FINAL

RECORD

40

FINAL

RECORD

40

FINAL RECORD 40

PROBATE COURT

UNION

COUNTY

FINAL

RECORD

40

THE COLUMBUS BLANK BOOK MFG. CO.
MANUFACTURING STATIONERS & PRINTERS
LOOSE LEAF DEVICES - STATIONERY - OFFICE FURNITURE
311 TO 321 S. HIGH ST., COLUMBUS, OHIO
No. 74930
ORDER DUPLICATES BY REFERRING TO THE ABOVE NUMBER
TELEPHONE ADAMS 5171

40

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

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

Andrew
Armistead

Andrews, William H.	Land Sale	165
Armistead, Ida D.	" "	393

B

Blake, Byron	Land	Sale	434
Braun, William	"	"	448

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

C

Conkelin, George Max.	Land	Sale	1
Cutter, W. C.	"	"	301
Cazy, La Fayette	"	"	383
Chandler, George	"	"	497

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

D

Dutton, John T.	Copy - administration + Land Sale.	26
Dellinger, Margaret	- Pet. to Sell Per. Rep.	224
Drumm, John	Land Sale	429
Davis, Clara	" "	459
Dirst, Rebecca	" "	474

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

Evans, Isaac N.	Land Sale	311	

E

E
F
G
H
I
J
K
L
M
Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Fogle,	Eli	Land Sale	192
Fisher,	John W.	Sale Bill	213
Fields,	Tiantha	Land Sale	343

F

F
G
H
I
J
K
L
M
Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Gamble, Mary Catherine Land Sale 482

G

G
H
I
J
K
L
M
Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Howard, Cone appl. to Sell Chak. Prop. 17.
Hamilton, Edward W. Land Sale 96
Hancock, Robert Clayton " " 180
Heinkle, Christopher " " 226
Hoppe, George R. Peh. to Sell Per. Prop. 364
Hendrix, George Summary Land Sale 579
Hendrickson, Libbie Peh. to Sell Per. Prop. 581

H

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

Ingle, John William	Land Sale	155	

I

Johnston, Mary L.	Land Sale	531	

J

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

Kennington, Margaret Appl. to Sell Rev. Prof. 21
Kinney, W. W. Return of Pub. Sale 222

K

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

Louck, Eliza	Land Sale	52
Long, Emerson S.	" "	143
Liffey, John H.	" "	292

L

L
M
Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Meyers,	Mary	Land Sale	55
Miller,	Effa	" "	322
Myers,	Lidie	Sale of Per. Prop.	420
Middleton,	Effa E.	Land Sale	440
Moulock,	George	" "	444
Miller,	Jacob	Copy- " "	553
Malone,	Willard G.	" "	590

M

M
Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Mc Leau, Adell	Land Sale	62
Mc Connell, H. E.	appl. to Sell Stock	116

Mc

Mc
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

N

N O P Q R S T U V W X Y Z

0

O P Q R S T U V W X Y Z

Patton, Tillie	Land Sale	541	

P
Q
R
S
T
U
V
W
X
Y
Z

Q

Q R S T U V W X Y Z

Reeley, Frank	Appl. to Sell Stock		60
Rauch, John A.	Land Sale		121
Reed, D. U.	"	"	422
Riley, Francis M.	"	"	491
Reef, Bertha M.	Pet. to Sell Per. Prop.		585

R
S
T
U
V
W
X
Y
Z

Shipley, Eva L.	Land Contract	45
Schnee, Otto G.	Land Sale	77
Schneider, John C.	" "	173
Southwick, Ely B.	" "	201
Skidmore, Claudia	" "	452
Stahl, William F.	Appt. to Sell Cr. Prop.	594

S

S T U V W X Y Z

Traynor, Francis Irene	Land Sale		129
Thompson, Belle D.	App. to Sell Per. Prop.		377
Tarpening, Ulvin	Land Sale		378
Thompson, Lafayette	"	"	405
Thorpe, O. H.	"	"	515

T U V W X Y Z

U
V
W
X
Y
Z

V

V
W
X
Y
Z

Wellwood, William E.	Land Sale		276	
Walker, Cornelius C.	Trans. of R.E.	(Devised)	341–	373
Wyple, Hannah	Summary Sale of R.E.		359	

W
X
Y
Z

X

X
Y
Z

Yeakey, J. A. appl. to Sell Ry. Pfd. 220

Y

Y
Z

Z

Z

13381
Filed
Apr. 27-1937.
Hume & McAllister
attorneys.

Final Record, Union County Probate Court

13381
Filed
Apr. 27-1937.
Humes & McAllister
attorneys.

Petition to Sell Real Estate.
Guardian's Petition to Sell Real Estate.
Probate Court, Union County, Ohio.

W. A. Conklin, Guardian,
Plaintiff,

-vs-

His Ward - George May
Conklin & Emma F. Conklin,
Defendants.

No. 13381
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that he is the duly appointed and qualified Guardian of George May Conklin, of the age of eighteen years on the 3rd. day of August, A. D. 1936, and residing with Emma F. Conklin at Concord Township, Delaware County, Ohio, having been appointed as such Guardian by the Probate Court of Union County on the 8th. day of June, 1932.

Said ward is seized of the undivided one-half interest following described real estate:

Situated in the County of Delaware, in the State of Ohio, and in the Township of Concord, and bounded and described as follows:- Known as the north half of a certain tract or parcel of land set off and assigned to the heirs at law of Judson Benton, deceased, father of said Judson Benton by the commissioners in the case of Louis Benton, vs. Amie Jenkins, et al., action in partition in the Court of Common Pleas of Delaware County, Ohio, (see Chancery Record Vol. 24, Page 231). Being in Range 20, Township 4, V. M. lands, Survey 1573 by S. Crosby, beginning at point "C" in the plat of survey made by the Commissioners in said case in the center of the county road; thence south with the center of the said road 28 rods 10½ links; thence east 105 rods and 9 links to the east line of said lot; thence north 28 rods 10½ links to point "D" on said plat; thence west parallel with the north line 105 rods and 14 links to the place of beginning, containing 15 acres and 63 rods of land.

Second Tract: Situated in the Township of Concord, County of Delaware, and State of Ohio, and known as being in the S. Crosby Survey No. 1573 in the V. M. lands being the northeast part of said Survey, beginning at point "A" on the plat of survey made by the commissioners in the partition of the lands of Merlin Benton, deceased, in the case of Louis Benton vs. Amie Jenkins, et al., (see chancery Record Vol. 24, Page 231, of Delaware County, Ohio). Beginning at the point in the angle of the State Road 78 rods and 19 links to point "B" on said plat; thence north 83 deg. E. 9 rods and 17 links to point "C" on said plat; thence south 7 deg. E. 62 rods and 19 links to point "D" on said plat; thence west 105 rods and 14 links to the

THE COL. B. B. MFG. CO. 74930

13881

place of beginning, containing 31 acres and 120 perches of land, being the same premises conveyed to Charles M. Moore and Wilbur N. Moore by Standley and Delia McKitrick by deed dated Nov. 8, 1918, and recorded in Record of Deeds, Delaware County, Ohio, Vol. 154, Page 77, and the same premises conveyed by Charles M. Moore, et al., by deed of general warranty of date May 8, 1935, to Abraham L. Albire of record Vol. 185, Page 59, Deed Records, Delaware County, Ohio.

Third Tract: Situated in the County of Delaware, State of Ohio, and in the Township of Concord, bounded and described as follows:- Being in S. Crosby's Survey No. 1573, Virginia Military lands, bounded and described as follows:- Commencing at an iron pin in the center of the county road at the southwest corner of a tract of 15 acres and 63 rods sold by Erem J. Healey to David Clark by deed dated Jan. 2, 1888, recorded in Vol. 91, Page 208, Records of Delaware County, Ohio, said tract being the north half of a tract of thirty acres set off to the heirs of Judson Benton in a partition proceeding recorded in Vol. 24, Page 231, et seq. of the Chancery Records of Delaware County, Ohio; thence North 83 deg. 30' E. 104.85 rods to center corner of fence post on the east line of Survey No. 1573; thence south 6 deg. 5' E. 24 rods to a stone on a post; thence south 83 deg. 43' W. 104.6 rods to an iron pin in the center of said road; thence north 6 deg. 30' W. 24 rods to the place of beginning, containing 15.7 acres, more or less.

Said real estate is encumbered as follows: None.

The Defendant, Emma R. Conklin, mother of said ward, and with whom said minor resides, is a resident of Concord Township, Delaware County, Ohio, is entitled to the next 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 is necessary to sell said real estate for the payment of just debts of said ward.

Wherefore, Plaintiff prays the court to set this petition for hearing, to issue summons to the Sheriff of Delaware County for the Defendants, returnable according to law, and for an order authorizing said Plaintiff to sell said real estate, and for such other and further relief as plaintiff may be entitled.

Himes & McAllister - Attorney for Plaintiff.

The State of Ohio, Delaware County.

W. A. Conklin, 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.

W. A. Conklin - Plaintiff.

13381

Precipe.

Filed
Apr. 27-1937.
Orders Fixing Time for Hearing and for Notice.

Filed
May 5-1937.
Subpoenas.

13381

Sworn to before me and signed in my presence by the said W. A. Conklin, at Delaware, Ohio, this 26th. day of April, 1937.

Seal E. T. Hunter - Notary Public.

Precipe.

To the Probate judge:

Issue summons in this proceeding, for said George Way Conklin, a minor over fourteen years of age, Defendant, directed to the Sheriff of said County, returnable according to law.

Precipe. Hunter & McAllister - Plaintiff's attorney.

Filed Apr. 27-1937. Orders Fixing Time for Hearing and for Notice.

Journal Entry - Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

April 27- 1937.

Orders Fixing Time for Hearing and for Notice.

W. A. Conklin, as Guardian of the estate of George Way Conklin, a minor,

Plaintiff,

-vs-

George Way Conklin, et al.,

Defendants.

This day W. A. Conklin, Guardian of the estate of George Way Conklin, a minor, filed in this court his petition, praying for an order to sell the real estate therein described, belonging to the estate of said deceased, to pay debts of said ward.

It is ordered that said petition be heard on the 29th. day of May, 1937, at 9 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 5- 1937. Summons.

Summons on Petition to Sell Real Estate.

Sheriff - Minors.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Delaware County:

You are commanded to notify George Way Conklin, a minor over fourteen years of age, making service of this summons upon such minor as is over fourteen years of age, and also upon the father, mother, or custodian of said minor, in the order named; that on the 27th. day of April, A. D. 1937, W. A. Conklin, Guardian of the estate of said George Way Conklin, a minor, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said ward, and in said petition described, for the purpose of paying debts of said ward and that unless they answer by the 29th. day of May, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 10th. day of May, 1937.

THE COL. B. B. MFG. CO. 74930

13381

Witness my hand and the seal of said Court, this 27th. day of April, 1937.

Seal

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Delaware County.

Sheriff Fees	
Service & Return, first name,	$ .75
1 Additional name, at 25¢	.25
16 Miles traveled at 8¢	1.28
Total	$ 2.28

Received this writ april 28th. 1937, 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: april 29th. 1937, on George May Conklin, a minor over 14 years of age, by leaving at his usual place of residence a true and certified copy thereof with all the endorsements thereon, and also on april 29th. 1937, on Emma F. Conklin the mother of the said George May Conklin by personally handing to her a true copy thereof with all the endorsements thereon, the father of said minor defendant being deceased.

W. F. Pinney - Sheriff.
By- E. L. Liptonberger - Deputy.

Filed apr. 30 - 1937.

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

W. A. Conklin, Guardian,
Plaintiff,
-vs-
His ward, George May Conklin,
and Emma F. Conklin,
Defendants.

No. 13381.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 26, A. D. 1937.

Emma F. Conklin.

Filed june 2 - 1937.

application for appointment of Guardian ad litem.
Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of
George May Conklin, a minor,
Plaintiff,
-vs-
George May Conklin, et al.,
Defendants.

No. 13381.

To the Hon. L. W. Hazen, judge of said Court:
Now come W. A. Conklin, by his attorneys, and make application for the appointment of a Guardian ad litem

Filed june 2 - 1937.

13381

Filed june 2 - 1937.

Filed june 2 - 1937.

13381

for George Max Conklin a minor over 14 years of age, defendant herein, upon whom summons was duly served according to Law, and suggests that Norman C. Bown who is a suitable puson be appointed as such Guardian Ad Litem.

W. A. Conklin -

By- Humes & Mc Allister - His Attorneys.

Journal Entry.
Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George Max Conklin, a minor, Plaintiff, -vs- George Max Conklin, et al., Defendants.

No. 13381 - June 2nd. 1937.
Appointing Guardian Ad Litem.

On the application of W. A. Conklin, it appearing to the Court that George Max Conklin one of the defendants herein, has been duly served with summons, and said minor is of the age of 18 years, it is ordered that Norman C. Bown be and he is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hazen - Probate judge.

Filed June 2-1937.

Answer of Guardian Ad Litem.
Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George Max Conklin, a minor, Plaintiff, -vs- George Max Conklin, et al., Defendants.

No. 13381.
Answer of Minor Defendants.

And now come Norman C. Bown, duly appointed by the Court as Guardian Ad Litem for George Max Conklin, the minor child of Emma V. Conklin and defendants to the petition in said cause, and for answer to the petition of said plaintiff says that he has not, by reason of the tender age of said defendant, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendant, denies the same, and submits the intrest of said defendant to the care and protection of thy Court, to order in thy premises as justice and intrest of said defendant shall require.

Norman C. Bown - Guardian ad litem.

Filed June 2-1937.

Journal Entry - Finding Sale Necessary and Ordering Appraisement.
Probate Court, Union County, Ohio.

W. A. Conklin, as Guardian of his ward, George Max Conklin, Plaintiff, -vs- George Max Conklin, et al., Defendants.

June 2 nd. 1937.
Finding Sale Necessary and Ordering Appraisement.

THE COL. B. B. MFG. CO. 74930

13381

This matter coming on to be heard upon the petition, the answer of the guardian ad litem 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; 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 A. L. Atkins, M. R. Pinney, and Claridon Moore, 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 20th. day of June, 1937.

L. W. Hazen - Probate judge.

Filed
June 17- 1937.

Order of Appraisement.

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

To W. A. Conklin, Guardian of George Max Conklin, a minor:

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 George Max Conklin, are Plaintiff and George Max Conklin, et al., are Defendants, you are commanded that by the oaths of A. L. Atkins, M. R. Pinney and Claridon Moore, 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 the following real estate:-

First Tract: Situated in the County of Delaware, in the State of Ohio, and in the Township of Concord, and bounded and described as follows:- Known as the north half of a certain tract or parcel of land set off and assigned to the heirs at law of Judson Benton, deceased, father of said Judson Benton, by the commissioners in the case of Louis Benton vs. Amie Jenkins, et al., action in partition in the Court of Common Pleas of Delaware County, Ohio, (see Chancery Records, Vol. 24, Page 231). Being in Range 20, Township 4, U. M. lands, Survey 1573 by S. Caroby, beginning at point "O" in the plat of survey made by the Commissioners in said case in the center of the county road; thence south with the center of the said road 23 rods 10½ links; thence east 105 rods and 9

13381

13381

links to the east line of said lot; thence north 23 rods 10¼ links to point "D" on said plat; thence west parallel with the north line 105 rods and 14 links to the place of beginning, containing 15 acres and 63 rods of land.

Second Tract: Situated in the Township of Concord, County of Delaware, and State of Ohio, and known as being in the S. Caroly Survey No. 1573 in the V. M. Lands, being the northeast part of said survey, beginning at point "A" on the plat of survey made by the commissioners in the partition of the land of Merlin Benton, deceased, in the case of Louie Benton vs. Amie Jenkins, et al. (See chancery Record, Vol. 24, Page 231 of Delaware County, Ohio). Beginning at the point in the angle of the State Road 78 rods and 19 links to point "B" on said plat; thence north 83 deg. E. 51 rods and 17 links to point "C" on said plat; thence south 7 deg. E. 62 rods and 19 links to point "D" on said plat; thence west 105 rods and 14 links to the place of beginning, containing 31 acres and 120 perches of land, being the same premises conveyed to Charles M. Moore and Minnie N. Moore, by Stanley and Delia McKitrick, by deed dated Nov. 8, 1918, and recorded in Record of Deeds, Delaware County, Ohio, Vol. 154, Page 77, and the same premises conveyed by Charles M. Moore, et al., by deed of general warranty of date May 8, 1935, to Abraham L. Atkins, of record Vol. 186, Page 69, Deed Records, Delaware County, Ohio.

Third Tract: Situated in the County of Delaware, State of Ohio, and in the Township of Concord, bounded and described as follows: Being in S. Caroly's Survey No. 1573, Virginia Military Lands, bounded and described as follows:- Commencing at an iron pin in the center of the county road at the southwest corner of a tract of 16 acres and 63 rods sold by Erem J. Healey to David Clark, by deed dated Jan. 2, 1888, recorded in Vol. 91, Page 208, Records of Delaware County, Ohio, said tract being the north half of a tract of thirty acres set off to the heirs of Judson Benton in a partition proceeding recorded in Vol. 24, Page 231, et seq. of the Chancery Records of Delaware County, Ohio; thence north 83 deg. 30' E. 104.85 rods to center corner of fence post on the east line of Survey No. 1573; thence south 5' E. 24 rods to a stone on a post; thence south 83 deg. 43' W. 104.6 rods to an iron pin in the center of said road; thence north 6 deg. 30' W. 24 rods to the place of beginning, containing 15.7 acres, more or less.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 2nd. day of June, A. D. 1937.

L. W. Hazen - Probate judge.

Seal

THE COL. B. B. MFG. CO. 74930

13381

Return.

To the Probate Court of Union County, Ohio.

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 17th. day of June, 1937.

W. A. Conklin - Guardian.

Oath of Appraisers.

The State of Ohio, Delaware 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.

A. L. Alkire
Claridon Moore
M. T. Pinney } appraisers.

Sworn to before me and signed in my presence, this 5th. day of June, 1937.

Seal

E. T. Humes - 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 Eighteen Hundred Dollars.

Given under our hands, this 5th. day of June, 1937.

A. L. Alkire - Del. Ohio.
Claridon Moore - Del. R.D.3. } Appraisers.
M. T. Pinney - Del. Ohio

appraisers' fees $2.00 each ($6.00).

Filed
June 17- 1937.

Confirming Appraisement and Ordering Additional Bond.

Probate Court, Union County, Ohio.

W. A. Conklin, as Guardian of the estate of George Max Conklin, a minor,

Plaintiff,

-vs-

George Max Conklin, et. al.,

Defendants.

Confirming Appraisement and Ordering Additional Bond.

Filed
June 17- 1937.

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 Guardian, execute within ten days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Thirty Six Hundred Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

13381
Filed
June 17- 1937.

13381
Filed
June 17-1937.

Bond of Guardian.

Know all Men by these Presents: That we, W. A. Conklin, Henry Conklin, and Israel Stewart are held and firmly bound unto the State of Ohio, in the penal sum of Thirty-Six 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 Plain City, Ohio, this 17th. day of June, A. D. 1937.

The Condition of the above obligation is such, That whereas, the above bound W. A. Conklin was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of the estate of George Max Conklin, a minor,

And whereas, the said W. A. Conklin as such Guardian has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said George Max Conklin described in said petition;

And whereas said Court, on the 17th. day of June, 1937, made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now, if the said W. A. Conklin as Guardian 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
Eleanor Conklin.
Opal Stewart.

W. A. Conklin.
Henry Conklin.
Israel Stewart.

This Bond approved in open Court, this 17th. day of June, 1937.

Seal

L. W. Hazen - Probate Judge.

Filed
June 17-1937.

Journal Entry - Approving Additional Bond & Ordering Private Sale.

Probate Court, Union County, Ohio.

W. A. Conklin as Guardian of the estate of George Max Conklin, a minor,

Plaintiff,

-vs-

George Max Conklin, et. al.,

Defendants.

June 17-1937.
Approving Additional Bond and Ordering Private Sale.

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

THE COL. B. B. MFG. CO. 74930

13381

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate of said minor to sell the real estate discribed in the petition at private sale, it is now ordered that W. A. Conklin as such guardian, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, and the following terms, to-wit: cash in hand.

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

L. W. Hazen - Probate Judge.

13381
Filed
July 27- 1937.

Filed
June 25- 1937.

Motion.

In the Probate Court of Union County, Ohio.

W. A. Conklin, Guardian,
Plaintiff,
-vs-
His ward, George May Conklin, et. al.,
Defendants.

No. 13381.
Motion.

Now comes the plaintiff and says that since the filing of the action, aforesaid, to-wit, on or about the 13th. day of May, 1937, the ward of plaintiff, George May Conklin intermarried with one Madge Norris Conklin, whose age was 16 years on the 4th. day of January, 1937; that said minor has no guardian, and that her father is Charles Norris, who resides near Unionville Center, Ohio.

Wherefore, plaintiff moves the Court to make the said Madge Norris Conklin, party defendant, and that summons be issued herein for service on said minor defendant, as required by law.

W. A. Conklin, Guardian.
By- Timmons & McAllister - His attorneys.

Filed
June 25- 1937.

Journal Entry.

In the Probate Court of Union County, Ohio.

W. A. Conklin, Guardian,
Plaintiff,
-vs-
His ward, George May Conklin, et al.,
Defendants.

No. 13381.
Journal Entry.

Filed
July 27- 1937.

On motion of plaintiff, it appearing that the defendant, George May Conklin has, since the filing of the action herein, intermarried with one Madge Norris Conklin, an infant over the age of fourteen years.

It is by the Court ordered that said Madge Norris Conklin be made party defendant, and that summons be issued for service upon said minor defendant, according to law.

L. W. Hazen - Judge.

factory evidence,
said estate
ed in the
that W. A.
estate in
at not less
lowing terms,

thwith upon

te judge.

Ohio.

ince the
about the
orge Way
Conklin,
January, 1937;
her father
Center, Ohio.
the said
that summons
defendant;

dian.
His attorneys.

, Ohio.

defendant,
the action
Conklin, an

Madge Norris
summons
fendant,

dge.

13381
Filed
July 27- 1937.

Summons on Petition to Sell Real Estate.
Sheriff- Minors only.

The State of Ohio, Union County. } Probate Court.

To the Sheriff of said County:

You are commanded to notify Madge Norris Conklin, minor, over the age of 14 years making service of this summons upon such minor as is over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 27th. day of April, A. D. 1937, W. A. Conklin, Guardian of the estate of George Max Conklin, 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 of his said ward and that unless they answer by the 24th. day of July 1937, said petition will be taken as true and the order granted accordingly.

Said Sheriff will make due return of this summons on the 5th. day of July, 1937.

Witness my hand and the seal of said Court, this 25th. day of June, 1937.

(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
Total	$ .75

} Received this writ June 26th. 1937, 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, who are over fourteen years of age, viz: June 26th. 1937, on Madge Norris Conklin, a minor over the age of fourteen years

H. S. Roppa- Sheriff.
By- E. Wood - Deputy.

Filed
July 27- 1937.

Waiver of Summons and Consent to Sell, Guardian's.
Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George Max Conklin, a minor, Plaintiff,
-vs-
His ward, George Max Conklin, et al., Defendants.

No. 13881.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

The undersigned, Charles Norris, father of Madge Norris Conklin, minor, over fourteen years of age, party defendant to the petition in the above entitled action, do hereby waive the issuing and service of summons, and

THE COL. B. B. MFG. CO. 74930

13381

voluntarily enter my appearance as the father of such defendant. And do hereby consent to the sale of the Real Estate discribed in the petition in said action according to the prayer of the same. July 8, A. D. 1937.

Charlie Norris.

Filed July 27- 1937.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George May Conklin, a minor, Plaintiff,

-vs-

His ward, George May Conklin, et al., Defendants.

July 8- 1937.

No. 13381.

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

Now comes W. A. Conklin, Guardian of George May Conklin, and makes application for the appointment of a Guardian Ad Litem for Madge Norris Conklin, a minor, over 14 years of age, defendant herein, upon whom summons was duly served according to law, and suggests that Adele M. Kagay who is a suitable person be appointed as such Guardian Ad Litem.

W. A. Conklin - Guardian.

By- Humes & McAllister - His attorneys.

Journal Entry.

Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George May Conklin, a minor, Plaintiff,

-vs-

His ward, George May Conklin, et al., Defendants.

No. 13381- July 8 - 1937.

appointing Guardian Ad Litem.

On the application of W. A. Conklin, Guardian of George May Conklin, it appearing to the Court that Madge Norris Conklin one of the defendants herein, has been duly served with summons, and she being a minor of the age of 15 years, it is ordered that Adele M. Kagay be and she is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hazen - Probate judge.

Filed July 27- 1937.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

W. A. Conklin, Guardian of George May Conklin, a minor, Plaintiff,

-vs-

His ward, George May Conklin, et al., Defendants.

No. 13381.

Answer of Minor Defendants.

13381

13381

And now comes Adele M. Kagay, duly appointed by the Court as Guardian Ad Litem for Madge Morris Conklin, the minor child of Charles Morris and defendant to the petition in said cause, and for answer to the petition of said plaintiff says that she has not, by reason of the tender age of said defendant, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendant, denies the same, and submits the interest of said defendant to the care and protection of the Court, to order in the premises as justice and interest of said defendant shall require.

Further answering said Madge Morris Conklin, by her said Guardian, ad litem, says that she is the wife of the defendant, George Max Conklin, and as such has an inchoate right of dower in the premises described in the petition; that her age is 15 years, and that the age of her said husband, George Max Conklin is 18 years, and that the just and reasonable value of her expectancy of dower should be allowed and paid to her in money out of the proceeds of sale.

Madge Morris Conklin, Minor.
By- Adele M. Kagay-
Her Guardian Ad Litem.

Filed
July 27-1937.

Journal Entry.

In the Probate Court of Union County, Ohio.

W. A. Conklin, Guardian of
George Max Conklin, a minor,
Plaintiff,

-vs-

His ward, George Max Conklin,
a minor,
Defendant.

No. 13381.
Journal Entry.

This day this cause came on further to be heard, and it appearing to the Court that the minor defendant, Madge Morris Conklin has been duly served with summons herein; that said minor has no guardian, and that her father, Charles Morris, being the same person as Charlie Morris, has entered his appearance herein, and the guardian ad litem appointed herein for the said Madge Morris Conklin having filed his answer, among other things, setting forth that said minor defendant is the wife of the defendant, George Max Conklin, and asking that the value of her inchoate right of dower be allowed and paid her in money, it is therefore of the finding of this Court that it is necessary to sell the real estate described in the petition to pay the debts of said ward, and the said real estate having been duly appraised, and a new bond given by said guardian, as heretofore ordered, and an order of sale having been heretofore issued, it is therefore by the Court ordered that

THE COL. P. B. MFG. CO. 74930

13381

the said W. A. Conklin, Guardian of George Max Conklin, a minor, plaintiff herein, proceed according to law to sell said real estate, free of all dower rights, for not less than the appraised value of said real estate, and for cash under said order of private sale heretofore issued herein, and that he make due return thereof, according to law.

L. W. Hazen - Judge.

Filed June 19- 1937.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To W. A. Conklin, Guardian of George Max Conklin, a minor,

Greeting:

In Pobedience 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 George Max Conklin, a minor, are Plaintiff and George Max Conklin, 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 the following real estate.

First Tract: Situated in the County of Delaware, in the State of Ohio, and in the Township of Concord, and bounded and described as follows:- Known as the north half of a certain tract or parcel of land set off and assigned to the heirs of Judson Benton, deceased, father of said Judson Benton, by the commissioners in the case of Louis Benton vs. Annie Jenkins, et al, action in partition in the Court of Common Pleas of Delaware County, Ohio (see Chancery Records, Vol. 24, Page 231). Being in Range 20, Township 4, V. M. Lands, Survey 1573 by S. Crosby, beginning at point "O" in the plat of survey made by the commissioners in said case in the center of the county road; thence south with the center of the said road 23 rods 10½ links; thence east 105 rods and 9 links to the east line of said lot; thence north 23 rods 10 4/4 links to point "D" on said plat; thence west parallel with the north line 105 rods and 14 links to the place of beginning, containing 15 acres and 63 rods of land.

Second Tract: Situated in the Township of Concord, County of Delaware, and State of Ohio, and known as being in the S. Crosby Survey No. 1573 in the V. M. Lands, being the northeast part of said survey, beginning at point "A" on the plat of survey made by the commissioners in the partition of the land of Merlin Benton, deceased, in the case of Louis Benton vs. Addie Jenkins, et al. (See chancery Records, Vol. 24, Page 231 of Delaware County, Ohio) Beginning at the point in the angle of the State road 78 rods and 19 links to point "B" on said plat; thence north 83 deg. E. 51 rods and 17 links to point "C" on said plat; thence south 7 deg. E. 62 rods and 19 links to point "D" on said plat; thence west 105 rods and 14 links to the place of

13381

klin, a minor,
said real
than the
cash under
, and that

judge.

nty.
klin, a minor,

Probate Court,
in a certain
Conklin, a
et al., are
rding to law,
appraised
wit:
real estate.
in the State
uded and
of a certain
the heirs of
nton, by the
in Jenkins,
Pleas of
24, Page 231).
rvey 1573 by
of survey
the center of
the said
and 9 links
ods 10 ¼ links
with the north
eginning, con-
ncord, County
e being in
ds, being the
hibit "A" for
the partition
east of Louis
y Record, Vol.
ng at the
ds and 19
83 deg. E. 51
; thence south
on said plat;
place of

13381 beginning, containing 31 acres and 120 perches of land, being the same premises conveyed to Charles M. Moore and Winnie N. Moore by Stanley and Delia McKitrick, by deed dated Nov. 8, 1918, and recorded in Record of Deeds, Delaware County, Ohio, Vol. 154, Page 77, and the same premises conveyed by Charles M. Moore, et al. by deed of general warranty of date May 8, 1935 to Abraham L. Alkire, of record Vol. 180, Page 09, Deed Records, Delaware County, Ohio.

Third Tract: Situated in the County of Delaware, State of Ohio, and in the Township of Concord, bounded and described as follows:- Being in S. Crosby's Survey No. 1573, Virginia Military Lands, bounded and described as follows:- Commencing at an iron pin in the center of the county road at the south-west corner of a tract of 15 acres and 63 rods sold by Erem J. Kelay to David Clark, by deed dated Jan. 2, 1888, recorded in Vol. 91, Page 208, Records of Delaware County, Ohio, said tract being the north half of a tract of thirty acres set off to the heirs of Judson Benton in a partition proceeding recorded in Vol. 24, Page 231, et seq. of the Chancery Records of Delaware County, Ohio; thence north 83 deg. 30' E. 104.26 rods to center corner of fence post on the east line of Survey No. 1573; thence south 5' E. 24 rods to a stone ow a post; thence south 83 deg. 45' W. 104.6 rods to an iron pin in the center of said road; thence north 6 deg. 30' W. 24 rods to the place of beginning, containing 15.7 acres, more or less.

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 17th. day of June 1937.

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 28th. day of July, 1937.

W. A. Conklin - Guardian.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 27th. day of July, 1937, offer said property, at private sale, and Eupha R. Conklin having offered therefor the sum of Eighteen Hundred Dollars ($1800.00) and the same being not less than the

THE COL. B. B. MFG. CO. 74930

13381

appraised value of said property, I sold the same to said Emma K. Conklin for that sum.

W. A. Conklin - Guardian.

Affidavit to Report of Private Sale.

The State of Ohio, Delaware County, ss.

W. A. Conklin, 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.

W. A. Conklin.

Sworn to before me and subscribed in my presence, this 28th. day of July, 1937.

Seal

A. L. Alkire - Notary Public.

Filed July 30- 1937.

Journal Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

W. A. Conklin, Guardian of George May Conklin, a minor,

Plaintiff,

-vs-

His ward, George May Conklin, et al.,

Defendants.

No. 13381.

Journal Entry Confirming Sale, Ordering Dsfd and Distribution.

Filed Sept. 30- 1937. 13468

This day this cause came on to be heard on the report of W.A. Conklin, Guardian of George May Conklin, a minor, 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 George May Conklin in said real estate, to the purchaser, Emma K. Conklin, upon the said purchaser paying the purchase price thereof.

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 $1800.00, and the said Madge Norris Conklin, wife of George May Conklin, having by answer herein asked that the value of her inchoate right of dower in said premises be allowed and paid her out of the proceeds of the said sale; the Court finds the just and reasonable value of her inchoate dower interest in said real estate to be the sum of $59.30.

13381

It is further ordred that said W. a. Conklin, out of the money in his hands, pay:-

First, the costs and expenses of the sale, including an attorney fee of $50.00 to Himes & McAllister, for services performed for the fiduciary in connection with the sale.

Second, the taxes, penalties, and assessments due, against such real estate.

Third, to Madge Hopie Conklin, minor defendant, or to the person appointed by this court therefor, the sum of $59.30, the value of the inchoate dower of said minor defendant.

Fourth, that the said guardian account for the balance of the proceds in his hands.

And it is further 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.

13468
Filed
Sept. 30-1937.

In the Matter of The Estate of Cora Howard, Deceased.
In the Probate Court, Union County, Ohio.

In the Matter of the Estate of: Cora Howard, Deceased.	No. 13468. application.

Now comes Alice H. Howard, duly appointed, qualified and acting Executrix of the Estate of Cora Howard, deceased, and respectfully represents to the court that it is necessary to sell the chattel property of said estate in order that she may pay the debts thereof and complete the administration of said estate.

That said property was appraised by the appraisers duly appointed by this court and said inventory and appraisement has been filed herein, and the same has been approved and confirmed.

Wherefore, this applicant respectfully praye that she be granted an order authorizing and empowering her, as such Executrix, to sell said personal property at not less than the appraised value thereof.

Alice H. Howard - Executrix.

State of Ohio, Union County, ss:

Alice H. Howard, being first duly sworn, says that she is the Executrix of the Estate of Cora Howard, deceased, and that the facts stated and allegations contained in the forgoing application are true as she verily believes.

Alice H. Howard.

Sworn to before me and subscribed in my presence this 30 th. day of September, 1937.

Seal

Guyon Sanders - Notary Public.

THE COL. B. B. MFG. CO. 74930

13468
Filed
Sept. 30 - 1937.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of: | No. 13468.
Lone Howard, Deceased. | Entry.

This day this cause came on to be heard upon the application of the Executrix for an order authorizing her to sell the personal property of said estate, at private sale, for not less than the appraised value thereof.

And the court, being fully advised in the premises, finds that it will be necessary to sell said property in order to pay the debts of said estate and to completely administer the same.

The court further finds that it would be to the benefit of said estate if said property were sold at private sale.

It is therefore ordered, adjudged and decreed that said Executrix be, and she hereby is, ordered and empowered to sell said personal property, at private sale, for not less than the appraised value thereof.

L. W. Hazen - Probate Judge.

on the appli-
her to sell
sale, for not

ises, finds
order to pay
ister the same.
to the benefit
rivate sale.
d that said
mpowered to
do not less

e judge.

THE COL. B. B. MFG. CO. 74930

13460
Filed
Sept. 22-1937.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.

13460
Filed
Sept. 22-1937.

In the Matter of The Estate of Margaret Remington, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of the Estate of | No. 13460.
Margaret Remington, Deceased. | Application to Sell Personal Property.

Now comes Walter Howard, Executor of the estate of Margaret Remington, deceased, and says that among the assets of said estate are the following items:

		Appraised Value
1.	United Metal Products, 1 sh., Cert. #223	$ 1.00
2.	United Metal Products, 1 sh., Cert. #201	1.00
3.	Ketrick Mfg. Co., 20 shares, Cert. #586	400.00
4.	Pure Oil Co., 2 sh. 6% pfd., Cert. #CH/0107775	200.00
5.	Pure Oil Co., 36/00 Sh. 6% pfd., Cert. #CH 4842	36.00
6.	Goodyear Tire + Rubber Co., 2 sh. Cert. #CP/0 11538	200.00
7.	Goodyear Tire + Rubber Co., 67/100 sh. #SC 8261	20.00
8.	Cities Service Co., 24 sh., Cert. #XL 232	60.00
9.	Cities Service Co., 3 sh., Cert. #XL 276056	7.50
10.	Cities Service Co., 4 sh., Cert. #AL 24848	10.00
11.	Ohio Finance Co., 7 sh. 6% pfd., Cert. COP 385	609.00
12.	Ohio Finance Co., 7 sh. common, Cert. COC 369	112.00
13.	Ohio Finance Co., 2 sh. common, Cert. COL 061447-	32.00
14.	Ohio Finance Co., 84/100 Sh. com., Cert. S 2580	1.00
15.	Ohio Finance Co., 2/100 sh. com., Cert. S 1662	1.00
16.	Ohio Edison Co., 10 sh. 6.60% pfd., Cert. C 1022	1000.00
17.	Ohio Edison Co., 5 sh. 6% pfd., Cert. B 10041	490.00
18.	Ohio Edison Co., 2 sh. 5% pfd., Cert. A 205	166.00
19.	Ohio Edison Co., 17 sh. 6% pfd., Cert. B 1433	1666.00
20.	First Ohio Investment Co., 4 sh. com., #140	4.00
21.	First Ohio Investment Co., 2 sh. pfd., #133	2.00
22.	Ohio Grain Co-op. Assn., 15 sh. pfd., Cert. #2	525.00
23.	National Reserve Corp., 21 sh., Cert. #534	630.00
24.	National Reserve Corp., 1/5 sh., Cert. #124	6.00
25.	National Reserve Corp., 3/10 sh., Cert. #1136	.30
26.	Columbus Mutual Life Ins. Co., 4 sh., Cert. #2731	780.00
27.	Farmers + Merchants Bk., 5 sh. Cert. #129	500.00
28.	Farmers + Merchants Bk., 5 sh. Cert. #87	500.00

Said Executor further says that under the terms of the said will it is necessary to sell the above items in order to make the distribution provided for in the will, and that it is more advantageous to sell the same at private rather than public sale.

Wherefore, said executor prays for an order of the court authorizing and directing him to sell the above described assets at private sale.

Hoppe + Sanders,
Attorneys for Executor.

THE COL. B. B. MFG. CO. 74930

13460

Walter Howard, being first duly sworn, says that he is the executor of the Estate of Margaret Remington, deceased, and that the facts stated in the above application are true as he verily believe.

Walter Howard.

Sworn to before me and subscribed in my presence this — day of September, 1937.

Seal

William S. Hooper - Notary Public.

Filed Sept. 22- 1937.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Margaret Remington, Deceased.

No. 13460.

Entry.

This day this cause came on to be heard on the application of Walter Howard, Executor of the Estate of Margaret Remington, deceased, to sell certain items of personal property belonging to said estate at private sale.

It is ordered that said application be assigned for hearing on Monday, September 27th., 1937, at 10:00 A.M., and that said Executor cause a notice of said hearing to be served upon Frank Richter and Lillian Richter by registered mail.

L. W. Hazen - Probate judge.

Filed Sept. 27- 1937.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Margaret Remington, Deceased.

No. 13460.

Entry.

This cause came on to be heard on the 27th. day of September, 1937, pursuant to a former order of the court. The court finds that the Executor herein has caused notice of this hearing to be served upon the beneficiaries of the estate as ordered by the court; that all necessary parties are before the court, and that it would be for the best interests of said estate and the beneficiaries to sell all of the items of personal property mentioned in said application at private sale, and Walter Howard, Executor herein, is hereby authorized and directed to sell all of said items of personal property at private sale and to execute assignments and other necessary instruments of conveyance thereof, upon the following terms and for the following prices, to-wit: Terms of sale - Cash in hand on day of sale.

And said Executor is authorized to sell the following items at not less than the appraised value, to-wit:

Item No.	Name	Appraised Value
1	United Metal Prod., 1 share, Cert. #223,	$ 1.00
2	United Metal Prod., 1 share, Cert. #201,	1.00
20	Trust Ohio Investment Co., 4 shares com. Cert. #140	4.00
21	Trust Ohio Investment Co., 2 shares pfd. Cert. #133	2.00
22	Ohio Grain Co-op. Assn., 15 shares pfd. Cert. #2	525.00
27	Farmers & Merchants Bk., 5 shares, Cert. #129	500.00
28	Farmers & Merchants Bk., 5 shares, Cert. #87	500.00

13460

ab
Item
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
23
24
25
29
36

13460 And said Executor is authorized to sell the following items at their market price:

Item No.	Name					Appraised Value
3	Hethick Mfg.	Co.,	20 shares,	Cert.	# 586	$ 1.00
4	Pure Oil	Co.,	2 shares 6% pfd.,	Cert.	# C H 0107975	1.00
5	Pure Oil	Co.,	36/100 shares 6% pfd.,	Cert.	# C H 7842	4.00
6	Goodyear Tire + Rubber	Co.,	2 shares,	Cert.	# C P 0 11538	2.00
7	Goodyear Tire + Rubber	Co.,	67/100 shares,	Cert.	# S C 8261	525.00
8	Cities Service	Co.,	24 shares,	Cert.	# X L 232	500.00
9	Cities Service	Co.,	3 shares,	Cert.	# X L 276056	500.00
10	Cities Service	Co.,	4 shares,	Cert.	# A L 24848	
11	Ohio Finance	Co.,	7 shares 6% pfd.,	Cert.	# C O P 385	
12	Ohio Finance	Co.,	7 shares common,	Cert.	# C O C 369	
13	Ohio Finance	Co.,	2 shares common,	Cert.	# C O L O C 1447	
14	Ohio Finance	Co.,	84/100 shares common,	Cert.	# S 2580	
15	Ohio Finance	Co.,	2/100 shares common,	Cert.	# S 1662	
16	Ohio Edison	Co.,	10 shares 6.60% pfd.,	Cert.	# C 1022	
17	Ohio Edison	Co.,	5 shares 6% pfd.,	Cert.	# B 10041	
18	Ohio Edison	Co.,	2 shares 5% pfd.,	Cert.	# A 205	
19	Ohio Edison	Co.,	17 shares 6% pfd.,	Cert.	# B 1433	
23	National Reserve	Corp.,	21 shares,	Cert.	# 534	
24	National Reserve	Corp.,	1/5 share,	Cert.	# 124	
25	National Reserve	Corp.,	3/10 share,	Cert.	# 1136	
29	National Reserve	Corp.,	5 shares common,	Cert.	# 534	
26	Columbus Mutual	Life	Ins. Co.,	4 shares,	Cert. # 2781	500.00

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

THE COL. B. B. MFG. CO. 74930

13494
Filed
Oct. 22 – 1937.
Elton Kile
Attorney.

Petition to Sell Real Estate.
Application for Letters of Administration
De Bonis Non With the Will Annexed.

The State of Ohio, Madison County. Probate Court.

Elton M. Kile, being duly sworn, says that John T. Dutton, late a resident of Plain City, in said County, died testate, on or about the 4 day of April, 1933, at Plain City; that the last Will of said decedent has been duly admitted to probate and record in the Probate Court of said County; that the said decedent died leaving Alpharetta Dutton his surviving spouse of the age of 74 years, whose post office address is Plain City, Ohio, and the following persons known next of kin:

Name	Address	Age	Kinship
Mae Worthington	London, Ohio	48	Daughter

The following are the only Legatees and Devisees of said Testator named in his Will:

Name	Address	Age.
Alpharetta Dutton	Plain City, Ohio.	
Charles Worthington	Plain City, Ohio.	25
Alpharetta Holland	London, Ohio.	24
Martina Worthington	Plain City, Ohio.	22
Elton Worthington	London, Ohio.	21
Paul Worthington	London, Ohio.	19

That J. R. Woods, the Executor of the Last Will and Testament of said decedent resigned on the 7th. day of March, 1936, without fully administering said Estate.

The undersigned asks to be appointed Administrator de Bonis Non with the Will Annexed of the Estate of said decedent and on his oath aforesaid says, that the Estate consists of:

Personal Property of the probable value of	$3675.00
Real Estate of the probable value of	16,900.00
Annual Real Estate rentals which will come into his hands of the probable value of	1200.00
Total	$21,775.00

The amount of all indebtedness the deceased had against the undersigned is $0.00 for — included in the amount of Personal Property above stated.

The undersigned further states that the decedent at the time of his death was engaged in the business of farming under the name of John T. Dutton located at Plain City, Ohio.

Elton M. Kile.

P. O. Address - Kilville, Ohio.

Sworn to before me and signed in my presence, this 11th. day of March, 1936.

Seal

Helen P. Edwards.
Deputy Clerk, Probate Court.

13494

13494

To the Probate Court of Madison County, Ohio:

The undersigned offers a bond as Administrator de Bonis Non with the Will Annexed in the sum of $10,000.00, with National Surety Co. and — as sureties thereon.

The name of Elton W. Kile, attorney, who will represent him in matters relating to this trust, is hereby filed in said Court.

The undersigned makes application for the appointment of appraisers of the real estate and personal property of the said decedent, and suggests the names of —, —, and — as suitable disinterested persons for such appraisers.

Dated this 11 day of March, 1936.

Elton W. Kile.

Filed: Mar. 11, 1936, Harvey B. Edwards, Probate Judge.

Doc. 1, Page 355.

Waiver of Administration.

Probate Court, Madison County, Ohio.

In the Matter of the Estate of | No.
John T. Dutton, Deceased.

To the Judge of the Probate Court of said County:

We, the undersigned, the surviving spouse and the next of kin of said John Dutton, deceased, late of said County who are residents of said County, hereby voluntarily renounce the administration of said Estate, and recommend the appointment of Elton W. Kile, as Administrator.

Dated this 11th day of March, 1936.

Alpharetta Dutton - Surviving Spouse.
Wayne Worthington.

Filed: Mar. 11, 1936, Harvey B. Edwards, Probate Judge.

Doc. 1,

Letters of Administration De Bonis Non with the Will Annexed.

The State of Ohio, Madison County, ss. Probate Court.

I, Harvey B. Edwards, Judge of the Probate Court within and for said County, in the name and by the authority of the State of Ohio, do by these presents, make known, that in said Probate Court at London, Ohio, on the 12 day of April, 1933, the last Will of John T. Dutton, deceased, late of Plain City in said County, (a copy of which is hereto annexed), was duly approved and allowed by said Court; and that the administration of all and singular the goods, chattels, rights and credits, not administered, of said deceased, any way concerning his last Will was committed to Elton W. Kile of Kilemlk, Ohio with the Will annexed; and the said Administrator de Bonis Non with the Will Annexed, shall,

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 Testator which are by law to be administered, which come to his possession or knowledge, and an inventory of the real estate of the decedent;

THE COL. B. B. MFG. CO. 74930

13494

2. Administer according to law and the will of the Testator, all his 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 his real estate sold, which come to the possession of the Administrator or to the possession of any other person for him;

3. Render upon oath a just and true account of his administration, at the time or times when required by the Court or the law. Failing so to do for thirty days after he has been notified by the Probate Judge of the expiration of the time, he may forthwith be removed by the Court and he shall receive no allowance for services, unless the Court enters upon its journal that such delay was necessary and reasonable.

Faithfully and honestly discharge the duties devolving upon him as such Administrator.

In Testimony Whereof, I have hereunto affixed the seal of said Court at London, Ohio, this 11 day of March, 1936.

Harvey B. Edwards - Judge.

Seal

By- Helen P. Edwards - Deputy Clerk.

Filed: Mar. 12, 1936, Harvey B. Edwards, Probate Judge.
Admin. Doc. 1, Page 355.
Recorded in Final Records, Bonds and Appointments, No. N, Page 127.

Bond of Administrator de Bonis Non with the Will Annexed.

Know all Men by these Presents, that we, Elton M. Kile and National Surety Co., are held and firmly bound to the State of Ohio in the penal sum of Ten Thousand 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 Plain City, Ohio, this 11th. day of March, 1936.

The condition of the above obligation is such, That if the above bound Elton M. Kile, Administrator de Bonis Non with the Will annexed of the Estate of John T. Dutton, deceased, late of Plain City in the County of Madison and State aforesaid:

1. Make and return to the Court, on oath, within the time required by law, a true inventory of all moneys, goods, chattels, rights, and credits of the Testator which are by law to be administered, which come to his possession or knowledge, and an inventory of the real estate of the decedent;

2. Administer according to law and the will of the Testator, all his 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,

13494

13494

and the proceeds of all his real estate sold, which come to the possession of the Administrator or to the possession of any person for him;

3. Render upon oath a just and true account of his administration, at the time or times when required by the Court or the law. Failing so to do for thirty days after he has been notified by the Probate Judge of the expiration of time, he may forthwith be removed by the Court and he shall receive no allowance for services, unless the Court enters upon its journal that such delay was necessary and reasonable;

Faithfully and honestly discharge the duties devolving upon him as such Administrator; then this obligation to be void; otherwise to remain in full force and virtue in law.

Elton M. Kile.

National Surety Co. R. K. Travel, Agent.

This Bond approved in open Court, this 11 day of March, 1936.

Harvey B. Edwards - Judge.

Filed: Mar. 11, 1936, Harvey B. Edwards, Probate judge.

Admin. Doc. 1.

Notice of Publication.

State of Ohio, Madison County, ss: In the Court of Probate.

I, R. B. Howard, do solemnly swear, that I am Publisher of The Madison Press, a newspaper printed and published and of general circulation throughout Madison County, Ohio, and that the original notice, a true copy of which is hereto annexed, was published in said newspaper for the period of three consecutive weeks, commencing on the 16 day of March, A. D. 1936.

R. B. Howard.

Sworn to before me and subscribed in my presence this 30 day of March, A. D. 1936.

Margaret A. Comverse - Notary Public.

Printer's Fees, $2.00

Margaret A. Comverse,

My Commission Expires Feb. 13, 1937.

Notice of Appointment.

Estate of John T. Dutton, deceased. Elton M. Kile, Kilesville, Ohio, has been duly appointed and qualified as administrator de bonis non with the will annexed of the estate of John T. Dutton late of Madison County, Ohio, deceased. Dated this 11 th. day of March, A. D. 1936.

Harvey B. Edwards,
Probate Judge of said County.

No. 7672, Doc. 1, Page 355.
Filed: Mar. 31, 1936, Harvey B. Edwards, Probate Judge.
Vol. 6, Page 53.
Doc. 1, Page 355.

THE COL. B. B. MFG. CO. 74930

13494

Probate Court, Madison County, Ohio.

Elton M. Kile, Administrator de bonis non, with the will annexed, of the Estate of John Dutton, deceased,
Plaintiff,

-vs-

Alphetta Worthington Holland, Charles Worthington, Martina Worthington, Elton Worthington and Paul Worthington,
Defendants.

No. 7672 - A.
Petition.

The plaintiff is the duly appointed, qualified and acting administrator de bonis non with the will annexed, of the estate of John Dutton, deceased.

Said will was admitted to probate in this court on the 26 th. day of April, 1933.

Said will contains the following provisions:

I give, devise and bequeath to my beloved wife Alphetta Dutton all of the residue of my estate, both personal and real and of every description, for her comfort and support for and during the remainder of her life and whether or not such expenditures consume both income and principal.

I desire that whatever of my said estate that remains over after the death of my wife and the payment of her debts be placed in trust for the use of our grand Children, to be converted into money and invested in safe securities bearing interest and the same to be distributed among our said grand-children in manner as follows:

To Charles Worthington, one fourth (1/4), to Alphetta Worthington, one fourth (1/4), to Martina Worthington, one sixth (1/6), to Elton Worthington one sixth (1/6), and to Paul Worthington one sixth (1/6), each of said grand-children to receive his or her share upon reaching the age of 24 years, and it is my further wish, that if any of said grand-children shall fail and leave no heirs living or her surviving, then the share of the one so failing, to be divided among his or her survivors share and share alike. Any of such grand-children desiring an education may draw upon his or her share for any reasonable expense thereof when such funds are in the hands of the Trustee.

I hereby nominate my esteemed friend J. R. Woods, Executor of this my last Will and testament and also as Trustee of the trust funds, hereinbefore mentioned.

I further authorize and empower said Executor, whenever he and my wife may jointly deem it for the best interest of my said estate to sell any or all of the same and to execute good and sufficient Deeds therefor free of all limitations as fully and effective as I might do if living, present and consenting thereto and that he may

13494

13494

epercise the same authority as Trustee whenever it may become necessary to do so for the purpose of carrying out the provisions of this will.

Should the said J. R. Woods fail to qualify as such Executor or Trustee and another be appointed in his stead, then the sales of said real estate and the conveyance therefor may be made only by an order of the Probate Court, the same to be issued upon the joint application of the said appointee and my wife, Alphetta Dutton or upon the application of such appointed Trustee alone."

The defendants, Alphretta Worthington Holland, Charles Worthington, Martins Worthington, Elton Worthington and Paul Worthington are in said will named as the devisees and legatees, in the following proportions: Charles Worthington one-fourth (1/4), Alphretta Worthington (Now Alphretta Worthington Holland) one-fourth (1/4), Martins Worthington one-sixth (1/6), Elton Worthington one-sixth (1/6), and Paul Worthington one-sixth (1/6).

The said decedent died seized in fee simple of the following described real estate which he order to be sold under the order of the Probate Court, to-wit:

First Parcel: Situated in the Village of Plain City, Madison County, Ohio, and bounded and described as follows:

Being thirty-four (34) feet off the west side of lot number twenty-one (21) in the incorporated village of Plain City in the County of Madison and State of Ohio, as is shown and described on the recorded plat of said village on file at the office of the Recorder of Madison County in London, Ohio, save and except a strip of ground ten (10) feet wide across the north end of said premise which is reserved as a right of way to and from the remainder of said lot number twenty-one (21).

Second Parcel: Situated in the County of Union, State of Ohio, and in the Township of Darby and bounded and described as follow:

Beginning at an ash sapling (down) lower corner on the creek of James Guy's land; thence S. 33 deg. W. 127 poles to an elm. Thence N. 57 deg. W. 19 poles to a stake. Thence S. 33 deg. W. 62 poles to the center of the Milford road. Thence with the center of said road N. 35 deg. W. 103 poles to Adam's line. Thence with his line N. 32 deg. E. 238 poles to a stake on the bayke of the creek. Thence down the creek and with meanders thereof to the beginning, containing 146-3/4 acres part of Survey No. 3162.

Also another tract in same county and state and being part of Survey No. 3162. Beginning at an elm corner to James Guy's. Thence S. 33 deg. W. 69 poles to a stake in the center of the Milford road. Thence with the center of said road N. 37 deg. W. 19 poles to a stake. Thence N. 33 deg. E. 61-3/4 poles to a stake. Thence S. 57 deg.

THE COL. B. B. MFG. CO. 74930

13484

E. 17- 4/5 poles to the beginning, containing 7 acres and 43 poles more or less.

Also another tract in same county and state, part of Survey No. 3162.

Beginning at a stone in the center of the Milford road and Westerly corner to first tract, herein described. Thence S. 36 deg. 45' W. 21.87 chains to the center of the railroad. Thence with the center of the railroad S. 66 deg. 45' E. 35.83 chains to the center of the Milford road. Thence with the center of railroad N. 32 deg. 30' W. 37.70 chains to the place of beginning, containing 38 acres and 27 poles.

The time for contesting said will has elapsed, and there are no persons under disability who can later contest said will, and no next of kin or heirs at law are therefore made parties to this suit.

Wherefore plaintiff prays for an order of this court authorizing and directing him to sell said real estate as directed in said last will and testament and an order to pay the defendants their proportionate share and for all proper orders and relief.

Crabbe & Tootle
Attorneys for Plaintiff.

State of Ohio, Madison County, ss:

Elton M. Pile, being first duly sworn, deposes and says that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Elton M. Pile.

Sworn to before me and subscribed in my presence, this 21st. day of June, 1937.

Ira T. Crabbe Notary Public.
Madison County, Ohio.

Filed: June 21, 1937, Harvey B. Edwards, Probate Judge.
Doc. 1, Page 156.

Probate Court, Madison County, Ohio.

Elton M. Pile, Administrator de bonis non, with the will annexed, of the estate of John Dutton, deceased,
Plaintiff,
-vs-
Alphetta Worthington Holland,
Charles Worthington,
Martina Worthington,
Elton Worthington, and
Paul Worthington,
Defendants.

No. 7672 - A.
Waiver.

We the undersigned defendants, hereby waive the issuance and service of summons, voluntarily enter our appearance herein, and consent that the real estate described in the petition be sold as prayed for.

13494

13494

Alpharetta W. Holland
Charles Worthington
Martina Worthington
Elton Worthington
Paul Worthington

Filed: June 21, 1937, Harvey B. Edwards, Probate Judge.
Doc. 5, Page 156.

Probate Court, Madison County, Ohio.

Elton M. Kile, Administrator de bonis non, with the will annexed, of the Estate of John Dutton, deceased,
Plaintiff,

-vs-

Alpharetta Worthington Holland, Charles Worthington, Martina Worthington, Elton Worthington, and Paul Worthington,
Defendants.

Vs. 7672 - A.
Entry.

This day this cause came on to be heard upon the petition and the evidence, and the court finds that all of the defendants herein have voluntarily entered their appearance and consent to the sale of the real estate described in the petition as prayed for, and that all necessary parties are properly before the court.

The court further finds, from the evidence, that Alpharetta Dutton, widow of John Dutton, deceased, is now deceased and that it is necessary to sell the real estate described in the petition to pay the legacies to the several defendants, and therefore the prayer of the petition is granted.

And it appearing to the court that a new appraisement should be made of said real estate, it is ordered that W. B. Kilgore, Harry High, and C. M. Andrews, three judicious and disinterested persons, 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 at its fair cash value, and discharge the duties required by them according to law; and to make return of the proceedings in writing to this court forthwith.

Harvey B. Edwards - Judge.

Filed: June 21, 1937, Harvey B. Edwards, Probate Judge.
Doc. 5, Page 156.
Journ. 30, Page 10.

THE COL. B. P. MFG. CO. 74930

13494

Order of Appraisement.

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

To Elton M. Kile, Administrator de bonis non with the Will annexed of the Estate of John Dutton, 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 de bonis non with the will annexed of the Estate of John Dutton, deceased, are Plaintiff and Alphretta Worthington Holland, et al, are Defendants, you are commanded that by the oaths of W. B. Kilgore, Harry High, and C. M. Andrew, 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:

First Parcel: Situated in the Village of Plain City, Madison County, and bounded and described as follows:

Being thirty-four (34) feet off of the west side of lot number twenty-one (21) in the incorporated village of Plain City in the county of Madison and State of Ohio, as is shown and described on the recorded plat of said village on file at the office of the Recorder of Madison County in London, Ohio, save and except a strip of ground ten (10) feet wide across the north end of said premises which is reserved as a right of way to and from the remainder of said lot number twenty-one (21).

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

Beginning at an ash sapling (down) lower corner on the creek to James Guy's land; thence S. 33 deg. W. 127 poles to an elm. Thence N. 57 deg. W. 19 poles to a stake. Thence S. 33 deg. W. 62 poles to the center of the Milford road. Thence with the center of said road N. 35 deg. W. 103 poles to Adam's line. Thence with his line N. 32 deg. E. 238 poles to a stake on the banks of the creek. Thence down the creek and with meanders thereof to the beginning, containing 146-3/4 acres, part of Survey No. 3162. Also another tract in same county and state and being part of Survey No. 3162. Beginning at an elm corner to James Guy. Thence S. 33 deg. W. 69 poles to a stake in the center of the Milford Road. Thence with the center of said road N. 37 deg. W. 19 poles to a stake; thence N. 33 deg. E. 61-3/4 poles to a stake. Thence S. 57 deg. E. 17-4/5 poles to the beginning, containing 7 acres and 43 poles, more or less.

Also another track in same county and state, part of Survey No. 3162.

Beginning at a stone in the center of the Milford road and Westerly corner to first tract, herein described. Thence S. 36 deg. 45' W. 21.87 chains to the center of the railroad.

13494

13494

Thence with the center of the railroad S. 66 deg. 45' E. 35.83 chains to the center of the Milford road. Thence with the center of railroad N. 32 deg. 30' W. 37.70 chains to the place of beginning, containing 38 acres and 27 poles.

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 Loudon, Ohio, this 21 day of June, A. D. 1937.

Seal

Harvey B. Edwards - Probate Judge.
Grace R. Gamble - Deputy Clerk.

Return.

To the Probate Court of Madison 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 9th. day of July, 1937.

Elton W. Kile - Adm. de bonis
non John Dutton Estate.

Oath of Appraisers.

The State of Ohio, Madison 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.

W. B. Kilgore.
Harry High.
C. W. Andrews. } appraisers.

Sworn to before me and signed in my presence, this 9th. day of July, 1937.

Elton W. Kile - Adm. de bonis
non John Dutton Estate.

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 parcel as above described $ 3400.00
Second parcel as above described $ 16,360.00

Given under our hands this 9 day of July, 1937.

W. B. Kilgore.
Harry High.
C. W. Andrews } appraisers.

Appraisers' fee $15.00
Paid by Adm.

Filed July 12, 1937, Harvy B. Edwards, Probate judge.
Doc. 5, Page 156.

THE COL. B. B. MFG. CO. 74930

13494

Probate Court, Madison County, Ohio.

Elton M. Kile, Administrator d. b. n., w. w. a., of the estate of John Dutton, deceased,

Plaintiff,

-vs-

Alphretta Worthington Holland, et al,

Defendants.

No. 7672 - A,

Entry.

This day this cause came on 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 is hereby approved and confirmed.

It is further ordered that said administrator d. b. n. w. w. a., execute unto the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of $40,000.00 conditioned according to law.

And thereupon came the said Elton M. Kile as such administrator d. b. n., w. w. a., and filed in this Court this additional bond in the sum of $40,000.00 with approved sureties conditioned according to law, and the said bond is hereby approved.

It is now ordered that said Elton M. Kile as such administrator d. b. n., w. w. a., proceed to advertise for sale on the premises on the 21st. day of August, 1937, at one o'clock P. M. the second parcel of said real estate as described in said petition; and that he sell the same at not less than two-thirds of the appraised value thereof for cash.

And it appearing to the Court that a private sale of the first parcel of said real estate would be to the best interests of the estate, it is ordered that the said Elton M. Kile as such administrator d. b. n., w. w. a., sell the said first parcel of said real estate at private sale for not less than $3400.00 being the appraised value thereof for cash.

And it is further ordered that said Elton M. Kile as such administrator d. b. n., w. w. a., make return of sale without unnecessary delay.

July 16-'37.

Harvey B. Edwards - Judge.

Filed July 16, 1937, Harvey B. Edwards, Probate Judge.

Doc. 5, Page 156.

Jour. 30, Page 44.

Bond of Administrator, Executor or Guardian.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we Elton M. Kile and National Surety Corporation are held and firmly bound unto the State of Ohio, in the penal sum of Forty Thousand and no/100 Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

13494

day

the

qua

dictro

ictro

Coun

said

au

eau

and

afor

acc

Esta

ance

Execu

Robb

Harr

Filed

a

the

City

and

Tra

au

hun

ac

con

mo

au

exe

bind

exte

with

by

said

app

pro

13494

Signed by us and dated at Plain City, Ohio, this 15th. day of July A. D. 1937.

The condition of the above obligation is such, that whereas, the above bound Elton M. Kile was heretofore duly appointed and qualified by the Probate Court of Madison County, Ohio, administrator d. b. n., w. w. a., of the estate of John Dutton, deceased.

And whereas, the said Elton M. Kile as such administrator d. b. n., w. w. a. has filed a petition in said Probate Court asking an order for the sale of certain Real Estate of said John Dutton described in said petition.

And whereas said Court, on the — day of July, 1937, made an order requiring said administrator, d. b. n., w. w. a., to execute a bond according to the statute in such cases made and provided.

Now, if the said Elton M. Kile as administrator d. b. n., w. w. a, 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.

Elton M. Kile,
National Surety Corporation
By- Frank Middleton- Attorney-in-fact.

Executed in presence of
Robt. P. Travel
Harriet A. Schueler.

This Bond approved in open Court, this 16 day of July, 1937.
Harvey B. Edwards- Probate Judge.

Filed: July 16, 1937, Harvey B. Edwards, Probate Judge.

General Power of Attorney.

Know all Men by These Presents, that National Surety Corporation, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, N.Y., hath made, constituted and appointed, and does by these presents make, constitute and appoint Frank Middleton of Columbus and State of Ohio, its true and lawful Attorney (s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizance, contracts of indemnity and other conditional or obligatory undertakings; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed Four Hundred Thousand ($400,000.00) Dollars, and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney (s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following provisions of the By-Laws of the National Surety Corporation:)

THE COL. B. B. MFG. CO. 74930

13494

"Article XII, Resident Officers and Attorneys-in-fact.

Section 1. The President, Executive Vice-President or any Vice President may, from time to time, appoint Resident Vice Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and the President, Executive Vice President or any Vice President, the Board of Directors or the Executive and Finance Committee may at any time suspend or revoke the powers and authority given to any such Resident Vice President, Resident Assistant Secretary or Attorney-in-Fact, and also remove any of them from office.

Section 4. Attorneys-in-Fact. Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the Corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any and all notices and documents cancelling or terminating the Corporation's liability thereunder, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary.

"Section 7. Attorneys-in-Fact. Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to copies of the By-Laws of the Corporation or any Article or Section thereof.

In Witness Whereof, the National Surety Corporation has caused these presents to be signed by its Vice-President and its corporate seal to be hereto affixed, duly attested by its Assistant Secretary, this 11th. day of June, A. D. 1935.

National Surety Corporation.

Seal

By- S. G. Drake - Vice-President.

Attest: Rankin Martin - Assistant Secretary.

State of New York, County of New York, ss:

On this 11th. day of June, A. D. 1935, before me personally came S. G. Drake, to me known, who, being by me duly sworn, did depose and say, that he resides in the City of New York; that he is Vice-President of the National Surety Corporation, the corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order. And said S. G. Drake further said that he is acquainted with Rankin Martin and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

M. M. Miller - Notary Public.

13494

State of New York, County of New York, ss:

I, H. Hasenmeier, Resident Assistant Secretary of the National Surety Corporation, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said National Surety Corporation, which is still in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Corporation, at the City of New York, N. Y., this 15th. day of July A. D., 1937.

H. Hasenmeier
Resident Assistant Secretary.

Doc. 5, Page 156.

Order of Public Sale.

The State of Ohio, Madison County. Probate Court.

To Elton M. Kile, administrator d. b. n., w. w. a., of the estate of John Dutton, 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 d. b. n., w. w. a., of the estate of John Dutton, deceased, are Plaintiff, and Alphretta Worthington Holland, 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 August, 1937, at 1:00 o'clock P. M., for not less than two-thirds the appraised value thereof, the following described premises:

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

Beginning at an ash sapling (down) lower corner on the creek to James Guy's land; thence S. 33 deg. W. 127 poles to an elm. Thence N. 57 deg. W. 19 poles to a stake. Thence S. 33 deg. W. 62 poles to the center of the Milford road. Thence with the center of said road N. 35 deg. W. 103 poles to Adam's line. Thence with his line N. 32 deg. E. 238 poles to a stake on the banks of the creek. Thence down the creek and with meanders thereof to the beginning, containing 146-3/4 acres part of Survey No. 3162. Also another tract in same county and state and being part of Survey No. 3162- Beginning at an elm corner to James Guy. Thence S. 33 deg. W. 69 poles to a stake in the center of the Milford road. Thence with the center of said road N. 37 deg. W. 19 poles to a stake. Thence N. 33 deg. E. 61-3/4 poles to a stake. Thence S. 57 deg. E. 17-4/5 poles to the beginning, containing 7 acres and 43 poles more or less. Also another tract in same county and state, part of Survey No. 3162. Beginning at a stone in the center of the Milford road and Westerly corner to first tract, herein described. Thence S. 36 deg. 45' W. 21.87 chains to the center of the railroad. Thence with the center of the railroad S. 66 deg. 45' E. 35.83 chains to the center of the

THE COL. B. B. MFG. CO. 74930

13494

Milford road. Thence with the center of railroad N. 32 deg. 30' W. 87.70 chains to the place of beginning, containing 38 acres and 27 poles.

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 returns to this Court.

Witness my signature and the seal of said Probate Court at London, Ohio, this 16th. day of July, 1937.

Harvey B. Edwards - Probate Judge.

Seal

By - Helen P. Edwards - Deputy Clerk.

Return.

To the Probate Court of Madison County, Ohio.

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

Dated the 9 day of September, 1937.

Elton M. Kile.

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 21st. day of August, 1937, the day of the sale therein mentioned, stating in the notice the time, place and terms of sale; and on said day, at the hour of 1 o'clock P.M., I proceeded to offer said real estate for sale on the premises, when C. H. Reed bid to pay for the same the sum of Twenty-one thousand, one hundred forty-two ($21,142.00) 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 him for that sum.

Dated the 9 day of September, 1937.

Elton M. Kile - Administrator d.b.n., c.t.a., of the Estate of John Dutton, Deceased.

Filed: Sept. 17, 1937, Harvey B. Edwards, Probate Judge.

Doc. 5, Page 156.

The State of Ohio, Union County, ss.

Personally appeared before me, Gertrude Staley, and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after July 21, 1937, in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

Gertrude Staley.

Sworn to before me and signed in my presence this 12th. day of August, 1937, A. D.

Seal

J. M. Huber - Notary Public.

Printer's Fee $17.50

13494

13494

Notice of Public Sale.

In pursuance of the order of the Probate Court of Madison County, Ohio, I will offer for sale at public auction on the 21st. day of August, 1937, at 1 o' clock P. M. on the premises the following described real estate:

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

Beginning at an ash sapling (down) lower corner on the creek to James Guy's land; thence S. 33 deg. W. 127 poles to an elm; thence N. 57 deg. W. 19 poles to a stake; thence S. 33 deg. W. 62 poles to the center of the Milford Road; thence with the center of said Road N. 35 deg. W. 103 poles to Adam's line; thence with his line N. 32 deg. E. 238 poles to a stake on the banks of the creek; thence down the creek and with the meanders thereof to the beginning, containing 146-3/4 acres, part of survey No. 3162.

Also another tract in same county and state and being part of Survey No. 3162. Beginning at an elm corner to James Guy; thence S. 33 deg. W. 69 poles to a stake in the center of the Milford Road; thence with the center of said Road N. 37 deg. W. 19 poles to a stake; thence N. 33 deg. E. 61-3/4 poles to a stake; thence S. 57 deg. E. 17-4/5 poles to the beginning, containing 7 acres and 43 poles, more or less.

Also another tract in same county and state, part of Survey No. 3162. Beginning at a stone in the center of the Milford Road and westerly corner to first tract herein described; thence S. 36 deg. 45' W. 21.87 chains to the center of the railroad; thence with the center of the railroad S. 66 deg. 45' E. 35.83 chains to the center of the Milford Road; thence with the center of railroad N. 32 deg. 30' W. 37.70 chains to the place of Beginning, containing 38 acres and 27 poles.

Said premises are appraised at Sixteen Thousand, Three Hundred Sixty Dollars ($16,360.00) and must be sold for not less than two-thirds of said appraised value. Terms of sale: Cash.

Elton M. Kile - Administrator de bonis non with the will annexed of the estate of John Dutton, deceased.

Crabbe & Tootle, London, Ohio, Attorneys for administrator.

July 21, 1937.

Filed Aug. 13, 1937, Harvey B. Edwards, Probate Judge.

THE COL. B. B. MFG. CO. 74930

13494

Probate Court, Madison County, Ohio.

Elton M. Kile, administrator d. b. n., w. w. a., of the Estate of John Dutton, deceased,

Plaintiff,

-vs-

Alphretta Worthington Holland, et al,

Defendants.

No. 7672 - a.

Application.

Now comes Elton M. Kile, administrator d. b. n., w. w. a., of the estate of John Dutton, deceased, and represents to the court that there is an error in the description of the thirty-eight (38) acres and twenty-seven (27) poles tract of the real estate described in the petition; that the last call in said description should read as follows: "thence with the center of said road N. 32 deg. 30' W. 37.70 chains to the place of beginning, containing 38 acres and 27 poles".

Applicant futhyr says that the correct description is contained in a deed from Solomon H. Kilbury and wife to Ruth Kilbury, which deed is contained in Deed Book 71, Page 311, of the Deed Records of Union County, Ohio.

Wherefore, applicant asks the court to correct the description in the proceedings herein and to authorize applicant in the execution of a deed to the purchaser to insert the correct description in said deed, and for all proper orders and relief.

Elton M. Kile.

State of Ohio, Madison County, ss:

Elton M. Kile, being first duly sworn, deposes and says that the facts stated and allegations contained in the foregoing application are true as he verily believes.

Elton M. Kile.

Sworn to before me and subscribed in my presence this 17 day of September, 1937.

H. H. Larabee - Notary Public, Madison County, Ohio.

Seal

Probate Court, Madison County, Ohio.

Elton M. Kile, administrator d. b. n., w. w. a., of the estate of John Dutton, deceased,

Plaintiff,

-vs-

Alphretta Worthington Holland, et al.,

Defendants.

No. 7672 - a.

Entry.

This day this cause came on to be heard on the application of Elton M. Kile, administrator d. b. n., w. w. a., of the estate of John Dutton, deceased, for an order correcting the description of the real estate described in the petition, and authorizing said administrator to insert the correct description in the deed to the purchaser, and the same was submitted to the Court upon said application.

13494

desc
petit
follo
chan

that
in t

Appl
Ohio
Kile
Dut
Coun
sale
full
petit
said
the

deed
Dut
the

sale
M. M
estat
of J
to
com
Coo

be h

Filed
Doc
four

13494

Whereupon, the Court finds that there is an error in the description of the 38 acres and 27 poles track, described in the petition; that the last call in said description should read as follows: "thence with the center of said road N. 32 deg. 30' W. 37.70 chains to the place of beginning, containing 38 acres and 27 poles."

It is therefore ordered that said description be corrected and that said administrator d.b.n., w.w.a., insert the correct description in the deed to the purchaser.

Harvey B. Edwards - Judge.

Approved:
Crabbe + Tootle - Attorneys for Plaintiff.
Filed: Sept. 17, 1937, Harvey B. Edwards, Probate Judge.
Doc. 5, Page 156.
Jour. 30, Page 134.

Probate Court, Madison County, Ohio.

Elton M. Kile, Administrator d.b.n., w.w.a., of the estate of John Dutton, deceased,

Plaintiff,

-vs-

Alphretta Worthington Holland, et al.,

Defendants.

No. 7672-a.
Entry.

This day this cause came on to be heard on the repot of Elton M. Kile, administrator d.b.n., w.w.a., of the estate of John Dutton, 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 repot, 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 is hereby approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title, and interest of the said John Dutton in said real estate to the purchaser, E. H. Reed, upon the purchaser paying the purchase money.

It is further ordered that out of the proceeds of said sale, amounting to $21,142.00, the said administrator d.b.n., w.w.a., pay first, the taxes and penalties upon said real estate in the sum of $ ———; second, to the Probate Court of Madison County, Ohio, the costs of this proceeding, amounting to $ ———; third to Elton M. Kile, the administrator, his compensation amounting to $ 542.84; fourth, to Crabbe + Tootle, attorneys for the administrator, the sum of $ 542.84.

It is further ordered that the balance of said proceeds be held for distribution, under the further orders of this Court.

Harvey B. Edwards - Probate Judge.

Filed: Sept. 24, 1937, Harvey B. Edwards, Probate Judge.
Doc. 5, Page 156.
Jour. 30, Page 143.

THE COL. B. B. MFG. CO. 74930

13494

Certificate to Copies.

The State of Ohio, Madison County, ss. Probate Court.

I, Harvey B. Edwards Judge and ex-officio Clerk of the Probate Court, within and for said County, having the custody of the Files, Journals and Records of said Court, do hereby certify that the foregoing is a true copy of Application, Bond, and Letters in the Estate of John Dutton, deceased, and a copy of the proceedings in the Land sale in the estate of John Dutton, Case No. 7672 and Ys. 7672-A. Bond Record Vol. N, Page 127. and Land Record Volume 19, Page 91, as the same appears upon the records of said Court; and I further certify, that I have carefully compared the foregoing copy with the original record, and that the same is a full and correct transcript thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at London, Ohio, this 16 day of October, A. D. 1937.

Harvey B. Edwards
Probate Judge and ex-officio Clerk of said Court.

The State of Ohio, Madison County, ss:

I the undersigned sole Judge of the Probate Court, within and for said County, and State, the same being a Court of law and of record, do hereby certify that under the laws of the State of Ohio the Judge of the Probate Court is ex-officio the Clerk of his own Court. And I further certify that I the said Harvey B. Edwards whose genuine signature is attached to the foregoing certificate, am, and was at the time of signing the same, ex-officio Clerk of said Probate Court, and as such, full faith and credit are due my acts, and that the above certificate and attestation are in due form of law, and made by the proper officer.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at London, Ohio, this 16 day of October, A. D. 1937.

Seal Harvey B. Edwards - Judge as aforesaid.

The State of Ohio, Madison County, ss.

I, the undersigned ex-officio Clerk of the Probate Court within and for said County, and State aforesaid, hereby certify that I the said Harvey B. Edwards am also the sole Judge of said Probate Court, duly commissioned and qualified, and now acting as such.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court at London, Ohio, this 16 day of October, A. D. 1937.

Seal Harvey B. Edwards
Ex-officio Clerk of said Court.

13357
Filed
Nov. 18-1937.

13357
Filed
Nov. 18-1937.

In the Matter of The Estate of Eva L. Shipley, Deceased.
In the Probate Court of Union County, Ohio.

Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, Deceased,

Plaintiff,

-vs-

Fred W. Shipley, Gerald L. Evans, and Leah H. Evans,

Defendants.

Case No. 13357
Petition.

Now comes the Plaintiff and says he is the duly appointed, qualified, and acting Administrator of the Estate of Eva L. Shipley, having been appointed as such by the Probate Court of Union County; that Fred W. Shipley is the husband of Eva L. Shipley, Deceased; that she died without children or surviving parents, and Fred W. Shipley is the only person entitled to inherit her estate; and that the said Eva L. Shipley died on or about the 26th. day of February, 1937.

Plaintiff says that said decedent died seized in fee simple of an undivided one-half interest of the following described real estate:

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

Being all of Lot No. One Hundred Forty Six (146) in the said Village of Richwood, Ohio.

For a more especific description see recorded Plat of said Village of Richwood, Ohio, in the Recorder's Office at Marysville, Ohio."

The Plaintiff says that on or about the 12th day of August, 1936, Eva L. Shipley, then living and now deceased, and Fred W. Shipley, the latter being the owner of the other undivided one-half interest of said real estate, entered into a contract in writing with the Defendants, Gerald L. Evans and Leah H. Evans, to sell and convey said premises to the said Gerald L. Evans and Leah H. Evans by deed of general warranty, which contract a copy of which is hereto attached, marked "Exhibit A" and made a part hereof, as though fully rewritten herein, was in substance that the purchasers agreed to pay Six Hundred Dollars ($600) for said premises as follows: One Hundred Dollars ($100) cash, balance, by paying Eight and 50/100 Dollars ($8.50) September 1, 1936 and on the first of each month thereafter until such time as the purchasers have paid the entire amount of the purchase price in addition to all interest, taxes, and assessments; interest to be paid at the rate of 6% per annum, to be computed quarterly, and the same to be paid in addition to the regular monthly payments; that when the purchase price is paid, the purchasers are to obtain a deed therefor.

Plaintiff further says that said contract was not completed by said decedent in her lifetime, and the Plaintiff desires

THE COL. B. B. MFG. CO. 74930

13357

to complete the same.

The Plaintiff says Gerald L. Evans and Gerald Evans are one and the same person and that Leah H. Evans and Leah Evans are one and the same person.

The Plaintiff says there remains due the sellers on said contract the sum of Two Hundred Ninety-eight and 27/100 Dollars ($298.27) with interest at the rate of 6% per annum from November 6, 1937.

Wherefore, the Plaintiff prays that he, as such Administrator, may be authorized to complete said contract and to execute a deed of genral warranty in pursuance thereof for and on behalf of said decedent, and Fred W. Shipley, which shall be as binding on all persons interested as if made by said decedent in her lifetime.

Robert R. Allen - Attorny for Plaintiff.

State of Ohio, County of Union, ss:

Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, being first duly sworn according to law, deposes and says that the facts stated and allegations contained hereinabove are true as he verily believes.

Fred W. Shipley.

Sworn to before me and subscribed in my presence this 18 day of November, A. D., 1937.

Seal Robert R. Allen - Notary Public.

Agreement.

This Agreement, made and entered into at Richwood, Ohio, this 12th. day of Aug. 1936 by and between Fred W. Shipley and Eva L. Shipley of Richwood, Ohio, herein known as party of the First Part, and Gerald and Leah Evans of Richwood, Ohio, herein known as Party of the Second Part, Witnesseth.

That the said First Party hath this day agreed to sell unto the party of the Second Part, their heirs, Executors, Administrators or Aspigns, the following real estate situated in the County of Union, Township of Claibourne and State of Ohio and bounded and described as follows:

Being all of Lot No. One Hundred Forty Six (146) in the said Village of Richwood, Ohio.

For a more specific description see recorded Plat of said Village of Richwood, Ohio, in the Recorders Office at Marysville, Ohio.

And that said party of the Second Part doth hereby agree to pay to the said Party of the First Part, their heirs, Executors, Administrators or Assigns, for the aforesaid tract of land the sum of Six Hundred ($600.00) Dollars this being the value of said premises, payable as follows: One Hundred ($100.00) dollars cash, balance, by paying $8½.00 Sept. 1st. 1936 and on the 1st of each month thereafter until such time as he has paid in the entire amount of the purchase price, in addition to all interest taxes, and assessments.

13357

six
same

asses
which
the
a
First

shall
least
said

Park
taxes
Park

the

this
cond
and
to t
said
notic

istra
agre
at
on
First
truly
to
cont
afore
by t
ditio
to b
asse
the

the
parti
liqui
a
day

13357

Party of the second Part hereby agree to pay interest at the rate of six (6%) per cent per annum, interest to be computed quarterly and same to be paid in addition to the regular monthly payments.

Party of the second Part hereby agree to pay all taxes and assessments on the above described premises beginning with the taxes which are due and payable in Jany. 1937, and further agree to keep the premises up in good condition and the buildings insured in a responsible company which is satisfactory to the Party of the First Part.

Party of the Second Part further agree that if at any time he shall fail to pay the installments as above mentioned for at least sixty days after due, then this contract shall become void at the option of the Party of the First Part.

Party of the First Part agree that when said Party of the Second Part has paid in an amount equal to the purchase price above taxes, assessments, insurance and interest to give Party of the Second Part a deed for said premises.

Possession to be given September 1st. 1936.

"Exhibit A."

Party of the second Part has the right to pay any part or all the purchase price at any time.

In case of default shall be made by Party of the second part, his heirs, executors, administrators or assigns, in any of the conditions above stipulated to be performed by him, it shall and will be lawful for the Party of the First Part, if they so elect, to treat this contract as thenceforth void, and re-enter upon said premises at any time after such default, without serving notice to quit said premises.

Now, if the party of the second part, his heirs, executors, administrators, or assigns, shall well and truly pay the full purchase money aforesaid, with interest, taxes, assessments and insurance, at the time and in the manner above stipulated, then, and on full receipt thereof, and not otherwise, the said Party of the First Part, their executors, administrators shall well and truly make and deliver or cause to be made and delivered to the said party of second part, on surrender of this duplicate contract, a good and sufficient warranty deed of the premises aforesaid, subject to any mechanics liens or incumbrances caused by the acts of the said second party and subject to the conditions restrictions and stipulations herein named, otherwise to be free from any and all incumbrances, save taxes and assessments due and to become due which said party of the second part agree to assume.

In case party of the second part shall fail to carry out the terms of this Agreement, the amount of money paid by party of the second party shall be considered as rent and liquidated damages.

In witness whereof we hereunto set our hands, this 12th. day of Aug. A. D., 1936.

THE COL. B. B. MFG. CO. 74930

13357

Witness,
A. D. Parish.
E. E. Holt.

Fred W. Shipley.
Eva L. Shipley.
Gerald L. Evans.
Leah H. Evans.

A schedule of payments indicating a balance due as of May 1, 1937. of $423.53.

Filed
Nov. 18-1937.

To the Probate Court of Union County, Ohio.

Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, Deceased,
Plaintiff,
-vs-
Fred W. Shipley, Gerald L. Evans, and Leah H. Evans,
Defendants.

Case No. 13357.
Waiver.

The undersigned, parties defendant herein, hereby waive the issuance and service of summons upon them and voluntarily enter their appearance and consent to the completion of the land Contract as set forth in the Petition of the Plaintiff.

Gerald L. Evans.
Leah H. Evans.

Filed
Nov. 18-1937.

To the Probate Court of Union County, Ohio.

Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, Deceased,
Plaintiff,
-vs-
Fred W. Shipley, Gerald L. Evans, and Leah H. Evans,
Defendants.

Case No. 13357.
Answer.

Now comes the Defendant, Fred W. Shipley and hereby voluntarily enters his appearance herein and waives the issuance and service of process and files this his Answer herein.

Fred W. Shipley further answering, says he is the owner of the undivided one-half interest in the real estate described in the Petition of the Plaintiff and that he signed the Land Contract with Eva L. Shipley, then living and now deceased, as seller, with Gerald L. Evans and Leah H. Evans as purchasers.

The Defendant, Fred W. Shipley, further answering, admits the allegations of the Petition of the Plaintiff and acknowledges it to be for the best interest of all persons concerned for Fred W. Shipley, as such Administrator, to complete the Land Contract for and on behalf of the Estate of Eva L. Shipley, and the Defendant, Fred W. Shipley, as the Court may order.

Wherefore, the Defendant, Fred W. Shipley, prays that all of the real estate including the one-half interest belonging to Fred W. Shipley be disposed of by the Court and that Land Contract pertaining thereto be completed in whatever manner and by whatever order the Court may make.

Robert R. Allen - Attorney for Fred W. Shipley

13357

Fi

Filed
Nov. 18-1937.

Fre
the
Dec

13357

State of Ohio, County of Union, ss:

Fred W. Shipley, being first duly sworn according to law, deposes and says that the facts stated and allegations contained hereinabove are true as he verily believes.

Fred W. Shipley.

Sworn to before me and subscribed in my presence this 18 day of November, A. D., 1937.

Robert F. Allyn - Notary Public, Union County, Ohio.

Filed Nov. 18 - 1937.

In the Probate Court of Union County, Ohio.

Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, Deceased,

Plaintiff,

-vs-

Fred W. Shipley, Gerald L. Evans, and Leah H. Evans,

Defendants.

Case No. 13357.

Entry.

This matter came on to be heard upon the Petition of Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, deceased, the Answer of Fred W. Shipley, and Gerald L. Evans and Leah H. Evans having voluntarily entered their appearance herein, upon the evidence, and the Court being fully advised in the premises, it is found that Gerald L. Evans and Gerald Evans are one and the same person and that Leah H. Evans and Leah Evans are one and the same person.

That Eva L. Shipley at the time of her decease was the owner of an undivided one-half interest in the real estate hereinafter described, and that Fred W. Shipley is the owner of the other undivided one-half interest, which real estate is the following described real estate, to-wit:

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

Being all of Lot No. One Hundred Forty Six (146) in the said Village of Richwood, Ohio.

For a more specific description see recorded Plat of said Village of Richwood, Ohio, in the Recorder's Office at Marysville, Ohio."

It is further found that on or about the 12th. day of August, 1936 said decedent and Fred W. Shipley, as sellers, entered into a Land Contract in writing with the Defendants, Gerald L. Evans and Leah H. Evans, as purchasers, to sell and convey to them said real estate, a copy of which contract is attached to the Petition herein as an Exhibit.

It is further found that said contract was not completed and a deed was not executed and delivered conveying the title to said purchasers during the lifetime of the decedent, and it is further found by the Court that all parties thereto are now desirous of completing said Land Contract

THE COL. B. B. MFG. CO. 74930

13357

It is further found by the Court that Eva L. Shipley died without children and without a surviving parent, and that her widower, Fred W. Shipley, is entitled to all of the rights of the estate of Eva L. Shipley, Deceased, in and to the land Contract on real estate hereinabove described.

It is therefore ordered, adjudged, and decreed that Fred W. Shipley, Administrator of the Estate of Eva L. Shipley, for and on behalf of the Estate of Eva L. Shipley, Deceased, and for and on behalf of Fred W. Shipley, shall be and is hereby authorized, empowered, and instructed to execute, and deliver a proper warranty deed to Gerald L. Evans, and Leah H. Evans, as purchasers of the real estate hereinabove described, upon their paying to the said Fred W. Shipley, as such Administrator, the balance due the seller of said Land Contract, upon said contract in the sum of Two Hundred Ninety-eight and 27/100 Dollars ($298.27) with interest at 6% per annum from the 6th. day of November, 1937.

It is further ordered, adjudged, and decreed that the costs in this cause are the amount of $5. assessed against the Plaintiff.

L. W. Hazen - Judge.

12179

Filed

Nov. 6- 1937.

In the Matter of The Estate of Frank Reeley, Deceased.

In the Probate Court, Union County, Ohio.

Case No. 12179.

Application to Sell Bank Stock.

Now comes Fred Reeley and represents to the court that he is the duly appointed and qualified and acting executor of the estate of the said Frank Reeley, deceased, and that as such executor he has in his hands and undisposed of five shares of stock of the Richwood Banking Company of Richwood, Ohio, and being certificate No. 122 in the name of the said decedent, of the par value of $100.00 per share and appraised at $50.00 per share.

That said property has not been specifically beqeathed nor by election of the surviving spouse taken at its appraisement, nor can distribution thereof be made in kind.

And that it is necessary to sell the said stock to settle said estate, and he believes it will be for the best interest of said estate to sell the same, at private sale, and at the appraised value, thereof.

Wherefore, the said Fred Reeley asks for an order directing the sale of the said bank stock at private sale at such price as the court may direct and for cash.

Fred Reeley.

12174 — Th… the … are … day … Filed Nov. 6- 1937. … Filed Nov. 6- 1937. … Filed Nov. 13- 1937. …

Shipley died
and that her
ghts of the
land Contract

that Fred W.
ley, for and
and for
is hereby au-
deliver a
H. Evans,
d, upon
Administrator,
upon said
d 27/100 Dollars
e 6th. day

t the costs
ainst the

ed.

nk Stock.
r that he
xecutor of the
at as such
five shares
ood, Ohio,
said decedent,
at $50.00 per

thed non
appraisement,

to settle
st intrest
and at

e directing
at such

12179 The State of Ohio, Union County, ss.

Fred Reeley being duly sworn says that the facts stated and the allegations made and contained in the foregoing application are true as he believes.

Fred Reeley.

Sworn to before me and signed in my presence this 4th. day of November, 1937.

Seal Milo L. Myers - Notary Public.

Filed Nov. 6- 1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of Frank Reeley, Deceased.
Case No. 12178.
Waiver.

Now comes Della Reeley, the surviving spouse of Frank Reeley, deceased, and hereby waives notice of the within application and consents to the private sale of the said five shares of bank stock as represented by Certificate No. 122 of the Richwood Banking Company in favor of the decedent.

Della Reeley.

Filed Nov. 6- 1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of Frank Reeley, Deceased.
Case No. 12179.
Journal Entry.

This day this cause came on to be heard on the application of Fred Reley as Executor of the estate of Frank Reeley, deceased, to sell five shares of bank stock of the Richwood Banking Company, being Certificate No. 122 in the name of the said decedent and upon consideration thereof the court is satisfied and so finds that it is for the best interest of said estate to sell at private sale the said bank stock and described in said application.

Therefore, it is ordered by the said Fred Reley as such Executor sell said bank stock at private sale for the sum of $50.00 per share or $250.00, and for cash and that upon the sale thereof he make due return of the proceedings to this court.

L. W. Hazen - Judge.

Filed Nov. 13- 1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of Frank Reeley, Deceased.
Case No. 12179.
Report of Sale.

Now comes Fred Reley, Executor of the estate of Frank Reley, deceased, and respectfully represents that pursuant to the Order of sale heretofore made in this case, he has sold at private sale the property specified in said order to-wit, being five shares of stock in the Richwood Banking Company of Richwood, Ohio, to Della Reley, for the sum of $250.00, for cash, the said price being the appraised value thereof, and as fixed by the court.

Fred Reley, Exec.

THE COL. B. B. MFG. CO. 74930

12179. The State of Ohio, Union County, ss.

Fred Reeley being duly sworn says that the said sale was made after (diligent) effort and the price obtained was the best price obtainable for said property, and that he as an individual is not directly or indirectly interested in the purchase of said stock.

Fred Reeley - Exc.

Sworn to before me and signed in my presence by the said Fred Reeley this 13 day of November, 1937.

Milo L. Myers - Notary Public.

13452 Filed Sept. 9- 1937.

Administrator's Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Eliza Lauck, Deceased,

Plaintiff,

-vs-

Walter Lauck, Jefferson Lauck, John Lauck, Julia Estep, Josephine Morgan, Lillie Hayler, Fred Lauck, & H. E. Stricker,

Defendants.

Case No. 13452.

Administrator's Petition to Sell Real Estate.

Filed Sept. 9- 1937.

The plaintiff represents that he is the duly appointed and qualified Administrator of the estate of Elisa Lauck, and was appointed such on the 30th. day of August, 1937.

That the said deceased, Elisa Lauck, died owning an undivided interest and fee simple in the following described real estate:

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

Be-Lot Number Two Hundred Seventy-eight (278) in S. C. Lee's Addition to Marysville, Ohio, said lot having been originally numbered Two Hundred Sixty-one (261). For further particulars reference is hereby made to the recorded plat, Marysville, Ohio.

That the said real estate is worth $300.00, and on the 17th. day of November 1936 the said deceased, Elisa Lauck, had encumbered the within described real estate to H. E. Stricker of Marysville, Ohio, in the sum of $150.00 with 6% interest which is still due and owing, and is unpaid.

That the sale of the said real estate is necessary for the reason that the said real estate is suffering an avoidable waste, and that other than the within described mortgage, there are other debts of the estate that are unpaid and that a sale of the within described real estate is necessary for the payment of the just debts that the deceased incurred in her lifetime.

13452

The plaintiff, therefore, prays that the above named parties be made defendants to this petition and that by law the service of summons, appraisal and additional bond shall be waived, and that the plaintiff may be ordered to sell said real estate for the reasons and purposes hereinbefore proposed, and for other proper relief.

Arthur W. Galloway - Administrator.

State of Ohio, Union County, ss.

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Eliza Rouck, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 9th. day of September, 1937.

Seal Clifton L. Caryl.

Filed Sept. 9- 1937.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Eliza Rouck, Deceased,

Plaintiff,

-vs-

Walter Rouck, Jefferson Rouck, John Rouck, Julia Estep, Josephine Morgan, Lillie Fowler, Fred Rouck & H. E. Stricker,

Defendants.

Case No. 13453.
Petition for Summary Sale of Real Estate.

The plaintiff represents that he is the duly appointed, qualified and acting Administrator of the estate of Eliza Rouck, deceased.

The amount of the valid debts against said estate is $954.05 and the cost of administering said estate will amount to $25.00.

The said Eliza Rouck did owning an undivided interest in fee simple in the following described real estate:

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

Lot Number Two Hundred Seventy-eight (278) in S. C. Lee's Addition to Marysville, Ohio, said lot having been originally numbered Two Hundred Sixty-one (261). For further particular reference is here made to the recorded plat, Marysville, Ohio.

The said real estate is encumbered with a mortgage in the sum of $100.00, with 6% interest from the 17th. day of November, 1936, the said mortgage is held by H. E. Stricker.

THE COL. B. B. MFG. CO. 74930

13452

The plaintiff represents that it is necessary to sell the above described real estate in order to pay the debts against the said estate, and the plaintiff further requests that a summary order of sale issue, without issuing summons to interested parties.

Wherefore, the plaintiff prays that the said real estate may be sold by summary order, according to the statute in such cases made and provided, and for such other relief as is proper in the premises.

Arthur W. Galloway - Administrator.

State of Ohio, Union County, ss.

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Eliza Lauck, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 9th. day of September, 1937.

Seal Clifton R. Caryl.

Filed Sept. 9 - 1937.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Eliza Lauck, Deceased, Plaintiff,

-vs-

Walter Lauck, Jefferson Lauck, John Lauck, Julia Estep, Josephine Morgan, Lillie Fowler, Fred Lauck, & H. E. Stricker, Defendants.

Case No. 13452. Summary Order.

On the ninth day of September, 1937, this cause came on to be heard, and this Court being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Eliza Lauck, deceased, to pay the debts of such decedent; and that the value of such real estate is less than $500.00.

It is therefor ordered and decreed that the said Arthur W. Galloway, administrator of the estate of Eliza Lauck, deceased, be, and he hereby is authorized to sell and convey the real estate described in the plaintiff's petition on the following terms and conditions: by private sale to the highest bidder for cash.

L. W. Hazen - Probate Judge.

13369 Filed Apr. 2 - 1937. Porter & Porter, Attorneys.

13369
Filed
Apr. 3 - 1937.
Porter & Porter,
Attorneys.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Oscar H. Reed, Administrator of the Estate of Mary Meyers, deceased, Plaintiff,
vs.
Noah Friend, Defendant.

No. 13369
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Mary Meyers, deceased, late of this County; & as near as can be ascertained the amount of the valid debts against said deceased is Seven Hundred Dollars.

And the costs of administering the estate will be about Two Hundred and Fifty Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at Twenty Five 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 the village of Unionville Center, Ohio, bounded and described as follows:

All of Lot No. 68 in what is known as the Dockmeyer Addition to the village of Unionville Center, Ohio, the same being fifty seven feet front on Railroad Street by twelve poles deep.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Four Hundred Forty-Two Dollars.

No encumbrance.

The defendant, Noah Friend is the only heir or person 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; 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.
Attorney for the Plaintiff.

THE COL. B. B. MFG. CO. 74930

13369

The State of Ohio, Union County.

Oscar H. Reed, 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.

Oscar H. Reed.

Sworn to before me and signed in my presence by the said Oscar H. Reed, at Marysville, Ohio, this 9 day of March, 1937.

Seal William J. Porter.

Filed
Aug. 9- 1937.

Affidavit for Service.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Mary Myers, Deceased. | Case No. 13369. Affidavit for Service.

State of Ohio, County of Union, ss.

Oscar Reed being first duly sworn, says he is the plaintiff in this action, that the defendant, Alva Friend is a resident of Zion City in the State of Illinois and not a resident of the State of Ohio; that service of summons cannot be made on defendant in the State of Ohio that this action is for the sale of real estate to pay debts and comes within the provisions of the General Code Section 11292 of the laws of Ohio; wherein service of publication can be made on said defendant.

Oscar Reed.

Sworn to before me and signed in my presence this 9th. day of August, 1937.

Seal John C. Hartshorn - Notary Public. Union County, Ohio.

Filed
Oct. 14-1937.

Legal Notice.

Alva Friend, who resides at Zion City, Illinois, will take notice that the plaintiff has filed his petition against her in the Probate Court of Union County, Ohio, the same being No. 13369 in said Court for the sale of certain real estate in said petition described, to-wit:

Situated in the County of Union, in the State of Ohio, and in the Village of Unionville Center, and described as follows:

All of In- Lot No. 68 Number Sixty-eight in what is known as the Dockum Addition to the Village of Unionville Center, Ohio, the same being fifty-seven feet front on Railroad Street by twelve poles deep.

The prayer of said petition is for the sale of real estate to pay debts and for equitable relief. Said Defendant is required to answer said petition on the 25th. day of September, 1937.

Oscar Reed.
By- Porter & Porter.

13369

The

oath
publ
10,
circ

dan

Filed
Oct. 18- 1937.

Osc

of

dec

abo

pla
ced
in
req

Filed
Oct. 18- 1937.

Bo
of

ab

the
it
al
sa

13369

The State of Ohio, Union County, ss.

Personally appeared before me Gertrude Staley and made solemn oath, that the notice, a copy of which is herto attached was published for six consecutive weeks on and next after August 10, 1937, in the Daily Marysville Tribune, a newspaper of genral circulation in the county aforesaid.

Gertrude Staley.

Sworn to before me and signed in my presence this 14th. day of October, A. D. 1937.

Seal J. M. Huber - Notary Public.

Printer's Fees, $10.60.

Filed Oct. 18 - 1937.

Journal Entry - Dispensing with a New Appraisement & Ordering Bond.

Probate Court, Union County, Ohio.

Oscar H. Reed as Administrator of the estate of Mary Meyers deceased, Plaintiff, -vs- Abrah Friend, Defendant.

October 18 - 1937. 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 the estate, 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 Four Hundred and Forty-Two 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 Mary Meyers, in the amount of One Hundred Dollars is insufficient and is ordered that he file an additional bond with sufficient surety to be approved by this Court in the sum of Thirteen Hundred Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Oct. 18 - 1937.

Journal Entry - Confirming Appraisement & Ordering Additional Bond.

Probate Court, Union County, Ohio.

Oscar H. Reed as Administrator of the estate of Mary Meyers, Plaintiff, -vs- Abrah Friend, Defendant.

October 18 - 1937. 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.

THE COL. B. D. MFG. CO. 74930

13369

It is further ordred that said Oscar H. Reed, epcute within one day to the State of Ohio a bond with sufficient sureties, to be approved by the Court in the sum of Thirteen Hundred Dollars, conditioned according to law.

L. W. Hazen- Probate judge.

Filed Oct. 18- 1937.

Bond of Administrator.

Know all Men by these Presents; That we Oscar Reed and United States Fidelity & Guaranty Company of Baltimore, Maryland, are held and firmly bound unto the State of Ohio, in the penal sum of Thirteen 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 Marysville, Ohio, this 18 day of October a.D. 1937.

The condition of the above obligation is such, That whereas, the above bound Oscar Reed was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Mary Meyers, Deceased.

And whereas, the said Oscar Reed, as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Mary Meyers described in said petition;

And whereas said Court, on the 18 day of October 1937, made an order requiring said Administrator to epcute a bond according to the statute in such cases made and provided.

Now, if the said Oscar Reed, 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.

Oscar H. Reed

Seal

United States Fidelity & Guaranty Co.

By- Russell S. Barkes- Attorney-in-fact.

This Bond approved in open Court, this 18 day of October, 1937.

Seal

L. W. Hazen- Probate judge.

Filed Oct. 18-1937.

Journal Entry - Approving Additional Bond & Ordering Private Sale.

Probate Court, Union County, Ohio.

Oscar H. Reed, as Administrator of the Estate of Mary Meyers, deceased, Plaintiff,

-vs-

Alvah Friend, Defendant.

October 18- 1937.

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 Dollars, with approved sureties, conditioned according to law, the said bond is hereby approved.

13369

it
real
is
sell
law
follo
Au

Filed Oct. 18- 1937.

The
No
with
cau
dece
you
Pro
two
pre
au
Ad
Pro
to
here
of
Ea

13869

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 Oscar H. Reed 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.

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

L. W. Hazen - Probate judge.

Filed Oct. 18- 1937.

Order of Private Sale.

Probate Court.

The State of Ohio, Union County.

To Oscar H. Reed, 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 Mary Meyers deceased are Plaintiff and Alvah Hyland et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Four Hundred and Forty-two Dollars the appraised value thereof, the following described premises, to-wit:

Situated in the village of Unionville Center, Ohio, bounded and described as follows:

All of Lot No. 68 in what is known as the Dockum Addition to the village of Unionville Center, Ohio, the same being fifty seven feet front on Railroad Street by twelve deep.

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 18 day of Oct. 1937.

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 18 day of October, 1937.

Oscar H. Reed.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 18 day of October 1937, offer said property, at private sale, I did Walter Brown and Virginia Brown, his wife, having offered therefor the sum of Six Hundred and Fifty Dollars ($650.00) and the same being not less than the appraised value of said

THE COL. B. B. MFG. CO. 74930

13369

property, I sold the same to said Walter Brown and Virginia Brown, his wife for that sum.

Oscar H. Reed

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Oscar Reed, 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.

Oscar H. Reed.

Subscribed in my presence and sworn to before me, this 18 day of October, 1937.

William J. Porter - Notary Public.

Application to Sell Real Estate at Private Sale.

Filed Oct. 18 - 1937.

Probate Court, Union County, Ohio.

Oscar H. Reed, Administrator of the estate of Mary Meyers, deceased, Plaintiff, -vs- Alvah Trimd, Defendant. | No. 13369. Application.

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

That more money can be obtaind at private sale than at a public sale.

That it would be less expensive to have the property sold by private sale than by public sale.

That said Administrator has been offered more than the appraised value of the property.

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

Oscar H. Reed - Administrator of the estate of Mary Meyers, deceased.

The State of Ohio, Union County.

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

Oscar H. Reed.

Sworn to before me and signed in my presence this 18 day of October, A. D. 1937.

Seal

L. W. Hazen - Probate Judge.

13369

Filed Oct. 18 - 1937.

and Virginia

private sale
reported above,
the best
reported is

efore me, this

y- Notary Public.
te Safe.
hio.

he for the
estate de-
sale, for the

ale than at

property sold

more than

thorizing him
Administrator
ary Meyers, deceased,

that the various
are true

ce this 18

bate Judge.

13869

Affidavit of Disinterested Person.

The State of Ohio, } Union County.

H. S. Roosa, Robert Ackerman and Harold J. Colemans, 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.

H. S. Roosa.
R. Ackerman.
Harold J. Colman.

Sworn to before me and signed in my presence this 18 day of October, 1937.

L. W. Hazen- Probate Judge.

Filed Oct. 18-1937

Journal Entry - Confirming Sale, Ordering Deed & Distribution.

Probate Court, Union County, Ohio.

Oscar H. Reed as Administrator of the estate of Mary Myers, deceased,	Plaintiff,	October 18- 1937. Confirming Sale, Ordering Deed and Distribution.
-vs-		
Alvah Friend,	Defendant.	

This day this cause came on to be heard on the report of Oscar H. Reed, Administrator of the estate of Mary Myers, 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 Oscar H. Reed in said real estate, to the purchaser, Walter Brown and Virginia Brown, his wife upon the said purchaser executing to said Administrator, Cash.

And upon 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 Six Hundred and Fifty Dollars.

It is further ordered that said Oscar H. Reed out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $75.00 to Porter and Porter for services performed for the fiduciary in connection with the sale, and the sum of $40.00 to the fiduciary for his services in connection with the sale, which costs, expenses, fee and compensation shall be paid prior to any liens upon

THE COL. B. B. MFG. CO. 74930

13369

the real estate sold and notwithstanding the purchase 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 estated 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 applid 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.

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 $ —, out of the proceeds of said sale, within ten days.

L. W. Hazen- Probate Judge.

13376
Filed
Apr. 15-1937
Robert T. Allen
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Lewis B. McKean, Administrator of the Estate of Adell McKean, Deceased,
Plaintiff,

vs.

Lewis B. McKean,
Ruth McKean, a Minor under 14 years,
Eugene McKean, a Minor under 14 years,
The Home Owners' Loan Corporation,
Defendants.

Case No. 13376.
Petition of Administrator to Sell Real Estate.

The Plaintiff is the duly appointed, qualified and acting Administrator of the Estate of Adell McKean, Deceased, who was a resident of Marion County, Ohio, at the time of her death, he having been appointed as such administrator in the Probate Court of Marion County, Ohio.

The Plaintiff further says The Home Owners' Loan Corporation is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio with its principal office and place of business in the State of Ohio located at Columbus, Ohio.

13376

against
Defe
the
and
Eug
with

of
lea
sou
and

sou
Sta

of

the
at

The

13376

As near as can be ascertained, the amount of valid debts against said deceased is One Thousand Five Hundred Thirty Seven and 95/100 Dollars ($1,537.95).

An allowance of Five Hundred Dollars ($500) was made by the appraisers of the above estate to the widower, Jesse B. McKeay, and the children of Adell McKeay, deceased, Ruth McKeay and Eugene McKeay, and the costs of administering the estate will be about One Hundred Dollars ($100).

The total value of personal property was fixed by the appraisers of said estate, at One Thousand Five Hundred Dollars ($1,500), 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 and State of Ohio and further described, as follows, to-wit:

Being the undivided one half interest of the following tracts of land, to-wit:

Tract I.

Situated in the Village of Plaisburg, County of Union, State of Ohio.

Being lot No. 1 in the said Village of Plaisburg.

Beginning at the north west corner of said lot and in the north-east corner of the crossing of the Marysville and Marion road with the Bellefontaine and Delaware road, running with the said Marysville and Marion road four poles to the corner of said lot; thence easterly eight poles to the south-east corner of said lot; thence northerly four poles to the said Bellefontaine and Delaware road; thence westerly with said road to the place of beginning.

Tract II.

Situated in the Village of Plainsburg, County of Union, State of Ohio.

Being a part of Lot No. 2 in said Village of Plainsburg.

Beginning at the north west corner of said lot; thence easterly along the north line there of to the north east corner of said lot No. 2; thence south along the east line there of 49½ feet to the south-east corner there of; thence westerly and parallel with the north line there of to the west line of said lot No. 2. Thence northerly along the west line of said lot No. 2 to the place of beginning.

Being 49½ feet off of the north side of said lot No. 2.

Said real estate was included in the inventory of the estate, pursuant to the order of the court and appraised at Eight Hundred Fifty Dollars ($850.).

Said real estate is subject to a mortgage held by The Home Owners Loan Corporation with a balance of

chase of such

, and as-
tate and to
ust the ward.
tive priorities
on the
the sale or
sale; which
ent, or on

pplied as follows:
ay legacies,
estate of the

the estate,

as appointed
proceeds of sale
posed of accord-

ner and upon
e appointed.
recorded, and
d at $ —,
ays.
Probate Judge.

———
———

.

ministrator to
e.

and acting
deceased, who
e of her death,
in the

Loan Corporation
nder and by
principal office
at Columbus, Ohio.

THE COL. B. B. MFG. CO. 74930

13376

approximately One Thousand Sixty Seven and 95/100 Dollars ($1,067.95) on the whole of Tract I and II above described, the one-half of which sum the estate of Adell McLean, deceased is obligated to pay.

The decedent died leaving the Defendant, Lewis B. McLean as her widower, and Ruth McLean, a Minor under the age of 14 years, and Eugene McLean, a Minor under the age of 14 years, who are all the heirs or persons entitled to the right estate of inheritance from the decedent in such real estate, or having an interest therein.

Wherefore, the Plaintiff prays that said real estate be sold free from all the right of dower of said Lewis B. McLean therein; that the interests 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 further relief to which he may be entitled.

Robert F. Allen
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Robert F. Allen, being first duly sworn according to law, deposes and says that he is the Attorney for Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased; that as such he is duly authorized and empowered to make this oath; and that the facts stated and the allegations contained in the foregoing Petition are within his personal knowledge and true as he verily believes.

Robert F. Allen.

Sworn to before me and subscribed in my presence this 15 day of April, A. D., 1937.

Virginia Van Winkle - Notary Public.

(Fee claimed 80¢)

Filed
Apr. 15-1937.

Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased,
Plaintiff,
-vs-
Lewis B. McLean, et al.,
Defendants.

Case No. 13376
Entry of Appearance and Consent to Sell.

Lewis B. McLean, the undersigned party Defendant in the above entitled action, being a competent adult person, hereby waives the issuance and service of summons upon him and voluntarily enters his appearance as such Defendant, and consents to the sale of the real estate therein described in the Petition as therein prayed for.

Lewis B. McLean.

13376
Filed
Apr. 15-1937.

Lewis

the

Lewis

Eugen

Adell

indem

Court

appra

descr

Filed
Apr. 15-1937.

Lewis

the

Lewis

for

and

are

the

is

Stat

powe

Adel

and

and

are

belie

15

(Fee

13376
Filed
Apr. 15-1937.

Entry of Appearance and Consent to Sell.
In the Probate Court of Union County, Ohio.

Zenis B. Mc Lean, Administrator of the Estate of Adell Mc Lean, Deceased,
Plaintiff,
-vs-
Zenis B. Mc Lean, et al.,
Defendants.

Case No. 13376.
Entry of Appearance and Consent to Sell.

Zenis B. Mc Lean, the Father, Custodian and Natural Guardian of Ruth Mc Lean, a Minor under the age of 14 years and Eugene Mc Lean, a Minor under the age of 14 years, parties Defendants in the above entitled action, hereby waives the issuing and service of summons upon him as such Father, Custodian and Natural Guardian, and voluntarily enters his appearance as such, and consents to the sale of the real estate described in the Petition as therein prayed for.

Zenis B. Mc Lean - Father - Custodian and Natural Guardian of Ruth Mc Lean and Eugene Mc Lean.

Filed
Apr. 15-1937.

Application for Guardian Ad Litem.
In the Probate Court of Union County, Ohio.

Zenis B. Mc Lean, Administrator of the Estate of Adell Mc Lean, Deceased,
Plaintiff,
-vs-
Zenis B. Mc Lean, et al.,
Defendants.

Case No. 13376.
Application for Guardian Ad Litem.

Now comes Zenis B. Mc Lean, Administrator of the Estate of Adell Mc Lean, Deceased, the Plaintiff herein and makes application for the appointment of a Guardian Ad Litem for Ruth Mc Lean and Eugene Mc Lean, two of the Defendants herein, the first an infant of the age of 11 years, the second an infant of the age of 13 years, and suggests that Richard C. Thrall who is a suitable person be appointed as such Guardian.

Robert N. Allen.
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Robert N. Allen, being first duly sworn according to law, deposes and says that he is the Attorney for Zenis B. Mc Lean, Administrator of the Estate of Adell Mc Lean, Deceased; that as such he is duly authorized and empowered to make this oath; and that the facts stated and the allegations contained are within his personal knowledge and true as he verily believes.

Robert N. Allen.

Sworn to before me and subscribed in my presence this 15 day of April, A. D., 1937.

Virginia Dan Winkle - Notary Public.

(Fee claimed 80¢)

THE COL. B. B. MFG. CO. 74930

13376

Entry Appointing Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, Plaintiff,

-vs-

Lewis B. McLean, et al., Defendants.

Case No. 13376.
Entry Appointing Guardian ad Litem.

On the application of Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, the Plaintiff herein it appearing that Ruth McLean and Eugene McLean, two of the Defendantes herein are minors of the ages of 11 years and 13 years respectively.

It is ordered that Richard C. Thrall be and he is hereby appointed Guardian Ad Litem of said minors.

L. W. Hazen - Judge.

Answer of Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, Plaintiff,

-vs-

Lewis B. McLean, et al., Defendants.

Case No. 13376.
Answer of Guardian Ad Litem.

Now comes Richard C. Thrall, duly appointed by the Court as Guardian Ad Litem for Ruth McLean and Eugene McLean the minor children of Adell McLean, deceased, and for Answer to the Petition of said Plaintiff, says that he has not by reason of the tender ages 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 is just, and the interest of said Defendants is required.

Richard C. Thrall.
Guardian Ad Litem.

State of Ohio, County of Union, ss:

Richard C. Thrall, being duly sworn, says that he is the duly appointed, qualified and acting Guardian Ad Litem of Ruth McLean and Eugene McLean, two of the Defendants herein; and as such is duly authorized and empowered to make this oath; and that the facts in this his Answer are true as he verily believes.

Richard C. Thrall.

Sworn to before me and subscribed in my presence this — day of April, A. D., 1937.

L. W. Hazen.

Fees

13376
Filed
Apr. 16-1937.

Filed
Apr. 26-1937.

13376
Filed
Apr. 16-1937.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Jennie B. McLean, Administratrix of the Estate of Adell McLean, Deceased, Plaintiff,

-vs-

Jennie B. McLean, et al., Defendants.

Case No. 13376.
Entry Ordering Appraisement.

This matter coming on to be heard upon the Petition and evidence, the court finds all the Defendants herein have voluntarily 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 Charles Travel, Robert Allen and S. M. Havaid, three judicious and disinterested persons of this vicinity, not 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 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 —— day of April 1937.

L. W. Hazen - Judge.

Filed
Apr. 26-1937.

Answer of Jennie B. McLean.

Now comes the Defendant, Jennie B. McLean, for his answer herein and voluntarily enters his appearance herein.

The Defendant, Jennie B. McLean, further answering says he is the owner of the other undivided one-half interest in the real estate described in the Petition of the Plaintiff and that he believes it to the best interest of all persons concerned for the entire interests in the property to be sold rather than only the undivided one-half interest belonging to the estate of Adell McLean, deceased.

The Defendant, Jennie B. McLean, further answering says that he hereby consents to the sale of the entire interest in the property including his undivided one-half interest therein, subject however that he shall receive not less than a purchase price of Seven Hundred Fifty ($750) Dollars for his undivided one-half interest and in any event one-half of the net proceeds of the sale thereof.

Robert M. Allen.
Attorney for Jennie B. McLean.

THE COL. B. B. MFG. CO. 74930

13376

State of Ohio, Union County, ss:
Lewis B. McLean, being first duly sworn deposes and says that the facts stated and the allegations contained in this his Answer are true as he verily believes.
Lewis B. McLean.
Sworn to before me and subscribed in my presence this 15 day of April / 1937.
Virginia Van Winkle - Notary Public.
(Fee claimed 80¢).

Filed
Apr. 26 - 1937.

Order and Report of Appraisers.
In the Probate Court of Union County, Ohio.
Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, Plaintiff,
vs.
Lewis B. McLean, et al., Defendants.
Case No. 13376.
Order and Report of Appraisers.

The Probate Court of this County.
To Charles Planck, Robert Allen and S. M. Howard, the court reposing confidence in your judgment on the — day of April 1937, it is certain to sell real estate now pending in said court wherein Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased is the Plaintiff and Lewis B. McLean et al. are Defendants, appointed you appraisers of the following described real estate:
Situated in the County of Union and State of Ohio and further described as follows, to-wit:
Being the undivided one-half interest of the following tracts of land, to-wit:
Tract I.
Situated in the Village of Plainsburg, County of Union, State of Ohio.
Being lot No. 1 in the said Village of Plainsburg.
Beginning at the north west corner of said lot and in north-east corner of the crossing of the Marysville and Marion road with the Bellefontaine and Delaware road, running with the said Marysville and Marion road four poles to the corner of said lot; thence easterly eight poles to the south-east corner of said lot; thence northerly four poles to the said Bellefontaine and Delaware road; thence westerly with said road to the place of beginning.
Tract II.
Situated in the Village of Plainsburg, County of Union, State of Ohio.
Being a part of Lot No. 2 in said Village of Plainsburg.
Beginning at the north west corner of said lot; thence easterly along the north line thereof to the northeast corner of said lot No. 2; thence south along the east line thereof 49½ feet to the south-east corner thereof; thence westerly and parallel with the north line thereof to the west line of said Lot No. 2 to the place of beginning.

Filed
Apr. 26 - 1937.

13376

Ent

13376

Being 49½ feet off of the north side of said Lot No. 2.

You are therefore ordered by said court that without unnecessary delay and on oath to proceed and appraise said real estate upon actual view at its fair cash value and to make report of the proceedings to this court and bring this order with you.

Witness my hand and official seal at Marysville, Ohio, this 15 day of April 1937.

Seal L. W. Hazen - Probate Judge.

Oath of Appraisers.

State of Ohio, County of Union, ss:

On the 16 day of April 1937 before me personally appeared Charles Travel, Robert Allen and G. M. Howard, the within named and made oath that they did 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.

Seal Robert T. Allen - Notary Public.

(Fee claimed 80¢).

Report of Appraisers.

We do appraise the within described real estate on our oath aforesaid, after having actually viewed the same at $ 1500.00 Dollars.

Witnesseth our hand this 16 day of April 1937.

Charles G. Travel.
Robert Allen.
G. M. Howard.

Filed Apr. 26 - 1937.

Entry Confirming Appraisement and Ordering Additional Bond.

In the Probate Court of Union County, Ohio.

Jennie B. McKean, Administrator of the Estate of Adell McKean, Deceased, Plaintiff,

vs.

Jennie B. McKean, et al., Defendants.

Case No. 13376.
Entry 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 legal and correct it is ordered that the same be and it is hereby approved and confirmed.

It is further ordered that said Jennie B. McKean, Administrator of the Estate of Adell McKean, Deceased, execute within 10 days to the State of Ohio a bond with sufficient sureties to be approved by the court in the sum of Seven Hundred Fifty ($750) Dollars, conditioned according to law.

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 74930

13376
Filed
Apr. 26 - 1937.

Bond.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased,
Plaintiff,
-vs-
Lewis B. McLean, et al,
Defendants.

Case No. 13376.
Bond.

That we, Lewis B. McLean, principal and The Fidelity and Deposit Company of Maryland as surety are firmly bound to the State of Ohio, in the penal sum of Seven Hundred Fifty ($750) Dollars to the payment of which we do firmly 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, wherein Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, is Plaintiff and Lewis B. McLean, et al., are Defendants, the said Administrator has been ordered by said Court to sell certain real estate of said decedent to pay debts.

Now if the said Lewis B. McLean as Administrator as aforesaid, shall faithfully discharge his duties in the premises and fully account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

In presence of
Robert R. Allen
Virginia Van Winkle

Lewis B. McLean Administrator of the Estate of Adell McLean, Deceased.
Fidelity and Deposit Company of Maryland - Sturgis H. Kenney.

Filed
Apr. 26 - 1937.

Entry Approving Bond and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased,
Plaintiff,
-vs-
Lewis B. McLean, et al.,
Defendants.

Case No. 13376.
Entry Approving Bond and Ordering Private Sale.

It further appearing to the court that the plaintiff has given additional bond in the sum of Seven Hundred Fifty ($750) Dollars, with approved sureties, conditioned according to law the said bond is hereby approved.

It further appearing to the court that Lewis B. McLean has filed an answer herein reciting that he is the owner of the other undivided one-half interest in the real estate described in the petition herein and believes it to be to the best interest of all persons concerned for the entire interest in the property to be sold rather than only the undivided one-half interest belonging to the estate of Adell McLean, deceased and in which answer the said Lewis B. McLean consents to the sale of the undivided one-half interest in said

13376
Filed
May 22 - 1937.

real
Dolla
the u
a wh
Lewis
proce
Relova
one-
sale
cash
Lewis
Decea
proce
expen
Aus
Lewis
the
Lewis
Ruth
Expe
The
defen
the
answ
or
in
petit
herei
by a
Plain
1937,
Mc L
to t
writ

13376 real estate for not less than the sum of Seven Hundred Fifty ($750) Dollars.

The court therefore finds that Jennie B. McLean is the owner of the undivided one-half interest and that the same should be sold as a whole including both the interest of Adell McLean, deceased, and Jennie B. McLean.

It is now ordered that Jennie B. McLean as such Administrator proceed to sell both the undivided one-half interest of said real estate belonging to the estate of Adell McLean, deceased, and the undivided one-half interest belonging to Jennie B. McLean, as a whole at private sale for not less than the sum of Fifteen Hundred ($1500.) Dollars, cash, upon the delivery of a deed, and that Jennie B. McLean and Jennie B. McLean, Administrator of the Estate of Adell McLean, Deceased, shall receive their respective share or shares of the proceeds of the sale after payment has been made of the costs and expenses of sale.

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

L. W. Hazen - Judge.

Filed May 22-1937.

Answer and Cross-Petition of Home Owners' Loan Corporation, Mortgagee.

In the Probate Court of Union County, Ohio.

Jennie B. McLean, Administrator of the Estate of Adell McLean, Deceased, Plaintiff,

-vs-

Jennie B. McLean, Ruth McLean, a Minor under 14 years, Eugene McLean, a Minor under 14 years, The Home Owners' Loan Corporation, Defendants.

Answer and Cross-Petition of Home Owners' Loan Corporation, Mortgagee.

Answer.

Now comes the Home Owners' Loan Corporation, one of the defendants herein, and admits that the land described in the petition is subject to a mortgage held by this defendant. Further answering, this defendant, for lack of knowledge of the truth or falsity thereof, denies each and every allegation contained in the petition herein.

Cross-Petition.

First Cause of Action.

This defendant for its first cause of action upon its cross-petition states and alleges as follows;

This defendant says that it is, and was, at all times herein mentioned, a corporation duly organized and existing by and under the authority of Acts of the Congress of the United States.

This defendant further says that on the 8th. day of December, 1934, the said Jennie B. McLean together with the said Adell McLean, then living but now deceased, did make and deliver to this defendant a certain promissory note of said date in writing, and did thereby promise to pay to the order of this

THE COL. B. B. MFG. CO. 74930

13376

defendant the sum of Four Thousand One Hundred and Eight and 15/100 ($4108.15) Dollars in certain monthly installments until the debt due this defendant was paid in full. A copy of said note is hereto attached, marked "Defendant's Exhibit A" and made a part hereof.

This defendant further says that there are no endorsements on said note and that no payments have been made upon said note as shown by the Statement of Account hereto attached, marked "Defendant's Exhibit B" and made a part hereof, and that there is now due and payable upon said promissory note the sum of One Thousand Sixty-four and 49/100 ($1064.49) Dollars together with interest at 6% per annum from the 25th. day of May, 1937.

Second Cause of Action.

This defendant for its second cause of action hereby refers to, incorporates, and adopts each and all of the statements and allegations contained in its first cause of action as fully and completely as if the same were rewritten herein and further states and alleges as follows:

This defendant says that to secure the performance of the terms and conditions of said promissory note, the said Louis B. McLean, together with the said Adell McLean, then living but now deceased, by a certain mortgage deed of even date with said promissory note and duly executed and delivered to this defendant, did convey to this defendant, the Home Owners' Loan Corporation, its successors and assigns forever the real estate described in the petition to have and to hold the same to it, the said Home Owners' Loan Corporation, its successors and assigns forever.

