FINAL
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FINAL
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PROBATE COURT
UNION COUNTY

FINAL
RECORD
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TO DUPLICATE THIS
ORDER
No. C. D. 4981
FROM
THE F. J. HEER PRTG. CO.
PRINTERS, BOOKBINDERS, RULERS,
BLANK BOOK MFGRS., STATIONERS,
OFFICE FURNITURE, SUPPLIES
386 S. Fourth St. · · Columbus, O

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12731
Filed
May 29-1934.

Filed
May 29- 1934.

Heer Ptg. Co., Cols., O. CD 4981.

12731
Filed
May 29-1934.

In the Matter of The Estate of Elizabeth Rausch, Deceased.
Probate Court of Union County, Ohio.
In the matter of the Estate of Elizabeth Rausch, Deceased. | No. 12731 & Application to Sell Personal Property at Public Sale.

To the Honorable L. W. Hazen, Judge of said Court:

Geage J. Weidman respectfully represents that he is the duly appointed, qualified and acting administrator with the will annexed of the estate of Elizabeth Rausch, deceased late of the village of Marysville, in said county; that the assets of said estate have been duly appraised and an inventory of the same filed with this Court.

Your applicant asks authority to sell the following personal property at public auction upon Saturday, June 9th, 1934, at the residence in Marysville, Ohio, terms of sale to be cash.

Description of Articles.

All the household goods and other personal property described in Schedule A of the inventory heretofore filed in this estate.

Application is made for public sale of this personal property because there are no near next of kin desiring to take the same at the appraisement, and it will be for the best interest of the estate to dispose of the same at public auction.

Cameron & Cameron.
Attorneys for Administrator.

State of Ohio, Union County, ss:

George J. Weidman, being first duly sworn, says that the facts stated and allegations made in the foregoing application are true as he verily believes.

George J. Weidman.

Sworn to before me and signed in my presence this 29th. day of May, 1934.

Seal

R. L. Cameron- Notary Public.

Filed
May 29- 1934.

Probate Court of Union County, Ohio.
In the matter of the Estate of Elizabeth Rausch, Deceased. | No. 12731. Entry Ordering Public Sale.

This day this cause came on to be heard upon application of George J. Weidman, administrator with the will annexed of the estate of Elizabeth Rausch, deceased, for permission to sell at public auction the personal property described in Schedule A of the inventory heretofore filed herein; and the Court, being fully advised in the premises, finds that the statements and allegations in said application are true, and that it will be to the best interest of said estate to sell said personal property at public auction for the highest and best price that can be obtained therefore.

It is therefore adjudged and decreed that said administrator proceed according to law to sell said personal property at public auction to the highest bidder after giving notice thereof for the time and in the manner prescribed by law.

Heer Ptg. Co., Cols., O. CD 4981.

12731

It is further ordered that sale be made for cash in hand at the time of sale, and that said administrator make return of his proceedings herein within 30 days after such sale.

L. W. Hazen - Probate judge.

Filed June 18 - 1934.

Order of Sale, Personal Property.
Public Sale - Estate.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Elizabeth Rausch, Deceased.

No. 12731
On Petition to Sell Personal Property.
Order of Sale.

To George J. Weidman, administrator with the will annexed of the estate of Elizabeth Rausch deceased.

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 public vendue, to the highest bidder, after giving notice of the time and place of sale, by advertisement appearing at least three times in a newspaper of general circulation in the County during a period of fifteen days next preceding such sale, or by advertisement posted not less than 15 days next preceding such sale in at least five public places in the Township or Municipality where such sale is to take place, or by both such form of advertisement, the following described personal property, to-wit:

No. of Items	Weight, Measure or No. in Items	Description of Articles Appraised	Appraised Value
	3	Oak rockers @ $2.50	$ 7.50
	1	Morris chair	2.00
	1	Library Table	2.00
	1	9 X 12 rug	5.50
	1	Stand	.25
	1	11 X 12 rug	6.00
	10	small rugs 50¢ each	5.00
	5	Rockers $1.00 each	5.00
	1	base burner	10.00
	1	Sofa	3.00
	1	Stand	1.00
	1	Pedestal	.50
	1	Pedestal	.10
	1	Foot stool	.10
	1	Mirror	3.00
	1	Single bed	3.00
	1	Dresser	2.00
	1	Stand	.50
	1	Stand	.50
	1	Mirror	.25
	1	White Sewing Machine	7.50
	1	Kitchen table	.50
	1	Drop leaf table	1.00

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12731	No. of Items	Weight measure or no. of articles in Item	Description of articles appraised	appraised Value.
		1	Kitchen cabinet	.75
		1	Chest of drawers	.50
		1	Rocker	.50
		1	Range + pipe	5.00
		1	Heater + pipe	10.00
		1	Assortment of dishes	2.00
			Linoleum on floor	1.00
		1	Set of Dishes	5.00
		1	Dining room set	18.00
		1	Rug	1.00
		1	Safe	.50
		1	Step ladder	.25
		1	Oil Stove	2.00
		1	Drop leaf table	.25
		1	Jr. wardrobe	.75
		1	Bed, springs + feather mat.	3.00
		1	Dresser	1.50
		1	Rocker	.50
		1	Chest comforts (7 new) $1.00 each	7.00
		1	Book rack	.25
			Carpet + 3 rugs	1.00
		1	Bed + ticks	3.00
		1½	Tons hard coal	15.00
		2	cord stove wood	2.50
		1	Lawn mower	.50

Said sale to be upon the following terms: Cash in hand at time of sale.

You will return this order within thirty days after the sale, together with your report thereon endorsed.

Witness my hand and the seal of said Court this 29th. day of May, A. D. 1934.

(Seal)

L. W. Hagen - Probate judge.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Elizabeth Rausch, Deceased. | On Petition to Sell Personal Property. Report of Sale.

The undersigned, administrator with the will annexed of the Estate of Elizabeth Rausch deceased, says that in obedience to the order of said Court, hereto attached, he sold said personal property, commencing on the 9th. day of June 1934, and closing on the 9th. day of June 1934, for the sum of Two Hundred One and 15/100 Dollars. A copy of the Notice of Sale, duly verified, together with a Bill of said Sales, is herewith returned.

Dated this 14th. day of June 1934.

George J. Weidman - Administrator with the will annexed of the estate of Elizabeth Rausch, Deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12781

Advertisement of Sale.

State of Ohio, Union County, ss:

I, George J. Weidman, administrator with the will annexed of the estate of Elizabeth Rausch, deceased, do make solemn oath that I caused notice of the sale of the personal property of said deceased, a true copy of which notice is hereto attached, to be given by advertisement at least three times in the Marysville Tribune, a newspaper of general circulation in the county, during a period of 15 days next preceding such sale.

George J. Weidman - Administrator with the will annexed of the estate of Elizabeth Rausch, deceased.

Sworn to before me and signed in my presence this 14th. day of June, 1934.

Seal

May B. Amsine - Notary Public.

Public Sale of Household goods belonging to the estate of Mrs. Elizabeth Rausch, deceased, on the corner of Oak and Seventh Streets, Marysville, Ohio, on Saturday, June 9th at 1 P.M.,

Two oak rockers, Morris chair, library table, 9X12 Rug, stand, 11X12 rug, two small rugs, five rockers, base burner, safe, stand, two pedestals, footstool, mirror, single bed, dresser, two stands, small mirror, sewing machine, kitchen table, drop leaf table, kitchen cabinet, chest of drawers, rocker, range and pipe, small heating stove, lot of assorted dishes, kitchen linoleum, set of dishes, set of dining room furniture, rug, safe, step ladder, oil stove, drop leaf table, wardrobe, bed and feather mattress, dresser, rocker, seven comforts, rocker, carpet and three rugs, bed and tick, 1½ tons hard coal, 800 lbs. soft coal, 2 cords stove wood, lawn mower.

John Pfarr - Auctioneer.

Sale Bill - Estate of Elizabeth Rausch, Deceased.

The eight attached sheets of the blank represent a bill of all the property sold by George J. Weidman, administrator with the will annexed of the estate of Elizabeth Rausch, deceased, late of Marysville, Union County, at public auction on the 9th. day of June, 1934. The sums endorsed in the right hand column on said sale sheets represent the appraisement of the articles sold insofar as the same could be ascertained. Many articles were sold which were not especially mentioned in the appraisement, and there was at times combination of articles by the auctioneer during the sale. The total sale amounted to the sum of $201.15.

I hereby certify that the foregoing sale bill is correct.

C. B. Herd

Clerk of Sale.

12781

Heer Ptg. Co., Cols., O. CD 4981.

12721

State of Ohio, Union County, ss:

I George J. Weidman, administrator with the will annexed of the estate of Elizabeth Rausch, deceased, do make solemn oath that the forgoing sale Bill is in all respects correct to the best of my knowledge and belief.

George J. Weidman.

Sworn to before me and signed in my presence this 14th. day of June, 1934.

{Seal} Mary B. Ammie - Notary Public.

Article	Name	Amount	Cash	Discount	Note
Pie Pans	Jake Ayers	10	10		
Vase	R. Weidman	10	10		
Bucket, cans	Eichman	05	05		
Bread Pans	Mr. Ginsbaugh	45	45		
Bowls, dishes	Mrs. Shidmore	15	15		
W. Bowls	Bob Evans	55	55		
6 Glasses	Mr. Ginsbaugh	45	45		
Irons	Mrs. Hutter		45	John	
Pans omelet	Mr. Ginsbaugh	25	25		
Bunch Pans	Mrs. Ayers	30	30		
Cups	Bob Evans	25	25		
Pitcher	Mrs. Vannatti	20	20		
Bunch dishes	Mrs. Daniels	15	15		
Glass Bowl	C. Patrick	10	10		
Glass dishes	Mrs. Ginsbaugh	25	25		
Box dishes	Mr. Mc Lain	1 05	1 05		
Kettle, dishes	Mrs. Shillman	25	25		
G. dishes	Mrs. Mc Lain	25	25		
G. dishes	Mrs. Mc Lain	75	75		
Drink ___	Mrs. Ayers	55	55		
Bunch dishes	C. Ferguson	10	10		
Pie Plates	Mrs. Hudson	50	50		
Pie Dishes	Mrs. Poling	40	40		
Glasses	Mrs. Goldman	30	30		
2 dishes	Mrs. Shillman	20	20		
Pie dishes	Mr. Patrick	55	55		
Pie Plates	Mr. Shillman	30	30		
Pie dishes	Mrs. Goldman	25	25		
Box knives	Mr. Moder	35	35		
Bucket, Pans	C. Keller	45	45		
Bucket junk	B. Evans	35	35		
Pan junk	Mrs. Shillman		25		
Lamps	Mrs. Nepp	10	10		
Table	Mr. Spain	60	60		50
Buck. Jelly	Ed. Foreman	45	45		
Bucket Jelly	Mr. Fairbanks	55	55		
Bucket Jelly	Mr. Perkins	25	25		
Fruit	Mr. Reed	55	55		

Final Record, Union County Probate Court

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12721	Article	Name		Amount		Cash		Discount	Note	12721
	Cane chairs 13	Mr. Brightler		1	00	1	00			
	12 Fruit	Mr. Huschan			35		35			
	12 Fruit	Mr. Ayers			35		35			
	12 Fruit	Huschan			40		40			
	Pile Fruit 12	Huschan			25		25			
	Table	Mrs. Weidman				2	00		.25	
	Pan	Mrs. Ayers			10		10			
	Jardiniere	Mrs. Rausch			50		50			
	H. Stove	B. Evans		3	00	3	00		10.00	
	Bunch crocks	Mrs. Ayers					50			
	C. Rage	Mrs. Ayers			10		10			
	Bunch jugs 2	Mrs. Tracy	2-15		30		30	Pd.		
	3 jugs	Mr. Mader	.10		80		80			
	Bal Jugs	D. Graham			10		10			
	Tub + Lantern	Mr. Moder			40		40			
	Oil can	J. L. Bliss			15		15			
	L. Hose	Dr. Goff			95		90			
	S. Ladder	J. L. Bliss			90		90		25	
	Hoe	R. Weidman			80		80			
	Lawn mower	John Gundeman		1	25	1	25		50	
	Brick Pile	Bert Gibson			25		25			
	3 Brooms	Mr. Spain			20		20			
	Set Dishes	Mrs. Dinkle		2	90	2	90		5.00	
	Tub	Mr. Mummey			40		40			
	Stand	John Gundeman				2	00		1.00	
	oil cloth, Bread Board	Mr. Kandel			15		15			
	L. Glass	Mr. Patrick			15		15			
	Picture	Mrs. Mummey			10		10			
	Dresser	Ind Sal —		8	00	8	00		2.00	
	Clock	Mr. Ayers			75		75			
	L. Table	C. Ferguson		2	25	2	25		2.00	
	L. —	Mr. Ayers			50		50			
	W. Shall	T. A. Owens			50		50			
	Shall	Mr. Mader			35		35			
	Shall	M. Poling			10		10			
	2 Baskets	M. White			15		15			
	W. Stand	M. Shillman		1	00	1	00		1.00	
	2 Stands	R. Weidman			25		25		.25	
	Rug	T. Mader			90		90		.50	
	Rug	Mrs. Shillman			70		70		.50	
	Rug	B. Evans			35		35		.50	
	Rug	Mrs. Smith D.			90		90		.50	
	Rug	T. Smith			70		70		.50	
	S. Rug	Mrs. Ayers			95		95		.50	
	Rug	Mr. Brightler			95		95		.50	
	Rug	T. Smith		1	00	1	00		.50	
	Rug	Mrs. Saygrover		2	00	2	00		.50	
	Rug	Mrs. Huffman		1	80	1	80		.50	

Heer Ptg. Co., Cols., O. CD 4981.

Discount	Notes	12781	article	Name	amount	cash	Discount	Notes
			Rug	D. Coleman	40	40		
			Rugs	T. Smith	80	80		1.00
			Rug	Mr. Ayers		10		
			Rug	Mr. Ayers		35		
			Rug	Mrs. McCracken	35	35		
	.25		2 Pillows	Mr. Graves	90	90		
			2 Pillows	J. Davis	50	50		
			3 Pillows	Mr. Poling	65	65		
	10.00		3 curtains	Mrs. Ayers	25	25		
			3 pillows	Mrs. Ayers	65	65		
			2 pillows	Mrs. Ayers	50	50		
Pd.			2 Pillows	Mr. Moder	1 25	1 25		
			2 Pillows	Mrs. Ferguson	1 10	1 10		
			Comfort	Mrs. John Pfarr	75	75		1.00
			Comfort	Mr. Ayers	1 40	1 40		1.00
			Comfort	Mrs. John Pfarr	1 30	1 30		1.00
			Comfort	W. Conrad	1 80	1 30		1.00
	25		Comfort	W. Conrad	2 10	2 10		1.00
			Comfort	Mr. Brighthe	1 60	1 60		1.00
	50		Comfort	Mr. Baker	1 35	1 35		1.00
			2 Comforts	James Huffman	10	10		
			Comfort	Mr. Ayers	25	25		
	5.00		Comfort	T. Smith		1 05		
			Blanket	Mr. Moder	80	80		
	1.00		Blanket	Mr. McAboy	50	50		
			Blanket	Mr. Grande	85	85		
			Shoes, Basket	Mr. Poling	10	10		
			Shoes	Mrs. Sabre	10	10		
	2.00		2 Shoes	Mr. Rogers	05	05		
			Picture	Mr. Daniels	20	20		
	2.00		Trunk	Mrs. Freeman	75	75		
			P. Slips	Mr. Rullins	40	40		
			P. Slips	Mr. Graves	55	55		
			P. Slips	Mr. Yeager	35	35		
			P. Slips	Mrs. Murray	55	55		
			P. Slips	T. Smith	60	60		
	1.00		Bunch Clothes	Mrs. Brake	15	15		
	.25		Bunch Garments	C. Laird	40	40		
	.50		Bunch Clothes	Mrs. McAboy - Murray	25	25		
	.50		Bunch clothes	Mr. Walker	40	40		
	.50		2 Suits —	P. Evans	25	25		
	.50		N. Shirts	Mrs. McAboy	25	25		
	.50		T. Cloth	Mrs. Yeager	50	50		
	.50		2 Shirts	Mrs. Nicol	65	65		
	.50		Box Goods	Mrs. McCarty	65	65		
	.50		T. Stool	Mrs. Ayers	20	20		.10
	.50		C. Shoes	Bob Evans 3-20	60	60		
	.50		Table	Mrs. Shillman	4 85	4 85		1.00

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12721	Article	Name	Amount	Cash	Discount	Note
	Base Burner	Mr. P. Thalap.	7 50	7 50		10.00
	Night Gown	Mrs. Young	05	05		
	Range	P. Weidman		7 00		5.00
	K. Cabinet	G. Vannatti	1 00	1 00		.75
	D. Table	Mrs. Laird	40	40		
	Linoleum	W. Locke	4 75	4 75		1.00
	Rope	Mr. Walker	15	15		
	Pictures	Ed Weidman	15	15		
	L. Glass	Miss Hahn		3 75	See John	3.50
	Small Glass	H. W. Dull	60	60		.25
	S. Board	Mrs. Blumenschein	1 30	1 30		1.00
	Gas	Mr. Harold	40	40		
	Safe	K. Washington	95	95		.00
	Dresser	R. S. Weidman	1 35	1 35		.50
	D. Suit					
	Table	Louis Thompson	1 75	1 75		
	6 Chairs	Louis Thompson 6-1.00	6 00	6 00		18.00
	S. Board	Louis Thompson	1 00	1 00		
	S. Machine	J. Gibson	2 90	2 90		7.60
	Carpet	Miss Blumenschein	2 00	2 00		1.00
	Carpet	H. Hudson	50	50		
	Carpet	Mrs. Rausch	25	25		
	Rug	T. Smith	7 00	7 00		6.00
	Rug	T. Smith	6 25	6 25		5.00
	Carpet	W. H. Hildreth	30	30		
	B. Rack	Poling	15	15		
	T. Bed	Mrs. Baldwin	2 00	2 00		
	Bed Springs	Bob Evans		10		8.00
	T. Tick	Mr. Weidman	75	75		
	Bed Stead	T. Guy		1 75		3.00
	T. Bed	Mrs. Colman	1 00	1 00		
	Bed & Mattress	R. Bennett	3 00	3 00		3.00
	Rocker	Mr. Graves	75	75		.50
	Rocker	Mr. Graves	75	75		.25
	Rocker	R. Bennett	1 00	1 00		
	Rocker	James Haden	1 00	1 00		.00
	Cupboard	Mr. Dishemuth	80	80		
	Rocker	Mr. Baygrove	50	50		
	Rocker	Ray Stiver	1 10	1 10		2.50
	M. Chair	Ray Stiver	1 40	1 40		2.00
	Rocker	Ray Stiver	2 00	2 00		2.50
	Rocker	Mr. Sweeney	2 60	2 60		2.50
	R. Chair	Mrs. L. Rausch	1 00	1 00		
	Davenport	Mr. Walker	40	40		
	Hood	Virginia Bourgo		10		
	6. Hangers	H. Herald	35	35		
	17 prs. stockings	Mr. Daniels	60	60		
	Hat	Dora Rittenhouse	15	15		

12721

12766
Filed
June 21-1934.
Robert Allen
attorney.

Heer Ptg. Co., Cols., O. CD 4981.

Discount	Note		Article	Name	Amount	Cash	Discount	Note
	10.00	12781	— Clothes	Huffman	10	10		
			B. Clothes	Mrs. Young		10		
	5.00		Couch	Mrs. Walker	55	55		
	.75		Coal- Hard	John Weidman		11 50		15.00
			S. coal	Mr. Hayes	1 50	1 50		1.50
	1.00		Wood	Mr. Hayes	3 15	3 15		2.50
			Junk	Mr. Hayes	25	25		
			Coat	C. Keller	25	25		
See John	8.50		Coat	Mr. Patrick	55	55		
	.25		Coat	Mr. Ayers	80	80		
	1.00		Coat	Wm. Austin	10	10		
			D. Coat	Mr. Patrick	45	45		
	.50		3 Dresses	Mr. Moder	25	25		
	.50		J. Suit	Mrs. Ayers	25	25		
			2 Dresses	Mr. Patrick	80	80		
			2 Skirts	Mrs. Dinkle	65	65		
	18.00		2 Jackets	D. Rittenhouse	40	40		
			3 Dresses	R. Stine	50	50		
	7.60		Rug	Mrs. Rausch	2 35	2 35		
	1.00		12 Mats	Mrs. Ayers	25	25		
			2 Rugs	Mrs. Hauck	35	35		
			Stand	Mrs. Smith	50	50		.50
	6.00		Oil Stove	Liz. Weidman		2 00		2.00
	5.00		Rocker	M. Weidman		1 00		1.00

12766
Filed
June 21-1934.
Robert Allen
Attorney.

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Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Wm. A. Swartz, Guardian,
Plaintiff,

vs.

Ira Wade, Ruth H. Allen
and Belva M. Allen,
Defendants.

Case No. 12766.

Petition to Sell Real Estate.

The Plaintiff represents that he is the duly appointed, qualified and acting Guardian of Ruth H. Allen of the age of twenty years, on the 30th. day of August, 1983, and Belva M. Allen of the age of eighteen years on the 4th. day of May, A. D. 1934, and further says that said Wards reside with their mother, Marietta Allen in Claiborne Township, Union County, Ohio. The Plaintiff says that he was appointed as such Guardian by the Probate Court of Union County, Ohio, on the — day of May, A. D. 1934, in Case No. —.

It is respectfully represented that each of said Wards is the owner and legal holder of an undivided one-twelfth interest in the following described real estate and that both of said interests amount to an undivided one-sixth of said real estate and that both interests are petitioned to be sold in this proceeding.

Heer Ptg. Co., Cols., O. CD 4981.

12766

Petition to Sell Real Estate

Said real estate is described as follows, to-wit:
An undivided one-sixth interest in the following described real estate, to-wit:
Situated in the County of Union, in the State of Ohio, and in the Township of Claibourne. Being part of Surveys Nos. 12654, & Nos. 13440, 13449 and 13526.
Beginning at a stone or post in the west line of said Survey No. 12654 at a corner of the lands of Elmore Y. King. Being South 11½° E. 41 poles from the Northwest corner of said last named survey; Thence with said King's line North 81° E. 118 poles to a stone in the angle of said line; thence continuing with said line South 15° E. 88.91 poles to a stake in the North line of Lot No. 3 of a Subdivision of said Survey No. 12654 made by A. S. Mowrey May 24, 1869. See Plat Book No. 1, Page 128, Union County, Ohio, Recods of Plats; Thence with said last named line S. 81½° W. 129.18 poles to a stake in the center of the Richwood, Essex and La Rue Gravel Road; Thence with the center of said Gravel Road N. 25½° W. 50.40 poles to a stake; Thence N. 66½° E. 16.60 poles to a stone in the West line of said Survey No. 12654; Thence with the said Survey line E. 11½° W. 85.66 poles to the place of beginning, containing 69 acres, more or less.
It is respectfully reported that there are no encumbrances upon said real estate.
The Plaintiff respectfully represents that the undivided one-sixth interest to which his Wards are entitled in said real estate is worth Four Hundred Seventy Five Dollars ($475).
The Plaintiff respectfully represents there are no other persons who have any interest in said real estate.
Wherefore, the Plaintiff prays the Court for an order authorizing said Plaintiff to sell at private sale, the real estate hereinabove described for a sum not less than Four Hundred Seventy Five Dollars ($475) which is it's fair value; and for all other and further relief to which he is entitled.

Robert T. Allen.
Attorney for Wm. A. Swartz.

12766
Filed
June 21- 1934.
Journal Entry.

Oath

State of Ohio, County of Union, ss:
Wm. A. Swartz, being first duly sworn, says that he is the duly appointed, qualified and acting Guardian of Ruth H. Allen and Belva M. Allen; and that the facts stated and allegations contained in this his Petition are true to the best of his knowledge and belief.

William A. Swartz.

Sworn to before me and subscribed in my presence this 18th. day of June, A. D. 1934.

(Seal) Robert T. Allen - Notary Public.

Filed
July 5- 1934.
Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12766
Filed
June 21- 1934.
Journal Entry.

In the Probate Court of Union County, Ohio.

Wm. A. Swartz, Guardian,
Plaintiff,
vs.
Ila Wade, Ruth H. Allen
and Belva M. Allen,
Defendants.

Case No. 12766.

Journal Entry.

This day this cause came on to be heard upon the Petition of the Plaintiff for the sale of the real estate and the Court finds that the Wade, Ruth H. Allen and Belva M. Allen are the legal owners and holders of an undivided one-sixth interest in the sixty nine (69) acres described in the Petition of the Plaintiff; that there are no liens or encumbrances upon the same; that there are no other persons who have any interest in said real estate; and that the value of the same is less than Five Hundred Dollars ($500), to-wit: the sum of Four Hundred Seventy Five Dollars ($475.)

It is therefore, ordered, adjudged and decreed that the said Guardian shall sell at private sale said real estate for a sum not less than the actual value thereof, which is the sum of Four Hundred Seventy Five Dollars ($475) and it is therefore,

Ordered, Adjudged and Decreed that in conformity to Section 10510-14 of the General Code of the State of Ohio, service of summons, appraisal and additional bond are hereby waived.

It is further, Ordered, Adjudged and Decreed that said Guardian shall proceed to sell said real estate at private sale and make due return of his proceedings according to law.

L. W. Hagen- Judge.

Filed
July 5- 1934.
Order of
Private Sale.

Order of Private Sale.

Probate Court.

The State of Ohio,
Union County.

To William A. Swartz, Guardian of Ruth H. Allen and Belva M. Allen.

Greting:

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 Ruth H. Allen and Belva M. Allen, are Plaintiff and Ruth H. Allen and Belva M. Allen, your Wards, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Four Hundred Seventy Five ($475) the appraised value thereof the following described predises to-wit:

An undivided one sixth interest in the following real estate, to-wit:

Situated in the County of Union, in the State of Ohio, and in the Township of Claibourne. Being part of Surveys No. 12604, 13440, 13449 and 13526.

Beginning at a stone a post in the West line of said Survey No. 12604 at a corner of the lands of Elmore Y. King. Being South 11½° E. 41 poles from the Northwest corner of said last named survey; Thence with said King's line North 81° E. 118 poles to a stone in the angle of said line; Thence continuing

Heer Ptg. Co., Cols., O. CD 4981.

12766

with said line South 15° E. 88.91 poles to a stake in the North line of Lot No. 3 of a subdivision of said Survey No. 12654 made by A. S. Mowrey May 24, 1869. See Plat Book No. 1, Page 128 Union County, Ohio, Records of Plats; Thence with said last named line S. 81½° W. 129.18 poles to a stake in the center of the Richwood, Essex and La Rue Gravel Road; Thence with the center of said Gravel Road N. 25½° W. 60.40 poles to a stake; Thence N. 66½° E. 16.60 poles to a stone in the West line of said Survey No. 12654; Thence with the said Survey line E. 11½° W. 86.66 poles to the place of beginning, containing 69 acres, more or less.

Said sale to be upon the following terms: Cash 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 5th. day of July A. D. 1934.

Seal

L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Returns

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

Dated the 25th. day of June, A. D. 1934.

William A. Swartz.

Report of Private Sale.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 25th. day of June, A. D. 1934 offer said property, at private sale, and Marietta Allen having offered therefor the sum of Four Hundred Seventy Five Dollars ($475) and the same being not less than the appraised value of said property, I sold the same to said Marietta Allen for that sum.

William A. Swartz.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

affidavit to Report of Private Sale.

Wm. A. Swartz, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

William A. Swartz.

Subscribed in my presence and sworn to before me this 30th. day of June, A. D. 1934.

Seal

Robert N. Allen - Notary Public.

Filed July 5 - 1934. Journal Entry.

In the Probate Court of Union County, Ohio.

Wm. A. Swartz, Guardian, Plaintiff, vs. His Wards, Ruth H. Allen and Bebra M. Allen, Defendants.

Case No. 12766.

Journal Entry.

This day this cause came on to be heard upon the Report of Wm. A. Swartz, Guardian of Ruth H. Allen and Bebra M. Allen,

12766

12219 Filed Jan. 27 - 1932. F. A. McAllister Clark & Allen Attorneys.

Heer Ptg. Co., Cols., O. CD 4981.

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12766

of his proceedings 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 of the right, title and interest of the said Ruth H. Allen and Reba M. Allen in said real estate, to the purchaser, Marietta Allen, upon the said purchaser paying to said Guardian said purchase price in cash.

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 Four Hundred Seventy five Dollars ($470), Order that said Guardian pay the court costs incurred in this proceeding in the amount of $ 17.50 forthwith.

It is further ordered that the balance of said proceeds amounting to the sum of $ 457.50 be accounted for by the said William A. Swartz, Guardian, according to law.

L. W. Hagen - Judge.

12219
Filed
Jan. 27-
1982.
T. A. McAllister
Clerk
Clark & Arter
attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Margaret Ann Baumgarner,
Administratrix of the estate of
S. J. Baumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Baumgarner,
widow of S. J. Baumgarner,
deceased, Blanche Re.
Baumgarner and Burt E.
Baumgarner, her husband,
Ernest B. Baumgarner, and
Daisie Baumgarner, his wife,
Winifred H. White and Ralph
White, her husband, Nellie S.
Sidle and John Sidle, her
husband, Irma C. McDaniel
and M. L. McDaniel, her
husband, Margaret M. Dickemett
and Thomas Dickemett,
her husband.
Defendants.

Petition to Sell Real Estate to Pay Debts.

Now comes Margaret Ann Baumgarner and says she is the duly appointed, qualified and acting administratrix of the estate of S. J. Baumgarner, having received her appointment from the Probate Court of Union County, Ohio, on the 2nd day of January, A. D. 1982.

Heer Ptg. Co., Cols., O. CD 4981.

12219

She further says that there is no personal property belonging to said estate; that the debts of said estate as near as can be ascertained at the present time amount to nearly $2000.00, being itemized as follows: Widow for years support $1200.00; Lloyd Winters + Sons, funeral expenses $300.00; Dr. Wintzbaugh, medical services, $250.00; Dr. J. H. Willey, $50.00. Total $1855.00; that the costs of administering said estate will amount to about $250.00; that the personal property of said estate is wholly insufficient to pay said debts and costs of administration;

Plaintiff further says that the said E. J. Bumgarner died seized in fee simple of the following described real estate;

Situated in the Village of Richwood, in the County of Union and State of Ohio, to-wit: And bounded and described as follows:-

Petition. Beginning at a stone in the east line of North Franklin Street, and at the southwest corner of a 2.90 acre tract of land owned by Marshal A. Bell; thence with the south line of said Bell's land south 88 deg. 20 min. east 41.27 poles to an iron stake in the west line of the Erie Railroad; thence with the west line of said railroad south 33 deg. 10 min. west 13.15 poles to a post at the northeast corner of a small tract of land owned by J. W. Peters; thence with the north line of said Tract north 86 deg. 30 min. west 20.36 poles to an iron stake; thence north 2 deg. 15 min. east 6.93 poles to an iron stake; thence north 85 deg. 55 min. west 9.39 poles to an iron stake; thence north 5 deg. 25 min. east 61/100 poles to an iron stake; thence north 88 deg. 10 min west 4.97 poles to a stake in the east line of North Franklin Stret; thence north 7 deg. 30 min. east 3.3 poles to the place of beginning.

Containing One and 90/100 acres, more or less, as surveyed by Charles E. Blain, March 10th. 1922.

Plaintiff further says that the said defendant Margaret Ann Bumgarner is the widow of the said E. J. Bumgarner and has a dower interest in said real estate; that the defendants Blanche C. Bumgarner, Ernest B. Bumgarner, Winifred H. White, Nellie B. Eidle, Orma C. McDaniel and Malgaret Dishennett are the only children and heirs at law of the said E. J. Bumgarner did have the next estate of inheritance from said decdent; that all of said defendants are of lawful age and that Burt E. Bumgarner defendant, is the husband of the defendant Blanche C. Bumgarner; that Elsie Bumgarner, defendant, is the wife of the defendant Ernest B. Bumgarner; that Ralph White, defendant, is the husband of Winifred H. White, defendant; that John Eidle, defendant, is the husband of Nellie B. Eidle; that M. L. McDaniel, defendant, is the husband of Orma McDaniel; that Thomas Dishennett, defendant, is the husband of Margaret M. Dishennett, defendant; that there are no other persons, partnerships or corporations having any interest in said real estate except the parties to this suit.

12219

Bath.

Filed Jan. 27-1932. Waiver of Summons & Consent to Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12219

Wherefor, plaintiff praye that each and all of said defendants may be served with proces herein unless they waive the service of proces upon them; that the dower interest of the said Margaret Ann Bumgarner may be determined; that said real estate be sold free from said dower interest and the rights and interests of each and all of the parties in said suit may be fully determined and adjusted according to equity and the plaintiff be authorized to sell said real estate to pay the debts of said estate.

Margaret Ann Bumgarner,
Administratrix of estate of S. J. Bumgarner, dec'd.
By Clark and Arter - Her attorneys.

State of Ohio, Marion County, ss:

Margaret Ann Bumgarner, being duly sworn, depose and says that she is the administratrix of the estate of the said S. J. Bumgarner and the plaintiff herein; that the facts stated and allegations made in the foregoing, her petition, are true as she verily believes.

Margaret Ann Bumgarner.

Sworn to before me and subscribed in my presence this 14th. day of January, A. D. 1932.

John H. Clark, Notary Public.
Marion County, Ohio.

Seal

Filed Jan. 27-1932.

Waiver of Summons and Consent to Sale

Waiver of Summons and Consent to Sale.
Probate Court, Marion County, Ohio.

Margaret Ann Bumgarner, administratrix of the estate of S. J. Bumgarner, dec'd. Plaintiff,

-vs-

Margaret Ann Bumgarner, widow, et. al, Defendants.

No. 12219.
Petition to Sell Real Estate.

Waiver of Summons and Consent to Sale.

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.

Dena S. Mc Daniel.
M. L. Mc Daniel.
Blanche Bumgarner.
B. E. Bumgarner.
Nellie S. Sidle.
John W. Sidle.
Margaret Dishmuett.
Thos. E. Dishmuett.

Heer Ptg. Co., Cols., O. CD 4981.

12219
Filed
Jan. 27-1932.
Waiver of Summons
&
Consent to Sale.

Waiver of Summons and Consent to Sale.

In Probate Court, Marion County, Ohio.

Margaret Ann Bumgarner,
Administratrix of the estate
of S. J. Bumgarner, dec'd,
Plaintiff,

-vs-

Margaret Ann Bumgarner,
minor, et al., Defendants.

No. 12219.
Petition to Sell Real Estate.

Waiver of Summons and Consent to Sale.

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.

January 14, 1932.

E. B. Bumgarner.
Debie Bumgarner.
Winifred White.
Ralph White.

12219
Filed
Jan. 27-1932.
Journal Entry.

Filed
Jan. 27-1932.
Answer for
Margaret Ann Bumgarner

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner,
administratrix of the estate
of S. J. Bumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Bumgarner,
minor, et al., Defendants.

Answer for Margaret Ann Bumgarner.

Now comes the defendant Margaret Ann Bumgarner and for answer to the petition of plaintiff says she admits all of the allegations in said petition contained are true and joins in the prayer of the same.

She further says that she is of the age of 75 years; that she waives the assignment of dower to her in real estate by metes and bounds and asks that said real estate be sold free from her dower interest therein and that she be paid the value of her said dower interest in cash.

Wherefore, she prays that said real estate be sold free from dower and that she be paid the value of her said dower interest in cash.

Margaret Ann Bumgarner, Defendant.
By- Clark and Alter - Her Attorneys.

State of Ohio, Marion County, ss:

The above named Margaret Ann Bumgarner defendant herein, being duly sworn, depose and says that the facts stated and allegations made in the foregoing, her answer, are true as she verily believes.

Oath.

Margaret Ann Bumgarner.

Sworn to before me and subscribed in my presence this 14th. day of January, A. D. 1932.

Seal

John H. Clark - Notary Public.
Marion County, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

12219
Filed
Jan. 27-1932.
Journal Entry.

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner,
Administratrix of the estate
of S. J. Bumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Bumgarner,
et. al., Defendants.

Journal Entry.
January 26th. 1932.

This day this cause came on to be heard on the Petition of Plaintiff, to sell the real estate in said Petition described, to pay the debts and costs of administration, the answer of the widow, consenting to said sale, and asking that said real estate be sold free from the dower estate of said widow, as well as upon the waivers of summons and to consent to the sale of said real estate, signed by all the heirs and next of kin of the said S. J. Bumgarner, deceased, which waivers of summons and consents are now on file in this cause. Upon consideration whereof, the court finds, that each and all of the allegations set forth in said petition are true, and that it is necessary to sell the real estate in said petition described, to pay the debts of said decedent. The Court further finds, that said widow has filed her answer herein, requesting that said real estate be sold free from her dower interest, and asking that she be paid the value of her said dower interest in cash; that all of the other defendants, have by said waiver of summons and consent to sale, submitted themselves to the jurisdiction of said Court; and that each and all of said defendants have signed said waivers and consent to sale; that Blanche Bumgarner who signed the waiver of summons, is the same person as the defendant Blanche E. Bumgarner; that B. E. Bumgarner who signed said waiver of summons, is the same person as the defendant Bert E. Bumgarner; that John W. Sidle who signed said waiver of summons, is the same person as John Sidle the defendant; that Margaret Dickemett who signed said waiver of summons, is the same person as the defendant Margaret M. Dickemett; that Thos. E. Dickemett who signed the waiver of summons herein, is the same person as the defendant, Thomas Dickemett; that E. B. Bumgarner who signed the said waiver of summons, is the same person, as the defendant Ernest B. Bumgarner; that Winifred White who signed the waiver of summons herein, is the same person as the defendant, Winifred H. White.

The court further finds, that said real estate, was at the time of the appraisement of the personal property belonging to said estate, appraised by three judicious men, freeholders of said County, and that said appraisement was made in all respects according to law, and the same is now here approved and confirmed.

The Court further finds, that the Bond heretofore given,

Heer Ptg. Co., Cols., O. CD 4981.

12219

is sufficient to secure the assets to be derived from the sale of said real estate, in the event said real estate is sold, and the giving of an additional bond, is now here dispensed with; that it will be for the best interest of said estate to sell said real estate at Private sale, and it is now here ordered that an Order of Private Sale, be issued to said Administratrix, directing her to sell said real estate for not less than its appraised valued, for cash.

W. H. Husted.

Filed
Jan. 30 - 1932.
Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Margaret Ann Baumgarner, Administratrix of the estate of S. J. Baumgarner, 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 Administratrix of said estate are Plaintiff and Blanche C. Baumgarner 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 village of Richwood in the County of Union and State of Ohio, to-wit; and bounded and described as follows:-

Beginning at a stone in the east line of North Franklin Street and at the southwest corner of a 2.90 acre tract of land owned by Marshal A. Bell; thence with the south line of said Bells land south 88 deg. 20 min. east 41.27 poles to an iron stake in the west line of the Erie Railroad; thence with the west line of said railroad south 33 deg. 10 min. west 13.15 poles to a post at the northeast corner of a small tract of land owned by J. W. Titus; thence with the north line of said tract north 86 deg. 30 min. west 20.36 poles to an iron stake; thence north 2 deg. 15 min. east 6.93 poles to an iron stake; thence north 85 deg. 00 min west 9.39 poles to an iron stake; thence north 5 deg. 25 min. east 61/100 poles to an iron stake thence north 88 deg. 10 min. west 4.97 poles to a stake in the east line of North Franklin Stret; thence north 7 deg. 30 min. east 3.3 poles to the place of beginning.

Containing one and 90/100 acres more or less, as surveyed by Charles E. Blair March 10 th. 1922.

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 Marysville, Ohio, this 27th. day of Jan. A. D. 1932.

{Seal} W. H. Husted - Probate judge.

12219

Return to a

Report of Private Sale.

Affidavit to Report of Private Sale.

Filed
Jan. 30 - 1932.
Journal Entry.

Heer Ptg. Co., Cols., O. CD 4981.

12219

Return.

To the Probate Court of Union County, Ohio.

Return — 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 30th. day of January, 1932.

Margaret Ann Bumgarner
Administratrix.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 30th day of January 1932 offer said property, at private sale, and Irma S. Mc Daniel having offered therefor the sum of Fifteen Hundred Dollars ($1500.00) and the same being not less than the appraised value of said property, I sold the same to said Irma S. Mc Daniel for that sum.

Margaret Ann Bumgarner.
Administratrix.

Affidavit to Repot of Private Sale.

State of Ohio, Franklin County, ss:

Margaret Ann Bumgarner, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Margaret Ann Bumgarner.

Subscribed in my presence and sworn to before me this 30 th. day of January 1932.

Seal

E. P. Schanz - Notary Public -
Franklin County, Ohio.

Filed Jan. 30-1932. Journal Entry.

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner, Administratrix of the estate of S. J. Bumgarner, deceased, Plaintiff,

-vs-

Margaret Ann Bumgarner, widow et al., Defendants.

Journal Entry.

This day this cause came on to be heard on the return of said plaintiff, and the repot of the order of private sale hereto-for issued to her in said cause; and consideration whereof, the court finds that said sale has been made according to the law and journy order of this court, and the same is now approved and confirmed.

It is ordered that said plaintiff execute and deliver to the purchaser, Irma S. Mc Daniel, a good and sufficient deed for said real estate upon the receipt from said purchaser, of the sum of $1,500.00, the price paid therefor.

Heer Ptg. Co., Cols., O. CD 4981.

12219

It is ordrd that said plaintiff pay from the proceds, first, the taxs and assessments now due and payable; second, the cost of this proceding including attorney fee to Clark and Artz, attorneys for the plaintiff; third, to Margaret Ann Bumgarner, widow, the sum of $ 162.18, being the value of the dowery interest of said Margaret Ann Bumgarner in said real estate, said widow, having elected to have said dowery in cash; fourth, the balance of said proceds be distributed according to law.

Filed Mar. 3 - 1932. Motion.

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner, Administratrix of the estate of S. J. Bumgarner, deceased, Plaintiff,

-vs-

Margaret Ann Bumgarner, widow of S. J. Bumgarner, deceased, et. al. Defendants.

No. 12219. Motion.

Now comes the State of Ohio on relation of D. J. Fulton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, and represents to the court that the said D. J. Fulton is the duly appointed, qualified, and acting Superintendent of Banks of the State of Ohio, and that as such, on the 29th. day of December, 1931, said Superintendent of Banks, he took possession of the assets and property of The Farmers Deposit Bank of Richwood, Ohio, a banking corporation, organized and existing under the laws of the State of Ohio, for the purpose of liquidating said bank, and as such, he now holds and has in his possession all the assets of the said bank; and that on or about the 13th. day of May, 1931, the said, The Farmers Deposit Bank, caused a Story to be made on the land described in the above entitled action, for the sum of $ 6689.13 upon a judgment rendered in the court of Common Pleas of Union County, Ohio, in case No. 13004 and that said judgment has been ever since and now is a valid and subsisting lien on said real estate.

Wherefor the State of Ohio, on relation of D. J. Fulton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, moves that it be made a party defendant in the said action, with leave to plead.

Gilbert Bettman - Attorney General of Ohio.
By. T. A. McAllister - Special Counsel.
Attorneys for the State of Ohio, ex-rel. D. J. Fulton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio.

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Journal entry.

Filed Mar. 3-1932. Answer and Cross Petition.

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In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner,
Administratrix of the estate
of S. J. Bumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Bumgarner,
widow of S. J. Bumgarner,
deceased, et. al.
Defendants.

No. 12219.
Journal Entry.

Journal Entry.

On motion duly made in the above entitled action, the State of Ohio on relation of D. J. Tulton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, is made party defendant to the above entitled action with leave to plead.

W. H. Husted - Probate judge.

Filed
Mar. 3-1932.
Answer and
Cross Petition

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner,
Administratrix of the estate
of S. J. Bumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Bumgarner,
widow of S. J. Bumgarner,
deceased, et. al.,
Defendants.

No. 12219.
Answer and Cross Petition.

Now comes the defendant, The State of Ohio on relation of D. J. Tulton, Superintendent of Banks, of said State, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, and represents to the court that the said D. J. Tulton is the duly appointed, qualified and acting Superintendent of Banks of the State of Ohio and that as such, on the 29th. day of December, 1931, he, said Superintendent of Banks, took possession of all the assets and property of The Farmers Deposit Bank of Richwood, Ohio, a banking Corporation, organized under the laws of Ohio, for the purpose of liquidating said bank, and that as such Superintendent of Banks he now owns and holds, and is entitled to all the rights under the judgment and levy hereinafter mentioned.

That on or about the 13th day of May, 1931, the said The Farmers Deposit Bank in a certain action numbered 13004, in the Common Pleas Court of Union County, Ohio, duly and legally recovered a judgment against the said S. J. Bumgarner (now deceased) and the defendant, Margaret Ann Bumgarner, for the sum of $ 6689.13, with interest on said sum at the rate of 6% per annum from said 13th. day of May, 1931, and for the costs of suit in the sum of $ 6.00; that on the said the 14th. day of May, 1931, the said, The Farmers Deposit Bank, caused an execution to be issued by the clerk of the said Common Pleas Court, directed to the sheriff of Union County, Ohio, who,

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on the 14th. day of May, 1931, levied the same upon the real estate in the petition described in the above entitled action; that no payment has been made on said judgment and that said judgment and levy remain in full force, unreversed and unsatisfied, and that said judgment and levy are a valid and subsisting and first lien on the real estate in the petition described.

Wherefore this defendant prays that the real estate described in the petition may be sold, and the proceeds of said sale be applied to the payment of the said judgment and costs of this defendant, and for all proper relief in the premises. Thos. Gilbert Bettman - Attorney General of
N. A. McAllister - Special Counsel.
Attorneys for the State of Ohio, ex. rel. of S. J. Hutton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio.

State of Ohio, County of Union, ss:

N. A. McAllister, being duly sworn, deposes and says that he is one of the attorneys for the above answering defendant, duly authorized herein, and that the facts alleged in the above pleading are within the affiants personal knowledge, and are, as he believes, true.

N. A. McAllister
Attorney for said Defendant.

Oath.

Sworn to and subscribed before me this 27th. day of February, 1932.

Seal Nellie E. Long - Notary Public.

Filed Apr. 20 - 1932. Demand.

In the Probate Court, Union County, Ohio.

Margaret Ann Baumgarner, Administratrix of the estate of S. J. Baumgarner, deceased, Plaintiff, -vs- Margaret Ann Baumgarner, widow, et. al., Defendants. | Demand.

Now comes the defendant, Margaret Ann Baumgarner, widow and says that she has no property of any kind except her interest in the real estate sought to be sold in this cause.

She further says that she is a widow and as such widow is entitled to $500.00 in lieu of a homestead.

Wherefore, she demands that there be paid to her out of the proceeds of the sale of the real estate sold in this cause the sum of $500.00 in lieu of said homestead.

Margaret Ann Baumgarner, widow.
By Clark & Artis - Her Attorneys.

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Oath.

Filed June 2 - 1932. Journal Entry.

Motion.

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Oath.

State of Ohio, Marion County, ss:

Margaret Ann Bumgarner the above named widow, being duly sworn deposes and says that the facts stated and allegations made in the foregoing, her demand, are true.

Margaret Ann Bumgarner.

Sworn to before me and subscribed in my presence this 31 day of March, A. D. 1932.

Seal

John H. Clark - Notary Public.
Marion County, Ohio.

Filed June 2 - 1932. Journal Entry.

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner, Plaintiff, -vs- Margaret Ann Bumgarner, widow, Defendant.

Case No. 12219.

Journal Entry.

On motion duly made herein it appearing to the court that the Administratix of the estate of Samuel J. Bumgarner, deceased, has permitted the Fire and Windstorm Insurance on the premises described in the petition to lapse, and it appearing that it will be to the advantage and protection of all parties concerned that there should be such insurance on said premises, it is now ordered that insurance in the sum of $2000.00 against loss by fire and windstorm be placed on the said premises in some standard company; that G. W. Lee, Agent, be authorized to place said insurance, the premium therefor to be paid as costs in this case from the proceeds of the sale of said property.

W. H. Husted - Probate judge.

Motion.

In the Probate Court of Union County, Ohio.

Margaret Ann Bumgarner, Plaintiff, -vs- Margaret Ann Bumgarner, widow, Defendant.

Case No. 12219.

Motion.

Now comes the defendant, the State of Ohio on relation of D. J. Fulton, Superintendent of Banks in charge of the Liquidation of The Farmers Deposit Bank of Richwood, Ohio, and says that the administratix aforesaid has allowed the Fire and Windstorm Insurance on the premises mentioned in the petition to lapse, and that this defendant believes there is no insurance on said property; This defendant asks that the court authorize a direct the placing of insurance in the sum of $2000.00 on the above property, the same to be paid out of the proceeds of the sale thereof.

D. J. Fulton, Superintendent of Banks.
By - Gilbert Bettman, Attorney General,
By - T. A. McAllister - Special Counsel.

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12219
Filed
June 2 - 1934.
Motion.

In the Probate Court of Union County, Ohio.

Margaret Ann Baumgarner,
Administratrix of the estate
of S. J. Baumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Baumgarner,
widow, et. al.,
Defendants.

No. 12219.

Motion.

Now comes the plaintiff herein and move the Court to vacate and set aside the order in this cause appearing in Journal 44, Page 105 of this Court, being the order for the sale of the premises herein and that it vacate and set aside the order of private sale issued out of this court on said 27th. day of January, 1932, and the sale of said premises and the order of this Court confirming said sale entered in Journal 44, Page 106 of this Court; and that the deed executed and delivered to the purchaser be declared void, for the following reasons:-

First: That by inadvertence, an additional bond by the Administratrix as required by Section 10510-13 of the General Code of Ohio was not required, but was by the order first herein mentioned waived.

Second: That after the entry of confirmation of sale the answer and cross petition of D. J. Fulton, Superintendent of Banks of the State of Ohio, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, was filed herein whereby it appears that said D. J. Fulton had a judgment against said decedent at the time of his death and Margaret Ann Baumgarner, and that said judgment and the execution issued thereunder and levy made on said real estate constituted a lien on said real estate, and that by reason thereof the purchaser has refused to pay for the said real estate.

Clark & Arter.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Margaret Ann Baumgarner, being duly sworn, says that the facts stated in her foregoing Motion are true as she verily believes.

Oath

Margaret Baumgarner.

Sworn to before me and signed in my presence this 2 day of June, 1934.

Seal

John H. Clark - Notary Public.
Marion County, Ohio.

12219
Filed
June 2- 1932.
Journal Entry.

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12219
Filed
June 2- 1932.
Journal Entry.

In the Probate Court of Union County, Ohio.

Margaret Ann Baumgarner,
Administratrix of the estate
of S. J. Baumgarner, deceased,
Plaintiff,

-vs-

Margaret Ann Baumgarner,
widow, et. al.,
Defendants.

No. 12219.
Journal Entry.

This day this cause came on to be heard on the Motion of the plaintiff to vacate and set aside the orders of this Court dated the 27th. day of January, 1932, and entered in Journal 44, Page 105, being the order of sale herein and the order for the sale of said premises issued on the same date, the sale thereof and the order of confirmation by this Court, and that the deed issued to the purchaser thereunder be held void, and on consideration whereof the Court finds the facts stated in said Motion are true and does hereby sustain said Motion and does hereby order and direct that the orders of this Court appearing in said Journal 44, at Page 105 thereof in this cause and the order of private sale issued thereunder, and the sale of said premises under said order and the entry confirming said sale appearing in Journal 44, Page 106 of this Court, be and the same are all vacated, set aside, and held for naught.

And this cause now coming on further to be heard on the petition of the plaintiff for authority to sell the real estate of the above named decedent to pay the debts of his estate, the answer of the widow consenting to said sale and asking that said real estate be sold free from the dower estate of said widow, the demand of said widow for $500.00 in lieu of homestead, the Answer and cross-petition of J. J. Tuttor, Superintendent of Banks in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, the waivers of summons and consents to the sale of said real estate by all the heirs and next of kin of said decedent, which waivers of summons and consents are now on file in this cause, and on consideration whereof the Court finds from the evidence that all necessary parties are before the Court, and that each and all the allegations set forth in the petition are true, that it is necessary to sell the real estate in the petition described to pay the debts of said decedent, and that the prayer of said petition should be granted; that the defendant, Margaret Ann Baumgarner, surviving spouse of said decedent has filed herein her Answer requesting that said real estate be sold free from her dower interest and asking that she be paid the value of her said dower interest in said real estate; that all of the defendants have by said waivers of summons and consents to sale,

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submitted themselves to the jurisdiction of said Court; and that each and all of said defendants have signed said waivers and consents to sale; the Blanche Bumgarner who signed the waiver of summons is the same person as the defendant Blanche E. Bumgarner; that B. E. Bumgarner who signed said waiver of summons is the same person as the defendant Bert E. Bumgarner; that John W. Sidle who signed said waiver of summons is the same person as John Sidle the defendant; that Margaret Dishemuth who signed said waiver of summons is the same person as the defendant, Margaret M. Dishemuth; that Thos. E. Dishemuth who signed the waiver of summons herein is the same person as the defendant, Thomas Dishemuth; that E. B. Bumgarner who signed the said waiver of summons, is the same person as the defendant, Ernest B. Bumgarner; that Winifred White who signed the waiver of summons is the same person as the defendant, Winifred H. White. The Court further finds that Margaret Ann Bumgarner, the surviving spouse of said decedent is entitled to the just and reasonable value of her dower in said premises, but that said Margaret Ann Bumgarner has no homestead rights therein.

The Court further finds that said real estate was at the time of the appraisement of the personal property belonging to said estate appraised by three judicious men, free-holders of said county, and that said appraisement was made in all respects according to law, and the same is now hereby approved and confirmed.

The Court coming now to fix the amount of additional bond required by said Administratrix finds that the original bond given by said Administratrix herein was $3000.00, and that there is no personal property belonging to said estate, it is therefore ordered that the said Administratrix execute within five days to the State of Ohio, an additional bond with sufficient free-hold sureties in the sum of $200.00, conditioned according to law, and this cause is continued.

L. W. Hazen - Judge.

Filed June 2 - 1934. Administrator's Bond.

Administrator's Bond
In Proceedings to Sell Real Estate.

Know all men by these Presents: That we Margaret Ann Bumgarner, Orma A. Mc Daniel and M. L. Mc Daniel are held and firmly bound unto the State of Ohio, in the sum of Two Hundred and 00/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marion, Ohio, this 2nd. day of June, 1934.

The condition of the above obligation is such, that whereas, the above bound Margaret Ann Bumgarner was

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Filed June 2 - 1934. Approving additional Bond & Ordering Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12219

heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administratrix of the estate of S. J. Bumgarner deceased.

And whereas, the said Margaret Ann Bumgarner as such Administratrix 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 2nd. day of June, 1934 made an order requiring said Administratrix to execute a bond according to the statute in such cases made and provided.

Now, if the said Margaret Ann Bumgarner, administratrix 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.

Margaret Bumgarner.

Executed in Presence of
John H. Clark.
E. A. Artz.

Orda G. McDaniel.
M. L. McDaniel.

This Bond approved in open Court, this 2nd. day of June, 1934.

(Seal) L. W. Hazen - Probate judge.

Journal Entry.
Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Filed June 2 - 1934.
Approving additional Bond & Ordering Private Sale.

Margaret Ann Bumgarner, as Administratrix of the Estate of S. J. Bumgarner, deceased, Plaintiff,

-vs-

Margaret Ann Bumgarner, et al. Defendants.

Approving additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Two Hundred and 00/100 Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that Margaret Ann Bumgarner as such Administratrix, sell the real estate in the petition described as provided by law, free of dower and homestead at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate judge.

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Filed
June 2- 1934.
Order of Private Sale.

Order of Private Sale.

Probate Court.

The State of Ohio, Union County.

To Margaret Ann Bumgarner, Administratrix of the Estate of S. J. Bumgarner, deceased, Greeting:

On obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you are Administratrix of the Estate of S. J. Bumgarner, deceased, are Plaintiff and Margaret Ann Bumgarner, minor, 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 Village of Richwood, in the County of Union, and State of Ohio, to-wit:- and bounded and described as follows:

Beginning at a stone in the east line of North Franklin Stuet, and at the southwest corner of a 2-90/100 acre tract of land owned by Marshall A. Bell; thence with the south line of said Bell's land, south 88 deg. 20' East 41.27 poles to an iron stake in the west line of the Erie Railroad; thence with the West line of said Railroad South 33 deg. 10' West 18.15 poles to a post at the northeast corner of a small tract of land owned by J. W. Peters; thence with the north line of said tract North 86 deg. 30' west 20.36 poles to an iron stake; thence north 2 deg. 15' East 6.93 poles to an iron stake; thence north 85 deg. 55' west 9.89 poles to an iron stake; thence north 5 deg. 25' east 61/100 poles to an iron stake; thence North 88 deg. 10' west 4.97 poles to a stake in the east line of North Franklin Stuet; thence north 7 deg. 30' east 8.3 poles to the place of beginning, containing one and 90/100 acres, more or less as surveyed by Charles E. Blair, March 10th, 1922.

Said sale 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 2nd. day of June, A.D. 1934.

[Seal] L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 2nd. day of June, 1934.

Margaret Bumgarner - Administratrix.

Report of Private Sale.

Report of Private Sale. In obedience to the command of the within order of sale, I did on the 2nd. day of June, 1934 offer said property, at private sale, and J. J. Sutton, Superintendent of Banks in possession of The Farmers Deposit Bank of Richwood, Ohio, for liquidation, having offered therefor the sum of Fifteen Hundred

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Affidavit to Report of Private Sale.

Filed
June 2-1934.
Journal Entry Confirming Sale.

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Dollars ($1500.00) and the same being not less than the appraised value of said property, I sold the same to said S. J. Tutton, Superintendent of Banks, in possession of The Farmers Deposit Bank of Richwood, Ohio, for liquidation for that sum.

Margaret Bumgarner.
Administratrix.

Affidavit to Report of Private Sale.

State of Ohio, Marion County, ss:

Margaret Ann Bumgarner, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Margaret Bumgarner.

Affidavit to Report of Private Sale.

Subscribed in my presence and sworn to before me this 2nd. day of June, 1934.

John H. Clark- Notary Public.
Marion County, Ohio.

[Seal]

In the Probate Court, Union County, Ohio.

No. 12219.

Filed June 2-1934. Journal Entry Confirming Sale.

Margaret Ann Bumgarner, Administratrix of the estate of S. J. Bumgarner, deceased, Plaintiff,

-vs-

Margaret Ann Bumgarner, minor, et. al., Defendants.

Journal Entry.

Confirming Sale.

This day this cause came on to be heard on the Report of Margaret Ann Bumgarner, Administratrix of the estate of S. J. Bumgarner, deceased, of her proceedings under the former order of this Court and upon motion of said petition 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 estate of said S. J. Bumgarner in said real estate to the purchaser, S. J. Tutton, Superintendent of Banks of the State of Ohio, in possession of The Farmers Deposit Bank of Richwood, Ohio, for liquidation, upon receipt from said purchaser of the said purchase price.

And now this cause coming on further to be heard on the pleadings herein and upon motion to distribute the proceeds of the sale, amounting to the sum of $1500.00, and the said Margaret Ann Bumgarner, minor, having by her Answer herein asked that the value of her dower in said premises be allowed and paid her out of the proceeds of said sale and having

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filed herein a demand for $500.00 in lieu of a homestead, the Court finds the just and reasonable value of her dower interest in said real estate to be the sum of $162.18, and further finds that said widow is not entitled to $500.00 or any sum in lieu of a homestead in said premises and that she has no homestead rights therein. The court further finds that there is due the defendant, D. J. Tulton, Superintendent of Banks of the State of Ohio, in charge of The Farmers Deposit Bank of Richwood, Ohio, on the judgment set forth in his Answer and Cross-Petition herein the sum of $4701.60 with interest at the rate of six per cent per annum from the 12th. day of September, 1932, and that execution was duly issued on said judgment and levy made on said real estate described in the petition as alleged in said Answer and Cross-Petition and that said judgment and levy was a valid and subsisting lien on said premises and now upon the funds in the hands of said Administratix arising from the sale of said premises.

It is adjudged that an entry of release of the said judgment lien be entered upon the proper records of the office of the Clerk of the Common Pleas Court of Union County, Ohio, in which office said judgment lien appears as a matter of record.

It is further ordered that said Administratix out of the money in her hands, pay:

First: To the Treasurer of this County, the sum of $59.52, being taxes, penalty and interest against the said property.

Second: The costs and expenses incurred in the sale of said property, as follows:- The sum of $12.00 to this Court, costs taxed in this action; to Clark and Arter, Attorney fees, the sum of $60.00; to Margaret Ann Bumgarner, Administratix, the sum of $37.72, the percentum of said Administratix herein; to this Court, the sum of $20.80, the costs in the administration proceeding including a final account herein.

Third: To Margaret Ann Bumgarner, widow, the sum of $162.18, the value of the dower interest of said widow in said real estate.

Fourth: The balance of the purchase price, to-wit, $1148.18, to be retained by said D. J. Tulton, Superintendent of Banks, in charge of the liquidation of The Farmers Deposit Bank of Richwood, Ohio, said sum to be applied on the judgment debt aforesaid and it is directed that said D. J. Tulton, Superintendent of Banks, receipt to the plaintiff for said sum showing the application thereof.

It is further ordered that this proceeding be recorded.

L. W. Hagen - Judge.

12458
Filed
Feb. 10-
1933.
Slater & Slater,
Attorneys.

Petition.

Heer Pig. Co., Cols., O. CD 4981.

12458
Filed
Feb. 10-
1933.
Pater & Pater,
Attorneys.

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

Ethel Tickle, Administratix with the Will Annexed of the Estates of Martha Spurgeon and Anna Spurgeon, both deceased, Plaintiff,

-vs-

Ethel Tickle, Lawrence E. Spurgeon, Charles B. Spurgeon, Charles Hayden Spurgeon, and Pearl Treesh, as County Treasurer of Union County, Ohio.
Defendants.

No. 12458.
Civil Action.

Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administratix with the Will Annexed of the Estates of Martha Spurgeon and Anna Spurgeon, both deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Three Thousand ($3,000.00) Dollars.

Plaintiff further says that the deceased were sisters; that neither was ever married; that they lived together; that their property, real and personal, was owned in common in equal shares; that their debts were joint; that each died in 1932; and plaintiff was appointed as above stated, duly authorized under authority of Nos. 12217 and 12218, in this court on the 27th. day of January, 1932.

And the costs of administering the estate will be about Four Hundred ($400.00) Dollars.

Petition.

The total value of the personal property of said decedents was fixed by the appraisers of said estates at $460.00, or for each estate, Two Hundred and Thirty Dollars, said appraisement not having been excepted to; and said personal property is wholy insufficient to pay the debts, and costs aforesaid.

Said decedents did seized in fee simple of the following described real estate situated in the county of Union, State of Ohio, and further described as follows:

Said Martha Spurgeon owned an undivided one-half thereof and said Anna Spurgeon owned the other undivided one-half thereof, both of said halves being in Virginia Military Survey No. 6869, at a stone at the intersection of the Buckeye Gravel Road with the Marysville Gravel Road; thence with the center of the Marysville Gravel Road N. 85° 30' E. 94.60 poles to an iron stake; thence S. 5° E. 67.70 poles to a stone; thence S. 85° 40' W. 96.63 poles to an iron stake in the center of the Buckeye Gravel Road; thence with the center of said road N. 40° 10' W. 67.87 poles to the place of beginning, containing 40.52 acres, more or less.

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12458

Also one other tract of land situated in the Township of Dover, County of Union, State of Ohio, and part of Survey No. 5499, and included and described as follows:

Beginning at a stone in the center of the Buckeye Grave Road in the west line of said Survey No. 5499 and southwest corner to a tract of land conveyed by Cornelia N. Davis to Charles S. Spurgeon, January 25th. 1904; thence with the south line of said land North 83° East 173 - 20/100 poles to a stone the southeast corner of said Charles S. Spurgeon's land in the west line of lands conveyed by Charles Shaw to Abner Liggett, August 7th. 1874; thence with three consecutive lines of said land South 6° East 8 - 60/100 poles to a post, and South 84° West 16 poles to a stone, and South 6° East 40 - 24/100 poles to a stake Southwest corner to said lands in the North line of Henry H. Liggett's land; thence with said line and the North line of the lands of George W. and Dizzie Black South 83° West 157 - 20/100 poles to a stone in the West line of said Survey No. 5499, and center of the said Buckeye Grave Road; thence with said line, and center of said road, North 7° West 48 - 84/100 poles to the beginning, containing 48 - 50/100 acres more or less.

A small tract of land of about one-half acre in the Southwest corner of said tract of land being subject to a lease for school purposes. (Said tract is now released from said line, and has reverted back to said 48.00 acre tract.)

Said real estate was included in the inventory of the estate, pursuant to the order of this court, and appraised at $3,000.00 for said first described tract, and $1,200.00 for said above described second tract, and altogether at $4,200.00.

Said real estate is encumbered as follows:

Taxes and penalties thereon, including the December tax for 1932, amounting to the sum of One Hundred and Twenty-two + 44/100 Dollars, ($122.44).

The defendants, Ethel Tickle, Lawrence, Charles E. Spurgeon, and Charles Hayden Spurgeon are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all right of dower; that the rights, interests and lins of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to.

Porter & Porter.
Attorney for the Plaintiff.

12458
bath.

Filed
Feb. 10-1933.
Waiver of Summons
&
Consent to Sell.

Filed
Feb. 10-1933.
Journal Entry.

Heer Ptg. Co., Cols., O. CD 4981.

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The State of Ohio, Union County.

Ethel Tickle, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Ethel Tickle.

Sworn to before me and signed in my presence by the said Ethel Tickle, at Marysville, Ohio, this 4th. day of February, 1933.

William J. Potts & Notary Public.
Union County, Ohio.

Filed
Feb. 10-1933.
Waiver of Summons & Consent to Sell.

Waiver of Summons and Consent to Sell.

In the Probate Court, Union County, Ohio.

Ethel Tickle, administratrix of the Estates of Martha and Anna Spurgeon, Deceased, Plaintiff,	No. 12458 Proceeding to Sell Real Estate.
-vs- Ethel Tickle, et. al. Defendants.	Waiver of Summons and Consent to Sell.

We, the undersigned Ethel Tickle, Lawrence E. Spurgeon, Charles E. Spurgeon, Charles Hayden Spurgeon, and Pearl Toosey, as Treasurer of Union County, Ohio, 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.

February 10th. A. D. 1934.

Ethel Tickle - Administratrix Estates of Martha and Anna Spurgeon, Deceased.
Ethel Tickle.
Charles Hayden Spurgeon.
Charles E. Spurgeon.
Lawrence E. Spurgeon.
Pearl Toosey - County Treasurer. of Union County, Ohio.

Filed
Feb. 10-1933.
Journal Entry.

In the Probate Court

Ethel Tickle, Administratrix of Martha and Anna Spurgeon, Deceased, Plaintiff,	February 10th. 1933. Case No. 12458.
-vs- Ethel Tickle and Lawrence E. Spurgeon, et. al. Defendants.	Journal Entry. Filing Petition to Sell Real Estate.

This day came the plaintiff Ethel Tickle, administratrix of the Estates of Martha and Anna Spurgeon, deceased, and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said Martha and Anna Spurgeon, deceased, to pay the debts, and the costs of administering the estate, of the said decedents.

Heer Ptg. Co., Cols., O. CD 4981.

12458

Whereupon, it is considered and adued 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.

L. W. Hazen - Probate judge.

Filed
Feb. 10- 1933.
Order Fixing Time of Hearing and for Notice.

Journal Entry.
Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

Ethel Tickle, Administratix &c. of the Estates of Martha and Anna Spurgeon, Dec'd, Plaintiff,
-vs-
Ethel Tickle, et al, Defendants.

February 10th. 1933.
Order Fixing Time for Hearing and for Notice.

This day Ethel Tickle, Administratix with the Will Annexed, of the Estates of Martha Spurgeon, and Anna Spurgeon, deceased, filed in this court her petition praying for an order to sell the real estate therein described, belonging to the estate of said decedents, to pay debts and legacies.

It is ordered that said petition be heard on the 14th. day of March, 1933, at 1 o'clock P. M. and that summons for defendants not issue to the Sheriff of this County, for the reason that the defendants herein have entered their appearance herein.

L. W. Hazen - Probate judge.

Filed
March 14- 1934.
Finding Sale Necessary and Ordering appraisement.

Journal Entry.
Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Ethel Tickle, Administratix, of the estate of Martha and Anna Spurgeon, deceased, Plaintiff,
-vs-
Ethel Tickle, et. al, Defendants.

March 14th. 1934.
Finding Sale Necessary and Ordering Appraisement.

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; that no surviving spouse of said Martha or Anna Spurgeon, deceased, is entitled to dower and to homestead rights in the real estate described in the petition;

And, it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that Geoge Gregg, W. B. Davis and Lemard Vogel, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money free from dower therein;

Heer Ptg. Co., Cols., O. CD 4981.

12458

it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view of its fair cash value, and discharge the duties required by them according to law and to make return of their proceedings in writing to this Court on or before the 14th. day of March, 1934.

L. W. Hazen - Probate judge.

Filed Feb. 14- 1934. Order of appraisement.

The State of Ohio, Union County. ss: Probate Court.

To Ethel Tickle, Administratrix of the Estates of Martha and Anna Spurgeon, 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 Administratrix of the Estates of Martha and Anna Spurgeon, deceased, are Plaintiff and Ethel Tickle, et. al., are Defendants, you are commanded that by the oaths of W. B. Davis, Leonard Fogle and Geoge B. Clegg, Sr. judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

In Virginia Military Survey No. 5869, at a stone at the intersection of the Buckeye Gospel Road, with the Marysville Gravel Road; thence with the center of the Marysville Gravel Road N. 85° 30' E. 94.60 poles to an iron stake; thence S. 5° E. 67/100 poles to a stone; thence S. 85° 40' W. 95.63 poles to an iron stake in the center of the Buckeye Gravel Road; thence with the center of said road N. 40° 10' W. 67.37 poles to the place of beginning, containing 40.52 acres, more or less.

Also one other tract of land situated in the Township of Dover, County of Union, State of Ohio, part of Survey No. 5499, and bounded and described as follows: Beginning at a stone in the center of the Buckeye Gravel Road in the west line of said Survey No. 5499, and N.W. corner to a tract of land conveyed by Cornelia N. Davis to Charles S. Spurgeon, January 25th. 1904; thence with the S. line of said land N. 88° E. 178, 20/100 poles to a stone the S. E. corner of said Charles S. Spurgeon's land in the west line of lands conveyed by Charles Green to Abner Liggett, August 6th. 1874; thence with 3 consecutive lines of said land S. 6° E. 860/100 poles to a post, and S. 84° W. 15 poles to a stone, and S. 6° E. 40, 24/100 poles to a stake S.W. corner to said lands in the N. line of Henry H. Liggett's land; thence with said line and the N. line of the lands of Geoge W. and Lizzie Black, S. 83° W. 157, 20/100 poles to a stone in the W. line of said Survey No. 5499, and center of the said Buckeye Gravel Road; thence with said line, and center of said road, N. 7° W. 48 and 84/100 poles to the beginning, containing 48-50/100 acres more or less.

Also a small tract of land about one-half acre in the S. W. corner of said tract of land being subject to a lease for school purposes.

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Heer Ptg. Co., Cols., O. CD 4981.

12458

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 14th. day of February, A.D. 1934.

Seal

L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 27th. day of February, 1934.

Ethel Tickle, Administratrix &c.
as aforesaid.

Oath of Appraisers.

The State of Ohio, Union County.

We, the undersigned appraisers, do make solemn oath that we will, upon actual view, truly and impartially appraise the Oath of Appraisers. within discribed real estate at its true value in money, and perform the duties required of us in pursuance of the foregoing order.

W. B. Davis.
Leonard Togle. } Appraisers.
George B. Gregg, Sr.

Sworn to before me and signed in my presence, this 27th. day of February, 1934.

Ethel Tickle - Admrx &c.
as aforesaid.

Appraisers' Return.

In obedience to the foregoing order, after being first duly sworn, and upon actual view of the premises therein discribed, we the undersigned appraisers, estimate the value in money of said real estate at

Appraisers' Return. The first tract of land containing 40:52 acres is valued at $3600.00.

The second tract of land containing 48:00 acres is valued at $1500.00.

Given under our hands, this 27th. day of February 1934.

W. B. Davis
Leonard Togle
George B. Gregg, Sr. } Appraisers.

Filed Mar. 14-1934. Confirming appraisement & Ordering Additional Bond.

Journal Entry.

Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Ethel Tickle, Administratrix, Plaintiff. | March 14th. 1934.

-vs-

Lawrence E. Spurgeon, et. al. Defendant. | Confirming Appraisement and Ordering Additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular

12458 Filed Mar. 20-1934. Administratrix Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12458

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

It is further ordered that said Ethel Tickle, as such administratrix, execute within 10 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Four Thousand Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Mar. 20-1934. Administrators Bond.

Administrators Bond.

Know all men by these presents: that we Ethel Tickel as principal, and the United States Fidelity and Guaranty Company, incorporated under laws of Maryland, principal office Baltimore, as surety, are held and firmly bound unto the State of Ohio, in the penal sum of Four Thousand Dollars, to the payment of which sum, well and truly to be made to the State of Ohio, we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Signed and dated the 20th. day of March in the year one thousand nine hundred thirty four.

The condition of the above obligation is such, that if the above named Ethel Tickel Administratrix of the Estate of Martha Spurgeon and Anna Spurgeon both deceased, late of New Dover, Ohio, in the County of Union aforesaid, shall first make and return into the Probate Court within and for said County, on oath, within thirty days, a true inventory of all the moneys, goods, chattels, rights and credits of the deceased which have or shall come to her possession or knowledge; and if required by the Court, an inventory of the decedent's real estate. 2nd. Shall administer, according to law, all the moneys, goods, chattels, rights and credits of the deceased, and the proceeds of all the real estate that may be sold for the payment of decedent's debts, which shall at any time come to my possession, or to the possession of any person for me. 3rd. Shall render upon oath, a true account of my administration, within twelve months and at other times when required by the Court or the law; and failing so to do for thirty days after she has been notified of the requisition of the time by the Probate Judge she may forthwith be removed by the Court and she shall receive no allowance for services, unless the Court shall enter its journal that such delay was necessary and reasonable. 4th. Shall pay any balance remaining in her hands upon the settlement of her accounts, to such persons as the Court of the law directs. And 5th. Shall deliver the letters of administration into Court, in case a will of the deceased be thereafter duly proved and allowed, then this obligation shall be void, otherwise it shall remain in full force and virtue in law.

Ethel Tickle resides at No. R. F. D. #3. Marysville, Ohio.

United States Fidelity and Guaranty Company

(Seal) By - Russell S. Banks - Attorney-in-fact.

This Bond approved in open Court this 20" day of March, 1934.

(Seal) L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12458
Filed
Mar. 20 - 1934.
Approving Additional Bond and Ordering Public Sale.

Journal Entry.
Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.
March 20th. 1934.
Approving Additional Bond and Ordering Public Sale.

Ethel Tickle as Administratrix &c. of the Estates of Martha & Anna Spurgeon, each Dec'd.
Plaintiff,
-vs-
Ethel Tickle, et. al.
Defendants.

It further appearing to the Court that the plaintiff has given additional bond in the sum of Four Thousand ($4,000.00) Dollars, with approved sureties conditioned according to law; the said bond is hereby approved.

It is now ordered that Ethel Tickle, as such Administratrix, proceed to advertise for sale on the 21st. day of April, 1934, at 10 o'clock A. M. the real estate in the petition described as provided by law, and that he sell the same at not less than two-thirds of the appraised value thereof, on the following terms, to-wit: cash on day of sale.

And plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed
Apr. 12-1934.
Notice of Public Sale.

Notice of Public Sale.

In pursuance of the Order of the Probate Court of Union County, Ohio, I will offer for sale at public auction on the 21st. day of April, 1934, at 10 o'clock, on the premises, the following described real estate, situated in the County of Union, State of Ohio, to-wit: In U. M. Survey No. 5869, at a stone at the intersection of the Buckeye Gravel Road with the Merry Gravel Road; thence with the center of the Merry Gravel Road N. 85 degrees 30 minutes E. 94.60 poles to an iron stake; thence S. 5 degrees E. 67/100 poles to a stone; thence S. 85 degrees 40 minutes W. 95.63 poles to an iron stake in the center of the Buckeye Gravel Road; thence with the center of said road N. 40 degrees 10 minutes W. 67.37 poles to the place of beginning, containing 40.52 acres, more or less.

Also one other tract of land situated in the Township of Dover, County of Union, and State of Ohio, part of Survey No. 5499, and bounded and described as follows; Beginning at a stone in the center of the Buckeye Gravel Road in the west line of said Survey No. 5499, and S. W. corner to a tract of land conveyed by Cordelia V. Davis to Charles S. Spurgeon, January 25th. 1904; thence with the S. line of said land N. 88 degrees E. 173 20/100 poles to a stone in the S. E. corner of said Charles S. Spurgeon's land in the west line of lands conveyed by Charles Green to Abner Liggett, August 7th. 1874; thence with three consecutive lines of said land S. 6 degrees E. 8 60/100 poles to a post, and S. 84 degrees W. 15 poles to a stone, and S. 6 degrees E. 40 24/100 poles to a stake S. W. corner to said land in the north line

12458
Filed
Apr. 24-1934.
Order of Public Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12458

of Henry H. Liggett's land; thence with said line and the north line of the lands of George W. and Lizzie Black, S. 83 degrees W. 157 20/100 poles to a stone in the west line of said Survey No. 5499, and center of the said Buckeye Guard Road; thence with said line, and center of said road, N. 7 degrees, W. 48 84/100 poles to the beginning, containing 48 50/100 acres, more or less.

Also a small tract of land about one-half acre in the southwest corner of said tract of land being subject to a lease for school purposes:

Said first tract of 40 52/100 acres is appraised at $8600.00

Said second tract of 48 50/100 acres is appraised at $1500.00

Each must be sold for not less than two-thirds of said appraised value, and the terms of sale cash in hand on day of sale.

March 20th. 1934.

Ethel Tickle - Administratrix of the Estates of Anna and Martha Spurgeon with the Will Annexed.

Potter & Potter, Attorneys.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. 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, 1934, in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 12th. day of April, a. D. 1934.

(Seal) G. P. Huber - Notary Public.

Printers Fees, $20.00.

Filed Apr. 24-1934. Order of Public Sale.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Ethel Tickle as Administratrix of the Estates of Martha and Anna Spurgeon, 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 Administrator with the Will annexed of the estate of Martha and Anna Spurgeon, deceased, are Plaintiff and Lawrence E. Spurgeon and Ethel Tickle, et al, are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, on the premises on the 21st. day of April, 1934, at 10 o'clock, a. M., for not less than Two Thirds the appraised value thereof the following described premises to-wit:

Situated in the County of Union, Township of Dover, and State of Ohio, and part of Survey No. 5499, and bounded and described as follows:

Beginning at a stone in the center of the Buckeye Guard Road in the west line of said Survey No. 5499 and southwest corner to a tract of land conveyed by Cornelia V. Davis to Charles S. Spurgeon, January 25th, 1904; thence with the south line of said

Heer Ptg. Co., Cols., O. CD 4981.

12458

land north 83 East 173 20/100 poles to a stone the southwest corner to said Charles S. Spurgeon's land in the west line of lands conveyed by Charles Gunn to Anna Liggett, August, 7th. 1874; thence with three consecutive lines of said land south 6 east 60/100 poles to a post, and south 84 west 15 poles to a stone, and south 6 east 40 24/100 poles to a stake southwest corner to said lands in the north line of Henry H. Liggett's land; thence with said line and the north line of the lands of George W. and Lizzie Black South 83 west 154 20/100 poles to a stone in the west line of said Survey No. 5499, and center of the said Buckeye Guard Road; thence with said line, and center of said road, north 7 west 48 51/100 poles to the beginning, containing 48 50/100 acres, more or less. Also ½ acre in S. W. corner subject to lease for school purpose.

Also another tract of land in the Virginia Military Survey No. 5869, Beginning at a stone at the intersection of the Buckeye Gravel Road, with the Merry Gravel Road; thence with the center of the Merry Gravel Road N. 85° 30' E. 94.60 poles to an iron stake; thence south 5° E. 67/100 poles to a stone; thence S. 85° 40' W. 95.63 poles to an iron stake in the center of the Buckeye Gravel Road; thence with the center of said road N. 40° 10' W. 67.37 poles to the place of beginning. Containing 40.52 acres more or less.

Said sale to be upon the following terms: cash at the 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 14th. day of March, A.D. 1934.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 24th. day of April, 1934.

Ethel Tickle.

Administratrix as aforesaid.

Repot of Sale.

Repot 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 situate, for at least four consecutive weeks prior to the 21st. day of April, 1934, 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 10 o'clock A.M., I proceeded to offer said 48.51 acres of said real estate for sale at the premises; the 40.52 acre tract was not offered for sale because the residence thereon was lately burned, when Ralph C. Myers and Anna M. Myers, his Wife, bid to pay

12458

Filed April 27-1934. Confirming Sale Ordering Deed & Distribution.

Heer Ptg. Co., Cols., O. CD 4981.

12458

for the 48.51 acres, the sum of One Thousand ($1,000.00) Dollars, which being the highest and best bid that was offered, and being two-thirds of the appraised value of said premises, I then and there sold the same to them for that sum.

Ethel Tickle - Administratrix De Bonis Non with the Will Annexed, as aforesaid.

Dated the 24th. day of April, 1934.

Sworn to before me and signed in my presence, this 24th. day of April, 1934.

Seal

William J. Porter - Notary Public, Union County, O.

Filed April 27-1934. Confirming Sale Ordering Deed & Distribution.

Journal Entry.

Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Ethel Tickle, as Administratrix with Will Annexed of the Estate of Martha and Anna Spurgeon, Dec'd, Plaintiff,

-vs-

Ethel Tickle, et. al., Defendants.

April 27th. 1934.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Ethel Tickle, Administratrix with the Will Annexed of Martha & Anna Spurgeon of her 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; 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 Ethel Tickle, Administratrix as Aforesaid, in said real estate, to the purchasers, Ralph C. Myers and Anna M. Myers, his Wife,

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 One Thousand ($1,000.00) Dollars.

It is further ordered that said Ethel Tickle, Administratrix, &c, out of the money in her hands, pay: First, to the Treasurer of this County the sum of $ 103.57, 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 $ 50.00 to Porter & Porter, and $60.00, the percentum of said Administratrix herein, amounting to the sum of $ 246.57.

Heer Ptg. Co., Cols., O. CD 4981.

12458

It is futher ordred that the balance of said proceeds, amounting to the sum of $753.43, be accounted for by said Ethel Fickle, Administratrix, &c. according to law. And it is futher ordred that this proceding be recorded, and that said petitioner pay the costs herein, taxed at $ ——, out of the proceds of said sale, within ten days.

L. W. Hazen - Probate judge.

(From Final Rec. 37 - Pg. 499)

12505
Filed
July 23-1934.
Application.

In the Matter of the Estate of Ruama Pearson, Deceased.
Application to Sell Real Estate at Private Sale.
Probate Court, Union County, Ohio.

L. H. Collins, Administrator, with the will annexed of Ruama Pearsons estate, Plaintiff,

No. 12505
application.

-vs-

William Pearson, et al., Defendants.

The said Plaintiff represents that it would be for the best interests of the said Heirs of the Estate of Ruama Pearson, to sell the real estate discribed in the petition in this case at private sale, for the following reasons: The property being a dwelling house and Lot in the village of Peoria, Union County, Ohio, and a late appraisement had on the same in the amount of $300.00 which appraised price is offered by Don Shirk, would save the costs of advertising and danger of a sale for less money, more of the heirs interested however are willing to pay the appraised price.

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

L. H. Collins - Administrator with will annexed of Ruama Pearson, Deceased.

Oath.

The State of Ohio, Union County.

L. H. Collins, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

L. H. Collins.

Sworn to before me and signed in my presence this 14 day of July, a. D. 1934.

{Seal}

L. W. Hazen - Probate judge.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. P. Willson and W. W. Goff, 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 Heirs of the Estate of Ruama Pearson to sell said real estate at private sale than at public sale as they verily believe.

J. P. Willson.
W. W. Goff.

12505
Filed
July 23-1934.
Order of
Private Sale.

Return.

Heer Ptg. Co., Cols., O. CD 4981.

12505

Sworn to before me and signed in my presence this 14 day of July, 1934.

{Seal} L. W. Hazen - Probate judge.

Filed July 23-1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court

To L. H. Collins, Administrator with the Will annexed of the estate of Ruama Pearson, 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 are Administrator of the Estate of Ruama Pearson with the will annexed are Plaintiff and William Pearson et. al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Three Hundred ($300.00) the appraised value thereof the following described premises to-wit: Being Lot No. Twenty Four (24) in the Village of Peoria, in the Township of Liberty and in the County of Union and State of Ohio, for a more complete discription thereof, reference is hereby made to the recorded plat of said Village as found in the Office of the County Recorder of said County.

Also the following described real estate situated in the County of Union, State of Ohio and the Township of Liberty and Village of Peoria, bounded and described as follows:

Beginning at a corner post in the North east corner of an alley of the North east side of Peoria, and in the South line of John Jr. Southards land; thence with the South line of said Southards land Easterly 101 feet to a cedar post; thence in a south-westerly course 85 feet to a stone in the East line between Lots No. 23 and 24 in said Village of Peoria, thence with the east line of said alley northerly 88½ feet to the beginning. Containing one-tenth of an acre, more or less.

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 Marysville, Ohio, this 14 day of July, A. D. 1934.

{Seal} L. W. Hazen - 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 July, 1934.

L. H. Collins - Administrator with the Will annexed of the estate of Ruama Pearson, Dec.

Heer Ptg. Co., Cols., O. CD 4981.

12505

Report of Private Sale.

Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 14 day of July 1934, offer said property, at private sale, and Don Shirk having offered therefor the sum of Three Hundred Dollars ($300.00) and the same being not less than the appraised value of said property, I sold the same to said Don Shirk for that sum.

L. H. Collins.

Affidavit to Report of Private Sale.

affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

L. H. Collins, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

L. H. Collins.

Subscribed in my presence and sworn to before me this 14 day of July, 1934.

Seal

L. W. Hazen - Probate judge.

Filed July 23 - 1934.

Journal Entry - Order for Private Sale.

Probate Court of Union County, Ohio.

In the Matter of the Estate of Ruama Pearson, Deceased.

July 14th. 1934.
Petition for Order to Sell House and Lot (Real Estate).
Order of Sale.

This day this cause came on to be heard upon the petition herein filed and the Testament of L. H. Collins, Adm. with the will annexed of said estate.

The Court being fully advised in the premises finds that the statement and allegations in said petition are true, and that the property herein described ought to be sold as prayed for in the petition, and the Court being satisfied upon good and sufficient proof that it will be to the advantage to the said estate to sell said real estate at private sale, it is therefore ordered that L. H. Collins as Adm. with the Will annexed of the estate of Ruama Pearson discard proceed to sell said real estate, at private sale, for not less than the sum of $300.00. It is further ordered that said sale be made for cash in hand at time of sale.

It is further ordered that said L. H. Collins make return of his proceedings herein within 10 days from this date, and forthwith after such sale is made, and this cause is continued

L. W. Hazen - Probate judge.

Filed July 23 - 1934 Confirmation of Sale.

In the Probate Court of Union County, Ohio.

L. H. Collins, Administrator with the will annexed of the Estate of Ruama Pearson, Deceased, Plaintiff,
-vs-
William Pearson, et. al., Defendants,

Entry.
Confirmation of Sale of Real Estate.

12505

12642
Filed
Jan. 11-1934.
Milo L. Myers
Attorney.

Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12505

This day this cause comes on to be heard on the report of L. H. Collins as Adm. with the Will Annexed of the Estate of Rusana Pearson (deceased) of his proceedings under a 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 the said Petitioner in all respects correct and being satisfied that said sale was fairly and legally made, it is ordered that the said petitioner execute a Deed of all the rights, titles and interests of the said Rusana Pearson in said real estate to the purchaser Don Shirk upon the payment of the said purchase price being paid to the said L. H. Collins in the sum of $300.00 cash in hand.

L. W. Hazen
Probate judge of Union County, Ohio.

12642
Filed
Jan. 11-1934.
Milo L. Myers
Attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased, Plaintiff.

No. 12642.

-vs-

R. M. Wilson, Lena McCrary, Celia Bixler, Alfred Bixler, and Edgar H. McMahan, as Guardian of Celia Bixler, and Alfred Bixler, Edgar H. McMahan, and John H. McMahan, Defendants.

Petition.

Now comes Lena McCrary and says that she is the duly appointed qualified and acting administratrix of the estate of Jemima Wilson, deceased, that she was appointed as such by and in the Probate Court of Union County, Ohio.

That the said Jemima Wilson, died, intestate, on the 16th. day of October, 1933, leaving no children, or issue, surviving her, but left the defendant, R. M. Wilson, her widower; the defendant, Lena McCrary, her mother, and the defendants, Celia Bixler, her sister and Alfred Bixler, her brother, the only persons having the next estate of inheritance from her.

Petition.

That the decedent died the owner and seized in fee simple of the undivided one-third interest in the following real estate-to-wit:

Situated in the Township of Washington, County of Union, State of Ohio and a part of Survey #10938, and,

Beginning at four beches original north-east corner of said Survey and in the north-most corner of Survey #10988 in the name of R. Davis in the line of Virginia Military District Survey #14639; thence S. 79° 20' W. 166 poles to the south-west corner of said Military Survey #14639 and in the line of

Heer Ptg. Co., Cols., O. CD 4981.

12642

Survey # 9897 the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Greenville Treaty Line; thence with said line N. 79° 20' E. 80 poles to a stake in the line of land of Mary R. Bixler; thence N. 10° 40' W. 213 1/3 poles to her north-west corner; thence with her north line N. 79° 20' E. 75 poles to a stake in the east original line of the said Dugan Survey; thence with said line N. 10° 40' W. 17 2/3 poles to the place of beginning.

Containing 123 acres, more or less.

That the defendants, Celia Bixler and Alfred Bixler are the owners of the undivided two thirds interest in said real estate.

Further the plaintiff represents that the said deceased left no personal estate or property whatsoever and that she left debts as near as can be ascertained in the sum of $200.00, funeral expenses amounting to $285.00 and a mortgage, given to secure a note, on said real estate, and the costs of administering her estate that will amount to about $150.00 and that it is necessary to sell her interest in said real estate to pay the above debts, expenses and charges.

That no inventory or appraisement has been had or made of said interest in said real estate.

That the defendant, K. M. Wilson, as widower and surviving spouse is entitled to a has some interest in said real estate.

That the defendant, Lena McCrary, the mother, has or claims to have some right, title or interest in said real estate.

That Edgar H. McMahan and John H. McMahan, the defendants have or claim to have and hold a mortgage lien on said real estate and that the defendant, Edgar H. McMahan, is the duly appointed, qualified and acting guardian of Celia Bixler and Alfred Bixler, minors.

Wherefore, the plaintiff prays that the said defendants be required to set forth their interest or claims in or on said real estate or be forever barred from asserting the same.

That she be authorized and directed to sell said real estate and for such other orders in the premises as the Court may find to be necessary, just and equitable.

Milo L. Myers.
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Lena McCrary being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as she believes.

Bath

Lena McCrary.

Sworn to before me and signed in my presence this 11th. day of January, 1934.

{Seal} Milo L. Myers - Notary Public.

12642.
Filed
Jan. 11- 1934.
Journal Entry.

Filed
Jan. 11- 1934.
Praecipe.

Filed
Jan. 11- 1934.
Waiver.

Heer Ptg. Co., Cols., O. CD 4981.

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Notary Public.

12642.
Filed
Jan. 11- 1934.
Journal Entry.

In the Probate Court, Union County, Ohio.

Lena Mc Cray as Administratix of the Estate of Jemima Wilson, Deceased,
Plaintiff.
-vs-
K. M. Wilson, et al.,
Defendants.

No. 12642.
Journal Entry.

This day came Lena Mc Cray, administratix of the estate of Jemima Wilson, deceased, and presented to this Court her certain petition, therein praying for an order authorizing and directing her to sell the real estate in the petition described for the purpose of paying the debts and expenses of administering the estate.

Therefore, on consideration thereof, it is ordered that the said petition be filed and all the defendants be notified of the pendancy according to law.

L. W. Hazen - Probate Judge.

Filed
Jan. 11- 1934.
Praecipe.

In the Probate Court, Union County, Ohio.

Lena Mc Cray as Administratix of the Estate of Jemima Wilson, Deceased,
Plaintiff.
-vs-
K. M. Wilson, et al.,
Defendants.

No. 12642.
Praecipe.

To the Court:

Issue summons in the above entitled cause, directed to the Sheriff of Union County, Ohio, for the defendants, Celia Bixler and Alfred Bixler, who are minors over the age of 14 years (and reside with the plaintiff in Union County, Ohio) in case "action to sell real estate to pay debts and costs of administering the estate of Jemima Wilson", and make returnable according to law.

Milo L. Myers - atty. for Plf.

Filed
Jan. 11- 1934.
Waiver.

In the Probate Court, Union County, Ohio.

Lena Mc Cray as Administratix of the Estate of Jemima Wilson, Deceased,
Plaintiff.
-vs-
K. M. Wilson, Lena Mc Cray, Celia Bixler, and Alfred Bixler,
Defendants.

No. 12642.
Waiver.

We, the undersigned, do hereby and by these presents voluntarily enter our appearance in and to this cause and waive the issuing and service of summons and process upon us, and consent that the real estate be sold as and for the purpose

Heer Ptg. Co., Cols., O. CD 4981.

12642

as prayed for in the plaintiff's petition.

Hereby waiving and assigning any right, title or interest of any nature whatsoever that we may have or claim therein or thereto or distribution thereof, and assign the same to the said administratrix for the purpose of paying or applying on the payment of the debts, funeral expenses and expenses of administering said estate, and if there is any portion or part of said estate remaining for distribution that the same be paid to the said defendants, Celia Bipler and Alfred Bipler share and share alike.

Lena McCrary.
K. M. Wilson.

Filed Jan. 11- 1934 Waiver

In the Probate Court, Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased,

Plaintiff.

-vs-

K. M. Wilson, et al,

Defendants.

No. 12642.
Waiver.

We, the undersigned, do hereby and by these presents voluntarily enter our appearance in and to this cause and waive the issuing and service of summons and process upon us, and consent that the real estate be sold as and for the purpose as prayed for in the plaintiff's petition.

Edgar H. McMahan - Guardian
of Celia Bipler, and Alfed Bipler
Edgar H. McMahan.
John H. McMahan.

Filed Jan. 23-1934 Answer and Cross-Petition.

In the Probate Court, Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased,

Plaintiff.

-vs-

K. M. Wilson, Paul V. McCrary, et. al.,

Defendants.

No. 12642.
Answer and Cross-Petition.

Now comes Edgar H. McMahan and represents, that on the 7th. day of April, 1926, he was duly appointed by the Probate Court of Union County, Ohio, guardian of Celia M. Bipler and Alfed Bipler, the minors named as defendants in the above entitled action, and is still acting as such.

That for answer to the said plaintiff's petition, says that he is familiar with all the facts stated and allegations made and contained in the plaintiff's petition, and admits the same to be true.

Heer Ptg. Co., Cols., O. CD 4981.

12642.

Cross-Petition.

Now cross-petition, to the plaintiff's petition, and as said guardian represents, that on the 2nd. day of July, 1932, to protect the intrests of his said wards, Celia M. Bipler and Alfred Bipler, he filed his certain petition in the Common Pleas Court of Union County, Ohio, being case docketed as # 13337 therein, asking for the foreclosure of mortgage and sale of real estate in the mortgage described and being the premises described in the petition in this case and as hereinafter described.

That, in the said proceedings in the said Common Pleas Court to further protect the intrest of his said wards, and by authority of this Probate Court he bid in the said real estate, at sheriff's sale in foreclosure for his wards; and by order of the said Court of Common Pleas the sheriff of this County on the 6th. day of February, 1933, made, executed, and delivered a deed of conveyance for said real estate to said wards, they then being the deceased, Jemima R. Bipler, and the defendants, Celia M. Bipler and Alfred Bipler.

That said sheriff's deed was on the 6th. day of February, 1933, at 2:45 o'clock P.M. filed for record in the office of the County Recorder of Union County, Ohio, and therein recorded on the 9th. day of February, 1933, in Record of Deeds, Volume 145 on Pages 375 and 376.

The said Edgar H. McMahan as said guardian, further represents that at the receipt of the said sheriff's deed that the said Jemima R. Bipler, Celia M. Bipler and Alfred Bipler each owned an undivided one-third intrest of said real estate in common, which real estate is described as follows, to-wit:

Situated in the Township of Washington, County of Union, State of Ohio and a part of Survey # 10938, and,

Beginning at four beeches original north-east corner of said Survey and in the north-west corner of Survey # 10938 in the name of R. Davis in the line of Virginia Military District Survey # 14639; thence S. 79° 20' W. 155 poles to the south-west corner of said Military Survey # 14639 and in the line of Survey # 9897 the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Urbanville Treaty Line; thence with said line N. 79° 20' E. 80 poles to a stake in the line of land of Mary R. Bipler; thence N. 10° 40' W. 213 1/3 poles to her north-west corner; thence with her north line N. 79° 20' E. 75 poles to a stake in the east original line of the said Dugan Survey; thence with said line N. 10° 40' W. 17 2/3 poles to the place of beginning.

Containing 123 acres, more or less.

That by reason of the death of the said Jemima R. Wilson on the 16th. day of October, 1933, (formerly Jemima R. Bipler who married the defendant, R. M. Wilson) it is now found necessary to sell her undivided one-third intrest in said real

Heer Ptg. Co., Cols., O. CD 4981.

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estate to pay her debts, and the costs of administering her estate.

That the said Celia M. Bipler and Alfud Bipler have not the means or money to purchase the said one-third interest belonging to the estate of their sister, the value of their interest in the remaining two-thirds part of said real estate by reason of the sale will be greatly reduced, and not for their best interest.

Further, the said Edgar H. McMahan, as said guardian, represents, that he believes it would be for the best interest of the estate of the said Jemima R. Wilson, deceased, and to the best interests of the estate of his said wards, Celia M. Bipler and Alfud Bipler to sell said real estate, as a whole, and reinvest his wards interest.

Further, the said Edgar H. McMahan, as said guardian, represents that the rentals received from his wards interests in said real estate have been insufficient to pay taxes and necessary expenses incident to the operation of the said real estate, and he has received no income therefrom, for the benefit of his wards over and above said charges and expenses.

Further, the said Edgar H. McMahan, as said guardian, represents that he, as an individual, and the defendant, John H. McMahan, have and hold a mortgage lien on the undivided one-third interest of said real estate, being that part owned by the said Jemima R. Wilson, deceased, given by her to secure the payment of a certain promissory note made in favor of the said Edgar H. McMahan and John H. McMahan.

That the defendant, K. M. Wilson, is the surviving consort of the said Jemima R. Wilson, deceased.

That the defendants, Celia M. Bipler and Alfud Bipler, are minors over the age of 14 years and are each unmarried.

That the said Lena McCrary is the mother of the said Celia M. Bipler and Alfud Bipler, their father being deceased, and they have no other brothers or sisters of the whole blood, but have Paul V. McCrary of half blood and a son of Lena McCrary, surviving, and that the said Lena McCrary, Celia M. Bipler and Alfud Bipler are the only persons entitled to the next estate of inheritance from either of the said wards in the said real estate.

Wherefore, the said Edgar H. McMahan, as said guardian, prays that he may be authorized and directed to sell the interest of his wards, Celia M. Bipler and Alfud Bipler in the said real estate, with and at the same time that the plaintiff is authorized and directed to sell the interest of the said Jemima R. Wilson therein.

That all parties interested be made parties defendant to this answer and cross-petition and that they be notified of the prayer and pendancy thereof according to law, and for such other and further relief in the premises as the Court may find to be just and equitable and to which he may be entitled.

Milo L. Myers — atty. for Plaintiff.

12642

Oath.

Praecipe.

Filed
Jan. 23-1934.
Journal Entry.

Filed
Jan. 23-1934.
Cross-Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12642

Oath.

State of Ohio, Union County, ss:
Edgar H. McMahan being duly sworn says that the facts stated and the allegations made and contained in the foregoing answer and cross-petition are true as he believe.

Edgar H. McMahan.

Sworn to before me and signed in my presence this 20th. day of January, 1934.

Seal

Milo L. Myers - Notary Public.

Praecipe.

To the Court:

Issue summons in the above entitled cause, on the answer and cross-petition of Edgar H. McMahan, as guardian of Celia M. Bixler and Alfed Bixler, fo the said Celia M. Bixler and Alfed Bixler, and Paul V. McCrary, minors, indorse "action to sell their interest in the real estate described in the petition for re-investment" and make returnable according to law.

Praecipe.

Milo L. Myers - atty. for Plaintiff.

Filed Jan. 23-1934. Journal Entry.

In the Probate Court, Union County, Ohio.

Lena McCrary as Administratix of the Estate of Jemima Wilson, Deceased,

Plaintiff.

-vs-

K. M. Wilson, et. al.,

Defendants.

No. 12642.
Journal Entry.

This day, came Edgar H. McMahan as guardian of Celia M. Bixler and Alfed Bixler, minors and defendants named in the above entitled cause and ask leave of Court to file answer to the plaintiff's petition and cross-petition, praying in the cross petition for ordr and diction to sell the intrest of his warde in the real estate in the petition and his cross-petition described, as and for the best intrest of his said wards.

On consideation thereof it is ordred that the said answer and cross-petition be, and the same is hereby filed, and it is further ordred that summons issue on the said answer and cross-petition for the defendants and made returnable according to law.

L. W. Hazen - Probate Judge.
Union County, Ohio.

Filed Jan. 23-1934. Cross-Petition.

In the Probate Court, Union County, Ohio.

Lena McCrary as Administratix of the Estate of Jemima Wilson, Deceased,

Plaintiff.

-vs-

K. M. Wilson, et al.,

Defendants.

No. 12642.
Cross-Petition.

Now comes the defendants, Edgar H. McMahan and John H. McMahan and say that on or about the 6th. day of February, 1933, the said deceased, Jemima Wilson, also known as

Heer Ptg. Co., Cols., O. CD 4981.

12642

Jemima R. Wilson, and formerly Jemima R. Bixler, made and delivered to them her certain promissory note of that date for the consideration of $350.00 due and payable, to them, in three years from date thereof with interest at six per cent per annum payable semi-annually.

That $117.00 in payments have been made thereon and there is now due them the sum of $233.00 with interest from the 6th. day of February, 1933.

That the said Jemima Wilson to secure the payment of the said promissory note and the interest that might accrue thereon, on the 6th. day of February, 1933, made and delivered to the said Edgar H. McMahan and John H. McMahan her certain mortgage deed (her husband, R. M. Wilson not joining in the mortgage).

That the said mortgage deed is on the undivided one-third interest of the premises described in the plaintiff's petition, and which was described in said mortgage as follows to-wit:

Situated in the Township of Washington, County of Union, State of Ohio and a part of Survey # 10938, and,

Beginning at four buckeye original north-east corner of said Survey and in the north-west corner of Survey # 10938 in the name of R. Davis in the line of Virginia Military District Survey # 14639; thence S. 79° 20' W. 155 poles to the south-west corner of said Military Survey # 14639 and in the line of Survey # 9899 the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Greenville Treaty Line; thence with said line N. 79° 20' E. 80 poles to a stake in the line of land of Mary R. Bixler; thence N. 10° 40' W. 213 1/3 poles to her north-east corner; thence with her north line N. 79° 20' E. 75 poles to a stake in the east original line of the said Dugan Survey; thence with said line N. 10° 40' W. 17 2/3 poles to the place of beginning.

Containing 123 acres, more or less.

That the said mortgage deed was on the 8th. day of February, 1933, at 2:40 o'clock P. M. filed for record in the office of the County Recorder of Union County, Ohio, and therein recorded on the 14th. day of February, 1933, in Record of Mortgages Volume 102, Page 361 and by reason thereof, and the non-payment of the said promissory note, and interest the said mortgage deed is the first and best lien on the said real estate.

And they consent to the sale of the said real estate as and for the purposes prayed for in the plaintiff's petition.

Wherefore, the said Edgar H. McMahan and John H. McMahan pray that the amount of their claim be determined and fixed by the Court and that the said mortgage deed given to secure the same be decreed to be the first and best lien on the said real estate, and that when sold it be ordered by the Court that their interest be protected, and first paid out of the proceeds received from the sale, and for such other and further relief in the premises as the Court may find to be just and equitable.

Edgar H. McMahan
and
John H. McMahan

12642

Bath.

Filed
Jan. 27-1934.
Summons.

Sheriff's
Return.

Heer Pig. Co., Cols., O. CD 4981.

12642

State of Ohio, Union County, ss:

Edgar H. McMahan being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as he believes.

Oath.

Edgar H. McMahan.

Sworn to before me and signed in my presence this 20th day of January, 1934.

{Seal}

Milo L. Myers- Notary Public.

Filed Jan. 27- 1934. 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 Celia and Alfed Bifler who reside with this Plaintiff, Lena McCrary, Union County, Ohio, they being minors ove the age of fourteen years, making service of this summons upon said minors, 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 minors, or with whom they live; that on the 18th day of January A. D. 1934, Lena McCrary as Administratrix of the Estate of Jemima Wilson deceased, 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 Celia Bifler & Alfed Bifler, in said petition described, for the purpose of Re-investment and other relief, and that unless they answer by the 10th. day of February, 1934, said petition will be taken as true, and and Order granted accordingly.

Said Sheriff will make due return of this writ on the 22nd. day of January, 1934.

Witness my hand and the seal of said Court, this 23 day of January, 1934.

{Seal}

L. W. Hazen.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees	
Service & Return, first name	$ .75
3 Additional names, at 25¢	.75
Total	$ 1.50

Received this writ Jan. 24th. 1934, at 10 o'clock a. m., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: January

Sheriff's Return.

24th, 1934, I delivered a copy of this writ personally to the within named Celia Bifler and Alfed Bifler, they being minors, at the same time I served a copy of this writ personally on E. H. McMahan the duly appointed Guardian of said Celia Bifler and Alfed Bifler.

Also at the same time I served a copy personally on Lena McCrary, mother of said minors and with whom they reside.

William Rausch, Sheriff.

By- A. Grigsby, Deputy.

Heer Ptg. Co., Cols., O. CD 4981.

12642
Filed
Jan. 27-1934.
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 Celia and Alfed Bifler who reside with the Plaintiff, Lena McCrary, Union County, O. They being minors over the age of fourteen years, that on the 11th. day of January a. D. 1934, Lena McCrary as Administratrix of the Estate of Jemima Wilson deceased, 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 decedent, in said petition described, for the purpose of paying debts." Action to sell real estate to pay debts and cost of administering the estate of Jemima Wilson," and that unless they answer by the 10 th. day of February, 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 22nd. day of January 1934.

Witness my hand and the seal of said Court, this 11th. day of January 1934.

Seal

L. W. Hazen.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff's Fees.	
Service & Return, first name	$ .75
3 Additional names, at 25¢	.75
Total	$1.50

Received this writ Jan. 24th. 1934, at 10 o'clock a.m., and on the 24th. day of January 1934, I served the same by delivering a copy thereof personally to the within named Celia Bifler and Alfed Bifler, they being minors, at the same time I served a copy of this writ personally on E. H. McMahan the duly appointed Guardian of said Celia Bifler and Alfed Bifler. Also at the same time I served a copy personally on Lena McCrary, mother of said minors and with whom they reside.

Sheriff's Return.

William Rausch, Sheriff.
By- A. Grigsby, Deputy.

Filed
Jan. 27-1934.
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 Celia M. Bifler and Alfed Bifler (Guardian - E. H. McMahan.) and Paul V. McCrary.

#12642 "Answer and Cross Petition."

Lena McCrary as Administrator of the Estate of Jemima Wilson, Deceased. Vs. T. M. Wilson, et al., and the following named who are minors, to-wit;

Celia M. Bifler and Alfed Bifler and Paul V. McCrary, Minor - Guardian - Edgar H. McMahan, making service of this summons upon said minors, and also upon the guardian, or father, or if neither guardian or father can be found, then

Filed
Feb. 27-1934.
Waiver.

Heer Ptg. Co., Cols., O. CD 4981.

12642

upon the mother, or the person having the care of said minors, or with whom they live; that on the 22nd. day of Jan. A. D. 1934, Lena Mc Cray, administratrix of the Estate of Jemima Wilson deceased, filed this 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 deceased, in said petition described, for the purpose of paying debts, and as set forth in Answer and Cross-Petition Case # 12642 "to sell their interest in the real estate described in the petition for reinvestment," and that unless they answer by the 25th. day of Feb. 1934 said petition will be taken as true, and an order granted accordingly.

Said sheriff will make due return of this writ on the 30th. day of Feb. 1934.

Witness my hand and the seal of said Court, this 23rd. day of Jan. 1934.

Seal

L. W. Hazen.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service & Return, first name $.75	
4 additional names, at 25¢ 1.00	
Total	$1.75

Recived this writ Jan. 24th. 1934, at 10 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: January 24th. 1934, on Celia Bipler and Alfed Bipler by personally handing to each of them a true and certified copy of this writ, they being minors;

Sheriff's Return.

And at the same time I served a copy of this writ personally on E. H. Mc Mahan, the duly appointed Guardian of the said Celia Bipler and Alfed Bipler minors; and also at the same time I served a copy of this writ personally on Lena Mc Cray the mother of said minors and with whom they reside, the father of the said minors being deceased. And I also served Paul V. Mc Cray, a minor, and he having no Guardian I served a copy personally on Lena Mc Cray, his mother and with whom he resides, his father not being found.

William Rausch, Sheriff of Union County, Ohio.

By- A. Rigsby- Deputy.

Union County, Ohio.

Filed Feb. 27- 1934. Waiver.

In the Probate Court

Lena Mc Cray as Administratrix of the Estate of Jemima Wilson, Deceased,

Plaintiff.

-vs-

K. M. Wilson, et al.,

Defendants.

No. 12642.

Waiver.

We, the undersigned, parties defendant in the above entitled action hereby waive the issuing and service of summons on the answer and cross-petition filed herein by Edgar H. McMahan,

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as guardian of Celia M. Bixler and Alfred Bixler and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the said answer and cross-petition as therein prayed for.

Edgar H. McMahan.
Edgar H. McMahan as Gdn. of
Celia M. Bixler and
Alfred Bixler.
John H. McMahan.
Lena McCrary.

Filed
Feb. 27-1934.
Application for Guardian ad Litem.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased,
Plaintiff.
-vs-
K. M. Wilson, et al.,
Defendants.

No. 12642.
Application for Guardian ad Litem.

Now comes the plaintiff, Lena McCrary and represents that the defendants, Alfred Bixler and Celia M. Bixler, are minors, and that Edgar H. McMahan is their duly appointed, qualified and acting guardian, and is personally interested in this action and that the defendant, Paul V. McCrary, is a minor and has no guardian; that said minors and each of them have been duly and legally served with summons, and that no guardian ad litem for this action has been appointed for them.

Wherefore, the said Lena McCrary, plaintiff, makes application for the appointment of a guardian ad litem for said minor defendants, and suggests that William R. Cameron, who is a suitable person, be appointed as such.

Lena McCrary - Plaintiff.

Filed
Feb. 27-1934.
Answer of Guardian ad Litem.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased,
Plaintiff,
-vs-
K. M. Wilson, et al.,
Defendants.

No. 12642
Answer of Guardian ad Litem.

Now comes William R. Cameron being duly appointed by the court as guardian ad litem for Alfred Bixler, Celia M. Bixler and Paul V. McCrary, the minor defendants named in the petition of the plaintiff and the answer and cross-petition of Edgar H. McMahan, and for answer to the said petition and cross-petition says, that the said minors by reason of their age have not become informed as to the truth of the matters set forth in said petition, or in said answer and cross-petition; and, therefor, on behalf of the said minor defendants, and each of them, denies all the allegations and statements

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Filed
Feb. 27-1934.
Entry appointing Gdn. ad Litem.

Filed
Feb. 27-1934.
Journal Entry Ordering Appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

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made and contained in the said petition, and said answer and cross-petition, and asks the Court to protect their interest, and for such order in the premises as the Court may find to be just and equitable and in the interest of the said minor defendants.

William R. Cameron - Guardian
Ad Litem of Alfed Bipler,
Celia M. Bipler, and
Paul V. McCrary.

Filed Feb. 27-1934. Entry Appointing Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased, Plaintiff,

-vs-

K. M. Wilson, et al., Defendants.

No. 12642.
Entry appointing Guardian Ad Litem.

This day, this cause came on for hearing on the application of the plaintiff for the appointment of a guardian ad litem for the minor defendants, Alfed Bipler, Celia M. Bipler and Paul V. McCrary and the Court being fully advised in the premises find that they and each of them were duly served with summons on the petition filed by the plaintiff and the answer and cross-petition, filed herein by Edgar H. McMahan, as guardian of the said Alfed Bipler and Celia M. Bipler, and that no guardian ad litem has been appointed for said minors or either of them for the action filed by the plaintiff, or on the answer and cross-petition of the said Edgar H. McMahan, as guardian; and that the said Edgar H. McMahan is interested in the action, and a guardian ad litem should be appointed.

Therefore, it is ordered that William R. Cameron, be and he is hereby appointed guardian ad litem of the said Alfed Bipler, Celia M. Bipler and Paul V. McCrary, for this action, and the cause of action as alleged in the answer and cross-petition of the said Edgar H. McMahan, guardian of Alfed Bipler and Celia M. Bipler.

L. W. Hazen - Probate Judge.

Filed Feb. 27-1934. Journal Entry Ordering appraisement.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased, Plaintiff,

-vs-

K. M. Wilson, et al., Defendants.

No. 12642.
Journal Entry Ordering appraisement.

This cause coming on, this day to be heard upon the petition of the plaintiff, the answer and cross-petition of Edgar H. McMahan, as guardian of Alfed Bipler and Celia M. Bipler, the answer of William R. Cameron, guardian ad litem for Alfed Bipler, Celia M. Bipler and Paul V. McCrary, the minor

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defendants, the answer and cross-petition of Edgar H. McMahan and John H. McMahan for themselves, and the waiver of the defendants, Lena McCrary and K. M. Wilson, the exhibits and evidence, and, the Court being advised in the premises on consideration thereof find that all of the defendants named in the petition and the answers and cross-petitions have been duly served with summons, or have voluntarily entered their appearance in the case; and, are properly before the Court.

The Court further find that Jemima Wilson, at the time of her death was the owner, in fee simple, of the undivided one-third interest in the real estate described in the plaintiff's petition; that, she died leaving no children or their descendants surviving her, but left the defendants, K. M. Wilson, her surviving spouse, and Lena McCrary, her mother, her father being deceased, they, the said K. M. Wilson, surviving spouse, who as much has an interest in said real estated, and Lena McCrary, they being the only persons having the next estate of inheritance from her, or interest in said real estate. That, the said K. M. Wilson and Lena McCrary have waived and assigned all their right, title or interest of whatsever nature in or to, the real estate, of which the deceased died the owner.

That, it is necessary to sell the real estate of which the said Jemima Wilson died seized as described in the plaintiff's petition, to pay her debts, and the costs of administering her estate.

That, the said Jemima Wilson (also known as Jemima R. Wilson), and formerly Jemima R. Bipler, on the 6th. day of February, 1933, made and delivered her certain promissory note of that date in favor of the defendants, Edgar H. McMahan and John H. McMahan for the sum of $ 233.00, balance due, with interest thereon at 6% per annum from said date, and, on said day made and delivered to them her certain mortgage deed on the premises described in the plaintiff's petition to secure the payment of the said promissory note, which the Court finds to be the first and best lien on the said real estate.

The Court further find that by the answer and cross-petition of the defendant, Edgar H. McMahan, as guardian of Alfed Bipler and Celia M. Bipler, minors, that, said minors are the owners of the remaining two-thirds interest in the whole of the real estate described in the plaintiff's petition and in said answer and cross-petition; and they are unmarried; and, that it will be for the best interest of the said wards and their estate to sell their interest in said real estate with, and at the same time and through the same proceedings and sale of the interest of the said Jemima Wilson, deceased, as provided under Section #10510-10 of the General Code, as prayed for.

Therefore, it appearing to the Court that an appraisement of said real estate, should be made, It is ordered that C. A. Wiley, Lee Phillips and Harvey Lilley, three judicious and disinterested persons of the vicinity, not next of kin of any of the

Filed Feb. 27-1934. Release.

Filed Mar. 2-1934. Order of Appraisement.

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parties to the action, be, and they hereby are appointed to appraise said real estate, free from any interest of whatsoever nature of K. M. Wilson, therein, at its true value in money; that is, said appraisers are ordered to appraise the undivided one-third interest of Jemima Wilson, deceased, separate from the remainder; appraise the undivided two-thirds interest of Alfed Bixler and Celia M. Bixler separate from the remainder; and, appraise the said real estate as a whole.

It is further ordered that said appraisers be sworn as required by law to truly and impartially appraise the said real estate, upon actual view at its fair cash value, and as ordered by the Court and according to law, and make return of their proceedings, in writing, to this Court without delay.

L. W. Hazen - Probate judge.

Filed Feb. 27-1934. Release.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Jemima Wilson. | No. 12642. Release.

I, the undersigned, as widower, and surviving spouse of the said Jemima Wilson, deceased, for and in the consideration of One Dollar and other valuable considerations to me paid by Lena McCrary do hereby and by these presence forever quit claim, remise, release, waive and assign any and all right, title, interest or claim of whatsoever nature that I may now have or may be entitled to, as such in or to any property of whatsoever nature of which the said Jemima Wilson died the owner seized of or entitled to or otherwise, to Lena McCrary.

Including any right of inheritance, distribution, or dower or any interest in any property listed or percentum to which I may be or might be entitled under Section #10509-54 of the General Code of Ohio, or any other interest of any nature whatsoever under any of the laws of the State of Ohio or otherwise.

K. M. Wilson.

Filed Mar. 2- 1934. Order of Appraisement.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Deceased, Plaintiff, -vs- K. M. Wilson, et al., Defendants. | No. 12642. Order of Appraisement.

To Lena McCrary and Edgar H. McMahan.

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in this action, wherein you, the said Lena McCrary as administratrix of the estate of Jemima Wilson, deceased, is plaintiff, and you, the said Edgar H. McMahan, as guardian of Alfred Bixler and Celia M. Bixler, et al., are defendants, you are commanded that by the oaths of C. A. Wiley, Lee E. Phillips and J. H. Lilley,

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judicious disinterested persons of the vicinity, not of kin to the petitioner, 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, in the State of Ohio, and in the Township of Washington, part of Survey #10,988 and bounded and described as follows:

Beginning at four beeches original north-east corner of said Survey and the north-west corner of Survey No. 10,988 in the name of R. Davis in the line of Virginia Military District Survey No. 14,639; thence S. 79° 20' West 155 poles to the south-west corner of said Military Survey No. 14,639 and in the line of Survey No. 9,897, the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Greenville Treaty Line; thence with said line N. 79° 20' east 80 poles to a stake in the line of land of Mary R. Bixler; thence N. 10° 40' W. 213- 1/3 poles to her north-west corner; thence with her north line N. 79° 20' E. 75- poles to a stake in the east original line of said Dugan Survey; thence with said line N. 10° 40' W. 17- 2/8 poles to the place of beginning.

Containing 123 acres, more or less.

That is, 1. Appraise separate the undivided one-third interest belonging to the estate of Jemima Wilson, deceased.

2. Appraise separate the undivided two-thirds interest belonging to the said Alfred Bixler and Celia M. Bixler.

3. Appraise the said real estate as a whole.

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 27th. day of February, 1934.

(Seal) D. W. Hafer - Probate judge.

Oath of Appraisers.

The State of Ohio, Union County.

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

Oath of appraisers.

C. A. Wiley.
J. H. Lilley.
Lee E. Phillips. } Appraisers.

Sworn to before me and signed in my presence, this 28th. day of February, 1934.

Lena McCreary - Administratrix.

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Appraisers Return.

Filed Mar. 2-1934. Entry approving Appraisement and Ordering Bond.

Heer Ptg. Co., Cols., O. CD 4981.

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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 in money of said real estate, as follows:

Appraisers' Return.

1. We appraise separate the undivided one-third interest belonging to the estate of Jemima Wilson, deceased. $1300.00

2. We appraise separate the undivided two-thirds interest belonging to the said Alfed Bixler and Celia M. Bixler, at $2600.00

3. We appraise the said real estate as a whole, at $3900.00

Given under our hands, this 28 day of February, 1934.

C. A. Wiley.
J. H. Lilley.
Lee E. Phillips
} appraisers.

Return.

To the Probate Court of Union County, Ohio.

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

Return.

Dated the 1st day of March, 1934.

Lena McCreary - Administratrix.
Edgar H. McMahan - Guardian.
Union County, Ohio.

Filed Mar. 2-1934. Entry approving appraisement and ordering Bond.

In the Probate Court

Lena McCreary as Administratrix of the Estate of Jemima Wilson, Dec'd., Plaintiff,

-vs-

K. M. Wilson, et al., Defendants.

No. 12642.
Entry approving appraisement and Ordering Bond.

On this second day of March, 1934, came the plaintiff, by her attorney, Milo L. Myers, and produced to the Court the report of appraisement made by C. A. Wiley, J. H. Lilley and Lee E. Phillips, in pursuance of a former order of this Court; and it appearing to the Court upon examination of said report that the same is in all respects regular and correct.

Therefore, it is ordered by the Court that the said appraisement be, and the same hereby is approved and confirmed.

It further appearing to the Court that the said plaintiff, Lena McCreary as administratrix of the estate of Jemima Wilson, deceased, and the said defendant, Edgar H. McMahan as guardian of Alfed Bixler and Celia M. Bixler, should each give bond in this action.

Therefore, it is further ordered by the Court that the said plaintiff, Lena McCreary, as administratrix of the estate of Jemima Wilson, deceased, execute within five days, to the State of Ohio a bond with sufficient free-hold sureties thereon, to be approved by this Court, in the sum of $2,000.00, conditioned

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according to law, and,

That the said defendant, Edgar H. McMahan, as guardian of Alfud Bixler and Celia M. Bixler excute within five days, to the State of Ohio, a bond with sufficient free-hold sureties thereon, to be approved by the Court, in the sum of $3,000.00, conditioned according to law.

It is further ordered that this cause be continued for further proceedings.

L. W. Hazen - Probate judge.

Filed Mar. 2 - 1934. Entry approving Bond and Ordering Sale.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Dec'd,

Plaintiff,

-vs-

K. M. Wilson, et al.,

Defendants.

No. 12642.

Entry approving Bond and Ordering Sale.

This day this cause came on further to be heard on motion of the attorney for the plaintiff, and it appearing to the Court that the said plaintiff, Lena McCrary as administratrix of the estate of Jemima Wilson, deceased, has given bond as heretofore ordered in the sum of $2,000.00 with Guy McCrary and John H. McMahan, as sureties thereon; and, that the said defendant, Edgar H. McMahan, has given bond as heretofore ordered by the Court, in the sum of $3,000.00 with John H. McMahan and Guy McCrary, as sureties; it is ordered that the said bonds be, and they hereby are approved.

And upon motion, of the plaintiff, and it being made to appear to the Court, upon evidence that it would be for the best interest of the estate of the said Jemima Wilson, deceased, and the estates of the said Alfud Bixler and Celia M. Bixler, minors, to sell the real estate described in the petition of the plaintiff and in the answer and cross-petition of Edgar H. McMahan, at private sale.

Further, the Court find that it is necessary to sell the real estate belonging to the estate of the said Jemima Wilson, deceased, to pay her debts and expenses of administering her estate and that the prayer of the plaintiff's petition should be granted; and, the Court further find that it will be for the best interest of the estate of the said minors, Alfud Bixler and Celia M. Bixler, and the said minors to sell their undivided interests at the same time and with the interest of the said Jemima Wilson, deceased, and that the prayer of the answer and cross-petition of the said Edgar H. McMahan should be granted.

It is therefor further ordered that the said Lena McCrary as such administratrix, and Edgar H. McMahan as such guardian proceed to sell said real estate, and the whole thereof, free from any interest of the said K. M. Wilson, at private sale, for not less than $4100.00, the appraised value thereof on the following terms, to-wit:

Oath.

Affidavit of Disinterested Person.

Heer Ptg. Co., Cols., O. CD 4981.

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$1000.00 in cash on day of sale and the balance of sale on deferred payments, evidenced by promissory notes, secured by mortgage on the real estate sold as provided by law.

L. W. Hazen - Probate Judge.

Filed Mar. 2- 1934. Application.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Lena McCrary, Administratrix of the Estate of Jemima Wilson, Deceased, Plaintiff,

-vs-

R. M. Wilson, et al, Defendants.

No. 12642. Application.

The said Plaintiff represents that it would be for the best interests of the said estate of Jemima Wilson, Dec'd., Alfred Bixler and Celia M. Bixler to sell the real estate described in the petition in this case at private sale, for the following reasons:

Can be sold, forthwith as a whole at the appraised value.

To offer for sale at public sale and sell in parts would not be to the advantage of either of their estates.

Save expenses of public sale.

And they therefor ask for an order authorizing them to sell said real estate at private sale.

Lena McCrary.
Edgar H. McMahan.

Oath.

The State of Ohio, Union County.

Lena McCrary and Edgar H. McMahan, being duly sworn, says that the various matters set forth in the foregoing Application are true as they verily believe.

Lena McCrary.
Edgar H. McMahan.

Sworn to before me and signed in my presence this 2nd. day of March, A. D. 1934.

Seal

Milo L. Myers - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Sylvia M. Haines and Ada M. Collier, being duly sworn, say that they know all 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 Jemima Wilson, deceased, to sell said real estate at private sale than at public sale as they verily believe.

Sylvia M. Haines.
Ada M. Collier.

Sworn to before me and signed in my presence this 2nd. day of March, 1934.

Milo L. Myers - Notary Public.

Seal

Heer Ptg. Co., Cols., O. CD 4981.

12642
Filed
Mar. 2 - 1934.
Guardian's Bond.

Guardian's Bond.
In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we Edgar H. McMahan, John H. McMahan and Guy McCrary are held and firmly bound unto the State of Ohio, in the sum of Three Thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 2nd. day of March, a. D. 1934.

The condition of the above obligation is such, that whereas, the above bound Edgar H. McMahan was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of Alfred Bixler and Celia M. Bixler.

And whereas, the said Edgar H. McMahan as such Guardian, has filed a cross-petition in said Probate Court asking an order for the sale of certain real estate of said wards described in said cross-petition, which under proceedings in said Court duly had, has been appraised at the sum of Twenty-six Hundred and no/100 Dollars.

And whereas, said Court, on the 2nd. day of March, 1934, made an order requiring said Guardian to execute a bond according to the statute in such case made and provided.

Now, if the said Edgar H. McMahan 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.

Edgar H. McMahan.
John H. McMahan.
Guy McCrary.

This bond approved in open Court, this 2nd. day of March, 1934.

Seal

L. W. Hazen - Probate judge.

Filed
Mar. 5 - 1934.
Order of Private Sale.

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Filed
Mar. 2 - 1934.
Administrator's Bond.

Administrator's Bond.
In Proceedings to Sell Real Estate.

Know all Men by these Presents: That we Lena McCrary, Guy McCrary and John H. McMahan are held and firmly bound unto the State of Ohio, in the sum of Two Thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 2nd day of March, 1934.

The condition of the above obligation is such, That whereas, the above bound Lena McCrary was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, administratrix of the estate of Jemima Wilson, deceased.

And whereas, the said Lena McCrary as such administratrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said

Heer Ptg. Co., Cols., O. CD 4981.

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decedent described in said petition;

And whereas said Court, on the 2nd. day of March, 1934, made an order requiring said administratrix to execute a bond according to the statute in such cases made and provided.

Now, if the said administratrix 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.

Lena Mc Cray.
Guy Mc Cray.
John H. Mc Mahan.

This Bond approved in open Court, this 2nd. day of March, 1934.
L. W. Hazen - Probate Judge.

Seal

Filed Mar. 5- 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Lena Mc Cray and Edgar H. Mc Mahan, 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 Lena Mc Cray as administratrix of the estate of Jemima Wilson, dec'd., are plaintiff, and Edgar H. Mc Mahan as guardian of Alfed Bixler and Celia M. Bixler, et al., are Defendants, you are commanded to proced according to law, to sell at Private Sale, for not less than Forty-one Hundred Dollars the appraised value thereof the following described premises to-wit:

Situated in the County of Union, in the State of Ohio and in the Township of Washington, part of Survey #10, 938, bounded and described as follows:

Beginning at four beeches original north-east corner of said Survey and the north-west corner of Survey No. 10, 938, in the name of R. Davis in the line of Virginia Military District Survey No. 14, 639; thence S. 79° 20' west 155 poles to the south-west corner of said Military Survey No. 14, 639 and in the line of Survey #9, 891, the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Greenville Treaty Line; thence with said line N. 79° 20' E. 80 poles to a stake in the line of land of Mary R. Bixler; thence N. 10° 40' W. 213 - 1/3 poles to her north-west corner; thence with her north line N. 79° 20' E. 75 poles to a stake in the east original line of said Dugan Survey; thence with said line N. 10° 40' W. 17 - 2/3 poles to the place of beginning.

Containing 123 acres, more or less.

Said sale to be upon the following terms: to-wit, $1000.00 in cash on day of sale, and balance, on defined payments, evidenced by promissory notes and secured by a mortgage on real estate sold.

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

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Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 5th. day of March, a. D. 1934.

Seal

L. W. Hagen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

Return.

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

Dated the 5th. day of March, 1934.

Lena McCrary.

Edgar H. McMahan.

Report of Private Sale.

In obedience to the command of the within order of sale, we did on the 2nd. day of March 1934, offer said property, at private sale,

Report of Private Sale.

and Ted Kavanagh having offed therefor the sum of Four Thousand One Hundred Dollars ($4100.00) and the same being not less than the appraised value of said property, we sold the same to said Ted Kavanagh for that sum.

Edgar H. McMahan.

Lena McCrary.

Affidavit to Report of Private Sale.

State of Ohio, Union County. ss:

Lena McCrary and Edgar H. McMahan, being duly sworn,

Affidavit to Repot of Private Sale.

says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Edgar H. McMahan.

Lena McCrary.

Subscribed in my presence and sworn to before me this 5th. day of March, 1934.

Seal

Milo L. Myers - Notary Public.

Filed Mar. 5 - 1934. Entry Confirming Sale.

In the Probate Court of Union County, Ohio.

Lena McCrary as Administratrix of the Estate of Jemima Wilson, Dec'd., Plaintiff.

-vs-

K. M. Wilson, et al., Defendants.

No. 12642.

Entry Confirming Sale.

This day this cause came on to be heard on the report of Lena McCrary as administratrix of the estate of Jemima Wilson, deceased, and Edgar H. McMahan as guardian of Alfred Bixler and Celia M. Bixler, minors, of their proceedings, and sale, under the former order of this Court and upon motion to confirm the proceedings and sale; the Court having carefully examined said report, and finding the said proceedings in all respects correct and in conformity to the former orders of the Court, and being satisfied that the said sale was fairly and legally made; it is ordered, by the Court, that

Filed Mar. 7 - 1934. Order of Distribution

Heer Ptg. Co., Cols., O. CD 4981.

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the same be, and hereby is approved and confirmed.

It is further ordered by the Court that the said Lena McCreary as such administratrix, and the said Edgar H. McMahan as such guardian execute a good and sufficient deed of all the right, title and interest of the said Jemima Wilson, (formerly known as Jemima R. Bixler) and the said Alfred Bixler and Celia M. Bixler, minors, in said real estate, and the whole thereof, to the purchaser, Fred Kavanagh, upon the said purchaser executing a mortgage upon the said premises so sold to secure the deferred payments of the purchase money.

It is further ordered that this cause be continued for further order and distribution.

L. W. Hazen - Probate Judge.

Filed
Mar. 7 - 1934.
Order of
Distribution.

In the Probate Court of Union County, Ohio.

Lena McCreary as Administratrix of the Estate of Jemima Wilson, Deceased,

Plaintiff,

-vs-

K. M. Wilson, et al,

Defendants.

No. 12642.
Order of Distribution.

This cause coming on further to be heard upon the pleadings, evidence and proceedings and upon motion to distribute the proceeds of the sale, amounting to the sum of $4100.00, and on consideration thereof the Court finds;

That, the defendant, K. M. Wilson, as the surviving spouse of Jemima Wilson, deceased, as such, had an interest in the undivided one-third of said real estate of which the said Jemima Wilson, died seized, and that by his appearance and waiver filed in this action he waived and released any interest that he had or claimed in said real estate; therefor, he is not entitled to any portion or part out of the proceeds received from the sale of said real estate.

The Court further find that upon the promissory note set forth in the answer and cross-petition of Edgar H. McMahan and John H. McMahan, there is due them the sum of $ 248.15; and that the said Jemima Wilson, during her lifetime to secure the payment of the said promissory note gave a mortgage upon her undivided one-third interest in the premises in the petition described, which was a valid and subsisting lien thereon, and now upon the funds in the hands of said Lena McCreary, administratrix, arising from the sale of said premises.

It further appearing to the Court that the said premises described in the plaintiff's petition and in the answer and cross-petition of Edgar H. McMahan, as guardian of Celia M. Bixler and Alfred Bixler, was sold upon the terms of $1000.00 cash, and the balance of $3100.00 on deferred payments, which deferred payments were to be secured by a

Heer Ptg. Co., Cols., O. CD 4981.

12642

mortgage on the real estate sold.

It further appearing to the court on motion of Edgar H. McMahan as guardian of Celia M. Bifler and Alfed Bifler, that it would be for the best intrest of the estates of the said minors that the said guardian accept notes from the purchaser of said real estate, for their respective intrest in said real estate with the said notes secured by mortgage on the real estate sold.

Therfore, it is ordred by the Court that the said plaintiff, pay out of the said $1000.00, in his hands.

First, the costs and expenses incurred in the sale of the said property including an attorny fee of $50.00 to Milo L. Myers and $4.50 U. S. revenue for the deed, the total sum of $81.25.

The taxes and assessments having been paid.

Second, to Edgar H. McMahan and John H. McMahan on their note and mortgage as set forth and discribed in their answer and cross-petition the sum of $248.15, which the Court finds to be the amount due them.

Third, that the said plaintiff, as said administratrix account for the balance of the said cash sum of $1000.00, to-wit, $670.60, according to law.

The Court further find the intrest of the said Jemima Wilson, in the procede received from the said real estate to be $1339.57, and by reason of the purchaser having made said cash payment to the said administratrix, there is yet a deferred payment due the said estate in the sum of $420.84, for which payment the said administratrix has received a note from the purchaser of said real estate secured by a mortgage thereon; therefore, it is ordred and dirted by the Court that the said administratrix, if and when necessary to settle said estate, sell and transfer said note, without recourse at not less than the face value thereof with accrued intrest.

The Court further finds that the intrests of the said Celia M. Bifler in the procede received from the sale of said real estate to be $1339.58, and the said Alfed Bifler to be $1339.58, and that the said intrests are deferred payments, and the said Edgar H. McMahan as guardian of said minors has received promissory notes from the purchaser of said real estate secured by a mortgage thereon; therefore, it is ordred that the said guardian account for the same according to law.

It is further ordred that this proceedings be recorded.

L. W. Hagen- Probate judge.

12643

Filed

Jan. 11- 1934.

Milo L. Myers.

Attorney.

Petition

Heer Ptg. Co., Cols., O. CD 4981.

12643
Filed
Jan. 11 - 1934.
Milo L. Myers.
attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased,

Plaintiff.

-vs-

Laura G. Hartley, Ethel A. Van Aukun, and Ella Smith,

Defendants.

No. 12643.
Petition.

Now comes Ella Smith and represents that she is the duly appointed, qualified and acting administratrix of the Estate of John E. Smith, deceased, that she was duly appointed as such by the Probate Court of Union County, Ohio, and qualified therein by giving bond in the sum of $6000.00 on the 20th. day of September 1932.

That on the 27th. day of July, 1932, the said John E. Smith did intestate leaving her, the said Ella Smith, his widow, and the defendants, Laura G. Hartley and Ethel A. Van Aukun, his only children and heirs at law having the next estate of inheritance from him.

Petition

That the said John E. Smith died seized in fee simple and the owner of the following discribed real estate, to-wit;

First Tract. Situated in the State of Ohio, County of Union, Township of Leesburg and a part of Survey #1139, and,

Beginning at a stone in the noth line of said Survey No. 1139 (200 poles from the northwest corner of said Survey) northeast corner to lands formerly owned by James T. Wells; thence with the east line of said lands S. 8° 30' W. 102 poles to a stone; thence S. 81° E. 78.44 poles to a stone; thence S. 8° 30' W. 101 poles to a stone southeast corner to Josephus Smith's land in the center of the Langstaff Road; thence with the center of said road, S. 81° E. 44.72 poles to a stone in the west line of lands conveyed by Joseph Sill to James Taylor; thence with said line N. 8° 30' E. 203.12 poles to a stone northwest corner to said lands conveyed by Joseph Sill to James Taylor and in the north line of said Survey No. 1139; thence with said line N. 81° W. 123.16 poles to the beginning.

Containing 107 acres more or less but excepting therefrom the following part thereof;

Beginning at a brick at the north side of a large anchor post at the northeast corner of W. L. Syn's land; thence with the east line of said land in a southerly direction S. 14° ". 102.24 poles to a stone at the northeast corner of J. J. and A. Wallace's land; thence in an easterly direction S. 75° 25' E. 39.12 poles to a stone with piece of tile under it in the north line of W. Smith's land; thence in a northerly direction N. 14° E. 102.30 poles to a stone with pieces of tile under it in the noth line of Leesburg Township; thence with

Heer Ptg. Co., Cols., O. CD 4981.

12643

said line in a westerly direction N. 75° 30' W. 39.12 poles to the place of beginning.

Containing 25 acres.

Second Tract: Situated in the State of Ohio, County of Union, Township of Leesburg and part of Survey # 9139, and,

Beginning at a stone in the center of the Snyder Gravel Road and southwest corner of a tract of land formerly owned by Nelson Smith. Thence with two conductive lines of said Smith's land North 10° 30' East 102.25 poles to a stone and thence North 79° 45' West 23.02 poles to a stone northwest corner of lands of Wilbert & J. Smith. Thence with said Smith's East line South 10° 30' West 102.25 poles to a stone in the center of the Snyder Gravel Road. Thence with the center of said Road South 79° 15' East 23.14 poles to the place of beginning.

Containing 14.67 acres more or less.

That the total appraised value of the personal goods and chattels of which the deceased died seized was valued at $478.30 being wholly insufficient to pay the debts, obligations, funeral expenses and the expenses of administering his estate.

That as near as can be ascertained the debts and funeral expenses will amount to $ 1242.96, the expenses of administering the estate will amount to more than $200.00 and the appraisers allowed the widow the sum of $ 350.00 for and as her years support; which is a charge on said real estate.

And that the real estate herein above described was on the 27th. day of September, 1932, appraised in the inventory and appraisement at $ 1934.00.

And that it is necessary to sell the said real estate to pay the debts, obligations, funeral expenses and expenses of administering said estate.

Wherefore, the plaintiff, as such administratrix prays for an order of the Court directing her to offer for sale and sell the said real estate and for such other and further orders and directions in the premises as the Court may find to be just and equitable.

Milo L. Myers,
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Ella Smith being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as she believes.

Oath.

Ella Smith.

Sworn to before me and signed in my presence this 21st. day of November, 1933.

{Seal} Milo L. Myers - Notary Public.

12643
Filed
Jan. 11- 1934.
Journal Entry.

Filed
Jan. 11- 1934.
Waiver.

Filed
Jan. 11-1934.
Answer of
Ella Smith.

Heer Ptg. Co., Cols., O. CD 4981.

12643
Filed
Jan. 11- 1934.
Journal Entry.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased,
Plaintiff,
-vs-
Laura G. Hartley, Ethel A. Van Aukem, and Ella Smith,
Defendants.

No. 12643.
Journal Entry.

This day came Ella Smith, administratrix of the estate of John E. Smith, deceased, and presented to this Court her certain petition, therein praying for an order authorizing and directing her to sell the real estate in the petition described for the purpose of paying the debts and expenses of administering the estate.

Therefore, on consideration thereof, it is ordered that the said petition be filed and all the defendants be notified of the pendancy according to law.

