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41

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THE COLUMBUS BLANK BOOK MFG. CO.
MANUFACTURING STATIONERS & PRINTERS
LOOSE LEAF DEVICES - STATIONERY - OFFICE FURNITURE
311 TO 321 S. HIGH ST., COLUMBUS, OHIO
No. 75974
ORDER DUPLICATES BY REFERRING TO THE ABOVE NUMBER
TELEPHONE ADAMS 5171

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

B

Blaney, Flora J.	Land Sale	88	
Bigelow, Donald	Pet. to Negotiate Loan	95	
Bidwell, Saidee	App. to Sell R. E.	107-	111
Burson, Preston V.	Land Sale	156	
Burns, Lena	" "	248	
Brown, Leola	" "	421	
Blue, Mary A.	App. to Sell P. P.	553	
Bylew, Samuel W.	Land Sale	584	
Blue, Harvey	" "	587	
Blue, Mary A.	" "	598	

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

Cochenour, Anna	R. Land Sale	98
Cottrell, Ida	" "	346
Cox, Zetella	affidavit to Complete Land Sale	363
Chapman, Theodore	A. Land Sale	436

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

Drake, Fannie	Land Sale	400	

D

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

Eickemeyer, Henry C.	Land Sale	1
Eickemeyer, Dorathea E.	" "	15
Evans, Robert	Appl. to Sell R. E.	79

E

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

Tenuel, John M.	Land Sale	29
Tinsprocke, R. H.	Transcript of L. S.	445

F

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

Griffith, Miriam appl. to Sell R. E. 364
Goldsberry, Fern / Land Sale 431

G

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

Hendrickson, Libbie	Land Sale	39
Huber, Agatha Magdalena	" "	69
Humphill, Mary T.	" "	261
Hartman, Walter	" "	366
Howe, George R.	Pet. to Sell Per. Prop.	398
Holladay, Elizabeth	appl. to Sell R. E.	406
Holladay, Jacob Edgar		
Hickok, Vern	appl. to Sell Per. P.	502
Hird, Grace Lucille	Land Sale	518

H

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

I

Johnston, John F.	Land Sale	526	

J

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

Kelly, Fernande M.	Land Sale	48
Koph, J. W.	appl. to Sell P.P.	506

K

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

L

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

Myers, M. M.	Pet. to Sell Per. Prop.	114
Mathers, Leona	Land Sale	315
Macomber, George A.	Appl. to Sell Per.	395
Marsh, William T.	Land Sale	496
Miley, John S.	Guardianship	540

M

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

Mc Kitrick, Delmore	Land Sale	555	

Mc

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

Neill,	Samuel L.	Land Sale	179

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

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

Phelps, Emma	Land Sale	190	

P

P
Q
R
S
T
U
V
W
X
Y
Z

Reason, Ettie	Land	Sale	82
Roosa, Claude	"	"	128
Rauch, George W.	"	"	218
Rice, Elsie	"	"	333

R

R
S
T
U
V
W
X
Y
Z

Shuler, Marion E.	Land Sale	139	
Schoenleb, George	" "	271	
Shelton, Martha E.	" "	284	
Schaaf, John A.	Appl. to Sell Per. Rep.	393	410
Stewart, Flora	" " " "	396	
Saunderson, James H.	" " " R. E.	494	
Staley, Frank	" " " Per. Rep.	605	

S

S T U V W X Y Z

Turner, Joshua	Land Sale	60
Tracy, Mary Kathryn	Pet. to Borrow Money	105
Thomas, Hettie	Land Sale	208
Touquet, Martha J.	" "	300
Temple, Wilbur Co.	Appl. to Sell P. P.	509
Thomas, Flora L.	Land Sale	511

T U V W X Y Z

S

U

U
V
W
X
Y
Z

S

V

V
W
X
Y
Z

Wise, Frank	Land	Sale	120
Ward, Martha R.	"	"	286
Wright, Lewis L.	"	"	562
Wilkarth, Edwin D.	"	"	577

S

W

W
X
Y
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13492
Filed
Oct. 21- 1937.
Hooper & Sanders
Attorneys.

Final Record, Union County Probate Court

13492
Filed
Dec. 21- 1937.
Hooper & Saunders,
Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickenmeyer and Catherine Eickenmeyer, his wife, Henry J. Eickenmeyer and Elizabeth Eickenmeyer, his wife, Herman C. Eickenmeyer and Ella Eickenmeyer, his wife, Clara Wolpert and Carl Wolpert, her husband, Martin C. Eickenmeyer and Louis Eickenmeyer, his wife, Scott Eickenmeyer and Jean Eickenmeyer, his wife, Harry Eickenmeyer, unmarried, Robert Eickenmeyer, unmarried, Doris Coppom and Alexander Coppom, her husband, Dorothy Nichols and Claude Nichols, her husband,

Defendants.

Us. 13492.
Petition.

The plaintiff is the duly appointed, qualified and acting Executor of the Estate of Henry C. Eickenmeyer, deceased, which said Will was duly admitted to probate in this court on the Day of December, 1936.

The wife of the said decedent, Dorathea E. Eickenmeyer, is now deceased.

Said Will contains a provision directing the plaintiff herein, as Executor, to sell the real estate hereinafter described after the death of the said Dorathea E. Eickenmeyer, and divide the proceeds among decedent's children, living, or their offspring.

The living children of said decedent are the defendants, namely: C. A. Eickenmeyer, Henry J. Eickenmeyer, Herman C. Eickenmeyer, Clara Wolpert and Martin C. Eickenmeyer.

One of the children, Louis P. Eickenmeyer, died prior to the death of the said Henry C. Eickenmeyer, and his children are the defendants: Scott Eickenmeyer, Robert Eickenmeyer, Harry Eickenmeyer, Doris Coppom and Dorothy Nichols.

The defendant, Catherine Eickenmeyer, is the wife of the defendant, C. A. Eickenmeyer; the defendant, Elizabeth Eickenmeyer is the wife of the defendant, Henry J. Eickenmeyer; the defendant Ella Eickenmeyer, is the wife of the defendant, Herman C. Eickenmeyer; the defendant, Carl Wolpert, is the husband

THE COL. B. B. MFG. CO. 75974

13492

of the defendant, Clara Wolpert; the defendant, Louis Eickenmeyer, is the wife of the defendant, Martin C. Eickenmeyer; the defendant, Jean Eickenmeyer, is the wife of the defendant, Scott Eickenmeyer; the defendants, Harry Eickenmeyer and Robert Eickenmeyer, are unmarried; the defendant, Alexander Coppom, is the husband of the defendant, Doris Coppom; and the defendant, Claude Nichols, is the husband of the defendant, Dorothy Nichols.

Said real estate consists of a farm of about 86.60 acres, with one set of buildings, described as follows:

Situated in the State of Ohio, County of Union, and Township of Darby, and being Lot No. 1 in Survey No. 4067, bounded and described as follows:

Beginning at two Beeches and a hickory corner to Lot No. 3; thence S. 79° W. 191 poles to a stake in the Sager Mill Road; thence with said Road S. 39° E. 73½ poles to a stake in the same, corner to Lot No. 4; thence N. 78° 15' E. 150 poles to two cottonwoods and maples corner to Lot No. 2; thence N. 11° W. 62 poles to the beginning, containing 66 acres and 106 poles, more or less.

Also, Lot No. 5 in said Survey No. 4607:

Beginning at two cottonwoods & maples, corner to said Lot No. 1; thence S. 78° 15' W. 40 poles to a stake, corner to Lot No. 4; thence S. 11° E. 55½ poles to a stake corner to Lot No. 4; thence N. 81° 15' E. 57½ poles to a stake, corner to Lot No. 6; thence N. 11° W. 60 poles to a stake, corner to Lot No. 6 and in the line of Lot No. 2; thence S. 78° 15' W. 17½ poles to the beginning, containing 20¾ acres, more or less.

Plaintiff says that it is impossible to divide said real estate among the children, and that the only way to carry out the provisions of said Will is to sell said real estate and to divide the proceeds thereof among the beneficiaries therein named.

Wherefore, plaintiff prays that the court set this petition for hearing, and for an order authorizing the plaintiff to sell said real estate in order to carry out the provisions of said Will.

Hooper & Sanders.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Guyon Sanders, being first duly sworn, says that he is one of the attorneys for C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, deceased, and as such the plaintiff herein; that the said C. A. Eickenmeyer is absent from and not a resident of the State of Ohio; and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Guyon Sanders.

13492

Filed
Oct. 21- 1937.

13492

Filed
Oct. 22-1937

13492

Filed
Oct. 21- 1937.

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

Seal

E. A. Hoopes- Notary Public.

affidavit.

In the Probate Court of Union County, Ohio.

E. A. Eickenmeyer, Executor of the Estate of Henry E. Eickenmeyer, Deceased,

Plaintiff,

-vs-

E. A. Eickenmeyer, et al.,

Defendants.

No. 13492,
affidavit.

State of Ohio, Union County, ss:

Gwynn Sanders, being first duly sworn, says that he is one of the attorneys for the plaintiff herein, E. A. Eickenmeyer, Executor of the Estate of Henry E. Eickenmeyer, deceased; that the defendants, Doris Coppom, a minor, and her husband, Alexander Coppom, and the defendants, Scott Eickenmeyer, Jean Eickenmeyer, Harry Eickenmeyer, Dorothy Nichols and Claude Nichols, reside in Cheyenne, Wyoming, and the defendant, Robert Eickenmeyer, a minor, resides in Clarinda, Wyoming, and service of summons cannot be made upon said defendants within the State of Ohio, and that this cause is one of those mentioned in General Code Section 11292.

Gwynn Sanders.

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

Seal

Ruth Hess- Notary Public.

Filed
Oct. 22-1937.

Waiver.

In the Probate Court of Union County, Ohio.

E. A. Eickenmeyer, Executor of the Estate of Henry E. Eickenmeyer, Deceased,

Plaintiff,

-vs-

E. A. Eickenmeyer, et al.,

Defendants.

No. 13492.
Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Clara Wolpert.
Carl Wolpert.
Martin E. Eickenmeyer.
Lorna Eickenmeyer.
Per- Hoopes & Sanders.
Attorneys.

THE COL. B. B. MFG. CO. 75974

13492
Filed
Dec. 7- 1937.

Wainer.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Excutor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

Vs. 13492.
Wainer.

The undersigned, party defendant, in the above entitled cause, being a competent, adult person, hereby waives the issuing and service of summons upon him, and enters his appearance herein, and consents to the sale of the real estate described in the petition, as prayed for.

C. Herman Eickemeyer.

Filed
Dec. 7- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Excutor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

Vs. 13492.
Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and services of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Mrs. Ella Eickemeyer.

Filed
Dec. 7- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Excutor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

Vs. 13492.
Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Katherine Eickemeyer.
C. A. Eickemeyer.
W. C. Eickemeyer.
Lorna Eickemeyer.

13492
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Dec. 7- 1937.

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Dec. 8- 1937.

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Filed
Dec. 7- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.
Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Henry J. Eickemeyer.
Elizabeth Eickemeyer.

Filed
Dec. 8- 1937.

Legal Notice.

Scott Eickemeyer, Jean Eickemeyer, Harry Eickemeyer, Dorothy Nichols, Claude Nichols, Doris Coppom, and Reasder Coppom, who reside in Cheyenne, Wyoming, and Robert Eickemeyer, a minor, who resides in Clarinda, Wyoming, will take notice that C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, deceased, on the 21st. day of October, 1937, filed his petition in the Probate Court within and for the County of Union, State of Ohio, in Case No. 13492, praying for the sale of the following described real estate in order to carry out the provisions of the Will of said decedent, to-wit:

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

Being Lot No. 1 in Survey No. 4067.

Beginning at two beeches and a hickory corner to Lot No. 3; thence S. 79 degrees W. 181 poles to a stake in the Sager Mill Road; thence with said Road S. 39 degrees E. 73½ poles to a stake in the same, corner to Lot No. 4; thence N. 78 degrees 15 minutes E. 150 poles to two cottonwoods and maples corner to Lot No. 2; thence N. 11 degrees W. 62 poles to the beginning, containing 66 acres and 106 poles, more or less.

Also Lot No. 5 in said Survey No. 4607:

Beginning at two cottonwoods and maples, corner to said Lot No. 1; thence S. 78 degrees 15 minutes W. 40 poles to a stake, corner to Lot No. 4; thence S. 11 degrees E. 55½ poles to a stake corner to Lot No. 4; thence N. 81 degrees 15 minutes E. 57½ poles to a stake, corner to Lot No. 6; thence N. 11 degrees W. 60 poles to a stake, corner to Lot No. 6 and in the line of Lot No. 2; thence S. 78 degrees 15 minutes W. 17½ poles to the beginning, containing 20¾ acres, more or less.

The persons first above mentioned will further take notice that they have been made parties defendant to said petition and that they are required to answer the same on or

THE COL. B. B. MFG. CO. 75974

13492

before the 27th. day of November, 1937.

C. A. Eickemeyer - Executor of the Estate of Henry C. Eickemeyer, deceased.

Hooper & Sanders, Attorneys.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after October 22, 1937, in the Weekly Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 30th. day of November, A. D. 1937.

Seal

G. P. Huber - Notary Public.

Printer's Fee, $ 23.80.

Filed Jan. 28- 1938.

Motion,

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.

Motion.

Now comes Arnold E. Roehl by his attorney, Wm. R. Cameron, and respectfully moves this court that he be made a party defendant in this cause, and for leave to plead herein.

Wm. R. Cameron - attorney.

Filed Jan. 28- 1938.

Answer and Cross-Petition of Arnold E. Roehl.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.

Answer and Cross-Petition of Arnold E. Roehl.

Now comes the defendant Arnold E. Roehl and for his answer admits the allegations set forth and matters contained in the petition of the plaintiff herein, and for his cross-petition says:

That on the 21st. day of January, 1938, he filed his petition in the Court of Common Pleas of Union County, Ohio, in cause No. 14595 in said court, against the defendant C. H. Eickemeyer, who is one and the same person as C. Herman Eickemeyer, and against the defendant Ella Eickemeyer, praying for judgment in the sum of $ 851.70 with interest at 6% from January 21st. 1938, upon a promissory note, of which said note a copy, with all credits and indorsements

13492

thereon, is in said petition set forth.

That on the same day he filed in said court his affidavit in attachment, causing the one-sixth interest of the said C. H. Eickemeyer, and such interest therein as the said Ella Eickemeyer might have as the wife of the said C. H. Eickemeyer in and to the real estate in plaintiff's petition herein described to be attached.

That the said defendants C. H. Eickemeyer and Ella Eickemeyer are non-residents of the State of Ohio, residing at Sioux Falls, South Dakota, and at Wausau, Wisconsin, respectively, and that on the said the 21st. day of January, 1938, he filed in said court his affidavit for service by publication and thereafter, on the 27th. day of January, 1938, commenced publication of notice of his said action against said defendants C. H. Eickemeyer and Ella Eickemeyer, which said service by publication will be completed on the 3rd. day of March, 1938, and by which said notice the said defendants are required to answer on or before the 19th. day of March, 1938.

That by reason of said attachment and of the proceedings aforementioned, this defendant Arnold E. Roehl has a first and best lien upon the one-sixth interest of the defendant C. H. Eickemeyer in and to the real estate in plaintiff's petition described, and of his wife, the said defendant Ella Eickemeyer.

Wherefore this defendant prays that the lien of this defendant may be adjudged to be a first and best lien upon the interest of the defendant C. H. Eickemeyer in and to the real estate described in plaintiff's petition, and of the defendant Ella Eickemeyer; that the court may order the proceeds of sale, if such there be, of the interest of said defendants C. H. Eickemeyer and Ella Eickemeyer to be retained by the said plaintiff herein as Executor pending said action in the Court of Common Pleas; and that upon distribution the court may order the same applied toward satisfaction of the said lien of this defendant; and for such other and further relief as the court may deem just and proper.

Wm. R. Cameron - Attorney for the defendant Arnold E. Roehl.

State of Ohio, County of Union ss.

Wm. R. Cameron, being first duly sworn, says that he is attorney for Arnold E. Roehl, defendant in the foregoing answer and cross-petition; that said Arnold E. Roehl is not a resident of the State of Ohio and is absent from said state; and that the facts stated and allegations made and contained in the foregoing answer and cross-petition are true as he verily believes.

Wm. R. Cameron.

Sworn to before me and signed in my presence this day of January, 1938. (Seal)

L. W. Hazen - P. J.

THE COL. B. B. MFG. CO. 75974

13492
Filed
Jan. 28- 1938.

Entry.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13492.
Entry.

This day appeared Arnold E. Rochl by his attorney, Wm. R. Cameron, and moved the court to be made a party defendant to the within cause, and for leave to plead, and the court, on consideration, grants the same and he is given leave to plead instanter.

L. W. Hazen- Probate Judge.

Filed
Feb. 2- 1938.

Application.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13492.
Application.

Now comes C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, deceased, and plaintiff herein, and respectfully represents that Doris Coppom and Leander Coppom, minors of more than 14 years of age, and Robert Eickemeyer, a minor 8 years of age, have been duly served with summons by publication according to law for more than twenty days last past, and that each of said minors has failed and neglected to apply for the appointment of a guardian ad litem, and the plaintiff therefore moves for the appointment of a guardian ad litem for each of said minor defendants, and suggests that William Hooper, who is a suitable person, be appointed as such.

C. A. Eickemeyer- Plaintiff.

Filed
Feb. 2- 1938.

Entry.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al; Defendants.

No. 13492.
Entry.

On the application of C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, deceased, plaintiff herein, it appearing that Doris Coppom and Leander Coppom, minors of more than

13492
Filed
Feb. 2- 1938.

Filed
Feb. 2- 1938.

13492 14 years of age, and Robert Eickenmeyer, a minor of the age of 8 years, defendants herein, were duly served with summons, it is ordered that William Hooper be, and he is hereby appointed guardian ad litem of said Doris Coppom, Leander Coppom and Robert Eickenmeyer.

L. W. Hazen - Probate Judge.

Filed Feb. 2 - 1938.

Additional Bond.

In the Probate Court, Union County, Ohio.

C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickenmeyer, et al.,

Defendants.

No. 13492.

Additional Bond.

Know All Men by these Presents:

That we, C. A. Eickenmeyer, principal, and Albert E. Moder, as sureties are firmly bound under the State of Ohio in the sum of One Thousand Dollars to the payment of which we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

The condition of this obligation is such, that whereas in a certain cause pending in the Probate Court of Union County, Ohio, wherein C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, deceased, is plaintiff, and C. A. Eickenmeyer, et al., are defendants, the said C. A. Eickenmeyer has been ordered by said court to sell certain real estate of said decedent in order to carry out the provisions of decedent's Will.

Now, if the said C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, deceased, 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.

Dated February 2, 1938.

C. A. Eickenmeyer - Principal.
Albert E. Moder - Surety.

Filed Feb. 2 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

C. A. Eickenmeyer, Executor of the Estate of Henry C. Eickenmeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickenmeyer, et al.,

Defendants.

No. 13492.

Entry.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent in order to carry out the provisions of decedent's will, and

THE COL. B. B. MFG. CO. 75974

13492

the answer of William Hoopes, guardian ad litem of the minor defendants, Doris Coppom, Leander Coppom and Robert Eickemeyer, the other defendants being in default of answer, although served with summons or by publication 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 granted; that the real estate described in the petition was appraised by the appraisers of the estate at $3500.00, and that a further appraisement is dispensed with.

The court further find that no bond was required of the plaintiff as Executor of the Estate of Henry C. Eickemeyer, deceased, and in this action he is ordered to give a bond in the sum of $1000.00 with sufficient sureties, to be approved by this court.

And it is ordered that said C. A. Eickemeyer as such Executor sell said real estate at private sale, for not less than $3500.00, the appraised value thereof, on the following terms, to-wit: Cash in hand on day of sale.

And it is further ordered that said C. A. Eickemeyer as such Executor make return of sale without unnecessary delay.

L. W. Hazen - Probate judge.

Filed
Feb. 2 - 1938.

Entry Approving Bond.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

vs.

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.
Entry Approving Bond.

It appearing to the court that the plaintiff has given additional 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
Feb. 2 - 1938.

Answer of Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

vs.

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.
Answer of Guardian ad litem.

And now comes William Hoopes, duly appointed by the Court as guardian ad litem for Doris Coppom, Leander Coppom and Robert Eickemeyer, minors, and for answer to the petition of said plaintiff, 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;

13492

Filed
Feb. 2 - 1938.

13492

and, therefore, on behalf of said minor defendants, denies the same, and submits the interest of said defendants to the care and protection of the court; to order in the premises as justice and the interest of said defendants, shall require.

William Hooper - Guardian Ad Litem.

State of Ohio, Union County, ss:

William Hooper, being first duly sworn, says that he the guardian ad litem for the minor defendants herein, and that the facts stated and allegations contained in the foregoing answer are true as he verily believes.

William Hooper.

Sworn to before me and subscribed in my presence this 28th. day of January, 1938.

Seal

Ruth Hess - Notary Public.

Filed
Feb. 2-1938.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13492,
Order for Private Sale.

To C. A. Eickemeyer, Greeting:

Whereas, on February 2, 1938, in the Probate Court of Union County, Ohio, in a certain action therein pending wherein C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, deceased, is plaintiff, and C. A. Eickemeyer, 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:

Situated in the State of Ohio, County of Union, and Township of Darby, and being Lot No. 1 in Survey No. 4067, bounded and described as follows:

Beginning at two buches and a hickory corner to Lot No. 3; thence S. 79° W. 191 poles to a stake in the Sager Mill Road; thence with said Road S. 39° E. 73½ poles to a stake in the same, corner to Lot No. 4; thence N. 78° 15' E. 150 poles to two cottonwoods and maples corner to Lot No. 2; thence N. 11° W. 62 poles, more or less.

Also, Lot No. 5 in said Survey No. 4067;

Beginning at two cottonwoods & maples, corner to said Lot No. 1; thence S. 78° 15' W. 40 poles to a stake,

THE COL. B. H. MFG. CO. 75974

13492

corner to Lot No. 4; thence S. 11° E. 55½ poles to a stake corner to Lot No. 4; thence N. 81° 15' E. 57½ poles to a stake, corner to Lot No. 6; thence N. 11° W. 60 poles to a stake, corner to Lot No. 6 and in the line of Lot No. 2; thence S. 78° 15' W. 17½ poles to the beginning, containing 20¾ acres, more or less,

Witness my hand and the seal of said Court, at Marysville, Ohio, this 2nd. day of February, 1938.

L. W. Hagen - Probate Judge.

Filed
Feb. 2 - 1938.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.
Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 2nd. day of February, 1938, offer said property, at private sale, and Martin Eickemeyer having offered therefore the sum of $4725.00, and the same being more than the appraised value of said property, I sold the same to said Martin Eickemeyer for that sum.

C. A. Eickemeyer.

State of Ohio, Union County, ss:

C. A. Eickemeyer, 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. Eickemeyer.

Subscribed in my presence and sworn to before me this 2nd. day of February, 1938.

Ruth Hess - Notary Public.

Filed
Feb. 2 - 1938.

Entry.

In the Probate Court, Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased,

Plaintiff,

-vs-

C. A. Eickemeyer, et al.,

Defendants.

No. 13492.
Entry.

This day this cause came on to be heard upon the report of C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, deceased, of his proceedings under the former order of this court, and upon the motion of said petitioner to confirm

13492

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 Henry C. Eickemeyer, and plaintiff, and all of the defendants in this cause, in said real estate, to the purchaser, Martin Eickemeyer, upon said purchaser paying the purchase price of said real estate, to-wit, the sum of $4725.00, in cash.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale amounting to the sum of $4725.00, the court orders that the said C.F.C. Eickemeyer, as Executor as aforesaid, out of the money in his hands, pay:

First: To the Treasurer of Union County, Ohio, the sum of $42.28, 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 $246.30, that being the amount of costs, expenses, fees and the amount due for revenue stamps, incurred in the sale of said property.

And there remaining in the hands of said Executor the sum of $4436.42 to be distributed according to the last Will and Testament of the said Henry C. Eickemeyer, deceased, which has been duly admitted to probate and record in this court, and the said Dorathea E. Eickemeyer, widow of the said Henry C. Eickemeyer, being now deceased, it is ordered that said Executor distribute said sum as provided in Item 5 of said Will, and subject to the advancements therein provided, as follows, to-wit:

A - To C. Herman Eickemeyer, the sum of $1227.28, less an advancement of $800.00, as in said Will provided, to-wit, the sum of $427.28.

B - To C. A. Eickemeyer, the sum of $1227.28, less an advancement of $500.00, as in said Will provided, to-wit, the sum of $727.28.

C - To Martin F. Eickemeyer, one full share, to-wit, the sum of $1227.29.

D - To Clara Wolpert, one full share, to-wit, the sum of $1227.29.

E - To Scott Eickemeyer, Robert Eickemeyer, Harry Eickemeyer, Doris Coppock and Dorothy Nichols, children and only heirs at law of Lewis P. Eickemeyer, deceased, the sum of $165.75, each, that being the share of Lewis P. Eickemeyer in the sum of $1227.28, less an advancement provided in said Will in the sum of $400.00.

THE COL. B. B. MFG. CO. 75974

13492

T.- That since the advancement to the said John Henry Eickemeyer is in excess of his share in said property, it is ordered that no distribution be made to him.

The court further finds upon the answer and cross-petition of Arnold E. Roehl, that he claims a lien in the interest of C. Herman Eickemeyer, and it is therefore ordered by the court that C. A. Eickemeyer, as Executor aforesaid, retain in his possession the sum of $427.28 hereinabove found to be due the said C. Herman Eickemeyer, until further order of this court; and it is ordered, adjudged and decreed by the court that the lien of the said Arnold E. Roehl, if any he have, attach to said sum of $427.28, and be, and it hereby is, released from any interest the said C. Herman Eickemeyer had in said real estate.

L. W. Hague- Probate judge.

Filed
Apr. 2- 1938.

Entry.

In the Probate Court of Union County, Ohio.

C. A. Eickemeyer, Executor of the Estate of Henry C. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13492.
Entry.

This day this cause came on for hearing on motion of the defendant Arnold E. Roehl for an order of this court directing the plaintiff herein, C. A. Eickemeyer as executor of the estate of Henry C. Eickemeyer, deceased, to pay into the hands of the Sheriff of Union County, Ohio, the sum of $ now in his hands, the same being the proceeds of sale of the interest of C. Herman Eickemeyer, in and to the real estate heretofore sold by said executor in this proceedings, which said interest was subject to the lien of attachment levied by said Sheriff in suit wherein said Arnold E. Roehl is plaintiff in cause No. 14595 in the Court of Common Pleas of Union County, Ohio, and which said proceeds were heretofore ordered by this court to be held by said executor pending the proceedings in the said the Court of Common Pleas.

Now therefore, on consideration, and it appearing to this court that the said C. A. Eickemeyer has completed his administration of said estate, save and except for disposition of the proceeds of sale of the said interest of C. Herman Eickemeyer, and is ready to file his accounting in said estate and it is desirable that he should file his said accounting without further delay.

It is therefore ordered that the said C. A. Eickemeyer, as such executor, shall pay into the hands of the Sheriff of Union County, Ohio, the said proceeds of sale of the interest of C. Herman Eickemeyer, amounting to $,

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Filed
Oct. 21-1937.
Hooper & Saunders, Attorneys.

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13492 to be held by said Sheriff subject to order of the said Court of Common Pleas in cause No. 14595 in that court, and said executor is hereby authorized and directed to accept and receive the receipt of the said Sheriff therefor and to file the same with his accounting in this the Probate Court of Union County, Ohio, and the same when so filed shall be his sufficient discharge as to said sum so paid over.

L. W. Hazen - Probate Judge.

O. K.
Hooper, Saunders & Hooper - attys. for Plff.
Richard C. Thrall - Atty. for C. Herman Eickemeyer.

13493
Filed
Oct. 21-1937.
Hooper & Saunders, Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased,
Plaintiff,

-vs-

C. A. Eickemeyer and Catherine Eickemeyer, his wife,
Henry D. Eickemeyer and Elizabeth Eickemeyer, his wife,
Herman C. Eickemeyer and Ella Eickemeyer, his wife,
Clara Wolpert and Carl Wolpert, her husband,
Martin C. Eickemeyer and Lous Eickemeyer, his wife,
Scott Eickemeyer and Jean Eickemeyer, his wife,
Harry Eickemeyer, unmarried,
Robert Eickemeyer, unmarried,
Doris Coppom and Alexander Coppom, her husband,
Dorothy Nichols and Claude Nichols, her husband,
Defendants.

No. 13493.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, which said Will was duly admitted to probate in this court on the day of September, 1937.

The husband of the said decedent, Henry Eickemeyer, died prior to her death.

Said Will contains a provision that after the death of the said Henry Eickemeyer, the real estate hereinafter described be equally divided among all of the decedent's

THE COL. B. B. MFG. CO. 75974

13493

children, living, or their offspring.

The living children of said decedent are the defendants, namely: C. A. Eickenmeyer, Henry J. Eickenmeyer, Herman C. Eickenmeyer, Clara Wolpert and Martin C. Eickenmeyer.

One of the children, Louis P. Eickenmeyer, died prior to the death of the said Dorathea E. Eickenmeyer, and his children are the defendants: Scott Eickenmeyer, Robert Eickenmeyer, Harry Eickenmeyer, Doris Coppom and Dorothy Nichols.

The defendant, Catherine Eickenmeyer, is the wife of the defendant, C. A. Eickenmeyer; the defendant, Elizabeth Eickenmeyer, is the wife of the defendant, Henry J. Eickenmeyer; the defendant, Ella Eickenmeyer, is the wife of the defendant, Herman C. Eickenmeyer; the defendant, Carl Wolpert, is the husband of the defendant, Clara Wolpert; the defendant, Lona Eickenmeyer, is the wife of the defendant, Martin C. Eickenmeyer; the defendant, Jean Eickenmeyer, is the wife of the defendant, Scott Eickenmeyer; the defendants, Harry Eickenmeyer and Robert Eickenmeyer, are unmarried; the defendant, Alexander Coppom is the husband of the defendant, Doris Coppom; and the defendant, Claude Nichols, is the husband of the defendant, Dorothy Nichols.

Said real estate consists of a farm of about 35 acres, with one set of buildings, described as follows:

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

Beginning at a stone with piece of brick under it at the intersection of the Kendall and Sager Mill road; thence with the center of said Sager Mill road N. 39¾° W. 80-6/10 poles to a stone with piece of brick under it; thence S. 78½° W. 59-65/100 poles to a stone with piece of crock under it in the line of Conrad Nicol's land; thence S. 90° E. 68-8/10 poles to a stone with piece of crock under it in the center of said Kendall road; thence with the center of said road N. 79° 21' E. 100-85/100 poles to the beginning, containing 35 acres, more or less.

Said real estate above described was deed to the said decedent under the name of Elizabeth Dorathea Eickenmeyer, and therefore Elizabeth Dorathea Eickenmeyer and the decedent are one and the same person.

Plaintiff says that it is impossible to divide said real estate among the children and that the only way to carry out the provisions of said Will is to sell said real estate and to divide the proceeds thereof among the beneficiaries therein named.

Wherefore, plaintiff prays that the court set this petition for hearing, and for an order authorizing the plaintiff to sell said real estate in order to carry out the provisions of said Will.

Hooper & Sanders.
Attorneys for Plaintiff.

13493

Filed
Oct. 21- 1937.

Filed
Oct. 22-1937.

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State of Ohio, Union County, ss:
Earl Wolpert, being first duly sworn, says that he is the administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, and as such is the plaintiff herein; that the facts stated and allegations contained in the foregoing petition are true as he truly believes.

Earl Wolpert.

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

(Seal)

C. A. Hooper - Notary Public.

Filed Oct. 21 - 1937.

Affidavit.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Affidavit.

State of Ohio, Union County, ss:
Earl Wolpert, being first duly sworn, says that he is the Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, and as such is the plaintiff herein; that the defendants, Doris Coppom, a minor, and her husband, Alexander Coppom, and the defendants, Scott Eickemeyer, Jean Eickemeyer, Harry Eickemeyer, Dorothy Nichols and Claude Nichols, reside in Cheyenne, Wyoming, and the defendant, Robert Eickemeyer, a minor, resides in Glarinda, Wyoming, and service of summons cannot be made upon said defendants within the State of Ohio, and that this cause is one of those mentioned in General Code Section 11292.

Earl Wolpert.

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

(Seal)

Ruth Hess - Notary Public.

Filed Oct. 22-1937.

Waiver.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to

THE COL. B. B. MFG. CO. 75974

13493 the sale of the real estate described in the petition, as prayed for.
Clara Wolpert.
Earl Wolpert.
Martin L. Eickenmeyer.
Lona Eickenmeyer.
Rex - Hooper & Sanders - attorneys.

13493 Filed Dec. 7 - 1937. Earl

Filed Dec. 2 - 1937.

Legal Notice.

Scott Eickenmeyer, Jean Eickenmeyer, Harry Eickenmeyer, Dorothy Nichols, Claude Nichols, Doris Coppom, and Leander Coppom, who reside in Cheyenne, Wyoming, and Robert Eickenmeyer, a minor, who resides in Clarinda, Wyoming, will take notice that Earl Wolpert, Administrator with the Will annexed of the Estate of Dorothea E. Eickenmeyer, deceased, on the 21st. day of October, 1937, filed his petition in the Probate Court within and for the County of Union, State of Ohio, in Case No. 13493, praying for the sale of the following described real estate in order to carry out the provisions of the Will of said decedent, to-wit:

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

Beginning at a stone with pieces of brick under it at the intersection of the Kendall and Sager Mill Road; thence with the center of said Sager Mill Road N. 39¾ degrees W. 80-6/10 poles to a stone with pieces of brick under it; thence S. 78½ degrees W. 59-65/100 poles to a stone with pieces of crock under it in the line of Conrad Nicol's land; thence S. 10 degrees E. 68-8/10 poles to a stone with pieces of crock under it in the center of said Kendall Road; thence with the center of said road N. 79 degrees 21 minutes E. 100-85/100 poles to the beginning, containing 35 acres, more or less.

The persons first above mentioned will further take notice that they have been made parties defendant to said petition and that they are required to answer the same on or before the 27th. day of November, 1937.

Earl Wolpert - Administrator with the Will Annexed of the Estate of Dorathea E. Eickenmeyer, Deceased.

Filed Dec. 7 - 1937.

Hooper & Sanders, Attorneys.

The State of Ohio, Union County, ss:

Personally appeared before me J. W. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after October 22, 1937, in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. W. Huber.

Sworn to before me and signed in my presence this 30th. day of November, a. D., 1937.

G. P. Huber - Notary Public.

Printer's Fees, $19.60 (Seal)

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Filed
Dec. 7-1937.

Waiver.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff; -vs- C. A. Eickemeyer, et al., Defendants. | No. 13493. Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Katherine Eickemeyer.
C. A. Eickemeyer.
W. C. Eickemeyer.
Lorna Eickemeyer.

Filed
Dec. 7-1937.

Waiver.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff; -vs- C. A. Eickemeyer, et al., Defendants. | No. 13493. Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Henry J. Eickemeyer.
Elizabeth Eickemeyer.

Filed
Dec. 7-1937.

Waiver.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff; -vs- C. A. Eickemeyer, et al., Defendants. | No. 13493. Waiver.

The undersigned, parties defendant, in the above entitled cause, being competent, adult persons, hereby waive the issuing and service of summons upon them, and each of them, and enter their respective appearances herein, and consent to the sale of the real estate described in the petition, as prayed for.

Mrs. Ella Eickemeyer.

THE COL. B. B. MFG. CO. 75974

13493
Filed
Dec. 7- 1937.

Waiver.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

E. A. Eickemeyer, et al., Defendants.

No. 13493.
Waiver.

The undersigned, party defendant, in the above entitled cause, being a competent, adult person, hereby waives the issuing and service of summons upon him, and enters his appearance herein, and consents to the sale of the real estate described in the petition, as prayed for.

E. Herman Eickemeyer.

Filed
Jan. 28- 1938.

Motion.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

E. A. Eickemeyer, et al., Defendants.

No. 13493.
Motion.

Now comes Arnold E. Roehl by his attorney, Wm. R. Cameron, and respectfully moves this court that he be made a party defendant in this cause, and for leave to plead herein.

Wm. R. Cameron - attorney.

Filed
Jan. 28- 1938.

Entry.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

E. A. Eickemeyer, et al., Defendants.

No. 13493.
Entry.

This day appeared Arnold E. Roehl by his attorney, Wm. R. Cameron, and moved the court to be made a party defendant to the within cause, and for leave to plead, and the court, on consideration, grants the same and he is given leave to plead instanter.

L. W. Hazen - Probate judge.

13493
Filed
Jan. 28- 1938.

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Filed
Jan. 28-1938.

Answer and Cross-Petition of Arnold E. Roehl.

In the Probate Court of Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased,
Plaintiff,

-vs-

E. A. Eickemeyer, et al.,
Defendants.

No. 13493.

Answer and Cross-Petition of Arnold E. Roehl.

Now comes the defendant Arnold E. Roehl and for his answer admits the allegations set forth and matters contained in the petition of the plaintiff herein, and for his cross-petition says:

That on the 21st. day of January, 1938, he filed his petition in the Court of Common Pleas of Union County, Ohio, in cause No. 14595 in said court, against the defendant E. H. Eickemeyer, who is one and the same person as E. Herman Eickemeyer, and against the defendant Ella Eickemeyer, praying for judgment in the sum of $351.70 with interest at 6% from January 21st, 1938, upon a promissory note, of which said note a copy, with all credits and indorsements thereon, is in said petition set forth.

That on the same day he filed in said court his affidavit in attachment, causing the one-sixth interest of the said E. H. Eickemeyer, and such interest therein as the said Ella Eickemeyer might have as the wife of the said E. H. Eickemeyer, in and to the real estate in plaintiff's petition herein described to be attached.

That the said defendants E. H. Eickemeyer and Ella Eickemeyer are non-residents of the State of Ohio, residing at Sioux Falls, South Dakota, and at Wausau, Wisconsin, respectively, and that on the said the 21st. day of January, 1938, he filed in said court his affidavit for service by publication and thereafter, on the 27th day of January, 1938, commenced publication of notice of his said action against said defendants E. H. Eickemeyer and Ella Eickemeyer, which said service by publication will be completed on the 3rd. day of March, 1938, and by which said notice the said defendants are required to answer on or before the 19th. day of March, 1938.

That by reason of said attachment and of the proceedings aforementioned, this defendant Arnold E. Roehl has a first and best lien upon the one-sixth interest of the defendant E. H. Eickemeyer in and to the real estate in plaintiff's petition described, and of his wife, the said defendant Ella Eickemeyer.

Wherefore this defendant prays that the lien of this defendant may be adjudged to be a first and best lien upon the interest of the defendant E. H. Eickemeyer in and to the real estate described in plaintiff's petition,

THE COL. B. B. MFG. CO. 75974

13493

and of the defendant Ella Eickenmeyer; that the court may order the proceeds of sale, if such there be, of the interest of said defendants C. H. Eickenmeyer and Ella Eickenmeyer to be retained by the said plaintiff herein as Administrator pending said action in the Court of Common Pleas; and that upon distribution the court may order the same applied toward satisfaction of the said liens of this defendant; and for such other and further relief as the court may deem just and proper.

Wm. R. Cameron - Attorney for the defendant, Arnold E. Roehl.

State of Ohio, County of Union : SS.

Wm. R. Cameron, being first duly sworn, says that he is attorney for Arnold E. Roehl defendant in the foregoing answer and cross-petition; that said Arnold E. Roehl is not a resident of the State of Ohio and is absent from said state; and that the facts stated and allegations made and contained in the foregoing answer and cross-petition are true as he verily believes.

Wm. R. Cameron.

Sworn to before me and signed in my presence this day of January, 1938.

Seal

L. W. Hazen - P. J.

Filed
Feb. 2- 1938.

Application.

In the Probate Court, Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickenmeyer, deceased, Plaintiff,

-vs-

C. A. Eickenmeyer, et al., Defendants.

No. 13493.
Application.

Now comes Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickenmeyer, deceased, and plaintiff herein, and respectfully represents that Doris Coppom and Leander Coppom, minors of more than 14 years of age, and Robert Eickenmeyer, a minor 8 years of age, have been duly served with summons by publication according to law for more than twenty days last past, and that each of said minors has failed and neglected to apply for the appointment of a guardian ad litem, and the plaintiff therefore moves the appointment of a guardian ad litem for each of said minor defendants, and suggests that William Hooper, who is a suitable person, be appointed as such.

Carl Wolpert - Plaintiff.

13493
Filed
Feb. 2- 1938.

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Feb. 2- 1938.

Entry.

In the Probate Court, Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

E. A. Eickemeyer, et al., Defendants.

Us. 13493.
Entry.

On the application of Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, plaintiff herein, it appearing that Doris Coppom and Leander Coppom, minors of more than 14 years of age, and Robert Eickemeyer, a minor of the age of 8 years, defendants herein, were duly served with summons, it is ordered that William Hoopes be, and he is hereby appointed guardian, ad litum of said Doris Coppom, Leander Coppom and Robert Eickemeyer.

L. W. Hazen - Probate judge.

Filed
Feb. 2- 1938.

Answer of Guardian Ad Litum.

In the Probate Court, Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

E. A. Eickemeyer, et al., Defendants.

Us. 13493.
Answer of Guardian Ad Litum.

And now comes William Hoopes, duly appointed by the Court as guardian ad litum for Doris Coppom, Leandr Coppom and Robert Eickemeyer, Minors, and for answer to the petition of said plaintiff, 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 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.

William Hoopes - Guardian Ad Litum.

State of Ohio, Union County, ss:

William Hoopes, being first duly sworn, says that he is the guardian ad litum for the minor defendants herein, and that the facts stated and allegations contained in the foregoing answer are true as he verily believes.

William Hoopes.

Sworn to before me and subscribed in my presence this 28th. day January, 1938.

Seal

Ruth Hess - Notary Public.

THE COL. B. B. MFG. CO. 75974

13493
Filed
Feb. 2- 1938.

Entry.

In the Probate Court, Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Entry.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent in order to carry out the provisions of decedent's Will, and the answer of William Hooper, guardian ad litum of the minor defendants, Doris Copporn, Rosalie Copporn and Robert Eickemeyer, the other defendants being in default of answer, although served with summons or by publication 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 granted; that the real estate described in the petition was appraised by the appraisers of the estate at $2275.00, and that a further appraisement is dispensed with.

The court further find that the bond heretofore given by the plaintiff as Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, in the sum of $2500.00 is insufficient and 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 is ordered that said Earl Wolpert as such Administrator sell said real estate at private sale, for not less than $2275.00, the appraised value thereof on the following terms to-wit: Cash in hand on day of sale.

And it is further ordered that said Earl Wolpert as such Administrator make return of sale without unnecessary delay.

L. W. Hazen- Probate judge.

Filed
Feb. 2- 1938.

Additional Bond.

In the Probate Court, Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Additional Bond.

Know all Men by these Presents:

That we, Earl Wolpert, principal, and Clara Wolpert and M. C. Eickemeyer sureties are jointly bound under the State of Ohio in the sum of One Thousand Dollars to the payment of which we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

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Feb. 2- 1938.

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The condition of this obligation is such, that whereas in a certain cause pending in the Probate Court of Union County, Ohio, wherein Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, is plaintiff, and C. A. Eickemeyer, et al., are defendants, the said Carl Wolpert has been ordered by said court to sell certain real estate of said decedent in order to carry out the provisions of decedents Will.

Now, if the said Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, aforesaid, shall faithfully discharge his duties in the premises and full account such sale according to law, otherwise to be in full force Dated January , 1938.

for all moneys arising from then this obligation to be void, and effect.

Carl Wolpert - Principal.
Clara Wolpert - Wife - Carl Wolpert.
W. C. Eickemeyer - Surety.

Filed Feb. 2-1938.

Entry Approving Bond.

In the Probate Court, Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Entry Approving Bond.

It appearing to the court that the plaintiff has given additional 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 Feb. 2-1938.

Order for Private Sale.

In the Probate Court, Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

-vs-

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Order for Private Sale.

To Carl Wolpert, Greeting:

Whereas, on February 2, 1938, in the Probate Court of Union County, Ohio, in a certain action therein pending wherein Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, deceased, is plaintiff, and C. A. Eickemeyer, 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

THE COL. B. B. MFG. CO. 75974

13493

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:

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

Beginning at a stone with pieces of brick under it at the intersection of the Kendall and Sager Mill road; thence with the center of said Sager Mill Road N. 39¾° W. 80- 6/10 poles to a stone with pieces of brick under it; thence S. 78½° W. 59- 65/100 poles to a stone with pieces of crock under it in the line of Conrad Nicol's land; thence S. 90° E. 68- 8/10 poles to a stone with pieces of crock under it in the center of said Kendall road; thence with the center of said road N. 79° 21' E. 100- 85/100 poles to the beginning, containing 35 acres, more or less.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 2nd. day of February, 1938.

L. W. Hazen – Probate Judge.

(Seal)

13493
Filed
Feb. 2- 1938.

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Feb. 2- 1938.

Report of Private Sale.

In the Probate Court, Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickmeyer, Deceased, Plaintiff,

vs.

E. A. Eickmeyer, et al., Defendants.

No. 13493.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 2nd. day of February, 1938, offer said property, at private sale, and Martin Eickmeyer having offered therefor the sum of $2275.00, and the same being the appraised value of said property, I sold the same to said Martin Eickmeyer for that sum.

Earl Wolpert.

State of Ohio, Union County, ss:

Earl Wolpert, 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.

Earl Wolpert.

Subscribed in my presence and sworn to before me this 2nd. day of February, 1938.

Gwynn Sanders- Notary Public.

(Seal)

13493
Filed
Feb. 2- 1938.

Entry.

In the Probate Court, Union County, Ohio.

Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, Deceased, Plaintiff,

vs.

C. A. Eickemeyer, et al., Defendants.

No. 13493.
Entry.

This day this cause came on to be heard upon the report of Carl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickemeyer, 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 Dorathea E. Eickemeyer, and all of the defendants in this cause, to said real estate, to the purchaser, Martin Eickemeyer, upon said purchaser paying the purchase price of said real estate, to-wit, the sum of $2275.00, in cash.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale amounting to the sum of $2275.00, the court ordered that the said Carl Wolpert, as Administrator as aforesaid, out of the money in his hands, pay:

First: To the Treasurer of Union County, Ohio, the sum of $33.60, that being the amount of taxes due on said real estate.

Second: To L. W. Hagan, Judge of the Probate Court of Union County, Ohio, the sum of $160.10, that being the amount of costs, expenses, fees and the amount due for revenue stamps, incurred in the sale of said property.

And there remaining in the hands of said Administrator the sum of $2081.30 to be distributed according to the Last Will and Testament of the said Dorathea E. Eickemeyer, deceased, which has been duly admitted to probate and record in this court, and the said Henry C. Eickemeyer, husband of the said Dorathea E. Eickemeyer, having pre-deceased her, it is ordered that said Administrator distribute the money in his hands according to the terms of the Last Will and Testament of the said Dorathea E. Eickemeyer, as follows, to-wit:

THE COL. B. B. MFG. CO. 75974

13493

A- To John Henry Eickenmeyer, one full share, to-wit, the sum of $346.88.

B- To C. A. Eickenmeyer, one full share, to-wit, the sum of $346.88.

C- To C. Herman Eickenmeyer, one full share, to-wit, the sum of $346.88.

D- To Martin Eickenmeyer, one full share, to-wit, the sum of $346.88.

E- To Clara Wolpert, one full share, to-wit, the sum of $346.88.

F- To Scott Eickenmeyer, Robert Eickenmeyer, Harry Eickenmeyer, Doris Copson, and Dorothy Nichols, children and only heirs at law of Lewis P. Eickenmeyer, deceased, one full share, to-wit, the sum of $346.88 or $69.38, each.

The court further finds upon the answer and cross-petition of Arnold E. Roehl, that he claims a lien in the interest of C. Herman Eickenmeyer, and it is therefore ordered by the court that Earl Wolpert, as Administrator aforesaid, retain in his possession the sum of $346.88 hereinabove found to be due the said C. Herman Eickenmeyer, until further order of this court; and it is ordered, adjudged and decreed by the court that the lien of the said Arnold E. Roehl, if any he have, attach to said sum of $346.88, and be, and it hereby is, released from any interest the said C. Herman Eickenmeyer had in said real estate.

L. W. Hazen- Probate Judge.

Filed
Apr. 2- 1938.

Entry.

In the Probate Court of Union County, Ohio.

Earl Wolpert, Administrator with the Will annexed of the Estate of Dorathea E. Eickenmeyer, Deceased, Plaintiff,

-vs-

C. A. Eickenmeyer, et al., Defendants.

No. 13493.

Entry.

This day this cause came on for hearing on motion of Arnold E. Roehl, defendant herein, for an order of this court directing the plaintiff herein, Earl Wolpert, as administrator of the estate of Dorathea E. Eickenmeyer, deceased, to pay into the hands of the Sheriff of Union County, Ohio, the sum of $ —— now in his hands, the same being the proceeds of sale of the interest of C. Herman Eickenmeyer in and to the real estate heretofore sold by said administrator in this proceedings, which said interest was the same as that subject to the lien of attachment levied by said Sheriff in suit wherein said Arnold E. Roehl is plaintiff in cause No. 14595 in the court of Common Pleas of Union County, Ohio, and which said proceeds were heretofore ordered by this court to be held by said

13493

13216
Filed
Oct. 7- 1936.
Porter & Porter,
Attorneys.

13493

administrator pending the proceedings in the said the Court of Common Pleas.

Now therefore, on consideration, and it appearing to this court that the said Carl Wolpert has completed his administration of said estate, save and except for disposition of the proceeds of sale of the said interest of C. Hermann Eickemeyer, and is ready to file his accounting in said estate, and it is desirable that he should file his said accounting without further delay.

It is therefore ordered that the said Carl Wolpert, as such administrator, shall pay into the hands of the Sheriff of Union County, Ohio, the said proceeds of sale of the share of C. Hermann Eickemeyer, amounting to $ ——, to be held by said Sheriff subject to order of the said Court of Common Pleas in cause No. 14595 in that court, and said Administrator is hereby authorized and directed to accept and receive the receipt of the said Sheriff therefor, and to file the same with his accounting in this the Probate Court of Union County, Ohio, and the same when so filed shall be his sufficient discharge as to said sum so paid over.

L. W. Hazen- Probate Judge.

D. K.

Hoopes, Sanders + Hoopes- Attys. for Pltf.

Richard C. Small- Atty. for C. Hermann Eickemeyer.

1326
Filed
Oct. 7- 1936.
Porter & Porter,
Attorneys.

Petition to Sell Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

J. M. Huber, Administrator of the Estate of John M. Reusch, Deceased,

Plaintiff.

-vs-

W. P. Kirchner, John L. Pippus, Martin J. Kirchner, Edward J. Kirchner, Karl J. Kirchner, Wilmer P. Reusch, Anna M. Reusch, Clara Reusch, Martin Reusch, Ohio, Jacob Sarver, Elizabeth Huber, Charlotte E. Huber, Albert Reusch, J. M. Huber, George Upphils, Lena Huber, G. P. Huber, and Retta Huber,

Defendants.

No. 13261.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of John M. Reusch deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is

THE COL. B. B. MFG. CO. 75974

13261

—— Dollars.

And the costs of administering the estate will be about One hundred fifty and no/100 Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at no 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 in the Village of Marysville and in Survey No. 3357, and bounded and described as follows:-

Beginning at the northwest corner of land now owned by George Schneider and then running along the fence in an easterly direction 132 feet to an iron stake and thence in a northerly direction 60 feet to an iron stake and thence in a westerly direction 132 feet to an iron stake and thence in a southerly direction 60 feet to the place of beginning.

It is hereby understood and agreed that division fences are to be maintained by the owners equally. For further description see record of deeds Vol. 29, page 35, of Union County records conveying part of Out-Lot Nos. One, four, and five of the Matthias Out Lots south of the town of Marysville.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Four hundred twenty five and no/100 Dollars.

Said real estate is encumbered as follows: None.

The defendants and 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 John M. Huber 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.

William J. Porter,
Attorney for the Plaintiff.

Filed
Oct. 15-1936.

13261

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The State of Ohio, Union County.

J. M. Huber, 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.

J. M. Huber.

Sworn to before me and signed in my presence by the said J. M. Huber, at Marysville, Ohio, this 4 day of October, 1936.

William J. Porter - Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Lena Huber and Retta Huber, Defendants, directed to the Sheriff of said County, returnable according to law.

Porter & Porter - Plaintiff's Attorney.

Filed Oct. 15-1936.

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 Lena Huber and Retta Huber, Ash St., Marysville, Ohio. Action - "Petition to Sell Real Estate," J. M. Huber - Administrator of the Estate of John M. Reusel - Deceased, Plaintiff, -vs- W. P. - Martin J. & Edward J. - and Karl J. Kirchner also John L. Kipplie, - Wilmer M. Reusel - Anna M. - Clara - and Martin Reusel - also Mrs. Jacob Sarver, - Elizabeth Huber - Charlotte E. - J. M. Huber - G. P. - Lena and Retta Huber also Albert Reusel and George Whyte; that on the seventh day of October, A. D. 1936, J. M. Huber, Administrator of the Estate of John M. Reusel 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, in said petition described, for the purpose of paying all obligations; and that unless they answer by the 7th. day of November 1936, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 19th. day of Oct. 1936.

Witness my hand and the seal of said Court, this 7th. day of October, 1936.

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

Sheriff's Return.

The State of Ohio, Union County.

Received this writ October 7th. 1936, at 3:00 o'clock P. M., and on the 14th. day of October, 1936, I served the same by leaving a true and certified copy of this writ at the usual place of residence of each of the within named

THE COL. B. B. MFG. CO. 75974

13261

Lena Huber and Retta Huber.

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

Service & Return .75
1 Additional name .25
Total $1.00

Filed
June 22-1937.

Waiver.

Probate Court, Union County, Ohio.

In the Matter of the Estate of John M. Teusel, Deceased. | No. 13261. | Waiver.

We, the undersigned, heirs at law of the above named deceased and interested parties in the above entitled action hereby waive service of notice in the above entitled action and consent to the transfer or delivery of said property as prayed for, and further waive the issuing and service of summons and voluntarily enter our appearance as such defendants.

W. P. Kirchner.
John L. Bippus.
Martin J. Kirchner.
Ed J. Kirchner.
Karl J. Kirchner.

Filed
June 22-1937.

Waiver of Summons on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

J. M. Huber, Administrator of the Estate of John M. Teusel, Deceased,

Plaintiff,

-vs-

G. P. Huber, et. al.,

Defendants.

No. 13261.
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 4- A.D. 1937.

Charlotte E. Huber.
Elizabeth Huber.
Mary Garner.
Anna M. Teusel.
Clara Teusel.
Martin Teusel.
Albert Teusel.
George Upphile.
Wilmer H. Teusel.

13261
Filed
Jan. 28-1939.

Filed
June 22-1937.

Filed
June 22-1937.

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Filed
Jan. 28-1939.

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

J. M. Huber, Administrator of
the Estate of John M. Reusel,
Deceased,
Plaintiff,
-vs-
R. W. Kirchner, et al.,
Defendants.

No. 13261.
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 22- A.D. 1937.

Wilmer F. Reusel.

Filed
June 22-1937.

Journal Entry-Order Fixing Time of Hearing and for Notice.
Probate Court, Union County, Ohio.

J. M. Huber, as Administrator of
the Estate of John M. Reusel,
Deceased,
Plaintiff,
-vs-
W. P. Kirchner, et. al.,
Defendants.

June 21st. 1937.
Order Fixing Time for Hearing
and for Notice.

This day J. M. Huber, Administrator of the Estate of John M. Reusel, 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 21st. day of June, 1937, at 10:00 o'clock A. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen- Probate Judge.

Filed
June 22-1937.

Dispensing with a New Appraisement and Ordering Bond.
Probate Court, Union County, Ohio.

J. M. Huber, as Administrator of
the Estate of John M. Reusel,
Deceased,
Plaintiff,
-vs-
R. W. Kirchner, et. al.,
Defendants.

June 21st- 1937.
Dispensing with a New
Appraisement & Ordering Bond.

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; the other

THE COL. B. B. MFG. CO. 75974

13261

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 Twenty-five Dollars, and that a further appraisement is disputed with.

The Court further finds that the bond heretofore given by the plaintiff as Administrator of the estate of John M. Teusel, deceased, in the amount of One 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 One Thousand Dollars, and this cause is continued.

L. W. Hazen- Probate Judge.

Filed June 22- 1937.

Confirming appraisement and Ordering Additional Bond.

Probate Court, Union County, Ohio.

J. M. Huber, as Administrator of the Estate of John M. Teusel, Deceased,

Plaintiff,

-vs-

P. W. Kirchner, et al.,

Defendants.

June 21st. 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 J. M. Huber, Administrator of the estate of John M. Teusel, execute within 1 day to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of One Thousand Dollars, conditioned according to law.

L. W. Hazen- Probate Judge.

Filed June 22- 1937.

Bond of Administrator.

In Proceeding to Sell Real Estate.

Know all Men by These Presents: That we J. M. Huber, Eugene Huber and G. P. Huber, 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 June, A. D. 1937.

The condition of the above obligation is such, That whereas, the above bound J. M. Huber was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of John M. Teusel, Deceased.

Filed June 22-1937.

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And whereas, the said J. M. Huber as such administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said John M. Reusel, Deceased, described in said petition;

And whereas said Court, on the 21st. day of June 1937, made an order requiring said J. M. Huber to execute a bond according to the statute in such cases made and provided.

Now, if the said J. M. Huber as administrator aforesaid, shall faithfully discharge his duties and pay and account for all moneys arising from the sale of the Real Estate according to law, then this obligation to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of
William L. Porter.
Alice Randolph Stillings.

J. M. Huber.
Eugene P. Huber.
M. P. Huber.

This Bond approved in open Court, this 21 day of May, 1937.
L. W. Hazen - Probate Judge.

Filed June 22-1937.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

J. M. Huber, as Administrator of the Estate of John M. Reusel, Deceased, Plaintiff,

-vs-

P. W. Kirchner, et al., Defendants.

No. 13261.
June 21st. 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 One Thousand Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that J. M. Huber 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 June 22-1937.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

J. M. Huber, administrator of the Estate of John M. Reusel, Deceased, Plaintiff,

-vs-

W. P. Kirchner, et. al., Defendants.

No. 13261.
Application.

THE COL. B. B. MFG. CO. 75974

13261

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:

That there is a purchaser who will pay the appraised value.

That the estate is so small that to sell it at private sale it would exhaust all resources without paying the legitimate debts.

That there is barly enough money now to pay the debts and to add additional expense of advertising and selling it at private sale would only detract from the assets instead of adding to the same.

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

J. M. Huber- Administrator of the estate of John M. Reusel, Deceased.

The State of Ohio, Union County.

J. M. Huber, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

J. M. Huber.

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

Seal — William J. Porter- Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Harold J. Coleman, W. P. O'Brien and J. M. Foster, 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.

Harold J. Coleman.

W. P. O'Brien.

J. M. Foster.

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

Seal — William J. Porter- Notary Public.

Filed June 22-1937.

Order of Private Sale.

The State of Ohio, Union County, Probate Court.

To J. M. Huber, administrator of the estate of John M. Reusel, 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 M. Huber, deceased, are Plaintiff and

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13261 R. W. Kirchner, et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Four Hundred and seventy-five dollars the appraised value thereof, the following described premises, to-wit:

Beginning at the Northwest corner of land now owned by George Scheiderer and then running along the fence in an Easterly direction 32 feet to an iron stake and thence in a northerly direction 160 feet to an iron stake and thence in a westerly direction 132 feet to an iron stake and thence in a southerly direction 60 feet to the place of beginning.

It is hereby understood and agreed that division fences are to be maintained by the owners equally. For further description see record of deeds Vol. 129, page 35 of Union County records, conveying part of out lot No. one-four and five of the Mathiot out-lots south of the town of Marysville, Ohio.

Said sale to be upon the following terms: Cash.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 21st. 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 21st. day of June, 1937.

J. M. Huber.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 21st. day of June 1937, offer said property, at private sale, and Clarence J. A. and Marie M. Schalip having offered therefor the sum of Four Hundred Twenty-five Dollars ($425.00) and the same being not less than the appraised value of said property, I sold the same to said Clarence J. A. and Marie M. Schalip for that sum.

J. M. Huber.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

J. M. Huber, 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 COL. B. B. MFG. CO. 75974

13261

the sale reported is for the highest price that could be obtained.

J. M. Huber.

Sworn to before me and subscribed in my presence, this 21st. day of June, 1937. (Seal) William J. Porter - Notary Public.

Filed Jan. 28-1939.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

J. M. Huber as administrator of the estate of John M. Kinsel, Plaintiff,

-vs-

P. W. Kirchner, et. al., Defendant.

January 28 - 1939.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of J. M. Huber, administrator of the estate of John M. Kinsel 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 M. Kinsel, deceased, in said real estate, to the purchasers, Clarence J. A. and Marie M. Schalip. 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 Twenty Five Dollars.

It is further ordred that said J. M. Huber out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $33.02 to Porter and Porter for services performed for the fiduciary in connection with the sale and the sum of $25.00 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 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

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Filed
Oct. 25-1938.
Robert R. Allen,
Attorney.

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Third, the remaining procuds 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, And it is further ordred that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $186.52, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

13714
Filed
Oct. 25-1938.
Robert R. Allen,
Attorney.

Petition to Sell Real Estate to Pay Debts.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased,

Plaintiff,

-vs-

Ethel B. Moore and Emery Moore, her husband, Prospect, Ohio, R. R. D. 1.

Frank Hendrickson and Mildred Hendrickson, his wife, Richwood, Ohio.

Charles W. Hendrickson and Stella Hendrickson, his wife, Morengo, Ohio, and

Emmet Hendrickson and Grace Hendrickson, his wife, Delaware, Ohio,

Defendants.

Case No. 13714
Petition to Sell Real Estate to Pay Debts.

The Plaintiff is the duly appointed, qualified, and acting Administrator of the Estate of Libbie Hendrickson, Deceased, late of this County; as near as can be ascertained, the amount of valid debts against Deceased is Two Hundred Fifty ($ 250.) Dollars and the cost of administering the Estate will be about One Hundred ($100.) Dollars.

The total value of the personal property of said deceased was fixed by the Appraisers of said Estate at Twenty and 95/100 ($20.95) Dollars, said appraisement not having been excepted to; said personal property is wholly insufficient

THE COL. B. B. MFG. CO. 75974

13714

to pay the debts and costs aforesaid.

Said deceased died seized in fee simple of the following described real estate, to-wit:

Situate in the State of Ohio, County of Union and Village of Richwood, being part of Survey No. 6293 and bounded and described as follows:

Being the East one-half of the following described premises.

Beginning at a stake in the North line of Butler Claibourne's Survey No. 6293 and in the center of the Landon Gravel Road and 3.30 poles from the northwest corner of land formerly owned by Abraham Scott; thence with said survey line and center of said Gravel Road, South 88° West 6.06 poles to a stake; thence South 3° West 8.80 poles to a stake; thence North 88° East 6.06 poles to a stone; thence North 3° East 8.80 poles to the place of beginning. Containing 1/3 of an acre, more or less.

The premises hereby conveyed containing 16/100 of an acre, more or less.

Said real estate was included in the Inventory and Appraisement of the Estate pursuant to the Order of this Court and appraised at Three Hundred Thirty ($330) Dollars.

The Defendants, Ethel B. Moore, Emery Moore, Frank Hendrickson, Mildred Hendrickson, Charles W. Hendrickson, Stella Hendrickson, Emmet Hendrickson, and Grace Hendrickson 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. Emery Moore is the husband of Ethel B. Moore; Mildred Hendrickson is the wife of Frank Hendrickson; Stella Hendrickson is the wife of Charles W. Hendrickson; and Grace Hendrickson is the wife of Emmet Hendrickson.

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 cases made and provided, and for such other and further relief to which he may be entitled.

Robert M. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased.

13714

Filed Oct. 25-1938.

Filed Oct. 25-1938.

13714

State of Ohio, County of Union, ss:
Robert N. Allen, being first duly sworn according to law, deposes and says he is the Administrator of the Estate of Libbie Hendrickson, Deceased, and the Petitioner herein; that the facts stated and the allegations contained herein are true as he verily believes.

Robert N. Allen- Administrator of the Estate of Libbie Hendrickson, Deceased.

Sworn to before me and subscribed in my presence this 9th. day of September, A. D., 1938.

Martha N. Parrott- Notary Public.

Fee Claimed 80¢

Filed Oct. 25-1938.

Praecipe.

In the Probate Court of Union County, Ohio.

Robert N. Allen, Administrata of the Estate of Libbie Hendrickson, Deceased, Plaintiff, -vs- Ethel B. Moore et al., Defendants.

Case No. 13714.
Praecipe.

Please issue Summons directed to the Sheriff of Marion County, Ohio, against the Defendants, Ethel B. Moore and Emmy Moore, who reside in Centerville in Grenoaugh Township in Marion County, Ohio, and whose postoffice address are Prospect, Ohio, R. R. D. 1, and make same returnable according to law.

Endorse Summons "Action to Sell Real Estate to Pay Debts."

Robert N. Allen- Administrator.

Filed Oct. 25-1938.

Waiver.

In the Probate Court of Union County, Ohio.

Robert N. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Plaintiff, -vs- Ethel B. Moore, et al., Defendants.

Case No. 13714.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Libbie Hendrickson, 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 Libbie Hendrickson, Deceased.

Emmett Hendrickson.
Grace Hendrickson.

THE COL. B. B. MFG. CO. 75974

13714
Filed
Oct. 26- 1938.

Wainer.

In the Probate Court of Union County, Ohio.

Robert M. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Plaintiff,

-vs-

Ethel B. Moore, et al., Defendants.

Case No. 13714.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Libbie Hendrickson, 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 Libbie Hendrickson, Deceased.

Charles W. Hendrickson.
Estella Hendrickson.

Filed
Oct. 25- 1938.

Waiver.

In the Probate Court of Union County, Ohio.

Robert M. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Plaintiff,

-vs-

Ethel B. Moore, et al., Defendants.

Case No. 13714.
Waiver.

The undersigned, parties defendant in the above entitled action, hereby waive the issuing and service of summons upon 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.

Frank Hendrickson.
Mildred Hendrickson.

Filed
Oct. 29- 1938.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court,
To the Sheriff of said County: Marion County, Ohio - #13714.

You are commanded to notify Ethel B. Moore and Emery Moore, Centerville - Greencamp Twp. Marion County, Ohio. Entitled - Robert M. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Plaintiff, -vs- Ethel B. Moore, et al. Defendants; that on the 25th. day of October, A. D. 1938, Robert M. Allen, Administrator of the Estate of Libbie Hendrickson 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 to sell Real Estate to Pay Debts"; and that unless they answer by the 26th. day of November 1938, said petition will be taken as true, and an order granted accordingly.

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Said Sheriff will make due return of this writ on the 31st. day of October 1938.

Witness my hand and the seal of said Court, this 25th. day of October 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 & Return, first name	.75
40 miles traveled at 8¢	3.20
Postage	.03
Total	$3.98

Received this writ October 26th. 1938, at 9:00 o'clock A.M., and on the 26th. day of October 1938, I served the same by leaving for each of the within named Ethel B. Moore and Emery Moore at their usual place of residence, a true and certified copy of this writ, with all the endorsements thereon.

Fred J. Willey- Sheriff.
By- M. E. Hinklin- Deputy.

Filed Jan. 30-1939.

Order to and Report of Appraisers.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased,

Plaintiff,

-vs-

Ethel B. Moore, et al.,

Defendants.

Case No. 13714.

Order to and Report of Appraisers.

To Ury C. Winter, S. H. Cheney, and A. D. Parish:

The Court reposing confidence in your judgment on the —— day of September, 1938, it is certain real estate now pending in said Court wherein Robert F. Allen, as Administrator is Plaintiff, and Ethel B. Moore et al., are Defendants, appointed you appraisers of the following described real estate, to-wit:

Real Estate situate in the State of Ohio, County of Union and Village of Richwood, being part of Survey No. 6293 and bounded and described as follows:-

Being the East one-half of the following described premises.

Beginning at a stake in the North line of Butler Claibourne's Survey No. 6293 and in the center of the Laudon Gravel Road and 3.30 poles from the Northwest corner of land formerly owned by Abraham Scott; thence with said survey line and center of said Gravel Road, South 88° West 6.06 poles to a stake; thence South 3° West 8.80 poles to a stake; thence North 88° East 6.06 poles to a stone; thence North 3° East 8.80 poles to the place of beginning. Containing 1/3 of an acre, more or less.

The premises hereby conveyed containing 16/100 of an

THE COL. B. B. MFG. CO. 75974

13714

acre, more or less.

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 20 day of Jan. 1939.

Seal

L. W. Hazen.

Oath of Appraisers.

State of Ohio, Union County, ss:

On the 20 th. day of Jan. 1939, personally appeared M. C. Winter, S. H. Cheney, and A. D. Parish, 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 Probate Court of said County.

Seal

Robert F. Allen - Notary Public.

My commission expires Mar. 10- 1940.

Report of Appraisers.

We do appraise the within described real estate on our oath aforesaid after having actually viewed the same at $250.00.

Witness our hands this 20 day of Jan. 1939.

M. C. Winter.

S. H. Cheney.

A. D. Parish.

Filed
Jan. 20 - 1939.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased,

Plaintiff.

-vs-

Ethel B. Moore, et al.,

Defendants.

Case No. 13714.

Entry Ordering Appraisement.

This matter coming on to be heard upon the Petition and the evidence, the Court finds all of the Defendants herein have been duly and legally served with process or have voluntarily entered their appearance and consented 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.

It appearing to the Court that a new appraisement should be made, it is ordered that M. C. Winter, S. H. Cheney, and A. D. Parish, three judicious and disinterested persons of the vicinity, not next of kin of the Petitioner, be and they hereby are authorized to appraise said real estate at

13714

Filed
Jan. 20-1939.

13714 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- Judge.

Filed Jan. 20-1939. Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

Robert V. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Plaintiff,

-vs-

Ethel B. Moore, et al., Defendants.

Case No. 13714.

Order Issued to Representative for Private Sale and Return.

To Robert V. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, Greeting:

Whereas, in the Probate Court of Union County, Ohio, in a certain action therein pending wherein Robert V. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, is Plaintiff, and Ethel B. Moore, 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, Two Hundred Fifty ($250.) Dollars agreeable to the statute regulating the sale of real estate by Administrators, and that you make return of your proceedings to the Probate Court, and bring this order with you. The said real estate is described in the Petition as follows:

Real Estate situate in the State of Ohio, County of Union and Village of Richwood, being part of Survey No. 6293 and bounded and described as follows:-

Being the East one-half of the following described premises,

Beginning at a stake in the North line of Butler & Claiborne's Survey No. 6293 and in the center of the Landon Gravel Road, and 3.30 poles from the northwest corner of land formerly owned by Abraham Scott; thence with said survey line and center of said Gravel Road, South 88° West 16.06 poles to a stake; thence South 3° West 8.80 poles to a stake; thence North 88° East 16.06 poles to a stone; thence North 3° East 8.80 poles to the place of beginning. Containing 1/3 of an acre, more or less.

The premises hereby conveyed containing 16/100 of an acre, more or less.

Witness my hand and the seal of said Court at Marysville, Ohio, this 20 day of Jan. 1939.

Seal L. W. Hazen- Judge.

THE COL. B. B. MFG. CO. 75974

13714

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 20 day of Jan. 1939, offer said property at private sale, and Eugene Lytle and Vera Lytle, having offered therefor the sum of Two Hundred Fifty ($250.00) Dollars, and the same being not less than the appraised value of said property, I sold the same to said Eugene Lytle and Vera Lytle for that sum.

Robert R. Allen - Administrator
of the Estate of Libbie Hendrickson,
Deceased.

Affidavit to Report of Private Sale.

State of Ohio, County of Union, ss:

Robert R. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, 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.

Robert R. Allen - Administrator
of the Estate of Libbie Hendrickson,
Deceased.

Sworn to before me and subscribed in my presence this 20 day of Jan. 1939.

(Seal) Carrie W. Hornbeck.

Filed
Jan. 20- 1939.

Entry Confirming Appraisement and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of
the Estate of Libbie Hendrickson,
Deceased,

Plaintiff,

-vs-

Ethel B. Moore, et al.,

Defendants.

Case No. 13714.
Entry Confirming Appraisement
and Ordering Private Sale.

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.

It is further found by the Court that Robert R. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased, has filed in the administration proceeding filed herein, a bond in the sum of One Thousand ($1000.) Dollars, which will be for the protection of the entire property and money coming under the control of said Administrator, and that the said Robert R. Allen, as such Administrator, will be accountable for the proceeds of the sale of the real estate in this matter, it is therefore found that said bond is sufficient.

13714

Filed
Jan. 20-1939.

13714

And it appearing that private sale would be to the best interest of the Estate, it is ordered that said Robert R. Allen, as such Administrator, sell said real estate at private sale at not less than Two Hundred Fifty ($250.) Dollars, being the appraised value thereof for cash upon delivery of a deed by him to the purchaser.

And it is ordered that said Administrator make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Filed Jan. 20-1939.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Libbie Hendrickson, Deceased,

Plaintiff,

-vs-

Ethel B. Moore, et al.,

Defendants.

Case No. 13714.
Entry Confirming Sale, Ordering Deeds and Distribution.

This day this cause came on to be heard on the report of Robert R. Allen, Administrator of the Estate of Libbie Hendrickson, 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 order 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 confirmed.

It is further ordered that said Petitioner execute a deed of all the title, right, and interest of the said Libbie Hendrickson, Deceased, in said real estate to the purchasers, Eugene Lytle and Vera Lytle, upon the purchasers paying to said Administrator the sum of Two Hundred Fifty ($250.) Dollars in cash.

This cause coming on further to be heard upon the pleadings herein upon a Motion to distribute the proceeds of the same amounting to the sum of Two Hundred Fifty ($250.) Dollars, it is ordered 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 $4.00

Second: The costs and expenses incurred in the sale of said property, including Probate Court costs of $16.98 and the per centum of said Administrator herein amounting to the sum of $15.00 making a total of $31.98.

Third: It is further ordered that the balance of said proceeds be accounted for by said Administrator according to law, which is the sum of $214.02

$250.00

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 75974

13725
Filed
Nov. 19- 1938.
Robert N. Allen,
Attorney.

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

Robert N. Allen, appointed by
The Court in the Matter To
Relive the Estate of Fernande
M. Kelly from Administration,
Plaintiff,

-vs-

David V. Kelly, Surviving Spouse,
E. A. Blazer, Guardian of David
V. Kelly,
Claire Kelly, a minor of the
age of Eighteen (18) years,
Olga Kelly, a minor of the
age of Sixteen (16) years,
Leonard L. Temple and
Bertha M. Temple,
Defendants.

Case No. 13725.
Petition.

Plaintiff, for his cause of action, says he was appointed to execute the duties necessary to relive the estate of Fernande M. Kelly, deceased, from administration by the Probate Court of Union County, Ohio, in a case entitled, "In the Matter of the Estate of Fernande M. Kelly, Deceased, Case No. 13724," and that the said Fernande M. Kelly died on or about the 15 day of September, 1938.

Plaintiff says that David V. Kelly is her surviving spouse of the age of forty three (43) years, over whom E. A. Blazer, 702 Hickok Building, Cleveland, Ohio, is the duly appointed, qualified and acting Guardian, having been appointed as such by the Probate Court of Cuyhoga County, Ohio, and that Claire Kelly, eighteen (18) years of age and Olga Kelly, sixteen (16) years of age, are her only children and next of kin and heirs at law.

Plaintiff says said decedent was the owner of an equitable interest in a certain land contract, dated October 17, 1936, in which she agred to purchase from Leonard L. Temple and Bertha M. Temple a farm of thirty (30) acres in Jackson Township, Union County, Ohio, for Two Thousand Dollars ($2000), payable in five (5) equal installments of Four Hundred Dollars ($400) each, and on which said decedent had paid Four Hundred Dollars ($400) during her lifetime. Which equitable intrest in said real estate is of no value whatsoever, said payment of Four Hundred Dollars ($400) being a fair rental for the use of said farm during the time said decedent had possession there of.

Plaintiff says a copy of said land contract is hereto attached, marked "Exhibit A," and made a part hereof as though fully rewritten herein.

13725

Plaintiff says inasmuch as there is no value in the equitable interest owned by said decedent in said land contract and that the same must be disposed of in some manner in order to clear the title to the real estate involved therein, that it will be to the best interests of all parties concerned for said land contract to be cancelled.

Wherefore, Plaintiff prays that this Court may issue an order to cancel said contract for and on behalf of the surviving spouse and the next of kin having the legal estate of inheritance to the decedent, which shall be as binding on all persons interested as if made by said decedent during her lifetime.

Robert N. Allen - Petitioner.

Union County, State of Ohio, ss:

Robert N. Allen, being duly sworn, says he is the petitioner in the foregoing Petition, and that the facts and allegations contained therein are true, as he verily believes.

Robert N. Allen.

Sworn to before me and signed in my presence by Robert N. Allen, at Richwood, Ohio, this 19th. day of November, A.D. 1938.

(Fee claimed 80¢) Martha V. Parrott - Notary Public.
My commission expires Jan. 29-1939

Exhibit A. Real Estate Contract.

This Agreement.

Made and entered into at Richwood, Ohio, this 17th. day of Oct. A. D. 1936, by and between Leonard L. Temple and Bertha M. Temple, husband and wife, of the Township of Jackson, County of Union and State of Ohio, parties of the First Part, and Fernande M. Kelly of the Township of Jackson County of Union and State of Ohio, party of the Second Part

Witnesseth, That the said parties of the first have this day agreed to sell unto the said party of the second part, her heirs and assigns forever, 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:

Beginning at a stone in the center of the Eastman gravel road, and in the East line of the Survey No. 12188, said stone being located South 4° 00' East 53 poles from the North East corner of said Survey; Thence South 4° 00' East 39.69 poles to a stone in the center Eastman gravel road; Thence South 82.12' West 121.12 poles to a stone; Thence 83° 10' East 121.12 poles to the place of beginning, containing 30 Acres, more or less.

The same being a part of the tract of land of 200 acres in the name of John Moore (deceased) in the Virginia Military Survey No. 12188.

See records of Deeds, Vol. 128, Page 532, as recorded in Union County, Ohio, together with all privileges and

THE COL. B. B. MFG. CO. 75974

13725

appurtenances thereunto belonging.

And the said party of the second part for herself and for her heirs, executors, administrators and assigns, doth hereby agree to pay to said parties of the first part, their heirs, executors, administrators or assigns, for the real estate aforesaid, the sum of Two Thousand Dollars ($2,000) payable as follows:

The sum of Two Thousand Dollars ($2,000) shall be paid in five (5) equal installments of Four Hundred Dollars ($400) each, as evidenced by promissory notes of even date herewith, each in the sum of Four Hundred Dollars ($400) due December 1, 1937, December 1, 1938, December 1, 1939, December 1, 1940 and December 1, 1941, respectively, with interest from November 1, 1936, at the rate of 6% per annum, and the said party of the second part also agree to pay all taxes and assessments of every description whatsoever, that may be levied upon said real estate from and after the date of these presents, together with any expense which might arise by way of repair or upkeep on the said real estate.

Now, if the said party of the second part, or her heirs, executors, administrators or assigns, shall well and truly pay the said purchase money, interest and taxes, named in this agreement as it becomes due, the said parties of the first part, or their heirs, executors, administrators or assigns will well and truly make, execute and deliver unto the said party of the second part or to her heirs or assigns, a General Warranty Deed of the Real Estate aforesaid, with covenants and warranties against all dower rights and all other encumbrances, on or before the 1st. day of December, 1941. But on failure of the party of the second part to pay the purchase money, or any part thereof; or the interest and taxes, as above mentioned, then this agreement to be void as regards the parties of the first part, at their option.

In Witness Whereof, the parties to this agreement have hereunto set their hands, the day and year first above written.

Signed and acknowledged
in presence of
Martha T. Parrott.
David V. Kelly.

Leonard L. Temple.
Bertha M. Temple.
Parties of First Part.

Fernande M. Kelly
Party of Second Part.

Filed
Nov. 19- 1938.

Waiver.

In the Probate Court of Union County, Ohio.

Robert T. Allen, appointed by the Court in the Matter to Relive the Estate of Fernande M. Kelly from Administration,
Plaintiff,

-vs-

David V. Kelly, Surviving Spouse, et al.,
Defendants.

Case No. 13725.
Waiver.

Filed
Nov. 19- 1938.

13725

13725

The undersigned, David V. Kelly, surviving spouse, and one of the parties defendant herein, hereby waives the issuance and service of process herein and voluntarily enters his appearance herein and consents to the cancellation of the land contract as prayed for.

David V. Kelly.

Filed Nov. 19-1938.

Waiver.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Appointed by the Court in the Matter to Relive the Estate of Marguerite M. Kelly from Administration,

Plaintiff,

-vs-

David V Kelly, Surviving Spouse, et al.,

Defendants.

Case No. 13725.
Waiver.

The undersigned, E. A. Glazer, 702 Hickox Building, Cleveland, Ohio, the Guardian of David V. Kelly appointed by the Probate Court of Cuyahoga County, Ohio, hereby waives the issuance and service of process herein and voluntarily enters his appearance herein and hereby consents to the cancellation of the land contract described in the Petition of the Plaintiff.

E. A. Glazer, Guardian of David V. Kelly.

Filed Nov. 19- 1938.

Praecipe.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Appointed by the Court in the Matter to Relive the Estate of Marguerite M. Kelly from Administration,

Plaintiff,

-vs-

David V. Kelly, et al,

Defendants.

Case No. 13725.
Praecipe.

To the Court:

Please issue summons, directed to the Sheriff of Union County, Ohio, against the defendant, Olga Kelly, a minor 16 years of age and against Leonard R. Temple, her custodian, and the person with whom she resides, and whose residence is Jackson Township, Richwood, R. F. D., Union County, Ohio.

Issue summons, directed to the Sheriff of —— County, Ohio, against the defendant, Claire Kelly, a minor 18 years of age, who is enrolled in the St. Ursula Academy, Caldwell, Ohio, 615 Ross St., and against Sister Superior, the Sister Superior of said Academy, the latter being the custodian of the said Claire Kelly.

THE COL. B. B. MFG. CO. 75974

13725

Filed
Nov. 23- 1938.

Endorse summons, "Action to cancel a land contract and equitable relief."

Robert R. Allen- Petitioners.

Summons on Petition to Sell Real Estate.

Sheriff- Minors. At Marysville, O. 11/21 st- 1938.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Olga Kelly, a Minor under 16 years of age and Leonard L. Temple, her custodian and the person with whom she resides in Jackson Township, Union County, Ohio, R. D. Richwood, O.

Praecipe- In Case # 13725- Praecipe.

Robert R. Allen, Appointed by the Court to relieve the Estate of Fernande M. Kelly from Administration- Plaintiff, -vs- David V. Kelly, et al, Defendants, and the following named who are minor, to-wit: Olga Kelly as above; making service of this summons upon such minor as are over fourteen years of age, and also upon the custodian of said minors, in the order named; that on the 19th. day of November, A.D. 1938, Robert R. Allen- Attorney- Administrator of the Estate of Fernande M. Kelly, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of "Action to cancel a land contract and equitable relief." and that unless they answer by the 24th. day of December, 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the fifth day of December, 1938.

Witness my hand and the seal of said Court, this 21 st. day of November, 1938.

Seal

L. W. Hagen- 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
48 miles traveled at 8 ¢	2.84
Total	$3.84

Received this writ November 22, 1938 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: November 22, 1938, on Olga Kelly, a minor under 16 years of age; November 22 nd. 1938, on Leonard L. Temple the Custodian of the said minor Olga Kelly, and the person with whom she resides.

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

Filed
Nov. 23- 1938.

13725
Filed
Nov. 23- 1938.

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Filed
Nov. 23-1938.

Summons on Petition to Sell Real Estate.
Sheriff - Minors - At Marysville, Ohio.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Noble County - At Caldwell, Ohio.

You are commanded to notify Sister Superior - St. Ursula Academy. Robert T. Allen, appointed by the Court in the Matter To Relieve the Estate of Fernande M. Kelly from Administration, Plaintiff, -vs- David V. Kelly, Defendants. Case #13725 - Praecipe; and the following named who are minors, to-wit: Claire Kelly, a Minor under —— making service of this summons upon such minor as is over fourteen years of age, and also upon the custodian of said minor is, in the order named; that on the 19th. day of November, A.D. 1938, Robert T. Allen, Attorney, Appointed by this Court to Relieve the Estate of Fernande M. Kelly from Administration, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of "Action to cancel a land contract and equitable relief;" and that unless they answer by the 24th. day of November, 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 5th. day of December, 1938.

Witness my hand and the seal of said Court, this 21st. day of November, 1938.

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

Sheriff's Return.

The State of Ohio, Noble County.	
Sheriff's Fees	
Service & Return, first name	.75
Total	.75

Recived this writ November 22nd. 1938, at 10 o'clock A.M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: November 28th, 1938, on Claire Kelly, a minor, by personally handing to her a true and certified copy of this writ with all the endorsements thereon.

Rosa Glucye - Sheriff.
By - Pete Grosser. - Deputy.

Filed
Nov. 23-1938.

Summons on Petition to Sell Real Estate.
Sheriff - Minors - At Marysville, Ohio.

The State of Ohio, Union County.
To the Sheriff of said County: Noble County - At Caldwell, Ohio.

You are commanded to notify Sister Superior - St. Ursula Academy. Robert T. Allen, appointed by the Court in the Matter To Relieve the Estate of Fernande M. Kelly from Administration, Plaintiff, -vs- David V. Kelly, Defendants. Case #13725 - Praecipe; and the following named who

THE COL. B. B. MFG. CO. 75974

13725

are minors, to-wit: Claire Kelly, a Minor under — making service of this summons upon such minor as is over fourteen years of age, and also upon the custodian of said minor is, it is the order thereof; that on the 19th. day of November, A.D. 1938, Robert R. Allen, Attorney, appointed by this Court to Relieve the Estate of Fernande M. Kelly from Administration, 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 "Action to cancel a land contract and equitable relief;" and that unless they answer by the 24th. day of November, 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 5th. day of December, 1938.

Witness my hand and the seal of said Court, this 21st. day of November, 1938.

Seal

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

Sheriff's Return.

The State of Ohio, Noble County.

Sheriff Fees	
Service & Returns, first name	.75
Total	.75

Received this writ November 22nd. 1938, at 10 o'clock a. m., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: and also as to the within named defendants who are minors, November 28th, 1938, on Mary Joanna, Sister Superior, the custodian of said minor, and with whom said minor resides, by personally handing to her a true and certified copy of this writ with all the endorsements thereon, there being neither guardian, father nor mother of said minor, found in my County.

Rosa Cuone - Sheriff.
By - Rile Grover - Deputy.

Filed
Nov. 25 - 1938.

Waiver and Consent.

In the Probate Court of Union County, Ohio.

Robert R. Allen, appointed by the Court in the Matter to Relieve the Estate of Fernande M. Kelly from Administration,

Plaintiff,

-vs-

David V. Kelly, Surviving Spouse, et al.,

Defendants.

Case No. 13725.
Waiver and Consent.