This defendant further says that it caused said mortgage to be deposited for record with the Recorder of Union County, Ohio, at his office, on the 16th. day of December, 1934, at 1:05 o'clock P.M., and that the same was thereupon duly recorded in Volume 105, Page 697, of the mortgage records of said county.

This defendant further says that said mortgage provides that if the grantors therein should pay all of said indebtedness and should fully keep and perform all covenants, undertakings, promises, and agreements by them to be kept and performed, and expressed in the mortgage or expressed in the principal note accompanying the same, then said mortgage should be released and cancelled. This defendant says that said covenants, undertakings, promises, and agreements have not been performed, wherely said mortgage has become absolute.

Wherefore, the defendant, The Home Owners' Loan Corporation, prays that said real estate may be sold and that its lien be declared to be the first, best and subsisting lien on said real estate, and out of the proceeds of said sale its claim be paid in full, and for such other and further relief in the premises as the Court deems just and proper.

13376

13876

Guyon Sanders - Attorney for Defendant
Home Owners' Loan Corporation.

State of Ohio, County of Union, ss:

Guyon Sanders being first duly sworn says that he is attorney of record for the defendant Home Owners' Loan Corporation; that said defendant is a corporation; and that all the statements and allegations contained in the foregoing answer and cross-petition are true as he verily believes.

Guyon Sanders.

Sworn to before me and subscribed in my presence this 20th. day of May, 1937.

William L. Hooper.
Notary Public, Union County, Ohio.

My Commission Expires: August 17- 1939.

"Defendants' Exhibit A."

$1108.15 Marysville, Ohio, December 8 - 1937.

For value received I, or we, promise to pay to the order of Home Owners' Loan Corporation, at its office in Washington, D. C., the sum of $1108.15, with interest at the rate of 5 per centum per annum on the unpaid balance, and said principal and interest shall be payable $10.00 monthly from date, to be applied first to interest on the unpaid balance and the remainder to principal until said debt is paid in full. Extra payments may be made at any time and interest will be charged only on the unpaid balance.

It is agreed that time is of the essence of this contract and that in the event of default in payment of any instalment for a period of ninety days the holder of this note may, at its option, declare all the remainder of said debt due and collectible, and any failure to exercise said option shall not constitute a waiver of the right to exercise the same at any other time. In the event of default in the making of any payments herein provided, and in the event the whole of said debt is declared to be due, interest shall accrue at the legal rate in the State where this note is executed and, in the absence of any legal rate, at the rate of 6 per centum per annum. In the event of default in payment of this note and if the same be collected by an attorney at law I, or we, agree to pay all costs of collection, including a reasonable attorney's fee.

I, or we, and each of us, whether principal, security, guarantor, endorser, or other party hereto, agree to be jointly and severally bound and I, or we, severally hereby waive any homestead or exemption rights as against this debt; and constitute Home Owners' Loan Corporation or the holder of this note as our attorney in fact in case of bankruptcy to claim any and all homestead or exemptions allowed by law, and do hereby severally transfer and assign

THE COL. B. B. MFG. CO. 74930

13376

to the holder of this note any and all homestead and exemption rights to which I/we, or either of us, may be entitled, and I, or we, hereby direct any trustee in bankruptcy to transfer to said attorney in fact any homestead or exemption rights and hereby authorize said attorney in fact to sell said homestead or exemption rights at public or private sale, with or without notice, and apply the proceeds to said sale first toward the payment of this note, and any balance to the party for whose benefit said homestead or exemption rights are set apart. I, or we, hereby waive the benefit of any valuation or appraisement laws of this State. I, or we, each further waive demand, protest, and notice of demand, protest, and non payment.

Given under the hand and seal of each party.

"Lewis B. McLean" (Seal)
Maysville, Ohio, R. R. D. #1.
"Adell McLean" (Seal)
Maysville, Ohio, R. R. D. #1.

Statement of Borrower's Account.
Home Owners' Loan Corporation.
Cincinnati Regional Office.
"Defendant's Exhibit B."

Name: Adell McLean Estate & Lewis B. McLean - Loan No. 33-8-B-7278
Address: 311 Maple Street, Marion, Ohio - Control 60801
R. R. D. 1, Maysville, Ohio. - County 180.
Date of Loan 12-8-34 Original Amount $1108.15
Monthly Installment Rate $10.00 First Installment Due 1-8-35.

Unpaid Installments	Total	Interest	Principal
Monthly Installments Billed to Date	293.01	130.99	162.02
Monthly Installments Paid to Date	179.38	109.29	70.09
Installments Due and Unpaid	113.63	21.70	91.93

Includes Advances

Total Obligation

Original Amount of Loan		$1108.15
Add - Advances for Insurance - Taxes - Repairs		$ 3.00
1-13-36 Insur. Adv.	3.00	$1111.15
Deduct - Payments applied to Principal		$ 70.09
		$1041.06
Add - Interest Due and Unpaid		$ 21.70
Last payment credited 12-12-36	20.00	$1062.76
Total Obligation now Due - 5-8-37		

Interest Accrues @ $.1446 per day from date.
Prepared By MTC-md.

Date 5-3-37.

This is to certify that the statement outlined hereon is a true and correct excerpt of this account as shown in the records of the Accounting Department of the Cincinnati Regional Office of the Home Owners' Loan Corporation, on this date.
$1065.07
Henry R. Martin - Deputy Regional Accountant.

13376
Filed
May 22-1937.

13376
Filed
May 22 - 1937.

Order Issued to Representative for Private Sale & Return.

In the Probate Court of Union County, Ohio.

Lewis McLean, Administrator of the Estate of Adell McLean, Deceased,
Plaintiff,
-vs-
Lewis B. McLean, et al.,
Defendants.

Lease No. 13376.
Order Issued to Representative for Private Sale and Return.

To Lewis B. McLean, Administrator of the Estate of Adell McLean, Greetings:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, is the Plaintiff and Lewis McLean et al. are Defendants it was ordered, adjudged and decreed that you proceed to sell the entire property described in the petition; that is, the undivided one-half interest belonging to the Estate of Adell McLean, Deceased, and the undivided one-half interest belonging to Lewis B. McLean, at private sale for a price not less than Fifteen Hundred ($1500.) 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 Probate Court and bring this order with you. The said real estate is described as follows, to-wit:

Situated in the County of Union and State of Ohio and further described as follows, to-wit:

Tract I.

Situated in the Village of Plain City, County of Union, State of Ohio.
Being Lot No. 1 in the said Village of Plain City.
Beginning at the north west corner of said lot and in the north-east corner of the crossing of the Marysville and Marion road with the Bellefontaine and Delaware road, running with the said Marysville and Marion road four poles to the corner of said lot; thence easterly eight poles to the south-east corner of said lot; thence northerly four poles to the said Bellefontaine and Delaware road; thence westerly with said road to the place of beginning.

Tract II.

Situated in the Village of Plain City, County of Union, State of Ohio.
Being a part of Lot No. 2 in said Village of Plain City.
Beginning at the north west corner of said lot; thence easterly along the north line thereof to the north east corner of said lot No. 2; thence south along the east line thereof 49½ feet to the south-east corner thereof; thence westerly and parallel with the north line thereof to the west line of said lot No. 2. Thence northerly along the west line of said Lot No. 2 to the place of beginning.
Being 49½ feet off of the north side of said Lot No. 2.

THE COL. & B. MFG. CO. 74930

13376

Witness my hand and the seal of said court at Marysville, Ohio, this 15 day of April 1937.

Ed L. W. Hazen - Probate judge.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 15th. day of April 1937, offer said property at private sale and H. P. Martin of Marysville, Ohio having offered therefore the sum of Fifteen Hundred ($1500) Dollars and the same being not less than the appraised value of said property, I sold the same to the said H. P. Martin for that sum.

Lewis B. McLean - Administrator of the Estate of Adell McLean, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Lewis B. McLean 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.

Lewis B. McLean.

Sworn to before me and subscribed in my presence this 15 day of April 1937.

Ed Virginia Van Winkle - Notary Public.

(Fee claimed 80¢)

Filed May 22 - 1937.

Entry Confirming Sale and Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Lewis B. McLean, Administrator of the Estate of Adell McLean, Deceased, Plaintiff,

-vs-

Lewis B. McLean, et al., Defendants.

Case No. 13376.

Entry Confirming Sale and Ordering Deed and Distribution.

This cause came on to be heard on the report of Lewis B. McLean, Administrator of the Estate of Adell McLean, deceased, of his proceedings under the former order of the 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 Adell McLean, deceased, in said real estate, and all the right, title and interest of Lewis B. McLean, as an individual, in said real estate, to the purchaser, H. P. Martin, upon the purchaser paying to him the sum of $1500.00 in cash.

13376

13384
Filed
Apr. 29-1937. Ed
Hooper & Saunders tp
Attorneys.

18376

And now this cause coming further to be heard upon the pleadings herein and upon the motion to distribute proceeds of said sale amounting to the sum of $1000.00.

The court finds there is due The Home Owners' Loan Corporation the sum of $1065.07 upon its mortgage against the premises in the petition, which was a valid and subsisting lien upon the premises and now upon the 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 and recorded 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, taxes, penalty and interest against said property, the sum of $17.42. Second, costs and expenses incurred in the sale of said property, the sum of $21.45. Third, to The Home Owners' Loan Corporation on a note and mortgage set forth and described in its Answer and Cross Petition herein, which the court finds to be the correct amount due, the sum of $1065.07. Fourth, to Louis B. McLean, as an individual for his undivided one-half interest in the real estate described in the Petition in conformity to his Answer and Cross Petition filed herein, representing the share of net proceeds of sale of said property $198.03.

It is further ordered that the balance of said proceeds amounting to $198.03 be accounted for by said Administrator according to law.

L. W. Hazen - Judge.

O. K.
Guyon Sanders - atty. for H. O. L. C.

13384
Filed
Apr. 29-1937.
Hooper & Sanders
Attorneys.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

No. 13384.
Petition.

Edith Schnee, Administratrix of the Estate of Otto G. Schnee, deceased, Plaintiff,

-vs-

LeRoy Schnee, a minor of the age of 19 years, and Matilda Schnee, his wife, a minor of the age of 17 years, Bernard Schnee, a minor of the age of 17 years, La Verne Schnee, a minor of the age of 15 years, Mary Schnee, a minor of the age of 13 years, Betty Schnee, a minor of the age of 11 years, Dorothy Schnee, a minor of the age of 8 years,

THE COL. B. B. MFG. CO. 74930

13384

Laurence Schmus, a minor of the age of 6 years, Edith Schmus, and The Prudential Insurance Company of America.

Defendants.

Plaintiff says that she is the duly appointed, qualified and acting administratrix of the estate of Otto G. Schmus, deceased, late of this County, by virtue of an order of the Probate Court of Union County, Ohio.

That as near as can be ascertained the amount of the valid debts against said estate are $20,025.00; that an allowance of $1000.00 has been made by the appraisers of the above estate to the widow and children for twelve months, and the costs of administering said estate will be about $300.00.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at $2570.00, and said appraisement has been approved and confirmed. Said personal property is wholly insufficient to pay the debts, allowance and costs as aforesaid.

Said decedent died seized in fee simple of the following described real estate:

Being an undivided one-half interest in real estate located in the Township of Taylor, County of Union and State of Ohio, to-wit:

A part of Surveys #5629 and #6493, bounded and described as follows:- to-wit: Beginning at a stone in the center of the Davis and Judy Road, Southwest corner of Peter Van Matta's land; thence with the West line of said land North 5 degrees West 222.24 poles to a stake, corner to J. Redmore's land; thence South 85 degrees West 86.40 poles to a stone; thence North 5 degrees 15 minutes West 32.64 poles to a stone; thence South 84 degrees 30 minutes West 61.40 poles to a stone, corner to Abraham Davis' land; thence with his line South 5 degrees 30 minutes East 111.56 poles to a stake; thence South 85 degrees West 81.72 poles to a stone in the center of the Marysville and Kenton Gravel Road; thence with said Road South 13 degrees East 143.60 poles to the center of the Davis and Judy Road; thence with the center of the same North 86 degrees East 159.40 poles to the beginning, containing 211.5 acres, more or less, excepting therefrom a tract occupied by the Methodist Episcopal Church for Church purposes, bounded and described as follows, to-wit: Bounded on the North, West and East sides by a 260-acre tract, owned by Cora M. Ballinger and the South line being in the center of the Whistler and Gray Road, said tract measuring as follows:- North side 6.06 poles; East side 6.72 poles; South side 6.30 poles; West side 6.66 poles, and containing .25 of an acre, leaving after said exception 211.25 acres more or less.

13384

13384

Also, part of Surveys #5629 and #6493, bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Road at a stone - witnessed by a red oak), bearing North 89 degrees East 38 links, at the Southwest corner of E. W. Segner's land; thence with two consecutive lines of said land North 35 degrees East 54.60 poles to a stone and North 5 degrees 30 minutes West 32.52 poles to a stone, a corner of George W. Arnold's land; thence with the South line of said land North 84 degrees 30 minutes East 37 poles to a stone; thence South 5 degrees 30 minutes East 111.56 poles to a stone in the South line of Lot #14 of the division of said Surveys #5629 and #6493; thence with the Sauth line of Lots #14 and #15, South 85 degrees West 80.68 poles to the center of the road; thence with the center of said road North 13 degrees West 80.50 poles to the beginning, containing 50 acres, more or less;

Also, part of Surveys #5629 and #6493 bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Stone Road, being the Northwest corner of 80 acres of land conveyed by Cora K. Ballinger and husband to Ernest and Cecil Wolford, December 27th, 1917.- witness, a stone North, 88 degrees East 20 feet- thence with the center of said road North 10 degrees West 53 poles to a stake in the center of said road and at the crossing of the Whaler and Davis Road and from which a stone, witness to the corner bears North 63½ degrees West 2.16 poles; thence with the center of said Whaler and Davis Road North 88 degrees East 156.60 poles to three buckeyes, Southeast corner of lands formerly belonging to Hugh McAdow; thence South 3 degrees 30 minutes East 52.70 poles to a stone at the Northeast corner of said Ernest and Cecil Wolford's land; thence with the Northerly line of said Wolford's land South 88 degrees West 152 poles to the place of beginning, containing 48.3 acres, more or less except therefrom a tract known as the Asbury Cemetery, bounded on the East, South and West sides by the last above described tract, and on the North by the Whaler and Green Road, said tract measuring on the North side 11.27 poles; on the East side 12.12 poles; on the South side 11.64 poles and on the West side 11.64 poles, containing .85 of an acre, more or less, leaving after said exception 47.45 acres, more or less; Containing in all, 308.90 acres, more or less, in Taylor Township, Union County, Ohio.

Being the same premises conveyed to The Prudential Insurance Company of America by deed dated March 23rd, 1932, and recorded in Book 144, Pages 301 and 302.

Said real estate was included in the inventory of the estate, pursuant to an order of this court and appraised at $19,500.00.

THE COL. P. B. MFG. CO. 74930

13384

The defendant, The Prudential Insurance Company of America, a corporation, is the owner and holder of a mortgage deed to said real estate executed by the said Otto G. Schmees and Edith Schmees, husband and wife, to secure the sum of $17,050.00 loaned by the said The Prudential Insurance Company of America to the said Otto G. Schmees and Edith Schmees.

The defendant died leaving the defendant, Edith Schmees, as his widow, who is 89 years of age, and the defendants, LeRoy Schmees, a minor 19 years old, Bernard Schmees, a minor 17 years old, LaVerne Schmees, a minor 15 years old, Mary Schmees, a minor 13 years old, Betty Schmees, a minor 11 years old, Dorothy Schmees, a minor 8 years old, and Laurence Schmees, a minor 6 years old, his children and only heirs at law and next of kin or persons entitled to the next estate of inheritance from the decedent in such real estate, and the only persons having any interest therein.

The defendant, Matilda Schmees, a minor of the age of 17 years, is the wife of the defendant, LeRoy Schmees, and the defendants, Bernard Schmees, LaVerne Schmees, Mary Schmees, Betty Schmees, Dorothy Schmees and Laurence Schmees, are unmarried.

Wherefore, plaintiff prays that said real estate be sold free from all the right, title, interest or dower of the said Edith Schmees; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; that your petitioner be ordered and authorized 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 deems just and proper.

Hooper & Sanders.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Edith Schmees, being first duly sworn, says that she is Administratrix of the Estate of Otto Schmees, deceased, and as such is the plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as she verily believes.

Edith Schmees.

Sworn to before me and subscribed in my presence this 28th. day of April, 1937.

Gwynn Sanders - Notary Public.

Precipe.

To the Clerk:

Issue summons in the above entitled cause, directed to the Sheriff of Union County for the following minor defendants: LeRoy Schmees, Matilda Schmees, Bernard Schmees, LaVerne Schmees, Mary Schmees, Betty Schmees,

13384

Filed
Apr. 29-1937.

13384 Dorothy Schmees and Lawrence Schmees. Instruct the Sheriff to also serve a summons on Edith Schmees, being the person with whom all of said minors reside. Make the same returnable according to law, and endorse said summons, "Action for the sale of real property."

Hoopes & Sanders,
Attorneys for Plaintiff.

Filed Apr. 29-1937.

Answer and Cross Petition

In the Probate Court,
of Union County, Ohio.

Edith Schmees, Administratrix of the Estate of Otto G. Schmees, deceased,

Plaintiff,

-vs-

Le Roy Schmees, et al.,

Defendants.

No. 13384.

Answer of Edith Schmees.

Now comes the defendant, Edith Schmees, and voluntarily enters her appearance herein and waives the issuing and service of summons and process, and for her answer herein, says:

That she admits all of the allegations in said petition contained and consents to a sale of the real estate as therein prayed for.

-Cross Petition-

Now comes the defendant, Edith Schmees, and for her cross petition herein, says:

That on the 4th. day of January, 1937, the defendant, The Prudential Insurance Company of America, executed and delivered to the said Otto G. Schmees, then living, but now deceased, and to this defendant, Edith Schmees, a special warranty deed thereby conveying to the said Otto G. Schmees and this defendant, the following described real estate:

Located in the Township of Taylor, County of Union and State of Ohio, to-wit:

A part of Surveys #6629 and #6493, bounded and described as follows:- to-wit: Beginning at a stone in the center of the Davis and Judy Road, Southwest corner of Peter Van Matta's land; thence with the West line of said land North 5 degrees West 222.24 poles to a stake, corner to J. Redmore's land; thence, South 85 degrees West 36.40 poles to a stone; thence North 5 degrees 15 minutes West 32.64 poles to a stone; thence South 84 degrees 30 minutes West 61.40 poles to a stone, corner to Abahand Davis land; thence with his line South 5 degrees 30 minutes East 111.56 poles to a stake; thence South 85 degrees West 81.72 poles to a stone in the center of the Waynesville and Fulton Gravel Road; thence with said Road South 13 degrees East 148.60 poles to the center of the Davis and Judy Road; thence with the center of the same North 86 degrees East

THE COL. B. B. MFG. CO. 74930

13384

159.40 poles to the beginning, containing 211.5 acres, more or less, excepting therefrom a tract occupied by the Methodist Episcopal Church for Church purposes, bounded and described as follows, to-wit: Bounded on the North, West and East sides by a 260- acre tract, owned by Cora K. Ballinger and the South line being in the center of the Wheeler and Green Road, said tract measuring as follows:- North side 6.06 poles; East side 6.72 poles; South side 6.30 poles; West side 6.66 poles, and containing .25 of an acre, leaving after said exception 211.25 acres, more or less.

Also, part of Survey #5629 and #6493, bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Road at a stone witnessed by a red oak, bearing North 89 degrees East 38 links at the Southwest corner of E. M. Sequyr's land; thence with two consecutive lines of said land North 85 degrees East 54.60 poles to a stone and North 5 degrees 30 minutes West 32.52 poles to a stone, a corner of George W. Arnold's land; thence with the South line of said land North 84 degrees 30 minutes East 37 poles to a stone; thence South 5 degrees 30 minutes East 111.56 poles to a stone in the South line of Lot #14 of the division of said Surveys #5629 and #6493; thence with the South line of Lots #14 and #15, South 85 degrees West 80.68 poles to the center of the road; thence with the center of said road North 6¾ degrees West 80.50 poles to the beginning, containing 50 acres, more or less.

Also, part of Surveys #5629 and #6493 bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Stone Road, being the Northwest corner of 80 acres of land conveyed by Cora K. Ballinger and Husband to Ernest and Cecil Wolford, December 27th, 1917.- witness a stone North 88 degrees East 20 feet- thence with the center of said road North 10 degrees West 53 poles to a stake in the center of said road and at the crossing of the Wheeler and Davis Road, and from which a stone witness to the corner bears North 63½ degrees West 2.16 poles; thence with the center of said Wheeler and Davis Road, North 88 degrees East 106.60 poles to three buckeyes, Southeast corner of lands formerly belonging to Hugh McAdow; thence South 3 degrees 30 minutes East 52.70 poles to a stone at the Northeast corner of said Ernest and Cecil Wolford's land; thence with the Northerly line of said Wolford's land South 88 degrees West 154 poles to the place of beginning, containing 48.3 acres, more or less, except therefrom a tract known as the Asbury Cemetery, bounded on the East, South, and West sides by the last above described tract and on the North by the Wheeler and Green Road, said tract measuring on the North side

13384

13384

11.27 poles; on the East side 12.12 poles; on the South side 11.64 poles and on the West side 11.64 poles, containing .85 of an acre, more or less, leaving after said exception 47.45 acres, more or less; Containing in all, 308.90 acres, more or less, in Taylor Township, Union County, Ohio.

Being the same premises conveyed to The Prudential Insurance Company of America by deed dated March 28th, 1932, and recorded in Book 144, Pages 301 and 302.

That said deed was duly left with the Recorder of Union County, Ohio, on the 30th. day of March, 1937, at 9:20 o'clock a.m., and was thereafter duly recorded in Volume 153 at Pages 428, 429 and 430 of his Deed Records; that by virtue thereof said Otto G. Schnee, then living, but now deceased, became the owner of and was seized in fee simple of an undivided one-half interest in said real estate, and this defendant became the owner of and was seized in fee simple of an undivided one-half interest in said real estate.

That the said Otto G. Schnee died on or about the 19th. day of April, 1937, intestate, and that the plaintiff, Edith Schnee, is the duly appointed, qualified and acting administratrix of his estate.

This defendant further says that The Prudential Insurance Company of America is the owner and holder of a mortgage deed executed by the said Otto G. Schnee and this defendant, they then being husband and wife, to secure the payment of an obligation in the sum of $17,550.09.

That it would be to the best interests of all parties interested herein if the entire property were sold as a whole.

Wherefore, this defendant prays that The Prudential Insurance Company of America be required to set up its interest in said real estate; that the interest of the said Otto G. Schnee, prior to his death, and the interest of this defendant, be included in said sale, and that said real estate be sold and the proceeds thereof distributed according to law, and for such other and further relief in the premises as the court deems just and proper.

Edith Schnee.

State of Ohio, Union County, ss:

Edith Schnee, being first duly sworn, says that she is the answering defendant herein, and that the facts stated and allegations contained in the foregoing Answer are true as she verily believes.

Edith Schnee.

Sworn to before me and subscribed in my presence this 28th. day of April, 1937.

C. A. Hooper - Notary Public.

Seal

THE COL. B. B. MFG. CO. 74930

13384
Filed
May 3- 1937.

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

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:

LeRoy Schmus, Matilda Schmus, Bernard Schmus, LaVerne Schmus, Mary Schmus, Betty Schmus, Dorothy Schmus, and Laurence Schmus,

making service of this summons upon such minors, and also upon the Guardian, father, mother or custodian of said minors, in the order named; that on the 29th. day of April, A.D. 1937, Edith Schmus, Administratrix of the Estate of Otto G. Schmus, 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 29th. day of May 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 10th. day of May, 1937.

Witness my hand and the seal of said Court, this 30th. day of April, 1937.

Seal

L. W. Vazey - 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
Additional names, at 25¢	2.00
16 miles traveled at 8¢	1.28
Total	$ 4.03

Received this writ April 30th. 1937, 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, viz: May 3rd. 1937, on LeRoy Schmus, Matilda Schmus, Bernard Schmus, LaVerne Schmus, Mary Schmus, Betty Schmus, Dorothy Schmus and Laurence Schmus, Minors, May 3rd. 1937, on Edith Schmus the mother of the said LeRoy Schmus, Matilda Schmus, Bernard Schmus, LaVerne Schmus, Mary Schmus, Betty Schmus and Laurence Schmus, minors.

H. S. Roose - Sheriff.

13384
Filed
June-28-1937.

Au
Edit
the
dece
LeR
age
Sch
of
Sch
Ja
Ma
age
ag
Dor
Sc
Ja
The
J
and
virtu
pro
an
the
for
the
in
dre
fir
pri
Au

13384
Filed
June-28-1937.

Answer and Cross-Petition of The Prudential Insurance Company of America.

In the Probate Court of Union County, Ohio.

Edith Schuss, Administratrix of the Estate of Otto G. Schuss, deceased, Plaintiff,

-vs-

LeRoy Schuss, a minor of the age of 19 years, and Matilda Schuss, his wife, a minor of the age of 17 years, Bernard Schuss, a minor of the age of 17 years, La Verne Schuss, a minor of the age of 15 years, Mary Schuss, a minor of the age of 13 years, Betty Schuss, a minor of the age of 11 years, Dorothy Schuss, a minor of the age of 8 years, Laurence Schuss, a minor of the age of 6 years, Edith Schuss, and The Prudential Insurance Company of America,

Defendants.

Cause No. 13384.
Answer and Cross-Petition of The Prudential Insurance Company of America.

Answer.

Now comes The Prudential Insurance Company of America, and says that it is a corporation, existing under and by virtue of the laws of the State of New Jersey, with its principal office at 763 Broad Street, Newark, New Jersey, and voluntarily enters its appearance herein and waives the issuance and service of summons and process, and for answer herein says that it has a claim against the estate of Otto G. Schuss, deceased, and an interest in the premises described in plaintiff's petition, the nature of which will appear herein; but, for want of information, denies all of the other allegations contained in plaintiff's petition.

Cross Petition.

The defendant, The Prudential Insurance Company of America, further says that on or about the 7th. day of January, 1937, Otto G. Schuss and Edith Schuss, his wife, executed and delivered to this answering defendant their first mortgage promissory note, dated January 4, 1937, in the original amount of Seventeen Thousand Five Hundred Fifty (Dollars, with interest at the rate of five and one-half (5½%) per cent per annum, both principal and interest being provided for in said note, a true copy of which is hereto attached and marked

THE COL. R. B. MFG. CO. 74930

13384

"Exhibit A" and made a part of this Cross-Petition.

The defendant further says that there is now due it, the sum of Seventeen Thousand Five Hundred Fifty ($17,550.00) Dollars, with interest at the rate of five and one-half (5½%) per annum from March 1, 1937, until paid.

The defendant further says that in order to secure the indebtedness evidenced by said note, the said Otto D. Schmees and Edith Schmees, his wife, executed and delivered to this answering defendant their first purchase money mortgage deed, dated January 4, 1937, conveying to this answering defendant, the premises described in said mortgage and in the plaintiff's petition, said mortgage having been duly filed for record with the Recorder of Union County, Ohio, on March 25, 1937, at 9:30 o'clock A. M., and fore by him recorded in Mortgage Record Vol. 110 pages 443-444-445-446 of the Records of said County and constitutes a first and best lien for the premises described in plaintiff's said petition.

Wherefore, this answering defendant prays that its mortgage may be found to be and so declared, the first and best lien upon the premises described therein; that said premises may be sold, and the proceeds of such sale applied on the claim of this answering defendant; that the rights, interests and liens of all parties be determined, adjusted and protected, and for such other and further relief as the Court may deem just and proper.

The Prudential Insurance Company of America.
By- Wiley C. Dorsett- Its Attorneys.

State of Indiana, County of Marion, ss:

Personally appeared before me, the undersigned, a Notary Public in and for Marion County, Indiana, Wiley C. Dorsett, who being first duly sworn, deposes and says that he is one of the attorneys for the defendant, The Prudential Insurance Company of America; that said defendant is a corporation and that the averments contained in this the foregoing Answer and Cross Petition are true as he verily believes.

Wiley C. Dorsett.

Sworn to before me and subscribed in my presence this 24th. day of June, 1937.

Seal

V. M. McGinnis- Notary Public-
Marion County, Ind.

My commission expires June 19, 1939.

13384

13384

"Exhibit A".

$17,550.00 Marysville, Ohio - January 4th, 1937.

For value received, we jointly and severally promise to pay to the order of The Prudential Insurance Company of America the principal sum of Seventeen Thousand Five Hundred Fifty Dollars ($17,550.00) with interest thereon from March 1st, 1937, at the rate of five and one-half per cent. per annum and we jointly and severally promise and agree to pay said above-mentioned principal sum in instal-ments as follows, namely:

Beginning on the first day of March, 1938, and annually thereafter, Five Hundred Twenty-six and 50/100 Dollars ($526.50) and the balance of said principal sum on the first day of March, 1952, with interest, payable semi-annually, on the balance of said principal sum remaining unpaid at each instalment period. Said principal sum or any instalment thereof and all accrued interest thereon shall bear interest after the due date at the rate of eight (8) per cent per annum.

Both the principal of this note and the interest are payable at the office of The Prudential Insurance Company of America, at Newark, New Jersey, in lawful money of the United States of America.

If default shall be made in the payment of any instalment of principal or interest when due, or any part thereof, the whole principal sum and interest accrued shall become due and payable at once, without notice, at the option of the legal holder hereof.

The makers and endorsers severally waive presentment for payment, protest and notice of protest and non-payment of this note, and expressly agree that this note may be extended at maturity from time to time without in any way affecting the liability of the makers and endorsers hereof.

This note and interest are secured by first mortgage of even date herewith on property located in Union County, Ohio, and this note is to be construed according to the laws of Ohio.

Prepayment Privilege: Privilege is given to make additional payments on the principal sum due under this note on any interest due date. Such payment to be in sums of $100.00 or multiples thereof and shall not exceed one-fifth of the original principal sum of this note during any one year period.

Marysville, Ohio.

Otto G. Schuss.
Edith Schuss.

THE COL. P. B. MFG. CO. 74930

13384
Filed
Sept. 23-1937.

Application for Guardian, Ad Litum.
In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix,
Plaintiff,
-vs-
LeRoy Schmees, et al,
Defendant.

No. 13384.
Application for Guardian
Ad Litum.

Now comes the defendants, LeRoy Schmees, a minor aged 19 years, Matilda Schmees, his wife, a minor aged 17 years, Bernard Schmees, a minor aged 17 years, and La Verne Schmees, a minor aged 15 years, and make application for the appoint of a guardian ad litem for themselves as defendants herein, being infants of more than 14 years of age, upon each of whom summons was duly served according to law, and suggest that Gypsie Sanders, who is a suitable person, be appointed as such.

Bernard Schmees.
La Verne Schmees.
Leroy Schmees.
Matilda Schmees.

Filed
Sept. 23-1937.

Application for Guardian, Ad Litem.
In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix,
Plaintiff,
-vs-
LeRoy Schmees, et. al,
Defendants.

No. 13384.
Application for Guardian
Ad Litem.

Now comes Edith Schmees, the plaintiff, and makes application for the appointment of a guardian ad litem for the defendants, Mary Schmees, a minor of the age of 13 years, Betty Schmees, a minor of the age of 11 years, Dorothy Schmees, a minor of the age of 6 years, upon each of whom summons has been duly served according to law, and suggests that Gypsie Sanders, who is a suitable person, be appointed as such.

Edith Schmees.

Filed
Sept. 23-1937.

Answer of Guardian, Ad Litem.
In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix,
Plaintiff,
-vs-
LeRoy Schmees, et al,
Defendants.

No. 13384.
Answer of Guardian Ad Litem.

Now comes Gypsie Sanders, duly appointed by the court as guardian ad litem for the defendants, LeRoy Schmees, a minor aged 19 years, Matilda Schmees, his wife, a minor aged 17 years, Bernard Schmees, a minor aged 17 years, La Verne Schmees, a minor aged 15 years, Mary Schmees, a minor aged 13 years, Betty Schmees, a

13384
mino
years
and
Adm
tendi
truth
fore,
and
and
just

Filed
Sept. 23-1937.

Edit

Le Ro

lowi
13
8
the
year
his
year
for
appo
abov

Filed
Sept. 23-1937.

Edi

Le R

plai
to
San
age
17
La
a
11 y
La
and
our

13384

minor aged 11 years, Dorothy Schmees, a minor aged 8 years and Lawrence Schmees, a minor aged 6 years, and for answer to the petition of the said Edith Schmees, Administratrix, 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 interests of said defendants shall require.

Gumm Sanders - Guardian Ad Litem.

Filed
Sept. 23-1937.

Entry.

In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix,
Plaintiff,
-vs-
LeRoy Schmees, et al,
Defendants.

No. 13384.
Entry.

Upon the application of plaintiff on behalf of the following named minor defendants, to-wit, Mary Schmees, aged 13 years, Betty Schmees, aged 11 years, Dorothy Schmees, aged 8 years, and Lawrence Schmees, aged 6 years, and of the following defendants who are minors over the age of 14 years, to-wit: LeRoy Schmees, aged 19 years, Matilda Schmees, his wife, aged 17 years, and LaVerne Schmees, aged 15 years, each of whom has been duly served with summons, it is ordered that Gumm Sanders be, and he hereby is, appointed guardian ad litem for all of the minor defendants above named.

L. W. Hazen - Probate Judge.

Filed
Sept. 23-1937.

Entry.

In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix,
Plaintiff,
-vs-
LeRoy Schmees, et. al,
Defendants.

No. 13384.
Entry.

This matter came on to be heard upon the petition of plaintiff for authority to sell real estate of said decedent to pay the debts of his estate, and the answer of Gumm Sanders, guardian ad litem of LeRoy Schmees, a minor aged 19 years, Matilda Schmees, his wife, a minor aged 17 years, Bernard Schmees, a minor aged 17 years, LaVerne Schmees, a minor aged 15 years, Mary Schmees, a minor aged 13 years, Betty Schmees, a minor aged 11 years, Dorothy Schmees, a minor aged 8 years and Lawrence Schmees, a minor aged 6 years, and the answer of Edith Schmees, widow of said decedent and owner of an estate in fee simple of an undivided

THE COL. B. B. MFG. CO. 74930

13884

one-half interest in the real estate described in the petition, consenting to the sale of said property as a whole, and the answer and cross petition of the defendant, The Prudential Insurance Company of America; 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, Edith Schmees, has, by her answer, waived all of her rights of dower in said real estate and has consented to the sale of the same as a whole including her undivided one-half interest therein; that said real estate described in the petition was appraised by the appraisers of the estate at $19,500.00, and order that a further appraisement be dispensed with.

The court further finds that the bond heretofore given by the plaintiff as administratrix of the Estate of Otto G. Schmees in the amount of $4000.00 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 $2000.00.

The court further finds that on the 4th. day of January, 1937, the said deadent, Otto G. Schmees, and his wife, Edith Schmees, executed and delivered to the defendant, The Prudential Insurance Company of America, their first mortgage promissory note of even date in the sum of $17,550.00 with interest at the rate of 5½% per annum, and that there is now due said The Prudential Insurance Company of America thereon the sum of $17,550.00 with interest at the rate of 5½% per annum from March 1, 1937.

The court further finds that in order to secure said note the makers thereof executed and delivered to said Company their first purchase money mortgage deed, dated January 4, 1937, conveying the premises described in the petition herein; that said mortgage was filed for record with the Recorder of Union County, Ohio, on March 25, 1937, at 9:30 A. M., and is recorded in Book 110, Page 443, 444, 445, and 446 of the mortgage records of said County, and is the first and best lien on said premises, subject only to the court costs herein and taxes.

L. W. Hazen- Probate Judge.

Filed
Sept. 23-1937.

Additional Bond.

In the Probate Court of Union County, Ohio.

Edith Schmees, Administratrix, Plaintiff,
-vs-
LeRoy Schmees, et al., Defendants.

No. 13384.
Additional Bond,
On Sale of Real Estate.

Know All Men, By these Presents: That we, Edith Schmees, as principal, and George R. Taylor and Anna Schmees, as sureties, are firmly bound unto the State of Ohio in the penal sum of $1000.00, to the payment of which

13384

we
execu
in a
Court
Estate
Schm
has
of s
abov
prem
laugh
void,

Filed
Sept. 23-1937.

Edith

LeRo

add
con
app
mini
of th
of,
Cou
the
valu
Cas
sale

Filed
Sept. 23-1937.

Edit
of th
deced

LeR

13384

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 Edith Schnee, Administratrix of the Estate of Otto G. Schnee, deceased, is plaintiff, and LeRoy Schnee, et al., are defendants, the said Edith Schnee has been ordered by said court to sell certain real estate of said decedent to pay debts.

Now, if the said Edith Schnee, Administratrix as aforesaid, shall faithfully discharge her duties in the premises and fully 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.

Edith Schnee.
George R. Taylor.
Anna Schnee.

Bond filed and approved this 28nd. day of July, 1937.
L. W. Hazen - Pro. J. Union Co.

Filed
Sept. 23-1937.

Entry.

In the Probate Court, Union County, Ohio.

Edith Schnee, Administratrix,
Plaintiff,
-vs-
LeRoy Schnee, et al.,
Defendants.

No. 13384.
Entry.

It appearing to the court that the plaintiff has given additional bond in the sum of $1000.00 with approved sureties conditioned according to law, the said bond is hereby approved.

It is now ordered that Edith Schnee, as such Administratrix, proceed to advertise for sale at the North door of the Court House in Marysville, Ohio, on the 23rd. day of October, 1937 at 1:00 P. M., the real estate described in the petition, as prayed by law; and that she sell the same at not less than two-thirds of the appraised value thereof, upon the following terms, to-wit:

Cash in hand on day of sale.

The plaintiff is ordred to make return forthwith of such sale.

L. W. Hazen - Probate Judge.

Filed
Sept. 23-1937.

Motion - For Order to Require New and Additional Bond.

In the Probate Court of Union County, Ohio.

Edith Schnee, Administratrix of the Estate of Otto G. Schnee, deceased,
Plaintiff,
-vs-
LeRoy Schnee, et al.,
Defendants.

No. 13384. Motion - For Order to Require New and Additional Bond.

THE COL. P. B. MFG. CO. 74930

13384

Now comes The Prudential Insurance Company of America, a defendant herein, by its attorney, Wm. R. Cameron, and respectfully represents to this Court that the bond heretofore given by the plaintiff, Edith Schnee, as Administratrix of the Estate of Otto G. Schnee in cause No. 13382 in this Court, in the amount of $4000.00, together with the bond given by the said Edith Schnee, Administratrix, as plaintiff in this action, in the amount of $1000.00, or a total of the original and additional bonds of $5000.00, is wholly insufficient for the following reasons, to-wit:

That the real estate herein to be sold was appraised by the appraisers of the estate at $19,500.00 and further appraisement was, by order of this Court in this action, dispensed with.

That the least sum for which the said real estate may legally be sold at the sale heretofore ordered by this Court is two-thirds of said appraisement, but that by reason of the value of said real estate it is probable that the purchase price of the same will be more than said amount, and said real estate may be sold for more than the appraised value thereof.

Wherefore this defendant moves this Court for an order requiring the said Administratrix, plaintiff herein, to give bond, with good and sufficient sureties thereon to be approved by the Court, in such amount as the Court shall direct, and as shall be sufficient adequately to protect the interest or interest of each and all of the parties to this action.

Wm. R. Cameron - Attorney for The Prudential Insurance Company of America, Defendant.

Filed Oct. 25-1937.

Legal Notice.

In pursuance of the order of the Probate Court of Union County, I will offer for sale at public auction on the 23rd day of October, 1937, at 1:00 P. M., at the north door of the court house, the following described real estate:

Situated in the Township of Taylor, County of Union and State of Ohio, to-wit:

A part of Surveys No. 5629 and No. 6493, bounded and described as follows, to-wit: Beginning at a stone in the center of the Davis and Judy Road, southwest corner of Peter Day Watts's land; thence with the west line of said land North 5 degrees West 222.24 poles to a stake, corner to J. Redmore's land; thence South 85 degrees West 36.40 poles to a stone; thence North 5 degrees 15 minutes West 32.64 poles to a stone; thence South 84 degrees 30 minutes West 61.40 poles to a stone, corner to Abraham Davis' land; thence with his line South 5 degrees 30 minutes East 111.56 poles to a stake; thence South 85 degrees

13384

West
Hunto
East
thence
159.40
less,
Episc
as
sides
South
said
East
poles
Lepar

descri
the 2
red
west
lines
stone
stone
south
poles
111.
the
the
West
cente
begi

and
of
coun
and
1917
with
to a
ing
ston
2.16
Roa
sou
Ado
pole
and
cai
the
epa

13384

West 81.72 poles to a stone in the center of the Marysville and Kenton Grandl Road; thence with said Road South 13 degrees East 143.60 poles to the center of the Davis and Judy Road; thence with the center of the Roange North 85 degrees East 159.40 poles to the beginning, containing 211.5 acres, more or less, excepting therefrom a tract occupied by the Methodist Episcopal Church for church purposes, bounded and described as follows, to-wit: Bounded on the North, West and East sides by a 260 acre tract, owned by Cora K. Ballinger and the South line being in the center of the Wheeler and Green Road, said tract measuring as follows:- North side 6.06 poles; East side 6.72 poles; South side 6.30 poles; West sid 6.66 poles, and containing .25 of an acre, leaving after said Exception 211.25 acres, more or less.

Also, part of Surveys No. 5629 and No. 6493, bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Road at a stone witnessed by a red oak bearing North 89 degrees East 38 links at the Southwest corner of E. M. Segner's land; thence with two consecutive lines of said land North 85 degrees East 64.60 poles to a stone and North 5 degrees 30 minutes West 32.52 poles to a stone, a corner of George W. Arnold's land; thence with the south line of said land North 84 degrees 30 minutes East 37 poles to a stone; thence South 5 degrees 30 minutes East 111.56 poles to a stone in the South line of Lot No. 14 of the division of said Surveys No. 5629 and 6493; thence with the South line of Lots No. 14 and No. 15, South 85 degrees West 80.68 poles to the center of the road; thence with the center of said road North 13 degrees West 80.50 poles to the beginning, containing 50 acres, more or less:

Also, part of Surveys No. 5629 and No. 6493 bounded and described as follows, to-wit:- Beginning in the center of the Marysville and Kenton Stone Road, being the Northwest corner of 80 acres of land conveyed by Cora K. Ballinger and husband to Ernest and Cecil Wolford, December 27th, 1917- witness, a stone North 88 degrees East 20 feet thence with the center of said road North 10 degrees West 58 poles to a stake in the center of said road and at the crossing of the Wheeler and Davis Road and from which a stone, witness to the corner bears North 63½ degrees West 2.16 poles; thence with the center of said Wheeler and Davis Road, North 88 degrees, East 156.60 poles to three buckeyes, southeast corner of lands formerly belonging to Hugh McAdow; thence south 3 degrees 30 minutes East 52.70 poles to a stone at the Northeast corner of said Ernest and Cecil Wolford's land; thence with the northerly line of said Wolford's land South 88 degrees West 152 poles to the place of beginning, containing 48.3 acres, more or less, except therefrom a tract known as the Asbury Cemetery,

THE COL. B. B. MFG. CO. 74930

13384

bounded on the East, South and West sides by the last above described tract and on the North by the Wheeler and Green Road, said tract measuring on the North side 11.27 poles; on the East side 12.12 poles; on the South side 11.64 poles and on the West side 11.64 poles, containing .80 of an acre, more or less, leaving after said exception 47.450 acres, more or less; containing in all, 308.90 acres, more or less, in Taylor Township, Union County, Ohio. Being the same premises conveyed to The Prudential Insurance Company of America by deed dated March 23rd. 1932, and recorded in Book 144, Pages 301 and 302.

Said premises were appraised at $12,000.00 and must be sold for not less than Two-thirds of said appraised value, and the terms of sale cash in hand at the time of sale.

Edith Schmus - Administratrix of the Estate of Otto L. Schmus, Deceased.

Sept. 23, 1937.

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 five consecutive weeks on and next after September 23, 1937 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 25th. day of October, A. D., 1937.

Seal G. P. Huber - Notary Public.

Printer's Fees, $ 43.20.

Filed Oct. 23 - 1937.

Report of Public Sale.

In the Probate Court, Union County, Ohio.

Edith Schmus, Administratrix, Plaintiff, vs. LeRoy Schmus, et al., Defendants. | No. 13384. Report of Public Sale.

State of Ohio, Union County, ss:

In obedience to the command of the within order of sale, on the 23rd. day of September, 1937, I caused to be advertised in the Marysville Tribune, a newspaper printed, published and of gnpral circulation in said Union County, Ohio, said lands and tenements to be sold at public sale, at the North door of the Court House of said County, on the 23rd. day of October, 1937, at 1:00 o'clock P. M. of said day. And having so advertised said lands and tenements four consecutive weeks previous to the day of sale, and in pursuance of said notice, I did on said 23rd. day of October, 1937, at 1:00 o'clock P. M., proceed to offer said lands and tenements at public sale at the North door of said Court House, and then and there came The Prudential Insurance Company of America,

13384

Filed Nov. 2 - 1937.

Edith

who
Dolla
appro
Comp
for,
prem

Su
23rd

Le Ro

T
E
decea
court
the
excep
of
Ohio
ist o
cons
ecute
Otto
mal
pay
muni

natio
Comp
the

the
for
and
part

of t
in
said

13384

who bid for the same the sum of Sixteen Thousand ($16,000.00) Dollars, and said sum being more than two-thirds of the appraised value, and said The Prudential Insurance Company of America being the highest and best bidder therefor, it then, and there publicly sold and struck off said premises for said sum of Sixteen Thousand ($16,000.00) Dollars.

Edith Schmus - Administratrix.

Sworn to before me and subscribed in my presence this 28rd. day of October, 1937.

(Seal) L. A. Hooper - Notary Public.

Filed Nov. 2 - 1937.

Entry of Confirmation.

In the Probate Court, Union County, Ohio.

Edith Schmus, Administratrix, Plaintiff,

-vs-

Le Roy Schmus, et al., Defendants.

No. 13384. Entry of Confirmation.

This day this cause came on to be heard on the report of Edith Schmus, Administratrix of the Estate of Otto G. Schmus 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 Otto G. Schmus and of the said Edith Schmus, in said real estate, to the purchaser, The Prudential Insurance Company of America, upon the purchaser paying to said Administratrix said sum of Sixteen Thousand ($16,000.00) Dollars.

It is further ordered that an entry of release and satisfaction of the mortgage lien of The Prudential Insurance Company of America be entered on record in the office of the Recorder of Union County, Ohio, according to law.

The court further finds that the reasonable value of the services rendered by Hooper and Sanders, Attorneys for said Administratrix in the proceedings is $420.00, and it is ordered that said sum be paid them as part of the costs of this proceeding.

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

First: The costs of this action, taxed at $483.23, including attorney fee to Hooper & Sanders, attorneys for said Administratrix, in the sum of $420.00.

THE COL. B. B. MFG. CO. 74930

13384

Second: To The Prudential Insurance Company of America, to apply on its note and mortgage as set forth in its Answer and Cross-Petition, the balance in the sum of $15,516.77.

It is further ordered that this proceeding be recorded.

L. W. Hazen- Probate Judge.

Approved:
Hooper & Saunders.
Attorneys for Plaintiff.

Wm. R. Cameron.
Attorney for The Prudential
Insurance Company of America.

13430
Filed
Aug. 2-1937.
Robert R. Allen,
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,

-vs-

Amy C. Hamilton, widow, Richwood, Ohio,
W. W. Hamilton and Myrtle Hamilton, his wife, Richwood, Ohio,
A. M. Hamilton and Rosie Hamilton, his wife, Brink, Ohio,
Effie Martin and Perry Martin, her husband, Paris, Illinois,
Ora Rose and Eldon Rose, her husband, Greasy Ridge, Ohio,
Emma Cooper and W. L. Cooper, her husband, Worthington, Kentucky,
H. K. Hamilton, unmarried, Richwood, Ohio,
Merlin E. Hamilton & Dorothy Hamilton, his wife, Richwood, Ohio,
L. W. Hamilton & Marjorie Hamilton, his wife, Prospect, Ohio,
Blonde Hamilton, unmarried, Richwood, Ohio,
Claryce Smith and Richard Smith, her husband, both minors over 14 years, 1812 E. 55th. St., Apartment 10, Cleveland, Ohio,
A. C. Hamilton and Ruth Hamilton, his wife, Richwood, Ohio, and,
The Northwestern Mutual Life Insurance Company,
Defendants.

Case No. 13430.
Petition of Administrator to Sell Real Estate to Pay Debts.

13430

13430

Now comes the Plaintiff and says he is the duly appointed, qualified and acting Administrator of the Estate of Edward M. Hamilton, Deceased, late of this County; as near as can be ascertained, the amount of the valid debts against said Deceased, is Six Hundred Eighty-three and 29/100 Dollars ($683.29).

There remains due Amy C. Hamilton, as widow of the said Edward M. Hamilton upon her year's allowance the sum of Eight Hundred Twenty Four Dollars ($824) as made by the appraisers of the above estate to the widow and minor child for twelve (12) months.

The cost of administering the estate will be about Two Hundred Twenty Five Dollars ($225).

The total value of the personal property of said decedent remaining in the hands of said Administrator after selection by the widow of items of personal property to which she is entitled as exempt and upon payment by said Administrator of part of the debts against said estate is the sum of Three Hundred Fourteen and 99/100 Dollars ($314.99), which is wholly insufficient to pay the debts, allowance, and costs aforesaid.

Said decedent died seized in fee simple of the following described real estate, to-wit:

"Situated in the State of Ohio, County of Union and Township of Jackson, being part of Survey No. 9940, and being the west 25 acres of the following described tract.

Beginning at a stone and brick in the east line of said Survey No. 9940, in the middle of the Ambia and Holmesville road, and being the southeast corner of a tract formerly owned by Perry Longberry running thence with said Survey line and the middle of said road S. 6° E. 50.60 poles to a stone and brick; thence S. 82° 45' W. 158.20 poles to a stone and brick in the west line of said Survey; thence with said Survey line N. 6° W. 50.60 poles to a stone and brick, the southwest corner of E. A. Vandemark's south line and continuing with the saith line of lands formerly owned by said Longberry N. 83° 45' E. 158.20 poles to the place of beginning.

Also that part of Survey No. 9940, bounded and described as follows:

Beginning at a stone at the root of an oak, northwest corner of said Survey running thence with the westerly line of said Survey, S. 6° E. 101.50 poles to a stone, corner of the Barth land, formerly owned by J. W. Robinson; thence with the north line of the Barth tract N. 84° E. 78.80 poles to a stake and stone; thence N. 6° W. 101.50 poles to a stone in the north line of said Survey and thence with the Survey line S. 84° W 78.80 poles to the place of beginning.

THE COL. B. B. MFG. CO. 74930

13430

containing 60 acres, more or less.

Containing in all 75 acres, more or less.

Said real estate was included in the Inventory of the estate, pursuant to the order of the Court and appraised at Three Thousand Dollars ($3000).

The Plaintiff says The Northwestern Mutual Life Insurance Company is a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with a local office in Columbus, Ohio, and that the real estate hereinabove discribed is subject to a mortgage held by the said The Northwestern Mutual Life Insurance Company in the sum of Three Hundred Dollars ($300).

The decedent died leaving the Defendant, Amy C. Hamilton, as his widow who is 60 years of age.

The Defendants, W. W. Hamilton, Richwood, Ohio; A. M. Hamilton, Ariel, Ohio; Effie Martin, Paris, Ill.; Ora Rose, Greasy Ridge, Ohio; Emma Cooper, Worthington, Kentucky; H. K. Hamilton, Richwood, Ohio; Merlin E. Hamilton, Richwood, Ohio; L. W. Hamilton, Prospect, Ohio; Florence Hamilton, Richwood, Ohio; Clarice Smith, 1812 E. 65th, St., Apartment 10, Cleveland, Ohio; and A. C. Hamilton, Richwood, Ohio, are all of the heirs or persons entitled to the next estate of inheritance from the decedent, in such real estate and having an interest therein, they being the sons and daughters of Edward M. Hamilton, Deceased. That Clarice Smith is a minor of the age of 17 years.

The Defendant, Myrtle Hamilton is the wife of W. W. Hamilton; Rosie Hamilton is the wife of A. M. Hamilton; Amy Martin is the husband of Effie Martin; Elsop Rose is the husband of Ora Rose; A. L. Cooper is the husband of Emma Cooper; H. K. Hamilton is unmarried; Dorothy Hamilton is the wife of Merlin E. Hamilton; Marjorie Hamilton is the wife of L. W. Hamilton; Florence Hamilton is unmarried; Richard Smith is the husband of Clarice Smith; and Ruth Hamilton is the wife of A. C. Hamilton. As such, they may claim to have an interest in the real estate hereinabove described. Richard Smith is a minor over 14 yrs. of age.

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

Wherefore, the 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 to which he is entitled.

Robert N. Allen,
Attorney for Plaintiff.

13480

Filed Aug. 11-1937.

13430

State of Ohio, Union County, ss:
H. K. Hamilton, being first duly sworn according to law, deposes and says he is the Plaintiff in the above entitled cause; and that the facts stated and allegations contained in the foregoing Petition are true as he verily believes.

H. K. Hamilton.

Sworn to before me and subscribed in my presence by the said H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, at Richwood, Ohio, this 29 day of July, 1937.

Seal — Robert K. Allen - Notary Public.

(Fee claimed .80)

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,
-vs-
Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Praecipe.

Please issue Summons directed to the Sheriff of Cuyahoga County, Ohio, against the Defendants, Clayce Smith and Richard Smith, husband and wife, both Minors over 14 years of age, who reside and maintain their own home at 1812 E. 55th. Street, Apartment 10, Cleveland, Ohio, and make same returnable according to law.

Endorse Summons "Action by Administrator to sell real estate to pay debts and for appointment of guardian ad litem.

Robert K. Allen.
Attorney for Plaintiff.

Filed Aug. 11-1937.

Answer and Cross-Petition of the Defendant, The Northwestern Mutual Life Insurance Company.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,
-vs-
Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Answer and Cross-Petition of The Defendant, The North-western Mutual Life Insurance Company.

Now comes the defendant, The Northwestern Mutual Life Insurance Company, and for its answer to the petition herein, admits that the plaintiff is the Administrator of the Estate of Edward M. Hamilton, deceased, and admits the relationship of the parties as set forth in the petition, and admits that it holds a mortgage upon certain real estate of said decedent, and having ignorant of the truth or falsity of the remaining allegations of said

THE COL. B. B. MFG. CO. 74930

13430

petition, denies the same.

Cross - Petition.

This defendant is a corporation organized under the laws of Wisconsin, with its principal place of business at Milwaukee, Wisconsin.

-1-

This defendant says that on the 4th. day of December, 1923, one Edward M. Hamilton executed and delivered to this defendant, The Northwestern Mutual Life Insurance Company, his promissory note, of which the following is a copy with all endorsements:

$3,000.00 Union County, Ohio, December 4, 1923.

For value received I promise to pay to the order of The Northwestern Mutual Life Insurance Company at its office in the City of Milwaukee, Wisconsin, the sum of Three thousand dollars, as follows, viz.: Two hundred dollars thereof at the expiration of five years, Two hundred dollars thereof at the expiration of seven years, and the remaining twenty-six hundred dollars thereof at the expiration of ten years from the date hereof, with interest thereon from date until paid at the rate of five and one-quarter per cent per annum, payable semi-annually, with the privilege, at any time after three years and before maturity, of paying one hundred dollars, or any multiple thereof, upon said principal, provided that sixty days' additional interest shall be paid on any and all such payments in excess of one-half of the original principal sum.

This note is secured by a mortgage of even date herewith executed by Edward M. Hamilton and Amy C. Hamilton, his wife, to said The Northwestern Mutual Life Insurance Company, on lands in Union County, Ohio, which is the first lien on the property therein described; and in case any instalment of said principal sum or the interest on this note is not fully paid when due, or in case of default in the performance of any or either of the terms and conditions of said mortgage, the whole indebtedness secured by said mortgage shall, at the option of said The Northwestern Mutual Life Insurance Company, become due and payable at once without notice (notice of the exercise of such option being hereby expressly waived).

In case said principal sum shall not be paid at maturity or when declared due in accordance with the provisions herein contained, and in case suit shall be brought for the collection of said principal sum or for the foreclosure of the mortgage given to secure this note, I further promise and agree to pay a reasonable attorney's fee, to be fixed by the court.

No payment of the principal of this note shall be deemed valid except upon the receipt of the authorized officers of

13430

said
60
ath
$100
prin
$200
prin
$200
prin
$20
pri
$10
pri
$20
pri
$3
pri
$30
pri
Uni
Nor
Jun
Nor
Dec
Uni
Dec
Dec
int
an
ent
pa
ma
an
pri
sa
De
ce
bal
Ja
an

13730

said The Northwestern Mutual Life Insurance Company. 60 ¢ in revenue stamps attached. "Edward M. Hamilton"

The following endorsements appear on the back of said note:
$1000. Dec. 2, 1926, Received One thousand dollars of the principal applied as of Dec. 4, '26.
$200. Dec. 3, 1928, Received Two hundred dollars of the principal applied as of Dec. 4, '28.
$200. Dec. 4, 1932, Received Two hundred dollars of the principal.
$200. Sept. 26, 1934, Received Two hundred dollars of the principal.
$200 Dec. 3, 1934, Received Two hundred dollars of the principal.
$100. Apl. 17, 1935, Received One hundred dollars of the principal.
$200. Aug. 30, 1935, Received Two hundred dollars of the principal.
$300. Dec. 3, 1935, Received Three hundred dollars of the principal applied as of 12/4/35.
$300. July 9, 1936, Received Three hundred dollars of the principal.

May 28, 1924, Received interest to June 4, 1924.
Nov. 29, 1924, Received interest to Dec. 4, 1924.
June 3, 1925, Received interest to June 4, 1925.
Nov. 30, 1925, Received interest to Dec. 4, 1925.
June 3, 1926, Received interest to June 4, 1926.
Dec. 2, 1926, Received interest to Dec. 4, 1926.
May 28, 1927, Received interest to June 4, 1927.
Dec. 1, 1927, Received interest to Dec. 4, 1927.
Interest paid on this note to and including the installment of interest due June 4, 1937.

On the 17th. day of January, A.D. 1934, this defendant, and Edward M. Hamilton and Amy C. Hamilton, his wife, entered into a contract in writing whereby the time for the payment of said note was extended as follows:

The Mortgagors agreed to pay the principal sum remaining unpaid on December 4, 1938, with the privilege, at any time of paying the whole or any part of the unpaid principal sum; and also agreed to pay interest on the said sum of $1600, or the unpaid balance thereof, from December 4, 1933 to June 4, 1936 at the rate of five per cent per annum and from June 4, 1936 on the unpaid balance of said principal sum, until paid at the rate of five and one-half per cent per annum, payable semi-annually.

THE COL. B. B. MFG. CO. 74930

13430

This defendant says that at the time of the execution and delivery of the note described in the first cause of action herein, in order to secure the payment of the same, the said Edward M. Hamilton and Amy C. Hamilton, his wife, executed and delivered to this defendant, The Northwestern Mutual Life Insurance Company, their mortgage deed, thereby conveying to said defendant, its successors and assigns, the following described real estate:

Situated in the Township of Jackson, County of Union and State of Ohio, to-wit:

That part of Survey No. 9940 bounded and described as follows, viz.: The west twenty-five acres of the following described tract: Beginning at a stone and brick in the east line of said Survey No. 9940 in the middle of the Arabela and Holmesville road, and being the southeast corner of a tract formerly owned by Perry Longberry; running thence with said survey line and the middle of said road south six degrees east fifty and six-tenths poles to a stone and brick; thence south eighty-two degrees forty-five minutes west one hundred fifty-eight and two-tenths poles to a stone and brick in the west line of said survey; thence with said survey line north six degrees west fifty and six-tenths poles to a stone and brick, the southwest corner of E. A. Vandemark's land, and thence with said Vandemark's south line and continuing with the south line of lands formerly owned by said Longberry south eighty-three degrees forty-five minutes east one hundred fifty-eight and two-tenths poles to the place of beginning.

Also that part of said Survey No. 9940 bounded and described as follows, viz.: Beginning at a stone at the root of an Oak, northwest corner of said survey; running thence with the westerly line of said Survey south six degrees east one hundred one and one-half poles to a stone corner of the Barth land, formerly owned by J. W. Robinson; thence with the north line of the Barth tract north eighty-four degrees east seventy-eight and eight-tenths poles to a stake and stone; thence north six degrees west one hundred one and one-half poles to a stone in the north line of said survey, and thence with the survey line south eighty-four degrees west seventy-eight and eight-tenths poles to the place of beginning, containing fifty acres, more or less.

On the 22nd. day of December, A. D. 1923, at 1:40 o'clock P. M. said mortgage was duly left for record at the Recorder's office in Union County, Ohio, and was duly recorded in Volume 91, Page 201, of his mortgage records.

Said mortgage was conditioned upon the payment of the promissory note set forth in the first cause of action herein, with interest thereon, and provided that in case of default said mortgage should become absolute.

13430

Filed Aug. 11-1937.

13430

Wherefore, this defendants prays that there may be found due it upon the note described in the first cause of action herein the sum of $300.00 with interest at 6½% from June 4, 1937; and this defendant consents that this real estate be sold free from its mortgage, and asks that out of the proceeds of the sale of said real estate, its claim as hereinabove set forth be first paid, and for such other and further relief as is proper.

The Northwestern Mutual Life Insurance Company - Per- Hooper & Sanders - Attorneys.

State of Ohio, Union County, ss:

C. A. Hooper, being first duly sworn, says that he is one of the attorneys for the defendant, The Northwestern Mutual Life Insurance Company, in the above entitled cause, and that this action is founded upon written instruments for the payment of money only, which instruments are in the possession of affiant, and that the facts stated and allegations made in the foregoing answer and cross-petition are true as he verily believes.

C. A. Hooper.

Sworn to before me and subscribed in my presence this 10th. day of August, 1937.

Seal Ruth Kess - Notary Public.

Filed Aug. 11- 1937.

Waiver of the Defendant, The Northwestern Mutual Life Insurance Company.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al, Defendants.

Case No. 13430.

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.

The Northwestern Mutual Life Insurance Company,
By- Hooper & Sanders - Attorneys at Law
By- Hooper & Sanders.

THE COL. P. B. MFG. CO. 74930

13430
Filed
Aug. 28- 1937.

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

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County:

You are commanded to notify Fred Smith as Father of Richard Smith (and natural Guardian) of said Richard Smith, the Defendant, a minor, over fourteen years of age. Residing in York Twp. Union County, O.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Praecipe.

and the following named who are minors, to-wit:
making service of this summons upon each minor as is 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 August, A.D. 1937, H. K. Hamilton, Administrator, of the Estate of Edward M. Hamilton, 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 deceased, and in said petition described, for the purpose of paying "Action by Administrator to Sell Real Estate to pay debts and equitable relief;" and that unless they answer by the 25th. day of September, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 6th. day of Sept. 1937.

Witness my hand and the seal of said Court, this 28th. day of August, 1937.

Seal L. W. Hazen- Probate Judge.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees	
Service & Return, first name	.75
30 miles traveled at 8¢	2.40
Total	$3.15

Recived this writ August 29th. 1937, at 3 o'clock P.M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: on August 28th. 1937, on Fred Smith the father of the said Richard Smith, by personally handing to him copy of this writ with all endorsements thereon.

H. S. Rowe- Sheriff.
By- E. Wood- Deputy.

13430
Filed
Aug. 28- 1937.

13430
Filed
Aug. 28-1937.

Motion.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,
-vs-
Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Motion.

Now comes the Plaintiff by his attorney, Robert N. Allen, and respectfully repats to the Court that Clayce Smith, one of the Defendants herein, is a minor over 14 years of age, and is married to Richard Smith, also a minor over 14 years of age, who have their own residence and against whom a Praecipe for Summons has been issued, and that Amy C. Hamilton is the mother and natural Guardian of the Defendant, Clayce Smith, and that Fred Smith is the father and natural Guardian of the Defendant, Richard Smith.

It is therefore respectfully moved the Court to make Amy C. Hamilton, as the mother and natural Guardian of Clayce Smith, and Fred Smith, as the father and natural Guardian of Richard Smith, Defendants herein.

Robert N. Allen- attorney for Plaintiff.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,
-vs-
Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Entry.

This cause came on to be heard, on the Motion of the Plaintiff, the evidence, and the Court being fully advised in the premises, it is therefore ordered, adjudged, and decreed that Amy C. Hamilton, as the Mother and natural Guardian of Clayce Smith, and Fred Smith, as the father and natural Guardian of Richard Smith, shall be and are hereby made parties Defendant herein.

H. W. Hazen- Judge.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,
-vs-
Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Praecipe.

THE COL. B. B. MFG. CO. 74930

13430

To the Probate Court:

Please issue Summons against the Defendant, Fred Smith, as the father and natural guardian of the Defendant, Richard Smith, a minor over 14 years of age, the said Fred Smith residing in York Township, Union County, Ohio, and make same returnable according to law.

Endorse Summons "Action by Administrator to Sell Real Estate to pay debts and equitable relief."

Robert T. Allen - Attorney for Plaintiff.

Filed
Aug. 28-1937.

Entry of Appearance and Consent to Sale.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,
-vs-
Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
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.

H. K. Hamilton.
Florence Hamilton.
Amy C. Hamilton.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,
-vs-
Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
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.

W. W. Hamilton.
Myrtle Hamilton.

13430

13430

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
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.

A. M. Hamilton.
Rosie Hamilton.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
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.

Effie Martin.
Perry Martin.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
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.

Gray Rose.
Eldon Rose.

THE COL. P. B. MFG. CO. 74930

13430

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et. al., Defendants.

Case No. 13430
Entry of appearance and Consent to Sale.

The undersigned parties defendant in the above entitled action being competent adult persons 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.

Emma Cooper.
A. R. Cooper.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et. al., Defendants.

Case No. 13430.
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.

Merlin E. Hamilton.
Dorothy Hamilton.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et. al., Defendants.

Case No. 13430.
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.

L. W. Hamilton.
Marjorie Hamilton.

13430

Filed Sept. 15-1937.

13430

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et. al., Defendants.

Case No. 13430.
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.

A. C. Hamilton.
Ruth Hamilton.

Filed Sept. 15-1937.

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 Clayce Smith and Richard Smith, Wife and Husband, both Minors over 14 years of age, residing at # 1812 E. 66th. St. Appr. 10- Cleveland, O.

H. K. Hamilton, Adm. of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et. al., Defendants.

Case # 13430 - Doc. K- Pg. 94.
Praecipe.

that on the Aug. 2nd. 1937, H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton 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 "Action by Administrator to sell Real Estate to pay debts" and for the appointment of Guardian Ad Litem.

Robert N. Allen- Attorney for Adm.

and that unless they answer by the 9th. day of October, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 20 day of Sept. 1937.

Witness my hand and the seal of said Court, this 7th. day of September 1937.

Seal

L. W. Hazen- Probate Judge.

(Second or Alias
1st. Aug. 2nd.)

THE COL. B. B. MFG. CO. 74930

13430

Sheriff's Return.

The State of Ohio, Cuyahoga County.

Sheriff Fees.	
Service & Retnrn, first name,	.75
2 Additional names, at 25¢	.50
8 miles traveled at 8¢	.64
Postage	.03
Total	$ 1.92

Received this writ September 10th. 1937, at 9:33 o'clock A. M., and on the 11th. day of September 1937, I served the same by delivering a copy thereof personally to the within named Clayce Smith and Richard Smith, minors. Also: on the same date I served the within named Landlady Minnie Sauer, person in charge of and in whose custody said minors were found, by handing to her a like copy of the within writ. No legal guardian, father or mother of said minors found in my county.

Martin L. O'Donnell - Sheriff.
By- Ray Foster - Deputy.

Filed Oct. 22-1937.

Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Order issued to Representative for Private Sale and Return.

To H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Greeting:

Whereas, the Probate Court of Union County, Ohio, in an action therein pending wherein H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, is Plaintiff, and Amy C. Hamilton, 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, or the sum of Three Thousand Dollars ($3,000) and agreable to the statute regulating the sale of real estate by the Administrator, and that you make return of your proceedings in the premises to the Probate Court, and bring this order with you. The said real estate is described in the Petition as follows, to-wit:

"Situated in the State of Ohio, County of Union, and Township of Jackson, being part of Survey No. 9940, and being the west 25 acres of the following described tract.

Beginning at a stone and brick in the east line of said Survey No. 9940, in the middle of the Arbela and Holmesville Road, and being the southeast corner of a tract formerly owned by Perry Longberry running thence with said Survey line and the middle of said road S. 6° E. 60.60 poles to a stone and brick; thence S. 82° 45' W. 158.20 poles to a stone

13430

and
Surv
cont
said
line
poles

follo

comm
said
land
line
stone
said
poles

Ohio,

D
priv
the
bein
solp

Sta

Wa
for
pric

22

13430

and brick in the west line of said Survey; thence with said Survey line N. 6° W. 50.60 poles to a stone and brick, the southwest corner of E. A. Vandemark's land, and thence with said Vandemark's south line and continuing with the south line of lands formerly owned by said Longberry N. 83° 45' E. 158.20 poles to the place of beginning."

Also that part of Survey No. 9940, bounded and described as follows:

Beginning at a stone at the root of an oak, northwest corner of said Survey running thence with the westerly line of said Survey, S. 6° E. 101.50 poles to a stone, corner of the Barth land, formerly owned by J. W. Robinson; thence with the north line of the Barth tract N. 84° E. 78.80 poles to a stake and stone; thence N. 6° W. 101.50 poles to a stone in the north line of said Survey and thence with the Survey line S. 84° W. 78.80 poles to the place of beginning.

Containing 50 acres, more or less.

Containing in all 75 acres, more or less."

Witness my hand and the seal of said Court, at Marysville, Ohio, this 22nd. day of October, A. D., 1937.

Seal — L. W. Hazen - Probate Judge.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 22 nd. day of October, 1937, offer said property, at private sale, and Amy C. Hamilton, having offered therefor, the sum of Three Thousand Dollars ($3,000) and the same being not less than the appraised value of said property, I sold the same to Amy C. Hamilton for that sum.

H. K. Hamilton, Admr. estate of
Edward M. Hamilton, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

H. K. Hamilton, 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.

H. K. Hamilton.

Subscribed in my presence and sworn to before me this 22 nd. day of October, 1937.

Seal — Robert T. Allen - Notary Public.

THE COL. B. B. MFG. CO. 74930

13430
Filed
Oct. 23- 1937.

Bond.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,

-vs-

Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Bond.

Know All Men By these presents: That said H. K. Hamilton, principal, and A. C. Hamilton and W. W. Hamilton as sureties are firmly bound under the State of Ohio in the penal sum of Three Thousand Dollars ($3,000) 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 H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, is Plaintiff and Amy C. Hamilton, et al., are Defendants, the said H. K. Hamilton, as such Administrator, has been ordered by said Court to sell certain real estate of said Decedent to pay debts.

Now, if the said H. K. Hamilton, Administrator as aforesaid, shall faithfully discharge his duties in the premises and full account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

H. K. Hamilton, Principal.
A. C. Hamilton.
W. W. Hamilton. Sureties.

Witnesses.
M. E. Hamilton.
Robert K. Allen.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff,

-vs-

Amy C. Hamilton, et. al.,
Defendants.

Case No. 13430.
Entry Approving Bond.

It Further appearing to the court that the Plaintiff has given additional bond in the sum of Three Thousand Dollars ($3,000) with approved sureties conditioned according to law, the said bond is hereby approved.

L. W. Hazen - Judge.

13430
Filed
Oct. 22- 1937.

Entr

H. K
of th
Ham

Amy

Plain
cedu
C. H
Smit
Petit
Quas
in
acco
vice
here

part
shou
was
Thou
app
by
Ill.
Doll
file
by
inte
as
at
app

sur
del

13430
Filed
Oct. 22 - 1937.

Entry Dispensing with a New Appraisement and Ordering Private Sale.
In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased,
Plaintiff.

-vs-

Amy C. Hamilton, et al.,
Defendants.

Case No. 13430.
Entry Dispensing with a new Appraisement and Ordering Private Sale.

This matter came on to be heard upon the Petition of the Plaintiff for authority to sell real estate of the above deceased to pay debts of his estate, the answer of Richard C. Thrall, Guardian ad litem of Clayce Smith and Richard Smith, minors over 14 years of age, the Answer and Cross-Petition of the Defendant, The Northwestern Mutual Life Insurance Company, mortgagee, the other Defendants being in default of Answer although served with Summons according to law or having waived the issuance and service of process and voluntarily entered their appearance herein 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 Three Thousand Dollars ($3,000), and 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 Edward M. Hamilton, Deceased, in the amount of Fifteen Hundred Dollars ($1500) 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).

And it appearing that a private sale would be to the best interest of the estate, it is ordered that said H. K. Hamilton, as such Administrator sell said real estate at private sale at not less than Three Thousand Dollars ($3000), being the appraised value thereof, for cash upon the delivery of a deed.

It is further ordered that said H. K. Hamilton, as such Administrator, make return of sale without unnecessary delay.

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 74930

13430
Filed
Oct. 22- 1937.

Application for Guardian ad Litem.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Application for Guardian ad Litem.

Now comes Robert N. Allen, Attorney for H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, and makes application for the appointment of a guardian ad litem for Clayce Smith and Richard Smith, Defendants herein, both minors over fourteen years of age, upon whom Summons was duly served according to law, and suggests that Richard C. Thall, who is a suitable person, be appointed as such.

Robert N. Allen, Atty., for
H. K. Hamilton, Admr. Estate
of Edward M. Hamilton, Deceased.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Entry.

On the application of Robert N. Allen, the counsel for the Plaintiff herein, it appearing that Clayce Smith and Richard Smith, Defendants herein, were duly served with Summons and are each minors over 14 years of age. It is ordered that Richard C. Thall be and he is hereby appointed guardian ad litem of the said Clayce Smith and Richard Smith.

L. W. Hazen - Judge.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Answer of Guardian ad Litem.

Filed
Dec. 9-1937.

Comes now Richard C. Thall, duly appointed by the Court as guardian ad litem for Clayce Smith and Richard Smith, minors over 14 years of age, and for answer to the Petition of said H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, says that he has not, by reason of the tender age of said Defendants become informed

13430

as
there
and
interv
Court
of s

Filed
Oct. 22- 1937.

H. K
of the
Hami

Amy

natur
perso
upon
and
Petit

H. K
of the
Hami

Amy

Smit
adm
sum
appe
esta

Filed
Dec. 9-1937.

Ent

H. K
of the
Hami

Amy

13430 as to the truth of the matters set forth in said Petition; and, therefore, on behalf of said minor Defendants, Clayce Smith and Richard Smith, 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 the interest of said Defendants shall require.

Richard C. Thrall,
Guardian ad Litem.

Filed Oct. 22-1937.

Entry of Appearance and Consent to Sale.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al, Defendants.

Case No. 13430.
Entry of Appearance and Consent to Sale.

The undersigned, Amy C. Hamilton, as the mother and natural guardian of Clayce Smith, being a competent adult person, hereby waives the issuance and service of Summons upon her as such, and voluntarily enters her appearance and consents to the sale of the real estate described in the Petition as therein prayed for.

Amy C. Hamilton.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Waiver.

The undersigned, father and natural guardian of Richard Smith, a minor over 14 years of age, being a competent adult person hereby waives the issuing and service of summons upon him as such, and voluntarily enters his appearance herein and consents to the sale of the real estate described in the Petition as therein prayed for.

Fred Smith, father and natural Guardian of Richard Smith, a minor over 14 years of age.

Filed Dec. 9-1937.

Entry Confirming Sale - Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, Deceased, Plaintiff,

-vs-

Amy C. Hamilton, et al., Defendants.

Case No. 13430.
Entry Confirming Sale Ordering Deed and Distribution.

THE COL. P. B. MFG. CO. 74930

13430

This day this cause came on to be heard on the report of H. K. Hamilton, Administrator of the Estate of Edward M. Hamilton, 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 Edward M. Hamilton in said real estate, to the purchaser, Amy C. Hamilton, upon her payment to said Administrator of the sum of Three Thousand Dollars ($3000) cash.

It is further found by the Court that the Northwestern Mutual Life Insurance Company is the holder of a mortgage against said premises which has a balance due thereon of the sum of Three Hundred Dollars ($300) with interest at 6½ % from June 1, 1937, which mortgage the Court finds to be the first and best, valid and subsisting lien upon said premises, and which is hereby cancelled by this proceeding.

It is further ordered that said Administrator pay the costs of this action in the amount of Fifty-one and 37/100 Dollars ($51.37) and the claim in favor of the Northwestern Mutual Life Insurance Company in the amount of Three Hundred Dollars ($300) and account for the remainder of the proceeds according to law.

L. W. Hazen - Judge.

13419
Filed
Dec. 10-1937.

In the Matter of The Estate of H. E. Mc Connell, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of The Estate of H. E. Mc Connell, Deceased. | Case No. 13419.
Application.

Now comes William P. Volrath and represents that he is the duly appointed, qualified and acting administrator of the estate of H. E. Mc Connell, deceased, late of Union County; that the assets of said estate have been duly appraised and an inventory filed in this court.

Your applicant further represents that he has in his possession property belonging to said estate that cannot be satisfactory divided and distributed in kind to the parties entitled thereto, and that it will be necessary to sell the same to make distribution thereof; that the said property is described as follows, to-wit:-

13419

Filed

Dec. 10-1937.

13419

22 shares of common stock City Service Company appraised at $ 66.00
50 shares of common stock Ame. Citizen Life Insurance Company - appraised at 200.00
20 shares of common stock Ohio Finance Company appraised at 300.00
20 shares of pres. stock Ohio Finance Company appraised at 1800.00
5 shares of Pref. stock Melrose Orchard Co. appraised at 500.00
10 shares of common stock Melrose Orchard Co. appraised at 1000.00
10 shares of Farmer's Merchant Banking Co. appraised at 1000.00

Wherefore, your applicant asks authority to sell said property at private sale, upon such terms as the court may order.

Milo L. Myers.
Attorney for William P. Volkath.

The State of Ohio, Union County, ss:

William P. Volkath being duly sworn, says that the facts stated and the allegations made and contained in the foregoing application are true as he believes.

William P. Volkath.

Sworn to before me and signed in my presence by the said William P. Volkath this 10th. day of December, 1937.

Seal

Milo L. Myers - Notary Public.

Filed Dec. 10 - 1937.

In the Probate Court, Union County, Ohio.

In the Matter of The Estate of H. E. Mc Connell, Deceased. | Case No. 13419. Journal Entry.

This day this cause came on to be heard on the application of William P. Volkath, administrator of the estate of H. E. Mc Connell, deceased, to sell the personal property therein described; and the court being fully advised in the premises, find that the statements made and the allegations contained in the application are true, and that said property ought to be sold as prayed for, and, that it will to the advantage of said estate to sell said property, and the whole thereof at private sale.

Therefore be, and it is hereby ordered, that the prayer of the application be, and is hereby granted.

The court further find, that at this time, the said administrator has been offered the sum of $448.00, cash, for the fifty shares of stock of the American Citizen Life Insurance Company, which offer is more than the appraised value of said stock as contained in the inventory and appraisement of said estate, that, the surviving spouse has been duly notified and does not desire to take the said stock, and, that the said offer is the highest and best price the said administrator has been offered for the same.

Therefore, it is ordered that the said William P. Volkath as said administrator, forthwith, proceed to sell, assign and transfer the said stock of The American Citizen Life Insurance Company to Otis & and Company, at private sale,

THE COL. B. B. MFG. CO. 74930

13419

for the sum of $748.00, cash.
And this cause is continued for further order.
L. W. Hazen.

Filed
Dec. 29-1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of H. E. Mc Connell, Deceased. | Case No. 13419.
Motion.

Now comes William P. Vollrath as administrator of the estate of H. E. Mc Connell, deceased, and represents to the court that heretofore, and on the 10th. day of December, 1937, as per entry filed in this court, the court found that it would be to the advantage of the estate to sell certain property belonging to the estate at private sale, including 20 shares Ohio Finance Company, common stock, appraised at $300.00 and 20 shares Ohio Finance Company, preferred stock, appraised at $1800.00 and 22 shares Cities Service Company, common stock, appraised at $66.00.

Further, the said administrator represents that he has made diligent effort to sell the same, and the whole thereof at the appraised value which he has been unable to do.

That, Stephens, Vercoe, Fuller and Koenig, brokers have offered him the sum of $200.00 for said 20 shares Ohio Finance Company common and $1600.00 for said 20 shares of Ohio Finance Company, preferred and $38.50 for said 22 shares Cities Company preferred and that the same is the highest and best price the has been offered for said stock.

Therefore, moves the court for an order authorizing and directing him to sell the above described stock and the whole thereof to the said Stephens, Vercoe, Fuller and Koenig, brokers at the price offered, and that he be directed as such administrator to assign and transfer the same to them.

William P. Vollrath.
Admr. of H. E. Mc Connell Estate.

Filed
Dec. 29-1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of H. E. Mc Connell, Deceased | Case No. 13419.
Journal Entry.

On this 28th. day of December, 1937, this cause came on for hearing on the motion of William P. Vollrath as administrator of the estate of H. E. Mc Connell, deceased, for an order directing and authorizing him to sell 20 shares Ohio Finance Company, common stock at $200.00, 20 shares Ohio Finance Company preferred stock, at $1600.00, and 22 shares Cities Service Company, common stock, at $38.50, at private sale, to Stephens, Vercoe, Fuller and Koenig, brokers, and the court being fully advised in the premises, on consideration thereof finds that the surviving spouse has been notified and does not desire to take the said stock at its appraised value, or do the parties entitled thereto desire to take

13419

said
the
should
T
P. Voll
sell,
Trust
Ohio
sharp
to the
at

Filed
Dec. 29-1937.

In t
H. E
is
as
goods
at

an
return
to-wi
1 D
5 sh
10 sh

10 s

to s
to s

the
as
$2.50
thereof

for
and
transf

13419

said stock and distribute and the same is kind, and that the bid of the said Stephens, Verce, Fuller and Lorenz, brokers, should be accepted and said stock sold to them.

Therefore, it is ordered by the court that the said William P. Vollrath as said administrator, forthwith, proceed to sell, sell, assign and transfer the said 20 shares of Ohio Finance Company common stock, at $200.00, 20 share Ohio Finance Company preferred stock at $1600.00, and 22 shares Cities Service Company common stock at $38.50, to the said Stephens, Verce, Fuller and Lorenz, brokers, at private sale, and for cash.

L. W. Hazen - Probate Judge.

Filed
Dec. 29-1937.

In the Probate Court, Union County, Ohio.
In the Matter of The Estate of H. E. Mc Connell, Deceased. | Case No. 13419.
Election.

Now comes Nellie C. Mc Connell and represents that she is the surviving spouse of H. E. Mc Connell, deceased, and as such is permitted to take such part of the personal goods and chattels of said estate, as is provided by law, at the valuation made by the appraisers of said estate.

That, the said administrator of said estate has caused an inventory and appraisement of said estate, to be made, returned and filed, including therein the following items, to-wit:-

1 De Soto, Sedan Automobile, appraised at	$ 50.00
5 shares Pref. stock Melrose Orchard Co. appraised at	500.00
10 shares common stock Melrose Orchard Co. which was appraised at	1000.00
10 shares stock of Fairmont Merchant Banking Co. which was appraised at	1000.00

That, the said administrator has filed an application to sell the same with other stock and property belonging to said estate.

That, the said Nellie C. Mc Connell hereby elects to take the property herein above described at the said valuation as fixed by said appraisers, to-wit, the total sum of $2550.00 and pay the cash therefor, or secure the payment thereof as the court may order.

Wherefore, the said, Nellie C. Mc Connell prays the court for an order approving the said election, and sale, and an order directing said administrator to assign, transfer and deliver said property to her, absolutely.

Nellie C. Mc Connell.

THE COL. B. B. MFG. CO. 74930

13419

The State of Ohio, Union County, ss.

Nellie C. Mc Connell being duly sworn says that the facts stated and the allegations made and contained in the foregoing are true as she believes.

Nellie C. Mc Connell.

Sworn to before me and signed in my presence by the said Nellie C. Mc Connell this — day of December, 1937.

Seal Milo P. Myers - Notary Public.

Filed
Dec. 29- 1937.

In the Probate Court, Union County, Ohio.

In the Matter of The Estate of H. E. Mc Connell, Deceased. | Case No. 13419. | Entry.

This day this cause came on to be heard on the application of William P. Yolrath, as administrator of the estate of H. E. Mc Connell, deceased, to sell 1 DeSota automobile, 5 shares pref. stock Melrose Orchard Co., 10 shares common stock Melrose Orchard Co., and 10 shares stock of the Farmers and Merchant Banking Company; and on the application and election of Nellie C. Mc Connell, the surviving spouse, as filed herein, and the court having heretofore, and on the 10th. day of December, 1937, found that it was necessary to dispose of all the property listed, stated and set forth in the application.

Therefore, it now appearing to the court that the facts stated and statements made and contained in the election of the said Nellie C. Mc Connell are true, that she is by law entitled to make such election, or to purchase said property so selected at its appraised value. It is ordered that the said election, and sale be and the same hereby is approved and confirmed, and the said administrator is ordered to assign, transfer, convey and deliver to the said Nellie C. Mc Connell the following described property, upon paying the appraised value thereof to the said administrator, to-wit:

1 DeSota, Sedan Automobile
5 shares Pref. stock Melrose Orchard Co.
10 shares common stock Melrose Orchard Co.
10 shares stock Farmers Merchant Banking Co.

And this cause is continued for further procedure and order in the premises.

L. W. Hazen.

13408
Filed
June 26-1937. Eu
Hooper & Sanders. A
Attorneys. Pe

13408
Filed
June 26-1937.
Hooper & Sauders.
Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased,

Plaintiff,

-vs-

Emma Rausch,
Alma Thomas,
Archie Thomas,
Dua Trimmer,
H. E. Trimmer,
Estar Mogill,
Anna Rouch,
Earl Rouch,
Elizabeth Rouch,
Gladys Rouch,
Dana Rouch,
Beulah Rouch,
Harold Rouch,
Marjorie Rouch,
Charles Rouch, and
Chester Allen Rouch,
an incompetent,

Defendants.

No. 13408.
Petition.

Plaintiff is the duly appointed, qualified and acting Administratrix of the Estate of John A. Rausch, deceased, who was also known as John A. Rouch, by virtue of an order of the Probate Court of Madison County, Ohio.

That as near as can be ascertained, the amount of the valid debts, costs of administration, widow's allowance for year's support, and the exemptions allowed to the widow under Section 10409-54 of the General Code of the State of Ohio, are $2000.00; the total value of the personal property of said decedent was fixed by the appraisers of the estate at $900.00, and said inventory and appraisement has been approved and confirmed by the Probate Court of Madison County, Ohio, and said personal property is wholly insufficient to pay the debts, allowances and costs aforesaid.

Said decedent did seized in fee simple of the following described real estate:

Situated in the State of Ohio, Counties of Madison and Union, and in the Townships of Darby, Union County, and Township of Pike, Madison County.

Being part of J. Galloways Survey #6773.

Beginning at a bur oak on the East bank of Little Darby Creek, most northeasterly corner to the tract of 22½ acres of land conveyed by R. M. Reyes, Administrator of the estate of Cynthia J. Hoosher, to Henderson Baker

THE COL. B. B. MFG. CO. 74930

13408

and wife, January 14th, 1893. Thence with three consecutive lines of said tract (connecting the corners) North 75° 12" West 1½ poles to a stake; thence South 28° 48" West 12-4/5 poles to a stake on the east margin of the creek; thence North 83° 42" West 2 poles to a stake in the middle of the creek; thence down the center of the creek with the meanderings to a stake in the North line of the tract of land now owned by Conrad Nichol: Thence with said line South 60° 3" East 7.40 poles to a stone at an angle in the road formerly leading from the Post Road to the L. D. Mann mill (passing a stone on the west bank of the creek at 2.12 poles): Thence with center of said road and with one of the lines of the aforesaid 22½ acre tract North 15° 57" East 47 poles to the place of beginning.

Containing 1.7 acres more or less.

Being the same premises conveyed to John G. Burns, by James C. LaRue, April 30, 1904, see Vol. 69 page 76-78 record of deeds Madison County, Ohio.

That part of said real estate is located in Union County, Ohio.

The decedent died leaving the defendant, Emma Rausch, also known as Emma Rouch, his widow, who is 63 years of age, and is entitled to a distributive share in said real estate as provided by the laws of the State of Ohio. The defendants, Alma Thomas, Ina Trimmer, Esta Magill, Anna Rouch, Carl Rouch, Chester Allen Rouch, Gladys Rouch, Dana Rouch, Harold Rouch and Charles Rouch, are all the heirs at law and next of kin of said decedent, and are the only persons entitled to the next estate of inheritance from said decedent, or that have any interest in said real estate. The defendant, Perchie Thomas, is the husband of the defendant, Alma Thomas; the defendant, H. C. Trimmer, is the husband of the defendant, Ina Trimmer; the defendant, Elizabeth Rouch, is the wife of the defendant, Carl Rouch; the defendant, Beulah Rouch, is the wife of the defendant, Dana Rouch; the defendant, Marjorie Rouch, is the wife of the defendant, Harold Rouch; the defendants, Esta Magill, Anna Rouch, Chester Allen Rouch, Gladys Rouch and Charles Rouch, are unmarried.

The defendant, Chester Allen Rouch, is now confined in the State Hospital for the Insane at Columbus, Ohio.

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 of the right, title and interest of any persons parties hereto; 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 cases made and provided, and for such other and further relief in the premises as the court deems just and proper.

Hooper & Sanders - Attorneys for Plaintiff.

Filed
June 26-1937

13408

13708

State of Ohio, Union County, ss:

Emma Rausch, being first duly sworn, says that she is the Administratrix of the Estate of John A. Rausch, deceased, and as such is the Plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as she verily believes.

Emma Rausch.

Sworn to before me and subscribed in my presence this 25th. day of June, 1937.

Seal

Ruth Hess - Notary Public.
Union County, Ohio.

In the Court of Common Pleas, Union County, Ohio.

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased,

Plaintiff,

-vs-

Emma Rausch, et al.,

Defendants.

No. 13708.

Precipe.

To the Clerk:

Issue summons in the above entitled cause, directed to the Sheriff of Franklin County, Ohio, for the defendant, Chester Allen Rouch, an incompetent person, and cause the same to be served on Chester Allen Rouch, and on the Superintendent for the State Hospital for the Insane at Columbus, Ohio, and make the same returnable according to law.

Endorse summons, "Action for sale of real estate to pay debts, and other relief."

Hooper & Saunders -
Attorneys for Plaintiff.

Filed
June 26 - 1937

Waiver.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administrator of the Estate of John A. Rausch, Deceased,

Plaintiff,

-vs-

Emma Rausch, et al.,

Defendants.

No. 13708
Waiver.

Now comes the undersigned, parties defendant in the above entitled cause, and voluntarily enter their appearances herein, and waive the issuing and service of summons and process, and consent to a sale of the real estate as prayed for in the petition.

Esta Magill, Earl Rouch, Elizabeth Rouch,
Dana Rouch, Beulah Rouch, Harold Rouch,
Marjorie Rouch, Alma Rouch, Ina Trimmer,
H. E. Trimmer, Gladys Rouch, Alma Thomas,
P. E. Thomas, Charles Rouch, Emma Rausch.

THE COL. B. B. MFG. CO. 74930

13408
Filed
June 30-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court. At Marysville, O.
To the Sheriff of said County: Franklin County, Ohio.

You are commanded to notify Chester Allen Rough - Incompetent, % Columbus State Hospital - Supt. Dr. J. T. Bateman.

"Petition"

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased, Plaintiff - -vs- Emma Rausch, - Alma Thomas, - Perchie Thomas, - Ina and H. C. Trimmer, - Esta Magill, - Anna, - Earl, - Elizabeth, - Gladys, - Dana, - Beulah, - Harold, - Marjorie, - Charles, - and Chester Rough, All Defendants; That on the 26th. day of June, A. D. 1937, Emma Rausch - Administratrix of the Estate of John A. Rausch 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 "Action for sale of real estate to pay debts, and other relief."

Hooper and Sandus - Attorneys for Plaintiff.

and that unless they answer by the 24th. day of July, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 5th. day of July 1937.

Witness my hand and the seal of said Court, this 26th. day of June, 1937.

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
1 Additional names, at 25¢	.25
10 miles traveled at 8¢	.80
Postage	.03
Total	$1.83

Received this writ June 30, 1937, at 9 o'clock A. M., and on the 1 day of July 1937, I served the same by delivering a copy thereof personally to the within named Chester Allen Rough and Dr. J. T. Bateman, Superintendent of the Columbus, State Hospital.

Jacob E. Sandusky,
Sheriff of Franklin County, O.
By E. D. Grauman - Deputy.

13408
Filed
Sept. 15-1937.

Filed
Sept. 15-1937.

Filed
Sept. 15-1937.

te.
k Marysville, O.
Ohio.
e Rausch -
Dr. J. N. Bateman,
- of John A.
hs, - Alma
immer, -
- Dana, -
hester Rausch,
ann, A. D.
tate of John
the Probate
and others;
obtain an
going to said
purpose of
debts, and
rneys for Plaintiff.
ay of July,
of said order
erk on the
Court, this
nd ex officio
Court of said County.
rk June 30,
clock A. M.,
day of July
the same
a copy thereof
the within
Bateman,
.
y,
County, O.
- Deputy.

13408
Filed
Sept. 15-1937.

Application for Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased, Plaintiff,

-vs-

Emma Rausch, et al., Defendants.

No. 13408.
Application for Guardian Ad Litem.

Now comes Emma Rausch, Administratrix herein, and makes application for the appointment of a guardian ad litem for Chester Allen Rausch, one of the defendants herein, an incompetent person, upon whom summons was duly served according to law, and suggests that Gladys Rausch, who is a suitable person, be appointed as such.

Emma Rausch.

Filed
Sept. 15-1937.

Answer of Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased, Plaintiff,

-vs-

Emma Rausch, et al., Defendants.

No. 13408.
Answer of Guardian Ad Litem.

And now comes Gladys Rausch, duly appointed by the Court as guardian ad litem for Chester Allen Rausch, an incompetent person, and for answer to the petition of said Emma Rausch, Administratrix, says that she has not, by reason of the condition of said defendant, become informed as to the truth of the matters set forth in said petition; and, therefore, on behalf of said defendant, an incompetent person, denies the same, and submits the interest of said defendant to the care and protection of the Court, to order in the premises as justice and the interest of said defendant shall require.

Gladys Rausch - Guardian Ad Litem.

Filed
Sept. 15-1937.

Entry.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix of the Estate of John A. Rausch, Deceased, Plaintiff,

-vs-

Emma Rausch, et al., Defendants.

No. 13408.
Entry.

THE COL. B. B. MFG. CO. 74930

13408

On the application of Emma Rausch, plaintiff herein, it appearing that Chester Allen Rausch, one of the defendants herein, was duly served with summons, and is an incompetent person, it is ordered that Gladys Rausch be and she is hereby appointed guardian ad litem of said Chester Allen Rausch.

L. W. Hazen - Probate Judge.

Filed
Sept. 15- 1937.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix,
Plaintiff,
-vs-
Emma Rausch, et al.,
Defendants.

No. 13408.
Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 15th. day of September, 1937, offer said property, at private sale, and Earl Rausch having offered therefor the sum of Nine Hundred ($900.00) Dollars, and the same being the appraised value of said property, I sold the same to said Earl Rosch for that sum.

Emma Rausch.

State of Ohio, Union County, ss:

Emma Rausch, being duly sworn, says that the private sale of property made upon 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.

Emma Rausch.

Subscribed in my presence and sworn to before me this 15th. day of September, 1937.

William S. Hoopes- Notary Public.

Filed
Sept. 15- 1937.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix,
Plaintiff,
-vs-
Emma Rausch, et al.,
Defendants.

No. 13408.
Order for Private Sale.

To Emma Rausch, Greeting:

Whereas, on September , 1937, in a certain action pending in the Probate Court of Union County, Ohio, wherein Emma Rausch, Administratrix, is plaintiff, and Emma Rausch, 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, agreeable to the statute regulating the sale of real estate by Administrators, and

13408

Filed
Sept. 15- 1937.

13408

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 State of Ohio, Counties of Union and Madison, Townships of Darby and Pike.

Being part of J. Galloways Survey # 5743.

Beginning at a bur oak on the East bank of Little Darby Creek, a most northeasterly corner to the tract of 22½ acres of land conveyed by P. W. Keyes, Administrator of the estate of Cynthia J. Hoschen, to Henderson Baker and Wife, January 14th, 1893. Thence with three consecutive lines of said tract (correcting the courses) North 75° 12" West 1½ poles to a stake; thence South 28° 48" West 12-4/5 poles to a stake on the east margin of the creek; thence North 83° 42" West 2 poles to a stake in the middle of the creek; thence down the center of the creek with the meanders to a stake in the North line of the tract of land now owned by Conrad Nichol; thence with said line South 60° 3" East 7.40 poles to a stone at any angle in the road formerly leading from the Post Road to the L. D. Mann mill (passing a stone on the west bank of the creek at 2.12 poles); thence with center of said road and with one of the lines of the aforesaid 22½ acre tract North 16° 07" East 47 poles to the place of beginning. Containing 1.7 acres more or less.

Being the same premises conveyed to John G. Burns by James Co. La Rue April 30, 1904, see Vol. 69 page 76-78 Record of deeds Madison County, Ohio.

Witness my hand and the seal of said Court at Marysville, Ohio, this 15th day of September, 1937.

L. W. Hazen- Probate Judge.

Filed Sept. 15-1937.

Entry.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix, Plaintiff, -vs- Emma Rausch, et al., Defendants. | No. 13408. Entry.

This day this cause came on to be heard upon the petition of plaintiff, the answer of Gladys Rausch, guardian ad litem of the defendant, Chester Allen Rausch, an incompetent, and the evidence.

The Court, being fully advised in the premises, finds that all of the defendants have been duly served with summons and process or have voluntarily entered their appearances herein, and consented to a sale of the real estate as prayed for in the petition, and are now

THE COL. B. B. MFG. CO. 74930

13408

properly before the court.

The Court further finds that all of the allegations in the petition are true and that the real estate sought to be sold as prayed for therein; that said real estate was appraised by the appraisers in said estate for the sum of $900.00, and all further appraisement of said real estate is hereby dispensed with.

And the Court, being satisfied that it is necessary to sell the real estate of the said John A. Rausch, described in the petition, to pay his debts and the costs of administration, and it being made to appear to the court upon said evidence, that it would be more to the interest of said estate to sell said real estate described in the petition at private sale, it is therefore ordered that the said Emma Rausch proceed to sell said real estate, free and clear of all encumbrances at private sale for not less than $900.00, that being the appraised value thereof, for cash.

It is further ordered that said Administratrix, execute a bond in the sum of $900.00 before proceeding with the sale of said real estate.

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

L. W. Hazen - Probate Judge.

Filed
Sept. 15- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix,
Plaintiff,

-vs-

Emma Rausch, et al.,
Defendants.

No. 13408.
Entry.

This day this cause came on to be heard on the repot of Emma Rausch, Administratrix of the Estate of John A. Rausch, 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 John A. Rausch in said real estate to said Carl Rough, the purchaser.

And the Court coming now to distribute the proceeds of sale, amounting to the sum of Nine Hundred ($900.00) Dollars, it is ordred that the petitioner, out of the money in her hands, pay:

13408
Filed
Sept. 15- 1937.

13390
Filed
May 21- 1937.

13408

First: The costs of this action, taxed at $14.83.
Second: The balance in the sum of $885.17 to be accounted for according to law.

L. W. Hazen - Probate Judge.

Filed Sept. 15-1937.

Additional Bond.

In the Probate Court, Union County, Ohio.

Emma Rausch, Administratrix,
Plaintiff,
-vs-
Emma Rausch, et al.,
Defendants.

No. 13408.
Additional Bond.

Know All Men By these Presents: That we, Emma Rausch, as principal, and Gladys Rausch and Harold Rausch, as sureties, are firmly bound under the State of Ohio in the penal sum of Nine Hundred ($900.00) 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 Emma Rausch, Administratrix of the Estate of John A. Rausch, deceased, is plaintiff, and Emma Rausch, et al., are defendants, the said Emma Rausch has been ordered by said Court to sell certain real estate of said decedent to pay debts.

Now, if the said Emma Rausch, Administratrix, aforesaid shall faithfully discharge her duties in the premises and fully account for all moneys arising from such sale, according to law, then this obligation to be void, otherwise to be in full force and effect.

Emma Rausch.
Gladys Rausch.
Harold Rausch.

13390
Filed May 21-1987.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor, Minor,
Plaintiff,
-vs-
Frances Irene Traynor, His Ward, Laura Traynor and Mary R. Huber,
Defendants.

No. 13390.
Petition.

Plaintiff represents that he is the duly appointed and qualified Guardian of Frances Irene Traynor, a minor of the age of 14 years, on the — day of December, 1936, and residing with William J. Traynor and Laura Traynor, parents of said ward, at Marysville, Ohio, the said William J. Traynor having been appointed as such guardian by

THE COL. B. B. MFG. CO. 74930

13890

the Probate Court of Union County, Ohio, on the 19th. day of May 1937.

Plaintiff says that under the last will and testament of John L. Huber, deceased, the decedent used the following language in his last will and testament, to-wit: "I give and devise to my wife Mary R. Huber so long as she remains my widow all my real property that I may own at time of death. In the event of her remarriage, I give and devise all said real property one third to my wife Mary R. Huber, one third to my daughter Laura Trainor, one third to my grand child Francis Irene Trainor absolutely."

Plaintiff says that the Laura Trainer mentioned in said will is the same person as Laura Traynor and the said Francis Irene Trainer mentioned in said will is the same Frances Irene Traynor herein made parties defendants.

Plaintiff says that Mary R. Huber has not yet to his knowledge remarried, but that by said language used in said will above mentioned the ward, Frances Irene Traynor is seized of the one-third interest, contingently upon the remarriage of the said Mary R. Huber of the following described real estate, to-wit: Situate in the County of Union in the State of Ohio and in the Village of Marysville and, Beginning at the London Road S. E. corner to these premises and N. E. corner of a lot formerly owned by Lucy A. Fuller; thence by the London Road N. 12½ E. 5 poles to a stake; thence westerly on parallel with the N. line of said Fuller lot 16 poles to a stake; thence S. 12½ W. 5 poles to a stake; thence easterly with the N. line of said Fuller lot 16 poles to the place of beginning. Containing ½ acre, more or less.

Except a strip of about 6 feet in width sold to Henry Huber March 18, 1893. Recorded in Deed Record of Union County, Ohio, Vol. 69, page 693, to which reference is hereby made.

The defendant Laura Traynor, under the last will and testament of John L. Huber also has a contingent interest of the undivided one-third part of said real estate, providing the said Mary R. Huber remarries during her natural life time, and if the Mary R. Huber does not remarry and is survived by the said Laura Traynor, the said Laura Traynor becomes seized in fee simple of the entire estate.

That the defendant Mary R. Huber under the terms and conditions of the last will and testament of the said John L. Huber is entitled to the undivided one-third interest in said estate if she remarries during her natural life time. If the said Mary R. Huber does not remarry during her natural life time she possess a life estate

Filed
May 21-1937

13890

13890

only in said estate and is entitled only to use and benefit of the same only during her natural life time.

That no other persons has any interest in said estate by inheritance or otherwise.

Plaintiff says that said real estate petitioned herein to sold is unoccupied, and has been unoccupied for a period of months last past, that the buildings are in need of paint and repairs, that the roof of the dwelling is bad and it is necessary to spend considerable money on said premises to keep the same in repair, and good condition, and that it is to the best interests of said ward and the estate that said real estate be sold for cash and that the proceeds be invested or held for the use and benefit of the ward in accordance with law.

Wherefore the plaintiff prays the court to set this petition for hearing, to issue summons to the sheriff of this county for the defendants returnable in accordance with law, and for an order authorizing him to sell the same, and for such other and further relief as the plaintiff may be entitled to.

John W. Dailey- Attorney for Plaintiff.

State of Ohio, Union County, ss:

William J. Traynor being duly sworn, deposes and says the facts stated and allegations made in the foregoing petition are true, as he verily believes.

William J. Traynor.

Sworn to before me and subscribed in my presence this the 21st. day of May, 1937.

John W. Dailey- Notary Public.

To the Probate Judge:-

Issue summons on this petition directed to the sheriff of Union County, Ohio, for the defendant, Frances Irene Traynor, a minor of the age of 14 years and on William J. Traynor and Zabra Traynor, father and mother of the said Frances Irene Traynor respectively and being the parties having custody of the said Frances Irene Traynor. "Endorse" Action for sale of Real Estate and other relief," and make same returnable in accordance with law.

John W. Dailey- Attorney for Plaintiff.

Filed May 21-1937

Journal Entry on Filing of Petition.
In the Probate Court
of Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor, a Minor,
Plaintiff,
-vs-
His Ward- Frances Irene Traynor, et al.,
Defendants.

No. 13890.
May 21- 1937.

THE COL. B. B. MFG. CO. 74930

13390

This day William J. Traynor as Guardian of Frances Irene Traynor filed this petition in this court praying for the sale of the real estate described in the petition for reasons as stated in said petition.

It is ordered that said petition be heard on the 21st. day of June, 1937, at 10:00 o'clock A. M., and that summons issue to the sheriff of this county for the defendants who fail to waive the issuance and service of process and make the same returnable in accordance with law.

It is ordered that this cause be continued.

L. W. Hazen- Probate Judge.

Filed
May 21- 1937.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor,
Plaintiff,

-vs-

Ila Ward, Frances Irene Traynor, Laura Traynor and Mary R. Huber,
Defendants.

No. 13390.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 21, A. D. 1937.

Mary R. Huber.
William J. Traynor.
Laura Traynor.
Laura Traynor as Mother of Frances Irene Traynor.
William J. Traynor as Father of Frances Irene Traynor.

Filed
May 26- 1937.

Summons on Petition to Sell Real Estate.

Sheriff- Union only.

The State of Ohio, Union County. } Probate Court.

To the Sheriff of said County:

You are commanded to notify Frances Irene Traynor, a minor of the age of 14 years; making service of this summons upon such minor as over fourteen years of age; that on the 21 day of May, A. D. 1937, William J. Traynor, as guardian of Frances Irene Traynor, 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

13390

Filed
May 22- 1937.

13890 certain Real Estate belonging to said Ward and others and in said petition described and other relief and that unless they answer by the 19 day of June, 1937, said petition will be taken as true, and an Order granted accordingly.

Said Sheriff will make due return of this summons on the 31 day of May, 1937.

Witness my hand and the seal of said Court, this 22 day of May, 1937.

Seal

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.
By - Carrie M. Hornbeck - Deputy Clerk.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees:	
Service & Return, First name .75	
Total .75	

Received this writ May 25th. 1937, 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 who are over fourteen years of age, viz: May 24th. 1937, on Frances Irene Traynor, a minor, and also, on May 25th. 1937, on William J. Traynor as the guardian of the said Frances Irene Traynor.

H. S. Roosa - Sheriff.
By - E. Wood - Deputy.

Filed May 22 - 1937.

Answer of Mary R. Huber.

In the Probate Court of Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor, Minor, Plaintiff,

-vs-

His Ward - Frances Irene Traynor, Laura Traynor and Mary R. Huber, Defendants.

Answer and Cross-Petition.

Now comes the defendant Mary R. Huber and voluntary enters her appearance herein, and for answer to the petition herein filed says that she is the Mary R. Huber mentioned in the last will and testament of John A. Huber, deceased, and that Frances Irene Traynor is the same person as Francis Irene Trainer, and that Laura Traynor is the same person as Laura Trainer, mentioned in the last will and testament of John A. Huber, deceased.

The defendant further says that under the terms of the last will and testament this defendant is the owner of the life estate of the real estate described in the petition conditioned that she does not remarry during her natural life time, subject conditionally that upon her marriage she is entitled to the undivided one-third part thereof in fee simple.

THE COL. B. B. MFG. CO. 74930

13890

Defendant further says that she has not married since the death of John L. Huber and that at this time she is entitled to the income from said real estate for her natural life, or upon marriage is entitled to the one-third part thereof absolutely.

Defendant further says that on or about the — day of March, 1937, this defendant was duly appointed and qualified as a testamentary trustee in the Probate Court of Union County, Ohio, under the last will and testament of John L. Huber, deceased, and is still acting as such trustee.

This defendant for further answer says that it is for the best interests for herself as life tenant, the plaintiff as contingent owner of one-third of the fee simple and the defendant Laura Traynor that the entire estate be sold for the reasons stated in the petition of the plaintiff.

Wherefore this defendant prays that the entire interest of the real estate described in the petition be sold and that the proceeds therefrom be ordered distributed in accordance with law and for such other and further relief as the defendant may be entitled to.

Mary R. Huber.

State of Ohio, Union County, ss:

Mary R. Huber, being first duly sworn, deposes and says the facts stated and allegations made in the foregoing are true, as she verily believes.

Mary R. Huber.

Sworn to before me and subscribed in my presence this the 21 day of May, 1937.

John W. Dailey - Notary Public.

Filed
May 22 - 1937.

Answer of Laura Traynor.
In the Probate Court
of Union County, Ohio.

William J. Traynor, Guardian of
Frances Irene Traynor, Minor,
Plaintiff,

-vs-

His Ward - Frances Irene Traynor,
Laura Traynor and Mary R. Huber,
Defendants.

Now comes the defendant Laura Traynor and enters her appearance herein and for answer to the petition herein filed says that she is the same person as named in the last will and testament of John L. Huber, deceased, as Laura Trainor and the minor Frances Irene Traynor is the same person as Francis Irene Trainor mentioned in the last will and testament of John L. Huber.

Filed
June 16 - 1937.

13390

This defendant says that by the terms of the last will and testament of John L. Huber she is the owner of the undivided one-third interest in the real estate described in the petition, conditionally upon the re-marriage of the defendant Mary R. Huber during her life time, or if the said Mary R. Huber does not marry during her life time this defendant is entitled to the real estate in fee simple as a devisee under the last will and testament of John L. Huber, Deceased.

This defendant says that it for the best interests of the entire estate that the real estate described in the petition be sold and converted into cash for the reason stated in the petition herein filed.

This defendant further says that on or about the — day of March, 1937, the defendant Mary R. Huber was duly appointed as testamentary trustee under the last will and testament of John L. Huber, deceased, by the Probate Court of Union County, Ohio, immediately qualified and is still acting as such.

Wherefore this defendant prays that the entire estate in said real estate described in the petition herein be sold and that the proceeds therefrom be distributed in accordance with the last will and testament of John L. Huber and the statutes of this State, and for such other and further relief as the defendant may be entitled to.

Laura Traynor.

State of Ohio, Union County, ss.

Laura Traynor, being first duly sworn, deposes and says the facts stated and allegations made in the foregoing are true, as she verily believes.

Laura Traynor.

Sworn to before me and subscribed in my presence this the 21 day of May, 1937.

Seal

John W. Dailey- Notary Public.

Filed June 16-1937.

Application for Appointment of Guardian, Ad Litem.

Probate Court, Union County, Ohio.

To the Hon. L. W. Hazen, Judge of said Court: June 16, A.D-1937.

The undersigned Frances Irene Traynor, a minor of the age of more than 14 years, makes application for the appointment of a Guardian ad litem for the minor defendant in the above entitled case.

The defendant Frances Irene Traynor is more than 14 years of age, being duly served with summons herein.

The undersigned suggests that Gypsie Sanders, who is a suitable puson be appointed as such Guardian ad litem.

Respectfully, Frances Irene Traynor.

THE COL. B. B. MFG. CO. 74930

13390

Probate Court, Union County, O.

William J. Traynor as guardian
of Frances Irene Traynor,
Plaintiff,

-vs-

His Ward, Frances Irene Traynor,
Laura Traynor & Mary R. Hubers,
Defendants.

No. 13390 - June 16- 1937.
Appointment of Guardian
Ad Litum.

This day Frances Irene Traynor, a minor of more than 14 years of age, appeared in open Court, and made application for the appointment of a Guardian ad litem for the minor defendant in this case.

And it appearing to the Court that the defendant Frances Irene Traynor is a minor of more than 14 years, and has been duly and legally served with summons herein, and appeared in open court and requested that Guynn Sanders be appointed guardian ad litem herein.

It is ordered that Guynn Sanders be and he hereby is appointed Guardian for the suit, for said minor defendant.

And now comes the said Guynn Sanders and his open Court accepts said appointment.

L. W. Hazen - Judge.

Filed
June 16- 1937.

Answer of Guardian Ad Litem.
Probate Court, Union County, Ohio.

William J. Traynor, Guardian
of Frances Irene Traynor,
Plaintiff,

-vs-

His Wife, Frances Irene Traynor,
et al.,
Defendants.

No. 13390
Answer of Minor Defendants.

And now comes the said Frances Irene Traynor, the minor defendant to the petition in said cause, by Guynn Sanders 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 defendant. 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 16 day of June, A. D. 1937.

Guynn Sanders.

13390
Filed
June 21- 1937.

Filed
June 22-1937.

16- 1937.
rdian

f more than
made appli-
ad litem

dant Frances
rs, and has
herein, and
uyan Sanders

he hereby is
ion defendant.
and his upon

dge.

efendants.

ion, the minor
uyan Sanders
, in said
d petition,
ained, pre-
e say, that
with the
Court to
ch relief

.

13390
Filed
June 21- 1937.

Journal Entry - Finding Sale Necessary & Ordering Appraisement.
In the Probate Court of Union County, Ohio.

William J. Traynor, Guardian
of Frances Irene Traynor,
Plaintiff,

-vs-

His Ward - Frances Irene Traynor,
Laura Traynor & Mary R. Huber.
Defendants.

No. 13390.
June 21- 1937.

This day this cause came on for hearing before the court upon the petition of the plaintiff, answer and cross petitions of the defendants Laura Traynor and Mary R. Huber and answer of Guyan Sanders guardian ad litem for the defendant Frances Irene Traynor, and the evidence.

The court finds that all the defendants herein have been duly and legally served with process or waived such service and voluntary entered their appearance herein and requested that said real estate be sold. That the minor Frances Irene Traynor is more than 14 years old and has filed an answer herein by guardian ad litem.

The court further finds from the pleadings and evidence adduced that it is for the best interests of the guardian and estate of the minor, Frances Irene Traynor, and the best interests of the defendants Laura Traynor and Mary R. Huber that said real estate be sold and that the prayer of the petition should be granted.

It is therefore ordered by the court that the plaintiff, William J. Traynor as guardian of Frances Irene Traynor, proceed in accordance with law to appraise said real estate described in the petition, and it is ordred that W. L. Baker, J. M. Huber and James Coe, three judicious and disinterested persons of the vicinity 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 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 — day of July, 1937.

L. W. Hazen - Probate Judge.

Filed
June 22-1937.

Order of Appraisement.
Probate Court.
The State of Ohio, Union County, ss.

To William J. Traynor:

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 Guardian of Frances Irene Traynor, are Plaintiff and His Ward, Frances Irene Traynor, et al,

THE COL. B. B. MFG. CO. 74930

13890

are Defendants, you are commanded that by the oaths of B. L. Baker, J. M. Huber and James Coe, 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: Situate in the County of Union in the State of Ohio and in the Village of Marysville, and, Beginning at the London Road, S. E. corner to these premises and N. E. corner of a lot formerly owned by Lucy A. Fuller; thence by the London Road N. 12½ E. 5 poles to a stake; thence westerly on parallel with the N. line of said Fuller Lot 16 polep to a stake; thence S. 12½ W. 5 poles to a stake; thence easterly with the N. line of said Fuller Lot 16 poles to the place of beginning. Containing ½ acre, more or less.

Except a strip of about 6 feet in width sold to Henry Huber March 18, 1893. Recorded in Deed Record of Union County, Ohio, Vol. 69, page 593, to which reference is hereby made.

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 21 day of June, A. D. 1937.

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 22" day of June, 1937.

William J. Taylor.

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.

B. L. Baker
J. M. Huber
James Coe
} appraisers.

Sworn to before me and signed in my presence, this 22 day of June, 1937.

Adele M. Kagay - Notary Public.

13890

Filed June 23-1937.

oaths of
ions dis-
petitioners,
oaluation
w of the
the County
of Marysville
ect to these
owned by Lucy
. 5 poles
he N. line
S. 12½ W.
line of said
ing ½ acre,

d to Henry
of Union
thereby made.
to this Court

Probate Court
1937.
obate Judge.

caused the
by the

or.

um oath
artially ap-
ue valued
se in pur-

appraisers.

nce, this

Notary Public.

13390 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 Twenty-five Hundred ($2500.00) Dollars.

Given under our hands, this 22" day of June, 1937.

C. L. Baker.
J. M. Huber. } Appraisers.
James Coe.

Appraisers' fees $6.00.

Filed June 23-1937.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor, Plaintiff,

-vs-

His Ward- Frances Irene Traynor, et al., Defendants.

No. 13390. application.

The said Plaintiff represents that it would be for the best interests of the said Ward to sell the real estate described in the petition in this case, at private sale, for the following reasons: That applicant has a cash offer for said premises at the appraised value thereof, money paid upon delivery of deed.

2. That said real estate is in immediate need of repairs and is unoccupied and that if public sale be had a delay will be necessary with added costs and expenses, and the net amount realized will be greater from private sale than can be realized at public sale.

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

Guardian of Frances Irene Traynor.

The State of Ohio, Union County.

William J. Traynor, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

William J. Traynor.

Sworn to before me and signed in my presence this 23rd. day of June, A. D. 1937.

Adele M. Kagay- Notary Public.

Fee

THE COL. B. B. MFG. CO. 74930

13390

Affidavit of Disinterested Person.

The State of Ohio, Union County.

George Schlegel Jr. and Charles C. D. Lee each, being duly sworn, says that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said ward, Frances Irene Traynor to sell said real estate at private sale than at public sale for the reasons stated herein as they verily believe.

George Schlegel Jr.

Charles C. D. Lee.

Sworn to before me and signed in my presence this 23rd. day of June, 1937.

Adele M. Ragay - Notary Public.

Filed June 23-1937

Journal Entry - Approving Appraisement - Dispensing with Additional Bond and Order of Sale.

Probate Court of Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor, Plaintiff,

-vs-

His Ward - Frances Irene Traynor, Laura Traynor & Mary R. Huber, Defendants.

No. 13390.

June 23 - 1937.

This day this matter came on to be further heard upon the reports 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 hereby is approved and confirmed.

It appearing to the court that William J. Traynor has heretofore herein given a good and sufficient bond it is ordered that no new bond be required of him.

It further appearing to the court that private sale of the real estate described in the petition herein would be to the best interest of the estate of the ward, Frances Irene Traynor, it is ordered that William J. Traynor as such guardian sell said real estate at not less than $_____ being the appraised value thereof for cash.

It is further ordered that the guardian make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

13390
Filed
June 23-1937.

13390
Filed
June 23-1937.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To William J. Traynor, Guardian of Frances Irene Traynor,
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 Frances Irene Traynor, are Plaintiff and His Ward - Frances Irene Traynor, 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:

Situate in the County of Union in the State of Ohio and in the Village of Marysville. Beginning at the London Road S. E. Corner of these premises and N. E. corner of a lot formerly owned by Lucy A. Fuller; thence by the London Road N. 12½ E. 5 poles to a stake; thence westerly on parallel with the N. line of said Fuller Lot 16 poles to a stake; thence S. 12½ W. 5 poles to a stake; thence easterly with the N. line of said Fuller Lot 16 poles to the place of beginning. Containing ½ acre, more or less.

Except a strip 8 feet in width sold to Henry Huber March 18, 1893, Recorded in Deed Record of Union County, Ohio, Vol. 69, Page 593, to which reference is hereby made.

Said sale to be upon the following terms: Cash upon 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 23rd. day of June, 1937.

L. W. Hazen - Probate Judge.

Seal

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 23rd. day of June, 1937.

William J. Traynor.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 23rd. day of June, 1937, offer said property at private sale, and A. P. Russell having offered therefor the sum of Twenty-five Hundred Dollars ($2500.00) and the same being not less than the appraised value of said property, I sold the same to said A. P.

THE COL. B. B. MFG. CO. 74930

13390

Russell for that sum.

William J. Traynor.

Affidavit to Repot of Private Sale.

The State of Ohio, Union County, ss.

William J. Traynor, 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 J. Traynor.

Sworn to before me and subscribed in my presence, this 23rd. day of June, 1937.

Adele M. Kagay — Notary Public.

Filed June 29-1937.

Confirming Sale, Ordering Deed and Distribution.

Probate Court of Union County, Ohio.

William J. Traynor, Guardian of Frances Irene Traynor,

Plaintiff,

-vs-

His Ward- Frances Irene Traynor, Laura Traynor & Mary R. Huber,

Defendants.

No. 13390.

Journal Entry, Ordering Deed and Distribution.

This day this matter came on for hearing before the court on the report of William J. Traynor, Guardian of Frances Irene Traynor, of his proceedings under the former order of this court, and upon motion of the 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 Frances Irene Traynor, Laura Traynor and Mary R. Huber in said real estate to the purchaser, A. P. Russell, upon the said purchaser paying therefore in cash the sum of Two Thousand Five Hundred ($2500.00) Dollars.

It is further ordered by the court that the said William J. Traynor as guardian, out of the money in his hands, pay: First: The costs and expenses of this proceeding, taxed at $12.75 and to William J. Traynor as such guardian for his services performed in connection with the sale of said premises, the sum of $50.00.

Second: The balance of said proceeds, amounting to the sum of $2430.25 to be paid to Mary R. Huber, the sum of $810.09 to pay direct to her as her

13390

13438

Filed

Aug. 13-1937.

Robert F. Allen.

Attorney.

13390

individual property and the balance, in the sum of $1620.16 to the said Mary R. Huber as trustee under the last will and testament of John L. Huber, deceased.

It is further ordered that this proceeding be recorded and that the petitioner pay the costs herein taxed within ten days.

L. W. Hazen - Probate Judge.

13438
Filed
Aug. 18-1937.
Robert F. Allen.
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long, Plaintiff,

-vs-

Emerson G. Long, a minor over 14 yrs. of age, Laurel L. Long, Curtis W. Long, and George E. Long, Defendants.

Case No. 13438.
Petition of Guardian to Sell Real Estate.

Now comes the applicant and says that she, the said, Laurel L. Long, was appointed Guardian of the Estate and person of Emerson G. Long on September 21, 1922, who was one year of age on November 21, 1922, by the Probate Court of Union County, Ohio, in Case No. 9933, and that she is now the duly appointed, qualified, and acting Guardian of the said Emerson G. Long, a minor.

Laurel L. Long, Guardian, says her ward, Emerson G. Long, is seized of the following described real estate, to-wit:

Being an undivided 1/9 interest in the following described real estate, to-wit:

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

Beginning at the S. W. corner of part of Lot No. 27 owned by Lucy Harraman; thence with the W. line of said part of Lot # 27 N. 94 feet; thence W. 40 feet; thence S. 94 feet; thence E. 40 feet to the place of beginning, with the lower story of the building thereon, except the right-of-way to the second story, the same being the property of the North Star K. of P. Lodge # 453.

Also Lot Number 25 as shown by the original Plat of the Village of Essex located in Jackson Township, Union County, Ohio. Description given from the Village Plat which says - Lot Number 25 is bounded on the North by the South line of Lynn Alley; on the East by Essex Street; on the South by Lot No. 27 and on the West by the E. line of Center Alley.

THE COL. B. B. MFG. CO. 74930

13438

The above described lot contains one-fourth of an acre of land and is five rods wide from north to south and 8 rods long from east to west which has been formally included in parcel of land owned by Lydia Price."

Being an undivided 1/6 interest of the following described real estate, to-wit:

"Situated in the County of Union, in the State of Ohio, and in the Village of Essex and bounded and described as follows:

Being a part of Lot Number 27 in said Village. Beginning at the South-East corner of said Lot No. 27; Thence North 97 feet to North-East Corner; Thence West 97 feet to North-West Corner; Thence South 94 feet to South-West Corner: Thence East 97 feet to the Place of Beginning."

The Applicant, Laurel L. Long, says said real estate is not encumbered in any manner.

Laurel L. Long, the Guardian, says her ward, Emerson G. Long, is a minor and unmarried.

The Defendants, Laurel L. Long, is the mother of Emerson G. Long, and Curtis W. Long and George E. Long are the brothers of Emerson G. Long, all three of whom are unmarried and are the only persons entitled to the next estate of inheritance from the said ward. There are no other persons who have any interest in said real estate.

The Applicant, Laurel L. Long, Guardian of Emerson G. Long, a minor, says that a sale of the real estate will be for the benefit of the ward.

Wherefore, Plaintiff prays the Court to set this petition for hearing and for an order authorizing the Plaintiff to sell the real estate hereinabove described in conformity to the statutes in such case made and provided; and for such other and further relief to which the Plaintiff may be entitled in law and equity.

Robert T. Allen - Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Laurel L. Long, being first 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.

Laurel L. Long.

Sworn to before me and signed in my presence by the said Laurel L. Long, at Richwood, Ohio, this 12 day of August, 1937.