L. W. Hazen - Probate Judge.

Filed
Jan. 11- 1934.
Waiver.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased,
Plaintiff.
-vs-
Laura G. Hartley, Ethel A. Van Aukem, and Ella Smith,
Defendants.

No. 12643.
Waiver.

We, the undersigned, and defendants named in the above entitled cause do hereby voluntarily enter our appearance and waive the issuing of service of summons or process upon us, and consent to the immediate sale of said real estate, and waive time.

Ella Smith.
Ethel A. Van Aukem.
T. E. Van Aukem.
By Milo L. Myers, his attorney.

Filed
Jan. 11-1934.
Answer of Ella Smith.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased,
Plaintiff.
-vs-
Laura G. Hartley, Ethel A. Van Aukem, and Ella Smith.
Defendants.

No. 12643.
Answer of Ella Smith.

Now comes Ella Smith and says that she is the widow, and surviving consort of John E. Smith, deceased, that her age was 72 on his death.

That the said John E. Smith did intestate on the 27th.

Heer Ptg. Co., Cols., O. CD 4981.

12643

day of July, 1932, and the owner and seized in fee simple of the real estate described in the plaintiff's petition.

That as such surviving consort she has an interest in the said real estate, that she waives whatever interest she has therein by metes and bounds, rents, issues or profit and consents that the said real estate may be sold free from any interest that she may have therein, but asks the Court to determine, fix and protect her interest whatever it may be.

Wherefore, the said Ella Smith prays that the said real estate may be sold as and for the purposes prayed for in the plaintiff's petition and that her interest therein be determined, fixed and protected by the Court and out of the proceeds received from the sale that she be paid in cash the amount of her interest, as may be determined by the Court.

Ella Smith.

State of Ohio, Union County, ss:

Ella Smith being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as she believes.

Oath.

Ella Smith.

Sworn to before me and signed in my presence this 21st. day of November, 1933.

[Seal] Milo L. Myers - Notary Public.

Filed Jan. 16- 1934. Waiver.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased,

Plaintiff.

-vs-

Laura G. Hartley, Ethel A. Van Auken, and Ella Smith,

Defendants.

No. 12643.

Waiver.

I, the undersigned, and one of the defendants named in the above entitled cause do hereby voluntarily enter my appearance and waive the issuing and service of summons or process upon me and do hereby waive time and consent to the immediate sale of the real estate described in the plaintiff's petition.

Laura G. Hartley.

Geo. A. Hartley.

Filed Feb. 16- 1934. Application.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Ella Smith, administratrix of the Estate of John E. Smith, Deceased,

Plaintiff.

-vs-

Laura G. Hartley, et. al.,

Defendants.

No. 12643.

Application.

Heer Ptg. Co., Cols., O. CD 4981.

12643

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

1. That the appraised value, to-wit, $1934.00 is all said real estate is reasonably worth, at this time.
2. Can now be sold at the appraised value.
3. To sell at private sale will save expenses of advertising and offering the same for sale at public sale.

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

Ella Smith - Administratrix
of the Estate of John E. Smith,
Deceased.

Oath.

The State of Ohio, Union County.

Ella Smith, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Ella Smith.

Sworn to before me and signed in my presence this 16th. day of February, A.D. 1934.

{Seal} Milo L. Myers - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. E. Hull and M. M. Cameron, being duly sworn, say that they know all 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 John E. Smith, deceased, to sell said real estate at private sale than at public sales as they verily believe.

J. E. Hull.
M. M. Cameron.

Sworn to before me and signed in my presence this 16th. day of February, 1934.

{Seal} Milo L. Myers - Notary Public.

Filed Feb. 16- 1934. Journal Entry.

In the Probate Court, Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased, Plaintiff,

-vs-

Laura G. Hartley, et al., Defendants.

No. 12643.
Journal Entry.
Order for Appraisement.

This day this cause came on to be heard upon the petition and answer of the widow, Ella Smith, evidence and testimony and the Court being fully advised in the premises finds;

That, all the defendants, have been duly and legally served with summons or have voluntarily entered their

Heer Ptg. Co., Cols., O. CD 4981.

12643

appearance herein, and are now properly before the Court, that the statements and allegations made and contained in the plaintiff's petition are true.

That said Ella Smith, widow of the said John E. Smith, deceased, is entitled to dower and has a homestead interest in said real estate; that by her answer she waives the assignment of her dower and homestead, by metes and bounds, or in rents and profits, and consents to the sale of the said premises free therefrom.

That it is necessary to sell the real estate of the said John E. Smith, deceased, described in the plaintiff's petition to pay his debts and to pay the costs of administering his estate.

And it further appearing to the Court that the said administratrix cause said real estate to be appraised with the inventory and appraisement of the said estate at $ 1984.00, and filed in this Court.

Therefore, the said appraisement is hereby approved and confirmed and it is ordered that, at this time, further appraisement be dispensed with.

It is further ordered that the said Ella Smith, as such administratrix, in this proceedings, within ten days, execute to the State of Ohio a bond with sufficient free-hold sureties thereon, to be approved by this Court, in the sum of $2500.00, conditioned according to law, and this cause is continued.

L. W. Hazen - Probate judge.

Filed Feb. 16- 1934 Administrator's Bond.

Administrator's Bond.

In Proceedings to Sell Real Estate.

Know all men by these Presents: That we Ella Smith, Ethel Van Auken and M. M. Cameron are held and firmly bound unto the State of Ohio, in the sum of Twenty-five Hundred and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 16th. day of February 1934.

The condition of the above obligation is such, that whereas, the above bound Ella Smith was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, administratrix of the estate of John E. Smith, deceased.

And whereas, the said Ella Smith as such administratrix 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 16th. day of February 1934 made an order requiring said administratrix to execute a bond according to the statute in such cases made and provided.

12643.

Filed Feb. 16- 1934. Approving Additional Bond and Ordering Private Sale.

Filed Feb. 16- 1934. Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12643.

Now, if the said Ella Smith, administratrix 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.

Ella Smith.
Ethel Van Auken.
M. M. Cameron.

This Bond approved in open Court, this 16th. day of February, 1934.

Seal

L. W. Hagen- Probate judge.

Filed Feb. 16- 1934. Journal Entry. Proceeding to Sell Real Estate.

In the Probate Court, Union County, Ohio.

approving additional Bond and Ordering Private Sale.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased, Plaintiff.

-vs-

Laura G. Hartley, et al., Defendants.

February 16th. 1934. Approving additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Twenty-five Hundred and no/100 Dollars, with approved sureties conditioned according to law; the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate of John E. Smith, deceased, to sell the real estate described in the petition at private sale, it is now ordered that Ella Smith as such administratrix, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit; Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen- Probate judge.

Filed Feb. 16- 1934. Order of Private Sale.

In the Probate Court, Union County, Ohio.

No. 12643. Order of Private Sale.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased, Plaintiff,

-vs-

Laura G. Hartley, et al., Defendants.

To Ella Smith, 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 administratrix of the estate of John E. Smith, deceased, are Plaintiff and Laura G. Hartley, et al.,

Heer Ptg. Co., Cols., O. CD 4981.

12643

are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than $1934.00 the appraised value thereof the following described premises to-wit:

First Tract: Situated in the State of Ohio, County of Union, Township of Leesburg and a part of Survey # 1139, land,

Beginning at a stone in the north line of said Survey No. 1139 (200 poles from the northwest corner of said Survey) northeast corner to lands formerly owned by James T. Wells; thence with the east line of said lands S. 8° 30' W. 102 poles to a stone; thence S. 81° E. 78.44 poles to a stone; thence S. 8° 30' W. 101 poles to a stone southeast corner to Josephus Smith's land in the center of the Langstaff Road; thence with the center of said road, S. 81° E. 44.72 poles to a stone in the west line of lands conveyed by Joseph Sill to James Taylor; thence with said line N. 8° 30' E. 203.12 poles to a stone northwest corner to said lands conveyed by Joseph Sill to James Taylor and in the north line of said Survey No. 1139; thence with said line N. 81° W. 123.16 poles to the beginning.

Containing 107 acres more or less but excepting therefrom the following part thereof:

Beginning at a buck at the north side of a large anchor post at the northeast corner of W. L. Eyer's land; thence with the east line of said land in a southerly direction S. 14° W. 102.24 poles to a stone at the northwest corner of J. J. and A. Wallace's land; thence in an easterly direction S. 75° 25' E. 39.12 poles to a stone with pieces of tile under it in the north line of W. Smith's land; thence in a northerly direction N. 14° E. 102.30 poles to a stone with pieces of tile under it in the north line of Leesburg Township; thence with said line in a westerly direction N. 75° 30' W. 39.12 poles to the place of beginning. Containing 25 acres.

Second Tract: Situated in the State of Ohio, County of Union, Township of Leesburg and part of Survey # 1139, and,

Beginning at a stone in the center of the Snyder Gravel Road and southwest corner of a tract of land formerly owned by Nelson Smith. Thence with two consecutive lines of said Smith's land North 10° 30' East 102.25 poles to a stone and thence North 79° 45' West 28.02 poles to a stone northwest corner of lands of Wilbert C. J. Smith. Thence with said Smith's East line South 10° 30' West 102.25 poles to a stone in the center of the Snyder Gravel Road. Thence with the center of said Road South 79° 15' East 28.14 poles to the place of beginning.

Containing 14.67 acres 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 Marysville, Ohio, this 16th. day of February, A. D. 1934.

Seal

L. W. Hazen — Probate Judge.

12643

Return.

Report of Private Sale.

Affidavit to Report of Private Sale.

Filed Feb. 16-1934. Journal Entry. Confirmation.

Heer Ptg. Co., Cols., O. CD 4981.

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12643

Return.

Return.

To the Probate Court of Union County, Ohio.

On 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 16th day of February, 1934.

Ella Smith - Administratrix
of the Estate of John E. Smith,
Deceased.

Repot of Private Sale.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 16th. day of February, 1934 offer said property, at private sale, and Ethel A. Van Aukem having offered therefor the sum of Nineteen Hundred and Thirty Four & no/100 Dollars ($1934.00) and the same being not less than the appraised value of said property, I sold the same to said Ethel A. Van Aukem for that sum.

Ella Smith.

Affidavit to Repot of Private Sale.

Affidavit to Repot of Private Sale.

State of Ohio, Union County, ss:

Ella Smith, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Ella Smith.

Subscribed in my presence and sworn to before me this 16th day of February, 1934.

[Seal]

Milo L. Myers - Notary Public.

Filed Feb. 16-1934. Journal Entry. Confirmation.

In the Probate Court of Union County, Ohio.

Ella Smith, as Administratrix of the Estate of John E. Smith, Deceased, Plaintiff,

-vs-

Laura G. Hartley, et al., Defendants.

No. 12643.
Journal Entry - Confirmation.

This day this cause came on to be heard on the report of Ella Smith, administratrix of the estate of John E. Smith, deceased, of her sale and proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made; and the Court having carefully examined said report, and finding the proceedings and report of said petitioner in all respects correct; 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, as such administratrix execute a good and sufficient deed, conveying said real estate to the purchaser, Ethel A. Van Aukem.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12607
Filed
Nov. 23- 1933.
Robert F. Allen.
attorney.

Petition to Sell Real Estate.
In the Probate Court of Union County, Ohio.

Perry N. Wood, Admr. of the Estate of Francis A. Harris, Deceased,
Plaintiff,

-vs-

Ernest Wood, Nella Wood, his wife,
Perry N. Wood, Emma E. Wood, his wife,
Mary Wood, Pearl Wood, his wife,
Edith Beaver, Ralph Beaver, her husband,
Eva Voss, William Voss, her husband,
Donald Wood, a minor over fourteen,
Pauline Spurling, a minor over fourteen,
E. L. Spurling, her husband,
Harold Rex Wood, a minor eleven yrs. (Page)
Clyde Wood, a minor over fourteen,
Ruth Dildine, Robut Dildine, her husband,
Leah Helen Blue, Russel Blue, her husband,
J. T. Red, Emma Red, his wife, and
The Richwood Banking Company,
Defendants.

Case No. 12607.

Petition to Sell Real Estate to Pay Debts.

The Plaintiff is the duly appointed, qualified and acting administrator of the Estate of Francis A. Harris, deceased, late of this County; as near as can be ascertained, the amount of valid debts is Four Hundred Sixty Nine and 9/100 Dollars ($469.09).

The cost of administering the estate will be about One Hundred Dollars ($100).

Petition.

The total value of personal property of said decedent was fixed by the appraisers of said estate at Thirty Dollars ($30). Said appraisement not having been excepted to, and said personal poputy is wholly insufficient to pay the debts and costs aforesaid.

Said decedent did seized in fee simple of the following described real estate situated in the County of Union and State of Ohio and fully described as follows:

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

Parcel No. I. Part of Survey No. 6307.

First Tract: Beginning at a Stake in the center of the Hastings Street in the South line of H. T. Marriott's Addition to the Town of Richwood, (first) in said County. Thence S. 80½° West with the South line of said addition 9.391 poles to the center of the alley in said addition. Thence S. 8½° W. 21.60 poles to J. Woods North line; Thence North 74- 3/4° E. with said Woods North line to a stake in said line; Thence N. 8½° W. 20.60 poles to the place of beginning, containing one and 30/100 (1.30) acres, more or less.

Second Tract: Being Lot No. 291 in H. T. Marriott's 1st addition to the Town of Richwood, in said County and State.

12607

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Heer Ptg. Co., Cols., O. CD 4981.

12607

For a more specific description of said Lot reference is made to the recorded Plat of said Addition. Each of the foregoing tracts being the same tract conveyed by Alba Cook and others to Flora M. Smith by deed dated April 16th, 1903 and recorded in Deed Book 91, Pages 28 etc. in the Recorder's Office in Union County, Ohio.

Third Tract: Situated in the Village, County and State aforesaid and known as Survey No. 6302, and bounded and described as follows: Beginning in the South Line of Marriott's 1st Addition to Richwood, Ohio, and in the middle of the Alley between Lots Nos. 292 and 293. Thence S. 8½° East 21.61 poles to a Stake in D.H. and W. J. Woods North line; Thence S. 74½° W. 11.45 poles; thence N. 8½° West 22.61 poles to a Stake in the S.W. corner of said addition; Thence with the South line of said Addition N. 82 poles to the place of beginning, containing one and fifty-eight hundredths (1.58) acres of land, more or less. And being the same premises conveyed by William Collins and wife to Mrs. Earl E. Smith (Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by deed dated March 4th, 1903, and recorded in Deed Book Vol. 88, Page 429, in the Recorder's Office in Union County, Ohio.

Fourth Tract: Situated in the Township of Claibourne, County of Union, State of Ohio, and Survey No. 6307, and bounded and described as follows:

Beginning at a Post in the Northerly line of the N.Y.P. & O. Railroad and at the Southwest corner of James J. Monroe's land; Thence with the West line of said land N. 4° 30' W. 2.92 poles to a Stake at the Southeast corner of Flora M. Smith's lot; thence with the South line of said Lot and of Mrs. Earl E. Smith's Lot S. 76° 30' W. 21.06 poles to a Stone at the Northeast corner of C.D. Sidle's land; thence with the east line of said land S. 4° 30' E. 17.08 poles to a Stake in said Railroad line; thence with said line running about N. 46° E. 27.48 poles to the beginning, containing one and one-third (1-1/3) acres, more or less, and being a portion of the premises purchased from Caroline Woods, by C.D. Sidle & wife to Mrs. Earl E. Smith (said Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by Deed dated September 22, 1908, and recorded in Deed Book 92, Page 450, in the Recorder's Office at Union County, Ohio.

Parcel No. II. Situated in the County of Union, in the State of Ohio, Village of Richwood, and bounded and described as follows:

Being, Lots numbered Two Hundred and Ninety-two (292), Two Hundred Ninety-three (293), and Two Hundred and Ninety-four (294), in Henry T. Marriott's addition to the said Village of Richwood, for further reference, see recorded Plat of said addition in the Office of the Recorder at Marysville, in said County and State.

Said real estate was included in the Inventory pursuant to the Order of this Court, and Parcel No. I was appraised for the sum of Two Hundred Fifty Dollars ($250.) and Parcel No. II was appraised for the sum of Four Hundred Dollars ($400).

Heer Ptg. Co., Cols., O. CD 4981.

12607

Parcel No. I as hereinabove described is subject to a mortgage held by either the Defendants, J. T. Reed and Emma Reed, or The Richwood Banking Co. of Richwood, Ohio, in the sum of One Hundred Seventy Five Dollars ($175).

The Defendants, Ernest Wood, Nella Wood, his wife, Perry N. Wood, Emma E. Wood, his wife, Max Wood, Pearl Wood, his wife, Edith Beaver, Ralph Wood, her husband, Eva Voss, William Voss, her husband, Donald Wood, a minor over fourteen, Pauline Poorman, a minor over fourteen, Harold Rex Wood, a minor eleven yrs. of age, Clyde Wood, a minor over fourteen, Ruth Dildine, Robert Dildine, her husband, Leah Helen Blue and Russel Blue, her husband, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, Plaintiff prays that said real estate be sold free from all the claims of all persons whatsoever, that all rights, interests and liens of all parties may be fully determined, adjusted, and protected; and that the Petitioner be authorized and ordered to sell said real estate according to the statutes in such cases made and provided; and for such other and further relief to which he may be entitled.

Robert F. Allen - Attorney for Plaintiff.

State of Ohio, Union County, ss:

Perry N. Wood, being first duly sworn according to law, depose and says that he is the duly appointed, qualified and acting Administrator of the Estate of Frances A. Harris, deceased; that as such Administrator, he is duly authorized and empowered to make this oath; and that the facts stated and the allegations contained in this his Petition to Sell Real Estate to Pay Debts, are true as he verily believes.

Oath

Perry N. Wood.

Sworn to before me and subscribed in my presence this 30th. day of October, A.D. 1933.

[Seal] Robert F. Allen - Notary Public.

(Fee claimed 80¢)

In the Probate Court of Union County, Ohio.

Perry N. Wood, Admr., of the Estate of Frances A. Harris, Deceased, Plaintiff,	Case No. 12607. Praecipe.
-vs-	
Ernest Wood, et al., Defendants.	

To the Probate Judge:

Please issue summons directed to the Sheriff of Logan County, Ohio, for Clyde Wood, a minor over fourteen and J. L. Matteson, with whom he resides, his residence being R. F. D. #4, West Mansfield, Ohio, and make same returnable according to law.

12607

Praecipe.

Filed Nov. 23 - 1933. Entry of Appearance and consent to Sell.

Entry of Appearance and consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

12607 Please issue summons directed to the Sheriff of Knox County, Ohio, for the Defendant, Pauline Spurling, a minor over fourteen years of age, and E. L. Spurling, her husband, with whom she resides, whose Post Office address is General Delivery, Mount Vernon, Ohio, and make same returnable according to law.

Praecipe. Please issue summons directed to the Sheriff of Crawford County, Ohio, for Donald Wood, a minor over fourteen and Eva Doss, his custodian and with whom he lives, whose address is Galion, Ohio, and make same returnable according to law.

Endorse all summons', "Action to sell Real estate to pay debts."

It is respectfully reported to the Court that all of the Remainder of the Defendants, except Harold Rex Wood, a minor eleven years of age, have herein waived the issuance and service of summons and voluntarily entered their appearance and consented to the sale of the real estate described in the Petition, or will waive such summons.

Robert H. Allen - attorney for Leroy N. Wood, Admr. of the estate of Frances A. Harris, (Dec'd.) of Union County, Ohio.

Filed Nov. 23 - 1933. Entry of appearance and consent to Sell.

In the Probate Court

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

of Union County, Ohio.

Case No. 12607

Entry of Appearance and Consent to Sell.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Ernest Wood.
Vella Wood.

Entry of Appearance and consent to Sell.

In the Probate Court

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

of Union County, Ohio.

Case No. 12607.

Entry of Appearance and Consent to Sell.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Edith Beaver
R. E. Beaver.

Heer Ptg. Co., Cols., O. CD 4981.

12607
Entry of appearance and consent to Sell.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Entry of appearance and Consent to Sell.

Perry N. Wood, Admr. of the Estate of Frances A. Hanks, Deceased, Plaintiff,
-vs-
Ernest Wood, et al., Defendants.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

L. M. Wood.
Mrs. L. M. Wood.

Entry of appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Entry of appearance and Consent to Sell.

Perry N. Wood, Admr. of the Estate of Frances A. Hanks, Deceased, Plaintiff,
-vs-
Ernest Wood, et al., Defendants.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Russel Blue.
Leah Helen Blue.

Entry of appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Entry of appearance and Consent to Sell.

Perry N. Wood, Admr. of the Estate of Frances A. Hanks, Deceased, Plaintiff,
-vs-
Ernest Wood, et. al., Defendants.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Mrs. Eva Voss.
Mr. Wm. Voss.

Filed Nov. 23 - 1933. Motion.

Heer Ptg. Co., Cols., O. CD 4981.

12607
Entry of appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Entry of appearance and Consent to Sell.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff.

-vs-

Ernest Wood, et al., Defendants.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Mrs. Ruth Dildine.
Mr. Robert Dildine.

Entry of appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Entry of appearance and Consent to Sell.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Ed — Lee Spurling.

Filed Nov. 23 - 1933. Motion.

In the Probate Court of Union County, Ohio.
Case No. 12607.
Motion.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Now comes Leroy N. Wood, Administrator of the Estate of Frances A. Harris, deceased, and moves the Court for an Order to serve Harold Ray Wood a minor eleven years of age, by serving Della Monosmith, his mother, by registered mail, her residence being 816 Sanford Ave., Kansas City, Kansas.

Robert F. Allen - Attorney for Leroy N. Wood, Administrator of the Estate of Frances A. Harris, Deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12607
Filed
Nov. 23- 1933.
Entry.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.
Entry.

This day this cause came on to be heard upon a Motion of Leroy N. Wood, Administrator of the estate of Frances A. Harris, deceased, the evidence and the Court being fully advised in the premises, it is therefore,

Ordered, Adjudged and Decreed that he shall serve Harold Rex Wood, a minor eleven years of age, who is the Defendant herein, by registered mail upon Della Monmouth, his mother, whose address is 816 Sanford Avenue, Kansas City, Kansas.

L. W. Hazen - Probate judge.

Filed
Nov. 23- 1933.
application for Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.
application for Guardian ad litem.

Now comes Robert T. Allen, attorney for Leroy N. Wood, administrator of the Estate of Frances A. Harris, deceased, and makes application for appointment of Guardian ad litem for Donald Wood, whose age is eighteen years, Harold Rex Wood, whose age is eleven years, Clyde Wood, whose age is fifteen years, and Pauline Spurling whose age is twenty years, four of the Defendants herein, upon whom summons was duly served according to law, and suggests that Richard C. Thall is a suitable person to be appointed as such.

Robert T. Allen
atty. for Leroy N. Wood, Admr.

Journal Entry.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.
Journal Entry.

Upon the application of Robert T. Allen, Counsel for the Plaintiff herein, it appearing that Donald Wood, whose age is eighteen years, Harold Rex Wood, whose age is eleven years, Clyde Wood, whose age is fifteen years, and Pauline Spurling, whose age is twenty years, and are Defendants herein, were duly served with Summons, it is therefore,

Ordered that Richard C. Thall be and he is hereby appointed Guardian ad Litem of said Minors.

L. W. Hazen - Probate judge.

12607
Filed
Nov. 23- 1933.
Answer of Guardian Ad Litem

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Filed
Dec. 6- 1933.
Precipe.

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Filed
Nov. 23- 1933.
Answer of
Guardian
ad Litem

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.
Answer of Guardian ad Litem.

And now comes Richard C. Thrall, duly appointed by the Court as Guardian ad Litem, for Donald Wood, whose age is eighteen years, Harold Rex Wood, whose age is eleven years, Clyde Wood, whose age is fifteen years and Pauline Lowndes, whose age is twenty years, and for Answer to the Petition of the said Leroy N. Wood, Administrator, says that he has not, by reason of the tender age of said Defendants, become informed as to the truth of the matters set forth in said Petition; and therefore on behalf of said minor defendants, denies the same, and submits the interests of said defendants to the care and protection of the court, to order in the premises as justice and the interest of the said defendants shall require.

Richard C. Thrall.
Guardian Ad Litem.

Filed
Dec. 6- 1933.
Precipe.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Admr. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.
Precipe.

To the Probate Judge:

Please issue summons to the Sheriff of Union County, Ohio, for Harold Rex Wood, a minor eleven years of age, to be served upon Della Monosmith, his mother, and with whom he resides, whose residence is 816 Sanford Avenue, Kansas City, Kansas. Instruct the Sheriff to send Della Monosmith by registered mail with a return receipt requested, to be signed by addressee only.

Endorse summons "Petition to sell real estate to pay debts."

Robert N. Allen - Attorney for Leroy N. Wood, Administrator of the Estate of Frances A. Harris, Deceased.

Filed
Nov. 23- 1933.
Summons.

Summons on Petition to Sell Real Estate.
Sheriff - Minor.

The State of Ohio, Knox County. Probate Court

To the Sheriff of said County:

You are commanded to notify E. L. Spurling and the following named who are minor, to-wit: Pauline Spurling 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 23rd. day of November,

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12607

a. D. 1933, Leroy N. Wood, Administrator of the Estate of Frances A. Harris 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" action to sell Real Estate to Pay debts"; and that unless they answer by the 23rd. day of December 1933, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 4th. day of December, 1933.

Witness my hand and the seal of said Court, this 23rd. day of November, 1933.

[Seal] L. W. Hagen - Probate Judge.

Sheriff's Return.

The State of Ohio, Knox County.

Sheriff's Return

Sheriff Fees.	
Service & Return, first name, #	.75
1 additional name, at .25	.25
5 miles traveled at 8 ¢	.40
Postage & Docketing	.13
Total	$1.53

Received this writ Nov. 25, 1933, at 1 o'clock P. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: November, 29th. 1933, on E. L. Spurling, as father of Pauline Spurling a minor by personally handing to each of them a true and certified copy thereof with all the endorsements thereon.

H. D. Mason - Sheriff of Knox County, Ohio.
By Oliver Tanner - Deputy.

Filed Dec. 14 - 1933 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 Della Monomith (Mother) Via Registred mail, and the following named who are minors, to-wit: Harold Rex Wood #816 Sanford Ave. Kansas City, Kansas, making service of this summons upon said minor, and also upon the guardian, or father, & if neither guardian or father can be found, then upon the Mother, or the person having the care of said minor, & with whom he lives; that on the 6th. day of December a. D. 1933, Leroy N. Wood, Administrator of the Frances A. Harris Estate, 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, "Petition to sell real estate to pay debts", and that unless they answer by the 13th. day of January, 1934, said petition will be taken as true, and an order granted accordingly.

12607

Sheriff's Return

Filed Dec. 7 - 1933. Summons.

Sheriff's Return.

Heer Ptg. Co., Cols., O. CD 4981.

12607

Said Sheriff will make due return of this writ on the 11th. day of December, 1933.

Witness my hand and the seal of said Court, this 6th. day of December, 1933.

[Seal] L. W. Hazen - Probate Judge.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff's Return.	Sheriff Fees.	
	Service & Return, first name	$ .75
	1 additional name, at 25¢	.25
	Postage	.21
	Total	$1.21

Received this writ Dec. 6th. 1933, at 2 o'clock P.M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: Dec. 12th. 1933, on Della Monsmith as Mother & Harold Rex Wood and Harold Rex Word, minor, by registred mail as shown by the Recipt hereto attached.

William Rausch - Sheriff.
By - A. Bigsby - Deputy.

Filed Dec. 7 - 1933. Summons.

Summons on Petition to Sell Real Estate.

Probate Court.

The State of Ohio, Crawford County.

To the Sheriff of said County:

You are commanded to notify Eva Voss, Galion, Ohio, and the following named who are minors, to-wit: Donald Wood, making service of this summons upon said minor, and also upon the guardian, a father, or if neither guardian a 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 23rd. day of November a. D. 1933, Leroy N. Wood, Administrator of the Estate of Frances A. Harris, 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 "Action to sell Real Estate to pay Debts," and that unless they answer by the 23rd. day of December, 1933, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the fourth day of December, 1933.

Witness my hand and the seal of said Court, this 23rd. day of November, 1933.

[Seal] L. W. Hazen - Probate Judge.

Sheriff's Return.

The State of Ohio, Crawford County.

Sheriff's Return.	Sheriff Fees.	
	Service & Return, first name	$ .75
	2 additional names, at .25	.50
	26 miles traveled at 8¢	2.08
	Postage	.06
	Total	$ 3.39

Recived this writ November 27th, 1933, at 8:30 o'clock A.M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: December 4th. 1933, on Eva Moss and Donald Wood, a minor personally

Heer Ptg. Co., Cols., O. CD 4981.

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handing to each of them a true and certified copy of this writ with all the endorsements thereon. December 9th. 1933, on Eva Voss the mother of the said Donald Wood, a minor, (said minor living with, and in the custody of said Eva Voss) by personally handing to her a true and certified copy of this writ for said minor.

A. L. Stuckert - Sheriff of Crawford County, Ohio.
By W. E. Davey. Deputy.
Skll Real Estate.

Summons on Petition to Sell Real Estate. Probate Court.

Summons. The State of Ohio, Logan County.
To the Sheriff of said County:

You are commanded to notify J. L. Mattison and the following named who are minors, to-wit: Clyde Wood, R. D. #4, West Mansfield, O. 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 23rd. day of November a. D. 1933, Perry N. Wood, Administrator of the Estate of Francis A. Harris, 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 "An action to sell Real Estate to pay Debts" and that unless they answer by the 23rd. day of December, 1933, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the fourth day of December 1933.

Witness my hand and the seal of said Court, this 23rd. day of November 1933.

Seal L. W. Hazen - Probate Judge.

Sheriff's Return.

Sheriff's Return. The State of Ohio, Logan County.

Sheriff Fees.	
Service & Return, first name $	.75
2 miles traveled at 8¢	.16
copy	.10
postage	.03
Total	$1.04

Received this writ November 25th. 1933, at 9 o'clock A.M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz:

after due and diligent search I failed to find the within named J. L. Mattison in my bailiwick.

Charles C. Bewley - Sheriff of Logan County, Ohio.

12607
Filed
Dec. 14-1933.
Summons.

The

To

Sheriff's Return

The

Heer Ptg. Co., Cols., O. CD 4981.

12607
Filed
Dec. 14-1933.
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 J. L. Mattison, R. D. #4 West Mansfield, Ohio, and the following named who are minor, to-wit: Clyde Wood, same address, 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 23rd. day of November A. D. 1933, Perry N. Wood, Administrator of the Estate of Francis A. Harris, 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 "An action to sell Real Estate to Pay Debts" and that unless they answer by the 6th. day of January, 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 11th. day of December, 1933.

Witness my hand and the seal of said Court, this 5th. day of December, 1933.

{Seal}

L. W. Hazen- Probate judge.

Sheriff's Return.

Sheriff's Return

The State of Ohio, Union County.

Sheriff Fee.

Service + Return, first name	$ .75
1 additional name at 25¢	.25
28 miles traveled at 8¢	2.24
Total	$ 3.24

Received this writ Dec. 11, 1933, at 9 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: Dec. 12th. 1933, on Clyde Wood, a minor and also on the same day I served J. L. Mattison with whom said Clyde Wood, a minor resides by personally handing to each of them a true and certified copy of this writ.

William Rausch- Sheriff of Union County, Ohio.
By- A. Grigsby- Deputy.

Filed
Jan. 16-1934.
Answer and Cross-Petition of The Richwood Banking Company.

In the Probate Court of Union County, Ohio.

Perry N. Wood, Administrator of the Estate of Francis A. Harris, Deceased, Plaintiff.
-vs-
Ernest Wood, et al., Defendants.

No. 12607.

Answer and Cross-Petition of The Richwood Banking Company.

Now comes the defendant, The Richwood Banking Company of Richwood, Ohio, a banking corporation, organized and existing under the laws of the State of Ohio, and with its

Heer Ptg. Co., Cols., O. CD 4981.

12607

place of business at Richwood, Ohio, and for its Answer and Cross Petition herein, says:

That on the 1st. day of November, 1932, the said Frances A. Harris, (then in life, but now deceased), made her certain promissory note in writing of that date and did then deliver the same to the defendants, J. T. Reed and Emma N. Reed and did thereby promise to pay to said defendants, J. T. Reed and Emma N. Reed, or their order, the sum of $175.00, in one year after the date thereof, which period has elapsed; that a true copy of said note is hereto annexed, marked "Exhibit A" and made part hereof. This defendant further says that to secure the payment of said promissory note and the money secured thereby, the said Frances A. Harris (widow), by her certain mortgage deed of even date with said promissory note, duly executed and delivered to the said defendants, J. T. Reed and Emma N. Reed, did convey to the said defendants, J. T. Reed and Emma N. Reed, their heirs and assigns forever, all the real estate set out and described in the petition as "Parcel No. 1", which said real estate is described as follows:

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

Part of Survey No. 6307.

First Tract: Beginning at a stake in the center of Hastings Stuet in the south line of H. T. Marriott's 1st. Addition to the Town of Richwood, in said County. Thence S. 8½ deg. West with the South line of said addition 9.39 poles to the center of the alley in said addition. Thence S. 8½ deg. W. 21.60 poles to J. Woods North line; thence N. 74¾ deg. East with said Woods north line to a stake in said line; thence 8½ deg. West 20.60 poles to the place of beginning, containing one and 30/100 (1.30) acres, more or less.

Second Tract: Being Lot No. 291 in H. T. Marriott's 1st. addition to the Town of Richwood in said County and State. For a more specific description of said Lot reference is made to the recorded Plat of said addition. Each of the foregoing tracts being the same tract conveyed by Alba Cook, and others to Nora M. Smith, by deed dated April 16th. 1903, and recorded in Deed Book 91, Pages 28, etc. in the Recorder's Office in Union County, Ohio.

Third Tract: Situated in the Village, County and State aforesaid and known as Survey No. 6302, 6307? and bounded and described as follows: Beginning in the south line of Marriotts 1st. Addition to Richwood, Ohio, and in the middle of the Alley between Lots Nos. 292 and 293. Thence S. 8½ deg. East 21.61 poles to a stake in D. H. and W. J. Woods north line; thence S. 73½ deg. W. 11.45 poles; thence N. 8½ deg. West 22.61 poles to a stake in the S. W. corner of

Heer Ptg. Co., Cols., O. CD 4981.

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said Addition; thence with the south line of said Addition, 11.32 poles to the place of beginning, containing one and fifty eight hundredths (1.58) of acres of land, more or less. Said being the same premises conveyed by William Collins and wife to Mrs. Earl E. Smith (Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by deed dated March 4th. 1908, and recorded in Deed Book Vol. 88, Page 429 in the Recorder's Office in Union County, Ohio.

Fourth Tract: Situated in the Township of Claibourne, County of Union, State of Ohio, and Survey No. 6307, and bounded and described as follows:

Beginning at a post in the northerly line of the N.Y.P.&O. Railroad and at the southwest corner of James J. Monroe's land; thence with the west line of said land N. 4 deg. 30' W. 2.92 poles to a stake at the southeast corner of Flora M. Smith's Lot; thence with the south line of said Lot and of Mrs. Earl E. Smith's Lot, S. 76 deg. 30' W. 21.56 poles to a stone at the northeast corner of C. D. Sidle's land; thence with the East line of said land, S. 4 deg. 30' E. 17.08 poles to a stake in said Railroad line; thence with said line running about N. 46 deg. E. 27.48 poles to the beginning, containing one and one-third (1-1/3) acres, more or less, and being a portion of the premises purchased from Caroline Woods (by C. D. Sidle and wife to Mrs. Earl E. Smith (said Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by deed dated September 22, 1908, and recorded in Deed Book 92, Page 460, in the Recorders Office of Union County, Ohio.

That said mortgage deed contained a condition therein written, whereby it was provided that the said Frances A. Harris should pay or cause to be paid unto the said J. T. Red and Emma V. Red or to their executors, administrators and assigns, the sums of money mentioned in the promissory note aforesaid, according to the tenor and tenor thereof, then said conveyance should be void, otherwise to be and remain in full force and virtue in law forever. And this defendant further says that the said J. T. Red and Emma V. Red caused said mortgage to be deposited with the Recorder of Union County, Ohio, at his Office on the 12th. day of November, 1902, at 9:55 o'clock A. M. for record, and the same was duly recorded in the Record of Mortgage in said County in Volume 102 at pages 255 and 256, and said mortgage is the first and best lien on the real estate above described.

This defendant further says that after the execution and delivery of said promissory note and mortgage and before the same became due, the said Emma V. Red and J. T. Red, for a valuable consideration, duly assigned, transfered and set over to this defendant, The Richwood Banking Company of Richwood, Ohio, the said promissory note

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and the said mortgage deed, by which the payment of said promissory note was secured, and that this answering defendant has been ever since and now is the owner and holder of said note and mortgage, and that no part of the money mentioned in said promissory note and mortgage have been paid, but is, with interest at the rate of eight per cent per annum thereon from the 1st. day of November, 1932, still due and unpaid this answering defendant, The Richwood Banking Company of Richwood, Ohio.

Wherefore, this defendant asks that out of the proceeds of the sale of said real estate, the said debt due this answering defendant with the interest, be paid in full, and for all proper relief.

R. A. McAllister - Attorney for the Defendant, The Richwood Banking Company.

State of Ohio, Union County, ss:

J. T. Rapp, being duly sworn, says that he is the Cashier of The Richwood Banking Company, a banking corporation, and duly authorized therein, and that he has personal knowledge of the facts contained in the above pleading and that the allegations contained in the foregoing pleading are true as he verily believes.

Oath.

J. T. Rapp.

Sworn to before me and signed in my presence this 3rd. day of January, 1934.

[Seal] R. A. McAllister - Notary Public.

"Exhibit A".

"Exhibit A".

$175.

Richwood, Ohio, Nov. 1, 1932.

One year after date, we or either of us promise to pay to the order of J. T. Rapp and Emma T. Rapp One hundred and seventy five Dollars at the Richwood Banking Co., Richwood, Ohio, for value received, with interest from date at the rate of 8 per cent per annum, payable semi-annually, until due, and with interest at eight per cent 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 Record, at any time after the above note becomes due, to appear for us or any of us, without process, in any Court of Record in the State of Ohio, or elsewhere, and confess a judgment for the said amount, interest and costs, in favor of the payee, legal holder, indorsee or assignee hereof, and release all errors which may occur in the condition of such judgment. 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 said judgment, and our said attorney is hereby authorized to enter such release in said judgment. Endorsers waive demand, protest, notice of protest, and legal diligence to enforce collection.

(Secured by mortgage on Real Estate)

Frances A. Harris.

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Filed
Jan. 16-1934.
Waiver of Summons
&
Consent to Sell.

Filed
Jan. 16-1934.
Answer of
the Defendants.

Heer Ptg. Co., Cols., O. CD 4981.

12607
Filed
Jan. 16-1934.
Waiver of Summons
&
Consent to Sell.

Waiver of Summons, on Petition to Sell Real Estate.
Probate Court, Union County, Ohio.
No. 12607.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

Perry N. Wood, Administrator,
Frances Harris Estate,
Plaintiff,
-vs-
Ernest Wood, et al.,
Defendants.

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.

Nov. 29, a. D. 1933.

J. T. Reed
The Richwood Banking Company.
By- J. N. Rapp- Cashier.
Emma N. Reed.

Filed
Jan. 16-1934.
Answer of
the Defendants.

In the Probate Court, Union County, Ohio.
No. 12607.
Answer of the Defendants,
J. N. Reed and Emma N. Reed.

Perry N. Wood, Administrator
of the Estate of Frances A.
Harris, Deceased,
Plaintiff.
-vs-
Ernest Wood, et al.,
Defendants.

Now comes the defendants, J. T. Reed and Emma N. Reed and say that the said Frances A. Harris, (then in life, but now deceased) on the 1st. day of November, 1932, made and delivered to these defendants, her promissory note of that date, and did thereby promise to pay to these defendants or their order, the sum of $175.00 in one year after date thereof, which period has elapsed.

These defendants further say that to secure the payment of said promissory note, the said Frances A. Harris, being a widow, made, executed and delivered to these defendants her certain mortgage deed of that date, thereby conveying to these defendants, their heirs and assigns all the real estate described in the petition as "Parcel No. 1". And these defendants say that said mortgage was deposited with the Recorder of Union County, Ohio, on the 12th. day of November, 1932, and was by said Recorder, recorded in his Record of Mortgages in Volume 102, pages 255 and 256, and was a first and best lien on the property so conveyed.

These defendants further say that before the said promissory note became due and for a valuable consideration, these defendants assigned, transferred and set over to the Richwood Banking Company of Richwood, Ohio, the

Heer Ptg. Co., Cols., O. CD 4981.

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promissory note and mortgage aforesaid.

W. A. Mc Allister - attorney for Defendants, J. T. Reed and Emma T. Reed.

State of Ohio, Union County, ss:

J. T. Reed, being first duly sworn, says that the facts stated in the foregoing answer are true, as he verily believes.

Oath.

J. T. Reed.

Sworn to before me and signed in my presence this 3rd. day of January, 1934.

[Seal]

W. A. Mc Allister - Notary Public.

Filed Dec. 6-1933 Entry of appearance & Consent to Sell.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Adm. of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.

Entry of appearance and Consent to Sell.

We, the undersigned parties Defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon us and each of us and voluntarily enter our appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Leroy N. Wood.
Emma E. Wood.

Filed Mar. 5- 1934. Entry approving Bond and Ordering Public Sale.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Administrator of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607.

Entry approving Bond and Ordering Public Sale.

This matter came on to be heard upon the Petition of the Plaintiff for an order to sell real estate of the above decedent to pay debts of her estate, to the Answer and Cross Petition of the Defendant, J. T. Reed and Emma T. Reed, the Answer and Cross Petition of The Richwood Banking Company, the other Defendants being in default of Answer and having waived the issuance and service of process and consented to the sale of said real estate, the Court finds from the evidence that all the necessary parties are before the Court and that the prayer of the Petition should be granted; that the real estate described in the Petition was appraised by the appraisers of Parcel No. I for Two Hundred Fifty Dollars ($250) and Parcel No. II for Four Hundred Dollars ($400) and orders that further appraisement be dispensed with.

It further appearing to the Court that the Plaintiff gave

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Filed Mar. 26-1934. Entry.

Filed Mar. 26- 1934. Entry Ordering appraisement

Heer Ptg. Co., Cols., O. CD 4981.

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a Bond as Administrator, at the time he was appointed, in the amount of Five Hundred Dollars ($500) with approved sureties conditioned according to law, the said Bond is hereby approved.

It is now ordered that Leroy N. Wood as such Administrator procud to advertise for sale at the Courthouse in Marysville, Ohio, on the 31st. day of March, A. D. 1934 at 1:00 o'clock P. M., the real estate in the Petition described as provided by law and that he sell the same at not less than two thirds of the appraised value thereof, on the following terms, to-wit: ten percent (10%) on the day of sale and the remainder of the purchase price to be paid upon the delivery of the deed.

Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate judge.

Filed Mar. 26-1934. Entry.

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Administrator of the Estate of Frances A. Harris, Deceased, Plaintiff.

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607. Entry.

Upon oral Motion of the Plaintiff by his attorney, Robert T. Allen, and for good cause shown the Entry approving the Bond and ordering public sale, filed March 5, 1934, is therefore withdrawn from the files herein and to be held for naught in this proceeding.

L. W. Hazen - Probate judge.

Filed Mar. 26-1934. Entry Ordering appraisement

In the Probate Court of Union County, Ohio.

Leroy N. Wood, Administrator of the Estate of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

Case No. 12607. Entry Ordering appraisement.

This cause came on to be heard upon the Petition and the evidence, the Court finds that all the Defendants herein have been duly and legally served with process or have voluntarily entered their appearance and consent to sell as prayed for and are properly before the Court; and that it is necessary to sell said real estate to pay the debts of said estate and the prayer of the Petition should be granted.

And it appearing to the Court that a new appraisement should be made of the said real estate, it is ordered that W. W. Daniels, C. E. Stout and A. L. Graham three judicious and disinterested persons of the vicinity, not next of kin of the Petitioner, be and they hereby are appointed to appraise

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said real estate at it's true value in money, free from any dower estate therein;

It is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view at it's fair market value and dischage the duties required by them according to law and to make return of their proceeding to this Court on or before ten (10) days from the filing of this Order.

L. W. Hazen - Probate judge.

Filed Mar. 27- 1934. Order of appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss: Probate Court.

To Leroy R. Wood, Administrator of the Estate of Frances A. Harie, 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 Administrator of the estate of Frances A. Harie, deceased, are Plaintiff and Ernest Wood, et al., are Defendants, you are commanded that by the oaths of W. W. Daniels, A. E. Stout and A. L. Graham judicious disinterested persons of the vicinity, not of kin to the petitioner, 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, in the State of Ohio, and in the Township of Claibourne and Village of Richwood, and bounded and described as follows:

Parcel No. I. Part of Survey No. 6307.

First Tract: Beginning at a Stake in the Center of the Hastings Street in the South line of H. T. Marriott's Addition to the Town of Richwood, (first) in said County. Thence S. 80½° West with the South line of said addition 9.39 poles to the center of the Alley in said addition. Thence S. 8½° W. 21.60 poles to J. Woods North line; Thence North 74-3/4° E. with said Woods North line to a stake in said line; Thence N. 8½° W. 20.60 poles to the place of beginning, containing one and 30/100 (1.30) acres, more or less.

Second Tract: Being Lot No. 291 in H. T. Marriott's 1st Addition to the Town of Richwood, in said County and State. For a more specific discription of said Lot reference is made to the recaded Plat of said Addition. Each of the forgoing tracts being the same tract conveyed by alba Cook and others to Flora M. Smith, by deed dated april 16th. 1903, and recorded in Deed Book 91, Pages 28 etc. in the Recorder's Office in Union County, Ohio.

Third Tract: Situated in the Village, County and State aforesaid and known as Survey No. 6302, and bounded and described as follows: Beginning in the South line of Marriott's 1st Addition to Richwood, Ohio, and in the middle of the Alley between Lots Nos. 292 and 293. Thence S. 8½° East 21.61

Return.

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poles to a Stake in D. H. and W. J. Woods North line; Thence S. 74½° W. 11.45 poles; Thence N. 8½° West 22.61 poles to a Stake in the S. W. corner of said Addition; Thence with the South line of said Addition 11.32 poles to the place of beginning, containing one and fifty eight hundredths (1.58) acres of land, more or less. And being the same premises conveyed by William Collins and wife to Mrs Earl E. Smith (Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by deed dated March 4th. 1903, and recorded in Deed Book Vol. 88 Page 429, in the Recorder's Office in Union County, Ohio.

Fourth Tract: Situated in the Township of Claibourne, County of Union, and State of Ohio, and Survey No. 6307, and bounded and described as follows: Beginning at a Post in the Northerly line of the N. Y. P. & O. Railroad and at the Southwest corner of Jamie M. Monroe's land; Thence with the West line of said land N. 4° 30' W. 2.92 poles to a Stake at the Southeast corner of Flora M. Smith's Lot; Thence with the South line of said Lot and of Mrs. Earl E. Smith's Lot S. 76° 30' W. 21.66 poles to a Stone at the Northeast corner of C. D. Sidle's land; thence with the east line of said land S. 4° 30' E. 17.08 poles to a Stake in said Railroad line; thence with said line running about N. 46° E. 27.48 poles to the beginning, containing one and one-third (1-1/3) acres, more or less and being a portion of the premises purchased from Caroline Woods, by C. D. Sidle and wife to Mrs. Earl E. Smith (said Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by Deed dated September 22, 1908, and recorded in Deed Book 92, Page 400, in the Recorder's Office at Union County, Ohio.

Parcel No. II. Situated in the County of Union, in the State of Ohio, Village of Richwood, and bounded and described as follows:

Being, Lots numbered Two Hundred and Ninety two (292), Two Hundred Ninety Three (293), and Two Hundred and Ninety Four (294), in Henry T. Marriott's Addition to the said Village of Richwood, for further reference, see recorded Plat of said Addition in the Office of the Recorder at Marysville, in said County and State.

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 27th. day of March, A. D. 1934.

[Seal] L. W. Hazen- Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

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

Return.

Dated the 27th. day of March, A. D. 1934.

Leroy N. Wood- Administrator.

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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, truly and impartially appraise the within discribed real estate at its true value in money, and perform the duties required of us in pursuance of the foregoing order.

A. L. Graham.
W. W. Daniels.
O. E. Stout.
} appraisers.

Sworn to before me and signed in my presence, this 27th. day of March, A. D. 1934.

[Seal] Robt N. 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 discribed, we the undersigned appraisers, estimate the value in money of said real estate at —

Parcel No. I
Parcel No. II
} $550.00 Dollars.

Given under our hands, this 27th. Day of March, A. D. 1934.

A. L. Graham.
W. W. Daniels.
O. E. Stout.
} appraisers.

Filed Mar. 27- 1934. Entry Confirming appraisement & approving Bond.

In the Probate Court of Union County, Ohio

Perry N. Wood, Administrator of the Estate of Francis A. Harris, Deceased, Plaintiff.
-vs-
Ernest Wood, et al., Defendants.

Case No. 12607.
Entry Confirming appraisement and approving Bond.

This day this matter came on to be further heard on the Report of the appraisers heretofore herein appointed, and it appearing upon examination that said proceeding is in all respects regular and correct it is ordered that the same be and is hereby approved and confirmed.

It further appearing to the Court that the Plaintiff has given Bond in the sum of One Thousand Dollars ($1000), with approved sureties conditioned according to law, the said Bond is therefore hereby approved. Said Bond having been given by said administrator in the case administering the estate and which is sufficient to cover the sale of the real estate herein.

L. W. Hazen - Probate Judge.

12607
Filed Mar. 27- 1934.
Order of Private Sale.

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Order of
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Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Perry N. Wood, Administrator of the Estate of Frances A. Harris, 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 Perry N. Wood, Administrator of the estate of Frances A. Harris, Deceased, are Plaintiff and Ernest Wood, 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, in the State of Ohio, and in the Township of Fairbanks and Village of Richwood, and bounded and described as follows:

Parcel No. I. Part of Survey No. 6307.

First Tract: Beginning at a Stake in the center of the Hastings Street in the South line of H. T. Marriott's Addition to the Town of Richwood, (first) in said County. Thence S. 80½° West with the South line of said addition 9.39 poles to the center of the alley in said addition. Thence S. 8½° W. 21.60 poles to J. Woods North line; Thence North 74-3/4° E. with said Woods North line to a stake in said line; Thence N. 8½° W. 20.60 poles to the place of beginning, containing one and 30/100 (1.30) acres, more or less.

Second Tract: Being Lot No. 291 in H. T. Marriott's 1st addition to the Town of Richwood, in said County and State. For a more specific description of said Lot reference is made to the recaded Plat of said Addition. Each of the foregoing tracts being the same tract conveyed by Alba Cook and others to Flora M. Smith, by deed dated April 16th. 1903, and recorded in Deed Book 91, Pages 28 etc. in the Recorder's Office in Union County, Ohio.

Third Tract: Situated in the Village, County and State aforesaid and known as Survey No. 6302, and bounded and described as follows: Beginning in the South line of Marriott's 1st Addition to Richwood, Ohio, and in the middle of the Alley between Lots Nos. 292 and 293. Thence S. 8½° East 21.61 poles to a Stake in D. H. and W. J. Woods North line; Thence S. 74½° W. 11.45 poles; Thence N. 8½° West 22.61 poles to a Stake in the S. W. corner of said Addition; Thence with the South line of said addition 11.32 poles to the place of beginning, containing one and fifty eight hundredths (1.58) acres of land, more or less. And being the same premises conveyed by William Collins and wife to Mrs. Earl E. Smith (Mrs. Earl E. Smith and Flora M. Smith being one and the same person) by deed dated March 4th, 1903, and recorded in Deed Book Vol. 88, Page 429, in the Recorder's Office in Union County, Ohio.

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Fourth Tract: Situated in the Township of Claibourne, County of Union, and State of Ohio, and Survey No. 6307, and bounded and described as follows: Beginning at a Post in the Northerly line of the N.Y.P.& O. Railroad and at the Southwest corner of James M. Monroe's land; Thence with the West line of said land N. 4° 30' W. 2.92 poles to a Stake at the Southeast corner of Nora M. Smith's Lot; Thence with the South line of said Lot and of Mrs. Earl E. Smith's Lot S. 76° 30' W. 21.56 poles to a Stone at the Northeast corner of C. D. Sidle's land; thence with the east line of said land S. 4° 30' E. 17.08 poles to a Stake in said Railroad line; thence with said line running about N. 46° E. 27.48 poles to the beginning, containing one and one-third (1-1/3) acres, more or less and being a portion of the premises purchased from Caroline Woods, by C. D. Sidle and wife to Mrs. Earl E. Smith (said Mrs. Earl E. Smith and Nora M. Smith being one and the same person) by Deed dated September 22, 1908, and recorded in Deed Book 92, Page 450, in the Recorder's Office at Union County, Ohio.

Parcel No. II. Situated in the County of Union, in the State of Ohio, Village of Richwood, and bounded and described as follows:

Being Lots numbered Two Hundred and Ninety two (292), Two Hundred Ninety Three (293), and Two Hundred and Ninety Four (294), in Henry T. Marriott's addition to the said Village of Richwood, for further reference, see recorded Plat of said addition in the Office of the Recorder at Marysville, in said County and State.

Said Sale to be upon the following terms: Cash on delivery of a 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 27th. day of March, A. D. 1934.

[Seal] L. W. Hazen - 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 27th. day of March, A. D. 1934.

Lerry N. Wood.

Repot of Private Sale.

Repot of Private Sale.

In obedience to the Command of the within order of sale, I did on the 27th. day of March, A. D. 1934, offer said property, at private sale, and G. W. Moore having offered therefor the sum of Five Hundred Fifty Dollars ($550.) and the same being not less than the appraised value of said property, I sold the same to said G. W. Moore for that sum.

Lerry N. Wood.

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Filed Mar. 27-1934.

Oath.

Application.

Oath.

Affidavit of Disinterested Person.

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Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Perry N. Wood, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Perry N. Wood.

Oath.

Subscribed in my presence and sworn to before me this 27th. day of March, A. D. 1934.

Seal

Robert T. Allen - Notary Public.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Filed Mar. 27-1934. Application.

Perry N. Wood, Administrator of Frances A. Harris, Deceased, Plaintiff,

-vs-

Ernest Wood, et al., Defendants.

No. 12607. Application.

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

Plaintiff has made due and diligent effort to make a sale of the same and has been offered the sum of Five Hundred Fifty Dollars ($550.) in cash and he honestly believes that if it were sold at public auction it would not net the sum he has been offered after deducting the additional court costs and expenses.

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

Perry N. Wood - Administrator of the Estate of Frances A. Harris, Deceased.

The State of Ohio, Union County.

Perry N. Wood, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

Perry N. Wood.

Oath.

Sworn to before me and signed in my presence this — day of March, A. D. 1934.

Seal

Robert T. Allen - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Affidavit of Disinterested Person.

A. L. Graham, W. W. Daniels and C. E. Starr, 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 of Frances A. Harris, deceased, to sell said real estate at

Heer Ptg. Co., Cols., O. CD 4981.

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private sale than at public sale as they verily believe.

A. L. Graham.
W. W. Daniels.
B. E. Stout.

Sworn to before me and signed in my presence this — day of March, A. D. 1934.

[Seal] Robert T. Allen — Notary Public.

Filed Mar. 27- 1934. Entry Confirming Sale Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Case No. 12607.

Entry Confirming Sale Ordering Deed and Distribution.

Terry N. Wood, Administrator of the Estate of Francis A. Harris, Deceased,

Plaintiff,

-vs-

Ernest Wood, et al.,

Defendants.

This day this cause came on to be heard on the Repot of Terry N. Wood, Administrator of the estate of Frances A. Harris, deceased of his proceding according to the former Order of this Court, and upon the Motion of said Petitioner to confirm the sale made in obedince to said Orde; the Court having carefully examined said Repot and finding the proceding of said Petitioner in all respects correct and being certain that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed.

It is further ordred that said Petitioner execute a ded of all the right title and interest of the said Frances A. Harris in said real estate to the purchaser, George Moore, upon the purchaser paying to him the sum of Five Hundred Fifty Dollars ($550.) in cash.

And now this cause coming on further to be heard upon the pleadings herein and upon the Motion to distribute the proceds of the sale amounting to Five Hundred Fifty Dollars ($550), the Court finds that there is due the Richwood Banking Company of Richwood, Ohio, upon the mortgage set forth in its Answer and Cross-Petition, from the estate of the said Frances A. Harris, deceased, the sum of One Hundred Ninty One and 15/100 Dollars ($191.15), with interest thereon at eight per cent (8%) from the day of this Entry; that the said Frances A. Harris unmarried, to secure the payment of the said promissory note, gave a mortgage upon the premises described in the Petition as Parcel No. I, which was a valid and subsisting lien upon said Parcel No. I, and now upon the funds in the hands of said Administrator, arising from the sale of said premises.

It is further found that the note and mortgage were originally made to J. T. Reed and Emma Reed, which thereafter were by them duly sold, transferred and assigned to the said Richwood Banking Company of Richwood, Ohio.

It is ordred that an Entry of release for satisfaction of said mortgage lien be entered on the records in the

12696 Filed Mar. 19-1934. Hopkins & Sanders Attorneys. Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12607

Recorder's Office of Union County, Ohio, according to law.

It is further ordered that said administrator, out of the money in his hands, pay:

First: To the Treasurer of this County, the taxes, penalties and interest thereon against said property in the sum of $ 18.75

Second: The costs and expenses incurred in the sale of said property in the sum of 54.16

Third: To Robert M. Allen, attorney fee 40.00

Fourth: To Leroy N. Wood, Administrator's fee 20.00

Fifth: To The Richwood Banking Company on the note and mortgage set forth and described in it's Answer and Cross Petition herein, the sum of 191.15

It is further ordered that the balance of the proceeds amounting to the sum of Two Hundred Twenty Five + 94/100 Dollars ($225.94) be accounted for by said Administrator according to law and that this proceeding be recorded.

L. W. Hagen - Probate Judge.

Approved by:
M. A. Mc Allister - atty. for
The Richwood Bkg. Co.
J. T. Reed and Emma Reed.

Richard C. Thrall - Gdn.
ad litem of Donald Wood,
Pauline Spurling, Harold
Ray Wood, Clyde Wood.

12696
Filed
Mar. 19-1934.
Hoppes & Sandus
Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Utha Liggett, Guardian of Charles Liggett, Jr., Plaintiff,

-vs-

Charles Liggett, Jr., Utha Liggett and The Northwestern Mutual Life Insurance Company, Defendants.

No. 12696.
Petition.

Petition.

Plaintiff says that she is the duly appointed and qualified guardian of Charles Liggett, Jr., of the age of twenty (20) years on the 24th. day of April, 1934, and residing in Leesburg Township, Union County, Ohio, appointed such guardian by the Probate Court of Union County, Ohio, on the 19th. day of March, 1934.

Said ward is seized of the real estate, a discription of which, by metes and bounds, is hereto attached, marked Exhibit "A", and made a part hereof.

Said real estate is encumbered by a mortgage to The Northwestern Mutual Life Insurance Company for the sum of Thirteen Hundred ($1300.00) Dollars, with accrued interest

Heer Ptg. Co., Cols., O. CD 4981.

12696

The defendant, Utha Liggett, is entitled to the next estate of inheritance from said ward in said real estate. There are no other persons who have any interest in said real estate.

Plaintiff says that said ward has negotiated a sale of fifteen (15) acres of said real estate to one Marvin H. Bruce and Mary E. Bruce for the sum of Six Hundred Fifty (A$650.00) Dollars; that said portion of said real estate is described, by metes and bounds, in Exhibit "B", hereto attached, and made a part hereof; that it is impossible for the said ward to convey said real estate by reason of the fact that he is not of legal age; that said sale price is a fair and just price for said real estate, and that it is the desire of the plaintiff and said ward that said real estate be sold as aforesaid, and that Four Hundred (A$400.00) Dollars of the proceeds be applied upon the payment of said mortgage to The North Western Mutual Life Insurance Company.

Wherefore, plaintiff prays the Court to set this petition for hearing, to cause a summons to be issued to the Sheriff of Union County for the defendant, Charles Liggett, Jr., and for an authorization of the plaintiff to sell said portion of said real estate so described to Marvin H. Bruce and Mary E. Bruce, without any appraisal thereof, for the consideration of Six Hundred Fifty (A$650.00) Dollars, and that she be authorized to execute and deliver to said purchasers a deed therefor, and that she be authorized to apply the sum of Four Hundred (A$400.00) Dollars of said purchase price upon said mortgage to The North-western Mutual Life Insurance Company, and for such other relief as is proper.

Hooper + Sanders.
attorneys for Plaintiff.

State of Ohio, Union County, ss:

Utha Liggett, being first duly sworn, says that she is the plaintiff herein, and that the facts stated and allegations made in the foregoing petition are true as she verily believes.

Utha Liggett.

Bath.

Sworn to before me and subscribed in my presence this 19th. day of March, 1934.

[Seal] C. A. Hoopes - Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceeding for the said Charles Liggett, Jr., directed to the Sheriff of Union County, Ohio, and make same returnable according to law. Endorse summons "Action for the sale of real estate".

Precipe.

Hooper + Sanders.
Attorneys for Plaintiff.

12696

Waiver

Exhibit A.

Exhibit B.

Filed
Mar. 19-1934.
Summons.

Heer Ptg. Co., Cols., O. CD 4981.

12696

Waiver.

Waiver

Now come the defendants, Utha Liggett and The North-western Mutual Life Insurance Company, and waive the issuing and service of summons and process and enter their respective appearances herein.

Utha Liggett.
The North-western Mutual Life Insurance Company.
Per- C. A. Hooper Attorney.

Exhibit A.

Real estate situate in the State of Ohio, County of Union and Township of Leesburg, being part of Survey No. 6031 and bounded and described as follows:

Beginning at a stone northeast corner to the lands of C.M. and M. Weaver and in the south line of the lands of Louis C. McLain, and running thence with the line of said McLain's land and the lands of C. C. and R. B. DeGood N. 84° 45' E. 97.07 poles to a stone; thence S. 35' W. 98.54 poles to a stone, northeast corner to the lands of Marvin H. Bruce et al.; thence with the line of said Bruce's lands and the line of C. M. and M. Weaver S. 87° 55' W. 86.51 poles to a stone, corner to same, and thence N. 2° 5' W. 93.27 poles to the place of beginning.

Exhibit A.

Containing 53.05 acres, more or less.

Exhibit B.

Situated in the State of Ohio, County of Union, Township of Leesburg and part of Survey No. 6031.

Beginning at a stone at the northeast corner to the lands of Marvin H. Bruce et al.; thence with the north line of said Bruce's land, S. 87° 55' W. 27.15 poles to the center of the Dry Run Gravel Road; thence with the center of said Road N. 4° 30' E. 97.38 poles to a stone in said road, being the southeast corner to lands of Louis C. McLain and southwest corner to lands of C. C. and R. B. DeGood; thence with the south line of said DeGood's land N. 84° 45' E. 24.45 poles to a stone; thence S. 35' W. 98.54 poles to the place of beginning.

Exhibit B.

Containing 15 acres, more or less.

Filed Mar. 19-1934. 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 Charles Liggett, Jr. a minor, and the following named who are minors, to-wit:

making service of this summons upon such minor - as - over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 19th. day of March A. D. 1934, Utha Liggett, Guardian of Charles Liggett, Jr. filed her petition in the Probate Court of said Union County, against them and others; the object and

Heer Ptg. Co., Cols., O. CD 4981.

12696

prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying a portion of the mortgage upon said Real Estate, and that unless they answer by the 21st. day of April 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 2nd. day of April, 1934.

Witness my hand and the seal of said Court; this 19th. day of March, 1934.

Seal L. W. Hazen- Probate judge.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fee.	
Service + Return, first name	.75
Total	.75

Sheriff's Return

Received this writ March 19, 1934, at 2 o'clock P. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: Mch. 19, 1934 on Charles Liggett Jr., a minor and also a copy thereof upon Utha Liggett, the mother and custodian of Charles Liggett Jr. said minor.

William Rausch- Sheriff.
By- A. Bigsby - Deputy.

Filed May 7- 1934. Application.

In the Probate Court of Union County, Ohio.

Utha Liggett, Guardian of Charles Liggett, Jr., Plaintiff,
-vs-
Charles Liggett, Jr., et al., Defendants.

No. 12696.
Application.

Now comes Charles Liggett, Jr., and respectfully represents that he is 19 years of age, and he asks that Guynn Sanders, an attorny at law, be appointed as his Guardian Ad Litem herein.

Charles Liggett.

Filed May 7- 1934. Order appointing Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

Utha Liggett, Guardian of Charles Liggett, Jr., Plaintiff,
-vs-
Charles Liggett, Jr., et al., Defendants.

No. 12696.
Order appointing Guardian Ad Litem.

This day this case came on to be heard upon the application of the defendant, Charles Liggett, Jr., a minor, for the appointment of Guynn Sanders as his Guardian Ad Litem herein.

And the court, being fully advised in the premises, find that said minor is 19 years of age and is entitled to select a Guardian Ad Litem, and therefor sustains his application.

It is therefor considered by the Court that Guynn Sanders be, and he hereby is, appointed Guardian Ad Litem herein

Heer Ptg. Co., Cols., O. CD 4981.

12696

for Charles Liggett, Jr.

L. W. Hazen - Probate Judge.

Filed May 7- 1934. Answer of Guardian ad Litem.

In the Probate Court, Union County, Ohio.

Utha Liggett, Guardian of Charles Liggett, Jr., Plaintiff.

-vs-

Charles Liggett, Jr., et. al., Defendants.

No. 12696.

Answer of Guardian ad Litem.

Now comes Guynn Sanders, Guardian ad Litem for the defendant, Charles Liggett, Jr., and respectfully represents to the Court that his said ward is of tender years, and that he is ignorant of the allegations of the petition, and therefor denies the same, and asks that the interests of his said ward be protected.

Guynn Sanders - Guardian ad Litem.

Filed May 7- 1934. Entry.

In the Probate Court of Union County, Ohio.

Utha Liggett, Guardian of Charles Liggett, Jr., Plaintiff,

-vs-

Charles Liggett, Jr., Utha Liggett and The North-western Mutual Life Insurance Company, Defendants.

No. 12696.

Entry.

This matter came on to be heard upon the Petition of the plaintiff for authority to sell a portion of the real estate of the said ward for the purpose of paying off a portion of the mortgage upon said real estate, the Answer of Guynn Sanders, guardian ad litem of Charles Liggett, Jr., and the evidence. The Court being fully advised in the premises finds that all of the necessary parties are before the Court; that said ward is now past twenty years of age and that he has personally negotiated a sale of said real estate to the said Marvin H. Bruce and Mary E. Bruce for the sum of Six Hundred and Fifty Dollars, ($650.00), and is desirous of carrying out the same, that said sale price is a fair and reasonable price for the real estate and that it is for the best interest of the ward and of all parties interested to sell the same at private sale to the said Marvin H. Bruce and Mary E. Bruce for the sum of Six Hundred and Fifty Dollars ($650.00), without an appraisal and without requiring bond for the same.

It is therefor considered by the Court that the prayer of the Petition be granted and it is ordered that the plaintiff, as such guardian, sell said real estate to the said Marvin H. Bruce and Mary E. Bruce at private sale for the sum of Six Hundred and Fifty Dollars, ($650.00) and that after

Heer Ptg. Co., Cols., O. CD 4981.

12696

deducting the court costs and expenses of sale the entire balance be paid forthwith to The Northwestern Mutual Life Insurance Company to apply upon it's mortgage upon the remainder of the real estate of said ward, in the sum of Thirteen Hundred Dollars, ($1300.00).

And it is further ordered that the said Utha Liggett, as such guardian, make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Report of Sale.

Report of Sale.

In obedience to the within Order of Sale, I did on the 6 day of May, 1934, sell said property at private sale to Marvin H. Bruce and Mary E. Bruce for the sum of Six Hundred and Fifty Dollars, ($650.00) and I have paid the costs and expenses of the sale in the amount of Fifty Dollars, ($50.00) and have paid the balance of Six Hundred Dollars, ($600.00) to The Northwestern Mutual Life Insurance Company to be applied upon it's mortgage on the remaining real estate of said ward.

Utha Liggett.

State of Ohio, Union County, ss.

Utha Liggett being first duly sworn says that the matters set forth in the foregoing Report of Sale are true.

Utha Liggett.

Sworn to before me and subscribed in my presence this 6 day of May, 1934.

C. A. Hoopes - Notary Public.

12703
Filed
Mar. 27- 1934.
Hoopes & Sanders
attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Katherine Schneider, administratrix of the Estate of George Schneider, Deceased,

Plaintiff,

-vs-

William Schneider, (Address unknown) Schneider, Wife of William Schneider, (Address unknown), Mary Grimm, (Washington Ave, Columbus, O.) Ernest J. Schneider, (1814 Case Road, Columbus, Ohio,) Helen Schneider, (Wife of Ernest J. Schneider, 1814 Case Road, Columbus, O.) Alfred Schneider, (Marysville, Ohio) Marie Schneider, (Wife of Alfred Schneider), (Marysville, Ohio) Christine Rausch, (Plain City, Ohio.) Otto Rausch, (Husband of Christine Rausch, Plain City, Ohio.) Lewis Schneider, (Mechanicsburg, Ohio)

Case No. 12703.

Petition of Administratrix to Sell Real Estate.

Heer Ptg. Co.,

12703

Petition

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Heer Ptg. Co., Cols., O. CD 4981.

12703

Opal Schiderer, (Wife of Lewis Schiderer, Mechanicsburg, Ohio.)
M. E. Travel, (Plain City, Ohio.)
Katherine Schiderer, (Plain City, Ohio.)
Defendants.

Petition.

The plaintiff is the duly appointed, qualified and acting administratrix of the estate of George Schiderer, deceased, late of this county; as near as can be ascertained the amount of the valid debts against said decedent is Nine Hundred Dollars, ($900.00).

An allowance of Six Hundred Dollars, ($600.00) was made by the appraisers of the above estate to this plaintiff, Katherine Schiderer, as widow of George Schiderer, deceased, for maintenance and support for twelve months.

The costs of administering the estate of Geage Schiderer, deceased, will be about Two Hundred Dollars, ($200.00).

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Twenty Five Dollars, ($25.00) and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said decedent died seized in fee simple of certain real estate, a description of which by meter and bounds, is hereto attached marked "Exhibit A" and made a part hereof.

Said real estate was included in the Inventory and Appraisement of the estate, pursuant to the order of this court, and appraised at Six Thousand Dollars, ($6000.00).

Said real estate is subject to a mortgage held by the defendant, M. E. Travel, in the sum of Five Thousand Dollars, ($5000.00).

The decedent did leaving this plaintiff, Katherine Schiderer, as his widow, who is sixty nine years of age and who is entitled to an exemption, as set forth by the appraisers in the sum of Twelve Hundred Dollars, ($1200.00).

The defendant William Schiderer, is the son of George Schiderer, deceased, and the defendant —— Schiderer, whose first name is unknown to this plaintiff, is the wife of the defendant, William Schiderer; the defendant Mary Grimm is a daughter of George Schiderer, deceased, and is unmarried; the defendant Ernest J. Schiderer is a son of George Schiderer, and the defendant Helen Schiderer is the wife of said Ernest J. Schiderer; the defendant, Alfed Schiderer, is a son of George Schiderer, deceased, and the defendant Marie Schiderer, is the wife of the said Alfed Schiderer; the defendant Christine Rausch is a daughter of Geage Schiderer, deceased, and the defendant Otto Rausch, is the husband of the defendant Christine Rausch; the defendant Lewis Schiderer is a son of Geage Schiderer, deceased, and the defendant Opal Schiderer is the wife of the defendant Lewis Schiderer.

There are no other persons who have any interest in said real estate.

Heer Ptg. Co., Cols., O. CD 4981.

12703

Wherefore, plaintiff prays that said real estate be sold subject to the mortgage now held on said real estate by the defendant, M. E. Travel, but free and clear from all the right of dower or exemptions of this plaintiff, Katherine Schiderer, as widow of the said George Schiderer, but that out of the proceeds of the sale, in lieu of dower and the exemptions of the said Katherine Schiderer, the court allow to the said Katherine Schiderer such sum in money as is the just and reasonable value thereof; that the rights, interest and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such cases made and provided and for such other and further relief in the premises as the court may deem just and proper.

Hoopes & Sanders.
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Katherine Schiderer, being duly sworn says that she is plaintiff in the above entitled cause and that the facts set forth and the allegations contained in the foregoing Petition are true as she verily believes.

Oath.

Katharine Schiderer.

Sworn to before me and subscribed in my presence by the said Katherine Schiderer at Marysville, Ohio, this 26th day of March, 1934.

Seal

Guyon Sanders - Notary Public.

In the Probate Court of Union County, Ohio.

Katherine Schiderer, Administratrix of the Estate of George Schiderer, Plaintiff,	No. 12703. Precipe.
-vs-	
William Schiderer, et al., Defendants.	

To the Judge, Clerk Ex-Officio:

Precipe.

Kindly issue summons in the above entitled cause directed to the Sheriff of Champaign County for the defendants Lewis Schiderer and Opal Schiderer and make the same returnable according to law. Their address are Mechanicsburg, Ohio.

Endorse summons "Action by Administratrix to sell real estate to pay debts, determine the rights and interests and liens of all parties and other equitable relief."

Hoopes and Sanders.
Attorneys for Plaintiff.

"Exhibit A".

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

Beginning at the center of a small ditch in the north line of lands owned by J. S. Burns (Witness a stake bears S. 50. 75° Eeg. E. 10 ft. from the center of said ditch); thence

Filed Mar. 27- 1934. Entry of appearance and consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

12703

"Exhibit A".

with a line of said Burns' land S. 50.75 deg. E. 61.66 poles to a stone, corner to said lands; thence with another line of said Burns' land S. 32.50 deg. W. 36 poles to the north line of Survey No. 12169; thence with said Survey line S. 57.50 deg. E. 69.40 poles to a stone at in said Survey line; thence N. 22 deg. E. 111.36 poles to a stone at James Martin's southeast corner and in the northerly line of U. M. Survey No. 7399; thence with said line N. 56.50 deg. W. 79.80 poles to the northwest corner to said Survey No. 7399; thence with the north line of Survey No. 12927 N. 56 deg. W. 32.12 poles to a stake in the center of said ditch mentioned above; thence with the center of said ditch S. 34 deg. W. 36.76 poles to a stake; thence S. 61 deg. E. 15.80 poles to a stake; thence S. 49 deg. W. 3.44 poles to a stake, thence S. 34 deg. W. 11.24 poles to the beginning.

Containing 63.80 acres be the same more or less, being about 49 acres in U. M. Survey No. 7399 and 14 acres in U. M. Survey 12027.

Also the following parts of U. M. Survey No. 7399 and 12075.

Beginning at a stone in the north line of Survey No. 7899 and the S. E. corner of James Martin's land; thence 23.75 deg. W. 111.46 poles to a stone in the south line of said Survey No. 7399; thence S. 55 deg. E. 19.60 poles to a stake in the center of a ditch; thence with the center of said ditch N. 88.25 deg. E. 66 poles to the center of an unimproved Road; thence with said north 24.25 deg. E. 70.60 poles to a stone in the north line of Survey 12075; thence with said line E. 54.25 W. 79.92 poles to the place of beginning, containing 47.06 acres, more or less. Being about 25 acres in Survey No. 7399 and 22 in U. M. Subvey No. 12075.

Filed Mar. 27- 1934. Entry of appearance and consent to Sell.

In the Probate Court of Union County, Ohio.

Katherine Schieber, Administratrix of the Estate of George Schieber, Deceased, Plaintiff,

-vs-

William Schieber, et al., Defendants.

No. 12703.

Entry of appearance and consent to Sell.

We, the undersigned, parties defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon each of us and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Christine Rausch.
Otto E. Rausch.

Heer Ptg. Co., Cols., O. CD 4981.

12703
Filed
Mar. 27-1934
Answer of
Widow.

In the Probate Court of Union County, Ohio.

Katherine Schiderer, Administratrix of the Estate of George Schiderer, Deceased,
Plaintiff,
-vs-
William Schiderer, et al.,
Defendants.

No. 12703.
Answer of Widow.

Now comes Katherine Schiderer, 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 George Schiderer, deceased, and as such, is entitled to dower in the premises described in the Petition and exemptions as set off by the appraisers in the estate of George Schiderer, deceased, in the sum of Twelve Hundred Dollars, ($1200.00), and that her age is sixty nine years, and that the just and reasonable value of such dower estate may be allowed to her in money out of the procuds of the sale and that she does hereby consent to a sale of said real estate, free and clear of her dower interest in said real estate.

Katharine Schiderer.

State of Ohio, Union County, ss:

Katherine Schiderer, being first duly sworn, says that the facts stated and the allegations made in the foregoing Answer are true as she verily believe.

Katharine Schiderer.

Oath.

Sworn to before me and subscribed in my presence this 26th. day of March, 1934.

[Seal] Gwynn Sanders - Notary Public of Union County, Ohio.

Filed
Mar. 27- 1934.
Affidavit.

In the Probate Court

Katherine Schiderer, Administratrix of the Estate of George Schiderer, Deceased,
Plaintiff,
-vs-
William Schiderer, et al.,
Defendants.

No. 12703.
Affidavit.

State of Ohio, Union County, ss:

Katherine Schiderer, being duly sworn, says that she is plaintiff in the above entitled cause, that the residences of William Schiderer and —— Schiderer, his wife, are unknown and can not, with reasonable diligence be ascertained, and that service of summons can not be made upon them within this state; and that the cause is one of those mentioned in General Code 11292.

Katharine Schiderer.

Sworn to before me and subscribed in my presence this 26th. day of March, 1934.

[Seal] Gwynn Sanders - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12703
Filed
Mar. 27- 1934.
Entry.

In the Probate Court of Union County, Ohio.

Katherine Schieber, Administratrix of the Estate of George Schieber, Deceased, Plaintiff.

-VS-

William Schieber, et al., Defendants.

No. 12703.
Entry.

This day came the plaintiff and filed an affidavit herein according to law for the purpose of securing service by publication; and it appearing to the court that William Schieber and —— Schieber, his wife, are necessary parties and that the place of their residence is unknown to the plaintiff, and can not, with reasonable diligence, be ascertained, and that service of summons on said defendants can not be made within this state; it is ordered that proceedings against the said William Schieber and —— Schieber, his wife, be had herein and that publication be made for six consecutive weeks in The Marysville Tribune, a newspaper printed and of general circulation in Union County, Ohio; that said notice 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.

L. W. Hazen - Probate judge.

Filed
Mar. 31- 1934.
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 Lewis Schieber and Opal Schieber his Wife. Their address being Mechanicsburg, Ohio; that on the 27th. day of March a.D. 1934, Katherine Schieber, Administratrix of the Estate of George Schieber, deceased, 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 decedent, in said petition described, for the purpose of paying debts "Action by Administratrix to sell real estate to pay debts, determine the rights and interests and liens of all parties and other equitable relief," and that unless they answer by the 28th. day of April 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the Ninth day of April, 1934.

Witness my hand and the seal of said Court, this 27th. day of March, 1934.

L. W. Hazen - Probate judge.

Seal

Heer Ptg. Co., Cols., O. CD 4981.

12703

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Champaign County.

Sheriff Fees	
Service & Return, first name	.75
1 additional name, at 25¢	.25
22 miles traveled at 8¢	1.76
Total	2.76

Recived this writ March 28th. 1934, at 10 o'clock A.M. and on the 28th. day of March, 1934, I served the same by delivering to each of them a copy thereof personally to the within named Lewis Schiduer and Opal Schiduer his wife.

E. A. Bigert - Sheriff.
By- Earl Swan - Deputy.

The State of Ohio, Champaign County.

I Earl Swan, being duly sworn, say, that on the 28 day of March 1934, I served this writ by delivering a copy thereof personally to the following named persons, to-wit: Lewis Schiduer and Opal Schiduer

Earl Swan.

Sworn to before me and signed in my presence, this 28 day of Mar. 1934.

G. J. Koehle. Clerk of Court,
Champaign County, Ohio.

{Seal}

Filed May 7- 1934. Legal Notice.

Legal Notice.

William Schiduer and — Schiduer, his wife, her first name being unknown, whose residence are unknown and can not, with reasonable diligence, be ascertained, will take notice that Katherine Schiduer, administratrix of the estate of George Schiduer, deceased, on the 26th day of March, 1934, filed her petition in the Probate Court within and for the County of Union, State of Ohio, alleging that the personal estate of said decedent is insufficient to pay the debts and charges of administering his estate; that he died seized in fee simple of the following described real estate:

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

Beginning at the center of a small ditch in the noth line of lands owned by J. S. Burns (witness a stake bears S. 50.75 degrees E. 10 feet from the center of said ditch); thence with a line of said Burns' land S. 50.75 degrees E. 61.66 poles to a stone; corner to said lands; thence with another line of said Burns' land S. 32.50 degrees W. 36 poles to the noth line of Survey No. 12169; thence with said Survey line S. 57.00 degrees E. 69.40 poles to a stone in said Survey line; thence N. 22 degrees E. 111.36 poles to a stone at James Martins southeast corner and in the northerly line of U. M. Survey No. 7399; thence with said line N. 56.00 degrees W. 77.80 poles to the northwest corner to said Survey No. 7399; thence with the noth line of Survey No. 12927 N. 56 degrees W. 32.12 poles to a stake in the center of said ditch mentioned above; thence with the center of said ditch S. 34 degrees W. 36.76 poles to a stake;

Filed June 1- 1934. Entry of appearance and consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

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thence S. 61 degrees E. 15.80 poles to a stake; thence S. 49 degrees W. 3.44 poles to a stake; thence S. 34 degrees W. 11.24 poles to the beginning.

Containing 63.80 acres be the same more or less, being about 49 acres in V. M. Survey No. 7399 and 14 acres in V. M. Survey 12027.

Also the following parts of V. M. Survey No. 7399 and 12075:

Beginning at a stone in the north line of Survey No. 7399 and the S. E. corner of James Martin's land; thence 23.75 degrees W. 116.46 poles to a stone in the south line of said Survey No. 7399; thence S. 65 degrees E. 19.60 poles to a stake in the center of a ditch; thence with the center of said ditch N. 88.25 degrees E. 66 poles to the center of an unimproved road; thence with said road north 24.25 degrees E. 70.60 poles to a stone in the north line of Survey 12075; thence with said line E. 54.25 W. 79.20 poles to the place of beginning.

Containing 47.06 acres, more or less. Being about 25 acres in Survey No. 7399 and 22 in V. M. Survey No. 12075.

The prayer of said petition is for the sale of said premises for the payment of the debts and charges aforesaid.

The persons above mentioned are further to take notice that they have been made parties defendant to said petition and that they are required to answer the same on or before May 19th. 1934.

L. W. Hazen - Probate Judge.

Hopes & Sanders,
Attorneys for Administratrix.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after March 29, 1934 in the (Weekly) Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 5th. day of May, A. D. 1934.

[Seal] G. P. Huber - Notary Public.

Costs Fees, $ 33.95.

Filed June 1 - 1934, Entry of appearance and consent to Sell.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased, Plaintiff,

-vs-

William Schneider, et al., Defendants.

No. 12703.
Entry of Appearance and Consent to Sell.

We, the undersigned, parties defendant in the above entitled action, being competent adult persons, hereby waive

Heer Ptg. Co., Cols., O. CD 4981.

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the issuing and service of summons upon each of us and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

M. E. Travel.

Filed June 1-1934. Entry of appearance and consent to Sell.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased, Plaintiff,

-vs-

William Schneider, et al., Defendants.

No. 12703.

Entry of Appearance and Consent to Sell.

We, the undersigned, parties defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon each of us and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Alfred Schneider.
Marie Schneider.

Filed June 1-1934. Entry of appearance and consent to Sell.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased, Plaintiff,

-vs-

William Schneider, et al., Defendants.

No. 12703.

Entry of Appearance and Consent to Sell.

We, the undersigned, parties defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon each of us and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Ernest J. Schneider.
Helen K. Schneider.
Mary S. Grimm.

Filed June 1-1934. Bond.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased, Plaintiff,

-vs-

William Schneider, et al., Defendants.

No. 12703.

Bond.

Know all Men by these Presents:

That we, Katherine Schneider, principal, and Christine Rausch and Otto E. Rausch, as sureties, are firmly bound

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Filed June 1-1934. Entry.

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Filed June 1-1934. Cross-Petition of M. E. Travel.

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to the State of Ohio, in the penal sum of One Thousand Dollars, to the payment of which we do hereby jointly and severally bind ourselves, our heirs, executors and administrators. The condition of this obligation is such that whereas in a certain cause pending in the Probate Court of Union County, Ohio, wherein Katherine Schneider, administratrix of the estate of George Schneider, deceased, is plaintiff, and William Schneider, et al., are defendants, the said Katherine Schneider has been ordered by said Court to sell certain real estate of said decedent to pay debts.

Now, if the said Katherine Schneider, administratrix aforesaid, shall satisfactorily discharge her duties in the premises and fully account for all moneys arising from such sale, according to law, then this obligation shall be void, otherwise to be in full force and effect.

[Seal]

Katherine Schneider.
Christine Rausch.
Otto E. Rausch.

Filed June 1- 1934. Entry.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased,

Plaintiff,

-vs-

William Schneider, et al.,

Defendants.

No. 12703.
Entry.

This day this cause came on to be heard upon the filing, by the plaintiff herein, of an additional bond in the sum of One Thousand Dollars. The Court after careful examination of said bond finds that the same is in all respects according to law and the sureties thereon are sufficient and it is ordered that the said bond be, and the same hereby is, approved and confirmed.

It is therefore ordered that Katherine Schneider, as administratrix of the estate of George Schneider, deceased, proceed to sell said real estate at private sale as herein-before ordered.

L. W. Hazen- Probate Judge.

Filed June 1- 1934. Cross- Petition of M. E. Travel.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased,

Plaintiff,

-vs-

William Schneider, et al.,

Defendants.

No. 12703.
Cross- Petition of M. E. Travel.

Now comes the defendant, M. E. Travel, and for his cross petition herein, says:

Heer Ptg. Co., Cols., O. CD 4981.

12703
Filed
June 1- 1934.
Cross Petition
of M. E. Travel.

First Cause of Action.

That on the 17th. day of September, 1929, the said George Schiderer and Katie Schiderer, his wife, executed and delivered to this defendant their promissory note for the sum of Four Thousand ($4000.00) Dollars, due in three years, with 7% interest payable semi-annually; that there is now due this defendant upon said note the sum of Four Thousand ($4000.00) Dollars with interest from the 17th. day of March, 1934.

That on said date in order to secure the payment of said note said George Schiderer and Katie Schiderer executed and delivered to this defendant their mortgage deed thereby conveying the premises described in the petition herein, and that said mortgage was conditioned in substance upon the payment of said note; that said mortgage was filed for record with the Recorder of Union County, Ohio, on the 17th. day of September, 1929, and was recorded on the 19th. day of September, 1929, in Volume 98, Page 507, of the Mortgage Records of said County, and is the first and best lien upon said premises.

Second Cause of Action.

On the 17th. day of September, 1932, one Louis Michel, the duly appointed, qualified and acting guardian of the said George Schiderer, by virtue of an Order of the Probate Court of Union County, Ohio, executed and delivered to this defendant his promissory note, as such guardian, for the sum of One Thousand ($1000.00) Dollars, due one year after date, with 6% interest payable semi-annually. There is now due to this defendant thereon the sum of One Thousand ($1000.00) Dollars with interest from the 3 day of April, 1934.

On said date in order to secure the payment of said note the said Louis Michel, as such guardian, executed and delivered to this defendant his mortgage deed thereby conveying the same real estate above described, and that said mortgage was conditioned in substance upon the payment of said note; that said mortgage was filed for record with the Recorder of Union County, Ohio, on the 1st. day of October, 1932, and was recorded on the 5th. day of October, 1932, in Volume 102, Page 179, of the Mortgage Records of said County, and is the next best lien upon said real estate.

Wherefore, this defendant prays that if said premises be sold that said sale be made subject to both of the mortgages above described.

M. E. Travel.

State of Ohio, Union County, ss:

M. E. Travel, being first duly sworn, says that he is defendant herein, and that the facts stated and allegations made in the foregoing cross petition are true as he verily believes.

Oath.

M. E. Travel.

Sworn to before me and subscribed in my presence this 31 day of May, 1934.

Gwynn Sanders - Notary Public.

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12703
Filed
June 1- 1934.
Entry.

In the Probate Court of Union County, Ohio.

Katherine Schneider, Administratrix of the Estate of George Schneider, Deceased,
Plaintiff,
-vs-
William Schneider, et al.,
Defendants.

No. 12703.
Entry.

This matter came on to be heard upon the Petition of plaintiff for authority to sell real estate of the decedent, George Schneider, to pay debts of his estate, and the answer of Katherine Schneider, widow and surviving spouse of said decedent, and the answer and cross petition of M. E. Travel, the other defendants being in default of answer, although served with summons according to law and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the court and that the prayer of the petition should be granted; that the defendant, Katherine Schneider, surviving spouse of said decedent, is entitled to the just and reasonable value of her dower in said premises; that the real estate described in the petition was appraised by the appraisers of the estate at Six Thousand Dollars, and orders that a further appraisement be dispensed with.

The court further finds that the bond heretofore given by plaintiff, as administratrix of the estate of George Schneider, deceased, in the amount of $2000.00, is insufficient and it is ordered that she file an additional bond with sufficient sureties to be approved by this court, in the sum of One Thousand Dollars.

And it appearing to the court that M. E. Travel is the holder of a first mortgage lien on said real estate, in the sum of Five Thousand Dollars, and that the said M. E. Travel has consented and requested that said real estate be sold subject to his mortgage lien, it is therefore ordered that the said real estate be sold subject to said mortgage lien.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Katherine Schneider, as such administratrix, sell said real estate at private sale, at not less than Six Thousand Dollars, that being the appraised value thereof and that said sale be made for cash.

It is further ordered that the said Katherine Schneider, as such administratrix, make return of sale without unnecessary delay.

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12703
Filed
June 1- 1934.
Order of Sale.

In the Probate Court of Union County, Ohio.

Katherine Schiderer, Administratrix of the estate of George Schiderer, Deceased,
Plaintiff,
-vs-
William Schiderer, et al,
Defendants.

No. 12703.
Order of Sale.

To Katherine Schiderer, Administratrix of the Estate of George Schiderer, Deceased:

Whereas, on the 1st. day of June, 1934, in a certain action pending in the Probate Court of Union County, Ohio, wherein Katherine Schiderer, administratrix of the estate of George Schiderer, deceased, is plaintiff, and William Schiderer et al, are defendants, it was ordered adjudged and decreed that you procure to sell the real estate mentioned in the petition, at private sale, for a price not less than the appraised value thereof, to-wit, Six Thousand Dollars, agreeable to the statute regulating the sale of real estate by administrators, and that you make return of your proceedings in the premises to the said Probate Court, and bring this order with you. The said real estate is described in the petition as follows, to-wit:

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

Beginning at the center of a small ditch in the north line of lands owned by J. G. Burns (Witness a stake bears S. 50. 75° E. 10 ft. from the center of said ditch); thence with a line of said Burns' land S. 50. 75° E. 61.66 poles to a stone, corner to said lands; thence with another line of said Burns' land S. 32. 50° W. 36 poles to the north line of Survey No. 12169; thence with said Survey line S. 57. 50° E. 69.40 poles to a stone at in said Survey line; thence N. 22° E. 111. 36 poles to a stone at James Martins southeast corner and in the northerly line of U. M. Survey No. 7399; thence with said line N. 56. 50° W. 79. 80 poles to the northwest corner to said Survey No. 7399; thence with the north line of Survey No. 12027 N. 56° W. 32.12 poles to a stake in the center of said ditch mentioned above; thence with the center of said ditch S. 37° W. 36. 76 poles to a stake; thence S. 61° E. 15. 80 poles to a stake; thence S. 49° W. 3.44 poles to a stake; thence S. 34° W. 11. 24 poles to the beginning.

Containing 63.80 acres be the same more or less, being about 49 acres in U. M. Survey No. 7399 and 14 acres in U. M. Survey 12027.

Also the following parts of U. M. Survey No. 7399 and 12075.

Beginning at a stone in the north line of Survey No. 7399 and the S. E. corner of James Martin's land; thence 23.75° W. 111. 46 poles to a stone in the south line of said Survey

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No. 7399; thence S. 56° E. 19.60 poles to a stake in the center of a ditch; thence with the center of said ditch N. 88.25° E. 66 poles to the center of an unimproved Road; thence with said north 24.25° E. 70.60 poles to a stone in the north line of Survey 12075; thence with said line S. 54.25° W. 79.92 poles to the place of beginning, Containing 47.06 acres, more or less. Being about 25 acres in Survey No. 7399 and 22 in V. M. Survey No. 12075 and all the estate title and interest.

Witness my hand and the seal of said court at Marysville, Ohio, this 1 day of June, 1934.

[Seal] L. W. Hagen- Probate Judge.

In the Probate Court of Union County, Ohio.

Katherine Schieben, Administratrix of the estate of George Schieben, Deceased, Plaintiff, -vs- William Schieben, et al., Defendants.

No. 12703.
Report of Private Sale.

Report of Private Sale.

In obedience to the command of the within Order of Sale, I did, on the 1 day of June, 1934, offer said property, at private sale, and Christine Rausch having offered therefor the sum of Six Thousand Dollars, ($6000.00) and the same being not less than the appraised value thereof, I sold the same to the said Christine Rausch for that sum.

Katharine Schieben - Administratrix of the estate of George Schieben, Deceased.

Affidavit.

State of Ohio, Union County, ss:

Affidavit. Katherine Schieben, being duly sworn says that the private sale of property made under the within Order, and reported above, was made after diligent endeavor to obtain the best price for said property and that the sale reported is for the highest price that could be obtained.

Katharine Schieben.

Sworn to in my presence and subscribed before me this 1 day of June, 1934.

[Seal] Guyon Sanders- Notary Public. In the Probate Court of Union County, Ohio.

Filed June 1- 1934. Entry Confirming Sale.

Katherine Schieben, Administratrix of the estate of George Schieben, Deceased, Plaintiff, -vs- William Schieben, et al., Defendants.

No. 12703.
Entry Confirming Sale.

This day this cause came on to be heard on the report of Katherine Schieben, administratrix of the estate of George Schieben, deceased, of her proceedings under the former order

Heer Ptg. Co., Cols., O. CD 4981.

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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 George Schiderer in said real estate, to the purchaser, upon the said purchaser paying to the said Katherine Schiderer, administratrix as aforesaid, the sum of One Thousand Dollars and assuming the mortgage in the sum of Five Thousand Dollars which is now a lien upon said real estate.

The court further find that there is due M. E. Travel, upon certain notes set forth in his answer and cross petition, from the estate of the said George Schiderer, deceased, the sum of Five Thousand Dollars, and that the said George Schiderer and said Katherine Schiderer, his wife, to secure the payment of said notes, gave a mortgage on said premises in the petition described, which was a valid and subsisting lien upon said premises; that said M. E. Travel has requested and agreed that said premises be sold subject to said mortgage. It is therefore ordered that the said administratrix shall provide in said deed, as afore ordered that said real estate be transferred subject to the mortgage held by M. E. Travel.

It is further ordered that the said Katherine Schiderer, as administratrix of the estate of George Schiderer, deceased, out of the money in her hands, pay:

First: To the treasurer of this County, the sum of $67.08 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 Two Hundred Dollars to Hoppe & Sanders in the total sum of $245.95

Third: To Katherine Schiderer, widow, the sum of $686.97 which the court finds to be the value of her dower interest in said premises, plus Five Hundred Dollars in lieu of a homestead.

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

L. W. Hagen - Probate judge.

12707
Filed
Apr. 10 - 1934.
R. A. McAllister
Attorney.

Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12707
Filed
Apr. 10 - 1934.
R. A. McAllister
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Lloyd Winter, Administrator with Will annexed of the estate of Alexander Hatcher, Deceased,

Plaintiff.

-vs-

William Hatcher, Lizzie Campbell and Charles Campbell, her husband, Fred Hatcher and Cora Hatcher, his wife, Josephine Scott and Harry Scott, her husband, Mary Matilda Henry, Harold Hatcher, (son of Alexander Hatcher), James E. Hatcher, Ida M. Hoffman, Harold Hatcher (minor) and Robert Hatcher (minor) grand-sons of Alexander Hatcher, deceased, and Lee Campbell.

Defendants.

No. 12707.

Petition to Sell Real Estate.

Petition.

The plaintiff is the duly appointed, qualified and acting Administrator with Will annexed of the estate of Alexander Hatcher, deceased, the said Alexander Hatcher died on the 5th. day of February, 1934, leaving a Last Will and Testament, which was duly probated by this Court on the 9th. day of February, 1934, Said Will contained the following provisions, to-wit:

Second: I direct that all my estate, both real and personal consisting of chattels and my farm of sixty three acres, situated in Taldbonne Township, Union County, Ohio, or whatever real estate or personal property that I may be possessed of at the time of my decease, excepting my household goods and clothing, to be sold and converted into money, and the proceeds thereof after paying all my just debts and funeral expenses, burial lot in the Richwood, O. Cemetery, I give and bequeath as follows:

Third: I give and bequeath to James E. Hatcher (son), Harold Hatcher (son), Fred Hatcher (son) Josie Donahue (daughter) and Mary Matilda Henry (daughter) to each the sum of one dollar.

Fourth: I give and bequeath to my sister, Jennie Harris of 118 North Halstead St., Chicago, Ill. the sum of two thousand dollars.

Fifth: I give and bequeath to William Hatcher (son), one-half of the balance of said proceeds, and all of my household goods and clothing.

Sixth: I give and bequeath to Lizzie Campbell, (daughter) one-half of the balance of said proceeds being the remainder thereof.

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That the codicil to said Will, duly admitted by this Court at the same time with said Will, and as a part thereof, contained the following provisions:

My sister, Jennie Hance, having died, I hereby revoke legacy made to her at No. 4 clause of my Will; and hereby give and bequeath said legacy of $2000. as follows:

I give and bequeath to each of my three grandsons, namely, Lee Campbell, Harold Hatcher, and Robert Hatcher, the sum of $100. each, and the balance of said $2000. I give and bequeath equally to my son William Hatcher and my daughter Lizzie Campbell, in addition to the legacy made to them in my Will.

Said provisions require the sale of the real estate hereinafter described to pay said legacies and charge the said legacies on the said real estate, hereinafter described, whereof said decedent died seized.

The following real estate, situated in the County of Union, in the State of Ohio, and in the Township of Claibourne, and part of Survey No. 220, and bounded and described as follows:

Beginning at a stake in the east line of a county road running along the west line of Hylas Sabine's land and S. 87 deg. E. from Benton Cahill's northeast corner; thence N. 2 3/4 deg. E. 33.59 poles to a stake in the east line of said road; thence S. 87 deg. E. 47.64 poles to a stake; thence S. 2 3/4 deg. W. 33.59 poles to a stake (witness an elm bears N. 3/4 deg. E. 22 links); thence N. 87 deg. W. 47.64 poles to the place of beginning.

Containing 10 acres of land.

Also the following premises, part of Survey No. 220, and bounded and described as follows:

Beginning at a stake at the southwest corner of Andrew Sabine's 50/acre lot; thence with the east line of a country road S. 2 3/4 deg. W. 49.40 poles to the northwest corner of Susan Y. Hatcher's land; thence S. 87 deg. E. 47.64 poles to Susan Y. Hatcher's northeast corner; thence N. 2 3/4 deg. E. 49.40 poles to Andrew Sabine's south line to a stone; thence N. 87 deg. W. 47.64 poles to the place of beginning.

Containing 15 acres of land more or less.

Also the following premises, part of said Survey No. 220, and bounded and described as follows:

Beginning at a stake in the west line of Lot No. 9 of the subdivision of said Survey No. 220 and 19-18/33 poles from the northwest corner of said lot; thence from said beginning S. 85 deg. 15' E. (parallel with the north line of said lot) 99/ poles to a stake in the east line of said Lot No. 9 and 19-18/33 poles from the northeast corner of said Lot No. 9; thence with said line S. 1 deg. 30' W. 42 poles to a stake, northeast corner to 12 acres of land conveyed by Sarah A. Moses to Lilly M. Wheeler; thence with the north

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line of said land N. 85 deg. 15' W. 99 poles to a stake, a corner to said land in the west line of said Lot No. 9; thence with said line N. 1 deg. 30' W. 42 poles to the beginning.

Containing 26 acres, more or less.

Also the following premises, part of said Survey No. 229, and described, as being 12 acres off the south side of the following described lands.

Beginning at three beeches, northwest corner to Lot No. 9 in the subdivision of Survey No. 220; thence with the north line of said Lot S. 88 deg. 15' E. 99 poles to three ironwoods and a sugar tree, the sugar and one ironwood standing, north east corner to said lot; thence with the east line thereof S. 1½ deg. W. 80-8/10 poles to a stake at the root of a large bur oak, which is marked as a witness; thence N. 88 deg. 15' W. 99 poles to three beeches, an ash and a sugar tree in the west line of said lot; thence N. 1½ deg. E. 80-8/10 poles to the place of beginning.

Containing 50 acres.

The defendants, William Hatcher, Lizzie Campbell, Fred Hatcher, Josephine Scott, May Matilda Henry, Harold Hatcher, (son of Alexander Hatcher, deceased) and James E. Hatcher, are the heirs and persons entitled to the net estate of inheritance from the decedent in said real estate and having an interest therein, and said defendants, and the defendants, Lee Campbell, Harold Hatcher, (minor over the age of 14 years) and Robert Hatcher (minor under the age of 14 years) the two latter being sons of said William Hatcher and grand-sons of said Alexander Hatcher, deceased, are legatees named in said Will, whose legacies are to be paid out of and are a charge against said real estate. That the said two minor defendants have no guardian and reside with and are under the custody of their father, William Hatcher.

The defendant, Josephine Scott is one and the same person as Josie Donahue, named as one of the legatees in and by said Will; the defendant, Charles Campbell is the husband of the defendant, Lizzie Campbell; the defendant Harry Scott is the husband of the defendant, Josephine Scott; and the defendant, Cora Hatcher is the wife of the defendant, Fred Hatcher.

That the said defendants Harold Hatcher (son of said Alexander Hatcher, deceased), William Hatcher, May Matilda Henry, Lee Campbell, Harold Hatcher, (minor son of said William Hatcher) and Robert Hatcher (minor son of said William Hatcher) are all unmarried, and the two minor defendants last above named, reside with and are in the custody of their father, said William Hatcher, who resides at Rushton, Michigan.

The defendant, Ida M. Hoffman has or claims some interest by way of mortgage on the real estate aforesaid, and plaintiff asks that she be required to set up said claim, or be forever barred from asserting the same.

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The said defendant, William Hatcher may have or claim some interest in said real estate adverse to the plaintiff and adverse to said estate, under and by virtue of a purported deed thereof, and plaintiff asks that he be required to set up his claim or be forever barred from asserting the same.

Said real estate was included in the inventory of the estate, pursuant to the order of this court and appraised at $2400.00. That there are no other persons having an interest in said real estate.

Wherefore, plaintiff prays that the Court set this petition for hearing, issue summons for the defendants, who do not waive service of summons and enter their appearance herein; that the rights, interests and liens of all parties may be justly determined, adjusted and protected, and that your petitioner be authorized and ordered to sell said real estate to pay said legacies, and for such other and further relief as he may be entitled to.

T. A. McAllister
Attorny for Plaintiff.

State of Ohio, Union County, ss:

Lloyd Writer, being duly sworn, says that he is plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Lloyd Writer.

Oath.

Sworn to before me and signed in my presence this 7th. day of April, 1934.

Seal

T. A. McAllister - Notary Public.

Filed apr. 10- 1934. Journal Entry.

In the Probate Court of Union County, Ohio.

Lloyd Writer, Administrator with will annexed of the Estate of Alexander Hatcher, Deceased,

Plaintiff,

-vs-

William Hatcher, et al.,

Defendants.

No. 12707.
Journal Entry.

This day Lloyd Writer, Administrator with Will annexed of the estate of Alexander Hatcher, deceased, filed in this Court, his petition, praying for the sale of the real estate therein described to pay the legacies of said decedent; it is ordered that said petition be heard on the 4th. day of June, 1934, at 10 o'clock a. m.

It being made to appear to the Court that service of summons cannot be made in this State upon the defendants, William Hatcher, Harold Hatcher, minor over 14 years, Robert Hatcher, minor under 14 years, said minors being the sons of said William Hatcher and grandsons of said decedent; Josephine Scott and Harry Scott, and it being made further to appear that the residences of Mary Matilda Henry and of James E.

Filed May 18- 1934. Entry of appearance and Consent to Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12707

Hatcher are unknown to the plaintiff and cannot with reasonable diligence be ascertained, it is ordered that notice of the pendency and prayer of this cause be made on them by publication in the same manner and for the same time as in case of non-resident defendants.

L. W. Hazen - Judge.

Filed apr. 10-1934 affidant for Service by Publication.

In the Probate Court of Union County, Ohio.

No. 12707.

affidant for Service by Publication.

Lloyd Winter, Administrator with Will Annexed of the Estate of Alexander Hatcher, Deceased,

Plaintiff.

-vs-

William Hatcher, et al.,

Defendants.

Lloyd Winter, the above named plaintiff, being duly sworn, says that service of summons cannot be made in this State on the defendants, William Hatcher, Harold (minor over 14 years of age), Robert Hatcher (minor under 14 years of age), (said minors being the sons of said William Hatcher), Josephine Scott, Harry Scott, Mary Matilda Henry, and James E. Hatcher; that the said defendants, William Hatcher, Josephine Scott, Harry Scott, Harold Hatcher and Robert Hatcher are all non-residents of the State of Ohio; that the residences of the said Mary Matilda Henry and of James E. Hatcher are unknown to the plaintiff and cannot with reasonable diligence, be ascertained, and that the case is one of those mentioned in Section 11292 of the General Code of Ohio.

Lloyd Winter.

Sworn to before me and signed in my presence this 10 th. day of April, A. D. 1934.

Seal

T. A. McAllister - Notary Public.

Filed May 18- 1934. Entry of appearance and Consent to Sale.

In the Probate Court of Union County, Ohio.

No. 12707.

Entry of Appearance and Consent to Sale.

Lloyd Winter, Administrator with the Will annexed of the Estate of Alexander Hatcher, Deceased,

Plaintiff.

-vs-

William Hatcher, et al.,

Defendants.

The undersigned parties defendant in the above entitled action being competent adult persons hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

Harold L. Hatcher.

Ida M. Hoffman.

A. T. Swearinger - Witness

Heer Ptg. Co., Cols., O. CD 4981.

12707
Filed
May 18- 1934.
Entry of
appearance
and consent
to Sale.

In the Probate Court of Union County, Ohio.

Lloyd Writer, Administrator
with Will Annexed of the
Estate of Alexander Hatcher,
Deceased,
Plaintiff.

-vs-

William Hatcher, et al.,
Defendants.

No. 12707.
Entry of appearance and Consent
to Sale.

The undersigned parties defendant in the above entitled action being competent adult persons, hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

Charles Campbell.
Lizzie Hatcher Campbell.
Lee Campbell.

Filed
May 18- 1934.
Entry of
appearance
and consent
to Sale.

In the Probate Court of Union County, Ohio.

Lloyd Writer, Administrator
with Will Annexed of the
Estate of Alexander Hatcher,
Deceased,
Plaintiff.

-vs-

William Hatcher, et al.,
Defendants.

No. 12707.
Entry of Appearance and Consent
to Sale.

The undersigned parties defendant in the above entitled action being competent adult persons, hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

John T. Hatcher.
Cora D. Hatcher.

Filed
May 18-1934.
Entry of
appearance
and consent
to Sale.

In the Probate Court of Union County, Ohio.

Lloyd Writer, Administrator
with Will Annexed of the
Estate of Alexander Hatcher,
Deceased,
Plaintiff.

-vs-

William Hatcher, et al.,
Defendants.

No. 12707.
Entry of appearance and Consent
to Sale.

The undersigned parties defendant in the above entitled action being competent adult persons, hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition

12707.

Filed
May 18- 1934.
Answer and
Cross-Petition
of Ida M.
Hoffman.

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Heer Ptg. Co., Cols., O. CD 4981.

12707. as therein prayed for.

William Hatcher.
Harold Hatcher.
Robert Hatcher.
By- Father. William Hatcher.

In the Probate Court of Union County, Ohio.

Filed May 18- 1934. Answer and Cross- Petition of Ida M. Hoffman.

Lloyd Writer, Administrator with the Will Annexed of the Estate of Alexander Hatcher, Deceased, Plaintiff.

-vs-

William Hatcher, et al., Defendants.

No. 12707.
Answer and Cross- Petition of Ida M. Hoffman.

Now comes the defendant, Ida M. Hoffman, and says that there is due her from the estate of Alexander Hatcher, deceased, the sum of Five Hundred Dollars ($500.00) together with interest on said sum at the rate of eight per cent (8%) per annum from and after the 2nd. Day of January, 1934, on a promissory note, a copy of which with all credits and indorsements thereon, is hereto attached, marked "Exhibit A" and made part hereof.

The said Alexander Hatcher (then in life, but now deceased) did on the date of said note, to-wit, January 2nd, 1932, convey the premises in the petition described to this answering defendant, Ida M. Hoffman, by way of mortgage to secure the payment of said promissory note with interest at the rate aforesaid, which deed of mortgage was on the 6th. day of January, 1932, duly left for record with the Recorder of Union County, Ohio, and was duly recorded in Volume 101, Page 281 of the Mortgage Records of said Recorder's Office, and is a valid, subsisting third first lien on the premises described in said petition.

Wherefore, this answering defendant prays that said premises may be sold as prayed for in said petition, and that her said claim be first satisfied out of the proceeds thereof.

T. A. Mc Allister.
Attorney for Ida M. Hoffman.

State of Ohio, Union County, ss:

Ida M. Hoffman, being duly sworn, says that the facts stated in her foregoing answer and cross- petition are true as she verily believes.

Oath. Ida M. Hoffman.

Sworn to before me and signed in my presence this 18 day of May, 1934.

[Seal] T. A. Mc Allister - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12707

"Exhibit A".

$600.00 Richwood, Ohio, Jan. 2, 1932.

Twelve months after date, we or either of us promise to pay to the order of Ida M. Hoffman Five Hundred and no/100 Dollars at The Richwood Banking Co., Richwood, Ohio, for value received, with interest from — at the rate of 7 per cent, per annum, payable semi-annually, until due, and with interest at eight per cent, 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 Record, at any time after the above note becomes due, to appear for us or any of us, without process, in any Court of Record in the State of Ohio, or elsewhere, and confess judgment for the said amount, interest and costs, in favor of the payee, legal holder, endorsee or assignee hereof, and release all errors which may accrue in the rendition of such judgment. 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 date of said judgment, and our said attorney is hereby authorized to enter such release in said judgment. Endorsers waive demand, protest and notice of protest, and legal diligence to enforce collection.

Alexander Hatcher.

7/9/32 - $17.50 - Int. paid to July 2, 1932.
12/20/32 - $17.50 - Int. paid to Jan. 2, 1933.
6/21/33 - $17.50 - Int. paid to July 2, 1933.
1/2/34 - $17.50 - Int. paid to Jan. 2, 1934.

Filed May 22 - 1934. Entry of appearance and consent to Sale.

In the Probate Court of Union County, Ohio.

Lloyd Winter, Administrator with Will Annexed of the Estate of Alexander Hatcher, Deceased, Plaintiff.

-vs-

William Hatcher, et al., Defendants.

No. 12707.
Entry of Appearance and Consent to Sale.

The undersigned parties defendant in the above entitled action being competent adult persons, hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

Josie B. Scott.
Henry W. Scott.

12707
Filed
June 2 - 1934.

Heer Ptg. Co., Cols., O. CD 4981.

12707
Filed
June 2 - 1934.

Legal Notice.

William Hatcher, Harold Hatcher, a minor over 14 years of age, Robert Hatcher, a minor under 14 years of age, all of whom reside at R. D. No. 1, Rushton, Michigan; Josephine Scott and Harry Scott, who reside at 12410 Cherry Lawn Avenue, Detroit, Michigan; Mary Matilda Henry, whose address is unknown, her last known residence being Chicago, Ill.; and James E. Hatcher, whose address is unknown, will take notice that Lloyd Winter, Administrator of the estate of Alexander Hatcher, deceased, on the 10th. day of April, 1934, filed his petition in the Probate Court of Union County, Ohio, against the above named defendants, and others, alleging that it is necessary to sell the real estate hereinafter described to pay the legacies of said decedent; that said decedent did seized in fee simple of the following described real estate:

The following real estate, situated in the County of Union, in the State of Ohio, and in the Township of Claibourne, and part of Survey No. 220, and bounded and described as follows:

Beginning at a stake in the east line of a county road running along the west line of Hylas Sabin's land, and S. 87 deg. E. from Benton Cahill's northeast corner; then N. 2 3/4 deg. E. 33.59 poles to a stake in the east line of said road; thence S. 87 deg. E. 47.64 poles to a stake; thence S. 2 3/4 deg. W. 33.59 poles to a stake (whence an elm bears N. 3/4 deg. E. 22 links); thence N. 87 deg. W. 47.64 poles to the place of beginning.

Containing 10 acres of land.

Also the following premises, part of Survey No. 220 and bounded and described as follows:

Beginning at a stake at the southwest corner of Andrew Sabin's 50/ acre lot; thence with the east line of a county road S. 2 3/4 deg. W. 49.40 poles to the northwest corner of Susan Y. Hatcher's land; thence S. 87 deg. E. 47.64 poles to Susan Y. Hatcher's northeast corner.; thence 2 3/4 deg. E. 49.40 poles to Andrew Sabin's south line to a stone; thence N. 87 deg. W. 47.64 poles to the place of beginning. Containing 15 acres of land, more or less.

Also the following premises, part of said Survey No. 220, and bounded and described as follows:

Beginning at a stake in the west line of Lot No. 9. of the sub-division of said Survey No. 220 and 19-13/33 poles from the northwest corner of said lot; thence from said beginning S. 85 deg. 15 min. E. (parallel with the north line of said lot No. 9 and 19-13/33 poles from the northeast corner of said lot No. 9; thence with said line S. 1 deg. 30 min. W. 42 poles to a stake, northeast corner to 12 acres of land conveyed by Sarah A. Moore to Lilly M. Wheeler; thence with the north line of said land N. 85° 15 min. W. 99 poles to a stake, a corner to said land in the west line of said Lot. No. 9; thence with said line N. 1 deg. 30 min. W. 42 poles to the beginning.

Containing 26 acres, more or less.

Heer Ptg. Co., Cols., O. CD 4981.

12707

Also the folloming premises, part of said Survey No. 220, and described as being 12 acres off the south side of the folloming described landr.

Beginning at three beeches, northwest corner to Lot No. 9, in the sub-division of Survey No. 220; thence with the noth line of said lot S. 88 deg. 15 Min. E. 99 poles to three iron-woods and a sugar tree, the sugar and one ironwood standing, northeast corner to said lot; thence with the east line thereof, S. 1½ deg. W. 80.8 poles to a stake at the root of a large burr oak, which is marked as a witness; thence N. 88 deg. 15 min. west 99 poles to three beeches, an ash and a sugar tree in the west line of said lot; thence N. 1½ deg. E. 80.8 poles to the place of beginning. Containing 50 acres.

That Ida M. Hoffman claims a mortgage on said real estate and that the said William Hatcher may have or claim some interest in said real estate, adverse to the plaintiff and to the estate of the decdent. The prayer of the petition is that the said Ida M. Hoffman and William Hatcher be required to set up their claims, if any they have, or be forever barred from asserting the same, and that said property be sold to pay said legacies. Said parties are required to answer on or before the 2nd day of June, 1934.

Lloyd Writer - Administrator of the Estate of Alexander Hatcher, Deceased.

R. A. Mc Allister, Attorney for Administrator.

State of Ohio, Union County.

Personally appeared before me R. A. Rigley and made oath that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and after April 12, 1934, in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

R. A. Rigley.

Sworn to before me and signed in my presence this 1st. day of June, A. D. 1934.

Seal Louis B. Snyder - Notary Public.

Printer's Fee $ 38.37

Filed June 4- 1934. application.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Lloyd Writer, Administrator of the Estate of Alexander Hatcher, dec'd. Plaintiff, -vs- William Hatcher, et al., Defendants.

No. 12707 - June 5, A. D. 1934. application.

To the Hon. L. W. Hazen, Judge of said Court:

The undersigned Lloyd Writer makes application for the appointment of a Guardian ad litem for the minor defendants

Filed June 4- 1934. Answer of Guardian ad Litem.

Heer Ptg. Co., Cols., O. CD 4981.

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in the above entitled case.

The defendant Harold Hatcher, is a minor over the age of 14 years and the defendant Robet Hatcher is a minor under the age of 14 years both minor defendants being sons of the defendant, William Hatcher, and have been duly served with summons herein and that said Harold Hatcher 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. Hooper who is a suitable person be appointed as such Guardian ad litem.

Respectfully,
Lloyd Winter, Administrator
By T. A. McAllister - his Attorney.

June 5, 1934.

Journal Entry - Appointment of Guardian Ad Litem
Probate Court, Union County, Ohio.

Filed
June 4- 1934
Journal Entry.

Lloyd Winter, Administrator of the Estate of Alexander Hatcher, Deceased,
Plaintiff,
-vs-
William Hatcher, et al.,
Defendants.

No. 12707. June 5, 1934.
Appointment of Guardian Ad Litem

This day Lloyd Winter appeard 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 the defendant Harold Hatcher, is a minor over the age of 14 years, and the defendant Robet Hatcher is a minor under the age of 14 years, both minor defendants being sons of the defendant, William Hatcher, and have been duly and legally served with summons herein, and that said Harold Hatcher has neglected for 20 days after the return of the summons served upon him, to apply for a Guardian ad litem; it is ordered that C. A. Hooper be and he hereby is, appointed Guardian for the suit, for said minor defendants.

And now comes the said C. A. Hooper and in open Court accepts said appointment.

L. W. Hazen - Judge.

Filed
June 4- 1934
Answer of
Guardian
Ad Litem.

Answer of Guardian Ad Litem.
Probate Court, Union County, Ohio.

Lloyd Winter, Administrator of the Estate of Alexander Hatcher, Dec'd.
Plaintiff,
-vs-
William Hatcher, et al,
Defendants.

No. 12707.
Answer of Minor Defendants.

And now comes C. A. Hooper, duly appointed by the Court as Guardian Ad Litem for Harold Hatcher, a minor over

Heer Ptg. Co., Cols., O. CD 4981.

12707

the age of 14 years, and Robert Hatcher, a minor under the age of 14 years, the minor children of the defendant, William Hatcher and defendants to the petition in said cause, and for answer to the petition of said plaintiff says that — has not, by reason of the tender age of said defendants, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendants, denies the same, and submits the interest of said defendants to the care and protection of the Court, to order in the premises as justice and interest of said defendants shall require.

E. A. Hoopes - Guardian ad litem.

Filed
June 4- 1934.
Journal Entry.

In the Probate Court of Union County, Ohio.

Lloyd Winter, Administrator with Will annexed of the Estate of Alexander Hatcher, Deceased,

Plaintiff.

-vs-

William Hatcher, et al.,

Defendants.

No. 12707.
Journal Entry.

This day this cause came on to be heard upon the petition of the plaintiff for authority to sell the real estate of the above named decedent to pay legacies of said decedent the answer of E. A. Hoopes Guardian ad litem of Harold Hatcher and Robert Hatcher, minor sons of William Hatcher, the answer and cross-petition of the defendant Ida M. Hoffman, mortgagee, the waivers of summons herein and the proof of service of summons by publication and the evidence.

And the Court being fully advised in the premises finds that the defendant, William Hatcher, the defendant, Harold Hatcher a minor over 14 years of age, the defendant Robert Hatcher, a minor under 14 years of age, and William Hatcher, the father of said minors and with whom said minors reside; the defendants, Josephine Scott, Harry Scott, Mary Matilda Henry, and James E. Hatcher have been duly and legally served with summons by publication and that the defendants, Lizzie Campbell, Charles Campbell, Ted Hatcher, Cora Hatcher, Harold Hatcher, (son of Alexander Hatcher), and Ida M. Hoffman, have all waived the issuing and service of summons upon them and each of them, and voluntarily entered their appearance as such defendants and consented to the sale of the real estate described in the petition as therein prayed for; that Josie B. Scott who signed the waiver of summons is the same person as the defendant, Josephine Scott; that Henry W. Scott who signed said waiver of summons is the same person as the defendant Harry Scott; that Lizzie Hatcher Campbell who signed the waiver of summons herein is the same person as the defendant Lizzie Campbell; that John M. Hatcher who signed the waiver of summons herein is the same person

Filed
June 8- 1934.
Administrator's Bond.

Heer Ptg. Co., Cols., O. CD 4981.

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as the defendant, Fred Hatcher; and that Cora D. Hatcher who signed said waiver of summons herein is the same person as the defendant, Cora Hatcher, and that Harold L. Hatcher who signed the waiver of summons herein is the same person as the defendant, Harold Hatcher (son of Alexander Hatcher), and that all of the defendants are duly and properly served with summons or have entered their appearance herein, and that all of said defendant, except the defendant, Ida M. Hoffman and the minor defendants, Harold Hatcher and Robert Hatcher (sons of William Hatcher) are in default for answer and demurrer and have thereby confessed that the allegations of the petition are true.

The Court further finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted.

The Court further finds that the said real estate was at the time of the appraisement of the personal property belonging to said estate, appraised by three judicious free-holders of said County, for Twenty Four Hundred Dollars, ($2400.00) and that said appraisement was made in all respects according to law and order that a further appraisement be dispensed with.

It is further ordered that the said Lloyd Winter, Administrator, execute to the State of Ohio, within 10 days, a bond with sufficient sureties to be approved by the Court, in the sum of $4800.00, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed June 8 - 1934. Administrator's Bond.

Administrator's Bond.

Know all Men by these Presents: that we Lloyd Winter, Fidelity and Deposit Company of Maryland, are held and firmly bound unto the State of Ohio, in the sum of Four Thousand Eight 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 Richwood, Ohio, this 5th. day of June, 1934.

The condition of the above obligation is such, that whereas, the above bound Lloyd Winter was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator with Will annexed of the estate of Alexander Hatcher, deceased.

And whereas, the said Lloyd Winter as such administrator 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 4th. day of June, 1934, made an order requiring said Administrator to execute a bond according to the statute in such case made and provided.

Heer Ptg. Co., Cols., O. CD 4981.

12707

Now, if the said Lloyd Writer, Administrator with Will annexed, 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.

Executed in Presence of
M. P. Writer.

Lloyd Writer.
Fidelity and Deposit Company
of Maryland.
{Seal}
By- Sturgis A. Chenny.
attorney-in-fact.

This Bond approved in open Court, this 8th. day of June, 1934.

{Seal}
L. W. Hazen - Probate judge.

Probate Court, Union County, Ohio.

Filed June 8- 1934. approving Bond and Ordering Private Sale.

Lloyd Writer, Administrator of the Estate of Alexander Hatcher, Deceased, Plaintiff.

-vs-

William Hatcher, et al., Defendants.

Approving Bond and Ordering Private Sale.

It further appearing to the Court that the plaintiff has given an additional bond in the sum of Four Thousand Eight Hundred Dollars with sureties conditioned according to law, the said bond is hereby approved. And it now appearing to the Court upon satisfactory evidence that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordred that Lloyd Writer, as such administrator sell the real estate in the petition described as provided by law, at private sale, at not less than the appraised value thereof, on the following terms, to-wit: Not less than one-third cash in hand, one third in one year, and one third in two years from date of sale, Deferred payments to be secured by mortgage on the premises sold and bear interest at the rate of 6 per cent.

And plaintiff is ordered to make return forthwith upon such sale. Said real estate being now under lease to James Maddox and Horace Maddox, until February 28, 1934, it is ordred that any sale in the meantime made shall be subject to the terms of said lease.

L. W. Hazen - Probate judge.
of Union County, Ohio.

Filed July 6- 1934. Application.

In the Probate Court
Lloyd Writer, Administrator with Will annexed of the Estate of Alexander Hatcher, Deceased, Plaintiff.

-vs-

William Hatcher, et al., Defendants.

No. 12707.
Application to Pay Real Estate commission, Waiver of Notice and Journal Entry.

12707

Oath.

Waiver of Notice.

Journal Entry.

Heer Ptg. Co., Cols., O. CD 4981.

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Now comes the plaintiff in the above entitled action and says that the order of sale herein was issued on the 8th. day of June, 1934, and that the highest bid that he has been able to obtain was the appraised value for said property and that such bid also provided that the purchaser was to acquire and purchase at the price stated the rights of the estate to the rental provided by said lease.

Plaintiff further says that he has been informed by D. E. Logan, licensed real estate broker of Richwood, Ohio, that he can procure a purchaser for the said property at a much higher figure than the appraised value, and that Applicant believes that it would be to the interest of said estate that the Court allow the usual real estate commission of 3% of the sale price to be paid out of the proceeds of such sale, if such sale be made though a real estate broker and said Administrator hereby makes application that such real estate commission be allowed.

T. A. McAllister- Attorney for Plaintiff.

State of Ohio, Union County, ss:

Lloyd Winter, being duly sworn, says that the facts stated in his foregoing application are true as he verily believes.

Lloyd Winter.

Oath.

Sworn to before me and signed in my presence this 5th. day of July, 1934.

Seal

T. A. McAllister- Notary Public.

Waiver of Notice.

I, Lizzie Campbell, sole residuary legatee of Alexander Hatcher deceased, resident of the State of Ohio, hereby waive notice of the hearing of the above application and hereby consent and agree that said application be granted and that the Court allow and direct said Administrator to pay said real estate commission out of the sale of the premises described in the petition.

Waiver of Notice.

Lizzie Hatcher Campbell.

In the Probate Court of Union County, Ohio.

Journal Entry.

Lloyd Winter, Administrator of the Estate of Alexander Hatcher, Deceased, Plaintiff.

-vs-

William Hatcher, et al., Defendants.

No. 12707.
Journal Entry.

Said cause coming on to be heard on the application to allow real estate commission of 3% to be paid out of the sale price of said property and Lizzie Campbell, sole residuary legatee of said decedent of the State of Ohio, having agreed to said application, and the Court being fully advised in the premises and believing that it would be to the best interest of said estate to allow said commission.

Heer Ptg. Co., Cols., O. CD 4981.

12707

It is therfor by the Court ordred that a real estate commission of 3% of the sale price of said propurty be allowed and that the Adminnistator be authorized to pay said commission upon sale thereof being made through the agency of a licensed real estate broker.

L. W. Hazen - Judge.

Filed July 6 - 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Lloyd Writer, Adminnistator of the Estate of Alexander Hatcher, Greeting;

In obdience to an order and decree of the Probate Court, within and for said County, made this Day, in a certain cause wherein you as Adminnistator of the estate of Alexander Hatcher, deceased, are Plaintiff and William Hatcher, 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 real estate, situated in the County of Union, in the State of Ohio, and in the Township of Claibourne, and part of Survey No. 220, and bounded and described as follows:

Beginning at a stake in the east line of a county road running along the west line of Hylas Sabin's land and S. 87 deg. E. from Benton Cahill's northeast corner; thence N. 2 3/4 deg. E. 33.59 poles to a stake in the east line of said road; thence S. 87 deg. E. 47.64 poles to a stake; thence S. 2 3/4 deg. W. 33.59 poles to a stake (minus an elm bears N. 3/4 deg. E. 22 links); thence N. 87 deg. W. 47.64 poles to the place of beginning. Containing 10 acres of land.

Also the following premises, part of Survey No. 220, and bounded and described as follows:-

Beginning at a stake at the southwest corner of Andrew Sabin's 50 acre lot; thence with the east line of a county road S. 2 3/4 deg. W. 48.40 poles to the northwest corner of Susan Y. Hatcher's land; thence S. 87 deg. E. 47.64 poles to Susan Y. Hatcher's northeast corner; thence 2 3/4 deg. E. 49.40 poles to Andrew Sabin's south line to a stone; thence N. 87° W. 47.64 poles to the place of beginning. Containing 15 acres of land, more or less.

Also the following premises, part of said Survey No. 220, and bounded and described as follows:

Beginning at a stake in the west line of Lot No. 9 of the subdivision of said Survey No. 220 and 19-13/33 poles from the northwest corner of said Lot; thence from said beginning S. 85 deg. 15' E. (parallel with the north line of said lot) 99 poles to a stake in the east line of said Lot No. 9 and 19-13/33 poles from the northeast corner of said Lot No. 9; thence with said line S. 1 deg. 30' W. 42 poles to a stake, northeast corner to 12 acres of land conveyed by Sarah A. Moore to Lilly M. Wheeler; thence with the north line of said land N. 85 deg. 15' W. 99 poles to a stake, a corner to said land in the

Return. Report of Private Sale. Affidavit to Report of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12707

west line of said Lot No. 9; thence with said line N. 1 deg. 30' W. 42 poles to the beginning. Containing 26 acres, more or less.

Also the following premises, part of said Survey No. 220, and described as being 12 acres off the south side of the following described lands.

Beginning at three beeches, northwest corner to Lot No. 9 in the subdivision of Survey No. 220; thence with the north line of said lot S. 88 deg. 15' E. 99 poles to three iron-woods, and a sugar tree, the sugar and one ironwood standing, northeast corner to said Lot; thence with the east line thereof, S. 1½ deg. W. 80-8/10 poles to a stake at the root of a large burr oak, which is marked as a witness; thence N. 88 deg. 15' West 99 poles to three beeches, an ash and a sugar tree in the west line of said lot; thence N. 1½ deg. E. 80-8/10 poles to the place of beginning. Containing 50 acres.

Said sale to be upon the following terms: Not less than one third cash in hand; balance in one and two years from time of sale, deferred payments to be secured by mortgage on the premises sold; premises to be sold subject to the existing lease thereof.

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 8th. day of June A. D. 1934.

{Seal} L. W. Hagen - 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.

Return.

Dated the 6th. day of July 1934.

Lloyd Writer - Administrator.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 6th. day of July, 1934 offer said property, at private sale, and B. A. Shank having offered therefor the sum of Twenty Seven Hundred and no/100 Dollars ($2700.00) and the same being not less than the appraised value of said property, I sold the same to said B. A. Shank for that sum, subject to existing lease thereon.

Repot of Private Sale.

Lloyd Writer.

Affidavit to Repot of Private Sale.

State of Ohio, Union County, ss:

Lloyd Writer, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Affidavit to Repot of Private Sale.

Lloyd Writer.

Heer Ptg. Co., Cols., O. CD 4981.

12707

Filed July 6- 1934. Confirming Sale, Ordering Deed and Distribution.

Subscribed in my presence and sworn to before me this 6th. day of July, 1934.

Seal

R. A. Mc Allister - Notary Public.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Lloyd Witter as Administrator of the Estate of Alexander Hatcher, Deceased, Plaintiff,

-vs-

William Hatcher, et al., Defendants.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Lloyd Witter, Administrator of the estate of Alexander Hatcher, dec'd. 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; 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 Administrator in said real estate, to the purchaser, B. A. Sharp, upon the said purchaser executing to said Administrator a mortgage upon the premises sold to secure the deferred 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 Twenty Seven Hundred Dollars. The Court finds that there is due to the said Ida M. Hoffman upon the note set forth in her answer and cross- petition, from the estate of said Alexander Hatcher, deceased, the sum of Five Hundred Twenty & 55/100 Dollars, with interest thereon at eight percentum from the date of this entry; that the said Alexander Hatcher 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 Administrator arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on record in the office of the recorder of Union County, Ohio, according to law.

It is further ordered that said Administrator, out of the money in his hands, pay: First; to the Treasurer of this county the sum of $ 20.75, being the taxes, penalty and interest thereon against said property. Second, the costs and expenses incurred in the sale of said property, and a real estate commission of $ 81.00 to D. E. Ogan. Third, to Ida M. Hoffman on the note and mortgage set forth and described in her answer and cross- petition herein, the sum of $ 520.55, which the Court finds to be the amount due her; Fourth, it is

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Filed May 28- 1934.

Richard C. Thrall Attorney.

Petition.

Heer Ptg. Co., Colg., O. CD 4981.

12707 further ordred that the balance of said proceds, amounting to the sum of $2078.00, be accounted for by said Administrator according to law. And it is further ordered that this proceding be recorded, and that said petitioner pay the costs herein taxed at $51.37, out of the proceds of said sale, within ten days.

L. W. Hazen - Probate Judge.

12741
Filed
May 28- 1934.
Richard C. Thall
Attorney.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Guy Hines, Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.

-vs-

Carrie Hildrith; Agnes Charlotte Hines and Earl Hines, Jr., (Minors) and Lee Redmond, Guardian of Agnes Charlotte Hines and Earl Hines, Jr. Defendants.

No. 12741.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Executor of the estate of Earl H. Hines deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Ten Hundred Dollars.

An allowance of Three Hundred Dollars was made by the appraisers of the above estate to the widow and children for twelve months.

Petition. And the costs of administering the estate will be about One Hundred Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Seven Hundred and Twenty-five Dollars, said appraisement not having been excepted to; and said personal property is wholy insufficient to pay the debts, allowance, and costs aforesaid.

Said decedent did seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and further described as follows: In Leesburg Township and a part of Survey No. 3692.

Beginning in the line of said Survey No. 3692, at the southwest corner of lands owned by Elijah Gandy, witness a stake, three beeches and sugar; thence west with the line of said Survey 32½ poles to the center of the Old State and Sandusky Road; thence north with the line of said Road 25½ poles to a stake in the center of the aforesaid road; thence east 32½ poles to a stake in the line of Elijah Gandy's land; thence south 25½ poles to the beginning.

Containing 5 acres, more or less.

Said real estate was included in the inventory of the

Heer Ptg. Co., Cols., O. CD 4981.

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estate, pursuant to the order of this Court, and appraised at Seven Hundred and Fifty Dollars.

Said real estate is encumbered as follows: By mortgage to Carrie Hildrith in the principal sum of $300.00 with interest at 7% per annum.

The decedent died leaving the defendant, no surviving spouse who is — years of age and is entitled to dower in said premises.

The defendants, Agnes Charlotte Hines, aged 15 years, and Earl Hines, Jr., aged 9 years, are all the heirs & persons entitled to the kept estate of inheritance from the decedent in such real estate and having interest therein. That Lee Redmond, defendant herein is their legal guardian.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Richard C. Thrall.
Attorney for the Plaintiff.

The State of Ohio, Union County.

Guy Hines, being duly sworn, says he is the plaintiff in the afore entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Guy Hines - Executor.

Oath

Sworn to before me and signed in my presence by the said Guy Hines, at Marysville, Ohio, this 28th. day of May, 1934.

Richard C. Thrall - Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Agnes Charlotte Hines, a minor aged 15 years, Defendant directed to the Sheriff of said County, returnable according to law.

Precipe.

Richard C. Thrall.
Plaintiff's Attorney.

Filed May 28- 1934.

Journal Entry - Petition to Sell Real Estate.
Probate Court, Union County, Ohio.
May 28, 1934.

Order fixing time of Hearing and for Notice.

Guy Hines as Executor of the Estate of Earl H. Hines, Deceased, Plaintiff,

-vs-

Carrie Hildrith, et al., Defendants.

Order Fixing Time for Hearing and for Notice.

This day Guy Hines, Executor of the Estate of Earl H. Hines, deceased, filed in this Court his petition praying for an order to sell the real estate therein described, belonging to the estate

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Filed May 28- 1934.

Summons.

Sheriff's Return.

Filed May 28- 1934.

Waiver.

Heer Ptg. Co., Cols., O. CD 4981.

12741 of said decedent, to pay debts of said estate.

It is ordered that said petition be heard on the 26th. day of June 1934, at ten o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate Judge.

Filed May 28- 1934. Summons.

Summons on Petition to Sell Real Estate.

Sheriff - Minors.

The State of Ohio, Union County. Probate Court

To the Sheriff of said County:

You are commanded to notify Agnes Charlotte Hines, a minor aged 15 years; making service of this summons upon such minor as — over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 28th day of May A. D. 1934, Guy Hines, Executor of the Estate of Earl H. Hines, 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, and in said petition described, for the purpose of paying his debts and that unless they answer by the 25th. day of June 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 9th. day of June 1934.

Witness my hand and the seal of said Court, this 28th. day of May, 1934.

Seal L. W. Hazen - Judge.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff's Return.

Sheriff Fees.	
Service & Return, first name,	.75
29 miles traveled at 8¢	2.32
Total	$3.07

Received this writ May 28, 1934, at — o'clock — M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: May 29th. 1934, on Agnes Charlotte Hines, a minor by personally handing to her a true and certified copy of this writ.

William Rausch - Sheriff.

By - A. Grigsby - Deputy.

Filed May 28- 1934. Waiver.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

No. 12741.

Petition to Sell Real Estate.

Waiver of Summons and Consent to Sell.

Guy Hines, Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.

-vs-

Carrie Hildreth, et. al., Defendants.

We, the undersigned — and also Lee Redmond Guardian of the Estate of Agnes Charlotte Hines and Earl Hines, jr. minors

Heer Ptg. Co., Cols., O. CD 4981.

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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 de 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 28th. 1934.

L. - Redmond - as Guardian
of the Estate of
Agnes Charlotte Hines.
Earl Hines, Jr. Minor.

Filed
July 17- 1934
Waiver.

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Guy Hines, Executor of Estate of Earl H. Hines, Deceased, Plaintiff,
-vs-
Carrie Hildrith, et al., Defendants.

No. 12741
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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 31, A. D. 1934.

Mrs. Carrie Hildreth.

Filed
July 17- 1934.
Application.

Application for appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

To the Hon. L. W. Hazen, Judge of said Court:

The undersigned Guy Hines, Executor of the Estate of Earl H. Hines makes application for the appointment of a Guardian ad litem for the minor defendants in the above entitled case.

The defendant Agnes Charlotte Hines is the age of fourteen years, and has been duly served with summons herein and has failed and neglected to select a guardian ad litem, more than twenty days having elapsed since the service of and return of summons on her; the defendant, Earl Hines, Jr. is a minor under the age of fourteen years and has been duly served with summons.

The undersigned suggests that John W. Dailey who is a suitable person be appointed as such Guardian ad litem.

Respectfully, Guy Hines - Executor of Estate of Earl H. Hines.

Journal Entry.

Probate Court, Union County, O.

Guy Hines, Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.
-vs-
Agnes C. Hines Defendants.

No. 12741.
Appointment of Guardian ad Litem.

12741

Filed
July 17- 1934
Admon & Guardian Ad Litem.

Filed
July 17- 1934.
Application.

Heer Ptg. Co., Cols., O. CD 4981.

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This day Guy Hines, Executor of the Estate of Earl H. Hines 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 the defendant Earl Hines, Jr. is a minor under the age of fourteen years and has been duly served with summons and the defendant, Agnes Charlotte Hines is a minor of more than the age of fourteen years, and has been duly and legally served with summons herein, and has failed to select a Guardian ad litem, more than twenty days having elapsed since the service of summons on her; it is ordered that John W. Daily be and he hereby is appointed Guardian for the suit, for said minor defendants.

And now comes the said John W. Daily and in open Court accepts said appointment.

L. W. Hazen - Judge.

Filed July 17- 1934 Answer of Guardian Ad Litem.

Answer of Guardian Ad Litem
Probate Court, Union County, Ohio.

Guy Hines, Executor of the Estate of Earl H. Hines, Plaintiff.
-vs-
Agnes C. Hines, et al., Defendants.

No. 12741.
Answer of Minor Defendants.

And now come the said Agnes Charlotte Hines and Earl Hines, Jr., the minor defendants to the petition in said cause, by John W. Daily 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 17th. day of June, A. D. 1934.

Agnes Charlotte Hines.
Earl Hines, Jr.
By- John W. Daily
Guardian ad litem.

Filed July 17- 1934. Application.

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

Guy Hines, as Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.
-vs-
Agnes C. Hines, et al., Defendants.

No. 12741.
Application.

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

Heer Ptg. Co., Cols., O. CD 4981.

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following reasons:

1. The delay and expense of public sale may thus be avoided.

2. A purchaser is at hand who will purchase for the appraised value while at public sale the property may sell for as low as two-thirds of the appraised value.

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

Guy Hines - Executor of the Estate of Earl H. Hines, Deceased.

The State of Ohio, Union County.

Guy Hines, Executor aforesaid, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Guy Hines.

Oath.

Sworn to before me and signed in my presence this 17th. day of July A. D. 1934.

[Seal] Richard C. Thrall - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Affidavit of Disinterested Person.