The undersigned, Leonard L. Temple and Bertha M. Temple, defendants herein and the persons with whom deceased entered into said land contract, waive the issuance

13725

Filed
Feb. 10-1939.

13725 and service of process herein and voluntarily enter their appearance herein and hereby consent and agree to a cancellation of the land contract described in the petition of the Plaintiff.

Leonard L. Temple.
Bertha M. Temple.

Filed Feb. 10-1939.

Report of Applicant.

In the Probate Court of Union County, Ohio.

Robert R. Allen, appointed by the Court in the Matter to Relieve the Estate of Bernadde M. Kelly from Administration, Plaintiff,

-vs-

David V. Kelly, et al., Defendants.

Case No. 13725.
Report of Applicant.

Pursuant to the former Order of this Court, I filed a Petition to cancel a land contract in the Probate Court of Union County, Ohio, in which Robert R. Allen, appointed by the Court in the matter to relieve the estate of Bernadde M. Kelly from administration, is Plaintiff, and David V. Kelly, and others, are defendants, Case Number 13724, and as a result thereof, an Order of the Probate Court was issued, a copy of which is attached to this report.

No other duties or requirements having come to the knowledge of applicant, he believes all things have been executed necessary to be done and renders this report accordingly.

Robert R. Allen - Applicant.

Union County, State of Ohio, ss:

Robert R. Allen, being duly sworn, says he is the applicant in the foregoing report and that the facts and allegations contained therein are true, as he verily believes.

Robert R. Allen.

Sworn to before me and signed in my presence by Robert R. Allen, at Richwood, Ohio, this 10 day of Feb. A.D. 1939.

Carrie W. Bombeck - Deputy.

In the Probate Court of Union County, Ohio.

Robert R. Allen, appointed by the Court in the Matter to Relieve the Estate of Bernadde M. Kelly from Administration, Plaintiff,

-vs-

David V. Kelly, et al., Defendants.

Case No. 13725.
Entry.

This cause came on to be heard on the Petition of the Plaintiff, the waivers, and the Court being fully advised in the premise, finds that all persons parties defendant herein have either been served with process or waived

THE COL. B. B. MFG. CO. 75974

13725

service of process, and are properly before the Court.

The Court finds that Robert N. Allen has been authorized and empowered to perform all of the duties necessary to relieve the estate of Fernande M. Kelly, deceased, from administration having been so appointed by the Probate Court of Union County, Ohio, in the case entitled, "In the Matter of the Estate of Fernande M. Kelly, Deceased, Case No. 13724"; that David V. Kelly is her surviving spouse of the age of forty-three (43) years, over whom E. A. Blaker, 732 Hickok Building, Cleveland, Ohio, is the duly appointed, qualified and acting guardian, having been appointed by the Probate Court of Cuyahoga County, Ohio.

That decedent agreed to purchase a thirty (30) acre farm in Jackson Township, Union County, Ohio, in conformity to a land contract dated October 17, 1936, between Leopard L. Temple and Bertha M. Temple and decedent for the sum of Two Thousand Dollars ($2,000), payable in five (5) equal installments of Four Hundred Dollars ($400) each, a copy of which land contract is attached to the Petition.

That the thirty (30) acre farm described in said land contract is more fully described as follows, to-wit:

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 center of the Eastman gravel road, and in the East line of the Survey No. 12168, said stone being located South 4° 50' East 03 poles from the North East corner of said Survey; Thence South 4° 50' East 39.69 poles to a stone in the center Eastman gravel road; Thence South 82.12 (West 121.12 poles to a stone; Thence 83° 10' East 121.12 poles to the place of beginning, containing 30 acres, more or less.

Be same being at part of the tract of land of 200 acres in the name of John Moore (deceased) in the Virginia Military Survey No. 12188.

See records of Deeds, Vol. 128, Page 032, as recorded in Union County, Ohio.

That decedent paid during her lifetime the sum of Four Hundred Dollars ($400) in conformity to said land contract, which is an amount representing a fair rental for said property during the time decedent had possession thereof.

That the equitable interest on the estate of said decedent in said land contract is of no value.

That all persons interested in said land contract have agreed that it is to the best intrest of all persons concerned to cancel said land contract, and the Court finds accordingly.

Therefore, it is ordered, adjudged and decreed that said land contract is hereby cancelled and annulled, and that the surviving spouse and next of kin of the said Fernande M. Kelly, deceased, are hereby barred from any title right or interest henceforth in and to the real estate herein described, and the said Leonard L. Temple and Bertha M. Temple are restored

13725

Filed
Feb. 13-1939.

13725

to title to said property, as though said land contract had never been made.

L. W. Hazen - Judge.

Filed Feb. 18-1939.

Entry.

In the Probate Court of Union County, Ohio.

Robert N. Allen, Appointed by the Court in the Matter to Relive the Estate of Fernande M. Kelly from Administration, Plaintiff,

-vs-

David V. Kelly, et al., Defendants.

Case No. 13725.

Entry.

This cause came on to be heard on the Petition of the Plaintiff, the waivers, and the Court being fully advised in the premises, finds that all persons parties defendant herein have either been served with process or waived service of process and are properly before the Court.

The Court finds that Robert N. Allen has been authorized and empowered to perform all of the duties necessary to relieve the estate of Fernande M. Kelly, deceased, from administration having been so appointed by the Probate Court of Union County, Ohio, in the case entitled, "In the Matter of the Estate of Fernande M. Kelly, Deceased, Case No. 13724"; that David V. Kelly is her surviving spouse of the age of forty-three (43) years, over whom E. A. Blazer, 702 Hickok Building, Cleveland, Ohio, is the duly appointed, qualified and acting guardian, having been appointed by the Probate Court of Cuyahoga County, Ohio.

That decedent agreed to purchase a thirty (30) acre farm in Jackson Township, Union County, Ohio, in conformity to a land contract dated October 17, 1936, between Leonard L. Temple and Bertha M. Temple and decedent for the sum of Two Thousand Dollars ($2900.), payable in five (5) equal installments of Four Hundred Dollars ($400) each, a copy of which land contract is attached to the Petition.

That the thirty (30) acre farm described in said land contract is more fully described as follows, to-wit:

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 center of the Eastman gravel road, and in the East line of the Survey No. 12168, said stone being located South 4° 50' East 53 poles from the North East corner of said Survey; Thence South 4° 50' East 39.69 poles to a stone in the center Eastman gravel road; Thence South 82.12' West 121.12 poles to a stone; Thence 83° 10' East 121.12 poles to the place of beginning, containing 30 acres, more or less.

The same being a part of the tract of land of 200 acres in the name of John Moore (deceased) in the Virginia

THE COL. B. B. MFG. CO. 75974

13725

Military Survey No. 12188.

See records of Deeds, Vol. 128, Page 532, as recorded in Union County, Ohio.

That decedent paid during her lifetime the sum of Four Hundred Dollars ($400) in conformity to said land contract, which is an amount representing a fair rental for said property during the time decedent had possession thereof.

That the equitable interest on the estate of said decedent in said land contract is of no value.

That all persons interested in said land contract have agreed that it is to the best interest of all persons concerned to cancel said land contract, and the Court finds accordingly.

Therefore, it is ordered, adjudged and decreed that said land contract is hereby cancelled and annulled and that the surviving spouse and next of kin of the said Fernande M. Kelly deceased, are hereby barred from any title right or interest hereafter in and to the real estate herein described, and the said Leonard L. Temple and Bertha M. Temple are restored to title to said property, as though said land contract had never been made.

Richard L. Cameron -
Acting Probate Judge.

Filed
Feb. 10 - 1939.

Application for Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Robert T. Allen, Appointed by the Court in the Matter to Relieve the Estate of Fernande M. Kelly from Administration,
Plaintiff,
-vs-
David V. Kelly, et al.,
Defendants.

Case No. 13725.
Application for Guardian Ad Litem.

Now comes Robert T. Allen and makes application for the appointment of a Guardian Ad-Litem for Olga Kelly, a minor, sixteen years of age and Claire Kelly, a minor, eighteen years of age, two of the defendants herein, upon whom summons was duly served according to law and suggest that Richard L. Thrall, who is a suitable person, be appointed as such.

Robert T. Allen.

In the Probate Court of Union County, Ohio.

Robert T. Allen, Appointed by the Court in the Matter to Relieve the Estate of Fernande M. Kelly from Administration,
Plaintiff,
-vs-
David V. Kelly, et al.,
Defendants.

Case No. 13725.
Entry.

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On the application of Robert F. Allen, the Plaintiff, herein, it appearing that Olga Kelly is a minor sixteen years of age and Claire Kelly is a minor eighteen years of age, two of the defendants herein, and that they were duly served with summons, it is ordered that Richard C. Thrall be and is hereby appointed, Guardian Ad-Litem of the said Olga Kelly and Claire Kelly.

Richard L. Cameron
Acting Probate Judge.

In the Probate Court of Union County, Ohio.

Robert F. Allen, appointed by the Court in the Matter to Relieve the Estate of Fernande M. Kelly from Administration, Plaintiff,

-vs-

David V. Kelly, et al., Defendants.

Case No. 13725.
Answer of Guardian Ad-Litem.

And now comes Richard C. Thrall duly appointed by the Court as Guardian Ad-Litem for Olga Kelly, a minor sixteen years of age and Claire Kelly, a minor eighteen years of age, who are the minor children of Fernande M. Kelly, deceased, and for Answer to the Petition of the said Robert F. Allen, appointed by the Court in the matter to relieve the estate of Fernande M. Kelly from administration, says that he has not, by reason of the tender age of defendants, been informed as to the truth of the matters set forth in said Petition; and, therefore, on behalf of said defendants, denies the same and submits the interest of said defendants to the care and protection of the Court, to order in the premises as justice and interest of said defendants shall require.

Richard C. Thrall-Guardian Ad-Litem.

Filed
Feb. 13-1939.

Final Entry.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Appointed by the Court in the Matter to Relive the Estate of Fernande M. Kelly from Administration, Plaintiff,

-vs-

David V. Kelly, et al., Defendants.

Case No. 13725.
Final Entry.

This matter came on to be finally heard upon the Return of Robert F. Allen, and said Return being in all respects legal and according to law, it is hereby confirmed and these proceedings are hereby ordered reported, and henceforth shall be deemed fully complete and discharged without administration.

Richard L. Cameron
Acting Probate Judge.

THE COL. B. B. MFG. CO. 75974

13762
Filed
Jan. 14- 1939.
John W. Dailey -
Attorney.

Petition to Sell Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased,

Plaintiff,

vs.

William Turner, his wife, Carrie Turner; John Schoenleb, husband of the Plaintiff; John Turner, unmarried, and Nellie Keeper, unmarried, and Division of Aid for the Aged, Department of Public Welfare, State of Ohio,

Defendants.

No. 13762.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting administratrix of the estate of Joshua Turner, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is ——— 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 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 being Lot No. 510 of Sunnyside Park Addition to said Village of Marysville, Ohio, which includes the W. M. Robinson Addition to said Village.

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: A deed of trust in favor of the Division of and for the Aid for the Aged, Department of Public Welfare of the State of Ohio.

The defendants, William Turner, his wife, Carrie Turner, John Turner; John Schoenleb, husband of the plaintiff and Nellie Keeper, 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

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Filed
Jan. 14- 1939.
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be fully determined, adjusted and protected; and that your petitioner be authorized and ordred to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to.

John W. Dailey,
Attorney for the Plaintiff.

The State of Ohio, Union County.

Ella Schoenleb, 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.

Ella Schoenleb.

Sworn to before me and signed in my presence by the said Ella Schoenleb, administratrix, at Marysville, Ohio, this 14 day of January, 1939.

Seal

John W. Dailey- Notary Public.

Filed Jan. 14- 1939.

Waiver of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased,

Plaintiff,

-vs-

William Turner, et al.,

Defendants.

No. 13762.
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.

Willie Kuper.
John Schoenleb.
William B. Turner.
Carrie Turner.

Wainer of Summons, on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased,

Plaintiff,

-vs-

William Turner, et al.,

Defendants.

No. 13762.
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

THE COL. B. B. MFG. CO. 75974

13762

Filed
Jan. 28- 1939.

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

John Turner.

Answer and Cross- Petition.

In the Probate Court, Union County, Ohio.

Ella Schoenleb, Admrx. estate of Joshua Turner, dec'd,
Plaintiff,

-vs-

William Turner, et al,
Defendants.

No. 13762.
Answer and Cross Petition.

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 5, 1934 one Joshua J. Turner, 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 application and such certificate, together with a report of its findings, to the Division of Aid for the Aged.

The Division of Aid for the Aged, aforesaid, requested, in accordance with the provisions of Section 1360-6, 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 request, the said Joshua Turner did on August 12, 1938 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 Lot No. 510 of Sunny Side Park Addition to said village of Marysville, Ohio, which includes the W. M. Robinson Addition to said village; which conveyance in trust was filed for record December 12, 1938 at 10:10 o'clock a. m. and recorded December 13, 1938 in Vol. 114, pp. 163-164 of the records of mortgages 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 Joshua J. Turner was paid old age assistance in the amount of $835.60, an itemized account of which

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13762 is attached hereto, marked Exhibit "A" and made a part hereof, which amount cross petitioners claims herein.

Wherefore, cross petitioners praye 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 $835.60 and for such other and proper relief to which it may be entitled.

Verification not required, § 348 G. C.

Thomas J. Herbert Attorney General.
Sidney Cohen - Ass't. Attorney General.

Department of Public Welfare.
Division of Aid for the Aged.
12th. Floor State Office Bldg. Columbus.

Estate of Joshua J. Turner, Dec'd. Jan. 23-1939.
601 West Eighth Street 80-84
Marysville, Ohio. Union County.

Oct.	1935	For Aid Paid	$15.00
Nov.	"	" " "	15.00
Dec.	"	" " "	15.00
Jan.	1936	" " "	15.00
Feb.	"	" " "	15.00
Mar.	"	" " "	15.00
Apr.	"	" " "	15.00
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June	"	" " "	15.00
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Sept.	"	" " "	25.00
Oct.	"	" " "	25.00
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Jan.	1937	" " "	25.00
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Sept.	"	" " "	25.00
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Nov.	"	" " "	16.00
Dec.	"	" " "	17.60
Jan.	1938	" " "	17.60
Feb.	"	" " "	17.60
Mar.	"	" " "	17.60
Apr.	"	" " "	17.60
May	"	" " "	17.60

THE COL. B. B. MFG. CO. 75974

13762	June 1938	Aid Paid	$17.60
	July "	" " "	17.60
	Aug. "	" " "	17.60
	Sept. "	" " "	17.60
	Oct. "	" " "	17.60
		Aid Paid	$ 725.60
		Funeral Award	$ 110.00
		Total	$835.60

L.
Exhibit "A"

Filed
Jan. 28- 1939.

Entry.

In the Probate Court of Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased,

Plaintiff,

-vs-

William Turner, his wife Carrie Turner; John Schoenleb, husband of the plaintiff; John Turner, unmarried; Nellie Keeper, unmarried; and Division of Aid for the Aged, Department of Public Welfare, State of Ohio,

Defendants.

Entry.

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 as described in the petition to pay debts of the estate and costs of administration, and the answer and cross petition of the Division of Aid for the Aged, Department of Public Welfare of the State of Ohio.

The Court finds from the evidence and pleadings all the necessary parties are before the Court and the defendants William Turner, his wife Carrie Turner; John Schoenleb, husband of the plaintiff; John Turner, unmarried and Nellie Keeper, unmarried, have each filed waivers with request the prayer of the petition be granted, and that the said Joshua Turner died leaving no spouse.

The Court further finds that the prayer of the petition should be granted and it appearing to the Court the amount of the original bond given by Ella Schoenleb as such administratrix is sufficient to more than 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; that said real estate was heretofore appraised by the appraisers of the estate in the sum of Two Hundred ($200.00) Dollars, and orders that a further appraisement be dispensed with.

It further appearing to the Court that private sale would be to the best interests of the estate, it is ordered

13762

Filed
Jan. 28-1939.

13762 that said Ella Schoenleb as such administratrix sell said real estate at private sale for not less than Three Hundred Fifty ($350.00) Dollars, said amount being in excess of the appraisement.

Said sale to be for cash upon deliver of deed for said premises.

It is further ordred that said administratrix make return of sale without unnecessary delay.

Richard L. Cameron.
Acting Probate Judge.

Filed Jan. 28-1939.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased, Plaintiff, vs. William Turner, et al., Defendants.

No. 13762. 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 the sum of $375.00 in cash is offered, said sum being in excess of the appraised value and if said property is not sold said offer may be withdrawn.

2. That said property is not occupied and there is danger of destruction and said property is in need of immediate repair.

3. That said sum offer is, in the opinion of applicant, more than said property will sell at public auction.

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

Ella Schoenleb- Administratrix of estate of Joshua Turner.

The State of Ohio, Union County.

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

Ella Schoenleb.

Sworn to before me and signed in my presence, this 28 day of January, A. D. 1939.

(Seal) John W. Daily- Notary Public.

THE COL. B. B. MFG. CO. 75974

13762

Affidavit of Disinterested Person.

The State of Ohio, Union County.

H. De Good, Arthur W. Galloway, each, 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 as stated in said application as they verily believe.

H. De Good.

Arthur W. Galloway.

Sworn to before me and signed in my presence this 28 day of January, 1939.

Seal

John W. Daily - Notary Public.

Filed Jan. 28- 1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Ella Schoenleb, Administratrix of the estate of Joshua Turner, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as administratrix are Plaintiff and William Turner, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Three Hundred Seventy-Five Dollars, more 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 Marysville and being Lot No. 510 of Sunnyside Park Addition to said Village of Marysville, Ohio, which includes the W. M. Robinson Addition to said Village.

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 28 day of February, 1939.

Seal

Richard R. Cameron.

Acting 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 28 day of January, 1939.

Ella Schoenleb.

13762

Filed Feb. 3 - 1939.

13762

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 28 day of January 1939, offer said property, at private sale, and Russell Evans having offered therefor the sum of Three Hundred Seventy Five Dollars ($375.00) and the same being not less than the appraised value of said property, I sold the same to said Russell Evans for that sum.

Ella Schoenleb.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

Ella Schoenleb.

Sworn to before me and subscribed in my presence, this 28 day of January, 1939.

Seal

John W. Dailey- Notary Public.

Filed Feb. 3 - 1939.

Entry.

In the Probate Court of Union County, Ohio.

Ella Schoenleb, Administratrix of the Estate of Joshua Turner, Deceased, Plaintiff,

-vs-

William Turner, et al., Defendants.

No. 13762. Entry.

This day this cause came on to be heard upon the report of Ella Schoenleb, administratrix of Joshua Turner deceased of her proceedings under a former order of this court, and upon motion of said petitioner to confirm the sale made in obedience to said order; the court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is ordered that said petitioner execute a deed of all the right, title, interest and claim of the said Joshua Turner in said real estate to the purchaser, Russell Evans, upon the said purchaser paying therefore the full sum of Three Hundred Seventy Five Dollars in cash.

The court further finds from the pleadings and upon the motion to distribute the proceeds of said sale, amounting to $375.00, that there is due The Division of Aid for the Aged upon their claim the sum of $835.40; that the said Joshua Turner made and executed

THE COL. B. B. MFG. CO. 75974

13762

a trust deed upon said real estate, which said trust deed was duly recorded in Vol. 114 page 163-164 of the records of Mortgages in the office of the Recorder of Union County, Ohio, within accordance with provisions of Sections 1359-14 et seq of the General Code of Ohio, and it is ordered that said trust deed is a valid and subsisting lien upon said premises, and now a lien upon the funds in the hands of the administratrix arising from the sale of said real estate. It is ordered that an entry of satisfaction and release of said trust deed be entered of record in the office of the Recorder of Union County, Ohio, in accordance with law.

It is further ordered by the court that said Ella Schoenleb as such administratrix out of the money in her hands, pay:

First: To the Treasurer of Union County, Ohio, the sum of $21.13, being the taxes, penalty and interest thereon against said property.

Second: The costs and expenses incurred in the sale of said property, including costs of administration of said estate and including an attorney fee to John W. Dailey of $67.50 and to Ella Schoenleb the percentage of such administrator the sum of $22.50, amounting to the total sum of $126.75.

Third: The residue of said sum in the amount $227.12 to be paid to the Division of Aid for the Aged, Department of Public Welfare, State of Ohio.

It further appearing to the court that said real estate was all of the assets of said estate and no other assets has come, or will come, into the possession of the administratrix, it is ordered that upon payment of the sums as above set forth and the producing of the receipts and vouchers for the same to this court the administratrix be relieved from filing of any other account and she be discharged and released from her trust as such administratrix.

It is further ordered that said proceedings be recorded and the administratrix pay the above amounts within ten days.

Approved:
Richard A. Morris.
Ass't. Attorney General.

Richard R. Cameron.
Acting Probate Judge.

Thomas J. Herbert - Atty. General.

John W. Dailey - Atty. for Administratrix

13762
Filed
Mar. 6 - 1939.

13776
Filed
Jan. 31 - 1939.
Wm. R. Cameron,
Attorney.

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Filed
Mar. 6-1939.

Probate Court of Union County, Ohio.

In the Matter of the Estate of
Joshua Turner, Deceased.
Ella Schoenleb, Administratrix.

No. 13762.
February 3-1939.

The Trust Deed executed by Joshua Turner to the Division of Aid for the Aged, Department of Public Welfare State of Ohio and recorded in Vol. 114 Page 163 and 164 of the Records of Mortgages in the office of the Recorder of Union County, Ohio, is released and satisfied by proceeding in the Probate Court of Union County, Ohio, in Case No. 13762 pending in said Court.

L. W. Hazen - Probate judge.
By Carrie W. Hornbeck - Deputy Probate judge.

13776
Filed
Jan. 31-1939.
Wm. R. Cameron,
Attorney.

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

Charlotte E. Eisel, Guardian,
Plaintiff,

-vs-

Her ward - Agatha Magdalena Huber
Retta Huber
Elizabeth Huber
J. M. Huber
D. P. Huber
Charlotte E. Eisel
Laura R. Traquair,
Defendants.

No. 13776.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that she is the duly appointed and qualified Guardian of Agatha Magdalena Huber of the age of 55 years on the 13th. day of January 1938, and residing with Retta Huber at Marysville, Ohio, having been appointed as such Guardian by the Probate Court of Union County on the 15th. day of October, 1938.

Said ward is seized of the following described real estate:
Situated in the County of Union, State of Ohio, and Village of Marysville.

Part of Lots 5-43-44, & Survey 3354 etc.

Beginning with an iron stake at N. E. corner of Lot; thence West (122) One hundred and twenty-two feet parallel to Banks' Lot, to curb on Ash Street; thence (18) Eighteen feet South along said curb; thence East (122 ft.) One hundred and twenty-two feet parallel Haines' Lot to iron stake; thence North 18 ft. (Eighteen feet) to the beginning, an iron stake.

Being 2' off O. L. #5 X #44 In Lots & about .04 acre in Lands.

THE COL. B. B. MFG. CO. 75974

13776

The grantee shall have permission to use the driveway, on South side of property, so long as no damage is done to same.

The said ward, Agatha Magdalena Huber, is an unmarried person, and there is no spouse having contingent dower right in said premises.

The Defendants, Charlotte E. Eisel, who is a resident of Franklin County, Ohio, and Retta Huber, Elizabeth Huber, J. M. Huber, S. P. Huber, and Laura R. Traynor, 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.

Said real estate is unoccupied and is suffering unavoidable waste, better investment of its value can be made, and the sale of the same will be for the benefit of the said ward.

Wherefore, Plaintiff prays the court to issue summons to the Sheriff of Union County for the Defendants, returnable according to law, and for an order authorizing said Plaintiff to sell said real estate.

Wm. R. Cameron - Attorney for Plaintiff.

The State of Ohio, Franklin County.

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

Charlotte E. Eisel.

Sworn to before me and signed in my presence by the said Charlotte E. Eisel, at Columbus, Ohio, this 11 day of January, 1939.

Edna M. Krieger - Notary Public.
My Comm. exp. 6/21/41.

Seal

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Agatha Magdalena Huber, who resides with said Retta Huber in Marysville, Ohio, directed to the sheriff of Union County, Ohio, returnable according to law; and also for J. M. Bateman, Superintendent of the Columbus State Hospital, from which said institution the said Agatha Magdalena Huber is now on a trial visit, directed to the sheriff of Franklin County, Ohio, returnable according to law.

Wm. R. Cameron
Plaintiff's Attorney.

Filed
Feb. 4 - 1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Franklin County:

You are commanded to notify J. M. Bateman, Superintendent of the Columbus State Hospital, from which said institution, Agatha Magdalena Huber (Retta Huber) is on trial visit; that on the 31st. day of January, A. D. 1939,

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13776 Charlotte E. Eisel, Guardian of the estate of Agatha Magdalena Huber, filed her petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the reason that said real estate is suffering unavoidable waste and that a better investment of its value can be made, and that unless they answer by the 4th. day of March 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 13th. day of February 1939.

Witness my hand and the seal of said Court, this 31st. day of January, 1939.

Seal

Carrie W. Houbeck - Deputy Clerk.

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, first name	.75
— miles traveled at 8¢	.80
Postage	.03
Total	$1.58

Received this writ February 1, 1939, at 9 o'clock A. M., and on the 2nd. day of February 1939, I served the same by delivering a copy thereof personally to Dr. E. R. Clouse, Successor to Dr. J. R. Bateman, and as Acting Superintendent of the Columbus State Hospital, from which Institution Agatha Magdalena Huber (Nena Huber) is on trial writ.

Jacob E. Sandusky - Sheriff of Franklin County, Ohio.
By- C. C. Donohue - Deputy.

Filed Feb. 3 - 1939.

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 Agatha Magdalena Huber, residing with Retta Huber in Marysville, Ohio, that on the 31st. day of January, A. D. 1939, Charlotte E. Eisel, Guardian of the estate of Agatha Magdalena Huber, filed her petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the reason that said real estate is suffering unavoidable waste and that a better investment of its value can be made, and that unless they answer by the 4th. day of March 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 13th. day of February 1939.

Witness my hand and the seal of said Court, this 31st. day of January 1939.

Seal

Carrie W. Houbeck - Deputy Clerk.

THE COL. B. B. MFG. CO. 75974

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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 Jan. 31st. 1939, at 9 o'clock A. M., and on the 3rd. day of February 1939, I served the same by delivering a copy thereof personally to the within named Agatha Magdalena Huber and also to Retta Huber, the person with whom Agatha Magdalena Huber resides.

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

Filed
Feb. 2-1939.

Waiver of Summons on Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

Charlotte E. Eisel, Guardian of the Estate of Agatha Magdalena Huber,
Plaintiff,
-vs-
Agatha Magdalena Huber, Retta Huber, Elizabeth Huber, J. M. Huber, G. P. Huber, Charlotte E. Eisel, and Laura E. Traynor,
Defendants.

No. 13776.
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.

January 31st. A. D. 1939.

Retta Huber.
J. M. Huber.
G. P. Huber.
Charlotte E. Eisel.
Elizabeth Huber.
Laura E. Traynor.
By: John W. Dailey
Her Attorney.

Filed
Feb. 3-1939.

Answer of Trustee for the Suit.

In the Probate Court of Union County, Ohio.

Charlotte E. Eisel, Guardian of the Estate of Agatha Magdalena Huber,
Plaintiff,
-vs-
Agatha Magdalena Huber, et al.,
Defendants.

No. 13776.
Answer of Trustee for the Suit.

And now comes John W. Dailey duly appointed by this court, as Trustee for the Suit of Agatha Magdalena Huber, an incompetent person by reason mental disability, and accepts

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Filed
Feb. 3-1939.

Filed
Feb. 16-1939.

13776

said appointment, and for answer to the petition of said Charlotte E. Eisel, guardian, says that he has not, by reason of the mental incapacity of said defendant, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said defendant, denies the same, and would 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.

John W. Dailey - Trustee for the Suit.

State of Ohio, Union County, ss.

John W. Dailey, being first duly sworn says that he is the above named Trustee for the Suit of Agatha Magdalena Huber, incompetent, and that the facts stated and allegations contained in the foregoing Answer are true as he verily believes.

John W. Dailey.

Sworn to before me and signed in my presence by the said John W. Dailey this 8 day of February, 1939.

Richard L. Cameron
Acting Probate Judge.

Filed
Feb. 3-1939.

Entry - Appointing Trustee for the Suit.

In the Probate Court of Union County, Ohio.

Charlotte E. Eisel, Guardian of the Estate of Agatha Magdalena Huber,
Plaintiff,
-vs-
Agatha Magdalena Huber, et al.,
Defendants.

No. 13776. Entry Appointing Trustee for the Suit.

It having come to the attention and knowledge of the court that Agatha Magdalena Huber, a defendant in this action, is incompetent by reason of mental disability, and that the guardian heretofore appointed by this Court, Charlotte E. Eisel, has an adverse interest herein, to-wit; as such guardian is the plaintiff in this action, it is therefore ordered that John W. Dailey be, and he hereby is, appointed Trustee for the Suit to defend said action on behalf of said incompetent defendant.

Dated this 8th. day of February, 1939.

Richard L. Cameron,
Acting Probate Judge.

Filed
Feb. 16- 1939.

Finding Sale Necessary and Ordering Appraisement.

Probate Court, Union County, Ohio.

Charlotte E. Eisel, as Guardian of the estate of Agatha Magdalena Huber,
Plaintiff.
-vs-
Agatha Magdalena Huber
Defendants.

February 16th - 1939.
Finding Sale Necessary and Ordering Appraisement.

THE COL. B. B. MFG. CO. 75974

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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 said real estate by reason of the fact that the same is suffering unavoidable waste and that a better investment of its value can be made 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 H. E. Conkright, R. E. Kinkade, and Charles Elbin, three judicious and disinterested persons of the vicinity, not kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money free from dower estate therein; it is further ordered that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view 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 16th. day of February 1939.

Richard L. Cameron
Acting Probate Judge.

Filed
Feb. 17- 1939.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.
To Charlotte E. Eisel:

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 the estate of Agatha Magdalena Huber are Plaintiff and Agatha Magdalena Huber et al., are Defendants, you are commanded that by the oaths of H. E. Conkright, R. E. Kinkade and Charles Elbin judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, your 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, and Village of Marysville, and bounded and described as follows:

Part of Lots 5-34-44, and Survey 3354 etc.

Beginning with an iron stake at N. E. corner of Lot; thence West (122) One hundred and twenty-two feet parallel to Banks Lot, to curb on Ash St; thence (18) Eighteen feet South along said curb; thence East (122 ft.) One hundred and twenty-two feet parallel to Haines' Lot to iron stake; thence North (18 ft.) Eighteen feet to the beginning, an iron stake.

Being 2' off O. L. #5 X #44 In Lots and about .04 acres in land.

13776

Filed
Feb. 18-1939.

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The grantee shall have permission to use the driveway, on South side of property, so long as no damage is done to same.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 16th. day of February, A.D. 1939.

Seal

Richard L. Cameron.
Acting 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 16th. day of February, 1939.

Charlotte E. Eigel.

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. E. Conkright.
R. E. Kinkade.
Charles Elbin.
} Appraisers.

Sworn to before me and signed in my presence, this 16th. day of February. 1939.

Seal

Wm. R. Cameron - 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 One Hundred Dollars.

Given under our hands, this 16th. day of February, 1939.

H. E. Conkright.
R. E. Kinkade.
Charles Elbin
} appraisers.

Filed Feb. 18-1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Charlotte E. Eigel, Guardian of the estate of Agatha Magdalena Huber, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you are Guardian of the estate of Agatha Magdalena Huber are Plaintiff and Agatha Magdalena Huber, et al, are Defendants, you are commanded to proceed according to law, to sell at

THE COL. B. B. MFG. CO. 75974

13776

Private Sale, for not less than One Thousand One Hundred the appraised value thereof, the following described premises, to-wit:

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

Part of Lots 5-43-44, and Survey 3354 etc.

Beginning with an iron stake at N. E. corner of Lot; thence West (122) One hundred and twenty-two feet parallel to Baukes lot, to curb on Ash St., thence (18) Eighteen feet South along said curb; thence East (122 ft.) One hundred and twenty-two feet parallel Haines' lot to iron stake; thence North (18ft.) Eighteen feet to the beginning, an iron stake.

Being 2' off O. L. #5 X #44. On Lots and about .04 acres in land.

The grantee shall have permission to use the driveway, on South side of property, so long as no damage is done to same.

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 17th. day of February, 1939.

Richard L. Cameron.
Acting 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 18th. day of February 1939.

Charlotte E. Eisel.

Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 18th. day of February, 1939, offer said property, at private sale, and Alice E. Baukes having offered therefor the sum of One Thousand One Hundred Eleven and no/100 Dollars ($1111.00) and the same being not less than the appraised value of said property, I sold the same to said Alice E. Baukes for that sum.

Charlotte E. Eisel.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Charlotte E. Eisel, 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.

Charlotte E. Eisel.

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Sworn to before me and subscribed in my presence, this 18 th. day of February, 1939.

Wm. R. Cameron - Notary Public.
In and for Union County, Ohio.

Filed Feb. 17-1939.

Confirming Appraisement, Dispensing with Bond & Ordering Private Sale.

Probate Court, Union County, Ohio.

Charlotte E. Eisel as Guardian of the Estate of Agatha Magdalena Huber,

Plaintiff,

-vs-

Agatha Magdalena Huber, et al.,

Defendants.

February 17 th. 1939.
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 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 Charlotte E. Eisel as such Guardian 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 Agatha Magdalena Huber to sell the real estate described in this petition at private sale, it is now ordered that Charlotte E. Eisel as such Guardian, 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.

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

Richard E. Cameron.
Acting Probate Judge.

Filed Feb. 18-1939.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Charlotte E. Eisel as Guardian of the Estate of Agatha Magdalena Huber,

Plaintiff,

-vs-

Agatha Magdalena Huber, et al.,

Defendants.

Feb. 18th - 1939.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Charlotte E. Eisel, Guardian of the Estate of Agatha Magdalena Huber, 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,

THE COL. B. B. MFG. CO. 75974

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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 Agatha Magdalena Huber in said real estate, to the purchaser, upon payment by the said purchaser 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 —— Dollars.

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

First, the costs and expenses of the sale, including an Attorney fee of $—— to Wm. R. Cameron for services performed for the fiduciary in connection with the sale and the sum of $—— to the fiduciary for his services in connection with the sale, which costs, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate, and to the payment of mortgages and judgments against the ward 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 $——, out of the proceeds of said sale, within ten days.

Richard L. Cameron.
Acting Probate Judge.

13445
Filed
Apr. 6-1939.

13445
Filed
Apr. 6-1939.

In the Matter of the Last Will and Testament of Robert Evans, Deceased.

Probate Court, Union County, Ohio.

In the Matter of the Last Will and Testament of Robert Evans, Deceased.	No. 13445. Application.

Now comes Cinderella Evans, and says that she is the widow of the late Robert Evans, who died on or about the 15th. day of August, 1937, a resident of Paris Township, Union County, Ohio, and leaving the following next of kin, namely John Evans a son, Vera L. Galloway and Lena Mae Johnson, Daughters and Robert Warren Evans a grandson.

Said applicant further says that said Robert Evans deceased left a Last Will and Testament which was admitted to probate on the 18th. day of August 1937, and that said Will in part contained the following paragraph: "Item 4. All the real estate which I now own or may hereinafter acquire I Give, Bequeath and Devise to my wife Cinderella Evans for and during her natural life time only with power to sell any part thereof by deed of general Warranty if the same is necessary for her care, support and maintenance."

Applicant further says that she has been receiving the sum of Eight Hundred Dollars ($800.00) annually as rents from said farm and that said sum is not nearly sufficient to support herself and to maintain said farm.

Said applicant further says that the $800.00 rent which she is receiving is, in her opinion an exceptionally fair rental value for said farm and further that she has been offered the sum of Ten Thousand Dollars ($10,000.00) for the following described real estate.

Situated in the State of Ohio, County of Union and Township of Paris, being part of Surveys No. 5416 and 5728 and bounded and described as follows:

Beginning at a stone in the east line of L. W. McAllister's land and at the southwest corner of L. B. Harvey's land; thence with the South line of said Harvey's land and of Robert Evans' land North 66° East 132.60 poles to a sugar tree at the northwest corner of Charles Monlock's land; thence with the West line of said Monlock's land South 4½° East 4 poles to a stone; thence parallel with said Evans South line South 66° West 43 poles to a post; thence with three consecutive lines of George M. Haines land, South 8° East 46.60 poles to a stone and South 66° West 46.30 poles to a stone and South 55° West 37.60 poles to a stone in the southeast corner of said McAllister's land; thence with the East line of said

THE COL. B. B. MFG. CO. 75974

13445

land North 16° West 56.35 poles to the place of beginning.
Containing 28 acres more or less.
Also the following real estate, part of said Survey No. 5416, bounded and described as follows:-
Beginning at a stone in the center of the Marysville and North Lewisburg Grand Road and at the northeast corner of lands deeded to Lawson B. Harvey; thence with the center of said road North 66° East 81/60 poles to a stone at the northwest corner of the lands of Henry Aumine, deceased; thence with the West line of said land South 4° East 93.20 poles to a stone and three small ashes in the North line of Malinda McCloud's land; thence with the North line of said land South 80° West 14.60 poles to a stone; thence with the West line of said land South 4½° East 80.20 poles to a sugar tree at the northeast corner of George M. Haines' land; thence with the North line of said land South 66° West 30 poles to a stone at the southeast corner of said Lawson B. Harvey's land; thence with the East line of said land North 116° West 159 poles to the beginning.
Containing 56 acres, more or less. Excepting therefrom the following premises, described as beginning at a stake in the center of the Marysville and North Lewisburg State Road and northwest corner to the lands of H. E. and L. E. Jenkins; thence with the West line of said Jenkins land South 3° 45' East 769 lineal feet to a stake; thence South 86° 15' West 30 lineal feet to a stake; thence North 8° 30' West 736 lineal feet to a stake in the center of said State Road; thence with the center of said road, North 86° 30' East 102 lineal feet to the beginning.
Leaving 54.85 acres, more or less.
Also the following real estate, part of said Survey No. 5416, and bounded and described as follows:
Beginning at a stake at the northwest corner of the Joseph Rogers farm and corner to Henry Aumine, (now Robert Evans) land; thence with a line of said land South 8° East 80 poles to a sugar tree; thence North 80° East 38 poles to a stone; thence North 8° West 80 poles to a stone; thence South 80° West 38 poles to the place of beginning.
Containing 17 acres more or less.
Also the following described real estate being part of Survey No. 5416.
Beginning at a post in the northwest corner of Survey No. 5416, and northeast corner to Edward Weidman's land; thence with the East line of said Weidman's land and the West line of Survey No. 5416, South 3° 30' East 107.20 poles to a stone in

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the center of the Marysville and North Lewisburg Gravel Road; thence with the center of said road North 66° 45' East 163.40 poles to a stone; thence North 3° 30' West 56.32 poles to an iron bar in the North line of said Survey No. 5416; thence with said Survey line South 84° 45' West 155.40 poles to the beginning.

Containing 79 acres more or less. Excepting therefrom the following premises, described as Beginning at a point in the center line of the Marysville and North Lewisburg Road on the line between the lands of Jessie Honey and Robert Evans; thence North 9° West 928 feet to a corner; thence South 79° 10' West 798 feet to a corner; thence South 19° 15' East 1140 feet to a point in the center line of the Marysville and North Lewisburg Road; thence North 61° East 640 feet with the center line of said road to the place of beginning. Containing 16.50 acres more or less.

Leaving 62.50 acres, more or less.

Wherefore said applicant prays the court for an order under and by virtue of Item 4 of the last Will and Testament of said Robert Evans, deceased, to sell said farm, for the sum of Ten Thousand Dollars ($10,000.00) and that the court further finds that the income from said property is insufficient to support herself and maintain said above described property.

William J. Porter.

State of Ohio, County of Union, ss:

Cinderella Evans, being first duly sworn deposes and says that she is the widow and applicant herein and, that the facts stated and the allegations contained herein are true as she verily believes.

Cinderella Evans.

Sworn to before me and signed in my presence this 5th. day of April, 1939.

Seal

Alice Randolph Stillings-
Notary Public, Union County,
Ohio. My commission expires 3-42.

Filed
Apr. 5-1939.

Probate Court,
Union County, Ohio.
Case No. 13445.
Entry.

In the Matter of the last Will and Testament of Robert Evans, Deceased.

This day this cause came on to be heard upon the application of Cinderella Evans to sell the real estate described in said application for the reason that the same was a burden and a liability to her and although she was receiving as much rent as the farm would warrant yet it did not support her nor maintain the farm.

THE COL. B. B. MFG. CO. 75974

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And the court being fully advised in the matter and being familiar with the Last Will and Testament of Robert Evans, deceased and more particularly to Item 4 of said Last Will and Testament hereby ordered and decreed said farm to be sold by said applicant for her maintenance and support.

L. H. Hazen- Judge.

13701 A
Filed
Oct. 8- 1938.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

J. Fred Reason, Administrator of the Estate of Nettie Reason, Deceased,

Plaintiff,

-vs-

J. William Reason and Charles Reason and J. Fred Reason,

Defendants.

No. 13701 A. Union Co. O.
No. 83588 Franklin

Petition & Waiver of Summons.

Petition to Sell Real Estate.

Plaintiff says that on the 30th. day of July, 1938, in the Probate Court of Franklin County, Ohio, in Case No. 83588, he was duly appointed Administrator of the Estate of Nettie Reason, deceased, late of said Franklin County. That Plaintiff and the Defendants herein are decedent's brothers, and are the only and sole heirs of said decedent, and are entitled to the next estate of inheritance from the decedent of the real estate hereinafter described. That the total value of the personal property of said decedent was duly fixed by the appraisers of said estate at $324.98, and that said personal property is wholly insufficient to pay the debts and costs of administration of said decedent. Plaintiff says that the funeral and burial expenses and costs in the sickness of said decedent amount to about $600.00.

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

Situated in the Township of Jerome, County of Union, and State of Ohio, and being part of Survey No. 1440, and described as follows:

First tract: Beginning at the point of intersection of the west line of the T. & O. C. R. R. with the north line of the Plain City and New California road to a post (being 76 feet from the center of said railroad track and 25 feet from the center of said road); thence with the north line of said public road S. 57° W. 203½ feet to a post in the east line of a laneway; thence with said east line N. 33° 30' W. 83 feet to a stake;

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thence with the south line of Nancy A. Arnold's lands N. 57° E. 192½ feet to a stake in the west line of said railroad; thence with said line S. 40° 30' E. 83 feet to the beginning containing 40/100 of an acre, but excepting therefrom the lands of R. W. Bogge as described in Vol. 127, page 12 of the deed records of said County, leaving the amount herein conveyed 23/100 of an acre, more or less. Being the same premises conveyed by R. W. Bogge and E. J. Bogge to Mary E. Mace by Warranty Deed dated October 19, 1922.

Second Tract: Being known as Lot No. 3 as the same is known and further described as being 60 feet in width and fronting on the north side of the Plain City and New California road and extending northward 160 feet between parallel lines, containing .07 acres. Situated in the Village of Arnold in said County.

Third Tract: Being a part of Survey No. 1440 situated in the said Village of Arnold and bounded and described as follows: Beginning at a post in the north line of the Plain City and New California road and 25 feet from the center thereof, the said post bearing S. 57° W. 50 feet from the intersection of the west line of the right of way of the T. & O. C. R. R. with the north line of said road; thence N. 40° 23' W. 80 feet to a post; thence S. 57° 17' W. 88.25 feet to a post; thence S. 34° 30' E. 20 feet to a stake, being the northwest corner to the above described Lot No. 3; thence with two consecutive lines of said lot N. 57° E. 60 feet to a stake; thence S. 34° 30' E. 60 feet to a stake, being the southeast corner to said Lot No. 3 and in the north line of the aforesaid Plain City and New California road; thence with the said line N. 57° E. 46 2/3 feet to the beginning, containing one-tenth of an acre more or less. Being the same premises conveyed by R. W. Bogge and E. J. Bogge, his wife, to Mary E. Mace by Warranty Deed dated October 19th. 1922.

Wherefore, Plaintiff prays that said real estate be sold according to the provisions of section 10509-42 and 10510-11, and other sections made and provided, and for such other relief to which he may be entitled.

J. A. Godown,
Harry E. Godown.
Attorneys for Plaintiff.

State of Ohio, Franklin County, ss:

J. Fred Reason being duly sworn, deposes and says that he is the Plaintiff in the foregoing Petition, and that the statements contained therein are true to the best of his knowledge and belief.

Signed: J. Fred Reason.

THE COL. B. B. MFG. CO. 75974

13701 A

Sworn to before me this 8" day of August, 1938, a Notary Public of the County of Franklin, State of Ohio.

Seal

Harry C. Godown - Notary Public - Franklin Co., Ohio.

In the Probate Court, Union County, Ohio.

J. Fred Reason, Administrator, Etc.,
Plaintiff,
-vs-
J. William Reason, et al.,
Defendants.

No. 13701 A - Union County.
No. 83588 - Franklin Co.

Waiver of Summons and Answer.

The undersigned, the only and sole heirs of Hettie Reason, deceased, - hereby waive the issuance, and service of summons herein, and, voluntarily enter their appearance, hereing.

These Defendants answering herein, consent to the sale of the real estate, as described and prayed for, in said Petition. And ask the Court for and order to sell same at Private Sale.

Charles C. Reason.
James William Reason.
J. Fred Reason.

Sworn to before me and signed in my presence this 8th. day of October, 1938.

Seal

Harry C. Godown - Notary Public, Franklin County, Ohio.

Filed Oct. 8 - 1938.

Entry.

Probate Court, Union County, Ohio.

J. Fred Reason, as Administrator of the Estate of Hettie Reason, Deceased,
Plaintiff,
-vs-
J. William Reason, Charles Reason and J. Fred Reason,
Defendants.

No. 13701 A.

Entry.

This matter coming on to be heard upon the Petition and the evidence, the Court finds that all of the Defendants, herein, have voluntarily entered their appearance and consent to the sale prayed for, and, are properly before the Court. That there is no surviving spouse entitled to dower or to a homestead right in the real estate described in the Petition; 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 an appraisement thereof was made in the Inventory by three disinterested free holders of the vicinity, by the Probate Court

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Filed Mar. 18-1939.

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of Franklin County, Ohio, (Case number 83588 of said County) at nine hundred ($900.00) Dollars, a further and additional appraisement is hereby disputed with.

The Court further finds that a good and sufficient bond to and for the sum of $2,000.00 (Two Thousand Dollars) with sufficient sureties and approved by the Probate Court of Franklin County, Ohio, has been filed in said County, and, no additional bond is necessary.

And it is ordered that the said J. Fred Reason as such Administrator, sell said real estate, at Private Sale, at not less than the appraised value, namely: $900.00. Said last-named amount being the appraised value thereof. Terms of sale, Cash, upon delivery of deed therefor.

And, of his proceedings make due return thereof.

L. W. Hazen - Probate Judge.

Jos. A. Godown, Atty, for Administrator.
44 E. Broad St., Columbus, Ohio.

Order of Sale.

Probate Court, Union County, Ohio.

The State of Ohio, Union County, ss. No. 13701 A.

To J. Fred Reason, as Administrator of the Estate of Vettie Reason, deceased, Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made in this cause, you are commanded to proceed, according to law, to sell the following described premises, at private sale at not less than the appraised value. The following described real estate: Situated in the Township of Jerome, County of Union, and State of Ohio, and being part of Survey No. #1440, and described as follows:

First Tract: Beginning at the point of intersection of the west line of the N. & W. Co. R.R. with the north line of the Plain City and New Californian road to a post (being 76 feet from the center of said railroad track and 25 feet from the center of said road); thence with the north line of said public road S. 57° W. 203½ feet to a post in the east line of a laneway; thence with said east line N. 33° 30' W. 83 feet to a stake; thence with the south line of Nancy A. Arnold's lands N. 57° E. 192½ feet to a stake in the west line of said railroad; thence with said line S. 40° 30' E. 83 feet to the beginning containing 40/100 of an acre, but excepting therefrom the lands of R. W. Bogge as described in Vol. 127, page 12 of the deed records of said County, leaving the amount herein conveyed 23/100 of an acre more or less. Being the same premises conveyed by R. W. Bogge and E. J. Bogge to Mary E. Mace by Warranty Deed dated October 19, 1922.

Second Tract: Being known as Lot No. 3 as the same is known and further described as being 50

THE COL. B. B. MFG. CO. 75974

13701 A

feet in width, and fronting on the north side of the Plain City and New California road and extending northward 60 feet between parallel lines, containing .07 acres. Situated in the Village of Arnold in said County.

Third Tract: Being a part of Survey No. 1440 situated in the said Village of Arnold and bounded and described as follows: Beginning at a post in the north line of the Plain City and New California road and 25 feet from the center thereof, the said post bearing S. 57° W. 60 feet from the intersection of the west line of the right of way of the T. & O. Ce. R.R. with the north line of said road; thence N. 40° 23' W. 80 feet to a post; thence S. 57° 17' W. 88.25 feet to a post; thence S. 34° 30' E. 20 feet to a stake, being the northwest corner to the above described Lot No. 3; thence with two consecutive lines of said Lot N. 57° E. 60 feet to a stake; thence S. 34° 30' E. 60 feet to a stake, being the southeast corner to said Lot No. 3 and in the north line of the aforesaid Plain City and New California road; thence with the said line N. 57° E. 46 2/3 feet to the beginning, containing one-tenth of an acre more or less. Being the same premises conveyed by R. W. Boggs and E. M. Boggs, his wife, to Mary E. Mace by Warranty Deed dated October 19th. 1922.

Said sale to be made upon the following terms:
Cash. Upon delivery of deed.

You will make return of your proceedings immediately after executing this order.

Witness my hand and the seal of this Court at Columbus, Ohio, this 18 day of March, A. D. 1939.

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

Return when Sold by Private Sale.

In obedience to the foregoing order, I sold said premises on the 18th day of March, A. D. 1939, to Edward H. Hinderer and Minnie Hinderer for the sum of Nine Hundred ($900.00) Dollars, said sum being the appraised value of the same.

J. Fred Reason - Administrator of the Estate of Hettie Reason.

Dated the 18th day of March, A. D. 1939.

The State of Ohio, Union County, ss.

The above named J. Fred Reason, as Administrator, being duly sworn, says that the sale of Real Estate above reported has been made after diligent endeavor to obtain the best price for the property, and that said sale is for the highest price that he could get for said property.

J. Fred Reason.

Sworn to and subscribed before me, this 18 day of March, A. D. 1939.

(Seal) L. W. Hazen - P. J.

13701 A
Filed
Mar. 18- 1939.

13701 A
Filed
Mar. 18- 1939.

Probate Court, Union County, Ohio.

J. Fred Reason, as Administrator
of the estate of Hettie Reason,
Deceased,
Plaintiff,

-vs-

J. William Reason, et al.,
Defendants.

No. 13701 A.
Entry.

This day this cause came on to be heard, upon the return of the Administrator, heretofore issued, to said Administrator, to offer said premises, as described in the Petition, at Private Sale, at not less than the appraised value of the said real estate.

The Court finds upon, and from, the report this day filed, that the said Administrator, did advertise and offer said real estate for sale; that after due and diligent effort, said Administrator, did procure an offer for said real estate; that the highest and best offer and bid, was, the sum of Nine Hundred ($900.00) Dollars, from, Edward H. Hinderer and Minnie Hinderer, Cash:

Said report, duly verified, and order of sale, as filed herein, is duly approved and confirmed, and, said Administrator, is herein, ordered and decreed, to make, execute and deliver a deed to the said purchasers above named, upon payment of the purchase price of Nine Hundred ($900.00) Dollars, Cash.

It is further ordred and decreed that the said Administrator, as aforesaid, pay the costs of this proceeding and liens, as follows:

(1)- The Probate Court costs of this proceeding, taxed at, $13.00
(2)- The per centum compensation of Admr., $54.00
(3)- Attorney fees in sale of real estate, $54.00
(4)- United States Int. Rev. Stamp, $1.00
(5)- Taxes and assessments, due June 20" '39 $3.95
Total, costs & expenses of sale - $125.95

The balance of said funds arising from said sale of said real Estate, to be accounted, through, in, and by, the Proper Court, at the proper time, and, according to law.

L. W. Hazen- Probate Judge.

Approved:
Harry C. Godown.
Jos. R. & Harry C. Godown,
Attorneys for Administrator,
44 East Broad St.,
Columbus, Ohio.

THE COL. B. B. MFG. CO. 75974

13794
Filed
Feb. 24- 1939.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

L. A. Pretz, Guardian of
Flora J. Blaney,
Plaintiff,

-vs-

Flora J. Blaney, Mary Blaney,
Lusile Pretz Reber, and
L. A. Pretz,
Defendants.

No. 13794.
Petition to Sell Real Estate.

Plaintiff was on the 13 day of Sept. 1938, by the Probate Court of Union County, Ohio, duly qualified as, and now is the acting guardian of Flora J. Blaney, an incompetent person.

Said ward is seized with the following described real estate: Situated in the State of Ohio, County of Union and Township of Millcreek, being part of Survey No. 5690.

Beginning at a stone in place of an elm, box elder and hop beam, southwest corner to Survey No. 3244 and northwest corner to Survey No. 5234; thence with the West line of said Survey No. 5234 S. 6- 2/3° E. 12 poles to a stone; thence S. 85° W. 147.60 poles to a stake and stone, southeast corner to Tyler Thompson's land; thence with East line said Thompson's lands N. 20½° W. 49.95 poles; thence N. 85° E. 160.30 poles to West line of Survey No. 3244; thence with said Survey line S. 5½° W. 35.90 poles to the place of beginning.

Containing 46 acres and 19 square rods, more or less.

Said real estate has no encumbrances. The defendant, Flora J. Blaney, has no living husband; the defendants, Mary Blaney, Lucile Pretz Reber and L. A. Pretz, are entitled to the next estate of inheritance from the said ward, residing in this County. There are no other persons who have any interest in the real estate.

It is necessary to sell said real estate for the following reason, to-wit: that said real estate is not sufficiently improved so that it is possible to rent it upon such basis as will return a reasonable rental upon a fair valuation; that the said ward is the owner of other real estate upon which improvements are necessary and that it would be for her best interests to sell the real estate above described, and apply the proceeds upon the purchase of stock and improvements upon other real estate.

Wherefore, plaintiff praye the court to set this petition for hearing.

Hooper, Sanders & Hooper,
Attorneys for Plaintiff.

13794

Filed
Feb. 24-1939.

Filed
Feb. 28-1939.

13794 State of Ohio, Union County, ss:
L. A. Pretz, being first duly sworn, says that he is the Guardian of Flora J. Blamey, an incompetent person, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.
Layton A. Pretz.
Sworn to before me and subscribed in my presence this 21st. day of December, 1938.
Seal Ruth Hess- Notary Public.

Filed Feb. 24-1939. Waiver of Service and Consent to Sell.
In the Probate Court, Union County, Ohio.
L. A. Pretz, Guardian of Flora J. Blamey, Plaintiff, vs. Flora J. Blamey, et al., Defendants.
No. 13794.
Waiver of Service & Consent to Sell.
The undersigned, being all of the defendants in the above entitled cause, hereby enter their respective appearances, and, in writing, consent to the sale of the real estate, as prayed for in the petition herein.
Flora J. Blamey.
Mary Blamey.
Lucile Usher.
Layton A. Pretz.

Filed Feb. 28-1939. Order of Appraisement.
The State of Ohio, Union County. Probate Court.
To L. A. Pretz, as Guardian of Flora J. Blamey, an incompetent:
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 Flora J. Blamey are Plaintiff and Flora J. Blamey et al., are Defendants, you are commanded that by the oaths of Arthur Lowe, Robert Kinkade and Frank Smith, 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 State of Ohio, County of Union and Township of Millcreek, being part of Survey No. 5610.
Beginning at a stone in place of ash elm, box elder and hornbeam, southwest corner to Survey No. 3244 and northwest corner to Survey No. 5234; thence with the West line of Survey No. 5234 S. 6-2/3° E. 12 poles to a stone; thence S. 85° W. 147.60 poles to a hotape and stone, southeast corner to Tyler Thompson's land; thence with the East line of said Thompson's

THE COL. B. B. MFG. CO. 75974

18794

lands; thence N. 85° E. 160.30 poles to the West line of Survey No. 3244; thence with said Survey line S. 6½° W. 35.90 poles to the place of beginning.

Containing 46 acres and 19 square rods, 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 27 day of February, A. D. 1939.

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 28th. day of February, 1939.

L. A. Bretz
Guardian of Flora J. Blaney.

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.

Arthur D. Love,
Robert C. Kinkade, } Appraisers.
Frank E. Smith.

Sworn to before me and signed in my presence, this 28th. day of February, 1939.

William S. Hoopes Notary Public.

Seal

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 Dollars.

Given under our hands, this — day of February 1939.

Arthur D. Love.
Robert C. Kinkade, } Appraisers.
Frank E. Smith.

Appraisers' fees $2.00 each - $6.00.

18794
Filed
Feb. 27-1939.

Filed
Mar. 1-1939.

18794
Filed
Feb. 27-1939.

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

L. A. Pretz as Guardian of
Flora J. Blamey, an incompetent,
Plaintiff,

-vs-

Flora J. Blamey, et al.,
Defendants.

February 27-1939.
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; and that it is necessary to sell said real 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 Arthur Lowe, Robert Kinkade and Frank Smith, 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 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 27th day of March, 1939.

L. W. Hazen- Probate Judge.

Filed
Mar. 1- 1939.

Guardian's Bond.

Know all Men by these presents: That we Layton A. Pretz, Lucile Neher and Mary Blamey are held and firmly bound unto the State of Ohio, in the sum of Five Thousand Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 1st. day of March, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound Layton A. Pretz was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Guardian of Flora J. Blamey.

And whereas, the said Layton A. Pretz 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 ——— Dollars.

And whereas, said Court, on the — day of — 19, made an order requiring said Guardian to execute a Bond according to the statute in such cases made and provided.

THE COL. B. B. MFG. CO. 75974

13794

Now, if the said Layton A. Pretz as Guardian aforesaid, shall faithfully discharge his duties as such Guardian, and faithfully pay over and account for, all moneys arising from the sale of said Real Estate according to law, then this obligation to be void, otherwise to remain in full force.

Layton A. Pretz.

Executed in presence of
Ruth Hess.
William S. Hoopes.
Lucile Usher.
Mary Blaney.

This bond approved in open Court, this 1st. day of March, 1939.

Richard K. Cameron
Acting Probate Judge.

Order of Private Sale.

Filed Mar. 1- 1939.

The State of Ohio, Union County. Probate Court.

To L. A. Pretz, Guardian of Flora J. Blaney, 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 Gfardian are Plaintiff and Flora J. Blaney, et al., are Defendants, you are commanded to proceed according to law; to sell at Private Sale, for not less than Twenty-five Hundred the appraised value thereof, the following described premises, to-wit:

Situated in the State of Ohio, County of Union and Township of Millcreek and being part of Survey No. 5610.

Beginning at a stone in place of ane below, box elder and hornbeam, southwest corner to Survey No. 3244 and northwest corner to Survey No. 5234; thence with the west line of said Survey No. 5234 S. 6- 2/3° E. 12 poles to a stone; thence S. 85° W. 142.60 poles to a stake and stones, southeast corner to Tyler Thompson's land; thence with the East line of said Thompson's lands; thence N. 85° E. 160.30 poles to the west line of Survey No. 3244; thence with said Survey line S. 5½° W. 35.90 poles to the place of beginning.

Containing 46 acres and 19 square rods, 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 1st. day of March, 1939.

L. W. Hazen- Probate Judge.

Filed Mar. 1-1939.

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 1st. day of March, 1939.

L. A. Pretz- (Guardian).

13794.

13794.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 1st. day of March, 1939, offer said property, at private sale, and Eleland S. and Burdell McKitrick 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 Eleland S. and Burdell McKitrick for that sum.

L. A. Pretz (Guardian).

Affidavit to Report of Private Sale.

The State of Ohio, Wood County, ss.

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

L. A. Pretz (Guardian).

Sworn to before me and subscribed in my presence, this 1st. day of March 1939.

Seal

Guy L. Emrick - Notary Public.
Commission Expires March 20-1940.

Filed Mar. 1-1939.

Confirming Appraisement and Ordering Additional Bond.

Probate Court, Union County, Ohio.

L. A. Pretz, as Guardian of Flora J. Blaney, Plaintiff,
-vs-
Flora J. Blaney, et al., Defendants.

Mar. 1-1939.
Confirming Appraisement and Ordering Additional Bond.

This day this matter came on to be further heard on the report of the appraisers heretofore herein appointed; and it appearing upon examination that said report is in all respects regular and correct, it is ordered that the same be, and it hereby is approved and confirmed.

It is further ordered that said L. A. Pretz, Guardian, execute within 10 days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Five Thousand Dollars, conditioned according to law.

J. W. Hazen - Probate Judge.

Filed Mar. 1-1939.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

L. A. Pretz, as Guardian of Flora J. Blaney, Plaintiff,
-vs-
Flora J. Blaney, et. al., Defendants.

March 1st. 1939.
Approving Additional Bond and Ordering Private Sale.

THE COL. B. B. MFG. CO. 75974

13794

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

And it appearing to the Court, upon satisfactory evidence that it would be wise to the interest of said Flora J. Blaney to sell the real estate described in the petition at private sale, it is now ordered that L. A. Pretz 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: One-third cash in hand, one-third in one year and one-third in two years from the time of sale. Deferred payments to be secured by mortgage on said premises and bear interest at the rate of 6 per cent.

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

L. W. Hazen - Probate Judge.

Filed Mar. 1 - 1939.

Entry - Confirming Sale, Ordering Deed, and Distribution.

In the Probate Court, Union County, Ohio.

L. A. Pretz, Guardian of Flora Blaney, incompetent, Plaintiff,

-vs-

Flora Blaney, et al., Defendants.

March 1st, 1939.

No. 13794.

Entry - Confirming Sale, Ordering Deed, and Distribution -.

This day this cause came on to be heard upon the report of L. A. Pretz, Guardian of Flora Blaney, of his proceedings under the former order of this court, and upon motion made 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 the said petitioner execute a deed to all the right, title and interest of the said Flora Blaney in said real estate, to the purchasers, Leland S. Mc Kitrick and Burdell S. Mc Kitrick, upon the said purchasers paying said purchase price in cash.

And this cause coming on further to be heard upon the motion to distribute the proceeds of said sale, amounting to $2500.00, it is ordered that the said L. A. Pretz, Guardian, out of the money in his hands, pay;

First: The costs of this action, including an attorney fee of $120.00 to Hoppe, Sanders & Hoppe for services performed for the fiduciary in connection with said sale, and the sum of $120.00 to the fiduciary for his services in connection with said sale, in all the sum of $262.00

13794

13797 Filed Feb. 28-1939.

13794

Second: To the Treasurer of Union County, Ohio, the taxes due on said real estate, to-wit, the sum of $75.40

Third: To C. D. Webb, real estate broker, $100.00, commission for sale $100.00

Fourth: The balance to be held by said Guardian, to-wit, the sum of $2062.60

L. W. Hazen - Probate Judge.

13797
Filed
Feb. 28-1939.

In the Matter of The Guardianship of Donald Bigelow, Minor.
In the Probate Court, Union County, Ohio.

Merle Bigelow, Guardian of Donald Bigelow, a Minor, Plaintiff, -vs- His said ward, Donald Bigelow, and Merle Bigelow, Defendants. | No. 13797. Petition.

Plaintiff says that he is the duly appointed, qualified and acting Guardian of Donald Bigelow by virtue of an order of this court, and that he is the father and only next of kin of said ward; that his said ward is past the age of 18 years and that he has purchased, and is the owner of the following described real estate, to-wit:

Being Lot No. 1470 of Sunny Side Park Addition to the Village of Marysville, Ohio, which includes the William Robinson Addition thereto. For a more definite description reference is hereby made to the Recorded Plat of said Addition as found in the office of the County Recorder of said County, upon which he desires to build a home; that he has accumulated the sum of $800.00 toward the erection of said home, and that he has negotiated a loan with The Citizens Federal Savings and Loan Association of Marysville, Ohio, for $2200.00, to finance the construction of said home.

Your applicant further says that it would be for the best interests of said ward that he be authorized, as guardian, to execute a note and mortgage upon said real estate to The Citizens Federal Savings and Loan Association, as follows: For the principal sum of $200.00, with 7% interest, payable in installments of $22.00 per month, or more, said payments to continue until the total amount has been paid in full.

Wherefore, said guardian prays for an order of this court authorizing and instructing him to borrow said money upon the terms above set forth, to execute a note and mortgage, as guardian, as above set forth.

Hooper, Sanders & Hooper.
Attorneys for Plaintiff.

THE COL. B. B. MFG. CO. 75974

13797

State of Ohio, Union County, ss:
Merle Bigelow, being first duly sworn, says that he is the legal guardian of Donald Bigelow, a Minor, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Merle E. Bigelow.

Swore to before me and subscribed in my presence this 27th. day of February, 1939.

Seal

Ruth Huss- Notary Public.

Waiver and Consent.

Now come the undersigned defendants, and waive the issuing and service of summons and process, and enter their appearances herein, and consent to the granting of the prayer of this petition.

Merle E. Bigelow.
Donald E. Bigelow.

Filed
Feb. 28-1939.

Entry.

In the Probate Court, Union County, Ohio.

Merle Bigelow, Guardian of Donald Bigelow, a Minor,
Plaintiff,
-vs-
His said Ward, Donald Bigelow, and Merle Bigelow,
Defendants.

No. 13797
Entry.

This day this cause came on to be heard upon the petition of the plaintiff and the evidence, and the court being fully advised in the premises, finds that plaintiff is the duly appointed, qualified and acting guardian of Donald Bigelow by virtue of an order of this court.

That the said Donald Bigelow is the owner of the real estate described in the petition, and that he has saved the sum of $800.00 toward the construction of a home upon said real estate and has negotiated a loan with The Citizens Federal Savings and Loan Association of Marysville, Ohio, in the amount of $200.00 to finance the construction of said home.

The court further finds, that it would be for the best interests of said ward to construct said home and to make said loan, and the prayer of said petition is therefore sustained, and the said Merle Bigelow, as Guardian of Donald Bigelow, is hereby authorized, instructed and empowered to execute a note to The Citizens Federal Savings and Loan Association in the sum of Twenty-two Hundred ($2200.00) with 7% interest from date, payable in installments of $22.00 per month until the full amount of principal and interest thereon have been fully paid, and to execute and deliver to said

Filed
Feb. 28-1939.

13797

Loan Association a mortgage upon said real estate to secure the payment thereof.

L. W. Hazen- Probate judge.

Filed
Feb. 28-1939.

Report.

In the Probate Court, Union County, Ohio.

Merle Bigelow, Guardian of Donald Bigelow, a Minor,
Plaintiff,
-vs-
His said ward, Donald Bigelow, and Merle Bigelow,
Defendants.

No. 13797.
Report.

Now comes Merle Bigelow, Guardian, and respectfully represents to the court that in compliance with the former order of the court herein, he has executed and delivered to The Citizens Federal Savings and Loan Association of Marysville, Ohio, a note for $3200.00, with 7% interest, payable in monthly installments of $22.00, and also a mortgage upon the real estate described in the petition herein, to secure the same, and that the proceeds of said loan are being held by said Loan Association to be paid out to the material men and contractors upon said residence property as the same is completed, and that upon the completion thereof and the payment of the full amount of said loan, he will make a further report as to the complete distribution thereof.

Merle E. Bigelow.

State of Ohio, Union County, ss:

Merle Bigelow, being first duly sworn, says that he is Guardian of Donald Bigelow, a Minor, and that the facts stated and allegations contained in the foregoing report are true as he verily believes.

Merle E. Bigelow.

Sworn to before me and subscribed in my presence this 27th. day of February, 1939.

Seal

Ruth Hess- Notary Public.

Filed
Feb. 28-1939.

Entry.

In the Probate Court, Union County, Ohio.

Merle Bigelow, Guardian of Donald Bigelow, a Minor,
Plaintiff,
-vs-
His said ward, Donald Bigelow, and Merle Bigelow,
Defendants.

No. 13797.
Entry.

This day this cause came on to be heard upon the report of the guardian and mortgage, and upon being submitted to the court, the same is came on to be heard upon the execution of the note distribution of the proceeds and

THE COL. B. B. MFG. CO. 75974

13797 approved and confirmed; and said guardian is ordered to make a further report of the complete distribution of said estate as soon as said residence is completed.
L. W. Hazen - Probate judge.

13848
Filed
Apr. 28-1939.
Hooper, Sanders & Hooper
Attorneys.

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

Wilby R. Cochenour, Executor of the estate of Anna R. Cochenour, Deceased,
Plaintiff.
-vs-
Wilby R. Cochenour, Ethel Wester, Lee O. Cochenour, Hazel Kendrick, Department of Public Welfare, Division of Aid for the Aged.
Defendants.

No. 13848.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Executor of the estate of Anna R. Cochenour, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is in excess of Six Hundred Dollars.

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 nothing 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 Township of Jerome, County of Union, and State of Ohio, and beginning at a stone in the center of the Ostrander, Frankfort and Dublin Pike, N. W. corner to R. E. Case's land; thence N. 10° W. 8 poles to a stone; thence N. 80° E. 20 poles to a stone; thence S. 10° E. 8 poles to a stone; thence S. 80° W. 20 poles to the beginning, containing one acre.

Also another tract in the same County, State and Township, described as follows:

Two acres of land bounded on the north and west by M. Leasure, W. Fox, Wm. Siegfried and Abram Raypole and on the east and south by the land of Israel Wollam and Mary Wollam and by what is known as the Shover lot.

Filed
Apr. 28-1939.

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

Said real estate is encumbered as follows: Trust deed to Department of Public Welfare, Division of Aid for the Aged.

The defendants, Willy R. Cochenour, Lee A. Cochenour, Ethel Wester and Hazel Kendrick, 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.

Hooper, Sanders & Hooper.
Attorneys for the Plaintiff.

The State of Ohio, Union County.

Willy R. Cochenour, 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.

Willy R. Cochenour.

Sworn to before me and signed in my presence by the said Willy R. Cochenour, at Marysville, Ohio, this 28th. day of April, 1939.

Ruth Hess - Notary Public.

Seal

Filed
Apr. 28-1939.

Waiver.

In the Probate Court, Union County, Ohio.

Willy R. Cochenour, Executor of the Estate of Amos R. Cochenour, Deceased,
Plaintiff,
-vs-
Willy R. Cochenour, et al.,
Defendants.

No. 13848.
Waiver.

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

Willy R. Cochenour.
Ethel Wester.
Hazel Kendrick.
Lee A. Cochenour.

THE COL. B. B. MFG. CO. 75974

13848
Filed
apr. 28- 1939.

Bond of Executor.

Know all Men by these Presents: That we Willy R. Cochenour, Ethel Wester and L. Ce. Wester 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 28th day of April, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound Willy R. Cochenour was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of Anna R. Cochenour, Deceased.

And whereas, the said Willy R. Cochenour, as such Executor, has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Anna R. Cochenour described in said petition;

And whereas said Court, on the 28th. day of April, 1939, made an order requiring said Executor to execute a bond according to the statute in such cases made and provided.

Now, if the said Willy R. Cochenour as Executor 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
Ruth Hess.
Ce. A. Hooper.

Willy R. Cochenour.
Ethel Wester.
L. Ce. Wester.

This Bond approved in open Court, this 28th. day of April, 1939.

L. W. Hazen- Probate Judge.

Filed
apr. 28-1939.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Willy R. Cochenour as Executor of the Estate of Anna R. Cochenour, Deceased,
Plaintiff,
-vs-
Wilby R. Cochenour, et al.,
Defendants.

April 28- 1939.
Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional Bond, in the sum of One Thousand Dollars, with approved sureties conditioned according to law, the said Bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate

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to sell the real estate described in the petition at private sale, it is now ordered that Willy R. Cochenour as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand on day of sale.

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

L. W. Hazen- Probate judge.

Filed Apr. 28-1939.

Dispensing with a New Appraisement and Ordering Bond.

Probate Court, Union County, Ohio.

Willy R. Cochenour, as Executor of the Estate of Anna R. Cochenour, Deceased, Plaintiff,

-vs-

Willy R. Cochenour, et al., Defendants.

April 28-1939. 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, the answer and cross-petition of the defendant, mortgagee the other defendants being in default of answer, although served with summons according to law, and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Six Hundred Dollars, and that a further appraisement is dispensed with.

The Court further finds that bond is ordered filed with sufficient sureties to be approved by this Court in the sum of One Thousand Dollars, and this cause is continued.

L. W. Hazen- Probate judge.

Filed May 1-1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Willy R. Cochenour, Executor of the Estate of Anna R. Cochenour, deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of Anna R. Cochenour, deceased, are Plaintiff and Willy R. Cochenour, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Six Hundred Dollars, the appraised value thereof, the following described premises, to-wit;

THE COL. B. B. MFG. CO. 75974

13848

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

Beginning at a stone in the centre of the Ostrander Frankfort and Dublin Pike, N. W. corner to R. E. Case's land; thence North 10° W. 8 poles to a stone; thence N. 80° E, 20 poles to a stone; thence S. 10° E. 8 poles to a stone; thence S. 80° W. 20 poles to the place of beginning. Containing One Acre of land;

Also another tract of land in the same County, State, and Township and Survey and bounded and described as follows:

Two acres of land bounded on the north and west by M. Leasure, D. Hoy, William Sigfried and Abraham Raypole and on the East and South by the land of Israel Wollam and Mary Wollam and by what is known as the Shores lot.

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 1st. day of May, 1939.

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 1st. day of May, 1939.

Willy R. Cochenour.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 1st. day of May, 1939, offer said property at private sale, and Ethel Wester and Clarence Wester having offered therefor the sum of Six Hundred Dollars ($600.00) and the same being not less than the appraised value of said property, I sold the same to said Ethel Wester and Clarence Wester for that sum.

Willy R. Cochenour.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Willy R Cochenour, 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

13848 Filed May 1- 1939.

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price that could be obtained.

Willy R. Cochenour.

Sworn to before me and subscribed in my presence, this 1st. Day of May, 1939.

Seal

William S. Hooper-Notary Public.

Filed May 1- 1939.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Willy R. Cochenour as Executor of the Estate of Anna R. Cochenour, Deceased,

Plaintiff,

-vs-

Willy R. Cochenour, et al.,

Defendants.

May 1- 1939.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Willy R. Cochenour, Executor of Anna R. Cochenour & 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 Anna R. Cochenour in said real estate, to the purchaser, Ethel Wester, upon her 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 Seven Hundred Fifty Dollars. The Court finds that there is due to the said Division of Aid for the Aged upon the note, from the estate of said Anna R. Cochenour the sum of ——— Dollars, with interest thereon at —— per centum from the date of this entry; that the said Anna R. Cochenour and said Abe Cochenour, her spouse, to secure the payment of said promissory note, gave a mortgage upon the premises in the petition described, which was a valid and subsisting lien upon said premises, and now upon the funds in the hands of said Willy R. Cochenour arising from the sale of said premises. It is ordered that the 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 Willy R. Cochenour out of the money in his hands, pay

THE COL. B. B. MFG. CO. 75974

13848

First, the costs and expenses of the sale, including an Attorney fee of $50.00 to Hoopes, Sauders + Hoopes for services performed for the fiduciary in connection with the sale and the sum of $50.00 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; to-wit, $139.50.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate and to the payment of mortgage 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, to-wit, $4.51.

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;

Tax revenue stamps for deed $1.00

(b) To discharge the claims and debts of the estate, in the order provided by law;

Division of Aid for the Aged, $454.99

(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.

12783
Filed
May 29-1939.

12783
Filed
May 29-1939.

In the Matter of the Guardianship of Mary Kathryn Tracy, a Minor.
In the Probate Court of Union County, Ohio.

In the Matter of the Guardianship
of Mary Kathryn Tracy, a Minor,
Blanche Tracy, Guardian,
Plaintiff,

vs.

Blanche Tracy and Mary
Kathryn Tracy, her ward,
Defendants.

Case No. 12783.
Petition.

Now comes Blanche Tracy, Guardian, as Plaintiff herein, and represents that she is the duly appointed, qualified and acting Guardian of Mary Kathryn Tracy, of the age of seventeen (17) years and residing at Richwood, Union County, Ohio.

Blanche Tracy is the mother of Mary Kathryn Tracy and the only next of kin of said ward residing in this State.

Said ward is the owner in fee simple of an undivided one-half (½) interest in 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 lot number four hundred forty one (441) in the Joshua S. Gibbs second addition to said Village as the same is known, numbered, and designated on the plat of said addition recorded in the office of the recorder at Marysville, Ohio.

There are no encumbrances upon said real estate described above and no valid debts are due from said ward to anyone.

Plaintiff believes it advisable and for the best interest of the ward that a mortgage be executed to the Citizens Federal Savings and Loan Association of Marysville, Ohio, for the sum of Twelve Hundred Dollars and 00/100 ($1200.00) on this and other premises situated in said Village for the purpose of making necessary repairs and improvements proposed to be made upon this and other real estate owned by said ward and also for the purpose of proper maintenance, support and education of said ward as co-security with Blanche Tracy, mother of said ward, said money to be repaid according to the terms and terms there from rentals obtained from this and other properties owned jointly by said ward and Blanche Tracy, her mother. The income from said real estate is such that said loan under the terms and conditions that the same is being secured and obtained is for the best interest of and advisable

THE COL. B. B. MFG. CO. 75974

12783

in behalf of said ward.

Wherefore Plaintiff prays that said ward and said Blanche Tracy may be notified of the pendancy and prayer thereof and that she may be authorized to borrow said sum of money and to mortgage said lands to secure such loans and for other proper relief.

Blanche Tracy- Guardian of
Mary Kathryn Tracy, a Minor.

State of Ohio, Union County, ss:

Blanche Tracy, Guardian, being first duly sworn, deposes and says that the facts stated and the allegations contained in this her Petition as such Guardian are true as she verily believes.

Blanche Tracy- Guardian.

Sworn to before me and subscribed in my presence this 27th. day of May, 1939.

R. LeRoy Allen- Notary Public,
Union County, Ohio. My
Commission Expires Feb. 6- 1942.

Seal

Filed
May 29- 1939.

Waiver.

In the Probate Court
of Union County, Ohio.

In the Matter of the Guardianship
of Mary Kathryn Tracy, a Minor,
Blanche Tracy, Guardian,
Plaintiff,
-vs-
Blanche Tracy and Mary Kathryn
Tracy, her ward,
Defendants.

Case No. 12783.
Waiver.

Now comes Mary Kathryn Tracy, a minor under fourteen years of age and having had explained to her all of the facts concerning the same, and Blanche Tracy, mother of Mary Kathryn Tracy, a minor, and hereby waive service of summons on the Petition to borrow money and enter their appearance herein and consent to the prayer of the Petition.

Blanche Tracy.
Mary Kay Tracy.

Filed
May 29- 1939.

Entry.

In the Probate Court
of Union County, Ohio.

In the Matter of the Guardianship
of Mary Kathryn Tracy, a Minor,
Blanche Tracy, Guardian,
Plaintiff,
-vs-
Blanche Tracy and Mary Kathryn
Tracy, her ward.
Defendants.

Case No. 12783.
Entry.

12783.

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Filed
July 5- 1939.

12783. This cause came on to be heard on the Petition of Blanche Tracy, Guardian of the person and estate of Mary Kathryn Tracy, a minor, for authority to borrow money for the purposes stated in said Petition and upon the premises therein described.

It appearing to the Court that all necessary parties are joined as Defendants and the Court being fully advised in the premises and upon the evidence adduced, and the Defendants having waived service of summons and entered their appearance herein, it is ordered that the appointment of three disinterested persons to view said premises and report to the Court as to the advisability and the necessity of said loan be dispensed with. It is further ordered that said Guardian be and she hereby is, as Guardian, authorized and directed to borrow the sum of money stated in the Petition for the purpose and the terms and conditions therein stated and upon the premises described in the Petition and to execute a mortgage on said premises to secure a promissory note for said sum upon such terms and upon the rate of interest and for the time indicated in the note and mortgage heretofore shown to the Court therefor.

It is further ordered that said Guardian be and she hereby is only chargeable with that portion of the money hereinafter used by her for and on behalf of said ward and the interests of her, the said ward, in real property. That the balance of said money be used by the co-borrower, to-wit: Blanche Tracy, for the portion of said real estate and other uses as indicated of to the Court the same will be done.

The execution of said mortgage by said Guardian on behalf of said ward is hereby approved and confirmed.

A. W. Hazen - Probate Judge.

13587 Filed July 5-1939. Application to Sell Real Estate.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Saidee Bidwell, Deceased. | Application

Now comes W. E. Harris and represents to the Court that on or about the fifteenth day of February, 1938, Saidee Bidwell died testate, and that her last Will and Testament was duly admitted to probate on the fifth day of April, 1938, and on the sixth day of April, 1938, the applicant herein was duly appointed as executor for said estate, and was duly qualified, and letters of testamentary were issued thereon.

THE COL. B. B. MFG. CO. 75974

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applicant further represents to the Court that by virtue of Item 2 of the last Will and Testament of said deceased, Saidee Bidwell, provided for the sale of the premises hereinafter described, that said last will and testament, among other provisions, contained the following to-wit:

"Second - I want the A. Sidney Johnson farm in Allen Township, Union County, Ohio, which is in my name, sold. The taxes I have paid on this farm in the years 1932, 1933, and 1934 are to be deducted and deserved to my credit. The children of my sister Marcella Johnson (deceased) shall receive one-fifth of the remainder. The remainder is to be divided between Bernard F. Dorons and my other estate."

Said real estate is disribed as follows:

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

Being part of Surveys Nos. 3749, 3681. Beginning at a stone in the Newton Road at the Northwest corner of the premises herein described, then with said road South 36½ degrees, east, 70 and .80 poles to a stone with piece of brick under it in the center of said road; thence north 54 degrees, East 50 poles to a stone with pieces of brick under it; thence north 36½ degrees, west 32 poles to a stone and pieces of brick under it; thence n. 54 degrees, east 70.75 poles to a stone and rock under it near a large sugar tree. Thence n. 36½ degrees, west 38.08 poles to a stone in the line of said premises; thence with said lines south 54 degrees, west 9.75 poles to the beginning. Containing 32 acres.

Also one other tract of land, situated in said State, County, and Township, in V. M. Survey Nos. 3749, and 3681, and bounded and described as follows:

Beginning at a stake in the n.w. corner of Haines land formerly Ashaw, and running south 37 degrees, e. 103½ poles, to a stake; thence south 53½ degrees, W. 153 rods to a beech near a school house and at the road; thence n. 37 degrees, W. 30.50 rods to a stone; thence north 53½ degrees, E. 49 4/5 rods to a stone; thence N. 37 degrees, W. 32 rods to a stone; thence north 53½ degrees, E. 40.75 rods to a stone; thence N. 37 degrees, W. 37.25 rods to a stone; thence north 52 degrees, E. 63 rods to the beginning. Containing 65 and 11/16 acres, more or less.

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 2 of the last Will and Testament of Saidee Bidwell, deceased, and to such other and further relief as the Court may deem just, equitable and proper.

W. E. Harris.

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Filed July 5- 1939.

Filed July 5- 1939.

13587 State of Ohio, County of Union, ss:
W. E. Harris, being first duly sworn, says that the facts stated and allegations contained in the foregoing application are true as she verily believes.
W. E. Harris.
Sworn to before me and subscribed in my presence this twenty-second day of April, 1939.
Clifton L. Caryl-Notary Public,
Union County, Ohio.

Filed July 5- 1939. Journal Entry on Filing Petition to Sell Real Estate.
Probate Court, Union County, Ohio.
In the Matter of the Estate of Saide Bidwell, Deceased. | Journal Entry Filing Petition to Sell Real Estate.
This day came the applicant, W. E. Harris, and filed herein his application praying for an order to sell certain real estate of Spidye Bidwell, deceased, therein described, as provided by Item 2 of the last will and testament of Saide Bidwell, deceased.
L. W. Hazen- Judge.

Filed July 5- 1939. Order of Private Sale.
The State of Ohio, Union County. Probate Court.
To W. E. Harris, Executor of the Estate of Saide Bidwell, deceased, Greeting:
In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Executor, proceed according to law, to sell at Private Sale, for not less than sixteen hundred dollars the appraised value thereof, the following described premises, to-wit:
Located in Allen Twp. Union Co. Ohio.
Being part of Surveys Nos. 3749, 3681. Beginning at a stone in the Newton Road, at the Northwest corner of the premises herein described, then with said road South 36½ degrees, east 70.80 poles to a stone with pieces of brick under it in the center of said road; thence north 54 deg. E. 50 poles to a stone with pieces of brick under it; thence N. 36½ deg. west 32 poles to a stone and pieces of brick under it; thence N. 54 deg. east 40.15 poles to a stone and rock under it, near a large sugar tree. Thence N. 36½ deg. W. 38.08 poles to a stone in the line of said premises; thence with said line south 54 deg. W. 9.175 poles to the beginning. Containing 32 acres.
Also one other tract of land, situated in said State, County and Twp. in U. M. Survey Nos. 3749 and 3681 and bounded and described as follows:
Beginning at a stake in the N. W. corner of Haines land; formerly Asher's, and running south 37 deg. E. 103 poles to a stake; thence S. 53½

THE COL. B. B. MFG. CO. 75974

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deg. W. 153 rods to a beech near a school house, and at the road; thence N. 37 deg. W. 30.50 rods to a stone; thence N. 53½ deg. E. 49 4/5 rods to a stone; thence N. 37 deg. W. 32 rods to a stone; thence N. 53½ deg. E. 40.75 rods to a stone; thence N. 37 deg. W. 37.25 rods to a stone; thence N. 52 deg. E. 63 rods to the beginning. Containing 65 and 11/16 acres, more or less.

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

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 1st. day of July, 1939.

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 first day of July, 1939.

William E. Harris.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the first day of July 1939, offer said property at private sale, and Ira Tobbey 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 Ira Tobbey for that sum.

William E. Harris.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

William E. Harris.

Sworn to before me and subscribed in my presence this first day of July, 1939.

Seal

Clifton L. Caryl-Notary Public
Union County, Ohio.

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Journal Entry Ordering Sale of Real Estate.

This day this cause came on for hearing before the Court upon the application of W. E. Harris, the Court being satisfied that it is necessary to sell the real estate described in said application for the purpose of complying with Item 2 of said last Will and Testament.

It is further ordered by the Court that W. E. Harris, the applicant herein, proceed to sell said real estate, free of dower, at private sale for not less than the sum of $1600.00 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 2 of the last Will and Testament of Saidee Bidwell, deceased, which Item is set forth in the application of the said W. E. Harris.

L. W. Hazen-Probate Judge.

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Filed
July 5-1939.

Application to Sell Real Estate.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Saidee Bidwell, Deceased. | Application

Now comes W. E. Harris and represents to the Court that on or about the fifteenth day of February, 1938, Saidee Bidwell died testate, and that her last Will and Testament was duly admitted to probate on the fifth day of April, 1938, and on the sixth day of April, 1938, the applicant herein was duly appointed as executor for said estate, and was duly qualified, and letters testamentary were issued thereon.

Applicant further represents to the Court that by virtue of Item 2 of the last Will and Testament of said deceased, Saidee Bidwell, provided for the sale of the premises hereinafter described, that said last Will and testament, among other provisions contained the following, to-wit: (Said portion provides as follows:)

"The property on North Maple Street (344 N. Maple) Marysville, Ohio, is to be sold. Four hundred Dollars of this is to be reserved to my credit. The remainder is to be divided between Bernard J. Devore and my other estate."