(Fee claimed 80¢)

Seal Robert T. Allen - Notary Public.

13438.

Laur
Emer

Emer
14 ye
Lap
Curt
Geo

Ohio,
14 ye
ser

for

Filed
Aug. 19- 1937.

The
to

14
Laur
Emer

Emer
14 y
Lap
Cur
Geo

"

of t
Union
age
cert
the
of th
in
them
to ob
Relon
for
and
Sept
and

13438.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson G. Long,
Plaintiff,
-vs-
Emerson G. Long, a Minor over
14 yrs. of age,
Laurel L. Long,
Curtis W. Long,
George E. Long,
Defendants.

Case No. 13438.
Praecipe.

Please issue summons directed to the Sheriff of Union County, Ohio, against the Defendant, Emerson G. Long, a minor over 14 years of age, who resides in Richwood, Ohio, and make same returnable according to law.

Endorse Summons "Action by Guardian to Sell Real Estate for the Benefit of the ward, Emerson G. Long."

Robert R. Allen- Attorney for Plaintiff.

Filed
Aug. 19- 1937.

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

The State of Ohio, Union County. } Probate Court.

To the Sheriff of said County:

You are commanded to notify Emerson G. Long, Minor over 14 years of age, Richwood, Ohio.

Laurel L. Long, Guardian of
Emerson G. Long, Plaintiff,
-vs-
Emerson G. Long, a Minor over
14 years of age,
Laurel L. Long,
Curtis W. Long,
George E. Long.
Defendants.

Case No. 13438.
Praecipe.

"Action by Guardian to Sell Real Estate for the Benefit of the Ward, Emerson G. Long"; making service of this summons upon such minor, as is over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 13th. day of August, A.D. 1937, Laurel L. Long, Guardian of the Estate of Emerson G. Long et. al., 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 "Action for the Benefit of the Ward", and that unless they answer by the 11th. day of September, 1937, said petition will be taken as true, and an order granted accordingly.

THE COL. B. B. MFG. CO. 74930

13438

Said Sheriff will make due return of this summons on the 23rd. day of August, 1937.

Witness my hand and the seal of said Court, this 13th. day of August, 1937.

Ed L. W. Hazen - P. J.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees	
Service & Return, first name	.75
1 Additional name, at 25¢	.25
72 miles traveled at 8¢	5.12
Total	$ 6.12

Received this writ August 18th. 1937, 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 who are over fourteen years of age., viz: On August 16, 1937,

On August 16, 1937, I served the within named Emerson G. Long, a minor over 14 years of age, by personally handing him a copy of this writ with all endorsements thereon.

On August 16, 1937, I served Laurel L. Long, Guardian of said Emerson G. Long a minor over the age of fourteen years, by personally handing her a copy of this writ with all endorsements thereon.

H. S. Roosa - Sheriff.
By- E. Wood - Deputy.

Filed
Sept. 17- 1937.

Praecipe:

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long, Plaintiff,

-vs-

Emerson G. Long, a Minor over 14 yrs. of age, Laurell L. Long, Curtis W. Long, and George E. Longs, Defendants.

Case No. 13438.
Praecipe.

To the Probate Court:

Please issue an alias summons directed to the Sheriff of Marion County, Ohio, against the Defendant; Emerson G. Long, a minor over 14 years of age, who resides with his Mother, Laurel L. Long, at 647 Delaware Ave., Marion, Ohio and make same returnable according to law.

Endorse summons "Action by Guardian to sell Real Estate for the benefit of Ward, Emerson G. Long."

Robert V. Allen.

13438
Filed
Sept. 21- 1937.

The
To the
with
Ward
Laur
Emer
Emer
over
Laur
Court
Geor
mak
Court
both
that
Guar
petit
aga
petit
Est
desc
to se
and
1937,
gra
on
17th

13438
Filed
Sept. 21-1937.

An Alias Summons on Petition to Sell Real Estate.
Sheriff- Mirion.

The State of Ohio, Union County, Probate Court. Marysville, O. 9/17th/37.
To the Sheriff of said County: Marion County.

You are commanded to notify Emerson G. Long, residing with his Mother Laurel L. Long, at 647 Delaware Ave., Marion, Ohio. In Case # 13438 - Praecipe.

Laurel L. Long, Guardian of
Emerson G. Long,
Plaintiff,
-vs-
Emerson G. Long, a minor
over 14 years of age,
Laurel L. Long,
Curtis W. Long, and
George E. Long,
Defendants.

making service of this summons upon such minor as is over fourteen years of age, and also upon the guardian, father, mother or, custodian of said minor, in the order named; that on the 17th. day of September, A. D. 1937, Laurel L. Long, Guardian of the person and property of ——— 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 praying "Action by Guardian to sell Real Estate for the benefit of Wards, Emerson G. Long; and that, unless, they answer by the 16th. day of October, 1937, said petition will be taken as true, and an order granted accordingly."

Said Sheriff will make due return of this summons on the 27th. day of September, 1937.

Witness my hand and the seal of said Court, this 17th. day of September, 1937.

L. W. Hazen- P. J.

Seal

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fees.	
Service & Return, first name,	.75
1 Additional name, at 25¢	.25
4 miles traveled at 8¢	.32
Postage	.03
Total	$1.35

Received this writ Sept. 18th. 1937, 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: September 18th. 1937, on Emerson G. Long, a minor over 14 years of age, residing with his mother, Laurel L. Long, by personally handing to him a true copy of this writ with all the Endorsements thereon, and I also did on

THE COL. P. B. MFG. CO. 74930

13438

the same date serve the within named Laurel L. Long, she being the mother and guardian having the care and cfustody of the within named Emerson S. Long, a minor over 14 years of age, by personally handing to her a true copy of this writ with all the endorsements thereon.

Fred V. Miller - Sheriff.
By- E. Geissler - Deputy.

Filed
Oct. 11-1937.

Entry of Appearance and Consent to Sale.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson S. Long,
Plaintiff,

-vs-

Emerson S. Long, a minor
over 14 yrs. of age,
Laurel L. Long,
Curtis W. Long,
George E. Long,
Defendants.

Case No. 13438.
Entry of Appearance and
Consent to Sale.

The undersigned party defendant in the above entitled action being a competent adult person hereby waives the issuing and service of summons upon him and voluntarily enters his appearance as such defendant and consents to the sale of the real estate described in the petition as therein prayed for.

Curtis W. Long.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson S. Long,
Plaintiff,

-vs-

Emerson S. Long, a minor
over 14 yrs. of age,
Laurel L. Long,
Curtis W. Long,
George E. Long,
Defendants.

Case No. 13438.
Entry of Appearance and
Consent to Sale.

The undersigned party defendant in the above entitled action being a competent adult person hereby waives the issuing and service of summons 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.

Laurel L. Long.

Filed
Oct. 11- 1937.

13438

Laur
Emer

Emer
over
Laur
Court
Geor

acti
issu
ente
to th
there

Laur
Emer

Emer
over
Laur
Curt
Geo

S.
and
here
her
Defe
desc

Laur
Emer

Emer
over
Laur
Curt
Geor

13438

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long,

Plaintiff,

-vs-

Emerson G. Long, a minor over 14 yrs. of age, Laurel L. Long, Curtis W. Long, George E. Long,

Defendants.

Case No. 13438.
Entry of Appearance and Consent to Sale.

The undersigned party defendant in the above entitled action being a competent adult person hereby waives the issuing and service of summons upon him and voluntarily enters his appearance as such defendant and consents to the sale of the real estate described in the petition as therein prayed for.

George E. Long.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long,

Plaintiff,

-vs-

Emerson G. Long, a Minor over 14 yrs. of age, Laurel L. Long, Curtis W. Long, George E. Long,

Defendants.

Case No. 13438.
Entry of Appearance and Consent to Sale.

Laurel L. Long, Guardian and Mother of Emerson G. Long, the latter being a minor over 14 years of age and party defendant in the above entitled cause hereby waives the issuing and service of summons 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.

Laurel L. Long - Guardian and Mother of Emerson G. Long, a Minor over 14 years of age.

Filed Oct. 11- 1937.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long,

Plaintiff,

-vs-

Emerson G. Long, a minor over 14 yrs. of age, Laurel L. Long, Curtis W. Long, and George E. Long,

Defendants.

Case No. 13438.
Entry Ordering Appraisement.

THE COL. B. B. MFG. CO. 74930

13433

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; and that it will be to the best interest of the ward to sell said real estate, and the prayer of the Petition should be granted and, it appearing to the Court that an appraisement should be made of said real estate, it is ordered that A. D. Parish, M. L. Dickason, and Homer Bonham, 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 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 10th day of October, 1937.

L. W. Hazen - Judge.

Filed
Oct. 11- 1937.

Order to and Repot of Appraisers.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson S. Long,
Plaintiff,
-vs-
Emerson S. Long, a minor
over 14 yrs. of age, et al.,
Defendants.

Case No. 13438.
Order to and Repot of Appraisers.

The Probate Court of this County:

To A. D. Parish, M. L. Dickason, and Joseph R. Doyle,

The Court reposing confidence in your judgment on the 11 day of October, 1937, it is certain to sell real estate now pending in said Court wherein Laurel L. Long, Guardian of Emerson S. Long is the Plaintiff, and Emerson S. Long, a minor over 14 years of age, are the Defendants appointed your appraisers of the following described real estate:

Being an undivided 1/19 interest in the following described real estate, to-wit:

"Situated in the County of Union and in the State of Ohio, Township of Jackson and Village of Essex, being part of Lot Nos. 25 and 27, in said Village and bounded and described as follows:

Beginning at the southwest corner of Part of Lot No. 27, owned by Lucy Harriman; thence with the west line of said part of Lot No. 27, North 94 feet; thence West 40 feet; thence South 94 feet; thence East 40 feet to the place of beginning, with the lower floor of the building thereon, except the right of way to the second story the same

13438

being
(
Union
M. L.
and

said
ounty
Ohio
8, 19
page
feet
real
$25
as
them
94
to
ober
No.
supe
esta
to
this
this
Sta
peare
Doy
woode
at
in
coun

petition and
dits herein
, or have
sent, to the
Court; and
to sell said
hould be
u appraise-
it is ordered
Bonham, three
ty, not next
appointed
his money;
sworn as
ise said
sh value,
cording to law;
riting to this
37.
Judge.
Ohio.

Appraisers.

N. Doyle,
on the 11
estate now
uardian of
long, a
appointed
estate:
lowing described

State of
being part
mded and

ot No. 27,
lne of
West 70 feet;
e place of
thereon,
the same

13738 being the property of The North Star K. of P. Lodge No. 452.

Being the same premises conveyed by C. E. Kagay, Administrator of the estate of Mary A. Baldwin, Deceased, to M. C. Long and E. S. Long by deed dated December 22, 1920, and recorded in Union County Deed Record No. 114, page 164.

Also the following real estate, being part of Lot No. 25 in said Village of Essex and being all that part of said Lot owned by Lydia A. Rice, unmarried, and conveyed by her to Melvin C. Long and Edward S. Long by deed dated January 8, 1919, and recorded in Union County Deed Record No. 114, page 43. Being all of said Lot No. 25, except a strip 11-1/2 feet in width off of the south side of said lot."

Being an undivided 1/6 interest of the following described real estate, to-wit:

"Situated in the State of Ohio, County of Union, Township of Jackson and Village of Essex, being part of Lots Nos. 25 and 27, in said Village and bounded and described as follows:

Beginning at the southeast corner of said Lot No. 27; thence North 94 feet; thence West 97 feet; thence South 94 feet; thence East 97 feet to the place of beginning.

Being the same premises conveyed by Homer T. Bonham to Melvin C. Long and Edward S. Long by deed dated October 18, 1913, and recorded in Union County Deed Record No. 107, page 468."

You are therefore ordered by said court that without unnecessary delay, to proceed and appraise said real estate upon actual view at its fair cash value and to make report of your proceedings to this court and bring this order with you.

Witness my hand, and official seal at Marysville, Ohio, this 11th day of October, 1937.

Seal L. W. Hazen- Probate Judge.

Oath of Appraisers.

State of Ohio, Union County, ss:

On the 11 day of October, 1937, before me personally appeared A. D. Parker, M. L. Dickason, and Joseph T. Doyle, the within named and made oath that they would, upon actual view at its fair cash value in pursuance of the within order of the Probate Court of said county truly and impartially appraise the above described real estate.

Seal Robert T. Allen- Notary Public.
My commission expires Mar. 10-1940.

THE COL. B. B. MFG. CO. 74930

13438

Report of Appraisers.

We do appraise the within described real estate, on our oath aforesaid, after having actually viewed the same, at Two Hundred Ninety-five Dollars ($295.).

Witness our hands this 11th. day of October, 1937.

A. D. Parish.
M. L. Dickason.
Joseph N. Doyle.

Filed Oct. 11- 1937.

Order and Return for Private Sale.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of Emerson G. Long, Plaintiff,

-vs-

Emerson G. Long, a Minor over 14 yrs. of age, et al., Defendants.

Case No. 13438, Order for Private Sale and Return to Laurel L. Long, Guardian of Emerson G. Long, a Minor over 14 yrs. of Age.

Greeting:

Whereas in a certain action pending in the Probate Court of Union County, Ohio, wherein Laurel L. Long, Guardian of Emerson G. Long, is Plaintiff, and Emerson G. Long, a minor over 14 years of age, 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, Two Hundred, Ninety-five ($295) Dollars agreeable to the statute regulating the sale of real estate by guardian, entry ordering appraisement, 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:

Being an undivided 1/9 interest in the following described real estate, to-wit:

"Situated in the State of Ohio, County of Union, Township of Jackson and Village of Essex, being part of Lots Nos. 25 and 27, in said Village and bounded and described as follows:

Beginning at the southwest corner of Part of Lot No. 27, owned by Lucy Harriman; thence with the west line of said part of Lot No. 27, North 94 feet; thence West 40 feet; thence South 94 feet; thence East 40 feet to the place of beginning, with the lower floor of the building thereon, except the right of way to the second story the same being the property of The North Star K. of P. Lodge No. 402.

Being the same premises conveyed by C. E. Nagay, Administrator of the estate of Mary A. Baldwin, Deceased, to M. L. Long and E. G. Long by deed dated December 22, 1920, and recorded in Union County Deed Record No. 114, page 164.

13438

said
owne
Melvi
8, 19
page
11-
real
of A
& abd
follo
thenc
thenc
to
ober
107,
Mar
I d
at
Harri
($29
appr
J. E
Stat
sale
porte
the
porte
me

13438

Also the following real estate, being part of Lot No. 25 in said Village of Essex and being all that part of said Lot owned by Lydia N. Price, unmarried, and conveyed by her to Melvin C. Long and Edward G. Long by deed dated January 8, 1919, and recorded in Union County Deed Record No. 119, page 43. Being all of said Lot No. 25, except a strip 11-1/2 feet in width off of the south side of said lot.

Being an undivided 1/6 interest in the following described real estate, to-wit:

"Situated in the State of Ohio, County of Union, Township of Jackson and Village of Essex, being part of Lots Nos. 25 and 27 in said Village and bounded and described as follows:

Beginning at the southeast corner of said Lot No. 27; thence North 94 feet; thence West 97 feet; thence South 94 feet; thence East 97 feet to the place of beginning.

Being the same premises conveyed by Homer N. Bonham to Melvin C. Long and Edward G. Long by deed dated October 18, 1913, and recorded in Union County Deed Record No. 107, page 468."

Witness my hand and the seal of said Court at Marysville this 11th. day of October, 1937.

Seal

R. W. Hazen - Probate Judge.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 11th. day of October, 1937, offer said property at private sale, J. E. Robertson and Edna M. Robertson having offered therefor the sum of Two Hundred Ninety-five ($295) Dollars and the same being not less than the appraised value of said property, I sold the same to said J. E. Robertson and Edna M. Robertson for that sum.

Laurel L. Long - Guardian of Emerson G. Long, a Minor.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Laurel L. Long, 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.

Laurel L. Long.

Subscribed in my presence and sworn to before me this 11th. day of October, A. D., 1937.

Robert H. Allen - Notary Public.

Seal

THE COL. B. B. MFG. CO. 74930

13438
Filed
Oct. 11- 1937.

Entry Confirming Appraisement.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson G. Long,
Plaintiff,
-vs-
Emerson G. Long, a minor
over 14 yrs. of age, et al.,
Defendants.

Case No. 13438.
Entry Confirming Appraisement.

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 found by the Court that the appraisement is the sum of Two Hundred Ninety-five ($295) Dollars, and that the said Laurel L. Long, as guardian, has heretofore given bond as such guardian in Case No. 9933, in the Probate Court of Union County, Ohio, entitled "Laurel L. Long, Guardian of Curtis W. Long, et al," in which she is also the guardian of Emerson G. Long, and since said appraised value is of less than Three Hundred Dollars ($300), additional bond is dispensed with.

It appearing that private sale would be to the best interest of said estate, it is ordered that she, Laurel L. Long as guardian, sell said real estate at private sale at not less than Two Hundred Ninety-five ($295) Dollars, being the appraised value thereof, for cash.

It is further ordered that said Laurel L. Long as guardian, make return of sale without unnecessary delay.

L. W. Hazen - Judge.

13440
Filed
Aug. 13-1937.
Hoppe & Sandve. Clerk

Filed
Oct. 11- 1937.

Entry Confirming Sale - Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Laurel L. Long, Guardian of
Emerson G. Long,
Plaintiff,
-vs-
Emerson G. Long, a minor
over 14 years of age, et al,
Defendants.

Case No. 13438.
Entry Confirming Sale -
Ordering Deed and Distribution.

This day this cause came on to be heard upon the report of Laurel L. Long, Guardian of Emerson G. Long, a minor over 14 years of age, 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

13438

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 Emerson G. Long, a minor over 14 years of age in the real estate to the purchasers, J. E. Robertson and Edna M. Robertson, upon the said purchaser paying to said Petitioner the sum of Two Hundred Ninety-five ($295) Dollars cash, representing 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 Two Hundred Ninety-five ($295) Dollars, it is ordered that said Guardian out of the money in her hands pay:

First: To the treasurer of this County the sum of $— representing the proportionate amount of taxes owed by Emerson G. Long, a minor over 14 years of age.

Second: The costs and expenses incurred in the sale of said property, in the amount of $—.

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

L. W. Hazen - Judge.

13440
Filed
Aug. 13-1937
Hoopes & Sandue.

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

Perry Ingle, Guardian, Plaintiff,

-vs-

His Ward - John William Ingle, et al., Defendants.

No. 13440.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that he is the duly appointed and qualified Guardian of John William Ingle of the age of — years on the — day of — A.D. 19—, and residing with Perry and Ivy Eva Ingle at Plain City, Ohio, by having been appointed as such Guardian by the Probate Court of Union County on the 13th. day of August, 1937.

Said ward is seized of the following described real estate:

Situated in the County of Madison in the State of Ohio, and in the Village of Plain City and bounded and described as follows:

Being Lot Number Eleven (11) in the original Plat of the Town of Plain City (Pleasant Valley) Madison County, Ohio. Except Forty feet off of the East Side of said Lot heretofore sold to Earl W. Barlow. Also Twenty feet off of the east side of Lot Number Twelve (12) contiguous

THE COL. B. B. MFG. CO. 74930

13440

thereto; a more extended description of both lots in the Recorded Plat of same in Recorder's Office at London, Ohio.

Being the same premises conveyed by Charles E. Snyder and wife to John I. Ballinger by deed dated March 9th. 1915, and recorded in Deed Book 84, Page 589, Recorder's Office, Madison County, Ohio.

The Defendants, Perry Dugle and Jen Eva Dugle, who are residents of Plain City, Ohio, Union County, Ohio, are entitled to the Ones. estate by Inheritance from the said ward in said real estate.

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

It would be to the advantage of said ward to sell said Real Estate.

Wherefore, Plaintiff prays the court to set this petition for hearing, and for an order authorizing said Plaintiff to sell said Real Estate.

Hooper & Sanders - Attorney for Plaintiff.

The State of Ohio, Union County.

Perry Dugle, 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.

Perry Dugle - Attorney for the Plaintiff.

Sworn to before me and signed in my presence by the said Perry Dugle, at Marysville, Ohio, this 13 day of August, 1937.

E. A. Hooper - Notary Public.

Filed
Aug. 13- 1937.

Summons on Petition to Sell Real Estate.

Sheriff - Union.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Perry Dugle and Jen Eva Dugle and the following named who are minors, To-wit: John William Dugle 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 13th. day of August, A. D. 1937, Perry Dugle, Guardian of the Estate of John William Dugle, a Minor, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said ward, and in said petition described and that unless they answer by the 11th. day of September, 1937, said petition will be taken as true, and an order granted accordingly.

Filed
Aug. 13-1937.

13440

On

13 th

The

Filed
Aug. 13-1937.

13440

Said Sheriff will make due return of this summons on the 23rd. day of August, 1937.

Witness my hand, and the seal of said Court, this 13th. day of August, 1937.

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

Received this writ August 13, 1937, at — o'clock — M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: August 13, 1937, on John William Ingle by delivering a copy to him in person, and also as to the within named defendants who are minors, August 13, 1937, on Perry Ingle the guardian of the said John William Ingle by delivering a copy to him in person.

H. S. Roose - Sheriff.
By - E. Wood - Deputy.

Filed Aug. 13-1937.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Perry Ingle, Guardian, etc., Plaintiff,
-vs-
Perry Ingle, Jen Eva Ingle, and John William Ingle, Defendants.

No. 13440.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 13, A. D. 1937.

Jen Eva Ingle.
Perry Ingle.

Filed Aug. 13-1937.

Finding Sale Necessary and Ordering Appraisement.

Probate Court, Union County, Ohio.

Perry Ingle, as Guardian of the Estate of John William Ingle, Plaintiff,
-vs-
Perry Ingle, et al., Defendants.

August 13-1937.
Finding Sale Necessary, and Ordering Appraisement.

THE COL. B. B. MFG. CO. 74930

13440

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.

And, it appearing to the Court that a new appraisement should be made of said real estate, it is ordered that R. B. Neer, John Mc Auliffe, and Ted Scheiderer, 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 13 day of Aug. 1937.

L. W. Hazen - Probate Judge.

Filed
Aug. 20 - 1937.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Perry Dugle, Guardian of John William Dugle:

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 John William Dugle are Plaintiff and Perry Dugle, et al., are Defendants, you are commanded that by the oaths of R. B. Neer, John Mc Auliffe and T. W. Schiderers, 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 Madison in the State of Ohio, and in the Village of Plain City and bounded and described as follows:

Being Lot Number Eleven (11) in the original Plat of the Town of Plain City (Pleasant Valley) Madison County, Ohio. Except Forty feet off of the East side of said Lot heretofore sold to Earl W. Barlow. Also Twenty feet off of the East side of Lot Number Twelve (12) contiguous thereto; a more extended description of both lots in the Recorded Plat of same in Recorder's Office at London, Ohio.

Being the same premises conveyed by Charles E. Snyder and wife to John T. Ballinger by deed dated March 9th. 1915, and recorded in Deed Book 84, Page 089, Recorder's Office, Madison County, Ohio.

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

In Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 13th. day of August A. D. 1937.

L. W. Hazen - Probate Judge.

13440

To the
and
to be
hereto
R

The

that
the
and
foreg

18 th

sworn
scribe
in
Dolla
Ba

Filed
Aug. 20 - 1937.

Perry
of
Dugle

repor
if
respe
be

with
ficie
18

petition and
wants herein
, or have
ut to the
Court.
ew apprais-
, it is ordered
ddrer, three
unty, not resp
e/ appointed
ine his money,
sworn as/
ise said
sh value,
cording to law,
iting to this

e judge.

Probate Court
a certain
e Dugle are
, you are
hn McAuliffe
ence of the
actual view,
to be made
es, to-wit:
State of Ohio,
ind described

Plat of the
unty, Ohio.
or/ heretofore
of the East
of a map
ed Plat of

e E. Snyder
March 9th.
89, Recorder's

this Court

Probate
t, A. D. 1937.
te Judge.

13440

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 18th. day of August, 1937.

Perry Dugle.

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.

R. B. Derr.
J. D. McAuliffe. } Appraisers.
F. W. Schneider

Sworn to before me and signed in my presence, this 18th. Day of August, 1937.

Seal William S. Hooper - 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 Two Thousand ($2,000.00) Dollars.

Given under our hands, this 18th. day of August, 1937.

R. B. Derr.
J. D. McAuliffe. } Appraisers.
F. W. Schneider.

Filed Aug. 20-1937.

Confirming Appraisement, Probate Court, Union County, Ohio.

Perry Dugle, as Guardian of the Estate of John William Dugle,

Plaintiff,

-vs-

Perry Dugle, et al.,

Defendants.

August 18- 1937.
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 Perry Dugle, execute within — days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Two Thousand Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13470
Filed
Aug. 20-1937.

Guardians Bond.

In Proceeding to Sell Real Estate.

Know all Men by these presents: That we Perry Dugle and Jane Eva Dugle, 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 August, A. D. 1937.

The condition of the above obligation is such, That whereas the above bound Perry Dugle was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of John William Dugle.

And whereas, the said Perry Dugle 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 Twenty Five Dollars.

And whereas, said Court, on the 18th. day of August, 1937, made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now, if the said Perry Dugle as Guardian aforesaid, shall faithfully discharge the 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
William S. Hoopes.
Ruth Hess.

Perry Dugle.
Jane Eva Dugle.

This bond approved in open Court, this 18th. day of August, 1937.

L. W. Hazen - Probate Judge.

Filed
Aug. 20-1937.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Perry Dugle, as Guardian of the Estate of John William Dugle,
Plaintiff,
-vs-
Perry Dugle, et al.,
Defendants.

August 18-1937.
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 Thousand Dollars, with approved sureties, conditioned according to law, the said bond is hereby approved.

13440

Filed
Aug. 20-1937.

13440

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said John William Dugle to sell the real estate described in the petition at private sale, it is now ordered that Perry Dugle 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: All cash in hand.

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

L. W. Hazen - Probate Judge.

Filed Aug. 20-1937.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Perry Dugle, Guardian of John William Dugle, 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 John William Dugle are Plaintiff and Perry Dugle, Jen Eva Dugle, and John William Dugle et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Two Thousand Dollars, the appraised value thereof, the following described premises, to-wit:

Situated in the County of Madison in the State of Ohio, and in the Village of Plain City and bounded and described as follows:

Being Lot Number Eleven (11) in the original Plat of the Town of Plain City (Pleasant Valley) Madison County, Ohio. Except forty feet off of the East side of said Lot heretofore sold to Earl W. Barlow. Also Twenty feet off of the East side of Lot Number Twelve (12) contiguous thereto; a more extended description of both lots in the Recorded Plat of same in Recorder's Office at London, Ohio.

Being the same premises conveyed by Charles E. Snyder and wife to John T. Ballinger by deed dated March 9th. 1916, and recorded in Deed Book 84, Page 589, Recorder's Office, Madison County, Ohio.

Said sale to be upon the following terms: Cash in hand 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 18th. day of August, 1937.

L. W. Hazen - Probate Judge.

Seal

THE COL. B. B. MFG. CO. 74930

13440

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 18th. day of August, 1937.

Perry Dugle.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 18th. day of August, 1937, offer said property, at private sale, and Cephas Atkinson having offered therefor the sum of Two Thousand Dollars ($2000.00) and the same being not less than the appraised value of said property, I sold the same to said Cephas Atkinson for that sum.

Perry Dugle.

Affidavit to Repat of Private Sale.

The State of Ohio, Union County, ss:

Perry Dugle, 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 Dugle.

Subscribed in my presence and sworn to before me, this 18th. day of August, 1937.

L. W. Hazen- Probate judge.

Seal

Filed Aug. 13-1937.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

To the Hon. L. W. Hazen, judge of said Court:

The undersigned, John Williams Dugle, a minor over 14 years of age makes application for the appointment of a Guardian ad litem for himself in the above entitled cause.

The defendant John Williams Dugle, over the age of fourteen years, and has been duly served with summons therein.

The undersigned suggests that William S. Hooper who is a suitable person be appointed as such Guardian ad litem.

Respectfully,

John Williams Dugle.

13440

Perry
John

Perry
and

age,
the
this

Willi
and
it is
appo

oper

Filed
Aug. 13-1937.

Perry
John

Perry
and

minor
S.
is
petit
Dugle
the
to
relie

caused the
spear by the

in order of
for said
ch having
se ($2000.00)
ised value
thas Atkinson

e private sale
reported
to obtain
the sale re-
obtained.

before me,

e judge.

Ad Litem.
o.

over 14
tment of a
e entitled

e of fourteen
therein.
ses who is
Guardian

Dugle.

13440

Probate Court, Union County, O.

Perry Dugle, Guardian of
John William Dugle,
Plaintiff,

-vs-

Perry Dugle, Jen Eva Dugle,
and John William Dugle,
Defendants.

No. 13440.
August 13, 1937.
Appointment of Guardian Ad Litem.

This day John William Dugle, a minor over 14 years of age, appeared in open Court, and made application for the appointment of a Guardian ad litem for himself in this case.

And it appearing to the Court that the defendant John William Dugle, a minor over the age of fourteen years, and has been duly and legally served with summons herein, it is ordered that William S. Hoopes be and he hereby is appointed Guardian for the suit, for said minor defendant.

And now comes the said William S. Hoopes and in open Court accepts said appointment.

L. W. Hazen - Judge.

Filed
Aug. 13-1937.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Perry Dugle, Guardian of
John William Dugle,
Plaintiff,

-vs-

Perry Dugle, Jen Eva Dugle,
and John William Dugle,
Defendants.

No. 13440.
Answer of Minor Defendant.

And now comes the said John William Dugle the minor defendant to the petition in said cause, by William S. Hoopes 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 defendant. 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 13th. day of August, A. D. 1937.

John William Dugle.
By William S. Hoopes -
Guardian ad litem.

THE COL. B. B. MFG. CO. 74930

13740
Filed
Aug. 23-1937.

Confirming Sale, Ordering Deed and Distribution.

Probate Court,
Union County, Ohio.

Perry Dugle, as Guardian of the Estate of John William Dugle,

Plaintiff,

-vs-

Perry Dugle, et al.,

Defendants.

August 23-1937.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Perry Dugle, Guardian of John William Dugle 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 John William Dugle in said real estate, to the purchaser, Zaephas Atkinson, upon said purchaser paying the 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 Two Thousand Dollars.

And it is further ordered that said Perry Dugle out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $ —— to —— 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.

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 $ ——, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

13463
Filed
Sept. 15-1937.
Hooper & Saudner,
Attorneys.

Cha
Aud
J. A
Will
Aud
Clyd
Olip
Esth
and

actu
dece

30th

my
Said
the
very
capa
the
and

Ston
being
with
said
West
and
of W
Cline
to
ston
line
of

13463
Filed
Sept. 15-1937
Hooper & Sauder
Attorneys.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Bert P. Andrews, and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,

Plaintiff,

-vs-

Charles E. Andrews, Blanche Andrews, Bert P. Andrews, Eva Andrews, Effie Mc Farlin, Thomas J. Andrews, Edna Ora Andrews, William S. Andrews, Maggie Andrews, Clarence R. Andrews, Clyde Andrews, Lelah Tillman, Oliver Tillman, Frank L. Andrews, Esther Andrews, Hazel Miller and Charles Miller,

Defendants.

No. 13463
Petition.

The plaintiffs are the duly appointed, qualified, and acting executors of the Last Will of William H. Andrews, deceased.

Said Last Will was duly probated by this court on the 30th. day of August, 1937.

Said Will contains the following provision: "It is also my Will and Request, that all my Real Estate of whatever kind or nature, or wherever the same may be located at the time of my decease, be sold by my Executors to the very best advantage and at the very highest price that can be obtained for the same, and the proceeds from the sale of the same be divided share and share alike among my nine children as herein mentioned."

Decedent's real estate is described as follows:

Situate in the State of Ohio, County of Union and Township of Jerome, being part of Survey No. 2990 and bounded and described as follows:

Beginning at a stone at the intersection of the Hill Stone Road, and the Detrander and Dublin Stone Road, being also the southwest corner of Survey No. 2990; thence with the west line of said Survey and the center of the said Detrander and Dublin Stone Road, North 10½° West 195.60 poles to a stone and bricks in said line and center of said road, and at the southwest corner of William L. Blaney's land; thence with two consecutive lines of said Blaney's land North 84½° East 140.20 poles to a stone and thence North 6½° West 28.60 poles to a stone, corner to said Blaney's land and in the south line of Arch Crawford's land; thence with the south line of said Crawford's land North 84¾° East 23.40 poles

THE COL. B. B. MFG. CO. 74930

13463

to a stone in the line between the Counties of Union and Delaware; thence with said County line South 3/4° East 115.96 poles to a stone and brick in the north line of land conveyed by William H. Andrews to Bert P. Andrews by deed dated May 4, 1918; thence with two consecutive lines of said Bert P. Andrews' land South 84 1/4° W. 49.90 poles to a stone, and thence South 6° East 110.60 poles to a stake in the center of said Hill Stone Road, (witness a stone on the north margin of the road) and in the south line of said Survey No. 2990; thence with said Survey line and the center of said road South 87 1/4° West 84.15 poles to the place of beginning.

Containing 147.48 acres, more or less.

Excepting therefrom the following premises conveyed by William H. Andrews and Rhoda Andrews, his wife, to Thomas J. Andrews, and Edna B. Andrews by deed dated January 18, 1933, and recorded in Union County Deed Record No. 145, page 330, described as being part of the McComber farm and Beginning at a stake in the center of the pike, 50 1/2 rods south of the northwest corner of said farm; thence in an easterly direction 16 rods to a stake; thence South 10 rods to a stake thence West 16 rods to a stake in the center of the pike; thence North 10 rods to the place of beginning. Containing one acre of land.

Leaving 146.48 acres, more or less.

Also, the undivided one-half interest in the following real estate situate in the State of Ohio, County of Union and Township of Jerome, being part of Survey No. 2991 and bounded and described as follows:

Beginning at a stone in the northerly line of Survey No. 2991, and in the northeast corner to Z. E. and Eva McCullough's land; thence with the easterly line of said McCullough's land South 8° East 92.45 poles to a tile on end; thence North 82° East 70.35 poles to a stone in the westerly line of Thomas J. Andrews; thence with the westerly line to said Andrews' land North 8° West 92.45 poles to a stake in the northerly line of said Survey No. 2991; thence with said Survey line South 82° West 70.35 poles to the place of beginning.

Containing 40 acres, more or less,

Being the same premises conveyed by Otis S. Bailey and wife to William H. Andrews, Thomas J. Andrews, Frank Andrews and Clarence Andrews by deed dated April 15, 1925, Volume of Deeds No. 130, page 542 in the proportion of 1/2 to the said William H. Andrews and 1/6 to each of the other grantees.

The defendants, Charles E. Andrews, Bert P. Andrews, Effie McMartin, Thomas J. Andrews, William S. Andrews, Clarence R. Andrews, Lelah Tillman, Frank L. Andrews

13463

and
devi

Eva
is a
Andr
Clyd
unqu
is
husb

for
the
orde

Stat

fact
Petit

14th

Filed
Sept. 20-1937.

Ber
S.
Has
And

Char

and
and
for

13463

and Hazel Miller are the heirs of said decedent and the devisees named in said Will.

Blanche Andrews is the wife of Charles E. Andrews, Eva Andrews is the wife of Bert P. Andrews, Effie McFarlin is a widow, Edna Ora Andrews is the wife of Thomas J. Andrews, Maggie Andrews is the wife of William S. Andrews, Clyde Andrews is the wife of Lawrence R. Andrews, Oliver Tillman is the husband of Lelah Tillman, Esther Andrews is the wife of Frank L. Andrews, and Chas. Miller is the husband of Hazel Miller.

The decedent died leaving no surviving spouse.

Wherefore, plaintiff prays that the court set this petition for hearing, issue summons to the sheriff of this county for the defendants returnable according to law, and for an order authorizing the plaintiffs to sell said real estate.

Hooper & Sanders
Attorneys for Plaintiffs.

State of Ohio, Union County, ss:

Bert P. Andrews, being first duly sworn, says that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Bert Andrews.

Sworn to before me and subscribed in my presence this 14th. day of September, 1937.

Seal C. A. Hooper - Notary Public.

Filed Sept. 20-1937.

Wavier.

In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased, Plaintiff,

-vs-

Chas. E. Andrews, et al., Defendants.

No. 13463.
Wavier.

The undersigned defendants waive the service of summons and process, enter our respective appearances herein, and consent for an immediate order of sale as prayed for in the petition.

Frank L. Andrews; Esther L. Andrews; Effie Mc Farlin; William S. Andrews; Maggie Andrews; Bert P. Andrews; Eva Andrews; Clarence R. Andrews; Mrs. Clyde Andrews; Chas. E. Andrews; Blanche Andrews; Hazel Miller; Charles A. Miller; Lelah H. Tillman; Oliver M. Tillman; Thomas J. Andrews; Edna Ora Andrews.

THE COL. B. B. MFG. CO. 74930

13463
Filed
Sept. 20-1937.

Entry.

In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,

Plaintiffs,

-vs-

Charles E. Andrews, et al.,

Defendants.

No. 13463.
Entry.

This day this cause came on to be heard upon the petition of the plaintiffs for authority to sell real estate under the terms of the Will of said decedent.

And the Court, being fully advised in the premises, finds that all of the parties defendant have in writing waived the issuing and service of summons and process, entered their respective appearances and consented to the immediate issuing of an order of sale as prayed for in the petition.

The court therefore finds that all of 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 the Estate at $7750.00, and it is ordered that a further appraisement be dispensed with.

The court further finds that by virtue of the provisions of the Will of said decedent the plaintiffs have not heretofore given bond, and it is ordered that they file a bond herein with sufficient sureties to be approved by this court, in the sum of Seven Thousand ($7000.00) Dollars.

And it appearing that private sale would be to the best interests of the estate, it is ordered that the said plaintiffs sell said real estate at private sale at not less than $7750.00, that being the appraised value thereof, for cash, and it is ordered that the said Executors make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed
Sept. 20-1937.

Bond.

In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,

Plaintiffs,

-vs-

Charles E. Andrews, et al.,

Defendants.

No. 13463.
Bond.

13463

Filed
Sept. 20-1937.

13463

Know all men by these presents: That we, Bert P. Andrews and William S. Andrews, as principals, and Clarence R. Andrews and Thomas J. Andrews, as sureties, are firmly bound under the State of Ohio in the penal sum of Seven Thousand ($7000.00) 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 Bert P. Andrews and William S. Andrews, Executors of the Estate of William H. Andrews, deceased, are plaintiffs, and Charles E. Andrews, et al., are defendants, the said Bert P. Andrews and William S. Andrews have been ordered by said Court to sell certain real estate of said decedent under the provisions of the Will of said decedent.

Now, if the said Bert P. Andrews and William S. Andrews, Executors as aforesaid, shall faithfully discharge their duties in the premises and full account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

Bert P. Andrews, } Principals.
William S. Andrews. }
Clarence R. Andrews } Sureties
Thomas J. Andrews }

Filed
Sept. 20-1937.

Entry Approving Bond.
In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,
Plaintiffs,
-vs-
Charles E. Andrews, et al.,
Defendants.

No. 13463.
Entry Approving Bond.

It appearing to the court that the plaintiffs have given Bond in the sum of Seven Thousand ($7000.00) Dollars with approved sureties conditioned according to law; the said Bond is hereby approved.

L. W. Hazen - Probate judge.

THE COL. R. B. MFG. CO. 74930

13463
Filed
Sept. 20- 1937.

Order for Private Sale.
In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,

Plaintiffs,

-vs-

Charles E. Andrews, et al.,

Defendants.

No. 13463.
Order for Private Sale.

To Bert P. Andrews and William S. Andrews, Greeting;

Whereas, on September 20, 1937, in a certain action pending in the Probate Court of Union County, Ohio, wherein Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, deceased, are plaintiffs, and Charles E. Andrews, 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 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:

Situate in the State of Ohio, County of Union and Township of Jerome, being part of Survey No. 2990 and bounded and described as follows:

Beginning at a stone at the intersection of the Hill Stone Road and the Ostrander and Dublin Stone Road, being also the southwest corner of Survey No. 2990; thence with the west line of said Survey and the center of the said Ostrander and Dublin Stone Road, North 10½° West 195.60 poles to a stone and bricks in said line and center of said road and at the southwest corner of William R. Blaney's land; thence with two consecutive lines of said Blaney's land and in the south line of Arch Crawford's land; thence with the south line of said Crawford's land North 84¾° East 23.40 poles to a stone in the line between the Counties of Union and Delaware; thence with said County line South ¾° East 115.96 poles to a stone and brick in the north line of land conveyed by William H. Andrews to Bert P. Andrews by deed dated May 1, 1918; thence with two consecutive lines of said Bert P. Andrews' land South 84¼° W. 49.70 poles to a stone and thence South 6° East 110.60 poles to a stake in the center of said Hill Stone Road, (witness a stone on the north margin of the road) and in the south line of said Survey No. 2990; thence with said Survey line and the center of said road South 87¼° West 184.15 poles to the place of

13463

Filed
Sept. 20-1937.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,

Plaintiffs,

-vs-

Charles E. Andrews, et al.,

Defendants.

Order for Private Sale.

13463

beginning.

Containing 147.48 acres, more or less.

Excepting therefrom the following premises conveyed by William H. Andrews and Rhoda Andrews, his wife, to Thomas S. Andrews, and Edna A. Andrews by deed dated January 18, 1933, and recorded in Union County Deed Record No. 145, page 330, described as being part of the McComber farm and Beginning at a stake in the center of the pike, 60½ rods south of the northwest corner of said farm; thence in an easterly direction 16 rods to a stake; thence South 10 rods to a stake; thence West 16 rods to a stake in the center of the pike; thence North 10 rods to the place of beginning. Containing one acre of land.

Leaving 146.48 acres, more or less.

Also, the undivided one-half interest in the following Real Estate situate in the State of Ohio, County of Union and Township of Jerome, being part of Survey No. 2991 and bounded and described as follows:

Beginning at a stone in the northerly line of Survey No. 2991, and in the northeast corner to J. E. and Eva McCullough's land; thence with the easterly line of said McCullough's land South 8° East 92.45 poles to a tile on end; thence North 82° East 70.35 poles to a stone in the westerly line of Thomas J. Andrews; thence with the westerly line to said Andrews' land North 8° West 92.45 poles to a stake in the northerly line of said Survey No. 2991; thence with said Survey line South 82° West 70.35 poles to the place of beginning.

Containing 40 acres, more or less.

Being the same premises conveyed by Ora S. Bailey and wife to William H. Andrews, Thomas Andrews, Frank Andrews and Clarence Andrews by deed dated April 15, 1925, Volume of Deeds No. 130, page 572 in the proportion of 1/2 to the said William H. Andrews and 1/6 to each of the other grantees.

Witness my hand, and the seal of said Court, at Marysville, Ohio, this 20th. day of September, 1937.

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

Filed
Sept. 20-1937.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Burt P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,
Plaintiffs,
-vs-
Charles E. Andrews, et al,
Defendants.

No. 13463.
Report of Private Sale.

THE COL. B. B. MFG. CO. 74930

13463

In obedience to the command of the within order of sale, we did on the 20th. day of September, 1937, offer said property, at private sale, and Thomas J. Andrews and Frank L. Andrews having offered therefor the sum of Seventy-nine Hundred ($7900.00) Dollars, and the same being more than the appraised value of said property, we sold the same to the said Thomas J. Andrews and Frank L. Andrews for that sum.

Bert P. Andrews.
William S. Andrews.

State of Ohio, Union County, ss:

Bert P. Andrews and William S. Andrews, being first duly sworn, say 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.

Bert P. Andrews.
William S. Andrews.

Subscribed in my presence and sworn to before me this 20th. day of September, 1937.

James Dunlap - J. P.

Filed
Sept. 20 - 1937.

Entry.

In the Probate Court, Union County, Ohio.

Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, Deceased,
Plaintiffs,
-vs-
Charles E. Andrews, et al.,
Defendants.

No. 13463.
Entry.

This day this cause came on to be heard on the report of Bert P. Andrews and William S. Andrews, Executors of the Last Will of William H. Andrews, deceased, of their proceedings under the former order of this court, and upon the motion of said petitioners to confirm the sale made in obedience to said order; the court having carefully examined said report and finding the proceedings of said petitioners in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordered that said petitioners execute a deed of all the right, title and interest of the said William H. Andrews in said real estate, to the purchasers, Thomas J. Andrews and Frank L. Andrews upon the said purchasers paying the purchase price, to-wit, the sum of Seventy-nine Hundred ($7900.00) Dollars, in cash.

13463

and
tribu
of the
the
Execu

13479
Filed
Oct. 7-1937.
Cooper & Saunders, of
Attorneys.

Dora
Emma
Henri
Schu
Eliza
Rose
Geor
Schl
Edw
Schu
Anna
Alma
Hoff

Execu
by
John

John
Robe
as

all
divi
Emm
Schu
Alm

" Ex
John
dece

13463 It is further ordered that the said Bert P. Andrews and William S. Andrews, Executors as aforesaid, distribute the proceeds of sale in accord with the provisions of the Will of said decedent, and that they account for the same in their account in said Estate, as such Executors.

L. W. Hazen - Probate Judge.

13479
Filed
Oct. 7-1987.
Hooper & Saunders, Attorneys.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Lewis Scheiderer, Executor of the Estate of John C. Scheiderer, Deceased, Plaintiff,

-vs-

Dora Gundermau and John K. Gundermau, her husband, Lewis Scheiderer and Clara Scheiderer, his wife, Elizabeth Bosse and Herman Bosse, her husband, George Scheiderer and Esther Scheiderer, his wife, Edward Scheiderer and Mae Scheiderer, his wife, Anna Brandt, unmarried, Alma Hoffman and Fred Hoffman, her husband, Defendants.

No. 13479.
Petition.

Plaintiff is the duly appointed, qualified and acting Executor of the Estate of John C. Scheiderer, deceased, by virtue of the Last Will and Testament of the said John C. Scheiderer, and an order of this Court.

That the said Last Will and Testament of the said John C. Scheiderer was duly admitted to probate in the Probate Court of Union County, Ohio, and said Will provides as follows:

Item 4: "It is my Will that at the death of my wife all of my real estate be sold and the proceeds thereof divided equally among my children, to-wit: Dora Gundermau, Lapia Scheiderer, Elizabeth Bosse, George Scheiderer, Edward Scheiderer, Anna Brandt, and Alma Hoffman, share and share alike."

That a copy of said Will is hereto attached, marked "Exhibit A", and made a part hereof; the wife of the said John C. Scheiderer, Anna Margaret Scheiderer, is deceased.

THE COL. B. B. MFG. CO. 74930

13479

Said decedent was seized in fee simple of the following described real estate:

Situated in the State of Ohio, County of Union and Village of Marysville.

Being in Lot No. 212, and being the same premises conveyed to John C. Cantwell September 20, 1892, by Anna R. Anderson on Record of Deeds Vol. 67, page 428, Union County, Ohio.

The children of said decedent, to-wit, Dora Gunderman, Lewis Schneiderer, Elizabeth Bosse, George Schneiderer, Edward Schneiderer, Anna Brandt and Alma Hoffman, are the legatees and devisees under the Will, and the only heirs at law and next of kin of said decedent, and the only persons having any interest in the said real estate.

The defendant, John K. Gunderman, is the husband of the defendant, Dora Gunderman; the defendant, Clara Schneiderer, is the wife of the defendant, Lewis Schneiderer; the defendant, Herman Bosse, is the husband of the defendant, Elizabeth Bosse; the defendant, Esther Schneiderer, is the wife of the defendant, George Schneiderer; the defendant, Mae Schneiderer, is the wife of the defendant, Edward Schneiderer; the defendant, Anna Brandt, is a widow; and the defendant, Fred Hoffman, is the husband of the defendant, Alma Hoffman.

Wherefore, plaintiff prays that he be ordered and authorized to sell said real estate, and for such other and further relief in the premises as the court deems just and proper.

Hooper & Sanders.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Lewis Schneiderer, being first duly sworn, says that he is the Executor of the Estate of John C. Schneiderer, deceased, and as such is the plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Lewis Schneiderer.

Sworn to before me and subscribed in my presence this 18th. day of September, 1937.

Seal

Ruth Hess - Notary Public.

Filed
Oct. 7- 1937.

Wairer.

In the Probate Court, Union County, Ohio.

Lewis Schneiderer, Executor of the Estate of John C. Schneiderer, Deceased,

Plaintiff,

-vs-

Dora Gunderman, et al.,

Defendants.

No. 13479.
Wairer.

Filed
Oct. 7- 1937.

13479

Legat
of
Cantw
mons
the
Twen
R

Filed
Oct. 7- 1937.

Lewis
the
Decea

Dora

ateer
John
Cantw
sum
sale
the
R

Filed
Oct. 7- 1937.

Lewis
the
Decea

Dora

legat
of J
Cabon

13479

We, the undersigned, being the heirs at law and the legatees and devisees under the Last Will and Testament of John C. Schneider, deceased, and defendants in the above entitled cause, hereby waive the issuing and service of summons and process and consent to the immediate Sale of the real estate described in the petition, for the sum of Twenty-three Hundred ($2300.00) Dollars.

Dated this 18 day of September, 1937.

Mrs. Elisabeth Bosse.
Herman Bosse.

Filed Oct. 7- 1937.

Waiver.

In the Probate Court, Union County, Ohio.

Lewis Schneider, Executor of the Estate of John C. Schneider, Deceased, Plaintiff,

-vs-

Dora Gundermann, et al., Defendants.

No. 13479.
Waiver.

We, the undersigned, being the heirs at law and the legatees and devisees under the Last Will and Testament of John C. Schneider, deceased, and defendants in the above entitled cause, hereby waive the issuing and service of summons and process and consent to the immediate sale of the real estate described in the petition, for the sum of Twenty-three Hundred ($2300.00) Dollars.

Dated this 15th. day of September, 1937.

Dora Gundermann.
John H. Gundermann.
Lewis Schneider.
Clara Schneider.
Geo. P. Schneider.
Esther Schneider.
Anna Brandt.
Alma Hoffman.
Fred W. Hoffman.

Filed Oct. 7- 1937.

Waiver.

In the Probate Court, Union County, Ohio.

Lewis Schneider, Executor of the Estate of John C. Schneider, Deceased, Plaintiff,

-vs-

Dora Gundermann, et al., Defendants.

No. 13479.
Waiver.

We, the undersigned, being the heirs at law and the legatees and devisees under the Last Will and Testament of John C. Schneider, deceased, and defendants in the above entitled cause, hereby waive the issuing and

THE COL. B. B. MFG. CO. 74930

13479 service of summons and process and consent to an immediate sale of the real estate described in the petition, for the sum of Twenty-three Hundred ($2300.00) Dollars.
Dated this 17th. day of September, 1937.
Edward Scheiderer.
Mary Scheiderer.

Filed Oct. 7- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Lewis Scheiderer, Executor of the Estate of John C. Scheiderer, Deceased,
Plaintiff,
-vs-
Dora Gunderman, et al.,
Defendants.

No. 13479.
Entry.

This day this cause came on to be heard upon the petition of plaintiff for authority to sell real estate to carry out the provisions of the Last Will and Testament of John C. Scheiderer, deceased.

And the Court, being fully advised in the premises, finds that all the defendants have waived the issuing and service of summons and process and voluntarily entered their appearances herein and consented to sale of the real estate as prayed for in the petition; that all necessary parties are before the court, and that the prayer of the petition should be granted; that all of the allegations contained in said petition are true and said real estate ought to be sold as prayed for.

The Court further finds that the bond heretofore given by the plaintiff as Executor 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 One Thousand ($1000.00) Dollars.

And it appearing that private sale would be to the best interests of said estate, it is ordered that the said Lewis Scheiderer, as such Executor, sell said real estate at private sale for not less than $2200.00, that being the appraised value thereof, for cash.

L. W. Hazeck - Judge.

Filed Oct. 7- 1937.

Additional Bond.

In the Probate Court, Union County, Ohio.

Lewis Scheiderer, Executor of the Estate of John C. Scheiderer, Deceased,
Plaintiff,
-vs-
Dora Gunderman, et al.,
Defendants.

No. 13479.
Additional Bond.

13479. Fi... princ... as... in... the... bind... in a... Coun... Esta... Dora... Lewi... certa... Tern... chap... and... sale... othe...

Filed Oct. 7- 1937.

Lewi... the... Dece...

Dora...

Bond... with... the...

Filed Oct. 7- 1937.

Lewi... the... Dece...

Dora...

T. ... 2... pend... Lewi...

13479. Know all men by these presents: That we, Lewis Schneider, principal, and George P. Schneider and Dora Gundermann, as sureties, are firmly bound under the State of Ohio in the penal sum of One Thousand ($1000.00) 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 Lewis Schneider, Executor of the Estate of John C. Schneider, deceased, is plaintiff, and Dora Gundermann, et al., are defendants, the said Lewis Schneider has been ordered by said Court to sell certain real estate of said decedent to carry out the terms of his Last Will and Testament.

Now, if the said Lewis Schneider, Executor as aforesaid, shall faithfully discharge his duties in the premises and full account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

Lewis Schneider - Principal.
Geo. P. Schneider }
Dora Gundermann } - Sureties.

Filed Oct. 7- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Lewis Schneider, Executor of the Estate of John C. Schneider, Deceased, Plaintiff,

-vs-

Dora Gundermann, et al., Defendants.

No. 13479.
Entry.

It appearing to the court that the plaintiff has given bond in the sum of One Thousand ($1000.00) Dollars with approved sureties, conditioned, according to law, the said Bond is hereby approved.

L. W. Hazen - Probate Judge.

Filed Oct. 7- 1937.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

Lewis Schneider, Executor of the Estate of John C. Schneider, Deceased, Plaintiff,

-vs-

Dora Gundermann, et al., Defendants.

No. 13479.
Order for Private Sale.

To Lewis Schneider, Greeting:

Whereas, on September 21st. 1937, in a certain pending in the Probate Court of Union County, Ohio, wherein Lewis Schneider, Executor of the Estate of John C.

THE COL. B. B. MFG. CO. 74930

13479

Schneider, deceased, is plaintiff, and Dora Gunderman, 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 agreeable to the statute regulating the sale of real estates 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 State of Ohio, County of Union and Village of Marysville.

Being in Lot No. 212, and being the same premises conveyed to John T. Cartmell, September 20, 1892, by Anna R. Anderson on Record of Deeds Vol. 67, page 429, Union County, Ohio.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 21st. day of September, 1937.

L. W. Hazen - Probate Judge.

Seal

Filed Oct. 7 - 1937

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Lewis Schneider, Executor of the Estate of John C. Schneider, Deceased, Plaintiff,

vs.

Dora Gunderman, et al., Defendants.

No. 13479.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 21st. day of September, 1937, offer said property, at private sale, and Ruth Patrick having offered therefor the sum of Twenty-three Hundred ($2300.00) Dollars, and the same being more than the appraised value of said property, I sold the same to said Ruth Patrick for that sum.

Lewis Schneider.

State of Ohio, Union County, ss:

Lewis Schneider, 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.

Lewis Schneider.

Subscribed in my presence and sworn to before me this 21st. day of September, 1937.

Seal

Ruth Hess - Notary Public.

13479
Filed
Oct. 8 - 1937.

13479
Filed
Oct. 8 - 1937.

Entry.

In the Probate Court, Union County, Ohio.

Lewis Schneiderer, Executor of the Estate of John C. Schneiderer, Deceased,
Plaintiff,
-vs-
Dora Gundeman, et al.,
Defendants.

Vs. 13479.
Entry.

This day this cause came on to be heard on the report of Lewis Schneiderer, Executor of the Estate of John C. Schneiderer, deceased, of his proceedings under the foundy order of this court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; the court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordered that said petitioner execute a deed of all the right, title and interest of the said John C. Schneiderer, deceased, in said real estate, to the purchaser, Ruth Patrick, upon the said purchaser paying the purchase price, to-wit, the sum of Twenty-three Hundred ($2300.00) Dollars, in cash.

It is further ordered that said Executor, out of the money in his hands, pay:

First: The costs and expenses incurred in the sale of said property, to-wit, the sum of $42.50

Second: To the Treasurer of this County the taxes due in December, 1937, to-wit, the sum of 16.20

Third: The balance, in the sum of $2241.30 to be accounted for according to law.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13481
Filed
Oct. 9 - 1937.
Mc Allister & Humes
attorneys.

Petition to Sell Real Estate.
Guardian's Petition to Sell Real Estate.
Probate Court, Marion County, Ohio.

Lulu L. Russell, Guardian,
Plaintiff,

-vs-

Her Ward - Robert Elston Hancock,
and Lulu L. Russell,
Defendants.

No. 12796.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that he is the duly appointed and qualified Guardian of Robert Elston Hancock of the age of nineteen years on the — day of — A. D. 19—, and residing with Lulu L. Russell at La Rue, Ohio, having been appointed as such Guardian by the Probate Court of Marion County on the — day of —, 1936.

Said ward is seized of the following described real estate:

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

First Tract: Being all of Lot Number Seven Hundred and Ninety Nine (799) in L. A. Larcomb's Addition to said Village of Richwood, as the same is designated and described on the recorded plat of said addition duly recorded in the Recorder's Office of said County at Marysville, Ohio.

Second Tract: Being the north twenty (20) feet throughout of Lot 800 in Larcomb's Addition to said Village of Richwood, Ohio, being more specifically described as follows:- Commencing at the northwest corner of said lot; thence with the north line thereof to the northeast corner thereof; thence south with the east line thereof a distance of twenty (20) feet from the northeast corner to an iron stake; thence westerly on a line parallel to the north line of said lot to an iron stake in the west line thereof twenty (20) feet distant from the northwest corner of said lot; thence northerly on the west line of said lot to the place of beginning.

Third Tract: Situated in the Township of Claibourne, County of Union, and State of Ohio, and bounded and described as follows:- Beginning at a stake at the S. E. corner of Lot No. 800 in Richwood, Ohio; Thence in a northerly direction N. 1 deg. 50' W. with the East line of Lots Nos. 800, 799 and 798, a distance of 100 feet to an iron stake; thence in an easterly direction N. 83 deg. 10' E. with the south line of Lots Nos. 803, 804 and 805, a distance of 145½ feet to an iron stake at the corner of Lot No. 805; thence in a southerly direction S. 3 deg. 40 E. 85 feet to an iron stake; thence in a westerly direction S. 76 deg. 50' W. 166 feet to the place of beginning, containing 32/100 acres, more or less,

13481 exce
for
land
is
pla
that
cau
Com
and
esta
Mar
itan
said
for
Coun
acco
Pla
for
The
plai
set
are
said
day
To
Elest
direct
to

13481

expcpting therefrom a strip 6 feet wide from the west side for an alley.

Said real estate is encumbered as follows: None.

Said real estate consists of a dwelling house and land in the Village of Richwood, Ohio; that the said house is not modern and is not in good repair, and that plaintiff has had difficulty in collecting her rents, and that a better investment of the proceeds of the sale thereof can be made in property in the village of La Rue, Marion County, Ohio, the village and county of residence of plaintiff and her said ward, and that a sale of said real estate will be for the benefit of said ward.

The Defendant, Lulu L. Russell, who is a resident of Marion County, Ohio, is entitled to the next estate of inheritance from the said ward in said real estate.

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

Wherefore, Plaintiff prays the court to set this petition for hearing, to issue summons to the Sheriff of Marion County for the Defendant, Robert Clayton Haycock, returnable according to law, and for an order authorizing said Plaintiff to sell said real estate at private sale, and for such other and further relief as is proper.

Hamme & McAllister,
Attorneys for Plaintiff.

The State of Ohio, Marion County.

Lulu L. Russell, 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.

Lulu L. Russell, Adm.

Sworn to before me and signed in my presence by the said Lulu L. Russell, at La Rue, Ohio, this 31st. day of March, 1937.

Thelma Smiley-Notary Public.
My commission expires July 30, 1937.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Robert Calvin Haycock, a minor over 14 years, Defendant, directed to the Sheriff of said County, returnable according to law.

Hamme & McAllister-Plaintiffs Attorneys.

THE COL. P. B. MFG. CO. 74930

13481

Journal Entry - Sale of Real Estate.
In the Probate Court of Marion County, Ohio.

Lulu L. Russell, Guardian of
Robert Colston Haucock,
Plaintiff,

-vs-

Robert Colston Haucock and
Lulu L. Russell,
Defendants.

Journal Entry - Sale of Real Estate.
Petition filed.
Hearing Set.

This day came Lulu L. Russell, as Guardian of the estate of Robert Colston Haucock, filed herein her certain petition, duly certified as required by law asking for an order to sell the real estate therein described, for the purpose of paying the debts of said ward.

Whereupon, it is ordered by the Court that due and legal notice of the pendency and prayer of said petition be given to all defendants herein as required by law and the Court does now fix Monday, the 24th. day of May, 1937, at 10 o'clock A. M., as the time for hearing on said petition, and this cause continued accordingly.

Oscar Gash - Probate Judge.

Filed April 6, 1937.
Rec. Jul. 43, Page 408.

Waiver of Summons on Petition to Sell Real Estate.
Probate Court, Marion County, Ohio.

Lulu L. Russell, Guardian of
Robert Colston Haucock, a
minor,
Plaintiff,

-vs-

Robert Colston Haucock, et al,
Defendants.

No.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 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 6, A. D. 1937. Lulu L. Russell.

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

The State of Ohio, Marion County. } Probate Court.

To the Sheriff of said County:

You are commanded to notify Robert Colston Haucock, LaRue, Ohio; Lulu Russell, Guardian, R. 30, making service of this summons upon such minor as over

13481

Journ
or c
the
of th
Probe
other
an
said
of
the
6th.

The

Serv
I ac
30 d

with
age,
and
qua

Lulu
Robe
mino

To

her
Lulu
who
and
pers

13481

fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 6th. day of April, A. D. 1937, Lulu L. Russell, Guardian of the estate of Robert Celeston Hancock, filed her petition in the Probate Court of said Marion County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said ward, and in said petition described, for the purpose of re-investment of the proceeds of said sale, and that unless they answer by the 8th. day of May, 1937, said petition will be taken as true and an order granted accordingly.

Said Sheriff will make due return of this summons on the 19th. day of April, 1937.

Witness my hand and the seal of said Court, this 6th. day of April, 1937.

Oscar Gast - Judge and ex-officio Clerk of the Probate Court of said County.
By- Warren Bull - Deputy Clerk.

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff fees.	
Service & Return, first name	.75
1 Additional name, at 25¢	.25
30 miles traveled at 8¢	2.40
Total	$ 3.40

Received this writ April 7, 1937, 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 who are over fourteen years of age, personally, April 10, 1937, on Robert Celeston Hancock and also on April 10th, 1937, on Lulu L. Russell the guardian of the said Robert Celeston Hancock.

Fred L. Miller - Sheriff.
By- Gene Goscher - Deputy.

Application for Appointment of Guardian Ad Litem.

Probate Court, Marion County, Ohio.

Lulu L. Russell, Guardian of Robert Celeston Hancock, a minor,

Plaintiff,

-vs-

Robert Celeston Hancock, et al.,

Defendants.

May 1937.

Us.

To the Hon. Oscar Gast, Judge of said Court.

Now comes Lulu L. Russell, by Humes & McAllister, her attorneys, and makes application for the appointment of a Guardian Ad Litem for Robert Celeston Hancock minor over 14 years of age, defendant herein, upon whom summons was duly served according to law, and suggests that J. D. Williamson who is a suitable person be appointed as such Guardian Ad Litem.

Lulu L. Russell
By- Humes & McAllister, Her Attorneys.

THE COL. B. B. MFG. CO. 74930

13481

Journal Entry.
Probate Court, Marion County, Ohio.

Lulu L. Russell, Guardian of
Robert Celeston Hancock, a
minor,
Plaintiff,
-vs-
Robert Celeston Hancock, et al.,
Defendants.

May 11- 1937.
No. 12796.
Appointing Guardian Ad Litem.

This day Lulu L. Russell appeared in open court and made application for the appointment of a guardian ad litem for the minor defendant in this case, and it appearing to the Court that Robert Celeston Hancock, who is of the age of 14 years, has been duly and legally served with summons, herein, it is ordered that J. D. Williamson be and he is hereby appointed Guardian for the suit for said minor defendant; and now comes the said J. D. Williamson and in open Court accepts said appointment.

Oscar Gast - Probate Judge.

Answer of Guardian Ad Litem.
Probate Court, Marion County, Ohio.

Lulu L. Russell, Guardian of
Robert Celeston Hancock, a
minor,
Plaintiff,
-vs-
Robert Celeston Hancock, et al.,
Defendants.

No.
Answer of Minor Defendants.

And now comes —— duly appointed by the Court as Guardian Ad Litem for Robert Celeston Hancock the minor child of Lulu L. Russell and defendant to the petition in said cause, and for answer to the petition of said plaintiff says that he has not, by reason of the tender age of said defendant, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendant, denies the same, and submits the interest of said defendant to the care and protection of the Court, to order in the premises as justice and interest of said defendant shall require.

Robert Celeston Hancock.
By- J. D. Williamson -
His Guardian Ad Litem.

13481

13481

Finding Sale Necessary and Ordering Appraisement.

Probate Court, Marion County, Ohio.

Lulu L. Russell, as Guardian of Robert Celeston Haucock, a minor, Plaintiff, -vs- Robert Celeston Haucock, et al, Defendants.

May 1937.

Finding Sale Necessary and Ordering Appraisement.

This matter coming on to be heard upon the petition, the Answer of the Guardian ad litem 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; and that it is necessary to sell said real estate for a better investment of the value thereof, 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. F. Rapp, G. W. Hunt, and F. E. Riley, 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 — day of May, 1937.

Oscar Gast- Probate Judge.

Order of Appraisement.

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

To Lulu L. Russell, Guardian of Robert Celeston Haucock, a minor:

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 Robert Celeston Haucock, a minor, are Plaintiff and Robert Celeston Haucock, et al., are Defendants, you are commanded that by the oaths of J. F. Rapp, G. W. Hunt and F. E. Riley, 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 Village of Richwood, and bounded and described as follows:-

THE COL. B. B. MFG. CO. 74930

13481

First Tract: Being all of Lot Number Seven Hundred and Ninety Nine (799) in C. A. Larcomb's Addition to said Village of Richwood, as the same is designated and described on the recorded plat of said addition duly recorded in the Recorder's Office of said County at Marysville, Ohio.

Second Tract: Being the north twenty (20) feet throughout of Lot 800 in Larcomb's Addition to said Village of Richwood Ohio, being more particularly described as follows:- Commencing at the northwest corner of said lot; thence with the north line thereof to the northeast corner thereof; thence south with the east line thereof a distance of twenty (20) feet from the northeast corner to an iron stake; thence westerly on a line parallel to the north line of said lot to an iron stake in the west line thereof twenty (20) feet, distant from the northwest corner of said lot; thence northerly on the west line of said lot to the place of beginning.

Third Tract: Beginning at a stake at the S. E. corner of Lot No. 800 in Richwood, Ohio; thence in a northerly direction N. 1 deg. 50' W. with the east line of Lots Nos. 800, 799 and 798, a distance of 100 feet to an iron stake; thence in an easterly direction N. 83 deg. 10' E. with the south line of Lot Nos. 803, 804 and 805, a distance of 145½ feet to an iron stake at the corner of Lot No. 805; thence in a southerly direction S. 3 deg. 40' E. 85 feet to an iron stake; thence in a westerly direction S. 76 deg. 50' W. 166 feet to the place of beginning, containing 32/100 acres; more or less, excepting therefrom a strip 6 feet wide from the west side for an alley.

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 Marion, Ohio, this 11th. day of May, A. D. 1937.

Oscar Gabel- Probate Judge.
By- Warren Bull- Deputy.

Return.

To the Probate Court of Marion 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 —— day of May, 1937.

Lulu L. Russell.

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.

13481

18th

13481

G. W. Hunt, Sr.
Frank L. Cramer. } Appraisers.
J. N. Rapp.

Sworn to before me and signed in my presence, this 18th. Day of May, 1937.

Sturgis H. Cheney - Notary Public.
My commission expires Oct. 2-1937.

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 Sixteen Hundred Dollars.

Given under our hands, this 18th. day of May, 1937.

G. W. Hunt, Sr.
Frank L. Cramer. } Appraisers.
J. N. Rapp.

Confirming Appraisement and Ordering Additional Bond.

Probate Court, Marion County, Ohio.

Lulu L. Russell, as Guardian of the estate of Robert Caleston Hancock, a minor,

Plaintiff,

-vs-

Robert Caleston Hancock, et al.,

Defendants.

June 4- 1937.
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 Lulu L. Russell, Guardian, execute within ten days to the State of Ohio, a bond with sufficient sureties, to be approved by the Court in the sum of Three Thousand Dollars, conditioned according to law.

Oscar Gash - Probate Judge.

Bond of Administrator, Executor or Guardian.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we, Lulu L. Russell,
are held and firmly bound unto the State of Ohio, in the penal sum of Three 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 La Rue, Ohio, this 31st. day of May, A. D. 1937.

The condition of the above obligation is such, that whereas, the above bound Lulu L. Russell was heretofore duly appointed, and qualified by the Probate Court of Marion County, Ohio, Guardian of the estate

THE COL. B. B. MFG. CO. 74930

13481

of Robert Cleston Haucock, a minor.

And whereas, the said Lulu L. Russell as such Guardian has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Robert Cleston Haucock described in said petition;

And whereas said Court, on the 25th. day of May, 1937, made an order requiring said Guardian to execute a bond according to the statute in such cases made and provided.

Now, if the said Lulu L. Russell as Guardian aforesaid, shall faithfully discharge her 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.

Lulu L. Russell

Fidelity & Deposit Company of Maryland- Stugis H. Cheney, Attorney-in-fact.

This Bond approved in open Court, this 9th. day of June, 1937.

Oscar Gash- Probate Judge.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Marion County, Ohio.

Lulu L. Russell, as Guardian of Robert Cleston Haucock, a minor,

Plaintiff,

-vs-

Robert Cleston Haucock, et al.,

Defendants.

June 9- 1937.

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 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 ward to sell the real estate described in the petition at private sale, it is now ordered that Lulu L. Rudsell 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.

Upon motion of the plaintiff, and being advised in the premises, it is ordered that the Guardian may pay a real estate commission of 3% on the sale price of said real estate to a real estate broker, if such sale is made by or through the agency of such broker.

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

Oscar Gash- Probate Judge.

13481

13481

Order of Private Sale.

The State of Ohio, Union County. Probate Court.
To Lulu L. Russell, Guardian of Robert Celeston Hancock, a minor, 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 Gefardian of Robert Celeston Hancock, a minor, are Plaintiff and Robert Celeston Hancock, 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 Village of Richwood, and bounded and described as follows:-

First tract: Being all of Lot Number Seven Hundred and Ninety Nine (799) in L. A. Larcomb's Addition to said Village of Richwood, as the same is designated and described on the recorded plat of said addition duly recorded in the Recorder's Office of said County at Marysville, Ohio.

Second tract: Being the north twenty (20) feet throughout of Lot 800 in Larcomb's Addition to said Village of Richwood, Ohio, being more specifically described as follows:- Commencing at the northwest corner of said lot; thence with the north line thereof to the northeast corner thereof; thence south with the east line thereof a distance of twenty (20) feet from the northeast corner to an iron stake; thence westerly on a line parallel to the north line of said lot to an iron stake in the west line thereof twenty (20) feet distant from the northwest corner of said lot; thence northerly on the west line of said lot to the place of beginning.

Third tract: Situated in the Township of Claibourne, County of Union, and State of Ohio, and bounded and described as follows:- Beginning at a stake at the S. E. corner of Lot No. 800 in Richwood, Ohio; thence in a northerly direction N. 1 deg. 50' W. with the east line of Lots Nos. 800, 799 and 798, a distance of 100 feet to an iron stake; thence in an easterly diction N. 83 deg. 10' E. with the south line of Lots Nos. 803, 804 and 805, a distance of 145½ feet to an iron stake at the corner of Lot No. 800; thence in a westerly direction S. 76 deg. 50' W. 166 feet to the place of beginning, containing 32/100 acres, more or less, excepting therefrom a strip 6 feet wide from the west side for an alley.

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.

THE COL. B. B. MFG. CO. 74930

13481

Witness my signature and the seal of said Probate Court at Marion, Ohio, this 9th. day of June, 1937.

Hector L. Young - acting Probate Judge.

By Warren Bull - Deputy Clerk.

Return.

To the Probate Court of Marion 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 18th. day of June, 1937.

Lulu L. Russell - Guardian.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 18th. day of June, 1937, offer said property, at private sale, and Paul Brelsford and Ruth Brelsford having offered therefor the sum of Sixteen Hundred Dollars ($1600.00) and the same being not less than the appraised value of said property, I sold the same to said Paul Brelsford and Ruth Brelsford for that sum.

Lulu L. Russell.

Affidavit to Report of Private Sale.

The State of Ohio, Marion County, ss:

Lulu L. Russell, 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.

Lulu L. Russell.

Sworn to before me and subscribed in my presence, this 18th. day of June, 1937.

John M. Markey - Notary Public.

My commission - Expires Jan. 27-1939.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Marion County, Ohio.

Lulu L. Russell, Guardian of the estate of Robert Celeston Haucock, a minor, Plaintiff, -vs- Robert Celeston Haucock, et al., Defendants.	No. 12796. Entry Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Lulu L. Russell, Guardian of the estate of Robert Celeston Haucock, a minor, of her proceedings under the journ 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

13481

was
and
that
and
real
paying
upon
distrib
amou
paid
First,
torney
perform
Secon
gaino
Third
H. Co
balan
and
by la
ordered
taped
ten

The
Probate
and
true
petit
of de
from
and
this

13481

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 Robert Celeston Hancock, in said real estate, to the purchaser, upon the said purchaser paying the purchase price in full.

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 Fifteen Hundred Dollars, it is ordered that the said Guardian out of the money in her hands, pay:- First, costs and expenses of sale, including an attorney fee of $80.00 to Hunter & McAllister, for services performed to the fiduciary in connection with the sale. Second, taxes, penalties and assessments due against said real estate in the sum of $11.37; Third, Commission on the sale of real estate to Sturgis H. Cheney, Realtor, in the sum of $48.00; Fourth, the balance of said funds in her hands to be held and accounted for by said Guardian as required by law, and the Order of this Court.

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.

Oscar Gast- Judge.

Certificate of Copy.

The State of Ohio, Marion County, ss.

I, Oscar Gast, Judge, and Ex-Officio Clerk of the Probate Court within and for the aforesaid County and State, do hereby certify that the foregoing is a true and correct copy of the original Guardian's petition to sell Real Estate in the Guardianship of Lulu L. Russell, Guardian of Robert Celeston Hancock, now on file in said Probate Court.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Marion, Ohio, this 8th. day of October, 1937.

Seal

Oscar Gast- Probate Judge.
Gertrude Carleton- Deputy Clerk.

THE COL. H. B. MFG. CO. 74930

12842
Filed
June 22-1932.
Clifton L. Caryl.
Attorney.

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

Leonard Fogle, Administrator of the Estate of Eli Fogle, Deceased, Plaintiff,

-vs-

Leonard Fogle
Susanna Rinkins
Walter Fogle
Conrad Fogle
Mable Myers
Dorotha Harriott
Clarence Fogle
Lee Fogle
Beryl Wavey
Clifford Fogle
Everett Fogle and
Thelma Fogle.

Defendants.

No. 12842.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator with the will annexed of the estate of Eli Fogle, deceased, late of this County; as near as can be ascertained the amount of the said debts against said deceased is about one thousand ($1000.00) Dollars.

And the costs of administering the estate will be about One hundred ($100.00) Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at ($413.41) Four hundred and thirteen and 41/100 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 and Township of Dover, State of Ohio, and further described as follows: Being part of Survey No. 5869.

Beginning at the Northwest corner of a lot of land deeded to William Fogle by Jonathan Beard, April 1, 1865; thence South 40 rods to a stake; thence East 8½ rods to a stake; thence South 44½ rods to a stake in the North line of Abner Liggett's land; southeast corner of John Timber's land; thence East of the said North line of Liggett's land 38 rods to a stake; thence East 26½ rods to a stake; thence North 47½ rods to a stake in the center of the road on the north side of said lot; thence West in the center of said road 73 rods to the place of beginning.

Containing 30 acres of land.

12842

Union
descri
land
said
E. 8
of the
line
said
as
E.
begin
No. 1
ices,
No. 5
the
82½
to a
sion
Noe.
to a
direc
line
of
land
show
in t
line
tract
at
said
tract
S
esta
as
and
hund
2
7
Fogle
Lee
Thelm

12342

Also another tract of land, situate in the County of Union, State of Ohio, and Township of Dover, bounded and described as follows:-

Beginning at a stake, northeast corner of Eli Fogle's land and in the North line of Survey No. 6869; thence with said line N. 82½° E. 11.56 poles to a stone; thence S. 7½° E. 84.40 poles to a hickory in the South line of Lot No. 1 of the sub-division of Survey No. 5869; thence with said line S. 82° W. 38.20 poles to a stake, southeast corner of said Eli Fogle's land; thence with the line of said land as follows, N. 7½° W. 35½ poles to a stake; thence N. 82° E. 26½ poles to a stake; thence N. 7½° W. 49 poles to the beginning.

Containing 12 acres, more or less. Being a part of Lot No. 1 of the subdivision of Survey No. 5869.

Also part of said Survey No. 5869, and

Being the East one-third of the following described premises, Beginning at a stone in the North line of Survey No. 5869, northeast corner of Lot No. 2 of the division of the William Fogle land; thence with said Survey line N. 82½° E. 39.48 poles to a stake; thence S. 7½° E. 83.70 poles to a stone in the South line of Lot No. 10 of the sub-division of Survey No. 5869; thence with the said line of Lots Nos. 10 and 1 of the said subdivision, S. 82° W. 39.48 poles to a stake, southeast corner of said Lot No. 2 of the division of said William Fogle estate; thence with the East line of Lot No. 2, N. 7½° W. 84.08 poles to the beginning.

Containing 20.70 acres, more or less, and being part of Lots Nos. 1 and 10 of the subdivision of Survey No. 5869, and being Lot No. 3 of the William Fogle estate, as shown by plat on page 88 of Vol. 18 of the Law Records in the office of the Clerk of Courts of Union County, Ohio.

Said East one-third being determined by running a line, parallel with the East line of said above described tract of land from the North line to the South line and at such a distance from the East line as to make said tract contain the one-third of the above described tract of land, or 6.90 acres, more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised as follows:- The 42 acres at two thousand nine hundred and forty ($2940.00) Dollars and the 6.90 acres at four hundred and twenty ($420.00) Dollars.

Said real estate is encumbered as follows:-

No encumbrances.

The defendants Susanna Perkins, Walter Fogle, Conrad Fogle, Noble Myers, Dorothy Harriott, Clarence Fogle, Lee Fogle, Beryl Vasey, Clifford Fogle, Everett Fogle and Thelma Fogle and Leonard Fogle, are all the heirs

THE COL. B. B. MFG. CO. 74930

12342

or persons entitled to the next estate of inheritance from the decedent in said real estate and having interest therein.

The said Eli Togle died on or about the 30th. day of July, 1921, and Sallie Togle the widow of the said Eli Togle deceased, died on or about the 28th. day of July, 1928.

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

Wherefore, plaintiff prays that said real estate be sold and 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.

Clifton L. Caryl- Attorney for the Plaintiff.

The State of Ohio, Union County.

Leonard Togle, 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.

Leonard Togle.

Sworn to before me and signed in my presence by the said Leonard Togle, at Marysville, Ohio, this 22" day of June, 1932.

(Seal) Clifton L. Caryl- Notary Public.

Filed June 22-1932.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Defendants, directed to the Sheriff of said County, returnable according to law.

Clifton L. Caryl- Plaintiff's Attorney.

Filed June 22-1932.

Order Fixing Time for Hearing and for Notice.

Journal Entry- Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Leonard Togle, as Administrator of the Estate of Eli Togle, Deceased, Plaintiff,

-vs-

Susanna Perkins, et al., Defendants.

June 22- 1932.

Order Fixing Time for Hearing and for Notice.

This day Leonard Togle, Administrator of the Estate of Eli Togle, 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 — day of July 1932, at 2:00 o'clock P. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

W. H. Husted - Probate Judge.

12342
Filed
July 21-1932.

Leona
the u
of El

Susa
Togle

the
issuin
our

descr
praye
July

Filed
July 21-1932.

Leona
the u
of E

Susa
Togl

the
issuin
appe

descr
praye

12342
Filed
July 21-1932.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Leonard Fogle, Admr. with the will annexed of the estate of Eli Fogle, Deceased, Plaintiff,

-vs-

Susanna Perkins, Leonard Fogle and others, Defendants.

No. 12342.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 21-0 1932.

Lee Fogle.
Beryl Vasey.
Clifford Fogle.
Everett Fogle.
Thelma Fogle.

Filed
July 21-1932.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Leonard Fogle, Admr. with the will annexed of the estate of Eli Fogle, Deceased, Plaintiff,

-vs-

Susanna Perkins, Leonard Fogle and others, Defendants.

No. 12342.
Proceeding to Sell Real Estate.
Waiver of Summons & 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 25th. A. D. 1932.

Leonard Fogle.
Susanna Perkins.
Walter Fogle.
Mable Myers.
Dorothy Herriott.
Conrad Fogle.
Clarence Fogle.

THE COL. P. B. MFG. CO. 74930

12342
Filed
July 21 - 1932.

Journal Entry - Order for Appraisement.

In the Probate Court, Union County, Ohio.

Leonard Fogle, Administrator of the Estate of Eli Fogle, Plaintiff,

-vs-

Walter Fogle, et al., Defendants.

July 21 - 1932.
No. 12342.
Journal Entry.
Order for Appraisement.

This day this cause came on to be heard upon the petition, evidence and testimony of the plaintiff Leonard Fogle as administrator of the estate of Eli Fogle, the Court being fully advised in the premises, finds that all the defendants have been duly served with process, or have voluntarily entered their appearance herein, and are now properly before the Court and that the statements and allegations in said petition are true. And the Court being satisfied that it is necessary to sell the real estate described in the petition, it is ordered that W. B. Davis, Charles Weaver and Robert DeGood, three suitable and judicious disinterested men of the vicinity of said real estate, who are free holders, be, and they hereby are appointed to appraise said lands at their true value in money.

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 22nd. day of July 1932, and this cause is continued.

W. H. Husted - Judge.

Filed
July 22 - 1932.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Leonard Fogle, Administrator of the estate of Eli Fogle, 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 said Administrator are Plaintiff, and Susanna Perkins and others et al., are Defendants, you are commanded that by the oaths of W. B. Davis, R. B. DeGood and G. H. Gray, 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: Described as in the petition.

Situate in the State of Ohio, County of Union and Township of Dover, being part of Survey No. 5869, and containing 30 acres of land.

Also another tract in said Survey No. 5869, described as in the petition, containing 12 acres, more or less. Being a part of Lot No. 1 of the subdivision of said Survey No. 5869.

12342

a
in t
with
a
at

To t
d
to be
hereto
D

The

we
the
and
forg

22"

duly
therep
the
and
G

12342

Also another tract in said Survey No. 6869, described as in the petition, containing 6.90 acres, more or less.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 22" day of July, A. D. 1932.

Seal W. H. Hustead - 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 22" day of July, 1932.

Leonard Fogle.

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.

W. B. Davis
R. B. De Good } appraisers.
G. H. Gray

Sworn to before me and signed in my presence, this 22" day of July, 1932.

Melvin L. Caryl - 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 Two Thousand and eighty-five ($2085.90 Dollars.

Given under our hands, this 22" day of July, 1932.

W. B. Davis
R. B. De Good } appraisers.
G. H. Gray

Appraisers' fees $ None.

THE COL. B. B. MFG. CO. 74930

12342
Filed
August 2-1932.

In the Probate Court, Union County, Ohio.

Leonard Fogle, Administrator of the estate of Eli Fogle, Plaintiff,

-vs-

Walter Fogle, et al, Defendants

August 2, 1932.
No. 12342.
Journal Entry.
Order Approving Bond.
Order for Private Sale.

This day this cause came on further to be heard and it appearing to the Court that the said Leonard Fogle, Administrator the plaintiff above named, has given bond in the estate which is sufficient, with William B. Davis and P. L. Yeager freeholders as sureties. Appraisement filed July 22nd 1932 is approved and confirmed.

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 ordred that said Leonard Fogle as such Administrator proceed to sell said real estate, at private sale for not less than two-thirds the appraised value thereof, on the following terms, to-wit, cash in hand on day of sale. And said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued.

W. H. Husted- Judge.

Filed
August. 3-1932.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Leonard Fogle, Admr. of the estate of Eli Fogle, 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 said estate are Plaintiff and Susanna Perkins, Leonard Fogle and others, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than two-thirds of the appraised value thereof, the following described premises, to-wit:

Situate in the State of Ohio, County of Union and Township of Dover, being part of Survey No. 5869, and containing 30 acres of land, described as in the petition.

Also another track in said Survey No. 5869, described as in the petition, containing 12 acres, more or less. Being a part of Lot No. 1 of the subdivision of said Survey No. 5869.

Also another track in said Survey No. 5869, described as in the petition, containing 6.90 acres, more or less.

Said sale to be upon the following terms:

Cash in hand.

12342

Filed.
August 3-1932.

12842

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 29th. day of July, 1932.

Seal W. H. Hunter 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 3rd. day of August, 1932.

Leonard Fogle.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 29th. day of July, 1932, offer said property, at private sale, and Clarence L. Fogle and Wayne P. Fogle having offered therefor the sum of One Thousand three hundred and ninety Dollars ($1390.00) and the same being not less than two-thirds of the appraised value of said property, I sold the same to said Clarence L. Fogle and Wayne P. Fogle for that sum.

Leonard Fogle.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Leonard Fogle, 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.

Leonard Fogle.

Subscribed in my presence and sworn to before me, this 3rd. day of August, 1932.

Seal Clifton L. Caryl-Notary Public.

Filed August 3-1932.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Leonard Fogle, as Administrator of the estate of Eli Fogle, Deceased, Plaintiff,

vs.

Susanna Perkins, et al., Defendants.

August 3rd. 1932. Confirming Sale, Ordering Deed and Distribution.

THE COL. B. B. MFG. CO. 74930

12342.

This day this cause came on to be heard on the report of Leonard Fogle as Administrator of the estate of Eli Fogle, 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 repot; 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 parties Defendant, in said real estate, to the purchaser, Clarence L. Fogle and Wayne P. Fogle, upon the said purchaser making payment in full in cash.

It is further ordered that said Leonard Fogle as Administrator out of the money in his hands, pay:

First, the costs and expenses of the sale, including an attorney fee of $23.00 to Clifton L. Gaul for services performed for the fiduciary in connection with the sale and the sum of $12.90 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.

Second, to the payment of taxes, penalties, and assessments then due, the sum of $307.54, against such real estate.

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;

And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $38.30, out of the proceeds of said sale, within ten days. (Costs paid.)

W. H. Husted - Probate Judge.

12494
Filed
Oct. 22-1937.
Leonard Cox
Attorney.

Journ
of the
Decea

L. S.
and
minor

adm
late
the
is
and
will

I
cedu
and
been
sum
said

S
descr
of U

and
Utili
the
dred
Pike
East
etun
and
feet
cent
ward
of
9
situ
and
itary
Wayn
Libe
and
125

13496
Filed
Oct. 22-1927.
Leonard Cox
Attorney.

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

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, deceased, Plaintiff,

vs.

L. S. Southwick, Jennie Southwick, and Kathryn J. Southwick, a minor under fourteen years of age, Defendants.

No. 13496.
Petition of Adjuinistratrix to Sell Real Estate.

The plaintiff is the duly appointed, qualified and acting adminstratrix of the estate of Ely B. Southwick, deceased, late of this county; and as near as can be ascertained the amount of the valid debts against said decedent is fifteen hundred dollars, including the redeemed aspete and years allowance to the widow, and the cost of administration will amount to about two hundred dollars.

That the total value of the personal property of said decedent was fixed by the appraisers at ten hundred and eighty 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 died seized in fee simple of the following described real estate situated in the said County of Union and described as follows:

Tract No. 1.

Situated in the Township of Washington, County of Union, and the State of Ohio, and being a part of Virginia Military Survey No. 7375: Beginning at a stone in the center of the Marysville and Kenton Pike one hundred feet North from the center of the crossing of said Pike with the East Liberty and Essex Pike; thence Eastwardly with Laura Thornton's North line and the extension thereof, 167 feet to a stake: thence Northerly and parallel with the Marysville and Kenton Pike 70 feet to a stone: thence Westwardly 167 feet to the center of the Marysville and Kenton Pike: thence Southwardly with the center of said pike 70 feet to the place of Beginning, containing 043 sq. rd. more or less.

Tract No. 2.

The undivided one half interest of the following real estate situated in the Township of Washington, County of Union and State of Ohio, and being a part of Virginia Military Survey No. 7375: Beginning at the crossing of the Marysville and Kenton Pike and Essex and East Liberty Road: thence with the center of said Marysville and Kenton Pike 80 feet to a stone: thence, eastward 125 feet to a stone 60 feet from the center of the

THE COL. B. B. MFG. CO. 74930

13496

Essex road; thence South and parallel with the said Marysville and Kenton Pike to the center of said Essex and East Liberty Road; thence westward with the center of said road to the place of beginning.

Also the following adjoining real estate;

Beginning at a stone in the center of the Marysville and Kenton Pike 80 feet North from the center of the crossing of the Marysville and Kenton Pike with the Essex and East Liberty Road; thence eastwardly 134 feet on the North line of a lot deded to S. J. Baldwin to a stone; thence Northwardly 20 feet to George Miller's South line; thence Westwardly with George Miller's South line 134 feet to a stone in the center of the Marysville and Kenton Pike; thence Southward to the place of beginning, excepting from the above the amount conveyed by Ely B. and Jennie Southwick to E. W. Dammandle, by deed dated April 22, 1921.

Said real estate was included in the inventory of the estate pursuant to the order of this Court, and appraised at sixteen hundred and seventy dollars.

The Defendants L. S. Southwick is the son of the decedent, Jennie Southwick is the widow of the decedent and Kathryn J. Southwick a minor under the age of 14 years is a daughter of a deceased son of the decedent, are all the heirs or persons entitled to the real estate of inheritance from the decedent in such real estate and having an interest therein, and there are no other persons who have any interest in said real estate.

Wherefore, Plaintiff prays that said real estate be sold free of dower; that all the rights of all parties 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.

Leonard Cox - Attorney for the Plaintiff.

State of Ohio, Union County, ss:

Jennie Southwick 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.

Jennie Southwick.

Sworn to before me and signed in my presence this 22nd. day of October, 1937.

Seal

L. W. Hazen - P. J.

13496
Filed
Oct. 22-1937.

Jennie
of the
Decea

L. S.

W
partie
do ex
mone
defen
Estat
to the
Octo

Filed
Oct. 23-1937.

Jennie
of the
Dece

L. S.

Filed
Oct. 26-1937.

The
To t

Y
case
Jenn
Sout
Defe
to m
such

said Marys-
ex and East
f said road

e Marysville
ter of the
the Essex
ent on the
a stone;
line; thence
k to a stone
thence South-
the above
thuck to
.
tory of the
appraised

deadent,
Kathryn
is a
all the
inheritance
ring qu
who have

te be sold
fully de-
petitioner
estate ac-
provided,
the way
the Plaintiff.

ge the
at the facts
egoing pe-
.
nce this
J.

13496
Filed
Oct. 22- 1937.

Waiver of Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix
of the Estate of Ely B. Southwick,
Deceased, Plaintiff,

-vs-

L. S. Southwick, et al.,
Defendants.

No. 13496.
Proceeding to Sell Real Estate.
Waiver of Summons & Consent to Sell.

We, the undersigned L. S. Southwick, Jennie Southwick; parties defendant to the petition in the above entitled action, do each of us hereby waive the issuing and service of summons, and voluntarily enter our appearance as such defendants. And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.

October 22- A. D. 1937.

L. S. Southwick.
Jennie Southwick.

Filed
Oct. 23- 1937.

Journal Entry - Setting time for hearing.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix
of the Estate of Ely B. Southwick,
Deceased, Plaintiff,

-vs-

L. S. Southwick, et al.,
Defendants.

Journal Entry.
Setting time for hearing.
October 22- 1937.

This day Jennie Southwick, administratrix of the estate of Ely B. Southwick, deceased, filed in this Court her petition praying for the sale of real estate therein described to pay the debts of said estate.

It is ordered that said petition be heard on the 22 nd. day of November 1937, at 10 o'clock A. M. and that summons for the defendant Kathryn J. Southwick a minor under the age of 14 years issue to the Sheriff of this County returnable according to law.

L. W. Hazen- P. J.

Filed
Oct. 26- 1937.

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

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County:

You are commanded to notify Kathryn J. Southwick, Case # 13496 - In- Ely B. Southwick - Deceased. Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff - vrs- L. S. Southwick, et al, Defendants; and the following named, who are minors, to-wit: _____ making service of this summons upon such minor not fourteen years of age, and also upon

THE COL. B. B. MFG. CO. 74930

13496

the guardian, father, mother or custodian of said minor, in the order named; that on the 22nd. day of October, A. D. 1937, Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, 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 of said Estate; and that unless they answer by the 20th. day of November 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this Summons on the 1st. day of November 1937.

Witness my hand and the seal of said Court, this 23rd. day of October, 1937.

Seal

L. W. Hazen - Probate Judge.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.	
Service & Return, first name	.75
1 Additional name, at 25¢	.25
32 miles traveled at 8¢	2.56
Total	$3.56

Received this writ October 28rd. 1937, 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: On October 25th. 1937, on Kathryn J. Southwick, a minor not 14 years of age, by personally handing to her copy of this writ with all Endorsements thereon; October 25th. 1937, on Mary Southwick, the mother of the said Kathryn J. Southwick, a minor not fourteen years of age, by personally handing to her a copy of this writ with all Endorsements thereon.

H. S. Roosa - Sheriff.
By - E. Wood - Deputy.

Filed
Dec. 7- 1937.

Wainer of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff,

-vs-

S. S. Southwick, et al., Defendants.

No. 13496.
Proceeding to Sell Real Estate.
Waiver of Summons & 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.

13496

Filed
Dec. 7- 1937.

Dece

Jennie
of the
Decea

L. S.

Now
since
South
duly
said
the
mined
and
of sa
to p

13496

December 3, a. D. 1937.

Glenna Southwick - Administratrix of the Estate of L. S. Southwick, Deceased.

Motion to Revive Action.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff,

-vs-

L. S. Southwick, et al., Defendants.

Case No. 13496.
Motion to Revive Action.

Filed Dec. 7- 1937.

Now comes the Plaintiff and represents to the Court that since the commencement of this action the Defendant L. S. Southwick has died and that one Glenna Southwick is the duly appointed, qualified and acting Administratrix of said Defendant, and that the right of action survives the death of said Defendant and ought to be determined between said Administratrix and this Plaintiff, and moves the Court to revive this action in the name of said Administratrix so that the action may proceed to final determination.

Lenard Cox - Attorney for Plaintiff.

Filed Dec. 7- 1937.

Journal Entry - Reviving Action.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff,

-vs-

L. S. Southwick, et al., Defendants.

Case No. 13496.
Journal Entry
Reviving Action.
December 7th. 1937.

This cause came on to be heard on the motion of the Plaintiff to revive this action in the name of Glenna Southwick the Administratrix of the deceased Defendant, and she having voluntarily entered her appearance and consented to the prayer of the petition herein, and there being no good reason shown why this action should not be revived, it is ordered that this action be and the same is hereby revived in the name of Glenna Southwick, Administratrix of L. S. Southwick deceased Defendant.

L. W. Hazen - P. J.

THE COL. B. B. MFG. CO. 74930

13496
Filed
Dec. 7- 1937.

Application for Appointment of a Guardian Ad Litem.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix
of the Estate of Ely B. Southwick,
Deceased, Plaintiff,

-vs-

Jennie Southwick, et al.,
Defendants.

Case No. 13496.
Application for appointment
of a Guardian Ad Litem
for Kathryn J. Southwick.

Now comes Leonard Cox, attorney for the plaintiff herein and makes application for the appointment of a guardian ad litem for Kathryn J. Southwick, a defendant herein and an infant under the age of fourteen years, upon whom summons was duly served according to law, and suggest that Robert R. Allen who is a suitable person, be appointed as such.

Leonard Cox- Attorney for the Plaintiff.

Filed
Dec. 7- 1937.

Answer of Guardian Ad Litem.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix
of the Estate of Ely B. Southwick,
Deceased, Plaintiff,

-vs-

Jennie Southwick, et al.,
Defendants.

Case No. 13496.
Answer of Guardian Ad
Litem of Kathryn J. Southwick.

Now comes Robert R. Allen duly appointed by the Court as guardian ad litem for Kathryn J. Southwick, the minor child of G. W. and Mary Southwick, and for answer to the petition of Jennie Southwick, Administratrix of the estate of Ely B. Southwick, deceased, says that he has not by reason of the tender age of said defendant become informed as to the truths of the matters set forth in said petition and therefore, on behalf of said minor defendant, denies the same, and submits the interest of said defendant to the care and protection of the Court, to order in the premises as justice and the interest of said defendant shall require.

Robert R. Allen.

Filed
Dec. 7- 1937.

Journal Entry - Appointing Guardian ad litem.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix
of the Estate of Ely B. Southwick,
Deceased, Plaintiff,

-vs-

Jennie Southwick, et al.,
Defendants.

December 7- 1937.
Case No. 13496.
Journal Entry
Appointing Guardian
Ad Litem, for Kathryn
J. Southwick.

Upon application of Leonard Cox, Attorney for the Plaintiff herein, and it appearing that Kathryn J. Southwick is a minor under fourteen years of age, and who was duly served with summons according to law, it is

13496

ordered

guard

Filed
Dec. 7- 1937.

Now
Fred
into
Hundr
and
minis

S

—

T

wheres
duly
Court
South

minist

an
B. So

1937,
execut
and

2

afore
and
Real
void
law.

D

Dec.

Filed
Dec. 7- 1937.

Jennie
of the
Decea

Jennie

litem.
.

ppointment
d Litem
Southwick.

laintiff herein
a guardian
aint herein
es, upon
to law,
suitable

for the Plaintiff.

ian Ad
J. Southwick.

by the Court
wick, the
and for
Administra-
d, says
of said
of the mat-
on behalf
and sub-
e and
s as
hall require.

litem.

37.

rdian
Kathryn

the Plain-
outhwick
who was
w, it is

13496 ordered that Robert T. Allen be and he is hereby appointed guardian ad litem of the said Kathryn J. Southwick.

L. W. Hazen - P. J.

Filed Dec. 7- 1937.

Bond of Administratrix.
In Proceeding to Sell Real Estate.

Know All Men by these Presents: That we Jennie Southwick, Fred Kavanagh, J. H. Jolliff, are held and firmly bound unto the State of Ohio, in the penal sum of Thirty Five Hundred Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at ——, Ohio, this —— day of —— A.D. 19—.

The condition of the above obligation is such, that whereas, the above bound Jennie Southwick was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Ely B. Administratrix of the estate of Ely B. Southwick, Deceased.

And whereas, the said Jennie Southwick as such administratrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Ely B. Southwick described in said petition;

And whereas said Court, on the 7th day of December 1937, made an order requiring said Jennie Southwick to execute a bond according to the statute in such cases made and provided.

Now, if the said Jennie Southwick as Administratrix aforesaid, shall faithfully discharge her 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.

Jennie Southwick.
Fred Kavanagh.
J. H. Jolliff.

This Bond approved in open Court, this 7th. day of Dec. 1937.

L. W. Hazen- Probate Judge.

Filed Dec. 7- 1937.

Approving Bond, and Ordering Private Sale of Real Estate.
Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff,

-vs-

Jennie Southwick, et al., Defendants.

Case No. 13496.
Journal Entry.
Approving Bond and Ordering Private Sale of Real Estate.
December 7- 1937.

THE COL. B. B. MFG. CO. 74030

13496

This cause came on for further hearing and it appearing to the court that the plaintiff has given (additional Bond) in the sum of Thirty Five Hundred Dollars with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, that a private sale of the real estate would be for the best interest of said estate, it is ordered that the said Jennie Southwick as Administratrix sell said real estate at private sale at not less than sixteen hundred and seventy dollars, being the appraised value thereof on the following terms, to-wit: Cash.

And it is further ordered that said Jennie Southwick as such Administratrix make return of sale without unnecessary delay.

L. W. Hazen- P. J.

Filed Dec. 14- 1937.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Jennie Southwick, Administratrix of the estate of Ely B. Southwick, 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 the estate of Ely B. Southwick, deceased, are Plaintiff and Jennie Southwick et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Sixteen hundred and seventy dollars the appraised value thereof, the following described premises, to-wit:

Tract No. 1. Situated in the Township of Washington, County of Union and the State of Ohio, and being a part of Virginia Military Survey No. 7375; Beginning at a stone in the center of the Marysville and Kenton Pike one hundred feet North from the center of the crossing of said Pike with the East Liberty and Essex Pike; thence Eastwardly with Laura Thornton's North line and the extension thereof 167 feet to a stake; thence Northerly and parallel with the Marysville and Kenton Pike 70 feet to a stone; thence Westwardly 167 feet to the center of the Marysville and Kenton Pike; thence Southwardly with the center of said pike 70 feet to the place of beginning, containing 43 sq. rd. of land, more or less.

Tract No. 2. The undivided one-half interest of the following real estate, situated in the Township of Washington County of Union, and State of Ohio, and being a part of Virginia Military Survey No. 7375; Beginning at the crossing of the Marysville and Kenton Pike and Essex and East Liberty Road; thence with the center of said Marysville and Kenton Pike 80 feet to a stone; thence eastward 125 feet to a stone 60 feet from the center of the Essex road; thence South and parallel with

13496

the
Essex
of sa

and
crossi
and
North
Northe
with
the
ward
the
to E

mentio
accor
return

Court

To

the

by th

sale,
said
hund
Doll
offere
same
prope
and

The

priva
repor
obtai
sale

13496

the said Marysville and Kenton Pike to the center of said Essex and East Liberty Road; thence westward with the center of said road to the place of beginning.

Also the following adjoining real estate,

Beginning at a stone in the center of the Marysville and Kenton Pike 80 feet North from the center of the crossing of the Marysville and Kenton Pike with the Essex and East Liberty Road; thence eastwardly 134 feet on the North line of a lot deed to G. J. Baldwin to a stone; thence Northerly 20 feet to George Miller's south line; thence Westwardly with George Miller's South line 134 feet to a stone in the center of the Marysville and Kenton Pike; thence Southward to the place of beginning, excepting from the above the amount conveyed by Ely B. and Jennie Southwick to E. W. Vanmeter, by deed dated April 22nd. 1921.

Said sale to be upon the following terms, to-wit: 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 7th. day of December 1937.

L. W. Hazen-O 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 14 day of December 1937.

Jennie Southwick.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 9th. day of December 1937, offer said property, at private sale, and Etta A. Vanmeter having offered therefor the sum of Eighteen hundred Dollars ($1800.) for tract No. 1, and Fred Kavanagh offered Seventy ($70) Dollars for tract No. 2., and the same being not less than the appraised value said property, I sold the same to said Etta A. Vanmeter and Fred Kavanagh for that sum.

Jennie Southwick.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Jennie Southwick, 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.

Jennie Southwick.

THE COL. B. B. MFG. CO. 74930

13496

Subscribed in my presence and sworn to before me, this 14 day of December 1937.

Seal

Carrie W. Hornbeck-Deputy Clerk.

Filed Dec. 14-1937.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff,

-vs-

Jennie Southwick, et al., Defendants.

No. 13496. Application.

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

First. That the demand for property in Byhalia, Washington Tp. Union County, Ohio, is very limited and there would be little or no competition if said property was sold at public sale.

Second. That the expense of a public sale is greater than that of a private sale.

And I therefore ask for an order authorizing me to sell said real estate at private sale.

Jennie Southwick - Administratrix of the estate of Ely B. Southwick, Deceased.

The State of Ohio, Union County.

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

Jennie Southwick.

Sworn to before me and signed in my presence this — day of December, A.D. 1937.

Seal

Carrie W. Hornbeck-Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Hardin County.

W. J. Bonham & Frank Gebert, 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 Ely B. Southwick to sell said real estate at private sale than at public sale as they verily believe.

W. J. Bonham.

Frank Gebert.

13496

Filed Dec. 14-1937.

13496

Filed Dec. 7-1937.

13496 — Sworn to before me and signed in my presence this 9 day of December 1937.

Leonard Cox - Notary Public.

Filed Dec. 7-1937. — Granting Prayer of Petition - Approving Appraisement - Ordering Bond.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff, -vs- Jennie Southwick, et al., Defendants. | Case No. 13496. Journal Entry. Granting Prayer of Petition, Approving Appraisement. Ordering Bond. December 7-1937.

This matter came on to be heard upon the petition of the plaintiff for authority to sell the real estate of the above decedent to pay debts of his estate, the answer of Robert T. Allen, guardian ad litem of Kathryn J. Southwick, the other defendants having waived the right of summons and given their consent to sell in writing according to law.

The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be and is hereby granted; that the real estate described in the petition was appraised by the appraisers of the estate at sixteen hundred and seventy dollars, and it is ordered that further appraisement be dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as administratrix of the estate of Ely B. Southwick, in the amount of six hundred dollars 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 Forty five Hundred Dollars.

L. W. Hazen - P. J.

Filed Dec. 14-1937. — Confirming Sale, Ordering Deeds and Distribution.

Probate Court, Union County, Ohio.

Jennie Southwick, Administratrix of the Estate of Ely B. Southwick, Deceased, Plaintiff, -vs- Jennie Southwick, et al., Defendants. | Case No. 13496. Journal Entry. Confirming Sale, Ordering Deeds and Distribution. December 13-1937.

This day this cause came on to be heard on the report of Jennie Southwick, Administratrix of the estate of Ely B. Southwick 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

THE COL. B. B. MFG. CO. 74930

13496

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 deeds of all the right, title and interest of the said Ely B. Southwick in said real estate to the purchasers, to-wit: Etta A. Vannausdle for tract No. 1 and to Ted Kavanaugh for tract No. 2, upon said purchasers paying in cash the purchase money.

It is further ordered that said Jennie Southwick, out of the purchase money amounting to $1870. pay.

First, to the Treasurer of this county the sum of $ None on Duplicate, being the taxes, penalty and interest thereon against said property.

Second, the cost and expenses incurred in the sale of said property, including an attorney fee of $60.00 to Leonard & Cox and $94.80 the per centum of the said Jennie Southwick.

Third. It is further ordered that the balance of said proceeds amounting to the sum of $ —— be accounted for by said Jennie Southwick, according to law.

And it is further ordered that this proceeding be recorded, and that the said petitioner pay the costs herein, taxed at $ —, out of the proceeds of said sale, within ten days.

L. W. Hazen - P. J.

13392
Filed
Dec. 28-1937

Ord

The
deceased
Auction
City,
mencin
day
descri

One
cow

Way to
relrsp
two
robe;
wash
propert

Sup
nated
the

Fu
out

A
pany's

J. E.
The S
2,
deceas
of the
his
three
eral
teen
posted
scale
or U
by bo

Su
28 d

13392
Filed
Dec. 28-1937

In the Matter of the Estate of John W. Fisher, Deceased.

Notice of Public Sale.

The personal property belonging to the estate of John W. Fisher, deceased, will be sold by the undersigned executor at Public Auction, at the late residence, on North Mill Street, Plain City, Union County, Ohio, on the 3rd. day of July, 1937, commencing at one o'clock P. M. and continuing from day to day thereafter until all the property is sold. The following described property:

Live Stock.

One red Shorthorn cow; one jersey cow; two calves; one brood sow and seven pigs, net weight 40 lbs. each.

Household Goods, Kitchen Furniture.

Maytag electric washing machine; Fairbanks-Morse electric refrigerator; Copper clad range; New Perfection Coal Oil Range; two bed steads; one folding bed; one bookcase; one wardrobe; library table; dining table; china closet; dresser; two wash stands; rocking chairs; dining chairs and other property too numerous to mention. Terms of Sale, Cash.

The following real estate will be offered for sale, situated on said street in said Village and County, on the same day.

Five acres and 73 poles of land, a house, barn, and out buildings, on east side of North Mill Street.

Also Lots Nos. 12, 13, 14, 15, in Plain City Land Company's Addition to said Village.

Dated June 17, 1937.

Lank W. Cary, Executor of the Estate of John W. Fisher, Deceased.

J. E. Strayer, Attorney.

The State of Ohio, Madison County.

I, Lank W. Cary, Executor of the estate of John W. Fisher, deceased, do make solemn oath that notice of the sale of the Personal Property of said deceased, of which the above is a true copy, was given by advertisement at least three times in Union County Journal 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 fifteen 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 forms of advertisement.

Lank W. Cary.

Sworn to before me and signed in my presence, this 28 day of December, 1937.

Seal

J. E. Strayer - Notary Public.

THE COL. P. B. MFG. CO. 74930

13392

Sale Bill.

Estate of John W. Fisher, Deceased.

a Bill of the Property sold by Lauk W. Cary, Executor of the Estate of John W. Fisher, deceased, late of Union County, at Public Vendue, on the 3 day of July, 1937.

Article	Name	Amount
Percolator lids	Emery Gordan	$ .05
Churn	Uloyd Smith	.50
Pans	Mrs. J. E. Rough	.05
Pans	Mrs. Sherwood	.10
Pans	Mrs. L. Killen	.10
Pans, contents	John Gremer	.15
Pan, contents	Mrs. Thompson	.20
Mirror + pans	D. A. Garver	.10
Pans	Mrs. Thompson	.10
Crocks + pitcher	J. Grumph	.10
Shells	E. Gordan	.75
Dish, contents	Fisher	.20
Mirrors	Mrs. Sherwood	.25
Percolator, tea kettle	K. Wolf	.25
Riches - 3 -	Ronnal Snyder	.30
Dish	Bess Loar	.10
Glasses	Ben Christner	.25
Basket	Ben Christner	.05
Dishes	D. A. Garver	.10
Dishes	Fisher	.05
Cups	Fisher	.15
Dishes	D. A. Garver	.10
Dishes	Mrs. Thompson	.05
Dishes	Mrs. Sparks	.05
Dishes	Emery Gordan	.10
Dishes	Mrs. D. Smith	.10
Dishes	Mrs. Garver	.10
Dishes	Mrs. Sparks	.30
Dishes, etc.,	Mrs. Robinson	.20
Dishes	Emery Gordan	.65
Elec. Toaster	Mrs. Broom	.30
Dishes, 4 pans	A. R. Truitt	.70
Dishes	Strickler	.20
Screens	Ben Christner	.10
Skillets	H. Brown	.30
Roaster	Mrs. Vance	.50
Bread Board, etc.,	Von	.05
Lard can + contents	Fisher	.15
Books	Mr. George	.15
Books	Mr. George	.05
Box + contents	Mrs. E. Lawson	.10
Box + contents	Mrs. Von	.05
Tub	Mrs. Sparks	.90

13392

Cabin
Stand
Stand
Walnu
Coal
Paint
Baske
Coal
2a
Stove
Lamp
Lante
Lante
Wash
Pan +
2 D
Harne
Mirro
Bowl
Bucke
Jars
Broch
Crock
Jar,
Cuspi
2 t
Coope
Cabo
Urin
Chick
Lard
Table
Cau
Back
Jars
Chick
Table
Hog
Milk
Back
Box
Jars
Tea
Brac
Bucke
Back
Box
Box
Box

	18392 Cabinet	Mrs. H. Howard	.55
	Stand	Mrs. Killen	.10
gary, Executo	Stand	Mrs. Doe	.15
e of Union	Walnut + bottles	W. Randolph	.10
July, 1937.	Coal Bucket	Dan Hoover	.10
Amount	Paint	H. Wolf	.20
$ .05	Basket + contents	M. J. Christner	.10
.50	Coal oil + tank	Lee Huber	2.70
.05	Ice Box	Fisher	.50
.10	Stomper	Bill Michels	.15
.10	Lamp + tale	Mrs. M. J. Christner	.10
.15	Lanterns	Fisher	.10
.20	Lantern	Emery Gordan	.80
.10	Wash board	H. Wolf	.10
.10	Pan + contents	Mrs. Myles	.20
.10	2 Dishpans	Emery Gordan	.30
.75	Harness Oil	D. D. Troyer	.20
.20	Mirror, shovel	Fisher	.10
.25	Bowl + pans	George	.05
.25	Bucket	Ed Loar	.75
.30	Jars - 3-	M. J. Mullet	.30
.10	Crocks - 4-	S. D. Troyer	.30
.25	Crocks	Brown	.10
.05	Jar, 12 gal.,	M. J. Mullett	.30
.10	Cuspidors - 2-	Mrs. Sparks	.05
.05	2 Tubs	Alvie Helmuth	.10
.15	Coops, chicken	Mrs. Lawson	.10
.10	Garbage can	John Gremer	1.00
.05	Wringer	Fisher	.25
.05	Chick starter	Mr. Sparks	.25
.10	Lard can	M. J. Christner	.10
.10	Table	Thompson	.10
.10	Pan	Carol Welch	.05
.30	Basket + contents	S. D. Troyer	.25
.20	Jars	M. J. Mullett	.45
.65	Churn	M. J. Mullett	.90
.30	Table	S. D. Troyer	.10
.70	Hog feeder	Ed Grumbaum	1.00
.20	Milk Bottles	Rod Bidwell	.45
.10	Basket	Spud Shanklin	.25
.30	Box + contents	Wilcox	.05
.00	Jars - 12-	M. J. Mullett	.25
.05	Tea pot, etc.,	Joe Yoder	.10
.15	Brass Kettle	Co. Supt. Perkins	1.00
.15	Bucket, salt, etc.,	J. T. Page	.25
.05	Baskets	Fisher	.30
.10	Box + contents	Mrs. A. Helmuth	.15
.05	Box + contents	Wilcox	.05
.90	Box + contents	Ed Gannon	.20

THE COL. B. B. MFG. CO. 74930

13392	Wire Brush	Mc Brayer	.25
	Water trough	Fisher	.55
	Hens nests	Fisher	.85
	Basket + contents	U. J. Christner	.85
	Basket + contents	E. S. Hershberger	.10
	Saw	E. S. Hershberger	.85
	Box + contents	Jake Carmwald	.40
	Coops - 2-	E. S. Hershberger	1.30
	Ludder	George	.60
	Tools	Emery Gordan	.25
	Hoe	Speed Shanklin	.10
	Skillet	George	.20
	Coal Bucket	Eli Yutzy	.20
	Lite, etc.,	B. E. Thomas	.25
	Bar, iron,	B. E. Thomas	.10
	Tools	L. W. Leary	.15
	Tools	Van Hoose	.25
	Rake	J. E. Rouch	.10
	Ax	Buff Wolf	.90
	Pick	D. D. Troyer	.10
	Tools	D. D. Troyer	.35
	Tools	Geo. Shoger	.10
	Small ax	Emery Gordan	.40
	Hammer	Ab Michels	.50
	Shovel	Mrs. Sherwood	.25
	Shovel	S. D. Troyer	.85
	Shovel	Troyer	.10
	Snow shovel	Ab Michel	.10
	Oil can	E. Lawson	.10
	Wagon cart	Van Hoose	3.00
	Lawn mower	S. D. Troyer	4.25
	Step ladder	Geo. Mc. Brayer	.50
	Box	Abie Helmuth	.10
	Box + chair	George	.25
	Box + contents	George	.10
	Shot gun	Eli Yutzy	1.00
	Shot gun	John Thompson	1.75
	2 Pillows	U. J. Mullet	.30
	Feather bed	Mrs. Joe Yoder	2.00
	Bed + U. complete	Lenord Fuller	11.00
	Bedding	Spivey Page	.10
	Bedding	Mrs. Loar	.25
	Bedding	Spivey Page	.20
	Spread	Baker	.65
	Bedding	Baker	.45
	Rug + spread	U. J. Mullet	.85
	Colbock	Jim Lowe	2.20
	Bed + spring, complete	Mrs. John Troyer	4.50
	Folding cot	Bill Michels	1.00

13392

Sta
4 cha
3 cha
Rugs
Stan
Porch
Rock
Chair
Rock
Rock
Rock
Rock
Rock
Oak
Glid
Wire
Coa
Tur
Hall
Boo
Dre
Blin
Dish
Wash
Kitch
Lea
Wash
Roc
Tabl
Sew
Wag
Sew
Sta
Stov
Elec
Stov
Hea
Rug
Phil
Ward
Bed
Rug
Rug
Coa
Syth
Syth
17

.25	13892 Stand	Phyle	.05
.55	4 chairs @ 35¢	John Gremer	1.40
.05	3 chairs @ 85¢	Eli A. Miller	2.55
.85	Rugs	Mrs. H. Howard	.70
.10	Stand	Mrs. Christner	.15
.85	Porch swing	S. D. Troyer	1.25
.40	Rocker	S. D. Troyer	.80
1.30	Chair	" " "	.05
.60	Rockers	Emery Gordan	2.00
.25	Rocker	Mrs. J Van Hoose	2.00
.10	Rocker	Sweeny	1.90
.20	Rocker	Fisher	1.25
.20	Rocker	Frank Jackson	1.20
.25	Oak Lib. table	W. J. Mullet	2.95
.10	Glider	Sam Beachy	5.00
.15	Mirror	Bill Michels	.25
.25	Coat	Mrs. H. Wolf	.25
.10	Fur coat	H. Wolf	3.00
.90	Hall tree	Roger Leary	.90
.10	Book case	Mrs. P. Hoopard	3.00
.35	Dresser	Mrs. C. Welch	2.00
.10	Blinds	Bill Michels	.50
.40	Dish stand	Van Hoose	6.50
.50	Wash stand	Mrs. Thompson	1.00
.25	Kitchen Cabinet	Mrs. Geo. Vance	2.25
.85	Desk	Van Hoose	.50
.10	Wash stand	Fisher	1.00
.10	Round top table	B. E. Thomas	1.60
.10	Table, oak	J. Gremer	3.00
3.00	New Perf. oil stove	Geo. Shover	34.00
4.25	Maytag Washer	Mrs. Sherwood	45.00
.50	Trunk	Phyle	.25
.10	Trunk	Joe Yoder	.15
.25	Sewing machine	D. D. Troyer	3.00
.10	Stand	Joe Yoder	.05
1.60	Stove pipe	Phyle	.10
1.75	Elec. Refr.	Dr. Hofmyer	98.00
.30	Stove	Bill Michels	20.00
2.00	Heating stove	Sweeny	18.50
11.00	Rug & carp.	Mrs. Rough	2.75
.10	Philco Radio	Ed Gannon	12.50
.25	Wardrobe	D. A. Garver	3.50
.20	Bed	Geo. Mc. Brayer	6.50
.65	Rug	Pete Miller	.50
.45	Rug	Pete Miller	.50
.85	Coal & kindling	W. W. Randolph	4.50
2.20	Scythe	J. T. Page	.30
4.50	Scythe	Eli A. Miller	.85
1.00	17 sacks	Fisher	.10

THE COL. B. B. MFG. CO. 74930

13392	Rope & chain	George	.15	13392	
	Plow	Eli A. Miller	1.90		
	Plow	Lee Huber	4.00		
	Square	John Finch	.40		
	D. bar	H. J. Mullet	.25		
	Hatchet punch	E. Fuller	.25		
	Brace & bits	Otto Rausch	1.40		
	Tools	Brown	.40		
	Wrench, etc.,	Ed Lamon	.30		
	Corn cutter, pliers,	Fuller	.65		
	Tools	Mrs. Von	.10		
	Tool chest, contents	Otto Rauch	2.60		
	Harness	Jake Farnwald	3.60		
	Harness	Ed Lamon	.60		
	Tank	Fisher	4.00		
	Box	George	.35		
	Box & contents	H. J. Draper	.25		
	Fly spray	H. E. Leppert	.20		
	Boxes	Jake Farnwald	.25		
	Feed Box	W. Collins	.40		
	Hoe	Fuller	.10		
	Fork	W. W. Randolph	.90		
	Saw	L. W. Cary	.25		
	Shovel & broom	L. Baker	.30		
	Rake	L. Baker	.60		
	Shovel	Cox	.50		
	Single tree	Fisher	.10		
	Tank & contents	Hydorn	.60		
	Basket	B. E. Thomas	.30		
	6 Baskets	J. T. Page	.10		
	Weight	Joe Yoder	.10		
	Platf. scales	Lee Huber	12.50		
	Bench & vise	Maj. Butler	1.10		
	Barrel	H. E. Leppert	.20		
	Barrel	Geo. Kilbury	.60		
	Ladder	Fuller	2.25		
	Box	Jake Farnwalt	.15		
	Lumber	Joe Yoder	1.40		
	Buggie	E. J. Mullet	2.50		
	Shed	J. T. Page	.10		
	Hay 19 @ 65	J. T. Page	12.35		
	1 Bale straw	J. T. Page	.35		
	Corn	W. Collins	4.50		
	Red cow	Nora Ringe	48.00		
	White & B. cow	Fuller	36.00		
	Roan calf	Fuller	18.00		
	B. & W. calf	Hydorn	8.00		
	Sow	Dave Smith	30.00		
	Pigs	Dave Smith	64.75		
	Hog trough	Lee Huber	.25		

.15	13392	Recapitulation.
1.90		Total Sales for Cash $644.75
4.00		Total Sales on Time, Notes taken $ None
.40		Taken by Widow — at Appraisement $ None
.25		Not Sold $ ——
.25		Value of Special Devises $ ——
1.40		Failed to collect $ 1.15
.40		Total $645.90
.30		I hereby certify that the foregoing Sale Bill is correct.
.65		W. K. Jackson - Clerk of Sale.
.10		The State of Ohio, Madison County.
2.60		I, Lauk W. Cary, Ecutor of the Estate of John W.
3.60		Fisher, deceased, do make solemn oath that the foregoing
.60		Sale Bill is, in all respects, correct to the best of my
4.00		knowledge and belief.
.35		Lauk W. Cary.
.25		Sworn to before me and signed in my presence, this
.20		28 day of December, 1937.
.25		Seal — J. E. Strayer - Notary Public.
.40		
.10		Notice of Public Sale.
.90		The personal property belonging to the estate of John W.
.25		Fisher, deceased, will be sold by the undersigned
.30		ecutor at Public Auction, at the late residence,
.60		on North Mill Strut, Plain City, Union County, Ohio,
.50		on the 3rd. day of July, 1937, commencing at one
.10		o'clock P. M. and continuing from day to day there-
.60		after, until all the property is sold.
.30		The following described property:
.10		Live Stock.
.10		One red Shathorn cow; one jersey cow; two calves;
12.50		one brood sow and seven pigs, net weight 40 lbs.
1.10		each.
.20		Household Goods, Kitchen Furniture.
.60		Maytag electric washing machine; Fairbanks-Morse
2.25		electric refrigerator; Copper Clad range; New Per-
.15		fection Coal & Oil range; two bed steads; one folding
1.40		bed; one book case; one ward robe; library table;
2.50		dining table; china closet; dresser; two wash stands;
.10		rocking chairs; dining chairs and other property too
12.35		numerous to mention. Terms of Sale, Cash.
.35		The following real estate will be offered for sale,
4.80		situated on said strut in said Village and County,
48.00		on the same day.
36.00		Five acres, and 78 poles of land, a house, barn,
18.00		and out buildings, on east side of North Mill
8.00		Strut.
30.00		
64.75		
.25		

THE COL. B. B. MFG. CO. 74930

13392

Also Lots Nos. 12, 13, 14, 15, in Plain City Land Company's Addition to said Village.

Dated June 17, 1937.

Lauk W. Cary, Executor of the Estate of John W. Fisher, Deceased.

J. E. Strayer, Attorney.

State of Ohio, Village of Marysville, Union County, ss.

Personally appeared before me Emma M. Chappell, bookkeeper, and made solemn oath, that the legal notice, a copy of which is hereto attached was published for 3 consecutive weeks on and next after June 17, 1937, in The Union County Journal, a newspaper of genral circulation in the Village of Marysville.

Emma M. Chappell.

Sworn to before me and signed in my presence this 2nd. day of July, A. D., 1937.

T. T. Sumner.

Printer's Fees, $9.80

Probate Court, Union County, O.

Estate of John W. Fisher, Deceased. | Dec. 28-1937.

Sale of Personal Property Confirmed.

Lauk W. Cary, Executor of the estate of the above named decedent having filed his return of the public sale of the personal property of said decedent, and the Court having carefully examined the same, finds said proceedings in all respects regular and in accordance with law, and therefore approves and confirms the same, and orders the same recorded.

L. W. Hazen - Probate Judge.

13536
Filed
Feb. 8-1938.

In the Matter of the Estate of J. A. Yealey, Deceased.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of: | No. 13536.

J. A. Yealey, Deceased. | Application.

Now comes Gertrude M. Gray, Administratrix, and respectfully represents that the only personal property in her possession as Administratrix, together with the appraised price thereof, is as follows:

One 1936 Plymouth Sedan, appraised at $350.00
One auto trailer, appraised at $10.00
13 lambs, appraised at $39.00
17 sheep, appraised at $42.50
100 bushels corn, appraised at $50.00

That said appraisal is fair and that it would be for the best interests of said estate and the beneficiaries to sell said property, at private sale, for not less than the appraised value thereof.