Norma S. Bown, Robert Henderson 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 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.

Norma S. Bown.
Robert Henderson.
Russell S. Banks.

Sworn to before me and signed in my presence this 17th. day of July 1934.

[Seal] Richard C. Thrall - Notary Public.

Filed July 17- 1934. Dispensing with a New Appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Guy Hines, as Executor of the Estate of Earl H. Hines, Plaintiff.	Dispensing with a New Appraisement and Ordering Bond.
-vs-	
Agnes C. Hines, et al., Defendants.	

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate, and the answer of John W. Dailey, guardian ad litem of Agnes Charlotte Hines and Earl F. Hines, Jr. minors; the other defendants being in default of answer, although served with summons according to law, and such servic of summons is hereby approved. The Court finds from the evidence that all necessary parties are before

Filed July 17- 1934. Approving Additional Bond and Ordering Public Sale.

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Heer Ptg. Co., Cols., O. CD 4981.

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the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Seven Hundred and Fifty Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Executor of the Estate of Earl H. Hines is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Fifteen Hundred Dollars, and this cause is continued.

L. W. Hazen- Probate Judge.

Filed July 17- 1934. Executor's Bond.

Executor' Bond.

Know all men by these Presents: That we, Guy Hines, Zella Hines and Robert Henderson are held and firmly bound unto the State of Ohio, in the sum of Fifteen Hundred Dollars, for the payment of which we firmly jointly and severally bind ourselves, our heirs, executors and administrators Signed by us, and dated at Marysville, Ohio, this 17th. day of July, 1934.

The condition of the above obligation is such, that whereas the above bound Guy Hines was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Earl H. Hines deceased.

And Whereas, the said Guy Hines as such Executor 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 17th. day of July 1934 made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said Guy Hines, Executor 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.

Guy Hines.
Zella Hines.
Robert Henderson.

This Bond approved in open Court, this 17th. day of July 1934.

L. W. Hazen- Probate judge.

(Seal)

Filed July 17- 1934. Approving Additional Bond and Ordering Public Sale.

Journal Entry- Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Guy Hines, as Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.

-vs-

Agnes C. Hines, et. al, Defendant.

Approving Additional Bond and Ordering Public Sale.

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It further appearing to the Court that the plaintiff has given additional bond in the sum of Fifteen Hundred Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

It is now ordered that said Guy Hines, as such Executor, proceed to sell said real estate at private sale for not less than the appraised value, the real estate in the petition described as provided by law, and that he sell the same at not less than the appraised value thereof, on the following terms, to-wit: cash in hand at the time of sale.

And plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen - Probate Judge.

Filed July 17- 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Guy Hines, Executor of the Estate of Earl H. Hines, 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 are Plaintiff and Agnes C. Hines, 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 Township of Leesburg, County of Union and State of Ohio and a part of Survey No. 3692.

Beginning in the line of said Survey No. 3692 at the southwest corner of lands owned by Elijah Gaudy, witness a stake, three beeches and sugar; thence west with the line of said Survey No. 3692, 32½ poles to the center of the Old State and Sandusky Road; thence north with the line of said Road, 25½ poles to a stake in the center of aforesaid Road; thence east 32½ poles to a stake in the line of Elijah Gaudy's land; thence south 25½ poles to the beginning.

Containing five (5) acres, more or less.

Said sale to be upon the following terms: Cash in hand at time 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 17th. day of July A. D. 1934.

Seal

L. W. Hagen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 17th. day of July, 1934.

Guy Hines - Executor aforesaid, as

Seal

Richard C. Thrall.

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Report of Private Sale.

affidavit to Report of Private Sale.

Filed July 17- 1934 Order of Confirmation, Distribution, etc.

Heer Ptg. Co., Cols., O. CD 4981.

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Repot of Private Sale.

Repot of Private Sale.

Report of Private Sale.

On obedience to the command of the within order of sale, I did on the 17th. day of July 1934 offer said property, at private sale, and Ralph L. Tatman and Hughanna Tatman having offered therefor the sum of Seven Hundred and Fifty Dollars ($750.00) and the same being not less than the appraised value of said property, I sold the same to said Ralph L. Tatman and Hughanna Tatman for that sum.

Guy Hines.

affidavit to Repot of Private Sale.

State of Ohio, Union County, ss:

affidavit to Repot of Private Sale.

Guy Hines, being duly sworn, says that the private sale of property made under the within order, and repated above, was made after diligent endeavor to obtain the best price for said property, and that the sale, reported is for the highest price that could be obtained.

Guy Hines.

Subscribed in my presence and sworn to before me this 17th. day of July, 1934.

Seal

Richard E. Thrall - Notary Public.

Probate Court, Union County, Ohio.

Filed July 17- 1934 Order of Confirmation, Distribution, etc.

Guy Hines, Executor of the Estate of Earl H. Hines, Deceased, Plaintiff.

-vs-

Agnes E. Hines, et al., Defendants.

Petition to Sell Real Estate. Orders of Confirmation, Distribution, etc.

This day this cause came on to be heard on the repot of Guy Hines, Executor of the Estate of Earl H. Hines, 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, 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 Earl H. Hines in said real estate, to the purchaser Ralph L. Tatman and Hughanna Tatman. 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 and Fifty Dollars. The Court finds that there is due the said Flavie Hildreth upon the note, set forth in the petition, from the estate of said Earl H. Hines the sum of —— Dollars, with interest thereon from the date of this entry; that the said Earl H. Hines, and said —— to secure the payment of said promissory note gave a mortgage upon the premises in the petition described, which was a

Heer Ptg. Co., Cols., O. CD 4981.

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valid and subsisting lien upon said premises, and now upon the fund 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 mortgage 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 $4.45, 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 $45.00 to Richard C. Thrall and $45.00 the percentage of said Executor herein, amounting to the sum of $111.07. Third - To Carrie Hildrith, on the note and mortgage set forth and described in the petition herein, the sum of $317.90, which the Court finds to be the amount due her.

It is further ordered that the balance of said proceeds, amounting to the sum of $316.58, be accounted for by said Executor according to law. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ — out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

12767
Filed
Sept. 27-1934.
Application to
Sell Personalty.

In the Matter of the Estate of Henry H. Lane, Deceased.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased | Case No. 12767
Application to Sell Personalty.

John W. Lane respectfully represents that he is the duly appointed, qualified and acting Administrator of the Estate of Henry H. Lane, deceased, late of said County; that the assets of said estate have been duly appraised and an Inventory filed in this Court.

Your Applicant asks authority to sell the following personal property at public auction upon such terms as the Court may order:

No. of Item in Inventory	Description of Article.	Appraised Value.
5	4 Tons Clover Hay	$20.00
10	1½ H.P. Gas Engine	2.00
11	6 Bu. Soy Beans	6.00
12	2 Sows	6.00
13	1 Male Hog	3.00
14	1 6 yr. old Cow	20.00
16	2 Heifers	20.00
17	1 Male Calf	8.00
18	1 Double Set Harness	10.00
19	1 Cultivator	5.00
22	1 Manure Spreader	25.00
23	1 Jersey Cow, 9 yrs. old	10.00

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12767	No. of Item in Inventory	Description of Article.	Appraised Value.
	24	1 Spring Tooth Harrow	$ 2.00
	25	1 Oliver Ride, Single Shovel, Walking, Breaking Plow.	1.00
	26	½ int. Iron Rake $1.00	.50
	27	1 Double Set Harness	8.00
	28	1 Wagon running gears	12.00
	29	2 Cultivators	4.00
	30	1 Hay Loader	8.00
	31	1 Corn Planter	5.00
	32	1 Walking Breaking Plow	1.00
	33	1 Binder	5.00
	34	1 Corn Sled	1.00
	35	1 Double Disc (Horse)	2.00
	36	½ int. Cultipacker ($10)	5.00
	37	½ " Binder (new) $25	12.50
	38	½ " John Deere Corn Planter $25	12.50
	39	½ " Tractor Disc $10	5.00
	40	½ " Tractor Plow - John Deere $10	5.00
	41	½ " 14 x 20 Canvass $1	.00
	42	1 Roller	4.00
	45	1 Harrow	.50
	46	1 Mowing Machine	5.00
	47	1 Sorrel Mare, 19 yrs. old	25.00
	48	6 Yearling Colts	375.00
	49	1 Drill	10.00
	53	1 Wooden Hay Rake	.00
	54	18 Tons Mixed Hay	108.00
	55	1 Weeder	.50
	56	½ int. John Deere Tractor $100	50.00

Applicant says that the following list of chattel property has come into his possession as Administrator and said items were not appraised nor included in the Inventory and Appraisement.

	57	46 Shocks Corn on the Home Farm.
	58	373 Shocks Corn on the Farm known as Stroader Farm.
	59	229 Shocks Corn on the Farm on which Dellart Lane lives.
	60	1 Butcher Kettle.
	61	1 Double set driving harness.
	62	Fence stretchers.
	63	Roll of Fence.
	64	Dump Scraper.
	65	75 Grain Sacks.

Heer Ptg. Co., Cols., O. CD 4981.

12767.	66	Set Dump Boards.	
	67	Steel Harrow.	
	68	Double Shovel Plow.	
	69.	Single Disc.	
	70	Mud Board.	
	71	Post Auger.	
	72	2 Log Chains.	
	73	Sledge.	
	74	4 Tons alfalfa Hay.	

application is made for said authority for the reason that said Administrator believes it to be to the best interest of said estate to hold a public auction of said property and sell all of said items at the same time.

Robt R. Allen - Attorney for Administrator.

State of Ohio, County of Union, ss:

John W. Lane, being first duly sworn according to law, depose and says that the facts stated in the foregoing application are true as he verily believes.

John W. Lane.

Sworn to before me and subscribed in my presence this 22 day of September, A. D. 1934.

{Seal} Robt R. Allen - Notary Public.

Filed Sept. 27- 1934. Waiver.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Waiver.

The undersigned is the surviving spouse of the said Henry H. Lane, deceased, and does hereby waive notice of the application of sale of all personalty at public auction filed herein by said Administrator of said Estate and hereby consents to the same.

Mary A. Lane.

Filed Sept. 27- 1934. Entry Ordering Sale of Personalty.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Entry Ordering Sale of Personalty.

This day this cause came on to be heard upon the application to Sell Personal Property therein described and the testimony; and the Court being fully advised in the premises, finds that the statements and allegations in said application are true; that the widow has waived notice of said sale and consented to the same and has no desire to take the property sought to be sold, at it's appraised value, and that such property 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 public sale, it is therefore,

Ordered that John W. Lane, as Administrator of said estate, proceed to sell personal property at public auction to the highest bidder after giving notice thereof for the time and in the manner prescribed by Law.

Heer Ptg. Co.,

12767.

12177 Filed Nov. 23- 1932. Petition.

Filed Nov. 23- 1932. Order of Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12767. It is further ordered that said sale be made upon the following terms, to-wit: Cash upon the delivery of the property.

It is further ordered that said Administrator make return of his proceedings herein within thirty days after sale.

L. W. Hazen - Probate Judge.

12177 Filed Nov. 23-1932. Petition.

In the Matter of the Estate of Emily Taylor, Deceased.

Petition for Order to Sell Notes, Claims, Demands, Rights in Action, Bonds, Stocks

Probate Court, Union County, Ohio.

In the Matter of the Estate of Emily Taylor, Deceased.	No. 12177. Petition.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Administrator of the estate of Emily Taylor deceased, late of said County; that the personal property of said estate including the notes, etc., hereinafter described, has been duly appraised, and the inventory and appraisement thereof filed in said Court.

Your petitioner makes application for an order to sell at private sale, as provided by law, and upon such terms as the Court may order the following bond of said estate described in said inventory and appraisement, to-wit: Federal Land Bank, Louisville, Kentucky - Bond - $500.00 - 4½ - $500.00 - $425.00

Said authority is asked for the following reasons: There is no money in said estate sufficient to pay the debts of said estate. Said bond has a definite fixed value and this value will not increase in the near future.

Eber N. Dillon.

The State of Ohio, Union County.

Eber N. Dillon, Administrator being duly sworn, says that the facts stated in the foregoing petition are true as he verily believes.

Eber N. Dillon.

Sworn to before me and signed in my presence, this 17th. day of November, 1932.

[Seal] Richard C. Thrall - Notary Public.

Filed Nov. 23-1932. Order of Sale.

Journal Entry - Order for Private Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Emily Taylor, Deceased.	Nov. 23-1932. Petition for Order to Sell. Order of Sale, etc.

This day this cause came on to be heard upon the petition herein filed and the testimony 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

Heer Ptg. Co., Cols., O. CD 4981.

12177

proof that it will be to the advantage of said estate to sell said bond at private sale; it is therefore ordered that Eber N. Dillon as Administrator of the estate of Emily Taylor deceased, proceed to sell said bond at private sale, for not less than the sum of Four Hundred Dollars.

It is further ordered that said sale be made for cash in hand at time of sale.

It is further ordered that said he make return of his proceedings herein, within 15 days from this date, and forthwith after such sale is made, and this cause is continued.

Carrie W. Houbeck - Judge.

Order of Private Sale, Personal Property.

Order of sale of Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Emily Taylor, Deceased. | No. 12177 Order of Sale of Personal Property.

To Eber N. Dillon, Administrator:

In obedience to an order and decree of said Court, 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 four hundred, the following goods and chattels belonging to said estate, to-wit:

1 - Federal Land Bank of Louisville Bond face value $ 500.00

Said sale to be on the following terms: Cash in hand at sale in full.

You will return this order within two months 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 23rd. day of November A. D. 1932.

Seal

Carrie W. Houbeck - Probate Judge.

Return.

Report of Sale of Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Emily Taylor, Deceased. | Report of Sale of Personal Property.

The undersigned Administrator of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, commencing on the 29th. day of November 1932, and closing on the 29th. day of November 1932, for the sum of Four Hundred Twenty Eight Dollars, and fifty cents, said sum being not less than the appraised value of the same.

A detailed Bill of said Sales is hereto attached.

Dated this 29th. day of November, 1932.

Eber N. Dillon
Per- R. C. T.
Administrator as aforesaid.

12177

Journal Entry. Sale of Personal Property Continued.

9241 Filed Oct. 11-1919.

Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12177

Bill of Sales

Description of Articles.	To whom sold	Price.
Federal Land Bank of Louisville bond.	Bank of Marysville	$428.50

Journal Entry.

Journal Entry. Sale of Personal Property Confirmed.

Probate Court, Union County, O.
November 29 - 1920.
Sale of Personal Property Confirmed.

In the Matter of the Estate of Emily Taylor, Deceased.

The administrator of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular and in accordance with law, and therefor approves and confirms the same.

Carrie W. Hombeck.

9241 Filed Oct. 11-1919.

Petition to Sell Real Estate.
Guardian's Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpillar, an Imbecile, Plaintiff,

-vs-

Her said Ward, Edwin R. Hotsenpiller, an Imbecile, Defendant.

No. 9241.
Petition to Sell Real Estate.

Petition.

The Plaintiff represents that she is the duly appointed and qualified Guardian of Edwin R. Hotsenpiller, an Imbecile, of the age of 86 years, on the — day of — 19—, and residing with said Guardian at Magnetic Springs, Ohio.

That the personal estate of said Ward, outside of household goods, consists wholly of mining stocks that have no market value, and that said Guardian cannot realize any money on said stocks at this time.

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 Leesburg, to-wit:

Beginning at a beech and sugar on the south banks of Bokes Creek; N. W. corner to lands of Edward DeGood and N. E. corner to lands of Amelia J. DeGood; thence with the line dividing said lands south 10-1/4° W. 22.48 poles to a stones; thence N. 80° W. 40 poles to a stone in the west line of said Amelia J. DeGood's land; thence with said line N. 11° E. 20.56 poles to a Black Walnut on the south banks of Bokes Creek; thence N. 7° E. 4.80 poles to a stake in the center of said Creek; thence down the center of said creek with the meanderings thereof to a stake in the center

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9241

of said creek; thence south 7¼° W. 2.48 poles to a beech and sugar and place of beginning, containing 9.38 acres.

Also another lot of land in same survey. Beginning at a beech and sugar, the beginning point of the above described tract; thence N. 10¼° E. 2.48 poles to a stake in the center of Boker Creek; thence down the center of said creek to a stake, upper corner on the creek to a lot conveyed by W. D. DeGood to John Trickey and Lester Oliver, August 16, 1881; thence with the west line of said lot S. 2.40 poles to a stake, S. W. corner to the same; thence with the south line of the same, S. 80° E. 8 poles to a stake; thence S. 11° W. 4 poles to a stake; thence N. 80° W. 12.80 poles to a stake; thence N. 10¼° E. 4.24 poles to the beginning, containing .30 of an acre.

Also to include a right of way or road to and from the west line of Park Avenue in said Village of Magnetic Springs to the east line of the lot above described, said right of way being four poles wide and 7.84 poles long, be the same more or less.

Said real estate is worth annually Fifty and 00/100 Dollars.

That said Plaintiff has received rents from the real estate of her ward all of which has been extended in the payment of debts and expenses of said Ward's family.

That the following is a list of debts of the said Edwin R. Hotsenpiller:

The Richwood Banking Co.	$ 1696.
First National Bank, Richwood, O.	305.
Taxes	98.

That the sale of said property is necessary for the payment of said indebtedness and for the support of said Ward and his family.

That Frances E. Hotsenpiller is the wife of said Ward and as such has an expectancy of dower in said lands.

That it will be for the best interests of said ward to sell said premises and expend the money in the payment of his debts and upon his support and the support of his wife and in the maintenance of his other property.

The Plaintiff therfore prays that said Edwin R. Hotsenpiller, an imbecile, and Frances E. Hotsenpiller 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 hereinbefore proposed, and for other proper relief.

Frances E. Hotsenpiller - Guardian

The State of Ohio, Union County, ss:

Frances E. Hotsenpiller, 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.

Frances E. Hotsenpiller.

Oath.

Sworn to before me and signed in my presence, this Third day of October, 1919. Seal C. A. Hooper - Notary Public.

9241
Filed
Oct. 11-1919.
Order for
Notice.

Filed
Oct. 23-1919.
Notice to
Defendants.

Heer Ptg. Co., Cols., O. CD 4981.

9241
Filed
Oct. 11-1919.
Order for Notice.

Journal Entry - Ordering Fixing Time of Hearing and for Notice.
(Guardian's Petition to Sell Real Estate.)
Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller,
Plaintiff,
-vs-
Her Wards, et al.
Defendants.

Oct. 11 - 1919.
Petition to Sell Real Estate.
Order for Notice.

This day Frances E. Hotsenpiller Guardian of Edwin R. Hotsenpiller appeard in open Court and filed her petition duly verified, asking for the sale of real estate therein described, belonging to her said Ward Edwin R. Hotsenpiller.

It is ordered that the time of hearing said petition be and hereby is fixed for the 15th. Day of October 1919, at 9 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 Edwin R. Hotsenpiller her Ward, to Frances E. Hotsenpiller, wife of such 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, 3 days before said day of hearing, and this cause is continued.

Edward W. Porter - Probate judge.

Notice to Defendants.
(Guardian's Petition to Sell Real Estate.)

Filed
Oct. 23-1919.
Notice to Defendants.

The State of Ohio, Union County, ss:
To Edwin R. Hotsenpiller, an imbecile.

You are hereby notified, that on the — day of October 1919, the undersigned as Guardian, 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 assignment of dower, and the sale of the Real Estate of the said Edwin R. Hotsenpiller, situated in the County of Union, in the State of Ohio, and in the Township of Leesburg, and described as follows, to-wit:

Beginning at a beech and sugar on the S. bank of Boke Creek, N. W. corner to lands of Edward DeGood and N. E. corner to lands of Amelia J. DeGood; thence with the line dividing said lands S. 10¼° W. 22.48 poles to a stone; thence N. 80° W. 40 poles to a stone in the west line of said Amelia J. DeGood's land; thence with said line N. 11° E. 20.56 poles to a Black Walnut on the south banks of Boke Creek; thence N. 7° E. 4.80 poles to a stake in the center of said Creek; thence down the center of said Creek with the meanderings to a stake in the center of said Creek;

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thence S. 7¼° W. 2.48 poles to a buch and sugar, the place of beginning, containing 9.38 acres.

Also another lot of land in same survey. Beginning at a buch and sugar the beginning point of the above described tract; thence N. 10¼° E. 2.48 poles to a stake in the center of Bokes Creek; thence down the center of said creek to a stake, upper corner on the creek to a lot conveyed by W. D. DeGood to John Tuckey and Lester Oliver Aug. 16, 1881; thence with the west line of said lot, S. 2.40 poles to a stake S. W. corner to the same; thence with the south line of the same S. 80° E. 8 poles to a stake; thence S. 11° W. 4 poles to a stake; thence N. 80° W. 12.80 poles to a stake; thence N. 10¼° E. 4.24 poles to the beginning, containing .30 of an acre. Also to include a right of way to and from the west line of Park Avenue in said Village to the east line of the lot above described. Said right of way being 4 poles wide and 7.84 poles long.

Said petition will be for hearing by said Court, on the 15- day of October, 1919, at 9:00 o'clock A. M., at which time an order will be asked, as prayed for in said petition.

Dated this 11th. day of October 1919.

Frances E. Hotsenpiller - Guardian of Edwin R. Hotsenpiller, et al.

Affidavit of Service.

Affidavit of Service.

The State of Ohio, Union County, ss:

I, Frances E. Hotsenpiller being duly sworn, say, that on the 11 day of Oct. 1919, I served this writ by delivering a true copy thereof personally to the following named persons, to-wit:

Edwin R. Hotsenpiller, an imbecile, and I also kept a true copy of the same writ, as legal notice to myself as guardian of said Edwin R. Hotsenpiller, imbecile as aforesaid, on said 11th. day of October, A. D. 1919.

Frances E. Hotsenpiller.

Sworn to before me and signed in my presence, this 11 day of Oct. 1919.

Seal

C. A. Hooper.

Filed Oct. 23- 1919. Entry

In the Probate Court of Union County, Ohio.

Frances E. Hotsenpiller as Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, et al., Defendants.

No. 9241. Entry.

It appearing to the Court that Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, is the wife of said Edwin R. Hotsenpiller and as said wife has a dower interest in the real estate in this cause described adverse to the interests of her said ward Edwin R. Hotsenpiller; Milo L. Myers is appointed guardian ad litem for this suit for said Edwin

Filed Oct. 23- 1919. Answer.

R. H... No... appoi...

Filed Oct. 25- 1919. Guardians Bond.

Franc... Guard... Hotsen... Edwin... for th... said ... after ... and ... State ... stated ... time ... 18 th... Hotsen... are ... sum... Their ... day ... the ... appo... Ohio, ... Guar... an ... desc... said ... of ... 1919

Heer Ptg. Co., Cols., O. CD 4981.

9241 R. Hotsenpiller.

Now comes said Milo L. Myers in open court and accepts said appointment.

Edward W. Porter - Probate judge.

Filed Oct. 23 - 1919. Answer.

In the Probate Court of Union County, Ohio.

Frances E. Hotsenpiller as Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, et al., Defendant.

No. 9241. Answer.

Milo L. Myers Guardian Ad Litem for Edwin R. Hotsenpiller for his answer to the petition of the plaintiff says that his said ward is an imbecile and therefor incapable of looking after and protecting his intrest, and therefor denies each and every allegation in the plaintiff's petition contained, and prays this Court to protect the intrests of his said ward.

Milo L. Myers - Guardian Ad Litem for Edwin R. Hotsenpiller.

State of Ohio, Union County, ss:

Milo L. Myers, being first duly sworn, says that the facts stated and the allegations made in the foregoing petition are true as he verily believes.

Milo L. Myers.

Sworn to before me and subscribed in my presence this 18 th. day of October, 1919.

Seal C. A. Hoppe - Notary Public.

Filed Oct. 25 - 1919. Guardians Bond.

Guardians Bond.

In Proceedings to Sell Real Estate.

Know all Men by these Presents, that we, Frances E. Hotsenpiller, Ed S. Grandstaff, and Manetta Grandstaff, are held and firmly bound unto the State of Ohio, in the sum of Six Thousand and 00/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us and dated at Marysville, Ohio, this 25th day of October A.D. 1919.

The condition of the above obligation is such, that whereas, the above bound Frances E. Hotsenpiller was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, guardian of Edwin R. Hotsenpiller.

And whereas, the said Frances E. Hotsenpiller 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 Six Thousand and 00/100 Dollars.

And whereas, said Court, on the 25 th day of October 1919 made an order requiring said Guardian to execute

Heer Ptg. Co., Cols., O. CD 4981.

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a bond according to the statute in such cases made and provided.

Now, if the said Frances E. Hotsenpiller 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.

Executed in Presence of:

Ges. E. Jewell. Frances E. Hotsenpiller.

Ellmore Miller. Ed S. Grandstaff.

Marietta Grandstaff.

This Bond approved in open Court, this 25th. day of October, 1919.

Seal Edward W. Potter - Probate judge.

Filed Oct. 25- 1919. application.

application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, et al., Defendants.

No. 9241

Petition to Sell Real Estate.

application.

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

That said premises can be sold for more money at private than at public sale.

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

Frances E. Hotsenpiller - Guardian of Edwin R. Hotsenpiller.

The State of Ohio, Union County, ss.

Frances E. Hotsenpiller, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Frances E. Hotsenpiller.

Sworn to before me and signed in my presence, this 25th. day of October 1919.

Seal C. A. Hoopes - Notary Public.

affidavit of Disinterested Person.

affidavit of Disinterested Person.

The State of Ohio, Union County, ss.

Geo. W. Lee and Ellmore Miller 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 Edwin R. Hotsenpiller to sell said real estate at private sale than at public sale as they verily believe.

Geo. W. Lee.

Ellmore Miller.

Heer Ptg. Co., Cols., O. CD 4981.

9241

Sworn to before me and signed in my presence, this 25th. day of October 1919.

{Seal} C. A. Hoopes - Notary Public.

Filed Oct. 25 - 1919. Order approving appraisement and for Bond.

Journal Entry - Orders approving appraisement and for Bond.

Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, et al., Defendants.

October 25th. 1919.

Petition to Sell Real Estate.

Orders for Bond, Etc.

This day came the said Plaintiff, by her attorney, and produced to the Court the report of an appraisement herein made by G. E. Whitney, Walter Otte and Frank Galloway 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 fipther ordered that said Frances E. Hotsenpiller execute within ten days, to the State of Ohio, a bond with sufficient freehold sureties, to be approved by the Court in the sum of Six Thousand ($6000.00) Dollars conditioned according to law, and this cause is continued.

Edward W. Porter - Probate judge.

Filed Oct. 25 - 1919. Order of appraisement.

Order of appraisement.

Probate Court.

The State of Ohio, Union County, ss.

To Frances E. Hotsenpiller, Guardian, Greting:

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 Edwin R. Hotsenpiller are Plaintiff and Edwin R. Hotsenpiller et al. are Defendants, you are commanded that by the oaths of George E. Whitney, Walter M. Otte and Frank Galloway 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 of the inchoate right of dower estate of Frances E. Hotsenpiller therein, to wit:

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

Beginning at a beech and sugar on the S. bank of Bokes Creek N. W. corner to lands of Edward DeGood and N. E. corner to lands of Amelia J. DeGood; thence with the line dividing said lands S. 10 1/4° W. 22.48 poles to a stone; thence N. 80° W. 40 poles to a stone in the west line of said Amelia J. DeGood's land; thence with said line N. 11° E. 20.56 poles to a black Walnut on the south banks of Bokes Creek; thence N. 7° E. 4.80

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poles to a stake in the center of said Creek; thence down the center of said Creek with the meandings to a stake in the center of said Creek; thence S. 7¼° W. 2.48 poles to a beech and sugar, the place of beginning, containing 9.38 acres.

Also another lot of land in same survey. Beginning at a beech and sugar the beginning point of the above described tract; thence N. 10¼° E. 2.48 poles to a stake in the center of Boker Creek; thence down the center of said creek to a stake, upper corner on the creek to a lot conveyed by W. D. DeGood to John Tuckey and Lester Oliver Aug. 16, 1881; thence with the west line of said lot, S. 2.40 poles to a stake S. W. corner to the same; thence with the south line of the same S. 80° E. 8 poles to a stake; thence S. 11° W. 4 poles to a stake; thence N. 80° W. 12.80 poles to a stake; thence N. 10¼° E. 4.24 poles to the beginning, containing .30 of an acre. Also to include a right of way to and from the west line of Park Avenue in said Village to the east line of the lot above described. Said right of way being 4 poles wide and 7.84 poles long.

You will make return of your proceedings herein to our said Probate Court forthwith upon execution of said order, and have you then and there this Writ.

Witness my signature as Judge and Ex-Officio Clerk of our said Probate Court and the seal of said Court, at Marysville, Ohio, this 23rd. day of October 1919.

[Seal] Edward W. Porter - 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 1919.

Frances E. Hotsenpiller.

Oath of Appraisers.

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

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.

H. W. Galloway
George E. Whitney } appraisers.
Walter M. Otte

Sworn to before me, and signed in my presence, this 24 day of October 1919.

C. A. Hoops - Notary Public.

9241 Appraisers Return. — Filed Oct. 23 - 1919. Order on Hearing, & appointment.

Heer Ptg. Co., Cols., O. CD 4981.

9241
Appraisis Return.

Appraisis Return.

On Medince to the foregoing oder, 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 Three Thousand Dollars, free from said dower estate.

Given under our hands, this 24 day of October 1919.

T. W. Galloway
George E. Whitney } appraisers.
Walter M. Otte

Filed Oct. 23 - 1919. Order on Hearing, of appraisment.

Journal Entry - Order on Hearing, of appraisment, etc.
Probate Court, Union County, Ohio.

Francis E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,
-vs-
Edwin R. Hotsenpiller, Defendants.

Oct. 23 - 1919.
Petition to Sell Real Estate.
Order of appraisement, 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, and that the statements and allegations in said petition are true. That said Francis E. Hotsenpiller, widow, of said Edwin R. Hotsenpiller is entitled to inchoate right of dower in said real estate; That said widow 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 inchoate dower estate therein. And the Court being satisfied that it is necessary to sell the real estate of said Edwin R. Hotsenpiller, described in the petition, to pay his debts. It is ordered that G. E. Whitney, W. M. Otte and T. W. Galloway 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 Francis E. Hotsenpiller 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 24th. day of October 1919, and this cause is continued.

Edward W. Porter - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

9241
Filed
Oct. 25- 1919.
Order approving
Bond for
Private Sale.

Journal Entry- Order Approving Bond for Private Sale, etc.
Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, guardian
etc. of Edwin R. Hotsenpiller,
Plaintiff,
-vs-
Edwin R. Hotsenpiller et al.
Defendants.

Petition to Sell Real Estate.
Order of Sale, Etc.

This day this cause came on further to be heard, and it appearing to the Court, that the said Frances E. Hotsenpiller the plaintiff above named has given bond as heretofore ordered, in the sum of Six Thousand Dollars, with Frances E. Hotsenpiller, Maletta Grandstaff and Edward Grandstaff 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 Frances E. Hotsenpiller as such guardian proceed to sell said real estate, free from 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.

Edward W. Pater- Probate Judge.
of Union County, Ohio.

Filed
Oct. 23- 1919.
Answer of Wife.

In the Probate Court

Frances E. Hotsenpiller as
Guardian of Edwin R.
Hotsenpiller, Plaintiff,
-vs-
Edwin R. Hotsenpiller, et al.,
Defendants.

Lease No. 9241.
Answer of Wife.

Now comes the defendant, Frances E. Hotsenpiller, and enters her appearance herein, and for her answer to the petition herein says that she is the wife of the said Edwin R. Hotsenpiller and as such has and inchoate right of dower in the premises described in the petition; that her age is sixty-nine years; that she consents to the sale of real estate of said defendant, as prayed for, and she waives the signing of her dower in said premises by metes and bounds, or in rents and profits; and asks the court that said premises be sold free from her dower right therein, and that the value of such dower right may be allowed and paid her in money out of the proceeds of such sale, as the court may deem reasonable.

Frances E. Hotsenpiller.

State of Ohio, Union County, ss.

Frances E. Hotsenpiller, being duly sworn, says that the facts stated are true as she verily believes.

Frances E. Hotsenpiller.

Heer Ptg. Co., Cols., O. CD 4981.

9241

Sworn to before me and subscribed in my presence this 2nd. day of October, 1919.

{Seal} C. A. Hooper - Notary Public.

Filed Oct 25- 1919. Order of Sale.

Order of Sale - Dower from Dower.

The State of Ohio, Union County, ss. Probate Court.

To Francis E. Hotsenpiller, Guardian; 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 Edith R. Hotsenpiller are Plaintiff and Edwin R. Hotsenpiller et al. are Defendants, you are commanded to procud according to law, to sell at private sale, for not less than the appraised value thereof free from the dower of Francis E. Hotsenpiller, wife of Edwin R. Hotsenpiller, the following described premises, to-wit:

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

Beginning at a beech and sugar on the south bank of Bokes Creek, N. W. corner to lands of Edward DeGood and N. E. corner to lands of Amelia J. DeGood; thence with the line dividing said lands S. 10¼° W. 22.48 poles to a stone; thence N. 80° W. 40 poles to a stone in the west line of said Amelia J. DeGood's land; thence with said line N. 11° E. 20.56 poles to a Black Walnut on the south banks of Bokes Creek; thence N. 7° E. 4.80 poles to a stake in the center of said Creek; thence down the center of said Creek with the meandings to a stake in the center of said Creek; thence S. 7¼° W. 2.48 poles to a beech and sugar, the place of beginning, containing 9.38 acres.

Also another lot of land in same survey. Beginning at a beech and sugar the beginning point of the above described tract; thence N. 10¼° E. 2.48 poles to a stake in the center of Bokes Creek; thence down the center of said creek to a stake, upper corner on the creek to a lot conveyed by W. D. DeGood to John Tickey and Lester Olive Aug. 16, 1881; thence with the west line of said lot, S. 2.40 poles to a stake S. W. corner to the same; thence with the south line of the same S. 80° E. 8 poles to a stake; thence S. 11° W. 4 poles to a stake; thence N. 80° W. 12.80 poles to a stake; thence N. 10¼° E. 4.24 poles to the beginning, containing .30 of an acre. Also to include a right of way to and from the west line of Park Avenue in said Village to the east line of the lot above described. Said right of way being 4 poles wide and 7.84 poles long.

Said sale to be to the highest and best bidder and to be upon the following terms: Cash, and free of dower.

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

Heer Ptg. Co., Cols., O. CD 4981.

9241

Witness my signature and the Seal of said Probate Court at Marysville, Ohio, this 25th. day of October, 1919.

Seal

Edward W. Porter - 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 October 1919.

Frances E. Hotsenpiller.

Repart of Sale.

Report of Sale.

In obedience to the within order, I sold said premises on the 25 day of October 1919, to Ed S. Grandstaff, for the sum of Three Thousand Dollars, said sum being the appraised value of the same.

Frances E. Hotsenpiller.

Dated the 25 day of October 1919.

The State of Ohio, Union County, ss.

The above named Frances E. Hotsenpiller, 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.

Frances E. Hotsenpiller

Sworn to before me and signed in my presence, this 25 day of Oct. 1919.

Seal

C. A. Hopes - Notary Public.

Journal Entry - Orders Approving and Confirming Sale.

Orders approving & Confirming Sale.

Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, et al.

Defendants.

Petition to Sell Real Estate. Orders approving and Confirming Sale.

This day this cause coming on to be heard on the report of Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, 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 Edwin R. Hotsenpiller in said real estate, to the purchaser Ed. S. Grandstaff upon the said purchaser, paying said purchase price in cash.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein taxed at $— within ten days.

Edward W. Porter - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

9241
Filed
Oct. 2 - 1934.
application.

Petition to Sell Real Estate - (continued).

In the Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,

-vs-

Edwin R. Hotsenpiller, Defendant.

No. 9241
application.

Now comes the plaintiff by her attorney and respectfully represents to the court that in the preparation of the petition heretofore filed in this cause the discription of the following portion of the real estate sold was omitted through inadvertance. Said portion is discribed as follows:

Beginning at a stone at the southwest corner of a parcel of land conveyed by Sarah Jane Reeves to Edwin R. Hotsenpiller April 9, 1900. Thence north 80° west on the same course as the south line of said parcel of land about 14 poles to the center of Bokes creek; thence down the center of said creek with the meandes thereof to a stake at the northwest corner of said parcel of land conveyed by said Sarah Jane Reeves to Edwin R. Hotsenpiller; thence with the west line of the same South 11° west 4.80 poles to a black walnut and thence south 11° west 20.56 poles to the place of beginning.

Containing one (1) acre, be the same more or less.

that it was the intention of the Frances E. Hotsenpiller and of the purchaser of said real estate that said portion be included in the sale; that the purchaser has taken possession of said potion and has retained it ever since said sale.

Wherefore, plaintiff prays for an oder directing the said Frances E. Hotsenpiller to add to the deed heretofore executed the discription of said potion of said real estate and for an oder authorizing and directing the Recorder of Union County to add said discription to the record thereof in Volume 114, Page 145 of the Deed Records of Union County, Ohio.

C. A. Hoopes
Attorney for Frances E. Hotsenpiller.

State of Ohio, Union County, ss:

C. A. Hoopes, being first duly sworn, says that he is attorney for the plaintiff herein, and that the facts stated and allegations made in the foregoing application are true as he verily believes.

C. A. Hoopes.

Oath.

Sworn to before me and subscribed in my presence this 2nd. day of October, 1934.

[Seal] Ruth Connolly Hess - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

9241
Filed
Oct. 2 - 1934.
Entry.

In the Probate Court, Union County, Ohio.

Frances E. Hotsenpiller, Guardian of Edwin R. Hotsenpiller, Plaintiff,
-vs-
Edwin R. Hotsenpiller, Defendant.

No. 9241.
Entry.

This day this cause came on to be heard upon the application of the plaintiff for an order directing the plaintiff to add to the description of said real estate in the deed heretofore executed by the plaintiff to Edward Grandstaff, the purchaser, the following described portion, to-wit:

Beginning at a stone at the southwest corner of a parcel of land conveyed by Sarah Jane Reece to Edwin R. Hotsenpiller april 9, 1900. Thence north 80° west on the same course as the south line of said parcel of land about 14 poles to the center of Bokes creek; thence down the center of said creek with the meandus thereof to a stake at the northwest corner of said parcel of land conveyed by said Sarah Jane Reece to Edwin R. Hotsenpiller; thence with the west line of the same south 11° west 4.80 poles to a black walnut and thence south 11° west 20.56 poles to the place of beginning.

Containing one (1) acre, be the same more or less.

And the court, being fully advised in the premises, finds that through inadvertance said portion of said real estate was omitted from the description in the petition herein and from the description in said deed; that it was the intention of all parties that said portion be included in said descriptions, and said application is therefore sustained.

It is therefore considered by the court that the plaintiff add to the description in said deed as heretofore executed said portion so omitted, and that the Recorder of Union County add the description of said omitted portion to the record of said deed in Volume 114, Page 146 of the Union County Records of Deeds.

L. W. Hazen - Probate Judge.

10763
Filed
Dec. 2 - 1932.

In the Matter of the Estates of Jemima R. Bixler, Celia M. Bixler, Alfred Bixler, minors.

In the Probate Court, Union County, Ohio.

In the matter of the estates of Jemima R. Bixler, Celia M. Bixler, Alfred Bixler, minors.

No. 10763.
Application to Buy Real Estate.

Now comes Edgar H. McMahan and says that on the 7th day of April, 1926 he was duly appointed by the Probate Court of Union County, Ohio, in the above entitled cause guardian of the said Jemima R. Bixler, Celia M. Bixler and Alfred Bixler, minors and duly qualified therein.

Heer Ptg. Co., Cols., O. CD 4981.

10763

That on the 28th. day of June, 1926, Otto A. Bixler and Arthur G. Bixler made and delivered to him as said guardian their certain promissory note for the sum of $3800.00 due and payable in five years from date thereof with interest thereon at six per cent per annum, interest payable on July 1 and January 1 each year, which promissory note represented a part of the estate belonging to his then aforesaid wards.

That to secure the payment of the said promissory note aforesaid on the first day of July, 1926, the said Otto A. Bixler and Arthur G. Bixler, with their wives Ella Bixler and Roy J. Bixler, respectively who released their dower made and delivered their certain mortgage deed of that date on the following described real estated to-wit:

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

Being part of Survey No. 10,988 in the name of Robert Dugan.

Beginning at four beeches original north-east corner of said Survey and the north-west corner of Survey No. 10,988 in the name of R. Davis in the line of Virginia Military District Survey No. 14,639; thence S. 79° 20' west 155 poles to the south-west corner of said Military Survey No. 14,639 and in the line of Survey No. 9,897, the original north-west corner of said Dugan Survey; thence S. 10° 40' E. 231 poles to a stake in the Grenville Treaty line; thence with said line N. 79° 20' east 80 poles to a stake in the line of land of Mary R. Bixler; Thence N. 10° 40' W. 213-1/3 poles to her south-west corner; thence with her north line N. 79° 20' E. 75 poles to a stake in the east original line of said Dugan Survey; thence with said line N. 10° 40' W. 172/3 poles to the place of beginning.

Containing 123 acres, more or less.

Which mortgage deed was on July 19, 1926 at 3:15 o'clock P.M. filed in the office of the county recorder of Union County, Ohio and therein recorded on July 22, 1926, in record of mortgages, Volume 94 on Page 262.

That no part of the said principal sum has ever been paid and that there is interest due thereon at six per cent per annum from the first day of May, 1931 and unpaid.

That the said Edgar H. McMahan last said guardian by reason of the non-payment of the said promissory note and interest due thereon and the taxes on said real estate and to protect the interest of his said wards on the 21st. day of July, 1932, filed his certain petition in the Court of Common Pleas, of Union County, Ohio, being Case No. 13337 therein praying for the foreclosure of the said mortgage and the sale of said real estate, so that the proceeds received therefrom may be applied on the payment of the

Heer Ptg. Co., Cols., O. CD 4981.

10763

amount due on said promissory note and such proceedings were had in said Court of Common Pleas that the sheriff of said county on the 22d. day of October, 1932, offered said real estate for sale at public auction thereat and to further protect the interest of his said wards the said Edgar H. McMahan bid to pay for said real estate the sum of $3600.00 which sale, has not yet been confirmed by the Common Pleas Court.

The said Edgar H. McMahan as such guardian represents that to permit the sale of said real estate to a stranger for the amount of his bid or less would not reimburse his wards for the full amount of their claim or interest therein and he believes that the said real estate is worth more than his bid and more than the claim of his wards therein is a safe investment and he further believes it would be, for the best intinst of his said wards by the said Court of Common Pleas.

Wherefor he asks the approval of the court to purchase and take the title to said real estate in the name of his said wards, Jemima R. Bipler, Celia M. Bipler and Alfred Bipler, representing the interest they have therein and for such other and fupther orders in the premises as the court may direct.

Milo L. Myers.
Attorney for Edgar H. McMahan.

State of Ohio, Union County, ss.

Edgar H. McMahan being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as he believes.

Edgar H. McMahan.

Sworn to before me and signed in my presence this fifth day of November, 1932.

{Seal}

Milo L. Myers - Notary Public.
Union County, Ohio.

Filed
Dec. 13 - 1932
Waiver and Consent.

In the Probate Court, Union County, Ohio.
No. 10763.
Waiver and Consent.

In the Matter of the estates of Jemima R. Bipler, Celia M. Bipler, Alfred Bipler, minors.

Now comes Jemima R. Wilson who prior to her marriage was Jemima R. Bipler and is the same person and was one of the minors mentioned in this cause and for whom the said Edgar H. McMahan was appointed guardian.

That on the 26th. day of May, 1931 she was of legal age and no final settlement has been made with her by the said guardian.

That she hereby voluntarily enters her appearance herein and to the application made by the said Edgar H. McMahan to purchase the real estate for the purposes and as described in the plaintiff's petition and waives further notice and consents and asks that the said Edgar H. McMahan be authorized and directed to purchase, take

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Dec. 13 - 1932.
Journal Entry

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11966 a
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Dec. 1 - 1934.
Application to Sell Bonds.

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10763 ove and have the title for said real estate and conveyance made thereof to her, and her sister Celia M. Bipler and her brother Alfed Bipler.
Witness.
Frank Dawson.
Paul D. Hoch.
Jemima Bipler Wilson.

In the Probate Court, Union County, Ohio.

Filed Dec. 13-1932. Journal Entry. In the matter of the estates of Jemima R. Bipler, Celia M. Bipler, Alfed Bipler, minors.

No. 10763. Journal Entry.

This cause came on this day to be heard on the application of Edgar H. McMahan, the duly appointed, qualified and acting guardian of Jemima R. Bipler, Celia M. Bipler and Alfed Bipler for an order of this court approving and directing him to bid in, and take over in the name of his said wards certain productive real estate, the same being described in his application; and it appearing to the court that the statements contained in the said application are true; and that it would be for the best interest of said wards for the said guardian to bid in, take over and have the court of Common Pleas to confirm the sale in the name of the said wards as purchasers and the sheriff's deed made conveying said real estate herein and in the mortgage described in the name of said wards.

Therefore be and it is hereby ordered that the said Edgar H. McMahan as said guardian bid in, take over have the court of Common Pleas confirm the sale in the name of and the sheriff of this county make deed conveying said real estate to the said Jemima R. Bipler, Celia M. Bipler and Alfed Bipler.

Lewis N. Houbeck - Probate judge.

11966 a Filed Dec. 1-1934. Application to Sell Bonds. In the Matter of the Estate of Sarah Jane Hinson, Deceased.

In the Probate Court of Union County, Ohio.

No. 11966 a.

Application to Sell Bonds.

T. A. McAllister, respectfully represents that he is administrator de bonis non with Will annexed of the estate aforesaid; that he has received in payment of the claim of the estate against John W. Brady and Maude E. Brady, Federal Farm Mortgage Corporation Bonds in the sum of $1300.00; that said bonds are coupon bonds, and that it will be necessary to sell said bonds in order to pay the legacies of said decedent.

Your applicant asks for authority to sell said bonds at private sale on such terms as the court may order.

T. A. McAllister - Administrator.

Heer Ptg. Co., Cols., O. CD 4981.

11966 a

State of Ohio, Union County, ss.

T. A. Mc Allister, being duly sworn, says that the facts stated in his foregoing application are true as he verily believes.

Oath.

T. A. Mc.Allister.

Sworn to before me and signed in my presence, this 30th. day of November, 1934.

Seal

L. W. Hazen- Probate judge.

Filed Dec. 1- 1934. Journal Entry.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Sarah Jane Homison, Deceased. | No. 11966 a. | Journal Entry.

This day this cause came on to be heard on the application of the Administrator de bonis non with Will annexed of the above estate, to sell the personal property described therein, and the testimony.

And the Court being fully advised in the matter, finds that the statements and allegations contained in the said petition are true and that the said property ought to be sold as prayed for, and the Court being satisfied upon good and sufficient proof, that it would be to the best interest of said estate to sell the said property at private sale,

It is therefore ordered, that the said T. A. Mc Allister, proceed to sell said personal property at private sale for the best price obtainable and for cash.

L. W. Hazen - judge.

Filed Dec. 13- 1934. Order of Sale of Personal Property.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Sarah Jane Homison, Deceased. | No. 11966 a. | Order of Sale of Personal Property.

To T. A. Mc Allister, Administrator De Bonis Non with Will Annexed of the Estate of Sarah Jane Homison, Deceased:-

In obedience to an order and decree of said Court, 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, for the best price obtainable and for cash, the following goods and chattels belonging to said estate, to-wit:-

1. Federal Farm Mortgage Corporation Bonds, received on claim of John W. Brady and Maude E. Brady, face value $1300.00

Said sale to be on the following terms:- Cash in hand at time of sale.

You will return this order within thirty 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 1st. day of December, 1934.

Seal

L. W. Hazen- Probate judge.

11966 a.
Filed Dec. 13- 1934. Report of Sale.

No. 1.

Filed Dec. 13- 1934. Entry Approving Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

11966 a.
Filed
Dec. 13 - 1934.
Report of Sale.

Report of Sale - Bonds.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Sarah Jane Homison, Deceased. | Report of Sale.

Proceeding to Sell Bonds.

The undersigned, T. A. McAllister, Administrator de bonis non with Will annexed of the estate of Sarah Jane Homison, Deceased, says that in obedience to the order of said Court, hereto attached, he sold said bonds on the 11 day of December 1934, for the sum of Thirteen Hundred Five Dollars, and Seventy cents.

A detailed Bill of said Sales is hereto attached.

Dated this 12 day of December 1934.

T. A. McAllister - Admr.

Bill of Sales.

No.	Name of Debtor, Kind of Claim. Date.	Balance or amount due	To whom sold.	Price.
1.	Federal Farm Mortgage Corporation Bonds.	1300.00	The Richwood Banking Company.	1305.70

Affidavit.

The State of Ohio, Union County, ss.

T. A. McAllister, Administrator de bonis non with Will annexed of the estate of Sarah Jane Homison, deceased, being duly sworn, says that the foregoing Report is in all respects true and correct, that such sale has been made after 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.

T. A. McAllister.

Sworn to before me and signed in my presence, this 12 day of December 1934.

Seal

L. W. Hazen - Probate judge.

Filed
Dec. 13 - 1934.
Entry Approving Private Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Sarah Jane Homison, Deceased. | No. 11966 a. Entry Approving Private Sale.

This day this cause coming on to be heard on the report of T. A. McAllister, Administrator de bonis non with Will annexed of the estate of Sarah Jane Homison, deceased, of his proceedings under the former order of this Court, the Court having carefully examined said Report, and being satisfied that said sale has in all respects been regular and legal, it is ordered that the same be and hereby is approved and confirmed.

It is further ordered that this proceding be recorded, and that said T. A. McAllister, Administrator, pay the costs herein taxed at $ —.

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12866
Filed
Jan. 3 - 1935.
Application
to Sell
Lusonal Lroperty.

In the Matter of the Estate of Della Hickok, Deceased.
In the Lrobate Court of Union County, Ohio.

In the Matter of the Estate of: | No. 12866
Della Hickok, Deceased. | Application to Sell Lusonal Lroperty.

William Hickock respectfully represents that he is the duly appointed, qualified and acting administrator of the estate of Della Hickok, diceased, late of Union County, Ohio; that the assets of said estate, being personal proppty only, have been duly appraised and an inventory filed in this court.

Your applicant aspe authonty to sell the following personal property at pirate sale, for not less than the market value thereof, for cash. The following is a dcription of the property:

One U. S. Treasury Certificate, 1944-6, 3 ¼ %, par value, $100.00
One U. S. Treasury Certificate, 1944-6, 3 ¼ %, par value, $1000.00

Application is made for said authonty due to the fact that it is necessary to sell said personal property in ordr to make distribution of said estate.

William Hickok - Administrator.

State of Ohio, Union County, ss:

William Hickok, being duly sworn, deposes and says that the facts stated in the foregoing application are true as he verily believes.

William Hickok.

Sworn to before me and subscribed in my presnce this 31st. day of December, 1934.

{Seal} Gwynn Sanders - Notary Public.
of Union County, Ohio.

Filed
Jan. 3 - 1935
Entry.

In the Lrobate Court of Union County, Ohio.

In the Matter of the Estate of: | No. 12866.
Della Hickok, Deceased. | Entry.

This day this cause came on to be heard upon the application of the administrator to sell certain personal property in said application described, and the testimony; and the court, being fully advised in the premises, finds that the statements and allegations in said petition are true, and that said property 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 ordred that William Hickok, as administrator of the estate of Della Hickok, deceased, proced to sell the following described personal property at private sale, for not less than the actual market value thereof. The following is a discription of said personal property:

One U. S. Treasury Bond, 1944-6, 3 ¼ %, par value $100.00, No. 63050 L.
One U. S. Treasury Bond, 1944-6, 3 ¼ %, par value $1000.00, No. 56127 H.

It is further ordred that said William Hickok make return of his procedings herein, within thirty days after the sale.

L. W. Hazen - Lrobate Judge.

12767
Filed
Jan. 9 - 1935.
Application.

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Heer Ptg. Co., Cols., O. CD 4981.

12767
Filed
Jan. 9- 1935.
application.

In the Matter of the Estate of Henry H. Lane, Deceased.
In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Application.

Now comes John W. Lane and says that he is the duly appointed, qualified and acting Administrator of the Estate of Henry H. Lane, Deceased, and as such, there has come into his possession, a contract with the United States Government concerning the reduction of production of corn and hogs and as such Administrator, requests authority and instruction to turn over said contract to John W. Lane as an individual and Trustee so that the Estate may be closed, and John W. Lane as such Trustee may, in the future, collect any and all further payments and dividends and distribute the same according to law.

Wherefore, applicant prays for instruction and authority as above outlined.

Robert G. Allen - attorney for applicant.

State of Ohio, County of Union, ss:

John W. Lane being first duly sworn according to law, deposes and says that he is the applicant in the foregoing application and that the facts stated and allegations contained therein are true as he verily believes.

John W. Lane.

Oath.

Sworn to before me and subscribed in my presence this 7th. day of January, A. D. 1935.

Seal Martha E. Taylor - Notary Public.

In the Probate Court of Union County, Ohio.

Filed
Jan. 9 - 1935.
Order.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Order.

This day this cause came on to be heard upon the application of John W. Lane, Administrator of the Estate of Henry H. Lane, Deceased, the evidence, and the Court being fully advised in the premises, it is therefore,

Ordered, Adjudged and Decreed that John W. Lane as such Administrator shall turn over to John W. Lane as Trustee, a certain contract with the United States Government concerning the reduction of production of corn and hogs, of which said contract, said Henry H. Lane was one of the contracting parties and it is further,

Ordered, Adjudged and Decreed that John W. Lane as such Trustee shall have full power and authority to collect any and all further payments and dividends upon said contract and distribute the same according to law.

L. W. Hagen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12767
Filed
Jan. 9- 1935.
application.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Application.

Now comes John W. Lane and says that he is the duly appointed, qualified and acting Administrator of the Estate of Henry H. Lane, Deceased, and as such, there has come into his possession, a Certificate of Claim issued by D. J. Tulton, Supt. of Banks of the State of Ohio, in charge of the liquidation of the Farmers Deposit Bank of Richwood, Ohio, No. 617 dated March 28, 1932, in and for the amount of Five Hundred Seventy One and 75/100 Dollars ($571.75), on which there remains due the sum of Two Hundred Fifty Seven and 31/100 Dollars ($257.31), and as such Administrator, requests authority and instruction to turn over said Certificate of Claim to John W. Lane as an individual and Trustee, so that this estate may be closed, and John W. Lane as such Trustee may in the future, collect any and all further dividends and distribute the same according to law.

Wherefore, applicant prays for instruction and authority as above outlined.

Robert F. Allen- Attorney for Applicant.

Oath.

State of Ohio, County of Union, ss:

John W. Lane, being first duly sworn according to law, deposes and says that he is the applicant in the foregoing application and that the facts stated and allegations contained therein are true as he verily believes.

John W. Lane.

Sworn to before me and subscribed in my presence this 7th. day of Jan. A. D. 1935.

Seal

Martha E. Taylor- Notary Public.

Filed
Jan. 9- 1935.
Order.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767. Order.

This day this cause came on to be heard upon the application of John W. Lane, Administrator of the estate of Henry H. Lane, deceased, the evidence, and the Court being fully advised in the premises, it is therefore,

Ordered, Adjudged and Decreed that John W. Lane, as such Administrator, shall turn over to John W. Lane as Trustee, a certain Certificate of Claim issued by D. J. Tulton, Supt. of Banks of the State of Ohio, in charge of the liquidation of the Farmers Deposit Bank of Richwood, Ohio, No. 617 in and for the sum of Five Hundred Seventy One and 75/100 Dollars ($571.75), upon which there remains due the sum of Two Hundred Fifty Seven and 31/100 Dollars ($257.31), and it is further,

Ordered, Adjudged and Decreed that John W. Lane, as such Trustee shall have full power and authority to collect any and all further dividends upon said Proof of Claim and distribute the same according to law.

L. W. Hazen- Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12767
Filed
Jan. 9- 1935.
Return of
Public Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased | Case No. 12767.
Return of Public Sale.

The undersigned, John W. Lane, Administrator of the Estate of Henry H. Lane, Deceased, says that in obedience to the Order of said Court heretofore issued herein, he has sold said personal property; that the same was sold on the 10th. day of October, A. D. 1934, for the sum of Two Thousand Three Hundred Seventy Six and 54/100 Dollars ($2,376.54); that an itemized statement of the article sold, the purchaser and the sale price is hereto attached, marked "Exhibit A" and made a part hereof as though fully rewritten herein.

Dated this 2nd. day of January, A. D. 1934.

Robert N. Allen - Attorney for Administrator.

State of Ohio, County of Union, ss:

John W. Lane, being first duly sworn, according to law, deposes and says that he is the duly appointed, qualified and acting Administrator of the Estate of Henry H. Lane, deceased; that as such Administrator, he is duly authorized and empowered to make this oath; and that the facts stated in this his Return of Public Sale are true as he verily believes.

John W. Lane.

Bath.

Sworn to before me and subscribed in my presence this 7th. day of January, A. D. 1935.

Martha E. Taylor - Notary Public.

"Exhibit A".

Articles sold at sale of John W. Lane, Admr. of the Estate of Henry H. Lane, Dec'd.

Article.	Purchaser.	Sale Price.
2 Balle Twine	Earl Sager	$ .50
Pipe Wrench	Archie Parthemore	.80
Fodder Tier	Boulder	.30
Fodder Tier	Pearl Pierce	.10
Halter	Delbert Lane	.25
Halter	Pearl Pierce	.25
Cross-Cut Saw	Delbert Lane	1.75
Rope	Lester Phelps	.10
2 Tires 30 X 4.50	H. H. Lane	2.00
Grindstone	J. Cochran	.50
Oil Can	Ben Grandstaff	.10
Junk	E. E. Manville	.20
Keg Junk	H. Mattox	.10
Mattock	Newton	.20
Bucket Junk	H. Mattox	.10
25' Log Chain	D. Lane	1.00
Chain and rivet machine	Frank Hammond	.40
3 Plow Shears	J. Lane	.50
3 Horse Hitch	H. Mattox	.50
Halter	E. E. Manville	.05

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12767	Article	Purchaser	Sale Price
	Post Digger	D. Lane	$ 1.30
	Corn Spud	D. Lane	.25
	Double Tree	J. C. Fay	.60
	Cross-Cut Saw	Harry Collins	.40
	Hoe	Artip	1.40
	Sledge	D. Lane	.80
	2 Single Tree	J. Lane	1.60
	Truck Stretchers	R. C. Wilson	6.00
	Wagon and Rack	J. Lane	.50
	½ Set Harness	Niles	.25
	25 Grain Sacks @ 17¢	J. Lane	4.25
	25 Grain Sacks @ 19¢	H. Collins	4.75
	29 Grain Sacks @ 20¢	D. Lane	5.80
	Harness Repair	E. Taylor	.35
	Single Tree and Double Tree	L. Phelps	.10
	Dump Boards	Joe Matteson	.90
	Mud Boat	J. Lane	.25
	Scraper	C. Fields	.25
	Riveter	J. Lane	1.00
	Corn Sled	R. C. Wilson	.60
	Drag	J. Lane	1.25
	Clipper Plow	J. Maddox	2.00
	Sulky Plow	C. Fay	5.00
	1923 Ford Touring Car	D. Lane	11.00
	Wagon Running Gears	M. Baker	20.00
	Wagon Running Gears	D. Lane	22.00
	J. D. Cultivator	C. Fay	1.60
	F. Dutchman "	D. Lane	2.50
	Walker Plow	D. Lane	1.00
	Cultivator	L. A. Fulk	10.00
	B. Hawk Corn Planter	H. Maddox	6.00
½	J. D. Corn Planter	J. Lane (#65)	32.50
½	J. D. Tractor 15-27	J. Lane (#190)	95.00
½	Tractor Plow	J. Lane (#20)	10.00
½	Tractor Disc	J. Lane (#35)	17.50
	Horse Disc	J. C. Fay	12.00
	Single Disc	J. Hambwalt	3.60
	Spring Tooth Harrow	J. Hickman	5.00
	Harrow	C. C. Fulk	3.50
	Drag Harrow	H. Maddox	3.00
½	Cultipacker	J. Lane (#24)	14.50
	Steel Roller	L. A. Fulk	6.00
	New Ideal Mower	D. Lane	11.00
½	Binder - 7 ft.	J. Lane (#46)	23.00
	Binder - 6 ft.	Otis Hinkin	18.00
	Hay Loader	J. Lane	7.50
½	Hay Rake	J. Lane (#10)	5.00

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Price.		Article	Purchaser	Sale Price.
.30	12767	Hay Rake Wood	C. W. Ruth	.75
.25		Manure Spreader	D. Lane	60.00
.50		Drill	C. H. Pitts	21.00
.40		Double Set Work Harness	D. Lane	26.00
.40		Double Set Work Harness	Floyd Crow	11.00
.80		2 Collars	Olem	.75
.60		Dmble Set Driv. Harness		
.00		and tongue	A. Rouse	1.00
.50		Steel Tank	J. Lane	.25
.25		Steel Tank and Pipe	J. Lane	.25
.25		Double Shovel	D. Lane	1.25
.75		Single Shovel	F. Lewis	1.20
.80		Iron Kettle	J. Lane	1.00
.35		Cement Box	F. Lewis	1.00
		Fanning Mill	H. Maddox	1.50
.10		Sheller	H. Maddox	2.00
.95		Scales	H. Collins	9.00
.25		Engine	H. Kuhner	8.25
.25		Pump Jack	J. Sidle	2.50
.00		2 Pile Boards	C. Marks	2.50
.50		2X8s and 2X4s	C. Marks	2.50
.25		6" Sheeting	D. Lane	1.00
2.00		2X4	J. W. Cochran	1.50
5.00		28 Posts @ 13¢	C. Beatty	3.64
1.00		2 Posts @ 40¢	W. Davis	.80
0.00		Emery Stone	A. Landon	.25
2.00		26 Rod Fence @ 40¢	R. Aberdeen	10.40
1.50		30 Rod Fence @ 45¢	R. Aberdeen	13.50
2.50		½ Canvas	H. K. Lane (&3.50)	1.75
1.00		Guernsey Male Calf	E. F. Randolph	24.00
0.00		Heifer	F. C. Wilson	22.00
6.00		Cow	F. C. Wilson	26.00
2.50		8 yr. old Cow	A. Austutz	13.00
5.00		6 yr. old Cow	Frank White	16.00
3.00		Bay Mare Colt	Ralph Lane	140.00
0.00		Roan Mare Colt	C. L. Almendinger	145.00
7.50		Gray Mare Colt	Chas. Damm	122.00
2.00		Roan Horse Colt	C. L. Almendinger	150.00
3.50		Bay Horse Colt	John Lane	115.00
5.50		Bay Horse Colt	John Lane	110.00
3.50		Aged Sorrel Mare	D. Lane	89.00
3.00		2 Pigs	Blanche Lane	2.00
4.50		3690 Lbs. Alfalfa Hay	Tillie Beach	27.68
0.00		2444 Lbs. Alfalfa Hay	F. L. Spicer	16.00
1.00		7.73 Tons Clover Hay	Herbert Blue	112.08
3.00		18 Bus. Soy Beans @ $1.		
8.00		(Less way-bill)	Wm Ruhl	17.80
7.50				
5.00				

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	Article	Purchaser	Sale Price
12767	44 Shocks Corn @ 58¢	Ralph Daniels	$ 25.52
	105 Shocks Corn @ 56¢	D. Lane	58.80
	126 Shocks Corn @ 38¢	Pearl Pence	47.88
	20.55 Tons Mixed Hay @ $14.75	Herbert Blue	303.11
	17 Shocks Corn @ 40¢	C. R. Marks	6.80
	68 Shocks Corn @ 35¢	R. D. Purdy	23.80
	68 Shocks Corn @ 75¢	Mrs. H. H. Lane	51.00
	34 Shocks Corn @ 81¢	R. D. Purdy	27.54
	85 Shocks Corn @ 67¢	J. Lane	56.95
	101 Shocks Corn @ 49¢	Herbert Blue	49.49
		Total Sales	$2,376.54

Filed Jan. 9- 1935. Entry approving and confirming Public Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Henry H. Lane, Deceased. | Case No. 12767- Entry Approving and Confirming Public Sale.

This day this cause coming on to be heard upon the Repot of John W. Lane, Administrator of the Estate of Henry H. Lane, Deceased, the proceedings under the power Order of this Court; the Court having carefully examined said Repot, and being satisfied that said sale has been in all respects, regular and legal, it is ordered that the same be and hereby is approved and confirmed.

Seal

L. W. Hafer - Probate Judge.

12686 Filed Jan. 2- 1934. Milo L. Myers, Attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, Decd. Plaintiff. | No. 12686.

-vs-

Andrew Smith, Mayme D. Buchanan, Thomas B. Buchanan, Nellie Smith, Leon T. Smith, Louetta B. Carpenter, Ernest L. Carpenter, William Smith, James T. Smith, Hazel A. Smith, Richard L. Cameron, Admr. of the Estate of John Smith, Deceased, Orville A. Purdy, Domicile Admr. of the Estate of Patrick B. Smith, Deceased, and Paul Ryan, Defendants. | Petition to Sell Real Estate.

Now comes Milo L. Myers and says that he is the duly appointed, qualified and acting ancillary administrator of the estate of Patrick B. Smith; that he was appointed as such and qualified in the Probate Court of Union County, Ohio.

That, the defendant, Orville A. Purdy, is the duly appointed, qualified and acting domiciliary administrator of the estate of Patrick B. Smith and that he was appointed by and qualified

Heer Ptg. Co., Cols., O. CD 4981.

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in the Blackford Circuit Court of Blackford County, Indiana.

That the said Patrick B. Smith died in and a resident of Hartford City, Blackford County, Indiana, on or about the 15th day of August, 1931, testate, but by a decree of the Court of the State of Indiana the said Last Will and Testament was set aside, and by reason thereof was intestate.

That, this plaintiff, brings this action on the application of the said domiciliary administrator and by order of this Court and under the Statutes of Ohio.

That, the said decedent did not leave in the State of Indiana a sufficient estate to pay the valid debts against his estate, in full, and the costs of administering the same; and as near as can be ascertained the amount of the valid debts remaining unpaid, including taxes and costs of administering his estate in and through the Court of Blackford County, Indiana, will be $5,069.11.

Petition. That, the costs of administering his estate, as near as can be ascertained will amount to $750.00; and the taxes, penalties and interests on the real estate hereinafter described, owned by the decedent in Union County, Ohio, and now assessed against said real estate will amount to $468.88; and in Madison County, Ohio, to the sum of $030.51.

That, the decedent to the best of knowledge of the plaintiff and belief has no personal estate within the State of Ohio with which to pay his debts, taxes and costs of administering his said estate, and there will be no rentals received from the real estate hereinafter described, as ascertained at this time.

Said decedent did seized in fee simple and owner of the following described real estate, to-wit:

Situated in the Townships of Union and Pike, Counties of Union and Madison and State of Ohio, known and described as follows, to-wit:

Estate. Part of Virginia Military Military Surveys Nos. 5291-8414-8854 and 12181. Bounded and described as follows:

Beginning at a stone in the center of the Liverpool and Darby gravel road and in the north line of W. A. Applegates land. Thence with the center of said road north 9° 45' West 49 poles and north 3° 45' West 122.60 poles to a stone at the south west corner of a Subdivision of the Asa Bates land now owned by Mrs. O. Bates. Thence with the south line of said Subdivision north 75° East 144.60 poles to a stone in the west line of A. A. Hill's land. Thence with said line south 21° 15' East 180.60 poles to a stone at an angle in said Hill's land.

Thence continuing with a westerly line of said Hill's land south 22° 00' West 119.56 poles to a stone a corner to W. A. Applegates land. Thence with the north line of said Applegates lands north 82° 45' West 22.12 poles to a stone

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and north 68° 45' West 140.80 poles to a stone at the place of beginning, containing 240 acres more or less.

Being about 104.65 acres in Union County and 135.35 acres in Madison County.

Said real estate was not included in the inventory of the domicile administrator, or has the ancillary administrator, the plaintiff, caused an inventory or appraisement to be made thereof.

That it is necessary to sell the said real estate to pay the debts of the said decedent, the taxes on the said real estate and the costs of administering said estate.

That the decedent did leaving no spouse, or children surviving him.

That he did leaving the defendant, Andrew Smith, his brother; whose wife is deceased.

And the defendants, Mayme D. Buchanan and Nellie Smith, who are daughters of Thomas Smith, deceased, who was a brother of the said Patrick B. Smith, deceased; the said defendant, Thomas B. Buchanan being the husband of Mayme D. Buchanan and Leon T. Smith, being the husband of Nellie Smith.

And the defendants, William Smith and Loretta B. Carpenter (whose husband is Ernest L. Carpenter) who are children of Frank Smith, deceased, who was a son of Thomas Smith, deceased, who was a brother of Patrick B. Smith, deceased.

And the defendants, James T. Smith and Hazel A. Smith, who are minors, and who are children of James Smith, deceased, who was a son of Thomas Smith, deceased, who was a brother of Patrick B. Smith, Deceased.

And, John Smith, his brother, who died on or about the 1st. day of February, 1933, intestate leaving no spouse or children surviving him; and the defendant, Richard L. Cameron is the duly appointed, qualified and acting administrator of the estate of the said John Smith, Deceased.

The above named defendants, being all the heirs, and next of kin of the said Patrick B. Smith, deceased, having to the best of knowledge and belief of the plaintiff, the next estate of inheritance from him.

That the said defendant, Paul Ryan, is a tenant on and in possession of said real estate.

Wherefore, the plaintiff prays that he be ordered and directed to sell the said real estate free from any of the interests or claims of any of the defendants therein; that the rights, interests, liens and claims of all the parties may be fully determined, adjusted and protected and for such other and further orders as may be just and equitable in the premises.

Milo L. Myers - Plaintiff.

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Praecipe.

Filed Jan. 2-1934. Entry of Filing Petition.

Filed Jan. 2-1934. Affidavit for Constructive Service.

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12636 State of Ohio, Union County, ss.

Milo L. Myers being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as he believes.

Oath Milo L. Myers.

Sworn to before me and signed in my presence this 30th. day of December, 1933.

{Seal} John W. Dailey - Notary Public.

Praecipe.

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Union County, Ohio, for the defendant, Paul Ryan.

Also issue summons in the above entitled cause directed to the Sheriff of Franklin County, Ohio, for the defendants, Andrew Smith, who resides at 73 East 2nd. Avenue, Columbus, Ohio, William Smith, who resides at 946 South Ohio Avenue, Columbus, Ohio; Mayme D. Buchanan, and Thomas B. Buchanan, who resides at 2837 Bexley Park, Bexley, Ohio.

Praecipe. Indorse "action for sale of real estate of Patrick B. Smith, deceased, to pay debts and costs of administering his estate" and make returnable according to law.

Milo L. Myers - Atty. for Plaintiff.

In the Probate Court, Union County, Ohio.

Filed Jan. 2-1934. Entry of Filing Petition.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, Decd., Plaintiff.

-vs-

Andrew Smith, et. al., Defendants.

No. 12636.
Entry of Filing Petition.

This day, Milo L. Myers, ancillary administrator of the estate of Patrick B. Smith, deceased, filed in this court his petition praying for the sale of the real estate therein described to pay the debts of said estate.

It is ordered that said petition be heard on the 19th. day of February, 1934, at ten o'clock A. M., and that summons for defendants issue to the sheriff of this county returnable according to law.

L. W. Hazen - Probate Judge.

In the Probate Court, Union County, Ohio.

Filed Jan. 2-1934. Affidavit for Constructive Service.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, Dec'd., Plaintiff.

-vs-

Andrew Smith, et al., Defendants.

No. 12636.
Affidavit for Constructive Service.

State of Ohio, Union County, ss:

On this 2nd. day of January, 1934, personally appeared

Heer Ptg. Co., Cols., O. CD 4981.

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before me, the undersigned, a Notary Public within and for said county and state aforesaid, Milo L. Myers, who being duly sworn, says he is the plaintiff in the above entitled case, that the defendants, Nellie Smith and Leon T. Smith, reside at 1520 Elmhurst Avenue, Detroit, Michigan.

That the defendants, Lonetta B. Carpenter and Ernest L. Carpenter reside at 3870 Army Street, San Francisco, California.

That the defendants, James T. Smith and Hazel Smith are minors, under the age of 14 years and reside at 19656 Omira Avenue, Detroit, Michigan, with their mother Elizabeth Ann Smith; that summons can not be served on said defendants or either of them within this state; and that this is one of those causes mentioned in Section #11292 of the General Code of Ohio.

Milo L. Myers.

Sworn to before me and signed in my presence by the said Milo L. Myers this second day of January, 1934.

(Seal) John W. Bailey - Notary Public.

Filed Jan. 2- 1935. Journal Entry Ordering Service by Publication

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Auditary Administrator of the Estate of Patrick B. Smith, Dec'd., Plaintiff.

-vs-

Andrew Smith, et al., Defendants.

No. 12636. Journal Entry Ordering Service by Publication.

This day came, Milo L. Myers, the plaintiff and filed herein an affidavit for the purpose of procuring service by publication; and it appearing to the Court that the defendants, Nellie Smith and Leon T. Smith, reside at 1520 Elmhurst Avenue, Detroit, Michigan.

That the defendants, Lonetta B. Carpenter and Ernest L. Carpenter reside at 3870 Army Street, San Francisco, California.

That the defendants, James T. Smith and Hazel Smith are minors, under the age of 14 years and reside at 19656 Omira Avenue, Detroit, Michigan, with their mother Elizabeth Ann Smith, and are necessary parties; and that service of summons on them or either of them can not be made within this state.

Therefore, it is ordered that publication, for service, be made for six (6) consecutive weeks, in a newspaper printed in Union County, Ohio, that said publication contain a summary statement of the object and prayer of the petition, mention the Court where it is filed, and notify the defendants thus to be served when they are required to answer.

L. W. Hazen - Probate judge.

12636 Filed Jan. 9- 1934. Waiver.

Filed Jan. 11- 1934. Answer of Richard L. Cannon, Administrator of the Estate of John Smith, Deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12636
Filed
Jan. 9-1934.
Waiver.

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, Dec'd.,
Plaintiff.

-vs-

Andrew Smith, Mayme D. Buchanan, Thomas B. Buchanan, Nellie Smith, Leon T. Smith, Loretta B. Carpenter, Ernest L. Carpenter, William Smith, James T. Smith, Hazel A. Smith, Richard L. Cameron, Admr. of the Estate of John Smith, Deceased, Orville A. Pinsley, Domicile Admr. of the Estate of Patrick B. Smith, deceased, and Paul Ryan,
Defendants.

No. 12636.
Waiver.

We, the undersigned parties defendant in the above entitled action being competent adult persons hereby waive the issuing and service of summons upon us and each of us, and voluntarily enter our appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

Richard L. Cameron - Admr. of the Estate of John Smith, dec'd.
Orville A. Pinsley - Domicile Admr. of the Estate of Patrick B. Smith, deceased.
of Union County, Ohio.

Filed
Jan. 11-1934.
Answer of Richard L. Cameron, Administrator of the Estate of John Smith, Deceased.

Probate Court

Milo L. Myers, as Ancillary Administrator of the estate of Patrick B. Smith, Dec'd.,
Plaintiff,

-vs-

Andrew Smith, et al.,
Defendants,

No. 12636.
Answer of Richard L. Cameron, Administrator of the Estate of John Smith, Deceased.

Now comes Richard L. Cameron, and says that he is the duly appointed, qualified and acting administrator of the estate of John Smith, deceased, having been so appointed by this Court on the 30th day of March, 1933; that the said John Smith was a brother of and one of the heirs at law of the said Patrick B. Smith; that the said Patrick B. Smith died on or about the 15th day of August, 1931, and the said John Smith, his brother, survived him and died on or about the 1st. day of February, 1933.

That as administrator of the estate of John Smith, deceased, there have been presented to him bills against said estate in the total sum of $1791.00, some of which have been allowed and others rejected.

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That no assets belonging to the estate of John Smith have as yet come into the hands of this answering defendant, as such administrator, and this defendant is informed and believes that the assets of estate consist of the following:

A certificate of deposit in The Dollar Building and Loan Company of Columbus, Ohio, in the sum of $1900.00 made payable to J. F. Atwood, as administrator of the estate of Charles H. Smith, deceased; that no funds can be drawn upon said certificate of deposit at this time.

In addition to said certificate there is in the hands of Mary E. Smith, at one time appointed guardian of said John Smith by the Probate Court of Franklin County, Ohio, the sum of $544.20, which sum is due the estate of said John Smith, deceased, but which the said Mary E. Smith has as yet failed to turn over to said administrator.

The only other assets of said estate in addition to the two sums above mentioned is the interest of John Smith, deceased, in the estate of his brother, Patrick B. Smith, deceased.

That if this court should find it necessary to sell the real estate of Patrick B. Smith in this proceeding it will be necessary in order to settle the estate of John Smith, deceased, that the funds arising from the sale of his interest, being the one-fourth (¼) part thereof shall be paid to this answering defendant as administrator of the estate of John Smith, deceased, for the purpose of settling said estate.

Wherefore this answering defendant prays that the interest of the said estate of John Smith, deceased, in and to the real estate of Patrick B. Smith, deceased, may be fully protected herein, and that the court may order any portion of the funds derived from the sale of the real estate as herein prayed for which may be coming to the estate of John Smith, deceased, to be paid over to this answering defendant as such administrator for the purpose of settling said estate.

Richard L. Cameron - Administrator
of the estate of John Smith, deceased.

State of Ohio, Union County, ss:

Richard L. Cameron, being first duly sworn, says that he is the administrator of the estate of John Smith, deceased, and that the facts stated and allegations made in the foregoing answer are true as he verily believes.

Richard L. Cameron.

Oath

Sworn to before me and signed in my presence this 9th. day of Jan. 1934.

L. W. Hazen - Probate judge.

Filed Jan. 9-1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, Ohio. Probate Court.

To the Sheriff of said County:

You are commanded to notify Paul Ryan, living on the Patrick Smith Farm, near Dunn, Union Twp; that on the

12636

Sheriff's Return.

Filed Jan. 15-1934. Summons.

Heer Ptg. Co., Cols., O. CD 4981.

12636

Second day of January A. D. 1934, Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith 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.

"Action for sale of real estate of Patrick B. Smith, deceased, to pay debts and cost of administrating his estate;" and that unless they answer by the Third day of February 1934, 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 January 1934.

Witness my hand and the seal of said Court, this Third day of January 1934.

L. W. Hagen - judge and ex-officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service & Return, first name	$.75
24 miles traveled at 8¢	1.92
Total	$2.67

Sheriff's Return.

Received this writ Jan. 4th, 1934, at 11 o'clock A. M., and on the 8th. day of January, 1934, I served the within named Paul Ryan by leaving for him at his usual place of residence a true and certified copy of this writ.

William Rausch - Sheriff.
By - A. Gipsy - Deputy.

Filed Jan. 15-1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, Ohio. Probate Court, Union County, Ohio.

To the Sheriff of Franklin County:

You are commanded to notify William Smith, who resides at # 946 South High Ave. Columbus, O. that on the 2nd. day of January A. D. 1934, Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, 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.

"Action for sale of real estate of Patrick B. Smith, deceased, to pay debts and costs of administering his estate," and that unless they answer by the 3rd. day of February, 1934, 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 January, 1934.

Witness my hand and the seal of said Court, this 3rd. day of January 1934.

L. W. Hagen - judge and ex-officio Clerk of the Probate Court of said County.

Seal

Heer Ptg. Co., Cols., O. CD 4981.

12636

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, first name,	$ .75
— miles traveled at 8¢	.40
postage	.03
Total	$ 1.18

Sheriff's Return.

Recived this writ January 9, 1934, at 9 o'clock A. M., and on the 11th. day of January, 1934, I left a true and duly certified copy of this writ with all the endorsements thereon, at the usual place of residence of the within named defendant William Smith, for him.

Ross E. Anderson - Sheriff of Franklin County.
By- Frank Martin - Deputy.

Filed Jan. 15-1934.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, Ohio. Probate Court of Union Co. O.

To the Sheriff of Franklin County:

You are commanded to notify Mayme D. and Thomas B. Buchanan, both of whom reside at 2337 Bexley Park, Bexley, Ohio, that on the Second day of January A. D. 1934, Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, 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.

"Action for sale Real estate of Patrick B. Smith, deceased, to pay debts and cost of administering his estate;" and that unless they answer by the 3rd. day of February, 1934, said petition will be taken as true, and the order granted accordingly.

Said Sheriff will make due return of this writ on the Fifteenth (15th.) day of January, 1934.

Witness my hand and the seal of said Court, this 3rd. day of January, 1934.

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, first name,	$ .75
— additional names, at 25¢	.25
— miles traveled at 8¢	.80
postage	.03
Total	$ 1.83

Sheriff's Return.

Recived this writ January 9, 1934, at 9 o'clock A. M., and on the 10th. day of January 1934, I served the same by leaving for Mayme D. Buchanan and Thomas B. Buchanan, at their usual place of residence, a true and certified copy of this writ with all the endorsements thereon.

Ross E. Anderson - Sheriff of Franklin County, O. By- E. R. Jadekin - Deputy.

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Filed
Jan. 15-1934.

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Sheriff's Return.

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Jan. 17-1934
Answer of Andrew Smith.

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Heer Ptg. Co., Cols., O. CD 4981.

12636
Filed
Jan. 15-1934.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, Ohio. Probate Court, Union County, Ohio.

To the Sheriff of Franklin County:

You are commanded to notify Andrew Smith, who resides at # 73 East 3rd. Avenue, Columbus, O., that on the 2nd day of January A. D. 1934, Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, 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.

"Action for sale of real estate of Patrick B. Smith, deceased, to pay debts and costs of administering his estate;" and that unless they answer by the 3rd. day of February, 1934, 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 January, 1934.

Witness my hand and the seal of said Court, this 3rd. day of January, 1934.

L. W. Hague - judge and ex-officio Clerk of the Probate Court of said County.

{Seal

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff's Return.

Sheriff Fees.	
Service & Return, first name	$.75
— miles traveled at 8¢	.40
postage	.03
Total	$1.18

Recived this writ January 9, 1934, at 9 o'clock A. M., and on the 11 day of January, 1934, I served the same by delivering a copy thereof personally to the within named Andrew Smith.

Ross E. Anderson - Sheriff of Franklin County, O.
By- Frank Martin - Deputy.

Filed
Jan. 17-1934
Answer of
Andrew Smith.

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, deceased,
Plaintiff,
-vs-
Andrew Smith, et al.,
Defendants.

No. 12636.
Answer of Andrew Smith.

Now comes the defendant, Andrew Smith, and for his answer to the petition herein, admits that Milo L. Myers is the Ancillary Administrator of the Estate of Patrick B. Smith by virtue of an order of this Court; and admits that Ulrille A. Pursley is the domiciliary administrator of said estate by virtue of an order of the Circuit Court of Blackford County, Indiana; and admits that the said Patrick B. Smith died at Hartford City, Indiana, on August 15, 1931, testate, but that by decree of the Superior Court of Grant County, Indiana, his Will was set aside, and that he is

Heer Ptg. Co., Cols., O. CD 4981.

12636

Therefore intestate; and admits the relationships of the defendants as set forth in the petition.

This defendant denies that said decedent has not a sufficient estate in State of Indiana to pay all of the valid debts against his estate and costs of administering the same, and denies that the amount of said debts is Five Thousand Five Hundred Sixty-nine and 11/100 ($5569.11) Dollars, and denies that the costs of administering his estate will amount to Seven Hundred Fifty ($750.00) Dollars.

Further answering, this defendant says that the total amount of indebtedness of said estate, including costs of administration, is approximately One Thousand ($1000.00) Dollars, and that the domiciliary administrator above named has in his possession assets located in the State of Indiana of the value of approximately Twenty-five Hundred ($2500.00) Dollars.

This defendant admits that the said Patick B. Smith was the owner of an estate in fee simple at the time of his death in the real estate described in the petition, and denies that it is necessary to sell said real estate to pay the debts of said decedent, and denies each and every allegation in said petition contained, except such as are herein expressly admitted to be true.

Hoopes and Sanders
Per- C. A. Hoopes
Attorneys for Andrew Smith.

State of Ohio, Union County, ss:

Andrew Smith, being first duly sworn, says that he is one of the defendants herein, and that the facts stated and allegations made in the foregoing answer are true as he verily believes.

Andrew Smith.

Oath.

Sworn to before me and subscribed in my presence this 17th. day of January, 1934.

Seal

C. A. Hoopes - Notary Public.

In the Probate Court, Union County, Ohio.

Filed Feb. 19-1934. Application for Guardian ad Litem.

Milo L. Myers, as Ancillary Admr. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,

-vs-

Andrew Smith, et al., Defendants

No. 12636.
Application for Guardian ad Litem.

Now comes Milo L. Myers, as ancillary administrator of the estate of Patick B. Smith, deceased, and represents that the defendants, James T. Smith and Hazel Smith, are minors, over the age of 14 years, and that they and each of them have been duly and legally served by publication, they being non-residents of the State of Ohio and are in default, and having not made application for the appointment

Filed Feb. 19-1934. Journal Entry appointing Guardian ad Litem.

Filed Feb. 19-1934. Answer of Guardian ad Litem.

Heer Ptg. Co., Cols., O. CD 4981.

12686

of a guardian ad litem, and by reason thereof the plaintiff thereby applies for the appointment of a guardian ad litem for said minor defendants and suggests that John W. Dailey be appointed as such; there being no duly appointed, qualified and acting guardian of said minors within the knowledge of the plaintiff.

Milo L. Myers - Plaintiff.

Filed Feb. 19-1934. Journal Entry appointing Guardian ad Litem.

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Admr. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12686
Journal Entry Appointing Guardian Ad Litem.

This day this cause came on for hearing on the application of the plaintiff for the appointment of a guardian ad litem for the minor defendants, James T. Smith and Hazel Smith, and on consideration thereof the Court finds that they have no duly appointed, qualified and acting guardian, and that they have been duly and legally served by publication and that John W. Dailey is a competent person to be appointed as such guardian ad litem,

Therefore, it is ordered and adjudged by the Court that the said John W. Dailey be and he is hereby appointed guardian ad litem for said minor defendants with leave to plead instanter.

L. W. Hazen - Probate Judge.

Filed Feb. 19-1934. Answer of Guardian ad Litem.

In the Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Admr. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12686.
Answer of Guardian ad Litem.

Now comes John W. Dailey, the duly appointed guardian ad litem for James T. Smith and Hazel Smith, the minor defendants named in this case, and for answer to the plaintiff's petition denies all the allegations therein contained in any way prejudicial to the said minor defendants.

And, further alleges that they are of tender years, and not acquainted with the law in such cases.

Therefore, prays the Court to protect the rights of the said minor defendants in this case, and for such other and further relief as may be just and equitable.

James T. Smith.
Hazel Smith.
Byt John W. Dailey
Guardian Ad Litem.

Heer Ptg. Co., Cols., O. CD 4981.

12636
Filed
Feb. 16-1934.
Legal Notice.

Legal Notice.

That the defendants, Nellie Smith and Leon T. Smith, who resides at 1520 Elmhurst Avenue, Detroit, Michigan; Loretta B. Carpenter and Ernest L. Carpenter, who reside at 3370 Army Street, San Francisco, California; and James T. Smith and Hazel Smith, are minors, over the age of 14 years and reside at 19656 Omira Avenue, Detroit, Michigan, with their mother, Elizabeth Ann Smith, will take notice that Milo L. Myers, ancillary administrator of the estate of Patrick B. Smith, deceased, on the second day of January, 1934, filed his petition No. 12636 in the Probate Court within and for the County of Union, and State of Ohio, alleging that the personal estate of said decedent is insufficient to pay his debts and the charges of administering his estate; that he died seized in fee-simple of the following described real estate situate in the Townships of Union and Pike, Counties of Union and Madison and State of Ohio, known and described as follows to-wit:

Part of Virginia Military Surveys Nos. 5291, 8414, 8854 and 12131. Bounded and described as follows:

Beginning at a stone in the center of the Liverpool and Darby gravel road and in the north line of W. A. Applegate's land; thence with the center of said road north 9 degrees 45 minutes West 49 poles and north 3 degrees 45 minutes west 122.60 poles to a stone at the southwest corner of a subdivision of the Asa Bates land now owned by Mrs. C. Bates; thence with the south line of said subdivision north 75 degrees east 144.60 poles to a stone in the west line of A. A. Hills' land; thence with the said line south 21 degrees 15 minutes east 180.60 poles to a stone at an angle in said Hill's land; thence continuing with a westerly line of said Hill's land south 22 degrees 50 minutes west 119.86 poles to a stone a corner to W. A. Applegate's land; thence with the north line of said Applegate's lands north 32 degrees 45 minutes west 22.12 poles to a stone and north 68 degrees 45 minutes west 140.80 poles to a stone at the place of beginning, containing 240 acres more or less.

Being about 104.65 acres in Union and 135.35 acres in Madison County.

The prayer of said petition is for the sale of said premises, for the payment of the debts and charges aforesaid.

The persons first above mentioned will further take notice that they have been made parties defendant to said petition and that they are required to answer the same on or before the 17th. day of February, A. D. 1934.

Milo L. Myers - Ancillary Administrator
as aforesaid.

Jan. 3, 1934.

12636
Filed
Feb. 28-1934.
Order of
Appraisement.

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The State of Ohio, Union County, ss.

Personally appeared before me, J. M. Huber, and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after January 3, 1934, in the (Daily) Marysville Tribune, a newspaper of general circulation in the County aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 10th. day of February, a. D. 1934.

{Seal} G. P. Huber - Notary Public.

Printers Fees, $28.00.

Filed Feb. 28-1934. Order of Appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss. Probate Court.

To Milo L. Myers, ancillary administrator of the estate of Patrick B. Smith, 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 Ancillary Administrator are Plaintiff and Andrew Smith, et al., are Defendants, you are commanded that by the oaths of Allen Mc Elroy, Charles Moran and J. Grant Gault judicious disinterested persons of the vicinity, not of kin to the petitioner, 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 Townships of Union and Pike, Counties of Union and Madison and State of Ohio, known and described as follows, to-wit:

Part of Virginia Military Surveys Nos. 5291-8414-8854 and 12131. Bounded and described as follows:

Beginning at a stone in the center of the Liverpool and Darby grave road and in the north line of W. A. Applegates land; thence with the center of said road north 9° 45' West 49 poles and north 3° 45' West 122.60 poles to a stone at the southwest corner of a Subdivision of the Asa Bates land now owned by Mrs. O. Bates; thence with the south line of said Subdivision North 75° East 144.60 poles to a stone in the west line of A. A. Hill's land; thence with said line south 21° 15' East 180.60 poles to a stone at an angle in said Hill's land; thence continuing with a westerly line of said Hill's land south 22° 00' West 119.56 poles to a stone a corner to W. A. Applegates land; thence with the north line of said applegates lands north 82° 45' West 22.12 poles to a stone and north 68° 45' West 140.80 poles to a stone at the place of beginning, containing 240 acres more or less.

Being about 104.65 acres in Union County and 135.35 acres in Madison County.

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

Heer Ptg. Co., Cols., O. CD 4981.

12686

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 22nd. day of February, A. D. 1934.

Seal

L. W. Hagen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 23rd. day of February 1934.

Milo L. Myers - Ancillary Administrator.

Oath of Appraisers.

The State of Ohio, Union County.

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

Glen McElroy, J. G. Gault, Charles Moran - Appraisers.

Sworn to before me and signed in my presence, this 23rd. day of February, 1934.

Seal

Milo L. Myers - 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 in money of said real estate at $70.00 per acre or a total of Sixteen Thousand Eight Hundred ($16,800.00) Dollars,

Given under our hands, this 23rd. day of February, 1934.

Glen McElroy, J. G. Gault, Charles Moran - Appraisers.

Appraisers' fees $15.00 - $5.00 each.

Filed Feb. 23- 1934. Journal Entry

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Adm. of the Estate of Patrick B. Smith, Dec'd., Plaintiff, -vs- Andrew Smith, et al., Defendants. | No. 12686. Journal Entry.

On the 19th. day of February, 1934, this cause came on to be heard upon the petition, the answer of the defendant, Andrew Smith and the answer of John W. Daily, as guardian ad litem for the minor defendants, and the answer of Richard L. Cameron, as administrator of the Estate of John Smith, deceased, the evidence and exhibits, and the Court being advised in the premises, on consideration thereof find that all of the defendants named in the petition have been duly and legally served by summons, or publication, or have voluntarily entered their appearance and are properly before the Court, and are in default for pleading, excepting those as above stated; and that, as set forth in the petition, the Court

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Filed Oct. 23- 1934. Journal Entry confirming Appraisement and Order of Bond.

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Heer Ptg. Co., Cols., O. CD 4981.

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further finds that it is necessary to sell the real estate in the petition described, and the whole thereof, to pay the debts of the said Patick B. Smith, deceased, and the costs of administering his estate, and the taxes and assessments due and payable thereon.

The Court further find that the said real estate has not been appraised, and that it is necessary to have the same appraised; therefor, it is ordered and adjudged by the Court that the said real estate, and the whole thereof, described in the petition be appraised by the oaths of Glen McElroy, Charles Moran and Grant Gault, judicious and disinterested free-holders of the vicinity, whom the Court hereby appoints for that purpose and that they return their proceedings to this Court for further action.

Exceptions saved on the part of the defendant, Andrew Smith.

L. W. Hagen - Probate judge.

Approved:

Milo L. Myers - Plaintiff.

Porter & Porter - Attorney for Andrew Smith.

Richard L. Cameron - Administrator of the Estate of John Smith, deceased.

Filed Oct. 23- 1934. Journal Entry Confirming Appraisement and Ordering Bond.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Admr. of the Estate of Patick B. Smith, Dec'd., Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12636. Journal Entry. Confirming Appraisement and Ordering Bond.

On this 23rd. day of February, 1934, came the plaintiff, and produced to the Court the appraisement herein made of the real estate described in the plaintiff's petition, in pursuance of the former order of this Court, and on motion of the plaintiff to confirm the same; and it appearing upon examination thereof that the said appraisement is in all respects regular, correct and in conformity to the former order of the Court. Therefore, it is ordered by the Court that the same be and is hereby approved and confirmed.

It further appearing to the Court, that the said appraisers have fixed the value of the said real estate described in the plaintiff's petition at Eighteen Thousand Eight Hundred Dollars ($16,800.) and by reason thereof and under Section #10510-81 of the General Code of Ohio the said Milo L. Myers as Ancillary Administrator of said estate should give and execute an additional bond, with sureties as provided by and under said Section. Therefore, it is further ordered that the said Administrator execute within five days, to the State of Ohio, a bond with sufficient sureties thereon, to be approved by this Court, in the sum of Twenty Thousand Dollars ($20,000), conditioned according to law, and this cause is continued for further proceedings. Exceptions noted on the part of the defendant, Andrew Smith.

L. W. Hagen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12636
Filed
Feb. 23-1934.
Motion for New Trial and Re-Hearing.

Probate Court, Union County, Ohio.

Milo L. Myers, as Ancillary Administrator of the estate of Patrick B. Smith, deceased, Plaintiff,
-vs-
Andrew Smith, et. al. Defendants.

No. 12636.
Motion.

Now comes the defendant Andrew Smith and moves the Court for a re-hearing and new trial on the petition and answer in the above entitled matter for the following reasons, to-wit:-

1. That the Court erred in its decision for the plaintiff.
2. That the judgment of the Court should have been for the defendant instead of the plaintiff.
3. That the judgment of the Court was not sustained by sufficient evidence.
4. That the order of the Court is contrary to law.
5. That the order of Court is manifestly against the weight of the evidence.

Respectfully submitted.
Porter & Porter - Attorneys for defendant.

Filed
Feb. 24-1934.
Journal Entry.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Admr. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,
-vs-
Andrew Smith, et al., Defendants.

No. 12636.
Journal Entry.

This day this cause came on for hearing on motion of the defendant, Andrew Smith, for re-hearing, and the same being submitted to the Court, and the Court being fully advised in the premises, on consideration thereof doth hereby overrule said motion.

To which findings and order of the Court, the said defendant excepts and exceptions noted.

L. W. Hazen - Probate judge.

Filed
Feb. 27-1934.
Additional Bond in Sale of Real Estate.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Admr. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,
-vs-
Andrew Smith, et al., Defendants.

No. 12636.
Additional Bond in Sale of Real Estate.

Know all Men by these Presents:

That we, Milo L. Myers, as principal, and American Surety Company of New York, as sureties, of the County of Union, in the State of Ohio, are held and firmly bound

Filed
Feb. 27-1934.
Entry approving Bond and Ordering Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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unto the State of Ohio, in the penal sum of Twenty Thousand Dollars, to the payment of which sum, well and truly to be made to the State of Ohio, we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Signed and dated the 24th. day of February, in the year one thousand, nine hundred and thirty-four.

The condition of the above obligation is such that, whereas, the above named Milo L. Myers was heretofore duly appointed and qualified as Ancillary Administrator, of all and singular the goods, chattels, rights and credits, which were of Patrick B. Smith, deceased, late of Hartford City, Blackford County, Indiana, aforesaid.

And, whereas, the said Milo L. Myers, as such Ancillary Administrator, has filed a petition in the Probate Court of Union County, Ohio, praying for authority to sell certain Real Estate belonging to said Patrick B. Smith, deceased, in said petition described, which under proceedings had in this Court has been duly appraised in the sum of Sixteen Thousand Eight Hundred Dollars.

And, whereas, said Court has ordered said Ancillary Administrator, to execute a bond in accordance with the Statute in such cases made and provided.

Now, if the said Milo L. Myers, as such Ancillary Administrator, shall faithfully discharge his duties, and make payment and account for all moneys arising from such sale, according to law, then this obligation to be void; otherwise to remain in full force.

Seal

Milo L. Myers.
American Surety Co. of New York
By- Geo. E. Whitney- Attorney-in-fact

Filed Feb. 27-1934. Entry Approving Bond and Ordering Sale.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Adm. of the Estate of Patrick B. Smith, Dec'd., Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12636.
Entry Approving Bond and Ordering Sale.

This day this cause came on for further hearing and it appearing to the Court that the plaintiff, Milo L. Myers, as ancillary Administrator of the Estate of Patrick B. Smith, deceased, has executed and filed herein his bond, in the sum of $20,000.00 as heretofore ordered and fixed by the Court with sufficient surety thereon, conditioned according to law; therefore, the same is hereby approved by the Court.

And it appearing to the Court that it would be to the best interest of said Estate to sell the real estate described in the petition at private sale.

Therefore, it is ordered by the Court that the said Milo

Heer Ptg. Co., Cols., O. CD 4981.

12636

L. Myers, as such administrator proceed to sell said real estate at private sale at not less than the appraised value thereof, to-wit, $16,800.00, for cash in hand, in full, on confirmation of sale.

And the said plaintiff is further ordered to make due return of his proceding to this Court immediately after such sale.

L. W. Hazen - Probate judge.

Filed Feb. 27-1934 Application to Lease Real Estate.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Adm. of the Estate of Patrick B. Smith, Dec'd, Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12636.

Application to Lease Real Estate.

Now comes Milo L. Myers, the ancillary administrator heretofore appointed, qualified and acting herein and represents to the Court that on this day he has by order of this Court received an order for the sale of the said real estate; that in his opinion said real estate can not be sold forthwith, and, that it would be to the best intrest of all parties interested to lease the said real estate, for the lease year 1934.

The said administrator further represents that it is now the season of year to rent real estate, and that the same can be rented for the next year 1934 on a cash rental basis, and if not rented, or leased forthwith then, the same may remain unleased and vacated pending the sale.

Wherefore, the said administrator moves the Court for an order authorizing and directing him to procure a tenant and lease the said real estate on a cash rental basis, and terms, for the year 1934.

Milo L. Myers - Plaintiff.

Filed Feb. 27-1934. Journal Entry.

In the Probate Court of Union County, Ohio.

Milo L. Myers, as Ancillary Adm. of the Estate of Patrick B. Smith, Dec'd, Plaintiff,

-vs-

Andrew Smith, et al., Defendants.

No. 12636.

Journal Entry.

This day this cause came on for hearing on the application of Milo L. Myers, as ancillary administrator of the Estate of Patrick B. Smith, deceased, for an order authorizing and directing him to lease the real estate described in the plaintiff's petition, and, the Court being fully advised in the premises and on consideration thereof find that it would be for the best intrest of all parties intrested that the said real estate be leased for the rent period of 1934.

Therefore, it is hereby ordered by the Court that the said

Heer Ptg. Co., Cols.,

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Filed Mar. 9-1934. Bill of Exceptions.

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real estate be leased for the next year of 1934, for cash, and by the said administrator, at such an amount, and upon such terms and conditions and to whom the said administrator may in his judgment term best.

L. W. Hazen- Probate Judge.

In the Probate Court, Union County, Ohio.

Filed Mar. 9-1934. Bill of Exceptions.

Milo L. Myers, as Ancillary Administrator of the Estate of Patrick B. Smith, Deceased, Plaintiff,

Against

Andrew Smith, et. al. Defendants.

No. 12636.

Bill of Exceptions.

The State of Ohio, Union County, ss.

Be it remembered, that on the hearing of this cause, before the probate court of the county of Union, and State of Ohio, L. W. Hazen, judge, on the 19th. day of February, 1934, wherein Milo L. Myers as Ancillary Administrator of the Estate of Patrick B. Smith, deceased, was plaintiff, and Andrew Smith et. al. were defendants.

And further, said hearing came on to be heard upon the petition, the answer of the defendant, Andrew Smith, and the answer of John W. Dailey, as guardian ad litem for the minor defendants herein, the answer of Richard L. Cameron, as administrator of the Estate of John Smith, deceased, the evidence and exhibits, and the Court being advised in the premises, on consideration thereof, find:

That it is necessary to sell the real estate in the petition described, and the whole thereof, to pay the debts of the said Patrick B. Smith, deceased, and the costs of administering his estate, and the taxes and assessments due and payable thereon.

And further, that said real estate should be appraised by the oaths of Glen Mc Elroy, Charles Moran, and Grant Gault.

Said plaintiff, to maintain the issue on his part, introduced in evidence the petition filed herein, on the 2nd. day of January, 1934, and then rested.

Thereupon said Andrew Smith to maintain the issue on his part, introduced in evidence a certified copy of a certificate from the Clerk of the Grant Circuit Court, of the State of Indiana, and the answer of said Andrew Smith.

Thereupon both parties rested. The foregoing is all the evidence offered in the cause.

And the argument of counsel having been concluded, ordered the appraisement and sale of said real estate in the petition described, to which order and decision, said Andrew Smith, through his attorney, William J. Porter, then and there excepted.

Thereafter on the 23rd. day of February, 1934, said Andrew

Heer Ptg. Co., Cols., O. CD 4981.

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Smith filed a motion for a new trial, which was overruled by said Court on the 24th. day of February, 1934, to which ruling said Andrew Smith then and there excepted, and gave notice of appeal. That on the 9th. day of March, 1934, an appeal bond in the penal sum of Two Hundred Dollars, was duly filed.

And said Andrew Smith now comes and presents to the Court his true bill of exceptions, the filing whereof, opposing counsel has notice of, and prays that the same may be allowed and signed by the Court and made a part of the record.

And this Court, in consideration thereof, now finds the bill a true bill of exceptions, and allows and signs and orders the same to be made part of the record, all of which is accordingly done, this 9th. day of March, A. D. 1934.

L. W. Hazen - Judge of the Probate Court.

Filed Mar. 9-1934. Appeal Bond.

Appeal Bond.

Be it known, that we, Andrew Smith, and National Surety Corporation are held and firmly bound unto the State of Ohio, for the use of Milo L. Myers, Ancillary Administrator Estate of Patrick B. Smith, Deceased, in the sum of Two Hundred Dollars, to the payment of which we do hereby jointly and severally bind ourselves, if default be made in the condition following:

Whereas, the said Andrew Smith has taken an appeal from a certain decision rendered against said Andrew Smith, et. al. in favor of the said Milo L. Myers, as Ancillary Administrator &c. in the Probate Court, within and for the County of Union in the State of Ohio, on the 23rd. day of February 1934, wherein the Court overruled a motion to suspend the sale of the real estate herein, to the Court of Common Pleas of said County of Union.

Now, if the said Andrew Smith shall abide and perform the order and judgment in the case, of said Court of Common Pleas, and shall pay all moneys, costs and damages, which may be required of or awarded against him by said Court; then this obligation shall be void; otherwise it shall be and remain in full force and effect.

Signed by us, this 9th. day of March 1934.

Andrew Smith

National Surety Corporation

By- Charlotte J. Henderson-atty-in-fact.

The above bond and sureties approved this 9th. day of March 1934.

(Seal)

L. W. Hazen - judge of the Probate Court.

Filed Nov. 9-1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Milo L. Myers, 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 Ancillary Administrator of the Estate of Patrick B. Smith, Deceased are Plaintiff and Andrew Smith

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et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Sixteen Thousand - Eight Hundred Dollars the appraised value thereof the following described premises to-wit:

Situated in the Townships of Union and Pike, Counties of Union and Madison and State of Ohio, part of Virginia Military Survey Nos. 5291-8414-8854 and 12131, bounded and described as follows:

Beginning at a stone in the center of the Liverpool and Darby Gravel road and in the north line of W. A. Applegates land; thence with the center of said road N. 9° 45' W. 49 poles and N. 3° 45' W. 122.60 poles to a stone at the south west corner of a Subdivision of the Asa Bates land now owned by Wm. O. Bates; thence with the south line of said Subdivision N. 75° E. 144.60 poles to a stone in the west line of A. A. Hill's land; thence with said line S. 21° 15' E. 180.60 poles to a stone at an angle in said Hill's land; thence continuing with a westerly line of said Hill's land S. 22° 00' W. 119.56 poles to a stone a corner to W. A. Applegates land; thence with the north line of said applegates land N. 82° 45' W. 22.12 poles to a stone and N. 68° 45' W. 140.80 poles to a stone at the place of beginning, containing 240 acres more or less.

Being about 104.65 acres in Union County and 135.35 acres in Madison County

Said sale to be upon the following terms: Cash in full, in hand, on confirmation of sale and 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 27th. day of February A. D. 1934.

{Seal}

L. W. Hazen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 9th. day of November 1934.

Milo L. Myers.

Report of Private Sale.

Report of Private Sale. In obedience to the command of the within order of sale, I did on the 8th. day of March, 1934, and thereafter offer said property, at private sale, and Harold D. and Ethel Dean Straubaugh having offered therefor the sum of Sixteen Thousand-Eight Hundred and no/100 Dollars ($16,800.00) and the same being not less than the appraised value of said property, I sold the same to said — for that sum.

Milo L. Myers.

Heer Ptg. Co., Cols., O. CD 4981.

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Affidavit to Report of Private Sale.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

Milo L. Myers, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Milo L. Myers.

Subscribed in my presence and sworn to before me this Ninth day of November, 1934.

Seal

L. W. Hazen - Probate judge.

In the Probate Court, Union County, Ohio.

Filed Nov. 9- 1934. Journal Entry.

Milo L. Myers, Ancillary Administrator of the Estate of Patrick B. Smith, Deceased. Plaintiff,

-vs-

Andrew Smith, Defendant.

No. 12636. Journal Entry.

This day this cause came on to be heard upon the repot of Milo L. Myers as ancillary administrator of the estate of Patrick B. Smith, deceased, of his proceedings under the former order of the court, and upon his motion to confirm the sale made in obedience to said order; and the court having carefully examined the said repot and finding the proceedings of the said petitioner in all respects correct, and being satisfied that the 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 the said plaintiff execute a good and sufficient deed for the real estate so sold, to the purchaser Herald D. Strausbaugh and Ethel Rean Strausbaugh and deliver the same to them upon the payment of the purchase price, the sum of Sixteen-thousand Eight-hundred ($16,800.00) Dollars in full.

And this cause is continued for further orders and distribution.

L. W. Hazen.

For Sale -

I have an order of the Probate Court of Union County, Ohio, to sell the Pat Smith farm, of 240 acres in Union and Madison counties, at private sale. Appraised at $16,800.00.

Milo L. Myers - Administrator, Marysville, Ohio.

State of Ohio, Union County, ss.

Personally appeared before me Wesley Wibley and made solemn oath, that the notice, a copy of which is hereto attached was published for 2 consecutive weeks on and next after Mar. 12, 1934, in The Union County Journal, a newspaper of general circulation in county aforesaid.

Wesley Wibley.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to before me and signed in my presence this 1st. day of Dec. a.D. 1934.

Seal B. B. Gammer.

Printers Fees $5.00.

Notice of Publication.

State of Ohio, Madison County, ss: In the Court of Probate.

I, R. B. Howard, do solemnly swear that I am Editor of The Madison County Democrat, a newspaper printed and published and of general circulation throughout Madison County, Ohio, and that the orignal notice, a true copy of which is hereto annexed, was published in said newspaper for a period of two consecutive weeks, commencing on the 9th day of March, a.D. 1934.

R. B. Howard.

Sworn to before me and subscribed in my presence this 1st. day of Nov. a.D. 1934.

Seal Margaret A. Converse-Notary Public.

Printers Fees, $1.20

Administrators Sale.

I have an oder from the Probate Court of Union County, Ohio, to sell the Pat Smith, Farm, consisting of 240 acres in Union and Madison counties at private sale. Appraised at $16,800.

Milo L. Myers, Administrator, Marysville, Ohio.

Fee $1.20

Notice of Publication.

State of Ohio, Madison County, ss: In the Court of Probate.

I, R. B. Howard, do solemnly swear that I am Editor of The Madison Press, a newspaper printed and published and of general circulation throughout Madison County, Ohio, and that the orignal notice, a true copy of which is hereto annexed, was published in said newspaper for the period of two consecutive weeks, commencing on the 8th. day of March, a.D. 1934.

R. B. Howard.

Sworn to before me and subscribed in my presence this 1st. day of Nov. a.D. 1934.

Seal Margaret A. Converse-Notary Public.

Printers Fees, $1.20

Administrators Sale.

I have an oder from the Probate Court of Union County, Ohio, to sell the Pat Smith, Farm, consisting of 240 acres in Union and Madison counties at private sale. Appraised at $16,800.

Milo L. Myers, Administrator, Marysville, Ohio.

Certificate to Probate Court. See Misc-B-L-19-Pg. 485.

Heer Ptg. Co., Cols., O. CD 4981.

12842
Filed
Oct. 23-1934.
Porter & Porter,
Attorney.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts and Legacies.

Probated Court, Union County, Ohio.

Ella May Thompson, Executrix of the estate of Charles A. Thompson, Deceased, Plaintiff,

-VS-

Ella May Thompson, John Thompson, Sarah Willis, Deceased, Jane Walker, Deceased, Buell, Mo; and Lillian Rex Wathington, Harrison, Ark; and the unknown Heirs, Devisees, Legatees, Executors and Administrators of said Charles A. Thompson, Deceased; also the unknown Heirs, Devisees, Legatees, Executors, and Administrators of said Sarah Willis, Deceased; also all the unknown Heirs, Devisees, Legatees, Executors and Administrators of said Jane Walker, Deceased; Lydia M. Baughn; Gladys Patton; York L. Patton; H. R. Lawrence; Evelyn Baughn; F. & A.M. Masonic Lodge No. 249, Raymond, Ohio; K. of P. Lodge, No. 657, Raymond, Ohio; Liberty Centralized Schools, Raymond, Ohio; Marysville Presbyterian Church; Marysville Public Library; and Kings Daughters Hospital, Marysville, Ohio.

Defendants.

No. 12842.
Civil Action.

Petition to Sell Real Estate.

Petition.

The plaintiff is the duly appointed, qualified and acting executrix of the estate of Charles A. Thompson deceased, late of this county; and as near as can be ascertained the amount of the valid debts against said deceased is Five Thousand and no/100 Dollars.

And the costs of administering the estate will be about Three hundred and no/100 Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at Three thousand three hundred eight and 80/100 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts and costs aforesaid.

Said decedent died seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and further described as follows:

Located in Liberty Township, Union County, Ohio, and part of Survey's Nos. 5777 and 4409, and bounded and described as follows, to-wit:- Beginning at an iron pin in the center

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of the Marysville and Raymond gravel road, a corner to the lands of Frank and Clara R. Dodge; thence with the center of said gravel road N. 31° W. 24.84 poles to a stone and N. 30° W. 61.08 poles to a cement block at a corner of the division of the Charles A. Thompson estate; thence with two lines of said division S. 12° 45' W. 71.52 poles to a post, and S. 85° 45' W. 53.72 poles to a post, in the easterly line of the Toledo and Ohio Central Ry. right of way, and 33 feet from the center of the traveled track; thence with the easterly line of said right of way and 33 feet from the center thereof S. 32° 30' E. 102.28 poles to a post in the westerly line of said Frank and Clara Dodge's farm; thence with two consecutive lines of said Dodge's land, N. 30° E. 89.84 poles to a stone and brick, and N. 58° E. 15.12 poles to the place of beginning.

Containing 42 1/16 acres, more or less.

Petition

Also the following real estate located in the Village of Marysville, Ohio, to-wit: All of in Lots Nos. 102; 103; 107; 110; and 72 feet off the east side of Lot No. 106; and 72 feet off the east side of Lot No. 111; and Lot No. 99. For a more definite description of said Lots, see the recorded plat of said Village.

Also one other tract, called first tract, located in Liberty Township, Union County, Ohio, part of Survey No. 5777, bounded and described as follows:- Beginning at a cement block in the center of the Marysville and Raymond gravel road, and at a corner to a division of the Charles A. Thompson Estate deded to Harry Lefct; thence with two lines of this division of said Harry Lefct S. 12° 45' W. 71.52 poles to a post, and S. 85° 45' W. 53.72 poles to a post in the easterly line of the Toledo and Ohio Central Ry. right of way, and 33 feet from the center of the traveled track; thence with the easterly line of said right of way, and 33 feet from the center thereof, N. 32° 30' W. 36.36 poles to a post, a corner to the lands in the name of Charles Lockwood; thence with the easterly line of said Lockwood land N. 24° E. 112.56 poles to an iron spin, a corner to said Lockwood land in the center of the Marysville and Raymond gravel road; thence with the center of said gravel road S. 46° 30' E. 27.20 poles to a stake, and S. 30° E. 47.20 poles to the place of beginning.

Containing 47 acres, more or less.

Second Tract:

Located in Liberty Township, Union County, Ohio, part of Survey No. 4404, and bounded and described as follows, to-wit:-

Beginning at a post in the westerly line of the Toledo and Ohio Central Ry. right of way, and 990 feet N. 32° 30' W. from the point where the line between the lands of Charles Lockwood and Charles Thompson, deceased, produced S. 24 W. 80 feet intersects said westerly line of the said Toledo and Ohio Central Ry. right of way, a corner to the lands in the name

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of Charles L. and Effie Miller; thence with the easterly line of said Miller land S. 10 W. 32.80 poles to a post in the North line of said Survey No. 4404; thence with said Survey line N. 85° 45' E. 20 poles to a post a corner to lands in the name of Earl P. Lockwood; thence with the easterly line of said Earl P. Lockwood land S. 38 W. 54.80 poles to a stone; thence with the northerly line of said Lockwood land and the line of lands in the name of David Blackwell and others S. 56 E. 108.32 poles to a post a corner to said Blackwell and others land; thence with another line of said Blackwell and others land N. 30 E. 14.80 poles to a post in the westerly line of the said Toledo and Ohio Central Ry. right of way; thence with the westerly line of said right of way and 33 feet from the center of the traveled track N. 32° 30' W. 144.64 poles to the place of beginning.

Containing 27 acres, more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this court and appraised at One Thousand Nine Hundred One and 25/100 Dollars.

Said real estate is encumbered as follows:

By certain special bequests made in the Last Will and Testament of the deceased, during his life time.

The decedent died leaving no surviving spouse.

The defendants, Ella May Thompson, John Thompson, Sarah Willis, deceased, Jane Walker, Buell, Mo. Deceased, and Lillian Rex Wathington of Harrison, Arkansas, so far as is known to plaintiff, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

The defendants Sarah Willis and Jane Walker are believed to be dead and plaintiff therefore alleges their death leaving possible heirs, devisees, legatees, executors and administrators who are made parties defendant hereto without naming them.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from dower; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to.

Porter & Porter - Attorney for the Plaintiff.

The State of Ohio, Union County.

Ella May Thompson, being duly sworn, says she is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Oath.

Ella May Thompson.

12842

Filed Oct. 23 - 1934.

Entry Filing Petition to Sell Real Estate.

Filed Oct. 23 - 1934. affidavit for Service on Unknown Heirs.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to before me and signed in my presence by the said Ella May Thompson, at Marysville, Ohio, this 20th. day of October, 1934.

{Seal} William J. Porter - Notary Public.
Union County, Ohio.

Filed Oct. 23 - 1934.

In the Probate Court of Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Dec'd. Plaintiff,

-vs-

Ella May Thompson, et. al. Defendants.

October 23rd. 1934.
Case No. 12842.
Journal Entry.
Filing Petition to Sell Real Estate.

Entry Filing Petition to Sell Real Estate.

This day came the plaintiff Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said Charles A. Thompson, 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.

L. W. Hazen - Probate Judge.

Filed Oct. 23 - 1934. Affidavit for Service on Unknown Heirs.

Affidavit for Service on Unknown Heirs.

The State of Ohio, Union County, ss.

Ella May Thompson being duly sworn, says that the unknown heirs, devisees and legatees of Charles A. Thompson, deceased; also the unknown heirs, devisees, legatees, administrators and assigns of Sarah Willis, deceased; and the unknown heirs, devisees, legatees, administrators, executors and assigns of Jane Walker, deceased, are necessary parties to the final determination of the matters in the petition contained, and that their names and residences are unknown to plaintiff and cannot by reasonable diligence be ascertained, and summons can not be served on them, or any of them within the State of Ohio; that this action relates to certain real estate described in the petition and being one of the subjects contained in Section 11292 of the General Code of Ohio wherein service by publication can be made on the defendants, and that this affidavit is filed herein under the provisions of Section 11298 of the General Code of Ohio, to obtain an order of the Court to serve said unknown defendants by publication according to law.

Ella May Thompson

Sworn to before me and subscribed in my presence, this — day of October, A. D. 1934.

Seal William J. Porter - Notary Public,
Union County, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

12842
Filed
Oct. 23-1934.
Order for
Service on
Unknown Heirs.

In the Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,
against
Ella May Thompson, and others, Defendants.

No. 12842.
Order for Service on Unknown Heirs.

It being made to appear to the Court by the affidavit of the plaintiff that the names and places of residences of some of the heirs, devisees, and legatees of Charles A. Thompson, deceased; the heirs, devisees, legatees, administrators, executors and assigns of Sarah Willis, deceased; and the heirs, devisees, legatees, administrators, Executors and assigns of Jane Walker, deceased, are unknown to plaintiff and can not by reasonable diligence be ascertained by her.

It is ordered by the Court that notice of the pendancy of this action, and the substance and prayer of the petition be made on said unknown defendants by publication in manner and for the time provided by law for service on non-resident defendants.

L. W. Hazen - Probate judge, Union County, Ohio.

Filed
Oct. 23-1934.
Order fixing time for hearing and for notice.

Journal Entry.
Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Dec'd, Plaintiff,
-vs-
Ella May Thompson, et al. Defendants.

October 23rd. 1934.
Order Fixing Time for Hearing and for Notice.

This day Ella May Thompson, Executrix of the Will of Charles A. Thompson, deceased, filed in this Court her petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts and legacies.

It is ordered that said petition be heard on the 28rd. day of October 1934, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate judge.

Filed
Oct. 23-1934.
Application to Sell Real Estate at Private Sale.

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

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,
-vs-
Ella May Thompson, et al., Defendants.

No. 12842.
Application.

The said Plaintiff represents that it would be for the best interests of the said Estate to sell the real estate de-

Heer Ptg. Co., Cols., O. CD 4981.

12842

scribed in the petition in this case at private sale, for the following reasons:

1. Because a purchaser has already been secured who will pay the full appraised value therefor.

2. Because if sold at public sale it might bring two-thirds of the appraisement only.

3. Because it will save the costs of advertising, and certain court costs.

4. Because the appraisement herein is entirely reasonable; the land is fit for pasturage only; and has never been farmed, but has been used for pasturage purposes only.

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

Ella May Thompson - Executrix of the Estate of Charles A. Thompson, Deceased.

The State of Ohio, Union County.

Ella May Thompson, Executrix as aforesaid, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Ella May Thompson.

Oath.

Sworn to before me and signed in my presence this 23rd. day of October, A. D. 1934.

L. W. Hazen - Probate judge.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

S. S. Cahill, O. D. Dillon, and A. V. Farley, 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 A. Thompson, deceased, to sell said real estate at private sale than at public sale as we verily believe.

Affidavit of Disinterested Person.

S. S. Cahill.

O. D. Dillon.

A. V. Farley.

Sworn to before me and signed in my presence this 23rd. day of Oct. 1934.

(Seal)

T. C. Walker - Notary Public.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Filed Nov. 26- 1934.

Finding Sale Necessary and Ordering Appraisement be dispensed with.

Ella May Thompson, as Executrix of the Will and Estate of Charles A. Thompson, Deceased, Plaintiff,

-vs-

Ella May Thompson, et al. Defendants.

Finding Sale Necessary and Ordering Appraisement be Dispensed with.

Heer Ptg. Co., Cols., O. CD 4981.

12842

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearances and consent to the sale prayed for, and are properly before the Court; that there is no surviving spouse of said Charles A. Thompson, deceased; and that it is necessary to sell said real estate to pay the debts & legacies of said estate and the prayer of the petition should be granted.

And, it appearing to the Court that a new appraisement should not be made of said real estate described in the petition was appraised by the appraisers of the estate at $15.00 per acre, and orders that a further appraisement be dispensed with.

L. W. Hazen - Probate judge.

Filed Nov. 24-1934. Ordering Private Sale.

Probate Court, Union County, Ohio.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Deceased,

-vs-

Ella May Thompson, et al.

No. 12842.
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 that of the appraisers of the estate at Fifteen Dollars ($15.00) per acre, free of dower, because there is no widow of Charles A. Thompson, deceased.

And it appearing further to the court that the testator herein, said Charles A. Thompson, deceased, directed that no bond should be required of the Executrix herein, a new and additional bond is hereby ordered to be dispensed with, in accordance with testator's orders.

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 dower, 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, and in full.

L. W. Hazen - judge of the Probate Court.

Filed Jan. 28-1935. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Ella May Thompson, Executor of the estate of Charles A. Thompson, 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 Executrix of the estate of Charles A. Thompson, deceased, are Plaintiff and Ella May Thompson, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than

Return.

Report of Private Sale.

Affidavit to Report of Private Sale.

Filed Jan. 28-1935. Confirming Sale, Ordering Deed and Distribution.

Heer Ptg. Co., Cols., O. CD 4981.

12842

the appraised value thereof the following described premises to-wit:
42. 75/100 acres to Harry C. Leffel.
47 Acres to Clem J. Mathys.
27 Acres to Clem J. Mathys.
Said sale to be upon the following terms: cash 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 26 day of November, A. D. 1934.

Seal

L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 26th. day of November, 1934.

Ella May Thompson - Executrix as aforesaid

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 28th. day of January, 1935, offer said property, at private sale, and Harry C. Leffel and Clem J. Mathys having offered therefor the sum of Seventeen hundred fifty-one and 25/100 Dollars ($1751.25) and the same being not less than the appraised value of said property, I sold the same to said Harry C. Leffel and Clem J. Mathys for that sum.

Report of Private Sale.

Ella May Thompson.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Ella May Thompson, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Affidavit to Report of Private Sale.

Ella May Thompson.

Subscribed in my presence and sworn to before me this 28th. day of January, 1935.

Seal

William J. Porter - Notary Public.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Filed Jan. 28-1935. Confirming Sale, Ordering Deed and Distribution.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Ella May Thompson, Executrix of estate of Charles A. Thompson, of her proceedings under the former order of this Court, and

Heer Ptg. Co., Cols., O. CD 4981.

12842

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 A. Thompson, in said real estate, to the purchasers, Harry C. Lefort and Elsie J. Mathys.

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 $1751.25 Dollars to Harry C. Lefort and Elsie J. Mathys.

It is further ordered that said Pearl Tossey, 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, including an attorney fee of $153.00 to — and $130.00, the per centum of said estate herein, amounting in the sum of $283.00. Third, it is further ordered that the balance of said proceeds, amounting to the sum of $—, be accounted for by said Executrix according to law. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $—, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate judge.

Filed Nov. 28-1934. Legal Notice.

Legal Notice.

Lillian Rex Washington, of Harrison, in the State of Arkansas, the unknown heirs, devisees, legatees, executors and administrators of Charles A. Thompson, deceased; the unknown heirs, devisees, legatees, executors and administrators of Sarah Willis, deceased; and the unknown heirs, devisees, legatees, executors and administrators of Jane Walker, deceased, whose places of residence are unknown and can not be ascertained, will take notice that on the 23rd. day of October, 1934, the plaintiff, Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, deceased, filed her petition against them in the Probate Court of Union County, Ohio, the same being cause No. 12842 in said Court, for the sale of certain real estate in said petition described, in order to pay the debts and legacies of said estate.

The prayer of said petition is for the sale of said real estate and for other equitable relief. Said defendants are required to answer said petition on or before the 24th. day of November, 1934, or said sale will be ordered, as prayed for.

Ella May Thompson, Plaintiff and Executrix of the Estate of Charles A. Thompson, Deceased.

By- Potter & Potter, Her Attorneys.

12842

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12331 Filed May 11-1935. Application to Sell Personal Property.

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Heer Ptg. Co., Cols., O. CD 4981.

12842

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on the next after October 23, 1934 in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 21st. day of November, A. D. 1934.

Seal G. P. Huber - Notary Public.

Printer's Fees, $10.25.

12831
Filed
May 11- 1935.
Application to Sell Personal Property.

In the Matter of the Estate of Lewis H. Conklin, Deceased.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Lewis H. Conklin, Deceased. | No. 12831. Application to Sell Personal Property.

Emma T. Conklin and Henry Conklin, respectfully represent that they are the duly appointed, qualified and acting administrators of the estate of Lewis H. Conklin, deceased.

That the assets of said estate were duly appraised on the 11th. day of June, 1932, and an inventory filed in this Court. That all of the personal estate was taken at the appraisement by the surviving spouse, Emma T. Conklin, except the items contained in Schedule C and Schedule D of the inventory. That an effort has been made to collect the accounts set forth in Schedule D, and the notes set forth in Schedule C, but the same are of little value and uncollectable, and your applicants therefore believe that it is for the best interest of said estate to sell said items mentioned in Schedules C & D at private sale. That William A. Conklin has offered for all of said assets the sum of $62.50, and your applicants believe that is the highest and best price that can be obtained for the same, and therefore make application for authority to sell said assets to the said William A. Conklin for the sum of $62.50.

Emma T. Conklin
Henry Conklin - Administrators.

The State of Ohio, Union County, ss:

Emma T. Conklin and Henry Conklin being duly sworn, depose and say that the facts stated in the foregoing application are true as they verily believe.

Emma T. Conklin.
Henry Conklin.

Oath.

Sworn to before me and signed in my presence this 10th. day of May, 1935.

Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12331
Filed
May 11- 1935.
Entry.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Lewis H. Conklin, Deceased. | No. 12331 Entry.

This day this cause came for to be heard upon the application of Emma F. Conklin and Henry Conklin, administrators of the estate of Lewis H. Conklin, deceased, to sell personal propety at private sale, and upon the evidence; and the Court, being fully advised in the premises finds that the statements and allegations in said application are true, and that it will be to the advantage of said estate to sell said personal property at private sale to William A. Conklin for the sum of $62.00, that being the best price offered for the same.

It is therefore ordered that the said Emma F. Conklin and Henry Conklin, as administrators of the estate of Lewis H. Conklin, deceased, proceed to sell at private sale for not less than the sum of $62.00, the following property, being the undivided one-half interest in:

Ostrander Farmers Exc. stock	$50.00
Ohio Wool House, Columbus, O. stock	12.50
Independent Threshing machine Co. Marysville,	5.00
W. A. Knight, Unionstown, Penn.	500.00
J. P. Mills, Cadiz, O.	110.00
J. A. Kelso, Cadwonsburg, Penn.	1567.80
Nelson Conroy, Delaware, O.	3.68
— Wolfe, Marysville, O.	9.83
J. A. Gray, Delaware, O.	5.00
Robert Mahoney, Marysville, O.	4.46
Lou Kiger, Ostrander, O.	62.35
Joe Ankland, Marysville, O.	59.25
— Glick, Powell, O.	5.00
— Burns, Powell, O.	10.00
Harley McFarland, Mt. Gilead, O.	100.00

It is further ordered that said administrators make return of their proceedings herein.

L. W. Hazen - Probate judge.

Repot of Sale of Personal Property.

Report of Sale of Personal Property.

Now come the administrators of the above estate and respectfully represent that pursuant to the foregoing order of sale they have sold at private sale the property specified in said order to the said William A. Conklin, for the sum of $62.00.

Emma F. Conklin
Henry Conklin - Administrators.

12890
Filed
May 3- 1935.
Petition.

Bath.

Affidavit.

Final Record, Union County Probate Court

Heer Ptg. Co., Cols., O. CD 4981.

12890
Filed
May 3- 1935.
Petition.

In the Matter of the Estate of Annamary Morlock, Deceased.
Petition to Sell Personal Property at Private Sale.
Probate Court, Union County, Ohio.

In the Matter of the Estate of Annamary Morlock, Deceased. | No. 12890
Private Sale of Personal Property.
Petition.

To the judge of said Court:

The undersigned Blanche Morlock, administratrix of the Estate of Annamary Morlock deceased, late of said County, 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.

And the petitioner alleges that said sale would be for the advantage of said estate, for the following reasons:

The expense of public sale would be excessive for the small amount of property to be sold.

A sale at the appraised value can be had by private sale and at public sale said property might sell for less.

Dated May 3rd. 1935.

Blanche S. Morlock - Administratrix.

The State of Ohio, Union County.

Blanche Morlock, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as she verily believes.

Blanche S. Morlock.

Oath.

Sworn to before me and signed in my presence this 3rd. day of May 1935.

[Seal] Richard C. Small - Notary Public.

Schedule.

No. of Item	Weight, Measure or No. of Articles in Item	Description of Articles Appraised	Appraised Value.
1	1	U. S. Liberty Bond	$100.00
2	1	U. S. Treasury Bond	100.00
3	1	Lot of household goods	100.00
4	1	Lot of feed	20.00

Affidavit on Application to Sell at Less than the Appraised Value.

The State of Ohio, Union County.

The Undersigned being first duly sworn say that they are disinterested in the estate of Annamary Morlock deceased, that they have examined the property mentioned in the foregoing application and have also examined the inventory and appraisement thereof; that said property cannot be sold at its appraised value, and that it will be for the interest of said estate to sell the same at a less price, as they verily believe.

Affidavit.

Ernie C. Henry.
W. J. Grayson.

Sworn to before me and signed in my presence, this 3rd. day of May 1935.

[Seal] Richard C. Small - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12890
Filed
May 3- 1935.
Order of Sale of Personal Property.

Order of Private Sale, Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Annamary Morlock, Deceased. | No. 12890. Order of Sale of Personal Property.

To Blanche Morlock, Administratrix of the Estate of Annamary Morlock, deceased.

In obedience to an order and decree of said Court, 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, for the best price obtainable the following goods and chattels belonging to said estate, to-wit:

No. of Item	Weight, Measure or No. Articles in Item.	Description of Articles Appraised	Appraised Value
1	1	U. S. Liberty Bond	$100.00
2	1	U. S. Treasury Bond	100.00
3	1	Lot of household goods	100.00
4	1	Lot of feed.	25.00

Said sale to be on the following terms: Purchase cash in hand at time of sale.

The deferred payments to bear interest from date of sale, and to be secured by the note a bond of the purchaser, with two or more approved sureties thereon.

You will return this order within one month 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 3rd. day of May, 1935.

(Seal) L. W. Hazen- Probate judge.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Annamary Morlock, Deceased. | Report of Sale of Personal Property.

Return

The undersigned, Administratrix of said estate, says that in obedience to the order of said Court, hereto attached, she sold said personal property, commencing on the 3rd. day of May 1935, and closing on the 3rd. day of May 1935, for the sum of Three Hundred and Twenty Five Dollars, and no cents, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sales is hereto attached.

Dated this 3rd. day of May, 1935.

Blanche S. Morlock.

Bill of Sales

Description of Articles	appraised Value		To whom sold	Price	
U. S. Liberty Bond	100.	00	Chester Seigman	100.	00
U. S. Treasury Bond	100.	00	Chester Seigman	100.	00
Lot of household goods	100.	00	Chester Seigman	100.	00
Lot of feed.	25.	00	Chester Seigman	25.	00

12890

Journal Entry.
Sale of Personal Property Confirmed.

12623
Filed
Dec. 11- 1933.
Dana Reed
Attorney.
Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12890

The State of Ohio, Union County.

Blanche Morlock as Administratrix of the Estate of Annamary Morlock, deceased, being duly sworn, says that the foregoing Repat is in all respects true and correct, that such sale has been made after 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.

Blanche S. Morlock.

Sworn to before me and signed in my presence, this 3rd. day of May 1935.

{Seal} Richard C. Thall- Notary Public.

Journal Entry.

Probate Court, Union County, O.

Journal Entry. Sale of Personal Property Confirmed.

In the Matter of the Estate of Annamary Morlock, Deceased. | Sale of Personal Property Confirmed.

The Administratrix of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular and in accordance with law, and therefore approve and confirms the same.

L. K. Hazen- Probate judge.

12623 Filed Dec. 11- 1933, Dana Reed Attorney. Petition.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

W. B. Poling, Administrator de Bonis Non of the Estate of Maude E. Dunbar, Deceased, Plaintiff, -vs- James T. Dunbar, Floyd Dunbar, a minor over fourteen years of age, Merle T. Dunbar and Earl T. Dunbar, minors, Defendants. | No. 12623. Petition.

The plaintiff is the duly appointed, qualified and acting administrator of the Estate of Maude E. Dunbar, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased are $711.95.

An allowance of $ 000.00 was made by the appraisers of the estate to the children for twelve (12) months. And the costs of administering the estate will be about $100.00.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at $ none, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said decedent died seized in fee simple of the undivided one-half of the following described real estate:

Heer Ptg. Co., Cols., O. CD 4981.

12623

Situate in the State of Ohio, County of Union and Township of Allen, being part of Survey No. 4812, and bounded and described as follows:

Beginning at a stone in the center of the Pottersburg and Allen Center Road and at the southwest corner of a 167.50 acre tract of land owned by Lester W. Cline; thence with the South line of the said Cline's land N. 69° 55' E. 149.09 poles to a stone in the center of the Cline Road; thence with two consecutive lines of said road S. 15° W. 156.72 poles to an iron pin at an angle in said road; thence S. 68° 25' W. 10.15 poles to an iron pin at the southeast corner of the Allen Center School lot; thence with two consecutive lines of said School lot, N. 31° 55' W. 18.42 poles to a stone; thence S. 58° 35' W. 18.24 poles to a stone at the southeast corner of S. P. Dunbar's lot; thence with the East line of said lot and continuing with the East line of a church lot N. 30° 40' W. 30.72 poles to a stone at the northeast corner of said church lot; thence with the North line of said church lot S. 62° 05' W. 7.63 poles to a stone in the center of the Pottersburg and Allen Center Road; thence with the center of said road N. 31° 15' W. 62 poles to the place of beginning.

Containing 69.64 acres, more or less.

Said real estate was included in the inventory of the Estate pursuant to the order of this Court, and appraised at $897.60.

The decedent did leaving the defendant, James T. Dunbar, as her widower, who is fifty-four (54) years of age, and is entitled to dower in said premises. The defendants, Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all the right of dower of said James T. Dunbar therein, but out of the proceeds of the sale, in lieu of dower the Court allow to said James T. Dunbar such sum of money as is just and reasonable value therof, unless the answer of said James T. Dunbar waives such allowance; that the rights, interests and liens of all parties may be fully terminated, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

D. A. Reed - Attorney for Plaintiff.

State of Ohio, Union County, ss:

A. B. Poling, being first duly sworn according to law says that he is the plaintiff in the above entitled cause, and

12623

Oath

Filed Dec. 15-1933. Summons.

Sheriff's Return

Heer Ptg. Co., Cols

12623

that
petition

Oath

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27th.

Filed Dec. 15-1933. Summons.

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Heer Ptg. Co., Cols., O. CD 4981.

12623

that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

C. B. Poling.

Oath

Sworn to before me and subscribed in my presence this 27th. day of November, 1933.

Norman C. Borror - Notary Public.
Union County, Ohio.

{Seal}

Filed Dec. 15-1933. 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 James T. Dunbar and the following named who are minors, to-wit:

Floyd Dunbar - minor - 17 years of age.
Earl T. Dunbar - minor - 10 years of age.
Merle T. Dunbar - minor - 10 years of age.

making service of this summons upon said minors, 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 minors, or with whom they live; that on the 9th. day of December A. D. 1933, C. B. Poling, Admr., de Bonis Non of the Estate of Maude E. Dunbar 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 13th day of January, 1934 said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 18th. day of Dec. 1933.

Witness my hand and the seal of said Court, this 11th. day of Dec. 1933.

{Seal}

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

Sheriff's Return

The State of Ohio, Union County.

Sheriff Fees

Service & Return, first name,	$.75
4 Additional names, at 25¢	1.00
Total	$1.75

Recived this writ Dec. 11, 1933, at 9 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: December 14th. 1933, on the within named minors Floyd Dunbar 17 yrs. of age, Earl T. Dunbar, 10 years of age and Merle T. Dunbar, 10 yrs. of age and also at the same time I served James T. Dunbar and James T. Dunbar as father of said minors and with whom said minors reside by personally handing to each of them a true and certified copy of this writ.

William Rausch - Sheriff of Union County, Ohio.
By - A. Gigsby - Deputy.

Heer Ptg. Co., Cols., O. CD 4981.

12623
Filed
Jan. 20 - 1934.
Answer of
Guardian Ad
Litem.

In the Probate Court of Union County, Ohio.

C. B. Poling, Administrator of the Estate
of Maude E. Dunbar, deceased,
Plaintiff,

-vs-

James T. Dunbar, et al.,
Defendants.

No. 12623.
Answer of Guardian ad Litem.

Now comes James T. Dunbar, duly appointed by the Court as Guardian ad litem for Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, minors, and for answer to the petition says, that he has not, by reason of the tender age of said defendants, become informed as to the truth of the matters set forth in said petition; and, therefore, on behalf of said minor defendants denies the same, submits the interest of said defendants to the care and protection of the Court, to order in the premises as justice and the interest of said defendants shall require.

State of Ohio, Union County, ss:

James T. Dunbar, Guardian ad litem for said minor defendants, Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, being first duly sworn according to law says, that the denials made and statements contained in the foregoing answer are true as he verily believe.

James T. Dunbar.

Sworn to before me and subscribed in my presence this 20th day of January, 1934.

(Seal)

Norman C. Born - Notary Public.
Union County, Ohio.

Filed
Jan. 20 - 1934.
Entry.

In the Probate Court of Union County, Ohio.

C. B. Poling, Administrator of the Estate
of Maude E. Dunbar, deceased,
Plaintiff,

-vs-

James T. Dunbar, et al.,
Defendants.

No. 12623.
Entry.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of her estate, and the answer of James T. Dunbar, guardian ad litem of Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, minors, and the answer and cross-petition of James T. Dunbar, the surviving spouse of said decedent. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the defendant, James T. Dunbar, surviving spouse of said decedent is entitled to just and reasonable value of his dower in said premises; that the real estate described in the petition was appraised by the appraisers of the estate at $894.60, and that a further appraisement be dispensed with.

Final Record, Union County Probate Court

Heer Ptg. Co., Cols., O. CD 4981.

12623

The Court further finds that the bond heretofore given by the plaintiff as administrator de bonis non of the Estate of Maude E. Dunbar, deceased, in the amount of $1000.00 is sufficient.

And it is ordered that said O. B. Poling, as such administrator de bonis non, sell said real estate at private sale at not less than $894.60, being the appraised value thereof on the following terms, to-wit; Cash.

And it is further ordered that said O. B. Poling, as such administrator de bonis non, make return of sale without unnecessary delay.

Approved: L. W. Hazen - Probate Judge.

Filed Jan. 20-1934. Answer.

In the Probate Court of Union County, Ohio.

O. B. Poling, Administrator of the Estate of Maude E. Dunbar, deceased, Plaintiff, -vs- James T. Dunbar, et al., Defendants.

No. 12623. Answer.

