of said road. N. 18 W. 80  $50/100$  poles to a stone in the south east corner of lands formerly owned by John Yarrington. Thence, with the south line of said lands. S. 73 W. 28  $16/100$  poles to a stone in the south east corner of land conveyed by, Suleh Gates to Isaac Gates March, 1844. Thence with the east line of said land. S. 16 E. 88  $50/100$  poles to a stake at the north west corner of said Town plat N 73 E. 28  $18/100$  poles to the place of beginning. Containing fifteen acres more or less.

Also a tract of land, described as follows:

Being situated in the County of Union and State of Ohio.

Beginning at an Iron rod in the center of the Mansville gravel road and in a southerly line of the N. Y. P. & O. railroad right of way. Thence, with the center of said line. S. 12 45 E. 58 poles to a tile in the north east corner of a tract of land, owned by said J. B. Taylor. Thence, with the north line of said tract South 76 W. 28 poles to a stake and tile in the east line of R. B. Willis land. Thence, with the consecutive lines of said Willis land N. 12 45 W. 8  $80/100$  poles to a stake in the center of ditch (witness a stone and tile on the bank S. 12  $3/4$  E 15 poles) Thence, in and near, the center of said ditch N. 80 30 W. 7 poles to a stone and tile on the bank of said ditch.

11396

Outh

Presipe

Final Record, Union County Probate Court

11396

Thence, N. 29 W. 23 60/100 poles to a stone and tile in a southerly line of said railroad lands, thence, N. 46 E. 48.30/100 poles to the place of beginning containing Ten, and one-half Acs. more or less.

Plaintiff represents, that said real estate was appraised with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent and, that the amount of said appraisement, is, Thirty-six hundred, and Fifteen Dollars.

That, said decedent died leaving the defendants

R. H. Willis,

R. H. Willis (jr)

Edgar Willis

(The Buckeye Building, <sup>an.</sup> Loan Co.)

as the only heirs of said decedent, having the next estate of inheritance from said R. H. Willis deceased, in said premises that the defendants R. H. Willis,

R. H. Willis Jr.

Edgar Willis

The Buckeye B. <sup>an.</sup> Loan Co.

The Plaintiff therefore prays: that your petitioners may be authorized and ordered, to, sell said real estate, herein described, for said debt, according to the statute in such case made, and provided, and, for all other proper orders, and, relief in the premises.

Edgar Willis, Executor.

Oath

The State of Ohio, Union County,

Edgar Willis the within claimed Plaintiff, being duly sworn, say that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

Edgar Willis, Executor.

Shown to before me, and signed in my presence, this 8. day of September A. D. 1928.

L. H. Collins, J.P.

Probate Court, Union County, Ohio.

Receipt.

Receipt

To the Probate Judge:

Issue, summons, for said R. H. Willis, R. H. Willis

The Buckeye Building & Loan Co. Edgar Willis,

Defendants, directed to the Sheriff, of said County

returnable according to law. Edgar Willis, Executor.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396 ✓

Filing  
Petition

In the Probate Court of Union County, Ohio,  
September 8- 1928.  
Journal entry. Filing Petition to  
sell Real Estate.

This day came the Plaintiff, Edgar Willis and, presented to this Court his petition duly verified, praying an order for the sale of real estate of the said R. H. Willis, deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered, and ordered, by this Court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer, of the said petition, and of the time in which they are required by law, to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Husted, Probate Judge

Probate Court of Union County, Ohio,  
no. 11396.

Now comes the defendant, Charles D. Webb, and for want of knowledge of the indebtedness of the estate denies each and every allegation thereon.

Defendant for his answer and cross-petition says that on or about the 28 day of August, 1928, the said Charles D. Webb purchased all the right, title, interest and claim in and to the real estate described in the petition of the defendant, R. H. Willis, and that said defendant, Charles D. Webb, is now the legal owner of all the right, title, interest and claim of the undivided interest of the defendant R. H. Willis.

Wherefore, this defendant prays that said real estate be sold for, as prayed, in the petition at public auction and after the payments of the costs therefor and the mortgage lien of the Buckeye State Building and Loan Company, that one-third of the purchase price, be paid to Charles D. Webb, and for such other relief, to which he may be entitled to.

John W. Dudley,  
attorney for defendant.

State of Ohio, Union Co. ss.

On the

Charles D. Webb, being duly sworn, says that the facts stated and allegations made in the foregoing answer and cross-petition are true, as he truly believes.

Charles D. Webb,

sworn to before me and subscribed in my

11396

Answer  
an.

Cross-Petition

Final Record, Union County Probate Court

11396

presence, this 17 day of September 1928.

John W. Dailey, Notary Public,

Answer

Answer and Cross-Petition of The

Buckeye State Building & Loan Co.,

Cross-Petition

The Buckeye State Building & Loan Company, is a corporation duly organized and existing under the laws of the State of Ohio, and having its principal place of business in the City of Columbus, Franklin Co. Ohio. First Cause of Action:

On Feb. 20<sup>th</sup> 1919, Raymond H. Hillis executed and delivered to this defendant, his certain promissory note, of which the following is a true and correct copy:

\$1200<sup>00</sup> Straight loan.

Columbus Ohio, Feb. 20<sup>th</sup> 1919.

On or before five (5) years, after date for value received, I, Mr. or either of us, promise to pay to The Buckeye State Building and Loan Company of Columbus, Ohio, the sum of Twelve Hundred (\$1200<sup>00</sup>) Dollars, with interest at the rate of 5<sup>1</sup>/<sub>2</sub> per cent. per annum, payable semi-annually on or before the 20<sup>th</sup> day of February and August of each year. Payments of one hundred Dollars or more, in addition to the interest may be made at any time, and the same shall cease to bear interest on the day paid.

It is further understood and agreed, that if this note be not paid when due; or, if any installment of interest hereon, be not paid when due, or within thirty days thereafter; or, if the maker, hereof, or the owner of the real estate mortgaged to secure the repayment of this note, with the real interest hereon, or any one for them, fail, to keep all taxes & assessments levied on said real estate paid as they become due, and payable; or, fail, to keep the premises so mortgaged insured in some reliable fire insurance company in a sum of not less than \$800<sup>00</sup> with a clause providing that the loss, if any, shall be payable, to said company according to its mortgage interest; or, fail to keep the building on the real estate mortgaged to secure this loan, in good and proper repair; then and on such default, in whole or in part, all the indebtedness so secured, by such mortgage and owing on this note shall thereupon become due and payable, at the option of said company, or the legal owner thereof; and said company or owner may enforce the repayment of all said

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

indebtedness, including all accrued interest and money expended for taxes, insurance, and assessments, as provided for in said mortgage according to law.

all of the principal of this note not paid when due, and any installment of interest not paid when due shall draw interest at the rate of eight percent per annum, until paid.

(U.S. Revenue 24 cents)

Raymond H. Willis.

This defendant is now the owner and holder of said note, on which there is payable the sum of \$803<sup>62</sup>, with interest from September, 15-1928, as per the terms of said note; which said sum, with said interest, and costs, this defendant claims.

Second cause of action

Second Cause of action:

This defendant adopts and makes a part of its second cause of action each and all of the allegations of its first cause of action, the same as if fully written therein, and further says that on February 20-1919, in order to secure the payment of the note set out in the first cause of action herein, Raymond H. Willis, unmarried, executed and delivered to this defendant his certain mortgage deed, thereby to it conveying the following real estate, situated in the Township of Taylor, County of Union, in the State of Ohio, and described as follows:

Being part of Survey No. 829 and bounded and described as follows:

Tract 1

Tract No. 1

Beginning at a stone in the center of the Delaware and Bellefontaine Road, being 28 poles south 76° west from the center of the crossing of said road, with the Mansfield and Denton Road; thence from said beginning stone with the center of said Delaware and Bellefontaine Road, south 76° west 55 poles to a stone southeast corner of E. J. Fox's land; thence with the east line of said land, north 12° 45' west, 127 poles to a stone in the south easterly line of the N. Y. P. & O. Railway; thence with said line north 46° east 48.80 poles to a stone and tile, north easterly corner, to J. B. Taylor's land; thence with three consecutive lines of said land, south 27° East 23.60 poles, following in, or near, the center line of a ditch, to a stone and tile on the bank of said ditch; thence continuing in or near the center of said ditch south 86° 30' East 7 poles

11396

Tract 2

Tract 3

Final Record, Union County Probate Court

11396

to a stake, (Witness a stone and tile on the bank south 12° 45' east 15 feet) Thence from said stake south 12° 45' east 126.40 poles to the beginning, containing 47.40 acres, more or less, as surveyed by Lawson B. Barry, County Surveyor April. 23 - 1895.

Tract 2.

Tract no. 2.

Beginning at a stake at the northeast corner of the Town plat of Union Center and in the center of the Marysville and Kenton Road; thence with the center of said Road north 16° west 88.50 poles to a stone at the southeast corner of lands formerly owned by John Garrington, thence with the south line of said land south 73° west 28.16 poles to a stone at the southeast corner of lands conveyed by Seth Gates to Isaac H. Gates, March. 10 - 1874. thence with the east line of said land south 16° east 88.50 poles to a stake at the northwest corner of said town plat of Union Center; thence with the north line of said plat north 73° east 28.16 poles to the beginning containing 15 1/2 acres, more or less.

Tract 3

Tract No. 3.

Beginning at an Iron rod in the center of the Marysville and Kenton Grand Road, and in the southerly line of the N. Y. & O. R.R. right of way; thence with the center of said road south 12° 45' East 58 poles to a tile at the northeast corner of a tract owned by said Taylor; thence with the north line of R. H. Willis land; thence with the north line of said tract south 76° west 28 poles to a stake in the east line of R. H. Willis land; thence with three consecutive lines of said Willis land north 12° 45' west 8.50 poles to a stake in the center of a ditch witness a stone and tile on the bank south 12° 14' East 15 feet; thence in and near the center of said ditch north 82° 30' west 7 poles to a stone and tile on the bank of said ditch; thence north 29° west 23.60 poles to a stone and tile in the southerly line of said Railroad lands; thence north 46° East 48.80 poles to the place of beginning, containing 10.50 acres, more or less.

Said mortgage is conditioned as follows: Provided, nevertheless, that these presents are upon these conditions:

That said mortgagor has executed and delivered to the said mortgagor his one certain promissory

and money provided when due shall remain. R. H. Willis. holder of as per the said of its second terms of its written in order the married certain owing for County of and. the center 28 poles ing of said thence of said west 55 poles and; thence 2° 45' asterly said line and tile, thence south r. the tile on the or near East 7 poles

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

note of even date herewith due, as hereinafter mentioned  
in amounts as follows: \$1200.00 due on or  
before five years from the date hereof: with interest  
thereon at the rate of 5 1/2 per cent per annum, payable  
semi-annually on or before the 20 day of August, and  
February of each year.

That if said note be not  
paid when due; or if any installment of interest  
thereon be not paid when due, or within thirty days  
thereafter, then all of said note, together with all accrued  
interest thereon shall thereupon become due, and payable  
at the option of the owner of said note and mortgage.

That the said mortgagor further agrees, as follows:  
To pay all taxes, assessments and other charges that may  
be assessed against the property herein conveyed promptly  
as they become due, and payable; to keep the building  
on the real estate hereby mortgaged in good and  
proper repair; to keep said property insured in some  
responsible fire insurance company satisfactory to said  
mortgagee in a sum of not less than \$800 with the loss,  
if any, payable to said mortgagee as its mortgagee  
interest may appear; and to bear said policy of  
insurance in the possession of said mortgagee until  
this mortgage is fully satisfied.

That if said mortgagor, his heirs or assigns shall  
fail to pay promptly as they become due, and payable  
said taxes, insurance, assessments or other charges  
that may be levied against said property, the said  
mortgagee may pay the same, which sum so paid  
shall be charged against said mortgagor and bear  
interest from date of payment thereof at 8% per  
annum, payable semi-annually on or before a lien upon the  
property herein conveyed, and be secured by this  
mortgage as a part of the consideration hereof;  
and on such default for thirty days, or if said  
building be not kept in good and proper repair, all  
the money secured by this mortgage shall thereupon  
become due and payable.

Now if the said mortgagor shall pay to said  
company, its successors, or assigns, the said  
sums of money when due, as provided for in  
said note, and shall faithfully keep each and  
all of the above stipulated conditions, then these  
present shall be void.

Said mortgage was filed for record with the  
Recorder of Franklin County, Ohio, on July 24-1919  
at 1:05 o'clock P.M. and was thereafter by him  
recorded in Book 78, page 172 of the Mortgage

11396

Oath

Summons

Re  
li  
ca  
at  
li  
to  
m  
St  
E  
Br  
th  
f  
D  
✓  
Summons  
d  
c  
o  
o  
E  
J  
1  
B  
u  
t



Final Record, Union County Probate Court

11396

Records of said County, and is now the first and best lien upon said real estate.

This defendant prays that upon a sale of the said real estate its rights herein may be protected; its said mortgage declared to be the first and best lien on said real estate; and its said claims first to be paid out of the proceeds of such sale; and that it may have all other and further relief to which it may be entitled either in law or in equity.

Wilson and Rector.

Attys for The Buckeye B. & Loan Co.,

State of Ohio, Franklin Co. ss.

Fred C. Rector, being first sworn, says he is one of the duly authorized attorneys for The Buckeye State Building and Loan Company, a corporation, and that the facts stated and allegations contained in the foregoing Answer and Cross Petition are true, as he believes.

Fred C. Rector.

Sworn to before me and in my presence this 17 day of Sept. 1928. subscribed.

Ray H. Poppleton Notary Public. Franklin Co. Ohio

Pay fee - -

Summons.

Summons on Petition to Sell Real Estate, The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: You are commanded to notify W. H. Willis and R. H. Willis Marysville, Ohio.

that on the 8 day of September, A. D. 1928. Edgar Willis, Executor of the estate of R. H. Willis Sr. deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts; and that unless they answer by the 13 day of Oct. 1928. said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 24 day of Sept. 1928.

Witness my hand and the seal of said Court this 12 day of Sept. 1928.

W. H. Husted Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

Sheriff's Return

The State of Ohio, Union County.

Sheriff's Return

Received this writ Sept. 17-1928. at 9 o'clock A.M. and pursuant to its command on the 12 day of Sept. 1928. I served the writ named R. H. Willis by personally handing to him a true and certified copy of this writ with all the endorsements thereon, and on the same day I served the writ named W. H. Willis by leaving for him at his usual place of residence a true copy of this writ with all the endorsements thereon.

J. B. Lingard Sheriff  
By Mary E. Celine Deputy

Application to be made Party Defendant.

Probate Court, of Union County, Ohio.

vs. 11396. September 17-1928.

Application

Interest in Real Estate

This day this cause came on to be heard upon the motion herein filed by Charles D. Webb to be made a party defendant with leave to file an answer and cross-petition and the court being fully advised in the premises finds that the said Charles D. Webb has or claims to have some interest in the premises described in the petition and he is hereby made a party defendant and leave granted to file his answer and cross-petition.

W. H. Husted, Probate Judge -

Probate Court, Union County, Ohio

Edgar Willis, Exr.  
of the Estate of  
R. H. Willis,  
Plaintiff  
v.

W. H. Willis, et al.

Defendants.

Motion

Now comes Charles D. Webb and moves the Court to be made a party defendant in the above entitled cause, with leave to file an answer and cross-petition therein.

John H. Dairup  
Atty. for Petitioner

11396 ✓

Legal notice of Sale of Real estate

Tract 1

Tract 2

Final Record, Union County Probate Court

11396 ✓

Sale of Real Estate

Legal notice of sale of Real estate

I Edgar Willis, executor of the estate of R. H. Willis, dec'd of Union County, Ohio, by an order directed to me by the Probate Court of Union County, Ohio, will offer for sale at the late residence of R. H. Willis, deceased, the following described real estate, to-wit:

Situated in the Co. of Union and State of Ohio, bounded &c. described as follows:

Tract 1  
Being part of Survey No. 879  
Tract No. 1.

Beginning at a stone in the center of the Delaware and Bellefontaine road, being 28 poles south 76° West from the crossing of said road, with the Mansville and Kenton road; Thence from said beginning stone with the center of said Delaware and Bellefontaine road, south 76° West 55 poles to a stone southeast corner of E. J. Holt land; thence with the east line of said land north 12° 45' West 127 poles to a stone in the southeasterly line of the N. Y. & W. O. Railway; thence with the said line north 46° East 48.80 poles to a stone and tile north easterly corner to J. B. Taylor's land; thence with three consecutive lines of said land south 27° E. 23.60 poles following in or near the center of a ditch to a stone and tile on the bank of the said ditch; thence continuing in or near the center of said ditch south 86° and 30 minutes east 7 poles to a stake (Witness a stone and tile on the bank) south 12° 45' East 15 feet; Thence from said stake south 12° 45' East 126.40 poles to the beginning;

Containing 47.40 acrs. more or less so surveyed by Lawson B. Harvey, County Surveyor, April 23 - 1895.

Tract 2

Tract No. 2.

Beginning at a stake at the north east corner of the town plat of Union Center, and in the center of the Mansville & Kenton Road; Thence with the center of the said road north 16° West 88.50 poles to a stone at the southeast corner of lands formerly owned by John Farrington; thence with the south line of said land south 73° West 28.16 poles to a stone at the southeast corner of land conveyed by Seth Gates to Isaac B. Gates March 10 - 1874; thence with the east line of said land south 16° East 88.50 poles, to a stake at the north west corner of said town plat of Union Center; Thence with the north line of said plat north 73°

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

east 28.16 poles to the beginning: Containing 15<sup>1</sup>/<sub>2</sub> acres more or less.

Tract 13

Tract No. 3.

Beginning at an iron in the center of the Mansville and Kenton gravel road and in a southerly line of the N.Y. & O. R.R. right of way; thence with the center of the said road south 12° 45' east 5.8 poles to a tile in the north east corner of a tract owned by the said J. B. Taylor; thence with the north line of R. H. Willis land thence with the north line of said tract south 76° west 28 poles to a stake and in the east line of R. H. Willis land; thence with three consecutive lines of said Willis land north 12° 45' west 8.80 poles to a stake in the center of a ditch (marked a stone and tile on the bank) south 12<sup>3</sup>/<sub>4</sub>° East 10 feet; thence in and near the center of said ditch north 86° 30' west 7 poles to a stone and tile on the bank of said ditch; thence north 29° west 23.60 poles to a stone and tile in southerly line of said railroad lands; thence north 46° east 48.80 poles to the place of beginning. Containing Ten and <sup>5</sup>/<sub>8</sub> acres more or less.

Sale to take place at the late residence of said R. H. Willis deceased, being <sup>3</sup>/<sub>4</sub> mile west east of Broadway, eight miles north of Mansville, on the Kenton Pike, (State Route No. 31) on November 17-1928 at 11 o'clock P.M. Central Standard Time.

Terms of sale, Cash.

Edgar Willis ex-Simpson Don auctioneers Oct. 23-1928.

The State of Ohio, Union Co. ss

Oath

Personally appeared before me, Lena Huber, and solemnly oath that the notice a copy of which is hereto attached was published for four consecutive weeks on and next after Oct. 23-1928 in the Daily Mansville Tribune, a newspaper of general circulation in the County aforesaid.

Also four insertions in weekly Tribune. Lena Huber.

Shown to before me and signed in my presence this 15th day of Nov. 1928.

J. M. Huber, Notary Public

Fees \$52<sup>24</sup>

11396

Approving Bond

Order of Sale

Final Record, Union County Probate Court

11396 Journal Entry:

Approving Bond

Orders approving Bonds for Public Sale - Probate Court, Union County, Ohio. Oct. 23 - 1928.

This day, this cause came on further to be heard and it appearing to the Court, that the said Edgar Willis executor of said estate was appointed without bond in accordance with the Will of R. H. Willis dec'd.

The Court further finds that the defendants William Willis, R. H. Willis, Edgar Willis, The Buckeye Building and Loan Co., and C. D. Webb have been duly served, and answers and cross petition of The Buckeye Building and Loan Co. and C. D. Webb have been filed.

It is therefore further ordered, that said Edgar Willis, as such executor proceed according to law to sell the real estate described in the petition, for of down at public auction the said real estate for not less than 2/3 the appraised value thereof on the following terms, cash in hand on day of sale.

It is further ordered that said petitioner give notice four weeks consecutively of the time and time & place of sale prior thereto, in some newspaper printed and of general circulation in Union County, Ohio, where said real estate is situate.

And said petitioner is ordered to make return to this Court immediately after such sale is made. & this cause is continued.

W. J. Husted, Probate Judge

Order

Order of Sale

The State of Ohio, Union County, Probate Court. To: Edgar Willis, Executor of the estate of R. H. Willis, deceased. Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Executor of said estate, are Plaintiff and William Willis, R. H. Willis, Jr., & Charles D. Webb et al. are Defendants, you are commanded to proceed according to law to sell at Public Sale for not less than 2/3 the appraised value thereof, Real estate of R. H. Willis, deceased, the following described premises to wit:

Situated in the County of Union, and the State of Ohio and bounded and described

THE W-W-S CO., CIN., O. 6203

11396

as follows: Being part of Survey no. 829.

Tract 1

Tract No. 1.

Beginning at a stone in the center of the Delaware & Bellefontaine road.

Being 28 poles South 76° West from the center of the crossing of said road with the Mansville and Kenton road. Thence from said beginning stone with the center of said Delaware and Bellefontaine road South 76° West 55 poles to a stone South east corner of E. J. Fox's land. Thence with the east line of said land North 12° 45' West 127 poles to a stone in the south easterly line of the N. Y. P. & O. R. R. Thence with the said line North 46° E. 48.85 poles to a stone and the north easterly corner to J. B. Taylor's land. Thence with three consecutive lines of said land South 27° East 23.60 poles following in or near the center line of a ditch to a stone and thence on the bank of the said ditch Thence continuing in or near the center of said ditch South 86° and 30' East 7 poles to a stake witness a stone and thence on the bank South 12° 45' East 15 feet. Thence from the said stake South 12° 45' East 126.40 poles to the Beginning.

Containing 47.40 acres more or less as surveyed by Lawson B. Barry County Surveyor April 23-1895.

Tract 2

Tract No. 2.

Beginning at a stake at the north east corner of the Town plat of Union Center and in the center of the Mansville and Kenton road. Thence with the center of said road North 16° West 88.50 poles to a stone at the south east corner of lands formerly owned by John Yarrington. Thence with the south line of said land South 73° West 28.16 poles to a stone at the south east corner of lands conveyed by Dr. H. Gates to Isaac B. Gates March 10-1874.

Thence with the east line of said land South 16° East 88.50 poles to a stake at the north west corner of said Town plat of Union Center. Thence with the north line of said Plat North 73° E. 28.16 poles to the Beginning.

Containing fifteen and one-half acres more or less.

Tract 3

Tract No. 3.

Beginning at an Iron Rod in the center of the Mansville and Kenton Grand Road and in a southerly line of the N. Y. P. & O. R. R. right of way

11396

Return

Report of sale.

Final Record, Union County Probate Court

11396

Thence, with the center of the said road, South, 12°  
 45' East 5-8 poles, to a tile at the north east corner  
 of a tract owned by J. B. Taylor. Thence, with  
 the north line of R. H. Willis land. Thence, with the  
 north line of the said tract South 76° West 28 poles  
 to a stake and tile in the east line of R. H. Willis  
 land. Thence, with three consecutive lines of said  
 Willis land, North 12° 45' West 8.80 poles, to a stake  
 in the center of a Ditch Witness: a stone and tile  
 on the bank, of South 17<sup>3</sup>/<sub>4</sub>° East fifteen feet.  
 Thence, in and near the center of said ditch  
 North 86° and 30' West 7 poles to a stone & tile  
 on the bank of said ditch. Thence North  
 29' West 23.60 poles to a stone & tile in a  
 southerly line of said Railroad lands. Thence North  
 46° East 48.80 poles to the place of beginning,  
 containing 10 and <sup>50</sup>/<sub>100</sub> acres more or less.

Said sale to be at the within described farm  
 and to be upon the following terms:  
 Cash within ten days from date of sale.  
 you will make return of your proceedings to this  
 Court forthwith upon execution of this order.  
 Witness my signature and the seal of said  
 Probate Court at Marysville, Ohio, this 17 day of November,  
 A. D. 1928.

*Wm* M. Husted Probate Judge

Return

Return

To the Probate Court, Union County, Ohio.  
 In obedience to the foregoing order, I have  
 caused the same to be duly executed, as will  
 fully appear by the proceedings hereto attached.  
 Dated the 19 day of November, 1928.  
 Edgar Willis, Executor.

Report

Report of Sale

In obedience to the within order, I, duly  
 advertised the real estate therein described  
 for sale, in the Marysville Tribune a newspaper  
 printed and of general circulation in Union  
 County, Ohio, where said real estate is situated  
 for at least four consecutive weeks prior to the  
 17 day of November, 1928, the day of sale  
 therein mentioned; stating in the notice the  
 time, place, and terms of sale; and on said  
 day, at the hour of 2 o'clock, P. M., I attended  
 at the place of sale, and offered said real  
 estate for sale, when, C. H. Ferguson, bid to pay  
 for the same, the sum of \$375.00  
 which being the highest and best bid that

the Delaware  
 center of the  
 and Kenton  
 with the  
 road South  
 corner of  
 of said  
 in the  
 e. with the  
 and tile  
 ce. with  
 East 23.60  
 of a ditch  
 id ditch  
 of said  
 stake  
 12 45'  
 South  
 as, surveyed  
 3-1895.

at corner  
 in the center  
 with the  
 poles to a  
 formerly  
 the south  
 les. to a  
 conveyed  
 - 1874.  
 and South  
 north west  
 thence,  
 E. 28.16  
 more or less,  
 of the  
 l. in  
 right of way

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11396

was offered, and bring more than 1/3 of the appraised value of said premises. I then and there sold the same to him for that sum.

Edgar Willis

Dated the 19. day of Nov. 1928.

The State of Ohio Union County.

Oaths

The above named Edgar Willis executor of the estate of R. H. Willis, deceased, being duly sworn says that the sale above reported has been made after diligent endeavor to obtain the best price for said property and that said sale is for the highest price he could get for said property.

Edgar Willis Executor

Sworn to before me and signed in my presence this 26 day of November, 1928.

W. H. Husted, Probate Judge

Journal entry: order approving & confirming sale.

Probate Court Union County Ohio  
Nov. 26-1928.

Approving

confirming

This day this cause coming on to be heard on the report of Edgar Willis, executor of the estate of R. H. Willis deceased, of his proceedings and sale under the former order of this court, and upon the motion of said petitioner to confirm the same, made in obedience to said order, the court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made,

It is ordered that the same, be and hereby is approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said R. H. Willis, in said real estate to the purchaser, C. H. Ferguson, upon the said purchase, paying the purchase price thereof.

It is further ordered, that this proceeding be recorded and that said petitioner pay the costs, \$65.24

W. H. Husted

Probate Judge

Conditions

of sale.

Conditions of Sale of Real Estate By Edgar Willis Ex. of the estate of R. H. Willis, deceased,

Said Sale to be cash.

However, the successful bidder will be.

11396

11396



Final Record, Union County Probate Court

11396

given ten days, to make settlement and receive deed for farm.

The party purchasing farm shall pay at least the sum of \$300.00 on the purchase price of the same. Said sum to be paid on day of sale, Nov 17. to Edgar Willis executor

The party purchasing the said farm will take notice that Edgar Willis by the terms of the Will of R. H. Willis (his father) is to have the use of said farm until March 1-1929 at which time he will give possession of same.

The successful bidder will be required to pay the June Taxes, as no taxes will be paid by the executor after December 1928.

All personal property belonging to Edgar Willis is hereby reserved by him with privilege of moving same, at the end of his term. Such as Lumber, in barn, rolls of fence, fence posts and all property of whatsoever nature.  
(Signed) Edgar Willis executor

11396 see page 463-

appraised  
the same

of the estate  
that the  
diligent  
property  
he could

presence.

the Judge

this.

on the  
of R. H.  
under the  
motion  
made in  
refully  
findings  
being  
legally made,  
s. hereby is,

lions execute  
trust  
date  
said

is recorded

Judge

Willis  
asset,

is by.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228  
~~11288~~  
Nov. 7-  
1928.

In the matter of the Estate of Frank G. Fullington, Deceased.  
In the Probate Court, Union County, Ohio.  
No. 11288.

Cancelling order to sell Real estate.  
Entry.

This day this cause came on, to be heard  
upon the motion of the Executors to cancel the  
advertisement and order to sell the real estate  
belonging to said estate at Public Auction.

And it appearing to the Court that all of the  
Real estate creditors, heirs and devisees of said estate, and  
Lucia Fullington, widow, have agreed that it would be  
for the best interests of said estate to cancel said order  
of sale, and to hold said real estate until the  
Spring of 1929, in an effort to dispose of it by  
Private Sale, and it appearing to the Court that  
said course is the best course, for all persons  
interested in said estate.

It is therefore considered by the Court, that  
the order of sale heretofore made to said Executors  
to, and the same hereby is cancelled, and said  
Executors are directed not to sell said real estate  
upon Public Sale and are directed to cancel the  
advertisement of said sale.

W. W. Husted, Probate Judge

10946  
Jan. 19"  
1929

Petition

10946.

Final Record, Union County Probate Court

Deceased.  
County, Ohio

10946  
Jan. 19"  
1929

Petition to Borrow money, and, Mortgage Real Estate  
Guardian's Petition to Borrow money  
and, Mortgage Real Estate.  
Probate Court, Union County, Ohio.  
Petition

Guy C. Lockwood,  
Guardian of  
Charles H. Lockwood,  
an alleged incompetent.  
Plaintiff

no. 10946  
Petition to Borrow money, and,  
Mortgage Real Estate.

His Ward, and  
Pearl Lockwood,  
Dyer Lockwood, and,  
Guy C. Lockwood.  
Defendants.

Petition

The Plaintiff represents that he is the duly appointed and qualified Guardian of Charles H. Lockwood, of the age of 70 years, on the 15<sup>th</sup> day of July, 1928, and, residing at Raymond, Union Co. Ohio, and, that he was appointed as such guardian by, and qualified in the probate court of Union County, Ohio.

The following are the names and residences of the next of kin of said Ward, residing in this state to-wit: Della Lockwood, wife of the said alleged incompetent and, that she resides in the village of Raymond, County of Union, and State of Ohio.

Guy C. Lockwood, a son, and a resident of Columbus, Franklin County, O.  
Pearl Lockwood, a son, and a resident of Midland, Pa.  
Dyer Lockwood, a son and a resident of Louisville, Ky.

That the said wife and, the said sons of said Alleged incompetent are all of legal age.

That said Ward, is the owner in fee simple of the following described real estate, situated in the County of Union State of Ohio, and, in the Township of Liberty, to-wit:

Part of Survey, no. 5-777, and,  
Bounded on the north by the Columbus, and Bellefontaine Road; on the east and south by lands, formerly owned by Luther Weston and now owned by Dr. Chas. Sampson, and, on the West by lands formerly owned, by B.H. Wilson.  
Containing 22 acrs. more or less.

10946.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10946. Also, is the owner of a lot with improvements thereon, situated in the City of Bellefontaine, County of Logan and State of Ohio, of the estimated value of \$600.00

That the following is the nature and amount of the encumbrances upon said real estate, described above, showing when the same became or will become due, and the rate of interest thereon, together with the names and residences of all persons holding such liens, to wit:

No mortgage or other liens on either of the above described real estate.

That the following is the amount and character of all valid debts due from said Ward, to whom due, of the same became or will become due, and the rate of interest thereon, to wit:

That the said alleged incompetent is indebted to The Union Banking Company of Mansfield, on a promissory note, now past due and which was due and payable on the 7th day of December, 1928, with interest thereon at 7% per annum, from the 7th day of September 1928.

That the following is the character of repairs and improvements proposed to be made upon said real estate and the necessity therefor.

None sought to be made at this time.

That the amount required for said repairs and improvements is -- no -- dollars.

That the income from said real estate is \$325.00 gross per annum.

The following is a statement of said Ward's personal property, and the income therefrom:

He has no personal property, excepting his household goods, and there is no income therefrom.

That the character causing the incompetency of his said Ward and, by reason of this age, is of such a nature, that it will not terminate permanently during his life time.

That the amount probably necessary to maintain said Ward your petitioner is not asking relief at this time for the expenses for the maintenance of his Ward.

The Plaintiff therefore prays, that said Ward,

Order on  
Fixing  
Time  
of  
Hearing  
and  
for notice.

Final Record, Union County Probate Court

10946

Ans. said wife and. The said defendant. Guy C. Lockwood, may be made parties defendant, to this Petition, that they be notified of the pendency and prayer hereof, in such way as the Court shall direct; that he may be authorized to borrow the sum of Eight Hundred and fifty Dollars to pay debts, such additional sum as the Court shall deem necessary to make said repairs and improvements on said real estate and to maintain said Ward, and to mortgage so much of said Wards lands as may be necessary to secure such loan, and other proper relief.

Guy C. Lockwood, Gdn. Chas. H. Lockwood  
Mrs. L. Myers attorney.

The State of Ohio, Union County, ss.

Guy C. Lockwood Guardian, the Plaintiff, named in the foregoing petition, being duly sworn, says that he believes the facts stated in said petition are true.

Guy C. Lockwood.

sworn to before me, and signed in my presence, this 19-day of January, 1929.

Wm. Maude Myers, Notary Public.

Order on  
Fixing  
Time  
of  
Hearing  
for notice.

Journal Entry: Order on Fixing Time of Hearing for Notice, Probate Court, Union County, Ohio.

January, 19<sup>th</sup> 1929.  
Order for notice.

This day Guy C. Lockwood, Gdn. of Charles H. Lockwood, appeared in open Court and filed his petition duly verified, praying for authority to borrow money and to mortgage real estate therein described, belonging to his said Ward.

It is ordered, that the time of hearing said petition be and, hereby, is fixed for the 8-day of Feb. 1929, at 1 P.M.

It is further ordered, that said Guardian cause notice thereof, and of the filing and demand of said petition, to be given to said Ward, Charles H. Lockwood, Della Lockwood, Gd. Guy C. Lockwood, Defendants, in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence, of each of those who can not be served personally fifteen days before said day of hearing, and this cause is continued.

W. H. Husted,  
Probate Judge

10946

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

10946

Notice to Defendants

The State of Ohio Union County, ss.

To Charles H. Lockwood, and Della Lockwood.

notice

You are hereby notified, that on the \_\_\_\_\_ day of \_\_\_\_\_ 1929 - the undersigned as Guardian, filed in the Probate Court of Union County, Ohio, a petition, the object and prayer of which is, that he may be authorized by said Court, to borrow money, and mortgage Real Estate belonging to the said Charles H. Lockwood, situated in the County of Union, in the State of Ohio, and in the Township of Liberty, and described, as follows, to-wit:

Part of Survey, no. 5977. See description in Petition

Said petition will be for hearing by said Probate Court, on the 8. day of February, 1929, at 1. P. M. at which time unless you show cause to the contrary, an order will be asked, as prayed for in said petition.

Dated this 19. day of Janry, 1929

Guy C. Lockwood  
Edm. Chas. H. Lockwood

10946

affidavit  
of  
Service

Affidavit of Service

The State of Ohio Union Co. ss.

I, Guy C. Lockwood, being duly sworn, say, that on the 19-day of Janry, 1929, I served this writ by delivering a true copy thereof, personally to the following named persons, to-wit:

Charles H. Lockwood, and Della Lockwood  
Guy C. Lockwood,

Sworn to before me, and in my presence, this 19. day of January, 1929.

Maud Pyles, Notary Public

waiver

Sheriff's Return

The State of Ohio, Union County, ss.

Answer

Answer.

Now comes the defendant, Della Lockwood, and hereby voluntarily enters her appearance herein, and for Answer, to the plaintiffs petition filed herein, says that she is the wife of the said Charles H. Lockwood, that she was 65 years of age, on the 19. day of Feby, 1928, and that she and the said Charles H. Lockwood are living together in the Village of Raymond, in the County of Union, as husband and wife, and as such wife, she has an inchoate (inchoate) right of dower in the real estate in the plaintiffs petition described.

That she is familiar with the matter and

entry

Final Record, Union County Probate Court

10946. things as stated and set forth in the petition, and hereby consents to the prayer of the petition.

Wherefore prays that the said Guy C. Lockwood as guardian of the said Charles H. Lockwood be authorized and directed by the Court to borrow such amount, as may be designated by the Court, and that a mortgage be made on the first tract as described in the plaintiff's petition to secure the same.

Della Lockwood,

State of Ohio, Union County, ss.

Della Lockwood, being just duly sworn, says that the facts stated and the allegations made and contained in the foregoing answer are true, as she believes.

Della Lockwood

Known to before me, and signed in my presence this 19-day of January, 1929.

and Maud Payers, Notary Public.

Wairro

We, the undersigned defendants, named in the above entitled cause do hereby voluntarily enter our appearance herein, and waive the issuing and service of summons or notice, and consent to the prayer of the plaintiff's petition.

Guy C. Lockwood,

Entry

Entry: Orders on Mortgaging Ward's Real Estate. This day this matter came on to be heard upon the application of Guy C. Lockwood, guardian of Charles H. Lockwood for authority to mortgage certain real estate herein described; and the same was submitted to the Court, upon the pleadings and testimony.

Whereupon, after due consideration, the Court finds that all the parties defendant, have been duly notified, as required by law and the former order of this Court, of the pendency of said application and its prayer, and the time of hearing.

That the allegations of said petition are true; that it is necessary to mortgage the real estate as therein alleged, for the sum of \$500.00

Wherefore, it is ordered, that said guardian shall ascertain and report to this Court the rate of interest and the time for which he can borrow said amount so found necessary.

H. D. Husted Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10946

In the Probate Court, Union Co., Ohio

No. 10946.

Order.

Order

To Guy C. Lockwood, Esq., of Charles H. Lockwood,  
you are hereby notified that an order has this  
day been made in this Court in a certain case wherein  
you, as guardian have made application to mortgage  
certain real estate belonging to Charles H. Lockwood, your ward,  
and that you were herein directed to ascertain the rate  
of interest and the terms for which you can borrow the  
sum of \$800- by mortgaging the real estate herein  
described, to secure the same.

Witness my signature and the seal of the Probate  
Court, this 16 day of July, A. D. 1929.

W. H. Husted, Probate Judge.

Guardian's Report.

In obedience to an order of the Probate Court to me, the  
undersigned, directed in the above case, I have made  
a full and diligent inquiry, and the best terms that  
I can obtain in making the loan in behalf of my  
said ward, is as follows:

That is, with the Union County Savings and  
Loan Company, of Marysville Ohio, for the sum of \$800.00  
with interest thereon at 7% per annum; said principal  
sum, with interest thereon payable at the rate of  
\$8.00 per month, payable monthly (the whole amount,  
principal and interest at the above monthly rate of  
payment, if paid, would be paid in full in twelve  
years, and eight months) with the privilege of paying  
any balance of the principal sum remaining unpaid,  
in full, with interest accrued on any interest paying  
day.