Said real estate is described as follows:

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

THE COL. B. B. MFG. CO. 75974

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Beginning at the northwest corner of Lot No. 234 in the Village of Marysville; formerly Lot No. 19 in Lee's Addition; thence North 85 degrees, W. 171 feet to the east line of Maple Street; thence with said line South 5 degrees, West 182 feet to the northwest corner of a parcel of land conveyed by William M. Snodgrass and others to Andrew S. Mowry, June 22, 1891; thence with the north line of said land South 85 degrees, East 171 feet to the northeast corner of said parcel of land, in the west line of Lot No. 228 in said Village of Marysville, formerly Lot No. 14 in Welch's Addition; thence with the west line of said lot No. 228 and also Lots Nos. 233 and 234, N. 5 degrees, 182 feet to the place of beginning.

Containing 72/100 of an acre, more or less. Being the same premises conveyed by Eugene D. Mathews, et al., to Saidee Bidwell, et al., by deed dated April 26, 1907, and recorded in Union County Deed Record, No. 97, page 229.

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 2 of the last Will and Testament of Saidee Bidwell, deceased, and to such other and further relief as the Court may deem just, equitable and proper.

W. E. Harris.

State of Ohio, County of Union, ss:

W. E. Harris, being first duly sworn, says that the facts stated and allegations contained in the foregoing application are true as he verily believes.

W. E. Harris.

Sworn to before me and subscribed in my presence this first day of July, 1939.

Clifton L. Caryl- Notary Public, Union County, Ohio.

Seal

Filed July 5- 1939.

Journal Entry Filing Petition to Sell Real Estate.

This day came the applicant, W. E. Harris, and filed herein his application praying for an order to sell certain real estate of Saidee Bidwell, deceased, therein described, as provided by Item 2 of the last will and testament of Saidee Bidwell, deceased.

L. W. Hazen- Judge.

Filed July 5- 1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To W. E. Harris, Executor of the Estate of Saidee Bidwell, deceased, Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause wherein you as Executor, you are commanded to proceed according to law, to

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13587 sell at Private Sale, for not less than Two Thousand the appraised value thereof, the following described premises, to-wit:

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

Beginning at the northwest corner of Lot No. 234 in the Village of Marysville; formerly Lot No. 19 in Lee's Addition; thence North 85 degrees, W. 171 feet to the east line of Maple Street; thence with said line South 5 degrees, West 182 feet to the northwest corner of a parcel of land, conveyed by William M. Snodgrass and others to Andrew S. Mosby, June 22, 1891; thence with the north line of said land South 85 degrees, East 171 feet to the northeast corner of said parcel of land, in the west line of Lot No. 228 in said Village of Marysville, formerly Lot No. 14 in Welch's Addition; thence with the west line of said Lot No. 228 and also Lots Nos. 233 and 234, N. 5 degrees, 182 feet to the place of beginning.

Containing 72/100 of an acre, more or less. Being the same premises conveyed by Eugene T. Mathews, et al., to Saide Bidwell, et al., by deed dated April 26, 1907, and recorded in Union County Deed Record, No. 97, page 229.

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 first day of July, 1939.

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 1st. day of July, 1939.

W. E. Harris.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 1st. day of July, 1939, offer said property at private sale, and Ira Tossey 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 Ira Tossey for that sum.

W. E. Harris.

THE COL. B. B. MFG. CO. 75974

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Affidavit to Report of Private Sale.

The State of Ohio, Union County ss.

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

W. E. Harris.

Sworn to before me and subscribed in my presence, this 1st. day of July, 1939.

Seal

Clifton L. Caryl- Notary Public- Union County, Ohio.

Filed July 5- 1939.

Journal Entry Ordering Sale of Real Estate.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Saidee Bidwell, Deceased. | Journal Entry Ordering Sale of Real Estate.

This day this cause came on for hearing before the Court upon the application of W. E. Harris, the Court being satisfied that it is necessary to sell the real estate described in said application for the purpose of complying with Item 2 of the said last will and testament.

It is further ordered by the Court that W. E. Harris, the applicant herein, proceed to sell said real estate, free of dower at private sale for not less than the sum of two thousand dollars 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 2 of the last will and testament of Saidee Bidwell, deceased, which Item is set forth in the application of the said W. E. Harris.

L. W. Hazen- Judge.

13883

Filed June 15-1939.

In the Matter of The Estate of M. M. Myers, Deceased.

Petition to Sell Personal Property.

Probate Court, Union County, Ohio.

In the Matter of The Estate of M. M. Myers, Deceased. | No. 13883. Petition.

To the Judge of said Court:

The undersigned respectfully represents that she is the duly appointed and qualified Administratrix of the estate of M. M. Myers 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 more of the

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property listed herein has been specifically bequeathed nor has distribution in kind thereof been demanded.

Your petitioner makes application for authority to sell at public 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:

53 Registered Guernsey Cattle - $4000.00.

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

1. Cattle of this type and to this number are difficult to sell at private sale for their true value.

2. By public auction the advantage of competitive bidding will be obtained.

3. It is necessary to sell said property to settle debts of the estate.

Dated June 15-1939. Mrs. Mintie D. Myers-Administratrix.

The State of Ohio, Union County,

Mintie D. Myers, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as she verily believes.

Mrs. Mintie D. Myers.

Sworn to before me and signed in my presence, this 15th. day of June, 1939.

Richard C. Thrall-Notary Public.

Seal

Waiver and Consent of Surviving Spouse.

In the Matter of The Estate of M. M. Myers, Deceased. | June 15-1939. Waiver.

The undersigned, surviving spouse of M. M. Myers, deceased, hereby waives notice of the within application and consents to the sale of said property.

Mrs. Mintie D. Myers.

Witnesses: Earl C. Welshimer. Opal D. Welshimer.

Filed June 15-1939.

Journal Entry - Order for Public Sale, etc.

Probate Court, Union County, Ohio.

In the Matter of The Estate of M. M. Myers, Deceased. | June 15-1939. Order to Sell.

This day this cause came on to be heard upon the petition herein filed and the testimony and the Court being fully advised in the premises finds that the statements and allegations in said petition are true, and that the live stock therein described ought to be sold as prayed for. It is therefore ordered that Mintie D. Myers as Administratrix of the estate of said M. M. Myers, deceased, proceed according to law to sell said live stock at public auction,

THE COL. B. B. MFG. CO. 75974

13883

to the highest bidder, after giving notice thereof for the time and in the manner prescribed by law.

It is further ordered that said sale be made for cash in hand at time of sale.

It further appearing that said administratrix has caused advertisement of such public sale to have been commenced over two weeks ago, it is ordered that such sale be held on June 22, 1939.

It is further orded that said Administratrix make return of her proceedings herein, within 30 days from this date, and forthwith after such sale is made, and this cause is continued.

L. W. Hazen - Probate judge.

Filed June 24-1939.

Order of Sale, Personal Property.

Probate Court, Union County, Ohio.

In the Matter of the Estate of M. M. Myers, Deceased. | No. 13883. On Petition to Sell Personal Property. Order of Sale.

To Minta D. Myers, Administratrix of the estate of M. M. Myers, 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:

53 Registered Guernsey Cattle $4000.00.

Said sale to be upon the following terms:

Purchaser, cash in hand at time of sale.

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

Witness my hand and the seal of said Court this 15th. day of June, A. D. 1939.

L. W. Hazen - Probate judge.

Seal

13883

Filed June 24-1939.

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Return.
Probate Court, Union County, Ohio.
In the Matter of The Estate of M. M. Myers, Deceased. | On Petition to Sell Personal Property. Report of Sale.

The undersigned, Administratrix of the Estate of M. M. Myers, deceased, says that in obedience to the order of said Court, hereto attached, she sold said personal property, commencing on the 22nd. day of June 1939 and closing on the — day of — 19—, for the sum of Thirty seven hundred and seventy Dollars and no cents. A copy of the Notice of Sale, duly verified, together with a Bill of said Sales, is herewith returned.

Dated this 24 day of June, 1939.

Mrs. Mittie D. Myers.

Filed
June 24-1939.

Report of Sale.
Probate Court, Union County, Ohio.

In the Matter of The Estate of M. M. Myers, Deceased. | Report of Sale.

The undersigned, Mittie D. Myers, Administratrix of the estate of M. M. Myers, Deceased, says that in obedience to the order of said Court, hereto attached, has sold said live stock, commencing on the 22nd. day of June, 1939 and closing on the — day of — 19—, for the sum of — Dollars and — cents.

A detailed Bill of said Sales is hereto attached.

Dated this — day of — 1939.

Lot 1 - Governor's La Grange Blanche 287042 - $67.50
Lot 2 - Ultra's La Grange Queen 290165 - $50.00
Lot 3 - Ultra's Queen Blanche 573859 - $100.00
Lot 4 - Floral Queen Rose 394472 - $130.00
Lot 5 - Rowmoot's Queen Bessie 529377 - $80.00
Lot 6 - Superior's Rosebud 573860 - $65.00
Lot 7 - Flora Jane Ultra 434052 - $67.50
Lot 8 - Rowmoot's Flora Jane 529376 - $72.50
Lot 9 - Ultra Meditator (Male) 267986 - $60.00
Lot 10 - Rowmoot's Ultra Lassie 529379 - $65.00
Lot 11 - Dorothy Jane Ultra 394463 - $87.50
Lot 12 - Okeefa's Lahoma 300512 - $82.50
Lot 13 - Corporal's Lady Lahoma 495051 - $90.00
Lot 14 - Ultra's Red Dot 293463 - $82.50
Lot 15 - Governor's Ivaloo Ulay 220097 - $75.00
Lot 16 - Governor's Ivaloo Model 495045 - $85.00
Lot 17 - Rowmoot's Model 529378 - $72.50
Lot 18 - Ultra's Sweet Rose 330198 - $75.00
Lot 19 - Corporal's Cherry Rose 495046 - $62.50
Lot 20 - Corporal's Supervisor Cherry 573858 - $72.50
Lot 21 - Ultra's Jane Rose 495049 - $90.00

THE COL. B. B. MFG. CO. 75974

13883

Lot 22 - Warrior's Sequel Beauty	273387	$112.50
Lot 23 - Ultra's Beulah Ann	370768	$115.00
Lot 24 - Rosemoot's Beulah Ann	525673	$ 75.00
Lot 25 - Beulah Ann Beauty	573854	$ 65.00
Lot 26 - Rosemoot's Beauty Fremont	525671	$ 80.00
Lot 27 - Beauty's Superior Governor (Male)	267985	$100.00
Lot 28 - Warrior's Noble Sequel	272161	$102.50
Lot 29 - Rosemoot's Noble Eva	525672	$160.00
Lot 30 - Ultra's Noble Princess	370769	$ 80.00
Lot 31 - Noble Ultra Princess	573857	$ 60.00
Lot 32 - Princess Dorothy Ultra	495044	$ 87.50
Lot 33 - Spring Heifer Calf of Warrior's Sequel Beauty		$ 80.00
Lot 34 - Spring Heifer Calf of Dorothy Jane Ultra		$ 52.50
Lot 35 - Spring Heifer Calf of Governor's La Grange Blanche		$ 60.00
Lot 36 - Spring Heifer Calf of Flora Jane Ultra		$ 60.00
Lot 37 - Spring Male Calf of Floral Queen Rose		$ 40.00
Lot 38 - Spring Heifer Calf of Ultra's Noble Princess		$ 75.00
Lot 39 - Spring Heifer Calf of Princess Dorothy Ultra		$ 47.50
Lot 40 - Spring Heifer Calf of Okema's Lahoma		$ 40.00
Lot 41 - Spring Heifer Calf of Ultra's La Grange Queen		$ 55.00
Lot 42 - Spring Heifer of Ultra's Sweet Rose.		$ 45.00
Lot 43 - Spring Heifer Calf of Corporal's Cherry Rose		$ 40.00
Lot 44 - Fall Heifer Calf of Governor's Dalco May		$ 65.00
Lot 45 - Fall Heifer Calf of Corporal's Red Dot-503433		$ 50.00
Lot 46 - Fall Heifer Calf of Rosemoot's Lahoma-525670		$ 47.50
Lot 47 - Fall Heifer Calf of Ultra's Red Dot		$ 80.00
Lot 48 - Fall Heifer Calf of Ultra's Jane Rose		$ 70.00
Lot 49 - Fall Heifer Calf of Corporal's Lady Lahoma		$ 65.00
Lot 50 - Fall Heifer Calf of Warrior's Noble Sequel		$ 67.50
Lot 51 - Fall Male Calf of Governor's Dalco Model		
Lot 52 - Veal Calf		$10.00
Lot 53 - Veal Calf		$10.00

E. C. Welshimer - Clerk.

Affidavit.

The State of Ohio, Union County, ss.

Minnie D. Myers, Administratrix of the estate of W. W. Myers, 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.

Mrs. Minnie D. Myers.

Sworn to before me and signed in my presence, this 24 day of June, 1939.

Richard C. Thall - Notary Public.

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June 24-1939.

Entry.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of } Cause No. 13883.
M. M. Myers, Deceased. } Entry.

Minnie D. Myers, as administratrix of the estate of M. M. Myers, having filed her report of the sale of personal property amounting to $3776.00, which report has been approved and the sale confirmed and the Court coming now to distribution of the proceeds said sale, it is ordered that said administratrix pay from the proceeds of such sale the costs and expenses of such sale as follows:

Scott Mills, Incorporated	$50.94
Ohio Guernsey Breeder's Association	12.50
E. C. Radebaugh	10.00
Wader Brothers	4.44
Anna Taylor	80.17
Carl Coleman	25.00
H. J. Wolfert	3.00
Tooley Cline	15.00
Doug Shipe	14.00
W. M. Hodge	10.00
C. C. Bricker	20.00
Corwin Wood	1.25
C. Palen	9.00
Wyc. Mc Guire	10.00
Lawrence Lyle	7.50
Marysville Tribune	22.00
Edward H. Geyer	30.00

It is further ordered that administratrix retain from the proceeds of said sale the sum of $45.00 to be used for the payment of Court costs and counsel fee. The residue of the said sale price, amounting to $3400.20, said administratrix shall pay to Opal Welshimer and Earl Welshimer to be applied upon their chattel mortgage on which there is due the sum of $3531.47.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 75974

13673
Filed
Aug. 22- 1938.
Porter & Porter
attorneys.

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

C. W. George, Administrator of the Estate of Frank Wise, deceased,
Plaintiff,
-vs-
Mable Ruhlen, et al.,
Defendants.

No. 13673.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Frank Wise, deceased, late of this County, as near as can be ascertained the amount of the valid debts against said deceased is $ 400.00 Dollars.

And the costs of administering the estate will be about $150.00 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 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;

Township of Jerome, Beginning at a stone, elm and hickory, Northwest corner Samuel Linville's land in the West line of Survey No. 5166; Thence with said line North 35½° West 29.8/4 poles to a stone, Southwest corner to A. J. Huffman's land; Thence with the Southwest line of said Huffman's land North 56.09 poles to a stone, northwest corner to Daniel B. Patch's land; Thence with the West line of said Daniel Patch's land South 57-1/4° West 60 poles to the beginning, containing 18 acres 147 poles more or less, part of Survey No. 5166 in the name of Robert Means also the release of all right and title to the right of way to above described lands, Said right of way also leased to said George Kasper's grantors by Harpar Patch, Sr. on January 22, 1886. See lease record on page 217, in County Recorder's Office, Union County, Ohio. Being the same premises conveyed to George Kasper by John and Mina Durban by their deed recorded in Volume 75, page 47 in said Union County Recorder's Office.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at $ 550.00 Dollars.

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Filed
Aug. 22-1938.

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Said real estate is encumbered as follows: None.

The Defendants, Mabel Ruhlen, Grace Morgan, Dessa Patheuser, Lucille George and Doris George, 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.

William J. Porter.
Attorney for the Plaintiff.

The State of Ohio, Union County.

C. W. George, 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. W. George.

Sworn to before me and signed in my presence by the said C. W. George, at Marysville, Ohio, this 22 day of August, 1938.

Seal

William J. Porter, Notary Public,
Union County, Ohio.

Filed
Aug. 22-1938.

Legal Notice.

Probate Court, Union County, Ohio.

In the Matter of the Estate of
Frank Wise, Deceased. | Legal Notice.

Mable Ruhlen, who resides at Sardinia, New York will take notice that C. W. George, Administrator of the estate of Frank Wise, deceased, on the 22nd. day of August, 1938, filed his petition in the Probate Court within and for the County of Union and State of Ohio, alleging that the personal estate of said decedent is insufficient to pay his debts and the charges for administration of his estate; that he did seized in fee simple of the following described real estate, to-wit: Situated in the County of Union, State of Ohio, and Township of Jerome, bounded and described as follows:

Beginning at a stone, elm and hickory, North West corner Samuel Lizville's land in the West line of Survey No. 5166; Thence with said line North 35½° West, 29.84 poles to a stone, Southwest corner to A. J. Huffman's land; Thence with the Southwest

THE COL. B. B. MFG. CO. 75974

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line of said Huffman's land North 56.09 poles to a stone Northwest corner to Daniel B. Patch's land, Thence with the West line of said Daniel Patch's land South 57-1/4° West 60 poles to the beginning. Containing 18 acres 117 poles more or less, part of Survey No. 5766 in the name of Robert Meane also the release of all right and title to the right of way to above described lands. Said right of way also leased to said George Kasper's grantors by Harman Patch, Sr. on January 22, 1886. See lease record on page 217, in County Recorder's Office, Union County, Ohio. Being same premises conveyed to George Kasper by John and Mina Durban by their deed recorded in Volume 75, page 47 in said Union County Recorder's Office.

The prayer of said plaintiff is for sale of said premises, for the payment of the debts and charges aforesaid.

The person first above mentioned will further take notice that she has been made a party defendant to said petition, that she is required to answer the same on or before the 5th. day of September, 1938.

C. W. George Administrator.

The State of Ohio, Union County, ss.

Personally appeared before me J. M. Huber and made solemn oath that the notice a copy of which is hereto attached was published for six consecutive weeks on and next after August 23, 1938 in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 20th. day of October, A. D. 1938.

G. P. Huber Notary Public.

Printers Fee, $22.75

Filed
Aug. 22-1938.

Affidavit of Service.
Probate Court,
Union County, Ohio.

In the Matter of the Estate of Frank Wise, Deceased.

State of Ohio, County of Union, ss.

C. W. George, being first duly sworn says that he Administrator in the above entitled cause, that the defendant, Mable Ruhlen resides at Sardinia, New York, and service of summons cannot be made upon said defendant within this State and the case is one of those mentioned in General Code, Section 11297 wherein personal service cannot be had on said defendant because she is a non-resident of the State of Ohio.

C. W. George.

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Filed
Feb. 9-1939.

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Sworn to before me and signed in my presence by the said C. W. George in Marysville, Ohio, this 22nd. day of August, 1938.

William J. Porter- Notary Public,
Union County, Ohio.
My commission expires 1-14-39.

Seal

Filed Feb. 9-1939.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

C. W. George, Administrator of the estate of Frank Wise, Plaintiff.

-vs-

Mabel Ruhlen, et al., Defendants.

No. 13673.
Application.

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

That it will save the expense of advertising, and thus make a greater sum for distribution and to pay the debts.

That Mr. D. D. Ketch has offered the appraised value for said property, and in the opinion of all who are acquainted with the property the appraised value is the best price obtainable for said property.

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

C. W. George- Administrator of the estate of Frank Wise.

The State of Ohio, Union County.

C. W. George, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

C. W. George.

Sworn to before me and signed in my presence this 9th. day of February, A. D. 1939.

William J. Porter- Notary Public-
Union County, Ohio.
Commission expires 1-15-42.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

W. A. Dunlee, C. E. Newland, C. B. Stalnaker, 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 heirs to sell said real estate at private sale than at public sale as they verily believe.

THE COL. B. B. MFG. CO. 75974

13673

W. A. Dunkle
C. E. Newland
C. B. Stalnaker

Sworn to before me and signed in my presence this 9 th. Day of February, 1939.

Seal

William J. Porter. Notary Public, Union County, Ohio.
Commission expires 1-14-42.

Filed Feb. 9- 1939.

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

C. W. George, Administrator of the estate of Frank Wise,
Plaintiff,

-vs-

Mabel Ruhlen, et al.,
Defendants.

No. 13673.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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

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

February 5, A. D. 1939.

Mable Ruhlen.
Grace Morgan.
Dessa Parthemore.
Doris George
Lucille George.

Filed Feb. 9- 1939.

Approving Additional Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

C. W. George, as Administrator of the estate of Frank Wise,
Plaintiff,

-vs-

Mabel Ruhlen, et al.,
Defendants.

February 9 - 1939.
Approving Additional Bond and Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the penny of One 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 Mabel Ruhlen, et al., to sell the real estate described in the petition at private sale, it is now ordered that C. W. George 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.

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Filed Feb. 9- 1939.

Entry

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and Plaintiff is ordered to make return forthwith upon such sale. //

L. W. Hazen - Probate Judge.

Filed Feb. 9- 1939.

Bond of Administrator.

Know all Men by these Presents: That we, C. W. George, Virgil Flowers and W. A. Dynalee, 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 15 day of August, A. D. 1938.

The condition of the above obligation is such, That whereas, the above bound C. W. George was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Frank Wise, Deceased.

And whereas, the said C. W. George as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Frank Wise described in said petition;

And whereas said Court, on the 15 day of August, 1938, made an order requiring said C. W. George to execute a bond according to the statute in such cases made and provided.

Now, if the said C. W. George 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.

C. W. George.
Virgil E. Flowers.
W. A. Dynalee.

This Bond approved in open Court, this 15 day of August, 1938.

Seal

L. W. Hazen - Probate Judge.

Filed Feb. 9- 1939.

Entry Dispensing with View Appraisement & Ordering Private Sale.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Frank Wise, Deceased.

Entry Dispensing with View Appraisement and Ordering Private Sale. No. 13673.

This matter came on to be heard upon the petition of the plaintiff for order to sell real estate of the above deceased to pay debts of his estate, and the defendants being in default for answer, although served with summons according to law, and which service of summons is hereby

THE COL. B. B. MFG. CO. 75974

13673

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 $450.00 and order 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 Frank Wise, deceased, in the amount of $— is insufficient and it is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum $1,000.00.

And it appearing that private sale would be to the best interests of the estate, it is ordered that said Carl W. George as such administrator sell said real estate at private sale at not less than $450.00 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 Carl W. George, as such Administrator make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Order of Private Sale.

Filed Feb. 9- 1939.

The State of Ohio, Union County. Probate Court.

To C. W. George, Administrator of the estate of Frank Wise, deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator are Plaintiff and Mabel Ruhlen, et al., are Defendants, you are commanded to proceed according to Law, to sell at Private Sale, for not less than Five 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 Jerome and bounded and described as follows: Beginning at a stone, elm and hickory, Northwest corner Samuel Linville land in the West line of Survey No. 5166; thence with said line North 35½ deg. West 29.84 poles to a stone, Southwest corner to A. J. Huffman's land; Thence with the Southwest line of said Huffman's land North 56.09 poles to a stone, northwest corner to Daniel B. Patch's land; Thence with the West line of said Daniel Patch's land South 57- 1/4° West 60 poles to the beginning. Containing 18 acres 117 poles more or less, part of Survey No. 5166 in the name of Robert Moore also the release of all right and title to the

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13673 right of way to above described lands. Said right of way also leased to said George Kasper's grantors by Harman Patch, Sr., on January 22, 1886. See lease record on page 217, in County Recorder's Office, Union County, Ohio. Being the same premises conveyed to George Kasper by John and Mina Durban by their deed recorded in Volume 76, page 47, in said Union County Recorder's Office.

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 9th. day of February, 1939.

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 9th. day of February, 1939.

L. W. George.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 9th. day of February, 1939, offer said property, at private sale, and D. D. Ketch having offered therefor the sum of Five Hundred Dollars ($500.00), and the same being not less than the appraised value of said property, I sold the same to said D. D. Ketch for that sum.

L. W. George.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

L. W. George.

Sworn to before me and subscribed in my presence, this 9 day of February, 1939.

Alice Randolph Stillings.
Notary Public, Union County, Ohio.

Seal

THE COL. B. B. MFG. CO. 75974

13673
Filed
Feb. 9- 1932.

Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

C. W. George as Administrator of the Estate of Frank Wise,
Plaintiff,
-vs-
Mabel Ruhlen, et al.,
Defendants.

February 9- 1932.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of C. W. George, Administrator of the estate of Frank Wise, 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 Frank Wise, deceased, in said real estate, to the purchaser, D. D. Ketch.

It is further ordered that said C. W. George out of the money in his hands, pay:
First, the costs and expenses of the sale, including an Attorney fee of $00.00.

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.

D. W. Hazen- Probate Judge.

13677
Filed
Aug. 26- 1988.
Porter & Porter,
Attorneys.

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

Homer S. Roosa, Administrator of the Estate of Claude Roosa, deceased,
Plaintiff,
-vs-
Clifford E. Roosa, Forrest H. Roosa, Homer S. Roosa,
Defendants.

No. 13677.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the Estate of Claude Roosa, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is none Dollars.

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And the costs of administering the estate will be about $125.00 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 State of Ohio, County of Union and village of Broadway and bounded and described as follows:

Being Lot No. 88 in said town of Broadway, Ohio, according to the recorded plat thereof.

Being the same premises conveyed by Ida Sanderson and husband to J. W. Middleton and Ella E. Middleton June 6, 1907. (Vol. 94, Page 117) and conveyed by Ella E. Middleton and others to John Predmore, November 8, 1915 (Vol. 111, Page 245).

Said premises were devised by John Predmore to Marion Predmore, Ella Mitchell and Carlena Hamilton (Will W. Page 459). Refer to Clerk of Probate judge record in Deed Record No. 112, page 434. The undivided one-third interest of Marion Predmore conveyed to Ella Mitchell and Carlena Hamilton by deed dated July 10, 1918. Refer to Vol. of Deeds No. 109, page 275.

Also the following-

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

Being town lot No. 89 in the Granston Second Addition to the Village of Broadway, O. Part of Survey No. 829. This Lot fronts 66 feet of Broad St. running South 165 feet on Walnut Street.

Being the same Lot conveyed by S. C. McAdoo and wife by J. W. Garrington and wife by deed dated November 11, 1910 and recorded in Vol. No. 104, page 207 of Union County records of Deeds.

Also Two Acres in Taylor Township.

Situated in the State of Ohio, County of Union, and Township of Taylor and Survey Nos. 5629 and 6493 and bounded and described as follows:

Commencing at a post at the Northwesterly corner of said Survey; Thence with West line of said Survey S. 14° 30' E. 36.84 rods to a stake; Thence S. 77° 30' E. 1.21 rods to the center of Broadway gravel road; Thence with the center of said road N. 9° 15' E. 32.96 rods to the North line of said survey; Thence with said survey line N. 77° 30' W. 16.10 rods to the beginning.

Containing two acres more or less.

THE COL. B. B. MFG. CO. 75974

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Said real estate was included in the inventory of the estate, pursuant to the order of this Court and Appraised at $960.00 Dollars.

Said real estate is encumbered as follows: None.

The defendants, Clifford E. Roosa and Forest H. Roosa and Homer S. Roosa, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

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

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

William J. Porter,
Attorney for the Plaintiff.

The State of Ohio, Union County.

Homer S. Roosa, 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 S. Roosa.

Sworn to before me and signed in my presence by the said Homer S. Roosa, at Marysville, Ohio, this 26 day of August, 1938.

(Seal)

William J. Porter- Notary Public,
Union County, Ohio.
My commission expires 1-14-39.

Filed
Oct. 27- 1938.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

Homer S. Roosa as Administrator of the Estate of Claude Roosa, Deceased,

Plaintiff,

-vs-

Forest Roosa, et al.,

Defendants.

Order Fixing Time for Hearing and for Notice.

This day Homer S. Roosa, Administrator of the estate of Claude Roosa, 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 first day of November 1938, at 10:00 o'clock A. M., and that summons for defendants issue to the Sheriff of this County,

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Aug. 31- 1938.

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L. W. Hazen- Probate Judge.

Filed Aug. 31-1938.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Homer S. Roosa, Plaintiff,

-vs-

Clifford E. Roosa, Forest H. Roosa, Homer S. Roosa, Defendants.

No. 13677.

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.

Clifford E. Roosa.
Forest H. Roosa.
Homer S. Roosa.

Filed Aug. 26-1938.

Bond of Administrator.

Know All Men by these presents, that we, Homer S. Roosa and Hartford Accident & Indemnity Company, Hartford, Connecticut, are held and firmly bound to the State of Ohio, in the penal sum of Two Thousand and no/100 ($2000.00) 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 24th. day of August, 1938.

The condition of the above obligation is such, that if the above bound Homer S. Roosa, Administrator of the Estate of Claude Roosa, deceased,

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 deceased, 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 all the moneys, goods, chattels, rights and credits of the deceased, 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 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

THE COL. B. B. MFG. CO. 75974

13677

forthwith be removed by the Court, and he shall receive no allowance for services, unless the Court enter upon its journal that such delay was necessary and reasonable.

4. Pay any balance remaining in his hands, upon the settlement of his accounts, to such persons as the Court or the law directs;

5. Deliver the Letters of Administration into Court in case a Will of the deceased be thereafter duly proved and allowed;

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.

Homer S. Roosa - Principal.
Hartford Accident & Indemnity Company.
Juliet C. Haselton - Attorney in fact.

Executed in Presence of
Leora Eastman.

Seal

This Bond approved in open Court, this 26 day of Aug. 1938.

L. W. Hazen - Judge.

Seal

Filed Dec. 2-1938

Entry.

Probate Court, Union County, Ohio.

In the Matter of the estate of Claude Roosa, Deceased. | No. 13677. | Entry.

It further appearing to the court that the plaintiff has given additional bond in the sum of Two Thousand Dollars ($2,000.00) with approved sureties conditioned according to law, and said bond is hereby approved.

It is now ordered that Homer S. Roosa as such Administrator proceed to advertise for sale at the North door of the Courthouse in Marysville, Ohio, on the 14th. day of January, 1939 at 1:00 o'clock P. M. the real estate in the petition described as provided by law; and that he sell the same at not less than two-thirds of the appraised value thereof on the following terms, to-wit: Cash.

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

L. W. Hazen - Judge.

Filed Jan. 9-1939

Legal Notice.

Probate Court, Union County, Ohio.

In the matter of the estate of Claude Roosa, Deceased.

In pursuance of the order of the Probate, Union County, Ohio, I will offer for sale at public auction on the 14th day of January, 1939 at 1 o'clock P. M., at the north door of the Court House, at Marysville, Ohio, the following described real estate situated in

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the State of Ohio, County of Union, and Village of Broadway, bounded and described as follows:

Being Lot No. Eighty-eight (88) in said Town of Broadway, Ohio, according to the recorded plat thereof.

Being the same premises conveyed by Ida Sanderson and Husband to J. W. Middleton and Elsa E. Middleton, June 6, 1907. (Vol. 94, page 117) and conveyed by Ella E. Middleton and others to John Predmore, November 3, 1915 (Vol. 111, page 245).

Said premises were divided by John Predmore to Marion Predmore, Ella Mitchell and Carlena Hamilton (Wills My, Page 459). Refer to Clerk of Probate Judge record in Deed Record No. 112, page 434. The undivided one-third interest of Marion Predmore conveyed to Ella Mitchell and Carlena Hamilton by deed dated July 10, 1918. Refer to Vol. of Deeds No. 109, page 275.

Lot Number 89, Being Town Lot No. eighty-nine in the Carpenter second addition to the Village of Broadway, Ohio. Part of Survey No. 829. This lot fronts 66 feet on Broad Street running south 165 feet on Walnut Street.

Being the same Lot conveyed by S. C. McAdoo and wife by J. W. Garrington and wife by deed dated November 11, 1910. Recorded in Vol. No. 104, page 207 of Union County Record of Deeds.

Two acres in Taylor Township. Situated in the State of Ohio, County of Union, Township of Taylor and Survey Nos. 5629 and 6493.

Commencing at a post at the northwesterly corner of said Survey; Thence with west line of said Survey South 14 degrees 30 minutes East 36.84 rods to a stake; thence South 77 degree 30 minutes East 1.21 rods to the center of Broadway gravel road; thence with the center of said road North 9 degree 15 minutes East 32.96 rods to the north line of said survey; thence with said survey line North 77 degree 30 minutes West 16.10 rods to the beginning. Containing two acres more or less.

Said premises are appraised at Nine Hundred and Sixty Dollars ($960.00) and must be sold at not less than two-thirds of said appraised value, and the terms of sale are cash in hand on the day thereof.

Homer S. Roosa - Administrator
of the estate of Claude Roosa,
Deceased.

THE COL. B. B. MFG. CO. 75974

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The State of Ohio, Union County, ss.
Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after December 2, 1938 in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 7th. day of January, A. D., 1939.

L. P. Huber- Notary Public.

Printers Fees, $29.05.

Filed Dec. 2- 1938.

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Dispensing with a New Appraisement and Ordering Bond.

Probate Court, Union County, Ohio.

H. S. Roosa, as Administrator of the estate of Claude Roosa,
Plaintiff,
-vs-
Forest Roosa, et al.,
Defendants.

Dec. 2- 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 his estate. 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 Nine Hundred and Sixty 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 Claude Roosa, in the amount of Two Thousand Dollars is insufficient, and is ordered that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Fourteen Hundred Dollars, and this cause is continued.

L. W. Hazen- Probate Judge.

Filed Jan. 16- 1939.

Filed Dec. 2- 1938.

approving Additional Bond and Ordering Public Sale.

Probate Court, Union County, Ohio.

H. S. Roosa, as Administrator of the estate of Claude Roosa,
Plaintiff,
-vs-
Forest Roosa, et al.,
Defendants.

Dec. 2- 1938.
Approving Additional Bond and Ordering Public Sale.

It further appearing to the Court that the plaintiff has given additional bond in the sum of Fourteen Hundred Dollars, with approved sureties conditioned

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according to law, the said bond is hereby approved.

It is now ordered that H. S. Roosa, as such Administrator, proceed to advertise for sale Lot No. 88 Broadway, Ohio, and 2 acres in Taylor Township, Union County, on the 14 day of January, 1939, at 1 o'clock P. M., the real estate in the petition described as provided by law, and that he sell the same at not less than two-thirds of the appraised value thereof, on the following terms, to-wit: Cash.

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

L. W. Hagen- Probate Judge.

Filed Dec. 2- 1938

Confirming Former Appraisement & Ordering Additional Bond.

Probate Court, Union County, Ohio.

H. S. Roosa as Administrator of the estate of Claude Roosa, Plaintiff,

-vs-

Forest Roosa, et al., Defendants.

Confirming Former 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 & confirmed.

It is further ordered that said H. S. Roosa, execute within 10 days to the State of Ohio a bond with sufficient sureties, to be approved by the Court in the sum of Fourteen Hundred Dollars, conditioned according to law.

L. W. Hagen- Probate Judge.

Filed Jan. 16- 1939.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Homer S. Roosa, 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 Claude Roosa, are Plaintiff and Forest Roosa et al. are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, at the north door of the Court House on the 14 day of January 1939, at 1 o'clock P. M., for not less than two thirds of the appraised value, thereof, the following described premises, to-wit:

Situated in the State of Ohio, County of Union and village of Broadway and bounded and described as follows:

Being Lot No. 88 in said town of Broadway, Ohio, according to the recorded plat thereof.

THE COL. B. B. MFG. CO. 75974

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Being the same premises conveyed by Ida Sanderson and husband to J. W. Middleton (and) Ella E. Middleton June 6, 1907. (Vol. 94, page 117) and conveyed by Ella E. Middleton and others to John Redmore, November 3, 1915 (Vol. 111, page 245). Said premises were devised by John Redmore to Marion Redmore, Ella Mitchell and Carlena Hamilton (Wills H. page 459). Refer to Clerk of Probate Judge record in Deed Record No. 112, page 434. The undivided one-third interest of Marion Redmore conveyed to Ella Mitchell and Carlena Hamilton by deed dated July 10, 1918. Refer to Vol. 9 Deeds No. 109, page 275.

Also the following:

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

Being town lot No. 89 in the Evanston Second Addition to the Village of Broadway, Ohio, Part of Survey No. 829. This lot fronts 66 feet to Broad Street running South 165 feet on Walnut Street.

Being the same lot conveyed by S. C. McAdoo and wife by J. W. Yarrington and wife by deed dated November 11, 1910 and recorded in Vol. No. 104, page 207 of Union County record of deeds.

Also two acres in Taylor Township.

Situated in the State of Ohio, County of Union and Township of Taylor and Survey Nos. 5629 and 6493 and bounded and described as follows:

Commencing at a post at the Northwesterly corner of said Survey; Thence with West line of said Survey S. 14° 30' E. 36.84 rods to a stake; Thence S. 77° 30' E. 1.21 rods to the center of Broadway gravel road; Thence with the center of said road North 9° 15' E. 32.96 rods to the North line of said survey; Thence with said survey line No. 77° 30' W. 16.10 rods to the beginning.

Containing two acres more or less.

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

You are therefore hereby commanded to execute the 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 16 day of January, 1939.

Seal

L. W. Hazen - Probate Judge.

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Filed
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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 16 day of January, 1939.

Homer S. Roosa - Administrator
of the estate of Claude Roosa.

Report of Sale.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the 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 14 day of January 1939, 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 door of the Court House, when Martha M. Porter bid to pay for the same the sum of Six Hundred and Eighty-five Dollars, which being the highest and best bid that was offered, and being two thirds of the appraised value of said premises, I then and there sold the same to Martha M. Porter for that sum.

Dated the 16 day of January, 1939.

Homer S. Roosa - Administrator
of the estate of Claude Roosa,
Deceased.

Filed
Jan. 26-1939.

Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

H. S. Roosa, as Administrator
of the estate of Claude Roosa,
Plaintiff,

-vs-

Forrest H. Roosa, et al.,
Defendants.

January 26th - 1939.
Confirming Sale, Ordering
Deed and Distribution.

This day this cause came on to be heard on the report of H. S. Roosa, Administrator of Claude Roosa, & this proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordred that said petitioner execute a deed of all the right, title and interest of the said Claude Roosa in said real estate, to the purchaser, Martha M. Porter,

THE COL. B. B. MFG. CO. 75974

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upon the said 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 Six Hundred and Eighty-five Dollars.

It is further ordered that said Homer S. Roose out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $11.10 to Porter and Porter for services performed for the fiduciary in connection with the sale and the sum of $— to the fiduciary for his services in connection with the sale, which costs, expenses, fees and compensation, shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder.

Second, to the payment of taxes, penalties, and assessments then due, against such real estate and to the payment of mortgages and judgments against the deceased person, according to their respective priorities of lien, so far as they operated as a link on the real estate of the deceased at the time of the sale or on the estate at the time of the sale; which shall be apportioned and 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 amount of legacies with which the real estates of the deceased was charged;

(b) To discharge the claims and debts of the estate, in the order provided by law;

(c) Whether such administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale must be considered as real estate and be disposed of accordingly.

Fourth, And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $— out of the proceeds of said sale, within ten days. Paid Mar 7-1938

L. W. Hazen- Probate Judge.

13366
Filed
Mar. 23-1937.
Porter & Porter
Attorneys.

13366
Filed
Mar. 23-1927.
Porter & Porter
Attorneys.

Petition to Sell Real Estate.
Petition for sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Charles Shuler, Administrator of the Estate of Marion E. Shuler, Deceased,

Plaintiff.

-vs-

Charles Shuler, John Shuler, William Shuler, Mrs. Helen Thompson, Mrs. Cecil Hudson, Mrs. Martha Hanawalt, Mrs. Rachel Ewing, Dorothy Shuler,

Defendants.

No. 13366.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Marion E. Shuler 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 Three Hundred Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at ——— 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 County of Union, State of Ohio and Township of Dover, bounded and described as follows:

Being a strip of land 20 feet front and 10 rods deep out of West Side of Lands deeded by Edmond C. Leedy and Katharine Leedy to Charles Shuler under date of October 9, 1908.

Containing 12.16 Sq. Rods, more or less.

The following real estate situated in the County of Union, State of Ohio and in the Township of Dover, Survey No. 5135 and bounded and described as follows:

Beginning at a point in the center of the Marysville and New Dover Gravel Road, and 91.40 feet from the Southwest corner of Charles Shuler's lot; thence with the center of the said road N. 83° W. 113 feet; Thence N. 7° E. 10 poles; Thence S. 83° E. 113 feet; Thence S. 7° W. 10 poles to the beginning, containing 73/100 acres more or less.

THE COL. B. B. MFG. CO. 75974

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

Said real estate is encumbered as follows. No encumbrance.

The defendants, Charles Shuler (plaintiff) John Shuler, William Shuler, State of Ohio, Division of Aids for the Aged, Mrs. Helen Thompson, Mrs. Cecil Hudson, Mrs. Martha Hanawalt, Mrs. Rachel Ewing, Dorothy Shuler, Effie Tossey-treasurer, Union County, O. are all the persons entitled to the next estate of inheritance from the deceased 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 dower; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Porter & Porter.
Attorney for the Plaintiff.

The State of Ohio, Union County.

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

Charles Shuler.

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

Seal

William J. Porter.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said John Shuler, 911 Oakwood Ave., Columbus, Ohio; Mrs. Cecil Hudson, 1532-26th Ave., Columbus, Ohio; Mrs. Martha Hanawalt, 1486-25th Ave., Columbus, Ohio; Mrs. Rachel Ewing, Grove City, Ohio; directed to the Sheriff of Franklin County, Ohio. Endorse thereon action to sell real estate to pay debts. Returnable according to law.

Porter & Porter.
Plaintiff's Attorney.

13366
Filed
Mar. 23-1937.

Filed
Mar. 27-1937.

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Apr. 6-1937.

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

Charles Shuler, Administrator of the Estate of Marion E. Shuler,
Plaintiff,
-vs-
William Shuler, Mrs. Helen Thompson, et al.,
Defendants.

No. 13366.
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.

Charles Shuler.
William Shuler.
Helen Thompson.

Filed
Mar. 27-1937.

Precipe.
Probate Court, Union County, Ohio.

Charles Shuler, Administrator of the Estate of Marion E. Shuler, Deceased,
Plaintiff,
-vs-
Charles Shuler, et al.,
Defendants.

No. 13366.
Precipe.

To the Probate Judge:

Issue summons in this proceedings for said Mrs. Cecil Brash, Guardian of Dorothy Shuler and for the minor, Dorothy Shuler at 733½ North High Street, Columbus, Ohio, endorsed thereon action to sell real estate to pay debts. Directed to the Sheriff of Franklin County, Ohio. Returnable according to law.

W. J. Porter.
Attorney for Plaintiff.

Filed
Apr. 6-1937.

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

You are commanded to notify Mrs. Cecil Brach, Guardian of Dorothy Shuler and the Minor Dorothy Shuler at 733½ No. High St., Columbus, O.

That Charles Shuler, Administrator of the Estate of Marion E. Shuler, Dec., Plaintiff, -vs- Charles Shuler, et al., Defendants. Case #13309 - Precipe - Petition - "Action to sell Real Estate to pay Debts". Returnable according to law., and the following named who are minors, to-wit: Dorothy Shuler, 733½ No. High St.

THE COL. B. B. MFG. CO. 75974

13366

Columbus, Ohio, 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, as the order named; that on the 23rd. day of March A. D. 1937, Charles Shuler, Administrator of the Estate of Marion E. Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts, and that unless they answer by the 24th. day of April 1937, said petition will be taken as true, and an order granted accordingly.

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

Witness my hand and the seal of said Court, this 27th. day of March 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
— Additional names, at 25¢	.25
5 miles traveled at 8¢	.40
Postage	.03
Total	$ 1.43

after due and diligent search was unable to find the within named Dorothy Shuler, a minor and Mrs. Cecil Brash, her guardian, within my bailiwick.

Jacob E. Sandusky
Sheriff of Franklin County, O.
D. K. Hurd - Deputy.

Filed
Apr. 6-1937.

Summons on Petition to Sell Real Estate.

Filed
Apr. 6- 1937.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Franklin Co. Columbus, O.

You are commanded to notify Mrs. Rachel Ewing, Grove City - Franklin County, O.

That Charles Shuler, Administrator of Marion Shuler Estate, Plaintiff, vs- Charles Shuler - John Shuler - William Shuler - Dorothy Shuler - Mrs. Helen Thompson - Mrs. Cecil Hudson - Mrs. Martha Hanawalk & Mrs. Rachel Ewing, Defendants, in Civil Action - "Petition to Sell Real Estate", that on the 23rd. day of March A. D. 1937, Charles Shuler, Administrator of the Estate of Marion Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them, and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts - " Action

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to sell Real Estate to pay debts". Returnable according to law, and that unless they answer by the 24th. day of April, 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 April, 1937.

Witness my hand and the seal of said Court, this 23rd. day of March, 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, Sch. Name	.75
20 miles traveled, at 8 ¢	1.60
Postage	.03
Total	$ 2.38

Received this writ March 25, 1937, at 9 o'clock A. M., and on the 29 day of March 1937 I served the same by delivering a copy thereof personally to the within named Mrs. Rachel Ewing.

Jacob E. Sandusky
Sheriff of Franklin County, O.
E. R. Grossman- Deputy.

Filed apr. 6-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Marysville, O. Probate Court.
To the Sheriff of said County: Franklin County

You are commanded to notify John Shuler, # 911 Oakwood Ave. Columbus, O.

That Charles Shuler, Administrator of the Estate of Marion E. Shuler, Deceased, Plaintiff, -vs- Charles Shuler- John Shuler- William Shuler- Dorothy Shuler- Mrs. Helen Thompson- Mrs. Cecil Hudson- Mrs. Martha Hanawalt- Mrs. Rachel Ewing, Defendants- Civil Action- "Petition to Sell Real Estate"; that on the 23rd day of March, A. D. 1937 Charles Shuler, Administrator of the Estate of Marion Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts" Action to sell Real Estate to pay Debts". Returnable according to law, and that unless they answer by the 24th. day of April 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 April, 1937.

Witness my hand and the seal of said Court, this 23rd. day of March, 1937.

Seal

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

THE COL. B. B. MFG. CO. 75974

13366

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, 1ch. name	.75
5 miles traveled, at 8¢	.40
Postage	.03
Total	$ 1.18

Received this writ March 25 1937, at 9 o'clock A. M., and on the 26 day of March 1937, I served the same by delivering a copy thereof personally to the within named John Shuler.

Jacob E. Sandusky
Sheriff of Franklin County, O.
George Nolan - Deputy.

Filed Apr. 6- 1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Franklin County, O.

You are Commanded to notify Mrs. Cecil Hudson, # 1532- 24th. Ave. Columbus, O.

That Charles Shuler, Administrator of the Estate of Marion Shuler, Dec. Plaintiff, -vs- Charles Shuler, John Shuler- William Shuler- Dorothy Shuler- Mrs. Helen Thompson- Mrs. Cecil Hudson- Mrs. Martha Hauswalt- Mrs. Rachel Elving, Defendants, in Civil Action- "Petition to Sell Real Estate", that on the 23rd. day of March, A. D. 1937 Charles Shuler, Administrator of the Estate of Marion Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts" Action to Sell Real Estate to pay debts". Returnable according to law, and that unless they answer by the 24th. day of April 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 April, 1937.

Witness my hand and the seal of said Court, this 23rd. day of March, 1937.

Seal

L. W. Hazen- Probate Judge & Ex officio Clerk of the Probate Court of said County.

Sheriff's Return;

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, 1ch. name,	.75
5 miles traveled, at 8¢	.40
Postage	.03
Total	$ 1.18

Received this writ March 25, 1937, at 9 o'clock A. M., and on the 26 th. day of March 1937 I served the same by delivering a copy thereof personally to the within named Mrs. Cecil Hudson.

Jacob E. Sandusky - Sheriff of Franklin Co. O.
C. O. Donohue - Deputy.

Filed Apr. 6- 1937.

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Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County. Franklin County, O.

You are commanded to notify Mrs. Martha Hanawalt, 1386 - 5th. Ave., Columbus, O.

That Charles Shuler, Administrator of the Estate of Marion Shuler, Dec., Plaintiff, -vs- Charles Shuler - John Shuler - William Shuler - Dorothy Shuler - Mrs. Helen Thompson - Mrs. Cecil Hudson - Mrs. Martha Hanawalt & Mrs. Rachel Ewing, Defendants in Civil Action - "Petition to Sell Real Estate;" that on the 23rd. day of March A. D. 1937 Charles Shuler, Administrator of the Estate of Marion Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts - "Action to Sell Real Estate to pay Debts." Returnable according to law; and that unless they answer by the 24th. day of April 1937, said petition will be taken as true, and the order granted accordingly.

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

Witness my hand and the seal of said Court, this 23rd. day of March, 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, 1st. name	.75
- Miles traveled, at 8¢	.40
Postage	.03
Total	$1.18

Received this writ March 25, 1937, at 9 o'clock A. M., and on the 26 day of March, 1937, I served the same by delivering a copy thereof personally to the within named Mrs. Martha Hanawalt.

Jacob E. Sandusky
Sheriff of Franklin County, O.
C. O. Donohue - Deputy.

Filed
Apr. 27-1937.

Precipe.

Probate Court, Union County, Ohio.

Charles Shuler, Administrator of the Estate of Marion E. Shuler, Deceased, Plaintiff,

-vs-

William Shuler, et al., Defendants.

No. 13366.
Precipe.

THE COL. B. B. MFG. CO. 75974

13366

To the Probate Judge:

Issue summons in the proceedings for said Mrs. Al Brask Guardian of Dorothy Shuler and for the minor, Dorothy Shuler at 16 Price Ave., Apartment #2, Columbus, Ohio, endorsed thereon action to sell real estate to pay debts. Directed to the Sheriff of Franklin County, Ohio. Returnable according to law.

Porter + Porter
Attorney for the Plaintiff.

Filed May 8-1937.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Marysville, O. Probate Court.
To the Sheriff of said County: Franklin County.

You are commanded to notify Mrs. Al Brask-Guardian of Dorothy Shuler and for the Minor, Dorothy Shuler at 16 Price Ave. Apartment #2 Columbus, Ohio. Charles Shuler, Administrator of the Estate of Marion Shuler, Deceased, Plaintiff, -vs- William Shuler, et al., Defendants, and the following named who are minors, to-wit: Dorothy Shuler, per above. And address tried, making service of this summons upon such minor as is over fourteen years of age, and also upon the guardian of said minor, in the order named; that on the 27th. day of April, A. D. 1937, Charles Shuler - Administrator of the Estate of Marion E. Shuler deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts, 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 27th. day of April, 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	
— additional names at .25¢	.25
— Miles traveled at 8¢	.40
Postage	.03
Total	$1.43

Received this writ April 28, 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 30, 1937, on Dorothy Shuler, personally and also do to the within named defendants, who are minors, April 30, 1937, on Mrs. Al Brask, the guardian

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Jacob E. Sandusky
Sheriff of Franklin County, O.
D. R. Hurd - Deputy.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, ss.
To the Sheriff of Franklin County:

You are commanded to notify Dorothy Shuler, minor, and Mrs. Al Brack, Guardian, 15 Rice Ave. Apt. #2, that on the 27th. day of April, A. D. 1937, Charles Shuler, Administrator of the Estate of Marion E. Shuler, 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 the decedent, 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.

You will make due return of this writ on the 10th day of May, A. D. 1937.

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

L. W. Hazen - Probate Judge.

A True Copy of the Original
Jacob E. Sandusky - Sheriff.
H. S. Cowan - Deputy.

Sworn to before me and signed in my presence, this 7th. day of May, 1937.

C. P. McClelland - Probate Judge.
By - Denver D. Budd - Notary Public.

Seal

We, the undersigned defendants named herein, do each of us acknowledge due and legal service of the within summons.

Dorothy Shuler

Miss Dorothy Shuler.
Signed by the above defendant.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County, ss:
To the Sheriff of Franklin County:

You are commanded to notify Dorothy Shuler, minor, and Mrs. Al Brasky, Guardian, 15 Ripe Ave., Apt. #2, that on the 27th. day of April, A. D. 1937, Charles Shuler, Administrator of the Estate of Marion E. Shuler, 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 the decedent, in said petition described for the purpose

THE COL. B. B. MFG. CO. 75974

13366

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.

You will make due return of this writ on the 10th. day of May, A. D. 1937.

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

L. W. Hazen-Probate Judge.

A True Copy of the Original
Jacob E. Sandusky, Sheriff
H. L. Cowan- Deputy.

Sworn to before me and signed in my presence, this 7th. day of May, 1937.

Seal

E. P. McClelland-Probate Judge.
By- Denver D. Budd-Notary Public.

We, the undersigned defendants named herein, do each of us acknowledge due and legal service of the within summons.

Mrs. Al Brask.

Mrs. Al Brask.
Signed by the above Defendant.

Filed
June 3- 1937.

Dispensing with a New Appraisement and Ordering Bond.

Probate Court,
Union County, Ohio.

Charles Shuler as Administrator of the Estate of Marion E. Shuler,
Plaintiff,
-vs-
William Shuler, et al,
Defendants.

April 23- 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 his estate, and the answer of Richard E. Small, guardian ad litem of Dorothy Shuler, minor, 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 Six 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 Marion E. Shuler 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 Twelve Hundred

13366

Filed
June 3- 1937.

13366

Filed June 3-1937.

Dollars, and this cause is continued.

L. W. Hazen- Probate Judge.

Confirming Appraisement and Ordering Additional Bond.

Probate Court, Union County, Ohio.

Charles Shuler as Administrator of the Estate of Marion E. Shuler, Plaintiff,

-vs-

William Shuler, et al., Defendants.

April 23- 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 Charles Shuler, execute within 1 day to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of Twelve Hundred Dollars, conditioned according to law.

L. W. Hazen- Probate Judge.

Filed June 3-1937.

Bond of Administrator.

Know all Men by these presents; that we Charles Shuler, Pearl Norris, Geo. Stoll, are held and firmly bound unto the State of Ohio, in the penal sum of Twelve 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 26 day of April, A. D. 1937.

The condition of the above obligation is such, that whereas, the above bound Charles Shuler was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Marion E. Shuler, Deceased.

And whereas, the said Charles Shuler as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Marion E. Shuler described in said petition;

And whereas said Court, on the 23 day of April, 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 Charles Shuler 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. 75874

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Executed in Presence of
William J. Porter
Alice Randolph Stillinger.
This Bond approved in open Court, this 3 day of June, 1937.
Earl Morris
Geo. Stoll
Charles Shuler
L. W. Hazen - Probate Judge.

Filed
June 3 - 1937.

Approving Additional Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

Charles Shuler as Administrator
of the estate of Marion E. Shuler,
Deceased,
Plaintiff,
-vs-
William Shuler, et al,
Defendants.

April 23 - 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 Twelve Hundred Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that Charles Shuler 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
June 3 - 1937.

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

Charles Shuler, Administrator
of the Estate of Marion E.
Shuler,
Plaintiff,
-vs-
William Shuler, et al,
Defendants.

No. 13366,
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:

That the price offered is in excess of the appraised value. That to sell it at private sale would necessitate additional expense, and thus defeat the purpose of saving the estate.

13366

Filed
June 3 - 1937.

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

Charles Shuler-Adjuinistrator
of estate of Marion E. Shuler,
Deceased.

The State of Ohio, Union County.

Charles Shuler, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

Charles Shuler.

Sworn to before me and signed in my presence this 23 day of April, A. D. 1937.

William J. Porter.
Seal
Probate Judge.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Homer S. Roosa, Robert Ackerman and Harold J. Coleman, 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.

Homer S. Roosa.
Robert Ackerman.
Harold J. Coleman.

Sworn to before me and signed in my presence this 3rd. day of June, 1937.

William J. Porter.
Seal
Probate Judge.

Filed June 3-1937.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Charles Shuler, 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 Adjuinistrator of the estate of Marion E. Shuler, are Plaintiff and William Shuler, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than $1600.00 the appraised value thereof, the following described premises, to-wit:

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

Being a strip of land 20 feet front and 10 rods deep out of the West side of lands deeded by Edmond C. Cody and Katherine Cody to Charles Shuler under date of October 9, 1908.

Containing 12.16 square rods, more or less.

THE COL. B. B. MFG. CO. 75974

13366

The following real estate situated in the County of Union, State of Ohio and in the Township of Dover, Survey No. 5135 and bounded and described as follows:

Beginning at a point in the center of the Marysville and New Dover Gravel Road and 21.46 feet from the Southwest corner of Charles Shuler's lot; thence with the center of the said road N. 83° W. 113 feet; Thence N. 7° E. 10 poles; Thence S. 83° E. 113 feet; Thence S. 7° W. 10 poles to the Beginning, containing 43/100 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 3 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 the 3 day of June, 1937.

Charles Shuler.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 3rd day of June, 1937, offer said property at private sale, and H. G. Lillie having offered therefor the sum of Six Hundred Dollars ($600.00) and the same being not less than the appraised value of said property, I sold the same to said H. G. Lillie for that sum.

Charles Shuler.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

Charles Shuler.

Sworn to before me and subscribed in my presence, this 3 day of June, 1937.

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

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June 2-1937.

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Filed
June 2-1937.

Application for Guardian ad Litem.
Probate Court, Union County, Ohio.

Charles Shuler, Administrator
of the estate of Marion Shuler,
Deceased,
Plaintiff,

-vs-

William Shuler, et al.,
Defendants.

Application for Guardian ad Litem.

Now comes Charles Shuler and makes application for the appointment of a guardian ad litem for Dorothy Shuler, one of the defendants herein, an infant of the age of 16 years, upon whom summons was duly served and suggests that Richard C. Thrall, who is a suitable person, be appointed as guardian ad litem, the duly qualified and acting guardian of said ward, being personally interested in said cause.

Charles Shuler.

Filed
June 2-1937.

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

Charles Shuler, Administrator
of the estate of Marion Shuler,
Deceased,
Plaintiff,

-vs-

William Shuler, et al.,
Defendants.

Answer of Guardian Ad Litem.

Now comes Richard C. Thrall, duly appointed by the Court as guardian ad litem for Dorothy Shuler, a minor child, and for answer to the petition of said plaintiff says that he has not by reason of the tender age of the said defendant, become informed as to the truth of the matters set forth in said petition; and, therefor, 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.

Richard C. Thrall.,
Guardian ad litem.

State of Ohio, County of Union.

Richard C. Thrall, being first duly sworn deposes and says that the facts stated and the allegations contained in the said answer are true as he verily believes.

Richard C. Thrall.

Sworn to before me and signed in my presence by said Richard C. Thrall this second day of June, 1937.

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

THE COL. B. B. MFG. CO. 75974

13366
Filed
June 2-1937.

Entry.

Probate Court, Union County, Ohio.

Charles Shuler, Administrator
of the estate of Marion Shuler,
Deceased,

Plaintiff,

-vs-

William Shuler, et al.,

Defendants.

Entry.

On the application of Charles Shuler, the administrator of the above mentioned estate, it appears that Dorothy Shuler, one of the defendants herein, was duly served with summons and is a minor of the age of 16 years, it is ordered, that Richard E. Thalls be, and he hereby is, appointed guardian ad litem of the said Dorothy Shuler.

L. W. Hazen - Judge.

Filed
June 3-1937.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Charles Shuler as Administrator
of the Estate of Marion E.
Shuler,

Plaintiff,

-vs-

William Shuler, et al.,

Defendants.

June 3-1937.
Confirming Sale, Ordering
Deed and Distribution.

This day this cause came on to be heard on the report of Charles Shuler, Administrator of Marion E. Shuler 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 Marion E. Shuler in said real estate, to the purchaser, H. A. Lillie, upon the said purchaser for cash. And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of Seven Hundred Dollars, now upon the funds in the hands of said Admr., arising from the sale of said premises. It is ordered that an entry of release and satisfaction of said mortgage lien be entered on record in the office of the Recorder of Union County, Ohio, according to law.

13366

13366

It is further ordered that said Charles Shuler out of the money in his hands, pay:
First, the costs and expenses of the sale, including an attorney fee of $50.00 to Porter & Porter for services performed for the fiduciary in connection with the sale and the sum of $—— to the fiduciary for his services in connection with the sale, which costs, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and notwithstanding the purchase of such real estate by a lien holder.
Second, to the payment of taxes, penalties, and assessments then due, against such real estate and to the payment of mortgages and judgments against the ward, 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 $39.35, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13065
Filed
Dec. 9- 1935.
Porter & Porter
Attorneys.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

W. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,

Plaintiff,

-vs-

W. M. Burson, Edwin G. Burson, Wave Shearer, Martha Lewis, Northwestern Mutual Life Insurance Company, Federal Land Bank of Louisville, Kentucky, and The Federal Farm Mortgage Corporation,

Defendants.

Case No. 13065.
Action to Sell Real Estate to Pay Debts.
Filed December 9th. 1935.
Docket A. Page 13.

The plaintiff is the duly appointed, qualified and acting executor of the estate of Preston V. Burson, deceased, late of this County; he says, as can be ascertained the amount of the valid debts against said deceased is five thousand Dollars. No allowance was made by the appraisers of the above estate to the widow and minor children, and the costs of administering the estate will be about Five Hundred Dollars; The total value of the personal property of the decedent was fixed by the appraisers at —— Dollars, being wholly insufficient to pay the debts, allowance and costs aforesaid.

The said decedent died seized in fee simple of the following described real estate; situated in the County of Union, State of Ohio, Township of Taylor, part of Survey No. 5778- 5641 - 5806- 6495, and bounded and described as follows:

Record of Mtge., No. 93, Page 413: Recorder's Office, Union County, Ohio.

First tract: Beginning in the middle of the Sprague and Yearsley public road at the northeast corner of lands of J. J. Watts (formerly John R. Burson) and running thence with said road northerly fifty-five and five-eighths poles to a stake, corner to Second tract (formerly land of Wilcaye Reed) thence with the line of second tract north eighty-two degrees west one hundred fifteen poles to the southwest corner thereof; thence south eight degrees six minutes west fifty-five and three eighths poles to a stake in the line of said J. J. Watts and thence with his line south eighty two degrees east one hundred thirteen poles to the place of beginning.

Containing Forty Acres, more or less.

13065

13065

Second tract: Beginning at a stone in the middle of the Sprague and Yearsley public road, at the northeast corner of first tract above described and running thence with the north line thereof north seventy-seven and one-half degrees west one hundred fifteen poles to a stone at the northwest corner thereof and in the east line of S. B. Goff's land; thence with said line north twelve and one-half degrees east sixty-nine and eight-tenths poles to a stone at the southwest corner of lands of Thomas Yearsley heirs; thence with their line south seventy-seven and one-half degrees east one hundred fourteen and four tenths poles to a stone in the middle of said road, and, thence with the middle of said road south twelve degrees west sixty-nine and eight-tenths poles to the place of beginning.

Containing fifty Acres, more or less.

Beginning at a stone in the center of the Delaware and Bellefontaine road at the intersection of the Wheeler and Green road; Thence with the center of the Wheeler and Green road, S-2 degree West 165 poles to a stake in the northwesterly line of the New York, Pennsylvania and Ohio Rail Road; Thence with said line N-76 degrees east 124 poles to a stake at the southwesterly corner of lands conveyed by James Thackery to Harry E. Thackery March 23, 1907; thence with the west line of said lands N-1 degree 45' east 100 poles to a stake at the northwesterly corner of said lands in the center of said Delaware and Bellefontaine road; thence with the center of said road S. 76 degrees west 86.80 Poles to the beginning, Containing 71.75 acres, more or less but subject to all legal highways.

Said real estates was included in the inventory of the estate, pursuant to the order of this Court and appraised the ninety acres at $2700.00 and the 71.3/4 acres at $3000.00. Conditions however, are such that a new appraisement is asked herein, under authority of Section 10510-25 G. C.

Said real estate is encumbered as follows: The 71.75 acre tract above described, is encumbered by a mortgage due the Louisville Federal Land Bank, in the sum of Three Thousand Dollars, ($3000.00) with interest thereon, Said other two tracts, aggregating ninety acres, are encumbered by a mortgage due this Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, in the sum of Fifteen Hundred Dollars ($1500.00).

The defendants, O. M. Burson, Edwin A. Burson, Ware Shearer and Martha Lewis are all the heirs of persons entitled to the next estate of inheritance from the

THE COL. B. B. MFG. CO. 75974

18065

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 subject to the said mortgage on said farm therein; That a new appraisement may be ordred; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordred to sell said real estate according to the statutes in such case made and provided and for such other and further relief as he may be entitled to.

Porter & Porter
Attorneys for Plaintiff.

The State of Ohio, Union County.

U. A. Wilgus, 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.

U. A. Wilgus.

Sworn to before me and signed in my presence by the said U. A. Wilgus, at Marysville, Ohio, this 9th. day of December, 1935.

William J. Porter Notary Public.

Filed
Dec. 9-1935.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

U. A. Wilgus, as Executor of the Estate of Preston V. Burson,
Plaintiff,
-vs-
U. M. Burson, et al.,
Defendants.

December 9-1935.
Order Fixing Time for Hearing and for Notice!

This day U. A. Wilgus, Executor of the Estate of Preston V. Burson, 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 9th. day of January, 1936, at 10:00 o'clock A. M.

L. W. Hazen- Probate Judge.

Filed
Dec. 13- 1935.

Waiver of U. W. Mutual Life Ins. Co.

In the Probate Court of Union County, Ohio.

U. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,
Plaintiff,
-vs-
U. M. Burson, et al.,
Defendants.

No. 18065.
Waiver.

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Filed
Dec. 13-1935.

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Now comes the defendant, The Northwestern Mutual Life Insurance Company, but its attorneys, Hooper & Sandhu, and waives the issuing of service of summons and process herein, and voluntarily enters its appearance herein as a defendant.

The Northwestern Mutual Life
Insurance Company.
Per. Hooper & Sandhu, attorneys;
N. W. Mutual Life Ins. Co.
Union County, Ohio.

Filed
Dec. 13-1935.

Answer and Cross Petition

In the Probate Court, Union County, Ohio.

U. A. Wilgus, Executor of the Estate of Preston V. Burson, deceased,
Plaintiff,

-vs-

O. M. Burson, et al.,
Defendants.

No. 13065.
Answer and Cross Petition.

Now comes the defendant, 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 for answer to the petition of plaintiff filed herein, admits that U. A. Wilgus is the duly appointed, qualified and acting executor of the estate of Preston V. Burson, deceased; admits that O. M. Burson, Edwin S. Burson, Ware Shorer and Martha Lewis are all the heirs or persons entitled to such estate by inheritance from the decedent, Preston V. Burson; admits that The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin holds a first mortgage lien on certain real estate described in the petition, and for want of knowledge, denies each and every allegation in said petition contained not herein expressly admitted to be true.

Cross-Petition.

Now comes the defendant, 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 for its cross-petition herein, says:

That on the 30th. day of March, 1927, the decedent, Preston V. Byrson, executed and delivered to this defendant, The Northwestern Mutual Life Insurance Company, his promissory note for the sum of $2500.00 due and payable five years from date.

That thereafter, Preston V. Burson, the decedent, who was the owner of said real estate as hereinafter

THE COL. B. B. MFG. CO. 75974

13065

seth, forth, being a widower, entered into a contract in writing whereby the time for the payment of $2000.00 was extended as follows: $100.00 due and payable on the 30th. day of March, 1933; $100.00 due and payable on the 30th. day of March, 1934; $100.00 due and payable on the 30th. day of March, 1935; $100.00 due and payable on the 30th. day of March, 1936; and $1600.00 due and payable on the 30th. day of March, 1937, with interest at the rate of 5¼% per annum.

That there is still remains due and unpaid on said note the sum of $1500.00 with interest at the rate of 5¼% per annum from the 30th. day of March, 1935.

The defendant, The Northwestern Mutual Life Insurance Company, further says that at the time of the execution and delivery of the note hereinbefore described, in order to secure the payment of the same, the said Peyton V. Burson, executed and delivered to the defendant, The Northwestern Mutual Life Insurance Company, a certain mortgage deed, thereby conveying the following described real estate:

Situated in the State of Ohio, County of Union, Township of Taylor, and being part of Virginia Military Survey No. 5778, 5641, 5806 and 6495, bounded and described as follows, viz:

First tract: Beginning in the middle of the Sprague and Yearley public road at the northeast corner of lands of J. J. Watts (formerly John R. Burson) and running thence with said road northerly 55-5/8 poles to a stake, corner to second tract (formerly land of William Reed); thence with the line of second tract north 82° west 115 poles to the southwest corner thereof; thence south 8° 6' west 55-3/8 poles to a stake in the line of said J. J. Watts, and thence with his line south 82° east 113 poles to the place of beginning, containing 40 acres, more or less.

Second tract: Beginning at a stone in the middle of the Sprague and Yearley public road at the northeast corner of first tract above described, and running thence with the north line thereof north 77½° west 115 poles to a stone at the northwest corner thereof and in the east line of S. B. Goff's land; thence with said line north 12½° east 69-8/10 poles to a stone at the southwest corner of lands of Thomas Yearsley's heirs; thence with their line south 77½° east 114-4/10 poles to a stone in the middle of said road, and thence with the middle of said road south 12° west 69-8/10 poles to the place of beginning, containing 50 acres, more or less.

13065

Filed Jan. 10-1936.

13065

The premises hereby mortgaged contain 90 acres, more or less, subject to public easements for highways as now located.

That on the 4th. day of May, 1927, at 9:40 o'clock A.M. said mortgage was duly filed for record in the Recorder's Office of Union County, Ohio, and is duly recorded in Volume 93 at Page 413 of his mortgage records.

That said mortgage thereupon became, and now is, the first, best and subsisting lien on said real estate.

Wherefore, this defendant 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 procede of the sale this defendant be paid the sum of $1500.00 with interest from the 30th. day of March, 1935, at the rate of 5¼ % per annum, and for such other and further relief in the premises as the Court deems just and proper.

Hooper & Sandys- Attorneys for The Northwestern Mutual Life Insurance Company.

State of Ohio, Union County, ss:

C. A. Hooper, being first duly sworn, says that he is one of the attorneys for 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.

C. A. Hooper.

Sworn to before me and subscribed in my presence this 13th. day of December, 1935.

Ruth Kees- Notary Public.

Seal

Filed Jan. 10-1936.

Answer of The Federal Farm Mortgage Corporation.

In the Probate Court.

State of Ohio, County of Union, ss.

O. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,

Plaintiff,

-vs-

O. M. Burson, et al.,

Defendants.

Answer of The Federal Farm Mortgage Corporation.

The defendant, The Federal Farm Mortgage Corporation, admits 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 under that Act of Congress known as the Federal Farm Mortgage Corporation Act of January 31, 1934, it became the owner of all the mortgage assets of the Land Bank Commissioner, (12 U.S.C. c. 1020.)

THE COL. B. B. MFG. CO. 75974

13065

That it has a claim against the estate of Preston V. Burson and an intrest in the premises described in the plaintiff's petition, as the first track, 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 June 14, 1934, Preston V. Burson executed and delivered to this answering defendant's assignor his second mortgage promisson note, dated June 14, 1934, in the original amount of $300.00 with intrest at the rate of 5% per annum. 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 intrest at the rate of 5% per annum until paid.

All amortization payments have been made in accordance with the terms of said note.

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 $306.29 with accrued intrest from December 2, 1935, until paid.

In order to secure the indebtedness evidenced by said note the said Preston V. Burson executed and delivered to this answering defendant's assignor his second mortgage deed dated June 14, 1934, conveying conditionally to this answering defendant's assignor the premises described in said mortgage and in the plaintiff's petition as the first tract. Said mortgage was duly filed for record with the Recorder of Deeds of Union County, Ohio, on June 21, 1934, at 11:00 A. M. and was by him recorded in Mortgage Volume 104, Page 539 of the records of said County, thereby becoming the second best lien on the premises described therein and in the plaintiff's petition, as track one.

Now, therefore, this answering defendant prays: That its mortgage may be found to be and so declared the second best lien on the premises described therein and in the plaintiff's petition; as track one.

That said premises may be sold subject to the lien of this answering defendant in the amount of $306.29 with intrest from December 2, 1935, at 5% per annum until paid.

That out of the proceeds of said sale there be paid to this answering defendant, first after court costs and taxes, 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 sale; and for such other and further relief

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Richard C. Theall.
E. H. Romer - Attorneys for the Defendant, The Federal Farm Mortgage Corporation.

State of Kentucky, County of Jefferson, ss.

L. L. Antle, 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.

E. H. R. L. L. Antle.

Sworn to before me, a Notary Public in and for said County and State, and subscribed in my presence this 16th. day of December, 1935.

My commission expires May 1st. 1939.

Seal W. P. Gibson - N. P. J. C. Ky.

Promissory Note.

Ohio 75189 - Marysville, Ohio.
Loan No. C 31265 June 14- 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 Three Hundred ($300.00) 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 January and July in each year; said principal sum being payable on an amortization plan, and in Twenty equal successive semi-annual installments of Fifteen and no/100 --($15.00) Dollars each, the first such installment being payable on the first day of January, 1938, and the remaining installments being payable on each succeeding interest payment date to and including the first day of July, 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

THE COL. B. B. MFG. CO. 75974

13065

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.

This note is secured by:

(1) A mortgage of even date herewith executed by Preston V. Burson, (widower and 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 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.

Preston V. Burson.

Address; 211 North Court St; Marysville, Ohio.
Name- Preston V. Burson - 75189 Loan No. C 31265.
Post Office - 211 North Court St., Marysville - Classification-Second C.
County, Union - State, Ohio - Other security - None.
Date of Note - June 14-1934.
Amortization installments due January 1st. and July 1st.
Principal, $300.00 - Rate, 5% - Term of Loan - 10 years.

Year Due	No.	Payments Interest.	Date Paid	Initial	Balance
1935		6.83	1-11-35	C	$300.00
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Balance
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Answer of The Federal Land Bank of Louisville.
In the Probate Court.

State of Ohio, County of Union, ss.

U. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,

Plaintiff,

-vs-

U. M. Burson, et al.

Defendants.

Case No. 13065.
Answer of The Federal Land Bank of Louisville, Defendant.

The defendant, The Federal Land Bank of Louisville admits that it is a Corporation organized under the Federal Farm Loan Act and amendments thereto; that its place of business is at Louisville, Kentucky;

That it has a claim against the estate of Preston V. Burson, deceased, and an interest in the premises described in the plaintiff's petition as the first track, 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 June 14, 1934, Preston V. Burson executed and delivered to this answering defendant their first mortgage promissory note, dated June 14, 1934, in the original amount of $2,700.00 with interest at the rate of 5 per cent per annum, both principal and interest being payable on an amortization plan in semi-annual installments in accordance with the provisions of the amortization table printed on the back thereof. 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 amortization payments draw interest at the rate of 5 per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note.

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 $2,698.54 with accrued interest from December 2, 1935, until paid, in accordance with the provisions of the Federal Farm Loan Act, as amended.

In order to secure the indebtedness evidenced by said note the said Preston V. Burson executed and delivered to this answering defendant their first mortgage deed, dated June 14, 1934, conveying conditionally to this answering defendant the premises described in said mortgage and in the plaintiff's petition, as the first tract.

THE COL. B. B. MFG. CO. 75974

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Said mortgage was duly filed for record with the Recorder of Deeds of Union County, Ohio, on June 21, 1934, at 10:55 o'clock A. M., and was by him recorded in Mortgage Volume 104 at page 537 of the records of said County, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition as the first track.

Now therefore, this answering defendant prays: That its mortgage may be found to be and so declared the first and best lien on the premises described therein and described in the plaintiff's petition; as the first track.

That said premises may be sold subject to the lien of this answering defendant's mortgage in the amount of $2,698.54, with interest from December 2, 1935; until paid, in accordance with the provisions of the Federal Farm Loan Act as amended.

That out of the proceeds of said sale they be paid to this answering defendant, first after court costs and taxes, 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.

Richard C. Thrall.
E. H. Roper Attorneys for the defendant, The Federal Land Bank of Louisville.

State of Kentucky, County of Jefferson, ss.

R. W. Mc LeMore, Jr. being duly sworn says that he is the Vice-President of the defendant, The Federal Land Bank of Louisville and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

(E. H. R.) R. W. Mc LeMore, Jr.

Sworn to before me a Notary Public in and for said County and State and subscribed in my presence this 16th. day of December, 1935.

M. P. Gibson - Notary Public.

My commission expires May 1st. 1939.

13065 Filed Jan. 10-1936.

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Motion.

In the Probate Court of Union County, Ohio.

O. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased, Plaintiff,

-vs-

O. M. Burson, et al., Defendants.

Case No. 13065.
Motion.

Now comes The Federal Farm Mortgage Corporation and says that it has a claim against the estate of Preston V. Burson, deceased, and an interest in the first tract of land as described in the petition of the plaintiff herein, by virtue of a certain promissory note and mortgage.

Wherefore it moves the Court that it may be made a party defendant to this action with leave to file its answer instanter.

Richard C. Thrall - Attorney for the Federal Farm Mortgage Corporation.

Filed
Jan. 10-1936.

Entry.

In the Probate Court of Union County, Ohio.

O. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased, Plaintiff,

-vs-

O. M. Burson, et al., Defendants.

Case No. 13065.
Entry.

On its application, The Federal Farm Mortgage Corporation is made a party defendant herein with leave to file an answer instanter.

L. W. Hazen - Probate Judge.

O. K. Porter & Porter.

Filed
Jan. 15-1936.

Finding Sale Necessary and Ordering Appraisement.

In the Probate Court of Union County, Ohio.

O. A. Wilgus, as Executor of the Estate of Preston V. Burson, Deceased, Plaintiff,

-vs-

O. M. Burson, et al., Defendants.

January 15-1936
Finding Sale Necessary and Ordering Appraisement.

This matter coming on to be heard upon the petition and the evidence, the Court finds all the defendants herein have been duly and legally served with process, or have voluntarily entered their appearance and consent to the sale prayed for, and are properly before the Court; that there is no surviving spouse of said Preston V. Burson, deceased; and that it is necessary

THE COL. B. B. MFG. CO. 75974

13065

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 Dewey Lee, Ralph Heller, and J. C. Price, 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 18 th. day of January, 1936.

L. W. Hazen - Probate Judge.

13065

Filed Jan. 20-1936.

Filed
Jan. 14-1936.

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

D. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,

Plaintiff,

-vs-

D. M. Burson, et al.,

Defendants.

No. 13065.
Petition to Sell Real Estate.
Waiver of Summons & Consent to Sale.

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

And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same. December 9th. 1935.

Edwin S. Burson - 806 McKinley Ave. Toledo, Ohio.

Filed
Jan. 14-1936.

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

D. A. Wilgus, Executor of the Estate of Preston V. Burson, Deceased,

Plaintiff,

-vs-

D. M. Burson, et al.,

Defendants.

No. 13065.
Petition 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. December 6th. 1935.

13065

Mrs. Wave Shearer - R. F. D. Peoria, Ohio,
O. M. Burson - Marysville, O. 340 So. Court St.
Mrs. Martha B. Lewis - Delaware, O. R. D. 3

Order of Appraisement.

Filed
Jan. 20-1936. The State of Ohio, Union County, ss. Probate Court.
To O. A. Wilgus, Executor of the Estate of Preston V. Burson, 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 Executor of the Estate of Preston V. Burson, deceased, are Plaintiff and O. M. Burson, et al., are Defendants, you are commanded that by the oaths of Newey Lee, Ralph Heller and L. C. Price, judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises to-wit:

Being part of V. M. Surveys Nos. 5778 - 5641 - 5806 and 6495, and located in Taylor Township, Union County, Ohio, the first tract consisting of forty (40) acres, more or less.

The Second tract containing fifty (50) acres, more or less, but subject to public easements for highways as now located.

Third tract being part of V. M. Surveys Nos. 5778 - 5641 - 5806 and 6495, in said Township, and containing 71.75 acres.

For a more particular description of said tracts reference is hereby made to the petition herein, filed in the probate court of said 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 15th. day of January, A.D. 1936.

Seal

L. W. Hazen - Probate Judge.

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 18th. day of January, 1936.

O. A. Wilgus - Executor of the Estate of Preston V. Burson, Deceased.

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

THE COL. B. B. MFG. CO. 75974

13065

of us in pursuance of the foregoing order.

D. M. Lee
Ralph Heller
J. Ed. Price } Appraisers.

Sworn to before me and signed in my presence, this 16th. day of January, 1936.

D. A. Wilgus
Executor as aforesaid.

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 consisting first of said 71.75 acre tract, at $4,000.00, and said two remaining tracts, aggregating 90 acres, at $2200.00.

Total for the three tracts $6200.00.

Given under our hands, this 18th. day of January, 1936.

D. M. Lee
Ralph Heller
J. Ed. Price. } Appraisers.

Appraisers' fees $2.00 each.

Filed Jan. 23- 1936.

Confirming Appraisement & Ordering Additional Bond.

Probate Court, Union County, Ohio.

D. A. Wilgus as Executor of the Estate of Royston V. Burson, Deceased, Plaintiff,

-vs-

D. M. Burson, et al., Defendants.

January 22nd. 1936.

Confirming Appraisement & 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 D. A. Wilgus, executor within three days to the State of Ohio, a bond with sufficient sureties to be approved by the Court in the sum of $3400.00, conditioned according to law.

R. W. Hazen - Probate Judge.

Filed Jan. 20-1936.

Bond of Executor.

Filed Jan. 23-1936.

Know all Men by these presents, that we, D. A. Wilgus, and The United States Fidelity & Guaranty Company, are held and firmly bound to the State of Ohio in the penal sum of Thirty-four Hundred Dollars, to the payment of which sum well and truly to be made we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

13065

Signed by us and dated at Marysville, Ohio, this 20th. day of January, 1936.

The condition of the above obligation is such, That if the above bound O. A. Wilgus, Executor of the Last Will of Creston V. Burson, deceased, late of Taylor Township, in the County of Union and State aforesaid:

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

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 Executor 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 to do so 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 enter upon its journal that such delay was necessary and reasonable;

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

O. A. Wilgus

United States Fidelity & Guaranty Co,
By: Russell S. Bunker Attorney in fact.

Seal

This Bond approved in Open Court, this 20th. day of January, 1936.

L. W. Hazen - Judge.

Seal

Filed Jan-20-1936.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

O. A. Wilgus, Executor of the Estate of Creston V. Burson, Deceased, Plaintiff,

-vs-

O. M. Burson, et al., Defendants.

No. 13065, Application.

THE COL. B. B. MFG. CO. 75974

13065

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

1. Because a purchaser has already been secured who will pay the appraised value of both farms, at once, and in cash.

2. Because the executor will receive in cash the equities from the sale of both farms, and that the purchaser will assume and agree to pay the balance of the mortgages.

3. Because it will save the expence of a public sale, and will conserve the estate, and thus insure an inheritance for the heirs at law.

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

O. A. Wilgus - Executor of
the Estate of Preston V. Burson.

The State of Ohio, Union County.

O. A. Wilgus, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

O. A. Wilgus.

Sworn to before me and signed in my presence this 15th. day of January, A. D. 1936.

William J. Porter-
Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. M. Foster, Harold J. Coleman, Robert M. Henderson, 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 intrest of the said estate to sell said real estate at private sale than at public sale as they verily believe.

J. M. Foster.
Harold J. Coleman.
Robert M. Henderson.

Sworn to before me and signed in my presence this 15th. day of January, 1936.

Seal

William J. Porter.
Notary Public.

13065
Filed
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Filed
Jan. 23-1936.

Approving Additional Bond & Ordering Private Sale.
Probate Court, Union County, Ohio.

O. A. Wilgus, as Executor
of the Estate of Preston
V. Burson, Deceased,
Plaintiff,

-vs-

O. M. Burson, et al.,
Defendants.

January 22 nd. 1936.
Approving Additional Bond &
Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional bond in the sum of $3400.00, 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 O. A. Wilgus as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in full, when the deed herein is approved by the Court.

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

L. W. Hazen - Probate Judge.

Filed
Jan. 25-1936.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To O. A. Wilgus, Executor of the estate of Preston V. Burson, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of Preston V. Burson, Deceased are Plaintiff and O. M. Burson, 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 equity in the following described real estate, to-wit:-

Being part of V. M. Survey Nos. 5778- 5641- 5806 and 6495, and located in Taylor Township, Union County, Ohio, the first tract consisting of Forty (40) acres, more or less.

The Second Tract containing Fifty (50) acres, more or less, but subject to public easements for highways as now located.

For a more particular description of said tracts reference is hereby made to the petition herein filed in the Probate Court of said Union County, Ohio.

Said sale to be upon the following terms:

Said purchaser to pay to said Executor the sum

THE COL. B. B. MFG. CO. 75974

13065

$700.00 being the equity in said property, and said purchaser to assume and agree to pay the balance due on said mortgage due the Northwestern Mutual Life Insurance Company.

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 January, 1936.

L. W. Hazelt - Probate Judge.

Seal

Return.

To the Probate Court of Union County, Ohio.

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

Dated the 25th. day of January, 1936.

W. A. Wilgus

Executor as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 25th. day of January, 1936, offer said property at private sale, to Wilbur C. Vernon having offered therefor the sum of Twenty Two Hundred and no/100 Dollars ($2200.00) and the same being not less than the appraised value of said property, I sold the same to said Wilbur C. Vernon for that sum, of which he paid $700.00 and agreed and assumed to pay the balance due on said mortgage of the N. Western Mutual Life Ins. Co.

W. A. Wilgus.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

W. A. Wilgus, 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. Wilgus.

Sworn to before me and subscribed in my presence, this 25th. day of January, 1936.

William J. Porter.

Notary Public.

Seal

13065
Filed
Jan. 25-1936.

13065
Filed
Jan. 25-1936.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To U. A. Wilcus, Executor of the estate of Preston V. Burson, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of Preston V. Burson, deceased, are Plaintiff and W. M. Burson, 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 equity in said estate in the sum of $—— in the following described real estate, to-wit:—

Third Track being part of V. M. Survey Nos. 5778- 5641- 5806 and 6495, in Taylor Township, Union County, Ohio, Containing 71.75 acres, more or less.

For a more particular description of said tract reference is hereby made to the petition herein filed in the Probate Court in this cause, in Union County, Ohio.

Said sale to be upon the following terms: Said purchaser to pay to said Executor the sum of $—— being the equity in said property, and said purchaser to assume and agree to pay the balance due on said mortgage due the Federal Land Bank and Federal Farm Mortgage Corporation.

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 January, 1936.

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 25th. day of January, 1936.

U. A. Wilcus
Executor, as aforesaid.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 25th. day of January, 1936, offer said property at private sale, and D. Pearl and June Haun his wife having offered therefor the sum of Four Thousand and No/100 Dollars ($4000.00) and the same being not less than the appraised value of said property, I sold the same

THE COL. B. B. MFG. CO. 75974

13065

to said D. Pearl and June Hawn, husband and wife for that sum.

O. A. Wilgus,

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

O. A. Wilgus 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.

O. A. Wilgus.

Subscribed in my presence and sworn to before me, this 25th. day of January, 1936.

Seal

William J. Porter-Notary Public

Filed Jan. 25-1936.

Entry Confirming Sale and Ordering Deed.

Probate Court, Union County, Ohio.

O. A. Wilgus, Executor of the Estate of Preston V. Burton, Deceased,

Plaintiff,

-vs-

O. M. Burton, et al.,

Defendants.