Now comes James T. Dunbar, 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 Maude E. Dunbar, deceased, and as such is entitled to dower in the premises described in said petition, and that his age is 54 years, and that the just and reasonable value of such dower estate may be allowed and paid to him in money out of the proceeds of the sale.

State of Ohio, County of Union, ss:

James T. Dunbar, being first duly sworn according to law says, that he is one of the defendants in the above styled cause of action and that the facts stated and denials made in his foregoing Answer are true as he verily believes.

James T. Dunbar.

Sworn to before me and subscribed in my presence this 20 th. day of January, 1934.

Norman C. Born - Notary Public. Union County, Ohio.

Filed Jan. 20-1934. Entry.

In the Probate Court of Union County, Ohio.

O. B. Poling, Administrator of the Estate of Maude E. Dunbar, deceased, Plaintiff, -vs- James T. Dunbar, et al., Defendants.

No. 12623. Entry.

This cause came on to be heard on the oral motion of the plaintiff for the appointment of a Guardian ad litem for the defendants, Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, minors in the above entitled cause, and the Court being duly advised find that service of summons in

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said cause has been duly made upon Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, and upon their Father, James T. Dunbar, as provided by law.

It is, therefore, ordered that James T. Dunbar be, and he is hereby appointed Guardian ad litem for said minor defendants, Floyd Dunbar, Merle T. Dunbar and Earl T. Dunbar, for this suit and thereupon James T. Dunbar appeared in open Court and accepts said appointment

L. W. Hazen - P. J.

Filed Feb. 13 - 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To O. B. Poling, administrator de bonis non, 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 O. B. Poling, Administrator de bonis non, are Plaintiff and James T. Dunbar et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than $894.60 the appraised value thereof the following described premises to-wit: The undivided one-half of the following;

Situated in the State of Ohio, County of Union and Township of Allen, being part of Survey No. 4812, and bounded and described as follows:

Beginning at a stone in the center of the Pottersburg and Allen Center Road and at the southwest corner of a 167.60 acre tract of land owned by Lester W. Cline; thence with the South line of the said Cline's land N. 59° 05' E. 149.09 poles to a stone in the center of the Cline Road; thence with two consecutive lines of said road S. 15 W. 156.72 poles to an iron pin at an angle in said road; thence S. 58° 25' W. 10.16 poles to an iron pin at the southeast corner of the Allen Center School lot; thence with two consecutive lines of said School lot, N. 31° 05' W. 18.42 poles to a stone; thence S. 58° 35' W. 18.24 poles to a stone at the southeast corner of S. P. Dunbar's lot; thence with the East line of said lot and continuing with the East line of a church lot N. 30° 40' W. 30.72 poles to a stone at the northeast corner of said church lot; thence with the North line of said church lot S. 62° 05' W. 7.63 poles to a stone in the center of the Pottersburg and Allen Center Road; thence with the center of said road N. 31° 15' W. 62 poles to the place of beginning.

Containing 59.64 acres, more or less.

Said sale 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 13th day of February A. D. 1934.

L. W. Hazen - Probate Judge.

Seal

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Return to Report of Private Sale.

Affidavit to Report of Private Sale.

Filed Feb. 13-1934. Confirming Sale Ordering Deed and Distribution.

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Return.

To the Probate Court of Union County, Ohio.

Return — 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 13th. day of February 1934.

C. B. Poling.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 13th. day of February 1934 offer said property, Repot of Private Sale. at private sale, and James T. Dunbar having offered therefor the sum of Eight Hundred Ninety-four and 60/100 Dollars ($894.60) and the same being not less than the appraised value of said property, I sold the same to said James T. Dunbar for that sum.

C. B. Poling.

Affidavit to Repot of Private Sale.

State of Ohio, Union County, ss.

C. B. Poling, Adm. de bonis non, being duly sworn, says Affidavit to Repot of Private Sale. that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

C. B. Poling.

Subscribed in my presence and sworn to before me this 13th. day of February 1934.

Seal

Norman C. Bonn.

Filed Feb. 13-1934. Confirming Sale Ordering Deed and Distribution.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

C. B. Poling as Administrator de bonis non of the Estate of Maude E. Dunbar, deceased, Plaintiff,

-vs-

James T. Dunbar, et al. Defendants.

February 13th. 1934. Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the repot of C. B. Poling, Administrator de bonis non of the Estate of Maude E. Dunbar, 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; 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 C. B. Poling, as Administrator de bonis non, in said real estate, to the purchaser, James T. Dunbar, upon the

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said purchaser, payment in cash to O. B. Poling, Adm. d/b/n 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 Eight Hundred Ninety Four and 60/100 Dollars, and the said James T. Dunbar surviving spouse, having by answer herein asked that the value of his dower in said premises and $500.00 in lieu of a homestead be allowed and paid him out of the proceeds of the said sale; the Court finds the just and reasonable value of his dower interest in said real estate to be the sum of One Hundred Ninety Two and 98/100 Dollars.

It is further ordered that said O. B. Poling, Administrator de bonis non out of the money in his hands, pay: First, to the Treasurer of this county the sum of $38.39, 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 $50.00 to D. W. Reed, Attorney, and $53.68, the percentum of said administrator d/b/n herein, amounting to the sum of $53.68. Third, to James T. Dunbar, surviving spouse, the sum of $192.98, which the Court finds to be the value of his dower interest in said premises plus $500.00 in lieu of a homestead. It is further ordered that the balance of said proceeds, amounting to the sum of $559.55, be accounted for by said O. B. Poling, Administrator d/b/n according to law. And it is further ordered that this proceeding be reported, and that said petitioner pay the costs herein, taxed at $14.75, out of the proceeds of said sale, within ten days.

L. W. Hagen - Probate Judge.

12912
Filed
May 27-1935.

In the Matter of the Estate of Ora B. Bacon, Deceased.

In the Probate Court, Union County, Ohio.
No. 12912. - Application for election to take Real Estate.

In the Matter of the Estate of Ora B. Bacon, Deceased.

Now comes Perry G. Bacon and says that Ora B. Bacon died intestate on the 12th. day of July, 1934, leaving no children, or their lineal descendants, or parents surviving her; but, left him, the said Perry G. Bacon, her surviving spouse.

That, the said decedent at the time of her death was the owner of the following property, to-wit:

Personal property appraised at $54.00
Real Estate appraised at $625.00

That the said real estate is described as follows, to-wit:

Situated in the County of Union, in the State of Ohio, and in the Village of Richwood, and bounded and described as follows:

Being lot known as No. 280 and as numbered and designated on the recorded plat of H. T. Marriotts first Addition

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to said village.

For a more definite discription of said lot, see recorded plat of said addition in plat Book No. 1 Page 116, as found in the office of the County Recorder of Union County, Ohio.

Excepting, and reserving from said lot above described a strip of land 30 feet wide extending the full length of said lot on the west side thereof heretofore dedicated to said village as a street.

That, he as the surviving consort of the said decedent under Section No. 10509-54 of the General Code of Ohio is entitled to certain property as exempt from administration, or cash in lieu thereof, and has a dower interest in said real estate and hereby elects to take the said above described property at its appraised value as provided in Section No. 10509-89 of the General Code of Ohio.

The said Perry G. Bacon further represents that Olive D. Sinkey has and holds a mortgage lien on said real estate given to secure the payment of a certain promissory note for the sum of $200.00 with interest thereon.

Wherefore, the said Perry G. Bacon asks the court for an order approving his said election and directing Marion B. Cameron as administrator of the estate of the said Ora B. Bacon, deceased, to make and deliver a conveyance of said real estate to him.

Perry G. Bacon.

The State of Ohio, Union County, ss.

Perry G. Bacon being duly sworn says that the facts stated and the allegations made and contained in the foregoing application are true as he believes.

Perry G. Bacon.

Sworn to before me and signed in my presence, the 21st. day of May, 1935.

Seal

Milo L. Myers - Notary Public.

Filed May 27-1935.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Ora B. Bacon, Deceased. | No. 12912 - Appearance and Answer of Olive D. Sinkey.

Now comes Olive D. Sinkey and hereby voluntarily enters her appearance herein and represents that on the 1st. day of April, 1931, the said decedent Ora B. Bacon, and her husband, Perry G. Bacon made and delivered to her their certain promissory note of that date for the sum of $200.00 due in six months from date thereof with interest thereon at 7% per annum from date and 8% per annum after maturity; that the interest thereon has been paid in full to the 1st. day of April, 1935, and there is still due her the said sum of $200.00 with interest from the said last mentioned date.

That, the said Ora B. Bacon and Perry G. Bacon in order to secure the payment of the said promissory note and

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the interest that might accrue thereon, on the said 1st. day of April, 1931, made and delivered to the said Olive D. Sinkey their certain mortgage deed on the real estate described in the application and the said mortgage deed, and as follows:

Being lot known as No. 280 and as numbered and designated on the recorded plat of H. T. Marriotts first Addition to said village.

For a more definite description of said lot, see recorded plat of said addition in plat Book No. 1 Page 116, as found in the office of the County Recorder of Union County, Ohio.

Excepting, and reserving from said lot above described a strip of land 30 feet wide extending the full length of said lot of the west side thereof heretofore dedicated to said village as a street.

That, on the 1st. day of April 1931, at 9:25 o'clock a.m. the said mortgage deed was filed and recorded in the office of the County Recorder of Union County, Ohio, and therein recorded on the 7th. day of April, 1931 in volume No. 100 on Page 455 of the record of mortgages.

That the said mortgage deed is a valid and subsisting and the first and best lien on the said real estate.

That she consents to the transfer and conveyance of said real estate subject, however, to her mortgage lien thereon, or if sold that she be paid the amount of her claim out of the proceeds received from the sale thereof, as may be determined and fixed by the court.

Wherefore, the said Olive D. Sinkey prays that the court protect her interest in the said premises, and for such other and further order in the premises as the court may determine and as may be just and equitable.

Olive D. Sinkey.

The State of Ohio, Union County, ss.

Olive D. Sinkey being duly sworn says that the facts stated and the allegations made and contained in the foregoing application are true as she believes.

Olive D. Sinkey.

Sworn to before me and signed in my presence the 21st. day of May, 1935.

(Seal)

D. E. Ogan - Notary Public.

Filed May 27-1935.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Ora B. Bacon, Deceased.

No. 12912 - Assignment and Wairer of Interest.

Now comes Perry G. Bacon and says that he is the surviving consort, of Ora B. Bacon, deceased, that under the General Code and laws of Ohio, and as the widower of the said decedent he is entitled to all the property, both real and person of which the said decedent was the owner of at the time of her death and is entitled to receive the same, subject, however, to the mortgage claim of Olive D. Sinkey.

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Filed May 27-1935.

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However, by these presents does hereby assign and transfer unto Marion B. Cameron as administrator of the estate of Ora B. Bacon, deceased, any and all right, title, claim, or interest that he may have in or to the real estate of which the said decedent died seized or the owner of; be, said interest by or under any statute of law of the State of Ohio, or by inheritance, descent, distribution or otherwise.

And, the said administrator is hereby directed to sell said real estate at such price upon such terms and to whom as in his judgment may seem best and to apr $625.00 the proceeds received from the sale of the said real estate in the payment of the cost of administration of the estate of the said decedent, taxes and mortgage lien thereon and pro-rata, her funeral expenses and doctor bills, according to their priority and in-so-far as payment of the same may be possible.

Reserving unto himself the personal property appraised at $64.00 and any sum over $625.00 for which said real estate may be sold by said administrator and hereby always saving the said administrator harmless and free from any loss by reason of the foregoing or any act on the part of said administrator, by reason hereof.

Perry S. Bacon.

The State of Ohio, Union County, ss.

Perry S. Bacon being duly sworn says that the facts stated and the allegations made and contained in the foregoing application are true as he believes.

Perry S. Bacon.

Sworn to before me and signed in my presence the 21st. day of May, 1935.

{Seal} L. W. Hazen - Probate judge.

Filed May 27-1935.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Ora B. Bacon, Deceased. | No. 12912. | Journal Entry.

This day this cause came on for hearing on the application of Perry S. Bacon, for election to take the real estate of which the decedent died seized at the appraised value, and the answer of Olive D. Sinkey, and the court on consideration thereof finds that the said decedent died leaving no children or their lineal descendants, or parents surviving her; that all parties having an interest in said real estate or the next estate of inheritance from the said decedent are properly before the court.

That, by the answer of the said Olive D. Sinkey there is due her the sum of $200.00 with interest from April 1st. 1935, on a promissory note executed by the said decedent and the said Perry S. Bacon and to secure the payment thereof they made and delivered a mortgage deed on the premises described in the application and said answer and which is

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a good, valid and subsisting and the first and best lien on said premises.

That the said Perry G. Bacon as widower has a dower interest in said real estate and as a surviving spouse under Section No. 10509-64 of the General Code of Ohio is entitled to property exempt from administration in the value of $500.00, or money in lieu thereof, and has heretofore under said Section, selected to take all the personal property at the appraised value of $54.00, leaving due him the sum of $446.00 which is a charge on said real estate, subject, however, to the said mortgage lien of the said Olive D. Sinkey.

The court further finds that by reason of the foregoing and also under Section No. 10509-89 of the General Code of Ohio that the entire estate of the said deadent may be selected on election to take by the said surviving consort, subject, however, to the said mortgage lien, and the said surviving consort having made and filed his application herein, electing to take the said real estate at its appraised value. Therefore, the said application and election is hereby approved and confirmed.

And it appearing to the court that the said Perry G. Bacon is entitled to receive the said real estate, subject to said mortgage lien without additional payment; therefore be, and it is hereby ordered that Marion B. Cameron as administrator of estate of said Ora B. Bacon, deceased, make, execute and deliver a good and sufficient deed of conveyance to the said Perry G. Bacon for said real estate.

L. W. Hazen - Judge.

12758
Filed
June 12- 1934.
Clifton L. Caryl
Attorney!

Petition to Mortgage Real Estate of Ward.

In the Probate Court, Union County, Ohio.

George Ream, as guardian of Robert Thomas, Plaintiff,

-vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, deceased, Defendant.

No. 12758.

Petition to Mortgage Real Estate of Ward.

Plaintiff, for his cause of action, says that he is the duly appointed and qualified guardian of Robert Thomas, of the age of nineteen (19) years, who resides in Allen Township, Union County, Ohio, and whose Post Office address is Marysville, Ohio, R. F. D. No. 5.

That said ward is not married and that Stella L. Thomas the defendant, and executrix of the estate of A. W. Thomas, Deceased, is the mother of said ward, and resides in Allen Township, Union County, Ohio, and her address is Marysville, Ohio, R. F. D. No. 5.

That said ward is the owner of an estate in remainder after the death of the said Stella L. Thomas of the undivided one-fourth of the one-half interest in the following described real estate:

Heer Ptg. Co., Cols

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Petition to Mortgage Real Estate of Ward.

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Situated in the County of Union, State of Ohio, and in the Township of Allen, and bounded and described as follows: Part of Survey No. 158 and commencing at a stone at the point of intersection of the Maysville and Bellefontaine Gravel Road with the Darby Chapel Gravel Rd; thence with the center of the first named road South 77° East 78 poles to a stone at the N. E. corner of a Subdivision of Francis J. Robinson's lands; thence with two consecutive lines of said lands south 13° west 30 poles to a stone; thence South 36° and 30' East 116 poles to a stone in the North line of Robert J. Wilson's land; thence with said line South 75° West 76 poles to a stone at an angle in said Darby Chapel Gravel Road; thence with the center of said Road north 32° and 30' west 137.20 poles to a stone and North 12° East 46.46 poles to the beginning, containing seventy-two (72) acres, more or less.

Petition to Mortgage Real Estate of Wm.

That on the 4th. day of January, 1933, A. W. Thomas died leaving a will devising his one-half interest in the above described real estate to his belove wife, Stella L. Thomas for life, with remainder to his children, namely, Mildred Thomas, Wonie Thomas, Darwin Thomas, Walter Thomas and Robert Thomas. All of said children are above the age of majority with the exception of Robert Thomas, the plaintiff herein.

Said will was duly admitted to probate on the 28th. day of January, 1933, in the Probate Court of Union County, Ohio, being File No. 12437, found in Journal No. 45, Page 45.

That on the 11th. day of April, 1934, Darwin Thomas whose full name is James Darwin Thomas, executed a Quit-claim deed to the defendant, Stella L. Thomas. On the 15th. day of May, 1934, Wonie Thomas and his wife, Gladys Thomas executed a Quit-claim deed to the defendant, Stella L. Thomas, and on the 17th. day of May, 1934 Mildred Thomas, who is now Mildred Thomas Holcomb, and her husband, H. D. Holcomb, also executed a Quit-claim deed to Stella L. Thomas. On the 2nd. day of June, 1934, Walter Thomas executed a Quit-claim deed to Stella L. Thomas. Said Quit-claim deeds above referred to remise, release and forever quit-claim to the said defendant, Stella L. Thomas, the remainder interest of Darwin Thomas, Wonie Thomas, Mildred Thomas Holcomb and Walter Thomas in the undivided one-half interest of the real estate above described in this petition.

Since the life estate in said lands has been in the possession of the estate of A. W. Thomas, deceased, the fences upon the same have become badly in need of repair, so that there is now very little fence upon said farm that will turn and endose livestock, and the line fences are so out of repair that the adjoining land owners are complaining of same, and may bring action before the Township Trustees to compel the building of same.

It therefore becomes necessary and for the best interest

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said ward, to mortgage said interest in the real estate above described and to make certain improvements upon said real estate in order that the same may be used as a home for said minor ward, and that the value thereof may be preserved during his lifetime, and it is the intention of Stella L. Thomas, the mother of said ward to make their residence upon said lands, and to use them for the care and support of said minor ward.

It will require the sum of $1000.00 and more to make the necessary repairs by way of new fencing and repairs to fences, repairs to buildings, additional drainage, and for sufficient tools and implements and stock to operate said farm, and to pay the costs and expenses of obtaining the mortgage loan upon the premises and the costs and expenses of this action.

It is the intention to use the net amount received from said ward, which is estimated at approximately $300.00 to make repairs and build fences upon said land, which shall be in the nature of lasting and permanent improvements upon same.

It is therefore the purpose of said Stella L. Thomas together with this plaintiff as such guardian, if the Court shall so authorize, to make application for a loan in the sum of $3600.00 to the Federal Land Bank of Louisville, Ky., for the purpose of raising the necessary funds for the uses above mentioned, and for the further use of satisfying a present mortgage of The Columbus Mutual Life Insurance Company, which mortgage encumbers the real estate herein described, and is in the sum of $3500.00 bearing interest at the rate of 6½%, payable semi-annually, and which loan has been on said real estate for a number of years, being Loan No. ML-354.

This loan will be on the usual amortization plan, bearing interest at 4½% for the first five years and 5% thereafter, and calling for the amortization of said loan within a period of thirty-six (36) years. The semi-annual payments of this loan will be made by the said Stella L. Thomas during her lifetime.

That said ward has no other property or estate of any kind except the undivided interest in the above described real estate, and that no income will be derived therefrom, other than that acquired by living upon the operation of said lands, by the said Stella L. Thomas.

That the said Stella L. Thomas joins and concurs in the prayer of this petition and it is her desire that a joint mortgage for the sum of $3600.00 be executed, and that the plaintiff be permitted to join therein as guardian for the said minor ward.

The plaintiff therefore prays that Stella L. Thomas, executrix of the estate of A. W. Thomas, deceased, be notified of the pendency and prayer hereof, in such way as the Court may

Filed June 12-1934. Entry on Filing Petition

Filed June 12-1934 Oath of Viewers.

Heer Ptg. Co., Cols., O. CD 4981.

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direct; and that she may be authorized to join in the borrowing of the sum of $3600.00 upon said real estate in behalf of his said ward and to mortgage such lands so as to secure this loan, and for such other and further relief as the Court may deem just and proper.

Clifton L. Caryl - attorney for Plaintiff.

State of Ohio, Union County, ss:

George Ream, being first duly sworn, says that he is the duly appointed and qualified guardian of Robert Thomas, and is plaintiff in the above entitled cause, and that the facts stated and allegations made and contained in the foregoing petition are true as he verily believes.

George Ream - Guardian.

Oath.

Sworn to before me and subscribed in my presence this 2nd. day of June, 1934.

(Seal) Edith O. Wood - Notary Public.

Filed June 12 - 1934. Entry on Filing Petition.

In the Probate Court, Union County, Ohio.

George Ream, as Guardian of Robert Thomas, Plaintiff, -vs- Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

No. 12487.

Entry upon Filing Petition.

This cause came on to be heard on the petition of George Ream, guardian of the person and estate of Robert Thomas, a minor, for authority to borrow money to make repairs and improvements on the premises described in the petition.

It appearing to the satisfaction of the court that all necessary parties are joined as defendants, it is ordered that they be notified by such guardian of the pendency of the petition, and that the same will be for hearing on the 30th. day of June, 1934, at 10:00 o'clock A. M.

L. W. Hagen - Judge.

Filed June 12 - 1934 Oath of Viewers.

Oath of Viewers.

State of Ohio, Union County, ss.

We, the undersigned, three disinterested persons, make solemn oath that we have truly and impartially performed the duties required of us in the foregoing order, and that our opinion is as appears next below.

Emery Zahn.
C. C. Brown.
Paul W. Dildine.

Sworn to before me, and signed in my presence by said Emery Zahn, C. C. Brown and Paul W. Dildine, this 9th. day of June, 1934.

(Seal) Edith O. Wood - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

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Opinion of Viewers.

Opinion of Viewers.

We find that the cost of the repairs and improvements mentioned in the petition of the plaintiff would be $1000.00.

We find that it is necessary and advisable to make such repairs and improvements and that it would be for the best interest of said ward to mortgage the premises as prayed for in the petition.

Emery Zahn.
C. C. Brown.
Paul W. Dildine.

Filed July 7- 1934. Notice & Return.

In the Probate Court, Union County, Ohio.

George Reame, as Guardian of Robert Thomas, Plaintiff,

vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

No. 12758.

Notice and Return.

To Stella L. Thomas:

You are hereby notified that, George Reame, Guardian of Robert Thomas, a minor has filed his petition in this court praying for authority to mortgage certain real estate belonging to said ward for the purpose of making repairs and improvements on said premises, that said petition will be for hearing on the 30th. day of June, 1934, at ten o'clock, A. M.

L. W. Hazen - Judge.

Filed June 12- 1934. Order to Three Viewers and Their Report.

In the Probate Court, Union County, Ohio.

George Reame, as guardian of Robert Thomas, Plaintiff,

vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

No. 12758.

Order to Three Viewers and their Report.

To Emery Zahn, C. C. Brown and Paul W. Dildine:

Whereas George Reame, as guardian of Robert Thomas, a minor, has filed his petition in this court asking for authority to mortgage the real estate described therein, belonging to said ward for the purpose, among other things, to make repairs and improvements thereon; and

Whereas the court reposing confidence in your judgment and integrity, has appointed you to view the premises and report to this court your opinion as to whether the proposed mortgage described in the petition, a copy of which is hereto annexed for your information, will be for the best interest of said ward.

Whereas you are required to view said premises and without unnecessary delay to report under oath to this court your opinion as to the necessity for and the advisability of making such repairs and improvements and the probably

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cost, and whether the proposed mortgage would be for the best interest of said ward! When reporting, you are to bring this order with you.

Witness my hand and official seal this 12th day of June, 1934.

Seal

L. W. Hazen - Probate Judge.

In the Probate Court of Union County, Ohio.

Filed July 7- 1934. Waiver of Summons.

George Ream, Guardian of Robert Thomas, Plaintiff,

-vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

Case No. 12758.

Waiver of Summons.

I, the undersigned, party defendant to the petition in the above entitled action, do hereby waive the issuing and service of summons, and voluntarily enter my appearance as such defendant.

Estella L. Thomas.

Union County, Ohio.

Filed July 7- 1934. Entry approving Report.

In the Probate Court,

George Ream, as Guardian of Robert Thomas, Plaintiff

-vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

No. 12758.

Entry Approving Report.

This matter came on to be further heard on the report of George Ream, guardian, of the terms of the loan heretofore approved by this court, and the court having examined the report and being satisfied that the terms of the loan are reasonable and proper. It is ordered that the same be, and they hereby are approved. It is further ordered that the guardian be and he hereby is directed to execute and deliver a promissory note and mortgage for a loan on the premises in question, in accordance with the terms aforesaid.

L. W. Hazen - Probate Judge.

Filed July 7- 1934. Report of Guardian.

In the Probate Court, Union County, Ohio.

George Ream, as Guardian of Robert Thomas, Plaintiff,

-vs-

Stella L. Thomas, Executrix of the Estate of A. W. Thomas, Deceased, Defendant.

No. 12758.

Report of Guardian.

As directed by an order of this court, a copy of which is herewith returned, I have investigated the report and find that I can borrow the sum of $1000.00 with interest at 4 & 5% for the first five years, and five years thereafter, and calling for the amortization of said loan within a period of thirty-six (36) years.

George Ream - Guardian of Minor.

Heer Ptg. Co., Cols., O. CD 4981.

12758.
Filed
July 7- 1934.
Entry on
Hearing.

In the Probate Court, Union County, Ohio.

George Reame, as Guardian of
Robert Thomas, Plaintiff,
-vs-
Stella L. Thomas, Executrix of
the Estate of A. W. Thomas,
Deceased, Defendant.

No. 12758.

Entry on Hearing.

On this 30th. day of June, 1934, this cause came on to be further heard on the report of the three disinterested persons heretofore appointed, the same having reported in favor of the mortgage prayed for in the petition, the court finds that all necessary parties have been served with summons, and such service is hereby approved, and the prayer of the petition granted.

Wherefore, it is ordered that said guardian be, and he hereby is, as guardian, authorized and directed to borrow the sum of $1000.00 on the following premises described in the petition, and to execute a mortgage on said premises to secure a promissory note for the same; said loan shall be on such terms as shall be further ordered by this court, and said guardian is hereby directed to ascertain, and report to this court the rate of interest, and time for which he can borrow said amount.

L. W. Hazen - Probate Judge.

Filed
July 7- 1934.
Report of
Guardian.

In the Probate Court, Union County, Ohio.

George Reame, as Guardian of
Robert Thomas, Plaintiff,
-vs-
Stella L. Thomas, Executrix of
the Estate of A. W. Thomas,
Deceased, Defendant.

No. 12758.

Report of Guardian.

As directed by an order of this court, a copy of which is herewith returned, I have investigated the report, and find that, with other interests involved, together with the interest of said ward, the sum of $3600.00 can be borrowed with interest at 4½% for the first five (5) years, and 5% interest thereafter, calling for the amortization of said loan within a period of thirty-six (36) years.

George Reame - Guardian of Minor.

Filed
July 7- 1934.
Entry
approving Report.

In the Probate Court, Union County, Ohio.

George Reame, as Guardian
of Robert Thomas, Plaintiff,
-vs-
Stella L. Thomas, Executrix
of the Estate of A. W. Thomas,
Deceased, Defendant.

No. 12758.

Entry approving Report.

This matter came on to be heard on the repat of George Reame, Guardian of Robert Thomas, as to terms of a loan heretofore approved by this Court, and the Court having examined the repat, and being satisfied that the terms of the loan are

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Filed
Jan. 12-1933.
F. A. McAllister
Attorney.

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Heer Ptg. Co., Cols., O. CD 4981.

12708 reasonable and proper:

Wherefore it is ordered that said guardian be, and he hereby is, as guardian, authorized and directed to join in the execution of a mortgage and promissory note to The Federal Land Bank and Land Bank Commissioners of Louisville, Ky., in the sum of $ 3600.00, and to execute a mortgage on the premises for the same.

L. W. Hazen - Probate Judge.

12434 Filed Jan. 12-1933. F. A. McAllister Attorney.

Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

F. A. McAllister, as administrator of the Estate of Maud H. Lindsey, deceased, Plaintiff

-vs-

H. W. Lindsey, Earl Pugh, Dutz L. Pugh, The Union Building and Savings Co., and The Citizens Home and Savings Co. of Marysville, Ohio, Defendants.

No. 12434.

Petition to Sell Real Estate.

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Maud H. Lindsey, deceased, late of Union County, Ohio. As near as can be ascertained, the amount of valid debts against the deceased is $ 6,693.50, and there is payable out of said estate to H. W. Lindsey, surviving spouse of said decedent, under Section 10509-64 of the General Code of Ohio, the sum of $ 1771.70.

The costs of administering said estate will be about $250.00; the total value of the personal property of said decedent was fixed by the appraisers of said estate at $ 38.50, and all of the said personal property was selected by said H. W. Lindsey, surviving spouse, and said personal property is, under said section of the code, not deemed assets of said estate; that said appraisement has not been excepted to, and that there is no personal property whatsoever in his hands with which to pay the debts, allowance and costs aforesaid.

Petition to Sell Real Estate.

Said decedent died seized in fee simple of the following described real estate, to-wit:

Tract No. 1. Situated in the City of Columbus, County of Franklin and State of Ohio, and bounded and described as follows:

Being a part of Lot No. Three (3) Reserve B., in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 240, Recorder's Office, Franklin County, Ohio, and further described as follows:

Beginning at a point in the south line of Lane Avenue being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence South parallel with the

Heer Ptg. Co., Cols., O. CD 4981.

12434

east line of Lot No. 3, 90 feet to a point; thence east parallel with the south line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the south line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Ave, being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning. Together with all sewer rights obtained by deed recorded in Deed Record 532, page 521, Recorder's Office, Franklin County, Ohio, and all rights of light and air obtained by agreement recorded in Miscellaneous Record 8 page 363, of said Recorder's Office.

Tract No. 2. An undivided one-half interest in and to the following real estate, situated in the County of Union, State of Ohio, and bounded and described as follows:

First Parcel:

Situated in the Village of Marysville and part of Survey No. 3354. Beginning at a stake in the center of the Marysville and Milford Gravel Road and southwesterly corner to a lot of land containing eight (8) acres owned by Edward Keller; thence with a line of said lot N. 49 deg. W. 34½ poles to a stake corner to said lot, 45 feet at right angles from the center of the C. C. C. + St. L. R. R. on the southerly side; thence easterly parallel with said R. R. track and 45 feet therefrom 9.60 poles to a stake; thence S. 49 deg. E. 36.36 poles to a stake in the center of said Marysville and Milford Gravel Road; thence N. 43 deg. E. 9.40 poles to the beginning. containing 2 acres more or less.

Second Parcel:

Situated in the Township of Paris, County of Union and State of Ohio in Survey No. 3354. Beginning at a stake in the center of the Marysville and Milford Gravel Road Northeasterly corner to a lot of land conveyed to James H. Rooney and Alf Scott by Martha J. Woods and others, April 12, 1882. See Records of Deeds Vol. 52, page 473, records of Union County, Ohio; thence with the North line of said lot North 49 deg. W. 36.36 poles to a stake, northwesterly corner of said lot and 45 feet from the center of the track of the C. C. C. + St. L. R. R.; thence with said railroad line 45 feet from the center of said track S. 54 deg. West 12.82 poles to a stake; thence South 49 deg. E. 38.80 poles to a stake in the center of the Marysville and Milford Gravel Road; thence with the center of said road North 42.5 deg. east 12.80 poles to the beginning. Containing three (3) acres. Reference is made to Vol. 67, page 470, and Vol. 56, page 427, Deed Records.

Said real estate was included in the inventory of said estate pursuant to the order of this Court and appraised as follows: Said real estate above described and designated as "Tract No. 1" was appraised at $7000.00, and said real

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estate above described and designated as "Tract No. 2" was appraised at $1600.00.

The said real estate above designated as "Tract No. 1" is subject to a mortgage held by the defendant, The Union Building and Savings Co. of Columbus, Ohio, in the sum of $4000.00 on which mortgage debt plaintiff is informed there has been paid appropximately $250.00, leaving unpaid thereon the sum of $3750.00.

Said real estate above designated as "Tract No. 2" is an undivided one-half interest in real estate; the other undivided one-half is owned by the defendant, H. W. Lindsey; and all of said real estate of which said "Tract No. 2" is a part is subject to a mortgage held by the defendant, The Citizens' Home and Savings Company of Marysville, Ohio, in the sum of $2600.00.

That by deed, dated December 11, 1911, and recorded in Deed Record 582, page 521 in Recorder's Office of Franklin County, Ohio, title to said "Tract No. 1" was vested in Maud H. Pugh, the grantee therein; that afterward, to-wit on March 20, 1920, said Maud H. Pugh intermarried with the defendant H. W. Lindsey, as appears by Marriage Record 74, page 16, Probate Court, Franklin County, Ohio, and was the same person as the said decedent, Maud H. Lindsey.

The defendant, H. W. Lindsey, is the surviving spouse of said decedent, and the defendant, Earl Pugh, is the only heir or person entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein. The defendant, Otta L. Pugh, is the wife of the defendant, Earl Pugh. There are no other persons who have any interest in said real estate.

Wherefore plaintiff prays that said real estate may be sold; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; that your petitioner may be authorized and ordered to sell said real estate according to the statutes in such case made and provided and for such other and further relief as he may be entitled to.

T. A. McAllister.

State of Ohio, Union County, ss:

T. A. McAllister, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believe.

T. A. McAllister.

Oath.

Sworn to and subscribed before me this 12 day of January, 1933.

Carrie N. Hornbeck - Probate judge.

{Seal}

Heer Ptg. Co., Cols., O. CD 4981.

12434
Filed
Jan. 12 - 1933.
Journal Entry.

In the Probate Court of Union County, Ohio.

T. A. McAllister as admr. of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey et al. Defendants

Case No. 12434 - January 30 - 1933.
Journal Entry.
Filing Petition to Sell Real Estate.

This day came the plaintiff T. A. McAllister as admr. of the estate of Maude H. Lindsey deceased and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Maud H. Lindsey, 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.

Lamie W. Hombeck - Probate judge.

Filed
Jan. 30 - 1933.
Waiver of Summons

Probate Court Union County, Ohio.

T. A. McAllister, as administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, Earl Pugh, Ritz L. Pugh, The Union Building and Savings Co., and The Citizens Home and Savings Co. of Marysville, Ohio. Defendants.

No. 12434.

Waiver of Summons.

The Union Building and Savings Company, of Columbus, Ohio, party defendant in the above entitled action, hereby waives the issuing and service of summons and voluntarily enters its appearance as such defendant, and does hereby consent to the sale of the real estate described in the petition as therein prayed for.

The Union Building and Savings Company -
By- Kenyon S. Campbell, Secretary.

Filed
Feb. 6 - 1933.
Waiver of Summons

Probate Court, Union County, Ohio.

T. A. McAllister, as administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, Earl Pugh, Ritz L. Pugh, The Union Building and Savings Co., and The Citizens Home and Savings Co. of Marysville, Ohio, Defendants.

No. 12434.
Entry of Appearance and Consent to Sell.

Heer Ptg. Co., Co

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Filed
Feb. 6 - 1933.
Waiver.

Filed
Feb. 20 - 1933.
Answer of the Union Building & Savings Company.

Heer Ptg. Co., Cols., O. CD 4981.

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Earl Pugh and Dutz L. Pugh, the undersigned parties defendant in the above entitled action being competent adult persons hereby waive the issuing and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the petition as therein prayed for.

Earl E. Pugh.
Dutz L. Pugh.

Filed Feb. 6-1933. Waiver.

In the Probate Court of Union County, Ohio.

T. A. Mc Allister, as administrator of the Estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434.
Waiver.

Now comes the defendant, H. W. Lindsey, and waives the issuing and service of summons and process and enters his appearance herein.

Dated February 6, 1933.

H. W. Lindsey
Lee Porter & Porter - Attorneys.

Filed Feb. 20-1933. Answer of the Union Building & Savings Company.

Probate Court, Union County, Ohio.

T. A. Mc Allister, as Administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, Earl Pugh, Dutz L. Pugh, The Union Building and Savings Company, The Citizens Home and Savings Company of Mayville, Ohio, Defendants.

No. 12434.

Answer of The Union Building and Savings Company.

Now comes The Union Building and Savings Company and for answer to the petition filed herein says:

That it is a corporation organized and existing under the laws of the State of Ohio governing building and loan companies and that it is doing business in the City of Columbus, Franklin County, Ohio; that on May 13, 1931 the above named decedent, Maud H. Lindsey (being the same person as Maud H. Pugh Lindsey) and Harry W. Lindsey, borrowed from this answering defendant the sum of $4000.00 and executed their written obligation thereof to this answering defendant, a true copy of which is hereunto attached, marked "Exhibit A" and made a part hereof.

That the above named decedent, Maud H. Lindsey (being the same person as Maud H. Pugh Lindsey) and Harry W. Lindsey, wife and husband, to secure the performance of all the terms and conditions of their aforesaid written obligation, executed, acknowledged and delivered according to law, their

Heer Ptg. Co., Cols., O. CD 4981.

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certain mortgage deed to this answering defendant, upon the real estate in the petition described as "Tract No. 1". That said mortgage deed was duly filed in the office of the Recorder of Franklin County, Ohio on May 14, 1931 at 8:46 o'clock A. M. and was duly recorded on the 16th. day of May, 1931 in Mortgage Record Volume 811, page 215.

This answering defendant says that there remains due and unpaid upon said written obligation, the sum of $3700.49 with interest thereon at the rate of 6½% per annum from January 1, 1933.

This answering defendant further says that said mortgage deed is the first, best and valid lien on the premises in the petition described as "Tract No. 1."

The administrator of said estate desires to sell the said premises above mentioned, subject to the aforesaid mortgage, and for the purpose of enabling said administrator to so sell said land, this answering defendant, The Union Building and Savings Company, has consented and does hereby consent to the sale of said land, subject to its mortgage aforesaid.

Attached hereto, marked "Exhibit B" and made a part hereof is the duly executed agreement of this answering defendant that the said real estate may be sold by said administrator subject to the mortgage aforesaid.

Wherefore, this answering defendant prays that it may be adjudged to have a valid and subsisting lien and the first lien on the premises above described, in the sum of $3700.49 with interest thereon, at the rate of 6½% per annum from January 1, 1933, and for such other and further relief to which it may be entitled.

Joseph M. Donne - Attorney for the defendant, The Union Building and Savings Company.

State of Ohio, County of Franklin, ss.

Kenyon S. Campbell, being first duly sworn, says that he is the Secretary of The Union Building and Savings Company, and that the facts and allegations set forth in the foregoing answer are true as he verily believes.

Kenyon S. Campbell.

Sworn to before me and subscribed in my presence this 15th. day of February, 1933.

Forrest M. Conklin - Notary Public, Franklin County, Ohio.

(Seal)

Note secured by Mortgage on Real Estate to The Union Building and Savings Company of Columbus, Ohio.

(Installment)

$4000.00 No.—

Columbus, Ohio, May 13, 1931.

Received of The Union Building and Savings Company, Columbus, Ohio, Four Thousand ($4000.00) Dollars as a loan on my/our stock of said company which, with interest from date at the rate of 6½ per centum per annum thereon I/we or either of

Heer Ptg. Co., Cols., O. CD 4981.

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we hereby jointly and severally promise to pay to said company, or order, at its office in said city in dues of not less than Forty ($40.00) Dollars on the last days of this and each month hereafter and also the fines, if any, as provided in the By-laws of said company.

All payments of principal and interest are to be made in gold coin of the United States of America of the present standard of weight and fineness or its equivalent in lawful money of the United States at the discretion of said company.

On June 30 and December 31 of each year, the amount of dues paid during the past six months shall be applied, first, to said interest; second, to the payment of a sum equal to all moneys paid out by said company for insurance premiums, assessments and / or taxes as provided for in the mortgage given to secure this note, or other charges; third, to the principal of said loan; and on the balance thus found said interest shall be figured for the following six months period.

Should Fifty Hundred Dollars ($100.00) or more be paid on this note in addition to the regular monthly dues provided for, then and in that event, interest on the / additional sum so paid shall cease at once.

The whole amount of said loan and interest, shall, at the option of the legal holder hereof, become due and payable at any time after one year from date; and the legal holder hereof may, at any time after date, at its discretion and without notice, increase the rate of interest hereon, to a rate not in excess of eight per centum per annum.

Should two of said monthly dues be not paid when due, or should the undersigned, his / their heirs or assigns fail to keep the buildings on the premises mortgaged to secure this note insured against fire, lightning and tornado in a sum equal to the principal amount hereof, to the approval of said company, its successors or assigns; or fail to deposit with said company, its successors or assigns, the policy or policies therefor with loss payable to it or them; or fail to pay when due the premium for said insurance; or fail to pay when due the assessments and / or taxes on the premises mortgaged to secure this note or levied on this note or on said mortgage; or fail to keep the buildings on said real estate in good and proper repair; or if the buildings on said real estate are altered, remodeled, destroyed or removed without the written consent of said company, its successors or assigns; or should the undersigned, his / their heirs or assigns fail to perform any one or more of the covenants or conditions contained in the mortgage securing this note, then the whole amount of said loan, together with interest and other charges shall, without notice, become due and payable, should the legal holder hereof so elect and, in such event, or if the loan is called after one year as aforesaid, the balance then due on the same shall draw

Heer Ptg. Co., Cols., O. CD 4981.

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interest at the rate of eight per centum per annum from such date, and said company, its successors or assigns shall be entitled to the rents, issues and profits of said premises as additional security for this note in accordance with the provisions therefor contained in said mortgage.

The maturity of all or any part of the debt evidenced by this note may be delayed or extended and any covenants and conditions contained in the mortgage securing the same may be waived or modified without prejudice to my/our liability as makers of this note and payment of this note is unconditionally guaranteed.

(Signed) Maud H. Pugh Lindsey.
(Signed) H. W. Lindsey.
(Signed) Harry W. Lindsey.

"Exhibit A".

Consent to Sell Real Estate Subject to Mortgage.

Whereas, on the 13th. day of May, 1931, Maud H. Pugh Lindsey (then in life but now deceased) and Harry W. Lindsey, wife and husband, gave to the undersigned a promissory note for $4000.00, and to secure the payment of said note with interest as therein provided on the same date executed and delivered to the undersigned, The Union Building and Savings Company, their mortgage deed on the real estate herein-after described, which said mortgage deed was on the 14th. day of May, 1931, duly filed for record in the Recorder's Office of Franklin County, Ohio, and recorded in Mortgage Record 811, page 215 in the office of said Recorder; that said real estate so conveyed by said mortgage is situated in the City of Columbus, County of Franklin and State of Ohio, and bounded and described as follows:

Being a part of Lot No. Three (3) Reserve B, in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 218, Recorder's Office, Franklin County, Ohio, and further described as follows:

Beginning at a point in the south line of Lane Avenue, being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence south parallel with the east line of Lot No. 3, 90 feet to a point, thence east parallel with the north line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the north line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Ave., being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning.

And, whereas, the unpaid balance of said note is a subsisting debt against the estate of said decedent, and the administrator of said estate desires to sell the real estate above described subject to the mortgage aforesaid.

Heer Ptg. Co., Co

12484

Filed June 15-1933. Cross Petition of The Citizens Home and Savings Company.

Heer Ptg. Co., Cols., O. CD 4981.

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Now, therefore, for the purpose of enabling the said administrator to so sell said real estate, the undersigned, The Union Building and Savings Company, does hereby, for a valuable consideration, receipt whereof is hereby acknowledged, consent to the sale of said real estate subject to the mortgage aforesaid; that this consent is given in compliance with Section 10510-23 of the General Code of Ohio; that the undersigned agrees that upon the sale of said real estate being made subject to said mortgage, said estate of said decedent shall be released from the payment of said note; providing, however, that said release of said estate is made and given without in any manner discharging, invalidating or impairing said mortgage lien on said real estate, which said mortgage lien is hereby expressly reserved.

In Witness Whereof, the said The Union Building and Savings Company has caused its corporate name to be subscribed and its corporate seal to be affixed to these presents by its officer thereunto duly authorized, this 15th. day of February, 1933.

The Union Building and Savings Company.
{Seal} By- Kenyon S. Campbell Secretary.

Signed and acknowledged
in presence of
Kirby G. Risher.
Willard B. S—

"Exhibit B."

In the Probate Court, Union County, Ohio.

Filed June 15-1933. Cross Petition of The Citizens Home and Savings Company.

T. A. McAllister, as Administrator of the estate of Maud H. Lindsey, deceased, Plaintiff

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434
Cross Petition of The Citizens Home and Savings Company.

The defendant, The Citizens Home and Savings Company, for its cross petition, says that it is a corporation organized under the laws of Ohio with its principal place of business at Marysville, Ohio.

-1-

On the 4th. day of April, 1927, said deedant, Maud H. Lindsey, and the defendant, H. W. Lindsey, executed and delivered to said Company their promissory note, a copy of which with all credits and endorsements is hereto attached, marked "Exhibit A" and made a part hereof.

The said Maud H. Lindsey is now deceased and the plaintiff, T. A. McAllister, is the duly qualified and acting administrator of her estate by virtue of an order of the Probate Court of Union County, Ohio.

Said note is now past due and unpaid; said Company is the legal holder thereof and there is due said The Citizens Home and Savings Company upon said note from T. A. McAllister, as administrator of said estate, and from the defendant, H. W. Lindsey, the sum of $2768.76

Heer Ptg. Co., Cols., O. CD 4981.

12434

with 7% interest from January 31, 1933.

-2-

On the 4th. day of April, 1927, in order to secure the payment of said note, the said Maud H. Lindsey and H. W. Lindsey executed and delivered to said Company their mortgage deed thereby conveying the following described real estate situated in the State of Ohio, County of Union and Township of Paris, Village of Marysville:

First Parcel: Situated in the Village of Marysville, and being part of Survey #3354. Beginning at a stake in the center of the Marysville and Milford Center Gravel Road and Southwesterly corner to a lot of land containing 8 Acres, owned by Edward Keller; thence with a line of said lot N. 49° W. 34½ poles to a stake corner to said lot 45 feet at right angles from the center of the C. C. C. and St. L. Railroad on the Southerly side; thence Westerly parallel with said Railroad track and 45 feet therefrom 9.60 poles to a stake; thence S. 49° E. 36.36 poles to a stake in the center of the said Marysville and Milford gravel road; N. 43° E. 9.40 poles to the beginning. Containing Two Acres, more or less.

Second Parcel: Situate in the Township of Paris, County of Union and State of Ohio, in Survey #3354. Beginning at a stake in the center of the Marysville and Milford Gravel Road Northeasterly corner to a lot of land conveyed to James H. Roney and Alf Scott by Martha J. Woods and others, April 12, 1882. See Record of Deeds, Vol. 62, Page 473, records of Union County, Ohio; thence with the N. line of said lot N. 49° W. 36.36 poles to a stake; Northwesterly corner of said lot and 45 feet from the center of the track of the C. C. C. and St. L. R. R.; thence with said railroad line 45 feet from the center of the said tract S. 54° W. 12.82 poles to a stake; thence S. 49° E. 38.80 poles to a stake in the center of the Marysville and Milford Gravel Road; thence with the center of the said Road N. 42.5° E. 12.80 poles to the beginning, Containing 3 acres. Reference is made to Vol. 67, Page 470, and Vol. 56, Page 427, Deed Records of Union County, Ohio.

Said mortgage was conditioned in substance upon the payment of the note described in the first cause of action. Said note is now past due and unpaid, whereby the condition of said mortgage has been broken and the same has become absolute.

Said mortgage was duly filed for record with the Recorder of Union County on the 5th. day of April, 1927, at 2:00 o'clock P. M. and was by him duly recorded in Book 95, Page 156, of the Mortgage Records of said County, and is the first and best lien upon said real estate.

Wherefore, said The Citizens Home and Savings Company prays that it may have a judgment against the plaintiff, F. A. McAllister, as Administrator of the estate of Maud H.

Filed June 24-1933. Journal Entry Ordering appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

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Lindsey, deceased, and H. W. Lindsey for $ 2768.76 mth 7% interest from January 31, 1933; that said mortgage be foreclosed and said real estate sold and the proceds thereof applied upon plaintiff's said claim.

C. A. Hoopes - Attorney for The Citizens Home and Savings Company.

State of Ohio, Union County, ss:

C. A. Hoopes, being first duly sworn, says that he is the attorney for The Citizens Home and Savings Company and that the facts stated and allegations made in the foregoing cross petition are true as he verily believe.

C. A. Hoopes.

Swom to before me and subscribed in my presence this 31 st. day of January, 1933.

Seal

Ruth Connolly - Notary Public.

Probate Court, Union County, Ohio.

Filed June 24 - 1933. Journal Entry Ordering appraisement.

T. A. McAllister, as administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, Earl Pugh, Lutz L. Pugh, The Union Building and Savings Co., and The Citizens Home and Savings Co. of Marysville, Ohio, Defendant.

No. 12434.

Journal Entry Ordering Appraisement.

This matter coming on to be heard on the petition, the answer and cross - petition of The Citizens Home and Savings Co. of Marysville, Ohio, the answer and cross - petition of The Union Building and Savings Co. and the evidence, the Court finds all the defendants have been duly and legally served with process or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; and the Court finds that the allegations of the petition are true and that it is necessary to sell said real estate to pay the debts of said estate, and that the prayer of the petition should be granted.

And it appearing to the Court that a new appraisement should be made of said real estate, it is by the Court ordered that Rusk H. Whipps, Dorvnie Moore and T. Tracy Pittenger, three judicious, disinterested persons of the vicinity, not next of kin of the petitioners, be, and they are hereby, appointed to appraise the real estate described in the petition as Tract No. 1 at its true value in money, free of the dower estate of H. W. Lindsey therein, but subject to the lien of the mortgage of the defendant, The Union Building and Savings Co, for the sum of thirty-seven hundred forty-nine dollars ($3749.00) with interest thereon at the rate of 6½% per annum from January 1, 1933; and it is further ordred that Floyd C. Reese, Morey Liggett and H. E. Conkright, three

Heer Ptg. Co., Cols., O. CD 4981.

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judicious, disinterested persons of the vicinity, not next of kin of the petitioner, be, and they are hereby, appointed to appraise the real estate described in the petition as Tract No. 2 at its true value in money, free of the dower estate of said H. W. Lindsey therein; and it is further ordered that said appraisers be sworn as required by law to truly and actually appraise said real estate as required by law at its fair cash value (the appraisement of Tract No. 1 to be subject to the mortgage aforesaid) and discharge the duties required of them according to law, and to make return of their proceedings in writing to this Court on or before the tenth day of July, 1933.

L. W. Hazen - Probate judge.

Filed June 24-1933. Order of appraisement.

Order of Appraisement.

The State of Ohio, Union County. ss: Probate Court.

To F. A. McAllister:

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 administrata of the estate of Maud H. Lindsey, deceased, are Plaintiff and H. W. Lindsey et al., are Defendants, you are commanded that by the oaths of Floyd C. Ferris, Mary Liggett and H. E. Conkright judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit: An undivided one-half interest in and to the following real estate, situated in the County of Union, State of Ohio, and bounded and described as follows:

First Parcel: Situated in the Village of Marysville and part of Survey No. 3364. Beginning at a stake in the center of the Marysville and Milford Gravel Road and southwesterly corner to a lot of land containing eight (8) acres owned by Edward Weller; thence with a line of said lot N. 49 deg. W. 34½ poles to a stake corner to said lot, 45 feet at right angles from the center of the C. C. C. & St. L. R. R. on the southerly side; thence westerly parallel with said R. R. track and 45 feet therefrom 9.60 poles to a stake; thence S. 49 deg. E. 36.36 poles to a stake in the center of said Marysville and Milford Gravel Road; thence N. 43 deg. E. 9.40 poles to the beginning. Containing 2 acres more or less.

Second Parcel: Situated in the Township of Paris, County of Union and State of Ohio in Survey No. 2354. Beginning at a stake in the center of the Marysville and Milford Gravel Road northeasterly corner to a lot of land conveyed to James H. Rooney and Alf Scott by Martha J. Woods and others April 12, 1882. See Records of Deeds, Vol. 52, page 478, records of Union County, Ohio; thence with the North line of said lot North 49 deg. W. 36.36 poles to a stake, northwesterly corner of said lot and 45 feet from the center of the track of the C. C. C. & St. L. R. R.; thence with said railroad line 45 feet from the

Return.

Oath of appraisers.

Appraisers' Return.

Filed July 1-1933. Order of appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

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center of said track S. 54 deg. West 12.82 poles to a stake; thence South 49 deg. E. 38.80 poles to a stake in the center of the Marysville and Milford Gravel Road; thence with the center of said road North 42.5 deg. east 12.80 poles to the beginning. Containing three (3) acres. Reference is made to Vol. 67, page 470, and Vol. 56, page 427, Deed Records.

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 24 day of June, A. D. 1933.

{Seal} L. W. Hazen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 7th. day of July, 1933.

T. A. McAllister - Administrator.

Oath of Appraisers.

The State of Ohio, Union County.

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

Mary Liggett.
Floyd E. Reese. } Appraisers.
H. E. Conkright.

Sworn to before me and signed in my presence, this 7th. day of July, 1933.

{Seal} T. A. McAllister - 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 in money of said real estate at Fourteen Hundred and no/100 ($1400.00) Dollars.

Given under our hands, this 7th. day of July, 1933.

Mary Liggett.
Floyd E. Reese. } Appraisers.
H. E. Conkright.

Order of Appraisement.

Filed July 1- 1933. Order of appraisement.

The State of Ohio, Union County, ss; Probate Court.

To T. A. McAllister, administrator of the estate of Maud H. Lindsey, 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 administrator of the estate of Maud H. Lindsey, deceased, are Plaintiff and H. W. Lindsey et al., are Defendants, you are commanded that by the oaths of Rusk H. Whipps, Bonnie Moore and T. Tracy Pittenger judicious

Heer Ptg. Co., Cols., O. CD 4981.

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disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises: subject to the lien of the mortgage on said premises to The Union Building + Savings Company for the sum of $3749.00 with interest thereon at the rate of 6½% per annum, the said premises being described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio, and bounded and described as follows:

Being a part of Lot No. Three (3) Reserve B., in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 210, Recorder's Office, Franklin County, Ohio, and further described as follows:

Beginning at a point in the south line of Lane Avenue, being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence south parallel with the east line of Lot No. 3, 90 feet to a point; thence east parallel with the north line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the north line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Ave., being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning. Together with all sewer rights obtained by deed recorded in Deed Record 532, page 521, Recorders Office, Franklin County, Ohio, and all rights of light and air obtained by agreement recorded in Miscellaneous Record, page 363, of said Recorder's Office.

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 24 day of June, A. D. 1933.

{Seal} L. W. Hazen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 1st. day of July 1933.

T. A. McAllister - Administrator.

Oath of appraisers.

The State of Ohio, Franklin County.

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

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Filed July 7- 1933. Journal Entry. Confirming Appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

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Rusk H. Whipps.
Donnie W. Moore. } appraisers.
T. Tracy Pittenger.

Sworn to before me and signed in my presence, this 27th. day of June, 1933.

{Seal} Joseph M. Downs - 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 in money of said real estate subject to the lien of the mortgage thereon to The Union Building + Savings Company at Two Thousand, Two Hundred and Sixty ($2,260.00) Dollars.

Given under our hands, this 27th. day of June, 1933.

Rusk H. Whipps.
Donnie W. Moore. } appraisers.
T. Tracy Pittenger.

Filed July 7- 1933. Journal Entry. Confirming Appraisement.

Probate Court, Union County, Ohio.

T. A. McAllister, as administrator of the estate of Maud H. Lindsey, deceased,
Plaintiff,
-vs-
H. W. Lindsey, et al.,
Defendants.

No. 12434.
Journal Entry
Confirming Appraisement.

This day this matter came on further to be heard on the report of the appraisers heretofore appointed to appraise the real estate described in the petition as Tract No. 1, situated in the City of Columbus, County of Franklin and State of Ohio, and on the report of the appraisers heretofore appointed to appraise the real estate described in the petition as Tract No. 2, situated in the County of Union and State of Ohio; and it appearing upon examination that the said reports are in all respects regular and correct, it is ordered that the same be and they are hereby, approved and confirmed.

It is further ordered that said T. A. McAllister, administrator, execute within five (5) days to the State of Ohio a bond with sufficient sureties, to be approved by the Court, in the sum of two thousand dollars ($2000.00), conditioned according to law, and this cause is continued.

L. W. Hagen - Judge.

Administrator's Bond.

Know all men by these Presents: That we, T. A. McAllister, Fidelity and Deposit Company of Maryland are held and firmly bound unto the State of Ohio, in the sum of Two Thousand ($2000.00) Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Richwood, Ohio, this 7th. day

Heer Ptg. Co., Cols., O. CD 4981.

12484.

8 July, A. D. 1933.

The condition of the above obligation is such, that whereas, the above bound T. A. McAllister was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, administrator of the estate of Maud H. Lindsey, Deceased.

And whereas, the said T. A. McAllister as such administrator 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 7th. day of July 1933 made an order requiring said administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said T. A. McAllister, administrator 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.

T. A. McAllister.

Executed in Presence of
V. Jane McAllister.

{Seal}

Fidelity and Deposit Company of Maryland,
By- Sturgis H. Chaney- atty-in-fact.

This Bond approved in open Court, this 7th. day of July 1933.

L. W. Hazen - Probate Judge.

{Seal}

Filed July 7- 1933. Application to Sell at Private Sale.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

T. A. McAllister, administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12484.
Application.

The said Plaintiff represents that it would be for the best interests of the said estate to sell the real estate described in the petition in this case as Tract No. 2 at private sale, for the following reasons:

Said real estate consists of an undivided one half interest in real estate, and would not sell at public sale.

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

T. A. McAllister - Administrator of the estate of Maud H. Lindsey, Deceased.

The State of Ohio, Union County.

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

T. A. McAllister.

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Affidavit of Disinterested Person.

Filed July 7- 1933. Journal Entry Ordering Private Sale.

Filed July 8- 1933. Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to before me and signed in my presence this 7 day of July, A. D. 1933.

{Seal} L. W. Hazen - Probate judge.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Floyd C. Kerns, 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 referred to, and that it will be more for the interest of the said estate of Maud H. Lindsey, deceased to sell said real estate at private than at public sale, as he verily believes.

Floyd C. Kerns.

Affidavit of Disinterested Person.

Sworn to before me and signed in my presence this 7 day of July 1933.

{Seal} L. W. Hazen - Probate judge.

Filed July 7 - 1933. Journal Entry Ordering Private Sale.

Probate Court, Union County, Ohio.

T. A. Mc Allister, as administrator of the estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434.

Journal Entry.

It further appearing to the Court that the plaintiff has given additional bond in the sum of two thousand dollars ($2000.00) with approved sureties according to law, 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 as Tract No. 2 and situated in Union County, Ohio, at private sale; it is therefore ordered that the said T. A. Mc Allister, as such administrator, proceed to sell said real estate described in the petition as Tract No. 2 free of the dower estate of H. W. Lindsey, 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 the plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Judge.

Filed July 8 - 1933. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To T. A. Mc Allister, administrator of the estate of Maud H. Lindsey, 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 administrator of the estate of Maud H. Lindsey, deceased, are Plaintiff and H. W. Lindsey, 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 one half interest in and to the following real estate situated in the County of Union, State of Ohio, and

Heer Ptg. Co., Cols., O. CD 4981.

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bounded and described as follows:-

First Parcel: Situated in the Village of Marysville, and part of Survey No. 3354. Beginning at a stake in the center of the Marysville and Milford Gravel Road and southwesterly corner to a lot of land containing eight (8) acres owned by Edward Keller; thence with a line of said lot N. 39 deg. W. 34.4 poles to a stake, corner to said lot, 45 feet at right angles from the center of the C. C. C. & St. L. R. R. on the southerly side; thence westerly parallel with said R. R. track and 45 feet therefrom 9.60 poles to a stake; thence S. 49 deg. E. 36.36 poles to a stake in the center of said Marysville and Milford Gravel Road; thence N. 43 deg. E. 9.40 poles to the beginning. Containing 2 acres more or less.

Second Parcel: Situated in the Township of Paris, County of Union and State of Ohio in Survey No. 3304; Beginning at a stake in the center of the Marysville and Milford Gravel Road northeasterly corner to a lot of land conveyed to James H. Rooney and Alf Scott by Martha J. Woods and others, April 12, 1882. See Records of Deeds, Vol. 52, page 473, records of Union County, Ohio; thence with the North line of said lot North 49 deg. W. 36.36 poles to a stake, northwesterly corner of said lot and 45 feet from the center of the track of the C. C. C. & St. L. R. R; thence with said railroad line 45 feet from the center of said track S. 54 deg. West 12.82 poles to a stake; thence South 49 deg. E. 38.80 poles to a stake in the center of the Marysville and Milford Gravel Road; thence with the center of said road North 42.5 deg. east 12.80 poles to the beginning. Containing three (3) acres. Reference is made to Vol. 67, page 470, and Vol. 56, page 427, Deed Records.

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

Witness my signature and the seal of said Estate Court at Marysville, Ohio, this 7th. day of July, A. D. 1933.

{Seal}

L. M. Hafer - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 8th day of July, 1933.

T. A. McAllister - Administrator.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 7th. day of July 1933, offer said property, at private sale, and The Citizens Home and Savings Company having offered therefor the sum of Fourteen Hundred sixteen and 29/100 Dollars ($1416.29) and the same being not less than the appraised value of said property, I sold the same to said The Citizens Home and Savings Company for that sum.

T. A. McAllister - Administrator.

Affidavit to Report of Private Sale.

Filed July 8- 1933.

Journal Entry Confirming Sale.

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affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

F. A. McAllister, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

affidavit to Report of Private Sale.

F. A. McAllister.

Subscribed in my presence and sworn to before me this 8th. day of July, 1933.

{Seal}

L. W. Hazen- Probate Judge.
Union County, Ohio.

Probate Court of Union County, Ohio.

Filed July 8- 1933. Journal Entry Confirming Sale.

F. A. McAllister, as administrator of the Estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434.

Journal Entry Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of F. A. McAllister, administrator of the estate of Maud H. Lindsey, deceased, of his proceedings under the former order of this Court, and upon motion of said petitioner to confirm the sale made in obdience 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 estate of said Maud H. Lindsey, deceased, in said real estate to the purchaser, The Citizens Home and Savings Company of Marysville, Ohio.

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 fourteen hundred sixteen dollars and twenty-nine cents ($1416.29), the Court finds there is due the said The Citizens' Home and Savings Company upon the note set forth in the answer and cross petition from the estate of the said Maud H. Lindsey the sum of thirteen hundred ninety-one dollars and fifty-three cents ($1391.53) with interest thereon at 7% from the date of this entry, and that the said Maud H. Lindsey and H. W. Lindsey, her husband, to secure the payment of said promissory note gave a mortgage upon the premises in the petition described which is a valid and subsisting lien on said premises and now upon the fund in the hands of said administrator arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on the record in the Office of the Recorder of Union County, Ohio, according to law.

Heer Ptg. Co., Cols., O. CD 4981.

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It is further ordered that said administrator out of the money in his hands pay:

(1) To the Treasurer of this county the sum of twenty-four dollars and seventy-six cents ($24.76), being Taxes, Penalty and interest thereon against said property.

(2) To The Citizens' Home and Savings Company on the note and mortgage set forth and described in its answer and cross-petition the sum of thirteen hundred ninety-one dollars and fifty-three cents ($1391.53), which the Court finds to be the amount due the said The Citizens' Home and Savings Company.

And it is further ordered that this proceeding be recorded and the petitioner pay the costs taxed at $—.

L. W. Hazen - Probate Judge.

Probate Court, Union County, Ohio.

Filed Sept. 13-1933. Application to Sell Real Estate at Private Sale.

T. A. McAllister, as Administrator of the Estate of Maud H. Lindsey, Deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434. Application to Sell Real Estate at Private Sale.

The plaintiff in the above entitled action represents that it would be for the best interests of said estate to sell the real estate designated and described in the petition herein as "Tract No. 1", at private sale for the following reasons:

That due to the depressed condition of the real estate market and the numerous sales at public auction in the County of Franklin, in which said real estate is situated, a sale at public auction would probably only be made at a sacrifice price.

Said Administrator therefor asks for an order authorizing him to sell said real estate at private sale,

T. A. McAllister - Admr.

State of Ohio, Union County, ss.

T. A. McAllister being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

T. A. McAllister.

Sworn to before me and signed in my presence this — day of September, 1933.

(Seal)

L. W. Hazen - Probate Judge.

Filed Sept. 13-1933. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To T. A. McAllister, Administrator of the Estate of Maud H. Lindsey, 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 Administrator of the Estate of Maud H. Lindsay, Deceased are Plaintiff, and H. W. Lindsey et al., are Defendants, you are commanded to proceed according to law,

Return.

Report of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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to sell at Private Sale, for not less than the appraised value thereof the following described premises to-wit:

Tract No. 1: Situated in the City of Columbus, County of Franklin and State of Ohio, and bounded and described as follows:

Being a part of Lot No. Three (3) Reserve B, in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 210, Recorder's Office, Franklin County, Ohio, and further described as follows:

Beginning at a point in the south line of Lane Avenue being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence south parallel with the east line of Lot No. 3, 90 feet to a point; thence east parallel with the north line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the north line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Avenue, being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning. Together with all sewer rights obtained by deed recorded in Deed Record 582, Page 521, Recorder's Office, Franklin County, Ohio, and all rights of light and air obtained by agreement recorded in Miscellaneous Record, page 368, of said Recorders Office.

Said sale 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 13 day of September, A.D. 1933.

{Seal} L. W. Hazen Probate judge.

Return.

To the Probate Court of Union County, Ohio.

The Union Building & Savings Company, having by leave of Court, withdrawn its Answer consenting to sale of the within property, subject to its mortgage, this order of sale is hereby returned; no sale having been made.

Return.

F. A. McAllister - Administrator of the Estate of Maude H. (Lindsey, deceased.

Report of Private Sale.

By obedience to the command of the within order of sale, I did on the — day of — 19— offer said property, at private sale, and having offered therefor the sum of — (8—) Dollars subject to the lien of the mortgage of the defendant, the Union Building & Savings Company for $3740.78 and the same being not less than the appraised value of said property, I sold the same to said —— for that sum.

Report of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Affidavit to Report Private Sale

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

T. A. McAllister, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Subscribed in my presence and sworn to before me this day of September, 1933.

Probate Court, Union County, Ohio.

Filed Sept. 13-1933. Journal Entry.

T. A. McAllister, as Administrator of the Estate of Maud H. Lindsey, Deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434. Journal Entry.

This day this matter came on further to be heard on the application of the plaintiff for the order of this court, directing him to sell the real estate, described in the petition and designated as "Tract No. 1," at private sale and it appearing to the court that the plaintiff has heretofore given an additional bond in the sum of $2000.00, with sureties to the approval of the court, and it further appearing to the court upon satisfactory evidence that it would be more for the interest of said estate to sell the real estate designated in said petition as "Tract No. 1" at private sale, it is now ordered that the said T. A. McAllister, as such Administrator proceed to sell said real estate at private sale for not less than the appraised value thereof and for cash.

L. W. Hazen - Judge.

Probate Court, Union County, Ohio.

Filed June 17-1935. Entry.

T. A. McAllister, as Administrator of the Estate of Maud H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434. Entry.

This cause this day came on for hearing upon the application of the defendant, The Union Building and Savings Company, for permission to withdraw its answer heretofore filed in this cause, together with the Exhibits attached thereto and made a part thereof; the court being fully advised, hereby grants permission to said answering defendant to withdraw its answer, together with said exhibits, and further grants leave to said defendant to file an amended answer in this cause instanter.

L. W. Hazen - Probate Judge.

Heer Ptg. Co.,

12434 Filed June 17-1935. Amended Answer of The Union Building and Savings Company.

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Filed
June 17-1935.
Amended Answer
of The Union
Building and
Savings Company.

Probate Court, Union County, Ohio.

T. A. McAllister, as Administrator
of the Estate of Maud H. Lindsey,
deceased,
Plaintiff,
-vs-
H. W. Lindsey, et al,
Defendants.

No. 12434.
Amended Answer of The Union
Building and Savings Company.

Now comes The Union Building and Savings Company and for answer to the petition filed herein says:

That it is a corporation organized and existing under the laws of the State of Ohio governing building and loan companies and that it is doing business in the City of Columbus, Franklin County, Ohio; that on May 13, 1931 the above named decedent, Maud H. Lindsey (being the same person as Maud H. Pugh Lindsey) and Harry W. Lindsey, borrowed from this answering defendant the sum of $4000.00 and executed their written obligation therefor to this answering defendant, a true copy of which is hereunto attached, marked "Exhibit A" and made a part hereof.

That Maud H. Lindsey (being the same person as Maud H. Pugh Lindsey) and Harry W. Lindsey, to secure the performance of all the terms and conditions of their aforesaid written obligation, executed, acknowledged and delivered according to law, their certain mortgage deed to this answering defendant, upon the real estate in the petition described as "Tract No. 1."

That said mortgage deed was duly filed in the office of the Recorder of Franklin County, Ohio, on May 14, 1931 at 8:45 o'clock A. M. and was duly recorded on May 16, 1931, in Mortgage Record 811, page 218.

This answering defendant says that there remains due and unpaid upon said written obligation, the sum of $3574.61, with interest on $3673.66 at the rate of 6½% per annum, from January 1, 1935.

This answering defendant further says that said mortgage deed is the first, best and valid lien on the premises described in the petition as "Tract No. 1."

Wherefore, this answering defendant prays that in the event of the sale of the premises above described, that out of the proceeds arising therefrom, the mortgage indebtedness to this answering defendant be first paid and for such other and further relief to which it may be entitled.

Kenyon S. Campbell &
Joseph M. Downs - Attorneys
for the defendant The Union
Building and Savings Company.

State of Ohio, County of Franklin, ss.

Kenyon S. Campbell, being first duly sworn, says that he is the Secretary of The Union Building and Savings Company, and that the facts and allegations set forth in the

Heer Ptg. Co., Cols., O. CD 4981.

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foregoing answer are true as he verily believes.

Renton S. Campbell.

Sworn to before me and subscribed in my presence this 28th. day of May, 1930.

Willard B. Scott - Notary Public,
Franklin County, Ohio.

{Seal}

Note Secured By Mortgage On Real Estate to
The Union Building and Savings Company of Columbus, Ohio.
(Installment)

$4000.00 - No- Columbus, Ohio, May 13, 1931.

Received of The Union Building and Savings Company, Columbus, Ohio, Four Thousand ($4000.00) Dollars as a loan on my/our stock of said company which, with interest from date at the rate of 6½ per centum per annum thereon I/we or either of us hereby jointly and severally promise to pay to said company, or order, at its office in said city in dues of not less than Forty ($40.00) Dollars on the last days of this and each month hereafter and also the fines, if any, as provided in the By-laws of said company.

All payments of principal and interest are to be made in gold coin of the United States of America of the present standard of weight and fineness or its equivalent in lawful money of the United States at the discretion of said company.

On June 30 and December 31 of each year, the amount of dues paid during the past six months shall be applied, first, to said interest; second, to the payment of a sum equal to all moneys paid out by said company for insurance premiums, assessments and/or taxes as provided for in the mortgage given to secure this note, or other charges; third, to the principal of said loan; and on the balance thus found said interest shall be figured for the following six months period.

Should One Hundred Dollars ($100.00) or more be paid on this note in addition to the regular monthly dues provided for, then and in that event, interest on the additional sum so paid shall cease at once.

The whole amount of said loan and interest, shall, at the option of the legal holder hereof, become due and payable at any time after one year from date; and the legal holder hereof may, at any time after date, at its discretion and without notice, increase the rate of interest hereon, to a rate not in excess of eight per centum per annum.

Should two of said monthly dues be not paid when due, or should the undersigned, his/their heirs or assigns fail to keep the buildings on the premises mortgaged to secure this note insured against fire, lightning and tornado in a sum equal to the principal amount hereof, to the approval of said company, its successors or assigns; or fail to deposit with said company, its successors or assigns, the policy or policies therefor with loss payable to it or them; or fail

Filed June 17- 1930. Motion.

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Heer Ptg. Co., Cols., O. CD 4981.

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to pay when due the premium for said insurance; or fail to pay when due the assessments and/or taxes on the premises mortgaged to secure this note or levied on this note or on said mortgage; or fail to keep the buildings on said real estate in good and proper repair; or if the buildings on said real estate are altered, remodeled, destroyed or removed without the written consent of said company, its successors or assigns; or should the undersigned, his/their heirs or assigns fail to perform any one or more of the covenants or conditions contained in the mortgage securing this note, then the whole amount of said loan, together with interest and other charges shall, without notice, become due and payable, should the legal holder hereof so elect and, in such event, or if the loan is called after one year as aforesaid, the balance then due on the same shall draw interest at the rate of eight per centum per annum from such date, and said company, its successors or assigns shall be entitled to the rents, issues and profits of said premises as additional security for this note in accordance with the provisions thereof contained in said mortgage.

The maturity of all or any part of the debt evidenced by this note may be delayed or extended and any covenants and conditions contained in the mortgage securing the same may be waived or modified without prejudice to my/our liability as makers of this note and payment of this note is unconditionally guaranteed.

(Signed) Maud H. Pugh Lindsey.
(Signed) H. W. Lindsey.
(Signed) Harry W. Lindsey.

"Exhibit A"

In the Probate Court, Union County, Ohio.

Filed June 17- 1935. Motion.

T. A. McAllister, Administrator of the Estate of Maude H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434. Motion.

Now comes the plaintiff and says that he has been unable to sell the property belonging to said estate, situated in Columbus, Franklin County, Ohio, which was on the 13th. day of September, 1933, by this Court ordered sold; that one of the parties defendant, The Union Building and Savings Company of Columbus, Ohio, has withdrawn its consent to sell said property, subject to the lien of the mortgage of said company and is by its amended answer herein filed, asking that said property be sold and its mortgage lien paid from the proceeds of sale thereof; that the appraisement heretofore made was of the equity of said property above the amount of said mortgage, and

Heer Ptg. Co., Cols., O. CD 4981.

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that it will be necessary to re- appraise said real estate.

Plaintiff therefore moves the Court to set aside and vacate the appraisement of the said real estate and the order of this Court approving the same, and the said order of sale heretofore issued to the plaintiff, and plaintiff returns to this Court the said order of sale heretofore issued herein.

Plaintiff suggests the names of Harry J. Miller, Thomas H. Johnson, Jr. and Paul H. Kohr, three judicious and disinterested persons of the vicinity, not of kin to the petitioner as appraisers of said real estate.

- Plaintiff.

In the Probate Court, Union County, Ohio.

T. A. McAllister, Administrator of the Estate of Maude H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434.
Journal Entry.

This day this cause came on to be heard upon the motion of the plaintiff to vacate the appraisement and order of approval thereof, of the property of said estate, situated in Columbus, Franklin County, Ohio, and of the order of sale thereof, heretofore issued herein, and upon consideration thereof and being fully advised in the premises, the Court sustains said motion and orders that the said appraisement and order of approval thereof and the order of sale heretofore issued for the property of said estate, situated in Columbus, Franklin County, Ohio, be and the same is hereby vacated, set aside and held for naught.

And it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that Harry J. Miller, Thomas H. Johnson, Jr., and Paul H. Kohr, three judicious and disinterested persons of the vicinity, not of kin to the petitioner, be and they are hereby appointed to appraise said real estate at its true value in money. It is further ordered that said appraisers be sworn, as required by law, to truly and impartially appraise said real estate upon actual view of its fair cash value and discharge the duties required by them according to law, and to make return of their proceedings in writing to this Court on or before the 1st. day of July, 1935.

L. W. Hazen - Judge.

Filed June 19- 1935. Order of Appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss. Probate Court.

To T. A. McAllister, Administrator of the Estate of Maude H. Lindsey, 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 Administrator of the estate of Maude

Return

Oath of appraisers.

Heer Ptg. Co., Cols., O. CD 4981.

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H. Lindsey, deceased are Plaintiff and, H. W. Lindsey et al., are Defendants, you are commanded that by the oaths of Harry J. Miller, Thomas H. Johnson, Jr., and Paul H. Kohr. Judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

Tract No. 1: Situated in the City of Columbus, County of Franklin and State of Ohio, and bounded and described as follows:-

Being a part of Lot No. Three (3) Reserve B., in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 210, Recorder's Office, Franklin County, Ohio, and further described as follows:-

Beginning at a point in the south line of Lane Avenue being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence south parallel with the east line of Lot No. 3, 90 feet to a point; thence east parallel with the north line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the north line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Avenue, being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning together with all sewer rights obtained by deed recorded in Deed Record 532, Page 521, Recorder's Office, Franklin County, Ohio, and all rights of light and air obtained by agreement recorded in Miscellaneous Record, Page 363, of said Recorder's Office.

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 15th. day of June, A. D., 1935.

(Seal) L. W. Hauger - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 19th. day of June, 1935.

T. A. McAllister - Administrator.

Oath of Appraisers.

The State of Ohio, Franklin County.

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

Heer Ptg. Co., Cols., O. CD 4981.

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Harry J. Miller.
Thos. H. Johnson, Jr. } appraisers.
Paul H. Kohr.

Sworn to before me and signed in my presence, this 19th. day of June, 1935.

{Seal} Forest M. Conklin - 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 in money of said real estate situated at 259 East Lane Ave., Columbus, Ohio, at Four Thousand Two Hundred Fifty ($4250.00) Dollars.

Given under our hands, this 19th. day of June 1935.

Harry J. Miller.
Thos. H. Johnson, Jr. } appraisers.
Paul H. Kohr.

Appraisers' Return.

Appraisers' fee $15.00.

Filed June 19- 1935. Application to Sell at Private Sale.

In the Probate Court, Union County, Ohio.

T. A. McAllister, administrator of the Estate of Maude H. Lindsey, deceased, Plaintiff,
-vs-
H. W. Lindsey, et al., Defendants.

No. 12434.
application.

The said plaintiff represents that it would be for the best interests of said estate to sell the real estate described in the petition as Tract No. 1, at private sale, for the reason that due to the depressed condition of the real estate market, a public sale of said real estate would probably result in a sacrifice and plaintiff therefore asks for law order authorizing him to sell said real estate at private sale.

T. A. McAllister - Administrator of the Estate of Maude H. Lindsey, deceased.

State of Ohio, Union County, ss.

T. A. McAllister, being first duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

T. A. McAllister.

Sworn to before me and signed in my presence this 2nd. day of July, 1935.

{Seal} L. W. Redmond - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Delaware County.

A. L. Atkins, 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 referred to, and that it will be more for the interest of the said estate of Maude H. Lindsey, deceased, to sell said real estate at private sale than at public sale, as he verily believes.

A. L. Atkins.

Affidavit of Disinterested Person.

Filed June 29- 1935. Order of Private Sale.

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Sworn to before me and signed in my presence this 2nd. day of July, 1935.

{Seal} L. W. Redmond - Notary Public.

4-30-1937.

Filed June 29-1935. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To T. A. McAlister, administrator of the Estate of Maude H. Lindsey, 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 Administrator of the Estate of Maude H. Lindsey, deceased, are Plaintiff and H. W. Lindsey, 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 City of Columbus, County of Franklin, and State of Ohio, and bounded and described as follows:-

Being a part of Lot No. Three (3) Reserve B., in the Indianola Forest Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 210, Recorder's Office, Franklin County, Ohio, and further described as follows:-

Beginning at a point in the south line of Lane Avenue being also the north line of said Lot No. 3, 40 feet west of the east line of Lot No. 3; thence south parallel with the east line of Lot No. 3, 90 feet to a point; thence east parallel with the north line of Lot No. 3, 40 feet to a point in the east line of Lot No. 3, and 90 feet south of the north line thereof; thence north with the east line of Lot No. 3, 90 feet to a point in the south line of Lane Avenue, being also in the north line of said Lot No. 3; thence west with the north line of said Lot No. 3, and with the south line of Lane Avenue 40 feet to the place of beginning together with all sewer rights obtained by deed recorded in Deed Record 532, Page 521, Recorder's Office, Franklin County, Ohio, and all rights of light and air obtained by agreement recorded in Miscellaneous Record, Page 363, of said Recorder's Office.

Said sale to be upon the following terms: Either the full amount cash in hand or else 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 mortgage on the premises sold and to bear interest from date 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 Marysville, Ohio, this 29th. day of June, A. D. 1935.

L. W. Hazlett - Probate judge.

{Seal}

Heer Ptg. Co., Cols., O. CD 4981.

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Return.

Return.

To the Probate Court of Union County, Ohio.

On 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 3rd. day of July, 1935.

T. A. McAllister - Administrator of the Estate of Maude H. Lindsey, dec'd.

Report of Private Sale.

Report of Private Sale.

On obedience to the command of the within order of sale, I did on the 22nd day of June 1935 offer said property, at private sale, and Wilbur G. Scarberry, having offered therefor the sum of Four Thousand Two Hundred Fifty Dollars ($4250.00) and the same being not less than the appraised value of said property, I sold the same to said Wilbur G. Scarberry for that sum.

T. A. McAllister, Admr. of the Estate of Maude H. Lindsey, dec'd.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

Affidavit to Repot of Private Sale.

T. A. McAllister, being duly sworn, says that the private sale of property made under the within orders, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

T. A. McAllister.

Subscribed in my presence and sworn to before me this 3rd. day of July 1935.

{Seal} Rachel E. Ransome - Notary Public.

The Union Building and Savings Co.
22 West Gay Street, Columbus, Ohio.

June 18-1935.

T. A. McAllister, Administrator of the Estate of Maud H. Lindsey, deceased.

Dear Sir:

Having seen the purchase contract for the property at 259 E. Lane Ave., wherein W. G. Scarberry offers to purchase said property for the sum of $4250.00, I hereby consent and agree that you as Administrator may take an order for private sale and sell the property to said W. G. Scarberry, in accordance with said contract.

I understand that in the consummation of said real estate sale, the McLaughlin Realty Company of Columbus, Ohio, will be paid their regular commission of 4% of the sale price.

Sincerely,

H. W. Lindsey.

The above consent and agreement is hereby approved.

James H. Eymon.

Walter Dreibel. Counsel for H. W. Lindsey.

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Filed July 3 - 1935.

Journal Entry confirming Sale, Ordering Deed & Distribution.

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Filed
July 3 - 1935.
Journal Entry
Confirming Sale
Ordering Deed
& Distribution.

In the Probate Court, Union County, Ohio.

T. A. Mc Allister, as Administrator
of the estate of Maude H. Lindsey,
deceased, Plaintiff,

-vs-

H. W. Lindsey, et al.,
Defendants.

No. 12434.
Journal Entry, Confirming Sale,
Ordering Deed and Distribution.

This day this cause came on to be heard on the repot of T. A. Mc Allister, Administrator of the estate of Maude H. Lindsey, 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; 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 Maude H. Lindsey, deceased, in said real estate, to the purchaser, Wilbur G. Scarberry, upon the said purchaser paying the purchase money therefor in cash.

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 $4250.00, and the said H. W. Lindsey, surviving spouse, having no dower in said premises, the Court finds that there is due to the said The Union Building & Savings Company upon the note set forth in the amended answer and cross-petition, from the estate of said Maude H. Lindsey, deceased, the sum of $3675.65, with interest thereon at the rate of 6½% per annum from the date of this entry; that the said Maude H. Lindsey and Harry W. Lindsey, her spouse, 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 Administrator arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on record in the office of the recorder of Franklin County, Ohio, according to law.

It is further ordered that said Administrator out of the money in his hands, pay: First, to the Treasurer of Franklin County, the sum of $43.94, being the taxes, penalty and interest thereon against said property. Second, the costs and expenses incurred in the sale of said property including a real estate commission of $170.00 being 4% of the sale price to McLaughlin Realty Company of Columbus, Ohio. Third, to The Union Building & Savings Company of Columbus, Ohio, on the note and mortgage described in its answer and cross petition the sum of $3675.65 which the Court finds to be the amount due thereon. Fourth: It is further ordered that the

Heer Ptg. Co., Cols., O. CD 4981.

12434

balance of said proceeds of said sale be accounted for by said Administrator, according to Law. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $—, out of the proceeds of said sale, within ten days.

L. W. Hazen - Judge.

Filed June 19-1935. Journal Entry Confirming Appraisement and Ordering Sale.

In the Probate Court, Union County, Ohio.

T. A. McAllister, as Administrator of the Estate of Maude H. Lindsey, deceased, Plaintiff,

-vs-

H. W. Lindsey, et al., Defendants.

No. 12434.

Journal Entry Confirming Appraisement and Ordering Sale.

This day this matter came on further to be heard on the report of the appraisers heretofore appointed herein; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it is hereby approved and confirmed.

It further appearing to the Court that the plaintiff has heretofore given an additional bond in this action in the sum of $2000.00, with approved sureties conditioned according to Law, which bond has been heretofore approved by this Court, no further or additional bond is now required.

And it is 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 T. A. McAllister, as such Administrator proceed according to law to sell at private sale, free of dower, the real estate described in the petition, for not less than the appraised value thereof on the following terms, to-wit:- Either the full amount cash in hand or else 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 mortgage on the premises sold and to bear interest from date of sale, payable annually, and said petitioner is ordered to make return of his proceedings to this Court immediately after such sale is made. And it further appearing to the Court that all parties in interest have consented to the payment of a real estate commission upon such sale, and that the usual and customary real estate commission upon sales by real estate brokers made in Columbus, Ohio, is four per cent (4%) of the sale price, it is ordered that the Administrator be authorized to pay a real estate commission of four per cent (4%) upon the sale price in the event such sale is made through the agency of a real estate broker or brokers.

L. W. Hazen - Judge.

12453 Filed Sept. 27-1933.

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12453
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Sept. 27-1933.

In the Matter of The Estate of Thomas G. Anderson, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.

In the Matter of the Estate of Thomas G. Anderson | No. 12453.
Petition to Sell Personal Property.
Petition.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Administratrix of the Estate of Thomas G. Anderson, deceased, of said County; that the personal property of said estate has been duly appraised, and the inventory and appraisement thereof filed in said Court. Your petitioner makes application for authority to sell at public sale, as provided by law, and upon such terms as the Court may order, the part of the personal property of said estate enumerated in the schedule hereto attached, and which is also enumerated in said inventory and appraisement, and which remains unsold for the following reasons, to-wit: It is necessary to convert said personal property into money for the payment of debts.

No. of Item	Weight, Measure or No. Articles	Description of Articles Appraised	Appraised Value.
1	3	Cows	$ 70. 00
2	2	Horses	65. 00
3	64	Sheep	114. 00
4	1	Cord plow and 1 corn planter	5. 00
5		2 shares Ohio Woolgrowers Assn. stock	20. 00
6		Deposit in Union Banking Co. Marysville, O.	20. 00

Said authority is asked for the following reasons: to convert the assets of the estate into cash to pay debts.

Richard C. Small - Attorney for
Hazel Anderson, Administratrix
of the Estate of Thomas G.
Anderson, deceased.

The State of Ohio, Union County.

Richard C. Small, being duly sworn, says, that the facts stated in the foregoing petition are true, as he verily believes.

Richard C. Small.

Sworn to before me and signed in my presence this 27th. day of September a. D. 1933.

{Seal}

Carrie M. Hombeck - Deputy Clerk.

Filed
Sept. 27- 1933.
Journal Entry.

Journal Entry.
Probate Court, Union County, O.
September 27- 1933.
Authorizing Sale.

The Estate of Thomas G. Anderson.

This day this cause came on to be heard upon the petition herein filed and the testimony, and the Court being fully advised in the premises finds that the statements and allegations in said petition are true, and that the

Heer Ptg. Co., Cols., O. CD 4981.

12453

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 public sale; it is therefore ordered that Hazel Anderson as Administratrix of said Thomas G. Anderson, deceased, proceed to sell said personal property at public sale, for cash, giving notice as required by law by publishing the same in the Marysville Tribune, sale to be held October 12, 1933.

It is further ordered that said Administratrix make return of her proceedings herein, within 30 days from this date, and forthwith after such sale is made, and this cause is continued.

L. W. Hagen - Probate judge.

Filed Oct. 16- 1933. Legal Notice.

Public Sale.

The undersigned will offer for sale at public auction on Thursday, the 12th. day of October, 1933, at the late residence of Thomas G. Anderson, deceased, in Union County, Ohio, beginning at 10 o'clock a. M., the following personal property belonging to the estate of Thomas G. Anderson, deceased, consisting in part of three cows, two horses, 64 sheep, one corn plow, one corn planter.

Terms: Cash in hand at time of sale.

Hazel Anderson, Administratrix of Estate of Thomas G. Anderson.

Richard C. Thrall - Attorney.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for three consecutive weeks on and next after September 27, 1933 in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 14th. day of October a. D. 1933.

G. P. Huber - Notary Public.

Printers Fees, $4.20 {Seal}

Filed June 17- 1935. Report of Sale.

Report of Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Thomas G. Anderson, Deceased. | Report of Sale.

The undersigned, Hazel Anderson, Administratrix of the estate of Thomas G. Anderson, Deceased, says that in obedience to the order of said Court, hereto attached, she sold said chattels, commencing on the 12th. day of October 1933, and closing on the 12th. day of October 1933, for the sum of Five hundred and seventy-seven + 41/100 Dollars,

A detailed Bill of said Sales is hereto attached.

Dated this 19th day of October, 1933.

Hazel Anderson - Administratrix as aforesaid

12453

Dated June 17-1935. Order Approving and Confirming Sale.

12931 Filed apr. 29-1936

Heer Ptg. Co., Cols., O. CD 4981.

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12403

Name of Debtor. Kind of Claim. Date.	To whom sold	Price
Farm chattels	Bidders at auction	$ 557. 41
2 shares Wool Growers Assn. stock	Harold J. Anderson	20. 00

Affidavit.

The State of Ohio, Union County, ss.

Richard C. Thall, attorney for Hazel Anderson, Administratrix of estate of Thomas G. Anderson, being duly sworn, says that the foregoing Report is in all respects true and correct, that such sale has been made after 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.

Richard C. Thall- Atty.

Sworn to before me and signed in my presence this 15 th. day of June 1935.

{Seal} Norman C. Bowe- Notary Public.

Dated June 17-1935. Order approving and Confirming Sale.

Journal Entry- Order approving and Confirming Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Thomas G. Anderson, Deceased. | June 15 - 1935. Order approving and Confirming Sale.

This day this cause coming on to be heard on the report of Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson deceased, of her proceedings under the former order of this Court; the Court having carefully examined said report, and being satisfied that said sales have in all respects been regular and legal. It is ordered that the same be and hereby is approved and confirmed. It is further ordered that this proceeding be recorded, and that said Administratrix pay the costs herein taxed at $ — within ten days.

L. W. Hafer - Probate judge.

12931 Filed apr. 29-1935

Petition to Mortgage Real Estate.

Probate Court of Union County, Ohio.

Charles L. Thompson, Guardian, Plaintiff,

-vs-

His Wife, Lois Thompson and Alice Thompson,

Defendants.

No. 12931.
Petition to Mortgage Real Estate.

The plaintiff represents that he is the duly appointed and qualified guardian of Lois Thompson of the age of twenty years, residing at Milford Center, Ohio.

That Icey M. Thompson died intestate on April 11, 1935 leaving as her sole heirs at law Charles L. Thompson, widower and three daughters, Mildred Thompson, an adult, and the defendants Lois Thompson and Alice Thompson, minors.

That said Icey M. Thompson did seized of an undivided one ninth interest in the following real estate situated in

Heer Ptg. Co., Cols., O. CD 4981.

12931

Madriver Township, Champaign County, Ohio, to-wit:

Situate in Section 12, Town 4, Range 10 M. R. S., beginning at a stone in the east line of said Section 12, the southeast corner of a 100 acre tract formerly owned by Samuel Rector; thence south 100 poles to a stone; thence west 160 poles to a stone in the middle of said section; thence N. 87° 00' W. 30 poles and 10 links to a stone; thence N. 12° E. 45 poles and 10 links to a stone; formerly a corner to the lands of James Jones and William Weaver; thence east 21 poles to a stone, the northwest corner of the southwest quarter of said Section 12; thence north with the half section line 9 poles and 8 links; thence west 44 poles; thence north 14.80 poles; thence west 54 poles; thence north 108.70 poles; thence east 54 poles; thence south 67.82 poles, formerly William Sutton's southwest corner; thence east 42 poles to the half section line; formerly a corner to the lands of William Sutton, Samuel Rector and Conway Rector; thence east 160 poles to the beginning, containing 157 3/4 acres of land more or less and being the same known as the Seitz farm as described in Deed Book 92 page 582 of the deed records of Champaign County, Ohio.

Petition to Mortgage Real Estate.

The the Home Loan Company holds a mortgage on an undivided seven ninths of said property (including decedent's one ninth) for $2500.00 on which there is due the principal sum of $2500.00 and approximately $535.00 as interest. That there are other liens on other undivided interests in said property.

That on January 9, 1934, amicable suit was filed in the Common Pleas Court of Champaign County, Ohio, praying for the partition of said real estate.

That on June 20, 1934, a writ of partition, appraisal and sale of said premises was ordered by the Court.

On December 11, 1934, five of the parties to the suit including the decdent, Icy M. Thompson, elected to take the premises at the appraised value, which was confirmed by the Court on the same day.

That in order to finance this purchase and pay off mortgages and incumbrances and the distributive share of the other heirs application was made to the Federal Land Bank of Louisville, Kentucky for a first mortgage loan on said real estate in the sum of $6000.00 by the five who elected to take the premises.

That this application was granted, and the note and mortgage were executed by the five applicants including Icy M. Thompson, and their respective spouses.

That the Sheriff's deed was executed and delivered in escrow to be delivered to the applicants when the bonds were received from The Federal Land Bank, the mortgages discharged and the distributive shares paid to the remaining heirs.

12981

Recipe

Filed May 29- 1935. Journal Entry

Heer Ptg. Co., Cols., O. CD 4981.

12981

That all there remained to be done to complete the transaction was the receipt of said bonds, payment of liens and final distribution of proceeds when Icy M Thompson died.

That said real estate is reasonably worth the appraised value or more.

That it is to the best interest of said minors to complete the transaction which their mother, Icy M. Thompson, had begun prior to her demise.

That Charles L. Thompson, widower, and Mildred Thompson, sole adult heir, are ready and willing to complete in their own names the transaction as originally contemplated by said Icy M. Thompson.

Wherefore said plaintiff prays the Court to set this petition for hearing, to issue summons to the Sheriff of Union County for the defendants, returnable according to law, and for an order authorizing said plaintiff to complete the transaction which was begun by Icy M. Thompson by executing notes and mortgages on the interest of said minors to the Federal Land Bank of Louisville, Kentucky and the Federal Land Bank Commissioner in the amount of $6000.00 in conjunction with Charles L. Thompson, widower, and Mildred Thompson and the other four applicants as co-makers and co-mortgagors.

Grace Fern Heck- Attorney for the plaintiff.

State of Ohio, Union County, ss:

Charles L. Thompson, Guardian, first being duly sworn says that he is the plaintiff in this action, and that the facts stated and the allegations contained in the foregoing petition are true as he verily believes.

Charles L. Thompson.

Sworn to before me and subscribed in my presence this 29 th. day of April, 1935.

{Seal} L. A. Michel- Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceedings, for said Lois Thompson and Alice Thompson, defendants, directed to the Sheriff of Union County, returnable according to law.

Precipe

Grace Fern Heck- Attorney for the Plaintiff.

Filed May 29- 1935. Journal Entry

Probate Court of Union County, Ohio.

Charles L. Thompson, Guardian,
Plaintiff,

-vs-

His Wife
Lois Thompson and Alice Thompson,
Defendants.

No. 12931.
Journal Entry Authorizing Guardian to Mortgage Minors' Interest in Real Estate.

This day this cause came on to be heard on the petition of Charles L. Thompson, Guardian of Lois Thompson and Alice Thompson, minors for authority to mortgage said minors' interest

Heer Ptg. Co., Cols., O. CD 4981.

12931

in the real estate described in the petition. It appears to the Court that all necessary parties are joined as defendants and that they have been duly served with summons as provided by law, and are properly before said Court.

The Court finds that the allegations of the petition are true, and that it would be for the best interest of said minors to mortgage their interest in the real estate.

Wherefore it is ordered that said guardian be and he hereby is, as guardian, authorized and directed to execute notes and mortgages on real estate described in the petition payable to the Federal Land Bank of Louisville, Kentucky and the Federal Land Bank Commissioner in the total amount of $6000.00 in conjunction with Charles L. Thompson, widower of Dcey M. Thompson and Mildred Thompson, sole adult heir of Dcey M. Thompson, and the other four applicants for the loan as co-makers and co-mortgagors.

L. W. Hazen - Judge.

Approved:

Filed June 4-1935. Summons.

Summons on Petition to Sell Real Estate.

Sheriff - Minors.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Charles L. Thompson - Guardian of Lois Thompson and Alice Thompson, Minors; and the following named who are minors, to-wit: Lois and Alice Thompson, making service of this summons upon such minors as are over fourteen years of age, and also upon the guardian, father, or custodian of said minors, in the order named; that on the 30th. day of April A. D. 1935, Charles L. Thompson, Guardian of the Minors. Lois and Alice Thompson, 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 certain Real Estate belonging to said decedent, and in said petition described, (Petition to Mortgage Real Estate) for the purpose of paying debts, and that unless they answer by the 29th. day of June 1935, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on or before June 10th 1935.

Witness my hand and the seal of said Court, this 29th. day of May, 1935.

{Seal}

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

12931 Sheriff's Return.

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12603 Filed Jan. 23-1934. Milo L. Myers, Attorney

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Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service & Return, first name	$ .75
2 Additional names, at 25¢	.50
10 miles traveled at 8¢	.80
Total	$ 2.05

Recived this writ May 29th. 1935, at 8 o'clock P. M. and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz:

June 3rd. 1935, on Charles L. Thompson, Guardian of Lois Thompson and Alice Thompson, minor and also Lois Thompson, minor and alice Thompson, minor by personally handing to each of them a true and certified copy of this writ.

William Rausch - Sheriff.
By- A. Grigsby - Deputy.

12653
Filed
Jan. 23-1934
Milo L. Myers,
Attorney

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased,

Plaintiff.

-vs-

Dana L. Coe, Glen E. Coe, Lona L. Coe, E. M. Coe, The Citizens Home and Saving Company of Marysville, Ohio, The Farmers and Mechants Bank of Milford Center, Ohio, and The Prudential Insurance Company of America of Newark, New Jersey,

Defendants.

No. 12653.

Petition.

Now comes E. M. Coe, (also known as Emery M. Coe) and says that he is the duly appointed, qualified and acting Executor of the estate of Lottie M. Coe, deceased, who died on the 22nd. day of June, 1931; that on the 14th. day of July, 1931, he was appointed as such by the Probate Court of Union County, Ohio, in Case # 12092, and qualified therein without bond under the provisions of the Last Will and Testament of the said deceased.

That, the debts of the deceased, as near as can be ascertained is $16,000.00.

And the costs and expenses of administering her estate will amount to about $1,000.00, and she died leaning no personal property of any nature whatsoever with which to pay her debts and costs as aforesaid.

That she died seized in fee simple and the owner of

Heer Ptg. Co., Cols., O. CD 4981.

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the following described real estate, to-wit:

First Tract.

Being the undivided one-half interest in the following:
Situated in the County of Union in the State of Ohio and in the Village of Marysville and bounded and described as follows:
Part of Surveys No. 3351 - 3354.

Beginning at a stone Northwest corner of lands formerly owned by Sarah J. Stamatis; thence with the Northerly line of said land South 74° East 7 poles to a stake Southwest corner to John L. Hubers land; thence North 16° East 12 poles with the Westerly line of the land of John L. Huber and Sarah Stumps land in the line of Mary L. Schmidts land; thence with said line North 74° West to the Southerly line of Springfield branch of the C. C. and St. L. railway; thence Westerly with said line to the center of the Marysville and Milford road; thence Southerly with said road to a stake a corner to a parcel of land conveyed by Mary L. Schmidt to Sarah Ellen Mills, 8 Aug. 21st. 1894; thence with the Northerly line of said land South 46° East 10.80 poles to a stake a corner of said parcel of land in the Westerly of said land formerly owned by Sarah J. Stamatis; thence with said line North 16° East 4.40 poles to the beginning, containing 80/100 of an acre be the same more or less, after excepting the land occupied by the Marysville and Milford road and by Railroad Street.

Second Tract.

Being the undivided one-half interest in the following:
Situate in the State of Ohio, County of Union and Village of Marysville, being part of Survey No. 3351, and bounded and described as follows:

Beginning at a stake in the center of the Marysville and Marion Gravel Road and at the southwest corner of land formerly owned by David Moore; thence with the southerly line of said land N. 89° E. 64.60 poles to a stone; thence S. 1° 30' W. 27.32 poles to a stake in the north line of the lands of Mary E. Lease; thence with the Northerly line of said Lease land S. 89° W. 34 poles to a stake, corner to the lands formerly owned by Emery A. and Gertrude H. Spurrier; thence with two consecutive lines of said Spurrier's land N. 1° 30' E. 6.06 poles, and South 89° W. 20.60 poles to a stake in the center of said Marysville and Marion Gravel Road; thence with the center of said Gravel Road N. 1° 30' E. 21 poles to the place of beginning.

Excepting a strip 20 feet wide on the north side of said above described tract, and a lot conveyed to the Ohio Fuel and Gas Company. Leaving 7.86 acres.

Being 3.07 acres in the Corporation of the Village of Marysville and 4.79 acres in the Marysville School District.

Heer Ptg. Co., Cols., O. CD 4981.

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Third Tract.

Situated in the Township of Allen, County of Union, and State of Ohio, and bounded and described as follows, to-wit:

Part of Survey No. 2983, bounded as follows:

Beginning at a stone (in place of an ash and sugar) Southwesterly corner to Survey No. 2983; thence North 52° East 158 poles to a stake (the center of the bridge over Buck Run bears South 52° West 4 poles); thence North 70° West 71 poles to a large stone and crock; thence South 53° West 118 poles to a stone in the Westerly line of said Survey; thence with said line South 35° East 62 poles to the beginning, containing 51 acres, more or less.

Fourth Tract.

Also part of Survey No. 2979, bounded as follows:

Beginning at a stone in the East line of said Survey No. 2979 and Southerly corner to a lot sold by C. V. Reed to James Coolidge; thence with said Coolidge's line North 35° West 50 poles to a sugar tree, at his Westerly corner and in the line of James Finley; thence with his line South 55° West 256 poles to two black ashes, corner to said lot; thence South 37° East 56½ poles to a small white oak in loose branch and in the Easterly line of Survey No. 2979, another original corner to said lot; thence with said line North 53½° East 253 poles to the beginning, containing 84.5 acres, more or less.

Fifth Tract.

Also part of said Survey No. 2979, bounded as follows:

Beginning at a stone and stoneware (in place of an ash and sugar tree) Southeasterly corner to Survey No. 2979; thence with the Southerly line of said Survey South 54° West 53 poles to a limestone, corner to B. H. B. Griswold's land; thence with his line North 34° West 59 poles to a sugar tree in the line of James V. Finley's land; thence with his line North 55° East 52.20 poles to a stake (a large white oak bears South 70° East 1.1 poles) in the Easterly line of said Survey No. 2979; thence with said line South 35° East 49 poles to the beginning.

Containing 16.25 acres, more or less.

Sixth Tract.

Situated in the Township of Allen, County of Union and State of Ohio, also part of Survey No. 4610, bounded as follows:

Beginning at a stake (ash and sugar gone) in the line of Survey No. 4610 and at the corner of Surveys Nos. 2983 and 2979, and at the intersection of the Milford and Allen Center Road and the Collins Gravel Road; thence with the line dividing said Surveys Nos. 2979 and 4610 and with the center of said Collins Gravel Road South 53½° West 155 poles to a stone in the center of said Collins Gravel Road and at the Northerly corner

Heer Ptg. Co., Cols., O. CD 4981.

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of Survey No. 4278; thence with the North line of said Survey No. 4278 South 70½° East 125.50 poles to a stake in said line, corner to lands formerly owned by Euram Marsh; thence with the line of said Marsh's land North 63½° East 74.40 poles to a stake (a white oak brs North 18¾° West 24 links) in the center of the Milford and Allen Center Gravel Road; thence with the center of said road North 31¼° West 104½ poles to the beginning, containing 73.50 acres more or less.

Containing in all 225.25 acres, more or less, in Allen Township, Union County, Ohio.

Seventh Tract.

Situated in the County of Union and State of Ohio and bounded and described as follows, to-wit:

Part of Survey No. 4278.

Beginning at two Hickories in the line of Samuel N. Rop and corner to a tract of one hundred and ten acres owned by said Samuel Marsh; thence with said Rop's line N. 70½° W. 125-3/5 poles to a stake in the center of a county road; thence with the center of said road S. 53¾° W. 67.32 poles to a stake corner to a tract of 56½ acres quit-claimed by said Euram Marsh and wife to said Samuel Marsh; thence with one of the lines of said tract S. 45.7° E. 91 poles to a stake corner to said tract; thence with another line of said tract N. 41¼° E. 39.8 poles to a stake another of its corners; thence with another of its lines S. 36½° E. 21.6 poles to a stake corner to said Samuel Marsh's said lot of one hundred and ten acres; thence with one of the lines of said lot N. 53½° E. 85-3/5 poles to the beginning, containing 56 acres and 18 poles.

Eighth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and part of Surveys No. 4277 and No. 9390 and bounded and described as follows:

Beginning at a stake in the center of the Woodstock and Milford Center Gravel Road in the west line of Survey No. 9390.

Thence with the west line of said Survey N. 34° E. one hundred and eleven and eight hundredths (111-08/100) poles to two Hickories from one root a corner to said Survey in the south line of Survey No. 4277. Thence with said Survey line N. 77° 30' W. Twenty-two and seventy-five hundredths (22-75/100) poles to a corner of said Survey No. 4277. Thence with the west line of said Survey No. 4277, N. 12° 15' E. Forty-five and sixty hundredths (45-60/100) poles to a stake witnessed by a bur oak N. 45° E. thirty-four (34) feet. Thence S. 58° 45' E. one hundred and thirty-four and four hundredths (134-4/100) poles to a stake in the north line of said Gravel Road. Thence with the north line of said Gravel Road S. 56° 30' W. Four and sixty-eight hundredths (4-68/100) poles to a Honey Locust in the north line of said

Heer Ptg. Co., Cols., O. CD 4981.

12653 Survey No. 9390. Thence with said Survey line S. 77° 30' E. one and forty-four hundredths (1.44/100) poles to a stake in the center of said Gravel Road. Thence with the center of said Gravel Road S. 56° 30' W. Ninty-eight and forty-eight hundredths (98-48/100) poles to a stone and S. 80° W. Eighty-one and fifty-six hundredths (81-56/100) poles to the beginning.

Containing sixty-two and thirty-five hundredths (62-35/100) acres.

Ninth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and Survey No. 4277 and bounded and described as follows:

Being a strip of land about 25 feet wide and 182½ feet long and including that part of the Woodstock and Milford Center public road laying to the north of the center of said road and adjacent to the lands of H. B. H. Griswold, and containing about 5/100 acres, more or less.

Tenth Tract.

Situated in the County of Union in the State of Ohio, and part of Survey No. 4277, and bounded and described as follows:

Beginning at a stake at the junction of the Milford Center and Woodstock gravel road with the Milford Center and North Lewisburg gravel road. Thence with the said Milford Center and Woodstock gravel road South 55° West 67 poles to a stake in the line of Nathan Howards land. Thence North 60° 30' West 10 poles to a stake a corner of Lottie Coe's land. Thence with the line of said land North 29° 30' West 58.60 poles to a stake a corner to said line in the center of The Milford Center and North Lewisburg gravel road. Thence with the center of said road South 60° 30' East to the place of beginning.

Containing 7 3/4 acres, more or less.

The above land being the part of a tract of land deeded by Clinton H. Coe to Myrtle L. Coe, Feb. 24th. 1896, lying South of the Milford Center and North Lewisburg gravel road.

Eleventh Tract.

Situated in the County of Union, in the State of Ohio, and in the Township of Union and Survey No. 4277:

Being a strip of land about 25 feet wide, and 628 feet long, and including that part of the Woodstock and Milford Center Public road laying to the north of the center of said road and adjacent to the lands of said Lottie M. Coe about 35/100 acres, more or less.

Twelfth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union, being part of Survey No. 4277 and bounded and described as follows:

Heer Ptg. Co., Cols., O. CD 4981.

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Beginning at a stake in the center of the Milford and North Lewisburg Gravel Road at a corner to the lands of Philip L. Coe; thence with the westerly line of said land S. 31° W. 53.60 poles to a stake a corner to said Philip L. Coe's land; thence N. 58° 30' W. 113.12 poles to a stake and tile; thence N. 32° E. 53.60 poles to a stake in the center of said Road; thence with said Road S. 58° 30' E. 112.08 poles to the beginning.

Containing 37.65 acres, more or less.

Further the said executor represents that since the filing of said inventory and appraisement no further action has been taken towards the settlement of said estate and that it is now necessary to sell the real estate hereinabove described to pay the debts of the said Lottie M. Coe and the charges and expenses of administering her estate.

That the said Lottie M. Coe at the time of her death on the 22nd. day of June, 1931, left the said E. M. Coe, her surviving spouse, who has an intest in said real estate.

That, the said Lottie M. Coe died leaving surviving her the defendants, Dana G. Coe, Glen E. Coe, Lowe L. Coe, her sons, and who still survive, they being her only children and heirs at law having the next estate of inheritance from her or devisees named in her Last Will and Testament, a copy of which Last Will and Testament is hereto attached marked Exhibit "A", for reference only.

That, the said Dana G. Coe has or claims to have and hold a mortgage lien on tract No. 2 in the petition described.

That, the defendant, the said Prudential Insurance Company of America has and holds a mortgage lien on tracts Nos. 3, 4, 5 and 6, in the plaintiff's petition described.

That, the said defendant, The Citizens Home and Savings Company has, or claims to have and hold a claim or lien on the premises described in the petition.

And, the defendant, The Farmers and Merchants Bank of Milford Center, Ohio, has or claims to have and hold some lien on the premises described in the plaintiff's petition.

Wherefore, the plaintiff prays that all of the said defendants be required to set up their respective claim or interests in and to the said real estate, or be forever barred.

That, the amount of the various claims of said defendants, and their priority be determined by the Court.

That, the plaintiff be ordered and directed to sell said real estate to apply the proceeds received therefrom on the costs and expenses of administering said estate and the payment of the debts thereof, according to their priority, and for such other and further relief in the premises as the Court may find to be just and equitable.

Milo L. Myers - Attorney for Plaintiff.

Heer Ptg. Co.

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State of Ohio, Union County, ss:

E. M. Coe being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as he believes.

Oath.

E. M. Coe.

Sworn to before me and signed in my presence this 22nd. day of January, 1934.

(Seal) Milo L. Myers- Notary Public.

Last Will and Testament of Lottie M. Coe.

I, Lottie M. Coe, of the village of Marysville, Union County, Ohio, desiring to make such disposition of my property as seems best to me, do make, publish and declare this to be my last will and testament, hereby revoking all former wills and codicils by me made.

Item 1. I direct that all my just debts, those of my last sickness, funeral expenses and expenses of administration of my estate, be paid out of my estate.

Last Will & Testament.

Item 2. The rest and residue of my personal property after paying the items mentioned in Item One hereof, be it, of whatsoever nature and wherever found, I give and bequeath to my husband, Emery M. Coe, for and during his natural life, and in lieu of any interest or claim he may have thereon by reason of my demise. He to have full possession, control, use and income therefrom, with full power as if he was the sole and absolute owner thereof, to sell, convert or exchange any part or all thereof for cash or other property in any manner whatsoever to any one whomsoever, without accounting therefor, and of the residue remaining, if any, on the death of my said husband, I give and bequeath the same to my children, absolutely, share and share alike.

Item 3. I give and devise to my husband, Emery M. Coe, all my interest in property located on West Seventh St., in the village of Marysville, Union County, Ohio, and the residence property in which I this day reside, located on North Main St., in said village, absolutely.

Item 4. The rest and residue of my real estate, be it, of whatsoever nature and wherever found, I give and devise to my husband, Emery M. Coe, for and during his natural life and in lieu of any dower interest he may have or claim therein, and on the death of my said husband, the remainder estate in said real estate, I give and devise the same to my children, absolutely, share and share alike.

Item 5. Provided, however, that in the event any one or more of my said children should die prior to the death of my said husband, then, and in that event the interest bequeathed in Item Two and devised in Item Four hereof to the child so dying shall then vest in the child or children of the one so dying, and provided further, if said child so dying leaves no issue of its body living, then, and in

Heer Ptg. Co., Cols., O. CD 4981.

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that event I give and devise said intrust to my child or children surviving, and to the children of any of my children, so dying, absolutely, the issue of any of my children, so dying, to take as a family.

Item 6. I hereby nominate and appoint my husband, Emmy M. Coe, executor of this my last will and testament, and direct that he be permitted to qualify as such without bond.

In testimony Whereof, I have hereunto set my hand this 20th. day of March, 1924.

Lottie M. Coe.

Signed and acknowledged by the said Lottie M. Coe as her last will and testament in our presence, and witnessed by us at her request, and signed by us in her presence and in the presence of each other this 20th. day of March, 1924.

Martha M. Kaufman - Marysville, Ohio.
Milo L. Myers - Marysville, Ohio.

Filed Jan. 23-1934. Entry Filing Petition.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased,

Plaintiff,

-vs-

Dana G. Coe, et al.,

Defendants.

No. 12653.
Entry Filing Petition.

This day came E. M. Coe as executor of the estate of Lottie M. Coe, deceased, and presented his petition for the sale of the real estate owned by the deceased, for filing.

Thereupon, it is ordered that the said petition be filed herein and that all defendants be notified of the pendancy thereof as required by law, this cause is continued.

L. N. Hagen - Probate judge.

Filed Jan. 23-1934. Waiver.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased,

Plaintiff,

-vs-

Dana G. Coe, et. al.,

Defendants.

No. 12653.
Waiver.

We, the undersigned, and defendants named in the above entitled cause do hereby voluntarily enter our appearance and waive the issuing and service of summons & process upon us, waive time and consent to the sale of said real estate.

The Citizens Home and Savings Company of Marysville, Ohio.
By- C. A. Hoopes - Its attorney.
The Farmers and Merchants Bank of Milford Center, Ohio.
By- Cannon & Cannon - Its attorney.

Heer Ptg. Co.

12653
Filed
Mar. 9- 1934.
Cross Petition
of the Citizens
Home & Savings
Company.

Heer Ptg. Co., Cols., O. CD 4981.

12603
Filed
Mar. 9- 1934.
Cross Petition
of the Citizens
Home & Savings
Company.

In the Probate Court of Union County, Ohio.

E. M. Coe, Executor,
Plaintiff,
-vs-
Dana G. Coe, et al.,
Defendants.

No. 12603.
Cross Petition of The Citizens
Home and Savings Company.

This defendant is a corporation organized under the laws of the State of Ohio, with its principal place of business at Marysville, Ohio.

On the 2nd. day of November, 1932, this defendant recovered a judgment against the defendant E. M. Coe, as administrator of the estate of Lottie M. Coe, deceased, in the sum of Two Thousand Six Hundred Forty Five and no/100 Dollars, ($2645.00) and costs of suit, in the case of The Citizens Home and Savings Company vs. Emery M. Coe, et al, in this court, being case No. 13324. On the 25th. day of August, 1933, this defendant caused an execution to be issued upon said judgment in said amount, directed to the sheriff of Union County and said sheriff on the 26th. day of August, 1933, made a levy thereunder, upon the real estate described in plaintiffs petition herein. That there is now due this defendant upon said judgment the sum of One Thousand Nine Hundred Three and 21/100 Dollars, with interest from March 1st, 1934.

That said levy so made as aforesaid upon said real estate, constitutes a valid and subsisting lien thereon in favor of this defendant in the sum of One Thousand Nine Hundred Three and 21/100 Dollars, ($1903.21) with interest aforesaid.

Wherefore, this defendant prays the court to find that it has a valid and subsisting lien upon said real estate and that out of the proceeds of the sale thereof, its claim be paid.

C. A. Hoopes- Attorney for The Citizens Home and Savings Company.

State of Ohio, Union County, ss:

R. B. Derr, being first duly sworn, says that he is secretary of The Citizens Home and Savings Company, the answering defendant herein, and that the facts stated and the allegations made in the foregoing Cross Petition are true as he verily believes.

R. B. Derr.

Sworn to before me and subscribed in my presence this 8th. day of March, 1934.

C. A. Hoopes- Notary Public.

(Seal)

Heer Ptg. Co., Cols., O. CD 4981.

12653
Filed
Feb. 27-1934.
Answer and
Cross-Petition
of The Farmers
& Merchants Bank.

Probate Court, Union County, Ohio.

E. M. Coe, as executor of the estate of Lottie M. Coe, deceased,

Plaintiff,

-vs-

Dana G. Coe, et al.,

Defendants.

No. 12653.

Answer and Cross Petition of The Farmers & Merchants Bank.

Now comes the defendant, The Farmers and Merchants Bank of Milford Center, Ohio, and says that it is a corporation duly incorporated under the laws of the State of Ohio, and doing a general banking business in Milford Center, Union County, Ohio.

For its answer to the plaintiff's petition it admits that the plaintiff is the duly appointed, qualified and acting executor of the estate of Lottie M. Coe, deceased, as alleged in said petition.

This defendant says that it is not informed as to the amount of the indebtedness of the estate of said Lottie M. Coe, deceased, nor as to the amount of the costs and expenses of administration of said estate, nor whether she left personal property of any nature whatsoever which should be applied upon her debts and costs of administration, and therefore requests that the Court put the plaintiff upon strict proof of the same.

This defendant admits that the said Lottie M. Coe died seized of the real estate described in the plaintiff's petition, and that all of said real estate is liable for the debts of the said Lottie M. Coe, contracted at the time of her decease. This defendant further admits that no further action has been taken toward the settlement of said estate since the filing of the inventory and appraisement therein as appears from the records of this Court, but alleges that since the appointment of the plaintiff as such executor a dwelling house located upon one of the tracts of real estate described in the plaintiff's petition was burned, and the plaintiff collected the insurance for the same, and says that all of said insurance so collected should be applied to the payment of the debts of the said Lottie M. Coe, deceased, the same as the proceeds of the real estate when sold.

This defendant admits that the said Lottie M. Coe left surviving her the said E. M. Coe, her surviving spouse, and the said Dana G. Coe, Glen E. Coe and Locke L. Coe, her sons, and the only children and heirs at law. That the said Lottie M. Coe left a will, a copy of which is attached to the petition and marked "Exhibit A".

This defendant denies that the said Dana G. Coe has any mortgage lien upon the interest of Lottie M. Coe in the second tract of real estate described in the petition which is equal to or superior to the claim of this defendant

Heer Ptg. Co., Cols., O. CD 4981.

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therein, and says that if the said Dana S. Coe holds a mortgage lien upon the same it is subsequent and inferior to the claim of this defendant.

This defendant admits that The Prudential Insurance Company of America has and holds a mortgage lien on certain of the real estate described in the plaintiff's petition, and asks that the said The Prudential Insurance Company of America be required to set up the same in this action.

This defendant admits that The Citizens Home & Savings Company of Marysville, Ohio, has or claims to have a lien on certain of the real estate described in the plaintiff's petition, and asks that it be required to set up the same in this cause, and that its rights in said real estate be fully determined by the Court.

Cross-Petition.

Further answering, and by way of cross-petition, this defendant says that on the 5th. day of April, 1930, the said Lottie M. Coe, together with E. M. Coe, her husband, executed and delivered to this defendant their certain promissory note for the sum of $2519.68 due six months after date, and bearing interest at the rate of 7% per annum until due, and 8% per annum after maturity, a copy of which note, with all the credits and endorsements thereon, is hereto attached and marked "Exhibit A," and made a part hereof the same as if set forth in full herein. That there is now due this answering defendant upon said note the sum of $2519.68 with interest at 8% per annum from the 5th. day of April, 1933.

This answering defendant further says that on the 1st. day of April, 1931, the said Lottie M. Coe and E. M. Coe her husband, executed and delivered to this answering defendant their certain promissory note for the sum of $3611.48 due in six months after date, and bearing interest at the rate of 6½% until maturity, and 8% per annum thereafter. That a copy of this note with all the credits and endorsements thereon, is hereto attached and marked, "Exhibit B," and made a part hereof the same as if set forth in full herein. That there is now due this answering defendant upon said note the sum of $3611.48 together with interest at 8% per annum from the 1st. day of October, 1933.

This answering defendant further says that upon the 10th. day of December, 1932, it filed its petition in the Court of Common Pleas of Union County, Ohio, against the said E. M. Coe and E. M. Coe, as executor of the estate of Lottie M. Coe, deceased, being cause No. 13432, wherein it asked judgment against the said defendants for the sum of $6131.16 with interest on $2519.69 thereof at 8% per annum from the 5th. day of April, 1932, and on $3611.48 thereof at 8% from the 1st day of April, 1932,

Heer Ptg. Co., Cols., O. CD 4981.

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and, for its costs of said action and for all proper relief.

That a summons was duly issued thereon for said defendants and such proceedings were had therein that on the 13th day of January, 1933, a judgment was duly entered in said cause in favor of this defendant against the said E. M. Coe and the said E. M. Coe as executor of the estate of Lottie M. Coe, deceased, for the sum of $6511.71 with interest at 8% from the 12th. day of January, 1933, and for its costs of said action taxed at the sum of $ ——.

That by reason of said judgment so entered in said cause this defendant acquired a lien upon all of the real estate described in the plaintiff's petition, both upon the interest of E. M. Coe as an individual, and as the surviving spouse of Lottie M. Coe, deceased, therein, as well as upon the interest of the estate of said Lottie M. Coe, deceased, in said real estate.

That the lien of this answering defendant is superior to the lien of all other persons in said real estate except that of The Prudential Insurance Company of America under its mortgage, with the possible exception of the lien of The Citizens Home & Savings Company, Marysville, Ohio, with which it stands at least upon equal basis.

Wherefore, this answering defendant prays that its lien upon said real estate for the amount due upon said notes and the judgment obtained thereon may be fully protected by this Court and its priority therein fully determined, and that it may be ordered paid from the proceeds of the sale of said real estate, the said sums of $2519.68 with interest at 8% per annum from the 6th. day of April, 1933, and of $3611.48 with interest at 8% per annum from the 1st. day of October, 1933, and for its costs in said cause No. 13432 in the Court of Common Pleas, Union County, Ohio, in the sum of $ ——, and for its costs of this action, and for such other and further relief as the Court may deem proper.

Cameron & Cameron - Attorneys for The Farmers and Merchants Bank, Milford Center, Ohio.

State of Ohio, Union County, ss:

W. P. Vollrath, being first duly sworn, says that he is President of The Farmers and Merchants Bank, Milford Center, Ohio, and that the facts stated and allegations made and contained in the foregoing answer and cross-petition are true as he verily believes.

W. P. Vollrath.

Sworn to before me and signed in my presence this 27th. day of February, 1934.

Seal

Wm. R. Cameron - Notary Public.

Filed Feb. 6-1934 Praecipe.

12663

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Heer Ptg. Co., Cols., O. CD 4981.

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"Exhibit A".

The State of Ohio.

$2519.68 Milford Center, Ohio, April 5, 1930.

Six months after date, for value received, we jointly and severally promise to pay to the order of The Farmers & Merchants Bank Co. Twenty-five hundred nineteen & 68/100 Dollars, with interest at the rate of 7 per cent. from date and eight per cent. per annum, after maturity.

And we hereby authorize and empower any Attorney of any Court of Record, at any time after the above sum becomes due, to appear for us or either of us and confess judgment for said amount, interest and costs, in favor of the holder hereof and release all errors and waive all right of appeal. 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 notwithstanding such extension.

Lotta M. Coe.
E. M. Coe.

No. 11204- Due 10-5-30.

"Exhibit B."

The State of Ohio.

$3611.48 Milford Center, Ohio, April 1, 1931.

Six months after date, for value received, we jointly and severally promise to pay to the order of The Farmers & Merchants Bank Co. Thirty-six hundred eleven & 48/100 Dollars, with interest at the rate of 6½ per cent. from date and eight per cent. per annum, after maturity.

And we hereby authorize and empower any Attorney of any Court of Record, at any time after the above sum becomes due, to appear for us or either of us and confess judgment for said amount, interest and costs, in favor of the holder hereof and release all errors and waive all right of appeal. 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 notwithstanding such extension.

E. M. Coe.
Lotta M. Coe.

No. 11702- Due Oct. 1, 1931.

In the Probate Court, Union County, Ohio.

Filed Feb. 6- 1934 Praecipe.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653.
Praecipe.

To the Court:

Issue summons in the above entitled cause directed to the Sheriff of Union County, Ohio, for the defendant, Glen

Heer Ptg. Co., Cols., O. CD 4981.

12653 E. Coe (who resides at Milford Center, Ohio), indorse "Action to sell real estate to pay debts and costs of administering the estate of Lottie M. Coe, deceased," and make returnable according to law.

Milo L. Myers - Attorney for Plaintiff.

Filed Feb. 6-1934. Waiver.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff, -vs- Dana G. Coe, et al., Defendants.

No. 12653. Waiver.

We, the undersigned and defendants named in the above entitled action do hereby voluntarily enter our appearance herein and waive the issuing and service of summons, or process upon us, waive time within which to plead, and consent to the sale of the real estate in the petition described, forthwith, for the purposes as set forth in the petition and the prayer thereof.

E. M. Coe.
Lowe L. Coe.

Filed Feb. 10-1934. Summons.

Summons on Petition to Sell Real Estate. Probate Court.

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

You are commanded to notify Glen E. Coe - Milford Center, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff, -vs- Dana G. Coe, et al., Defendants.

"Action to sell real estate to pay debts and costs of administering the estate of Lottie M. Coe, deceased."

Signed - Milo L. Myers
Attorney for Plaintiff.

That on the 6th. day of February A.D. 1934, E. M. Coe, as Executor of the Estate of Lottie M. Coe 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 10th. day of March, 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 10th. day of February, 1934.

Witness my hand and the seal of said Court, this 7th. day of Feb. 1934.

{Seal}

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

12653 The

Filed Mar. 5-1934. Answer of The Prudential Insurance Company of America

E. M. Coe, Estate of Dec

Dana Lowe The Com The Bar The Com Neb

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Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees	
Service & Return, first name	$ .75
12 miles traveled at 8¢	.96
Total	$ 1.71

Recived this writ February 7th., 1934, at 1:30 o'clock P. M., and on the 9th. day of February 1934 I served the within named Glen E. Coe by leaving for him at his usual place of residence a true and certified copy thereof with all the endorsements thereon.

William Rausch- Sheriff.
By- A. Geigely - Deputy.

Filed Mar. 5- 1934. Answer of The Prudential Insurance Company of America

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased,

Plaintiff,

-vs-

Dana G. Coe, Glen E. Coe, Lowe L. Coe, E. M. Coe, The Citizens Home and Savings Company of Marysville, Ohio; The Farmers and Merchants Bank of Milford Center, Ohio; The Prudential Insurance Company of America of Newark, New Jersey.

Defendants.

No. 12653.
Answer of The Prudential Insurance Company of America.

First Paragraph of Answer.

The defendant, The Prudential Insurance Company of America, hereby waives the issuance and service of Summons in this cause and voluntarily enters its appearance as a defendant herein and for want of information, for a first paragraph of answer, expressly denies each and every material allegation therein contained.

Second Paragraph of Answer.

The defendant, The Prudential Insurance Company of America, for a second paragraph of answer says:

That it is a body corporate, existing under and by virtue of the laws of the State of New Jersey, and having its chief office in the City of Newark, County of Essex, State of New Jersey;

That it is the holder of a valid and subsisting lien on the real estate herein described in the petition and designated as Tracts 3, 4, 5 and 6 to secure a note of $7,000.00; that said note was duly executed by the decedent, Lottie M. Coe and Emery M. Coe, on January 16, 1925; that said mortgage was duly executed by the decedent, Lottie M. Coe, and Emery M. Coe, then her husband; that the said Lottie M. Coe and Emery M. Coe, on the date of the execution of the

Heer Ptg. Co., Cols., O. CD 4981.

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mortgage, to-wit: January 16, 1925, were the owners in fee simple of the real estate described in the petition and designated as Tracts 3, 4, 5 and 6; that said mortgage was duly executed, acknowledged and witnessed and was duly filed for record on January 20, 1925, at 10:15 o'clock, A.M., and duly recorded in Volume 91 of Mortgages, at Page 053, in the office of the Recorder of Union County, Ohio.

The defendant further says that the unpaid balance of the principal on said mortgage indebtedness is the sum of $7,000.00; that the interest instalment which became due on January 16, 1934, in the sum of $192.00 has not been paid and that said instalment of interest by the express terms of said note and mortgage bears interest at the rate of 8 per cent. per annum after its due date.

The defendant consents to the sale of the real estate prayed in the petition herein, free and clear of liens providing, however, that the validity, priority and amount of this defendant's mortgage lien be established and be transferred to and become a lien on the proceeds of the sale of said real estate, and provided further that if the description contained in the petition shall differ in its language from the description contained in the defendant's mortgage, although both of said instruments describe the same real estate as to Tracts 3, 4, 5 and 6, then if the defendant shall become the purchaser of said real estate, that it shall have the right in the deed from the administrator to have the description in its mortgage deed substituted for that contained in the petition and provided further that the defendant's mortgage lien be paid prior to all other liens and charges including the costs of this proceeding but excluding general taxes.

Answering defendant, The Prudential Insurance Company of America, likewise consents to the sale of said real estate subject to the lien of its mortgage on condition however that the purchaser execute an undertaking to pay the Prudential mortgage indebtedness according to its terms, and condition further that the purchaser pay all delinquent items due or accruing prior to sale on said indebtedness, or account thereof, or on account of this proceeding, said delinquent items to be paid as a condition precedent to the confirmation of such sale.

Wherefore, the defendant, The Prudential Insurance Company of America, having fully answered prays that it recover its costs and that it have all other proper relief in the premises.

Davis Harrison - Indianapolis, Indiana.
Cameron & Cameron - Marysville, Ohio.
Attorneys for defendant, The Prudential Insurance Company of America.

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Filed Mar. 15-1934. Answer and Cross-Petition.

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State of Ohio, Union County, ss:

Richard L. Cameron, being duly sworn, says he is one of the attorneys for the defendant, The Prudential Insurance Company of America; that the allegations contained in the above and foregoing answer are true.

Further affiant saith not.

Richard L. Cameron,

Subscribed and sworn to before the undersigned Notary Public, this 26th. day of February, 1934.

Mary B. Aurine - Notary Public.

My Commission Expires: (Seal)
May 31-st., 1937.

Filed Mar. 15-1934. Answer and Cross-Petition.

In the Probate Court of Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653.

Answer and Cross-Petition.

Now comes the defendant, Dana G. Coe and voluntarily enters his appearance in this action, and for answer to the plaintiff's petition says, that he admits that on the 22 nd. day of June, 1931, Lottie M. Coe died, testate, and that her Last Will and Testament was admitted to probate, in the Probate Court of Union County, Ohio.

That, on the 14th. day of July 1931, E. M. Coe, (also known as Emery M. Coe) was appointed by the Probate Court of Union County, Ohio, in Case # 12092 as executor of the said estate and is still acting as such.

That, said Lottie M. Coe did seized in fee simple and the owner of the real estate described in the plaintiff's petition.

That, the said Lottie M. Coe did leaving the said E. M. Coe, her surviving spouse and the defendants, Dana G. Coe, Glen E. Coe and Loree L. Coe, her sons and the only persons having the next estate of inheritance from her.

That, this defendant claims to have and hold certain mortgage liens on Tract #2 as described in the plaintiff's petition.

Further answering the said plaintiff's petition, this defendant not being acquainted or advised as to the other allegations made and contained in the petition, therefor denies the same.

Cross-Petition.

For cross-petition, the said defendant, Dana G. Coe, says that prior to the death of the said Lottie M. Coe, on the 22 nd. day of June, 1931, that she and the said E. M. Coe, being indebted to this defendant in the sum of $500.00.

That, as evidence of said indebtedness on the 21-st. day of January, 1931, the said E. M. Coe and Lottie M. Coe made and delivered to him their certain promissory note of that

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date for the said sum of $500.00 due and payable in one year from date thereof with interest thereon at 7% per annum, payable annually.

This defendant further says, that he is still the owner and holder of the said promissory note, that no payments have been made thereon and that there is due him the said sum of $500.00, with interest at the rate of 7% per annum from the 21st. day of February, 1933.

Second Cause of Action.

For a second cause of action the said defendant, Dana G. Coe, says that on the 10th. day of August, 1931, for a good and valuable consideration, being moneys due this defendant from the said E. M. Coe and Lottie M. Coe, the said E. M. Coe, for himself and the said E. M. Coe, as executor of the estate of Lottie M. Coe, deceased, made and delivered to this defendant a certain promissory note of that date for the sum of $1500.00, due and payable in one year from date thereof with interest thereon at 7% per annum.

That this defendant is still the owner and holder of the said promissory note, that no payments have been made thereon and there is due the said sum of $1500.00, with interest at 7% per annum from the 10th. day of February, 1933.

Third Cause of Action.

That on the — day of August, 1931, the said E. M. Coe, for himself, he being the owner of the undivided one-half interest in the real estate hereinafter described, and the said E. M. Coe, as executor of the estate of Lottie M. Coe, deceased, who owned the remaining one-half interest in said real estate, to secure the payment of the said promissory notes set forth in the first cause of action and the second cause of action hereinabove set forth made, executed and delivered a certain mortgage deed to this defendant, on the real estate set forth and described as tract #2 in the plaintiff's petition, and more definitely hereinafter described.

That the said mortgage deed was on the 14th. day of August, 1931, at 2:00 o'clock P. M. was filed for record in the office of the County Recorder of Union County, Ohio, and therein recorded on the 15th. day of August, 1931, in Volume of Mortgages #101 on Page 67, and by reason thereof became a lien on said real estate and by reason of the non-payment of the said promissory notes and the interest thereon, is still a lien on said real estate.

Fourth Cause of Action.

That on the 5th. day of April, 1932, the said E. M. Coe and Lottie M. Coe, being indebted to this defendant, on said day the said E. M. Coe, for himself, and as executor of the estate of Lottie M. Coe made and delivered to him a certain promissory note for the sum of $500.00, payable on demand with 7% thereon, per annum.

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That, this defendant is still the owner and holder of the said promissory note, and no payments have been made thereon and there is due him the said sum of $500.00, with interest at 7% per annum from the 5th. day of April, 1933.

Fifth Cause of Action.

That, the said E. M. Coe, for himself, and as executor of the estate of Lottie M. Coe, deceased, to secure the payment of the said promissory note set forth in the fourth cause of action, and the interest thereon on the 5th. day of April, 1932, made, executed, and delivered a certain mortgage deed on the real estate as described as tract #2 in the plaintiff's petition and more definitely hereinafter described.

That, on the said 5th. day of April, 1932, at 11 o'clock A. M. the said mortgage deed was filed for record in the office of the County Recorder of Union County, Ohio, and therein recorded on the 6th. day of April, 1932, in Record of Mortgages #100 on Page 555, and by reason thereof and the non-payment of the said promissory note and interest, is a lien on said real estate.

Sixth Cause of Action.

This defendant, further says, that the said E. M. Coe and Lottie M. Coe, being indebted to him, that on the 10th. day of August, 1932, the said E. M. Coe, for himself, and as executor of the estate of Lottie M. Coe, deceased, made and delivered to this defendant a certain promissory note of that day for the sum of $670.00, due and payable in one year from date thereof with interest thereon at 7% per annum.

That, this defendant, is still the owner and holder of the said promissory note, that no payments have been made thereon and that there is due him the said sum of $670.00, with interest at 7%, per annum, from the 10th. day of February, 1933.

Seventh Cause of Action.

That, the said E. M. Coe, for himself, and as executor of the estate of Lottie M. Coe, deceased, on the 10th. day of August, 1932, to secure the payment of the promissory note set forth in the sixth cause of action, with interest thereon, made, executed and delivered to this defendant, a certain mortgage deed on the real estate described as tract #2 in the plaintiff's petition, and the said mortgage deed, as follows, to-wit;

Situate in the State of Ohio, County of Union and Village of Marysville, being part of Survey No. 3351, and bounded and described as follows;

Beginning at a stake in the center of the Marysville and Marion Gravel Road and at the southwest corner of land formerly owned by David Moore; thence with the

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southerly line of said land N. 89° E. 64.60 poles to a stone; thence S. 1° 30' W. 27.82 poles to a stake in the north line of the lands of Mary E. Lease; thence with the Northerly line of said Lease land S. 89° W. 34 poles to a stake, corner to the lands formerly owned by Emery A. and Gertrude H. Spurrier; thence with two consecutive lines of said Spurrier's land N. 1° 30' E. 6.06 poles, and S. 89° W. 20.60 poles to a stake in the center of said Marysville and Marion Gravel Road; thence with the center of said Gravel Road N. 1° 30' E. 21 poles to the place of beginning.

Excepting a strip 20 feet wide on the north side of said above described tract, and a lot conveyed to the Ohio Fuel and Gas Company.

Leaving 7.86 acres.

Being 3.07 acres in the Corporation of the Village of Marysville and 4.79 acres in the Marysville School District.

That, on the 15th. day of August, 1932, at three o'clock P.M. the said mortgage deed was filed for record in the office of the County Recorder of Union County, Ohio, and on the 16th. day of August, 1932, was therein recorded in Volume 102 of Mortgages on Page 127, and by reason thereof and the non-payment of the said promissory note the same is a lien on the said real estate.

Wherefore, the said Dana G. Coe, prays that his interest by reason of said promissory notes, and the mortgages given to secure the same be protected by the Court, and if the said real estate is ordered sold, then, the Court determine his interest, and the amount thereof and that the same be paid out of the proceeds received from the sale of the said real estate, and for such other and further order in the premises as the Court may find to be just and equitable.

Dana G. Coe.

State of Ohio, Union County, ss:

Dana G. Coe being duly sworn says that the facts stated and the allegations made and contained in the foregoing answer and cross-petition are true as he believes.

Dana G. Coe.

Sworn to before me and signed in my presence this 9th. day of March, 1934.

(Seal)

Milo L. Myers - Notary Public.

Union County, Ohio.

Filed Mar. 15-1934. Waiver.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653.

Waiver.

I, the undersigned and defendant named in the above entitled action do hereby voluntarily enter my appearance

12653

Filed Mar. 23-1934. Waiver.

Filed Mar. 23-1934. Waiver.

Filed Mar. 23-1934. Waiver.

Heer Ptg. Co., Cols., O. CD 4981.

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Dana G. Coe.

Filed Mar. 23-1934. Waiver.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653. Waiver.

I, the undersigned and the wife of the defendant, Lora L. Coe, in the above entitled action do hereby voluntarily enter my appearance herein and waive the issuing and service of summons, or process upon me, waive time within which to plead, and consent to the sale of the real estate in the petition described, forthwith, for the purposes as set forth in the petition and the prayer thereof.

Margaret George Coe.

Filed Mar. 23-1934. Waiver.

In the Probate Court of Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653. Waiver.

I, the undersigned, Margaret A. Coe, and wife of the defendant, Glen E. Coe, named in the petition do hereby voluntarily enter my appearance herein and waive the issuing and service of summons upon me, waive time within which to plead.

Margaret A. Coe.

Filed Mar. 23-1934. Waiver.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12653. Waiver.

I, the undersigned and the wife of the defendant, Dana G. Coe, in the above entitled action do hereby voluntarily enter my appearance herein and waive the issuing and service of summons, or process upon me, waive time within which to plead, and consent to the sale of the real estate in the petition described, forthwith, for the purposes as set forth in the petition and the prayer thereof.

Faith Frazier Coe.

Heer Ptg. Co., Cols., O. CD 4981.

12603.
Filed
apr. 10-1934.
Answer of
E. M. Coe.

In the Probate Court of Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff,

-vs-

Dana G. Coe, et al, Defendants.

No. 12603.
Answer of E. M. Coe.

Now comes E. M. Coe, one of the defendants named in the above entitled cause, and for answer to the petition in this case filed says that he is the widower of Lottie M. Coe, deceased, and as such is entitled to dower in the premises described in the petition, and that his age is 72 years.

That, he hereby waives the assignment of his dower interest in the several tracts described in the Plaintiff's petition, and each and every one, consents to the sale thereof free from his said dower interest and elects to take the value thereof, as may be determined by the Court, from the proceeds received from the sale of each tract.

Cross-Petition.

Further, this defendant says in answer to the said plaintiff's petition, by way of cross-petition that he and the decedent, Lottie M. Coe, were husband and wife, and he admits that she died seized in fee simple, the owner of and held title to the undivided one-half interest in tracts Nos. one and two as set forth and described in the petition; that he is the owner of the other, or remaining one-half interest in said tracts.

That, he hereby agrees and consents that the said executor, the plaintiff, in this action, appraise, offer for sale and sell his undivided one-half interest in said first and second tracts in the petition described, as a whole with and at the same time and through this case.