Guy C. Lockwood, Esq.

State of Ohio, Union County, ss.

Guy C. Lockwood, being duly sworn, says that  
the facts stated and allegations made, and  
contained in the foregoing are true as he believes.

Guy C. Lockwood.

Sworn to before me, and signed in my presence this  
16 day of July, 1929

W. H. Husted,

Probate Judge

10946.

Guardian's  
Report.



Final Record, Union County Probate Court

10946.

Entry: Confirming Report.

This day this matter came on to be further heard upon the report of plaintiff therein, as to the rate of interest and time for which he could borrow said amount of \$800.00; and the same was submitted to the Court; and the same is found satisfactory to the Court, and is accepted and confirmed; and the said guardian is authorized and ordered, as such guardian to execute a note for that amount, and execute a mortgage on lands so designated, and the matter coming on to be heard further as to the distribution of the money procured by said mortgage.

It is ordered, that the said guardian pay to the Union Banking Co. the said sum of \$800.00 due it on promissory note from the money in this day borrowed from the Union Savings & Loan Co., of Marysville, Ohio.

W. H. Husted, Judge

Guardian's Report.

Guardian's Report.

Now comes Guy C. Lockwood guardian heretofore appointed herein, and represents to the Court, that according to the former order of the Court, he has borrowed, as such guardian, from the Union County Savings & Loan Co., of Marysville, Ohio, the sum of \$800.00 and executed and delivered to the said Company a promissory note for said sum as his said guardian, and to secure the said loan has executed and delivered to the said Union Co., Savings & Loan Co., as such guardian a mortgage on the real estate described in his application herein filed. He has received the said sum of \$800.00 from the said Loan Co.

Guy C. Lockwood.

State of Ohio, Union Co. ss.

Guy C. Lockwood being duly sworn says, that the facts stated, and the allegations made, and contained, in the foregoing are true, as he believes.

Guy C. Lockwood.

Shown to before me, signed in my presence, this 16 day of Feb. 1924

W. H. Husted, Probate Judge

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

10946.

In the Probate Court, Union Co. Ohio  
Journal Entry. Confirmation.

Confirmation

This day, this cause came on for hearing on the report of the guardian heretofore filed herein, as to receiving the sum of \$800- from the Union County Savings and Loan Company; the execution as such guardian of a promissory note as evidence of said loan, and the execution of a mortgage on a portion of the real estate owned by his ward to secure said loan.

And the Court being fully advised in the premises, on consideration thereof does hereby approve the borrowing of said sum of said loan company, the execution of the promissory note as the evidence of said loan and the execution of said mortgage by said guardian as such guardian to said Company, to secure the payment of the said loan, and further approves the proceedings of the said guardian in full, and orders the said guardian as such guardian pay the costs of this proceeding and tax the same against the estate of his ward including a reasonable attorney fee to Milo L. Myers, for his services rendered herein.

W. J. Husted

Probate Judge.

11287  
Mar. 4 -  
1929.

Final Record, Union County Probate Court

11287  
Mar. 4 -  
1929.

In the matter of the Estate of Jesse B. Poling,  
Application to Sell Personal Property, at Private Sale,  
In the Probate Court, Union Co., Ohio,  
No. 11287

State of Ohio, Union Co., Ohio.

The undersigned, B. Mertie Poling, Adx., of the estate of Jesse B. Poling, deceased, respectfully represents that all of the estate has been converted into cash, excepting seven shares of the stock of The Commercial Savings Bank of Marysville, Ohio, appraised at \$700- and she respectfully represents to the Court that it would be for the best interest of the said estate to sell said stock at private sale, as provided by law.

She further asks the Court for an order authorizing her to sell at private sale for cash, at the appraised value the property above mentioned.

B. Mertie Poling

Brought to before me, and signed in my presence this 4 day of March, 1929

Richard L. Cameron,  
Notary Public

Entry: Order to Sell at Private Sale.

This day this matter came on to be heard upon the application of B. Mertie Poling Adx. of the estate of Jesse B. Poling, deceased, for an order authorizing said Adx. to sell at private sale the property therein described for not less than its appraised value, and the same was submitted to the Court, whereupon the Court finds, and is satisfied upon good and sufficient proof, that it would be for the advantage of the estate of the decedent to sell said seven shares of stock of The Commercial Savings Bank of Marysville, Ohio, appraised at \$700- at private sale, at not less than its appraised value.

Wherefore, it is ordered that said B. Mertie Poling, Adx., be ordered, to sell said property at not less than its appraised value for cash, and the said Adx. make return of her proceedings hereunder, within one month from this day.

W. H. Husted,  
Probate Judge.

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

8319 B.  
Feb 14  
1929.Guardian's Petition to Borrow Money,  
and Mortgage Real Estate  
Probate Court, Union County, Ohio.B. W. Adams,  
Guardian of  
Albert L. Robinson,  
Plaintiff

v.

his ward, <sup>as</sup>  
L. W. Robinson, <sup>as</sup>  
Roy Robinson  
Defendants.

Petition

The Plaintiff represents that he is the duly appointed and qualified guardian of Albert L. Robinson, of the age of 73 years, on the 6. day of March, 1928, and residing at Radnor, Ohio.

The following are the names and residences of the next of kin of said ward, residing in this State to wit: C. W. Robinson <sup>as</sup> Roy Robinson.

That said ward is the owner in fee simple of the following described real estate, situated in the County of Delaware, State of Ohio, and in the Township of Thompson, to wit:

Beginning at a stone in the center of the Fulton Creek Road, and at the south west corner of H. G. and Eddy's land; thence with the center of said road S. 86° 25' N. 97 <sup>27</sup>/<sub>100</sub> rods to a stone; thence in a northerly direction N. 2° 10' W. 85 <sup>3</sup>/<sub>10</sub> rods to the center of Fulton Creek; thence down the creek with the meanderings thereof to the N. W. corner of H. G. and Eddy's land; thence with the west line of H. G. and Eddy's land, in a southerly direction S. 11° 20' E. 115 <sup>11</sup>/<sub>3</sub> rods to the place of beginning, containing 57 <sup>1</sup>/<sub>4</sub> acres, more or less.

Subject hereto to the down interest therein of Parmelia Robinson, as widow of the said Alexander S. Robinson, deceased.

That the following is the nature and amount of the encumbrances upon said real estate described above, showing when the same became or will become due, and the rate of interest thereon, together with the names and residences of all persons holding such liens, to wit: - none -

Final Record, Union County Probate Court

That the following is the amount and character of all valid debts due from said Ward, to whom due when the same become or will become due, and the rate of interest thereon, to-wit: Edward Morrison, for money advanced the Ward in the sum of \$100.00 - part due with no interest.

That the following is the character of repairs and improvements proposed to be made upon said real estate and the necessity therefor - none - That the amount required for said repairs and improvements, is - no - dollars.

That the income from said real estate is about \$200.00

The following is an statement of said ward's personal property and the income therefrom - nothing -

That the amount probably necessary to maintain said Ward, is \$200.00

The Plaintiff therefore prays, that said Ward, and said C. W. Robinson and Roy Robinson may be made parties Defendant to this Petition, that they be notified of the pendency and prayer hereof, in such way, as the Court shall direct; and, that he may be authorized to borrow the sum of \$300.00 to pay such mortgages, debts, legacies and judgments, and such additional sum, as the Court shall deem necessary to make said repairs and improvements on said real estate and to maintain said Ward, and to mortgage so much of said Ward's lands as may be necessary to secure such loan, and for other proper relief.

B. H. Adams, Adv. of Albert L. Robinson.

The State of Ohio, Union County ss.

B. H. Adams, Adv. the plaintiff named, in the foregoing petition being duly sworn, says, that he believes the facts stated in said petition are true. B. H. Adams.

Sworn to before me, and signed in my presence, this 13-day of February, 1929. W. H. Husted, Probate Judge

Journal Entry: Order, fixing time of hearing, for notice Probate Court Union County, Ohio, February 13<sup>th</sup> 1929.

Order for notice.

This day, B. H. Adams, Adv. of Albert L. Robinson

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

appeared in open court and filed his petition duly verified, praying for authority to borrow money and to mortgage real estate therein described, belonging to his said ward.

It is ordered, that the time of hearing said petition be, and hereby is fixed for, the 21<sup>st</sup> day of July, 1929, at 10 A.M.

It is further ordered, that said Guardian cause notice thereof and of the filing and demand of said petition, to be given to said Albert L. Robinson, C. H. Robinson, and Roy Robinson, Defendants, in writing to be served upon them personally, and by leaving copies thereof at the usual place of residence of each of those who cannot be served personally 5 days before said day of hearing, and this cause is continued,

W. H. Husted, Probate Judge

Probate Court, Union County, O. July 21 - 1929

Orders, Cas. to Decree of Loan, etc.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises finds: That all the defendants herein have been duly and legally notified of the pendency and prayer of the petition and are now properly before the Court: And that the statements and allegations in said petition are true.

And it appearing to the Court to be for the best interest of the estate of said ward, that the prayer of the petition be granted, the Court hereby fixes the amount necessary to be borrowed, at the sum of Four Hundred <sup>00</sup>/<sub>100</sub> (\$400<sup>00</sup>) Dollars and directs that the following described lands, of said ward be encumbered by mortgage to secure the same, to wit:

Situate in the County of Delaware, in the State of Ohio, and in the Township of Thompson, and described as follows, to wit:

Beginning at a stone in the center of the Fulton Creek Road, and in the southwest corner of N. 4<sup>th</sup> E. M. Eddy's land; thence with the center of said road S. 86° 25' W. 97 <sup>27</sup>/<sub>100</sub> rods to a stone; thence in a northerly direction N. 2° 10' W. 85 <sup>3</sup>/<sub>10</sub> rods to the center of Fulton Creek; thence down the creek with the meanderings thereof to the north west corner of N. 4<sup>th</sup> E. M. Eddy's land; thence with the west line of N. 4<sup>th</sup> E. M. Eddy's land, in a southerly direction S. 11° 20' E. 115 <sup>1</sup>/<sub>3</sub> rods to the place of beginning containing 57 <sup>1</sup>/<sub>4</sub> ac. more or less.

Subject however to the donor interest therein of

Final Record, Union County Probate Court

Parmelia Robinson, as. widow of the said Dea. S. Robinson, deceased.

And, it is ordered, that said Guardian W. and, he is hereby directed to ascertain and report to the Court, the rate of interest and time for which he can borrow said amount so found necessary to be borrowed, and, this cause, is, continued.

W. Husted, Probate Judge.

Report of Guardian, as, to Terms of Loan.

Report.

Probate Court, Union County, Ohio.

Report as to Terms of Loan.

In obedience to the order of said Court, the copy of which is herewith returned, I, have made full and diligent inquiry and find that the best terms obtainable in making the loan on behalf of my said Ward, are as follows:

\$400.00 the amount to be borrowed at the rate of 7% payable in monthly installments of \$42.00 each, and, secured by a note, and, mortgage.

Dated this 21 day of February 1924.

B. H. Adams, Secy.

The State of Ohio, Union County ss.

B. H. Adams being duly sworn, say, that the statements in the foregoing report are true, as he truly believes.

B. H. Adams.

Sworn to before me, and signed in my presence, this 21 day of February, 1924.

W. Husted, Probate Judge

Journal Entry: Orders Confirming and Authorizing Loan. Probate Court, Union County, Ohio, Feb. 23 - 1924.

This day this cause came on to be heard on the report of said B. H. Adams, Guardian, of the rate of interest and time for which he can borrow the amount heretofore found necessary to be borrowed. And, the Court, having carefully examined said report, finds the terms proposed satisfactory to the Court.

It is ordered, that the same, be accepted and, is, hereby confirmed and, said Guardian is authorized and ordered as such Guardian to execute a note, or, notes for said amount, and, to execute a mortgage on the lands designated

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

in the former order herein. It is further ordered that this proceeding be recorded, and that said guardian pay the costs herein taxed at \$8-

W. H. Husted Probate Judge.

11510

115-10  
July 8<sup>th</sup>  
1929

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

Clara B. Shaw, Adx.  
with the Will annexed,  
of the estate of Lydia A. Bodine, decd.  
Plaintiff

Civil action

David A. Matbrook, ans.  
Grace Matbrook, his wife,  
who sometimes sign their names  
as John D. Bodine & Grace Bodine  
his wife.

Petition to  
Sell Real Estate

The Union County Savings and  
Loan Co., ans.  
Joseph Matbrook, widower,  
of Bertha Matbrook, deceased.  
Defendants.

Petition

Petition

Petition

The Plaintiff represents, that she is the duly appointed and qualified Adx. with the will annexed of the Estate of Lydia A. Bodine late of Union Co. O. deceased; that the amount of debts due from the deceased, is \$1,000- as near as can be ascertained that the charges of administration of said estate will amount to about \$300- and that the total value of the personal estate and effects of said deceased, is but nothing, being wholly insufficient to pay the debts and costs aforesaid.

The plaintiff further represents that said Lydia A. Bodine died seized in fee simple, as the sole owner, of the following described, real estate, situate in the County of Union, and State of Ohio, to-wit:

Being part of the Virginia Military Survey numbers 9960 and 10042, and beginning at a stone in the Road leading from Mt Victory, to Mansville, from which, as Ash, ten inches in diameter bears south 61° West 18.54 poles, and a crooked white oak on the bank of Rusch Creek, bears South 84½° West 20.2 poles; thence with 40 rights pine South 11° East 72 poles to a post, from which red oak, 6 inches bears at 30° West 60 links to a mark North 8 6½° West 70 links; thence South 79° West 67½ poles to a post;

11510

115-10



Final Record, Union County Probate Court

11510

Thence North 17° East, about 70 poles to the place of beginning, containing 40 acrs. or less, the same more or less.

Plaintiff further states that Lydia A. Bodine died testate, giving and devising to her husband, Amos Bodine during his natural life the above described real estate; that Amos Bodine, husband of Lydia A. Bodine, died on the 25 day of January, 1929; that the deceased, Lydia A. Bodine, by the terms of her last will and testament, after the death of her husband, Amos Bodine, gave, devised, and bequeathed all of the above described real property to her daughter Clara B. Shaw, and her grandson, David A. Westbrook, commonly called and known, as John D. Bodine, who was the son of her daughter, Bertha Westbrook, in fee simple and to their heirs, and assign forever, Shaw, and Shaw alike.

Petition

The said decedent died leaving Amos Bodine her widow who died Jan. 25-1929; that the defendants David A. Westbrook & Grace Westbrook, his wife, who sometimes sign their names, as John D. Bodine, and Grace Bodine, his wife, and Clara B. Shaw, widow, are the only children and heirs at law of said decedent. Having the next estate of inheritance from said Lydia A. Bodine, deceased, in said premises that the Defendants The Union Co. Savings and Loan Co. claims to have a mortgage against said real estate, which mortgage was executed and delivered by Amos Bodine and the defendants, John D. Bodine and Grace Bodine, on or about the 29 day of March, 1928. However, said mortgage is not a valid lien against said real estate in any part thereof, for the reason that the mortgagors did not, or do not have any right, title or interest in and to said real estate, and that said mortgage should be cancelled.

The Plaintiff therefore prays that pretended rights, interests and liens of the said defendant, The Union County Savings and Loan Co. may be cancelled, and held to be of no effect in law, or in equity, and that your petitioner may be authorized, and ordered to sell said real estate of Lydia A. Bodine free of all claims, according to the statute in such cases, made and provided, and for all other proper orders and relief in the premises. Clara B. Shaw, Ady., with nil annexed,

By - Carl Hart & Warner,

Her attorneys.

115-10

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

The State of Ohio, Union Co.

Clara B. Shaw, Adx. the within named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

Clara B. Shaw.

Sworn to before me, and signed in my presence, this 8<sup>th</sup> February, 1929.

W. L. Carhart, Notary Public

Receipt

To the Judge, and Ex-officio Clerk of said Court:

Issue Summons for said defendant, David A. Westbrook, and Grace Westbrook his wife, who sometimes sign their names as John D. Bodine and Grace Bodine his wife, and direct the same to the Sheriff of Hardin County, Ohio, (their address being Mt. Vernon, O. R. F. D.) Also issue summons for the defendant, The Union County Savings and Loan Co., and direct the same to the Sheriff of Union Co. and indorse on both writs "action for the sale of real estate" and make returnable according to law.

Carhart & Warner, Plft. atty.

Journal 42, Pg. 18.

Summons on Petition to sell Real Estate.

To the Sheriff of said County.

You are commanded to notify the Union Co. Savings and Loan Co. of Mansfield, Ohio, that on the 8<sup>th</sup> day of July 1929.

Clara B. Shaw, Adx. et al. of the estate of Lydia A. Bodine, deceased, filed his petition in the Probate Court of said Union Co. Ohio, against them and others; the object of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of pay debts, and that unless they answer by the 9<sup>th</sup> day of March, 1929, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 18<sup>th</sup> day of July, 1929.

Witness my hand, and the seal of said Court, this 8<sup>th</sup> day of July, 1929.

W. L. Carhart, Probate Judge.

Final Record, Union County Probate Court

Summons, on Petition to Sell Real Estate  
The State of Ohio, Union County, Probate Court  
To the Sheriff of Hardin Co.

You are commanded to notify David W. Westbrook and Grace Westbrook, his wife, who sometimes sign their names, as John D. Bodine and Grace Bodine, his wife, near Mt. Victory, Ohio. That on the 5th day of Feb. 1929, Clara B. Shaw, Adx., with the will annexed of the estate of Lydia A. Bodine deceased, filed his petition in the Probate Court of said Union Co., Ohio against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent in said petition described for the purpose of paying debts, and that unless they answer by the 9th day of March, 1929, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 15th day of Feb. 1929.

Witness my hand, and the seal of said Court, this 5th day of Feb. 1929  
W. W. Husted, Probate Judge.

Sheriff's Return.

The State of Ohio, Hardin Co.

Received this writ Feb. 7-1929 at 9 A.M. and pursuant to its command, on Feb. 12-1929.

I served the same by delivering to the within named defendant Grace Bodine personally a true & certified copy of this writ with all the endorsements thereon

and on the same date by leaving at the usual place of residence of the within named defendant, John D. Bodine a true and certified copy of this writ, with all the endorsements thereon.

Morton Ainsley, Sheriff

Fees

ser. & Ret. 75

names 25

18 miles. 1.44 - Total \$2.44.

Journal 421 Pg. 28.

This day Clara B. Shaw by her atty. Casha W. Warner, asks to have this petition to sell real estate dismissed for reason that a Petition to sell same real estate had been filed in Court Common Pleas. It is therefore ordered that said petition to sell is hereby dismissed & that Adx. pay costs in the case \$5.44.

iff, being  
t. things  
of his

this 8<sup>th</sup>  
Public

W. Westbrook  
their names  
and direct  
their  
summons  
and Loan  
Co. and  
real estate"

atty.

estate.

Union

Lydia A.  
Probate Court.  
the object  
for the  
decedent,  
pay debts,  
March, 1929  
order

is writ

of said

age

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11574

Feb. 25.

1929.

Petition to Sell Real Estate

Your petitioners, June Hoover, represent, that she is the duly appointed and qualified guardian of A.D. Hoover, and alleged incompetent of Union County, Ohio: that she was appointed, as such, Guardian by the Probate Court, Union County, Ohio, and that it is necessary to sell the real estate hereinafter described for the following reasons, to-wit:

1. That there is insufficient personal property to provide necessaries for the ward.
2. The income from the real estate as an investment is practically nothing.
3. There is a mortgage on said real estate and the interest on said debt together with the legal rate of taxes leaves no money for necessary expenses.
4. Said ward is in immediate need of medical attention.

No personal estate of any amount, is in the possession or knowledge of the petitioner, nor is there any personal estate of said ward dependent upon the settlement of any decedent's estate, or the execution of any trust, nor in expectancy.

That said ward is the owner, in fee simple of the following described real estate, to-wit:

Situated in the County of Union, State of Ohio, Township of York, and bounded and described as follows: and being part of Survey No. 11346. Beginning at a stone (witnessed by three sugar trees) North east Corner to Survey No. 3465; thence with the east line of said survey and center of the Lynn Run Road) S. 8° N. 68 poles to a stone (witnessed by a beech) N.W. Corner to lands formerly owned by M. M. Shipley; thence with the north line of M. M. Shipley's farm S. 83° E. 157 poles to a stake in the center of the Richmond, Sumnersville, and York Branch Road; thence with the center of the said Road, N. 62° 30' E. 41.72 poles to a stake in the westerly line of Survey No. 6301. (and York and Blair Townships line) thence with said line N. 18° N. 46.56 poles to a stone (witnessed by three beeches); thence N. 52° N. 62 poles (with the line of L. C. Beem's line) to the beginning.

Containing 72 1/4 acres more or less.

Refer. to Vol. 92, Pg. 434.

That the annual income from said real

Petition

115-24 ✓

Date

Order on Hearing

Final Record, Union County Probate Court

1/5-24 ✓ estate is barely sufficient to pay taxes and interest on mortgage and that the rates received therefrom have been expended for such.

That the petitioner believes it will be for the interest of said Ward to sell said real estate; that the defendant, J. D. White, has a lien on said real estate by way of first mortgage to secure the sum of \$1,000<sup>00</sup> not yet due, but that the said J. D. White will accept said money, at any time that the defendant, James Hoover wife of A. D. Hoover, has a contingent right of dower estate in said lands.

Your petitioner therefore prays that said J. D. White and James Hoover may be made defendants to this petition; that the rights of said lien holders may be adjusted and that your petitioner may be ordered to sell said real estate and for all other proper relief.

James Hoover  
Wife of A. D. Hoover.

State of Ohio, Union Co. ss.

Date June Hoover being sworn, says that she is the wife of A. D. Hoover, that the facts stated and allegations contained in this her petition to sell real estate, are true, as she truly believes.

June Hoover

Done to before me, and subscribed in my presence this 23 day of Feb. 1929.

Geo. F. LeRoy Allen, Notary Public.

Order on Hearing

Journal Entry: Orders on Hearing. To Adam Hoover, J. D. White and June Hoover; Greeting: This day came June Hoover, as guardian of A. D. Hoover, and filed her petition duly verified asking for the sale of the real estate of her said Ward.

Whereupon, it is by said Court ordered that said cause shall be set for hearing on the 12-day of March, 1929, and that notice thereof shall be given to Adam Hoover, Ward, J. D. White, and June Hoover.

It is further ordered, that the above notice shall be in writing, and shall be delivered to each of said parties personally.

Such notice to be served ten days before the day that said application is set for hearing. W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11524

Cross-Petition

Cross-Petition  
J.D. White

Now comes the defendant, J. D. White and voluntarily enters his appearance herein and files this his Cross petition herein and for such says that The plaintiff June Brown, as guardian of A. D. Brown did on the first day of August 1928 execute and deliver to him her promissory note as such guardian a copy of which note, is hereto attached and marked Exhibit A and made a part hereof, as if fully written herein.

That there is due him on said note the sum of One thousand Dollars, with 7% interest from August 1<sup>st</sup> 1928.

That in order to secure the payment of said note plaintiff herein executed and delivered a mortgage on the real estate described in the petition herein on said August 1<sup>st</sup> 1928, and that the same was left for record with the Recorder of Union Co. O. on August 11-1928 at 10:30 A.M. and was recorded in the Union Co. Rec. of Mortgages, in Book 97, at page 256, and that the same thereby became and still is a valid and subsisting lien on said real estate second only to taxes and costs of this action.

Wherefore this said defendant prays that he may have judgment for the sum of one thousand forty three dollars and eighteen cents against plaintiff. That out of the sale of the real estate he may be paid said amount next after taxes and costs of sale, that his may be declared to be the first and best lien on said real estate and for such other and further relief as by the nature of this cause he may be entitled.

J. D. White by F. LeRoy Allen, his attorney.

Oath.

State of Ohio, Union Co., ss.

F. LeRoy Allen, being sworn, says that he is attorney for defendant J. D. White, that the within cross petition is founded upon an instrument in writing for the unconditional payment of money, only and that the same is in his possession and that the facts stated herein are within his personal knowledge and that the same are true, as he verily believes.

F. LeRoy Allen,

Sworn to before me, and subscribed in my presence, this 12. day of March, 1929.

11524.

W. H. Husted, Probate Judge.

11524

Copy of note

Notice

11524

Final Record, Union County Probate Court

115-24

Fluorid

Richmond Ohio, August 1<sup>st</sup> 1928.

one year after date, or, or, inclu. of us, promise to pay to the order of John, David White,

Copy of note

One thousand and no/100 Dollars at the Richmond Banking Co. for value received, with interest from date at the rate of 7% per annum, payable annually until due, and with int. at 8% per annum, on all unpaid principal and interest after due until paid. And we hereby authorize and empower any attorney at law of any Court of Rec. at any time after the above note becomes due, to appear for us or any of us, without power, in any Court of Rec. in the State of Ohio, or elsewhere, and confer a judgement for the said amount interest and costs in favor of the payee, legal holder, indorser or assignee thereof, and release all errors which may occur in the in the rendition of such judgement, and we also release the right of appeal, the stay of execution and the power and privilege to hold exempt from execution, any personal or real property belonging to us, or either of us, at, and after the date of protest, notice of protest, and legal diligence to enforce collection.

Jane Hoover Gen. of A. D. Hoover.

notice

In the Probate Court of Union Co, Ohio  
Notice

J. A. D. Hoover, Jane Hoover and J. D. White  
You are hereby notified that on the 21<sup>st</sup> day of February, 1929, Jane Hoover as guardian of A. D. Hoover filed in the Probate Court of Union Co, Ohio, a petition, the object and prayer of which is, to procure said Court, to order the sale of the real estate of the said A. D. Hoover situated in the County of Union in the State of Ohio, and bounded and described as follows, to wit:  
Being in York Township, and being part of Survey No. 11346.  
Beginning — see description in Petition —

The application will be for hearing, by said Court, on the 12<sup>th</sup> day of March, 1929, at 10 A.M., at which time unless you show cause to the contrary, an order will be asked, as prayed for in said petition.

Jane Hoover Gen. of A. D. Hoover.

115-24





Final Record, Union County Probate Court

11524

Finding Sale necessary, and, Ordering appraisement,  
March 13<sup>th</sup> 1929

ordering This day, this cause came on to be heard upon the  
appraisement petition, evidence, and testimony, and, the Court being  
fully advised in the premises, finds: That all  
the defendants herein have been duly, and legally  
served with process, or, have voluntarily entered  
their appearance, herein, and are now properly  
before the Court, and, that the statements and  
allegations in said petition are true. That said  
June Hoover, wife of said A. D. Hoover is entitled  
to said dower in said real estate: That said  
wife by her answer herein waives the assignment  
of dower in said premises by metes and bounds, or, in  
rents, and, profits, and consents to the sale of said  
premises free from her said dower estate therein.

And, the Court being satisfied that it is necessary  
to sell the real estate of said A. D. Hoover described  
in the petition, to pay his debts,

It is ordered that O. V. Parks, P. H. Matlack,  
& O. P. Congill three suitable & judicious  
disinterested men of the vicinity of said real  
estate, who are free holders, to, and, they hereby are  
appointed to appraise said lands, as a whole, at  
their true value in money, free from the  
dower estate of said June Hoover therein.

It is further ordered, that said appraisers to show  
as required by law, and, afterward, upon actual  
view, perform the duties required of them, and, make  
return of their proceeding in writing to this Court,  
on, or, before, the 15<sup>th</sup> day of March 1929, and, this  
cause is continued.

W. H. Hackett, Probate Judge.

Order of  
Appraisement.

Order of appraisement

The State of Ohio, Union Co., Probate Court.  
To, June Hoover Widow of A. D. Hoover, Greeting.  
In obedience to an order and decree of the  
Probate Court, within and for said County made  
this day in a certain cause, wherein you, as,  
Guardian, are Plaintiff & your said husband are  
Defendants, you are commanded, by the oaths  
of Oliver Congill, O. V. Park, and, Ray Matlack  
judicious disinterested men of the vicinity, not of  
kin to the petitioner, who are free holders, of the  
County in which said real estate is situated  
to, upon, actual view, you cause a just

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-24

a just valuation, and appraisement to be made according to law, of the following described premises, free from the dower estate of June Hoover, therein listed

see description in Petition

you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Waverly, Ohio, this 12. day of March, 1929.  
C. W. M. Husted, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 12. day of March, 1929.

June Hoover.

By, F. LeRoy Allen, her attorney.

Oath of appraisers

Oath of appraisers.

The State of Ohio, Union Co.  
We, the undersigned appraisers, do make solemn oath that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

R. H. Mattack, O. V. Park, O. P. Conzill, appraisers.

Given to before me and signed in my presence this 12 day of March, 1929.

C. W. F. LeRoy Allen, Notary Public.

Appraisers Return

Appraisers Return.

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers estimate the value of said real estate at thirty five hundred <sup>no</sup> 100 Dollars, free from the dower estate of June Hoover, wife of A. D. Hoover

Given under our hands, this 12. day of March, 1929.

R. H. Mattack, O. P. Conzill, O. V. Park, appraisers.

Fees of appraisers, \$2.00 per. du. each.

Confirming appra-

Confirming appraisement & ordering Bond,  
Mch. 13-1929

This day came the said Plaintiff by her

115-24

Att  
app  
in  
H  
the  
or  
he  
ex  
in  
to

appl-  
to sell  
at

Private Sale

The  
bro  
to  
p  
d  
m  
y  
in  
S  
V  
at

Oath

The  
v  
a  
p  
v

af- of  
Disinterested  
Person

Final Record, Union County Probate Court

11524

Attorney, and produced to the Court the report of an appraisement herein made by O.P. Conroy, R.H. Maltack in O.V. Park in pursuance of a former order of this Court: and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and hereby is approved, and confirmed.

It is further ordered that said June Hoover execute within five days to the State of Ohio, a Bond with sufficient freehold sureties to be approved by the Court, in the sum of \$5000 - Conditioned according to law, and this cause is continued.

W.H. Orsted, Probate Judge -

Application to Sell Real Estate at Private Sale.  
Probate Court, Union County, Ohio,  
Application

appl -  
to sell  
at

Private Sale

The said Plaintiff represents that it would be for the best interest of the said Ward, to sell the real estate described in the petition in this case at private sale, for the following reasons -

There is offered the sum of thirty six Hundred dollars, and that amount is more than the appraised value thereof.

The expense of advertising and selling the land would be a considerable amount and the net selling price would likely be much less than what is offered.

The farm is not in good repair and the purchasers thereof necessarily would be small in number and competition in bidding would be small.

and she therefore asks for an order authorizing her to sell said real estate at private sale.

June Hoover, Gdn. of said Hoover.

The State of Ohio Union Co.

Oath

June Hoover being duly sworn, says that the various matters set forth in the foregoing application are true, as she verily believes.  
June Hoover

Sworn to before me, and signed in my presence, this 13-day of March, 1929.

W.L. Roy Allen, Notary Public.

aff. of  
Disinterested  
Person

Affidavit of Disinterested Person.  
The State of Ohio, Union County,  
A. D. Parish, and S. P. Sanders.

Final Record, Union County Probate Court

THE W-W-S CO., CINC., O. 8203

11524

bring duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matter therein referred to, and that it will be more for the interest of the said ward to sell said estate at private sale than at public sale, as they truly believe.

A. D. Parish, S. R. Sanders.

Sworn to before me, and signed in my presence, this 13. day of March, 1929 @ Wm. F. LeRoy, Notary Public

Approving Bond.

Journal Entry: Orders, approving Bond for Private Sale, etc, Probate Court, Union County, Ohio, March, 13-1929. Order of Sale.

This day this cause came on further to be heard, and it appearing to the court that the said June Hoover Guardian the plaintiff above named, has given bond as heretofore ordered, in the sum of \$4000.00 with L. J. McCoy and D. B. Whitehead freeholders as sureties, it is ordered, that said bond be and hereby is approved.

And it being made to appear to the Court, upon satisfactory evidence, that it would be more for the interest of said ward to sell the real estate described in the petition at private sale; it is therefore further ordered, that said June Hoover as such Guardian proceed, to sell said real estate free from down, at private sale, for not less than the appraised value thereof, on the following terms, to wit:

Cash in hand

And, said petitioner is ordered to make return to this Court, immediately after such sale is made, and this cause is continued.

W. Husted, Probate Judge

Guardians Bond

Bond

Know all men by these Presents: That Mr. June Hoover, as principal and L. J. McCoy and D. B. Whitehead are held and firmly bound unto the State of Ohio, in the sum of \$4000.00 for the payment of which we hereby jointly and severally bind ourselves, our heirs, ex. and admors.

Signed by us, and filed at Marysville, Ohio, this 13- day of March, 1929.

The condition of the above obligation is such, that whereas, the above bound June Hoover

11524

Pro... No... ha... un... wa... pr... app... 19... ex... Cu... up... cu... ac... su... the... fu... ex... of... d... Order of Sale... m... c... Pa... t... d... s... h... a... to... s... W...

Final Record, Union County Probate Court

11524

was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of A. D. Hoover.

And whereas the said June Hoover as such Guardian has filed a petition in said Probate Court asking an order for the sale of certain real estate of said Ward, described in said petition, which under proceedings in said Court, duly had, has been appraised at the sum of thirty-five hundred dollars and whereas said Court on the 12. day of March 1929 made an order requiring said Guardian to execute a bond according to the Statute in such cases made and provided:

Now if the said June Hoover as Guardian aforesaid shall faithfully discharge her duties as such Guardian and faithfully pay over and account for all moneys arising from the sale of said Real Estate of said Ward, according to law then this obligation to be void, otherwise to remain in full force.

June Hoover, L. J. McCoy, D. B. Whitehead, executed in presence.

J. L. Roy Secy. R. F. Davis

This bond approved in open Court this 13-day of March 1929. W. Husted, Probate Judge.

Order

of Sale.

Order of Sale free from Dower. The State of Ohio, Union County, Probate Court. To June Hoover Guardian of A. D. Hoover, Incompetent Meeting.

In obedience to an order and Decree of the Probate Court within and for said County, made this day in a certain cause wherein you as Guardian aforesaid are Plaintiff and your Ward et al Defendants you are commanded to proceed according to law to sell at Private sale for not less than the appraised value thereof from the Dower of June Hoover wife of W. D. Hoover an incompetent the following described premises to wit:

Situated in York Township, Union Co. Ohio, and being part of Survey No. 11346, and Beginning at a Stone (Witnessed by three sugar trees) N.E. Corner to Survey No. 3468; thence with the E. line of said Survey (and center of the Lyon Run Road) S. 8° W. 168 poles to a stone (Witnessed by a beech)

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-24

N. W. Corner to lands formerly owned by M. M. Shipley:  
 thence with the north line of M. M. Shipley's farm  
 S. 83° E. 157 poles to a stake in the center of the  
 Richmond, Summersville, and York Travel Road: thence  
 with the center of the said Road, N. 62° 30' E. 41.72 poles  
 to a stake in the westerly line of Survey no. 6301. (and  
 York and Blairtown Township Line): thence with said  
 line N. 18° W. 46.56 poles to a stone (witnesses by three  
 bushes): thence N. 82° W. 162 poles (with the line of L. C.  
 Derrin's Land) to the beginning.

Containing 72 1/4 acres, more or less.

Refer to Vol. 92, Page 484.

Said sale to be, as a whole, on following terms:  
Cash in hand upon delivery of deed.

You will make return of your proceedings  
to this Court, forthwith, upon execution of this order.

Witness my signature and the seal of  
 said Probate Court, at Marysville, this 13-day of  
 March, 1929. *(Signature)* M. D. Husted, Probate Judge.

Return

Return

In the Probate Court of Union County, Ohio.  
 In obedience to the foregoing order, I have  
 caused the same to be duly executed, as will  
 fully appear by the proceedings hereto attached.

Dated the 13-day of March, 1929.

Jane Hoover, Edw.

Report of Sale

Report

In obedience to the within order, I sold said premises  
 on the 13-day of March, 1929, to John Kaines for the  
 sum of thirty-six hundred dollars said sum being  
 more than the appraised value of the same.

Dated 13 day of March, 1929.

Jane Hoover,  
Edw. of E. D. Hoover.

Oath

The State of Ohio, Union County.  
 The above named Jane Hoover being duly  
 sworn, says that the sale above reported, has been  
 made after diligent endeavor to obtain the best  
 price for said property, and that said sale, is for  
 the highest price that could get for said property.

*(Signature)* Jane Hoover, Guardian  
 known to before me, and signed in my presence, this  
 13-day of March, 1929.

*(Signature)* L. de Roy Allen  
 Notary Public

115-24  
 Confirming  
 Private Sale  
 and  
 Distributing the  
 Proceeds.

Final Record, Union County Probate Court

11524  
Confirming  
Private Sale  
and  
Distributing  
Proceeds.

Probate Court, Union Co. O. March 13 - 1929  
Confirming Private Sale, and  
Distributing Proceeds.

This cause came on this day to be heard upon the report of the plaintiff of Sale made to John H. Haines for the sum of Thirty-six Hundred Dollars, as hereinbefore ordered, and the proceedings appearing in all respects regular and in conformity to law, they are hereby approved and confirmed.

And the said June Hoover Guardian ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises as sold.

And the said June Hoover, wife of A. D. Hoover having by her answer, elected to receive in lieu of her dower its value in money, the Court finds the just and reasonable value thereof to be Three Hundred Eighty and 4/100 Dollars.

It is further ordered, that satisfaction of the mortgage to J. D. White as found in Union Co. Mortgage Records in Vol. 97, page 256, herein set forth in the petition be entered of Record thereof in the office of the recorder of Union Co. Ohio, when it is now recorded.

And the Court coming now to distribute the proceeds of said sale, amounting to Thirty-six Hundred Dollars (\$3600.00) (the said John H. Haines having elected to pay the same in cash, and the Court approving the same as being for the best interest of said estate)

It is ordered that said Guardian out of the money in her hands pay:  
First: To the Treasurer of this County, tax, penalty and interest against said property, to wit:  
the sum of \$49.<sup>25</sup>

Second: The costs & expenses incurred in the sale of said property as follows:

- a. The Court costs \$19.<sup>00</sup>
  - d. L. F. Davis realtor 54.<sup>00</sup>
  - e. F. Le Roy Miller, attorney
- the sum of 110.<sup>00</sup>

Third - To June Hoover, wife, 311.<sup>04</sup>

Which the Court finds to be the value of her dower interest in said premises (she having by her answer elected to receive in lieu of dower, its value in

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11324

money  
Fourth:

To J. D. White, on the note and mortgage set forth, and described in his cross-petition herein the sum of \$1043.16, which the Court finds to be the amount due him, and

It is ordered that the balance of said fund, be accounted for by said administrator according to law.

W W Husted

Probate Judge

11410

Sept. 28

1928

Petition



Final Record, Union County Probate Court

11410

Sept. 28

1928.