Gertrude M. Gray,

13536
Filed
Feb. 8-1938.

Stat
the
are

S
this

13536 State of Ohio, Union County. ss:

Gertrude M. Gray, being first duly sworn, says that she is the Administratrix herein, and that the facts stated and allegations contained in the foregoing application are true as she verily believes.

Gertrude M. Gray.

Sworn to before me and subscribed in my presence this 7th. day of February, 1938.

Seal C. A. Hoopes - Notary Public.

Filed Feb. 8-1938.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of J. A. Yeatley, Deceased. | No. 13536. | Entry.

This day this cause came on to be heard upon the application of Gertrude M. Gray, Administratrix, for an order to sell, at private sale, the chattel property of the estate, consisting of a Plymouth Sedan, auto trailer, 13 lambs, 17 sheep, and 100 bushels of corn, for not less than the appraised value.

And the court, being fully advised in the premises, sustains said application, and said Administratrix is hereby authorized and directed to sell said property, at private sale, for not less than its appraised value.

L. W. Hazen - Probate Judge.

Report of Sale.

Now comes Gertrude M. Gray, Administratrix, and respectfully represents to the court that in pursuance to the former order of the court, she has sold the chattel property of said estate, at private sale, as follows:

1936 Plymouth Sedan,	$350.00
Auto trailer,	$10.00
13 lambs,	$39.00
17 sheep,	$42.50
100 bushels corn,	$50.00

Gertrude M. Gray.

State of Ohio, Union County, ss:

Gertrude M. Gray, Administratrix herein, says the facts stated in the foregoing report of sale are true.

Gertrude M. Gray.

Sworn to before me and subscribed in my presence this 7th. day of February, 1938.

Seal Ruth Hess - Notary Public.

THE COL. B. B. MFG. CO. 74930

13536
Filed
Feb. 8- 1938.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of | No. 13536.
J. A. Yaley, Deceased. | Entry.

This day this cause came on to be heard upon the report of Gertrude M. Gray, Administratrix, of her sale of the chattel property of the estate, at private sale, and was submitted to the court.

And the court, being fully advised in the premises, finds that said sale is in accordance with the former order of the court, and for the highest and best price said Administratrix could obtain therefor, and does therefore confirm and approve the same.

L. W. Hazen - Probate Judge.

13476
Filed
Jan. 29- 1938.

In the Matter of the Estate of W. W. Kinney, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate | Case No. 13476.
of W. W. Kinney, Deceased, | Return of Public Sale.
Clarence T. Kinney, Administrator.

The undersigned, Clarence T. Kinney, Administrator of the Estate of W. W. Kinney, Deceased, says that he sold certain personal property on the 12th. day of November, 1937, for the sum of Nine Hundred Fifty-eight and 30/100 Dollars ($958.30). An itemized statement of the items sold and price obtained therefor is herewith attached and returned.

Robert T. Allen.
Attorney for Administrator.

State of Ohio, County of Union, ss:

Clarence T. Kinney, being first duly sworn according to law, deposes and says that the facts stated and allegations contained in this Return are true as he verily believes.

Clarence T. Kinney.
Clarence T. Kinney.

Sworn to before me and subscribed in my presence this 20th. day of December, 1937.

Seal
Robert T. Allen - Notary Public.
My commission expires March 10-1940.

Schedule A.

Person	Item	Price
William Morrison	1/2 of Shredder @ $130.00	$ 65.00
Harry Collins	5 dbo Mandrel	2.00
L. A. Seaman	1/2 of Buzz Saw @ $1.00	.50
David Griffith	Manure Spreader	42.00
Elmer Phelps	Chickens, 25 @ $. 86	21.50
Iza Wells	Chickens, 15 @ $. 75	11.25
Leroy Stump	Chickens, 15 @ $. 72	10.80

13476
Filed
Feb. 2- 1938.

Dav
Ora
Watt
Harr
Earl
Calay
Ray
Alle
A. C
Clare
Burk
Clay
Clark
Clark
Clay
Clark
A. C
A. C
L. C
L. C
Clyd
Colli
Bill
Artie
Ray
Ed
Clay
Ernes
Clare
Kinn
this
repor
repre
sale
of t
the s

13476	David Worthington	Chickens, 15 @ $.75	11.25
	Ora Wells	Chickens, 15 @ $.70	10.50
	Watt Treese	½ Hogs, 10 @ $11.40	57.00
	Harry Collins	½ Hogs, 10 @ $10.00	50.00
	Earle Randall	½ Pigs, 9 @ $6.35	28.58
	Clayton Herd	Black Sow	34.00
	Ray Beaver	Belt Sow	23.00
	Allen Harrison	½ Male Calf @ $15.00	7.50
	A. C. Warner	½ Heifer Calf @ $13.00	6.50
	Clarence T. Kinney	½ Roan Cow @ $40.00	20.00
	Burt Bill	½ Bob-tail Cow @ $36.00	18.00
	Clayton Herd	½ Guernsey Cow @ $59.00	29.50
	Clarence T. Kinney	½ Cow @ $50.00	25.00
	Clayton Herd	½ Cow @ $40.00	20.00
	Clarence T. Kinney	½ Cow @ $55.00	27.50
	A. C. Warner	½ Cow @ $26.00	13.00
	A. W. Wyeth	½ Bull @ $53.00	26.50
	L. L. Foster	½ Heifer @ $22.50	11.25
	L. L. Foster	½ Heifer @ $22.00	11.00
	Clyde Biddle	½ Heifer @ $21.00	10.50
	Clifford Waldo	92 2/3 Bu. Wheat @ $.66	61.16
	Bill Graham		
	Artie Graham	App. 7 Ton Hay @ $6.25	43.75
	Ray Beaver	Fodder, 100 @ $.13	13.00
	Ed Jones	Fodder, 125 @ $.10	12.50
	Clayton Herd	Corn, 408 Bu. 60 lb. @ $.56 Bu.	228.96
	Ernest Doudna	½ Oats, 27 7/39 Bu. @ $.39	5.30
		Total	$958.30

Filed
Feb. 2-1938.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of W. W. Kinney, Deceased, Clarence T. Kinney, Administrator.

Case No. 13476.
Entry Approving and Confirming Public Sale.

This cause coming on to be heard on the report of Clarence T. Kinney, Administrator of the Estate of W. W. Kinney, of this 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 ordered that this proceeding be recorded, and that the said Administrator pay the costs herein.

L. W. Hazen- Judge.

THE COL. B. B. MFG. CO. 74930

13497
Filed
Mar. 10-1938.

In the Matter of The Estate of Margaret Dellinger, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.

In the Matter of The Estate of Margaret Dellinger, Deceased | No. 13497. | Petition.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified administrator of the estate of Margaret Dellinger, 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. Articles for Item	Description of Articles Appraised	Appraised Value
		Household goods	$ 100. 00
		Ford V-8 Tudor automobile, 1935, Eng. #1,884,605	250. 00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

He is in receipt of an offer to purchase said property at the appraised value of the same, which amount he believes to be the most that could be obtained for said property.

Dated March 10th. 1938. Geo. Volbrath- Administrator.

The State of Ohio, Union County.

Geo. Volbrath, being duly sworn, says that the various matters and things contained in the foregoing application are true, as he verily believes.

Geo. Volbrath.

Sworn to before me and signed in my presence, this 10th. day of March, 1938.

Wm. R. Cameron- Notary Public in and for Union County, Ohio.
My commission expires Jan. 15-1941.

13497
Filed
Mar. 10- 1938.

In the
Margar
Dellin
Made
hereby
to se
the
No. of Ite

Said
time
This
Together
10 th

In the
Marga
estat
Court
on the
Three
said
Court
a
D

No. of Item

, Deceased.

Ohio.

is the
the estate
unty; that
duly ap-
thereof filed
not by
y at its
, herein
ion in

ority to sell
such price
order, the
scribed in

		appraised Value	
		$ 100.	00
84,605		250.	00

sale would
following
said prop-
ich amount
ined for
inistrator.

the various
application,

ce, this

Notary Public.
County, Ohio.
es Jan. 15-1941.

13497
Filed
Mar. 10-1938.

Order of Private Sale, Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of | No. 13497.
Margaret Dellinger, Deceased. | Order of Sale of Personal Property.

To Geo. Volkrath, administrator of the estate of Margaret Dellinger, 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 Quantity of Articles in Item.	Description of Articles Appraised	Appraised Value	
		Household goods	$100.	00
		Ford V-8 Tudor Automobile, 1935, Eng. #1,884,605	250.	00

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 10 th. day of March, 1938.

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

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of
Margaret Dellinger, Deceased. | Report of Sale of Personal Property.

The undersigned, Geo. Volkrath, administrator of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, on the 10 th. day of March 1938, for the sum of Three Hundred and no/100 Dollars, and — cents, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sales is hereto attached.

Dated this 10th. day of March, 1938.

Geo. Volkrath.

Bill of Sales.

No. of Item	Description of Articles	Appraised Value		To whom Sold	Price	
	Household goods	$100.	00	Lincoln Dellinger	$100.	00
	Ford V-8 Tudor Automobile, Year 1935, Eng. #1,884,605.	250.	00	Lincoln Dellinger	250.	00

THE COL. B. B. MFG. CO. 74930

13497 The State of Ohio, Union County.

Geo. Dolbrath, Administrator of the estate of Margaret Dellinger, deceased, being duly sworn, says that the foregoing Repot 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.

Geo. Dolbrath.

Sworn to before me and signed in my presence, this 10th. day of March, 1938.

Wm. R. Cameron - Notary Public in and for Union County, Ohio. My commission expires Jan. 5-1941.

Journal Entry.

Probate Court, Union County, O. March 1938.

In the Matter of the Estate of Margaret Dellinger, Deceased. | 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 approves and confirms the same.

L. W. Hazen - Probate Judge.

13454 Filed Sept. 1 - 1937. F. A. McAllister Wm. P. Maloney Attorneys.

Petition to Sell Real Estate.

In the Court of Probate of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased,

Plaintiff,

-vs-

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and A. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crow and Peter Crow, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Blair, unmarried; Dacota City, Iowa; Susie Skow and Wolter H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her

Cause No. 13454 Pet'f. Petition.

13454 husba Rose her hu Philip his Julia Wood Henry his John his Jay his Dees Mayo wife), Eagle and 6929 Calif Kansa Reach The corpo North Compa Wisco Harley appoi estat point of U 9 Mary Unpos Mayer Rufus and that H. H & C & Hyde Skow Georg the Caras

13454

husband, Humboldt, Iowa; Rose Crain and Charles Crain, her husband, Ruthland, Iowa; Philip Bair and Evelyn Bair, his wife, Ruthland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1536 - 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Reach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Reach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Houk, Harley LeMaster, Lynn Freeman.

Defendants.

Plaintiff for cause of action says that he is the duly appointed, qualified and acting administrator of the estate of Christopher Hinkle, deceased, having his appointment as such administrator in the Probate Court of Union County, Ohio.

That the defendants Albert H. Hinkle, Cora Scott, Helen Mary Crain, Minnie Hedge, Levi Bair, Susie Shorr, Daisy Unfrome, Rose Crain, Philip Bair, Julia Benz, Henry Mayer, John C. Mayer, J. J. Mayer, C. Fred Mayer, Laura Burns and A. L. Mayer are all of the next of kin and heirs at law of Christopher Hinkle, deceased; that the defendant Susie C. Hinkle is the wife of Albert H. Hinkle; the defendant J. Grant Scott is the husband of Cora Scott; the defendant Peter Crain is the husband of Helen Mary Crain; the defendant Fred Hedge is the husband of Minnie Hedge; the defendant Nate H. Shorr is the husband of Susie Shorr; the defendant George L. Unfrome is the husband of Daisy Unfrome; the defendant Charles Crain is the husband of Rose Crain; the defendant Evelyn Bair is the wife of

THE COL. A. P. MFG. CO. 74930

18454

Philip Bair; the defendant Ella Mayer is the wife of Henry Mayer; the defendant Anna Mayer is the wife of John C. Mayer; the defendant Ella L. Mayer is the wife of Jay J. Mayer; the defendant Glee Mayer is the wife of C. Fred Mayer; the defendant Roscoe Burns is the husband of Laura Burns and the defendant Frances Mayer is the wife of A. L. Mayer.

That the defendant The Richwood Banking Company is a corporation under the laws of the State of Ohio with its principal place of business at Richwood, Ohio, and the defendant The Northwestern Mutual Life Insurance Company is a corporation with its principal place of business at Milwaukee, Wisconsin.

That the defendants Edward C. Hoy and Paul Houk claim some leasehold interest in and to Tract No. 1 hereinafter described and should be required to answer herein setting forth what interest if any, they claim in said premises, or be forever barred from asserting any claim therein.

That the defendants Harley LaMaster and Lynn Seeman claim some leasehold interest in and to Tract No. 2 hereinafter described and should be required to answer herein setting forth what interest, if any, they claim in said premises, or be forever barred from asserting any claim therein.

That the defendant Lynn Seeman claims some leasehold interest in and to Tract No. 3 hereinafter described and should be required to answer herein setting forth what interest, if any, he claims in said premises, or be forever barred from asserting any claim therein.

Plaintiff says that the said Christopher Hibble died seized in fee of the following described real estate, to-wit:

Tract No. 1. Situated in the Township of Jackson, County of Union and State of Ohio, to-wit:

Part of Virginia Military Survey Nos. 10704-10705 bounded and described as follows: Beginning at a stone in the middle of the Huber and Hazen gravel road at the northeast corner of lands formerly owned by Robert Thompson and running thence with said Thompson's line south eight degrees east two hundred fourteen poles to a stone in the north line of lands of L. M. Roberts; thence with this line north eighty-four degrees east one hundred ninety-nine poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north thirty-two degrees fifteen minutes east thirty-eight and four tenths

18454

poles with ... eight five three ... to ... of ... and ... No. 1 ... at ... and ... thence ... 198. ... south ... 182. ... land ... March ... north ... of ... poles ... No. ... of ... stone ... and ... Surve ... east ... corth ... poles ... a ... land ... to th ... or ... The ... Bank ... Hereu ... 37 ... Sta ... State ... bound ...

13454

poles to a stake, corner to Thomas H. Henderson; thence with his line north eight degrees west one hundred ninety-one and five tenths poles to a stone in the middle of said road; thence with said road south eighty-two degrees west two hundred twenty-eight and five tenths poles to the place of beginning, containing three hundred acres more or less.

The above premises conveyed by Thomas M. Henderson to Christopher Hinkle by deed dated April 9, 1903, and of record in Volume 88 page 204 Union County Record of Deeds.

Tract No. 2. Situated in the County of Union, in the State of Ohio and in the Townships of Jackson and bounded and described as follows:

Part of Virginia Military Surveys Nos. 10196, 10197, 11099 and 13766 and the whole entry number 10952 or Lot No. 1 of the Ohio A. and M. College Lands, beginning at a stone in the west line of Survey No. 10704 and No. 10705 in the center of the Randall Road; thence with the center of said road south 82° west 198.20 poles to the west line of Survey No. 11099; thence south 8° east with the west line of said Survey 182.64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Dean, March 21, 1890; thence with the north line of said land north 82° east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8° west 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence north 8° west 182.64 poles to the place of beginning, containing 226.25 acres more or less.

Also, a part of Survey No. 4569, beginning at a stone northeast corner to lands of Josephine McDaniel and in the east line of said Survey; thence with said Survey line north 6° west 96.40 poles to a stone southeast corner to Thomas Parish's land; thence with the south line of said land south 83° west 56.44 poles to a stone; thence south 6° east 96.40 poles to a stone in the north line of said Josephine McDaniel's land; thence with said north line 83° east 56.44 poles to the place of beginning, containing 34 acres more or less but subject to all legal highways.

The above premises conveyed by The Marion County Bank Company to Christopher Hinkle by deed dated November 7, 1928, and of record in Volume 140 page 37 Union County Record of Deeds.

Tract No. 3. Situated in the County of Union, in the State of Ohio and in the Townships of Jackson and bounded and described as follows:

THE CCL. B. B. MFG. CO. 74930

13454

Beginning at a stone in the east line of Survey No. 10197 and the west line of Survey No. 10704 and 10705 in the Virginia Military District, said stone being north 8° west 32.28 rods from the southwest corner of Survey No. 10197; thence north 8° west along the Survey line between 10197 and 10704 and 10705, 49.48 rods to a stone; thence south 82° west and parallel with the south line of Surveys Nos. 10196 and 10197, 198.20 rods to a stone in the west line of Survey No. 10196 and east line of Survey No. 4596; thence south 8° east along Survey line between 10196 and 4596, 31.02 rods to a stone; thence north 82° east 98.92 rods to a stone in the center of the public road located on Survey line between Surveys Nos. 10196 and 10197; thence south 8° west along the center of said road, 18.06 rods to a stone in the center of said road; thence north 82° east parallel with the south line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land; 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas M. Davis under the name of Silas W. Davis to J. N. Russell and wife, deed dated March 25, 1907, and recorded in Volume 97 page 303 of the Deed Records of Union County, Ohio.

Also, situated in said County, State and Township and described as follows:

Part of Virginia Military Survey No. 10195 and 10197, beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey south 9° 40 minutes east 82.40 poles to a stake northeast corner of land formerly owned by Adam Swartz; thence with the north line of said land south 80° 45' west 99.50 poles to a stone, northwest corner to said land in the center of the Landon Road; thence with the center of said road north 9° 40' west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said survey and the center of said road north 9° 40' west 32.16 poles to a stone; thence north 80° 45' east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line south 9° 40' east 32.16 poles to the place of beginning, containing 71.25 acres more or less, but subject to all legal highways.

The 50 acres above described conveyed by J. N. Russell and wife to Christopher Hinkle by deed dated March 18, 1916, and recorded in Volume 100 page 396 Deed Records of Union County, Ohio. The 71.25 acres above described conveyed by James W. and Mary J. Hill, husband and wife, to Christopher Hinkle by deed dated January

13454

Survey No.
10705 / in
orth 8°
Survey No.
e between
e; thence
line of
stone in
e of Survey
line be-
ne; thence
center
between
° west
a stone
6° east
100 rods
of land;
and
the
the same
deed dated
page 303
d Township

13454

26, 1914, and of record in Volume 110 page 525 Deed Records of Union County, Ohio.

Tract No. 4. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 3,010 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 5. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 3,041 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 4,651 in Carissinger's Second Addition to the City of Marion, Ohio.

Tract No. 7, Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 6,685 in Perry, Jones and Wilson's Addition to the City of Marion, Ohio.

Plaintiff says that Tract No. 1 hereinabove described is subject to a mortgage in the principal sum of $8,750.00 with interest at the rate of 4½% annually payable semi annually on the 25th. day of April and October of each year with payments on the principal of $250.00 on April 25, 1938, $250.00 on April 25, 1939, and $250.00 on April 25, 1940, the balance of the principal, to-wit: $8,000.00, payable April 25, 1941.

Plaintiff says that it would be to the best intrest of the estate to offer and sell said Tract No. 1 subject to said mortgage. That said mortgage on said Tract No. 1 is held by the defendant, The Northwestern Mutual Life Insurance Company, a corporation of Milwaukee, Wisconsin.

Plaintiff says that the defendant, The Richwood Banking Company, a corporation, holds a mortgage on some of the tracts hereinabove described other than Tract No. 1 but that it would be to the best intrest of the estate to sell said real estate and other than Tract No. 1, free from all encumbrances and pay the mortgage indebtedness to the Richwood Banking Company.

Plaintiff says that the said Christopher Hipple died possessed of some personal property but that the personal property is wholly inadequate for the payment of the debts of Christopher Hipple and the costs of administration. That situation clearly appears from the inventory and the Schedule of Debts filed in this court in the matter of this estate.

Plaintiff says that it is necessary to sell all of the above described real estate for the purpose of paying the indebtedness of the estate and the costs of administration.

Wherefore, plaintiff prays that he may be ordered and directed to sell all of the above real estate for the purpose of paying the indebtedness of the estate

. N. Russell
March
Deed
e above
Hill, husband
d January

THE COL. H. B. MFG. CO. 74930

13454

and that he may have such order, decree and judgments as may be necessary for that purpose and as are proper in the premises.

Emery E. Butz as administrator of the estate of Christopher Hiskle, deceased.
By- T. A. Mc Allister
and William P. Moloney-His Attorneys.

The State of Ohio, Marion County, SS;

Emery E. Butz being first duly sworn according to law says that he is the duly appointed, qualified and acting administrator of the estate of Christopher Hiskle, deceased; and that as such he filed the foregoing petition; that the facts stated and allegations contained in the foregoing, his petition, are true as he verily believes.

Emery E. Butz.

Sworn to before me by the said Emery E. Butz and by him subscribed in my presence this 2nd. day of August, 1937.

J. D. Williamson - Notary Public.
My commission expires Aug. 15-1940.

Pay Notary Fee.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hiskle, deceased,
Plaintiff,
-vs-
Albert H. Hiskle and Jessie E. Hiskle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Ruttland, Iowa; Helen Mary Shaw and Peter Gray, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skorr and Mate H. Skorr, her husband, Ruttland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Grays and Charles Graus, her husband, Ruttland, Iowa; Philip Bair, and Evalyn Bair, his wife, Ruttland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella May, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1526 - 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 228 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Peach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929

Cause No. 13454.
Waiver.

Filed
Sept. 1- 1937.

13454

Peach
Compa
Unites
Wisco
Kyun
volun
conse
We

Filed
Sept. 1- 1937.

Emery
of
Hiskle

Albert
The
E
that
Hiskle
among
residi
summ
A
estate
the
affida
he

S
by hi
Augu

Tax

Filed
Sept. 1- 1937.

Emery
of
Hiskle

Albert
Road,
her

13454 Beach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Hook, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned, parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our rule day.

Fred Hedge.
Minnie Hedge.

Filed Sept. 1 - 1937.

Affidavit.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased, Plaintiff,

-vs-

Albert H. Hinkle, et al., Defendants.

Cause No. 13454.
Affidavit.

The State of Ohio, Marion County, ss:

Emery E. Butz being duly sworn according to law says that he as administrator of the estate of Christopher Hinkle, deceased, is plaintiff in the foregoing action: that among the defendants are Henry Mayer and Ella Mayer, residents of Humboldt, Iowa, who can not be served with summons and must be served by publication.

Affiant says that this is an action to sell real estate to pay debts and is one of the causes wherein the law provides for service by publication and that this affidavit is made and filed for the purpose of procuring an order for publication.

Emery E. Butz.

Sworn to before me by the said Emery E. Butz and by him subscribed in my presence this 31st. day of August 1937.

J. D. Williamson - Notary Public.
My commission expires Aug. 15-1940.

Seal

Tax Notary Fee 80¢

Filed Sept. 1 - 1937.

Wainer.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased, Plaintiff,

-vs-

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crane and Peter

Cause No. 13454.
Wainer.

THE COL. B. B. MFG. CO. 74930

13454

Craw, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skorr and Mate H. Skorr, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Craus and Charles Craus, her husband, Rutland, Iowa; Philip Bair, and Evalyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Stret, Marion, Ohio; Henry Mayer and Ella Mayer, his wife; Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1526- 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Stret, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Peach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Peach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Hinks, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned, parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our Rule day.

Laura Burns.
Roscoe Burns.
A. L. Mayer.
Frances Mayer.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased,

Plaintiff,

-vs-

Cause No. 13454.
Waiver.

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Craus and Peter Craus, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skorr and Mate H. Skorr, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Craus and Charles Craus, her husband, Rutland, Iowa; Philip Bair and Evalyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Stret, Marion, Ohio; Henry Mayer and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer, and Ella L. Mayer, his wife,

13454

1526-
Glee
Grove,
6929
Frances
Califo
Richwo
Compa
Hoy,
D
W
volunt
consen
We a

Filed
Sept. 1- 1937.

Emery
Hinkle

Albert
Road,
her hu
Craus,
Fred
marri
Skorr,
George
Craus
Philip
Julia
Henry
John
Jay
Stret
his
Iowa;
6929
and
Nuys,
corpora
Ohio;
Edwar
Lynn

13454

1526 – 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Peach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Peach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Houk, Harly La Master and Lynn Seeman,

Defendants.

We, the undersigned parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition therein. We also waive our Rule Day.

Glee Mayer.
C. Fred Mayer.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,

Plaintiff,

-vs-

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crane and Peter Crane, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skow and Mate H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Crane and Charles Crane, her husband, Rutland, Iowa; Philip Bair, and Evalyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella Mayer, his wife; Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1526- 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Peach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Peach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Houk, Harley La Master and Lynn Seeman,

Defendants.

Cause No. 13454.
Waiver.

THE COL. B. B. MFG. CO. 74930

13457

We, the undersigned, parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our rule day.

John C. Mayer.
Anna S. Mayer.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle and Jessie C. Hinkle, his wife, 1253 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crane and Peter Crane, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Starr and Wade H. Starr, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Crane and Charles Crane, her husband, Rutland, Iowa; Philip Bair, and Evelyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella Mayer, his wife; Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1526 - 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glen Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Beach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Beach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hay, Paul Hook, Harley La Master and Lynn Seemans, Defendants.

Cause No. 13457.
Waiver.

We, the undersigned, parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our rule day.

Levi Bair.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-

Cause No. 13454.
Waiver.

13454

Albert
Road,
husban
her hu
her hu
City,
Ruth a
her hu
her hu
his w
Wood
his w
his w
his w
his w
Mayer
Eagle
her h
L. Ma
Avenue
a cor
Life
Edward
Seeman

We
volunt
consen
We

Filed
Sept. 1- 1937.

Emery E
of the
Hinkle

Albert
Road,
her
Crane
Fred
marri
Starr,
George
Crane
Philip
Julia

13454

albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crary and Peter Crary, her husband, Humboldt, Iowa; Minnie Hedge and Ted Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skow and Mate H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Crary and Charles Crary, her husband, Rutland, Iowa; Philip Bair and Evalyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer and Ella L. Mayer, his wife, 1526 - 23rd. Street, Des Moines, Iowa; C. Ted Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Beach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Beach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin, Edward C. Hoy, Paul Hoik, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our right day.

Helen Mary Crary.
Peter Crary.
Daisy Newsome.
George L. Newsome.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased,

Plaintiff,

-vs-

Cause No. 13454.
Waiver.

albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Crary and Peter Crary, her husband, Humboldt, Iowa; Minnie Hedge and Ted Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skow and Mate H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Crary and Charles Crary, her husband, Rutland, Iowa; Philip Bair and Evalyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio;

THE COL. B. B. MFG. CO. 74930

13454

Henry Mayer and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer, and Ella L. Mayer, his wife, 1526- 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Reach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Reach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoyt, Paul Houk, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our Rule day.

Cora Scott.
J. Grant Scott.
Susie Skow.
Wate H. Skow.
Rose Craw.
Charles Craw.
Philip Bair.
Evelyn Bair.

Filed
Sept. 1- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased,

Plaintiff,

-vs-

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Craw and Peter Craw, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skow and Wate H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George R. Newsome, her husband, Humboldt, Iowa; Rose Craw and Charles Craw, her husband, Rutland, Iowa; Philip Bair and Evelyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer, and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Clarion, Iowa; Jay J. Mayer, and Ella L. Mayer, his wife, 1526- 23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Laura Burns and Roscoe Burns, her husband, 6929 Reach Avenue, Van Nuys, California; A. L. Mayer and

Cause No. 13454.
Waiver.

13454

Filed
Sept. 1-1937.

Frances
California
Richwood
Company
C. Hoy
Defend
We
voluntar
consent
We a

Emery E
of the
Hinkle

Albert
Road,
her hu
Craw,
Fred
married
Skow;
George
Craig
Philip
Julia
Henry
John
Jay
23rd
Glee
Grove,
Land,
Mayer
Avenue
as co
Life
Compa
and
We
voluntar
consent
We a

13454 Frances Mayer, his wife, 6929 Leach Avenue, Van Nuys, California; The Richwood Banking Company, a corporation, Richwood, Ohio; The Northwestern Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Houk, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our rule day.

Jay J. Mayer.
Ella L. Mayer.

Filed Sept. 1-1937.

Waiver.

In the Probate Court of Union County, Ohio.

Emma E. Butz, as Administrator of the estate of Christopher Hinkle, deceased, Plaintiff,

vs.

Cause No. 13454.
Waiver.

Albert H. Hinkle and Jessie C. Hinkle, his wife, 1252 Cherokee Road, Louisville, Kentucky; Cora Scott and J. Grant Scott, her husband, Rutland, Iowa; Helen Mary Carder and Peter Gray, her husband, Humboldt, Iowa; Minnie Hedge and Fred Hedge, her husband, Spencer, Iowa; Levi Bair, unmarried, Dakota City, Iowa; Susie Skow and Mate H. Skow, her husband, Rutland, Iowa; Daisy Newsome and George L. Newsome, her husband, Humboldt, Iowa; Rose Carder and Charles Carder, her husband, Rutland, Iowa; Philip Bair and Evelyn Bair, his wife, Rutland, Iowa; Julia Benz, unmarried, 669 Wood Street, Marion, Ohio; Henry Mayer and Ella Mayer, his wife, Humboldt, Iowa; John C. Mayer and Anna Mayer, his wife, Colarion, Iowa; Jay J. Mayer, and Ella L. Mayer, his wife, 1526-23rd. Street, Des Moines, Iowa; C. Fred Mayer and Glee Mayer, his wife, 220 North Commercial Street, Eagle Grove, Iowa; Lyula Burns and Roscoe Burns, her husband, 6929 Leach Avenue, Van Nuys, California; A. L. Mayer and Frances Mayer, his wife, 6929 Leach Avenue, Van Nuys, California; The Richwood Banking Company a corporation, Richwood, Ohio; The North-western Mutual Life Insurance Company, a corporation, Milwaukee, Wisconsin; Edward C. Hoy, Paul Houk, Harley La Master and Lynn Seeman, Defendants.

We, the undersigned parties defendant herein, hereby voluntarily enter our appearance in this proceeding and consent to the granting of the prayer of the petition herein. We also waive our rule day.

Albert H. Hinkle.
Jessie C. Hinkle.

THE COL. B. B. MFG. CO. 74930

13454
Filed
Sept. 7- 1937.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.
Defendants.

Cause No. 13454.
Entry of appearance and Waiver.

Now comes Julia Benz, one of the defendants herein, and voluntarily enters her appearance herein and consents to the granting of the prayer of the petition, and waives rule day.
September 7th. 1937.

Mrs. Julia Benz.

Filed
Sept. 1- 1937.

Journal Entry.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.,
Defendants.

No. 13454.
Journal Entry.

This day this cause came on to be heard on the motion of plaintiff for an order directing that publication be had in this cause for Henry Mayer and Illa Mayer, residents of Humboldt, Iowa, and it appearing to the Court, by affidavit filed herein, that the said Henry Mayer and Illa Mayer are now residents of the State of Ohio, and residents of Humboldt, Iowa, and the Court finding the allegations of said affidavit to be true, it is ordered that service be had by publication on the said Henry Mayer and Illa Mayer, by publishing notice in a newspaper of general circulation in Union County, for six consecutive weeks, and that the said Henry Mayer and Illa Mayer be given rule day after the last day of publication, which the Court finds to be on or before October 30th, 1937.

L. W. Hazen - Judge.

Filed
Sept. 28-1937.

Cross-Petition of Defendant, E. E. Hoy.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.,
Defendants.

No. 13454.
Cross-Petition of Defendant, E. E. Hoy.

13454

Filed
Sept. 28-1937.

Emery
of the
Hinkle
Albert

18464

Now comes the defendant, E. E. Hoy, and says that in and by an indenture of lease dated the 1st. day of April, 1937, and made and entered into by Emery E. Butz, as Guardian of Christopher Hinkle, an incompetent, and this answering defendant, the said Emery E. Butz, as such Guardian, leased to this answering defendant for a term of one year beginning on the 1st. day of March, 1937, and ending on the last day of February, 1938, all of the premises set out and described as Tract No. 1 in the petition, except fifty acres back of the woodland heretofore rented to Paul Hanke, one of the defendants herein, upon the following rental, to-wit:-$220.00 payable in two installments of $110.00 each on the 1st. day of August, 1937, and on the 1st. day of January, 1938, respectively, for the pasture land, consisting of 32 acres of blue grass and approximately 50 acres of wood land, and upon the further rent of one half of the crops grown upon the balance of said demised premises.

This answering defendant says that he duly entered upon said premises under the terms of said lease, and has fully kept and performed all of the terms and conditions on his part to be kept and performed, and that he is entitled to quietly hold said premises until the expiration of the term of said lease.

Wherefore, this answering defendant prays that his interests in said premises may be protected, and that a sale thereof be made subject to his said lease, and for such other and further relief as he may be entitled.

E. E. Hoy.
By- Hymes and McAllister
His Attys.

State of Ohio, Union County, ss.

E. E. Hoy, being duly sworn, says that he is the above named answering defendant, and that the facts stated and allegations contained in his foregoing Answer are true, as he verily believes.

E. E. Hoy.

Sworn to before me and signed in my presence this 27th. day of September, 1937.

Rachel E. Ransome- Notary Public.

Fee claimed 80¢

Filed Sept. 28-1937.

Cross- Petition of Defendant, Lynn Seaman.

In the Probate Court of Union County, Ohio.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased, Plaintiff,

-vs-

Albert H. Hinkle, et al., Defendants.

No. 13457.

Cross- Petition of Defendant, Lynn Seaman.

THE COL. P. B. MFG. CO. 74930

13454

Now comes the defendant, Lynn Seaman, and says that on or about the 1st. day of March, 1937, Christopher Hinkle, then in life, by a verbal agreement then and there entered into with this answering defendant, rented to this answering defendant for the term of one year, beginning on said 1st. day of April, 1937, and ending on the 1st. day of April, 1938, the premises designated in the petition as Tract No. 3, being in all approximately 121.25 acres, more or less, on a farm rental agreement, under which agreement this answering defendant was to pay as rental one half of the grain grown on said farm during said year, including one half of the corn either in shock or if not cut, the same to be husked and delivered in the crib of said Hinkle. This answering defendant entered upon said premises under said rental agreement and has got unharvested thereon eighty acres of corn, and has fully performed all the obligations on his part to be performed thereunder, and is entitled to quietly hold said premises until the expiration of the term of his said rental agreement.

Wherefore, this answering defendant prays that upon a sale of said premises, his interests may be protected, and that said sale be made subject to the terms of his said tenancy, and for such other relief as he is entitled.

Hamer and McAlister.
Attorney for Defendant, Lynn Seaman.

State of Ohio, Union County, ss.

Lynn Seaman, being duly sworn, says that the facts stated and allegations contained in this foregoing Answer are true, as he verily believes.

Lynn E. Seaman.

Sworn to before me and signed in my presence this 10 th. day of September, 1937.

Rachel E. Ransome-Notary Public.

Fee claimed 80¢

Filed
Sept. 28- 1937.

Answer and Cross Petition of the Defendant, The Richwood Banking Company.

In the Probate Court of Union County, Ohio.

Emma E. Butz, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.,
Defendants.

No. 13454.

Answer and Cross-Petition of The Richwood Banking Co.

Now comes the defendant, The Richwood Banking company of Richwood, Ohio, and says that it is a

13454

Bank
the
Busine
entere
party
and

that
Christ
and
note
payab
1940,
toget
able
note
afore
the
unpa
defen
requi
descr
No. 4
specif

State

(3010
Add

of Un
facts

11099,
No. 1
stone
in th
of sa
of Sa
of sa
come
to Au
line
in th
N. 8
east
poles
corne

13454

banking corporation, duly organized and existing under the laws of the State of Ohio, with principal place of business at Richwood, in Union County, Ohio, and hereby enters its appearance in the above entitled action as party defendant therein, and files this its answer and cross petition as follows, to-wit:-

First Cause of Action: This answering defendant says that on or about the 25th. day of January, 1935, Christopher Hinkle, then in life, but now deceased, made and delivered to this answering defendant, his promissory note of that date for the principal sum of $8500.00, payable as follows:- $500.00 on or before January 25th. 1940, and $8000.00 on or before January 25th, 1941, together with interest thereon at 6% per annum, payable semi-annually; that there is now due and payable to this answering defendant on said promissory note the sum of $8600.00, with interest at the rate aforesaid after the 25th. day of July 1937. To secure the payment of said note, said Christopher Hinkle, then unmarried, executed and delivered to this answering defendant, his mortgage deed of that date thereby conveying to this answering defendant all the real estate described in plaintiff's petition, as Tract No. 2, Tract No. 4, and Tract No. 5, which real estate is more specifically described as follows:-

Situated in the City of Marion, County of Marion, and State of Ohio, and described as follows:-

Known as being Note Number Three Thousand Ten (3010), and Three Thousand Eleven (3011) in Eden Park Addition to the said city of Marion, Ohio.

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

Part of Virginia Military Surveys Nos. 10196, 10197, 11099, and 13764, and the whole of entry No. 10952 or Lot No. 1 of the Ohio A. & M. College Lands. Beginning at a stone in the west line of Survey No. 10704 and No. 10705 in the center of the Randall Road; thence with the center of said road S. 82 deg. W. 198.20 poles to the west line of Survey No. 11099; thence S. 8 deg. E. with the west line of said Survey 182.65 poles to a stone at the northwest corner of lands conveyed by Edward Huber and wife to Amos Dean, March 21st. 1890; thence with the north line of said land N. 82 deg. E. 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing N. 8 deg. W. 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence N. 8 deg. W. 182.64 poles to the place of beginning, containing 226.25 acres, more or less.

THE COL. B. B. MFG. CO. 74930

13454

Also a part of Survey No. 4569. Beginning at a stone northeast corner to Landy & Josephine McDaniel and in the east line of said Survey; thence with said Survey line N. 6 deg. W. 96.40 poles to a stone southeast corner to Thomas Parish's land; thence with the south line of said land S. 83 deg. W. 56.44 poles to a stone; thence S. 6 deg. E. 96.40 poles to a stone in the north line of said Josephine McDaniel's land; thence with said line N. 83 deg. E. 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways.

Said mortgage was duly filed for record in the Recorder's Office of Union County, Ohio, on the 25th. day of January, 1935, at 11:15 o'clock A. M., and recorded in Vol. 106, Page 113 of the Mortgage Records of said office, and thereby became and still is the first and best lien on the said premises described in the petition as Tract No. 2. Said mortgage deed was duly filed for record in the Recorder's Office of Marion County, Ohio, on the 4th. day of February, 1935, and thereby became and still is the first and best lien on the premises described in the petition as Tract No. 4 and Tract No. 5, except the lien of the Mortgage set forth and described in the second cause of action herein.

Second Cause of Action: For its second cause of action, this defendant says that on the 25th. day of January, 1935, for a valuable consideration, the said Christopher Hinkle, then in life, but now deceased, made and delivered to one Estella Rapp, his promissory note of that date for the sum of $1500.00, payable on or before January 25, 1940, with interest at the rate of 6% per annum, payable semi-annually. To secure the payment of said promissory note and interest, the said Christopher Hinkle, then unmarried, executed and delivered to said Estella Rapp, his mortgage deed, thereby conveying to said Estella Rapp, all of the premises described in the petition as Tract No. 2, Tract No. 4 and Tract No. 5, and being the same premises set out and described in the first cause of action of this answer. Said mortgage was duly filed for record in the Recorder's Office of Marion County, Ohio, on the 25th. day of January, 1935, at 1:01 o'clock P. M., and recorded in Mortgage Book 151, Page 9 of the Records of said Office, and was duly filed for record in the Recorder's Office of Union County, Ohio, on the 4th. day of February, 1935, at 9:45 o'clock a. m., and was duly recorded in Vol. 106, Page 139 et seq. of the Mortgage Records of said office, and said mortgage thereby became and still is the first lien on the premises described in the petition as Tract No. 4 and Tract No. 5, and is the first and best lien on the premises described in the

13454

petition
scribe
Pl
1935,
signed
fendan
scribe
note
record
answe
and
there
Hinkle
thereon
Up
court
defend
sale
due
their
relief

State

Coash
ing C
plate
person

Notary

Filed
Oct. 8 - 1937.

Emery
& Hin

Albert

He
Humb
has
& the
Court
real
seize

13454

petition as Tract No. 2, except the mortgage hereinbefore described in the first cause of action of this answer.

Plaintiff says that on or about the 6th. day of April, 1935, for valuable consideration, the said Estella Rapp assigned, transferred and set over unto this answering defendant, The Richwood Banking Company, the mortgage described in this cause of action, together with the note secured thereby, and that said assignment is of record on the margin of said mortgage record; that this answering defendant is the owner and holder of said note and mortgage in this cause of action described, and that there is due this defendant by the estate of Christopher Hinkle, the principal sum of $150.00, together with interest thereon from the 25th. day of July, 1937.

Wherefore, this answering defendant prays that an account may be taken of the amount due this answering defendant upon its notes aforesaid, and that upon sale of said premises, it be paid the amount so found due as aforesaid upon said mortgage notes, according to their proper priority, and for all and other further relief to which this defendant is entitled in the premises.

Humes and McAllister,
Attorneys for Defendant,
The Richwood Banking Co.

State of Ohio, Union County, ss.

F. H. Rapp, being duly sworn, says that he is Cashier of the answering defendant, The Richwood Banking Company, and duly authorized herein, and that the facts alleged in the above pleading are within affiant's personal knowledge, and are, as affiant believes, true.

F. H. Rapp.

Sworn to before me and signed in my presence this 7 day of September, 1937.

Rachel E. Ransome-Notary Public.

Notary fee claimed 80¢

Filed
Oct. 8-1937.

Legal Notice.

In the Probate Court of Union County, Ohio.

Emery E. Butz as Administrator of the Estate of Christopher Hinkle, deceased, Plaintiff,
Versus
Albert H. Hinkle, et. al.,
Defendants.

Cause No. 13454
Notice.

Henry Mayer and Ella Mayer, his wife, who reside at Humboldt, Iowa, will take notice that the plaintiff has filed his petition against them, and others, heirs of the late Christopher Hinkle, deceased, in the Probate Court of Union County, Ohio, to sell the following described real estate of which the said Christopher Hinkle died seized, to-wit:

THE COL. B. B. MFG. CO. 74930

13454

Tract No. 1. Situated in the Township of Jackson, County of Union and State of Ohio, to-wit: Part of Virginia Military Surveys Nos. 10704-10705 bounded and described as follows: Beginning at a stone in the middle of the Huber and Hazen gravel pike or road at the northeast corner of lands formerly owned by Robert Thompson and running thence with said Thompson's line south eight degrees east two hundred fourteen poles to a stone in the north line of lands of D. N. Roberts; thence with his north line eighty-four degrees east one hundred ninety-nine poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north thirty-two degrees fifteen minutes east thirty-eight and four tenths poles to a stake, corner to Thomas N. Henderson; thence with his line north eight degrees west one hundred ninety-nine and five tenths poles to a stone in the middle of said road; thence with said road south eighty-two degrees west two hundred twenty eight and five tenths poles to the place of beginning, containing three hundred acres, more or less.

The above premises conveyed by Thomas N. Henderson to Christopher Hinkle by deed dated April 9, 1903, and of record in Vol. 88, page 204, Union County Record of Deeds.

Tract No. 2. Situated in the County of Union in the State of Ohio, and in the township of Jackson and bounded and described as follows: Part of Virginia Military Surveys Nos. 10196, 10197, 11094 and 13766 and the whole entry No. 10952 or Lot No. 1 of the Ohio A. and M. College Lands, beginning at a stone in the west line of Survey No. 10704 and 10705 in the center of the Randall Road; thence with the center of said road South 82° west 198.20 poles to the west line of Survey No. 11099; thence south 8° east with the west line of said Survey, 182.64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Healy, March 21, 1890; thence with the north line of said land north 82° east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8° west 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence north 8° west 182.64 poles to the place of beginning, containing 226.25 acres, more or less.

Also, a part of Survey No. 4569, beginning at a stone northeast corner to lands of Josephine McDaniel and in the east line of said Survey; thence with said Survey line north 6° west 96.40 poles to a stone southeast corner to Thomas Parish's land; thence with the south line of said land, south 88° west 56.44 poles to a stone; thence south 6° east 96.40 poles to a stone in the north line of said Josephine McDaniel's land; thence

13454

with
quin
legal
Comp
and
of U
of Ohi
descr
line
10704
stone
corner
Surve
to a
the
rods
and
along
a
in t
between
west
stone
parall
rods
land
30.8
iron
W.
record
Union
and
vey
exce
of s
South
thence
45'
land
center
stak
thence
of se
thence
east
9° 4

13454

with said north line 83° east 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways.

The above premises conveyed by The Marion County Bank Company to Christopher Hinkle by deed dated November 17, 1928, and of record in Volume 140, page 37, Union County Record of Deeds.

Tract No. 2. Situated in the County of Union, in the State of Ohio and in the Township of Jackson and bounded and described as follows: Beginning at a stone in the east line of Survey No. 10197 and the west line of Survey No. 10704 and 10705 in the Virginia Military District, said stone being north 8° west 32.28 rods from the southwest corner of Survey No. 10197; thence north 8° west along the Survey line between 10197 and 10704 and 10705, 49.43 rods to a stone; thence south 82° west and parallel with the south line of Surveys Nos. 10196 and 10197, 198.20 rods to a stone in the west line of Survey No. 10196 and the east line of Survey No. 4596; thence south 8° east along Survey line between 10196 and 4596, 31.02 rods to a stone; thence north 82° east 98.92 rods to a stone in the center of the public road located on the Survey line between Surveys Nos. 10196 and 10197; thence south 8° west along the center of said road, 18.06 rods to a stone in the center of said road; thence north 82° east parallel with the South line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land; 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas W. Davis, under the name Silas W. Davis, to J.M. Russell, deed dated March 25, 1907 and recorded in Volume 97, page 303 of the Deed Records of Union County, Ohio.

Also, Situated in said County, State and Township and described as follows: Part of Virginia Military Survey No. 10195 and 10197 beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey, south 9° 40' east, 82.40 poles to a stake, northeast corner of land formerly owned by Adam Swartz; thence with the north line of said land, south 80° 45' west 99.50 poles to a stone, northwest corner to said land in the center of the Landon Road; thence with the center of said road, north 9° 40' west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said Survey and the center of said road, north 9° 40' west 32.16 poles to a stone; thence north 80° 45' east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line South 9° 40' east 32.16 poles to the place of beginning, containing

THE COL. B. B. MFG. CO. 74930

13454

11.25 acres, more or less, but subject to all legal highways.

The 50 acres above described conveyed by H. H. Russell and wife to Christopher Hinkle by deed dated March 18, 1910 and recorded in Volume 100, page 396, Deed Records of Union County, Ohio. The 11.25 acres above described conveyed by James M. and Mary J. Hill to Christopher Hinkle by deed dated January 26, 1914 and of record in Volume 110, page 525, Deed Records of Union County, Ohio.

Tract No. 4. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 3010 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 5. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 3011 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 4051 in Prissinger's Second Addition to the City of Marion, Ohio.

Tract No. 7. Situated in the City of Marion, County of Marion and State of Ohio and known as Lot No. 6685 in Perry-Jones and Wilson's Addition to the City of Marion, Ohio.

That the petition in this case is for sale of all of said real estate for the purpose of paying the debts of said estate and the cost of administration.

That the defendants Henry Mayer and Ella Mayer will answer said petition on or before the 30th. day of October, 1937, or judgment will be taken against them.

Emery Butz, Administrator of the estate of Christopher Hinkle, deceased.

R. A. Mc Allister, William P. Moloney- attorneys.

State of Ohio, Union County.

Personally appeared before me B. A. Reigley and made oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and after Sept. 2, 1937 in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

B. A. Reigley.

Sworn to before me and signed in my presence this 7th. day of October, A. D. 1937.

Ralph Fausnaugh- Notary Public. Union County, Ohio.

Printer's Fee $81.54

Filed Oct. 8-1937.

Motion to Substitute Party Defendant.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased, Plaintiff.

-vs-

Albert H. Hinkle, et al., Defendants.

No. 13454.

Motion to Substitute Party Defendant.

13454

Com
alleg
cond
under
ices
says
I a
claim
premi
Tiff
ith t
leave

Filed Oct. 8- 1937.

Emery
of Hink

albert

H
R. S.
place

Filed Oct. 8-1937.

Emery
of Hink

albert

H
that
Hinkl
and
fend
day
1938,
decis
fifty
plaint

highways.
. Russell
ch 18, 1910
Records of
ed conveyed
ke by deed
110, page

nty of Marion
is Edew

ounty of Marion
is Griesinger

nty of Marion
/ Perry-
, Ohio.
of all of
bate of

per will
day of
just them.
on of the
ikle, deceased.

and made
to attached,
after
ker of gen-

e this

Notary Public.
is /
ant.
Ohio.

te

13454

Comes now the plaintiff and says that by error, it is alleged in the petition that Harley Le Masters claims some interest in the property described in the petition under and by virtue of a lease of a portion of the premises described in the petition, as Tract No. 2. Plaintiff says that said Harley Le Masters claims no interest by virtue of any lease or rental agreement, but that R. S. Le Masters claims some leasehold intrest in and to a portion of the premises described as Tract No. 2 in the petition, and plaintiff moves that said R. S. Le Masters be made party defendant in the place and stead of said Harley Le Masters, with leave to plead.

Emery E. Butz, as Administrator of the Estate of Christopher Hickle, deceased,
By- W. P. Moloney-
Hunter and McAllister-His Attorneys.

Filed
Oct. 8- 1937.

Journal Entry.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hickle, deceased,
Plaintiff.
-vs-
Albert H. Hickle, et al.,
Defendants.

No. 13454.
Journal Entry.

On motion of the plaintiff and for good cause shown, R. S. Le Masters is made party defendant herein in the place and stead of Harley Le Masters, with leave to plead.

L. W. Hazen- Judge.

Filed
Oct. 8-1937.

Cross Petition of Defendant, Paul Hooks.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hickle, deceased,
Plaintiff,
-vs-
Albert H. Hickle, et al.,
Defendants.

No. 13454.
Cross-Petition of Defendant, Paul Hooks.

Now comes the defendant, Paul Hooks, and says that on or about the 8th. day of April, 1937, Christopher Hickle, then in life, by a certain indenture of lease, then and there entered into, leased unto this answering defendant for a term of one year beginning on the 1st. day of April, 1937, and ending on the 1st. day of April, 1938, the following described portion of the premises designated in the petition as Tract No. 1, being a fifty acre field in the southwest corner of the 300 acre planse owned by said lessor and now occupied by Ed

THE COL. & B. MFG. CO. 74930

13454

Hoy, upon the following rental, to-wit:- That the said tract was to be planted to corn; this answering defendant was to cut the corn, divide it by the shock or puck the lessor's share off of the stock, and it was in said lease further agued that this answering defendant is to have the privilege of sowing wheat on said fifty acres of land in the fall of 1937, upon the customary rental conditions for wheat put in on the shares, and this answering defendant says that it is his intention to sow the said wheat as in said lease provided.

This answering defendant says that he duly entered upon said premises under the terms of said lease and has fully performed all of the obligations on his part to be performed thereunder, and that he is entitled to quietly hold said premises until the wheat sown under the terms thereof is harvested and thrashed.

Wherefore, this answering defendant prays that upon a sale of said premises, his interests may be protected, and that said premises be sold subject to his rights under said lease, and for such other and further relief to which he may be entitled in the premises.

Paul Houk.

State of Ohio, Union County, ss.

Paul Houk, being duly sworn, says that he is the above named answering defendant, and that the facts stated and allegations contained in his foregoing Answer are true, as he verily believes.

Paul Houk.

Sworn to before me and signed in my presence this 27th. day of September, 1937.

Fee claimed 80¢

Rachel E. Ransome-
Notary Public.

Filed Oct. 8-1937.

Cross-Petition of Defendant, R. S. LeMasters.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, Deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.,
Defendants.

No. 13454.
Cross-Petition of Defendant, R. S. LeMasters.

Now comes the defendant, R. S. LeMasters, and says that on or about the 8th. day of April, 1937 Christopher Hinkle, then in life, by a certain indenture of lease, then and there entered into, leased unto this answering defendant for a term beginning on the date aforesaid, and ending on the 1st day of March, 1938, all of the premises described in the petition as tract No. 2,

13457

except
pasture
$131.
Covena
Th
said
fully
perfor
hold
to-wit

a
tected
he w

State
the
stated
are

Sw
day

Fee c
-powe

Filed Nov. 24-1937.

Emery
Hink

alber

P
petiti
estat
of Ch
defen
and
Edwa
out
cross
Com
the
Com
find
duly

said tract
defendant was
the lessor's
se further
ave the
e of land
conditions
wering de-
e said

entered upon
and has
's part to
ed to
upon under

t upon a
protected,
his rights
further
premises.

t he is
that the
his foregoing

esence this

me-

Masters,
, Ohio.

Defendant,

, and says
37, Christopher
d lease,
d answering
aforesaid,
all of the
ot No. 2,

13457

except 52 acres then in wheat and 36 acres in wood pasture, for the agreed rental of $731.00, payable as follows- $131.00 cash on the execution of said lease, $300.00 on November 1st. 1937, and $300.00 on January 1st. 1938.

This answering defendant says that he entered upon said premises under the terms of said lease and has fully performed all of the obligations on his part to be performed thereunder, and that he is entitled to quietly hold said premises until the expiration of said lease, to-wit, March 1st, 1938.

Wherefore, this answering defendant prays that upon a sale of said premises, his interests may be protected for said term, and to all other relief to which he may be entitled in the premises.

Hames and McAlister
Attorney for Defendant, R. S. LeMasters.

State of Ohio, Union County, ss:

R. S. LeMasters, being duly sworn, says that he is the above named answering defendant, and that the facts stated and allegations contained in his foregoing Answer are true, as he verily believes.

R. S. LeMasters.

Sworn to before me and signed in my presence this — day of September, 1937.

Rachel E. Ransome - Notary Public.

Fee claimed 80¢.

Filed Nov. 24- 1937.

- Journal Entry - (Dispensing with New Appraisement & Ordering Bond).

In the Probate Court of Union County, Ohio.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
-vs-
Albert H. Hinkle, et al.,
Defendants.

No. 13454.
Journal Entry
(Dispensing with New Appraisement and Ordering Bond).

This day this matter 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 the debts of his estate, and upon the cross petitions of the defendants, Lynn Seaman, R. S. LeMasters, Paul Houk and E. E. Hoff (being the same person as the defendant, Edward E. Hoff), lessees of portions of the premises set out and described in the petition, the answer and cross petition of the defendant, The Richwood Banking Company, mortgagee, the answer and cross petition of the defendant, The Northwestern Mutual Life Insurance Company, mortgagee, and the evidence, and the Court finds that all of the defendants herein have been duly and legally served with process or have vol-

THE COL. B. B. MFG. CO. 74930

13454

untarily entered their appearance and consent to the sale as prayed for, and are properly before the Court, and that all of said defendants, except Lynn Seaman, R. S. Re Master, Paul Houk, E. C. Hoy, The Richwood Banking Company, and The Northwestern Mutual Life Insurance Company are in default for answer or demurrer, and thereby admit the allegations of the petition to be true, and the Court further finds that it is necessary to sell said real estate, and that the prayer of the petition should be granted.

The Court further finds that the real estate described in the petition was appraised by the appraisers of the estate, as follows, to-wit:- The real estate therein designated as Tract No. 1, at $18,000.00; Tract No. 2, at $13,000.00; Tract No. 3, at $5,000.00; Tract No. 4, at $1800.00; Tract No. 5, at $3200.00; Tract No. 6, at $800.00; Tract No. 7, at $250.00, and the Court 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 Christopher Hinkle, deceased, in the amount of $10,000.00 is insufficient, and it is ordered that he file additional bond with sufficient sureties to be approved by this Court, in the sum of $66,000.00, and this cause is continued.

L. W. Hazen - Judge.

Filed
Nov. 24-1937.

Bond of Administrator.
In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we Emery E. Butz and Fidelity and Deposit Company of Maryland, are held and firmly bound unto the State of Ohio, in the penal sum of Sixty Six 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 Richwood, Ohio, this — day of November, A. D. 1937.

The condition of the above obligation is such, That whereas, the above bound Emery E. Butz was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Christopher Hinkle, Deceased.

And whereas, the said Emery E. Butz as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Christopher Hinkle, described in said petition;

And whereas said Court, on the — day of November 1937, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said Emery E. Butz, as Administrator aforesaid, shall faithfully discharge his duties and

13454

pay

Filed
Nov. 24-1937.

13454

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
T. A. Mc Allister.
Sturgis H. Cheney.

Emery E. Butz
Fidelity and Deposit Company of Maryland.
By- Sturgis H. Cheney Atty-in-fact.

This Bond approved in open Court, this 24th. day of Nov. 1937.

L. W. Hasey- Probate Judge.

Filed Nov. 24- 1937.

- Journal Entry - (Approving Additional Bond & Ordering Sale).

In the Probate Court of Union County, Ohio.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased, Plaintiff.

-vs-

Albert H. Hinkle, et al., Defendants.

No. 13454.

- Journal Entry -
(Approving Additional Bond and Ordering Sale).

This day came the plaintiff and filed herein an additional bond in the sum of $66,000.00, with approved sureties, conditioned according to law, and the said bond is hereby approved.

The defendant, The Northwestern Mutual Life Insurance Company having filed herein its answer and cross-petition, the Court finds that the said Christopher Hinkle did, on or about the 25th. day of April, 1923, execute and deliver to the defendant, The Northwestern Mutual Life Insurance Company, his promissory note of that date for the principal sum of $12,000.00, with interest at the rate of 5% per annum, payable semi-annually, a copy of which said note is set out in the cross petition of said defendant, and that at the time of the execution and delivery of said note, and in order to secure the payment of the same, said Christopher Hinkle, unmarried, executed and delivered to the defendant, The Northwestern Mutual Life Insurance Company, his mortgage deed, thereby conveying the real estate set out and described in the petition as Tract No. 1; that said mortgage was on the 15th. day of May, 1923, at 9:30 o'clock A. M. duly left for record at the Recorder's Office of Union County, Ohio, and duly recorded in Vol. 91, Page 21 of the said Mortgage Records, and that said mortgage is the first and best lien on the said real estate designated in the petition herein as Tract No. 1.

The Court finds that the said Christopher Hinkle and the defendant, The Northwestern Mutual Life Insurance Company entered into the contracts in

THE COL. B. B. MFG. CO. 74930

13457

writing set forth and described in the answer and cross petition of said defendant, and that there is due and payable to said defendant, The Northwestern Mutual Life Insurance Company upon said mortgage the sum of $8750.00, with interest at 4½% per annum from the 25th. day of October, 1937, and the Court finds that the said defendant, The Northwestern Mutual Life Insurance Company, by its answer and cross petition aforesaid, consents that the said real estate so mortgaged to it, be sold subject to the lien of its said mortgage, the Court hereby authorizes the sale of said real estate designated, in the petition as Tract No.1, subject to the said mortgage to the said defendant, The Northwestern Mutual Life Insurance Company.

The Court finds that under and by a certain indenture of lease entered into with said decedent, the defendant Paul Houk leased 50 acres in the southwest corner of the premises described in the petition as Tract No.1, for a term of 1 year beginning on April 1st, 1937, and ending on the 1st. day of April, 1938, with the privilege of sowing wheat on the said premises in the fall of 1937 upon the customary rental conditions for wheat put in on shares.

The Court further finds that the defendant, E. C. Hoy, under and by virtue of a certain lease entered into with Emery E. Butz, as Guardian of Christopher Hinkle, leased the remainder of Tract No.1, except the 50 acres hereinbefore found leased to Paul Houk, upon the terms and conditions set out in the cross petition of said E. C. Hoy, the term of said lease expiring on the last day of February, 1938, and that the defendant, R. S. LeMasters, under and by virtue of a certain indenture of lease, leased for the term of one year, the premises described in the petition as Tract No.2, except 88 acres set out in said cross-petition, upon the terms and conditions in the cross-petition of said defendant, R. S. LeMasters, set out, the term of said lease expiring on the 8th. day of April, 1937, and that the defendant, Lynn Seaman, by a certain oral agreement of lease entered into with said decedent leased for the term of one year, the premises described in the petition, as Tract No.3, upon the terms and conditions set out in the cross petition of the defendant, Lynn Seaman, the term thereof expiring on the 1st. day of April, 1938.

It is ordered that said premises be sold, subject to the leasehold rights aforesaid of said answering defendants, and it appearing to the Court that a private sale would be to the best interests of said estate, it is ordered that Emery E. Butz, as such Administrator sell the real estate described in the petition at private

13454

Filed
Aug. 9- 1937.

13454

sale, at not less than the appraised value thereof, the said appraised value of the respective tracts described in said petition being as follows:- Tract No. 1, $13,000.00; Tract No. 2, $13,000.00; Tract No. 3, $5,000.00; Tract No. 4, $1,800.00; Tract No. 5, $3,200.00; Tract No. 6, $800.00, and Tract No. 7, $250.00, on the following terms, to-wit, cash in hand.

It is further ordered that the said Emery E. Butz, as such Administrator make return of sale, without unnecessary delay.

L. W. Hazen - Judge.

Filed Aug. 9 - 1937.

Answer and Cross - Petition of The Defendant, The Northwestern Mutual Life Insurance Company.

In the Probate Court, Union County, Ohio.

Emery E. Butz, as Administrator of the Estate of Christopher Hinkle, deceased, Plaintiff,

-vs-

Albert H. Hinkle, et al., Defendants.

No. 13454.

Answer and Cross-Petition of The Defendant, The Northwestern Mutual Life Insurance Company.

Now comes the defendant, The Northwestern Mutual Life Insurance Company, and for its answer to the petition, admits that the plaintiff is the Administrator of the Estate of Christopher Hinkle, deceased, as alleged in the petition, and admits the relationship of the parties defendant to the said Christopher Hinkle, as set forth in the petition, and admits the corporate capacity of The Richwood Banking Company, and this defendant, and admits that this defendant is the holder of a mortgage upon certain of the real estate of said decedent.

And this defendant, by reason of its ignorance of the facts alleged in the petition, denies each and every allegation therein, except such as are herein expressly admitted to be true.

Cross - Petition.

This defendant is a corporation organized under the laws of Wisconsin, with its principal place of business at Milwaukee, Wisconsin.

- 1 -

This defendant says that on the 25th. day of April, 1923, one Christopher Hinkle, unmarried, executed and delivered to this defendant, The Northwestern Mutual Life Insurance Company, his promissory note, of which the following is a copy with all indorsements:

THE COL. B. B. MFG. CO. 74930

13454 $12,000.00 Marion, Ohio, April 23, 1925.

For value received I promise to pay to the order of The Northwestern Mutual Life Insurance Company at its office, in the City of Milwaukee, Wisconsin, the sum of Twelve thousand Dollars at the expiration of five years from the date hereof, with interest thereon from date until paid at the rate of five per cent per annum, payable semi-annually, with the privilege, at any time after two years and before maturity, of paying one hundred dollars, or any multiple thereof upon said principal, provided that sixty days' additional interest shall be paid on any and all such payments in excess of one-half of the original principal sum.

This note is secured by a mortgage of even date herewith executed by Christopher Hickle to said The Northwestern Mutual Life Insurance Company, on lands in Union County, Ohio, which is the first lien on the property therein described; and in case the interest on this note is not fully paid when due, or in case of default in the performance of any or either of the terms and conditions of said mortgage, the whole indebtedness secured by said mortgage shall, at the option of said The Northwestern Mutual Life Insurance Company, become due and payable at once without notice (notice of the exercise of such option being hereby expressly waived).

In case said principal sum shall not be paid at maturity or when declared due in accordance with the provisions herein contained, and in case suit shall be brought for the collection of said principal sum or for the foreclosure of the mortgage given to secure this note, I further promise and agree to pay a reasonable attorney's fee, to be fixed by the court.

No payment of the principal of this note shall be deemed valid except upon the receipt of the authorized officers of said The Northwestern Mutual Life Insurance Company.

$2.40 revenue stamps attached. "Christopher Hickle"

The following endorsements appear on the back of said note:
$1060. April 26, 1928, Received One thousand Dollars of the principal applied as of 4/25/28.
$500. Apl. 30, 1930, Received of Five hundred Dollars of the principal applied as of Apl. 25, '30.
$500. Apl. 27, 1931, Received of Five hundred Dollars of the principal applied as of 4/25/31.
$500. Apl. 25, 1935, Received of Five hundred Dollars of the principal.

13454 $600. The Apr. Gute instal fend contr said said of $ $20 mort pay Hick there there time payi cipal be of pay 25, annu and writi was with amou of $ mort the. Nine there and with or a agre from of said at t payab

925.
der of The
its office,
Twelve
ears from
until paid
e semi-
ter two years
dollars,
al, provided
be paid
of one-

date here-
The North-
lands in
on the
ust on
ase of de-
he terms
indebtedness
n of said
ay, become
notice of
waived).
be paid
nce with
suit shall
sum of
ecure this
a reas-
ompt.
shall be
e authorized
e Insurance

"
e

aid note:
dollars

dollars

dollars

dollars

13454 $600. April 29, 1936, Received Five hundred dollars of the principal applied as of 4/25/36.
Apr. 21, 1937 Received on Principal, $250.00 as of 4/25/37.
Interest paid on this note to and including the instalment of interest due April 25, 1937.

Upon the 27th. day of April, A. D. 1928, this defendant, and Christopher C Hinkle, entered into a contract in writing whereby the time for the payment of said note was extended as follows:

Christopher Hinkle agreed to procure and deposit with said mortgagee policies of fire insurance to the amount of $2000, and Tornado insurance to the amount of $2000, all in conformity with the provisions of said mortgage relating to fire insurance, and agreed to pay the principal sum remaining unpaid as follows, viz: Five hundred dollars thereof on April 25, 1930, $500 thereof on April 25, 1931, and the remaining $10,000 thereof on April 25, 1933, with the privilege, at any time after April 25, 1930, and before maturity, of paying $100, or any multiple thereof, upon said principal, provided that sixty days additional interest be paid on any and all such payments in excess of one-half of the principal sum; and agreed to pay interest on the said sum of $11,000 from April 25, 1928, until paid at the rate of five per cent per annum, payable semi-annually.

On the 16th. day of May, A. D. 1933, this defendant, and Christopher Hinkle, entered into a contract in writing whereby the time for the payment of said note was extended as follows:

Christopher Hinkle agreed to procure and deposit with said mortgagee policies of fire insurance to the amount of $2000 and Tornado insurance to the amount of $2000 all in conformity with the provisions of said mortgage relating to insurance and agreed to pay the principal sum remaining unpaid as follows, viz: Five hundred dollars thereof on April 25, 1935, $500 thereof on April 25, 1936, $500 thereof on April 25, 1937, and the remaining $8500. thereof on April 25, 1938, with the privilege, at any time of paying the whole or any part of the unpaid principal sums; and also agreed to pay interest on the said sum of $10,000 from April 25, 1933, to October 25, 1935, at the rate of five per cent per annum, and thereafter on the said sum of $10,000 from October 25, 1935, until paid at the rate of five and one-half per cent per annum, payable semi-annually.

THE COL. B. B. MFG. CO. 74930

13454

Un the 10 th. day of July, a. D. 1936, Christopher Hinkle, and this defendant, entered into a contract in writing whereby the time for the payment of said note was extended as follows:

Christopher Hinkle agreed to procure and deposit with said mortgagee policies of fire insurance to the amount of $2000, and tornado insurance to the amount of $3000, all in conformity with the provisions of said mortgage relating to insurance and agreed to pay the principal sum remaining unpaid as follows, viz: One thousand dollars thereof in four annual payments of $250 each, payable respectively on April 25, 1937, 1938, 1939 and 1940, and the remaining $8000 thereof on April 25, 1941, with the privilege, on October 25, 1938, and on interest paying dates thereafter of paying the principal in full or in part; and with the further privilege of paying not more than ten per cent of the principal in any one year before the full privilege becomes operative; and also agreed to pay interest on the said sum of $9000, or the unpaid balance thereof, from April 25, 1938, until maturity at the rate of four and one-half per cent per annum, payable semi-annually.

-2-

This defendant says that at the time of the execution and delivery of the note described in the first cause of action herein, in order to secure the payment of the same, the said Christopher Hinkle, unmarried, executed and delivered to this defendant, The Northwestern Mutual Life Insurance Company, his mortgage deed, thereby conveying to said defendant, its successors and assigns, the following described real estate.

Situated in the State of Ohio, County of Union and Township of Jackson, and part of Virginia Military Survey Nos. 10704 & 10705 bounded and described as follows, viz.: Beginning at a stone in the middle of the Huber and Hazen Gravel Road at the northeast corner of lands formerly owned by Robert Thompson, and running thence with said Thompson's line south eight degrees east two hundred fourteen poles to a stone in the north line of lands of D. M. Roberts; thence with his line north eighty-four degrees east one hundred ninety-nine poles to a stone in the westerly line of the right of way of the Erie Railroad; thence with said right of way line, north thirty-two degrees fifteen minutes east thirty-eight and four-tenths poles to a stake, corner to Thomas M. Henderson; thence with his line north eight degrees west one hundred ninety-one and five-tenths poles to a stone in the middle of said road, and thence with said road south eighty-

13454

two d
poles
acres,
Un
a. D.
Record
recorde
Su
of the
action
in co
W
gage
treal
that
of $8
and
sold
such

State

is
weste
entit
upon
which
and
the
as

Su
this

Filed
Jan. 31-1938.

The S
to Ed
H
20
within
cause
to Chris
H. H
to pro
upon
descri

13454

two degrees west two hundred twenty-eight and five-tenths poles to the place of beginning, containing three hundred acres, more or, less.

On the 15th. day of May, A. D. 1923, at 9:30 o'clock A. M. said mortgage was duly left for record at the Recorder's office in Union County, Ohio, and was duly recorded in Volume 91, Page 21, of his mortgage records.

Said mortgage was conditioned upon the payment of the promissory note set forth in the first cause of action herein, with interest thereon, and provided that in case of default said mortgage should become absolute.

Wherefore, this defendant prays that its said mortgage be found to be the first and best lien upon the real estate hereinabove described, subject only to taxes, that there be found due upon said mortgage the sum of $8760.00 with interest at 4½% from April 25, 1937, and this defendant consents that said real estate be sold subject to the lien of its said mortgage, and for such other and further relief as is proper.

The Northwestern Mutual Life Insurance Company.
Per- Hoopes & Sandys- Attorneys.

State of Ohio, Union County, ss;

C. A. Hoopes, being first duly sworn, says that he is one of the attorneys for the defendant, The Northwestern Mutual Life Insurance Company, in the above entitled cause, and that this action is founded upon written instruments for the payment of money only, which instruments are in the possession of affiant, and that the facts stated and allegations made in the foregoing answer and cross-petition are true as he verily believes.

C. A. Hoopes.

Sworn to before me and subscribed in my presence this 9th. day of August, 1937.

Ruth Hess- Notary Public.

Filed Jan. 31-1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court:

To Emma E. Butz, Administrator of the estate of Christopher Hinkle, 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 Christopher Hinkle, deceased, are Plaintiff and Albert H. Hinkle, 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 COL. P. B. MFG. CO. 74930

13454

Tract No. 1: Situated in the Township of Jackson, County of Union, and State of Ohio, to-wit:- Part of Virginia Military Survey Nos. 10704-10705, bounded and described as follows:- Beginning at a stone in the middle of the Huber and Hazen Gravel Road at the northeast corner of lands formerly owned by Robert Thompson and running thence with said Thompson's line south 8 deg. east 214 poles to a stone in the north line of lands of D. M. Roberts; thence with his line north 84 deg. east 199 poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north 32 deg. 15' east 38.4 poles to a stake, corner to Thomas M. Henderson; thence with his line north 8 deg. west 191.5 poles to a stone in the middle of said road; thence with said road south 82 deg. west 228.5 poles to the place of beginning, containing three hundred (300) acres, more or less. The above premises conveyed by Thomas M. Henderson to Christopher Hickle, by deed dated April 9, 1903, and of record in Vol. 88, Page 204, Union County Record of Deeds.

Tract No. 2: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows:- Part of Virginia Military Surveys Nos. 10196, 10197, 11099 and 13766 and the whole entire No. 10952 or Lot No. 1 of the Ohio A. & M. College Lands. Beginning at a stone in the west line of Survey No. 10704 and No. 10705 in the center of the Randall road; thence with the center of said road south 82 deg. west 198.20 poles to the west line of Survey No. 11099; thence south 8 deg. east with the west line of said survey 182.64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Dean, March 21, 1896; thence with the north line of said land north 82 deg. east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8 deg. west 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence north 8 deg. west 182.64 poles to the place of beginning, containing 226.25 acres, more or less. Also [illegible] part of Survey No. 4569, beginning at a stone northeast corner to lands of Josephine Mc Daniel and in the east line of said Survey; thence with said Survey line north 6 deg. west 96.40 poles to a stone southeast corner to Thomas Parish land; thence with the south line of said land south 83 deg. west 56.44 poles to a stone; thence south 6 deg. east 96.40 poles to a stone in the north line of said Josephine Mc Daniel's land; thence with said north line 83 deg. east 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways. The above premises conveyed by the Marion County Banks Company to Christopher Hickle by deed

13454

dated
County
Ohio
State
bounded
stone
west
Virginia
32.28
thence
10197
thence
line
stone
line
survey
thence
the
between
deg.
to a
82 d
No.
taining
in
No.
Daniel
sell
corded
County
A
and
No. 10
northe
line
to a
by A
Ohio
north
Land
north
south
the
road
north
line
9 deg.
taining
legal

13454

dated November 7, 1928, and of record in Vol. 140, Page 37, Union County Record of Deeds.

Tract No. 3: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows:- Beginning at a stone in the east line of Survey No. 10197 and the west line of Survey No. 10704 and 10705 in the Virginia Military District, said stone being north 8 deg. west 32.28 rods from the southwest corner of Survey No. 10197; thence north 8 deg. west along the Survey line between 10197 and 10704 and 10705, 49.43 rods to a stone; thence south 82 deg. west and parallel with the south line of Survey Nos. 10196 and 10197, 190.20 rods to a stone in the west line of Survey No. 10196, and east line of Survey No. 4596; thence south 8 deg. east along survey line between 10196 and 4596, 81.02 rods to a stone; thence north 82 deg. east 98.92 rods to a stone in the center of the public road located on Survey line between Survey Nos. 10196 and 10197; thence south 8 deg. west along the center of said road, 18.06 rods to a stone in the center of said road; thence north 82 deg. east parallel with the south line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land: 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas W. Davis under the name of Silas W. Davis to J. M. Russell and wife, and dated March 25, 1907, and recorded in Vol. 97, Page 303 of the Deed Records of Union County, Ohio.

Also, situated in said county, state and township and described as follows:- Part of Virginia Military Survey No. 10195 and 10197, beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey south 9 deg. 40' east 82.40 poles to a stake northeast corner of land formerly owned by Adam Quantz; thence with the north line of said land south 80 deg. 45' west 99.50 poles to a stone, northwest corner to said land in the center of the Landon Road; thence with the center of said road north 9 deg. 40' west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said survey and the center of said road, north 9 deg. 40' west 32.16 poles to a stone; thence north 80 deg. 45' east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line south 9 deg. 40' east 32.16 poles to the place of beginning, containing 71.25 acres, more or less, but subject to all legal highways.

THE COL. & E. MFG. CO. 74930

13454

The 50 acres above described conveyed by J. H. Russell and wife to Christopher Hickle by deed dated March 18, 1910, and recorded in Vol. 100, Page 396, Deed Records of Union County, Ohio. The 71.25 acres above described conveyed by James W. and Mary J. Hill, husband and wife, to Christopher Hickle, by deed dated Jan. 26, 1914, and of record in Vol. 110, Page 525, Deed Records of Union County, Ohio.

Tract No. 4: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3060 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 5: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3011 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 4051 in Crissinger's Second Addition to the City of Marion, Ohio.

Tract No. 7: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 6685 in Berry, Jones and Wilson's Addition to the City of Marion, Ohio.

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

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 24th. day of Nov. 1937.

L. W. Hazen - Probate Judge.

Seal

Affidavit.

State of Ohio, Delaware County, ss:

Emery E. Butz being duly sworn says that in obedience to the within Order of Sale, he has made diligent endeavor to sell the property set out and described in said order at private sale, and that he has been unable to sell the same, or any part thereof, and he therefore returns this Order of Sale and moves the Court to issue an order for the sale of the said real estate at public sale.

Emery E. Butz.

Sworn to and subscribed before me this 25" day of January, A. D., 1938.

Seal

A. L. Alkire - Notary Public.
Delaware County, Ohio.
My term expires July 22, 1938.

13454
Filed
Mar. 2-1938.

The S
To Eq
de
2y
Court,
a cy
estate
Albert
wanded
Public
26 th
less
lowing
J
of Un
Surve
Begin
Grant
by Ro
fline
of Ma
deg.
of wa
right
a
line
of sa
228.
(300)
Thom
April
Comm
of Oh
and
Nos.
10952
ning
No. 1
the c
to the
east
to a
Edwar
thence
east
No. 1
from

13454
Filed
Mar. 2-1938.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Emery Butz, Administrator of the estate of Christopher Hinkle, 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 Christopher Hinkle, deceased, are Plaintiff and Albert H. Hinkle, et al., are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, at North door of the Court House on the 26th. day of February 1938, at one o'clock, P. M., for not less than Two-thirds of the appraised value thereof the following described premises to-wit:

Tract No. 1; Situated in the Township of Jackson, County of Union, and State of Ohio, to-wit:- Part of Virginia Military Survey Nos. 10704-10705, bounded and described as follows:- Beginning at a stone in the middle of the Huber and Hazen Gravel Road at the northeast corner of lands formerly owned by Robert Thompson and running thence with said Thompson's line South 8 deg. east 214 poles to a stone in the north line of lands of D. M. Roberts; thence with his line north 84 deg. east 199 poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north 32 deg. 15' east 38.4 poles to a stake, corner to Thomas N. Henderson; thence with his line north 8 deg. west 191.5 poles to a stone in the middle of said road; thence with said road south 82 deg. west 228.5 poles to the place of beginning, containing three hundred (300) acres, more or less. The above premises conveyed by Thomas N. Henderson to Christopher Hinkle, by deed dated April 9, 1903, and by record in Vol. 88, Page 204, Union County Records of Deeds.

Tract No. 2; Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows:- Part of Virginia Military Survey Nos. 10196, 10197, 11099 and 13766 and the whole entry No. 10952 or Lot No. 1 of the Ohio A. & M. College Lands. Beginning at a stone in the west line of Survey No. 10704 and No. 10705 in the center of the Randall road; thence with the center of said road south 82 degrees west 198.20 poles to the west line of Survey No. 11099; thence south 8 deg. east with the west line of said survey 182.64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Neary, March 21, 1890; thence with the north line of said land north 82 deg. east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8 deg. west 80.76 poles from a stone at the southeast corner of Survey No.

THE COL. B. B. MFG. CO. 74930

13467

10197; thence north 8 deg. west 182.64 poles to the place of beginning, containing 226.25 acres, more or less.

Also, a part of survey No. 4569, beginning at a stone northeast corner to lands of Josephine McDaniel and in the east line of said Survey; thence with said Survey line north 6 deg. west 96.40 poles to a stone southeast corner to Thomas Parish land; thence with the south line of said land south 83 deg. west 56.44 poles to a stone; thence south 6 deg. east 96.40 poles to a stone in the north line of said Josephine McDaniel's land; thence with said north line 83 deg. east 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways. The above premises conveyed by the Marion County Bank Company to Christopher Hipkle by deed dated November 7, 1928, and of record in Vol. 140, Page 37, Union County Record of Deeds.

Tract No. 3: Situated in the County of Union, in the State of Ohio and in the Township of Jackson, and bounded and described as follows:- Beginning at a stone in the east line of Survey No. 10197 and the west line of Survey No. 10704 and 10705 in the Virginia Military District, said stone being north 8 deg. west 32.28 rods from the southwest corner of Survey No. 10197; thence north 8 deg west along the Survey line between 10197 and 10704 and 10705, 49.43 rods to a stone; thence south 82 deg. west and parallel with the south line of Survey Nos. 10196 and 10197, 190.20 rods to a stone in the west line of Survey No. 10196, and east line of Survey No. 4596; thence south 8 deg. east along survey line between 10196 and 4596; 31.02 rods to a stone; thence north 82 deg. east 98.92 rods to a stone in the center of the public road located on Survey line between Surveys Nos. 10196 and 10197; thence south 8 deg. west along the center of said road, 18.06 rods to a stone in the center of said road; thence north 82 deg. east parallel with the south line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land; 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas W. Davis under the name of Silas W. Davis to J. M. Russell and wife, deed dated March 25, 1907, and recorded in Vol. 97, Page 303 of the Deed Records of Union County, Ohio.

Also situated in said County, state and township and described as follows:- Part of Virginia Military Survey No. 10195 and 10197, beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey south 9 deg. 40' east 82.40 poles to a stake northeast corner of land formerly owned by Adam Swantz; thence with the north line of said land south 80 deg. 45' west 99.50 poles to a stake, northwest corner to said land in the center of Lawson Road; thence

13454

with
to a
10197;
center
stone
in th
south
conta
legal
and
1910,
Count
Jamp
Sher
110,
Mario
in E
Mario
3011
Mario
in
Mario
in
Whio.
gage
Jame
4 1/2
forth
Coun
1938.
To th
Sa
same
proce
Date

13454

with the center of said road north 9 deg. 40' west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said survey and the center of said road north 9 deg. 40' west 32.16 poles to a stone; thence north 80 deg. 45' east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line south 9 deg. 40' east 32.16 poles to the place of beginning, containing 71.25 acres, more or less, but subject to all legal highways.

The 50 acres above described conveyed by J. H. Russell and wife to Christopher Hinkle by deed dated March 18, 1910, and recorded in Vol. 100, Page 396, Deed Records of Union County, Ohio. The 71.25 acres above described conveyed by James W. and Mary J. Hill, husband and wife, to Christopher Hinkle, by deed dated Jan. 26, 1914, and of record in Vol. 110, Page 525, Deed Records of Union County, Ohio.

Tract No. 4: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3610 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 5: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3011 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 4051 in Kriesinger's Second Addition to the City of Marion, Ohio.

Tract No. 7: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 6685 in Perry, Jones and Wilson's Addition to the City of Marion, Ohio.

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

Tract No. 1 will be offered for sale subject to the mortgage thereon to the Northwestern Mutual Life Insurance Company in the sum of $8750.00, with interest at the rate of 4½% per annum from October 25th. 1937.

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 31st. day of January, A.D. 1938.

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 28th day of February, 1938.

Emery E. Butz - Administrator.

THE COL. B. B. MFG. CO. 74930

13454

Report of Sale.
(When Sold at Public Sale)

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Richwood Gazette and the Marion Star, newspapers printed and of general circulation in Union and Marion Counties, Ohio, where said real estate is situate, for at least four consecutive weeks prior to the 26th day of February 1938, 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 at Marysville, Ohio, when Albert H. Hinkle, bid to pay for Tract No. 1, the sum of Fourteen Thousand, Six 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 Albert H. Hinkle, for that sum; and Everett B. Markey, bid to pay for Tract No. 2 the sum of Ten Thousand Seven Hundred Fifty 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 Everett B. Markey, for that sum, and Roy Bogge bid to pay for Tract No. 3 the sum of Forty Five Hundred Fifty 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 Roy Bogge for that sum and Floyd Moon offered to pay the Sum of Thirty Three Hundred Thirty Four for Tract Nos. 4 and 5, which being the highest and best bid that was offered for said tracts, and being more than two-thirds of the appraised value of said premises, I then and there sold the same to the said Floyd Moon for that sum; that tracts Nos. 6 and 7 were each duly offered for sale and no bids were received for the same, and the said two tracts remain unsold for want of bidders.

Emery E. Buts.

Sworn to before me and signed in my presence this 28th. day of February, 1938.

Esq.

Gladys L. Cheney- Notary Public.
My Commission Expires April 24-1940.

Filed
Jan. 31-1938.

- Journal Entry -

In the Probate Court of Union County, Ohio.

Emery E. Buts, as Administrator of the estate of Christopher Hinkle, deceased,
Plaintiff,
- vs -
Albert H. Hinkle, et al.,
Defendants.

No. 13454.
Journal Entry.

Filed
Mar. 2-1938.

13454

and
I th
to t
and
prov
has
the
mon
the
by
the
offer
to t
here
dat
Pag
imm
and
alle
repo
Cpts
the
Jobe

13454

This day this cause came on to be heard on the return and report of the Administrator upon the order of private sale of the premises set out and described in the petition herein, to the effect that as such Administrator he has made diligent endeavor to sell the premises described in the order of private sale heretofore issued in this cause, and that he has been unable to sell the same or any part thereof, and the Court being fully advised in the premises finds that more than thirty days have elapsed since the date of the said order of private sale, which has been returned by said Administrator and the said return and report of the administrator is approved.

The Court further finds it will be to the interest of the said estate to sell said real estate at public sale.

It is therefore ordered, that Emery E. Butz, as such Administrator, proceed to advertise for sale, at the north door of the Court House in Marysville, Ohio, said real estate, for four consecutive weeks in a newspaper printed and of general circulation in Union County, Ohio, and in a newspaper of general circulation in Marion County, Ohio, and it is further ordered that said Administrator sell said premises at public auction, free from dower for not less than two-thirds of the appraised value thereof on the following terms, to-wit: Cash in hand. It is further ordered that the premises designated in the petition as Tract No. 1 be offered for sale by said Administrator subject to the mortgage to the Northwestern Mutual Life Insurance Company, as heretofore found and ordered in the entry of this Court, of date November 24th, 1937, and appearing in Journal 50, Page 93 of this Court.

Said plaintiff is ordered to make return to this Court immediately after said sale. Said Administrator is authorized to employ an Auctioneer.

L. W. Hazen - Judge.

Filed Mar. 2-1938.

Journal Entry - Confirmation of Sale, etc.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, deceased, Plaintiff,

-vs-

Albert H. Hinkle, et al., Defendants.

No. 13454.

Journal Entry.

This day this cause came on to be heard on the report of Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased, of his proceedings under the former order of this Court, and upon motion of said petitioner, to confirm the sales made in obedience to said order, the Court having carefully

THE COL. B. B. MFG. CO. 74930

13454

examined said report and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sales were fairly and legally made, it is ordered that the same be and they are hereby approved and confirmed.

It appearing to the Court that the defendant, The Northwestern Mutual Life Insurance Company has by its answer and cross-petition herein, consented that this Court authorize a sale of the premises designated in the petition as Tract No. 1, subject to the mortgage to it, the said The Northwestern Mutual Life Insurance Company, the Court finds that there is due the said The Northwestern Mutual Life Insurance Company, upon the note set forth in its answer and cross-petition, the sum of $8888.91, with interest at the rate of 4½% per annum from the date of this entry, and that to secure the payment of said note said Christopher Hinkle executed and delivered to The Northwestern Mutual Life Insurance Company, his mortgage on the premises designated in the petition and in the order of sale as Tract No. 1, and that said mortgage is a valid and subsisting, and first lien on said premises designated as Tract No. 1, and that said premises were offered for sale and sold subject to said mortgage; it is ordered that said administrator execute a deed to the purchaser, Albert H. Hinkle, of all the right, title and interest of the said estate of Christopher Hinkle, deceased, in said real estate designated as Tract No. 1, subject to said mortgage, upon said purchaser paying to the said administrator, the purchase price of said Tract No. 1, less the amount of said mortgage debt thereon to the said defendant, as hereinabove found due thereon.

It is further ordered that said petition execute deeds of all the right, title and interest of the said estate of Christopher Hinkle, deceased, in and to the following tracts of real estate, as follows:- The premises designated in the petition and order of sale as Tract No. 2 to Everett B. Markey, the purchaser thereof; the premises designated in the petition and order of sale as Tract No. 3 to Roy Boggs, the purchaser thereof; the premises designated in the petition and order of sale as Tracts Nos. 4 and 5 to Lloyd Moon, the purchaser thereof, upon the said purchasers paying respectively, to the said Administrator the amounts of the purchase price for the said respective tracts in cash.

And this cause coming on further to be heard upon the pleadings herein, and upon the motion to distribute the proceeds of the sale, amounting in all

Filed
Feb. 25-1938.

13454

to

13454

to the sum of $24,345.09, the Court finds that there is due the defendant, The Richwood Banking Company, upon the notes set forth in its answer and cross-petition from the estate of said Christopher Hinkle, deceased, the sum of $10,061.67, with interest thereon at 6% from the date of this entry; that the said Christopher Hinkle to secure the payment of said promissory notes gave two mortgages upon the premises designated in the petition as Tracts Nos. 2, 4 and 5, which mortgages are valid and subsisting liens upon said premises, and now upon the funds arising from the sale of the premises designated in the petition and order of sale as Tracts Nos. 2, 4 and 5. It is ordered that entries of release and satisfaction of said mortgage liens be entered on record in the office of the Recorders of Union and Marion Counties, according to law.

It is further ordered that said Administrator, out of the money in his hands, pay:-

First, the taxes and penalty now due and a lien on the real estate aforesaid.

Second, To The Richwood Banking Company, the sum of $10,061.67 found due to it, as aforesaid, upon said mortgage liens on said premises, with interest thereon at the rate of 6% per annum from the date hereof.

Third:- To John Starr, Auctioneer, the sum of $14.00.

It further appearing that the premises designated and described in the petition and order of sale as Tracts Nos. 6 and 7 were each duly offered for sale, pursuant to the advertisement thereof, and that no bids were received for the said two tracts of real estate, and the same remain unsold for want of bidders, it is ordered that this cause be continued.

L. W. Hazen - Judge.

Filed Feb. 25-1938.

Proof of Publication.
Administrator's 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 26th. day of February, 1938, at 1 o'clock P. M. at the north door of the Court House in Marysville, Ohio, the following described real estate, to-wit:

Tract No. 1: Situated in the Township of Jackson, County of Union, and State of Ohio, to-wit: Part of Virginia Military Survey Nos. 10704-10705, bounded and described as follows: Beginning at a stone in the middle of the Huber and Hazen Gravel Road at the northeast corner of lands formerly owned by Robert Thompson, and running thence with said Thompson's line south 8 deg. east 214 poles to a stone in the north line of lands of L. N.

THE COL. B. B. MFG. CO. 74930

13454

Roberts; thence with his line north 84 deg. east 199 poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north 32 deg. 15 minutes east 38.4 poles to a stake, corner to Thomas N. Henderson; thence with his line north 8 deg. west 191.5 poles to a stone in the middle of said road; thence with said road south 82 deg. west 228.5 poles to the place of beginning, containing three hundred (300) acres, more or less. The above premises conveyed by Thomas N. Henderson to Christopher Hinkle, by deed dated April 9, 1903, and of record in Vol. 88, Page 204, Union County Record of Deeds.

Tract No. 2: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows: Part of Virginia Military Surveys Nos. 10196, 10197, 11099 and 13766, and the whole entry No. 10952 or Lot No. 1 of the Ohio A. & M. College Lands. Beginning at a stone in the west line of Survey Nos. 10704 and No. 10705 in the center of the Randall Road; thence with the center of said road south 82 deg. west 198.20 poles to the west of Survey No. 11099; thence south 8 deg. east with the west line of said survey 182.64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Deay, March 21, 1896; thence with the north line of said land north 82 deg. east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8 deg. west 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence north 8 deg. west 182.64 poles to the place of beginning, containing 226.25 acres, more or less.

Also a part of Survey No. 4569, beginning at a stone northeast corner to lands of Josephine Mc Daniel and in the east line of said Survey; thence with said survey line north 6 deg. west 96.40 poles to a stone southeast corner to Thomas Parish land; thence with the south line of said land south 83 deg. west 56.44 poles to a stone; thence south 6 deg. east 96.40 poles to a stone in the north line of said Josephine Mc Daniel's land; thence with said north line 83 deg. east 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways. The above premises conveyed by the Marion County Bank Company to Christopher Hinkle, by deed dated November 7, 1928, and of record in Vol. 140, Page 37, Union County Record of Deeds.

Tract No. 3: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows: Beginning at a stone in the east line of Survey No. 10197 and the west line of Survey No. 10704 and 10705 in the Virginia Military District, said stone being north 8 deg. west 32.28 rods from the

13454

south
along
49.
allel
190.
and
along
stone
center
Surve
the
of
court
quin
being
No.
rod
wife
Page
desc
10195
corn
Surv
stak
thenc
minu
said
the
82.
Surv
and
32.
east
No.
east
acre
Russ
Mar
Recor
script
and
1914,
of
Mar
in

99 poles to a
the Erie
way line
. stake,
ine north
d said road;
8.65 poles
s (300) acres,
Thomas N.
April 9, 1903,
ty Record

in the State
ounded and
urveys Nos.
unty No. 10952
eginning at
d No. 10705
the center
the west of
e west line
northwest
ife to Amos
he of said
in the east
8 deg. west
er of Survey
the place

t a stone
el and in
survey line
heast corner
line of said
s; thence
he north line
said north
inning, con-
all legal
Marion County
dated Nov-
37, Union

in the State
bounded
stone in the
e of Survey
rick, said
om the

13454 south-west corner of Survey No. 10197; thence north 8 deg. west along the Survey line between 10197 and 10704 and 10705, 49.143 rods to a stone; thence south 82 deg. west and parallel with the south line of Survey Nos. 10196 and 10197, 190.20 rods to a stone in the west line of Survey No. 10196; and east line of Survey No. 4596; thence south 8 deg. east along survey line between 10196 and 4596, 31.02 rods to a stone; thence north 82 deg. east 98.92 rods to a stone in the center of the public road located on survey line between Surveys Nos. 10196 and 10197; thence south 8 deg. west along the center of said road 18.06 rods to a stone in the center of said road; thence north 82 deg. east parallel with the south line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land; 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas M. Davis under the name of Silas W. Davis to J. M. Russell and wife, deed dated March 25, 1907, and recorded in Vol. 97, Page 303, of the Deed Records of Union County, Ohio.

Also situated in said county, state and townships and described as follows: Part of Virginia Military Survey No. 10195 and 10197, beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey south 9 deg. 40 minutes east 82.40 poles to a stake northeast corner of land formerly owned by Adam Swauts; thence with the north line of said land south 80 deg. 45 minutes west 99.50 poles to a stone, northwest corner to said land in the center of Kaudon Road; thence with the center of said road north 9 deg. 40 minutes west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said survey and the center of said road north 9 deg. 40 minutes west 32.16 poles to at stone; thence north 80 deg. 45 minutes east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line south 9 deg. 40 minutes east 32.16 poles to the place of beginning, containing 71.25 acres, more or less, but subject to all legal highways.

The 50 acres above described conveyed by J. M. Russell and wife to Chriptopher Hinkle by deed dated March 18, 1910, and recorded in Vol. 100, Page 396, Deed Records of Union County, Ohio. The 71.25 acres above described conveyed by James W. and Mary J. Hill, husband and wife, to Christopher Hinkle by deed dated Jan. 26, 1914, and of record in Vol. 110, Page 525, Deed Records of Union County, Ohio.

Tract No. 4: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3010 in Eden Park Addition to the City of Marion, Ohio.

THE COL. B. B. MFG. CO. 74930

13454

Tract No. 5: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3011 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 4051 in Crissinger's Second Addition to the City of Marion, Ohio,

Tract No. 7: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 6685 in Perry, Jones & Wilson's Addition to the city of Marion, Ohio.

Said premises are appraised as follows: Tract No. 1, $18,000.00; Tract No. 2, $13,000.00; Tract No. 3, $5,000.00; Tract No. 4, $1,800.00; Tract No. 5, $3,200.00; Tract No. 6, $800.00; and Tract No. 7, $250.00, and must be sold for not less than two-thirds of said appraised values and terms of sale are cash. Said Tract No. 1 will be offered for sale subject to a mortgage thereon to the Northwestern Mutual Life Insurance Company for $8,750.00 with interest at the rate of 4½ per annum from October 25th. 1937.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased.

W. P. Maloney & Humes & McAllister, Attorneys.

Proof of Publication.

James E. Woods, Business Manager.

The Marion Star, being duly sworn, says that a printed notice, a copy of which is hereunto attached, was published for four consecutive weeks in The Marion Star, a newspaper published and of general circulation in Marion County, Ohio, immediately following the 1st. day of February, A. D. 1938.

Jas. E. Woods.

Sworn to and subscribed before me, this 23rd. day of February, A. D. 1938.

E. W. Kramer - Notary Public.

Publication $55.75 / $55.75

Filed Mar. 1 - 1938.

Administrator's 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 26th. day of February, 1938, at 1 o'clock P. M. at the north door of the Court House in Marysville, Ohio, the following described real estate, to-wit:-

Tract No. 1: Situated in the Township of Jackson, County of Union, and State of Ohio, to-wit:- Part of Virginia Military Survey Nos. 10704- 10705, bounded and described as follows:- Beginning at a stone in the middle of the Huber and Hazen Gravel Road at the northeast corner of lands formerly owned by Robert Thompson and running thence

13457

with a ... with ... west ... thence 38.4 ... with ... mid... west ... hund... conv... deed ... 204, ... of Ob... descr... 1019... 1095... ning ... and ... the ... to th... the ... the ... wife ... line ... ston... bear... the ... 8 d... 226. ... nort... the ... line ... corn... of ... Ther... nort... said ... begi... all ... Mar... deed ... Page ... I C... desc... eas...

unty of Marion,
2011 of Erie Eden

unty of Marion,
51 / Erie Erie-
Ohio,
County of Marion,
85 in Perry,
Ohio.
Tract No. 1,
000.00; Tract
800.00; and
or less than
e of sale
for sale
tern Mutual
trust at
. 1937.
inistrator
hristopher

e that a
attached,
in The
l general
diately fol-

.
23rd. day

otary Public.

nt of Union
lic auction
k P.M. at
, Ohio, the

County of
ia military
as follows:-
Huber and
lands
thence

13454

with said Thompson's line south 8 deg. east 214 poles to a stone in the north line of lands of D. N. Roberts; thence with his line 84 deg. east 199 poles to a stone in the westerly line of the right of way of the Erie Railroad Company; thence with said right of way line north 32 deg. 15' east 38.4 poles to a stake, corner to Thomas N. Henderson; thence with his line north 8 deg. west 191.5 poles to a stone in the middle of said road; thence with said road south 82 deg. west 228.5 poles to the place of beginning, containing three hundred (300) acres, more or less. The above premises conveyed by Thomas N. Henderson to Christopher Hinkle by deed dated April 9, 1903, and by record in Vol. 88, Page 204, Union County Record of Deeds.

Tract No. 2: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows:- Part of Virginia Military Survey Nos. 10196, 10197, 11099 and 13766, and the whole entry No. 10952 or Lot No. 1 of the Ohio A. & M. College Lands- Beginning at a stone in the west line of Survey No. 10764 and 10705 in the center of the Randall Road; thence with the center of said road south 82 deg. west 198.20 poles to the west line of Survey No. 11099; thence south 8 deg. east with the west line of said survey 182,64 poles to a stone at the northwest corner of land conveyed by Edward Huber and wife to Amos Deay, March 21, 1890; thence with the north line of said land north 82 deg. east 198.20 poles to a stone in the east line of Survey No. 10197, said stone bearing north 8 deg. west 80.76 poles from a stone at the southeast corner of Survey No. 10197; thence north 8 deg. west 182.64 poles to the place of beginning, containing 226.25 acres, more or less.

Also a part of Survey No. 4569, beginning at a stone northeast corner to lands of Josephine McDaniel and in the east line of said Survey; thence with said survey line north 6 deg. west 96.40 poles to a stone southeast corner to Thomas Parish land; thence with the south line of said land south 83 deg. west 56.44 poles to a stone; thence south 6 deg. east 96.40 poles to a stone in the north line of said Josephine McDaniel's land; thence with said north line 83 deg. east 56.44 poles to the place of beginning, containing 34 acres, more or less, but subject to all legal highways. The above premises conveyed by the Marion County Bank Company to Christopher Hinkle by deed dated November 7, 1928 and of record in Vol. 140, Page 37, Union County Record of Deeds.

Tract No. 3: Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and bounded and described as follows:- Beginning at a stone in the east line of Survey No. 10197 and the west line of

THE COL. B. B. MFG. CO. 74930

13454

Survey Nos. 10704 and 10705 in the Virginia Military District, said stone being north 8 deg. west 32.28 rods from the southwest corner of Survey No. 10197; thence north 8 degrees west along the Survey line between 10197 and 10704 and 10705, 49.43 rods to a stone; thence south 82 deg. west and parallel with the south line of Survey Nos. 10196 and 10197, 190.20 rods to a stone in the west line of Survey No. 10196, and east line of Survey No. 4596; thence south 8 deg. east along survey line between 10196 and 4596, 31.02 rods to a stone; thence north 82 deg. east 98.92 rods to a stone in the center of the public road located on survey line between Surveys Nos. 10196 and 10197; thence south 8 deg. west along the center of said road 18.06 rods to a stone in the center of said road, thence north 82 deg. east parallel with the south line of Survey No. 10197, 100 rods to the place of beginning, containing 50 acres of land; 19.15 acres thereof being in Survey No. 10196 and 30.85 acres being in Survey No. 10197. Being the premises conveyed by Silas W. Davis under the name of Silas W. Davis to J. H. Russell and wife deed dated March 25, 1907, and recorded in Vol. 97, Page 303, of the Deed Records of Union County, Ohio.

Also situated in said county, state and township, and described as follows:- Part of Virginia Military Survey No. 10195 and 10197, beginning at a stake at the northeast corner of Survey No. 10195; thence with the east line of said Survey south 9 deg. 40' east 82.40 poles to a stake northeast corner of land formerly owned by Adam Swartz; thence with the north line of said land south 80 deg. 45' west 99.50 poles to a stone, northwest corner to said land in the center of Landon Road; thence with the center of said road north 9 deg. 40' west 82.40 poles to a stake at the southwest corner of said Survey No. 10197; thence with the west line of said Survey and the center of said road north 9 deg. 40' west 32.16 poles to a stone; thence north 80 deg. 45' east 99.50 poles to a stone in the east line of Survey No. 10197; thence with said line south 9 deg. 40' east 32.16 poles to the place of beginning, containing 71.25 acres, more or less, but subject to all legal highways.

The 50 acres above described conveyed by J. H. Russell and wife to Christopher Hinkle by deed dated March 18, 1910 and recorded in Vol. 100, Page 396, Deed Records of Union County, Ohio. The 71.25 acres above described conveyed by James W. and Mary J. Hill, husband and wife, to Christopher Hinkle by deed dated January 26, 1914, and of record in Vol. 110, Page 525, Deed Records of Union County, Ohio.

Tract No. 4: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3010 in Eden Park Addition to the City of Marion, Ohio.

13454

[illegible]
and
Park

and
Secon

and
Jones

$18,
trac
and
than
are
ject
Russ
of 4

U. P.
Attor

Stat

oath
was
Feb.
gene

96

Distr

13464

Tract No. 5: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 3011 in Eden Park Addition to the City of Marion, Ohio.

Tract No. 6: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 4051 in Grissinger's Second Addition to the City of Marion, Ohio.

Tract No. 7: Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 6685 in Perry, Jones & Wilson's Addition to the City of Marion, Ohio.

Said premises are appraised as follows: Tract No. 1, $18,000.00; Tract No. 2, $13,000.00; Tract No. 3, $5,000.00; Tract No. 4, $1800.00; Tract No. 5, $3200.00; Tract No. 6, $800.00; and Tract No. 7, $250.00, and must be sold for not less than two-thirds of said appraised value. Terms of sale are cash. Said Tract No. 1 will be offered for sale subject to a mortgage thereon to the Northwestern Mutual Life Insurance Company for $8750.00, with interest at the rate of 4½ per cent per annum from October 25th. 1937.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, deceased.

W. P. Maloney. R. A. McAllister,
Attorneys for Administrator.

State of Ohio, Union County.

Personally appeared before me B. A. Keigley and made oath, that the notice, a copy of which is hereto attached, was published for 4 consecutive weeks on and after Feb. 3, 1938 in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

B. A. Keigley.

Sworn to before me and signed in my presence this 26th. day of February, A. D. 1938.

Ralph Fannaugh-Notary Public.

Printer's Fee $9.50

(Continued on Page 369.)

(Sale of Tracts No. 6 and No. 7.)

THE COL. B. B. MFG. CO. 74930

13491
Filed
Oct. 20-1937.
Hooper & Sanders
Attorneys.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Guyon Sanders, Administrator of the Estate of William E. Wellwood, Deceased,

Plaintiff,

-vs-

Harry Wellwood and Mae Wellwood, The Land Bank Commissioner of Louisville, Kentucky, and Draber and Sherman, Mt. Victory, Ohio, and the Mount Victory State Bank,

Defendants.

No. 13491.
Petition.

The plaintiff is the duly appointed, qualified and acting administrator of the estate of William E. Wellwood, deceased, late of this county, as near as can be ascertained the amount of the valid debts against said deceased is Twenty-five Hundred Dollars.

And the costs of administering the estate will be about Three Hundred Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Four Hundred Twelve and 43/100 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts and costs aforesaid.

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

Beginning at a stone and two beeches and an ash, N. E. corner to Survey No. 12105 and running thence with the N. line of said Survey S. 79° W. 50.30 poles to a stone in a pond; thence S. 11° E. 159 poles to a stone in a line of land formerly owned by Nathan Hemming; thence with said line N. 79° E. 51.30 poles to an Elm, Beech and Ash in the East line of said Survey; thence with said line N. 11° W. 159 poles to the place of beginning, containing Fifty (50) acres.

Also a part of said Survey No. 12105 in the same Township, County, and State as above.

Beginning at an Elm, Beech and Ash in the East line of said Survey and the S. E. corner of the above described lot running thence with the S. line of said lot S. 79° W. 53.93 poles to a stake in the E. line of land formerly owned by Rees

13491
Filed
Oct. 22-1937.

Will
in
then
com
E.
67
and
esta
at
The
delu
tick
a
and
repa
The
there
said
free
Sta
the
the
fore
this
The
Wa
(Ha
San
Dec
that
Ad
file
Cou
pra

13491

Miller; thence with said line S. 11° E. 67 poles to a stake in the N. line of land formerly owned by J. E. Bird; thence with said line N. 79° E. 53.93 poles to a stake corner to said land formerly owned by said Bird in the E. line of said Survey; thence with said line N. 11° W. 67 poles to the place of beginning. Containing 22.75 acres, and in all 72.75 acres.

Said real estate was included in the inventory of the estate, pursuant to the order of this court, and appraised at Twenty-four Hundred Dollars.

Said real estate is subject to a mortgage held by The Mk. Victory State Bank in the sum of $1200.00, and defendant, The Land Bank Commissioner of Louisville, Kentucky, in the sum of Eleven Hundred Dollars, and to a judgment lien of Fraber and Sherman.

Said decedent died leaving the no surviving spouse.

The decedent died leaving the defendant Harry Wellwood, and Mae Wellwood, his wife, who 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 the interest and liens of all parties hereto.

Hooper & Sadler-Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Guyon Sanders, being first duly sworn, says he is the plaintiff in the above entitled cause and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Guyon Sanders.

Sworn to before me and subscribed in my presence this 19th. day of October, 1937.

(Seal) William S. Hooper-Notary Public.

Filed Oct. 22-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Hardin County.

You are commanded to notify Harry Wellwood and Mae Wellwood, residing in Mk. Victory (or near thereto, Hardin County, Ohio.) In Case # 13491, Entitled Guyon Sanders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff, -vs- Harry Wellwood, et al. Defendants; that on the 20th. day of October, A. D. 1937, Guyon Sanders Administrator of the Estate of William Wellwood, 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

THE COL. B. B. MFG. CO. 74930

13491

sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying "Action for the sale of real property" Hooper and Squires - Attorneys for Plaintiff; and that unless they answer by the 30th. day of November 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 1st. day of November, 1937.

Witness my hand and the seal of said Court, this 20th. day of October, 1937.

L. W. Hazen - Probate Judge.

Sheriff's Return.

The State of Ohio, Hardin County.

Sheriff Fees		
Service + Return, first name		.75
1 Additional name, at 25¢		.25
20 miles traveled at 8¢		1.60
Docket + postage		.14
1 copy		.25
	Total	$2.99

Recived this writ October 20th, 1937, at 2 o'clock P. M., and on the 21st. day of October, 1937, I served the same by delivering a copy thereof personally to the within named Mary Wellwood. Also on the 21st. day of October 1937, I served the same, by leaving a true copy thereof with all the indorsements thereon at the usual place of residence of the within named Harry Wellwood.

Lloyd Poorman - Sheriff.
By - H. D. Radcliff - Deputy.

Filed
Oct. 20- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Gwynn Saunders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff,

-vs-

Harry Wellwood, et al., Defendants.

No. 13491.
Entry.

This day Gwynn Saunders, Adjuinistrator of the Estate of William E. Wellwood, 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 22 day of November, 1937 at 10:00 o'clock, a. m., and that summons for defendants Harry Wellwood and Mae Wellwood issue to the sheriff of this county returnable according to law.

L. W. Hazen - Probate Judge.

13491

Filed
Oct. 30- 1937.

Filed
Oct. 30-1937.

13491

Precipe.

To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Hardin County, Ohio, for the defendants, Harry Wellwood and Mae Wellwood, Mt. Victory, and make same returnable according to law. Endorse summons, "Action for the sale of real property."

Hoopes & Sanders
Attorneys for Plaintiff.

Filed
Oct. 30- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Gurney Sanders, Administrator of the Estate of William E. Wellwood, Deceased,
Plaintiff,
-vs-
Harry Wellwood, et al.,
Defendants.

No. 13491
Entry.

On motion of D. H. Mask, doing business as Ohio Lightning Rod Company, said D. H. Mask is hereby made a party defendant herein with leave to plead.

L. W. Hazen - Probate Judge.

Filed
Oct. 30-1937.

Cross-Petition of The Defendant, D. H. Mask.

In the Probate Court, Union County, Ohio.

Gurney Sanders, Administrator of the Estate of William E. Wellwood, Deceased,
Plaintiff,
-vs-
Harry Wellwood, et al.,
Defendants.

No. 13491
Cross-Petition.

Now comes D. H. Mask, an individual doing business under the name of Ohio Lightning Rod Company, and says that prior to the — day of —, 1935, one Florence Wellwood was the owner of an estate in fee simple in the real estate described in the petition; that on and prior to said date the said Florence Wellwood was indebted to this defendant upon a promissory note for the principal sum of $49.65, dated June 7, 1934 due twelve months after date, with interest at 6% per annum from maturity; that said note is past due and unpaid, and that there is now due this defendant thereon the sum of $56.83.

That on said — day of —, 1935, the said Florence Wellwood conveyed said real estate by deed of general warranty to the said William E. Wellwood; that said conveyance was entirely without consideration, and that by reason thereof the said indebtedness of the said

THE COL. P. B. MFG. CO. 74930

13491

Florence Wellwood to this defendant upon said note constitutes a lien thereon.

Wherefore, this defendant prays that upon the sale of said real estate his claim be paid out of the proceeds, and for such other relief as is proper.

Hooper & Sanders
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

C. A. Hooper, being first duly sworn, says that he is attorney for the defendant, D. H. Mast, and that the facts stated and allegations contained in the foregoing cross-petition are true as he verily believes.

C. A. Hooper.

Sworn to before me and subscribed in my presence this 29th. day of October, 1937.

Ruth Hess - Notary Public.

Filed
Nov. 15 - 1937.

Cross-Petition of The Defendant, Traber & Sherman.

In the Probate Court, Union County, Ohio.

Evynn Sanders, Administrator of the Estate of William E. Wellwood, Deceased,
Plaintiff.
-vs-
Harry Wellwood, et al.,
Defendants.

Cy. 13491.
Cross-Petition of the Defendant, Traber and Sherman.

On the 8th. day of August, 1936, Viola Traber and D. H. Sherman, partners doing business under the firm name of Traber and Sherman, in Case No. 14137 in the Court of Common Pleas of Union County, Ohio, recovered a judgment against William E. Wellwood, on a cognovit note in the sum of $287.60, with interest at the rate of 8% per annum from the 8th. day of August, 1936, and for the costs of suit. On the 8th. day of August, 1936, a certificate of judgment was issued thereon and is recorded in Volume 1, Page 32, of the Certificate of Judgment Records of Union County, Ohio.

Said judgment is in full force and is wholly unpaid and unsatisfied.

Wherefore, this defendant prays that upon the sale of said property its claim as above set forth be paid out of the proceeds, and for such other and further relief as is proper.

Hooper & Sanders.

State of Ohio, Union County, ss:

C. A. Hooper, being first duly sworn, says that he is one of the attorneys for the defendant, Traber and Sherman; that the allegations herein are within the personal knowledge of affiant.

C. A. Hooper.

13491

Filed
Nov. 15 - 1937.

aid note

the sale
ut of the
e proper.
ns
Plaintiff.

at he is
that the
foregoing
ees.

y presence

ry Public.

Ed Sherman.
Ohio.

the Defendant,
man.

raber and
n the firm
14137 in
Ohio, re-
Wellwood,
0, with
the 8th.
suit. On
of judgment
61, Page 82,
County, Ohio.
wholly

the sale of
uth be
ther and

s.

o that he
Traber
are within

13491

Sworn to before me and subscribed in my presence this 12th. day of November, 1937.

Seal

Ruth Hess - Notary Public.

Filed Nov. 15-1937.

Cross-Petition of The Defendant, The Uk. Victory State Bank.

In the Probate Court, Union County, Ohio.

Guyon Sanders, Administrator of the Estate of William E. Wellwood, Deceased,

Plaintiff,

-vs-

Harry Wellwood, et al.,

Defendants.

Cls. 13491.

Cross-Petition of The Uk. Victory State Bank.

Now comes the defendant, The Uk. Victory State Bank, and says that it is a corporation organized under the laws of Ohio, with its principal place of business in Uk. Victory, Ohio.

That on the 28th. day of September, 1937, the deceased, W. E. Wellwood, who was then an unmarried man, executed and delivered to this defendant a promissory note for the sum of Twelve Hundred ($1200.00) Dollars, due in one year after date, and bearing interest from date at the rate of 6% per annum.

That there is now due upon said note the sum of $688.86 with interest from September 28, 1937.

On the 13th. day of September, 1937, in order to secure the payment of said note said W. E. Wellwood executed and delivered to this defendant his mortgage deed, thereby conveying the real estate described in the petition hereto. Said mortgage deed was conditioned, in substance upon the payment of the note above described.

On the 5th. day of October, 1937, said mortgage deed was filed for record with the Recorder of Union County, Ohio, and is recorded in Volume III, Page 537 of the Mortgage Records of said County, and is a good and valid lien upon said real estate.

Wherefore, this defendant prays that upon the sale of said property its claim as above set forth be paid out of the proceeds, and for such other and further relief as is proper.

Hooper & Sanders.
Attorneys for Defendant.

State of Ohio, Union County, ss:

E. A. Hooper, being first duly sworn, says that he is one of the attorneys for the defendant, The Uk. Victory State Bank; that said defendant is a corporation, and that the allegations therein are within the personal knowledge of affiant.

E. A. Hooper.

THE COL. B. B. MFG. CO. 74930

13491

Sworn to before me and subscribed in my presence this 10th. day of November, 1937.

William S. Hooper - Notary Public.

Seal

Filed Nov. 24- 1937.

Entry.

In the Probate Court, Union County, Ohio.

Guynn Sanders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff,

-vs-

Harry Wellwood, et al, Defendants.

No. 13491.

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 his estate, and the cross- petition of the defendant, The Victory State Bank, The Answer and Cross- Petition of Federal Farm Mortgage, The Corporation cross- petition of the defendant, Ohio Lightning Rod Company, 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 $2400.00, 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 W. E. Wellwood, deceased, 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 $2500.00.

And it is ordered that said Guynn Sanders as such administrator sell said real estate at private sale at not less than $2400.00, being the appraised value thereof on the following terms, to-wit: Cash in hand on day of sale.

And it is further ordered that said Guynn Sanders, as such Administrator make return of sale without unnecessary delay.

L. W. Hazen - Judge.

13491

13491 Answer of The Federal Farm Mortgage Corporation, Defendant.

State of Ohio, County of Union, ss. In the Probate Court.

Gurney Sanders, Administrator of the Estate of William Ed. Wellwood, Deceased, Plaintiff,

-vs-

Harry Wellwood, et al., Defendants.

Case No. 13491.

Answer of The Federal Farm Mortgage Corporation, Defendant.

The defendant, The Federal Farm Mortgage Corporation (hereinafter called the Corporation), states that it is a Corporation organized under the Federal Farm Mortgage Corporation Act; that its place of business is in the city of Washington, D. C.; that the note and mortgage hereinafter referred to, and the debt secured thereby, stand of record in the name of the Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933; that under and by virtue of Section 32 of the Emergency Farm Mortgage Act of 1933, as amended by the Act of January 31, 1934 (12 U. S. C. 1016-J and 1020-B), the said note, mortgage and debt secured thereby, became and are the property of the Corporation; that the undersigned is authorized and empowered by the Corporation to verify pleadings in actions brought by or against it, and verifies this answer for and on behalf of the Corporation.

The Corporation is, and at all times hereinafter was, a Corporation organized and existing under that Act of Congress known as the Federal Farm Mortgage Corporation Act as amended, with power to contract and be contracted with, to sue and to be sued, and to acquire and hold real and personal property.

Defendant, The Federal Farm Mortgage Corporation, admits that it has a claim against the estate of William Earnest Wellwood, deceased, and against Florence B. Wellwood, 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.

For or about June 21, 1934, Florence B. Wellwood, unmarried, executed and delivered to this answering defendant her first mortgage promissory note, dated June 21, 1934, in the original amount of $1,100.00 with interest at the rate of five per cent per annum, both principal and interest being payable on an amortization plan in semi-annual installments.

THE COL. B. B. MFG. CO. 74930

13491

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 five per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note, except the following:

November 1, 1937 installment of principal and interest, $69.16, and all installments due and payable thereafter.

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 $737.45, with accrued interest at the rate of five per cent per annum from January 5, 1938, until paid.

In order to secure the indebtedness evidenced by said note the said Blonnie E. Wellwood, unmarried, executed and delivered to this answering defendant her first mortgage deed, dated June 21, 1934, 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 June 28, 1934, at 11:25 o'clock A. M., and was by him recorded in Mortgage Volume 104, at page 579, of the records of said County, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition.

Now or about June 15, 1936, William Earnest Wellwood became the purchaser of the premises described in said mortgage and in the plaintiff's petition, and as part of the consideration therefor, assumed and agreed to pay the mortgage herein described.

Promissory Note # 179801.

Ohio-Loan No. C 28882 Mt. Victory, Ohio.

June 21, 1934.

For value received, I promise to pay to the order of Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, at his office at 620 South Third Street, in the City of Louisville, in the State of Kentucky, the principal sum of Eleven Hundred ($1100.00) Dollars, lawful money of the United States of America, with interest on said principal sum or the unpaid balance thereof, at the rate of five per centum (5%) per annum, payable semi-annually on the first day of November and May in each year; said principal sum being payable on an amortization plan, and

13491

in
Fifty
such
emb
able
inclu
paid
pay
cipal
spec
herei
disc
and
due
pro
are
or
& c
& cau
ins
pro
this
in
to
ins
(1.
Flo
com
& A
& 2
ov
cov
the
the
the
the
there
and
& t
& for
&
&
& Stat
war

13491

in Twenty equal successive semi-annual installments of Fifty-Five and no/100 ($55.00) Dollars each, the first such installment being payable on the first day of November, 1937, and the remaining installments being payable on each succeeding interest payment date to and including the first day of May, 1947, unless this note be paid or matured at an earlier date as herein provided.

Any maker of this note shall have the privilege of paying at any time one or more installments of principal or the entire unpaid balance of said principal sum. Any principal payments in addition to those hereinbefore contracted to be made shall operate to discharge the debt evidenced hereby at an earlier date, and shall not reduce the amount or defer the due date of any installment of principal hereinbefore provided for.

If any payment, or payments, herein provided for, are not paid when due, such defaulted payment, or payments, shall bear simple interest from the date of such default until paid at the rate of five per centum (5%) per annum.

The drawers and endorsers and all parties to this instrument, severally waive presentment for payment, protest, notice of protest, notice of non-payment of this instrument, demand, and all legal diligence in enforcing collection. The right is expressly reserved to the holder to extend the time of payment of this instrument.

(1.) A mortgage of even date herewith executed by Florence E. Wellwood, unmarried, to Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, on real estate situated in the County of Union, State of Ohio.

If any default be made in any of such payments, or in case of failure to comply with any of the covenants, conditions, or agreements contained in the mortgage (s) given by the maker (s) hereof to secure the payment of this note, then at the election of the holder of this note, without presentment or demand, the principal sum thereof, and all accrued interest thereon shall at once become and be due and payable, and in the event of any such defaults, the holder of this note may foreclose upon any or all security for this note in the order which he prefers.

Any attorney-at-law may appear in any Court of Record in the State of Ohio, or in the United States, after the above obligation becomes due, and waive the issuing and serving of process, and con-

THE COL. B. B. MFG. CO. 74930

13491

fuse a judgment against the undersigned, jointly or severally in favor of the legal owner or holder hereof, for the amount then appearing due, together with costs of suit, and thereupon, release all errors, waive all right of appeal and stay of execution.

Florence R. Wellwood.

Address:
R. F. D. #2, Mt. Victory, Ohio.

Name - Florence Wellwood
Post office - R. F. D. #2, Mt. Victory
County - Union - State - Ohio
Date of Note - June 21 - 1934.
Way - Ugr.
Loan No. C 28882.
Classification - Cls. O.
Other security - None.
Amortization installments due - November 1 - and May 1.
Principal, $1100.00 - Rate 5% - Term of Loan 10 years.

Year Due 1934	No. P.	Installments Due Interest	Installments Due Principal	Payments Interest 18.64	Payments Principal	Date Paid 11-6-34	Initial AHC.	Balance 1100.00
35	1			27.50		5-3-35	C	
35	2			27.50		11-5-35	OH	
Ext.	to dt. Inspec.			8.16	391.84	4-1-36	AM	708.16
36	3			17.71		11-6-36	D	
36	4			17.71		5-11-37	D	
37	5			17.71		5-11-37	D	

Now therefore, this answering defendant prays:

(1) That there may be fixed due it the sum of $727.45 with accrued interest at the rate of five per cent per annum from January 5, 1938, until paid;

(2) 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;

(3) That said premises may be sold free of the lien of this answering defendant's mortgage in the amount of $727.45, with interest at the rate of five per cent per annum from January 5, 1938;

(4) That out of the proceeds of said sale there be paid to this answering defendant, first after court costs and taxes, the amount so found due; and for such other and further relief as may be equitable and proper and the Court can grant.

Pauzie Harper.
J. R. Williamson.
Richard C. Thall.
Attorneys for the defendant,
The Federal Farm Mortgage
Corporation.

13491

Filed Jan. 19-1938.

13491

Filed Jan. 19-1938.

jointly or
holder hereof,
with costs
waive all

llwood.

r.
28882.
- Ask. O.
ity - None.

May 1.
10 years.

ge:
sum of
five per
til paid;
be and
the premises
etition;
ree of the
in of the
rates of five
;
there by
ter court
ue; and
may be
on granted.

.
defendant,
Mortgage

13491 State of Kentucky, County of Jefferson, ss.
L. A. Skeen, being duly sworn, says that he is the Disbursing Officer of the defendant, The Federal Farm Mortgage Corporation, and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

L. A. Skeen.

Sworn to before me, a Notary Public in and for said county and state, and subscribed in my presence this 5th. day of January, 1938.

Marie R. Elliott, Notary Public in and for Jefferson County, Kentucky, My commission expires June 24 1941.

Filed Jan. 19-1938. Motion of The Federal Farm Mortgage Corp. Defendant.

State of Ohio, County of Union, ss. In the Probate Court.

Guyon Sanders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff, -vs- Harry Wellwood, et al., Defendants.

Case No. 13491.
Motion of The Federal Farm Mortgage Corp. Defendant.

Now comes the Federal Farm Mortgage Corporation by its attorneys and says that it is the owner of the note and mortgage against the premises in the petition described which was formerly owned by the Land Bank Commissioner, and that said Land Bank Commissioner has no interest in the subject matter of this action. Wherefore, this defendant moves the Court that the Federal Farm Mortgage Corporation be substituted as party defendant instead of the Land Bank Commissioner with leave to file answer instanter.

Pansie Harper.
Richard C. Kraft
Attorneys for The Federal Farm Mortgage Corporation.
Mortgage Corp. Defendant.

Filed Jan. 19-1938. Entry of The Federal Farm Mortgage Corp. Defendant.

State of Ohio, County of Union, ss. In the Probate Court.

Guyon Sanders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff, -vs- Harry Wellwood, et al., Defendants.

Case No. 13491.
Entry of The Federal Farm Mortgage Corp. Defendant.

This cause coming on to be heard on the motion of the Federal Farm Mortgage Corporation to be substituted as defendant instead of the Land Bank

THE COL. P. B. MFG. CO. 74930

13491

Commissioner; and it appearing to the Court that the Land Bank Commissioner has no present interest in the subject matter of this cause but that said Federal Farm Mortgage Corporation is the owner of the note and mortgage against the real estate described in the petition standing of record in the name of the Land Bank Commissioner.