That, if and when so jointly appraised, offered for sale and sold that out of the proceeds received therefrom that he be paid his interest in such sum as may be fixed and determined by the Court.

Wherefore, the said E. M. Coe prays that the several tracts as described and set forth in the plaintiff's petition may be sold free from his dower interest therein, or any other interest that he may have therein by the said plaintiff.

That, the Court fix and determine the just and reasonable value of his dower interest in the said several parcels of real estate and his interest in the said first and second tracts and that his interest so fixed and determined be allowed and paid to him in money out of the proceeds received from such sale and for such other and further relief to which he may be entitled.

E. M. Coe.

12603
Filed
apr. 10-1934.
Entry Ordering
Appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

12603

State of Ohio, Union County, ss.

The within named defendant, E. M. Coe being first duly sworn says that the statements in the foregoing answer and cross-petition are true as he verily believes.

E. M. Coe.

Sworn to before me and subscribed in my presence, this 10th. day of April, 1934.

Seal

Milo L. Myers - Notary Public.

In the Probate Court of Union County, Ohio.

Filed Apr. 10-1934. Entry Ordering appraisement.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased,

Plaintiff,

-vs-

Dana G. Coe, et al.,

Defendants.

No. 12603.

Entry Ordering Appraisement.

This day, this cause came on to be heard upon the petition of the plaintiff for authority to sell the real estate to pay the debts of the said Lottie M. Coe, deceased, and on the answer and cross-petition of the defendant, E. M. Coe, the answer and cross-petition of the defendant, Dana G. Coe, the answer and cross-petition of the defendant, The Farmers and Merchants Bank of Milford Center, Ohio, the answer and cross-petition of the defendant, The Citizens Home and Savings Company of Marysville, Ohio, and the answer and cross-petition of The Prudential Insurance Company of America, the other defendants being in default of pleading, although duly served with summons, or having voluntarily entered their appearance herein.

The Court finds that all of the defendants named in the petition, and the consorts of the defendants, Dana G. Coe, Glen E. Coe and Doris L. Coe, are properly before the Court, and as set forth in the petition that it is necessary to sell the said real estate to pay the debts of the said decedent, and that the prayer of the petition should be granted.

That, the said defendant, E. M. Coe, the surviving spouse of the said decedent is entitled to dower in the said real estate; that he also has an undivided one-half interest in tracts Nos. one and two described in the plaintiff's petition, and he has waived his dower interest and elected to take the value thereof in money, and has consented and asks that his interest in said tracts Nos. one and two be appraised, offered for sale and sold in and through this action and at the same time as the other real estate described in the plaintiff's petition, and that the value thereof be allowed and paid to him in cash out of the proceeds received from the sale thereof.

And the Court finds that it would be to the best interest of all parties interested that the plaintiff offer for sale and

Heer Ptg. Co., Cols., O. CD 4981.

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sell the said tracts Nos. one and two, as a whole, free from any interest of the said E. M. Coe therein.

The Court further find that the real estate described in the plaintiff's petition, and the several tracts thereof should be appraised, in this action.

Therefore, it is ordered that Harry Reed, Walter Besgrove and L. W. Shaw, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money free from the dower estate of the said E. M. Coe therein; or any other interest that he may have in said tracts Nos. one and two.

It is further ordered that the said appraisers be sworn as required by law to truly and impartially appraise the said real estate, upon actual view, at its fair cash value and discharge the duties required by them according to law, and to make return of their proceedings, in writing, to this Court on or before the third day of April, 1934.

And that this cause be continued for further findings and orders in the premises.

L. W. Hazen - Probate judge.

Approved:
Milo L. Myers - Attorney for Plaintiff.
Cameron & Cameron - Attorney for The Farmers & Merchants Bank of Milford Center, Ohio.
Davis Harrison & Cameron & Cameron - Attorney for The Prudential Insurance Company of America.
C. A. Hooper - Attorney for The Citizens Home & Savings Co., of Marysville, Ohio.
Milo L. Myers - Attorney for E. M. Coe.

Filed Apr. 26-1934. Order of Appraisement.

In the Probate Court of Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff,

-vs-

Dana G. Coe, et al., Defendants.

No. 12663.

Order of appraisement.

To E. M. Coe.

In obedience to an order and decree of the Probate Court, within and for Union County, Ohio, made this day in a certain cause wherein you as Executor of the Estate of Lottie M. Coe, deceased, are plaintiff and Dana G. Coe, et al., are defendants, you are commanded that by the oaths of Harry Reed, Walter Besgrove and L. W. Shaw, judicious disinterested persons of the vicinity, not of kin to the petitioner, and whom the Court has heretofore herein appointed as appraisers.

Who shall without unnecessary delay proceed and appraise, upon actual view, at its fair cash value the twelve several

Heer Ptg. Co., Cols., O. CD 4981.

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tracts of real estate hereinafter described.

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 10th. day of April, 1934.

Seal

L. W. Hagen - Probate Judge.

First Tract.

Situated in the County of Union in the State of Ohio, and in the Village of Marysville and bounded and described as follows:

Part of Surveys No. 3351 - 3354.

Beginning at a stone Northwest corner of lands formerly owned by Sarah J. Stamates; thence with the Northerly line of said land South 74° East 7 poles to a stake Southwest corner to John L. Hubers land; thence North 16° East 12 poles with the Westerly line of the land of John L. Huber and Sarah Stumps land; in the line of Mary L. Schmidts land; thence with said line North 74° West to the Southerly line of Springfield branch of the C. C. and St. L. railway; thence westerly with said line to the center of the Marysville and Milford road; thence Southerly with said road to a stake a corner to a parcel of land conveyed by May L. Schmidt to Sarah Ellen Mills, Aug. 21st. 1894; thence with the Northerly line of said land South 46° East 10.80 poles to a stake a corner of said parcel of land in the Westerly of said land formerly owned by Sarah J. Stamates; thence with said line North 16° East 4.40 poles to the beginning, containing 80/100 of an acre be the same more or less, after excepting the land occupied by the Marysville and Milford road and by Railroad Street.

Second Tract.

Situate in the State of Ohio, County of Union and Village of Marysville, being part of Survey No. 3351, and bounded and described as follows:

Beginning at a stake in the center of the Marysville and Marion Gravel Road and at the southwest corner of land formerly owned by David Moore; thence with the southerly line of said land N. 89° E. 54.60 poles to a stone; thence S. 1° 30' W. 27.32 poles to a stake in the north line of the lands of Mary E. Reasr; thence with the Northerly line of said Reasr land S. 89° W. 34 poles to a stake, corner to the lands formerly owned by Emery A. and Gertrude H. Spurrier; thence with two consecutive lines of said Spurrier's land N. 1° 30' E. 6.06 poles, and South 89° W. 20.60 poles to a stake in the center of said Marysville and Marion Gravel Road; thence with the center of said Gravel Road N. 1° 30' E. 21 poles to the place of beginning.

Excepting a strip 20 feet wide on the north side of said above described tract, and a lot conveyed to the

Heer Ptg. Co., Cols., O. CD 4981.

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Ohio Fuel and Gas Company.

Leaving 7.86 acres.

Being 3.07 acres in the Corporation of the Village of Mayesville and 4.79 acres in the Mayesville School District.

Third Tract.

Situated in the Township of Allen, County of Union, and State of Ohio, and bounded and described as follows, to-wit:

Part of Survey No. 2983, bounded as follows:

Beginning at a stone (in place of an ash and sugar) Southwesterly corner to Survey No. 2983; thence North 52° East 168 poles to a stake (the center of the ridge on Buck Run bears South 52° West 4 poles); thence North 70° West 71 poles to a large stone and crock; thence South 53° West 118 poles to a stone in the Westerly line of said Survey; thence with said line South 35° East 62 poles to the beginning, containing 51 acres, more or less.

Fourth Tract.

Also part of Survey No. 2979, bounded as follows:

Beginning at a stone in the East line of said Survey No. 2979 and Southerly corner to a lot sold by C. V. Reed to James Cooledge; thence with said Cooledge's line North 35° West 50 poles to a sugar tree, at his Westerly corner and in the line of James Finley; thence with his line South 55° West 256 poles to two black ashes, corner to said lot; thence South 37° East 56½ poles to a small white oak in loose branch and in the Easterly line of Survey No. 2979, another original corner to said lot; thence with said line North 53½° East 253 poles to the beginning, containing 84.6 acres, more or less.

Fifth Tract.

Also part of said Survey No. 2979, bounded as follows:

Beginning at a stone and stonecrane (in place of an ash and sugar tree) Southeasterly corner to Survey No. 2979; thence with the Southerly line of said Survey South 54° West 53 poles to a limestone, corner to B. H. B. Griswold's land; thence with his line North 34° West 60 poles to a sugar tree in the line of James V. Finley's land; thence with his line North 55° East 52.20 poles to a stake (a large white oak bears South 70° East 1.1 poles) in the Easterly line of said Survey No. 2979; thence with said line South 25° East 49 poles to the beginning.

Containing 16.25 acres, more or less.

Sixth Tract.

Situated in the Township of Allen, County of Union and State of Ohio, also part of Survey No. 4610, bounded as follows:

Beginning at a stone (ash and sugar gone) in the line of Survey No. 4610 and at the corner of Surveys Nos. 2983 and 2979, and at the intersection of the Milford and Allen Center Road and the Collins Gravel Road; thence

Heer Ptg. Co., Cols., O. CD 4981.

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with the line dividing said Surveys Nos. 2979 and 4610 and with the center of said Collins Gravel Road South 53½° West 155 poles to a stone in the center of said Collins Gravel Road and at the Northerly corner of Survey No. 4278; thence with the North line of said Survey No. 4278 South 70½° East 125.60 poles to a stake in said line, corner to lands formerly owned by Euram Marsh; thence with the line of said Marsh's land North 53½° East 74.40 poles to a stake (a white oak bears North 18¾° West 24 links) in the center of the Milford and Allen Center Gravel Road; thence with the center of said road North 31¼° West 104½ poles to the beginning, containing 73.60 acres, more or less.

Seventh Tract.

Situated in the County of Union and State of Ohio and bounded and described as follows, to-wit:

Part of Survey No. 4278.

Beginning at two Hickories in the line of Samuel W. Pope and corner to a tract of one hundred and ten acres owned by said Samuel Marsh; thence with said Pope's line N. 70½° W. 125-3/5 poles to a stake in the center of a county road; thence with the center of said road S. 53¾° W. 67.32 poles to a stake corner to a tract of 56½ acres quit-claimed by said Euram Marsh and wife to said Samuel Marsh; thence with one of the lines of said tract S. 46.7° E. 91 poles to a stake corner to said tract; thence with another line of said tract N. 41¼° E. 39.8 poles to a stake another of its corners; thence with another of its lines S. 36½° E. 21.6 poles to a stake corner to said Samuel Marsh's said lot of one hundred and ten acres; thence with one of the lines of said lot N. 53½° E. 85-3/5 poles to the beginning, containing 56 acres and 18 poles.

Eighth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and part of Surveys No. 4277 and No. 9390 and bounded and described as follows:

Beginning at a stake in the center of the Woodstock and Milford Center Gravel Road in the west line of Survey No. 9390.

Thence with the west line of said Survey N. 34° E. one hundred and eleven and eight hundredths (111-08/100) poles to two Hickories from one shot a corner to said Survey in the south line of Survey No. 4277. Thence with said Survey line N. 77° 30' W. Twenty-two and seventy-five hundredths (22-75/100) poles to a corner of said Survey No. 4277; thence with the west line of said Survey No. 4277, N. 12° 15' E. Forty-five and sixty hundredths (45-60/100) poles to a stake (witnessed by a bur oak N. 45° E. thirty-four (34) feet); thence S. 58° 45' E. one hundred and thirty-four and four hundredths (134-4/100) poles to a stake in the north line of said Gravel

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Road; thence with the north line of said Gravel Road S. 56° 30' W. Four and sixty-eight hundredths (4-68/100) poles to a Honey Locust in the north line of said Survey No. 9390; thence with said Survey line S. 77° 30' E. one and forty-four hundredths (0-44/100) poles to a stake in the center of said Gravel Road; thence with the center of said Gravel Road S. 56° 30' W. Ninty-eight and forty-eight hundredths (98-48/100) poles to a stone and S. 80° W. Eighty-one and fifty-six hundredths (81-56/100) poles to the beginning.

Containing sixty-two and thirty-five hundredths (62-35/100) acres.

Ninth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and Survey No. 4277 and bounded and described as follows:

Being a strip of land about 25 feet wide and 182½ feet long and including that part of the Woodstock and Milford Center public road laying to the north of the center of said road and adjacent to the lands of H. B. H. Griswold, and containing about 5/100 acres, more or less.

Tenth Tract.

Situated in the County of Union in the State of Ohio, and part of Survey No. 4277, and bounded and described as follows:

Beginning at a stake at the junction of the Milford Center and Woodstock gravel road with the Milford Center and North Lewisburg gravel road; thence with the said Milford Center and Woodstock gravel road South 56° West 57 poles to a stake in the line of Nathan Howards land; thence North 60° 30' West 10 poles to a stake a corner of Lottie Coe's land; thence with the line of said land North 29° 30' West 53.60 poles to a stake a corner to said line in the center of The Milford Center and North Lewisburg gravel road; thence with the center of said road South 60° 30' East to the place of beginning.

Containing 7¾ acres, more or less.

Eleventh Tract.

Situated in the County of Union, in the State of Ohio, and in the Township of Union and Survey No. 4277.

Being a strip of land about 25 feet wide, and 628 feet long, and including that part of the Woodstock and Milford Center Public roads laying to the north of the center of said road and adjacent to the lands of said Lottie M. Coe about 35/100 acres, more or less.

Twelfth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union, being part of Survey No. 4277 and bounded and described as follows:

Beginning at a stake in the center of the Milford and North Lewisburg Gravel Road at a corner to the lands of Philip L. Coe; thence with the westerly line of said land S.

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Filed Apr. 26-1934. Entry Confirming appraisement and Ordering additional Bond.

Heer Ptg. Co., Cols., O. CD 4981.

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31° W. 53.60 poles to a stake a corner to said Philip L. Coe's land; thence N. 68° 30' W. 113.12 poles to a stake and tile; thence N. 32° E. 53.60 poles to a stake in the center of said Road; thence with said Road S. 58° 30' E. 112.08 poles to the beginning.

Containing 37.65 acres, more or less.

Oath of Appraisers.

State of Ohio, Union County, ss:

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

Walter Besgrove.
Harry E. Reed.
L. W. Shaw.

Sworn to before me and signed in my presence, this 13th. day of April, 1934.

[Seal] Milo L. Myers - Notary Public.

Report of Appraisers.

In obedience to the foregoing order, and upon actual view of the premises therein described, we the undersigned appraisers, estimate the value in money of said real estate as follows, to-wit:

Tract No.	1	at	$1800.00
"	" 2	"	$3665.00
"	" 3	"	$1960.00
"	" 4+5	"	$4520.00
"	" 6	"	$2985.00
"	" 7	"	$3165.00
"	" 8+9	"	$3320.00
"	" 10+11	"	$ 425.00
"	" 12	"	$3735.00
			$25,576.00

Witness our hands this 13th. day of April, 1934.

Walter Besgrove.
Harry E. Reed.
L. W. Shaw.

Executor's 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 13th. day of April, 1934.

E. M. Coe.

Filed Apr. 26-1934. Entry Confirming appraisement and Ordering additional Bond.

In the Probate Court of Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff, -vs- Dana G. Coe, et al., Defendants.

No. 12653.
Entry Confirming Appraisement and Ordering Additional Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12653

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said E. M. Coe, executor, execute within fifteen days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Five Thousand Dollars ($5,000.00) conditioned according to law.

It is further ordered that this cause be continued for further proceedings.

O. K.

L. W. Hazen - Probate Judge.

Milo L. Myers - atty. for Pltf.

Dane Harrison - atty. for Prudential Ins. Co.

Cameron & Cameron - Attys for The Farmers & Merchants Bk.

C. A. Hoopes - atty for C. H. & S. Co.

Filed
Jan. 17-1935.

Executor's Bond.

In Proceedings to Sell Real Estate.

Know all Men by these Presents: That we E. M. Coe and The Ohio Casualty Insurance Co., Hamilton, Ohio, are held and firmly bound unto the State of Ohio, in the sum of Five-thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 18th. day of January, 1935.

The condition of the above obligation is such, that whereas, the above bound E. M. Coe was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Lottie M. Coe deceased.

And, Whereas, the said E. M. Coe as such Executor 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 26th. day of April 1934, made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said E. M. Coe as Executor 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.

E. M. Coe.

The Ohio Casualty Insurance Co.

By- Charlotte Henderson, atty-in-fact.

This Bond approved in open Court, this 17th. day of January 1935.

Seal

L. W. Hazen - Probate Judge.

12653
Filed
Jan. 17-1935.
Journal Entry approving Additional Bond and Ordering Private Sale.

E. M. Estate Decea

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Filed
Mar. 15-1935
Order of Sale.

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Final Record, Union County Probate Court

Heer Ptg. Co., Cols., O. CD 4981.

12653
Filed
Jan. 17- 1935.
Journal Entry
approving additional Bond
and Ordering
Private Sale.

Journal Entry.
Probate Court, Union County, Ohio.

January 17th. 1935.
approving additional Bond and
Ordering Private Sale.

E. M. Coe, as Executor of the
Estate of Lottie M. Coe,
Deceased,
Plaintiff,
-vs-
Dana G. Coe, et al.,
Defendants.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Five thousand and no/100 Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be most to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that E. M. Coe as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen - Probate Judge.

Filed
Mar. 15-1935
Order of Sale.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the
Estate of Lottie M. Coe,
Deceased,
Plaintiff,
-vs-
Dana G. Coe, et al.,
Defendants.

No. 12653.
Order of Sale.

To E. M. Coe, Greeting:-

In obedience to and order and decree of the Probate Court, within and for Union County, Ohio, made this day, in a certain cause wherein you as Executor of the Estate of Lottie M. Coe, are plaintiff, and Dana G. Coe, et al. are defendants, you are commanded to proceed according to law to sell at Private Sale, for not less than the appraised value of each tract the following described premises to-wit:-

First Tract.

Situated in the County of Union in the State of Ohio and in the Village of Marysville and bounded and described as follows:

Part of Subvoye No. 3351-3354.

Beginning at a stone Northwest corner of lands formerly owned by Sayah J. Stamatis; Thence with the Northerly line of said land South 74° East 7 poles to a stake Southwest corner to John L. Huber land; thence North 16° East 12 poles with the Westerly line of the land of John L. Huber

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and Sarah Stumps land in the line of Mary L. Schmidts land; thence with said line North 74° West to the Southerly line of Springfield branch of the C. C. and St. L. Railway; thence westerly with said line to the center of the Maysville and Milford road; thence Southerly with said road to a stake a corner to a parcel of land conveyed by Mary L. Schmidt to Sarah Ellen Mills August 21st. 1894; thence with the Northerly line of said land South 46° East 10.80 poles to a stake a corner of said parcel of land in the Westerly of said land formerly owned by Sarah J. Stamates; thence with said line North 16° East 4.40 poles to the beginning, containing 80/100 of an acre be the same more or less, after excepting the land occupied by the Maysville and Milford road and by Railroad Street.

Second Tract.

Situate in the State of Ohio, County of Union and Village of Maysville, being part of Survey No. 3865, and bounded and described as follows:

Beginning at a stake in the center of the Maysville and Marion Gravel Road and at the southwest corner of land formerly owned by David Moore; thence with the southerly line of said land N. 89° E. 54.60 poles to a stone; thence S. 1° 30' W. 27.32 poles to a stake in the north line of the lands of Mary E. Pearse; thence with the Northerly line of said Pearse land S. 89° W. 34 poles to a stake, corner to the lands formerly owned by Emery A. and Gertrude H. Spurrier; thence with two consecutive lines of said Spurrier's land N. 1°30' E. 6.06 poles, and South 89° W. 20.60 poles to a stake in the center of said Maysville and Marion Gravel Road; thence with the center of said Gravel Road N. 1° 30' E. 21 poles to the place of beginning.

Excepting a strip 20 feet wide on the north side of said above described tract, and a lot conveyed to the Ohio Fuel and Gas Company.

Leaving 7.86 acres.

Being 3.07 acres in the Corporation of the Village of Maysville and 4.79 acres in the Maysville School District.

Third Tract.

Situated in the Township of Allen, County of Union, and State of Ohio, and bounded and described as follows, to-wit:

Part of Survey No. 2983, bounded as follows:

Beginning at a stone (in place of an ash and sugar) Southwesterly corner to Survey No. 2983; Thence North 52° East 158 poles to a stake (the center of the bridge over Buck Run bears South 52° West 4 poles); thence North 70° West 71 poles to a large stone and crock; thence South 53° West 118 poles to a stone in the Westerly line of said Survey; thence with said line South 35° East 62 poles to the beginning, containing 51 acres, more or less.

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Fourth Tract.

Situated in the Township of Allen, County of Union, State of Ohio and a part of Survey No. 2979 and bounded and described as follows:

Beginning at a stone in the East line of said Survey No. 2979 and Southerly corner to a lot sold by C. D. Redd to James Coolidge; Thence with said Coolidge's line North 35° West 50 poles to a sugar tree, at his Westerly corner and in the line of James Finley; thence with his line South 55° West 256 poles to two black ashes, corner to said lot; thence South 37° East 56½ poles to a small white oak in loose branch and in the Easterly line of Survey No. 2979, another original corner to said lot; thence with said line North 53½° East 253 poles to the beginning, containing 84.5 acres, more or less.

Fifth Tract.

Also part of said Survey No. 2979, bounded as follows:

Beginning at a stone and stonerow (in place of an ash and sugar tree) Southeasterly corner to Survey No. 2979; thence with the Southerly line of said Survey South 54° West 53 poles to a limestone, corner to B. H. B. Griswold's land; thence with his line North 34° West 50 poles to a sugar tree in the line of James D. Finley's land; thence with his line North 55° East 52.20 poles to a stake (a large white oak bears South 70° East 1.1 poles) in the Easterly line of said Survey No. 2979; thence with said line South 35° East 49 poles to the beginning.

Containing 16.25 acres, more or less.

Sixth Tract.

Situated in the Township of Allen, County of Union and State of Ohio, also part of Survey No. 4610 bounded as follows:

Beginning at a stone (ash and sugar gone) in the line of Survey No. 4610 and at the corner of Surveys Nos. 2983 and 2979, and at the intersection of the Milford and Allen Center Road and the Collins Gravel Road; thence with the line dividing said Surveys Nos. 2979 and 4610 and with the center of said Collins Gravel Road South 58½° West 155 poles to a stone in the center of said Collins Gravel Road and at the Northerly corner of Survey No. 4278; thence with the North line of said Survey No. 4278 South 70½° East 125.60 poles to a stake in said line, corner to Lands formerly owned by Euram Marsh; thence with the line of said Marsh's land North 58½° East 74.40 poles to a stake (a white oak bears North 18¾° West 24 links) in the center of the Milford and Allen Center Gravel Road; thence with the center of said road North 31¼° West 104½° poles to the beginning, containing 78.50 acres, more or less.

Heer Ptg. Co., Cols., O. CD 4981.

12653

Seventh Tract.

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

Part of Survey No. 4278.

Beginning at two Hickories in the line of Samuel W. Rose and corner to a tract of one hundred and ten acres owned by said Samuel Marsh; thence with said Rose's line N. 70½° W. 125-3/10 poles to a stake in the center of a county road; thence with the center of said road S. 53¾° W. 67.32 poles to a stake corner to a tract of 56½ acres quit-claimed by said Euram Marsh and wife to said Samuel Marsh; thence with one of the lines of said tract S. 45.7° E. 91 poles to a stake corner to said tract; thence with another line of said tract N. 41¼° E. 39.8 poles to a stake another of its corners; thence with another of its lines S. 35½° E. 21.6 poles to a stake corner to said Samuel Marsh's said lot of one hundred and ten acres; thence with one of the lines of said lot N. 53½° E. 86-3/10 poles to the beginning, containing 56 acres and 18 poles.

Eighth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and part of Survey No. 4277 and No. 9390 and bounded and described as follows:

Beginning at a stake in the center of the Woodstock and Milford Center Gravel Road in the west line of Survey No. 9390.

Thence with the west line of said Survey N. 34° E. one hundred and eleven and eight hundredths (111.08/100) poles to two Hickories from one root a corner to said Survey in the south line of Survey No. 4277. Thence with said Survey line N. 77° 30' W. Twenty-two and seventy-five hundredths (22.75/100) poles to a corner of said Survey No. 4277; thence with the west line of said Survey No. 4277, N. 12° 15' E. Forty-five and sixty hundredths (45-60/100) poles to a stake (witnessed by a four oak N. 45° E. Thirty-four (34) feet); thence S. 58° 45' E. one hundred and thirty-four and four hundredths (134-4/100) poles to a stake in the north line of said Gravel Road; thence with the north line of said Gravel Road S. 56° 30' W. Four and sixty-eight hundredths (4-68/100) poles to a Honey Locust in the north line of said Survey No. 9390; thence with said Survey line S. 77° 30' E. one and forty-four hundredths (1-44/100) poles to a stake in the center of said Gravel Road; thence with the center of said Gravel Road S. 56° 30' W. Ninety-eight and forty-eight hundredths (98-48/100) poles to a stake and S. 80° W. Eighty-one and fifty-six hundredths (81-56/100) poles to the beginning.

Containing sixty-two and thirty-five hundredths (62-35/100) acres.

Heer Ptg. Co., Cols., O. CD 4981.

12653

Ninth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union and Survey No. 4277 and bounded and described as follows:

Being a strip of land about 25 feet wide and 182½ feet long and including that part of the Woodstock and Milford Center public road laying to the north of the center of said road and adjacent to the lands of H. B. H. Gridwold, and containing about 5/100 acres, more or less.

Tenth Tract.

Situated in the Township of Union, County of Union in the State of Ohio, and part of Survey No. 4277, and bounded and described as follows:

Beginning at a stake at the junction of the Milford Center and Woodstock gravel road with the Milford Center and North Lewisburg gravel road; thence with the said Milford Center and Woodstock gravel road South 55° West 57 poles to a stake in the line of Nathan Howards land; thence North 60° 30' West 10 poles to a stake a corner of Lottie Coe's land; thence with the line of said land North 29° 30' West 53.60 poles to a stake a corner to said line in the center of the Milford Center and North Lewisburg gravel road; thence with the center of said road South 60° 30' East to the place of beginning.

Containing 7¾ acres, more or less.

Eleventh Tract.

Situated in the County of Union, in the State of Ohio, and in the Township of Union and Survey No. 4277.

Being a strip of land about 25 feet wide, and 628 feet long, and including that part of the Woodstock and Milford Center Public road laying to the north of the center of said road and adjacent to the lands of said Lottie M. Coe, about 35/100 acres, more or less.

Twelfth Tract.

Situated in the County of Union in the State of Ohio, and in the Township of Union, being part of Survey No. 4277 and bounded and described as follows:

Beginning at a stake in the center of the Milford and North Lewisburg Gravel Road at a corner to the lands of Philip L. Coe; thence with the westerly line of said land S. 31° W. 53.60 poles to a stake a corner to said Philip L. Coe's land; thence N. 58° 30' W. 113.12 poles to a stake and tile; thence N. 32° E. 53.60 poles to a stake in the center of said Road; thence with said Road S. 58° 30' E. 112.08 poles to the beginning.

Containing 37.65 acres, more or less.

Said sale to be for cash, in full on confirmation of sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Excepting Tracts No. 3-4-5 and 6 which tracts shall be sold subject to mortgage of Prudential Insurance Company.

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 17th. day of January, A.D. 1935.

{Seal} L. W. Hazlett - Probate Judge.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 1st. day of March, 1935, offer said property, and the whole thereof, free from any dower or any interest of any nature whatsoever therein of E. M. Coe, and of said day I sold:-

Tract No. One to The Citizens Home & Savings Co. of Marysville, Ohio, for the sum of $1800.00

Tract No. Two to Dana G. Coe, for the sum of $3665.00

Tracts Nos. Three, Four, Five, Six, and Seven to Lorel L. Coe, for the sum of $5630.00

But subject to the mortgage of the Prudential Insurance Company of America on Tracts Nos. 3-4-5 & 6 for $7000.00.

Tracts Nos. Eight, Nine, Ten, Eleven and Twelve to Verne Howard and May W. Howard, for the sum of $7480.00

The said sums, respectively being not less than the appraised value of said several tracts.

E. M. Coe - Executor.

State of Ohio, Union County, ss.

E. M. Coe, being duly sworn says that the private sale of the real estate made under the within order of the court, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest and best price that could be obtained.

E. M. Coe.

Sworn to before me and signed in my presence by the said E. M. Coe this 15th. day of March, 1935.

{Seal} Milo L. Myers, Notary Public.

Filed Mar. 15-1935. Journal Entry Confirming Sale.

In The Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the Estate of Lottie M. Coe, Deceased, Plaintiff, -vs- Dana G. Coe, et al., Defendants.

No. 12653. Journal Entry Confirming Sale.

This 15th. day of March, 1935, this cause came on to be heard on the report of E. M. Coe as executor of the estate of Lottie M. Coe, deceased, of his proceedings under the former

Heer Ptg. Co., Cols., O. CD 4981.

12603

order of the court, and upon motion to confirm the sale, and the court having carefully examined said proceedings and report, find from the answer of the said E. M. Coe filed herein, for himself, that he is the owner of the undivided one-half interest in tracts No. 1 and 2 as described in these proceedings, and by said answer has consented to the sale in and through the proceedings of whatsoever interest he may have in said tracts, and has waived the assignment of his dower interest by meter and bounds in all of the several tracts described in these proceedings, and consented to sale free therefrom.

The court further find that the defendant the Prudential Life Insurance Company of America by its answer as consented to the sale of tracts No. 3, 4, 5 and 6 as described in these proceedings, subject to the mortgage lien it holds thereon.

The court find that the said executor has sold all of the said real estate described in this proceeding free from any interest or claim that he as an individual has or claims therein and has sold tracts No. 3 4, 5 and 6 subject to the mortgage lien of the said defendant the Prudential Insurance Company of America.

And the Court finding the proceedings of the said E. M. Coe in all respects correct, and being satisfied that the said sales of said several tracts were fairly and legally made, it is ordered that the said proceedings and sales be and hereby is approved and confirmed.

It is further ordered that the said E. M. Coe execute good and sufficient deeds of all the right, title and interest of the said Lottie M. Coe and E. M. Coe in the whole of said real estate, to the purchasers respectfully, to-wit:-

Tract No. 1 to The Citizens Home + Savings Company.
Tract No. 2 to Dana G. Coe.
Tracts Nos. 3, 4, 5, and 6, subject to the mortgage lien of the Prudential Insurance Company of America, to Lorie L. Coe.
Tract No. 7 to Lorie L. Coe.
Tracts Nos. 8, 9, 10, 11, and 12 to Verne Howard and Mary W. Howard.

Upon the said purchasers paying the respective purchased prices therefor and this cause is continued for distribution.

L. W. Hazen - judge.

C. A. Hoopes - Attorney for Citizens Home + Savings Company.
Cannon + Cannon / Attorney for Milford Center Bank / and Prudential Life Insurance Company of America.
Milo L. Myers - Attorney for Dana G. Coe and the Plaintiff.

Heer Ptg. Co., Cols., O. CD 4981.

12653
Filed
Apr. 26-1935.
Entry of
Distribution.

In the Probate Court, Union County, Ohio.

E. M. Coe, as Executor of the
Estate of Lottie M. Coe,
Deceased,
Plaintiff,

-vs-

Dana G. Coe, et al.,
Defendant.

No. 12653.
Journal Entry.

This cause came 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 $22,840.50, and the said E. M. Coe, widower, having by his answer filed herein, waived the assignment of his interest therein and consented to the sale, and any interest that he may or might have therein and there be allowed and paid him out of the proceeds of the said sale; the amount the court may find to be the reasonable value thereof in money; the court finds the just and reasonable value of his interest in said real estate to be the sum of $2,542.93, not including his one-half interest in tracks No. 1 & 2.

The court finds that there is due the defendant, Dana G. Coe, upon the notes set forth in his answer and cross-petition from the estate of the said Lottie M. Coe the sum of $3,665.00 including interest, and that the said Lottie M. Coe and E. M. Coe, her husband, to secure the payment thereof gave mortgages upon the premises described as tract No. 2 in the petition, which was a valid subsisting and the best lien upon said premises.

That there is due the defendant, the Prudential Insurance Company of America, upon the note set forth in its answer and cross-petition, from the estate of the said Lottie M. Coe the sum of $7,000.00; that the said Lottie M. Coe, and the said E. M. Coe, her husband, to secure the payment of the said promissory note gave a mortgage upon the tracts No. 3, 4, 5 & 6 in the petition described, which was and is a valid and subsisting lien upon the said premises, and that the said defendant elected and agreed that the same should be sold subject to its mortgage lien.

The court further finds that the said defendant, the Citizens Home and Savings Company, has and holds a judgment lien on all the premises described in the plaintiff's petition for the sum of $1,964.80, including interest.

That the defendant, The Farmers and Merchants Bank, has and holds a judgment lien on all the premises described in the plaintiff's petition for the sum of $6,635.00; and that it is unnecessary to determine the priority of liens for the reason that there is sufficient funds to pay all liens and cost in full.

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Therefore, it is ordered that an entry of release and satisfaction of the mortgage lien of the defendant, Dana G. Coe, be entered of record in the office of the Recorder of Union County, Ohio, and that an entry of release and satisfaction of the judgment liens of the said defendants, The Citizens Home and Savings Company, and the Farmers and Merchants Bank be entered of record in the office of the Clerk of the Court of Common Pleas of Union County, Ohio, according to law.

It is further ordered that the mortgage lien held by the defendant, The Prudential Insurance Company, be not released of record, but that the same be a lien on and follow the premises described in its mortgage, but that the estate of the said Lottie M. Coe, and said E. M. Coe be released and discharged from any further obligation by reason thereof.

The court further finds that the said executor out of rents received has paid all the taxes and assessments due and payable on all the premises described in the plaintiffs petition.

It is further ordered that the said E. M. Coe, as such executor, out of the money in his hands, pay:

1. Pay to this court the cost and expenses incurred in the sale of the said property, including cost of administration, the sum of $ 57.11

2. To E. M. Coe the per centum due him as such executor, the sum of 456.42

3. To Milo L. Myers, attorney, the sum of 300.00

4. To E. M. Coe his interest in said real estate the sum of 2,672.93

5. To Dana G. Coe on the note and mortgages set forth in his answer and cross-petition herein, the sum of 5,666.00

6. To the Citizens Home and Savings Co. on its judgment lien, as set forth in its answer and cross-petition, the sum of 1,954.30

7. To the Farmers and Merchants Bank the amount of its judgment lien, as set forth in its answer and cross-petition, the sum of 6,635.00

8. It is further ordered that the balance of the said proceeds, amounting to the sum of 122.70 be accounted for by the said executor according to law.

It further appearing to the court that the said E. M. Coe had and held a undivided one-half interest in tracks No. 1 & 2 as described in the plaintiff's petition, and in his answer and cross-petition consented to the sale thereof free from any interest he had or claimed, therein and that the same was sold by him, with the remainder as the executor of the estate of the Lottie M. Coe, hence, there is no accounting therefor ordered herein.

L. W. Hagen - Judge.

Heer Ptg. Co., Cols., O. CD 4981.

8689-a
Filed
Aug. 29- 1935.
Application.

In the Matter of the Estate of Aaron B. Robinson, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of the Estate of: | No. 8689-a.
Aaron B. Robinson, Deceased. | Application.

Now comes Keziah W. Robinson, Executrix herein, and D. B. Edwards, Administrator de bonis non with the Will annexed of the Estate of Aaron B. Robinson, and respectfully represent to the court that Alfred James Robinson and Harry E. Smith, heretofore appointed executors of said estate, are now deceased, and that by an order of this court D. B. Edwards is now the duly appointed, qualified and acting Administrator de bonis non with the Will annexed of the Estate of Aaron B. Robinson, and that the said Keziah W. Robinson is the executrix of said estate by virtue of an order of this court, and that no one has ever been appointed to take the place of Harry E. Smith, formerly one of the executors herein.

That under the provisions of the Will of said decedent the personal representatives of said decedent were authorized and emporered to sell any or all of the real estate of said decedent at such prices and upon such terms as they might deem reasonable, and were further authorized and emporered to convey to the purchaser therof the title thereto by deed of conveyance. That these applicants have an offer from one N. E. Price to purchase the following described portion of the real estate of said decedent, to-wit:

Situated in the State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows: Being part of Out-Lot No. 64:

Beginning at the southwest corner of the present brick building on the said Lot and N. 5° E. 111.50 feet from the intersection of the West line of Main Street with the North line of Sixth Street; thence N. 5° E. 42-9/10 feet with the West line of Main Street to the center of a division wall in said building as now located (August 28, 1935); thence with the center of said division wall as now located, N. 85° W. and said line produced to the east line of an alley; thence with the east line of said alley S. 5° W. 42-9/10 feet to a point in line with the South side of the South brick wall of said brick building; thence S. 85° E. with said south surface of said present brick wall to the beginning.

Grantors and Grantee covenant and agree that each are to have the perpetual right to use the party wall on the North side of said premises, and that this covenant is to run with the land.

Said purchaser offers to pay therefor the sum of Ten Thousand ($10,000.00) Dollars, payable as follows: Four Thousand ($4,000.00) Dollars in cash, and the remaining Six Thousand ($6,000.00) Dollars as follows: One Thousand ($1000.00) Dollars in one year, One Thousand ($1000.00) Dollars in two

Filed
Aug. 29- 1935.
Entry

Heer Ptg. Co., Cola., O. CD 4981.

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8689-a years, One Thousand ($1,000.00) Dollars in three years, and Three Thousand ($3,000.00) Dollars in four years, the deferred payments to be evidenced by promissory notes bearing interest at 6% and secured by a mortgage on said real estate.

These applicants allege that it is for the best interest of said estate and the beneficiaries thereof to accept said offer and to sell said real estate to said purchaser upon the terms above set forth, and further allege that Keziah W. Robinson, the widow of said decedent, and all of the beneficiaries of his said estate, have consented to said sale and have executed a deed of general warranty for said real estate conveying their interest therein to said purchaser.

Wherefore, your applicants ask the court for authority to sell said real estate to said purchaser upon the terms above set forth and to execute a deed of conveyance therefor.

Hooper & Sanders - Attorneys for Applicants.

State of Ohio, Union County, ss:

Keziah W. Robinson, being first duly sworn, says that the facts stated and allegations made in the foregoing application are true as she verily believes.

Keziah W. Robinson.

Sworn to before me and subscribed in my presence this 27th. day of August, 1935.

(Seal) L. A. Hooper - Notary Public.

Filed Aug. 29-1935. Entry

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Aaron B. Robinson, Deceased. | No. 8689-a. Entry.

This day this cause came on to be heard upon the application of Keziah W. Robinson, executrix herein, and D. B. Edwards, Administrator de bonis non, for an order of this court authorizing and directing them to sell and convey to one T. E. Price the following described real estate, a portion of the property of said decedent, to-wit:

Situated in the Village of Marysville, Union County, Ohio, and being part of In-Lot No. 64:

Beginning at the southwest corner of the present brick building on the said Lot and N. 5° E. 111.00 feet from the intersection of the West line of Main Street with the North line of Sixth Street; thence N. 5° E. 42-9/10 feet with the West line of Main Street to the center of a division wall in said building as now located (August 28, 1935); thence with the center of said division wall as now located, N. 85° W. and said line produced to the east line of an alley; thence with the east line of said alley S. 5° W. 42-9/10 feet to a point in line with the South side of the South brick will of said brick building; thence S. 85° E. with said south surface of said present brick wall to the beginning.

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8689-a

Grantors and Grantee covenant and agree that each are to have the perpetual right to use the party wall on the North side of said premises, and that this covenant is to run with the land, for the sum of Ten Thousand ($10,000.00) Dollars, payable Four Thousand ($4,000.00) Dollars in cash, and the remaining Six Thousand ($6000.00) Dollars as follows: One Thousand ($1000.00) Dollars in one year, One Thousand ($1000.00) Dollars in two years, One Thousand ($1000.00) Dollars in three years, and Three Thousand ($3000.00) Dollars in four years, the deferred payments to be evidenced by promissory notes bearing interest at 6% and secured by a mortgage on said real estate, and was submitted to the court. And the court being fully advised in the premises, finds that Keziah N. Robinson is the executrix of said estate by virtue of an order of this court; that Alfed James Robinson and Harry E. Smith, who were formerly executors herein, are now deceased; that D. B. Edwards has been appointed administrator de bonis non with the Will annexed hereto to take the place of the said Alfred James Robinson, and that no one has been appointed to take the place of the said Harry E. Smith; that the Last Will and Testament of said decedent provides that his representatives shall have full power and authority to sell any or all of his real property, at such prices and upon such terms of payment as they may deem advisable, and to convey to the purchaser of such real estate the title thereto by deed of conveyance; that the widow and all of the beneficiaries of said estate have consented to said sale and have executed to said purchaser a warranty deed conveying to him their interest in said real estate; that it is for the best interests of said estate and the beneficiaries thereof to make said sale to said purchaser upon the terms above set forth; and said application is therefore sustained.

It is therefore considered by the court that Keziah N. Robinson, Executrix, and D. B. Edwards, Administrator de bonis non, &c, and they hereby are, authorized and directed to sell and convey said real estate to the said F. E. Price upon the terms above set forth, and to execute and deliver to the said F. E. Price a deed of conveyance therefor.

L. H. Hagen - Probate Judge.

12996 Filed Aug. 28-1935. Petition

In the Matter of The Estate of Mary A. Lane, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.
No. 12996.
Petition.

In the Matter of the Estate of Mary A. Lane, Deceased

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Administrator of the estate of Mary A. Lane, deceased, late of said County; that the

12996 Filed Aug. 28-1935. Journal Entry. Order for Private Sale.

In the Matter of the Estate of Mary A. Lane, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.
No. 12996.
Journal Entry.

This cause coming on to be heard upon the petition of the Administrator of the estate of Mary A. Lane, deceased, late of said County, praying for an order to sell personal property of said estate at private sale, and the court being fully advised in the premises finds that the allegations of said petition are true and that it is for the best interests of said estate that said personal property be sold at private sale as prayed for in said petition.

It is therefore ordered that said Administrator be and he is hereby authorized to sell at private sale the following described personal property of said estate, to-wit:

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personal property of said estate has been duly appraised and the inventory and appraisement thereof filed in said Court; that the surviving spouse has not by election taken any of the property listed herein at its appraised value; that none of the property listed herein has been specifically bequeathed nor has distribution in kind thereof been demanded.

Your petitioner makes application for authority to sell at private sale, as provided by law, and at such price and upon such terms as the Court may order, the following personal property of said estate described in said inventory and appraisement, to-wit:

No. of Items	Weight, Measure or No. Articles in Item	Description of Articles Appraised	Appraised value.	
1	1	1928 Ford Door Ford Sedan	$175.	00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

The said automobile is the only item of chattel property belonging to the estate and can be sold without expense at the value aforesaid, which sale is acceptable to all heirs of the decedent.

Dated August 27th. 1935. T. A. McAllister - Administrator.

The State of Ohio, Delaware County.

T. A. McAllister, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

T. A. McAllister.

Sworn to before me and signed in my presence, this 27th. day of August, 1935.

Seal

A. L. Akins - Notary Public.

Filed Aug. 28 - 1935. Journal Entry. Orders for Private Sale.

Journal Entry - Orders for Private Sale.

Probate Court, Union County, Ohio.

August 28th. 1935.

In the Matter of the Estate of May A. Lane, Deceased.

Petition for Order to Sell. Order of Sale, etc.

This day the petition herein filed to sell personal property at private sale, the Court being fully advised in the premises find 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 automobile at private sale; it is therefore ordered that T. A. McAllister as administrator of the Estate of May A. Lane deceased, proceed to sell said automobile at private sale, for not less than the sum of One Hundred and Seventy-Five Dollars.

It is further ordered that said sale be made for cash in hand at time of sale.

It is further ordered that said administrator make

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return of his proceedings herein, within — days from this date, and forthwith after such sale is made, and this cause is continued.

L. W. Hazen - Judge.

Filed Aug. 28-1935. Order of Private Sale, Personal Property.

Order of Private Sale, Personal Property.
Probate Court, Union County, Ohio.

In the Matter of the Estate of May A. Lane, Deceased. | No. 12996. | Order of Sale of Personal Property.

To T. A. McAllister, Administrator of the estate of May A. Lane, deceased :—

In obedience to an order and decree of said Court, 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, for the best price obtainable the following goods and chattels belonging to said estate, to wit:

No. of Items	Weight, Measure of No. articles in Item.	Description of Articles Appraised	Appraised Value	
1	1	1928 Ford Door Ted Sedan.	$ 175.	00

Said sale to be on the following terms: Cash in hand at time of sale.

You will return this order within two months 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 28 day of August 1935.

{Seal} L. W. Hazen - Probate Judge.

Return.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of May A. Lane, Deceased. | Report of Sale of Personal Property.

The undersigned, Administrator of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, for the sum of One Hundred Seventy Five Dollars, and no cents, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sales is hereto attached.

Dated this 2 day of ——— 1935.

No. of Item	Description of Articles	Appraised Value		To Whom Sold.	Price	
1.	1928 Ford Door Ted Sedan	$ 175.	00	Blanche Lane	$ 175.	00

The State of Ohio, Delaware County.

T. A. McAllister, Administrator of the estate of May A. Lane, deceased, being duly sworn, says that the foregoing Report is in all respects true and correct, that said sale has been made after 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.

T. A. McAllister.

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Sale of Personal Property Confirmed.

12816 Filed Sept. 5-1934. Cameron & Cameron Attorneys.

Petition to Sell Real Estate to Pay Debts.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to before me and signed in my presence, this 28 th. day of August 1935.

Seal

A. L. Akins - Notary Public.

Journal Entry.

Probate Court, Union County, O.

In the Matter of the Estate of May A. Lane, Deceased. | Sale of Personal Property Confirmed.

Sale of Personal Property Confirmed.

The Administrator of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular and in accordance with Law, and therefore approve and confirm the same.

L. W. Hazen - Probate Judge.

12816 Filed Sept. 5-1934. Cameron & Cameron Attorneys.

Petition to Sell Real Estate.

Probate Court of Union County, Ohio.

C. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, J. D. Vance, Mable Hyland, The Federal Land Bank of Louisville, Ky., and The Massey-Harris Co., Defendants.

No. 12816. Petition to Sell Real Estate to pay debts.

The plaintiff, C. J. Asman, is the duly appointed, qualified and acting administrator with the will annexed of the estate of Joseph T. Vance, deceased, late a resident of this county, and as near as can be ascertained the amount of the valid debts existing against estate is $6400.00; that the costs of administering said estate will be about $300.00.

Petition to Sell Real Estate to Pay Debts.

That the total value of the personal property of the said decedent was fixed by the appraisers of said estate at the sum of $705.00 and all of said personal property was set off to the surviving spouse as property exempted from administration under the provisions of Section 10509-07 of the General Code of Ohio. That it therefore becomes necessary to sell the real estate of the said decedent to pay debts and costs of administration.

Said decedent died seized in fee simple of the undivided one-half interest in the following described real estate:

First Tract.

Situated in the State of Ohio, County of Union, Township of Paris and part of Survey No. 4072, bounded and described as follows: Beginning at a stone southeast corner of John

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Kentel's land and in the south line of said survey No. 4072; thence with said survey line north 85° east 77.20 poles to a stake, a stone and tile bear north 5° 45' west in grade; thence north 5° 45' West 275 poles to a stone and tile in the south line of A. Kestlake's land and in the nath line of said Survey No. 4072; thence with said Survey line south 84° 15' west 77.20 poles to a stone northeast corner of John Kentel's land and thence with the east line of said Kentel's land south 5° 45' east 274.20 poles to the place of beginning. Containing 132½ acres.

Second Tract.

Situated in the State of Ohio, County of Union, Townships of Paris and Dover, and part of Surveys Nos. 4072 and 5497 and bounded and described as follows: Beginning at a stake in the center of the Waldo Gravel road and southwest corner of Survey No. 5497; thence with the south line of said Survey North 86° East 71.36 poles to a stake (a stone in grade bears North 5° West); thence North 5° West 257 poles to a stone and brick in the south line of Sylvanus Bellville's land; thence with said land line 84° West 73.20 poles to a stone in the line between Surveys No. 5497 and 4072; thence with said Survey line North 5° 30' West 20.80 poles to a stone in the southeast corner of S. & A. Kestlake's land and northeast corner of said Survey No. 4072; thence with the north line of Survey No. 4072, south 84° 15' West 12.20 poles to a stone and tile; thence south 5° 45' East 275 poles to a stake in the center of the Waldo Gravel road and south line of said Survey No. 4072 (a stone and tile in grade bears North 5° 45' West); thence with said Survey line North 85° East 11.20 poles to the beginning. Containing by last Survey 135 acres, more or less. Being about 20 acres in Paris Township and in Survey No. 4072 and about 115 acres in Dover Township and in Survey No. 5497.

That said Joseph T. Vance died, testate, leaving a will which afterwards was duly admitted to probate and record in the Probate Court of Union County, Ohio, by the terms of which he left to the defendant, Sarah J. Vance, his surviving spouse, all the real estate of which he should die seized, absolutely and in fee simple; said will being found of record in Will Record 7, Page 575, in said Court. The said Sarah J. Vance was the owner in fee simple of the other undivided one-half interest in said real estate and by the terms of said will became the owner of an estate in fee simple in the real estate described herein subject only to the debts and costs of administration of the estate of Joseph T. Vance, deceased.

The defendants, J. D. Vance and Mable Hyland, are the only children and heirs at law of said Joseph T. Vance,

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Oath

Filed
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deceased, both being of legal age and except for the provisions of said will would have been entitled to the next estate of inheritance from the decedent in such real estate, and the defendants, Pauline Vance and Clarence Elwood Hyland, are the wife and husband respectively, of said children.

The defendant, The Federal Land Bank of Louisville, Ky, has an interest by way of mortgage upon all of the real estate herein described, and the plaintiff asks that it may be required to set forth its claim in full herein or be forever barred of the same.

The defendant, The Massey-Harris Company, claims to have some interest in said real estate by way of judgment lien or otherwise, and the plaintiff asks that it be required to set up its claim in full herein or be forever barred of the same.

Wherefore, the plaintiff prays that said real estate may be sold free and clear from all right of the said Sarah J. Vance therein but that the balance of the proceeds of said sale not required to pay the debts and costs of administration of the estated of said Joseph T. Vance, deceased, may be paid to her as the Court may herein-after direct, and that the rights, interests, and liens of all the parties hereto may be fully determined, adjusted and protected, and that your petitioner may be authorized and ordered to sell said real estate according to the provisions of the statute in such cases made and provided, and for such other and further relief as may be just and equitable.

Cameron & Cameron - Attorneys for Plaintiff.

State of Ohio, Union County, ss:

C. J. Asman, being first duly sworn, says that he is the plaintiff in the above entitled action, and that the facts stated and allegations made in the foregoing petition are true as he verily believes.

C. J. Asman.

Oath

Sworn to before me and signed in my presence this 27th. day of August, 1934.

Seal

Wm. R. Cameron - Notary Public.

Filed Sept. 5 - 1934 Journal Entry

Journal Entry - Petition to Sell Real Estate. Probate Court, Union County, Ohio.

C. J. Asman, Administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al.; Defendants.

September 5th. 1934. Orders Fixing Time for Hearing and for Notice.

This day C. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, deceased, filed in this court his petition praying for an order to sell the real

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estate therein described, belonging to the estate of said decedent, to pay debts and costs of administration.

It is ordered that said petition be heard on the 18th. day of September 1934, at ten o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate Judge.

Filed Sept. 5-1934. Waiver of Summons & Consent to Sale

Waiver of Summons and Consent to Sale.

Probate Court, Union County, Ohio.

E. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al., Defendants.

No. 12816
Petition to Sell Real Estate.
Waiver of Summons and Consent to Sale.

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.

J. R. Vance.
Pauline Vance.
Sarah J. Vance,
E. C. Hyland.
Mabelle Hyland.

August 31st. 1934.

Filed Sept. 5-1934. Waiver of Summons & Entry of Appearance.

Probate Court of Union County, Ohio.

E. J. Asman, Administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al, Defendants.

No. 12816.
Waiver of Summons and Entry of Appearance.

The undersigned defendant, The Massey-Harris Company, Inc., hereby waives the issuance and service of summons in the above entitled action, and hereby voluntarily enters its appearance in the above entitled action.

The Massey-Harris Company, Inc,
By- James Gaw - Its Attorney.

Filed Sept. 26-1934. Answer of The Federal Land Bank Louisville.

In the Probate Court.

State of Ohio, County of Union, ss:

E. J. Asman, Administrator with the Will annexed of the Estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al, Defendants.

case No. 12816.
Answer of The Federal Land Bank Louisville, Defendant.

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The defendant, The Federal Land Bank of Louisville admits that it is a Corporation organized under the Federal Farm Loan Act and amendments thereto; that its place of business is at Louisville, Kentucky;

That plaintiff is the duly appointed, qualified and acting administrator with the will annexed of the estate of Joseph T. Vance, deceased;

That it has a claim against said estate and an interest in the premises described in the plaintiff's petition, the nature of which will appear herein; but for want of information denies all of the other allegations contained in the plaintiff's petition.

On or about October 26, 1928, Joseph T. Vance and Sarah J. Vance, husband and wife, executed and delivered to this answering defendant their first mortgage promissory note, dated October 26, 1928, in the original amount of $5,500.00 with interest at the rate of 5 per cent per annum, both principal and interest being payable on an amortization plan in semi-annual installments of $165.00. A true copy of said note with all credits endorsed thereon is attached hereto and incorporated herein by reference. According to the terms of said note all overdue amortization payments draw interest at the rate of 8 per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note, except the following: $165.00 due March 1, 1932, $165.00 due September 1, 1932, $165.00 due March 1, 1933, $151.93 due March 1, 1934, $152.02 due September 1, 1934.

No credits or payments have been made upon said indebtedness, except as appear upon the copy of said note.

According to the terms of said note there is now due this answering defendant the sum of $5,156.72 with accrued interest at the rate of 5 per cent per annum from September 1, 1934, until paid, together with $165.00 due March 1, 1932, $165.00 due September 1, 1932, $165.00 due March 1, 1933, $151.93 due March 1, 1934 and $152.02 due September 1, 1934, each with interest at the rate of 5% per annum from the respective due date until paid.

In order to secure the indebtedness evidenced by said note the said Joseph T. Vance and Sarah J. Vance, husband and wife, executed and delivered to this answering defendant their first mortgage deed, dated October 26, 1928, conveying conditionally to this answering defendant the premises described in said mortgage and in the plaintiff's petition. Said mortgage was duly filed for record with the Recorder of Deeds of Union County, Ohio, on November 16, 1928 at 1:20 o'clock P. M., and was by him recorded in Mortgage

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Volume 93 at page 609 of the records of said county, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition.

The said Joseph T. Vance and Sarah J. Vance having failed to comply with the provisions of the First Covenant of said mortgage, it was necessary for this answering defendant, in order to protect its security to pay taxes in the sum of $685.75 on February 23, 1934, which sum is still due and owing together with interest at the rate of 6% per annum from said date until paid.

Now therefore, this answering defendant prays that there may be found due it the following: $5,156.72 due September 1, 1934, $165.00 due March 1, 1932, $165.00 due September 1, 1932, $165.00 due March 1, 1933, $151.93 due March 1, 1934, $152.02 due September 1, 1932, and $685.75 due February 23, 1934, each with interest at the rate of 6% per annum from the respective due date until paid. Also $36. payment of insurance premium with interest at 6% from Oct. 2, 1934.

That its mortgage may be found to be and so declared the first and best lien on the premises described therein and in the plaintiff's petition;

That it consents to the sale of said premises at private sale, subject to its mortgage, releasing the estate of said John T. Vance from liability should any deficit later appear after such sale is had, and prays that the premises be sold in such manner and for such other relief as may be equitable and proper and the Court can grant.

Richard C. Thalk.
Paul J. Fleming.
Attorneys for the defendant, The Federal Land Bank of Louisville.

State of Kentucky, County of Jefferson, ss:

W. C. Houston, Jr., being duly sworn says that he is the Treasurer of the defendant, The Federal Land Bank of Louisville and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

P. J. F. W. C. Houston, Jr.

Sworn to before me a Notary Public in and for said county and state and subscribed in my presence this 21st. day of September, 1934.

(Seal) Martha M. Moir - Notary Public.

Probate Court, Union County, Ohio.

Filed Oct. 25- 1934. Answer and Cross-Petition of Sarah J. Vance.

C. J. Osman, administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al., Defendants.

No. 12816.
Answer and Cross-Petition of Sarah J. Vance, Defendant.

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Now comes Sarah J. Vance, one of the defendants in the above entitled action, and for her answer to the petition of the plaintiff, says that she admits that the plaintiff is the duly appointed, qualified and acting administrator with the will annexed of the estate of Joseph T. Vance, deceased, and admits that there is indebtedness and obligations existing against said estate as set forth in the petition, and that the personal estate of Joseph T. Vance, deceased, is wholly insufficient to pay the same.

This answering defendant says that she is the owner in fee simple of the other undivided one-half in all of the real estate described in the plaintiff's petition, and that she consents to the sale of said real estate as a whole rather than the sale of the undivided one-half interest therein.

This answering defendant further says that she is the surviving spouse of said Joseph T. Vance, deceased, and that the said Joseph T. Vance died, testate, leaving a will, the second item of which reads as follows:

"All the property real and personal of every kind and description, wheresoever situate, which I may own or have the right to dispose of at the time of my decease, I give, bequeath and devise to my wife, Sarah J. Vance, absolutely and in fee simple."

Said will was filed for probate in the Probate Court of Union County, Ohio, on the 16th. day of February, 1932, and was thereafter on March 1st. 1932, duly admitted to probate and record, and is now found recorded in Will Record 9, Page 575, in said Court.

That by reason of said will this answering defendant became the owner in fee simple of the estate of Joseph T. Vance in the real estate described in the petition subject however, to his debts and the costs of administration of said estate, and she requests that if said real estate be sold that all of the balance of the proceeds of said sale not required to pay debts and the expenses of administration be ordered paid to her by the plaintiff.

Cross - Petition.

Further answering, and by way of cross-petition, this defendant says that on the 26th. day of October, 1928, the said decedent, Joseph T. Vance, and this defendant, executed and delivered to The Federal Land Bank of Louisville, Ky., their certain promissory note for the sum of $5500.00, and to secure the payment of the same executed and delivered to the said The Federal Land Bank of Louisville, Ky., their certain mortgage deed upon the real estate described in plaintiff's petition, which mortgage is found recorded in Union County Records of Mortgages Volume 93, Page 608. That said mortgage note

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was payable in amortized semi-annual payments over a period of years with a provision that should default be made in such payments the whole principal sum would, at the option of the mortgagee, become due. Default has been made in the payments due said mortgagee, and at the option of said mortgagee the mortgage note is now due, and it will be necessary to sell the real estate described in the plaintiff's petition in order to pay the same. That if the Court should order the undivided one-half interest of the said Joseph T. Vance in said real estate sold separately in this action it would be difficult to obtain bidders therefor, and would not sell for its true value and it would not bring sufficient funds to pay the note and mortgage of The Federal Land Bank of Louisville, and would cause serious loss in the value of said real estate to the estate of said Joseph T. Vance and this answering defendant.

That it would be to the best interest of said estate of Joseph T. Vance and this answering defendant that said real estate be offered for sale as a whole and the proceeds thereof, so far as may be necessary, be applied to the payment of said note and mortgage and the balance thereof, if any, be distributed to the various parties to this action as their interests may appear, and be hereafter determined by the Court.

Wherefore, this answering defendant prays that when said real estate shall be ordered sold that it may be sold as a whole and the proceeds thereof, so far as may be necessary, may be applied to the payment of the note and mortgage of the said The Federal Land Bank of Louisville and that the interest of this defendant in all of said real estate may be fully protected and she may receive in money all of the purchase price of her one-half interest in said real estate over and above the amount required to pay the one-half of the indebtedness to The Federal Land Bank of Louisville, Ky., and the costs of this action, and all of the proceeds of the sale of the other one-half interest therein formerly owned by said Joseph T. Vance, except such an amount as may be necessary to pay the other one-half of said mortgage indebtedness and the costs of this action and the debts and costs of administration in the estate of said Joseph T. Vance, deceased, and for such other and further relief as the Court may deem just and equitable.

Cameron & Cameron — Attorneys
for Answering Defendant,
Sarah J. Vance.

State of Ohio, Union County, ss:

Sarah J. Vance, being first duly sworn, says that the facts stated and allegations made and contained in the foregoing Answer and Cross-Petition are true as she verily

Heer Ptg. Co.,

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Filed Oct. 25-1934. Entry Ordering Appraisement.

Heer Pig. Co., Cols., O. CD 4281.

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believes.

Sarah J. Vance.

Sworn to before me and signed in my presence this 25th. day of October, 1934.

R. L. Cameron - Notary Public.

Seal

Probate Court, Union County, Ohio.

Filed Oct. 25-1934. Entry Ordering Appraisement.

C. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, Deceased. Plaintiff.

-vs-

Sarah J. Vance, et al., Defendants.

No. 12816.

Entry Ordering Appraisement.

This day this cause came on for hearing upon the petition of the plaintiff, the answer and cross-petition of The Federal Land Bank of Louisville, the answer and cross-petition of Sarah J. Vance, and the evidence; and the Court, being duly advised in the premises, finds that all of the defendants herein have waived the issuance and service of summons and have voluntarily entered their appearance herein and have consented to the sale of the property as prayed for in the petition and are properly before the Court.

That Sarah J. Vance, surviving spouse of the said Joseph T. Vance, deceased, is the owner of the other undivided one-half interest in the real estate described in the plaintiff's petition, having been a tenant in common with the said Joseph T. Vance therein, and has by her answer and cross-petition filed herein requested that said real estate may be ordered sold as a whole, and the proceeds thereof so far as may be necessary may be applied to the payment of the note and mortgage of The Federal Land Bank of Louisville, answering defendant herein, and the Court finds that it is to the best interest of said estate that said real estate be sold as a whole.

The Court further finds that the said Sarah J. Vance is by the will of said Joseph T. Vance heretofore admitted to probate in this Court, the sole devisee of the said Joseph T. Vance, and entitled to all of the proceeds of the sale of his real estate not necessary to pay debts and costs of administration herein, and that she should also be entitled to dower in said real estate as to all claims not constituting a lien thereon. That she has by her answer waived any assignment of dower by metes and bounds or in rents and profits, and asks that the just and reasonable amount of her dower in said real estate be fixed by the Court and be paid to her out of the proceeds of the sale of the same.

The court further finds that the said Joseph T. Vance in his lifetime, and Sarah J. Vance executed and delivered to

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the defendant, The Federal Land Bank of Louisville the note and mortgage described in their answer and cross-petition herein, and that said mortgage is a first and best lien upon all of the real estate described in the plaintiff's petition and that there is now due said defendant upon said note the sum of $6782.89 with interest from the date of this decree at 5%, and the further sum of $36.00 with interest from the 2nd. day of October 1934 at 5% for money advanced to pay for insurance upon said real estate.

The Court further finds that it is necessary to sell said real estate, or a portion thereof, to pay the debts of said estate, and the prayer of the petition should be granted.

It is further adjudged and decreed that said real estate shall be sold in separate tracts, the second tract being first offered for sale and if said tract of real estate shall bring sufficient to pay the debts and costs of administration of the estate of said Joseph T. Vance, including the entire amount due the defendant, The Federal Land Bank of Louisville, then that the first tract herein shall not be sold, but should said second tract fail to bring sufficient to meet these obligations then that the first tract of real estate be also sold.

And it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that George Blumenschein, C. C. Jarvis and A. T. Weaver, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be, and they hereby are, appointed to appraise said real estate at its true value in money free from the dower estate of said Sarah J. Vance therein.

It is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view at its fair cash value and discharge the duties required of them according to law, and to make return of their proceedings in writing to this Court on or before the 5th. day of November, 1934.

L. W. Hazen - Judge.

Filed Nov. 7-1934. Order of Appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss: Probate Court.

To C. J. Osman:

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 with the will annexed of the estate of Joseph T. Vance, are Plaintiff and Sarah J. Vance, et al., are Defendants, you are commanded that by the oaths of George Blumenschein, C. C. Jarvis and A. T. Weaver, judicious disinterested persons of the vicinity, not of kin to the petitioner and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

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First Tract.

Situated in the State of Ohio, County of Union, Township of Paris and part of Survey No. 4072, bounded and described as follows: Beginning at a stone southeast corner of John Kentel's land and in the south line of said survey No. 4072; thence with said survey line North 85° East 77.20 poles to a stake, a stone and tile bear North 5° 45' West 1/2 grade; thence North 5° 45' West 275 poles to a stone and tile in the south line of A. Westlake's land and in the north line of said Survey No. 4072; thence with said Survey line South 84° 15' West 77.20 poles to a stone Northeast corner of John Kentel's land and thence with the east line of said Kentel's land South 5° 45' East 274.20 poles to the place of beginning. Containing 132 1/2 acres.

Second Tract.

Situated in the State of Ohio, County of Union, Townships of Paris and Dover, and part of Surveys Nos. 4072 and 5497, and bounded and described as follows: Beginning at a stake in the center of the Waldo Gravel Road and Southwest corner of Survey No. 5497; thence with the South line of said Survey North 86° East 71.36 poles to a stake (a stone in grade bears North 5° West); thence North 5° West 257 poles to a stone and brick in the South line of Sylvanus Bellville's land; thence with said land line 84° West 73.20 poles to a stone in the line between Surveys No. 5497 and 4072; thence with said Survey line North 5° 30' West 20.80 poles to a stone in the southeast corner of S. & A. Westlake's land and Northeast corner of said Survey No. 4072; thence with the North line of Survey No. 4072, South 84° 15' West 12.20 poles to a stone and tile; thence South 5° 45' East 275 poles to a stake in the center of the Waldo Gravel Road and South line of said Survey No. 4072 (a stone and tile in grade bears North 5° 45' West); thence with said Survey line North 85° East 11.20 poles to the beginning. Containing by last Survey 135 acres, more or less. Being about 20 acres in Paris Township and in Survey No. 4072, and about 115 acres in Dover Township and in Survey No. 5497.

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 26th day of October, A. D. 1934.

Seal

L. W. Hazen - 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 — day of — 1934.

Heer Ptg. Co., Cols., O. CD 4981.

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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, truly and impartially appraise the within described real estate, at its true value in money, and perform the duties required of us in pursuance of the foregoing order.

C. C. Jamison.
A. T. Reaver.
Geo. Blumenschein } Appraisers.

Sworn to before me and signed in my presence, this 30 day of October 1934.

C. J. Asman.

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 in money of said real estate at:

First Tract (132½ acres): appraised at $3975.00.
Second Tract (135 acres): appraised at $6760.00.

Given under our hands, this 30 day of October, 1934.

C. C. Jamison.
A. T. Reaver.
Geo. Blumenschein } Appraisers.

Filed Nov. 16-1934. Journal Entry confirming appraisement & Ordering Additional Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

C. J. Asman, as administrator with the will annexed of the estate of Joseph T. Vance,
Plaintiff,
-vs-
Sarah J. Vance, et al.,
Defendants.

November 16th. 1934.
Confirming appraisement and Ordering Additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said C. J. Asman, administrator, execute within 10 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Four Thousand and no/100 Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Jan. 3-1935. Administrator's Bond.

Administrator's Bond.

Know all Men by these Presents: That we C. J. Asman, Walter C. Asman and John A. Nicol are held and firmly bound unto the State of Ohio, in the sum of Four Thousand Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Heer Ptg. Co., Cols., O. CD 4981.

12816

Signed by us, and dated at Marysville, Ohio, this — day of November, 1934.

The condition of the above obligation is such, that whereas, the above bound C. J. Asman was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, administrator with the will annexed of the estate of Joseph T. Vance, deceased.

And whereas, the said C. J. Asman as such administrator 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 16th. day of Nov. 1934, made an order requiring said administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said C. J. Asman, administrator with the will annexed, 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.

Walter C. Asman.
John A. Nicol.
C. J. Asman.

This Bond approved in open Court, this 3rd. day of January, 1935.

{Seal} L. W. Hazen - Probate judge.

Filed Jan. 3-1935. Entry approving Bond and Ordering Private Sale.

In the Probate Court, Union County, Ohio.

C. J. Asman, Administrator with the will annexed of the estate of Joseph T. Vance, Deceased, Plaintiff.

-vs-

Sarah J. Vance, et al., Defendants.

No. 12816.
Entry approving Bond and Ordering Private Sale.

January 3, 1935.

This day came the plaintiff and filed herein his additional bond in the sum of $4000.00 with approved sureties, conditioned according to law, which said bond is hereby approved.

And, it appearing to the Court that a private sale would be to the best interest of the estate it is ordered that said C. J. Asman, as such administrator, sell said real estate at private sale at not less than $10,725.00, being the appraised value thereof for cash. And it is further ordered that said C. J. Asman, as such administrator, make return of sale without unnecessary delay.

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12816
Filed
Feb. 20-1935.
Motion to cancel Order to Sell Land at Private Sale and for an Order Directing Sale of same at Public Auction

Probate Court, Union County, Ohio.

C. J. Asman, Administrator with the will annexed of the estate of Joseph T. Vance, Deceased,
Plaintiff,
-vs-
Sarah J. Vance, et al.,
Defendants.

No. 12816.
Motion to Cancel Order to Sell Land at Private Sale and for an Order Directing Sale of same at Public Auction.

Now comes C. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, deceased, and says that on the 3rd. day of Jan. 1935, the Probate Court of Union County, Ohio, ordered this applicant to sell real estate belonging to the estate of Joseph T. Vance, deceased, at private sale and for not less than the appraised value thereof.

That pursuant to such order your applicant has made diligent effort to sell said real estate for not less than the appraised value thereof, but has wholly failed and has been unable to find any purchaser willing to bid for said real estate the appraised value thereof.

Wherefore, your applicant prays that the former order of this Court directing the sale of said real estate at private sale may be vacated, and that he may be ordered to sell said real estate at public sale as provided by law.

C. J. Asman.

Filed
Feb. 20-1935.
Entry.

Probate Court of Union County, Ohio.

C. J. Asman, administrator with the will annexed of the estate of Joseph T. Vance, Deceased,
Plaintiff,
-vs-
Sarah J. Vance, et al.,
Defendants.

No. 12816.
Entry.

This day this cause came on to be heard upon the application of C. J. Asman, as administrator with the will annexed of the estate of Joseph T. Vance, deceased, for an order setting aside the former order of this Court directing him to sell the real estate involved in this action at private sale and that an order issue from this court directing him to sell the same at public sale according to law; and the Court, being fully advised in the premises, finds that said order for private sale was issued upon the 3rd. day of Jan. 1935, and that more than 30 days have elapsed since the issuing of the same, and that said administrator has been unable to carry out said order for the reason that no person could be found willing to pay the appraised value for said real estate.

It is therefore ordered and decreed that the former order

12816
Filed
Mar. 27-1935.
Application of The Federal Land Bank of Louisville to Amend Answer.

C. J. ... the ... of Jo... Sarah ... Louis... may ... capac... stitu... "... sale, John ... after ... he sh... may ...

Filed
Mar. 27-1935.
Entry allowing Amendment of Answer of The Federal Land Bank of Louisville.

C. J. ... the ... of Jos... Sarah ... This ... in th... amen... hereto ... is g... the ... appro... Came ... Attor...

Heer Ptg. Co., Cols., O. CD 4981.

12816

of this Court directing the sale of said real estate at private sale be vacated, and that an order issue from this Court directing said administrator to sell said real estate at public sale according to law.

L. W. Hazen - Probate Judge.
Union County, Ohio.

Filed Mar. 27-1935. Application of The Federal Land Bank of Louisville to Amend Answer.

In the Probate Court of Union County, Ohio.

C. J. Asman, Administrator with the Will annexed of the Estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al., Defendants.

Case No. 12816. Application.

Now comes the defendant, The Federal Land Bank of Louisville by its attorneys, and moves the Court that it may be allowed to amend its answer as filed in this cause by interlineation as follows:

By striking out the last paragraph thereof and substituting the following language;-

"That it consents to the sale of said premises at private sale, subject to its mortgage, releasing the estate of said John T. Vance from liability should any deficit later appear after such sale is had, and prays that the premises be sold in such manner and for such other relief as may be equitable and proper and the Court can grant."

Paul J. Fleming.
Richard C. Tuttle - attorneys for the defendant, The Federal Land Bank of Louisville.

Filed Mar. 27-1935. Entry allowing Amendment of Answer of The Federal Land Bank of Louisville.

In the Probate Court of Union County, Ohio.

C. J. Asman, Administrator with the Will annexed of the Estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al., Defendants.

Case No. 12816. Entry.

The Federal Land Bank of Louisville, one of the defendants in this cause having filed its application for leave to amend its application by interlineation, and the other parties hereto having consented to such amendment, said application is granted and said answer may be so amended in the manner set forth in such application.

L. W. Hazen - Probate Judge.

Approved.
Cameron & Cameron
Attorney for plaintiff.

Heer Ptg. Co., Cols., O. CD 4981.

12816
Filed
Mar. 27- 1935.
Order for Private Sale, Return, Repot of Private Sale and Affidavit to Repot of Sale.

Probate Court, Union County, Ohio.

C. J. Osman, Administrator with the Will annexed of the Estate of Joseph T. Vance, Deceased, Plaintiff,

-vs-

Sarah J. Vance, et al., Defendants.

No. 12816.
Order for Private Sale.

To C. J. Osman, administrator with the will annexed of the Estate of Joseph T. Vance, 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 administrator with the will annexed of the estate of Joseph T. Vance, deceased, are plaintiff, and Sarah J. Vance, et al., are defendants, you are commanded to proceed according to law to sell at private sale for not less than $10,725.00, the appraised value thereof, the following described premises, to-wit:

First tract: Situated in the State of Ohio, County of Union, Township of Paris and part of Survey No. 4072, bounded and described as follows: Beginning at a stone southeast corner of John Kuntel's land and in the South line of said Survey No. 4072; thence with said Survey line North 85° East 77.20 poles to a stake, a stone and tile bears North 5° 45' West in grade; thence North 5° 45' West 275 poles to a stone and tile in the South line of A. Westlake's land and in the North line of said Survey No. 4072; thence with said Survey line South 84° 15' West 77.20 poles to a stone northeast corner of John Kuntel's land and thence with the East line of said Kuntel's land South 5° 45' East 274.20 poles to the place of beginning. Containing 132½ acres.

Second tract: Situated in the State of Ohio, County of Union Townships of Paris and Dover, and part of Surveys Nos. 4072 and 5497, and bounded and described as follows: Beginning at a stake in the center of the Waldo Gravel Road and southwest corner of Survey No. 5497; thence with the South line of said Survey North 86° East 71.36 poles to a stake (a stone in grade bears North 5° West); thence North 5° West 257 poles to a stone and brick in the South line of Sylvanus Bellville's land; thence with said land line 84° West 73.20 poles to a stone in the line between Surveys No. 5497 and 4072; thence with said Survey line North 5° 30' West 20.80 poles to a stone in the Southeast corner of S. & A. Westlake's land and northeast corner of said Survey No. 4072; thence with the north line of Survey No. 4072, South 84° 15' West 12.20 poles to a stone and tile; thence South 5° 45' East 275 poles to a stake in the center of the Waldo Gravel Road and South line of said Survey No. 4072 (a stone and tile in

Return.

Repot of Private Sale.

Affidavit to Repot of Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12816

grade bears North 5° 45' West); thence with said Survey line North 85° East 11.20 poles to the beginning. Containing by last Survey 135 acres, more or less. Being about 20 acres in Paris Township and in Survey No. 4072 and about 115 acres in Dover Township and in Survey No. 5497.

Said sale to be upon the following terms: Cash upon delivery of the deed.

You are hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law; and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 2nd. day of January, 1935.

{Seal} L. W. Hazen - 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 this 27th. day of March, 1935.

Return.

C. J. Osman - Administrator
with the Will annexed of the
Estate of Joseph T. Vance, deceased.

Report of Private Sale.

In obedience to the command of the within order of sale I did, on the 27th. day of March, 1935, offer said property at private sale, and Lawrence H. Miller, having offered therefor the sum of Ten thousand seven hundred twenty-five dollars ($10725.) and the same being not less than the appraised value of said property, I sold the same to said Lawrence H. Miller, for that sum.

Report of Private Sale.

C. J. Osman - Administrator
with the Will annexed of the
Estate of Joseph T. Vance, deceased.

Affidavit to Report of Sale.

State of Ohio, Union County, ss:

C. J. Osman, being first duly sworn, says that the private sale of property made under the within order and reported above was made after diligent endeavor to obtain the best price for said property and that the sale reported is for the highest price that could be obtained.

Affidavit to Report of Sale.

C. J. Osman.

Subscribed in my presence and sworn to before me this 27th. day of March, 1935.

{Seal}

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12816
Filed
Mar. 27-1935.
Entry.

Probate Court, Union County, Ohio.

Le. J. Asman, Administrator with the Will annexed of the Estate of Joseph T. Vance, Deceased,
Plaintiff,
-vs-
Sarah J. Vance, et al.,
Defendants.

No. 12816.
Entry.

This day came Le. J. Asman as administrator with the will annexed of the estate of Joseph T. Vance, deceased, and represented to the Court that since the filing of the motion to cancel the order to sell land at private sale and for an order directing sale at public auction, The Federal Land Bank of Louisville, Ky., defendant herein, has filed an amended answer herein consenting that said real estate may be sold at private sale subject to their mortgage lien thereon in the sum of $5120.64 which the purchaser should assume and agree to pay. That this amended answer consenting to the sale of said real estate subject to said mortgage makes it possible to sell the same at private sale for not less than the appraised value thereof, and that such sale would be for the best interest of the said estate.

It is therefore adjudged and decreed that the entry filed in this Court on the 20th. day of February, 1935, vacating the former order of the Court to sell at private sale and ordering and directing said administrator to sell said real estate at public auction according to law be itself vacated and held for naught, and that said administrator be again ordered and directed to proceed under the former order of this Court to sell said real estate at private sale for not less than the appraised value thereof, subject, however, to the sum of $5120.64 due The Federal Land Bank of Louisville, Ky., upon its said mortgage on real estate which sum the said purchaser may assume and agree to pay as a part of the purchase price hereof, which said amount shall be deducted from the appraised value of said real estate, the remainder thereof to be paid in cash.

L. W. Hazen - Probate judge.

Filed
Mar. 29-1935.
Entry Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Le. J. Asman, administrator with the will annexed of the Estate of Joseph T. Vance, Deceased,
Plaintiff,
-vs-
Sarah J. Vance, et al.,
Defendants.

No. 12816.
Entry Confirming Sale, Ordering Deed and Distribution.

Heer Ptg. Co., Cols., O. CD 4981.

12816

This day this cause came on to be heard upon the report of C. J. Coulson as administrator with the will annexed of the estate of Joseph T. Vance, deceased, of his proceedings under the former orders of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order, and the Court being fully advised in the premises, and finding the proceedings of said petition in all respects in conformity to the orders of this Court and to law, and being satisfied that said sale was fairly and legally made and for the best price that could be obtained for said real estate, and not less than the appraised value thereof, it is ordered that the same be, and it is hereby approved and confirmed.

It is further ordered that the said petitioner execute a deed for said real estate to the purchaser, Lawrence H. Miller, upon the said purchaser assuming and agreeing to pay the balance now due upon the mortgage to The Federal Land Bank of Louisville, Ky., in the sum of $5120.64, conveying said real estate and all right, title and interest of the said Joseph T. Vance and Sarah J. Vance in fee simple subject only to the mortgage above mentioned.

And this cause coming on further to be heard upon the pleadings herein and upon a motion to distribute the proceeds of the sale amounting to the sum of $10,725.00, and the said Sarah J. Vance, surviving spouse, having, by answer herein, consented to the sale of said real estate as a whole including her interest therein and free from any dower estate therein, and electing to be paid out of the proceeds of said sale any balance of the purchase price over and above the amount necessary to pay the mortgage lien thereon and the debts and expenses of administration of the estate of Joseph T. Vance, deceased, the Court finds that there is now due The Federal Land Bank of Louisville, Ky., upon the notes and mortgage set forth in its answer and cross-petition the sum of $6907.83 with interest at 5% from the date of this entry; that this sum should be paid by the assumption of $5120.64 upon said mortgage by said Lawrence H. Miller in the deed and the payment to them of the balance of $1787.19, and that the balance of said purchase price, or the sum of $3817.17, be paid to the said administrator with the will annexed of the estate of Joseph T. Vance, deceased, from which he shall pay the debts, costs of administration and expenses of the estate of Joseph T. Vance, deceased, and any balance remaining in his hands after said payments shall be paid to the said Sarah J. Vance, owner of said real estate according to the provisions of the will of said Joseph T. Vance, deceased.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12555
Filed
Aug. 25-1933.
Glenn Sauder
attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased,
Plaintiff,

-vs-

Mabel Horrell, Decatur, Ill.,
Clista Randolph, Tuscola, Ill.,
William A. Hunt, Tuscola, Ill.,
Nina Shooler, Whitestown, Ind.,
Russell Eulow, 316 W. Elm St., Lebanon, Ind.
Gladys Hinken Wilson, 1211 Wayne Ave., Topeka, Kan.,
The Baptist Church of Tuscola, Ill.,
The Baptist Hospital of Concordia, Kansas,
Golda Eulow Scott, Atwood, Ill.,
Eliza Green, Marysville, Ohio.
John H. Hunt, Tuscola, Ill.,
Dora Steele, 7418 Harter Ave., Richmond Heights, Missouri,
James Albert Evans, Olathe, Kansas,
Annita Evans, 89 Elliott Rd., Calcutta, India,
Emma Hinken, Kingsville, Missouri,
A. D. Parish, Administrator de bonis non, with the will annexed of the estate of James T. Eulow, deceased, Richwood, Ohio.
Defendants.

No. 12555.
Petition.

The plaintiff is the duly appointed, qualified and acting Executor of the Last Will and Testament of Josephine B. Eulow, deceased.

Said Last Will and Testament was duly admitted to probate, by the Probate Court of Union County, Ohio, on the 16th., day of May, 1933.

Said Last Will contains the following provisions:

Petition.

I hereby revoke Item 14 in which I devise and bequeath to Clista Randolph and Nina Shooler in fee simple, my residence property, known as Lot No. 134 on North Clinton Street, at Richwood, Union County, Ohio, and substitute therefor the following: It is my will and I hereby direct that my residence property known as Lot No. 134 on North Clinton Street in Richwood, Union County, Ohio, be sold by my executor hereinafter named and the proceeds thereof be distributed in the following manner, to-wit:

Five Hundred Dollars, ($500.00) to Russell Eulow of Whitestown, Ind.; and Five Hundred Dollars, ($500.00) to John H. Hunt of Tuscola, Illinois, and the balance then left in the possession of said executor shall be divided equal, share and share alike, between Mabel Horrell of Decatur, Illinois and Clista Randolph of Tuscola, Illinois.

Oath.

Filed
Aug. 25-1933.
Affidavit.

Heer Ptg. Co., Cols., O. CD 4981.

12555

The defendants, Mabel Howell, Celista Randolph, William A. Hunt, Nina Shooler, Russell Eulow, Gladys Hinken Wilson, The Baptist Church of Tuscola, Illinois, The Baptist Hospital of Concordia, Kansas, Golda Eulow Scott, Eliza Green, John H. Hunt, Dora Stule, James Albert Evans, Arminta Evans and Emma Hinken are all the legatees and devisees set forth in The Last Wills and Testaments of Josephine B. & James T. Eulow and are all their heirs at law and next of kin.

The defendant, A. D. Parish, administrator de bonis non, with the will annexed of the estate of James T. Eulow, claims some interest in the said real estate.

The following is a discription of the real estate by metes and bounds:

Situated in the County of Union, State of Ohio and in the Village of Richwood and being all of In-Lot No. 134 in said village. For a more specific discription, see the recorded Plat of said Village of Richwood, Ohio, in the Recorder's Office at Marysville, Union County, Ohio.

Wherefore plaintiff prays that he may be ordered and authorized to sell the real estate herein above described and to distribute the proceds therefrom as provided in said Last Will and Testament of Josephine B. Eulow and that A. D. Parish, administrator de bonis non, with the will annexed of the estate of James T. Eulow, be required to set up any claim that he may have in said real estate or be thereafter forever barred and for such other and further relief in the premises as the court may deem just and proper.

Guynn Sanders - Attorney for Plaintiff.

State of Ohio, Union County, ss:

J. E. Clark being first duly sworn says that he is the Executor of the Last Will and Testament of Josephine B. Eulow, deceased, and that the facts stated and the allegations made in the foregoing Petition are true as he verily believes.

J. E. Clark.

Oath.

Sworn to before me and subscribed in my presence this 25 th. day of August, 1933.

(Seal) Guynn Sanders - Notary Public.

Filed Aug. 25-1933. Affidavit.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff.

-vs-

Mabel Howell, et al, Defendants.

No. 12555. Affidavit.

State of Ohio, Union County, ss:

Guynn Sanders being first duly sworn says that he is attorney for J. E. Clark, executor & plaintiff in this action, that the defendant Mabel Howell is a resident of Decatur,

Heer Ptg. Co., Cols., O. CD 4981.

12555

Illinois, Celista Randolph is a resident of Tuscola, Illinois, William A. Hunt is a resident of Tuscola, Illinois, Nina Shooler is a resident of Whitestown, Indiana, Russell Eulow is a resident of Lebanon, Indiana, (address 316 W. Elm St.), Gladys Hinken Wilson is a resident of Topeka, Kansas, (address 1211 Wayne Ave.), The Baptist Church of Tuscola, Illinois is a resident of Tuscola, Illinois, The Baptist Hospital of Concordia, Kansas, is a resident of Concordia, Kansas, Golda Eulow Scott is a resident of Atwood, Illinois, John H. Hunt is a resident of Tuscola, Illinois, Dora Steele is a resident of Richmond Heights, Missouri, (address 7418 Hanley Ave.) James Albert Evans, Olathe, Kansas, Amanita Evans is a resident of Calcutta, India, (address 89 Elliott Rd.), Emma Hinken is a resident of Kingsville, Missouri, and all of said defendants are not residents of the State of Ohio; that Service of Summons can not be made on said defendants in the State of Ohio; that this action is for the sale of real estate described in the Petition herein, and comes within the provisions of General Code, Section 11292 of the Laws of Ohio, wherein service and publication may be made on said defendants.

Gwynn Sanders.

Sworn to before me and subscribed in my presence this 25th. day of August, 1933.

Seal

Clifton Caryl- Notary Public.

In the Probate Court of Union County, Ohio.

Filed Aug. 25- 1933. Entry.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff,

-vs-

Mabel Howell, et al., Defendants.

No. 12555. Entry.

This day came the plaintiff's attorney and filed herein an affidavit according to law for the purpose of procuring Service by Publication; and it appearing to the court that the heirs, devisees and legatees of Josephine B. Eulow, deceased, are necessary parties and that Service of Summons can not be made upon said defendants within this state; it is ordered that proceedings against said heirs be had and that publication be made for six consecutive weeks, in The Richwood Gazette, a newspaper printed and of general circulation 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.

It is further ordered that immediately after the first publication, the party making the service shall deliver copies of the publication from The Richwood Gazette, to this court with proper postage for mailing to the said defendants.

L. W. Hazen- Probate Judge.

12555
Filed
Aug. 26-1933.
Answer of
A. D. Parish,
Administrator.

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Heer Ptg. Co., Cols., O. CD 4981.

12555
Filed
Aug. 26-1933.
Answer of
A. D. Parish,
Administrator.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff.

-vs-

Mabel Howell, et al., Defendants.

No. 12555.
Answer.

Now comes A. D. Parish and for his Answer herein says:

That he is the duly appointed, qualified and acting administrator, de bonis non, with the will annexed of the estate of James T. Eulow.

That James T. Eulow pre-deceased Josephine B. Eulow, his wife, and that he left a Last Will and Testament which was duly probated in the Probate Court of Union County, Ohio.

That a copy of the Last Will and Testament of James T. Eulow is hereto attached marked "Exhibit A" and made a part of this Answer.

That the said Last Will and Testament of James T. Eulow provided that his wife, Josephine B. Eulow, should have all of his property, both real and personal, of every nature and description, for and during her natural life or so long as she should remain his widow, she to have and enjoy the income and rents therefrom for her own use, maintenance and support, with full power to sell all or any part thereof and reinvest the proceeds therefrom as she saw fit and to use the income from such investment for herself and in case she should need any part of the principal for her support, maintenance and comfort, she was given the power to so do.

At the death of Josephine B. Eulow, it was provided by the Last Will of James T. Eulow that her funeral expenses should be paid out of the residue of the estate of James T. Eulow and that thereafter the following bequests should be paid in cash:

Centwright M. E. Church	$000.00
Old Baptist Church	1000.00
Mabel Bramm Howell	1000.00
Lucy Evans	000.00
Jasmen Hospital	000.00
Golda M. Eulow Scott	000.00

Josephine B. Eulow remained the widow of James T. Eulow during her entire life and upon her death this answering defendant filed a claim against the estate of Josephine B. Eulow for Four Thousand Seven Hundred Dollars ($4700.00) the property left by James T. Eulow being in the possession of J. E. Clark, the executor of the Last Will and Testament of Josephine B. Eulow.

The said claim in the sum of Four Thousand Seven Hundred Dollars ($4700.00) was approved by the court and

Heer Ptg. Co., Cols., O. CD 4981.

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the same was paid to this answering defendant and the bequests above set forth in the Will of James T. Eulow were paid in full and all of his debts, funeral expenses, and the expenses of administering his estate, have been paid in full.

Item 10 of the Last Will and Testament of James T. Eulow, provided that his wife, Josephine B. Eulow, was to have all of the residue of his property after the bequests above set forth had been complied with. All bequests of the will of James T. Eulow having been complied with, this defendant has no interest in the real estate described in the Petition.

C. A. Hoopes- Attorney for Defendant.

State of Ohio, Union County, ss:

A. D. Parish being first duly sworn says that he is administrator, de bonis non, with the will annexed, of the estate of James T. Eulow, and that the facts stated and the allegations made in the foregoing Answer are true as he verily believes.

A. D. Parish.

Sworn to before me and subscribed in my presence this 25 day of August, 1933.

{Seal} C. A. Hoopes- Notary Public.

"Exhibit A."

Last Will and Testament.

I, James T. Eulow of the Village of Richwood, County of Union, and State of Ohio do make and publish this my Last Will and Testament.

First:- My Will is that all my just debts and funeral expenses be paid out of my Estate, as soon after my decease as may be found convenient.

Second:- I Give, Devise and Bequeath to my Wife Josephine B. Eulow, all my property both real and personal of every nature and description for and during her natural life time or so long as she shall remain my widow, to have and enjoy the income and rents therefrom for her own use, maintenance and support, with full power to sell all or any part thereof and reinvest the proceds therefrom as she may see fit, and to use the income from such investment for herself; and further in case she may need for her support, maintenance and comfort any part of the principal, she may use the said principal or any part thereof for her maintenance, support and comfort.

Third:- At the death of my said wife, it is my will that the expense of her last sickness and funeral be paid out of the residue of my said estate, unused by my wife during her lifetime.

Fourth:- I Give, Devise and Bequeath to the Canturight M. E. Church near Tuscola, Illinois, Five Hundred Dollars for the upkeep of the Church and cemetery near by.

Filed Sept. 1- 1933. affidavit.

Heer Ptg. Co., Cols., O. CD 4981.

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Fifth:- I Give, Denise and Bequeath to the Old Baptist Church in Tuscola, Ill. One Thousand Dollars, for the upkeep of said Church.

Sixth:- I Give, Denise and Bequeath to my niece Mabel Brams Howell of Decatur, Illinois, One Thousand Dollars.

Seventh:- I Give, Denise and Bequeath to my niece Lucy Evans of Topeka, Kansas, Five Hundred Dollars.

Eighth:- I Give, Denise and Bequeath to the Jasmon Hospital of Tuscola, Illinois, Five Hundred Dollars.

Ninth:- I Give, Denise and Bequeath to Golda M. Eulow Scott, Garet, Illinois, Five Hundred Dollars.

In the event there should not be enough of my Estate remaining after paying the expense mentioned in the third item in full, to pay each of the last six bequests in full, then in that event the said last six bequests shall be paid pro rata as to their respective amounts.

Tenth:- I Give, Denise and Bequeath to my Wife Josephine B. Eulow all residue of my property, real and personal, after all the foregoing bequest have been complied with.

I do hereby nominate and appoint my wife Josephine B. Eulow and my Brother-in-Law Charles Brams as Executors of this My Last Will and Testament.

I hereby revoke all other wills by me heretofore made.

In Testimony Whereof, I hereunto subscribe my name at Richwood, Ohio, this 3rd. day of August, 1925.

James T. Eulow.

The foregoing instrument was signed at the end thereof, by the said James T. Eulow in our presence and we heard him acknowledge the same as his Last Will and Testament, and at his request and in his presence we hereunto respectively subscribe our names as attesting witnesses at Richwood, Ohio, this 3rd. day of August, 1925.

C. E. Tackett resides at Richwood, Ohio.

W. D. Cameron resides at Richwood, Ohio.

In the Probate Court of Union County, Ohio.

Filed Sept. 1 - 1933. affidavit.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased. Plaintiff.

-vs-

Mabel Howell, et al., Defendants.

No. 12555. affidavit.

State of Ohio, Union County, ss:

Guyon Sandus, being first duly sworn, says that he is attorney for J. E. Clark, Executor of the last will and testament of Josephine B. Eulow, deceased, Plaintiff in this cause.

That he caused to be published in the Richwood Gazette, a paper printed and of general circulation in Union County, Ohio, in compliance with the former order of this Court, the

Heer Ptg. Co., Cols., O. CD 4981.

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following notice:-

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulor, deceased, plaintiff, -vs- Mabel Howell, et al., defendants.

Mabel Howell, who resides at Decatur, Illinois; Clista Randolph, who resides at Tuscola, Illinois; William A. Hunt, who resides at Tuscola, Illinois; Nina Shooler, who resides at Whitestown, Indiana; Russell Eulor, who resides at 316 W. Elm Street, Lebanon, Indiana; Gladys Hinken Wilson, who resides at 1211 Wayne Avenue, Topeka, Kansas; The Baptist Church of Tuscola, Illinois; The Baptist Hospital, of Concordia, Kansas; Golda Eulor Scott, who is a resident of Atwood, Illinois; John H. Hunt, who resides at Tuscola, Illinois; Dora Steele, who resides at 7418 Harter Avenue, Richmond Heights, Missouri; James Albert Evans, who resides at Olathe, Kansas; Arminta Evans, who resides at 89 Elliott Road, Calcutta, India, and Emma Hinken, who resides at Ringgold, Missouri, will take notice that on the 25th. day of August, 1933, the plaintiff, J. E. Clark, as executor of the Last Will and Testament of Josephine B. Eulor, deceased, filed his Petition against them in the Probate Court of Union County, Ohio, the same being cause No. 12555 in said Court, said Petition asked that he be authorized to sell certain real estate in said Petition described, to-wit:

Situated in the County of Union, State of Ohio, and in the Village of Richwood, and being all of Lot No. 134 in said Village. For a more specific description, see the recorded plat of said Village of Richwood, Ohio, in the Recorders Office at Marysville, Ohio.

That from the proceeds received from said real estate be ordered to distribute as follows:

To Russell Eulor, Whitestown, Ind., $500.00.

To John H. Hunt, Tuscola, Ill., $500.00.

And the balance then left in his possession, after expenses of the sale and court costs are deducted, to be divided equally between Mabel Howell, of Decatur, Illinois, and Clista Randolph, of Tuscola, Illinois.

Said defendants are required to answer said Petition on or before the 7th. day of October, 1933.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulor, deceased.

Guyon Sanders- Attorney for Executor.

That immediately after the first publication he delivered copies of said paper, being of the date of August, 31, 1933, to The Probate Court of Union County, Ohio, with proper postage, including postage for registered mail, and that copies of said paper were mailed to all of the defendants named in said

12555

Filed Oct 18-1933. Legal Notice.

Heer Ptg. Co., Cols., O. CD 4981.

12555

Filed Oct 18-1933. Legal Notice.

publication, and returned receipt was requested from each defendant.

Guyon Sanders.

Sworn to before me and subscribed in my presence this 31-st. day of August, 1933.

(Seal) John W. Dailey - Notary Public.

Legal Notice.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased, plaintiff, vs. Mabel Howell, et. al., defendants.

Mabel Howel, who resides at Decatur, Illinois; Clista Randolph, who resides at Tuscola, Illinois; William A. Hunt, who resides at Tuscola, Illinois; Nina Shooler, who resides at Whitestown, Indiana; Russell Eulow, who resides at 316 W. Elm Street, Lebanon, Indiana; Gladys Hinkem Wilson, who resides at 1211 Wayne Avenue, Topeka, Kansas; The Baptist Church of Tuscola, Illinois; The Baptist Hospital, of Concordia, Kansas; Golda Eulow Scott, who is a resident of Atwood, Illinois; John H. Hunt, who resides at Tuscola, Illinois; Dora Steele, who resides at 7418 Harter Avenue, Richmond Heights, Missouri; James Albert Evans, who resides at Olathe, Kansas; Arminta Evans, who resides at 89 Elliott Road, Calcutta, India; and Emma Hinkem, who resides at Kingville, Missouri, will take notice that on the 25 th. day of August, 1933, the plaintiff, J. E. Clark, as executor of the Last Will and Testament of Josephine B. Eulow, deceased, filed his Petition against them in the Probate Court of Union County, Ohio, the same being cause No. 12555 in said Court, said Petition asked that he be authorized to sell certain real estate in said Petition described, to-wit:

Situated in the County of Union, State of Ohio and in the Village of Richwood, and being all of Out-Lot No. 134 in said Village. For a more specific description, see the recoded plat of said Village of Richwood, Ohio, in the Records Office at Marysville, Ohio.

That from the procede received from said real estate be ordered to distribute as follows:

To Russell Eulow, Whitestown, Ind., $500.00.

To John H. Hunt, Tuscola, Ill., $500.00.

And the balance then left in his possesion, after expenses of the sale and court costs are deducted, to be divided equally between Mabel Howell, of Decatur, Illinois, and Clista Randolph, of Tuscola, Illinois.

Said defendants are required to answer said Petition on or before the 7th. day of October, 1933.

J. E. Clark - Executor of the Last Will and Testament of Josephine B. Eulow, Deceased.

Guyon Sanders - Attorney for Executor.

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State of Ohio, Union County.

Personally appeared before me W. A. Rigley and made oath that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and after August 31, 1933, in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

W. A. Rigley.

Sworn to before me and signed in my presence this 16th. day of October, A. D. 1933.

{Seal} Louis B. Snyder - Notary Public.

Printers Fees $22.40.

Filed Sept. 1- 1933. Entry.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff,

-vs-

Mabel Howell, et al., Defendants.

No. 12555. Entry.

This day this cause came on to be heard upon the affidavit of Guyon Sanders, attorney for plaintiff herein, and the endorsement, and the Court, being fully advised in the premises, finds that, in compliance with the former order of this Court, legal notice was served on all of the defendants by publication in the Richwood Gazette, a paper printed and of general circulation in Union County, Ohio, and that immediately after the first publication of said notice, copies of said paper were delivered to this Court with proper postage, including postage for registered mail, and that said notices were mailed to the following defendants: Mabel Howell, 344 West Grand Ave., Decatur, Ill., Clista Randolph, Tuscola, Ill., William a. Hunt, Tuscola, Ill., Nina Shooler, Whitestown, Ind., Russell Eulow, 316 W. Elm St., Lebanon, Ind., Gladys Hinken Wilson, 1211 Wayne Ave., Topeka, Kansas, The Baptist Church of Tuscola, Ill., The Baptist Hospital of Concordia, Kansas, Golda Eulow Scott, Atwood, Ill., John H. Hunt, Tuscola, Ill., Dora Steele, 7418 Harter Ave., Richmond Heights, Missouri, James Albert Evans, Olathe, Kansas, Arminta Evans, 89 Elliott Road, Calcutta, India, Emma Hicken, Kingsville, Missouri. The said publication and notice are hereby approved.

L. N. Hazen - Probate Judge.

Filed Mar. 28-1935. Entry.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff,

-vs-

Mabel Howell, et al., Defendants.

No. 12555. Entry.

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J. E. Clark, Executor of the estate of Josephine B. Eulow, having heretofore filed in this court his Petition praying for the sale of the real estate therein described, to pay legacies provided in the Last Will and Testament of Josephine B. Eulow, deceased.

It is ordered that said Petition be heard on the 21st. day of March, 1935, at 10 o'clock A. M. and that summons for the defendants issue to the Sheriff, returnable according to law.

L. W. Hazen - Probate Judge.

Filed Mar. 23 - 1935. Entry.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff.

-vs-

Mabel Horrell, et al., Defendants.

No. 12555. Entry.

This matter came on to be heard upon the Petition of plaintiff for authority to sell certain real estate described in the Petition of the above decedent to pay legacies provided for in the Last Will and Testament of Josephine B. Eulow, deceased, and the court finds that the defendant, Elijay Green, has waived the issuing of service of summons and process and consented to the sale as prayed for in the Petition and that the defendant, A. D. Parish, Administrator de bonis non, with the will annexed, of the estate of James T. Eulow, deceased, has waived the issuing of service of summons and process, and voluntarily entered his appearance herein and consented to the sale of the real estate as prayed for in the Petition. The court further finds that the defendant Mabel Horrell is a resident of Decatur, Illinois, the defendant Elista Randolph is a resident of Tuscola, Illinois, the defendant William A. Hunt is a resident of Tuscola, Illinois, the defendant Nina Shooler is a resident of Whitestown, Indiana, the defendant Russell Eulow is a resident of Lebanon, Indiana, the defendant Gladys Hinkem Wilson is a resident of Topeka, Kansas, the defendant The Baptist Church of Tuscola, Illinois is a resident of Tuscola, Illinois, the defendant The Baptist Hospital of Concordia, Kansas, is a resident of Concordia, Kansas, the defendant Golda Eulow Scott is a resident of Atwood, Illinois, the defendant John H. Hunt is a resident of Tuscola, Illinois, the defendant Dora Steele is a resident of Richmond Heights, Missouri, the defendant James A. Evans is a resident of Olathe, Kansas, the defendant Arminta Evans is a resident of Calcutta, India, the defendant Emma Hinkem, is a resident of Kingsville, Missouri, that the said defendants are non residents of the State of Ohio

Heer Ptg. Co., Cols., O. CD 4981.

12555

and that service of summons could not be made upon said defendants in the State of Ohio and that they were duly served with process and given notice of the pendency of this action by publication in The Richwood Gazette, a paper printed and of general circulation in Union County, Ohio, that the first issue of said paper after said notice appeared therein was mailed to each of said defendants, that said service of summons and notice is in all respects according to Law and the same is hereby approved; that said defendants are in default for answer or demurr to the Petition and thereby admit the allegations thereof, to be true. The court finds from the evidence that all necessary parties are before the court and that the prayer of the Petition should be granted.

The court further finds that the said real estate should be sold as prayed for in the Petition and that the proceedings thereof, after the costs and expenses of said sale are paid, should be distributed as follows:

To- Russell Enlow of Whitestown, Indiana, $500.00

To- John H. Hunt of Tuscola, Illinois $500.00

the balance then left in the possession of said executor, shall be divided equally, share and share alike, between Mabel Horell of Decatur, Illinois and Elista Randolph of Tuscola, Illinois.

The following is a discription of the real estate to be sold:

Situated in the County of Union, State of Ohio and in the village of Richwood and being all of Sub Lot No. 134 in said village. For a more specific discription see the Recorded Plat of said village of Richwood, Ohio, in the Recorders Office at Marysville, Union County, Ohio.

The court further finds that the bond heretofore given by the plaintiff as executor of the estate of Josephine B. Enlow, is insufficient and it is ordered that he file an additional bond with sufficient sureties to be approved by this court, in the sum of Three Thousand Dollars, ($3000.00).

And it appearing to the court that a new appraisement should be made of said real estate, it is ordered that Otis Dorsey, Kenneth Davis, and George Hunt, three judicious and disinterested persons of the vicinity, not kin of the petitioner, be and they hereby are, appointed to appraise said real estate at its true value in money, free and clear of any and all encumbrances; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view, at its fair cash value and discharge the duties required by them according to law, and to make return of their proceedings in writing to this court on or before the 1st. day of April, 1935.

L. W. Hazen - Probate judge.

12555
Filed
Mar. 23-1935.
additional
Bond.

Filed
Mar. 23-1935.
Entry.

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12555
Filed
Mar. 23-1935.
additional
Bond.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff,

-vs-

Mabel Howell, et al., Defendants.

No. 12555.
Additional Bond.

Know All Men by these Presents:

That we, J. E. Clark, as principal, and — and —, as sureties, are firmly bound unto the State of Ohio in the penal sum of Three Thousand ($3000.00), to the payment of which we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

The condition of this obligation is such, that whereas in a certain cause pending in the Probate Court of Union County, Ohio, wherein J. E. Clark, Executor of the Estate of Josephine B. Eulow, deceased, is plaintiff, and Mabel Howell, et al., are defendants, the said J. E. Clark has been ordered by said court to sell certain real estate to pay certain legacies.

Now, if the said J. E. Clark, Executor as aforesaid, shall faithfully discharge his duties in the premises and shall account for all money arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

J. E. Clark.
Mary Clark.

In the Presence of:
Gwynn Sanders.

In the Probate Court of Union County, Ohio.

Filed
Mar. 23-1935.
Entry.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, Deceased, Plaintiff,

-vs-

Mabel Howell, et. al., Defendants.

No. 12555.
Entry.

This day J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased, filed herein his additional bond in the sum of Three Thousand ($3000.00) Dollars, with approved sureties, conditioned according to law.

And the court, after careful examination of said bond and after being fully advised in the premises, finds that the same is in all respects in accordance with the laws of the State of Ohio, and does hereby approve said bond.

L. W. Hagen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12555
Filed
Mar. 23-1935.
Motion.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased,
Plaintiff.

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.
Motion.

Now comes J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased, and respectfully represents to the court that the real estate to be sold in this proceeding has been appraised by the appraisers heretofore appointed herein for the sum of $2600.00, and that said appraisement has been filed herein and approved; that it would be to the best interests of said estate and also of all parties interested therein if said real estate were sold at private sale.

J. E. Clark - Executor of the Last Will and Testament of Josephine B. Eulow, deceased.

State of Ohio, Union County:

J. E. Clark, being first duly sworn, says that the statements made in the foregoing motion are true as he verily believes.

J. E. Clark.

Sworn to before me and subscribed in my presence this 22 nd. day of March, 1935.

Gayne Sanders - Notary Public.

Filed
Mar. 23-1935.
Entry.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased,
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.
Entry.

This day this cause came on to be heard upon the motion of J. E. Clark, Executor, and the court, after carefully considering the same, finds that it would be for the best interests of the estate of Josephine B. Eulow and of all persons interested therein if the real estate should be sold at private sale.

It is therefore ordered that the said J. E. Clark, Executor aforesaid, sell said real estate at private sale for not less than $2650.00, that being the appraised value thereof; that said sale shall be made for cash.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12555
Filed
Mar. 23- 1935.
Order to
Appraisers.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the
Last Will and Testament of
Josephine B. Eulow, deceased.
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.

To Kenneth Davis, Otis Durfey, George Hunt.

The court reposing confidence in your judgment on the 21st. day of March, 1935, in a certain action to sell real estate, now pending in this court wherein J. E. Clark, as executor of the estate of Josephine E. Eulow, is plaintiff and Mabel Howell, et al., are defendants, appointed you appraisers of the following described real estate:

Situated in the County of Union, State of Ohio and in the Village of Richwood and being all of In-Lot No. 134 in said village. For a more specific description see the Recorded Plat of said village of Richwood, Ohio, in the Recorders Office at Marysville, Union County, Ohio.

You are therefore ordered by said court that without unnecessary delay and on oath to proced and appraise said real estate upon actual view at its fair cash value and to make repot of your proceedings to this court and have you then and there disordered.

Witness my hand and official seal at Marysville, Ohio, this 21st. day of March, 1935.

Seal

L. W. Hazen - Probate Judge.

Filed
Mar. 28- 1935.
Oath of
Appraisers.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the
Last Will and Testament of
Josephine B. Eulow, deceased,
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.

State of Ohio, Union County, ss:

On the 21st. day of March, 1935, before me, personally appeared Kenneth Davis, Otis Durfey and George Hunt, the within named, and made oath that they would, upon actual view, truly and impartially appraise at its fair cash value, the within described real estate in pursuance of the within order of the Probate Court of said county.

Kenneth Davis.
G. W. Hunt.
O. C. Durfey.

Sworn to before me and subscribed in my presence this 21st. day of March, 1935.

Georgia Sanders - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12555
Filed
Mar. 23- 1935
Report of
Appraisers.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased, Plaintiff,

-VS-

Mabel Howell, et al., Defendants.

No. 12555.

We do appraise the following described real estate, on our oath, after having actually viewed the same at $2600.00.

Situated in the County of Union, State of Ohio. and in the Village of Richwood and being all of Out- Lot No. 134 in said village. For a more specific discription see the Recorded Plat of said village of Richwood, Ohio, in the Recorders Office at Marysville, Union County, Ohio.

Witness our hands this 21 st. day of March, 1935.

Kenneth Davis.
G. W. Hunt.
C. C. Durfey.

Filed
Mar. 23- 1935.
Order of
Private Sale.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow, deceased, Plaintiff,

-VS-

Mabel Howell, et al., Defendants.

No. 12555.

Order of Private Sale.

To: J. E. Clark, Greeting:

Whereas, on the 21st. day of March, 1935, in the Probate Court of Union County, Ohio, in a certain action pending wherein J. E. Clark, Executor of the Last Will and Testament of Josephine B. Eulow deceased, is plaintiff, and Mabel Howell, et al., are defendants, it was ordered, adjudged and decreed that you proceed to sell the real estate mentioned in the petition, at private sale, for a price not less than the appraised value thereof, to-wit, $2600.00, agreeable to the statute regulating the sale of real estate by executors, and that you make return of your proceedings in the premises to the said Probate Court, and bring this order with you. The said real estate is described in the petition as follows, to-wit:

Situated in the County of Union, State of Ohio and in the Village of Richwood and being all of Out- Lot No. 134 in said village. For a more specific discription see the Recorded Plat of said Village of Richwood, Ohio, in the Recorder's Office at Marysville, Union County, Ohio.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 21st. day of March, 1935.

{Seal} L. W. Hazen - Probate Judge.

Filed
Mar. 30-1935.
Waiver.

Filed
Apr. 4-1935.
Entry.

Heer Ptg. Co., Cols., O. CD 4981.

Filed
Mar. 23-1935.
Report of
Private Sale.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the
Last Will and Testament of
Josephine B. Eulow, deceased,
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.
Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 22nd. day of March, 1935, offer said property, at private sale, and Clifford Hayden Williamson and Alice Williamson having offered therefor the sum of $2600.00 and the same being not less than the appraised value of said property, I sold the same to said Clifford Hayden Williamson and Alice Williamson for that sum.

J. E. Clark.

State of Ohio, Union County, ss:

J. E. Clark, being duly sworn says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

J. E. Clark.

Sworn to before me and subscribed in my presence this 22nd. day of March, 1935.

Seal

Eugene Sanders - Notary Public.

Filed
Mar. 30-1935.
Waiver.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the
Last Will and Testament of
Josephine B. Eulow, deceased,
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

October 16, 1933.
No. 12555.
Waiver.

Eliza Green, the undersigned, a party defendant in the above entitled action, being a competent adult person, hereby waives the issuing of service of summons and process upon her and voluntarily enters her appearance as such defendant and consents to the sale of the real estate described in the Petition, as therein prayed for.

Eliza Green.

Filed
Apr. 4-1935.
Entry.

In the Probate Court of Union County, Ohio.

J. E. Clark, Executor of the
Last Will and Testament of
Josephine B. Eulow, deceased,
Plaintiff,

-vs-

Mabel Howell, et al.,
Defendants.

No. 12555.
Entry.

Heer Ptg. Co., Cols., O. CD 4981.

12555

This day this cause came on to be heard upon the report of J. E. Clark, Executor of the Estate of Josephine B. Enlow, deceased, of his proceedings 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, find 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 Josephine B. Enlow and James T. Enlow in and to said real estate, to the purchasers, Clifford Hayden Williamson and Alice Williamson, upon said purchasers paying the purchase price in the sum of $2650.00 in cash.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of said sale, and said administrator having heretofore sold the same in compliance with an order of this court and the Will of Josephine B. Enlow, and having paid all court costs, it is ordered that said administrator, out of the funds in his hands, distribute as follows:

1. To Purcell Enlow, the sum of $ 000.00.
2. To John H. Hunt, the sum of $ 000.00.
3. To Mabel Howell, the sum of $1275.00.
4. To Elista Randolph, the sum of $1275.00.

L. W. Hazen - Probate Judge.

12477
Filed
Mar. 28-1933.
R. C. Thrall,
Attorney.

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

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, Rexford E. Anderson, Edna M. Anderson, Rollin T. Anderson, Hazel Anderson, Harold Anderson, B. R. Sudduth, Dorah Bonnette, Lydia M. Baughn and Lydia M. Baughn as Administratrix of the Estate of Sarah C. Sudduth, Deceased, Defendants.

No. 12477.
Civil Action.

Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administratrix of the Estate of Thomas G. Anderson,

12477
Petition to Sell Real Estate to Pay Debts.

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Heer Ptg. Co., Cols., O. CD 4981.

12477 Petition to Sell Real Estate to Pay Debts.

deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Forty-five Hundred Dollars.

An allowance of none Dollars was made by the appraisers of the above estate to the widow and children for twelve months.

And the costs of administering the estate will be about One Hundred and fifty Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Two Hundred and ninety-four Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance, and costs aforesaid.

Said decedent did seized in fee simple of the following described real estate situated in the county of Union, State of Ohio, and further described as follows:

Situated in Liberty Township and a part of Survey No. 4404.

Beginning at a stone in the center of the Marysville and Leona Gravel Road and at the northeast corner of lands of Montgomery and Wilson; thence with four consecutive lines of said lands, S. 85° 30' W. 171 + 60/100 poles to a stone; thence S. 5° E. 10 + 72/100 poles to a stone; thence S. 84° 15' W. 38 + 88/100 poles to a stone; thence N. 5° 30' W. 32 + 32/100 poles to a stone in the Southeasterly line of the N. Y. P. + O. Railway; thence with said line N. 41° E. 136 + 92/100 poles to a stake at the intersection of the said Southeasterly line of the N. Y. P. + O. Railway with the Southerly line of the T. + O. C. Railway; thence with the Southwesterly line of said T. + O. C. Railway S. 33° E. about 95 + 73/100 poles to a point where lands conveyed by Sarah E. Sudduth, and husband to Loren C. Reed, Dec. 3, 1904 would intersect said Southeasterly line of said Railway if extended westerly to said point; thence N. 85° 30' E. to a stone in the Northeasterly line of said T. + O. C. Railway lands and a corner to said land conveyed to Loren C. Reed, Dec. 3, 1904; thence with the South line of said lands N. 85° 30' E. 60 + 90/100 poles to a stone at the Southeast corner of said lands in the center of the said Marysville and Peoria Gravel Road; thence with the center of said Road, S. 7° 15' E. 32 + 34/100 poles to the beginning; Excepting therefrom the lands owned by the T. + O. C. Railway Co.; leaving 78 + 61/100 acres.

Also the following lots in said County, State and Township and situated in the unincorporated Village of Peoria:

Lots Nos. 23; 24; 25; 64; 65; 66; 67; 86; 87; 88; 91; 92;

Heer Ptg. Co., Cols., O. CD 4981.

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93; 94; 101; 102; 105; 106; 107; 109; 110; 111; 112; 114; 115; 116; 117; 118; 120; 121; 122; 126; 127; 128; 129; 130; 133.

Said real estate was included in the inventory of the estate, pursuant to the order of this court, and appraised at Fifteen hundred and thirty Dollars.

Said real estate is encumbered as follows:

Mortgage on said tract of 78 + 51/100 acres held by Lydia M. Baughn, Administratrix of the Estate of Sarah C. Sudduth, deceased. The heirs of said Sarah C. Sudduth, deceased, being Lydia M. Baughn, Orah C. Bonnette and B. R. Sudduth.

The decedent died leaving the defendant none as his surviving spouse who is 4 years of age and is entitled to dower in said premises.

The defendants, Rexford E. Anderson; Ruth C. Anderson; Edna M. Anderson; Rollin T. Anderson; Hazel Anderson and Harold J. Anderson, are all the heirs of persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all the right of dower therein, but out of the proceeds of the sale, in lieu of dower, the court allow to said —— such sum in money as is just and reasonable value thereof, unless the answer of said —— waives such allowance; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to.

Richard C. Small- Attorney for the Plaintiff.

The State of Ohio, Union County.

Hazel Anderson being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Hazel Anderson.

Sworn to before me and signed in my presence by the said Hazel Anderson, at Marysville, Ohio, this 28th. day of March, 1933.

{Seal} Richard C. Small, Notary Public.

Filed Mar. 28- 1933. Journal Entry.

Bath.

Praipe.

To the Probate judge:

Issue summons in this proceeding, for said Lydia M. Baughn, Administratrix of the Estate of Sarah C. Sudduth, deceased; Lydia M. Baughn and B. R. Sudduth, defendants, directed to the Sheriff of Union County, Ohio, and returnable according to law;

Praipe

Filed Mar. 1933. Waiver of Summons & Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

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Lydia M.
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Issue summons in this proceding for the said Drah C. Bonnette, defendant, directed to the Sheriff of Marion County, returnable according to law.

Richard C. Thrall - Plaintiff's attorney.

Filed Mar. 28- 1933. Journal Entry.

In the Probate Court of Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, Rexford E. Anderson, Edna M. Anderson, Rollin T. Anderson, Harold Anderson, B. R. Sudduth, Drah Bonnette, Lydia M. Baughn, Administratrix of the Estate of Sarah C. Sudduth, deceased, and Lydia M. Baughn, Defendants.

Case No. 12477.
March 28, 1933.

Journal Entry.
Filing Petition to Sell Real Estate.

This day came the plaintiff Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson and presented to this Court her petition, duly verified, praying an order for the sale of real estate of the said Thomas G. Anderson, 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.

L. W. Hagen - Probate Judge.

Filed Mar. 1933. Waiver of Summons and Consent to Sell.

Waiver of Summons, on Petition to Sell Real Estate.

In Probate Court, Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al., Defendants.

No. 12477.
Proceding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

Heer Ptg. Co., Cols., O. CD 4981.

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Hazel Anderson.
Edna M. Anderson.
Rufford E. Anderson.
Harold J. Anderson.
Lark E. Anderson.
Rollin T. Anderson.

Filed Mar. 30 - 1933. Summons.

Summons on Petition to Sell Real Estate.
Probate Court.

The State of Ohio, Union County.

To the Sheriff of said County:

You are commanded to notify Mrs. Drah E. Bonnette (Drah), Marion, Ohio, (Husbands initials not known) (No street address known) that on the 28th. day of March, A. D. 1933, Lydia M. Baughn, Administratrix of the Estate of Sarah E. Sudduth 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. Endorse (action to sell Real and pay debts.) and that unless they answer by the 29th. day of April, 1933, said petition will be taken as true, and the order granted accordingly.

Said Sheriff will make due return of this writ on the 10th. day of April, 1933.

Witness my hand and the seal of said Court, this 28th. day of April, 1933.

{Seal}

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fee.	
Service + Return, first name,	$ .75
2 miles traveled at 8 ¢	.16
Postage + Docket	.13
Total	$ 1.04

Recived this writ March 29th. 1933, at 8:30 o'clock A. M., and on the 29th. day of March, 1933, I served the same by leaving a copy thereof at the residence of the within named Mrs. Drah E. Bonnette.

Charles E. Frye - Sheriff.

Filed Mar. 30 - 1933. Summons.

Summons on Petition to Sell Real Estate.
Probate Court.

The State of Ohio, Union County

To the Sheriff of said County:

You are commanded to notify Lydia M. Baughn and B. R. Sudduth, Defendants, directed to the Sheriff of Union County, Ohio, and returnable according to Law.

Also Lydia M. Baughn, Administratrix of estate of Sarah E. Sudduth, deceased; that on the 28th. day of March A. D. 1933, Hazel Anderson, Administratrix of the Estate of Thomas E. Anderson, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and

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Sheriff's Returns.

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Filed Apr. 13-1933. Answer and Cross-Petition.

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Heer Ptg. Co., Cols., O. CD 4981.

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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; Endorse ("action to sell real estate to pay debts.") and that unless they answer by the 29th. day of April, 1933, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the Tenth day of April 1933.

Witness my hand and the seal of said Court, this 28th. day of March, 1933.

L. W. Hazen- Judge and ex-officio Clerk of the Probate Court of said County.

[Seal]

Sheriff's Return.

Sheriff's Returns.

The State of Ohio, Union County.

Sheriff Fees.	
Service + Return, first name,	$ .75
2 Additional names, at 25¢	.50
19 miles traveled at 8¢	1.52
Total	$ 2.77

Received this writ March 28th. 1933, at 3 o'clock P. M., and on the 30th. day of March, 1933, I served the same by delivering a copy thereof personally to the within named Lydia Baughn and also to Lydia Baughn as Administratrix of the estate of Sarah E. Sudduth, deceased; And on the same day I served the within named B. R. Sudduth by leaving for him at his usual place of residence a true and certified copy of this writ.

William Rausch- Sheriff.
By- A. Grigsby- Deputy.

Filed Apr. 13-1933. Answer and Cross- Petition.

In the Probate Court, Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al., Defendants.

No. 12477.
Answer and Cross- Petition.

Now comes Lydia M. Baughn and says that she is the duly appointed, qualified and acting administratrix of the estate of Sarah E. Sudduth, deceased, and was appointed as such by the Probate Court of Union County, Ohio, and for answer to the plaintiff's petition says, as such administratrix that she is not familiar with all the facts, statements and allegations made and contained therein and therefor denies the same.

Cross- Petition.

For cross- petition to the plaintiff's petition, this defendant, Lydia M. Baughn says that she is the duly appointed, qualified and acting administratrix of the estate of Sarah E. Sudduth, deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12477

That, on or about the 9th. day of April, 1921, the deceased, Thomas G. Anderson and his wife Maytellah Anderson, now deceased, made and delivered to the said Sarah E. Sudduth, during her liftime, their certain promissory note of that date for the sum of $3850.00 as per the following copy, to-wit:

$3850.00 April 9, 1921.

On or before one year after date for value received we promise to pay to the order of Sarah E. Sudduth Thirty-Eight Hundred Fifty Dollars with interest at the rate of Seven per centum per annum payable semi-annually and we hereby authorize any Attorney at Law to appear in any Court of Record in the United States after the above obligation becomes due and waive the issuing and service of process and confess a judgment against us 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.

Thomas G. Anderson.
Maytellah Anderson.

78¢ revenue stamps.

That this defendant as administratrix of the said estate of the said Sarah E. Sudduth, deceased, is the holder of the said note and that there is due the said estate the said sum of $3850.00, with interest thereon at 7%, per annum from the 9th. day of March, 1932.

That the said Thomas G. Anderson and Maytellah Anderson to secure the payment of the said promissory note and the interest thereon, on the 12th. day of May, 1921, made and delivered to the said Sarah E. Sudduth their certain mortgage deed of that date (the said Maytellah Anderson releasing her dower) on the following described real estate, to-wit:

Situated in the County of Union in the State of Ohio, and in the Township of Liberty, Survey #4404 and bounded and described as follows:

Beginning at a stone in the center of the Marysville and Leoda Gravel Road and at the Northeast corner of lands of Moneypenny and Wilson; Thence with four consecutive lines of said lands S. 86° 30' W. 171.60 poles to a stone; Thence S. 5° E. 10.72 poles to a stone; Thence S. 84° 15' W. 88.88 poles to a stone; Thence N. 5° 30' W. 32.32 poles to a stone in the Southeasterly line of the N. Y. P. & C. Railway; Thence with said line N. 41° E. 136.92 poles to a stake at the intersection of the said Southeasterly line of the N. Y. P. & C. Railway with the Southerly line of the T. & O. C. Railway; Thence with the Southwesterly line of said T. & O. C. Railway S. 33° E. about 95.73 poles to a point where the South line of lands conveyed by Sarah E. Sudduth and husband to Loren C. Reed, Dec. 3, 1904, would intersect said Southwesterly line of Railway if extended Westerly to said point; Thence N. 86° 30' E. to a stone in the Northeasterly line of said

Filed June 27-1933 Motion.

Heer Ptg. Co., Cols., O. CD 4981.

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T. & O. C. Railway lands, and a corner to said land conveyed to Loren C. Reed Dec. 3, 1904; Thence with the South line of said lands N. 85° 30' E. 60.30 poles to a stone at the Southeast corner of said lands in the center of the said Marysville and Peoria Gravel Road; Thence with the center of said road S. 7° 15' E. 32.34 poles to the beginning.

Excepting therefrom the lands owned by the T. & O. C. Railway Company. Leaving 78.51 acres hereby conveyed, more or less.

Further this defendant as such administratrix says that the said promissory note is long past due, and unpaid and that by reason thereof and the conditions of the said mortgage have been broken and she has a right to recover on the said promissory note, with interest, and the proceeds received from the sale of the said real estate, if sold, applied on the payment thereof and that she as such administratrix is the holder of the said mortgage deed.

That on the 12th. day of May, 1921, at 1:20 o'clock P. M. the said mortgage deed was filed for record in the office of the County Recorder of Union County, Ohio, and therein recorded on the 16th. day of May, 1921, in Record of Mortgages, No. 69 on Page 157.

Wherefore, this defendant, Lydia M. Baughn, as administratrix of the estate of Sarah E. Sudduth, deceased, prays that the interests of the estate of the said Sarah E. Sudduth in this action be protected, that the amount due and payable on said promissory note be determined and allowed and that the said real estate be sold as prayed for in the said plaintiff's petition and the proceeds received from the sale thereof be applied on the payment of the amount as allowed by the court, and for such other and further order in the premises as the court may find to be just and equitable.

Milo L. Myers - Attorney for Lydia M. Baughn, Administratrix.

State of Ohio, Union County, ss.

Lydia M. Baughn, being first duly sworn says that the facts stated and the allegations made and contained in the foregoing answer and cross-petition are true as she believes.

Lydia M. Baughn.

Sworn to before me and signed in my presence this 6th. day of April, 1933.

{Seal} Milo L. Myers - Notary Public.

In the Probate Court, Union County, Ohio.

Filed June 27-1933 Motion.

Hazel Audison, Administratrix, of the Estate of Thomas M. Audison, Deceased, Plaintiff,

-vs-

Lark C. Audison, et al., Defendants.

No. 12477 Motion.

Heer Ptg. Co., Cols., O. CD 4981.

12477

Now comes Lydia M. Baughn and represents that she is the administratrix of the estate of Sarah E. Sudduth, deceased.

That heretofore as such administratrix she filed her certain Answer in the Court, therein setting forth, that the said estate of the said Thomas G. Anderson, deceased, is indebted to her as such administratrix, in the sum of Three Thousand Eight Hundred and Fifty Dollars, ($3850.00) with interest thereon at 7% per annum, from the 9th. day of March, 1932.

And that to secure the payment thereof the said deceased, and his wife executed and delivered their certain mortgage deed on 78.51 acres more or less, as set forth in said Answer.

That for some reason the said administratrix has been delayed in offering the said real estate for sale, as prayed for in her petition.

That this defendant has reasons to believe and does believe that said real estate so mortgaged cannot be sold to pay the amount of the said promissory note in full, with interest.

That the said Hazel Anderson, as administratrix of the estate of the said Thomas G. Anderson, deceased, has failed and neglected to rent the said real estate, or the buildings thereon, or has there been any arrangements so to do, and by reason thereof, and by reason that the said premises cannot be sold for sufficient to pay this defendant's claim in full, her interest as said administratrix and the estate of the said Sarah E. Sudduth, deceased, will suffer a loss and she believes that a receiver should be appointed to take charge of the said real estate, rent the same, and preserve the crops now growing thereon or harvested thereon, and recommends that Ray Bonnette, who is a suitable person, be appointed as such Receiver.

Therefore, she moves the Court that a Receiver be appointed to take charge of the said real estate, pending this action, that is, the 78.51 acres, rent the same and take care of the crops now growing or harvested thereon, until further ordered by the Court.

Milo L. Myers - Attorney for Lydia M. Baughn.
Union County, Ohio.

Filed
June 27-1933.
Entry.

In the Probate Court,
Union County, Ohio.

Hazel Anderson, Administratrix,
of the Estate of Thomas G.
Anderson, Deceased,
Plaintiff,

-vs-

Lark C. Anderson, et al.,
Defendants.

No. 12477.
Entry.

This day Lydia M. Baughn, as administratrix of the estate of Sarah E. Sudduth, deceased, filed herein a Motion, asking that a Receiver be appointed to take charge of the

Filed
Dec. 15-1933.
Entry Denying
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Dec. 15-1933.
Journal Entry.
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Heer Ptg. Co., Cols., O. CD 4981.

12477 78.51 acres discribed in her Answer to the Plaintiff's Petition filed herein, and on consideration of said Motion. Therefore, it is hereby ordred by the Court that the time for hearing on said Motion, be and the same is hereby fixed for the 30th. day of June, 1933, at 1:00 o'clock P. M.

L. W. Hazen - Judge.

Filed Dec. 15-1933. Entry Denying Recieved.

In the Probate Court of Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al, Defendants.

Case No. 12477. Entry.

This cause coming on to be heard on the motion of Lydia M. Baughn, Administratrix of the Estate of Sarah E. Suddueth, deceased, for the appointment of a receiver, and the Court being fully advised in the premises, the same is hereby overruled. To which said Lydia M. Baughn, Administratrix excepts and her exceptions are noted.

L. W. Hazen - Probate Judge.

Approved

x

x

- Attorney for Lydia M. Baughn.

- Attorney for Plaintiff.

Filed Dec. 15-1933. Journal Entry. Dispensing with a new appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate. Probate Court, Union County, Ohio.

Hazel Anderson, as Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al., Defendants

Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate; the answer and cross-petition of the defendant, Lydia M. Baughn, Administratrix of Estate of Sarah E. Suddueth, mortgagee; the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Fifteen hundred and thirty 00/100 Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Administratrix of the estate of Thomas G. Anderson, in the amount of Two Thousand ($2000.00) Dollars

Heer Ptg. Co., Cols., O. CD 4981.

12477

is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Two Thousand ($2000.00) Dollars, and this cause is continued.

L. W. Hagen - Probate judge.

Filed Dec. 18-1933. Administratrix Bond.

Administratrix' Bond.
In Proceedings to Sell Real Estate.

Know All Men by these Presents: That we Hazel Anderson, L. W. Shaw and Pauline Thall are held and firmly bound unto the State of Ohio, in the sum of Two 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 Marysville, Ohio, this 18th. day of December, 1933.

The condition of the above obligation is such, that whereas, the above bound Hazel Anderson was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administratrix of the estate of Thomas S. Anderson, deceased.

And whereas, the said Hazel Anderson as such Administratrix 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 16th. day of December, 1933, made an order requiring said Administratrix to execute a bond according to the Statutes in such cases made and provided.

Now, if the said Hazel Anderson 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.

Hazel Anderson.
L. W. Shaw.
Pauline Thall.

This Bond approved in open Court, this 18th. day of December, 1933.

{Seal}

L. W. Hagen - Probate judge.

Filed Dec. 18-1933. Journal Entry. Approving Additional Bond and Ordering Public Sale.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Hazel Anderson, as Administratrix of the Estate of Thomas S. Anderson, Deceased, Plaintiff, -vs- Lark C. Anderson, et al., Defendants.

approving additional Bond and Ordering Public Sale.

It further appearing to the Court that the plaintiff has given additional bond in the sum of Two Thousand Dollars, with approved sureties conditioned according to law, the said

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Filed Jan. 16-1934. Legal Notice.

Heer Ptg. Co., Cols., O. CD 4981.

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bond is hereby approved.

It is now ordered that Hazel Anderson, as such Administratrix, proceed to advertise for sale said premises in The Marysville Tribune, on the 20th. day of January, 1934, at one o'clock P. M. the real estate in the petition described as provided by law, and that he sell the same at not less than two-thirds of the appraised value thereof, on the following terms, to-wit: One-third cash in hand, from the time of approval of sale.

And plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen - Probate Judge.

Filed
Jan. 16-1934.
Legal Notice.

In pursuance to an order of the Probate Court of Union County, Ohio, I will offer for sale at public auction, on the 20th. day of January, 1934, at one o'clock P. M., at the north door of the court house, the following described real property, situate in the County of Union, State of Ohio, Township of Liberty, and a part of Survey No. 4464.

Beginning at a stone in the center of the Marysville and Peoria Grand Road and at the northeast corner of lands of Moneypenny and Wilson; thence with four consecutive lines of said lands, S. 85 degrees 30 minutes W. 171.60 poles to a stone; thence S. 5 degrees E. 10.72 poles to a stone; thence S. 84 degrees 5 minutes W. 38.88 poles to a stone; thence N. 5 degrees 30 minutes W. 82.32 poles to a stone in the southeasterly line of the N. Y. P. & C. Railway; thence with said line N. 41 degrees E. 136.92 poles to a stake at the intersection of the said southeasterly line of the N. Y. P. & C. Railway with the southerly line of the T. & O. C. Railway; thence with the southwesterly line of said T. & O. C. Railway S. 33 degrees E. about 95.78 poles to a point where lands conveyed by Sarah E. Sudduth and husband to Loren C. Reed, Dec. 3, 1904, would intersect said southwesterly line of said Railway if extended westerly to said point; thence N. 85 degrees 30 minutes E. to a stone in the northeasterly line of said T. & O. C. Railway lands and a corner to said land conveyed to Loren C. Reed, Dec. 3, 1904; thence with the south line of said lands N. 85 degrees 30 minutes E. 60.90 poles to a stone at the southeast corner of said lands in the center of the said Marysville and Peoria Grand Road; thence with the center of said Road S. 7 degrees 15 minutes E. 82 and 34/100 poles to the beginning.

Excepting therefrom, the lands owned by the T. & O. C. Railway Co.

Leaving 78 and 51/100 acres.

Also the following lots situated in Peoria, Liberty Township, Union County, Ohio:

Lots Nos. 23, 24, 25, 64, 65, 66, 67, 86, 87, 88, 91, 92, 93, 94, 101, 102, 105, 106, 107, 109, 110, 111, 112, 114, 115, 116, 117, 118, 120, 121, 122, 126, 127, 128, 129, 130, 138.

Heer Ptg. Co., Cols., O. CD 4981.

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For a more particular description reference is hereby made to the recorded plat in the office of the Union County Recorder.

Appraised at $1530.00. Terms of sale, cash in hand upon approval of sale by court.

Hazel Anderson - Administratrix Estate of Thomas G. Anderson.

Richard C. Small, attorney.

The State of Ohio, Union County, ss.

Personally appeared before me J. M. 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 December 21, 1933 in the Richly Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 16th. day of January A. D. 1934.

(Seal) G. P. Huber - Notary Public.

Printers Fees, $19.50.

Filed Sep. 24, 1934. Order of Public Sale.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, 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 Administratrix are Plaintiff and Zak C. Anderson, et al., are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, at the north door of the Court House on the 20th. day of January 1934, at one o'clock P. M., for not less than two-thirds of the appraised value thereof the following described premises to-wit: Situated in the Township of Liberty, County of Union and State of Ohio and bounded and described as follows:

Being a part of Survey No. 4404.

Beginning at a stone in the center of the Marysville and Peoria Gabel Road and at the northeast corner of lands of Moneypenny and Wilson; thence with four consecutive lines of said lands, S. 85° 30', W. 171.60 poles to a stone; thence S. 5° E. 10.72 poles to a stone; thence S. 84° 15' W. 38.88 poles to a stone; thence N. 5° 30' W. 32.32 poles to a stone in the Southeasterly line of the N. Y. P. & C. Railway; thence with said line N. 41° E. 136.92 poles to a stake at the intersection of the said Southeasterly line of the N. Y. P. & C. Railway with the Southerly line of the T. & O. C. Railway S. 33° E. about 95.73 poles to a point where lands conveyed by Sarah E. Sudduth and husband to Loren C. Rud, Dec. 3, 1904 would intersect said southeasterly line of said Railway if extended westerly to said point; thence N. 85° 30' E. to a stone in the Northeasterly line of said T. & O. C. Railway lands and a corner to said

Return of Report of Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12477

land conveyed to Loren Le. Reed, Dec. 3, 1904; thence with the South line of said lands N. 85° 30' E. 60.90 poles to a stone at the Southeast corner of said lands in the center of said Marysville and Peoria Gravel Road; thence with the center of said Road S. 7° 15' E. 32.34 poles to the beginning.

Excepting therefrom the lands owned by the T. & O. C. Railway Co. and leaving 78.01 acres.

Also the following Lots situated in Peoria, Union County, Ohio.

Lots Nos. 23, 24, 25, 64, 65, 66, 67, 86, 87, 88, 91, 92, 93, 94, 101, 102, 105, 106, 107, 109, 110, 111, 112, 114, 116, 116, 117, 118, 120, 121, 122, 126, 127, 128, 129, 130, 133.

Said sale to be upon the following terms: for cash in hand upon the approval of the sale by this Court.

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 18th. day of December, A. D. 1933.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return: 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 31st. day of August, 1934.

Hazel Anderson.

Report of Sale.

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 situate, for at least four consecutive weeks prior to the 20th. day of January, 1934, 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 proceeded to offer said real estate for sale at the north door of the Court House, when Lydia M. Baughn bid to pay for the same the sum of Twenty-five Hundred 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 her for that sum.

Hazel Anderson - Administratrix as aforesaid.

Dated the 31st. day of August, 1934.

Sworn to before me and signed in my presence, this 31st. day of August, 1934.

{Seal} Richard C. Thall - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12477
Filed
Sep. 24-1934.
application.

In the Probate Court of Union County Ohio.

Hazel Anderson, Administratrix of Estate of Thomas G. Anderson, deceased,

Plaintiff.

-vs-

Lark C. Anderson, et al.,

Defendants.

case No. 12477.
application.

Now comes Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, deceased, and says that a part of the estate of the said Thomas G. Anderson, consists of some thirty-seven lots located in Peoria, Ohio. That in this proceeding to sell real estate to pay debts, said lots were offered at the appraised value of $130.00 at public sale and the same not being improved could have sold for the sum of sixty-five dollars but have remained unsold for lack of bidders. That said lots do not lie in a compact group but are to some extent dispersed among other small tracts of land. That the cost of re-appraising and re-offering said lots for sale will exceed the value thereof.

Wherefor she prays that the court may fix the price for which said real estate may be sold or that the same may be readvertised and sold to the highest bidder.

Hazel Anderson - Administratrix as aforesaid.

State of Ohio, Union County, ss.

I, Hazel Anderson, as such Administratrix, being first duly sworn, says that the foregoing is true as she verily believes.

Hazel Anderson.

Sworn to before me and signed in my presence, this 9th. day of August, 1934.

Seal

Richard C. Thrall - Notary Public

Filed
Sep. 24-1934.
Order.

In the Probate Court of Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased,

Plaintiff,

-vs-

Lark C. Anderson, et al.,

Defendants.

case No. 12477.
Order.

It appearing to the Court that among the real estate belonging to the estate of the said Thomas G. Anderson, deceased, are thirty seven vacant lots situated in the Village of Peoria, Ohio, which are of doubtful value. And it further appearing that said lots have been once offered at public auction at a total price of $65.00 and that there were no bidders for the same at this price. And it also appearing that the cost and expense of re-advertising said lots for sale would be high in regard to the price which could be obtained for said lots.

12477
Filed
Sep. 24-1934.
Journal Entry confirming Sale, Ordering Deed and Distribution.

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Heer Ptg. Co., Cols., O. CD 4981.

12477

It is therefore ordered that the price for which said lots may be sold is fixed at $ 37.00 and the Administratrix of said estate is hereby authorized to sell the same at private sale for said sum.