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

No. 11410

Civil Action

Benj. F. Miller, Executor,  
of the Will and Estate  
of William Stillings,  
Deceased,  
Plaintiff

Charles Stillings,  
John Stillings  
Orr Ornduff Adams,  
Elizabeth Howell,  
Estella Davis,  
Mellie Kerring, <sup>and</sup>  
Carrie Cox,

Petition  
To

Sell Real Estate

Petition

Defendants

Petition

The Plaintiff represents that she is the duly appointed and qualified Executor of the estate, and will of William Stillings, late of Union County, Ohio; deceased; that the amount of debts due from the deceased is — no dollars, as near as can be ascertained; that the said Will of the said William Stillings, which has been admitted to probate and is of record in this Court provides that at the death of Emily E. Stillings, widow of said William Stillings, the executor of said estate proceed to sell the real estate hereinafter described and distribute the proceeds thereof to his children, or their heirs, in equal shares; that the charges of administration of said estate will amount to about five Hundred Dollars, and that the total value of the personal estate and effects of said deceased, is but — nothing — Dollars, being wholly insufficient to pay the legacies, and costs aforesaid.

The plaintiff further represents that said William Stillings died seized in fee simple of the following described real estate, situate in the County of Union, and State of Ohio, to wit:

Being in Union Township and Military Survey No. 57 26, bounded and described, as follows:

Beginning at a point in the center of the Union & Warren, and Milford Center stone road and at the S.E. Corner of, an strip of land one rod

to set  
herein the  
the  
land,  
dine to law

THE W-W-S CO., CIN., O. 6203

11410

wide off the east side of the lands of Charles Stillings conveyed by him to John Stillings et al. and now owned by John Stillings as an outlet to said road from 102 acre tract owned by said John Stillings by deed from Sheriff of said Union County, in partition in case no. 11805. Court of Common Pleas of said County; thence with the east boundary of said strip of land N. 24.50' E. 115.09 poles to the N.E. corner of said strip of land, and the south line of said 102 acre tract; thence with the south line of said 102 acre tract 28.28 poles to a stone near the north bank of Proctor Run; thence S. 11 W. 9.50 poles to a stone on the South Bank of Proctor Run; thence S. 71 1/4 E. 62.20 poles to a stone crossing Treacles Creek; thence S. 20 1/2 W. 95 poles to the center of said Indiana<sup>av.</sup> Milford center road; thence with said road N. 77 W. 114 3/4 poles to the place of beginning.

Containing 66.85 acres more or less, being the tract of 135 acres conveyed to William Stillings by deed recorded in Vol. 48, page 62, Deed Records, Union County, Ohio, except, 55 acres conveyed to Charles Stillings by deed in Vol. 130, page 1, and, 13.15 acres conveyed to Charles Stillings in Vol. 130, page 2, and 3, Deed Records said County.

Petition

The said decedent died leaving the said Emily E. Stillings his widow, who is now deceased, that the defendants, Charles Stillings, John Stillings, Providence Adams, Estella Davis, Elizabeth Kewel, Nellie Kenny, and Carrie Cox, are the only children of said decedent having the next estate of inheritance from said William Stillings, deceased, in said premises; that the said defendants are all the children of said William Stillings and that none of the children of said William Stillings have deceased since his death; and that to carry out the provisions of the Will of said William Stillings, pay the costs of Administration of said estate and pay the legacies as provided in said Will, it is necessary to sell said real estate.

The Plaintiff therefore prays that your petitioner may be authorized and ordered to sell said real estate according to the statute in such cases made, and provided, and for all other proper orders and relief in the premises.

Omn<sup>av.</sup> Miller

Attys for Plaintiff.

11410

Case

Filing  
Petition

main

main

Final Record, Union County Probate Court

11410

The State of Ohio, Union County,  
Benj. F. Miller, the petitioner named Plaintiff, being duly  
sworn, says that the various matters and  
things set forth in said petition are true, to the best  
of his knowledge and belief.  
Benj. F. Miller

Sworn to before me, and signed in my presence,  
this 28 day of Sept. 1928.  
W. H. Husted, Probate Judge

Filing  
Petition

In the Probate Court, Union County, Ohio,  
Sept. 28 - 1928.

Journal Entry: Filing Petition.

This day came the plaintiff Benj. F. Miller Executor  
of the estate of William Stillings and presented to  
this court his petition, duly verified, praying an order  
for the sale of real estate of said William Stillings  
deceased, to pay the debts, and the costs of  
administering the estate, of the said decedent.  
Whereupon it is considered and ordered, by this court  
that the said petition be filed, and that due and  
legal notice of the filing, pendency, and prayer,  
of the said petition, and of the time in which  
they are required by law to answer the same, be  
given to each of the said defendants, and  
this cause is continued.

W. H. Husted, Probate Judge.

waiver

Waiver of Summons & Consent to Sell.

The undersigned hereby waives the issuing and service  
of summons and voluntarily enters our appearance  
as such defendants, and hereby consent to sale  
of real estate described in petition according to prayer  
of the same.

Nellie S. Henney (Henney)

Dated Oct 8 - 1928.

waiver

Waiver of Summons & Consent to Sell.

The undersigned, next of kin, defendant to the petition  
hereby waives the issuing and service of summons,  
& voluntarily enters appearance, and do hereby consent  
to sale of real estate described in petition  
according to pray of the same.

Dated Oct 8<sup>th</sup> 1928

Carrie S. Low.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11410

Waiver of Summons and Consent to Sell.  
 We, the undersigned, next of kin heirs and parties  
 defendant, to the petition in the above entitled  
 action, do each of us hereby waive the issuing  
 and service of summons, and voluntarily enter our  
 appearance, as such defendants.  
 And we do hereby consent to the sale of real  
 Estate described in the petition according to the  
 prayer of the same.

Dated Sept. 28 - 1928.  
 John Stillings, Providence Adams, Estrella Davis  
 Chas. L. Stillings, Elizabeth Ferris.

Probate Court, Union County, Ohio  
 No 11410  
 ordering appraisement.  
 Entry.

entry

This day this cause came on to be heard upon the  
 petition and the evidence and the Court, being fully  
 advised in the premises, finds that all parties in  
 interest have waived the issuance and service  
 of summons, and have voluntarily entered their  
 appearance, herein, and consented to the sale of  
 the real estate described in the petition, in  
 accordance with the prayer thereof and all  
 parties are now properly before the Court.

The Court further finds that the statements  
 and allegations in petition are true, and that  
 it is necessary to sell the real estate described  
 in the petition to carry out the provision of the Will  
 of the said William Stillings, pay the costs of  
 Administration of said last Will of said decedent.

It is therefore, on motion of plaintiff ordered that  
 Harry Reed, Le Roy Wood, and Charles Moran, three  
 judicious, disinterested freeholders of the vicinity, are  
 hereby appointed by the Court for that purpose,  
 to appraise upon actual view the premises in the  
 petition described, and that an order in that behalf  
 issue from this Court, and that they make due  
 return thereof without delay for confirmation.  
 W. H. Husted, Probate Judge.

Order of  
Appraisement

Order of appraisement.  
 The State of Ohio, Union County, ss. Probate Court.  
 To Benj. F. Miller, Ex. of the estate of  
 William Stillings, decd. Meeting:

11410

Return

Date  
of  
appraisement

Final Record, Union County Probate Court

11410

In obedience to an order and decree of the Probate Court within and for said County, made this day in a certain Cause, wherein you, as Executor et al. are Plaintiff and Charles Stillings et al. are Defendants, you are commanded, by the oaths of Harry Reed, Le Roy Wood and Charles Moran, judicious disinterested men of the vicinity, not of kin to the petitioners, who are freeholders of the County, in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises, free of any doubt.

see description in Petition

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, Ohio, this 1<sup>st</sup> day of Oct. 1928.

@ W. H. Husted, Probate Judge.

Return

Return

To the Probate Court, Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 3 day of November, 1928.

Benj. F. Miller, Executor.

Oath

Oath of appraisers

The State of Ohio, Union County.

of appraisers

We, the undersigned, appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

Le Roy Wood, Harry Reed, Chas Moran appraisers.

known to before me, and signed in my presence.

this 3- day of November, 1928.

Benj. F. Miller, Executor.

Appraisers Return

In obedience to the foregoing order, after being just duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers, estimate the value of said real estate at Sixty - seven Hundred Dollars.

## Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11412. Given under our hands this 3-day of Nov. 1928.  
 LeRoy Wood, Harry Reed, C. H. M. Moraw.

Fees of appraisers \$2.00 per day, each.

Probate Court, Union County, Ohio  
 Order for Public Sale.

Entry.

This day this cause came on further to be heard upon the return of the order of appraisement heretofore issued herein, upon motion of plaintiff to confirm the same and for an order of sale.

Whereupon the Court finds that said appraisement has been duly and regularly made and does accordingly confirm the same.

It appearing further that Benj. F. Miller, as the Executor of the estate of William Stillings, deceased, has furnished bond for the performance of his duties as such executor, with sufficient sureties to secure the assets arising from the sale of said real estate, it is ordered, that said bond be approved and that no further bond is required.

It is accordingly further ordered, that said plaintiff proceed according to law, to sell the real estate in the petition described, at not less than  $\frac{2}{3}$  of such appraised value, said sale to be at public auction on the premises and after due and regular advertisement thereof in a newspaper in Union County, for four consecutive weeks, and it appearing to the Court to be for the best interest of said estate, it is ordered, that said sale be for sale.

It is further ordered, that an order in that behalf issue from this Court, and that said plaintiff make due return of his proceedings thereunder to this Court for confirmation.

W. H. Husted, Probate Judge.

Sale of Real Estate.

Pursuant to an order of the Probate Court of Union County, Ohio, there will be offered for sale at public auction on the premises hereafter described located on the Astana and Milford Pike on what is known as the home farm of William Stillings, deceased, on the 8 day of Dec. 1928, at 2 o'clock P. M. the following real estate described in Petition.

Terms of sale Cash. Reasonable time will be given purchaser to arrange for payment.  
 November 7-1928 - 4m. - Benj. F. Miller Ex. Est. of Wm Stillings, Dec'd.

Final Record, Union County Probate Court

The State of Ohio, Union Co., ss.

Personally appeared before me, Lena Huber, and made solemn oath, that notice, a copy of which is hereto attached was published for four consecutive weeks, on the next after November, 7, 1928, in the Weekly Marysville Tribune, a newspaper of general circulation in the County aforesaid.

Lena Huber

Given to before me and signed in my presence, this 8 day of Dec. 1928.

J. M. Huber, Notary Public

Printer's Fees \$16.52

Marysville Dec. 8-1928

Dr. Benj. F. Miller Ex., William Stelling estate, 1928, Nov. 28, 6 inches Daily 2, Weekly 2, 5-04 Farm Sale Bill.

The undersigned will offer for sale at public auction Sat. Dec. 8-1928 2 P.M. on premises, Barbara and Milford Ctr. Pike near Co. Line.

The Wm. Stelling Home Farm, consisting of 66.85+ acres more or less, of fine Darky Plains land, with fine large house, new barn and outbuildings, ideally located on main hard road.

A fine Country Home Farm; Cash - but reasonable time will be given to arrange loans.

Benj. F. Miller Ex. Columbus, O.

Order of Sale. File of Dorr.

The State of Ohio, Union County Probate Court.

To Benj. F. Miller Executor, of the estate of William Stelling, Deif. Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Executor of the estate of William Stelling deceased, are Plaintiff and Chas. Stelling, et al. are Defendants, you are commanded to proceed according to law, to sell at public sale, for not less than 2/3 the appraised value thereof, your of any Dorr, the following described premises, to-wit:

Being in Union Township, and Military Survey No. 5726 bounded, and described, as follows:

28.  
this  
to be heard  
at heretofore  
to confirm  
raisement  
as the  
ceased,  
duties  
to secure  
real  
approved  
but said  
the real  
less than  
at public  
and  
in Union  
ring to the  
state, it is  
in that  
said plaintiff  
under to this  
Judge  
of Union  
notice  
located on the  
as the  
the 8 day  
real estate  
will be given  
Stelling Dec 8

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

Beginning at a point in the center of the Urbana and Miford Center Stone road and at the S.E. Corner of a strip of land one rod wide off the east side of the lands of Charles Stelling conveyed by him to John Stelling et al. and owned by John Stelling as an outlet to said road from 102 acre tract owned by said John Stelling by deed from Sheriff of said Co. in partition in case no 11805 Court of Common Pleas of said County. Thence with the east boundary of said strip of land N. 74 50' E. 115.09 poles to the N.E. corner of said strip of land and the south line of said 102 acre tract; Thence with the south line of said 102 acre tract 28.28 poles to a stone near the north bank of Proctor Run; Thence S. 11. W. 9.50 poles to a stone on the south bank of Proctor's Run; Thence S. 71 1/4° E. 62.20 poles to a stone crossing Teacher's Creek. Thence S. 20 1/2° W. 95 poles to the center of said Urbana and Miford Center Road; Thence with said road N. 77 W. 114 3/4 poles to the place of beginning containing 66.85 acres more or less being the tract of 135 acres conveyed to William Stelling by deed recorded in Vol. 48 page 62 Deed record Union County Ohio, except 55 acres conveyed to Charles Stelling by deed in Vol. 130 page 1 and 13.15 acres conveyed to Charles Stelling in Vol. 130 page 2 and 3. Deed Record said County.

Said sale to be free of any liens.

To be upon the following terms: Cash in hand on day of sale or upon delivery of deed.

The deferred payments to be secured by mortgage on the premises and to bear interest from the day of sale. Payable annually.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansville, Ohio, this 7th day of Dec. 1928.  
 C. W. Wadsted, Probate Judge.

Return

To the Probate Court of Union Co. Ohio.

In obedience to the foregoing order I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 5th day of Jan. 1929

Henry H. Miller, Executor.



Final Record, Union County Probate Court

Report of Sale.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Mansfield Tribune, a newspaper, and of general circulation in Union Co., Ohio, where said real estate is situate, for at least four consecutive weeks prior to the 8. day of Dec. 1928; the day of sale therein mentioned; stating in the notice the time, place & terms of sale; and on said day, at the hour of two o'clock p.m. I attended the place of sale and offered said real estate for sale when Herbert Fay Stelling, and Mary Ethel Stelling, bid to pay for the same the sum of Fifty-five Hundred Fifty and 1/100, Dollars, which being the highest and best bid that was offered, and being more than two-thirds of the appraised value of said premises, I then, and there, sold, the same to them for that sum.

Benj. F. Miller Ex. of W. Stelling.

Dated the 5 day of Jan. 1929.

Probate Court Union County, Ohio.

Entry Concerning Sale.

This day this cause came on to be heard upon the return of the order of sale and the report of the proceedings thereunder by Benj. F. Miller, executor herein. The Court after having carefully examined the same and being satisfied that such sale has in all respects been legally made, does approve, and confirm the same and order that the said Benj. F. Miller, as such executor, make to the purchasers, Herbert Taylor Stelling, and Mary Ethel Stelling, a good and sufficient deed for the premises so sold upon the payment of the purchase price thereof.

And the Court, coming now to distribute the proceeds of said sale, amounting to \$5515<sup>13</sup> the said purchasers having elected to pay the same in cash, and the Court approving the same as being for the best interests of said estate it is ordered, that said executor distribute the same as follows:

- First: to the Treasurer of this County, the taxes now a lien on said property amounting to \$13<sup>30</sup>
- Second: The Costs and expenses incurred in the sale of said property, amounting in all to the sum of \$ -- as follows:

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

- A. The court costs amounting to the sum of \$23<sup>00</sup>
- B. The Maryland Tribune for advertising the sale of said property. \$21<sup>56</sup>
- C. E. J. Evans, for services as auctioneer 5<sup>00</sup>
- D. the percentage and charges of the Executor herein \$230<sup>30</sup>
- E. To Orrin and Miller, attorneys, for legal services in conducting said proceeding, \$230<sup>30</sup>

Thus it is ordered, that the balance of said fund, amounting to \$4871<sup>57</sup> be accounted for by said executor, according to law.

W. W. Husted

Probate Judge

11396

## Final Record, Union County Probate Court

11396

From Payee. 405 - # 11396.

Probate Court, Union County, Ohio.

Oct. 23 - 1928. Entry, ordering sale.

This day this cause came on for hearing before the Court upon the petition herein filed by the executor of R. H. Hillis deceased, for the sale of real estate described in the petition for the purpose of paying the debts and costs of administration of the same estate, and the answers and cross-petitions of Charles D. Webb and The Buckeye State Building and Loan Co., and the Court being fully advised in the premises finds that all the parties to this action have been duly served with summons, and, with the exception of Charles D. Webb and The Buckeye State Building and Loan Co., are in default for answer or, default and, the allegations of the petition are by them confessed to be true, and, that it is necessary to sell the real estate described in the petition to pay the debts of the deceased and the costs of administration.

The Court further finds that the real estate described in the petition was appraised by the appraisers of the estate of the personal property at \$3615<sup>00</sup> and the Court also finds that the plaintiff, as executor of the estate of R. H. Hillis, has given no bond and, that it is not necessary, that a bond be given. It is therefore ordered that further appraisement and bond be dispensed with.

It is now ordered, that Edgar Hillis as such executor proceed to advertise for sale of said premises for four consecutive weeks, in a newspaper of general circulation in Union County, Ohio, in said land is situated, and, he is further ordered to sell the same at not less than two-thirds of the appraised value thereof, for cash.

It is further ordered that he make a return of his proceedings, to this Court, and, this cause, is, continued.

W. H. Husted, Probate Judge.

Probate Court, Union County, Ohio.

Nov. 26<sup>th</sup> 1928.

Orders of Confirmation, Distribution, etc.  
This day, this cause, came on to be heard on the report of Edgar Hillis, Executor of the estate of R. H. Hillis deceased, of his proceedings under the former order of this Court, and, upon the motion of said petitioner to confirm the sale.

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

made in obedience to said order. <sup>and</sup> the Court having carefully examined said report and finding the proceedings of said petition in all respects correct and being satisfied that said sale was fairly and legally made: it is ordered that the same be and hereby is approved and confirmed.

It is further ordered that said petitioners execute a deed of all the right, title and interest of the said R. H. Willis, in said real estate, to the purchaser Charles W. Ferguson, and Myrtle H. Ferguson upon the said purchaser, paying cash for the same.

And now this cause coming on further to be heard upon the pleadings herin, and upon the motion to distribute the proceeds of the sale, amounting to the sum of thirty seven hundred fifty Dollars:

The Court finds that there is due the said the Buckeye State Building and Loan upon the note set forth in its answer and cross-petition, from the estate of said R. H. Willis, the sum of Eight hundred three and 2/100 Dollars with interest thereon that the said R. H. Willis to secure the payment of said promissory note gave a mortgage upon the premises in the petition described, which was a valid and subsisting lien upon said premises and now upon the funds in the hands of said executor arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said lien be entered of record in the office of the recorder of Union County, Ohio, according to law.

It is further ordered that said executor out of the money in his hands pay:

First: To the Treasurer of this County, the sum of \$ --- being the taxes, penalty and interest thereon, against said property.

Second:

The costs and expenses, incurred in the sale of said property, the payment of Edgar Willis, executor herin, amounting to the sum of \$ ---.

To the Buckeye State B. & Loan Co. the note and mortgage set forth and described in its answer and cross-petition herin, the sum of \$ --- which Court finds due him.

Third:

The residue of said proceeds to be distributed by the executor in three equal shares

Final Record, Union County Probate Court

st leaving  
proceedings  
satisfied  
it is  
approved

execute a  
of the  
the purchaser  
upon the said

to is heard  
on to  
to the sum

aid the  
to set  
from the  
hundred  
that the said  
missionary  
in Teler  
and sub-  
upon the  
ing from  
& that an  
be  
der of Union

at of the  
a sum of \$  
against

the sale  
executor

ote and  
answer

be  
equal shares

to William Willis, Edgar Willis and Charles D Webb the said  
Charles D Webb having heretofore purchased all the right  
title interest and claim of the said R. L. Willis, Jr.  
to said real estate herein sold.

And it is further ordered that this proceeding be  
recorded, and that said petitioner pay the costs  
\$----- out of the proceeds of said sale, within  
ten days.

W. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11225-  
Apr. 22.  
1929.

Petition to Sell Personal Property at Private Sale,  
Probate Court, Union County, Ohio,

vs. 11225-  
Petition

To the Judge of said Court:

Petition

The undersigned Executor of the estate of James E. Walke, late of said County, deceased, respectfully makes application for authority to sell at private sale, and at not less than its appraised value, the part of the personal property of said estate which is enumerated in the Schedule attached hereto, and which is also enumerated in the inventory of said estate filed in said Court.

And the petitioner alleges, that said sale would be for the advantage of said estate, for the following reasons: that there is not enough for a public sale.

Dated April 22-1929.

John H. Walke, admr.

Order

The State of Ohio, Union County.

John H. Walke, being duly sworn, says that the various matters and things contained in the foregoing application, are true, so he verily believes.

John H. Walke

Sworn to before me, and signed in my presence this 22 day of April 1929

W. W. Harted, Probate Judge.

Entry, Journal 42, Pg. 108

April 22-1929

Authorizing Private Sale

Authorizing Private Sale

This day this cause came to to be heard upon the petition herein filed and the Court being fully advised in the premises finds that the statements and allegations in said petition are true, and that the property therein described ought to be sold as prayed for. And the Court being satisfied upon good and sufficient proof that it will be to the advantage of said estate to sell said personal property at private sale; it is therefore ordered, that John H. Walke, as Ex. of said James E. Walke's proceed to sell said personal property at private sale, for not less than the appraised value thereof.

It is further ordered, that said sale be made upon the following terms, to-wit:

Cash in hand at time of sale -

11225

11225-

order of Private Sale

Return

Date

Final Record, Union County Probate Court

11225-

It is further ordered that said John W. Walke make return of his proceedings herein, within 30 days from this date and forthwith after such sale is made, and, this cause is continued.

W. H. Husted, Probate Judge.

order of  
Private  
Sale

Order of Private Sale.

Probate Court Union County, Ohio,

No. 11225-

Order Sale of Personal Property,  
Probate Court Union County, Ohio,  
No. 11225-

To John W. Walke.

In obedience to an order and decree of the Probate Court, sitting and for said County, made this day in the matter of said estate, you are hereby authorized and required to proceed according to law to sell, at Private Sale, at, not less than the appraised value thereof, the following goods and chattels belonging to said estate, to-wit:

one cow 35<sup>00</sup>

Said sale to be on the following terms:  
Cash in hand at time of sale.

You will return this order within 30 days from this date, and, forthwith upon the execution of the same, together with your report thereon endorsed.

Witness my hand, and, the seal of said Court, this 22<sup>nd</sup> day of April 1929.  
W. H. Husted Probate Judge.

Return

Return

Probate Court Union Co. Ohio  
Report of Sale of Personal Property

The undersigned Executor of said estate says, that in obedience to the order of said Court, hereto attached, he sold one cow said personal property of Walke's Estate commencing on the 22<sup>nd</sup> day of April, 1929, for the sum of \$75<sup>00</sup> - The appraised value, \$ 35<sup>00</sup>.

Dated this 25<sup>th</sup> day of May, 1929.

John W. Walke.

One cow 35<sup>00</sup> To Howard Minfey \$ 75<sup>00</sup>

Order

The State of Ohio, Union County,

John W. Walke, Ex. of the estate of James E. Walke being duly sworn, says that the foregoing Report is in all respects true & correct.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

That such sale has been made after a diligent endeavor to obtain the best price for the property, and that the sale reported is for the highest price he could get for the property.

John Walke,

Known to before me, and signed in my presence this 20. day of May. 1929.

W. H. Busted, Probate Judge. <sup>Deed</sup>

Journal Entry: Probate Court Union County, O.  
May 20<sup>th</sup> 1929.

Sale of Personal Property confirmed.

confirmed  
sale

of  
Personal

Property.

The Executor of the above named decedent, having filed his return of the former offer of this Court to sell certain personal property of said decedent, and the Court, having carefully examined the same, find said proceedings in full respects regular and in accordance with law, and, therefore, approve and confirm the same.

W. H. Busted, Probate Judge.

11449  
Dec. 3-1928.

Petition

11449



Final Record, Union County Probate Court

11449  
Dec 13-1928.

Petition to complete Real Contract  
Probate Court, Union County, Ohio.

J.E. Kiltbury, admr. of  
The Estate of  
Minnie A. Kiltbury,  
deceased.  
Plaintiff.

v-

Louis Woyanaw.  
William A. Kiltbury  
Igno Eysen  
Paula Baldwin  
Joyce Kiltbury, a  
Minor (represented),  
all the heirs at  
law of Minnie A. Kiltbury  
deceased.  
J.E. Kiltbury, widow of  
said Minnie A. Kiltbury,  
a/s.  
The Columbus Mutual Life  
Insurance Company,  
Defendants

Civil Action  
Petition  
To  
Complete Real Contract.

Petitioner

Petition

The Plaintiff represents that he is the duly appointed and qualified admr. of the estate of Minnie A. Kiltbury, deceased.  
That on the 3 day of March, 1925, the said Minnie A. Kiltbury then in full life entered into a contract in writing with the said J. Schlutack for the sale of the following described real estate situate in the County of Union Township of, Jerome and State of Ohio:  
Being part of Survey no. 5126 and 3743.

Beginning at a stone, south easterly corner to said Survey no. 5126, and, in the northerly line of Survey no. 5123, and in the center of the Sugar Run Road; thence with the center of said road, S. 7° 30' E. 74 poles to a stone, an angle in said road; thence with said road S. 15° 45' W. 100 poles to a stone (witnessed by brick) in the west line of said Survey no. 5123; thence with said line N 31° W. 109.80 poles to an iron pin, a corner to John E. McCurr's land; thence with the connection

11449

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11449

lines of said land. S.  $63^{\circ} 15'$  W. 13.20 poles to a stone and thence N.  $24^{\circ} 50'$  W. 101.36 poles to an iron pin in the center of the Doby and Sugar Run Gravel Road; thence with the center of said road N.  $5-8^{\circ}$  E. 102 poles to a stake in the westerly line of the Toledo and Ohio Central Railway; thence with said line S.  $38^{\circ} 20'$  E. 35.80 poles to a stake in the easterly line of said Survey, No. 5126; thence with said line S.  $31^{\circ} 30'$  E. 45 poles to the beginning.

Excepting therefrom a parcel of land estimated to contain 3 acres conveyed by Daniel Kent and Polly Kent, husband and wife to William Green, April 21- 1889 and also, excepting therefrom another parcel of land estimated to contain 10.50 acres conveyed by David M. Cunn, and Harriet M. Cunn, husband and wife to William H. Green, Dec. 1- 1885.

Leaving the amount herein described, as 97.25 acres, to the same, more or less.

Petition

Also, the following premises, situate in said Township of Jerome, being part of Survey No. 3743, and bounded, and described, as follows:

Beginning at a stone in the E. line of Survey # 3743, and S.E. corner to a tract of 92.40 acres quit claimed by David M. Cunn, and wife to John E. M. Cunn, on the 5- day of December, 1892; thence with the E. line of said tract and with said Survey line N.  $31^{\circ} 10'$  W. 97.76 poles to a stake, another corner to said tract; thence with another line thereof, S.  $63^{\circ} 36'$  W. 13.20 poles to a stone, also a corner, to said tract; thence S.  $23^{\circ} 10'$  E. 100.76 poles to a stone in the S. line of the aforesaid tract; thence with said line, N.  $5-8^{\circ} 10'$  E. 27.16 poles to the beginning, containing 12.50 acres, more or less.

Also, the following premises, situate in said Township of Jerome, being part of Survey Nos. 5126, 5132, and 5133, and bounded and described, as follows:

Beginning at a stone in the center of the Sugar Run Road, and in the N. line of Survey # 5133, being also, the S.W. corner to Survey 5132; thence with the S. line of the latter Survey N.  $58^{\circ}$  E. 5.80 poles to a stone in the W. line of the

11449

Exhibit  
a.

11449

11449

Final Record, Union County Probate Court

11449

right of way of the T. & O. C. Ry; thence with said line N. 40° 33' W. 45.36 poles to a stone in the N. line of said Survey # 5132; thence with said Survey line S. 32° 45' E. 15.88 poles to a stone, near a branch of Sugar Run; thence with said branch S. 3° 39' W. 22.64 poles to a stone on the E. Bank of Sugar Run; thence down said Run with its meanders: S. 26° 17' E. 11.12 poles to a stake; thence S. 25° 30' W. 8.44 poles to a stake; thence S. 10° 15' E. 5.72 poles to a stone in the E. Bank of said Run and in the N. line of the aforesaid Survey. 5132; thence S. 7° 38' E. 30.56 poles to a stone in the center of Sugar Run Road; thence with the center of said Road. N. 9° 23' W. 42.92 poles to the place of beginning, containing 8<sup>15-3</sup>/<sub>16</sub> acrs. more or less.

excepting therefrom the following premises described as:

Beginning at the N. corner of the above described lands; thence S. with the Sugar Run Road, 427 feet; thence N. 218 feet to J. J. Schelbacht's land; thence in a northerly direction to the place of beginning, containing <sup>3</sup>/<sub>4</sub> of an acre of land, more or less, upon terms as will appear in said Contract, a copy of which is hereto attached marked "Exhibit A" and made part of this petition.

Exhibit a.

Exhibit A.

Contract for Sale of Real Estate, Land Contract

This agreement made and entered into this 3<sup>rd</sup> day of March, 1928, by and between Marvin W. Hilborn of Plain City County of Union, Jerome Twp. and State of Ohio Party of the First Part, and J. J. Schelbacht of Plain City County of Madison, Canaan Twp. and State of Ohio, Party of Second Part.

Witnesseth that the said Party of the First Part has this day agreed to sell unto the said Party of the Second Part, his heirs and assigns forever, the following real estate, situated in the Township of Jerome County of Union, and State of Ohio, and described as follows: containing 118 acres of land, more or less. This land is located in Surveys No. 5126, 3743, 5132, 5133, and is the same real estate that was conveyed by party of the second part to party of the first part by deed executed 24 Feb., 1928

11449

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11449

(said premises are fully described in petition herein by metes and bounds) together with all privileges and appurtenances thereto belonging.

And, the said Party of the Second Part, for himself and for his heirs, executors, administrators and assigns, doth hereby agree to pay to the said Party of the First Part, her heirs, executors, adms., or assigns, for the real estate aforesaid, the sum of fifteen thousand, three hundred and forty dollars, payable as follows:

Five hundred dollars cash in hand, the receipt whereof is hereby acknowledged.

Balance to be paid Jan. 1-1929 upon delivery of deed, unless an earlier date is mutually agreed upon.

The Second Part, also, agrees to pay all taxes and assessments of any description whatsoever, that may be payable upon said Real Estate from the Jan. 1-1929.

Petition

Now, if the said Party of the Second Part, or his heirs, executors, adms., or assigns, shall will and truly pay the said purchase money, interest and taxes named in this agreement, as may become due, the said Party of the First Part, or her heirs, executors, adms., or assigns will will and truly make, execute and deliver unto the said Party of the Second Part, or to his heirs, or assigns, a General Warranty Deed of the Real Estate aforesaid with covenants and warranties against all former rights and other encumbrances, on or before the 1<sup>st</sup> day of January 1929.

But on failure of the Party of the Second Part to pay the purchase money, or any part thereof, or the interest and taxes, as above mentioned, then this agreement to be void as regards the Party of the First Part, at her option.

Party of the second part shall have the privilege to enter upon said land for the purpose of seeding in the fall of 1928.

Two witnesses thereof, the Parties to this agreement have hereto set their hands, the day and year first above written.

J. J. SchlaLach, Miriam A. Kibbey, T. E. Kibbey  
Signed, acknowledges in presence of  
J. J. Woods.

Said J. J. SchlaLach paid to said Miriam A. Kibbey

11449

Date

Fixing time of hearing

Final Record, Union County Probate Court

11449

in his lifetime and is ready and willing to pay the balance due upon, and to perform his part of said contract as soon as a valid deed can be made to him for said premises.

That the defendants, Louise Roganman, William A. Kilbury, Ino Eysow, Beniah Baedwin, and Joyce Kilbury, are the only heirs at law of said Minnie A. Kilbury deceased; and said Joyce Kilbury, is a minor 12 years of age; and said T.E. Kilbury is widow of said Minnie A. Kilbury deceased.

and The Columbus Mutual Life Insurance Company claims an interest by virtue of being a mortgagee.

Your petitioner desires to complete said contract and therefore prays that said heirs at law, and said T.E. Kilbury widow of said Minnie A. Kilbury deceased, be made defendants to this petition, and that he may be authorized to complete said contract, and upon payment of the residue of said purchase money, to execute and deliver said J.F. Schlauch, for and on behalf of the aforesaid heirs at law of said decedent, and all other persons interested a deed in fee simple for the real estate hereinbefore described, and for all other proper orders, and relief in the premises.

T.E. Kilbury

The State of Ohio, Madison Co. ss.

Oath

T.E. Kilbury the above named Plaintiff, being duly sworn, says that the various matters, and things set forth in said petition are true to the best of his knowledge, and belief.

T.E. Kilbury

Brought to before me, and signed in my presence, this 1st day of Dec. 1928. @ Howard C. Black, Notary Public Journal entry.

Fixing time of hearing & for summons. Probate Court, Union County, Ohio Dec. 3-1928.

Fixing time of hearing

This day, T.E. Kilbury, Adm'r of the estate of Minnie A. Kilbury deceased, appeared, in open court, and filed this petition duly verified, praying for authority to complete a certain real contract as therein described.

It is ordered, that the time of hearing said

Minnie A. Kilbury

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11449

petition be, and hereby is fixed for the 26-day of Dec. 1928 at 1 P.M.

It is further ordered, that summons issue to the Sheriff of this County to be served on the defendants, and returned according to law, and this cause is continued,  
W.H. Husted, Probate Judge

Application for appointment of Guardian Ad Litem,  
Probate Court, Union County, Ohio,  
December 3 - 1928

Gdn. ad. Litem

To the Hon. W.H. Husted, Judge of said Court:

The undersigned T.E. Kilbury make application for the appointment of a Guardian Ad Litem for the minor defendant in the above entitled case.

The defendant Joyce Kilbury age 12 years, and has been duly served with summons herein, and has neglected for twenty days after the return of summons served upon her to apply for a guardian ad litem.

The undersigned suggests that William J. Porter who is a suitable person to be appointed as such Guardian ad litem.

Respy  
T.E. Kilbury by  
Howard L. Black, his atty.

Probate Court, Union County, O. Dec. 3 - 1928

This day T.E. Kilbury appeared in open Court, and made application for the appointment of a Guardian ad litem for the minor defendant, in this case.

And, it appearing to the Court that the defendant Joyce Kilbury of the age of 12 years, and has been duly and legally served with summons herein, it is ordered, that William J. Porter be, and he hereby is appointed Guardian for the suit, for said minor defendant.

And now comes the said William J. Porter and, in open Court, accepts said appointment,  
W.H. Husted Probate Judge

Waiver

Waiver of Summons

Probate Court, Union County, Ohio.

We, the undersigned parties Defendant to the Petition in the above entitled action, do each of us, hereby waive the issuing and service of summons and voluntarily enter our appearance, as such Defendants

And, we do consent to sale of Real Estate, also, waiver of time of sale.

11449

Summons

Return

Final Record, Union County Probate Court

11449

Louise Rogaman.  
Emo Eysen  
J. E. Kiltury

William A Kiltury  
Dorlah Baldwin.

Summons on Petition to Sell Real Estate

Summons.

The State of Ohio.  
Union County.  
To Howard C. Black.

You are hereby commanded to notify  
J. E. Kiltury, father of Joyce Kiltury, a minor  
and the following named, who are minors, to wit:  
Joyce Kiltury  
making service of this summons upon said minor,  
and also upon the guardian, or father, or if neither  
guardian or father can be found then upon the  
mother, or the person having the care of said  
minor, or with whom she lives: that on the 3<sup>rd</sup>  
day of Dec. 1928, J. E. Kiltury Adm<sup>r</sup> of the estate  
of Minnie A. Kiltury deceased, filed his petition in  
the Probate Court of said Union County, Ohio, against  
them and others: the object and prayer of which  
is to obtain an order for the sale of certain Real  
Estate belonging to said decedent, in said petition  
described, for the purpose of completing a contract  
for the sale of real estate entered into by  
Minnie A. Kiltury, in her life time, and that  
unless they answer by the 26<sup>th</sup> day of Dec. 1928,  
said petition will be taken as true, and an order  
granted accordingly.

The server will make due return of this writ  
on the 5<sup>th</sup> day of Dec. 1928.

This writ to be served on each of said defendants  
by copy personally

Witness my hand, and the seal of said Court,  
this 3<sup>rd</sup> day of Dec. 1928  
W. H. Husted, Probate Judge

Return

Return of Service

Received this writ on the 3<sup>rd</sup> day of Dec. 1928.  
at 11. A. M. and on the days and in the  
manner hereinafter named. I served the  
same on the within named defendants, viz:  
Dec. 6 - 1928. on Joyce Kiltury, a minor, and  
J. E. Kiltury, her father with whom she lives,  
on J. E. Kiltury the father of the said Joyce Kiltury  
with whom she lives.

Howard C. Black.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11449

The above named, Howard L. Black, who has signed the same, being duly sworn, says the foregoing Return of Service, is true as he really believes  
 sworn to before me, and signed in my presence, this 6<sup>th</sup> day of Dec. 1928.  
 (Sd) W.J. Husted Probate Judge

Answer  
 Isa.  
 ad litem

Answer of Guardian ad litem  
 Probate Court, Union County, Ohio.  
 And now comes the said Joyce Kilbury the minor defendant, to the petition in said cause, by William J. Porter <sup>her</sup> ad litem heretofore appointed in said cause by said court, and for answer to said petition, deny all the material allegations herein contained, prejudicial to said minor defendants. They further say, that they are of tender years and not acquainted with the law, in such cases, and they therefore pray the Court to protect their rights in this cause, and for such relief as may be just.  
 Dated this 3<sup>rd</sup> day of Dec. 1928.

Joyce Kilbury  
 By William J. Porter  
 Adm. ad litem

Completing  
 Contract

Completing Contract.

In the Probate Court Union Co. Ohio  
 Dec. 26 - 1928  
 Entry

This day this cause came on, to be heard upon the petition of T. E. Kilbury adm. of the estate of Minnie A. Kilbury dec'd. For authority to complete a Contract made by Minnie A. Kilbury during her life time, to convey real estate and the same was submitted to the Court, upon the petition and evidence

whereupon, the Court finds, after due consideration that all the parties in interest have been served with process as required by law, and that the allegations and statements contained in said petition are true.

wherefore, it is ordered, by the Court that said T. E. Kilbury as adm. of the estate of Minnie A. Kilbury, deceased, be and is hereby authorized to complete said contract, and execute and deliver a proper deed of general warranty for and in behalf of the heirs at law of said Minnie A. Kilbury, deceased, to the purchaser J. J. Schaback for

11449

Answer  
 av.  
 Cross Petition  
 of  
 Col. Minter  
 vs.  
 Life  
 Ins. Co -

11449



Final Record, Union County Probate Court

11449

the real estate described in the petition,  
WTTusted, Probate Judge

Answer  
aw.