It is therefore ordered, that the said Federal Farm Mortgage Corporation be substituted as party defendant in the place of the Land Bank Commissioner, this Court finding that said Land Bank Commissioner is not the necessary party to this action.

R. W. Hazen - Judge.

Approved:
Hoopes & Sanders - Attorney for Plaintiff.
Richard C. Thrall - Attorney for Federal Farm Mortgage Corporation.

Filed
Feb. 7-1938.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

Guyon Sanders, Administrator of the Estate of W. E. Wellwood, Deceased,

Plaintiff,

-vs-

Harry Wellwood, et al.,

Defendants.

No. 13491.
Order for Private Sale.

Filed
Feb. 7- 1938.

To Guyon Sanders, Greeting:

Whereas, on Nov. 24, 1937, in the Probate Court of Union County, Ohio, in a certain action therein pending wherein Guyon Sanders, Administrator of the Estate of W. E. Wellwood, deceased, is plaintiff, and Harry Wellwood, 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, 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:

Beginning at a stone and two beeches and an ash, N. E. corner to Survey No. 12105 and running thence with the N. line of said Survey S. 79° W. 50.30 poles to a stone in a pond; thence S. 11° E. 159 poles to a stone in a line of land formerly owned by Nathan Hemming; thence with said line N. 79° E. 51.31 poles to an Elm, Beech and Ash

13491

in the East line of said Survey; thence with said line N. 11° W. 159 poles to the place of beginning, containing fifty (50) acres.

Also a part of said Survey No. 12105 in the same Township, County, and State as above.

Beginning at an elm, buck and ash in the East line of said Survey and the S. E. corner of the above described lot running thence with the S. line of said lot S. 79° W. 53.93 poles to a stake in the E. line of land formerly owned by Reece Miller; thence with said line S. 11° E. 67 poles to a stake in the N. line of land formerly owned by J. E. Bird; thence with said line N. 79° E. 53.93 poles to a stake corner to said land formerly owned by said Bird in the E. line of said Survey; thence with said line S. 79° W. 67 poles to the place of beginning. Containing 22.75 acres, and in all 72.75 acres.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 5th. day of February, 1938.

Seal

L. W. Hoyer - Probate Judge.

Filed Feb. 7- 1938.

Bond of Administrator.

In Proceeding to Sell Real Estate.

Know all Men by these Presents; That we Guyon Sanders, Helen K. Sanders and Ruth Hess, are held and firmly bound unto the State of Ohio, in the penal sum of Twenty-five Hundred Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 5th. day of February, A.D. 1938.

The condition of the above obligation is such, That whereas, the above bound Guyon Sanders was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of W. E. Wellwood, deceased.

And whereas, the said Guyon Sanders as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said W. E. Wellwood 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 statute in such cases made and provided.

Now, if the said Guyon Sanders 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

THE COL. P. B. MFG. CO. 74930

13491 and virtue in law.

Gwynn Saunders.
Ruth Hess.
Helen K. Saunders.

This Bond approved in open Court, this 5th. day of February, 1938.

Seal

L. W. Hazen - Probate Judge.

Filed Feb. 7 - 1938.

Journal Entry - Approving Additional Bond & Ordering Private Sale.

Probate Court, Union County, Ohio.

Gwynn Saunders as Administrator of the Estate of W. E. Wellwood, Deceased,

Plaintiff,

-vs-

Harry Wellwood, et al.,

Defendants.

February 5 - 1938.
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 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 Gwynn Saunders 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 on day of sale.

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

L. W. Hazen - Probate Judge.

Filed Feb. 7 - 1938.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Gwynn Saunders, Administrator of the Estate of W. E. Wellwood, Deceased,

Plaintiff,

-vs-

Harry Wellwood, et al.,

Defendants.

No. 13491.
Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 5th. day of February, 1938, offer said property at private sale, and John C. Willauer having offered therefore the sum of $2400.00, and the same being the appraised value of said property, I sold the same to said John C. Willauer for that sum.

Gwynn Saunders.

13491 Stat
priva
and
to, o
the
be o

Filed Feb. 7 - 1938.

Gwyn
Wellw
Harr
the
Esta
ceedi
upon
it ad
full
Sta
is,
a
said
auto
purc
pay
the
isfac
Cou
doin
ente
the
hear
to d
sum

13491 State of Ohio, Union County, ss:

Gaynor Sanders, 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.

Gaynor Sanders.

Subscribed in my presence and sworn to before me this 5th. day of February, 1938.

William S. Hooper-Notary Public.

Seal

Filed Feb. 7-1938.

Entry of Confirmation.

In the Probate Court, Union County, Ohio.

Gaynor Sanders, Administrator of the Estate of William E. Wellwood, Deceased, Plaintiff, -vs- Harry Wellwood, et al, Defendants.

No. 13491.

Decree of Confirmation, Order for Deed, and Distribution of Proceeds.

This day this cause came on to be heard upon the report of Gaynor Sanders, Administrator of the Estate of William E. Wellwood, 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 William E. Wellwood, and all of the defendants in this cause, in said real estate, to the purchaser, John Q. Willauer, upon said purchaser paying the purchase price of said real estate, to-wit, the sum of $2400.00, in cash.

It is further ordered that the clerk cause satisfaction of the liens of The Federal Farm Mortgage Corporation, Mt. Victory State Bank, and D. H. Mast, doing business as Ohio Lightning Rod Company, be entered on the records thereof, in the office of the Recorder of Union County, 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 $2400.00, the court orders that the said

THE COL. B. B. MFG. CO. 74930

13491 Guyma Sanders, as Administrator as aforesaid, out of the money in his hands, pay:

First: To the treasurer of Union County, Ohio, the sum of $55.39, that being the amount of taxes due on said real estate.

Second: To L. W. Hazen, judge of the Probate Court of Union County, Ohio, the sum of $246.99, that being the amount of attorney fees to of Hooper & Sanders, $100.00, Administrator's fees, $100.00, court costs, revenue stamps, etc., $46.99.

Third: To The Federal Farm Mortgage Corporation, to apply on its lien, to-wit, the sum of $730.98.

Fourth: To The Mk. Victory State Bank, to apply on its lien, to-wit, the sum of $711.23.

Fifth: To D. H. Mast, to apply on his lien, to-wit, the sum of $56.83.

And there remaining in the hands of said Administrator the sum of $598.58, it is ordered that said Administrator account for same in his final account according to law.

L. W. Hazen.

13582 Filed Mar. 30-1928. Price & Price Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased, Plaintiff,

-vs-

Hayes N. Lilley, Alex. G. Lilley, Le. G. Lilley, Margaret Mc Dufford Eleanor B. Rogers, Jennie Smith, Della M. Kelly, William R. Thompson, Delfa Roush, and Carrie Stockwell, Defendants.

No. 13582.

Petition of Administrator to Sell Real Estate with Consent of all Persons entitled to Share in the Estate upon Distribution Under Section 10510-5 of the General Code of Ohio.

The plaintiff is the duly appointed, qualified and acting administrator of the Estate of John H. Lilley, deceased, late of this county; all the persons entitled to share in the estate upon distribution have filed herewith their consent to the sale of the real estate described herein in accordance with Section 10510-5 of the General Code of Ohio.

Said decedent died seized in fee simple of the undivided one half of the following described real estate: Situated in the Township of Washington, County of Union, State of Ohio, and further described as follows:

13582 Be
R
north
South
78½*
10⅓*
line
of
of th
Sand
G.
Mc D
Jenn
Willi
and
or
from
there
said
sold
made
with
of
Orde
stat
suc
to.
Stat
the
the
the
S
by
30

said, out

Ohio, the
ues due

te Court of
that being
ndens,
costs, revenue

tion, to
98.

apply on

heirs, to-wit,

id Admin
t said
inal account,

Ohio.

ustrator to
with
Persons
e in the
tribution
10510-5
Code of Ohio.

lified and
H. Lilley,
ons entitled
ave filed
l estate
10510-5

of the
d real
Washington,
s described

13582

Being part of Survey No. 9897 for 185 acres.

Beginning at an oak and sugar tree in the northeast patent corner of said Survey No. 9897; thence South 10½* East 154 poles to two elms; thence South 78½* West 100 poles to a white ash; thence North 10½* West 152 poles to a beech in the North patent line; thence North 78½* East 100½ poles to the place of beginning. Containing 95.60 acres.

Said real estate was included in the inventory of the estate, pursuant to the order of this court, and appraised at nineteen hundred dollars ($1900.00).

The defendants, Hayes H. Lilley, a brother; Alex. G. Lilley, a brother; Co. G. Lilley, a brother; Margaret Mc Dawson, a sister; Eleanor B. Rogers, a sister; Jennie Smith, a sister; Della M. Kelly, a sister; William R. Thompson, a nephew; Nellas Rouch, a niece and Carrie Stockwell, a niece are all of 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 in accordance with the laws in such case made and provided and especially in accordance with the terms of Section 10510-5 of the General Code of Ohio; 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.

Price & Price,
Attorneys for Plaintiff.

State of Ohio, Hardin County, ss.

Lloyd B. Kelly, being duly sworn, says that 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 believes.

Lloyd B. Kelly.

Sworn to before me, and signed in my presence by the said Lloyd B. Kelly at Kenton, Ohio, this 30 th. day of March, 1938.

Carolyn Wentz-Notary Public.
Hardin County, Ohio.
My Commission expires Sept. 2-1940.

THE COL. B. B. MFG. CO. 74930

13582
Filed
Mar. 30-1938.

Waiver & Summons and Consent to Sell.

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

Lloyd B. Kelly, Administrator
of the Estate of John H. Lilley,
Deceased,
Plaintiff,
-vs-
U. H. Lilley, et al.,
Defendants.

No. 13582.
Waiver & 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.

Alex. G. Lilley.

Filed
Mar. 30-1938.

Waiver & Summons and Consent to Sell.

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

Lloyd B. Kelly, Administrator
of the Estate of John H. Lilley,
Deceased,
Plaintiff,
-vs-
U. H. Lilley, et al.,
Defendants.

No. 13582.
Waiver & 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.

Mrs. Nella M. Kelly.
C. G. Lilley.
Mrs. Jennie G. Smith.

Filed
Mar. 30-1938.

Waiver & Summons and Consent to Sell.

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

Lloyd B. Kelly, Administrator
of the Estate of John H. Lilley,
Deceased,
Plaintiff,
-vs-
U. H. Lilley, et al.,
Defendants.

No. 13582.
Waiver & 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,

13582
Filed
Mar. 30-1938.

and
descri
the

Lloyd
of
Dece

U. H.

rs
waive
ntar
and
estat
cord

Filed
Mar. 30-1938.

The
Lloyd
of
Dece

U. H.

U
rs
waive
volu
and
est
acc

Filed
Mar. 30-1938.

The
Lloyd
of
Dece

U. H.

13582

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.

Hayes N. Lilley.

Filed Mar. 30-1938.

Waiver of Summons and Consent to Sell.

The State of Ohio, Union County, ss:

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased,

Plaintiff,

-vs-

N. H. Lilley, et al.,

Defendants.

In the Probate Court.

No. 13582.

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.

Eleanor B. Rogers.

Filed Mar. 30-1938.

Waiver of Summons and Consent to Sell.

The State of Ohio, Union County, ss:

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased,

Plaintiff,

-vs-

N. H. Lilley, et al.,

Defendants.

In the Probate Court.

No. 13582.

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.

Margaret McDonough.

Pearly Strouse - Witness.

Filed Mar. 30-1938.

Waiver of Summons and Consent to Sell.

The State of Ohio, Union County, ss:

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased,

Plaintiff,

-vs-

N. H. Lilley, et al.,

Defendants.

In the Probate Court.

No. 13582.

Waiver of Summons and Consent to Sell.

THE COL. B. B. MFG. CO. 74930

13582

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.

Carrie Stockwell.

Filed
Mar. 30-1938.

Waiver of Summons and Consent to Sell.

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

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased, Plaintiff,

-vs-

M. H. Lilley, et al., Defendants.

No. 13582
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.

William R. Thompson.

Filed
Mar. 30-1938.

Waiver of Summons and Consent to Sell.

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

Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, Deceased, Plaintiff,

-vs-

M. H. Lilley, et al., Defendants.

No. 13582.
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.

Della J. Roush.

13582
Filed
Mar. 30- 1938.

Lloyd
of J
Deca

Hayes

and
auth
ordei
Code
W
perso
tion
and
to t
part
of th
best
the
(# 19
disp

by th
H.
and
bond
comp
who
sam

best
Lloy
real
19

as
mme

13582
Filed
Mar. 30- 1938.

Entry.

In the Probate Court of Union County, Ohio.

Lloyd B. Kelly, Administrator
of the Estate of John H. Lilley,
Deceased,
Plaintiff,

-vs-

Hayes U. Lilley, et al.,
Defendants.

Vs. 13582.
Entry.

This matter came on this 30th. day of March, 1938, and was heard upon the petition of the plaintiff for authority to sell the real estate of the above decedent under authority of Section 10610-5 of the General Code of Ohio.

On consideration whereof, the court find that all persons entitled to share in the estate upon distribution have filed their written waiver of summons and entered their appearance herein and consented to the sale of the real estate described in the petition.

The court further find from the evidence that all parties are before the court and that the prayer of the petition should be granted and that the real estate described in the petition was appraised by the appraisers of the estate at nineteen hundred dollars ($1900.00) and orders that a further appraisement be dispensed with.

The court further find that the bond heretofore given by the plaintiff as administrator of the Estate of John H. Lilley in the amount of $2500.00 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 one hundred dollars ($100.00), which bond the administrator has given and the same is hereby approved.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Lloyd B. Kelly as such administrator sell said real estate at private sale at not less than $1900.00, being the appraised value thereof, for cash.

It is further ordered that said Lloyd B. Kelly as such administrator make return of sale without unnecessary delay.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 74930

13582
Filed
Mar. 30-1938.

Order of Private Sale.

The State of Ohio, Hardin County. Probate Court.
To Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, 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 John H. Lilley are Plaintiff and Hayes H. Lilley Et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Nineteen hundred Dollars, the appraised value thereof, the following described premises, to-wit:

The undivided one half of the following described real estate situated in the Township of Washington, County of Union and State of Ohio. Being a part of Survey No. 9897 for 185 acres, beginning at an oak and sugar tree in the Northeast patent corner of said survey No. 9897; thence South 10½° East 154 poles to two Elms; thence South 78½° West 100 poles to a white ash; thence North 10½° West 152 poles to a beech in the North patent line; thence North 78½° East 100½ poles to the place of beginning. Containing 95.60 acres.

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

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 30 day of March, 1938.

L. W. Hazel - Probate Judge.

Seal

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 30 day of March, 1938.

Lloyd B. Kelly - Admr.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 30 day of March, 1938, offer said property, at private sale, and James W. Smith, having offered therefor the sum of Twenty three hundred ninety Dollars ($2390.00) and the same being not less than the appraised value of said property, I sold the same to said James W. Smith for that sum.

Lloyd B. Kelly - Admr.

13582
Filed
Mar. 30- 1938.

The
privat
and
to ob
the
be o
S
this
B.
held
pend
I w
four
30
wher
duly
Unio
John
A de
Com
Esta
1938,
to
case
afor
and
the
this
full
Exec
W.
M
I

13582

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Lloyd B. Kelly, 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.

Lloyd B. Kelly.

Sworn to before me and subscribed in my presence, this 30 day of March, 1938.

L. W. Hazen - Probate Judge.
Carrie V. Hornbeck - Deputy Clerk.

Filed Mar. 30- 1938.

Bond of Administrator.
In Proceeding to Sell Real Estate.

Know all Men by these Presents; That we Lloyd B. Kelly, James W. Sinift and Metellus Sinift, are held and firmly bound unto the State of Ohio, in the penal sum of One 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 Marysville, Ohio, this 30 day of March, A. D. 1938.

The condition of the above obligation is such, That whereas, the above bound Lloyd B. Kelly was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of John H. Sifley, Deceased.

And whereas, the said Lloyd B. Kelly as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said John H. Sifley described in said petition;

And whereas said Court, on the 30 day of March, 1938, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said Lloyd B. Kelly, 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
W. B. Price.

Lloyd B. Kelly.
J. W. Sinift.
Metellus R. Sinift.

This Bond approved in open Court, this 30 day of March, 1938.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13582
Filed
Mar. 30 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

Lloyd B. Kelly, Administrator
of the Estate of John H. Lilley,
Deceased,
Plaintiff,

-vs-

Hayes N. Lilley, et al.,
Defendants.

No. 13582.
Entry.

This 30th. day of March, 1938, this cause came on and was heard on the report of Lloyd B. Kelly, Administrator of the Estate of John H. Lilley, 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 John H. Lilley in said real estate to the purchaser, James W. Swift, upon payment of the purchase price in cash.

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 three hundred ninety dollars ($2390.00), it is ordered that said administrator, out of the money in his hands, pay; first, the costs and expenses incurred in the sale of said property including an attorney fee of $ 115.60 to Price & Price, and the per centum of said administrator herein, amounting to the sum of $ 115.60. It is further ordered that the balance of said proceeds amounting to the sum of $ 2158.80 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.

L. W. Hazen - Probate Judge.

13504
Filed
Nov. 6 - 1937.
Hoopes & Sanders
Attorneys.

Le. C
of J
Dec

[illegible]
Leona
Willa
and

acti
dece
cert
said

abou

dece
at
been
inve

Comm
Unio

Whe
boun

and
We a
the
reco

N.
the
Stre
nort
thenc
No.
with
said
No.
Lot
S
of t
and

Ohio.

came on
Kelly, ad-
deceased, f
his court;
to confirm
the court
finding the
the court,
fairly and
be) and

n, execute
st of the
to the
of the

d upon the
distribute the
twenty
it is offered
his hands;
rred in
ttorney fee
centum
to the sum
balance
$ 2158.80
according
this pro-
ner pay
of the
Judge.

13504
Filed
Nov. 6- 1907.
Hoopes & Sanders
Attorneys.

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

C. A. Hoopes, Administrator
of the Estate of W. B. Clutter,
Deceased,
Plaintiff,

-vs-

James R. Clutter,
Leona Gronbaugh,
William A. Clutter,
and Mattie Clutter Harbaugh,
Defendants.

Vs. 13504.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of W. B. Clutter, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Five Hundred Dollars.

And the costs of administering the estate will be about Two Hundred Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at nothing Dollars, said appraisement not having been expected 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 of Ohio, and further described as follows:

Situated in the County of Union, in the State of Ohio, and in the Village of Magnetic Springs, and bounded and described as follows:

Being Lot No. Ninety nine (99) fronting forty-seven and one-half feet (47½) on the west side of May Street in N. D. McGood's second addition to the above named village, a plat of which is duly recorded in the office of records at Marysville, Ohio.

Also the following lot of land, beginning at the N. E. corner of lot No. 99 above described, and on the W. side of May St. thence northerly along said Street and on the West side of May St.; thence northerly along said Street forty (40) feet to a stake; thence westerly parallel with the north line of lot No. (99) One Hundred (100) feet to a stake in line with a twelve foot alley Southerly in line with said alley (40) feet to the northeast corner of lot No. 99; thence easterly with the North line of said Lot No. (99) 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 Seven Hundred Dollars.

THE COL. B. B. MFG. CO. 74930

13504

Said real estate is encumbered as follows: —
The defendants, James R. Clutter, Leona Gronbaugh, William A. Clutter, and Mattie Clutter Harlan, are all the heirs or persons entitled to the next estate & 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, 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 — 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.

Hoopes & Sanders.
Attorney for the Plaintiff.

The State of Ohio, Union County.

C. A. Hoopes, 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.

C. A. Hoopes.

Sworn to before me and signed in my presence by the said C. A. Hoopes, at Marysville, Ohio, this 6th. day of November, 1937.

Seal — William S. Hoopes.

Precipe.

To the Probate Judge:
Issue summons in this proceeding, for said Leona Gronbaugh, (Address 63 Wyant Ave., Columbus, Ohio) James R. Clutter, (Address 390 Brehl Ave. Columbus Ohio,) William A. Clutter (Address, Blacklick, Franklin County, Ohio), and Mattie Clutter Harlan (No Address required of James R. Clutter), Defendants directed to the Sheriff of Franklin County, returnable according to law.

Hoopes & Sanders.
Plaintiff's Attorney.

13504
Filed
Nov. 20-1937.

Filed
Nov. 20-1937.

13504
Filed
Nov. 20-1937.

Summons on Petition to Sell Real Estate.
The State of Ohio, Union County. Probate Court at Marysville, O.
To the Sheriff of said County: Franklin County.
You are commanded to notify (Mattie Clutter - Address will be supplied by James N. Clutter) Case #13504
C. A. Hoopes, Administrator of the Estate of W. B. Clutter, Deceased, Plaintiff, -vs- James N. Clutter, Leona Gronbaugh, William A. Clutter and Mattie Clutter, Defendants, "Petition to Sell Real Estate"; that on the Sixth day of November, A. D. 1937, C. A. Hoopes, Administrator of the Estate of W. B. Clutter deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying "Debts" to sell 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" Hoopes and Sanders, Attorneys for Plaintiff; and that unless they answer by the 11th. day of December, 1937, 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 November, 1937.
Witness my hand and the seal of said Court, this 9th. day of November, 1937.

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
5 miles traveled, at 8¢	.40
Total	$ 1.15

Received this writ November 10, 1937, at 2-45 o'clock P. M. After due and diligent search was unable to find the within named Mattie Clutter within my bailiwick.
Jacob E. Sandusky
Sheriff of Franklin County, O.
By H. L. Hyde - Deputy.

Filed
Nov. 20-1937.

Summons on Petition to Sell Real Estate.
The State of Ohio, Union County. Probate Court at Marysville, O.
To the Sheriff of said County: Franklin County.
You are commanded to notify James N. Clutter, at #390 Buehl Ave. Columbus, O. Case #13504,
C. A. Hoopes, Administrator of the Estate of W. B. Clutter, Deceased, Plaintiff, -vs- James N. Clutter, Leona Gronbaugh, William A. Clutter and Mattie Clutter, Defendants, "Petition to Sell Real Estate"; that on the Sixth

THE COL. & B. MFG. CO. 74930

13504

day of November, A. D. 1937, C. A. Hoopes, Administrator of the Estate of W. A. Clutter, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying "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" Hoopes and Sanders, Attorneys for Plaintiff; and that unless they answer by the 11th day of December, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 22 nd. day of November, 1937.

Witness my hand and the seal of said Court, this 9th. day of November, 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
5 Miles traveled at 8¢	.40
Postage	.03
Total	$ 1.18

Received this writ November 10, 1937, at 2-40 o'clock P. M., and on the 12 day of November, 1937, I served the same by leaving a true and certified copy of this writ with all the indorsements thereon at the usual place of residence of the within named James N. Clutter for & him.

Jacob E. Sandusky
Sheriff of Franklin County, O.
By E. C. Grossman - Deputy.

Filed
Nov. 20-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court at Marysville, O.
To the Sheriff of said County: Franklin County, O.

You are commanded to notify William A. Clutter, at Blacklick, Franklin County, Ohio, Case # 13504, C. A. Hoopes, Administrator of the Estate of W. A. Clutter, Deceased, Plaintiff, -vs- James N. Clutter, Rena Bronbaugh, William A. Clutter and Mattie Clutter, Defendants, "Petition to Sell Real Estate"; that on the eighth day of November, A. D. 1937, C. A. Hoopes, Administrator of the Estate of W. A. Clutter, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying "Ordered to sell

13504

said
made
relief
Attor
by t
the
the
9th.

The

Servi
— u
Posta

person

Filed
Nov. 20-1937.

The
No.
C. A.
Dece
Willi
that
Hoop
dece
said
the
an
Sale
belo
scri
said
case
furt
and
rule
1937,
an
on

13504

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," Hooper and Sanders, Attorneys for Plaintiff; and that unless they answer by the 11th. day of December 1937, 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 November, 1937.

Witness my hand and the seal of said Court, this 9th. day of November, 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¢	2.00
Postage	.03
Total	$ 2.78

Received this writ November 10, 1937, at 2-40 o'clock P. M., and on the 15 day of November, 1937, I served the same by delivering a copy thereof personally to the within named William A. Clutter.

Jacob E. Sandusky
Sheriff of Franklin County, O.
By- H. M. Shull- Deputy.

Filed Nov. 30-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court at Marysville, O.

To the Sheriff of said County; Franklin County, Ohio:

You are commanded to notify Leona Gronbaugh, at No. 63 Wyant Ave. Columbus, Ohio, Case No. 13504, C. A. Hooper, Administrator of the Estate of W. O. Clutter, Deceased, Plaintiff, -vs- James F. Clutter, Leona Gronbaugh, William A. Clutter and Mattie Clutter, Defendants; that on the sixth day of November, A. D. 1937, C. A. Hooper, Administrator of the Estate of W. O. Clutter deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others, the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying "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. Hooper and Sanders, Attorneys for Plaintiff; and that unless they answer by the 11th. day of December, 1937, 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 November, 1937.

THE COL. B. B. MFG. CO. 74930

13504

Witness my hand and the seal of said Court, this 9th. day of November, 1937.

L. W. Hazen - Judge and
Seal 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

Received this writ November 10, 1937, at 2-40 o'clock P. M., and on the 12 day of November 1937, I served the same by leaving a true and certified copy of this writ with all the endorsements thereon for the within named Leona Cronbaugh at her usual place of residence.

Jacob E. Sandusky
Sheriff of Franklin County, O.
By- Geo. Nolan - Deputy.

Filed
Jan. 13 - 1938.

Answer and Cross-Petition.

In the Probate Court for Union County.

State of Ohio.
C. A. Hoopes, Admr. of the
Estate of W. B. Clutter,
Deceased,
Plaintiff,

-vs-

James R. Clutter,
Division of Aid for the Aged,
in the Department of Public
Welfare of the State of Ohio,
et al,
Defendants.

No. 13504.
Answer and Cross Petition
of The Division of Aid
for the Aged in the
Department of Public Welfare
of the State of Ohio.

Answer

Now comes the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and denies each and every, all and singular, the allegations contained in the petition herein, not hereinafter specifically admitted to be true, for the reason that it has no knowledge of the same.

Cross Petition

By way of cross petition, the Division of Aid for the Aged, of in the Department of Public Welfare of the State of Ohio, for its cause of action says it is a proper party defendant by virtue of the following allegations:

That on or about July 9, 1934 one Mary B. Clutter applied for old age assistance to the Board of Aid for the Aged for Union County, Ohio, which board

13504

allow
aid
icate
of a
fare
in
Gener
that
trust
and
Mary
to
scri
in t
Spri
and
May
abov
in
follo
Lot
May
to Ja
line
in
with
said
which
1937
1937
Unio
afor
the
in
Gene
Co
Clut

13504

allowed said application and executed a certificate of aid and forwarded such application and such certificate, together with a report of its findings to the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio.

The Division of Aid for the Aged, aforesaid, required, in accordance with the provisions of Section 1359-6, General Code, as security for such old age assistance, that the said applicant convey her real property in trust to the Division of Aid for the Aged, aforesaid, and in accordance with said requirement, the said Mary B. Clutter did on June 14, 1935 convey in trust to the Division of Aid for the Aged, the following described real estate, situated in the County of Union, in the State of Ohio, and in the Village of Magnetic Springs and bounded and described as follows:

Being an undivided one-half interest in the following:

Being Lot No. ninety-nine (99) fronting forty-seven and one-half feet (47-1/2) on the west side of May Street in N. D. DeGoode Second Addition to the above named village a plat of which is duly recorded in the office of records at Marysville, Ohio. Also the following lot of land beginning at the N. E. corner of Lot No. 99 above described and on the west side of May St.; thence northly along said street forty (40) feet to a stake; thence westerly parallel with the north line of Lot No. 99 one hundred (100) feet to a stake in line with a twelve foot alley southerly in line with said alley forty (40) feet to the northwest corner of Lot No. 99; thence easterly with the north line of said Lot No. 99 to the place of beginning.

which conveyance in trust was filed for record July 13, 1937 at 8:30 o'clock A. M. and was recorded July 14, 1937 in Vol. 111, pp. 281-282 of the record of deeds for Union County, Ohio. The Division of Aid for the Aged, aforesaid, approved the certificate and findings of the Board of Aid for the Aged for Union County, Ohio, in accordance with the provisions of Section 1359-14, General Code.

Cross petitioner further says that the said Mary B. Clutter was paid old age assistance as follows:

Dec.	1934	for aid paid	$18.00
Jan.	1935	"	18.00
Feb.	"	"	18.00
Mar.	"	"	18.00
Apr.	"	"	18.00
May	"	"	18.00
June	"	"	18.00

THE COL. B. B. MFG. CO. 74930

13504	July	1935	for aid paid	$15.00
	Aug.	"	"	15.00
	Sept.	"	"	15.00
	Oct.	"	"	15.00
	Nov.	"	"	15.00
	Jan.	1936	"	12.00
	Feb.	"	"	12.00
	Mar.	"	"	12.00
	Apr.	"	"	12.00
	May	"	"	12.00
	June	"	"	12.00
	July	"	"	12.00
	Aug.	"	"	22.00
	Sept.	"	"	22.00
	Oct.	"	"	22.00
	Nov.	"	"	22.00
	Dec.	"	"	22.00
	Jan.	1937	"	22.00
	Feb.	"	"	22.00
	Mar.	"	"	22.00
	Apr.	"	"	22.00
	May	"	"	22.00
	June	"	"	22.00
	July	"	"	22.00
	Aug.	"	"	22.00
	Sept.	"	"	22.00
	Oct.	"	"	22.00
	Nov.	"	"	22.00
	Dec.	"	"	24.20

Total aid paid $661.00

and that the total amount of old age assistance paid to the said Mary B. Clutter is in the sum of $661.00, which amount cross petitioner claims herein.

Wherefore, cross petitioner prays that its rights herein be protected and that it be paid from the proceeds of the sale of the real estate hereinbefore described, in excess of liens prior to that of the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, the sum of $661.00 and for such other and proper relief to which it may be entitled.

Herbert S. Duffy - Attorney General
Frederic V. Crupp - Assistant Attorney General.

Verification not required, #348 G. C.

13504
Filed
Feb. 10-1938.

Filed
Feb. 10-1938.

.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
.00
4.20
1.00
tance paid
of $661.00,
herein.
rights
the pro-
one described,
sion of
Public Welfare
and for
t may be

ttorney General
ant Attorney
General.

13504
Filed
Feb. 10-1938.

Waiver.

In the Probate Court, Union County, Ohio.

C. A. Hoopes, Administrator
of the Estate of W. B. Clutter,
Deceased,
Plaintiff,
-vs-
James T. Clutter, et al.,
Defendants.

No. 13504.
Waiver.

Now come the defendants, Mattie Clutter Harlan, and Mary B. Clutter, and waive the issuing and service of summons and process, and voluntarily enter their appearance herein.

Mattie Clutter Harlan.
Mary B. Clutter.
By L. L. Boger their Attorney.

Filed
Feb. 10-1938.

Answer of Mary B. Clutter.

In the Probate Court, Union County, Ohio.

C. A. Hoopes, Administrator
of the Estate of W. B. Clutter,
Deceased,
Plaintiff,
-vs-
James T. Clutter, et al.,
Defendants.

No. 13504.
Answer of Mary B. Clutter.

Now comes Mary B. Clutter, and leave of the court first being had to be made a party defendant herein, for her answer, says:

That she is the widow of W. B. Clutter, deceased, and as such is entitled to the one-third of the net proceeds of the sale of the real estate described in the petition, after the payment of taxes, costs and debts of said estate, and this defendant hereby consents to the sale of said real estate, free from any dower or other interest of this defendant therein.

L. L. Boger.
Attorney for Mary B. Clutter.

State of Ohio, Franklin County, ss:

Mary B. Clutter, being first duly sworn, says that she is the answering defendant herein, and that the facts stated and allegations contained in the foregoing answer are true as she verily believes.

Mary B. Clutter.

Sworn to before me and subscribed in my presence this 5th. day of February, 1938.

Seal

Helen Schiller-Notary Public.
Franklin County, Ohio.
My commission expires Jan 26-1941.

THE COL. B. B. MFG. CO. 74930

13504
Filed
Apr. 1- 1938.

Entry.

In the Probate Court, Union County, Ohio.

C. A. Hoopes, Administrator
of the Estate of W. C. Clutter,
Deceased,
Plaintiff,

-vs-

James S. Clutter, et al.,
Defendants.

No. 13504.
Entry.

This day this cause came on to be heard upon the report of C. A. Hoopes, Administrator of his proceedings under the former order of this Court, and upon his motion to confirm the sale made in obedience to said order; the court, having examined said report and finding said proceedings 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. And it is ordered that the said C. A. Hoopes, as such administrator, epecute a deed of all the right, title and interest of the said W. C. Clutter in said real estate to the purchaser, James S. Clutter.

And this cause coming on further to be heard upon the pleadings herein and the motion to distribute the proceeds of the sale amounting to $700.09, the court finds that the defendant, Wilson Bailey, has a lien upon said premises for his claim in the amount of $295.00, and it is ordered that the said C. A. Hoopes distribute said purchase money as follows:

First: The costs of this action, taxed at $143.52 including an attorney fee of $50.00 to Hoopes, Sanders & Hoopes for their services, and a fee of $50.00 to C. A. Hoopes as his compensation.

Second: To Wilson Bailey the sum of $295.00 upon his claim.

Third: The balance of $261.41 to be distributed by the plaintiff as Administrator.

L. W. Hazen - Probate Judge.

(Continued on Page 380.)

11751
Filed
Dec. 5-1928.
William J. Porter,
Attorney.

11751
Filed
Dec. 5-1928.
William J. Porter,
Attorney.

Petition to Sell Real Estate.

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

Orrie F. Evans, Administrator of the Estate of D. U. Evans, Deceased,

Plaintiff,

-vs-

Mary E. Evans, widow,
Wilford D. Evans,
Wilbert H. Evans,
Ethel Hall, and
Elsie Womstaff and
Orrie F. Evans.

Defendants.

No. 11751.
Civil Action,
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of D. U. Evans, deceased late of this County, and as near as can be ascertained the amount of the valid debts against said deceased is about Five Hundred ($500.00) Dollars.

That the expenses of the last illness and funeral will amount to about Five Hundred ($500.00) Dollars.

An allowance of —— 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 twenty-five ($125.00) Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at One hundred ($100.00) 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 undivided one-half interest in the following described real estate situated in the County of Union, State of Ohio, County of Union and Township of Jerusalem, being part of Survey No. 3692, and bounded and described as follows:

Beginning at a stone in the center of the Gravel Road and southwest corner of S. Mulvaih's 25 acre tract of land and northwest corner of L. Carey's land; thence running with the West line of said L. Carey's land, S. 12° W. 108.40 poles to a stone; thence with another line of L. Carey's N. 78° W. 28.80 poles to a stone; thence N. 3° 15' E. 115.52 poles to a stone in the center of said Gravel Road; thence with the center of said road S. 83° E. 42.50 poles to the beginning. Containing 27.40 acre.

THE COL. B. B. MFG. CO. 74930

11751

As surveyed by J. C. Kennedy, Deputy Surveyor of Union County, Ohio, and recorded in Surveyor's Record Vol. 5, page 171, Union County, Ohio.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised, at Sixteen hundred ($1600.00) Dollars, for the entire track.

Said real estate is encumbered as follows:

A balance of five hundred ($500.00) Dollars on a certain mortgage originally for $3000.00 given by Elmer E. Drumm and Mary Alice Drumm to Rolly H. Doyle, dated October 1st 1921 and recorded in Union County Mortgage Record No. 89 page 201, which said note for $500.00 is now held by The First National Bank of Richwood, Ohio. Said note was assigned by said Rolly H. Doyle, and by him assigned to Sattie Baker, and by her assigned to The First National Bank of Richwood, Ohio. Said note was assumed by the said T. H. Evans and Mary E. Evans in the conveyance to them from said Elmer E. Drumm and Mary A. Drumm dated Oct. 1, 1923, Refer to Deed Record No. 128, page 379.

The decedent died leaving Mary E. Evans, as his surviving spouse who is entitled to dower in said premises.

The defendants, Wilbert H. Evans, Wilford D. Evans, Elsie Wokustaff, Elsie Hall and Orrie T. Evans, 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 defendant Orrie T. Evans, being the son of W. T. Evans deceased, who was a son of the said T. H. Evans and who died August - 1922, leaving the said Orrie T. Evans as his sole heir at law.

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, and that the value of the dower of said Mary E. Evans be paid to her out of the proceeds of sale of 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.

William J. Porter,
Attorney for the Plaintiff.

Filed
Dec. 5-1928.

11751

The

pla
fac
gov

the
5 th

Filed
Dec. 5-1928.

11751

The State of Ohio, Union County.

Arrie T. Evans, 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.

Arrie T. Evans.

Sworn to before me and signed in my presence by the said Arrie T. Evans, at Marysville, Ohio, this 5th. day of December, 1928.

Wm. William J. Porter-Notary Public.

Filed Dec. 5-1928.

Journal Entry - Filing Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Arrie T. Evans, Administrator of the Estate of D. U. Evans, Deceased,

Plaintiff,

Against

Mary E. Evans, Wilford D. Evans, and others,

Defendants.

December 5th. 1928.
Case No. 11751.
Journal Entry.
Filing Petition to Sell Real Estate.

This day came the plaintiff Arrie T. Evans, administrator of the estate of D. U. Evans, deceased, and presented to this Court his petition, duly verified, praying an order for the sale of real estate of the said D. U. Evans, deceased, to pay the debts, and the costs of administering the estate, of the said decedent.

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

W. H. Husted-Probate Judge.

Filed Dec. 5-1928.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Arrie T. Evans, Administrator of the Estate of Isaac U. Evans, Deceased,

Plaintiff,

-vs-

Mary E. Evans, et al.,

Defendants.

No. 11751
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

We the undersigned parties Defendants to the Petition in the above entitled action, do each of us hereby waive the issuing and service of

THE COL. B. B. MFG. CO. 74930

11751

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. December 5" 1928.

Mary E. Evans.
Wilford D. Evans.
Wilbert H. Evans.
Ethel Hall.
Elsie Womstaff.

Filed
Dec. 5- 1928.

Answer of Widow.

In the Probate Court of Union County, Ohio.

Orrie R. Evans, Administrator of the Estate of D. N. Evans, Deceased,

Plaintiff,

-vs-

Mary E. Evans, et al.,

Defendants.

No. 11751.
Answer of Widow.
Proceedings to Sell Real Estate.

And now comes Mary E. Evans one of the defendants in the above entitled cause, and voluntarily enters her appearance herein, and for her answer to the petition in this case filed, says: that she is the widow of said D. N. Evans, deceased, and as such is entitled to dower in the premises described in said petition; that her age is 70 years; that she consents to the sale of the real estate of said decedent, as prayed for, and that she waives the assignment of her dower in said premises by metes and bounds, or in rents and profits; and asks the court that said premises may be sold free from her dower estate therein and that the value of such dower estate may be allowed and paid her in money out of the proceeds of such sale, as the Court may deem reasonable.

Mary E. Evans.

The State of Ohio, Union County, ss:

Mary E. Evans, being duly sworn, makes oath that the facts stated in the foregoing answer are as she believes, true.

Mary E. Evans.

Sworn to by said Mary E. Evans before me, and signed by her in my presence, this 5th. day of December, 1928.

W. H. Hosfeld- Probate Judge.

Filed
Dec. 21-1928.

11751
Filed
Dec. 21-1928.

11751
Filed
Dec. 21-1928.

Journal Entry - Finding Sale Necessary and Ordering Appraisement.
Probate Court, Union County, Ohio.

Orrie M. Evans, as Administrator
of the Estate of D. U. Evans,
Plaintiff,
-vs-
Mary E. Evans, et al.,
Defendants.

December 5th. 1928.
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 Mary E. Evans, surviving spouse of said D. U. Evans, deceased, is entitled to dower and to homestead rights in the real estate described in the petition; that said Mary E. Evans by her answer herein asks that the just and reasonable value of her dower in said real estate be fixed by the Court and paid to her out of the proceeds; and consents to the sale of said premises as prayed for; 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 Frank Mulvaine, Orlando Wilcox, and Perry Wood, three judicious and disinterested persons of the vicinity, not kept 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 Mary E. Evans 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 21st. day of December, 1928.

W. H. Husted - Probate Judge.

Filed
Dec. 21-1928.

Order of Appraisement.
The State of Ohio, Union County. Probate Court.
To Orrie M. Evans, Administrator of the estate of
D. U. Evans, 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 said Administrator, are Plaintiff and Mary E. Evans, et al, are Defendants, you are commanded that by the

THE COL. B. B. MFG. CO. 74930

11751

oaths of Frank Mulvain, Orlando Wilcox and Perry Wood, 3 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 situate in the State of Ohio, County of Union and Township of Leesburg, being part of Survey No. 3692, and bounded and described as follows:

Beginning at a stone in the center of the Gravel Road and southwest corner of S. Mulvain's 25 acre tract of land and northwest corner of L. Carey's land; thence running with the west line of said L. Carey's land S. 12° W. 108.40 poles to a stone; thence with another line of L. Carey's N. 78° W. 28.80 poles to a stone; thence N. 3° 15' E. 115.52 poles to a stone in the center of said Gravel Road; thence with the center of said road S. 83° E. 42.00 poles to the beginning.

Containing 27.40 acres.

As surveyed by J. E. Kennedy, Deputy Surveyor of Union County, Ohio, and reported in Surveyor's Record Vol. 5, page 171, Union County, Ohio.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 6th. day of December, A. D. 1928.

Seal — W. H. Husted - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 21st. day of December, 1928.

Orrie M. Evans.

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.

Frank Mulvaine
Orlando Wilcox } Appraisers.
Perry Wood

Sworn to before me and signed in my presence, this 21st. day of December, 1928.

Seal — William J. Porter - Notary Public.

11751

Filed Feb. 23-1929.

11751

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 Sixteen Hundred ($1600.00) Dollars.

Given under our hands, this 21st. day of December, 1928.

Frank M. Mulvaine,
Orlando Wilcox. } Appraisers.
Perry Wood.

Appraisers' fees $6.00.

Filed Feb. 23-1929.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Orrie V. Evans, Administrator,
Estate of T. M. Evans, Deceased,
Plaintiff,
-vs-
Mary E. Evans, et al.,
Defendants.

No. 11751.
Application.

The said Plaintiff represents that it would be for the best interests of the said estate of T. M. Evans, deceased, to sell the real estate described in the petition in this case at private sale, for the following reasons;

1. The interest of the decedent and interest of all the other parties can be sold and conveyed together.

2. The said real estate can be sold at private sale for cash in full on confirmation of sale.

3. To sell at private sale will save the expense of offering said real estate for sale at public auction.

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

Orrie V. Evans Administrator
of Estate of T. M. Evans,
Deceased.

The State of Ohio, Union County.

Orrie V. Evans, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

Orrie V. Evans.

Sworn to before me and signed in my presence this 23" day of February, A. D. 1929.

Ed
William J. Porter - Notary Public.

THE COL. B. B. MFG. CO. 74930

11751

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. S. Hagay, W. H. Evans and George Schlegel, 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 D. N. Evans, deceased, to sell said real estate at private sale than at public sale. as they verily believe.

J. S. Hagay.

W. H. Evans.

George Schlegel.

Sworn to before me and signed in my presence this 23" day of February 1929.

William J. Porter - Notary Public.

Filed Feb. 23 - 1929.

Journal Entry - Orders Approving Appraisement, for Private Sale, etc.

Probate Court, Union County, Ohio.

Orrie N. Evans, Administrator of the estate of D. N. Evans, Deceased,

Plaintiff,

-vs-

Mary E. Evans, et al.,

Defendants.

February 23" - 1929.

Petition to Sell Real Estate.

Order of Sale, etc.

This day came the said Plaintiff, by his attorney, and produced to the Court, the report of an —— appraisement herein made by Frank Mulvaine - Orlando Wilcox and Perry Wood 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 appearing to the Court that the amount of the original bond is $4000.00 and is sufficient to cover double the total real and personal assets, it is hereby ordered that the giving of an additional bond be and hereby is dispensed with.

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 Orrie N. Evans as such Administrator proceed to sell said real estate, free from dower estate, at private sale for not less than — the appraised value thereof, on the following terms, to-wit, one-third cash in hand on day of sale, one-third in one year and

11761

Filed Mar. 12-1930.

11761 one-third in two years from the day of sale; deferred payments to be secured by mortgage on the premises sold and to bear interest from the day of sale, payable annually. And said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued.

W. H. Husted- Probate Judge.

Filed Mar. 12-1930.

Order of Sale Free from Dower.

The State of Ohio, Union County. Probate Court.

To Orrie M. Evans, Administrator of the estate of D. U. Evans, 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 D. U. Evans, deceased, are Plaintiff and Mary E. Evans and others et al. are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof free from the dower of said Mary E. Evans, widow of D. U. Evans, deceased, the following described premises to-wit:

Real estate situate in the State of Ohio, County of Union and Township of Jerome, being part of Survey No. 3692, and bounded and described as follows:

Beginning at a stone in the center of the Gravel Road and southwest corner of S. Mulvaney's 25 acre tract of land and northwest corner of L. Carey's land; thence running with the West line of said L. Carey's land, S. 12° W. 108.40 poles to a stone; thence with another line of L. Carey's N. 78° W. 28.80 poles to a stone; thence N. 3° 15' E. 115.52 poles to a stone in the center of said Gravel Road; thence with the center of said road S. 83° E. 42.50 poles to the beginning.

Containing 27.40 acres.

As surveyed by J. C. Kennedy, Deputy Surveyor of Union County, Ohio, and recorded in Surveyor's Record Vol. 5, page 171, Union County, Ohio.

Said sale to be upon the following terms:

Cash in hand on day of sale.

The deferred payments to be secured by mortgage on the premises and to bear interest from the day of sale, payable annually.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 28th. day of February, A. D. 1929.

Seal

W. H. Husted- Probate Judge.

THE COL. B. B. MFG. CO. 74930

11751

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 12th. day of March, 1930.

Arrie R. Evans- Administrator.

Report of Sale - Private.

In obedience to the within order, I sold said premises on the 12th. day of March, 1930, to Arthur Jolliff for the sum of Twelve Hundred ($1200.00) Dollars, said sum being the appraised value of the same.

Dated the 12th. day of March, 1930.

Arrie R. Evans.

The State of Ohio, Union County.

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

Arrie R. Evans.

Sworn to before me and signed in my presence, this 12th. day of March, 1930.

Seal

William J. Porter-Notary Public.

Filed Mar. 12-1930.

Journal Entry - Orders of Confirmation, Distribution, etc.

Probate Court, Union County, Ohio.

Arrie R. Evans, Administrator of the estate of D. M. Evans, Deceased,

Plaintiff,

-vs-

Mary E. Evans, et al.,

Defendants.

March 12th. 1930.
Petition to Sell Real Estate,
Orders of Confirmation,
Distribution, etc.

This day this cause came on to be heard on the report of Arrie R. Evans, Administrator of D. M. Evans, 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 D. M. Evans, deceased, in said real estate, to the purchaser Arthur Jolliff, upon the said

11751

purc
sold
mone
be
noti
ing
and
here
prem
prop
all
sale
of h
same
find
Rich
petit
sum
there
Dry
note
Bal
Ba
to
mort
who
sa
hav
sa
of
be
I ca
out
1.
bein
se
cur
att
au
au
of
of
10
not
here
to

11761

purchaser executing to said — 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 Twelve Hundred ($1200.00) Dollars, and the said Mary E. Evans, widow having by answer herein waived the assignment of dower in said premises by metes and bounds, or in rents and profits, and asked that the value of such dower be allowed and paid her out of the proceeds of the said sale; the Court finds the just and reasonable value of her dower interest in said real estate to be the sum of Thirteen and 99/100 ($13.99) Dollars. The Court finds that there is due The First National Bank of Richwood, Ohio, upon the note set forth in the petition, from the estate of said L. M. Evans, the sum of Five Hundred ($500.00) Dollars, with interest thereon from the date of this entry; that Elmer E. Drumm and Mary Alice Drumm, executed said note to Rolly H. Doyle, who assigned same to Sattie Baker, who assigned same to The First National Bank, and same was assumed by decedent, and 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 of record in the office of the Recorder of Union County, Ohio, according to law, or to be cancelled by said Rolly H. Doyle.

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 $45.53, 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 $25.00 to William J. Porter, Attorney, and $66.00 of the percentums of said Administrator and court costs herein, amounting to the sum of $29.80. Third:— To Mary E. Evans widow, the sum of $13.99, which the Court finds to be the value of her dower interest in said premises. Fourth:— To First National Bank, Richwood, Ohio, on the note set forth and described in the petition herein, the sum of $500.00, which the Court finds to be the amount due them. Fifth:— the total

THE COL. B. B. MFG. CO. 74930

11751

sum of $ 51.04 interest due on said note.

It is further ordered that the balance of said proceeds, amounting to the sum of $ 620.21, 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 $ 29.80 out of the proceeds of said sale within ten days.

W. H. Husted - Probate Judge.

13424
Filed
July 22-1937.
Clifton L. Caryl,
Attorney.

Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Cecil Brake, Administratrix of the Estate of Ella Miller, Deceased,

Plaintiff,

-vs-

Homer Lowrey, Carroll Lowrey, a minor, Janet Lowrey, a minor, Mary Speeley Miller, and The Land Bank Commissioners of Louisville, Kentucky,

Defendants.

Case No. 13424.
Petition for Sale of Real Estate to Pay Debts.

The Plaintiff says that she is the duly appointed, qualified and acting Administratrix of the Estate of Ella Miller, deceased, late of Union Township, Union County, Ohio, having been appointed by the Probate Court of said county; and as near as can be ascertained, the amount of debts against said decedent is $ 1900.00. Plaintiff further says that the costs of administration of said estate will be approximately $ 235.00. Plaintiff further says that said decedent died possessed of no personal property; and the whole tract of the real estate was appraised at twenty-three hundred dollars.

Said decedent died seized in fee simple of the following described real estate, situated in the County of Union, Township of Union, and State of Ohio, and further described as follows:

Being the undivided one-half interest thereof.

Being in Virginia Military Survey 5776.

Beginning at a stone at the southwest corner to the lands of Charles H. and Bertha Grannan and in the westerly line to the said Survey No. 5776; thence with the westerly line to said Survey No. 5776 S. 33 degrees 30" E. 248 poles to a stone in the said Survey Line at the southeast corner to the lands of Jos. H. Davis and in the northerly line to the lands of Lester H. Holycross; thence with the northerly

13424

line
poles
degre
Wilf
with
to
to
said
sout
W.

The
by
the
four
sum
mort

Tran
dece
and
was
sure
P. 2
This
are-
subj
of
who
both
cond

pers
real
long
that
esta
pay
said
all
the
be
your
all
in

13424

line to the said Holycross land N. 58 degrees E. 96 poles to a stake in the said line; thence N. 54 degrees W. 119 poles to an iron pin in the center of the Milford Center and Amrine Mill Gravel Road; thence with the center of said road N. 49 degrees E. 20 feet to an iron pin; thence N. 33 degrees 30' W. 140 poles to a stake in the southerly line to the lands of the said Charles H. and Bertha Grauman; thence with the southerly line of the said Grauman land S. 58 degrees W. 52½ poles to the place of beginning.

Containing 96 acres, more or less.

Said real estate is encumbered as follows: The Land Bank Commissioner of Louisville, Kentucky, by a certain mortgage which is now of record in the County Recorder's Office in Union County, Ohio, and found in Volume 105, page 471, and in the principal sum of $2200.00, together with interest thereon. Said mortgage is dated September 24, 1934.

Plaintiff further says that the decedent died leaving Frank P. Miller as her surviving spouse, who became deceased on the twenty-ninth day of March, 1937, and that no assignment of dower of the decedent's estate was ever assigned to the said Frank P. Miller, her surviving spouse who is now deceased, and that Frank P. Miller, who is now deceased, was the owner during his lifetime, in fee simple, of the other undivided one-half interest in the above described real estate, subject to the same liens and encumbrances as that of the decedent, Ella Miller.

Plaintiff further says that the defendants Homer Lowry, who is the father of Carroll Lowry and Janet Lowry, both minor defendants, and Mary Speeley Miller, claim some interest in the above described premises.

Plaintiff further says that there are no other persons who have or claim any interest in said real estate. Plaintiff further says that there was no personal property of any description whatsoever belonging to decedent at the time of her death, and that it is necessary that the entire tract of real estate above described be sold for the purpose of paying debts.

Wherefore, plaintiff prays that the entire tract of said real estate above described be sold free from all rights of dower of any of the parties hereto; 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 all of said real estate according to the statutes in such case made and provided, and for such

THE COL. P. B. MFG. CO. 74930

13424 other and further relief as she may be entitled.

Clifton L. Caryl.
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Ercil Brake, 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 freely believes.

Ercil Brake.

Oath.

Sworn to and subscribed in my presence by the said Ercil Brake at Marysville, Ohio, on this seventeenth day of July, 1937.

Clifton L. Caryl - Notary Public.
Union County, Ohio.

Filed July 26-1937.

Precipe.

Probate Court, Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff, -vs- Homer Lowrey, et al., Defendants.

Case No. 13424.
Precipe.

To the Clerk:

Issue summons to the Sheriff of Union County to be served upon the defendants Homer Lowrey, Carroll Lowrey, and Jault Lowrey. Indorse summons "Action for sale of real estate to pay debts" and make same returnable according to law.

Clifton L. Caryl.
Attorney for Plaintiff.

Filed July 28-1937.

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 Homer Lowrey, Carroll Lowrey and Jault Lowrey; making service of this summons upon such minor as is over fourteen years of age, and also upon the guardian, father, mother or custodian of said minors, in the order named; that on the 22nd day of July, A.D. 1937, Ercil Brake, Administratrix of the Estate of Ella Miller, 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 21st. day of Aug. 1937, said petition will be taken as true &

Filed July 26-1937.

Filed Aug. 3-1937.

13424

and an order granted accordingly.
Said Sheriff will make due return of this summons on the 2nd. day of Aug. 1937.
Witness my Hand and the seal of said Court, this 26th. day of July, 1937.

Seal

L. W. Hazen - Judge & Ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff's Fees	
Service & Return, first name	.75
— Additional names, at 25¢	.50
10 miles traveled at 8¢	.80
Total	$2.05

Received this writ July 27th. 1937, 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 who are over fourteen years of age, viz: On July 27th. 1937, on Carroll Lowry, a minor and Janet Lowry a minor and the defendant, Homer Lowry. On July 27th. 1937, on Homer Lowry the father of the said Carroll Lowry and Janet Lowry, minors.

H. S. Roosa - Sheriff.
By- E. Wood - Deputy.

Filed July 26-1937.

Precipe.

Probate Court, Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff,

-vs-

Homer Lowry, et al., Defendants.

Case No. 13424.
Precipe.

To the Clerk:

Issue summons to the Sheriff of Champaign County, to be served upon the defendant, Mary Shepley Miller of near Cable, Ohio. In above summons "Action for sale of real estate to pay debts" and make same returnable according to law.

Clifton L. Caryl.
Attorney for Plaintiff.

Filed Aug. 3-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County; Champaign County, Ohio.

You are commanded to notify Mary Shuley Miller of near Cable, Ohio. In Case # 13424 - Precipe, Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff, vs. Homer Lowry, et al., Defendants, that on the 22nd. day of July, A.D. 1937, Ercil Brake, Administratrix of the Estate of Ella Miller, deceased,

THE COL. B. B. MFG. CO. 74930

13424

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 deadent, in said petition described; for the purpose of paying debts; and that unless they answer by the 21st. day of August, 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 2nd. day of August, 1937.

Witness my hand and the seal of said Court, this 26th day of July, 1937.

L. W. Hazen - Judge and Ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Champaign County.

Sheriff Fees	
Service & Return, first name,	.75
2 Miles traveled at 8¢	.16
Postage	.03
Total	$ .94

Received this writ July 27th. 1937, at 2 o'clock P. M., and on the 31st. day of July, 1937, I served the same by delivering a copy thereof personally to the within named Mary Sheeley Miller.

Jay H. McKeever - Sheriff.
By Harry Hess - Deputy.

Filed
Sept. 21- 1937.

Motion.

In the Probate Court of Union County, Ohio.

Case No. 13424.
Motion.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased,
Plaintiff,

-vs-

Homer Lowery, et al.,
Defendants.

Now comes the Federal Farm Mortgage Corporation, by its attorneys, and moves the Court that it may be substituted as party defendant in the above entitled action instead of the Land Bank Commissioner for the reason that all mortgages taken by said Land Bank Commissioner, and credit instruments secured thereby, have been transferred to said Federal Farm Mortgage Corporation by the provisions of an act of Congress, as shown in the United States Code Annotated, Title 12, Section 1020B.

Pauzee Harper.
J. N. Williamson.
Richard C. Thrall
Attorneys for Federal Farm Mortgage Corporation.

13424
Filed
Sept. 21-1937.

Ercil
Estat

Homer

the
subst
Comm
prem
and
is
to
app
Atto

Filed
Sept. 21- 1937.

Stat
Ercil
Estate

Homer

inafte
porat
pora
city
hereu
stat
unkn
that
gene
the
1020
there
that
the
on
on

was,
that
Mort

id Union
bject and
der for the
id deceased,
paying
21st day
as true,

this writ

Court, this

e and Ex-officio
Court of said County.

rit July 27th.
clock P. M.,
31st. day of
served the
ering a
dary Sheeley
- Sheriff.
Deputy.
y, Ohio.

ration, by
it may be
entitled
ner for
Land Bank
thereby, have
Corporation
hereof is
ection 1020B.

ell
deral Farm
ration-

13424
Filed
Sept. 21-1937.

Entry.

In the Probate Court of Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff.

-vs-

Homer Lowry, et al., Defendants.

Case No. 13424.
Entry.

This cause coming on to be heard on the motion of the Federal Farm Mortgage Corporation that it be substituted as party defendant instead of the Land Bank Commissioner, and the Court being fully advised in the premises, it is ordered that said motion be granted and such substitution of parties be made, and leave is hereby given to said Federal Farm Mortgage Corporation to file its answer instanter.

L. W. Hazen - Judge.

Approved:

Attorney for Plaintiff.

Filed
Sept. 21- 1937.

Answer of The Federal Farm Mortgage Corporation, Defendant.

State of Ohio, County of Union, ss: In the Probate Court.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff.

-vs-

Homer Lowry, et al., Defendants.

Case No. 13424.
Answer of The Federal Farm Mortgage Corporation, Defendant.

The defendant, The Federal Farm Mortgage Corporation (hereinafter called the Corporation), states that it is a corporation organized under the Federal Farm Mortgage Corporation Act; that its place of business is in the city of Washington, D. C., that the note and mortgage hereinafter referred to, and the debt secured thereby, stand of record in the name of the Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933; that under and by virtue of Section 32 of the Emergency Farm Mortgage Act of 1933, as amended by the Act of January 31, 1934 (12 U. S. C. 1016-D and 1020-B), the said note, mortgage and debt secured thereby, became and are the property of the Corporation; that the undersigned is authorized and empowered by the Corporation to verify pleadings in actions brought by or against it, and verifies this answer for and on behalf of the Corporation.

The Corporation is, and at all times hereinafter was, a Corporation organized and existing under that Act of Congress known as the Federal Farm Mortgage Corporation Act as amended, with power to

THE COL. B. B. MFG. CO. 74930

13424

contract and be contracted with, to sue and to be sued, and to acquire and hold real and personal property.

Defendant, The Federal Farm Mortgage Corporation, admits that it has a claim against the estates of Frank P. Miller and Ella Miller, deceased, 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 September 24, 1934, Frank P. Miller and Ella Miller, husband and wife, executed and delivered to this answering defendant their first mortgage promissory note, dated September 24, 1934, in the original amount of $2,200.00 with interest at the rate of five per cent per annum, both principal and interest being payable on an amortization plan in semi-annual installments.

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 five per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note, except the following:

Interest installment due May 1, 1937, $55.00, and all installments due and payable thereafter.

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 $2,287.76 with accrued interest at the rate of five per cent per annum from September 15, 1937, until paid.

In order to secure the indebtedness evidenced by said note the said Frank P. Miller and Ella Miller, husband and wife, executed and delivered to this answering defendant their first mortgage deed, dated September 24, 1934, 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 1, 1934 at 4:15 o'clock P. M., and was by him recorded in Mortgage Volume 105, at Page 471 of the records of said County, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition.

13424

to be sued,
roperty.
tion, / admits
Frank P.
rust in the
the nature
lomation de-
in the plain-

Miller and
delivered to
romissory note,
ount of
er cent per
payable on
dlments.
endorsed
herein by
all over-
t the rate

ade in
ept the

5.00, and
er.
e upon said
y of said

is now due
87.76 with
t per annum

used by said
ller, husband
nswering
September
nswering
d mortgage
ortgage
order of
ber 1, 1934
recorded
of the records
and best
and in

13424

Promissory Note

191796 - O.K. R.H.P.

Ohio
Loan No. C 42076

Milford Center, Ohio.
September 24, 1934.

For value received we promise to pay to the order of Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, at his office at 620 South Third Street, in the City of Louisville, in the State of Kentucky, the principal sum of Twenty Two Hundred ($2200.00) Dollars lawful money of the United States of America, with interest on said principal sum or the unpaid balance thereof, at the rate of five per centum (5%) per annum, payable semi-annually on the first day of November and May in each year; said principal sum being payable on an amortization plan, and in twenty equal successive semi-annual installments of One Hundred Ten and no/100 ($110.00) Dollars each, the first such installment being payable on the first day of November, 1937, and the remaining installments being payable on each succeeding interest payment date to and including the first day of May, 1947, unless this note be paid or matured at an earlier date as herein provided.

Any maker of this note shall have the privilege of paying at any time one or more installments of principal or the entire unpaid balance of said principal sum. Any principal payments in addition to those hereinbefore contracted to be made shall operate to discharge the debt produced hereby at an earlier date, and shall not reduce the amount, or defer the due date of any installment or principal hereinbefore provided for.

If any payment, or payments, herein provided for, are not paid when due, such defaulted payment, or payments, shall bear simple interest from the date of such default until paid at the rate of five per centum (5%) per annum.

The drawers and endorsers and all parties to this instrument, severally waive presentment for payment, protest, notice of protest, notice of non-payment of this instrument, demand, and all legal diligence in enforcing collection. The right is expressly reserved to the holder to extend the time of payment of this instrument.

This Note is secured by:

(1) A mortgage of even date herewith executed by Frank P. Miller and Ella Miller, husband and wife, to Land Bank Commissioner, acting pursuant to

THE COL. & B. MFG. CO. 74930

13424

Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, on real estate situated in the County of Union, State of Ohio.

If any default be made in any of such payments, or in case of failure to comply with any of the covenants, conditions, or agreements contained in the mortgage (s) given by the maker (s) hereof to secure the payment of this note, then at the election of the holder of this note, without presentment or demand, the principal sum thereof and all accrued interest thereon shall at once become and be due and payable, and in the event of any such defaults, the holder of this note may foreclose upon any or all security for this note in the order which he prefers.

Any attorney-at-law may appear in any Court of Record in the State of Ohio, or in the United States, after the above obligation becomes due, and waive the issuing and serving of process, and confess a judgment against the undersigned, jointly or severally in favor of the legal owner or holder hereof, for the amount then appearing due, together with costs of suit, and thereupon release all errors, waive all right of appeal and stay of execution.

Frank P. Miller.
Ella Miller.

Address:
R. #1, Milford Center, Ohio.

May - Nor.
Loan No. C 42075
Classification - 1st - O
Other security - No.

Name - Frank P. Miller
Post office - R. #1, Milford Center
County - Union, State, Ohio
Date of note - September 24, 1934.
Amortization installments, due November 1 and May 1
Principal, $2200.00 - Rate 5% - Term of loan 10 Years

Year Due 1935	No.	Installments Due		Payments		Date Paid	Initials	Balance	
		Interest	Principal	Interest	Principal	5-1-35		2200.00	
				52.56					
35	1			55.00		11-1-	MB		
36	2			55.00		4-29-	AM		
36	3			55.00		11-2-	D		

Now therefore, this answering defendant prays:

(1) 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;

(2) That said premises may be sold subject to the lien of this answering defendant's mortgage in the amount of $2,287.76, with interest at the rate of five per cent per annum from September 15, 1937;

13424

(3
paid
cour
with
said
agai
which
acqu
note
and
be

State

Disp
Mort
and
true

Su
said
pres

Filed
Jan. 8-1938.

app
Stat
Ecil
of th
Dece

Homer

13424

(3) That out of the proceeds of said sale there be paid to this answering defendant, first after court costs and taxes, the following:

Interest installment due May 1, 1937, $55.00, with interest on said amount at five per cent from said date, until paid, and any and all amortization payments, insurance or tax advances which may become due and payable to this answering defendant according to the terms of said note and mortgage before the day of said sale; and for such other and further relief as may be equitable and proper and the Court can grant.

Pansie Harper.
J. N. Williamson
Richard C. Thrall
Attorneys for the Defendant,
The Federal Farm Mortgage
Corporation.

State of Kentucky, County of Jefferson, SS.

L. A. Skeen, being duly sworn, says that he is the Disbursing Officer of the defendant, The Federal Farm Mortgage Corporation, and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

L. A. Skeen.

Sworn to before me, a Notary Public in and for said County and State, and subscribed in my presence this 15th. day of September, 1937.

(Seal)

Marie R. Elliott, Notary Public
in and for Jefferson County, Kentucky.
My commission expires June 24-1941.

Filed Jan. 8-1938.

Application of The Federal Farm Mortgage Corp., Defendant, for the Probate Court.

State of Ohio, County of Union, ss.

Earl Brake, Administrator of the Estate of Ella Miller, Deceased,

Plaintiff,

-vs-

Homer Lowrey, et al.,

Defendants.

Case No. 13424.
Application of The Federal Farm Mortgage Corp. Defendant.

Now comes the defendant, The Federal Farm Mortgage Corporation, and says to the Court that it would be to the advantage of all parties interested in said estate to sell the real estate herein at private sale, and that the services of a real estate broker would be beneficial in obtaining such sale.

Wherefore, said defendant moves the Court for the allowance of a commission to Norman C. Baum,

THE COL. B. B. MFG. CO. 74930

13424

real estate broker herein, should said broker be instrumental in obtaining a purchaser for the property herein.

Richard C. Thrall - Defendants Attorney.

Filed Feb. 5- 1938.

Application for Appointment of Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased,

Plaintiff,

-vs-

Homer Lowrey, et al.,

Defendants.

Case No. 13424.

Application for Appointment of Guardian ad Litem.

Now comes the defendant, The Federal Farm Mortgage Corp., and says that the defendant, Carroll Lowrey, is a minor who was duly served with summons in this action more than twenty days ago and who is past the age of sixteen years and who has neglected to apply for the appointment of a guardian for the suit herein. Plaintiff further says that the defendant, Janet Lowrey, is a minor under the age of fourteen years and has been duly served with summons herein.

Wherefore, he prays that a guardian for the suit may be appointed herein for said minor defendants.

Richard C. Thrall.

Attorney for Plaintiff.

The Federal Farm Mortgage Corp.

Filed Feb. 5- 1938.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased,

Plaintiff,

-vs-

Homer Lowrey, et al.,

Defendants.

Case No. 13424.

Answer of Guardian Ad Litem.

Now comes Arthur W. Galloway, duly appointed by the Court as guardian ad litem for Carroll Lowrey and Janet Lowrey, the minor children of Homer Lowrey and Cecil Lowrey, Cecil Lowrey being now deceased, and for answer to the petition of said Ercil Brake as plaintiff, says that they have not, by reason of the tender age of said defendants, become informed as to the truth of said matters set forth in said petition, and, therefore, on behalf of said minor defendants, denies the same, and would therefore submit the interest of said defendants Carroll Lowrey and Janet Lowrey to the care and protection

...een be
...the property
...Defendants Attorney
...Ad Litem.
...unty, Ohio.

...ppointment
...Litem.

...arm Mortgage
...Lowry,
...mpany, is
...nd who is
...as neglected
...ian for
...that the
...er, the age
...ed with
...the suit
...defendants.
...intiff.
...Mortgage Corp.
...is.

...n Ad Litem.

...inted by
...arroll Lowry
...ger Lowry
...deceased,
...cil Brake
...y reason
...come in
...set forth,
...of said
...would
...ants Carroll
...protection

13424

of the Court, to order in the premises as justly as the interest of said defendants shall require.

Arthur W. Galloway.
Guardian Ad Litem.

Filed Feb. 5- 1938.

Order Appointing Guardian Ad Litem for the Suit.
Probate Court, Union County, Ohio.

Ercil Brake, Administratrix
of the Estate of Ella Miller,
Deceased,
Plaintiff,

-vs-

Homer Lowry, et al.,
Defendants.

Case No. 13424
Order Appointing Guardian,
Ad Litem for the Suit.

On application of the plaintiff, and it appearing to the Court that the defendant Carroll Lowry is a minor and was duly served with summons in this action, and is over fourteen years of age but has neglected to apply for a guardian for the suit within twenty days after the service of summons on him in this action;

And it further appearing to the Court that Jamk Lowry is a minor under the age of fourteen years and was duly served with summons in this action;

Therefore, Arthur W. Galloway is hereby appointed guardian for the suit for said minors in this case; and said Arthur W. Galloway thereupon appeared in open court and accepted said appointment, and it is ordered that he file an answer for said minors instanter.

L. W. Hazen
Judge of Probate Court.

Filed Feb. 5-1938.

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

Ercil Brake, Administratrix
of the Estate of Ella Miller,
Deceased,
Plaintiff,

-vs-

Homer Lowry, et al.,
Defendants.

Case No. 13424.
Journal Entry on Filing
Petition to Sell Real Estate.

This day came the plaintiff and filed herein her petition praying for an order to sell the real estate of said Ella Miller, deceased, therein described, to pay the debts and costs of administering the estate of said decedent. Plaintiff further says that due and legal notice of the filing, pendency, and prayer of said petition, and of the time in which they are required by law to answer the same, has been given, by service of summons as provided by

THE COL. B. B. MFG. CO. 74930

13424

law. Excepting those who shall not enter their appearance; and this cause is continued.

L. W. Hazen- Probate Judge.

Filed
Feb. 7- 1938.

Entry.

In the Probate Court of Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased,

Plaintiff,

vs.

Homer Lowry, Carroll Lowry, a minor, Janet Lowry, a minor, Mary Shirley Miller, and The Land Bank Commissioners of Louisville, Kentucky,

Defendants.

Case No. 13424.
Entry.

Plaintiff herein having filed a petition asking for the sale of real estate to pay debts, and all of the parties having been served with summons or having filed their answers and thus being in Court. And the defendant, The Federal Farm Mortgage Corporation having reported to the Court that a purchaser was at hand who was willing to buy said real estate at private sale for more than the appraised value, to-wit, the sum of $2564.51, and in addition, to pay to Norman C. Brown, his commission as real estate broker for effecting said sale. And the Court being fully advised and finding that it would be for the advantage of said estate to sell said real estate to such prospective purchaser, Frank B. Laird.

It is ordered that the plaintiff herein be, and she is hereby directed to prepare and file with this Court all of the proper and necessary papers to carry out the sale of said premises to Frank B. Laird at private sale subject to the mortgage of the Federal Farm Mortgage Corporation for the sum of $2564.51.

Said purchaser shall receive the landlord's share in the wheat now growing on said farm and shall be given possession on March 1, 1938.

L. W. Hazen- Judge.

Filed
Feb. 11- 1938.

13424
Filed
Feb. 11- 1938.

Ercil
of th

Homer

Filed
Feb. 11- 1938.

Ercil
of th
Dec

Homer

Filed
Feb. 11- 1938.

Ercil
of th
Dece

Home

13424
Filed
Feb. 11-1938.

Wavier of Summons, and Consent to Sell.
of Probate Court, Union County, Ohio.

Ercil Brake, Administratrix
of the Estate of Ella Miller,
Plaintiff,

-vs-

Homer Lowrey, et al.,
Defendants.

No. 13424.
Proceeding to Sell Real Estate.
Wavier of Summons & 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.

Ercil Brake.
Ray A. Brake.

Filed
Feb. 11-1938.

Entry.
In the Probate Court of Union County, Ohio.

Ercil Brake, Administratrix
of the Estate of Ella Miller,
Deceased,
Plaintiff,

-vs-

Homer Lowrey, et al.,
Defendants.

Case No. 13424.
Entry.

This cause coming on to be heard, and it appearing that on February 5, 1938, this Court made an order instructing the Administratrix herein to sell the real estate described in the petition to one Frank Ub. Laird for the sum of $2565.00, and it now appearing to the Court that another purchaser has been obtained who will pay $2850.00 for the same, it is hereby ordered that the entry mentioned above, be, and the same is hereby set aside.

It is further ordered that Norman Co. Bown, be, and he hereby is allowed a commission as real estate broker for his service herein in the sum of $76.95.

L. W. Hazen - Judge.

Filed
Feb. 11-1938.

Journal Entry Dispensing with a New Appraisement and Ordering Bond.
In the Probate Court of Union County, Ohio.

Ercil Brake, Administratrix
of the Estate of Ella Miller,
Deceased,
Plaintiff,

-vs-

Homer Lowrey, et al,
Defendants.

Journal Entry Dispensing
with a New Appraisement
and Ordering Bond.

THE COL. B. B. MFG. CO. 74930

13424

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 Arthur W. Galloway, guardian ad litem of Carroll Lowery and Janet Lowery, minors, the answer and cross-petition of the defendant, The Federal Farm Mortgage Corporation, 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. The Court finds that the said Ella Miller, deceased, owned an undivided one-half interest in said estate and that the defendants, Ercil Brake, Ray Brake, her husband, Homer Lowery, Carroll Lowery, Janet Lowery, and Mary Speeley Miller, owned the other one-half interest thereof; that petition having prayed for the sale of the entire interest of the estate and not merely the one-half interest of Ella Miller, and no party having objected thereto, and all real estate being covered by liens, and that it would be to the benefit of everyone concerned to have the sale of the entire tract sold; it is ordered that all of the said real estate be sold herein, free from any dower interest therein of Homer Lowery, and Mary Speeley Miller; 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.

The Court further finds that the bond heretofore given by the plaintiff as administratrix of the estate of Ella Miller in the amount of two hundred 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 twenty-three hundred dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Feb. 11-1938.

Bond of Administratrix.

Know all Men by these Presents: That we Ercil Brake, Ray A. Brake, Clifton L. Teagle are held and firmly bound unto the State of Ohio, in the penal sum of Twenty-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 Marysville, Ohio, this — day of February, A. D. 1938.

The condition of the above obligation is such, that whereas, the above bound Ercil Brake was heretofore duly appointed and qualified by the Probate

13424

Court
of El
ictrix
askin
said
also
the

1938,
especi
made

afore
Jan
said
oblig
force
Exec
Clip

Th
of

Filed Feb. 11-1938.

Jour

Ercil
of th

Home

Hage
Hum
asco

evide
Estat
at
Bra
in
less
term

such

13424

Court of Union County, Ohio, Administratrix of the estate of Ella J. Miller, Deceased.

And whereas, the said Ercil Brake as such Administratrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Ella Miller described in said petition; and also the interests therein of certain other persons in the same tract of land.

And whereas said Court, on the — day of February, 1938, made an order requiring said Administratrix to execute a bond according to the statute in such cases made and provided.

Now, if the said Ercil Brake as Administratrix aforesaid, shall faithfully discharge her 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
Clifton L. Caryl.

Ercil Brake.
Ray A. Brake.
Clifton L. Caryl.

This Bond approved in open Court, this 11th. day of February, 1938.

Seal

L. W. Hazen - Probate Judge.

Filed Feb. 11-1938.

Journal Entry - Approving Additional Bond & Ordering Private Sale.

Probate Court, Union County, Ohio.

Ercil Brake as Administratrix of the Estate of Ella Miller, Plaintiff,

-vs-

Homer Lavery, 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 Twenty-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 said Ercil Brake 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 at the time of the sale.

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

L. W. Hazen - Probate Judge.

THE COL. B. P. MFG. CO. 74930

13424
Filed
Feb. 11-1938.

Application to Sell at Private Sale.

Probate Court, Union County, Ohio.

Ercil Brake, Administratrix of the Estate of Ella Miller,
Plaintiff,
-vs-
Homer Lavery, et al.,
Defendants.

No. 13424.
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 and delay of advertising said property at public sale may thus be avoided.

2. Because a purchaser has been obtained who will buy at this time at a price which is a fair value of said real estate but who would not bid on the property at public sale as he desires to get possession of the farm immediately.

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

Ercil Brake.
Administratrix of the
Estate of Ella Miller.

The State of Ohio, Union County.

Ercil Brake, being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Ercil Brake.

Sworn to before me and signed in my presence this 10th. day of February, A. D. 1938.

Richard C. Thrall-Notary Public.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Don D. Carmean, Arthur W. Galloway, 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 stated in the application made herein, as they verily believe.

Don D. Carmean.
Arthur W. Galloway.

Sworn to before me and signed in my presence this 10th. day of February, 1938.

Richard C. Thrall-Notary Public.

Seal

13424
Filed
Feb. 11-1938.

The
In
Court
a
are
you
self
value
Situ
Stat
Beni
to
and
them
S.
Curr
for
If
the
to
W.
Wilf
with
to
pole
Plan
them
land

13424
Filed
Feb. 11-1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Cecil Brake, Administrator of the Estate of Ella Miller,

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 Homer Lowry 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, Township of Union, and State of Ohio, and further described as follows: Being in Virginia Military Survey 5776.

Beginning at a stone at the southwest corner to the lands of Charles H. and Bytha Grannan and in the westerly line to the said Survey No. 5776; thence with the westerly line to said Survey No. 5776 S. 33 degrees 30' E. 248 poles to a stone in the said Survey line at the southeast corner to the lands of Jos. H. Davis, and in the northerly line to the lands of Easter H. Holycross; thence with the northerly line to the said Holycross land N. 58 degrees E. 96 poles to a stake in the said line; thence N. 54 degrees W. 119 poles to an iron pin in the center of the Milford Center and Dyersville Gravel Road; thence with the center of said road N. 49 degrees E. 20 feet to an iron pin; thence N. 33 degrees 30' W. 146 poles to a stake in the southerly line to the lands of the said Charles H. and Bertha Grannan; thence with the southerly line of the said Grannan land S. 58 degrees W. 152½ poles to the place of beginning.

Containing 96 acres more or less.

Said sale to be upon the following Terms:

Cash in hand at the time of the 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 10th. day of February, 1938.

Seal

L. W. Hazen - Probate Judge.

THE COL. R. B. MFG. CO. 74930

13424

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 10th. day of February, 1938.

Ercil Brake

Administratrix as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 10th. day of February 1938, offer said property, at private sale, and Ray A. Brake having offered therefor the sum of Twenty-eight Hundred and Fifty Dollars ($2850.00) and the same being not less than the appraised value of said property, I sold the same to said Ray A. Brake for that sum.

Ercil Brake.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Ercil Brake, 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.

Ercil Brake.

Sworn to before me and subscribed in my presence, this 10th. day of February 1938.

Richard C. Thrall- Notary Public.

Seal

Filed Feb. 11- 1938.

Entry Confirming Sale, Ordering Deed, and Distribution.

State of Ohio, County of Union, ss: In the Probate Court.

Ercil Brake, Administratrix of the Estate of Ella Miller, Deceased, Plaintiff,

-vs-

Homer Lowry, et al., Defendants.

Case No. 13424.

Entry Confirming Sale, Ordering Deed, and Distribution.

This day this cause came on to be heard upon the report of Ercil Brake, Administratrix of the Estate of Ella Miller, 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, being fully advised in the premises, and finding the proceedings of said petitioner in all respects in conformity to the order of this Court and to law, and being satisfied that said sale was fairly and legally made and for the best

13424

12980

Filed Apr. 22-1938.

13424

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 administratrix execute a deed for said real estate to the purchaser, Ray A. Brake.

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 $27.52, being the taxes against said property.

Second, the costs and expenses incurred in the sale of said property, including an attorney fee of $134.00 to Clifton L. Caryl, and $134.00 the percentage of the said administratrix herein, and a real estate commission to Norman E. Brown of $76.95, the total costs amounting to the sum of $394.32.

Third, to the Federal Farm Mortgage Corporation the sum of $2324.74 on the mortgage described in its answer which the Court finds to be the amount due it.

Fourth, to the Dr. J. L. Boylan the sum of $29.47 for services during the last illness and to W. H. Freeman the sum of $73.95 for funeral bills.

L. W. Hagen.

12980
Filed
Apr. 22-1938.

In the Matter of the Estate of Cornelius E. Walke, Deceased.
Probate Court of Union County, Ohio.
In the Matter of the Estate of Cornelius E. Walke, Deceased. | Application.

Now comes Ella May Mc Quire and represents to the Court that on or about the fifth day of July, 1935, Cornelius E. Walke, her father, died testate and that his last Will and Testament was duly admitted to probate on the fifteenth day of July, 1935, and on the nineteenth day of July, Ella May Mc Quire, the applicant herein, was duly appointed as executrix of said estate and was duly qualified and letters of testamentary were issued thereon.

Applicant further represents to the Court that by virtue of Item 3 of the Last Will and Testament of said decedent, Cornelius E. Walke, Ella May Mc Quire, the applicant herein, was named as residuary devisee; that said Last Will and Testament, among other provisions, contained the following, to-wit:

"Item 3. All the rest and residue of my property, be it of whatsoever nature, description or kind or wheresoever found, I give and devise to my daughter, Ella May Mc Quire, for and during her

THE COL. B. B. MFG. CO. 74930

12980

natural life, she to have the income therefrom, and the right to convert or reconvert, or to sell and give proper conveyances therefor, in her own name without proceedings through the Court, as she may find necessary.

If the income from said property is not sufficient, with the income from her own property to maintain her, or provide for her necessary expenses in case of illness, then I direct that she use so much of the principal as may be necessary therefor."

Applicant further represents to the Court that the income from said property together with the income from her property is not sufficient to maintain her, and it is necessary that the following real estate be sold for the purpose of maintenance and support of the applicant. Said real estate is described as follows:

Being all of the Lots One Hundred and Fifty (150) and One Hundred and Fifty-one (151) in A. V. Kennedy's Subdivision of part of Out Lot No. 10 in said Village.

For a more definite description of said lots, reference is hereby made to the recorded plat of said subdivision in the Recorder's Office at Marysville, Ohio.

The plat of said subdivision is recorded in Plat Book No. 1. of Page 223.

Lot No. 150 has a frontage of 60 feet on Center Street and Lot 151 has a frontage of 28 feet on Center Street.

Being the same premises devised by A.V. Kennedy to Clara by will proved February 10, 1922.

Refer to Vol. of Deeds No. 122 Page 247.

Wherefore, applicant requests the Court to approve the application herein and to order the sale of the above described real estate in compliance with Item 3 of the last Will and Testament of Cornelius C. Walker, deceased, and to such other and further relief as the Court may deem just, equitable and proper.

Clifton L. Caryl.
Attorney for applicant.

State of Ohio, County of Union, ss:

Ella May McGuire, being first duly sworn, says that the facts stated and allegations contained in the foregoing application are true as she verily believes.

Ella May McGuire.

Sworn to before me and subscribed in my presence this twenty-first day of April, 1938.

Clifton L. Caryl-Notary Public.
Union County, Ohio.

12980
Filed
Apr. 22-1938.

Filed
Apr. 22-1938.

13482
Filed
Aug. 5-1937.
Robert T. Allen,
Attorney.

12980
Filed
Apr. 22-1938.

Probate Court of Union County, Ohio.
In the Matter of the Estate of Cornelius C. Walker, Deceased. | Journal Entry Fixing Petition to Sell Real Estate.

This day came the applicant, Ella May McCuture, and filed herein her application praying for an order to sell certain real estate of Cornelius C. Walker, deceased, therein described, for the purpose of realizing necessary funds for maintenance and support of said applicant as provided by the last Will and Testament of Cornelius C. Walker, deceased.

L. W. Hagen - Probate Judge.

Filed
Apr. 22-1938.

In the Probate Court of Union County, Ohio.
In the Matter of the Estate of Cornelius C. Walker, Deceased. | Journal Entry Ordering Sale of Real Estate.

This day this cause came on for hearing before the Court upon the application of Ella May McCuture, the Court being satisfied that it is necessary to sell the real estate described in said application for the purpose of support and maintenance of applicant. It is further ordered by the Court that Ella May McCuture, the applicant herein, proceed to sell said real estate free of dower at private sale for not less than the sum of $1170.00 cash, and that said applicant is hereby authorized to execute the necessary deed or deeds of conveyance as is provided by law and in compliance with Item 3 of the last Will and Testament of Cornelius C. Walker, deceased, which item is set forth in the application of Ella May McCuture.

L. W. Hagen - Probate Judge.

13432
Filed
Aug. 5-1937.
Robert T. Allen,
Attorney.

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

A. M. Fields, Executor of the Estate of Viantha Fields, Deceased,
Plaintiff.

-vs-

A. M. Fields and Mary Fields, his wife, Richwood, Ohio,
Herbert E. Fields and Myrtle Fields, his wife, Richwood, Ohio,
Clara Foore and H. A. Foore, her husband, Richwood, Ohio,
Mollie Robertson and Robert Robertson, her husband, Richwood, Ohio,
Jessie Wallace and Willis Wallace, her husband, Radnor, Ohio,
Isoyer C. Snyder, Receiver of The First National Bank, Richwood, Ohio,

Case No. 13432.
Petition to Sell Real Estate to Pay Debts.

THE COL. B. B. MFG. CO. 74930

13432

Ohio Bureau of Credits, Inc.
60 East Broad Street, Columbus, Ohio.
Defendants.

Now comes the Plaintiff and says he is the duly appointed, qualified and acting Executor of the Estate of Dianthe Fields, Deceased, late of this County.

The Plaintiff says The First National Bank of Richwood, Ohio, was a banking corporation organized and existing under and by virtue of the National Bank Act, with its principal office in Richwood, Ohio, and that the same became insolvent, and that D. P. Anderson, William V. Dodson, and Grover C. Snyder were the successive receivers in the liquidation of the same.

The Plaintiff says the Ohio Bureau of Credits, Inc. is a corporation organized and existing under and by virtue of the laws of the State of Ohio with its principal office and place of business located at 60 East Broad Street, Columbus, Ohio.

The Plaintiff says as near as can be ascertained, the amount of the lawful debts against the Estate of Dianthe Fields, Deceased, is $300.00; that the costs of administering the estate will be about Two Hundred Fifty Dollars ($250).

The Plaintiff further says there is no personal property belonging to the Estate of the said Dianthe Fields, Deceased, but that she had an interest in the real estate hereinafter described, and as hereinafter set forth.

The real estate involved in this action is more fully described as follows, to-wit:

Tract I. "Real estate situated in the State of Ohio, County of Union, and Village of Magnetic Springs and known as Lot No. 62 in the N. D. De Good Addition to said Village of Magnetic Springs.

Being the same premises conveyed by Jesse N. Conrad to Ecron Fields and Dianthe Fields by deed dated December 10, 1912, and recorded in Union County Deed Record No. 107, page 82."

Tract II. Also the following real estate:

Situated in the State of Ohio, County of Union and Village of Magnetic Springs and known as Lot No. 61 in the N. D. De Good Addition to said Village of Magnetic Springs.

Being the same premises conveyed by J. Crete Pugmont and Ella Claytine Pugmont, each unmarried, to E. Fields by deed dated December 4, 1914, and recorded in Union County Deed Record No. 111, Page 184. (Said deed conveying an undivided 2/3 interest). Also refer to deed dated February 24, 1915, executed by Clinton Jennings Green, guardian, to E. Fields,

13432

and
(Said
Lot
N
ents
his
his
Fields
Wall
N
Fields
1920,
and
as
wife
to
and
real
condi
than
for
my
)
wife,
the
of m
Colar
in
decra
shall
the
estat
the
shall
estat
)
appo
Ecron
in
Octob
which
& 230
said
)
of th
Coun
estat
in
)

13432 and recorded in Union County Deed Record N. 95, Page 251. (Said deed conveying an undivided 1/3 interest in said Lot No. 61).

The Plaintiff says Esrom Fields died testate in Magnetic Springs, Ohio, on April 11, 1920, leaving Diantha Fields, his widow, surviving him, and the following named persons his children and devisees, Herbert E. Fields, Quincy M. Fields, Clara E. Roos, Mollie A. Robertson, and Jessie E. Wallace.

The Plaintiff says the Last Will and Testament of Esrom Fields was admitted to probate and recorded on May 5, 1920, in the Probate Court of Union County in Case No. 9403 and that the second and third provision therein, are as follows, to-wit:

"Second:- I give, devise and bequeath to my beloved wife Diantha Fields, for and during her natural life, to use as she deems expedient, looking to her welfare and to the interest of my estate, - all my property, both real and personal and mixed, subject only to the condition that a suitable monument, costing not less than One Hundred Dollars, ($100) be erected at my grave for the use of my memory and also for the memory of my beloved wife."

"Third. I direct that at the decease of my beloved wife, and I so give, devise and bequeath, that all the rest and remaining property go and become the property of my children, namely:- Burt Fields; Quincie M. Fields, Clara Roos, Mollie Robertson and Jessie Wallace, and in case any of them are dead at my said wife's decease, then and in that event, the deceased's share shall go to his or her living children. Provided, however, that if any of my said children or children's estate is indebted to me or my wife or my estate at the death of my said wife, then such indebtedness shall be deducted from such debtor or his or her estate."

The Plaintiff says that Quincie M. Fields was duly appointed and qualified as Executor of the Estate of Esrom Fields, Deceased, on May 5, 1920, in Case No. 9400 in the Probate Court of Union County, Ohio, and on October 2, 1921, filed the first and final account, in which it is shown that R. H. Konkle & Son received $235.00 in full payment for a monument, and that said account was approved on November 26, 1921.

The Plaintiff says that at the time of the decease of the said Esrom Fields, he was seized in fee simple of an undivided one-half interest in the real estate hereinabove described as Tract No. 1 and was seized in fee simple of the real estate described hereinabove

THE COL. B. B. MFG. CO. 74930

13432

in Tract No. 2.

The Plaintiff says no transfer of the real estate hereinabove described as belonging to the Estate of Esrom Fields was ever made in conformity to the provisions of said Will.

The Plaintiff says that Diantha Fields died testate in Claiborne Township, Union County, Ohio, April 29, 1934, leaving no husband surviving her and leaving the following named persons her children and devisees, Herbert E. Fields, Quincy M. Fields, Clara E. Poor, Mollie A. Robertson, and Jessie E. Wallace.

The Plaintiff says the last Will and Testament of Diantha Fields was admitted to probate on April 3, 1934, in the Probate Court of Union County, in Case No. 12814, and that the second and third items of said Will reads as follows, to-wit:

"Second:- I give, devise and bequeath to my beloved children, namely, Burt Fields, Quincie M. Fields, Clara Poor, Mollie Robertson and Jessie Wallace, all my property, real, personal and mixed, share and share alike and if any of my children are deceased at the time of my death, his or her share is to be given to their heirs."

"Third:- I desire that Quincie M. Fields and Jessie Wallace each of whom I have given the sum of one thousand dollars give my estate credit for that amount at the time of my decease. And if the balance of my estate be not enough to pay each of the other heirs the same amount ($1000) then they are to pay back a sufficient sum to make all the heirs share equally."

The Plaintiff says that D. M. Fields was appointed Executor of the Estate of Diantha Fields, Deceased, on April 17, 1935, by the Probate Court of Union County, Ohio, in Case No. 12926 and, as stated hereinabove, is still the duly appointed, qualified and acting Executor of said Estate.

The Plaintiff says Diantha Fields died seized in fee simple of an undivided one-half interest of real estate hereinabove described as Tract No. 1.

The Plaintiff says that all of the real estate hereinafter described was included in the Inventory of Diantha Fields, Deceased, and appraised at Two Thousand One Hundred Thirty Four Dollars ($2134).

The Plaintiff says the Defendants, Herbert E. Fields, Quincy M. Fields, Clara E. Poor, Mollie A. Robertson and Jessie E. Wallace, are all of the heirs or persons entitled to the next estate of inheritance from the decedent, Diantha Fields, or the decedent, Esrom

13432

Fild
That
same
D. M
Poor
Mollie
same
are
the
of D.
E. F
Robe
Wall
intere

Engl
Ohio,
to ha
descr
Natio
of C
Caga
powe

interes
herein
Execut

Field
that
be
powe
real
made
relie

Stat

depos
editi
gato
as

Bath.

by
Fiel

(See

13432

Fields in such real estate and having an interest therein That Herbert E. Fields and Burt Fields are one and the same person; that Quincie Fields, Quincy M. Fields, and D. M. Fields are one and the same person; that Clara E. Foos and Clara Foos are one and the same person; that Mollie A. Robertson and Mollie Robertson are one and the same person; and that Jessie E. Wallace and Jessie Wallace are one and the same person. That Myrtle Fields is the wife of Herbert E. Fields; that Mary Fields is the wife of D. M. Fields; that H. A. Foos is the husband of Clara E. Foos; that Robert Robertson is the husband of Mollie Robertson; and that Willis Wallace is the husband of Jessie Wallace, and as such, may have or claim to have some interest in the real estate hereinabove described.

The Plaintiff further says the Defendants, Grover C. Snyder, Reciver of The First National Bank of Richwood, Ohio, and the Ohio Bureau of Credits, Inc. may claim to have some plea against the real estate hereinabove described. That Grover C. Snyder, Reciver of The First National Bank, Richwood, Ohio, and the Ohio Bureau of Credits, Inc. set up their claim, if any they have against the real estate hereinabove described, or be forever barred from asserting the same.

The Plaintiff says he believes it to be to the best interest of all persons concerned for the entire real estate hereinabove described to be sold and the same, as such Executor, to account for the proceeds in conformity to law.

Wherefore, D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, 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 cases made and provided, and for such other and further relief as he may be entitled to.

Robert R. Allen.
Attorney for Plaintiff.

State of Ohio, Union County, ss:

D. M. Fields, being first duly sworn according to law, deposes and says he is the Plaintiff in the above entitled cause; and that the facts stated and allegations contained in the foregoing Petition are true as he verily believes.

D. M. Fields.

Oath.

Sworn to before me and subscribed in my presence by the said D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, at Richwood, this 4th. day of August, 1937.

Robert R. Allen-Notary Public.
Union County, Ohio

(Fee claimed 80 ¢)

THE COL. B. B. MFG. CO. 74930

13432

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the Estate of Dianetha Fields, Deceased,

Plaintiff,

-vs-

D. W. Fields, et al.,

Defendants.

Case No. 13432.
Praecipe.

Please issue summons directed to the Sheriff of Marion County, Ohio, against the Defendant, Grover C. Snyder, Receiver of The First National Bank of Richwood, Ohio, and make same returnable according to law.

Please issue Summons directed to the Sheriff of Franklin County, Ohio, against the Defendant, Ohio Bureau of Credits, Inc., whose address is 60 East Broad Street, Columbus, Ohio, and make same returnable according to law.

Endorse Summons "Petition of Executor to sell real estate to pay debts."

Robert M. Allen
Attorney for Plaintiff.

Filed Aug. 7. 1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, Probate Court - At Marysville, O.
To the Sheriff of said County: Marion County, Ohio.

You are commanded to notify Grover C. Snyder, Receiver of the First National Bank of Richwood, Ohio, In Case # 13432 - D. W. Fields, Executor of the Estate of Dianetha Fields, Deceased, Plaintiff, -vs- D. W. Fields, et al. Defendants. - Praecipe. "Petition of Executor to Sell Real Estate to pay debts." That on the fifth day of August, A. D. 1937, D. W. Fields, Executor of the Estate of Dianetha Fields 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 4th. day of September 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 16th. day of August, 1937.

Witness my hand and the seal of said Court, this 5th. day of August, 1937.

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

13432

Filed Aug. 16-1937.

The

Ser
2 wi
Posta

copy
C.
Rich

The
To

Cred
Jun
of D
Feb
Sell
day
Dian
filed
Coun
pray
the
dent
pay
four
take

S
on

5 th

The

Serv
5 y
Posta

as
the
Aft
the

hio.

ff of Marion
Snyder,
d, Ohio,
v.
of Franklin
& Credits,
f, Columbus,
law.
sell real

tiff.

state.

Marysville, O.
Ohio.
Snyder,
od, Ohio,
he Estate
. W. Fields,
xecutor to
he fifth
ecutor of
this
ion County,
and
order for
s said
he purpose
nswer by
tion will
d accordingly,
this with
d Court,

ate Judge
Ohio.

13432

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fees.	
Service & Return, first name	$.75
2 miles traveled at 8¢	.16
Postage	.03
Total	.94

Recived this writ August 6th. 1937, at 9 o'clock a. M., and on the 6th. day of August 1937, I served the same by delivering a copy thereof personally to the within named Grover C. Snyder, Recivr of the First National Bank of Richwood, Ohio.

Fred R. Wilder. Sheriff.
By E. Geissler - Deputy.

Filed Aug. 16-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court At Marysville, O. Franklin County, O. 8/5/37.

To the Sheriff of said County:

You are commanded to notify Ohio Bureau of Credits, Inc. #60 East Broad St., Columbus, Ohio. In Case # 13432 - L. W. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff, -vs- L. W. Fields, Jeh al, Defendants. - Praecipe - "Petition of Executor to Sell Real Estate to Pay Debts." That on the fifth day of August, A. D. 1937, L. W. Fields - Executor of Diantha Fields of the Estate of Diantha Fields, 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 fourth day of September 1937, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 16th. day of August 1937.

Witness my hand, and the seal of said Court, this 5th. day of August, 1937.

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

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees	
Service & Return, first name	$.75
5 miles traveled at 8¢	.40
Postage	.03
Total	$1.18

Recived this writ August 6, 1937, at 9 o'clock a. M., and on the 9 day of August 1937, I served the same by delivering a copy thereof personally to H. A. Sands, the Secretary of the within named Ohio Bureau of Credits, Inc. After due and diligent search I was unable to find the President, Vice President, or other chief officer

THE COL. B. B. MFG. CO. 74930

13432 | of the within named Ohio Bureau of Credits, Inc., within
Any bailiwick.

Jacob E. Sandusky
Sheriff of Franklin County, O.
By- H. W. Shull- Deputy.

Filed
Sept. 27- 1937.

Waivers.

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the
Estate of Diantha Fulder, Deceased,
Plaintiff,
-vs-
D. W. Fields, et al,
Defendants.

Case No. 13432.
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.

D. W. Fields.
Mary Fields.
Union County, Ohio.

In the Probate Court of

D. W. Fields, Executor of the
Estate of Diantha Fields, Deceased,
Plaintiff,
-vs-
D. W. Fields, et al,
Defendants.

Case No. 13432.
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.

Herbert E. Fields.
Myrtle Fields.
Union County, Ohio.

In the Probate Court of

D. W. Fields, Executor of the
Estate of Diantha Fields, Deceased,
Plaintiff,
-vs-
D. W. Fields, et al,
Defendants.

Case No. 13432.
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

13432 | their
the
as

D. W.
Estat

D. W.

Titled
waive
them
appea
the
as

D. W.
Estat

D. W.

titled
the
and
appe
sale
there

Filed
Jan. 12-1938.

D. W.
Estate

D. W.

Ohio.
titio
that

Dec., within

County, O.
Deputy.
Ohio.

ces and
ale.

above
hereby
upon them
their ap-
r to the
tion as

Ohio.

ce and
.

above
ons hereby
upon
entry
consent to
Petition as

.

hio.

ce and
le.

above en-
hereby
upon
enter

	13432	their appearance as such Defendants and consent to the sale of the real estate described in the Petition as therein prayed for. Clara Foos. H. A. Foos. Union County, Ohio. In the Probate Court of D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff, -vs- D. M. Fields, et al., Defendants. Case No. 13432. 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. Wollie Robertson. Robert Robertson. In the Probate Court of Union County, Ohio. D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff, -vs- D. M. Fields, et al., Defendants. Case No. 13432. 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. Jessie Wallace. Willis Wallace. Union County, Ohio.
Filed Jan. 12-1938.		Answer of D. M. Fields. In the Probate Court of D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff, -vs- D. M. Fields, et al., Defendants. Case No. 13432. Answer of D. M. Fields. Now comes the Defendant, D. M. Fields and for his Answer herein admits the allegations of the Petition herein. D. M. Fields further answering admits that on or about the 15th day of March, 1921, his

THE COL. B. B. MFG. CO. 74930

13432

Mother, Viantha Fields, then living and now deceased, paid to him the sum of One Thousand Dollars ($1,000) as mentioned in and represented in the Last Will and Testament of the said Viantha Fields, Deceased.

The Defendant, D. W. Fields, further says he denies owing either the Estate of his father, Egrom Fields, Deceased, or the estate of his mother, Viantha Fields, Deceased, any other or further sum whatsoever than the One Thousand Dollars ($1,000) paid to him by his mother, Viantha Fields, which has been admitted.

Cross - Petition.

Now comes the Defendant, D. W. Fields, and for his Cross Petition herein says: That he has paid taxes on the real estate belonging to the estate of Egrom Fields, Deceased, and the Estate of Viantha Fields, Deceased, which real estate is described in the Petition of the Plaintiff, which payments were made by him in cash out of his own money and that he is due credit upon the One Thousand Dollars ($1,000) in the amount of said payments, which payments are more specifically described in the following schedule, to-wit:

Date of Payment	When Due	Amount
January 10, 1921	December 20, 1920	$30.91
July 19, 1921	June 20, 1921	30.91
January 23, 1922	December 20, 1921	45.21
January 23, 1923	December 20, 1922	53.24
July 28, 1923	June 20, 1923	53.24
Feb. 6, 1924	December 20, 1923	22.57
July 25, 1924	June 20, 1924	18.93
July 25, 1924	June 20, 1924	22.57
Feb. 3, 1925	December 20, 1924	25.76
July 22, 1925	June 20, 1925	25.76
March 15, 1926	December 20, 1925	31.19
August 12, 1926	December 20, 1925	3.12
August 12, 1926	June 20, 1926	6.28
August 12, 1926	June 20, 1926	31.19
January 24, 1927	December 20, 1926	34.04
August 2, 1927	June 20, 1927	34.04
January 25, 1928	December 20, 1927	39.18
July 2, 1928	June 20, 1928	39.18
January 3, 1929	December 20, 1928	32.71
July 23, 1929	June 20, 1929	32.71
January 27, 1930	December 20, 1929	27.73
August 8, 1930	June 20, 1930	27.73
January 27, 1931	December 20, 1930	29.73
August 11, 1931	June 20, 1931	29.73
January 5, 1932	December 20, 1931	28.32
August 18, 1932	June 20, 1932	28.32
January 18, 1933	December 20, 1932	20.90

13432

Filed
Feb. 25-1938.

eased, paid
00) as
dill and
.
he denies
Fields,
s Fields,
ever than
by his
mitted.

and for
s paid
tate of
Dianthe Fields,
he Petition
y him in
is due
in the
are more
, to-wit:
Amount
$ 30.91
30.91
45.21
53.24
53.24
22.57
18.93
22.57
25.76
25.76
31.19
3.12
6.28
31.19
34.04
34.04
39.18
39.18
32.71
32.71
27.73
27.73
29.73
29.73
28.32
28.32
20.90

13432

August 3, 1933 June 20, 1933 $ 20.90
February 13, 1934 December 20, 1933 16.02
Total $ 832.12

Wherefore, the Defendant, D. W. Fields, asks that the amount of Eight Hundred Thirty-two and 12/100 Dollars ($832.12) be applid as a payment upon the sum of One Thousand Dollars ($1,000.) paid to him by his Mother, Dianthe Fields, then living and now Deceased, and that he be required to pay only the remainder of the sum of Ninety Three and 78/100 Dollars ($93.78) to the Estate of Dianthe Fields, Deceased.

Robert R. Allen
Attorney for D. W. Fields.

State of Ohio, County of Union, ss:

D. W. Fields, being first duly sworn according to Law, deposes and says that the facts stated and the allegations contained herein are true as he verily believes.

D. W. Fields.

Sworn to before me and subscribed in my presence this 4th. day of January, A. D., 1938.

Robert R. Allen - Notary Public.
Union County, Ohio.

Seal

Filed
Feb. 25-1938.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the Estate of Dianthe Fields, Deceased, Plaintiff,

-vs-

D. W. Fields, et al., Defendants.

Case No. 13432.
Entry 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; and that it is necessary to sell the real estate belonging to the Estate of Dianthe Fields, Deceased, to pay the debts of said Estate, and that it will be to the best interest of all persons concerned for the entire real estate described in the Petition of the Plaintiff to include the real estate belonging to the Estate of Ezrom Fields, Deceased, as described and set forth in the Petition of the Plaintiff 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 A. W. Miller, C. E. Force and Robert A. Ports, Sr., three judicious and disinterested

THE COL. B. B. MFG. CO. 74930

13432

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; 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 25th day of February, 1938.

L. W. Hazen - Judge.

Filed Feb. 25-1938

Order to and Report of Appraisers.

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff,

-vs-

D. W. Fields, et al., Defendants.

Case No. 13432.
Order to and Report of Appraisers.

The Probate Court of this County:

To A. W. Miller, C. E. Price and Robert A. Porte, Sr., the Court reposing confidence in your judgment on the 25th. day of February, 1938, it is certain real estate now pending in said Court wherein D. W. Fields, Executor of the Estate of Diantha Fields, Deceased, is Plaintiff, and D. W. Fields, et al., are Defendants appointed your appraisers of the following described real estate:

Tract I. "Situate in the State of Ohio, County of Union and Village of Magnetic Springs and known as Lot No. 62 in the N. D. DeGood Addition to said Village of Magnetic Springs.

Being the same premises conveyed by Jesse R. Conrad to Estrop Fields and Diantha Fields by deed dated December 10, 1912, and recorded in Union County Deed Record No. 107, page 82."

Tract II. Also the following real estate situate in the State of Ohio, County of Union and Village of Magnetic Springs and known as Lot No. 61 in the N. D. DeGood Addition to said Village of Magnetic Springs.

Being the same premises conveyed by J. Clarete Purmont and Ella Claire Purmont, each unmarried, to E. Fields, by deed dated December 4, 1914, and recorded in Union County Deed Record No. 111, page 104. (Said deed conveying an undivided 2/3 interest). Also refer to deed dated February 24, 1915, executed by Clinton Jennings Green, guardian, to E. Fields, and recorded in Union County Deed Record No. 95, page 251. (Said deed conveying an undivided 1/3 interest in said Lot No. 61).

13432

Filed Feb. 25-1938.

Entr

D. W
Estat

D. W

The
the
and
repo
orde
and

Epou
cate
with
the
ditio

13432

You are therefore ordered by said Court that without unnecessary delay and on oath to proceed and appraise said real estate upon actual view at its fair, cash value and to make report of your proceedings to this Court and bring this order with you.

Witness, my hand and official seal at Marysville, Ohio, this 25th. day of February, A. D., 1938.

L. W. Hazen - Probate Judge.

Seal

Oath of Appraisers.

State of Ohio, County of Union, ss:

Be it the 25th. day of February, 1938, before me personally appeared the within named, and made oath that they did 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.

Robert V. Allen - Notary Public.
Union County, Ohio.

Seal

Report of Appraisers.

We do appraise the within described real estate, on our oath aforesaid, after having actually viewed the same at $1690.00.

Witness our hands this 25th. day of February, A. D., 1938.

A. W. Wilder.
L. E. Force.
Robert A. Porte, Sr.

Filed Feb. 25-1938.

Entry Confirming Appraisement and Ordering Additional Bond.

In the Probate Court of Union County, Ohio.

L. W. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff,

-vs-

L. W. Fields, et al, Defendants.

Case No. 13432.

Entry Confirming Appraisement and Ordering Additional Bond.

This day this matter came on to be heard upon the report of the appraisers heretofore herein appointed; and it appearing upon the examination that said report is in all respects regular, and correct, it is ordered that the same be and hereby is approved and confirmed.

It is further ordered that the said L. W. Fields, Executor of the Estate of Diantha Fields, Deceased, execute within ten days to the State of Ohio a bond with sufficient surety to be approved by the Court in the sum of Sixteen Hundred Dollars ($1600.00) conditioned according to law.

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 74930

13432
Filed
Feb. 25-1938.

Bond.

Know all Men by these presents: That we, D. W. Fields principal, and Robert A. Porter, Sr., and A. D. Parish, as sureties, are firmly bound unto State of Ohio in the penal sum of Sixteen Hundred 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 D. W. Fields, Executor of the Estate of Diantha Fields, Deceased, is Plaintiff, and D. W. Fields, et al., are Defendants, the said D. W. Fields, Executor of the Estate of Diantha Fields, Deceased, has been ordered by said Court to sell certain real estate of said decedent to pay debts.

Now if the said D. W. Fields, Executor, as aforesaid, shall faithfully discharge his duties in the premises, and full account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

D. W. Fields - Principal.
Robert A. Porter - Sr. - Surety.
A. D. Parish - Surety.

Approved - 2/25/38 - L. W. Hazen - P. J.

Filed
Feb. 25-1938.

Entry Approving Bond and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the Estate of Diantha Fields, Deceased,
Plaintiff,
vs.
D. W. Fields, et al.,
Defendants.

Case No. 13432.
Entry Approving Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional Bond in the sum of Sixteen Hundred Dollars ($1600.) with approved sureties, conditioned according to law, the said bond is hereby approved.

It is now Ordered that D. W. Fields, Executor of the Estate of Diantha Fields, Deceased, shall proceed to sell said real estate at private sale for not less than the appraised value thereof for cash upon the delivery of a deed by him to the purchaser thereof.

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

L. W. Hazen - Judge.

13432
Filed
Feb. 25-1938.

Order

13432
Filed
Feb. 25-1938.

Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, Plaintiff,

-vs-

D. M. Fields, et al., Defendants.

Case No. 13432.
Order issued to Representative for Private Sale and Return.

To D. M. Fields, Executor of the Estate of Diantha Fields, Deceased, Greeting:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein D. M. Fields, Executrix of the Estate of Diantha Fields, Deceased, is Plaintiff and D. M. Fields, 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, which is the sum of Sixteen Hundred Dollars ($1600.00) agreeable to the statute regulating the sale of real estate by Executrix, 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:

Tract I. "Situate in the State of Ohio, County of Union, and Village of Magnetic Springs and known as Lot No. 62 in the U. D. DeGood Addition to said Village of Magnetic Springs.

Being the same premises conveyed by Jesse V. Conrad to Esrom Fields and Diantha Fields by deed dated December 10, 1912, and recorded in Union County Deed Record No. 107, page 82."

Tract II. "Situate in the State of Ohio, County of Union and Village of Magnetic Springs and known as Lot No. 61 in the U. D. DeGood Addition to said Village of Magnetic Springs.

Being the same premises conveyed by J. Carete Piermont and Ella Clarine Piermont, each unmarried, to E. Fields, by deed dated December 4, 1914, and recorded in Union County Deed Record No. 111, page 104. (Said deed conveying an undivided 2/3 interest). Also refer to deed dated February 24, 1915, executed by Clinton Jennings Green, guardian, to E. Fields, and recorded in Union County Deed Record No. 95, page 291. (Said deed conveying an undivided 1/3 interest in said Lot No. 61.)

Witness my hand and the seal of said Court at Marysville, Ohio, this 25th. day of February, 1938.

L. W. Hazen Probate Judge.

Seal

THE COL. B. B. MFG. CO. 74930

13432

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 25th. day of February, 1938, offer said property at private sale and J. N. Conrad, having offered therefor the sum of Sixteen Hundred Dollars ($1600), and the same being not less than the appraised value of said property, I sold the same to said J. N. Conrad for that sum.

D. W. Fields, Executor of the Estate of Dianthe Fields, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, County of Union, ss:

D. W. Fields, 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.

D. W. Fields - Executor.

Subscribed in my presence and sworn to before me this 25th. day of February, A. D., 1938.

Robert N. Allen - Notary Public. Union County, Ohio.

13629
Filed
June 18-1938.

Filed
Feb. 25-1938.

Entry Confirming Sale - Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

D. W. Fields, Executor of the Estate of Dianthe Fields, Deceased, Plaintiff,

-vs-

D. W. Fields, et al., Defendants.

Case No. 13432.
Entry Confirming Sale - Ordering Deed and Distribution.

This day this cause came on to be heard on the report of D. W. Fields, Executor of the Estate of Dianthe Fields, 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 Dianthe Fields, Deceased, and Esrom Fields, Deceased, in said real estate to the purchaser, J. N. Conrad, upon the said purchaser paying to the said Executor the sum of Sixteen Hundred Dollars ($1600) in cash.

13432

13432

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 Sixteen Hundred Dollars ($1600), it is ordered that said Executor pay:

First, to the Treasurer of this County the taxes, penalty, and interest thereon upon said property in the sum of $9.80.

Second, the costs and expenses incurred in the sale of said property to the Probate Court of Union County, Ohio, the sum of $48.02.

Third, to Jesse S. Kagay, real estate broker's commission in the sum of Fifty Dollars ($50.00).

Fourth, to Robert R. Allen, attorney fee of $84.00.

Fifth, it is ordered that the balance of said proceedings amounting to the sum of $1408.18 be accounted for by said Executor according to law and held by him until further order of distribution by the Court.

L. W. Hazen - Judge.

13629
Filed
June 18-1938.

Petition for Summary Sale of Real Estate.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Hannah Wygle, Deceased, Plaintiff,

-vs-

Lloyd Wygle, Defendant.

Lease No. 13629. Petition for Summary Sale of Real Estate.

The Plaintiff represents that he is the duly appointed, qualified and acting administrator of the estate of Hannah Wygle, deceased.

The amount of the valid debts against the said real estate is $970.00 and the cost of administering said estate will amount to about $25.00. The administrator further represents that the deceased died leaving no personal property with which to pay the debts against the estate.

The said Hannah Wygle died owning an undivided interest in fee simple in the following described real estate:

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

Being situated in the Village of Byhalia, Washington Township, Union County, Ohio, and part of Survey No. 7375.

Beginning at a stone in the center of the crossing of the said Marysville and Kenton Gravel Road and the Essex and East Liberty Gravel Road

THE COL. B. B. MFG. CO. 74930

13629

bearing from said beginning stake South 33° E. 6.25 feet; thence from the beginning stake South 57° West 185 feet to a stake; thence North 57° East 185 feet to a stake in the center of the Marysville and Kenton Gravel Road; thence with the center of the said road South 33° East 50 feet to the place of beginning.

For a plat of the premises, see Volume Nos. 3, Page 371 of the Surveyor's Records of said Union County, Ohio.

Plaintiff represents that it is necessary to sell the above described real estate, in order to pay the debts against the said estate, and the plaintiff further requests that a summary order of sale issue without issuing summons to interested parties.

Wherefore, the plaintiff prays that the said real estate may be sold by summary order according to the statute in such cases made and provided, and for such other relief as is proper in the premises.

Arthur W. Galloway - Administrator.

State of Ohio, County of Union, ss:

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Hannah Wygle, deceased, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 18th. day of June, 1938.

Richard C. Thrall - Notary Public.

Filed June 18-1938.

Administrator's Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Hannah Wygle, Deceased, Plaintiff,

vs.

Cloyd Wygle, Defendant.

Case No. 13629. Administrator's Petition to Sell Real Estate.

The Plaintiff represents that he is the duly appointed and qualified administrator of the estate of Hannah Wygle, and was appointed such on the 14th. day of June, 1938.

That said deceased, Hannah Wygle, died owning an undivided interest in fee simple in the following described real estate;

Situated in the County of Union, State of Ohio, and in the Township of Washington and bounded and described as follows;

Being situated in the Village of Byhalia, Washington Township, Union County, Ohio, and part of Survey No. 7375.

13629

Kent
of th
Except
beginn
be pa
North
Mary
of th
Begi

of th

encu

the
ma
that
Divi
dur
and
rece

Ther

Clo
and
and
way
and
relie

Stat

He
min
and
in

this

13629

Beginning at a stone in the center of the Marysville and Kenton Gravel Road, a stone in the center of the crossing of the said Marysville and Kenton Gravel Road and the Essex and East Liberty Gravel Road bearing from said beginning stake South 33° E. 6.25 feet; thence from the beginning stake South 57° West 185 feet to a stake; thence North 57° East 185 feet to a stake in the center of the Marysville and Kenton Gravel Road; thence with the center of the said road South 33° East 66 feet to the place of Beginning.

For a plat of the premises, see Volume No. 3, Page 371 of the Surveyor's Records of said Union County, Ohio.

That said real estated is worth $150.00 and is not encumbered in any way by any mortgage thereon.

That said sale of the real estate is necessary for the reason that the said real estate is suffering an unavoidable waste, and other than a debt of $97.00 that is due and owing to the Department of Public Welfare, Division of Aid for the Aged for pension given deceased during her lifetime, there are no other debts of the estate and that a sale of the within described real estate is necessary for the payment of the first debt to the Division of Aid for the Aged that the deceased incurred during her lifetime.

The plaintiff, therefore, prays that the above named Lloyd Wyatt be made a defendant to this petition and that by law the service of summons, appraisal and additional bond shall be waived; that the plaintiff may be ordered to sell said real estate for the purpose and purposes herein before proposed, and for other proper relief.

Arthur W. Galloway-Administrator.

State of Ohio, County of Union, ss:

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Hannah Wyatt, deceased, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 18th. day of June, 1938.

Richard C. Theall-Notary Public.

Seal

THE COL. B. B. MFG. CO. 74930

13629
Filed
June 18- 1938.

Waiver of Summons on Petition to Sell Real Estate.

In Probate Court, Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Hannah Wyale, Deceased, Plaintiff, -vs- Lloyd Wyale, et al., Defendants.

No. 13629.
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 18, A. D. 1938.

Lloyd Wyale.

Filed
June 18- 1938.

Summary Order.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Hannah Wyale, Deceased, Plaintiff, -vs- Lloyd Wyale, Defendant.

Case No. 13629.
Summary Order.

On the 18 day of June, 1938, this cause came on to be heard, and this Court, being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Hannah Wyale, deceased, to pay the debts of such decedent; and that the value of such real estate is less than $500.00.

It is, therefore, ordered and decreed that the said Arthur W. Galloway, administrator of the estate of Hannah Wyale, deceased, be and he is hereby authorized to sell and convey the real estate described in the plaintiff's petition on the following terms and conditions; by private sale and to the highest bidder for cash.

L. W. Hazen- Probate Judge.

Filed
June 20- 1938.

Journal Entry- Confirming Sale, Ordering Deed & Distribution.

Probate Court, Union County, Ohio.

Arthur W. Galloway as Administrator of the Estate of Hannah Wyale, Plaintiff, -vs- Lloyd Wyale, Defendant.

June 20, 1938.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Arthur W. Galloway, Administrator of Estate of Hannah Wyale 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;

13629

the
the
and
made
appr
petit
of th
Real
this
ring
of th
Sept

our
First
Attor
perso
ake
is
and
upon
char
Dece
ment
pay
or)
of
Real
on
shall
refer
This
foll
to, th
the
(
in
(
poin
proc
be
(
orde
tape
ten

l Estate.

, Estate.
d Consent to Sell.

Petition in
waive the
ereby enter

Real Estate
ing to the

Ohio.

came on to
in the
d the real
e debts of
real estate

said Arthur
nah Wyale,
ell and
tiff's petition
ff sale

e Judge.
Distribution.

dering Deed

on the
estate of
ner order
petitioner
id order;

13629

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 ordred 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 Hannah Wyale and Cloyd Wyale in said real estate, to the purchaser, C. R. Ballinger. 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 Hundred and Sixty ($160.00) Dollars.

It is further ordered that said Arthur W. Galloway out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $50.00 to Arthur W. Galloway for services performed for the fiduciary in connection with the sale and the sum of $ none 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 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;

(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.

And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $27.50, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

THE COL. P. B. MFG. CO. 74930

13640
Filed
June 24- 1938.

In the Matter of The Estate of George R. Howe, Deceased.
Petition to Sell Personal Property.

Probate Court, Union County, Ohio.
No. 13640 - June 24- A. D. 1938.
Petition.

In the Matter of The Estate of George R. Howe, Deceased.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Executor of the estate of George R. Howe 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 or Measure of Articles in Item	Description of Articles Appraised.	Appraised Value	
	One	Note of J. D. Haines & Burton Haines Balance due $450.00 with interest at 7% from June 22, 1938, secured by chattel mortgage #29725	$450.	00
	One	Note of Burton Haines, J. D. Haines & Wadbelle Haines secured by real estate mortgage Vol. 109, Page 67-68	800.	00
	One	Note of Olin M. Dishemett & Caelia Alice Dishemett secured by chattel mortgage #26040 and real estate mortgage, Vol. 110, Page 277	475.	00
		Five shares capital stock, Richwood Banking Co. certificate #226	500.	00
		Warehouse receipt No. 5062 Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 8676; 8677; 8678; 8679 and 8680	250.	00
		Warehouse receipt No. 5063, Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 6136; 6137; 6138; 6139; 6140	250.	00

13640

Filed
June 24- 1938.

In the Matter of The Estate of George R. Howe, Deceased.
To Sell Personal Property.

The undersigned respectfully represents that he is the duly appointed and qualified Executor of the estate of George R. Howe 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 or Measure of Articles in Item	Description of Articles Appraised.	Appraised Value	
	One	Note of J. D. Haines & Burton Haines Balance due $450.00 with interest at 7% from June 22, 1938, secured by chattel mortgage #29725	$450.	00
	One	Note of Burton Haines, J. D. Haines & Wadbelle Haines secured by real estate mortgage Vol. 109, Page 67-68	800.	00
	One	Note of Olin M. Dishemett & Caelia Alice Dishemett secured by chattel mortgage #26040 and real estate mortgage, Vol. 110, Page 277	475.	00
		Five shares capital stock, Richwood Banking Co. certificate #226	500.	00
		Warehouse receipt No. 5062 Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 8676; 8677; 8678; 8679 and 8680	250.	00
		Warehouse receipt No. 5063, Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 6136; 6137; 6138; 6139; 6140	250.	00

Deceased.	13640			Warehouse receipt No. 1102 Blair Distilling Co. for five barels Penfield Heavy Body Sour Mash Bourbon Whiskey, Bbls. Nos. 6051; 6052; 6053; 6054; 6055	250.	00
Ohio. A. D. 1938.				Warehouse receipt No. 1103 Blair Distilling Co. for five Bbls. Penfield Heavy Body Sour Mash Bourbon Whiskey Bbls. Nos. 6056; 6057; 6058; 6059; 6060	250.	00

The undersigned feythen represents that said sale would be for the best interests of said estate, for the following reasons:

An immediate sale of these securities can be made for cash. The expense of public sale and risk of future loss can be avoided.

Dated June 24, 1938. Richard C. Thrall - Executor.

The State of Ohio, Union County.

Richard C. Thrall, Executor, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

Richard C. Thrall.

Sworn to before me and signed in my presence, this 24th. day of June, 1938.

L. W. Hazen - Probate Judge.

(Seal)

450.	00	Filed June 24-1938.		
800.	00			
475.	00			
500.	00			
250.	00			
250.	00			

Order of Private Sale, Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of George R. Howe, Deceased. | No. 13640. | Order of Sale of Personal Property.

To Richard C. Thrall, Executor of the estate of George R. Howe:

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 available but not less than the appraisal, the following goods and chattels belonging to said estate, to-wit:

Item No.	Weight, Measure or No. Articles in Item	Description of Articles Appraised	Appraised Value	
	One	Note of J. D. Haines & Burton Haines balance due $450.00 with interest at 7% from June 22, 1938, secured by chattel mortgage #29725.	450.	00
	One	Note of Burton Haines, J. D. Haines & Mabelle Haines secured by real estate mortgage Vol. 109, Page 67-68	800.	00
	One	Note of Olin M. Dishmuett & Celia Alice Dishmuett secured by chattel mortgage #26040 and real estate mortgage, Vol. 110, Page 277.	475.	00

THE COL. B. B. MFG. CO. 74930

13640			Five shares capital stock, Richwood Banking Co. certificate #226	000.	00
			Warehouse receipt No. 5062 Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 8676; 8677; 8678; 8679 and 8680.	250.	00
			Warehouse receipt No. 5063, Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 6136; 6137; 6138; 6139; 6140.	250.	00
			Warehouse receipt No. 1102, Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Bourbon Whiskey, Bbls. Nos. 6051; 6052; 6053; 6054; 6055.	250.	00
			Warehouse receipt No. 1103, Blair Distilling Co. for five barrels, Penfield Heavy Body Sour Mash Bourbon Whiskey Bbls. Nos. 6056; 6057; 6058; 6059; 6060.	250.	00

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

The deferred payments to bear interest from date of sale, and to be secured by the note or 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 24th. day of June, 1938.

Seal

L. W. Hazen- Probate Judge.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of George R. Horn, Deceased. | Report of Sale of Personal Property.

The undersigned, Richard C. Thrall, Executor of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, commencing on the — day of — 19—, and closing on the — day of — 19, for the sum of thirty-two 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 24th. day of June, 1938.

Richard C. Thrall.

13640

No. of Item.

1

1

1

13640

Bill of Sale.