Case No. 13065.
Entry Confirming Sale and Ordering Deed.

This day this cause came on to be heard upon the report of O. A. Wilgus, as Executor of the estate of Preston V. Burton, deceased, of his proceedings under the former orders of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; and the Court being fully advised in the premises, and finding that the proceedings of said petitioner as to that tract of real estate which was described as the first tract in the petition filed herein and appraised as the third tract in such appraisement, and being 71.75 acres in Taylor Township, Union County, Ohio, are in all respects in conformity to the orders of this Court and to law, and being satisfied that the sale thereof was fairly and legally made, and for the best price that could be obtained for said tract of real estate, and not less than the appraised value thereof, it is ordered that the same be and it is hereby approved and confirmed.

It is further ordered that the said petitioner execute a deed for said real estate to the purchasers, D. Pearl Hawn and June Hawn upon the said purchasers assuming and agreeing to pay the balance now due upon the mortgage to The Federal Land Bank of Louisville, Ky. in the sum of $2619.00 and also assuming and agreeing to pay the

Filed Jan. 23-1936.

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balance now due upon the mortgage to the Land Bank Commissioner, now owned by The Federal Farm Mortgage Corporation in the sum of $300.00, conveying said real estate and all right, title and interest of the said Preston V. Burson in fee simple, subject only to the mortgages above mentioned.

And this cause coming on further to be heard upon the pleadings herein and upon a motion to distribute the proceeds of the sale, amounting to $4000.00, the Court finds that there is now due to the Federal Land Bank of Louisville, Ky. upon the note and mortgage set forth in its petition, the sum of $2724.16 at 5% interest from March 1, 1936 and that this sum shall be paid by the assumption of $2619.00 by said D. Pearl Hayn and June Hayn and the payment to said Federal Land Bank by petitioner of $105.16; the Court further finds that there is due to the Federal Farm Mortgage Corporation, upon the note and mortgage set forth in its answer and cross- petition the sum of $310.00 with interest at 5% from March 1, 1936, and that this sum should be paid by the assumption of $300.00 by said D. Pearl Hayn and June Hayn and the payment to said The Federal Farm Mortgage Corporation by the petitioner of $10.00, and that the balance of the purchase price or $965.84 shall be paid to said Executor, from which he shall pay the taxes, debts, costs of administration and expenses of the estate of Preston V. Burson, deceased, and any balance remaining in his hands after such payments shall be paid to the persons entitled to the same under the provisions of will of the said Preston V. Burson.

L. W. Hazen- Probate Judge.

Filed
Jan. 23-1936.

Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

O. A. Wilgus, as Executor of the Estate of Preston V. Burson, Deceased,
Plaintiff,

-vs-

O. M. Burson, et al.,
Defendants.

January 25th. 1936.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of O. A. Wilgus, Executor of the estate of Preston V. Burson, 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

THE COL. B. B. MFG. CO. 75974

13065

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 Preston V. Burson, deceased, in said real estate, to the purchaser, Wilbur C. Vernon of the 40 and 80 acre tracts. And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of Seven Hundred and no/100 Dollars, and there being no surviving spouse. The Court finds that there is due to the said Northwestern Mutual Life Ins. Co., upon the note set forth in its answer and cross-petition, from the estate of said Preston V. Burson the principal sum of Twenty five Hundred and no/100 Dollars, with interest thereon at 5¼ per centum from the 30th day of March, 1935; that the said Preston V. Burson, 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.

It is further ordered that said W. A. Wilgus, Executor as aforesaid out of the money in his hands, pay:

First, the costs and expenses of the sale, including an attorney fee of $100.00 to Porter & Porter for services performed for the fiduciary in connection with the sale and the sum of $ —— 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 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.

13065

13734
Filed
Dec. 3 - 1938.
Richard C. Thrall,
Attorney.

13065

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.

13734
Filed
Dec. 3 - 1928.
Richard C. Thrall, Attorney.

Petition to Sell Real Estate.

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

Richard C. Thrall, as Administrator of the Estate of Samuel L. Veill, Deceased, Plaintiff,

-vs-

Flora Lewis, Stella Bower, Samuel P. Veill, William J. Veill, Earl J. Veill, Cecil Veill, Lorna Parson, Hazel Hornsby, Susie Veill, Defendants.

No. 13734.
Civil Action.
Petition to Sell Real Estate.
Petition.

The Plaintiff is the duly appointed, qualified and acting Administrator of the Estate of Samuel L. Veill, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand ($1000.00) Dollars.

An allowance of Three Hundred ($300.00) 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 Three Hundred and fifty ($350.00) 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 Jerome Township, Union County, Ohio:

Part of Survey #2990 and Lot 2 of said sub-division of said Survey.

Beginning at three beeches, the S. W. corner thereof; thence with the line of said Survey N. 10° W. 82-3/10 poles to a sugar tree and beech, corner to Lot No. 3; thence with the line of Lot No. 3, S. 80° W. 175 poles to three beeches, corner to Lot No. 1; thence S. 10° E. 82-3/10 poles with the line of Lot No. 1 to a sugar, beech

THE COL. B. B. MFG. CO. 75974

13734

and Hickory in the south line of the original Survey; thence with said line N. 80° E. 175 poles to the beginning.

Containing ninety (90) acres, more or less, excepting 20 acres sold to Samuel Clark.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at $3150.00 Dollars.

Said real estate is encumbered as follows - None.

That the defendant James Bower is the husband of Estella Bower; That the defendant Ollie Neill is the wife of William J. Neill; that the defendant Nellie Neill is the wife of Earl Neill; that the defendant Cecil Neill is the wife of Cecil Neill; that the defendant John Hornsby is the husband of Hazel Hornsby, and the defendant William Parson is the husband of Lorna Parson.

That decedent left the defendant Susie Neill, his surviving spouse who is of the age of — years.

The defendants, Elora Lewis, Stella Bower, Samuel R. Neill, William J. Neill, Earl J. Neill, Cecil Neill, Lorna Parson, Hazel Hornsby, are all the heirs or persons entitled to the real estate of inheritance from the decedent in such real estate and having interest therein.

The defendant is believed to be dead and plaintiff therefore alleges his death leaving possible heirs, devisees, legatees, 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 the dower of Susie Neill; 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 2nd. day of December, 1938.

(Seal) John W. Dailey

13734
Filed
Dec. 15-1938.

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Dec. 15-1938.

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Filed
Dec. 15-1938.

Waiver of Summons and Consent to Sell.

In Probate Court, Union County, Ohio.

Richard C. Thrall, Administrator
of the Estate of Samuel L.
Neill,

Plaintiff,

-vs-

Flora Lewis, et al.,

Defendants.

No. 13734.
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.

December 15, A. D. 1938.

Susannah Neill
Wm. J. Neill
Mrs. Hazel Homely
John Homely
Ollie Neill
Mrs. Flora Lewis
Samuel P. Neill
Mrs. Stella Borrer.
James Borrer
Earl J. Neill
Nellie Neill
Cecil Neill
Ursula Neill

Filed
Dec. 15-1938.

Waiver of Summons and Consent to Sell.

In Probate Court, Union County, Ohio.

Richard C. Thrall, Administrator
of the Estate of Samuel L.
Neill,

Plaintiff,

-vs-

Flora Lewis, et al.,

Defendants.

No. 13734.
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.

December 15, A. D. 1938.

James W. Parson.
Lorena Parson.

THE COL. B. B. MFG. CO. 75974

13734
Filed
Dec. 15-1938.

Finding Sale Necessary and Ordering Appraisement.
Journal Entry.
Proceeding to Sell Real Estate.
Probate Court, Union County, Ohio.

Richard C. Prall, as Administrator
of the Estate of Samuel L.
Neill,
Plaintiff,

-vs-

Flora Lewis, et al.,
Defendants.

Dec. 15-1938.
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 Sucanyah Neill, the surviving spouse of the said Samuel L. Neill, deceased, is entitled to certain rights of dower, exemptions, years allowance, homestead, and right as heir at law in the real estate described in the petition; that said Sucanyah Neilly has filed her answer herein, showing that by virtue of a certain agreement made and entered into between her and the other heirs at law of the said Samuel L. Neill, deceased, she has relinquished and given over to said heirs at law, all of her above rights in the real estate in the petition described and by said answer, has consented and asked that said real estate be sold free from any of her said rights; 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 C. C. Jarvis, James Coe and A. M. Collier, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money free from the dower estate of said Sucanyah Neill 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 1st. day of January, 1939.

L. W. Hazen - Probate Judge.

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Answer of Susannah Neill, Widow.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate
of Samuel L. Neill.
Richard C. Thrall, Administrator
of the estate of Samuel L.
Neill, Deceased,
Plaintiff,
-vs-
Flora Lewis, et al.,
Defendants.

No. 13734.
Answer of Susannah Neill.

Now comes Susannah Neill, one the defendants herein, and says she has heretofore voluntarily entered her appearance herein and requested sale of the premises described in the petition in accordance with the prayer thereof.

Defendant says she is the widow of the decedent Samuel L. Neill and the decedent at time of his death was the owner in fee simple of the real estate described in said petition and the owner of a tract of land situated in the Township of Millcreek in the County of Union and in the State of Ohio consisting of 4.50 acres, more or less, which said 4.50 acres was the homestead of the decedent, and neither of said tracts was encumbered at time of death of the decedent by mortgages or liens.

Defendant further says the appraisers of said estate has heretofore set off to her the sum of Three Hundred Sixty ($360.00) for her years support and as such widow aforesaid she is lawfully entitled to twenty (20%) per cent of the inventory and appraisement of said estate and entitled to the one-third interest in the real estate owned by the decedent at time of his death, including the premises as described in the petition

Defendant says, on the 3rd. day of December, 1938, she made and entered into a written contract with all the heirs at law and next of kin of the decedent wherely the defendant waived all her right, title, interest and claim, including the years support and distributive share and all other rights or interest in and to the real estate described in the petition, in purpuance to a former agreement made and entered into prior to the marriage of the decedent and this defendant and upon a further consideration wherely all the heirs at law and next of kin of the decedent agreed to execute and deliver a deed to the 4.50 acres of land, more or less, situated in the Township of Millcreek to this defendant in accordance with the terms and conditions of said agreement aforesaid.

THE COL. B. B. MFG. CO. 75974

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Wherefore this defendant prays that said premises described in the petition be sold free from any right, title, interest and claim of this defendant in the way of homestead, dower, years support, any part of the inventory or appraisement, distributive share, inheritance or otherwise.

Susannah Neill.

State of Ohio, Union County, ss.

Susannah Neill being first duly sworn, deposes and says the facts stated and allegations made in the foregoing answer are true, as she verily believes.

Susannah Neill.

Sworn to before me and subscribed in my presence this the 15 day of December, 1938.

Seal

John W. Dailey- Notary Public.

Filed Dec. 19-1938.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Richard C. Small, Administrator of the Estate of Samuel L. Neill, deceased:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator of the Estate of Samuel L. Neill, deceased are Plaintiff and Flora Deine et al., are Defendants, you are commanded that by the oaths of C. C. Farris, James Coe and A. M. Collins, 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 Jerome Township, Union County, Ohio:

Part of Survey No. 2990 and Lot 2 of said subdivision of said Survey.

Beginning at three beeches, the S. W. corner thereof; thence with the line of said Survey N. 10° W. 82-3/10 poles to a sugar tree and beech, corner to Lot No. 3; thence with the line of Lot No. 3, S. 80° W. 175 poles to three beeches, corner to Lot No. 1; thence S. 10° E. 82-3/10 poles with the line of Lot No. 1 to a sugar, beech and hickory in the south line of the original Survey; thence with said line N. 80° E. 175 poles to the beginning.

Containing ninety (90) acres, more or less, excepting 20 acres sold to Samuel Clark.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 15th. day of December, A. D. 1938.

Seal

L. W. Hazen- Probate Judge.

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To

Filed Dec. 20-1938.

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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 16th. day of December, 1938.

Richard C. Thrall- Administrator.

Oath of Appraisers.

The State of Ohio, Union County.

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

James P. Coe
C. C. Jarvis } Appraisers.
A. M. Collier

Sworn to before me and signed in my presence, this 16th. day of December, 1938.

Richard C. Thrall- Notary Public.

Seal

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 Dollars.

Given under our hands, this 16 day of December, 1938.

James P. Coe
C. C. Jarvis } Appraisers.
A. M. Collier

Filed Dec. 20-1938.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Richard C. Thrall, Administrator of the Estate of Samuel L. Hill, Deceased, Plaintiff.

-vs-

Flora Leure, et al., Defendants.

No. 13734. 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 expenses and delay of public sale may thus be avoided.

2. Because a purchaser is at hand who will give the full appraised value while at public sale the property might sell for only two-thirds thereof.

THE COL. B. B. MFG. CO. 75974

13734

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

Richard C. Thrall
Administrator of Estate of
Samuel L. Neill, Deceased.

The State of Ohio, Union County.

Richard C. Thrall, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

Richard C. Thrall.

Sworn to before me and signed in my presence this 19th. day of December, A. D. 1938.

John W. Dailey.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Chas. D. Webb and Russell S. Banks, being duly sworn, say that they know the facts set forth in the Application to which this affidavit is attached; that they have no interest whatever in the matters therein referred to, and that it will be more for the interest of the said Estate to sell said real estate at private sale than at public sale, as they verily believe.

Chas. D. Webb.
Russell S. Banks.

Sworn to before me and signed in my presence this 19th. day of December, 1938.

John W. Dailey.

Seal

Filed Dec. 20-1938.

Confirming Appraisement, Dispensing with Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Richard C. Thrall as Administrator of the Estate of Samuel L. Neill, Deceased,

Plaintiff.

-vs-

Flora Lewis, et al,

Defendants.

Dec. 20- 1938.
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 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 C. Thrall as such Administrator is sufficient to cover double the total real and personal assets, it is hereby

18734

Filed Dec 20- 1938.

18734 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 C. Thrall 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 at time of sale.

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

L. W. Hazen- Probate Judge.

Filed Dec 20-1938.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Richard C. Thrall, Administrator of the Estate of Samuel L. Hill, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator are Plaintiff and Nora Lewis et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Twenty-Five Hundred ($2500.00) Dollars the appraised value thereof, the following described premises, to-wit:

Situated in Jerome Township, Union County, Ohio:

Part of Survey No. 2990 and Lot 2 of said subdivision of said Survey.

Beginning at three beeches, the S. W. corner thereof; thence with the line of said Survey N. 10° W. 82-3/10 poles to a sugar tree and beech, corner to Lot No. 3; thence with the line of Lot No. 3 S. 80° W. 175 poles to three beeches, corner to Lot No. 1; thence S. 10° E 82-3/10 poles with the line of Lot No. 1 to a sugar, beech and hickory in the south line of the original survey; thence with said line N. 80° E. 175 poles to the beginning.

Containing ninety (90) acres, more or less, excepting 20 acres sold to Samuel Clark.

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 19th. day of December, 1938.

Seal L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13734

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 20th day of December, 1938.

Richard C. Thall.

Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 20th. day of December, 1938, offer said property at private sale and Meyers C. Ackerman 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 Meyers C. Ackerman for that sum.

Richard C. Thall.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Richard C. Thall, 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. Thall.

Sworn to before me and subscribed in my presence, this 20th day of December, 1938.

L. W. Hazen-Probate Judge.

Seal

Filed Dec. 20-1938.

Confirming Sale, Ordering Deed and Distribution.

Probate Court, Union County, Ohio.

Richard C. Thall as Administrator of the Estate of Samuel L. Neill, Deceased,

Plaintiff,

vs.

Flora Lewis, et al.,

Defendants.

Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Richard C. Thall as Administrator of the Estate of Samuel L. Neill of the 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

13734

13734 ordered that said petitioner execute a deed of all the right, title and interest of the said Samuel L. Hill in said real estate, to the purchaser, Meyers C. Ackerman. And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of Twenty-five Hundred ($2500.00) Dollars.

It is further ordered that said Richard C. Small, Administrator, out of the money in his hands, pay: First, the costs and expenses of the sale, including an Attorney fee of $150.00 to John W. Bailey for services performed for the fiduciary in connection with the sale, and the sum of $150.00 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 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 $ ——, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13542
Filed
Feb. 9- 1938.
Milo L. Myers
Attorney.

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

Myrtle Morey, as Executrix of the Estate of Emma Phelps, Deceased,
Plaintiff,

-vs-

Earl Phelps, Maud Phelps, Lester Phelps, Bertha Phelps, Myrtle Morey, Co. D. Morey, Clarice Hisle, Marion Hisle, Alice Mc Entire, Leo Mc Entire, and The Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio,
Defendants.

Case No. 13542.
Petition.

Now comes Myrtle Morey and for a cause of action says that she is the duly appointed, qualified and acting Executrix of the Estate of Emma Phelps, deceased. That on the 1st. day of February, 1938, she was appointed as such Executrix by the Probate Court of Union County, Ohio, and on said day duly qualified therein.

That the said Emma Phelps died testate on the 28th. day of December, 1937, and her Last Will and Testament was duly admitted to probate in the Probate Court of Union County, Ohio, on the 1st. day of February, 1938, and she died leaving no surviving spouse.

That, the said Emma Phelps at the time of her death had no personal property of any nature whatsoever; and at this time, to the best of the knowledge of the plaintiff, will there be any personal property that belonged to the estate of the said decedent, that will come into her hands as such Executrix.

That, the debts and charges against the estate of the said decedent as near as can be ascertained, at this time, are $945.00. And the expense of administering her estate will amount to about $150.00.

That, there is no personal property belonging to the said estate with which to pay said debts, charges and expenses of administration.

That, the said Emma Phelps did seized in fee simple and the owner of the following described real estate, to-wit:-

Situated in the Township of York, County of Union, State of Ohio, and a part of Survey No. 3234.

Beginning at a stake in the centers of the Ueyton and York Center Gravel Road and South East corner to York Township Cemetery Grounds as surveyed and located by L. B. Harvey, Surveyor, December 4th and

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8th, 1891; thence with the consecutive lines of said cemetery Grounds S. 88 3/4° W. 13.80 poles to a stone and S. 34 3/4° W. 52.40 poles to a stone; thence S. 74½° E. 44.86 poles with the north line of premises conveyed by James S. and Bell Winter to Christopher Overholser by deed dated April 1, 1880, to a stone in the center of said Newton and York Center Gravel Road; thence N. 1½° E. about 52 poles to the beginning.

Also beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891, (Vol. 67 Deeds Page 413) which point in N. 1° E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1° W. to the place of beginning. Containing in all 8.81 acres, more or less.

Being the same premises conveyed by Nora E. Kerns and husband to Emma Phelps by deed dated February 28, 1920, and recorded in Union County Deed Record No. 120, Page 460.

Excepting therefrom the following premises beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres, conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891, (Vol. 67 Deeds No. 67, page 143) which point is N. 1° E. 16.20 poles from a stone at the north-west corner of the M. E. Parsonage lot in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1° W. to the place of beginning.

Containing 36/100 of an acre, more or less, and being the same premises conveyed by Emma Phelps, widow, to Lawrence B. Rockhold, by deed dated March 14, 1933, (Vol. 145, page 477). Leaving 8.45 acres, more or less.

Further, the said plaintiff represents that the said defendants, Earl Phelps, Lester Phelps, Myrtle Morey, Clarice Hisel and Alice McEntire, are the only children and heirs at law of the said Emma Phelps, deceased, and the only persons having the next estate of inheritance

THE COL. B. B. MFG. CO. 75974

13542

from the said deceased.

That, the said defendants, Maud Phelps is the wife of the said Earl Phelps; Bertha Phelps is the wife of the said Lester Phelps; Ca. D. Morey is the husband of the said Myrtle Morey; Marion Hipel is the husband of the said Clarice Hipel; Saud Leo McEntire is the husband of the said Alice McEntire.

That, the 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 claim on or interest in said real estate by reason of a Trust Agreement made and entred into by the Emma Phelps with the said Department, not of record, and the terms and conditions thereof are unknown to the plaintiff, and by a trustee dated the 26th. day of February, 1935, made in favor of the said Department by the said Emma Phelps and filed in the office of the County Recorder, of Union County, Ohio, on the 3rd. day of May, 1935, and therein recorded on the 4th. day of May, 1935, in Volume 106 on page 471 of the Record of Mortgages, which is an incumbrance on said real estate.

That, it is necessary to sell the said real estate to pay the debts and charges against said real estate and the expenses of administration.

Wherefore, the said Myrtle Morey, as Executrix of the Estate of Emma Phelps, deceased, prays that The Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio, be made a party defendant to this action and that it be required to set up its interest in or claim against said real estate or be forever barred from asserting the same; that its trustee be canceled of record as a lien on said premises.

That, she be ordered and directed to sell the said real estate free and clear of any liens or incumbrance thereon to pay the debts, charges against and expenses of administering said estate, and for such other and further orders and relief 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.

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

Myrtle Morey.

Sworn to before me and signed in my presence by the said Myrtle Morey this 10th. day of February, 1938.

Milo L. Myers.
Notary Public.

Seal

13542.

Filed
Feb. 9-1938.

Filed
Feb. 9-1938.

13542.

Precipe.

To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Logan County, Ohio, for the defendant, Leo Mc Entire, who resides at 308 Spring Street, Bellefontaine, Ohio, indorse, "Action for sale of real estate owned by Emma Phelps, deceased, by Executrix, to pay debts and costs of administration of deceased," and make returnable according to law.

Milo L. Myers.
Attorney for Plaintiff.

Filed Feb. 9-1938.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

Myrtle Morey, as Executrix of the Estate of Emma Phelps, Deceased, Plaintiff,
vs.
Earl Phelps, et al., Defendants.

Feb. 9th 1938.

Order Fixing Time for Hearing and for Notice.

This day Myrtle Morey, as Executrix of the Estate of Emma Phelps deceased, filed in this Court her petition praying for an order to sell the real estate therein described, belonging to the estate of said decedent, to pay debts and costs of administration;

It is ordered that said petition be heard on the 14th day of March, 1938, at one o'clock P. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen- Probate Judge.

Filed Feb. 9-1938.

Waiver.

In the Probate Court, Union County, Ohio.

Myrtle Morey, as Executrix of the Estate of Emma Phelps, Deceased, Plaintiff,
vs.
Earl Phelps, et al., Defendants.

Case No. 13542.

Waiver.

We, the undersigned, and defendants named in the above entitled cause, do hereby voluntarily waive the issuing and service of summons and process upon us; enter our appearance, waive time and consent to the prayer of the plaintiff's petition and the immediate sale of the said premises.

Myrtle Morey.
C. D. Morey.
Clarice Hisel.
Marion T. Hisel.
Alice Mc Entire
Lester Phelps.
Bertha Phelps.
C. Earl Phelps.
Maud Phelps.

THE COL. B. B. MFG. CO. 75974

13542
Filed
Feb. 17-1938.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. ss Marysville, Ohio. Probate Court.
To the Sheriff of said County: Logan County, Ohio.

You are commanded to notify Leo McEntire, residing at # 308 Spring Struk, Bellefontaine, Ohio. Probate Court, Case # 13542, Myrtle Money, as Executrix of the Estate of Emma Phelps, deceased, Plaintiff, -vs- Earl Phelps, et al.; that on the 9th. day of February, A.D. 1938, Myrtle Money as Executrix of the Estate of Emma Phelps, 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 the sale of Real Estate owned by Emma Phelps, deceased, by Executrix to pay debts and costs of administration of deceased", and make returnable according to law. Wilson Myers, Attorney for Plaintiff; and that unless they answer by the 12th. day of March, 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on or by the 21st. day of February, 1938.

Witness my hand and the seal of said Court, this 9th. day of February, 1938.

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

Seal

Sheriff's Return.

The State of Ohio, Logan County.

Sheriff Fees.	
Service & Return, first name.	.75
— miles traveled at 8¢	.16
Docket	.10
Postage	.03
Total	$ 1.04

Received this writ February 10th. 1938, at 9 o'clock A. M., and on the 14th. day of February 1938, I served the same by delivering a copy thereof personally to the within named Leo McEntire.

Charles C. Beesley - Sheriff.
By Paul Hammum - Deputy.

Filed
Feb. 11-1938.

Answer and Cross-Petition.

In the Probate Court for Union County.

State of Ohio.
Myrtle Money, as Executrix of the Estate of Emma Phelps, Deceased,
Plaintiff,
-vs-
Earl Phelps, et al,
Defendants.

No. 13542.
Answer and Cross Petition.

13542

13542

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 6, 1934 one Emma Phelps, 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 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 Emma Phelps, did on February 26, 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 Township of York and bounded and described as follows:

Being part of Survey No. 3234.

Beginning at a stake in the center of the Newton and York Center Gravel Road and southeast corner of York Township Cemetery Grounds as surveyed and located by L. B. Harvey, Surveyor, December 4th. and 8th, 1891; thence with the consecutive lines of said Cemetery Grounds S. 88-3/4° W. 13.80 poles to a stone and S. 34-3/4° W. 52.40 poles to a stone; thence S. 74-1/2° E. 44.86 poles with the north line of premises conveyed by James S. and Bell Winters to Christopher Overholser by deed dated April 1, 1880, to a stone in the center of said Newton and York Center Gravel Road; thence N. 1-1/2° E. about 52 poles to the beginning.

Also beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres conveyed by Christopher Overholser and wife to Ernest F. Overholser by deed dated September 2, 1891, (Vol. 2 Deeds No. 67, pp. 413) which point is N. 1° E. 16.20 poles from a

THE COL. B. B. MFG. CO. 75074

13542

stone at the northwest corner of the M. E. parsonage in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79-1/4° E. 9.40 poles and thence N. 11-1/2° E. 5.72 poles, and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said gravel road, S. 1° W. to the place of beginning. Containing in all 8.81 acres, more or less.

Being the same premises conveyed by Nora E. Kerns and husband to Emma Phelps by deed dated February 28, 1920, and recorded in Union County Deed Record Vol. 120, p. 460.

Excepting therefrom the following premises beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891 (Vol. of Deeds No. 67, p. 143) which point is N. 1° E. 16.20 poles from a stone at the northwest corner of the M. E. parsonage lot in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79-1/4° E. 9.40 poles and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said gravel road S. 1° W. to the place of beginning. Containing 36/100 of an acre, more or less, and being the same premises conveyed by Emma Phelps, widow, to Lawrence B. Rockhold by deed dated March 14, 1933, Vol. 145, p. 477. Leaving 8.45 acres, more or less.

which conveyance in trust was filed for record May 3, 1935 at 11.20 o'clock A. M. and was recorded in Vol. 106, p. 471-472 of the Records of Union County, Ohio. The Division of Aid for the Aged, aforesaid, approved the certificate and finding 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 Emma Phelps, was paid old age assistance as follows:

Apr. 1935	for aids paid	$16.00
May		16.00
June		16.00
July		16.00
Aug.		16.00
Sept.		16.00
Oct.		16.00
Nov.		16.00
Dec.		16.00

13542

Filed Mar. 15-1939,

13542	Jan. 1936	for aid paid	$16.00
	Feb.		16.00
	Mar.		16.00
	Apr.		16.00
	May		16.00
	June		16.00
	July		16.00
	Aug.		26.00
	Sept.		26.00
	Oct.		26.00
	Nov.		26.00
	Dec.		26.00
	Jan. 1937		26.00
	Feb.		26.00
	Mar.		26.00
	July		30.00
	Aug.		30.00
	Sept.		30.00
	Oct.		30.00
	Nov.		30.00
	Dec.		30.00

Total aid paid -- $644.00

and that the total amount of old age assistance paid to the said Emma Phelps, is in the sum of $644.00, 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 $644.00 and for such other and proper relief to which it may be entitled.

Herbert L. Duffy- Attorney General.
Frederic V. Griffy- Assistant Attorney General.

Verification not required § 348 G. C.

Filed Mar. 15-1939,

Entry Ordering Appraisement.

In the Probate Court, Union County, Ohio.

Myrtle Morey, as Executrix of the Estate of Emma Phelps, Deceased,
Plaintiff,
-vs-
Earl Phelps, et al.,
Defendants.

No. 13542.
Entry Ordering Appraisement.

This day this matter came on to be heard on the petition and evidence, and the court finds all the defendants named herein have been duly and legally served with process, or have voluntarily entered their appearance, and are properly before the court; and that

THE COL. B. B. MFG. CO. 75974

13542

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 an appraisement should be made of said real estate, it is ordered that Harry Hombeck, Overton Writers and Charles Smith, three judicious and disinterested persons of the vicinity, not nor of kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money.

Therefore, 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.

R. W. Hazen - Probate Judge.

Filed Mar. 24-1939.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To Myrtle Young, :

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 Emma Phelps, are Plaintiff and Earl Phelps, et al., are Defendants, you are commanded that by the oaths of Harry Hombeck, C. Overton Writers and Charles Smith 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 York, County of Union, State of Ohio, and a part of Survey No. 3234.

Beginning at a stake in the center of the Newton and York Center Gravel Road and South East corner to York Township Cemetery Grounds as Surveyed and located by L. B. Harvey, Surveyor, December 7th. and 8th. 1891; thence with the consecutive lines of said Cemetery Grounds S. 88-3/4° W. 13.80 poles to a stone and S. 34-3/4° W. 52.40 poles to a stone; thence S. 74-1/2° E. 44.86 poles with the north line of premises conveyed by James S. and Bill Writer to Christopher Overholser by deed dated April 4, 1880, to a stone in the center of said Newton and York Center Gravel Road; thence N. 1½° E. about 52 poles to the beginning.

Also beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.86 acres conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891, (Vol. of Deeds 67, page 413) which point in N. 1° E. 16.20 poles from a stone

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at the northwest corner of the M. E. Parsonage in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of Said Gravel Road S. 1° W. to the place of beginning. Containing in all 8.81 Acres, more or less.

Being the same premises conveyed by Nora E. Kerns and husband to Emma Phelps by deed dated February 28, 1920, and recorded in Union County Deed Record No. 120, Page 460.

Excepting therefrom the following premises beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres, conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891; (Vol. 9 Deeds No. 67, page 143) which point is N. 1° E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage lot in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the north-west corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1° W. to the place of beginning.

Containing 36/100 of an acre, more or less, and being the same premises conveyed by Emma Phelps, widow, to Lawrence B. Rockhold, by deed dated March 14, 1938, (Vol. 145, page 477). Leaving 8.45 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 15th. day of March, A. D. 1939.

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 this 21st. day of March, 1939.

Myrtle Money.

Oath of appraisers.

The State of Ohio, Union County.

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

THE COL. B. B. MFG. CO. 75974

13542

C. H. Smith
Harry Houbeck } appraisers.
C. W. Writers

Sworn to before me and signed in my presence, this 21st. Day of March, 1939.

Wils L. Myers - Notary Public.

Appraisers Return.

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

Given under our hands, this 21st. day of March, 1939.

C. H. Smith
Harry Houbeck } appraisers.
C. W. Writers

Filed
Apr. 17-1939.

Answer and application.

In the Probate Court of Union County, Ohio.

Myrtle Morey, Executrix of the Estate of Emma Phelps, Deceased, Plaintiff,

vs.

Earl Phelps, et al., Defendants.

No. 13542.
Answer and application.

Now comes Sparks Funeral Home, a partnership, Raymond E. Sparks, and alleges that he furnished casket and steel vault for the burial of Emma Phelps, deceased, which amounts to $252.25, together with interest from December 28, 1937 at the rate of 6% per annum, a copy of which account is hereto attached marked "Exhibit A", and made a part of this answer; that no part of said account has been paid; that the same is just and unpaid, and that he ought to recover said amount; that the said account has been presented to and allowed by the Executrix of said estate;

That said claim and account is a preferred one, and that the same is preferred to the claim filed by the Division of Aid for the Aged and should be paid prior thereto.

Wherefore, Sparks Funeral Home, a partnership, Raymond E. Sparks, prays that his priority of lien be protected and that his said claim be paid first and prior to the claim of said Division of Aid for the Aged in manner and form prescribed by law.

Ernest Thompson.
Attorney for Raymond E. Sparks.

13542

Filed
Mar. 24-1939.

13542 State of Ohio, Logan County, ss.
Sparkes Funeral Home, a partnership, Raymond E. Sparkes, being duly sworn, says that he is one of the applicants in the foregoing answer and application, and that the facts stated and allegations made therein are true as he verily believes.

Raymond E. Sparkes.

Sworn to before me and subscribed in my presence this 11th. day of April, 1939.

Seal

Ernest Thompson - Notary Public in and for Logan County, Ohio.
My commission expires - 1-4-1942.

Statement.

Bellefontaine, Ohio - March 28-1939.

Emma Phelps, Dec'd. Myrtle Morey - Exec.

"Exhibit A."

Sparkes Funeral Home,

Phone Canal 1288 - R. E. Sparkes - 400 N. Main Street.

Burial of Emma Lentricca Phelps (Dec. 28-1937.)

Casket and Services	$175.00
Steel Vault	75.00
	$250.00
State Tax	2.25
	$252.25

6% Int. from Dec. 28-1937.

Exhibit "A".

Filed Mar. 24-1939.

Entry Confirming Appraisement.

In the Probate Court, Union County, Ohio.

Myrtle Morey, as Executrix of the Estate of Emma Phelps, Deceased, Plaintiff,

-vs-

Earl Phelps, et al., Defendants.

No. 13542.

Entry Confirming Appraisement.

On this 24th. day of March, 1939, this cause came on to be heard, on the report of the appraisers heretofore herein appointed, and it appearing upon examination that they have appraised said real estate at $900.00, and that their report is in all respects regular and correct. Therefore, it is ordered that the same be and hereby is approved and confirmed.

It further appearing that the said testatrix by the provisions of Item Five of her last will and testament, she directed that the said Myrtle Morey as executrix be permitted to serve without bond. Therefore, it ordered that the requirement of bond in this proceeding be and the same is hereby dispensed with and a bond be not required.

THE COL. B. B. MFG. CO. 75974

13542

Therfore, it is ordered that the said Myrtle Mowy as such executrix proceed to advertise for sale, at the Court House on the 22 nd. day of April, 1939, at 1:00 o'clock, P.M., the real estate in the petition described as provided by law; and that she sell the same at not less than 2/3 of the appraised value thereof, and for cash, and that she make due return of her proceeding forthwith upon such sale.

L. W. Hazen- Judge.

Filed
apr. 17- 1939.

Journal Entry.

In the Probate Court of Union County, Ohio.

Myrtle Mowy, Executrix of the Estate of Emma Phelps, Deceased, Plaintiff.

vs.

Earl Phelps, et al., Defendants.

No. 13542.
Journal Entry.

It appearing that Sparks Funeral Home, a partnership Raymond E. Sparks, is a necessary and proper party for the final adjustment of this cause, leave is hereby given to file answer and application to determine priorities of liens on proceeds arising from sale of the real estate.

L. W. Hazen- Judge.

O.K.
Ernest Thompson, Atty.
for Raymond E. Sparks.

Filed
apr. 25-1939.

Notice of Public Sale.

In pursuance of an order of the Probate Court of Union County, Ohio, in Case No. 13542, I will offer for sale at public auction on the 22 nd. day of April, 1939, at 1:00 o'clock, at the north door of the Court House, in Marysville, Ohio, the following described real estate:

Situated in the Township of York, County of Union, State of Ohio, and a part of Survey No. 3234.

Beginning at a stake in the center of the Newton and York Center Gravel Road and southeast corner to York Township Cemetery Grounds as surveyed and located by L. B. Harvey, Surveyor, December 4 th and 8 th, 1891; thence with the consecutive lines of said cemetery grounds S. 88 3/4 degrees W. 13.80 poles to a stone and S. 34 3/4 degrees W. 52.40 poles to a stone; thence S. 74 1/2 degrees E. 44.86 poles with the north line of premises conveyed by Jamds S. and Bill Writer to Christopher Overholser by deed dated April 1, 1880, to a stone in the center of said Newton and York Center Gravel Road; thence N. 1 1/2 degrees E. about 52 poles to the beginning.

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Also Beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891 (Vol. 9 Deeds 67, page 143), which point is N. 1 degree E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼ degrees E. 9.40 poles and thence N. 11½ degrees E. 5.72 poles and thence N. 85 degrees W. 10.36 poles to the center of said Byhalia and York Center Gravel Road, which point is S. 1 degree W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1 degree W. to the place of Beginning. Containing in all 8.81 acres, more or less.

Being the same premises conveyed by Nora E. Kerns and husband to Emma Phelps by deed dated February 28, 1920, and recorded in Union County Deed Record No. 120, page 460.

Excepting therefrom the following premises beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres, conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891 (Vol. 9 Deeds No. 67, page 143), which point is N. 1 degree E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage lot in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼ degrees E. 9.40 poles and thence N. 11½ degrees E. 5.72 poles and thence N. 85 degrees W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1 degree W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1 degree W. to the place of Beginning.

Containing 36/100 of an acre, more or less, and being the same premises conveyed by Emma Phelps, widow, to Lawrence B. Rockhold, by deed dated March 14, 1933 (Vol. 145, page 477). Leaving 8.45 acres, more or less.

Said premises are appraised at $900.00 and must be sold for not less than two-thirds of said appraised value, and for cash.

Myrtle Mong, Executrix of the Estate of Emma Phelps, Deceased

Milo L. Myers, Attorney.

THE COL. B. B. MFG. CO. 75974

13542

The State of Ohio, Union County, ss.

Personally appeared before me J. M. Huber and made oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and not after March 24, 1939 in the Daily Marysville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 24th. day of April, A. D. 1939.

D. R. Huber - Notary Public.

Printer's Fees, $27.00.

Filed
Apr. 27 - 1939.

Department of Public Welfare,
Division of Aid for the Aged,
April 5 - 1939. — 12th. Floor State Office Bldg. Columbus.

Mr. Ernest Thompson
Attorney-at-Law,
Bellefontaine, Ohio:
Dear Sir:

Re: Emma Phelps, Deceased - Cert. 30-24.

In reply to your letter of March 30th, wish to advise that the Court of Appeals has ruled that the funeral director's claim is prior to ours. Therefor, I suggest that you present your claim to the administrator of the estate and to the Court as I feel sure that the funeral bill will be paid prior to our claim. Of course, any remaining balance should come to the Division as reimbursement.

Trusting this answers your inquiry, we remain,

Yours very truly,
H. W. McRae, Chief.
Division of Aid for the Aged.
By - H. Stump.

H. S: D.

Filed
Apr. 27 - 1939.

Order of Public Sale.

The State of Ohio, Union County. Probate Court.

To Myrtle Morey, Greeting:

By 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 Emma Phelps are Plaintiff and Earl Phelps et al. are Defendants, you are commanded to proceed according to law, to advertise and sell at Public Auction, at the North Door of the Court House on the 22 nd. day of April 1939, at 1:00 o'clock, P. M., for not less than two-thirds the appraised value thereof, the following described premises, to-wit:

Situated in the Township of York, County of Union, State of Ohio, and a part of Survey No. 3234,

Beginning at a stake in the center of the Mayton and York Center Gravel Road and South East

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13542 Corner to York Township Cemetery Grounds as Surveyed and located by L. B. Harvey, Surveyor, December 4th. and 8th., 1891; thence with the consecutive lines of said cemetery grounds S. 88 3/4° W. 13.80 poles to a stone and S. 34 3/4° W. 52.40 poles to a stone; thence S. 74½° E. 44.86 poles with the north line of premises conveyed by Jappie S. and Bill Winters to Christopher Overholser by deed dated April 1, 1880, to a stone in the center of said Unionton and York Center Gravel Road; thence N. 1½° E. about 52 poles to the beginning.

Also Beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891, (Vol. of Deeds 67, page 413) which point in N. 1° E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 to the center of said Byhalia and York Center Gravel Road, which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1° W. to the place of beginning. Containing in all 8.81 acres, more or less.

Being the same premises conveyed by Nora E. Kerns and husband to Emma Phelps by deed dated February 28, 1920, and recorded in Union County Deed Record No. 120, page 460.

Excepting therefrom the following premises beginning at a point in the Byhalia and York Center Gravel Road at one of the corners of a tract of land containing 7.85 acres, conveyed by Christopher Overholser and wife to Ernest T. Overholser by deed dated September 2, 1891; (Vol. of Deeds No. 67, page 143) which point is N. 1° E. 16.20 poles from a stone at the northwest corner of the M. E. Parsonage lot in York Center; thence with three consecutive lines of Ernest T. Overholser's land S. 79¼° E. 9.40 poles and thence N. 11½° E. 5.72 poles and thence N. 85° W. 10.36 poles to the center of said Byhalia and York Center Gravel Road which point is S. 1° W. 11.28 poles from the northwest corner of said Ernest T. Overholser's land; thence with the center of said Gravel Road S. 1° W. to the place of beginning. Containing 36/100 of an acre, more or less, and being the same premises conveyed by Emma Phelps, widow, to Lawrence B. Rockhold, by deed dated March 14, 1933, (Vol. 145, page 477). Leaving 8.45 acres, more or less.

Said sale to be upon the following terms: Cash.

THE COL. B. B. MFG. CO. 75974

13542

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, 1939.

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 22nd. day of April, 1939.

Myrtle Morey.

Report of Sale.

In obedience to the within order, I duly advertised the real estate therein described for sale, in the Marysville Tribune a newspaper printed and of general circulation in Union County, Ohio, where said real estate is situate, for at least four consecutive weeks prior to the 22nd. day of April, 1939, the day of sale therein mentioned, stating in the notice the time, place and terms of sale; and on said day, at the hour of 1 o'clock P.M., I proceeded to offer said real estate for sale at the North Door of the Court House in Union County, when then and there came L. G. Rockhold who bid to pay for the same the sum of Nine Hundred and Five and no/100 Dollars, which being the highest and best bid that was offered, and being more than two-thirds of the appraised value of said premises, I then and there sold the same to L. G. Rockhold for that sum.

Dated the 22nd. day of April, 1939.

Myrtle Morey.

Filed Apr. 27-1939.

Entry Confirming Sale - Ordering Deed and Distribution.

In the Probate Court, Union County, Ohio.

Myrtle Morey as Executrix of the Estate of Emma Phelps, Deceased, Plaintiff,

-vs-

Earl Phelps, et. al., Defendants.

No. 13542.
Entry Confirming Sale, Ordering Deed and Distribution.

This day the cause came on to be heard on the report of Myrtle Morey, Executrix of the Estate of Emma Phelps, 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;

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13042 the court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made; it is ordered that the same be and hereby is approved and confirmed. It is further ordered that said petitioner execute a deed of all the right, title and interest of the said Emma Phelps in said real estate, to the purchaser, L. S. Rockhold.

Now this cause coming on further to be heard upon the motion to distribute the proceeds of the sale, amounting to the sum of $905.00. Therefore, it is ordered that the said plaintiff, out of the money in her hands, pay,

1. The costs of this action including $1.00 for revenue stamps the sum of - $64.04

2. To the Treasurer of Union County, Ohio, the taxes, interest and penalties, the sum of - 13.91

3. To Milo L. Myers, attorney fee which the Court finds and allows to him for services rendered herein the sum of- 75.00

4. To Myrtle Mowry, as executrix of the estate of the said Emma Phelps for her services and expenses as such, which the Court finds and allows in the sum of - 75.00

5. To the Sparks Funeral Home, the funeral and burial expenses and which the Court finds due it and allows the same by permission of the Division of Aid for the Aged prior to its claim in the sum of- 253.75

6. To Dr. C. L. Thompson, for medical services- 105.80

7. To the Division of Aid for the Aged of the State of Ohio, as per its answer filed herein the balance remaining in her hands in the sum of- 317.50

It further appearing to the Court that there will be no balance remaining in the hands of the said executrix, from the sale of the said real estate for distribution or is there any other assets in her hands belonging to said estate, and by reason thereof, and the distribution herein ordered it is unnecessary to file an account of her proceedings, therefore, it is ordered that the same be and is hereby dispensed with.

L. W. Hazen - Judge.

THE COL. B. B. MFG. CO. 75974

13835
Filed
Apr. 7- 1939.
Hoopes, Sanders & Hoopes, Attorneys.

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

William S. Hoopes, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased,

Plaintiff.

-vs-

Mae Spires, The Home Owner's Loan Corporation

Defendants.

No. 13835.
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 Nettie Thomas, deceased, late of this County, as may and can be ascertained the amount of the valid debts against said deceased is Six Hundred Dollars.

And the costs of administering the estate will be about Twenty-five 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 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 in the Village of Plain City, and bounded and described as follows:

Being Lot #10 in Howard C. Black's Columbian Addition to the said Village, County and State as the same is known, numbered and designated on the Recorded Plat 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 Four Hundred Dollars.

Said real estate is encumbered as follows: Mortgage to the Home Owner's Loan Corporation.

The defendant, Mae Spires 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 dower; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as he may be entitled to.

Hoopes, Sanders & Hoopes, Attorney for the Plaintiff.

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Apr. 7- 1939.

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The State of Ohio, Union County.

William S. 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.

William S. Hoopes.

Sworn to before me and signed in my presence by the said William S. Hoopes, at Marysville, Ohio, this 31st. day of March, 1939.

Seal

Ruth Hess- Notary Public.

Filed Apr. 7- 1939.

Wavier of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

William S. Hoopes, Administrator with the Will Annexed of Nettie Thomas, Deceased,

Plaintiff,

-vs-

Mae Spires and The Home Owner's Loan Corporation

Defendants.

No. 13835.

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 & we hereby waive the issuing and service of Summons, and voluntarily enter our appearance as such Defendants.

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

Mrs. Mae Spires.

Home Owners' Loan Corporation, Mortgagee.

Filed Apr. 26-1939,

Answer and Cross-Petition of

In the Probate Court of Union County, Ohio.

William S. Hoopes, Administrator with the Will Annexed, of the Estate of Nettie Thomas, Deceased,

Plaintiff,

-vs-

Mae Spires, et al.,

Defendants.

No. 13835.

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 real estate 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.

THE COL. B. B. MFG. CO. 75974

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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 16th. day of January, 1934, the said Nettie Thomas, unmarried, 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 defendant the sum of ($283.19) 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 except 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 Three Hundred Twenty-one and 67/100($321.67) Dollars together with interest at ($.0442) per day from the 25th. day of April, 1939.

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 Nettie Thomas, unmarried, 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, did convey to this defendant, the Home Owner's Loan Corporation, its successors and assigns forever all of said real estate described in said 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 18th. day of January, 1934, at 10:10 O'clock A. M. and that the same was thereupon duly recorded in

Filed
Apr. 26-1939.

13835

13835 Volume 103, Page 447-8, of the mortgage recods said County.

This defendant further says that said mortgage provides that if the grantors therein should pay all 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, whereby said mortgage has become absolute.

Wherefore, this defendant asks that the Court find that this defendant has a valid and subsisting first lien upon said premises by reason of said mortgage; that the Court find the amount due this defendant; that in the event of a sale of said premises there be paid to this defendant, out of the proceeds of the sale of said real estate, the sum found due this defendant with interest, and that this defendant be allowed its costs and all proper relief.

Guynn Saunders - Attorney for Defendant Home Owners' Loan Corporation.

State of Ohio, County of Union, ss.

Guynn Saunders, 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.

Guynn Saunders.

Sworn to before me and subscribed in my presence this 25th. day of April, 1939.

Seal

Ruth Hess - Notary Public, Union County, Ohio.
My Commission Expires May 26-1941.

Filed apr. 26-1939.

Waiver.

In the Probate Court, Union County, Ohio.

William S. Hooper, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased, Plaintiff,

-vs-

Mae Spires, et al., Defendants.

No. 13835.
Waiver.

Now comes the defendant, Home Owners' Loan Corporation, and waives the issuing and service of summons and process, and voluntarily enters its appearance herein, and consents to the immediate

THE COL. B. B. MFG. CO. 75974

13835 sale of the real estate described in the petition.
Home Owners' Loan Corporation
Per- Kenyon Sanders + Attorney.

Filed
Apr. 26- 1939.

Waiver.

In the Probate Court, Union County, Ohio.

William S. Hooper, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased,

Plaintiff,

-vs-

Mae Spires, et al,

Defendants.

No. 13835.
Waiver.

Now comes the defendant, Howard Spires, and waives the issuing and service of summons and process and voluntarily enters his appearance herein, and consents to the immediate sale of the real estate described in the petition.

Howard Spires
Per- Hooper, Sanders & Hooper-
Attorneys.

Filed
Apr. 26- 1939.

Entry.

In the Probate Court, Union County, Ohio.

William S. Hooper, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased,

Plaintiff,

-vs-

Mae Spires, et al.,

Defendants.

No. 13835.
Entry.

Upon motion of the plaintiff, Howard Spires, spouse of the defendant, Mae Spires, is made a party defendant in this action.

L. W. Hazen - Probate Judge.

Filed
Apr. 28- 1939.

Bond of Administrator.

Know All Men by these Presents: That we William S. Hooper, Ruth Hess and R. B. Hess, 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 27th day of April, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound William S. Hooper was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator with the Will Annexed of the estate of Nettie

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Thomas, Deceased.

And whereas, the said William S. Hoopes as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Nettie Thomas described in said petition;

And whereas said Court, on the 27th day of April, 1939, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said William S. Hoopes 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
Robert Mac Dow.
Eugene Rausch.

William S. Hoopes.
Ruth Hess.
R. B. Dye.

This Bond approved in open Court this 27th. day of April, 1939.

Seal

L. W. Hazen - Probate Judge.

Filed Apr. 28-1939.

Dispensing with a New Appraisement & Ordering Bond.

Probate Court, Union County, Ohio.

William S. Hoopes, as Adm. with the Will Annexed of the Estate of Nettie Thomas,

Plaintiff,

-vs-

Mae Spires, et al.,

Defendants.

April 27-1939.
Dispensing with a New Appraisement & Ordering Bond.

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 said estate; the answer and cross-petition of the defendant, Home Owners' Loan Corporation, mortgagee, all the other defendants having waived service of summons and consented to the immediate sale of said real estate. 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 Five 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 Nettie Thomas, in the amount of One 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 One Thousand Dollars, and

THE COL. B. B. MFG. CO. 75974

13835

Filed
Apr. 28- 1939.

this cause is continued.

L. W. Hazen- Probate Judge.

approving Additional Bond and Ordering Public Sale.
Probate Court, Union County, Ohio.

William S. Hoopes, as Administrator with Will Annexed of the Estate of Nettie Thomas, Deceased, Plaintiff,

-vs-

Mae Spires, et al., Defendants.

April 27- 1939.
Approving Additional Bond & Ordering Public Sale.

It further appearing to the Court that the plaintiff has given additional bond in the sum of One Thousand Dollars, with approved sureties conditioned according to law, the said bond is hereby approved.

It is now ordered that William S. Hoopes, as such Administrator, proceed to advertise for sale on the 17th. day of June, 1939, at 1:00 o' clock P. M. the real estate in the petition described as provided by law, and that he sell the same at not less than two-thirds of the appraised value thereof, on the following terms, to-wit: Cash in hand on day of sale.

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

Filed
June 7- 1939.

L. W. Hazen- Probate Judge.

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

William S. Hoopes, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased, Plaintiff,

-vs-

Mae Spires, et al., Defendants.

No. 13835, Application.

The said Plaintiff represents that he now has a chance to sell said real estate at private sale, for the sum of $500.00, cash in hand, which is the appraised value of said real estate; that it would be to the best interests of all parties concerned to sell said real estate at private sale as aforesaid, and therefore plaintiff asks for an order setting aside the former order of this court ordering public sale, and asks for an order authorizing him to sell said real estate at private sale.

William S. Hoopes- Administrator with Will Annexed of the Estate of Nettie Thomas, Deceased.

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June 7- 1939.

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13835. The State of Ohio, Union County.

William S. Hoopes, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

William S. Hoopes.

Sworn to before me and signed in my presence this 7th. day of June, A. D. 1939.

Seal Carrie W. Houbeck - Deputy.

Filed June 7-1939.

Entry.

In the Probate Court, Union County, Ohio.

William S. Hoopes, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased, Plaintiff,

vs.

Mae Spires, et al., Defendants.

No. 13835. Entry.

This day this cause came on to be heard upon the application of the plaintiff for an order of the Court authorizing him to sell said real estate, at private sale, for not less than $590.00, that being the appraised value of said property.

And the Court, being fully advised in the premises, finds that it would be to the best interest of all parties concerned to sell said real estate at private sale, and it is therefore ordered by the Court that the former order of the Court for public sale be, and the same hereby is, set aside, and said Administrator is hereby authorized and directed to proceed to sell said real estate, at private sale, for not less than $500.00, cash in hand, that being the appraised value of said premises.

T. W. Hagen - Probate judge.

Filed June 8-1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To William S. Hoopes, Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator with the Will Annexed of the Estate of Nettie Thomas, deceased, are Plaintiff and Mae Spires, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Five Hundred ($500.00) Dollars the appraised value thereof, the following described premises, to-wit:

THE COL. B. B. MFG. CO. 75974

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

Being Lot #10 in Howard Le. Black's Columbian Addition to the said Village, County and State, as the same is known, numbered and designated on the Recorded Plat in the Recorder's Office at Marysville, 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 8th. day of June, 1939.

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 8th. day of June, 1939.

William S. Hoopes-Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 8th. day of June, 1939, offer said property, at private sale, and Mae Spires having offered therefor the sum of Five Hundred Dollars ($500.00) and the same being not less than the appraised value of said property, I sold the same to said Mae Spires for that sum.

William S. Hoopes-Administrator with the Will Annexed of the Estate of Nettie Thomas, Deceased.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

William S. 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.

William S. Hoopes.

Sworn to before me and subscribed in my presence, this 8th. day of June, 1939.

Ruth Hess-Notary Public.

(Seal)

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Filed
June 8- 1939.

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Filed
June 8- 1939.

Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

William S. Hooper, as Admr. with the Will Annexed of the Estate of Nettie Thomas,
Plaintiff,
-vs-
Mae Spires, et al.,
Defendants.

June 8- 1939.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of William S. Hoopes, Administrator with the Will Annexed of Nettie Thomas & 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 Nettie Thomas in said real estate, to the purchaser, Mae Spires, upon the said purchaser paying to said Administrator, 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 Five Hundred Dollars, and the Court finds that there is due to the said Home Owners' Loan Corporation upon the note set forth in its answer and cross-petition, from the estate of said Nettie Thomas the sum of Three Hundred Twenty-three and 62/100 Dollars; that the said Nettie Thomas, to secure the payment of said promissory note, gave a mortgage upon the premises in the cross petition described, which was a valid and subsisting lien upon said premises, and now upon the funds in the hands of said William S. Hoopes, Admr. 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 William S. Hoopes out of the money in his hands, pay:
First, the costs and expenses of the sale, including an Attorney fee of $30.00 to Hoopes, Sandus & Hoopes 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, expenses, fees and compensation shall be paid prior to any liens upon the real estate sold and not

THE COL. B. B. MFG. CO. 75974

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withstanding the purchase of such real estate by a lien holder - $108.10.

Second, to the payment of taxes, penalties, and assessments thus 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. Taxes - $12.96 - Mortgage - $323.62.

Third, the balance of the proceeds to be applied as follows:

To discharge the claims and debts of the estate, in the order provided by law; Balance is $45.32.

And it is further ordered that this proceeding be recorded, and that said petitioner pay the costs herein, taxed at $ ——, out of the proceeds of said sale, within ten days.

L. W. Hagen - Probate Judge.

13800
Filed
Mar. 2- 1939.
Hooper, Sauder & Hooper, Attorneys

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

John A. Rausch, Administrator of the Estate of George H. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, Eva Rausch, Alma Myers, Chas. Myers, Delbert Rausch, Edna Rausch, Harold Rausch, Elizabeth Rausch, Eva Rausch, Hardy Rausch, Alice Stabe, William Stabe, Hilda Judy, Harry Judy, Frank Howard, Ruth Howard, Elizabeth Klotz, Robert Klotz, Elizabeth Becker, William Becker, Charles Linzimmer, Louis Linzimmer, Lucille Linzimmer, Frank Linzimmer, Jr., W. S. Berger, Margaret Berger, Annette Reiel, G. W. Reiel, Elizabeth Bedford, J. H. Berger, Betty Berger, Robert Berger, Ruth Dirkbis, Geo. Dirkbis, Virginia Berger, Mary B. Merrell, and The Prudential Insurance Company of America, Defendants.

No. 13800.
Civil Action.
Petition to Sell Real Estate.
Petition.

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The plaintiff is the duly appointed, qualified and acting Administrator of the estate of George R. Raulsch deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Forty-five Hundred Dollars.

And the costs of administering the estate will be about Three 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 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 Millcreek and bounded and described as follows:

Being part of Survey No. 5477.

Beginning at a stone northeast corner to William J. Conklin's land and southeast corner to a 10 acre lot conveyed to William Tossey by William Bailey, March 1, 1856; thence with the South line of said Lot S. 80° W. 50 poles to a stone, southwest corner to said 10 acre lot in the east line of a 25 acre Lot conveyed to William Tossey by William Burrows March 5, 1849; thence with said line South 10° E. 40 poles to a stone, southeast corner to said lot; thence with the South 25 acre lot, S. 80° W. 54½ poles to a stone in the east line of a 12 acre lot conveyed to William Tossey by Edward Weller, September 8th., 1851; thence with said line S. 10° E. 6-57/99 poles to a stake, Southeast corner to said 12 acre lot; thence with the South line of said lot S. 80° W. 51.32 poles to a stone corner to William C. Henderson's land; thence with the east line of said land N. 10° W. 85½ poles to a stone, northeast corner to said W. C. Henderson's land in the South line of Philemon Tossey's land; thence with said line N. 80° E. 51.32 poles to a stone southeast corner to said P. Tossey's land in the west line of a 50 acre tract of land conveyed to William Tossey by Robert Graham and others Nov. 7, 1852; thence with said line N. 10° W. 72-2/3 poles to a stone, northwest corner to said 50 acre tract of land; thence with the north line of said tract of land N. 80° E. 97½ poles to a stone, northeast corner to said tract; thence with the east line of said tract S. 10° E. 82 poles to a stone, southeast corner to said tract in the North line of said 10 acre Lot; thence with the North line of said Lot N. 80° E. 9-26/33

THE COL. B. B. MFG. CO. 75974

13800

poles to a stone northeast corner to said 10 acre lot; thence with the East line of said lot S. 10° E. 34-3/4 poles to the beginning.

Containing 112 acres and 64 poles, more or less.

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

Said real estate is encumbered as follows: Mortgage to Prudential Insurance Company of America for $3160.00.

The defendants, as named in the caption, are all the heirs or persons entitled to the next estate of inheritance from the decident 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.

Hooper, Sanders & Hooper,
Attorney for the Plaintiff.

The State of Ohio, Union County.

John A. Rausch, 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 A. Rausch.

Sworn to before me and signed in my presence by the said John A. Rausch, at Marysville, Ohio, this 26 th. day of January, 1939.

(Seal) Ruth Hess - Notary Public.

Filed
Mar. 2 - 1939.

Wainer.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff.

-vs-

John A. Rausch, et al., Defendants.

No. 13800.
Wainer.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Alyia Myers.
Chas. Myers.

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Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Annette Reich.
Geo. M. Reich.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned, defendants in the above entitled cause, hereby waive the issuing and service of summons and process and voluntarily enter their appearance herein.

Virginia Berger.
Elizabeth Berger Bedford
Robert Berger.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned, defendants in the above entitled cause, hereby waive the issuing and service of summons and process and voluntarily enter their appearance herein.

Frank W. Howard.
Ruth R. Howard.

THE COL. B. B. MFG. CO. 75974

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Filed
Mar. 2 - 1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George N. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned W. G. Berger and Margaret Berger, defendants in the above entitled cause, hereby waive the issuing and service of service and process and voluntarily enter their appearance herein.

W. G. Berger.
Margaret Berger.

Filed
Mar. 2 - 1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George N. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned defendants in the above entitled cause, hereby waive the issuing and service of summons and process and voluntarily enter their appearance herein.

Mrs. J. H. Berger. - Betty.
John H. Berger.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George N. Rausch, Deceased, Plaintiff,

vs.

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned, defendants in the above entitled cause, hereby waive the issuing and service of summons and process and voluntarily enter their appearance herein.

Harry Judy.
Hilda Judy.

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Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Delbert Bryan Rausch.
270½ Kettler St., Columbus, O.
Edna Rausch
270½ Kettler St., Columbus, O.
Harold A. Rausch
1352 Cole St., Col. Ohio.
Elizabeth C. Rausch
1352 Cole St., Col. Ohio.
John A. Rausch.
Eva Rausch.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Elizabeth C. Klotz.
Robert B. Klotz.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

No. 13800.
Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Charles Linzimeier.

THE COL. B. B. MFG. CO. 75974

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Filed
Mar. 2 - 1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George H. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

Vs. 13800.
Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Louis R. Linsimmeir.
Lucille Linsimmeir.
Frank Linsimmeir, Jr.

Filed
Mar. 2 - 1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George H. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

Vs. 13800.
Waiver.

The undersigned defendants in the above entitled cause, hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Mary B. Ferrell.

Filed
Mar. 2 - 1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George H. Rausch, Deceased, Plaintiff,

-vs-

John A. Rausch, et al., Defendants.

Vs. 13800.
Waiver.

The undersigned, defendants in the above entitled cause, hereby waive the issuing and service of summons and propse and voluntarily enter their appearance herein.

Wm. A. Stabe.
Alice H. Stabe.

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Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff, vs. John A. Rausch, et al., Defendants. | No. 13800. Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Mrs. Elizabeth Becker.
Dr. Wm. Becker.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff, vs. John A. Rausch, et al., Defendants. | No. 13800. Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Ruth Divelbiss.
Geo. E. Divelbiss.

Filed
Mar. 2-1939.

Waiver.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff, vs. John A. Rausch, et al., Defendants. | No. 13800. Waiver.

The undersigned defendants in the above entitled cause hereby waive the issuing of service and summons and hereby voluntarily enter their appearance herein.

Emma A. Rausch.
Nancy Rausch.

THE COL. B. B. MFG. CO. 75974

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Filed
Mar. 13- 1939.

Answer of The Prudential Insurance Company of America.
In The Probate Court of Union County, Ohio.

John A. Rausch, Administrator of the Estate of George H. Rausch, Deceased,
Plaintiff,
-vs-
John A. Rausch, et al.,
Defendants.

No. 13800.
Answer of The Prudential Insurance Company of America.

The defendant, The Prudential Insurance Company of America, is a corporation organized and existing under the laws of the State of New Jersey, with its principal office and place of business in the City of Newark, County of Essex, State of New Jersey, and is duly authorized to do business in the State of Ohio.

This defendant admits that it has a claim against the estate of George H. Rausch, deceased, and that it has an interest in the real estate described in plaintiff's petition herein, but for want of information denies all of the other allegations in said petition contained, and further the defendant says:

That on or about the 4th. day of June, 1938, George H. Rausch, unmarried, executed and delivered to this answering defendant his first mortgage promissory note, dated June 4th, 1938, in the original amount of $3160.00, with interest at the rate of four and one-half per cent per annum, the principal being payable in annual installments of $50.00 beginning on the 4th. day of June, 1939, and the balance of said principal sum on the 4th. day of June, 1948, and the interest being payable semi-annually on the balance of said principal sum remaining unpaid at each installment period.

That the installment of interest due and payable on December 4th, 1938, has been paid, and an advance payment in the amount of $23.70 has been made upon the installment of interest due and payable on June 4th, 1939, and no other credits or payments have been made upon said indebtedness, and according to the terms of said note there is due this answering defendant the sum of $3160.00 principal and $47.40 interest of the June 4th, 1939, installment, or a total of $3207.40 as of June 4th, 1939. A true copy of said note is hereto attached and made a part hereof the same as if set forth in full herein.

In order to secure the indebtedness evidenced by said note, the said George H. Rausch, unmarried, executed and delivered to this answering defendant his first mortgage deed, dated June 4th, 1938, conveying conditionally to this answering defendant the premises

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13800 described in said mortgage and in plaintiff's petition.

Said mortgage was duly filed for record with the Recorder f Union County, Ohio, at 11:20 o'clock a.m., on November 10th, 1938, and was by him recorded in Volume 114, at pages 64-66 f the Records f Mortgages f said County, and on its said delivery for record became, and now remains, the first and best lien on the premises therein and in the plaintiff's petition described. A true copy f said mortgage deed is hereto attached and made a part hereof the same as if set forth in full herein.

Now therefore, this answering defendant prays: That its mortgage may be found to be and so declared the first and best lien on the premises therein and in the plaintiff's petition described;

That said premises may be sold subject to the lien f this answering defendant's mortgage in the amount f $3160.00 principal, and interest in the amount f $147.40 computed to June 4th, 1939, and interest thereafter as in said note set forth, and any and all insurance or tax advances which may have become due and payable to this answering defendant according to the terms f said note and mortgage before the day f said sale; and for such other and further relief as may be just and proper.

W. C. Doggett.
Wm. R. Cameron. Attorneys
for the defendant, The
Prudential Insurance Company
f America.

State f Ohio, Union County, ss.

Wm. R. Cameron, being first duly sworn says that he is one f attorneys for the defendant, The Prudential Insurance Company f America, a non-resident corporation; that he is authorized by and for it to make this affidavit; and that the facts stated and allegations made and contained in the foregoing answer are true as he verily believes.

Wm. R. Cameron.

Sworn to before me and signed in my presence this 13th. day f March, 1939.

John H. Kinkade-Notary Public.

Deed

No. 27081 - Ohio Sustainment Mortgage Deed with Dower.

George F. Rausch, an unmarried man to The Prudential Insurance Company f America.

Recieved for Record this 10 day f November, 1938, at 11:20 o'clock, a. M., and recorded Nov. 16, 1938, in Vol. 114 f Mortgages, at pages 64-66 f the records f Union County, f Ohio. A. M. Kagay.

THE COL. B. B. MFG. CO. 75974

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Sewell Watts, Recorder of Union County, Ohio.
After recording, return to Indiana Branch Office, Prudential Insurance Co. 1424 Circle Tower, Indianapolis, Indiana.
$2.50.

Filed
Mar. 23-1939.

Bond of Administrator.

Know all Men by these Presents: That we John A. Rausch, C. C. Thornton, Harry Stephens 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 23rd. day of March, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound John A. Rausch was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of George W. Rausch Deceased.

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

And whereas said Court, on the 23rd. day of March, 1939, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said John A. Rausch 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
Ruth Hess.
Gwynn Sanders.

John A. Rausch.
Robert C. Thornton.
Harry Stephens.

This Bond approved in open Court, this 23rd. day of March, 1939.

L. W. Hazen- Probate Judge.

Filed
Mar. 23-1939.

Order of Private Sale.

The State of Ohio, Union County, ss. Probate Court.
To John A. Rausch, Administrator of the Estate of George W. Rausch, 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 George W. Rausch, are Plaintiff and John A. Rausch, The Prudential Insurance Co. of America et al., are Defendants, you are commanded to proceed according to law; to sell at Private Sale, for not less than Thirty Seven Hundred Dollars ($3700)

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the appraised value thereof and subject to the mortgage of The Prudential Insurance Co. of America, the following described premises to-wit: Situated in the Township of Millcreek, County of Union and State of Ohio and part of Survey #5477. Beginning at a stone N. E. corner to William J. Conklin's land and S. E. corner to a ten acre lot conveyed to William Tossey by William Dailey Mar. 1, 1856; thence with the South line of said lot S. 80° W. 50 poles to a stone, S. W. corner to said 10 acre lot and in the E. line of a 25 acre lot conveyed to William Tossey by William Burrow Mar. 5, 1849; thence with said line S. 10° E. 40 poles to a stone, S. E. corner to said lot; thence with the south line of said 25 acre lot, S. 80° W. 54½ poles to a stone in the East line of a 12 acre lot conveyed to Wm. Tossey by Edward Weller, Sept. 8, 1851; thence with said line S. 10° E. 6-57/99 poles to a stake, southeast corner to said 12 acre lot; thence with the south line of said lot S. 80° W. 51.32 poles to a stone corner to Wm. Henderson's land; thence with the east line of said land N. 10° W. 85½ poles to a stone, northeast corner to said W. H. Henderson's land in the south line of Philemon Tossey's land; thence with the said line N. 80° E. 51.32 poles to a stone, southeast corner to said P. Tossey's land in the West line of a 50 acre tract of land conveyed to Wm. Tossey by Robert Graham, et al., Nov. 7, 1852; thence with said line N. 10° W. 72-2/3 poles to a stone, northwest corner to said 50 acre tract of land; thence with the North line of said tract of land N. 80° E. 97½ poles to a stone, northeast corner to said tract; thence with the east line of said tract, S. 10° E. 82 poles to a stone, southeast corner to said tract in the N. line of said 10 acre lot; thence with the north line of said lot N. 80° E. 9-26/33 poles to a stone, northeast corner to said 10 acre lot; thence with the east line of said lot S. 10° E. 84¾ poles to the beginning. Containing 112 acres and 64 poles, more or less.

Said sale to be upon the following terms: Subject to mortgage of the Prudential Insurance Co. of America in favor of $3207.40, Balance Cash.

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

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 23rd. day of March, A. D. 1939.

Seal

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

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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, 1939.

John A. Rausch.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 23rd. day of March, 1939, offer said property, at private sale, and Ruth M. Thornton having offered therefor the sum of Thirty-Eight Hundred Seven and 40/100 Dollars ($3807.40) and the same being not less than the appraised value of said property, I sold the same to said Ruth M. Thornton for that sum.

John A. Rausch.

Affidavit to Report of Private Sale.

State of Ohio, Union County: ss.

John A. Rausch, 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 A. Rausch.

Subscribed in my presence and sworn to before me this 23rd. day of March, 1939.

Seal

Ruth Hess- Notary Public.

Filed Mar. 23-1939.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

John A. Rausch, as Administrator of the Estate of George M. Rausch,

Plaintiff,

-vs-

John A. Rausch, et al.,

Defendants.

March 23-1939. Approving Additional Bond and Ordering Private Sale.

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

And it appearing to the Court upon satisfactory evidence that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that John A. Rausch 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

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Filed Mar. 23-1939.

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terms, to-wit: One-third cash in hand, one-third in one year and one-third in two years from the time of sale. Deferred payments to be secured by mortgage on said premises and bear interest at the rate of 6 percent. And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen - Probate Judge.

Filed Mar. 28-1939.

Entry.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator of the Estate of George F. Rausch, Deceased, Plaintiff. -vs- John A. Rausch, et al., Defendants.

No. 13800. Entry.

This day this cause came on to be heard upon the petition of plaintiff, the answer of The Prudential Insurance Company of America, and the evidence.

The court finds that all the defendants herein have voluntarily entered their appearances and have waived the issue of service of summons and process and have consented to the sale of the real estate as prayed for in the petition and said answer, and that all of the defendants are properly before the court.

The court finds that the plaintiff is the duly appointed, qualified and acting Administrator of the estate of George F. Rausch, deceased, and that the valid debts of said estate are about $4500.00, and that there is insufficient personal property to pay the same, and that therefore it is necessary to sell said real estate to pay said debts and the costs of administering said estate.

The court further finds that John A. Rausch, Alma Myers, Delbert Rausch, Harold Rausch, Emma Rausch, Alice Stabe, Hilda Judy, Frank Howard, Elizabeth Klotz, Elizabeth Becker, Charles Linsminger, Louis Linsminger, Frank Linsminger, Jr., W. S. Bager, Annette Reid, Elizabeth Bedford, J. H. Berger, Robert Berger, Ruth Dyrelbis, Virginia Berger, Mary B. Terrell are the only heirs at law and next of kin of said decedent and the only persons interested in said real estate and the only persons having an estate of inheritance therein, and that Eva Rausch is the wife of John A. Rausch, Charles Myers is the husband of Alma Myers, Edna Rausch is the wife of Delbert Rausch, Elizabeth Rausch is the wife of Harold Rausch, Nancy Rausch is the wife of Emmo Rausch, William Stabe is the husband of Alice Stabe, Harry Judy is the husband of Hilda Judy, Ruth Howard

THE COL. B. B. MFG. CO. 75974

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is the wife of Frank Howard, Robert Klotz is the husband of Elizabeth Klotz, William Becker is the husband of Elizabeth Becker, Lucille Linzimmer is the wife of Louis Linzimmer, Margaret Berger is the wife of W. S. Berger, E. M. Reid is the husband of Annette Reid, Betty Berger is the wife of J. H. Berger, George Divelbis is the husband of Ruth Divelbis, and Charles Linzimmer, Frank Linzimmer, Jr., Elizabeth Bedford, Robert Berger, Virginia Berger and Mary B. Ferrell are unmarried.

The court further finds that on the 4th. day of June, 1938, George N. Rausch, unmarried, executed and delivered to The Prudential Insurance Company of America his promissory note dated June 4, 1938, in the amount of $3160.00, with interest at the rate of 4½% per annum, the principal being payable in annual installments of $50.00 beginning on the 4th. day of June, 1939, and the balance of said principal sum on the 4th. day of June, 1948, and the interest being payable semi-annually on the balance of said principal sum remaining unpaid at each installment period; that the interest due and payable on December 4, 1938, has been paid and an advance payment in the amount of $23.70 has been made upon the installment of interest due and payable on June 4, 1939, and that no other credits or payments have been made on said indebtedness, and there is now due The Prudential Insurance Company of America, the sum of $3160.00 principal and $47.40 interest as of June 4, 1939, or a total of $3207.40.

In order to secure payment of said note the said George N. Rausch, unmarried, executed and delivered to The Prudential Insurance Company of America his mortgage deed, dated June 4, 1938, and thereby conveyed to said The Prudential Insurance Company of America the real estate described in the petition; that said mortgage was duly filed for record with the Recorder of Union County, Ohio, at 11:20 o'clock A. M. on November 16, 1938, and was by him recorded in Volume 114 at Pages 64-66 of the Mortgage Records of said County, and said mortgage thereby became and now remains the first, first and subsisting lien on said real estate.

The court further finds that said premises should be sold as prayed for in the petition, and that said premises should be sold subject to the lien of the mortgage of The Prudential Insurance Company of America in the sum of $3207.40.

And it appearing to the court that a new appraisement should be made of real estate, it is

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ordered that Milton Rausch, R. B. Nus and Harry Stephens, three judicious and disinterested persons of the vicinity, and not next of kin of the petitioner, be, and they hereby are appointed to appraise said real estate at its true value in money, and that said appraisers be sworn as required by law to truly and impartially appraise said real estate upon actual view and to 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 1st. day of April, 1939.

L. W. Hazen- Probate Judge.

Filed
Mar. 23-1939.

Order of Appraisement.

The State of Ohio, Union County. Probate Court.

To John A. Rausch, Administrator of the Estate of George N. Rausch, Deceased, :

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator of the Estate of George N. Rausch, deceased, are Plaintiff and John A. Rausch, et al., are Defendants, you are commanded, that by the oaths of Milton Rausch, R. B. Nus, and Harry Stephens, judicious disinterested persons of the vicinity, not of kin to the petitioner, and upon actual view, you cause a just valuation and appraisement to be made according to law of the following described premises, to-wit: Situated in the County of Union in the State of Ohio and in the Township of Millcreek and bounded and described as follows: Part of Survey No. 5477. Beginning at a stone, northeast corner to William J. Conklin's land and southeast corner to a 10 acre lot conveyed to Wm. Tossey by Wm. Daily, March 1, 1856; thence with the south line of said lot S. 80° W. 50 poles to a stone, southwest corner to said 10 acre lot in the east line of a 25 acre lot conveyed to Wm. Tossey by Wm. Barrow March 5, 1849; thence with said line S. 10° E. 40 poles to a stone, southeast corner to said lot; thence with the S. line of said 25 acre lot, S. 80° W. 54½ poles to a stone in the East line of a 12 acre lot conveyed to Wm. Tossey by Edward Weller, Sept. 8th. 1851; thence with said line S. 10° E. 6-57/100 poles to a stake southeast corner to said 12 acre lot; thence with the south line of said lot S. 80° W. 51.32 poles to a stone corner to Wm. C. Henderson's land; thence with the east line of said land N. 10° W. 85½ poles to a stone, northeast corner to said W. C. Henderson's land in the south line of Philemon Tossey's land; thence with the said line N. 80° E. 51.32 poles to a stone, southeast corner to said P. Tossey's land in the West line of a 50 acre tract of land

THE COL. B. B. MFG. CO. 75974

13800

conveyed to Wm. Tossey by Robert Graham et al., Apr. 7, 1852; thence with said line N. 10° W. 72½ poles to a stone, northwest corner to said 99 acre tract of land; thence with the north line of said tract of land N. 80° E. 97½ poles to a stone, northeast corner to said tract; thence with the east line of said tract S. 10° E. 82 poles to a stone, southeast corner to said tract in the north line of said 10 acre lot; thence with the north line of said lot N. 80° E. 9-26/33 poles to a stone northeast corner to said 10 acre lot; thence with the East line of said lot S. 10° E. 34¾ poles to the Beginning. Containing 11/2 acres and 64 poles, more or less.

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

Witness my signature, and the seal of said Probate Court at Marysville, Ohio, this 23rd. day of March, A.D. 1939.

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 March, 1939.

John A. Rausch.

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 forgoing order.

W. L. Rausch.
R. B. Uber.
Harry Stephens. } Appraisers.

Sworn to before me and signed in my presence, this 23rd. day of March, 1939.

Seal

Ruth Hess- 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 Thirty-seven Hundred Dollars.

Given under our hands, this 23rd. day of March, 1939.

W. L. Rausch.
R. B. Uber.
Harry Stephens. } Appraisers.

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Appraisers.

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Filed
Mar. 23-1939.

Confirming Appraisement and Ordering Additional Bond.

Probate Court, Union County, Ohio.

John A. Rausch, as Administrator
of the Estate of George N. Rausch,
Plaintiff,

-vs-

John A. Rausch, et al.,
Defendants.

March 23-1939.
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 John A. Rausch, execute within three days to the State of Ohio a bond with sufficient sureties to be approved by the Court in the sum of One Thousand Dollars, conditioned according to law.

L. W. Hazen - Probate Judge.

Filed
Mar. 23-1939,

Entry Confirming Sale.

In the Probate Court, Union County, Ohio.

John A. Rausch, Administrator
of the Estate of George N. Rausch,
Deceased,
Plaintiff,

-vs-

John A. Rausch, et al.,
Defendants.

No. 13800.
Entry Confirming Sale.

This day this cause came on to be heard on the report of John A. Rausch, as Administrator of the Estate of George N. Rausch, deceased, of his proceedings under the former order of this court and upon motion of said petitioner to confirm the sale made in obedience to said order.

The court having carefully examined said report and finding the proceedings of said petitioner in all respects correct and being satisfied that said sale was fairly and legally made, it is 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 George N. Rausch in said real estate to the purchaser, Ruth M. Thornton, subject to the mortgage lien of The Prudential Insurance Company of America, subject to all the terms and conditions thereof, in the sum of $3207.40, and subject to the taxes due upon said real estate after the December, 1938, installment thereof, upon the said purchaser paying to the petitioner the sum of $600.00 in cash.

THE COL. B. B. MFG. CO. 75974

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It is further ordered that out of the money in his hands, the said petitioner pay the costs of this proceeding in the sum of $376.90, including an attorney fee to Hoopes, Saudre and Hoopes in the sum of $172.00, and including the fee of the administrator in the sum of $172.00.

And it is further ordered that said administrator account for the balance in his hands, in the sum of $223.10 according to law.

L. W. Hazen Probate Judge.

13841
Filed
May 2- 1939.
Hoopes, Saudre & Hoopes, Attorneys

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased,

Plaintiff,

-vs-

William W. Ward, 860 S. 3rd. St., Columbus, Ohio,
Mye. Charles Landis, 45 N. Hartford St., Columbus, Ohio,
Department of Public Welfare, Division of Aid for the Aged,
Benjamin Lytle, 45 N. Hartford St., Columbus, Ohio,
and Ray C. Lytle, Claibourne, Ohio.

Defendants.

No. 13841.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administrator of the estate of Martha R. Ward, deceased, late of this County, as near as can be ascertained the amount of the valid debts against said deceased is in excess of One Thousand 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 fixed by the appraisers of said estate at nothing 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:

Tract 1: Situated in the State of Ohio, County of Union and Village of Richwood, and being all that part of Out Lot No. 6 lying South of 50 feet sold to Robie Parker and North of 40 feet sold to Martha Carter extending from front to rear of said lot.

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The amount hereby conveyed being 43 feet more or less of the center of said lot.

Also another strip 43 feet wide lying between the east line of the above described lot and the west line of Pearl Street in the Village of Richwood, Union County, Ohio. See the recorded plat of said Village in the Recorder's Office at Marysville, Ohio.

Tract 2: Being an undivided one-third interest in real estate situated in the Village of Richwood, County of Union, State of Ohio, and being in Survey 6293. Beginning at a stake S. E. corner of J. C. Cook's first Addition to the Village of Richwood; thence N. 85° E. 49.53 poles to a stake in (formerly) G. B. Hamilton's (now Thompson's) land; thence S. 85° W. 49.53 poles to the beginning, containing 4 acres of land.

Also, an undivided one-third interest in Lot No. 812 in the Village of Richwood, Union County, Ohio. For further reference see recorded plat of said Village in the Union County Recorder's Office, Marysville, Ohio.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at One Hundred Seventy-five Dollars.

Said real estate is encumbered as follows: Trust deed to Department of Public Welfare, Division of Aid for the Aged.

The defendants, William W. Ward, Benjamin Lytle and Ray C. Lytle and Mrs. Charles Landis, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein.

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

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

Hoopes, Sanders & Hoopes.
Attorney for the Plaintiff.

The State of Ohio, Union County.

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

A. D. Parish.

THE COL. B. B. MFG. CO. 75974

13841

Sworn to before me and signed in my presence by the said A. D. Parish, at Marysville, Ohio, this 29 th. day of April, 1939.

Seal

Ruth Hess.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, directed to the Sheriff of Franklin County, Ohio, for the defendants, William W. Ward, (Address 850 S. 3rd. St., Columbus, Ohio, Benjamin Lytle and Mrs. Charles Laudie, (Address, 45 North Hartford Street, Columbus, Ohio, and to the Sheriff of Union County, Ohio, for the defendant, Ray C. Lytle, (Address, Claibourne, Ohio), Endorse summons, "Action to sell real estate to pay debts," and make the same returnable according to law.

Hoopes, Sanders & Hoopes.
Plaintiff's Attorney.

13841
Filed
May 10-1939.

Filed
May 5-1939.

Bond of Administrator.

Know All Men by these Presents: That we, A. D. Parish, S. R. Sanders and Esta Sanders, are held and firmly bound unto the State of Ohio, in the penal sum of Two 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 May, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound A. D. Parish was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Martha R. Ward, Deceased.

And whereas, the said A. D. Parish as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Martha R. Ward described in said petition;

And whereas said Court, on the 1st. day of May, 1939, made an order requiring said A. D. Parish to execute a bond according to the statute in such cases made and provided;

Now, if the said A. D. Parish 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
Ruth Hess.
Gwynne Sanders.

A. D. Parish.
S. R. Sanders.
Esta Sanders.

This Bond approved in open Court this 4th. day of May, 1939.

Seal

L. W. Hazen Probate Judge.

Filed
May 22-1939.

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13841
Filed
May 10-1939.

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 Ray C. Lytle, (Address, Claibourne, Ohio), that on the 2nd. day of May, A. D. 1939, A. D. Parish, Administrator of the Estate of Martha R. Ward, 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 the debts of said estate, and that unless they answer by the 3rd. day of June, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 15th. day of May, 1939.

Witness my Hand and the seal of said Court, this 6th. day of May, 1939.

Seal

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

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fee.	
Service & Return, first name —	
32 miles traveled at 8¢	$2.56
Total	$2.56

Received this writ May 6th. 1939, at 9 o'clock A. M., and on the 7th. day of May, 1939. after due and diligent search I was unable to find the within named Ray C. Lytle within my Bailiwick.

H. S. Roosa. Sheriff.
By. E. Wood. Deputy.

Filed
May 22-1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Franklin County:

You are commanded to notify William W. Ward, (Address, 850 S. Third St., Columbus, Ohio), and Susan Elida (Mrs. Charles) Landis and Benjamin Lytle, (Address, 45 Hartford St., Columbus, Ohio), that on the 2nd. day of May, A. D. 1939 A. D. Parish, Administrator of the Estate of Martha R. Ward 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 the debts of said estate, and that unless they answer by the 10th. day of June, 1939, 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 May, 1939.

THE COL. B. B. MFG. CO. 75974

13841

Witness my hand and the seal of said Court, this 6th. day of May, 1939.

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
— Additional names, at 25¢	.00
— Miles traveled at 8¢	.80
Postage	.03
Total	$1.98

Received this writ May 8, 1939, at 8 o'clock A. M., and on the 8 day of May, 1939, I served the same by delivering a copy thereof personally to the within named William W. Ward, and Susan Eliza Landis and on May 13, 1939, I served the within named Benjamin Lytle by personally handing to each of them a true and certified copy of this writ with all the endorsements thereon.

Jacob E. Landusky,
Sheriff of Franklin County, O.
By C. Donohue - Deputy.

Filed May 5-1939.

Dispensing with a New Appraisement and Ordering Bond.

Probate Court, Union County, Ohio.

A. D. Parish, as Administrator of the Estate of Martha R. Ward, Deceased, Plaintiff,

-vs-

William W. Ward, et al., Defendants.

May 5-1939.

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 the answer and cross-petition of the defendant, Division of Aid for the Aged, mortgagee, the other defendants being in default of answer, although served with summons according to law; and such service of summons is hereby approved. The Court finds from the evidence that all necessary parties are before the Court and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at One Hundred Seventy-five 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 Martha R. Ward, in the amount of One 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 Two Hundred Dollars, and this cause is continued. L. W. Hazen - Probate Judge.

13841
Filed
May 22-1939.

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Filed
May 15-1939.

13841
Filed
May 22-1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Logan County:

You are commanded to notify Fay C. Lytle Creides near West Mansfield; that on the 8th. day of May, A. D. 1939, A. D. Parish, Administrator of the Estate of Martha R. Ward, 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 the debts of said estate; and that unless they answer by the 16th. day of June, 1939, 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 April, 1939.

Witness my hand and the seal of said Court, this 11th. day of May, 1939.

Seal

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

Sheriff's Return.

The State of Ohio, Logan County.

Sheriff Fees.		
Service & Return, first name,		.75
25 miles traveled at 8¢		2.00
Docket		.10
Postage		.03
Copy		.10
	Total	$2.98

Received this writ May 12th. 1939, at 10 o'clock A. M., and on the 19th. day of May, 1939, I served the same by delivering a copy thereof personally to the within named Fay C. Lytle.

Charles C. Beoley- Sheriff.
By- Paul Hamsum- Deputy.

Filed
May 15-1939.

Waiver.

In the Probate Court, Union County, Ohio.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased, Plaintiff,

-vs-

William W. Ward, et al., Defendants.

No. 13841.
Waiver.

Now comes the Defendant, Department of Public Welfare, Division of Aid for the Aged, and waives the issuing and service of summons and process, and voluntarily enters its appearance herein.

Department of Public Welfare,
Division of Aid for the Aged,
By- Richard A. Morris
Asst. Atty. General.

THE COL. B. B. MFG. CO. 75974

13841
Filed
May 17- 1939.

Answer and Cross-Petition.

In the Probate Court, Union County, Ohio.

A. D. Parish, Admr. of the Estate of Martha R. Ward, Dec'd,

Plaintiff,

-vs-

William W. Ward, et al.,

Defendants.

Vs. 13841.
Answer and Cross-Petition.