Cross Petition  
of  
Columbian  
Life  
Ins. Co-

Answer of <sup>and</sup> Cross-Petition of  
The Columbus Mutual Life Insurance Company  
of Columbus, Ohio.

The defendant, The Columbus Mutual Life Insurance  
Co. is an Ohio corporation, with its main office  
and place of business in the City of Columbus Ohio.

On the 10 day of March, 1923, Minnie A. Kiltury  
plaintiff deceased, and T. E. Kiltury, executed  
and delivered to The Columbus Mutual Life Insurance  
Company their promissory note, of which note  
the following is a copy:

" \$ 5500<sup>00</sup> Columbus Ohio March 10 - 1923.

Five years after date, for value received, we  
promise to pay to The Col. Mutual Life Ins. Co.,  
or order, Eight Thousand five hundred Dollars,  
with interest from date, until paid, at 7% per  
annum, payable semiannually, at the Home Office  
of The Columbus Mutual Life Insurance Company,  
Columbus, Ohio.

And if said interest, or any part thereof,  
be not paid when due, the same shall draw  
interest at the rate of 8% per annum, from the  
date of maturity, until paid; and, if said  
interest, or any part thereof, remain unpaid  
for 30 days after its maturity, the principal  
sum and accrued interest shall thereupon  
become due and payable, if the legal holder  
of this note so elect, without demand made  
therefor, and without notice thereof. After the  
expiration of one year from the date hereof,  
partial payments of \$100 or any multiple thereof  
may be made on the principal, at any interest  
paying period.

(signed) Minnie A. Kiltury (decd)

(signed) Thomas. E. Kiltury (decd)

The following is a list of credits on said note:

|         |           |         |           |
|---------|-----------|---------|-----------|
| 9/8/23  | \$ 297.50 | 9-11-26 | \$ 276.25 |
| 3/11/24 | 297.50    | 6-15-27 | 276.25    |
| 9-22-24 | 276.25-   | 9-13-27 | 276.00    |
| 3-11-25 | 276.25-   | 9-24-27 | 25-       |
| 9-14-25 | 276.25-   | 3-12-28 | 276.25-   |
| 3-11-26 | 276.25-   | 9-17-28 | 276.25-   |

11449

THE W-W-S CO., CIN., O. 6203

11 449 By agreement, the rate of interest on said note was reduced to six and one-half percent, from the 10<sup>th</sup> day of March, 1924.

This defendant says that said note is due and unpaid, and that there is owing it from the makers thereof, the sum of \$8500<sup>00</sup>, with interest thereon, at 6 $\frac{1}{2}$ % per annum, payable semi-annually, from the 10<sup>th</sup> day of Sept. 1928.

Answers  
ans.

cross-petition

This defendant says that at the time of the execution and delivery of the note described above and to secure the payment of the same, the said Minnie A. Kilbrey and Thomas E. Kilbrey executed and delivered to this defendant their certain mortgage deed, and thereby conveyed to this defendant, its successors, and assigns, the following described real estate, to-wit:

See description in Petition.

Said mortgage was conditioned upon the payment of the promissory note set forth above with the interest thereon, and provided that in case of default said mortgage deed should become absolute.

The defendant, T. E. Kilbrey, husband of Minnie A. Kilbrey in said mortgage duly released his right and expectancy of survivor, in said premises to this defendant.

On the 12<sup>th</sup> day of March, 1928, at 1:05 P. M., said mortgage was duly left for record at the Recorder's office in Union Co. Ohio, and was duly recorded in Book 26, page 607 of his mortgage records.

This defendant says that said note is due and unpaid and that said mortgage has become absolute.

Defendant further avers that its mortgage herein set forth is the first and best lien against the real estate described therein and is prior and superior to any other liens, or claims against said premises.

Wherefore, this defendant prays that the plainiff or the other defendants hereto be required to set forth any claims they may have on said premises, or be forever barred; that the claim of this defendant may be held superior thereto.

11449

Oath.

Final Record, Union County Probate Court

11449

that the court may find and determine the amount due this defendant on its note and mortgage as hereinbefore set forth from the estate of Minnie W. Kilbury and T. E. Kilbury plaintiffs; that said mortgage deed may be foreclosed and that from the sale price of said premises the court may order payment of the said note and mortgage to this defendant and for such other and further relief as may be proper.

The Columbus Mutual Life Insurance Co.,  
By Louis Stout, its attorney.

State of Ohio, Franklin Co. ss.

Castle

S. A. Hopkins, being duly sworn, says that he is the Treasurer of The Columbus Mutual Life Ins. Co. and as such duly authorized to make this proof. He states the matters and things set forth in the foregoing answer and cross-petition are true as he believes.

S. A. Hopkins.

Brought before me and subscribed before me in my presence this 18. day of Dec. 1928

*Over*

Gladys M. Osborne.

Notary Public.

Franklin Co. Ohio

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-66  
May 2-1929.

L.A. Davis  
atty.

Petition for sale of Real Estate to Pay Debts  
In the Probate Court, Union Co. Ohio.  
A.P. Hudson, Adm. of the  
Estate of  
Gottlieb Heyenderfer, Deceased.  
Plaintiff  
v.

Mary Hilbert  
Rose Hilbert  
Phil Heyenderfer.  
Eric Heyenderfer.  
Geo. Heyenderfer  
Martha Strunkenburg  
Dora Weiss  
Lydia Braun

Defendants.

The Plaintiff represents that he was on the 20-day  
of April 1929, duly appointed and qualified Adm. of  
the estate of Gottlieb Heyenderfer, late of Union Co.  
Ohio and is still acting as such Administrator  
that the amount of debts due from the  
deceased is \$265.00 as near as they can  
be ascertained, and are as follows:

Petition

|  |            |
|--|------------|
| Note in favor of Lemis Blumenschein        | \$ 1400.00 |
| " " " " " Geo. Heyenderfer.                | 300.00     |
| Mourning                                   | 250.00     |
| Open account in favor of Geo. Heyenderfer. | 400.-      |
| Funeral expense.                           | 300.       |

That the charges for administration  
will amount to about 200.00 \$285.00

and that the total value of the personal  
estate and effects of the deceased being  
nothing and wholly insufficient to pay  
the debts and costs aforesaid.

The Plaintiff further represents that said  
Gottlieb Heyenderfer, died seized in fee simple  
of the following described real estate, situate  
in the County of Union, State of Ohio:

Being in the Virginia Military District and a  
part of Survey, no. 3687 and bounded and  
described, as follows:

11566

Petition

Final Record, Union County Probate Court

to  
Co. Ohio.

The 20-day  
Adm. of  
Union Co.  
deceased's estate  
the  
Cau

400<sup>00</sup>  
300<sup>00</sup>  
250<sup>00</sup>  
400<sup>00</sup>  
300<sup>00</sup>

00<sup>00</sup> \$2850<sup>00</sup>

at said  
simple  
estate

dict and a  
and

11566

Beginning at a Stone (in place of Two Iron rods and Elm gone) north westerly corner to L. M. Fairbank's land, in the center of the Seceder Road and in the westerly line of Survey No. 3687; thence with the west line N. 62° W. 87 poles to a Stone (in place of a Hickory and Ash gone) north westerly corner to Joseph Harris land; thence with his line N. 55° 25' E. 185 poles to a Stone, corner to a 20 acre lot conveyed to Peter B. Blumenshine; thence with the westerly line of the said 20 acre lot 55° E. 82.88 poles to a Stone, corner to said 20 acre lot one in the center of the said Seceder Road; thence with the center of said Road S. 55° W. 182 poles to the place of beginning. Containing 88 acres, more or less. Excepting therefrom 11.30 acres conveyed to J. Geo. Furrwalt, Jr. and described, as follows:

Petition

Beginning At a tile in the center of the Hagender's Gravel Road and southernmost corner to Peter B. Blumenshine's 20 tract; thence with the center of said Road S. 57° 45' W. 10.48 poles to a stone and tile, eastern most corner to Galliard Hagender's; thence eight (8) consecutive lines of said Hagender's land N. 74° 45' W. 39.24 poles to a tile; thence N. 1° 45' W. 2.60 poles to a stone and tile; thence along the south side of Robinson Run N. 66° 45' W. 10.60 poles to a stone and tile; thence N. 27° 45' E. 1.00 poles to the center of the Robinson Run; thence following the center of the Robinson Run N. 67° 15' W. 10.40 poles; thence S. 88° 45' W. 16.22 poles to the center of Robinson Run and northernmost corner to Galliard Hagender's; thence N. 58° 15' E. 41.28 poles to a stone and tile, westernmost to Peter B. Blumenshine's 20 tract; thence with Peter Blumenshine S. 55° 15' E. 83.80 poles to the place of beginning. Containing 11.30 acres more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, free of any dower estate therein and that the amount of said appraisement is \$4218.50; that plaintiff has given Bond as such Administrator in the sum of \$8000<sup>00</sup>

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11566

That said decedent died leaving no widow entitled to dower in said premises: that the defendants Mary Hilbert, Rose Hilbert, Phil. Hegenderfer, Eric Hegenderfer, Evelyn Strunkembry, Dora Wise, and Lydia Braun are the only children and heirs at law of said decedent, having the next estate of inheritance from said Gallist Hegenderfer deceased, in said premises.

Your petitioner therefore prays that he may be authorized and ordered to sell real estate according to the statutes in such cases made and provided, and that he be authorized to employ an auctioneer and for all other proper orders and relief in the premises.  
L.A. Davis, Atty. for Plaintiff.

The State of Ohio County of Madison, ss.

H.P. Hudson the within named plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge, <sup>and</sup> belief.

H.P. Hudson

Sworn to before me and signed in my presence, this 29. day of April, 1929.

Wm. Husted, Probate Judge

Waiver of Summons

Waiver

In the Probate Court of Union County, Ohio, vs. the defendants, in the above entitled action, respect fully waive the issuing and service of summons, and voluntarily enter our appearance therein.

We also consent to the sale of the real estate in the plaintiffs petition described as therein prayed for.

Mrs. Lydia Braun.

Waiver

Waiver of Summons

In the Probate Court of Union Co. Ohio vs. the defendants, in the above entitled action, respectfully waive the issuing and service of summons and voluntarily enter our appearance therein.

We also consent to the sale of the real estate in the plaintiffs petition described as therein prayed for.

Martha Strunkembry  
Philipp Hegenderfer  
Eric Hegenderfer

Dora Wise  
Mrs. J. Hegenderfer  
Mary Hilbert  
Rose Hilbert

11566

Filing  
Petition

Final Record, Union County Probate Court

11566

In the Probate Court, Union County, Ohio  
April, 29 - 1929.

Journal Entry.

Filing Petition to Sell Real Estate.

Filing  
Petition

This day came the plaintiff W. P. Hudson, and, presented to this Court his petition, duly verified, praying for the sale of real estate of the said Galtier Hegenderfer deceased, to pay the debts and the costs of administering the estate of the said decedent. Appraisement was made in the estate and further appraisement is hereby dispensed with.

Whereupon, it is considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, judgment and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants and this cause is continued.

W. H. Husted, Probate Judge

Journal Entry:

Probate Court, Union County, Ohio.

May, 2 - 1929.

This day this cause came on further to be heard and it appearing to the Court that the said W. P. Hudson, Administrator the plaintiff above named, has given Bond, as heretofore ordered, in the sum of Eight Thousand (\$8000) Dollars; it is ordered that said Bond be and hereby is approved, and considered sufficient.

It is therefore further ordered, that said W. P. Hudson, as such Adm., proceed according to law, to sell the real estate described in the petition free of down, at public auction at the premises described in the petition for not less than 2/3 the appraised value thereof, on the following terms, to wit: cash in hand on day of sale.

It is further ordered, that said petitioner give notice four weeks consecutively of the terms and time and place of sale, prior thereto, in some newspaper, printed and of general circulation in Union County, Ohio, where said real estate is situate.

And, the said Petitioner is authorized to employ a licensed Auctioneer to conduct and cry said sale.

And, said petitioner is ordered, to make return

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11566

To this Court immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge

Order of Sale, Free of Debt.

Order

of the State of Ohio, Union County.

Probate Court.

To W. P. Hudson, Adm. of the estate of Gottlieb Beyenderfer deceased.

Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Plaintiff and Mary Hilborn et al. are Defendants, you are commanded to proceed according to law to sell at public sale for not less than 2/3 the appraised value thereof free of the debt of - no widow - of Gottlieb Beyenderfer,

the following described premises, to wit:

Beginning at a stone (In place of two Iron wood and Elm gone) northerly westerly corner to L. M. Fairbanks land; in the center of the Seceder Road, and in the westerly line of Survey no. 3687; thence with the west line N. 62° 37' poles to a stone (in place of a Hickory and ash gone) north-westerly corner to Joseph Hanna land; thence with his line N. 55° 25' E. 185 poles to a stone corner to a 20 acre lot conveyed to Peter S. Blumenshain; thence with the westerly line of the said 20 acre lot S. 58° 32' 80 poles to a stone corner to said 20 acre lot and in the center of the said Seceder Road; thence with the center of said road S. 55° W. 182 poles to the place of beginning, containing 88 acres of land, more or less, excepting therefrom 11.30 acres conveyed to J. Geo. Freeholt, Jr. and described as follows:

Beginning at a tile in the center of the Beyenderfer Grave Road and southern most corner to Peter Blumenshain's 20 acre tract; thence with the center of said road S. 57° 45' W. 10.48 poles to a stone and tile, easterly most corner to Gottlieb Beyenderfer; thence with eight (8) consecutive lines of said Beyenderfer's land N. 74° 45' W. 30.24 poles to a tile; thence N. 1° 45' W. 2.60 poles to a stone and tile; thence along the south side of Robinson Run N. 66° 45' W. 10.60 poles to a stone and tile; thence N. 27° 45' E. 1.00 poles to the center of Robinson Run; thence following the center of the Robinson Run N. 67° 15' W. 10.40 poles; thence S. 88° 45' W.

11566

Return

Report

of Sale



Final Record, Union County Probate Court

115-66

16.32 poles to the center of Robinson Run, and north-  
west corner to Gutterb Begunderfer; thence N. 58-15-  
E. 41.28 poles to a stone and tile water most corner to  
Peter S. Blumenshine 20 acre tract; thence with Peter  
Blumenshine S. 5-5-15 E. 50 poles to the place of  
beginning  
Containing 11.30 acres more or less.

Said sale to be at the premises and upon the  
following terms: Cash.

You are also authorized to employ a  
licensed Auctioneer to cry said sale.

You will make return of your proceedings  
to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate  
Court at Mansville, Ohio, this 2-day of May, 1929.

W. P. Hudson, Probate Judge

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused  
the same to be duly executed as will fully appear  
by the proceedings hereto attached.

Dated the 12-day of June 1929.

W. P. Hudson, Adm.

Report of Sale

Report

of  
Sale

In obedience to the within order, I duly advertised  
the real estate therein described for sale, in the  
Mansville Tribune a newspaper printed and of general  
circulation in Union County, Ohio, where said real  
estate is situate, for at least four consecutive weeks  
prior to the 12 day of June, 1929, the day of sale  
therein mentioned; stating in the notice the time  
place and terms of sale; and on said day, at the  
hour of 1. P.M. I attended at the premises where  
the sale was advertised to be held, and offered said  
real estate for sale - no down - when Mrs. J.  
Begunderfer and Katharine Begunderfer bid to pay  
for the same the sum of Thirty one Hundred  
Fifty dollars, which being the highest and best  
bid that was offered, and being more than  
2/3 of the appraised value of said premises  
I then, and there sold the same to  
Mrs. J. Begunderfer and Katharine Begunderfer, for  
that sum.

W. P. Hudson, Adm.

Dated the 12-day of June, 1929

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11566

11566

Legal notice

The State of Ohio, Union County, ss.

Personally appeared before me, Lena Huber, and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after May 8, 1929 in the Weekly Tribune Marysville, a newspaper of general circulation in the county aforesaid

Legal notice

Lena Huber.

known to before me, and signed in my presence. This 31 day of May, 1929. J. M. Huber, Notary Public

Fees \$2.25

Administrators Sale

Pursuant to an order of the Probate Court of Union County, Ohio, J. H. P. Hudson, Adm. of the estate of Gottlieb Hagenhofer, will offer at public sale, on the 12 day of June, 1929, at 1 P.M. on the premises in Dady Township, the following Real estate, situate in the County of Union, State of Ohio, to-wit:

See description Petition & order of Sale.

Appraised at \$428.50

Terms: Cash upon delivery of deed

H. P. Hudson, Adm.

L. A. Davis, atty.

B. G. Thomas, auctioneer.

May 8-1929.

In the Probate Court of Union Co. Ohio.  
No. 11566.

In Confirmation of Sale, and  
Distribution of Proceeds.  
Entry.

Confirmation of Sale.

This day, this cause came on to be heard upon the report of a public sale of the property described in the petition herein; and, there appearing to be no objection to the sale, it was submitted to the Court upon such return of sale.

Whereupon, the Court, finds, after due and careful examination of the same, that said sale has been duly and legally made in conformity to law, and the former order of the Court.

Therefore, it is ordered, that the same be and is hereby approved and confirmed.

And, it is further ordered, that said H. P. Hudson, as such Adm., make to the

Final Record, Union County Probate Court

11566

Purchaser, Mrs. J. Hegenderfer and Katherine Hegenderfer, a good and sufficient deed for the premises so sold.

And, the said sale having been advertised and made for cash, said administrator is ordered to accept the same.

And, the Court coming now to the distribution of the proceeds of said sale, amounting to Thirty one Hundred and Fifty Dollars, it is ordered that said administrator, out of the moneys in his hands, pay first to the Treasurer of this County, taxes, penalties and interests thereon against said property the sum of \$42.86 secondly, the costs and expenses of said sale.

as follows:

|                                    |                        |
|------------------------------------|------------------------|
| Probate Court costs amounting to   | 13 <sup>20</sup>       |
| Maupville Tribune advertising sale | 21.25-                 |
| Archives                           | 10.                    |
|                                    | <u>57<sup>11</sup></u> |

And, it is ordered that the balance of said sum amounting to 3062.89 be distributed by said Adm. as provided by law.

W. H. Huslid

Probate Judge

Date June 1929

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-88

May 24

1929

Petition for sale of Real estate to pay debts  
No. 115-68

The State of Ohio, Union County ss.  
Howard B. Black, Adm., with  
The Will annexed, of the  
Estate of Ursel E. Herrick  
deceased.  
Plaintiff

Petition for sale  
of land  
to pay debts.

G. E. Herrick, widower of said  
Ursel E. Herrick  
Dorothy Jane Rowling, a minor  
Doris Herrick Rowling, a minor  
vs. L. J. Rowling Guardian of  
Dorothy Jane Rowling  
Doris Herrick Rowling, minor  
Defendants.

Petition

The plaintiff represents that he is the duly appointed, qualified and acting administrator of the estate of Ursel E. Herrick, deceased, late of this county; that the amount of valid debts due from said estate is in excess of four hundred dollars, as near as can be ascertained, a schedule whereof is given below and made a part hereof; that the charges of administration of said estate, including administration's commission and compensation and attorney fees will amount to two hundred dollars or thereabout; and that the total value of the personal estate and effects of said decedent is nothing, being wholly insufficient to pay said debts and charges.

The Plaintiff further represents that said decedent died seized in fee simple of the following described real estate, to wit:

Situate in the County of Union, State of Ohio, to-wit: of Daryl, and bounded, and described as follows, to-wit:

Beginning at a post in the E. line of Mary R. Ayres land and at the S.W. corner of the John B. Adams land; thence with the southerly line of said land, N. 59° E. 137.10 poles to a stone at N.W. corner of Flora A. Curry's land, as formed by this conveyance; thence with a westerly line of said land, S. 31° E. 55.75 poles to a stone S.W. corner of said Curry's land, and in the northerly line of James H. Peens' land; thence with said line S. 59° W. 137.10 poles to an ash tree, corner to said Ayres land;

115-88

Schedule  
of  
Debts.

115-88

Final Record, Union County Probate Court

113-88

thence with an E. line of said land N. 31° W. 52.50 poles to the place of beginning, containing forty-five (45) acres, more or less, 26.50 acres in Surry, 3687, and 18.50 in Surry 3887.

The plaintiff further represents that said real was appraised in accordance with the orders of this Court by the appraisers of the personal property, and that the amount of such appraisement is twenty-five hundred (\$2500<sup>00</sup>) dollars.

That said decedent died leaving the defendant M. E. Herrick his widow, who is 68 years of age, and is entitled to dower in said premises; that the defendant Dorothy Jane Rowling is 13 years of age and Doris Herrick Rowling is 9 years of age and are the minor grandchildren of said decedent and her only heirs at law having the next estate of inheritance in said premises; that the defendant L. J. Rowling is guardian of the said minor defendants.

Wherefore plaintiff prays that the dower of said widow in said premises may be assigned and set off to him or the value thereof be paid to him in money out of the proceeds of sale, as he may elect; that the interests of all defendants, may be adjudged and protected; that the plaintiff may be authorized to sell said premises according to the statute in such case made, and provided; and for all other and further orders and relief to which he may be entitled in law and equity.

Howard C. Black, admr., etc.

Schedule of

Schedule of Debts.

of Debts.

Note to Dorothy Jane Rowling and Doris Herrick Rowling for \$400<sup>00</sup>

State of this Union Co. ss.

I, Howard C. Black, the plaintiff administrator in the foregoing petition say that the various things set forth in said petition are true to the best of my knowledge and belief.

Howard C. Black.

Shown to before me and signed in my presence by the said Howard C. Black, this 24 day of May, A.D. 1929.

(sw.) W. W. Husted

Probate Judge

113-88

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-88

L. J. Rowling, guardian of said minor, Dorothy Jane Rowling and, Doris Herrioth Rowling and for himself, et al. individual; and, G. E. Herrioth, widower, who hereby waive issuance of summons, and, voluntarily waive not only assignment of dower in land, but also in money etc. lien thereof; and, as parties defendant to the petition in this cause, waive the issuing and service of summonses voluntarily enter their appearance as such defendants.

And, they do hereby consent to the immediate sale of the real estate described in said petition as therein prayed for, waiving also, the time and place of said sale.

G. E. Herrioth widower of  
Mabel E. Herrioth, Dec'd.  
L. J. Rowling, guardian of  
Dorothy Jane Rowling  
and,  
Doris Herrioth Rowling  
L. J. Rowling.

115-88

Part

affidavit

In the Probate Court of Union County, Ohio.  
May 24 - 1929  
Journal entry.

Filing  
Petition  
to  
Sell

Filing Petition to sell Real Estate.  
This day came the plaintiff Bernard C. Black, advr., etc., of the estate of Mabel E. Herrioth, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Mabel E. Herrioth deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same be given to each of the said defendants; and this cause is continued.

Order for  
Private sale.

W. T. Husted, Probate Judge

Application to sell Real Estate at Private Sale.  
Probate Court, Union County, Ohio.  
Application

Application  
to sell  
Real Est.  
Private Sale

The said Plaintiff represents that it would be for the best interest of the said Estate to sell the real estate described in the petition, in this case, at private sale, for the following reasons:

Final Record, Union County Probate Court

115-88

There seems at this time to be an opportunity to sell this land and at a satisfactory price and land is steadily depreciating in price, buildings deteriorating in value, land for said reasons this sale seems expedient and is asked for.

And he therefore asks for an order authorizing him to sell said real estate at private sale.

Howard C. Black, admr., etc., Estate of Ursel E. Herriott, Dec.

Order

The State of Ohio, Union Co -

Howard C. Black, being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.

Howard C. Black.

Sworn to before me and signed in my presence this 24 day of May, 1929.

W. H. Husted, Probate Judge

affidavit

Affidavit of Disinterested Person

The State of Ohio, Union County

J. H. Kilgore and Frank W. Curry, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said Ursel E. Herriott's estate, to sell said real estate at private sale, than at public sale, as they verily believe.

J. H. Kilgore, Frank W. Curry

Sworn to before me and signed in my presence this 24 day of May, 1929.

J. John W. Brown, Notary Public.

Order for Private sale.

Probate Court, Union County, Ohio,

May 24 - 1929

Order for Private Sale.

This day this cause came on to be heard upon the petition and evidence, and the Court being fully advised in the premises finds:

That all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are now properly before the Court.

That the statements and allegations in said petition are true.

That said Ursel E. Herriott deceased did leave a widow entitled to dower in the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-88

estate to be sold, and an appraisement of such estate is contained in the inventory. It is ordered that another appraisement be and hereby is dispensed with.

And the Court being satisfied that it is necessary to sell the real estate of said David E. Herrick described in the petition to pay his debts.

And it being made to appear to the Court upon satisfactory evidence that it would be for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered that said Howard C. Black, as Adm'r. proceed to sell said real estate free of down at private sale for not less than the appraised value thereof on the following terms to wit: Cash in hand on day of sale.

And said petitioner is ordered to make return to the Court immediately after such sale is made.

And this cause is continued.

W. W. Husted, Probate Judge

Order of

Order of Sale Free from Down.

of the State of Ohio.

Probate Court.

Union Co.

To Howard C. Black, Adm'r. of the estate of

David E. Herrick deceased - Meeting:

In obedience to an order and decree of the Probate Court within and for said County made this day in a certain cause wherein you as Adm'r. of the estate of David E. Herrick deceased are Plaintiff and G. E. Herrick et al. are Defendants you are commanded to proceed according to law to sell at private sale for not less than the appraised value thereof free from the down of G. E. Herrick widower of David E. Herrick deceased. The following described premises to wit:

Situate in the County of Union State of Ohio, Township of Dady, and bounded and described as follows to wit:

Beginning at a post in the E. line of Mary E. Ayres land and at the S.W. corner of the John W. Adams land; thence with the southerly line of said land N. 59° E. 137.10 poles to a stone at N.E. corner of Flora A. Currys land as formed by this conveyance; thence with a westerly line of said land S. 31° E. 55.75 poles to a stone S.W. corner of said Currys land in the northerly line of James W. Peener's land; thence with said line S. 59° W. 137.10 poles to an ash tree corner to said Ayres land; thence with an E. line

115-88

Return

Report

of Sale

Approving

Confirming Sale.



Final Record, Union County Probate Court

115-88 - of said land N. 31° W. 52.50 poles, to the place of beginning containing forty-five (45) acres more or less, 26.50 acres in Survey 3682 and 18.50 acres in Survey # 3687.

Said sale to be upon the following terms, Cash in hand.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansville this 24th day of May, 1929. W. H. Husted, Probate Judge.

Return

Return To the Probate Court, Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceeding hereto attached.

Dated the 24th day of May, 1929.

Howard C. Black Adver-etc.

Report of Sale

Report of Sale In obedience to the within order, I sold said premises on the 24th day of May, 1929, to M. E. Evans and Etta Evans for the sum of Twenty-five hundred dollars, said sum being the appraised value of the same.

Howard C. Black Adver-etc.

Dated the 24th day of May, 1929.

The State of Ohio, Union County

The above named Howard C. Black, Adver- of the estate of Mark E. Kerrioth being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property and that said sale is for the highest price he could get for said property.

Howard C. Black.

Sworn to before me and signed in my presence this 24th day of May, 1929.

W. H. Husted

Probate Judge

Approving and Confirming Sale

Journal entry: Ordus. approving & Confirming Sale - Probate Court, Union County, Ohio.

May, 24 - 1929.

This day this cause coming on to be heard

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-88

Confirmation

on the report of Howard C. Black, Adm. of the estate of Daniel E. Bernholt, deceased, of his proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order: the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct and being satisfied that said sale was fairly and legally made.

It is ordered that the same be, and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Daniel E. Bernholt in said real estate, to the purchaser M. E. Evans, and Etta Evans upon the said purchase, paying the purchase price thereof.

It is further ordered that this proceeding be recorded and that said petitioner pay the costs \$/3-  
(W) Husted, Probate Judge.

115-58

Apr. 16.

1929

Nati L. Moffitt  
Atty.

Petition

Final Record, Union County Probate Court

115-58  
Apr. 16.  
1929

Petition for Sale of Real Estate to Pay Debts.  
Probate Court Union County, Ohio

Consolidation.  
Petition

Helen L. Moffitt  
att'y.

Charles Clutter, Executor  
of the Estate of  
E. M. Clutter, Deceased,  
Plaintiff

v.

Charles Clutter,  
Effie Sisson  
Grannie Carroll

Petition

Defendants.

The Plaintiff represents that Charles Clutter the  
duly appointed and qualified Executor of the Will  
of E. M. Clutter late of Union County, Ohio, deceased,  
that the amount of debts due from the deceased  
is ————— Dollars as near as they can be  
ascertained.

note with mortgage due Effie Sisson \$1850.<sup>00</sup>  
with interest at 6% from April 4-1924. Total \$ 2405.<sup>00</sup>  
For funeral expenses ————— 268.  
for excavating grave ————— 10.  
Doctor bills ————— 10.

Petition

that the charges of administration of said estate  
will amount to about \$50.<sup>00</sup> and that the  
total value of the personal estate and effects of said  
deceased is but one hundred eight dollars and <sup>70</sup>/<sub>100</sub>  
Dollars being wholly insufficient to pay the debts  
and costs aforesaid.

The Plaintiff further represents that E. M. Clutter died  
seized in fee simple of the following described  
real estate, situate in the County of Union  
State of Ohio and in the Township of York, to-wit:

Part of V. M. Surry # 3239. And beginning  
at a Stone in the center of the road, south-  
west corner to Harry Keger's land; thence north  
81° West with the center of said road 90 poles  
to a stone thence north 8.5° East 5 poles  
to a stone in the original north line of said  
Surry; thence south 81.5° E. 90 poles to a  
shrub in the Surry line north-west corner to  
H. Keger's land; thence south 8.5° West with said  
Keger's line 90.5 poles to the place of  
beginning; containing Fifty (50) acrs. more or less

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

115-5-8

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Ohio, Union County, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is Two Hundred Dollars (\$200.00) that the defendants

Charles Clutter  
Effie Lissou  
Maurice Carroll

are the only children of said decedent, having the next estate of inheritance from said E. M. Clutter deceased, in said premises.

The Plaintiff therefore prays, that the rights, interests and liens of the said Charles Clutter, Effie Lissou, and Maurice Carroll, may be fully determined, adjusted and protected according to equity, and that your petitioners may be authorized and ordered to sell said real estate according to the Statute in such case made and provided, and for all other proper orders or relief in the premises.

Chas Clutter, Executor

Answer

Ca 24

The State of Ohio Union County

Charles Clutter of the within named Plaintiff being duly sworn says that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

Chas Clutter, Executor

Sworn to before me and signed in my presence this 15 day of April 1929 @ L. B. Collins

Answer

cross petition

Probate Court Union County Ohio  
Receipt

To the Probate Judge.

Issue summons for said Maurice Carroll Rock-Bridge O. (Working Co) Defendant directed to the Sheriff of said County, returnable according to law.

Nate L. Moffitt, Plaintiff's atty

Filing Petition

Journal entry: In the Probate of Union County Ohio, April 16 - 1929

Filing Petition to Sell Real Estate

This day came the plaintiff Charles Clutter (Ex. of the estate of E. M. Clutter, deceased) and presented to this Court his petition duly verified, praying an order for the sale of real estate of the said E. M. Clutter, dec'd.

Final Record, Union County Probate Court

To pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is ordered and considered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants; and, this cause is continued.

W. H. Husted, Probate Judge

Wainor

Probate Court, Union County, Ohio

We, the undersigned parties Defendants, to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance as such Defendants. And we do hereby consent to the sale of the Real Estate described in said petition in said action according to the prayer of the same.

April 15 - 1929.

Effie M. Sissow.

Chas Clutter.

In the Probate Court of Union County, Ohio

Charles Clutter

Ex. of the estate of E. M. Clutter, Dec'd.

Plaintiff

Answer

cross petition

Effie Sissow, et al.

Defendants

Answer, and, Cross Petition.

Now comes Effie Sissow and in answer to the petition of the plaintiff herein, admit that E. M. Clutter died March 1 - 1929, and that said E. M. Clutter died testate, and that the said Will was probated in the Probate Court of Union County Apr. 4 - 1929, and that the said Charles Clutter was duly appointed executor of said estate, and qualified as such, and admits that the proceeds from the sale of the chattels of said Estate is insufficient to pay the debts of said E. M. Clutter deceased, and, as the said E. M. Clutter deceased was possessed of real estate as set forth in plaintiffs petition, therefore the defendant herein asks that the prayer of the Plaintiff herein be granted, and that the order of sale be granted

ate was  
the Probate  
of the  
amount  
sears (\$125.00)

said  
rights interests  
soon.  
granted  
your  
all said  
new case  
proper orders

Plaintiff  
attors and  
to the

ance. This

This

Carnoll  
directed  
according

ty

County. This,

estate.  
ter (Ex. of the  
ented to this  
n order  
M. Clutter, dec'd.

THE W-W-S CO., CIN., O. 6203

1155-8

as set forth.

Defendants Cross-Petition

Further answering this defendant says that the said E. M. Clutter, deceased, is indebted to her in the sum of Eighteen hundred fifty (\$1850-) Dollars, evidenced by a note signed by the said E. M. Clutter and dated April 4<sup>th</sup> 1924 bearing interest at the rate 6% and due five years from the date thereof, and that there are no credits on the same and that the whole amount of said note together with interest at 6% from date is due the defendant, and that the said note is secured by a mortgage deed against the real-estate belonging to the said E. M. Clutter deceased, same being the real estate described in the plaintiffs petition, a copy of said mortgage is hereto attached marked Exhibit A, and made a part of this petition.

wherefore, Defendant asks that the plaintiff be granted an order of sale of said real-estate and that as asked for in said petition, and that the proceeds be brought into court, and that after the funeral expenses and doctor bills of the said E. M. Clutter be paid, and the costs of administration of said estate after which Defendant asks that her claim as set forth herein be considered as a preferred claim against all other claims, and that she receive that amount claimed herein in full or as much of said proceeds as remain after the above admitted claims are paid and all other relief such as this defendant shall be entitled to.

Wm L. Moffitt, Atty. for Def.

State of this County of Union.

Oath

Personally appeared before me, a Notary Public in and for Union County, Ohio, and after being sworn according to law deposes and says that the allegations and facts, as stated in the foregoing petition are true, as she verily believes.

Mrs Effie M. Sissow.

Seen to and subscribed in my presence, this 25<sup>th</sup> day of April, A. D. 1929.

L. H. Collins Notary Public

Defendants Exhibit A.

Mortgage Deed.

Exhibit A

Know all men by these Presents: That F. E. M. Clutter (widow) of the Township of York, County of Union,

1155-8

Final Record, Union County Probate Court

11558

und. State of Ohio. For the consideration of One Thousand Eight Hundred Fifty Dollars to me paid by Effie Sisson of the village of Richmond in the County of Union and State of Ohio. The receipt whereof is hereby acknowledged dovs. hereby grant bargain, sell and convey to the said Effie Sisson her heirs and assigns forever the following real estate. Situated in the County of Union and the State of Ohio, and in the Township of York, and bounded and described as follows:

Part of Survey No. 3239.

Beginning at a stone in the center of the road South-East corner to Henry Kegerter's land. Thence North 81° 40' W. with the center of said road Ninety (90) poles to a stone; Thence N. 8.5° 90.5 poles to a stone in the original north line of said survey; Thence S. 81.5° E. 90 poles to a stump in the survey line N. W. corner to H. Kegerter's land; Thence S. 8.5° W. with said Kegerter's line 90.8 poles to the place of beginning containing fifty (50) acrs. more or less to have and to hold said premises, with all the privileges and appurtenances thereto belonging to the said Grantee his heirs and assigns forever, and the said Grantor E. M. Clutter for his self and his heirs dovs hereby covenant with the said Effie Sisson her heirs, and assigns that he is lawfully seized of the premises aforesaid, that the said premises are free and clear from all incumbrances what so ever, and that he will forever warrant and defend the said premises with the appurtenances unto the said Effie Sisson her heirs and assigns against the lawful claims of all persons whom so ever, provided always, and these presents are upon this condition, that is the said E. M. Clutter shall well and truly pay or cause to be paid unto the said Effie Sisson or to her executors Admors, or assigns the sum of money mentioned in said note described as follows, Dated April 4-1924. Amount \$1850- signed by E. M. Clutter, bearing 6% interest from date and due in five years, according to the terms and tenor thereof. (Complete insurance clause) Then these presents shall be void, otherwise to be, and remain in full force, and effect in Law forever.

In Witness whereof the said E. M. Clutter has hereunto set his hand This 10-day of May 1924

that the in the endorsed dated 60/5 and that there whole amount date is due secured by a giving to the real estate said mortgage and a part

plaintiff state and that after the E. M. Clutter of said her claim preferred that she in full or after the all other entitled to, J. J. Drift.

Public in accordance with laws and are true, as

and this County Public

E. M. Clutter of Union.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11538

115-58

Signed and acknowledged in the presence of  
N. M. Hubbard, E. M. Clutter.  
Cynthia M. Hubbard

Oath

State of Ohio, Logan Co.  
Be it remembered, that on this tenth day of May  
A. D. 1924, before me the subscriber a Notary Public in  
and for said County, and State personally came  
the above named E. M. Clutter (widower) the grantor  
in the foregoing deed, and acknowledged the  
signing of the same, to be his voluntary act and deed  
for the purposes and uses therein mentioned.

In Testimony whereof I have hereunto  
subscribed my name and affixed my official  
seal on the day and year last aforesaid.

N. M. Hubbard, Notary Public

recorded in Vol. 69 and page 226 of the records of  
Mortgages in Union County, Ohio.

Order  
of  
sale.

Summons

Summons on Petition to Sell Real Estate.  
The State of Ohio, Union County, Probate Court

To the Sheriff Hocking County, greeting:

You are commanded to notify Marnie Carroll, at  
Rock-Bridge, Hocking Co. that on the 16-day of  
April, 1929, Charles Clutter, Executor, of the estate  
of Emmanuel M. Clutter deceased, filed his petition  
in the Probate Court of said Union County, Ohio, against  
them, and others; the object and prayer of which petition  
is to obtain an order for the sale of certain  
Real Estate belonging to said decedent, in said petition  
described, for the purpose of paying debts,  
and that unless they answer by the 1-day of June  
1929, said petition will be taken as true, and an  
order granted accordingly.

Said Sheriff will make due return of this writ  
on the 13-day of May, 1929.

Witness my hand, and the seal of said Court  
this 4. day of May, 1929.