No. of Items.		Appraised Value	To Whom Sold	Price.
	000. 00			
1	Note of J. D. Haines & Burton Haines balance due $450.00 with interest at 7% from June 22, 1938, secured by chattel mtg. # 29725,	450. 00	Elbert Howe	450. 00
	250. 00			
1	Note of Burton Haines, J. D. Haines & Maebelle Haines, secured by real estate mtg. Vol. 109, Page 67-68,	800. 00	Elbert Howe	800. 00
	250. 00			
1	Note of Olin M. Disbennett & Loebia Alice Disbennett secured by chattel mortgage # 26040 and real estate			
	250. 00			
	mortgage Vol. 110, Page 277.	475. 00	Elbert Howe	475. 00
	Five shares capital stock, Richwood Banking Company, certificate #226.	500. 00	Elbert Howe	500. 00
	250. 00			
	Warehouse receipt No. 5062, Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 8676; 8678; 8677; 8679 and 8680.	250. 00	Elbert Howe	250. 00
	Warehouse receipt No. 5063; Blair Distilling Co. for five barrels Penfield Heavy Body Sour Mash Whiskey Bbls. Nos. 6136; 6137; 6138; 6139; 6140.	250. 00	Elbert Howe	250. 00
	Warehouse receipt No. 1120 Blair Distilling Co. for five bbls. Penfield Heavy Body Sour Mash Bourbon Whiskey, Bbls. Nos. 6051; 6052; 6053; 6054; 6055.	250. 00	Elbert Howe	250. 00
	Warehouse receipt No. 1103. Blair Distilling Co. for five bbls. Penfield Heavy Body Sour Mash Bourbon Whiskey, Bbls. Nos. 6056; 6057; 6058; 6059; 6060.	250. 00	Elbert Howe	250. 00

...date of sale, ...urchaser, ... from this ...same, to- ...nt, this ...te Judge. ...s. ...onal Property. ...d said ...said Court, ...commencing ...the — ... and twenty ...ing not less ...ttached.

...l.

THE COL. B. B. MFG. CO. 74930

13640

The State of Ohio, Union County.

Richard C. Thrall, executor of the Estate of George R. Howe, 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. Thrall.

Sworn to before me and signed in my presence, this 24th. day of June, 1938.

L. W. Hazen - Probate Judge.

Journal Entry.

Probate Court, Union County, O.

In the Matter of the Estate of George R. Howe, Deceased. | June 24- 1938.
Sale of Personal Property Confirmed.

The Executor of the above named decedent having filed his return of the order heretofore issued for a 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.

Filed June 27- 1938

Order to Transfer Stock.

In the Probate Court, Union County, Ohio.

In the Matter of The Estate of George R. Howe, Deceased. | Case No. 13640.
Order to Transfer Stock.

To the Richwood Banking Company:
Richwood, Ohio.

Heretofore and on the 24th day of June, 1938, Richard C. Thrall as Executor of the Estate of George R. Howe, deceased, having made application to this court to sell certain personal property belonging to said estate including five shares of Capital Stock of the Richwood Banking Company represented by certificate No. 226 and valued at $500.00 at private sale, at the appraised value.

And on said day the said Executor having offered for sale and sold said bank stock to Elbert Howe and the said Executor having made return and report of said sale to this court, in writing, and the court on said day having carefully examined the same and finding the said proceeding in all respect regular and in accordance with law, therefore, approved and confirmed the same all of which proceeding will more fully appear of record in this court.

Therefore, you are hereby authorized and directed to make such entry as necessary on the books and records of your company transferring said five shares of stock, evidenced by Certificate No. 226, in the

13640

13454
Filed
July 2-1938.

13640 name of George R. Howe to Elbert Hoye.
L. W. Hazen - Probate Judge.

(From Pg. 275.)

13454 filed July 2-1938.

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

Emery E. Butz, Administrator of the (estate) of Christopher Hiple, Deceased, Plaintiff, vs. Albert H. Hiple, et al, Defendants. | No. 13454. Application.

The said Plaintiff represents that it would be for the best interest of the said estate to sell the real estate described in the petition as tracts Nos. 6 and 7 in this case at private sale, for the following reasons:

Plaintiff represents that heretofore, to-wit, on the 31st. day of January, 1938, this Court ordered this applicant to sell the real estate described in the petition at public sale at the north door of the Court House in Marysville, Ohio, and that pursuant to said order, said property was offered for sale on the 26th. day of February, 1938, and that the tracts designated in the petition as tracts Nos. 6 and 7 were unsold for want of bidders.

Your applicant says that the return of sale was made on the 2nd. day of March, 1938, and that thereafter, plaintiff has used diligent endeavor to sell said property, that he has listed the same with numerous real estate brokers in the city of Marion, Ohio, where the said real estate is located; that he has asked for bidders thereon, and that the highest offer that he has been able to procure for said property is the sum of $230.00 for tract No. 6, being Lot No. 4051 in Criesinger's Addition to the City of Marion, Ohio, and $20.00 for tract No. 7, being Lot No. 6685 in Perry, Jones & Wilson's Addition to said City of Marion.

Your applicant says that tract No. 6 consists of a lot and small four room house, not modern, and in bad repair, and that tract No. 7 is a vacant lot. Your applicant further says that tract No. 6 was appraised at $800.00 and tract No. 7 at $250.00, but that said appraisement is greatly in excess of the present market value of said property, and that in the opinion of this applicant, said properties cannot be sold in excess of the bid aforesaid; that upon inquiry, your applicant has learned that vacant lots in the vicinity of tract No. 7 have sold in the neighborhood of $20.00.

THE COL. B. B. MFG. CO. 74930

13454

Your applicant says that all the rest & the property in this estate has been sold; that the estate is ready to close and distribution to be made, except for these two plots; that on July 9th, a premium on the bond will be due, and this applicant believes that it will be for the best interest of said estate to issue an order of private sale, authorizing him to sell the said two properties at private sale for not less than the following values, to-wit:— Tract No. 6, $230.00; Tract No. 7, $20.00.

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

Emery E. Butz - Administrator of the estate of Christopher Hinkle, decd.

The State of Ohio, Union County.

Emery E. Butz, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Emery E. Butz.

Sworn to before me and signed in my presence this 25th. day of June, A. D. 1938.

Sturgis H. Cheney - Notary Public.

13454

Filed July 2 - 1938.

Journal Entry.

In the Probate Court of Union County, Ohio.

Emery E. Butz, Administrator of the estate of Christopher Hinkle, Deceased, Plaintiff, vs. Albert H. Hinkle, et al., Defendants.

No. 13454. Journal Entry.

Filed July 2 - 1938.

This day this cause came on to be heard on the application of the plaintiff for authority to sell real estate described in the petition be tracts Nos. 6 and 7, and for the Court to fix the price at which said real estate may be sold, and upon consideration thereof, and being fully advised in the premises, the Court finds upon satisfactory evidence that it would be more to the interest of said estate to sell said real estate, to-wit, said Tracts Nos. 6 and 7 described in the petition, at private sale, and the Court hereby fixes the price for which such real estate may be sold, as follows:— Said Tract No. 6 be sold for not less than the sum of $230.00; and said Tract No. 7 be sold for not less than $20.00; and it is therefore ordered that the said Emery E. Butz, as such Administrator, proceed to sell said real estate at private sale for not less than the values aforesaid, and upon the following terms, to-wit:— Cash in hand, and said petitioner is ordered to

13764

make return to this Court immediately after such sale is made.

L. W. Hazen - Judge.

Filed July 2 - 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Emry E. Butz, Administrator of the estate of Christopher Hiripple, 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 Christopher Hiripple, deceased, are Plaintiff and Albert H. Hiripple, et al, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than the following values, to-wit:- Tract No. 6, $230.00, Tract No. 7, $20.00, the following described premises, to-wit:-

Tract No. 6:- Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 4,051 in Carpenter's Second Addition to the City of Marion, Ohio.

Tract No. 7:- Situated in the City of Marion, County of Marion, and State of Ohio, and known as Lot No. 6,685 in Perry, Jones and Wilson's Addition to the City of Marion, Ohio.

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 2nd. day of July, A. D. 1938.

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 5th. day of July, 1938.

Emry E. Butz - Administrator.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 5th. day of July, 1938, offer said property, at private sale, and Ed E. Morton having offered therefor the sum of Two Hundred Fifty and 00/100 Dollars ($250.00) and the same being not less than the sum fixed by the Court, I sold the same to said Ed E. Morton for that sum.

Emry E. Butz - Administrator.

THE COL. P. B. MFG. CO. 74930

13454

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Emery E. Butz, 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.

Emery E. Butz.

Subscribed in my presence and sworn to before me this 5th. day of July, 1938.

Sturgis H. Cheney- Notary Public.

(Seal)

Filed July 5 - 1938.

Journal Entry - Confirmation of Sale.

In the Probate Court of Union County, Ohio.

Emery E. Butz, as Administrator of the estate of Christopher Hinkle, Deceased, Plaintiff,

vs.

Albert H. Hinkle, et al, Defendants.

No. 13454.
Journal Entry.
Confirmation of Sale.

This day this cause came on further to be heard, on the report of Emery E. Butz, administrator of the estate of Christopher Hinkle, deceased, of his proceedings under the former order of this court, and upon the motion of said petitioner to confirm the sale of the real estate, designated in the petition as Tract No. 6 and Tract No. 7, 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 Christopher Hinkle, deceased, in said real estate, to-wit: Said Tract No. 6 and Tract No. 7, to the purchaser Ed E. Morton, upon receipt from said purchaser of the purchase price in cash.

It being made to appear to the Court that the purchaser has as a part of the purchase price agreed to pay the taxes now a lien on said property, no order is made for the payment thereof by the petitioner.

And now this cause coming on further to be heard upon the motion to distribute the proceeds of said sale, including the proceeds of sales heretofore made and reported herein, it is ordered that said administrator out of the moneys in his hands pay:- The costs and expenses incurred in the sale of said property, including an attorney fee

13454

12980
Filed
May 20 - 1938.

13454 of $827.85 to W. P. Malony and R. A. McAllister, and $609.90 the percentum of said administrator herein, amounting to the sum of $1649.93, and it is further ordered that the balance of said proceeds be accounted for by said administrator, according to law.

It is further ordered that this proceeding be recorded and that said petitioner pay the costs herein, taxed at $212.18 within ten days.

L. W. Hazen - Probate Judge.

12980 Filed May 20 - 1938.

In the Matter of The Estate of Cornelius C. Walke, Deceased.

Probate Court of Union County, Ohio.

In the Matter of the Estate of Cornelius C. Walke, Deceased. | Application.

Now comes Ella May McGuire and represents to the Court that on or about the fifth day of July, 1935, Cornelius C. Walke, her father, died testate and that his last Will and Testament was duly admitted to Probate on the fifteenth day of July, 1935, and on the nineteenth day of July, 1935, Ella May McGuire, the applicant herein, was duly appointed as executrix for said estate and was duly qualified and letters of testamentary were issued thereon.

Applicant further represents to the Court that by virtue of Item 3 of the last Will and Testament of said decedent, Cornelius C. Walke, Ella May McGuire, the applicant herein, was named as residuary devisee; that said last Will and Testament, among other provisions, contained the following, to-wit:

½ "Item 3. All the rest and residue of my property, be it of whatsoever nature, description or kind or wheresoever found, I give and devise to my daughter, Ella May McGuire, for and during her natural life, she to have the income therefrom, and the right to convert or reconvert, or to sell and give proper conveyance therefor, in her own name without proceedings through the Court, as she may find necessary.

If the income from said property is not sufficient with the income from her own property to maintain her, or provide for her necessary expenses in case of illness, then I direct that she use so much of the principal as may be necessary therefor."

Applicant further represents to the Court that the income from said property together with the income from her property is not sufficient to maintain her, and the same is now unproductive, and it is necessary that the following real estate be sold for the purpose of maintenance and support of the applicant.

THE COL. B. B. MFG. CO. 74930

12980

Said real estate is described as follows:

Situated in the State of Ohio, County of Union, Township of Union, and Village of Milford Center.

First tract: Being Lot No. 188 in the James V. Turley addition to the Village of Milford Center, Ohio.

Second tract: Being all of Lot No. 187 in the James V. Turley addition to the Village of Milford Center, Ohio.

Third tract: all that part of Out Lot No. 6 in said Village bounded on the North by an alley, on the East by the west line of Out Lot No. 7, on the south by the south line of V. M. Survey No. 5127.

Fourth tract: all that part of Out Lot No. 7 in said Village of Milford Center, bounded on the North by an alley, on the East by Remington-Miller's addition to said village, on the South by the south line of V. M. Survey No. 5127, and on the West by the east line of Out Lot No. 6.

Fifth tract: Being all of In Lot No. 22 in the Village of Milford Center, Ohio.

Sixth tract: Being all that tract or parcel of land lying on the north end of In-Lot No. 22 in said Village of Milford Center from the north end of said lot to the Mill Race reserving the privilege of keeping said race in good repair.

Seventh tract: Being all of Lot No. 51 in the Village of Milford Center.

Ninth tract: Being the west 50 feet off of Lot No. 16 in the Village of Milford Center.

Said premises fronting 50 feet upon State Street and having a depth of 132 feet, and being all of said lot, excepting the portion thereof conveyed to Alva M. Dewolf, Guardian of Clyde D. Dewolf, by deed recorded in Volume 102, page 276 of the Records of Union County, Ohio.

Wherefore, applicant requests the Court to approve the application herein, and to order the sale of the above described real estate in compliance with Item 3 of the last Will and Testament of Cornelius C. Walker, deceased, and to such other and further relief as the Court may deem just, equitable, and proper.

Clifton L. Caryl
Attorney for Applicant.

State of Ohio, County of Union, ss:

Ella May McClure, being first duly sworn, says that the facts stated, and allegations contained in the foregoing application are true as she verily believes.

Ella May McClure.

Sworn to before me and subscribed in my presence this seventeenth day of May, 1938.

(Seal)

Clifton L. Caryl-Notary Public
Union County, Ohio.

12980
Filed
May 20-1938.

Filed
May 20-1938.

12980
Filed
May 20- 1938.

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

In the Matter of the Estate of Cornelius C. Walker, Deceased. | Journal Entry Filing Petition to Sell Real Estate.

This day came the applicant, Ella May Mc Cutire, and filed herein her application praying for an order to sell certain real estate of Cornelius C. Walker, deceased, therein described, for the purpose of realizing necessary funds for maintenance and support of said applicant as provided by the last Will and Testament of Cornelius C. Walker, deceased.

Ella May Mc Cutire.

Filed
May 20- 1938.

Journal Entry Ordering Sale of Real Estate.
Probate Court, Union County, Ohio.

In the Matter of the Estate of Cornelius C. Walker, Deceased. | Journal Entry Ordering Sale of Real Estate.

This day this cause came on for hearing before the Court upon the application of Ella May Mc Cutire, the Court being satisfied that it is necessary to sell the real estate described in said application for the purpose of support and maintenance of applicant. It is further ordered by the Court that Ella May Mc Cutire, the applicant herein, proceed to sell said real estate free of dower at private sale for not less than the sum of $1.00, cash, and that said applicant is hereby authorized to execute the necessary deed or deeds of conveyance as is provided by Law and in compliance with Item 3 of the last Will and Testament of Cornelius C. Walker, deceased, which item is set forth in the application of the said Ella Mc Cutire.

C. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 74930

13554
Filed
Mar. 14-1938.

2w

In
Belle
U
spect
ord
neces
prop

and
prop
thou
dec

Stat
h
is
and
in th

S
this

13554
Filed
Mar. 14-1938.

In the Matter of The Estate of Belle D. Thompson, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate of | No. 13554.
Belle D. Thompson, Deceased. | Application.

Now comes Louis Michel, Executor herein, and respectfully represents to the Court that in order to carry out the terms of the Will of said decedent, it is necessary for him to sell the following described personal property, to-wit:

Federal Farm Mtg. Corp. Bond, 172714 D, $100.00;
Federal Farm Mtg. Corp. Bond, 172712 B, 100.00;
Federal Farm Mtg. Corp. Bond, 172718 J, 100.00;
Federal Farm Mtg. Corp. Bond, 172715 E, 100.00;
Federal Farm Mtg. Corp. Bond, 172713 C, 100.00;
Federal Farm Mtg. Corp. Bond, 172711 A, 100.00;
Federal Farm Mtg. Corp. Bond, 172719 K, 100.00;
21, $100.00 U. S. A. Savings Bonds, issued 1/1/36, Series B, Nos. C 238721 B to C 238741 B, inclusive;
14, $50.00 U. S. A. Savings Bonds, issued 1/1/36, Series B, Nos. L 87147 B to L 87160 B, inclusive;
38, $100.00 U. S. A. Savings Bonds, issued 1/1/36, Series B. L 238131 B to L 238168 B, inclusive;
10 shares Ohio Edison Preferred stock, $6.60, Series, #C1970;
6 shares Goodyear Tire & Rubber Co., $5. convertible preferred #cp/o 11025;
2 shares Goodyear Tire & Rubber Co., common, cp/o 10125;
Certificate of Deposit in the Farmers & Merchants Bank of Milford Center, Ohio, #8592 for $1000.00.

That it would be to the best interests of said estate and the beneficiaries thereof to sell all of the chattels property at private sale at market price.

Wherefore, said executor prays for an order authorizing and directing him to sell all of the above described property at private sale, at market price.

Louis Michel.

State of Ohio, Union County, ss:

Louis Michel, being first duly sworn, says that he is Executor of the Estate of Belle D. Thompson, deceased, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

Louis Michel.

Sworn to before me and subscribed in my presence this 14th. day of March, 1938.

Seal

Ruth Hess—Notary Public.

THE COL. B. B. MFG. CO. 74930

13554
Filed
Mar. 14-1938.

Entry.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of | No. 13554.
Belle D. Thompson, Deceased. | Entry.

This day this cause came on to be heard upon the application of Louis Michel, Executor, for authority to sell at private sale, at market price, the following described chattel property, assets of said estate, to-wit:

Federal Farm Mtg. Corp. Bond, 172714 D, $100.00;
Federal Farm Mtg. Corp. Bond, 172712 B, 100.00;
Federal Farm Mtg. Corp. Bond, 172718 J, 100.00;
Federal Farm Mtg. Corp. Bond, 172715 E, 100.00;
Federal Farm Mtg. Corp. Bond, 172713 C, 100.00;
Federal Farm Mtg. Corp. Bond, 172711 A, 100.00;
Federal Farm Mtg. Corp. Bond, 172719 K, 100.00;
21, $100.00 U. S. A. Savings Bonds, issued 1/1/36, Series B. Nos. C 238721 B to C 238741 B, inclusive;
14, $50.00 U. S. A. Savings Bonds, issued 1/1/36, Series B. Nos. L 87147 B to L 87160 B, inclusive;
38, $50.00 U. S. A. Savings Bonds, issued 1/1/36, Series B- L 238131 B, to L 238168 B, inclusive;
10 shares Ohio Edison Preferred stock, $6.60 Series, # C 1970;
6 shares Goodyear Tire & Rubber Co., $5. convertible preferred #cp/o 11025;
2 shares Goodyear Tire & Rubber Co., common, cp/o 10125;
Certificate of Deposit in the Farmers & Merchants Bank of Milford Center, Ohio, #8592 for $1000.00.

And it appearing to the Court that it is necessary for said Executor to sell said chattel property in order to carry out the terms of the Will of the said Belle D. Thompson, and that it would be for the best interests of said estate and the beneficiaries to sell the same at private sale and at market price, said application is therefore sustained, and the said Louis Michel, as Executor, is hereby authorized and directed to sell all of the said chattel property at private sale, at market price, and to make return of his proceedings to the Court.

L. W. Hazen - Probate Judge.

upon the
ty to sell
described
:
00;
00;
.00;
0.00;
0.00;
/1/36,
clusive;
1/1/36,
clusive;
1/1/36,
lusive;
60 Series,

convertible

mon,

haute
for $1000.00.

ecessary for
w order
Belle D.
s interests
he same
d appli-
Louis,
d directed
ivate sale,
proceedings
Judge.

THE COL. B. B. MFG. CO. 74930

13504
Filed
Mar. 21- 1938.

(From Page 379.)

Bond of Administrator.

Know all Men by these Presents: That we C. A. Hoopes, R. B. Hess and Fred Johnson, are held and firmly bound unto the State of Ohio, in the penal sum of One Thousand Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 21st. day of March, A. D. 1938.

The condition of the above obligation is such, that whereas, the above bound C. A. Hoopes was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of W. O. Clutter, Deceased.

And whereas, the said C. A. Hoopes as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said W. O. Clutter described in said petition;

And whereas said Court, on the 21st. day of March, 1938, made an order requiring said C. A. Hoopes to execute a bond according to the statute in such cases made and provided.

Now, if the said C. A. Hoopes as Administrator aforesaid, shall faithfully discharge his duties and pay and account for all money 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
Ruth Hess
William S. Hoopes

C. A. Hoopes.
R. B. Hess.
Fred C. Johnson.

This Bond approved in open Court, this 21st. day of March, 1938.

Seal

L. W. Hagen- Probate Judge.

Filed
Mar. 21- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To C. A. Hoopes, Administrator of the Estate of W. O. Clutter, 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 W. O. Clutter, deceased, are Plaintiff and James N. Clutter, et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Seven Hundred Dollars the appraised value thereof, the following described premises, to-wit:

13504

Si
and
and
B
one-
U. D.
a p
at
a
coun
of U
West
forty
the
to a
in
coun
of sa
S
one
y
afore
in
ceedi
W
Probat
of U

To

the
by

13504

Situated in the County of Union, in the State of Ohio, and in the Village of Magnetic Springs, and bounded and described as follows:

Being Lot No. Ninety-nine (99) fronting forty-seven and one-half feet (47½) on the west side of Way Street in U. D. De Good's second addition to the above named village, a plat of which is duly recorded in the office of recorder at Marysville, Ohio.

Also the following lot of land beginning at the N. E. corner of Lot No. 99 above described and on the W. side of Way St.; thence northerly along said Street and on the West side of Way St.; thence northerly along said Street forty (40) feet to a stake; thence westerly parallel with the north line of Lot No. (99) One Hundred (100) feet to a stake in line with a twelve foot alley Southerly in line with said alley forty (40) feet to the northwest corner of Lot No. 99; thence easterly with the North line of said Lot No. (99) to the place of beginning.

Said sale to be upon the following terms: Cash one hand at 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 21st. day of March, 1938.

Ted 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 21st. day of March, 1938.

Le A. Hooper.

Repot of Private Sale.

In obedience to the command of the within order of sale, I did on the 21st. day of March, 1938, offer said property at private sale, and James F. Clutter having offered therefor the sum of Seven Hundred Dollars ($700.00) and the same being not less than the appraised value of said property, I sold the same to said James F. Clutter for that sum.

Le A. Hooper.

THE COL. B. B. MFG. CO. 74930

13504

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

C. A. Hoopes, 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.

C. A. Hoopes.

Sworn to before me and subscribed in my presence, this 21st. day of March, 1938.

William S. Hoopes-Notary Public.

Filed Mar. 19-1938.

Entry.

In the Probate Court, Union County, Ohio.

C. A. Hoopes, Administrator of the Estate of W. O. Clutter, Deceased, Plaintiff,

-vs-

James S. Clutter, et al, Defendants.

No. 13504. Entry.

This day this cause came on to be heard upon the petition of plaintiff, the answer of the defendant, Mary B. Clutter, and the answer and cross petition of the defendant, The Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio, and the evidence.

And the Court, being fully advised in the premises, finds from the evidence that all necessary parties are before the court, and that the defendants, James S. Clutter, Lena Cronbaugh, William A. Clutter and Mattie Clutter Harlan, although served with summons according to law, which service of summons is hereby approved, are in default for answer or demurrer to the petition of the plaintiff.

The Court further finds that the defendant, Mary B. Clutter, widow of the decedent, W. O. Clutter, has by her answer, consented to a sale of the real estate, free from any claim or dower, for other interest that she may have therein; that the defendant, The Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio, has no lien upon said real estate superior to the lien of the plaintiff herein for the payment of debts of the decedent, for the reason that the decedent was seized in fee simple of all of the real estate described in the petition, and the defendant, Mary B. Clutter, owned no interest therein until the death of the decedent, W. O. Clutter.

13504.

13565
Filed
Mar. 7- 1938.
Hoopes & Saunders, Attorneys.

13504.

The Court further finds that the prayer of the petition should be granted, and that the real estate described in the petition was appraised by the appraisers of the Estate of W. O. Clutter, deceased, in compliance with an order of this Court, for the sum of $700.00, and it is hereby ordered 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 W. O. Clutter, deceased, in the amount of $500.00, 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 $1000.00.

And it appearing that private sale would be to the best interests of said estate, it is ordered that the said L. A. Hoopes, as such Administrator, sell said real estate, at private sale, at not less than $700.00, that being the appraised value thereof, and that said sale be made for cash.

It is further ordered that the said L. A. Hoopes, as such Administrator, make return of sale without unnecessary delay.

L. W. Hazen- Probate Judge.

Approved:
Hoopes, Sanders & Hoopes
Attorneys for Plaintiff.

Attorneys for defendant, Division of Aid for Aged.

Maxwell Malen.
Attorney for other defendants.

13565
Filed
Mar. 7- 1938.
Hoopes & Sanders,
Attorneys.

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

Seldon W. Hill, Administrator of the Estate of La Fayette Cary, Deceased,

Plaintiff,

-vs-

Lora Cary, Alice Hickok, George Hickok, Margaret Claar, Herbert Claar, Minnie Beard and Everett Beard,

Defendants.

Us. 13565.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the Estate of La Fayette Cary, deceased, late of this County, and as near as can be ascertained, the amount of valid debts against

THE COL. B. B. MFG. CO. 74930

13565

said decedent is $700.00.

An allowance of $500.00 was made by the appraisers of said estate to the widow, Lora Cary, for her year's support, in compliance of law, and the exemptions of said widow, in compliance with Section 10509-67 of the General Code of Ohio, amounts to $1681.22. The costs of administering said estate will be about $400.00.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at $2406.10 and said appraisement not having been excepted to, the same has been approved and confirmed by the Probate Court of Union County, Ohio, and said personal property is wholly insufficient to pay the debts, exemptions, allowance, and costs aforesaid.

Said decedent did seized in fee simple of the following described real estate:

Situated in the State of Ohio, County of Union and Township of Leesburg, and in Survey No. 3692, and bounded and described as follows:

Beginning at a stone in the center of the Pharisburg and Broadway Gravel Road and at the Southeast corner of Wm. Styers land; thence with the east line of said land and the lands of S. B. Taylor N. 11° 45' E. 66.95 poles to a large stobe corner to La Fayette Cary's land; thence with the south line of said Cary's land S. 78° 40' E. 92-70/100 poles to a stone at the southeast corner to said Cary's land and in the West line of Dora Miller's land; thence with said line S. 11° 30' W. 66-18/100 poles to a stone in the center of said road; thence with the center of said road N. 79° 30' W. 53-55/100 poles to an angle; and thence N. 79° W. 40 poles to the beginning.

Containing Thirty-eight and seventy-five hundredths (38-75/100) acres.

Also the following described real estate situated in the State of Ohio, County of Union and Township of Leesburg and Bounded and described as follows:

In Virginia Military Survey No. 3692.

Beginning at a stake and stone in the West line of lands formerly owned by Samuel Walters and N. E. corner of lands owned by Stephen Cary; thence with the north line of said Stephen Cary's land N. 78° W. 92 poles to a stake in the east line of lands owned by S. B. Taylor; thence with said S. B. Taylor's east line N. 12° E. 30 poles to a stake in the South line of Wm. Mulvane's land; thence with the South line of said Wm. Mulvane's land and with the south line of lands formerly owned by James Mulvane S. 76° 30' E. 38 poles to a stake; thence with the east line of said lands

13565

formerly owned by said James Mulvane N. 12° E. 105 poles to a stake in the center of the Union Gravel Road and S. W. corner of the 25-35/100 acre tract sold to Alexander Mulvane; thence with the center of said road N. 79° 30' E. 32-30/100 poles to a stake; thence S. 83° 45' E. 22 poles to a stake in the west line of said lands formerly owned by Samuel Walters; thence with the west land line of said lands formerly owned by said Samuel Walters S. 12° W. 142-60/100 poles to the place of beginning.

Containing 56-50/100 acres of land.

Said real estate was included in the inventory of said estate pursuant to an order of the Probate Court of Union County, Ohio, and appraised for the sum of Six Thousand ($6000.00) Dollars.

The decedent died leaving the defendant, Lora Cary, as his widow, who is 73 years of age, and the defendants, Alice Hickok, Margaret Clagg and Minerva Beard, who are his only heirs at law and next of kin, and the only persons entitled to the next estate of inheritance from the decedent in said real estate, and the only persons having any interest therein.

The defendant, George Hickok, is the husband of the defendant, Alice Hickok; the defendant, Herbert Claar, is the husband of the defendant, Margaret Claar; the defendant, Everett Beard, is the husband of the defendant, Minerva Beard.

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

Wherefore, plaintiff prays that said real estate be sold free from the claims, right of dower, or interest of any of the parties defendant therein, and that the rights and interests 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 deems just and proper.

Hoopes, Sanders & Hoopes
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Seldon W. Hill, being first duly sworn, says that he is the Administrator of the Estate of La Fayette Cary, deceased, and as such is the plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Seldon W. Hill.

Sworn to before me and subscribed in my presence this 3rd. day of February, 1938.

(Seal) Gwynn Sanders - Notary Public.

THE COL. B. B. MFG. CO. 74930

13565
Filed
Mar. 7- 1938.

Waiver.

In the Probate Court of Union County, Ohio.

Seldon W. Hill, as Administrator of the Estate of La Fayette Cary, Deceased, Plaintiff,

vs.

Lora Cary, et al., Defendants.

No. 13565.
Waiver.

Now come the undersigned parties defendant in the above entitled cause, and voluntarily enter their appearance herein, and waive the issuing of service of summons and process, and consent to a sale of the real estate as prayed for in the petition.

Allie Hickok.
Geo. Hickok.
Minerva Beard.
Everett Beard.
Margaret Claar.
Herbert Claar.

Filed
Mar. 7- 1938.

Answer of Widow, Lora Cary.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, as Administrator of the Estate of La Fayette Cary, Deceased, Plaintiff,

vs.

Lora Cary, et al., Defendants.

No. 13565.
Answer of Widow, Lora Cary.

Now comes Lora Cary, widow of La Fayette Cary, deceased, and for her answer to the petition herein, says:

That she does hereby voluntarily enter her appearance herein and waive the issuing of service of summons and process and consent to a sale of the real estate as prayed for in said petition.

This defendant further says that she is the widow of the said La Fayette Cary, deceased, and 73 years of age, and she does hereby waive any dower interest she may have in said real estate, and does hereby consent that said real estate be sold as prayed for in said petition, free from any claim of dower that she may have therein.

Wherefore, this defendant prays that said real estate may be sold by Seldon W. Hill, Administrator, as prayed for in the petition.

Lora Cary.

13565

Filed
May 10- 1938.

Stat
Ad
widow
answ
and
true

this

Filed
May 10- 1938.

Seld
of th
Dec

Lora

sale
prop
there
than
sam

Stat

the
orde
ende
that
be

this

Filed
May 10- 1938.

Sy
La

spec
for
prio
here
chil

13565 State of Ohio, Union County, ss:
Lora Cary, being first duly sworn, says that she is the widow of La Fayette Cary, deceased, and as such is the answering defendant herein, and that the facts stated and allegations contained in the foregoing answer are true as she verily believes.

Lora Cary.

Sworn to before me and subscribed in my presence this 3 day of Feb. 1938.

(Seal) Guyon Sanders—Notary Public.

Filed May 10-1938.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator of the Estate of La Fayette Cary, Deceased, Plaintiff, vs. Lora Cary, et al, Defendants. | No. 13565. Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 10th. day of May, 1938, offer said property at private sale, and Roy C. Tapauer having offered therefor the sum of $5250.00, and that being not less than the appraised value of said property, I sold the same to him for that sum.

Seldon W. Hill.

State of Ohio, Union County, ss:
Seldon W. Hill, being first duly sworn, says that the private sale of the 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.

Seldon W. Hill.

Subscribed in my presence and sworn to before me this 10 th. day of May, 1938.

(Seal) William S. Hoopes—Notary Public.

Filed May 10-1938.

Motion.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of La Fayette Cary, Deceased. | No. 13565. Motion.

Now comes Seldon W. Hill, Administrator, and respectfully represents to the court that he has an offer for the real estate of said decedent of $5250.00, at private sale, which is the best offer that he has been able to obtain; that the widow and all of the children of said decedent have consented that the

THE COL. P. B. MFG. CO. 74930

13565

appraisal of said real estate be reduced from $6000.00 to $5250.00, so that the same may be sold at private sale, and said administrator moves the court for an order reducing the appraisal of said real estate to $5250.00.

Seldon W. Hill - Administrator.

Filed
May 10 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of La Fayette Cary, Deceased.

No. 13565.

Entry.

This day this cause came on to be heard upon the motion of the administrator for an order reducing the appraisal of the real estate of said decedent from $6000.00 to $5250.00, and was submitted to the court.

And the court, being fully advised in the premises, finds that the widow and all of the children of said decedent, have consented to said reduction in order that said real estate may be sold at private sale, and that it is for the best interest of said estate that said appraisal be so reduced, and said motion is therefore sustained, and it is therefore ordered that the appraisal of said real estate be reduced to $5250.00.

L. W. Hazen - Judge.

Filed
May 10 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator of the Estate of La Fayette Cary, Deceased,

Plaintiff,

-vs-

Lora Cary, et al.,

Defendants.

No. 13565.

Entry.

Filed
May 10 - 1938.

This day this cause came on to be heard upon the petition of plaintiff for authority to sell real estate of the above decedent to pay debts of his estate, and the answer of Lora Cary, surviving spouse of said decedent, and the court, being fully advised in the premises, finds that all of the defendants have waived the issuing of service of summons and process herein, and have consented to sale of the real estate as described and prayed for in the petition, and that all necessary parties are before the court, and that the prayer of the petition should be granted.

The court further finds that the total value of the personal property of said decedent as fixed by the appraisers of said estate, which inventory and appraisement has been approved and confirmed by

13565 this court, is wholly insufficient to pay the debts, expenses, allowance, and the costs of administering said estate, and that it is therefore necessary to sell said real estate to pay the same; the court further finds that the defendant, Lora Cary, is the surviving spouse of the decedent; and that the defendants, Alice Hickok, Margaret Clear and Minerva Beard, are the only heirs at law and next of kin of said decedent and the only persons entitled to the next estate of inheritance from the decedent, and the only persons having any interest therein; that the defendant, George Hickok, is the husband of the defendant, Alice Hickok; the defendant, Hubert Clear, is the husband of the defendant, Margaret Clear; that the defendant, Everett Beard, is the husband of the defendant, Minerva Beard.

The court further finds that the real estate described in the petition was appraised by the appraisers of said estate at $5250.00, and 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 LaFayette Cary, deceased, 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 $10,000.00.

And it appearing that private sale would be to the best interests of the estate, it is ordered that Seldon W. Hill, as such Administrator, sell said real estate at private sale, at not less than $5250.00, that being the appraised value thereof, and that said sale be made for cash.

It is further ordered that said Administrator make return of said sale, without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed May 10 - 1938.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator of the Estate of LaFayette Cary, Deceased, Plaintiff,

-vs-

Lora Cary, et al., Defendants.

No. 13565.
Order for Private Sale.

To Seldon W. Hill, Greeting:

Whereas, on the 9th. day of May, 1938, in the Probate Court of Union County, Ohio, in a certain action therein pending, wherein Seldon W. Hill is plaintiff, and Lora Cary, et al., are defendants, it was ordered, adjudged and decreed that you proceed to sell real estate mentioned in the petition, at private sale,

THE COL. B. B. MFG. CO. 74930

13565

for a price not less than the appraised value thereof, subject to the statute regulating the sale of real estate by Administrators, and that you make Return of your proceedings in the premises to 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 State of Ohio, County of Union and Township of Leesburg, and in Survey No. 3692, and bounded and described as follows:

Beginning at a stone in the center of the Pharisburg and Broadway Gravel Road and at the Southeast corner of Wm. Styers land; thence with the east line of said land and the lands of S. B. Taylor N. 11° 45' E. 66.95 poles to a large stone corner to La Fayette Cary's land; thence with the south line of said land S. 78° 40' E. 92-70/100 poles to a stone at the southeast corner to said Cary's land and in the West line of Dora Miller's land; thence with said line S. 11° 30' W. 66-18/100 poles to a stone in the center of said road; thence with the center of said road N. 79° 30' W. 53-55/100 poles to an angle; and thence N. 79° W. 40 poles to the beginning.

Containing Thirty-eight and seventy-five hundredths (38-75/100) acres.

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

In Virginia Military Survey No. 3692.

Beginning at a stake and stone in the west line of lands formerly owned by Samuel Walters and N. E. corner of lands owned by Stephen Cary; thence with the north line of said Stephen Cary's land N. 78° W. 92 poles to a stake in the east line of lands owned by S. B. Taylor; thence with said S. B. Taylor's east line N. 12° E. 30 poles to a stake in the south line of Wm. Mulvane's land; thence with the south line of said Wm. Mulvane's land and with the south line of lands formerly owned by James Mulvane S. 76° 30' E. 38 poles to a stake; thence with the east line of said lands formerly owned by said James Mulvane N. 12° E. 105 poles to a stake in the center of the Union Gravel Road and S. W. corner of the 25-35/100 acre tract sold to Alexander Mulvane; thence with the center of said road N. 79° 30' E. 32-80/100 poles to a stake; thence S. 83° 45' E. 22 poles to a stake in the west line of said lands formerly owned by Samuel Walters; thence with the west land line of said lands formerly owned by said Samuel

Filed
May 10-1938.

13565 Walt

Mar

Sela
& th
& Dec

Lora

Tick
mits
to th
erall

in
Coun
the
Dora
W. 7
real

afore
prem
from
gate

Appr
L. P.

Filed
May 10-1938.

Sela
& th
& Dec

Lora

give
appr

13565 Waltars S. 12° W. 142-60/100 poles to the place of beginning. Containing 56-50/100 acres of land.

Witness my hand and the seal of said Court at Marysville, Ohio, this 9th. day of May, 1938.

L. W. Hazen - Probate judge.

Seal

Filed May 10-1938.

Additional Bond.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator of the Estate of La Fayette Cary, Deceased, Plaintiff,

-vs-

Lora Cary, et al., Defendants.

Us. 13565. Additional Bond.

Know all Men by These Presents:

That we, Seldon W. Hill, Principal, and Allie M. Hickok and Geo. Hickok, as Sureties, are firmly bound unto the State of Ohio, in the penal sum of $10,000.00, 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 Seldon W. Hill, Administrator of the Estate of La Fayette Cary, deceased, is plaintiff, and Lora Cary, et al., are defendants, the said Seldon W. Hill has been ordered by said court to sell certain real estate to pay debts.

Now, if the said Seldon W. Hill, Administrator, as aforesaid, shall faithfully discharge his duties in the premises and full account for all moneys arising from such sale, according to law, then this obligation to be void, otherwise to be in full force and effect.

Approved - May 10-1938. L. W. Hazen - P. J.

Seldon W. Hill - Principal.
Allie M. Hickok.
Geo. Hickok. Sureties.

Seal

Filed May 10-1938.

Entry Approving Bond.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator of the Estate of La Fayette Cary, Deceased, Plaintiff,

-vs-

Lora Cary, et al., Defendants.

No. 13565. Entry Approving Bond.

It appearing to the court that the plaintiff has given additional bond in the sum of $19,000.00, with approved sureties conditioned according to law, said

THE COL. B. B. MFG. CO. 74930

13565

Filed
May 10 - 1938.

bond is hereby approved.

L. W. Hazen - Probate judge.

Entry of Confirmation and Distribution.

In the Probate Court, Union County, Ohio.

Seldon W. Hill, Administrator
of the Estate of La Fayette Cary,
Deceased,

Plaintiff,

-vs-

Lora Cary, et al.,

Defendants.

No. 13565.
Entry.

This day this cause came on to be heard upon the report of Seldon W. Hill, Administrator of the Estate of La Fayette Cary, deceased, of his proceedings under the former order of this court, upon the motion of said petitioner to confirm the sale made in obdience 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 said petitioner execute a deed of all the right, title and interest of the said La Fayette Cary in said real estate, to the purchaser, Guy C. Casaner, upon said purchaser paying to said Administrator the purchase price of said real estate 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 $5250.00, it is ordered that said Administrator, out of the money in his hands, pay:

First: To the treasurer of this County the sum of $19.54, being the taxes, penalty and interest thereon against said property.

Second: The costs and expenses incurred in the sale of said property, to-wit, the sum of $658.50, including an attorney fee of $225.00 to Hooper & Sanders & Hooper, $225.00 the per centum of said Administrator, and $157.50 the percentum of Jesse Kagay, real estate broker.

Third: It is further ordered that the balance of said proceeds, amounting to the sum of $4571.96, be accounted for by said Administrator according to law.

L. W. Hazen - Probate judge.

13589
Filed
Apr. 11-1938. Sta
Arthur W. Galloway, Rob
Attorney.

Dec

John

acti
dece
asce
the

$ 25.

Said
follo
Mun

and
follo

of t
coun
of 2
Cunt
west
coun
poles
ft.
41

by t
9 fe
other
only
heir
hamp
who

orde
acco
pro
the

13589
Filed
Apr. 11-1938.
Arthur W. Galloway,
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

State of Ohio, Union County, ss:

Robert Armistead, Administrator,
of the estate of Ida D. Armistead,
Deceased,
Plaintiff,

-vs-

John Jarvis, and Julia C. Mitchell,
Defendants.

Case No. 13589.
Petition of Administrator
to Sell Real Estate.

The plaintiff is the duly appointed, qualified, and acting administrator of the estate of Ida D. Armistead, deceased, late of this county; as near as can be ascertained, the amount of the valid debts against the deceased is $800.00.

The cost of administering the estate will be about $25.00.

The deceased left no personal property whatsoever. Said decedent died seized in fee simple with the following described real estate, situated in the County of Union, State of Ohio, and further described as follows:

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

Survey No. 4073. Beginning at a stake in the center of the Blue and Jewell Gravel Road at the northwest corner of a tract of 59 acres conveyed by the Sheriff of Union County to George Brahood July 17, 1872; thence with said road N. 80° E. about 30 poles to the northwest corner of the John Baker farm to the northeast corner of Samuel Brahoods land; thence S. 81° W. 30 poles to another corner of said Brahoods land; thence N. 6¼ W. with the east line of said land about 41 poles to the beginning.

Containing 8 acres, more or less.

Said real estate is subject to a mortgage held by the defendant, John Jarvis, in the sum of $200.00. The defendant, Julia C. Mitchell, is the only person, other than the administrator, Robert Armistead, the only heir or person entitled to the said estate of inheritance from the decedent and such real estates and having an interest therein. There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that he be authorized and ordered to sell said real estate at private sale according to the statutes in such case made, and provided, and for such other and further relief as he may be entitled to.

Arthur W. Galloway - Attorney for Plaintiff.

THE COL. B. B. MFG. CO. 74930

13589

State of Ohio, County of Union, ss:

Robert Armistead, being first duly sworn, says he is the plaintiff in the above entitled case, and that the facts set forth and the allegations contained in the foregoing petition are true as he verily believes.

Robert Armistead.

Sworn to before me and signed in my presence by the said Robert Armistead at Marysville, Ohio, this 1 day of April, 1938.

Arthur W. Galloway-Notary Public.

Filed June 15- 1938.

Entry of Appearance and Consent of Sale.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased, Plaintiff,

-vs-

John Farris and Julia C. Mitchell, Defendants.

Case No. 13589.

Entry of Appearance and Consent of Sale.

John Farris and Julia C. Mitchell, the undersigned parties defendant in the above entitled action being competent adult persons, hereby waive issuing and service of summons upon them and each of them 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 W. Farris.
Julia C. Mitchell.

Filed June 15- 1938.

Entry.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased, Plaintiff,

-vs-

John Farris and Julia C. Mitchell, Defendants.

Case No. 13589.

Entry.

This day Robert Armistead, Administrator of the estate of Ida D. Armistead, 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 15 day of June, 1938 at 10:00 o'clock a. m. and that the defendants have voluntarily entered their appearance herein and consent to the sale of the real estate described in the petition as therein prayed for.

L. W. Hazen - Judge.

13589

Filed June 15-1938.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased, Plaintiff,

-vs-

John Farris and Julia C. Mitchell, Defendants.

Case No. 13589.

Entry of Appearance and Consent of Sale.

John W. Farris.
Julia C. Mitchell.

Filed June 15-1938.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased, Plaintiff,

-vs-

John Farris and Julia C. Mitchell, Defendants.

Case No. 13589.

Entry.

This day Robert Armistead, Administrator of the estate of Ida D. Armistead, 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 15 day of June, 1938 at 10:00 o'clock a. m. and that the defendants have voluntarily entered their appearance herein and consent to the sale of the real estate described in the petition as therein prayed for.

L. W. Hazen - Judge.

13589
Filed
June 15-1938.

Entry.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased,

Plaintiff,

-vs-

John Farris and Julia C. Mitchell,

Defendants.

Case No. 13589.
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 defendants, John Farris and Julia C. Mitchell, having voluntarily entered their appearance as such defendants and consent to the sale of the real estate described in the said petition, 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 $500.00 and orders that an further appraisement be dispensed with.

And it appearing that a private sale would be to the best interest of the estate, it is ordred that the said Robert Armistead as such Administrator, sell said real estate at a private sale at not less than $500.00, being the appraised value thereof.

And it is further ordered that the said Robert Armistead, as such Adminstrator, make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Filed
June 15-1938.

Order for Private Sale.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased,

Plaintiff,

-vs-

John Farris and Julia C. Mitchell,

Defendants.

Case No. 13589.
Order for Private Sale.

To Robert Armistead, Adjuinistrator:

Whereas, a certain action in the Probate Court of Union County, Ohio, has been filed by you, as Administrator of the estate of Ida D. Armistead, deceased, wherein Robert Armistead is plaintiff and John Farris and Julia C. Mitchell, et al., are defendants, it was ordred, adjudged and dcreed that you procee to sell the real estate mentioned in the petition at private sale, for a price not less than the appraised value thereof, and that you make return of your proceedings in the

THE COL. P. B. MFG. CO. 74930

13589

premises to the said Probate Court and bring this order with you. Said real estate is described in the petition as follows, to-wit:

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

Survey No. 4073. Beginning at a stake in the outer of the Blye and Jewett Gravel Road at the northwest corner of a tract of 59 acres conveyed by the Sheriff of Union County, to George Brahood July 17, 1872; thence with said road N. 80° E. about 30 poles to the northwest corner of the John Baker farm to the northeast corner of Samuel Brahoods land; thence S. 81° W. 30 poles to another corner of said Brahoods land; thence N. 6¼° W. with the east line of said land about 41 poles to the beginning.

Containing 8 acres, more or less.

Witness my hand and seal in the said Court at Marysville, Ohio, this 15 day of June, 1938.

L. W. Hazen - Judge.

13589

said
highe
Sa
this

Filed
June 16-1938.

Jo
Robe
of th
Arm
John
D
repor
cced
upon
upon
care
ceedi
being
made
is
that
title
seal
now
upon
Dist
sum
there
set
the
Two
in
the
of
Centu
Coun
2.
out
Prio
Attor
perfo
sale
serv

Filed
June 16- 1938.

Report of Private Sale.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased,

Plaintiff,

-vs-

John Farris and Julia C. Mitchell,

Defendants.

Case No. 13589.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 16 day of June 1938, offer said property at private sale and having been offered the sum of $500.00, and the same being not less than the appraised value of said property, I sold the same to Dalton H. McElroney for that sum.

Robert Armistead - Administrator.

Filed
June 16-1938.

Affidavit to Report of Private Sale.

In the Probate Court of Union County, Ohio.

Robert Armistead, Administrator of the Estate of Ida D. Armistead, Deceased,

Plaintiff,

-vs-

John Farris and Julia C. Mitchell,

Defendants.

Case No. 13589.

Affidavit to Report of Private Sale.

State of Ohio, County of Union, ss:

Robert Armistead, being first duly sworn, says that the private sale of property made under the within order, and reported above, was made after a diligent endeavor to obtain the best price for

13589

Filed June 16-1938.

said property and that the sale reported is for the highest price that could be obtained.

Robert Armistead - Administrator.

Sworn to before me and subscribed in my presence this 16 day of June, 1938.

Arthur W. Galloway - Notary Public, Union County, Ohio.

Journal Entry - Confirming Sale, Ordering Deed & Distribution. Probate Court, Union County, Ohio.

Robert Armistead as Executor of the Estate of Ida D. Armistead,

Plaintiff,

-vs-

John Jarvis and Julia C. Mitchell,

Defendants.

June 16-1938. Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Robert Armistead, Executor of estate 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 Ida D. Armistead in said real estate, to the purchaser, Dalton H. Mullaney. 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 Dollars. The Court finds that there is due to the said John Jarvis upon the note set forth in his answer and cross-petition, from the estate of said Ida D. Armistead the sum of Two Hundred and Two Dollars, now upon the funds in the hands of said Robert Armistead, 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 Robert Armistead out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $60.00 to Arthur W. Galloway for services performed for the fiduciary in connection with the sale, and the sum of $30.00 to the fiduciary for his services in connection with the sale, which costs,

THE COL. P. B. MFG. CO. 74930

13589

expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and not withstanding 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;

(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 ordred that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $42.50, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

13630
Filed
June 14-1938.
Clifton L. Caryl,
Attorney.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

E. L. Byers, Executor of the Estate of Melvin Tarpening, Deceased,

Plaintiff,

-vs-

Edgar M. Woodworth, Bertha Woodworth, Delmer Woodworth, Blanche Woodworth, Florence Benson, and George H. Benson, and Davis & Byers,

Defendants.

Case No. 13630.
Petition for Sale of Real Estate to Pay Debts.

The plaintiff says that he is the duly appointed, qualified, and acting executor of the Estate of Melvin Tarpening, deceased, late of Dyke Station, Union Township, Union County, Ohio, having been appointed

13680

By t
Uhay
again
the
$75.
V
posse
deced
descr
Said
Tarp
desc
ver
161,
32
North
Comb
S. 3
acre
Tarp
Dam
estat
with
seven
last
priv
sold
petit
real
made
relie
Stat
fact
goin
this

13680

by the Probate Court of said County on the third day of May, 1938.

Plaintiff further says that the amount of the debts against said estate are $450.00 and the costs of the administration of said estate will be approximately $75.00.

Plaintiff further says that the said decedent died possessed of no personal property; and further, said decedent died seized in fee simple of the following described real estate, which was appraised at $350.00. Said real estate is situated in the County of Union, Township of Union, and State of Ohio, and further described as follows: in the Village of Irwin Station-

Part of Survey No. 6312. Beginning at the S. E. corner of James Lombard's lot;

Thence with the N. line of Post Road, State Route 161, S. 58 deg. E. 10½ poles to a stone; thence N. 32 3/4 deg. E. 8 poles to a stone; thence N. 58 deg. North 10½ poles to another corner of said James Lombard's lot (now owned by George Kenny); thence S. 32 3/4 W. to the place of beginning, containing ½ acre and 4 rods.

Being premises conveyed to grantor by Percie Carpenter by deed recorded Vol. 132, Page 502.

Plaintiff further represents that the defendant, Davis and Byers, hold a mortgage on said real estate in the principal sum of $144.30 together with interest thereon at the rate of 6% from the seventh day of September, 1932.

Plaintiff further represents that it would be to the best interest of the estate to sell said real estate at private sale for the best price available.

Wherefore, Plaintiff prays that said real estate be sold free from all rights of dower, and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such cases made and provided, and to such other and further relief as he may be entitled to.

Clifton L. Caryl- Attorney for Plaintiff.

State of Ohio, County of Union, ss:

E. L. Byers, being first duly sworn, says that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

E. L. Byers.

Sworn to before me and subscribed in my presence this third day of May, 1938.

(Seal) Clifton L. Caryl, Notary Public, Union County, Ohio.

THE COL. B. P. MFG. CO. 74930

13630
Filed
June 14- 1938.

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

E. L. Byers, Executor of the Estate of Melvin Tarpenning, Deceased, Plaintiff,

-vs-

Edward Woodworth, Delmer Woodworth, Florence Benson, and Davis + Byers, Defendants.

Case No. 13630.
Journal Entry on Filing Petition to Sell Real Estate.

This day came the plaintiff and filed herein his petition praying for an order to sell the real estate of Melvin Tarpenning, deceased, therein described, to pay the debts and costs of administering the estate of said decedent. Plaintiff further says that the defendants have waived the service of summons and have entered their appearance herein; and this cause is continued.

L. W. Hazen- Probate Judge.

Filed
June 14- 1938.

Probate Court of Union County, Ohio.

In the Matter of the Estate of Melvin Tarpenning, Deceased,

We, the undersigned, in the above entitled action do each of us hereby waive the issuing and service of summons, and voluntarily enter our appearance therein. And we do hereby consent to the sale of the real estate described in the petition in said action according to the prayer thereof.

Edgar W. Woodworth.
Bertha Woodworth.
Davis + Byers
By- E. L. Byers.

Filed
June 14- 1938.

Probate Court of Union County, Ohio.

In the Matter of the Estate of Melvin Tarpenning, Deceased.

We, the undersigned, in the above entitled action do each of us hereby waive the issuing and service of summons, and voluntarily enter our appearance therein. And we do hereby consent to the sale of the real estate described in the petition in said action according to the prayer thereof.

Florence W. Benson.
George H. Benson.
Davis + Byers.
By- E. L. Byers.

13630
Filed
June 14- 1938.

Filed
June 14- 1938.

Filed
June 14- 1938.

al Estate.

Filing
Real Estate.

herein his
peal estate
, to pay
estate of
the de-
ne and
his cause

e judge.

action do
ce of sum-
therein.
real estate
according

th.

hio.

action do
ice of sum-
therein.
the real
action

13630
Filed
June 14- 1938.

Probate Court of Union County, Ohio.

In the Matter of the Estate of Melvin Tarpening, Deceased.

We, the undersigned, in the above entitled action, do each of us hereby waive the issuing and service of summons, and voluntarily enter our appearance therein. And we do hereby consent to the sale of the real estate described in the petition in said action according to the prayer thereof.

Delmer Woodworth.
Blanche Woodworth.
Davis & Byers.
By- E. L. Byers.

Filed
June 14- 1938.

Affidavit of Disinterested Persons.

State of Ohio, County of Union, ss:

Richard C. Thrall and Arthur W. Galloway, being duly sworn, say that they know of the facts set forth in the application of E. L. Byers as executor of the estate of Melvin Tarpening, which application is for the sale of said real estate located in Irwin Station, Union County, Ohio, and is appraised at $350.00; that they have no interest whatever in the matters therein referred to, and that it will be for the interest of said estate to sell the real estate at private sale rather than at public sale.

Further affiants saith not.

Richard C. Thrall.
Arthur W. Galloway.

Sworn to, before me and subscribed in my presence this fourteenth day of June, 1938.

Clifton L. Caryl, Notary Public,
Union County, Ohio.

Filed
June 14-1938.

Journal Entry Ordering Sale at Fixed Price.

Probate Court, Union County, Ohio.

E. L. Byers, Executor of the Estate of Melvin Tarpening, Deceased,

Plaintiff,

-vs-

Edward Woodworth, Bertha Woodworth, Delmer Woodworth, Blanche Woodworth, Florence Benson, and George H. Benson, and Davis & Byers,

Defendants.

Case No. 13630.
Journal Entry Ordering Sale at Fixed Price.

It appearing to the satisfaction of the Court that the property described in the petition, has been offered for sale but has remained unsold for want of bidders it is ordered that said premises be ordered sold at

THE COL. & B. MFG. CO. 74930

13630

Filed June 14-1938.

private sale for not less than the same @ $350.00.
L. W. Hazen- Probate Judge.

Journal Entry Finding Sale Necessary, Bond Waived in Will, New Appraisement Wained.
Probate Court, Union County, Ohio.

E. L. Byers, Excutor of the Estate of Melvin Tarpening, Deceased,
Plaintiff,
-vs-
Edward Woodworth, Bertha Woodworth, Delmer Woodworth, Blanche Woodworth, Florence Benson, and George H. Benson, and Davis + Byers,
Defendants.

Case No. 13630.
Journal Entry Finding Sale Necessary, Bond Waived in Will, New Appraisement Waived.

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 legally and duly 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. It is therefore ordered, adjudged, and decreed, by the Court that the sale of said premises be free from dower of any of the defendants herein.

And the Court being satisfied that it is necessary to sell said real estate as described in plaintiff's petition, and it appearing to the Court that an appraisement of said estate is contained in the inventory, it is ordered that another appraisement be and is hereby dispensed with.

L. W. Hazen- Probate Judge.

Filed June 14-1938.

Journal Entry Confirming Appraisement and Ordering Private Sale- Bond Waived in Will.
Probate Court, Union County, Ohio.

E. L. Byers, Excutor of the Estate of Melvin Tarpening, Deceased,
Plaintiff,
-vs-
Edward Woodworth, Delmer Woodworth, Florence Benson, and Davis + Byers,
Defendants.

Case No. 13630.
Journal Entry Confirming Appraisement and Ordering Private Sale- Bond Waived in Will.

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, and the same is hereby confirmed; said appraisement being $850.00, and that there is no surviving spouse of said decedent, the Court further finds that the will of said decedent having provided that no bond be required

13630

Filed June 14-1938.

13630

Filed June 14-1938.

Filed June 14-1938.

50.00.
e Judge.
ived
ved.

Finding Sale
20 fixed
Appraisement

l upon
the Court
that all
duly served
it appear-
e Court,
e said
judged, and
premises be
herein.
ecessary to
tiff's pe-
an ap-
the in-
ent be and

Judge.
ishdiring
Will.

Confirming
and Ordering
Bond Waived

be heard,
raisement
d the same
g $850.00,
said dec-
d said
required

13630

said executor with the execution of his trust; it is ordered that the giving of a bond be waived 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; it is now ordered that the plaintiff proceed to sell said real estate at private sale for not less than the appraised value thereof; and upon the following terms, to-wit: cash on day of sale, and said plaintiff is ordered to make due return to the Court after the execution of this order; and this cause is continued.

L. W. Hazen - Probate Judge.

Filed June 14-1938.

Journal Entry Confirming Sale.

Probate Court, Union County, Ohio.

E. L. Byers, Executor of the Estate of Melvin Tarpening, Deceased, Plaintiff,

-vs-

Edward Woodworth, Delmer Woodworth, Florence Benson, and Davis & Byers, Defendants.

Case No. 13630.
Journal Entry Confirming Sale.

This day this cause coming on to be heard on the report of E. L. Byers, executor of the estate of Melvin Tarpening, deceased, and of this proceedings and sale under the former order of this Court. And the Court having carefully examined said report, and being satisfied that such sale has in all respects been fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordered that said E. L. Byers as executor make to the purchaser, — a good and sufficient deed for the premises so sold upon the said purchaser paying to the said E. L. Byers as executor, the sum of $ —, for the premises sold.

It is further ordered that this proceeding be recorded and that the said E. L. Byers as executor pay the costs herein taxed at $ — within ten days.

L. W. Hazen - Probate Judge.

Filed June 14-1938.

Journal Entry Confirming Sale and Ordering Distribution

Probate Court, Union County, Ohio.

E. L. Byers, Executor of the Estate of Melvin Tarpening, Deceased, Plaintiff,

-vs-

Edward Woodworth, Bertha Woodworth, Delmer Woodworth, Blanche Woodworth, Florence Benson, and George H. Benson, and Davis & Byers, Defendants.

Case No. 13630.
Journal Entry Confirming Sale and Ordering Distribution.

THE COL. B. B. MFG. CO. 74830

13630

This day this cause came on to be heard upon the report of the plaintiff of sale made to Marian Jean Byers for the sum of $350.00 as hereinbefore ordered, and the proceedings appearing in all respects legal and in conformity to law, they are hereby approved and confirmed.

And the said E. L. Byers, executor, is ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises so sold.

It is further ordered that satisfaction of the mortgage of Davis & Byers, herein set forth in the petition of plaintiff be entered on the record thereof in the office of the Recorder of Union County, Ohio, where it is now recorded.

And the Court coming now to distribute the proceeds of said sale amounting to $350.00, the said Marian Jean Byers having elected to pay the same in cash, and the Court approving the same as being for the best interest of said estate;

It is ordered that the executor, out of the money in his hands, pay:

First, to the Treasurer of this County, the taxes, penalty, and interest against said property, to-wit: the sum of $ Paid.

Second, the costs and expenses incurred in the sale of said real estate amounting to the sum of $ 5.50.

To Clifton L. Caryl as attorney for said estate his percentage amounting to $50.00.

It is ordered that the balance of said fund amounting to $ — be accounted for by said executor according to law.

L. W. Hazen - Probate Judge.

18654
Filed
July 14-1938.
Mills L. Myers,
Attorney.

Eva A
& Thom

Audrey
Hazel
Olen
Mari
Char
Una
Chlo
Beec
Mari
Robe
Mary
Klor
Eliza
Wash
Edna
Cyru
Jam
Mar
Lori
Lou
Haz
Ralp
Kat
Eva
The
Life

& that
appoi
Probat
as
Th
of a
scribe
Si
State
a
ville
Milit
viz:—

upon the
Jean Byers
, and the
ir conformity
irmed.
dered to
a good and

the mortgage
ation of
the office
t is now

the proceeds
aid Marian
in cash,
ing for

money in

s, penalty,
the sum

in the sale
$ 51.50.
said estate

und a-
ecutor

Judge.

18654
Filed
July 14-1988.
Mild L. Myers,
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, Deceased,
Plaintiff,

-vs-

Andrew H. Thompson.
Hazel Thompson
Allen Thompson
Mary Thompson
Charles Thompson
Uva Thompson
Chloe Sanderson
Bessie Finestine
Marion Finestine
Robert Thompson
Mary Thompson
Lloyd Thompson
Elizabeth Thompson
Marion Thompson
Edna Thompson
Cynthia Hoover
James Hoover
Mary Miller
Louis Miller
Loring Thompson
Hazel Thompson
Lafayette Thompson
Kathryn Thompson
Eva L. Thompson, and
The Northwestern Mutual
Life Insurance Company,
Defendants.

Case No. 13654.
Petition.

Now comes the plaintiff, Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, deceased, and says that on the 22nd. day of August, 1925, she was duly appointed and qualified as such Executrix by the Probate Court of Union County, Ohio, and is still acting as such.

That the said Lafayette Thompson died on the 18th. day of August, 1925, seized in fee simple of the following described real estate, to-wit:

Situated in the Township of Liberty, County of Union, State of Ohio.

A tract of land about eleven miles northwest of Marysville and about two miles west of Raymond, in Virginia Military Survey No. 3480, bounded and described as follows, viz:-

THE COL. B. P. MFG. CO. 74930

13654

Beginning at a stake in the middle of the Newton and Bellefontaine Gravel Road at the southeast corner of lands formerly owned by David H. Harrington and running thence north ten degrees forty-five minutes east one hundred fifty-two and two-tenths poles, crossing Mill Lareek at sixty-nine and one-half poles and passing a corner of lands formerly owned by Levi Rea at one Hundred six and seventy-four one-hundredths poles, to a stake, a corner of said Levi Rea's lands in the north line of said Survey No. 3480; thence with said survey line south seventy-nine degrees forty-five minutes east about ninety poles to the southwesterly line of the Toledo and Ohio Central Railway Company's right of way; thence with said right of way line south thirty-four degrees east to the east line of said Survey No. 3480; thence with said survey line south ten degrees forty-five minutes west about seventy-nine poles to a stake in the middle of said Newton and Bellefontaine Gravel Road and thence with said road north sixty-six degrees fifteen minutes west two hundred fourteen and nine tenths poles to the place of beginning.

Containing one hundred eighty-three and sixty-three one-hundredths acres, more or less.

That all of the legal debts of the said decedent have not been paid and as near as can be ascertained, at this time, the amount of the valid debts against said estate are $6000.00.

That the costs of administering said estate remaining unpaid will be about $100.00.

That the personal property belonging to said estate was and is wholly insufficient to pay said debts and costs aforesaid.

That the said real estate is subject to a mortgage made in favor of and held by the defendant, The Northwestern Mutual Life Insurance Company, in the sum of approximately $6000.00.

That the said decedent died leaving the said Eva L. Thompson as his widow, and who has or claims to have some right, title or interest in said premises.

That the said defendants, Andrew H. Thompson, Allen Thompson, Charles Thompson, Chloe Sanderson, Bessie Firestine, Robert Thompson, Lloyd Thompson, Marion Thompson, Cynthia Hoover, Mary Miller, Loring Thompson and Lafayette Thompson are all the heirs at law or the persons entitled to the next estate of inheritance from the decedent in such real estate or having an interest therein.

That it is necessary to sell said real estate to pay the debts and costs of administering said estate.

13654

Filed July 14-1938.

13654

That the defendant, Hazel Thompson, is the wife of the defendant Andrew H. Thompson; that the defendant, Mary Thompson, is the wife of the defendant, Olen Thompson; that the defendant, Vesa Thompson, is the wife of the defendant, Charles Thompson; that the defendant, Marion Christine, is the husband of the defendant, Bessie Christine; that the defendant, Mary Thompson, is the wife of the defendant, Robert Thompson; that the defendant, Elizabeth Thompson, is the wife of the defendant, Lloyd Thompson; that the defendant, Edna Thompson, is the wife of the defendant, Marion Thompson; that the defendant, James Hoover, is the husband of the defendant, Cynthia Hoover; that the defendant, Louis Miller, is the husband of the defendant, Mary Miller; that the defendant, Hazel Thompson, is the wife of the defendant, Loring Thompson; that the defendant, Kathryn Thompson, is the wife of the defendant, Lafayette Thompson.

Wherefore, plaintiff prays that the said real estate may be sold free from rights of dower or other interests therein of any and all the parties to this action; that those claiming any interest in said property be required to set forth the same or be forever barred from asserting the same; that the rights, interest and liens of all the parties may be fully determined, adjusted and protected, and that the plaintiff 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 find to be just and equitable and to which the plaintiff may be entitled.

Milo R. Myers Attorney for Plaintiff.

The State of Ohio, Union County, ss.

Eva L. Thompson being duly sworn says that the facts stated and the allegations made and contained in the foregoing petition are true as she verily believes.

Eva L. Thompson.

Sworn to before me and signed in my presence this 28th. day of June, 1938.

Milo R. Myers - Notary Public.

Seal

Filed July 14-1938.

Journal Entry.

In the Probate Court, Union County, Ohio.

Eva L. Thompson, as Executrix of the Estate of Lafayette Thompson, Deceased, Plaintiff,

-vs-

Andrew H. Thompson, et al., Defendants.

Case No. 13654.
Journal Entry.

THE COL. B. B. MFG. CO. 74930

13654

This day came Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, deceased, and filed in this court her petition praying for the sale of the real estate therein described to pay the debts and costs of administering said estate, and on consideration thereof it is ordered that further proceedings on said petition be and the same are continued until such time as may be hereafter fixed by the court.

R. W. Hazen - Probate Judge.

Filed
July 14- 1938.

Waiver.

In the Probate Court, Union County, Ohio.

Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, deceased,
Plaintiff,
vs.
Andrew H. Thompson, et al.,
Defendants.

Case No. 13654.
Waiver.

We, the undersigned parties named defendants in the above entitled action, and being of full age, hereby waive the issuing and service of summons upon us, and voluntarily enter our appearance herein as such defendants, and for all the purposes waive time, and further pleading, consent to the immediate sale of the real estate described in the petition as and for the purpose as therein stated and prayed for.

Eva L. Thompson.
Andrew H. Thompson.
Hazel Thompson.
C. B. Thompson.
Mary E. Thompson.
Chloe E. Patterson.
Bessie Firestine.
Wm M. Firestine.
Chas. L. Thompson.
Neva Thompson.
Robert L. Thompson.
Mary E. Thompson.
Lloyd Thompson.
Elizabeth Thompson.
Marion Thompson.
Edna Thompson.
J. E. Hoover.
Cynthia Hoover.
Lewis R. Miller.
Mary Miller.
Loring Thompson.
Hazel Thompson.
L. R. Thompson.
Kathryn Thompson.

13654
Filed
July 14- 1938.

Eva

Th

Au

is

Est

hav

an

an

for

Ath

sai

is

La

ab

in

an

sh

ta

pro

di

the

be

an

de

re

st

re

2

ex

au

wh

pr

st

2

pa

ist

pr

de

13654
Filed
July 14- 1938.

Answer and Cross - Petition.

In the Probate Court, Union County, Ohio.

Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, Deceased, Plaintiff,

vs.

Andrew H. Thompson, et al., Defendants.

Case No. 13654.
Answer and Cross-Petition.

Now comes Eva L. Thompson and represents that she is the Eva L. Thompson named as Executrix of the Estate of Lafayette Thompson, deceased, the plaintiff herein, and named as one of the defendants herein, and that in her own right and as such defendant voluntarily enters her appearance herein and for answer to the petition in this case filed says that she is the widow and surviving spouse of the said Lafayette Thompson, deceased, and that her age is now 67 years of age and unmarried.

That on the 10th. day of August, 1925 the said Lafayette Thompson died testate, and his last Will and Testament was duly proven and admitted to probate in the Probate Court of Union County, Ohio, in Case No. 10612 and recorded in Will Record No. D, page 116 and that she was named Executrix of said Last Will and Testament, duly qualified and is still acting as such.

That she was bequeathed and devised all the property of the decedent, including real estate, for and during her natural life, and by reason thereof since the death of the said Lafayette Thompson, she has been in possession and control of said real estate and resided thereon and that she and her said deceased husband resided on said premises and were using and occupying the same as their family homestead at the time of his death; that she is still using and occupying the same as such.

This defendant further says that prior to the death of the said decedent, she joined with him in the execution of the mortgage made in favor of the defendant, The Northwestern Mutual Life Insurance Company which mortgage is the first and best lien on said premises and precludes the assignment of his homestead to her.

That she elected to take under the Will and Testament of the said decedent but has been and is unable to pay the said mortgage indebtedness, or close the administration and that it is now necessary to sell the said premises, as prayed for in the petition, to pay the debts of the said decedent, including the said

THE COL. B. B. MFG. CO. 74930

13654

mortgage lien, and the costs of administering said estate.

That she voluntarily, and hereby waives whatsoever interest she may have or claims to have and hold in or on said real estate as devisee, widow, surviving spouse, dower, homestead, life or otherwise, waives time and consents to the immediate sale thereof, free and clear of any right, title or interest of whatsoever nature she has in or on said premises.

Therefore prays that the just and reasonable value of whatsoever interest she may have in said premises be determined and fixed by the court and that she be allowed and paid the same in money out of the proceeds of such sale and for such other and further relief in the premises as the court may find to be just and equitable and which she may be entitled.

Milo L. Myers.
Attorney for Plaintiff.

The State of Ohio, Union County, ss.

Eva L. Thompson being 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.

Eva L. Thompson.

Sworn to before me and signed in my presence this 29th. day of June, 1938.

Milo L. Myers- Notary Public.

Filed July 29- 1938.

Answer and Cross-Petition of The Defendant, The Northwestern Mutual Life Insurance Company.

In the Probate Court, Union County, Ohio.

Eva L. Thompson, as Executrix of the Estate of Lafayette Thompson, Deceased,
Plaintiff,
-vs-
Andrew H. Thompson, et al.,
Defendants.

No. 13654.
Answer and Cross-Petition of The Defendant, The Northwestern Mutual Life Insurance Company.

Now comes The Northwestern Mutual Life Insurance Company and says that it is a corporation organized under the laws of the State of Wisconsin with its principal place of business at Milwaukee, Wisconsin, and hereby waives the issuing and service of summons and process in this action and voluntarily enters its appearance herein, and for answer to the plaintiff's petition, says:

That it admits that Eva L. Thompson is the duly appointed, qualified and acting executrix of the Estate of Lafayette Thompson, deceased; admits that The Northwestern Mutual Life Insurance Company holds

13654

a
in
eac
con

Thom
Mute
for
That
$ 60
from

of th
pay
are
def
dec
and
in

spid estate.
hatsoever interest
or on said
ance, dower,
d consents
r of any
e she has

e value of
mises be
she be al-
the proceeds
ther relief
he just and

ntiff.

t the facts
ained in
e true as

nesence this

otary Public.

dant,
ce Company.
Ohio.

p- Petition
, The
tual Life
pany.

surance
organized
with its
Wisconsin,
of summons
entire
the plaintiff's

is the duly
of the Estate
that the
any holds

13604

a first mortgage lien on the real estate described in the petition, and for want of knowledge, denies each and every other allegation in said petition contained not herein expressly admitted to be true.

Cross - Petition.

By way of cross - petition, this defendant says: That on the 2nd. day of May, 1923, Lafayette Thompson executed and delivered to The Northwestern Mutual Life Insurance Company, his promissory note, for the sum of Seven Thousand ($7000.00) Dollars; That there is now due on said note the sum of $6000.00 with interest at the rate of 4½% per annum from the 2nd. day of May, 1938.

That at the time of the execution and delivery of the note hereinabove described, and in order to secure payment of the same the said Lafayette Thompson and his wife, Eva L. Thompson, executed and delivered to this defendant, their certain mortgage deed, thereby conveying to this defendant, its successors and assigns, the real estate set forth and described in the petition.

On the 15th. day of May, 1923, at 9:15 o'clock A. M. said mortgage was duly left for record in the Recorder's Office in Union County, Ohio, and was duly recorded in Volume 91, Page 19 of his mortgage records, and thereby became and now is the first, best and subsisting lien on said real estate.

On the 10th. day of August, 1925, the said Lafayette Thompson died.

On the 21st. day of November, 1927, in order to secure payment of said note, Eva L. Thompson, Andrew Thompson, Owen Thompson, Charles Thompson, Chloe Sanderson and D. J. Sanderson, her husband, Bessie Fyestine and Marion Fyestine, her husband, Robert Thompson, Lloyd Thompson, Marion Thompson, Cynthia Hooker and James Hooper, her husband, Mary Thompson, Loring Thompson and Lafayette Thompson, Jr., Hazel Thompson, Edna Thompson, Elizabeth Thompson, Mary Thompson, wife of Owen Thompson, Ivy Thompson, and Mary Thompson, wife of Robert Thompson, executed an Extension Agreement providing for the payment of said note as follows: $250.00 on May 2, 1929; $250.00 on May 2, 1930; and the remaining $6500.00 on May 2, 1933, with the privilege at any time after May 2, 1930, before maturity, of paying $100.00 or any multiple thereof, upon said principal, provided that 60 days additional interest be paid on any and all such payments in excess of one half of the principal sum; with interest on said sum of $7000.00 from

THE COL. B. B. MFG. CO. 74930

13654

November 2, 1927 until paid at the rate of 5% per annum payable semi- annually.

And on the 21st. day of July, 1933, in order to secure payment of said note, Eva L. Thompson, Andrew Thompson, Hazel Thompson, Owen Thompson, Mary Thompson, Marion Thompson, Edna Thompson, Charles Thompson, Ivy Thompson, Robert Thompson, Mary Thompson, Lloyd Thompson, Elizabeth Thompson, Chloe Saunderson, D. J. Saunderson, Bessie Firestine, Marion Firestine, Cynthia Hoover, James Hoover, Mary Thompson, Loring Thompson, and Lafayette Thompson, Jr., executed an Extension Agreement providing for the payment of said note as follows: Five Hundred Dollars in four annual payments of $125.00 each, payable respectively on May 2, 1934, 1935, 1936 and 1937, and the remaining $6000.00 on May 2, 1938, with the privilege at any time of paying the whole or any part of the unpaid principal sum; and said parties also agree to procure and deposit with said mortgagee policies of fire insurance to the amount of $3000. and tornado insurance to the amount of $3000 all in conformity with the provisions of said mortgage relating to insurance, with interest on said sum of $6500.00 from May 2, 1933, to November 2, 1935 at the rate of 5% per annum, and thereafter on the said sum of $6500.00 from November 2, 1935, until paid at the rate of 5½% per annum, payable semi- annually.

Wherefore, this defendant, The Northwestern Mutual Life Insurance Company, prays that the mortgage lien of this defendant be found to be the first, best and subsisting lien on said real estate; that said real estate be sold and that out of the proceeds of said sale this defendant be paid the sum of $6000.00 with interest at 4½% from May 2, 1938, and for such other and further relief in the premises as the court deems just and proper.

The Northwestern Mutual Life Insurance Co.
Per- Hoopes, Sanders & Hoopes- Attorneys.

State of Ohio, Union County, ss:

Guynn Sanders, being first duly sworn, says that he is one of the attorneys for the answering defendant herein, The Northwestern Mutual Life Insurance Company, and that the facts stated and allegations contained in the foregoing answer and cross- petition are true as he verily believes.

Guynn Sanders.

Sworn to before me and subscribed in my presence this 29th. day of July, 1938.

William S. Hoopes- Notary Public.

Seal

13654
Filed
Aug. 4- 1938.

Eva
& Tho
Andr
heir
decr
for
C
as
esta
her
The
varic
are
S
4 th
The
the
affi
this
mor
real
he
S
4 th

per annum

secure pay-
Thompson,
n, Marion
y, Ivy
Lloyd Thompson,
Anderson,
er, James
Lafayette
reement
follows: Five
ts of $125.00
1936 and
, 1938, with
hole or any
said parties
said work-
mount of $3000.
so all in
age relating
) of $6500.00
rate of 5%
m of $6500.00
of 5½ %

e Mutual
gage lien
best and
aid real estate
id sale this
th interest
ther and
deems just

Insurance Co.
Cooper - Attorneys.

says that
g defendant
Company,
contained
are true

me my
Notary Public.

18654
Filed
Aug. 4-1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, Deceased, Plaintiff,

vs.

Andrew H. Thompson, et al., Defendants.

No. 18654. 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:

Can be sold for cash, forthwith, and the sale is as per agreement of all parties interested, so that the estate may be settled and closed at this time.

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

Eva L. Thompson - Executrix of the Estate of Lafayette Thompson, Deceased.

The State of Ohio, Union County.

Eva L. Thompson, being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Eva L. Thompson.

Sworn to before me and signed in my presence this 4th. day of August, A. D. 1938.

Seal Milo L. Myers - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Chas. D. Webb, 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 to sell said real estate at private sale than at public sale as he verily believes.

Chas. D. Webb.

Sworn to before me and signed in my presence this 4th. day of August, 1938.

Seal Milo L. Myers - Notary Public.

THE COL. B. B. MFG. CO. 74930

13654
Filed
Aug. 4- 1938.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Eva L. Thompson, as Executrix of the Estate of Lafayette Thompson, Deceased,
Plaintiff,
-vs-
Andrew H. Thompson, et al.,
Defendants.

Case No. 13654.
Entry Ordering Appraisement.

Upon the 3rd day of August, 1938, this cause came on to be heard upon the petition, the answer and cross-petition of Eva L. Thompson and The Northwestern Mutual Life Insurance Company, the exhibits and evidence, and the court finds all the defendants herein have voluntarily entered their appearance and consent to the sale of the real estate as prayed for in the plaintiff's petition, and are properly before the court.

That the said Eva L. Thompson is the widow and surviving spouse of the said Lafayette Thompson, deceased, that she has and holds a homestead and a life estate in the real estate described in the petition; that by her answer and cross-petition herein filed, she waives her said homestead and life estate in said real estate and asks that the court fix and determine the just and reasonable value of whatsoever interest she has therein and that the same be paid to her out of the proceeds received from the sale of said real estate and consents to the sale thereof.

The court further finds that it is necessary to sell the said real estate to pay the debts of the 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; therefore, it is ordered that L. W. Lash, H. J. Pennington and J. B. Eddy, 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 any interest of the said Eva L. Thompson 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, make return of their proceedings, in writing, to this court forthwith.

L. W. Hazen - Judge.

Approved:
Wilbur L. Myers - Attorney for Eva L. Thompson.
Hooper, Snyders & Hoopes - Attorneys for Northwestern Mutual Life Insurance Co.

13654
Filed
Aug. 4- 1938.

The
To

Cour
in
Esta
H.
that
Rem
not
you
was
ives

of

Uni
Dis
as

and
of
Lin
cas
cro
and
Rea
hun
Rea
the
for
wes
Co
way
lin
lin
ser
Ne
wi
ut
to
or
Co
Co
193

13654
Filed
Aug. 4- 1938.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Eva L. Thompson:

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 Lafayette Thompson are Plaintiff and Andrew H. Thompson [illegible] et al., are Defendants, you are commanded that by the oaths of L. W. Lush, J. C. Eddy and H. J. Remington, 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 Township of Liberty, County of Union, State of Ohio.

A tract of land about eleven miles northwest of Marysville and about two miles west of Raymond, in Virginia Military Survey No. 3480, bounded and described as follows, viz:-

Beginning at a stake in the middle of the Upper Newton and Bellefontaine Gravel Road at the southeast corner of lands formerly owned by David H. Harrington and running thence south ten degrees forty-five minutes east one hundred fifty-two and two-tenths poles, crossing Mill Creek at sixty-nine and one-half poles, and passing a corner of lands formerly owned by Levi Rea at one hundred six and seventy-four one-hundredths poles, to a stake, a corner of said Levi Rea's lands in the north line of said Survey No. 3480; thence with said survey line south seventy-nine degrees forty-five minutes east about ninety poles to the southwesterly line of the Toledo and Ohio Central Railway Company's right of way; thence with said right of way line south thirty-four degrees east to the east line of said Survey No. 3480; thence with said survey line south ten degrees forty-five minutes west about seventy-nine poles to a stake in the middle of said Newton and Bellefontaine Gravel Road and thence with said road north sixty-six degrees fifteen minutes west two hundred fourteen and nine tenths poles to the place of beginning.

Containing one hundred eighty-three and sixty-three one-hundredths acres, more or less.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 4th. day of August, A.D. 1938.

Seal

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13654

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 4th. day of August, 1938.

Eva L. Thompson.

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.

H. J. Remington
J. B. Eddy
L. W. Luhy } Appraisers.

Sworn to before me and signed in my presence, this 4th. day of August, 1938.

(Seal) Milo L. Myers, Notary Public.

Appraisers Return.

Filed Aug. 4- 1938.

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 Seven Thousand and no/100 Dollars.

Given under our hands, this 4th. day of August, 1938.

H. J. Remington
J. B. Eddy
L. W. Luhy } Appraisers.

Appraisers' Fees- Paid.

Filed Aug. 4- 1938.

Entry Confirming Appraisement and Ordering Sale.

In the Probate Court, Union County, Ohio.

Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, Deceased, Plaintiff,

-vs-

Andrew H. Thompson, et al., Defendants.

Lease No. 13654.

Entry Confirming Appraisement and Ordering Sale.

This day this cause 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; therefore, it is ordered that the same be and it hereby is approved and confirmed.

13654

and
and
cert
to g
Probate
with
No. 1
proc
to

dese
estat
it w
Execu
desc
the

plai
and

Filed Aug. 4- 1938.

The
No

with
cert

& Tho
to
not
rate

St

Mc a
Dire
as

and

& Tru
one
Mic
pac
at
pol
Ill a
the

caused the
ear by the

ame oath,
partially ap-
true value
d as in pur-

appraisers.

esence, this

ry Public.

ing first duly
ed therein
imate the
ee Thousand

August, 1938.

appraisers.

Sale.
Ohio.

Appraisement
ale.

en heard
en appointed;
id Report
erefore, it
is approved

13654

It further appearing to the court that the Last Will and Testament of the said deceased, as filed for Probate and probated herein, named the said Eva L. Thompson, Executrix of his estate and directed that she be permitted to qualify and act as such without being required to give bond, and that she was permitted to qualify as such without bond; therefore, it is ordered as provided in Section No. 10510-31 of the General Code that the said Executrix proceed to sell the said real estate without being required to give bond.

It further appearing to the court, upon satisfactory evidence, that it will be more to the interest of said estate to sell said real estate at private sale; therefore, it is ordered that the said Eva L. Thompson as such Executrix sell the said real estate in the petition described, at private sale, at not less than $7000.00, the appraised value thereof and for cash.

It is further ordered that upon said sale the plaintiff forthwith make due return of her proceedings and sale.

L. W. Hazen - Judge.

Filed
Aug. 4- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Eva L. Thompson, 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 Lafayette Thompson are Plaintiff and Andrew H. Thompson, et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Seven Thousand Dollars the appraised value thereof, the following described premises, to-wit:

Situated in the Township of Liberty, County of Union, State of Ohio.

A tract of land about eleven miles northwest of Marysville and about two miles west of Raymond, in Virginia Military Survey No. 3480, bounded and described as follows, viz:-

Beginning at a stake in the middle of the Newton and Bellefontaine Gravel Road at the southeast corner of lands formerly owned by David H. Harrington and running thence north ten degrees forty-five minutes east one hundred fifty-two and two-tenths poles, crossing Mill Creek at sixty-nine and one-half poles and passing a corner of lands formerly owned by Levi Rea at one Hundred six and seventy-four one-hundredths poles, to a stake, a corner of said Levi Rea's lands in the north line of said Survey No. 3480; thence with said survey line south seventy-nine

THE COL. P. B. MFG. CO. 74930

13654

degrees forty-five minutes east about ninety poles to the southwesterly line of the Toledo and Ohio Central Railway Company's right of way; thence with said right of way line south thirty-four degrees east to the east line of said Survey No. 3480; thence with said survey line south ten degrees forty-five minutes west about seventy-nine poles to a stake in the middle of said Newton and Bellefontaine Gravel Road and thence with said road north sixty-six degrees fifteen minutes west two hundred fourteen and ripe tenths poles to the place of beginning.

Containing one hundred eighty-three and sixty-three one hundredths acres, more or less.

Said sale to be upon the following terms: Cash on hand on confirmation 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 4th. day of August, 1938.

Seal

L. W. Hague - 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 4th. day of August, 1938.

Eva L. Thompson.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 4th. day of August, 1938, offer said property, at private sale, and Marion J. Thompson having offered therefor the sum of Seven Thousand Dollars ($7000.00) and the same being not less than the appraised value of said property, I sold the same to said Marion J. Thompson for that sum.

Eva L. Thompson.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Eva L. 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.

Eva L. Thompson.

Sworn to before me and subscribed in my presence, this 4th. day of August, 1938.

Seal

Milo L. Myers - Notary Public.

13654
Filed
Aug. 4-1938.

Eva
of th
Thom

Audr

on
Expi
of th
and
obed
care
proc
and
legal
here

suc
to
the
ther
que

Filed
Sept. 15-1938.

Eva
of
Tho

Aud

of
Sealed
the

by
Co
Tota
to
reco
on
and
lien

poles to the
tal Railway
t of way line
s of said
outh ten
nine poles
nd Bellefontaine
th sixty-six
teen / and

sixty-three

cash on

nty the afore-
rt in all
edings herein

id Probate
August, 1938.
ate Judge.

caused
appear by

mpson.

in order of
offer said
pson having
Dollars
the appraised
said Marion

on.

sale.

or that the
in order
endeavor
and that
that could

on.

y presence,

otary Public.

13654
Filed
Aug. 4-1938.

Entry Confirming Sale.

In the Probate Court, Union County, Ohio.

Eva L. Thompson as Executrix
of the Estate of Lafayette
Thompson, Deceased,
Plaintiff,
-vs-
Andrew H. Thompson, et al.,
Defendants

No. 13654.
Entry Confirming Sale.

Upon this 4th. day of August, 1938, this cause came on to be heard on the report of Eva L. Thompson as Executrix of the Estate of Lafayette Thompson, deceased, of her proceedings under the former order of this court, and upon motion confirming the sale made in obedience to the said order; and, 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 same be and hereby is approved and confirmed.

It is further ordered that the said plaintiff as such Executrix execute a deed for said real estate, to the purchaser, Marion J. Thompson, and deliver the same upon the payment of her purchase price therefor, and this cause is continued as to all other questions and for distribution.

J. W. Hazen - Judge.

Filed
Sept. 15-1938.

Entry Distributing Proceeds.

In the Probate Court of Union County, Ohio.

Eva L. Thompson as Executrix
of the Estate of Lafayette
Thompson, Deceased,
Plaintiff,
-vs-
Andrew H. Thompson, et al.,
Defendants.

No. 13654.
Entry Distributing Proceeds.

This day this cause coming on to be heard on motion of the plaintiff to distribute the proceeds received from the sale, amounting to the sum of Seven Thousand Dollars, the court finds,

That from the answer and cross-petition filed herein by the defendant, The Northwestern Mutual Life Insurance Company, there is due it on its mortgage note, the total sum of $6090.00 including principal and interest to the 2nd. day of September, 1938, which it should recover and to foreclose the same it holds a mortgage on the premises described in the plaintiff's petition, and which the court finds to be the first and best lien on said premises.

THE COL. B. B. MFG. CO. 74930

13654

That, the defendant, Eva L. Thompson, is a widow and surviving spouse of the said Lafayette Thompson, deceased, and as such has, or claims to have, an interest in said property and by her answer and cross-petition filed herein she waives whatever right, title or interest she has therein and elects to take the same in money out of the proceeds received from the sale of said premises, she consenting to the sale thereof, as may be determined and fixed by the court and which the court finds to be, including her per cent as Executrix of said estate, the sum of $809.35.

Therefore, it is ordered by the court that the said plaintiff as Executrix of said estate, out of the money in her hands, pay,

First, to the Treasurer of Union County, Ohio, the taxes due and payable, the sum of $30.65
Second, to this court, the costs of this action, 13.00
Third, United States Revenue for Deed 7.00
Fourth, to Milo L. Myers, an attorney fee of 50.00
Fifth, to The Northwestern Mutual Life Insurance Co. the amount of its mortgage note, including interest, as found by the court, the total sum of 6090.00
Sixth, to Eva L. Thompson, the amount of her interest, including per centum, the sum of 809.35.

It is further ordered that the mortgage held by the said The Northwestern Mutual Life Insurance Co., be canceled of record and that this cause be recorded.

L. W. Hazen - Judge.

Filed Oct. 17-1938.

13659 Filed Oct. 17-1938.

In the Matter of the Estate of Lidie Myers, Deceased. | In the Probate Court of Union County, Ohio. | No. 13659 - To Sell Personal Property at Private Sale.

Now comes Bertha K. Sammlop, Executrix of the Estate of Lidie Myers, deceased, and respectfully represents to the court that it will be for the best interests of said estate to sell the following personal property: 1 United States Treasury Bond, #9948 F, 3-3/8 Cp, '40 - '43, $1000.00.

That said property has not been specifically bequeathed, that there is no surviving spouse of said deceased, and that distribution thereof has not been demanded in kind.

That said sale is asked for the reason that there is not sufficient cash in said estate to pay all debts and costs and expenses of administering said estate.

13659

rect
at
wa
Sta
that
as
the
193
Filed
Oct. 17-1938.
Lid
cati
and
and
it
pri
ap
Un
sa
no
Filed
Oct. 24-1938.
In
Lid
St
fir
sal
at
Un
of
the
pri
of
rep
at
in

13659

Wherefore the said Executrix asks for an order directing the sale of said personal property at private sale at such price and upon such terms as the court may direct.

Bertha K. Sammler - Executrix.

State of Ohio, Union County, ss:

Bertha K. Sammler, being first duly sworn, says that the facts stated in the foregoing petition are true as she verily believes.

Bertha K. Sammler.

Sworn to before me and signed in my presence by the said Bertha K. Sammler this 17th. day of October, 1938.

(Seal) Wm. R. Cameron, Notary Public.

Filed Oct. 17-1938.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Lidie Myers, Deceased. | No. 13659 | Entry Ordering Private Sale.

This matter came on to be heard upon the application of the executrix to sell certain personal property and upon the evidence. Whereupon, the court upon good and sufficient proof is satisfied and so finds that it is, for the best interests of said estate, to sell at private sale the personal property described in said application, to-wit: One United States treasury Bond, No. 9948 J, series 1940-1943, 3-3/8 %, $1000.00 denomination.

It is therefore ordered, that said executrix sell said property at private sale, for cash, and for not less than the face value thereof.

L. W. Hazen - Probate judge.

Filed Oct. 24-1938.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Lidie Myers, Deceased. | No. 13659. | Report of Private Sale.

State of Ohio, Union County, ss:

Now comes Bertha K. Sammler, Executrix, and being first duly sworn says that pursuant to the order of sale heretofore made in the above matter, she has sold at private sale the property specified in said order, to-wit: One United States Treasury Bond, No. 9948 J, 3-3/8 %, of $1000.00 denomination, at a sale price of $1065.44. Said sale was made after diligent endeavor to obtain the best price for the property, and was the highest price she could get for it, being the market price of said property at time of sale.

Said executrix further says that the foregoing report is in all respects correct and that she as an individual is not directly or indirectly interested in the purchase of said property.

Bertha K. Sammler.

THE COL. B. B. MFG. CO. 74930

13659

Sworn to before me and signed in my presence this 24th. day of October, 1938.

Wm. R. Cameron- Notary Public.

Seal

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Lidie Myers, Deceased. | No. 13659. | Entry Confirming Sale.

This day came Bertha K. Sammler, Executrix of the Estate of Lidie Myers, deceased, and filed herein her report of private sale of certain property of said estate. Upon Examination by the court, the same, appearing regular and in conformity to law and the former order of the court, is confirmed, and with the proceedings therein is ordered Recorded.

Dated, October 24th, 1938.

L. W. Hazen- Probate Judge.

13711
Filed
Oct. 28- 1938.
Richard C. Thrall,
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Marjana M. Skillman, Administratrix of the Estate of D. M. Reed, dec'd. Plaintiff,

-vs-

Margaret E. Reed, Marcelete Reed, Marjana M. Skillman, Jesse Reed, Emma Reed, and the Home Owners Loan Corporation, and Edward Skillman, Defendants.

Case No. 13711.
Petition.

Now comes the plaintiff and says that she is the duly appointed, qualified and acting administratrix of the estate of D. M. Reed, deceased.

That, as near as can be ascertained, the amount of the valid debts against the said deceased is $2500.00. That the cost of administering the estate will be about $35.00. That there is no personal property belonging to said estate.

Said decedent died seized in fee simple of an undivided one-half interest in the following real estate, situated in the County of Union, State of Ohio and Village of Marysville:

Being all of Lot #413 (old number 396) in the Eyshawtee Addition to said Village of Marysville. For further reference and for more complete description reference is hereby made to the recorded Plat of said Addition.

Said real estate is the only asset of the estate and is included in the inventory made herein under order of this Court and appraised at $490.00.

13711
Filed
Oct. 28- 1938.

esence this

lotary Public.

Ohio.

Sale.

ntrix of the
herein of her
of said estate.
me, appearing
e former
the proceed-

Probate Judge.

Ohio.

he is the
tratrix of

amount of
2500.00.
be about
longing to

ne undivided
situated
illage of

the Trishwater
further ref-
reference is
dition.
estate and
der order

13711

Said real estate is subject to a mortgage held by the defendant, The Home Owners Loan Corporation, in the sum of $2000.00.

The defendant, Margaret E. Reed, is the widow of the decedent, and is sixty-one (61) years of age. The defendants, Marcelete Reed and Mariana M. Skillman and Jesse Reed, are all of the heirs or persons entitled to the next estate of inheritance from the decedent in said real estate and having an interest therein. The defendant, Edward Skillman is the husband of Mariana M. Skillman and the defendant, Emma Reed, is the wife of Jesse Reed.

That the actual market value of said real estate is less than $500.00.

Wherefore, plaintiff prays that a summary may issue authorizing the sale and conveyance of said real estate at private sale, subject to the above mortgage, and that all requirements relating to the service of summons, appraisal and additional bond may be waived, as is provided by Section 10510-14 of the General Code.

Mariana M. Skillman.
Administratrix.

State of Ohio, County of Union, ss:

Mariana M. Skillman, Administratrix, being first duly sworn, says that she is the plaintiff filing the above petition and that the facts stated and allegations contained therein are true as she verily believes.

Mariana M. Skillman.

Sworn to before me and subscribed in my presence this 27th. day of October, 1938.

Seal

Richard E. Small - Notary Public.

Filed
Oct. 28 - 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.
To Mariana M. Skillman, Administratrix of the Estate of
J. M. Reed, 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 Margaret E. Reed, 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 Village of Marysville:

Being all of Lot #413 (old number 396) in the Trishwater Addition to said Village of Marysville. For further reference and for more complete description reference is hereby made to the recorded Plat of said Addition.

THE COL. B. B. MFG. CO. 74930

13711

Said sale to be upon the following terms: Purchaser to assume and agree to pay the mortgage held by the Home Owners Loan Corporation against said premises.

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 27th. day of October, 1938.

(Seal) R. 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 27th. day of October, 1938.

Mariana M. Skillman-
Administratrix.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 27th. day of October 1938, offer said property, at private sale, and Margaret E. Reed having offered therefor the sum of four hundred and ninety Dollars ($490.00) and the same being not less than the appraised value of said property, I sold the same to said Margaret E. Reed for that sum.

Mariana M. Skillman.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Mariana M. Skillman, 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.

Mariana M. Skillman.

Sworn to before me and subscribed in my presence, this 27th. day of October, 1938.

(Seal) Richard E. Thrall- Notary Public.

In the Probate Court of Union County, Ohio.

Filed Oct. 28- 1938.

Mariana M. Skillman, Administratrix of the Estate of D. M. Reed, dec'd. Plaintiff,

-vs-

Margaret E. Reed, Marcelete Reed, Mariana M. Skillman, Edward Skillman, Jesse Reed, Emyus Reed and the Home Owners Loan Corporation, Defendants.

Case No. 13711.
Summary Order.

13711

Purchaser
held by the
premises.
date the
Court in all
dmige herein

aid Probate
October, 1938.
robate Judge.

e caused
appear by

ase.

e order of
, offer said
d having
nety Dollars
the appraised
aid Margaret

lman.

ays that the
der and
deavor to
d that the
could be

lman.
presence,

tary Public.

.

Order.

13711 Mariana M. Skillman, Administratrix of the estate of D. U. Reed, having filed her petition herein asking for a sale of an interest in real estate belonging to said estate, and this Court being fully advised in the premises, hereby finds that it is necessary to sell said real estate to pay the debts of said decedent and that the value of such real estate is less than $500.

It is, therefore, ordered and decreed that said Mariana M. Skillman, Administratrix of the estate of D. U. Reed, be, and she hereby is authorized to sell and convey the real estate described in her petition at private sale, subject to the mortgage of the Home Owners Loan Corporation, for not less than $490.00, the purchase price to be represented by the assumption by the purchaser of said mortgage and the requirements of law relating to service of summons, appraisal and additional bond are hereby waived.

L. W. Hazen - J. J.

Filed
Oct. 28- 1938.

In the Probate Court of Union County, Ohio.

Mariana M. Skillman, Administratrix of the Estate of D. U. Reed, dec'd.
Plaintiff,
-vs-
Margaret E. Reed, Marcelete Reed, Mariana M. Skillman, Edward Skillman, Jesse Reed, Emma Reed and The Home Owners Loan Corporation,
Defendants.

Case No. 13711.
Journal Entry.

This day this cause came on to be heard on the report of Mariana M. Skillman 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 to all the right, title and interest of the said D. U. Reed in said real estate to the purchaser, Margaret E. Reed, said deed to contain a provision that the said purchaser assumes and agrees to pay the mortgage against said premises held by the Home Owners Loan Corporation.

L. W. Hazen - Judge.

THE COL. P. B. MFG. CO. 74930

13640
Filed
Sept. 21-1938.

In the Matter of The Estate of George R. Howe, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.

In the Matter of The Estate of George R. Howe, Deceased. | No. 13640 - September 20, A.D. 1938. | Petition.

To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Executor of the Estate of George R. Howe 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:

Warehouse receipt No. 4950 Bonds Mill Distilling Company for five Barrels Bourbon Whiskey, Bbls. Nos. 1195; 1196; 1197; 1198 and 1199. $ 250.00

Warehouse receipt No. 4951 Bonds Mill Distilling Company for five bbls. Bourbon Whiskey, Bbls. Nos. 1200; 1201; 1202; 1203 and 1204. $ 250.00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons: It is necessary to turn said warehouse receipts into cash for the purposes of properly settling the estate. Said warehouse receipts have a definite and fixed market value which may be obtained at private sale as well as public sale without incurring the cost and expenses of such public sale.

Dated September 20, 1938. Richard C. Thrall - Executor.

The State of Ohio, Union County.

Richard C. Thrall, Executor, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

Richard C. Thrall.

Sworn to before me and signed in my presence, this 20 th. day of September, 1938.

Seal

L. W. Hazen - P. J.

13640
Filed
Sept. 21-1938.

In
Geor
to
wad
here
to
the
Ware
Com
Bbls
Ware
Com
Bbls
hav
Pur
from
the
30

13640
Filed
Sept. 21-1938.

Order of Private Sale, Personal Property.
Probate Court, Union County, Ohio.

In the Matter of the Estate of George R. Howe, Deceased. | No. 13640. | Order of Sale of Personal Property.

To Richard C. Thrall, Executor of the estate of George R. Howe:

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 available the following goods and chattels belonging to said estate-to-wit:

Warehouse receipt No. 4950 Bonds Mill Distilling Company for five barrels Bourbon Whiskey, Bbls.	Nos. 1195; 1196; 1197; 1198; and 1199.	$ 250.00
Warehouse receipt No. 4951 Bonds Mill Distilling Company for five bbls. Bourbon Whiskey, Bbls.	Nos. 1200; 1201; 1202; 1203 and 1204.	$ 250.00

Said sale to be on the following terms: cash in hand at time of sale.

The deferred payments to bear interest from date of sale, and to be secured by the note or 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 20th. day of September, 1938.

Seal

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13698
Filed
Oct. 11- 1938. Act
Arthur W. Galloway of t
Attorneys / De

Elmo

A du
late
the
is

abou

deced
at
not
is
costs

descr
Stat

and
scrib

No.
Town
of U

and
scrib

off
Illeo
to
in
plat
Mar

esta
at

No

heirs

13698
Filed
Oct. 11- 1938. Arthur W. Galloway
Arthur W. Galloway
Attorney.

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

Arthur W. Galloway, Administrator
of the Estate of John Drumm,
Deceased,
Plaintiff,
-vs-
Elmer Drumm, et al.,
Defendants.

No. 13698.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of John Drumm, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is ($649.00) Six Hundred and Forty-nine Dollars.

And the costs of administering the estate will be about ($30.00) Thirty Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at no personal property 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:-

Tract I. Situated in the County of Union, State of Ohio and in the Village of Pharisburg and bounded and described as follows:

Being Seventy-two feet off of the South end of Lot No. 27. The above description agrees with the original town plat, all being in the township of Leesburg, County of Union and State of Ohio.

Tract II. Situated in the County of Union, State of Ohio and in the Village of Pharisburg and bounded and described as followed:

Being Lot No. 30 and Lot No. 29, excepting 80 feet off of the north end of Lot No. 29, conveyed by warranty deed by C. N. Moehn and Ada Moehn, his wife, to Emma J. Martin, dated July 24, 1899 and recorded in Book 80, page 101. For further reference see the plat of the said village in the Recorder's Office at Marysville, Ohio.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at ($300.00) Three Hundred Dollars.

Said real estate is encumbered as follows:
No encumbrance.

The defendants, Elmer Drumm, et al., are all the heirs or persons entitled to the next estate of inheritance

THE COL. B. B. MFG. CO. 74930

13698

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 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.

Arthur W. Galloway.
Attorney for the Plaintiff.

The State of Ohio, Union County.

Arthur W. Galloway, Admr., 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.

Arthur W. Galloway.

Sworn to before me and signed in my presence by the said Arthur W. Galloway, at Marysville, Ohio, this 12th. day of October, 1938.

Edith A. Wood - Notary Public.

Filed Oct. 10- 1938.

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

Arthur W. Galloway, Administrator of the Estate of John Drumm, Deceased,

Plaintiff,

-vs-

Elmer Drumm, et al.,

Defendants.

No. 13698
Proceeding to Sell Real Estate.
Waiver of Summons & 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.

October 10, A. D. 1938.

Otto Drumm.
Emma Drumm.
Bessie Clevenger.
Gertrude Bates.
Clara Carmer.
Myrtle M. De Good.
Gerald E. Roberts.
Elmer Drumm.

13698
Filed
Oct. 11- 1938.

13698
Filed
Oct. 11-1938.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of John Drumm, dec'd.,

Plaintiff.

-vs-

Elmer Drumm, et al.,

Defendants.

Case No. 13698.
Petition for Summary Sale of Real Estate.

Plaintiff represents that he is the duly appointed, qualified and acting administrator of the estate of John Drumm, deceased.

The amount of the valid debts against the said real estate is $649.00 and the costs of administering the said estate will amount to about $30.00. The administrator further represents that the deceased died leaving no personal property with which to pay the debts against the estate.

The said John Drumm died owning an interest in fee simple, in the following described real estate:

Tract I. Situated in the County of Union, State of Ohio, and in the Village of Marysburg and bounded and described as follows:

Being Seventy-two feet off of the South end of Lot No. 27. The above description agrees with the original town plat, all being in the Township of Leesburg, County of Union and State of Ohio.

Tract II. Situated in the County of Union, State of Ohio and in the Village of Marysburg and bounded and described as follows:

Being Lot No. 30 and Lot No. 29, excepting 80 feet off of the north end of Lot No. 29, conveyed by warranty deed by C. F. Moeller and Ada Moeller, his wife to Emma J. Martin, dated July 24, 1899 and recorded in Book 80, page 101. For further reference see the plat of the said Village in the Recorder's Office at Marysville, Ohio.

The plaintiff further represents that it is necessary to sell the above described real estate in order to pay the debts against the said estate, and the plaintiff further requests that a summary order of sale issue, without issuing summons to interested parties.

Wherefore, the plaintiff prays that the said real estate be sold by summary order according to the statute in such cases made and provided, and for such other relief as is proper in the premises.

Arthur W. Galloway.
Administrator.

THE COL. B. B. MFG. CO. 74930

13698

State of Ohio, County of Union, ss:

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of John Drumm, deceased; that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 13th. day of October, 1938.

Edith A. Wood-Notary Public.

Filed Oct. 11-1938.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the estate of John Drumm, Dec'd., Plaintiff,

-vs-

Elmer Drumm, et al., Defendants.

Case No. 13698.
Summary Order.

On the 13th. day of October, 1938, this cause came on to be heard and this Court, being fully advised in the premises, hereby finds that it is necessary to sell the real estate of John Drumm, deceased, to pay the debts of such decedent; that the value of such real estate is is less than $500.00.

It is, therefore, ordered and decreed that the said Arthur W. Galloway, Administrator of the estate of John Drumm, deceased, be and he is hereby authorized to sell and convey the real estate described in the plaintiff's petition on the following terms and conditions: by private sale and to the highest bidder for cash.

L. W. Hazen-Probate Judge.

Filed Oct. 25-1938.

Journal Entry - Probate Court, Union County, Ohio.

Arthur W. Galloway as Administrator of the Estate of John Drumm, Plaintiff,

-vs-

Elmer E. Drumm, et al., Defendants.

October 25, 1938.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Arthur W. Galloway, Administrator 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

13698 and confirmed. It is further ordered that said petitioner execute a deed of all the right, title and interest of the said John Drumm, deceased, in said real estate, to the purchaser, Richard Patton. 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 ($400.00) Dollars.

It is further ordered that said Administrator out of the money in his hands, pay:

First, the costs and expenses of the sale, including an attorney fee of $60.00 to Arthur W. Galloway for services performed for the fiduciary in connection with the sale.

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;

(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 $30.30, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13652
Filed
July 16- 1928.
Richard C. Thrall
Attorney.

Petition to Sell Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

George W. Blake, Administrator with the Will annexed of the Estate of Byron Blake, Deceased,
Plaintiff,

-vs-

Louisa Blake, George W. Blake, Harry Blake, Belva Blake, his wife, William Blake, Laura Blake, his wife, Ama Spain, Emma Hoffman, George Wisner, Ella Wisner, John Dean Boylan and McDonald Thompson,
Defendants.

No. 13652,
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator with the Will annexed of the estate of Byron Blake, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Six Hundred ($600.00) Dollars.

An allowance of Two Hundred Dollars ($200.00) 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 ($100.00) Dollars.

The total value of the personal property of the said decedent was listed 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 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: Situated in the County of Union, in the State of Ohio, and in the Village of Milford Center and bounded and described as follows:

Beginning at the South West Corner of In-Lot No. 13 in said Village and in the East line of an Alley and running in an easterly direction or course and parallel with the South lines of In-lots Nos. 12 and 13 - 180 feet to the West line of West Street Extension.

Thence in a Southerly course and parallel with said West Street - 60- feet to the North line of J. M. Southalls Lot.

Thence in a Westerly direction and parallel with the North line of said Southalls Lot - 180- feet.

13652

13652

Thence North - 60- feet to the place of beginning containing Thirty Nine - 39- and Six - 6- Poles 39. 6/100-

Being the same premises conveyed by Warranty Deed from S. D. Elliott and Margaret Elliott his wife to the said Mc Donald Thompson under date of November 25th, 1887 and recorded in Volume 61 page 462.

Reconveyed from Mc Donald Thompson and Belle D. Thompson, his wife, to Lillian Morris by Warranty Deed under the date of May Third One Thousand Nine Hundred and Twenty - One - 1921- and recorded in Record of Deeds Vol- 125 Page 249.

Union County Record of Deeds.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Four Hundred and fifty Dollars.

Said real estate is encumbered as follows:

Said John Dean Baylan claims some lien thereupon by virtue of a judgment and levy of execution and said Mc Donald Thompson claims some lien by virtue of a mortgage.

The defendants, Louisa Blake, George Blake, Harry Blake, William Blake, Anna Spain, Emma Huffman and Ella Wisner (Mrs. George Wisner), 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 defendant Mrs. George Wisner 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.

Wherefore, plaintiff prays that said real estate be sold free from dower of Louisa Blake; that the value thereof being less than Five Hundred Dollars that the Court may authorize him to sell and convey said land at private sale without service of summons, appraisal and additional bond; 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.

George W. Blakey,
Attorney for the Plaintiff.

THE COL. B. B. MFG. CO. 74930

18652

The State of Ohio, Union County.

George W. Blake, 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.

George W. Blake.

Sworn to before me and signed in my presence by the said George W. Blake, at Milford Center, Ohio, this 12th. day of July, 1938.

Richard C. Thrall- Notary Public.

Seal

Filed July 19- 1938.

In the Probate Court of Union County, Ohio.

George W. Blake, Administrator of the Estate of Byron Blake, Deceased, Plaintiff,

-vs-

Louisa Blake, et al., Defendants.

Case No. 13652. Journal Entry.

This day this cause came on to be heard on the petition of plaintiff to sell real estate, and the Court being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Byron Blake, deceased, to pay the debts of said decedent, and that the value of such real estate is less than $500.00.

It is, therefore, ordered and decreed that said George W. Blake, Executor of the last Will and Testament of Byron Blake, deceased, be, and he hereby is authorized to sell and convey said real estate described in his petition at private sale for not less than the appraised value thereof, the real estate having been appraised by the appraisers of the estate at $450.00, said sale to be for cash in hand at the time of sale. All requirements as to the service of summons, appraisal, and additional bond are hereby waived, and said executor is empowered to make such sale without taking said steps.

L. W. Hazen- Probate Judge.

Filed July 19- 1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

George W. Blake, Administrator of the Estate of Byron Blake, Plaintiff,

-vs-

Louisa Blake, et al., Defendants.

No. 13652. 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

18652

The State of Ohio, Union County.

George W. Blake, 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.

George W. Blake.

Sworn to before me and signed in my presence by the said George W. Blake, at Milford Center, Ohio, this 12th. day of July, 1938.

Richard C. Thrall- Notary Public.

Seal

Filed July 19- 1938.

In the Probate Court of Union County, Ohio.

George W. Blake, Administrator of the Estate of Byron Blake, Deceased, Plaintiff,

-vs-

Louisa Blake, et al., Defendants.

Case No. 13652. Journal Entry.

This day this cause came on to be heard on the petition of plaintiff to sell real estate, and the Court being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Byron Blake, deceased, to pay the debts of said decedent, and that the value of such real estate is less than $500.00.

It is, therefore, ordered and decreed that said George W. Blake, Executor of the last Will and Testament of Byron Blake, deceased, be, and he hereby is authorized to sell and convey said real estate described in his petition at private sale for not less than the appraised value thereof, the real estate having been appraised by the appraisers of the estate at $450.00, said sale to be for cash in hand at the time of sale. All requirements as to the service of summons, appraisal, and additional bond are hereby waived, and said executor is empowered to make such sale without taking said steps.

L. W. Hazen- Probate Judge.

Filed July 19- 1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

George W. Blake, Administrator of the Estate of Byron Blake, Plaintiff,

-vs-

Louisa Blake, et al., Defendants.

No. 13652. 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

he is the
that the
in the
believes.
ke.
nescence by the
Ohio, this
all- Notary Public.
ty, Ohio.

on the pe-
the Court
finds that
Byron Blake,
and that
has $600.00.
said George
tament of
authorized
ibed in this
the ap-
ing been
at $450.00,
the time
of summons
waived,
e such sale

bate Judge.
te Sale)
his.

uld be for
sell the real
case at

13652

private sale, for the following reasons:
(1) Because the expense and delay of public sale may thus be avoided.
(2) Because a buyer is on hand who will give the appraised value of said property which might sell at public sale for only two-thirds of such value.

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

George W. Blake - Administrator,
of the Estate of Byron Blake, deceased.

The State of Ohio, Union County.

George W. Blake, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

George W. Blake.

Sworn to before me and signed in my presence this 19th. day of July, A. D. 1938.

Richard C. Thrall - Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Arthur W. Galloway and Martha Ulyers, 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.

Arthur W. Galloway.
Martha Ulyers.

Sworn to before me and signed in my presence this 19th. day of July, 1938.

Richard C. Thrall - Notary Public.

Order of Private Sale.

Filed July 19-1938.

The State of Ohio, Union County. Probate Court.

To George W. Blake, Administrator with the Will annexed of the Estate of Byron Blake, 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 are Plaintiff and Louisa Blake, 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 COL. B. B. MFG. CO. 74930

18652

Situated in the County of Union, State of Ohio and in the Village of Milford Center and bounded and described as follows:

Beginning at the South West corner of Su-Lot No. 13 in said Village and in the East line of an Alley and running in an Easterly direction on a Course and parallel with the South lines of Su-Lots Nos. 12 and 13- 180- feet to the West line of West Street Extension.

Thence in a Southerly Course and parallel with said West Street- 60- feet to the North line of J. M. Southalls Lot.

Thence in a Westerly direction and parallel with the North line of said Southalls lot- 180- feet.

Thence North- 60- feet to the place of beginning containing Thirty Nine- 39- and Six- 6/10 Poles 39. 6/100-

Being the same premises conveyed by Warranty Deed from S. D. Elliott and Margaret Elliott, his wife, to the said Mc Donald Thompson under date of November 25th, 1887 and recorded in Vol. 61, Page 462.

Reconveyed from Mc Donald Thompson and Belle D. Thompson, his wife, to Lillian Morris by Warranty Deed under the date of May Third One Thousand Nine Hundred and Twenty One- 1921- and Recorded in Record of Deeds Vol. 125, Page 249.

Union County Record of Deeds.

Said sale to be upon the following terms: Cash in hand at the 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 19th. day of July, 1938.

L. W. Hazen - Probate Judge.

Seal

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 19th. day of July 1938.

George W. Blake.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the ___ day of July 1938, offer said property, at private sale, and Louisa Blake having offered therefor the sum of Four Hundred and Fifty Dollars ($450.00) and the same being not less than the appraised value of said property, I sold the same to said Louisa Blake for that sum.

George W. Blake.

18652

Filed Aug. 25- 1938.

of Ohio and
d and de-

2w- Lot No.
an Alley
Course and
te Nos. 12
Street Extension.
el with said
d. Southall's Lot
del with the

quining con-
e 39.6/100-
Warranty Deed
his wife, to
Woodmere
462.
and Belle
Warranty
Thousand
Recorded

es: Cash

ecute the
said Court
your pro-
Court.
said Probate
July, 1938.
Probate Judge.

have caused
ly appear

ke.

thin order
1938, offer
ay Blake
ndred and
g not less
, & sold
hat sum.
ake.

13452

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

George W. Blake, 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.

George W. Blake.

Sworn to before me and subscribed in my presence, this 19th. day of July, 1938.

Richard C. Thrall - Notary Public.

Seal

Filed Aug. 25- 1938.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Byron Blake, Deceased. | Case No. 13652. Entry Confirming Sale and Ordering Deed.

This day this cause came on to be heard on the report of George W. Blake, Executor of the Estate of Byron Blake, & 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 Byron Blake in said real estate, to the purchaser, Louisa Blake.

It is further ordred that said executor, out of the money in his hands, pay:

First; the costs and expenses of the sale, including an attorney fee of $50.00 to Richard C. Thrall, for services performed for the fiduciary in connection with the sale.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate.

Third, that the balance of the proceeds of said sale, amounting to $313.35, be paid to Louisa Blake to be applied upon her rights of dower and the $500.00 exemption provided by law.

A. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13656
Filed
Aug. 5-1938.
Arthur W. Galloway
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Ella E. Middleton, Deceased,

Plaintiff,

-vs-

A. E. Middleton; Leonas Anderson; Lovanna Burson; Mary Alice Bruerd and B. A. Middleton,

Defendants.

Case No. 13656.
Administrators Petition to Sell Real Estate.

Plaintiff represents that he is the duly appointed, qualified and acting administrator of the estate of Ella E. Middleton, deceased, and was appointed such on the 21 day of July, 1938.

That said deceased, Ella E. Middleton, died owning an interest in fee simple in the following described real estate:

Situated in the County of Union, State of Ohio, Village of Broadway, and bounded and described as follows: Being Lot No. (95) ninety-five on Main Street in the Harrington and Wilgus Addition to the town of Broadway, Ohio. Said Lot being (54) fifty-four feet front and (151) one hundred fifty-one feet deep.

That said real estate is worth $400.00 and is not encumbered in any way by any mortgage thereon.

That said sale of the real estate is necessary for the reason that the said real estate is suffering an unavoidable waste, and that the debts of the estate are as follows:

Due the Division of Aid for the Aged for pension	$653.50
Due to Dr. E. J. Marsh for medical services	23.00
Due Willard Winters for funeral services	228.38
Total	$904.88

Administrator further says that there are no other debts of the said estate and that a sale of the within described real estate is necessary for the payment of the above just debts that the deceased incurred during her lifetime.

The plaintiff, therefore, prays that the above named heirs: A. Et Middleton; Leonas Anderson; Lovanna Burson; Mary Alice Bruerd, and B. A. Middleton, be made parties defendants to this petition and that, by law, service of summons, appraisal, and additional bond shall be waived; that the plaintiff may be ordered to sell said real estate for the reasons and purposes herein before proposed, and for other proper relief.

Arthur W. Galloway
Administrator.

Filed
Aug. 2-1938.

13656

Sta

he
mini
that
pow

this

Art

&

A.
Lov
and

is
way
ment

Est
cou
Ad

Filed
Aug. 5-1938.

Ar

&

A.
Lov
Bru

qua
Ella

hio.

Petition
Estate.

13656 State of Ohio, County of Union, ss:
Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Ella E. Middleton, deceased; that the facts stated and allegations contained in the foregoing petition are true as he verily believes.
Arthur W. Galloway.
Sworn to before me and subscribed in my presence this 5th. day of August, 1938.
Seal. Eugene Sanders-Notary Public.

ppointed,
state of Ella
such on

ed owning
described

of Ohio, Village
as follows:
Street in
the town of
four feet
eek dep.
and is
thereon.
is necessary
ouldering
of the

ision $653.50
icer 23.00
228.38
$904.88
no other
of the within
payment of
owing during

e named
una Burson;
ade parties
ns, service
bond shall
to sell said
herein before

way

Filed Aug. 2-1938.

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

Arthur W. Galloway, Administrator of Estate of Ella E. Middleton, Deceased,
Plaintiff,
-vs-
A. E. Middleton, Leonas Anderson, Lowanus Burson, Mary Alice Bruerd, and B. A. Middleton,
Defendants.

Us. 13656.
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 1, A. D. 1938.

Wife. Mary Alice Bruerd.
Low Annas Burson.
B. A. Middleton.
A. E. Middleton
Wife. Leonas Sanderson.

Filed Aug. 5-1938.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Ella E. Middleton, Deceased,
Plaintiff,
-vs-
A. E. Middleton; Leonas Anderson; Lowanus Burson; Mary Alice Bruerd; and B. A. Middleton,
Defendants.

Case Us. 13656.
Petition for Summary Sale of Real Estate.

Plaintiff represents that he is the duly appointed, qualified and acting administrator of the Estate of Ella E. Middleton, deceased.

THE COL. B. B. MFG. CO. 74930

13656

The amount of the valid debts against the said real estate is $ 90488 and the cost of administering the said estate will amount to about $25.00. The administrator further represents that the deceased died leaving no personal property with which to pay the debts against the estate.

The said Ella E. Middleton died owning an intyest in fee simple in the following described real estate:

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

Being Lot No. (95) ninety-five on Main Street in the Yarrington and Wilgus Addition to the town of Broadway, Ohio. Said Lot being (54) fifty-four feet front and (151) one hundred fifty-one feet deep.

Plaintiff represents that it is necessary to sell the above described real estate in order to pay the debts against the said estate, and the plaintiff further requests that a summary order of sale issue, without issuing summons to intersted parties.

Wherefore, the plaintiff prays that the said real estate be sold by summary according to the statute in such cases made and provided, and for such other relief as is proper in the premises.

Arthur W. Galloway - Administrator.

State of Ohio, County of Union, ss:

Arthur W. Galloway, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the estate of Ella E. Middleton, deceased; that the facts stated and allegations contained in the foregoing petition are true as he verily believe.

Arthur W. Galloway.

Sworn to before me and subscribed in my presence this 5th. day of August, 1938.

Seal

Guyon Sanders - Notary Public.

Filed Aug. 5 - 1938.

In the Probate Court of Union County, Ohio.

Arthur W. Galloway, Administrator of the Estate of Ella E. Middleton, Deceased,

Plaintiff,

vs.

A. E. Middleton; Leonas Anderson; Louanna Burson; Mary Alice Brueck; and B. A. Middleton,

Defendants.

Case No. 13656.

Summary Order.

On the 5th. day of August, 1938, this cause came on to be heard and this Court, being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Ella E. Middleton, deceased, to pay the debts of such decedent; that the value of such real

13656

Filed Aug. 8 - 1938.

18606

estate is less than $500.00.

It is, therefore, ordered and decreed that the said Arthur W. Galloway, administrator of the estate of Ella E. Middleton, deceased, be and he is hereby authorized to sell and convey the real estate described in the plaintiff's petition on the following terms and conditions; by private sale and to the highest bidder for cash.

R. W. Hazen- Probate Judge.

Filed
Aug. 8- 1938.

Journal Entry.
Probate Court, Union County, Ohio.

Arthur W. Galloway, as Administrator of the Estate of Ella E. Middleton, Plaintiff,

-vs-

A. E. Middleton; Leonas Anderson; Lowayne Burson; Mary Alice Bruerd and B. A. Middleton, Defendants.

August 8- 1938.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Arthur W. Galloway, Administrator of Estate of Ella E. Middleton 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 Ella E. Middleton in said real estate, to the purchaser, Lowell Appleman. 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 Dollars.

It is further ordered that said Arthur W. Galloway out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $50.00 to Arthur W. Galloway 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, fee 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 records

THE COL. B. B. MFG. CO. 74930

13656 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, on 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.

And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $27.50, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

13690
Filed
Sept. 13 - 1938.
Richard C. Thrall
Attorney.

Petition to Sell Real Estate.

Guardian's Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Blanche Morelock, Guardian of George Morelock,
Plaintiff,

vs.

Her ward, George Morelock, Blanche Morelock and Charles Morelock,
Defendants.

No. 13690.
Petition to Sell Real Estate.

The plaintiff represents that she is the duly appointed and qualified Guardian of George Morelock of the age of nineteen years and residing with Blanche Morelock at Marysville, Ohio having been appointed as such Guardian by the Probate Court of Union County on the 26th. day of June, 1935.

Said ward is seized of the following described real estate:

Being an undivided one-half interest in the following:

Situated in the Village of Marysville, Union County, Ohio; being all of Out-Lot 205 in Mathiott's Addition to said Village of Marysville.

For further description, reference is hereby made to the recorded plat of said Village as filed in the office of the Recorder of Union County, Ohio.

13690

Filed
Sept. 13 - 1938. Bl
of
Her
Bl
to th

13690

There is no encumbrance upon said real estate.

The said ward is not married. The defendants, Blanche Morelock and Charles Morelock, who are residents of Marysville, Union County, Ohio, are entitled to the next 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 a sale of said real estate will be for the advantage of said ward for the reason that the same is not now productive while there are certain expenses incident to the ownership thereof. That it is necessary to sell said real estate for the education and support of the ward herein.

That the said real estate above described has a market value of less than $500.00, the interest of the ward herein being reasonably worth only about $350.00, as is shown by proceedings in this Court and the tax duplicate of this County. That your petitioner has investigated the value of said real estate and that, in her opinion, said real estate does not have a market value of $500. or more.

Wherefore, plaintiff prays that a summary order may issue authorizing her to sell the interest of her ward in said real estate at private sale for the sum of $375.00, and that in this proceeding, all requirements of law as to service of summons, appraisal and additional bond may be waived.

Richard C. Thrall.
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

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.

Blanche Morelock-Guardian.