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 May 31, 1934, one Martha R. Ward, 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 application and such certificate, together with a report of its findings, to the Division of Aid for the Aged.

The Division of Aid for the Aged, aforesaid, requested, in accordance with the provisions of Section 1359-6, General Code, as security for such old age assistance, that the said applipant convey her real property in trust to the Division of Aid for the Aged, aforesaid, and in accordance with said request, the said Martha Ward did on June 2, 1938 convey in trust to the Division of Aid for the Aged, the following described real estate, situated in the County of Union, in the City of Richwood, in the Township of ——, and State of Ohio, and bounded and described as follows:

Being part of Out-lot No. 4 in the village of Richwood, Union County, Ohio. For a more definite description, reference is made to the recorded plat of said village in the Recorder's office of said County in Marysville, Ohio; which conveyance in trust was filed for record August 31, 1938, at 10:15 o'clock A. M. and was recorded in Vol. 113, p. 449-450, August 31, 1938, of the records of mortgages 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,

13841

Filed
June 23-1939.

13841

Cross petitioner further says that the said Martha R. Ward was paid old age assistance in the amount of $944.40, an itemized account of which is attached hereto, marked Exhibit "A" and made a part hereof; and that the total amount of old age assistance paid to the said Martha R. Ward is in the sum of $944.40, 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 $944.40 and for such other and proper relief to which it may be entitled.

Thomas J. Herbert- Attorney General.
Richard A. Morris- Ass't Attorney General (Attorneys for the Division of Aid for the Aged.)

Verification not required, $ 348 G. C.

Department of Public Welfare
Division of Aid for the Aged.
12th. floor State Office Bldg. Columbus.

Estate of Martha R. Ward, Dec'd.
110 Pearl St., Richwood, Ohio.

June	1935	to July	1936 - 14 Mo.	@ $16.00 -	$224.00
Aug.	1936	to Sept.	1937 - 14 Mo.	@ $26.00 -	$364.00
Oct.	1937	to Nov.	1937 - 2 Mo.	@ $23.00 -	$ 46.00
Dec.	1937	to July	1938 - 8 Mo.	@ $25.30 -	$202.40
					$ 836.40
Total Monthly Assistance					$ 108.00
Funeral Award					
Total Due The State of Ohio.					$944.40

PB/LR

Exhibit "A"

Filed June 23-1939.

Order of Public Sale.

In the Probate Court, Union County, Ohio.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased,

Plaintiff,

-vs-

William W. Ward, et al.,

Defendants.

No. 13841.
Order of Public Sale.

To A. D. Parish, Greeting:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein A. D. Parish as Administrator of the Estate of Martha R. Ward, is plaintiff and William W. Ward, et al., are defendants, it was ordered, adjudged and decreed that you proceed to advertise and sell the real estate mentioned in the petition, at public auction, at the North door of the Court House, in said County, on the 22nd day

THE COL. B. B. MFG. CO. 75974

13841

9 July, 1939, at 1:00 o'clock P. M., agreeable to the statute, regulating the sale of real estate by an Administrator, 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 1: Situated in the State of Ohio, County of Union, and Village of Richwood, and being all that part of Out Lot No. 4 lying South of 50 feet sold to Rosie Parker and north of 40 feet sold to Martha Carter extending from front to rear of said lot. The amount hereby conveyed being 43 feet more or less of the center of said lot.

Also another strip 43 feet wide lying between the east line of the above described lot and the west line of Pearl Street in the Village of Richwood, Union County, Ohio. See the recorded plat of said Village in the Recorder's Office at Marysville, Ohio.

Tract 2: Being an undivided one-third interest in real estate situated in the Village of Richwood, County of Union, State of Ohio, and being in Survey 6293.

Beginning at a stake, S. E. corner of J. C. Cook's first addition to the Village of Richwood; thence N. 85° E. 49.53 poles to a stake in (formerly) S. B. Hamilton's (now Thompson's) land; thence S. 85° W. 49.53 poles to the beginning, containing 4 acres of land.

Also, an undivided one-third interest in Lot No. 812 in the Village of Richwood, Union County, Ohio. For further reference see recorded plat of said Village in the Union County Recorder's office, Marysville, Ohio.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 22nd. day of June, 1939.

L. W. Hazen - Probate Judge.

Seal

Filed
June 23-1939.

Entry.

In the Probate Court, Union County, Ohio.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased, Plaintiff,

-vs-

William W. Ward, et al., Defendants.

No. 13841.
Entry.

This day this cause came on to be heard upon the petition of the plaintiff, the answer and cross-petition of the defendant, Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, and the evidence.

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And the court, being fully advised in the premises, finds all necessary parties are now before the court, and that all of said parties have been duly and legally 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 that said defendants are in default for answer or demurrer to said petition, and that the allegations thereof are thereby confessed by them to be true, and that it is necessary to sell said real estate as prayed for in said petition.

The court further finds upon the answer and cross-petition of Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, that the said Martha R. Ward did receive assistance from said Division, and that on the 2nd. day of June, 1938, did convey, in trust, to said Division, the real estate described in the petition; that said deed of trust was filed with the Recorder of Union County, Ohio, on the 31st. day of August, 1938, at 10:15 o'clock A. M., and was thereafter duly recorded by him in Volume 3, Page 449-450 of his mortgage records, and that said deed of trust thereby became and now is a valid and subsisting lien on said real estate prior to all other liens thereon, and that there is due the Division of Aid for the Aged, in the Department of Public Welfare of the State of Ohio, by virtue of said assistance so rendered the said decedent, and by virtue of said trust deed, the sum of $944.40.

It is therefore ordered, adjudged and decreed that said administrator proceed to sell said real estate, and it is further ordered that since said real estate was duly appraised by the appraisers heretofore appointed in the estate of said decedent, and that said real estate was appraised for the sum of $175.00, and that a further appraisement be, and the same hereby is, dispensed with.

It is further ordered that said administrator proceed to advertise said real estate for sale, and that the same be sold at the North Door of the Court House in Marysville, Ohio, on the 22nd. day of July, 1939, and that said sale be for cash.

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13841
Filed
July 21-1939.

Notice of Public Sale.

In pursuance of the order of the Probate Court of Union County, Ohio, I will offer for sale at public auction on the 22nd. day of July, 1939, at 1:00 P. M. at the North Door of the Court House, in Marysville, Ohio, the following described real estate, situated in the County of Union, State of Ohio, and Village of Richwood, to-wit:

Tract 1: Situated in the State of Ohio, County of Union, and Village of Richwood, and being all that part of Out Lot No. 4 lying south of 50 feet sold to Rocie Parker and north of 40 feet sold to Martha Carter, extending front to rear of said lot. The amount hereby conveyed being 43 feet more or less of the center of said lot.

Also another strip 43 feet wide lying between the east line of the above described lot and the west line of Pearl Street in the Village of Richwood, Union County, Ohio. See the recorded plat of said Village in the Recorder's Office at Marysville, Ohio.

Tract 2: Being an undivided one-third interest in real estate situated in the Village of Richwood, County of Union, State of Ohio, and being in Survey 6293. Beginning at a stake, S. E. corner of J. C. Cook's first addition to the Village of Richwood; thence N. 85 degrees E. 49.53 poles to a stake in (formerly) G. B. Hamilton's (now Thompson's) land; thence S. 85 deg. W. 49.53 poles to the beginning. Containing 4 acres of land.

Also, an undivided one-third interest in Lot No. 812 in the Village of Richwood, Union County, Ohio, for further reference see recorded plat of said Village in the Union County Recorder's Office, Marysville, Ohio.

Said premises are appraised at One Hundred Seventy five ($175.00) Dollars, and must be sold for not less than two-thirds of said appraised value, and the terms of sale. Cash in hand on day of sale.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased.

State of Ohio, Union County.

Personally appeared before me O. A. Keigley, and made oath, that the notice, a copy of which is hereto attached, was published for 4 consecutive weeks on and after June 29, 1939, in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

O. A. Keigley.

Sworn to before me and signed in my presence this 20th. day of July, A. D. 1939.

Ralph Fanonaugh-
Notary Public-Union County, Ohio.

Printers Fee-$14.65

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Filed
Aug. 1-1939.

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Aug. 1-1939.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court, Union County, Ohio.

A. D. Parish, Administrator of the Estate of Martha R. Ward, Deceased,
Plaintiff,
-vs-
William W. Ward, et al.,
Defendants.

No. 13841.
Entry Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of A. D. Parish, Administrator of the Estate of Martha R. Ward, 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 Martha R. Ward in said real estate, to the purchaser, Susan Landis, upon said purchaser paying the purchase price, in cash.

It is further ordered that the satisfaction of the Trust Deed of the defendant, Division of Aid for the Aged, be entered on the record in the Office of the Recorder of Union County, Ohio, according to Law.

It is further ordered that said Administrator, out of the money in his hands, pay:

First: To the Treasurer of Union County, Ohio, the taxes and assessments levied against said property, to-wit, the sum of $2.50

Second: To the Probate Judge of Union County, Ohio, the costs of this case, including revenue stamps, 50¢, attorney fee to Hooper, Sanders & Hooper, $25.00, fee to A. D. Parish, Administrator, $25.00, in the total amount of 107.47

Third: The balance to the defendant, Division of Aid for the Aged, to apply on its claim. 20.03

Total $130.00

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13755
Filed
Jan. 7- 1939.
John H. Kirkade,
Attorney

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

J. A. Knotte, Executor of the Estate of Lena Burns, Deceased,

Plaintiff,

-vs-

Flora Knotte, Esther Chumbley, Lewis Parthemore, Burns Parthemore, Imogene Burns, Mary Louise Burns, John Burns,

Defendants.

Vs. 13755.
Civil Action.
Petition to Sell Real Estate.
Petition.

The Plaintiff represents that he is the duly appointed and qualified Executor of the Estate of Lena Burns late of the Village of Marysville, Union County, Ohio, deceased; that the amount of debts due from the deceased is $1500.00 Dollars, as near as can be ascertained; that the charges of administration of said estate will amount to about $400.00 Dollars; and that the total value of the personal estate and effects of said deceased is but $100.00 Dollars, being wholly insufficient to pay the debts and costs aforesaid. The Plaintiff further represents that said Lena Burns died seized in fee simple of the following described real estate, situate in the County of Union and State of Ohio, to-wit: Situated in the County of Union, in the State of Ohio, and in the Village of Marysville, and part of Survey No. 3351 and, bounded and described as follows:

Beginning at a stone in the center of the Weaver Road (now Chestnut Street) and southeast corner of John C. Ayman's land. Thence with the center of the Weaver Road S. 8° E. Twenty and ten hundredths (20-10/100) poles to a stake, corner of Anna Dellinger's lot one acre; Thence with her line N. 89° W. thirty-five and forty-one hundredths (35-41/100) poles to a stake, at Dellinger's northwest corner; Thence S. 1° W. four and six tenths (4-6/10) poles to a stake in the line of George A. Fox's land; Thence N. 89° W. and with Fox's line to a stone in the center of Military Street (now Walnut Street); Thence northerly along the center of said Street to a stake, southwest corner of said John C. Ayman's land; Thence with said Ayman's south line to the place of beginning.

Containing nine (9) acres, more or less.

Being the same premises conveyed by Philip Burns and Lillian M. Burns, his wife to John B. Burns and Lena Burns, his wife on the first day of March, 1900 and the undivided half of said premises

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is hereby conveyed by the said John B. Burns to the said Lena Burns.

But excepting therefrom the Deed to Oscar Burns of October 11, 1921 recorded in Volume 125, page 372 in the Recorder's Office, Union County, Ohio of 60/100 of an acre and also conveyance to Bertha Parthemore on December 6, 1918, recorded in Volume 107, page 559 in the Recorder's Office, Union County, Ohio of one-fourth (1/4) of an acre, leaving the remainder of the above described property of 8.38 acres, more or less.

The said deadent died leaving her widower, who is entitled to certain rights in said premises; that the defendants Flora Knotts, one-fourth; Esther Chumbley, one-fourth; Lewis Parthemore, one-eighth; Burns Parthemore, one-eighth; Imogene Burns, one-twelfth; Mary Louise Burns, one-twelfth; John Burns, one-twelfth; are the only heirs of said decedent, having the right estate of inheritance from said Lena Burns, deceased, in said premises;

The Plaintiff therefore prays that the interest of said John B. Burns in said premises may be assigned and set off to him; that the rights, interests and liens of the said Flora Knotts, Esther Chumbley, Lewis Parthemore, Burns Parthemore, Imogene Burns, Mary Louise Burns, and John Burns, may be fully determined, adjusted and protected according to equity.

The Will of said Lena Burns designated her daughter Louise Burns as an heir, but that said Louise Burns died before her mother, unmarried and without children and did not inherit; and that your petitioner may be authorized and ordered to sell said real estate free from all liens, said interest according to the statute in such cases made and provided, and for all other proper orders and relief in the premises.

J. A. Knotts.

The State of Ohio, Union County, ss.

J. A. Knotts, the above named Plaintiff, being duly sworn, says that the foregoing matters and things set forth in said petition are true, to the best of his knowledge and belief.

J. A. Knotts.

Sworn to before me and signed in my presence this 6 day of January, 1939.

Seal

John H. Kinkade - Notary Public.

THE COL. B. B. MFG. CO. 75974

13755

Probate Court, Union County, Ohio.

J. A. Knotts, Executor of the Estate of Lena Burns, Deceased,

Plaintiff,

against

Flora Knotts, et al.,

Defendants.

No. 13755.
Civil Action.
Petition to Sell Real Estate.
Praecipe.

To the Probate Judge:

Issue summons for said Eugene Burns, Mary Louise Burns, John Burns, Defendants, directed to the Sheriff of said County, returnable according to law.

John H. Kinkade-Plaintiff's Attorney.

Filed Jan. 7-1939.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

J. A. Knotts, as Executor of the Estate of Lena Burns, Deceased,

Plaintiff,

-vs-

Flora Knotts, et al.,

Defendants.

January 7-1939.

Order Fixing Time for Hearing and for Notice.

This day J. A. Knotts, Executor of the Estate of Lena Burns deceased, 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.

It is ordered that said petition be heard on the 18 day of February 1939, at 1 o'clock P. M., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen-Probate Judge.

Filed Jan. 9-1939.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

To the Hon. L. W. Hazen, Judge of said Court: January 9, A.D. 1939.

The undersigned John H. Kinkade, Attorney for J. A. Knotts, Executor of the Estate of Lena Burns, Deceased, makes application for the appointment of a Guardian ad litem for the minor defendants in the above entitled case:

The defendants, Eugene Burns, aged 10; Mary Louise Burns, aged 7; John Burns, aged 5; all under the age of fourteen years, and have been duly served with summons herein.

The undersigned suggests that R. C. Thrall, who is a suitable person be appointed as such Guardian ad litem.

Respectfully,
John H. Kinkade
Attorney for Plaintiff.

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Plaintiff's Attorney,
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Filed
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Probate Court, Union County, Ohio.

J. A. Knotts, Executor of
the Estate of Lena Burns,
Deceased,
Plaintiff,

-vs-

Flora Knotts, et al.,
Defendants.

January 9- 1939.
No. 13755.
Appointment of Guardian ad Litem.

This day John H. Kinkade, Attorney for the Plaintiff appeared in open Court, and made application for the appointment of a Guardian ad Litem for the minor defendants in this case.

And it appearing to the Court that the defendants, Imogene Burns, Mary Louise Burns and John Burns are under the age of fourteen years, and have been duly and legally served with summons herein, it is ordered that R. L. Thrall be and he hereby is appointed Guardian for the said, for said minor defendants.

And now comes the said R. L. Thrall and in open Court accepts said appointment.

L. W. Hazzy- Judge.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

J. A. Knotts, Executor of
the Estate of Lena Burns,
Deceased,
Plaintiff,

-vs-

Flora Knotts, et al.,
Defendants.

No. 13755.
Answer of Minor Defendants.

And now comes the said Imogene Burns, aged 10; Mary Louise Burns, aged 7; John Burns, aged 5; the minor defendants, to the petition in said cause, by R. L. Thrall their Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition, deny all the material allegations herein contained, prejudicial to said minor defendants. They further say, that they are of tender years and not acquainted with the law in such cases, and therefore pray the Court to protect their rights in this cause, and for such relief as may be just.

Dated this 9 day of January, A. D. 1939.

Imogene Burns.
Mary Louise Burns.
John Burns.
By- Richard L. Thrall,
Guardian Ad Litem.

THE COL. B. B. MFG. CO. 75974

13755
Filed
Jan. 9- 1939.

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 Flora Knotts, the custodian of Imogene Burns, a minor, Mary Louise Burns, a minor, and John Burns a minor, the following named who are minors, to-wit: Imogene Burns, Mary Louise Burns, John Burns, making service of this summons upon such minors as are under fourteen years of age, and also upon the guardian, father, mother or custodian of said minors, in the order named; that on the 7 day of January A. D. 1939, J. A. Knotts, Executor of the Estate of Lena Burns deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts and that unless they answer by the 7 day of February, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 16 day of January, 1939.

Witness my hand and the seal of said Court, this 7 day of January, 1939.

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 January 7, 1939, at 10 o'clock, A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: On December 7th. 1939, on Flora Knotts the custodian of the said Imogene Burns, Mary Louise Burns and John Burns; by personally handing to her copy of this writ with all endorsements thereon.

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

Filed
Jan. 16- 1939.

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

J. A. Knotts, Exr. of Estate of Lena Burns, Deceased, Plaintiff,
-vs-
Flora Knotts, Esther Chumbley, Leona Parthemore, Burns Parthemore, Imogene Burns, Mary Louise Burns, John Burns, Defendants.

No. 13755.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell

13755

Filed
Feb. 23- 1939.

13755

We, the undersigned, parties Defendant to the Petition in the above entitled action, do each & us hereby waive the issuing and service of Summons, and voluntarily enter an 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.

Dated January 7th. A. D. 1938.

Flora Knotts.
Esther Crumpbley.
Louis Parthemer.
Burns Parthemer.

Flora Knotts, for Imogene, Mary, John Burns, Custodian and acting Guardians.

Filed Feb. 23-1939.

Affidavit for Private Sale.

In the Probate Court of Union County, Ohio.

J. A. Knotts, Executor etc. of the Estate of Lena Burns, Deceased,

Plaintiff,

-vs-

Flora Knotts, et al.,

Defendants.

No. 13755.

February 25-1939.

Affidavit for Private Sale.

The State of Ohio, County of Union, ss.

Personally appeared before me, a Notary Public within and for the said County and State, Fred Johnson and Reed Neer, who being first duly sworn depose and 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 estate of Lena Burns & John B. Burns, deceased, and of all parties interested therein, to sell the real estate of said decedent at private sale, as they verily believe. Said John B. Burns interest being worth about $100.00.

Fred Johnson.
Reed Neer.

Sworn to by said Fred Johnson and Reed Neer, before me, and signed by them before me this 25 day of February, A. D., 1939.

Seal

John H. Kirkpade
Notary Public.

THE COL. B. B. MFG. CO. 75974

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Filed
Feb. 23-1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To J. A. Knotts, Executor of the estate of Lena Burns, deceased, and acting administrator of John B. Burns, deceased.

The Court finds that the plaintiff, J. A. Knotts is the duly appointed, qualified and acting executor of the estate of Lena Burns, deceased. The Court also finds that the husband of said Lena Burns, to-wit: John B. Burns held title to .33 of an acre of the land in the name of Lena Burns and John B. Burns, and that administration of his estate was dispensed with because being less than $500.00. That for the purpose of closing up both of said estates it is hereby ordered by the Court that the said J. A. Knotts be and he is hereby empowered to proceed and convey the title to the said .33 of an acre along with the real estate of said Lena Burns, deceased. That the said .33 of an acre has no improvements and is intermingled with the real estate of said Lena Burns, deceased, all in the same enclosure and all is a part of the same and one tract which is to be conveyed to Fred and Carrie Schoenleb. The said J. A. Knotts as Executor of the said Lena Burns, deceased, shall include in the settlement of her estate also the title to said .33 of an acre of the proceeds thereof in the payment of his care, funeral expenses, costs of administration etc. as a proper and legitimate part of the settlement of the estate of the said Lena Burns, deceased. It appears to the Court, the attorneys, the heirs and all persons interested that this is the fairest, best, just and legal proceeding in the settlement of the said two estates of Lena Burns and John B. Burns, husband and wife, both deceased. You are therefore commanded to proceed according to law to sell at private sale for not less than $3500.00, 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 Marysville and bounded and described as follows:

Part of Survey No. 3351.

Beginning at a stone in the center of the Weaver Road (now Chestnut Street) and Southeast corner of John C. Gougan's land. Thence with the center of the Weaver Road S. 8° E. twenty and ten hundredths (20-10/100) poles to a stake at corner Anna E. Dellinger's lot of one acre; thence with her line N. 89° W. thirty-five and forty-one hundredths (35-41/100) poles to a stake, at Dellinger's northwest corner; Thence S. 1° W. four and six tenths (4-6/10) poles to a stake in the line of George A. Fox's land; Thence

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N. 89° W. and with Fox's line to a stone in the center of Military Street (now Walnut Street); Thence northerly along the center of said street to a stake, Southwest corner of said John B. Asman's land; Thence with said Asman's South line to a place of beginning.

Containing nine (9) acres, more or less.

But excepting therefrom the Deed to Oscar Burns of October 11, 1921 recorded in Volume 125, page 372 in the Recorder's Office, Union County, Ohio of 60/100 of an acre and also conveyance to Bertha Parthemore on December 6, 1913 recorded in Volume 107, page 559 in the Recorder's Office, Union County, Ohio, of one-fourth (1/4) of an acre, leaving the balance hereby conveyed 8.38 acres.

Also the following described tract, situated in the County of Union, in the State of Ohio, and in the Village of Marysville, and bounded and described as follows:

Part of Virginia Survey No. 3351.

Being a lot, 191 feet in length and 4.6 poles in width off of the west end of the following described real estate:- Being the west one-half (1/2). Beginning at a stake in the center of the Weaver Road at the North East corner of George A. Fox's; Thence N. 89° W. 35-41/100 poles to a stake, Southwest corner to land conveyed by John Weaver, Sr. to John Weaver, Jr.; Thence N. 1° East 4.6 poles to a stake; Thence S. 89° East 34-67/100 poles to the center of the Weaver Road; Thence S. 8° East with the center of said road to the beginning, containing one (1) acre, more or less, being part of a five (5) acre tract of land conveyed by John Weaver, Sr. to John Weaver, Jr. and off the South side thereof. Being actually 1.33 of an acre.

Being the same premises conveyed by Blaine and Mary M. Stirk to John B. Burns on October 12, 1918, recorded in Deed Book 119, page 21 in Record Deeds, Union County, Ohio.

Said sale to be made upon the following terms, to-wit: Cash.

Conveyance to be made to Fred and Carrie Schoenleb, the approved purchasers of said real estate.

You are therefore 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 February, 1939.

Seal

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

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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 February, 1939.

J. A. Knotts, Executor of Estate of John B. Burns, Deceased.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 25 day of February 1939, offer said property, at private sale, and find and Carrie Schoenleb having offered therefor the sum of Thirty-five Hundred Dollars ($3500.00) and the same being not less than the appraised value of said property, I sold the same to said Schoenleb for that sum.

J. A. Knotts, Executor of Estate of Lena Burns and acting Administrator of John B. Burns, Deceased.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

J. A. Knotts.

Sworn to before me and subscribed in my presence, this 25 day of February, 1939.

Seal

John H. Kinkade - Notary Public.

Approved by the Attorney for the estate and Guardian ad Litem, Attorney for the minor heirs.

John H. Kinkade.
Richard C. Small.

February 25- 1939.
Ordering Private Sale.

Filed
Feb. 23-1939.

Probate Court, Union County, Ohio.

J. A. Knotts, as Executor of the Estate of Lena Burns, Deceased,

Plaintiff,

-vs-

Flora Knotts, et al.,

Defendants.

February 25- 1939.
Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given bond in the sum of Five Thousand ($5000.00) Dollars, with approved sureties, conditioned according to law, the said bond is hereby approved.

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Feb. 23-1939.

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Further bond is not necessary.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said Estate of Lena Burns and John B. Burns, to sell the real estate described in the petition at private sale, it is now ordered that J. A. Knotts as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand.

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

L. W. Hazen- Probate Judge.

Filed Feb. 23-1939.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

J. A. Knotts, Executor of Estate of Lena Burns, Deceased, Plaintiff, vs. Flora Knotts, et al., Defendants. | No. 13755. Application.

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

viz: The plaintiff had a bona fide offer of Fred and Carrie Schoenlebe of cash of $3500.00 for all of the real estate in the name of said Lena Burns and John B. Burns. The said John B. Burns holds title to .33 of an acre intermingled with said Lena Burns' real estate and all in the same enclosure.

But this offer of $3500.00 is the best that could be obtained and it is more than the same will bring at public sale and is the appraised value of said real estate, that is supported by the Affidavit of Fred Johnson and Reed Myer, expert appraisers.

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

J. A. Knotts- Executor of Estate of Lena Burns and acting Administrator of John B. Burns, Deceased.

The State of Ohio, Union County.

J. A. Knotts, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

J. A. Knotts- Executor of Estate of Lena Burns and acting Administrator of John B. Burns, Deceased.

THE COL. B. B. MFG. CO. 75974

13755

Sworn to before me and signed in my presence, this 25 day of February, A. D. 1939.

John H. Kinkade - Notary Public.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

Fred Johnson and Reed Rupp, 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 heirs to sell said real estate at private sale than at public sale as they verily believe.

Fred C. Johnson.

Reed Rupp.

Sworn to before me and signed in my presence this 25 day of February, 1939.

John H. Kinkade - Notary Public.

Seal

Filed apr. 13- 1939.

Dispensing with a New Appraisement and Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

J. A. Knotts, as Executor of the Estate of Lena Burns, Plaintiff,

-vs-

Flora Knotts, et al., Defendants.

April 13- 1939.

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 decedent to pay debts of said estate, and the answer of R. C. Small, guardian ad litem of Imogene, Mary and John Burns, minors. The Court finds from the evidence that all necessary parties are before the court, and that the prayer of the petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at $3400.00 Dollars, and that a further appraisement is dispensed with.

It appearing to the Court that the amount of the original bond given by J. A. Knotts as such Executor 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 J. A. Knotts as such Executor, sell, as provided by laws,

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Filed Apr. 13- 1939.

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13755 the real estate in the petition described, at not less than the appraised value thereof, on the following terms, to-wit: One-third cash in hand, one-third in one year and one-third in two years from the time of sale. Deferred payments to be secured by mortgage on said premises and bear interest at the rate of — per cent. And Plaintiff is ordered to make return forthwith upon such sale.

L. W. Hazen- Probate Judge.

Filed Apr. 13-1939.

Confirming Appraisement, Dispensing with Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

J. A. Knotts, as Executor of the Estate of Lena Burns, Deceased, Plaintiff,

-vs-

Flora Knotts, et al., Defendants.

April 13- 1939.

Confirming Appraisement, Dispensing with Bond & 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 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 J. A. Knotts as such Executor 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 J. A. Knotts as such Executor, 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: One-third cash in hand, one-third in one year and one-third in two years from the time of sale. Deferred payments to be secured by mortgage on said premises and bear interest at the rate of — per cent.

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

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13755
Filed
Apr. 13- 1939.

Confirming Sale, Ordering Deed and Distribution.
Probate Court,
Union County, Ohio.

J. A. Knotts, as Executor
of the Estate of Lena Burns,
Deceased,
Plaintiff,

-vs-

Flora Knotts, et al.,
Defendants.

April 13- 1939.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of J. A. Knotts, Executor of Lena Burns, 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 John B. Burns and Lena Burns in said real estate, to the purchaser, Fred and Carrie Schroeder. 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 $3500.00 Dollars.

It is further ordered that said J. A. Knotts out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $168.41 to John H. Kinkade, for services performed for the fiduciary in connection with the sale, and the sum of $168.41 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.

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:

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Filed
May 22- 1939.
John W. Dailey,
Attorney.

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(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.

13868
Filed
May 22-1939.
John W. Dailey,
Attorney.

Petition to Sell Real Estate.
Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

W. E. Writer, Administrator of the Estate of Mary N. Hemphill, Deceased,

Plaintiff,

-vs-

Bertha Truitt, Jessie Hartshorn, Martha Rea, Laura Smith, Georgia Engalls, Florence M. Smith, Anna Bruce, Victor J. Hemphill, Cora Smith, Belle Summerville, Mary Lesert, Jerry Miller, Hazel Holliday, Chas. Hess, Fannie Hess, Ralph Hess, Laura Lewis, Everett Welch, Faydelle Welch, Harry Welch and Frank Welch,

Defendants.

No. 13868.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified, and acting administrator of the estate of Mary N. Hemphill, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Four Hundred Dollars.

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

THE COL. B. B. MFG. CO. 75974

13868

been epcepted to; and said personal property is wholly insufficiunt to pay the debts, allowance and costs aforesaid.

Said decedunt 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 Town of Broadway and being Lot No. 41 on the plat of said Town of Broadway. Containing 1/2 of an acre. Said Lot is in Peleg Crauptons Addition to the town of Broadway, Ohio, as recorded Sept. 12-1866, in Plat Book No. 1, page 84.

Also the following described real estate, situated in the County of Union, State of Ohio and Town of Broadway. Being Lot No. 40 in said Village. For a more definite description of said lot, reference is made to the recorded plat of said town or village in the Recorder's Office, Marysville, Ohio.

Being the undivided one-half interest only in each of the above described tracts.

Said administrator further says that said estate is whole and can not be sold to the best advantage unless the entire track be sold and he prays that the entire track, rather than the undivided one-half interest, be sold.

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

Said real estate is encumbered, as follows: None.

The decedunt died leaving no widower.

The defendants, Bertha Truitt, Jessie Hartshorn, Martha Rea, Laura Smith, Georgia Engalls, Florence M. Smith, Anna Bruce, Victor J. Hemphill, Cora Smith, Belle Summerville, Louie Resert, Vera Miller, Hazel Holyday, Chas. Hess, Jamie Hess, Ralph Hess, Laura Lewis, Everett Welch, Maydelle Welch and Harry Welch and Frank Welch, are all the heirs or persons entitled to the next estate of inheritance from the decedunt in such real estate and having interest therein.

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

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

John W. Bailey,
Attorney for the Plaintiff.

13868 Filed July 8-1939.

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The State of Ohio, Union County.

W. E. Writer, 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. E. Writer.

Sworn to before me and signed in my presence by the said W. E. Writer, Administrator, at Marysville, Ohio, this 20 day of May, 1939.

John W. Dailey-Notary Public.

Filed July 8-1939.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

W. E. Writer, Administrator of the Estate of Mary Humphill, Plaintiff,

-vs-

Bertha Truitt, et al., Defendants.

No. 13868.
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 according to the prayer of the same.

June 26, A. D. 1939.

Mrs. James L. Hess.
Mrs. James L. Hess.
Everett Paul Welch.
Agnes E. Welch.

Filed July 8-1939.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

W. E. Writer, Administrator of the Estate of Mary Humphill, Plaintiff,

-vs-

Bertha Truitt, et al., Defendants.

No. 13868.
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.

Laura H. Smith.
Martha Rea.
Glen Rea.
Jessie Hartshorn.
A. U. Hartshorn.
Bertha Truitt.
Edward E. Truitt.
Harry Welch
Flora Belle Welch, his wife.
Maydell Welch.
Eloise Welch.
Frank Welch.
Frances Welch.
E. Smith.

THE COL. B. B. MFG. CO. 75974

13868
Filed
July 8-1939.

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

W. E. Winter, Administrator
of Estate of Mary R. Hemphill,
Plaintiff,

-vs-

Bertha Truitt, et al.,
Defendants.

No. 13868.
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.

Georgia Sugalla, - Hessel, Mich.
Laura H. Smith.
E. E. Smith.
Georgia H. Sugalla.

Filed
July 8-1939.

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

W. E. Winter, Administrator
of Estate of Mary R. Hemphill,
Plaintiff,

-vs-

Bertha Truitt, et al.,
Defendants.

No. 13868.
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 2nd. A. D. 1939.

Terry Miller.
Clarence B. Miller.

Filed
July 8-1939.

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

W. E. Winter, Administrator
of Estate of Mary R. Hemphill,
Plaintiff,

-vs-

Bertha Truitt, et al.,
Defendants.

No. 13868.
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

13868
Filed
July 8-1939.

13868 described in the petition in said action according to the prayer of the same.

Florence M. Smyth.
John A. Smith.
Victor James Hemphill.
Zella M. Hemphill.

Filed July 8-1939.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

W. E. Winter, Administrator of the Estate of Mary F. Hemphill, Plaintiff,

-vs-

Bertha Truitt, et al., Defendants.

No. 13868.
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 2, A. D. 1939.

Mrs. Ralph Hess.
Mrs. Frances Hess.

Filed July 8-1939.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

W. E. Winter, Administrator of the Estate of Mary F. Hemphill, Plaintiff,

-vs-

Bertha Truitt, et al., Defendants.

No. 13868.
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.

Frank Lewis.
Mrs. Laura Lewis.
Mrs. Hazel Hollyday.
Robert W. Hollyday.

THE COL. B. B. MFG. CO. 75974

13868
Filed
July 8-1939.

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

W. E. Winter, Administrator
of Estate of Mary M. Hemphill,
Plaintiff,

-vs-

Bertha Smith, et al.,
Defendants

No. 13868.
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.

Cora Smith.
Nelson Smyth.

Filed
July 8-1939.

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

W. E. Winter, Administrator
of Estate of Mary M. Hemphill,
Plaintiff,

-vs-

Bertha Smith, et al.,
Defendants.

No. 13868.
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.

Mrs. Anna Bruce
Mr. Jack Bruce
Mrs. Belle Summerville.
Mr. William Summerville, deceased.
Mr. Louis Hege.
Mrs. Louis Hege.
Mrs. Mary Desert.
Mr. Louis Desert.

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Entry.

In the Probate Court of Union County, Ohio.

W. E. Writer, Administrator
of the Estate of Mary D. Hemphill,
Plaintiff,

-vs-

Bertha Truitt, Jessie Hartshorn, Martha Rea, Laura Smith, Georgia Engalls, Florence M. Smith, Aqua Bruce, Victor J. Hemphill, Cora Smith, Belle Summerville, Mary Desert, Vera Miller, Hazel Holfyday, Chas. Hess, Fayes Hess, Ralph Hess, Lana Lewis, Everett Welch, Raydell Welch, Harry Welch and Frank Welch,
Defendants.

No. 13868.

This day this matter came on to be heard before the court on the petition of the plaintiff for authority to sell the real estate as described therein to pay the debts of the decedent, and the evidence.

The court finds from the evidence that the decedent was the owner of the undivided one-half intrest in said premises and that the petitioner has requested the sale of the entire tract; that it is for the best intrest of the estate, the heirs at law and next of kin that the entire tract be sold.

The court further finds from the evidence that all necessary parties are before the court, and have been duly served with summons as provided by statute or have voluntarily entered their appearance herein by waiver of summons, and being joined in such waivers by their respective spouses, requests that said real estate be sold as prayed for in the petition; that all of said parties as named as defendants with the sole exception of Chas. Hess, and that the said Chas. Hess has no interest of any kind in said premises, are properly before the court and that the prayer of the petition therein should be granted.

That the decedent left no spouse entitled to any dower in said premises and that said real estate was appraised by the appraisers heretofore appointed by the court in the sum of Five Hundred Dollars, and that a further appraisement of said real estate be dispensed with.

The court further finds that the bond heretofore given by W. E. Writer, the Administrator plaintiff herein in the sum of $2000.00 is sufficient and

THE COL. B. B. MFG. CO. 75974

13868

that no other bond be required of him to complete the sale of the real estate as described in the petition.

It further appearing to the court that private sale would be for the best interests of the estate, as well as the heirs at law and next of kin of the decedent, it is further ordered that the said W. E. Winter, as such administrator sell said real estate at private sale for not less than Five Hundred ($500.00) Dollars, being the appraised value thereof, for cash upon confirmation of deed by this court.

It is further ordered that said W. E. Winter as such administrator make return of said sale without unnecessary delay.

D. W. Hagen- Probate Judge.

Filed July 8-1939.

Application To Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

W. E. Winter, Administrator of the Estate of Mary M. Hemphill, Plaintiff,

-vs-

Bertha Truitt, et al., Defendants.

No. 13868, 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:

1st., That said real estate in Broadway is in bad condition and in immediate need of repair to preserve the property.

2nd. That said administrator has a bona fide offer for said real estate in the amount of ——, which amount is —— more than the appraised value as set by the appraisers of the estate.

3rd. That said administrator considers said offer to be for more than said property could be sold for at public sale.

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

W. E. Winter- Administrator of Estate of Mary M. Hemphill.

The State of Ohio, Union County.

W. E. Winter, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

W. E. Winter.

Sworn to before me and signed in my presence this 8 day of July, A. D. 1939.

Seal

John W. Darley- Notary Public.

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Filed July 8-1939.

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Affidavit of Disinterested Person.

The State of Ohio, Union County.

Sewell Watts and Arthur Galloway each, 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 to sell said real estate at private sale than at public sale for the reasons as set for in this application as they verily believe.

Sewell Watts.
Arthur W. Galloway.

Sworn to before me and signed in my presence this 8 day of July, 1939.

Seal

John W. Dailey. Notary Public.

Filed July 8-1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To. W. E. Binter, Administrator of the estate of Mary T. Hemphill, 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 Mary T. Hemphill, are Plaintiff and Bertha Truitt Et al, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Five Hundred the appraised value thereof, the following described premises to-wit:

Situated in the County of Union in the State of Ohio and in the Town of Broadway and being Lot No. 41 on the plat of said Town of Broadway. Containing 1/2 of an acre. Said Lot is in Riley Addition to the Town of Broadway, Ohio, as recorded Sept. 12, 1865 in Plat Book No. 1 page 84.

Also the following described real estate, situated in the County of Union, State of Ohio and Town of Broadway. Being Lot No. 40 in said Village. For a more definite description of said lot reference is made to the recorded plat of said town or village in the Recorders Office, Marysville, Ohio.

Being the interest of Mary T. Hemphill and John H. Hemphill, each deceased.

Said sale to be upon the following terms: Cash in hand upon confirmation of sale and delivery of deed.

You are therefore hereby commanded to execute thy 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. 75974

13868

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 7 day of July, 1939.

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 this 11 day of July, 1939.

W. E. Winter- Administrator.

Report of Private Sale.

In obedience to & the command of the within order of sale, I did on the 8th. day of July, 1939, offer said property, at private sale, and E. L. Perry having offered therefor the sum of Six Hundred Seventy five Dollars ($675.00) and the same being not less than the appraised value of said property, I sold the same to said E. L. Perry for that sum.

W. E. Winter.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

W. E. Winter, 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. E. Winter.

Subscribed in my presence and sworn to before me, this 11 day of July, 1939.

Carrie W. Hornbeck- Deputy.

Seal

Entry.

Filed July 11-1939.

In the Probate Court of Union County, Ohio.

W. E. Winter, Administrator of the Estate of Mary M. Hemphill, Plaintiff,

vs.

Bertha Truitt, et al., Defendants.

No. 13868.
July 11- 1939.

This day this cause came on for hearing upon the report of W. E. Winter, Administrator of the estate of Mary M. Hemphill, deceased, of his proceedings under the former order of this court, and upon motion of said petitioner to confirm the sale made in obedience to said order, the court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being sat-

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June 20-1939.
John W. Dailey, Clerk
Attorney

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isfied 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 by the court that said petitioner execute a deed of all the right, title and interest of the said Mary M. Hemphill and James H. Hemphill in said real estate, to the purchaser E. L. Perry, upon the said purchaser paying the sum of $675.00 in cash upon delivery of deed.

Said cause coming on further to be heard upon the pleadings herein, the evidence and motion to distribute the proceeds of said sale, amounting to the sum of $675.00, it is ordered that said administrator out of the funds in his hands pay;

1st. The costs and expenses of the sale, including an Attorney fee of $100.00 to John W. Dailey for services rendered for the fiduciary in connection with the sale of said real estate, and the sum of $65.00 to W. E. Winter, the fiduciary, for his services and expenses in the connection of the sale of the real estate, and the sum of $30.40 to this Court for the court costs of this proceeding.

2nd. Pay to the Treasurer of Union County, Ohio, the taxes, interest and penalties assessed against said property in the sum of $2.20.

3rd. That the residue of said purchase price, in the sum of $477.40 be retained by the administrator to be accounted for as provided by law.

It is further ordered that this proceeding be recorded and the petitioner pay the costs of this proceeding immediately.

L. W. Hazen - Probate Judge.

13890
Filed
June 20-1939.
John W. Dailey
Attorney.

Petition to Sell Real Estate.

Petition for Sale of Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

Clara Schoenleb, Administrator of the Estate of George Schoenleb, deceased,

Plaintiff,

-vs-

Dana Schoenleb, Mary Schoenleb, wife of Dana Schoenleb, Ralph Schoenleb, Gertrude Schoenleb, wife of Ralph Schoenleb, Milton Schoenleb, Jessie Schoenleb, wife of Milton Schoenleb, Clara Schoenleb, and Annette Schoenleb, a minor of the age of 12 years,

Defendants.

No. 13890.
Civil Action.
Petition to Sell Real Estate.
Petition.

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THE COL. B. B. MFG. CO. 75974

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The plaintiff is the duly appointed and acting Administratrix of the estate of George Schoenleb, deceased, late of this County, as near as can be ascertained the amount of the valid debts against said deceased is One Thousand Twenty Dollars, consisting of the undertaker charges, medical services and the years allowance for support of the widow and minor child.

An allowance of Six Hundred Dollars was made by the appraisers of the above estate to the widow and children for twelve months.

And the costs of administering the estate will be about approximately One Hundred fifty Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at 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 one-half interest only, in the following described real estate, to-wit:

Situated in the County of Union in the State of Ohio and in the Village of Unionville and bounded and described as follows: In Freshwater's Addition to the Village of Marysville, Ohio, known as Lot No. 434. Being the same premises deeded from Marion Hopkins, Sheriff to George Ell, Docket S, Page 538, and recorded in Volume 60 of Deed Records of Union County, Ohio, page 584.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at the undivided one-half interest at One Thousand Dollars.

Said real estate is encumbered as follows: None.

The decedent died leaving the plaintiff, Clara Schoenleb as his surviving spouse who is 51 years of age and is entitled to dower in said premises.

The defendants, Dana Schoenleb, Mary Schoenleb, wife of Dana Schoenleb, Ralph Schoenleb, Gertrude Schoenleb, wife of Ralph Schoenleb; Milton Schoenleb, Jessie Schoenleb, wife of Milton Schoenleb and Annette Schoenleb, are all the heirs or persons entitled to the real estate by 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 of all the right of dower of said

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Filed June 20-1939.

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Clara Schoenleb therein, but out of the proceeds of the sale, in lieu of dower, the Court allow to said Clara Schoenleb such sum in money as is just and reasonable value thereof, unless the answer of said Clara Schoenleb waives such allowance; that the rights, interests and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided; and for such other and further relief as she may be entitled to.

John W. Dailey.
Attorney for the Plaintiff.

The State of Ohio, Union County.

Clara Schoenleb, 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.

Clara Schoenleb.

Sworn to before me and signed in my presence by the said Clara Schoenleb, at Marysville, Ohio, this 20 day of June, 1939.

Seal

John W. Dailey- Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Dana Schoenleb, Mary Schoenleb, Galena, Delaware County; Ralph Schoenleb, Gertrude Schoenleb, Milton Schoenleb, and Annettie Schoenleb, residing with Clara Schoenleb, Union County, Defendants, directed to the Sheriff of said County, returnable according to law.

John W. Dailey
Plaintiff's Attorney.

Filed June 20-1939.

Order Fixing Time for Hearing and for Notice.
Probate Court, Union County, Ohio.

Clara Schoenleb, as Administratrix of the Estate of George Schoenleb, Plaintiff,

-vs-

Dana Schoenleb, et al., Defendants.

June 20- 1939.
Order Fixing Time for Hearing and for Notice.

This day Clara Schoenleb, administratrix of the estate of George Schoenleb, deceased, filed in this court this 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 summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13890
Filed
June 27-1939.

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 Annettie Schoenleb, a minor residing with her mother and Clara Schoenleb, the mother; that on the 20th. day of June, A.D. 1939, Clara Schoenleb, administratrix of the estate of George Schoenleb deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described for the purpose of paying debts of the estate; and that unless they answer by the 22 day of July, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 3rd. day of July, 1939.

Witness my hand and the seal of said Court, this 23 day of June, 1939.

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's Fees.	
Service 1, Return, first name	.75
1 Additional name, at	.25
	$1.00

Received this writ June 23rd. 1939, at 9 o'clock A. M., and on the 24th. day of June 1939, I served the same by delivering a copy thereof personally to the within named Annette Schoenleb, a minor, residing with her mother, Clara Schoenleb and Clara Schoenleb, mother of minor Annette Schoenleb.

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

Filed
June 20-1939.

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

Clara Schoenleb, Administratrix of the Estate of George Schoenleb, Plaintiff,

-vs-

Dana Schoenleb, et al., Defendants.

No. 13890.
Answer of Minor Defendants.

And now comes Clifton L. Caryl, duly appointed by the Court as Guardian Ad Litem for Annettie Schoenleb, the minor child of George Schoenleb and Clara Schoenleb 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

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June 20-1939.

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.

Clifton L. Caryl
Guardian Ad Litem.

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

Clara Schoenleb, Administrator
of the Estate of George Schoenleb,
Plaintiff,
-vs-
Dana Schoenleb, et al.,
Defendants.

No. 13890.
July 18-1939.

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

Now comes Clara Schoenleb by her counsel, John W. Dailey, plaintiff, and makes application for the appointment of a Guardian Ad Litem for Annettie Schoenleb, a minor under 14 years of age, to-wit, of the age of 12 years, and one of the defendants herein, upon whom summons was duly served according to law, and suggests that Clifton L. Caryl who is a suitable person be appointed as such Guardian Ad Litem.

John W. Dailey
Attorney for Plaintiff.

Journal Entry.
Probate Court, Union County, Ohio.

Clara Schoenleb, Administratrix
of the estate of George Schoenleb,
Plaintiff,
-vs-
Dana Schoenleb, et al.,
Defendants.

July 20-1939.
No. 13890.
Appointing Guardian Ad Litem.

On the application of John W. Dailey, attorney for the plaintiff, it appearing to the Court that Annettie Schoenleb one of the defendants herein, has been duly served with summons, and she is a minor of the age of 12 years, it is ordered that Clifton L. Caryl be and he is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

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Filed
June 20-1939.

Wainer of Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Clara Schoenleb, Administratrix
of the Estate of George Schoenleb,
Plaintiff,

-vs-

Dana Schoenleb, et al.,
Defendants.

No. 13890.
Proceeding to Sell Real Estate.
Wainer 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 21- A. D. 1939.

Dana Schoenleb.
Ralph Schoenleb.
Milton Schoenleb.
and Consent to Sell.

Filed
June 20-1939.

Wainer of Summons
Probate Court,
Clara Schoenleb, Administratrix
of the Estate of George Schoenleb,
Plaintiff,

-vs-

Dana Schoenleb, et al.,
Defendants.

Union County, Ohio.

No. 13890.
Proceeding to Sell Real Estate.
Wainer 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 19- A. D. 1939.

Filed
June 20-1939.

Wainer of Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Clara Schoenleb, Administratrix
of the Estate of George Schoenleb,
Plaintiff,

-vs-

Dana Schoenleb, et al.,
Defendants.

Gertrude Schoenleb.

No. 13890.
Proceeding to Sell Real Estate.
Wainer 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

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July 18- A. D. 1939.

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Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Clara Schoenleb, Administratrix of the Estate of George Schoenleb,
Plaintiff,
-vs-
Dana Schoenleb; et al.,
Defendants.

No. 13890.
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 entry 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 19- A.D. 1939.

Mary Schoenleb.

Journal Entry.

In the Probate Court of Union County, Ohio.

Clara Schoenleb, Administratrix of the Estate of George Schoenleb,
Plaintiff,
-vs-
Dana Schoenleb, Mary Schoenleb his wife, Ralph Schoenleb and Gertrude Schoenleb his wife, Milton Schoenleb and Jessie Schoenleb his wife, Clara Schoenleb and Annettie Schoenleb, a minor of the age of 12 years,
Defendants.

Case No. 13890.
Entry.

This day this matter came on for hearing upon the petition, and the evidence, and the court finds all the defendants herein have been duly served with summons, as provided by law, or have voluntary entered their appearance herein by waivers and consent to sell the real estate as prayed for in the petition, and are all properly before the court.
That all of said defendants except Clara Schoenleb and Annettie Schoenleb are in default for answer and demurrer; that Clifton L. Coryl as Guardian Ad Litem of Annettie Schoenleb, a minor under the age of 21 years, has filed an answer herein; that the plaintiff, and defendant, Clara Schoenleb,

THE COL. B. B. MFG. CO. 75974

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the surviving spouse of the decedent, has filed her answer and cross petition herein.

The court finds from the evidence adduced that all necessary parties are before the court and that the prayer of the petition should be granted.

That the plaintiff (defendant) Clara Schoenleb, surviving spouse of the decedent, is the owner of the undivided one-half interest in the real estate, and is entitled to the just and reasonable amount of her dower in the other undivided one-half interest, and that by her pleadings herein the court finds it to be to the best interest of the estate, as well as the owner of the undivided one-half interest, to sell the entire tract, as provided by Section 10610-10 of the General Code of Ohio.

The court further finds from the evidence the real estate described in the petition was being occupied by Clara Schoenleb with her minor child, Arnettie Schoenleb, and the decedent at time of death of the decedent, as a homestead and mansion house; that said widow, Clara Schoenleb, is at this time still residing in said dwelling house with said minor child and has not re-married; that the appraisers of the estate has heretofore set off to the widow the sum of $400.00 for her support and the further sum of $250.00 for the support of the minor child, under Section 10509-54 of the General Code of Ohio, and that there is insufficient funds in the personal estate to pay said sums; that said sums are the first and best lien on said premises owned by the decedent at time of death.

The court further finds the real estate as described in the petition has been appraised by the appraisers of the estate in the sum of $2,000.00 and orders that further appraisement of said estate be dispensed with. That the bond heretofore given by the plaintiff as such administratrix of the estate of George Schoenleb is sufficient, it is ordered that no additional bond be required of the administratrix.

It further appearing to the court that private sale would be to the best interests of the estate, as well as to the owner of the undivided one-half interest, it is ordered that said Clara Schoenleb as such administratrix sell said real estate at private sale at not less than $2,000.00, being the appraised value thereof, for cash in hand on date of sale.

It is further ordered that said Clara Schoenleb as such administratrix make return of sale without unnecessary delay.

L. W. Hazen-Probate Judge.

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Filed June 20-1939.

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June 20-1939.

Approved:
John W. Bailey
Attorney for Plaintiff.
Clifton R. Cayl.
Attorney for the Defendants.

Answer & Widow's

In the Probate Court of Union County, Ohio.

Clara Schoenleb, Administratrix
of the Estate of George Schoenleb,
Plaintiff, vs. No. 13890.
Dana Schoenleb, et al.,
Defendants.

Now comes Clara Schoenleb as an individual and one the parties defendant in the above cause of action and voluntary enters her appearance herein and says she is the widow of George Schoenleb, deceased, and as such widow is entitled to dower in the undivided one-half interest in the real estate described in the petition and that she is the owner in fee simple of the other undivided one-half interest in said real estate; that as the owner of the undivided one-half interest the said Clara Schoenleb says it would be the best interest of herself as well as to the best interest of the Estate of George Schoenleb that the entire tract be sold, as provided by Section 10510-10 of the General Code of Ohio.

Said Clara Schoenleb says her age is 61 years and the said George Schoenleb, deceased, left her as his widow and comprising a part of his family; that she is still his widow and unmarried; that, at the time of death of the said George Schoenleb, she, with her deceased husband resided on said premises as in the petition described, and they were using and occupying the same as their family homestead; that she is still residing thereon with her minor daughter and using and occupying the same, as such; and that she is entitled to a homestead as such widow, in the lands of her deceased husband, under the statutes of Ohio.

Said Clara Schoenleb as such widow further says that the appraisers appointed in the estate of George Schoenleb has set off to her the sum of Four Hundred Dollars for the years support and the further sum of Five Hundred Dollars under Section 10509-54 of the General Code; that said sums are the first and best lien on the undivided one-half interest of the deceased husband, George Schoenleb, in the real estate described in the petition.

THE COL. B. B. MFG. CO. 75974

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Wherefore, Clara Schoenleb prays the court that the entire tract of the real estate as described in the petition be sold as prayed for; that from the proceeds thereof she be paid in cash the undivided one-half thereof and that from the other undivided one-half interest she be paid the sum of Five Hundred Dollars in lieu of homestead and the further amounts heretofore set off to her by the appraisers of the estate, and for such other and further relief as she may be justly entitled to.

John W. Dailey
Attorney for Clara Schoenleb.

State of Ohio, Union County, ss:

Clara Schoenleb, being first duly sworn, says the facts stated and allegations made in the foregoing petition are true, as she verily believes.

Clara Schoenleb.

Sworn to before me and subscribed in my presence this the 20th. day of June, 1939.

L. W. Hazen-Probate Judge.

Seal

Filed June 20-1939.

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

Clara Schoenleb Administratrix of Estate of George Schoenleb, Plaintiff,
-vs-
Dana Schoenleb, et al., Defendants.

No. 13890.
Application.

Filed June 20-1939.

The said Plaintiff represents that it would be for the best interests of the said estate, as well as the owner of the undivided one-half interest to sell the real estate described in the petition in this case at private sale, for the following reasons:

1st. That the amount offered is in excess of the appraised value.

2nd. Time, cost and costs and expenses of public sale would, in the opinion of applicant, of vex the estate as well as the owner of the undivided one-half interest, less money that an immediate sale for cash.

3rd. That said real estate is in need of repair and the same is becoming less valuable if said repairs are not made within a reasonable time.

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

Clara Schoenleb-Administratrix
of Estate of George Schoenleb.

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13890 The State of Ohio, Union County.

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

Clara Schoenleb.

Sworn to before me and signed in my presence this 20 day of July, A. D. 1939.

Seal John W. Dailey Notary Public.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

U. E. Davis and M. L. Rausch, each, 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 as well as the owner of the undivided one-half interest to sell said real estate at private sale than at public sale for the reasons stated herein as they verily believe.

U. E. Davis.

M. L. Rausch.

Sworn to before me and signed in my presence this 20 day of July, 1939.

Seal John W. Dailey Notary Public.

Order of Private Sale.

Filed June 20-1939. The State of Ohio, Union County, ss. Probate Court.

To Clara Schoenleb, Administratrix of the Estate of George Schoenleb, 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 George Schoenleb are Plaintiff and Dana Schoenleb 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 Union in the State of Ohio and in the Village of Marysville, and bounded and described as follows:

Being Freshwater's Addition to the Village of Marysville, Ohio, known as Lot No. 434. Being the same premises deeded from Marion Hopkins Sheriff to George Ell, Docket S. page 538, and recorded in Volume 60 of Deed Records of Union County, Ohio.

Said sale to be upon the following terms: Cash in hand on date of sale.

THE COL. B. B. MFG. CO. 75974

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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 20th day of June, 1939.

L. O. 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 22 day of July, 1939.

Clara Schoenleb Administratrix of the Estate of George Schoenleb.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 22 day of July, 1939, offer said property at private sale, and Ollie Kane having offered therefor the sum of Two Thousand Dollars ($2,000.00) and the same being not less than the appraised value of said property, I sold the same to said Ollie Kane for that sum.

Clara Schoenleb,

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Clara Schoenleb, 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.

Clara Schoenleb.

Sworn to before me and subscribed in my presence, this 22 day of July, 1939.

John W. Dailey.

Seal

Entry.

Filed July 22-1939.

In the Probate Court of Union County, Ohio.

Clara Schoenleb, Administratrix of the Estate of George Schoenleb, Plaintiff,

vs.

Dana Schoenleb, et al., Defendants.

No. 13890.

This day this cause came on to be heard on the report of Clara Schoenleb, administratrix of the estate of George Schoenleb of her proceedings under

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the former order of this court, and upon motion of said petitioner to confirm the sale made in obedience to said order; the court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordered that the petitioner herein execute a deed of all the right, title, interest and claim of the said George Schoenleb and the said Clara Schoenleb in said real estate to the purchaser, Ollie Kane, upon said purchaser paying therefore the sum of $2,000.00 in cash to said administratrix.

This cause now coming on to be heard further upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of $2,000.00 and the said Clara Schoenleb, the owner of the undivided one-half interest and being the widow of George Schoenleb having by answer and cross-petition herein asked for the sale of the entire tract and the value of her dower in said premises and $500.00 in lieu of homestead to be paid out of the proceeds of the undivided one-half interest in said premises; the court finds that said Clara Schoenleb is justly entitled to the sum of $1,000.00, being the undivided one half in cash of the sale of said premises, and the further sum of $749.75 being the amount of her dower interest in said real estate, and the additional sum of $500.00 being a lien of the spouse for the amount heretofore allowed by the appraisers of the estate under Section 10515-54 of the General Code of Ohio.

It is therefore ordered that said administratrix out of the money in her hands, pay:

1st. To Clara Schoenleb, the sum of $1,000.00, being the amount of the undivided one-half interest in said real estate.

2nd From the balance remaining in her hands, in the sum of $ — pay the costs and expenses of this proceeding, including an Attorney fee of $100.00 to John W. Bailey for services performed for the fiduciary in connection with the sale, and the sum of $60.00 to the fiduciary for her services in connection with the sale, and to this Court the sum of $36.70 in court costs, which costs, expenses, fees and compensation shall be paid prior to any other claims against the undivided one-half interest in said real estate.

3rd. To the Treasurer of Union County, Ohio, the taxes assessed against said real estate in the sum of $11.86.

THE COL. B. B. MFG. CO. 75974

13890

4th. To Clara Schoenleb, the sum of $749.45 being the amount of her dower interest in said real estate.

5th. That the rest and residue of said proceeds of sale be retained by Clara Schoenleb, as such administratrix to be accounted for as provided by statute.

L. W. Hazen- Probate Judge.

13793
Filed
Feb. 20- 1939.
John W. Dailey,
Attorney.

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

Douglas Shelton, Administrator of the Estate of Martha E. Shelton, Deceased,
Plaintiff.

-vs-

Roemena Ridenour, Arthur Ridenour, Prospect, Ohio, R. D. 1; Ruth Grounds, Clay Grounds, 135 Foulkes St. Toledo, Ohio, Mary Shelton, State Hospital, Columbus, Ohio, Robert Gordon Shelton, a minor of the age of 14 years and Shirley Irene Shelton, a minor under the age of 14 years, each residing at 153 Whitmore Ave., Dayton, Ohio, with their mother, Myrtle Reed, The Department of Public Welfare, Division of Aid for the Aged, State of Ohio,
Defendants.

No. 13793.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting administrator of the estate of Martha E. Shelton, deceased, late of this County; as near as can be ascertained, the amount of the valid debts against said deceased is approximately One Thousand Five Hundred Dollars.

Consisting of a claim for approximately $1300.00 to the Division of Aid for the Aged, Department of Public Welfare, State of Ohio; taxes charged against said real estate and costs and expenses of administration of said estate.

And the costs of administering the estate will be about approximately One Hundred fifty Dollars.

The total value of the personal property of the said decedent was fixed by the appraisers of said estate at no Dollars, said appraisement not having been

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epected 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 situated in the Town of Broadway and being Lot No. 26 in the Town of Broadway, Union County, Ohio. For a more complete description see town plat Recorder's Office, Union County, Ohio.

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

Said real estate is encumbered as follows: A trust deed of record in the office of the Recorder to the State of Ohio, Department of Public Welfare, Division of Aid for the Aged.

The defendants, Romeus Ridenour, Arthur Ridenour her husband, Ruth Grounds, Clay Grounds her husband, Mary Shelton, unmarried, Robert Gordon Shelton and Shirley Irene Shelton and Douglas Shelton, are all the heirs at law, 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. Dailey.
Attorney for the Plaintiff.

The State of Ohio, Union County.

Douglas Shelton, 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.

Douglas Shelton.

Sworn to before me and signed in my presence by the said Douglas Shelton, at Marysville, Ohio, this — day of February, 1939.

Seal

John W. Dailey - Notary Public.

THE COL. B. B. MFG. CO. 75974

13793

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Shirley Irene Shelton, a minor of 12 years, Robert Gordon, a minor of 14 years and Myrtle Reed, mother of each of said minors and having the custody of each, directed to the Sheriff of Montgomery County, Ohio. Defendants residing at 153 Whitmore Avenue, Dayton, Ohio.

Copy summons directed to the Sheriff of Franklin County, Ohio, to be served upon the said Mary Shelton, State Hospital, West Broad Street, Columbus, Ohio, and upon the Superintendent of the State Hospital, Dr. J. M. Bateman, Defendant, returnable according to law.

John W. Dailey
Plaintiff's Attorney.

Filed
Mar. 2- 1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Montgomery County:

You are commanded to notify Shirley Irene Shelton, a minor of the age of 12 years; Robert Gordon Shelton, a minor of the age of 14 years and Myrtle Reed, mother of the above minors, each residing at 153 Whitmore Avenue, Dayton, Ohio; that on the 20 day of February, A. D. 1939, Douglas Shelton, administrator of the estate of Martha E. Shelton deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is, to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts, and that unless they answer by the 20 day of March, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 6th day of March, 1939.

Witness my hand and the seal of said Court, this 20 day of February, 1939.

Richard L. Cameron -
Acting Judge, and Ex-Officio
Clerk of the Probate Court of said
County.
By Carrie W. Hornbeck-Deputy Clerk.

(Seal)

Sheriff's Return.

The State of Ohio, Montgomery County.

Sheriff Fees		
— miles traveled at 8¢	1.20	
Postage	.03	
Total	$ 1.23	

Received this writ Feb. 23rd. 1939, at 9:33 o'clock A. M., and on the 23rd. day of Feb. 1939, I return this writ, without service, the within named, Shirley Irene Shelton, Robert Gordon Shelton, minors and Myrtle

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Filed
Feb. 24-1939.

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Filed
Mar. 2-1939.

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13793 Reed, mother of said minors, not found in my county.
P. J. Kloge - Sheriff.
By- C. R. Weidel - Deputy.

Filed Feb. 24-1939.

Waiver of Summons and Consent to Sell.

Probate Court, Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Romena Ridenour, et al.,

Defendants.

No. 13793.
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.

Arthur Ridenour.
Romena Ridenour.

Filed Mar. 2-1939.

Summons on Petition to Sell Real Estate.

Probate Court.

The State of Ohio, Union County.

To the Sheriff of Franklin County:

You are Commanded to notify Mary Shelton, an inmate of the State Hospital, West Broad Street and Dr. J. T. Bateman, Superintendent of the State Hospital, West Broad Street, Columbus, Ohio; that on the 20 day of February, A. D. 1939, Douglas Shelton, administrator of the estate of Martha E. Shelton 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 25 day of March 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on or the 6th. day of March, 1939.

Witness my hand and the seal of said Court, this 20 day of March, 1939.

Richard L. Cameron - Acting Judge and Ex-officio Clerk of the Probate Court of said County.
By- Carrie W. Hornbeck - Deputy Clerk.

THE COL. B. B. MFG. CO. 75974

13793

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees	
Service & Return, first name	.75
- Additional names, at 25¢	.25
- Miles traveled at 8¢	.80
Postage	.03
Total	$1.83

Received this writ February 23, 1939, at 9 o'clock A. M., and on the 25th. day of February, 1939, I served the same by delivering a copy thereof personally to the within named Mary Shelton and Dr. E. M. Clapp, successor to Dr. J. M. Bateman, Superintendent of the State Hospital as her legal custodian.

Jacob E. Landusky,
Sheriff of Franklin County, O.
By C. G. Donohue - Deputy.

Filed
Mar. 11- 1939.

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

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Rowena Ridenour, et al.,

Defendants.

No. 13793.
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.

Ruth Gromude.
Clay H. Gromude.

Filed
Mar. 18-1939.

Affidavit.

In the Probate Court of Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Rowena Ridenour, et al.,

Defendants.

No. 13793.

State of Ohio, Union County, ss:

Douglas Shelton, being first duly sworn says he is Administrator of the estate of Martha E. Shelton, deceased, and the plaintiff in the above cause of action; that on the 20 day of February 1939, service of Summons was duly issued to the Sheriff of Montgomery County, Ohio, for the defendants, Myrle Reed, Robert Gordon

13793

Filed
Mar. 25-1939.

13793 Shelton, a minor of the age of 14 years and Shirley Irene Shelton, a minor of the age of 12 years; that in due course said summons was returned by the Sheriff aforesaid endorsed "not found and unknown"; that the last known address of said defendants was 158 Whitmore Avenue, Dayton, Ohio, and affiant says that he has made diligent search and inquiry of relatives and friends and is unable to locate the address of any of the above defendants; and that service of summons cannot be made upon any of said defendants and that this action is instituted by the administrator for the sale of real estate for the payment of debts and costs in the Probate Court of Union County, Ohio, and said defendants are necessary parties in said action and that this action comes within the provisions of Section 11292 of the General Code of Ohio.

Douglas Shelton.

Sworn to before me and subscribed in my presence this the 18th. day of March, 1939.

Seal

Chas. D. Webb-Notary Public.

Filed Mar. 25-1939.

Answer and Cross Petition.

By the Probate Court, Union County, Ohio.

Douglas Shelton, Admr. of the Estate of Martha E. Shelton, decd.

Plaintiff,

-vs-

Rowena Ridenour, et al.,

Defendants.

No. 13793.

Answer and Cross Petition.

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 April 27, 1935, one Martha E. Shelton, 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 application and such certificate, together with a report of its findings, to the Division of Aid for the Aged.

The Division of Aid for the Aged, aforesaid, requested, in accordance with the provisions of Section 1359-6,

THE COL. B. B. MFG. CO. 75974

13793

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 request, the said Martha E. Shelton did on April 14-th 1938, convey in trust to the Division of Aid for the Aged, the following described real estate, situated in the County of Union, in the Town of Broadway, in the Township of ——, and State of Ohio, and bounded and described as follows:

Being Lot No. 26 in the town of Broadway, Union County Ohio. For a more complete description, see town plat in Recorder's Office, Marysville, Ohio; which conveyance in trust was filed for record May 12, 1938, at 9:15 o'clock A. M. and was recorded in Vol. 113, p. 119-120, May 17, 1938 of the records of mortgages 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 Martha E. Shelton was paid old age assistance in the amount of $1062.00, an itemized account of which is attached hereto, marked Exhibit "A" and made a part hereof; and that the total amount of old age assistance paid to the said Martha E. Shelton is in the sum of $1062.00, 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 $1062.00 and for such other and proper relief to which it may be entitled.

Thomas J. Herbert Attorney General.
Richard A. Morris - Asst.
Attorney General Attorneys for
the Division of Aid for the Aged.

Verification not required, § 348 G. C.

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Department of Public Welfare.
Division of Aid for the Aged
12th. Floor State Office Bldg. Columbus.
Estate of Martha E. Shelton, Dec'd, Broadway, Ohio.
Feb. 28, 1939 - 18-608-Union.

June	1935	For Aid	Paid		$16.00
July	1935	"	"	"	16.00
Aug.	"	"	"	"	16.00
Sept.	"	"	"	"	16.00
Oct.	"	"	"	"	16.00
Nov.	"	"	"	"	16.00
Dec.	"	"	"	"	16.00
Jan.	1936	"	"	"	16.00
Feb.	"	"	"	"	16.00
Mar.	"	"	"	"	16.00
Apr.	"	"	"	"	16.00
May	"	"	"	"	16.00
June	"	"	"	"	15.00
July	"	"	"	"	15.00
Aug.	"	"	"	"	25.00
Sept.	"	"	"	"	25.00
Oct.	"	"	"	"	25.00
Nov.	"	"	"	"	25.00
Dec.	"	"	"	"	25.00
Jan.	1937	"	"	"	25.00
Feb.	"	"	"	"	25.00
Mar.	"	"	"	"	25.00
Apr.	"	"	"	"	25.00
May	"	"	"	"	25.00
June	"	"	"	"	25.00
July	"	"	"	"	25.00
Aug.	"	"	"	"	25.00
Sept.	"	"	"	"	25.00
Oct.	"	"	"	"	25.00
Nov.	"	"	"	"	25.00
Dec.	"	"	"	"	27.50
Jan.	1938	"	"	"	27.50
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Mar.	"	"	"	"	27.50
Apr.	"	"	"	"	27.50
May	"	"	"	"	27.50
June	"	"	"	"	27.50
July	"	"	"	"	27.50
Aug.	"	"	"	"	27.50
Sept.	"	"	"	"	27.50
Oct.	"	"	"	"	27.50
Nov.	"	"	"	"	27.50
		Total aid Paid			$952.00
		Funeral Award			$110.00
Exhibit "A"		Total			$1062.00

THE COL. B. B. MFG. CO. 75974

13793
Filed
Apr. 25- 1939.

Notice.

Robert Gordon Shelton, a minor of the age of 14 years, Shirley Irene Shelton, a minor of the age of 12 years, and Myrtle Reed, mother of each of the above minors, whose last place of residence was 152 Whitmore Avenue, Dayton, Ohio, and whose address is unknown to the plaintiff and can not be ascertained, will each take notice that on the 20th. day of February, 1939, the plaintiff, Douglas Shelton, as administrator of the estate of Martha E. Shelton, filed his petition in the Probate Court of Union County, Ohio, and being Case No. 13793 on the docket of said court against the above parties and others for the sale of real estate described in the petition; for the payment of debts and costs of administration.

Said defendants are required to answer said petition on or before the 25th. day of April, 1939, or judgment will be taken according to the prayer thereof.

Douglas Shelton - Administrator of the Estate of Martha E. Shelton.

John W. Dailey, Attorney.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after March 20, 1939, in the Daily Mayville Tribune, a newspaper of general circulation in the county aforesaid.

J. M. Huber.

Sworn to before me and signed in my presence this 24th. Day of April, a. D. 1939.

Seal

A. P. Huber - Notary Public.

Printers Fees, $12.25.

Filed
Apr. 26-1939.

Entry.

In the Probate Court of Union County, Ohio.

Douglas E. Shelton, Administrator of the Estate of Martha E. Shelton, Plaintiff, -vs- Rowena Ridenour, et al., Defendants.

No. 13793.
April 25- 1939.

On motion of Douglas E. Shelton, administrator of the estate of Martha E. Shelton, deceased, and it appearing to the court that the defendant Mary Shelton is an insane person confined to the State Hospital and that service of summons has been made as provided by statute and the said Mary Shelton has no legal guardian of her person or property

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Filed
Apr. 26- 1939.

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and that she is a necessary party to this litigation.

It is therefore ordered that Richard C. Thrall be, and he hereby is, appointed Trustee herein to plead and appear and defend for said Mary Shelton, the insane defendant herein.

L. W. Hazen Probate Judge.

Filed Apr. 26. 1939.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Douglas Shelton, administrator of the estate of Martha E. Shelton, 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 Martha E. Shelton are Plaintiff and Rowena Ridenour, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Five Hundred, being more than the appraised value thereof, the following described premises, to-wit: Situated in the Town of Broadway and being Lot No. 26 in the Town of Broadway, Union County, Ohio. For a more complete description see town plat Recorder's Office, Union County, Ohio.

Said sale to be upon the following terms: Cash upon confirmation of said sale and delivery of the 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 26 day of April, 1939.

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 27 day of April, 1939.

Douglas Shelton -
Administrator of the Estate.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 27th. day of April, 1939, offer said property at private sale, and Walter Graham having offered therefor the sum of Five Hundred Dollars ($500.00) and the same being not less than the appraised value of said property, I sold the same to said Walter Graham for that sum.

Douglas Shelton.

THE COL. B. B. MFG. CO. 75974

13793

Affidavit to Report Private Sale.

The State of Ohio, Union County, ss.

Douglas Shelton, 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.

Douglas Shelton.

Sworn to before me and subscribed in my presence, this 27 day of April, 1939.

(Seal)

John W. Dailey-Notary Public.

Filed Apr. 26-1939.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

vs.

Romena Ridenour, et al.,

Defendants.

No. 13793, 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:

1st; That an offer of $500.00 in cash is made for said property, which amount is in excess of the appraised value thereof and which amount the applicant is of the opinion is more than will be realized from public sale.

2nd; That said buildings are unoccupied and the property is in need of immediate repair to the roof, windows and porches.

3rd; That the present prospective purchaser demands immediate possession of said property so as to place the same in repair for occupancy and to place out his produce in the garden thereon.

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

Douglas Shelton Administrator of Estate of Martha E. Shelton.

The State of Ohio, Union County.

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

Douglas Shelton.

Sworn to before me and signed in my presence this 25 day of April, A. D. 1939.

(Seal)

Carrie W. Hornbeck-Deputy Clerk.

13793.

Filed Apr. 26-1939.

13793.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

H. C. Weimer, H. S. Roosa, each, 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 to sell said real estate at private sale than at public sale for the reason as set forth in this application as they verily believe.

H. C. Weimer.
H. S. Roosa.

Sworn to before me and signed in my presence this 25 day of April, 1939.

Seal

John W. Dailey-Notary Public.

Filed Apr. 26-1939.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Douglas Shelton, Administrator of the estate of Martha E. Shelton,

Plaintiff,

-vs-

Rowena Ridenour, et al.,

Defendants.

No. 13793.
April 25-1939.

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

Now comes Douglas Shelton, administrator of the estate of Martha E. Shelton and makes application for the appointment of a Guardian Ad Litem for Robert Gordon Shelton and Shirley Jene Shelton, minors under 14 years of age, defendants herein, upon whom summons was duly served according to law, and suggests that Richard C. Small who is a suitable person be appointed as such Guardian Ad Litem.

Douglas Shelton-Administrator of the estate of Martha E. Shelton, Deceased

Journal Entry
Probate Court, Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Rowena Ridenour, et al.,

Defendants.

April 25-1939.
No. 13793.
Appointing Guardian Ad Litem.

By the application of Douglas E. Shelton, administrator of the estate of Martha E. Shelton, it appearing to the court that Robert Gordon Shelton

THE COL. B. B. MFG. CO. 75974

13793

and Shirley Irene Shelton, minors of the age of 14 years and under 14 years, defendants herein, have been duly served with summons, and it is ordered that Richard C. Thall be and he is hereby appointed Guardian Ad Litem for said minors defendant.

R. W. Hazen - Probate Judge.

Filed Apr. 26-1939.

Answer of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Romona Ridenour, et al.,

Defendants.

No. 13793.

And now comes the said Robert Gordon Shelton and Shirley Irene Shelton, the minor defendants to the petition in said cause, by Richard C. Thall their Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition, deny all the material allegations herein contained, prejudicial to said minor defendants. They further say, that they are of tender years and not acquainted with the law in such cases, and therefore pray the Court to protect their rights in this cause, and for such relief as may be just.

Dated this — day of April, A. D. 1939.

Richard C. Thall - Guardian Ad Litem for the defendants, Robert Gordon Shelton and Shirley Irene Shelton, Minors.

Filed Apr. 26-1939.

Entry.

In the Probate Court of Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Romona Ridenour, et al.,

Defendants.

No. 13793.

This day this matter came on for hearing before the court upon the petition of the plaintiff for authority to sell the real estate of the above decedent as described in the petition to pay debts of the estate and costs of administration, and the answer and cross petition of the Division of Aid for the Aged, Department of Public Welfare of the State of Ohio, the answer of Richard C. Thall as guardian ad litem for the minor defendants Robert Gordon Shelton

Filed Apr. 26-1939.

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Filed Apr. 26-1939.

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and Shirley Irene Shelton, the answer of Richard C. Thrall as trustee for the suit of Mary Shelton, an insane person over the age of 21 years.

The court finds from the evidence and pleadings all the necessary parties are before the court, the defendants Romena Ridenour, Arthur Ridenour, Ruth Grounds and Clay Grounds, each having filed waivers with request the prayer of the petition be granted; the defendant Mary Shelton, an insane person over the age of 21 years having been served as provided by statute and the defendants Robert Gorton Shelton and Shirley Irene Shelton minors being served by publication as provided by statute; and the said Martha E. Shelton died leaving no widower; that Arthur Ridenour is the husband of Romena Ridenour and Clay Grounds is the husband of Ruth Grounds and Mary Shelton is unmarried.

The court further finds from the evidence adduced that the prayer of the petition should be granted and it appearing to the court the amount of the original bond given by Douglas Shelton as such administrator is sufficient to more than cover the value of the total real and personal property, it is ordered that the giving of an additional bond be and hereby is dispensed with; that said real estate was heretofore appraised by the appraisers of the estate in the sum of Four Hundred Fifty Dollars ($450.00), it is ordered that further appraisement be dispensed with.

It further appearing to the court that private sale of said premises would be for the best interests of the estate, it is ordered that said Douglas Shelton as such administrator sell said real estate for not less than Five Hundred ($500.00) Dollars, said amount being in excess of the appraised value thereof.

Said sale to be for cash upon delivery of deed for said premises and it is ordered that said administrator make return of this sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed Apr. 26-1939.

Answer of Richard C. Thrall, Trustee for the Suit.

In the Probate Court of Union County, Ohio.

Douglas E. Shelton Administrator of the Estate of Martha E. Shelton,

Plaintiff,

-vs-

Romena Ridenour, et al.,

Defendants.

No. 13793.

Now comes the said Richard C. Thrall as Trustee for the suit upon behalf of Mary Shelton, an

THE COL. B. B. MFG. CO. 75974

13793

insane person, and for his answer to said petition deny all material allegations therein contained prejudicial to said Mary Shelton.

Said Trustee further says Mary Shelton is an insane person now confined to the State Hospital at Columbus, Ohio, and therefore prays the court to protect her rights in this cause, and for such other and further relief as may be just.

Richard C. Thrall - Trustee for the suit upon behalf of Mary Shelton.

Filed
Apr. 29-1939.

Entry.

In the Probate Court of Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

Plaintiff

vs.

Rowena Ridenour, et al.,

Defendants.

No. 13793.

This day this cause came on to be heard upon the report of Douglas Shelton, administrator of the estate of Martha E. Shelton deceased, of his proceedings under a former order of this court, and upon motion of said petitioner to confirm the sale made in obedience to said order; the court having carefully examined the 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, interest and claim of the said Martha E. Shelton in and to said real estate to the purchaser, Walter Graham, upon the said purchaser paying therefor the full sum of Nine Hundred ($500.00) Dollars, in cash.

The court further finds from the pleadings and upon the motion to distribute the proceeds of said sale, amounting to $500.00, that there is due the Division of Aid for the Aged upon their claim the sum of $1062.00; that the said Martha E. Shelton, during her natural life made and executed a trust deed upon said real estate, which said trust deed was duly recorded in Vol. 113 pages 119-120 of the records of mortgages in the office of the Recorder of Union County, Ohio, in accordance with provisions of Sections 1359-14 et seq of the General Code of Ohio, and it is ordered that said trust deed is a valid and subsisting lien upon said premises, and now a lien upon the funds in the hands of the administrator arising from the sale of said real estate.

13793

Filed
Apr. 29-1939.

13793

It is ordered that an entry of satisfaction and release of said trust deed be entered of record in the office of the Recorder of Union County, Ohio, in accordance with law.

It is further ordered by the Court that said Douglas Shelton as such administrator out of the money in his hands, pay:

First: To the Treasurer of Union County, Ohio, the sum of $4.21 being the taxes, interest and penalty assessed against said property.

Second: The costs and expenses incurred in the sale of the real estate including costs of administration of said estate and the bond fee of $5.00 to A. W. Galloway, agent, as premium on bond, and counsel fee to John W. Bailey of $75.00, and to Douglas Shelton the per centum of such administrator the sum of $30.00 and the additional sum of $10.00 for necessary expenses to said administrator, being a total of $180.01.

Third: The residue of said sum in the amount of $315.78 to be paid to the Division of Aid for the Aged, Department of Public Welfare, State of Ohio, upon their claim of $1062.00.

It further appearing to the court that said real estate was all of the assets of the estate of Martha E. Shelton, deceased, and no other assets has come, or will come, into the possession of the administrator, it is ordered that upon the payment of the sums set forth herein and the producing of the receipts and vouchers for the same to this court the administrator be relieved from filing of any account and she be discharged and released from his trust as such administrator.

It is further ordered that this proceeding be recorded and the administrator make payment of the above amounts within ten days.

L. W. Hazen- Probate Judge.

Filed Apr. 29-1939.

Certificate of Release of Mortgage.
Probate Court of Union County, Ohio.

Douglas Shelton, Administrator of the Estate of Martha E. Shelton,

vs.

Rowena Ridenour, et al.,

April 29-1939.
No. 13793.
Journal 51 - Page.
Recorded in Record — Page

The Deed of Trust given by Martha E. Shelton to the Division of Aid for the Aged and recorded in Book 113 Page 119+120, 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, at Marysville, Ohio.

L. W. Hazen- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13840
Filed
Apr. 17- 1939.
Allen & Allen
Attorneys.

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

D. E. Dean, Executor of the Estate of Martha J. Ponquet, Deceased,

Plaintiff,

-vs-

Fred Mills Ponquet, 1614 South 12th. Struck, St. Louis, Missouri,

Dorothea Richardson, Dallas, Texas,

Chester Keyes, Bryant Building, Kansas City, Missouri,

Letha Liggett, Delaware County, Ohio, and

Mary Kathryn Tracy, a minor over fourteen years of age, Richwood, Ohio,

Defendants.

Case No. 13840.
Petition of Executor to Sell Real Estate.

The plaintiff is the duly appointed, qualified and acting Executor of the Estate of Martha J. Ponquet, deceased, late of this County.

As near as can be ascertained, the amount of the valid debts against said deceased, is approximately Five Hundred Dollars ($500.00), and the cost of administering the estate will be about One Hundred Fifty Dollars ($150.00).

The total value of the personal property of said decedent was fixed by the appraisers of said estate at One Hundred Forty Two Dollars ($142.00) said appraisement not having been excepted to. 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 to-wit:

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

Being all of Lot No. Eighty-three (83) in Richwood, Ohio, excepting therefrom three feet off of the west side heretofore conveyed.

Also a part of Lot No. Eighty-two (82), to-wit: 5½ feet in width off of the west side of said Lot No. 82.

Being the same premises conveyed by Mable Adams and Jesse Adams, her husband to Blanche Tracy, by deed dated February 6th. 1937 and recorded in

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Union County Deed Record No. 153 Page 311.

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

Being all of Lot Number Eighty-six (86) located on the South Side of West Ottawa Street, in the village of Richwood, Union County, Ohio.

For further reference see the Recorded Plat of said village in the Recorder's Office at Marysville, Ohio.

Said real estate was also included in the Inventory of the estate pursuant to the order of this Court and appraised as follows: Tract I. appraised at Five Hundred Twenty Five Dollars ($525.00), Tract II. appraised at Five Hundred Dollars ($500.00).

Tract I. is further described as a house and lot situated at 117 West Ottawa Street and Tract II. is further described as house and lot situated at 116 West Ottawa Street, both in the Village of Richwood, Ohio.

Said Last Will and Testament of decedent was duly probated on the third day of April, 1939, by this Court and contains the following provision, to-wit:

"Second: I Give, Devise and Bequeath to my beloved son, Fred M. Wills, all of my real estate and personal property, to be his absolutely."

Said Last Will and Testament is duly recorded in Will Record W. at page 586 of the Probate Records of Union County, Ohio. The Defendants, Fred Wills Tonquet, Dorothea Richardson, Chester Keyes, Letha Liggett and Mary Kathryn Tracy 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 and there are no other persons who have an interest in said real estate.

Wherefore Plaintiff prays that said real estate be sold and that the rights, interest 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.

Allen & Allen.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

D. Ed. Ogan, Executor, 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 verily believes.

D. Ed. Ogan.

THE COL. B. B. MFG. CO. 75974

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Sworn to before me and signed in my presence this 15 th. day of April, 1939.

Seal

N. Le Roy Allen, Notary Public, Union County, Ohio, My Commission Expires February 6, 1942.

Praecipe.

To the Probate Judge:

Please issue summons in the above entitled action for the Defendant, Mary Kathryn Tracy, a minor seventeen (17) years of age who resides at Richwood, Ohio, directed to the Sheriff of Union County to be served on said minor and upon Blanche Tracy, mother and the person with whom said minor resides and make same returnable according to law.

Allen & Allen
Attorneys for Plaintiff.

Filed
Apr. 17- 1939.

Order Fixing Time for Hearing and for Notice.

Probate Court, Union County, Ohio.

D. E. Ogan as Executor of the Estate of Martha J. Tonquet,

Plaintiff,

-vs-

Fred Mills Tonquet, et al.,

Defendants.

April 17- 1939.
Order Fixing Time for Hearing and for Notice.

This day D. E. Ogan, Executor of the Estate of Martha J. Tonquet, 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 27th. day of May, 1939, at 10 o'clock a. m., and that summons for defendants issue to the Sheriff of this County, returnable according to law.

L. W. Hagen- Probate Judge.

Filed
Apr. 17-1939.

Affidavit for Service by Publication.

In the Probate Court of Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,

Plaintiff,

-vs-

Fred Mills Tonquet, et al.,

Defendants,

Case No. 13840.
Affidavit for Service by Publication.

State of Ohio, Union County, ss:

D. E. Ogan being duly sworn says that he is the Plaintiff in the above entitled case and that the Defendant, Fred Mills Tonquet resides at 1614 South 12 th. Street, St. Louis, Missouri, and the Defendant, Chester Keyes resides in Kansas City, Missouri,

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and that the Defendant, Dorothea Richardson resides at Dallas, Texas, but that the street address of said Dorothea Richardson is unknown to affiant and cannot with reasonable diligence be ascertained and that service of summons cannot be made on said Defendants within this state.

Affiant further says that this case is one of those mentioned in section 11292 of the General Code.

D. E. Ogan.

Sworn to before me and signed in my presence this 17th. day of April, 1939.

Seal

R. LeRoy Allen- Notary Public- Union County, Ohio- My Commission Expires February 6, 1942.

Filed
Apr. 17- 1939.

Journal Entry.

In the Probate Court of Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Ponquet, Deceased,

Plaintiff,

-vs-

Fred Willis Ponquet, et al.,

Defendants.

Case No. 13840.
Journal Entry.

This day came the Plaintiff and filed herein an affidavit according to law for the purpose of procuring service by publication and it appearing to the Court that the persons named in said affidavit are necessary parties and that service of summons cannot be made upon them within this State.

It is ordered that publication be made for six consecutive weeks in the Richwood Gazette, a newspaper of general circulation in this County and that said publication contain a summary statement of the object and prayer of the Petition, mention the Court wherein it is filed and notify the persons thus to be served when they are required to answer.

L. W. Hazen- Judge.

Filed
Apr. 21-1939.

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 Blanche Tracy, mother of the minor named below who resides in Richwood, Ohio, and the following named who are minors, to-wit; Mary Kathryn Tracy 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 17th. day of April, A. D. 1939, D. E. Ogan, Executor of the Estate of Martha J. Ponquet deceased, filed his petition in

THE COL. B. B. MFG. CO. 75974

13840

the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts, and that unless they answer by the 20th. day of May, 1939, 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 May, 1939.

Witness my hand and the seal of said Court, this 17th. day of April, 1939.