L. W. Hagen - Probate Judge.

Filed Sep. 24-1937. Journal Entry Confirming Sale, Ordering Deed and Distribution.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al., Defendants.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, deceased, of her 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; 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 Thomas G. Anderson in said real estate, to the purchaser, Lydia M. Baughn, paying for the same. 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 Twenty-five hundred and thirty-seven Dollars. The Court finds that there is due to the said Lydia M. Baughn, Administratrix upon the note set forth in her answer and cross-petition, from the estate of said Thomas G. Anderson the sum of Thirty-eight hundred and fifty Dollars, with interest thereon at seven per centum from March 9, 1932; that the said Thomas G. Anderson, to secure the payment of said promissory note, gave a mortgage upon the premises in the petition described, excepting the lots, which was a valid and subsisting lien upon said premises, and now upon the fund in the hands of said Administratrix arising from the sale of said premises, excepting the lots. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on record in the office of the records of Union County, Ohio, according to law.

It is further ordered that said Administratrix, out of the money in her 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

Heer Ptg. Co., Cols., O. CD 4981.

12477

incurred in the sale of said property, including an attorney fee of $50.00 to Richard C. Small, amounting to the sum of $35.81. Third, to Lydia M. Baughn, Administratrix on the note and mortgage set forth and described in her answer and cross-petition herein, the sum of $ ——, which the Court finds to be the amount due. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ ——, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

Filed June 17-1935. Report of Sale.

In the Probate Court of Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas G. Anderson, Deceased, Plaintiff,

-vs-

Lark C. Anderson, et al., Defendants.

Case No. 12477.

Report of Sale.

A part of the assets of the estate of the above named Thomas G. Anderson being thirty-seven vacant lots in Peoria, Union County, Ohio; being Lots Nos. 23, 24, 25, 64, 65, 66, 67, 86, 87, 88, 91, 92, 93, 94, 101, 102, 105, 106, 107, 109, 110, 111, 112, 114, 115, 116, 117, 118, 120, 121, 122, 126, 127, 128, 129, 130, 133; and this Court having made an order authorizing the plaintiff to sell the same at private sale for the sum of $37.00 for the reason that said lots had been offered at public sale with no bidder, and no offer having been received and the re-advertisement of the same being in excess of the value of said lots:

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

Dated the 15th. day of June, 1935.

Hazel Anderson - Administratrix as aforesaid.

Report of Sale.

In obedience to said order, I proceeded to sell said real estate at private sale to Harold J. Anderson for the sum of thirty-seven dollars, which sum was the highest and best price which I could obtain for the same, after having made diligent effort to secure a larger sum.

Report of Sale.

Hazel Anderson - Administratrix as aforesaid.

Dated June 15, 1935.

Richard C. Small, being first duly sworn, says that he is attorney for plaintiff and that the above report is true and correct as he verily believes.

Richard C. Small.

Sworn to and signed before me this 16th. day of June, 1935.

Seal

Nowlan C. Bown - Notary Public.

12530 Filed Sept. 10-1935.

Heer Ptg. Co., Cols., O. CD 4981.

12477
Filed
June 17-1935.
Entry
Confirming Sale.

In the Probate Court of Union County, Ohio.

Hazel Anderson, Administratrix of the Estate of Thomas S. Anderson,

Plaintiff,

-vs-

Lark C. Anderson, et al.,

Defendants.

Case No. 12477.
Entry Confirming Private Sale.

Hazel Anderson, Administratrix of the Estate of Thomas S. Anderson, having filed her report of her proceedings under a former order of this Court authorizing her to sell thirty-seven vacant lots in Leoia, Ohio, for the sum of $37.00 and the Court finding that her said proceedings are in conformity with law and the order of this Court it is ordered that the same be approved and that she execute and deliver a deed for said real estate to the purchaser thereof.

L. W. Hazen - Probate judge.

12530
Filed
Sept. 10-1935.

In the Matter of the Estate of Milo Stroemider, Deceased.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Milo Stroemider, Deceased.

No. 12530 - Petition to Sell Personal Property at Private Sale.

To the Judge of said Court:

Petitioner respectfully represents that he is the executor of the estate of Milo Stroemider, deceased; that among the assets that came into his hands, as such executor was one promissory note made by Lucy H. Sanders, Jesse S. Kagay and John M. Sanders, for $3000.00, and payable to The Richwood Banking Company, with interest at six per cent till due and eight per cent after due until paid; that at the death of said decedent there was due and unpaid thereon the sum of $1400.00; that said note was secured by first mortgage on real estate in the Village of Richwood, Ohio, of record in Vol. 56, page 397 of the mortgage records of said County; that said note and said mortgage had been assigned without recourse by said Bank to said decedent in his life time; that said John M. Sanders is deceased, and Lucy H. Sanders is executor of his estate; that there has been paid to this petitioner in all the sum of $1301.16 on said note and there is due and unpaid thereon as at Sept. 1, 1935, with interest computed at the rate of 8 per cent per annum, the sum of $496.40; that in an action numbered 13168 in the Common Pleas Court of said County, judgment was rendered on said note against said Sanders and Kagay, for the sum of $526.96, the same being by inadvertance for a larger sum than then due on said mortgage debt.

Your petitioner says that the full amount due on said mortgage debt, with interest at 6 per cent per annum, the rate

Heer Ptg. Co., Cols., O. CD 4981.

12530

before maturity, is $375.00, and that he has been offered said last named sum for said mortgage and note and judgment thereon; that due to the present law on foreclosure, there are possibilities of great delay in completing the foreclosure proceedings, and that the said estate is now otherwise practically ready to be closed, and your petitioner believes for the reasons given it would be for the best interests of said estate to make said sale at said price.

Dated Sept. 10, 1935.

F. A. McAllister - Executor.

State of Ohio, Union County, ss.

F. A. McAllister, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

F. A. McAllister.

Sworn to before me and signed in my presence this 10th. day of September, 1935.

Seal

Rachel E. Ransome - Notary Public.

Filed Sept. 10 - 1935. Journal Entry.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Milo Stroemder, Deceased. | No. 12530. Journal Entry.

This day this matter came on to be heard on the application of F. A. McAllister, Executor of the estate of Milo Stroemder, deceased, for an order authorizing said Executor to sell at private sale the personal property mentioned in said application. And the Court being satisfied, upon good and sufficient proof that it would be for the interest of said estate to sell said personal property as in the application set out and for not less than the value therein set out, it is ordered that the said Executor be and he is hereby ordered and authorized to sell the same at not less than the value set out in said application, and make due return of his proceedings to this Court.

L. W. Hazen - Judge.

Filed Sept. 10 - 1935. Order of Private Sale and Report of Sale.

Order of Private Sale, Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Milo Stroemder, Deceased. | No. 12530. Order of Sale of Personal Property.

To F. A. McAllister, Executor of the estate of Milo Stroemder, Deceased:

In obedience to an order and decree of said Court, 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 sum of $375.00, the following goods and chattels belonging to said estate, to-wit:

Mortgage note and mortgage securing same, made by Percy H. Sanders and others, which mortgage is of record in Vol. 56, page 397, of the Mortgage Records of Union County, Ohio, together with an assignment of the judgment

12530

Return.

Sale of Personal Property confirmed.

Heer Ptg. Co., Cols., O. CD 4981.

12080

rendered thereon in the Common Pleas Court of Union County, Ohio, in case No. 13168.

Said sale to be on the following terms: Cash in hand at time of sale.

You will return this order within one month 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 10th. day of September, A. D. 1935.

(Seal) L. W. Hazen - Probate judge.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Milo Stroemider, Deceased. | 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

Return. to Robert Sanders, C. M. Sanders and J. H. Sanders said personal property, to-wit: The mortgage note and mortgage of record in Vol. 56, page 397 of the Mortgage Records of said County, together with the judgment rendered thereon in case No. 13168 in the Common Pleas Court of said Union County, Ohio, for the sum of $375.00, said sum being the sale price authorized by this Court.

Dated this 10th. day of September, 1935.

T. A. McAllister - Executor.

The State of Ohio, Delaware County.

T. A. McAllister, executor of the estate of Milo Stroemider, deceased, being duly sworn, says that the foregoing Report is in all respects true and correct, 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.

T. A. McAllister.

Sworn to before me and signed in my presence, this 10th. day of September, 1935.

A. L. Atkins - Notary Public.

Journal Entry.

Probate Court, Union County, O. Sept. 10 - 1935.

In the Matter of the Estate of Milo Stroemider, Deceased. | Sale of Personal Property Confirmed.

Sale of Personal Property confirmed.

The executor of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular and in accordance with law, and therefore approves and confirms the same.

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12443
Filed
Jan. 20-1933.
Richard C. Small
attorney.

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

Charles Brown, Executor of the Estate of Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, James Davis, G. R. Davis, L. N. Davis, Alice Brown, Leila Lockwood, Madge Doherty, Walter Fredrick, Nettie Graham and Charles Brown,

Defendants.

No. 12443.
Civil Action.

Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting executor of the estate of Nancy E. Lyon deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand Dollars.

No widow or minor children.

And the costs of administering the estate will be about Two Hundred Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Eight Hundred Dollars, said appraisement not having been excepted to; and said personal property is wholy insufficient to pay the debts, allowance, and costs aforesaid.

Petition. Said decedent did seized in fee simple of the following described real estate situated in the county of Union, State of Ohio, and further described as follows:

In Village of Marysville.

Being a part of the west half of In-Lot No. 133 in said Village of Marysville; Beginning at the northwest corner of the Taylor Lot and in the east margin of Oak Street; thence easterly along the original south line of said Lot No. 133, 66 feet; thence northerly 40 feet to the line of the Hostetler lot; thence westerly with the south line of the Hostetler lot 66 feet to the east margin of said Oak Street; thence southerly along the east line of said Oak Street 40 feet to the place of beginning.

Said real estate was included in the inventory of the estate, pursuant to the order of this court and appraised at Six Hundred Dollars.

Said real estate is encumbered as follows: None.

The decedent died leaving no spouse.

The defendants, Edwin E. Lyon, James Davis, G. R. Davis, L. N. Davis, Alice Brown, Leila Lockwood, Madge Doherty, Walter Fredrick, Nettie Graham and Charles Brown, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

12443

Bath.

Filed
Jan. 25-1933.
Journal Entry.

Filed
Oct. 18-1934.
Waiver of Summons & Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

12443

The defendant Edwin E. Lyon is believed to be dead and plaintiff therefore alleges his death leaving possible heirs, devisees, legatees, executors and administrators who are made parties defendant hereto without naming them.

There are no other persons who have any interest in said real estate. That the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Richard C. Small - attorney for the Plaintiff.

The State of Ohio, Union County.

Charles Owen, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Chas. Owen - Plaintiff.

Sworn to before me and signed in my presence by the said Charles Owen, at Marysville, Ohio, this 25th. day of January, 1933.

{Seal} Richard C. Small - Notary Public.

Oath.

Filed
Jan. 25 - 1933.
Journal Entry.

In the Probate Court of Union County, Ohio.

Charles Owen, Executor of the Estate of Nancy E. Lyon, Plaintiff,

-vs-

Edwin E. Lyon, James Davis, S. R. Davis, L. N. Davis, Alice Brown, Leila Lockwood, Madge Doherty, Walter Fredrick, Nettie Graham and Charles Owen, Defendants.

January 25, 1933.
Case No. 12443.
Journal Entry.

Filing Petition to Sell Real Estate.

This day came the plaintiff Charles Owen, Executor of the Estate of Nancy E. Lyon and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Nancy E. Lyon, 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.

Cassie W. Hornbeck - Probate Judge.

Filed
Oct. 18 - 1934.
Waiver of Summons & Consent to Sell.

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Charles Owen, Executor of the Estate of Nancy E. Lyon, Plaintiff,

-vs-

Edwin E. Lyon, et al. Defendants.

No. 12443.
Proceeding to Sell Real Estate.
Waiver of Summons & Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

12445

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

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

Jan. 31, a.D. 1933.

L. M. Davis.
Zella Lockwood.
Geo. R. Davis.
Madge L. Doherty.
Chas. Owen.
Charles W. Fredrick
Nettie Graham.

Filed Oct. 18-1934. Waiver & Summons and Consent to Sell.

Waiver & Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Charles Owen, Executor & the Estate & Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, et al. Defendants.

No. 12443.
Proceeding to Sell Real Estate.
Waiver & Summons and Consent to Sell.

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

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

James Davis.
Alice Brown.

Filed Oct. 18-1934. Answer & Charles Owen, Administrator & the Estate & Edwin E. Lyon.

In the Probate Court & Union County, Ohio.

Charles Owen, Executor & the Estate & Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

Case No. 12443.
Answer & Charles Owens Administrator & the Estate & Edwin E. Lyon.

Now comes Charles Owens and says that he is the duly appointed, qualified and acting Administrator & Edwin E. Lyons, a presumed decedent, being appointed by the Probate Court & Union County, Ohio.

That said Edwin E. Lyons was an unmarried person and the only son & Nancy E. Lyons, deceased.

That said Edwin E. Lyon left no last will and testament and that his heirs at law and next & kin are the same persons as those who are heirs at law and next & kin & said Nancy E. Lyon and that all & said heirs at law

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Filed Oct. 18-1934. Finding Sale Necessary and Ordering Appraisement.

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Filed Oct. 18-1934. Order & Appraisement.

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12443

and next of kin of said Nancy E. Lyon and that all of said heirs at law and next of kin of said Edwin E. Lyon have been heretofore made parties defendant to this action.

That this answering defendant who has entered his appearance herein consents to the sale of said real estate as is in the petition prayed and asks that on distribution the Court make such orders as are proper and that he may then receive such of said proceeds as may be due to said estate of said Edwin E. Lyon.

Charles Owens - Administrator as aforesaid.

State of Ohio, Union County, ss.

Charles Owens, being first duly sworn, says that the statements of fact and the allegations contained in the foregoing answer are true as he verily believes.

Charles Owens.

Sworn to and signed before me, this 18 day of October, 1934.

Richard C. Thall - Notary Public.

Seal

Filed Oct. 18 - 1934. Finding Sale Necessary and Ordering Appraisement.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Charles Owens, as Executor of the Estate of Nancy E. Lyon, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

October 18th. 1934. Finding Sale Necessary and Ordering Appraisement.

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; that it is necessary to sell said real estate to pay the debts of said estate and the prayer of the petition should be granted.

And, it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that L. W. Shaw, Norman C. Bown and Clarence Schalip, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money therein; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view of its fair cash value, and discharge the duties required by them according to law, and to make return of their proceedings in writing to this Court on or before the 25th. day of October, 1934.

L. W. Hazen - Probate judge.

Filed Oct. 18 - 1934. Order of appraisement.

Order of Appraisement.

Probate Court.

The State of Ohio, Union County, ss.

To Charles Owens;

In obedience to an order and decree of the Probate Court,

Heer Ptg. Co., Cols., O. CD 4981.

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within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of Nancy E. Lyon, deceased, are Plaintiff and Edwin E. Lyon, et al., are Defendants, you are commanded that by the oaths of L. W. Shaw, Norman C. Bown and Clarence Schalip, judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

In the Village of Marysville, Union County, Ohio.

Being a part of the West half of In-Lot No. 133 in said Village of Marysville; beginning at the northwest corner of the Fawn lot and in the east margin of Oak Street; thence easterly along the original south line of said lot No. 133, 66 feet; thence northerly 40 feet to the line of the Hostetler lot; thence westerly with the south line of the Hostetler lot 66 feet to the east margin of said Oak Street; thence southerly along the east margin of said Oak Street 40 feet to the place of beginning.

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 18th. day of October, A. D. 1934.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 18th. day of October, 1934.

Charles Green - Executor as aforesaid.

Oath of Appraisers.

The State of Ohio, Union County.

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

L. W. Shaw,
Norman C. Bown,
Clarence Schalip, } appraisers.

Sworn to before me and signed in my presence, this 18th. day of October, 1934.

{Seal} Richard C. Thall - 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 in money of said real estate at Three hundred and forty ($340.00) Dollars.

12443

Filed Oct. 18 - 1934. Journal Entry confirming Appraisement and ordering additional Bond.

Filed Oct. 18 - 1934. Executor's Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12443

Given under our hands, this 18th. day of October, 1934.
L. W. Shaw.
Norman C. Bown.
Clarence Schalip. } Appraisers.

Appraisers' fee $1.00.

Filed Oct. 18 - 1934. Journal Entry confirming appraisement and ordering Additional Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.
October 18th. 1934.
Confirming Appraisement and Ordering Additional Bond.

Charles Owens as Executor of the Estate of Nancy E. Lyon, deceased, Plaintiff,
-vs-
Edwin E. Lyon, et al., Defendants.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said Charles Owens, Executor as aforesaid, execute within ten days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Eight Hundred Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Oct. 18 - 1934. Executor's Bond.

Executor's Bond.
In proceedings to Sell Real Estate.

Know all Men by these Presents: That we Charles Owens are held and firmly bound unto the State of Ohio, in the sum of Eight Hundred Dollars, for the payment of which we severally jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this — day of October, 1934.

The condition of the above obligation is such, that whereas, the above bound Charles Owens was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Nancy E. Lyon, deceased.

And whereas, the said Charles Owens as such Executor 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 — day of October, 1934, made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said Charles Owens, Executor 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

Heer Ptg. Co., Cols., O. CD 4981.

12443

be sold, and to dispose of the same according to law; then this obligation is to be void, otherwise to remain in full force.

Charles Owens.
Norman C. Boon.
L. W. Shaw.

This Bond approved in open Court, this 18 th. day of October, 1934.

(Seal)

L. W. Hazen - Probate Judge.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Filed Oct. 18-1934. Journal Entry. Approving Additional Bond and Ordering Private Sale.

Charles Owens, Executor of the Estate of Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Eight Hundred Dollars, with approved sureties, conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that Charles Owens as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed Oct. 18-1934. Application to Sell at Private Sale.

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

Charles Owens, Executor of the Estate of Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

No. 12443.
Application.

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

1. A purchaser has been obtained who will pay the full appraised value of said real estate, whereas at public sale it might sell for only two-thirds thereof.

2. Because the delay and expense of public sale can be avoided.

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

Charles Owens, Executor of the Estate of Nancy E. Lyon, Deceased.

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Filed Oct. 18-1934. Motion.

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The State of Ohio, Union County.

Charles Owens, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Charles Owens.

Sworn to before me and signed in my presence this 18th. day of October A. D. 1934.

{Seal} Richard C. Thall - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

L. W. Shaw, Norman C. Bown and Clarence Schalip, 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 for the reasons given above as they verily believe.

L. W. Shaw.
Norman C. Bown.
Clarence Schalip.

Affidavit of Disinterested Person.

Sworn to before me and signed in my presence this 18th. day of October, 1934.

{Seal} Richard C. Thall - Notary Public.

Filed Oct. 18-1934. Motion.

In the Probate Court of Union County, Ohio.

Charles Owens, Executor of the Estate of Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

Case No. 12443.
Motion.

Now comes Charles Owens and says that one Edwin E. Lyons was made party defendant in the above case.

That after the filing of said action proceedings were had in the Probate Court of Union County, Ohio, whereby the said Edwin E. Lyon was declared dead and he, the said Charles Lyons was appointed and has qualified by giving the proper bond and by performing all other acts required by law, as Administrator of the Estate of said Edwin E. Lyon. That he is now the duly appointed, qualified and acting administrator of said Estate.

Wherefore he moves that he be made a party defendant herein and substituted for said Edwin E. Lyon as such party defendant and granted leave to file answer.

Charles Owens.

Filed Oct. 18-1934. Entry.

In the Probate Court of Union County, Ohio.

Charles Owens, Executor of the Estate of Nancy E. Lyon, Deceased, Plaintiff,

-vs-

Edwin Lyon, et al., Defendants.

Case No. 12443.
Entry.

Heer Ptg. Co., Cols., O. CD 4981.

12443

Charles Owens having filed his motion herein to be made party defendant and substituted for the defendant, Edwin E. Lyon, and it appearing to the Court that since the filing of this action, the said Edwin E. Lyon has been declared as dead and the said Charles Owens has been appointed the administrator of his estate and has qualified and is acting as such;

It is ordered that said Charles Owens, as Administrator of the Estate of Edwin Lyon be made a party defendant in this action and substituted for said Edwin E. Lyon.

L. W. Hazen - Probate Judge.

Filed Oct. 18- 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Charles Owens, Executor of the Estate of Nancy E. Lyon, 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 the Estate of Nancy E. Lyon, deceased, are Plaintiff and Edwin E. Lyon 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 Village of Marysville, Union County, Ohio.

Being a part of the west half of Sur. Lot No. 133 in said Village of Marysville; beginning at the northwest corner of the Fawn Lot and in the east margin of Oak Street; thence easterly along the original south line of said Lot No. 133, 66 feet; thence northerly 40 feet to the line of the Hostetler Lot; thence westerly with the south line of the Hostetler Lot 66 feet to the east margin of said Oak Street; thence southerly along the east line of said Oak Street 40 feet to the place of beginning.

Said sale to be upon the following terms: for cash on confirmation of the sale by this Court.

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 18th. day of October A. D. 1934.

Seal

L. W. Hazen - 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.

Return.

Dated the 18th. day of October, 1934.

Charles Owen - Executor as aforesaid.

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Report of Private Sale.

Affidavit to Report of Private Sale.

Filed Oct. 18- 1934. Journal Entry Confirming Sale Ordering Deed & Distribution.

Heer Ptg. Co., Cols., O. CD 4981.

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Report of Private Sale.

Affidavit to Report of Private Sale.

Filed Oct. 18- 1934.

Journal Entry. Confirming Sale Ordering Deed & Distribution.

Charles Owens, as Executor of the Estate of Nancy E. Lyon, Plaintiff,

-vs-

Edwin E. Lyon, et al., Defendants.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 18th. day of October 1934 offer said property, at private sale, and John Smith having offered therefor the sum of Three Hundred and forty Dollars ($340.00) and the same being not less than the appraised value of said property, I sold the same to said John Smith for that sum.

Charles Owens.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

Charles Owens, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Charles Owens.

Subscribed in my presence and sworn to before me this 18th. day of October 1934.

{Seal} Richard C. Thall- Notary Public.

Journal Entry- Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

October 18th. 1934.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Charles Owens, Executor of the Estate of Nancy E. Lyon, 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; 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 Nancy E. Lyon in said real estate, to the purchaser, John Smith, upon the said purchaser executing to said Charles Owens, Executor a mortgage upon the premises sold to secure the deferred 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 Three hundred and forty Dollars.

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

Heer Ptg. Co., Cols., O. CD 4981.

12443

incurred in the sale of said property, including an attorney fee of $25. to Richard C. Thrall and $20.40, the percentum of said Executor herein, amounting to the sum of $—. It is further ordered that the balance of said proceeds, amounting to the sum of $—, be accounted for by said Executor according to law. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $—, out of the proceeds of said sale, within ten days,

L. W. Hagen - Probate judge.

12636
Filed
Sept. 18-1935.

In the Matter of the Estate of Patrick B. Smith, Deceased.
In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Patrick B. Smith, Deceased. | No. 12636. Application for Instructions.

Now comes Milo L. Myers as ancillary administrator of the estate of Patrick B. Smith, deceased, and represents to the court that to the best of his knowledge all questions which he is intrusted as such administrator in dispute, litigation or otherwise have been settled or adjudicated and that he is now in a position to make distribution of the moneys remaining in his hands.

That, he has, in hands, the total sum of $12,307.40 belonging to said estate.

That, all obligations against said estate within the State of Ohio have been paid that are within the knowledge of the applicant except inheritance taxes, the amount of which have been determined, taxes, if any, on the moneys in his hands and court cost.

That, the said decedent left debts in the State of Indiana, as certified to this court from the court of Blackford County, Indiana, in the sum of $5,569.11 as per itemized statement filed in this court, however, the applicant as said administrator has paid the claim of E. C. Bird in the sum of $36.60; A. E. Mitchell in the sum of $56.10 and R. W. Lissane in the sum of $96.38 as certified in the list of claims from the said court of Blackford County, State of Indiana.

That, Orville A. Pursley of Hartford City, Indiana, is domiciliary administrator of said estate and is entitled to receive from the money in the hands of the applicant sufficient to pay all claims, charges and taxes against said estate in Indiana and expenses of administering the same therein.

That, the next of kin and only persons having the next estate of inheritance from the said Patrick B. Smith, deceased, are, namely:—

Andrew Smith - Brother.
John Smith - "
Nell Smith - Niece.

Filed
Sept. 18-1935.
Entry.

Heer Ptg. Co., Cols., O. CD 4981.

12636

Mayme D. Buchanan - Niece.
James T. Smith - Gr. Nephew.
Hazel A. Smith - " Niece.
William Smith - " Nephew.
Loretta B. Carpenter - " Niece.

That, the applicant and such ancillary administrator can not make payment of the inheritance tax that must be paid, or disposition of the moneys in his hands without approval or further order of the court as provided in Section No. 10511-26 of the General Code of Ohio.

Wherefore, the said Milo L. Myers, as ancillary administrator of the estate of Patrick B. Smith, deceased, prays for instructions and further orders in the premises and that he be directed to pay to the said Orville A. Pursley such sum as the court may find necessary to pay the claims and taxes against said estate in the State of Indiana and the costs of administering the said estate therein.

That, the said Milo L. Myers be authorized and directed to pay the taxes, if any including inheritance tax and make distribution of the balance in his hands to the persons, respectively entitled, thereto.

That the court set a day and fix a time for hearing on this application and for such other and further orders in the premises as the court may find to be just and equitable.

Hooper & Sanders - attorneys for Milo L. Myers.

State of Ohio, Union County, ss.

Milo L. Myers being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as he believes.

Milo L. Myers.

Sworn to before me and signed in my presence this 11th. day of September, 1935.

(Seal) C. A. Hooper - Notary Public.

Filed Sept. 18-1935. Entry.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Patrick B. Smith, Deceased. | No. 12636. Entry.

On this 18 th. day of September, 1935, this cause came on for hearing on the application of Milo L. Myers as ancillary administrator of the estate of Patrick B. Smith, deceased, for instructions in reference to the distribution of the moneys remaining in his hands belonging to said estate.

Upon consideration thereof it is ordered that the said application be filed and that the time of hearing thereon be fixed for 1 o'clock P. M. on the 30 th. day of September, 1935, and that all parties named in said application be notified of the time and place of the said hearing by mailing a copy of this entry by registered mail addressed to all parties therein stated, excepting those that properly

Heer Ptg. Co., Cols., O. CD 4981.

12636 waived notice thereof in writing.
And this cause is continued.
L. W. Hazen - Judge of Probate Court.

12530
Filed
Aug. 31 - 1935.

In the Matter of The Estate of Milo Stroemider, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.
No. 12530 - August 29, A.D. 1935.
In the Matter of the Estate of Milo Stroemider, Deceased. | Petition.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Executor of the estate of Milo Stroemider, deceased, late of said County; that the personal property of said estate has been duly appraised and the inventory and appraisement thereof filed in said Court; that the surviving spouse has not by election taken any of the property listed herein at its appraised value; that none of the property listed herein has been specifically bequeathed nor has distribution in kind thereof been demanded.

Your petitioner makes application for authority to sell at private sale, as provided by law, and at such price and upon such terms as the Court may order, the following personal property of said estate described in said inventory and appraisement, to-wit:

No. of Item	Weight, Measure or No. in Item	Description of Articles Appraised.	Appraised Value
1	1	Promissory note by Elza Stultz for the principal sum of $320.00, dated December 15, 1931, payable on demand to the order of The Richwood Banking Company, which note was assigned without recourse to said Milo Stroemider in his lifetime.	$320.00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

That at the time the appraisement was had, it was thought that the real estate of the maker of said note was not subject to incumbrance; that in fact all of the property of said maker is encumbered as follows:- The real estate of said maker consisting of 95.85 acres is mortgaged to The Fidelity Building Association and Loan Company of Delaware, Ohio, for $5000.00, of which sum $3850.00 principal and interest is unpaid; that the chattels of said maker are mortgaged to The Fidelity Building Association and Loan Company to secure $421.51, and also mortgaged to The Capital Loan Company for the sum of $80.00, and that in the opinion of said Executor, said maker has no property subject to execution; that said Executor has been unable to collect said note, and that it will be to the best interest

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12530
Filed
Sept. 18-1935.
Order of Private Sale and Report of Sale.

Returned

Heer Ptg. Co., Cols., O. CD 4981.

12530

said estate to sell said note at the best price obtainable.
Dated August 29, 1935.

F. A. McAllister - Executor.

The State of Ohio, Delaware County.

F. A. McAllister, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

F. A. McAllister

Sworn to before me and signed in my presence, this 29th. day of August, 1935.

{Seal} Rachel E. Ransome - Notary Public.

Filed Sept. 18-1935. Order of Private Sale and Report of Sale.

Order of Private Sale, Personal Property.
Probate Court, Union County, Ohio.

In the Matter of the Estate of Milo Stromider, Deceased. | No. 12530. | Order of Sale of Personal Property.

To F. A. McAllister, Executor of the estate of Milo Stromider, deceased.

In obedience to an order and decree of said Court, 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, for the best price obtainable the following goods and chattels belonging to said estate, to-wit:

No. of Item	Weight, Measure or No. Articles in Item	Description of Articles Appraised.	Appraised Value.
1	1	Promissory note by Elza Stults for the principal sum of $320.00, dated December 15, 1931, payable on demand to the order of The Richwood Banking Company, which note was assigned without recourse to said Milo Stromider in his lifetime.	$320. 00

Said sale to be on the following terms: Cash in hand at time of sale.

You will return this order within two months 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 30th. day of August, 1935.

{Seal} L. W. Hagen - Probate Judge.

Return

Probate Court, Union County, Ohio.

In the Matter of the Estate of Milo Stromider, Deceased. | Report of Sale of Personal Property.

Returned

The undersigned, Executor of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, for the sum of One Hundred Dollars, and no cents, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sales is hereto attached.

Dated this 16th. day of September, 1935.

F. A. McAllister - Executor of the Estate of Milo Stromider, Deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12530

Bill of Sales

No. & Item	Description of Articles	Appraised Value.	To Whom Sold	Price.
1.	Promissory note by Elza Stults for the principal sum of $320.00	$320.00	The Richwood Banking Co.	$100.00

The State of Ohio, Delaware County.

T. A. McAllister, Executor of the estate of Milo Stroemder, deceased, being duly sworn, says that the foregoing Report is in all respects true and correct; that such sale has been made after 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.

T. A. McAllister.

Sworn to before me and signed in my presence, this 16th day of September, 1935.

Seal

Rachel E. Ransome - Notary Public.

Journal Entry.

Probate Court, Union County, O.

In the Matter of the Estate of Milo Stroemder, Deceased.

Sept. 18, 1935.

Sale of Personal Property Confirmed.

Sale of Personal Property Confirmed.

The Executor of the above named decedent having filed his return of the order heretofore issued herein for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular, and in accordance with law, and therefore approves and confirms the same.

L. W. Hazen - Probate judge.

Filed Aug. 31 - 1935. Journal Entry. Order for Private Sale.

Journal Entry - Order for Private Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Milo Stroemder, Deceased.

August 31 - 1935.

Petition for Order to Sell Note. Order of Sale, etc.

This day this cause came on to be heard upon the petition herein filed and the testimony 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 note at private sale; it is therefore ordered that T. A. McAllister, as Executor of the Estate of Milo Stroemder, deceased, proceed to sell said note at private sale, for the best price obtainable.

It is further ordered that said sale be made for cash in hand at time of sale.

It is further ordered that said Executor make return of his proceedings herein, within — days from this date, and forthwith after such sale is made, and this cause is continued.

L. W. Hazen - Judge.

12876 Filed Feb. 6 - 1935.

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12876
Filed
Feb. 6 - 1935.

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

L. H. Collins and A. B. Green,
Administrators of the Estate
of Elizabeth A. Green, Deceased,
Plaintiff,

-vs-

A. L. Green, Belle Morey, a widow,
A. B. Green, Blanche Teets,
Dell Teets, husband of Blanche Teets,
Della Green, wife of A. B. Green,
Lana Green, wife of A. L. Green,
Defendants.

No. 12876.
Civil Action.

Petition to Sell Real Estate.
Petition.

Petition.

The plaintiff is the duly appointed, qualified and acting Administrators of the estate of Elizabeth A. Green deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand and Six, ($1006.00) Dollars.

And the costs of administering the estate will be about Two Hundred Fifty ($250.00) Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at Nine Hundred Seventy Seven ($977.18) 18/100 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said decedent did seize in fee simple of the following described real estate situated in the county of Union, State of Ohio, and further described as follows: Situated in Leesburg Township, County, District and State above named, and being part of the Survey No. 13692, bounded as follows: Beginning at a ash and two Ironwoods, South West corner to Frazers Survey No. 3694 and North West corner of said Survey No. 13692. Thence with the line of said Survey No. 13692, 58' West 131 poles to a Hickory, Elynn and Red Oak, North West corner to John Bramons Lot of Twenty Five Acres, thence with a line of said Lot S. 82' East 141 poles, passing his north east corner, and with the line of John N. Comilles land to a stake, northeast corner to said John N. Comilles Thence north ninety degrees west, 135 poles to a stake in the line of said Frazers Survey, thence with said line N. 82' W. 104 poles to the beginning, containing One Hundred Acres more or less.

Excepting therefrom One Acre of land deeded to Dell Teets and Blanche Teets by A. Logan Green, October 7, 1902 and recorded in Vol. 86, Page 325, of the record of deeds in the recorders office at Marysville. Same was deeded to A. Logan Green by Elizabeth Green, August 26, 1891, and recorded in Vol. 67, Page 173 of the records of deeds in the recorders office at Marysville, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

12876

Said real estate was included in the inventory of the estate, pursuant to the order of this court and appraised at Thirty-Nine Hundred, Eighty Dollars.

Said real estate is encumbered as follows: None.

The defendants, A. L. Green, Belle Morey, A. B. Green, Blanche Teets, Dell Teets, Della Green and Laura Green and none others are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all the right of dower; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as they may be entitled to.

L. H. Collins & A. B. Green - Administrators.

The State of Ohio, Union County.

A. B. Green and L. H. Collins, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

A. B. Green.
L. H. Collins.

Oaths.

Sworn to before me and signed in my presence by the said A. B. Green and L. H. Collins, at Marysville, Ohio this 6 day of February, 1935.

Seal

L. W. Hazen.
Petition to Sell Real Estate.
Union County, Ohio.

Filed Feb. 6 - 1935. Waiver of Summons & Consent to Sell.

Waiver of Summons, on Probate Court,

L. H. Collins and A. B. Green, Administrators, Plaintiff,

-vs-

A. L. Green, Belle Morey, A. B. Green, Blanche Teets, et al., Defendants.

No. 12876.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

February 6, A. D. 1935.

Blanche Teets.
Dell Teets.
A. B. Green.
Della Green.
A. L. Green.
Laura Green.
Belle Morey.

12876
Filed Feb. 6 - 1935. Order Fixing Time for Hearing and for Notice.

Filed Feb. 6 - 1935. Finding Sale Necessary and Ordering Appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

12876
Filed
Feb. 6 - 1935.
Order Fixing Time for Hearing and for Notice.

Journal Entry - Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

L. H. Collins and A. B. Green as Administrators of the Estate of Elizabeth Green, Deceased, Plaintiff,

-vs-

A. L. Green, et al., Defendants.

February 6, 1935.
Orders Fixing Time for Hearing and for Notice.

This day L. H. Collins and A. B. Green, Administrators of the Estate of Elizabeth Green deceased, filed in this Court his petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts and make distribution of the assets of said estate.

It is ordered that said petition be heard on the 6 day of February 1935, at 1 o'clock P. M.

L. W. Hagen - Probate judge.

Filed
Feb. 6 - 1935.
Finding Sale Necessary and Ordering appraisement.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

L. H. Collins and A. B. Green, as Administrators of the Estate of Elizabeth A. Green, Plaintiff,

-vs-

A. L. Green, et al., Defendants.

Feb. 6 - 1935.
Finding Sale Necessary and Ordering appraisement.

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; that there is no surviving spouse of said Elizabeth A. Green, deceased, and that it is necessary to sell said real estate to pay the debts of said estate and the prayer of the petition should be granted.

And it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that Chester Love, C. A. Cooder and G. W. Jolliff, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money free from the dower estate of said —; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view of its fair cash value, and discharge the duties required by them according to law, and to make return of their proceedings in writing to this Court on or before the 6 day of February, 1935.

L. W. Hagen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

12876
Filed
Feb. 6 - 1935.
Order of appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss. Probate Court.

To L. H. Collins and A. B. Green:

On 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 Administrators are Plaintiff and A. L. Green et al., are Defendants, you are commanded that by the oaths of Chester Lowe, C. A. Cooder and D. W. Pfliff judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

Real Estate situated in the County of Union, State of Ohio, and Township of Leesburg and described as follows, to-wit:

Being part of Survey No. 13592, and bounded as follows:

Beginning at an ash and two iron-woods, south-west corner to Frazers Survey Nor. 3694 and north-west corner of said Survey, No. 13592; Thence with the line of said Survey No. 13592, S 58' West, 131 poles to a hickory, elynn and red oak, north-west corner to John Brampons Lot of Twenty Five Acres, thence with a line of said Lot S. 82' East 141 poles, passing the north-east corner, and with the line of John N. Comills land to a stake, north-east corner to the said John N. Comills, thence North 90' West 135 poles to a stake in the line of said Frazers Survey, thence with said line North 82' W. 104 poles to the beginning, Containing One Hundred Acres, more or less.

Excepting therefrom One Acre of land deded to Dell Teets and Blanche Teets by —

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 6 day of February, A. D. 1935.

{Seal} L. H. Hafer- 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.

Return.

Dated the 6 day of February, 1935.

L. H. Collins.

A. B. Green.

Oath of appraisers.

The State of Ohio, Union County.

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

Oath of Appraisers.

12876

Appraisers' Return.

Filed
Feb. 6 - 1935.
Journal Entry confirming appraisement and ordering Additional Bond.

Filed
Feb. 6 - 1935.
Administrators Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12876

Chester Lowe.
C. A. Cooden.
G. W. Jolliff. } appraisers.

Sworn to before me and signed in my presence, this 6 day of February, 1935.

L. H. Collins - Notary Public, Union County, Ohio.

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 in money of said real estate at Thirty-four Hundred ($3400.00) Dollars.

Given under our hands, this 30 day of January, 1935.

Chester Lowe.
C. A. Cooden.
G. W. Jolliff. } appraisers.

appraisers' fees $2.00 each.

Filed Feb. 6-1935. Journal Entry confirming appraisement and ordering additional Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

L. H. Collins and A. B. Green as Administrators of the estate of Elizabeth Green, Deceased, Plaintiff,

-vs-

A. L. Green, et al., Defendants.

February 6th. 1935.
Confirming appraisement and Ordering additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said L. H. Collins and A. B. Green, execute within 10 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Five Thousand Dollars, conditioned according to law.

L. W. Hagen - Probate judge.

Filed Feb. 6-1935. Administrator's Bond.

Administrator's Bond.

Know all Men by these Presents: That we, A. B. Green and L. H. Collins and Harvey Donohoe are held and firmly bound unto the State of Ohio, in the sum of Five 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 Broadway, Ohio, this 6th. day of February, 1935.

The condition of the above obligation is such, that whereas, the above bound L. H. Collins and A. B. Green were heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrators of the testate of Elizabeth Green, deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12876

And whereas, the said L. H. Collins and A. B. Green as such Administrators have 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 6 day of February, 1935, made an order requiring said Administrators to execute a bond according to the statutes in such cases made and provided.

Now, if the said L. H. Collins and A. B. Green, Administrators 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.

A. B. Green.
L. H. Collins.
Harvey Donohoe.

This Bond approved in open Court, this 6 day of February, 1935.

{Seal}
L. W. Hazen - Probate Judge.

Filed Feb. 6 - 1935. Application to Sell at Private Sale.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

L. H. Collins and A. B. Green Administrators of the Estate of Elizabeth Green, Deceased, Plaintiff,

-vs-

A. L. Green, et al., Defendants.

No. 12876.

Application.

The said Plaintiff represents that it would be for the best interests of the said Estate of Elizabeth Green, Deceased, to sell the real estate described in the petition in this case at private sale, for the following reasons;

That they can sell the same for the sum of $3500.00 at private sale, and that they believe it is equal to the true value of the real estate.

That all heirs have consented to the sale thereof.

And they therefore ask for an order authorizing them to sell said real estate at private sale.

L. H. Collins & A. B. Green
Administrators of the Estate of
Elizabeth Green, Deceased.

The State of Ohio, Union County.

L. H. Collins and A. B. Green, being duly sworn, say that the various matters set forth in the foregoing application are true as they verily believe.

L. H. Collins & A. B. Green.

Sworn to before me and signed in my presence this 6 day of February A. D. 1935.

{Seal}
L. W. Hazen - Probate judge.

Filed Feb. 6 - 1935. Affidavit of Disinterested Person.

Filed Feb. 6 - 1935. Journal Entry approving Additional Bond and ordering Private Sale.

Filed Feb. 6 - 1935. Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12876

Affidavit of Disinterested Person.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Harvey Donohoe, 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 as he verily believes.

Harvey Donohoe.

Sworn to before me and signed in my presence this 6 day of February, 1935.

(Seal) L. W. Hagen - Probate Judge.

Journal Entry- Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Filed Feb. 6 - 1935. Journal Entry approving Additional Bond and Ordering Private Sale.

L. H. Collins and A. B. Green as Administrators of the Estate of Elizabeth Green,

Plaintiff,

-vs-

A. L. Green, et al.,

Defendants.

February 6 - 1935. Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Five Thousand Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said Estate, (Heirs of Elizabeth Green, Deceased) to sell the real estate described in the petition at private sale, it is now ordered that L. H. Collins and A. B. Green as such Administrators, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen - Probate Judge.

Order of Private Sale.

Filed Feb. 6 - 1935. Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To L. H. Collins & A. B. Green, 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 Administrators (with the Will Annexed) of Elizabeth Green's Estate, (deceased), are Plaintiff and A. L. Green, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Thirty Four Hundred Dollars, the appraised value thereof the following described premises to-wit:

Situated in Survey No. 18592 in the Virginia Military District and in the County of Union and State of Ohio,

Heer Ptg. Co., Cols., O. CD 4981.

12876

and Township 7 Leesburg, and bounded and described as follows;

Beginning at an ash and two Ironwoods south-west corner to Frazers Survey No. 3694 and North-west corner of said Survey No. 13592, Thence with the line of said Survey No. 13592 S. 8' West 131 Poles to a Hickory, Lynn and Red Wood, north-west corner to John Bramons Lot of Twenty-five acres, thence with a line of said Lot S. 82' East 141 poles, passing his north-east corner and with the line of John N. Connills lands to a stake, Northeast corner to said John N. Connills lands, thence N. 9' West 135 poles to a stake in the line of said Frazers Survey, thence with said line North 82' West 104 poles to the beginning, Containing One Hundred Acres, more or less.

Excepting thereon One Acre of land deeded to Blanche Teets and Della Teets, by A. Logan Green, Oct. 7th. 1902 and recorded in Vol. 86, page 325 of the record of deeds in the recorders office at Marysville. Same was deeded to A. Logan Green by Elizabeth Green August 25, 1891, and recorded in Vol. 67, Page 173, of the record of deeds in the recorders office at Marysville, 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 Marysville, Ohio, this 6 day of February, A. D. 1935.

{Seal} L. W. Hazen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 6 day of February, 1935.

L. H. Collins.

A. B. Green.

Report of Private Sale.

Report of Private Sale. In obedience to the command of the within order of sale, I did on the 6 day of February 1935, offer said property, at private sale and Jay Greer having offered therefor the sum of Thirty-Five Hundred Dollars ($3500.00) and the same being not less than the appraised value of said property, I sold the same to said Jay Greer for that sum.

L. H. Collins & A. B. Green.

Affidavit to Repot of Private Sale.

State of Ohio, Union County, ss.

Affidavit to Report of Private Sale. L. H. Collins, A. B. Green, being duly sworn, says that the private sale of property made under the within order, and reported above, of was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

L. H. Collins & A. B. Green.

12876

Filed Feb. 6-1935.

Journal Entry Confirming Sale, Ordering Deed and Distribution.

Heer Ptg. Co., Cols., O. CD 4981.

12876

Filed Feb. 6-1935. Journal Entry. Confirming Sale, Ordering Deed and Distribution.

Subscribed in my presence and sworn to before me this 6 day of February, 1935.

Seal

L. W. Hazen - Probate Judge.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

L. H. Collins and A. B. Green as Administrators of the Estate of Elizabeth Green,

Plaintiff,

-vs-

A. L. Green, et al.,

Defendants.

February 6th. 1935. Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of L. H. Collins and A. B. Green of the sale of their 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; 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 Estate of Elizabeth Green, deceased, in said real estate, to the purchaser, Jay Greer, upon the said purchaser executing to said L. H. Collins and A. B. Green. Cash. 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 Dollars.

It is further ordered that said L. H. Collins and A. B. Green, out of the money in their hands, pay: First, to the Treasurer of this county the sum of $ 269.76, being the taxes, penalty and interest thereon against said property. Second, the costs and expenses incurred in the sale of said property, the percentum of said Administrators herein, amounting to the sum of $ 160.00.

It is further ordered that the balance of said proceeds, amounting to the sum of $ 3056.14, be accounted for by said L. H. Collins and A. B. Green according to law. And it is further ordered that this proceeding be recorded, and that said petitioner, pay the costs herein, taxed at $ 24.10, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12802
Filed
Aug. 18-1934.
Potter & Potter
Attorneys.

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

Marion P. Haggard, administrator
De Bonis Non, of the Estate
of Rolland Conklin, Deceased,
Plaintiff,

-vs-

Howard Conklin, Charles Conklin,
Irma D. Rogers, LeRoy Andrews,
Laurin M. Andrews, Nina Hill,
Gertrude Styles, Cecil Hall,
Maud Hitchcock, and Alda Hall,
and Jasper Larcomb,
Defendants.

No. 12802.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator De Bonis Non, of the estate of Rolland Conklin, deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Twelve Hundred ($1,200.00) Dollars.

And the costs of administering the estate will be about One Hundred and Twenty-five Dollars.

The total value of the personal property of the said decedent was sized by the appraisers of said estate at $90.00, all of which has heretofore been reappraised, said appraisement not having been excepted to; and said peasonal property is wholly insufficient to pay the debts and costs aforesaid.

Petition.

Said decedent died seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and further described as follows:

First Tract: Situated in Millcreek Township, in said County and State, and being a part of Virginia Military District, Survey No. 1307, and beginning at a stone in the north-west corner of N. L. Enright's one acre tract; thence south 81° W. 46 poles to the Watkins and Bellefontaine Gravel Road; thence with the center of said Gravel Road S. 7° W. 19 poles; thence N. 81° E. 53 poles to N. L. Enright's west line of four acre lot; thence with said line north 9° E. 17 poles to the place of beginning, containing 5 acres, more or less.

Second Tract: Situated in said Survey No. 1307, and beginning in the north line of the town of Watkins, and in the center of the gravel road leading north, it being a corner to W. F. Thompson; thence with the center of said gravel road and W. F. Thompson's west line, N. 20° E. 85.20 poles to a stone in the center of said gravel road, it being the north-west corner of W. F. Thompson's; thence N. 84° W. 55 poles to a stone and piece of brick; thence south 6° E. 55 poles to a stone; thence N. 84° E. 17 poles; thence south 9° E. 21 poles to the north line of the town of Watkins; thence with the north

Bath.

Heer Ptg. Co., Cols., O. CD 4981.

12802

line easterly to the place of beginning, containing 15½ acres, more or less, making the total number of acres hereby transferred, 20½ acres more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Six Hundred and Forty ($640.00) Dollars, in two tracts, as follows: 5 acres at $175.00; and 15½ acres at $30.00 per acre, $465.00, total, $640.00.

Said real estate is encumbered as follows: By real estate mortgage, dated June 7th. 1915, recorded June 22nd. 1916, signed by said Rolland Conklin, deceased, in favor of L. R. Larcomb, (LeRoy R. Larcomb), who in turn assigned all his interest thereon to E. R. Larcomb, calling for the sum of $1200.00, who, in his turn, transferred all his right, title and interest, in and to, said mortgage, and the note secured thereby, together with the endorsements thereon, to Jasper Larcomb, who is now the legal owner and holder thereof. See: Vol. 77, page 313, Union County Record of Mortgages.

The decedent died leaving no surviving spouse.

The defendants, Howard Conklin, Charles Conklin, Orma D. Rogers, LeRoy Andrews, Laurin M. Andrews, Nina Hill, Gertrude Styles, Cecil Hall, Maud Hitchcock and Alda Hall, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordred to sell said real estate according to the Statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Porter & Porter - Attorneys for the Plaintiff.

The State of Ohio, Union County.

Marion P. Haggard, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Marion P. Haggard

Oath.

Sworn to before me and signed in my presence by the said Marion P. Haggard, at Marysville, Ohio, this 17th. day of August, 1934.

Edward W. Porter - Notary Public.
Union County, Ohio.

Seal

Heer Ptg. Co., Cols., O. CD 4981.

12802
Filed
Aug. 18 - 1934.
Journal Entry.
Filing Petition
to Sell
Real Estate.

In the Probate Court of Union County, Ohio.

Marion P. Haggard, Administrator
de bonis non, estate of Rolland
Conklin, Deceased,
Plaintiff,
-vs-
Lauria M. Andrews, et al.,
Defendants.

August 18th. 1934.
Case No. 12802.
Journal Entry
Filing Petition to Sell Real Estate.

This day came the plaintiff Marion P. Haggard, administrator de bonis non, of the estate of Rolland Conklin, deceased, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said Rolland Conklin, 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.

L. W. Hagen - Probate Judge.

Filed
Sept. 18-1934.
Affidavit.

Affidavit.

State of Ohio, County of Union, ss:-

Marion P. Haggard being first duly sworn says that the heirs, devisees, legatees, administrators, executors and assigns of Rolland Conklin, deceased, are necessary parties to the final determination of the matters in the petition contained, and that their names and residences are unknown to plaintiff and cannot by reasonable diligence be ascertained, and summons cannot be served on them or any of them within the State of Ohio; that this action relates to certain real estate described in the petition and being one of the subjects contained in section 11292 of the General Code of Ohio wherein service by publication can be made on the defendants, and that this affidavit is filed herein under the provisions of section 11298 of the General Code of Ohio to obtain an order of the Court to serve said unknown defendants by publication according to law.

Marion P. Haggard.

Sworn to before me and subscribed in my presence this 18th. day of September, 1934.

(Seal)
William J. Porter - Notary Public.

Filed
Nov. 9-1934.
Affidavit.

In the Probate Court, Union County, Ohio.

State of Ohio, County of Union, ss:-

Marion P. Haggard, Administrator de bonis non of the estate of Rolland Conklin, deceased, being first duly sworn, says he is the plaintiff in this action, that the defendant Howard Conklin is a resident of Riverside, California; that Charles Conklin is a resident of Waco, Texas; that LeRoy Andrews

Heer Ptg. Co., Col

12802

Filed
Nov. 9-1934.
Entry.

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Filed
Jan. 10-1935.
Legal Notice.

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Heer Ptg. Co., Cols., O. CD 4981.

12802

is a resident of the U. S. S. Richmond in care of the New York Postmaster; that Gertrude Stiles is a resident of Coldwater, Michigan; that Cecil Hall is a resident Clark County Hospital, Chicago, Ill; and that Alda Hall is a resident of Chicago, Ill; and that none of the above named defendants are residents of the State of Ohio; that service of summons cannot be made on said defendants in the State of Ohio; that this action is for the sale of Real Estate to Pay Debts as described in the petition herein and comes within the provision of General Code Section 11292, of the laws of Ohio, wherein Service by publication may be made on said defendants.

Marion P. Haggard.

Sworn to before me and subscribed in my presence this 9th. day of November, 1934.

Seal

Edward W. Porter - Notary Public.

In the Probate Court, Union County, Ohio.

Filed Nov. 9- 1934. Entry.

Marion P. Haggard, Administrator de bonis non of the Estate of Rolland Conklin, Deceased, Plaintiff,

-vs-

Laurin M. Andrews, et al., Defendants.

No. 12802.

Entry.

It being made to appear to the Court by the affidavit of the plaintiff that the residence of some of the defendants are without the State of Ohio, and that service of summons cannot be made, on said defendants within the said State.

It is ordered by the Court that the notice of the pendency of this action, and the substance of the prayer of the petition be made on said defendants by publication in the manner and for the time provided by law for service on non-resident defendants.

L. W. Hazen.

Legal Notice.

Filed Jan. 10-1935. Legal Notice.

Howard Conklin of Riverside, California; Charles Conklin of Waco, Texas; LeRoy Andrews of U.S.S. Richmond in care of the postmaster of New York; Gertrude Stiles of Coldwater, Michigan; Cecil Hall of Clark County Hospital, Chicago, Illinois; and Alda Hall of Chicago, Illinois, will take notice that on the 13th. day of August, 1934, the plaintiff, Marion P. Haggard, administrator de bonis non of the estate of Rolland Conklin, deceased, filed his petition against them in the Probate Court, for the sale of certain real estate in said petition described, in order to pay the debts of said estate.

The prayer of said petition is for the sale of said real estate and for other equitable relief. Said defendants are required to answer said petition on or before the 22nd. day of December, 1934, or said sale will be ordered as prayed for.

Marion P. Haggard - Plaintiff & Administrator de bonis non of the Estate of Rolland Conklin, Deceased.

Porter & Porter - Attorneys.

Heer Ptg. Co., Cols., O. CD 4981.

12802

The State of Ohio, Union County, ss:-

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is here to attached was published for six consecutive weeks on and next after November 10, 1934, in the Daily Marysville Tribune, a newspaper of genral circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 22nd. day of December, A. D. 1934.

(Seal) G. P. Huber - Notary Public.

Printer's Fees, $11.90.

Filed Dec. 22-1934. Journal Entry. Dispensing with a New Appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Marion P. Haggard, as Administrator De Bonis Non, of the Estate of Rolland Conklin, Deceased, Plaintiff,

-vs-

Lauria M. Andrews, et al., Defendants.

No. 12802.

December 22nd. 1934.

Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate; the answer and cross-petition of the defendant, Jasper E. Larcomb, mortgagee, the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that there is no surviving spouse of said decedent; that the real estate described in the petition was appraised by the appraisers of the estate at — Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Admr. De Bonis Non of the estate of Rolland Conklin, deceased, in the amount of — Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Thirteen Hundred and Fifty Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Dec. 26-1934. Application to Sell at Private Sale.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Marion P. Haggard, Adm. de bonis non with the will annexed of the estate of Rolland Conklin, Plaintiff,

-vs-

Lauria M. Andrews, et al., Defendants.

No. 12802.

Application.

Affidavit of Disinterested Person.

Filed Jan. 30-1935. Administrator's Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12802

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

Because if sold at private sale it will save expense.

If sold at public sale it might go for two-thirds of the appraisement only.

A purchaser has been secured for the full amount of appraisement.

That there is a mortgage on said property for more than the appraisement, thus having a tendency to discourage bidders at a public sale.

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

Marion P. Haggard - Administrator De Bonis Non of the estate of Rolland Conklin, deceased.

The State of Ohio, Union County.

Marion P. Haggard, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

Marion P. Haggard.

Sworn to before me and signed in my presence this 26th. day of December, A. D. 1934.

{Seal} Edward W. Porter - Notary Public, Union County, Ohio.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Affidavit of Disinterested Person.

Webster Wilson, Ernie Herriott and Ernest Freeman, 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.

Webster Wilson.

Ernie Herriott.

Ernest Freeman.

Sworn to before me and signed in my presence this 26th. day of December, 1934.

Edward W. Porter - Notary Public, Union County, Ohio.

{Seal}

Administrator's Bond.

Filed Jan. 30-1935. Administrator's Bond.

Know all Men by these Presents: That we Marion P. Haggard, Jasper E. Larcomb, Pearl Tossey and E. R. Larcomb, are held and firmly bound unto the State of Ohio, in the sum of Thirteen Hundred Fifty Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 30th.

Heer Ptg. Co., Cols., O. CD 4981.

12802

day of January, 1935.

The condition of the above obligation is such, that whereas, the above bound Marion P. Haggard, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator De Bonis Non, of the estate of Rolland Conklin, deceased.

And whereas, the said Marion P. Haggard, as such Administrator 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 30th. day of January, 1935 made an order requiring said Administrator to execute a bond according to the Statute in such cases made and provided.

Now, if the said Marion P. Haggard, Administrator De Bonis Non, 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.

Executed in Presence of
E. W. Porter.
William J. Porter.

Jasper E. Larcomb.
Pearl Tossey.
E. W. Larcomb.
Marion P. Haggard.

This Bond approved in open Court, this 30th. day of January, 1935.

L. W. Hazen - Probate judge.

(Seal)

Filed Jan. 30 - 1935. Journal Entry. Approving Additional Bond and Ordering Private Sale.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court,
Union County, Ohio.

Marion P. Haggard, as Administrator De Bonis Non, of the estate of Rolland Conklin, Deceased,
Plaintiff,
-vs-
Lauria M. Andrews, et al.,
Defendants.

January 30th. 1935.
Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Thirteen Hundred and Fifty ($1,350.00) Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said Estate, to sell the real estate described in the petition at private sale, it is now ordered that Marion P. Haggard as such Administrator, sell the real estate in the petition described as provided by Law, at not less than the appraised value thereof, on the following terms, to-wit; Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate judge.

Return.

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Order of
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Order of
Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Marion P. Haggard, Administrator De Bonis Non, of the Estate of Rolland Conklin, 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 De Bonis Non of the Estate of Rolland Conklin, Deceased, are Plaintiff and Laurin M. Andrews, 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:

First Tract: Situated in Millcreek Township, Union County, Ohio, and being part of Virginia Military District, Survey No. 1307, and Beginning at a stone in the north-west corner of W. L. Ebright's four (4) acre tract; thence S. 81° W. 46 poles to the Watkins and Bellefontaine Gravel Road; thence with the center of said Gravel Road 7° W. 19 poles; thence N. 81° E. 53 poles to W. L. Ebright's west line of four acre lot; thence with said line N. 9° E. 17 poles to the place of beginning, containing 5 acres, more or less.

Second Tract: Situated in said Survey No. 1307, in said Township, County and State, and beginning in the north line of the town of Watkins, and in the center of the gravel road leading north, it being a corner to N. W. Thompson; thence with the center of said gravel road and W. N. Thompson's west line, N. 20° E. 85.20 poles to a stone in the center of said gravel road, it being the north-west corner of W. N. Thompson's land; thence N. 84° W. 55 poles to a stone and piece of brick; thence S. 6° E. 55 poles to a stone; thence N. 84° E. 17 poles; thence S. 9° E. 21 poles to the north line of the town of Watkins; thence with the north line easterly to the place of beginning, containing 15½ acres, more or less, making the total number of acres hereby transferred, 20½ acres, more or less.

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

You are therefore hereby commanded to execute the above-mentioned order and decree of our said Court in all respects according to law; and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 29th. day of December, 1934.

(Seal)

L. W. Hafner - 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.

Return.

Heer Ptg. Co., Cols., O. CD 4981.

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Dated the 29th. day of December, 1934.
Marion P. Haggard - Administrator De Bonis Non, as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 29th. day of December 1934, offer said property, at private sale, and Jasper E. Larcomb having offered therefor the sum of Six Hundred and Forty Dollars ($640.00) and the same being not less than the appraised value of said property, I sold the same to said Jasper E. Larcomb, for that sum.

Report of Private Sale.

Marion P. Haggard - Administrator as aforesaid.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Marion P. Haggard, Administrator De Bonis Non, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained

Affidavit to Report of Private Sale.

Marion P. Haggard.

Subscribed in my presence and sworn to before me, this 29th. day of December, 1934.

(Seal) Edward W. Porter - Notary Public, Union County, Ohio.
Probate Court, Union County, Ohio.

Answer and Cross-Petition.

Marion P. Haggard, Administrator De Bonis Non of the estate of Rolland Conklin, Deceased, Plaintiff,

-vs-

Laurin M. Andrews, et al., Defendants.

No. 12802.
Answer and Cross Petition.

Answer.

Now comes the defendant, Jasper E. Larcomb, and for his answer to the petition of the plaintiff filed herein, for want of knowledge, denies each and every allegation contained in said petition, and asks that strict proof be presented thereof.

Cross Petition.

First Cause of Action.

Now comes the defendant, Jasper E. Larcomb, and for his first cause of action says that he is the holder and owner of a certain promissory note, a copy of which together with all endorsements and credits is attached hereto and marked "Defendants Exhibit A"; that there is now due and owing to this defendant from said Marion P. Haggard, Administrator de bonis non of the estate of Rolland Conklin the sum of $1344.90 with interest at 6% per cent per annum from the 1st. day of October, 1934.

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Second Cause of Action.

For his second cause of action, this answering defendant incorporates herein all the averments and allegations contained in the first cause of action as if fully re-written herein and says that at the time of the execution and delivery of the aforesaid promissory note and to secure the payment of the same, said Rolland Conklin then living executed and delivered to L. R. Larcomb a mortgage deed conveying to said L. R. Larcomb the premises described in plaintiff's petition to sell real property, that said mortgage deed was duly signed, witnessed and acknowledged, and that on the 22nd. day of June, 1916, at 4:20 o'clock P. M. the same was left for record with the Recorder of Union County, Ohio, and was thereafter on the 22nd. day of June, 1916, recorded in Vol. 77, page 313, in the Recorders Office of Union County, Ohio; that said mortgage remains uncancelled and still is a good and subsisting first lien upon said premises.

This answering defendant further says that on June 7th. 1916, L. R. Larcomb sold said mortgage to E. R. Larcomb for a valuable consideration; that said E. R. Larcomb on the 17th. day of August, 1934, sold all his right, title and interest in and to said mortgage to Jasper E. Larcomb for a valuable consideration, and that he is now the owner and holder of said mortgage in due course.

This answering defendant further says that said mortgage was conditioned upon the payment of the aforementioned promissory note according to the terms therein contained; that said note and mortgage contain the clause that upon failure to pay any installments of interest or principal when due, then the whole of said note and mortgage is to become due and payable at once. This answering defendant says that said payments of interest and principal have not been made according to the terms of said note, and that he therefore elects and declares the whole balance on said note to be due at once.

A copy of said mortgage is hereto attached marked "defendants Exhibit B" and made a part hereof the same as if re-written herein.

Wherefore, this answering defendant prays judgment against Marion R. Haggard, Administrator de bonis non of the estate of Rolland Conklin, deceased, in the sum of $1347.00 with interest at the rate of 6 per cent per annum from the 1st. day of October, 1934; that said mortgage be declared to be the first and best lien; that the premises be sold and from the proceeds thereof, this defendants claim be paid first, and for such other and further relief, as is just and equitable.

Porter & Porter - attorneys for Defendant.

Heer Ptg. Co., Cols., O. CD 4981.

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State of Ohio, County of Union, ss:-

Jasper E. Lacomb being first duly sworn deposes and says that he is one of the defendants herein, and that the facts stated and the allegations contained are true as he believes.

Jasper E. Lacomb.

Sworn to before me and signed in my presence this 30 day of January, 1935.

{Seal}

William J. Porter - Notary Public.

Filed Jan. 30- 1935. Confirming Sale, Ordering Deed and Distribution.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Marion P. Haggard, Administrator de bonis non of the Estate of Rolland Conklin, Deceased, Plaintiff,

-vs-

Laurie M. Andrews, et al., Defendants.

January 30 th. 1935. Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Marion P. Haggard, Administrator de bonis non of the Estate of Rolland E. Conklin 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; 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 Rolland Conklin in said real estate, to the purchaser, Jasper Larcomb, upon the said purchaser executing to said Administrator, cash for said sale. 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 Thirteen Hundred and Forty-Four Dollars. The Court finds that there is due to the said Jasper E. Larcomb upon the note + Mortgage set forth in his answer and cross- petition, from the estate of said Rolland Conklin the sum of Thirteen Hundred and Forty- four ($1,344.00) Dollars, with interest thereon at Six per centum from Oct. 1st. 1934.

It is further ordered that said Marion P. Haggard, out of the money in his hands, pay: First, to the Treasurer of this county the sum of $ —, being the taxes against said property. Second, the costs and expenses incurred in the sale of said property, including an attorney fee of $15.00 to Porter + Porter forty-eight + 95/100 and nothing, the percentum of said Administrator herein, amounting to the sum of nothing- he refusing to take any compensation herein. Third to Jasper E. Larcomb on the note, and mortgage set forth and described in his answer and cross- petition herein, the sum of $1,344.00, which

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12724 Filed May 4- 1934. Lawhon & Cameron attorneys.

Heer Ptg. Co., Cols., O. CD 4981.

12802 the Court finds to be the amount due. Fifth, there is no balance. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ 33.95, out of the proceeds of said sale, within ten days.

L. W. Hagen - Probate judge.

(See Page 603.)

12724 Filed May 4-1934. Cauthorn & Cameron attorneys

Petition to Sell Real Estate.

Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased, Plaintiff,

-vs-

Benjamin H. Mattison, Vera M. Reed, Cora Mattison, Guardian of Elizabeth E. Mattison and Benjamin V. Mattison, The Union Central Life Insurance Company, The Richwood Banking Co., M. L. Anderson, Elizabeth E. Mattison, Benjamin V. Mattison, and Co. L. Fields, Defendants.

No. 12724.
Petition to Sell Real Estate to Pay Debts.

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Clara A. Mattison, deceased, late a resident of Claibourne Township, in this County, and as near as can be ascertained the amount of the valid debts existing against said estate is the sum of $5000.00; that the costs of administration of said estate will be about $250.00; that the said decedent left no personal property of any kind whatsoever.

Said decedent died seized of an estate in fee simple in the undivided one-half of the following described real estate:

Tract One.

Situated in the County of Union, in the State of Ohio, and in the Townships of Washington and Jackson, and bounded and described as follows: In Virginia Military Surveys Nos. 10938 and 14639. Beginning at a stake S. W. corner to lands formerly owned by H. J. Perry from which a burr oak bears N. 46½° W. 22 links distant; thence S. 9° E. 87.90 poles to a stone planted on Rickbate; thence N. 80½° E. 136 poles to a stone N. W. corner of Mc Conby's land; thence S. 10¼° E. 52.84 poles to a stake; thence N. 82¼° E. 89.80 poles to a stake in the township line and original N. E. corner to W. W. Davis land; thence N. 10½° W. 137.78 poles with said township line to a stone, S. E. corner to lands formerly owned by H. J. Perry; thence S. 82° W. 222.50 poles with

Heer Ptg. Co., Cols., O. CD 4981.

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the South line of H. J. Perry's land to the place of beginning. Containing one hundred forty nine and fifteen one hundredths acres (149.15) of land. Excepting from the foregoing described tract of land a parcel of land 30 feet in width and 52.84 poles in length lying immediately East of the line described in the third call in the foregoing description, and being the same parcel of land conveyed by Wesley W. Davis and Roxana Davis, his wife, to Mary A. Macomprey on the 30th. day of October, 1903, by warranty deed found recorded in Vol. 90, Page 287 of the Records of Deeds in the office of the Recorder of Union County, Ohio, to which deed reference is hereby made for further description.

Tract Two.

Also the following tract of land situated in the County of Union, State of Ohio and in the Township of Jackson, in Virginia Military Survey No. 3473 and bounded and described as follows: Beginning at a stone planted on broken tile in the west line of said Survey and S. W. corner to Harrison McMahan's land; thence S. 10¼° E. 54.92 poles with the west line of said Survey 3473 to a stone N. W. corner to Edward Lewis' land; thence N. 82° E. 38.82 poles with said Lewis' north line to a stone and broken tile in the center of the county road; thence N. 23° W. 56.88 poles with the center of the county road to a stone planted on broken tile; thence S. 81-3/4° W. 26.56 poles to the place of beginning. Containing eleven and twenty three one hundredths (11.23) acres of land.

Tract Three.

Also another tract of land, situated in the County of Union, State of Ohio and Township of Jackson, and being in Survey No. 11043 and bounded as follows: Beginning at a stone in S. E. corner of Henry Davis land; thence in an easterly direction N. 82° E. 7.75 poles to a stone; thence in a southerly direction S. 23° E. with the center of the Osborne Road 56.40 poles to a stake; thence in a westerly direction S. 67° W. 21.81 poles to a stake in the Township line; thence in a northerly direction N. 10¼° W. 59 poles to the beginning. Containing 4.75 acres, more or less. Being a part of same premises conveyed by E. M. Lewis to J. E. Wynn, March 29, 1902, and recorded in Vol. 84, Page 638, Union County Records of Deeds.

Tract Four.

Also another tract of land situated in the County of Union, State of Ohio, and Township of Jackson, and being in Survey No. 11043 and bounded as follows: Beginning at a stone and broken tile in Township line and South west corner to Survey No. 3473; thence in a northerly direction N. 10¼° W. 22.75 poles with Township line to a stake; thence in an easterly direction N. 67° E. 21.81 poles to a stake in the Osborne Road; thence in a southerly direction S. 23° E. 28 poles to a stone in the north west corner of John Lewis'

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land; thence in a westerly direction S. 81 3/4° W. 26.56 poles to the place of beginning. Containing 4 acres, be the same more or less. Being a part of the same premises conveyed by E. M. Lewis to J. B. Wynn, March 29, 1882, and recorded in Vol. 84, Page 638 Union County Records of Deeds.

Tract Five.

Also the following described real estate situated in the County of Union, State of Ohio, and in the Township of Claibourne and part of Surveys Nos. 6307 and 220, and Beginning in the center of the Richwood and Miller Gravel Road at the Southeast corner of land formerly owned by Thomas Biddle; thence N. 2 3/4° E. 161.20 poles to a stake in the line of William Fisher; thence S. 15½° E. with Fisher's line 101.68 poles to a stake; thence with William Fisher's South line N. 75° E. 61.20 poles to a stake; thence S. 2 3/4° W. 16 poles to a stake; thence S. 74¼° E. 82.00 poles to a stone; thence S. 2 3/4° W. 90 poles to the center of the Richwood and Miller Gravel Road; thence with the center of said road 168.68 poles to the beginning. Containing One Hundred acres, Excepting 22.80 acres off of the West side heretofore sold to Thomas Biddle, leaving the amount 77.20 acres.

Tract Six.

Also the following described real estate situated in the County of Union, State of Ohio, and in the Township of Claibourne and being part of Surveys Nos. 6307 and 5809, and Beginning at a stake in the westerly line of Survey No. 6307, and in the center of the Richwood and Miller Gravel Road (being the northeast corner to the lands of Addie A. Roproth); thence with the center of the said Richwood and Miller Gravel Road, S. 75° E. 85.10 poles to a stake, corner to the lands of B. Bryman; thence with the westerly line of said Bryman's land S. 16° 30' E. 52.10 poles to a stake; thence S. 75° W. 50.95 poles to a stake in the easterly line of W. H. & R. Temple's land; thence with the easterly line of said Temple's land N. 16° W. 23.93 poles to a stake in the southerly line of said Survey No. 6307; thence with said Survey line S. 75° W. 22.78 poles to a stake, southwest corner to said Survey No. 6307; thence with the westerly line of said Survey No. 6307 N. 16° W. 70.60 poles to the place of beginning. Containing 30 acres, more or less. Being 22.43 acres in Survey No. 6307 and 7.57 acres in Survey No. 5809.

That the decedent died leaving the defendant, Benjamin H. Matteson, her surviving spouse, who is 61 years of age, and is entitled to dower in said premises, the defendant, Vera M. Rud, a daughter, and the defendants, Elizabeth E. Matteson and Benjamin V. Matteson, both minors under the age of 14 years, her grandchildren, who are her sole and only heirs at law and next of kin entitled to the next estate of inheritance from the decedent in such real estate.

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The defendant, The Union Central Life Insurance Company, a corporation of Cincinnati, Ohio, has an interest by way of mortgage upon the first four tracts of real estate hereinbefore described, and the plaintiff asks that it may be required to set forth its claim in full herein or be forever barred of the same.

The defendant, The Richwood Banking Company, a corporation of Richwood, Ohio, has an interest by way of mortgage upon all of the real estate hereinbefore described and the plaintiff asks that it may be required to set forth its claim in full herein or be forever barred of the same.

The defendants, M. L. Anderson and C. L. Fields also have or claim to have some interest in the sixth tract of real estate hereinbefore described, but whether they have such interest is to this plaintiff unknown, and he asks that they be made parties defendant herein and required to set forth their claim, if any they have, or be forever barred of the same.

The appraisers appointed by this Court to appraise the estate of said decedent have heretofore appraised the interest of said decedent in the first four tracts of real estate hereinbefore described at the sum of $4637.32 and the fifth and sixth tracts hereinbefore described at the sum of $3484.00, and your petitioner believes that said appraisements are the just and fair appraisal of said estate and asks that further appraisement thereof may be dispensed with by this Court.

Wherefore, plaintiff prays that the said real estate of said decedent may be sold free from all right of dower of the said Benjamin H. Matteson therein, but that out of the proceeds of the sale in lieu of the dower the Court may allow the said Benjamin H. Matteson such sum in money as is the just and reasonable value thereof; that all of said defendants who do not waive the issuing and service of summons herein may be duly authorized by service of the pendency and prayer of this petition; and that the rights, interests and liens of all the parties hereto may be duly determined, adjusted and protected, and that your petitioner may be authorized and ordered to sell said real estate according to the provisions of the statutes in such cases made and provided, and for such other and further relief as the Court may deem proper.

Cameron & Cameron - Attorneys for the Plaintiff

State of Ohio, Union County, ss:

Richard L. Cameron, being first duly sworn, says that he is the duly appointed administrator of the estate of Clara A. Matteson, deceased, and that the facts stated and allegations made and contained in the foregoing Petition are true as he verily believes.

Oath.

Richard L. Cameron.

Sworn to before me and signed in my presence this 21st. day of February, 1934. (Seal) Wm. R. Cameron - Notary Public.

12724
Filed
May 4- 1934.
Praecipe.

Filed
May 4- 1934.
Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

12724
Filed
May 4- 1934.
Praecipe.

Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, deceased,
Plaintiff,
-vs-
Benjamin H. Mattison, et al.,
Defendants.

No. 12724.
Praecipe.

To the Clerk:

Issue summons for the defendants Elizabeth E. Mattison and Benjamin V. Mattison, both minors under the age of fourteen years and residing with their mother Cora Mattison in Claiborne Township, Union County, Ohio (about two miles west of Richwood) directed to the Sheriff of Union County and returnable according to law. Endorse summons "Action to sell real estate to pay debts."

Cameron & Cameron - Attorneys for Plaintiff.

Filed
May 4- 1934.
Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio.

Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,
Plaintiff,
-vs-
Benjamin H. Mattison, Vera M. Red, Cora Mattison, Guardian of Elizabeth E. Mattison and Benjamin V. Mattison, The Union Central Life Insurance Company, The Richwood Banking Co., M. L. Anderson, Elizabeth E. Mattison, Benjamin V. Mattison, and C. L. Fields.

Case No. 12724.
Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio.

Answer.

Now, comes the Union Central Life Insurance Company of Cincinnati, Ohio, and for its Answer herein, says that it now is and at all times mentioned and referred to in this Answer and Cross Petition was, a corporation, duly organized under the laws of the State of Ohio, with its principal place of business in the City of Cincinnati, County of Hamilton and State of Ohio.

And admits that it holds a mortgage on the first four tracts of land described in plaintiff's petition.

And for lack of information, does not admit or deny the remaining allegations of plaintiff's petition.

Cross Petition.

First Cause of Action.

For its First Cause of Action herein, this answering defendant hereby adopts and makes a part hereof, the same as if written herein, all the allegations of this Answer and

Heer Ptg. Co., Cols., O. CD 4981.

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Cross Petition preceding this First Cause of Action and says:

That on the 29th. day of September, 1924, Benjamin H. Mattison and Clara A. Mattison, for a valuable consideration in the sum of Five Thousand Dollars ($5,000.00) duly executed and delivered unto this answering defendant, The Union Central Life Insurance Company of Cincinnati, Ohio, their certain promissory notes, twenty-one in number, numbered serially from 1 to 21, inclusive, identical as to form, with the exception of the due date thereon and the amount payable; a copy of one of said notes is as follows, to-wit:

"$ 440.92 Marysville, Ohio, September 29, 1924.

On the first day of March, 1933, for value received I promise to pay to the order of The Union Central Life Insurance Company of Cincinnati, Ohio, Four Hundred, forty and 92/100 Dollars, at the Home Office of said Company in Cincinnati, Ohio, with interest at the rate of 8 per centum per annum, after maturity, until paid.

If this note is sent to the — Bank, at —, or to any other Bank, for collection, I agree to pay exchange and collection expenses, and this note shall not be deemed paid until the money is actually received by said Company.

This note is secured by a Mortgage of even date. The right is reserved to prepay at any time at the Home Office of said Company in Cincinnati, Ohio, by discounting it at the rate of 5½ per centum interest, compounded annually, provided all prior notes have been paid.

Post Office Address
Richwood, Ohio, R. F. D. 6.
No. 131752 - Serial No. 9.

Benjamin H. Mattison.
Clara A. Mattison."

That serial notes Nos. 1, 2, 3, 4, 5, 6, 7 and 8 have been paid, but that —

Serial note No. 9, due March 1, 1933 for $ 440.92.
" " No. 10, due March 1, 1934 for $ 440.92.
" " No. 11, due March 1, 1935 for $ 440.92.
" " No. 12, due March 1, 1936 for $ 440.92.
" " No. 13, due March 1, 1937 for $ 440.92.
" " No. 14, due March 1, 1938 for $ 440.92.
" " No. 15, due March 1, 1939 for $ 440.92.
" " No. 16, due March 1, 1940 for $ 440.92.
" " No. 17, due March 1, 1941 for $ 440.92.
" " No. 18, due March 1, 1942 for $ 440.92.
" " No. 19, due March 1, 1943 for $ 440.92.
" " No. 20, due March 1, 1944 for $ 440.92.
" " No. 21, due March 1, 1945 for $ 440.92.

are unpaid, and there are no endorsements thereon, except note No. 9, which bears the following endorsement: "Rec. $7.79"; that The Union Central Life Insurance Company of Cincinnati, Ohio, is still the owner and holder of said notes; that serial note No. 9, which was due and payable on March 1, 1933.

Heer Ptg. Co., Cols., O. CD 4981.

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is unpaid and that there is now due on said promissory note, marked "Serial No. 9" from the defendants Benjamin H. Mattison and Richard L. Cameron, Administrator of the estate of Clara A. Mattison, Deceased, to this answering defendant, The Union Central Life Insurance Company of Cincinnati, Ohio, the sum of $433.13, with interest thereon at the rate of 8% per annum from December 5, 1933; that serial note No. 10, which was due and payable on March 1, 1934 is unpaid and that there is now due on said promissory note, marked "Serial No. 10" from the defendants, Benjamin H. Mattison and Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased, to this answering defendant, The Union Central Life Insurance Company of Cincinnati, Ohio, the sum of $440.92, with interest thereon at the rate of 8% per annum from March 1, 1934.

That said notes numbered from 11 to 21, above enumerated, are for an amortized loan in full and that by reason of the failure of the said Benjamin H. Mattison and Clara A. Mattison to pay said note of $440.92, numbered "Serial No. 9" on the 1st. day of March, 1933, and that by reason of the failure of the said Benjamin H. Mattison and Clara A. Mattison to pay the said note of $440.92, numbered "Serial No. 10," on the 1st. day of March, 1934, the balance of said amortized loan as evidenced by notes Nos. 11 to 21, inclusive, is thereby and by the terms of the mortgage securing the same, due and payable and that there is due on said amortized loan as evidenced by serial notes numbered 11 to 21, inclusive, the principal sum of Three Thousand, Four Hundred, Fifty-four & 10/100 Dollars ($3,454.10) with interest at the rate of 6.14% from March 1st, 1934.

Second Cause of Action.

For its Second Cause of action herein, this answering defendant hereby adopts and makes a part hereof, the same as if written herein, each and all the allegations of this answer and cross petition preceding and including the First Cause of Action, and says:

That, simultaneously with the execution and delivery of said promissory notes, copies of which are set forth in said First Cause of Action, the defendant, Benjamin H. Mattison and Clara A. Mattison (now deceased), husband and wife, duly executed and delivered to the said The Union Central Life Insurance Company of Cincinnati, Ohio, their certain mortgage deed for the purpose of securing the payment of the said promissory notes and all interest accruing thereon; that in said mortgage deed and by virtue thereof, and as for said security, said Benjamin H. Mattison and Clara A. Mattison (now deceased), husband and wife, conveyed unto this answering defendant, the following described real estate, to-wit:

Situated in the County of Union, State of Ohio, bounded and described as follows, to-wit:

Heer Ptg. Co., Cols., O. CD 4981.

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Being in the Township of Washington and being part of Surveys Nos. 10,938 and 14,639.

First Tract: Beginning at a stake, Southwest corner to lands formerly owned by H. J. Perry, from which a burr oak bears North 46½° West 22 links distant; thence South 9° East 87.90 poles to a stone planted on brick bats; thence North 80½° East 136 poles to a stone, Northwest corner of Mc Combrey's land; thence South 10¼° East 52.84 poles to a stake; thence North 82¼° East 89.80 poles to a stake in the Township line and original Northeast corner to H. W. Davis' land; thence North 10¼° West 137.78 poles with said Township line to a stone, Southeast corner to lands formerly owned by H. J. Perry; thence South 82° West 222.00 poles with the South line of said H. J. Perry's land to the place of beginning, containing 149.15 acres of land.

Second Tract: Being in the Township of Jackson and part of Survey No. 3473, - Beginning at a stone planted on broken tile in the West line of said Survey and Southwest corner to Harrison Mc Mahon's land; thence South 10¼° East 54.92 poles with the West line of said Survey No. 3473 to a stone, Northwest corner to Edward Lewis' land; thence North 82° East 38.82 poles with said Lewis' North line to a stone and broken tile in the center of the County Road; thence North 23° West 54.88 poles with the center of the County road to a stone planted on broken tile; thence South 81-3/4° West 26.56 poles to the place of beginning containing 11.23 acres of land.

Third Tract: Being in the Township of Jackson and being part of Survey No. 11043. Beginning at a stone and broken tile in Township line and Northwest corner to Survey No. 3473; thence in a northerly direction North 10¼° West 220.75 poles with township line to a stake; thence in an easterly direction North 67° East 21.81 poles to a stake in the Osborne road; thence in a southerly direction South 23° East 28 poles to a stone in the Northwest corner of John Lewis' land; thence in a westerly direction South 81-3/4° West 26.56 poles to the place of beginning, containing 4 acres of land, more or less.

Fourth Tract: Being in the Township of Jackson and being part of Survey No. 11,043:- Beginning at a stone in Southeast corner of Henry's Lane's land; thence in an easterly direction North 82° East 7.75 poles to a stone; thence in a southerly direction South 23° East with the center of the Osborne road 56.40 poles to a stake; thence in a westerly direction South 67° West 21.81 poles to a stake in the Township line; thence in a northerly direction North 10¼° West 59 poles to the beginning, containing 4.75 acres of land, more or less.

The above described land containing in the aggregate 168.53 acres, more or less.

Said mortgage deed further provides:

It is further agreed that the buildings on the within property shall be kept insured in some Company, approved

Heer Ptg. Co., Cols

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Heer Ptg. Co., Cols., O. CD 4981.

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by the mortgagee and payable to it in case of loss and the policy and renewal receipts are to be delivered to the mortgagee, and in case of failure to do so said mortgagee may effect such insurance and the cost thereof together with 8% interest per annum until paid shall be secured hereby.

"Provided, nevertheless, that if the said mortgagors shall pay, or cause to be paid, to the order of the said 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 also pay all taxes that may be levied or assessed upon this mortgage or the indebtedness secured thereby, including all registration or filing taxes; and shall not cut timber from said premises exceeding $50. in value without the consent of the grantee, in writing, signed by one of the 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; said notes are described as follows, namely,

The first note being for One Hundred, Twenty-six and 67/100 Dollars, and the remaining 20 notes for Four Hundred, Forty and 92/100 Dollars each; the first note being payable on March 1, 1925 and one of the remaining notes being payable on same day in each of the succeeding years, or prior to maturity, in accordance with stipulations therein, with interest after maturity at the rate therein specified; all of said notes being signed by Benjamin H. Mattison and Clara A. Mattison."

That said mortgage deed was duly filed for record with the County Recorder of Union County, Ohio, on October 4, 1924, at 10:50 o'clock, A. M. and was thereafter duly recorded in Volume 91, at page 467, Union County Record of Mortgages, and is now a valid and subsisting, first, paramount and superior lien as against the plaintiff and all the defendants herein, except this answering defendant on the above described real estate, for the amount due on said promissory notes and as alleged and set forth in said First Cause of Action.

Third Cause of Action.

For its Third Cause of Action herein, this answering defendant hereby adopts and makes a part hereof, the same as if written herein, each and all the allegations of this Answer and Cross Petition preceding this Cause of Action, and says:

That, Benjamin H. Mattison and Clara A. Mattison failed and neglected to pay when due for the years 1930, 1931 and 1932, taxes due the State of Ohio and penalty thereon in the amount of $472.19, and that this answering defendant, in accordance with the terms of said mortgage on the 3rd. day of November,

Heer Ptg. Co., Cols., O. CD 4981.

12724

1933, paid to the County Treasurer of Union County, Ohio, taxes and penalty thereon, on the real estate described in the Second Cause of Action, in the sum of $472.19 and that there is now due this answering defendant for the payment of the same, according to the terms of the said mortgage above set forth, the sum of $472.19, with interest on the same at the rate of 8% per annum from November 3, 1933.

Fourth Cause of Action.

For its Fourth Cause of Action herein, this answering defendant hereby adopts and makes a part hereof, the same as if written herein, all the allegations of this answer and cross petition preceding this Cause of Action, and says:

That the said Benjamin H. Mattison and Clara A. Mattison failed and neglected to pay when due, insurance premium due to the Hartford Fire Insurance Company on policy #894, in the sum of $45.60, and that this answering defendant, in accordance with the terms of said mortgage on the 1st. day of March, 1933, paid to the said Hartford Fire Insurance Company the said premium upon said policy which covered the buildings located upon the real estate described in the Second Cause of Action, in the sum of $45.60, and that there is now due this answering defendant for the payment of said insurance premium in accordance with the terms of said mortgage above set forth, the sum of $45.60, with interest on the same at the rate of 8% per annum from March 1st. 1933.

Wherefore - This answering defendant prays that if the Court finds it necessary to sell the real estate described in the Second Cause of Action herein, that the same be sold subject to the mortgage of this answering defendant and that the purchaser be compelled to assume and agree to pay the balance due on said promissory notes set forth in the First Cause of Action herein, and the fire insurance premium and taxes advanced, as set forth in the Third and Fourth Causes of Action herein; and that this answering defendant may have its costs and all such additional and further relief to which it may be entitled.

C. Randabaugh - Attys. for, The Union Central Life Insurance Company.

State of Ohio, Hamilton County, ss:

C. Randabaugh, being first duly sworn, says that the answering defendant herein, The Union Central Life Insurance Company of Cincinnati, Ohio, is a non-resident corporation of the County of Union; that he is the duly authorized attorney therefor; that the facts set forth in the above answer and cross petition are true, as he verily believes.

C. Randabaugh.

Sworn to before me and subscribed in my presence, on the 16th. day of April 1934.

Seal

Robert P. Sauger - Notary Public.
215 U.C. Bldg.

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May 4- 1934.
Waiver of
Process.

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May 4- 1934.
Waiver of
Process.

In the Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

No. 12724.
Petition to Sell Real Estate.

-vs-

Benjamin H. Mattison, Vera M. Reed, Cora Mattison, Guardian of Elizabeth E. Mattison and Benjamin V. Mattison, Elizabeth E. Mattison, Benjamin V. Mattison, The Union Central Life Insurance Co. The Richwood Banking Co. M. L. Anderson and C. L. Fields.

Defendants.

Waiver of Process and Consent to Sell.

We, the undersigned, parties 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 may be by the Court ordered.

Benjamin H. Mattison.
Cora Mattison - Guardian.
Vera M. Reed.
Florence Riser
Rev. M. L. Anderson
C. L. Fields.
Florence Riser.

Filed
May 10- 1934.
Summons.

Summons on Petition to Sell Real Estate.

Sheriff - Minors.

Probate Court.

The State of Ohio, Union County.

To the Sheriff of said County:

You are commanded to notify Elizabeth E. Mattison and Benjamin V. Mattison, both Minors now residing with their Mother Cora Mattison, Claibourne Twp. Union Co. O. Said residence being about two miles West of Richwood, Ohio in said Twp; and the following named who are minors, to-wit:

Elizabeth E. Mattison and Benjamin V. Mattison, making service of this summons upon such minors as over fourteen years of age, and also upon the mother or custodian of said minors, in the order named; that on the 4th. day of May, A.D. 1934, Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, 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 and in said petition described, for the purpose of paying debts.

Heer Ptg. Co., Cols., O. CD 4981.

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"Action to sell real estate to pay debts," and that unless they answer by the 2nd. day of June, 1934, said petition will be taken as true, and the order granted accordingly.

Said Sheriff will make due return of this summons on the 14th. day of May 1934.

Witness my hand and the seal of said Court, this 7th. day of May, 1934.

L. W. Hagen - Judge and ex-officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service + Return, first name,	$ .75
2 Additional names, at 25¢	.50
36 miles traveled at 8¢	2.88
Total	$ 4.13

Sheriff's Return.

Recived this writ May 7th. 1934, at 8 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz; May 8th. 1934, on Elizabeth E. Matteson and Benjamin V. Matteson, who are minors, and May 8th. 1934, on Cora Matteson the mother of the said Elizabeth E. Matteson and Benjamin V. Matteson, minors, by personally handing to each of them a true and certified copy of this writ.

William Rausch - Sheriff.
By - A. Grigsby - Deputy.

Filed May 16-1934. Answer and Cross Petition of The Richwood Banking Co.

In the Probate Court, Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Matteson, Deceased, Plaintiff,

-vs-

Benjamin H. Matteson, et al., Defendants.

No. 12724.

Answer and Cross-Petition of The Richwood Banking Company.

Now comes the defendant, The Richwood Banking Company, and for its answer herein, says that it is a banking corporation, duly organized and existing under the laws of the State of Ohio, with its principal place of business at Richwood, Union County, Ohio.

Further answering this defendant says that there is due this answering defendant, The Richwood Banking Company by the defendants, B. H. Matteson and Vera M. Reed, the sum of Four Thousand Dollars ($4000.00) with interest thereon at the rate of seven per cent (7%) per annum from the 8th. day of May, 1934, on a promissory note, a copy of which with all credits and endorsements thereon, is hereto annexed, marked "Exhibit A" and made part hereof.

Further answering this defendant says that on the 16th. day of September, 1931, the said B. H. Matteson and Vera M. Reed conveyed to this answering defendant, The Richwood Banking Company, all their right, title and interest in the premises in the petition described, by way of mortgage, to secure the payment of said promissory note, with interest at the rate

Heer Ptg. Co., Cols., O. CD 4981.

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aforesaid, and one other promissory note for the sum of One Thousand Dollars ($1000.00), which last note was thereafter assigned to Milo Strosnider (then in life, but now deceased); that said deed of mortgage was on the 19th. day of September, 1931, duly left for record with the Recorder of Union County, Ohio, and was recorded in Volume 101, Page 133 of the Mortgage Records of said Recorder's Office, and is a valid and subsisting lien on the premises described in the petition.

Wherefore, this answering defendant prays that said premises may be sold as prayed for in said petition and that its said claim may be satisfied out of the proceeds thereof.

F. A. McAllister - Attorney for the defendant, The Richwood Banking Company.

State of Ohio, Union County, ss:

J. F. Rapp, being duly sworn, says that he is the Cashier of The Richwood Banking Company, a banking corporation, and that he has personal knowledge of the matters and facts contained in the foregoing answer and cross-petition, and is duly authorized hereto, and that the facts stated in the foregoing answer and cross-petition are as he verily believes true.

J. F. Rapp.

Sworn to before me and signed in my presence this 16th. day of May, 1934.

Seal

F. A. McAllister - Notary Public.

"Exhibit A"

$4000.

On demand after date, for value received, I, we, or either of us, promise to pay to the order of The Richwood Banking Company, Richwood, Ohio, Four Thousand Dollars in United States gold coin or its equivalent, at its office in Richwood, Ohio, with interest from date until due at the rate of 7 per cent, per annum, payable semi-annually, and at the rate of eight per cent per annum after maturity until paid.

And we jointly and severally hereby authorize any Attorney-at-Law to appear in any Court of Record, in the State of Ohio or elsewhere in the United States, after the above money became due, and waive the issuing and serving 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 moneys owing by such holder to us or either of us, and further agreeing that in case of insolvency, bankruptcy, business failure or default on this or any other obligation to the holder, then, at the option of the holder, this and all such obligations shall at once become due and payable, without demand or notice.

Witness our hands at Richwood, Ohio, this 8 day of Nov. 1930.

B. H. Matheson
Vera M. Reed.

Interest paid to May 8, 1934.

Heer Ptg. Co., Cols., O. CD 4981.

12724
Filed
May 16 - 1934.
Answer and
Cross - Petition
of F. A. McAllister.

In the Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator
of the Estate of Clara A. Mattison,
Deceased,
Plaintiff,
-vs-
Benjamin H. Mattison, et al.,
Defendants.

No. 12724.
Answer and Cross - Petition of
F. A. McAllister.

Now comes F. A. McAllister and for his Answer and Cross-Petition herein, says that he is the duly appointed, qualified and acting Executor of the Estate of Milo Stroemiker, deceased, under and by virtue of the order of the Probate Court of Union County, Ohio, and further answering says that on or about the 29th. day of August, 1930, the defendants, B. H. Mattison and Vera M. Reed made, executed and delivered to The Richwood Banking Company, of Richwood, Ohio, their promissory note of that date for the sum of One Thousand Dollars ($1000.00), a true copy of which with all endorsements thereon is hereto annexed, marked "Exhibit A" and made part hereof; that subsequent thereto, said The Richwood Banking Company endorsed, transferred and delivered to the said Milo Stroemiker (then in life, but now deceased) the promissory note aforesaid and did thereby transfer and convey to the said Milo Stroemiker the mortgage deed hereinafter mentioned in so far as the same secured the said promissory note. That there is due and payable to this answering defendant as such Executor on said promissory note the sum of $1000.00, together with interest thereon at the rate of 7% per annum from the 1st. day of March, 1933.

That on or about the 16th. day of September, 1931, the said B. H. Mattison and Vera M. Reed conveyed to the said The Richwood Banking Company, all their right, title and interest in the premises in the petition described, by way of mortgage to secure the payment of the promissory note aforesaid and of another promissory note payable to the said The Richwood Banking Company; that said deed of mortgage was on the 19th. day of September, 1931, duly filed for record with the Recorder of Union County, Ohio, and was by him duly recorded in Book 101, Page 133 of the Mortgage records in said Recorder's Office, and is a valid and subsisting lien on the premises described in the petition.

Wherefore, this answering defendant prays that the said premises may be sold as prayed for in said petition and that his said claim may be satisfied out of the proceeds of said sale, and for such other and further relief as he may be entitled.

F. A. McAllister - Attorney for Defendant.

State of Ohio, Union County, ss.

F. A. McAllister, being duly sworn, says that the facts stated in his foregoing Answer and Cross-Petition are true as he

Filed
May 16-1934.
Motion.

Heer Ptg. Co., Cols., O. CD 4981.

12724

verily believes.

T. A. McAllister.

Sworn to before me and signed in my presence this 10th. day of May, 1934.

"Exhibit A." Seal D. E. Ogan - Notary Public.

$1000.00

On Demand after date, for value received, I, we, or either of us, promise to pay to the order of The Richwood Banking Company, Richwood, Ohio, One Thousand and no/100 Dollars in United States gold coin or its equivalent, at its office in Richwood, Ohio, with interest from date until due at the rate of 7 per cent, per annum, payable semi-annually, and at the rate of eight per cent per annum after maturity until paid.

And we jointly and severally hereby authorize any Attorney-at-Law to appear in any Court of Record, in the State of Ohio or elsewhere in the United States, after the above money becomes due, and waive the issuing and serving 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 moneys owing by such holder to us or either of us, and further agreeing that in case of insolvency, bankruptcy, business failure or default on this or any other obligation to the holder, then, at the option of the holder, this and all such obligations shall at once become due and payable, without demand or notice.

Witness our hands at Richwood, Ohio, this 29 day of Aug. 1930.

B. H. Mattison.

Vera M. Reed.

Chattel 11, 034 Mortgage.

Real Estate

B. H. Mattison - $1000.00

On Demand

3/6/31 - $35. Int. pd. to Mar. 1, 1931.

9/11/31 - 35. Int. pd. to Sept. 1, 1931.

3/26/32 - 35. Int. pd. to Mar. 1, 1932.

$7. pd. on int. 2/21/33.

Int. pd. to March 1, 1933.

Without recourse on The Richwood Banking Co. J. F. Rapp, Cashier.

In the Probate Court, Union County, Ohio.

Filed May 16-1934. Motion.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased, Plaintiff.

-vs-

Benjamin H. Mattison, et al., Defendants.

No. 12724. Motion.

Heer Ptg. Co., Cols., O. CD 4981.

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Now comes F. A. McAllister and says that he is the duly appointed, qualified and acting Executor of the Estate of Milo Stroemider, deceased; that as such Executor he is the owner and holder of a promissory note given by B. H. Mattison and Vera M. Reed to The Richwood Banking Company for the sum of $1000.00, and interest, which note was assigned to the said Milo Stroemider in his lifetime; that to secure the payment of said promissory note, the said B. H. Mattison and Vera M. Reed made, executed and delivered to the said The Richwood Banking Company their mortgage deed on their interest in the premises described in the petition, and that the said The Richwood Banking Company did by the assignment of said note, assign to the said Milo Stroemider the said mortgage deed in so far as the same secured said note.

Wherefore, this answering defendant asks that he may be made a party defendant to the above entitled action with leave to plead.

F. A. McAllister - Executor of the Estate of Milo Stroemider, Deceased.

Filed May 16- 1934. Journal Entry.

In the Probate Court, Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

-vs-

Benjamin H. Mattison, et al.,

Defendants.

No. 12724.
Journal Entry.

Upon application of F. A. McAllister, Executor of the Estate of Milo Stroemider, deceased, he, the said F. A. McAllister as such Executor, is made party defendant to the above entitled action with leave to plead instanter.

L. W. Hazen - judge.

Filed June 7- 1934. Application for appointment of a Guardian Ad Litem.

Probate Court, Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

-vs-

Benjamin H. Mattison, et al.,

Defendants.

No. 12724.
Application for appointment of Guardian Ad Litem.

Now comes Richard L. Cameron as administrator of the Estate of Clara A. Mattison, deceased, and makes application for the appointment of Richard C. Small as guardian for the suit for Benjamin V. Mattison and Elizabeth E. Mattison, both minors under the age of 14 years, and for grounds for said application, says: That the said Elizabeth E. Mattison and Benjamin V. Mattison are minors under the age of 14 years, and are necessary parties defendant in the above entitled action, and that they have each been duly and

Heer Ptg. Co., Co

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Filed June 7- 1934. Entry, appointing Guardian Ad Litem.

Filed June 7- 1934. Answer of Guardian Ad Litem.

Heer Ptg. Co., Cols., O. CD 4981.

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legally served with summons in this cause, and no application for the appointment of a guardian ad litem has been made for them by any other person.

Richard L. Cameron, Administrator.
By- Cameron & Cameron- His attorneys.

Filed June 7-1934. Entry, appointing Guardian Ad Litem.

Probate Court, Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased, Plaintiff,

-vs-

Benjamin H. Mattison, et al., Defendants.

No. 12724.
Entry Appointing Guardian Ad Litem.

This day this cause came on to be heard upon the application of Richard L. Cameron, as Administrator of the Estate of Clara A. Mattison, deceased, plaintiff in this action, for the appointment of a guardian ad litem for Benjamin V. Mattison and Elizabeth E. Mattison; and the Court, being fully advised in the premises, finds that said Benjamin V. Mattison and Elizabeth E. Mattison are minors under the age of 14 years, and are necessary parties defendant to this action, and they have each been duly and legally served with summons herein, and no further application for a guardian ad litem has been made for them.

It is therefore adjudged and decreed that Richard C. Thrall be, and he hereby is appointed guardian for the suit for said minor defendants.

L. W. Hazen- judge.

This day came Richard C. Thrall into open Court, and having heretofore been appointed guardian for the suit for Benjamin V. Mattison and Elizabeth E. Mattison, minor defendants under the age of 14 years, accepts said appointment.

Richard C. Thrall.

Filed June 7- 1934. Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased, Plaintiff,

-vs-

Benjamin H. Mattison, et al., Defendants.

No. 12724.
Answer of Guardian Ad Litem.

Now comes Richard C. Thrall, having been heretofore appointed guardian for the suit for the defendants, Benjamin V. Mattison and Elizabeth E. Mattison, minors under the age of 14 years, and for his answer for said minor defendants and for each of them, says: That he denies each and every allegation in said petition contained, except such as may allege ownership of said defendants in the real estate described in the Plaintiff's petition, and says that said

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defendants are of tender years, and asks the Court to protect their rights and interests in this action, and to grant them such relief as may be proper.

Richard C. Small - Guardian ad Litem for Benjamin D. Mattison and Elizabeth E. Mattison.

Filed June 12 - 1934. Answer to Petition of Plaintiff to Sell Real Estate to Pay Debts.

In the Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

-vs-

Benjamin H. Mattison, D. P. Anderson, Receiver of The First National Bank of Richwood, Ohio, et al.,

Defendants.

Case No. 12724.
Answer to Petition of Plaintiff to Sell Real Estate to Pay Debts.

Answer.

Now comes the Defendant, D. P. Anderson, Receiver of The First National Bank of Richwood, Ohio, and for his Answer herein says that he is the duly appointed, qualified and acting Receiver of The First National Bank of Richwood, Ohio; that he was appointed as such Receiver by the Comptroller of the Currency of the United States of America on the 17th. day of April, A. D. 1931, for the purpose of liquidating the assets of The First National Bank of Richwood, Ohio, and winding up its affairs; that The First National Bank of Richwood, Ohio, is a corporation organized and existing under and by virtue of the National Banking Laws of the United States of America, with its principal office and place of business located in the Village of Richwood, Union County, Ohio; that it was doing business under a charter granted by the Comptroller of the Currency of the United States of America for a period of more than ten years prior to the close of business on the 23rd. day of March, A. D. 1931, on which day it suspended business by resolution of its Board of Directors because of its insolvency; and that this proceeding is one for winding up the affairs of the said The First National Bank of Richwood, Ohio.

D. P. Anderson, Receiver, further says that he hereby waives the issuing and service of process and voluntarily enters his appearance herein.

D. P. Anderson, Receiver, further says that as such Receiver, he has no claim whatsoever against the real estate described herein.

D. P. Anderson, Receiver, further says that he has reasons to believe that The First National Bank of Richwood, Ohio, did own at one time, certain notes against Clara A. Mattison, Deceased, which were then secured by mortgage. That he has reason to believe that said notes and mortgage were sold by

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Filed June 12 - 1934. Journal Entry.

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the said Bank before the time of its insolvency. but cannot definitely state the exact nature of this transaction.

D. P. Anderson, Reciver, further says that for lack of knowledge of the facts set forth in the Petition, he denies each and every allegation thereof and demands strict proof thereof.

Wherefore, the Defendant, D. P. Anderson, Reciver, prays that the facts set forth hereinabove in his Answer may be taken into proper consideration by the Court and for all other and further relief to which he is entitled.

Robert R. Allen - Attorney for D. P. Anderson, Rec'r. The First National Bank of Richwood, Ohio.

State of Ohio, County of Union, ss:

D. P. Anderson, being first duly sworn according to law, deposes and says that he is the duly appointed, qualified and acting Receiver of The First National Bank of Richwood, Ohio; that as such Receiver, he is duly authorized and empowered to make this oath; and that the facts stated and the allegations contained in this his Answer are true to the best of his knowledge and belief.

D. P. Anderson.

Sworn to before me and subscribed in my presence this 11th. day of June, A. D. 1934.

(Seal) Martha E. Taylor - Notary Public.

Filed June 12-1934. Journal Entry.

In the Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator of the Estate of Clara A. Matteson, Deceased, Plaintiff,

-vs-

Benjamin H. Matteson, D. P. Anderson, Reciver of The First National Bank of Richwood, Ohio, et al., Defendants.

Case No. 12724. Journal Entry.

This day this cause came on to be heard upon the oral Motion of Robert R. Allen, Attorney for D. P. Anderson, Reciver of The First National Bank of Richwood, Ohio, requesting an Order authorizing the said D. P. Anderson, Reciver, to file his Answer instanter and the Court being fully advised in the premises, it is therefor,

Ordered, Adjudged and Decreed, that the said D. P. Anderson, Reciver of The First National Bank of Richwood, Ohio, is allowed to file his Answer instanter.

L. W. Hazen - Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12724
Filed
July 24- 1934.
Answer and
Cross Petition
of C. L. Fields.

Probate Court of Union County, Ohio.

Richard L. Cameron, Administrator
of the Estate of Clara A. Matteson,
Deceased,

Plaintiff,

-vs-

Benjamin H. Matteson, et al.,

Defendants.

No. 12724.

Answer and Cross-Petition
of C. L. Fields.

Now comes C. L. Fields, and for his answer to the plaintiff's petition, says: That he admits that the plaintiff is the duly qualified and acting administrator of the estate of Clara A. Matteson, deceased, and that it is necessary to sell her real estate to pay debts, and for lack of information does not admit or deny the remaining allegations in said petition contained.

Cross-Petition.

For his cross-petition, this defendant says: That on the 2nd. day of March, 1927, Clara A. Matteson and B. H. Matteson, wife and husband, executed and delivered to The First National Bank of Richwood, Ohio, five certain promissory notes of said date for $400.00 each, bearing interest at the rate of 7% per annum, payable semi-annually; till due and 8% after due.

That to secure the payment of said notes said Clara A. Matteson and B. H. Matteson executed and delivered to said The First National Bank their mortgage deed of that date upon the sixth tract of land described in the plaintiff's petition, and that said mortgage was thereafter recorded in Volume 96, Page 79 of the Union County Records of Deeds, and became a first and best lien upon said premises.

That thereafter said The First National Bank of Richwood, Ohio, sold to this answering defendant one of the notes secured by said mortgage and also sold to Florence Kiser another of the notes secured by said mortgage. That all of the remainder of said notes secured by said mortgage were fully paid, and to secure the payment of the notes assigned to this answering defendant and the said Florence Kiser, the said The First National Bank of Richwood, Ohio, executed and delivered in blank upon said mortgage an assignment thereof without recourse.

That this answering defendant is now the owner and holder of said note upon which there is due the sum of $400.00 with interest at 8% from the 3rd. day of Sept. 1933, and the said Florence Kiser is the owner and holder of another note secured by said mortgage on which there is now due the sum of $400.00 with interest from the 3rd. day of Sept. 1932. That by reason of the assignment of said mortgage said sums are a first and best lien upon the sixth tract of real estate described in the plaintiff's petition.

Wherefore this defendant prays that if said real estate be sold his lien thereon may be determined, and the said Florence Kiser and this answering defendant may be fully

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Filed
July 24- 1934.
Answer of
Benjamin H.
Matteson,
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Entry Dispensing
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Heer Ptg. Co., Cols., O. CD 4981.

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paid out of the proceeds of said sale, and for such other and further relief as the Court may deem proper.

Cameron & Cameron
Attorneys for C. L. Fields.

State of Ohio, Union County, ss;

C. L. Fields, being first duly sworn, says that the facts stated and allegations made and contained in the foregoing answer and cross petition are true as he verily believes.

C. L. Fields.

Sworn to before me and signed in my presence this — day of July, 1934.

Seal

R. L. Cameron - Notary Public.

Probate Court, Union County, Ohio.

Filed July 24-1934. Answer of Benjamin H. Mattison, Surviving Spouse.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

-vs-

Benjamin H. Mattison, et al.,

Defendants.

No. 12724.

Answer of Benjamin H. Mattison, Surviving Spouse.

Now comes Benjamin H. Mattison, 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 Clara A. Mattison, deceased, and as such is entitled to dower in the premises described in said petition, and that his age is 60 years, and he consents to the sale of said real estate free from his dower therein, and asks that the reasonable value of such dower estate may be allowed and paid to him in money out of the proceeds of the sale thereof.

Benjamin H. Mattison.

State of Ohio, Union County, ss;

Benjamin H. Mattison, being first duly sworn, says that the facts stated and allegations made and contained in his foregoing Answer are true as he verily believes.

Benjamin H. Mattison.

Sworn to before me and signed in my presence this 7th. day of June, 1934.

Seal

Mary B. Amrine - Notary Public.

Probate Court, Union County, Ohio.

Filed July 24-1934. Entry Dispensing with New Appraisement and Ordering Private Sale.

Richard L. Cameron, Administrator of the Estate of Clara A. Mattison, Deceased,

Plaintiff,

-vs-

Benjamin H. Mattison, et al.,

Defendants.

No. 12724.

Entry Dispensing with New Appraisement and Ordering Private Sale.

This day this cause came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above

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named decedent to pay the debts of her estate, and also upon the answers and cross petitions of The Union Central Life Insurance Company of Cincinnati, Ohio, The Richwood Banking Company, F. A. McAllister as executor of the Estate of Milo Stroemiden, deceased, The First National Bank of Richwood, Ohio, and C. L. Fields, and also upon the answers of Benjamin H. Mattison, surviving spouse, and Richard C. Wall, guardian ad litem for Elizabeth E. Mattison and Benjamin V. Mattison, minor defendants, and upon the evidence; and the Court being fully advised in the premises, finds that the defendants, Benjamin H. Mattison, Vera M. Reed, Cora Mattison, as guardian of Elizabeth E. Mattison and Benjamin V. Mattison; The Union Central Life Insurance Company, The Richwood Banking Company, M. L. Anderson, Florence Riser and C. L. Fields, have each waived the issuing and serice of summons herein, and consented to the sale of the premises as prayed for, and that Elizabeth E. Mattison and Benjamin V. Mattison, minor defendants herein, have been duly and legally served with summons in this action.

That all the necessary parties defendant are before the Court, and that the allegations of the petition are true and the prayer of the same should be granted, and that it is necessary to sell said real estate to pay the debts of said decedent.

The Court further finds that the defendant, Benjamin H. Mattison, surviving spouse of said decedent, is entitled to the just and reasonable value of his dower in said premises after deducting the amount of the mortgages thereon, and that he has consented to the sale of the same free from dower, and elected to take the value thereof in money.

The Court further finds that The Union Central Life Insurance Company of Cincinnati, has a lien upon all of the first, second, third and fourth tracts of real estate described in the plaintiff's petition by way of mortgage as set forth in its answer and cross-petition herein, and that said mortgage lien is a first and best lien upon said premises, and that there is now due upon the same the sum of $4918.77 with interest from the 25th. day of April, 1924.

The Court further finds that the said Benjamin H. Mattison, defendant, and the said decedent, Clara A. Mattison, in her lifetime, executed and delivered to The First National Bank of Richwood, Ohio, their certain mortgage deed upon the sixth tract of real estate described in the petition of the plaintiff, covering a series of notes all of which have been paid, except one note assigned by said Bank to the defendant, C. L. Fields, and another note assigned by said Bank to M. L. Anderson, who in turn assigned the same to Florence Riser; that there is now due upon said notes the sum of $832.00.

Heer Ptg. Co., Cols., O. CD 4981.

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The Court further finds that since the death of said Clara A. Mattison, deceased, the defendants, Benjamin H. Mattison, being the owner of the other undivided one-half interest in the premises described in the plaintiff's petition, and Vera M. Rud, one of the heirs of Clara A. Mattison, deceased, and entitled to inherit the undivided one-half of the said decedent's undivided one-half interest in said real estate, subject to the dower of Benjamin H. Mattison, surviving spouse, executed and delivered to The Richwood Banking Company their certain mortgage deed as set forth in the answer and cross-petition of the said The Richwood Banking Company, securing the payment of a promissory note for the sum of $4000.00 on which there is now due the sum of $4000.00 with interest at 7% from the 8th. day of May, 1934, and also securing the payment of a note for $1000.00 which was thereafter transferred and delivered to Milo Strosnider, then in life but since deceased, and that there is now due upon said note the sum of $1000.00 with interest at 7% from the 1st day of March, 1933.

That by reason of said last mentioned mortgage the sum represented by said notes now held by The Richwood Banking Company and the estate of Milo Strosnider, deceased, are a lien upon the interests of the defendant, Benjamin H. Mattison, and the defendant, Vera M. Rud, in the real estate described in the plaintiff's petition, subject only to the lien of The Union Central Life Insurance Company and of C. L. Fields and M. L. Anderson for Florence Tisch in and to the same.

The Court further finds that the appraisers heretofore appointed to appraise the estate of said decedent, have appraised the first four tracts of real estate described in the plaintiff's petition at the sum of $4637.32, and the fifth and sixth tracts in the said petition described at the sum of $3484.00, and that it is not necessary to reappraise the same, and therefore orders that a further appraisement be dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as administrator of the estate of Clara A. Mattison, deceased, in the amount of $1000.00 is insufficient, and it is ordered that he file an additional bond with sufficient sureties to be approved by this Court, in the sum of $3000.00.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Richard L. Cameron, as such administrator, sell said real estate at private sale and for not less than $8121.32, being the appraised value thereof; the sale price to be cash. And it is further ordered that said Richard L. Cameron, as such administrator, make return of sale without unnecessary delay.

L. W. Hagen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12724
Filed
Aug. 2- 1934.
Administrator's
Bond.

Administrator's Bond.

Know all Men by these Presents: That we Richard L. Cameron, Vera M. Reed, Benjamin H. Matteson are held and firmly bound unto the State of Ohio, in the sum of Three Thousand ($3000.00) Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this — day of — 1934.

The condition of the above obligation is such, that whereas, the above bound Richard L. Cameron was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Clara A. Matteson, deceased.

And whereas, the said Richard L. Cameron as such administrator 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 — day of — 19— made an order requiring said Administrator to execute a bond according to the Statutes in such cases made and provided.

Now, if the said Richard L. Cameron 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.

Executed in presence of
Mary B. Amrine.
Wm. R. Cameron.

Richard L. Cameron.
Vera M. Reed.
Benjamin H. Matteson.

This Bond approved in open Court, this 2nd. day of Aug. 1934.
L. W. Hazen - Probate Judge.

(Seal)

Probate Court, Union County, Ohio.

Filed
Aug. 2- 1934.
Order for
Private Sale,
Return, Report
of Private Sale.

Richard L. Cameron, Administrator of the Estate of Clara A. Matteson, Deceased,
Plaintiff,
-vs-
Benjamin H. Matteson, et al.,
Defendants.

No. 12724.
Order for Private Sale.

To R. L. Cameron, administrator of the estate of Clara A. Matteson, deceased, Greetings:

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 Clara A. Matteson, deceased, are plaintiff, and Benjamin H. Matteson, 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 one-half of the following described real estate:

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Tract One.

Situated in the County of Union, in the State of Ohio, and in the Townships of Washington and Jackson, and bounded and described as follows: On Virginia Military Surveys Nos. 10938 and 14639. Beginning at a stake S. W. corner to lands formerly owned by H. J. Levy from which a burr oak bears N. 46½° W. 22 links distant; thence S. 9° E. 87.90 poles to a stone planted on brickbats; thence N. 80½° E. 136 poles to a stone N. W. corner of McConky's land; thence S. 10¼° E. 52.84 poles to a stake; thence N. 82¼° E. 89.80 poles to a stake in the township line and original N. E. corner to W. W. Davis land; thence N. 10½° W. 137.78 poles with said township line to a stone, S. E. corner to lands formerly owned by H. J. Levy; thence S. 82° W. 222.50 poles with the South line of H. J. Levy's land to the place of beginning, containing one hundred forty nine and fifteen one hundredths acres (149.15) of land. Excepting from the foregoing described tract of land a parcel of land 30 feet in widths and 52.84 poles in length lying immediately East of the line described in the third call in the foregoing description, and being the same parcel of land conveyed by Wesley W. Davis and Rotana Davis, his wife, to Mary A. Mahonbey on the 30th. day of October, 1903, by warranty deed found recorded in Vol. 90, Page 287 of the Records of Deeds in the office of the Recorder of Union County, Ohio, to which deed reference is hereby made for further discription.

Tract Two.

Also the following tract of land situated in the County of Union, State of Ohio and in the Township of Jackson, in Virginia Military Survey No. 3473 and bounded and described as follows: Beginning at a stone planted on broken tile in the west line of said Survey and S. W. corner to Harrison McMahan's land; thence S. 10¼° E. 54.92 poles with the west line of said Survey 3473 to a stone N. W. corner to Edward Lewis' land; thence N. 82° E. 38.82 poles with said Lewis' north line to a stone and broken tile in the center of the county road; thence N. 23° W. 56.88 poles with the center of the county road to a stone planted on broken tile; thence S. 81 3/4° W. 26.56 poles to the place of beginning. Containing eleven and twenty three one hundredths (11.23) acres of land.

Tract Three.

Also another tract of land, situated in the County of Union, State of Ohio and Township of Jackson, and being the Survey No. 110843 and bounded as follows: Beginning at a stone in S. E. corner of Henry Lane's land; thence in an easterly direction N. 82° E. 7.76 poles to a stone; thence in a southerly direction S. 23° E. with the center of the Osborne Road 56.40 poles to a stake; thence in a westerly direction S. 67° W.

Heer Ptg. Co., Cols., O. CD 4981.

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21.81 poles to a stake in the Township line; thence in a northerly direction N. 10¼° W. 69 poles to the beginning. Containing 4.75 acres, more or less. Being a part of the same premises conveyed by E. M. Lewis to J. E. Wynn, March 29, 1902, and recorded in Vol. 84, Page 638, Union County Records of Deeds.

Tract Four.

Also another tract of land situated in the County of Union, State of Ohio, and Township of Jackson, and being the Survey No. 11043 and bounded as follows: Beginning at a stone and broken tile in Township line and north west corner to Survey No. 3473; thence in a northerly direction N. 10¼° W. 22.75 poles with township line to a stake; thence in an easterly direction N. 67° E. 21.81 poles to a stake in the Osborne Road; thence in a southerly direction S. 23° E. 28 poles to a stone in the northwest corner of John Lewis' land; thence in a westerly direction S. 81 3/4° W. 26.56 poles to the place of beginning. Containing 4 acres, be the same more or less. Being a part of the same premises conveyed by E. M. Lewis to J. E. Wynn, March 29, 1902, and recorded in Vol. 84, Page 638, Union County Records of Deeds.

Tract Five.

Also the following described real estate situated in the County of Union, State of Ohio, and in the Township of Claibourne and part of Surveys Nos. 6307 and 220, and Beginning in the center of the Richwood and Miller Gravel Road at the Southeast corner of land formerly owned by Thomas Biddle; thence N. 2 3/4° E. 161.20 poles to a stake in the line of William Fisher; thence S. 15½° E. with Fisher's line 101.68 poles to a stake; thence with William Fisher's South line N. 75° E. 61.20 poles to a stake; thence S. 2 3/4° W. 16 poles to a stake; thence S. 74¼° E. 82.50 poles to a stone; thence S. 2 3/4° W. 90 poles to the center of the Richwood and Miller Gravel Road; thence with the center of said road 168.68 poles to the beginning. Containing one hundred acres, Exception 22.80 acres off the East side heretofore sold to Thomas Biddle, leaving the amount 77.20 acres.

Tract Six.

Also the following described real estate situated in the County of Union, State of Ohio, and in the Township of Claibourne and being part of Surveys Nos. 6307 and 5809, and Beginning at a stake in the westerly line of Survey No. 6307, and in the center of the Richwood and Miller Gravel Road (being the northeast corner to the lands of Addie A. Koproth); thence with the center of the said Richwood and Miller Gravel Road, S. 75° E. 85.10 poles to a stake, corner to the lands of B. Dryman; thence with the westerly line of said Dryman's land S. 16° 30' E. 52.10 poles to a stake; thence S. 75° W. 50.95 poles to a stake in the easterly line of W. H. & R. Temple's land; thence with the easterly line of said Temple's land N. 16° W. 23.93 poles to a stake in the southerly line of said Survey No. 6307;

Heer Ptg. Co., Co

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Return

Report of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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thence with said Survey line S. 75° W. 22.78 poles to a stake, southwest corner to said Survey No. 6307; thence with the westerly line of said Survey No. 6307 N. 16° W. 70.60 poles to the place of beginning. Containing 30 acres, more or less. Being 22.43 acres in Survey No. 6307 and 7.57 acres in Survey No. 5809.

Said sale to be upon the following terms: the purchase price to be 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 2nd. day of Aug. 1934.

(Seal) L. W. Hazen - 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 appear by the proceedings hereto attached.

Dated the 2nd. day of Aug. 1934.

Richard L. Cameron - Administrator of the Estate of Clara A. Mattison, Deceased.

Repat of Private Sale.

In obedience to the command of the within order of sale, I did, on the 2nd. day of Aug. 1934, offer said property at private sale, and Benjamin H. Mattison, having offered therefor the sum of $4637.32 for Tracts 1, 2, 3 and 4, and the sum of $3784.00 for Tract 5, and Tract 6, the same being not less than the appraised value of said property, I sold the same to said Benjamin H. Mattison, for that sum.

Repat of Private Sale.

Richard L. Cameron - Administrator of the Estate of Clara A. Mattison, Deceased.

State of Ohio, Union County, ss:

Richard L. Cameron, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Richard L. Cameron.

Sworn to before me and signed in my presence this 2nd. day of Aug. 1934.

(Seal) Mary B. Aurine - Notary Public.

Heer Ptg. Co., Cols., O. CD 4981.

12724
Filed
Aug. 2- 1934.
Entry, Confirmation & Sale, Order for Deed and Distribution.

Probate Court & Union County, Ohio.

Richard L. Cameron, Administrator & the Estate & Clara A. Mattison, Deceased,
Plaintiff,
-vs-
Benjamin H. Mattison, et al.,
Defendants.

No. 12724.
Entry, Confirmation & Sale, Order for Deed and Distribution.

This day this cause came on to be heard on the repat & Richard L. Cameron, Administrator & the estate & Clara A. Mattison, deceased, & his proceedings under the former order & this Court, and upon the motion & said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said repat, and finding the proceedings & 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 the said petitioner execute a deed & all the right, title and interest & the said Clara A. Mattison in said real estate, to the purchaser, Benjamin H. Mattison, upon the said purchaser making payment & 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 & the sale amounting to $ 8121.32, and the said Benjamin H. Mattison, widower, having by answer herein asked that the value & his dower in said premises be allowed and paid him out & the proceeds & said sale; the Court finds the just and reasonable value & his dower interest in said real estate to be the sum & $ —— and this cause is continued to a future date for an order for distribution & the proceeds & said sale.

L. W. Hagen - Probate Judge.

12371
Filed
Oct. 16-1935.
Journal Entry.

In the Matter & the Guardianship & Helen Jolley.

In the Probate Court, Union County, Ohio.

In the Matter & the Guardianship & Helen Jolley.

No. 12371. Application for Order to Invest Funds in Productive Real Estate.

Now comes Maggie Durfey and represents to the Court that she is the duly appointed, qualified and acting Guardian & Helen Jolley, and that she has in her possession as such Guardian, and uninvested, the sum & $ ——, which she desires to invest in certain productive real estate, being an undivided one fourth interest in the following described real estate, to-wit:-

Situate in the Village & Richwood, County & Union and State & Ohio, and being part & Survey No. 6607, and

12371
Filed
Oct. 16-1935.
Journal Entry.

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bounded and described as follows:—

Being all of Out Lot No. 244 in Marriott's Addition to the Village of Richwood, as the same is designated upon the recorded plat, being the same premises conveyed by Ava Cook to Lenora C. Temple, August 20th. 1902, and recorded in Vol. 2 Deeds No. 86, at Page 299 of the Deed Records of Union County, Ohio.

Applicant further represents that her said ward, Helen Jolley is the owner in fee simple of the undivided three fourths interest in the said Out Lot No. 244, and that she desires to purchase the other undivided one fourth thereof; that the entire interest in said real estate is listed on the tax duplicate at $480.00; that the title is safe and merchantable, and that the net annual income of the whole of said property will be about $60.00.

Your applicant further represents that the said undivided one fourth interest can be purchased for the sum of $167.12; that she believes it would be to the best interest of said ward to invest the sum of $167.12 in the purchase of the said undivided one fourth interest.

Wherefore, your applicant prays the Court for its approval of such investment, as provided by law.

Maggie Durfey.

State of Ohio, Delaware County, ss.

Maggie Durfey, being first duly sworn, says that the statements contained in the foregoing application are true, as she verily believes.

Maggie Durfey.

Sworn to before me and signed in my presence this 14 day of October, 1935.

A. L. Alkire - Notary Public.
Delaware County, Ohio.

{Seal}

In the Probate Court of Union County, Ohio.

No. 12871.

Journal Entry.

Filed Oct. 16-1935. Journal Entry.

In the Matter of the Guardianship of Helen Jolley.

This cause came on this day to be heard on the application of Maggie Durfey, the duly appointed, qualified and acting Guardian of Helen Jolley, for an order of the Court approving of the investment of the funds of her said ward in certain productive real estate; and it appearing to the Court that the statements contained in said application are true and that it would be for the best interests of the said ward to invest the sum of $167.12 belonging to her estate in the real estate described in said application;

It is ordered that the investment of the funds of said ward in the amount of $167.12 in the purchase of the real estate described in the application, be and it is hereby approved; and it is further ordered that the said

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12371 Guardian make such investment accordingly and that she take title to said real estate in the name of her ward.
L. W. Hazen - Probate Judge.

12835
Filed
Oct. 13-1934.
Milo L. Myers
attorney.

Petition to Sell Real Estate.
In the Probate Court, Union County, Ohio.

Newton J. Dominy, Executor of the Estate of William H. Dominy, Deceased, Plaintiff,

-vs-

Minerva Dominy,
Anna Pendleton,
William Pendleton,
Lucy Pendleton,
J. D. Pendleton,
Vern Walton and
Leslie Walton,
Defendants.

No. 12835.
Petition.

Now comes Newton J. Dominy and for a cause of action says that William H. Dominy died a resident of the Village of Plain City, in Union County, Ohio, testate, on the 4th. day of June, 1934, and that his Last Will and Testament was on the 6th. day of July, 1934, admitted to probate in the Probate Court of Union County, Ohio, being Case No. 12769 therein.

That, a copy of the said Last Will and Testament is hereto attached, "Marked Exhibit A", for reference only.

That, the plaintiff, Newton J. Dominy being named in the said Last Will and Testament as executor of said estate, on the 20th. day of August, 1934, made application in the Probate Court of Union County, Ohio, to be appointed as such executor and on said day, by said Court, was appointed as such, entered into an undertaking in the sum of Two thousand ($2000.00) Dollars, for the faithful performance of his duties, and is still acting as such executor.

That, the said William H. Dominy, died leaving no debts, excepting his funeral expenses, and doctor bill incident to his last sickness, amounting to approximately Four Hundred ($400.00) Dollars.

That, the expenses and costs of administering his estate will amount to about Two Hundred Fifty ($250.00) Dollars.

That, he did leaving personal property of the estimated value of about Four Hundred ($400.00) Dollars, exclusive of the amount selected by the surviving consort at the time inventory and appraisement was made on September

Heer Ptg. Co., Cols., O. CD 4981.

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18th., 1934, being wholly insufficient to pay the funeral expenses and costs and expenses of administering the estate of the decedent.

That, the said William H. Dominy died seized in fee simple and the owner of the following described real estate, to-wit:

Being situated in the Village of Plain City, County of Union, and State of Ohio.

And being Lots No. 26, 27, 28 and 29 in Plain City Land Company's Addition to the said Village of Plain City as the same is known, numbered, and designated on the record plat of said addition as found, in the office of the Recorder of Union County, Ohio.

That, the said testator in substance by provision of Item No. 2 of his said Last Will and Testament directed that all of his property be converted into money, and distribution thereof be made as provided in the said Item No. 2 and Item No. 3 of the said Last Will and Testament.

That, by reason of the provisions of the said Last Will and Testament, and the insufficiency of the personal property to pay the funeral expenses, the expenses and costs of administering said estate it is necessary to sell the said real estate, and the whole thereof.

That, the appraisers in appraising the said estate as shown by their inventory and appraisement, filed in this Court, in Case No. 12803 appraised.

Lot No. 26, being unimproved at		$50.00
Lot. No. 27, being unimproved at		50.00
Lot. No. 28, being unimproved at		50.00
Lot. No. 29, being improved at		1100.00

That, the said William H. Dominy died leaving the defendant, Minerva Dominy his surviving consort, who as such has or claims to have and hold some interest in said real estate.

That, the defendants Anna Pendleton, Lucy Pendleton, and Vern Walton are children and daughters of the said decedent, and the only heirs at law and persons having the next estate of inheritance from the said decedent.

That, the defendant William Pendleton is the husband of the defendant Anna Pendleton; That, the defendant J. C. Pendleton is the husband of the defendant Lucy Pendleton; And, that the defendant Leslie Walton is the husband of the defendant Vern Walton.

Wherefore, the plaintiff prays the Court for an order finding that the said Minerva Dominy is the surviving consort of the said decedent and that the defendants Anna Pendleton, Lucy Pendleton and Vern Walton are the only children and heirs at law; and the only

Heer Ptg. Co., Cols., O. CD 4981.

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persons having the next estate of inheritance from the said decedent.

That he be ordered and directed to sell the said real estate, and the whole thereof for the purpose of paying the debts, funeral expenses, expenses of administering said estate and distribution of the proceeds received from said sale and for such other and further order in the premises as the Court may find to be just and equitable.

Milo L. Myers - Attorney for Plaintiff.

State of Ohio, Union County, ss.

Newton J. Domingy being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as he believes.

Oath.

Newton J. Domingy.

Sworn to before me and signed in my presence the said Newton J. Domingy this 11th. day of October, 1934.

{Seal} Milo L. Myers - Notary Public.

Last Will and Testament.

In the name of the Benevolent Father of all, I, William H. Domingy of the Village of Plain City, Ohio, and in the County of Union, being of sound memory and a disposing mind, do make and publish this my last will and testament, hereby revoking all other wills heretofore by me made.

Item 1: It is my desire that all my just debts, including funeral expenses be paid out of my estate as soon after my demise as may be found practicable.

Item 2: It is my desire that at my death all of my estate of whatever description be converted into money and out of the proceeds Fifteen Hundred ($1500.00) Dollars be paid to my beloved wife Minerva Domingy together with any notes that she may hold against me.

Item 3: It is my will that the residue, after satisfying items 1 and 2 above of my said estate, be equally divided among my three children, Anna Pendleton, Lucy Pendleton and Ruby Walton, all of whom are now residents of the County of Franklin, State of Ohio.

Item 4: I hereby nominate Newton J. Domingy as Executor of this my Last Will and Testament.

In Testimony Whereof, I have hereunto signed my name on this 29th. day of August, 1933.

William H. Domingy.

The foregoing instrument was signed by William H. Domingy on the day and year last named therein in our presence and acknowledged by him to be his Last Will and Testament and signed by us in his presence and in the presence of each other and at his request as witnesses thereof.

Henry Porochet Plain City, Ohio.
R. N. Converse Plain City, Ohio.

12835 Filed Oct. 13-1934. Journal Entry.

Filed Oct. 13-1934. Waiver.

Filed Oct. 13-1934. Answer & Widow's

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12835
Filed
Oct. 13-1934.
Journal Entry.

In the Probate Court, Union County, Ohio.

Newton J. Dominy, Executor of the Estate of William H. Dominy, Deceased, Plaintiff,

-vs-

Minerva Dominy, et al., Defendants.

No. 12835.
Journal Entry.

This day it appearing that Newton J. Dominy, executor of the estate of William H. Dominy, deceased, filed in this Court his petition praying for a sale of the real estate in the petition described for the purpose of paying debts, obligations of said estate and to make distribution.

Therefore, it is ordered that the said petition be heard on the 14th. day of November, 1934, at 10:00 o'clock A. M. and that the defendants, and each of them be notified of the pendency and prayer of the said petition according to law.

L. W. Hazen - Judge.

Filed
Oct. 13-1934.
Waiver.

In the Probate Court, Union County, Ohio.

Newton J. Dominy, Executor of the Estate of William H. Dominy, Deceased, Plaintiff,

-vs-

Minerva Dominy, et al., Defendants.

No. 12835.
Waiver.

Now comes Minerva Dominy, one of the defendants named in the plaintiff's petition, and hereby voluntarily enters her appearance herein and waives the issuing and service of summons or process upon her.

Minerva Dominy.

Filed
Oct. 13-1934.
Answer of Widow

In the Probate Court, Union County, Ohio.

Newton J. Dominy, Executor of the Estate of William H. Dominy, Deceased, Plaintiff,

-vs-

Minerva Dominy, et al., Defendants.

No. 12835.
Answer of Widow.

Now comes Minerva Dominy one of the defendants named in the plaintiff's petition, and for answer thereto admits all the facts and statements made and contained therein and further says that she is the widow of the said William H. Dominy, deceased, and as such has an interest in the real estate described in the plaintiff's petition, is entitled to a homestead therein and a right to live in the mansion house for one year.

That, her age is seventy years.

That, she waives the assignment of any interest she

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has in said real estate by metes and bounds, or the right to reside in the mansion house, or any other interest she may have in the said real estate or the assignment thereof to her by metes and bounds and elects to take whatever interest she may have therein in money out of the proceeds of the sale, in such an amount as may be found due her by the Court.

Wherefore, the said Minerva Dorniny prays that the prayer of the plaintiff's petition be granted and that the said real estate be sold free and clear from any interest that she may have therein, and that she receive in lieu thereof, out of the proceeds received from the sale such sum as the Court may find to due her.

Minerva Dorniny.

State of Ohio, Union County, ss.

Minerva Dorniny being duly sworn says that the facts stated and the allegations made and contained in the foregoing answer are true as she believes.

Minerva Dorniny.

Sworn to before me and signed in my presence this 11th. day of October, 1934.

(Seal) Milo L. Myers, Notary Public.

In the Probate Court, Union County, Ohio.

Filed Oct. 13-1934. Praecipe.

Newton J. Dorniny, Executor of the Estate of William H. Dorniny, Deceased, Plaintiff,

-vs-

Minerva Dorniny, et al., Defendants.

No. 12835. Praecipe.

To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Franklin County, Ohio, for the defendants, Anna Pendleton, and William Pendleton, who reside at 451 McCoy Stuet, Columbus, Ohio.

Lucy Pendleton and J. C. Pendleton, who reside on the Henderson Road in Franklin County, Ohio.

Tom Walton and Nesbit Walton, who reside on R.F.D. # 2, Hilliards, Ohio, in Franklin County.

"Purpose action to sell real estate of William H. Dorniny, deceased, to pay debts and make distribution of proceeds goods."

And make returnable according to law.

Milo L. Myers - Attorney for Plaintiff.

Filed Oct. 23-1934. 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 Anna Pendleton and William Pendleton #451 McCoy St. Columbus, O.

Heer Ptg. Co., Cols., O. CD 4981.

12885 Newton J. Domminy, Ex. of the Estate of William H. Domminy, Deceased, Plaintiff, vs. Minerva Domminy, et al., Defendants.

That on the 13th. day of October A. D. 1934 Newton J. Domminy, Executor of the Estate of William H. Domminy, 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, "Indorse action to sell real estate of William H. Domminy, deceased, to pay debts and make distribution of proceeds of sale". And make returnable according to Law.

Milo L. Myers - Attorney for Plaintiff.

and that unless they answer by the 10th. day of November 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 22nd. day of October 1934.

Witness my hand and the seal of said Court, this 13th. day of October 1934.

{Seal} L. W. Hagen - Probate Judge.

Sheriff's Return.

The State of Ohio, Franklin County.

Received this writ October 18, 1934, at 9 o'clock A.M., and on the 18 day of October 1934, I served the same by delivering a copy thereof personally to the within named Amba Pendleton. I also on October 18, 1934 served the within named William Pendleton by leaving for him at his usual place of residence, a true and certified copy of this writ with all the endorsements thereon.

Ross E. Anderson - Sheriff.
By - Frank Martin - Deputy.

Sheriff Fees	
Service + Return, first name	$ .75
1 additional names, at 25¢	.25
5 miles traveled at 8¢	.40
postage	.03
Total	$ 1.43

Sheriff's Return

Filed Oct. 23-1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Franklin County.

You are commanded to notify Vern Walton and Wesley Walton who reside at R. D. #2 Hilliards, Ohio, Franklin County.

Cause - Newton J. Domminy, Executor of the estate of William H. Domminy, deceased, Plaintiff. -vs- Minerva Domminy, et al., Defendants.

That on the thirteenth day of October A. D. 1934, Newton J. Domminy, Executor of the Estate of William H. Domminy, 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,

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for the purpose of paying "Endorse, action to sell real estate of William H. Domiry, deceased, to pay debts and make distribution of proceeds of sale", and make returnable according to law.

Milo L. Myers, Attorney for Plaintiff.

and that, unless they answer by the 18th. day of November, 1934, said petition will be taken as true, and law order granted accordingly.

Said Sheriff will make due return of this writ on the twenty second day of October 1934.

Witness my hand and the seal of said Court, this 18th. day of October 1934.

(Seal) L. W. Hagen - Probate Judge.

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff's Return

Sheriff Fees	
Service + Return, first name	$ .75
1 additional name, at 25¢	.25
20 miles traveled at 8¢	1.60
Total	$ 2.60

Received this writ October 15, 1934, at 9 o'clock A. M., and on the 16 day of October, 1934, I served the same by delivering a copy thereof personally to the within named Vern Walton. I also on October 16, 1934 served the within named Wesley Walton by leaving for him at his usual place of residence, a true and certified copy of this writ with all the endorsements thereon.

Ross E. Anderson - Sheriff.
By. W. F. Berkheimer - Deputy.

Filed Oct. 23 - 1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Franklin County.

You are commanded to notify Lucy Pendleton and J. C. Pendleton who reside on Henderson Road in Franklin County, Ohio.

Case - Newton J. Domiry, Executor of the Estate of William H. Domiry, Deceased, Plaintiff, -vs- Minerva Domiry, et al., Defendants, that on the thirteenth day of October A. D. 1934, Newton J. Domiry, Executor of the Estate of William H. Domiry, 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 "Endorse action to sell real estate of William H. Domiry, deceased, to pay debts and make distribution of proceeds of sale." And make returnable according to law.

Milo L. Myers - Attorney for Plaintiff.

and that unless they answer by the 18th. day of November 1934, said petition will be taken as true, and the order granted accordingly.

Heer Ptg. Co., Co

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Sheriff's Return.

Filed Nov. 14-1934. Journal Entry Dispensing with a new Appraisement and ordering Bond.

Heer Ptg. Co., Cols., O. CD 4981.

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Said Shriff will make due return of this writ on the twenty second (22nd.) day of October, 1934.

Witness my hand and the seal of said Court, this 13th. day of October, 1934.

Seal

L. W. Hazen - Probate Judge.

Shriff's Return.

The State of Ohio, Franklin County.

Shriff Fees.	
Service & Return, first name	$ .75
1 additional name, at 25¢	.25
20 miles traveled at 8¢	1.20
Total	$ 2.20

Recived this writ October 15, 1934 at 9 o'clock A.M., and on the 16 day of October 1934 I served the same by delivering a copy thereof personally to the within named Lucy Pendleton. I also on October 16, 1934, served the within named J. C. Pendleton by leaving for him at his usual place of residence, a true and certified copy of this writ with all the endorsements thereon.

Ross E. Anderson - Sheriff.
By- W. T. Burkhemer - Deputy.

Shriff's Return.

Filed Nov. 14-1934. Journal Entry Dispensing with a new Appraisement and adviing Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

November 14th. 1934
Dispensing with a New Appraisement and Ordering Bond.

Newton J. Domminy, as Executor of the Estate of William H. Domminy, Dec'd.

Plaintiff,

-vs-

Minerva Domminy, et.al.,

Defendants.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts and make distribution of said estate, the answer and cross-petition of Minerva Domminy, the surviving spouse of said decedent, the other defendants being in default of answer, although served with summons according to law, and such servide of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the defendant Minerva Domminy, surviving spouse of said decedent, is entitled to just and reasonable value of her dower in said premises; that the real estate described in the petition was appraised by the appraisers of the estate at Twelve hundred and Fifty & no/100 Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Executor of the estate of William H. Domminy, Dec'd., in the amount of Two-thousand and no/100 Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved

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by this Court in the sum of Two thousand and no/100 Dollars, and this cause is continued.

L. W. Hazen - Probate judge.

Filed Nov. 19-1934. Executor's Bond.

Executor's Bond.

In Proceedings to Sell Real Estate.

Know all Men by these Presents: that we Newton J. Dominy, Dell McKitrick and M. E. Thompson are held and firmly bound unto the State of Ohio, in the sum of Two-thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 14th. day of November 1934.