Sworn to before me and signed in my presence by the said Blanche Morelock at Marysville, Ohio, this 13th. day of September, 1938.

Richard C. Thrall-Notary Public.

Filed
Sept. 13-1938.

In the Probate Court of Union County, Ohio.

Blanche Morelock, Gdn.
of George Morelock,
Plaintiff,

vs.

Her ward, George Morelock,
Blanche Morelock, and
Charles Morelock,
Defendants.

No. 13690.
Summary Order.

THE COL. B. B. MFG. CO. 74930

13690

On the 14th. Day of September, 1938, this cause came on to be heard, and this Court, being fully advised in the premises, hereby finds that it is necessary to sell the interest of George Morelock in the real estate described in the petition herein to prevent loss to said estate and to provide for the education of said ward, and that the value of such real estate is less than $000.

It is, therefore, ordered and decreed that the said Blanche Morelock, Guardian of George Morelock, be and she hereby is authorized to sell and convey the real estate described in the petition at private sale for not less than $375.00. And all requirements of law as to service of summons, appraisal and additional bond are hereby waived.

L. W. Hazen - Probate Judge.

Filed Sept. 13-1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Blanche Morelock, Guardian of 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 George Morelock are Plaintiff and George Morelock et. al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than $375.00 the following described premises, to-wit:

Being an undivided one-half intrest in the following:

Situated in the Village of Marysville, Union County, Ohio; being all of Sub-Lot 205 in Mathiott's Addition to said Village of Marysville.

For further description, reference is hereby made to the recorded plat of said Village as filed in the office of the Recorder of Union County, Ohio.

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

You are therefore hebeby 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 14th. day of September, 1938.

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 14th. day of September, 1938.

Blanche Morelock - Guardian of George Morelock.

18690

Filed Sept. 13-1938.

18690

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 14th day of September, 1938, offer said property at private sale, and Martin Doellinger having offered therefor the sum of Three Hundred and Seventy-five Dollars ($375.00) and the same being not less than the minimum amount fixed by the Court; I sold the same to said Martin Doellinger for that sum.

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.

Blanche Morelock.

Sworn to before me and subscribed in my presence, this 14th. day of September, 1938.

Richard C. Small- Notary Public.

Seal

Filed Sept. 13- 1938.

In the Probate Court of Union County, Ohio.

Blanche Morelock, Guardian of George Morelock, Plaintiff, vs. Herward, George Morelock, Blanche Morelock and Charles Morelock, Defendants.

No. 13690. Entry. Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Blanche Morelock, Guardian of 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 plaintiff execute a deed of all the right, title and interest of the said George Morelock in said real estate, to the purchaser, Martin Doellinger.

It is further ordered that the said Guardian pay the cost of this proceeding taxed at $12.

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 74930

13662
Filed
July 29- 1938.
Richard C. Thrall
Attorney.

Petition to Sell Real Estate.

Guardians' Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Christine Braun, Gdn. of
Wm. Braun, Incompetent,
Guardian,
Plaintiff,

-vs-

Her Ward, William Braun,
Adelbert Braun and Joy
Braun, his wife; Christine
Braun, Helen Braun and
the Superintendent of the
U. S. Veterans Hospital,
Chillicothe, Ohio.
Defendants.

No. 18662.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that he is the duly appointed and qualified Guardian of William Braun, an incompetent person of the age of — years, on the — day of — A.D. —, and residing with U. S. Hospital at Chillicothe, Ohio, having been appointed as such Guardian by the Probate Court of Union County on the 20th. day of August, 1925.

Said ward is seized of the following described real estate:

Tract 1. Situated in the County of Union, State of Ohio and in the Village of Marysville and bounded and described as follows:

Beginning at a point in the south margin of West Fifth Street and at the northwesterly corner of L. B. Harvey's lot; thence south along the west side of said Harvey's lot, 159.50 feet to a point at the south-westerly corner of said L. B. Harvey's lot; thence west 61 feet to the southeasterly corner of S. E. Knepper's lot; thence along the east side of said S. E. Knepper's lot North 159.50 feet to the south margin of West Fifth Street and Northeasterly corner of said Knepper's lot; thence along the south margin of West Fifth Street to the beginning. Containing 25/100 of an acre, more or less.

Tract 2. Situated in the County of Union, in the State of Ohio, and in the Village of Marysville and bounded and described as follows:

Being Lot No. 564 of Sunny Side Park Addition to said Village of Marysville, Ohio, which includes the Wm. Robinson Addition to said Village.

For a more definite description of said Lot reference is hereby made to the recorded Plat of said Addition as found in the Recorders Office of Union County, Ohio.

Said William Braun being the owner of an undivided one-fourth interest in said real estate.

13662

Filed
July 29-1938.

13662

Said real estate is encumbered as follows: None.

That each of the two tracts of land described in this petition is worth $25.00 and that the total value of both tracts is less than $500.00. That said real estate has not had any buildings upon and that it does not produce any revenue. That it is not likely to increase in value. That it would be to the best interest of said estate to sell said real estate and reinvest the purchase price.

The Defendants, Adelbert Braun, Christine Braun, Helen Braun and Pearl Clara Braun who are residents of Union County, Ohio, are entitled to the next estate of inheritance from the said ward in said real estate.

There are no other persons who have any interest in said real estate. The defendant, Joy Braun, is the wife of Adelbert Braun, the other parties defendant not being married.

Wherefore, Plaintiff prays the court to set this petition for hearing. That the Court find the value of said real estate to be less than $500.00 and that it order said real estate sold by the Guardian or that requiring the issuing of summons, appraisal, or additional bond, and for such other relief as may be proper.

Richard C. Small.
Attorney for Plaintiff.

The State of Ohio, Union County.

Christine Braun, 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.

Christine Braun.

Sworn to before me and signed in my presence by the said Christine Braun, at Marysville, Ohio, this 25th. day of July, 1938.

Richard C. Small - Notary Public.

Filed July 29-1938. Pcd

In the Probate Court of Union County, Ohio.

Christine Braun, Guardian of William Braun, Incompetent, Plaintiff,

-vs-

William Braun, Adelbert Braun, and Joy Braun, his wife; Christine Braun, Helen Braun, and Pearl Clara Braun and the Superintendent of the United States Veterans Hospital, Chillicothe, Ohio, Defendants.

Case No. 13662.
Entry.

THE COL. B. B. MFG. CO. 74930

13662

On the 29th. day of July, 1938, this cause came on to be heard and the Court, being fully advised in the premises, finds that it is to the best interest of said ward to sell said real estate described in the petition and that the value of such real estate is less than $500.00.

It is therefore ordered and decreed that said Christine Braun as Guardian of William Braun, be, and she hereby is authorized to sell and convey the real estate described in the petition on the following terms and conditions: said Guardian is hereby authorized to sell said real estate without service of summons, appraisal, or additional bond, these matters being waived. Said Guardian is further authorized to sell Track 1 as described in the petition, for not less than $62.00 and Track 2 for not less than $6.25, cash in hand at the time of sale.

L. W. Hagen - Judge.

Filed July 29-1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Christine Braun, Guardian of William Braun, an incompetent person, 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 Gpardian are Plaintiff and William Braun, et al. are Defendants, you are commanded to proceed according to Law, to sell at Private Sale, for not less than Track 1, $62.50, Track 2, $6.25, the following described premises, to-wit:

Track 1. Situated in the County of Union, State of Ohio and in the Village of Marysville and bounded and described as follows:

Beginning at a point in the south margin of West Fifth Street and at the northwesterly corner of L. B. Harvey's lot; thence south along the west side of said Harvey's lot, 159.50 feet to a point at the southwesterly corner of said L. B. Harvey's lot; thence west 61 feet to the southeasterly corner of S. E. Knepper's lot; thence along the east side of said S. E. Knepper's lot North 159.50 feet to the south margin of West Fifth Street and Northeasterly corner of said Knepper's lot; thence along the south margin of West Fifth Street to the beginning. Containing 25/100 of an acre, more or less.

Track 2. Situated in the County of Union, in the State of Ohio, and in the Village of Marysville and bounded and described as follows:

Being Lot No. 564 of Sunny Side Park Addition to said Village of Marysville, Ohio, which includes the Wm. Robinson Addition to said Village.

13662

For a more definite description of said lot reference is hereby made to the recorded Plat of said Addition as found in the Recorders Office of Union County, Ohio.

Said William Braun being the owner of an undivided one-fourth interest in said real estate.

Said sale to be upon the following terms: Cash in hand 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 29th. Day of July, 1938.

(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 29th. day of July, 1938.

Christine Braun
Guardian as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the — day of July, 1938, offer said property, at private sale, and H. D. Huffman having offered $62.00 for tract one and William and Dora Speakman having offered therefor the sum of $6.25 for tract 2, and the same being not less than the appraised value of said property, I sold the same to said H. D. Huffman, tract 1 and to William and Dora Speakman for that sum, tract 2.

Christine Braun.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Christine Braun, 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.

Christine Braun.

Sworn to before me, and subscribed in my presence, this 29th. day of July, 1938.

Richard C. Thrall - Notary Public.

(Seal)

THE COL. B. B. MFG. CO. 74930

13662
Filed
July 29- 1938.

In the Probate Court of Union County, Ohio.

Christine Braun, Guardian of William Braun, Incompetent,
Plaintiff,

-vs-

Williams Braun, Adelbert Braun, and Joy Braun, his wife; Christine Braun, Helen Braun and Carl Clara Braun and the Superintendent of the United States Veterans Hospital, Chillicothe, Ohio,
Defendants.

Case No. 13662.
Entry.

This day this cause came on to be heard on the report of Christine Braun, Guardian of William Braun, 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 deeds of all of the right, title and interest of the said William Braun in said real estate to the purchasers, William and Dora Speakman and H. D. Huffman.

L. W. Hazen- Judge.

13591
Filed
Apr. 18- 1938.
Clifton L. Caryl
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Harry Hornbeck, Guardian of Chandis Skidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Division of Aid for the Aged, Department of Public Welfare, of the State of Ohio,
Defendants.

Case No. 13591.
Petition for Summary Sale of Real Estate.

Your petitioner represents that he is the duly appointed, qualified, and acting guardian of the person and estate of Chandis Skidmore, a minor, of late of this County. The amount of the valid debts against said estate is $230.00, and the costs of administering said estate will amount to $50.00.

13591

ritn
775
of t
court
bolt
iron
deg
W fl
and
deg
wate
of
Clos
acre
R.
Wil
in
78 ½
nort
own
211
Ja
and
rec
rea

13591

Said minor is entitled to an undivided one-fourth interest in fee simple of the following described real estate:

Tract No. 1. Being part of Virginia Military Survey Nos. 775 and 6155 and bounded and described as follows:-

Beginning at an iron bolt driven into the center of the West Mansfield Free Turnpike from which the northeast corner of the school house lot, marked by an iron bolt, bears S. 16½ degrees E. said Free Turn Pike to an iron stake, corner to J. M. Wilgus' land; thence No. 79½ degrees E. 181½ feet to a stake, corner to said J. M. Wilgus' land; thence S. 16½ degrees, E. 60 feet to a stake, another corner of said J. M. Wilgus' land; thence S. 79½ degrees W. 181½ feet to the place of beginning.

Containing one-fourth (1/4) of an acre of land.

Tract No. 2. Also the following described premises, situated in the corporate Village of West Mansfield, County of Logan and State of Ohio, in Virginia Military Survey Nos. 775 and 6155, bounded and described as follows:-

Beginning at a post, northeast corner to one-fourth acre deeded to D. H. Harriman by D. P. Hathaway; thence N. 82 degrees E. 324 feet to a stake, corner to J. M. Wilgus' land; thence S. 12½ degrees E. 327 feet to a post in the north line of William Dunlap's land; thence N. 78¼ degrees, W. 351½ feet with said William Dunlap's north line to an iron stake, southeast corner to a lot owned by the said J. M. Wilgus; thence N. 12½ degrees, W. 211 feet to the place of beginning.

Containing two (2) acres, of land.

Being the same premises conveyed by Rachel E. Wimmer et al, to Ella Williams, by deed dated December 30, 1924 and recorded in Logan County Deed Record No. 129 page 181.

Also refer to Affidavit of transfer to Will Williams, recorded in Logan County, Ohio, Deed Record No. 146, page 164.

Also in the following described real estate being the undivided one-half interest in the following described real estate:

Being the following real estate situated in the County of Logan, in the State of Ohio, in the village of West Mansfield, and being in Survey Nos. 775 and 6155 and bounded and described as follows:-

Tract No. 1. Beginning at an iron stake in the east line of North Main Street and northwest corner to N. W. Reams Heirs' land; Thence N. 14½ deg. W. 96½ feet with the East line of said street to a stake in the South line of David Harriman's Heirs lot; Thence N. 82 deg. E. 146 feet with the South line of said Harriman's lot to a stake at the N. E. corner of barn; thence S. 14½ deg. E. 151 feet to a stake; thence N. 78¼ deg. W. 157½ feet to the beginning, containing 40/100 of an

THE COL. B. B. MFG. CO. 74930

13591

acre of land.

Tract No. 2. Beginning at a stone planted on broken bricks in the center of the Jerusalem Extension pike and N.W. corner to a lot owned by James Brauson; thence S. 1½ deg. E. 23 and 63/100 poles with the West line of said James Brauson's land to a stake; thence N. 67 deg. E. 3 and 63/100 poles with the South line of said James Brauson's land to a stake in the West line of lands owned by Mary Southard; thence S. 1½ deg. E. 10 and 80/100 poles with the West line of said Mary Southard's land to a stake in the North line of land owned by William S. Keller; thence N. 81 and three quarters deg. W. 6 and thirty-six hundredths poles to a stake corner to Margaret Wimper's land; thence N. 22 deg. W. 28 and 76/100 poles to a stake in the center of said free pike; thence N. 67 deg. E. 13 and 27.100 poles with the center of said free pike to the place of beginning, containing 1 and 75.100 of an acre, excepting about a quarter of an acre of land sold from the above deeded to Otis Baldwin and John Capcaddle. The original 1 and 75/100 acres being the old homestead of Job M. Smith, deceased; The amount hereby conveyed being 1 and 52/100 acres.

Said real estate is not encumbered with liens with the exception of a trust agreement held by the Division of Aid for the Aged.

The petitioner represents that it would be for the best interest of said ward that a summary order of sale issue.

Wherefore, the petitioner prays that said real estate may be sold by summary order, according to the statute in such cases made and provided, and for such other relief as is proper in the premises.

Harry Hornbeck
Guardian of Chaudie Skidmore.

State of Ohio, County of Union, ss:

Harry Hornbeck, being first duly sworn, says that he is the duly appointed, qualified and acting guardian of Chaudie Skidmore, a minor, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Harry Hornbeck.

Sworn to before me and subscribed in my presence this eighteenth day of April, 1938.

Clifton L. Caryl-Notary Public,
Union County, Ohio.

Seal

13591
Filed
Oct. 1- 1938.

Filed
Oct. 1- 1938.

13591
Filed
Oct. 1- 1938.

Application.

Probate Court, Union County, Ohio.

Harry Hornbuckle, Guardian of Chandis Skidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, and the Division of Aid for the Aged, State Department of Public Welfare of the State of Ohio,
Defendants.

Case No. 13591.
Application.

Now comes Chandis Skidmore, a minor defendant in the above cause of action and makes application to the Court for the appointment of a guardian ad litem, and recommends the appointment of Arthur W. Galloway as said guardian ad litem.

Chandis Skidmore.

Filed
Oct. 1- 1938.

Order Appointing Guardian Ad Litem.

Probate Court, Union County, Ohio.

Harry Hornbuckle, Guardian of Chandis Skidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, Division of Aid for the Aged, Department of Public Welfare, State of Ohio,
Defendants.

Case No. 13591,
Order Appointing Guardian Ad Litem.

On application of Chandis Skidmore and it appearing to the Court that the defendant, Cecil Skidmore, is a minor over the age of 14 years, to-wit, 18 years, and has heretofore made application for the appointment of a guardian ad litem and recommends the appointment of Arthur W. Galloway as such. It therefore is ordered by the Court that Arthur W. Galloway is hereby appointed guardian ad litem for the minor defendant in this case, and said Arthur W. Galloway thereupon appeared in open Court and accepted said appointment, and it is ordered that he file an answer for said minor herein.

L. W. Hazen- Probate Judge.

THE COL. R. B. MFG. CO. 74930

13591
Filed
Oct. 1- 1938.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Harry Hornbeck, Guardian of Chaudie Skidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, Division of Aid for the Aged, Department of Public Welfare, State of Ohio,
Defendants.

Case No. 13591.
Answer of Guardian Ad Litem.

And now comes Arthur W. Galloway, duly appointed by the Court as guardian ad litem for Chaudie Skidmore, a minor defendant herein, and for answer to the petition of said plaintiff, says that he has not, by reason of the tender age of said defendant, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendant, denies the same, and prayeth therefore submit the interest of said defendant to the care and protection of the Court, to order in the premises as justice and the interest of said defendant shall require.

Arthur W. Galloway.
Guardian Ad Litem.

Filed
Oct. 1- 1938.

Motion.

Probate Court of Union County, Ohio.

Harry Hornbeck, Guardian of Chaudie Skidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, and the Division of Aid for the Aged, Department of Public Welfare, State of Ohio,
Defendants.

Case No. 13591.
Motion.

Now comes Harry Hornbeck, Guardian of Chaudie Skidmore, a minor, and requests the Court to make Chaudie Skidmore a party defendant herein.

Clifton R. Pearl.
Atty. for Harry Hornbeck.

13591
Filed
Oct. 1- 1938.

Harry
Chau

Ruth
Bran
Ceci
Divi
Dep
Sta

Har
Ski
the
Cha

Filed
Oct. 1- 1938.

Jo

Hap
Cha

Ruth
Bran
Ceci
and
for
part
Sta

the
fend
the
vise
here
or
are
and
there
that
of a
to

13591
Filed
Oct. 1- 1938.

Entry.

Probate Court, Union County, Ohio.

Harry Hornbeck, Guardian of Chaydis S Kidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil S Kidmore, a minor, Division of Aid for the Aged, Department of Public Welfare, State of Ohio,
Defendants.

Entry.

This cause came on to be heard upon the motion of Harry Hornbeck, guardian, requesting that Chaydis S Kidmore be made a party defendant herein, and the Court for good cause shown, hereby makes Chaydis S Kidmore a party defendant herein.

L. W. Hazen- Probate Judge.

Filed
Oct. 1- 1938.

Journal Entry Finding Sale Necessary- Additional Bond and Appraisement Waived in Compliance with Section 10510-14 G. C. O.

Probate Court, Union County, Ohio.

Harry Hornbeck, Guardian of Chaydis S Kidmore, a minor,
Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil S Kidmore, a minor, and the Division of Aid for the Aged, State Department of Public Welfare, State of Ohio,
Defendants.

Case No. 13591,
Journal Entry Finding Sale Necessary- Additional Bond and Appraisement Waived in Compliance with Section 10510- 14 G. C. O.

This day this cause came on to be heard upon the petition of plaintiff and the answer of the defendant, the Division of Aid for the Aged, and from the evidence adduced and the Court being fully advised in the premises finds: that all the defendants herein have been legally and duly 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. It is therefore ordered, adjudged, and decreed by the Court that the sale of said premises be free from dower of any of the defendants herein.

And the Court being satisfied that it is necessary to sell said real estate as described in plaintiff's

THE COL. B. B. MFG. CO. 74930

13591

petition, and the actual market value of said real estate to be sold is less than $500.00, and the Court having heretofore ordered a summary sale and conveyance of said real estate at private sale, it is therefore ordered that an appraisal and an additional bond shall be dispensed with.

L. W. Hazen - Probate Judge.

Filed Oct. 1 - 1938.

Journal Entry Confirming Sale and Ordering Distribution.

Probate Court, Union County, Ohio.

Harry Hornbeck, Guardian of Chardis Skidmore, a minor,

Plaintiff,

-vs-

Ruth C. Brannan, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, Division of Aid for the Aged, Department of Public Welfare, State of Ohio,

Defendants.

Case No. 13591.
Journal Entry Confirming Sale and Ordering Distribution.

This day this cause came on to be heard upon the report of the plaintiff of sale made to Ruth C. Brannan and Thomas C. Brannan for the sum of two hundred dollars ($200.00) as herein before ordered, and the proceedings appearing in all respects legal and in conformity to law, they are hereby approved and confirmed.

And the said Harry Hornbeck, guardian, is ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises sold.

It is further ordered that satisfaction of the claim of the Division of Aid for the Aged filed herein by answer and cross-petition be paid.

L. W. Hazen - Probate Judge.

Filed Oct. 1 - 1938.

Journal Entry Confirming Sale and Ordering Distribution.

Probate Court, Union County, Ohio.

Harry Hornbeck, Guardian of Chardis Skidmore, a minor,

Plaintiff,

-vs-

Ruth C. Brannon, Thomas C. Brannan, Will Williams, Cecil Skidmore, a minor, Division of Aid for the Aged, Department of Public Welfare, State of Ohio,

Defendants.

No. 13591.
Journal Entry Confirming Sale and Ordering Distribution.

This day this cause came on to be heard upon the report of the plaintiff of sale made to Ruth C. Brannan and Thomas C. Brannan for the sum

13591

13660
Filed
July 28 - 1938.
Robert N. Allen, Attorney.

aid real estate
rt having
veyance of
before ordered
nd shall

Judge.
Distribution.

ining Sale
tribution.

d upon the
. Brayman
hundred
the pro-
und in
and confirmed.
, is ordered
e a good

the claim
herein by

te Judge.
Distribution.

ining Sale
tribution.

d upon
Ruth C.
he sum

13591 of two hundred dollars ($200.00) as hereinbefore ordered, and the proceedings appearing in all respects legal and in conformity to law, they are hereby approved and confirmed.

And the said Harry Houbeck, guardian, is ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises sold.

It is further ordered that the Court costs and attorneys fees be paid, and that the claim of the Division of Aid for the Aged, be paid in full.

L. W. Hazen - Probate Judge.

(See Page 596).

13660
Filed
July 28-1938.
Robert N. Allen,
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of Estate of Clara Davis, Deceased, Plaintiff,

-vs-

Roy Ellwood Davis and Dollie Davis, his wife, 400 James Street, Syracuse, New York,

Margaret Carroll Manson and Charles A. Manson, her husband, 1847 E. 73rd. St., #1, Cleveland, Ohio,

Margery Davis Russell and John D. Russell, her husband, 1355 Wright Street, Los Angeles, California,

Sturgis H. Cheney, Administrator of the Estate of Benjamin N. Davis, Deceased, and

Department of Public Welfare of the State of Ohio, Division of Aid for the Aged of Union County, Ohio,

Defendants.

Lease No. 13660.
Petition to Sell Real Estate to Pay Debts.

The Plaintiff says he is the duly appointed, qualified, and acting Administrator of the Estate of Clara Davis, Deceased, late of this County.

That the Defendant, Sturgis H. Cheney, Administrator of the Estate of Benjamin N. Davis, Deceased, was appointed by the Probate Court of Union County, Ohio, as such in Case No. 13620 therein and is still

THE COL. B. B. MFG. CO. 74930

13660

acting as such.

The Plaintiff says that as near as can be ascertained the amount of the valid debts against said Deceased is approximately One Thousand, ($1000) Dollars, and the cost of administering the estate will be about One Hundred ($100) Dollars. The value of the personal property of said deceased was fixed by the appraisers of said estate at $77.30 and said appraisement has not been excepted to. Said personal property is wholly insufficient to pay the debts, allowance, and costs aforesaid.

Said decedent died in fee simple of the following described real estate, to-wit:

Being an undivided one-half (½) interest in the following described real estate:

Situated in the Village of Richwood, County of Union, and State of Ohio, and Survey #4307.

Being Lot No. Three Hundred Thirty-six (336) in Gill's Addition to the said Village of Richwood, Ohio.

Said real estate was included in the Inventory and Appraisement of the Estate pursuant to the Order of this Court and Appraised at Five Hundred Seventeen ($517) Dollars.

Said real estate is subject to a Trust Mortgage in favor of the Department of Public Welfare of the State of Ohio, Division of Aid for the Aged, Union County, in the sum of approximately Six Hundred Thirty-Two ($632) Dollars.

The deceased died leaving the Defendant, Roy Ellwood Davis, as her son and heir at law and the only person entitled to the next estate of inheritance from the deceased in such real estate and having an interest therein; Dollie Davis is the wife of Roy Ellwood Davis; their address is 400 James Street, Syracuse, New York.

Margery Davis Russell is a legatee and devisee in the Will of Clara Davis, Deceased; John D. Russell is her husband; their address is 1355 Wright Street, Los Angeles, California.

There are no other persons who have any interest in the real estate that belongs to the Estate of Clara Davis, Deceased, and hereinabove described.

The Plaintiff says the Estate of Benjamin F. Davis, Deceased, is the owner of the other one-half (½) interest in the real estate hereinabove described, and that Sturgis H. Cheney is the duly appointed, qualified, and acting Administrator with the will annexed of the estate of Benjamin F. Davis, Deceased, and as such, said real estate has come into his possession.

That as near as can be ascertained the valid debts against the Estate of Benjamin F. Davis, Deceased, are approximately One Hundred ($100.) Dollars and the

13660

cost of administering the estate will be about One Hundred ($100) Dollars. There is no personal property as assets of said estate.

Said real estate was included in the Inventory and Appraisement of the Estate of Benjamin F. Davis, Deceased, pursuant to the Order of the Probate Court of Union County, Ohio.

The Defendants, Margaret Carroll Manson and Roy Ellwood Davis, are the only heirs or persons entitled to the next estate of inheritance from the deceased, in such real estate and having an interest therein, and that Charles A. Manson is the husband of Margaret Carroll Manson; that Dollie Davis is the wife of Roy Ellwood Davis; their addresses are 1867 E. 73rd. Street, #1, Cleveland, Ohio and 400 James Street, Syracuse, New York, respectively.

The will of Benjamin F. Davis, Deceased, provides in substance that all of his property, real and personal, is bequeathed and devised to his wife, Clara Davis, then living and now deceased, to be hers absolutely and in fee simple.

The Plaintiff says he believes it to the best interest of all persons concerned for this action to include the entire interest in the property and real estate described herein.

Wherefore, Plaintiff prays that said real estate be sold including the entire interest therein and as a whole; that the rights, interests, and liens of all parties may be fully determined, adjusted, and protected; and that upon 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, County of Union, ss:

Sturgis H. Cheney, being first duly sworn according to law, deposes and says that he is the Plaintiff herein; that the facts stated and the allegations contained herein are true as he verily believes.

Sturgis H. Cheney.

Sworn to before me and subscribed in my presence this 26th. day of July, A. D., 1938.

Robert F. Allen - Notary Public.
Union County, Ohio.

Filed

THE COL. B. B. MFG. CO. 74930

13660
Filed
July 28- 1938.

Waivers.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased,
Plaintiff,
-vs-
Roy Ellwood Davis, et al.,
Defendants.

Case No. 13660.
Waiver.

The undersigned waive the issuance and service of process herein and voluntarily enter their appearance and consent to the sale of the real estate set forth in the Petition.

Margery Davis Russell.
John D. Russell.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased,
Plaintiff,
-vs-
Roy Ellwood Davis, et al.,
Defendants.

Case No. 13660.
Waiver.

We, the undersigned, waive the issuance and service of process herein and voluntarily enter our appearance and consent to the sale of the real estate set forth in the Petition.

Margaret Carroll Manson.
Charles A. Manson.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of Estate of Clara Davis, Deceased,
Plaintiff,
-vs-
Roy Ellwood Davis, et al.,
Defendants.

Case No. 13660.
Waiver.

The undersigned waive the issuance and service of process herein and voluntarily enter their appearance and consent to the sale of the real estate set forth in the Petition.

Roy Ellwood Davis.
Ulg. Roy Ellwood Davis.

Filed
July 28-1938.

Waiver - Answer and Cross-Petition.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased,
Plaintiff,
-vs-
Roy Ellwood Davis, et al.,
Defendants.

Case No. 13660.
Waiver, Answer and Cross Petition.

13660

Un
istrat
H. D
issu
and
M
Petit

say
Adm
Bun
com
inter
Dece
and
and
Bun
Petit
incor

of a
Centu

Orde
of T
that
paid
for
Re

Stat
S
to
qual
ann
that
here

S
this

13660

Now comes the Defendant, Sturgis H. Cheney, Administrator with the will annexed of the Estate of Benjamin F. Davis, Deceased, and for his Answer waives the issuance and service of process against him as such, and voluntarily enters his appearance herein.

Further answering, he admits the allegations of the Petition.

Cross Petition.

For cross-petition, the Defendant, Sturgis H. Cheney, says he is the duly appointed, qualified, and acting Administrator with the will annexed of the Estate of Benjamin F. Davis, Deceased, and as such, there has come into his possession the undivided one-half (1/2) interest belonging to the Estate of Benjamin F. Davis, Deceased, as more fully set forth in the Petition, and that the amount of debts, Court costs, heirs at law, and other material allegations pertinent to the estate of Benjamin F. Davis, Deceased, as set forth in the Petition of the Plaintiff are substantially correct and incorporated herein.

The said Defendant believes it to the best interest of all persons concerned to include in this action the entire interest in the property.

Wherefore, the said Defendant prays that an Order of Sale be issued and that the entire interest of the real estate involved in this action be sold; that from the proceeds of the sale therefrom he may be paid the sum due him as such Defendant; and for such other and further relief to which he may be entitled.

Robert F. Allen,
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Sturgis H. Cheney, being first duly sworn according to law, deposes and says he is the duly appointed, qualified, and acting Administrator with the will annexed of the Estate of Benjamin F. Davis, Deceased; that the facts stated and the allegations contained herein are true as he verily believes.

Sturgis H. Cheney.

Sworn to before me and subscribed in my presence this 26th. day of July, A. D., 1938.

Robert F. Allen - Notary Public.
Union County, Ohio.

Filed

THE COL. P. B. MFG. CO. 74930

13660
Filed
Aug. 4- 1938.

Answer and Cross Petition.

In the Probate Court for Union County, State of Ohio.

Sturgis H. Chaney, admr. of the estate of Clara Davis, deceased,
Plaintiff,

vs.

Roy Ellwood Davis, et al.,
Defendants.

No. 13660.
Answer and Cross Petition.

Answer.

Now comes the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and denies each and every, all and singular, the allegations contained in the petition herein, not hereinafter specifically admitted to be true, for the reason that it has no knowledge of the same.

Cross Petition.

By way of cross petition, the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, for its cause of action herein, says that on or about June 20, 1934 one Clara Davis, now deceased, applid for old age assistance to the Board of Aid for the Aged for Union County, Ohio, which board allowed said application and executed a certificate of aid and forwarded such application and such certificate, together with a report of its findings, to the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio.

The Division of Aid for the Aged, aforesaid, required, in accordance with the provisions of Section 1359b-6, General Code, as security for such old age assistance, that the said applicant convey her real property in trust to the Division of Aid for the Aged, aforesaid, and in accordance with said requirement, the said Clara Davis did on June 7, 1935 convey in trust to the Division of Aid for the Aged, the following described real estate, situated in the County of Union, in the State of Ohio, and in the Village of Richwood and bounded and described as follows:

Being in Survey No. 6307 and being Lot No. Three Hundred and thirty-six (336) in Gill's Addition to the said village of Richwood, Ohio.

The Division of Aid for the Aged, aforesaid, approved the certificate and findings of the Board of Aid for the Aged for Union County, Ohio, in accordance with the provisions of Section 1359-14, General Code.

Cross petitioner further says that the said Clara Davis was paid old age assistance in the amount of $ 632.60, an itemized account of which is attached hereto, marked Exhibit "A" and made a part hereof,

13660

Which
[illegible]
he p
the
of s
his
the
relief

Decis
$ 134

Esta
S. Ch
[illegible]
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Aug
Sep
Oct
Nov
Dec
Jan

K.
Est

13660

which amount cross petitioner claims herein.

Wherefore, cross petitioner prays that its rights herein be protected and that it be paid from the proceeds of the sale of the real estate hereinbefore described, its excess of liens prior to that of the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, the sum of $632.60 and for such other and proper relief to which it may be entitled.

Herbert H. Duffy - Attorney General.
Virgil P. Cline - Ass't. Attorney General.

Verification not required,
$ 1348 G. C.

Department of Public Welfare.
Division of Aid for the Aged.
12th. Floor State Office Bldg. Columbus.

Estate of Clara Davis, Dec'd.
S. Franklin St. Richwood, Ohio.

July 28, 1938.
Clerk; 80-434 Union County.

July	1935	For Aid Paid	$13.00
Aug.	"	" " "	13.00
Sept.	"	" " "	13.00
Oct.	"	" " "	13.00
Nov.	"	" " "	13.00
Dec.	"	" " "	13.00
Jan.	1936	" " "	13.00
Feb.	"	" " "	13.00
Mar.	"	" " "	13.00
Apr.	"	" " "	13.00
May	"	" " "	13.00
June	"	" " "	13.00
July	"	" " "	20.00
Aug.	"	" " "	30.00
Sept.	"	" " "	30.00
Oct.	"	" " "	30.00
Nov.	"	" " "	30.00
Dec.	"	" " "	30.00
Jan.	1937	" " "	30.00
Feb.	"	" " "	30.00
Mar.	"	" " "	30.00
Apr.	"	" " "	30.00
May	"	" " "	30.00
June	"	" " "	30.00
July	"	" " "	30.00
Aug.	"	" " "	30.00
Sept.	"	" " "	30.00
Oct.	"	" " "	23.00
Nov.	"	" " "	23.00
Dec.	"	" " "	25.30
Jan.	1938	" " "	25.30
		Total Aid Paid	$632.60

K.
Exhibit "A"

THE COL. B. B. MFG. CO. 74930

13460
Filed
Aug. 24-1938.

Answer and Cross Petition of W. L. Decker.
In the Probate Court of Union County, Ohio.

Sturgis H. Chaney, Administrator of Estate of Clara Davis, Deceased, Plaintiff,

-vs-

Roy Ellwood Davis, et al., Defendants

Case No. 13660.
Answer and Cross Petition of W. L. Decker.

Now comes W. L. Decker and enters his appearance herein waiving the issuance and service of summons upon him. Said W. L. Decker further says that during the lifetime of Clara Davis, deceased, there were unpaid taxes and assessments against the following described real estate, to-wit:

Being the following described real estate:

Situated in the Village of Richwood, County of Union, and State of Ohio, and Survey #6307.

Being Lot No. Three Hundred Thirty-six (336) in Gill's Addition to the said Village of Richwood, Ohio.

in the amount of $216.83. That a suit had been filed to foreclose the tax lien of the State of Ohio and to sell said real estate because of the nonpayment of taxes.

That on the 3rd. day of August, 1937, the owners of said real estate executed and delivered to the said W. L. Decker a certificate of authority to pay said taxes as is provided in Sections 5682 and 5683 of the General Code of Ohio. That thereafter, on the 9th. day of August, 1937, the Division of Aids for the Aged, Department of Public Welfare, State of Ohio, executed an certificate to said W. L. Decker consenting to the payment of the above taxes by him and agreeing that upon the payment of said taxes, that the said W. L. Decker should have a lien on said real estate in preference to any and all liens held by said Division or any person claiming under them.

That, thereafter, on the 12th. day of August, 1937, the said W. L. Decker paid to the Treasurer of Union County, Ohio the sum of $216.83, being the taxes, assessments, and charges against said property, and said County Treasurer issued her certificate showing such payment.

That on said 12th. day of August, 1937, the certificate of authority to pay taxes, the certificate of the lien holder, and the certificate of the County Treasurer, which were all contained in the same document, were filed for record at 11:30 o'clock A. M. at the office of the Recorder of Union County, Ohio and were by him recorded in Miscellaneous Record 1, Pages 188 and 189.

By virtue of the said proceedings above detailed, he, the said W. L. Decker, has a valid and subsisting lien against the real estate above described

13660

and
said
and
paid
amou
it
aga
$ 21
from
that
so
for
and

Stat

he
fore
and
writ
that
fore
Ohio

this

Filed
Aug. 24- 1938.

Stur
of th
Dec

Roy

and
here
or
to t
it
debt
show
p
here

13660

and that the same is the first and best lien against said premises. That under the terms of Sections 5682 and 5683, he is entitled to interest on the amount paid by him, to-wit, $216.83, at the rate of 8% per annum from the 12th. day of August, 1937.

Wherefore, said W. L. Decker prays the Court that it shall find that he has the first and best lien against the premises above described, in the sum of $216.83 with interest at the rate of 8% per annum from August 12, 1937; that said premises be sold and that from the proceeds thereof he be paid the amount so found due to him in the order of its priority, and for such other and further relief as may be just and equitable in the premises.

Richard C. Thrall.
Attorney for W. L. Decker.

State of Ohio, County of Union.

Richard C. Thrall, being first duly sworn, says that he is attorney for W. L. Decker, the party filing the foregoing answer and cross petition; that said answer and cross petition is based on an instrument in writing, which is in the possession of this affiant, and that the facts stated and allegations contained in the foregoing answer and cross petition are true as he verily believes.

Richard C. Thrall.

Sworn to before me and subscribed in my presence this 23rd. day of August, 1938.

Seal

Arthur W. Galloway-Notary Public.

Filed
Aug. 24- 1938.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Flora Davis, Deceased,

Plaintiff,

vs.

Roy Ellwood Davis, et al.,

Defendants.

Lease No. 13660.
Entry 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; it is necessary to sell said real estate to pay the debts of said estate and the prayer of the Petition should be granted.

Further, upon the Answer and Cross Petition filed herein by Sturgis H. Cheney, Administrator with the will

THE COL. B. B. MFG. CO. 74930

13660

named of Benjamin F. Davis, Deceased, in which it is recited that the Estate of Benjamin F. Davis, Deceased, is the owner of an undivided one-half (1/2) interest, in the real estate described in the Petition and in which Answer and Cross Petition it is prayed that the entire interest of the real estate involved in this action be sold, and it appearing to the Court to be to the best interest of all persons concerned, it is therefore ordered that the entire interest in said real estate be sold and said Administrator account for the proceeds according to law.

It appearing to the Court that a new appraisement should be made of said real estate, it is ordered that W. E. Chapman, C. Lee Decker, and J. L. Miller, 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; 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 forthwith.

L. W. Hazen - Probate Judge.

Filed
Aug. 24-1938.

Order to and Report of Appraisers.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased,
Plaintiff,
vs.
Roy Elwood Davis, et al.,
Defendants.

Case No. 13660.
Order to and Report of Appraisers.

The Probate Court of this County:

To W. E. Chapman, C. Lee Decker, and J. L. Miller, the Court reposing confidence in your judgment on the 24th. day of August, 1938, it is certain to sell real estate now pending in said Court wherein Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, is Plaintiff, and Roy Elwood Davis et al., are Defendants appointed you appraisers of the following described real estate:

Situated in the Village of Richwood, County of Union, and State of Ohio, and Survey #6307.

Being Lot No. Three Hundred Thirty-six (336) in Gill's Addition to the said Village of Richwood, Ohio.

You are therefore ordered by said Court that without unnecessary delay and on oath to proceed and appraise said real estate upon actual view at its fair cash value and to make report of your proceedings to this Court and bring this order with you.

13660

Filed
Aug. 24-1938.

13660

Witness my hand and official seal at Marysville this — day of August, A. D., 1938.

L. W. Hazen - Probate Judge.

Seal

Oath of Appraisers.

State of Ohio, County of Union, ss:

On the 24th day of August, 1938 personally appeared W. E. Chapman, C. Lee Decker, and J. L. Miller, the within named, and made oath that they did, 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.

Seal

Robert R. Allen - Notary Public.

Report of Appraisers.

We do appraise the within described real estate on our oath aforesaid after having actually viewed the same at Seven Hundred ($700.) Dollars.

Witness our hands this 24th. day of August, 1938.

W. E. Chapman.
C. Lee Decker.
J. L. Miller.

Filed Aug. 24-1938.

Entry Confirming Appraisement and Ordering Additional Bond. of Union County, Ohio.

In the Probate Court

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, Plaintiff,

-vs-

Roy Ellwood Davis, et al., Defendants.

Case No. 13660.
Entry 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 Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, execute within ten (10) days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Seven Hundred ($700.) Dollars conditioned according to law.

L. W. Hazen - Probate Judge.

Filed Aug. 24-1938.

Bond.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, Plaintiff,

-vs-

Roy Ellwood Davis, et al., Defendants.

Case No. 13660.
Bond.

THE COL. B. B. MFG. CO. 74930

13660

Know All Men by these Presents:

That we, Sturgis H. Cheney, principal, and Gladys L. Cheney and D. K. Davis, as sureties, are firmly bound unto the State of Ohio in the penal sum of Seven Hundred ($700.) Dollars to the payment of which we 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 Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, is Plaintiff, and Roy Ellwood Davis et al. are Defendants, the said Sturgis H. Cheney, as such Administrator, has been ordered by said Court to sell certain real estate of said decedent to pay debts.

Now if the said Sturgis H. Cheney as Administrator as aforesaid shall faithfully discharge his duties in the premises and fully account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

Sturgis H. Cheney - Principal.
Gladys L. Cheney - Surety.
D. K. Davis - Surety.

Filed
Aug. 24-1938.

Entry Approving Bond and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, Plaintiff,

vs.

Roy Ellwood Davis, et al., Defendants.

Case No. 13660.
Entry Approving Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Seven Hundred ($700.) Dollars with approved surety conditioned according to law, the said bond is hereby approved.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Sturgis H. Cheney as such Administrator sell the entire interest in said real estate at private sale at not less than Seven Hundred ($700.) Dollars, being the appraised value thereof, to be sold for cash upon delivery of a deed.

And it is further ordered that said Sturgis H. Cheney, as Administrator, make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

13660
Filed
Aug. 24-1938.

Sturg
the E

Roy E

To

actio
where
Clara
et a
decre
revol
less
stat
istra
in
this
in

and

Adm

Ward

Sale
pro
Eva
Kru
than
sam
that

Sta
D
Davi
pro
abov
the

18660
Filed
Aug. 24-1938.

Order Issued for Private Sale and Return.

By the Probate Court of Union County, Ohio.

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased,
Plaintiff,
-vs-
Roy Ellwood Davis, et al.,
Defendants.

Case No. 18660.
Order issued for Private Sale and Return.

To Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, Greeting:

Whereas, on the — day of August, 1938, in a certain action pending in the Probate Court of Union County, Ohio, wherein Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, is Plaintiff and Roy Ellwood Davis et al, are Defendants, it was ordered, adjudged, and decreed, that you proceed to sell the entire real estate involved in this action at a private sale for not less than the appraised value thereof agreeable to the statute regulating the sale of real estates 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:

Situated in the Village of Richwood, County of Union, and State of Ohio, and being Survey #6307.

Being Lot No. Three Hundred Thirty-six (336) in Gill's Addition to the said Village of Richwood, Ohio.

Witness my hand and the seal of said Court at Marysville, Ohio, this 24th. day of August, A. D., 1938.

Seal

L. O. Hagen - Probate Judge.

Report of Private Sale.

In obedience to the command of the within Order of Sale, I did on the 24 day of August, 1938, offer said property at private sale, and Charles B. Cramer and Eva D. Cramer having offered therefor the sum of Seven Hundred ($700.) Dollars and the same being not less than the appraised value of said property, I sold the same to Charles B. Cramer and Eva D. Cramer for that sum.

Sturgis H. Cheney, Administrator
of the Estate of Clara Davis, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, County of Union, ss:

Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, being duly sworn, says that the private property made under the within orders, and reported above, was made after diligent endeavor to obtain the best price of said property, and that the sale

THE COL. B. B. MFG. CO. 74930

13640

reported is for the highest price that could be obtained.
Sturgis H. Cheney- Administrator
of the Estate of Clara Davis, Deceased.

Sworn to before me and subscribed in my presence
this — day of August, A. D., 1938.
Robert R. Allyn- Notary Public.
Union County, Ohio.

Filed
Aug. 24- 1938.

Entry Confirming Sale- Ordering Deed and Distribution.

In the Probate Court
of Union County, Ohio.

Sturgis H. Cheney, Administrator of
the Estate of Clara Davis, Deceased,
Plaintiff,

vs.

Roy Elwood Davis, et al.,
Defendants.

Case No. 13660.
Entry Confirming Sale-
Ordering Deed & Distribution.

This day this cause came on to be heard on the report of Sturgis H. Cheney, Administrator of the Estate of Clara Davis, 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 Clara Davis in said real estate, and all of the right, title, and interest of the said Benjamin F. Davis, Deceased, in said real estate to the purchaser in conformity to the Order made herein, ordering said Administrator to sell the entire interest of said real estate upon the said purchasers paying to the said Administrator the sum of Seven Hundred ($700.) Dollars in cash.

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 Seven Hundred ($700.) Dollars.

The Court finds there is due William L. Decker upon the tax lien set forth in his Answer and Cross Petition from the Estate of Clara Davis, Deceased, the sum of Two Hundred Thirty-four and 75/100 ($234.75) with interest thereon at 8% from the date of this Entry; that Clara Davis did on June 7, 1935, convey in trust to the Division of Aid for the Aged as security for old age assistance the real estate hereinabove described, and that said Division of Aid for the Aged paid to the said Clara Davis during her lifetime the sum of Six Hundred Thirty-two and 60/100 ($632.60) which

13660

is a
now
arisi
2
tion
tered
Ohio,
A
the

13660

is 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 the Entry of release and satisfaction of said tax lien and said trust deed 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 Probate Court of this County the costs of this Land Sale amounting to the sum of $19.00

Second: to the Treasurer of this County the taxes and assessments against said property in the sum of 19.15

Third: the costs and expenses incurred in the sale of said property consisting of an administrator's fee of $42.00, attorney fee to Robert K. Allen of $50.00, and real estate brokers' commission to D. K. Davis of $50.00 142.40

Fourth: to William R. Decker in payment of the tax lien in his favor the sum of 234.75

Fifth: to S. H. Cheney, Administrator of the Estate of Benjamin F. Davis, Deceased, sufficient to pay Court expenses and all debts against said estate in the amount of 142.55

Sixth: to the Probate Court of this County in payment of the Court costs of the probating of the will and administration of the Estate of Clara Davis, Dec'd. 35.50

Seventh: to be retained by Sturgis H. Cheney, Administrator of the Estate of Clara Davis, Deceased, sufficient to cover expenses of administration of the Estate of Clara Davis, Deceased. 85.00

Eighth: to the Division of Aid for the Aged, the balance to apply on its claim as set forth in its Answer and Cross Petition. 22.25

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 74930

13678
Filed
Aug. 29-1938.
Robert R. Allen,
attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

-vs-

Earl Dirst and Dora Dirst, his wife, Richwood, Ohio,

Anna Livingston and John Livingston, her husband, Richwood, Ohio,

Harvey Moore, unmarried, 136 N. Hartford Street, Columbus, Ohio,

Charles Moore and Della Moore, his wife, 180 Bear Hayden Avenue, Columbus, Ohio,

Theodore Moore and Mary Moore, his wife, 55 Gift Street, Columbus, Ohio,

Homer Moore and Helen Moore, his wife, 253 South Second Street, Apartment 8, Columbus, Ohio, and

Evelyn Moore, a minor of the age of 7 yrs. and Elizabeth Moore, her mother and natural guardian, 136 N. Hartford Street, Columbus, Ohio,

Defendants.

Case No. 13678.
Petition to Sell Real Estate to Pay Debts.

The Plaintiff is the duly appointed, qualified, and acting Administrator of the Estate of Rebecca Dirst, late of this County; as near as can be ascertained, the amount of the valid debts against said decedent is Three Hundred Seventy-five ($375.) Dollars.

The costs of administering the estate will be about One Hundred Twenty-five ($125.) Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate, at fifty-seven ($57.) Dollars, said appraisement not having been excepted to; and said personal property already insufficient to pay the debts, allowance,

13678

and

descr

of Re

Vs.

Village

and

of the

($85

Decea

Chan

the

exist

minor

of Co

Moore

ters

and

or

the

teres

the

Lucu

the

Moor

odore

is

sold

part

tion

real

for

the

State

law

the

stat

as

13678

and costs aforesaid.

Said decedent died seized in fee simple of the following described real estate:

Situated in the State of Ohio, County of Union, Village of Richwood, and described as

Being 27½ feet in width off the west side of Out-Lot No. 147 in the Village of Richwood.

For further description, see the recorded plat of said Village in the Recorder's Office, Marysville, Ohio.

Said real estate was included in the Inventory and Appraisement of the Estate pursuant to the Order of this Court and appraised at Eight Hundred Fifty ($850.) Dollars.

The Defendant, Earl Dirck, is a brother of said decedent; the Defendants, Anna Livingston, Harvey Moore, Charles Moore, Theodore Moore, and Homer Moore are the children of Alma Moore, Deceased, who was a sister of Rebecca Dirck, Deceased; Evelyn Moore, a minor of the age of seven (7) years is the daughter of Clarence Moore, Deceased, who was a son of Alma Moore, Deceased. The said Evelyn Moore resides with her mother, Elizabeth Moore, who is her natural guardian and custodian. Said Defendants 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.

The Defendant, Dora Dirck, is the wife of Earl Dirck; the Defendant, John Livingston, is the husband of Anna Livingston; the Defendant, Harvey Moore, is unmarried; the Defendant, Nella Moore, is the wife of Charles Moore; the Defendant, Mary Moore, is the wife of Theodore Moore.

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; that your Petitioner be authorized to sell said real estate in such cases made and provided; and for such other and further relief to which he may be entitled.

Robert R. Allen - Administrator
of the Estate of Rebecca Dirck, Deceased.

State of Ohio, County of Union, ss:

Robert R. Allen, being first duly sworn according to law, deposes and says he is the Administrator of the Estate of Rebecca Dirck, Deceased; that the facts stated and the allegations contained herein are true as he verily believes.

Robert R. Allen - Administrator
of the Estate of Rebecca Dirck, Deceased.

THE COL. B. B. MFG. CO. 74930

13678

Filed
Aug. 29- 1938.

Sworn to before me and subscribed in my presence this 19th. day of August, A. D., 1938.
Seal
Martha T. Parrott - Notary Public.
Union County, Ohio.

Waiver

In the Probate Court of Union County, Ohio.

Robert N. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against us and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Charles Moore.
Della Moore.

Filed
Aug. 29- 1938.

In the Probate Court of Union County, Ohio.

Robert N. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Waiver.

The undersigned waives the issuance and service of process and voluntarily enters her appearance herein and consents to the sale of the real estate described in the petition on behalf of Elizabeth Moore, the mother and custodian of Evelyn Moore, and on behalf of Evelyn Moore, a minor of the age of seven (7) years.

Elizabeth Mooge mother and natural guardian of Evelyn Moore, a minor of the age of seven (7) years.

Filed
Aug. 29- 1938.

In the Probate Court of Union County, Ohio.

Robert N. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Wainer.

I, the undersigned, party defendant herein and heir at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against me and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Harvey Moore.

13678
Filed
Aug. 29- 1938.

Robert
the
Decea

Earl

U

at
Thurs
we
to th

Filed
Aug. 29- 1938.

Rober
the
Dec

Earl

at
Thurs
we
to th

Filed
Aug. 29-1938.

Robe
of th
Dec

Earl

at
wai
and
the

13678
Filed
Aug. 29-1938.

In the Probate Court of Union County, Ohio.

Robert M. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

vs.

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against us and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Homer R. Moore.
Helen O. Moore.

Filed
Aug. 29-1938.

In the Probate Court of Union County, Ohio.

Robert M. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

vs.

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against us and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Mr. Theodore Moore.
Mary Moore.

Filed
Aug. 29-1938.

In the Probate Court of Union County, Ohio.

Robert M. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

vs.

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against us and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Anna Livingston.
John P. Livingston.

THE COL. B. B. MFG. CO. 74930

13678
Filed
Aug. 29-1938.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

-vs-

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Waivers.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against us and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Dora Dirst.

Filed
Sept. 1- 1938.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

-vs-

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Waivers.

I, the undersigned, a party defendant herein and heir at law and next of kin of Rebecca Dirst, Deceased, hereby waive the issuance and service of process against me and consent to the sale of the real estate belonging to the Estate of Rebecca Dirst, Deceased.

Earl Dirst.

Filed
Aug. 29-1938.

Order Issued to Representative for Private Sale and Returns.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,

Plaintiff,

-vs-

Earl Dirst, et al.,

Defendants.

Case No. 13678.
Order Issued to Representative for Private Sale and Returns.

To Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased, Greeting:

Whereas, in the Probate Court of Union County, Ohio, in an action therein pending wherein Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased, is Plaintiff, and Earl Dirst, 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, that is Eight Hundred Fifty ($850.) Dollars agreeable to the statute regulating the sale of real

Filed
Aug. 29-1938.

13678

est at
powe
Court
est at
Sa
of Re
Vs.
Defe
Village
Mary
Sa
offer
havin
Dolla
prais
D.
Stat
Sa
says
the
dili
prop
proc
Sa
this
Robe
the
Dece
Earl

13678 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 State of Ohio, County of Union, Village of Richwood, and described as

Being 27½ feet in width off the west side of Lot No. 147 in the Village of Richwood.

For further description, see the recorded plat of said Village in the Recorder's Office, Marysville, Ohio.

Witness my hand and the seal of said Court at Marysville, Ohio, this 30th. day of August, A. D., 1938.

(Seal) L. W. Hazen- Judge.

Report of Private Sale.

In obedience to the command of the within Order of Sale, I did on the 30th. day of August, 1938, offer said property at private sale and D. G. McDaniel, having offered therefor, the sum of Nine Hundred ($900.) Dollars, and the same being not less than the appraised value of said property, I sold the same to D. G. McDaniel for that sum.

Robert R. Allen- Administrator of the Estate of Rebecca Dirk, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, County of Union, ss:

Robert R. Allen, being first duly sworn according to law, says that the private sale of property made under the within order and report above, was made after diligent endavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.

Robert R. Allen- Administrator of the Estate of Rebecca Dirk, Deceased.

Sworn to before me and subscribed in my presence this 30th. day of August, A. D., 1938.

(Seal) Martha T. Parrott- Notary Public. Union County, Ohio.

Filed Aug. 29-1938. Entry Dispensing with a New Appraisement.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Rebecca Dirk, Deceased, Plaintiff, vs. Earl Dirk, et al., Defendants.

Case No. 13678. Entry Dispensing with a New Appraisement.

THE COL. B. B. MFG. CO. 74930

13678

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, the Defendants being in default of answer although served with Summons according to law or have voluntarily entered their appearance and consented to the sale prayed for and are properly before the Court.

The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the Petition should be granted; and that the real estate described in the Petition was appraised by the appraisers of the estate at Eight Hundred Fifty ($850.) Dollars, and 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 Rebecca Dirk, Deceased, in the amount of Three Thousand ($3000.) Dollars is sufficient, and that an additional bond is unnecessary for the reason that the said Robert F. Allen as such Administrator is accountable as such for the proceeds of the sale of said land in the administration proceeding filed in the Probate Court of Union County, Ohio, in case No. 13618, and that said bond is sufficient under the circumstances.

And it appearing that private sale would be to the best intrest of the estate, it is ordered that said Robert F. Allen, as such Administrator sell said real estate at private sale at not less than Eight Hundred Fifty ($850.) Dollars, being the appraised value thereof, for cash upon the delivery of a deed to the purchaser.

And it is further ordered that said Robert F. Allen, as such Administrator make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Filed
Aug. 29-1938.

Application for Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Rebecca Dirk, Deceased,

Plaintiff,

-vs-

Earl Dirk, et al.,

Defendants.

Case No. 13678.

Application for Guardian Ad Litem.

Comes now Robert F. Allen, Administrator of the Estate of Rebecca Dirk, Deceased, and makes application for the appointment of a guardian ad litem for Evelyn Moore herein, an infant of the age of seven (7) years for whom service of summons has been waived by Elizabeth Moore, her mother and custodian, and suggests that Richard C. Thrall, who is a suitable person,

Filed
Aug. 29-1938.

13678 be appointed as such.

Robert R. Allen - Administrator of the Estate of Rebecca Dirst, Deceased.

In the Probate Court of Union County, Ohio.

In the Probate Court
Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Entry.

Now on the application of Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased, the Plaintiff herein, it appearing that on behalf of Evelyn Moore, one of the Defendants herein, Elizabeth Moore, her mother and custodian, she waived the issuance and service of summons, and that Evelyn Moore is a minor of seven (7) years, it is ordered that Richard C. Thrall be and he hereby is appointed guardian ad litem of said Evelyn Moore.

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

In the Probate Court
Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Answer of Guardian Ad Litem.

Now comes Richard C. Thrall, duly appointed by the Court as guardian ad litem for Evelyn Moore, the minor child of Clarence Moore, Deceased, and Elizabeth Moore, and for answer to the Petition of said Administrator, says that he has not by reason of the tender age of said Defendant become informed of the truth of the matters set forth in said Petition; therefore on behalf of said minor Defendant denies the same and submits the interest of said Defendant to the care and protection of the Court, to order in the premises as justice and the interest of said Defendants shall require.

Richard C. Thrall
Guardian ad litem.

Filed Aug. 29-1938.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

In the Probate Court
Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased,
Plaintiff,
-vs-
Earl Dirst, et al.,
Defendants.

Case No. 13678.
Entry Confirming Sale, Ordering Deed and Distribution.

THE COL. P. B. MFG. CO. 74930

13678

This day this cause came on to be heard on the report of Robert R. Allen, Administrator of the Estate of Rebecca Dirst, of his proceedings under the former Order of this Court, and upon the Motions 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 Rebecca Dirst, Deceased, in said real estate to the purchaser, P. G. McDaniel, upon the said purchaser paying to the said Administrator, the sum of Nine Hundred ($900.) Dollars 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 Nine Hundred ($900.) Dollars, it is ordred that said Administrator, out of the money in his hands, pay:

First; to the Treasurer of this County, the taxes and assessments against said property in the sum of $6.86

Second; to Robert R. Allen, Administrator of the Estate of Rebecca Dirst, Deceased, the per centum of said administration herein amounting to the sum of $54.00, and to the Probate Court the sum of $18.00 in payment of the costs of the Land Sale herein, making the total costs and expenses $72.00

Third; it is ordred that the balance of said proceeds amounting to the sum of $821.14 be accounted for by said Administrator according to law, and it is further ordred that this proceeding be recorded.

L. W. Hazen - Judge.

13643.
Filed
June 27-1938.
John W. Bailey,
Attorney.

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

Homer Gamble, Administrator of the Estate of Mary Catherine Gamble, Deceased,

Plaintiff,

-vs-

William Gamble and Fred R. Gamble,

Defendants.

No. 13643.
Civil Action.
Petition to Sell Real Estate.
Petition.

13643

13643

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Mary Catherine Gamble, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Twelve Hundred Dollars.

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 listed by the appraisers of said estate at Nine 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 of Ohio, and further described as follows:

Situated in the County of Union in the State of Ohio and in the Village of New Dover and being in Survey No. 5135.

Commencing at a stone in the center of the Marysville and Delaware Gravel Road and the southeast corner of J. W. & A. M. Smith's Lot; thence with the east line thereof north 7 degrees east 10 poles to a stake thence with the line of Edward Le. Cody's land south 83 degrees east 4 poles to a stone; thence South 7 degrees west 10 poles to a stone in the center of said road; thence with the center of said road north 83 degrees west 4 poles to the Beginning. Containing 1/4 of an acre, more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Three Hundred Dollars.

The defendants, William Gamble and Fred L. Gamble, 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 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.

John W. Bailey.
Attorney for the Plaintiff.

THE COL. B. B. MFG. CO. 74930

13643

The State of Ohio, Union County.

Homer Gamble, 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.

Homer Gamble.

Sworn to before me and signed in my presence by the said Homer Gamble, at Marysville, Ohio, this 27 day of June, 1938.

Seal

John W. Dailey- Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceding, for said William Gamble, Defendant, directed to the Sheriff of said County, returnable according to law.

John W. Dailey-Plaintiff's Attorney.

Filed June 27- 1938.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

Homer Gamble as Administrator of the estate of Mary Catherine Gamble, Deceased,

Plaintiff,

-vs-

William Gamble, et al.,

Defendants.

June 27- 1938.

Order Fixing Time for Hearing and for Notice.

This day Homer Gamble, Administrator of the estate of Mary Catherine Gamble, 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 costs of administration.

It is ordered that said petition be heard as soon as same is at issue, and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen- Probate Judge.

Filed July 1- 1938.

Wainer of Service.

Homer Gamble, Administrator of the Estate of Mary Catherine Gamble,

Plaintiff,

-vs-

William Gamble, et al.

I, Fred L. Gamble, hereby waive the issuance and service of summons in the above entitled cause and request of the prayer of the petition be granted.

Dated this the 30 day of June 1938.

Fred L. Gamble.

13643

Filed June 30- 1938.

The

Dow

Hom

erin

Prob

and

to o

belo

for

and

1938,

orde

on

27

The

Serv

16 d

sam

nam

Filed Aug. 1- 1938.

Dis

Hom

I

Gam

Fre

I th

abov

bein

Will

que

Sam

13643
Filed
June 30-1938.

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 William Gamble, New Dover, Ohio, that on the 27 day of July, A.D. 1938, Homer Gamble, Administrator of the estate of Mary Catherine Gamble, 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 costs of administration and that unless they answer by the 30 day of July, 1938, said petition will be taken as true, and such order granted accordingly.

Said Sheriff will make due return of this writ on the 11 day of July, 1938.

Witness my hand and the seal of said Court, this 27 day of June, 1938.

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 and Return, first name,	$.75
16 Miles traveled at 8¢	1.28
Total	$2.03

Received this writ June 27th. 1938, at 9:00 o'clock A.M., and on the 28th. day of June 1938, I served the same by delivering a copy thereof personally to the within named William Gamble.

H. S. Roosa - Sheriff.
By - E. Wood - Deputy.

Filed
Aug. 1- 1938.

Dispensing with a New Appraisement and Ordering Bond.
Probate Court, Union County, Ohio.

Homer Gamble, as Administrator of the estate of Mary Catherine Gamble,

Plaintiff,

-vs-

Fred K. Gamble, et al,

Defendants.

Aug. 1- 1938.
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 her estate, and there being no surviving spouse and Fred K. Gamble and William Gamble, the defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved.

THE COL. B. B. MFG. CO. 74930

13643

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 Three Hundred 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 Mary Catherine Gamble, in the amount of Two Hundred 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 Hundred Dollars, and this cause is continued.

L. W. Hazen - Probate Judge.

Filed Aug. 1 - 1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Homer Gamble, Administrator of the estate of Mary Catherine Gamble,

Plaintiff,

-vs-

William Gamble, et al.,

Defendants.

No. 13643. 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 said estate will realize more than the appraised value of said real estate in cash immediately upon delivery of deed.

2. That said real estate is in a bad state of repair, porches falling down, spouting falling off, siding on said buildings falling off and that said real estate is in immediate need of repairs, which the administrator is unable to furnish.

3. That said purchase price is more, in all probability, than said real estate will sell for at public auction, in view of the fact the purchaser desires immediate possession of said real estate.

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

Homer Gamble - Administrator of the estate of Mary Catherine Gamble

The State of Ohio, Union County.

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

Homer Gamble.

13643.

Filed Aug. 1 - 1938.

13643.

Sworn to before me and signed in my presence this 1st. day of August, A. D. 1938.

L. W. Hazen - Probate Judge.
Carrie W. Houbecke - Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Walter A. Diehl and A. R. Kush, each being duly sworn, says that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale for the reasons as stated on the reverse side hereof as they verily believe.

Walter A. Diehl.
A. R. Kush.

Sworn to before me and signed in my presence this 1st. day of August, 1938.

John W. Dailey.

Bond of Administrator.

Filed Aug. 1- 1938.

Know all Men by these Presents; That we Homer Gamble and The Fidelity & Deposit Co. of Maryland, are held and firmly bound unto the State of Ohio, in the penal sum of Five Hundred Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 1st. day of August, A. D. 1938.

The condition of the above obligation is such, That whereas, the above bound Homer Gamble was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Mary Catherine Gamble, Deceased.

And whereas, the said Homer Gamble as such administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Mary Catherine Gamble described in said petition;

And whereas, said Court, on the 1st. day of August, 1938, made an order requiring said administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said Homer Gamble 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.

THE COL. B. B. MFG. CO. 74930

13643

Executed in Presence of
E. E. Sawyer.

Homer Gamble
The Fidelity & Deposit Co. of
Maryland.
By The Sawyer Insurance Agency
E. E. Sawyer - Agents.

This Bond approved in open Court, this 1st. day of
Aug. 1938.

L. W. Hazen - Probate Judge.

Seal

Filed
Aug. 1- 1938.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Homer Gamble, as Administrator
of the estate of Mary Catherine
Gamble,

Plaintiff,

-vs-

William Gamble, et al.,

Defendants.

August 1 - 1938.
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 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 Homer Gamble 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, the time of sale.

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

L. W. Hazen - Probate Judge.

Filed
Aug. 1- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Homer Gamble, administrator of the estate of Mary Catherine Gamble, 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 Mary Catherine Gamble are Plaintiff and William Gamble, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Three 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 Village of New Dover and being in Survey No. 5135.

Commencing at a stone in the center of the Marysville and Delaware Gravel Road and at the southeast

13643

comme
line
with
east
10 p
with
the
Begi
of Sa
of
You
medi
resp
mak
20
at

To

sam
proc

sale
pro
than
Doll
appr
Dola

The

priv
and
to o
the
obta

this

13643

corner of J. W. & A. M. Smiths lot; thence with the east line thereof north 7 degrees east 10 rods to a stake; thence with the line of Edward & C. Cody's land south 83 degrees east 4 poles to a stone; thence south 7 degrees west 10 poles to a stone in the center of said road; thence with the center of said road 83 degrees west 4 poles to the place of beginning. Containing 1/4 of an acre, more or less. Being the premises as described in Vol. 110, page 350 record of deeds.

Said sale to be upon the following terms: Cash on 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 returns to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 1 day of August, 1938.

L. W. Hazen - Probate judge.

Seal

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 1 day of August, 1938.

Homer Gamble.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 1 day of August 1938, offer said property, at private sale, and Cora Jane Herriott having offered therefor the sum of Three Hundred Twenty Dollars ($320.00) and the same being not less than the appraised value of said property, I sold the same to said Cora Jane Herriott for that sum.

Homer Gamble.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Homer Gamble, 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.

Homer Gamble.

Sworn to before me and subscribed in my presence, this 1st. day of August, 1938.

L. W. Hazen - Probate judge.

Seal

THE COL. B. B. MFG. CO. 74930

13643
Filed
Aug. 1- 1938.

Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

Homer Gamble as Administrator
of the estate of Mary Catherine
Gamble,

Plaintiff,

-vs-

William Gamble, et al.,

Defendants.

August 1- 1938.
Confirming Sale, Ordering Deed
and Distribution.

13676
Filed
Aug. 29-1938.
John W. Dailey
Attorney.

This day this cause came on to be heard on the report of Homer Gamble, administrator of Mary Catherine Gamble 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 Mary Catherine Gamble, in said real estate, to the purchaser, Cora Lanes Herriott, upon the said purchaser paying in cash 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 Twenty Dollars.

It is further ordered that said Homer Gamble out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $60.00 to John W. Dailey for services performed for the fiduciary in connection with the sale and the sum of $40.00 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, so far as they operated as a lien of the real estate of the deceased at the time of the sale.

Third, the remaining proceeds of sale to be applied as follows:

(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.

Fourthly, and it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein

tion.

13643 taxed at $ —, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

---

dering Deed

13676
Filed
Aug. 29-1938.
John W. Dailey
Attorney.

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

John W. Dailey, administrator of the Estate of Francis M. Riley, Deceased,
Plaintiff,
-vs-
Guy Riley,
Defendant.

No. 13676.
Civil Action.
Petition to Sell Real Estate.
Petition.

the report
Gamble of his
and upon
e made in
ully examined
d petitioner
that said
d that the
firmed. It
deed of all
Catherine
ner; Cora
g in cash
coming on
and upon
e, amounting

uble out of

cluding an
rvices per-
e sale and
ees in con-
ees and
upon the
se of such

and assess-
lar as they
ed at the

plied as follows:
estate, in

as appointed
e proceeds
ould be

is proceeding
costs thereby

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Francis M. Riley, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is — Dollars.

That taxes due and owing to Union County, Ohio, amounts to the sum of $ —

That other debts amounts to approximately the sum of $ 300.00.

And the costs of administering the estate will be about One Hundred Fifty 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 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:

Situated in the County of Union in the State of Ohio and in the Township of Leesburg and being a part of Survey No. 3692.

Being six acres off of the 30 acres now owned and occupied by Martha Mulvihill, being taken from the south end of the said farm. Beginning in the center of the Sandusky Gravel Road at a stake at the southeast corner of said 30 acres, running west with the south line of the said 30 acre lot 46 rods and 3 feet to the west line of said 30 acre track; thence north 20 rods 88 feet along said west line to a stone; thence east 47 rods and 5½ feet to the center of the Sandusky Gravel Road; thence south with the center of said gravel road to the place of beginning, containing 6 acres, more or less. Being the same

THE COL. B. B. MFG. CO. 74930

13676

premises as recorded in Vol. 70 page 121 of the deed records.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Two Hundred Dollars.

Said real estate is encumbered as follows: None.

The defendants, Guy Riley, 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 according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

John W. Dailey,
Attorney for the Plaintiff.

The State of Ohio, Union County.

John W. Dailey, 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.

John W. Dailey.

Sworn to before me and signed in my presence by the said John W. Dailey, at Marysville, Ohio, this 29 day of August, 1938.

Seal

L. W. Hazen.

Filed
Aug. 29-1938.

Order Fixing Time for Hearing and for Notice.
Probate Court, Union County, Ohio.

John W. Dailey as Administrator of the estate of Francis M. Riley, Plaintiff.

-vs-

Guy Riley, et al., Defendants.

Aug. 29-1938.
Order Fixing Time for Hearing and for Notice.

This day John W. Dailey, administrator of the estate of Francis M. Riley, 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, taxes and costs of administration of the estate.

It is ordered that said petition be heard as soon as the same be at issue, that summons for defendants issue to the Sheriff of this County, returnable according to law, or waivers be filed by parties defendant.

L. W. Hazen - Probate Judge.

13676
Filed
Aug. 29-1938.

Filed
Aug. 31-1938.

13676
Filed
Aug. 29- 1938.

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

John W. Dailey, Administrator of the estate of Francis M. Riley, Deceased,
Plaintiff,
-vs-
Guy Riley, et al.,
Defendants.

No. 13676.
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 29, A. D. 1938.

Guy Riley.

Filed
Aug. 31- 1938.

Dispensing with a New Appraisement and Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

John W. Dailey, as Administrator of the estate of Francis M. Riley,
Plaintiff,
-vs-
Guy Riley, et. al.,
Defendants.

August 31, 1938.
Dispensing with a New Appraisement and Bond and Ordering Private Sale.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above deceased to pay debts of the estate, and the defendant, Guy Riley, being the only heir at law and next of kin has signed a waiver of service of process. 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 disputing as to the response of said deceased; that the real estate described in the petition was appraised by the appraisers of the estate at Two Hundred Dollars, and that a further appraisement is dispensed with.

It appearing to the Court that the amount of the original bond given by John W. Dailey as such Administrator is sufficient to cover double the total real and personal assets, it is hereby ordered that the giving of an additional bond be and hereby is dispensed with.

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 John W. Dailey

THE COL. B. B. MFG. CO. 74930

13676

as such administrator, sell, as provided by law, the real estate in the petition described, at not less than the appraised value thereof, on the following terms, to-wit: cash in hand the time of sale.

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

L. W. Hazen - Probate Judge.

Filed Aug. 31 - 1938.

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

John W. Dailey, Administrator of estate of Francis M. Riley, Plaintiff,

-vs-

Guy Riley, et al., Defendants.

No. 13676.
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 said estate is a small track of land without improvements with the exception of a barn, or out building, in need of repairs and the price offered is more than the appraised value thereof.

2. That costs, expenses and delay of sale at public auction would be expensive and in all probability said real estate would not sell for the amount now offered.

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

John W. Dailey - Administrator of estate of Francis M. Riley, Deceased.

The State of Ohio, Union County.

John W. Dailey, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

John W. Dailey.

Sworn to before me and signed in my presence this 31 day of August, A. D. 1938.

L. W. Hazen - Probate Judge.
Seal
Carrie W. Hornbeck - Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Chas. D. Webb and Paul M. Cramer, each, being duly sworn, says that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said estate to sell said real estate at private sale than at public sale, for the reason as

13676 Filed Aug. 31 - 1938.

sett

31

The

without

cause

Francis

Defen

Mart

Hazen

desc

in t

3699

occu

cost

of t

Court

the

3

nort

ston

two

cent

Com

can

the

hand

afor

bill

here

Com

18676 set forth in the application as they verily believe.

Chas. D. Webb.
Paul M. Cramer.

Sworn to before me and signed in my presence this 31 day of August, 1938.

John W. Dailey - Notary Public.

Filed Aug. 31- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To John W. Dailey, administrator of the estate of Francis M. Riley, 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 Francis M. Riley are Plaintiff and Guy Riley, et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Two 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 Leesburg and being a part of Survey No. 3692.

Being six acres off of the 30 acres now owned and occupied by Martha Mulvaine, being taken from the south end of the said farm. Beginning in the center of the Sandusky Gravel Road at a stake at the Southeast corner of said 30 acres, running west with the south line of the said 30 acre lot 46 rods and 3 feet to the west line of said 30 acre tract; thence north 46 rods and 8 feet along said west line to a stone; thence east 47 rods and 5½ feet to the center of the Sandusky Gravel Road; thence south with the center of said gravel road to the place of beginning. Containing six acres of land, more or less. Being same premises as recorded in Vol. 70 page 121 of the deed records.

Said sale to be upon the following terms: Cash in hands of the administrator on date 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 31 day of August, 1938.

L. W. Hazen - Probate Judge.

Seal

THE COL. B. B. MFG. CO. 74930

13676.

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 31 day of August, 1938.

John W. Dailey.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 31 day of August, 1938, offer said property at private sale, and Guy Riley and Ora Marie Riley having offered therefor the sum of Two Hundred Twenty Dollars ($220.00) and the same being not less than the appraised value of said property, I sold the same to said Guy Riley and Ora Marie Riley for that sum.

John W. Dailey.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

John W. Dailey, 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.

John W. Dailey.

Sworn to before me and subscribed in my presence, this 31 day of August, 1938.

L. W. Hazen - Probate Judge.

Seal

Filed Aug. 31-1938.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

John W. Dailey, as Administrator of the estate of Francis M. Riley,

Plaintiff,

vs.

Guy Riley, et al.,

Defendants.

August 31 - 1938.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of John W. Dailey, administrator of the estate 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 Francis M. Riley in

13674
Filed
Mar. 14-1938.
Milo L. Myers
Attorney.

13676

said real estate, to the purchaser, Guy Riley and Ora Marie Riley, upon the said purchaser paying for same 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 Two Hundred Twenty Dollars.

It is further ordred that said John W. Dailey, as such administrator out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $62.50 to John W. Dailey for services performed for the fiduciary in connection with the sale and the sum of $13.20 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.

Third, the remaining proceeds of sale to be applid as follows:

(b) To discharge the claims and debts of the estate, in the order provided by law;

And it is further ordred 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.

13574
Filed
Mar. 14-1938.
Milo L. Ulyre
Attorney.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Gladys Graham as Administratrix of the Estate of George Chandler, Deceased,

Plaintiff,

vs.

Ella M. Chandler,
Paul E. Chandler,
Margaret S. Chandler
Mabel Marie Chandler
Gladys Graham
R. C. Graham
Dana Chandler
Marjorie E. Tracy
Ross H. Tracy, Said
The Division of Aid for the Aged,
in the Department of Public
Welfare of the State of Ohio,

Defendants.

Case No. 13574.
Petition to Sell Real Estate.

THE COL. B. B. MFG. CO. 74930

13574

Now comes Gladys Graham and says that she is the duly appointed, qualified and acting administratrix of the estate of George Chandler, deceased, and that she was appointed as such administratrix and qualified in this court on the 14th. day of March, 1938.

That the said George Chandler did, intestate, on the 21st. day of December, 1937, seized in fee simple of the undivided one-half interest in the following described real estate, to-wit:-

Situated in the Township of Paris, County of Union, The State of Ohio, and a part of Survey No. 3354.

All of Lot No. 2 of the Roney and Scott Subdivision of the W. W. Woode Lot- Beginning at a stake in the center of the Marysville and Milford roads, southeasterly corner to Lot No. 1 of said sub-division; thence with the south line of said Lot No. 1, N- 49° West 38.80 poles to a stake southwesterly corner to Lot No. 1 and 45 feet from the center of the track of the C. C. C. and St. L. Railway; thence with said railway line and 45 feet from the center of the track S. 54° West 6.08 poles to a stake, northwesterly corner to Lot No. 3 of said sub-division; thence with the north line of said Lot No. 3, S. 48° East 40.24 poles to a stake in the center of the said Marysville and Milford Road; thence with the center of said road N- 42½° East 6.58 poles to the beginning. Containing 1.66 acres, more or less.

Also all of Lot No. 3 of the subdivision of the W. W. Woode Lot as made by Roney and Scott of the lands deeded to them by the heirs of the said W. W. Woode, April 12, 1882.

The lands herein described being Lots Nos. 2 and 3 of the Roney and Scott Subdivision as set forth in Plat Book #1, Pages 198 and 199 of the Records of Union County, Ohio.

That as near as can be ascertained, at this time, the amount of the debts against the said estate is $900.00 and that the costs of administering the said estate will amount to about $100.00.

That the said decedent died leaving no personal property, of any value, within the knowledge of the plaintiff with which to pay his debts and the costs of administering his estate.

That it is necessary to sell the real estate of which the said decedent died seized to pay his debts, allowance to widow and costs of administering his estate.

That the decedent died leaving, the defendant, Ella M. Chandler, his widow, who was 70 years of age on the 25th. day of April, 1937 and who has an interest in said undivided one-half interest in said real estate as the widow and surviving spouse of the said decedent, and who, in her own right, owns the remaining undivided one-half interest in said real estate,

13574

and
in t
has
intere
are
Mari
are
defen
the
inher
part
said
of the
defen
E.
and
inter
again
the
way
clai
servi
cour
they
proc
the
fur
be
The
stat
four
14 th

13574

and being the real estate hereinabove described.

That the said defendant, The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, has or claims to have some right, title, claim or interest in said real estate.

That the defendants, Paul E. Chandler, and Dana Chandler are sons of the said decedent, and the defendants, Mabel Marie Chandler, Gladys Graham and Marjorie E. Tracy are daughters of the said decedent, and that the said defendants are the only children and heirs at law and the only persons having or entitled to the next estate of inheritance from the said decedent.

That to the knowledge of the plaintiff, there is no other party or person having any interest or claim against said real estate.

That the defendant, Margaret G. Chandler is the wife of Paul E. Chandler; that the defendant, R. A. Graham is the husband of the said Gladys Graham; that the said defendant, Ross H. Tracy is the husband of the said Marjorie E. Tracy.

Wherefore, the plaintiff prays that the said defendants and each of them be required to set up, herein, whatever interest, lien or claim they have or claim to have against the real estate or be forever barred from asserting the same.

That the right, interests, claim or lien of all the parties may be fully determined, adjusted and protected.

That the said real estate be sold free from any claim or interest of the defendants, including the surviving spouse, Ella M. Chandler, therein, and that the court determine and fix the value thereof and that they be paid the amount so determined out of the proceeds of the sale of the said real estate and that the said real estate be sold and for such other and further orders in the premises as the court may find to be just and equitable.

Milo L. Myers- Attorney for Plaintiff.

The State of Ohio, Union County, ss.

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

Gladys Graham.

Sworn to before me and signed in my presence this 14th. day of March, 1938.

Milo L. Myers- Notary Public.

Seal

THE COL. P. P. MFG. CO. 74930

13574
Filed
Mar. 14- 1938.

Entry Filing Petition.

In the Probate Court of Union County, Ohio.

Gladys Graham as Administratrix of the Estate of George Chandler, Deceased,
Plaintiff,
-vs-
Ella M. Chandler, et al.,
Defendants

Case No. 13574.
Entry Filing Petition.

On this 14th. day of February, 1938, came Gladys Graham, Administratrix of the Estate of George Chandler, and filed herein her petition praying for the sale of the real estate in the petition described to pay the debts of said estate and the costs of administration.

And it appearing to the court that all the party defendants named in the said petition have voluntarily entered their appearance, waived the issuing and service of summons, waived time and consented to the immediate sale of the premises as prayed for.

Therefore, it is ordered that the said petition be and the same is hereby set for hearing on the 21st. day of March, 1938.

L. W. Hagen- Judge.

Filed
Mar. 14- 1938.

Waiver.

In the Probate Court of Union County, Ohio.

Gladys Graham as Administratrix of the Estate of George Chandler, Deceased,
Plaintiff,
-vs-
Ella M. Chandler, et al.,
Defendants.

Case No. 13574.
Waiver.

We, the undersigned, and defendants named in the above entitled cause do hereby waive the issuing and service of summons and process upon us, and voluntarily enter our appearance herein as such defendants, waive time, and consent to the immediate appraisement and sale of the real estate in the petition described as and for the purposes as therein prayed for.

Gladys Graham.
Ella M. Chandler.
Paul E. Chandler.
Margaret S. Chandler.
Richmond O. Graham.
Marjorie E. Tracy.
Ross H. Tracy.
Dana D. Chandler.
Mabel Marie Chandler.

13574
Filed
Mar. 14- 1938.

Glad
of the
Deceased,

Case No. 13574.
Entry Filing Petition.

Ella

On this
widow
she
and
divi
sori
the

time
waiv
there
cons
by t
Sept
clear
ap
who
wate
as

petit
Gra
sold
she
cour
ceiv

The

sta
fore

14 t

13574
Filed
Mar. 14-1938.

Answer of Widow.

In the Probate Court of Union County, Ohio.

Gladys Graham as Administratrix of the Estate of George Chandler, Deceased,

Plaintiff.

vs.

Ella M. Chandler, et al.,

Defendants.

Case No. 13574.
Answer of Widow.

Now comes Ella M. Chandler and says that she is the widow and surviving spouse of George Chandler, deceased, that she was 71 years of age on the 25th. day of April, 1937, and that as such, she had an interest in the undivided one-half part of the real estate in the petition described, and in her own right she is the owner of the remaining one-half interest in said premises.

That she voluntarily entered her appearance herein, waives time and consents to the sale of the said real estate, waives the assignment of any interests she may have therein, by metes and bounds, rents issues or property, consents to the sale of the whole of the said real estate by the said Gladys Graham as Administratrix of the estate of the said George Chandler, deceased, free and clear from any right, title or interest she may have in any part or the whole thereof and elects to take whatever interest she may have therein, of whatsoever nature in money out of the proceeds received from the sale as may be determined and fixed by the court.

Wherefore, she prays that the prayer of the plaintiff's petition be granted and that the interest of the said George Chandler, deceased, and her interest therein be sold as one tract free from any claim or interest she may have therein and her interest be fixed by the court, and paid to her in cash out of the proceeds received from the sale.

Ella M. Chandler.

The State of Ohio, Union County, ss.

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

Ella M. Chandler.

Sworn to before me and signed in my presence this 14th. day of March, 1938.

(Seal)

Milo R. Myers - Notary Public.

THE COL. B. B. MFG. CO. 74930

13574
Filed
Mar. 22 - 1938.

Answer and Cross Petition.

In the Probate Court for Union County. State of Ohio.

Gladys Graham, as Adm'x.
of the estate of George Chandler,
Deceased,
Plaintiff,

-vs-

Ella M. Chandler, et al.,
Defendants.

No. 13574.
Answer and Cross Petition.

Answers.

Now comes the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and denies each and every, all and singular, the allegations contained in the petition herein, not hereinafter specifically admitted to be true, for the reason that it has no knowledge of the same.

Cross Petition.

By way of cross petition, the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, for its cause of action herein, says that on or about March 22, 1936 one George W. Chandler and Ella M. Chandler, his wife, applied for old age assistance to the Board of Aid for the Aged for Union County, Ohio, which Board allowed said applications and executed certificates of aid and forwarded such applications and such certificates, together with a report of its findings, to the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio.

The Division of Aid for the Aged, aforesaid, required, in accordance with the provisions of Section 1359-6, General Code, as security for such old age assistance, that the said applicants convey this real property in trust to the Division of Aid for the Aged, aforesaid, and in accordance with said requirement, the said George W. Chandler, now deceased, and Ella M. Chandler, his wife, did on June 24, 1934 convey in trust to the Division of Aid for the Aged, 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 all of Lot No. 2 of Roney and Scott's subdivision of the W. W. Wood's lot (see recorded plat in Plat Book No. 1, page 198-199) in the records of Union County, Ohio, beginning at a stake in the center of the Marysville & Milford gravel road, southeasterly corner to Lot No. 1 of the said subdivision; thence with the south line of Lot No. 1, 49 deg. W. 38.80 poles to a stake, southwesterly corner to

13574

Lot
C. C.
and
6.08
3 of
Lot
center
with
No.
1.56

of the
Roney
26.20
p.
No.
said
Office
viewed
date
which
13, 19
Dol.
for
Aged
of
Ohio,
Gene

W.
ance

13574

Lot No. 1 and 45 feet from the center of the track of C. C. C. & St. L. Railway; thence with said railway line and 45 feet from the center of the track 54 deg. W. 6.08 poles to a stake, northeasterly corner to Lot No. 3 of said sub-division; thence with the north line of said Lot No. 3 S. 78 deg. E. 40.24 poles to a stake in the center of said Marysville & Milford gravel road; thence with the center of said Marysville & Milford road No. 42.50 deg. E. 6.68 poles to the beginning. Containing 1.56 acres, more or less.

Also the following tract of land being Lot No. 3 of the sub-division of the Wood's lot as made by Roney and Scott of lands deeded them by heirs of W. W. Woods deceased April 12, 1882, recorded in Vol. 52, p. 473, for a more particular description of said Lot No. 3, reference is hereby made to the recorded plat of said sub-division, Plat Book No. 1, p. 198-199 Recorder's Office, Union County, Ohio. Being the same premises conveyed to George P. Cross by Roney and Scott by deed dated September 24, 1818;
which conveyance in trust was filed for record July 13, 1937, at 8:30 o'clock A. M. and was recorded in Vol. 111, p. 285-286 July 15, 1937 in the records of mortgages for Union County, Ohio. The Division of Aid for the Aged, aforesaid, approved the certificates and findings of the Board of Aid for the Aged for Union County, Ohio, in accordance with the provisions of Section 1357-14 General Code.

Cross petitioner further says that the said George W. Chandler, now deceased, was paid old age assistance as follows:

July	1935	for aid paid	$12.00
Aug.	"		12.00
Sept.			12.00
Oct.			12.00
Nov.			12.00
Dec.			12.00
Jan.	1936	"	12.00
Feb.			12.00
Mar.			12.00
Apr.			12.00
May			12.00
June			12.00
July			10.00
Aug.			20.00
Sept.			20.00
Oct.			20.00
Nov.			20.00
Dec.			20.00

THE COL. B. B. MFG. CO. 74930

13574

Jan.	1937	for aid paid	$20.50
Feb.			20.50
Mar.			20.50
Apr.			20.50
May			20.50
June			20.50
July			20.50
Aug.			20.50
Sept.			20.50
Oct.			19.00
Nov.			19.00
		Total aid paid	$479.50
		Funeral award	112.50
		Total	$592.00

Cross petitioner further says that the said Ella M. Chandler, was paid old age assistance as follows:

July	1936	for aid paid	$12.00
Aug.			12.00
Sept.			12.00
Oct.			12.00
Nov.			12.00
Dec.			12.00
Jan.	1936		12.00
Feb.			12.00
Mar.			12.00
Apr.			12.00
May			12.00
June			12.00
July			10.00
Aug.			20.50
Sept.			20.50
Oct.			20.50
Nov.			20.50
Dec.			20.50
Jan.	1937		20.50
Feb.			20.50
Mar.			20.50
Apr.			20.50
May.			20.50
June			20.50
July			20.50
Aug.			20.50
Sept.			20.50
Oct.			19.00
Nov.			19.00
Dec.			20.90
Jan.	1938		20.90
Feb.			20.90
		Total aid paid	$542.20

13574

Filed
Mar. 23-1938.

13574

and that the total amount of old age assistance paid to the said George W. Chandler and the said Ella M. Chandler, his wife, is in the sum of $1134.20, which amount cross petitioner claims herein.

Wherefore, cross petitioner prays that its rights herein be protected and that it be paid from the proceeds of the sale of the real estate hereinbefore described, in spite of liens prior to that of the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, the sum of $1134.20 and for such other and proper relief to which it may be entitled.

Herbert H. Duffy Attorney General.
Frederic C. Cripps Assistant Attorney General.

Verification not required, § 348 G. C.

Entry Ordering Sale.

Filed Mar. 23-1938.

In the Probate Court, Union County, Ohio.

Gladys Graham, as Admrx. of the Estate of George Chandler, Deceased, Plaintiff,

vs.

Ella M. Chandler, et al., Defendants.

No. 13574.
Entry Ordering Sale.

This day this cause came on to be heard upon the petition of the plaintiff asking for authority to sell the real estate of George Chandler, deceased, to pay his debts and the costs of administering his estate, and the answer and cross-petition of Ella M. Chandler, the surviving spouse of the said decedent, and the answer and cross-petition of the defendant, The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and on consideration thereof the court finds from the pleading, evidence, and exhibits that all necessary parties have voluntarily entered their appearance, waived time, and consented to the granting of the prayer of the petition, and are properly before the court; that it is necessary to sell the premises of the decedent, and the prayer of the plaintiff's petition should be granted.

It further appearing to the court that the defendant, Ella M. Chandler, owns in her own right the undivided one-half interest of the premises described in the plaintiff's petition, and as the surviving spouse of the said decedent, has an interest in that part of said premises of which the decedent died seized, and by her answer and cross-petition she waives whatever right, title or interest she has in said premises by virtue

THE COL. B. B. MFG. CO. 74930

13674

and bounds, rents, issues, or profits, consented to and authorized the plaintiff, as such administratrix, to sell, whatever right, title or interest she has or claims to have in the whole of the said premises at and the same time she offers for sale the premises owned by the said decedent, and elects to take whatever interest she has, in money, out of the proceeds received from the sale in such sum as may be fixed by the court.

It further appearing to the court that the said defendant, The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, by its answer and cross-petition filed herein, has or claims to have some right, title, or interest in said premises by reason of a trust Deed made in its favor as security for advancements made and paid for old age assistance to the said George Chandler, during his lifetime and to the said Ella M. Chandler, and asks that the court protect its rights and that it be paid from the proceeds received from the sale of the real estate described in the plaintiff's petition, the sum to which it may be entitled.

Therefore, it is ordered by the court that the said administratrix sell that part of the premises owned by the decedent and that part of the premises owned by the said Ella M. Chandler, in her own right, described as a whole in the plaintiff's petition and free from any interest or claim that the said Ella M. Chandler may have therein as surviving spouse, and free from any interest or claim therein of the said The Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio.

And, it appearing to the court that a new appraisement should be made of said real estate, therefore, it is ordered that Virgil Graham, W. C. Shaw, and Norman C. Bown, three judicious and disinterested persons of the vicinity, not next of kin of the petition, be and they hereby are, appointed to appraise said real estate, as a whole, at its true value in money, free from any interest or estate therein of the said Ella M. Chandler or the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio; and 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 due return of their proceeding in writing.

L. W. Hazen - Probate Judge.

Approved.

Wilbur L. Myers - Attorney for Admrx.

13674
Filed
Mar. 24-1938.

The
To
within
cause
Ella
ded
Home
vicin
view,
to he
prem
S
and
O
of th
Centr
corne
the
polic
and
and
and
West
Lot
Line
a s
Wilso
N. 7
Co
A
W.
Land
W.
9
3 o
in
of U
of
Cour
C
Com
A. D

18574
Filed
Mar. 24- 1938.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Gladys Graham as Administratrix of the Estate of George Chandler, 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 are Plaintiff and Ella M. Chandler et al., are Defendants, you are commanded that by the oaths of Virgil Graham, L. W. Shaw and Norman C. Boon 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 Township of Paris, County of Union, and State of Ohio, and a part of Survey No. 3354.

All of Lot No. 2 of the Roney and Scott Subdivision of the W. W. Woods Lot- Beginning at a stake in the center of the Marysville and Milford Road, southeasterly corner to Lot No. 1 of said subdivision; thence with the south line of said Lot No. 1, N- 49° West 33.80 poles to a stake southwesterly corner to a Lot No. 1 and 45 feet from the center of the track of the C. C. C. and St. L. Railway; thence with said railway line and 45 feet from the center of the track S. 54° West 6.08 poles to a stake, northwesterly corner to a Lot No. 3 of said subdivision; thence with the north line of said Lot No. 3, S. 48° East 40.24 poles to a stake in the center of the said Marysville and Milford Road; thence with the center of said road N. 1 42½° East 6.58 poles to the beginning.

Containing 1.56 acres, more or less.

Also all of Lot No. 3 of the subdivision of the W. W. Woods, Lot as made by Roney and Scott of the lands deeded to them by the heirs of the said W. W. Woods, April 12, 1882.

The lands herein described being Lot Nos. 2 and 3 of the Roney and Scott Subdivision as set forth in Plat Book No. 1, Page 198 and 199 of the Records of Union County, Ohio.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 23rd. Day of Mch. A. D. 1938.

Seal

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 74930

13574

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 23rd. day of March, 1938.

Gladys Graham.

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.

Virgil Graham
L. W. Shaw
Norman C. Bann } Appraisers.

Sworn to before me and signed in my presence, this 23rd. day of March, 1938.

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 free and clear of any right, title, or interest or claim of Ella M. Chandler and the Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio, therein, that is, the whole at Twenty-five hundred and no/100 Dollars,

Given under our hands, this 23rd. day of March 1938.

Virgil Graham.
L. W. Shaw.
Norman C. Bann. } Appraisers.

Filed
Mar. 24-1938.

Entry Ordering Bond.

In the Probate Court, Union County, Ohio.

Gladys Graham as Admrx. of the Estate of George Chandler, Deceased,

Plaintiff,

vs.

Ella M. Chandler, et al.,

Defendants.

No. 13574.
Entry Ordering Bond.

This day this matter came on to be 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.

13574

Filed
Mar. 24-1938.

caused the
pear by the

ame.

olumn, oath
impartially
t the trial
ired of us

} Appraisers.

nce, this

Notary Public.

being first
sers. Therein
inate the
clear of
Chandler
the De-
Ohio, therein,
no/100 Dollars,
March 1938.

} Appraisers.

Ohio.

d.

on the
ted; and
ort is in
d that the
onfirmed.

13574

It is further ordered that said Gladys Graham as Administratrix execute within ten days to the State of Ohio a bond with sufficient sureties to be approved by the court in the sum of Nine Thousand Dollars conditioned according to law.

L. W. Hazen — Judge.

Filed Mar. 24-1938.

Bond of Administratrix.

Know all Men by these Presents: That we Gladys Graham, Paul E. Chandler, Mabel Marie Chandler, and Marjorie E. Tracy and Dana Chandler are held and firmly bound unto the State of Ohio, in the penal sum of Nine 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 24th. day of March, A. D. 1938.

The condition of the above obligation is such, That whereas, the above bound Gladys Graham was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administratrix of the estate of George Chandler, Deceased.

And whereas, the said Gladys Graham as such Administratrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said George Chandler described in said petition;

And whereas, said Court, on the 24th. day of March, 1938, made an order requiring said Administratrix to execute a bond according to the statute in such cases made and provided;

Now, if the said Gladys Graham as Administratrix aforesaid, shall faithfully discharge her 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.

Gladys Graham.
Paul E. Chandler.
Margaret A. Chandler.
Ross A. Tracy.
Richmond A. Graham.
Mabel Marie Chandler.
Marjorie E. Tracy.
Dana D. Chandler.

This Bond approved in open Court, this 24th. day of March, 1938.

L. W. Hazen — Probate Judge.

Seal

THE COL. B. B. MFG. CO. 74930

13574
Filed
Mar. 24- 1938.

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

Gladys Graham as Administratrix
of George Chandler, Deceased,
Plaintiff,

-vs-

Ella M. Chandler, et al.,
Defendants.

No. 13574,
Application.

The said Plaintiff represents, that it would be for the best interests of the said estate, and all parties in interest to sell the real estate described in the petition in this case at private sale, for the following reasons:
First, the interest of the deceased and the interests of all other parties interested can be sold together, at one and the same time, for $2500.00, the full appraised value of the whole at once.
Second, that same can be sold, now, at private sale, for cash in full on confirmation of sale.
Third, to sell at private sale will save expenses of offering said real estate for sale at public auction.
And she therefore asks for an order authorizing her to sell said real estate at private sale.

Gladys Graham- Administratrix
of Estate of George Chandler, Deceased.

The State of Ohio, Union County.

Gladys Graham, being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Gladys Graham.

Sworn to before me and signed in my presence this 24th. day of March, A. D. 1938.

L. W. Hazen- Probate Judge.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

E. H. Hatton and W. T. Cody, 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, and all parties having an interest in said real estate to sell said real estate at private sale than at public sale as they verily believe.

E. H. Hatton.
W. T. Cody.

Sworn to before me and signed in my presence this 24th. day of March 1938.

Seal

Norman C. Bonn- Notary Public.

13574
Filed
Mar. 24- 1938.

13574
Filed
Mar. 24-1938.

Entry Confirming Bond and Ordering Sale.
In the Probate Court, Union County, Ohio.

Gladys Graham as Admrx.
of the Estate of George Chandler,
Deceased,
Plaintiff,
-vs-
Ella M. Chandler, et al.,
Defendants.

No. 13574.
Entry Confirming Bond and Ordering Sale.

This cause came on further to be heard, and the plaintiff as administratrix of the estate of George Chandler, deceased, having tendered to the court her additional bond as such administratrix in this proceeding, as heretofore ordered by the court, in the sum of Five Thousand Dollars, with Gladys Graham, Paul E. Chandler, Margaret G. Chandler, Mabel Marie Chandler, Marjorie E. Tracy, Ross H. Tracy, Paul D. Chandler and Richmond O. Graham as sureties thereon, it is ordered that the said bond be, and it is hereby approved.

Thereupon, on motion of the plaintiff, and it appearing to the court that it would be more to the interest of the estate of the said George Chandler, deceased, and to Ella M. Chandler and the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, to sell the real estate in the petition described and any and all interests the said Ella M. Chandler and the said The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, has or claims to have therein, or any of other party to this action, at private sale, as a whole, than at public sale.

Therefore, it is ordered, adjudged and decreed by the court that the plaintiff as Administratrix of the estate of the said George Chandler, deceased, proceed to sell the real estate described in the plaintiff's petition and the whole thereof and any interests of whatsoever nature the said Ella M. Chandler and the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio or any other party to this action has or claims to have therein, at private sale, for not less than the appraised value thereof; and for good cause shown for cash in full, on confirmation of sale.

It is further ordered that the plaintiff make due return of her proceedings and sale to this court for further order.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13574
Filed
Mar. 24- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Gladys Graham, Administratrix, 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 Ella M. Chandler et al. are Defendants; you are commanded to proceed according to law, to sell at Private Sale, for not less than Twenty-five Hundred Dollars the appraised value thereof, the following described premises, to-wit:

Situated in the Township of Paris, County of Union, and State of Ohio, and a part of Survey No. 3854.

All of Lot No. 2 of the Roney and Scott Subdivision of the W. W. Woods Lots- Beginning at a stake in the center of the Marysville and Milford road, southeasterly corner to Lot No. 1 of said sub-division; thence with the south line of said Lot No. 1, N. 49° West 38.80 poles to a stake southwesterly corner to Lot No. 1, and 45 feet from the center of the track of the C. C. C. and St. L. Railway; thence with said Railway line and 45 feet from the center of the track S. 54° West 6.08 poles to a stake, northwesterly corner to Lot No. 3 of the said sub-division; thence with the north line of said Lot No. 3, S. 48° East 40.24 poles to a stake in the center of the said Marysville and Milford Road; thence with the center of said road N. 42½° East 6.58 poles to the beginning. Containing 1.56 acres, more or less.

Also all of Lot No. 3 of the subdivision of the W. W. Woods Lot, as made by Roney and Scott of the lands deeded to them by the heirs of the said W. W. Woods, April 12, 1882.

The lands herein described being Lots Nos. 2 and 3 of the Roney and Scott Subdivision as set forth in Plat Book No. 1, Pages 198 and 199 of the Records of Union County, Ohio.

Said sale to be upon the following terms: cash in hand.

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 24th day of March, 1938.

L. W. Hazen- Probate Judge.

13574

Filed
Apr. 7- 1938.

To the

Gla
of th
Rec

Ella

The

the
und
sale
law
and
and
2
exec

13574

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 24th. day of March, 1938.

Gladys Graham.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 24th. day of March 1938, offer said property, at private sale, and Catherine M. Fox having offer'd therefor the sum of Twenty-five Hundred and no/100 Dollars ($2500.00) and the same being not less than the appraised value of said property, I sold the same to said Catherine M. Fox for that sum.

Gladys Graham.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Gladys Graham, 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.

Gladys Graham.

Sworn to before me and subscribed in my presence, this 24th. day of March, 1938.

Miles L. Myers-Notary Public.

Filed Apr. 7-1938.

Entry-Confirmation of Sale.

In the Probate Court, Union County, Ohio.

Gladys Graham as Admrx. of the Estate of George Chandler, Deceased, Plaintiff, -vs- Ella M. Chandler, et al., Defendants.

No. 13574. Entry.

This cause came on this day to be heard upon the report of the plaintiff of her proceedings and sale under the former order of this court, and upon motion to confirm the same; the court having carefully examined said report, and finding the proceedings and sale in all respects correct and in conformity to law, 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 of all the right, title and interest

THE COL. B. B. MFG. CO. 74930

13574

of the said deceased, George Chandler, and the defendant, Ella M. Chandler and the defendant, The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, in said real estate, to the purchaser, Catherine M. Fox, upon the said purchaser paying the purchase price, the sum of $2500.00, in cash, in full.

And this cause coming on further to be heard on motion to distribute the proceeds of the sale, and the said defendant, Ella M. Chandler, having by her answer herein consented that the plaintiff, as Administratrix of the estate of the said George Chandler, deceased, sell whatever interest she had in said real estate and elected to take the value thereof, in the money, in such sum as might be determined by the court. Therefore, the court finds the just and reasonable value of her interest in said real estate, exclusive of her distributive share, if any, of the estate of the said George Chandler to be $1235.92.

The court further finds from the answer and cross-petition of the defendant, The Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, holds a deed in trust against said real estate, and by reason thereof there is due it from the said Ella M. Chandler the sum of $542.20 and from the Estate of the said George Chandler, the sum of $592.00 both of which sums were a valid and subsisting lien upon said premises, and now upon the funds in the hands of the said plaintiff arising from the sale of the said premises. Therefore, it is ordered that an entry of release and satisfaction of said trust deed be entered of record in the Office of the County Recorder of Union County, Ohio.

It is further ordered that the said plaintiff, out of the said $2500.00, the purchase money, in her hands, pay

First, to the treasurer of this county the taxes	$12.66
Second, the costs of this proceeding.	13.00
Third, United States Revenue for Deed	2.50
Fourth, Division of Aid for Aged	1134.20
Fifth, Ella M. Chandler	693.72
Sixth, That the plaintiff account for the balance of the proceeds received as Administratrix of Estate of George Chandler, according to law.	643.92

L. W. Hazen - Judge.

13567
Filed
Mar. 8 - 1938.
Hooper, Saunders & Hooper
Attorneys.

Tran
Dece

Janu
Here
tran

U
U. H.
leavi
adm
of U
1930
T.
Union
is
a

herein
of U
day
pur
Exch

in
plac
all
wido

U
Unar
Prob
of
of th
Cash
coun
Una
Coun
said
an
and
Will
D
qual
Thom
prop

13567
Filed
Mar. 8-1938.
Hooper, Saudre
& Hooper
Attorneys.

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

Frances K. Thorpe, as Executrix
of the Estate of O. H. Thorpe,
deceased,

Plaintiff, Vs. 13567.
Petition.

-vs-

Janice Joan Thorpe, Owen
Herschel Thorpe, Jr., and
Frances K. Thorpe,

Defendants.

Plaintiff says that on the 11th. day of December, 1930, O. H. Thorpe died a resident of Union County, Ohio, leaving a Last Will and Testament which was duly admitted to probate and record in the Probate Court of Union County, Ohio, on the 27th. day of December, 1930, and that said Will is recorded in Will Record T. at page 191 of the records of the Probate Court of Union County, Ohio, and that a copy of said Will is hereto attached, marked "Exhibit A," and made a part hereof.

That on the 27th. day of December, 1930, the plaintiff herein was duly appointed as Executrix of the Estate of O. H. Thorpe, deceased, and thereafter, on the 14th. day of March, 1932, she filed in this court what purported to be a first and final account as such Executrix.

That in truth and in fact said account as filed in said court was not a final account of this plaintiff as such executrix, due to the fact that all of the just debts and the allowance to the widow for a year's support had not been paid in full.

Plaintiff further says that on the 7th. day of March, 1938, she filed an application with the Probate Court of Union County, Ohio, in Case No. 11965 of said court, that being the case in which the estate of the said O. H. Thorpe, deceased, was administered, asking that said case be re-opened and that she continue as such Executrix; that on the 7th. day of March, 1938, by order of the Probate Court of Union County, Ohio, the administration of the Estate of the said O. H. Thorpe, deceased, was re-opened and by an order of said court this plaintiff was authorized and empowered to continue as Executrix under the last Will and Testament of the said O. H. Thorpe, deceased.

Plaintiff says that she is now the duly appointed, qualified and acting Executrix of the Estate of O. H. Thorpe, deceased; that the total value of the personal property of said decedent was fixed by the appraisers

delendant,
vision of
Welfare
purchaser,
the purchase
d.
heard on
nd the
r answer
atrix &
ed, &
e and
in such
Therefore,
her
distribu-
George
d cross-
the Aged,
Ohio,
e, and
lla M. Chaudly,
e paid
hich sums
remises,
said
premises.
elease and
record in
nty, Ohio.
ff, out of
unds, pay
$12.66
13.00
2.50
1134.20
693.72
643.92

THE COL. B. B. MFG. CO. 74930

13567

of said estate at $1629.76, and that an allowance of $2400.00 was made by the appraisers to the widow of said decedent for her years support, and the costs of administering said estate will be about $300.00, and the debts of said estate amount to about $7000.00.

That the total value of the personal property of said decedent's estate is wholly insufficient to pay the debts, allowance and costs as aforesaid, and that it is therefore necessary for this Executrix to sell the real estate belonging to said decedent for the purpose of paying said debts.

Said decedent did seized in fee simple of the real estate which is described in "Exhibit B", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $1800.00; that he was seized in fee simple of the real estate which is described in "Exhibit C", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $1390.00; that he was seized in fee simple of the read estate which is described in "Exhibit D", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $250.00; that he was seized in fee simple of the real estate which is described in "Exhibit E", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate at $2800.00; that he was seized in fee simple of the real estate which is described in "Exhibit F", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $300.00; that he was seized in fee simple of the real estate which is described in "Exhibit G", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $12 6700; that he was seized in fee simple of the real estate which is described in "Exhibit H", which is hereto attached and made a part hereof, which was appraised by the appraisers of said estate for the sum of $725.00.

The defendant, Janice Joan Thorpe, is a minor over the age of 14 years; the defendant, Owen Herschel Thorpe, Jr., is a minor under the age of 14 years; and the defendant, Frances H. Thorpe, is the widow of said decedent; that said defendants are the only persons having any interest in said estate by virtue of the terms of the Last Will and Testament of the said O. H. Thorpe, deceased, and there are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from the right, and interest of all of the persons

13567

partie
sale
and
for
the

State
the
ceased
the
foreg

this

Union
this

expen
upy

belon
good
toge

wife,
of
to

the
recei
situ
boun
or
in

for
Carl
that
as
of
Thor
Thor

13567

parties to this action, and that out of the proceeds of said sale this plaintiff may be ordered to pay the debts, costs and expenses of the estate of O. H. Thorpe, deceased, and for such other and further relief in the premises as the court deems just and proper.

Hooper, Sanders & Hooper
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Frances K. Thorpe, being first duly sworn, says that she is the Executrix of the Estate of O. H. Thorpe, deceased, and as such is the plaintiff herein; that the facts stated and allegations contained in the foregoing petition are true, as she verily believes.

Frances K. Thorpe.

Sworn to before me and subscribed in my presence this 7th. day of March, 1938.

Gwynn Sanders - Notary Public.

"Exhibit A".

Last Will and testament of O. H. Thorpe.

I, O. H. Thorpe, of the Village of Marysville, 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 beloved wife, Frances K. Thorpe, all my house-hold goods of whatsoever nature, and wherever situated, together with my automobile, to be hers absolutely.

Third: I Give, Devise and Bequeath to my said wife, Frances K. Thorpe, one-third (1/3) of all the balance of my estate, be the same real, personal, or mixed, to be hers absolutely and in fee simple.

Fourth: The other two-thirds (2/3) of my estate, be the same real, personal, or mixed, after my said wife receives her one-third as above stated, and wherever situated, I give, devise and bequeath to the children born to myself and my said wife, Frances K. Thorpe, or to the survivor thereof, to be theirs absolutely and in fee simple, in equal shares, share and share alike.

Fifth: It will be noticed that I have left nothing for my two older children by a former marriage, to-wit, Earl A. Thorpe and Pearl H. Thorpe, and for the reason that I have heretofore, fully provided for each of them, as evidenced, in the case of Pearl H. Thorpe, by a deed & general warranty to him and his wife, Ruth Thorpe, signed by myself and my said wife Frances Thorpe, who is also known as Frances K. Thorpe,

THE COL. B. B. MFG. CO. 74930

13567

for a house and lot for his home in Marysville, Ohio, said deed dated December 20th. 1928.

I do hereby nominate and appoint my said wife, Frances K. Thorpe, as Executrix of this my Last Will and Testament, and to serve without bond.

I hereby revoke all other Wills by me heretofore made.

In testimony Whereof, I hereunto set my hand at Marysville, Ohio, this 5th. day of January, 1929.

C. H. Thorpe.

The foregoing instrument was signed at the end thereof, by the said C. H. Thorpe in our presence and we, hpard him acknowledge the same as his Last Will and Testament, and at his request and in his presence, we hereunto respectively subscribe as attesting witnesses, at Marysville, Ohio, this 5th. day of January, 1929.

"W. H. Mitchell", resides at Marysville, Ohio.

"A. F. Elliott", resides at Marysville, Ohio.

"Exhibit B."

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

Beginning in the east margin of Plum Street, at the Southwest corner of Sophia Harrington's lot and passing the Southeast corner thereof to the alley; thence South with the west margin of the alley forty-five feet and four and one-half inches (45 feet 4½ inches); thence west parallel with the South margin of (4th.) Fourth Street to the East margin of Plum Street; thence North forty-five feet and four and one-half inches (45 feet 4½ inches) to the beginning, and being a part of the same premises conveyed by the widow and heirs of W. W. Woods to Henry Harrington by deed dated May 18, 1883, and Recorded in Vol. 55, Page 566, Records of Deeds, Union County, Ohio.

"Exhibit C."

Situated in the State of Ohio, in the County of Union, and in the Village of Marysville, to-wit:

Beginning at a point in north margin of Fifth Street Twenty feet and eight inches west of the South corner of the Livery Stable building now owned and occupied by Dyer Reed; thence parallel with street formerly East Street One Hundred feet (100); thence west parallel with Fifth Street twenty feet (20); thence south parallel with first line one hundred feet (100); thence east with margin of Fifth Street twenty feet (20) to the beginning and being part of Lots No. (48) and (37) of said town of Marysville, Ohio, Union County, Ohio.

13567

Village

Fifth
and
forty
Return
proper
St. Ma
St. Ma
by R
upto
June

Begin
by
thence
to th
the
lot
Fifth
to th
more
Dyer
See

S
and
decri
V
four
ville,
and

and
deed

and
corde

and
corde
Stree
with

ville, Ohio,
d wife,
ast Will
tofore made.
hame at
1929.
orpe.
and three,
d we,
ast Will
e his pre-
attesting
ay of
.
co.
io.
of Union,
d and
t, at the
d passing
South
t and four
rest parallel
the East
ive feet
inches) to
e premises
Woods to
and Re-
e, Union
nty of Union,
Fifth Street
uth corner
d occupied
formerly
west parcel
south
100); thence
et (20) to
(48) and
Union County

13567

"Exhibit D".

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

Being twenty (20) feet front on North side of East Fifth Street, and running back One Hundred (100) feet, and being parts of Lots Number Thirty-seven (37) and Forty-eight (48) of said village of Marysville, and lying between the Livery Stable of (Reed & Butz) and the property of Sarah J. Berry and adjoining said Livery Stable property on the west side thereof (said Livery Stable property, now owned by Dyer Reed, and occupied by D. D. Hamilton.) Being the same premises conveyed unto Michael Murphy, by Reed & Butz and their wives, June 20, 1904. Deed Record Vol. 91 page 107 &c.

2nd. Tract:- in same Village, part of Lot #37, Beginning at the North-east corner of a Lot conveyed by Reed & Butz to Michael Murphy; (1st. tract above); thence westerly with the north line of said Lot 20 feet to the Northwest corner of said Lot; thence Northerly in the same course as the West line of said Murphy Lot 21 feet to a stake; thence Eastely parallel with Fifth Street 20 feet to a stake; thence Southerly 21 feet to the place of beginning. Containing 420 square feet more or less. Being the same premises conveyed by Dyer Reed & wife to Michael Murphy, May 7, 1907. See Deed Record Vol. 97 page 238.

"Exhibit E."

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

Being all of Lot number Four Hundred and thirty four (434) in Robb's Addition to the Village of Marysville, now number to said Lot Number Four Hundred and fifty-one (451).

"Exhibit F."

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

Being fifty feet off the North side of Lot Number Four Hundred & fifty-two.

"Exhibit G."

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

Being an undivided one-half interest in the following:

Beginning at the northwest corner of the tract described in "Exhibit H," and running North with Plum Street 21 feet; thence East running at right angles with said Plum Street 42 feet; thence South 21 feet

THE COL. B. B. MFG. CO. 74930

13567

to the Perry lot; thence West to the place of beginning; being a part of Lot No. 37 and being part of the same premises conveyed by A. B. Robinson as Executor of W. H. Robinson to Dyer Reed and Solomon Butz December 7th, 1889, as shown by Vol. No. 64, Page 334 of the Record of Deeds of Union County, Ohio."

"Exhibit A."

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

Being an undivided one-half interest in the following: Part of Lots Nos. 37 and 48 in said Village:

Beginning at the southwest corner of said Lot No. 48; thence with the east margin of Plum Street of the said Village North 100 feet; thence parallel with the center of Fifth Street East 23 feet to the property of Sarah J. Perry; thence South with the west line of said Perry property 100 feet to said Fifth Street; thence West with the north margin of said Fifth Street to the place of beginning.

Filed
Mar. 8-1938.

Precipe.

In the Probate Court, Union County, Ohio.

Frances K. Thorpe, as Executrix of the Estate of W. H. Thorpe, Deceased,

Plaintiff,

-vs-

Janice Joan Thorpe, et al.,

Defendants.

No. 13567.

Precipe.

To the Judge, Clerk Ex-officio:

Issue summons in the above entitled cause, to the Sheriff of Union County, Ohio, for the defendant, Janice Joan Thorpe, a minor over 14 years of age, and for the defendant, Owen Herschel Thorpe, Jr., a minor under 14 years of age, and have copies of the same served on said minor defendants, and also on Frances K. Thorpe, the mother of said children, the person having custody and control of said children, and the person with whom said children reside, and make the same returnable according to law. Endorse summons, "Action by the Executrix of the Estate of W. H. Thorpe, deceased, to sell real estate of said decedent to pay debts, and for other equitable relief."

Hoopes, Sanders & Hoopes.
Attorneys for Plaintiff.

13567
Filed
Mar. 8-1938.

Trans
of the
Decea

Janice

U
to the
auth
and
resid
said
litem
testa
respe
ad

State

the
and
are

Su
this

Filed
Mar. 8-1938.

Tran
of th
Dece

Janic

litem
Hers
to t
the

the
that
mad
year

13567
Filed
Mar. 8-1938.

Application.
In the Probate Court, Union County, Ohio.
Frances K. Thorpe, as Executrix
of the Estate of W. H. Thorpe,
Deceased,
Plaintiff,
vs.
Janice Joan Thorpe, et al.,
Defendants.
No. 13567.
Application.

Now comes, Frances K. Thorpe, and respectfully represents to the court that she is the mother of the minor defendants, Janice Joan Thorpe, and Owen Herschel Thorpe, Jr., and that she is the person with whom said minors reside, and is the person having custody and control of said minors; that it is necessary that a guardian ad litem be appointed in this action to protect the interests of said minor defendants, and she therefore respectfully requests the court, to appoint a guardian ad litem to protect the intrests of said minor defendants.

Frances K. Thorpe.

State of Ohio, Union County, ss:

Frances K. Thorpe, being first duly sworn, says that she is the applicant herein, and that the facts stated and allegations contained in the foregoing application are true as she verily believes.

Frances K. Thorpe.

Sworn to before me and subscribed in my presence this 7th. day of March, 1938.

Seal

Gwynn Sanders - Notary Public.

Filed
Mar. 8-1938.

Answer of Guardian Ad Litem.
In the Probate Court, Union County, Ohio.
Frances K. Thorpe, as Executrix
of the Estate of W. H. Thorpe,
Deceased,
Plaintiff,
vs.
Janice Joan Thorpe, et al.,
Defendants.
No. 13567.
Answer of Guardian Ad Litem.

Now comes William S. Hoopes, as guardian ad litem of Janice Joan Thorpe, a minor, and Owen Herschel Thorpe, Jr., a minor, and for his answer to the petition of plaintiff, and to the answer of the defendant, Frances K. Thorpe, says:

That the said Janice Joan Thorpe is a minor over the age of 14 years, to-wit, of the age of 15 years, and that the said Owen Herschel Thorpe, Jr., is a minor under the age of 14 years, to-wit, of the age of 9 years, and that due to the tender years of said

THE COL. B. B. MFG. CO. 74930

13567

defendants, and for the purpose of protecting their interests in this action, he denies each and every allegation in said petition contained, and in the answer of Frances K. Thorpe, and requests and prays the court to protect the interests of said minor defendants herein.

William S. Hoopes
Guardian ad litem.

State of Ohio, Union County, ss:

William S. Hoopes, being first duly sworn, says that he is the guardian ad litem of the minor defendants, Janice Joan Thorpe, and Owen Herschel Thorpe, Jr., and that the facts stated and allegations contained in the foregoing answer are true as he verily believes.

Sworn to before me and subscribed in my presence this 7th. day of March, 1938.

Seal

Eugene Sauder - Notary Public.

Filed
Mar. 8- 1938.

Entry.

In The Probate Court, Union County, Ohio.

Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, Deceased,

Plaintiff,

vs.

Janice Joan Thorpe, et al.,

Defendants.

No. 13567.
Entry.

This day this cause came on to be heard upon the application of Frances K. Thorpe for the appointment of a guardian ad litem for Janice Joan Thorpe, a minor over the age of 14 years, and Owen Herschel Thorpe, Jr., a minor under the age of 14 years, and the court, being fully advised in the premises, finds that the said Frances K. Thorpe is the mother of said minor children, the person having custody and control of said minor children, and the person with whom said minor children reside, and that it is necessary that a guardian ad litem be appointed to protect the interests of said minors in this action.

It is therefore ordered, adjudged and decreed that William S. Hoopes, he, and he hereby is, appointed as guardian ad litem to protect the interests of said minor defendants.

And thereupon appeared William S. Hoopes, who did accept said guardianship, and was thereupon given leave to file his answer, as such guardian, instanter.

L. W. Hazen - Probate Judge.

13567
Filed
Mar. 8- 1938.

Frances
of the
Deceased

Janice

Union
waives
and

It
this
petition
petition
free
partie
said
paid
paid
for
as

State
U
is t
state
are

Sw
this

Filed
Mar. 8- 1938.

The
to th

Jo
the
Thorpe
servi
over
Fathe
order
Franc
decea
said
the

ive interests
llegation
ner of Frances
to protect

ees
item.

vage that
defend-
K. Thorpe,
ne con-
e he verily

presence
Notary Public.
nio.

d upon
Appointment
Thorpe,
e Herschel
ars, and
finds that
said money
d of said
on of said
pay that
of the

ed, that
uted as
of said

who did
given
dian,

te Judge.

Filed
Mar. 8- 1938.

13567

Answer of Frances K. Thorpe.

In the Probate Court, Union County, Ohio.

Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, Deceased, Plaintiff,

-vs-

Janice Joan Thorpe, et al., Defendants.

No. 13567.

Answer of Frances K. Thorpe.

Now comes the Defendant, Frances K. Thorpe, and waives the issuing of service of summons and process, and voluntarily enters her appearance herein.

For her answer to the petition of plaintiff herein, this defendant admits all of the allegations in said petition contained, and joins in the prayer of said petition, and asks that said real estate be sold free and clear of all of the interests of any persons parties to said action, and that upon the sale of said real estate all of the debts of said estate be paid, and that the balance then in the hands of said Executrix be distributed according to law; and for such other and further relief in the premises as the court deems just and proper.

Hooper, Sanders & Hooper.
Attorneys for Frances K. Thorpe.

State of Ohio, Union County, ss:

Frances K. Thorpe, being first duly sworn, says that she is the answering defendant herein, and that the facts stated and allegations contained in the foregoing answer are true as she verily believes.

Frances K. Thorpe.

Sworn to before me and subscribed in my presence this 7th. day of March, 1938.

Seal

Gwynn Sanders - Notary Public.

Filed
Mar. 8- 1938.

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 Frances K. Thorpe and the following named, who are minors, to-wit: Janice Joan Thorpe, age 15, and Owen Herschel Thorpe, age 8, 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 8th day of March, A. D. 1938, Frances K. Thorpe, Executrix of the Estate of O. H. Thorpe, 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

THE COL. B. B. MFG. CO. 74930

13567

an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts of the Estate and that unless they answer by the 2nd. day of April 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 14th. day of March, 1938.

Witness my hand and the seal of said Court, this 8th. day of March, 1938.

L. W. Hazen - Judge and ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

The State of Ohio, Union County, ss.

Sheriff Fees	
Service & Return, first name,	$ .75
2 Additional names, at 25¢	.50
Total	$ 1.25

Received this writ March 8, 1938, at 3 o'clock P. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: March 8th. 1938, on Frances K. Thorpe by delivering to her personally a copy thereof with the indorsements thereon; and upon Janice Joan Thorpe by delivering to her personally a copy thereof with the indorsements thereon; and also as to the within named defendants who are minors, March 8th. 1938, on Frances K. Thorpe, the guardian of the said Janice Joan Thorpe, and Owen Herschel Thorpe, by delivering to her personally a copy thereof with the indorsements thereon; March 8th. 1938, on Frances K. Thorpe the mother of the said Janice Joan Thorpe and Owen Herschel Thorpe, by delivering to her personally a copy thereof with the indorsements thereon;

H. S. Roosa - Sheriff,
By - E. Wood - Deputy.

Filed
Mar. 18 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, Deceased,

Plaintiff,

vs.

Janice Joan Thorpe, Owen Herschel Thorpe, Jr., and Frances K. Thorpe,

Defendants.

No. 13567.
Entry.

This day this cause came on to be heard upon the petition of plaintiff, Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, deceased, the answer of William S. Hoppes, as Guardian ad litem for the minor defendants, Janice Joan Thorpe and Owen Herschel Thorpe, Jr., the answer of Frances K. Thorpe,

13567

an order for the sale of certain Real Estate belonging to said
finds
and
have
that
that
cause
in th
Th
reside
Dece
was
Court
Dece
in th
Probat
true,
and
now,
executr
personal
to p
the
minor
sell
pay
the
Th
in
said
follow

and
duly
that
a
dispo
Th
best
Janice
and
interes

ing to said
purpose
ny answer
ill be
ingly.
summons

nt, this

nd ex-officio
f said County.

March 8, 1938,
; and on
e the man-
amed, 2
ants, viz:
ring to her
thereon;
to her
thereon;
nts who
orpe, the
Owen
a copy
th. 1938,
ice Joan
to her
thereon;
erif,
eputy.

hio.

upon the
Executrix
answer
n for the
Owen
K. Thorpe,

18567

surviving spouse, of the decedent, and the evidence.

And the court, being fully advised in the premises, finds that all of the defendants herein have been duly and legally served with summons and process, or have voluntarily entered their appearances herein, and that all necessary parties are now before this court; that Frances K. Thorpe, as widow of the decedent, has consented to sale of the real estate as prayed for in the petition.

The Court further finds that O. H. Thorpe died a resident of Union County, Ohio, on the 11th. day of December, 1930, and that his Last Will and testament was duly admitted to probate and record in the Probate Court of Union County, Ohio, on the 27th. day of December, 1930, and that said Will is recorded in Will Record T, at page 191, of the records of the Probate Court of Union County, Ohio, and that a true copy of said Will is attached to the petition and marked "Exhibit A"; that Frances K. Thorpe is now the duly appointed, qualified and acting Executrix of said estate; that the total value of the personal property of said decedent is wholly insufficient to pay the allowance to the widow for a year's support, the debts of said decedent, and the costs of administering said estate, and that it is necessary to sell the real estate described in the petition to pay the debts of said estate, the year's allowance and the costs.