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
32 miles traveled at 8¢	2.56
Total	$3.56

Received this writ April 17th. 1939, 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 19th. 1939, on Mary Kathryn Tracy, a minor over the age of 14 years. April 19th. 1939, on Blanche Tracy the mother of the said minor Mary Kathryn Tracy, and the person with whom said minor resides.

H. S. Roosa, Sheriff.
By- E. Wood - Deputy.

Filed May 26- 1939.

Amended Petition of Executor to Sell Real Estate.

In the Probate Court of Union County, Ohio.

D. E. Organ, Executor of the Estate of Martha J. Tonquet, Deceased,

Plaintiff,

-vs-

Fred Mills Tonquet, 1614 South 12th. Street, St. Louis, Missouri, Edna Mille Tonquet, his wife,

Dorothea Richardson, Dallas, Texas, Edwin Sexton Richardson, her husband,

Chester Keyes, Bryant Building, Kansas City, Missouri, Hazel F. Keyes, his wife,

Lethe Liggett, Delaware County, Ohio, Fred Liggett, her husband, and Mary Kathryn Tracy, a minor over fourteen years of age, Richwood, Ohio.

Defendants.

Case No. 13840.
Amended Petition of Executor to Sell Real Estate.

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The Plaintiff is the duly appointed, qualified and acting Executor of the estate of Martha J. Longber, deceased, late of this County.

As near as can be ascertained, the amount of the valid debts against said deceased, is approximately Five Hundred Dollars ($500.00), and the cost of administering the estate will be about One Hundred Fifty Dollars ($150.00).

The total value of the personal property of said decedent was fixed by the appraisers of said estate at One Hundred Forty Two Dollars ($142.00) said appraisement not having been excepted to. 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, to-wit:

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

Being all of Out Lot No. Eighty-three (83) in Richwood, Ohio, excepting therefrom three feet off of the west side heretofore conveyed.

Also a part of Out Lot No. Eighty-two (82), to-wit:- 5½ feet in width off of the west side of said Lot No. 82.

Being the same premises conveyed by Mable Adams and Jesse Adams, her husband to Blanche Tracy, by deed dated February 6th, 1937 and recorded in Union County Deed Record No. 153, Page 311.

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

Being all of Out Lot Number Eighty-six (86) located on the South side of West Ottawa Street, in the village of Richwood, Union County, Ohio.

For further reference see the Recorded Plat of said village in the Recorder's Office at Marysville, Ohio.

Said real estate was also included in the Inventory of the estate pursuant to the order of this Court and appraised as follows: Tract I, appraised at Five Hundred Twenty Five Dollars ($525.00), Tract II. appraised at Five Hundred Dollars ($500.00).

Tract I is further described as a house and lot situated at 117 West Ottawa Street and Tract II is further described as house and lot situated at 116 West Ottawa Street, both in the Village of Richwood, Ohio.

Said Last Will and Testament of decedent was duly probated on the third day of April, 1939, by this Court and contains the following provision to-wit:

"Second: I Give, Devise and Bequeath to my beloved son, Fred M. Mills, all of my real estate and personal property, to be his absolutely."

THE COL. B. B. MFG. CO. 75974

13840

Said Last Will and Testament is duly recorded in Will Record 20. at page 586 of the Probate Records of Union County, Ohio.

The Defendants, Fred Wills Tonquet, Dorothea Richardson, Chester Reyes, Letha Liggett and Mary Kathryn Tracy are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate.

The Defendant, Edna Wills Tonquet, is the wife of Fred Wills Tonquet, the Defendant Edwin Sexton Richardson is the husband of Dolothea Richardson, the Defendant Hazel M. Reyes is wife of Chester Reyes, and the Defendant Fred Liggett is the husband of Letha Liggett and thereby have an inchoate right of dower in the premises described herein. Said Defendants are all persons who have all claim to have an interest in such real estate and there are no other persons who have an interest in said real estate.

Wherefore Plaintiff prays that said real estate be sold and that the rights, interest and liens of all parties may be fully determined, adjusted and protected and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided and for such other and further relief as he may be entitled to.

Allen & Allen,
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

D. E. Ogan, Executor, 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 verily believes.

D. E. Ogan.

Sworn to before me and signed in my presence this 25th. day of May, 1939.

H. LeRoy Allen-Notary Public-
Union County, Ohio- My
Commission Expires February 6-1942.

Filed
May 26-1939.

Journal Entry.

In the Probate Court of Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,
Plaintiff,
-vs-
Fred Wills Tonquet, et al.,
Defendants.

Case No. 13840.
Journal Entry.

This matter came on to be heard upon the Petition of the Plaintiff together with the amended Petition therein for authority to sell real estate of the decedent

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Petition
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to pay debts of her estate and the answer of William S. Hooper, Guardian Ad Litem of Mary Kathryn Tracy, a minor and the other Defendants having waived the issuing and service of summons and voluntarily entered their appearance as such Defendants and thereby consenting to the sale of the real estate described in the Petition according to the prayer of the same, the Court finds that all necessary parties are before the Court and that the prayer of the Petition ought to be granted.

The Court finds that the real estate described in the Petition was appraised by the appraisers of the estate at Ten Hundred Twenty Five Dollars and 00/100 ($1025.00) and orders that a further appraisement be dispensed with.

The Court further finds that the bond heretofore given by the Plaintiff as Executor of the Estate of Martha J. Tonquet, Deceased, in the amount of Two Thousand Dollars and 00/100 ($2000.00) is sufficient and further orders that a further bond be dispensed with.

And it appearing that private sale would be to the best intrest of the estate, it is hereby ordered that said D. E. Ogan, as such Executor, sell said real estate at private sale at not less than Ten Hundred Twenty Five Dollars and 00/100 ($1025.00) being the appraised value thereof and that said sale be made for cash.

And it is further ordered that said D. E. Ogan, as such Executor, make return of sale without unnecessary delay.

L. W. Hazen- Probate Judge.

Filed
May 26- 1939.

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

D. E. Ogan, Executor of the
Estate of Martha J. Tonquet,
Deceased,
Plaintiff,
-vs-
Fred Mills Tonquet, et al.,
Defendants.

No. 13840.
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 25- A. D. 1939.

Chester Hayes
Hazel T. Hayes- Wife of Chester Hayes- 1800 Bryant Bldg, Kansas City, Mo.
Dorothea Richardson - Resides at Dallas - Texas.
Edwin Sexton Richardson - Husband of Dorothea Richardson

THE COL. B. B. MFG. CO. 75974

13840
Filed
May 26- 1939.

Wavier & Summons and Consent to Sell.
Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,
Plaintiff,
-vs-
Fred Mills Tonquet, et al,
Defendants.

No. 13840.
Proceeding to Sell Real Estate.
Wavier & Summons & Consent to Sell.

We, the undersigned, parties Defendant to the Petition in the above entitled action do each & us hereby waive the issuing and service & 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 25- a. D. 1939.

Letha Liggett.
Fred Liggett.

Filed
May 26- 1939.

Wavier & Summons and Consent to Sell.
Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,
Plaintiff,
-vs-
Fred Mills Tonquet, et al.,
Defendants.

No. 13840.
Proceeding to Sell Real Estate.
Wavier & Summons & Consent to Sell.

We, the undersigned, parties Defendant to the Petition in the above entitled action, do each & us hereby waive the issuing and service & 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 & the same.

May 25- a. D. 1939.

Fred Mills Tonquet
Edna Mills Tonquet
Wife of Fred Mills Tonquet.

Filed
May 26-1939.

Application for appointment & Guardian Ad Litem.
Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,
Plaintiff,
-vs-
Fred Mills Tonquet, et al.,
Defendants.

May 26- 1939.
No. 13840.

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

Now comes T. LeRoy Allen, attorney, and makes application for the appointment of a Guardian Ad Litem for Mary Kathryn Tracy who has been served with summons and more than twenty days has elapsed and she has not suggested to the Court anyone who is a suitable person for such appointment and she has no guardian in fact being a minor over 14 years of age, defendant herein, upon whom summons was duly served according to law, and suggests that William S. Hooper who is a suitable person be appointed as such Guardian Ad Litem.

T. LeRoy Allen - Attorney.

Journal Entry,
Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonguet, Deceased, Plaintiff, vs. Fred Mills Tonguet, et al., Defendants.

May 26-1939.
No. 13840.
Appointing Guardian Ad Litem.

Upon the application of T. LeRoy Allen, Attorney, it appearing to the Court that Mary Kathryn Tracy one of the defendants herein, has been duly served with summons, and she is a minor of the age of 18 years, it is ordered that William S. Hooper, be and he is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hazen - Probate Judge.

Filed May 26-1939.

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

D. E. Ogan, Executor of the Estate of Martha J. Tonguet, Deceased, Plaintiff, vs. Fred Mills Tonguet, et al., Defendants.

May 26-1939.
No. 13840.
Answer of Minor Defendants.

And now comes William S. Hooper, duly appointed by the Court as Guardian Ad Litem for Mary Kathryn Tracy the minor child of Blanche Tracy 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, for behalf of said minor defendant denies the same, and submits the interest of said defendant to the care and protection

THE COL. B. B. MFG. CO. 75974

13840

Filed
May 26-1939.

of the Court, to order in the premises as justice and
interest of said defendant shall require.

William D. Hooper.
Guardian Ad Litem.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the
Estate of Martha J. Tonquet,
Deceased,

Plaintiff,

vs.

Fred Mills Tonquet, et al.,

Defendants.

Vs. 13840.
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:

That the offer for each of the two properties is a sum greater than could be received at public auction. Public auction would necessitate additional time and expense. To prolong the offer for sale would mean that those interested in the purchase of these properties would lose interest or would purchase other properties in the meantime.

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

D. E. Ogan - Executor of
the Estate of Martha J. Tonquet,
Deceased.

The State of Ohio, Union County,

D. E. Ogan, Executor, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

D. E. Ogan.

Sworn to before me and signed in my presence this 25 th. day of May, A. D. 1939.

H. Ne Ray Allen - Notary Public,
Union County, Ohio. My
Commission Expires February 6-1942.

Seal

Affidavit of Disinterested Person.

The State of Ohio, Union County.

J. H. Moore and S. E. Carroll, being duly sworn, say that they know the facts set forth in the application to which this affidavit is attached; that they have no interest whatever in the matter therein referred to, and that it will be more for the interest of the said D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased, to sell said real estate at private sale than at public sale, as he verily believes.

J. H. Moore.
S. E. Carroll.

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Sworn to before me and signed in my presence this 26 day of May, 1939.

T. LeRoy Allen - Notary Public, Union County, Ohio - My Commission Expires, February 6-1942.

Seal

Order of Private Sale.

Filed May 26-1939.

The State of Ohio, Union County. Probate Court.

To D. E. Ogan, Executor of the Estate of Martha J. Tonguet, Deceased, Greeting:

In obedience to an order and decree of the Probate Court within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of Martha J. Tonguet, Deceased, are Plaintiff and Fred Mills Tonguet, 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:

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

Being all of the Lot No. Eighty-three (83) in Richwood, Ohio, excepting therefrom three feet off of the west side heretofore conveyed.

Also a part of the Lot No. Eighty-two (82), to-wit:- 5½ feet in width off of the west side of said Lot No. 82.

Being the same premises conveyed by Mable Adams and Jesse Adams, her husband to Blanche Tracy, by deed dated February 6th, 1937 and recorded in Union County Deed Record No. 153, Page 311.

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

Being all of the Lot Number Eighty-six (86) located on the South Side of West Ottawa Street, in the village of Richwood, Union County, Ohio.

For further reference see the Recorded Plat of said village in the Recorder's Office at Marysville, Ohio.

Said sale to be upon the following terms: Cash.

You are therefore, hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 26th. day of May 1939.

Seal

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

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Return.

In the Probate Court of Union County, Ohio.

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

Dated the 26th. day of May, 1939.

D. E. Ogan - Executor of the Estate of Martha J. Tonquet, Deceased.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 26th day of May 1939, offer said property, at private sale, and Xenas Mc Allister and Lorena Mc Allister having offered for tract I. the sum of $700.00 and Blanche Tracy having offered for tract II. the sum of $330.00 and the same being not less than the appraised value of said property, I sold the same to said Xenas Mc Allister, Louis Mc Allister, and Blanche Tracy for that sum.

D. E. Ogan.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

D. E. Ogan, 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. E. Ogan.

Sworn to before me and subscribed in my presence, this 26th. day of May, 1939.

(Seal)

M. Le Roy Allen - Notary Public - Union County, Ohio. My Commission Expires February 6th 1942.

Filed May 26- 1939.

Journal Entry.

In the Probate Court of Union County, Ohio.

D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased,

Plaintiff,

-vs-

Fred Mills Tonquet, et al.,

Defendants.

Case No. 13840.

Journal Entry.

This day this cause came on to be heard on the report of D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased, of the proceedings under the foregoing order of this Court and upon the motion of said Plaintiff to confirm the sale made in obedience to said order.

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13840 The Court having carefully examined said report and finding the proceedings of said Plaintiff 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 deeds of all the right, title and interest of the said Martha J. Tonquet, deceased, in said real estate to the purchasers of Tract I, Xenas McAllister and Loreta McAllister, and to the purchaser of Tract II, Blanche Tracy, upon the said purchasers paying the purchase money therefor.

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 Thirty Dollars and 00/100 ($1530.00), it is further ordered that said Plaintiff out of the money in his hands pay:

First: To the Treasurer of this county, the taxes, penalty and interest against said property the sum of $11.33.

Second: The court costs incurred in the sale of said property the sum of $

Third: The expenses incurred in the sale of the said property as follows:

To D. E. Ogan, percentage of Executor	$81.20
To Allen and Allen, Attorney fees	$81.20
To D. E. Ogan for documentary stamps	$ 2.00

Fourth: The balance of said proceeds to be accounted for by said Executor according to law the sum of $

Total $1530.00

It is further ordered that this proceeding be recorded and that Plaintiff pay the costs herein taxed at $ ——— out of the proceeds of said sale within ten days.

L. W. Hazen-Probate Judge.

Filed

Legal Notice.

Fred Mills Tonquet who resides at 1614 South 12th. Street, St. Louis, Missouri; Chester Keyes, who resides in Kansas City, Missouri, and whose office is located in the Bryant Building of said city, and Dorothea Richardson, who resides in Dallas, Texas, and whose street address is unknown and cannot by reasonable diligence be ascertained, will take notice that D. E. Ogan, Executor of the Estate of Martha J. Tonquet, Deceased, on the 17th. day of April, 1939, filed his petition in the Probate Court, within and for the County of Union and State of Ohio, alleging that

THE COL. B. B. MFG. CO. 75974

12840

the personal estate of said deceased is insufficient to pay her debts and the charges of administering her estate, that she did seized in fee simple of the following described real estate situated in said County, to-wit:

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

Being all of Ins Lot No. Eighty-three (83) in Richwood, Ohio, excepting therefrom three feet off of the west side heretofore conveyed.

Also a part of Ins Lot Eighty two (82) to-wit: 5½ feet in width off of the west side of said Lot No. 82.

Being the same premises conveyed by Mable Adams and Jesse Adams, her husband to Blanche Tracy, by deed dated February 6, 1937, and recorded in Union County Deed Record No. 153, page 311.

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

Being all of Ins Lot No. Eighty-six (86) located on the south side of West Ottawa Street, in the village of Richwood, Union County, Ohio.

The prayer of said Petition is for the sale of said premises for the payment of the debts and charges aforesaid.

The persons first above mentined will further take notice that they have been made parties defendant to said Petition and that they are required to answer the same on or before the 27th. day of May, A.D. 1939.

D. E. Ogan.
Executor as aforesaid.

Allen & Allen- attorneys for Executor.

State of Ohio, Union County.

Personally appeared before me O. A. Keigley and made oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and after April 20, 1939 in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

O. A. Keigley.

Sworn to before me and signed in my presence, this 3rd. day of June, A. D. 1939.

Ralph Fanonaugh
Notary Public.
Union County, Ohio.

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13775
Filed
Jan. 27-1939.
Allen & Allen,
Attorneys.

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Allen & Allen,
Attorneys.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Bert Mather, surviving spouse, R. R. D., Richwood, Ohio.

Mildred Gantt, % Mrs. Irma Henderson, 730 Griffith Avenue S. W., Massilon, Ohio,

Elsie Jolliff and Charles Jolliff, her husband, East Liberty, Ohio,

Elsworth J. Gantt, a minor over 14, R. R. D. 1, Marysville, Ohio,

Pauline Gantt, a minor over 14, % Frank Gantt, R. R. D. 2, Springfield, Ohio,

The Federal Land Bank of Louisville, Louisville, Kentucky,

The Land Bank Commissioner of Louisville, Louisville, Kentucky, and

The Ostrander Banking Company, Ostrander, Ohio,

Defendants.

Case No. 13775.
Petition of Administrator to Sell Real Estate.

The Plaintiff says he is the duly authorized, qualified and acting Administrator of the estate of Leona Mather, deceased, late of this County; that Leona Mather and Leona J. Mather were one and the same person.

Plaintiff says that The Federal Land Bank is a corporation authorized and existing under and by virtue of the laws of the United States, with its principle office and place of business in Louisville, Kentucky, that the Land Bank Commission is a corporation organized and existing under and by virtue of the laws of the United States, with its principle office in Louisville, Kentucky; and The Ostrander Banking Company is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principle office in Ostrander, Delaware County, Ohio.

THE COL. B. B. MFG. CO. 75974

13775

The Plaintiff says, as near as can be ascertained, the amount of the valid debts against said deceased is One Thousand Seven Hundred Fifty Four and 55/100 ($1754.55) Dollars.

The costs of administering the estate will be about Two Hundred Fifty Dollars ($250).

There was no personal property of said decedent and none was therefore found by the administrator or appraised by the appraisers and said appraisement has not been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and Court costs, aforesaid.

Said deadent did seized in fee simple of the following real estate, to-wit:

"Situated in the County of Union, in the State of Ohio, in the Township of Taylor, and in part of Survey number 5386.

Beginning in the east line of said Survey at a point 76.56 poles northerly from the southeast corner of said Survey, No. 5386, thence westerly parallel with said south line of said Survey 104.50 poles; thence northerly parallel with the east line of said Survey 76.56 poles; thence easterly parallel with the first line aforesaid 104.50 poles to the east line of said Survey; thence with said east line of Survey southerly 76.56 poles to the beginning.

Containing 50 acres more or less."

Said real estate was included in the Inventory of the estate, pursuant to the order of this Court, and appraised at Three Thousand Dollars ($3000).

Said real estate is subject to a mortgage held by the Defendant, The Federal Land Bank of Louisville, and The Land Bank Commissioner, the sums of which are, approximately, Twelve Hundred Dollars ($1200).

The Ostrander Banking Company may have, or claim to have, some lien against the same.

The decedent died leaving the defendant, Berk Mather, her surviving spouse and widower.

The defendants, Mildred Gantt, Elsie Jolliff, Elsworth J. Gantt and Pauline Gantt, are the children and are the heirs and persons entitled to the next estate of inheritance from the decedent in such real estate, and having an interest therein, Charles Jolliff is the husband of Elsie Jolliff.

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 cases made and provided, and for such other and further relief to which he may be entitled in law and equity.

Robert T. Allen - Administrator
of the Estate of Leona Mather, Deceased.

13775

Filed
Jan. 27-1939.

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Jan. 27-1939.

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State of Ohio, Union County, ss:

Robert R. Allen, Administrator of the estate of Leona Mather, deceased, being duly sworn, says he is the plaintiff in the above entitled cause and that the facts stated and the allegations contained in the foregoing Petition are true, as he fully believes.

Robert R. Allen - Administrator.

Sworn to before me and signed in my presence by the said Robert R. Allen, in Richwood, Ohio, this 26 day of November, A. D. 1938.

Seal

D. E. Logan - Notary Public.
My Commission Expires August 15-1941.

Filed
Jan. 27-1939.

Praecipe.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased, Plaintiff,

-vs-

Bert Mather, et al., Defendants.

Case No. 13775.
Praecipe.

Please issue summons directed to the Sheriff of Logan County, Ohio, against the Defendant, Elsworth J. Gantt, a minor of the age of twenty (20) years, who resides at the home of Mrs. Charles Jolliff, East Liberty, Ohio, and instruct the Sheriff to notify said Defendant of this suit by service of summons upon him and also upon his custodian, Mrs. Charles Jolliff.

Please issue summons directed to the Sheriff of Clark County, Ohio, against the Defendant, Pauline Gantt, a minor of the age of eighteen (18) years who resides at the home of Frank Gantt, R. R. D. 2, Springfield, Ohio, and instruct the Sheriff to notify said Defendant, of this suit by service of summons upon her and also upon her custodian, Frank Gantt.

Judgee summons Action to Sell Real Estate to pay debts.
Robert R. Allen - Administrator of the Estate of Leona Mather, Deceased.

Filed
Jan. 27-1939.

Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased, Plaintiff,

-vs-

Bert Mather, et al., Defendants.

Case No. 13775.
Entry of Appearance and Consent to Sell.

THE COL. B. B. MFG. CO. 75974

13775

Filed Jan. 27- 1939.

Burk Mather, 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.

Burk Mather.

Waiver of Notice.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Leona Mather, Deceased, Plaintiff, -vs- Burk Mather, et al., Defendants.

Case No. 13775.
Waiver.

I, the undersigned, a party defendant herein and heir at law and next of kin of Leona Mather, 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 Leona Mather, deceased.

Mildred Gantt.

Filed Jan. 27- 1939.

Waiver of Summons.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Leona Mather, Deceased, Plaintiff, -vs- Burk Mather, et al., Defendants.

Case No. 13775.
Waiver.

We, the undersigned, parties defendant herein and heirs at law and next of kin of Leona Mather, 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 Leona Mather, deceased.

Elsie Jolliff.
Charles Jolliff.

Filed Feb. 3- 1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Logan County, Ohio.

You are commanded to notify Elsworth J. Gantt (a minor) who resides with Mrs. Charles Jolliff, East Liberty, Ohio, and also Mrs. Charles Jolliff, his custodian, East Liberty, Ohio.

"Action to sell Real Estate to Pay Debts," Robert F. Allen, admr., of the estate of Leona Mather, deceased, Plaintiff, vs- Burk Mather, et al., Defendants. Case No. 13775; making service of this summons upon such minor as he is over fourteen years of age, and also upon the custodian of

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said minor, in the order named; that on the 27 day of January, A. D. 1939, Robert F. Allen as administrator of the estate of Leona Mather deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts and that unless they answer by the 25th. day of February 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 6 day of Feby. 1939.

Witness my hand and the seal of said Court, this 27 day of January, 1939.

Richard L. Cameron
Acting Probate Judge.

Sheriff's Return.

The State of Ohio, Logan County.

Sheriff Fees	
Service & Return, first name	.75
— Additional names, at 25¢	.25
— miles traveled at 8¢	2.00
Docket	.10
Postage	.03
Copy	.10
Total	$ 3.23

Received this writ January 28th. 1939 at 10 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: February 1st. 1939, on Elsworth J. Gantt, a minor, and also on February 1st. 1939, on Mrs. Charles Jolliff the custodian of the said Elsworth J. Gantt, a minor.

Charles L. Bewley - Sheriff.
By Paul Hamman - Deputy.

Filed

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Clark County.

You are commanded to notify Pauline Gantt, a minor under the age of 18 years, who resides with Frank Gantt, R. F. D. 2, Springfield, Ohio. And also her custodian, Frank Gantt, R. F. D. 2, Springfield, Ohio.

"Action to sell Real Estate to pay debts", Robert F. Allen, as administrator of the estate of Leona Mather, deceased, Plaintiff, vs. Bert Mather, et al., Defendants. Case No. 13775; making service of this summons upon such minor as she is over fourteen years of age, and also upon the custodian of said minor, in the order named; that on the 27 day of January, A. D. 1939, Robert F. Allen as administrator of the estate of Leona Mather, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition de-

THE COL. B. B. MFG. CO. 75974

13775

scribed, for the purpose of paying debts, and that unless they answer by the 25th day of February 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 6 day of February, 1939.

Witness my hand and the seal of said Court, this 27 day of January, 1939.

Seal

Richard L. Cameron
Acting Probate Judge.

Sheriff's Return.

The State of Ohio, Clark County.

Sheriff Fees	
Service & Return, first name,	.75
1 additional names, at 25¢	.25
80 miles traveled at 8¢	2.40
Postage	.03
Total	$3.43

Received this writ Jan. 28, 1939, at 10 o'clock A. M., and on the days and in the manner hereinafter named, I personally served the same on the within named defendants, viz: January 30, 1939, on Pauline Gantt, a minor, and also on Jan. 28, 1939, on Frank Gantt the custodian of the said Pauline Gantt, a minor, he being the person with whom said minor resides.

Ben W. Hawley. Acting Sheriff.
By- Doris Simpson- Deputy.

Filed
Feb. 6- 1939.

Answer and Cross-Petition of Harold Mather.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Berk Mather, et al.,

Defendants.

No. 13775.

Now comes the defendant Harold Mather and says that on the 6th. day of August, 1937, The Ostrander Banking Company secured a judgment in the Court of Common Pleas of Union County, Ohio, being numbered 14530 on the docket of said court, in the principal sum of Eight Hundred Forty Five ($845.00) Dollars with interest at the rate of 7 per cent per annum from said date, against Berk Mather et al.

That thereafter an execution was duly issued to the Sheriff of Union County, Ohio, and an execution levy was made against the real estate as described in the petition of the plaintiff herein and became a valid and subsisting lien upon the interests of the defendant Berk Mather. That thereafter a certificate of judgment was placed of record in the office of the Clerk of Courts of Union County, Ohio, and as such said judgment became a lien upon all the rights, title and interest of the defendant, Berk Mather in the real estate described in said petition, subject only to prior valid

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liens upon said premises.

This defendant says that on the 3rd. day of February, 1939, he purchased said judgment for value from The Ostrander Banking Company and all the right, title, interest and claim of the said The Ostrander Banking Company in and to said judgment and the liens returned thereby was duly assigned, without recourse and liability upon the part of the said The Ostrander Banking Company to this defendant and by such assignment the defendant is entitled to the proceeds of all the right, title, interest and claim of the said Bert Mather in and to funds derived from the same upon sale.

That the defendant for want of knowledge denies each and every allegation contained in said petition, except the lien and interest of the said The Ostrander Banking Company.

Wherefore this defendant prays that said real estate as described in the petition may be sold as prayed therein and that from the proceeds of sale all funds arising therefrom to which the said Bert Mather would be entitled by way of spouse, or by way of inheritance or distribution be paid to this defendant to be applied upon the judgment, lien, and for such other and further relief as this defendant may be justly entitled to.

John W. Dailey
Attorney for defendant.

State of Ohio, Union County, ss,

Harold Mather, being duly sworn, says the facts stated and allegations made in the foregoing are true, as he verily believes.

Harold Mather.

Sworn to before me and subscribed in my presence this the 4th. day of February, 1939.

Seal

John W. Dailey - Notary Public.

Filed
Feb. 6 - 1939.

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

Robert N. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

vs.

Bert Mather, et al.,

Defendants.

Case No. 13775.
Entry of Appearance and Consent to Sell.

The Ostrander Banking Company, a party Defendant, in the above entitled action, hereby waives the issuing and service of summons upon it and voluntarily enters its appearance as such Defendant and consents to the sale of the real estate described in the Petition as therein prayed for.

The Ostrander Banking Company
By - John W. Dailey.

THE COL. B. B. MFG. CO. 75974

13775
Filed
Feb. 6- 1939.

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

Robert F. Allen, administrator of the estate of Leona Mather, Deceased,
Plaintiff,
-vs-
Bert Mather, et al.,
Defendants.

No. 13775.
answer- Cross Petition of Bert Mathes.

Now comes Bert Mather one of the defendants herein and voluntary enters his appearance herein and for answer to the petition says, he is the widow of the said Leona Mather and admits the allegations contained in the petition.

By way of Cross-Petition, this defendant says said decedent left him as her surviving spouse and widower.

That said estate of the decedent was duly appraised by appraisers of the estate in the sum of Three Thousand ($3,000.00) Dollars, which said estate consisted solely of the real estate as described in the petition. That under Section 10509-54 of the General Code of Ohio this defendant is entitled to 20% of the inventory of the estate, which said sum is a lien upon all real estate owned at death prior to all claims except secured debts of the decedent.

Wherefore this defendant prays that said real estate be sold as prayed for in the petition and that all secured liens be established as found by the court and after payment of the same the lien of this defendant in the sum of Six Hundred ($600.00) Dollars be adjudged a valid and subsisting lien upon said real estate and be paid by the plaintiff from the proceeds of said sale in this proceeding, and for such other and further relief as the defendant may be entitled to.

John W. Dailey.
Attorney for Defendant.

State of Ohio, Union County, ss.

Bert Mather being duly sworn says the facts stated and allegations made in the foregoing are true as he verily believes.

Bert Mather.

Sworn to before me and subscribed in my presence this the 4th. day of February, 1939.

John W. Dailey- Notary Public.

Seal

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Filed
Feb. 6- 1939.

Filed
Mar. 2- 1939.

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13775
Filed
Feb. 6- 1939.

Journal Entry.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of
the Estate of Leona Mather,
Deceased,
Plaintiff,
-vs-
Bert Mather, et al.,
Defendant.

No. 13775.
Journal Entry.

Upon motion of Harold Mather and good cause being shown, it is ordered that said Harold Mather be made a party defendant in this cause and be permitted to file and answer herein.

Richard L. Cameron.
Acting Probate Judge.

Filed
Mar. 2- 1939.

Application for Guardian Ad Litem.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of
the Estate of Leona Mather,
Deceased,
Plaintiff,
-vs-
Bert Mather, et al.,
Defendants.

Case No. 13775.
Application for Guardian Ad Litem.

Comes now Robert R. Allen, Administrator of the estate of Leona Mather, deceased, and makes application for the appointment of a Guardian Ad Litem of Elsworth J. Gantt, one of the defendants herein, a minor twenty (20) years of age, and Pauline Gantt, one of the defendants herein, a minor eighteen (18) years of age, upon whom summons was duly served according to law, and suggests that Richard L. Small, who is a suitable person, be appointed as such.

Robert R. Allen, Administrator
of the estate of Leona Mather, Deceased.

Entry.

On the application of Robert R. Allen, Administrator of the estate of Leona Mather, Deceased, it appearing that Elsworth J. Gantt, and Pauline Gantt, defendants herein, were duly served with summons, and are minors of the ages of twenty (20) and eighteen years (18) respectively, it is ordered that Richard L. Small, and he is hereby appointed Guardian Ad Litem of said Elsworth J. Gantt and Pauline Gantt.

L. W. Hagen- Judge.

THE COL. B. B. MFG. CO. 75974

13775

Answer of Guardian Ad Litem.

Now comes Richard C. Thrall, duly appointed by the Court as Guardian Ad Litem for Elsworth J. Gantt and Pauline Gantt, minors, twenty years (20) and eighteen years (18) respectively, and for answer to the petition of the said Robert F. Allen, Administrator of the estate of Leona Mather, deceased, 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 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.

Richard C. Thrall
Guardian Ad Litem.

Filed
Mar. 2- 1939.

Entry Dispensing with New Appraisement & Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Bert Mather, et al.,

Defendants.

Case No. 13775.
Entry Dispensing with 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, the Answer of Richard C. Thrall, Guardian Ad Litem, Elsworth J. Gantt, a minor twenty (20) years of age, Pauline Gantt, a minor, eighteen years of age, the Answer and Cross Petition of The Federal Land Bank of Louisville, Louisville, Kentucky, the Answer and Cross Petition of the Land Bank Commissioner of Louisville, Louisville, Kentucky, the Answer and Cross Petition of Harold Mather, and the Answer and Cross Petition of Bert Mather, the other Defendants being in default of Answer, although served with summons according to law, or having waived the issuance and service of process herein and consent to the sale of the real estate.

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 and 00/100 ($3000.00), and it is ordered that a further appraisement be dispensed with.

The Court further finds the only asset in the Estate of Leona Mather, deceased, was the real estate de-

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Filed
Mar. 2- 1939.

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Filed
Mar. 2- 1939.

Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Bert Mather, et al,

Defendants.

Case No. 13775.

Order Issued to Representative for Private Sale and Return.

13775 scribed in the Petition of the Plaintiff, and it is further found by the Court that Robert R. Allen gave a bond of Three Thousand Dollars and 00/100 ($3000.00) as Administrator of the Estate of Leona Mather, Deceased, as a result of which additional bond is dispensed with.

It appearing that private sale would be to the best interest of the estate, it is ordered that said Robert R. Allen, as Administrator of the Estate of Leona Mather, Deceased, sell real estate at private sale at not less than Three Thousand Dollars and 00/100 ($3000.00), being the appraised value thereof, for cash on the delivery of a deed to the purchaser.

And it is further ordered that said Robert R. Allen, as such Administrator, make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

To Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein, Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased, is Plaintiff and Bert Mather, 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 to-wit:

"Situated in the County of Union, in the State of Ohio, in the Township of Taylor, and in part of Survey number 5386.

Beginning in the east line of said Survey at a point 76.56 poles northerly from the southeast corner of said Survey, No. 5386, thence westerly parallel with said south line of said Survey 104.50 poles; thence northerly parallel with the east line of said Survey 76.56 poles; thence easterly parallel with the first line aforesaid 104.50 poles to the east line of said Survey; thence with said east line of Survey southerly 76.56 poles to the beginning.

Containing 50 acres, more or less."

THE COL. B. B. MFG. CO. 75974

13775

Witness my hand and the seal of said Court at Marysville, Ohio, this 2nd. day of March, 1939.

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 25 day of February, 1939, offer said property at private sale, and Mary B. Delbon, having offered the sum of Three Thousand Dollars and 00/100 ($3000.00) and the same being not less than the appraised value of said property, I sold the same to the said Mary B. Delbon for that sum.

Robert F. Allen - Administrator of the Estate of Leona Mather, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Robert F. Allen, Administrator of the Estate of Leona Mather, Deceased, 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 the sale report is the highest price that could be obtained.

Robert F. Allen - Administrator of the Estate of Leona Mather, Deceased.

Subscribed in my presence and sworn to before me this 2 day of March, 1939.

Seal

John W. Dailey - Notary Public.

Filed Mar. 2 - 1939.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Leona Mather, Deceased, Plaintiff,

-vs-

Berk Mather, et al., Defendants.

Case No. 13775.
Entry Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Robert F. Allen, Administrator of the Estate of Leona Mather, 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 Leona Mather in said real estate, to the purchaser,

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Probate Judge.

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Mary B. Delbon, upon the said purchaser paying to said Administrator the purchase price therefor.

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 Thousand Dollars and 00/100 ($3000.00).

The Court finds there is due the said The Federal Land Bank of Louisville, Louisville, Kentucky, upon the note set forth in its answer and cross-petition from the estate of said Leona Mather, deceased, the sum of $973.95, with a daily accrual of interest of $. from the 11th. day of April, 1939; that the said Leona Mather and Bert Mather, her husband, 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 the said premises and now upon the fund in the hands of said Administrator, arising from the sale of said premises.

The Court finds there is due the said The Land Bank Commissioner of Louisville, Louisville, Kentucky, upon the note set forth in its Answer and Cross Petition from the Estate of the said Leona Mather, Deceased, the sum of $947.41, with daily accrual of interest of $ from the 11th. day of April 1939; that the said Leona Mather and Bert Mather, her husband, 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 further found by the Court upon the Answer and Cross Petition of Bert Mather, filed herein, that the said Bert Mather is entitled to twenty per cent of the inventory of the estate, which is twenty per cent of Three Thousand Dollars and 00/100 ($3000.00) or Six Hundred Dollars and 00/100 ($600.00) and the same is a valid and subsisting lien upon the real estate described in the Petition and now upon the funds in the hands of said Administrator arising from the sale of said premises.

It is further found by the Court upon the Answer and Cross Petition filed herein, by Harold Mather, that on the sixth day of August, 1937, The Ostrander Banking Company secured a judgment in the Court of Common Pleas of Union County, Ohio, being numbered 14530 on the docket of said Court in the principal sum of Eight Hundred Four Dollars and 00/100 ($804.00), at the rate of seven per cent per annum from said date against Bert Mather, et al; that thereafter, an execution was duly issued to the Sheriff of Union County, Ohio, and an execution levy was made against the real estate as described in the Petition of the Plaintiff herein

THE COL. B. B. MFG. CO. 75974

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and, became a valid and subsisting lien upon the interest of the Defendant, Bert Mather, thereafter, a certificate of judgment was placed of record in the office of the Clerk of Court of Union County, Ohio, and as such said judgment became a lien upon all the rights, title, and interest of the Defendant, Bert Mather in the real estate described in said Petition subject to all prior valid liens upon said premises; that the Defendant Harold Mather, on the third day of February, 1939, purchased said judgment for value from The Ostrander Banking Company and all the rights, title, interest, and claim of the said The Ostrander Banking Company and the liens secured thereby was duly assigned upon the part of the said The Ostrander Banking Company to the Defendant Harold Mather, and by such assignment, the Defendant Harold Mather, is entitled to the proceeds of all the rights, title, interest, and claim of the said Bert Mather in the funds derived from the same upon the sale and upon the funds in the hands of the said Administrator, including the claim of exemption to which Bert Mather is entitled. It is ordered by the Court that distribution be made to Harold Mather of the exemption to which Bert Mather is entitled or the sum of Six Hundred Dollars and 00/100 ($600.00) by the Administrator by this confirmation and distribution and that said Administrator account according to law for the balance to which Bert Mather will be entitled on final distribution by paying the same to Harold Mather, and it is ordered that the lien in favor of Harold Mather follow the fund into the hands of said Administrator.

It is ordered that an entry of release and satisfaction of the mortgage liens in favor of The Federal Land Bank of Louisville, Louisville, Kentucky, and The Land Bank Commissioner of Louisville, Louisville, Kentucky, and a release and satisfaction of the judgment lien in favor of The Ostrander Banking Company assigned to Harold Mather, be entered on record in the office of the Recorder, Union County, Ohio, and the office of the Clerk of Courts of Union County, respectively, according to law.

It is further ordered that said Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased, out of the money in his hands, pay:

First: To the Treasurer of this County for the taxes, penalty, and interest thereon against said property in the sum of $134.76.

Second: The Probate Court costs incurred in the sale of said property in the sum of $24.66.

Third: To The Federal Land Bank of Louisville, Louisville, Kentucky, for its mortgage lien in the sum of $973.95.

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Filed
Mar. 31-1939

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Fourth: To The Land Bank Commissioner of Louisville, Louisville, Kentucky, for its mortgage lien in the sum of $ 947.41.

Fifth: To Harold Mather, the exemption to which Bert Mather is entitled assigned to Harold Mather in conformity to the above finding the sum of $600.00.

Sixth: It is further ordred that the balance of said proceeds be accounted for by said Administrator according to law which is the sum of $919.22.

L. W. Hagen- judge.

Approved:
John W. Dailey- Atty. for Harold Mather.
" " " Bert Mather.

Filed Mar. 31-1939

Answer of The Federal Land Bank of Louisville, Defendant.

State of Ohio, County of Union, ss. In the Probate Court.

Robert H. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Bert Mather, et al.,

Defendants.

Case No. 13775.
Answer of The Federal Land Bank of Louisville, Defendant.

The defendant, The Federal Land Bank of Louisville admits that it is a Corporation organized under the Federal Farm Loan Act and amendments thereto; that its place of business is at Louisville, Kentucky;

That it has a claim against Robert H. Allen, Administrator of the estate of Leona Mather, deceased, and the defendant, Bert Mather, 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 December 15, 1933, Leona D. Mather and Bert Mather, her husband, executed and delivered to this answering defendant their first mortgage promissory note, dated December 15, 1933, in the principal amount of $1,000.00 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 in accordance with the amortization table printed on the back thereof. 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 (5) per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note.

THE COL. B. B. MFG. CO. 75974

13775

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 $964.69 with accrued interest at the rate of five per cent per annum from February 10, 1939, until paid, in accordance with the provisions of the Federal Farm Loan Act as amended.

In order to secure the indebtedness evidenced by said note the said Leona D. Mather and Bert Mather, her husband, executed and delivered to this answering defendant their first mortgage deed, dated December 15, 1933, 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 December 23, 1933, at 1:35 o' clock P. M., and was by him recorded in Mortgage Volume 103 at page 255 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 therefore, this answering defendant prays: That its mortgage may be found to be and is declared the first and best lien on the premises described therein and in the plaintiff's petition;

That said premises may be sold subject to the lien of this answering defendant's mortgage in the amount of $964.69, with interest at the rate of five per cent per annum from February 10, 1939 until paid, in accordance with the provisions of the Federal Farm Loan Act as amended;

That out of the proceeds of said sale there be paid to this answering defendant, first after court costs and taxes 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.

J. F. Williamson.
E. H. Somers.
Richard E. Thrall
Attorneys for the defendant,
The Federal Land Bank of
Louisville.

State of Kentucky, County of Jefferson, ss.

Myron Grigg, being duly sworn, says that he is the Vice President of the defendant, The Federal Land Bank of Louisville, and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

(E. H. S.) Myron Grigg.

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Filed Mar. 31- 1939.

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Sworn to before me a Notary Public in and for said county and State and subscribed in my presence this 27 day of March, 1939.

Seal

Marie R. Elliott-Notary Public.
My Commission expires June 24-1941.

Filed Mar. 31- 1939.

Answer of The Federal Farm Mortgage Corporation, Defendant.

In the Probate Court, Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Leona Mather, Deceased,

Plaintiff,

-vs-

Bert Mather, et al.,

Defendants.

Case No. 13775.
Answer of the Federal Farm Mortgage Corporation, Defendant.

The Defendant, Federal Farm Mortgage Corporation (hereinafter called the Corporation), states that it is a corporation organized under the Federal Farm Mortgage Corporation Act; that its principal 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. A. 1016-A 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 mentioned 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.

That it has a claim against Robert R. Allen, Administrator of the estate of Leona Mather, deceased, and the defendant, Bert Mather, 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 December 15, 1933, Leona J. Mather and Bert Mather, her husband, executed and delivered to this answering defendant their mortgage promissory note, dated December 15, 1933, in the original amount of $800.00 with interest at the rate of five per cent per annum,

THE COL. B. B. MFG. CO. 75974

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both principal and interest being payable on an amortization plan in semi-annual installments of $15.00. A true copy of said note with all credits endorsed thereon is attached hereto and incorporated herein by reference. According to the terms of said note all overdue amortization payments draw interest at the rate of (6) per cent until paid.

All amortization payments have been made in accordance with the terms of said note, except the following: February 1, 1939. installment in the amount of $19.80, 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 $245.05 with accrued interest at the rate of five per cent per annum from February 10, 1939, until paid, in accordance with the provisions of the Emergency Farm Mortgage Act of 1933, as amended.

That order to secure the indebtedness evidenced by said note the said Leona D. Mather and Bert Mather, her husband, executed and delivered to this answering defendant their mortgage deed, dated December 15, 1938, conveying conditionally to this answering defendant the premises described in said mortgage deed in the plaintiff's petition. Said mortgage was duly filed for record with the Recorder of Deeds of Union County, Ohio, on December 28, 1938 at 1:40 o'clock P. M.; and was by him recorded in Mortgage Volume 108 at page 257 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 therefore, this answering defendant prays that there may be found due it the following sum:

$245.05 with interest at 5% per annum from February 10, 1939 until paid;

That its mortgage may be found to be and so declared the first and best lien on the premises described therein and in the plaintiff's petition;

That out of the proceeds of said sale there be paid to this answering defendant, first after taxes, the amount so found due;

And for such other and further relief as may be equitable and proper and the Court can grant.

J. F. Williamson.
E. H. Gomez.
Richard C. Thrall.
Counsel
Federal Farm Mortgage Corporation.

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Filed
June 30-1939.
Walter D. Moore, Clerk
Attorney.

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L. A. Skeen, being duly sworn, says that he is the Disbursing Officer of the defendant, 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.

(E.H.G.)

Sworn to before me, a Notary Public in and for said county and state and subscribed in my presence this March 27, 1939.

Seal

Marie R. Elliott - Notary Public.
My commission expires June 24-1941.

13895
Filed
June 30-1939.
Walter D. Moore,
Attorney.

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

Walter D. Moore, Guardian of Elsie Rice, an incompetent person,

Plaintiff,

-vs-

His said Ward, Elsie Rice, Cloice Rice, her husband, Laurence Rice, a minor, Cloice Rice, as father of Laurence Rice, a minor of the age of 15 years, Dr. J. T. Bateman, Superintendent of the Columbus State Hospital, Columbus, Ohio,

Defendants.

No. 13895.
Civil Action to Sell Real Estate.
Petition.

The plaintiff represents that he is the duly appointed and qualified Guardian of Elsie Rice, an incompetent person of the age of 42 years that said Elsie Rice is now confined in the Columbus State Hospital at Columbus, Ohio; that the defendant, Dr. J. T. Bateman, is the Superintendent of said Hospital; that Cloice Rice is the father of Laurence Rice, defendant herein, who is a minor of the age of fifteen years.

The plaintiff further represents that said Ward is seized of the following described real estate proposed to be sold, situated in the County of Union, State of Ohio, and in the Village of Raymond, to-wit:

Being Lot No. 34 in William Milligan's Addition to the Town of Newton, now Raymond, Union County, Ohio.

The value of said real estate as near as can be ascertained is Six Hundred Dollars.

The nature of the interest of the Ward in such real estate is fee simple.

THE COL. B. B. MFG. CO. 75974

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All mortgages and other liens upon and adverse interests in such real estate are as follows: none.

The defendant Cloice Rice is the husband of the Ward and is forty-seven years of age.

The defendant Lawrence Rice, a minor of the age of fifteen years are all the persons entitled to the next estate of inheritance from the Ward, in such real estate and having an interest therein.

There are no other mortgagee and other lienholders whose claims affect such real estate or a part thereof.

There are no other persons having an interest in such real estate, or are entitled to the purchase money thereof.

It is necessary to sell said real estate for the payment of the just debts of said ward.

The plaintiff therefore prays that he may be authorized and ordered to sell said real estate free of all right and expectancy of dower therein, but out of the proceeds of sale, in lieu of dower, the Court allow such sum of money as is just and reasonable, value of such dower according to the statute in such case made and provided, and for all other proper orders and relief as plaintiff may be entitled to.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person.

The State of Ohio, Marion County, ss.

Walter D. Moore within named plaintiff, being duly sworn, says that he believes the facts stated in the foregoing petition to be true as he verily believes.

Walter D. Moore.

Sworn to before me and signed in my presence this 26 day of May, 1939.

Alice M. Patton - Notary Public, Marion County, Ohio.

80 cents tax fee. Seal

Filed June 30 - 1939.

Precipe for Summons. Probate Court, Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person, Plaintiff,

vs.

Elsie Rice, his ward, et al., Defendants.

No. 13896. Civil Action to Sell Real Estate. Precipe.

To the Judge and Ex-Officio Clerk of said Court:

Issue Summons in the above entitled case, for Elsie Rice, an incompetent person - Columbus State Hospital, Columbus, Ohio.

Dr. J. F. Bateman, Superintendent of the Columbus State Hospital, Columbus, Ohio, Franklin County, Ohio, Defendants, directed to the Sheriff of Franklin County,

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Filed July-10-1939.

Filed June 30 - 1939.

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Walter D. Moore-Plaintiff.

Filed July-10-1939. Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Franklin County, Ohio:

You are commanded to notify Elsie Rice, an incompetent person % Dr. J. F. Bateman, Superintendent or his successor Dr. E. F. Clouse, Acting Superintendent; that on the 30th. day of June, A. D. 1939, Walter D. Moore, Guardian of the above person, 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 "Payment of the just debts of said ward" The plaintiff therefore prays that he may be authorized and ordered to sell "Fee of all right and expectancy of dower therein, but out of the proceeds of sale, in lieu of dower, the Court allow such sum of money as is just and reasonable value of such dower". Signed by Walter D. Moore, Guardian of Elsie Rice, an incompetent person; and that unless they answer by the 29th. day of July 1939, said petition will be taken as true, and such order granted accordingly.

Said Sheriff will make due return of this writ on the 10th. day of July, 1939.

Witness my hand and the seal of said Court, this 30th. day of June, 1939.

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

Seal

Sheriff's Return.

The State of Ohio, Franklin County.

Sheriff Fees.	
Service & Return, first name	.75
— Additional names, at 25¢	.25
— miles traveled at 8¢	.80
Postage	.03
	$1.83

Received this writ July 1st. 1939, at 9 o'clock A. M., and on the 3 day of July, 1939, I served the same by delivering a copy thereof personally to the within named Elsie Rice, an incompetent person and to Dr. J. F. Bateman, Superintendent of Columbus State Hospital custodian of said Elsie Rice, an incompetent person.

Jacob E. Sandusky-Sheriff.
By-C. Donohue-/ Deputy.

Filed June 30-1939. Precipe for Summons.

Probate Court, Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person, Plaintiff,

-vs-

Elsie Rice, his ward, et al, Defendants.

No. 13895.
Civil Action to Sell Real Estate.
Precipe.

THE COL. B. B. MFG. CO. 75974

13895

To the Judge and Ex-Officio Clerk of said Court:

Issue Summons in the above entitled case, for Lawrence Rice, a minor, of the age of 15 years, - La Rue, Ohio, directed to the Sheriff of Marion County, returnable according to Law.

Walter D. Moore - Plaintiff.

Filed July 7- 1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Marion County Sheriff:

You are commanded to notify Lawrence Rice - a minor, of C Clois Rice his father - Marion, Ohio, (Street address not given by Atty. Walter D. Moore, Marion, O.) and the following named who are minors, to-wit: Laurence Moore, over 14 yrs. 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 30 th. day of June, A. D. 1939, Walter D. Moore, Guardian of Elsie Rice, an incompetent person, 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 "Payment of the just debts of said ward." free of all right and expectancy of dower therein, but out of the proceeds of sale, in lieu of dower, the Court allow such sum of money as is just and reasonable value of such dower, etc. Signed - Walter D. Moore - Guardian of Elsie Rice; and that unless they answer by the 29 th. day of July, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 10 th. day of June, 1939.

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

Seal

Sheriff's Return.

The State of Ohio, Marion County.

Sheriff Fees.	
Service & Return, first name,	.75
30 miles traveled at 8¢	2.40
Postage	.03
Total	$3.18

Received this writ July 1st., 1939 at 9:00 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: July 3rd. 1939, on the within named Lawrence Rice, a minor, by leaving for him at his usual place of residence, a true and certified copy of this writ, with all the endorsements thereon. I also made due and diligent search for the within named Laurence Moore, over 14 years, but

13895

Filed June 30-1939.

Filed Aug. 2- 1939.

13895

failed to find him within the confines of my bailiwick.
Fred R. Miller- Sheriff.
By Gene Geissler- Deputy.
and Consent to Sale.
Union County, Ohio.

Filed
June 30-1939.

Waiver of Summons
Probate Court,
Union County, Ohio.

Walter D. Moore, Guardian of
the estate of Elsie Rice,
an incompetent person,
Plaintiff,

-vs-

Elsie Rice, Cloice Rice,
her husband, et al.,
Defendants.

No. 13895
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.

Cloice Rice- As an Individual.
Cloice Rice- As father of Laurence Rice, a minor, of the age of 15 years.

Filed
Aug. 2- 1939.

Bond of Guardian.

Know All Men by these Presents, That we, Walter D. Moore and The Home Indemnity Company are held and firmly bound to the State of Ohio in the penal sum of Two 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 26th. day of July, 1939.

The condition of the above obligation is such, That whereas, the above bound Walter D. Moore has been appointed by the Probate Court of Marion County, Ohio, Guardian of the estate of Elsie Rice residing at Marion, Ohio, which appointment the said Walter D. Moore has accepted.

Now, if the said Walter D. Moore shall faithfully and honestly discharge the duties devolving upon him as such Guardian, as is required by law, then this obligation to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of
Alice M. Patton.
M. M. Bianchi.

Walter D. Moore
The Home Indemnity Co.
By- J. W. Llewellyn.
Atty. in- fact.

This Bond approved in open Court this 26 day of July, 1939.

Oscar Gast- Judge.

THE COL. B. B. MFG. CO. 75974

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Certificate & Copy.

The State & Ohio, Marion County, ss.

I Oscar Gast, Judge and Ex-Officio Clerk & the Probate Court within and for the aforesaid County and State, do hereby certify that the foregoing is a true and correct copy & the original Bond & Walter D. Moore, Guardian & Elsie Rice, now on file in said Probate Court.

In testimony Whereof, I have hereunto set my hand and affixed the Seal & said Court, at Marion, Ohio, this 31 day & July, 1939.

Oscar Gast- Probate Judge.
Warren Bull - Deputy Clerk.

Filed Aug. 2-1939.

Application for Appointment & Trustee & Insane Person, for the Suit.

Probate Court, Union County, Ohio.

Walter D. Moore, Guardian & Elsie Rice, an incompetent person,

Plaintiff,

vs.

Elsie Rice, et al.,

Defendants.

No. 13895.
Application.

To the Hon. Judge & said Court:

The undersigned Walter D. Moore, guardian & Elsie Rice, an incompetent person, makes application for the appointment & a Trustee for the suit, & Elsie Rice, who is insane, and a defendant in the above entitled case.

The undersigned suggests that Alfred Donithen, who is a suitable person, be appointed, as such Trustee & said insane person for the suit.

Respectfully,

Walter D. Moore - Guardian & Elsie Rice, an incompetent person.

Filed Aug. 2-1939.

Answer & Trustee, & Insane Person for the Suit.

Probate Court, Union County, Ohio.

Walter D. Moore, Guardian & Elsie Rice, an incompetent person,

Plaintiff,

vs.

Elsie Rice, et al,

Defendants.

No. 13895.
Answer.

And now comes the said Elsie Rice, insane defendant to the petition in said cause, by Alfred Donithen, her Trustee, for the suit heretofore appointed in said cause by said Court, and for answer to said petition, denies all the material allegations

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Filed Aug. 2-1939.

Filed Aug. 2-1939.

13895 therein captained, prejudicial to said insane defendant; and further says that she is insane and not acquainted with the law in such cases. He therefore prays the Court to protect her rights in this cause, and for such relief as may be just.

Elsie Rice
By- Alfred Donithen
Trusted for the Suit.

Filed Aug. 2-1939. Journal Entry- Order Appointing Trustee & Insane Person for the Suit.

Probate Court, Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person, Plaintiff, -vs- Elsie Rice, et al., Defendants

No. 13895.
Order Appointing Trustee for the Suit.

It appearing to the Court that the Defendant Elsie Rice, in this case is an insane person, and that her legal guardian has an interest in this action adverse to said defendant, Alfred Donithen is hereby appointed Trustee of said Defendant for this suit, to appear and defend the same.

L. W. Hazen- Judge.

Filed Aug. 2-1939. Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person, Plaintiff, -vs- Elsie Rice, et al., Defendants.

No. 13895.
Civil Action to Sell Real Estate.
Application.

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

The undersigned, guardian of Elsie Rice, and plaintiff herein, makes application for the appointment of a Guardian ad Litem for the minor defendant in the above entitled case.

The defendant Lawrence Rice is a minor of the age of fourteen years or over.

He has been duly served with summons.

The undersigned suggests that Paul D. Michel who is a suitable person be appointed as such Guardian ad litem.

Respectfully,
Walter D. Moore- Guardian
of Elsie Rice, an incompetent
person.

THE COL. B. B. MFG. CO. 75974

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Filed
Aug. 2- 1939.

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

Walter D. Moore, Guardian of
Elsie Rice, an incompetent
person,
Plaintiff,

-vs-

Elsie Rice, et al.,
Defendants.

Vs. 13895.
Answer of Minor Defendants.

And now come the said Lawrence Rice, the minor defendant to the petition in said cause, by Paul D. Michel, their Guardian ad litem, heretofore appointed in said cause by said Court, and for answer to said petition, deny all the material allegations therein contained, prejudicial to said minor defendants; and further say, that they are of tender years and not acquainted with the law in such cases.

They therefore pray the Court to protect their rights in this cause, and for such relief as may be just.

Lawrence Rice-
By- Paul D. Michel-
Guardian Ad Litem.

Filed
Aug. 2- 1939.

Journal Entry- Appointment of Guardian Ad Litem.
Probate Court, Union County, Ohio.

Walter D. Moore, Guardian of
Elsie Rice, an incompetent
person,
Plaintiff,

-vs-

Elsie Rice, et al.,
Defendants.

Vs. 13895.
Appointment of Guardian Ad Litem.

This day Walter D. Moore, guardian of Elsie Rice, an incompetent person, 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 Lawrence Rice, who is the age of fourteen years, and has been duly and legally served with summons herein, and that said defendant has neglected, for twenty days after the return of summons served upon him to apply for a guardian ad litem; it is ordered that Paul D. Michel of Marion, Ohio, be and he hereby is appointed Guardian for the suit, for said minor defendant.

And now comes the said Paul D. Michel and in open Court accepts said appointment.

L. W. Hazen- Judge.

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Entry.

In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person,

Plaintiff,

-vs-

Elsie Rice, et al.,

Defendants.

No. 13895.
Entry.

This day this cause came on to be heard upon the plaintiff's petition, the Answer of the Trustee for the suit of Elsie Rice, the Answer of the Guardian ad litem of Lawrence Rice, and the evidence.

Upon consideration thereof, the Court finds that all of 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 this court.

The Court further finds that Elsie Rice, the defendant, is of the present age of 42 years, and that the defendant, Cloice Rice, is her husband and is of the present age of 47 years; that as such spouse, the defendant, Cloice Rice is entitled to dower in the real estate described in the petition; that the said Cloice Rice has consented to the sale of said premises; that the just and reasonable value of the dower in said real estate should be fixed by the Court and paid to him out of the proceeds of the sale of said premises.

The Court further finds that it is necessary to sell said real estate to pay the debts of said estate and that the prayer of the petition should be granted.

And it appearing to the Court that the premises have not heretofore been appraised, it is further ordered that Virgil E. Poling, Emery G. Smith, and Frank Dawson, three judicious and disinterested persons of the vicinity not kin of the petitioner, be and they hereby are appointed to appraise said real estate at its true value in money, free from the dower estate of the said Cloice Rice 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 to make return of their proceedings in writing to this Court on or before the 15 day of August, 1939.

L. W. Hazen Judge.

THE COL. B. B. MFG. CO. 75974

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Filed
Aug. 15- 1939.

Order to Appraise Real Estate.

In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person,

Plaintiff,

-vs-

Elsie Rice, et al.,

Defendants.

No. 13895.
Order to Appraise Real Estate.

To Virgil E. Poling, Emery C. Smith, and Frank Dawson:

The Court imposing confidence in your judgment on the 15 day of August, 1939, in a certain case to sell real estate now pending in said Court, wherein Walter D. Moore, Guardian of Elsie Rice, an incompetent person, is plaintiff and Elsie Rice, et al., are defendants, appointed you appraisers of the following described real estate, to-wit:

Situated in Union County, State of Ohio, and being Lot No. 34 in William Milligan's Addition to the town of Newton, (now Raymond), Union County, Ohio.

You are therefore ordered by said Court that without unnecessary delay and on oath to 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 15 day of August, 1939.

L. W. Hazen.
Clerk.

Filed
Aug. 15-1939.

Oath of Appraisers.

In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person,

Plaintiff,

-vs-

Elsie Rice, et al.,

Defendants.

No. 13895.
Oath of Appraisers.

State of Ohio, Marion County, ss:

On the 15 day of August, 1939, before me, personally appeared Virgil E. Poling, Emery C. Smith and Frank Dawson, the within named appraisers, and made oath that they would, upon actual view, truly and impartially appraise at its fair cash value the within described real estate in pursuance of the within order of the Probate Court of Union County, Ohio.

Walter D. Moore - Guardian of Elsie Rice, an incompetent person.

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Report of Appraisers,
Probate Court, Union County, Ohio.

Walter D. Moore, Guardian, etc.,
Plaintiff,
-vs-
Elsie Rice, et al.,
Defendants.

Report of Appraisers.

We do appraise the within described real estate upon our oath aforesaid, after having actually viewed the same at $600.00.

Witness our hands this 15 day of Aug. 1939.

Virgil E. Poling,
Emery E. Smith.
Frank Dawson.

Filed
Aug. 15-1939.

Entry,
In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of
Elsie Rice, an incompetent
person,
Plaintiff,
-vs-
Elsie Rice, et al.,
Defendants.

No. 13895.
Entry.

It appearing that the plaintiff herein has been relieved of the necessity of furnishing an additional bond in this proceeding and it appearing that the said premises involved herein have been duly and legally appraised, and the report of said appraisement having been returned and confirmed by this Court, it is now ordered that Walter D. Moore, as Guardian of Elsie Rice, an incompetent person, proceed to advertise for sale on the 16th. day of September, 1939, at 10 o'clock A. M., at the door of the County Court House in Marysville, Ohio, the real estate described in the petition herein, as provided by law, and that he sell the same at not less than two-thirds of the appraised value thereof on the following terms, to-wit: Cash in hand on day of sale, and plaintiff is ordered to make return thereof upon such sale.

L. W. Hazen- Judge.

Filed
Aug. 15-1939.

Entry:
In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of
Elsie Rice, an incompetent
person,
Plaintiff,
-vs-
Elsie Rice, et al.,
Defendants.

No. 13895.
Entry.

THE COL. B. B. MFG. CO. 75974

13895

This day this matter came on further to be heard upon 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.

And it further appearing that Walter D. Moore, Guardian of Elsie Rice, an incompetent person, has already filed with the Probate Court of Marion County, Ohio, in which court he received his appointment as such Guardian, a good and sufficient bond for an amount more than double the appraised value of the said real estate, it is hereby ordered and decreed that said Guardian be relieved from furnishing an additional bond in this proceeding.

L. W. Hazen.

Filed Sept. 16-1939.

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 16 day of September, 1939 the day of sale therein mentioned, stating in the notice the time, place and terms of sale; and on said day, at the hour of 10 o'clock A. M., I proceeded to offer said real estate for sale at the north door of the Courthouse, Union County, O, when Paul Evans and Louise Evans bid, to pay for the same the sum of Five Hundred Seventy-five Dollars, which being the highest and best bid that was offered, and being more than two-thirds of the appraised vale of said premises, I then and there sold the same to Paul Evans and Louise Evans for that sum.

Dated the 16 day of September, 1939.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person.

Filed Sept. 16-1939.

Notice of Public Sale.

In the Probate Court of Union County, Ohio.

Walter D. Moore, Guardian of Elsie Rice, an incompetent person, Plaintiff, vs. Elsie Rice, et al., Defendants, No. 13895, Notice of Public Sale.

In pursuance of the order of the Probate Court of Union County, Ohio, I will offer for sale at public auction on the 16th day of September, 1939, at 10 o'clock a. m., at the door of the Court House of Union County, Ohio, the following described real estate:

Situated in Union County in the State of Ohio and being Lot No. 84 in William Milligan's Addition to the town of Newton (now Raymond), Union County, Ohio.

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Said premises are appraised at $600.00, and must be sold for not less than two-thirds of said appraised value.

Terms of sale: Cash in hand on day of sale.

Walter D. Moore, Guardian
of Elsie Rice, an incompetent
person.

The State of Ohio, Union County, ss:

Personally appeared before me J. M. Huber and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after August 16, 1939 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 16th. day of September, A. D. 1939.

G. P. Huber - Notary Public.

Printers Fees, $8.00.

Filed
Sept. 16-1939.

Deed
Confirming Sale, Ordering Deed and Distribution.
Probate Court, Union County, Ohio.

Walter D. Moore, as Guardian
of the estate of Elsie Rice,
an incompetent person,
Plaintiff,

-vs-

Elsie Rice, et al.,
Defendants.

Sept. 16 - 1939.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Walter D. Moore, Guardian of the estate of Elsie Rice, 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 Elsie Rice in said real estate, to the purchaser, Paul Evans and Louise Evans, upon the said purchaser paying the purchase money for said premises. 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 Seventy Five and no/100 Dollars, and the said Elsie Rice, surviving spouse, having by answer herein asked that the value of his

THE COL. B. B. MFG. CO. 75974

13895

dower in said premises be allowed and paid him out of the proceeds of the said sale; the Court finds the just and reasonable value of his dower interest in said real estate to be the sum of Twenty and 13/100 Dollars.

It is further ordered that said Walter D. Moore, Guardian, out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $75.00 to Walter D. Moore for services performed by the fiduciary in connection with the sale and the sum of $34.50 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.

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 $48.31, out of the proceeds of said sale, within ten days.

L. W. Hazen - Probate Judge.

13919.
Filed
Aug. 22 - 1939.
Clifton L. Caryl,
Attorney.

Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, John Collins, Catherine Collins, The Union County Federal Savings & Loan Association of Marysville, The Citizens Federal Savings & Loan Company,

Defendants.

Case No. 13919.
Petition for Sale of Real Estate to Pay Debts.

The plaintiff is the duly appointed, qualified, and acting administrator of the estate of Ida Cottrell, deceased, late of Clark County, Springfield, Ohio; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand, One Hundred Ninety-two Dollars and Forty-five cents, ($1192.45).

Plaintiff further says that the decedent left plaintiff as his surviving spouse, and that no allowance has been made by the appraisers for the surviving spouse, and that after the debts are paid, there will be no property with which an allowance can be allowed.

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Plaintiff further says that the costs of administering the estate will be about $100.00. The total value of the personal property of said decedent was fixed by the appraisers of said estate at $383.00, 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 Village of Milford Center, County of Union, State of Ohio, and further described as follows:

Being part of out-lots No. 22 and 23.

Beginning at a stake, at the intersection of the east line of the alley between lots No. 33 and 34 prolonged and the north line of Center Street; thence northerly with the east line of said alley 125 feet to a stake; thence easterly parallel with Center Street 43 feet to a stake; thence southerly parallel with said alley 125 feet to a stake; in the north line of Center Street; thence with said line westerly 43 feet to the place of beginning.

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

Being all of in-lots Nos. 135, 137, and 138, according to the recorded plat of H.G. Root's Addition to said Village. See Deed Record 94, page 116.

Also the following real estate situated in same State, County, and Village:

Being all of Out-Lot No. 136 in Root's Addition.

Said premises now appearing on the tax duplicate in the name of Margaret P. Walker.

Said real estate was included in the inventory of the estate as follows:

Said real estate is encumbered as follows:

The Union County Federal Savings & Loan Association of Marysville, $497.11;

The Citizens Federal Savings & Loan Association, $695.34.

The defendants, Edgar Blaquier, are all the persons entitled to the next estate of inheritance from the decedent in such real estate and having interest therein. There are no other persons who have any interest in said real estate.

Wherefore, plaintiff prays that said real estate be sold free from all the right of dower of said plaintiff, he Roy Cottrell, who hereby waives such allowance; that the rights, interests, and liens of all parties may be fully determined, adjusted and protected; and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief

THE COL. B. B. MFG. CO. 75974

13919

to which he may be entitled.

Clifton L. Caryl-
Attorney for Plaintiff.

The State of Ohio, Clark County, ss:
Le Roy Cottrell, 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.

Le Roy Cottrell.

Sworn to before me and signed in my presence by the said Le Roy Cottrell at Springfield, Ohio, this 21st. day of August, 1939.

Seal

Carrie E. Foster- Notary Public-
Clark County, Ohio.

Filed
Aug. 22-1939.

Application.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, deceased,

Plaintiff,

-vs-

Edgar Blazier, John Collins, Catherine Collins, The Union County Federal Savings & Loan Association of Marysville, The Citizens Federal Savings & Loan Company,

Defendants.

No. 13919.
Application.

Plaintiff represents that it will be for the best interests of the estate of Ida Cottrell, deceased, to sell the real estate described in the petition in this case at private sale for the following reasons:

1. That plaintiff has an offer of $1200.00 at private sale, thus being a sum sufficient to pay the encumbrances on said premises.

2. The defendant, the Citizens Federal Savings & Loan Company of Marysville, Ohio, is threatening foreclosure proceedings in which event the same would be sold at private sale thus creating an expense and delay, all of which would deprive the plaintiff from realizing a sufficient sum of money to pay all the debts of said estate.

3. The private sale of said real estate would be to the best interest of said estate.

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

Le Roy Cottrell- Administrator
of the Estate of Ida Cottrell,
deceased.

Filed
Aug. 22-1939.

13919

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Aug. 22-1939.

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State of Ohio, Clark County.

He Roy Cottrell, being duly sworn, says that the various matters set forth in the foregoing application are true as he verily believes.

He Roy Cottrell.

Sworn to before me and signed in my presence this 21st. day of August, 1939.

Seal

Carrie E. Foster- Notary Public, Clark County, Ohio.

Filed Aug. 22-1939.

Motion.

Probate Court, Union County, Ohio.

He Roy Cottrell, Administrator of the Estate of Ida Cottrell, deceased, Plaintiff,

-vs-

Edgar Blazier, et al, Defendants.

Case No. 13919. Motion.

Plaintiff moves the Court for an order authorizing service of summons by mail to be served upon John Collins, a minor, and Williams Collins, his father and natural custodian.

Clifton L. Caryl- attorney for Plaintiff.

Filed Aug. 22-1939.

Motion.

Probate Court, Union County, Ohio.

He Roy Cottrell, Administrator of the Estate of Ida Cottrell, deceased, Plaintiff,

-vs-

Edgar Blazier, et al., Defendants.

Case No. 13919. Motion.

Plaintiff moves the Court, for an order authorizing service by mail outside of the state, to be served upon Catherine Rollins, a minor, and Mrs. Ottie Gentry, her custodian.

Clifton L. Caryl- attorney for Plaintiff.

Filed Aug. 22-1939.

Precipe.

Probate Court, Union County, Ohio.

He Roy Cottrell, Administrator of the Estate of Ida Cottrell, deceased, Plaintiff,

-vs-

Edgar Blazier, et al., Defendants.

Precipe.

To the Judge:

Issue summons on the petition for the defendant,

THE COL. B. B. MFG. CO. 75974

13919

John Collins, a minor, and William Collins, his custodian, who reside at #27 No. Douglas Avenue, Springfield, Clark County, Ohio, returnable according to law, and the order herein made by the court. Endorse summons "Petition for Sale of Real Estate to Pay Debts, and equitable relief prayed for."

Clifton L. Caryl.
Attorney for Plaintiff.

13919
Filed
Aug. 26-1939.

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Filed
Aug. 22-1939.

Precipe.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, John Collins, Catherine Collins, The Union County Federal Savings & Loan Association of Marysville, The Citizens Federal Savings & Loan Company,

Defendants.

Case No. 13919.
Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Edgar Blazier who resides at 2313 Columbus Avenue, Springfield, Clark County, Ohio, one of the defendants herein, directed to the Sheriff of said County, returnable according to law.

Clifton L. Caryl.
Plaintiff's Attorney.

Filed
Aug. 22-1939.

Precipe for Summons on Defendant out of the State.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, et al.,

Defendants.

Case No. 13919.
Precipe for Summons on Defendant out of the State.

To the Judge:

Issue summons on the petition for the defendant, Catherine Collins, a minor, and Mrs. Ottie Gentry, her custodian, who reside in Lexington, Kentucky, to the Sheriff of Union County, Ohio, returnable according to law, and the order herein made by the Court. Indorse summons "Petition for Sale of Real Estate to Pay Debts and equitable relief."

Clifton L. Caryl.
Attorney for Plaintiff.

13919
Filed
Aug. 26-1939.

Cross Petition of the Defendant, The Citizens Federal Savings and Loan Association of Marysville, Ohio.

In the Probate Court, Union County, Ohio.

LeRoy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, et al.,

Defendants.

No. 13919
Cross Petition of the Defendant, The Citizens Federal Savings and Loan Association of Marysville, Ohio.

This defendant says that it is a corporation duly organized under the laws of the United States, with its principal place of business at Marysville, Ohio.

That on the 21st. day of April, 1933, the said LeRoy Cottrell and Ida Cottrell, who was then living, executed and delivered to this defendant their promissory note for the sum of $800.00 with interest at 7%; that there is now due thereon the sum of $714.37 with interest from August 4, 1939.

That on said date, in order to secure the payment of said note, said LeRoy Cottrell and Ida Cottrell executed and delivered to this defendant their mortgage deed, thereby conveying the real estate described in the petition; that said mortgage was conditioned in substance upon the payment of the above described; that said mortgage was duly recorded with the Recorder of Union County, Ohio, upon the 22nd. day of April, 1938, at 10:50 o'clock A.M., and is recorded in Book 113, Page 37 of the Mortgage Records of Union County, Ohio, and is a good and valid lien upon said premises.

Wherefore, this defendant prays that there be found due it upon said note said sum of $714.37, with interest as aforesaid, and that upon the sale of said real estate, its lien be first paid out of the proceeds, and for such other relief as is proper.

Hooper, Sanders & Hooper-
Attorneys for The Citizens Federal Savings and Loan Association of Marysville, Ohio.

State of Ohio, Union County, ss:

R. B. Neer, being first duly sworn, says that he is the Secretary of The Citizens Federal Savings and Loan Association of Marysville, Ohio, defendant herein, and that the facts stated and allegations contained in the foregoing Cross Petition are true as he verily believes.

R. B. Neer.

Sworn to before me and subscribed in my presence this 22nd. day of August, 1939.

-Notary Public.

THE COL. B. B. MFG. CO. 75974

13919
Filed
Aug. 22-1939.

Journal Entry Ordering Service By Registered Mail Outside of the State.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff.

-vs-

Edgar Blazier, et al.,

Defendants.

Case No. 13919.
Journal Entry Ordering Service By Registered Mail Outside of the State.

This day this cause came on to be heard on motion of plaintiff and order of service by registered mail to be made outside of the state upon the defendant, Catherine Collins, a minor, and Mrs. Ottie Gentry, her custodian. It is therefore ordered by the Court that the Sheriff of Union County serve the same on the defendant, Catherine Collins, a minor, and Mrs. Ottie Gentry, her custodian, by enclosing a true and correct copy thereof in a sealed envelope with the proper postage thereon and addressed to said defendant, Catherine Collins, at Lexington, Kentucky, and deposit said envelope in the mails in the post office at Marysville, Ohio.

L. W. Hazen - Judge.

Filed
Aug. 22-1939.

Journal Entry Ordering Service By Registered Mail Within the State.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, et al.,

Defendants.

Case No. 13919.
Journal Entry Ordering Service By Registered Mail Within the State.

This day this cause came on to be heard on motion of plaintiff and order of service by registered mail to be made within the state upon the defendant, John Collins, a minor, and William Collins, his custodian. It is therefore ordered by the court that the Sheriff of Union County serve the same on the defendant, John Collins, a minor, and William Collins, his custodian, by enclosing a true and correct copy thereof in a sealed envelope with the proper postage thereon and addressed to said defendant, John Collins at #27 No. Douglas Avenue, Springfield, Ohio, and deposit said envelope in the mail in the post office at Marysville, Ohio.

L. W. Hazen - Judge.

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Aug. 23- 1939.

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

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County:

You are commanded to notify William Collins, guardian of John Collins, who resides at #27 No. Douglas Avenue, Springfield, Clark County, Ohio, and the following named who are minors, to-wit: John Collins, residing at #27 No. Douglas Avenue, Springfield, Clark County, Ohio, 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, if the order named; that on the 22 day of August, A. D. 1939, Le Roy Cottrell, Administrator of the estate of Ida Cottrell, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts; and that unless they answer by the 23 day of September 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 11th. day of Sept. 1939.

Witness my hand and the seal of said Court, this 23 day of August, 1939.

L. W. Hazen- Judge and Ex Officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fee
Fees on one summons.
(Edgar Blazier).

Recived this writ August 23, 1939, 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, by registered mail, William Collins, guardian of John Collins, a minor who resides at #27 No. Douglas Ave., Springfield, Clark County, O.

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

Filed
Aug. 23-1939.

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

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County:

You are commanded to notify John Collins, a minor, at #27 No. Douglas Avenue, Springfield, Ohio, making service of this summons upon such minor as is over fourteen years of age, and also upon the

THE COL. B. B. MFG. CO. 75974

13919

guardian, father, mother or custodian of said minor, in the order named; that on the 22 day of August, A.D. 1939, Le Roy Cottrell, Administrator of the estate of Ida Cottrell, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts; and that unless they answer by the 23rd day of September, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 11 day of September, 1939.

Witness my hand and the seal of said Court, this 23 day of August, 1939.

Seal

L. W. Hazen- Judge and Ex Officio Clerk of the Probate Court of said County.

Filed Aug. 23-1939.

Sheriff's Return.

The State of Ohio, Union County.

Sheriff's Fees.
Fees on the summons. (Edgar Blazier)

Received this writ August 23rd. 1939, 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: By registered mail, on the defendant, John Collins, a minor, residing at #27 No. Douglas Avenue, Springfield, O.

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

Filed Aug. 23-1939.

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

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Catherine Collins, a minor, residing at Lexington, Kentucky, 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 22 day of August, a.D. 1939, Le Roy Cottrell, Administrator of the estate of Ida Cottrell, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate, belonging to said decedent, and in said petition described, for the purpose of paying debts, and that unless they answer by the 23 Day of September, 1939, said petition will be taken as true, and an order granted accordingly.

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Said Sheriff will make due return of this summons on the 11 day of September, 1939.

Witness my hand and the seal of said Court, this 23 day of August, 1939.

L. W. Hazen- Judge and Ex-Officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.
Fees on one summons (Edgar Blazier)

Received this writ August 23, 1939, 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: by registered mail on Catherine Collins, Lexington, Ky. (a minor).

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

Filed Aug. 23-1939.

Summons on Petition to Sell Real Estate.

Probate Court.

The State of Ohio, Union County.

To the Sheriff of said County:

You are commanded to notify Mrs. Ottie Gentry, guardian of Catherine Collins, who resides at Lexington, Kentucky, and the following named who are minors, to-wit: Catherine Collins, residing at Lexington, Kentucky, 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 22 day of August, a. D. 1939, LeRoy Cottrell, Administrator of the Estate of Ida Cottrell, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts; and that unless they answer by the 23 Day of September, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 11th. day of September, 1939.

Witness my hand and the seal of said Court, this 23 day of August, 1939.

L. W. Hazen- Judge and Ex-Officio Clerk of the Probate Court of said County.

Seal

Sheriff's Return.

The State of Ohio, Union County.

Sheriff Fees.
Fees on the summons. (Edgar Blazier).

Received this writ August 23rd, 1939, at 9 o'clock A. M., and on the days and in the manner hereinafter named, I served the same on the within

THE COL. B. B. MFG. CO. 75974

13919

named defendants, viz: by registered mail, on Mrs. Ottie Gentry guardian of Catherine Collins, a minor, Lexington, Ky.
H. S. Roosa- Sheriff.
By- E. Wood- Deputy.

Filed Aug. 23-1939.

Summons on Petition to Sell Real Estate.

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

To the Sheriff of said County.

You are commanded to notify Edgar Blazier, of 2313 Columbus Avenue, Springfield, Ohio, that on the 22nd. day of August, A. D. 1939, LeRoy Cottrell, Administrator of the estate of Ida Cottrell, 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 23rd. day of September, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 11th. day of September, 1939.

Witness my hand and the seal of said Court, this 23 day of August, 1939.

Seal

L. W. Hosea- 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
4 additional names, at 25¢	1.00
Postage	1.05
21¢ on each summons	
Total	$2.80

Recived this writ August 23rd. 1939, at 9 o'clock A. M., & served the same by registered mail, on the defendant Edgar Blazier, of 2313 Columbus Ave. Springfield, Ohio.
H. S. Roosa- Sheriff.
By- E. Wood - Deputy.
made by Mail.

Filed Oct. 3-1939.

Sheriff's Return of Service
Probate Court, Union County, Ohio.

LeRoy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, et al.,

Defendants.

Case No. 13919.
Sheriff's Return of Service made by Mail.

August —, 1939, at —— o'clock, —M. Received this writ and on the same day I served the same separately on the defendants, Catherine Collins, a minor, and Mrs. Ottie Gentry, her custodian, and John Collins, a minor, and William Collins, his custodian, by

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Filed Oct. 3-1939.

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enclosing a true copy thereof in sealed envelopes, with the proper postage thereon for registered mail, return receipt requested, and addressed to said defendants at their correct address at Lexington, Kentucky, and #27 Douglas Avenue, Springfield, Ohio, respectively, and deposited said envelopes in the post office at Marysville, Ohio.

W. S. Ropes - Union County Sheriff.
E. Wood - Deputy.

Mrs. Ottie Gentry - Return Receipt - 9-28-1939.
William Collins } - Return Receipt - 9-11-1939.
John Collins }
Edgar Blazier - Return Receipt - 9-1-1939.
Catherine Collins } - Return Receipt - 9-28-1939.
L. Gentry }

Filed Oct. 3-1939.

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

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

vs.

Edgar Blazier, John Collins, Catherine Collins, The Union County Federal Savings & Loan Association of Marysville, The Citizens Federal Savings & Loan Company,

Defendants.

Case No. 13919.
Journal Entry Finding Sale Necessary and Ordering Bond.

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 have been legally and duly served with process or have voluntarily entered their appearance herein and are now properly before the Court, and 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 parties hereto.

The Court further finds that the decedent, Ida Cottrell, was seized of a pretended one-half interest in said premises and were appraised at no value according to the inventory and appraisement of said estate. The Court further finds that Le Roy Cottrell, the surviving spouse of the decedent, is seized of the other one-half interest, and the Court being satisfied that it is necessary to sell the entire first tract of said real estate as described in plaintiff's petition, and that an order for another appraisement be, and is hereby dispensed with.

THE COL. B. B. MFG. CO. 75974

13919

The Court further finds that Le Roy Cottrell as administrator of said decedent's estate, has executed a bond in the sum of $200.00 to the State of Ohio, which bond has been approved by the Court. It is further ordered that the plaintiff execute an additional bond of $200.00 with sufficient sureties thereon to be approved by this Court according to law, and this cause is continued.

L. W. Hagen - Probate Judge.

Filed Oct. 3 - 1939.

Application by Minor for Guardian.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased,

Plaintiff,

-vs-

Edgar Blazier, et al.,

Defendants.

Case No. 13919.
Application By Minor for Guardian.

Now comes the defendant, John Collins, aged 19, by William Collins, his next of friend, and represent that they were duly served with summons in this case, and that said defendant is over the age of fourteen years, and are now within twenty days after service, and asks the Court to appoint William L. Coleman a guardian for the suit for said minor defendant herein, and that he defend this cause as such guardian for these defendants.

John A. Collins.
William Collins.

Filed Oct. 3 - 1939.

Bond of Administrator.

Know All Men by these Presents: That we Le Roy Cottrell and Margaret Lackey are held and firmly bound unto the State of Ohio, in the penal sum of Two 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 second day of October, A. D. 1939.

The Condition of the above obligation is such, That whereas, the above bound Le Roy Cottrell was heretofore duly appointed and qualified by the Probate Court of Clark County, Ohio, administrator of the estate of Ida Cottrell, Deceased.

And whereas, the said Le Roy Cottrell, as such administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Ida Cottrell described in said petition;

And whereas said Court, on the 2 day of October 1939, made an order requiring said administrator to execute a bond according to the statute in such cases made and provided.

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Now, if the said LeRoy Cottrell 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
Clifton L. Cayl.
Mildred L. Wladh.

LeRoy Cottrell.
Margaret Lasby.

This Bond approved in open Court, this 2 day of October, 1939.

Seal

L. W. Hazen - Probate Judge.

(Copy)

Administrator's Deed.

Know all Men by these Presents:

That whereas, on the fifth day of December, 1938, LeRoy Cottrell was duly appointed and qualified as administrator of the estate of Ida Cottrell, deceased, late of Clark County, Ohio, by the Probate Court of said County, and afterwards, to-wit: on the twenty-second day of August, 1939, said LeRoy Cottrell filed a certain petition and thereby commenced an action in the Probate Court of Union County, Ohio, against Edgar Blazier, John Collins, Catherine Collins, the Union County Federal Savings and Loan Association, and the Citizens Federal Savings and Loan Company of Marysville, Ohio, and numbered on the docket of said Court as Case No. 13919, praying among other things for an order of sale of said real estate therein mentioned and hereinafter described.

And whereas, such proceedings were had in said action, that on the second day of October, 1939, said Court finding the allegations of the petition to be true, and that said real estate ought to be sold as prayed for in said petition, ordered that the appraisement of the same be dispensed with, and on the same day said Court further ordered that the said LeRoy Cottrell, administrator of the Estate of Ida Cottrell, deceased, proceed according to law to sell said real estate at private sale for not less than $12000.00, free of his dower estate as an individual or any claim therein.

And on the same day, in pursuance of said order and judgment an order of sale with said real estate therein described, was issued by said Court under the seal thereof to the said LeRoy Cottrell as administrator of the estate of Ida Cottrell, deceased, as aforesaid, commanding him to execute the said order, and of the same together with his proceedings thereon, to make due return.

And whereas, the Court having ordered that the appraisement of said premises be dispensed with, and on the second day of October, 1939, said administrator

THE COL. B. B. MFG. CO. 75974

13919

returned said order of sale to said Court as commanded, with his proceedings thereon, stating in substance that in obedience to said order he sold said premises on the second day of October, 1939, to Elmer and Vrovia Adams for the sum of $1200.00, said sum being made after diligent endeavor to obtain the best price for said property, and for the highest price he could get therefore, free of any dower estate aforesaid.

And whereas, on the second day of October, 1939, the said Court having examined the proceedings of the said Le Roy Cottrell, administrator aforesaid, under said order of sale, and it appearing to the Court that said sale was in all respects legally made, ordered that the same be approved and confirmed, and that said Le Roy Cottrell, administrator should execute and deliver a proper deed to the purchaser of the real estate so sold.

All of which will more fully appear by the records of said Court to which reference is here made.

Now therefore, the said Le Roy Cottrell, administrator of the estate of Ida Cottrell, deceased, aforesaid, by virtue of said judgment, order of sale, sale and confirmation and of the statutes in such cases made and provided, and of the powers vested in him as such administrator, and for and in consideration of the premises, and the sum of $1200.00 paid or secured to be paid to Le Roy Cottrell, administrator, by said Elmer Adams and Vrovia Adams, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to the said Elmer Adams and Vrovia Adams, their heirs and assigns forever, the following real estate, situated in the Village of Milford Center, County of Union, and State of Ohio, and bounded and described as follows:

Being part of out-lots No. 22 and 23.

Beginning at a stake at the intersection of the east line of the alley between lots No. 33 and 34 prolonged and the north line of Center Street; thence northerly with the east line of said alley 125 feet to a stake; thence easterly parallel with Center Street 43 feet to a stake; thence southerly parallel with said alley 125 feet to a stake; in the north line of Center Street; thence with said line westerly 43 feet to the place of beginning.

free of dower as aforesaid.

To have and to hold said premises, with all the privileges and appurtenances thereto belonging to the said Elmer Adams and Vrovia Adams, their heirs and assigns forever, as fully and completely as Le Roy Cottrell, the said administrator of the estate of Ida Cottrell, deceased, by virtue of said judgment, order of sale, sale and confirmation, and of the statute

13919

Filed
Oct. 3- 1939.

13919 made and provided for such cases, might or should sell and convey the same.

In Witness Whereof, The said Le Roy Cottrell, administrator of the estate of Ida Cottrell, deceased, has hereunto set his hand, this second day of October, 1939.

Signed and acknowledged in the presence of:

Administrator of the estate of Ida Cottrell, deceased.

The State of Ohio, Union County.