W. H. Hasled, Probate Judge

Sheriff  
Return

Sheriff's Return

The State of Ohio, Hocking County.  
Received this writ, May 6-1929, at 9 o'clock a.m.,  
and pursuant to its command served the within  
named Marnie Carroll by leaving at her usual place  
of residence a true and certified copy thereof with all



Final Record, Union County Probate Court

11338

the endorsement thereon.

W.R. Lloyd Sheriff.

By L. F. Hammond, Deputy.

Sheriff's Fees.

Service, and return .75

notes .16

.91

Order of Sale.

Order

The State of Ohio, Union County.

Probate Court.

of

W. Charles Clutter, Plaintiff.

vs.

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause wherein Geo. W. Executor, Plaintiff and Effie Sisson, and Francis Carroll, Charles Clutter et al. are Defendants, you are commanded to protect according to law, to sell at private sale, for not less than the appraised value thereof, the following described premises, to-wit: Situated in the Township of York, in the County of Union and the State of Ohio, and described as follows, to-wit:

Being part of Survey no. 3239.

Beginning at a stone in the center of the road south west corner to Harry Kegert's land, thence North 81' West with the center of said road 90 poles to a stone, thence North 8.5° East 5 poles to a stone in the original north line of said survey, thence S. 81.5° East 90 poles to a stump in the Survey line north west corner to Harry Kegert's land, thence South 8.5° West with said Kegert's line 90.8 poles to the place of beginning, containing 50 acres, more or less.

Said Sale to be on 11 day of June, 1929

By to be upon the following terms: Cash in hand, you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield Ohio, this 11 day of June, 1929.

W. W. Husted

Probate Judge

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

115-5-8

Return

Return

To the Probate Court, Union County, Ohio.  
 In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached.  
 Dated the 11. day of June, 1929.  
 Chas. Clutter, ex.

115-5-8

Report of sale.

Report of sale.

In obedience to the within order, I sold said premises on the 11. day of June, 1929, to Effie Sisson for the sum of Three Hundred and fifty dollars, said sum being the appraised value of the same.  
 Chas. Clutter.  
 Dated the 11-day of June, 1929.

Officer of Disinterested Person.

Order

The State of Ohio, Union County.  
 The above named, Charles Clutter being duly sworn, say, that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.  
 Chas. Clutter

Sworn to before me, and signed, in my presence, this 11-day of June, 1929.  
 W.P. Husted, Probate Judge -

order for Private Sale.

App. to

Application to Sell Real Estate at Private Sale, Probate Court, Union County, Ohio.

Sell at Private Sale.

The said Plaintiff represents that it would be for the best interest of the said estate of Emanuel Clutter, deceased, to sell the real estate described in the petition in this case, at private sale, for the following reasons:

That the said Defendant Effie Sisson holds a mortgage against the said real estate in the amount of \$1850- with interest at the rate of 6% from May, 10- 1924, amounting to \$2405-00 (and the appraised value of said real estate being \$1250-) \$1155- more than the appraised value of said real estate.

And that the said Effie Sisson will purchase the said real estate at the appraisement, (1250-00)

Final Record, Union County Probate Court

115-5-8

And. he. there for asks for an order authorizing him to sell said real estate at private sale.

Chas Clutter, Executor.

Sworn to before me, and signed in my presence this 11 day of June. 1929.

W. W. Husted, Probate Judge.

Affidavit of Disinterested Person.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Gertude E. Moffitt and L. H. Collins, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that he has no interest whatsoever in the matters therein referred to and that it will be more for the interest of the said heirs of the estate of Emanuel Clutter to sell said real estate at private sale than at public sale, as they verily believe.

Gertude E. Moffitt

L. H. Collins.

Sworn to before me, and signed in my presence this 11 day of June. 1929.

W. W. Husted, Probate Judge.

Probate Court, Union County, Ohio.

June 11, 1929.

Order for Private Sale.

order for Private Sale.

This day this cause came on to be heard upon the petition, evidence and testimony and the Court being fully advised in the premises, finds: That all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein, and are now properly before the Court. That the statements and allegations in said petition are true. That said Emanuel Clutter, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered, that another appraisement be, and hereby is dispensed.

And the Court being satisfied that it is necessary to sell the real estate of said Emanuel Clutter, described in the petition to pay his debts.

And, it being made to appear to the Court upon satisfactory evidence that it would be more for the interest of said estate, to sell the real estate described in the petition at private sale.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11558

It is therefore further ordered, that said Charles Clutter as such executor proceed to sell said real estate, free of down, at private sale, for not less than the appraised value thereof, on the following terms, to wit:

Cash in hand on day of sale.

And, said petitioner is ordered to make return to this Court, immediately after such sale is made, and this cause is continued.

W. H. Husted, Probate Judge.

1155-3

April 4

1929

J. J. Porter  
Atty.

Approving  
an.

Journal Entry: Orders approving <sup>and</sup> Confirming Sale.  
Probate Court, Union County, Ohio.  
June 15 - 1929.

Confirming  
Sale

This day this cause coming on to be heard on the report of Charles Clutter Adm. of the estate of Emma M. Clutter, deceased, of his proceedings and sale under the former order of this Court, <sup>an.</sup> upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report and, finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be and hereby is approved and confirmed.

It is further ordered, that said Petitioner execute a deed of all the right, title and interest of the said Emma M. Clutter in said real estate to the purchaser Effie Sisson upon the said purchaser executing to said petitioner a mortgage upon the premises sold, to secure the deferred payments of the purchase money.

It is further ordered, that this proceeding be recorded, and, that said petitioner pay the costs \$13<sup>00</sup>

W. H. Husted Probate Judge

Petition

Final Record, Union County Probate Court

Charles Clutter  
estate free  
the appraised  
le.  
turn to this  
de, and  
late judge.  
Sale.  
Ohio.  
on this  
of  
cedings  
his Court, &c.  
the sale  
having  
iding the  
Correct,  
fairly  
a heavy is

115-5-3  
April 4  
1929  
Jm. J. Porter  
Atty.

Petition for Sale of Real Estate to Pay Debts.  
Probate Court Union County, Ohio.  
No. 11472

Civil Action

Frank Mader, executor  
of the estate of  
John A. Mader,  
Deceased.  
Plaintiff

Elizabeth Mader,  
Margaret Williams  
Clara Blumenshine  
Chris. Mader,  
Ann Kirk  
Minnie Mahan,  
Walter Mader  
Lawrence Mader  
Luther Mader,  
Lucile (Bishop) Kirzmann  
Elizabeth Bishop,  
Clara Louise Bishop,  
Bernard Bishop.

Petition to sell Real Estate.

Petition.

Defendants

Petition

The Plaintiff represents that he is the duly  
appointed and qualified executor of the estate  
of John A. Mader, late of Union County, Ohio,  
that the amount of debts due from the  
deceased is Two Hundred Dollars or near as  
they can be ascertained that the charges of  
administration of said estate will amount to  
about One hundred dollars; and that the total  
value of the personal estate and effects of said  
deceased is but — nothing — being wholly  
insufficient to pay debts, and costs aforesaid.

The Plaintiff further represents that said  
John A. Mader died seized in fee simple of the  
following described real estate, situated  
in the County of Union, State of Ohio, and in the  
Township of Paris, to-wit:

Being part of Survey No. 3351 and being purchased  
from Jacob Elliott, Thomas Correll, and William Longshore,  
being three different tracts, containing 23 acres  
more or less.

For a more complete description reference is

Turner  
to and  
in said  
from the  
mer a  
secure the  
ing to  
the costs

Final Record, Union County Probate Court

THE W-S CO., CIN., O. 6203

11553

made to the Recorders Office, Marysville, Union County, Ohio.

1155-3

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent and that the amount of said appraisement is Forty eight hundred and <sup>no</sup>/<sub>100</sub> Dollars.

Filing Petition

The said decedent died leaving the defendant Elizabeth Mader his widow who is entitled to dower in said premises; that the defendants Margaret Williams, Clara Blumenschine, Ohio Mader, Ann Kirby, Minnie Graham, Walter Mader, Lawrence Mader, Luther Mader, Lucile (Bishop) Lingginnier, Elizabeth Bishop, Clara Louise Bishop and Bernard Bishop

Petition

are the only heirs of said decedent, having the next estate of inheritance from said John M. Mader deceased, in said premises, that the defendants, ---

The Plaintiff therefore prays that the dower of said Elizabeth Mader in said premises may be assigned and set off to her; that the rights, interest and liens of the said estate may be fully determined, adjusted and protected according to equity, and that your petitioners may be authorized and ordered to sell said real estate free of said dower according to the statute in such made, and provided and for all other proper orders and relief in the premises.

Wainor

William J. Potter, atty. for Plaintiff.

Oath

The State of Ohio, Union County.  
Frank Mader, the petitioner named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge and belief.

Wainor

Frank Mader.

Sworn to before me and signed in my presence this 16 day of January, 1929.  
William J. Potter.

Probate Court, Union County, Ohio.  
Receipt

Receipt

To the Probate Judge:  
I issue summons for said Elizabeth Bishop an insane person, also Clara Louise Bishop & Bernard Bishop minors Defendants, directed to Sheriff of said County returnable

Final Record, Union County Probate Court

Union County,

1155-3

According to law.

William J. Porter, Plaintiff's attorney.

was  
The Probate  
of the  
amount  
and \$100 Dollars

Filing Petition

In the Probate Court Union County, Ohio  
April 9<sup>th</sup> 1929

Journal Entry: Filing Petition to Sell Real Estate.

This day came the plaintiff Frank Mader executor of the estate of John A. Mader, and presented to this Court his petition, duly verified, praying for an order for the sale of real estate of the said John A. Mader deceased to pay the debts, and the costs of administering the estate, of the said decedent.

Whereupon it is considered and ordered by this Court that the said petition be filed, and that due and legal notice of the filing, pendency, and prayer of the said petition, and of the time in which they are required by law to answer the same be given to each of the said defendants. This cause is continued.

W. H. Husted, Probate Judge

bank  
to down in  
Williams,  
Kishy,  
Mader, Luther  
shop, Clara

ing the  
Mader  
defendants, ---

waiver

Waiver

Probate Court Union County, Ohio.

We the undersigned parties defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons and voluntarily enter our appearance as such Defendants.

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

Clara M. Blumenschield,  
Luther P. Mader,  
Walter J. Mader.

the down  
ay to  
rights,  
y to fully  
to equity,  
and  
aid down  
provided  
in the

Plaintiff,

waiver

Waiver

Probate Court Union County, Ohio.

We the undersigned parties defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance as such Defendants.

And we hereby consent to the sale of the Real Estate described in the petition in action according to the prayer of the same.

January 17<sup>th</sup> 1929  
Margaret M. Williams, L. J. Mader, Ann Mader Kishy,  
Maurice Graham, Lucille Lingumier, Chris Mader,  
Frank Mader.

waiver  
two and  
part of his

ences. This

ty. This

an issue  
Bishop minor  
returnable

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11 5-3-3

Answer of Widow  
Probate Court, Union County, Ohio  
Answer.

11 5-5-3

And now comes Elizabeth Mader, one of the defendants in the above entitled cause, and, voluntarily enters her appearance, herein, and, for answer to the petition in this case filed says, that she is the widow of said John A. Mader, deceased, and, as such, is entitled to her dower in the premises, described in said petition that her age, is -- years, and, she freely consents to said sale, as prayed for, and, waives the assignment of dower in said premises, by, metes and bounds, or, in rents and profits and, asks the Court, that said premises may be sold free from her dower estate therein, and that the value, of such dower estate may be allowed and paid her, in lieu thereof out of the proceeds of the sale, by, such sum of money as the Court deems just and reasonable value of her dower estate in said real estate.

Sheriff's Return

Elizabeth Mader.

Application  
Edw. A. P. Hill

Oath

The State of Ohio, Union County.  
Elizabeth Mader, being duly sworn, says, that the statements in the foregoing answer are true as she truly believes.

Elizabeth Mader.

Known to before me, and, signed in my presence, this 9-day of April, 1929.

W. H. Husted, Probate Judge.

Summons

Summons on Petition

The State of Ohio, Union County, Probate Court.  
To the Sheriff of said County.

You are commanded to notify Elizabeth Bishop at the Columbus State Hospital that on the 9 day of April, 1929, Frank Mader executor of the estate of John A. Mader, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them or others, the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts, and, that unless they answer, by the 11 day of May, 1929, said petition will be taken as true, and, an order granted accordingly.

Said Sheriff, will make due return of this writ on the 22 day of April, 1929.

Witness my hand, and, the seal of said Court, this 11 day of April, 1929.  
W. H. Husted, Probate Judge.



Final Record, Union County Probate Court

113-53

Sheriff's Return

The State of Ohio, Franklin Co.

Received this writ April 12-1929.

Sheriff's Return

at 9. a. m. and pursuant to its command on April 13-1929. I served the within named Elizabeth Bishop and Dr. W. H. Pritchard her legal custodian, by personally handing to each of them a true and certified copy of this writ with all the endorsements thereon.

Harry T. Paul, Sheriff Franklin County.

By J. W. Ennatt, Deputy.

Sheriff's Fees

|                               |     |
|-------------------------------|-----|
| service <sup>of</sup> return. | 75- |
| names-                        | 25- |
| travels                       | 50  |
| postage                       | 16  |
| Total \$180.                  |     |

Application for Appointment of Guardian Ad Litem.

Probate Court Union County, Ohio.

May, 8-1929.

Application  
Edm. aplitem

To the Hon. W. H. Husted, Judge of said Court:

The undersigned Frank Mader, executor of the estate of John A. Mader, deceased, makes application for the appointment of a Guardian ad litem for the minor defendants in the above entitled case.

The defendants Clara Louise Bishop and Bernard Bishop

the age of fourteen years, and have been duly served with summons herein, and has neglected for twenty days after return of summons served upon them to apply for a Guardian ad litem.

The undersigned suggests that Richard C. Thrall, who is a suitable person to be appointed as such Guardian ad litem.

Respy. Frank Mader.

Probate Court, Union County, O.

May, 8-1929.

This day, Frank Mader, executor of the estate of John A. Mader, deceased, appeared in open Court and made application for the appointment of a Guardian ad litem, for the minor defendant, in this case.

And it appearing to the Court that the defendants Clara Louise Bishop, and Bernard Bishop

the age of fourteen years, and have been duly served with summons herein, and

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11553

and, have neglected to answer. it is ordered, that Richard C. Thrall, Sr. and he, hereby is appointed Guardian for the suit, for said minor defendant.

and, now comes the said Richard C. Thrall and, in open court, accepts said appointment.

W. H. Husted, Probate Judge.

Answer of Guardian ad litem

Probate Court, Union County, Ohio.

Answer of  
Gdn. ad litem

And, now comes the said Clara Louise Bishop and Bernard Bishop Elizabeth Bishop an Incompetent, the minor defendants, to the petition in said cause by Richard C. Thrall, their Guardian ad litem, heretofore appointed in said cause, by said court, and, for answer, in said petition deny all the material allegations herein contained, prejudicial to said minor defendants. They further say, that they are of tender years, and not acquainted with the law in such cases and, therefore pray the Court to protect their rights in this case, and for such relief as may be just.

Dated this 9th day of April, 1929.

Clara Louise Bishop.

Bernard Bishop

Elizabeth Bishop (an Incompetent)

By, Richard C. Thrall, Gdn. ad. litem

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

No. 11553.

Application.

appl.

Private sale.

The said Plaintiff represents that it would be for the best interest of said estate to sell the real estate described in the petition in this case, at private sale, for the following reasons, to-wit:

That it will save the costs of advertising

That the price offered is the best price obtainable.

And, he, therefore asks for an order authorizing him to sell said real estate at private sale.

Frank Mader, Executor.

The State of Ohio, Union County.

Frank Mader, being duly sworn, says that the various matters set forth in the foregoing application are true, as he verily believes.

Frank Mader.

Sworn to before me, and signed in my presence, this 28th day of May, 1929. W. H. Husted, Probate Judge.

11553

affidavit

order for  
Private sale.

Final Record, Union County Probate Court

11583

Affidavit of Disinterested Person -

affidavit

The State of Ohio, Union County  
Russell S. Banks, <sup>and M. L. Borman</sup> being duly sworn, says that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said estate at private sale than at public sale, as they truly believe.

Russell S. Banks,  
M. L. Borman -

sworn to before me, and signed in my presence, this 28th day of May, 1929 <sup>at</sup> W. H. Husted, Probate Judge -

Probate Court, Union County, Ohio,

May 28 - 1929.

Order for Private Sale.

order for Private Sale.

This day this cause came on to be heard upon the petition, evidence and testimony, and the Court, being fully advised in the premises, finds: That all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein and are now properly before the Court. That the statements and allegations in said petition are true. That said John A. Mader, deceased, did leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the inventory.

It is ordered that another appraisement be, and hereby is dispensed with. And the Court being satisfied that it is necessary to sell the real estate of said John A. Mader described in the petition to pay his debts, and it being made to appear to the Court, upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said Frank Mader as such executor proceed to sell said real estate, free of dower, at private sale for not less than the appraised value thereof. And said petitioner is ordered to make return to this Court immediately after such sale is made. This cause is continued.

W. H. Husted

Probate Judge -

that Richard

and in

late Judge -

county, Ohio,

id cause by

heretofore

for insured,

ins herein

They

not

therefore

and for

item

ate Sale -

ty, Ohio.

for the last

described

for the

claimable.

thorizing

etc.

that the

lication

presence, this

age -

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11553

Order of Sale with Dower

Probate Court

The State of Ohio, Union County,  
To: Frank Mader. Greeting:

Order

of

sale

In obedience to an order and decree of the Probate Court within and for said county, made this day in a certain cause, wherein you, as executor of the estate of John A. Mader, deceased, are Plaintiff and Maryann Williams et al. are Defendants, you are commanded to proceed according to law to sell at Private Sale, for not less than the appraised value thereof with the dower of Elizabeth Mader widow of John A. Mader, dec'd, the following described premises, to wit:

Paris Township, Union County, Ohio.  
Being part of Survey No 3357.

Being part of Moses Cox farm and bounded and described as follows:

Being all of lot No. 13, of the subdivision of said farm as made by said Administrator of said estate. A full plot and description of said subdivision is on record with said proceedings. Said lot No. 13, contains 6 acres in Survey No 3357 excepting two acres sold and conveyed by said Felix Elliott to one Harrison Kegerter off the south side of said 6 acres lot No. 13, to the same more or less but subject to all legal highways.

Being part of lot No. 9, of the sub-division of the Moses Cox farm a plot of which subdivision is recorded in Union County, Ohio, Probate Court Administration Record No. 2, Pg. 316.

Beginning at a stone at the north west corner of said lot No. 9 - Thence with the north line of said lot north 77° East 34 <sup>28</sup>/<sub>100</sub> poles to a stone north west corner to said lot; thence with the east line of said lot south 1 <sup>10</sup>/<sub>100</sub> West 51 poles to a stone; thence south 77° West 34 <sup>4</sup>/<sub>100</sub> poles to a stake and brick in the West line of said lot No. 9; thence with said line north 1 <sup>1</sup>/<sub>2</sub>° E. 51 poles to the beginning; Containing 10 <sup>60</sup>/<sub>100</sub> acres.

In the Village of Marysville

Being the north half of In lot # 146 to be divided by a line running east and west equal distance between the north and south lines of said In lot and extending from the east line

115-53

Return

Report of Sale

Approving an

Confirming Sale

Final Record, Union County Probate Court

110-53

of Walnut Street to the east line of said In lot,

said sale to be June the 25<sup>th</sup> and to be upon the following terms: cash.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 5<sup>th</sup> of June, 1929.

Geo. W. Husted, Probate Judge

Return

Return

To the Probate Court, Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 25<sup>th</sup> day of June, 1929.

Frank Mader.

Report

Report of Sale

Sale

In obedience to the within order, I sold said premises on the 5<sup>th</sup> day of June, 1929, to Chas Mader for the sum of \$4800<sup>00</sup> said sum being the appraised value of the same.

Frank Mader.

Known to be true and signed in my presence, this 5<sup>th</sup> day of June 1929.

Geo. W. Husted, Probate Judge

Approving

Journal entry: Orders approving and confirming sale. Probate Court, Union County, Ohio

June 27-1929.

Confirming

This day this cause coming on to be heard on the report of Frank Mader Executor of the estate of John W. Mader deceased of his proceedings and sale under the former order of this Court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered that the same be and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right title and interest of the said John W. Mader in said real estate to the purchaser Chas Mader upon the said purchase

THE W-W-S CO., CINC., O. 6203

1/553

paying the purchase price thereof.  
(It is ordered that this proceeding be recorded,  
and that said petitioners pay costs \$13.

W. T. Husted, Probate Judge.

Final Record, Union County Probate Court

Recorded,

Probate Judge.

Final Record, Union County Probate Court

THE W-W-S CO., CINC., O. 6203

115-46

April 1- 1929

Petition for Sale of Real Estate to Pay Debts.  
Probate Court, Union County, Ohio.

115-46

John W. Darby  
city

John Harris, Adm.  
with the Will annexed,  
of the estate of  
John Brown, deceased.  
Plaintiff

Civil action

Mary E. Knock.  
Elmer Brown.  
Viola Orfield  
Mary Flannigan  
Pearl Reed.  
Oscar Reed.  
Mrs.  
Stenna Reed.

Petition to Sell Real Estate

Petition

Defendants

The Plaintiff represents that he is the duly appointed and qualified adm. with the Will annexed, of the estate of John W. Brown, late of Union County, O. dec'd that the amount of debts due from the deceased is about five hundred fifty dollars, as near as they can be ascertained.

Petition

Petition

|                            |                                     |
|----------------------------|-------------------------------------|
| D. Davis medical attention | 8 <sup>00</sup>                     |
| Death Luncheon             | funeral undertaker 29 <sup>00</sup> |
| Cemetery Trustees          | graves 10.                          |
| Mortgage to Mary Knock     | 230.                                |
| Incidental expenses        | 12.                                 |

that the charges of administration of said estate will amount to about ninety dollars and that the total value of the personal estate and effects of said deceased, is but One Hundred thirty three Dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said John W. Brown died seized in fee simple of the following described real estate, situated in the County of Union State of Ohio, and in the Village of Unionville Center, to-wit:

Part.

Being one certain Town lot in said incorporated Village of Unionville Center, Ohio, numbered 69 on Rail Road Street as numbered in the town plat of said Village to which reference is hereby made for a more complete description.

Being the same premises, as conveyed by Mary Brown, to John W. Brown as recorded in Vol. 49, pg. 1318.

115-46

115-46.



Final Record, Union County Probate Court

11 5-46

Record of deeds. Union County, Ohio.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent and that the amount of said appraisement is Nine Hundred Fifty Dollars.

The said decedent died leaving no widow that the defendants

- Mary E. Knock.
- Elder Brown
- Wren Ormby
- Mary Flannagan.
- Pease Reed.
- Osceola Reed. Mrs. Sterna Reed.

are the only heirs at law and next of kin of said decedent having the next estate of inheritance from said John W. Brown, deceased, in said premises that the defendants Mary E. Knock, also, claims some interest in said premises by way of an alleged real estate mortgage, the amount and extent of which is unknown to this petitioner.

The Plaintiff therefore prays that the said Mary E. Knock be required to set up her claim by way of answer on said premises, and that in failure to so do her claim be forever barred and she be restrained from asserting the same, and that your petitioner may be authorized and ordered to sell said real estate according to the statute in such case made and provided, and for all other proper orders and relief in the premises.

John W. Dailley,  
att'y for the Plaintiff.

Waste.

The State of Ohio, Union Co.

John Harris, ad. the the within named Plaintiff being duly sworn, says that the various matters and things set forth in said petition are true to the best of his knowledge & belief

John Harris.

Sworn to before me, and signed in my presence, this 20<sup>th</sup> day of March, 1929

John W. Dailley,  
Notary Public

11 5-46.

THE W. W. S. CO., CIN., O. 5203

11546

Journal entry:

In the Probate Court of Union County, Ohio  
March 30 - 1929

Filing  
Petition

Filing Petition to Sell Real Estate.

This day came the plaintiff John Harris, adm., with the will annexed, of John H. Brown, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said John H. Brown deceased, to pay the debts and the cost of administering the estate of the said decedent.

whereupon, it is considered and ordered by this Court that the said petition be filed and that due and legal notice of the filing, pendency and prayer of the said petition and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued

W. W. S. Probate Judge.  
Probate Court, Union County, Ohio.

now comes the defendant, Mary E. Kusch, and voluntarily enters her appearance, herein.

This defendant, by way of cross-petition, says there is due and owing her from the estate of John H. Brown, deceased, the sum of \$245.00 with interest at the rate of 6% per annum from the 5 day of April 1924 on a promissory note executed and delivered to this defendant by the said John H. Brown a copy of said note with all endorsements are as follows:

\$200- Marysville, Ohio, Sept. 5, 1922.

18 months after date for value received I promise to pay to Mary E. Kusch, Two hundred dollars, with interest at the rate of 6% per annum at --- and --- hereby authorize any attorney at law to appear in any Court of record in the U. S. after the above obligations become due, and waive the issuance and service of process and confess a judgment against --- in favor of the holder hereof for the amount then appearing due, together with costs of suit and, thereupon to release all errors and waive all right of appeal

(4 cent stamp)

John H. Brown.

Endorsements

Endorsements: June 4 - 1926, paid by cash \$35.00

115-46

Catch

Train

Final Record, Union County Probate Court

113-46

This defendant further states that at the time of delivery of the above described note, and to secure the payment of the same the said John W. Brown duly executed and delivered to this defendant his mortgage deed, conveying the following described premises:

Declaratory - all descriptions - Petition

That on the 12-day of Sept. 1922 said mortgage was duly left for record at the recorder's office Union County Ohio and was duly recorded in Volume 85 page 242 of the record of mortgages on the 13-day of Sept. 1922, and by virtue thereof

became the first and best lien on said premises. Wherefore this defendant prays that said real estate be sold as prayed for in the petition and that her claim in the sum of \$245- with interest thereon at the rate of 6 per cent per annum from the 5-day of April 1929 be declared the just & best lien and paid from the proceeds of said sale.

John W. Darley, Atty. for. Def.

State of Ohio Union Co. ss.

Mary E. Knack, being duly sworn, says that the facts stated and allegations made in the foregoing answer and cross-petition are true as she verily believes.

Mary E. Knack.

Sworn to before me and subscribed in my presence this 5-day of April, 1929

John W. Darley, Notary Public.

Waino.

Probate Court, Union County, Ohio.

We the undersigned parties defendant, to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, & enter our appearance as such Defendants

And we do hereby consent to the sale of the Real Estate

April, 5-1929

Oscar W. Reed, Stena Reed, Amer Brown, Mary E. Knack, Mary Flanagan, John P. Reed, Viola Overfield

ty. Ohio  
1929  
... with the  
... to this  
... order for the  
... declared.  
... the  
... by this  
... that due  
... and prayer  
... they are  
... in each  
... continued  
...  
... this  
... voluntarily  
... says this  
... of John W.  
... interest  
... the 5-day  
... and  
... John W. Brown  
... to all  
... promise  
... with interest  
... and --- hereby  
... in answer  
... or obligations  
... and  
... onent  
... for the  
... such costs  
... errors  
# 35-12

## Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

115-46

Probate Court, Union County, Ohio  
April 10 - 1929

115-46

This day this cause came on for hearing upon the petition of the Plaintiff for the purpose of having the real estate therein described sold for the payment of debts and costs of administration of the deceased, and the answer and cross-petition of Mary E. Knock.

The Court being fully advised in the premises finds that all of said parties defendants have been notified of the pendency and prayer of the petition herein and all of said defendants have entered their appearance herein by answer and join in the prayer of said petition and ask that said premises be sold as therein prayed for.

The Court further finds that the allegations of the petition are true and that it is necessary to sell the real estate described in the petition to pay the debts of the deceased and costs of administration.

The Court further finds that during the life of the said John W. Brown he made, executed and delivered to Mary E. Knock his note and a mortgage deed to secure the same, on the 5 day of Sept. 1922, and that said mortgage deed was delivered to the recorder of Union Co. Ohio, and by him recorded in Vol. 85 page 242, of the records of mortgages of said County on the 13 day of Sept. 1922, and became a first, best and valid lien against said real estate, and that there is due, and owing to the said Mary E. Knock on said note and mortgage the sum of \$245.00 with interest thereon at the rate of 6% per annum, from the 5 day of April 1929.

The Court further finds that the real estate described in the petition herein was appraised by the appraisers of the personal estate at the sum of \$950.00 and the Court also finds that the bond heretofore given by the plaintiff as such administrator of said John W. Brown deceased, in the amount of \$2000.00 is sufficient.

It is also ordered that said John Harris as such Administrator proceed to advertise for sale on the premises said real estate for four consecutive weeks in a newspaper of general circulation in said County, in which said land is situated, and he is

Legal  
notice

Oath

Final Record, Union County Probate Court

115-46

further ordered, to sell the same at not less than 75% of the appraised value for cash on day of sale.

It is further ordered, that said Adm. is authorized to expend the sum of Five Dollars in employing an auctioneer to cry said sale.

It is further ordered, that said plaintiff make due return to this Court of his proceedings immediately after said sale, and this cause is continued.

W. Husted, Probate Judge

Legal notice

Legal Notice

Administrators Sale

John Harris, Adm. etc. of the estate of John W. Brown Plf. vs. Mary E. Kueck et al. Defendants. Case no. 115-46.

In pursuance to an order of the Probate Court, Union Co. O. I will offer for sale at public auction on the 11 day of May, 1929, at 10 A.M. the said premises as described in Petition.

Appraised at \$950.00

Terms of sale - cash.

John Harris, adm.

Order

The State of Ohio Union Co. ss.

Personally appeared before me, Lena Huber, and made solemn oath, that the notice, a copy of which is hereto attached, was published for four consecutive weeks, on and next after April 10 - 1929 in the Mansfield Tribune.

Lena Huber,

known to be before me and signed in my presence, this 3. day of May 1929

J. M. Huber, Notary Public  
Fees \$ 8.29

Probate Court, Union County, Ohio.

The mortgage given by John W. Brown to Mary E. Kueck, and recorded in Vol. 85 page 242, Records of mortgages in the Recorder's office of Union Co. - Ohio, is released and satisfied by proceedings in the above entitled cause in said Court. Dated this 13. day of May, 1929

W. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-46

Order of Sale.

The State of Ohio  
Union Co.

Probate Court.

Order  
of

To John Harris, Adm., etc., of John W. Brown. *Granting:*

sale.

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as, Adm., of the estate of John W. Brown with Will annexed, an Plaintiff did, Mary E. Knoch, et al. are Defendants, you are commanded to proceed according to law, to sell at Public sale, for not less than  $\frac{2}{3}$  the appraised value, the following described premises, to wit: see description in Petition  
said sale to be Public and to be upon the following terms  
- cash -

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court, at Mansfield, O. this 15. day of April, 1929.  
*Wm. W. Husted, Probate Judge*

Return

Return

To the Probate Court of Union Co. Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, so will fully appear by the proceedings hereto attached.

Dated the 13. day of May 1929.

*John Harris*

Report  
of

Report of Sale - Public.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Mansfield Weekly Tribune a newspaper printed and of general circulation in Union County Ohio, where said real estate is situate, for at least 7 consecutive weeks, prior to the 11. day of May 1929, the day of sale therein mentioned; stating in the notice the time and place & terms of sale; and on said day, at the hour of 1. P. M. I attended the sale on premises and offered said real estate for sale without any reserve estate therein, when G. W. George bid to pay for the same the sum of \$ 720 - which being the highest and best bid that was offered, and being more than  $\frac{2}{3}$  of the appraised value of said premises. I then and there

115-46

Orders of  
Confirmation  
Distribution.

Final Record, Union County Probate Court

115-46

sold the same to said party for that sum.  
Dated the 13. day of May. 1929

John Harris, admr. etc.

Journal entry:

Probate Court, Union County, Ohio  
May 13<sup>th</sup> 1929.

Orders of Confirmation  
Distribution.

Orders of Confirmation, Distribution  
This day this cause came on to be heard on the report of John Harris, admr. etc., of John W. Brown of his proceedings under the former order of this Court and upon the motion of said petitioner to confirm the sale made in obedience to said order; and the Court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made; it is ordered that the same do, and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said John W. Brown, in said real estate, to the purchaser, C. W. George upon the said purchaser payments of the purchase money.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of Seven Hundred Twenty Dollars; and the said John W. Brown leaving no widow.

The Court finds that there is due the said Mary E. Knott upon the note set forth in her answer and cross-petition, from the estate of said John W. Brown, with interest thereon from the date of this entry; that the said John W. Brown to secure the payment of said promissory note, gave a mortgage upon the premises in the petition described which was a valid and subsisting lien upon said premises, and now upon the fund, in the hands of said admr. arising from the sale of said premises.

It is ordered that an entry of release and satisfaction of said mortgage lien be entered of record in the office of the recorder, of Union Co. Ohio, according to law.

It is further ordered that said admr. out of the money in his hands pay:

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

113-46

First:

To the Treasurer of this County, the sum of \$10<sup>00</sup> being the taxes, penalty and interest thereon against said property.

Second:

The cost and expenses incurred in the sale of said property, including an attorney fee of \$30<sup>00</sup> to John W. Dailus and \$37<sup>00</sup> the percentage of said adun. herein, amounting to the sum of \$---

Fourth:

To Mary E. Knook, on the note and mortgages set forth and described in her answer and cross-petition herein, the sum of \$245<sup>00</sup> which the Court finds to be amount due her.

It is further ordered, that the balance of said proceeds amounting to the sum of \$--- be accounted for by said --- according to law.

And, it is further ordered that this proceeding be recorded and that said petitioner pay the costs \$--- out of the proceeds of said sale.

W. H. Husted, Probate Judge

11482

Jan. 12-

1929

Lemard Cox  
atly.

Petitioner

11482



Final Record, Union County Probate Court

11482  
Jan. 12-  
1924

Petition for Sale of Real Estate to Pay Debts,  
Probate Court, Union County, Ohio.

Demard Cox  
atly.  
W. C. Forman, administrator  
of the estate of  
John C. Forman, deceased,  
Plaintiff

vs  
Clare Forman,  
Della Glue,  
Laura Good,  
J. L. Forman,  
C. A. Forman,  
W. C. Forman,  
Erdene Forman,  
Robert Biedrich, the  
last two minors, <sup>and</sup>  
The Citizens Home <sup>and</sup>  
Savings Co. of  
Mansfield, Ohio.

Civil Action  
Petition to  
sell Real Estate

Petition.

Defendants

Petitioner

The Plaintiff represents that he is the duly appointed  
and qualified administrator of the estate of John C.  
Forman, late of Union County, Ohio deceased; that the  
amount of debts due from the deceased, is  
Two thousand and seventy-five dollars, more or less as  
they can be ascertained (a schedule of which debts  
is hereto attached, as follows) Citizens Home and  
Savings Co. \$1600-

- F. M. Atkinson 350.
- C. J. Thompson 50.
- Edwin Clepoadde 50.
- Int. Factory Bank 25.

that the charges of administration of said estate  
will amount to about \$100- and that the total  
value of the personal estate and effects of said  
deceased, is but three hundred dollars, being wholly  
insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said John C.  
Forman died seized in fee simple of the following  
described real estate, situated in the County of  
Union, State of Ohio, and in the Township of  
Washington Twp.  
and Survey No. 10971. E. bounded, as follows:

Beginning at a stone in the center of the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11482

Marysville and Kenton gravel road and, at the north-east corner of Minor L. Forman's land: thence with the north line of said land S. 81° 00' W. 15-8 40/ poles to the center of the Silver Run ditch: thence with the center of said ditch N. 5° 30' East 30 40/ poles to a stake at an angle in Josephine Gray's land: thence with the south line of said land N 81° 30' E. 133 20/ poles to a stone in the center of said road: thence with the center of said road S. 33° E. 40 16/ poles to the beginning.

(Containing 32 7/8 acres more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is

Sixteen Hundred Thirty Three <sup>and</sup> 7/8 Dollars.

The said decedent died leaving no widow entitled to dower in said premises: that the defendants

- Reed Forman,
- C. A. Forman,
- J. L. Forman,
- Lura Good,
- W. C. Forman,
- Erdine Forman,
- and Robert Biederts,

are the only brothers, sisters, nephews, and nieces of said decedent, having the next estate of inheritance from said John C. Forman, deceased, in said premises, that the defendants

The Citizens Home and Saving Company of Marysville, O. claims some right or interest in said premises.

The plaintiff therefore prays that the rights, interests and liens of the said

The Citizens Home and Saving Company may be fully determined, adjusted and protected according to equity and, that your petitioner may be authorized and ordered to sell said real estate, according to the statute in such case made, and, provided, and for all other proper orders, and relief in the premises

Edward Cox

atly. for Plaintiff

11482

Purife

Filling Petition

Wainor

Final Record, Union County Probate Court

11482

The State of Ohio, Hardin Co.  
W. C. Forman, the within named Plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true, to the best of his knowledge, and belief.  
W. C. Forman.

Sworn to before me, and signed in my presence, this 10-day of Jan'y. 1924.  
Edward Cox,

Recife

Probate Court Union County, Ohio  
Recife

In the Probate Judge:  
Issue summons for said The Citizens Home and Savings Co. Defendants, directed to the Sheriff of said County, returnable according to law.  
Edward Cox, Plaintiff's atty  
Other Defendants have waived.

Filing Petition

In the Probate Court, Union County, Ohio.  
January 12-1924.  
Journal Entry. Filing Petition to Sell Real Estate.  
This day came the Plaintiff W. C. Forman, and presented to this Court his petition, duly verified praying an order for the sale of real estate of the said W. C. Forman, deceased, to pay the debts, and the cost of administering the estate of the said decedent.

Whereupon, it is considered and ordered by this Court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law, to answer the same be given to each of the said defendants. & this cause is continued.  
M. H. Hooted, Probate Judge

Waiver

Waiver of Summons, <sup>and</sup> Consent to Sell.  
Probate Court, Union County, Ohio.  
We, the undersigned, Della Blinn, Laura Lovick, J. L. Forman, C. A. Forman, Pearl Forman, and also D. L. Binton Guardian of the Estate of Edene Forman, Belie Belideth Edn. of the

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11482

estate of Robert Kieldruth minors: parties defendant to the  
petition in the above entitled action, do each of us  
hereby make the issuing and service of summons and  
voluntarily enter our appearance as such defendants.  
And we do hereby consent to the sale of the  
Real Estate described in the petition in said action  
according to the prayer of the same.

January 12- 1929  
Reed Forman  
C. S. Forman  
J. L. Forman  
Mrs Della Cline  
Mrs Laura Goch

D. L. Kinton as adm. of the estate of Erdene Forman (Minor)  
Ben Kieldruth " " " " " " Robert Kieldruth (Minor)

11482

Cross.  
Petition  
Citizens  
Home  
Savings  
Co.