The condition of the above obligation is such, that whereas, the above bound Newton J. Dominy was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of William H. Dominy, deceased.

And whereas, the said Newton J. Dominy as such Executor 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 14th. day of November 1934 made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said Newton J. Dominy 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.

Executed in Presence of
Mrs. Anna M. Dominy.

Newton J. Dominy.
Dell McKitrick.
M. E. Thompson.

This Bond approved in open Court, this 19 day of Nov. 1934.

{Seal} L. W. Hazen - Probate Judge.

Filed Nov. 19-1934. Entry approving Bond and Ordering Sale.

In the Probate Court, Union County, Ohio.

Newton J. Dominy, as Executor of the Estate of William H. Dominy, Deceased, Plaintiff.

-vs-

Minerva Dominy, et al, Defendants.

No. 12835
Entry approving Bond and Ordering Sale.

This day, this cause came on for hearing on motion of the plaintiff to approve additional bond filed in this cause.

And it appearing to the Court that the said plaintiff

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Filed Dec. 28-1934. Notice.

Heer Ptg. Co., Cols., O. CD 4981.

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has given additional bond in the sum of Two-thousand ($2,000.00) Dollars, with personal sureties thereon conditioned according to law; and on consideration thereof the Court does hereby approve the same.

This cause coming on further to be heard upon motion of the plaintiff for an order of sale; and on the consideration thereof the Court does hereby grant said motion.

Therefore, it is ordered that the said Newton J. Dominy as such executor proceed to advertise the real estate in the petition described, for sale, at public sale, on the premises, in the Village of Plain City, Union County, Ohio, on the 22nd. day of December, 1934, at 4 o'clock P.M. and for good cause shown that he sell Lots Nos. 26, 27 and 28, at not less than one-half (½) the appraised value thereof and Lot No. 29 at less than two-thirds (2/3) the appraised value thereof, for cash in hand, in full.

And the plaintiff is ordered to make due return of his proceedings forthwith upon such sale.

L. W. Hazen- Probate judge.

Filed
Dec. 28-1934.
Notice.

Notice- Sale of Real Estate.

In pursuant to an order of the Probate Court, of Union County, Ohio, I will offer for sale at public auction on the 22nd day of December, 1934, at 4 o'clock, P.M., on the premises, the following described real estate, to-wit:-

Being situated in the Village of Plain City, Union County, Ohio, and on Shepler Avenue, therein.

And being Lots No. 26, 27, 28 and 29 in Plain City Land Company's Addition to the said Village of Plain City as the same is known, numbered, and designated on the record plat of said addition as found in the office of the Recorder of Union County, Ohio.

Lots No. 26, 27 and 28 are unimproved, appraised at $50.00 each and must sell for one-half the appraised value thereof. Lot No. 29 is improved, appraised at $1100.00 and must sell for two-thirds thereof.

Terms of Sale: Cash.

Newton J. Dominy- Executor of the Estate of William H. Dominy, Deceased.

Milo L. Myers- Attorney- Marysville, Ohio.

Affidavit of Publication.

I, Richard V. Ice do solemnly swear that I am the Business Manager of The Plain City Advocate, a newspaper published in Plain City, Ohio, and of general circulation in Madison and Union Counties, of above state; and that the original notice, a true copy of which is hereunto attached, was published in said newspaper for the period of consecutive weeks, commencing on the 22nd. day of November A.D. 1934.

Richard V. Ice, Business Manager.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to and subscribed in my presence this 21 day of Dec. A. D. 1934.

Hazel Notteman - Plain City, Ohio.
Witnessing Official.

Filed Dec. 28-1934. Order of Public Sale.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Newton J. Domminy, 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 H. Domminy, Deceased, are Plaintiff and Minerva Domminy et al., are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, on the premises, in Plain City, Ohio, on the 22nd. day of December, 1934, at 4 o'clock, P. M., for not less than one-half the appraised value of Lots No. 26, 27 and 28, and for not less than two-thirds (2/3) the appraised value of Lot No. 29, the said lots, and which are described as follows, to-wit:

Situated in the Village of Plain City, County of Union and State of Ohio.

And being Lots No. 26, 27, 28 and 29 in Plain City Land Company's Addition to the said Village of Plain City as the same is known, numbered, and designated on the record plat of said addition as found, in the office of the Recorder of Union County, Ohio.

Said sale to be upon the following terms: Cash, in full. Free from the dower and homestead of Minerva Domminy.

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 19th. day of November, A. D. 1934.

Seal

L. W. Hazen - 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.

Return.

Dated the 27th. day of December, 1934.

Newton J. Domminy - Executor.

Report of Sale.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Plain City Advocate a newspaper printed and of general circulation in Madison and Union County, Ohio, where said real estate is situate, for at least four consecutive weeks prior to the 22nd. day of December 1934, 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 four o' clock P. M., I proceeded to offer said real estate for sale on the premises

Report of Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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in the Village of Plain City, Ohio, when then and there came H. B. Walker and who bid to pay for the same the sum of Eight Hundred and Thirty-Five and no/100 Dollars, which being the highest and best bid that was offered, and being two-thirds, ⅔ the appraised value, ⅔ said value of Lots Nos. 26, 27 + 28. of the Lot No. 29 and ½ of the appraised I then and there sold the same to him for that sum.

Newton J. Domminy - Executor of the Estate of William H. Domminy, Deceased.

Dated the 27th. day of December, 1934.

Sworn to before me and signed in my presence, this 27th. day of December, 1934.

{Seal} Milo L. Myers - Notary Public.

In the Probate Court, Union County, Ohio.

Filed Dec. 28-1934. Journal Entry Confirming Sale.

Newton J. Domminy, Executor of the Estate of William H. Domminy, Deceased, Plaintiff,

-vs-

Minerva Domminy, et al., Defendants.

No. 12835. Journal Entry Confirming Sale.

This day, this cause came on to be heard on the report of Newton J. Domminy, as Executor of the Estate of William H. Domminy, deceased, plaintiff, of his proceedings under the former order of this Court; return of the order of sale heretofore issued herein, and upon his motion to confirm the sale made in obedience to said order; the Court having carefully examined the said report and finding the proceedings in all respects correct, according to law and the former order of the Court, and being satisfied that the said sale was fairly and legally made, it is ordered that the said proceedings and sale be and hereby is approved and confirmed.

It is further ordered that the said plaintiff as such Executor execute and deliver a good and sufficient deed, conveying the premises described in the petition, and order of sale, to the purchaser, H. B. Walker, upon paying to the plaintiff the sum of Eight-hundred and Thirty-five ($835.00), Dollars, the purchased price, in full.

It is further ordered by the Court that the question of distribution and all other questions be continued for further orders.

L. W. Hazen.

Heer Ptg. Co., Cols., O. CD 4981.

12959
Filed
June 12-1935.
Porter & Porter
Attorneys.

Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

State of Ohio, County of Union, ss:-

Christine Braun, Guardian of William Braun, an incompetent
Plaintiff,

-vs-

Adulbert Braun, Christine Braun, Helen Braun and Carl Clara Braun, William Braun and the Superintendent of the United States Veterans' Hospital, Chillicothe, Ohio.
Defendants.

No. 12959.
Petition of Guardian to Sell Real Estate.

Plaintiff was on the 20 day of Aug. 1925, by the Probate Court of Union County, Ohio, duly appointed and qualified as, and now is, the acting guardian of William Braun an incompetent.

Said ward is seized of an undivided one-fifth interest in the following described real estate, situated in the Village of Marysville, County of Union and State of Ohio, and bounded and described as follows:-

Being part of In Lot No. Forty (40), lying on the south side of and adjoining the property formerly owned by Samuel Mc Campbell, fronting Nineteen and One-half (19½) feet on Main Street and running back west the same width to the alley, One hundred and thirty two feet (132) more or less, and being the same property conveyed to William Weber by J. Wolff and others by deed dated April 1st. 1878, and recorded in Vol. 46 page 403 of the deed records of Union County, Ohio.

There are no other persons who have any intrest in said real estate, and there is no encumbrance on said real property.

That it will be to the best interest of said ward to sell said real property.

Wherefore, plaintiff prays the Court to set this petition for hearing, and for an order, authorizing plaintiff to sell the undivided One-Fifth interest in the above described real property, and for such other and further relief as plaintiff may be entitled.

Porter & Porter - Attorneys for Plaintiff.

Filed
June 12-1935.
Waiver.

State of Ohio, County of Union, ss:-

Christine Braun being first duly sworn deposes and says that she is the duly qualified and acting Guardian of the said William Braun, and as such guardian she is the plaintiff herein, and that the facts stated and the allegations contained are true as she verily believes.

Christine Braun - Guardian of William Braun.

Oath.

Filed
June 12-1935.
Praecipe.

Heer Ptg. Co., Cols., O. CD 4981.

12959

Filed June 12-1935. Journal Entry. Order Fixing Time of Hearing and for Notice.

Sworn to before me and signed in my presence this 8th. day of June, A. D. 1935.

{Seal} William J. Porter - Notary Public.

Journal Entry - Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Christine Braun as Guardian of the Estate of William Braun, an Incompetent, Plaintiff,

-vs-

Adelbat Braun, et al., Defendants.

June 12 th. 1935.

Order Fixing Time for Hearing and for Notice.

This day Christine Braun, Guardian of the Estate of William Braun, incompetent, filed in this court his petition praying for an order to sell the real estate therein described, belonging to the estate of said incompetent, that said sale will be to the best interest of the estate.

It is ordred that said petition be heard on the 24th. day of June, 1935, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of Ross County, returnable according to Law.

L. N. Hazen - Probate judge.

Probate Court, Union County, Ohio.

Filed June 12-1935. Waiver.

Christine Braun, Guardian of William Braun, an Incompetent, Plaintiff,

-vs-

Adelbat Braun, Christine Braun, Helen Braun and Carl Clara Braun, William Braun, and the Superintendent of the U. S. Veterans' Hospital, Chillicothe, Ohio. Defendants.

No. 12959.

Waiver.

We the undersigned defendants in the above entitled cause hereby waive the issuing of service and process and voluntarily enter our appearance herein as such defendants, and waive all questions as to time.

Adelbat R. Braun, Christine Braun, Helen Braun, Carl Clara Braun, Christine Braun, Gdn. Wm. Braun.

Probate Court, Union County, Ohio.

Filed June 12-1935. Praecipe.

Christine Braun, Guardian of William Braun, an incompetent, Plaintiff,

-vs-

Adelbat Braun, Christine Braun, Helen Braun, Carl Clara Braun, William Braun an Incompetent and The Superintendant of the Chillicothe State Hospital, Defendants.

No. 12959.

Praecipe.

Heer Ptg. Co., Cols., O. CD 4981.

12959

To the Probate Judge:-

Issue summons on the defendants William Braun an Incompetent and The Superintendant of the Veterans Hospital, Chillicothe, O. Directed to the Sheriff of Ross County, Ohio. Endorse thereon Action to Sell Real Estate, and Equitable Relief, Returnable according to Law.

Porter & Porter - Attorneys for Plaintiff.

Filed June 15-1935. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: (Ross County)

You are commanded to notify William Braun an Incompetent and The Superintendant of the Veterans Hospital at Chillicothe, O. Case in Probate Court, Union County, Ohio. Title - Christine Braun, Guardian of William Braun, an Incompetent, Plaintiff,

-vs-

Adelbert Braun, Christine Braun, Helen Braun, Carl Clyde Braun, William Braun an Incompetent and the Superintendant of the Chillicothe State Hospital.

Defendants.

"Endorse thereon action to Sell Real Estate and Equitable Relief, Returnable according to Law."; that on the twelfth (12) day of June, A. D. 1935, Christine Braun, Guardian of the Estate of William Braun, incompetent, 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 decedent, in said petition discribed, and that unless they answer by the 24th. day of June 1935, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 24th. (or before) day of June, 1935.

Witness my hand and the seal of said Court, this 12th. day of June, 1935.

L. W. Hazen - Judge and Ex-offcio Clerk of the Probate Court of said County.

{Seal}

Sheriff's Return.

The State of Ohio, Ross County.

Sheriff Fees	
Service & Return, first name	.75
1 additional name at 25¢	.25
8 miles traveled at 8¢	.64
Docket	.30
Postage	.03
Total	$1.97

Sheriff's Return.

Recived this writ June 13th. 1935, at 8:30 o'clock A. M., and on the 18th. day of June 1935, I served the same by delivering a copy thereof personally to the within named William Braun, Incorrpetent, by personally handing to him a true and certified copy thereof with all the endorsements thereon also Dr. Dennis Murphy, the person having the care, custody and control of the said William Braun.

Joseph Vincent - Sheriff.
By - D. F. Lowery - Deputy.

Filed July 3-1935. Entry.

Heer Ptg. Co.,

12959 Filed July 3-1935. Entry ordering appraisement.

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Filed July 3-1935. application.

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Filed July 3-1935. Entry.

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Heer Ptg. Co., Cols., O. CD 4981.

12959
Filed
July 3 - 1935.
Entry Ordering
appraisement.

Probate Court, Union County, Ohio.

Christine Braun, Guardian
of William Braun, an
Incompetent,
Plaintiff,
-vs-
Adelbert Braun, et al.,
Defendants.

No. 12959.
Entry Ordering appraisement.

This matter coming on to be heard upon the petition and the evidence, the court finds all of the defendants herein have been duly and legally served with summons or have voluntarily entered their appearance and consent to the sale prayed for, or are properly before the Court; that it is necessary to sell said real estate as prayed for in said petition.

And it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that John L. Porter, John C. Hartshorn and C. C. Jarvis, three judicious and disinterested persons of the vicinity, to appraise said real estate at its true value in money; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view at its fair cash value, and discharge the duties required by them according to law, and to make return of their proceedings in writing to this Court on or before the 2 day of July, 1935.

L. W. Hazen - Judge.

Filed
July 3 - 1935.
application.

Probate Court, Union County, Ohio.

Christine Braun, Guardian
of William Braun, an
Incompetent,
Plaintiff,
-vs-
Adelbert Braun, et. al.,
Defendants.

No. 12959.
Application for Guardian
ad Litem.

Now comes Porter & Porter, and makes application for the appointment of a guardian ad litem for William Braun, an incompetent, one of the defendants herein, upon whom summons was duly served according to law, and suggests that Clifton Caryl who is a suitable person, be appointed as such.

Porter & Porter.

Filed
July 3 - 1935.
Entry.

Probate Court, Union County, Ohio.

Christine Braun, Guardian
of William Braun, an
Incompetent,
Plaintiff,
-vs-
Adelbert Braun, et. al.
Defendants.

No. 12959.
Entry.

Heer Ptg. Co., Cols., O. CD 4981.

12959

Upon the application of Porter & Porter the counsel for the plaintiff herein it appearing that William Braun, an incompetent, one of the defendants herein, was duly served with summons, it is ordered that Clifton Caryl be and he is hereby appointed guardian ad litem of said William Braun, an incompetent.

L. W. Hazen - Judge.

Filed July 3 - 1935 Answer of Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

Christine Braun, Guardian of William Braun, an Incompetent,

Plaintiff,

against

Adelbert Braun, et. al.

Defts.

No. 12959.

Answer of Guardian Ad Litem.

Now comes Clifton Caryl, the duly appointed, acting, and qualified guardian of William Braun, an Incompetent, and for answer to the petition says:

That he is not, by reason of his incompetency, become informed as to the truth of the matter set forth in said petition; and therefore, on behalf of said incompetent defendant, denies the same, and submits the intrests of said defendant, William Braun, to the care and protection of the Court, to order in the premises, as justice and the interests of said defendant will require.

Clifton Caryl - Guardian Ad Litem as aforesaid.

Filed July 3 - 1935. Inventory and Appraisement without Sponce

Inventory and Appraisement without Sponse.

Probate Court, Union County, Ohio.

In the Matter of the Guardianship of William Braun, an Incompetent.

No. 12959.

Order to Appraisers.

To John L. Porter, John C. Hartshorn and C. C. Jamison, Appraisers;

You are hereby notified that you have been appointed by order of the Probate Court of said County, Appraisers of the Estate of William Braun, an incompetent, being an undivided one-fifth interest, in said County.

You will, therefore, after being duly sworn faithfully to discharge your trust, appraise all the real estate and personal property of the deceased, which have come to your possession or knowledge, and perform all other duties required by law of you in the premises, as such appraisers.

You will thereupon deliver this order, with your proceedings thereon, to Christine Braun, Guardian as aforesaid of said Estate, that she may return the same to this Court within one month from the date.

Witness my hand and the seal of said Probate Court, at Marysville, Ohio, this 3rd. day of July, 1935.

{ Seal }

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12959

Oath of Appraisers.

The State of Ohio, Union County, ss:

We, the undersigned, do make solemn oath that we will truly, honestly and impartially appraise the estate and property that may be exhibited to us, belonging to the Estate of William Brame, and perform the other duties required by law of us in the premises as appraisers, according to the best of our knowledge and ability.

John L. Porter.
John C. Hartshorn.
C. C. Jarvis.

Sworn to before me and signed in my presence, this 3rd. day of July, 1935.

(Seal) William J. Porter- Notary Public.

Schedule A- Personal Goods and Chattels - None.
Schedule B- Money - None.
Schedule C- Stocks, Bonds and Securities- None.
Schedule D- Accounts and Debts Receivable - None.
Schedule E- Real Estate. Situated in the Village of Marysville, County of Union and State of Ohio, and being part of Lot No. 140, lying on the south side of and adjoining the property formerly owned by Samuel McCampbell, fronting 19½ feet on Main Street and running back west the same width to the alley, 132 feet more or less, and being the same property conveyed to William Weber by D. Wolff and others by deed dated April 1st. 1878, and recorded in Vol. 45, page 403 of the Deed Records of Union County, Ohio.

Recapitulation of the Assets Belonging to said Estate.

Total appraisement of personal goods and chattels, Schedule A- None.
Moneys belonging to the decedent, Schedule B - None.
Total appraisement of stocks and securities, Schedule C, - None.
Total appraisement of accounts and debts receivable, Schedule D- None.
Total appraisement of real estate, Schedule E - $916.66
Total appraisement of assets - $916.66

Certificate.

We certify that the foregoing Inventory is a true and correct appraisement of the property exhibited to us.
Dated July 3rd. 1935.

John L. Porter.
John C. Hartshorn. } Appraisers.
C. C. Jarvis

Affidavit.

The State of Ohio, Union County, ss:

The undersigned, Guardian of the Estate of William Brame, an incompetent of said County, being duly sworn according to law, deposes and says that the foregoing inventory is, in all respects, just and true, that it contains a true statement of all the estate and property, which has come to the knowledge of affiant, and particularly of all money, bank

Heer Ptg. Co., Cols., O. CD 4981.

12959

bills, or other circulating medium belonging to William Braun, Incompetent, and of all just claims of William Braun, Inc, against the said affiant or other persons, according to the best of affiant's knowledge.

Christine Braun - Guardian of William Braun, an Incompetent.

Sworn to before me and signed in my presence, this 2nd. day of July, 1935.

[Seal] William J. Porter - Notary Public.

Waiver of Notice.

We, the undersigned persons, hereby waive notice of the filing of the within Inventory and Appraisement and consent to its approval.

Christine Braun - Guardian of William Braun.
Porter & Porter - Attorney for Guardian.
Christine Braun
Adelbert Braun
Helen Braun
Earl Clara Braun } Next of Kin and Legatees and Devisees.

Filed July 3, 1935. Journal Entry.

Journal Entry.

Probate Court, Union County, Ohio.

In the Matter of the Guardianship of William Braun. | No. 12959 - July 3rd. 1935. Orders on Filing Inventory.

This day an Inventory in the above captioned Guardianship matter, was filed in this Court by the fiduciary of said guardianship. It is ordered that the hearing on the approval of said Inventory be had before this Court forthwith, notice of said hearing having been waived by all persons entitled to notice under the law of the State of Ohio.

L. W. Hafer - Probate Judge.

Filed July 3 - 1935. Entry.

Probate Court, Union County, Ohio.

Christine Braun, Guardian of William Braun, an Incompetent, Plaintiff. | No. 12959. Entry.

-vs-

Adelbert Braun, et al., Defendants.

This matter came on to be heard upon the petition of the plaintiff for authority to sell his undivided one-fifth interest in the property described in said petition, and the Answer of the defendant William Braun, an incompetent, and the other defendants being in default for answer, although they have signed waivers herein. The Court finds from the evidence that all necessary parties are before the Court, and that the prayer of the petition should be granted; that the real estate described in the petition be appraised.

12917 Filed Apr. 9 - 1935. Richard C. Thull Attorney.

Heer Ptg. Co., Cols., O. CD 4981.

12959

The Court further finds that the bond heretofore given by the guardian of said incompetent is sufficient, and that an additional bond be dispensed with.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said guardian sell said real estate at private sale at not less than $916.66 being the appraised value thereof, and for cash.

And it is further ordered that said Christine Braun as guardian make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Filed July 8, 1935. Entry Confirming Sale Ordering Deed.

Probate Court, Union County, Ohio.

Christine Braun, Guardian of William Braun, an Incompetent, Plaintiff,

-vs-

Adelbert Braun, et al., Defendants.

No. 12959. Entry Confirming Sale, Ordering Deed.

This day this cause came on to be heard on the report of Christine Braun, guardian of William Braun, an incompetent, of her proceedings under a 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 William Braun, an incompetent, in said real estate, to the purchaser, Earl Clara Applile, for cash.

It is further ordered that said guardian pay the costs of this suit, and that the balance remaining in her hands be accounted for according to law.

L. W. Hazen - Judge.

12917 Filed Apr. 9- 1935. Richard C. Thrall Attorney.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Charles Simpson, Administrator of the Estate of Richard C. Simpson, Deceased, Plaintiff,

-vs-

Louie A. Simpson, Harold J. Simpson, Charles Simpson, Geneva Simpson and The Bellefontaine Building & Loan Co. of Bellefontaine, Ohio. Defendants.

No. 12917. Civil Action. Petition to Sell Real Estate. Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12917

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Richard A. Simpson, deceased, late of this county, as near as can be ascertained the amount of the valid debts against said deceased is Fifteen Hundred Dollars.

An allowance of Three hundred Dollars was made by the appraisers of the above estate to the widow and children for twelve months.

And the costs of administering the estate will be about One Hundred Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at none Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said decedent, did seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and further described as follows:

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

Beginning at the center of the Maysville and Kenton improved road and at the northeast corner of the lands of Abagail Lence; thence with the north line of said lands S. 80° W. 241 poles to a stake in the line of lands of J. H. and Ernest Kellwood; thence with the line of said lands N. 10½° W. 56½ poles to a stake in the line of the lands of J. W. Sullivan; thence with the line of said lands and the lands of Willard and Jennie Cooke, N. 79° E. 223.72 poles to the center of said Maysville and Kenton improved road; thence with the center of said road 66.40 poles to the beginning. Containing 86 acres, more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Four thousand Dollars.

Said real estate is encumbered as follows: By mortgage to The Bellefontaine Building and Loan Company of Bellefontaine, Ohio, in the sum of $1500.00.

The decdent died leaving the defendant Louie A. Simpson as his surviving spouse who is 66 years of age and is entitled to dower in said premises.

The defendants, Harold J. Simpson and Charles Simpson, are all the heirs or persons entitled to the next estate of inheritance from the decdent in such real estate and having interest therein. The defendant, Geneva Simpson is wife of Charles Simpson.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff praye that said real estate be sold free from all the right of dower of said Louie A. Simpson

12917

Oath

Filed Apr. 9-1935. Journal Entry Order fixing time of hearing and for Notice.

Filed Apr. 9-1935. Waiver of Summons and Consent to Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12917

therein, but out of the proceeds of the sale, in lieu of dower, the Court allow to said Louie A. Simpson such sum in money as is just and reasonable value thereof, unless the assent of said Louie A. Simpson waives such allowance; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Richard C. Small - Attorney for the Plaintiff.

Oath

The State of Ohio, Union County.

Charles Simpson, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Charles Simpson - Administrator as aforesaid.

Sworn to before me and signed in my presence by the said Charles Simpson, at Marysville, Ohio, this 8th. day of April, 1935.

{Seal} Richard C. Small - Notary Public.

Filed apr. 9-1935. Journal Entry Orders fixing time of hearing and for Notice.

Journal Entry - Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

Charles Simpson, as Administrator of the Estate of Richard C. Simpson, Deceased, Plaintiff,

-vs-

Louie A. Simpson, et al., Defendants.

Orders fixing Time for Hearing and for Notice.

This day Charles Simpson, Administrator of the Estate of Richard C. Simpson, deceased, filed in this Court his petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts.

And all the parties hereunto having waived issuance and service of summons and entered their appearances or filed answers and all having consented to sale as prayed for, it is ordered that said petition be for hearing forthwith.

L. W. Hazen - Probate judge.

Filed apr. 9-1935. Waiver of Summons and Consent to Sale.

Waiver of Summons and Consent to Sale.
Probate Court, Union County, Ohio.

Charles Simpson, Administrator of Estate of Richard C. Simpson, Deceased, Plaintiff,

-vs-

Louie A. Simpson, et al., Defendants.

No. 12917.
Petition to Sell Real Estate.
Waiver of Summons and Consent to Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12917

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. April 8, 1935.

Lonie A. Simpson.
Harold J. Simpson.
Geneva Simpson.
Charles Simpson.

Filed Apr. 9. 1935 Answer and Cross Petition of The Bellefontaine Building and Loan Company of Bellefontaine, Ohio.

In the Probate Court of Union County, Ohio.

Charles Simpson, Administrator of The Estate of Richard U. Simpson, Deceased, Plaintiff,

-vs-

Lonie A. Simpson, et al., Defendants.

No. 12917.

Answer and Cross-Petition of The Bellefontaine Building & Loan Company of Bellefontaine, Ohio.

Now comes The Bellefontaine Building & Loan Company of Bellefontaine, Ohio, defendant herein and for answer to the petition of Charles Simpson, as administrator of the estate of Richard U. Simpson, deceased, for sale of real estate to pay debts, respectfully alleges and shows to the Court:

1. That this defendant is a corporation duly organized under the laws of the State of Ohio with its principal office in the city of Bellefontaine, Ohio and authorized to transact business in the State of Ohio.

2. Further answering, this defendant alleges and shows to the Court that on August 3, 1928, it loaned to Richard U. Simpson and Lonie Simpson, the sum of Two thousand Dollars ($2000.00) and to secure said indebtedness the said Richard U. Simpson and Lonie Simpson, his wife, executed and delivered to this defendant their promissory note in the sum of Two thousand Dollars ($2000.00) with interest at seven per cent per annum payable semi-annually, and to secure said indebtedness the said Richard U. Simpson and Lonie Simpson, his wife, executed and delivered to this answering defendant a mortgage bearing even date, with said note upon the following described real estate; situated in the County of Union, in the State of Ohio, and in the township of Washington, and described as follows, viz.:

Part of Virginia Military Survey No. 10971, and bounded and described as follows:

Beginning in the center of the Marysville and Kenton improved road and at the northeast corner of the lands of Abagail Pence; thence with the north line of said lands S. 80 deg. W. 241 poles to a stake in the line

Heer Ptg. Co., Cols., O. CD 4981.

12917

of lands of J. H. and Ernest Hellwood; thence with the line of said lands N. 10-1/2 deg. W. 56 poles to a stake in the line of the lands of J. W. Sullivan; thence with the line of said lands and the lands of Willard and Jennie Coons, N. 79 deg. E. 223.72 poles to the center of said Marysville and Kenton improved road; thence with the center of said road 66.40 poles to the beginning, containing 86 acres, more or less.

Said mortgage was filed for record on August 3, 1928 and was recorded in Volume 95, page 66, of the Mortgage Records of Union County, Ohio.

3. That there remains unpaid on said note and mortgage the sum of One thousand four hundred ninety-seven Dollars ($1497.00) with interest thereon at the rate of six per cent from March 1, 1935.

4. This defendant hereby gives its consent to the sale of the within described real estate, subject to its said mortgage in the amount of One thousand four hundred ninety-seven dollars ($1497.00), upon condition that the purchaser assume said mortgage in the amount of One thousand four hundred ninety-seven Dollars ($1497.00) with interest thereon at six per cent from March 1, 1935 and agree to pay the indebtedness secured thereby.

5. Further answering, this defendant alleges that its said mortgage is the first and best lien upon the above described real estate.

Wherefore, this defendant prays that its said mortgage be declared a first and best lien upon the real estate described herein and that in the event of the sale of said real estate, subject to the mortgage of this defendant, that the purchaser be required to assume said mortgage and agree to pay the indebtedness secured thereby and for such other further and additional relief to which this answering defendant may be entitled.

Edward C. Thompson - Attorney for the Defendant.

State of Ohio, Logan County, SS.

Edward C. Thompson, being first duly sworn, says he is the attorney of the defendant, a corporation, that he is duly authorized to make this verification and that the allegations contained herein are true as he verily believes.

Edward C. Thompson.

Sworn to and subscribed before me this 5th. day of April, 1935.

John P. Dickinson - Notary Public, Logan Co. Ohio.

{Seal}

Tax Fee .80 ¢

Heer Ptg. Co., Cols., O. CD 4981.

12917
Filed
Apr. 9- 1935.
Answer of
Widow.

Answer of Widow.

Probate Court, Union County, Ohio.

Charles Simpson, as Administrator of the Estate of Richard C. Simpson, Deceased, Plaintiff,

-vs-

Louie Simpson, et al., Defendants.

No. 12917.
Proceeding to Sell Real Estate.
Answer of Widow.

And now comes Louie Simpson 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 Richard C. Simpson, deceased, and as such is entitled to her dower in the premises described in said petition, that her age is sixty-six years, and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds, for 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 interest in said real estate.

Louie A. Simpson.

The State of Ohio, Union County.

Louie A. Simpson, being duly sworn, says that the statements in the foregoing answer are true as she verily believes.

Louie A. Simpson.

Sworn to before me, and signed in my presence, this 8th. day of April, A. D. 1935.

[Seal] Richard C. Thall- Notary Public.

Filed
Apr. 9- 1935.
Journal Entry
Dispensing
with a New
Appraisement
and Ordering
Bond.

Journal Entry- Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Charles Simpson, Administrator of the Estate of Richard C. Simpson, Deceased, Plaintiff,

-vs-

Louie A. Simpson, et al., Defendants.

Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate; the answer and cross-petition of Louie A. Simpson, the surviving spouse of said decedent, the answer and cross-petition of the defendant, The Bellefontaine Building & Loan Company, mortgagee, the other defendants being in default of answer, although

Heer Ptg. Co., Cols., O. CD 4981.

12917

served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the defendant, Doyle Simpson, surviving spouse of said decedent, is entitled to just and reasonable value of her dower in said premises; that the real estate described in the petition was appraised by the appraisers of the estate at Four thousand Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Administrator of the estate of Richard H. Simpson, in the amount of Eight thousand Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Eight thousand Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Apr. 9 - 1935. Bond of Administrator.

Bond of Administrator.
In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we, Charles Simpson, John T. Willauer and Edwin Clapsaddle are held and firmly bound unto the State of Ohio, in the penal sum of Eight 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 Marysville, Ohio, this 9th. day of April, A. D. 1935.

The condition of the above obligation is such, that whereas, the above bound Charles Simpson was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Richard H. Simpson, Deceased.

And whereas, the said Charles Simpson as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Richard H. Simpson described in said petition;

And whereas said Court, on the 9th. day of April, 1935, made an order requiring said him to execute a bond according to the statute in such cases made and provided.

Now, if the said Charles Simpson as Administrator aforesaid, shall faithfully discharge his duties and pay and account for all moneys arising from the sale of the Real Estate according to law, then this obligation to be void; otherwise to remain in full force and virtue in law.

Charles Simpson.
John T. Willauer.
Edwin Clapsaddle.

This Bond approved in open Court this 9th. day of April, 1935. In Seal

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12917
Filed
Apr. 9-1935.
Entry approving Additional Bond & Ordering Private Sale.

Journal Entry- Proceedings to Sell Real Estate.
Probate Court, Union County, Ohio.

Charles Simpson, Administrator of the Estate of Richard C. Simpson, Deceased,
Plaintiff,
-vs-
Louie A. Simpson, et al.,
Defendants.

April 9, 1935.
Order approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the plaintiff has given additional bond in the sum of eight thousand Dollars, with approved sureties, conditioned according to law, the said bond is hereby approved.

And The Bellefontaine Building and Loan Company of Bellefontaine, Ohio, having prayed that said property be sold subject to its mortgage, and the other parties hereto consenting, it is ordered that said property be sold subject to the said mortgage of the Bellefontaine Building and Loan Company in the sum of $1497.00 with interest at 6% from March 1, 1935, and the estate of Richard C. Simpson shall be released from any liability on said mortgage should a deficiency later arise.

And it appearing to the Court upon satisfactory evidence that it would be for the interest of said estate to sell the real estate in the petition described, at private sale, it is now ordered that said real estate be sold by the said Charles Simpson as such Administrator, at private sale, as provided by law, at not less than the appraised value thereof, on the following terms and conditions;- purchaser to assume and to take said property subject to the lien of the mortgage of The Bellefontaine Building and Loan Co. of Bellefontaine, Ohio, in the sum of $1497.00 with interest at 6% from March 1, 1935, Balance of purchase price to be paid in cash by the purchaser upon confirmation of this sale by this Court.

And plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen- Probate judge.

Filed
Apr. 9-1935.
Application to Sell at Private Sale.

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

Charles Simpson, Administrator of the Estate of Richard C. Simpson, Deceased,
Plaintiff,
-vs-
Louie A. Simpson, et al.,
Defendants.

No. 12917.
Application.

The said Plaintiff represents that it would be for the best interests of the said estate to sell the real estate

12917
Affidavit of Disinterested Person.
Filed
Apr. 12-1935.
Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12917

described in the petition in this case at private sale, for the following reasons:

1. Because said estate may be sold at private sale at only the appraised value or more, while at public sale it might be sold for two-thirds.

2. Because a buyer at private sale is at hand and the expense and delay of public sale may be avoided.

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

Charles Simpson - Administrator of the Estate of Richard C. Simpson, Deceased,

The State of Ohio, Union County.

Charles Simpson, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Charles Simpson.

Sworn to before me and signed in my presence, this 8th. day of April, A. D. 1935.

{Seal} Richard C. Thrall - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

R. M. Henderson and L. W. Shaw, 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 Richard C. Simpson to sell said real estate at private sale than at public sale for the reasons given above as they verily believe.

R. M. Henderson.

L. W. Shaw.

Sworn to before me and signed in my presence this 8th. day of April, 1935.

{Seal} Richard C. Thrall - Notary Public.

Filed Apr. 12-1935.

Order of Private Sale.

Probate Court.

The State of Ohio, Union County.

To Charles Simpson, Administrator of the Estate of Richard C. Simpson, 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 Administrator are Plaintiff and Louie A. Simpson, 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 Township of Washington, Union County, Ohio and a part of Virginia Military Survey No. 10971,

Beginning in the center of the Marysville and Fenton improved road and at the northeast corner of the lands of Abagail Lence; thence with the north line of said lands

Heer Ptg. Co., Cols., O. CD 4981.

12917

S. 80° W. 241 poles to a stake in the line of lands of J. H. and Ernest Wellwood; thence with the line of said lands N. 10½° W. 56½ poles to a stake in the lands of J. W. Sullivan; thence with the line of said lands and the lands of Willard and Jennie Crone, N. 79° E. 223.72 poles to the center of said Marysville and Fenton improved road; thence with the center of said road 66.40 poles to the beginning.

Containing 86 acres, more or less.

Said sale to be upon the following terms: to be sold subject to mortgage of The Bellefontaine Building and Loan Co. of $1497.00 and interest from March 1, 1935; balance cash in hand at time of delivery of deed.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects, according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 9th. day of April, 1935.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 April, 1935.

Charles Simpson.

Report of Private Sale.

Report of Private Sale. In obedience to the command of the within order of sale, I did on the 12th. day of April, 1935, offer said property, at private sale, and Louie A. Simpson and Harold J. Simpson having offered therefor the sum of Four thousand Dollars ($4900.00) and the same being not less than the appraised value of said property, I sold the same to said Louie A. Simpson and Harold J. Simpson for that sum. Sold subject to mortgage of The Bellefontaine Building and Loan Co. in the sum of $1508.60.

Charles Simpson.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Affidavit to Report of Private Sale. Charles Simpson, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Charles Simpson.

Subscribed in my presence and sworn to before me, this 12th. day of April 1935.

{Seal} Richard C. Thrall - Notary Public.

12917
Filed
Apr. 12 - 1935.
Entry Confirming Sale.

Charles Simpson

Louie

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Richard C. Thrall, Blan

12970
Filed
July 1 - 1935.
Richard C. Thrall, Blan
Attorney.

Heer Ptg. Co., Cols., O. CD 4981.

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12917
Filed
Apr. 12-1935.
Entry Confirming
Sale.

In the Probate Court of Union County, Ohio.

Charles Simpson, Administrator of the Estate of Richard B. Simpson, Deceased.

Plaintiff;

-vs-

Louie A. Simpson, et al.,

Defendants.

Case No. 12917.
Entry Confirming Sale and Ordering Deed.

This day this cause came on to be heard on the report of Charles Simpson, Administrator of the Estate of Richard B. Simpson, deceased, of his proceedings under a former order of this Court and upon the motion of the 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 fully 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 Richard B. Simpson in said real estate to the purchasers, Louie A. Simpson and Harold J. Simpson, subject to the mortgage of the defendant, The Bellefontaine Building and Loan Company of Bellefontaine, Ohio, as recorded in Volume 95, Page 66, of the Mortgage Records of Union County, Ohio, the said premises having been sold subject to said mortgage and the purchasers, Louie A. Simpson and Harold J. Simpson having assumed and agreed to pay the same, upon said purchasers paying to said petitioner the sum of $2491.40 which sum is the difference between the purchase price of $4000.00 and the sum of $1508.60 due to said defendant, The Bellefontaine Building and Loan Company of Bellefontaine, Ohio, on said mortgage upon this date.

It is further ordered that said petitioner shall hold such proceeds of said sale for distribution under the order of this Court.

L. W. Hazen - Probate Judge.

Approved.
Edward C. Thompson.
Atty. for Belly. B. & L. Co.

12970
Filed
July 1-1935.
Richard C. Thrall,
Attorney.

Petition to Sell Real Estate.
Guardian's Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

Blanche Maelock, Guardian,
Plaintiff.

-vs-

Hoi Wade - Charles Maelock and George Maelock & Blanche Maelock,
Defendants.

No. 12970.
Petition to Sell Real Estate.
Petition.

Heer Ptg. Co., Cols., O. CD 4981.

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The Plaintiff represents that he is the duly appointed and qualified Guardian of Charles Morelock of the age of nineteen years on the 16th. day of May, A.D. 1916, and residing with Blanche Morelock at Marysville, Ohio, having been appointed as such Guardian by the Probate Court of Union County on the 1st. day of July, 1935, and Guardian of George Morelock of the age of sixteen years on the 25th day of September 1918 and residing with Blanche Morelock at Marysville, Ohio, having been appointed as such guardian by the Probate Court of Union County, Ohio, on July 1, 1935.

Said wards are seized of the following described real estate, Situated in the Village of Marysville, Union County, Ohio, and being part of Su Lots Nos. 65 and 68.

Beginning at a stake in the north line of Sixth Street and said line being the south line of Su Lots Nos. 68 and at the southeast corner to the Congregational Church Lot; thence with the east line of said church lot N. 5° E. 116 feet to an iron pipe; thence S. 85° E. 68 feet to an iron pipe in the west line of an alley; thence with the west line of said alley S. 5° W. 116 feet to a stake in the north line of Sixth Street; thence with the north line of said Sixth Street N. 85° W. 68 feet to the place of beginning. Containing 18/100 of an acre.

Said real estate is encumbered as follows: not encumbered.

The Defendants, Blanche Morelock, et al., who are residents of Union County, Ohio, are entitled to the just estate of Inheritance from the said ward in said real estate.

There are no other persons who have any interest in said real estate.

That it would be for the benefit of said wards to sell said real estate.

That a better investment of the value of said real estate can be made.

It would not be to the advantage of said ward to lay off said land in town lots.

Wherefore, Plaintiff prays the Court to set this petition for hearing, to issue Summons to the Sheriff of Union County for the Defendants, returnable according to law, and for an order authorizing said Plaintiff to sell said real estate at private sale at the price shown as the value of said property in the inventory filed by the guardian herein.

Richard C. Thrall - Attorney for Plaintiff.

The State of Ohio, Union County.

Blanche Morelock, being duly sworn, says she is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as she verily believes.

Oath.

Blanche Morelock - Plaintiff.

12970

Petition

Filed July 1- 1935. Journal Entry. Order fixing time of hearing and for Notice.

Filed July 1- 1935. Waiver of Summons and Consent to Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Sworn to before me and signed in my presence by the said Blanche Moelock, at Marysville, Ohio, this 1st day of July, 1935.

(Seal) Richard C. Thall - Notary Public.

Praecipe.

To the Probate Judge:

Issue summons in this proceeding, for said Charles Moelock and George Moelock, minors, Defendants directed to the Sheriff of said County, returnable according to law.

Richard C. Thall - Plaintiff's Attorney.

Praecipe

Filed July 1- 1935. Journal Entry - Petition to Sell Real Estate. Probate Court, Union County, Ohio.

Journal Entry - Orders fixing time of hearing and for Notice.

Blanche Moelock, Guardian of Charles Moelock and George Moelock,

Plaintiff,

-vs-

Charles Moelock, et al.,

Defendants.

July 1- 1935. Orders fixing Time for Hearing and for Notice.

This day Blanche Moelock, Guardian of Charles Moelock and George Moelock, filed in this Court his petition praying for an order to sell the real estate therein described, belonging to the estate of said wards.

It is ordered that said petition be heard on the 29th. day of July 1935, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law. Said cause may also be heard whenever all parties have entered their appearances.

L. W. Hazen - Probate judge.

Filed July 1- 1935. Waiver of Summons and Consent to Sale.

Waiver of Summons and Consent to Sale. Probate Court, Union County, Ohio.

Blanche Moelock, Guardian of Charles Moelock and George Moelock,

Plaintiff,

-vs-

Charles Moelock, et al.,

Defendants.

No. 12970
Petition to Sell Real Estate.
Waiver of Summons and Consent to Sale.

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. July 1- 1935.

Blanche Moelock.

Heer Ptg. Co., Cols., O. CD 4981.

12970
Filed
July 1- 1935.
Summons.

Summons on Petition to Sell Real Estate.
Sheriff- Minors.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Charles Moelock and George Moelock, who are minors, making service of this summons upon such minors as are over fourteen years of age, and also upon the guardian, father, mother or custodian of said minors, in the order named; that on the 1st. day of July A. D. 1935, Blanche Moelock, Guardian of Charles Moelock and George Moelock, 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 minors, and in said petition described, for the purpose of making better investment of the value thereof, and that unless they answer by the 29th day of July 1935, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 13th. day of July 1935.

Witness my hand and the seal of said Court, this 1st. day of July 1935.

{Seal} L. W. Hazen - Judge and Ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service & Return, first name	$ .75
1 Additional name, at 25 ¢	.25
Total	$ 1.00

Sheriff's Return.

Received this writ July 1, 1935, at — o'clock — P. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: July 1, 1935, on Charles Moelock and George Moelock by handing to each of them a true and correct copy hereof personally.

William Rausch - Sheriff.
By - A. Grigsby - Deputy.

Filed
July 2- 1935.
Journal Entry.
Dispensing with a New Appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Blanche Moelock, as Guardian of Charles Moelock and George Moelock, Minors,
Plaintiff,
-vs-
Charles Moelock, et al.,
Defendants.

July 2- 1935.
Dispensing with a New appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above wards to better invest the value thereof, and the answer of William Cameron, guardian ad litem of Charles

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Filed
July 2- 1935.
Application and Journal Entry- Guardian ad Litem.

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12970 Moelock and George Moelock, minors.

The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was listed by said guardian in her inventory at Twenty-two Hundred Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Guardian of the estate of Charles Moelock and George Moelock in the amount of Twelve Thousand Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Five thousand Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed July 2 - 1935. Application and Journal Entry - Guardian Ad Litem.

Application for appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio. July 2nd - 1935.

To the Hon. L. W. Hazen Judge of said Court:

The undersigned Charles Moelock and George Moelock make application for the appointment of a Guardian ad litem for the minor defendants in the above entitled case.

The defendants Charles Moelock and George Moelock are more than the age of fourteen years, and have been duly served with summons herein and hereby apply for the appointment of such guardian ad litem.

The undersigned suggests that William Cameron who is a suitable person be appointed as such Guardian ad litem.

Respectfully,

Chas. S. Moelock.

George Moelock.

Probate Court, Union County, O.

Blanche Moelock, Guardian of Charles Moelock and George Moelock,

Plaintiffs,

-vs-

Her Wards, et al.,

Defendants.

No. 12970 - July 2nd - 1935. Appointment of Guardian Ad Litem.

This day Charles Moelock and George Moelock 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 the defendants Charles Moelock and George Moelock are more than the age of fourteen years, and have been duly and legally served with summons herein, and have suggested the appointment of William Cameron; it is ordered that William Cameron be and he hereby is appointed Guardian for

Heer Ptg. Co., Cols., O. CD 4981.

12970

the suit, for said minor defendants.

And now comes the said William Cameron and in open Court accepts said appointment.

L. W. Hazen - Judge.

Filed July 2 - 1935. Guardian's Bond.

Guardian's Bond.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we Blanche Morlock, Mabelle Newlove and Chester Seigman are held and firmly bound unto the State of Ohio, in the sum of Five 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 Marysville, Ohio, this 1st. day of July, A. D. 1935.

The condition of the above obligation is such, that whereas, the above bound Blanche Morelock was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of Charles Morelock and George Morelock.

And whereas, the said Blanche Morelock, as such Guardian, has filed a petition in said Probate Court asking an order for the sale of certain real estate of said wards described in said petition, which under proceedings in said Court duly had, has been appraised at the sum of Seven hundred Dollars.

And whereas, said Court, on the 1st. day of July 1935, made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now, if the said Blanche Morelock 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.

Blanche Morelock.
Mabelle Newlove.
Chester Seigman.

This Bond approved in open Court, this 1st. day of July, 1935.

(Seal)

L. W. Hazen - Probate judge.

Filed July 2 - 1935. Journal Entry. Approving Additional Bond and Ordering Private Sale

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

July 2 - 1935.

Blanche Morelock, as Guardian of Charles Morelock and George Morelock, Minors,

Plaintiff,

-vs-

Charles Morelock, et al.,

Defendants.

Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Five thousand Dollars,

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Filed July 2, 1935. Answer of Guardian Ad Litem.

Filed July 2 - 1935. Application to Sell at Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12970

with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said wards to sell the real estate described in the petition at private sale, it is now ordered that Blanche Morelock as such guardian, sell the real estate in the petition described as provided by law; at not less than the appraised value thereof. On the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hagen- Probate Judge.

Filed July 2, 1935. Answer of Guardian Ad Litem.

Answer of Guardian Ad Litem.
Probate Court, Union County, Ohio.

Blanche Morelock, Guardian of Charles Morelock and George Morelock, Minors, Plaintiff,
-vs-
Charles Morelock, et al., Defendants.

No. 12970.
Answer of Minor Defendants.

And now come the said Charles Morelock and George Morelock, the minor defendants to the petition in said cause, by William Cameron their Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition, deny all the material allegations therein 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 1st. day of July, A. D. 1935.

Charles Morelock.
George Morelock.
By William Cameron.
Guardian Ad Litem.

Filed July 2- 1935. Application to Sell at Private Sale.

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

Blanche Morelock, Guardian of Charles Morelock and George Morelock, Plaintiff,
-vs-
Charles Morelock, et al., Defendants.

No. 12970.
Application.

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

Heer Ptg. Co., Cols., O. CD 4981.

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1. The expense and delay of public sale can thus be avoided.

2. A purchaser for a sum larger than the appraised value of said premises has been obtained who will buy at private sale.

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

Blanche Morelock - Guardian of
Charles Morelock and George Morelock.

The State of Ohio, Union County.

Blanche Morelock, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Blanche Morelock.

Sworn to before me and signed in my presence this 1st. day of July, A. D. 1935.

{Seal} Richard C. Thrall - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Norman C. Born and L. W. Shaw, 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 wards to sell said real estate at private sale than at public sales as they verily believe.

Affidavit of Disinterested Person.

Norman C. Born.

L. W. Shaw.

Sworn to before me and signed in my presence this 1st. day of July, 1935.

{Seal} Richard C. Thrall - Notary Public.

Order of Private Sale.

Filed July 2. 1935. Order of Private Sale.

The State of Ohio, Union County, Probate Court.

To Blanche Morelock, Guardian of Charles Morelock and George Morelock, 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 Charles Morelock and George Morelock are Plaintiff and Charles Morelock, 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 Village of Marysville, Union County, Ohio and being part of In Lots Nos. 66 and 68.

Beginning at a stake in the north line of Sixth Street and said line being the south line of said In Lot No. 66 and at the southeast corner of the Congregational Church lot; thence with the east line of said church lot N. 5° E. 116 feet to an iron pipe; thence S. 85° E. 68 feet to an iron

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Report of Private Sale.

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Filed July 2 - 1935. Journal Entry Confirming Sale, Ordering Deed and Distribution.

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pipe in the west line of an alley; thence with the west line of said alley, S. 5° W. 116 feet to a stake in the north line of said Sixth Street; thence with the north line of Sixth Street N. 85° W. 68 feet to the place of beginning;

containing 18/100 acre.

Said sale to be upon the following terms: Cash in full to be paid at time of sale.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 2nd. day of July, 1935.

(Seal) L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 2nd. day of July, 1935.

Blanche Morelock - Guardian as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 2nd. day of July 1935, offer said property, at private sale, and Julia A. Tossey having offered therefor the sum of Twenty-two hundred Dollars ($2200.00) and the same being not less than the appraised value of said property, I sold the same to said Julia A. Tossey for that sum.

Report of Private Sale.

Blanche Morelock.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Blanche Morelock, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Affidavit to Report of Private Sale.

Blanche Morelock

Subscribed in my presence and sworn to before me, this 2nd. day of July, 1935.

(Seal) Richard C. Thrall - Notary Public.

Filed July 2 - 1935. Journal Entry Confirming Sale, Ordering Deed and Distribution.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

July 2 - 1935.

Confirming Sale, Ordering Deed and Distribution.

Blanche Morelock, as Guardian of Charles Morelock and George Morelock,

Plaintiff,

-vs-

Charles Morelock, et al,

Defendants.

Heer Ptg. Co., Cols., O. CD 4981.

12970

This day this cause came on to be heard on the report of Blanche Morelock, Guardian of Charles Morelock and George Morelock, of her 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; 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 Morelock and George Morelock in said real estate, to the purchaser.

It is further ordered that said Blanche Morelock shall account for the proceeds of such sale, according to law.

And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ ——, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

12971
Filed
July 2- 1935
Porter & Porter
Attorneys.

Petition to Sell Real Estate.
Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

B. E. Thomas, Administrator of the Estate of Don Gorton, Deceased,

Plaintiff,

-vs-

Mary E. Thomas, David Gorton, Fred Gorton, Earl Gorton, Lewis E. Downer, Helen Downer, Norma Fox, Lena Johnson,

Defendants.

No. 12971
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Don Gorton, deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Four Thousand Six Hundred Thirty and no/100 Dollars. ($4,630.00).

No allowance, as no widow or minor children, in the above estate.

And the costs of administering the estate will be about Fifty and no/100 Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Three hundred fifty four and 62/100 ($354.62) Dollars, said appraisement not having been excepted to; and said personal property is wholy insufficient to pay the debts, allowance,

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Heer Ptg. Co., Cols., O. CD 4981.

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and costs aforesaid.

Said decedent died seized in fee simple of the following described real estate situated in the County of Union, State of Ohio, and further described as follows:

Located in Union Township, being part of the Virginia Military Surveys Nos. 6301, 6312, and 4735, Beginning in the west line of the C. C. C. & I. R. R. in the southerly line of the lands of J. W. Gillispie, witness a stone, bears N. 40¼ W. 17½ feet; thence with the west line of said railroad, S. 36-3/4 W. 25.33 poles to a point 30 feet westerly from the center of the main track of the C. C. C. & I. R. R.; thence N. 57¼ W. 15.21 poles to a post; thence S. 36½ W. 32.24 poles to the center of the post road; thence with the center of the post road N. 55 W. 39.70 poles to the center of the Milford Center and Dover Station Gravel Road; thence with the center of said gravel road N. 36 E. 72.06 poles to the South side of the land of J. W. Gillispie; thence with the said Gillispie south line S. 40¼ E. 56.85 poles to the beginning, Containing 19.33 acres with the exception of the following tract (containing a number of lots) and bounded and described as follows:

Beginning at the intersection of the Milford Center Pike and Post Road; thence in an easterly direction with the center of the Post Road 24½ rods to a stake; thence in a northerly direction with the H. J. Lower line 10 rods to a stake; thence in a westerly direction 24½ rods to the center of the Milford Center Pike; thence in a southerly direction with the center of the Milford Center Pike 10 rods to the place of beginning, containing 1.53 acres more or less;

Said real estate was included in the inventory of the estate, pursuant to the order of this Court, and appraised at Two Thousand Five Hundred and no/100 ($2500.00) Dollars.

Said real estate is encumbered as follows:

The decedent died leaving the defendant No surviving spouse.

The defendants, Mary E. Thomas, Fred Gorton, David Gorton, Earl Gorton, Lewis E. Downer, Helen Downer, Roma Troy and Lena Johnson, are all the heirs or persons entitled to the kept estate of inheritance from the decedent in such real estate and having interest therein.

The defendant — is believed to be dead and — plaintiff therefore alleges his death leaving possible heirs, devisees, legatees, kepentors and administrators who are made parties defendant hereto without naming them.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all the right of dower of said no dower therein,

Heer Ptg. Co., Cols., O. CD 4981.

12971

but out of the proceeds of the sale, in lieu of dower, the Court allow to said Widow such sum in money as is just and reasonable value thereof, unless the dowser of said —— waives such allowance; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Porter & Porter- Attorneys for the Plaintiff.

The State of Ohio, Union County.

B. E. Thomas, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Oath.

B. E. Thomas.

Sworn to before me and signed in my presence by the said B. E. Thomas, Administrator, at Marysville, Ohio, this 3rd. day of October, 1933.

(Seal) William J. Porter - Notary Public.

Filed July 2-1935. Waiver of Summons and Consent to Sell.

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

B. E. Thomas, Administrator of the Estate of Don Gorton, Deceased, Plaintiff,

-vs-

Mary E. Thomas, et al., Defendants.

No. 12971.

Proceeding to Sell Real Estate.

Waiver of Summons and Consent to Sell.

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.

Mary E. Thomas, Louie E. Downer, Ethel Downer, Helen Downer, Earl Gorton, Rena Johnson, N. D. Gorton, Dana Gorton.

Filed July 16-1935. Bond of Administrator.

Bond of Administrator.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we, B. E. Thomas, Ralph C. Smith and C. E. Lee are held and firmly bound unto the State of Ohio, in the penal sum of Five Thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Plain City, Ohio, this —— day of July, A. D. 1935.

The condition of the above obligation is such, that whereas

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Filed Aug. 20-1935. Waiver of Summons and Consent to Sell.

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Filed Oct. 22-1935. Journal Entry. Order Fixing Time of Hearing and for Notice.

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Heer Ptg. Co., Cols., O. CD 4981.

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the above bound B. E. Thomas was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, administrator of the estate of Don Gorton, Deceased.

And whereas, the said B. E. Thomas as such administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said real estate described in said petition;

And whereas said Court, on the 2nd. day of July, 1935, made an order requiring said administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said B. E. Thomas as administrator aforesaid, shall faithfully discharge his duties and pay and account for all moneys arising from the sale of the Real Estate according to law, then this obligation to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of
William J. Porter.

B. E. Thomas.
Ralph C. Smith.
C. E. Fee.

This Bond approved in open Court, this 15th. day of July, 1935.

(Seal)

L. W. Hazen - Probate Judge.

Filed
Aug. 20-1935.
Waiver of Summons and Consent to Sell.

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

B. E. Thomas, administrator of the Estate of Don Gorton, Deceased,
Plaintiff,
-vs-
Mary E. Thomas, et al.,
Defendants.

No. 12971.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

Earl Gorton
Hoppes & Sanders - Attorneys.

Filed
Oct. 22-1935.
Journal Entry.
Order Fixing Time of Hearing and for Notice.

Journal Entry - Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

B. E. Thomas, Executor of the Estate of Don Gorton, Deceased,
Plaintiff,
-vs-
Mary E. Thomas, et al.,
Defendants.

Order Fixing Time for Hearing and for Notice.

Heer Ptg. Co., Cols., O. CD 4981.

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This day B. E. Thomas, Executor of the Estate of Don Gorton, deceased, filed in this Court his petition praying for an order to sell the real estate, therein described, belonging to the estate of said decedent, to pay debts.

It is ordered that said petition be heard on the 2nd. day of August, 1935, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate Judge.

Filed Oct. 22-1935. Journal Entry Confirming Appraisement and Ordering Additional Bond.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

B. E. Thomas, as Executor of the Estate of Don Gorton, Deceased, Plaintiff,

-vs-

Mary E. Thomas, et al., Defendants.

Confirming Appraisement and Ordering Additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said B. E. Thomas, executor within 5 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Five Thousand and no/100 Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Oct. 22-1935. Journal Entry Dispensing with a New Appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

B. E. Thomas, as Executor of the Estate of Don Gorton, Deceased, Plaintiff,

-vs-

Mary E. Thomas, et al., Defendants.

Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of said estate, and the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Two Thousand Five hundred and no/100 Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given

Heer Ptg. Co., Cols., O. CD 4981.

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by the plaintiff as Executor of the Estate of Don Gaton, deceased, in the amount of Four Thousand Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Five Thousand and no/100 Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Oct. 22-1935. Journal Entry Approving Additional Bond and Ordering Private Sale

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

B. E. Thomas, as Executor of the Estate of Don Gaton, Deceased, Plaintiff,

-vs-

Mary E. Thomas, et al., Defendants.

Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Five Thousand and no/100 Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said Estate to sell the real estate described in the petition at private sale, it is now ordered that B. E. Thomas as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed Oct. 22-1935. Application to Sell at Private Sale.

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

B. E. Thomas, Executor of the Estate of Don Gaton, Deceased, Plaintiff,

-vs-

Mary E. Thomas, et al., Defendants.

No. 12971.
Application.

The said Plaintiff represents that it would be for the best interests 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 a purchaser has been obtained who will give the appraised value therein.
2. That if sold at public sale, it might sell for only two-thirds of the appraisement.
3. Because it will save costs and other expense.
4. Because it will save time.

Heer Ptg. Co., Cols., O. CD 4981.

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5. Because all parties interested have requested that it be sold at private sale.

6. That the purposed purchaser Mr. R. W. Boggs has deposited the sum of $200.00 with Mary E. Thomas one of the heirs and legatee herein to bind said agreement.

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

B. E. Thomas - Executor of the Estate of Don Gorton, Deceased.

The State of Ohio, Union County.

B. E. Thomas, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

B. E. Thomas.

Sworn to before me and signed in my presence this 14th. day of September, A. D. 1935.

[Seal] Tessa R. Guy - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Mr. T. H. George, Mrs. T. H. George and R. L. Boerger, 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.

Affidavit of Disinterested Person.

Mr. T. H. George.

Mrs. T. H. George.

R. L. Boerger.

Sworn to before me and signed in my presence this 14 day of September, 1935.

[Seal] William J. Porter - Notary Public.

Filed Oct. 22-1935.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To B. E. Thomas, Executor of the Estate of Don Gorton, 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 the Estate of Don Gorton, Deceased, are Plaintiff and Mary E. Thomas, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Twenty Five Hundred and no/100 Dollars the appraised value thereof, the following described premises, to-wit: Situated in State of Ohio, County of Union, Township of Union, being part of U. M. Survey Nos. 5801, 6812 and 4735. Beginning in the west line of the C. C. C. & I. R.R. in the southerly line of the lands of J. W. Gillispie, witness a stone, bears N. 46¼ W. 17½ feet; thence with the west line of said railroad, S.

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36- 3/4 W. 25.83 poles to a point 30 feet westerly from the center of the main track of the C. C. C. & I. R. R.; thence N. 67¼ W. 15.21 poles to a post; thence S. 36½ W. 32.24 poles to the center of the post road; thence with the center of the post road N. 55 W. 39.70 poles to the center of the Milford Center and Irwin Station gravel road; thence with the center of said gravel road N. 36 E. 72.06 poles to the south side of the land of J. W. Gillispie; thence with the said Gillispie south line S. 70¼ E. 56.85 poles to the beginning, Containing 19.33 acres with the exception of the following tract (Containing a number of lots) and bounded and described as follows:-

Beginning at the intersection of the Milford Center Pike and Post Road thence in an easterly direction with the center of the Post Road 24½ rods to a stake; thence in a northerly direction with the H. J. Lower line 10 rods to a stake; thence in a westerly direction 24½ rods to the center of the Milford Center Pike; thence in a southerly direction with the center of the Milford Center Pike 10 rods to the place of beginning. Containing 1.53 acres more or less.

Said sale to be upon the following terms: Cash on day of sale.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 22nd. day of October, 1935.

{Seal} L. W. Hagen- 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.

Return. Dated the 22nd. day of October, 1935.

B. E. Thomas.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 22nd. day of October, 1935, offer said property, at private sale, and R. W. Bogge having offered therefor the sum of Twenty Five Hundred and no/100 Dollars ($2,500.00) and the same being not less than the appraised value of said property, I sold the same to said R. W. Bogge for that sum.

Report of Private Sale.

B. E. Thomas.

Heer Ptg. Co., Cols., O. CD 4981.

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Affidavit to Report of Private Sale.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

B. E. Thomas, Executor, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

B. E. Thomas.

Subscribed in my presence and sworn to before me, this 22 day of October, 1935.

(Seal)

Gwynn Sanders - Notary Public of Union County, Ohio.

Filed Oct. 22- 1935. Entry.

In the Probate Court

B. E. Thomas, Administrator of the Estate of Don Gorton, Deceased,

Plaintiff,

-vs-

Mary E. Thomas, et al.,

Defendants.

No. 12971.

Entry.

This day this cause came on to be heard on the report of B. E. Thomas 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.

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 it hereby is, approved and confirmed.

It is further ordered that the petitioner execute a deed of all the right, title and interest of the said Don Gorton in and to said premises, to the purchaser, R. W. Boggs, upon said purchaser paying to said administrator the sum of Twenty-five Hundred ($2500.00) Dollars.

It is further ordered that said administrator out of the money in his hands pay the taxes, penalty and interest on said property, and the costs of this proceeding, and account for the balance then remaining in his hands, according to law.

L. W. Hazen - Probate judge.

12825

Filed Sept. 19-1934. Milo L. Myers Attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

J. George Engmet as Executor of the Estate of Valentine Zoellner, Deceased,

Plaintiff,

-vs-

Alta Zoellner Rausch, Katherine Yackle, Katherine Zoellner,

Final Record, Union County Probate Court

Heer Ptg. Co., Cols., O. CD 4981.

12825 Margaret Horst; Tillie Mader, Dora Foellmer, Mary Yackle, Lea Schwab, Anna Gumlach and Lena Kasper Wirth, Defendants.

No. 12825. Petition.

Now comes J. George Emmert and says that on the 16th. day of November, 1932, one Valentine Foellmer died testate and on the 2nd. day of December, 1932, his last will and testament was admitted to probate in the Probate Court of Union County, Ohio, and recorded therein in Will Record U, on Page 147.

That, on the 7th. day of December, 1932, the plaintiff, J. George Emmert filed his application to be appointed executor of the estate of the said Valentine Foellmer, deceased, in the Probate Court of Union County, Ohio, and was on said day by said Court appointed such executor and qualified therein by giving bond in the sum of Five-thousand ($5000.00 Dollars, and is still acting as such executor.

That, the said deceased at the time of his death did leaving personal property of the estimated value of One-thousand Seven-hundred Seventy-eight Dollars and Fifty cents ($1778.50).

That, he owed debts to the amount of $689.10 and that the expenses of administering his estate will amount to approximately Three-hundred ($300.00) Dollars.

That, the said decedent by the terms of his Last Will and Testament bequeath to the various parties named therein the total sum of Twenty-five Hundred ($2500.00) Dollars a copy of which Last Will and Testament is hereto attached (for reference only).

That, the said decedent did leaving real estate of the approximate value of One-thousand Five-hundred Fifty ($1550.00) Dollars, which real estate is described as follows to-wit:

First Tract: Situated in the Village of Marysville, County of Union, State of Ohio, to-wit:

Being all of lot No. 444 in the Breshwater Addition to said Village but excepting therefrom 10 feet off the North side thereof.

Second Tract: Situated in the said Village of Marysville, Union County, Ohio, and described as follows:

Being a part of Out Lot No. 28, and described as beginning at a stake in the Northwest Corner of a lot formerly owned by William Bancroft; Thence South with said Bancroft's West line 10 poles to the Southwest corner of said Bancroft's lot. Thence West forty-one and one-half feet (41½) to a stake; Thence North ten rods to a stake in the North margin of said Street; Thence East forty-one and one-half feet (41½) to the beginning.

That, it is necessary to sell the said real estate to pay

Heer Ptg. Co., Cols., O. CD 4981.

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the debts of the said decedent, the costs of administering his estate and the bequests as made and contained in his last will and testament.

That, the decedent died leaving no surviving consort, or children, but left the following named his only next of kin having the next estate of inheritance from him.

The defendant, Alta Zoellner (now Rausch) also known as Alta Elizabeth Zoellner, who is a daughter of Fred Zoellner, deceased, who was a son of the said Valentine Zoellner, deceased.

That, the said defendants Katherine Yackle, Katherine Zoellner, Matilda Mader, Alta Zoellner, Margaret Horst, Iva Zoellner, Mary Yackle, Lea Schwab, Anna Gumlach and Lena Kasper Wirth are the legatees of the said deceased as named in his Last Will and Testament.

That, Tract No. One as herein described was appraised by the appraisers in the inventory and appraisement at $760.00 and Tract No. 2 herein described was therein appraised at $800.00.

Wherefore, the plaintiff prays for an order authorizing and directing him to sell the said real estate and for such other and further order and relief in the premises as may be just and equitable and according to law as in such cases made and provided.

Milo L. Myers - Attorney for Plaintiff.

State of Ohio, Union County, ss.

J. George Emmert being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as he believes.

J. George Emmert.

Sworn to before me and signed in my presence this 15th. day of Sept, 1934.

{Seal} Milo L. Myers - Notary Public.

December 18, 1931 Marysville, Union County, Ohio.

I, Valentine Zoellner, of Marysville, Union County, Ohio, do hereby make my last will and testament, and revoke my previous wills.

1. I appoint J. Geo. Emmert sole executor of this will and give him power to sell and convey my real estate to settle my estate. Pay funeral and other expenses, settle all other debts of any kind, if there are any, and have dates engraved on monument at Oakdale Cemetery.

2. Pay to Katherina Yackle of Hamilton, Ohio, two-hundred dollars ($200.00).

Pay to Mrs. Katie Zoellner of Hamilton, Ohio, two-hundred dollars ($200.00).

Pay to Mrs. Maggie Colman or her heir, Mrs. Matilda Mader, two-hundred dollars ($200.00).

That is money that I owe these three, but they have no notes against me.

3. I give and bequeath to the following:

Oath.

Filed Sept. 19-1934. Waiver.

Heer Ptg. Co., Cols., O. CD 4981.

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A. To Iva Joellner the six hundred dollar note with interest which I hold against her.

B. To Alta Elizabeth Joellner eight hundred dollars ($800.00).

C. To Matilda Mader two hundred dollars ($200.00).

D. To Margaret Horst one hundred dollars ($100.00).

E. To Mary Yackle of Hamilton, Ohio, one hundred dollars ($100.00).

F. To Mrs. Lea Schwab, wife of Dan Schwab of Sandusky, Ohio, one hundred dollars ($100.00).

G. To Miss Anna Gunlach of Sandusky, Ohio, fifty dollars ($50.00).

H. To Lena Kasper With of Columbus, Ohio, fifty dollars ($50.00).

If not enough is left, all legacies in paragraph three will be pro-rated.

If anything is left after the foregoing is complied with, it goes to my grand-daughter, Alta Elizabeth Joellner, of Marysville, Ohio.

In Testimony Whereof, I set hereunto my hand this 18th day of December, Nineteen Hundred and Thirty-one. (1931).

Valentine Joellner.

Signed, published and declared by the above named, Valentine Joellner, as and for his last will and testament, in presence of the undersigned, who in his presence and at his request have hereunto subscribed their names as witnesses.

Signed: Geo. P. Schneider.

E. A. Emmert.

Filed Sept. 19-1934. Waiver.

In the Probate Court, Union County, Ohio.

J. George Emmert, as Executor of the Estate of Valentine Joellner, Deceased, Plaintiff,

-vs-

Alta Joellner Rausch, Katherine Yackle, Katherine Joellner, Margaret Horst, Tillie Mader, Iva Joellner, Mary Yackle, Lea Schwab, Anna Gunlach, and Lena Kasper With, Defendants.

No. 12825.

Waiver.

We, the undersigned, and defendants named in the above entitled costs, do hereby enter our appearance and waive the issue and service of summons and process.

Alta Joellner Rausch, Katherine Yackle, Katherine Joellner, Margaret Horst, Tillie Mader, Iva Joellner, Mary Yackle, Lea Schwab, Anna Gunlach (Hacker), Lena Kasper With.

Heer Ptg. Co., Cols., O. CD 4981.

12825
Filed
Sept. 19- 1934.
Journal Entry.

In the Probate Court, Union County, Ohio.

J. George Emmert, as Executor of the Estate of Valentine Zoellner, Deceased,
Plaintiff,
-vs-
Alta Zoellner Rausch, et al.,
Defendants.

No. 12825.
Journal Entry.

On this 21st. day of September, 1934, came J. George Emmert, as Executor of the estate of Valentine Zoellner, deceased, and presented to the Court this certain petition, for filing, against Alta Zoellner, et al.

Therefore, it is ordered by the Court that the said petition be and the same is hereby filed herein and it is further ordered that the same be heard on the 20th. day of October, 1934, at 10:00 o'clock A. M., and that the defendants, and each of them be notified of the pendency and prayer thereof according to law.

L. W. Hazen - Judge.

Journal Entry - Proceeding to Sell Real Estate.

Filed
Nov. 13- 1934.
Journal Entry
Dispensing
with a New
Appraisement
and Ordering
Bond.

Probate Court, Union County, Ohio.

J. George Emmert, as Executor of the Estate of Valentine Zoellner, Dec'd.
Plaintiff,
-vs-
Alta Zoellner, et al.,
Defendants.

November 13th. 1934.
Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts and make distribution of said estate; the defendants being in default of answer, although served with summons or having entered their appearance according to law, and such service is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at $1,650.00, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Executor of the estate of Valentine Zoellner, Dec'd. in the amount of Five-thousand and no/100 Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Two-thousand and no/100 Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed
Nov. 19- 1934.
Entry approving
Bond and
Ordering Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12825
Filed
Nov. 19- 1934.
Executor's Bond.

Executor's Bond.

In Proceedings to Sell Real Estate.

Know all Men by these Presents: That we, J. George Emmert, Margaret E. Horst and L. J. Mader are held and firmly bound unto the State of Ohio, in the sum of Two thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 13th. day of November, 1934.

The condition of the above obligation is such, that whereas, the above bound J. George Emmert was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Valentine Zoellner, deceased.

And whereas, the said J. George Emmert as such Executor 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 13th. day of November 1934 made an order requiring said Executor to execute a bond according to the Statute in such cases made and provided.

Now if the said J. George Emmert 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. Geo. Emmert.
Margaret E. Horst.
L. J. Mader.

This Bond approved in open Court, this 19 day of Nov. 1934.
(Seal) L. W. Hazen - Probate Judge.

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Filed
Nov. 19- 1934.
Entry approving Bond and Ordering Sale.

In the Probate Court, Union County, Ohio.

J. George Emmert, as Executor of the Estate of Valentine Zoellner, Deceased, Plaintiff,

-vs-

Alta Zoellner Rausch, et al., Defendants.

No. 12825.
Entry approving Bond and Ordering Sale.

This day, this cause came on for hearing on motion of the plaintiff to approve additional bond filed in this cause.

And it appearing to the Court that the said plaintiff has given additional bond in the sum of Two-thousand ($2,000.00) Dollars, with personal sureties thereon conditioned according to law, and on consideration thereof the Court does hereby approve the same.

This cause coming on further to be heard upon motion of the plaintiff for an order of sale; and on the consideration

Heer Ptg. Co., Cols., O. CD 4981.

12825

thereof the Court does hereby grant said motion.

Therefore, it is ordered that the said J. George Emmert, as such executor proceed to advertise the real estated in the petition described for sale, at public sale, on the premises in the Village of Maysville, Ohio, on the 22nd. day of December, 1934, at 2 o'clock P. M.; and for good cause shown that he sell said premises for not less than two-thirds (2/3) the appraised value thereof, for cash, in hand, in full.

And the plaintiff is ordered to make due return of his proceedings forthwith upon such sale.

L. W. Hazen - Probate judge.

Filed Dec. 31-1934. Legal Notice.

Notice - Sale of Real Estate.

In pursuance to an order of the Probate Court of Union County, Ohio, I will offer for sale at public auction on the 22nd. day of December, 1934, at 2 o'clock P. M. on the premises, the following described real estate, to-wit:

First Tract: Situated in the Village of Maysville, County of Union, State of Ohio, to-wit:

Being all of Lot No. 444 in the Freshwater Addition to said Village but excepting therefrom 10 feet off the North side thereof.

Said property being No. 234 South Vine Street, in said Village and appraised at $ 750.00.

Second Tract: Situated in the said Village of Maysville, Union County, Ohio, and described as follows:

Being a part of Out Lot No. 28, and described as beginning at a stake in the northwest corner of a lot formerly owned by William Bancroft; thence South with said Bancroft's West line 10 poles to the Southwest corner of said Bancroft's lot; thence West forty one and one-half (41½) feet to a stake; thence North ten rods to a stake in the North margin of said street; thence East forty-one and one-half (41½) feet to the beginning.

Said property being No. 563 East Fifth St. in said Village and appraised at $ 800.00.

Said property must be sold for not less than two-thirds of the appraised value, and terms of sale cash.

At the same time and place I will offer for sale 10 shares of stock in the Regent Brass Company of Maysville, Ohio.

J. George Emmert - Executor of the Estate of Valentine Zoellner, Deceased.

Milo L. Myers, Attorney.

The State of Ohio, Union County, ss.

Personally appeared before me J. M. 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 November 20, 1934 in the Maysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

12825

Filed Dec. 31-1934. Order of Public Sale.

Return.

Heer Ptg. Co., Cols., O. CD 4981.

12825

Sworn to before me and signed in my presence this 22nd. day of December, A. D. 1934.

{Seal} G. P. Huber - Notary Public.

Printers Fees, $13.75

Filed Dec. 31-1934. Order of Public Sale.

Order of Public Sale.

The State of Ohio, Union County, ss. Probate Court.

To J. George Emmert, 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 Valentine Zellner, Deceased, are Plaintiff and Alta Zellner Rausch, et al., are Defendants, you are commanded to proceed according to Law, to advertise and sell at Public Auction, on the premises at Marysville, Ohio, on the 22nd. day of December, 1934, at 2 o'clock, P. M., for not less than two-thirds the appraised value thereof the following described premises to-wit:

First Tract: Situated in the Village of Marysville, County of Union, State of Ohio, to-wit:

Being all of Lot No. 444 in the Freshwater Addition to said Village but excepting therefrom 10 feet off the North side thereof.

Second Tract: Situated in the said Village of Marysville, Union County, Ohio, and described as follows:-

Being a part of Out Lot No. 28, and described as beginning at a stake in the Northwest corner of a lot formerly owned by William Bancroft; Thence South with said Bancroft's West line 10 poles to the Southwest corner of said Bancroft's lot; Thence West forty-one and one-half feet (41½) to a stake; Thence North ten rods to a stake in the North margin of said street; Thence East forty-one and one-half feet (41½) to the beginning.

Said sale to be upon the following terms:

Cash in full.

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 19th. day of November, A.D. 1934.

{Seal} L. W. Hazen - 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 31st. day of December, 1934.

J. Geo. Emmert.

Heer Ptg. Co., Cols., O. CD 4981.

12825

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 situate, for at least four consecutive weeks prior to the 22nd. day of December, 1934, 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 proceeded to offer said real estate for sale on the premises, when then and there came John George Starr and bid to pay the sum of $590.00 for Tract No. 1 and Alta Zoellner Rausch bid to pay the sum of Six-hundred and Thirty and no/100 Dollars, for Tract No. 2, 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 said sums.

J. George Emmert.

Dated the 31st. day of December, 1934.

Sworn to before me and signed in my presence, this 31st. day of December, 1934.

(Seal) Milo L. Myers - Notary Public.

Report of Sale

12711
Filed
Apr. 21-1934.
F. A. McAllister
Attorney.

In the Probate Court, Union County, Ohio.

J. George Emmert, as Executor of the Estate of Valentine Zoellner, Deceased, Plaintiff,

-vs-

Alta Zoellner Rausch, et al., Defendants.

No. 12825.
Journal Entry.

Filed
Dec. 31 - 1934.
Journal Entry.

This day, this cause came on to be heard on the report of J. George Emmert as Executor of the estate of Valentine Zoellner, Deceased, of his 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 the 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.

Therefor, it is ordered and adjudged by the Court that the said proceedings and sale be and hereby is approved and confirmed.

It further appearing to the Court, from said report, that the said plaintiff sold Tract No. 1, to John George Starr, for the sum of Five-hundred and Ninety ($590.00) Dollars and the second tract to Alta Zoellner Rausch, for the sum of Six-hundred and Thirty ($630.00), Dollars; therefor, it is ordered that the said plaintiff as such

Heer Ptg. Co., Cols., O. CD 4981.

12825

executor execute and deliver a good and sufficient deed for the said real estate, to the said purchasers, respectively, upon their paying the purchased price therefor.

It is further ordered; and for good cause shown, that this cause be continued for distribution.

L. W. Hazen.

12711
Filed
Apr. 21-1934.
F. A. McAllister
Attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

F. A. McAllister, Executor of the Estate of Henrietta Haucock, Deceased,
Plaintiff,

-vs-

Willis S. Haucock and Gertrude Haucock, his wife, Jesse M. Haucock, Harold S. Haucock, Billy Frederick Haucock, and Robert Cleston Haucock,
Defendants.

No. 12711
Petition to Sell Real Estate to Pay Legacies.

The plaintiff is the duly appointed, qualified and acting Executor of the Last Will of Henrietta Haucock, deceased; said Will was duly probated by this Court on the 26th. day of March, 1934.

Said Will contains the following provisions:

"My Will is that the vacant lot number 800, situated on east side of Cleiton Street, in the Village of Richwood, Union County, be sold and the proceeds therefrom be divided equally between my three grandchildren, Harold S. Haucock, Billy Frederick Haucock and Robert Cleston Haucock, share and share alike. But as I have bought my grand-daughter, Mildred, a piano. (I feel like this will be an equal division).

The defendants, Willis S. Haucock and Jesse M. Haucock are two of the legatees and devisees under said Will, and the only heirs at law of said decedent, and the defendants, Harold S. Haucock, Billy Frederick Haucock and Robert Cleston Haucock are named in said Will as legatees and interested in the proceeds of the sale of the real estate aforesaid; the defendant, Gertrude Haucock is the wife of the defendant, Willis S. Haucock,

The provisions of said Will, above quoted, required the sale of the real estate hereinafter described, for the payment of the legacies contained in said provisions and make the same a charge on the said real estate, whereof said decedent died seized, and described as follows:

Heer Ptg. Co., Cols., O. CD 4981.

12711

"Situated in the County of Union, in the State of Ohio, and in the Village of Richwood, and bounded and described as follows:

Being all of Lot number eight hundred (800) in Larcomb's Addition to said Village of Richwood, Ohio, For more specific description, see the recorded plat of said Addition in the Recorder's Office at Marysville, Ohio."

The defendant, Billy Frederick Hancock is a minor under fourteen (14) years of age, to-wit: eleven years of age, residing with his Mother, Gertrude Hancock, and the defendant, Robert Cleston Hancock is a minor over the age of fourteen (14) years, to-wit: 16 years of age, residing with his mother Lulu L. Russell.

Wherefore, plaintiff prays the Court to set this petition for hearing, issue summons to the Sheriff of this County for the defendant, Billy Frederick Hancock and to the Sheriff of Marion County, Ohio, for the defendant, Robert Cleston Hancock, returnable according to Law, and for an order authorizing plaintiff to sell said real estate to pay said legacies.

T. A. McAllister - Attorney for Plaintiff.

State of Ohio, Union County, ss.

T. A. McAllister, being duly sworn, says that he is plaintiff in the above entitled action, and that the facts stated in his foregoing petition are true as he verily believes.

T. A. McAllister.

Oath.

Sworn to before me and signed in my presence this 21 st. day of April, 1934.

- Notary Public.

Filed apr. 21-1934. Journal Entry.

In the Probate Court, Union County, Ohio.

T. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased, Plaintiff.

-vs-

Willis S. Hancock, et al., Defendants.

No. 12711

Journal Entry.

This day T. A. McAllister, Executor of the Estate of Henrietta Hancock, deceased, filed in this Court his petition praying for the sale of the real estate therein described, to pay the legacies in said petition mentioned of the said decedent:

It is ordered, that said petition be heard on the 19 day of May, 1934, at 10 o'clock A. M. and that summons for the defendant, Billy Frederick Hancock issue to the Sheriff of this County, and that summons for the defendant, Robert Cleston Hancock issue to the Sheriff of Marion County, Ohio, returnable according to law.

L. W. Hazen - Judge.

Filed apr. 26-1934. Summons.

Sheriff's Return.

Heer Ptg. Co., Cols

12711 Filed apr. 27-1934. Summons.

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apr.27-1934.
Summons.

Summons on Petition to Sell Real Estate.
Sheriff- Minors.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County:

You are commanded to notify the following named who are minors, to-wit: Billy Fredrick Hancock making service of this summons upon such minor as under fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 21st. day of April, A. D. 1934, T. A. McAllister, Executor of the estate of Henrietta Hancock, 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, and in said petition described, for the purpose of paying legacies of said decedent and that unless they answer by the 19th. day of May, 1934, said petition will be taken as true, and due order granted accordingly.

Said Sheriff will make due return of this summons on the 30th. day of April, 1934.

Witness my Hand and the seal of said Court, this 21st. day of April, 1934.

L. W. Hazen- Judge and Ex-officio Clerk of the Probate Court of said County.

{Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees

Sheriff's Return	Service & Return, first name	$ .75
	1 additional name, at 25¢	.25
	36 miles traveled at 8¢	2.88
	Total	$ 3.88

Received this writ April 21, 1934, at 10 o'clock a.m., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: April 21st. 1934, on Billy Fredrick Hancock a minor by personally handing to him a true and certified copy of this writ, April 21st. 1934, on Willis Hancock, the father of the said Billy Fredrick Hancock a minor by personally handing to him a true and certified copy of this writ.

William Rausch- Sheriff,
By- A. Grigsby- Deputy.

Filed
apr. 26-1934.
Summons.

Summons on Petition to Sell Real Estate.
Sheriff- Minors.

The State of Ohio, Union County. Probate Court.
To the Sheriff of Marion County, Ohio:-

You are commanded to notify the following named who are minors, to-wit: Robut Clestor Hancock making service of this summons upon such minor as — over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the

Heer Ptg. Co., Cols., O. CD 4981.

12711

21st. day of April A.D. 1934, T. A. McAllister, executor of the estate of Henrietta Hancock, 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, and in said petition described, for the purpose of paying legacies of said decedent and that unless they answer by the 19th. day of May 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 30th. day of April 1934.

Witness my hand and the seal of said Court, this 21st. day of April, 1934.

L. W. Hagen - Judge and Ex-officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fees	
Service + Return, first name,	$.75
1 additional name, at 25¢	.25
2 miles traveled at 8¢	.16
Docket	.10
Postage	.03
Total	$1.29

Sheriff's Return.

Received this writ April 25th. 1934, at 10 o'clock A. M., and on the days and in the manner hereinafter named, I served the same, on the within named defendants, viz: April 25th. 1934, on Robert Cleston Hancock; April 25th. 1934, on Lulu L. Russell the mother of the said Robert Cleston Hancock, a minor, the custodian of the said minor.

Chas. C. Tye - Sheriff.

Filed May 18-1934. Entry for appearance.

In the Probate Court of Union County, Ohio.

T. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased, Plaintiff,

-vs-

Willis S. Hancock, et al., Defendants.

No. 12711.

Entry for Appearance.

The undersigned, Willis S. Hancock, the father of Billy Medrick Hancock, and Gertrude Hancock, the mother of said Billy Medrick Hancock, minor defendant in the above action, under the age of fourteen (14) years, and the custodian of said minor defendant, hereby waive the issuance and service of summons upon them and each of them, and voluntarily enter their appearance herein, and consent to the sale of the real estate described in the petition, as therein prayed for.

Gertrude Hancock.
Willis S. Hancock.

Filed May 18-1934. Entry of appearance.

Filed May 18-1934. Waiver of Summons and Consent to Sell.

Filed May 18-1934. Journal Entry.

Filed June 22-1934. Application and Journal Entry - Guardian ad Litem.

Heer Ptg. Co., Cols., O. CD 4981.

12711
Filed
May 18- 1934.
Entry of
Appearance.

In the Probate Court of Union County, Ohio.

F. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased,
Plaintiff,
-vs-
Willis S. Hancock, et al.,
Defendants.

No. 12711.
Entry for Appearance.

The undersigned parties defendant in the above entitled action being competent adult persons, hereby waive the issuance and service of summons upon them and each of them, and voluntarily enter their appearance as such defendants, and consent to the sale of the real estate described in the petition, as therein prayed for.

Willis S. Hancock, Jesse M. Hancock, Gertrude Hancock.

Filed
May 18-1934.
Waiver of
Summons
and Consent
to Sell.

Waiver of Summons, or Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

F. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased,
Plaintiff,
-vs-
Willis S. Hancock, et al.,
Defendants.

No. 12711.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

June A. D. 1934.

Harold S. Hancock.

Filed
May 18-1934.
Journal Entry.

Probate Court, Union County, Ohio.

F. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased,
Plaintiff,
-vs-
Willis S. Hancock, et al.,
Defendants.

Journal Entry.

This cause is continued until the 22nd. day of June, 1934, at 10 o'clock, a. M.

L. W. Hazen - Judge.

Filed
June 22-1934.
Application
and Journal
Entry-Guardian
Ad Litem.

Application for appointment of Guardian Ad Litem.
Probate Court, Union County, Ohio.

To the Hon. L. W. Hazen - Judge of said Court: June a.D. 1934.

The undersigned F. A. McAllister, plaintiff herein, makes application for the appointment of a Guardian ad litem for the minor defendants in the above entitled case.

Heer Ptg. Co., Cols., O. CD 4981.

12711

The defendants, Robert Cleston Hancock, over the age of 14 years, and Billy Frederick Hancock, under the age of 14 years, and have been duly served with summons herein and have neglected for twenty days after the return of the summons served upon them to apply for a Guardian ad litem.

The undersigned suggests that Willis S. Hancock who is a suitable person be appointed as such Guardian ad litem.

Respectfully- T. A. Mc Allister.

Probate Court, Union County, O.

T. A. Mc Allister, Executor of the Estate of Henrietta Hancock, Deceased,
Plaintiff,
-vs-
Willis S. Hancock, et al.,
Defendants.

No. 12711 - June 1934.
Appointment of Guardian Ad Litem.

This day T. A. Mc Allister, plaintiff herein, 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 the defendants, Robert Cleston Hancock, over the age of 14 years, and Billy Frederick Hancock, under the age of fourteen years, and have been duly and legally served with summons herein, and have neglected for 20 days after the return of the summons herein served upon them to apply for a Guardian ad litem; it is ordered that Willis S. Hancock be and he hereby is appointed Guardian for the suit, for said minor defendants.

And now comes the said Willis S. Hancock and in open Court accepts said appointment.

L. H. Hazen - Judge.

Filed June 22-1934. Answer of Guardian Ad Litem.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

T. A. Mc Allister, Executor of the Estate of Henrietta Hancock, Deceased,
Plaintiff,
-vs-
Willis S. Hancock, et al.,
Defendants.

No. 12711.

And now comes the said ~~Harold S. Hancock~~, Robert Cleston Hancock and Billy Fredrick Hancock, the minor defendants to the petition in said cause, by Willis S. Hancock, 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

Filed June 22-1934. Journal Entry. Dispensing with a New Appraisement and Ordering Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12711

rights in this cause, and for such relief as may be just.
Dated this 22 day of June, A. D. 1934.

Robert Clinton Hancock.
Billy Fredrick Hancock.
By W. S. Hancock - Guardian Ad Litem.

Filed June 22-1934. Executor's Bond.

Executor's Bond.

In Proceedings to Sell Real Estate.

Know all Men by these Presents: That we, T. A. McAllister, Willis S. Haycock and Mabel D. McAllister are held and firmly bound unto the State of Ohio, in the sum of Three 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 Richwood, Ohio, this 22nd. day of June, 1934.

The condition of the above obligation is such, That whereas, the above bound T. A. McAllister, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Henrietta Hancock, deceased.

And whereas, the said T. A. McAllister as such Executor 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 22nd. day of June, 1934, made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said T. A. McAllister, Executor 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.

T. A. McAllister.
W. S. Hancock.
Mabel D. McAllister.

This Bond approved in open Court, this 22 day of June, 1934.

(Seal) L. W. Hazen - Probate Judge.

Journal Entry - Proceeding to Sell Real Estate. Probate Court, Union County, Ohio.

Filed June 22-1934. Journal Entry. Dispensing with a New Appraisement and Ordering Bond.

T. A. McAllister, as Executor of the Estate of Henrietta Hancock,

Plaintiff,

-vs-

Willis S. Hancock, et al.,

Defendants.

Dispensing with a New Appraisement and Ordering Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12711

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay legacies of said estate, and the answer of Willis S. Hancock, guardian ad litem of Robert Elston Hancock and Billy Bedwick Hancock, minors; the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at One Hundred Fifty Dollars, and that a further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Executor of the estate of Henrietta Hancock, deceased, in the amount of Seven Thousand Dollars is insufficient and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Three Hundred Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed June 22-1934. Journal Entry. Approving Additional Bond and Ordering Private Sale.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

N. A. McAllister, Executor of the Estate of Henrietta Hancock, Dec'd. Plaintiff,

-vs-

Willis S. Hancock, et al., Defendants.

June 22 - 1934. Approving additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Three Hundred Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that N. A. McAllister as such administrator, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed Oct. 31 - 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To N. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased, Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain

Return.

Report of Private Sale.

Affidavit to Report of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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cause wherein you as Executor of the Estate of Henrietta Hancock, deceased, are Plaintiff and Willis S. Hancock, et al., are Defendants, you are commanded to proceed according to Law, to sell at Private Sale, for not less than One Hundred Fifty Dollars the appraised value thereof the following described premises to-wit:

Situated in the County of Union, in the State of Ohio, and in the Village of Richwood, and bounded and described as follows:-

Being all of Lot Number Eight Hundred (800) in Larcomb's Addition to said Village of Richwood, Ohio; For more specific description, see the recorded plat of said Addition in the Recorder's Office at Marysville, Ohio.

Said sale 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 22nd. day of June, A. D. 1934.

{Seal}

L. W. Hazen - 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 31st. day of October, 1934.

F. A. McAllister - Executor.

Return.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 31st. day of October, 1934 offer said property, at private sale, and Lamont L. Cramer having offered therefor the sum of One Hundred Fifty Dollars ($150.00) and the same being not less than the appraised value of said property, I sold the same to said Lamont L. Cramer for that sum.

F. A. McAllister.

Report of Private Sale.

Affidavit to Report of Private Sale.

State of Ohio, Union County. ss.

F. A. McAllister, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

F. A. McAllister.

Subscribed in my presence and sworn to before me this 31st. day of October, 1934.

L. W. Hazen - Probate judge.

{Seal}

Heer Ptg. Co., Cols., O. CD 4981.

12711
Filed
Oct. 31-1934.
Journal Entry, Confirming Sale, Ordering Deed and Distribution.

In the Probate Court, Union County, Ohio.

T. A. McAllister, Executor of the Estate of Henrietta Hancock, Deceased, Plaintiff,

-vs-

Willis S. Hancock, et al., Defendants.

No. 12711.
Journal Entry, Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of T. A. McAllister, Executor of the estate of Henrietta Hancock, deceased, of his proceedings 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 estate of said Henrietta Hancock in said real estate to the purchaser, Lamont L. Cramer, upon receipt from the purchaser of the purchase money of said property; that said Executor pay and distribute the funds arising from said sale in accordance with the Will of said Henrietta Hancock, deceased.

It is further ordered that this proceeding be recorded and that said petitioner pay the costs herein taxed at $—, within ten days from date hereof.

L. W. Hagen - Judge.

12894
Filed
Mar. 20-1935.

In the Matter of The Estate of Leroy C. Brown, Deceased.
Petition to Sell Personal Property at Private Sale.

Probate Court, Union County, Ohio.

In the Matter of the estate of Leroy C. Brown, Deceased.

No. 12894.
Private Sale of Personal Property.
Petition.

To the Judge of said Court:

The undersigned Wm. M. Dodge, administrator with the will annexed of the estate of Leroy C. Brown 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.

And the petitioner alleges that said sale would be for the advantage of said estate, for the following reasons:

The expense of keeping said property until public sale can be advertised and had will be large and as said

Heer Ptg. Co., Col

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affidavit.
Filed
Mar. 20-1935.
Application

Heer Ptg. Co., Cols., O. CD 4981.

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property is appraised at its fair value it will probably bring as much at private sale as at public auction in view of the cost of public sale and the persons interested in said estate, agree that it would be for the best interest of said estate. Dated March 20th. 1935.

Wm. M. Dodge - Administrator.

The State of Ohio, Union County.

Wm. M. Dodge, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

Oath. Wm. M. Dodge.

Sworn to before me and signed in my presence this 20th. day of March, 1935.

{Seal} L. W. Hagen - Probate Judge.

All of the chattel property enumerated in Schedule A of the Inventory.

Affidavit for Application to Sell at not less than the Appraised Value.

The State of Ohio, Union County.

Affidavit. The undersigned being first duly sworn say that they are interested in the estate of Leroy C. Brown deceased, that they have examined the property mentioned in the foregoing application and have also examined the inventory and appraisement thereof; that said property can be sold at its appraised value, and that it will be for the interest of said estate to sell the same at said price, as they verily believe.

Cornelia Brown.
Mometta McCarty.
Frank H. Brown.

Sworn to before me and signed in my presence, this 30th. day of March, 1935.

{Seal} L. W. Hagen - Probate Judge.

Application to Cont by Surviving Spouse to take Property at Appraised Value.

Filed Mar. 20-1935. Application

Probate Court, Union County, Ohio.

In the Matter of the Estate of Leroy C. Brown, Deceased. | No. 12894. Application.

The undersigned Cornelia Brown respectfully represents that she is the surviving spouse of said Leroy C. Brown, deceased, and is permitted to take such part of the Real Estate and personal goods of said estate, as is provided by law, at the valuation made by the appraisers heretofore appointed by said Cont. Said applicant further represents that the Administrator of said estate has caused an inventory and appraisement of the estate of said decedent to be made, returned and filed in said Probate Court, and that included in said estate property so appraised are the following items with the appraised value set opposite the same, to-wit:

Heer Ptg. Co., Cols., O. CD 4981.

12894

Real Estate described as follows:

Situate in the County of Union and State of Ohio and in the Township of Millcreek and a part of Survey No. 2996 and bounded and described as follows:

Beginning at a stake in the West line of Survey No. 2996 and in the center of the Watkins and Bellepoint-Marysville Road; Thence with the center of said Road North 60° East 46.52 poles to a stake in the North line of said Survey No. 2996; Thence with said line North 80° East 121 poles to a stone (ash, sugar and ironwood gone) Northwest corner to Michael Carr's land; Thence with his West line South 8½° East 103 poles to a Hickory and Ash (ash gone) Southwest corner to said Michael Carr's land; Thence South 81¼° West 161.72 poles to a stone in the West line of said Survey No. 2996 (a hickory, ash and two ironwoods gone); Thence with said line North 8½° West 82.00 poles to the beginning.

Containing 101.30 acres more or less — appraised Value $4000.00

Total value of Real Estate $4000.00

Said Cornelia Brown hereby elects to take the property herein described at the said valuation as fixed by said appraisers, to-wit: the sum of $ ——. The said sum to be paid either in cash, or secured to be paid as provided by law.

Said Cornelia Brown, therefore prays the Court for an order approving said election, and an order directing said administrator to deliver said property to her upon her compliance with the law in reference to payment for the same as aforesaid.

Cornelia Brown.

I, Wm. M. Dodge, administrator as aforesaid, hereby consent to the selection by said Cornelia Brown, as the surviving spouse of said decedent, as asked for in said application, and request the Probate Court to approve the same. Dated March 20th. 1935.

Wm. M. Dodge.

Filed Mar. 20-1935. Journal Entry.

Property Taken by Surviving Spouse at Appraisement:

To Wm. M. Dodge, administrator with the will annexed, of the Estate of Leroy C. Brown, deceased.

I Cornelia Brown, surviving spouse of said decedent, elect to take, at the appraised value made by the appraisers, the following specified property belonging to said estate described in the Inventory and Appraisement thereof, to-wit:

Filed Mar. 20-1935. Property taken by Surviving Spouse at Appraisement.

Farm of 101.30 acres.	$4000.00
Heating Stove.	45.00
Cook Stove.	50.00
Chuck for Veal Calf.	13.32
Cut wood in woods.	3.00
Total	$4011.32

Heer Ptg. Co., Cols., O. CD 4981.

12894

Real Estate described as follows:

Situate in the County of Union and State of Ohio and in the Township of Millcreek, being a part of Survey No. 2996 and bounded and described as follows:

Beginning at a stake in the West line of Survey No. 2996 and in the center of the Watkins and Bellepoint Gravel Road; Thence with the center of said Road North 60° East 46.52 poles to a stake in the north line of said Survey No. 2996; Thence with said line North 80° East 121 poles to a stone (ash, sugar and ironwood gone) Northwest corner to Michael Carr's land; Thence with his West line South 8½° East 103 poles to a hickory and ash (ash gone) Southwest corner to said Michael Carr's land; Thence South 81¼° West 161.72 poles to a stone in the West line of said Survey No. 2996 (hickory, ash and two ironwoods gone); Thence with said line North 8½° West 82.50 poles to the beginning.

Containing 101.30 acres more or less. $4000.00

Total value of real estate $4000.00

Dated March 20th. 1935.

Filed Mar. 20-1935. Journal Entry.

Journal Entry - Probate Court, Union County, Ohio.

In the Matter of the Estate of Leroy C. Brown, Deceased.

No. 12894 - March 20th. 1935.

Order Granting Application by Surviving Spouse to take Property at Appraised Value.

This day Cornelia Brown, the surviving spouse of Leroy C. Brown, deceased, filed a schedule of the certain property of above estate shown in the schedule, by her elected to be taken at its appraised value, and her application for an order directing Wm. M. Dodge, the administrator of the estate, to deliver and convey the same to her under the terms and conditions of payment as fixed by the Court.

It appearing to the Court that the facts stated in said application are true, and that said surviving spouse is by law entitled to make such election, said election is approved, and accordingly said Wm. M. Dodge, administrator, is ordered to convey and deliver to said Cornelia Brown the property elected to be taken, upon the said surviving spouse complying with the terms of payment.

It is further ordered that said administrator of said decedent's estate, pay the costs of this proceeding taxed at $ —— within —— days.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12470
Filed
Mar. 14-1932.
Milo L. Myers,
Attorney.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Fred Reeley, as Executor of the Estate of Frank E. Reeley, Deceased,

Plaintiff,

-vs-

Della Reeley, Jacob Reeley, Henry A. Reeley, Benjamin F. Reeley, Harry Reeley, Sarah Reeley, Dora Almendinger, Wilda Reichardt, Carl Reichardt, Clifford Reichardt, Wilma Druse, and Florence Haberman,

Defendants.

No. 12470.
Petition.

Now comes Fred Reeley and for a cause of action says that on the 15th. day of March, 1931, one Frank E. Reeley did testate, and on the 14th. day of December, 1931, his last will and testament was duly admitted to probate and record in the office of the Probate Court of Union County, Ohio, and therein recorded in Will Record, Volume I on Page 460 that Fred Reeley was named in said last will and testament as the executor of the estate of the said Frank E. Reeley, deceased and on the 14th. day of December, 1931 qualified therein, without bond, and is still acting as such executor, and without bond in case # 12179.

Petition.

That all the debts of the said deceased have been paid.

Said real estate was appraised by the appraisers of the estate on the 11th. day of January, 1932, in Case #12179, this Court at $ 3407.66.

The said, Frank E. Reeley, deceased in his last will and testament, under Item 5 made the following provisions and directions:-

It is my will that my executor hereinafter named shall at a convenient period after my death convert all my personal property into money and after the payment of my debts and bequests having made and the necessary costs and expense thereof hold and retain the balance until the sale of the home farm where I now reside; and that he shall within two (2) years after my decease sell the home farm by proper proceedings in the Probate Court and in like manner as provided by law for the sale of real estate to pay debts and upon the consumation of such sale he shall invest Ten Thousand Dollars ($10,000.00) in Government Bonds the income from which shall thereafter be paid to my wife for and during her natural life; the balance remaining from the sale of the home farm shall then after the payment of all costs and expenses, including my Executors compensation

Heer Ptg. Co., Cols., O. CD 4981.

12470

be paid to my Brothers and Sisters, share and share alike, to whom I now bequeath the same.

The plaintiff says that more than one year has now elapsed since the death of the said Frank E. Reely, and that the premises, the home farm, as mentioned in said Item 5 has not been sold and to carry out the provisions of said will it is now necessary to bring this action to sell said premises, which is described as follows to-wit:-

Situated in the County of Union, Township of Jackson, State of Ohio and a part of Surveys Nos. 7868, 11099, and 13766, and,

Commencing at a stone in the center of Boren Pike and Section line and N.E. corner of W. Folk land; Thence S. 83° 30' W. 50 rods 4½ links to a stone on post in the center of Boren Pike and place of beginning; Thence S. 83° 30' W. 9 rods 5 2/3 links to a stone on tile in the center of Boren Pike; Thence S. 9° 21' E. 148 rods 10 2/3 links to a stone; Thence S. 79° E. 93 rods 1½ links to post; Thence N. 8° 40' W. 148 rods 5 1/3 links to place of beginning.

Containing 83 7/4 acres, more or less.

Further the plaintiff says that the defendant, Della Reely, is the widow of the said Frank E. Reely, deceased and has or claims to have some right, title or interest in said real estate.

That the defendants Jacob Reely, Henry G. Reely, Benjamin F. Reely and Harry Reely are brothers of the said Frank E. Reely, deceased.

That the said defendants, Sarah Reely, and Dora Almendinger are sisters of the said Frank E. Reely, deceased.

That the defendants, Wilda Reichardt, Carl Reichardt, Clifford Reichardt, Wilma Treese and Florence Haberman are children of Kate Reichardt, deceased, who was a sister of the said Frank E. Reely, deceased.

That said defendants are the only heirs at law having a next estate of inheritance from the said deceased, he having died without issue of children from his body.

Wherefore, the said Fred Reely as executor of the estate of the said Frank E. Reely, deceased, prays that the said defendants, and each of them be required to set up whatever claim, right, title or interest they have in the said real estate or be forever barred from ascertaining the same; that he be ordered and directed to sell said premises for the purpose of carrying out the provisions of the said last will and testament, and for such other and further order in the premises as the court may find to be necessary.

Milo L. Myers - Attorney for Plaintiff.

State of Ohio, Union County, ss.

Fred Reely being duly sworn says that the facts stated and the allegations made and contained in the foregoing

Heer Ptg. Co., Cols., O. CD 4981.

12470
Oath

petition are true as he believes.

Fred Ruley.

Sworn to before me and signed in my presence this 18th. day of January, 1933.

{Seal}

Milo L. Myers - Notary Public.
Union County, Ohio.

Filed
Mar. 14-1933.
Journal Entry.

In the Probate Court,
Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased,
Plaintiff.
-vs-
Della Ruley, et al,
Defendants.

No. 12470.
Journal Entry.

This day came Fred Ruley, as executor of the estate of Frank E. Ruley, deceased, and filed in this court his petition praying for the sale of the real estate therein described to pay debts and make distribution.

Thereupon, it is ordered by the Court that the said petition be heard on the 17th. day of April, 1933, at one o'clock, P. M.

L. W. Hazen - Probate Judge.

Filed
Mar. 14- 1933.
Waiver.

In the Probate Court,
Union County, Ohio.
Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased,
Plaintiff,
-vs-
Della Ruley, Jacob Ruley, Henry G. Ryley, Benjamin F. Ryley, Harry Ruley, Sarah Ruley, Dora Almendinger, Wilda Reichardt, Carl Reichardt, Clifford Reichardt, Wilma Reese, and Florence Haberman.
Defendants.

No. 12470.
Waiver

We, the undersigned and defendants named in the above entitled cause do hereby voluntarily enter our appearance herein and waive the issuing and service of summons or process upon us, waive time, and consent that the prayer of the plaintiff's petition be granted forthwith.

Jacob Ruley, Wilma Reese, Wilda Reichardt, Carl Reichardt, Clifford Reichardt, Florence Haberman.

Filed
Mar. 14-1933.
Praecipe.

In the Probate Court, Union County, Ohio.
Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased,
Plaintiff,
-vs-
Della Ruley, et al,
Defendants.

No. 12470.
Praecipe.

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To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Marion County, Ohio, for the defendants, Henry G. Ruley, Harry Ruley, and Sarah Ruley, (who live near Mt. Olive Church) and for the defendant, Dora Almendinger, (who lives near Pleasant Township school house).

Endorse "action to sell real estate to pay debts and for distribution" and make returnable according to law.

Milo L. Myers - attorney for Plaintiff.

Filed Mar. 14-1933. Praecipe.

In the Probate Court, Union County, Ohio.

Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased, Plaintiff,

-vs-

Della Ruley, et al, Defendants.

No. 12470. Praecipe.

To the Clerk:

Issue summons in the above entitled cause directed to the sheriff of Hardin County, Ohio, for the defendant, Benjamin F. Ruley, (who resides on the LaRue and Mt. Victory Highway).

Endorse "action to sell real estate to pay debts and for distribution" and make returnable according to law.

Milo L. Myers - attorney for Plaintiff.

Filed Mar. 17-1933. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Marion County. Probate Court.

To the Sheriff of said County:

You are commanded to notify for the Defendants, Henry G. Ruley, Harry Ruley, and Salah Ruley, (who live near Mt. Olive Church) and for the Defendant, Dora Almendinger, (who lives near Pleasant Township School House); that on the 14th. day of March, A. D. 1933, Fred Ruley, as Executor of the Estate of Frank E. Ruley, 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. Endorse "Action to sell real estate to pay debts and for distribution" and make returnable according to law.

Milo L. Myers - Attorney for Plaintiff.

And that unless they answer by the 15th. day of April, 1933, said petition will be taken as true, and said order granted accordingly.

Said Sheriff will make due return of this writ on the 27th. day of March, 1933.

Witness my hand and the seal of said Court, this 14th. day of March 1933.

(Seal) L. W. Hagen - Judge and ex-officio Clerk of the Probate Court of said County.

Heer Ptg. Co., Cols., O. CD 4981.

12470

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fees.	
Service & Return, first name,	$ .75
3 additional names, at 25¢	.75
42 miles traveled at 8¢	3.36
Postage	.03
Total	$4.89

Sheriff's Return.

Received this writ March 16th. 1933, at 9 o'clock A. M., and on the 16th. day of March 1933, I served the same by delivering a copy thereof personally to each of the within named Henry G. Ruley, Harry Ruley, Sarah Ruley and Rosa Alumdinger.

Charles E. Frye - Sheriff.

Filed Mar. 18-1933. Summons

Summons on Petition to Sell Real Estate.

The State of Ohio, Hardin County. Probate Court.

To the Sheriff of said County:

You are commanded to notify the Defendant, Benjamin F. Ruley (who resides on the La Rue and Mt. Victory Highway). Judges" action to sell real estate to pay debts and for distribution" and make returnable according to law.

Nils L. Myers - Attorney for Plaintiff.

That on the 14th. day of March, A. D. 1933 Fred Ruley, as Executor of the Estate of Frank E. Ruley 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 10th. day of April, 1933, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 27th. day of March 1933.

Witness my hand and the seal of said Court, this 14th. day of March, 1933.

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

{Seal}

Sheriff's Return.

The State of Ohio, Hardin County.

Sheriff Fees.	
Service & Return, first name,	$ .75
26 miles traveled at 8¢	2.08
Doc. & Postage	.14
Total	$ 2.97

Sheriff's Return

Received this writ March 16-1933, at 9 o'clock A.M. and on the 17" day of March, 1933, I served the same by delivering a copy thereof personally to the within named Benjamin F. Ruley.

Wilbur Mitchell - Sheriff. Union County, Ohio.

Filed Feb. 21-1933. Answer and Cross Petition

In the Probate Court

Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased, Plaintiff.

-vs-

Della Ruley, et al, Defendants.

No. 12470.

Answer and Cross Petition.

12470

Filed May 18-1933. Application to Sell at Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Now comes the defendant, Della Ruley, and hereby waives the issuing and service of summons and process and enters her appearance herein.

Further answering this defendant says that she is the widow of Frank E. Ruley, deceased; that she is forty-nine years of age and that she does hereby consent to the sale of the real estate described in the petition free from any claim of dower therein.

By way of cross petition this defendant says that during the lifetime of her said deceased husband, Frank E. Ruley, she advanced to him the sum of $800.00 for improvements and betterments on said farm; that said sum nor any part of it has ever been repaid to this defendant and that by reason thereof she has an equitable lien upon the real estate described in the petition in the sum of $800.00.

Wherefore, this defendant prays that upon the sale of said real estate she be first paid said sum of $800.00 out of the proceeds thereof.

C. A. Hooper - Attorney for Della Ruley.

State of Ohio, Union County, ss:

Della Ruley, being first duly sworn, says that she is one of the defendants in the above entitled cause and that the facts stated and allegations made in the foregoing answer and cross petition are true.

Della Ruley.

Sworn to before me and subscribed in my presence this 20th. day of March, 1933.

{Seal} C. A. Hooper - Notary Public.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Filed May 13- 1933. Application to Sell at Private Sale.

Fred Ruley, as Executor of the Estate of Frank E. Ruley, Deceased, Plaintiff,

-vs-

Della Ruley, et al., Defendants.

No. 12470. Application.

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

1. That the appraised value $8407.65 is all said real estate is reasonably worth.
2. That it can be sold, forthwith, at private sale at the appraisement.
3. That to sell at private sale will save costs of advertising and offering for sale, at public sale.

Heer Ptg. Co., Cols., O. CD 4981.

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

Fred Reeley - Executor of the estate of Frank E. Reeley, deceased.

The State of Ohio, Union County.

Fred Reeley, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Fred Reeley.

Sworn to before me and signed in my presence this 13th. day of May, A. D. 1933.

(Seal) Milo L. Myers - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

L. J. McCoy and Chas. D. Webb, 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.

Affidavit of Disinterested Person.

L. J. McCoy.

Chas. D. Webb.

Sworn to before me and signed in my presence this 13th. day of May, 1933.

(Seal) Milo L. Myers - Notary Public.

Filed May 13 - 1933. Journal Entry.

In the Probate Court, Union County, Ohio.

Fred Reeley, Executor of the Estate of Frank E. Reeley, Deceased, Plaintiff,

vs.

Della Reeley, et al, Defendants.

No. 12470. Journal Entry.

This day this cause came on to be heard upon the petition of the plaintiff and the answer and cross-petition of the defendant, Della Reeley, the exhibits and evidence, and the court being fully advised in the premises find that all of the defendants named in the petition have been duly served with summons and process, or have voluntarily entered their appearance and are properly before the court and are all in default for demur or answer excepting the said, Della Reeley; and that the prayer of the petition should be granted.

That the defendant, Della Reeley, is the surviving spouse of the said decedent and as such is entitled to dower in said real estate, but consents to the sale thereof free from any claim of dower therein.

That the real estate described in the petition was appraised by the appraisers of the estate in the inventory and

Filed May 13 - 1933. Order of Private Sale.

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appraisement in Case # 12179, this court at $8407.65.

That the plaintiff, Fred Reley, as executor of the estate of the said Frank E. Reley, deceased, in said Case # 12179 was permitted to qualify as such executor, the last will and testament of the said deceased having provided that he should qualify and serve without bond, in Case # 12160, this court.

And the court further find that an application has been filed by the said executor asking authority to sell said real estate at private sale for not less than the appraised value.

Therefore, it is hereby ordered by the court that a further, or new appraisement be and the same is hereby dispensed with.

That the said executor, Fred Reley be not required to give or file bond in this action.

And it is further ordered and decreed by the court that the said Fred Reley as such executor proceed to sell said real estate at private sale for not less than $8407.65, the appraised value thereof, free from the dower interest of the said Della Reley therein, for cash, in full in hand on day of sale and that said executor make due return of his proceeding and sale without delay, for further order and this cause is continued.

L. W. Hagen - Probate Judge.

Milo L. Myers - attorney for Plaintiff.
C. A. Hoopes - Attorney for Della Reley.

Filed May 13 - 1933.

Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Fred Reley, 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 Frank E. Reley, deceased, are Plaintiff, and Della Reley et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than $8407.65 the appraised value thereof the following described premises to-wit:

Situated in the County of Union, Township of Jackson, State of Ohio, and a part of Surveys Nos. 7863, 11699, and 13766, and,

Commencing at a stone in the center of Boren Pike and Section line and N. E. corner of W. Volk land; Thence S. 83° 30' W. 50 rods 7½ links to a stone or post in the center of Boren Pike and place of beginning; Thence S. 83° 30' W. 91 rods 5⅔ links to a stone on file in the center of Boren Pike; Thence S. 9° 21' E. 148 rods 10⅔ links to a stone; Thence S. 79° E. 93 rods 1½ links to post; Thence N. 8° 40' W. 148 rods 5⅓ links to place of beginning.

Containing 83¼ acres, more or less.

Heer Ptg. Co., Cols., O. CD 4981.

12470

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 Marysville, Ohio, this 13th. day of May, A.D. 1933.

{Seal} L. W. Hazen - Probate judge.

Return.

To the Probate Court of Union County, Ohio.

In obedience to the foregoing order, I have caused the

Return. same to be duly executed, as will fully appear by the proceedings hereto attached.

Dated the 13th. day of May, 1933.

Fred Reley - Executor.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 13th. day of May, 1933, offer said property, at private sale, and Della G. Reley having offered therefor the

Report of Private Sale. sum of Three Thousand Four Hundred Seven and 65/100 Dollars ($3407.65) and the same being not less than the appraised value of said property, I sold the same to said Della G. Reley for that sum.

Fred Reley.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Fred Reley, being duly sworn, says that the private sale of property made under the within order, and reported above,

Affidavit to Report of Private Sale. was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Fred Reley.

Subscribed in my presence and sworn to before me this 13th. day of May, 1933.

{Seal} Milo L. Myers - Notary Public.

Filed May 13 - 1933. Journal Entry.

In the Probate Court, Union County, Ohio.

Fred Reley, Executor of the Estate of Frank E. Reley, Deceased, Plaintiff,

-vs-

Della Reley, et al, Defendants.

No. 12470. Journal Entry.

This day this cause came on to be heard on the report of Fred Reley as executor of the estate of Frank E. Reley, deceased, of his proceeding under the former order of this court, and upon motion to confirm the sale made in obedience to said order; and the court having examined said proceedings and report, and finding the same in all respects correct, and in conformity to the former order of the court, and being satisfied that the said sale was

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Nov. 21 - 1934.

T. A. McAllister, Attorney.

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fairly and legally made.

Therefore, it is ordered and decreed by the court that the said proceedings, sale and report be and the same hereby are approved and confirmed.

It is further ordered that the said plaintiff as said executor execute a good and sufficient deed, to the purchaser, Della G. Reeley, for the real estate so sold, upon her paying the purchase price therefor, in full.

And this cause is continued for distribution.

L. W. Hazen - Probate Judge.

Milo L. Myers - attorney for Plaintiff.
C. A. Hooper - attorney for Della Reeley.

12804
Filed
Nov. 21-1934.
T. A. McAllister.
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Estella Nel, Administratrix with the Will Annexed of the Estate of Thomas P. Nel, Deceased,

Plaintiff,

-vs-

Elisabeth Jane Nel, minor, Estella Nel, William Nel, John Nel, Fannie Griffith, and Emma Ewing,

Defendants.

No. 12804.
Petition to Sell Real Estate.

Plaintiff is the duly appointed, qualified and acting Administratrix with Will annexed, of the estate of Thomas P. Nel, deceased, who died on the 22nd. day of June, 1934. Said Will was duly admitted to probate in the Probate Court of Union County, Ohio, on the 11th. day of July, 1934, and was recorded in Volume 2, Page 478 of the Will Records of said Court; and letters Testamentary were issued thereon to the plaintiff; a copy of said Will is hereto attached, marked "Exhibit A" and made part hereof.

At the time of his decease and at the time of the making of said Will, the said decedent was seized in fee simple of the following described real estate, to-wit:-

First Tract:- Situated in the County of Union, in the State of Ohio, and the Township of Leesburg, and bounded and described as follows, viz:-

Beginning at a stone in place of a white oak, southeasterly corner to a lot containing about four acres, conveyed by Elias Gallant to Esther J. Smith on the 18th. day of July, 1861, and in the west line of Survey 1931; thence with said line N. 3 1/2 deg. W. 77 68/100 poles to a stone in said line and southeasterly corner to Thomas Nel's land; thence with the southerly line of said land S. 75 3/4

Heer Ptg. Co., Cols., O. CD 4981.

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deg. W. 84-82-100 poles to a stone corner to said land and also corner to lands of A. Stodard and Geo. Melick; thence with the east line of said Melick's land S. 15 deg. E. 74 poles to a stone corner to said land in the north line of Survey No. 6199; thence with said line S. 80½ deg. E. 31-78/100 poles to a stone, oak and elm, corner to a lot containing about 6 acres conveyed by Esther Smith to Elias Gallant on the 22nd. day of June, 1861; thence with the line of said lot N. 74¼ deg. E. 58-60/100 poles to a stone and beech corner to said lot; thence with a line of the first mentioned lot of 4 acres N. 53½ deg. E. 27-76/100 poles to the beginning. Containing 00-75/100 A. Being the same lands conveyed by Aaron Melick to Esther Smith on the 1st. day of Dec. 1856 (in said deed the name of the grantee is erroneously stated to be Hester Smith) and also including the same lands conveyed by Elias Gallant to Esther Smith on the 13th. day of July, 1861, and by Esther Smith and husband to Albert T. Berry by deed dated Mar. 7, 1882.

Second Tract:- Also the following real estate in the same Township, County and State. Part of Survey No. 6211. Beginning at the northeast corner to a piece of land owned by George W. Smith; thence west with the line of the said Smith land to George Mellick's east line; thence north with the line of the said George Mellick's land far enough so that a line east to the A. Neal Road; thence south with the east line of Survey No. 6211, will include twenty four acres (24 acres of land).

Third Tract:- Also the following real estate in the same Township, County and State. Commencing at Joseph Smart's northeast corner; thence west eighty one poles to Smart's northwest corner which stands in the east line of George Melick's nine land; thence North forty nine poles and eight feet to the northeast corner of the Melick land; thence east with Alexander Neel's land to a stone at Neel's southeast corner, being seventy nine poles and ten feet; thence south forty seven poles and fifteen feet to the place of beginning, and containing twenty four acres and eighty four rods, be the same more or less. Being a part of Survey No. 6211.

That the real estate hereinabove described is the same real estate as mentioned and described by the said decedent in his Will as "My farm of 98 acres located in Leesburg Township, Union County, Ohio" and in and by Item second of the said Will, said decedent directed that the said farm be sold and the proceeds therefrom invested in government bonds giving his wife, the said defendant, Elizabeth Jane Neel, full right and authority to the income on said bonds and the bonds themselves, if necessary, to maintain and support her during her

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natural life and to pay the expenses of her last sickness and her funeral expenses; and that said legacy to Elizabeth Jane Reel constitutes a charge on the real estate aforesaid and requires said real estate to be sold.

The defendants, Elizabeth Jane Reel, widow of said decedent, Estella Reel, William Reel, John Reel, Fannie Griffith and Emma Ewing are in said Will named as legatees and devisees and interested in said real estate and are the only next of kin and heirs at law of the said decedent. There are no persons under disability.

Said real estate was included in the Inventory of said estate pursuant to the order of this Court, and was appraised for the sum of $3430.00.

Wherefore, plaintiff prays that the Court set this petition for hearing, and that your petitioner be authorized and ordered to sell said real estate to pay the legacy aforesaid, and to carry out the provision of said Will, and for such other and further relief as plaintiff may be entitled.

T. A. McAllister - Attorney for Plaintiff.

State of Ohio, Union County, ss.

Estella Reel, being duly sworn, says that she is plaintiff in the above entitled cause, and that the facts set forth and the allegation contained in the foregoing petition are true as she verily believes.

Estella Reel.

Bath

Sworn to before me and signed in my presence this 20 day of November, 1934.

{Seal} T. A. McAllister - Notary Public.

"Exhibit A" Last Will and Testament.

In the Name of the Benevolent Father of all, Amen:-

I, Thomas F. Reel, of the Village of Richwood, County of Union, and State of Ohio, being of full age and sound disposing mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills by me heretofore made.

Item (1) I direct that my just debts and funeral expenses be paid out of my estate, as soon as practicable after the time of my decease.

Item (2) I give and devise to my beloved wife, Elizabeth Jane Reel, a life estate in all my real and personal property and I insist that at my death my farm of 98½ acres located in Leesburg Township, Union County, Ohio, be sold and the proceeds therefrom invested in Government bonds, giving my said wife full right and authority to use the income on said bonds, and even the bonds themselves, if necessary, to maintain and support her during her natural life and to pay the expenses

Heer Ptg. Co., Cols., O. CD 4981.

12804

of her last sickness and her funeral expenses.

Item (3) I give and devise to my daughter-in-law, Estella Reel, a life estate in all the real and personal property, remaining at the death of my beloved wife, Elizabeth Jane Reel, giving my said daughter-in-law full right and authority to use any and all of said real or personal property to maintain and support her during her natural life and to pay the expenses of her last sickness and funeral expenses.

Item (4) After the death of my beloved wife and my daughter-in-law, I devise the remainder of my estate, both real and personal, to descent to my heirs and next of kin according to the laws of the State of Ohio.

Item (5) I make, nominate and appoint my beloved wife, Elizabeth Jane Reel, Executrix of this my last Will and Testament and ask that she be permitted to serve without bond.

In Testimony Whereof, I have hereunto set my hand this 23rd. day of April, 1926.

(Signed) T. P. Reel.

Signed, sealed and acknowledged by the said Thomas P. Reel to be his last Will and Testament before us and in my presence, and by us signed as witnesses at his request and in his presence and in the presence of each other at Richwood, Union County, Ohio, this 23rd. day of April, 1926.

(Signed) J. S. Mattison, residing at Richwood, Ohio.
(Signed) Jacob E. Tackler, residing at Richwood, Ohio.

Filed Nov. 21-1934. Waiver of Summons and Consent to Sell.

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Estella Reel, Administratrix with the Will annexed of the Estate of Thomas P. Reel, dec'd.

Plaintiff.

-vs-

Elizabeth Jane Reel, et al.,

Defendants.

No. 12804
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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. November A. D. 1934.

Elizabeth Jane Reel
Estella Reel
Fannie Griffith
Emma Ewing.
John H. Reel.
Wm. Reel.

Heer Ptg. Co., Cols

12804
Filed
Nov. 21-1934.
Journal Entry.

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Final Record, Union County Probate Court

Heer Ptg. Co., Cols., O. CD 4981.

12854
Filed
Nov. 21-1934.
Journal Entry.

In the Probate Court, Union County, Ohio.

Estella Neel, Administratrix with Will annexed of the estate of Thomas P. Neel, Deceased,
Plaintiff,
-vs-
Elizabeth Jane Neel, et al.,
Defendants.

No. 12854.
Journal Entry.

This day this cause came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay legacy set out in the petition, and upon the evidence and testimony, and the Court being fully advised in the premises finds that all the defendants herein have voluntarily entered their appearance and have consented to the sale of the real estate described in the petition in said action according to the prayer of the same, and that all necessary parties are now before the Court.

And the Court finds that in and by Item Second of the Will of said decedent, he, said decedent ordered and directed that the real estate described in the petition be sold and the proceeds therefrom invested in Government Bonds, giving his wife, the defendant, Elizabeth Jane Neel, full right and authority to use the income of said bonds, and the bonds themselves, if necessary, to maintain and support her during her natural life and to pay the expenses of her last sickness and funeral, and that said order and direction in said Will constituted a legacy in favor of the defendant, Elizabeth Jane Neel, and that said legacy to Elizabeth Jane Neel constitutes a charge on the real estate aforesaid, and that it is, therefore necessary to sell said real estate, as directed in Item Two of said Will, and that the prayer of plaintiff's petition should be granted.

The Court further finds that the defendant, Elizabeth Jane Neel, widow of said decedent, has elected to take under the said Will, and that she has no dower rights in the premises; that the real estate described in the petition was appraised by the appraisers of the estate at $8430.00, and orders that a further appraisement be dispensed with.

The Court further finds that the bond heretofore given by the plaintiff, as Administratrix with Will annexed, of the estate of Thomas P. Neel, deceased, in the amount of $6000.00, is insufficient, and it is ordered that she file additional bond with sufficient sureties to be approved by this Court in the sum of $6860.00, and this cause is continued.

L. W. Hazen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12807
Filed
Nov. 23-1934.
Administrator's
Bond.

Administrator's Bond.
In Proceedings to Sell Real Estate.

Know all Men by these Presents: That we, Estella Neel, and Ida Hoffman and Hattie Taylor are held and firmly bound unto the State of Ohio, in the sum of Six Thousand Eight Hundred Sixty Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Richwood, Ohio, this 21st. day of November, 1934.

The Condition of the above obligation is such, That whereas, the above bound Estella Neel was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administratrix with Will annexed of the estate of Thomas P. Neel deceased.

And whereas, the said Estella Neel as such Administratrix, 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 21st. day of November 1934, made an order requiring said Administratrix to execute a bond according to the statute in such cases made and provided.

Now, if the said Estella Neel, Administratrix with Will annexed 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.

Estella Neel.
Ida Hoffman.
Hattie Taylor.

This Bond approved in open Court, this 23rd. day of November 1934.

{Seal}
L. W. Hazen - Probate Judge.

Filed
Nov. 23-1934.
Journal Entry
Approving
Additional
Bond and
Ordering
Private Sale.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Estella Neel, Administratrix with Will annexed of the Estate of Thomas P. Neel, deceased,
Plaintiff,
-vs-
Elizabeth Jane Neel, et al.,
Defendants.

November 23-1934.
Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Six Thousand Eight Hundred Sixty Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

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And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that Estella Neel as such Administratrix, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate judge.

Filed Dec. 3 - 1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Estella Neel, Administratrix with Will annexed of the Estate of Thomas P. Neel, 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 Administratrix with Will annexed of the estate of Thomas P. Neel, deceased, are Plaintiff and Elizabeth Jane Neel, 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:

First Tract: Situated in the County of Union, in the State of Ohio, and the Township of Leesburg, and bounded and described as follows, viz:-

Beginning at a stone in place of a white oak, southeastly corner to a lot containing about four acres, conveyed by Elias Gallant to Esther Smith on the 15th day of July, 1861, and in the west line of Survey 1931; thence with said line N. 87½ deg. W. 77-68/100 poles to a stone in said line and southeasterly corner to Thomas Neel's land; thence with the southerly line of said land S. 75¾ deg. W. 84-32/100 poles to a stone corner to said land and also corner to lands of A. Stodard and Geo. Melick; thence with the east line of said Melick's land S. 15 deg. E. 74 poles to a stone corner to said land in the north line of Survey No. 6199; thence with said line S. 80½ deg. E. 81-48/100 poles to a stone, oak and elm, corner to a lot containing about 6 acres conveyed by Esther Smith to Elias Gallant on the 22nd. day of June, 1861; thence with the line of said lot N. 7¼ deg. E. 58-60/100 poles to a stone and beech corner to said lot; thence with a line of the first mentioned lot of 4 acres N. 53½ deg. E. 27-76/100 poles to the beginning, containing 50-75/100 A. Being the same lands conveyed by Aaron Melick to Esther Smith on the 1st. day of Dec. 1856 (in said deed the name of the grantee is erroneously stated to be Hester Smith) and also including the same lands conveyed by Elias Gallant to Ester Smith on the 18th. day

Heer Ptg. Co., Cols., O. CD 4981.

12804

8 July, 1861, and by Esther Smith and husband to Albert T. Perry by deed dated Mar. 7, 1862.

Second Tract: Also the following real estate in the same Township, County and State. Part of Survey No. 6211. Beginning at the northeast corner to a piece of land owned by George W. Smith; thence west with the line of the said Smith land to George Mellick's east line; thence north with the line of the said George Mellick's land far enough so that a line east to the N. Neal Road; thence south with the east line of Survey No. 6211, will include twenty four acres (24 acres of land).

Third Tract: Also the following real estate in the same township, county and state. Commencing at Joseph Swart's northeast corner; thence west eighty one poles to Swart's northwest corner which stands in the east line of George Mellick's heirs land; thence north forty nine poles and eight feet to the northeast corner of the Melick land; thence east with Alexander Neel's land to a stone at Neel's southeast corner, being seventy nine poles and ten feet; thence south forty seven poles and fifteen feet to the place of beginning, and containing twenty four acres and eighty four rods, be the same more or less.

Being a part of Survey No. 6211.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 30 day of November, 1934.

Estella Neel - Administratrix.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 30 day of November, 1934 offer said property, at private sale, and Elizabeth Jane Neel having offered therefor the sum of Three Thousand Four Hundred Thirty and no/100 Dollars ($3430.00) and the same being not less than the appraised value of said property, I sold the same to said Elizabeth Jane Neel for that sum.

Report of Private Sale.

Estella Neel - Administratrix.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

Estella Neel, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Affidavit to Report of Private Sale.

Estella Neel.

Subscribed in my presence and sworn to before me this 30 day of November, 1934.

(Seal) F. A. McAllister - Notary Public.

12804
Filed
Dec. 3 - 1934.
Journal Entry
Confirming Sale.

12948
Filed
June 5 - 1935.
Milo L. Myers
Attorney.

Heer Ptg. Co., Cols., O. CD 4981.

12804
Filed
Dec. 8 – 1934.
Journal Entry
Confirming Sale.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Thomas P. Neel, Deceased. | No. 12804. Journal Entry Confirming Sale.

This day this cause came on to be heard on the report of Estella Neel, Administratrix with Will annexed of the Estate of Thomas P. Neel, deceased, of her 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 estate of Thomas P. Neel in said real estate, to the purchaser, Elizabeth Jane Neel, upon the receipt from said purchaser, payment of the said purchase money, in cash.

It is further ordered that said Administratrix out of the money in her hands, pay:- To the Treasurer of this County, the sum of $ —, being the taxes against said property.

It is further ordered that said Administratrix account for the balance of the proceeds of said sale according to law, and said Administratrix be authorized to invest such proceeds in Government Bonds, as provided for in Item Second of the Will of said decedent.

It is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ —, out of the proceeds of said sale, within ten days.

L. W. Hazen - Judge.

12948
Filed
June 5 – 1935.
Milo L. Myers
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

L. P. Sherman as Administrator of the Estate of L. C. Sherman, Deceased, Plaintiff, -vs- Bert Sherman, et al; Margaret E. Sherman, L. C. Sherman, Allie Sherman, D. R. Sherman, Catherine Sherman, James Sherman, Florence Sherman, Elsie Hornbeck, Harry Hornbeck, L. P. Sherman, Alice Sherman, Ethel Miller, H. E. Miller, and C. W. Rea, Defendants.

No. 12948.
Petition.

Heer Ptg. Co., Cols., O. CD 4981.

12948

Now comes L. P. Sherman and says that he is the duly appointed, qualified and acting administrator of the estate of L. D. Sherman, deceased, and was appointed as such by the Probate Court of Union County, Ohio,

That, the said L. D. Sherman died intestate on the 2nd. day of June, 1934, leaving surviving him his widow, Margaret E. Sherman, who was 83 years old on the 2nd. day of March, 1935, and the defendants Burt Sherman, L. C. Sherman, D. R. Sherman, James Sherman, and L. P. Sherman, his sons and Elsie Hombeck and Ethel Miller his daughters, his only children and heirs at law and the only persons having they next estate of inheritance from the said decedent.

That, the said L. D. Sherman died seized in fee simple and the owner of an undivided one-half (½) interest in the following described real estate, to-wit:-

Situated in the Townships of York and Washington, County of Union, State of Ohio, and a part of Surveys No. 5284 and 9896 and 4692.

Petition. Beginning at a stone in the center of the pike leading from York to Bybalia and northeast corner to Brice Coons' land; thence N. 80° West 87.76 poles to a stone southeast corner to George W. Cox's land; thence N. 9° 15' East with said George W. Cox's east line 74.68 poles to a stone in the Greenville Treaty line; thence N. 81° East 57 poles with said Treaty line to a stone; thence N. 9° 30' West 22.60 poles to a stone; thence N. 68° 15' East 41.86 poles to a stone corner; thence S. 20° East 35.50 poles to said Treaty line; thence S. 20° East on the same course 8.16 poles to a stone; thence S. 73° East 17.21 poles to a point in the center of said pike leading from York to Bybalia; thence with the center of said pike S. 26° West 107.20 poles to the beginning. Containing 67.74 acres more or less, and excepting therefrom one acre deeded to George W. Cox, leaving 66.74 acres more or less, but subject to all legal highways.

That, the said L. D. Sherman at the time of his death did not own any personal property, or at the time of his death did he owe any debts, excepting as hereinafter stated.

That, all expenses incident to the death and burial of the said decedent were advanced and paid by his children and the only debt remaining is a mortgage made in favor of the defendant C. W. Reed on the premises herein described and which was given to secure a certain promissory note signed by the said decedent the defendants Margaret E. Sherman and Burt Sherman.

That, the said defendant Burt Sherman is the owner of the remaining or other undivided one-half (½) interest in said real estate.

Filed June 5-1935. Entry Filing Petition.

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Heer Ptg. Co., Cols., O. CD 4981.

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That, the defendants, respectively Allie Sherman, is the wife of L. C. Sherman; Catherine Sherman is the wife of D. R. Sherman; Florence Sherman is the wife of James Sherman; Alice Sherman is the wife of L. P. Sherman; Harry Hombeck is the husband of Elsie Hombeck and H. E. Miller is the husband of Ethel Miller.

That, it is necessary to sell the undivided one-half (½) interest in said real estate in order to apply the proceeds received therefrom on the said mortgage lien and the expenses of administering said estate, and that the expenses of such administration will amount to about One-Hundred ($100.00), Dollars.

Wherefore, the plaintiff prays the court for an order authorizing him and directing him to sell the said real estate to pay the debts of administering the estate of the said decedent and for such other and further relief in the premises as the court may find to be just and equitable.

Milo L. Myers- attorney for Plaintiff.

State of Ohio, Union County, ss.

The above named L. P. Sherman being first duly sworn says that the facts stated and the allegations made and captained in the foregoing petition are true as he believes.

L. P. Sherman.

Sworn to before me and signed in my presence by the said L. P. Sherman this 5th. day of June, 1935.

{Seal} Milo L. Myers- Notary Public.

Filed June 5- 1935. Entry Filing Petitions.

In the Probate Court of Union County, Ohio.

L. P. Sherman as administrator of the Estate of L. C. Sherman, Deceased, Plaintiff,

-vs-

Bert Sherman, et al, Defendants.

No. 12948. Entry Filing Petition.

This day came L. P. Sherman as administrator of the estate of L. C. Sherman, deceased, and presented his certain petition praying for the sale of the real estate therein described to pay the debts of the said estate and presented a waiver and consent of all the defendants to sell said real estate.

Therefore it is ordered that that petition be forthwith filed, further notice to the defendants be, at this time, dispensed with, and at further hearing on said petition may be had forth- with.

L. W. Hazen- Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

12948
Filed
June 5- 1935.

In the Probate Court of Union County, Ohio.

L. P. Sherman as Administrator of the Estate of L. A. Sherman, Deceased,

Plaintiff,

-vs-

Burt Sherman, et al.,

Defendants.

No. 12948.
Answer of Widow.

Now comes Margaret E. Sherman 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 she is the widow of said L. A. Sherman deceased, and, as such, is entitled to dower in the premises described in said petition, and that her age is 88 years.

And, by way of cross- petition, this defendant says, said decedent kept her as his widow and composing a part of his family; 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, and they were using and occupying the same as their family homestead; that she is still residing thereon and using and occupying the same as such; and that she is entitled to a home-stead as such widow, in the lands of her said deceased husband, under the laws of Ohio in such cases. This defendant further says that she joined with her said husband as his surety only, in the execution of said mortgage to said defendant C. W. Rea which said mortgage professes the assignment of a homestead to her by metes and bounds as provided by law; and that it is necessary to sell said premises to pay said mortgage lien.

Wherefore, this defendant prays that said premises may be sold free of her dower and homestead therein, that the just and reasonable value of such dower estate in the whole of said premises may be allowed and paid her in money out of the proceeds of such sale, and that she be allowed the residue of the proceeds not exceeding Five Hundred Dollars in lieu of her homestead, after the satisfaction of said mortgage lien and the costs of sale herein, and for all other and further relief to which she may be entitled.

Milo L. Myers- Atty.

State of Ohio, Union County, ss.

The within named defendant Margaret E. Sherman, being first duly sworn, says that the statements in the foregoing answer and cross- petition are true as she verily believes.

Margaret E. Sherman.

Sworn to before me and subscribed in my presence, this 5th. day of June, 1935.

Milo L. Myers- Notary Public.

(My Seal)

Heer Ptg. Co., Cols., O. CD 4981.

12948
Filed
June 5- 1930.
Answer and
Cross-Petition
of C. W. Rea.

In the Probate Court of Union County, Ohio.

L. P. Sherman as administrator
of the Estate of L. A. Sherman,
Deceased,
Plaintiff.
-vs-
Bert Sherman, et al.,
Defendants.

No. 12948.
Answer + Cross-Petition.

Now comes C. W. Rea, one of the defendants named in the plaintiff's petition and voluntary enters his appearance herein, waives time of proceedings and sale and for answer and cross-petition to the plaintiff's petition says,

That, on the 28th. day of January, 1929, L. A. Sherman, now deceased, the defendant, Margaret E. Sherman, wife of the said L. A. Sherman, deceased, and the plaintiff, Bert Sherman, made and delivered their two certain promissory notes of that date to this defendant, C. W. Rea; one of the said notes being for the principal sum of $2,000.00 and the other for the principal sum of $900.00 with interest thereon at 7% per annum from date as per copy of said notes with all credits and endorsements thereon are hereto attached marked exhibit "A" and made a part of the answer and cross-petition the same as if re-written herein. That the said defendant, C. W. Rea, is still the owner and holder of the said promissory notes, and that there is still due thereon the sum of $3,047.02 with the interest thereon at 8% per annum payable semi-annually from the 28th. day of April, 1924.

That, the said L. A. Sherman, Margaret E. Sherman and Bert Sherman to secure the payment of the said promissory notes aforesaid and the interest that might accrue thereon for the said 28 day of Jan. 1929, made and delivered their certain mortgage deed on the premises described in the plaintiffs petition and the said mortgage, which premises is described as follows, to-wit;

Beginning at a stone in the center of the pike leading from York to Byhalia, and northeast corner to Brice Coons land; thence N. 80° W. 87-75/100 poles with said Brice Coons north land line to a stone southeast corner to George Cox's land; thence N. 9¼° E. 74-68/100 poles with said George Cox's east line to a stone in the treaty line; thence N. 81° E. 67 poles with said treaty line to a stone; thence N. 9¼° W. 22-61/100 poles to a stone; thence N. 68¾° E. 41.86 poles to a stone corner; thence S. 20° E. 85.50 poles to the treaty line; thence S. 20° E. in same course as before 3.16 poles to a stone; thence S. 73° E. 17.21 poles to a point in the center of said pike leading from York to Byhalia; thence S. 26° W. 107.20 poles passing at stone corner at 28.40 poles and with the center of the pike to the place of

Heer Ptg. Co., Cols., O. CD 4981.