Be it Remembered, That on this second day of October, 1939, before me, the subscriber, a Notary Public, in and for said County, personally came the above named Le Roy Cottrell, administrator of the estate of Ida Cottrell, deceased, the Grantor in the foregoing deed, and acknowledged the signing of the same to be his voluntary act and deed as such administrator for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Clifton L. Caryl- Notary Public, Union County, Ohio.

Filed Oct. 3- 1939.

Order Appointing Guardian Ad Litem for the Suit.

Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the Estate of Ida Cottrell, Deceased, Plaintiff,

-vs-

Edgar Blazier, et al., Defendants.

Case No. 13919.
Order Appointing Guardian Ad Litem for the Suit.

On application of the plaintiff, and it appearing to the Court that the defendants, John Collins and Catherine Collins are minors and were duly served with summons in this action, and that the defendants, John Collins and Catherine Collins are minors over fourteen years of age, but have neglected to apply for a guardian ad litem for the suit within twenty days after service of summons on them in this action, therefore William L. Coleman is hereby appointed guardian for the suit for said minors in this case, and said William L. Coleman 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- Probate Judge.

THE COL. B. B. MFG. CO. 75974

13919
Filed
Oct. 3 - 1939.

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

Le Roy Cottrell, Administrator of the estate of Ida Cottrell, Deceased,
Plaintiff,
-vs-
Edgar Blazier, et al.,
Defendants.

Case No. 13919.
Answer of Guardian Ad Litem.

And now comes William L. Coleman, duly appointed by the Court as Guardian ad litem for John Collins and Cathrine Collins, the minor defendants herein, and for answer to the petition of said Le Roy Cottrell as plaintiff says that he has not, by reason of the tender age of said minor 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, John Collins and Cathrine Collins, to the care and protection of the Court, to order in the premises as justice and the interest of said defendants shall require.

William L. Coleman
Guardian Ad Litem.

13919

Filed
Oct. 3 - 1939.

Entry Confirming Sale, Ordering Deed, and Distribution.
Probate Court, Union County, Ohio.

Le Roy Cottrell, Administrator of the estate of Ida Cottrell, Deceased,
Plaintiff,
-vs-
Edgar Blazier, John Collins, Cathrine Collins, The Union County Federal Savings & Loan Association of Marysville, The Citizens Federal Savings & Loan Company,
Defendants.

Case No. 13919.
Entry Confirming Sale, Ordering Deed, and Distribution.

This day this cause came on to be heard upon the report of Le Roy Cottrell, administrator of the estate of Ida Cottrell, deceased, of his proceedings under the 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, 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 price that could be obtained for said real

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Oct. 10 - 1939.

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18919	estate after diligent endeavor to obtain the best price for said property and for the highest price he could get therefor, it is ordered that the same and it is hereby approved and confirmed. It is further ordered that the said petitioner execute a deed for said real estate to the purchaser, free & clear, and that he pay to the Citizens Federal Savings & Loan Company of Marysville, Ohio, the sum of $714.37 with interest from the 4th. day of August, 1939, and the balance of said proceeds be paid through the administrator of the estate of Ida Cottrell, deceased, from which he is to pay the costs of these proceedings. L. W. Hague. Approved: Clifton L. Caryl. Attorney for Plaintiff.

11784 Filed Oct. 10 - 1939.	Affidavit to Complete Land Sale. In the Probate Court of Union County, Ohio. Gerald Cox, Guardian of Zetella Cox, Plaintiff, -vs- Zetella Cox, et al., Defendants. Case No. 11784. Affidavit.

Now comes Gerald Cox and says that he was the duly appointed, qualified and acting Guardian of the estate of Zetella Cox, a minor, as reflected in the proceedings herein and that no Guardian's Deed was ever delivered to Ida Cox in conformity to the confirmation and order made as of April 19, 1930 and filed herein.

Affiant says he received the purchase money from Ida Cox for said real estate and accounted for the same and made distribution thereof as such Guardian in Case No. 11783 and, that his account in which was reflected said distribution was approved on September 26, 1931.

Affiant says that to cure the defect of not having delivered a Deed to Ida Cox, attention is called to the Affidavit for transfer of real estate inherited from Thomas S. Cox, deceased, to Ida Cox, widow, and Gerald W. Cox, son, and Zetella Cox, daughter, describing the real estate sold to Ida Cox in this proceeding which Affidavit for transfer of real estate inherited was recorded September 8, 1939 in Deed Book 161, Page 90 in the Recorder's Office of Union County, Ohio, and attention is also called to the fact there is a Quit Claim Deed from Zetella Cox, unmarried, one and the same person as the

THE COL. B. B. MFG. CO. 75974

11784

ward herein, who at the time of the execution of the Quit Claim Deed had reached the age of twenty-one (21) and in which Quit Claim Deed Ida Elliott (formerly Ida Cox) and W. H. Elliott, her husband, are also Grantors which Deed is dated September 7, 1939 filed in the Recorder's Office of Union County, Ohio, on September 8, 1939 and recorded in Deed Book Vol. 161 at Page 93 and in which Gerald W. Cox is the Grantee. Said Quit Claim Deed was given to cure any and all defects in the title especially the lack of the delivery of the Guardian's Deed to Ida Cox as ordered by the confirmation filed herein on April 19, 1930.

Affiant says this affidavit is made to complete the land sale herein and filed as explanation of and in the place and stead of the delivery of a Guardian's Deed to Ida Cox.

Allen and Allen
By- Robert H. Allen
Attorneys for Gerald Cox.

State of Ohio, Union County, ss:

Gerald Cox being first duly sworn says the facts stated and the allegations hereinabove are true as he verily believes.

Gerald Cox.

Sworn to before me and subscribed in my presence this 9th. day of October, 1939.

Robert H. Allen - Notary Public.
Union County, Ohio.
My Commission Expires March 10-1940.

13936 Filed Oct. 3-1939.

In the Matter of The Guardianship of Miriam Griffith, a Minor.

In the Probate Court, Union County, Ohio.

In the Matter of the Guardianship of Miriam Griffith, a Minor. | No. 13936. Application to Sell Real Estate.

Now comes Asa Griffith, duly appointed, qualified and acting guardian of Miriam Griffith, a minor, and respectfully represents to the court that said ward is the owner of an undivided 1/4 interest in the residence property where he and the ward both reside; that the value of the ward's interest in said property is about $200.00; that said ward is of the age of 19 years; that he and said ward desire to sell said property for the purpose of investing in another residence property.

Wherefore, said guardian requests that the court issue an order authorizing him to sell said property at private sale for the sum of $ — and to give a guardians deed therefor.

Asa Griffith
Guardian of Miriam Griffith.

13936 Filed Oct. 3-1939.

13936

State of Ohio, Union County, ss:

Asa Griffith, being first duly sworn says that the statements made in the above application are true as he verily believes.

Asa Griffith.

Sworn to before me and subscribed in my presence this 3rd. day of October, 1939.

Seal

Ruth Hess- Notary Public.

Filed Oct. 8- 1939.

In the Probate Court, Union County, Ohio.

In the Matter of the Guardianship of Miriam Griffith, a minor. | No. 13936. | Entry.

This day this cause came on to be heard on the application of Asa Griffith, guardian of Miriam Griffith, a minor, to sell the undivided 1/4 interest of said ward in a residence property in Marysville, Ohio.

The court being fully advised in the premises finds that Asa Griffith is the duly appointed, qualified and acting guardian of said Miriam Griffith; that said minor is of the age of 19 years; that the value of the said ward's interest is $200.00; that said ward has consented to the sale; and that it would be for the best interests of said ward to have said property sold for the purpose of reinvesting in another residence property.

Wherefore, it is hereby ordered that said guardian sell the interest of said ward in said property for the sum of $200.00 cash, and he is hereby authorized to give a guardian's deed therefore.

L. W. Hagen - Probate Judge.

Filed Oct. 3-1939.

In the Probate Court, Union County, Ohio.

In the Matter of the Guardianship of Miriam Griffith, a minor. | No. 13936. | Consent.

The undersigned respectfully represents to the Court that she is a minor of the age of 19 years; that she is the owner of an undivided 1/4 interest in a residence property in Marysville, Ohio; that the value of her interest is about $200.00; that it is her desire that said property be sold in order to re-invest in another residence property; that she therefore consents to the granting of the foregoing application.

Miriam Griffith.

THE COL. B. B. MFG. CO. 75974

13670
Filed
Aug. 17- 1938.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Edith Mattack, Executrix of the Estate of Walter Hartman, Deceased,
Plaintiff,

-vs-

Edith Mattack and Ralph Mattack, her husband, Richwood, Ohio, and

La Verna Chandler and Charles Chandler, her husband, Richwood, Ohio,

Le Roy Hartman and Blanche Hartman, his wife, Williams Street, Delaware, Ohio,

The Federal Land Bank of Louisville, Kentucky, and

The Land Bank Commissioner of Louisville, Kentucky.

Defendants.

Case No. 13670.
Petition to Sell Real Estate.

Now comes the Plaintiff and says she is the duly appointed, qualified, and acting Executrix of the Estate of Walter Hartman, Deceased, late of this County; and that Walter Hartman, Deceased, and Walter T. R. Hartman are one and the same person.

The Plaintiff further says as near as can be ascertained the amount of the valid debts against said deceased is Fifteen Thousand ($15,000) Dollars.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at Sixty-nine Hundred Sixty and 53/100 ($6960.53) 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, to-wit:

Situated in the Township of Claibourne, County of Union, and Township of Thompson, County of Delaware, and State of Ohio, and further described as follows:

Part of Surveys No. 5750 and No. 6293 and bounded and described as follows:

Beginning at a stake in the center of Fulton Creek and in the S. line of said Survey No. 6293 in Union County; thence with said survey line N. 72 degrees E. 200 poles to a stone at the S. E. corner of said survey No. 6293 and the S. W. corner of survey No. 5750; thence continuing in the same course with the S. line of said survey No. 5750, 122 poles, or a total of 322

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13670 poles to a stone at the S. W. corner of the Sam Dilsaver lands; thence with the W. line of said lands N. 2 degrees W. 86 poles to a stone in the Mc Allister line; thence with the South line of the Mc Allister lands S. 72 degrees W. 43 poles to a stone at the S. W. corner of said lands; thence with the W. line of said lands N. 2 degrees W. 49 poles to a stone in the said line; thence with a S. line of said Mc Allisters lands S. 72 degrees W. 78 poles to a stone in the line dividing said surveys; thence with said Survey line N. 2 degrees W. 60.34 poles to a stone in said line and corner to Mc Allisters; thence S. 86 degrees W. 176 poles, passing the County line at 114 poles, to a stone in a Public Road; thence with the center of said Road N. 2 degrees W. 87 poles to a stone in the S. line of the Hancock land; thence with the S. line of said Hancock land S. 86 degrees W. 39 poles to a stone at the N. E. corner of the Frank Beem land; thence with the E. line of said land and the lands of Fred Dilsaver S. 2 degrees E. 174 poles to the S. E. corner of said Dilsaver's land; thence with 2 consecutive lines of said land S. 86 degrees W. 12.68 poles to a stone, and S. 7 degrees W. 50.70 poles to a stone in the center of a Public Road; thence with the center of said Road S. 70-1/4 degrees E. 11.80 poles to a stone; thence S. 4 degrees E. 5.81 poles to the center of Fulton Creek; thence with 5 consecutive lines of the lands of S. A. Fisher as follows: N. 80 degrees E. 35 poles to a stone; N. 2 degrees W. 25 poles to a stone; N. 86 degrees E. 26 poles to a stone; S. 2 degrees E. 41.75 poles to a stone; and S. 81 degrees W. 68.20 poles to the center line of Fulton Creek; thence with the center line of said Creek S. 43 degrees E. 18 poles; S. 10 degrees W. 26 poles; S. 48 degrees E. 16 poles; and S. 29 poles to the beginning.

Containing Three Hundred Ninety-eight and 82/100 (398.82) acres, more or less, but subject to all legal highways. Being Two Hundred Forty-two and 75/100 (242.75) acres in Delaware County, Ohio, and One Hundred Fifty-six and 7/100 (156.07) acres in Union County, Ohio.

Said real estate was included in the Inventory of the estate pursuant to the Order of this Court and appraised at Twenty-five Thousand Two Hundred Seven and 2/100 ($25,207.02).

The Defendants, Edith Matlack, La Verna Chandler, and Le Roy Hartman are the children and only heirs at law or persons entitled to the next estate of inheritance from the decedent in such real estate, and having an interest therein. The Defendant, Ralph Matlack, is the husband of Edith Matlack; the Defendant, Charles Chandler, is the husband of La Verna Chandler; and the Defendant, Blanche Hartman, is the wife of Le Roy Hartman.

THE COL. B. B. MFG. CO. 75974

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The Defendant, The Federal Land Bank of Louisville, Kentucky, is a corporation organized and existing with its principal office in Louisville, Kentucky, and the Plaintiff has reasons to believe it holds a mortgage against the real estate hereinabove described.

The Defendant, the Land Bank Commissioner, is a corporation organized and existing with its principal office located in Louisville, Kentucky, and the Plaintiff has reasons to believe it holds a mortgage against the real estate hereinabove described.

The Plaintiff says the said Walter Hartman died having a Last Will and Testament which has been probated in the Probate Court of Union County, Ohio, in the case entitled "In the Matter of the Will of Walter Hartman, Deceased, Case No. 13483" in said Court, which will in so far as it pertains to or disposes of the real estate hereinabove described provides as follows, to-wit:

"Item V. All the residue of my estate, real and personal, of every kind and description, wheresoever situate, which I may own or have the right to dispose of at the time of my decease, I give, devise, and bequeath to my daughter, La Verna Chandler and Edith Mattack, absolutely and in fee simple, share and share alike."

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 cases made and provided, and for such other and further relief to which she may be entitled.

Robert R. Allen
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

Edith Mattack, being first duly sworn according to law, deposes and says she is the Plaintiff; that the facts stated and the allegations contained herein are true as she verily believes.

Edith Mattack - Executrix.

Sworn to before me and subscribed in my presence this 16th. day of August, A. D., 1938.

Robert R. Allen-Notary Public,
Union County, Ohio.
My commission expires March 10 1940.

Seal

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Filed
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13670
Filed
Aug. 17-1938

Praecipe.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al., Defendants.

Case No. 13670.
Praecipe.

To the Probate Judge:

Please issue Summons directed to the Sheriff of Delaware County, Ohio, against the Defendants, Le Roy Hartman and Blanche Hartman, who live on William Street, Delaware, Ohio, and make same returnable according to law.

Endorse Summons "Action to Sell Real Estate to Pay Debts."

Robert H. Allen
Attorney for Plaintiff.

Filed
Aug. 29-1938.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court,
To the Sheriff of said County: Delaware County, Ohio. (Sheriff M. F. Finney)

You are commanded to notify each Le Roy Hartman and Blanche Hartman (Husband and Wife) who live at or on William Street, Delaware, Ohio; In Case # 13670, Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff, -vs- Edith Matlack, et al., Defendants; that on the 17th. day of August, 1938, Edith Matlack, Executrix of the Estate of Walter Hartman, deceased, filed her petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying: Entitled "Action to Sell Real Estate to Pay Debts."

Signed by- Robert H. Allen
Attorney for above.

and that unless they answer by the 17th. day of September, 1938, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 29th. day of August, 1938.

Witness my hand, and the seal of said Court, this 17th. day of August, 1938.

Seal

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

THE COL. B. B. MFG. CO. 75974

13670

Sheriff's Return.

The State of Ohio, Delaware County.

Sheriff Fees	
Service & Return, first name	.75
1 Additional name, at .25¢	.25
8 miles traveled at 8¢	.24
	$1.24

Received this writ August 19th. 1938, at 9 o'clock A.M., and on the 25th. day of August, 1938, I served the same by delivering a copy thereof personally to the within named Blanche Hartman, and on August 25th, I also served the within named he Roy Hartman, by leaving for him at his usual place of residence a true and certified copy of this writ with all the endorsements thereon.

W. F. Pixley - Sheriff.
By- E. L. Litzenberger Deputy.
of Union County, Ohio.

Filed
Mar. 7-1939.

Waiver.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,
-vs-
Edith Matlack, et al., Defendants.

Case No. 13670.
Waiver.

We, the undersigned, parties defendant in the above entitled action, hereby waive the issuance and service of process against us and voluntarily enter our appearance herein.

Edith Matlack.
Ralph Matlack.

Filed
Mar. 7- 1939.

Application.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,
-vs-
Edith Matlack, et al., Defendants.

Case No. 13670.
Application.

Now comes Edith Matlack, Executrix of the estate of Walter Hartman, deceased, and says she is the Plaintiff herein and the one that filed the Petition to sell real estate herein.

The Plaintiff says that the real estate described in the Petition is approximately four hundred three acres, located in Thompson Township, Delaware County and Claibourne Township, County of Union, Ohio, and that said four hundred three acres of farming land is composed of two distinct farms of farming units with buildings thereon, adjoining each other and included in the four hundred three acres of farm land and all in one tract.

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The Plaintiff has employed Lawrence Fleming, a surveyor, to re-survey said real estate and divide the four hundred three acres of farm land into two farms with fifty nine and 56 1/100 acres in one tract and hereinafter called Tract I. and three hundred forty one and 87/100 acres in second tract and hereinafter called Tract II.

The Plaintiff says she believes it more practical expedient and that the best interest of the estate will be accomplished by having said real estate divided into two tracts and sold as such.

The Plaintiff desires to have the discription hereinafter set forth to be substituted as the discription of said real estate for the description in the Petition filed herein and which description hereinafter is a description of the same real estate exactly as the real estate described in the Petition, however divided into tract one and tract two.

The Plaintiff says said description, that she desires to be substituted for the description in the Petition, is as follows, to-wit:

Tract I. Real Estate situate in the State of Ohio, County of Union and Township of Claibourne, being part of Lots, Nos. 2, 3, and 4 of John Hart's subdivision of part of Survey No. 6293.

Bounded and described as follows:-

Beginning at a stone in the north line of Lot No. 2; this point being 61.90 poles westerly from the stone monument which marks the intersection of the north line of Lot No. 2 and the Union and Delaware County line; thence along the dividing line of the Walter Hartman Estate South 28° 30' West 31.01 poles to a stone; thence along said line South 2° West 26.30 poles to a stone; thence along said line South 83° West 34.69 poles to a stone; thence North 10° West 6.39 poles to a stone in the center of the Fulton Creek road; thence North 67° 30' West 12.90 poles along the center said road to a stone; thence North 10° East 50.78 poles along Fred Dilsaver's west line to a stone in the north line of Lot No. 2; thence along the north line of Lot No. 2, North 90° East 12.85 poles to a stone; thence North 2° East 173.98 poles along the west line of Fred Dilsaver and Frank Beem's lands to a stone in the north line of Lot No. 4; thence South 89° 30' East 39.27 poles along the north line of Lot No. 4 to a stone; thence along the dividing line of the Walter Hartman Estate, South 2° West 174.71 poles to the place of beginning.

Containing 59.56 acres, more or less.

Tract II. Real Estate situate in the State of Ohio, County of Union and Township of Claibourne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and No. 5750, and bounded and described as follows:

THE COL. B. B. MFG. CO. 75974

13670

Beginning at the Northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line S. 2° 30' W. 62.60 poles to a stone; thence along the south line of Mc Allister lands N. 78° E. 78.65 poles to a stone; thence with a west line of Mc Allister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of Mc Allister lands N. 79° E. 43.60 poles to a stone at the northwest corner of Eva Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 6650; thence along the south line of Surveys No. 6700 and 6293, S. 77° W. 33.66 poles to a stake in the center of Fulton Creek, passing the survey intersection at 123.87 poles and the County line marker at 236.04 poles; thence with twelve consecutive lines along the center of Fulton Creek as follows: N. 8° E. 10 poles, N. 88° 30' E. 11.94 poles, N. 46° E. 11.27 poles, N. 12° E. 12.73 poles, N. 17° W. 6.54 poles, N. 68° W. 16.06 poles, N. 57° W. 9.27 poles, N. 30° 15' E. 10.91 poles, N. 0° .. 11.09 poles, N. 30° 30' W. 3.92 poles, S. 69° 30' W. 12.79 poles N. 33° W. 12.12 poles to a stake in the center of Fulton Creek at the southwest corner of S. A. Fisher land; thence along the south line of S. A. Fisher's land N. 82° 30' E. 70.90 poles to a stone; thence along Fisher's east line N. 1° E. 45.69 poles to a stone; thence along Fisher's north line N. 89° 30' W. 32.03 poles to a stone; thence with five consecutive lines to form a lane fifteen feet wide along the west and north side of S. A. Fisher land, as follows: S. 2° W. 27.21 poles to a stone S. 82° W. 31.51 poles to a stone, N. 35° W. 18½ feet to a stone (the two preceding points being in the center of the Fulton Creek Road), N. 82° E. 30.48 poles to a stone, N. 2° E. 26.30 poles to a stone in the Walter Hartman estate dividing line; thence N. 23° 30' E. 31.51 poles to a stone in said line; thence N. 2° E. 87.63 poles in said line to a stone in the north line of Lot No. 3, Survey No. 6293; thence along the north line of Lot No. 3 No. 90° E. 175.92 poles (passing the County line at 61.54 poles to the point of beginning.

Containing 341.87 acres. 241.75 acres being in Delaware County and 100.12 acres being in Union County.

Wherefore, applicant prays that said description herein be substituted for the description in the Petition.

Allen & Allen.
By- Robert F. Allen.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Edith Matlack, Executrix of the estate of Walter Hartman, deceased, being duly sworn according to law, deposes and says that the facts stated and the allegations contained herein are true as she verily believes.

Edith Matlack- Executrix of the Estate of Walter Hartman, Deceased.

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Filed Mar. 7- 1939.

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Filed
Mar. 7- 1939.

Sworn to before me and subscribed in my presence this 7th. day of March, 1939.

Robert N. Allen - Notary Public.
Union County, Ohio.
My commission expires March 10-1940.

Order.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased,
Plaintiff,
-vs-
Edith Matlack, et al.,
Defendants.

Case No. 13670.
Order.

This cause came on to be heard on the application of Edith Matlack, Executrix of the estate of Walter Hartman, deceased, the evidence, and the Court being fully advised in the premises.

It is found by the Court that the description hereinafter describes the same real estate as described in the Petition of the Plaintiff with the exception that the description hereinafter describes said real estate in two tracts and describes two farming units with buildings thereon.

It is, therefore ordered, adjudged, and decreed that the description hereinafter shall be substituted for the description of the real estate in the Petition herein and which description is as follows, to-wit:

Tract I. Real estate situate in the State of Ohio, County of Union and Township of Claibourne, being part of Lots Nos. 2, 3, and 4 of John Hart's subdivision of part of Survey No. 6293.

Bounded and described as follows:

Beginning at a stone in the north line of Lot No. 2; this point being 61.90 poles westerly from the stone monument which marks the intersection of the north line of Lot No. 2 and the Union and Delaware County lines; thence along the dividing line of the Walter Hartman Estate South 23° 30' West 31.07 poles to a stone; thence along said line South 2° West 26.30 poles to a stone; thence along said line South 82° West 34.69 poles to a stone; thence North 10° West 6.39 poles to a stone in the center of the Fulton Creek road; thence North 67° 30' West 12.90 poles along the center of said road to a stone; thence North 10° East 50.48 poles along Fred Dilsaver's west line to a stone in the north line of Lot No. 2; thence along the north line of Lot No. 2, North 90° East 12.85 poles to a stone; thence North 2° East 173.98 poles along the west line of Fred Dilsaver and Frank Beem's lands to a stone in the north line of Lot No. 4; thence South 89° 30' East 39.27 poles along the north line of Lot No. 4 to a stone; thence

THE COL. B. B. MFG. CO. 75974

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along the dividing line of the Walter Hartman Estate, South 2° West 174.41 poles to the place of beginning.

Containing 59.56 acres, more or less.

Tract II. Real Estate situate in the State of Ohio, County of Union and Township of Claiborne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and No. 5700, and bounded and described as follows:-

Beginning at the northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line S. 2° 30' W. 62.60 poles to a stone; thence along the south line of Mc Allister lands N. 78° E. 78.65 poles to a stone; thence with a west line of Mc Allister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of Mc Allister lands N. 79° E. 43.60 poles to a stone at the northwest corner of Era Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 5700; thence along the south line of Surveys No. 5700 and 6293, S. 77° W. 333.66 poles to a stake in the center of Fulton Creek, passing the survey intersection at 123.87 poles and the County line marker at 236.04 poles; thence with twelve consecutive lines along the center of Fulton Creek as follows: N. 8° E. 10 poles, N. 88° 30' E. 11.99 poles, N. 46° E. 11.27 poles, N. 12° E. 12.73 poles, N. 17° W. 6.54 poles, N. 68° W. 16.06 poles, N. 57° W. 9.27 poles, N. 30° 15' E. 10.91 poles, N. 0° .. 11.09 poles, N. 30° 30' W. 3.92 poles, S. 69° 30' W. 12.74 poles N. 33° W. 12.12 poles to a stake in the center of Fulton Creek at the southwest corner of S. A. Fisher land; thence along the south line of S. A. Fisher's land N. 83° 30' E. 70.90 poles to a stone; thence along Fisher's east line N. 1° E. 45.69 poles to a stone; thence along Fisher's north line N. 89° 30' W. 33.03 poles to a stone; thence with five consecutive lines to form a lane fifteen feet wide along the west and north side of S. A. Fisher land, as follows: S. 2° W. 27.21 poles to a stone, S. 82° W. 31.51 poles to a stone, N. 35° W. 18½ feet to a stone (the two preceding points being in the center of the Fulton Creek Road), N. 82° E. 30.48 poles to a stone, N. 2° E. 24.30 poles to a stone in the Walter Hartman estate dividing line; thence N. 23° 30' E. 31.51 poles to a stones in said line; thence N. 2° E. 87.63 poles in said line to a stones in the north line of Lot No. 3, Survey No. 6293; thence along the north line of Lot No. 3, N. 90° E. 175.92 poles (passing the County line at 61.57 poles) to the point of beginning.

Containing 341.87 acres. 241.75 acres being in Delaware County and 100.12 acres being in Union County.

L. W. Hazen - Judge.

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Waiver.

In the Probate Court of Union County, Ohio.

Edith Mattack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Mattack, et al., Defendants.

Case No. 13670.
Waiver.

We, the undersigned, parties defendant in the above entitled action, hereby waive the issuance and service of process against us and voluntarily enter our appearance herein.

La Verna Chandler.
Charles Chandler.

Filed
Mar. 7-1939.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Edith Mattack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Mattack, et al., Defendants.

Case No. 13670.
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 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 D. K. Davis, J. S. Mattison and J. P. Sidle, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner be and they are hereby appointed to appraise said real estate at its true value in money; it is further ordered that said appraisers be sworn as required by law 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
Mar. 7-1939.

Order to and Report of Appraisers.

In the Probate Court of Union County, Ohio.

Edith Mattack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Mattack, et al., Defendants.

Case No. 13670.
Order to and Report of Appraisers.

To D. K. Davis, J. S. Mattison, and J. P. Sidle:

THE COL. B. B. MFG. CO. 75874

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The Court reposing confidence in your judgment, on the 7th. day of March, 1939, it is certain to sell real estates now pending in said Court, wherein, Edith Matlack, Excutrix, is Plaintiff and Edith Matlack, et al, are Defendants, appointed you appraisers of the following described real estate:

Tract I. Real estate situate in the State of Ohio, County of Union and Township of Claibourne, being part of Lots Nos. 2, 3, and 4 of John Hart's subdivision of part of Survey No. 6293.

Bounded and described as follows:-

Beginning at a stone in the north line of Lot No. 2; this point being 61.90 poles westerly from the stone monument which marks the intersection of the north line of Lot No. 2 and the Union and Delaware County line; thence along the dividing line of the Walter Hartman Estate South 23° 30' West 31.51 poles to a stone; thence along said line South 2° West 26.30 poles to a stone; thence along said line South 82° West 34.69 poles to a stone; thence North 10° West 6.39 poles to a stone in the center of the Fulton Creek road; thence North 67° 30' West 12.90 poles along the center of said road to a stone; thence North 10° East 50.48 poles along Fred Dilsaver's west line to a stone in the north line of Lot Nos. 2; thence along the north line of Lot No. 2, North 90° East 12.85 poles to a stone; thence North 2° East 173.98 poles along the west line of Fred Dilsaver and Frank Beem's lands to a stone in the north line of Lot No. 4; thence South 89° 30' East 39.27 poles along the north line of Lot No. 4 to a stone; thence along the dividing line of the Walter Hartman Estate, South 2° West 174.41 poles to the place of beginning.

Containing 59.56 acres, more or less.

Tract II. Real estate situate in the State of Ohio, County of Union and Township of Claibourne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and No. 5750, and bounded and described as follows:

Beginning at the northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line S. 2° 30' W. 62.60 poles to a stone; thence along the south line of Mc Allister lands N. 78° E. 78.65 poles to a stone; thence with a west line of Mc Allister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of Mc Allister lands N. 79° E. 43.60 poles to a stone at the southwest corner of Eva Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 5750; thence along the south line of Surveys No. 5750 and 6293, S. 77° W. 333.66 poles to a stake in the center of Fulton Creek, passing the Survey intersection at 123.87 poles and the County line Quarter at 236.04 poles; thence with twelve consecutive lines

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Containing 341.87 acres. 241.75 acres being in Delaware County and 100.12 acres being in Union County.

You are therefore ordered by said court that without necessary 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 7th. day of March, 1939.

Seal

L. W. Hagen - Probate Judge.

Oath of Appraisers.

State of Ohio, Union County, ss:

On the 7th. day of March, 1939, before me personally appeared D. K. Davies, J. S. Matteson and J. P. Sidle, the within named and made oath that they would upon actual view truly and impartially appraise at its fair cash value, the within described real estate in pursuance of the within order of the Probate Court of said county.

Seal

Robert F. Allen - Notary Public.
Union County, Ohio.
My commission expires March 10-1940.

THE COL. B. B. MFG. CO. 75974

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Report of Appraisers.

We do appraise the within described real estate on our oath, aforesaid, after having actually viewed the same as follows:

Tract I.	$4365.00
Tract II.	$20500.00
Total	$24865.00

Witness our hands this 7th. day of March, 1939.

D. K. Starr.
J. P. Sidle.
J. S. Matteson.

Filed Mar. 7- 1939.

Entry Confirming Appraisement and Dispensing with Bond.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al., Defendants.

Case No. 13670.
Entry Confirming Appraisement and Dispensing with 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 found by the court that the Will of Walter Hartman, deceased, provided that Edith Matlack, as executrix, was not to be required to give a bond as such and therefore it is ordered, adjudged, and decreed that no bond shall be required by said executrix herein.

L. W. Hazen - Probate Judge.

Filed Mar. 7- 1939.

Entry Ordering Sale.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al., Defendants.

Case No. 13670.
Entry Ordering Sale.

It appearing to the Court that private sale of the real estate heretofore appraised herein would be to the best interest of the estate, it is ordered, adjudged and decreed that Edith Matlack, as executrix of the estate of Walter Hartman, deceased, sell said real estate at private sale for not less than the appraised value thereof, for cash upon the delivery of a deed to the purchaser or purchasers.

It is further ordered, adjudged, and decreed that said Edith Matlack, as such executrix, make return of sale without unnecessary delay. L. W. Hazen - Probate Judge.

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Order Issued to Representative for Private Sale and Return.
In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

vs.

Edith Matlack, et al., Defendants.

Case No. 13670.
Order Issued to Representative for Private Sale and Return.

To Edith Matlack, Executrix of the estate of Walter Hartman:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein Edith Matlack, Executrix of the estate of Walter Hartman, deceased, is Plaintiff, and Edith Matlack, 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 executrices, 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 as follows, to-wit:

Tract I. Real estate situate in the State of Ohio, County of Union and Township of Claibourne, being part of Lots Nos. 2, 3, and 4 of John Hart's subdivision of part of Survey No. 6293.

Bounded and described as follows:-

Beginning at a stone in the north line of Lot No. 2; this point being 61.90 poles westerly from the stone monument which marks the intersection of the north line of Lot No. 2 and the Union and Delaware County line; thence along the dividing line of the Walter Hartman Estate South 23° 30' West 31.51 poles to a stone; thence along said line South 2° West 26.30 poles to a stone; thence along said line South 83° West 34.69 poles to a stone; thence North 10° West 6.39 poles to a stone in the center of the Fulton Creek road; thence North 67° 30' West 12.90 poles along the center of said road to a stone; thence North 10° East 50.48 poles along said Dilsaver's west line to a stone in the north line of Lot No. 2; thence along the north line of Lot No. 2, North 90° East 12.85 poles to a stone; thence North 2° East 173.98 poles along the west line of said Dilsaver and Frank Beem's lands to a stone in the north line of Lot No. 4; thence South 89° 30' East 39.27 poles along the north line of Lot No. 4 to a stone; thence along the dividing line of the Walter Hartman Estate, South 2° West 174.41 poles to the place of beginning.

Containing 59.56 acres, more or less.

Tract II. Real estate situate in the State of Ohio, County of Union and Township of Claibourne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and No. 6750, and bounded and described as follows:

THE COL. B. B. MFG. CO. 75974

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Beginning at the Northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line S. 2° 30' W. 62.60 poles to a stone; thence along the south line of Mc Allister lands N. 78° E. 78.65 poles to a stone; thence with a west line of Mc Allister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of Mc Allister lands N. 79° E. 43.60 poles to a stone at the northwest corner of Eva Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 5650; thence along the south line of Surveys No. 5750 and 6293, S. 77° W. 33.66 poles to a stake in the center of Fulton Creek, passing the survey intersection at 123.87 poles and the County line marker at 236.04 poles; thence with twelve consecutive lines along the center of Fulton Creek as follows: N. 8° E. 10 poles, N. 88° 30' E. 11.94 poles, N. 46° E. 11.27 poles, N. 12° E. 12.73 poles, N. 17° W. 6.54 poles, N. 68° W. 16.06 poles, N. 57° W. 9.27 poles, N. 30° 15' E. 10.91 poles, N. 0° " 11.09 poles, N. 30° 30' W. 3.92 poles, S. 69° 30' W. 12.72 poles, N. 33° W. 12.12 poles to a stake in the center of Fulton Creek at the southwest corner of S. A. Fisher land; thence along the south line of S. A Fisher's land N. 83° 30' E. 70.90 poles to a stone; thence along Fisher's east line N. 1° E. 45.69 poles to a stone; thence along Fisher's north line N. 89° 30' W. 33.03 poles to a stone; thence with five consecutive lines to form a lane fifteen feet wide along the west and north side of S. A. Fisher land, as follows: S. 2° W. 27.21 poles to a stone, S. 82° W. 31.51 poles to a stone, N. 35° W. 18½ feet to a stone (the two preceding points being in the center of the Fulton Creek Road), N. 82° E. 30.48 poles to a stone, N. 62° E. 26.30 poles to a stone in the Walter Hartman estate dividing line; thence N. 23° 30' E. 31.51 poles to a stone in said line; thence N. 2° E. 87.63 poles in said line to a stone in the north line of Lot No. 3, Survey No. 6293; thence along the north line of Lot No. 3, No. 90° E. 175.92 poles (passing the County line at 61.54 poles) to the point of beginning.

Containing 341.87 acres. 241.75 acres being in Delaware County and 100.12 acres being in Union County.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 7th. day of March, 1939.

L. W. Hazen- P. J.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the — day of — 1939, offer tract one or fifty nine and 56/100 acres to Ed Verna Chandler at private sale, and she having offered therefor, the sum of four Thousand Three Hundred Sixty Five Dollars and 00/100 ($4365.00) and the same being

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13670 not less than the appraised value of said property, I sold the same to the said La Verna Chandler for that sum. I have also offered tract two or three hundred forty one and 87/100 acres at private sale and Walter Dubey having offered therefor, the sum of Twenty Thousand Five Hundred Dollars and 00/100 ($20,000.00) and the same being not less than the appraised value of said property, I sold the same to the said Walter Ducey for that sum.

Edith Mattack - Executrix
of the estate of Walter Hartman,
Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Edith Mattack, executrix of the estate of Walter Hartman, deceased, being duly sworn, says that the private sale of property made under the within order, and report above, was made after diligent endeavor to obtain the best price for said property, and the sale reported is for the highest price that could be obtained.

Edith Mattack - Executrix,
of the estate of Walter Hartman,
Deceased.

Subscribed in my presence and sworn to before me this 7th. day of March, 1939.

Robert F. Allen - Notary Public.
Union County, Ohio.
My commission expires March 10-1940.

Filed Apr. 6-1939.

Answer of The Federal Land Bank of Louisville, Defendant.

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

Edith Mattack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

vs.

Edith Mattack, et al., Defendants.

Case No. 13670.
Answer of The Federal Land Bank of Louisville, Defendant.

The defendant, The Federal Land Bank of Louisville admits that it is a corporation organized under the Federal Farm Loan Act and amendments thereto; that its place of business is at Louisville, Kentucky;

That it has a claim against Edith Mattack, as Executrix of the estate of Walter Hartman, deceased, and the defendants, Edith Mattack, La Verna Chandler, and Le Roy Hartman 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 January 18, 1934, Walter F. P. Hartman and Nettie A. Hartman, his wife; Le Roy Hartman, son; Edith Hartman, daughter, and La Verna Hartman Chandler,

THE COL. B. B. MFG. CO. 75974

13670

daughter, executed and delivered to this answering defendant their first mortgage promissory note, dated January 18, 1934, in the original amount of $11,000.00 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 in accordance with the amortization table printed on the back thereof. 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 (5) per cent per annum until paid.

All amortization payments have been made in accordance with the terms of said note.

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 $10,699.05 with accrued interest at the rate of five per cent per annum from March 29, 1939, until paid, in accordance with the provisions of the Federal Farm Loan Act as amended.

In order to secure the indebtedness evidenced by said note the said Walter F. R. Hartman and Nettie A. Hartman, his wife; Le Roy Hartman, son; Edith Hartman, daughter, and La Verna Hartman Chandler, daughter, executed and delivered to this answering defendant their first mortgage deed, dated January 18, 1939, 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 January 29, 1934 at 4:40 o'clock P. M., and was by him recorded in Mortgage Volume 103 at page 493 of the records of said county, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition.

Said mortgage was also duly filed for record with the Recorder of Deeds of Delaware County, Ohio, on January 31, 1934 at 4:25 o'clock P. M., and was by him recorded in Mortgage Volume 112, 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.

(Promissory Note exhibited by photostatic copy in The Federal Land Banks of Louisville.)

Now therefore, this answering defendant prays: That its mortgage may be found to be and so declared the first and best lien on the premises described therein and in the plaintiff's petition;

That said premises may be sold subject to the lien of this answering defendant's mortgage in the amount of $10,699.05, with interest at the rate of five per-

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13670 cent per annum from March 29, 1939 until paid, in accordance with the provisions of the Federal Farm Loan Act as amended;

That out of the proceeds of said sale there be paid to this answering defendant first after court costs and taxes; 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.

E. T. Williamson.
E. H. Royer.
Richard C. Thrall.
Attorneys for the defendant,
The Federal Land Bank of
Louisville.

State of Kentucky, County of Jefferson, ss.

Ulyron Grigg, being duly sworn says that he is the Vice President of the defendant, The Federal Land Bank of Louisville and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

Ulyron Grigg.

E.H.R.

Sworn to before me a Notary Public in and for said county and state and subscribed in my presence this 30 day of March, 1939.

Seal

Marie R. Elliott-Notary Public.
My commission expires June 24-1941.

Filed Apr. 6-1939.

Answer of The Federal Farm Mortgage Corporation, Defendant.
Union County, Ohio.

In the Probate Court,

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

vs.

Edith Matlack, et al., Defendants.

Case No. 13670.
Answer of The Federal Farm Mortgage Corporation, Defendant.

The Defendant, Federal Farm Mortgage Corporation (hereinafter called the Corporation), states that it is a corporation organized under the Federal Farm Mortgage Corporation Act; that its principal 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. A. 1016-G and 1020-B), the said note, mortgage and debt secured thereby became and are

THE COL. B. B. MFG. CO. 75974

13670

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 mentioned 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.

That it has a claim against Edith Matlack as Executrix of the estate of Walter Hartman, deceased, and the defendants, Edith Matlack, LaVerna Chandler, and LeRoy Hartman, 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 January 18, 1934, Walter T. R. Hartman and Nettie A. Hartman, his wife; LeRoy Hartman, son; Edith Hartman, daughter, and LeVerna Hartman Chandler, daughter, executed and delivered to this answering defendant their mortgage promissory note, dated January 18, 1934, in the original amount of $5,000.00 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 of $250.00. A true copy of said note with all credits endorsed thereon is attached hereto and incorporated herein by reference. According to the terms of said note all overdue amortization payments draw interest at the rate of (5) per cent until paid.

All amortization payments have been made in accordance with the terms of said note.

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 $3,761.67 with accrued interest at the rate of five per cent per annum from March 29, 1939, until paid, in accordance with the provisions of the Emergency Farm Mortgage Act of 1933, as amended.

In order to secure the indebtedness evidenced by said note the said Walter T. R. Hartman and Nettie A. Hartman, his wife; LeRoy Hartman, son; Edith Hartman, daughter, and LeVerna Hartman Chandler, daughter, executed and delivered to this answering defendant their mortgage deed, dated January 18, 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

13670

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of Union County, Ohio, on January 29, 1934 at 4:45 o'clock P. M., and was by him recorded in Mortgage Volume 108 at page 496 of the records of said county, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition, excepting only a mortgage executed to and held by The Federal Land Bank of Louisville. Said mortgage was also duly filed for record with the Recorder of Deeds of Delaware County, Ohio, on January 31, 1934 at 4:30 o'clock P. M., and was by him recorded in Mortgage Volume 112, 473, of the records of said county, thereby becoming the first and best lien on the premises described therein and in the plaintiff's petition, excepting only a mortgage executed to and held by The Federal Land Bank of Louisville.

Now therefore, this answering defendant prays that there may be found due it the following sum:

$3,761.67 with interest at 5% per annum from March 29, 1939 until paid.

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 excepting only a mortgage executed to and held by The Federal Land Bank of Louisville, defendant herein;

That out of the proceeds of said sale there be paid to this answering defendant, first after taxes, the amount so found due;

And for such other and further relief as may be equitable and proper and the Court can grant.

J. T. Williamson.
E. H. Rogers,
Richard C. Thrall- Counsel
Federal Farm Mortgage Corporation.

L. A. Skene, being duly sworn, says that he is the Disbursing Officer of the defendant, Federal Farm Mortgage Corporation; and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

(E. H. R.)

L. A. Skene.

Sworn to before me, a Notary Public in and for said county and state and subscribed in my presence this March 30, 1939.

(Seal)

Marie R. Elliott.
Notary Public.
My commission expires
June 24-1941.

THE COL. B. B. MFG. CO. 75974

13670
Filed
Sept. 7- 1939.

Application.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased,
Plaintiff,

vs.

Edith Matlack, et al.,
Defendants.

Case No. 13670
Application.

Now comes Edith Matlack and says she is the duly appointed, qualified and acting executrix of the estate of Walter Hartman, deceased, and in her capacity as such and is reflected in the records in this case, she filed a petition herein to pay debts and thereafter there was issued to her by the Probate Court of Union County, Ohio, an order of private sale property returned by her and in which return she reported the fact that she had sold tract II of the real estate involved herein being three hundred forty one and 87/100 (341.87) acres to Walter Ducey for the sum of Twenty Thousand Five Hundred and 00/100 Dollars ($20,500.00).

Applicant says she had sold the same to the said Walter Ducey for said sum in conformity to a certain purchase agreement by and between them and was ready and willing to deliver thereto to the said Walter Ducey who refused to complete the transaction.

Applicant says she negotiated a certain settlement with the said Walter Ducey whereby he released any and all rights in and to the said real estate by reason of having agreed to purchase the same as evidenced by an agreement of release, a true copy of which is as follows-to-wit:

"Whereas, on the 26th. day of July, 1938 Walter Ducey and Mary A. Ducey, made a contract with Edith Matlack and La Verus Chandler whereby the Duceys agreed to purchase a certain farm of 341 acres and said Duceys paid on same the sum of $2,000.00 and sowed some 60 acres of wheat on said farm and whereas the parties have agreed not to complete said contract; it is hereby agreed that on the payment by said Edith Matlack and La Verus Chandler of the sum of $312.50 to said Duceys the receipt of which is hereby acknowledged, the said Duceys and Edith Matlack and La Verus Chandler hereby release all their rights under said contract, the Duceys further releasing all rights to any refund of $2000.00 heretofore paid, and said Duceys further releasing any rights to the wheat heretofore sown in said land.

Whereas the said Walter Ducey, Mary A. Ducey, Edith Matlack and La Verus Chandler, by their attorneys, have hereunto set their hands, this 11th. day of March, 1939."

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Filed
Aug. 12-1939.

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Edith Matlack and
La Verna Chandler
By- Allen and Allen.
Walter Ducey.
Mary A. Ducey.

Applicant says it now becomes necessary for her to sell said real estate to some other purchaser and as a result it is necessary that an alias order of sale be issued herein.

Wherefore Applicant prays for an order rejecting the order of private sale heretofore returned herein and prays that the Court issue an alias order of sale herein.

Allen and Allen
By- Robert F. Allen
Attorneys for Applicant.

State of Ohio, Union County, ss:

Edith Matlack, Executrix of the estate of Walter Hartman, deceased, being first duly sworn according to law, deposes and says the facts stated herein are true as she verily believes.

Edith Matlack.

Sworn to before me and subscribed in my presence this 7th. day of September, 1939.

Robert F. Allen- Notary Public,
Union County, Ohio.
My commission expires March 10-1940.

Book

Filed
Aug. 12-1939.

Entry on application and Ordering the Issuance of an Alias Order of Sale.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al., Defendants.

Case No. 13670- Entry on Application and Ordering the Issuance of an Alias Order of Sale.

This cause came on to be heard on the application of Edith Matlack, Executrix of the Estate of Walter Hartman, deceased, the Plaintiff herein, the evidence and the Court being fully advised in the premises, it is found that said Plaintiff has reported in the return of the order of private sale filed herein, that she sold said real estate to Walter Ducey; that Walter Ducey refused to complete said sale and thereafter released any and all rights he may have had as such prospective purchaser in conformity to an agreement, a copy of which is found to be as follows, to-wit:

Whereas, on the 26th. day of July, 1938, Walter Ducey and Mary A. Ducey, made a contract with Edith Matlack and La Verna Chandler whereby the Duceys agreed to purchase a certain farm of 341 acres and said Duceys paid on same the sum of $2000.00 and owed some

THE COL. B. B. MFG. CO. 75974

13670

50 acres of wheat on said farm, and whereas the parties have agreed not to complete said contract, it is hereby agreed that on the payment by said Edith Matlack and LaVerus Chandler of the sum of $312.59 to said Duceys the receipt of which is hereby acknowledged, the said Duceys and Edith Matlack and LaVerus Chandler hereby release all their rights under said contract, the Duceys further releasing all rights to any refund of $200.00 heretofore paid, and said Duceys further releasing any rights to the wheat heretofore sown in said land.

Whereas the said Walter Ducey, Mary A. Ducey, Edith Matlack, and LaVerus Chandler, by their attorneys have hereunto set their hands, this 11th. day of March, 1939."

Edith Matlack, and
LaVerus Chandler
By- Allen and Allen
Walter Ducey.
Mary A. Ducey.

Therefore it is found by the Court that neither Walter Ducey nor Mary A. Ducey have any rights of any kind or character in or to said real estate and shall be forever barred from such.

It further appearing to the Court an appraisement has been made herein of Tract II of the real estate herein being three hundred forty one and 87/100 (341.87) acres and it further appearing that private sale of said real estate would be to the best interest of the estate, it is ordered, adjudged and decreed that Edith Matlack as Executrix of the estate of Walter Hartman, deceased, sell said real estate at private sale for not less than the appraised value thereof for cash upon the delivery of the deed to the purchaser or purchasers.

It is further ordered, adjudged, and decreed that Edith Matlack as such Executrix make return of sale without unnecessary delay.

L. W. Hagen - Probate Judge.

Filed
Sept. 7-1939.

Alias Order Issued to Representative for Private Sale & Return.

In the Probate Court
of Union County, Ohio.

Edith Matlack, Executrix of the
Estate of Walter Hartman, Deceased,
Plaintiff,

-vs-

Edith Matlack, et al.,
Defendants.

Case No. 13670.
Alias Order Issued to
Representative for Private
Sale and Return.

To Edith Matlack, Executrix of the estate of Walter Hartman

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein, Edith Matlack, Executrix of the estate of Walter Hartman, deceased, is Plaintiff, and Edith Matlack, et al, are Defendants,

13670

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 executrices, 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 as follows, to-wit:

Real estate situate in the State of Ohio, County of Union and Township of Claibourne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and of No. 5750, and bounded and described as follows:

Beginning at the Northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line, S. 2° 30' W. 62.60 poles to a stone; thence along the south line of Mc Allister lands N. 78° E. 78.65 poles to a stone; thence with a west line of Mc Allister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of Mc Allister lands N. 79° E. 43.60 poles to a stone at the northwest corner of Eva Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 5650; thence along the south line of Surveys No. 5750 and 6293; S. 77° W. 33.66 poles to a stake in the center of Fulton Creek, passing the survey intersection at 123.87 poles and the County line marker at 236.94 poles; thence with twelve consecutive lines along the center of Fulton Creek as follows: N. 8° E. 10 poles, N. 88° 30' E. 11.94 poles, N. 46° E. 11.27 poles, N. 12° E. 12.73 poles, N. 17° W. 6.54 poles, N. 68° W. 16.06 poles, N. 57° W. 9.27 poles, N. 30° 15' E. 10.91 poles, N. 0° .. 11.09 poles, N. 30° 30' W. 3.92 poles, S. 69° 30' W. 12.79 poles N. 38° W. 12.12 poles to a stake in the center of Fulton Creek at the southwest corner of S. A. Fishers land; thence along the south line of S. A. Fisher's land N. 83° 30' E. 70.90 poles to a stone; thence along Fisher's east line N. 1° E. 45.69 poles to a stone; thence along Fisher's north line N. 89° 30' W. 33.03 poles to a stone; thence with five consecutive lines to form a lane fifteen feet wide along the west and north side of S. A. Fisher land; as follows: S. 2° W. 27.21 poles to a stone, S. 82° W. 31.51 poles to a stone, N. 35° W. 18½ feet to a stone (the two preceding points being in the center of the Fulton Creek Road), N. 82° E. 30.48 poles to a stone, N. 2° E. 26.30 poles to a stone in the Walter Hartman estate dividing line; thence N. 23° 30' E. 31.51 poles to a stone in said line; thence N. 2° E. 87.63 poles in said line to a stone in the north line of Lot N. 3, Survey No. 62.93; thence

THE COL. B. B. MFG. CO. 75974

13670

along the north line of Lot No. 3, No. 90° E. 175.92 poles (passing the County line at 61.54 poles) to the point of beginning. Containing 341.87 acres. 241.75 acres being in Delaware County and 100.12 acres being in Union County.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 7th. day of September, 1939.

L. W. Hazen- P. J.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al., Defendants.

Case No. 13670.
Report of Private Sale.

In obedience to the command of the within order of sale I did on the 7th. day of September 1939, offer the within described real estate to Henry C. Woods at private sale and he having offered therefore the sum of Twenty Thousand Five Hundred and 00/100 Dollars ($20,500.00) and the same being not less than the appraised value of said property, I sold the same to the said Henry C. Woods for that sum.

Edith Matlack- Executrix of the estate of Walter Hartman, Deceased.

In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the Estate of Walter Hartman, Deceased, Plaintiff,

-vs-

Edith Matlack, et al, Defendants.

Case No. 13670.
Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Edith Matlack, Executrix of the estate of Walter Hartman, deceased, 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 the said property and the sale reported is for the highest price that could be obtained.

Edith Matlack- Executrix of the Estate of Walter Hartman, Deceased.

Sworn to before me, and subscribed in my presence this 7th. day of September, 1939.

Robert G. Allen- Notary Public, Union County, Ohio.
My commission expires March 10- 1940.

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Filed
Sept. 8- 1939.

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Sept. 8-1939.

Entry Confirming Sale Ordering Deed and, Distribution.
In the Probate Court of Union County, Ohio.

Edith Matlack, Executrix of the
Estate of Walter Hartman, Deceased,
Plaintiff,

vs.

Edith Matlack, et al.,
Defendants.

Case No. 13670.
Entry Confirming Sale, Ordering
Deeds and Distribution.

This cause, came on to be heard on the report of Edith Matlack, Executrix of the Estate of Walter Hartman, 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 Walter Hartman, deceased, in Tract II, the real estate described in this case and hereinafter described to the purchaser, Henry C. Moore, upon the said purchaser paying to the said Executrix, the sum of Twenty Thousand Five Hundred Dollars ($20,500) in cash, which real estate is described as follows, to-wit:

Situate in the State of Ohio, County of Union, and Township of Claibourne, and County of Delaware and Township of Thompson, and being part of Survey No. 6293 and No. 5750, and bounded and described as follows:

Beginning at the Northeast corner of said tract at a stone which marks the intersection of the north line of Lot No. 3 and the east line of Survey No. 6293; thence along Survey line S. 2° 30' W. 62.60 poles to a stone; thence along the South line of McAllister lands N. 78° E. 78.65 poles to a stone; thence with a west line of McAllister lands S. 1° 30' W. 49.33 poles to a stone; thence with a south line of McAllister lands N. 79° E. 43.60 poles to a stone at the northwest corner of Eva Dilsaver lands; thence with Dilsaver's west line S. 3° 15' W. 87.39 poles to a stone in the south line of Survey No. 5750; thence along the south line of Surveys No. 5750 and 6293; S. 77° W. 333.66 poles to a stake in the center of Fulton Creek, passing the survey intersection at 123.87 poles and the County line marker at 236.04 poles; thence with twelve consecutive lines along the center of Fulton Creek as follows: N. 8° E. 10 poles N. 88° 30' E. 11.94 poles, N. 46° E. 11.27 poles, N. 12° E. 12.73 poles N. 17° W. 6.54 poles, N. 68° W. 16.06 poles,

THE COL. B. B. MFG. CO. 75974

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N. 57° W. 9.27 poles N. 30° 15' E. 10.91 poles, N. 0° 11.09 poles, N. 30° 30' W. 3.92, S. 69° 30' W. 12.79 poles, N. 33° W. 12.12 poles to a stake in the center of Fulton Creek at the southwest corner of S. A. Fisher land; thence along the south line of S. A. Fisher's land N. 83° 30' E. 70.90 poles to a stone; thence along Fisher's east line N. 1° E. 45.69 poles to a stone; thence along Fisher's north line N. 89° 30' W. 33.03 poles to a stone; thence with five consecutive lines to form a lane fifteen feet wide along the west and north side of S. A. Fisher land, as follows: S. 2° W. 27.21 poles to a stone S. 82° W. 31.51 poles to a stone, N. 35° W. 18½ feet to a stone (the two preceding points being in the center of the Fulton Creek Road, N. 82° E. 30.48 poles to a stone, N. 2° E. 26.30 poles to a stone in the Walter Hartman estate dividing line; thence N. 23° 30' E. 31.51 poles to a stone in said line; thence N. 2° E. 87.63 poles in said line to a stone in the north line of Lot No. 3, Survey No. 6293; thence along the north line of Lot No. 3 N. 90° E. 175.92 poles (passing the County line at 61.54 poles) to the point of beginning.

Containing 341.87 acres. 241.75 acres being in Delaware County, and 100.12 acres being in Union County.

This cause coming on further to be heard upon the pleadings herein and upon the Motion to distribute the proceeds of the sale, the Court finds there is due The Federal Land Bank of Louisville, Louisville, Kentucky, upon the note set forth in it's Answer and Cross Petition from the estate of Walter Hartman, deceased, the sum of Ten Thousand Eight Hundred Eighty three + 49/100 Dollars ($10883.49), with interest thereon at five percentum (5%) per annum from the date of this Entry, or a daily accrual of interest of none Dollars ($), from the none day of September, A. D., 1939; that the said Walter Hartman, deceased, to secure the payment of said promissory note, gave a mortgage upon the premises in the Petition described, and hereinabore described, which was a valid and subsisting lien upon said premises and now upon the funds in the hands of said Executrix, arising from the sale of said premises.

The Court further finds there is due The Land Bank Commissioner upon the note set forth in his Answer and Cross Petition from the Estate of said Walter Hartman, Deceased, the sum of Three Thousand Eight Hundred Thirty five + 59/100 Dollars ($3835.59), with interest thereon at none per centum from the — day of —, 1939, or the sum of none Dollars ($none), as the daily accrual of interest from the none day of —, 1939; that the said Walter Hartman, deceased, to secure the payment of said promissory note, gave a mortgage upon the

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premises in the petition described, which was a valid and subsisting lien upon said premises and now upon the funds in the hands of said Executrix arising from the sale of said premises.

It is ordered that an Entry of Release and satisfaction of said mortgage liens be entered on record in the Offices of the Recorders of Union County, Ohio, and Delaware County, Ohio, according to Law.

It is further found by the Court that the said Edith Matlack Pass, as such Executrix, paid all the taxes and assessments that are a lein as of this day, upon the above described real estate.

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

First: To the Probate Court of Union County, Ohio, the Probate Court costs of this land sale, the sum of $20.24.

Second: To the Federal Land Bank of Louisville, Louisville, Kentucky, on the note and mortgage set forth and described in it's Answer and Cross Petition herein, the amount which the Court finds to be due it on the sum of $10883.49.

Third: To the Land Bank Commissioner on the note and mortgage set forth and described in it's Answer and Cross Petition herein, the amount which the Court finds to be due it on the sum of $3855.59.

Fourth: It is further ordered that the balance of said proceeds be accounted for by said Executrix according to law, which balance is the sum of $5760.68.

L. W. Hazen- Judge.

13901
Filed
Oct. 21-1939

In the Matter of The Estate of John A. Scharf, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of the Estate of | No. 13901.
John A. Scharf, Deceased. | Application to Sell Personal Property.

Now comes D. E. Egan and respectfully represents to the Court that he is the duly appointed, qualified and acting Executor of the estate of John A. Scharf, deceased, late of this County, and that among the assets of said estate are certain machines and tools, located in the machine shop in the Village of Richwood, Union County, Ohio, which were appraised by the appraisers of the estate for the sum of $100.00.

That for the purpose of paying the debts of said decedent and paying the legacies set forth in the Will of said decedent, it is necessary to sell said machinery.

Your applicant further states that it would be to the best interests of said estate if said machinery were sold at private sale, for not less than the appraised value.

THE COL. B. B. MFG. CO. 75974

13901

Wherefore, your applicant prays that he be authorized to sell said machinery, at Private sale, for cash, at not less than the appraised value thereof.

Hooper, Sanders & Hooper
Attorneys for Executor.

State of Ohio, Union County, ss:

D. E. Ogan, being first duly sworn, says that he is the Executor of the Estate of John A. Scharf, deceased, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

D. E. Ogan.

Sworn to before me and subscribed in my presence this 20 day of October, 1939.

Seal

N. LeRoy Allen - Notary Public.
My commission expires Feb. 6-1942.

Filed
Oct. 21-1939.

In the Probate Court, Union County, Ohio.
No. 13901.
Entry.

In the Matter of the Estate of John A. Scharf, Deceased.

This day this cause came on to be heard upon the application of D. E. Ogan, Executor, for authority to sell certain tools and machines formerly belonging to the decedent, and located in a machine shop in the Village of Richwood, Union County, Ohio, at private sale, for not less than the appraised value, in the sum of $100.00.

The court, being fully advised in the premises, finds that it is necessary that said machinery and personal property be sold, and that it would be to the best interests of said estate if said machinery and personal property were sold at private sale, for not less than the appraised value thereof, to-wit, the sum of $100.00.

It is therefore ordered that said executor be, and he hereby is authorized and empowered to sell said personal property and machinery, at private sale, for not less than the appraised value thereof, to-wit, $100.00, for cash.

It is further ordered that said executor make return of his proceedings to this court within thirty days from the date of said sale.

L. W. Hagen - Probate Judge.

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July 17- 1939.

In the Matter of the Estate of George A. Macoubrey, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate of George A. Macoubrey, Deceased. | Case No. 13897.
Application to Sell Personalty.

D. E. Ogan respectfully represents that he is the duly appointed, qualified and acting Executor of the last Will and Testament of George A. Macoubrey, deceased, late of said county; that the assets of said estate have been duly appraised and filed in this court.

Your Applicant asks authority to sell the personal property of said estate described and appraised as follows:

Sow and 5 pigs	$25.00
15 chuck	$84.00
Farm Tools and machinery	$25.00
Model T Ford	$10.00
Growing corn	$30.00
Growing soy beans	$60.00

Applicant desires authority to sell any corn remaining in the crib after the sale of the livestock above described. Application is made for said authority for the reason that there is not sufficient amount and value of personal property to justify a public auction. There is not sufficient money in amount to pay the debts of said estate. Said property can be sold to the best advantage at private sale by reason of the nature of the property, its condition and the season of the year at which the same is being sold.

D. E. Ogan.

State of Ohio, Union County, ss:
D. E. Ogan, Executor, being duly sworn, deposes and says that the facts stated in the foregoing application are true as he verily believes.

D. E. Ogan.

Sworn to before me and signed in my presence this 15th. day of July, 1939.

N. LeRoy Allen - Notary Public,
Union County, Ohio.
My commission expires Feb. 6-1942.

In the Probate Court of Union County, Ohio.

Filed
July 17- 1939.

In the Matter of the Estate of George A. Macoubrey, Deceased. | Case No. 13897.
Journal Entry.

This day this cause came on to be heard upon the application to sell personal property therein described and the testimony; and the Court being fully advised in the premises find that the statements in said application are true.

The Court being satisfied that it will be to the best interest of said estate to sell said personal property at private sale, it therefore,

THE COL. B. B. MFG. CO. 75874

13897

Ordered that D. E. Ogan, as Executor of said estate, proceed to sell personal property at private sale for not less than its appraised value for cash.

It is further ordered that said D. E. Ogan, Executor, make return of his proceedings herein within thirty (30) days after the sale.

L. W. Hazen - Judge.

(See Page 397 for Report of Sale)

13933
Filed
Oct. 16 - 1939.

In the Matter of The Estate of Flora Stewart, Deceased.

In the Probate Court of Union County, Ohio.

In re- The Estate of Flora Stewart, Deceased.	No. 13933. Application to Sell Personalty.

Elton M. Kile respectfully represents that he is the duly appointed, qualified and acting administrator of the Estate of Flora Stewart, deceased, late of said county; that the assets of said estate have been duly appraised and an inventory filed in this court.

Your applicant asks authority to sell the personal property listed in Schedule A of said Inventory, at public sale and for cash.

Application is made for said authority for the reason that said personalty is the only assets of said estate and it is necessary to sell the same for the purpose of paying debts.

Elton M. Kile - Administrator of the Estate of Flora Stewart, Deceased.

State of Ohio, Madison County, ss:

Elton M. Kile, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of the Estate of Flora Stewart, deceased; and that the facts stated in the foregoing Application are true as he verily believes.

Elton M. Kile.

Sworn to before me, and subscribed in my presence this 16 day of October, 1939.

Martin Cary
Justice of the Peace.

Filed
Oct. 16-1939.

In the Probate Court of Union County, Ohio.

In re- Estate of Flora Stewart, Deceased.	No. 13933. Entry.

This day this cause came on to be heard upon the application to sell personal property therein described and the Court being fully advised in the premises finds that the statements and allegations in said petition are true, and that such property should be sold as prayed for.

It is therefore ordered that Elton M. Kile, as administrator of said Estate proceed according to law

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13933 To sell said personal property at public auction to the highest bidder after giving notice thereof for the time and in the manner prescribed by law.
L. W. Hazen - Judge.

13897 Filed Nov. 8- 1939. In the Matter of The Estate of George A. Macoubrey, Deceased.
(From Page 396.) In the Probate Court of Union County, Ohio.
In the Matter of the Estate of George A. Macoubrey, Deceased. Case No. 13897. Report of Sale.

The undersigned, D. E. Ogan, Executor of the Estate of George A. Macoubrey, deceased, says that in obedience to the order of said Court, he sold the following chattels at private sale, a detailed bill of said sales being as follows, to-wit:

Date -	Name of Article -	Appraised at -	Sold to -	Price.
1939 Aug. 3 -	Sled	- $25.00 -	William Gast -	$ 3.00
Aug. 23 -	Farm tools and Machinery	-	Stanley Thomas -	$ 25.00
Aug. 26 -	15 sheep	$ 84.00 -	John Wise -	$ 90.00
Aug. 26 -	Model T Ford	$ 10.00 -	John Wise -	$ 10.00
Sept. 14 -	Sow and 5 pigs	$ 25.00 -	John Wise -	$ 45.00
Oct. 18 -	Growing soy beans	$ 60.00 -	George Hunt -	$ 99.96
Nov. 7 -	Growing corn	$ 30.00 -	George Hunt -	$ 29.15
			Total	$ 302.11

D. E. Ogan - Executor.

State of Ohio, Union County, ss:
D. E. Ogan, Executor of the Estate of George A. Macoubrey, Deceased, being duly sworn, says that the foregoing report is in all respects true and correct, that such sale has been made after diligent endeavor to obtain the best price for the property, and that the sale reported is for the highest price he could get for the property.
D. E. Ogan - Executor.

Sworn to before me and subscribed in my presence this 7th. day of November, 1939.
Seal
H. LeRoy Allen, Notary Public,
Union County, Ohio.
My commission expires Feb. 6-1942.

Filed Nov. 8- 1939. Journal Entry - Order Approving and Confirming Sale. Probate Court, Union County, Ohio.
In the Matter of The Estate of George A. Macoubrey, Deceased. November 8- 1939- Order Approving and Confirming Sale of Chattel Property.

This day this cause coming on to be heard on the report of D. E. Ogan, Executor of the estate of George A. Macoubrey, deceased, of his proceedings under the former order of this Court; the Court having carefully examined said report, and being satisfied that said sales have in all respects been regular and legal. It is ordered that the same be and hereby is approved and confirmed. It is further ordered that this proceeding be recorded, and that said D. E. Ogan pay the costs herein taxed at $ - within ten days.
L. W. Hazen - Probate Judge.

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THE COL. B. B. MFG. CO. 75974

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 20-1938.
To The Judge of said Court: | Petition.

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 20th. day of September, 1938.

L. W. Hagen- Probate Judge.

Seal

Filed
Mar. 18-1940.

See Page 485 for Report of Sale.

Howe, Deceased.
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13640
Filed
Sept. 21-1938.

In the Probate Court of Union County, Ohio.
In the Matter of the Estate of George R. Howe, Deceased. | Case No. 13640. Journal Entry.

Richard C. Thrall, the executor herein, having filed his application for authority to sell certain assets of said estate, to-wit:

Warehouse receipt No. 4950 Bonds Mill Distilling Company for Nine Barrels Bourbon Whiskey, Bbls. Nos. 1195; 1196; 1197; 1198 and 1199.
Warehouse receipt No. 4951 Bonds Mill Distilling Company for Five Barrels Bourbon Whiskey, Bbls. Nos. 1200; 1201; 1202; 1203 and 1204.

and the Court, being fully advised in the premises and finding that said securities have a definite and fixed market value, it is, therefore, ordered that said Richard C. Thrall, executor of the estate of George R. Howe, be, and he is hereby authorized and ordered to sell said securities at private sale for the best price which he may obtain and to transfer said securities to the purchaser by assignment or otherwise and to such other things as may be necessary to consummate said sale.

L. W. Hazen- Probate Judge.

Filed
Mar. 18-1940.

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.

See Page 435 for Report of Sale.

THE COL. B. B. MFG. CO. 75974

13996
Filed
Jan. 9-1940.
John D. Daily
attorney.

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

Anna Tyrrie, Administratrix of the Estate of Fannie Drake, Deceased,
Plaintiff,
-vs-
Dora McKinney, Conrad McKinney, Clarence Drake, Mary Drake, Albert Drake, Mary M. Drake, Reedie Drake, Agnes Drake, Marvel Sims and Henry Sims,
Defendants.

No. 13996.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff is the duly appointed, qualified and acting Administratrix of the estate of Fannie Drake, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand Dollars.

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

The total value of the personal property of the said deceased was fixed by the appraisers of said estate at Twenty Three Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

Said deceased 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:

In the County of Union, and Town of Broadway, Township of Taylor: Being all of Lot No. 56 in the Town of Broadway in said County and State, for a better description of said Lot see the Plat of said Town of Broadway in the office of the Recorder in Marysville, Union County, Ohio.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Three Hundred Ninety Dollars.

The decedent died leaving no spouse.

The defendants, Dora McKinney, Clarence Drake, Albert Drake, Reedie Drake, and Marvel Sims, are the only heirs at law and their spouses named, 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

13996
Filed
Jan. 9-1940.

13996

all parties may be fully determined, adjusted and protected, and that your petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to.

John W. Dailey
Attorney for the Plaintiff.

The State of Ohio, Union County.

Anna Ferris, 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 believe.

Anna Ferris.

Sworn to before me and signed in my presence by the said Anna Ferris, at Marysville, Ohio, this 9 day of January, 1940.

Seal

John W. Dailey - Notary Public.

Filed Jan. 9-1940.

Waiver of Summons on Petition to Sell Real Estate.

Probate Court, Union County, Ohio.

Anna Ferris, Administratrix of the Estate of Tannie Drake, Deceased,

Plaintiff,

-vs-

Dora Mc Kinney, et al.,

Defendants.

No. 13996.
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. Jan. 9 - A.D. 1940.

Anna Ferris
C. L. Drake.
Mary L. Drake
Marvel Sims
H. L. Sims
Reed M. Drake
Agnes R. Drake
Dora M. Mc Kinney
Conrad N. Mc Kinney
Mary M. Drake
Albert L. Drake

THE COL. B. B. MFG. CO. 75974

13996
Filed
Jan. 17-1940.

Dispensing with a New Appraisement and Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Anna Ferris, as Administratrix
of the Estate of Fannie Drake,
Deceased,
Plaintiff,

-vs-

Iona Mc Kinney, et al.,
Defendants.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of the estate.

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 the prayer of the petition should be granted; that the decedent left no surviving spouse; that the real estate described in the petition was appraised by the appraisers of the estate at Three Hundred Ninety Dollars, and that a further appraisement is dispensed with.

It appearing to the Court that the amount of the original bond given by Anna Ferris as such administratrix is sufficient to cover doubly 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 Anna Ferris as such Administratrix, 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.

January 17- 1940.
Dispensing with a new Appraisement and Bond and Ordering Private Sale.

L. W. Hagen- Probate Judge.

Filed
Jan. 17-1940.

Application to Sell Real Estate at Private Sale.

Anna Ferris, Administratrix
of The Estate of Fannie Drake,
Deceased,
Plaintiff,

-vs-

Iona Mc Kinney, et al.,
Defendants.

No. 13996,
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

13996

Filed
Jan. 20-1940.

13996

private sale, for the following reasons:

1st. That the amount offered is in excess of the appraised value thereof, and in the opinion of the administratrix, more than could be realized for said real estate, at public sale.

2nd. That, said premises are now vacant and said property is depreciating in value and in the immediate need of repairs.

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

Anna Ferris - Administratrix of estate of Fannie Drake.

The State of Ohio, Union County.

Anna Ferris being duly sworn, says that the various matters set forth in the foregoing Application are true as she verily believes.

Anna Ferris.

Sworn to before me and signed in my presence this 17 day of January, A. D. 1939.

Carrie W. Houbick-Deputy Clerk.

Affidavit of Disinterested Person.

The State of Ohio, Union County.

D. K. Cole and Frank H. Minert, 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 set forth in this application as they verily believe.

D. K. Cole.

Frank H. Minert.

Sworn to before me and signed in my presence this 17 day of January, 1940.

John W. Bailey-Notary Public.

Order of Private Sale.

Filed Jan. 20-1940. The State of Ohio, Union County. Probate Court.

To Anna Ferris, Administratrix of the estate of Fannie Drake, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you are Administratrix of the estate of Anna Ferris, are Plaintiff and Doug McKinney, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Three Hundred Ninety Dollars, the appraised value thereof, the following

THE COL. B. B. MFG. CO. 75974

13996

described premises, to-wit:

Situated in the County of Union, State of Ohio and Town of Broadway, Township of Taylor: Being all of Lot No. 56 in the Town of Broadway in said County and State, for a better description of said Lot see the plat of said Town of Broadway in the office of the Recorder of in Marysville, Union County, Ohio.

Said sale to be upon the following terms: Cash in hand upon confirmation of sale by the court.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 17 day of January, 1940.

L. W. Hazen-Probate Judge.
Carrie W. Hornbeck-Deputy Clerk.

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 20 day of January, 1940.

Anna Ferris-Administratix of estate of Fannie Drake.

Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 17th. day of January, 1940 offer said property, at private sale, and Arthur Bartholomai having offered therefor the sum of Four Hundred ten Dollars ($410.00) and the same being not less than the appraised value of said property, I sold the same to said Arthur Bartholomai for that sum.

Anna Ferris-Administratix of estate of Fannie Drake.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

Anna Ferris, 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.

Sworn to before me and subscribed in my presence, this 20 day of January, 1940.

Seal

John W. Dailey-Notary Public.

13996
Filed
Jan. 20-1940.

13996
Filed
Jan. 20-1940.

Entry Of Confirmation and Distribution.
In the Probate Court of Union County, Ohio.
January 20-1940.
Journal Entry.

Anna Ferris, as Administratrix of the Estate of Fannie Drake, Deceased, Plaintiff,
vs.
Dora Mc Kinney, et al., Defendants.

This day this cause came on to be heard upon the report of Anna Ferris, Administratrix of the estate of Fannie Drake of her 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 the petitioner execute a deed of all the right, title and interest of the said Fannie Drake in said real estate to Arthur Bartholomai, the purchaser, upon said purchaser paying to said administratrix the sum of $410.00, in cash therefore.

And now this cause coming on further to be heard upon the pleadings herein and motion to distribute the proceeds of said sale, amounting to $410.00.

It is ordered that said Anna Ferris as such Administratrix out of the funds in her hands, pay:

First: The court costs and expenses of the sale, including an attorney fee of $50.00 to John W. Dailey for services performed for the fiduciary in connection with the sale and the sum of $50.00 to Anna Ferris, the fiduciary, for her services, costs and expenses in connection with said sale; and the sum of $13.00 to this court for court costs.

Second: The payment of taxes, penalties, and assessments against said real estate, if any, and the residue of said funds to be accounted for by the administratrix as provided by statute.

It is further ordered this proceeding be recorded, and said petitioner pay the costs herein within ten days.

L. W. Hagen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13946
14020
Filed
Feb. 16-1940.

In the Matter of The Estate of Elizabeth Holladay, Deceased.
In the Matter of The Estate of Jacob Edgar Holladay, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of the Estate of: | No. 13946
Jacob Edgar Holladay, Deceased. | No. 14020
In the Matter of the Estate of: | Application.
Elizabeth Holladay, Deceased.

Now comes A. D. Parish and respectfully represents to the court that he is the duly appointed, qualified and acting Administrator of the Estate of Jacob Edgar Holladay, deceased, and the duly appointed, qualified and acting Administrator of the Estate of Elizabeth Holladay, deceased, by virtue of former orders of this court.

That the said Jacob Edgar Holladay died in the month of February, in the year 1935, at Richwood, Ohio, leaving the said Elizabeth Holladay, then living but now deceased, as his surviving spouse, and Sherman Holladay, a son, Murel Holladay, a son, and Albert, Le Roy, Edgar and Murel Holladay, his grandsons, as his only heirs at law and next of kin; that the debts and funeral expenses of said Jacob Edgar Holladay were paid by the son, Sherman Holladay, and he is entitled to be subrogated to the rights of the original creditors in said estate.

That the said Elizabeth Holladay died on or about the 14 day of Oct. 1939, leaving Sherman Holladay, a son, Murel Holladay, a son, and Albert, Le Roy, Edgar and Murel Holladay, her grandsons, as her only heirs at law and next of kin.

That at the time of the death of the said Jacob Edgar Holladay, he was seized in fee simple of an undivided one-half interest in the real estate herein described, and upon his death said real estate descended one-third (1/3) thereof to the said Elizabeth Holladay, as his surviving spouse, and two-ninths (2/9), each, to Sherman Holladay and Murel Holladay, his sons, and two-thirty-sixths (2/36), each, to Albert, Le Roy, Edgar and Murel Holladay, his grandsons.

A discription of said real estate by metes and bounds, is hereto attached, marked "Exhibit A," and made a part hereof.

That at the time of the death of the said Elizabeth Holladay she was the owner of an undivided two-thirds (2/3) interest in said real estate, and Sherman Holladay and Murel Holladay, each, were the owners of an undivided one-ninth (1/9) thereof, and Albert, Le Roy, Edgar and Murel Holladay, each, were the owners of an undivided one-thirty-sixth (1/36) thereof, subject to the payment of the debts of

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said decedent.

Your applicant further represents that said real estate was appraised for the sum of Four Hundred ($400.00) Dollars, that is, the value of the undivided one-half interest formerly belonging to Jacob Edgar Holladay was appraised for the sum of $200.00, and the undivided one-half interest formerly belonging to Elizabeth Holladay was appraised at $200.00.

Your applicant further says that in order to pay the debts of the decedents and to administer said estate, it is necessary that said real estate be sold, and that due to the fact that the actual market value of said real estate is less than Five Hundred ($500.00) Dollars, that he may be ordered, authorized and empowered to sell and convey said land, at private sale, under a summary order, waiving and dispensing all requirements as to service of summons, appraisal, and additional bond, as set forth in General Code Section 10510-14, of the Laws of the State of Ohio.

Your applicant further represents that he has been offered the sum of $450.00 in cash by Les C. Grindell for said real estate, and that said offer is in excess of the value of said real estate, and that it would be to the benefit of said estate, the creditors thereof, and the heirs at law of said decedents, if he were authorized and empowered to sell the same.

Wherefore, your applicant prays that he be ordered, authorized and empowered as the Administrator of the Estate of Jacob Edgar Holladay, deceased, and as the Administrator of the Estate of Elizabeth Holladay, deceased, to sell and convey said real estate, at private sale, for the sum of Four Hundred Fifty ($450.00) Dollars, cash, and that all proceedings and requirements as to service of summons, appraisal of said real estate, and additional bond, be waived, and that he proceed in compliance with Section 10510-14 of the General Code of Ohio, and for such other and further relief in the premises as the court deems just and proper.

A. D. Parish.

State of Ohio, Union County, ss:

A. D. Parish, being first duly sworn, says that he is the applicant herein, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

A. D. Parish.

Sworn to before me and subscribed in my presence this 13th day of February, 1940.

Ruth Hess - Notary Public.

THE COL. B. B. MFG. CO. 75974

13946
14020

Exhibit A.

Situated in the State of Ohio, County of Union and Village of Richwood.

Being all of Lot Number Six Hundred Seventy-one (671) in A. Beem's Addition to the Village of Richwood, Union County, Ohio.

You further reference see recorded plat of said Addition at Recorder's Office, Union County, Ohio.

Filed
Feb. 16-1940.

Order of Sale.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Jacob Edgar Holladay, Deceased.
In the Matter of the Estate of Elizabeth Holladay, Deceased.

No. 13946.
Order of Sale.
No. 14020.

To A. D. Parish, Administrator of the Estate of Jacob Edgar Holladay, deceased, and of A. D. Parish, Administrator of the Estate of Elizabeth Holladay, deceased;

Whereas, by a former order of this Court it was found that it would be to the best interests of the above mentioned estates to sell the real estate hereinafter described, at private sale, to one Sherman Grindell, for the sum of $450.00, upon summary order, you are therefore ordered to proceed to sell said real estate, at private sale, for said price, for cash, and to execute and deliver a deed for the same to the said Leo C. Grindell, upon receipt of said sum of $450.00.

Said real estate is described as follows, to-wit:

Situated in the State of Ohio, County of Union and Village of Richwood.

Being all of Lot Number Six Hundred Seventy-one (671) in A. Beem's Addition to the Village of Richwood, Union County, Ohio.

You, further reference see recorded plat of said Addition at the Recorder's Office, Union County, Ohio.

Witness my hand and the seal of said Court at Marysville, Ohio, this 16th. day of February, 1940.

L. W. Hazen - Probate Judge.

(Seal)

Report of Sale.

In obedience to the command of the above order of sale, I did, on the 16th. day of February, 1940, Sell said real estate to Leo C. Grindell, at private sale, for the sum of $450.00, and upon said day executed and delivered to the said Leo C. Grindell a deed for said real estate, in compliance therewith.

A. D. Parish - Administrator of the Estate of Jacob Edgar Holladay, deceased, and Administrator of the Estate of Elizabeth Holladay, deceased

13946
14020

Filed
Feb. 16-1940.

13946
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State of Ohio, Union County, ss:

A. D. Parish, being first duly sworn, says that he is the Administrator of the Estate of Jacob Edgar Holladay, deceased, and the Administrator of the Estate of Elizabeth Holladay, deceased, and that the facts, Estates and allegations contained in the foregoing Report of Sale are true.

A. D. Parish.

Sworn to before me and subscribed in my presence this 16th. day of February, 1940.

Ruth Hess - Notary Public.
Union County, Ohio.
My commission expires 6/26/41.

Filed Feb. 16-1940.

In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Jacob Edgar Holladay, deceased.
In the Matter of the Estate of Elizabeth Holladay, Deceased.

No. 13946 - (Elizabeth).
Entry.
No. 14020 - (Jacob).

This day this cause came on to be heard upon the application of A. D. Parish, Administrator of the Estate of Jacob Edgar Holladay, deceased, and Administrator of the Estate of Elizabeth Holladay, deceased, and the evidence.

And the Court, being fully advised in the premises, finds that at the time of his death, the said Jacob Edgar Holladay was seized of an undivided one-half interest in the real estate described in the application, and that the decedent, Elizabeth Holladay, was seized in the other undivided one-half interest in said real estate, and that the value of said real estate is less than $500.00, to-wit, the sum of $400.00.

The Court further finds that A. D. Parish, as such Administrator, has been offered the sum of $450.00 for said real estate by Sherman Grindell, and that it would be to the best interests of said estate if said real estate were sold to the said Sherman Grindell, at private sale, for the sum of $450.00; the Court further finds that in compliance with Section 10510-14 of the General Code of Ohio, the requirements as to service of summons, appraisal and additional bond, should be waived and said Administrator ordered to sell said real estate on summary order, at private sale, for cash.

It is therefore ordered, adjudged and decreed that the said A. D. Parish, Administrator of said estates aforesaid, be, and he hereby is, authorized, instructed and empowered to sell and convey said real estate described in the application to the said Sherman Grindell for the sum of $450.00.

(See Page 493).

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13948
Filed
Oct. 24-1939.
Hoopes, Sauder & Hoopes, Atty's.

Petition to Sell Real Estate.

In the Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of John A. Scharf, Deceased,

Plaintiff,

-vs-

Paul R. Scharf, Ada L. Scharf Loretta Scharf Brown and Wayne Broyer,

Defendants.

No. 13948.
Petition.

Plaintiff says that he is the duly appointed, qualified and acting Executor of the Estate of John A. Scharf, deceased, late of this County, by virtue of an order of the Probate Court of Union County, Ohio.

-First Cause of Action-

Plaintiff says that the valid debts against the estate of said decedent are approximately $400.00, and that the costs of administering said estate will be approximately $300.00, and that the total value of the personal property of said decedent was fixed by the appraisers of said estate at $150.00, which said appraisement has been filed in this court, and not having been excepted to, has been approved and confirmed, and that said personal property is wholly insufficient to pay the debts and costs as aforesaid.

-Second Cause of Action-

For his second cause of action herein, plaintiff says that the said John A. Scharf died testate, and that his last Will and Testament was duly admitted to probate and record in this court on the 21st. day of July, 1939, in Case No. 13899 on the docket of said court; that said will provides, after the payment of debts and costs of administration, for a legacy to the St. Joseph Catholic Church of La Rue, Ohio, in the sum of $25.00, and for a legacy to Loretta Scharf Brown, daughter of said decedent, in the sum of $600.00; that a copy of said Will is hereto attached and made a part of this petition; that the personal property of said estate is wholly insufficient to pay said legacies as in said Will provided, and it is therefore necessary to sell the real estate of the decedent in order to pay said legacies.

Plaintiff further says that said decedent, John A. Scharf, died seized in fee simple of the following described real estate, to-wit:

Situated in the State of Ohio, in the County of Union, and in the Village of Richwood.

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Being Forty (40) feet off the south end of Lot Number One Hundred and Twenty Seven (127) and running back from Fulton Street the full width of said Lot, Thirty three and one-half (33½) feet, in said Village of Richwood, as shown on the recorded plat of said Village in the County Recorder's Office at Marysville, Ohio.

Being the same premises conveyed by C. S. Marriott to John A. Scharf, by deed dated January 11th., 1904, and recorded in Union County Deed Record No. 90 on page 364.

That said real estate was included in the inventory of said estate pursuant to the order of this court, and appraised at $600.00.

Said decedent also did seized in fee simple of the following described real estate, to-wit:

Situated in the State of Ohio, in the County of Union, and in the Village of Richwood.

Being all of Sub Lot Number 438, of Gill's Second Addition to the Village of Richwood, as bounded and described in the recorded plat of said village.

That said real estate was included in the inventory of said estate pursuant to the order of this court, and appraised at $150.00.

Said decedent also died seized in fee simple of the following described real estate, to-wit:

Situated in the State of Ohio, in the County of Summit, and City of Akron.

Being known as Lot eighty-two (82) in the Bronce Allotment, as recorded in plat book six (6) page fifty eight (58), Summit County record of plats and bounded and described as follows:

Commencing at the southwesterly corner of said lot No. 82 which beginning point is also in the northerly line of South Street; thence northeasterly along the westerly line of said lot 82, a distance of about one hundred forty nine and three tenths (149.3) feet to the northwesterly line of said lot eighty-two (82), thence southeasterly along the northerly line of said lot; a distance of thirty (30) feet to a point; thence southwesterly and parallel to the northwesterly line said lot eighty-two (82), to a point in the southerly line of said lot eighty-two (82), which point is thirty-six (36) feet eastery from the place of beginning; thence westerly along the southerly line of said lot 82, and the northerly line of South Street, a distance of thirty six (36) feet to the place of beginning.

Reserving however the easterly four (4) feet of the above described premises which strip is to be used in common with a strip of land four feet (4) wide off of the westerly side of premises adjoining the

THE COL. B. B. MFG. CO. 75974

13948

above described premises on the east, to be used for driveway purposes.

Said real estate was included in the inventory of the estate pursuant to an order of this Court and appraised at $100.00.

Plaintiff further says that it will be necessary to sell all of the above described real estate for the purpose of paying the debts, funeral expenses and costs of administration of said decedent, and for the purpose of paying the legacies as set forth in the Last Will and Testament of the said decedent.

Plaintiff further says that the defendants, Paul B. Scharf and Lauretta Scharf Brown, are the only heirs at law and next of kin of said decedent, and the only beneficiaries and legatees named in the Will of said decedent, with the exception of the St. Joseph Catholic Church of La Rue, Ohio, and that Ada R. Scharf is the wife of the defendant, Paul B. Scharf, and the defendant, Wayne Brown, is the husband of the defendant, Lauretta Scharf Brown, and that said defendants are the only persons having any interest in said estate or in said real estate.