Summons

Summons on Petition to Sell Real Estate.  
The State of Ohio, Union Co. Probate Court.  
To the Sheriff of said County:  
You are commanded to notify the Citizens Home  
and Savings Company that on the 12. day of January  
1929, W.C. Forman, adm. of the estate of John C.  
Forman, deceased, filed his petition in the Probate  
Court of said Union County Ohio against them and  
others: the object and prayer of which petition is to  
obtain an order for the sale of certain Real Estate  
belonging to said decedent, in said petition  
described, for the purpose of paying debts.  
And that unless they answer by the 23- day of  
Feb. 1929, said petition will be taken as true, and an  
order granted accordingly.  
Said Sheriff will make due return of this  
writ on the 4- day of Feb. 1929.  
Witness my hand and the seal of said Court.  
This 21- day of January, 1929.  
Geo. W. Husted,  
Probate Judge, of said County.

Sheriff's

Return

Sheriff's Return.  
The State of Ohio, Union County.  
Received this writ January 21- 1929  
at 10. A.M. and pursuant to its command  
I served the same by personally handing to  
Reed C. New Sec. of the Citizens Home and Savings  
Company, a true and certified copy of this writ  
with all the endorsements thereon.  
J. B. Lutzsch, Sheriff  
By, Mary E. Cline, Deputy.

Order

11482

Shuff's fees  
Service and Return. 75  
Total 70

Cross-Petition.

Cross-Petition

Citizens Home Savings Co.

In the Probate Court, Union County, Ohio, now comes the defendant, The Citizens Home and Savings Co., and, that it is a corporation organized under the laws of Ohio, with its principal place of business at Marysville, Ohio.

On the 26 day of Sept. 1927 the said John C. Forman executed and delivered to this defendant his promissory note for the sum of \$15.75 with interest at 7% from date, payable on or before three years.

On said date, in order to secure payment of said loan, the said John C. Forman executed and delivered to this defendant his mortgage deed thereby conveying the premises described in the petition.

That said mortgage was conditioned in substance as follows:

That if said note be paid when due, then said mortgage to be void; otherwise to remain in full force and effect.

Said mortgage was filed for record with the recorder of Union County Sept. 27-1927 at 9:30 A.M. and was recorded in Book 96 page 15 of the Mortgage Records of said County, and is the first and best lien on said premises.

That there is now due this defendant upon said note the sum of \$16.26.25 with 7% interest from January 28-1928.

Wherefore this defendant prays that upon sale of said premises its claim be first paid out of the proceeds.

C. A. Hoopes, Atty.

Order

State of Ohio, Union County, ss.  
Read Kerr, being first duly sworn say, that he is the Secretary of the Citizens Home and Savings Company (and, that the facts stated & allegations made in the foregoing cross-petition are true, as he truly believes.

Read Kerr, Secy.  
of The Citizens Home & Savings Co.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11482

Brought to before me, and subscribed in my presence this 28. day of Jan'y 1929. Edith O. Wood, Notary Public

Probate Court, Union County, Ohio.  
March 19 - 1929.

Journal entry. Ordering Sale.

Ordering Sale.

This day this cause came on to be heard upon the petition, the answer of the Citizens Home and Savings Co., evidence and testimony, and the Court being fully advised in the premises finds:

That all the defendants herein have been duly served with process or have voluntarily entered their appearance herein, and are now properly before the Court.

That the allegations of said petition are true, and that it is necessary to sell the real estate in the petition described to pay the debts of the deceased and cost of administration.

The Court further finds that the real estate in the petition described was appraised by the appraisers of the personal estate at \$1633.75 (1633<sup>24</sup>) and the Court also finds that the bond heretofore given by the plaintiff as administrator of the estate of John C. Lorman, in the amount of Two thousand (\$2000<sup>00</sup>) Dollars, is sufficient.

It is therefore ordered, that further appraisement and additional bond be dispensed with.

It is now ordered, that said W. C. Lorman as such Adm., proceed to advertise for sale at the Court House in said County, the said real estate for four consecutive weeks in a newspaper of general circulation in said County, and he is further ordered to sell the same at not less than 2/3 of the appraised value, and on the following terms: Cash.

The said W. C. Lorman is authorized to expend the sum of five dollars in employing an auctioneer to buy said sale, and is ordered to make returns to this Court, immediately after such sale.

Witness my hand and the Seal of said Court this 19th day of March 1929.

W. H. Husted Probate Judge

Admin. Sale

In pursuance of an order of the Probate Court of Union County Ohio, I will offer for sale at public Auction on the 26. day of April, 1929, at 1. P.M. at the north door of the Court House, in

11482

Order

Order of sale.

Free of Debt.

Final Record, Union County Probate Court

11482

Marysville, Ohio, the following described real estate situated in the State of Ohio, County of Union, Township of Washington and Survey 10971. and bounded and described: see description in Petition.

appraised at \$1633.<sup>70</sup>

Terms of sale: cash.  
W.C. Forman, admr.

Order

The State of Ohio Union County ss.  
Personally appeared Lena Huber, and made solemn oath that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after March 20-1929 in the weekly Marysville Tribune, a newspaper of general circulation in the County aforesaid.

Lena Huber,

Known to before me, and signed in my presence, this 12-day of April, 1929.

J. M. Huber, Notary Public

Fees \$11.<sup>20</sup>

Order of sale.

Order of Sale, True of Donor.

True of Donor.

The State of Ohio, Union County, Probate Court.

To, W.C. Forman, Admr. of the Estate of John C. Forman, deceased. Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause, wherein you, as Admr. of the estate of John C. Forman, are Plaintiff and Della Blair et al. are Defendants, you are commanded to proceed according to law, to sell at public sale for not less than  $\frac{2}{3}$  the appraised value thereof for of donor, the following described premises, to-wit: Situate in the State of Ohio, County of Union, Township of Washington and Survey no. 10971, and bounded and described as follows:

Beginning at a stone in the center of the Marysville and Tilton gravel road and, at the north east corner of Minor L. Forman's land; thence with north line of said land, S. 81° 50' W. 158.40 poles to the center of the Silver Run ditch; thence with the center of said ditch N. 5° 30' E. 34.40 poles, to a stake at an angle in Josephine Gray's land; thence with the south line of said land N. 81° 30' E. 123.20 poles, to a stone in the center of said road; thence with the center of said road

Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 8203

11482 S. 33° E. 40.16 poles to the beginning. Containing 32.76 acres more or less

Said sale to be public <sup>and</sup> to be upon the following terms: cash

you will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville, Ohio this 19<sup>th</sup> day of March, 1929. W. C. Forman, Probate Judge

Return

Return

In the Probate Court of Union County, Ohio. In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 26<sup>th</sup> day of April, 1929. W. C. Forman.

Report of sale.

Report

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Marysville Tribune newspaper printed and of general circulation in Union County, Ohio, where said real estate is situate, for at least 4 consecutive weeks prior to the 26<sup>th</sup> day of April 1929, the day of sale therein mentioned; stating in the notice the time, place and terms of sale; and on said day, at the hour of 1 P.M. I attended the place of sale, and offered said real estate for sale, when Felix Durr of Washington Sp. bid to pay for the same the sum of Seven Hundred <sup>and</sup> no/100<sup>ths</sup> of dollars, which being the highest and best bid that was offered, and being more than 75% of the appraised value of said premises then and there sold the same to -- for that sum.

W. C. Forman, Adm. of the Est. John C. Forman. Dated the 26<sup>th</sup> day of April 1929.

The State of Ohio, Union County.

Q. A. H.

The above named W. C. Forman, being duly sworn, says that the sale above reported has been made after diligent endeavor, to obtain the best price for said property, and that said sale, is for the highest price he could get for said property.

W. C. Forman

11482

Confirming Sale

and Distributing Proceeds



Final Record, Union County Probate Court

11482

Know. to before me and signed in my presence this 26 day of April 1929

W.H. Husted, Probate Judge

Confirming Sale

and

Distributing Proceeds

Probate Court, Union County, O May 1-1929  
Confirming Public Sale and Distributing Proceeds

This cause came on this day to be heard upon the report of the plaintiff of sale made to Felix Durr for the sum of Twelve Hundred and twenty-five <sup>dollars</sup> as heretofore ordered and the proceedings appearing in all respects regular and in conformity to law they are hereby approved and confirmed.

And the said W.C. Forman, adur. is ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises so sold.

It is further ordered that satisfaction of the mortgage The Citizens Home and Savings Co. herein set forth in the petition be entered on the record thereof in the office of the recorder of Union County, where it is recorded.

and the court coming now to distribute the proceeds of said sale amounting to Twelve Hundred and twenty five.

It is ordered that said Adur out of the money in his hands pay:  
First To the Treasurer of this County the taxes penalty and interest against said property \$66.76 2/3

Second Two the sum of twenty-five dollars attorneys for plaintiff.

To The Citizens Home and Savings Co. on the note and mortgage set forth and described in its cross-petition the sum of \$ --- to apply said mortgage.

It is ordered that the balance of said fund amounting to \$ --- be accounted for by said Adur. according to law.

W.H. Husted  
Probate Judge

duly know. made at price is for property.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11452  
nw. 26.

1928. E.C. Paterof, administration  
of the estate of  
George Black Deceased.  
Plaintiff.

v.  
Myrtle Black  
Mina Adams. <sup>and.</sup>  
The National Life Insurance Co.  
Defendants.

Petition

11452

Now comes E. C. Paterof, and says, that he is the duly appointed and qualified and acting administrator of the estate of George Black deceased, who died on the 20. day of October 1928. and that on the 24. day of October 1928. he was appointed as such administrator by the probate court of Union County, Ohio, and qualified therein as such in case # 11424.

That the said deceased at the time of his death owed debts as near as can be ascertained at this time to an amount in excess of \$6000.00, that the expenses and costs of administering his estate will amount to more than \$400.00

Petition

That the total amount of the personal property and assets of the deceased will not exceed the total sum of \$2000.00 being wholly insufficient to pay the debts of the deceased, and the expenses of administering his estate.

That the said deceased died seized in fee simple and the owner of the following described real estate to wit:

Situated in the Township of Dover, County of Union State of Ohio, and a part of Survey No. 5499, and

Beginning at a stake in the south Bank of Blues Creek (two buckle horns gone) <sup>an.</sup> corner to Abdalom Siggitt's land thence N. 5° W. crossing said creek with the west line of Alameda J. Dr. Good's land, 147.40 poles to a stone and stake in the south line of the F. Jasper Sayer's farm; thence with said Sayer's land south line N. 83° 45' W. 120 poles to a stone in the center of the Buckeye Gravel Road; thence with the center of said gravel road S. 5° E. 40.10 poles to a stone N.W. corner to S. B. Pagers land; thence N. 85° E. 26.66 poles to a stone; thence S. 5° E. 30 poles to a stone; thence S. 85° W. 26.66

11452

11452

Petition

Final Record, Union County Probate Court

11452 poles to a stone in the center of said Buckeye  
 gravel Road; thence with the center of said gravel road  
 S. 5° E. 80.90 poles to a stake in Blues Creek  
 (Walnut and ash gone) thence down said creek  
 following the old channel thereof to the beginning  
 containing 111.25 acres more or less.

Excepting therefrom a tract conveyed by Christine  
 Harris to Malow Mangum Jan. 12. 1951. described  
 as follows:

Petition

Beginning at a point in the center of Blues Creek  
 about 16 rods below the intersection of said  
 creek with the Springdale Gravel Road, and at  
 the point of divergence between the old channel  
 and the new channel; thence with the center of the new  
 channel N. 69° E. 4 poles; N. 81° E. 19.60 (19.60) poles to  
 the junction of said channel; thence following the  
 center of the old channel and with the meandering  
 thereof S. 63° W. 5.52 poles; S. 22° 45' W. 15.68 poles;  
 S. 1° E. 5.60 poles; N. 72° 30' W. 15.44 poles; N. 76°  
 W. 4 poles; N. 54° 30' E. 10.24 poles; N. 7° W. 6.28  
 poles; N. 34° 45' W. 4.40 poles to the place of beginning  
 containing 2.1 acres more or less.  
 Leaving 109.15 acres. " " "

That it is necessary to sell said real estate to pay  
 the indebtedness of the said deceased.

That the defendant Myrtle B. Black is the widow  
 of the said George Black and her age at the  
 time of his death was 66 yrs. and as such widow  
 she claims a right of dower in said real estate.  
 That the defendant, Minnie Adams, is the only  
 child and heir at law of the said deceased  
 having a next estate of inheritance from the  
 said deceased in said real estate.

That the defendant, The National Life Insurance  
 Company, has or claims to have some claim  
 or lien on said real estate.

Wherefore, the plaintiff prays, as such  
 Administrator that the said defendant's and  
 each of them be required to set up their  
 claim in this action; that it be ordered by the  
 Court that he be instructed to sell the said real  
 estate and for such other and further relief,  
 and orders in the premises as may be  
 just and equitable. Mrs. L. Myers, Atty. for Plaintiff

11452

Final Record; Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11452

The State of Ohio, Union County, ss.

E. C. Pottorf, being duly sworn, says, that the facts stated and the allegations made and contained in the foregoing petition are true, as he believes.

E. C. Pottorf.

Done to before me, and signed in my presence, this 21 day of November, 1928.

Maud Pyles, Notary Public

In the Probate Court, Union County, Ohio.

Nov. 26<sup>th</sup> 1928.

no. 11452

Journal entry. Filing Petition.

Filing Petition

This day came the plaintiff E. C. Pottorf, administrator of the estate of George Black, and presented to this court his petition duly verified praying an order for the sale of real estate of the said George Black, dec'd to pay the debts and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered, by this court, that the said petition be filed, and that due and legal notice of the filing, pendency and prayer of the said petition and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued.

W. H. Thurstel, Probate Judge

Answer

Answer

In the Probate Court, Union County, Ohio. Now comes Myrtle B. Black, one of the defendants named in the plaintiffs petition and voluntarily enters her appearance, herein, and for answer says:

That she is the widow of George Black, deceased, and that her age was 66 years at the time of his death, and as such widow she is entitled to dower in the real estate in the petition described.

That she hereby waives her dower interest in said real estate, waives her homestead rights, or her interest in rents, issues and profits, and consents that the said real estate may be sold free and clear of any right, or interest she may have therein, and hereby elects to take whatever interest she may have therein, in money, out of the proceeds of the sale received from said real estate in an amount as may be fixed by the court.

11452

Case

main

Minor

Brook

Petition

U.S. of

America

Life

Insurance

Co.

Final Record, Union County Probate Court

1745-2

Wherefore, she prays, that the real estate may be sold as prayed for, by the plaintiff, and, that the value of her interest and right therein be determined and fixed by the Court and, that she be allowed and paid the same, in money, out of the proceeds of the sale, and, that her interest be protected by the Court.

Myrtle B. Black.

Oath

State of Ohio, Highland County, ss.

Myrtle B. Black, being duly sworn, says, that the facts stated and the allegations made, and contained in the foregoing answer are true, as she believes.

Myrtle B. Black.

Sworn to before me, and signed in my presence, this 23-day of November, 1928.

Robt. B. McMillen, Notary Public.

main

main

In the Probate Court, Union County, Ohio.

By Myrtle B. Black

Minor

The undersigned, do hereby waive the issuing and service of process and summons, in the above cause, and, voluntarily enter our appearance therein. Myrtle B. Black.

Cross.

Petition

U.S. of

America

Life

Insurance

vs.

Cross-Petition of the National Life Insurance Company of the United States of America. Now comes the defendant, the National Life Insurance Company of the United States of America and in its Cross-Petition says: That it is a corporation duly organized under the laws of the State of Illinois and, that its principal place of business is at Chicago Illinois. On, the 28-day of March, 1918, the said George W. Black (deceased) who was on said date unmarried, executed and delivered to the Michigan Mutual Life Insurance Company his promissory note the copy of which with all credits, is as follows: To the Board of Education of Dover Township, making therein conveyed 1 1/2 acres, more or less, excepting a tract therein described conveyed to Christiana Hains to Malou Neaugans January 12-1901. Requiring at a point in the center of Bluescreek, about 16 rods below the intersection of said creek, with the Springdale Grand Road, and at

## Final Record, Union County Probate Court

THE W-W-S CO., CINC., O. 6203

11452

The point of divergence between the old channel and the new channel: thence with the center of the new channel north  $69^{\circ}$  East 4 poles; thence north  $81^{\circ}$  East 19.60 poles to the junction of said channel, thence, following the center of the old channel and, with the meanderings thereof South  $63^{\circ}$  West 5.32 poles; South  $22^{\circ}$  45' West 15.68 poles; South  $1^{\circ}$  East 5.60 poles; North  $72^{\circ}$  30' West 15.44 poles; North  $26^{\circ}$  West 4 poles; North  $57^{\circ}$  30' East 10.24 poles; North  $7^{\circ}$  West 6.28 poles; North  $34^{\circ}$  45' West 4.40 poles to the place of beginning, containing 2.1 acms. more or less. The acreage thereby conveyed being 108.9 acms. more or less.

Cross-Petition

The above described real estate is the same tract of land, described in the petition herein.

Said mortgage was conditioned as follows:

"Provided always, and these presents are upon the express condition, that if the said party of the first part (George M. Black) shall, and do well, and truly pay, or cause to be paid, to the said party of the second part, (The Michigan Mutual Life Insurance Co.) at its home office in Detroit, Michigan, the sum of forty-four hundred dollars, at the expiration of five (5) years from the date hereof with interest thereon, payable semi-annually, at the rate of five percent per annum, in accordance with the terms of a certain promissory note of even date herewith, made by George M. Black to said party of the second part, to which note this mortgage is collateral, and shall fully keep and perform all other covenances and agreements herein after contained, then these presents shall cease and be null and void."

The said mortgage was filed for record with the Recorder of Union County, Ohio, on the 3<sup>rd</sup> day of April 1918, at 11:35 o'clock, a. m. and was recorded by said Recorder, in Volume 80 page 629, of the Mortgage Records of Union Co. Ohio, and is the first and best lien on said real estate.

On the 12<sup>th</sup> day of March, 1923, the said George M. Black and the said The Michigan Mutual Life Insurance Co., entered into an agreement in writing, whereby the time for the payment of the principal sum of said note was extended until the 28<sup>th</sup> day of March, 1928.

11452

11452

Final Record, Union County Probate Court

1145-2

\$4400.00

Detroit, Mich. March 28 - 1918.

On the 28 day of March 1918. I promise to pay to the order of The Michigan Mutual Life Insurance Co. the principal sum of forty-four hundred dollars at the Home office of said Company, at Detroit Michigan value received, with interest thereon from the date hereof, at the rate of Four per cent per annum, payable semi-annually, and on all overdue principal and interest at the rate of 7 1/2 per annum, payable semi-annually, until this note is paid.

This note is secured by mortgage of even date herewith made by me to said Michigan Mutual Life Insurance Company George M. Black.

On any interest paying date before this note becomes due the sum of \$100. or any multiple thereof may be paid on the principal.

10-1-28 - 1915 Paid on principal \$89. Revenue Stamp.

The interest upon said note has been paid to Sept. 28 - 1928 and there is now due thereon the sum of \$4377.61 with interest at 6% from Dec. 11 - 1928.

On the 28 day of March 1918. in order to secure the payment of said note the said George M. Black executed and delivered to the said The Michigan Mutual Life Insurance Co. his mortgage deed, thereby conveying the following described real estate:

See description in Petition.

On the 30 day of April 1927 for value received said The Michigan Mutual Life Insurance Company in writing, assigned said note and mortgage to the defendant, The National Life Insurance Company of the United States of America.

That said assignment was filed for record with the recorder of Union County, Ohio, on the 2 day of May, 1927, at 1:50 o'clock P.M. and was recorded by said recorder in volume 4, of the records of releases of mortgage on page 281.

On the 19 day of March 1928 the said George M. Black and the defendant, Marye S. Black who was on said date the wife of said George M. Black entered into an agreement in writing with the defendant The National Life Insurance Co. of the United States of America, whereby the time

1145-2

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1145-2

for the payment of the principal sum of said note was extended until the 28 day of March 1930 with interest at 6% per annum payable semi annually.

Wherefore, the defendant, The National Life Insurance Co. of the United States of America, prays that upon the sale of said real estate, its said claim upon said note amounting to \$4377.<sup>00</sup> with 6% interest from Dec. 11<sup>th</sup> 1928 be first paid; and that in event said real estate should not sell for enough to pay said claim in full, that the plaintiff as such Administrator be authorized and directed by this Court to pay such balance out of the remainder of the estate of the said George M. Clark, and for such other relief as is proper.

C. A. Hooper Defendant.

1145-2

State of Ohio, Union County, ss.

Oath.

C. A. Hooper, being first duly sworn, says that he is the attorney for the National Life Insurance Company of the United States of America, a corporation; that the above Cross Petition is founded upon written instruments for the payment of money only, that said instruments are in the possession of affiant, and that the facts stated and allegations made in the foregoing Cross-Petition are true, as he truly believes.

C. A. Hooper

Sworn to before me, and subscribed in my presence, this 11<sup>th</sup> day of Dec. 1928.

Edith O. Wood, Notary Public

Sheriff's Return

In the Probate Court, Union County, Ohio  
Precipe.

Precipe.

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Franklin County, Ohio, for the defendant, Minna Adams, who resides at 433 So. Warren Av., Columbus, Ohio.

Indorse "action for Sale of Real Estate to pay Debt" and make returnable according to law.

Wm. L. Myers, atty. for Plaintiff.

order of  
S.C.

Summons.

Summons on Petition to Sell Real Estate  
The State of Ohio Union Co. Probate Court.

To the Sheriff Franklin Co-

You are commanded to notify Minna Adams  
433 So. Warren Av., Columbus, Ohio.

That on the 26 day of Nov-1928

E. C. Patton of the estate of



Final Record, Union County Probate Court

1145-2

George Black deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is, to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts, and that unless they answer by the 20-day of April, 1929, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 1<sup>st</sup> day of April, 1929.

Witness my hand, and the seal of said Court this 19<sup>th</sup> day of March, 1929

Wm. Husted, Probate Judge

Sheriff's Return

Sheriff Return

The State of Ohio, Franklin Co.

Received this writ, March 20-1929 at 9 a.m. Pursuant to its command, on March 21-1929, I served the writ on the within named Mina Adams by personally handing to her, a true and certified copy of this writ with all endorsements thereon.

Harry T. Paul, Sheriff Franklin Co.,

By J. M. Corbett Deputy.

order of sale

Order of Sale

True from Dorr.

The State of Ohio, Union Co.

Probate Court.

To E. C. Patton: Greeting;

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as administrator of the estate of George Black, deceased, are Plaintiff, and Myrtle B. Black et al. are Defendants you are commanded to proceed, according to law, to sell at private sale for not less than \$5000.00 the appraised value thereof free from the dower of Myrtle B. Black, widow of George Black, dec'd, the following described premises, to-wit: Situated in the Township of Dorr, County of Union, State of Ohio and a part of Survey No. 5499, and

Beginning at a stake in the south bank of Blues Creek (two buckle bars gone) and corner to Absolem Diggitt's land; thence N. 5° W. crossing said Creek, and with the west line of Amanda D. Lord's land, 147<sup>40</sup> poles to a stone stake in the South line of the F. Jaeger

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

1145-2

Sager's farm: thence with said Sager's land south line S. 83° 45' W. 120 poles to a stone in the center of the Buckeye Gravel Road; thence with the center of said Gravel road S. 5° E. 40.10 poles to a stone N.W. corner to S.B. Pipers land; thence N. 85° E. 26.66 poles to a stone; thence S. 5° E. 30 poles to a stone; thence S. 85° W. 26.66 poles to a stone in the center of said Buckeye Gravel Road; thence with the center of said gravel road S. 5° E. 80.90 poles to a stake in Blues Creek (Walnut and ash gone) thence down said creek following the old channel thereof to the beginning.

Containing 111.25 acres more or less.

Excepting therefrom a tract conveyed by Christina Hains to Malou Mangum Jan. 12<sup>th</sup> 1901 described as follows:

Beginning at a point in the center of Blues Creek about 16 rods below the intersection of said creek with the Spring Dale Gravel Road, and at the point of divergence between the old channel and the new channel thence with the center of the new channel N. 69° E. 4 poles; N. 81° E. 19.60 poles to the junction of said channel; thence following the center of the old channel, and with the meandering stream S. 63° W. 5.52 poles; S. 72° 45' W. 15.65 poles; S. 7° E. 5.60 poles; N. 72° 30' W. 10.44 poles; N. 26° W. 4 poles; N. 54° 30' E. 10.24 poles; N. 7° W. 6.28 poles; N. 34° 45' W. 4.40 poles to the place of beginning.

Containing 2.1 acres more or less. Leaving 109.15 acres more or less.

Said sale to be private and upon the following terms Cash in full in hand on day of Sale.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Marysville Ohio this 20<sup>th</sup> day of July 1929.

W. H. Husted, Probate Judge

Return

Return

To the Probate Court of Union County Ohio  
 In obedience to the foregoing order I have caused the same to be duly executed, as will fully appear by the proceeding hereto attached  
 Dated the 20<sup>th</sup> day of July 1929.  
 E. C. Pafford

1145-2

Report

of sale

Order

application

of

sale

Real estate

at

Private sale

Final Record, Union County Probate Court

1145-2  
Report  
of  
sale

Report of Sale.  
In obedience to the within order, I sold said premises on the 20 day of July 1929, to  
Byms. B. Callicott, and Lucy A. Callicott.  
For the sum of Five Thousand Five Hundred & <sup>no</sup>/<sub>100</sub> Dollars said sum being more than the appraised value of the same.  
E. C. Patterf.  
Dated the 20 day of July, 1929.

Oath

The State of Ohio Union County,  
The above named E. C. Patterf being duly sworn says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.  
E. C. Patterf  
Known to before me, and signed in my presence, this 20 day of July 1929.  
Maud Pyers, Notary Public <sup>(Seal)</sup>

application  
of  
sell  
Real Estate  
at  
Private sale

Application to Sell Real Estate at Private Sale,  
Probate Court, Union County, Ohio,  
no. 11452.  
Application  
The said Plaintiff represents that it would be for the best interest of the said estate to sell the real Estate described in the petition in this case, at private sale, for the following reasons:  
First:  
That the said real estate can be sold forthwith for cash, in hand, for more than the appraised value thereof.  
Second:  
That the consideration offered for said real estate is all said real estate is reasonably worth.  
Third:  
That to sell at private sale will save the expense of advertising and offering for sale at public sale.  
And he therefore asks for an order authorizing him to sell said real estate at private sale.  
E. C. Patterf. a dx.

with line S.  
to Buckeye  
gravel  
corner to  
to a stone:  
5° W. 26. 66  
Gravel Road:  
° E. 80. 90  
ash gone)  
usual though  
  
Christina  
cribed, as follows:  
  
of Bluro  
said  
and at  
channel  
of the  
poles to the  
the  
meandering  
6 5 poles  
11° W. 26°  
28 poles  
giving  
  
ing terra  
ings  
order.  
of said  
of  
  
leaves  
as will  
ched

Final Record, Union County Probate Court

THE W-W-B CO., CIN., O. 6203

11452

The State of Ohio, Union County,  
 E. C. Patton being duly sworn, says, that the various  
 matters set forth in the foregoing application are true,  
 as he verily believes  
 E. C. Patton.

bronn. to before me and signed in my presence this  
 20 day of July, 1929.  
 Maud Pyles, Notary Public.

Affidavit  
of  
Disinterested  
Persons.

Affidavit of Disinterested Persons

The State of Ohio, Union County,  
 C. A. Hoopes and John L. Sellers, being duly sworn, says  
 that they know the facts set forth in the  
 Application to which this affidavit is attached; that  
 they have no interest whatever in the matters therein  
 referred to, and that it will be more for the interest  
 of the said estate to sell said real estate at  
 private sale, than at public sale, as they verily  
 believe.  
 C. A. Hoopes John L. Sellers

bronn. to before me and signed in my presence this  
 20 day of July, 1929.  
 Maud Pyles, Notary Public.

Order of  
Private  
Sale.

Ordering Private Sale.

In the Probate Court, Union County, Ohio  
 This day, this cause came on to be heard upon the  
 petition, evidence, and testimony, the answer, and cross  
 petition of The National Life Insurance Company of the United  
 States of America, and Myrtle B. Black, and the Court,  
 being fully advised in the premises, finds: That all  
 the defendants herein have been duly and legally  
 served, with process, or have voluntarily entered their  
 appearance, herein, and are properly before the Court, that  
 the statements and allegations as made and contained  
 in the petition are true, and that it is necessary to sell  
 said real estate.

That the said defendant, Myrtle B. Black, as widow  
 of the said George Black, deceased, is entitled to  
 dower in said real estate that by her answer  
 herein, filed she waives the assignment of her dower  
 in said premises by metes and bounds, or in rents and  
 profits, and consents to the sale of said premises  
 free from her dower estate therein.

That an appraisement of said real estate

11452

Approving  
Maud Pyles  
Confirming  
Sale

Final Record, Union County Probate Court

11452

is contained in the Inventory, which appraisement is hereby approved and confirmed by the Court, and it is ordered that another appraisement be and hereby is dispensed with, and additional bond is hereby dispensed with.

And, the Court being satisfied that it is necessary to sell said real estate of the said George Black, deceased, as described in the plaintiffs petition, to pay his debts.

And, it further appearing to the Court, that it would be for the best interest of said estate to sell the real estate described in the petition at private sale.

Therefore, and it is hereby ordered, that the said E.C. Petrof as administrator of the estate of the said George Black deceased, proceed to sell said real estate free from the dower estate of the said Myrtle B. Black therein, at private sale for not less than \$5000.00 the appraised value thereof upon the terms of cash in hand on day of sale.

It is further ordered by the Court, that all questions as to the distribution of the proceeds received from the sale of said real estate and as to the priority thereof be continued.

That the said plaintiff as such administrator, upon the sale of said premises is ordered to make due return immediately thereafter of his proceedings in this cause, is continued.

W.H. Husted, Probate Judge

Do. the Probate Court, Union Co. Ohio.

No. 11452.

Journal Entry.

Approving & Confirming Sale.

This day this cause came on to be heard on the report of E.C. Petrof, adm. of the estate of George B. Black, deceased, of his proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order and the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, being satisfied

Approving  
Confirming  
Sale

the various  
in an true,  
under this  
Public  
sworn says  
he  
d that  
then therein  
the interest  
to at  
y truly  
resence this  
Public  
ity, this  
how the  
d. arose  
the United  
the Court.  
That all  
legally  
ed their  
Court. That  
and contained  
sary, to sell  
A. as, widow  
thled to  
ans over.  
has down  
rents and  
premises.  
real estate

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11452

that said sale, was fairly and legally made: it is ordered, that the same be and hereby is approved. <sup>Ans.</sup> Confirmed.

It is further ordered, that the said E. C. Patton as admr. of the estate of George Black, deceased, execute a good <sup>Ans.</sup> sufficient deed of all the right, title and interest of the said deceased in said real estate, to the purchasers.

By Mrs. B. Callicrat and Lucy A. Callicrat

And, that he deliver the same to them upon their paying to him the purchase price, in full.

And as to all other questions and for distribution, it is ordered by the Court, that this cause be continued.

W. H. Husted, Probate Judge

In the Probate Court, Union County, Ohio,

No. 11452,

Entry: Distribution

Entry:  
Distribution

This day, this cause came on for hearing upon motion for distribution of the proceeds received from the sale of the real estate, amounting to the sum of \$5500<sup>00</sup> and the Court find,

That Myrtle B. Black, the widow of the said George Black, deceased, having by her answer filed herein waived the assignment of dower in said premises, by metes and bounds, or in rents and profits, and asked that the value of her dower be allowed and paid to her out of the proceeds of said sale; the Court find the just and reasonable value of her dower interest in said real estate, in money, to be \$775<sup>35</sup>.

That by the answer and cross-petition of The National Life Insurance Company of the United States of America as filed herein, there is due, it upon the note set forth therein, from the estate of the said George Black, deceased; with interest to this date the total sum of \$3532<sup>78</sup> and that the said George Black, to secure the payment of the said promissory note and interest, gave a mortgage upon the premises in the petition described, which mortgage the Court find to be a valid and subsisting lien upon said premises and now upon the funds in the hand of the said Admr. arising from the sale of said

11452

Final Record, Union County Probate Court

11452

premises.

Therefore, it is hereby ordered, by the Court that this Court, enter a release and satisfaction of said mortgage lien of record in the office of the Recorder of Union County, Ohio on the margin of the record of said mortgage in Vol. No. 50 page 679 as found in said recorder's office, and according to law.

It is therefore ordered, by the Court that the said administrator, out of the money in his hands pay,

First, to the County Treasurer of this County the taxes and assessments due, and payable in Dec. 1928, in the sum of \$ 78.77

Second: To this Court, the costs incurred in the sale of said property the sum of \$ 14.21

Third: To Mrs. L. Myers, atty. gen. his services as such, in this action the sum of \$ 5.00

Fourth: To Myrtle B. Black, the value of her dower interest in said real estate, as hereinabove found due her, the sum of \$ 775.35

Fifth: To the National Life Insurance Company of the United States of America the amount as herein above found due, it on its promissory note and mortgage as set forth in its answer and cross-petition filed herein the sum of \$ 4532.78

Sixth: It is further ordered, that the balance of the said proceeds received from said sale, be accounted for by said Administrator according to law, and in the sum of \$ 48.59

It is further ordered that this proceeding be recorded, that the said plaintiff pay the costs herein taxed at \$ 14.21 out of the proceeds of said sale. W. H. Husted, Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-91  
May 28 1929.  
A. H. Kuyper  
atty.

Petition to Sell Real Estate.  
To pay debts.

Probate Court, Union County, Ohio.

Civil action  
Petition to Sell Real Estate  
Petition

Lulu Wolford, Adx.  
of the estate of  
Frank Chamrell, decd.  
Plaintiff

Civil action  
Petition to  
Sell Real estate

Bessie Wmsick  
Constance Chamrell  
Mother of  
Mary Chamrell, inf.  
Theodor Almond Chamrell.  
Minor  
Defendants

Petition

The Plaintiff represents that she is the duly appointed and qualified Adx. of the estate of Frank A. Chamrell, late of Union County, Ohio, deceased; that the amount of debts due from the deceased is Two Hundred and fifty Dollars, as well as they can be ascertained

Funeral expenses \$175.00 and other small debts that the charges of administration of said estate will amount to about Fifty Dollars; and that the total value of the personal estate and effects of said deceased is but - nothing, being wholly insufficient to pay the debts and costs aforesaid.

Petition

The Plaintiff further represents that said Frank Chamrell, died seized in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and in the Township of Liberty, to-wit:

Being lots number 129 - 130, in Suddiths Addition to Peoria, Union County, Ohio.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court, Union County, Ohio, by the appraisers of the personal estate of said decedent, and that the amount of said appraisement is Two Hundred Eighty Dollars.

The said decedent died leaving the defendants Bessie Wmsick, Mary Chamrell, and Theodor Almond Chamrell, and Lulu Wolford, Plaintiff are the only

115-91

Part

Receipt

Filing



Final Record, Union County Probate Court

11 5-91

County, Ohio.

Estate

kins of said decedent, having the next estate of inheritance from said Frank Chaumell, deceased, in said premises. That the defendants Bessie Munsick, Mary Chaumell, and Theodore Almond Chaumell, and Lulu Wolford, pray, that the rights, interests and liens of the said Bessie Munsick, Mary Chaumell, and Theodore Almond Chaumell, and Lulu Wolford, may be fully determined, adjusted, and protected according to equity and that your petitioner may be authorized and ordered to sell said real estate, according to the statute in such case made and provided, and for all other proper orders, and relief in the premises.

Lulu Wolford, adx.

Part

The State of Ohio, Union County.  
Lulu Wolford adx. the within named Plaintiff being duly sworn says that the various matters and things set forth in said petition are true to the best of his knowledge, belief

Lulu Wolford.

Sworn to before me, and signed in my presence, this 27 day of May, 1929

A. H. Kallepath, Notary Public

Probate Court, Union County, Ohio  
Civil Action

Receipt

Receipt

In the Probate Court:  
Issue summons for said Bessie Munsick Drexler, this Mary Chaumell Plain City, Ohio Theodore Almond Chaumell, Plain City, two last minors living with their mother, in Plain City, Ohio Defendants, directed to the Sheriff of said County returnable according to law.  
A. H. Kallepath, Plf. Atty.

Filing

In the Probate Court of Union County, Ohio  
May 20 - 1929

Journal Entry, Filing Petition

This day came the plaintiff Lulu Wolford, adx. of the estate of Frank Chaumell, and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said Frank Chaumell, deceased, to pay the debts and the costs of administering the estate

appointed  
Chaumell, late  
amount of debts  
fifty Dollars.

small debts  
state will  
the total  
said  
insufficient

Frank  
the following  
County of  
of  
deaths

State was  
of the Probate  
of the  
the amount  
Dollars  
defendants  
Almond  
the only

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11591

of the said decedent.

Whereupon, it is considered, and, ordered by this Court, that the said petition be filed, and, that due, and, legal notice of the filing, pendancy and, prayer, of the said petition and, of the time in which they are required by law to answer the same, be given to each of the said defendants, and, this cause, is continued.

W. W. Husted, Probate Judge

11591

Wills

Wills of Wills

Probate Court, Union County, Ohio

The undersigned defendant to the Petition in the above entitled action hereby waives the issuing and service of summons, and, voluntarily enters appearance, as such Defendant. And, do hereby consent to the sale of the Real Estate described in the petition in said action according to prayer, of the same.  
May 28-1929.

Bessie W. Mansick

Appl. for  
Appt. of  
Edm. Ashlin

Summons

Summons on Petition to Sell Real Estate

The State of Ohio, Union County, ss.

To the Sheriff of Madison County, Kentucky:

You are commanded to notify Constance Chamwell, mother of following minors, living at Plain City in your county, and, Mary Chamwell, and Theodore Almond Chamwell minor, making service of this summons upon them, and, also upon their guardian, or, father, or, if neither can be found, upon their mother, or, the person having the care, of such, infants, or, with whom they live; that they have been sued, by Lulu Wolford, Adm., of the estate of Frank Chamwell, deceased in the Probate Court of Union County, Ohio, and, that unless, they answer, by the 13-day of July, 1929, the petition of the said Plaintiff for the sale of the real estate of said deceased, therein described, for the payment of debts of said estate, against them filed in said Court, such petition will be taken, as, true, and, judgment rendered accordingly.

You will make due return of this summons, on the 24 day of June, 1929

Witness my signature and, the seal, of said Court, this 13<sup>th</sup> day of June 1929.

W. W. Husted

Probate Judge

Return

Sheriff's Office, Madison Co. Ohio.

Appl.

115-91

June 14 - 1929

Received the within writ on the 14 day of June 1929, at 10 A.M. and pursuant to its command I served the same by delivering a copy of it with the indorsements thereon, personally, to the within named defendants, on the days here named, viz: June 14 1929 to Constance Chamwell, and also as to the within named minor defendants. June 14 - 1929

Mary Chamwell and Theodore Almond Chamwell, E. W. Blaugher, Sheriff  
By: Sam Paulkin, Deputy.