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beginning. Containing 67.44 acres more or less.

Excepting therefrom one acre conveyed by Anthony Middlesworth and wife off the south side tract and running back to said Cox's land for a roadway to George Cox.

That, said mortgage ded was filed for record on January 30 th., 1929, at 2:40 o'clock P. M. in the office of the County Recorder of Union County, Ohio, and therein recorded in Mortgage record No. 98, Page 18 and that the said mortgage ded by reason thereof is the first and best lien on the said premises, and consents to the sale of said premises subject to mortgage.

Wherefore, the defendant, C. W. Rea, prays that the Court determine and fix the amount due him on said promissory notes and that the mortgage ded given to secure the same be decreed the first and best lien on said real estate.

That the said real estate be sold by the plaintiff as and for the purpose as prayed for in the plaintiffs petition subject however to the mortgage lien of this defendant thereon, and for all other relief to which he may be entitled.

Porter & Porter - Attorney for C. W. Rea.

State of Ohio, Union County, ss.

The above named C. W. Rea being first duly sworn says that the facts stated and the allegations made and contained in the foregoing answer and cross-petition are true as he believes.

C. W. Rea.

Sworn to before me and signed in my presence by the said C. W. Rea this 5th. day of June, 1930.

Edward W. Porter - Notary Public
Union County, Ohio.

{Seal}

Plaintiff's Exhibit "A".

$2,000.00 West Mansfield, Ohio, Jan 28th. 1929.

On Demand after date, for value received we promise to pay to the order of C. W. Rea Two Thousand and No/100 Dollars, payable Semi-annually, with interest, at the rate of 7 per centum per annum at The Farmers State Bank, West Mansfield, Ohio, and we hereby authorize any Attorney at Law to appear in any Court of Record in the United States, after the above obligation becomes due, and waive the issuing and service of process and confess a judgment against us 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.

Bert Sherman.
L. D. Sherman.
Margaret E. Sherman.

Filed June 5-1930. L. V. Ware. Clerk of the Probate Court.

Int. paid to Jan. 4th. 1930.
Int. paid to July 4th. 1930.
Int. paid to Jan. 1931.
Int. paid to Jan. 4th. 1932.

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Filed June 5-1930. Entry for Bond. L. V. Clerk of the Probate Court.

Bert

Heer Ptg. Co., Cols., O. CD 4981.

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Plaintiff's Exhibit "A".

$ 900.00 West Mansfield, Ohio, Jan. 28th. 1929.

On Demand after date, for value received we promise to pay to the order of E. W. Rea Nine Hundred and no/100 Dollars before due with interest at the rate of 7 per centum per annum at The Farmers State Bank, West Mansfield, O. payable semi- annually, and we hereby authorize any Attorney at Law to appear in any Court of Record in the United States, after the above obligation becomes due, and waive the issuing and service of process and confess a judgment against us 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.

Bert Sherman.
L. D. Sherman.
Margaret E. Sherman.

Int. paid to Jan. 4, 1930.
" " " July 4, 1930.
" " " Jan. 4, 1931.
" " " July 3, 1931.

Received on within note $100.00 July 4, 1930. $100.00 Jan. 4, 1931. Jan. 4, 1932, Int. paid to date.

Sept. 29th. 1933 received on within note 42 3/4 bushels of wheat at $1.00 a bushel.

Filed June 5-1935. Waiver.

In the Probate Court of Union County, Ohio.

L. P. Sherman as Administrator of the Estate of L. D. Sherman, Deceased, Plaintiff,

-vs-

Bert Sherman, et al., Defendants.

No. 12948. Waiver.

We, the undersigned and defendants named in the above entitled cause do hereby waive the issuing and service of summons or process upon us, and do voluntarily herein enter our appearance, waive time, and consent to the prayer of the plaintiff's petition and the immediate sale of the said real estate.

Margaret E. Sherman, L. D. Sherman, Alice Sherman, Bert Sherman, D. R. Sherman, Catherine Sherman, James Sherman, Florence Sherman, Elsie Hornbeck, Harry Hornbeck, Alice Sherman, H. E. Miller, Ethel Miller, L. P. Sherman.

Filed June 5-1935. Entry for Bond.

In the Probate Court of Union County, Ohio.

L. P. Sherman as Administrator of the Estate of L. D. Sherman, Deceased, Plaintiff,

-vs-

Bert Sherman, et al., Defendants.

No. 12948. Entry for Bond.

Heer Ptg. Co., Cols., O. CD 4981.

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This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects a regular and correct; it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said administrator execute within five days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Fifteen Hundred Dollars conditioned according to law.

L. W. Hagen - Judge.

Filed June 5 - 1935. Bond of administrator.

Bond of Administrator.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we L. P. Sherman and D. R. Sherman and James Sherman are held and firmly bound unto the State of Ohio, in the penal sum of Fifteen hundred and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 5th. day of June, A. D. 1935.

The Condition of the above obligation is such, That Whereas, the above bound L. P. Sherman was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of L. A. Sherman, Deceased.

And Whereas, the said L. P. Sherman as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said L. A. Sherman described in said petition;

And Whereas said Court, on the 5th. day of June, 1935, made an order requiring said Administrator to execute a bond according to the statute in such case made and provided.

Now, if the said L. P. Sherman, as Administrator aforesaid, shall faithfully discharge his duties and pay and account for all moneys arising from the sale of the Real Estate according to Law, then this obligation to be void; otherwise to remain in full face and virtue in law.

L. P. Sherman.
James Sherman.
D. R. Sherman.

This Bond approved in open Court, this 5th. day of June, 1935.

(Seal)

L. W. Hagen - Probate Judge.

Filed June 5 - 1935 Journal Entry.

Journal Entry - Orders approving Bond for Private Sale, etc

Probate Court,
Union County, Ohio.
June 5th. 1935.

L. P. Sherman as administrator of the Estate of L. A. Sherman, Deceased,

Plaintiff,

-vs-

Bert Sherman, et al.,

Defendants.

Petition to Sell Real Estate.
Order of Sale, etc.

Filed June 5 - 1935. Journal Entry - Orders on Hearing of Appraisement.

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This day this cause came on further to be heard, and it appearing to the Court, that the said L. P. Sherman the plaintiff above named, has given bond as heretofore ordered, in the sum of Fifteen hundred & no/100 Dollars, with James Sherman and R. R. Sherman freeholders, as sureties, it is ordered that said bond be and hereby is approved.

And it appearing to the Court that the defendant, C. W. Rea, has and holds a mortgage lien on the whole of the real estate described in the plaintiff's petition and by his answer filed herein has consented to the sale of the said real estate subject to his said mortgage lien, and it further appearing to the Court that the widow, Margaret E. Sherman, has waived the assignment of her dower interest in said real estate and consented to the sale thereof free from any interest she has therein.

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 L. P. Sherman as such administrator proceed to sell said real estate subject to said mortgage lien free from the dower of Margaret E. Sherman 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.

L. W. Hagen - Judge.

Filed June 6-1935. Journal Entry - Orders on Hearing of appraisement.

Journal Entry - Orders on Hearing, of appraisement, etc. Probate Court, Union County, Ohio.

L. P. Sherman as administrator of the Estate of L. D. Sherman, Deceased, Plaintiff,

-vs-

Bert Sherman, et al., Defendants.

June 6th. 1935. Petition to Sell Real Estate. Order of appraisement, etc.

This day this cause came on to be heard upon the petition, evidence and testimony and the answer and cross-petitions of C. W. Rea and Margaret E. Sherman; and the Court being fully advised in the premises finds; That all the defendants herein 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 Margaret E. Sherman, widow of said L. D. Sherman is entitled to dower in said real estate; That said she 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

Heer Ptg. Co., Cols., O. CD 4981.

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Court being satisfied that it is necessary to sell the real estate of said decedent described in the petition, to pay his debts.

And that the said defendant C. W. Rea, by his answer and cross- petition filed herein has and holds a mortgage lien on said premises and by his answer has consented to the sale of the said premises subject thereto.

It is ordered that Chas. D. Kebb, H. W. Conkright and Frank W. Galloway 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 Margaret E. Sherman 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 1st. day of June, 1935, and this cause is continued.

L. W. Hagen - Judge.

Filed June 5- 1935. Order of Appraisement.

Order of Appraisement.

The State of Ohio, Union County, ss. Probate Court.

To L. P. Sparman:

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 L. A. Sherman, deceased, are Plaintiff and Burt Sherman et al., are Defendants, you are commanded that by the oaths of Chas. D. Kebb, H. W. Conkright and Frank W. Galloway judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit: Being the undivided one half interest therein and situated in York Township and Washington, Union County, Ohio, Surveys No. 6289 and 9896 and 4692.

Beginning at a stone in the center of the pike leading from York to Byhalia and northeast corner to Brice Cook's land; thence N. 80° West 87.76 poles to a stone southeast corner to George W. Cox's land; thence N. 9° 10E East with said George W. Cox's east line 74.68 poles to a stone in the Greenville Treaty line; thence N. 81° East 57 poles with said Treaty line to a stone; thence N. 9° 30' West 22.60 poles to a stone; thence N. 68° 15' East 41.86 poles to a stone corner; thence S. 20° East 85.50 poles to said Treaty line; thence S. 20° East on the same course 3.16 poles to a stone; thence S. 73° East 17.21 poles to a point in the center of said pike leading from York to Byhalia; thence with the center of said pike S. 26° West 107.20 poles to the beginning. Containing 67.44 acres more or less, and excepting therefrom one acre deeded to George W. Cox, leaving 66.44 acres more or less;

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Oath of Appraisers.

Appraisers Return.

Filed June 5- 1935. Order of Private Sale.

Heer Pig. Co., Cols., O. CD 4981.

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but subject to all legal highways.

Subject to the mortgage lien of C. W. Rea on said premises.

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 June, A. D. 1935.

{Seal} L. W. Hafele - 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 5th. day of June 1935.

L. P. Sherman.

Return

Oath of appraisers.

The State of Ohio, Union County.

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

Oath of appraisers.

Frank W. Galloway.
H. E. Conkright. } appraisers.
Chas. D. Webb.

Sworn to before me and signed in my presence, this 5th. day of June, 1935.

{Seal} Milo L. Myers - 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 in money of said real estate at One Hundred and Fifty ($150.00) Dollars, free from the dower of Margaret E. Sherman and subject to the mortgage lien of C. W. Rea thereon.

Appraisers' Return.

Given under our hands, this 5th. day of June 1935.

Frank W. Galloway.
H. E. Conkright. } appraisers.
Chas. D. Webb.

Order of Private Sale.

Filed June 5-1935. Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To L. P. Sherman, 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 L. A. Sherman are Plaintiff and Burt Sherman et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than One hundred and fifty Dollars the appraised value thereof the following described premises to-wit:

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Situated in the Townships of York and Washington, County of Union, State of Ohio, and a part of Surveys No. 5289 and 9896 & 4692.

And being the undivided one-half interest therein and,

Beginning at a stone in the center of the pike leading from York to Byhalia and northeast corner to Bruce Coon's land; thence N. 80° West 87.75 poles to a stone southeast corner to George W. Cox's land; thence N. 9° 15' east with said George W. Cox's east line 74.68 poles to a stone in the Greenville Treaty line; thence N. 81° east 67 poles with said Treaty line to a stone; thence N. 9° 30' West 22.60 poles to a stone; thence N. 68° 15' East 41.36 poles to a stone corner; thence S. 20° East 36.60 poles to said Treaty line; thence S. 20° East on the same course 3.16 poles to a stone; thence S. 73° East 17.21 poles to a point in the center of said pike leading from York to Byhalia; thence with the center of said pike S. 26° West 107.20 poles to the beginning. Containing 67.74 acres more or less, and excepting therefrom one acre deeded to George W. Cox leaving 66.748 acres more or less, but subject to all legal highways.

Said sale to be upon the following terms, to-wit; Cash 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 5th. day of June A. D. 1935.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 June 1935.

L. P. Sherman.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 5th. day of June, 1935 offer said property, at private sale, and subject to mortgage of C. W. Pea- and free from dower of Margaret E. Sherman, and Burt Sherman having offered therefor the sum of One hundred and fifty + no/100 Dollars ($150.00) and the same being not less than the appraised value of said property, I sold the same to said Burt Sherman for that sum.

Report of Private Sale.

L. P. Sherman.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss.

Affidavit to Report of Private Sale. L. P. Sherman, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the

12948 Filed June 5-1935. Entry Confirming Sale.

12925 Filed Apr. 18-1935. Clifton L. Cayl, Attorney.

Heer Ptg. Co., Cols., O. CD 4981.

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best price for said property, and that the sale reported is for the highest price that could be obtained.

L. P. Sherman.

Subscribed in my presence and sworn to before me this 5th. day of June 1935.

{Seal} Milo L. Myers - Notary Public.

Filed June 5-1935. Entry Confirming Sale.

In the Probate Court, Union County, Ohio.

No. 12948.

L. P. Sherman as Administrator of the Estate of L. D. Sherman, Deceased, Plaintiff,

-vs-

Bert Sherman, et al., Defendants.

Entry Confirming Sale.

This day this cause came on to be heard on the report of L. P. Sherman as administrator of the estate of L. D. Sherman, deceased, of his proceedings under the former order of this Court and upon the motion of the 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 L. D. Sherman in said real estate, subject to the mortgage lien of the defendant C. W. Rea thereon and free from the dower interest of Margaret E. Sherman therein, to the purchaser Bert Sherman.

The Court further finds that by reason of the said mortgage lien of the said defendant, C. W. Rea that the said minor, Margaret E. Sherman, and her answer filed herein that she is not entitled to a homestead or dower interest in said premises, or money in lieu thereof.

It is further ordered that the said plaintiff pay the cost of this proceeding taxed at $ — and that this cause be recorded.

L. W. Hazen - Judge.

12925 Filed Apr. 18-1935. Clifton L. Cayl, Attorney.

Petition to Sell Real Estate.

Probate Court, Union County, O.

Ruth C. Skidmore as Admin. of the Estate of Ella E. Williams, deceased, Plaintiff,

-vs-

W. E. Williams, Chandos Skidmore, and Happy Hornbeck as Guardian of Chandos Skidmore, Defendants.

Cause No. 12925.

Petition for Authority to Sell Real Estate of Decedent to Pay Debts

Heer Ptg. Co., Cols., O. CD 4981.

12925

The plaintiff is the duly appointed, qualified and acting Administratrix of the Estate of Ella E. Williams, deceased, late of this county; and as near as can be ascertained the amount of the valid debts against said deceased is $700.00.

Plaintiff further states that said decedent was possessed of no personal property, and, therefore, unable to pay debts out of same. Said decedent did seized in fee simple of the following described real estate, situated in the County of Union, State of Ohio, and further described as follows:—

Being part of Survey No. 3286, and bounded and described as follows:-

Beginning at a stone in the centr of the County Road and northeast corner to ten acres of land owned by Bliss Dauforth; thence N. 81° W. 60.76 poles to a stone, northwest corner to said Bliss Dauforth's land; thence N. 9° E. 63.74 poles to a stone in centr of road; thence N. 65½° W. 7.36 poles with center of said road to a stone; thence N. 23-3/4° E. 7.4 poles to a post; thence S. 81° E. 60/100 poles to a stake; thence N. 9° E. 66.9 poles to a stone in the North bank of Bokes Petition Creek; thence S. 81° E. 69.14 poles to a stone in center of Byhalia and West Mansfield Gravel Road; thence S. 9° W. 93.66 poles with center of said road to a stone, northeast corner to school house lot; thence N. 81° W. 7.2 poles to a stone; thence S. 9° W. 6.64 poles to a stone; thence S. 66½° E. 8 poles to a stone in center of said Gravel Road; thence S. 9° W. 16.12 poles to a stone; thence S. 24¼° W. 21.12 poles to the place of beginning. Containing 60 acres.

Also the following premises, situate in the State of Ohio, County of Union and Township of York, being part of Survey No. 3284, and bounded and described as follows:-

Beginning at a stake in the center of the Rush Creek road and in the South line of said Survey; thence with said line N. 82½° W. 40 28/88 poles to a stake, corner of a lot formerly owned by James B. Smith; thence N. 7° E. 35 20/88 poles to another corner of James B. Smith's land; thence S. 82½° E. 49 poles to a stake or stone in the center of the said road (now pike); thence with said road S. 22½° W. 37 poles to the place of beginning.

Containing 10½ acres, more or less.

Excepting therefrom the following premises leased to the M. E. Church for church purposes and described as follows:-

Beginning at a stake in the center of the Rush Creek road and in the south line of Survey No. 3286; thence northerly with the center of said road 77 feet to a stake; thence westerly 50 feet; thence southerly 77 feet to the south line of said Survey No. 3286; thence eastrly 50 feet to the place of beginning, containing 0.8 of an acre more or less.

Containing in the aggregate of the lands described, 60 acres, more or less, but subject to all legal highways.

Filed Apr. 18-1935. Waiver of Service and Summons.

Heer Ptg. Co., Cols., O. CD 4981.

12925

Said real estate is subject to no mortgage, and Plaintiff further represents that said decedent died leaving W. E. Williams the defendant herein as her surviving spouse, and who is 72 years of age, and is entitled to dower in said premises. The defendants W. E. Williams, Harry Hombeck as Guardian of Chandos Skidmore, a minor, and Ruth C. Skidmore are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate, and having an interest therein. There are no other persons who have an interest in said real estate.

Wherefore, Plaintiff prays that said real estate be sold free from all the right of dower of said W. E. Williams the defendant herein, and that your petitioner be authorized and ordered to sell real estate according to the statutes in such cases made and provided, and for such other and further relief as she may be entitled to.

Clifton L. Cayl - Attorney for Plaintiff.

State of Ohio, Union County, ss.

Ruth C. Skidmore being duly sworn says that she is the duly appointed and qualified administratrix in the above matter, and the facts stated and allegations contained are true as she verily believes.

Ruth C. Skidmore.

Oath.

Sworn to before me and subscribed in my presence this 18 th. day of April, 1935.

{Seal} Clifton L. Cayl - Notary Public.

Filed Apr. 18-1935. Waiver of Service and Summons.

Waiver of Summons and Consent to Sell.

We, the undersigned parties defendant to the petition in said cause, 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 said petition as therein prayed for.

W. E. Williams.
Harry Hombeck,
Guardian of Chandos Skidmore.

Probate Court, Union County, O.

Ruth, C. Skidmore as Administratrix of the Estate of Ella E. Williams, Deceased, Plaintiff,

-vs-

W. E. Williams, Chandos Skidmore, and Harry Hombeck as Guardian of Chandos Skidmore, a minor, Defendants.

Lease No. 12925.
Answer Asking Sale of Entire Tract.

Now comes Harry Hombeck as Guardian for Chandos Skidmore, a minor, and for answer to the petition of said plaintiff herein admits that Ruth C. Skidmore is the duly qualified and acting administratrix of the

Heer Ptg. Co., Cols., O. CD 4981.

12926

estate of Ella E. Williams, deceased; that the decedent was the owner in fee simple of the real estate described in Plaintiff's petition; and that the sale of the same is necessary to pay the debts of decedent.

The defendant alleges that Chandor Skidmore, a minor, has a one-fourth interest in said real estate; and that same cannot be sold in fractional interest without manifest injury.

The Defendant prays that the owners of the remaining interest be made parties to this action; that an order issue to include the sale of the entire interest in the property and that such other relief may be afforded the defendant as he may be entitled to.

Clifton L. Caryl.

State of Ohio, Union County, ss.

Harry Hornbeck being first duly sworn says that he is the duly appointed and acting Guardian of Chandor Skidmore, a minor, and that the facts stated and allegations contained in the above answer are true as he verily believes.

Harry Hornbeck.

Sworn to before me and subscribed in my presence this 18 th. day of April, 1935.

{Seal} Clifton L. Caryl + Notary Public.

Waiver of Service and Summons.

We, the undersigned parties defendant in the above action voluntarily waive the service and issuing of summons herein, and voluntarily enter our appearance as parties defendant.

Ruth E. Skidmore.

W. E. Williams.

Probate Court, Union County, Ohio.

Filed Apr. 18-1935. Answer of Surviving Spouse.

Ruth E. Skidmore as administratrix of the Estate of Ella E. Williams, deceased, Plaintiff,

-vs-

W. E. Williams, Chandor Skidmore, and Harry Hornbeck as Guardian of Chandor Skidmore, a minor, Defendant.

Case No. 12926.

Answer of Surviving Spouse.

And now comes W. E. Williams, one of the defendants in the above entitled cause of action and voluntarily enters his appearance herein, and for answer to the petition in this case filed, says that he is the surviving spouse of Ella E. Williams, deceased, and as such is entitled to dower in the premises described in said petition, and that he is 72 years of age and that he freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds or rents and profits, and asks that said premises may be sold free from his

Filed Apr. 20-1935. Summons.

Heer Ptg. Co., Cols., O. CD 4981.

12925 dower estate therein.

Clifton L. Caryl.

State of Ohio, Union County, ss.

W. E. Williams being first duly sworn says that the facts stated and the allegations contained in the foregoing answer are true as he verily believes.

W. E. Williams.

Sworn to before me and subscribed in my presence this 18th. day of April, 1935.

{Seal} Clifton L. Caryl - Notary Public.

Probate Court, Union County, Ohio.

Filed Apr. 18-1935. Application to Sell at Private Sale.

Ruth C. Skidmore, Administratrix of the Estate of Ella E. Williams, deceased,

Plaintiff,

-vs-

W. E. Williams, Chandos Skidmore, a minor, and Harry Hombeck as Guardian of Chandos Skidmore, a minor,

Defendants.

Case No. 12925.
Application to Sell Real Estate at Private Sale.

The said Plaintiff represents that it would be for the best interests 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 said estate may be sold at private sale at only the appraised value or more, while at public sale it might be sold for two thirds.

2. Because a buyer at private sale is at hand, and the expense and delay of public sale may be avoided.

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

Ruth C. Skidmore - Administratrix of the Estate of Ella E. Williams, deceased.

State of Ohio, Union County, ss.

Ruth C. Skidmore, being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Ruth C. Skidmore.

Sworn to before me and subscribed in my presence this 18th. day of April, 1935.

{Seal} Clifton L. Caryl - Notary Public.

Filed Apr. 20-1935. Summons.

Summons on Petition to Sell Real Estate. Sheriff - Minors only. Probate Court.

The State of Ohio, Union County.

To the Sheriff of said County:

You are Commanded to notify Chandos Skidmore, a minor; making service of this summons upon such minor as - over fourteen years of age, and also upon the guardian

Heer Ptg. Co., Cols., O. CD 4981.

12925

father, mother or custodian of said minor, in the order named, that on the 18th. day of april, a. D. 1935, Ruth C. Skidmore, Administratrix of the Estate of Ella Williams deceased, 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 decedent, and in said petition described, for the purpose of paying debts; and that unless they answer by the 20th. day of May, 1935, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 15th. day of May 1935.

Witness my hand and the seal of said Court, this 20th. day of april, 1935.

{Seal} L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees	
Serice & Return, first name	$.75
Total	$.75

Sheriff's Return.

Recived this writ april 20th. 1935, at 11 o'clock a. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants who are over fourteen years of age, viz: April 22nd. 1935, on the within named Chandos Skidmore, a minor over 14 years of age by personally handing to him a true and certified copy of this writ.

William Rausch - Sheriff.
By - A. Grigsby - Deputy.

Filed May 21-1935. Journal Entry.

Probate Court, Union County, Ohio.

Ruth C. Skidmore, Administratrix of the Estate of Ella E. Williams, Deceased,

Plaintiff.

-vs-

W. E. Williams, Chandos Skidmore, a minor, and Harry Hombeck as Guardian of Chandos Skidmore, a minor,

Defendants.

Case No. 12925.
Journal Entry.

This matter coming on to be heard upon the petition and the evidence the court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; that W. E. Williams, surviving spouse of said Ella E. Williams, deceased, has waived his right of dower and homestead rights in the real estate described in the petition and has consented that same be sold free of all rights of dower; that said W. E. Williams by his answer herein asks that said real estate

Filed May 28-1935. Waiver of Summons and Consent to Sell.

Filed May 28-1935. Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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Deputy.

12925 be sold free of his dower interest therein; and that it is necessary to sell said real estate to pay the debts of said decedent; and that the prayer of the petition should be granted.

And, it appearing to the court that a new appraisement should be made of the real estate, it is ordered that Roman C. Brown, L. W. Shaw, and Arthur R. Lowe, three judicious and disinterested persons of the vicinity, not next of kin to the petitioner be and they hereby are appointed to appraise said real estate at its value in money free from the dower estate of said W. E. Williams; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view of its fair cash value, and to discharge the duties required by them according to law and to make return of their proceedings in writing to this court forthwith.

L. W. Hazen - Probate Judge.

Filed May 28-1935. Waiver of Summons and Consent to Sell.

Waiver of Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Ruth C. Skidmore, Admrx. of the Estate of Ella E. Williams, Plaintiff,

-vs-

W. E. Williams, et al., Defendants.

No. 12925
Petition to Sell Real Estate.
Waiver of Summons and Consent to Sell.

We, the undersigned Chandos Skidmore and also Harry Hombuck, Guardian of the Estate of Chandos Skidmore, minor, 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 25th. 1935.

Harry Hombuck as Guardian
of the Estate of Chandos Skidmore,
a minor.

Filed May 28-1935. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Ruth C. Skidmore, Administratrix of the Estate of Ella E. Williams, 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 Administratrix are Plaintiff and W. E. 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, the following described premises, to-wit:-

Situated in the County of Union, State of Ohio and being part of Survey No. 3236, and bounded and described as follows:-

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Beginning at a stone in the center of the County Road and Northeast corner to ten acres of land owned by Bliss Danforth; thence N. 81° W. 60.76 poles to a stone, Northwest corner to said Bliss Danforth's land; thence N. 9° E. 62.44 poles to a stone in center of road; thence N. 65½° W. 7.86 poles with center of said road to a stone; thence N. 32-3/4° E. 7.4 poles to a post; thence S. 81° E. 50/100 poles to a stake; thence N. 9° E. 66.9 poles to a stone in the North bank of Boker Creek; thence S. 81° E. 69.14 poles to a stone in center of Byhalia and West Mansfield Gravel Road; thence S. 9° W. 93.66 poles with center of said road to a stone, northeast corner to school house lot; thence N. 81° W. 7.2 poles to a stone; thence S. 9° W. 6.64 poles to a stone; thence S. 65½° E. 8 poles to a stone in center of said gravel Road; thence S. 9° W. 16.12 poles to a stone; thence S. 24½° W. 21.12 poles to the place of beginning. Containing 50 acres.

Also the following premises, situate in the State of Ohio, County of Union and Township of York, being part of Survey No. 3236 and bounded and described as follows:-

Beginning at a stake in the center of the Rush Creek Road and in the South line of said Survey; thence with said line N. 82½° W. 40 28/33 poles to a stake, corner of a lot formerly owned by James B. Smith; thence N. 7° E. 35 20/33 poles to another corner of James B. Smith's land; thence S. 82½° E. 49 poles to a stake or stone in the center of the said road (now pike); thence with said road S. 22½° W. 37 poles to the place of beginning.

Containing 10½ acres, more or less.

Excepting therefrom the following premises leased to the M. E. Church for church purposes and described as follows:-

Beginning at a stake in the center of the Rush Creek road and in the south line of Survey No. 3236; thence northerly with the center of said road 77 feet to a stake; thence westerly 50 feet; thence southerly 77 feet to the south line of said Survey No. 3236; thence easterly 50 feet to the place of beginning, containing 0.8 of an acre more or less.

Containing in the aggregate of the lands described, 60 acres, more or less, but subject to all legal highways.

Said sale to be upon the following Terms:- Cash in hand at time of delivery of deed.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to Law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 28 day of May, 1935.

L. W. Hazlett - Probate Judge.

Seal

12925
Filed
June 24-1935.
Journal Entry,
Confirming Sale
Ordering Deed,
and Distribution

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Heer Ptg. Co., Cols., O. CD 4981.

12925
Filed
June 24-1930.
Journal Entry,
Confirming Sale
Ordering Deed,
and Distribution

Probate Court, Union County, Ohio.
Journal Entry - Proceeding to Sell Real Estate.

Ruth C. Skidmore as Administratrix of the Estate of Ella E. Williams, Deceased,
Plaintiff,
-vs-
W. E. Williams, et al.,
Defendants.

Confirming Sale, Ordering Deed, and Distribution.

This day this cause came on to be heard on the report of Ruth C. Skidmore as Administratrix of the Estate of Ella E. Williams, deceased, of her 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; the Court having carefully examined said report and finds 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 decedent's interest in said real estate, to the purchaser, W. E. Williams, upon the said purchaser making payment for said premises in cash.

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 $1000.00 and the said W. E. Williams who is the surviving spouse of Ella E. Williams, deceased, having by answer herein consented to said sale as prayed for and having waived the assignment of dower in said premises by metes and bounds or rents and profits and having asked that said premises be sold free from his dower estate therein, and now upon the fund in the hands of said Ruth C. Skidmore as Administratrix of the Estate of Ella E. Williams, deceased, it is hereby ordered that the funds arising from the sale of said premises be distributed according to law. And it is further ordered that this proceeding be recorded and that said petitioner pay the cost herein out of the proceeds of said sale.

L. W. Hagen - Probate Judge.

Heer Ptg. Co., Cols., O. CD 4981.

13069
Filed
Dec. 13-1935.

In the Matter of The Guardianship of James Paul Schlegel.
In the Probate Court of Union County, Ohio.
No. 13069.
application.

In the Matter of the Guardianship of James Paull Schlegel.

Now comes George Schlegel, Jr., and respectfully represents to the court that he is the duly appointed, qualified and acting guardian of the person and estate of James Paul Schlegel, who is 18 years of age, by virtue of an order of the Probate Court of Union County, Ohio.

That the only asset of the estate of James Paul Schlegel is certain real estate, hereinafter described; that the actual market value of said real estate is less than $500.00; that the actual market value of said real estate is $25.00, and it would be to the benefit of the said James Paul Schlegel and his estate if said real estate were sold, for the reason that the said James Paul Schlegel receives no income from said real estate and the same is an expense to his estate.

This applicant further says that he has an offer from Charles B. Mills and Rachel L. Mills to purchase said real estate for the sum of $25.00 cash.

The following is a description of said real estate by metes and bounds:

Being an undivided one-sixth (1/6) interest in real estate situated in the Village of Mayeville, County of Union and State of Ohio.

Being Division No. 18 in the Subdivision of Isaac C. Botkins, deceased, estate in partition.

Beginning at a stake in the east line of Buckeye Stret and 172 feet from the southeast corner of A.J. Whitney's land; thence with said line S. 4 3/4° W. 108 feet to a stake in the North line of R. L. and M. Partridge land; thence with said line N. 86° E. 121 feet to a stone and S. 85° E. 8 feet to a stake; thence N. 5° E. 87 feet to a stake; thence S. 85° W. 127 feet to the beginning.

Excepting therefrom the following:

Beginning at a stake southeast corner of Division No. 18 of the Isaac C. Botkins estate in partition proceedings in Court of Common Pleas, Union County, Ohio, and in the East line of Buckeye Stret; thence with the North line of premises conveyed by Asenath Partridge, Executrix, to John H. Shearer, N. 86° E. 121 feet to a stake in said line 8 feet from the southeast corner of said Division No. 18; thence North 85° W. 119 feet to the East line of Buckeye Stret; thence with said line S. 4 3/4° W. 21 feet to the beginning. Being part of same premises conveyed by Sheriff of Union County, Ohio, to Margaret Nicely March 22, 1894, of Vol. 72, Page 95-96 Deed Records Recorder's Office, Union County, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

13069

Leaving .28 of an acre, more or less.

Wherefore, this applicant prays that he be granted an order authorizing and empowering him to sell the above described real estate to the said Charles B. Mills and Rachel L. Mills for the sum of $25.00 cash; that upon receipt of said sum he be authorized and empowered to execute and deliver a proper conveyance therefor, and for such other relief in the premises as the court deems just and proper.

George Schlegel - Jr.

State of Ohio, Union County, ss:

George Schlegel, Sr., being first duly sworn, says that he is the guardian herein, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

George Schlegel - Jr.

Sworn to before me and subscribed in my presence this 12th. day of December, 1935.

C. A. Hooper - Notary Public.

Filed Dec. 13-1935. Entry.

In the Probate Court of Union County, Ohio.

In the Matter of the Guardianship of James Paul Schlegel. | No. 13069. Entry.

This day this cause came on to be heard upon the application of George Schlegel, Jr., guardian of the person and estate of James Paul Schlegel, a minor, and the evidence.

And the court being fully advised in the premises, finds that the said George Schlegel, Jr. is the duly appointed, qualified and acting guardian of the person and estate of James Paul Schlegel; and that the only asset in the estate of James Paul Schlegel is the real estate described in the application and hereinafter described; the court further finds from the evidence that the value of said real estate is less than $500.00, and that the actual market value thereof is $25.00, and that it is necessary to sell said real estate, and that it would be beneficial to the estate of James Paul Schlegel to sell said real estate.

The following is a description of said real estate by metes and bounds:

Being an undivided one-sixth (1/6) interest in real estate situated in the Village of Marysville, County of Union and State of Ohio.

Being Division No. 18 in the Subdivision of Isaac C. Botkins, deceased, estate in partition.

Beginning at a stake in the east line of Buckeye Street and 172 feet from the southeast corner of A. J. Whitney's land; thence with said line S. 4 3/4° W. 108 feet to a stake in the North line of R. L. and M. Partridge land;

Heer Ptg. Co., Cols., O. CD 4981.

13069

thence with said line N. 86° E. 121 feet to a stone and S. 85° E. 8 feet to a stake; thence N. 5° E. 87 feet to a stake, thence S. 85° W. 127 feet to the beginning.

Excepting therefrom the following:

Beginning at a stake southwest corner of Division No. 18 of the Isaac C. Botkins estate in partition proceedings in Court of Common Pleas, Union County, Ohio, and in the East line of Buckeye Street; thence with the North line of premises conveyed by Asenath Partridge, Executrix, to John H. Shaver, N. 86° E. 121 feet to a stake in said line 8 feet from the southeast corner of said Division No. 18; thence North 85° W. 119 feet to the East line of Buckeye Street; thence with said line S. 4¾° W. 21 feet to the beginning. Being part of same premises conveyed by Sheriff of Union County, Ohio, to Margaret Nicely, March 22, 1894, Vol. 72, Page 95/96 Deed Records Recorder's Office, Union County, Ohio.

Leaving 1.28 of an acre, more or less.

It is therefore ordered, adjudged and decreed that the said George Schlegel, Jr., as guardian of the person and estate of James Paul Schlegel, be, and he hereby is, authorized to sell and convey the real estate above described, and upon the receipt of the purchase price, to-wit, the sum of $25.00, he is hereby authorized and empowered to execute and deliver a proper conveyance therefor to the purchasers, the said Charles B. Mills and Rachel L. Mills.

L. W. Hagen - Probate Judge.

12705
Filed
Apr. 7-1934
Richard C. Thrall
Attorney.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, Rosella Sager, Kenneth Sager, Ruth Sager, Alva J. Harris, Cora Belle Harris, The Union Central Life Insurance Company and the Union Joint Stock Land Bank of Detroit, Michigan, Defendants.

No. 12705.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of J. E. Harris deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Seven Hundred Seventy-Eight 08/100 Dollars.

Heer Ptg. Co., Cols., O. CD 4981.

12705

And the costs of administering the estate will be about One Hundred and Seventy-Five Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Five Hundred Twenty-Four & 00/100 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance, and costs aforesaid.

Said decedent did seized in fee simple on an undivided one-half interest in the following described real estate situated in the County of Union, State of Ohio, and further described as follows:

In the Township of York and Military Survey No. 3238.

First Tract:

Beginning at a stone in the center of the Public Road and Northeast corner of Mercy J. Evart's land; thence with the center of said Road, South 82° 15' East 42.00 poles to a stone, Northwest corner to John G. Rice's land; thence with the West line of said land, South 9° West 149.60 poles to a stone; Southwest corner to said land, in the North line of Seely Ladow's land; thence with said line North 81° 30' West 43.26 poles to a stone corner to said Mercy J. Evart's land; thence with the East line of said land, North 9° 15' East 149.00 poles to the place of Beginning.

Containing 40 acres, more or less.

Second Tract:

Petition. Beginning at a stone in the center of the East and West Road and Northwest corner to John G. Rice's land; thence South 9° W. 160 poles to a stone in the Southwest corner of said lot; in the North line of Sidney Westbrook's land; & thence with said Westbrook's North line S. 81° 30' East 10 poles and 11 feet to a stone; thence North 9° E. 160 poles to a stone in the center of said Road; thence North 81 deg. 30' West with the center of said Road 10 poles and 11 feet to the place of beginning.

Containing 10 acres, more or less.

Third Tract:

Beginning at a water ash in the North line of Jacob Harris' land and Southeast corner to a lot owned by D. J. and Virgil Harris; thence S. 81° 15' East 42.66 poles to a stake; thence North 7° 45' East 150 poles to a stake and stone in the South line of a lot formerly owned by J. A. Wall; thence with the South line of said J. A. Wall's land, North 82° 45' West 42.66 poles to a stake; thence South 7° 45' West 149 poles to the beginning.

Containing 40 acres, more or less.

Fourth Tract:

Beginning at a stone with pieces of brick under it; Northeast corner to a lot of land heretofore conveyed by John D. Moore and wife to J. M. Darby; thence South 81°

Heer Ptg. Co., Cols., O. CD 4981.

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45' East 54.2 poles; thence South 9° 45' West 149 poles to a stake and water ash in the North line of land owned by Jacob Harris; thence North 81° 45' West 54.2 poles to a stone; thence N. 9° 45' East 146 poles to the place of beginning.

Containing 50 acres, more or less.

The said J. E. Harris owning an undivided one-half interest in fee simple in all of said land.

That the defendant, Alva Harris is one and the same person as A. J. Harris and Alvah J. Harris; the defendant Cora Belle Harris is one and the same puson as Cora B. Harris and Corabell Harris; and the said deceased, J. E. Harris was also known as Jacob Elbert Harris or Jacob E. Harris.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court, and appraised at Nineteen Hundred and Seventy-Five Dollars.

Said real estate is encumbered as follows: By mortgage on tracts, one, two and three held by The Union Central Life Insurance Company in the sum of $3000.00. By mortgage on tract four held by The Union Joint Stock Land Bank of Detroit, Michigan in the sum of $1300.00.

That the defendant, Cora Bell Harris is the wife of the defendant, Alva J. Harris; the defendant, Rocella Sager is the wife of the defendant, Dwight Sager and the defendant, Ruth Sager is the wife of the defendant, Kenneth Sager.

The decedent died leaving no widow as his surviving spouse.

The defendants, Alva J. Harris, Dwight Sager and Kenneth Sager, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all rights of dower of said none therein, but out of the proceeds of the sale, in lieu of dower, the court allow to said none such sum in money as is just and reasonable thereof, unless the answer of said none waives such allowance; that the rights, interests and liens of all parties may be fully determined, adjusted and protected, and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Richard C. Thrall- Attorney for the Plaintiff.

The State of Ohio, Union County.

A. J. Harris, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

A. J. Harris

both

Filed Apr. 7-1934. Waiver of Summons and Consent to Sell.

Filed Apr. 14-1934. Waiver of Summons and Consent to Sell.

Filed Apr. 7-1934. Waiver of Summons and Consent to Sell.

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Filed Apr. 7-1934. Order Fixing Time for Hearing and for Notice.

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Filed
Apr. 7- 1934.
Order Fixing
Time for Hearing
and for Notice.

Sworn to before me and signed in my presence by the said A. J. Harris, at Marysville, Ohio, this 6th. day of April, 1934.

(Seal) Richard C. Thrall- Notary Public.

Journal Entry- Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

A. J. Harris, as Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

Order Fixing Time for Hearing and for Notice.

This day A. J. Harris, Administrator of the Estate of J. E. Harris, deceased, filed in this Court his petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts.

It is ordered that said petition be heard on the 7th. day of May 1934, at ten o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hagan- Probate Judge.

Filed
Apr. 14-1934.
Waiver of
Summons
and Consent
to Sell.

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

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

No. 12705.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

April 14th A. D. 1934.

Dwight Sager.
Mrs. Dwight Sager.

We want to be notified in plenty of time to attend the sale. Let us know as soon as date of sale is known.

Yours- Dwight Sager.

Filed
Apr. 7- 1934.
Waiver of
Summons
and Consent
to Sell.

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

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

No. 12706.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

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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.

April 7th. A. D. 1934.

A. J. Harris.
Cora Harris.
Cora Bell Harris.

Filed
May 4, 1934.
Auditor of Union
Joint Stock
Land Bank
of Detroit.

In the Probate Court of Union County, Ohio.

A. J. Harris, Administrator of
the Estate of J. E. Harris,
Deceased, Plaintiff,

-vs-

Dwight Sager, Rosella Sager,
Kenneth Sager, Ruth Sager,
Alva J. Harris, Cora Belle Harris,
The Union Central Life
Insurance Company,
Union Joint Stock Land Bank
of Detroit, Michigan.

Answer of Union Joint Stock
Land Bank of Detroit.
Case No. 12705.

Now comes the Union Joint Stock Land Bank of Detroit, defendant herein, a corporation organized and existing under an "Act of Congress of the United States of America, known as "The Federal Farm Loan Act," with its principal office for the conduct of its business at 640 Free Press Building, Detroit, Michigan, and is the owner and holder of the note and mortgage hereinafter referred to, and for answer to the petition to sell real estate filed herein, respectfully shows:-

For a valuable consideration, Alvah J. Harris and Cora B. Harris (husband and wife), together with the late Jacob Elbert Harris, unmarried, executed and delivered to The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, a corporation, their promissory note dated March 1, 1924, in the original amount of $1,300.00 with interest, a true copy of which, with all credits and endorsements thereon is attached hereto and made a part hereof as though fully rewritten herein, which said note, together with the mortgage collateral hereinafter referred to, has been assigned and transferred to the answering defendant herein, as more fully hereinafter alleged and shown.

The installment of $45.50 due and payable on September 1, 1933; and the installment of $45.50 due and payable on March 1, 1934 have not been paid and remain due and owing.

On account of the above overdue items there has been paid the following:

September 14, 1933 - $25.00.

Heer Ptg. Co., Cols., O. CD 4981.

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Therefore, there is due and owing to the answering defendant, upon said note, the principal sum of $1,125.82 with interest at six per cent per annum from March 1, 1934; the sum of $20.00 with interest at six per cent per annum from September 1, 1933; and the sum of $76.60 with interest at six per cent per from March 1, 1934.

To secure the indebtedness set forth, Alvah J. Harris and Cora B. Harris (husband and wife), together with the late Jacob Elbert Harris, unmarried, executed and delivered to The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, their first mortgage deed dated March 1, 1924, conveying conditionally the following described premises:

"Situated in the Township of York, County of Union, State of Ohio and being particularly described as follows:

Part of Survey No. 3238 and bounded and described as follows:

Beginning at a stone with pieces of brick under it, Northeast corner to a Lot of land heretofore conveyed by James D. Moore and wife to J. M. Darling; thence S. 81¾ deg. East 64.2 poles, thence S. 9¾ deg. West 149 poles to a stake and Water Ash, in the North line of land owned by Jacob Harris; thence North 81¾ deg. West 64.2 poles to a stone; thence North 9¾ deg. East 146 poles to the place of beginning, containing fifty (50) acres.

Subject to all legal highways and subsisting rights of way."

Said mortgage deed was duly filed for record with the Recorder of Union County, Ohio, on March 25, 1924 at 2:30 P.M., and recorded by him in Volume 90, Page 765 of the Mortgage Records of Union County, Ohio, thereby becoming the first and best lien on the lands described therein and in this Answer, which said mortgage deed, together with the note establishing the indebtedness, hereinbefore referred to, has been assigned and transferred to the answering defendant herein, as more fully hereinafter alleged and shown.

Answering defendant herein makes reference to an assignment dated June 30, 1931, made by The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, a corporation, to the Union Joint Stock Land Bank of Detroit, a corporation, defendant herein, assigning, transferring and setting over from The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, to the Union Joint Stock Land Bank of Detroit, all of its right, title and interest in, to, and under the note and mortgage hereinbefore referred to, and the indebtedness and security covered thereby. The assignment is on record in the office of the Recorder of Union County, Ohio, filed September 4, 1931, recorded in Volume 101, Pages 112-3 of the Mortgage Records.

Answering defendant makes further reference to said

Heer Ptg. Co., Cols., O. CD 4981.

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Mortgage containing the following: "The covenants, agreements and provisions herein contained shall apply to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties."

Answering defendant hereby releases the Estate of Jacob Elbert Harris, from liability upon the said note in the event of, and with its consent to a sale of the real estate herein described subject to the amount found due to this answering defendant upon its note and mortgage, the same to remain in full force and effect as a good, valid and subsisting lien upon the said premises, conditioned, however, that the purchaser or purchasers upon such sale shall assume the obligations of this answering defendant's mortgage and agree to pay the amount found due thereupon. The waiver of liability and consent to sale is upon condition that the loan will be kept in good standing as to payments of principal and interest, taxes and insurance premiums and a compliance with all other terms and conditions provided for in the note and mortgage hereinbefore referred to and upon condition that the property will be offered at public sale not later than July 31, 1934, if not sooner fully disposed of by private sale.

Therefore, there is due and owing under the note and mortgage hereinbefore referred to, the sum of $1,125.32 with interest at six per cent per annum from March 1, 1934; the sum of $20.00 with interest at six per cent per annum from September 1, 1933; and the sum of $45.50 with interest at six per cent per annum from March 1, 1934.

Further answering said petition, this answering defendant, for want of knowledge, information and belief denies all the other allegations therein contained.

Wherefore, having fully answered, this defendant prays that it may go hence and that any sale or other transfer of the real estate described herein and in the plaintiff's petition, be subject to the lien of this answering defendant.

Masters, Crane and Willett.
Attorneys for answering defendant,
Union Joint Stock Land Bank of Detroit,
By- Garrett B. Wright.

(Seal)

State of Michigan, County of Wayne, ss:

M. E. Menk, being duly sworn, says that he is the Treasurer of the Union Joint Stock Land Bank of Detroit, and further says that all the allegations in the foregoing Answer are true to the best of his knowledge and belief.

M. E. Menk - Treasurer of the
Union Joint Stock Land Bank of Detroit.

Sworn to and subscribed before me, a Notary Public, in and for said County and State, this 30th. day of April, 1934.

(Seal)

Louise Caramella - Notary Public,
Wayne County, Mich.

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United States of America
States of Ohio and Pennsylvania.

Loan No- 896-O P $1300.00

The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland
First Mortgage Note.

Cleveland, Ohio, March first, 1924.

For value received, the undersigned promise to pay to the order of The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, at its office in the City of Cleveland, Ohio, the principal sum of One Thousand Three Hundred and no/100 Dollars, with interest on the whole amount of said principal sum remaining from time to time unpaid, at the rate of six (6%) per centum per annum, payable semi-annually; both principal and interest being payable on an amortization plan, in sixty-five (65) equal semi-annual installments of Forty-Five & 00/100 Dollars each, and one installment, (the last to mature) of Thirty-Eight and no/100 Dollars, all due and payable as follows: Forty-Five & 50/100 Dollars on the first day of September, 1924, and a like sum semi-annually thereafter on the first day of March and September in each and every year to and including the first day of September, 1956, and the last installment of Thirty-Eight & no/100 Dollars on the first day of March, 1957, unless this note shall be sooner matured as herein provided.

The maker of this note shall have the option, after five (5) years from the date hereof, on any regular installment payment date, to make additional installment payments, or any portion 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 eight per centum (8%) per annum.

This note is secured by a first mortgage of even date herewith made by Alvah J. Harris & Cora B. Harris (husband and wife) and Jacob Elbert Harris (unmarried) to The Ohio-Pennsylvania Joint Stock Land Bank of Cleveland, conveying certain real estate situated in the Township of York, County of Union and 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

Heer Ptg. Co., Cols., O. CD 4981.

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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.

Abah J. Harris (signed)
Cora B. Harris (signed)
Jacob Elbert Harris (signed)

Filed May 11-1934 Precipe for Summons.

In the Probate Court of Union County, Ohio.

A. J. Harris, Administrator of the estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dright Sager, et al, Defendants.

Case No. 12705.
Precipe.

Issue summons in the above entitled action to the Sheriff of Franklin County, Ohio, for service on the defendants, Kenneth Sager and Ruth Sager of 4044 Glenmont Place, Columbus, Ohio. Endorse "Action to sell real estate to pay debts and for Equitable relief." Make returnable according to law.

Richard C. Thrall - Attorney for Plaintiff.

Filed May 21-1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: Franklin.

You are commanded to notify Kenneth Sager - Defendant at #4044 Glenmont Place, Columbus, Ohio; that on the Seventh day of April, A. D. 1934, A. J. Harris, Administrator of the Estate of J. E. Harris 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 "Action to sell real estate to pay debts and for Equitable relief" and that unless they answer by the Ninth day of June 1934, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the Twenty first day of May 1934.

Witness my hand and the seal of said Court, this 11th. day of May, 1937.

(Seal)

L. W. Hazen - Judge and ex officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees	
Service & Return, first name	$ .75
— miles traveled at 8¢	1.20
postage	.03
Total	$ 1.98

Sheriff's Return.

Received this writ May 12, 1934, at 9 o'clock a. M., and on the 12 day of May 1934 I served the same by delivering a copy

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Filed May 21-1934. Summons.

Sheriff's Return.

Filed May 31-1934. Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio

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Sheriff personally to the within named Kenneth Sager.
Ross E. Anderson
Sheriff of Franklin County, O.
By- A. H. Dressel - Deputy.

Filed May 21 - 1934. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: Franklin.

You are commanded to notify Ruth Sager Defendant at #4644 Glenmont Place, Columbus, Ohio; that on the Seventh day of April A.D. 1934, A. J. Harris, Administrator of the Estate of J. E. Harris 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 "Action to sell real estate to pay debts and for Equitable relief."

Richard C. Thall - atty. for Plaintiff.

and that unless they answer by the Ninth day of June, 1934, said petition will be taken as true, and and order granted accordingly.

Said Sheriff will make due return of this writ on the Twenty first day of May 1934.

Witness my hand and the seal of said Court, this 11th. day of May 1934.

(Seal)

L. W. Hagen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.		
Service & Return, first name	$	.75
— miles traveled at 8¢		1.20
Total	$	1.90

Sheriff's Return

Recived this writ May 12, 1934, at 9 o' clock a. M., and on the 12 day of May, 1934, I served the within named Ruth Sager, by leaving for her at her usual place of residence a true and certified copy of this writ with all the endorsements thereon.

Ross E. Anderson.
Sheriff of Franklin County, O.
By- A. H. Dressel - Deputy.
of Union County, Ohio.

Filed May 31 - 1934. Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio

In the Probate Court

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, Rosella Sager, Kenneth Sager, Ruth Sager, Alva J. Harris, Cora Belle Harris, The Union Central Life Insurance Company and The Union Joint Stock Land Bank of Detroit, Michigan, Defendants.

Case No. 12705.

Answer and Cross Petition of The Union Central Life Insurance Company of Cincinnati, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

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Answer.

Now, comes The Union Central Life Insurance Company of Cincinnati, Ohio, and for its Answer herein, says that it now is and at all times mentioned and referred to in this Answer and Cross Petition was a corporation duly organized under the laws of the State of Ohio, with its principal place of business in the City of Cincinnati, County of Hamilton and State of Ohio.

And admits that it holds a mortgage on tracts One, Two, and Three, described in plaintiff's Petition.

And for lack of information, does not admit or deny the remaining allegations of plaintiff's petition.

Cross Petition.

First Cause of Action.

For its First Cause of Action herein, this answering defendant hereby adopts and makes a part hereof, the same as if written herein, all the allegations of this Answer and Cross Petition preceding this First Cause of Action, and says:

That, on the 15th. day of June, 1928, Gary E. Crabtree and Sadie A. Crabtree, for a valuable consideration in the sum of Three Thousand Dollars ($3,000.00) duly executed and delivered unto this answering defendant, The Union Central Life Insurance Company of Cincinnati, Ohio, their certain promissory notes, twenty-one in number, numbered serially from 1 to 21, inclusive, identical as to form, with the exception of the due date thereon and the amount payable; a copy of one of said notes is as follows, to-wit:

"$261.66 Marysville, Ohio, June 15, 1928.

On the first day of June, 1932, for value received, I promise to pay to the order of The Union Central Life Insurance Company, of Cincinnati, Ohio, Two Hundred, Sixty-one and 66/100 Dollars, at the Home Office of said Company in Cincinnati, Ohio, with interest at the rate of 8 per Centum per annum, after maturity, until paid.

If this note is sent to the Farmers Deposit Bank, at Richwood, Ohio, or to any other bank, for collection, I agree to pay exchange and collection expenses, and this note shall not be deemed paid until the money is actually received by said Company.

The right is reserved to prepay this note at any time at the Home Office of said Company in Cincinnati, Ohio, by payment of its present worth as ascertained by discounting it at the rate of 6% per centum interest; compounded annually, provided all prior notes have been paid.

This note is one of a series of notes evidencing a loan upon the amortization plan and is secured by a mortgage or deed of trust of even date. On the event of default in the payment of this note, or default in the payment of taxes upon the premises described in said mortgage or deed

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of trust or default in the payment of fire insurance premiums or a breach of any of the other covenants contained in said mortgage or deed of trust, the holder of this note and the remaining unpaid notes of said series, may, without notice, elect to declare the entire indebtedness evidenced by said notes, due and payable and may proceed by foreclosure or by sale under the power contained in said instrument to endorse the collection thereof.

Address - Leona, Ohio, R. F. D. #1, Cary E. Crabtree.

No. 156, 431 Serial No. 4 Sadie A. Crabtree.

That serial notes Nos. 1, 2 and 3 have been paid, but that

Serial note No. 4, due June 1, 1932 for $261.55
" " No. 5, due June 1, 1933 for $261.55
" " No. 6, due June 1, 1934 for $261.55
" " No. 7, due June 1, 1935 for $261.55
" " No. 8, due June 1, 1936 for $261.55
" " No. 9, due June 1, 1937 for $261.55
" " No. 10, due June 1, 1938 for $261.55
" " No. 11, due June 1, 1939 for $261.55
" " No. 12, due June 1, 1940 for $261.55
" " No. 13, due June 1, 1941 for $261.55
" " No. 14, due June 1, 1942 for $261.55
" " No. 15, due June 1, 1943 for $261.55
" " No. 16, due June 1, 1944 for $261.55
" " No. 17, due June 1, 1945 for $261.55
" " No. 18, due June 1, 1946 for $261.55
" " No. 19, due June 1, 1947 for $261.55
" " No. 20, due June 1, 1948 for $261.55
" " No. 21, due June 1, 1949 for $261.55

are unpaid and there are no endorsements thereon, except note No. 4, which bears the following endorsement:

"12/22/32 Cr. $38.35"

and that The Union Central Life Insurance Company of Cincinnati, Ohio, is still the owner and holder of said notes.

Second Cause of Action.

For its Second Cause of Action herein, this answering defendant hereby adopts and makes a part hereof the same as if written herein each and all the allegations of this answer and cross petition preceding and including the First Cause of Action, and says:

That, simultaneously with the execution and delivery of said promissory notes, copies of which are set forth in said First Cause of Action, Cary E. Crabtree and Sadie A. Crabtree, his wife, duly executed and delivered to the said The Union Central Life Insurance Company their certain mortgage deed for the purpose of securing the payment of the said promissory notes and all interest accruing thereon; that in said mortgage deed and by virtue thereof, and as for said security, said Cary E. Crabtree and Sadie A. Crabtree, his wife,

Heer Ptg. Co., Cols., O. CD 4981.

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conveyed unto this answering defendant, the following described real estate, to-wit:

Situate in York Township, Union County, Ohio, part of Military Survey No. 3238:

First Tract: Beginning at a stone in the center of the public road and Northeast corner of Mercy J. Evart's land; thence with the center of said road, South 82° 15' East 42.50 poles to a stone, Northwest corner to John G. Rice's land; thence with the West line of said land South 9° West 149.60 poles to a stone, Southwest corner to said land in the North line of Seely Ladow's land; thence with said line North 81° 30' West 43.26 poles to a stone, corner to said Mercy J. Evart's land; thence with the East line of said land North 9° 15' East, 149.50 poles to the place of beginning, containing 40 acres, more or less.

Second Tract:

Beginning at a stone in the center of the East and West road and Northwest corner of John G. Rice's land; thence South 9° West 150 poles to a stone in the Southwest corner of said lot in the North line of Sidney Westbrook's land; thence with said Westbrooks North line South 81° 30' East 10 poles and 11 feet to a stone; thence North 9° East 150 poles to a stone in the center of said road; thence North 81° 30' West with the center of said road 10 poles and 11 feet to the place of beginning, containing 10 acres.

Third Tract:

Beginning at a water ash in the North line of Jacob Harris' land and Southeast corner to a lot owned by D. J. and Virgil Harris; thence South 81° 15' East 42.66 poles to a stake; thence North 7° 45' East 150 poles to a stake and stone in the South line of a lot formerly owned by J. H. Wall; thence with the South line of said J. H. Wall's land North 82° 45' West 42.66 poles to a stake; thence South 7° 45' West 149 poles to the beginning, containing 40 acres, more or less. Containing in the aggregate, 90 acres, more or less.

"Said mortgage deed further provides:

"Provided, nevertheless, that if the said mortgagors shall pay, or cause to be paid, to the order of the said mortgagee, the certain promissory notes of even date hereinafter described, according to the tenor and effect thereof, and shall repay to the mortgagee any and all amounts advanced by it as agreed herein and shall otherwise comply with all the terms, conditions and agreements hereof, then these presents shall be void, otherwise the whole amount secured hereby shall, at the option of the said mortgagee, or the legal holder of said notes, become immediately due and payable, and this mortgage may be foreclosed accordingly; said notes are described as follows, nayely:

The first note for One hundred, seventy-three and 00/100 Dollars, and the remaining 20 notes for Two

Filed June 21-1934. Entry Dispensing with New appraisal and Ordering Bond.

12705

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Heer Ptg. Co., Cols., O. CD 4981.

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hundred, sixty-one and 00/100 Dollars each; the first note being payable on June 1st. 1929 and one of the remaining notes being payable on same day in each of the succeeding 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 Cary E. Carabtree and Sadie A. Carabtree."

That said mortgage deed was duly filed for record with the County Recorder of Union County, Ohio, on June 25th. 1928 at 9:30 o'clock, A. M., and was thereafter duly recorded in Volume 97, at page 185 of the Mortgage Records of Union County, Ohio, and is now a valid and subsisting, first, paramount and superior lien as against the plaintiff and all the defendants, except this answering defendant, on the above described real estate for the amount due on said promissory notes and as alleged and set forth in said First Cause of Action.

This answering defendant further says that it objects to the sale of said premises free and clear of the mortgage lien of this answering defendant.

Wherefore - This answering defendant prays that if the Court finds it necessary to sell the real estate described in the Second Cause of Action herein, that the same be sold subject to the mortgage of this answering defendant and that the purchaser be compelled to assume and agree to pay the balance due on said promissory notes, set forth in the First Cause of Action herein; and that this answering defendant may have its costs and all such additional and further relief to which it may be entitled.

B. Randabaugh - Atty. for The Union Central Life Insurance Company.

State of Ohio, County of Hamilton, ss:

B. Randabaugh being first duly sworn, says that the answering defendant herein, The Union Central Life Insurance Company of Cincinnati, Ohio, is a non-resident corporation of the County of Union; that he is the duly authorized attorney thereof; that the facts set forth in the above answer and cross petition are true, as he verily believes.

B. Randabaugh.

Sworn to before me and subscribed in my presence on the 28th. day of May, 1934.

[Seal]

Robert P. Sauer - Notary Public.
#1215 N. C. Bldg.
Union County, Ohio.

In the Probate Court of Union County, Ohio.

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

Case No. 12705.
Entry Dispensing with New Appraisal and Ordering Bond.

Filed June 21-1934. Entry Dispensing with New appraisal and Ordering Bond.

Heer Ptg. Co., Cols., O. CD 4981.

12705

This matter came on to be heard on the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his festate and the answers and cross-petitions of the defendants, The Union Central Life Insurance Company and The Union Joint Stock Land Bank of Detroit, Michigan who are mortgagee; the other defendants being in default of answer, although served with summons according to law or having waived such service of summons, and such service of summons is hereby approved.

The Court finds that Alva J. Harris and A. J. Harris are one and the same person; that Cora Belle Harris, Cora B. Harris and Corabel Harris are one and the same person and that J. E. Harris, Jacob Elbert Harris and Jacob E. Harris are one and the same person.

The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted. That said defendants, The Union Joint Stock Land Bank of Detroit, Michigan and The Union Central Life Insurance Company are the holders of valid and subsisting mortgages for the amounts set forth in their respective answers and cross petitions and that the same are the first and best liens on the premises described in said answers and cross petitions. That the real estate was appraised by the appraisers of the estate at nineteen hundred and seventy-five dollars; $1350 for Tracts 1, 2 and 3 and $625.00 for Tract 4, and that a further appraisement is dispensed with.

The Court further finds that the bond given by the plaintiff as the Administrator of the estate of J. E. Harris in the amount of four thousand dollars is insufficient and it is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of four thousand dollars and this cause is continued.

L. W. Hazen - Probate Judge.

Affidavit of Disinterested Person.

Filed June 21-1934. Administrator's Bond.

Filed June 21-1934. Application to Sell at Private Sale.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sage, et al., Defendants.

No. 12705. Application.

The said Plaintiff represents that it would be for the best interests 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 expense of public sale may be thus avoided.
2. Because at private sale the full appraisement must be obtained while at public sale it may go for two-thirds-

Heer Ptg. Co., Cols., O. CD 4981.

12705

3. Because a purchaser is at hand who will take at private sale.

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

A. J. Harris- Administrator of the Estate of J. E. Harris.

The State of Ohio, Union County.

A. J. Harris, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

A. J. Harris.

Sworn to before me and signed in my presence this 21st. day of June A. D. 1934.

(Seal) Richard C. Thrall- Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

W. C. Shaw, Robert Hpuderson and John A. Porter, 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.

Affidavit of Disinterested Person.

W. C. Shaw.

Robert Henderson.

John A. Porter.

Sworn to before me and signed in my presence, this 21st. day of June, 1934.

{Seal} Richard C. Thrall- Notary Public.

Administrator's Bond.

In Proceedings to Sell Real Estate.

Know all Men by these presents: That we A. J. Harris, E. S. Potts and Earl McMahon are held and firmly bound unto the State of Ohio, in the sum of Four 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 Marysville, Ohio, this 21st. day of June 1934.

Filed June 21- 1934. Administrator's Bond.

The condition of the above obligation is such, that whereas the above bound A. J. Harris was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of J. E. Harris deceased.

And whereas, the said A. J. Harris as such Administrator 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 21 day of June 1934, made an order requiring said A. J. Harris to execute a bond according to the statute in such case made and provided.

Heer Ptg. Co., Cols., O. CD 4981.

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Now, if the said A. J. Harris, Administrator 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.

A. J. Harris.
E. S. Potts.
Earl McMahon.

This Bond approved in open Court, this 21 day of June, 1934.

Seal

L. W. Hazen- Probate Judge.

Filed June 21-1934. Journal Entry- Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Journal Entry. approving Additional Bond and Ordering Private Sale.

A. J. Harris, Administrator of the Estate of J. E. Harris, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Four thousand Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that A. J. Harris as such Administrator, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Purchaser or purchasers to assume the mortgages of The Union Central Life Insurance Co. and The Union Joint Stock Land Bank of Detroit, Michigan.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen- Probate judge.

Filed June 21-1934. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To A. J. Harris, Administrator of the Estate of J. E. Harris, 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 Administrator are Plaintiff and Dwight Sager 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:

Being an undivided one-half interest in said premises as hereafter described.

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Heer Ptg. Co., Cols., O. CD 4981.

12705

Part of Military Survey No. 8238.

First Tract:

Beginning at a stone in the center of the Public Road and northeast corner of Mercy J. Evart's land; thence with the center of said Road, South 82° 15' East 42.50 poles to a stone, northwest corner to John G. Rice's land; thence with the west line of said land, South 9° West 149.60 poles to a stone southwest corner to said land in the north line of Sedly Ladow's land; thence with said line North 81° 30' West 43.26 poles to a stone, corner to said Mercy J. Evart's land; thence with the east line of said land, North 9° 15' East 149.50 poles to the place of beginning.

Containing 40 acres, more or less.

Second Tract:

Beginning at a stone in the center of the East and West Road and northwest corner to John G. Rice's land; thence South 9° W. 160 poles to a stone in the southwest corner of said lot, in the north line of Sidney Westbrook's land; thence with said Westbrook's north line S. 81° 30' East 10 poles and 11 feet to a stone; thence North 9° East 160 poles to a stone in the center of said Road; thence North 81° 30' West with the center of said Road, 10 poles and 11 feet to the place of beginning.

Containing 10 acres, more or less.

Third Tract:

Beginning at a white ash in the north line of Jacob Harris's land and southeast corner to a lot owned by D. J. and Virgil Harris; thence South 81° 15' East 42.66 poles to a stake; thence North 7 Deg. 45' East 150 poles to a stake and stone in the South line of a lot formerly owned by J. A. Wall; thence with the south line of said J. A. Wall's land, North 82° 45' West 42.66 poles to a stake; thence South 7° 45' West 149 poles to the place of beginning.

Containing 40 acres, more or less.

Fourth Tract:

Beginning at a stone with pieces of brick under it, northeast corner to a bit of land heretofore conveyed by John D. Moore and wife to J. M. Darby; thence South 81° 45' East 57.2 poles; thence South 9° 45' West 149 poles to a stake and white ash in the north line of land owned by Jacob Harris; thence North 81° 45' West 57.2 poles to a stone; thence North 9° 45' East 146 poles to the place of beginning.

Containing 60 acres, more or less.

Said sale to be upon the following terms: Subject to the mortgages of The Union Central Life Insurance Company and The Union Joint Stock Land Bank of Detroit, Michigan; balance cash.

Heer Ptg. Co., Cols., O. CD 4981.

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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 21st. day of June, A. D. 1934.

(Seal) L. W. Hagen- Probate judge.

Return.

To the Probate Court of Union County, Ohio.

Return — 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 21st. day of June 1934.

A. J. Harris- Administrator as aforesaid.

Report of Private Sale.

Report of Private Sale. — In obedience to the command of the within order of sale, I did on the 21st. day of June 1934 offer said property, at private sale, and George Simpson having offered therefor the sum of Nineteen hundred and seventy-five Dollars ($1975.00) and the same being not less than the appraised value of said property, I sold the same to said George Simpson for that sum.

A. J. Harris.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Affidavit to Report of Private Sale. — A. J. Harris, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

A. J. Harris.

Subscribed in my presence and sworn to before me this 21st. day of June, 1934.

(Seal) Richard C. Thrall- Notary Public.

In the Probate Court of Union County, Ohio.

Filed June 21- 1934. Entry Confirming Sale

A. J. Harris, Administrator of the Estate of J. E. Harris, Deceased, Plaintiff,

-vs-

Dwight Sager, et al., Defendants.

Case No. 12705.

Entry Confirming Sale and Ordering Deed.

This day this cause came on to be heard on the report of A. J. Harris, Administrator of the Estate of J. E. Harris, deceased, of his proceedings under a 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 that said proceedings of petitioner in all respects correct, and being satisfied that said sale was fairly and legally made; it is ordered that the same be and it hereby is approved and confirmed. It is further ordered that said petitioner execute a deed

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Petition.

Heer Ptg. Co., Cols., O. CD 4981.

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of all the right, title and interest of the said J. E. Harris, in said real estate to the purchaser, George Simpson, who takes said premises subject to the mortgages of The Union Central Life Insurance Company and The Union Joint Stock Land Bank of Detroit, Michigan; the amounts due on said mortgages being equal or in excess of the appraised value of said premises.

It is further ordered that said plaintiff pay out of the moneys in his hands belonging to said estate the costs of this proceeding taxed at $—— and the taxes against said premises taxed at $——.

And it is ordered that this proceeding be recorded.

L. W. Hagen - Probate Judge.

12978
Filed
July 13-1935.
Potter & Porter
Attorneys.

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

J. T. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,

-vs-

Minnie Mangans, Margaret Collins, Arthur Chambers, Mattie McCleary, Jennie May Tissell, Zena A. Porters, Earl C. Porters, Hulda Leppert, Zelda Leppert, Frank Chambers, William Chambers, Ila Lines, Danna Sellers and Vaughn Sellers, Defendants.

No. 12978.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Executor of the estate of Elizabeth Staley deceased, late of this county; as near as can be ascertained the amount of the valid debts against said deceased is Thirteen hundred and no/100 Dollars.

An allowance of no Dollars was made by the appraisers of the above estate to the widow and children for twelve months, there being no widow or minor children.

Petition.

And the costs of administering the estate will be about Two hundred and no/100 Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at Three hundred and One and 75/100 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said decedent died seized in fee simple of the following described real estate situated in the county of Union, State

Heer Ptg. Co., Cols., O. CD 4981.

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of Ohio, and further described as follows:
Situated in the Village of Magnetic Springs, County of Union and State of Ohio, and described as follows:-
Being in the N. D. DeGood's Second Addition to said Magnetic Springs aforesaid and known as and being lots numbered 85, 86 and 71 as numbered upon the recorded plat of said addition in record of plats in the Recorders Office at Marysville, Ohio.
Also the following described real estate in the same Village, County and State, to-wit:-
Being a part of Lot No. 70 in the N. D. DeGood Addition to said Village; and part of lot beginning at the southwest corner of said lot and extending north on the west line twenty eight (28) feet; thence east to the east line of said lot 41-1/3 feet; thence south twenty eight (28) feet to the line of an alley; thence west 41-1/3 feet to the place of beginning.
Said real estate was included in the inventory of the estate, pursuant to the order of this court and appraised at Twenty Three Hundred and no/100 ($2300.00) Dollars.
Said real estate is encumbered as follows:
Six hundred fifty Two and 25/100 Dollars ($652.25) payable to the Union County Savings and Loan Company of Marysville, Ohio, on a mortgage held by said company.
The defendants, Minnie Mangans, Margaret Collins, Arthur Chambers, Mattie McCleary, Jennie May Fissell, Lena A. Porter, Earl C. Porter, Hulda Leppert, Zelda Leppert, Frank Chambers, William Chambers, Ila Sellers, Daniel Sellers and Vaughn Sellers are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.
There are no other persons who have any interest in said real estate.
Wherefore, plaintiff prays that said real estate be sold free from all the right of dower, that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

William J. Porter - Attorney for the Plaintiff.

The State of Ohio, Union County.

J. F. Conrad, being duly sworn, says he is the plaintiff in the above entitled cause, and that the facts set forth and allegations contained in the foregoing petition are true as he fully believes.

J. F. Conrad.

Oath.

Sworn to before me and signed in my presence by the said J. F. Conrad, at Marysville, Ohio, this 11th. day of July, 1935.

[Seal] William J. Porter - Notary Public.

12978
Filed
July 13, 1935.
Order Fixing Time of Hearing and for Notice.

Filed
Aug. 9. 1935.
Waiver of Summons and Consent to Sell.

Filed
Aug. 9 - 1935.
Waiver of Summons and Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

12978
Filed
July 13, 1935.
Order Fixing Time of Hearing and for Notice.

Journal Entry - Petition to Sell Real Estate.
Probate Court, Union County, Ohio.
July 11th. 1935.

J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,
-vs-
Minnie Maugans, et al., Defendants.

Order Fixing Time for Hearing and for Notice!

This day J. F. Conrad, Executor of the Will of Elizabeth Staley, deceased, filed in this court his petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts of said estate.

It is ordered that said petition be heard on the 17 day of August, 1935, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate Judge.

Filed
Aug. 9. 1935.
Waiver of Summons and Consent to Sell.

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

J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,
-vs-
Jennie May Trissell, et al., Defendants.

No. 12978
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

July 13, A. D. 1935.

Mattie S. McClary.
Arthur Chambers.
Minnie Maugans.
Margaret L. Collins.
Earl C. Porter.
Ila Lines.
Zelda Leppert.

Filed
Aug. 9 - 1935.
Waiver of Summons and Consent to Sell.

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

J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,
-vs-
Jennie May Trissell, et al., Defendants.

No. 12978.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

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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.
July 13, A. D. 1935.

Dana C. Sellers.
Franklin J. Chambers.
William Laurence Chambers.
Geno A. Porrero.
Vaughn Sellers.

Filed Aug. 9- 1935. Precipe.

Probate Court, Union County, Ohio.

J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff.

No. 12978. Precipe.

-vs-

Jennie May Tissell, et al., Defendants.

To the Probate Judge:-
Issue summons in this proceeding, for said Jennie May Tissell, 196 N. Main St., Mt. Gilead, Ohio, directed to the Sheriff of Monor County, Ohio, and also issue summons for said Hulda Leppert, Hillards, Ohio, R. F. D. directed to the Sheriff of Franklin County, Ohio. Endorse thereon action to sell real estate to pay debts, and equitable relief, returnable according to law.

Porter & Porter- Attorneys for Plaintiff.

Filed Aug. 17- 1935. Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: ie; Ross E. Anderson, Sheriff of Franklin County, O. or his Successor.

You are commanded to notify Hulda Leppert, Hillards, Ohio, R. D# -- ?

In Case # 12978- J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff, -vs- Jennie May Tissel, et al., Defendants; that on the thirteenth day of August, A. D. 1935, J. F. Conrad, Executor of the Estate of Elizabeth Staley, 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. ie; "Endorse thereon action to sell Real Estate to pay debts, and equitable relief, returnable according to law."

Porter and Porter- Attorneys for Plaintiff.

and that unless they answer by the 7th. day of September 1935, said petition will be taken as true, and an order

12978

Sheriff's Return.

Filed Aug. 13- 1935 Summons.

Sheriff's Return.

Heer Ptg. Co., Cols., O. CD 4981.

12978

granted accordingly.

Said Sheriff will make due return of this writ on the 19th. day of August 1935.

Witness my hand and the seal of said Court, this 9th. day of August, 1935.

(Seal) L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees	
Service & Return, first name	$ .75
20 miles traveled at 8¢	1.60
postage	.03
Total	$ 2.38

Received this writ August 10, 1935, at 9 o'clock a. M., after due and diligent search was unable to find the within named Hulda Leppert within my bailiwick.

Rose E. Anderson - Sheriff of Franklin County, O.
W. F. Berkheimer - Deputy.

Filed Aug. 13-1935 Summons.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County: Viz: Fred L. Struble or Successor, Monroe County.

You are commanded to notify Jennie May Tissell, # 196 N. Main St. Mt. Gilead, Ohio.

In Case # 12978 - J. F. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff --vs- Jennie May Tissel, et al. Defendants.

that on the 13th. day of July, A.D. 1935, J. F. Conrad, Executor of the Estate of Elizabeth Staley 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, viz; "Endorse thereon action to sell Real Estate to pay debts, and equitable relief, returnable according to law."

Porter and Porter - Attorneys for Plaintiff.

and that unless they answer by the 7 day of September, 1935, said petition will be taken as true, and the order granted accordingly.

Said Sheriff will make due return of this writ on the 19th. day of August, 1935.

Witness my hand and the seal of said Court, this 9th. day of August, 1935.

(Seal) L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Monroe County.

Sheriff Fees	
Service & Return, first name	.75
Postage	.03
1 mile traveled at 8¢	.08
Docket	.10
Total	$ .96

Received this writ August 10th. 1935, at 9 o'clock a. M., and on the 19th. day of August, 1935, I served the same by

Heer Ptg. Co., Cols., O. CD 4981.

12978

Filed Sept. 10-1935. Application to Sell at Private Sale.

delivering a copy thereof personally to the within named defendants Jennie May Trissel, et al..

Fred J. Struble - Sheriff.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Dr. J. R. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,

-vs-

Mrs. E. J. Trissel, et al., Defendants.

No. 12978. Application.

The said Plaintiff represents that it would be for the best interests 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 a purchaser has already been obtained who will give more than the appraisement herein.

2. Because if sold at public sale, it might go for only two-thirds of the appraisement.

3. Because it will save the costs of advertising, as well as other costs.

4. Because it will save time, in administering the estate.

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

Jesse R. Conrad - Executor of the Estate of Elizabeth Staley, Deceased.

The State of Ohio, Union County.

Dr. J. R. Conrad, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Jesse R. Conrad.

Sworn to before me and signed in my presence this 10th. day of September A. D. 1935.

{Seal} William J. Porter - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

B. A. McFadden, A. U. Miller, R. R. Petty, 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, and for the reasons herein set forth as they verily believe.

Affidavit of Disinterested Person.

B. A. McFadden.

A. U. Miller.

R. R. Petty.

Sworn to before me and signed in my presence this 10th. day of September, 1935.

{Seal} William J. Porter - Notary Public.

12978 Filed Sept. 27-1935. Waiver of Summons and Consent to Sell.

Filed Sept. 27-1935. Bond of Executor.

Heer Ptg. Co., Cols., O. CD 4981.

12978
Filed
Sept. 27-1935.
Waiver of Summons and Consent to Sell.

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

Dr. J. T. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff.

-vs-

Mrs. E. D. Trizzel, et al., Defendants.

No. 12978.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

We the undersigned parties Defendant to the Petition in the above entitled action, do each & we 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.

September 5th. A. D. 1935.

Hulda Leppert.

Filed
Sept. 27-1935.
Bond of Executor.

Bond of Executor.

Know all Men by these presents, that we, Dr. J. T. Conrad and United States Fidelity & Guaranty Company, are held and firmly bound to the State of Ohio in the penal sum of Sixty Four Hundred Dollars, to the payment of which sum well and truly to be made we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Signed by us and dated at Marysville, Ohio, this 18th. day of September, 1935.

The condition of the above obligation is such, that if the above bound Dr. J. T. Conrad, Executor of the last Will & Elizabeth Staley, deceased, late of Magnetic Springs, Ohio, in the County of Union and State aforesaid:

1. Make and return to the Court, on oath, within the time required by law, a true inventory of all the moneys, goods, chattels, rights and credits of the Testatrix which are by law to be administered, and which come to my possession or knowledge; and an inventory of the real estate of the deceased;

2. Administer according to law and the will of the Testatrix, all her goods, chattels, rights and credits, the proceeds of any action for wrongful death, or of any settlement, with or without suit, of a wrongful death claim, and the proceeds of all her real estate sold, which come to the possession of the Executor or to the possession of any other person for her;

3. Render upon oath, a just and true account of my administration at the time or times when required by the Court or the law. Failing to do so for thirty days after I have been notified by the Probate Judge of the expiration of the time, I may forthwith be removed by the Court and I shall receive no allowance for services, unless the Court enters upon its journal that such delay was necessary and reasonable;

Heer Ptg. Co., Cols., O. CD 4981.

12978

Faithfully and honestly discharge the duties devolving upon me as such Executor; then this obligation to be void; otherwise to remain in full force and virtue in law.

J. T. Conrad.

(Seal) United States Fidelity & Guaranty Co.,
By: Russell S. Baupp - Attorney-in-fact.

This Bond approved in open Court, this 27 day of Sept. 1935.

(Seal) L. W. Hazen - Judge.

Filed Sept. 27-1935. Journal Entry confirming Appraisement and Ordering Additional Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

J. T. Conrad, Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,
-vs-
Minnie Maugans, et al., Defendants.

Sept. 27th. 1935.
Confirming Appraisement and Ordering Additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said J. T. Conrad, execute within 3 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Four thousand six hundred and no/100 Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Sept. 27-1935. Journal Entry Dispensing with a new Appraisement and Ordering Bond.

Journal Entry - Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

J. T. Conrad, as Executor of the Estate of Elizabeth Staley, Plaintiff,
-vs-
Minnie Maugans, et al., Defendants.

Sept. 27th. 1935.
Dispensing with a New Appraisement and Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of said estate, and the answer and cross-petition of the defendant, The Union County Savings & Loan Co., mortgagee, the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Twenty Three Hundred Dollars, and that a further appraisement is dispensed with.

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Filed Sept. 27-1935. Journal Entry Approving Additional Bond and Ordering Private Sale.

Filed Sept. 27-1935. Order of Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

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The Court further finds that the bond heretofore given by the plaintiff as Executor of the estate of Elizabeth Staley, in the amount of Two thousand and no/100 Dollars is insufficient and it is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Six thousand four hundred Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

Filed Sept. 27-1935. Journal Entry Approving Additional Bond and Ordering Private Sale.

J. T. Conrad, as Executor of the Estate of Elizabeth Staley, Deceased,

Plaintiff,

-vs-

Minnie Maugans, et al.,

Defendants.

Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Six thousand four hundred and no/100 Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that J. T. Conrad as such Executor, sell the real estate in the petition described as provided by law at not less than the appraised value thereof, on the following terms, to-wit: Cash day of sale.

And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed Sept. 27-1935. Order of Private Sale.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To J. T. Conrad, Executor of the estate of Elizabeth Staley, 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 the Estate of Elizabeth Staley, deceased, are Plaintiff, and Minnie Maugans, 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 Village of Magnetic Springs, County of Union and State of Ohio, and described as follows:-

Being in the N. D. DeGood's Second Addition to said Magnetic Springs aforesaid and known as and being lots numbers 185 and 186 as numbered upon the recorded plat of said addition in record of plats in the Recorders Office at Marysville, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

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Also the following described real estate in the same Village, County and State, to-wit:-

Being a part of Lot No. 70 in the N. D. DeGood's Addition to said Village; and part of lot beginning at the southwest corner of said lot and extending north on the west line 28 feet; thence east to the east line of said lot 41 1/3 feet; thence south 28 feet to the line of an alley; thence west 41 1/3 feet to the place of beginning.

Said sale to be upon the following terms: Cash on day of sale.

You are therefore hereby commanded to execute this aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 27th. day of September, 1935.

(Seal) L. W. Hazen - 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.

Return.

Dated the 27th. day of September, 1935.

J. F. Conrad.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 27th. day of September, 1935, offer said property, at private sale, and Thomas and Anna McGlade having offered therefor the sum of Fourteen hundred Fifty and no/100 Dollars ($1450.00) and the same being not less than the appraised value of said property, I sold the same to said Thomas and Anna McGlade for that sum.

Repot of Private Sale.

J. F. Conrad.

Affidavit to Repot of Private Sale.

The State of Ohio, Union County, ss:

J. F. Conrad, being duly sworn, says that the private sale of property made under the within order, and repated above, was made after diligent endeavor to obtain the best price for said property, and that the sale repated is for the highest price that could be obtained.

Affidavit to Repot of Private Sale.

J. F. Conrad.

Subscribed in my presence and sworn to before me, this 27th. day of September, 1935.

(Seal) William J. Porter - Notary Public.

Filed Sept. 27-1935. Journal Entry Confirming Sale, Ordering Deed and Distribution.

Journal Entry - Proceeding to Sell Real Estate.

Probate Court, Union County, Ohio.

J. F. Conrad, as Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,

-vs-

Minnie Mangans, et al., Defendants.

September 27th. 1935.
Confirming Sale, Ordering Deed and Distribution.

12978

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Heer Ptg. Co., Cols., O. CD 4981.

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This day this cause came on to be heard on the repot of J. F. Conrad, as Ecutor of the estate of Elizabeth Staley of his procedings 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 Elizabeth Staley, deceased, in said real estate, & to the purchaser for cash.

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 Fourteen hundred fifty and no/100 Dollars. The Court finds that there is due to the said The Union County Savings and Loan Company upon the note set forth in their answer and cross-petition, from the estate of said Elizabeth Staley the sum of Six hundred sixty three and 44/100 Dollars; that the said Elizabeth Staley 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 Ecutor arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on record in the office of the recorder of Union County, Ohio, according to law.

It is further ordered that said Ecutor out of the money in his hands, pay: First, the costs and expenses of the sale, including an Attorney fee of $25.00 to Porter & Porter for services performed for the fiduciary in connection with the sale and the sum of —— to the fiduciary for his services in connection with the sale, which costs, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate and to the payment of mortgages and judgments against the ward & deceased person according to their respective priorities of lien, so far as as they operated as a lien on the real estate of the deceased at the time of the sale or on the estate of the ward at the time of the sale; which shall be apportioned and determined by the Court, or on reference to a master or otherwise.

Third, the remaining proceeds of sale to be applied as follows:

(a) If the action be to sell real estate to pay legacies, to the payment of legacies with which the real estate of the deceased was charged;

Heer Ptg. Co., Cols., O. CD 4981.

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(b) To discharge the claims and debts of the estate, in the order provided by law;

(c) Whether such executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale must be considered as real estate and be disposed of accordingly. Fourth, in case of a guardian, in the manner and upon the terms approved by the Court where he was appointed. And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $8—, out of the proceeds of said sale, within ten days.

L. W. Hagen - Probate Judge.

(See Page 604.)

12842-a
Filed
June 18-1935.
Porter & Porter
Attorneys.

Petition to Sell Real Estate.
Supplemental Petition for Sale of Real Estate to Pay Debts and Legacies.

Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased,

Plaintiff,

-vs-

Ella May Thompson, John Thompson, Sarah Willis, deceased, Jane Walker, deceased, Muell, Mo; and Lillian Rex Worthington, Harrison, Ark. the unknown heirs, Devisees, Legatees, Executors and Administrators of said Charles A. Thompson, deceased, also the unknown heirs, Devisees, legatees, Executors and Administrators of said Sarah Willis, Decd. also the unknown Heirs, Devisees, Legatee, Executors and Administrators of said Jane Walker, Deceased; Gladys Patton, Tom L. Patton, F. F. Laurence; Evelyn Baughn; F. & A. M. Masonic Lodge No. 249 Raymond, Ohio; K & P. Lodge No. 657 Raymond, Ohio; Liberty Centralized School, Raymond, Ohio; Marysville Presbyterian Church,

Defendants.

No. 12842-a.
Civil Action.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that she is the duly appointed and qualified Executrix of the Estate of Charles A. Thompson, late of Union County, Ohio, deceased; that the amount of debts and legacies due from the deceased is Four thousand and no/100 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 Three

12842-a

Petition

Heer Ptg. Co., Cols., O. CD 4981.

12872-a

hundred and fifty and no/100 Dollars; and that the total value of the personal estate and effects of said deceased is but Three thousand three hundred eight and 80/100 Dollars, being wholly insufficient to pay the debts and costs aforesaid.

The Plaintiff further represents that said Charles A. Thompson 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 Marysville, Ohio, to-wit: and being both the north and south half of said property, to-wit:- Part of Out Lot No. 2. Beginning at the Southeast corner of Gamble & Shields part of said Out Lot; and in the south margin of Fourth Street; thence east with the south margin of Fourth Street, 68 feet; thence parallel with the east line of said Out Lot No. 2, south to the north margin of Fifth Street; thence west with said last mentioned street 68 feet to the southeast corner of Anna W. Sabin's lot; thence north with her line and the line of Shield's lot to the beginning.

Petition

Plaintiff represents further that the north half of said above described real estate has heretofore been appraised at $950.00, and will be offered for sale, as a separate tract from the south half, and is located on said Fourth Street as aforesaid. And further, that the south half thereof, was appraised at $1,500.00 as a separate tract, and will be so offered for sale, and is located on said Fifth Street, as aforesaid

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 Twenty Four hundred and no/100 Dollars.

The said decedent died leaving no widow; that the defendants Ella May Thompson, John Thompson, Sarah Willis, deceased, Jane Walker, of Buell, Mo. Decd. and Lillian Rex Worthington of Harrison, Arkansas, so far as is known to plaintiff and the only heirs at law and next of kin, of said decedent, having the next estate of inheritance from said Charles A. Thompson deceased, in said premises, that the defendants Sarah Willis and Jane Walker are believed to be dead, and plaintiff therefore alleges their death leaving possible heirs, devisees, legatees, executors and administrators who are made parties defendant hereto without naming them.

The plaintiff therefore prays that the rights, interests and liens of all parties in interest 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 dower, there being no surviving spouse, according to the statutes in such case made and provided, and for all other proper order and relief in the premises.

Porter & Porter - Attorneys.

Heer Ptg. Co., Cols., O. CD 4981.

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Bath

Filed June 18-1935. Journal Entry. Ordering Fixing Time of Hearing and for Notice.

The State of Ohio, Union County.

Ella May Thompson 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.

Ella May Thompson - Executrix as aforesaid.

Sworn to before me and signed in my presence, this 8th. day of June, A. D. 1935.

(Seal) William J. Porter - Notary Public.

Journal Entry - Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

Ordering Fixing Time for Hearing and for Notice.

This day Ella May Thompson, Executrix of the estate of Charles A. Thompson deceased, filed in this court her petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay Debts and Legacies.

It is ordered that said petition be heard on the 20th. day of July, 1935, at 10 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen - Probate Judge.

Filed June 18-1935. Affidavit for Service on Unknown Heirs.

Affidavit for Service of Unknown Heirs.

The State of Ohio, County of Union, ss:-

Ella May Thompson, being duly sworn, says that the unknown heirs, devisees and legatees of Charles A. Thompson, deceased; also the unknown heirs, devisees, legatees, administrators and assigns of Sarah Willis, deceased; and the unknown heirs, devisees, legatees, administrators, executors and assigns of Jane Walker, deceased, are necessary parties to the final determination of the matters in the petition contained, and that their names and residences are unknown to plaintiff and cannot by reasonable diligence be ascertained, and summons cannot be served on them, or any of them within the State of Ohio; that this action relates to certain real estate described in the petition and being one of the subjects contained in Section 11292 of the General Code of Ohio wherein service by publication can be made on the defendants, and that this affidavit is filed herein under the provisions of Section 11298 of the General Code of Ohio, to obtain an order of the Court to serve said unknown defendants by publication according to law.

Ella May Thompson.

Sworn to before me and subscribed in my presence this — day of June, 1935.

(Seal) William J. Porter - Notary Public.

12842-a Filed June 18-1935. Entry - Order for Service on Unknown Heirs.

Filed June 18-1935. Application to Sell at Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a
Filed
June 18 - 1935.
Entry - Order for Service on Unknown Heirs.

In the Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

No. 12842-a.
Order for Service on Unknown Heirs.

It being made to appear to the Court by the affidavit of the plaintiff that the name and place of residence of some of the heirs, devisees and legatees of Charles A. Thompson, deceased, the heirs, devisees, legatees, administrators, executors and assigns of Sarah Willis, deceased; and the heirs, devisees, legatees, administrators, executors and assigns of Jane Walker, deceased, are unknown to plaintiff and can not by reasonable diligence be ascertained by her.

It is ordered by the Court that notice of the pendency of this action, and the substance and prayer of the petition be made on said unknown defendants by publication in manner and for the time provided by law for service on non-resident defendants.

L. W. Hagen - Judge.

Filed
June 18-1935.
Application to Sell at Private Sale.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

No. 12842-a
application.

The said Plaintiff represents that it would be for the best interests 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 go at two-thirds of the appraisement only, whereas, if sold at private sale, it must bring the full amount of the appraisement.

2- Because it would save the delay and cost of advertising.

3- Because a purchaser has already been secured, who will pay the full appraised value, and in cash when deed is approved.

4- Because said proposed purchaser has already made a down payment of $100.00 in order to bind the bargain.

5- Because diligent efforts have been made to secure a purchaser therefor, who would bid more than said sum, but unsuccessfully.

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

Ella May Thompson - Executrix of the Estate of Charles A. Thompson, Deceased.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

The State of Ohio, Union County.

Ella May Thompson, being duly sworn, says that the various matters set forth in the foregoing application are true as she verily believes.

Ella May Thompson.

Sworn to before me and signed in my presence this 18th. day of June, A. D. 1935.

{Seal} Edward W. Porter - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. C. Hartshorn, C. C. Jarvis and William C. Otte, 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 given herein as they verily believe.

Affidavit of Disinterested Person.

J. C. Hartshorn.
C. C. Jarvis.
Wm. C. Otte.

Sworn to before me and signed in my presence this 18th. day of June, 1935.

{Seal} Edward W. Porter - Notary Public.

Filed June 18 - 1935. Journal Entry. Order for Private Sale.

Journal Entry - Order for Private Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Charles A. Thompson, Deceased. | June 18-1935 - Petition for Order to Sell. Order of Sale, etc.

This day this cause came on to be heard upon the petition herein filed and the testimony — 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 Fifth Street real estate at private sale; it is therefore ordered that Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, deceased, proceed to sell said Fifth Street real Estate, at private sale, for not less than the sum of Fifteen Hundred ($1,500.00) Dollars.

It is further ordered that said sale be made for cash in hand at time of sale.

It is further ordered that said Executrix make return of her proceedings herein, within three days from this date, and forthwith after such sale is made; and this cause is continued.

L. W. Hazen - Judge.

12842-a Filed June 18-1935. Waiver of Summons and Consent to Sell.

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Filed
June 18-1935.
Waiver of
Summons and
Consent to Sell.

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

Ella May Thompson, Executrix
of the Estate of Charles A.
Thompson, deceased,
Plaintiff,

-vs-

Ella May Thompson, et al.,
Defendants.

No. 12842-a - Supplemental.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.
June 18th. A. D. 1935.

F. F. Laurence.

Filed
June 18-1935.
Waiver of
Summons and
Consent to Sell.

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

Ella May Thompson, Executrix
of the Estate of Charles A.
Thompson, Deceased,
Plaintiff,

-vs-

Ella May Thompson, et al.,
Defendants.

No. 12842-a.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.
June 18th. A. D. 1935.

Leonard Thompson.

Filed
June 18-1935.
Waiver of
Summons and
Consent to Sell.

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

Ella May Thompson, Executrix
of the Estate of Charles A.
Thompson, Deceased,
Plaintiff,

-vs-

Ella May Thompson, et al.,
Defendants.

No. 12842-a.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.
June 18th. A. D. 1935.

Chester A. Thompson.
457 East Court St. Urbana, O.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a
Filed
June 18-1935.
Waiver of Summons and Consent to Sell.

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

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

Supplementary.
No. 12842-a.
Proceding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.
June 18th. A. D. 1935.

First Presbyterian Church of Marysville, O.
Rev. R. T. Engard, Pres.
Marysville Free Public Library,
Rev. E. S. Faulkner, Presidfnt.
Gladys Patton.
Thomas Patton.
Lydia K. Baughm.
By Milo L. Myers. their attorney.
Raymond Lodge No. 657
By L. D. Dillon, per Trustee.
Newton Lodge F. & A. M. #249.
Rev. Frank E. Dodge, Trustee.
Liberty Twp. Rural Sch. District.
By Daniel C. Longbrake - Clerk.

Filed
June 18-1935.
Waiver of Summons and Consent to Sell.

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

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,

-vs-

Ella May Thompson, et al, Defendants.

Supplementary.
No. 12842-a.
Proceding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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. And further, we waive all questions as to time.
June 18th. 1935.

Evelyn Baughm Patrick.

Return.

Report of Sale.

Heer Ptg. Co., Co

12842-a
Filed
June 18-1935.
Order of Sale
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Filed
June 18-1935.
Order of Sale
Free of Dower.

Order of Sale Free of Dower.

The State of Ohio, Union County. Probate Court.

To Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Greeting:

In obedience to the 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 Charles A. Thompson, late of Union County, Ohio, Deceased, are Plaintiff and Ella May Thompson, 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 dower; there being no surviving spouse, the undivided south half of the following described premises to-wit:

Situated in the Village of Marysville, County of Union, and State of Ohio, and being the south half of Lot No. 2, in said Village, and Beginning at the north-east corner of that part of said Lot formerly owned by John T. Sabin in the margin of Fourth Street, and running east with said street 58 feet; thence parallel with the east line of said Lot No. 2, south to West Fifth Street; thence west with said street 58 feet to the south-east corner of said Sabin Lot; thence north with his line to the beginning; being same premises described in Vol. 41, Pg. 209, in Union County Record of Deeds.

And you are further commanded to proceed according to law; to advertise and sell at public auction, at the north door of the Court House on the 28th. day of September, 1935, at 1 o'clock, P. M. for not less than $683.33 1/3, said sum being 2/3 of the appraised value thereof, the north undivided one-half of the above described premises.

Said sale to be for cash on day of sale.

Said sale to be free of dower, and to be upon the following terms: cash in hand, and in full, when deed is approved by the court.

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 18 day of June, A. D. 1935.

(Seal) L. W. Hazen-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.

Return.

Dated the 18th. day of June, 1935.

Ella May Thompson-Executrix of said Estate.

Report of Sale.

In obedience to the within order, I sold said premises on the 18th. day of June 1935, to Gertrude Spurrier, for the sum of Fifteen Hundred ($1,500.00) Dollars, said sum being the

Report of Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

appraised value of the same.

Ella May Thompson - Executrix of the Estate of Charles A. Thompson, Deceased.

Dated the 18th. day of June 1935.

The State of Ohio, Union County.

The above named Ella May Thompson, Executrix of the Estate of Charles A. Thompson, 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 she could get for said property.

Ella May Thompson - Executrix as Aforesaid.

Sworn to before me and signed in my presence, this 18th. day of June 1935.

Edward W. Porter - Notary Public, Union County, Ohio.

{Seal}

Filed July 30-1935. Legal Notice.

Legal Notice.

Lillian Rex Worthington, of Harrison, Arkansas; the unknown heirs, devisees, legatees, executors and administrators of Charles A. Thompson, deceased; the unknown heirs, devisees, legatees, executors and administrators of Sarah Willis, deceased; and the unknown heirs, devisees, legatees, executors and administrators of Jane Walker, deceased, whose places of residence are unknown and cannot be ascertained will take notice that on the 17th. day of June, 1935, the plaintiff Ella May Thompson, as executrix of the estate of Charles A. Thompson, deceased, filed her petition against them in the Probate Court of Union County, Ohio, the same being cause number 12842-a in said Court, for the sale of certain real estate in said petition described, in order to pay the debts and legacies of said estate.

The prayer of said petition is for the sale of said real estate and for other equitable relief. Said defendants are required to answer said petition on or before the 20th. day of July, 1934, or said sale will be ordered as prayed for.

Ella May Thompson - Plaintiff and Executrix of the Estate of Charles A. Thompson, Deceased.

By- Porter & Porter, Her Attorneys.

The State of Ohio, Union County, ss.

Personally appeared before me J. M. 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 June 18, 1935 in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 17th. day of July A. D. 1935.

{Seal} G. P. Huber - Notary Public.

Printers Fees, $10.25.

12842-a Filed July 27-1935. Suggestion of Death Motion Thereon.

Filed July 27-1935. Entry on Suggestion of Death. etc.

Filed August 8-1935. Journal Entry confirming Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a
Filed
July 27-1935.
Suggestion
of Death
Motion Thereon.

In the Probate Court of Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased,
Plaintiff,
against
Ella May Thompson, et al.,
Defendants.

No. 12842-a.
Suggestion of the Death of Next of Kin to deceased herein.

To the Court:

Now come Ella May Thompson, the duly appointed, qualified and acting Executrix of the Estate of Charles A. Thompson, deceased, and suggests the death of John Thompson, late of North Lewisburg, Ohio, one of the next of kin of said Charles A. Thompson, deceased.

And further, she moves the Court for an order making Chester A. Thompson, and Leonard Thompson, the only children, heirs at law, and next of kin of said deceased, John Thompson, parties defendant herein.

Ella May Thompson - Executrix of said Charles A. Thompson, Deceased.
Per- Porter & Porter - Her Atty's.

Filed
July 27-1935.
Entry on
Suggestion
of Death. etc.

In the Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased,
Plaintiff,
Against
Ella May Thompson, et al.,
Defendants.

No. 12842-a.
Entry.

This matter coming on to be heard on the suggestion to the court, that John Thompson, next of kin of the deceased, herein, is deceased; and further, that Chester A. Thompson and Leonard Thompson, his only next of kin be substituted as parties defendant herein, and the same is granted.

L. W. Hazen - judge.

Filed
August 8-1935.
Journal Entry.
Confirming
Sale.

Probate Court, Union County, O.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Deceased,
Plaintiff,
-vs-
Ella May Thompson, et al.,
Defendants.

August 8th. 1935.
Proceeding to Sell Real Estate.
Confirming Sale.

This day this cause coming on to be heard on the return of Ella May Thompson, Executrix of the estate of Charles A. Thompson, deceased, of her 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 Ella May Thompson, as

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

such Executrix, make to the purchaser, Gertrude Spurrier, a good and sufficient deed for the premises so sold.

It is further ordered that this proceding be recorded, and that said Executrix pay the costs herein taxed at $— within ten days.

L. W. Hazen - Probate Judge.

Filed Sept. 23-1935 Notice of Public Sale.

Notice of Public Sale.

In pursuance of the order of the Probate Court of Union County, Ohio, I will offer for sale at public auction on the 28th. day of September, 1935, at 1:00 o'clock P. M. at the north door of the Court House, the following described real estate, situated in the County of Union, State of Ohio, and Village of Marysville, and being the north undivided one-half of Out Lot 8 No. 2 in said Village, and beginning at the northeast corner of that part of said lot formerly owned by John T Sabin in the margin of Fourth Street and running west with said street 58 feet; thence parallel with the east line of said Lot No. 2, south to West Fifth Street; thence west with said street 58 feet to the southeast corner of said Sabin lot; thence north with his line to the beginning, being same premises described in Vol. 41, page 209, Union County Record of Deeds.

Said premises are appraised at $ 900.00 and must be sold for not less than two-thirds of said appraised value, and terms are cash on day of sale.

Ella May Thompson - Executrix of the Estate of Charles A. Thompson, Deceased.

Porter & Porter, Attorneys.

The State of Ohio, Union County, ss.

Personally appeared before me J. M. 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 August 28, 1935 in the Daily Marysville Tribune, a newspaper of genral circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 23rd. day of September, A. D. 1935.

(Seal) G. P. Huber - Notary Public.

Printer's Fees, $ 9.75

Filed Nov. 21-1935. Motion to Set Aside Appraisement.

In the Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff

-vs-

Ella May Thompson, et al., Defendants.

No. 12842-a.

Motion to Set Appraisement Aside.

Now comes Ella May Thompson, one of the next of kin of Charles A. Thompson, Deceased, having an estate of inheritance and moves the Court:

Filed Nov. 21-1935. Entry Granting Leave to Set Aside Appraisement.

Filed Nov. 21-1935. Journal Entry. Finding Sale Necessary and Ordering Appraisement.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

To set aside the appraisement herein made, of the real estate sought to be sold, to-wit, the north half thereof located on the south margin of Fourth Street, and being part of Out Lot No. 2, as described in plaintiff's petition, for the following reasons:

First:- Because said appraisement of $950.00 is much higher than the actual value of said real estate.

Second:- Because said real estate was offered at public sale according to Law, but with no bidders.

Third:- Because diligent efforts have been made to obtain bidders, and at the highest figures obtainable, and through a series of many weeks, preparatory to asking that said real estate be sold at private sale.

Ella May Thompson - Executrix
and Next of Kin, as aforesaid.

The State of Ohio, Union County, ss.

Ella May Thompson, being sworn, makes oath and says, that the facts stated, and allegations made, are true as she believes.

Ella May Thompson.

Sworn to by said Ella May Thompson before me and signed by her in my presence, this 18th. day of November, A.D. 1935.

Edward W. Porter - Notary Public,
Union County, Ohio.

See: Sec. 10510-26 G. C.
Reibel Sec. 1098.

Filed
Nov. 21-1935.
Entry Granting Leave to Sell Aside Appraisement.

In the Probate Court, Union County, Ohio.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff,
-vs-
Ella May Thompson, et al., Defendants.

No. 12842-a.
Entry Granting Motion to Set Appraisement Aside.

This day this matter came before the Court on the motion herein, to set aside the appraisement heretofore made herein, and on sufficient showing thereon, the same is granted.

L. W. Hagen - Judge.

November 21st. 1935.

Journal Entry - Proceeding to Sell Real Estate.

Filed
Nov. 21-1935.
Journal Entry, Finding Sale Necessary and Ordering Appraisement.

Probate Court, Union County, Ohio.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Plaintiff,
-vs-
Ella May Thompson, et al., Defendants.

November 21st. 1935.
Finding Sale Necessary and Ordering Appraisement.

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have vol-

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

untarily entered their appearance and consent to the sale prayed for, and are properly before the Court; and that it is necessary to sell said real estate to pay the debts of said estate and the prayer of the petition should be granted.

And it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that J. M. Foster, Adelbert Braun and John Schwartzkopf, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view of its fair cash value, and discharge the duties required by them according to law, and to make return of their proceedings in writing to this Court on or before the 21st. day of November, 1935.

L. W. Hazen - Probate Judge.

Filed Nov. 21- 1935. Supplementary appraisement.

Re- Appraisement of Real Estate Only.

Probate Court, Union County, Ohio.

In the Matter of the estate of Charles A. Thompson, Deceased. | No. 12842-a | Order to Appraisers.

To J. M. Foster, Adelbert Braun and John Schwartzkopf, Appraisers:

You are hereby notified that you have been appointed by order of the Probate Court of said County, appraisers of the estate of Charles A. Thompson, deceased, late of Raymond, in said County.

You will, therefore, after being duly sworn faithfully to discharge your trust, appraise all the real estate located in Ohio, and personal property of the deceased, which have come to your possession or knowledge, based on values as of date of death of the decedent and perform all other duties required by law of you in the premises, as such Appraisers.

You will thereupon deliver this order, with your proceedings thereon, to Ella May Thompson, Executrix of said estate, that she may return the same to this Court within one month from the date of November 21st. 1935.

Witness my hand and the seal of said Probate Court, at Marysville, Ohio, this 21st. day of November, A. D. 1935.

(Seal) L. W. Hagen - Probate Judge.

Oath of Appraisers.

The State of Ohio, Union County.

We, the undersigned, do make solemn oath that we will truly, honestly and impartially appraise the estate and property that may be exhibited to us, belonging to the estate of Charles A. Thompson, deceased, and perform the other duties required by law of us in the premises as appraisers, according to the best of our knowledge and ability.

Oath of Appraisers.

J. M. Foster.
Adelbert Braun.
John H. Schwartzkopf.

12842-a

Affidavit.

Filed Nov. 21- 1935. Application to Sell at Private Sale.

Heer Ptg. Co., Cols., O. CD 4981.

12842-A

Sworn to before me and signed in my presence, this 21st. day of November, 1935.

Seal

William J. Porter - Notary Public.

Schedule E. Real Estate.

Being the north half of part of Out Lot Number 2, located in Marysville, Ohio, on West 4th. Street. $ 500.00

Recapitulation of the Assets belonging to said Estate.

Total appraisement of real estate, Schedule E. $ 500.00

Certificate.

We certify that the foregoing Inventory is a true and correct Appraisement of the property exhibited to us.

J. M. Foster.
Adelbert Braun.
John H. Schwartzkopf.
} Appraisers.

Affidavit.

The State of Ohio, Union County.

The undersigned, Ella May Thompson, Executrix of the estate of Charles A. Thompson, deceased, late of said County, being duly sworn according to law, deposes and says that the foregoing inventory is, in all respects, just and true, that it contains a true statement of all the estate and property of the deceased, which has come to the knowledge of affiant, and particularly of all money, bank bills, or other circulating medium belonging to the deceased, and of all just claims of the deceased against the said affiant or other persons, according to the best of affiant's knowledge.

Ella May Thompson.

Affidavit.

Sworn to before me and signed in my presence, this 21st. day of November, 1935.

Seal

William J. Porter - Notary Public.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Filed Nov. 21 - 1935.

Application to Sell at Private Sale.

Ella May Thompson, Executrix of the Estate of Charles A. Thompson, Deceased, Plaintiff, -vs- Ella May Thompson, et al., Defendants.

No. 12842 - A.

Application.

The said Plaintiff represents that it would be for the best interests 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 said real estate has heretofore been offered at public sale, where it could have been sold for two-thirds of the appraisement, but not a single bid was offered.

2 - Because a new appraisement has become necessary by reason of the above stated fact and is allowed under authority of Sec. 10510 - 26 G. C.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a

3- Because competitive bids for private sale, have revealed the greatest amount that can be realized therefor is Five Hundred Dollars.

4- Because if appraised at said amount of $500.00, a purchaser has been secured who will pay said amount on receiving her deed.

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

Ella May Thompson - Executrix of said Estate of Charles A. Thompson, Deceased.

The State of Ohio, Union County.

Ella May Thompson, being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Ella May Thompson.

Sworn to before me and signed in my presence this 21st. day of November A. D. 1935.

Edward W. Porter - Notary Public.
Union County, Ohio.

{Seal}

Affidavit of Disinterested Persons.

The State of Ohio, Union County.

Affidavit of Disinterested Persons.

Frank E. Smith, Harold J. Coleman and Pearl McIlroy, 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.

Frank E. Smith.
Harold J. Coleman.
Pearl McIlroy.

Sworn to before me and signed in my presence this 21st. day of November 1935.

{Seal}

Edward W. Porter.

Order of Private Sale.

Filed Nov. 21-1935. Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Ella May Thompson, Executrix of the Estate of Charles A. Thompson, 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 Executrix of the Estate of Charles A. Thompson, Deceased, are Plaintiff and Ella May Thompson et al, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Five Hundred ($500.00) Dollars, the appraised value thereof, the following described premises, to-wit;

Situated in the County of Union, State of Ohio, Township of Paris, Village of Marysville, and being the undivided north

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Heer Ptg. Co., Cols., O. CD 4981.

12842-a half of the following described real estate, to-wit:

Part of Out Lot No. 2, beginning at the northeast corner of Gamble C. Shield's part of said Out Lot, and in the south margin of Fourth Street; thence east with the south margin of Fourth Street 68 feet; thence parallel with the east line of said Out Lot No. 2, south to the north margin of Fifth Street; thence west with said last mentioned street 68 feet to the southeast corner of Anna W. Sabin's lot; thence north with her line and the line of Shield's lot to the beginning.

Said sale to be upon the following terms: cash in hand, and in full, on the day the deed therein is approved by the Court.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 21st. day of November, 1935.

{Seal} L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

Return. 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 November 1935.

Ella May Thompson - Executrix as aforesaid.

Repot of Private Sale.

Repot of Private Sale. In obedience to the command of the within order of sale, I did on the 21st. day of November 1935, offer said property, at private sale, and Katharine Daugherty having offered therefor the sum of Five Hundred Dollars ($500.00) and the same being not less than the appraised value of said property, I sold the same to said Katharine Daugherty for that sum.

Ella May Thompson,

Affidavit to Repot of Private Sale.

The State of Ohio, Union County, ss.

Affidavit to Repot of Private Sale. Ella May Thompson, being duly sworn, says that the private sale of property made under the within order, and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Ella May Thompson - Ex.

Subscribed in my presence and sworn to before me, this 21st. day of November 1935,

{Seal} Edward W. Porter - Notary Public, Union County, Ohio.

Heer Ptg. Co., Cols., O. CD 4981.

12842-a
Filed
Nov. 21-1935.
Journal Entry.
Confirming Sale,
Ordering Deed
and Distribution.

Journal Entry - Proceeding in Probate Court.

Ella May Thompson, as Executrix of the Estate of Charles A. Thompson, Plaintiff,

-vs-

Ella May Thompson, et al., Defendants.

to Sell Real Estate.
Union County, Ohio.

November 21st. 1935.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Ella May Thompson, Executrix of the estate of Charles A. Thompson, & her 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; 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 A. Thompson, in said real estate, to the purchaser, Katharine Daugherty. 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 Five hundred and no/100 ($500.00) Dollars.

It is further ordered that said Executrix out of the money in her hands, pay: First, the costs and expenses of the sale, including an Attorney fee of $100.00 to Porter & Porter for services performed for the fiduciary in connection with the sale and the sum of $100.00 to the fiduciary for her services in connection with the sale, which costs, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate and to the payment of mortgages and judgments against the ward or deceased person, according to their respective priorities of lien, so far as they operated as a lien on the real estate of the deceased at the time of the sale or on the estate of the ward at the time of the sale; which shall be apportioned and determined by the Court, or on reference to a master or otherwise.

Third, the remaining proceeds of sale to be applied as follows:

(a) If the action be to sell real estate to pay legacies, to the payment of legacies with which the real estate of the deceased was charged;

(b) To discharge the claims and debts of the estate, in the order provided by law;

13020
Filed
Dec. 28-1935.

Heer Ptg. Co., Cols., O. CD 4981.

12872-a (c) Whether such executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale must be considered as real estate and be disposed of accordingly.

Fourth, And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ —, out of the proceeds of said sale, within ten days.

L. W. Hagen - Probate Judge.

13020
Filed
Dec. 28-1935.

Petition to Mortgage Real Estate By Guardian.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian,
Plaintiff,

-vs-

Roberta Jane Sharp,
Myrtle Sharp,
Howard Sharp, and
May Sharp.
Defendants.

No. 13020.
Petition to Mortgage
Real Estate by Guardian.

Plaintiff says that she is the duly appointed, qualified and acting guardian of Roberta Jane Sharp, a minor, aged 17 years, and that the names of the next of kin of said ward known to be residents of the State of Ohio, are as follows:

Myrtle Sharp, Marysville, Ohio, R. F. D.,
Howard Sharp, " " "
May Sharp, Westerville, Ohio.

That said ward, Roberta Jane Sharp, is the owner in fee simple of an undivided 2/9 interest in the lands owned by Watt Sharp, situated in Dover Township, Union County, Ohio, and being 282.8 acres, more or less, on Mill Creek Road and part of D. M. Sections 9028, 4065 and 3956.

Said estate is indebted for borrowed money, funeral expenses and costs of administration in the total amount of $3,000.00, no part of which is secured, and there are no liens on said real estate; that there is no personal property belonging to said estate.

Plaintiff further says that the purpose of this petition is to procure a loan under the authority of this Court to pay the debts of said estate and to stock said farm.

Wherefore plaintiff prays that said ward and said parties named above may be made parties defendant to this action and be notified of the pendency and prayer of the petition, and that she be authorized to join with said parties to borrow the sum of $4,000.00 to pay the indebtedness and expenses of said farm and to mortgage said ward's land as may be

Heer Ptg. Co., Cols., O. CD 4981.

13020

necessary to secure such loan, and for all other proper relief.

Myrtle R. Sharp - Guardian for Roberta Jane Sharp.

State of Ohio, Union County, ss:

Myrtle Sharp, being first duly sworn, deposes and says that she is the duly appointed, qualified and acting guardian of the above named minor, and that the facts stated and allegations contained in the foregoing Petition are true as she verily believes.

Myrtle R. Sharp.

Sworn to before me and subscribed in my presence this 28th. day of December, 1935.

{Seal} Ruth Hess - Notary Public.

Filed Dec. 28 - 1935. Notice to Defendants. Waiver.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian, Plaintiff, -vs- Roberta Jane Sharp, et al., Defendants.

No. 13020.
Notice to Defendants.

You are hereby notified that Myrtle Sharp, guardian of Roberta Jane Sharp, has filed in this court a petition praying for authority to borrow money for the purpose of paying off indebtedness and expenses of the estate of Watt Sharp, deceased; to stock the farm of said estate and to mortgage said real estate as security for a loan, and that said petition will be for hearing on the 28th. day of December, 1935, at 1:00 o'clock.

L. W. Hazen - Probate judge.

Waiver.

We, the undersigned defendants herein, waive the issuing and service of summons and join in the prayer of the petition filed herein.

May Sharp.
Myrtle R. Sharp.
Howard Sharp.

Filed Dec. 28 - 1935. Affidavit of Service.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian, Plaintiff, -vs- Roberta Jane Sharp, et al., Defendants.

No. 13020.
Affidavit of Service.

State of Ohio, Union County, ss:

Myrtle R. Sharp, being first duly sworn, says that on the 28th. day of December, 1935, she served a copy of the notice of the filing of the petition herein on Myrtle Sharp, the mother and guardian of Roberta Jane Sharp, the father of Roberta Jane Sharp being deceased, by delivering to each of them personally a true copy thereof.

Myrtle R. Sharp.

Heer Ptg. Co., Cols., O. CD 4981.

13020

Sworn to before me and signed in my presence this 28 th. day of December, 1935.

Ruth Hess - Notary Public.
Union County, Ohio.

{Seal}

Filed Dec. 28-1935. Order to Guardian.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian, Plaintiff,

-vs-

Roberta Jane Sharp, et al., Defendants.

No. 13020.
Order to Guardian.

To Myrtle Sharp, Guardian of Roberta Jane Sharp:

You are hereby notified that an order has this day been made in this court in a certain case wherein you as guardian have filed a petition to mortgage certain real estate belonging to your ward, Roberta Jane Sharp; that you are therein directed to ascertain the rate of interest and the time for which you can borrow the sum of $4,000.00 by mortgaging the real estate in said petition described, to secure such loan.

Witness my signature and seal of the Probate Court this 28 th. day of December, 1935.

{Seal}

L. W. Hazen - Probate judge.

Filed Dec. 28-1935. Entry.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian, Plaintiff,

-vs-

Roberta Jane Sharp, et al., Defendants.

No. 13020.
Entry.

This cause came on to be heard on the petition of Myrtle Sharp, guardian, for authority to mortgage certain real estate therein described, the pleadings and the testimony.

Whereupon the court being fully advised in the premises finds that all parties defendant have been duly served with notice of the pendency and prayer of the petition or have waived such notice and of the time and place of the hearing, and that all parties having an interest in this cause are properly before the court.

The court further finds that the allegations contained in the petition are true and that it is necessary to borrow the sum of $4,000.00 as therein alleged.

It is therefore ordered that said guardian shall ascertain and report to this court the rate of interest and the time for which she can borrow the aforesaid amount.

L. W. Hazen.

Heer Ptg. Co., Cols., O. CD 4981.

13020
Filed
Dec. 28-1935.
Report of
Guardian.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian,
Plaintiff,
-vs-
Roberta Jane Sharp, et al.,
Defendants.

No. 13020.
Report of Guardian.

To the Probate Court of Union County, Ohio:

In obedience to the order of said court in the aforementioned case, I have made a full and diligent inquiry, and hereby report that the best terms obtainable in securing the loans in behalf of my ward are as follows: $4,000.00, at the rate of 6% per annum, for a period of five years.

Myrtle R. Sharp - Guardian.

Sworn to before me this 28th. day of December, 1935.

Ruth Hess - Notary Public.

{Seal}

Union County, Ohio.

Filed
Dec. 28-1935.
Entry Confirming
Report of
Guardian
as to Terms.

In the Probate Court of Union County, Ohio.

Myrtle Sharp, Guardian,
Plaintiff,
-vs-
Roberta Jane Sharp, et al.,
Defendants.

No. 13020.
Entry Confirming Report of Guardian as to Terms.

This cause came on this day further to be heard on the report of the plaintiff as to the terms on which she can borrow the sum of $4,000.00; and on consideration thereof, the court finds said terms to be satisfactory and it is ordered that the same be and they are hereby accepted and confirmed; and it is ordered that the plaintiff be and she is hereby authorized and directed as such guardian to execute a note for the sum of $4,000.00, and in order to secure said note said guardian is further authorized to execute a mortgage on the lands in the petition described designated for that purpose.

L. W. Hazen - P. J.

13083
Filed
Jan. 21-1936.

In the Matter of the Estate of Nannie M. Gilbert, Deceased.
In the Probate Court, Union County, Ohio.

In the Matter of the Estate of:
Nannie M. Gilbert, Deceased.

No. 13083.
Affidavit.

State of Ohio, Union County, ss:

Guyon Sanders, being first duly sworn, says that he served this notice which is thereto attached, on the said Robert Gilbert and Clara Gilbert, by handing to each of them personally on January 21, 1936, a true copy thereof, and by handing to Harry M. Gilbert a true copy thereof, he being the person with whom said minors reside, and the person in charge of their custody and control.

Guyon Sanders.

(See Pg. 596) *

130.83
Filed
Jan. 21-1936.
Notice.

Filed
Jan. 21-1936.
Consent
to Sell.

Heer Ptg. Co., Cols., O. CD 4981.

130.83

Sworn to before me and subscribed in my presence this 21st. day of January, 1936.

{Seal} Ruth Hess- Notary Public.

Filed Jan. 21-1936. Notice.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of: Nannie M. Gilbert, Deceased. | No. 13083. Notice.

Notice is hereby given to Robert Gilbert and Clara Gilbert that Guynn Sanders, Administrator of the Estate of Nannie M. Gilbert, deceased, has filed a petition in the Probate Court of Union County, Ohio, praying that an inventory and appraisement in said estated may be waived, and that the said Guynn Sanders, as such administrator, may be ordered, authorized and empowered to sell and convey the real estate in said petition described, at private sale, for the sum of $400.00, and that the service of summons, appraisal of said real estate, and additional bond may be waived, and for other relief.

A copy of said petition is hereto attached and made a part of this notice.

You are further notified that a hearing will be had on said petition before the Probate Court of Union County, Ohio, on the 25th. day of January, 1936, at 10:00 o'clock A. M.

L. W. Hazen - Probate Judge.

Filed Jan. 21-1936. Consent to Sell.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of: Nannie M. Gilbert, Deceased. | No. 13083. Consent to Sell.

Now comes Harry M. Gilbert and respectfully represents to the court that he is the widower and surviving spouse of Nannie M. Gilbert, deceased.

That the only asset of said estate, and the only property which said decedent owned at the time of her death, is the real estate set forth and described in the petition of Guynn Sanders, Administrator of said estate.

That the actual market value of said real estate is only $400.00.

Wherefore, this widower and surviving spouse of the said Nannie M. Gilbert, hereby consents that the filing of an inventory and appraisement in this estate may be waived, and that the said Guynn Sanders may be ordered, authorized and empowered to sell and convey said real estate, at private sale, for the sum of $400.00, and that the service of summons, appraisal of said real estate and additional bond may be waived.

Harry M. Gilbert.

(See Pg. 596) *

Sworn to before me and subscribed in my presence this 21st. day of January, 1936.

Ruth Hess - Notary Public.

{Seal}

Heer Ptg. Co., Cols., O. CD 4981.

130 83

* State of Ohio, Union County, ss:

Harry M. Gilbert, being first duly sworn, says that he is the widower and surviving spouse of Nannie M. Gilbert, deceased, and that the facts stated and allegations contained in the foregoing consent to sell are true as he verily believes.

Harry M. Gilbert.

In the Probate Court, Union County, Ohio.

Filed Jan. 21-1936. Petition.

In the Matter of the Estate of; Nannie M. Gilbert, Deceased. | No. 13083. | Petition.

Now comes Guyon Sanders and respectfully represents to the court that he is the duly appointed, qualified and acting administrator of the Estate of Nannie M. Gilbert, deceased, by virtue of an order of the Probate Court of Union County, Ohio.

That the only asset of said estate, and the only property belonging to the decedent at the time of her death, is an undivided one-half interest in certain real estate hereinafter described; that the actual market value of said real estate is only $400.00.

This petitioner further represents that the debts of said decedent and the costs of administration of her estate are $400.00, and it is necessary that said real estate, hereinafter described, be sold to pay said debts and the costs of administering said estate.

The following is a description of said real estate by meter and bounds:

Being an undivided one-half interest in the real estate situated in the County of Union, State of Ohio and Village of Marysville, and bounded and described as follows:

Being In-Lot Number 228; For a more definite description of said Lot, see Plat of D. D. Welch Addition to said Village at the Union County Recorder's Office; Said Lot being Number 14 of said Addition.

Excepting therefrom thirty two feet off of the south side of said lot, the tract herein conveyed being thirty-four feet off of the north side of said lot.

That Harry M. Gilbert, widower and surviving spouse, and Robert Gilbert, aged 17, and Clara Gilbert, aged 15, are the only heirs at law and next of kin of said decedent, and the only persons entitled to the next estate of inheritance in said real estate.

This petitioner further states that he has been offered the sum of $400.00 for said real estate, in cash; that the said sum of $400.00 is the actual market value of said real estate.

Wherefore, this petitioner prays that the filing of an inventory and appraisement herein may be dispensed with; that he may be authorized, ordered and empowered to sell and convey said real estate, at private sale, for the sum

Filed Jan. 21-1936. Entry.

Filed Jan. 25-1936. Entry.

Heer Ptg. Co., Cols., O. CD 4981.

13083

of $700.00, and that the service of summons, appraisal of said real estate and additional bond shall be waived by this court, and for such other and further relief in the premises as the court deems just and proper.

Gwynn Sanders.

State of Ohio, Union County, ss:

Gwynn Sanders, being first duly sworn, says that he is the petitioner herein, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Gwynn Sanders.

Sworn to before me and subscribed in my presence this 21st. day of January, 1936.

{Seal} Ruth Hess - Notary Public.

Filed Jan. 21-1936. Entry.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Nannie M. Gilbert, Deceased. | No. 13083. | Entry.

This day this cause came on for hearing upon the petition of Gwynn Sanders, administrator of the estate of Nannie M. Gilbert, to sell real estate belonging to said decedent, and the same is set for hearing for Saturday, January 25, 1936, at 10:00 o'clock A. M.

L. W. Hazen - Probate judge.

Filed Jan. 25-1936. Entry.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Nannie M. Gilbert, Deceased. | No. 13083. | Entry.

This day this cause came on to be heard upon the petition of Gwynn Sanders, as administrator of the estate of Nannie M. Gilbert, deceased, the answer and consent of Harry M. Gilbert, widower and surviving spouse of said decedent, and the evidence.

And the court, being fully advised in the premises, finds that Harry M. Gilbert, widower and surviving spouse of said decedent, and Robert Gilbert and Clara Gilbert, the children of said decedent, are the only heirs at law and next of kin of said decedent, and that they have been duly notified of this proceeding and the filing of said petition; the court further finds that the only asset of said estate, and the only property owned by said decedent at the time of her death, is the real estate set forth and described in the petition of Gwynn Sanders, as such administrator; that the actual market value of said real estate is only $400.00.

It is therefore considered by the court that the filing of an inventory and appraisement in this estate be, and the same hereby is, waived and dispensed with.

The court further finds that the said Gwynn Sanders, as such administrator, has been offered the sum of

Heer Ptg. Co., Cols., O. CD 4981.

13083 $400.00 for said real estate, by Harry M. Gilbert, and the court further finds that the said sum of $400.00 is the actual market value of said real estate.

It is therefore considered by the court that the said Guyon Sanders, as such administrator, be and he hereby is, ordered, authorized and empowered to sell and convey, for the sum of $400.00 in cash, to the said Harry M. Gilbert, the following described real estate:

Being the undivided one-half interest in the real estate situated in the County of Union, State of Ohio and Village of Marysville, and bounded and described as follows:

Being In-Lot Number 228; For a more definite description of said Lot, see Plat of D. D. Welch Addition to said Village at the Union County Recorder's Office; Said Lot being Number 14 of said Addition.

Excepting therefrom thirty two feet off of the south side of said lot, the tract herein conveyed being thirty four feet off of the north side of said lot.

It is further ordered, adjudged and decreed that service of summons, appraisal of said real estate, and the giving of an additional bond, be waived and dispensed with.

L. W. Hazen - Probate Judge.

12361 Filed Dec. 10-1935.

In the Matter of the Estate of Pearl Evans, Deceased.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Pearl Evans, Deceased. | Case No. 12361. | Application.

To the Probate Court of Union County, Ohio:

The undersigned, Gretchen Evans Whetsel respectfully represents that she is the surviving spouse of said Pearl Evans, deceased, and as such, is by law permitted to take the home and any other real or personal property not exceeding, with the home and its contents, the amount of her distributive share, at the valuation made by the appraisers heretofore appointed by the said court. Said applicant further represents that she, as administratrix of said estate, has caused an inventory and appraisement of the estate of said decedent to be made, returned, and filed in said Probate Court, and that said goods and chattels so appraised are the following with the appraised value set opposite the same, to-wit; a copy of said items is hereto attached, marked "Exhibit A" and made a part hereof.

And the following described real estate, which was the home of the decedent, appraised at $1800.00, and included in which are its contents, appraised at no value:

Heer Ptg. Co., Cols., O. CD 4981.

12361

"16½ acres $495.00
9 acres with building 1800.00"

No part of said property has been specifically devised or bequeathed. Said applicant represents that the value of her distributive share in said estate, together with her fee as administratrix, and the obligations which are necessary for her to pay in order that said real estate might be relieved from being charged with same, will be approximately $1804.00.

Said applicant hereby elects to take said real estate above described at the said valuation as fixed by said appraisers, to-wit: the sum of $1800.00.

Said applicant, therefore, prays the court for an order approving said election and an order directing said Gretchen Evans Whetsel as administratrix, to make and deliver a deed for said real estate to herself upon her compliance with the law with reference thereto.

Gretchen Evans Whetsel.

State of Ohio, Union County, ss.

Gretchen Evans Whetsel, being first duly sworn, says the facts stated and allegations contained in the foregoing application are true as she verily believes.

Clifton L. Caryl, Notary Public,
Union County, O.

{Seal

Waiver.

I, Gretchen Evans Whetsel, as aforesaid, hereby consent to the election above referred to and request the Probate Court to approve the same.

Gretchen Evans Whetsel.

Dated December 9, 1935.

Exhibit "A".

The following described real estate:

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

Being a Military Survey No. 5728 bounded and described as follows: to-wit, Beginning at a stake near a large white oak in the line of Thomas Martin's land and corner to Christopher Westfall; thence with his line S. 64 degrees W. 13.78 poles to a stake; thence N. 26 degrees W. 105 poles to a stake in the outer of the Marysville and Lewisburg Gravel Road; thence with the outer of said road N. 63 degrees E. 13.80 poles to a stake N W. corner to Thomas Martin's land; thence with his west line S. 26 degrees E. 104½ poles to the beginning;

containing 9 acres of land more or less.

Leaving the amount hereby conveyed 9 acres of land more or less.

Heer Ptg. Co., Cols., O. CD 4981.

12361
Filed
Dec. 10-1935.
Journal Entry.

Probate Court, Union County, Ohio.
In the Matter of the Estate of Pearl Evans, Deceased. | Cased No. 12361.
Journal Entry.

This day came Gretchen Evans Whetsel, surviving spouse of Pearl Evans, deceased, and filed an application to take certain real estate of the deceased at its appraised value, duly subscribed and verified according to law, and the same appearing in due form and time.

It is therefore ordered by the court that notice in writing be given to each and all of the heirs or devisees and legatees of the deceased of the pendency and prayer of said petition and of the time when the same will be heard by the Court and the hearing of this cause is now set for Thursday, December 12, 1935, at ten o'clock A.M.

And this cause is now continued for further proceedings in accordance with the law.

L. W. Hazen - Probate judge.

Filed
Dec. 12-1935.
Order on Hearing.

Probate Court, Union County, Ohio.
In the Matter of the Estate of Pearl Evans, Deceased. | Cased No. 12361.
Order on Hearing.

This day this cause came on for hearing on the application of Gretchen Evans Whetsel, surviving spouse of said Pearl Evans, deceased, to take the real estate and personal property described in said application at the valuation fixed by the appraisers heretofore appointed by this Court, and the consent of Gretchen Evans Whetsel as Administratrix of said estate, in writing, and the evidence, and it appearing to the Court that said Gretchen Evans Whetsel is the surviving spouse of said Pearl Evans, deceased; that said property has not been specifically devised or bequeathed; that the facts stated in said application are true and that said surviving spouse is by law entitled to make such election as prayed for;

It is therefore ordered and decreed by the Court that said election be, and the same hereby is, approved and confirmed; and said Gretchen Evans Whetsel is hereby ordered to make a deed for said real estate, and to deliver to said surviving spouse the goods and chattels so elected to be taken, upon the said surviving spouse paying for said property on the following terms and conditions, to-wit: To be paid out of her distributive share.

It is further ordered that said Gretchen Evans Whetsel, administratrix of said decedent's estate, pay the costs of this proceeding taxed at $13.20, within 30 days.

L. W. Hazen - Probate judge.

Heer Ptg. Co., Cols., O. CD 4981.

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Heer Ptg. Co., Cols., O. CD 4981.

12713
Filed
Sept. 2- 1935.

In Re- Estate of Ruth Parker, a mental Incompetent.
Probate Court, Union County, Ohio.

In Re Estate of Ruth Parker,
a mental Incompetent. | Number 12713.

Application to sell Wards Real Estate.

Your applicant respectfully represents to this court that he is the duly appointed and authorized guardian of the person and estate of Ruth Parker a mental Incompetent now confined in the Columbus State Hospital for the insane.

applicant says further that Ruth Parker is the half owner of two lots in Paris Township, Union County, Marysville, Ohio, same being further described as lots Number 580 and 581 in Deed book 138, Page 549 in Recorders Office at the Court House, Marysville, Ohio. Dawson Parker, husband of Ruth Parker is the co-owner of the other undivided one-half interest in the aforesaid lots. Located in Sunnyside Addition.

Petitioner says that said lots have unpaid taxes on same and that total value of the two lots is forty dollars and that the unpaid taxes are a lien on same. Affiant says that purchasers are available who will pay forty dollars cash for two said lots and that sale of same may be had privately pursuant to Ohio General Code Section 10510-14 for the reason that said sale is less than five hundred dollars. Said sale will prevent the estate losing these lots through later tax sales.

Wherefore petitioner prays that he may be given authority by this Court to execute deeds to said lots and sell the same privately for a total consideration of forty dollars.

H. Lee Knowles - Gdn. Ruth Parker,
An Incompetent.

State of Ohio, Union County, ss.

H. Lee Knowles after being duly sworn says that the statements herein contained are true as he verily believes.

H. Lee Knowles.

Sworn to before me and subscribed in my presence this 2nd. day of September, 1935.

L. W. Hazen.

Filed
Sept. 2- 1935.
Order of Sale.

In the Probate Court of Union County, Ohio.

In Re the Estate of Ruth Parker
a Mental Incompetent. | Number 12713.

Journal Entry.

(Order to sell Realty belonging to Ward.)

This cause came on to be heard upon the application of H. Lee Knowles guardian of Ruth Parker, for authority to sell realty of Ruth Parker a mental incompetent.

12713
Filed
Sept. 2- 1935.

In Re- Estate of Ruth Parker, a mental Incompetent.
Probate Court, Union County, Ohio.

In Re Estate of Ruth Parker,
a mental Incompetent. | Number 12713.

Application to sell Wards Real Estate.

Your applicant respectfully represents to this court that he is the duly appointed and authorized guardian of the person and estate of Ruth Parker a mental Incompetent now confined in the Columbus State Hospital for the insane.

applicant says further that Ruth Parker is the half owner of two lots in Paris Township, Union County, Marysville, Ohio, same being further described as lots Number 580 and 581 in Deed book 138, Page 549 in Recorders Office at the Court House, Marysville, Ohio. Dawson Parker, husband of Ruth Parker is the co-owner of the other undivided one-half interest in the aforesaid lots. Located in Sunnyside Addition.

Petitioner says that said lots have unpaid taxes on same and that total value of the two lots is forty dollars and that the unpaid taxes are a lien on same. Affiant says that purchasers are available who will pay forty dollars cash for two said lots and that sale of same may be had privately pursuant to Ohio General Code Section 10510-14 for the reason that said sale is less than five hundred dollars. Said sale will prevent the estate losing these lots through later tax sales.

12802
Filed
Aug. 1934
Waiver of Summons.

Wherefore petitioner prays that he may be given authority by this Court to execute deeds to said lots and sell the same privately for a total consideration of forty dollars.

H. Lee Knowles - Gdn. Ruth Parker,
An Incompetent.

State of Ohio, Union County, ss.

H. Lee Knowles after being duly sworn says that the statements herein contained are true as he verily believes.

H. Lee Knowles.

Sworn to before me and subscribed in my presence this 2nd. day of September, 1935.

L. W. Hazen.

Filed
Sept. 2- 1935.
Order of Sale.

In the Probate Court of Union County, Ohio.

In Re the Estate of Ruth Parker
a Mental Incompetent. | Number 12713.

Journal Entry.

(Order to sell Realty belonging to Ward.)

This cause came on to be heard upon the application of H. Lee Knowles guardian of Ruth Parker, for authority to sell realty of Ruth Parker a mental incompetent.

Heer Ptg. Co., Cols., O. CD 4981.

12713

This Court finds that two small lots in Marysville being numbers 580 and 581 as delineated in Recordes Book 138 Page 549 thereof, are owned by Ruth Parker and Dawson Parker as tenants in coparcenary each party owning an undivided one-half interest in said lots. The Court finds further that said lots may be sold for their full value at this time by private sale; That no summons or notice is necessary for the reason that the value in issue is less than five hundred dollars and so summary action for sale may be had in this case. The Court finds further that taxes will accrue on the lots which Dawson Parker is unable to pay which would cause loss of the lots to the estate by reason of tax sales. It is for the best interest of the estate that this sale be made.

It is therefore ordered by this Court that H. Lee Knowles Guardian for Ruth Parker, be and hereby is authorized to sell the above mentioned lots for the cash sums of twenty dollars for each lot.

Sept. 2 of 1935.

L. W. Hazen.

12802
Filed
Aug. 1934
Waiver of
Summons.

Petition to Sell Real Estate.

(From Page 407.)

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Marion P. Haggard, Administrator de bonis non of the estate of Rolland Conklin, deceased,
Plaintiff,
-vs-
Howard Conklin, et al.,
Defendants.

No. 12802.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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.

August, A. D. 1934.

Mrs. Maud Hitchcock.
Mrs. Irma S. Rogers.
Laurin Andrews.

Heer Ptg. Co., Cols., O. CD 4981.

12978
Filed
July 3- 1936.
Order of
Private Sale.

(From Page 574.)

Order of Private Sale.

The State of Ohio, Union County. Probate Court.
To J. F. Conrad, Executor of the estate of Elizabeth Staley, Deceased.
Greeting:

In obedience to our 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 Elizabeth Staley, deceased, are Plaintiff and Minnie Mangans 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 Village of Magnetic Springs, County of Union and State of Ohio, and described as follows:-

Being in the N. D. DeGood's Second Addition to said Magnetic Springs aforesaid and known as and being lot number 71 as numbered upon the recorded plat of said addition in the record of plats in the Recorders Office at Marysville, Ohio.

Said sale to be upon the following terms: Cash.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 3rd. day of July, 1936.

Seal

L. W. Hazen - 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.

Return.

Dated the 3rd. day of July, 1936.

J. F. Conrad.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 3rd. day of July, 1936, offer said property at private sale, and Josephine Burrow having offered therefor the sum of Twelve hundred and no/100 Dollars ($1200.00) and the same being not less than the appraised value of said property, I sold the same to said Josephine Burrow for that sum.

Report of Private Sale

J. F. Conrad.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

J. F. Conrad, executor as aforesaid, being duly sworn, says that the private sale of property made under the within order and reported above, was made after diligent endeavor to obtain the best price for said property, and

Affidavit to Report of Private Sale.

Heer Ptg. Co., Col

12978

Filed
July 3- 1936.
Journal Entry confirming Sale, Ordering Deed and Distribution.

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Heer Pig. Co., Cols., O. CD 4981.

12978

Filed July 3-1936. Journal Entry Confirming Sale Ordering Deed and Distribution.

that the sale reported is for the highest price that could be obtained.

J. T. Conrad.

Sworn to before me and subscribed in my presence, this 3rd. day of July, 1936.

William J. Porter - Notary Public.

See Journal Entry Probate Court, Union County, Ohio.

July 3rd. 1936.
Confirming Sale, Ordering Deed and Distribution.

J. T. Conrad as Executor of the Estate of Elizabeth Staley, Deceased, Plaintiff,

-vs-

Minnie Maugans, et. al., Defendants.

This day this cause came on to be heard on the report of J. T. Conrad, Executor of the estate of Elizabeth Staley, deceased, in this 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; 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 Elizabeth Staley, deceased, in said real estate, to the purchaser, for cash.

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 Twelve Hundred dyd no/100 and mortgage heretofore existing against said estate in the sum of $ 1750.00 having been paid in full by said executor.

It is further ordered that said executor out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $ 25.00 to Porter & Porter for services performed for the fiduciary in connection with the sale and the sum of $ to the fiduciary for his services in connection with the sale, which costs, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder,

Second, to the payment of taxes, penalties, and assessments then due, against such real estate, and to the payment of mortgages and judgments, against the said deceased person, according to their respective priorities of lien, so far as they operated as a lien on the real estate of the deceased at the time of the sale or on the estate at the time of the sale; which shall be apportioned and

Heer Ptg. Co., Cols., O. CD 4981.

12978

determined by the Court, or on reference to a master or otherwise. Third, the remaining proceeds of sale to be applied as follows:

(a) If the action be to sell real estate to pay legacies, to the payment of legacies with which the real estate of the deceased was charged;

(b) To discharge the claims and debts of the estate, in the order provided by law;

(c) Whether such executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale must be considered as real estate and be disposed of accordingly.

L. W. Hazen - Probate Judge.

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FINAL RECORD

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