The court further finds that the real estate described in the petition was appraised by the appraisers of said estate, under an order of this court, as follows, to-wit;

Exhibit	B —	$1800.00;
Exhibit	C —	1300.00;
Exhibit	D —	250.00;
Exhibit	E —	2800.00;
Exhibit	F —	200.00;
Exhibit	G —	125.00;
Exhibit	H —	725.00;

and that said inventory and appraisement has been duly approved by this court, and that it is unnecessary that a new appraisement be made, and therefore a re-appraisement of said real estate is hereby dispensed with.

The court further finds that it would be to the best interests of said estate, to the minor defendants, Janice Joan Thorpe and Owen Reychel Thorpe, Jr., and to the creditors of said estate, and all persons interested therein, if said real estate were sold,

THE COL. B. B. MFG. CO. 74930

13567

at private sale, for not less than the appraised value thereof, for cash, and it is therefore ordered that the said Frances K. Thorpe, as such Executrix, sell said real estate, at private sale, for not less than the appraised value thereof, for cash.

The court further finds that it is necessary for said plaintiff as such Executrix to give bond in the sum of Five Thousand ($5000.00) Dollars before proceeding with said sale.

It is further ordered that said Executrix make due return of said sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed
Mar. 28-1938.

Bond of Executrix.

Know all Men by these Presents: That we Frances K. Thorpe and M. E. Kirkland are held and firmly bound unto the State of Ohio, in the penal 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 18th. day of March, A. D. 1938.

The condition of the above obligation is such, That whereas, the above bound Frances K. Thorpe, was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executrix of the estate of O. H. Thorpe, Deceased.

And whereas, the said Frances K. Thorpe as such Executrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said O. H. Thorpe described in said petition;

And whereas said Court, on the 18th. day of March 1938, made an order requiring said Frances K. Thorpe to execute a bond according to the statute in such cases made and provided.

Now, if the said Frances K. Thorpe as Executrix aforesaid, shall faithfully discharge her 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
Ruth Hess
William S. Hoopes.

Frances K. Thorpe.
M. E. Kirkland.

This bond approved in open Court this 18th. day of March, 1938.

L. W. Hazen - Probate Judge.

Said

13567
Filed
Mar. 18-1938.

Trans
of the
Dece

Janice
Thurs
Trans

To

Union
where
O. H.
Thorpe
and
O. H.
menti
not
the
and
provi
order

as

S

and
scribe

K

South
ing
with
powe
wee
Stre
North
(45
of th
of O.
18,

of
Union

R
Stre
south
ownes

13567
Filed
Mar. 18-1938.

Order of Private Sale.

In the Probate Court Union County, Ohio.

Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, Deceased,

Plaintiff,

-vs-

Janice Joan Thorpe, Owen Kenschel Thorpe, Jr., and Frances K. Thorpe,

Defendants.

No. 13567.
Order of Private Sale.

To Frances K. Thorpe, Executrix, Greeting:

Whereas, at the January Term of the Probate Court of Union County, Ohio, in a certain action therein pending, wherein Frances K. Thorpe, as Executrix of the Estate of O. H. Thorpe, deceased, is plaintiff, and Janice Joan Thorpe, et al., are defendants, it was ordered, adjudged and decreed that you, as Executrix of the Estate of O. H. Thorpe, deceased, proceed to sell the real estate mentioned in the petition, at private sale, for a price not less than the appraised value thereof, agreeable to the statute regulating the sale of real estates 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 State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows:

Beginning in the east margin of Plum Street, at the Southwest corner of Sophia Harrington's lot and passing the Southeast corner thereof to the alley; thence South with the west margin of the alley forty-five feet and four and one-half inches (45 feet 4½ inches); thence west parallel with the South margin of (4th.) Fourth Street to the East margin of Plum Street; thence North forty-five feet and four and one-half inches (45 feet 4½ inches) to the beginning, and being a part of the same premises conveyed by the widow and heirs of W. W. Woods to Henry Harrington by deed dated May 18, 1883, and Recorded in Vol. 55, Page 566, Records of Deeds, Union County, Ohio.

Also, situated in the State of Ohio, in the County of Union, and in the Village of Marysville, to-wit:

Beginning at a point in north margin of Fifth Street twenty feet and eight inches west of the south corner of the Livery Stable building now owned and occupied by Dyer Reed; thence parallel

THE COL. B. B. MFG. CO. 74930

13567

with street formerly East Street One Hundred feet (100); thence west parallel with Fifth Street twenty feet (20); thence south parallel with first line one hundred feet (100); thence east with margin of Fifth Street twenty feet (20) to the beginning and being part of Lots Us. (48) and (37) of said Town of Marysville, Ohio, Union County, Ohio.

Also, situated in the State of Ohio, County of Union, and Village of Marysville, and bounded and described as follows:

Being twenty (20) feet front on North side of East Fifth Street, and running back One Hundred (100) feet, and being parts of Lots Number Thirty-seven (37) and Forty-eight (48) of said Village of Marysville, and lying between the Livery Stable of (Reed & Butz), and the property of Sarah J. Berry and adjoining said Livery Stable property on the west side thereof (said Livery Stable property, now owned by Dyer Reed, and occupied by D. D. Hamilton). Being the same premises conveyed unto Michael Murphy by Reed & Butz and their wives, June 20, 1904. Deed Record Vol. 91 page 107 &c.

2nd. Tract:- In same Village, part of Lot #37. Beginning at the northeast corner of a lot conveyed by Reed & Butz to Michael Murphy; (1st. tract above) thence westerly with the north line of said lot 20 feet to the Northwest corner of said lot; thence Northerly in the same course as the West line of said Murphy lot 21 feet to a stake; thence Easterly parallel with Fifth Street 20 feet to a stake; thence Southerly 21 feet to the place of beginning. Containing 420 square feet more or less. Being the same premises conveyed by Dyer Reed & wife to Michael Murphy, May 7, 1907. See Deed Record Vol. 97, page 238.

Also, situated in the State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows:

Being all of Lot number Four Hundred and thirty-four (434) in Robb's Addition to the Village of Marysville, now number to said Lot Number Four Hundred and fifty-one (451).

Also, situated in the State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows:

Being twenty feet off the North side of Lot Number Four Hundred & fifty-two.

Also, situated in the State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows:

Being an undivided one-half interest in the following:

Beginning at the northwest corner of the tract described in "Exhibit H," and running North with Plum Street 21 feet; thence East running at

13567

Filed
Mar. 18-1938.

right
21 fe
runn
the
of W
of th
Reco
of Un
and
W
W
W
thenc
Villa
Fifth
thenc
100
marg
Mary
and
sale
said
Unio
and
prop
for

13567

right angles with said Plum Street 42 feet; thence South 21 feet to the Perry lot; thence West to the place of beginning; being a part of Lot No. 37 and being part of the same premises conveyed by A. B. Robinson as Executor of W. H. Robinson by Dyer Reed and Solomon Butz December 7th, 1889, as shown by Vol. No. 64, Page 334 of the Record of Deeds of Union County, Ohio.

Also, situated in the State of Ohio, in the County of Union, and in the Village of Marysville, and bounded and described as follows:

Being an undivided one-half interest in the following: Part of Lots Nos. 37 and 48 in said Village.

Beginning at the southwest corner of said Lot No. 48; thence with the east margin of Plum Street of the said Village North 100 feet; thence parallel with the center of Fifth Street East 23 feet to the Property of Sarah J. Perry; thence South with the west line of said Perry property 100 feet to said Fifth Street; thence West with the north margin of said Fifth Street to the place of beginning.

Witness my hand and the seal of said Court at Marysville, Ohio, this 18 day of March, 1938.

H. W. Hazen - Probate Judge.

Seal

Filed Mar. 18-1938.

Report of Private Sale.

In the Probate Court, Union County Ohio.

Frances K. Thorpe, Executrix of the Estate of W. H. Thorpe, Deceased, Plaintiff,

-vs-

James Joan Thorpe, et al., Defendants.

No. 13567. Report of Private Sale.

In obedience to the command of the within order of sale, said property, I did on the 15th. day of March, 1938, offer at private sale, and M. E. Kirkland having bid therefor as follows:

Exhibit B — $1800.00
Exhibit C — 1300.00
Exhibit D — 250.00
Exhibit E — 2800.00
Exhibit F — 200.00
Exhibit G — 125.00
Exhibit H — 725.00

and the same being the appraised value of said property, I sold the same to the said M. E. Kirkland for that sum.

Frances K. Thorpe - Executrix.

THE COL. P. B. MFG. CO. 74930

13567

State of Ohio, Union County, ss:

Frances K. Thorpe, Executrix, 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.

Frances K. Thorpe.

Subscribed in my presence and sworn to before me this 10th. day of March, 1938.

Seal

L. A. Hooper Notary Public.

Filed
Mar. 18-1938.

Entry.

In the Probate Court, Union County, Ohio.

Frances K. Thorpe, Executrix of the Estate of O. H. Thorpe, Deceased, Plaintiff,

vs.

Janice Joan Thorpe, et al., Defendants.

No. 13567.
Entry.

This day this cause came on to be heard upon the report of Frances K. Thorpe, Executrix of the Estate of O. H. Thorpe, deceased, 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, 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 ordred that the same be, and it hereby is, approved and confirmed.

It is further ordred that said petitioner execute a deed of all of the right, title and interest of the said O. H. Thorpe, in said real estate, to the purchaser, W. E. Pickland, upon the said purchaser paying to the said Frances K. Thorpe, as Executrix, the sum of $7200.00, that being the purchase price of said real estate.

It is further ordred that said Frances K. Thorpe, as such Executrix, out of the money in her hands, pay:

First: The costs and expenses incurred in the sale of this property, including an attorney fee of $100.00 to Hooper, Sanders + Hooper, amounting to the sum of $175.25.

Second: It is further ordred that the balance of said proceeds, in the sum of $7024.75, be accounted for by said Executrix according to law.

L. W. Hazen — Probate Judge.

13573
Filed
Mar. 10-1938.
Robert T. Allen
Attorney.

13573
Filed
May 10-1938.
Robert T. Allen
Attorney.

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

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,
Plaintiff,
-vs-
Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,
Defendants.

Case No. 13573.
Petition of Administrator to Sell Real Estate.

The Plaintiff is the duly appointed, qualified and acting Administrator of the Estate of Mary L. Johnston, late of this County; as near as can be ascertained, the amount of the valid debts against said Deceased is Three Hundred Dollars ($300.00).

An allowance of $ — was made by the appraisers of the above estate to the widower, Clayton P. Johnston, for the maintenance of the two minor children for twelve months (12).

The costs of administering the estate will be about One Hundred Dollars ($100.00).

There was no personal property of said decedent, and since there is no personal property from which to pay the debts, allowance, and costs, aforesaid, this action is therefore filed to sell real estate to pay debts.

Said decedent died seized in fee simple of the following real estate, to-wit:

An undivided one-half interest in the following:

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

Being all of Lot No. Six (6) in the Village of Claibourne, of Union County, Ohio.

Also forty (40) feet off of the North side of Lot No. Seven (7) in the said Village of Claibourne, Union County, Ohio.

For a further description of the above mentioned Lots, see the Recorded Plat of said Village of Claibourne, recorded in the Office of the Recorder, at Marysville, Ohio."

Said real estate was included in the Inventory and Appraisement of the estate, pursuant to the order of this Court, and appraised at Four Hundred Eighty-seven and 50/100 Dollars ($487.50).

The decedent died leaving the Defendant, Clayton P. Johnston, as her widower and Pearl Johnston

THE COL. P. P. MFG. CO. 74930

13573

a son 18 years of age, and Genevieve Johnston, a daughter 16 years of age, are the only heirs or persons entitled to the real estate by 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; that the rights, interests, and liens of all parties be fully 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 to which he may be entitled.

Robert V. Allen,
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Clayton P. Johnston, being duly sworn, says he is the Plaintiff in the above entitled cause, and that the facts set forth and the allegations contained in the foregoing Petition are true as he verily believes.

Clayton P. Johnston.

Sworn to before me and signed in my presence this 5th. day of March, A. D., 1938.

(Seal)

Robert V. Allen- Notary Public,
Union County, Ohio.

Filed
Mar. 10- 1938.

Entry of Appearance and Consent to Sale.

In the Probate Court
of Union County, Ohio.

Clayton P. Johnston, Administrator
of the Estate of Mary L. Johnston,
Deceased,

Plaintiff,

-vs-

Clayton P. Johnston, Pearl Johnston,
and Genevive Johnston, minors
over 14 years of age,

Defendants.

Case No. 13573.
Entry of Appearance and
Consent to Sale.

Clayton P. Johnston as an individual and Clayton P. Johnston as the father and natural guardian of Pearl Johnston and Genevive Johnston minors, over 14 years of age, parties defendant in the above entitled action, do 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.

Clayton P. Johnston.
Clayton P. Johnston- Father and
natural guardian of Pearl Johnston
and Genevieve Johnston.

13573
Filed
Mar. 10- 1938.

Filed
Mar. 10- 1938.

13573
Filed
Mar. 10- 1938.

Praecipe.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

-vs-

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Praecipe.

To the Probate Court:

You will please issue Summons to the Sheriff of Union County, Ohio, against the Defendants, Pearl Johnston, a minor of the age of 18 years, and Genevieve Johnston, a minor of the age of 15 years, who reside with their father in the Village of Claibourne, Union County, Ohio, and make same returnable according to Law.

Recite in the Summons "You will notify the Defendants, Pearl Johnston, a minor 18 years of age, and Genevieve Johnston, a minor 15 years of age, by service of Summons upon them."

Endorse Summons "Action by Administrator to sell real estate to pay debts." You are informed that Clayton P. Johnston, the Father of said minors, has waived the issuance and service of process upon him both as an individual, and as father and natural guardian of said minors.

Robert N. Allen,
Attorney for Plaintiff.

Filed
Mar. 10- 1938.

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 Pearl Johnston, a minor of the age of 18 years, and Genevieve Johnston, a minor of the age of 15 years, who reside with their father Clayton P. Johnston, Claibourne, Union County, Ohio. Clayton P. Johnston, Claibourne, Union County, Ohio. Case # 13573 therein - Entitled - Praecipe - Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, Plaintiff, -vs- Clayton P. Johnston, Pearl Johnston and Genevieve Johnston, Minors over 14 years of age, Defendants, making service of this summons upon each minor as over fourteen years of age, and also upon the guardian, father, mother or custodian of said minors, in the order named; that on the 10th. day of March, A. D. 1938, Clayton P. Johnston Administrator of the Estate of Mary L. Johnston, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object

THE COL. P. B. MFG. CO. 74930

13573

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; "Action by Administrator to sell real estate to pay debts," and that unless they answer by the 9th. day of April, 1938, said petition will be taken as true, and law order granted accordingly.

Said Sheriff will make due return of this summons on the 21st. day of March, 1938.

Witness my hand and the seal of said Court, this 11th. day of March, 1938.

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
2 Additional names, at 25¢	.50
44 miles traveled at 8¢	3.52
Total	$4.77

Received this writ March 11th. 1938, at 4 o'clock P. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: March 15th. 1938, on Pearl Johnston, a minor of age of 18 years and on Genevieve Johnston, a minor of the age of 15 years, and also as to the within named defendants who are minors, March 15th. 1938, on Clayton P. Johnston the father of the said Pearl Johnston, and Genevieve Johnston, minors, and the person with whom they live.

H. S. Roosa - Sheriff.
By- E. Wood - Deputy.

Filed Apr. 12- 1938.

Application for Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Application for Guardian Ad Litem.

Now comes Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, and makes Application for the appointment of a guardian ad litem for Pearl Johnston, a minor 18 years of age, and Genevieve Johnston, a minor 15 years of age, two of the Defendants herein, upon whom Summons was duly served according to law, and suggests that Richard C. Thrall, who is a suitable person, be appointed

13573

as

Clay
of the
Recc

Clay
and
over

the
Gener
duly
age
that
qua
Ge

Clay
of the
& Dec

Clay
and
over

by t
a
min
ston
Cla
L.
of
has
titio
and
of
the
and

13573 as such.

Robert F. Allen
Attorney for Plaintiff.

Entry Appointing Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator
of the Estate of Mary L. Johnston,
Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston,
and Genevieve Johnston, minors
over 14 years of age,

Defendants.

Case No. 13573.
Entry Appointing Guardian
Ad Litem.

On the application of Robert F. Allen, the counsel for the Plaintiff herein, it appearing that Pearl Johnston and Genevieve Johnston, two of the Defendants herein were duly served with Summons and are minors 18 years of age and 15 years of age respectively, it is ordered that Richard C. Thrall be and he is hereby appointed guardian ad litem of said Pearl Johnston and Genevieve Johnston.

L. W. Hazen - Judge.

Answer of Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator
of the Estate of Mary L. Johnston,
Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston,
and Genevieve Johnston, minors
over 14 years of age,

Defendants.

Case No. 13573.
Answer of Guardian
Ad Litem.

And now comes Richard C. Thrall duly appointed by the Court as guardian ad litem for Pearl Johnston, a minor 18 years of age, and Genevieve Johnston, a minor 15 years of age, both children of Mary L. Johnston, Deceased, and for answer to the Petition of said Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, 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 said Defendants shall require.

Richard C. Thrall - Guardian Ad Litem.

THE COL. B. B. MFG. CO. 74930

13573
Filed
Apr. 12- 1938.

Order Issued to Representative for Private Sale and Return.
In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,
Plaintiff,
vs.
Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,
Defendants.

Case No. 13573.
Order issued to Representative for Private Sale and Return.

To Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, Greeting:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, is the Plaintiff, and Clayton P. Johnston, 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, agreeable to the statutes regulating the sale of real estate by Administrators, and that you make return of your proceedings in the premises to the Probate Court and bring this order with you. The said real estate is described in the Petition as follows, to-wit:

"Any undivided one-half interest in the following:

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

Being all of Lot No. Six (6) in the Village of Claibourne, Union County, Ohio.

Also forty (40) feet off of the North side of Lot No. Seven (7) in the said Village of Claibourne, Union County, Ohio.

For a further description of the above mentioned lots, see the Recorded Plat of said Village of Claibourne, recorded in the Office of the Recorder, at Marysville, Ohio."

And whereas Clayton P. Johnston, as an individual has filed an Answer and Cross-Petition asking that the undivided one-half (½) interest in said real estate belonging to him be incorporated in this action and the existing interest in said real estate sold by you as Administrator.

This order is therefore issued to you to sell the entire interest in said real estate.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 12 day of April, A. D., 1938.

Seal

L. W. Hazen - Probate Judge.

13573

Filed
Apr. 12- 1938.

ud Return.
ty, Ohio.

Representative
and Return.

e of Mary
Probate Court
Administrator
he Plaintiff,
r, it was
eed to sell
rivate sale
e thereof,
real Estate
of your pro-
d and being
e described

llowing:
ate of Ohio,
and de-

e of Clai-

of Lot No.
n County, Ohio.
oned Lots,
rue, recorded
"
o.
dividual has
that the
estate be-
and the
by you as

ell the entire

Court, at
1938.
te Judge.

13573

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 12 day of April. 1938, offer said property at private sale, and Dora Buker, having offered therefore the sum of Four Hundred Eighty-seven and 50/100 Dollars ($487.50) for the one-half (½) interest belonging to the Estate of Mary L. Johnston, Deceased, and Four Hundred Eighty-seven and 50/100 Dollars ($487.50) for the one-half (½) interest belonging to Clayton P. Johnston, and the same being not less than the appraised value of said property, I sold the same to Dora Buker for that sum.

Clayton P. Johnston- Administrator
of the Estate of Mary L. Johnston,
Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Clayton P. Johnston, 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.

Clayton P. Johnston.

Subscribed in my presence and sworn to before me this 12th. day of April, A. D., 1938.

Robert L. Allen- Notary Public,
Union County, Ohio.

Filed
Apr. 12- 1938.

Entry Ordering Additional Bond.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Entry Ordering Additional Bond.

This day this matter came on to be further heard, it is ordered that said Clayton P. Johnston, Administrator, execute within ten days to the State of Ohio a bond with sufficient surety to be approved by the Court in the sum of Five Hundred Dollars ($500.00).

L. W. Hazen- Judge.

THE COL. B. B. MFG. CO. 74930

13573
Filed
Apr. 12 - 1938.

Bond.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Bond.

Know All Men by these Presents: That said Clayton P. Johnston, principal, and Pearl Pierce and D. G. Kinikin as sureties, are firmly bound under the State of Ohio, in the penal sum of Five Hundred Dollars ($500.00) to the payment of which we do hereby jointly and severally bind ourselves, our executors, and administrators.

The condition of this obligation is such, that whereas in a certain action pending in the Probate Court of Union County, Ohio, wherein Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, is Plaintiff, and Clayton P. Johnston, et al., are Defendants, the said Clayton P. Johnston, as such Administrator, has been ordered by said Court to sell real estate of said decedent to pay debts.

Now, if the said Clayton P. Johnston, Administrator as aforesaid, shall faithfully discharge his duties in the premises, and full account for all moneys arising from such sale according to law, then this obligation to be void, otherwise to be in full force and effect.

Clayton P. Johnston - Principal.
Pearl Pierce - Surety.
D. G. Kinikin - Surety.

Filed
Apr. 12 - 1938.

Entry Approving Bond.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Entry Approving Bond.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of Five Hundred Dollars ($500.00) with approved sureties conditioned according to law, the said bond is hereby approved.

L. W. Hazen - Judge.

13573
Filed
Apr. 12 - 1938.

Ent

Clay
of th
Dec

Clay
and
over

of th
abou
of a
requ
that
of s
and
and
full

essar
prop
real
by
Spen
a

give

of
Pine
ord
fici
Cou

Aug
and
that
inte
and
hold
That
Cou
the
V.
be

13573
Filed
Apr. 12- 1938.

Entry Dispensing with a New Appraisement and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

vs.

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors over 14 years of age,

Defendants.

Case No. 13573.
Entry Dispensing with a new Appraisement and Ordering Private Sale.

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 Richard C. Thrall guardian ad litem of Pearl Johnston, a minor 18 years of age, and Genevieve Johnston, a minor 15 years of age, upon whom service of summons has been made according to law, and upon the waiver of summons by Clayton P. Johnston as an individual and as father and natural guardian of Pearl Johnston and Genevieve Johnston, minors, and the Court being fully advised in the premises.

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 Four Hundred Eighty-seven and 50/100 Dollars ($487.50) and 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 Mary L. Johnston, deceased, in the amount of Five Hundred Dollars ($500.00) 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 Five Hundred Dollars ($500.00).

It is further found by the Court that upon the Answer and Cross Petition filed by Clayton P. Johnston and it is ordered, adjudged, and decreed by the Court that Mary L. Johnston owned an undivided one-half (½) interest in the real estate described in the Petition, and that Clayton P. Johnston is the owner and legal holder of the other undivided one-half interest therein. That Clayton P. Johnston has filed his Answer and Cross Petition therein, asked that this action include the entire interest in the property, and that Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston be given authority to execute and deliver a deed

THE COL. B. B. MFG. CO. 74930

13573

for the entire interest therein, subject only to the provisions that the undivided one-half (½) interest belonging to Clayton P. Johnston shall be sold for the same sale price as the undivided one-half (½) interest belonging to the Estate of Mary L. Johnston, deceased, and that said Administrator account to Clayton P. Johnston, for the sale price thereof.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Clayton P. Johnston, as such Administrator, sell said real estate at private sale at not less than Nine Hundred Seventy-five Dollars ($975.) for the entire interest in the property, being twice the appraised value thereof, in cash upon the delivery of a deed to the purchasers.

And it is further ordered, that said Clayton P. Johnston, as such Administrator, make return of sale without unnecessary delay.

L. W. Hazen- Judge.

Entry Confirming Sale- Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Filed
May 16-1938.

Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased,

Plaintiff,

-vs-

Clayton P. Johnston, Pearl Johnston, and Genevieve Johnston, minors, over 14 years of age,

Defendants.

Case No. 13573.
Entry Confirming Sale- Ordering Deed & Distribution.

13599
Filed
May 13- 1938.
John W. Bailey
Attorney.

This day this cause came on to be heard upon the report of Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, 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 Mary L. Johnston, Deceased, and Clayton P. Johnston in said real estate to the purchasers, Cora Bulen, upon the said purchasers paying to said Administrator the sum of Nine Hundred Seventy-five Dollars ($975.00) in cash.

And now this cause coming on further to be heard upon the pleadings, and on the motion to distribute

13573

the proceeds of the sale amounting to the sum of Four Hundred Eighty-seven and 50/100 Dollars ($487.50) for the interest belonging to the Estate of Mary L. Johnston, Deceased, and Four Hundred Eighty-seven and 50/100 Dollars ($487.50) belonging to Clayton P. Johnston, it is 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 $3.57.

Second, the costs and expenses incurred in the sale of said property in the sum of $39.27.

Third, to Clayton P. Johnston the undivided one-half interest in the net proceeds after deducting taxes and Court costs $466.08.

Fourth, to Clayton P. Johnston, Administrator of the Estate of Mary L. Johnston, Deceased, as administrator's compensation, the sum of $29.25.

Fifth, to Robert D. Allen, attorney fee $35.00.

Sixth, it is further ordered that the balance of said proceedings amounting to $386.83 be accounted for by said Administrator according to law.

It is further ordered that this proceeding be recorded and that said Petitioner pay the costs herein forthwith.

L. W. Hazen- Judge.

13599
Filed
May 13- 1938.
John W. Bailey
Attorney.

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

Richard Patton, Administrator of the estate of Willie Patton, Deceased,

Plaintiff,

-vs-

Cora Kaye Hooee Jessie Merryman and The Citizens Federal Savings & Loan Assn. and Richard Patton,

Defendants.

No. 13599.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Willie Patton, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Nine Hundred ninety five Dollars.

And the costs of administering the estate will be about One Hundred eighty Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate

THE COL. B. P. MFG. CO. 74930

13599

at one 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 of Ohio, and further described as follows: Being the undivided three-fourths interest only.

Situated in the County of Union, State of Ohio, in the Township of Jerome and being a part of Survey No. 3693 and bounded and described as follows:

Beginning at a stone in the center of the Delaware and Bellefontaine State Road, northeast corner to a lot containing 3 acres and 49 poles conveyed by Enos A. Bell to Julius A. Bell; thence with the line of said lot south 9 degrees west 66.30 poles to a stone, southeast corner to said lot in the south line of Survey No. 3693; thence with the said Survey line, South 81½ degrees east 53 rods and 5 feet to a stone; southwest corner to H. M. Clevenger's land; thence northwest and parallel with the west line 66.21 poles to a stake and stone in the center of the Delaware and Bellefontaine State Road; thence north 82 degrees West 56 rods and 5 feet to the place of beginning. Containing 22 acres of land, 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 Dollars.

Said real estate is encumbered as follows: Citizens Federal Savings & Loan Association a first mortgage in the principal sum of $800.00 with interest, the exact amount now due and owing being unknown to the plaintiff.

The defendants, Cora Van Hoose and Jessie Kerrymans, 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 defendant, Richard Patton has the undivided one-fourth interest in fee simple besides his interest as inherited by the death of the decedent.

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 upon 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.

John W. Bailey - Attorney for the Plaintiff.

13599

Filed May 13-1938.

ing been
olly insert-
aforesaid-
g the fol-
County &
following:
.
in the Town-
No. 3693

e Delaware
y to a
d by Enoc
ine of said
stone, south-
of Survey
south 81½
; southwest
and par-
take and
Fontaine
rods and
acres of

utory of the
d appraised

i Citizens
mortgage
the defect
to the

Kerryman,
next
real estate

divided
interest as

interest in

ate be sold.
parties may
; and
ordered to
statutes in
such other
ed to.
y for the Plaintiff.

13599

The State of Ohio, Union County.
Richard Patton, 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.
Richard Patton.
Sworn to before me and signed in my presence by the said Richard Patton, at Marysville, Ohio, this 10 day of May, 1938.
John W. Bailey - Atty.

Filed
May 13- 1938.

Cross-Petition of Defendant, The Citizens Federal Savings and Loan Association of Marysville.
In the Probate Court, Union County, Ohio.

Richard Patton, Administrator
of the Estate of Tillie Patton,
Deceased,
Plaintiff,
-vs-
Cora Dan Hoover, Jessie Kerryman,
The Citizens Federal Savings
and Loan Association of
Marysville, and Richard Patton,
Defendants.

No. 13599.
Cross-Petition of Defendant,
The Citizens Federal Savings
and Loan Association of
Marysville.

Now comes the defendant, The Citizens Federal Savings and Loan Association, and says that it is a corporation organized under the laws of the United States of America.

-1-

On the 3rd. day of March, 1937, the defendant Richard Patton and his wife, Tillie Patton, who was then living, but who is now deceased, executed and delivered to this defendant their promissory note for the sum of $800.00, with 7% interest.
There is now due this defendant upon said note the sum of $763.46 with interest at 7% from May 31, 1938.

-2-

On the 3rd. day of March, 1937, in order to secure the payment of said note, the said Richard Patton and Tillie Patton executed and delivered to this defendant their mortgage deed, thereby conveying the real estate described in the petition.
Said mortgage was filed for record with the Recorder of Union County, Ohio, on the 3rd. day of March, 1937, at 11:15 o'clock A.M., and is recorded in Book 110, Page 353 of the Mortgage Records of Union County, Ohio, and is the first and best lien on said real estate.

THE COL. P. B. MFG. CO. 74930

13599

Wherefore, this defendant prays that if said real estate be sold, its claim as herein set forth, be first paid out of the proceeds.

Hoopes, Saunders & Hoopes
Attorneys for The Citizens Federal Savings & Loan Association.

State of Ohio, Union County, ss:

R. B. Derr, being first duly sworn, says that he is the Secretary of The Citizens Federal Savings and Loan Association, and that the facts stated and allegations contained in the foregoing cross-petition are true as he verily believes.

R. B. Derr.

Sworn to before me and subscribed in my presence this 12th. day of May, 1938.

William S. Hoopes-Notary Public, Union County, Ohio.

Filed May 13-1938.

Answer of Richard Patton.

In the Probate Court of Union County, Ohio.

Richard Patton, Administrator of Lillie Patton, Deceased, Plaintiff,

vs.

Cora Day Hoose, Jessie Merryman, The Citizens Federal Savings & Loan Association and Richard Patton, Defendants.

No. 13599.

Answer of Richard Patton.

Now comes the defendant Richard Patton and says that he is the owner of the undivided one-fourth interest in fee simple of the real estate described in the petition herein.

That said real estate as a whole was encumbered by mortgage to the defendant The Citizens Federal Savings & Loan Association by this defendant and the decedent; that said real estate is so situated that the interest of the decedent can not be sold without manifest injury to the entire tract and that partial interest could not be sold for any amount equal to the value of the entire tract.

Wherefore this defendant prays the court for an order for the sale of the real estate as described in the petition as a whole and that his undivided one-fourth interest be set off to him in cash, after payment of liens and all other just charges, and for such other and further relief as he may justly be entitled to.

John W. Dailey-Attorney for Defendant

13599

Filed May-19-1938

Filed May 23-1938.

13599

State of Ohio, Union County, ss:
Richard Patton being duly sworn, deposes and says the facts stated and allegations made in the foregoing petition are true, as he verily believes.
Richard Patton.
Sworn to before me and subscribed in my presence this 10th. day of May, 1938.
John W. Dailey- Notary Public.
Seal

Filed
May-19-1938

Waiver;
In the Probate Court of Union County, Ohio.
Richard Patton, Administrator of the Estate of Tillie Patton, Deceased,
Plaintiff,
vs.
Cora Van Hoose, et al.,
Defendants.
Waiver.

We, the undersigned parties defendants hereby waive the issuance of summons and process, and voluntary enter our appearance herein and request the prayer of the petition be granted.
Richard Patton.
Cora Van Hoose.
Jessie Berryman.

Filed
May 23-1938.

Finding Sale Necessary, and Ordering Appraisement.
Probate Court of Union County, Ohio.
Richard Patton as Administrator of the Estate of Tillie Patton,
Plaintiff,
vs.
Cora Van Hoose, et al.,
Defendants.
No. 13599.
May 23- 1938.

This day this matter came on for hearing upon the petition of the plaintiff for authority to sell the real estate of the above decedent to pay debts of her estate, and the answer and cross petition of the defendant, Richard Patton, owner of the undivided one-fourth interest and praying the court to sell the entire tract, including his interest therein, and the answer and cross petition of The Citizens Federal Savings & Loan Company, the other defendants, Cora Van Hoose (Cora Van Hoose) and Jessie Berryman (Jessie Berryman) have each waived the service of summons and process and request the prayer of the petition be granted.
It appearing to the court a new appraisement should be made of the entire tract of said real estate free from dower and interest of Richard Patton, it is ordered that Chas. D. Webb, Elwood Sawyer

THE COL. B. B. MFG. CO. 74930

13599

and S. W. Hill, three judicious and disinterested persons of the vicinity not nearer of kin to the petitioner, be and they hereby are appointed to appraise said real estate at its true and actual value in money free from all dower interest of Richard Patton, as a whole, it is further ordered that said appraisers be sworn as required by law 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 this proceedings in writing to this court within ten days hereof.

It further appearing to the court the Administrator has given a bond sufficient to cover all the assets of this estate, including the proceeds of the real estate herein, it is ordered no additional bond be required from him.

L. W. Hazen - Probate Judge.

Filed May 23-1938.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Richard Patton, Administrator of the estate of Lillie Patton, Deceased:

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 administrator are Plaintiff, and Cora Van Hoose et al, are Defendants, you are commanded that by the oaths of Chas. D. Webb, Elwood Sauser and S. W. Hill 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, State of Ohio, in the township of Leesburg and being a part of Survey No. 3693 and bounded and described as follows: Beginning at a stone in the center of the Delaware and Bellefontaine State Road, northeast corner to a lot containing 3 acres and 49 poles conveyed by Enos A. Bell to Julius A. Bell; thence with the line of said lot south 9 degrees west 66.30 poles to a stone, southeast corner to said lot in the south line of Survey No. 3693; thence with the said Survey line south 81½ degrees east 53 rods and 5 feet to a stone; southeast corner to P. M. Clevenger's land; thence northwest and parallel with the west line 66.21 poles to a stake and stone in the center of the Delaware and Bellefontaine State Road; thence North 82 degrees west 53 rods and 5 feet to the place of beginning. Containing 22 acres of land, more or less.

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

13599

We
at U

To t
the
by t
of R

The
C
that
appr
valua
we

Sa

25

duly
therei
the
Thou

Filed May 25-1938.

Appr
Com

Rich
of th

Cora

T
on
ed;
upon

persons
he and
l estate
from all
it is
y as
d real
value, and
to law, and
to this court

trator has
te of this
hereof,
from him.
te judge.

ourt.
Tillie Patton,

Probate Court,
in a certain
intiff, and
command-
Sawyer and
vicinity,
l writ;
ut to be
ed premises,

io, in the
vey No. 3693
beginning at
Bellefontaine
ining 3 acres
ing of A. Bell;
degrees west
aid lot in
e said Survey
feet to a
und; thence
6. 21 poles
Delaware
32 degrees
eginning.
es.
ings to this
order.

13699 Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 23 day of May, A. D. 1938.
(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 25 day of May, 1938.
Richard Patton.

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.
Chas. D. Webb.
S. W. Hill. } Appraisers.
Elwood Sawyer.
Sworn to before me and signed in my presence, this 25 day of May, 1938.
(Seal) John W. Dailey- 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 Thousand Eight Hundred, ($1800.00) Dollars.
Given under our hands, this 25 day of May, 1938.
Chas. D. Webb.
S. W. Hill. } Appraisers.
Elwood Sawyer.
Appraisers' fees $2.00.

Filed May 25-1938.

Confirming Appraisement, Dispensing with Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

Richard Patton as Administrator of the Estate of Tillie Patton, Plaintiff,
vs.
Cora Van Hoose, et al., Defendants.

Confirming Appraisement, Dispensing with Bond and Ordering Private Sale.

This day this matter came on further to be 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

THE COL. B. P. MFG. CO. 74930

13599

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

It appearing to the Court that the amount of the original bond given by Richard Patton as such administrator is sufficient to cover double the total real and personal assets, it is hereby ordered that the giving of an additional bond be and hereby is dispensed with.

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 Richard Patton as such administrator, sell, as provided by law, the real estate in the petition described, at not less than the appraised value thereof, on the following terms, to-wit: cash in hand, the time of sale.

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

R. W. Hazen - Probate Judge.

Filed May 25-1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Richard Patton as Administrator of the Estate of Nellie Patton, Plaintiff,

-vs-

Cora Van Hoose, et al, Defendants.

No. 13599. Application.

Filed May 25-1938.

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 said real estate can be sold for the full value of the appraisement, for cash.

2: That said tract is being purchased by the owner of adjoining land and the price paid therefore is more than may be realized by sale at public auction.

3: That at this time of the year, said property and land should be cultivated and by advertising the same the delay and expenses of the same would be such that said property would not, in all probability, bring the amount of money offered at private sale.

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

Richard Patton - Administrator of the estate of Nellie Patton.

13599

The

the

affid

in t

more

real

for

the

Filed May 25-1938.

The

to

Court

in the

Hoo

to

for

the

ices

Four

3695

Reg

and

lot

A.

said

cou

Surv

81½

cou

proved and

of the orig-
administra-
and personal
additional

evidence,
estate to
at private
such ad-
estate in
appraised
h in hand,

th upon

te Judge.
Sale.

he for the
l estate
ivate sale,

the full

the owner
ne is more
uction.
operty and
the same
he such
ity, bring
ffe. . .
thorizing
sale.
dministrator
Patton.

13599 The State of Ohio, Union County.

Richard Patton, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Richard Patton.

Sworn to before me and signed in my presence this 25 day of May, A. D. 1938.

Carrie W. Hombuck-Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Oliver Eddy, 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 to sell said real estate at private sale than at public sale for the reasons set forth in this application as he verily believes.

Oliver Eddy.

Sworn to before me and signed in my presence, this 25 day of May, 1938.

Carrie W. Hombuck-Deputy Clerk.

Order of Private Sale.

Filed May 25-1938. The State of Ohio, Union County. Probate Court.

To Richard Patton, administrator of the estate of Tillie Patton, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as administrator of the estate of Tillie Patton are Plaintiff and Cora Dan Hoover et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than One Thousand Eight Hundred Dollars the appraised value thereof, the following described premises, to-wit:

Situated in the County of Union, State of Ohio, in the Township of Jerome and being a part of Survey No. 3693 and bounded and described as follows:

Beginning at a stone in the center of the Delaware and Bellefontaine State Road, northeast corner to a lot containing 3 acres and 49 poles conveyed by Enoe A. Bell to Julius A. Bell; thence with the line of said lot south 9 degrees west 66.30 poles to a stone, southeast corner to said lot in the south line of Survey No. 3693; thence with the said Survey line south 81½ degrees east 53 rods and 5 feet to a stone; southwest corner to N. M. Clemenger's land; thence

THE COL. B. B. MFG. CO. 74930

13599

northwest and parallel with the west line 66.21 poles to a stake and stone in the center of the Delaware and Bellefontaine State Road; thence north 32 degrees west 53 rods and 5 feet to the place of beginning. Containing 22 acres of land, more or less.

Said sale to be upon the following terms: cash on 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 25 day of May, 1938.

L. W. Hazen- Probate Judge.

Seal

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 28 day of May, 1938.

Richard Patton- Administrator.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 28 day of May, 1938, offer said property, at private sale, and George W. Hill & Neva Hill having offered therefor the sum of One Thousand Eight Hundred Dollars ($1800.00) and the same being not less than the appraised value of said property, I sold the same to said George W. Hill & Neva Hill for that sum.

Richard Patton

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Richard Patton, 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 Patton.

Sworn to before me and subscribed in my presence, this 28 day of May, 1938.

Seal

Carrie W. Hornbeck- Deputy Clerk.

13599
Filed
June 4- 1938.

Ex

Richard
of the
Decea

Cora

Richard
Patton
and
sale
careful
of sa
Execution
it is
and
execu
the
court
that
terest
his
right,
its
to th
purch
Hund

plead
of sa
Dolla
waive
ocore
The
of sa
and
of W
Patto
divid
said
the
prem
and
the
as
prem

13599
Filed
June 4- 1938.

Entry Confirming Sale - Ordering Deed and Distribution.
Probate Court of Union County, Ohio.

Richard Patton as Administrator
of the Estate of Tillie Patton,
Deceased,
Plaintiff,

vs.

Cora Dau Hoore, et al.,
Defendants.

No. 13599.
June 4- 1938.

This day this matter came on for hearing on the report of Richard Patton as the administrator of the estate of Tillie Patton 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 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 Tillie Patton in said real estate, and the court finds from the answer of the said Richard Patton that he was the owner of the undivided one-fourth interest in said estate and by pleading herein requested his interest be sold, it is further ordered that all the right, title, interest and claim of the said Richard Patton in and to said real estate be included in said deed to the purchasers, George W. Hill and Neva Hill, upon said purchasers paying therefor the sum of One Thousand Eight Hundred ($1800.00) Dollars, in cash.

Said cause coming on further to be heard upon the pleadings herein and upon motion to distribute the proceeds of said sale, amounting to One Thousand Eight Hundred Dollars, the court finds the said Richard Patton has waived all his right to any dower in said real estate owned by the said Tillie Patton at time of decease. The court finds there is due The Citizens Federal Savings & Loan Association upon the note set forth in its answer and cross petition the sum of $767.92 three-fourths of which is a valid charge against the estate of Tillie Patton and one-fourth a valid charge against the undivided one-fourth interest of Richard Patton; that the said Tillie Patton and Richard Patton, spouse, to secure the payment of said note, gave a mortgage upon the premises described in the petition, which was a valid and subsisting lien upon said premises and now upon the funds in the hands of the said Richard Patton as such administrator arising from the sale of said premises. It is ordered that an entry of release

THE COL. B. B. MFG. CO. 74930

13599

and satisfaction of said mortgage lien be entered upon the records in the office of the County Recorder of Union County, Ohio, according to law.

It is further ordered that said Richard Patton as administrator out of the money in his hands, pay:

First: The costs and expenses of the sale, including all costs of the estate, in the sum of $41.50 and the sum of $0.50 to the Recorder for release and satisfaction of said mortgage.

Second: To John W. Bailey, attorney herein, for services performed for the fiduciary in connection with said sale, the sum of $50.00, which costs, expenses and fees shall be paid prior to any other payments made herein. Said fiduciary having waived any and all expenses and compensation in this matter nothing is to be paid to him.

Third: To Norman C. Boon, abstracter, for making a certificate and abstract of the real estate sold herein, the sum of $18.00 and to the County Treasurer the sum of $5.24, being the amount of taxes due on said real estate.

Fourth: The residue of said funds to be distributed to the said Richard Patton and to be used for the payment of debts and distribution in accordance with the statutes of the State of Ohio.

Approved:
L. W. Hazen - Probate Judge.
Richard Patton
John W. Bailey - Attorney for Administrator.

* Atty. for The Citizens Federal Savings + Loan Association

Filed June 4 - 1938.

Court Certificate of Release of Mortgage.
Probate Court, Union County, Ohio.
Richard Patton, Administrator of Estate of Tillie Patton, -vs- Cora Jan Hoose, et al.
No. 13599.
June 4 - 1938.
Ex. Doc. 2,

The mortgage given by Richard Patton and Tillie Patton to The Citizens Federal Savings and Loan Association and recorded in Book 110, Page 353 Records of Mortgages, in the Recorder's Office of Union County, Ohio, is released and satisfied, by proceedings in the above entitled case in said Court, this the 4th. day of June, A. D. 1938.

Seal

L. W. Hazen - Probate Judge.

13700 A
Filed
Oct. 7 - 1938.
Guthrey & Guthrey
Attorneys.

13709 A
Filed
Oct. 7- 1938,
Guthrey & Guthrey
Attorneys.

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

J. W. Campbell, Executor of
the Last Will and Testament
of Jacob Miller, Deceased,
Plaintiff,

-vs-

Anna Van Buskirk, H. L. Miller,
whose full name is unknown,
George Miller, Jesse A. Miller,
Joan Miller, Ernest Miller,
Margie Watts, Carrie Carr,
Sylvester J. Elliott, Ruth Hill,
Otto Miller, William H. Miller,
Mary Morgan, William Houk,
J. W. Campbell, as Administrator
with the Will annexed of the
Estate of Ellen Miller, deceased,
J. Wayne Hoagland, J. H. Redman,
and P. H. Gatchell, as
trustees of the La Rue Free
Baptist Church, Charles
Miller,
Defendants.

No. 10084.
Petition.

Plaintiff, for this cause of action, says that he is the duly appointed, qualified and acting Executor of the Last Will and Testament of Jacob Miller, deceased; that Jacob Miller died testate, a resident of Marion County, Ohio, on the 27th. day of January, 1928; that the Last Will and Testament of Jacob Miller was duly admitted to probate on the 30th. day of February, 1928, and said Will is recorded in Volume 18, Page 20, of the Will Records of Marion County, Ohio; that item two (2) of said Will reads as follows:

"I Give, Devise and Bequath to my wife Ellen Miller all chattels and money, whatsoever I may possess and to Ellen Miller my wife Lots in La Rue, Ohio and 50.75 acres in Jackson Twp. Union County Ohio for her natural life. After her death the real estate to be sold and distributed as follows:- To my niece Anna Van Buskirk $500.00; To my nephew H. L. Miller $1000.00; To my brother George Miller $5.00; To my nephew Jesse A. Miller $5.00; The balance to be equally divided between the following nieces and nephews, Charles Miller; Joan Miller; Ernest Miller; Margie Watts; Carrie Carr; Myrtle Elliott; Ruth Hill; Otto Miller; Will Miller; and Mary Morgan.";

that the said Jacob Miller died leaving no children surviving him, and Ellen Miller, his widow, is only kept of him; that said widow elected to take under

THE COL. B. B. MFG. CO. 74930

13700 A

said Last Will and Testament; that the said Ellen Miller died testate, a resident of La Rue, Marion County, Ohio, on the 7th. day of December, 1936, leaving the Defendants, Anna Dan Buskirk, Mary Moran, William H. Miller, and Otto A. Miller, neices and nephews respectively, her only next of kin; that the time for contesting the said Will of Jacob Miller has elapsed and there are no persons under disability who can later contest said Will; that the said Jacob Miller died seized in fee simple of the following described real estate:

Tract #1:

Situated in the County of Union, in the State of Ohio, and in the Township of Jackson, and being a part of Survey #9941, and bounded and described as follows:

Beginning at the Southeast corner of L. Harraman's land in the middle of the Essex and La Rue Pike; thence South 80° West 94.40 poles to a stake in the South line of said Harraman's land; thence South 6° East 70.60 poles to a stake in the center of the County Road; thence North 80° East along the center of said road 124 poles to a stake in the East line of Survey #9941; thence North 90° West 28.24 poles to a stake in the center of the Essex and La Rue Pike; thence with the center of said pike 48.44 poles to the place of beginning; having been appraised by the appraisers of the Estate of Jacob Miller at $3500.00.

Tract #2:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and known as being Lot No. 32, in Marsh's Second Addition to the Village of La Rue, Ohio;

Tract #3:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and known as being Lot No. 33, in Marsh's Second Addition to the Village of La Rue, Ohio;

Tracts Nos. 2 and 3 having been appraised together by the appraisers of the Estate of Jacob Miller at $300.00.

Tract #4:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and being the undivided one-half (½) interest in and to the Lot No. 159 in Marsh's Second Addition to the Village of La Rue, Ohio; having been appraised by the appraisers of the Estate of Jacob Miller at $170.00.

Tract #5:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and being the undivided one-half (½) interest in and to the Lot No. 160 in Marsh's Second Addition to the Village of La Rue, Ohio; having been appraised by the appraisers of the Estate of Jacob Miller at $25.00.

13700 A

13700 A

Tract #6:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and being the undivided one-half interest in and to the Lot No. 161 in Marsh's Second Addition to the Village of La Rue, Ohio; said Lot having been appraised by the appraisers of the Estate of Jacob Miller at $25.00;

that Ellen Miller died seized of the other undivided one-half (1/2) interest in and to Tracts Nos. 4, 5 and 6 hereinbefore described; that the Will of Ellen Miller was duly admitted to probate on the 6th. day of January, 1937, and is recorded in the Will Records, Volume 22, Page 47, in the Probate Court of Marion County, Ohio; that said Will provides as follows;

"Second: I give and bequeath to Jacob Miller, my beloved Husband - all property of every kind which I may own or be in possession of at the time of my death, for him to use as his own, during his natural life, doing with said property as he may deem best."

At the death of said Jacob Miller - It is my will and desire that the said property - thus owned by him from my Estate - be sold to the best advantage and the sum realized after said sale be applied to and used by the Trustees of the La Rue Free Baptist Church of La Rue, O. for the benefit of said Church as said Trustees think proper and best.";

that the Defendants, William H. Miller, Otto Miller, Mary Moran, and Anna Van Buskirk, are the persons who would have been entitled to the next estate of inheritance had the decedent, Ellen Miller, died intestate; that the Defendants, J. Wayne Hoagland, J. U. Redman, and P. W. Gatchell, as Trustees of the La Rue Free Baptist Church, are the devisees and legatees under the Will of Ellen Miller, deceased; that the Defendant, J. W. Campbell, is the duly appointed, qualified, and acting Administrator with the Will annexed of the Estate of Ellen Miller, deceased; that the time for contesting said Will has passed, and there are no parties under disability who may later contest said Will; that the Defendant, Sylvester J. Elliott is the widower of Myrtle Elliott, deceased; that Myrtle Elliott was one of the devisees and legatees under the Will of Jacob Miller, deceased; that Myrtle Elliott died leaving no children; that Sylvester J. Elliott is her only heir and next of kin; that the Defendants, Anna Van Buskirk, H. L. Miller, George Miller, Jesse A. Miller, Ivan Miller, Charles Miller, Ernest Miller, Margie Watts, Carrie Carr, Sylvester J. Elliott, Ruth Hill, Otto Miller, William H. Miller,

THE COL. B. B. MFG. CO. 74930

13700 A

and Mary Moran are the devisees and legatees under the Last Will and Testament of Jacob Miller, deceased; that the Defendant William Hauk is in possession of Tract No. 1, herein described, as a tenant; that it is necessary to sell the real estate of which Jacob Miller died seized, in order to carry out the provisions of the Last Will and Testament of the said Jacob Miller, deceased; that there are no other persons who have any interest in said real estate; that Plaintiff believes and therefore avers that it would be to the best interest of the Estates of both Jacob Miller and Ellen Miller to sell Tracts Nos. 4, 5 and 6 as a whole, and to sell both the undivided interest of Jacob Miller and the undivided interest of Ellen Miller together; that Ellen Miller, deceased, is one and the same person Elon Miller, deceased.

Wherefore, Plaintiff prays that said premises be ordered sold; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; that the interest of Ellen Miller, deceased, in Tracts Nos. 4, 5 and 6 be sold along with the interest of Jacob Miller, deceased; and that your petitioner be authorized and ordered to sell said real estate to pay the legacies in the Will of Jacob Miller, and for such other and further relief as the nature of the case may require.

J. W. Campbell, Executor
of the Last Will and Testament
of the late Jacob Miller, deceased,
By- Guthery and Guthery
His Attorneys.

State of Ohio, Marion County, ss:

J. W. Campbell, being first duly sworn, deposes and says that he is the Executor of the Last Will and Testament of Jacob Miller, deceased; that the facts stated in the foregoing petition are true, as he verily believes.

J. W. Campbell.

Sworn to and subscribed before me this 10 day of February, 1938.

Mary Habermaas, Notary Public,
Marion County, Ohio.

Filed Feb. 11- 1938.

In Probate Court, Marion County, State of Ohio.

J. W. Campbell, Executor of the Last will and testament of Jacob Miller, dec'd.

Plaintiff,

against.

Anna Van Buskirk, et al.

Defendant.

Journal Entry.

Sale of Real Estate.
Petition filed.
Hearing Set.
Feb. 11th. 1938.

13700 A

esta
petit
orde
purp
cost

notic
to
cour
at
petit
file

f. W
Has
of

Aug

with
and
add

that
Add
Ella
by
Gu
on
Aug
Oth
nec
J. L
ope
dec
the

Sta
ins
Ad
hea
Un

13700 A

This day came J. W. Campbell as the executor of the estate of Jacob Miller deceased, and filed herein his certain petition duly certified as required by law asking for an order to sell the real estate therein described, for the purpose of paying the debts of said decedent and the costs of administration of said estate.

Whereupon it is ordered by the court that due and legal notice of the pendency and prayer of said petition be given to all defendants herein as required by law. And the court do now fix Monday the 28th. day of March 1938, at 10 o' clock A. M., as the time for hearing on said petition, and this cause continued accordingly.

Filed Feb. 17th. 1938. Oscar Gash- Probate judge.

In the Probate Court, of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased, Plaintiff,

-vs-

Anna Van Buskirk, et. al., Defendants.

No. 10084.

Answer and Cross Petition of J. W. Campbell, Administrator with the Will Annexed, of the Estate of Ellen Miller, Deceased.

Answer.

Now comes the Defendant, J. W. Campbell, Administrator with the Will annexed, of the Estate of Ellen Miller, deceased, and for his answer to Plaintiff's Petition says that he admits all of the allegations therein contained to be true.

Cross Petition.

This answering Defendant for his Cross Petition says that he is the duly appointed, qualified and acting Administrator, with the Will annexed, of the Estate of Ellen Miller, deceased, having received this appointment by the Probate Court of Marion County, Ohio; that Ellen Miller died testate, a resident of Marion County, Ohio, on the 7th. day of December, 1936, leaving the Defendants Anna Van Buskirk, Mary Moran, William H. Miller and Otto A. Miller, niece and nephews respectively, her only next of kin; that the Defendants J. Wayne Hoagland, J. E. Redman and P. H. Gatchell, as Trustees of the La Rue Free Baptist Church, are the legatees and devisees under the Last Will and Testament of Ellen Miller, deceased; that Ellen Miller died seized in fee simple of the following described real estate:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and being the undivided one-half (½) interest in and to the Lot No. 159 in Marsh's Second Addition to the Village of La Rue; said premises having been appraised by the appraisers of the Estate of Ellen Miller at $125.00.

THE COL. B. B. MFG. CO. 74930

13700 A

Also, situated in the Village, County and State aforesaid, and being the undivided one-half (1/2) interest in Lot No. 160 in Marsh's Second Addition to the Village of La Rue; said premises having been appraised by the appraisers of the Estate of Ellen Miller at $12.50.

Also, situated in the Village, County and State aforesaid, and being the undivided one-half (1/2) interest in and to Lot No. 161 in Marsh's Second Addition to the Village of La Rue; said premises having been appraised by the appraisers of the Estate of Ellen Miller at $12.50;

that the Will of Ellen Miller was duly admitted to probate on the 6th. day of January, 1937, and is recorded in Volume 22, page 47, in the Will Records of Marion County, Ohio; that the time for contesting said Will has elapsed, and there are no persons under disability who can later contest said Will; that said Will provides as follows:

"Second: I give and bequeath to Jacob Miller, My beloved Husband - all property of every kind which I may own or be in possession of at the time of my Death, for him to use, as his own, during his natural life, doing with said property as he may deem best.

At the death of said Jacob Miller - It is my will and desire that the said property - Thus owned by him from my Estate - be sold to the best advantage and the Sum realized after said sale - be applied to and used by the Trustees of the La Rue Free Baptist Church of La Rue, O. for the Benefit of said Church as said Trustee think proper and best.";

that it is necessary to sell the real estate herein described, to carry out the provisions of said Last Will and Testament; that the Plaintiff, J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, H. R. Miller, Anna Dau Buskirk, George Miller, Jess A. Miller, Joan Miller, Charles Miller, Ernest Miller, Margie Watts, Carrie Carr, Sylvester J. Elliott, Ruth Hill, Otto Miller, William H. Miller, and Mary Morgan, are all of the parties interested in the other undivided one-half (1/2) interest in the premises herein described; that it would be for the best interests of the Estate of Ellen Miller to sell Lots Nos. 159, 160 and 161 in Marsh's Second Addition to the Village of La Rue, Ohio as a whole.

Wherefore, Cross Petitioner prays that said premises be ordered sold; and that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that the interests of the heirs, devisees and legatees of Jacob Miller, deceased, be sold along with the interests of Ellen Miller, deceased; that your Cross Petitioner be authorized and ordered to sell said real estate to carry out the provisions

13700 A

ate aforesaid,
in Lot No.
La Rue; said
of the
ate aforesaid,
in and to
illage of La Rue;
praisers of
itted to pro-
recorded in
ion County,
has elapsed,
ho can later
as follows:
Miller, My
ich I make
y death,
tural life,
best.
my will
owned by him
and the
d to and
N Church
as said

described,
and Testament;
the Last Will
L. Miller,
ller, Joan
atts, Carrie
n, William
parties in-
interest in
be by the
ell Note Nos.
to the Dil-

d, premises
ts and
, adjusted.
he heirs,
eased, be
er, deceased;
and ordered
provisions

13700 A

of the Will of Ellen Miller, deceased, and for such other and further relief as the nature of the case may require.

J. W. Campbell, Administrator with the Will annexed, of the Estate of Ellen Miller, deceased.
By- Guthery & Guthery-His Attorneys.

State of Ohio, Marion County, ss:

J. W. Campbell, being first duly sworn, deposes and says that he is the Administrator with the Will annexed, of the Estate of Ellen Miller, deceased; that the facts stated in the foregoing Answer and Cross Petition are true, as he verily believes.

J. W. Campbell.

Sworn to and subscribed before me this 10th. day of February, 1938.

Mary Haberman, Notary Public,
Marion County, Ohio.

Filed Feb. 11- 1938.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, Plaintiff,
-vs-
Anna Van Buskirk, et al., Defendants.

No. 10084.
Precipe.

To the Clerk:

Issue Summons on Petition directed to the Sheriff of Marion County, Ohio for the Defendants J. Wayne Hoagland, J. U. Lehman, and P. H. Gatchell, as Trustees of the La Rue Free Baptist Church, endorsed: "Action for sale of real estate to pay legacies and to carry out provisions of Will".

Filed Feb. 11th., 1938.

Guthery and Guthery
Attorneys for Plaintiff.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, Plaintiff,
-vs-
Anna Van Buskirk, et al., Defendants.

No. 10084.
Precipe.

To the Clerk:

Issue summons on Cross Petition directed to the Sheriff of Marion County, Ohio for the Defendants J. Wayne Hoagland, J. U. Lehman, and P. H. Gatchell, as Trustees of the La Rue Free Baptist Church, endorsed:

THE COL. B. B. MFG. CO. 74930

13700 A "Action for sale of real estate to pay legacies and to carry out provisions of Will."

Guthery and Guthery- Attorneys for J. W. Campbell, Administrator with the Will annexed, of the Estate of Ellen Miller, deceased.

Filed Feb. 11th- 1938.

Summons
Civil Action. To Sell Real Estate.
Probate Court.

The State of Ohio, Marion County, ss.

To the Sheriff of Marion County, Greeting:

You are commanded to notify J. Wayne Hoagland, J. W. Lehman and P. H. Gatchell, as Trustees of the La Rue True Baptist Church of La Rue, Ohio; Action for sale of real estate to pay legacies and to carry out provisions of Will; that they have been sued by J. W. Campbell as Executor of the estate of Jacob Miller, dec'd. in the Probate Court of Marion County, and that unless they answer by the 12th. day of March 1938, the petition of said plaintiff against them, filed in said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 21st day of February 1938.

Witness my signature and the seal of said Court, this 11th. day of Feb. 1938.

Oscar Gast- Judge & Ex-Officio Clerk.
By- Warren Buell- Deputy Clerk.

Filed Feb. 15th. 1938.

Sheriff's Return.

Sheriff's Office, Marion County, Ohio.
February 15th. 1938.

Received this summons on the 14th. day of February 1938, at 9:00 o'clock A.M., and pursuant to its command, I forthwith served the same on the 15th. day of February 1938, by handing a certified copy of it, with the indorsements thereon, personally to the within named J. Wayne Hoagland, and J. W. Lehman, as Trustees of the La Rue True Baptist Church of La Rue, Ohio and on the same date I left a true and certified copy of this writ with all the endorsements thereon, at the usual place of residence and for the within named P. H. Gatchell, as Trustee of the La Rue True Baptist Church of La Rue, Ohio.

Fred R. Miller- Sheriff.

Fees- $4.93

13700 A

The
To
Ledg
Bapt
est
and
and
expe
dec
they
cop
the
then
peti
ac
the
this
Fil
A.
ser
del
the
Ho
La
the
of
the
P.
Ch
by
Ja
Fee

and to

ny- Attorneys
, Administrator
ased, of the
es, deceased.

13700 A

Summons on Answer and Cross Petition.

The State of Ohio, Marion County, ss:
To the Sheriff of Marion County, Greeting:

You are commanded to notify J. Wayne Hoagland, J. W. Ledbetter, and P. H. Satchell as Trustees of the La Rue Free Baptist Church of La Rue, Ohio; Action for sale of real estate to pay legacies and to carry out provisions of Will.

That J. W. Campbell, Administrator with the Will annexed of the estate of Ellen Miller, dec'd., has filed an answer and cross-petition in the case of J. W. Campbell executor of the last will and testament of Jacob Miller, dec'd. in the Probate Court of — County, and that unless they answer by the 12th. day of March 1938 the answer and cross petition of the said J. W. Campbell Administrator with the will annexed of the estate of Ellen Miller, dec'd., against them filed in said Court, such answer and cross-petition will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 21 st. day of February 1938.

Witness my Signature and the seal of said Court, this 11th. day of February, 1938.

Oscar Gast- Judge & Ex-Officio Clerk.
By- Warren Rull- Deputy Clerk.

Filed Feb. 15th. 1938.

Sheriff's Return.

Sheriff's Office, Marion County, Ohio.
February 15th, 1938.

Received this Writ February 14th. 1938, at 9 o'clock A. M, and pursuant to its command, I forthwith served the same on the — day of February 1938, by delivering a true copy of it, with the indorsements thereon, personally to the within named J. Wayne Hoagland, and J. W. Ledbetter, as Trustees of the La Rue Free Baptist Church of La Rue, Ohio, and on the same date I left a true and certified copy of this writ with all the endorsements thereon, at the usual place of residence and for the within named P. H. Satchell, as Trustee of the La Rue Free Baptist Church of La Rue, Ohio; and on the — day of — 19— by leaving a true copy of it, with the indorsements thereon, at the usual place of residence of the within named —.

Fred O. F. Willis- Sheriff.

Fees- $4.93.

THE COL. B. B. MFG. CO. 74930

13700 A

Precipe for Summons.
Probate Court, Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Dec'd. Plaintiff,

-vs-

Anna Van Buskirk, et al, Defendants.

No. 10084.
Civil Action to Sell Real Estate.
Precipe.

To the Judge and Ex-Officio Clerk of said Court:

Issue Summons to the above entitled case, for Sylvester J. Elliott, R. R. D. Marysville, Ohio, endorsed "Action to sell real estate to pay legacies," directed to the Sheriff of Union County, returnable according to law.

Guthery and Guthery
Plaintiff's Attorneys.

Filed April 18th-1938.

Summons.
Civil Action. To Sell Real Estate.

The State of Ohio, Marion County, ss. Probate Court.

To the Sheriff of Union County, Greeting:

You are commanded to notify Sylvester J. Elliott residing at R. R. D. Marysville, Ohio; that he has been sued by J. W. Campbell as Executor of the estate of Jacob Miller, deceased, in the Probate Court of Marion County, and that unless — answer by the 21st. day of May 1938, the petition of said plaintiff against him filed in said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 2nd. day of May, 1938.

Witness my Signature and the seal of said Court, this 18th. day of April, 1938.

Oscar Gast- Judge & Ex-Officio Clerk.
By- Warren Bell- Deputy Clerk.

Filed April 26th. 1938.

Sheriff's Return.

Sheriff's Office, Union County, Ohio.

Received this summons on the 20th. day of April, 1938, at 9 o'clock A. M., and pursuant to its Command, do forthwith served the same on the — day of April, 1938, by leaving a certified copy of it, with the indorsements thereon, at the usual place of residence of the within named Sylvester J. Elliott.

H. S. Rocca- Sheriff.

Fee - $2.56.

13700 A

13700 A

Waiver of Summons.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased, Plaintiff, vs. Anna Van Buskirk, et al., Defendants.

No. 10084. Waiver of Summons.

The undersigned hereby waives the issuance of service of Summons herein, on the Petition of the Plaintiff and the Cross Petition of J. W. Campbell, administrator with the will annexed of the estate of Ellen Miller, deceased, and enters appearance herein, and consents and waives the Rule Day, and consents to an immediate Order of Sale of the real estate described in the Petition and in the Cross Petition, and consents that the real estate of which Jacob Miller, deceased, and Ellen Miller, deceased, owned a one-half (½) interest each, be sold together and as a whole.

Anna Van Buskirk.
H. L. Miller.
George Miller.
Jesse A. Miller.
Roan Miller.
Ernest Miller.
Margie Watts.
Carrie Carr.
Ruth Hill.
Otto Miller.
William H. Miller.
Mary Moray.
William Houk.
Charles Miller.

Filed April 18th. 1938.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased, Plaintiff, vs. Anna Van Buskirk, et al., Defendants.

No. 10084. Motion.

Now comes J. W. Campbell, as Administrator of the estate of Ellen Miller, deceased, and says that the defendant, J. W. Redman, trustee, is no longer a trustee of the Da Ree Free Baptist Church; that his successor as trustee is J. J. Johnson of La Rue, Ohio; and he therefore moves the court that J. J. Johnson, as

THE COL. B. B. MFG. CO. 74930

13700 A

Trustee of the La Rue Free Baptist Church, be made a party defendant herein.

Guthery and Guthery - Attorneys for J. W. Campbell, Administrator with the Will Annexed, of the estate of Ellen Miller, deceased.

Filed April 19th. 1938.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased, Plaintiff,

-vs-

Anna Van Buskirk, et al., Defendants.

No. 10084.
Journal Entry.

For good cause shown, J. J. Johnson, as Trustee of the La Rue Free Baptist Church is made a party defendant herein.

Oscar Bast - Judge.

Filed April 19th. 1938.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased, Plaintiff,

-vs-

Anna Van Buskirk, et al., Defendants.

No. 10084.
Precipe.

Issue summons on Petition and Cross Petition directed to the Sheriff of Marion County, Ohio, for the defendant, J. J. Johnson, as Trustee of the La Rue Free Baptist Church, endorsed "Action for Sale of Real Estate to Pay Legacies and to Carry out Provisions of Will".

Guthery and Guthery - Attorneys for Plaintiff and for J. W. Campbell, Administrator with the Will Annexed of the estate of Ellen Miller, Deceased.

Filed April 19th - 1938.

Summons.
Civil Action. To Sell Real Estate.

The State of Ohio, Marion County, ss. Probate Court.

To the Sheriff of Marion County, Greeting:

You are commanded to notify J. J. Johnson of La Rue, Ohio, that he has been sued by J. W. Campbell as Executor of the Last Will and Testament of Jacob Miller dec'd., in the Probate Court of Marion County, and that unless — answer by the 21 st. day of May 1938,

13700 A

made a

attorneys
Administrator
ed, & the
r, deceased.

ty, Ohio.

Trustee
a party

ge.

Ohio.

Petition
for the
La Rue True
& Real
Provisions

ey - Attorneys
for J. W.
ator with
the estate
Deceased.

ate.
Court.

on of La Rue,
bell as
Jacob Miller
and that
day 1938,

13700 A

the petition of said plaintiff against him filed in said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 2nd. day of May, 1938.

Witness my signature and the seal of said Court, this 19th. day of April, 1938.

Oscar Gast - Judge and Ex-Officio Clerk.
By Warren Buell - Deputy Clerk.

Filed May 2nd - 1938.

Sheriff's Return.
Sheriff's Office, Marion County, Ohio.
April 30th - 1938.

Received this summons on the 19th. day of April, 1938, at 4 o'clock P. M., and pursuant to its command, I forthwith served the same on the — day of April 1938, by handing a certified copy of it, with the indorsements thereon, personally to the within named J. J. Johnson of La Rue, Ohio.

Fred H. Miller - Sheriff.

Fees - $3.15.

Summons on Answer and Cross Petition.

The State of Ohio, Marion County, ss.
To the Sheriff of Marion County, Greeting:

You are commanded to notify J. J. Johnson as Trustee of the Free Baptist Church of La Rue, Ohio.

That J. W. Campbell, Administrator with the will annexed of the estate of Ellen Miller, dec'd., has filed an answer and cross petition in the case of J. W. Campbell as Executor of the Last Will and Testament of Jacob Miller, dec'd., in the Probate Court of Marion County, and that unless he answer by the 21st. day of May 1938 the answer and cross-petition of the said J. W. Campbell against him filed in said Court, such answer and cross-petition will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 2nd. day of May, 1938.

Witness my signature and the seal of said Court, this 19th. day of April, 1938.

Oscar Gast - Judge & Ex-Officio Clerk.
By Warren Buell - Deputy Clerk.

May 2nd. 1938.

THE COL. B. B. MFG. CO. 74930

13700 A

Sheriff's Return.
Sheriff's Office, Marion County, Ohio.
April 20th. 1938.

Received this writ April 19th. 1938, at 4 o'clock P.M., and pursuant to its command, I forthwith served the same on the 20th. day of April 1938, by delivering a true copy of it, with the indorsements thereon, personally to the within named J. J. Johnson as Trustee of the Free Baptist Church of La Rue, Ohio.

Fred H. Miller - Sheriff.

Fees - $3.15.

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

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, dec'd.,
Plaintiff,
-vs-
Anna Van Buskirk, et al.,
Defendants.

No. 10084.
Civil Action to Sell Real Estate.
Waiver of Summons & 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.

Sylvester L. Elliott.
of Marion County, Ohio.

Filed April 27th. 1938.
In the Probate Court
J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased,
Plaintiff,
-vs-
Anna Van Buskirk, et al.,
Defendants.

No. 10084.
Answer of the Trustees of the LaRue Free Baptist Church.

Now comes J. Wayne Hoagland, J. J. Johnson and P. H. Satchell, as Trustees of the LaRue Free Baptist Church, and for their answer to the Petition and to the Cross-Petition of J. W. Campbell, as Administrator with the Will Annexed of the estate of Ellen Miller, deceased, say that they admit the allegations of Plaintiff's Petition and the allegations of the Cross Petition of J. W. Campbell as Administrator with the Will Annexed of the estate of Ellen Miller, deceased, to be true; that they consent to the immediate sale of the real estate described in said Petition and said Cross Petition and further consent that the properties in which Jacob Miller and

13700 A

13700 A

Ellen Miller each had an undivided interest be sold as a whole.

Wherefore, these answering Defendants pray that the Court protect their interest in the premises described in the Petition and the Cross Petition and for such other relief as the nature of the case may requires.

Wayne Hoagland.
P. H. Gatchell.
L. J. Johnson.
Trustees of LaRue Free Baptist Church.

Filed May 17th - 1938.

State of Ohio, Marion County, ss:

L. Wayne Hoagland, L. J. Johnson, P. H. Gatchell, being first duly sworn say that they are the Trustees of La Rue Free Baptist Church; that the facts stated in the foregoing Petition are true as they verily believe.

L. Wayne Hoagland.
Berry H. Gatchell.
L. J. Johnson.

Sworn to and subscribed before me this 7 day of April, 1938.

Thelma Smiley-Notary Public,
Marion County, Ohio.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and testament of Jacob Miller, Deceased, Plaintiff,

vs.

Anna Van Buskirk, et al., Defendants.

No. 10084.
Journal Entry.

This day this cause came on to be heard upon the petition, the answer and cross-petition of J. W. Campbell as administrator with the Will Annexed of the estate of Ellen Miller, deceased, the answer of the Trustees of the La Rue Free Baptist Church and the evidence; and the court finds that all of the defendants herein have been duly and legally served with process or have voluntarily entered their appearance herein and consent to the sale prayed for and are properly before the court. The court further finds that it would be to the best interests of the estate of Jacob Miller, deceased, and the estate of Ellen Miller, deceased, to sell the entire interest in the tracts described in the petition and cross-petition in which Jacob Miller and Ellen Miller each had an undivided interest and that said premises should be sold as a whole. The court further finds

THE COL. B. B. MFG. CO. 74930

13700 A

that all of the parties in interest consent to selling the real estate, in which each of said decedents had an interest, as a whole. The court further finds that it is necessary to sell said real estate to pay the costs of administration, the debts of Ellen Miller and to carry out the provisions of the Wills of Jacob Miller, deceased, and Ellen Miller, Deceased, and that the prayer of the petition and cross-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 C. M. Tammyhill, F. W. Markey, and C. M. Seffner, three judicious and disinterested persons of the vicinity not next of kin of the petitioner and cross-petitioner be, and they are hereby appointed to appraise said real estate at its true value in money free from any dower; and it is further ordered that they appraise the real estate in which said decedents each had an undivided half interest in its entirety and as a whole, and that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon the actual view at its fair cash value and discharge the duties required by them according to law and to make return of their proceedings to this court and this cause is continued for further proceedings.

Oscar Gast- Judge.

Filed May 17- 1938.

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, Deceased,
Plaintiff,
-vs-
Anna Van Buskirk, et al.,
Defendants.

No. 10084.
Journal Entry.

This day this matter came on 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 is hereby approved and confirmed.

It is further ordered that J. W. Campbell as executor of the Last Will and Testament of Jacob Miller deceased, execute 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 further appearing that J. W. Campbell as administrator with the Will Annexed of the Estate of Ellen Miller, deceased, has furnished bond in the sum

13700 A

13700 A

of Fifteen Hundred Dollars ($1500.00) with the approval of the court and that said bond is sufficient to cover the personal property and the real estate of said Ellen Miller, deceased; it is ordered that further bond in that estate be dispensed with.

And it now appearing to the court that the plaintiff has given additional bond in the sum of Five Thousand Dollars ($5,000.00) with approved sureties conditioned according to law and said bond is hereby approved; it is now ordered that the said J. W. Campbell as executor of the last Will and Testament of Jacob Miller, deceased, and as administrator with the will annexed of the estate of Ellen Miller, deceased, proceed to advertise for sale on the premises the real estate in the petition and cross-petition described as provided by law and that he advertise tract No. 1 for sale on the 25th. day of June, 1938, at 10:00 A.M. and all of the others of tracts on the 25th. day of June, 1938 at 2:00 P.M. That said real estate be advertised and sold according to law at not less than two-thirds (2/3) of the appraised value thereof, terms cash on day of sale and plaintiff is ordered to make return forthwith upon such sale.

It further appearing that tillable fields of Tract No. 1 have been rented to Arnold Bryer. It is ordered that said sale of Tract No. 1 be subject to said lease and if said premises are sold the landlords share of said lease be assigned to the purchaser.

Oscar Yost - Judge.

Filed May 19 - 1938.

Order of Appraisement.

The State of Ohio, Marion County, ss. Probate Court.

To J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, dec'd., Greeting:

In obedience to an order of the Probate Court of said County, made this day in a certain action No. 10084 now pending in said Court J. W. Campbell, executor of the estate of Jacob Miller, dec'd., are Plaintiff and Anda Day Buspirk et al are Defendants, you are commanded that by C. M. Tannyhill, J. M. Mabry and T. F. Seffner judicious and disinterested persons of the vicinity, not kin of either of the petitioners, after taking the oath required by law, and upon actual view, you cause an appraisement to be made at its true value in money of the following described real estate free of dower, to-wit:

Tract No. 1. Situated in the County of Union, in the State of Ohio and in the Township of Jackson and being a part of Survey No. 9941 and bounded and

THE COL. B. B. MFG. CO. 74930

13700 A

described as follows:

Beginning at the Southeast corner of L. Harraman's land in the middle of the Essex and La Rue Pike; thence South 80 deg. West 94.40 poles to a stake in the South line of said Harraman's land; thence South 6 deg. East 70.60 poles to a stake in the center of the County Road; thence North 80 deg. East along the center of said road 124 poles to a stake in the East line of Survey No. 9941; thence North 20 deg. West 28.24 poles to a stake in the center of the Essex and La Rue Pike; thence with the center of said pike 48.44 poles to the place of beginning:

Tract No. 2: Situated in the Village of La Rue, County of Marion, and State of Ohio, and known as being Lot No. 32 in Marsh's Second Addition to the Village of LaRue, Ohio.

Tract No. 3. Situated in the Village of La Rue, County of Marion and State of Ohio, and known as being Lot No. 33 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 4. Situated in the Village of La Rue, County of Marion and State of Ohio, and being Lot No. 159 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 5. Situated in the Village of La Rue, County of Marion and State of Ohio, and being Lot No. 160 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 6. Situated in the Village of La Rue, County of Marion, and State of Ohio, and being Lot No. 161 in Marsh's Second Addition to the Village of La Rue, Ohio.

You will make return of your proceedings herein to said Probate Court on or before the — day of — 19—, and have you then and there this writ.

Witness my signature and the seal of said Court, this 17th. day of May, 1938.

Oscar Gast- Judge & Ex-Officio Clerk.
By- Warren Ball- Deputy Clerk.

Return.

To the Probate Court of Marion 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 18 th. day of May, 1938.

J. W. Campbell - Exr.

13700 A

13700 A

Oath of Appraisers.

The State of Ohio, Marion 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.

C. M. Tannyhill
J. M. Warfey
C. H. Seffner
} Appraisers.

Filed May 19th. 1938.

Sworn to before me and signed in my presence, this 18th. day of May, 1938.

Thelma Smiley, Notary Public,
Marion County, Ohio.

Filed May 19th. 1938.

Appraisers Return.

In obedience to the foregoing order, after being first duly sworn and upon actual view of the real estate therein described, we, the undersigned appraisers, appraise the true value in money of said real estate at Twenty six Hundred, Sixty five No/100 Dollars ($2665.00) Love & dower, Tract No. 1, $2460.00 - Tract No. 2, $45.00- Tract No. 3, $45.00. Tract No. 4- $100.00- Tract No. 5, $37.50- Tract No. 6, $37.50.

Given under our hands, this 18th. day of May, 1938.

C. M. Tannyhill.
J. M. Warfey.
C. H. Seffner.
} Appraisers.

Bond.

Know All Men By these Presents, That we, J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, and The Ohio Casualty Insurance Company, are held and firmly bound to the State of Ohio, in the penal sum of Five Thousand and No/100 Dollars, to the payment of which sum we jointly and severally bind ourselves, our successors, heirs, executors and administrators.

Signed by us and dated this 19th. day of May 1938.

The condition of the above obligation is such, that if the above bounden J. W. Campbell, as Executor of the Last Will and Testament of Jacob Miller, deceased, shall faithfully discharge his duties and pay and account for all monies arising from the sale of the Real Estate in the action entitled as endorsed hereon, according to law, then this obligation to be void, otherwise to remain in full force and virtue in law.

J. W. Campbell.
The Ohio Casualty Insurance Co.
W. W. Thompson - Atty. in fact

Executed in Presence of
Howard Guthery.

THE COL. B. B. MFG. CO. 74930

13700 A. This bond approved in open Court, this 19th. day of May, 1938.
Oscar Gast- Judge.
Filed May 19th. 1938.

Order of Sale.
(Public Sale)

The State of Ohio, Marion County, ss. Probate Court.
To J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, dec'd. and Administrator with the Will Annexed of the Estate of Ellen Miller, dec'd. Greeting:

In obedience to an order, and decree of the Probate Court, within and for said County, made this day, in a certain action, wherein you as Executor and as Administrator are Plaintiff and Anna Van Buskirk et al., are Defendants, you are commanded to proceed according to law, to sell at public auction, for not less than two-thirds the appraised value thereof, free of dower, the following described real estate, to-wit:

Tract No. 1. Situated in the County of Union, in the State of Ohio and in the Township of Jackson and being a part of Survey No. 9941 and bounded and described as follows:

Beginning at the Southeast corner of R. Harraman's land in the middle of the Essex and La Rue Pike; thence South 80 deg. West 94.40 poles to a stake in the South line of said Harraman's land; thence South 6 deg. East 70.60 poles to a stake in the center of the County Road; thence North 80 deg. East along the center of said road 124 poles, to a stake in the East line of Survey No. 9941; thence North 10 deg. West 28.24 poles to a stake in the center of the Esex and La Rue Pike; thence with the center of said pike 48.44 poles to the place of beginning.

Tract No. 2. Situated in the Village of La Rue, County of Marion and State of Ohio, and known as being Lot No. 32 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 3. Situated in the Village of La Rue, County of Marion and State of Ohio, and known as being Lot No. 33, in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 4. Situated in the Village of La Rue, County of Marion and State of Ohio, and being Lot No. 159 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 5. Situated in the Village of La Rue, County of Marion and State of Ohio, and being Lot No. 160 in Marsh's Second Addition to the Village of La Rue, Ohio.

Tract No. 6. Situated in the Village of La Rue, County of Marion and State of Ohio, and being Lot No. 161 in Marsh's Second Addition to the Village of La Rue, Ohio.

13700 A Said
day
on
on
two
secu
inter
will
by a
prep
Ohio
fort
this
To
the
by
real
and
app
rate
207
stat
real
No.
and
at,
bid
for
Bu
6
for
Ben
bein
real
bid

13700 A

Said sale to be at the premises in this County, on the 25th day of June 1938, at 10 o'clock A. M., and 2 P. M. and on the following terms, to-wit, one-third cash in hand on day of sale, one third in one year and one-third in two years from the day of sale; deferred payments to be secured by mortgage on the premises sold and to bear interest from the day of sale, payable annually. You will give notice of the time and place of such sale by advertisement at least four weeks successively in some newspaper printed in Union County and Marion County, Ohio, where the lands are situated.

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

Witness my signature and the seal of said Court, this 19th. day of May, 1938.

Oscar Kast - Judge and Ex-Officio Clerk.
By Warren Bell - Deputy Clerk.

Return.

To the Probate Court of Marion 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 14th. day of July, 1938.

F. W. Campbell - Executor of the Last Will and Testament of Jacob Miller, dec'd. and Admr. with the Will annexed of the estate of Ellen Miller, dec'd.

Report of Sale.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the La Rue News and The Richwood Gazette, newspapers printed in Marion and Union Counties, Ohio, where the lands are situated, for at least four weeks successively prior to the 25th. day of June, 1938, 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. and 2:00 P. M., I attended at the premises in Union and Marion Counties and offered said real estate for sale at public auction, for & dower, when Walter H. Davis bid $2050.00 for Tract No. 1- George Wheeler bid $68.00 for Tract No. 2- and $68.00 for Tract No. 3- Anna Van Buskirk bid a total of $405.00 for Tracts Nos. 4, 5, and 6 divided as follows: $305.00 for Tract No. 4, $50.00 for Tract No. 5 and $50.00 for Tract No. 6 which being the highest and best bid that was offered, and being more than two-thirds the appraised value of said real estate, I then and there sold the same to the bidders for those sums.

THE COL. B. B. MFG. CO. 74930

13700 A

Dated this 14th. day of July 1938.
J. W. Campbell - Executor of the Last Will and Testament of Jacob Miller, dec'd. and Administrator with the Will Annexed of the estate of Ellen Miller, dec'd.

Filed Jul. 14 - 1938.

In the Probate Court, Marion County, Ohio.
In the Matter of the Estate of Jacob Miller, Deceased | Notice of Sale Filed. July 8th. A. D. 1938.

This day came Elmer E. Blazer, Publisher representing the La Rue News, a newspaper printed and of general circulation in Marion County, Ohio, and filed herein a proof of the publication of the Notice of Sale of Real Estate by J. W. Campbell as Executor of the estate of Jacob Miller, deceased, duly verified by the affidavit of said Elmer E. Blazer.

And it appearing to the Court that said notice has been published for four consecutive weeks, as required by law, and that the same is in all respects regular and correct, the Court hereby approves the same, and orders that said notice be placed on the record in this Court according to the Statutes in such case made and provided.

Oscar Gask.

Filed July 8th. 1938.

Notice of Public Sale.

In the pursuance of the order of the Probate Court of Marion County, Ohio, I will offer for sale at public auction on the 25th. day of June, 1938. at 10:00 o'clock a. m., on the premises the following described real estate situated in the County of Union and State of Ohio, to-wit:

Tract No. 1. Situated in the County of Union, in the State of Ohio and in the Township of Jackson and being a part of Survey No. 9941 and bounded and described as follows:

Beginning at the southeast corner of L. Harraman's land in the middle of the Essex and La Rue Pike; thence South 80 deg. West 94.40 poles to a stake in the South line of said Harraman's land; thence South 6 deg. East 70.60 poles to a stake in the center of the County Road; thence North 80 deg. East along the center of said road 124 poles to a stake in the East line of Survey 9941; thence North 90 deg. West 28.24 poles to a stake in the center of the Essex and La Rue Pike; thence with the center of said pike 48.44 poles to the place of beginning.

Said premises are appraised at Twenty-four Hundred Dollars ($2400.00), and must be sold for not

13700 A

less
the
descr
Comm
cont
N
soy
The

Sta

oath
tach
and
new

This

Prin
Files

In
of
the
circ
a
Esta
Jaco
of
Lee
by
Jan
ord
the
an
Fil

13700 A

less than two-thirds (2/3) of said appraised value, and the terms of the sale are cash on day of sale. The above described premises are known as the Jacob Miller farm in Jackson Township, Union County, Ohio, and contain 50.75 acres, more or less.

The tillable fields of said premises are leased for a soy bean crop, two-fifths (2/5) being the landlord's share. The purchaser will take the landlord's share.

J. W. Campbell - Executor of the Last Will and Testament of Jacob Miller, deceased.

State of Ohio, Union County.

Personally appeared before me B. A. Keigley and made oath, that the notice, a copy of which is hereto attached, was published for 4 consecutive weeks on and after May 26, 1938 in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

B. A. Keigley.

Sworn to before me and signed in my presence this 18th. day of July, A. D. 1938.

Ralph Fayenaugh - Notary Public, Union County, Ohio.

Printer's Fee - $14.64

Filed July 19 - 1938.

In the Probate Court, Marion County, Ohio.

In the Matter of the Estate of Jacob Miller, Deceased. | Notice of Sale Filed. July 19th. A. D. 1938.

This day came B. A. Keigley, Publisher, representing the Richwood Gazette, a newspaper printed and of general circulation in Marion County, Ohio, and filed herein a proof of the publication of the Notice of Sale of Real Estate by J. W. Campbell as Executor of the estate of Jacob Miller, deceased, duly verified by the affidavit of said B. A. Keigley.

And it appearing to the Court that said notice has been published for four consecutive weeks as required by law; and that the same is in all respects regular and correct; the Court hereby approves the same, and orders that said notice be placed on the record in this Court according to the Statutes in such case made and provided.

Oscar Gash.

Filed July 19 - 1938.

THE COL. B. B. MFG. CO. 74930

13700 A

In the Probate Court of Marion County, Ohio.

J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, Plaintiff,

vs.

Anna Van Buskirk, et al, Defendants.

No. 10084.
Journal Entry.

This day this cause came on to be heard on the report of J. W. Campbell, Executor of the Last Will and Testament of Jacob Miller, deceased, and J. W. Campbell, as Administrator with the Will Annexed of the Estate of Ellen Miller, deceased, of his proceedings under the former order of this Court and upon motion of said petitioner to confirm the sales 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 sales were fairly and legally made, it is ordered that the same be and they are hereby approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Jacob Miller in and to the real estate described in the Petition as Tract No. 1 to Walter H. Davis, subject to the rights of the share cropper, Arnold Bruer, upon said purchaser paying to said petitioner the purchase money in the sum of Two Thousand Fifty Dollars ($2,050.00).

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Jacob Miller in the real estate described in the Petition as tracts Nos. 2 and 3 to the purchaser, George Obedier, upon the payment by said purchaser to the petitioner of the purchase price of said tracts in the total sum of One Hundred Thirty six Dollars, ($136.00).

It is further ordered that the said J. W. Campbell as Executor of the Last Will and Testament of Jacob Miller, deceased, and as the Administrator with the Will Annexed of the Estate of Ellen Miller, deceased, execute a deed of all the right, title and interest of the said Jacob Miller and the said Ellen Miller in the real estate described as follows:

Situated in the Village of La Rue, County of Marion, and State of Ohio, and being Lots Nos. 159, 160 and 161 in Marsh's Second Addition to the Village of La Rue, Ohio; to the purchaser, Anna Van Buskirk, upon said purchaser paying to the said J. W. Campbell as Executor and Administrator as aforesaid the purchase money for said premises, amounting to Four Hundred Five Dollars ($405.00);

13700 A

13700 A

And now this cause coming on further to be heard upon the pleading herein and upon the motion to distribute the proceeds of the sales, amounting to the sum of Two Thousand Nine Hundred Ninety-One Dollars ($2,991.00), the Court finds that of the moneys arising from said sale, the sum of Two Thousand Three Hundred Eighty-eight Dollars and fifty Cents ($2,388.50) is from the sale of the property of Jakob Miller, deceased; that Two Hundred Two Dollars and fifty Cents ($202.50) is from the sale of the property of Ellen Miller, deceased.

It is ordered that from the proceeds of the money in the hands of the said J. W. Campbell as Executor and as Administrator, that he pay from the sale of Tract 1 to the Treasurer of Union County, Ohio, the sum of Twenty-two Dollars and Twenty-six Cents ($22.26), the taxes, penalty and interest thereon;

To the Treasurer of Marion County, Ohio from the proceeds of the sale of Tracts 2 and 3 the sum of Five Dollars and Twenty Cents ($5.20), the taxes, penalty and interest thereon;

To the Treasurer of Marion County, Ohio from the proceeds of the sale of Tracts # 5 and 6 the sum of Four Dollars and Eight Cents ($4.08), the taxes, penalty and interest thereon, one-half (½) of which, or Two Dollars and Four Cents ($2.04), is to be charged to the Estate of Ellen Miller and the balance of said taxes charged to the Estate of Jacob Miller.

It is further ordered that from the fund arising from said sale that the said Executor and Administrator pay the expenses incurred in the sale of said property as follows:

1. An auctioneer's fee of Six Dollars ($6.00), Five Dollars ($5.00) of which shall be charged to the Estate of Jacob Miller and One Dollar ($1.00) to the Estate of Ellen Miller.

2. Insurance on the buildings on Tract No. 1 in the sum of Ten Dollars and fifty-eight Cents ($10.58) to be charged to the Estate of Jacob Miller.

3. For weed cutting on Tract No. 1, Nine Dollars and Seventy Cents ($9.70), to be charged to the Estate of Jacob Miller.

4. To bond premium for bond covering real estate sale in the sum of Twelve Dollars and fifty Cents ($12.50), to be charged to the Estate of Jacob Miller.

5. Repairs of the farm house on Tract No. 1, Three Dollars and Nineteen Cents ($3.19), to be charged to the Estate of Jacob Miller, deceased.

THE COL. B. B. MFG. CO. 74930

13700 A

6. To Guthery and Guthery, attorneys, for services performed in the real estate proceedings, the sum of One Hundred Forty-five Dollars ($145.00), One Hundred Thirty-three Dollars ($133.00) to be charged to the Estate of Jacob Miller and Twelve Dollars ($12.00) to the Estate of Ellen Miller.

7. Revenue stamps for the Administrator's deeds, Three Dollars and fifty Cents ($3.50), Three Dollars and Twenty-five Cents ($3.25) to be charged to the Estate of Jacob Miller and Twenty-five Cents ($.25) to the Estate of Ellen Miller.

It is further ordered that out of said funds the costs of these proceedings, in the sum of $90.66, be paid within ten (10) days, and said sum, $80.66 be charged to the Estate of Jacob Miller, and $10.00 to the Estate of Ellen Miller.

It is further ordered that said petitioner pay for the expenses of securing a transcript of these proceedings in the Probate Court of Union County, Ohio, and that said amount be charged to the Estate of Jacob Miller.

It is ordered that said Executor of the Estate of Jacob Miller, deceased, and the Administrator with the Will Annexed of the Estate of Ellen Miller, deceased, hold the balance of said funds in his hands, subject to the further order of the Court and that he account for the same to the Court according to law.

Oscar Gash.

Filed July 14-1938.

Certificate to Copy,
Probate Court,

The State of Ohio, Marion County, ss.

I Oscar Gash, Judge and Ex-Officio Clerk of the Probate Court, within and for said County having the custody of the Files, Journals and Records of said Court, do hereby certify that the foregoing is a true copy of Sale of Real Estate in the matter of the Estate of Jacob Miller, deceased, as the same appear upon the records of said Court; and I further certify, that I have carefully compared the foregoing copy with the original record, and that the same is a full and correct transcript thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at Marion, Ohio, this 20th. day of July, A. D. 1938.

Oscar Gash - Judge and Ex-Officio Clerk of said Probate Court.

Seal

13746
Filed
Dec. 27-1938.

services per-
sons of One
hundred Thirty-
Estate of
the Estate

's deeds,
Dollars
to the Estate
5) to the

funds the
90.66, be
um, $80.66
d $10.00 to

ner pay for
proceedings
and that
Jacob Miller.
of Jacob
the Will
ed, hold the
ject to the
account for

lerk of the
having the
of said Court,
e copy of
estate of
upon the
ney, that I
ply with the
as full and

my hand
Marion, Ohio,

and Ex-Officio
bate Court.

13700 A

The State of Ohio, Marion County, ss.

I, Oscar Gast, sole judge of the Probate Court, within and for said County and State, the same being a Court of Law and of record, do hereby certify that Oscar Gast whose genuine signature is attached to the foregoing certificate, was at the date thereof, and now is Ex-Officio Clerk of said Probate Court; and as such, full faith and credit are due his acts, and that the above certificate and attestation are in due form of law, and made by the proper officer.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at Marion, Ohio, this 20th. day of July, A. D. 1938.

Seal

Oscar Gast- judge of said Probate Court.

The State of Ohio, Marion County, ss.

I, Oscar Gast, Ex-Officio Clerk of the Probate Court within and for the County and State aforesaid, hereby certify that Oscar Gast is sole judge of said Probate Court, duly commissioned and qualified, and now acting as such.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Marion, Ohio, this 20th. day of July, A. D. 1938.

Seal

Oscar Gast-
Ex-Officio Clerk of said Court.

13746
Filed
Dec. 27-1938.

In the Matter of The Estate of George Hendrix, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of the Estate of George Hendrix, Deceased. | No. 13746.
Application

Now comes Samuel Hendrix, Administrator, and respectfully represents to the court that the only asset in this estate is certain real estate, hereinafter described, which said real estate is valued at not more than $100.00, and that in order to pay the debts of said estate and the expenses of administering the same, it is necessary that said real estate be sold.

The following is a description of said real estate;

Situated in the State of Ohio, County of Union and Village of Summerville, and being Lot No. 29 as shown on the plat of said town on record at Marysville, Union County, Ohio.

Wherefore, said Administrator prays that he be authorized to sell and convey said real estate for cash, for not less than $100.00, and that a summary order issue to him authorizing him to make sale,

THE COL. B. B. MFG. CO. 74930

13746

and for such other and further relief as the court deems just and proper.

Lem Hendrix.

State of Ohio, Union County, ss:

Lemuel Hendrix, being first duly sworn says that he is Administrator of the Estate of George Hendrix, deceased, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

Lem Hendrix.

Sworn to before me and subscribed in my presence this 23 day of December, 1938.

A. D. Parish - Justice of the Peace.

Filed Dec. 27-1938.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of George Hendrix, Deceased. | No. 13746. | Entry.

This day this cause came on to be heard upon the application of Lemuel Hendrix, as Administrator, and the court being fully advised in the premises, finds that the only asset of said estate is the real estate described in the petition, and that the value of said estate is about $100.00, and that it is necessary to sell the same in order to pay the debts of said decedent and the costs and expenses of administration.

It is therefore ordered, adjudged and decreed that said Lemuel Hendrix, Administrator, be, and he hereby is, authorized and empowered to sell said real estate for not less than $100.00, and he is hereby authorized and empowered to execute deeds and other proper instruments of conveyance for the same, and that said real estate shall be sold for cash, and that distribution of the same shall be shown in the final account of said Administrator.

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

Filed Dec. 27-1938.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of George Hendrix, Deceased. | No. 13746. | Entry.

The court being fully advised in the premises, finds that the only asset in the estate of George Hendrix, deceased, is a small tract of real estate which is valued at $100.00.

It is therefore ordered, adjudged and decreed that no inventory and appraisement is necessary in said estate.

L. W. Hazen - Probate Judge.

13746
Filed
Dec. 27-1938.

13608
Filed
Oct. 25-1938.

13746
Filed
Dec. 27-1938.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of George Hendrix, Deceased. | No. 13746.
Entry.

This day this cause came on to be heard, and the court finds that said Administrator has sold said real estate described in said application for the sum of $8—.

The court, after carefully examining said proceedings, finds that said sale was in all respects made in conformity to law and the former order of this court, and the same is hereby approved and confirmed.

L. W. Hazen - Probate Judge.

13608
Filed
Oct. 25-1938.

In the Matter of The Estate of Libbie Hendrickson, Deceased.
Order of Sale, Personal Property.
Public Sale - Estate.
Probate Court, Union County, Ohio.

In the Matter of The Estate of Libbie Hendrickson, Deceased. | No. 13608.
On Petition to Sell Personal Property.
Order of Sale.

To Robert R. Allen, Administrator of the estate of Libbie Hendrickson 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 forms of advertisement, the following described personal property, to-wit:

No. of Item	Weight, Measure or No. of Articles in Item	Description of Articles Appraised.
1	2	Carpenters planes
2		Morton box + box small tools
3		Tub and screen
4		Rake
5		Coal bucket
6	2	Lawn mowers
7	2	Jars
8	1	20 Gal. Jar
9	2	Small Jars
10	2	Boxe, junk, saw blade, buck
11		Wooden mallets

THE COL. B. B. MFG. CO. 74930

13608	12		Glass - several pieces			
	13		Tin box bolts, glass cans, roof paint			
	14		Cross-cut saw, shovel			
	15	1	Fork			
	16	1	Spade			
	17		Grader, hoe, handle			
	18		Tack-hammer, hoe			
	19		Steel rod - Adz			
	20	1	Stck ladder			
	21		Rafter - ladder			
	22		Linoleum			
	23		Beehives			
	24		Wheel barrow			
	25		Gas engine and pulley			
	26	1	Cart			
	27	1	Lounge			
	28	1	Four-poster bed			
	29	1	Chair			
	30		Dishes, carton box			
	31		Umbrella, brooms			
	32	1	Small table			
	33	1	Cook stove			
	34		Heating stove and pipe			
	35	2	Base burners			
	36	20	Cans of fruit			
	37	10	Glasses of jelly			
	38	1	Round table			
	39		Single bed and springs			
	40	2	Small tables			
	41	7	Kitchen chairs			
	42	2	Dining chairs			
	43	4	Rockers			
	44		Curtains			
	45		Blinds			
	46	1	Cushion			
	47	1	Sewing machine			
	48	1	Mirror			
	49	1	Dresser			
	50	1	Bookcase			
	51	1	Victrola			
	52	1	Stand			
	53	1	Stool			
			Total	$ 49.	21	

Said sale to be upon the following terms: Purchases amounting to One Dollar ($1.00) or less, cash in hand at time of sale. Purchases above that sum, a credit of not exceeding no months may be given, the deferred payments to bear interest from the day of sale, and be secured by the note of the purchaser,

13608

13608

with two or more approved sureties thereon.

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 15th day of October, A. D. 1938.

L. W. Hazen - Probate Judge.

Seal

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Libbie Hendrickson, Deceased. | By Petition to Sell Personal Property. Report of Sale.

The undersigned, Robert T. Allen, Administrator of the Estate of Libbie Hendrickson, deceased, says that in obedience to the order of said Court, hereto attached, has sold said personal property, commencing on the 15th. day of October 1938, and closing on the 15th. day of October, 1938, for the sum of Forty Nine and 21/100 Dollars. A copy of the Notice of Sale, duly verified, together with a Bill of said Sales, is herewith returned.

Dated this 25 day of Oct. 1938.

L. W. Hazen - P. J.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Libbie Hendrickson, Deceased. | Case No. 13608. Report of Public Sale. Robert T. Allen, Administrator.

The undersigned, Administrator of the estate of Libbie Hendrickson, says that he sold certain personal property at public auction, on October 15, 1938, for the sum of Forty Nine and 21/100 Dollars ($49.21). A copy of the Notice of Sale, duly verified, together with a report thereof, is herewith returned.

Dated this 20th. day of October, 1938.

Robert T. Allen - Administrator of the Estate of Libbie Hendrickson, Deceased.

State of Ohio, Union County, ss:

Robert T. Allen, being duly sworn, says that he is the Administrator as aforesaid, and that the facts stated and the allegations contained herein are true, as he verily believes.

Robert T. Allen.

Sworn to and subscribed before me, in my presence, this 20th. day of October, 1938.

Martha T. Parrott - Notary Public.

Seal

My commission expires January 22nd., 1939.

49. 21

...ue: Purchaser ... cash in ...hat sum, ...be given, ...n the day ... purchaser,

Final Record, Union County Probate Court

THE COL. B. B. MFG. CO. 74930

13608

Itemized Statement.

Article	Purchaser	Price
2 carpenter planes	Martins	.50
Motor boy + box small tools	Schultz	.25
Tub and screen	Schenke	.10
Rake	Tausmaugh	.10
Coal bucket	Britenstein	.05
Two lawn mowers	Davis	.30
2 jars	Shank	.35
20 gal. jar	E. Hendrickson	.20
2 small jars	L. P. Sider	.30
2 boxes junk, saw blade, buck	Frank Hendrickson	.25
Wooden mallets	Mrs. Lewis	.10
Glass - several pieces	Davis	.60
tin box bolts, glass cans, roof paint	Frank Hendrickson	.15
Cross cut saw, shovel	Morrison	.35
Fork	Oscar Martins	.60
Spade	E. Hendrickson	.70
Grader, hoe, handle	Bert	.20
Jack hammer, hoe	Shank	.10
Steel rod - adz	E. Hendrickson	.10
Step ladder	Underhill	.45
Trestles - ladder	Slemmons	.10
Linoleum	Martins	.10
Beehives	E. Hendrickson	.20
Wheel barrow	Davis	.70
Gas engine and pulley	Britenstein	2.00
Cart	Lytle	.50
Lounge	Slemmons	.25
Four poster bed	Mc Lean	.25
Chair	Davis	.10
Dishes, carton box	Davis	.20
Umbrella, broome	Frank Hendrickson	.05
Small table	Frank Hendrickson	.05
Cook stove, coal bucket, shovel, basket	Frank Hendrickson	.35
Kerosene stove	Slemmons	2.00
Heating stove and pipe	E. Hendrickson	3.00
Base burner	Mrs. Sloop	.15
Base burner	Slemmons	.10
6 cans fruit @ 17¢	Sider	1.02
6 cans fruit @ 9¢	Sider	.54
8 cans fruit @ 10¢	Frank Hendrickson	.80
10 glassed jelly @ 9¢	Hendrickson	.90
Round table	Martins	.70
Single bed and springs	Schultz	3.00
Small table	Schultz	.15
Small table	E. Hendrickson	.50

13635
Filed
July 2-1938

13608

Price				
.50	13608	Kitchen table	Frank Hendrickson	.45
.25		2 kitchen chairs @ 70¢	Martins	1.40
.10		3 kitchen chairs @ 60¢	Britenstine	1.80
.10		2 kitchen chairs @ 25¢	Shark	.50
.05		2 dining chairs @ 80¢	Robson	1.60
.30		Rocker	Sider	1.30
.35		Rocker	Sider	1.60
.20		Rocker (oak)	Lytle	2.40
.30		Rocker	Davis	1.00
.25		Curtains	Davis	.45
.10		Blinds	Shark	.10
.60		Cushion	Connor	.10
		Sewing machine	Shark	3.10
.15		Mirror	Fausnaugh	.10
.35		Dresser	Robson	3.00
.60		Book case	Frank Hendrickson	3.00
.70		Victrola	E. Hendrickson	3.00
.20		Stand	Weston	.35
.10		Stool	Fausnaugh	.20
.10			Total	$49.21
.45				
.10				
.10				
.20				
.70				
2.00				
.50				
.25				
.25				
.10				
.20				
.05				
.05				
.35				
	13635			
2.00	Filed			
3.00	July 2-1938.			
.15				
.10				
1.02				
.54				
.80				
.90				
.70				
3.00				
.15				
.50				

In the Probate Court of Union County, Ohio.

In the Matter of The Estate of Libbie Hendrickson, Deceased, Robert V. Allen, Administrator. | Case No. 13608. Entry Approving and Confirming Public Sale.

This day this cause coming on to be heard on the report of Robert V. Allen, Administrator of the estate of Libbie Hendrickson, deceased, of his proceedings under the former order of this Court, the Court having carefully examined said report, and being satisfied that said sale was, in all respects, regular and legal, it is ordered that the same be, and hereby is approved and confirmed.

L. W. Hazen - Probate Judge.

In the Matter of The Estate of Bertha M. Reed, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.

In the Matter of The Estate of Bertha M. Reed, Deceased. | No. 13635- July 2nd. 1938. Petition.

To the Judge of said Court:

The undersigned respectfully represents that she is the duly appointed and qualified Administratrix of the Estate of Bertha M. Reed, 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; that the surviving spouse has not by election taken any of the property listed herein

THE COL. B. B. MFG. CO. 74930

13635

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. of Articles in Item.	Description of Articles Appraised	Appraised Value.
		Livestock.	
		Sorel mare	70. 00
		Gray mare	10. 00
6		Black cows	300. 00
3		Holstein heifers	105. 00
3		" cows	100. 00
2		Jersey cows	85. 00
1		Holstein bull	45. 00
1		" calf	12. 00
2		Steers	100. 00
2		Sows	85. 00
9		Shoats	75. 00
12		Ewes and 8 lambs	60. 00
		Farm Machinery.	
		Work harness	20. 00
		Manure spreader	40. 00
		Tractor and equipment	400. 00
2		Wagons	15. 00
2		Corn plows	2. 00
		Clover Buncher	1. 00
		Rotary hoe	15. 00
		Cultipacker	20. 00
		Grain drill	10. 00
		Walking plow	3. 00
		Double shovel plow	1. 00
		Mowing machine	7. 00
		Tools in shop	50. 00
		Corn sheller and tank	10. 00
2		Corn planters	57. 00
		Chrysler	300. 00
		Corn binder	20. 00
		Grain and hay.	
100 bu.		wheat	70. 00
500 bu.		corn	250. 00
50 T.		hay	200. 00
		Crops in field.	
2/9 of 35		A. wheat	50. 00
2/9 of 11		A. oats	10. 00
2/9 of 12		A. clover	15. 00
2/9 of 35		A. corn	20. 00

13635

listed herein	13635			Household goods	175.	00
tion in kind				Rose G. Merriman - note - Bertha M. Reed's interest	75.	00
				Guy Green " " " " " "	200.	00
rity to sell				Horace Williams " " " " " "	100.	00
such price				Everett E. Detwiler " " " " " "	2016.	00
er, the follow-				Everett E. Detwiler " " " " " "	16.	00
said in-				Jay W. Mullaney " " " " " "	16.	00

Appraised Value.	
70.	00
10.	00
300.	00
105.	00
100.	00
85.	00
45.	00
12.	00
100.	00
85.	00
75.	00
60.	00
20.	00
40.	00
400.	00
15.	00
2.	00
1.	00
15.	00
20.	00
10.	00
3.	00
1.	00
7.	00
50.	00
10.	00
57.	00
300.	00
20.	00
70.	00
250.	00
200.	00
50.	00
10.	00
15.	00
20.	00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

That Pauline Phipps and Ernestine Herd are the only persons interested in said estate, they being the only children and heirs at law of the said deceased, and the only persons entitled to said estate on distribution and have paid all debts and expenses of administering said estate and in the operation of the farm, it is necessary that they retain the said property, hence, desire to take the same over at the appraised value, in kind and account therefor.

Dated July 2nd. 1938.

Ernestine Herd - Administratrix.

The State of Ohio, Union County.

Ernestine Herd, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as she verily believes.

Ernestine Herd.

Sworn to before me and signed in my presence, this 2nd. day of July, 1938.

Seal

Milo L. Myers - Notary Public

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Bertha M. Reed, Deceased. | Case No. 13635. Entry.

This day this cause came on for hearing in the petition of Ernestine Herd as Administratrix of the Estate of Bertha M. Reed, deceased, for the sale or disposition of all the personal property belonging to said estate. And it appearing to the court that Pauline Phipps and Ernestine Herd, are the only children and heirs at law of the said Bertha M. Reed, deceased, and the only persons entitled to her estate on distribution, that they have paid all the debts and costs of administering said estate and it is necessary to and for them to hold said property in the management and operation of the real estate inherited by them, and that they desire to take over said personal property, in kind, and on consideration thereof it is ordered that the said Ernestine Herd as said

THE COL. B. B. MFG. CO. 74930

13635

Administratrix, assign and deliver possession of said personal property, in kind, to the said Pauline Phipps and Ernestine Herd, the same being described as follows, to-wit:- and as appraised and described in the inventory.

	Sorel Mare	$70.00
	Gray Mare	10.00
6	Black cows	300.00
3	Holstein heifers	105.00
3	Holstein cows	100.00
2	Jersey cows	85.00
1	Holstein Bull	45.00
1	Holstein calf	12.00
2	Steers	100.00
2	Sows	85.00
9	Shoats	75.00
12	Ewes and 8 lambs	60.00
	Farm machinery.	
	Work harness	20.00
	Manure spreader	40.00
	Tractor and equipment	400.00
2	Wagons	15.00
2	Corn plows	2.00
	Clover Bruncher	1.00
	Rotary hoe	15.00
	Cultipacker	20.00
	Grain drill	10.00
	Walking plow	3.00
	Double shovel plow	1.00
	Mowing machine	7.00
	Tools in shop	50.00
	Corn sheller and tank	10.00
2	Corn planters	57.00
	Chrysler	300.00
	Corn binder	20.00
	Grain and Hay.	
	100 Bu. wheat	70.00
	500 Bu. corn	250.00
	50 T. hay	200.00
	Crops in field.	
	2/9 of 35 A. wheat	50.00
	2/9 of 11 A. oats	10.00
	2/9 of 12 A. clover	15.00
	2/9 of 35 A. corn	20.00
	Household goods	175.00

13635

ion of said
ue Phippe
as follows,
the inventory.

13685	Roce G. Merriman - note -	Bertha M. Reed's int.	75.00
	Guy Green "	" " " " "	200.00
	Norman Williams "	" " " " "	100.00
	Everett E. Detwiler "	" " " " "	2016.00
	Everett E. Detwiler "	" " " " "	16.00
	Jay W. Mullaney "	" " " " "	16.00

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 74930

13736 A
Filed
Dec. 7- 1938.

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

Richard C. Thrall, Administrator of the estate of Willard G. Malone, Deceased,
Plaintiff,
-vs-
Gladys L. Wells and John E. Malone,
Defendants.

No. 13736 A.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Willard G. Malone, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Eight Hundred Dollars.

An allowance of Four Hundred and Fifty 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 Fifty 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 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:

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

The house and lot at house number 536 West Fourth Street, Marysville, Ohio, being the property and all the property owned by the said Hannah L. McMannis in the village of Marysville, County of Union, and State of Ohio. For a more definite description reference is made to the recorded plat of the village of Marysville, and a record of deeds at the recorders office, Union County, Ohio. Beginning at a stake S.W. corner of lot formerly owned by Templeton Liggett and in the center of Fourth Street formerly North Street in said village of Marysville; thence with said street 88° W. 52 feet to a stake in the center of said street and S.W. corner of a lot formerly owned by E.B. Foote; thence with said line S. 2° W. 12 poles and 1½ links to a stake; S. 88° E. 52 feet to a stake in the West line of said lot formerly owned by Templeton Liggett; Thence with said line S. 2° W. 12 poles 1½ links to a stake; S. 88° E. 52 feet to a stake in the West line of said lot formerly owned by Templeton Liggett; thence with said line S. line S. 2° West

13736 A

13736 A

12 poles 1½ links to the beginning, containing 38 square poles, more or less.

The said Willard G. Malone having an undivided one-half interest in said premises.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Four Hundred and Seventy-five Dollars.

Said real estate is encumbered as follows: None.

That said real estate has been appraised for less than $500.00 and in fact is worth less than this sum.

The defendants, Gladys L. Wells, widow of Willard G. Malone and John E. Malone, his son, 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 provisions of the statute providing for issuing and service of process, the giving of a new bond, for appraisal, etc. be waived and an order issued directing said Administrator to sell said property at private sale; 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.

Richard C. Thrall, 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.

Richard C. Thrall.

Sworn to before me and signed in my presence by the said Richard C. Thrall, at Marysville, Ohio, this 6th. day of December, 1938.

Seal

Arthur W. Galloway - Notary Public.

THE COL. B. B. MFG. CO. 74930

13736 A
Filed
Dec. 7- 1938.

Summary Order.

In the Probate Court of Union County, Ohio.

Richard C. Thrall, Administrator of the Estate of Willard G. Malone, Deceased, Plaintiff,

-vs-

Gladys L. Wells and John E. Malone, Defendants.

Case No. 13736 A.
Summary Order.

Richard C. Thrall, Administrator of the estate of Willard G. Malone, having filed his petition herein asking for a sale of an interest in real estate belonging to said estate, and this Court being fully advised in the premises, hereby finds that it is necessary to sell said real estate to pay the debts of said decedent and that the value of such real estate is less than $500.

It is, therefore, ordred and decreed that said Richard C. Thrall, Administrator of the estate of Willard G. Malone, be, and he hereby is authorized to sell and convey the real estate described in his petition at private sale for not less than $490.00, and the requirements of law relating to service of summons, appraisal and additional bond are hereby waived.

L. W. Hazen- Judge.

Filed
Dec. 7- 1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Richard C. Thrall, Administrator of the Estate of Willard G. Malone, 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 Willard G. Malone are Plaintiff and Gladys L. Wells, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Four Hundred & Ninety Dollars, the following described premises, to-wit: Situated in the County of Union, in the State of Ohio, and in the Village of Marysville and bounded and described as follows: The house and lot at house number 536 West Fourth Street, Marysville, Ohio, being the property and all the property owned by the said Hannah L. McMannis in the Village of Marysville, County of Union, and State of Ohio. For a more definite description reference is made to the recorded plat of the village of Marysville, and a record of deeds at the recorders office, Union County, Ohio. Beginning at a stake S. W. corner of lot formerly owned by Templeton Liggett and in the center of Fourth Street formerly North Street in said Village of Marysville; thence with said street

13736 A

13736A

88° W. 52 feet to a stake in the center of said street and S. W. corner of a lot formerly owned by E. B. Foote; thence with said line S. 2° W. 12 poles and 1½ links to a stake; S. 88° E. 52 feet to a stake in the West line of said lot formerly owned by Templeton Liggett; thence with said line S. 2° W. 12 poles 1½ links to a stake; S. 88° E. 52 feet to a stake in the West line of said lot formerly owned by Templeton Liggett; thence with said line S. line S. 2° West 12 poles 1½ links to the beginning, containing 38 square poles, more or less.

The said Willard G. Malone having an undivided one-half interest in said premises.

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 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 7th. day of December, 1938.

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 7th. day of December, 1938.

Richard C. Thrall.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 7th. day of December 1938, offer said property at private sale, and Gladys L. Wells having offered therefor the sum of Four Hundred and Ninety Dollars ($490.00) and the same being not less than the appraised value of said property, I sold the same to said Gladys L. Wells for that sum.

Richard C. Thrall.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Richard C. Thrall, 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 C. Thrall.

THE COL. B. B. MFG. CO. 74930

13736 A

Sworn to before me and subscribed in my presence, this 7th. day of December, 1938.

Arthur W. Galloway - Notary Public.

Filed Dec. 7- 1938.

Journal Entry.

In the Probate Court of Union County, Ohio.

Richard C. Thrall, Administrator of the Estate of Willard S. Malone, deceased, Plaintiff,

-vs-

Gladys L. Wells & John E. Malone, Defendants.

Case No. 13736 A.

Journal Entry.

This day this cause came on to be heard on the report of Richard C. Thrall 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 to all the right, title and interest of the said Willard S. Malone in said real estate to the purchaser, Gladys L. Wells.

L. W. Hazen - Judge.

13743 Filed Dec. 20- 1938.

In the Matter of The Estate of William R. Stahl, Deceased.

In the Probate Court of Union County, Ohio.

No. 13743.

In The Matter of the Estate of William R. Stahl, Deceased.

Application to Sell Personal Property.

Charles E. Wilkins respectfully represents that he is the duly appointed, qualified and acting administrator of the estate of William R. Stahl, deceased, late of said county, and that it will be for the best interests of said estate to sell the following personal property, to-wit: 329 2/3 bushels of wheat now in bin, 47 bushels and 50 lbs. of corn. That said property has not been specifically bequeathed, nor by election of the surviving spouse taken at its appraisement nor has distribution thereof been demanded in kind.

That said sale is asked for the reason that the granary wherein said wheat is stored is not, and cannot profitably be, kept under sufficient surveillance to assure against depredation and the same should be marketed as soon as possible.

Wherefore the said administrator asks for an order directing the sale of said personal property at private sale at such price and upon such terms as the

Filed Jan. 7- 1939.

13743 co... Sta... fact... veri... the... dece... cour... Da... Wil... of t... and... it ... pro... ap... Bid... ord... not... obt... pro... sa...

y presence,
Notary Public.

Ohio.

on the report
former order
petitioner
said order,
report and
is all respects
was fairly
be, and
ther ordered
the right,
Malone is
L. Wells.
Judge.

Deceased.
Ohio.

Personal Property.
at he is the
nistrator of the
said county,
said estate
29 2/3 bushels
. of corn.
lly bequeathed,
at its
demanded

that the
not, and
surveillance
ne should

r an order
at private
as the

13743 court may direct.

Charles E. Wilkins - Administrator.

State of Ohio, Union County, ss:

Charles E. Wilkins, being first duly sworn, says that the facts stated in the foregoing application are true as he verily believes.

Charles E. Wilkins.

Sworn to before me and signed in my presence by the said Charles E. Wilkins this 20th. day of December 1938.

Wm. R. Cameron - Notary Public.

Seal

Waiver and Consent of Surviving Spouse.

The undersigned, surviving spouse of William R. Stahl, deceased, hereby waives notice of the within application and consents to the private sale of said property.

Lena Stahl.

Filed Dec. 20 - 1938.

Entry - Ordering Private Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of William R. Stahl, Deceased. | No. 13743. Entry Ordering Private Sale.

This matter came on to be heard upon the application of the administrator herein to sell certain personal property and upon the evidence. Whereupon, the court upon good and sufficient proof is satisfied and so finds that it is for the best interests of said estate to sell at private sale the personal property described in said application, to-wit: 329 2/3 bushels of wheat in bin, 47 bushels and 50 lbs. of corn.

It is therefore ordered that said administrator sell said property at private sale, for cash, and for not less than the market value thereof.

L. W. Hazen - Probate Judge.

Filed Jan. 7 - 1939.

Report of Private Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of William R. Stahl, Deceased. | No. 13743. | Report of Private Sale.

State of Ohio, Union County, ss:

Now comes Charles E. Wilkins, Administrator, and being first duly sworn says that pursuant to the order of said heretofore made in the above matter, he has sold at private sale on the — day of December, 1938, the property specified in said order, to-wit: 329 2/3 bushels of wheat, at a price of $191.20, and 47 bu. 50 lbs. of corn at a price of $ 21.95.

Said sale was made after diligent endeavor to obtain the best price for the property, and was the highest price he could get for it, being the market price of the same at time of sale.

THE COL. B. B. MFG. CO. 74930

13743

Said administrator further says that the foregoing report is in all respects correct and that he, as an individual is not directly or indirectly interested in the purchase of said property.

Charles E. Wilkins.

Sworn to before me and signed in my presence this 27th. day of December, 1938.

Wm. R. Cameron - Notary Public.

Seal

Entry Confirming Sale.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of William R. Stahl, Deceased. | No. 13743. Entry Confirming Sale.

This day came Charles E. Wilkins, Administrator of the Estate of William R. Stahl, deceased, and filed herein his report of private sale of certain property of said estate. Upon examination of the court, the same, appearing regular and in conformity to law and the former order of the court, is confirmed, and with the proceedings herein is ordered recorded.

Dated, January 7th, 1939.

L. W. Hazen - Probate Judge.

13591
Filed
June 11-1938.

Petition to Sell Real Estate.

(From Page 459)

In the Probate Court for Union County, State of Ohio.

Harry Houbeck, guardian of Chaplin Skidmore, a minor, Plaintiff,

-vs-

Ruth C. Brannan, et al., Defendants. | No. 13591. Answer and Cross Petition.

Answer.

Now comes the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and denies each and every, all and singular, the allegations contained in the petition herein, not hereinafter specifically admitted to be true, for the reason that it has no knowledge of the same.

Cross Petition.

By way of cross petition, the Division of Aid for the Aged, of the Department of Public Welfare of the State of Ohio, for its cause of action herein, says that on or about July 6, 1936 one William H. Ely, now deceased, applied for old age assistance to the Board of Aid for the Aged for Union County, Ohio, which board allowed said application and executed a certificate of aid and forwarded such

13591

ap
of the
in
Gen
that
tru
and
Will
in
Lou
Log
Ma
and

Wa
heir
eac
line
14
to
E.
to

13591

application and such certificate, together with a report of its findings to the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio.

The Division of Aid for the Aged, aforesaid, required, in accordance with the provisions of Section 1359-4, General Code, as security for such old age assistance, that the said applicant convey his real property in trust to the Division of Aid for the Aged, aforesaid, and in accordance with said requirement, the said William H. Ely, now deceased, did on May 18, 1935 convey in trust to the Division of Aid for the Aged, the following described real estate, situated in the County of Logan, in the State of Ohio, in the Village of West Mansfield and being in Survey Nos. 775 and 6155 and bounded and described as follows:

Tract No. 1.

Beginning at an iron stake in the east line of North Main Street and northwest corner to U.W. Brown heirs land; thence N. 14-1/2° W. 96-1/2 feet with the east line of said street to a stake in the south line of David Harriman's heirs lot; thence N. 82° E. 146 feet with the south line of said Harriman's lot to a stake at the N. E. corner of barn; thence S. 14-1/2° E. 151 feet to a stake; thence W. 78-1/4° W. 157-1/2 feet to the beginning, containing 70/100 of an acre of land.

Tract No. 2.

Beginning at a stone planted on broken bricks in the center of the Jerusalem Extension Pike and N.W. corner to a lot owned by James Brauson; thence S. 1-1/2° E. 23-63/100 poles with the west line of said James Brauson's land to a stake; thence N. 67° E. 3-63/100 poles with the south line of said James Brayson's land to a stake in the West line of lands owned by Mary Southard; thence S. 1-1/2 deg. E. 10-80/100 poles with the west line of said Mary Southards land to a stake in the north line of land owned by William S. Keller; thence N. 81-3/4° W. 6-36/100 poles to a stake corner to Margaret Winner's land; thence N. 22 deg. W. 28-76/100 poles to a stake in the center of said Jerusalem pike; thence N. 67 deg. E. 13 and 27/100 poles with the center of said pike to the place of beginning, containing 1-75/100 of an acre, excepting about a quarter of an acre of land sold from the above deeded to Otis Baldwin and John Blakepaddle, the original 1-75/100 acres being the old homestead of Job W. Smith, dec'd; the amount hereby conveyed being 1-52/100 acres. which conveyance in trust was filed for record May 31, 1938 at 2:22 P. M. in the records of

THE COL. B. B. MFG. CO. 74930

13591

Union County, Ohio. The Division of Aid for the Aged, aforesaid, approved the certificate and findings of the Board of Aid for the Aged for Union County, Ohio, in accordance with the provisions of Section 1359-14, General Code.

Cross petitioner further says that the said William H. Ely, now deceased, was paid old age assistance as follows:

Dec.	1934	for aid paid	$20.00
Jan.	1935	"	20.00
Feb.			20.00
May			20.00
June			20.00
July			14.00
Aug.			14.00
Sept.			14.00
Oct.			14.00
Nov.			14.00
Dec.			17.00
Jan.	1936	"	17.00
Feb.			17.00
Mar.			17.00
Apr.			17.00
May			17.00
June			17.00
July			17.00
		Total aid paid	$306.00

and that the total amount of old age assistance paid to the said William H. Ely, now deceased, is in the sum of $306.00 which amount cross petitioner claims herein.

Wherefore, cross petitioner prays that its rights herein be protected and that it be paid from the proceeds of the sale of the real estate hereinbefore described, in excess of liens prior to that of the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, the sum of $306.00 and for such other and proper relief to which it may be entitled.

Herbert H. Druffel.
Attorney General.
Virgil L. Feline.
Asst. Attorney General.

Verification not required, § 348 G. C.

for the
d findings
ion County,
g Section

said William
e assistance

assistance
deceased, is
cross pe-

the rights
from the
before de-
of the
Department
County
er relief to

ffey.
f.
,
General.

THE COL. B. B. MFG. CO. 74930

Final Record # 41
ordered
The C B & N Co

FINAL

RECORD

40

FAYETTE COUNTY