Sheriff's Fees  
Service & Return .75  
names .20 .50  
mileage - 3.00 Total \$ 4.25

Appl. for  
Appt. of  
Gdn. ad litem

Application for appointment of  
Guardian ad litem,  
Probate Court, Union County, this

July 15<sup>th</sup> 1929

To the Hon. W. H. Husted, Probate Judge of said Court:  
The undersigned Lulu Welford makes application for the appointment of a Guardian ad litem for the minor defendant in the above entitled case.

The defendant Mary Chamwell and Theodore Almond Chamwell, under the age of fourteen years, and has been duly served with summons herein.

The undersigned suggests that R. C. Thrall, who is a suitable person be appointed as such Guardian ad litem.

Respy.  
Lulu Welford.

Probate Court, Union County, O. July 15 - 1929.

Appointment of Guardian ad litem

Appt.

This day Lulu Welford adv. of Frank Chamwell appeared in open Court and made application for the appointment of a Guardian ad litem for the minor defendant in the case.

And it appearing to the Court that the defendant Mary Chamwell, and Theodore Almond Chamwell, under the age of fourteen years, and have been duly and legally served with summons herein, it is ordered that R. C. Thrall be and he hereby is appointed Guardian for the suit for said minor defendant.

And now comes the said R. C. Thrall and in

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. #203

115-91

open Court accepts said appointment

W.H. Husted Probate Judge

Answer of Guardian Ad Litem

Probate Court, Union County, Ohio  
No. 115-91

Answer

Answer of minor Defendants

And now comes the said Mary C. Chamwell, and Theodore Almond Chamwell, the minor defendants, to the petition in said cause, by R.C. Thrall their Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition, deny all the material allegations herein contained prejudicial to said minor defendants.

They further say that they are of tender years and not acquainted with the law in such cases, and therefore pray the Court to protect their rights in this cause, and for such relief as may be just.

Dated this 13-day of July, 1929

Mary Chamwell,

Theodore Almond Chamwell.

By Richard C. Thrall, Gd. ad litem

115-91

Order  
for  
Private  
Sale

Appl.  
to sell  
at  
Private sale.

Application to sell Real Estate at Private Sale  
Probate Court, Union County, Ohio  
Application

The said Plaintiff represents that it would be for the best interest of the said Lulu Wolford adx. to sell the real estate described in the petition in this case at private sale, for the following reasons:

That the amount for the sale, as appraised is the highest figure the same can be sold for.

and she therefore asks for an order authorizing her to sell said real estate at private sale.

Lulu Wolford, adx. of Frank Chamwell, Dec'd

The State of Ohio, Union County.

Lulu Wolford, adx. being duly sworn says that the various matters set forth in the foregoing Application are true, as he verily believes.

Lulu Wolford.

Sworn to before me, and signed in my presence, this 15 day of July, 1929

A. H. Kallepinto, Notary Public

affidavit

Affidavit of Disinterested Person.  
The State of Ohio, Union County.

Final Record, Union County Probate Court

11591

E. D. Edwards, and J. O. Thompson, being duly sworn say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell at private sale than at public sale, as they verily believe.

E. D. Edwards. J. O. Thompson.

Sworn to before me, and signed in my presence, this 13-day of July, 1924.

W. B. Kellefrite, Notary Public.

Probate Court, Union County, this July 15 - 1924.

Order for Private Sale

This day this cause came on to be heard upon the petition, evidence and testimony of Lulu Wolford, Adm., of the estate of Frank Chamwell, and the Court being fully advised in the premises, finds:

That all the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein, and are now properly before the Court.

That the statements and allegations in said petition are true. That said Frank Chamwell, deceased, did not leave a widow entitled to dower in the estate to be sold, and an appraisement of such estate is contained in the Inventory.

It is ordered, that another appraisement be and hereby is dispensed with.

And the Court being satisfied that it is necessary to sell the real estate of said Frank Chamwell, described in the petition, to pay his debts.

And, it being made to appear to the Court, upon satisfactory evidence, that it would be more for the interest of said estate to sell the real estate described in the petition at private sale.

It is therefore further ordered, that said Lulu Wolford Adm. proceed to sell said real estate hereof at private sale, for not less than the appraised value thereof, on the following terms to-wit: one third cash in hand on day of sale.

And said petitioner is ordered to make return to this Court immediately after such sale is made.

¶ This cause is continued

W. B. Kellefrite

Probate Judge

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-91

Order of Sale. Turn of Down.

Order of sale.

The State of Ohio Union County, Probate Court  
 To Lulu Wolford Adm<sup>r</sup> of the estate of Frank Chamwell, Greeting:  
 In obedience to an order and decree of the Probate Court within and for said county, made this day in a certain cause wherein you as Adm<sup>r</sup> are Plaintiff and Bessie Wmick et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than \$200<sup>00</sup> the appraised value thereof the following described premises, to wit:

115-91

Confirmation

Being lots number 129 and 130 in Subdiv<sup>s</sup> addition to Peoria Union County Ohio.

Said sale to be upon the following terms:  
 Cash in hand.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansfield Ohio this 13 day of July 1929

W. H. Husted, Probate Judge.

Return

Return

To the Probate Court Union County Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed as will fully appear by the proceedings hereto attached

Dated the 13 day of July 1929  
 Lulu Wolford.

Report of sale.

In the obedience to the within order, I sold said premises on the 15 day July 1929 to Mahala Zaher for the sum of Two Hundred Dollars, said sum being \$200- the appraised value of the same.

Dated the 13 day of July 1929  
 Lulu Wolford.

Oath

The State of Ohio Union County  
 Her above named Lulu Wolford being duly sworn say that the sale above reported has been made after diligent endeavor to obtain the best price for said property and that said sale is for the highest price she could get for said property.

Lulu Wolford.

Final Record, Union County Probate Court

115-91

Sworn to before me, and signed in my presence. This 15<sup>th</sup> day of July, 1929.  
C. W. Husted, Probate Judge.

Confirmation

Journal Entry:  
Orders approving and Confirming Sale.  
Probate Court, Union County, Ohio.  
July, 15 - 1929.

Orders approving and Confirming Sale.  
This day this cause coming on to be heard on the report of Lulu B. Wolford, Adm. of Frank Chamwell, deceased, of her proceedings and sale under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order, the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made.

It is ordered, that the same be, and hereby is, approved, and confirmed.

It is further ordered, that said petitioner execute a deed of all the right, title and interest of the said Frank Chamwell in said real estate, to the purchaser, Mahala Zaher, upon the said purchaser paying the purchase price therefor.

It is further ordered, that this proceeding be recorded, and that said petitioner pay the costs \$13.<sup>00</sup>  
C. W. Husted, Probate Judge

Frank Chamwell, Deceased.  
Probate Court  
in a certain  
and Bessie  
and, to  
sale, for  
thereof

The Addition

ings to this  
of said  
day of

I have  
as will  
attached

sold said  
Mahala Zaher  
sum being

duly sworn  
has been  
tain the  
said sale  
for said

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11228

Petition to Sell Real Estate Pg. 315 - 183 -

Aug 1 - 1929

In the Probate Court Union County, Ohio  
Walter Howard and Louis Michel,  
Executors of the estate of  
Frank G. Sullington, Decd.  
Plaintiff

vs. 11228.

Lucia Sullington et al  
Defendants

Report of Sale

Report  
of  
Sale

In obedience to the within order, we sold tract number  
thru (37) of said real estate on the first day of  
August 1929 to Loviston M. Fairbanks for the  
sum of forty three thousand four hundred and  
twenty five dollars (\$43,425.00) said sum being  
equal to the appraised value of the same.

Walter Howard  
Louis Michel  
Executors

Dated the first day of August 1929

Ordn

The State of Ohio, Union County, ss.

The above named Walter Howard, and Louis  
Michel, executors, being duly sworn, say that  
the sale above reported, has been made after  
diligent endeavor to obtain the best price for said  
property, and that said sale is for the highest  
price they could obtain for said property.

Walter Howard  
Louis Michel  
Executors

Sworn to before me, and subscribed in my presence  
this first day of August 1929

Adelle M. Hagney  
Notary Public

approving

Journal Entry:

Order on approving & Confirming Sale  
Probate Court Union County, Ohio  
Aug. 1 - 1929

This day this cause coming on to be heard on the  
report of Walter Howard and Louis Michel, executors  
of the estate of Frank G. Sullington deceased  
of their proceedings and sale under the former

confirming

approving



Final Record, Union County Probate Court

order of this Court: and upon the motion of said petitioners to confirm sale made in obedience to said order: the Court having carefully examined said report, and finding the proceedings of said petitioners in all respects correct, and being satisfied that said sale was fairly and legally made.

Confirming

It is ordered that the same be and hereby is approved and confirmed.

approving

It is further ordered that said petitioners execute a deed of all the right, title and interest of the said Frank G. Huntington in Tract Number Three (3) of said real estate as described in the petition herein containing 579 acres, more or less, to the purchaser, Loviston W. Fairbanks upon said purchaser paying to said Executors the purchase price to wit: the sum of forty three thousand four hundred and twenty five dollars (\$43,425.00) in cash.

It is further ordered that this proceeding be recorded and that said petitioners pay the costs within ten days.

W. H. Husted, Probate Judge

County. This

28.

at number  
to day of  
for the  
and  
bring  
me

and Louis  
that  
after  
for said  
highest

my presence

Public

Sale  
this

d on the  
xecutors,  
used  
the former

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11532  
Incls. 6-  
1929  
Miss L. Myers.  
Atty.

Petition to Sell Real Estate to Pay Debts.  
In the Probate Court, Union County, Ohio.

11532

Sarah Perry Baker, administratrix  
of the Estate of  
William Perry Baker, deceased.  
Plaintiff.

no. 11532-

Harry Perry Baker, aged 21 years,  
Abel Perry Baker, aged 16 years,  
sole heirs <sup>at law</sup> of William Perry Baker  
Deceased.

Petition for Sale of Real  
Estate to Pay Debts.

Sarah Perry Baker, widow of  
said W<sup>m</sup> Perry Baker, deceased,  
The Union Central Life Insurance  
Company,  
The Farmers Bank of  
West Jefferson, Ohio,  
John W. Keiser, <sup>an</sup>  
Augusta Karme.  
Defendants.

Petition

Plaintiff represents that she was on the 17-day of  
January, 1928, duly appointed and qualified  
Administratrix of the estate of William Perry Baker,  
late of Union County, Ohio, and is still acting  
as such Administratrix; that the amount of debts  
due from the deceased, is \$4000<sup>00</sup> as near as  
they can be ascertained; that the charges of  
Administration of said estate will amount to about  
\$500<sup>00</sup> and that the total value of the personal  
estate and effects of said deceased, is but  
\$2989<sup>00</sup> being wholly insufficient to pay the debts  
and costs aforesaid.

Petition

Plaintiff further says that said William Perry  
Baker died seized in fee simple of the following  
described real estate situated in the County of  
Union, State of Ohio, and Township of Jerome.

Being a part of Virginia Military Survey, no. 5234,  
and beginning at an iron pin in the middle  
of the State Road, leading from New California  
to Bellepoint, being the North east corner, to a  
tract of four (4) acres, and fifty-two (52) square  
rods of land conveyed by Nathaniel Harrington in  
his life time to Harry Shuster by deed bearing date  
April 22, A. D. 1916, and recorded in Vol. 113, at  
page 443, Union County, Ohio. Records of Deeds;

11532

Petition

11532

Final Record, Union County Probate Court

11532

Thence with the north line of said tract and its continuation South 52° 17' East 71.57 poles to a post bring corner to a tract of 33.85 acres of land, belonging to L.C. McDonnell, and from which corner an iron pin bears North 85° 5' East 21.52 poles to a post; thence North 4° 55' West 10.36 poles to a post; thence parallel with the first course North 52° 17' West 80.24 poles to an iron pin in the center of the State Road; thence with the middle line of said road South 38° 8' West 23.32 poles to the place of beginning, containing 11.496 acres of land, more or less.

Also another tract, Part of Survey No. 5234:

Beginning at a stone in the center of the State Road near two miles northeast of New California at the north west corner of a farm known as the farm formerly owned by John McKittrick and now owned by Orr P. McDonnell; thence South 55° E. with said McDonnell line 12 poles to a stone in said line; thence North 35° E. 12 poles to a stone; thence North 55° W. 12 poles to the center of said road; thence with the center of said road to the place of beginning.

Petition

Containing 144 square rods.

Also another tract:

Beginning at a stone in the center of the State Road, and bring the north east corner of a tract of land purchased by Henry Shuster from Nathaniel Harrington by deed dated November 23-1912; thence S. 55° E. 47.76 poles with the north line of said Shuster's lands to a stone or iron pin; thence N. 35° E. 14½ poles to an iron pin; thence N. 55° W. 47.75 poles to an iron pin in the center of the said State Road; thence S. 35° E. 14½ poles with the center of said road to the beginning.

Containing 4 acres and 52 square rods, be the same, more or less, and being a part of Survey No. 5234.

Petition

Also another tract, Survey No. 5234:

Beginning at a hickory North east corner to a tract of land belonging to S. C. McDonnell; thence

11532

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-32

with said Mr. Donnell's north line N. 55° W. 47.76 poles to a stone in the center of the State Road leading from New California to Bellepoint; thence with the center of said road N. 35° E. 14' poles to a stone; thence S. 55° W. 47.76 poles to a stone; thence S. 35° W. 14' poles to the beginning containing 4 acs. 28.64 square rods of land, which was deeded to the Board of Education of Jerome Township, Union County, by the said Nathaniel Harrington.

That plaintiff has given Bond, as such administrator in the sum of \$10,000.

That said decedent died leaving the defendant, Sarah Perry Baker who is 52 years of age, his widow, who is entitled to dower in said premises; that the defendants Harry Perry Baker and Helen Perry Baker are the only children and heirs at law of said decedent having the next estate of inheritance from said William Perry Baker deceased, in said premises; that the defendant The Union Central Life Insurance Company, has a mortgage lien on said premises, in the sum of \$ - -; that the defendant, The Farmers Bank of West Jefferson, claims to have some interest in said property; that the defendants, John W. Gueser, and Augusta Karns, claim to have some interest in said premises.

Plaintiff therefore prays, that the dower of said Sarah Perry Baker in said premises be assigned and set off to her, unless she file her answer herein and consent that the same may be sold free from her said dower, homestead and other rights, she or defendants may have therein; that the rights, interests and liens of the said The Union Central Life Insurance Company, and The Farmers Bank of West Jefferson, and the defendants, John W. Gueser, and Augusta Karns, may be fully determined, adjusted and protected according to equity and that your petitioner may be authorized and ordered to sell said real estate subject to said dower unless the widow release the same, according to the statute in such cases made and provided, and for all other orders and relief in the premises.

W. D. Cockrell Atty. for Plaintiff.

State of Ohio, Union County, ss.

Sarah Perry Baker, the within named plaintiff, being duly sworn, says that the various matters and things set forth in said petition are true to the best of her knowledge and belief.

Sarah Perry Baker

115-32

Mar. 6 - 1929

Filing Petition

Petition

Trans.

Summons

Final Record, Union County Probate Court

115-32

Sworn to before me, this 13. day of January, 1929.

W.C. Vigor

(Seal)

Notary Public, Union Co. Ohio

Mar. 6 - 1929

Entry:

Filing Petition

Filing Petition

In the Probate Court, Union County, Ohio  
This day came, Sarah Pennybaker, adx. of the estate of William Pennybaker deceased, and filed herein her petition for the sale of the real estate in the petition described, for the purposes therein stated.

And, it appearing to the Court, that the defendant Helen Pennybaker, is a minor over the age of fourteen years, and has not been served with process, in this action, it is therefore ordered that Summons be issued for her directed to the Sheriff of Union County, Ohio, as provided by law.

It is further appeared to the Court, that all the other defendants named in the petition have, or will enter their appearance and, that it will not be necessary to issue summons for them, or either of them at this time.

It is therefore ordered by the Court, that this cause be set for hearing on the 6-day of April, 1929, at 10 o'clock a.m.

W. H. Busted Probate Judge

waiver

waiver

The undersigned defendants hereby waive process of service of summons and enter their appearance to the petition of plaintiff for the sale of real estate to pay debts.

The Farmers Bank, West Jefferson, Ohio  
By Crabbe, Johnson, Crabbe & Williams  
its attorney.

Augusta Kames by E. S. Lloyd,  
her attorney.

J. E. Smith atty. for John W. Keefer,  
Sarah Pennybaker,  
Harry Pennybaker.

Summons

Summons, on Petition to Sell Real Estate.

The State of Ohio, Union County,  
To, the Sheriff of Union County, Greeting:  
You are commanded, to notify Sarah Pennybaker

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-32

mother of Helen Perrytaker, a minor, and Helen Perrytaker minor, making service of this summons upon them, and also upon the mother of such infant, or with whom she lives; that she has been sued by Sarah Perrytaker, adx, of the estate of William Perrytaker, deceased, in the Probate Court of Union County, Ohio, and that unless she answer by the 6-day of April 1929, the petition of the said Plaintiff for the sale of the real estate of said deceased therein described, for the payment of debts of said estate, against her filed in said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 6th day of March, 1929.

Witness my signature and the seal of said Court, this 6th day of March, 1929  
W. W. Stouder, Probate Judge

115-32

Return

Return

Sheriffs

Sheriff's Office, Union County, Ohio  
March, 11 - 1929.

Received the within writ, on 8th day of March, 1929, at 2 o'clock, P. M. and pursuant to its command I served the same, by delivering a copy of it, with the indorsements thereon, personally to the within named defendants, on the days named, Mar. 9 - 1929, to Helen Perrytaker (a minor) and Sarah Perrytaker March 9 - 1929, to Sarah Perrytaker, the mother such infant and with whom said minor resides.

J. B. Lutz, Sheriff  
Mary E. Blinn

for  
Service & Ret. 75  
names 25  
 mileage 20 - 160 Total \$ 200

Cross Petition  
of  
The Union  
Central  
Life  
Insurance  
Company

Cross Petition of The Union Central  
Life Insurance Company.

In The Probate Court, Union County Ohio  
No. 11 532.

Sarah Perrytaker, adx,  
of the estate of  
William Perrytaker, deced.  
v. Plaintiff.

Mary Perrytaker, aged 21 years.  
Helen Perrytaker, aged 16 years.

Final Record, Union County Probate Court

115-32

sole heirs at law of  
 William Perry Baker, deceased,  
 Sarah Perry Baker of said  
 Wm Perry Baker, deceased,  
 The Union Central Life Insurance  
 Company,  
 The Farmers Bank, of  
 West Jefferson, Ohio,  
 John W. Keiser, and,  
 Augusta Karns,  
 Defendants.

Cross-Petition  
 of The Union Central  
 Life Insurance Company.

Now comes the defendant The Union Central Life Insurance  
 Company, and, for its Cross-Petition herein says that  
 it is Corporation, duly organized, under the laws of  
 the State of Ohio, and, that its principal place of  
 business is at Cincinnati, Ohio.

On the 24th day of January, 1918, Henry Shuster,<sup>Plt.</sup>  
 Laura B. Shuster, his wife, executed and delivered  
 to this defendant twenty-one (21) promissory notes;  
 one for the sum of \$49.60 due Oct. 1, 1918, and  
 twenty (20) for the sum of \$108.82 each, one due  
 Oct. 1, 1919, one due on the 1<sup>st</sup> day of October of  
 each succeeding year up to and including 1938.  
 "The note for \$49.60 is interest on the principal sum of  
 \$1200 at the rate of 6% from Jan. 24, 1918, to  
 its maturity, Oct. 1, 1918, and the remaining twenty  
 notes of \$108.82 each contain both principal and  
 interest on an amortization plan, all of the  
 notes bear interest at 8% after maturity."

On the said 24th day of January, 1918, in order to  
 secure the payment of said notes, said Henry  
 Shuster, and Laura B. Shuster, his wife, executed  
 and delivered to this defendant their mortgage deed,  
 thereby conveying the following described real  
 estate, to-wit:

Situate in the Township of Jerome, in the County of  
 Union, State of Ohio, and bounded as follows:

(See description in Petition.)

Being a part of the Virginia Military Survey, No.  
 5234, and beginning at an iron pin in the  
 middle of the State Road leading from New  
 California to Bell Point, thence the north east corner  
 to a tract of four acres, and 52 square rods  
 of land conveyed by Nathaniel Harrington in his  
 life time to Henry Shuster by deed bearing date  
 April 22, A. D. 1916, and, recorded, in Vol. 113, at  
 Page 443, Union County, Ohio, Record of Deeds; thence  
 with the north line of said tract and its

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11532 Continuation South  $52^{\circ} 17'$  East 71.52 poles to a post, being corner to a tract of 23.85 acres of land, belonging to L. C. Mc Dowell, and from which corner an iron pin bears north  $85^{\circ} 5'$  East 4 feet; thence with said Mc Dowell's north line north  $85^{\circ} 5'$  East 21.52 poles to a post; thence north  $4^{\circ} 55'$  West 10.36 poles to a post; thence parallel with the first course, north  $52^{\circ} 17'$  West 50.24 poles to an iron pin in the center of the State Road; thence with the middle line of said road South  $38^{\circ} 8'$  West 23.32 poles to the place of beginning.

Containing 11.496 acres of land, more or less.

Also, the following real estate, situated in said State County and Township being part of Survey No. 5234 and bounded and described as follows:

Beginning at a stone in the center of the State Road leading from New California to Bellepoint and northerly corner to the lands of Leander C. Mc Dowell; thence with two consecutive lines of said lands south  $55^{\circ}$  East 47.76 poles to a hickory and thence north  $35^{\circ}$  East  $28\frac{1}{2}$  poles to an iron pin in the line of lands conveyed to Henry Sluiter by Ephras Dickinson, Executor of the Estate of Nathaniel Harrington deceased; thence with the line of said lands north  $55^{\circ}$  West 47.75 poles to an iron pin in the center of said State Road; thence South  $35^{\circ}$  East  $28\frac{1}{2}$  poles to the place of beginning.

Containing 8 acres and 80.64 poles, more or less.

Containing in the aggregate 20 acres, more or less.

That the above described real estate is the same real estate described in the petition but this defendant says that the foregoing description of said real estate, is a true and correct description thereof, and that the description contained in the petition, is an incorrect and untrue description thereof.

Said mortgage was conditioned as follows:

Provided, nevertheless, that if the said mortgagors shall pay, or cause to be paid to the order of The Union Central Life Insurance Company, the certain promissory notes of even date hereinafter described, according to the tenor and effect thereof, and shall pay the taxes on said property when due, and shall not cut timber from said premises, exceeding \$50, in value, without the

11532



Final Record, Union County Probate Court

11532

Consent of the grantor, in writing, signed by one of its officers, then these presents shall be void, otherwise the whole amount secured hereby shall, at the option of the said The Union Central Life Insurance Company, or the legal holder of said notes become immediately due, and payable, and this mortgage may be foreclosed accordingly; which said notes are described, as follows:

The first note for \$49<sup>60</sup> and the remaining (7) notes for \$108.82 each; the first being payable on Oct. 1-1918. and one of the remaining notes being payable on same day in each of the preceding twenty years (or prior to maturity in accordance with stipulation therein) with interest after maturity at the rate therein specified; all of said notes being signed by Henry Shuster and Laura P. Shuster.

Said note of \$49<sup>60</sup> has been paid, and the first eight (8) notes of \$108<sup>82</sup> being those due Oct. 1<sup>st</sup> 1919, to Oct. 1<sup>st</sup> 1926, have been paid in full, and the remaining twelve (12) notes for \$108<sup>82</sup> (108<sup>82</sup>) above described are unpaid, and two notes, one due Oct. 1-1927 and one due Oct. 1-1928. are due with interest from said dates at the rate of 8% per annum.

Said mortgage was filed with the recorder of Union County, Ohio, on the first day of July, 1918, at 1:15 o'clock, and was recorded in Book 80 page 519 of mortgage records of said County, and is the first and best lien upon said real estate.

Wherefore, this defendant prays that said mortgage be declared to be the first and best lien upon said real estate, and, if said real estate be sold, that it be sold subject to the lien of said mortgage, and that the description of said real estate herein contained be found to be a true and correct description thereof and be used by the administrator in conveying said real estate on this action, and for such other further relief as is proper.

C. A. Hoopes, atty.  
for The Union Central Life Insurance Co.

a part, being  
to L. C.  
near north  
north  
thence  
parallel  
poles to  
thence  
West 23.32  
  
in said  
copy no. 5234  
  
State Road  
to northerly  
thence  
55° East  
East 28 1/2  
conveyed  
of the  
thence with  
poles to an  
thence South  
wing.  
  
or. less  
  
the same  
to this  
tion of said  
caption  
ned  
century  
  
mortgages  
order of  
the  
in after  
effect  
property  
from said  
at the

THE W-W-S CO., CIN., O. 6203

11532

State of Ohio Union County, ss.  
 C.A. Kooper being first duly sworn says that he is the Attorney for the Union Central Life Insurance Company and that said defendant is a corporation, and that the facts stated and the allegations made in the foregoing Cross Petition are true, as he truly believes.  
 C.A. Kooper

Sworn to before me and subscribed in my presence this 23<sup>rd</sup> day of March, 1929

Jeanine Cherry Notary Public  
 Feb. 80

11532

Answer and Cross Petition of The  
 Farmers National Bank,  
 Plain City, Ohio

Apr. 6-29.

In the Probate Court, Union County, Ohio

Sarah Perrybaker, adm.  
 of the Estate of  
 William Perrybaker, dec'd.  
 Plaintiff

Harry Perrybaker, et al.  
 Defendants

Answer and Cross Petition of the  
 Farmers National Bank, Plain City, Ohio

Now comes The Farmers National Bank of Plain City, Ohio a corporation organized, existing and doing business under the National Bank act of Congress and in accordance with the laws of Ohio, with its principal place of business in Plain City in said State and for Answer to the petition of plaintiff and the various answers and cross petitions filed herein and for want of information denies each and every allegation therein contained inconsistent to the facts herein stated.

Farmers National Bank  
 Plaintiff in

Oath

Cross Petition

Just Cause of Action.

Plaintiff states that William Perrybaker on December 13-1926, executed and delivered to John W. Keck his promissory note payable on or before April 25-1927 for the sum of \$198<sup>80</sup> with 8% interest per annum from date; that there is due plaintiff on said note the sum of \$227<sup>85</sup> with interest from April 1-1929 at 8% until paid.

Final Record, Union County Probate Court

11532

Second cause of action:  
 Plaintiff further states that on June 19-1928 by the consideration of the Municipal Court of Columbus, Ohio, in Case No. 113924, judgment was rendered in favor of John M. Keese for \$214<sup>91</sup> together with costs from said date: that a transcript of said judgment and proceedings were duly filed in the Court of Common Pleas Franklin County, Ohio, Case No. and a foreign execution issued to the Sheriff of Union County, Ohio, Case No. and, served by said Sheriff on premises described in the petition of plaintiff: that by proper assignment and for value John M. Keese sold, assigned, transferred and delivered to this answering defendant the note together with the judgment had thereon and this answering defendant is now the bonafide owner and holder for value of the note and judgment against said William Perry Baker, now deceased: that no part of said amount has been paid and that here his due on said note and judgment to April 1-1929 the sum of \$227.85 together with the various costs incurred thereon.

Therefore this answering defendant prays that said premises may be sold and proceeds derived thereon applied to the payment of its said debt together with the costs herein expended and that its rights in said proceeding be protected and all equitable relief to which it is entitled.

J. C. Smith, attorney  
 for the Farmers National Bank.

Oath

State of Ohio, County of Union, ss.  
 Cephas Birkness after being duly sworn states that he is President of The Farmers National Bank Corporation described in the foregoing answer and cross-petition and that the statement and allegations contained in the foregoing answer and cross-petition are true.

Cephas Birkness  
 Sworn to before me this 5 day of April, A.D. 1929. (Seal)  
 James H. Borras  
 Notary Public, Madison Co. Ohio

to be the  
 company  
 and that  
 in the  
 balance.  
 presence this  
 Public  
 County Ohio  
 City Ohio  
 City Ohio  
 my business  
 and in  
 principal  
 and for  
 the various  
 and for mat  
 gation there in  
 a stated.  
 December  
 M. Keese  
 April  
 interest  
 plaintiff  
 from

THE W-W-S CO., CINC., O. 6203

11532

Application for Guardian ad litem.

Now comes Sarah Pennybaker, adx., of the estate of William Pennybaker, deceased, and, as plaintiff herein makes application of a guardian ad litem for the minor defendant, Helen Pennybaker, being a minor over the age of 14 years, and, has been duly and legally served with summons herein, and, has neglected for more than 20 days, after the return of the summons served upon her to apply for a guardian ad litem, summons having been served on her on the 9<sup>th</sup> day of March, 1929.

Therefore, the undersigned asks the Court to appoint a guardian ad litem for said minor defendant and suggests the appointment of C. A. Hoopes as a suitable person to be appointed such guardian ad litem.

Sarah Pennybaker  
adx.,

Plaintiff.

11532

Answer

of

Widow

Answer of  
Guardian  
ad litem

Answer of Guardian ad litem

Probate Court, Union County, Ohio.

no. 11532.

And, now comes, the said Helen Pennybaker the minor defendants to the petition in said cause, by C. A. Hoopes her Guardian ad litem, heretofore appointed in said cause, by said Court, and, for answer to said petition deny all the material allegations herein contained prejudicial to said minor defendants. They further say, that they are of tender years, and, not acquainted with the law in such cases, and, therefore pray the Court to protect their rights in this cause, and, for such relief, as, may, be just.

Dated this 22<sup>nd</sup> day April, 1929.

Helen Pennybaker.

By C. A. Hoopes.

Guardian ad litem.

In the Probate Court, Union County, Ohio.  
Journal entry.

Journal  
entry

This day came the plaintiff and made application for the appointment of a guardian ad litem for Helen Pennybaker, minor defendant named in this case; and, it appearing to the Court, that the said Helen Pennybaker is a minor over the age of 14 years, and, has been duly and legally served with summons herein, and has neglected, for more than 20 days, after the return of the summons, served upon her to apply for a

Order to  
Appraisers

Final Record, Union County Probate Court

11532

Guardian ad litem, and that the plaintiff has suggested the appointment of C. A. Hoopes as such guardian, and the court finds him to be a suitable person to be appointed as such guardian ad litem.

Therefore, it is hereby ordered by the Court that the said C. A. Hoopes, be and hereby is appointed guardian ad litem for the suit for the said minor defendant Helen Pennybaker.

W. Husted, Probate Judge

In the Probate Court, Union County, Ohio.

No. 11532,

Answer of Widow,

Answer

of

widow

now comes Sarah Pennybaker, one of the defendants named in the above entitled cause and voluntarily enters her appearance herein and for answer to the petition in this case filed, says that she is the widow of the said William Pennybaker, deceased, and as such is entitled to dower in the premises described in said petition that her age is 52 years, and she freely consents to said sale as prayed for, and waives the assignment of her dower in said premises, by metes and bounds, or in rents, and profits and asks the Court that said premises may be sold free from her dower estate therein and that the value of such dower estate may be allowed and paid her in lieu thereof in money out of the proceeds of such sale, in said sum as the Court deems the just and reasonable value thereof.

Sarah Pennybaker.

The State of Ohio, Union County.

Sarah Pennybaker, being duly sworn, says that the statements made in the foregoing answer are true as she believes.

Sarah Pennybaker.

Sworn to before me and signed in my presence, this 25. day of April, 1929.

W. C. Vigor

Notary Public

Order to Appraisers

In the Probate Court, Union County, Ohio.

Journal Entry.

Order to appraisers.

On this 26. day of April, 1929. This cause came on

## Final Record, Union County Probate Court

THE W-W-S CO., CINC., O. 6203

11532

to be heard upon the petition of the plaintiff: and upon the return of the guardian ad litem for the minor defendant, the answer of Sarah Perrybaker, the widow and the answer and Cross-petition of the Union Central Life Insurance Company. And the Court being fully advised in the premises find that all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance herein, and are properly before the Court.

The Court further finds that the said Sarah Perrybaker, the widow of the said William Perrybaker, deceased, has by her answer filed herein waived the assignment of her dower interest in said premises, in metes and bounds, and her homestead interest therein, and asks that the said real estate be sold free from any interest she may have therein, and that her interest be determined and allowed to her by the Court in money in lieu thereof.

The Court further finds that the allegations of the said petition are true and that it is necessary to sell the real estate therein described to pay the debts of the deceased, and the costs of administration.

Therefore, it is considered and ordered by the Court that Earl Cunniff, William Fry, and Emmet Samble, three judicious and disinterested free holders of the vicinity, be, and they are hereby appointed appraisers to appraise the real estate in the petition described, and they are hereby ordered as such appraisers to proceed forthwith upon actual view of the premises to appraise the said real estate in the petition described at its cash value, and free from any interest that the said widow Sarah Perrybaker may have or has therein, and that an order issue to the adx. of said estate the plaintiff, accordingly, and that she make due return thereof.

W. H. Hensley

Probate Judge

11532

Confirming  
appraisementapplication  
to sell  
Real estate  
at  
Private Sale.

11532

11532

Journal Entry:

Probate Court, Union County, Ohio.

June 17 - 1929

No. 11532,

Confirming appraisement

Confirming appraisement, and ordering Private Sale -

This day this cause came on further to be heard, and it appearing to the Court that the appraisement heretofore ordered, has been duly made the same is hereby confirmed; said appraisement being One Thousand and 700 Dollars, free from the debts estate therein of Sarah Peunytaker, widow of William Peunytaker, Deceased.

And the plaintiff above named having given bond, dated January 17 - 1928, in the sum of Ten Thousand and 00/100 Dollars, with The United States Fidelity and Surety Co., Sureties, conditioned according to law and approved by the Court; and it appearing to the Court that it would be to the interest of said estate to sell the real estate described in the petition at private sale,

It is now ordered, that said plaintiff proceed to sell said real estate free from the said debts estate, at private sale, at not less than the appraised value thereof, and upon the following terms, to wit:

Cash in hand, on day of sale.

N. B. Knotted,

Probate Judge.

Application to sell Real Estate at Private Sale

Application to Sell Real Estate at Private Sale, Probate Court, Union County, Ohio, application.

at Private Sale

The said Plaintiff represents, that it would be for the best interest of the said estate to sell the real estate described in the petition in this case at private sale, for the following reasons.

First That she believes the said real estate can be sold forthwith, at the appraised value, and for cash, subject to the mortgage of the Union Central Life Insurance Co.,

Second:

To sell, at private sale will save the expenses of advertising and offering for sale at public sale.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

115-32

Hind:

That the appraised value of all the said real estate is reasonably correct.

And she therefore asks for an order authorizing her to sell said real estate at private sale.

Sarah Perrybaker, of  
William Perrybaker, deceased.

115-32

Order

The State of Ohio, Union County

Sarah Perrybaker, being duly sworn, says that the various matters set forth in the foregoing application are true, as she verily believes

Sarah Perrybaker.

Sworn to before me, and signed in my presence this 17 day of June, 1929.

W. C. Vigor, Notary Public

order of appraisement

Affidavit of Disinterested Person

Affidavit of Disinterested Person.

The State of Ohio, Union County

E. H. Patton and Chas. D. Mott, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached: that they have no interest whatsoever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, as they verily believe.

E. H. Patton, Chas. D. Mott.

Sworn to before me, and signed in my presence this 17 day of June, 1929.

Frank Pyles,

Notary Public

Order of appraisement

Order of appraisement

The State of Ohio, Union County, ss.

Probate Court.

To Sarah Perrybaker, Applicant.

In obedience to an order and decree of the Probate Court, within and for said county, made this day in a certain cause, wherein you, as adx., of the estate of William Perrybaker, deceased, are Plaintiff and A. Harry Perrybaker, et al. are Defendants, you are commanded that, by the oaths of Earl Cury, William Fry, and Emmet Gauntle, judicious disinterested men of the vicinity, not of kin to the petitioner who are freeholders of the County in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made

115-32



11-5-32

according to law of the following described premises, free from the dower estate of Sarah Pennybaker, therein, to wit:

Situate in the County of Union, State of Ohio, and Township of Jerome, and

Being a part of Virginia Military Survey no. 5234, and beginning at an iron pin in the middle of the State Road leading from New California to Bellefontaine being the north-east corner to a tract of four (4) acres, and fifty two (52) square rods of land conveyed to Nathaniel Harrington in his life time to Henry Shuster, by deed bearing date April 22 A.D. 1916, and recorded in Vol. 113 at page 443, Union County, Ohio, Records of Deeds; thence with the north line of said tract and its continuation South 52° 17' East 71.52 poles to a post; being corner to a tract of 33.85 acres of land belonging to L. C. Mc Donnell and from which corner an iron pin bears North 85° 5' East 21.52 poles to a post; thence North 4° 55' West 10.36 poles to a post thence, parallel with the first course North 52° 17' West 80.24 poles to an iron pin in the center of the State Road; thence with the middle of said road South 38° 8' West 23.32 poles to the place of beginning.

Containing 11,496 acres of land, more or less,

also another tract, Part of Survey no. 5234,

Beginning at a stone in the center of the State Road near two miles north-east of New California at the north-west corner of a farm known as the farm formerly owned by John W. Katrik, and now owned by Ora P. Mc Donnell; thence South 55° E, with said Mc Donnell line 12 poles to a stone in said line; thence North 35° E, 13 poles to a stone; thence North 55° W, 12 poles to the center of said road; thence with the center of said road to the place of beginning

Containing 144 square rods.

also another tract:

Beginning at a stone in the center of the State Road and being the north east corner of a tract of land, purchased by Henry Shuster from

11-5-32

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11532

Nathaniel Harrington by deed dated November 23-1912; Thence S. 55° E. 47.76 poles with the north line of said Stusters lands to a stone or iron pin; Thence N. 35° 14 1/2 poles to an iron pin; Thence N. 55° W. 47.75 poles to an iron pin in the center of the said State Road; Thence S. 35° E. 14 1/2 poles with the center of said road, to the beginning.

Containing 4 acres, and 52 square rods, or the same more or less, and being a part of Survey No. 5234.

Also another tract, Survey No. 5234.

Beginning at a hickory north-east corner to a tract of land belonging to W.C. Mc Donnell thence with said Mc Donnell's north line N. 55° W. 47.76 poles to a stone in the center of the State Road, leading from New California to Bellepoint; thence with the center of said road N. 35° E. 14 1/2 poles to a stone; Thence S. 55° 47.76 poles to a stone; Thence N. 35° W. 14 poles to the beginning.

Containing 4 acres and 28.64 square rods of land which was deeded to the Board of Education of Jerome Township, Union County, by the said Nathaniel Harrington

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature and the seal of said Probate Court at Mansville, Ohio this 26-day of April, 1929.

W.W. Husted, Probate Judge.

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 7-day of May, 1929.

Sarah Pennybaker, adx.

Oath of appraisers.

Oath of appraisers

The State of Ohio, Union County,

We, the undersigned appraisers, do make solemn oath, that we will, upon actual view, honestly and impartially appraise the within described real estate at its fair cash value, and perform the duties required of us in pursuance of the foregoing order.

J.E. Curry, W.R. Fry, Emmet Scarlett apprs.

Submitted before me, and signed in my presence this 7-day of May, 1929.

W.C. Vigor, Notary Public

11532

115-32

Appraisers Return

order

of Sale.

11532

Final Record, Union County Probate Court

23-1912: Thence  
Sluiter's lands  
an iron pin:  
the center of the  
the center of  
the same  
34.

ner to a  
with said  
a stone in  
California  
ad N. 30° E 1/4'  
a stone; thence

s of land  
u of Jerome  
arrington  
up to this

of said  
April, 1929.  
ady.

in caused  
as by the

adpx

the solemn  
ly and  
real estate  
duties  
ing order.  
The appr.

is 7. day of

115-32

appraisers  
Return

order  
of  
Sale.

115-32

Appraisers Return

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein described, we, the undersigned appraisers, estimate the value of said real estate at One Thousand Dollars Given under our hands, this 7<sup>th</sup> day of May, 1929.  
J. E. Curry, W. R. Fay, Emmet Gauntle, Appraisers

Order of Sale. Free from Dower.

The State of Ohio. Probate Court.  
Union County.  
In Sarah Perry Baker, adx. Plaintiff;  
In obedience to an order, and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as adx., of the estate of William Perry Baker, deceased, are Plaintiff and Harry Perry Baker et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, free from the dower of Sarah Perry Baker widow of William Perry Baker, dec'd, the following described premises, to wit:

Situated, in the County of Union, State of Ohio, and Township of Jerome, and,  
Being a part of Virginia Military Survey No. 5234, and beginning at an iron pin in the middle of the State Road leading from New California to Bellepoint, being the north east corner to a tract of four (4) acres, and fifty-two (52) square rods of land conveyed by Nathaniel Harrington in his life time to Henry Sluiter by deed bearing date April 22, A. D. 1916, and recorded in Vol. 113, at page 443, Union County, Ohio, Records of Deeds; thence with the north line of said tract and its continuation South 52° 17' East 71.52 poles to a post, being corner to a tract of 33.85 acres of land belonging to L. C. Mc Dowell, and from which corner an iron pin bears North 85° 5' East 21.52 poles to a post; thence North 4° 58' West 10.36 poles to a post; thence parallel with the first course, North 52° 17' West 80.24 poles to an iron pin in the center of the State Road; thence with the middle line of said road South 38° 8' West 23.32 poles to the place of beginning, containing 11.496 a. of land,

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6205

11532 more or less

Also, another tract, Part of Survey, # 5234:

Beginning at a stone in the center of the State Road near two miles north east of New California at the northeast corner of farm known as the farm formerly owned by John McKittrick and now owned by Ora P. Mc Donnell: thence South 55° E. with said Mc Donnell line 12 poles to a stone in said line: thence north 35° E. 12 poles to a stone, thence N. 55° W. 12 poles to the center of said road: thence with the center of said road to the place of beginning: Containing 144 square rods.

Also, another tract:

Beginning at a stone in the center of the State Road and being the northeast corner of a tract of land purchased by Henry Shuster, from Nathaniel Harrington by deed dated November 23-1912: thence S. 55° E. 47.76 poles with the north line of said Shuster's lands to a stone or iron pin: thence N. 35° E. 14 1/2 poles with the center of said road to the beginning, containing 4 acres and 52 square rods, be same more or less, and being a part of Survey No. 5234.

also, another tract, Survey No. 5234.

Beginning at a hickory north east corner to a tract of land belonging to S. C. Mc Donnell: thence with said Mc Donnell's north line N. 55° W. 47.76 poles to a stone in the center of the State Road, leading from New California to Bellepoint: thence with the center of said road N. 35° E. 14 poles to a stone: thence S. 55° W. 47.76 poles to a stone: thence S. 35° W. 14 poles to the beginning Containing 4 acres and 28.64 square rods of land which was deeded to the Board of Education of Jerome Township, Union County, by the said Nathaniel Harrington.

Said sale to be private, and to be upon the following terms: Cash in hand, on day of sale.

You will make return of your proceedings to this Court, forthwith upon execution of this order.

Witness my signature, and the seal of said Probate Court, at Mansville, Ohio, this 17-day of June, 1929.

W. H. Hasted

Probate Judge

11532

11532

Return

Report of Sale

Part

Journal Entry

11532

11532

Return

Return

To the Probate Court of Union County, Ohio.  
In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.  
Dated, 13-day of August, 1929.  
Sarah Pennybaker, adx.

Report of Sale

Report of Sale

In obedience to the within order, I sold said premises on the 10-day of August, 1929, to Harry H. Pennybaker, subject to a mortgage held by The Union Central Life Insurance Company amounting to \$1024.51, for the sum of Ten Hundred twenty four and 5/100 Dollars, said sum being more than the appraised value of the same.  
Dated the 13-day of August 1929.  
Sarah Pennybaker.

Costs

The State of Ohio, Union County.  
The above named Sarah Pennybaker being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price she could get for said property.  
Dated to before me, and signed in my presence, this, 13-day of August, 1929.  
C. W. Grand Papers  
Notary Public

Journal Entry

Journal Entry:  
In the Probate Court, Union County, Ohio.  
No. 11532.  
Journal Entry.  
This day this cause came on to be heard on the report of Sarah Pennybaker, adx., of the estate of William Pennybaker, deceased, of her proceedings under the former order of this Court, and upon the motion of the said plaintiff to confirm the sale made in obedience to said order, the Court, having carefully examined said report and finding the proceedings of the said plaintiff in all respects correct, and being satisfied that the said sale was fairly and legally made

11532

Road near  
East corner  
John  
thence  
to a stone  
stone, thence  
thence  
ing:

State Road  
of land  
at Harrington  
S. 5-5°  
Shusleit  
14 1/2 poles  
containing  
more or less.

a tract  
said  
a stone  
California  
road  
47.76 poles  
beginning  
of land  
tion of

following  
ing to this  
of said  
June, 1929.

## Final Record, Union County Probate Court

THE W. W. S. CO., CIN., O. 6203

11532

It is ordered by the court that the same be and hereby is approved and confirmed, and it is further ordered that the said plaintiff as such administrator execute a deed of all the right, title and interest of the said William Pennylaker, deceased, in said real estate, to the purchaser Harry H. Pennylaker.

(This cause coming on further to be heard upon the pleadings the court find that there is due the said The Union Central Life Insurance Company upon the notes set forth in its answer, and cross-petition, from the estate of the said William Pennylaker, deceased, the sum of \$1,024.51 and to secure the payment thereof he gave a mortgage upon the premises in the petition described, which was a valid and subsisting lien upon said premises, and that the said purchaser Harry H. Pennylaker in purchasing said real estate did not pay to the Administrator of said estate the purchase price or any part thereof but assumed and agreed to pay the said amount found due on said mortgage note to the said The Union Central Life Insurance Company, as a consideration for the purchase of said real estate which the court approves and confirms it being satisfactory to said Insurance Company, therefore, he and it is hereby ordered, that the estate of the said William Pennylaker, deceased, and the administrator of said estate be and are hereby released from any further obligation by reason of said note and mortgage or the execution thereof.

The Court further find that Sarah Pennylaker, as the widow of the said William Pennylaker, deceased, filed her answer herein, and the assignment of dower, in said premises, by metes and bounds, or in parts, and profits, and asks the value of such dower to be allowed and paid to her out of the proceeds of said sale: the Court find that the said Sarah Pennylaker as the wife of the said William Pennylaker in the execution and signing of the said mortgage deed released her dower interest in said real estate in favor of The Union Central Life Insurance Company: that the said real estate did not sell for sufficient to pay more than the said mortgage lien, leaving no balance with which to pay or apply on the dower interest of the said Sarah Pennylaker, therefore it is ordered, that she be barred therefrom.

Further, the Court finds that there is no

11532.

115-32

115-32

Final Record, Union County Probate Court

and hereby  
 ordered that  
 to a deed  
 William  
 purchaser  
 heard upon  
 due the  
 upon the  
 from the  
 the sum  
 he gave  
 described  
 said  
 did not  
 purchase  
 and, agreed  
 mortgage  
 insurance  
 of said  
 confirms  
 prany  
 that the  
 deceased  
 and are  
 by reason of  
 thereof  
 her, as the  
 ed. filed her  
 mr. in said  
 and  
 or to  
 ends of said  
 at Perry Lake  
 her in the  
 mortgage deed  
 estate  
 on prany; that  
 sufficient  
 him, leaving  
 on the  
 later,  
 therefrom,  
 is now

115-32

Balance to apply upon the claim or lien of The Farmers National Bank of Plain City as set forth in its Answer and cross-petition filed herein, or the claim of The Farmers Bank of West Jefferson, Ohio, John W. Keese, or Augustu Karns; therefore, do, and it is hereby ordered that an entry of release of the liens and claims of the Farmers National Bank, The Farmers Bank, John W. Keese, and Augustu Karns be entered upon the proper records, releasing the said real estate from any and all of said liens in so far as they may relate to or effect the title to said real estate and according to law.

It is further ordered, that the said plaintiff pay the costs of this proceeding within ten days to this court in the sum of \$15.<sup>00</sup> and that this cause be recorded.

W. H. Husted, Probate judge

115-32

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 8203

115-49  
April 3-  
1929

In the matter of

Petition to Sell Real Estate

In the Probate Court, Union County, Ohio.

H. A. Bellville, Adm.  
of the estate

vs.

Cassius Cook, Deceased,  
Plaintiff.

v.

Clayd Cook  
Margal Boyard  
Latter Watcher  
Edna Robertson  
The Union County  
Savings & Loan Company  
Defendants.

Petition.

now comes H. A. Bellville, and says, that on the 16<sup>th</sup> day of April, 1928, in the Township of Down, County of Union, and State of Ohio, Cassius Cook, also known as Cassius C. Cook, died, intestate, and, on the 24<sup>th</sup> day of April, 1928, he the said H. A. Bellville was by the Probate Court of Union County, Ohio, appointed administrator of the estate of the said Cassius Cook, and that he is still acting as such administrator and bring this action as such administrator.

That the said deceased, at the time of his death owed debts as near as can be ascertained, at this time, to an amount in excess of \$600<sup>00</sup>; that the expenses and costs of administration of his estate will amount to about \$200<sup>00</sup>.

That the total amount of the total estate and property belonging to said deceased, will not amount to more than \$250<sup>00</sup>, being wholly insufficient to pay the debts of the deceased, and the expenses of administering his estate.

That the said deceased, died seized in fee simple in the owner of the following described real estate, to-wit: Situated in the State of Ohio, County of Union, Township of Paris, and a part of V. M. Surry # 5497.

Beginning at a stone corner to the W<sup>c</sup> Kelly land in the County road; thence with the said W<sup>c</sup> Kelly West line S. 9° E. 166 poles, to a stone in the line of the S. Beck land; thence with the said Beck line S. 81° W. 13½ goes to a stone corner to the H. Bellville land; thence with his line N 9° W. 166 poles, to

115-49

Petition

Petition

Oath



Final Record, Union County Probate Court,

115-49

a stone in the county road, and another corner to said Bellville land; thence with said road N. 87° E. 12.80 poles to the beginning.

Containing 13 acres and 74 poles, more or less.

That it is necessary to sell the real estate herein above described to pay the indebtedness of the said deceased, and the expenses of administering his estate.

That the deceased died leaving Queen Cook his widow, who died on the - of April, 1928.

That the defendants, Lloyd Cook, Hazel Boyce, Lottie Hatcher and Edna Robinson are the only children and heirs of law of the said Cassius C. Cook, deceased, and Queen Cook, deceased, having a next estate of inheritance from the said decedents in the said real estate.

Petitioner

That the defendants, The Union County Savings and Loan Co., has or claims to have some lien or claim on said real estate.

Wherefore the plaintiff as such administrator prays that the said defendants, and each of them, be required to set up their liens or claims herein or be forever barred therefrom; that it is ordered by the Court that he be instructed and directed to sell the said real estate, and for such other and further orders as in such cases provided by law, and as may be just and equitable.

Wm. L. Myers  
attorney for Plaintiff

State of this Union County, ss.

Oath

H. A. Bellville being duly sworn, says that the facts stated and the allegations made and contained in the foregoing petition are true, as he believes.

H. A. Bellville  
Sworn to before me, and signed in my presence.

This - day of February, 1929.

Wm. L. Myers  
Notary Public

By this,  
the 16-day of  
Union, and  
Cassius C.  
April 1928.  
out of Union  
state of the  
being as such  
W. administrator  
his death  
lined, at this  
that the  
to wit  
ate and  
amount  
ut to pay  
s. of  
for simple  
estate, with  
Union Trust  
my land  
W. Kelly  
line of the  
S. 87°  
Bellville  
poles to

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11549

In the Probate Court Union County Ohio  
April 2-1929

Filing  
Petition

Journal Entry: Filing Petition to sell  
Real Estate.

This day came the plaintiff H.A. Bellville, ad. of the estate of Cassius Cook deceased, and presented to this Court this petition duly verified, praying an order for the sale of real estate of the said Cassius Cook deceased, to pay the debts, and the costs of administering the estate of the said decedent.

Whereupon, it is considered and ordered, by this Court that the said petition be filed, that due and legal notice of the filing, pendency and prayer of the said petition, and of the time in which they are required by law to answer the same, be given to each of the said defendants, and this cause is continued,  
W.H. Husted, Probate Judge

In the Probate Court, Union County, Ohio  
no. 11549.

waiver

waiver

April 3-1929

W. the undersigned, do hereby voluntarily enter our appearance herein and do waive the issuing and service of summons, and process.

The Union County Savings Co. Loan Sec.  
Pearl M. Leroy, Secy.

Precipe  
Fees

Precipe H.A. Bellville ad. Cassius Cook P.C. Cook et al.

Apr. 3-1929

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Morrow County, Ohio for the defendant, Lottie Ketchum (who resides on Route 1, Meromys). Indorse "action to sell real estate to pay debts", and make returnable according to law.

Also, issue summons, in the above entitled cause, directed to the Sheriff of Madison County, Ohio for the defendant Hazel Boppe, (who resides on Route 2, West Jefferson). Indorse "action to sell Real Estate to pay debts", and, make returnable according to law.

Also, issue summons, in the above entitled cause directed to the Sheriff of Marion County, Ohio, for the defendants, Lloyd Cook (who resides at Waeds) & Edna Robertson (who resides on Route 2, Aysta) Indorse "action to sell real estate to pay debts" & make returnable according to law  
(mailed, Apr. 4/29) M. L. Myers atty. for Plff.

11549  
waiver

Apr. 3-1929

Summons

Fees  
Apr. 16-1929

Summons



Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11549

Day of April, 1929. @ W. W. [unclear] Probate Judge,  
Sheriff's Return

11549

Sheriff's Return

The State of Ohio, Marion County,  
Received this writ April 5-1929, at 9. a.m. and pursuant  
to its Command after due and diligent search for the  
within named Lloyd Cook. I failed to find him within  
the confines of my bailiwick whereon this writ is returned.  
In pursuance to the command of this writ, I did on  
April 7-1929 serve the within named Edna Robertson  
a true and duly attested copy of this writ with all  
the endorsements thereon, by handing her personally  
a copy of this writ. (Edna Robertson)

John J. Francis Sheriff  
By Roy Chapman, Deputy

Sheriff's Para. 75 add name to 60 miles at 8.40 Local \$6.00

Filed  
Apr 9-1929  
Summons

Summons To the Sheriff of Madison Co. Kentucky  
You are commanded to notify Hazel Boyd, R. 2, West Jefferson, Ohio,  
that on the 3-day of April, 1929, H. A. Bellville ad. of the estate of  
Cassius Cook deceased, filed his petition in the Probate Court of said  
Union County, Ohio, against them, and others; the object and  
prayer of which petition is to obtain an order for the  
sale of certain Real Estate belonging to said decedent,  
in said petition described, for the purpose of paying debts,  
& that unless they answer by the 4. day of May, 1929, said  
petition will be taken as true, and an order granted  
accordingly. Said Sheriff will make due return of this  
writ on the 15. day of April 1929. Witness my hand  
& the seal of said Court, this 4. day of April, 1929. W. W. [unclear] Probate Judge

Waiver

Sheriff's Return: The State of Ohio, Madison County, Received this writ Apr. 5-1929  
at 10. a.m. & pursuant to its command. On the 5 day of April 1929, I served  
the within named Hazel Boyd by personally handing her a true copy thereof  
with all endorsements thereon.

E. T. Blaugher Sheriff, By Sam Paullein Deputy

Dist Ret. 75 Miles 2.50 Local \$3.25

Filed  
June 20-1929  
Waiver

In the Probate Court, Union County, Ohio  
Waiver <sup>an.</sup> Consent to Sell.

Now comes Edna Robertson one of the defendants named  
in the above entitled case. <sup>an.</sup> She hereby voluntarily  
enters her appearance herein, and consents to sell  
said real estate as and for the purpose as  
stated and contained in the plaintiff's petition.

Further, this defendant, says, and does hereby waive  
any right title, or interest of any nature whatsoever  
that he has, or may have or be entitled to as a  
child, or heir at law, of Cassius Cook, deceased.

oath

Final Record, Union County Probate Court

11-549

in and to any and all properties of any nature whatsoever or was entitled to by law or otherwise as the widow of the said Cassius Cook deceased.

Further, this defendant, do hereby and by these presents consents and gives the said administrator full power and authority to receive her interest in any interest that she may have or be entitled to in the estate of the said Queen Cook which she was entitled to from her husband. the said Cassius Cook to receive and disburse the same with and as the estate of Cassius Cook deceased, as such admr.

Edua Robertson.

State of this Union County, ss.

Edua Robertson being duly sworn, says that the facts stated and the allegations made, and contained in my presence, this 24 day of May, 1929.

A. D. Parish, Justice of Peace

Waiver

Waiver & Consent to Sell.

In the Probate Court, Union Co., this

now comes Hazel Boyzel one of the defendants named in the above entitled cause, and hereby voluntarily enters her appearance herein & consents to sell said real estate as and for the purpose as stated and contained in the plaintiffs petition. Further, this defendant says, and does hereby waive any right title, or interest of any nature whatsoever that he has or may have, or be entitled to as a child or heir at law of Queen Cook deceased, in and to any and all properties of any nature whatsoever or interest therein that she, the said Queen Cook, may have, had, or was entitled to by law or otherwise as the widow of the said Cassius Cook deceased.

Further, this defendant do hereby and by these presents consents and gives the said admr. full power & authority to receive her interest in any interest that she may have or be entitled to in the estate of the said Queen Cook, which she was entitled to from her husband the said Cassius Cook, to receive and disburse the same with and as the estate of Cassius Cook deceased, as such administrator.

Hazel Boyzel.

State of this Madison Co., ss.

Hazel Boyzel, being duly sworn, says that the facts stated and the allegations made, & contained in the foregoing are true.

Hazel Boyzel.

I now to before me, & signed in my presence, this 24 day of

and pursuant to for the within is returned. I did on Robertson with all personally

Sheriff Deputy, ab \$600

aw. Pleas. the estate of to Court of said object and der for the id decedent, e of paying debts. may, 1929, said der granted return of this s my hand W. Hated, Probate Judge

this with apr. 5-1929 April 1929, I served in a true copy thereof

in Deputy

ty. This

ants named voluntarily to sell is upon as petition. s hereby main true whatsoever d to as a ceased.

oath

THE W-W-S CO., CIN., O. 6203

11549

May 1929

E. H. Johnson, Notary Public Seal

11549

In the Probate Court Union County, Ohio  
No. 11049 Journal Entry.

Order to appraise

Order to appraise.

This day this cause came on to be heard upon the petition of the Plaintiff filed herein for the purpose of having the real estate therein described sold to pay debts and costs of administering the estate of the said Cassius Cook deceased, and upon the answers of The Union County Savings & Loan Company, and the answers filed herein, and the Court being fully advised in the premises, find that all the defendants named in the petition have been duly and legally served with summons and process, or have voluntarily entered their appearance herein in writing, and are properly before the Court.

The Court further find that all of the allegations of the petition are true, and that it is necessary to sell the real estate described in the petition to pay the debts of the deceased, and the costs of administering his estate, as set forth in the petition.

Therefore, it is ordered, and decreed by the Court that Jerry Lee, Johnson Fox and Walter Jamell, three judicious and disinterested men, free holders of the Vicinity to, and they are hereby appointed appraisers to appraise the real estate in the petition described at his cash value, after being duly sworn, and upon actual view of the premises described, and free from any down estate therein.

It is further ordered that an order of appraisement be issued directed to the plaintiff as such administrator authorizing and directing him to cause said premises to be appraised as aforesaid, and upon the execution thereof that he make due return to this Court of his proceedings for further order in the premises, and this cause is continued.

W. H. Knotted, Probate Judge.

Probate Court, of the Union County  
Savings & Loan Company.

Cross-Petition

Union County Savings & Loan Co.

Now comes the defendant, The Union County Savings & Loan Co., and says that the said Cassius Cook and his wife Green Cook, on the 24th day of March, 1928 executed and delivered to this defendant, The Union County Savings & Loan Company, their certain promissory note in the principal sum of Two Hundred Fifty Dollars, with interest at the rate of 7 per cent per annum payable semi-annually on the 1st day of January.

Final Record, Union County Probate Court

11549

July, each, and every year, and there is now due, and owing on said note the sum of \$285<sup>30</sup> with interest thereon at 7% per annum from the 1<sup>st</sup> day of July, 1929.

That at the time of delivery of said note aforesaid and to secure the payment of the same the said Cassius C. Cook, and Queen Cook, his wife, executed and delivered to this defendant The Union County Savings & Loan Co., their certain mortgage deed covering the premises described in plaintiffs petition and being further

described as follows: Situated in the Township of Dover County, of Union and State of Ohio, and beginning at a stone corner to the Mt. Henry land and in the county road; thence with the said Mt. Henry met line S. 9. E. 166 poles to a stone in the B. Beck land; thence with said Beck line S. 81 W. 13 1/2 poles to a stone corner to W. Bellville land; thence with his line N. 9 W. 166 poles to a stone in the county road and another corner to the Bellville land; thence with said road N. 87 E. 12-80 poles to the beginning containing 3 acres and 74 poles more or less.

The defendant The Union County Savings & Loan Co. says that on the 24 day of March, 1928 at 2:30 P.M. said mortgage was duly left for record in the recorder's office of Union Co. O. & duly recorded March 28, 1928 in Mortgage Records Vol. 96, page 482; that said mortgage thereby became, and still is, a just, valid & subsisting lien on said premises above described.

This defendant says that said mortgage provides, among other things, that if any of the installments of payments therein mentioned, or any part thereof remain unpaid for eight weeks after the same shall become due, said mortgage shall become absolute.

This defendant avers that said weekly installments provided for in said mortgage have remained unpaid for more than eight weeks after the same has become due and, that by reason of which the defendant The Union County Savings and Loan Co. exercises its option, and said mortgage has become absolute.

Wherefore, this defendant The Union County Savings & Loan Company prays that said real estate may be sold, as prayed for in the petition, that the interest of this defendant may be protected and upon sale of said estate it may be paid out of the proceeds thereof to the amount of its mortgaged lien and its costs herein expended.

John W. Dailey, attorney for Defendant.

State of Ohio, Union Co. ss. Pearl W. Henry, being first duly sworn says that

County, this  
upon the  
purpose of  
to pay  
of the  
causes of  
and the  
fully advised  
named in the  
with summons  
appearance  
Court.  
tions of the  
to sell  
to pay the  
ministerial  
by the Court  
of Jewell  
holders of the  
appraisers  
described  
and upon  
and free from  
appraisement  
ack admim-  
to cause said  
and upon  
turn to this  
in the  
County  
Savings  
Cassius C. Cook  
1928 executed  
in County  
Missouri Note  
Daceau,  
per annum  
of January

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11549

He is the Secretary of the Union County Savings and Loan Company, and duly authorized in the premises to make this affidavit; that the facts stated and allegations herein contained are true, as he verily believes.

Carl M. Derry.

Sworn to before me, and subscribed in my presence this 21 day of Aug. 1929.

John W. Daily (Ren)  
Notary Public

Order of appraisement.

Order of appraisement

The State of Ohio, Union County, ss. Probate Court.  
To H. A. Bellville, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause, wherein you, as Administrator of the estate of Cassius Cook, deceased, are Plaintiff and Boyd Cook et al. are Defendants, you are commanded that by the oath of J. M. Fox and Walter Small judicious disinterested men of the vicinity, not of kin to the petitioner, who are freeholders of the County in which said real estate is situated, and upon actual view, you cause a just valuation and appraisement to be made according to law, of the following described premises, free from any donor estate therein to wit:

Situated in the State of Ohio, County of Union, Township of Paris and a part of U. M. Survey No. 5497, and beginning at a stone corner to the McKelvey land and in the country road; thence with the said McKelvey west line S. 9° E. 166 poles to a stone in the line of the S. Beck line; thence with the said Beck line S. 81° W. 13 1/2 poles to a stone corner to the H. Bellville land; thence with his line N. 9° W. 166 poles to a stone in the country road and another corner to said Bellville land; thence with said road N. 81° E. 12. 50 poles to the beginning.

Containing 13 acres, and 74 poles, more or less.

You will make return of your proceedings to this Court forthwith upon execution of this order.

Witness my signature, and the seal of said Probate Court, at Mansfield, Ohio, this 30 day of August, 1929

W. H. Husted Probate Judge.

Return

Return

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached. Dated Aug. 31 - 1929.

H. A. Bellville.

11549

application  
for Real Estate  
at  
Private sale.

affidavit  
Disinterested  
Persons.



Final Record, Union County Probate Court

and loan  
to make  
allegations  
vs.  
my presence

Probate Court.  
of the Probate  
this day in  
presence  
are Plaintiff  
are  
John M. Fox  
the vicinity, not  
the County  
upon actual  
appraisement  
described  
tract:  
Belleville, Township  
197. and  
every land  
id. M<sup>rs</sup> Kelly  
the line  
at line S. 81°  
Belleville land:  
a stone in  
said Belleville  
to pole to the  
or less  
ings to this Court

said Probate  
ust. 1929  
dys.  
I. have caused  
appear by  
g. 31- 1929.

115-49

Oath of appraisers

The State of Ohio, Union County.

We the undersigned appraisers, do make solemn oath that we  
will, upon actual view, honestly and impartially appraise  
the within described real estate at its fair cash value  
and perform the duties required of us in pursuance of the  
forgoing order. D. M. Lee, John M. Fox, Walter Jamel. appraisers  
known to before me, and signed in my presence, this 31- day  
of August, 1929. Mand. P. J. W. Notary Public

Appraisers Return.

In obedience to the foregoing order, after being first duly  
sworn, and upon actual view of the premises therein  
described, we the undersigned appraisers estimate  
the value of said real estate at four hundred dollars.  
Given under our hands, this 31- day of August, 1929.  
D. M. Lee, John M. Fox, Walter Jamel. appraisers

application  
to  
the Real Estate  
at  
Private sale.

Application to Sell Real Estate at Private Sale  
Probate Court, Union County, Ohio.

vs. 11549. application

The said Plaintiff represents that it owned to for the  
best interest of the said estate to sell the real  
estate described in the petition in this case, at  
private sale for the following reasons:

- First: that the same can be sold forthwith at the appraised value thereof.
- Second: that the same can be sold for cash.
- Third: that the same is all the said real estate is reasonably worth.
- Fourth: to sell at private sale will save costs & expenses of offering the same for sale at public sale.

and he therefore asks for an order authorizing him to sell said real estate at private sale.

H. A. Belleville, ad. of the estate of Cassius Cook, Decd.,  
The State of Ohio, Union County.

H. A. Belleville, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes  
H. A. Belleville

known to before me, & signed in my presence, this 14. day of Sept. 1929  
Mand. P. J. W. Notary Public.

affidavit  
Disinterested  
Persons.

Affidavit of Disinterested Persons.

The State of Ohio, Union County. C. C. Jarvis, et Paul M<sup>rs</sup> Hoop  
being duly sworn, say that they know the facts set forth in the  
Application to which this affidavit is attached: that they  
have no interest whatsoever in the matters therein  
referred to, and that it will be more for the  
interest of the said estate to sell said real estate  
at private sale than at public sale as they verily believe.

Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11549

C.P. Jarvis Real M<sup>r</sup>. H<sup>er</sup>.  
Brought to before me, and signed in my presence, this  
14. day of Sept. 1929. Ed. Maud Pyles, Notary Public  
Probate Court, Union County, Ohio.  
Sept. 16 - 1929

11549

Confirming  
order  
Private sale

Confirming app<sup>r</sup>. and ordering Private Sale.

This day this cause came on, further to be heard, and it ap-  
pearing to the court that the appraisement heretofore ordered  
has been duly made, the same is hereby confirmed:  
said appraisement being Four Hundred & <sup>20</sup>/<sub>100</sub> Dollars. And the  
plaintiff above named having given bond, dated April  
24 - 1928, in the sum of Two thousand Dollars, with S. A. Bellville  
an<sup>d</sup> Bess K. Bellville sureties, conditioned according to law  
and approved by the Court; and it appearing to the  
Court, that it would be to the interest of said estate to sell the  
real estate described in the petition at private sale:

Report of sales

It is now ordered, that said plaintiff proceed to sell said  
real estate at private sale, at not less than the appraised  
value thereof, and upon the following terms, to wit:  
Cash in hand, in full, on day of sale.

W. H. Busted.

Order of Sale from Down

Order

The State of Ohio, Union County, Probate Court.  
To, S. A. Bellville, Meeting

In obedience to an order and decree of the Probate Court  
within, and for said county, made this day, in a certain  
cause, wherein you as Administrator of the estate of  
Cassius Cook, deceased, are Plaintiff and Lloyd Cook  
et al. are Defendants, you are commanded to proceed  
according to law, to sell at private sale, for not  
less than \$400.00 the appraised value thereof, the  
following described premises to wit:

Entry  
files

Sept 16 - 1929

Situated in the State of Ohio, County of Union,  
Township of Paris and a part of D. M. Survey no 5497,  
an<sup>d</sup> Beginning at a stone corner to the M<sup>r</sup>. Kelly land, an<sup>d</sup> in  
the County road; Thence with the said M<sup>r</sup>. Kelly west  
line S. 9° E. 166 poles to a stone in the line of the  
S. Beck land; Thence with the said Beck line S. 81°  
W. 3 1/2 poles to a stone corner to the H. Bellville  
land; Thence with his line N. 9° W. 166 poles to a stone  
in the County road, and another corner to said  
Bellville land; Thence with said road N. 81° E. 12. 50 poles  
to the beginning, Containing 13 acres & 74 poles, more or less.  
Said sale to be private & to be upon the following  
terms: Cash, in hand, in full, on day of sale.

You will make return of your proceedings to this Court  
forthwith upon execution of this order.

Final Record, Union County Probate Court

11549

Witness my signature and the seal of said Probate Court at Mansville, Ohio, this 16 day of Sept. 1929.

W. W. Husted, Probate Judge

Return

To the Probate Court, Union County, Ohio.

In obedience to the foregoing order, I have caused the same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated 16 day of Sept. 1929

H. A. Bellville Adm.

Report of sale

In obedience to the within order, I sold said premises, on the 16 day of Sept. 1929, to Grace Orfield for the sum of Four Hundred Dollars, said sum being the appraised value of the same.

H. A. Bellville

Dated the 16 day of Sept. 1929

The State of Ohio, Union County.

The above named H. A. Bellville being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for said property.

H. A. Bellville

Sworn to before me, and signed in my presence, this 16 day of Sept. 1929. Maud Pyles, Notary Public.

In the Probate Court, Union County, Ohio

Journal entry.

Entry files

Sept 16-1929

H. A. Bellville, adm. of the Estate of Cassius Cook, deceased.

Plaintiff

vs. Bloy Cook et al. Defendants.

This day, this cause came on to be heard on the report of H. A. Bellville as adm. of the estate of Cassius Cook deceased, of his proceedings under the former order of this Court, and upon the motion to confirm the sale made in obedience to an order of sale, and the Court having carefully examined said report, and finding the proceedings of the said plaintiff in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the said proceedings and sale be, the same hereby is, approved, and confirmed.

It is further ordered that the said plaintiff do such administrative execute and deliver a

## Final Record, Union County Probate Court

THE W-W-S CO., CIN., O. 6203

11549

a good and sufficient deed of all the rights, title and interest of the said deceased, and, of all the other parties defendant's having an interest in said real estate, to the purchaser, Grace Overfield, upon her paying the purchase price for said premises, in full, in the sum of \$400- to the plaintiff.

This cause coming on further to be heard upon motion to distribute the proceeds of the sale amounting to the said sum of \$400- the Court finds that there is due the Union County Savings and Loan Company upon its note set forth in its answer and cross petition filed herein this day, principal and interest the total sum of \$289<sup>85</sup>; that the said Cassius Cook, and Queen Cook, his wife, who is now deceased, to secure the payment of the said promissory note, and interest thereon gave a mortgage upon the premises in the petition described, which mortgage the Court finds to be good, valid and subsisting lien upon said premises and now upon the funds arising from the sale of said real estate. It is ordered that an entry of release and satisfaction of said mortgage lien be entered of record in the office of the County Recorder, of Union County, Ohio, according to law.

It is therefore further ordered, that the said plaintiff out of the money in his hands, pay:

- First: To the County Treasurer of this County the taxes, penalty, and interest, against said real estate, in the sum of \$16<sup>04</sup>
- Second: To the Union County Savings & Loan Company the sum of \$289<sup>85</sup> the amount heretofore found due it on its mortgage note.
- Third: To this Court the costs taxed in this action in the sum of \$29<sup>75</sup>
- Fourth: To the plaintiff as such administrator his percentage which the Court finds and allows him on the amount of the said sale, the sum of \$24<sup>-</sup>.
- Fifth: To Miss L. Myers, for his services rendered herein as attorney fee, in the sum of \$40<sup>36</sup> which the Court finds to be just & reasonable.

It is further ordered that this cause be recorded.

W. H. Husted Probate Judge

Approved: Miss L. Myers, attorney for Plaintiff  
John H. Darby " " Union Co. Savings & Loan Company.

title and  
the other  
said real  
upon her  
in full, in the

upon motion  
to the said  
to draw the  
upon its  
petition filed  
the total sum  
Queen Court,  
payment of  
year, a  
described  
d, valid  
and now  
of said  
try of  
to him to  
Recorder.

e said  
pay-  
only the  
what said

Loan Company  
heretofore

this action

finds and  
the said

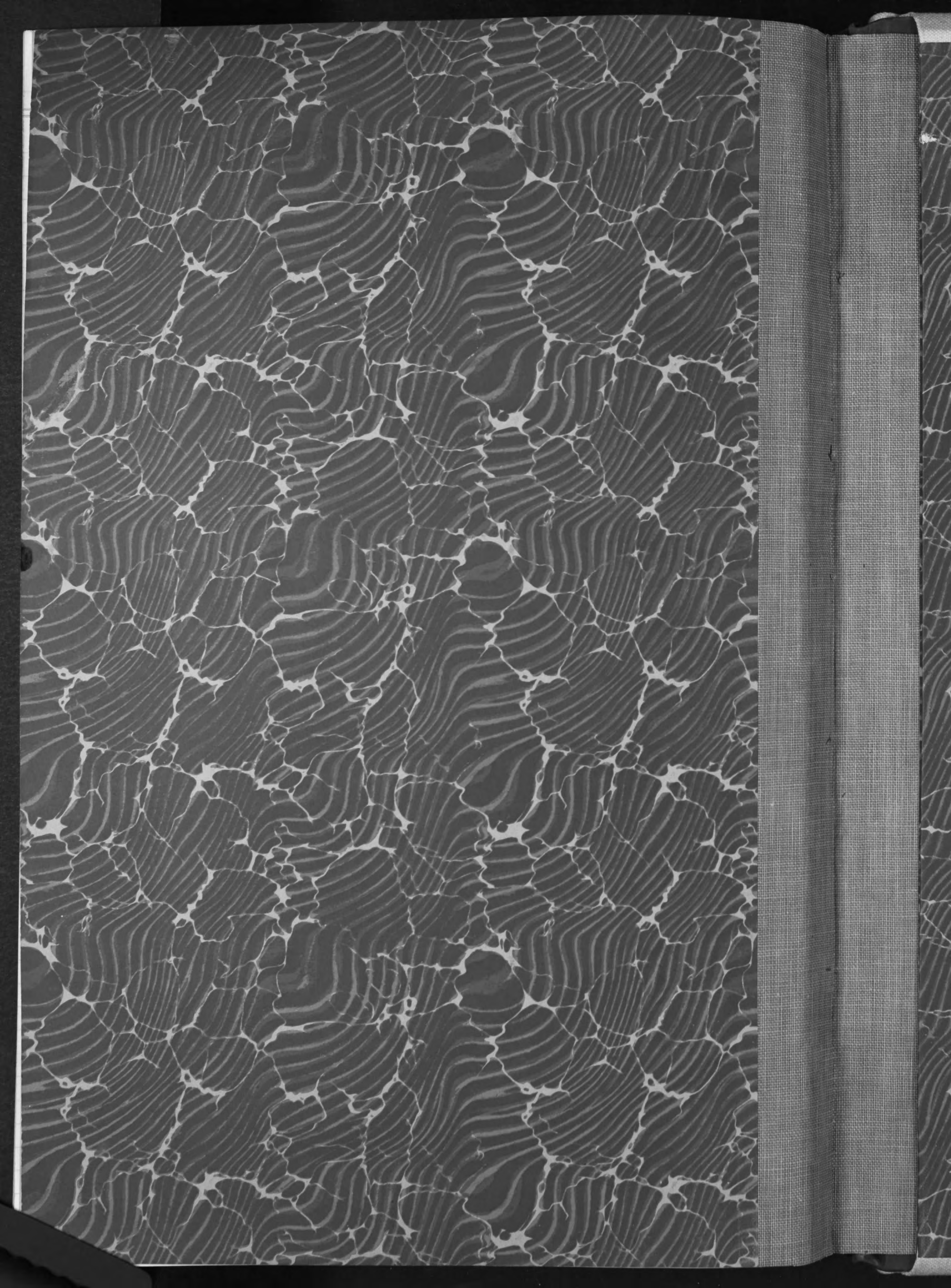
entered  
sum of  
just & reasonable  
v. recorded.

Judge  
Savings & Loan  
Company.



Ordered 6/27/29  
W. H. Hanes - Troup Co.

No. 85





No. 85

**FINAL  
RECORD**

**NO. 35**