Wherefore, plaintiff prays that said real estate may be sold, free from the claims and interests of all persons, parties to this action, and that the rights, interests and liens of all parties may be fully determined, adjusted and protected, and that 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 deems just and proper.

Hooper, Sanders & Hooper,
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

D. E. Ogan, being first duly sworn, says that he is Executor of the Estate of John A. Scharf, deceased, and as such is plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

D. E. Ogan.

Sworn to before me and subscribed in my presence this 19th. day of October, 1939.

[Seal]

T. Le Roy Allen - Notary Public.
Commission expires Feb. 6-1942.

13948

13948

Waiver.

Now come Lauretta Scharf Brown and Wayne E. Brown, and waive the issuing and service of summons and process, and voluntarily enter their appearances herein, and consent to the sale of the real estate described in the petition.

Dated October 20, 1939.

Lauretta Scharf Brown.
Wayne E. Brown.

Precipe.

To the Judge, Clerk Ex-Officio:

Issue summons in the above entitled cause, directed to the Sheriff of Summit County, Ohio, for the defendants, Paul B. Scharf and Ada L. Scharf, (Address, 606 Eckard Street, Akron, Ohio), and make the same returnable according to law. Endorse summons, "Action by Executor to sell real estate of decedent, John A. Scharf, for the purpose of paying debts and legacies, and other equitable relief."

Hooper, Sanders & Hooper.
Attorneys for Plaintiff.

Last Will and Testament.

I, John A. Scharf, of the Village of Richwood, County of Union, and State of Ohio, do make and publish this my Last Will and Testament.

First: My Will is that all my just debts and funeral expenses be paid out of my Estate, as soon after my decease as may be found convenient.

Second: I Give, Devise and Bequeath to the St. Josephs Catholic Church, of La Rue, Ohio, the sum of Twenty-five and no/100 Dollars, for masses for myself, after death.

Third: I Give, Devise and Bequeath to my beloved daughter, Lauretta Scharf Brown, the sum of Six Hundred Dollars, and all of my household goods, furniture and wearing apparel.

Fourth: I Give, Devise and Bequeath to my son, Paul B. Scharf, and my daughter Lauretta Scharf Brown, after all my bequests have been delivered and paid in full, the residue of my estate, real and personal, equally, and share and share alike.

I do hereby nominate and appoint D. E. Egan, Executor of this my Last Will and Testament.

I hereby revoke all other Wills by me heretofore made.

In Testimony Whereof, I hereunto subscribed my name at this 19th. day of May, 1939.

John A. Scharf.

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pires Feb. 6-1942.

THE COL. B. B. MFG. CO. 75974

13948

The foregoing instrument was signed at the end thereof, by the said John A. Scharf, in our presence, and we heard him acknowledge the same as his Last Will and Testament, and at his request and in his presence, we hereunto respectively subscribe our names as attesting witnesses this 19th. day of May, 1939.

"L. W. Reever, M. D.," resides at Richwood, Ohio.
C. S. Marriott., resides at Richwood, Ohio.

Filed Oct. 31- 1939.

Summons on Petition to Sell Real Estate.

The State of Ohio, Union County. Probate Court.
To the Sheriff of said County: Summit County, Ohio.

You are commanded to notify Paul B. Scharf and Ada L. Scharf, Address, #506 Eckerd St. Akron, Ohio, In case # 13948; D. E. Ogan, Executor of the Estate of John A. Scharf, Deceased, Plaintiff - vs- Paul B. Scharf, Ada L. Scharf - Loretta Scharf Brown and Wayne Brown, Defendants, that on the 23rd. day of October, A. D. 1939, D. E. Ogan, Executor of the Estate of John A. Scharf, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying Debts and Legacies "Action by Executor to sell Real Estates of Decedent; John A. Scharf for the purpose of paying Debts and Legacies and other equitable relief."

Hooper, Sanders & Hooper.
Attorneys for Plaintiff.

and that unless they answer by the 25th. day of November, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ by the sixth day of November, 1939.

Witness my hand and the seal of said Court, this 24th. day of October, 1939.

Filed Feb. 15-1940.

L. W. Hazen - Probate Judge.

Sheriff's Return.

The State of Ohio, Summit County.

Sheriff's fees.		
Service & Return, first name.	.75	
1 Additional name, at 25¢	.25	
20 miles traveled at 8¢	1.60	
Postage	.03	
Total	$2.63	

Received this writ October 26, 1939, at 11 34 o'clock A. M., and on the 26 day of October 1939, I served the same by delivering a copy thereof personally to the within named Paul B. Scharf and Ada L. Scharf.

Walter P. O'Neil - Sheriff.
Jos. Davis - Deputy.

13948

Filed Feb. 15-1940.

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Filed
Feb. 15-1940.

Return Receipt - W. P. O'Neil - Edward Caprice.
Date of Delivery - Oct. 26 - 1939.

Application to Sell Real Estate at Private Sale.

Probate Court, Union County, Ohio.

D. E. Ogan, Executor of the Estate of John A. Scharf, Plaintiff,

-vs-

Paul B. Scharf, et al., Defendants.

No. 13948.
Application.

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

That a portion of said real estate is very unsalable, and if sold at public sale there would probably be no bidders; and that a considerably larger sum may be realized by sale at private than at public sale.

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

D. E. Ogan - Executor of the Estate of John A. Scharf.

The State of Ohio, Union County.

D. E. Ogan, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

D. E. Ogan.

Sworn to before me and signed in my presence this 15th. day of February, A. D. 1940.

Ruth Hess - Notary Public - Union County, Ohio.
My commission expires 5/24/41.

Appraisement and Ordering Bond.
Union County, Ohio.

Filed
Feb. 15-1940.

February 15-1940.
Dispensing with a New Appraisement and Ordering Bond.

Dispensing with a New Probate Court,

D. E. Ogan, as Executor of the Estate of John A. Scharf, Plaintiff,

-vs-

Paul B. Scharf, et al., Defendants.

This matter came on to be heard upon the petition of the plaintiff, for authority to sell real estate of the above decedent to pay the debts of said estate, and the 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

THE COL. B. B. MFG. CO. 75974

13948

petition should be granted; that the real estate described in the petition was appraised by the appraisers of the estate at Thirteen Hundred Dollars, and that no further appraisement is dispensed with.

The Court further finds that the bond heretofore given by the plaintiff as Executor of the Estate of John A. Scharf 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 Fifteen Hundred Dollars, and this cause is continued.

L. W. Hazen- Probate Judge.

13948
Filed
Feb. 15-1940.

Filed
Feb. 15-1940.

Bond of Executor.

Know all Men by these Presents: That we D. E. Ogan, W. E. Brown, Lauretta Brown, are held and firmly bound unto the State of Ohio, in the penal sum of Fifteen 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 15th. day of February, A. D. 1940.

The condition of the above obligation is such, That whereas, the above bound D. E. Ogan was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Executor of the estate of John A. Scharf, Deceased.

And whereas, the said D. E. Ogan as such Executor has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said John A. Scharf described in said petition;

And whereas said Court, on the 15th. day of Feb. 1940, made an order requiring said D. E. Ogan to execute a bond according to the statute in such cases made and provided.

Now, if the said D. E. Ogan as Executor 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
Ruth Heck.
William S. Hoopes.

D. E. Ogan.
W. E. Brown.
Lauretta Brown.

This Bond approved in open Court, this 15 day of Feby. 1940.

L. W. Hazen- Probate Judge.

Filed
Feb. 15-1940.

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Probate Judge.

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13948
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Feb. 15-1940.

Approving Additional Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

D. E. Ogan as Executor of the
Estate of John A. Scharf,
Plaintiff,

-vs-

Paul B. Scharf, et al.,
Defendants.

February 15, 1940.
Approving Additional Bond and
Ordering Private Sale.

It further appearing to the Court that the Plaintiff has given additional Bond in the sum of Fifteen Hundred Dollars, with approved surety 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 and the beneficiaries thereof to sell the real estate described in the petition at private sale, it is now ordered that D. E. Ogan as such Executor, sell the real estate in the petition described as provided by law, at not less than the appraised value thereof, on the following terms, to-wit: Cash in hand on day of sale.

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

L. W. Hagen-Probate Judge.

Filed
Feb. 15-1940.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.
To D. E. Ogan, Executor of the Estate of John A. Scharf, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Executor of the Estate of John A. Scharf, are Plaintiff and Paul B. Scharf, Ada L. Scharf, Loretta Scharf Brown and Wayne Brown et al. are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Thirteen Hundred ($1300.00) the appraised value thereof, the following described premises, to-wit: Village of Richwood, Union County, State of Ohio.

Being Forty (40) feet off the south end of the Lot Number One Hundred and Twenty Seven (127) and running back from Fulton Street the full width of said Lot, Thirty three and one-half (33½) feet, in said Village of Richwood, as shown on the recorded plat of said Village in the County Recorder's Office at Marysville, Ohio.

Being the same premises conveyed by C. S. Marriott to John A. Scharf, by deed dated January 11th., 1904, and recorded in Union County Deed Record No. 90 on Page 364.

THE COL. B. B. MFG. CO. 75974

13948

Also, situated in the State of Ohio, in the County of Union, and in the Village of Richwood.

Being all of Out Lot Number 438, of Gill's Second addition to the Village of Richwood, as bounded and described in the recorded plat of said Village.

Also, situated in the State of Ohio, in the County of Summit, and City of Akron.

Being known as Lot eighty-two (82) in the Brown Allotment as recorded in plat book six (6) page fifty eight (58) Summit County record of Plats and bounded and described as follows:

Commencing at the southwesterly corner of said Lot No. 82 which beginning point is also in the northerly line of South Street; thence northeasterly along the northwesterly line of said Lot 82, a distance of about one hundred forty nine and three tenths (149.3) feet to the northwesterly line of said Lot eighty-two (82); thence southeasterly along the northerly line of said lot, a distance of thirty (30) feet to a point; thence southwesterly and parallel to the northwesterly line of said lot eighty-two (82), to a point in the southerly line of said Lot eighty-two (82), which point is thirty-six (36) feet easterly from the place of beginning; thence westerly along the southerly line of said lot 82, and the northerly line of South Street, a distance of thirty six (36) feet to the place of beginning.

Reserving however the easterly four (4) feet of the above described premises which strip is to be used in common with a strip of land four feet (4) wide off of the westerly side of premises adjoining the above described premises on the east, to be used for driveway purposes.

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 15th. day of February, 1940.

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 15th. day of February, 1940.

D. E. Ogan - Executor of John A. Scharf Estate.

13948

Filed Feb. 15-1940.

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13948

Report of Private Sale.

In obedience to the command of the within order of sale, I did, on the 15th. day of February, 1940, offer said property, at private sale, and Loretta Scharf Brown having offered therefor the sum of Thirteen Hundred Dollars ($1300.00) and the same being not less than the appraised value of said property, I sold the same to said Loretta Scharf Brown for that sum.

D. E. Ogan.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

D. E. Ogan, 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. E. Ogan.

Sworn to before me and subscribed in my presence, this 15th. day of February, 1940.

Ruth Hess - Notary Public,
Union County, Ohio.
My commission expires 5/26/41.

Filed
Feb. 15-1940.

Confirming Sale, Ordering Deed and Distribution.

Probate Court,
Union County, Ohio.

D. E. Ogan as Executor of the Estate of John A. Scharf,
Plaintiff,

-vs-

Paul B. Scharf, et. al.,
Defendants.

February 15-1940.
Confirming Sale, Ordering Deed and Diptribution.

This day this cause came on to be heard on the report of D. E. Ogan, Executor of the Estate of John A. Scharf, deceased, of this proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed. It is further ordered that said petitioner execute a deed of all the right, title and interest of the said John A. Scharf in said real estate, to the purchaser, Lauretta Scharf Brown, upon the 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

THE COL. B. B. MFG. CO. 75974

13948

sum of Thirteen Hundred Dollars.

It is further ordered that said D. E. Agan out of the money in his hands, pay:

First, the costs and expenses of the sale, including an Attorney fee of $78.00 to Hoopes, Sandve & Hoopes for services performed for the fiduciary in connection with the sale and the sum of $78.00 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 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 of approval 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.

13907
Filed
July 28th 1939.
Hoopes, Sandve & Hoopes, Atty's.

13907
Filed
July 28th 1939.
Hooper, Sauder & Hooper, Atty's.

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

S. B. Schertzer, Administrator of the Estate of Leola Brown, Deceased,

Plaintiff,

-vs-

Asa J. Brown, Cora Saygrover, Howard Longshore, Gladys Simpson, Pauline Longshore, Claribelle Swinely and S. B. Schertzer,

Defendants.

No. 13907.
Civil Action.
Petition to Sell Real Estate.
Petition.

The plaintiff, is the duly appointed, qualified and acting Administrator of the estate of Leola Brown, 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 Dollars.

The total value of the personal property of the said Decedent was fixed by the appraisers of said estate at Eighty-five and no/00 Dollars, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforepaid.

Said decedent died seized in fee simple of the following described real estate situated in the County of Union, Village of Marysville, State of Ohio, and further described as follows:

Being all of Lot Number One Hundred and Forty Two (142) Except Forty five feet off of the South Side conveyed to R. M. Henderson by deed recorded in Union County Records, Book 61, page 618 in said Village of Marysville, for further description reference is hereby made to the Recorded Plat of said Village.

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: None.

The defendants, Asa J. Brown, Cora Saygrover, Howard Longshore, Pauline Longshore, Gladys Simpson, Claribelle Swinely and S. B. Schertzer, 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

THE COL. B. B. MFG. CO. 75974

13907

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, Saunders & Hoopes
Attorneys for the Plaintiff.

The State of Ohio, Union County.

S. B. Schertzer, 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.

S. B. Schertzer.

Sworn to before me and signed in my presence by the said S. B. Schertzer, at Marysville, Ohio, this 28th. day of July, 1939.

Seal

Ruth Hess - Notary Public.

Precipe.

To the Probate Judge:

Issue summons in this proceeding, for said Cora Saygrover, Gladys Simpson and Pauline Longhore, a minor aged 20 years, (Address, Marysville); Howard Longhore and Claribelle Swively, (Address, Peoria, Ohio), Defendants directed to the Sheriff of said County, returnable according to law. Endorse summons, "Action for the sale of real estate to pay debts."

Hoopes, Saunders & Hoopes.
Plaintiff's Attorneys.

Filed
Aug. 1-1939.

Waiver of Asa J. Brown.

In the Probate Court, Union County, Ohio.

S. B. Schertzer, Administrator of the Estate of Leola Brown, Deceased,

Plaintiff,

-vs-

Asa J. Brown, et al.,

Defendants.

No. 13907.
Waiver.

Now comes the defendant, Asa J. Brown, and waives the issuing and service of summons and process, and voluntarily enters his appearance herein.

Asa J. Brown.

Filed
Aug. 8-1939.

Summons on Petition to Sell Real Estate.

Sheriff - Minors.

The State of Ohio, Union County. Probate Court.

To the Sheriff of said County:

You are commanded to notify Pauline Longhore a minor over fourteen years of age - Wm. Allman with whom she resides; #13907 - Civil Action - Petition to Sell Real Estate - S. B. Schertzer - Admin-

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Aug. 8-1939.

13907 istrator - Plaintiff -vs- Asa J. Brown - Cora Saygrover - Howard Longshore - Pauline Longshore - Gladys Simpson - Claribelle Swinely - & S. B. Schertzer, Defendants, and the following named who are minors, to-wit: Pauline Longshore making service of this summons upon such minor as over fourteen years of age, and also upon the guardian, father, mother or custodian of said minor, in the order named; that on the 28th. day of July, A. D. 1939, S. B. Schertzer - Administrator of the Estate of Leola Brown, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, and in said petition described, for the purpose of paying debts. "Action for the sale of Real Estate to pay debts" and that unless they answer by the 2nd. day of Sept. 1939, said petition will be taken as true, and the order granted accordingly.

Said Sheriff will make due return of this summons on the 14th. day of August, 1939.

Witness my hand and the seal of said Court, this 5th. day of August, 1939.

Seal

R. W. Hazen - Judge and Ex-officio Clerk of the Probate Court of said County.

Sheriff's Return.

Sheriff's Office, Union County, Ohio.

The State of Ohio, Union County.

Received this writ August 7th. 1939 at 9 o'clock A.M. and on the 7th. day of August, 1939, I served the within named Pauline Longshore, a minor, over fourteen years of age, and also served Wm. Pollman the person with whom said minor resides by personally delivering to each of them copy of this writ with all endorsements thereon.

Sheriff's Fees.

Service and return - $.50

W. S. Roosa, Sheriff.

E. Wood, Deputy.

Filed Aug. 8-1939.

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 Gladys Simpson, Marysville, Ohio - Civil Action - Petition to Sell Real Estate - #13907 - S. B. Schertzer, Administrator - Plaintiff -vs- Asa J. Brown - Cora Saygrover - Howard Longshore - Pauline Longshore - Gladys Simpson - Claribelle Swinely - & S. B. Schertzer - Defendants; that on the 28th. day of July, A. D. 1939, S. B. Schertzer - Administrator of the Estate of Leola Brown, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer

THE COL. B. B. MFG. CO. 75974

13907

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 to Sell Real Estate to pay debts" or "Action for the sale of Real Estate to pay debts;" and that unless they answer by the 2nd. day of Sept. 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 14th. day of August, 1939.

Witness my hand and the seal of said Court, this 5th. day of August, 1939.

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.

Received this writ August 7th. 1939, at 9 o'clock A. M., and on the 7th. day of August, 1939, I served the same by delivering a copy thereof personally to the within named Gladys Simpson.

Sheriff's fees.
1 Additional page .25
Total .25

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

Filed Aug. 8-1939.

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 Cora Saygrover, Marysville, Ohio. Civil Action - Petition to Sell Real Estate - #13907 - S. B. Schertzer - Administrator - Plaintiff - vs - Asa J. Brown - Cora Saygrover - Howard Longshore - Pauline Longshore - Gladys Simpson - Claribelle Spively & S. B. Schertzer - Defendants; that on the 28th. day of July, A. D. 1939, S. B. Schertzer - Administrator of the Estate of Leola Brown, deceased, filed his petition in the Probate Court of said Union County, Ohio, against them and others; the object and prayer of which petition is to obtain an order for the sale of certain Real Estate belonging to said decedent, in said petition described, for the purpose of paying debts, "Action for the sale of real estate to pay debts;" and that unless they answer by the 2nd. day of Sept. 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 14th. day of August, 1939.

Witness my hand and the seal of said Court, this 5th. day of August, 1939.

Seal

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

13907

Filed Aug. 8-1939.

13907

Sheriff's Return.

The State of Ohio, Union County.

Received this writ August 7th. 1939, at 9:00 o'clock A. M., and on the 7th. day of August, 1939, I served the same by delivering a copy thereof personally to the within named Cora Saygrover.

Sheriff Fee.
Service & Return, Firstname .75
Total .75

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

Filed Aug. 8-1939.

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 Howard Longshore, Leona, Ohio, S. B. Schertzer - Administrator of the Estate of Leola Brown, Deceased - Plaintiff - vs- Ada J. Brown - Pauline Longshore - Howard Longshore - Gladys Simpson - Cora Saygrover - Gabrielle Swively & S. B. Schertzer; that on the 28th. day of July, A. D. 1939, S. B. Schertzer Administrator of the Estate of Leola Brown, 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 the sale Real estate to pay debts;" and that unless they answer by the 2nd. day of September, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 14th. day of August, 1939.

Witness my hand and the seal of said Court, this 5th. day of August, 1939.

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.

Received this writ August 7th. 1939, at 9 o'clock A. M., and on the 7th. day of August, 1939, I served the same by delivering a copy thereof personally to the within named Howard Longshore.

Sheriff Fee.
1 Additional name .25
18 miles traveled @ 8¢ 1.44
Total $1.69

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

THE COL. B. B. MFG. CO. 75974

13907
Filed
Aug. 8-1939.

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 Claribelle Swively, Broadway, Ohio, Union County- Civil Action # 13907- "Petition to Sell Real Estate" - S. B. Shertzer - Administrator- Plaintiff. -vs- Asa J. Brown - Cora Saygrover - Pauline Longshore - Howard Longshore - Gladys Simpson - Claribelle Swively - & S. B. Schertzer - Defendants; that on the 28th. day of July, A. D. 1939, S. B. Schertzer - Administrator of the Estate of Leola Brown 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 the sale of Real Estate to Pay Debts"; and that unless they answer by the 2nd day of September, 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 14 th. day of August, 1939.

Witness my hand and the seal of said Court, this 5th. day of August, 1939.

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.

Received this writ August 7th. 1939, at 9 o'clock A. M., and on the 7th day of August, 1939, I served the same by delivering a copy thereof personally to the within named Claribelle Swively.

Sheriff's fees.
1 additional name .25
24 miles traveled @ $1.92
Total $2.17

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

Filed
Aug. 19-1939.

Dispensing with a New Probate Court, S. B. Schertzer, as Administrator of the Estate of Leola Brown, Deceased, Plaintiff, -vs- Asa J. Brown, et al., Defendants.

Appraisement & Ordering Bond. Union County, Ohio.

July 27 - 1939.
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 deceased to pay debts of the estate, the other

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Aug. 19-1939.

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Deputy.

Ordering Bond.
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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 —— 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 Leola Brown, in the amount of —— Dollars is insufficient and is ordered that he file an additional Bond with sufficient sureties to be approved by this Court in the sum of Two Hundred Dollars, and this cause is continued.

F. W. Hagen - Probate Judge.

Filed Aug. 19-1939.

Bond of Administrator.

In Proceeding to Sell Real Estate.

Know all Men by these Presents: That we S. B. Schertzer and The Ohio Casualty Insurance Company, are held and firmly bound unto the State of Ohio, in the penal 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 27th. day of July, A. D. 1939.

The condition of the above obligation is such, That whereas, the above bound S. B. Schertzer was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Leola Brown, Deceased.

And whereas, the said S. B. Schertzer as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Leola Brown described in said petition;

And whereas said Court, on the 27th. day of July, 1939, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said S. B. Schertzer 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
Ruth Hess.
William S. Hoopes.

(Seal)

S. B. Schertzer
The Ohio Casualty Insurance Co.,
By — Robert J. MacDonald Atty-in-fact.

THE COL. B. B. MFG. CO. 75974

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This Bond approved in open Court, this 19 day of Aug. 1939.
L. W. Hazen- Probate Judge.

Filed
Dec. 4- 1939.

Approving Additional Bond and Ordering Private Sale.
Probate Court, Union County, Ohio.

S. B. Schertzer, as Administrator
of the Estate of Neola Brown,
Deceased,
Plaintiff,

-vs-

Asa J. Brown, et al,
Defendants.

Dec. 4- 1939.
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.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said beneficiaries of said estate to sell the real estate described in the petition at private sale, it is now ordered that S. B. Schertzer, 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
Dec. 4- 1939.

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

S. B. Schertzer, Administrator
of the Estate of Neola Brown,
Deceased,
Plaintiff,

-vs-

Asa J. Brown, et al,
Defendants.

No. 13907.
Application.

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

Said real estate was appraised by the appraisers of said estate for $1000.00, and said Administrator has received an offer of $1200.00 for said premises, provided said sale can be closed and a deed for said property delivered to the purchaser immediately.

day of Aug. 1939.
- Probate Judge.

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

S. B. Schertzer - Administrator
of the Estate of Neola Brown, Deceased.

The State of Ohio, Union County.

S. B. Schertzer, being duly sworn, says that the various matters set forth in the foregoing Application are true as he verily believes.

S. B. Schertzer.

Sworn to before me and signed in my presence this 27th. day of October A. D. 1939.

Seal

Ruth Hesse Notary Public.

Filed Dec. 4-1939.

Order of Private Sale.

The State of Ohio, Union County, Probate Court.

To S. B. Schertzer, Administrator of the Estate of Neola Brown, 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 Neola Brown, deceased, are Plaintiff, and Asa A. Brown, et al, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than One Thousand Dollars, ($1000.00) the appraised value thereof, the following described premises, to-wit:

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

Being all of In-Lot No. 142, except 45 feet off the South side, which was conveyed to R. M. Henderson, see Volume of Deeds No. 61, Page 613, Union County Records of Deeds.

Said sale to be upon the following terms: Cash in hand 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 27th. day of October, 1939.

Seal

L. W. Hagen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13907

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 2nd. day of December, 1939.

S. B. Schertzer- Administrator Estate Leola Brown.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 2nd. day of December, 1939, offer said property, at private sale, and Eugene Drumm, Francis Drumm, Cecil Cloyd, Retha Welch and Pelah Hull, having offered therefor the sum of Twelve Hundred Dollars ($1200.00) and the same being more than the appraised value of said property, I sold the same to said Eugene Drumm, et al., for that sum.

S. B. Schertzer.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss:

S. B. Schertzer, 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.

S. B. Schertzer.

Sworn to before me and subscribed in my presence, this 2nd. day of December, 1939.

Seal

Ruth Hess- Notary Public.

Filed Dec. 9- 1939.

Entry.

In the Probate Court, Union County, Ohio.

S. B. Schertzer, Administrator of the Estate of Leola Brown, Deceased, Plaintiff,

vs.

Asa J. Brown, et al., Defendants.

No. 13907.

Entry.

This day this cause came on to be heard upon the motion of S. B. Schertzer, as Administrator of the Estate of Leola Brown, deceased, for an order authorizing him to distribute the money now in his hands from the sale of the real estate heretofore ordered herein.

It is ordered that said Administrator, out of the money in his hands, pay:

13907

13978 Filed Mar. 18-1940.

13907

First: To this court, the sum of $54.16, that being the costs and expenses incurred in the sale of said property.

Second: To H. E. Conkright, real estate broker, the sum of $36.00, that being the commission for the sale of said property.

Third: To S. B. Schertzer, Administrator, the sum of $70.00, that being his percentum commission as Administrator upon the sale of said property and the expenses involved therein.

Fourth: To Hooper, Sanders & Hooper, the sum of $71.50, that being the amount of their attorney fees, including expenses for revenue stamps.

It is further ordered that the balance of said proceeds, amounting to the sum of $968.34 be accounted for by the said S. B. Schertzer, Administrator, according to Law.

L. W. Hagen – Probate Judge.

13978
Filed
Mar. 18-1940.

Petition to Sell Land.

In the Probate Court of Union County, Ohio.

Richard C. Thrall, as Administrator of the Estate of Ferne Goldsberry, Deceased,

Plaintiff,

-vs-

Walter Goldsberry, John Robert Goldsberry, William Goldsberry, and Ruth Goldsberry,

Defendants.

Case No. 13978.
Petition to Sell Land.

Now comes the plaintiff and says that he is the duly appointed, qualified and acting administrator of the Estate of Ferne Goldsberry, deceased. That there are debts of said estate, to-wit; the exemption allowed by law to the surviving spouse of said Ferne Goldsberry in the sum of $500.00 and that the cost of this administration will be approximately $25.00. That there is no personal property in said estate.

That said decedent did seized of an undivided one-half interest in the following described real estate, to-wit:

Situated in the Village of Unionville Center, Union County, Ohio:

Being In-Lot No. 52 in said Village of Unionville Center, Ohio, being one of the lots transferred by deed from William H. Cartmell to John M. Conkle in June 29, 1871, and being the same premises

THE COL. B. B. MFG. CO. 75974

13978

conveyed by the Sheriff of Union County, Ohio, to Don Boyer by deed on March 21, 1930, see Vol. 131, Pages 554 and 555 Union County, Ohio Deed Records.

That said interest in said real estate has been appraised herein at $125.00 and that said appraisement has not been excepted to.

That decedent died leaving the defendant, Walter Goldsberry, as her widower and that the defendants, John Robert Goldsberry, a minor aged 15 years; Ruth Goldsberry, a minor aged 13 years; William Goldsberry, a minor aged 10 years, are all the heirs or persons entitled to the next estate of inheritance from the decedent in said real estate and having an interest therein.

The value of said real estate being less than $500.00, plaintiff therefore prays that a summary order may issue ordering the sale of said real estate at private sale and that the requirements of law dealing with service of summons, appraisal and additional bond, may be waived and petitioner may be ordered to execute the proper deed of conveyance to the purchaser without the requirements of said proceedings.

Richard Le Thrall
Administrator as aforesaid.

State of Ohio, County of Union, ss:

Richard Le Thrall, as administrator of the estate of Kerne Goldsberry, deceased, being first duly sworn, says that he is the duly appointed, qualified and acting administrator of said estate and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Richard Le Thrall.

Sworn to before me and subscribed in my presence this 12 th. day of December, 1939.

L. W. Hazen - Probate Judge.

Seal

Filed Mar. 18-1940.

In the Probate Court of Union County, Ohio.

Richard Le Thrall, Administrator of the Estate of Kerne Goldsberry, Deceased,

Plaintiff,

-vs-

Walter Goldsberry, John Robert Goldsberry, William Goldsberry, and Ruth Goldsberry,

Defendants.

Case No. 13978
Journal Entry.

This cause coming on to be heard and the Court, being fully advised in the premises, hereby finds that it is necessary to sell the real estate of Kerne Goldsberry, deceased, to pay the debts of said decedent

13978

Filed Mar. 18-1940.

Filed Mar. 18-1940.

13978

and that the value of said real estate is less than $500.00.

It is therefore ordered and decreed that the said Richard C. Thrall, administrator of the estate of Verne Goldsberry, deceased, he, and he hereby is authorized to sell and convey the real estate described in the plaintiff's petition, at private sale, for cash, and the requirements of statute as to service of summons, appraisal and additional bond, are hereby waived and none of the same are required in this case.

L. W. Hazen- Judge.

Filed Mar. 18-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Verne Goldsberry, Deceased. Richard C. Thrall, Administrator

Case No. 13978.

Entry.

It appearing from the application of Richard C. Thrall, administrator of the estate of Verne Goldsberry, that the only asset of said estate consisted of an undivided one-half interest in a tract of real estate, appraised at $125.00, which was sold to the surviving spouse of said Verne Goldsberry for the sum of $125.00; that said surviving spouse was entitled to exemptions and allowance exceeding the amount of said purchase price and, therefore, paid no money for said property, and it further appearing that the costs of this case have been paid and the fee of the administrator has been settled by said Walter Goldsberry, the surviving spouse, and that no property or assets remain in the possession of the administrator herein.

It is therefore ordered that the statement of the administrator be accepted in lieu of an account and that no further accounting be required of him, that he be discharged as such administrator and his bond cancelled.

L. W. Hazen- Judge.

Filed Mar. 18-1940.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Richard C. Thrall, as Administrator of the Estate of Verne Goldsberry, Deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administrator, are Plaintiff and Walter Goldsberry, 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 Unionville, Center, Ohio, and

THE COL. B. B. MFG. CO. 75974

13978

bounded and described as follows:

Being Sub-Lot No. 52 in said Village of Unionville Center, Ohio, being one of the lots transferred by deed from William H. Cartmell to John M. Conklin, June 29, 1871, and being the same premises conveyed by the Sheriff of Union County, Ohio to Don Boyer by deed bon March 21, 1930, see Vol. 131, Pages 554 and 555, Union County, Ohio, Deed Records.

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 returns to this Court.

Witness my signature and the seal of said Probate Court at Marysville, Ohio, this 18th day of March, 1940.

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 18th. day of March, 1940.

Richard C. Thrall.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 18th. day of March, 1940, offer said property, at private sale, and Walter Goldsberry having offered therefor the sum of One Hundred and Twenty-five Dollars ($125.00) and the same being not less than the appraised value of said property, I sold the same to said Walter Goldsberry for that sum. 13640

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.

Sworn to before me and subscribed in my presence, this 18th. day of March, 1940.

Seal

L. W. Hazen - Probate Judge.

13978
Filed
Mar. 18-1940.

13978
Filed
Mar. 18-1940.

Probate Court, Union County, Ohio.

Richard C. Thrall, as Administrator of the Estate of Verne Goldsberry, Deceased,

Plaintiff,

-vs-

Walter Goldsberry, et al.,

Defendants.

March 18- 1940.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Richard C. Thrall as Administrator of the Estate of Verne Goldsberry, 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 Verne Goldsberry in said real estate, to the purchaser, Walter Goldsberry.

It is further ordered that said administrator, from the purchase money coming into his hands, pay the Court costs amounting to $10.00; that he pay a fee of $15.00 to Richard C. Thrall, administrator; and that the balance of $100.00 be paid to Walter Goldsberry, the surviving spouse of said Verne Goldsberry, to be applied upon the exemptions allowed such surviving spouse under the statutes of the State of Ohio.

L. W. Hazen- Probate Judge.

13640

From Page 399.

In the Matter of The Estate of George R. Howe, Deceased.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of George R. Howe, Deceased.

Report of Sale of Personal Property.

The undersigned, Richard C. Thrall of said estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, commencing on the 28th. day of September, 1938, and closing on the —— day of —— 19—, for the sum of Two Hundred and Twenty-five Dollars, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sales is hereto attached.

Dated this 16 day of March, 1940.

Richard C. Thrall.

THE COL. B. B. MFG. CO. 75974

13640

Bill of Sales.

Liquor warehouse receipt #4950-$250.00 - Penfield Co. $225.00.
" " " #4951-$250.00

The State of Ohio, Union County.

Richard Le. 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 Le. Thrall.

Sworn to before me and signed in my presence, this 16 day of March, 1940.

Seal

John W. Dailey-Notary Public.

Journal Entry.
Probate Court, Union County, Ohio.

In the Matter of the Estate of George R. Howe, Deceased. | March 18-1940.
Sale of Personal Property Confirmed.

The executor of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent, and the Court having carefully examined the same, find said proceedings in all respects regular and in accordance with law, and therefore approves and confirms the same.

L. W. Hazen-Probate Judge.

13980.
Filed
Dec. 14-1939.
Allen & Allen.
Attorneys.

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

Anson Le. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased.
Plaintiff,
-vs-
Henry Chapman, address unknown; Anson Le. Chapman and Amayda Chapman, Blaine Avenue, Richwood, Ohio; E. B. Chapman, Richwood, Ohio; Lee L. Chapman, Richwood, Ohio, and Ruth Chapman, Galion, Ohio; Ada Ruggles and Walter Ruggles, Cardington, Ohio; Perry R. Chapman, Richwood, Ohio; Department of Public Welfare, Division of Aid for the Aged, Columbus, Ohio,
Defendants.

Case No. 13980.
Petition of Administrator to Sell Real Estate.

13980.

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County, Ohio.

13980.
Administrator
Real Estate

13980. Now comes the Plaintiff, Anson C. Chapman and says he is the duly appointed, qualified and acting Administrator of the estate of Theodore A. Chapman, deceased, late of this County; and as near as can be ascertained the amount of the valid debts against said deceased is Thirteen Hundred Sixty and 20/100 Dollars ($1360.20).

The costs of administering the estate will be about Seventy five and 00/100 Dollars ($75.00).

There was no personal property owned by said decedent at the time of his decease and an Inventory and Appraisement has been filed herein to which no exceptions have been filed; and there is no personal property to pay the debts and costs aforesaid.

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

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

Being all of lots numbered six hundred forty three (643), six hundred forty four (644), and six hundred forty five (645), in Beers's Addition to Richwood, Ohio.

For further reference see record plat of said Addition in the Recorder's Office of Union County, Ohio.

Said real estate was included in the Inventory of the estate pursuant to the order of this Court and appraised at Two Hundred and 00/100 Dollars ($200.00).

The Department of Public Welfare, Division of Aid for the Aged, of the State of Ohio, advanced to Theodore A. Chapman during his lifetime the sum of Eleven Hundred Eighty Five and 20/100 Dollars ($1185.20) which it may claim to be a lien on the real estate herein described.

The Defendants, Henry Chapman, whose address is unknown, Anson C. Chapman, Blaine Avenue, Richwood, Ohio; E. B. Chapman, Richwood, Ohio; Lee L. Chapman, Richwood, Ohio; Ada Ruggles, Cardington, Ohio; and Perry R. Chapman, Richwood, Ohio, are the children of said decedent, and 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 Amanda Chapman is the wife of Anson C. Chapman, the Defendant Ruth Chapman, is the wife of Lee L. Chapman, and the Defendant, Walter Ruggles is the husband of Ada Ruggles and as such may claim to have some interest in the real estate herein described.

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

THE COL. B. B. MFG. CO. 75974

13980

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 cases made and provided and for such other and further relief to which he may be entitled.

Allen and Allen
By- Robert H. Allen.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

Anson C. Chapman 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.

Anson C. Chapman.

Sworn to before me and signed in my presence by the said Anson C. Chapman of Richwood, Ohio, this 15th. day of November, 1939.

Seal- Robert H. Allen-Notary Public.

13980

Filed Dec. 14-1939.

Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased, Plaintiff,

-vs-

Henry Chapman, et al, Defendants.

Case No. 13980.
Entry of Appearance and Consent to Sell.

Filed Dec. 14-1939.

Ada Ruggles and Walter Ruggles, 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.

Ada Chapman Ruggles.
Walter L. Ruggles.

Filed Dec. 8-1939.

Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased, Plaintiff,

-vs-

Henry Chapman, et al, Defendants.

Case No. 13980.
Entry of Appearance and Consent to Sell.

Filed Dec. 14-1939.

Anson C. Chapman, Amanda Chapman, E. B. Chapman, Lee L. Chapman, and Perry R. Chapman, the undersigned parties defendant in the above entitled

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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.

Anson C. Chapman.
Amanda Chapman.
E. B. Chapman.
Lee L. Chapman.
Perry Chapman.

Filed Dec. 14-1939.

Affidavit for Service by Publication where Residence of Defendant is Unknown.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased, Plaintiff,
-vs-
Henry Chapman, et al., Defendants.

Case No. 13980.

Affidavit for Service by Publication where Residence of Defendant is Unknown.

Anson C. Chapman, Administrator of the estate of Theodore A. Chapman, deceased, being duly sworn, says he is the Plaintiff in the above entitled cause, that the residence of the Defendants, Henry Chapman and Ruth Chapman are unknown and cannot with reasonable diligence be ascertained, and service of summons cannot be made upon them within this State; and the case is one of those mentioned in G. C. paragraph 11292.

Anson C. Chapman-Administrator of the Estate of Theodore A. Chapman, Deceased.

Sworn to before me and signed in my presence this — day of December, 1939.

Seal — Robert H. Allen-Notary Public.

Filed Dec. 8-1939.

Answer and Cross-Petition.

In the Probate Court, Union County, Ohio.

Anson C. Chapman, Admr. of the estate of Theodore A. Chapman, Deceased, Plaintiff,
-vs-
Henry Chapman, et al., Defendants.

No. 13980.
Answer & 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

THE COL. B. B. MFG. CO. 75974

13980

reason that it has no knowledge of the same, and further demands strict proof therefor.

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 Aug. 16, 1934, one Theodore Chapman, now dec'd., applied for old age assistance to the Board of Aid for Union County, 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, for the State of 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, in accordance with Section 1359-14 of the General Code of Ohio.

Cross- petitioner further says that the said Theodore Chapman was paid old age assistance in the amount of $1185.20, an itemized account of which is attached hereto, marked Exhibit "A" and made a part hereof.

Cross- petitioner further says that said account in the total sum of $1185.20, is a preferred claim under Section 1359-76 General Code.

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 on its preferred claim under the statutes made and provided for in such cases, and for such other relief to which it may be entitled.

Thomas J. Herbert
Attorney General.
Richard A. Morris.
Ass't. Attorney General.
(Attorneys for Division of
Aid for the Aged).

Department of Public Welfare.
Division of Aid for the Aged.
12th Floor State Office Bldg. Columbus.

Estate of Theodore Chapman, Dec'd., Rickwood, Ohio. | Dec. 4- 1939. | Union. | 80-437.

Feb. 1935	to	July 1936	- 18	Mo.	@ $18.00 -	$324.00
Aug. 1936	"	Sept. 1937	- 14	"	@ $28.00 -	$392.00
Oct. 1937	"	Nov. 1937	- 2	"	@ $18.00 -	$ 36.00
Dec. 1937	"	Jan. 1939	- 14	"	@ $19.80 -	$277.20
Feb. 1939	"	Sept. 1939	- 8	"	@ $19.50 -	$156.00
Total Monthly Assistance						$1185.20

PB: MTB. Exhibit "A"

13980
Filed
Dec. 14- 1939.

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Filed
Dec. 14-1939.

Entry Ordering Service By Publication.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased,

Plaintiff,

-vs-

Henry Chapman, Sr. et al.,

Defendants.

Case No. 13980.

Entry Ordering Service By Publication.

This day came the Plaintiff and filed herein an affidavit according to law for the purpose of procuring service by publication; and it appearing to the Court that Henry Chapman and Ruth Chapman are necessary parties, their residences are unknown to the Plaintiff and cannot with reasonable diligence be ascertained and that service of summons on said Defendant cannot be made within this state; it is ordered that publication be made for six consecutive weeks in a newspaper printed in this County, that it contain a summary statement of the object and prayer of the Petition, mention the Court herein it is filed and notify the persons thus to be served what they are required to answer.

L. W. Hazen - Judge.

Filed
Jan. 27-1940.

Legal Notice By Publication.

Henry Chapman and Ruth Chapman, whose addresses are unknown, will take notice that Anson C. Chapman, Administrator of the estate of Theodore A. Chapman, deceased, on the 13th. day of December, 1939, filed his Petition in the Probate Court within and for the County of Union and State of Ohio, alleging that the personal estate of said deceased is insufficient to pay the debts and the charges of administering the estate; that he died seized in fee simple of the following described real estate:

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

Being all of lots numbered six hundred forty-three (643), six hundred forty-four (644), and six hundred forty-five (645), in Kent's Addition to Richwood, Ohio, for further reference see recorded plat of said Addition in the Recorder's Office of Union County, Ohio.

The Prayer of said Petition is for sale of said premises for the payment of debts and charges aforesaid.

Henry Chapman and Ruth Chapman, above mentioned, will further take notice that they have been made party defendants to said Petition and that they are required to answer the same on or before the 3rd. day of February, 1940.

Allen & Allen, Attorneys for Administrator.

Anson C. Chapman - Administrator of the Estate of Theodore A. Chapman, Deceased.

THE COL. B. B. MFG. CO. 75574

13980

State of Ohio, Union County.

Personally appeared before me A. A. Keigley and made oath, that the notice, a copy of which is hereto attached, was published for six consecutive weeks on and after Dec. 14-1939, in the Richwood Gazette, a newspaper of genral circulation in the county aforesaid.

A. A. Keigley.

Sworn to before me and signed in my presence this 22 nd. day of January, A. D. 1940.

Ralph Yaneyaugh-Notary Public
Union County, Ohio.

Printer's Fee-$14.21.

Filed
Mar. 8-1940.

Entry Dispensing with a New Appraisement and Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased,

Plaintiff,

-vs-

Henry Chapman, et al.,

Defendants.

Case No. 13980.

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 his estate, and the Answer of the Division of Aid for the Aged in the Department of Public Welfare of the State of Ohio, the other Defendants being in default of Answer although served with process according to law and such service is hereby approved.

The Court finds from the evidence that all necessary parties are before the Court, and that the prayer of the Petition should be granted; that the real estate described in the Petition was appraised by the appraisers of the estate at Two Hundred and 00/100 Dollars ($200.00) 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 Theodore A. Chapman, deceased, in the amount of Five Hundred and 00/100 Dollars ($500.00) is sufficient and no additional bond is required.

It appearing that private sale would be to the best interest of the estate it is ordered that said Anson C. Chapman as such Administrator shall sell said real estate at private sale at not less than Two Hundred and 00/100 Dollars ($200.00) being the appraised value thereof for cash upon the delivery of a Deed to the purchaser.

It is further ordered that said Anson C. Chapman as such Administrator make return of sale without unnecessary delay.

L. W. Hazen-Probate Judge.

13980
Filed
Mar. 8-1940.

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Filed
Mar. 8-1940.

Order for Private Sale and Return.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator
of the Estate of Theodore A. Chapman,
Deceased,

Plaintiff,

-vs-

Henry Chapman, et al.,

Defendants.

Case No. 13980.
Order for Private Sale & Return.

To Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased, Greeting:

Whereas in a certain action pending in the Probate Court of Union County, wherein Anson C. Chapman, Administrator of the estate of Theodore A. Chapman, deceased, is Plaintiff, and Henry Chapman and others 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, Two Hundred and 00/100 Dollars ($200.00) agreeable to the statute regulating the sale of real estate by Administrators and that you make return of your proceedings in the premises to the said Probate Court and bring this order with you. The said real estate is described in the Petition as follows, to-wit:

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

Being all of lots numbered six hundred forty-three (643) six hundred forty-four (644) and six hundred forty-five (645) in Bemis Addition to Richwood, Ohio.

For further reference see recorded plat of said Addition in the Recorder's Office of Union County, Ohio.

Witness my hand and the seal of said Court at Marysville, Ohio, this 6th. day of March, 1940.

L. W. Hagen - Probate Judge.

Rec'd
Report of Private Sale.

In obedience to the command in the within Order of Sale I did on the 6th. day of March, 1940, offer said property at private sale and Amanda B. Chapman bidding offered therefor the sum of Two Hundred and 00/100 Dollars ($200.00) and the same being not less than the appraised value of said property, I sold the same to said Amanda B. Chapman for that sum.

Anson C. Chapman - Admr., of
the Estate of Theodore A. Chapman,
Deceased.

THE COL. B. B. MFG. CO. 75974

13980

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Anson C. Chapman 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.

Anson C. Chapman.

Subscribed in my presence and sworn to before me this 6th. day of March, 1940.

H. Le Roy Allen - Notary Public,
My commission expires Feb. 4-1942.

Filed
Mar. 8-1940.

Entry Confirming Sale, Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Anson C. Chapman, Administrator of the Estate of Theodore A. Chapman, Deceased,

Plaintiff,

-vs-

Henry Chapman, et al.,

Defendants.

Case No. 13980.
Entry Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Anson C. Chapman, Administrator of the estate of Theodore A. Chapman, deceased, of his proceedings under the forms of order of this Court and upon the motion of said petitioner to confirm the sale made in obedience to said order; the Court having carefully examined said report and finding the proceedings of said petitioner in all respects correct and being satisfied that said sale was fairly and legally made, it is ordered that the same be and it hereby is approved and confirmed.

It is further ordered that said petitioner execute a Deed of all of the right, title and interest of the said Theodore A. Chapman, deceased, in said real estate to the purchaser, Amanda B. Chapman, upon the said purchaser paying to said Administrator the sum of Two Hundred and 00/100 Dollars in cash.

This cause coming on further to be heard upon the pleadings herein and upon the request to distribute the proceedings of the sale amounting to the sum of Two Hundred and 00/100 Dollars ($200.00) it is found by the Court there are no mortgage or other liens against said real estate except the debts and costs of administration in conformity to the following schedule, to-wit:

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Jan. 23-1940.

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Court costs in the case of the administration of the estate of Theodore A. Chapman, deceased, No. 13954 and the costs of the land sale herein in the total sum of, $45.91.

Allen and Allen, Attorney fees for administration and land sale, $25.00.

Anson C. Chapman, Administrator fees for administration and land sale, $25.00.

Dr. S. J. Bonn, medical services for last illness, $4.00.

Dr. T. M. Wintsbaugh, medical services for last illness, $12.75.

Lloyd Winter and Son, funeral services, $153.00.

James B. Elliott, digging grave, $10.00.

$275.66.

It is therefore ordered, adjudged and decreed that Anson C. Chapman, Administrator of the estate of Theodore A. Chapman, deceased, shall make distribution of the proceeds of the sale of the property herein in conformity to law in case No. 13954.

L. W. Hazen - Probate Judge.

14004
Filed
Jan. 23-1940.

In the Matter of The Estate of R. H. Tinsprock, Deceased.

Fred W. Issler as Administrator of the estate of R. H. Tinsprock, dec'd.

Plaintiff,

-vs-

No. 13419.
Petition.

Norma Tinsprock, Mary Issler, The Buckeye State Building and Loan Company of Columbus, Ohio; The Union Central Life Insurance Company of Cincinnati, Ohio; The Waldo Banking Company of Marion, Ohio; The Prospect Citizens Bank of Prospect, Ohio; R. W. Herbster of Prospect, Ohio; The People Bank of Green Camp, Ohio, and Fred W. Issler, Ohio Bureau of Credits, Inc., of Columbus, Ohio,

Defendants.

Plaintiff for cause of action herein says that he is the duly appointed, qualified and acting administrator of the estate of R. H. Tinsprock, deceased, having received his appointment in the Probate Court of Marion County, Ohio.

THE COL. B. B. MFG. CO. 75974

14004

Plaintiff says that his decedent R. H. Fineprock is one and the same person as Rufus H. Fineprock.

Plaintiff says that the said R. H. Fineprock or Rufus H. Fineprock died on or about the 12th. day of January 1938, leaving the defendant Rousa Fineprock as his widow and the defendant Mary Ester as his only child and that they are his only next of kin and heirs at law.

That the said R. H. Fineprock died leaving debts in excess of the value of his personal property and that his personal property is wholly inadequate to pay the indebtedness of his estate.

That the said R. H. Fineprock did seized of certain real estate as follows:

Track No. 1. Situated in the County of Marion, in the State of Ohio and in the Village of Prospect and known as Su-Lot No. 205 in Davis First addition to the Village of Prospect, Ohio, new number being 292.

Track No. 2. Situated in the County of Marion, in the State of Ohio, and in the Township of Prospect, and in Survey No. 6129 Virginia Military Land District, described as follows; commencing at the northeast corner of said survey; thence south 10° east along the east line of said survey 200 poles to the center of Patten Run; thence up said run to the line between the east and west halves of Lot No. 2; thence north 10° west along said line to the Indian Boundary Line; thence north 80° east along the Indian Boundary Line 32.55 poles to the northwest corner of Lot No. 1; thence continuing along said Indian Boundary Line 76 poles 8 links to the northeast corner of said survey and place of beginning. Being the land conveyed to Edward A. Fineprock in three separate tracts of 50 acres each by the three following deeds; from John A. Atkinson, October 24, 1861, recorded Vol. 30, page 380; from Robert Adams, February 4, 1879, recorded Vol. 48, page 117; from W. E. Boyd, Administrator, March 8, 1887, recorded Vol. 62, page 470 and refiled and recorded in Vol. 76, page 192 Deed Records, Marion County, Ohio. Also situated in said County, State and Township and described as follows; in Virginia Military Land Survey No. 6129; beginning 108.10 rods westerly from the northeast corner of said Survey in the Indian Boundary Line at "c" on a plat and survey of said survey No. 6162 made by Charles Veil on the 17th, 18th, 19th, 20th and 21st days of August, 1846, and recorded in Survey Record Volume 6, page 69, hickory 22 inches in diameter south 19° east 21.75 links, beech 20 inches in diameter north 83° 8 link; thence south 9°, 258.65 rods to the center of the Patten Run at point "9" on said plat; ash 10 inches in diameter north

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62° west 38.5 links elm 18 inches in diameter south 24° west, 26 links; thence westerly in the middle of said Run to point "2" on said plat, maple 20 inches in diameter south 37° west 36 links ash 9 inches in diameter 74° west 16.5 links; thence north 9° west 260.37 poles to the Indian Boundary line at point "1" on said plat Black ash 16 inches in diameter north 46" west 3 links, elm 26 inches in diameter south 2° east 40 links; thence easterly on Indian Boundary line 30.25 rods to beginning, containing fifty (50) acres.

Said tract containing in the aggregate 200 acres of land more or less.

Tract No. 3. Known as being the undivided one-half of the following described premises, to-wit; Situated in the County of Marion, in the State of Ohio, and in the Township of Green Camp and described as follows; being part of Survey No. 9945 and described as follows; beginning at a stone in the center of the Porter Public Road and Northeast corner of the 87.50 acre subdivision of Martin L. Hazen lands and in the westerly line of said survey; thence with the westerly line of said survey south 6° 30' east 109 poles to a stone northwest corner to the lands of William Kite; thence with said lands north 83° 30' east 82 poles to a stone corner to land outlot to the lands of William Kirk; thence with the west side of said land north 6° west 110.16 poles to a stone in the center of the said public road; thence with said road south 82° 40' west 83 poles to the place of beginning, containing 56.50 acres more or less.

Also, the following real estate being part of Surveys Nos. 10070 and 10240 bounded and described as follows: Beginning at a stone in the center of the Porter Public Road northeast corner to the 56.50 acres subdivision of the Martin L. Hazen lands and in the east line of said survey No. 10070; thence with said survey line south 6° 30' east 232.80 poles to a stone in the southeast corner of said survey; thence with the south line of said survey south 83° west 30.70 poles to a stone southeasterly corner to the lands of William Savage; thence with the lines of said land north 7° West 55.10 poles to a stone; thence south 83° 15' west 73.40 poles to a stone in the center of the Hughes and Prairie Gravel Road; thence with the center of said road north 3° 45' west 57.84 poles to a stake in the easterly line of the N.Y.P. and O.R.R. lands and 53 feet at right angles from the center of the traveled tracks; thence with said line north 32° 30' east 154.60 poles to a stone in the center of the Porter Public Road; thence with the center of said road north 82° 45' east

THE COL. B. B. MFG. CO. 75874

14004

4.40 poles to the place of beginning, containing 87.50 acres more or less 77-7/8 thes on the east being in Survey No. 10070 and 9-5/8 thes acres on the west being in Survey No. 10240.

Also, being the southwest part of Virginia Military Survey No. 2945 and described as follows; beginning at a stone in the Township line southwest corner of the original survey; thence north 8° west along the west line of the survey 124 rods to a stone at the northwest corner of the 46 acre tract formerly owned by William Kirle; thence north 82° east 45.16 rods to a stone; thence south 8° east 124 rods to a stone in the south line of said survey; thence south 82° west along the township line and between Green Camp and Prospect Townships 45.16 rods to the place of beginning, containing 35 acres more or less and being the same real estate deeded to John E. Beeringer by Dorothy Ann Reynolds and husband by deed dated April 21, 1896, and recorded in Vol. 79, page 110, Deed Records, Marion County, Ohio.

Said track containing in the aggregate 180 acres, more or less.

Track No. 4. Situated in the County of Union, in the State of Ohio and in the Township of Claibourne and bounded and described as follows; Part of Survey No. 6161, and bounded and described as follows; being forty (40) acres off of the south part of Lot No. 6 of the Division of Survey No. 6161 and being the same premises conveyed by Samuel Dilsaver to Charles A. Hobrison, January 9, 1872, and described as follows; beginning at a stone at the southwest corner of said Lot No. 6; thence with the west line of said lot North 6° 10' west 58 poles to a stone, southwest corner of John Hollenbeck's land, thence with the south line of said land north 84° 30' east 112 poles to a stone a corner of said land in the east line of said survey No. 6161; thence with said line south 4°30' east about 58 poles to a stone at the southeast corner of said Lot No. 6; thence with the south line of said Lot south 84° 30' west 107 poles to the place of beginning, containing forty (40) acres be the same more or less.

Plaintiff says that the defendant The Buckeye State Building and loan company of Columbus, Ohio, claims some interest in Track No. 3 hereinabove described and should be required to set forth what interest it claims, if any, or be forever barred from asserting any interest therein; that the defendant The Union Central Life Insurance company of Cincinnati, Ohio, claims some interest in Track No. 2 herein-

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14004 above described, and should be required to set forth what interest it claims therein, if any, or be forever barred from asserting any interest therein; that the defendant The Fahey Banning Company of Marion, Ohio, claims some interest in Tract No. 4 herein above described and should be required to set forth what interest, if any, it claims therein or be forever barred from asserting any claim therein; that the defendant The Prospect Citizens Bank of Prospect, Ohio, claims some interest in the real estate hereinabove described and should be required to set forth what interest, if any, it claims therein; that the defendant, R. W. Hebster of Prospect, Ohio, claims some interest in the real estate hereinabove described and should be required to set forth what interest, if any, he claims therein or be forever barred from asserting any interest therein; that the defendant The Peoples Bank of Green Camp, Ohio, claims some interest in the real estate hereinabove described and should be required to set forth what interest, if any, it claims therein or be forever barred from asserting any claim therein; that the defendant Fred W. Issler claims to be the owner of the undivided one-half of Tract No. 3 herein and should be required to set forth what interest, if any, he claims in said tract or be forever barred from asserting any claim therein; that the defendants Norma Rineheart and Neil Rineheart are plaintiff's decedent and they should be required to set forth what interest, if any, they claim in said real estate or be forever barred from asserting any claim therein.

Plaintiff says that the defendant Ohio Bureau of Credits, Inc. of Columbus, Ohio, claims a judgment lien, and that it should be required to set forth the lien or liens, if any, it claims against said premises or any part thereof or be forever barred from asserting any claim therein.

Plaintiff says that it is necessary to sell said real estate to pay the debts of the estate of plaintiff's decedent and the costs of administration and that payment of said debts and costs of administration can not be made without the sale of all of said real estate.

Wherefore, plaintiff prays that all of the defendants be required to set forth their interest or any interest which they or any of them claim in said real estate or be forever barred from asserting any claim therein; that he may be ordered and directed to sell all of the foregoing real estate for the purpose of paying the indebtedness of the estate and the

THE COL. B. B. MFG. CO. 75974

14004

costs of administration, and may have such orders, judgments and decree as are proper in the premises and as the nature of the case may require.

Fred W. Issler as Administrator of the estate of R. H. Timeprock, deceased.

By- William P. Moloney - His Atty.

The State of Ohio, Marion County, } ss:

Fred W. Issler being first duly sworn says that he is the duly appointed, qualified and acting administrator of the estate of R. H. Timeprock, deceased; and is the plaintiff in the foregoing petition as such administrator that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Fred W. Issler.

Sworn to before me by the said Fred W. Issler and by him subscribed in my presence this 3rd. day of September, 1938.

Hazel Clapsaddle-Notary Public, Marion County, Ohio.

Filed Sept. 30, 1938.

In the Probate Court of Marion County, Ohio.

Fred W. Issler as Administrator of the Estate of R. H. Timeprock, deceased,

Plaintiff,

-vs-

Norma Timeprock, et al.,

Defendants.

No. 13419.

Filed Oct. 11- 1938.

Answer and Cross Petition of The Buckeye State Building and Loan Company.

The Buckeye State Building and Loan Company is a corporation duly organized and existing under the laws of the State of Ohio and having its principal place of business in the City of Columbus, Franklin County, Ohio.

First Cause of Action:

On August 27, 1917, John E. Beringer and Mary E. Beringer executed and delivered to this defendant their certain promissory note, a true and correct copy of which is hereto attached, marked "Exhibit A" and made a part hereof.

This defendant is now the owner and holder of said note, on which there is due and payable the sum of $ 8, 990.50, with interest from October 1, 1938, as per the terms of said note, which said sum, with interest and costs, this defendant claims.

Second Cause of Action:

This defendant adopts and makes a part of its second cause of action each and all of the allegations of its first cause of action, the same as if fully rewritten herein, and further says that, on August 27, 1917, in order to secure the pay-

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14004

ment of the note set out in the first cause of action herein, John E. Beringer and Mary E. Beringer, his wife, executed and delivered to this defendant their certain mortgage deed, thereby to it conveying the following real estate situate in the Township of Green County of Marion in the State of Ohio, and described as follows: Tract No. 1; Being part of Survey No. 9945 and bounded and described as follows: Beginning at a stone in the center of the Porter Public Road, and northeast corner to the 87.50 acre subdivision of Martin L. Hazen lands, and in the westerly line of said Survey; thence with the westerly line of said Survey south 6 deg. 30' east 109 poles to a stone northwest corner to the lands of William Kirtz; thence with said lands N. 83 deg. 30' E. 82 poles to a stone corner to a lane outlet to the lands of William Kirtz; thence with the west side of said land N. 6 deg. west 110.16 poles, to a stone in the center of the said public road; thence with said road S. 82 deg. 40' W. 83 poles to the beginning, containing 56,50 acres more or less. Also the following real estate, being parts of Surveys No. 10070 and 10240, bounded and described as follows: Beginning at a stone in the center of the Porter Public Road, northwest corner to the 56.50 acre subdivision of the Martin L. Hazen lands and in the E. line of said Survey No. 10070; thence with said Survey line S. 6 deg. 30' E. 232.80 poles to a stone in the S. E. corner of said Survey; thence with the south line of said Survey S. 83 deg. 20'-30.70 poles to a stone southeasterly corner to the lands of William Savage; thence with the lines of said land, north 7 deg. west 55.10 poles to a stone and S. 83 deg. 15' W. 73.40 poles to a stone in the center of Hughes and Travis Gravel Road; thence with the center of said road N. 3 deg. 45' W. 57.84 poles to a stone in the easterly line of the N.Y.P. & O.R.R. lands and 53 feet at right angles from the center of the travelled tracks; thence with said line N. 32 deg. 30' E. 154.40 poles to a stone in the center of the Porter Public Road; thence with the center of said Road N. 82 deg. 40' E. 4.40 poles to the beginning, containing 87.50 acres more or less, 77-7/8 acres on the east being in Survey No. 10070 and 9-5/8 acres on the west being in Survey No. 10240. Being the same real estate deeded to said John E. Beringer by Grace H. Kling, Administratrix of the Estate of Martin L. Hazen, deceased, by Administratrix Deed dated November 28, 1895, and recorded in Volume 78, page 39, Recorder's Office, Marion County, Ohio.

THE COL. B. B. MFG. CO. 75974

14004

Tract No. 2: Being the southwest part of Virginia Military Survey No. 9945, bounded and described as follows: Beginning at a stone in the Township line southwest corner of the original survey; thence north 8 deg. W. along the west line of the Survey 124 rods to a stone at the northwest corner of the 45 acre tract formerly owned by William Kirts; thence north 82 deg. E. 45.16 rods to a stone; thence south 8 deg. east 124 rods to a stone in the south line of said Survey; thence south 82 deg. west along the Township line between Green Camp and Prospect Townships, 45.16 rods to the place of beginning, containing thirty-five (35) acres of land, more or less. Being the same real estate deeded to John E. Beringer by Dorothy Ann Reynolds and John E. Reynolds, her husband, by Warranty deed dated April 21, 1896, and recorded in Volume 79, page 110, Recorder's Office, Marion County, Ohio.

Said mortgage is conditioned as follows:

Provided, nevertheless, and these presents are upon these conditions;

That the said mortgagors have executed and delivered to the said mortgagee their certain promissory note of even date herewith due and payable in amounts as follows:

$10,000.00 on or before ten (10) years from the date hereof; together with interest thereon at the rate of 5-1/2 per cent per annum, or more as therein provided, payable semi-annually on or before the 27th day of August, and February of each year. That if said note be not paid when due; or if any installment of interest thereon be not paid when due, or within thirty days thereafter, then all said note, together with all accrued interest thereon shall thereupon become due and payable at the option of the owner of said note and mortgage.

That the said mortgagors further agree as follows: To pay all taxes, assessments and other charges that may be assessed against the property herein conveyed or against this mortgage or the debt secured by it, promptly as they become due and payable; to keep the buildings on the real estate hereby mortgaged in good and proper repair; to keep said property insured in a responsible fire insurance company satisfactory to said mortgagee in a sum of not less than $XXX with the loss, if any, payable to said mortgagee as its mortgagee interest may appear; and to leave all policies of insurance in the possession of said mortgagee until this mortgage is fully paid.

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That if said mortgagor, their heirs or assigns shall fail to pay promptly as they become due and payable said taxes, insurance, assessments or other charges that may be levied against said property, the said mortgagee may pay the same, which sum so paid shall be charged against said mortgagor and bear interest from date of payment thereof at eight per cent per annum, payable semi-annually, and be a lien upon the property herein conveyed, and be secured by this mortgage as a part of the consideration hereof; and on such default for thirty days, or if said buildings be not kept in good and proper repair, all the money secured by this mortgage shall thereupon become due and payable.

Now if the said mortgagor shall pay to said company, its successors or assigns the said sums of money when due, as provided for in said note and shall faithfully keep each and all of the conditions stipulated in said note or this mortgage, then these presents shall be void.

Said mortgage was filed for record with the Recorder of Marion County, Ohio, on September 6, 1917 at 4:00 P.M., and was thereafter by him recorded in Book 96 at Page 400 of the Mortgage Records of Marion County, Ohio, and is now the first and best lien against said real estate.

Wherefore, this defendant prays that upon a sale of the said real estate, its rights herein may be protected; its said mortgage declared to be the first and best lien against said real estate, and its said claim first paid from the proceeds of such sale; and that it may have all other and further relief to which it may be entitled either at law or in equity.

Wilson & Reator - Attorneys for
The Buckeye State Building and
Loan Company.

State of Ohio, Franklin County, ss;

Joseph E. Allen, being first duly sworn, says that he is one of the duly authorized attorneys for The Buckeye State Building and Loan Company, a corporation, and that the facts stated and allegations contained in the foregoing Answer and Cross Petition are true as he verily believes.

Joseph E. Allen.

Sworn to before me and subscribed in my presence this 8 day of October, 1938.

(Tax Fee)
(Seal)

Madeleine Melancon
Notary Public,
Franklin County, Ohio.

THE COL. B. B. MFG. CO. 75974

14004

Straight Loan - Copy -

$10,000.00 Columbus, Ohio, August 27th, 1917.

On or before Ten (10) years after date for value received, I, we, or either of us, promise to pay to The Buckeye State Building and Loan Company of Columbus, Ohio, the sum of Ten Thousand ($10,000.00) Dollars, with interest at the rate of 5-1/2 per cent, per annum, payable semi-annually on or before the 27th. days of August and February of each year. Payments of One Hundred Dollars or more in addition to the interest may be made at any time and the same shall cease to bear interest on the day paid. It is further understood and agreed that if this note be not paid when due; or if any installment of interest hereon be not paid when due, or within thirty days thereafter; or if the maker hereof, or the owner of the real estate mortgaged to secure the repayment of this note with the interest hereon, or any one of them, fail to keep all taxes and assessments levied on said real estate paid as they become due and payable; or fail to keep the premises so mortgaged insured in some reliable fire insurance company in a sum of not less than $XXXXXXXXX with a clause providing that the loss, if any, shall be payable to said company according to its mortgage interest; or fail to keep the buildings on the real estate mortgaged to secure this loan in good and proper repair; then and on such default in whole or in part, all the indebtedness so secured by such mortgage and owing on this note shall thereupon become due and payable at the option of said company, or the legal owner thereof; and said company or owner may enforce the repayment of all said indebtedness, including all accrued interest and money expended for taxes, insurance and assessments as provided for in said mortgage according to law. All of the principal of this note not paid when due and any installment of interest not paid when due shall draw interest at the rate of eight per cent. per annum until paid.

John E. Beringer.
Mary E. Beringer.

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In the Probate Court of Union County, Ohio.

Fred W. Zesler as Administrator of the Estate of R. H. Finefrock, Deceased,

Plaintiff,

-vs-

Filed Oct. 13 - 1938.
Case No. 13419.
Answer and Cross Petition of The Union Central Life Insurance Company.

Rufus Finefrock, Mary Zesler, The Buckeye Building and Loan Company of Columbus, Ohio; The Union Central Life Insurance Company of Cincinnati, Ohio; The Valley Banking Company of Marion, Ohio; The Prospect Citizens Bank of Prospect, Ohio; R. W. Herbster of Prospect, Ohio; The Peoples Bank of Green camp, Ohio, and Fred W. Zesler; Ohio Bureau of Credits, Inc., of Columbus, Ohio,

Defendants.

Now comes the Defendant, The Union Central Life Insurance Company of Cincinnati, Ohio, and for Answer to the Petition of Plaintiff says, it admits that said Plaintiff is the duly appointed, qualified and acting Administrator of the Estate of R. H. Finefrock, deceased, having received his appointment in the Probate Court of Marion County, Ohio; that R. H. Finefrock is one and the same person as Rufus H. Finefrock; that the said R. H. Finefrock or Rufus H. Finefrock died on the 12th. day of January, 1938, leaving the Defendant, Rouma Finefrock as his widow and the Defendant, Mary Zesler, as his only child, and that they are his only next of kin and heirs-at-law; that the said R. H. Finefrock died, leaving debts in excess of the value of his personal estate and that his personal property is not adequate to pay the indebtedness of his estate; that the said R. H. Finefrock died seized of certain real estate, to-wit: Tract #2 in Plaintiff's Petition described; that this Answering Defendant has a mortgage lien on said tract by its said petition described; that it is necessary to sell the real estate the said R. H. Finefrock died seized of, to pay the debts of the Estate of the said R. H. Finefrock.

For further Answer to said Petition, this Defendant denies each and every allegation therein contained, not specifically admitted herein to be true, solely for the want of knowledge of the truth or falsity of the same.

THE COL. B. B. MFG. CO. 75974

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-Cross Petition-

Now comes the Defendant, The Union Central Life Insurance Company, and for its Cross Petition, says that it is a corporation, duly and legally incorporated under the laws of the State of Ohio, with its office and principal place of business in the City of Cincinnati, Ohio, and was such corporation during all of the times hereinafter mentioned; that on the first day of September, 1934, Rufus H. Timerock, who was then in full life being the same person as Fred W. Issler, is Administrator of the Estate of, in the name of R. H. Timerock, deceased, together with Norma A. Timerock, wife of the said Rufus H. Timerock, executed and delivered to this Cross Petitioner, The Union Central Life Insurance Company, their certain promissory note of that date, a copy of which note, is in the words and figure following:

$11,100.00 Marion, Ohio, September 1, 1934.

For value received, I promise to pay to the order of The Union Central Life Insurance Company of Cincinnati, Ohio, the sum of Eleven Thousand, One Hundred and no/100 Dollars -- at the Home Office of said Company in Cincinnati, Ohio, in installments as follows: $111.00 on the first day of March, 1935, and a like amount on each September 1st and March 1st thereafter up to and including March 1st, 1939 and the balance of $10,101.00 September 1, 1939, together with interest thereon from September 1, 1934, at the rate of 5½ per centum per annum, payable with each installment of principal.

This note evidences a loan and is secured by a mortgage or deed of trust of even date. In the event of default in the payment of any installment of the principal, or interest, or default in the payment of taxes or water, ditch or other assessments upon the premises described in said mortgage or deed of trust, or default in the payment of fire, lightning or windstorm insurance premiums, or a breach of any of the other covenants contained in said mortgage or deed of trust, the holder of this note may, at its option, without notice, declare the unpaid principal and the interest accrued thereon, immediately due and payable and proceed by foreclosure or by sale under the power contained in said mortgage or deed of trust to enforce the collection thereof. In case this note is placed in the hands of an attorney for collection, I agree to pay all costs of collection and a reasonable attorney's fee, if permitted by law.

Installments of principal and interest not paid when due shall bear 8 per cent. interest per annum

14004

after maturity, until paid."

"The right is reserved to pay any amount at any time prior to maturity and stop interest thereon provided all prior instalments have been paid, but such prepayments shall not relieve from continuing consecutive payments in amounts as herein provided.

This note is to be construed by the laws of Ohio.

Any check, draft or money order remitted in settlement of this note, or any part thereof, may be handled for collection in accordance with the practice of the collecting bank or banks, and shall not be deemed payment until the money is actually received by the Company.

Address: Prospect, Ohio Signed: Rufus H. Truefrock,
No. 182 880 Nonna A. Truefrock"

This cross-petitioner says that said principal sum was reduced to Ten Thousand Two Hundred Twelve and 00/100 ($10212) Dollars, before the first day of March, 1938; that there is a balance of Ninety Seven and 14/100 ($97.14) Dollars interest unpaid that was due on the 1st. day of March, 1938, and the instalment of One Hundred Eleven and 00/100 ($111.00) Dollars that was to have been paid on the principal on said 1st. day of March, 1938, is unpaid, making a total amount that was due on March 1st. 1938 that is unpaid, of Two Hundred Eight and 14/100 ($208.14) Dollars; that the payment of Two Hundred Eighty-Three and 88/100 ($283.88) Dollars, interest and the $111.00 that was due on the principal on the 1st. day of September, 1938, is unpaid, making a total of principal and interest due September 1st, 1938, of Three Hundred Ninety-Four and 88/100 ($394.88) Dollars; that said note draws five and one-half (5½%) per centum interest on all sums that are delinquent; that the interest on said sum of $10,212.00, from September 13th, 1938 to October 10th, 1938, is Sixty and 86/100 ($60.86) Dollars; that the said delinquent interest of Ninety-Seven and 14/100 ($97.14), which draws interest at eight per centum (8%) from August 11, 1938, to October 10th, 1938, is One and 27/100 ($1.27) Dollars; that the interest on said $111.00 instalment due March 1st, 1938 at 8%, amounts to Five and 40/100 ($5.40) Dollars; that the instalment of interest and principal of Three Hundred Ninety-Four and 88/100 ($394.88) Dollars draws interest at 8% from September 1st, 1938 to October 10th, 1938, to-wit: the sum of Three and 42/100 ($3.42) Dollars; that there is a total due from the Estate of the said R. H. Truefrock, and the said Nonna A. Truefrock on said note, as of October 10th, 1938, the sum of Ten Thousand Eight Hundred Eighty-Five

THE COL. B. B. MFG. CO. 75974

14004

and 97/100 ($10,885.97) Dollars.

-Second Cause of Action-

This Answering Defendant for its Second Cause of Action of said Cross-Petition, re-avers, adopts and makes a part of this its Second Cause of Action, all of the allegations of the first Cause of Action, and further says that in order to secure the payment of said note and simultaneously with the execution and delivery of said note, the said R. H. Trimlock and Norma A. Trimlock, executed and delivered to this Cross-Petitioner their certain mortgage deed, dated September 1st. 1934, by which deed the said R. H. Trimlock and Norma A. Trimlock, conveyed to this Cross-Petitioner, its successors and assigns forever, all of the real estate described as Tract #2 in the Petition of Plaintiff; that said mortgage deed contained the following conditions therein written:

"Provided, nevertheless, that if the said mortgagors shall pay, or cause to be paid, to the order of the said mortgagee, the certain promissory notes of even date hereinafter described, according to the tenor and effect thereof, and shall repay to the mortgagee any and all amounts advanced by it as agreed herein, and shall otherwise comply with all the terms, conditions and agreements herein then these presents shall be void, otherwise the whole amount secured hereby shall, at the option of the said mortgagee, or the legal holder of said notes, become immediately due and payable, and this mortgage may be foreclosed accordingly; said notes are described as follows, namely:

One certain principal note for the sum of Eleven Thousand, One Hundred and no/100 Dollars, payable in installments as follows: $111.00 on the first day of March, 1935, and a like amount on each September 1, and March 1, thereafter up to and including March 1, 1939, and the balance of $10,161.00 on September 1, 1939, partial payments prior to maturity in accordance with stipulation therein, with interest from date until paid at the rate therein specified; interest and principal until maturity being evidenced by note of even date, which draws interest after date until paid at the rate therein specified; note being signed by Rufus H. Trimlock and Norma A. Trimlock, his wife."

That the conditions of said mortgage have been broken by the non-payment of the full amount of interest, that was to have been paid on the principal sum on that date, and the non-payment of the principal and interest that was due on said note on the 1st. day of September, 1938.

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This Cross-Petitioner further says that on the 14th. day of January 1935, it caused said mortgage deed to be filed for record with the County Recorder of Marion County, Ohio, at 3:50 o'clock P. M., and said mortgage was duly recorded on the 15th. day of January 1935, in the Mortgage Records of Marion County, Ohio, Vol. 149, page 600; that said mortgage deed has ever since the filing of the same for record, and still is the first and best lien on said real estate described as Tract #2 in Plaintiff's Petition.

Wherefore, this Defendant prays that said real estate referred to as Tract #2, be sold; that the Court find and determine that there is due this Cross-Petitioner the amount heretofore set forth, as due it; that the Court find that the mortgage lien of this Cross-Petitioner is the first and best lien on said Tract #2, and that it have all just and equitable relief.

The Union Central Life Insurance Company,
Cincinnati, Ohio, a Corporation,
By: John H. Clark - Its Attorney.

The State of Ohio, Marion County, ss:

John H. Clark, being duly sworn, deposes and says that he is the duly authorized Attorney for the Defendant, The Union Central Life Insurance Company; that the note and mortgage referred to in the foregoing Answer and Cross-Petition, are in his possession; that the facts stated and the allegations made in the foregoing Answer and Cross Petition are true, as he verily believes.

John H. Clark.

Sworn to before me and subscribed in my presence this 13 day of October, A. D. 1938.

(Seal)

Verya Mae Thomasson
Notary Public,
Marion County, Ohio.

In the Probate Court of Marion County, Ohio.

Fred W. Fosler as Administrator of the Estate of R. H. Finefrock, deceased,

Plaintiff.

vs.

Norma Finefrock, Mary Fosler, The Buckeye Building and Loan Company of Columbus, Ohio; The Union Central Life Insurance Company of Cincinnati, Ohio; The Fahey Banking Company of Marion Ohio, The Prospect Citizens Bank of Prospect, Ohio;

Filed Oct. 22-1938.
No. 13419.
Answer and Cross-Petition of The Fahey Banking Company.

THE COL. B. B. MFG. CO. 75974

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R. W. Herbster of Prospect, Ohio; The Peoples Bank of Green Camp, Ohio; and Fred W. Dosler,

Defendants.

Answer

Now comes the defendant, The Fahey Banking Company and having waived the issuance and service of summons and having entered its appearance herein, for answer to the petition filed herein says that it is a corporation duly organized, existing under and doing business by virtue of the laws of the State of Ohio, with its office and principal place of business in the City of Marion, Ohio.

Further answering this defendant says that it admits that the plaintiff Fred W. Dosler is the duly appointed, qualified, and acting administrator of the estate of R. H. Rinehrock, deceased. This defendant further admits that R. H. Rinehrock was one and the same person as Rufus H. Rinehrock.

This answering defendant further admits that it claims some interest in the premises described in said petition as Track No. 4.

Further answering this defendant says that it knows nothing of any of the other matters set forth in the petition and therefore, it denies each and every allegation not herein admitted to be true.

Cross Petition.

First Cause of Action:

For its cross-petition herein, this defendant, The Fahey Banking Company, a corporation says that on the fourteenth day of December, A. D., 1931 the decedent R. H. Rinehrock, then being in full life and Norma Rinehrock, defendant herein, his wife executed and delivered to Frank M. Hazen and Samuel Almendinger a certain promissory note, a true and correct copy of which note, together with all credits and endorsements thereon is attached hereto and made a part hereof and marked "The Fahey Banking Company's Exhibit A".

This answering cross-petitioner says that subsequent to the execution and delivery of said promissory note the said Frank M. Hazen and Samuel Almendinger, for a valuable consideration transferred by endorsement and delivery the said promissory note and mortgage securing the same which is hereinafter more particularly described and that it is now the owner and holder of said note on which there is due and payable the sum of seven hundred

14004

14004

thirty-three and .06/100 dollars ($733.06) with interest thereon at the rate of six per cent. per annum, payable annually, according to the terms of said note from the nineteenth day of October, A. D., 1928.

Second Cause of Action:

This answering cross-petitioner for its second cause of action herein says that it adopts and incorporates all of the averments of its first cause of action which are pertinent hereto, as if specifically restated herein and further says that at the time of the execution and delivery of the aforesaid promissory note and to secure payment of the same, the said defendant R. H. Finefrock, who was one and the same person as Rufus H. Finefrock, then being in full life and Norma Finefrock, his wife, defendant herein executed and delivered to Frank M. Hazen and Samuel Almendinger, a certain mortgage deed, in which the said Frank M. Hazen and Samuel Almendinger were grantees and by the terms of which, the following described real property was conveyed:

Situated in the County of Union, in the State of Ohio, and in the Township of Claibourne and bounded and described as follows: Part of Survey Number 6161 and bounded and described as follows: Being Forty (40) acres off the south part of Lot Number six (6) of the Division of Survey Number 6161 being the same premises conveyed by Samuel Dilsaver to Charles A. Howison, January 9th, 1872 and described as beginning at a stone at the Southwest corner of said Lot Number Six (6) thence with the west line of said Lot; N. 6 degrees ten minutes west Fifty Eight (58) Poles to a stone, Southwest corner of John Hollenbeak land; thence with the south line of said land N. 84 degrees 30 minutes east, One Hundred and Twelve (112) Poles to a stone, corner of said land in the East line of said Survey N. 6161; thence with said line S. 4 degrees 30 minutes East, about Fifty Eight (58) poles to a stone at the southeast corner of said Lot No. six (6); thence with the south line of said lot S. 84 degrees 30 minutes west one hundred and seven (107) poles to the place of beginning, containing forty acres, more or less;

This answering cross-petitioner says that said mortgage deed was filed in the office of the Recorder of Union County, Ohio, on the sixteenth day of December, A. D., 1931 at 11:05 o'clock A. M., and subsequently was recorded in the Union County Record of Mortgages, Volume 101 at page 261; that subsequent thereto, for a valuable consideration the said Frank M. Hazen and Samuel Almendinger sold, assigned and transferred all of their right, title and interest accruing under

THE COL. B. B. MFG. CO. 75974

14004

the terms of the said mortgage deed to this answering cross-petitioner and that it is now the owner and holder of said mortgage deed; that a copy of the conditions of said mortgage deed follows:

Provided always and these Presents are upon this condition, that if the said Grantors R. H. Rinehook and Norma Rinehook his wife shall pay or cause to be paid unto the said Grantees Frank M. Hazen and Samuel Almendinger or to their executors, administrators and assigns the sums of money mentioned in the One following described promissory note, to-wit:

Being of even date herewith, in the principal sum of $1600-00 with interest at the rate of 6% percent per annum until due and 6 per cent after maturity, said note being due one year from date hereof according to the terms and tenor thereof. Then these presents shall be void, otherwise to remain in full force and virtue in law forever.

This cross-petitioner says that the conditions of said mortgage deed have been broken and therefore the same has become absolute.

Wherefore, this answering cross-petitioner, The Fahey Banking Company, prays that the premises described herein be sold; that its mortgage lien be declared the first and best lien on said premises; that its claim be paid out of the proceeds of said sale and that it may have all other proper relief to which it is entitled in law or equity.

The Fahey Banking Company.
By- Bernard L. Moloney-
Its Attorney.

State of Ohio, Marion County, ss:

Timonthy L. Fahey, being first duly sworn, says that he is the Cashier of The Fahey Banking Company, defendant herein, and that the facts stated and allegations made in the foregoing answer and cross-petition are true as he verily believes.

Timothy L. Fahey.

Sworn to before and signed in my presence, this 18 th. day of October, A. D., 1938.

Bernard L. Moloney.
Notary Public,
Marion County, Ohio.

(Seal)

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"The Fahey Banking Company's Exhibit A"

$1600 - One Year after date for value received, we jointly and severally promise to pay Frank M. Hazen & Samuel Almendinger, or order, at Marion, Ohio, Sixteen Hundred Dollars, with interest at 6 per cent per annum from date until due, payable annually and 8 per cent, after maturity, upon principal, and upon due and unpaid interest.

And we hereby authorize and empower any Attorney at Law of any Court of Record at any time after the above note becomes due, to appear for us, or any of us, without process; in any Court of Record in the State of Ohio, or elsewhere, and confess a judgment for the said amount, interest and costs, in favor of the payee, legal holder, indorsee hereof, and release all errors which may accrue in the rendition of such judgment. And we also release the right of appeal, the stay of execution, and the power and privilege to hold exempt from execution, any personal or real property belonging to us, or either of us, at and after the date of such judgment, and our said attorney is hereby authorized to enter such release in said judgment.

Witness our hands this 14th. day of December, 1931.

R. H. Fitzbrook.
Norma Fitzbrook.

Pay to the order of The Fahey Banking Company of Marion, Ohio.

Samuel Almendinger.
Frank M. Hazen.

Aug. 27, 1934 - $273.47
Jan. 6, 1935 - $418.50
Jan. 6, 1936 - $338.34
July 6, 1936 - $ 44.00
July 6, 1937 - $171.78
Interest paid to October 6, 1937 $11.20
On principal October 30, 1937 - $25.00
On principal Jan. 4, 1938 - $19.00
Int. paid to Jan. 6, 1938 - $10.00

In the Probate Court of Marion County, Ohio.

Fred W. Fosler as Administrator of the Estate of R. H. Fitzbrook, deceased,

Plaintiff,

-vs-

Norma Fitzbrook, Mary Fosler, The Buckeye Building and Loan Company of Columbus, Ohio; The Union Central Life Insurance Company of Cincinnati, Ohio; The Fahey Banking Company of Marion, Ohio; The Prospect Citizens Bank of Prospect, Ohio; R. W. Herbster of Prospect, Ohio;

Case No. 13419.
Answer and Cross-Petition of The Prospect Citizens Bank.

THE COL. B. B. MFG. CO. 75974

14004

The Peoples Bank of Green Camp, Ohio, and Fred W. Isaley; Ohio Bureau of Credits, Inc. of Columbus, Ohio.

Defendants.

Now comes the defendant, The Prospect Citizens Bank, of Prospect, Ohio, and for answer to the petition of the plaintiff says that it admits that the plaintiff is the duly appointed, qualified and acting administrator of the estate of R. H. Fineflock, deceased, that R. H. Fineflock is one and the same person as Rufus H. Fineflock, that the said R. H. Fineflock or Rufus H. Fineflock, died on or about January 12, 1938, leaving the defendant Norma Fineflock as his widow, and the defendant Mary Isaley as his only child and that they are his only next of kin and heirs at law. That the said R. H. Fineflock did seized of the real estate described in the petition; that this defendant claims some interest in the real estate described in the petition.

This defendant further answering says that it knows nothing of the other matters and things set up in the petition and therefore denies each and every allegation therein contained not herein admitted to be true.

First Cause of Action:

This defendant for its Cross Petition says that it is a Corporation, organized and doing business under the laws of the State of Ohio, with its principal place of business at Prospect, Marion County, Ohio.

Further for its Cross Petition this defendant says that on February 19, 1936 the said R. H. Fineflock, being the same person as Rufus H. Fineflock, and being then in full life, but now deceased, executed and delivered to this defendant his certain promissory note, a true and correct copy of which is herto attached marked "Exhibit A" and made a part here.

This defendant is now the owner and holder of said note, on which there is due and unpaid the sum of $4226.12 with interest from October 25, 1938, at 8 per cent, as per the terms of said note, which said sum, with interest and costs the defendant claims.

Second Cause of Action:

This defendant, adopts and makes a part of its Second Cause of Action each and all the allegations of the First Cause of Action, the same as if fully rewritten herein, and further says that on February 19th. 1936, in order to secure the payment of the note set out in the First Cause of Action herein, said R. H. Fineflock, being then in full life, but now deceased and being the same person as Rufus

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H. Fine Frock, executed and delivered to this defendant his mortgage deed and thereby conveyed to it the following described real estate:

Situated in the County of Marion, in the State of Ohio and in the Township of Prospect and bounded and described as follows:

Survey No. 6129, V. M. R. District and described as follows; Commencing at the Northeast corner of said Survey; thence South 10° East along the East line of said Survey 200 poles to the center of Patten Run; thence up said Run to the line between the East and West halves of Lot No. 2; thence North 10° West along said line to the Indian Boundary Line; thence North 80° East along the Indian Boundary Line 32.55 poles to the Northwest corner of Lot No. 1 thence continuing along said Indian Boundary Line 76 poles and 8 links to the Northeast corner of said Survey and place of beginning; said land having been conveyed to Edward A. Fine Frock, in three separate tracts of fifty acres each by the three following deeds; from John A. Atkinson and wife, Oct. 24, 1861 recorded in Vol. 30, Page 380 of the Records of Deeds of Marion County, Ohio; Robert Adams and wife, Feb. 4, 1879 recorded in Vol. 48, Page 117 of said Records; W. Boyd, Admrn. of the estate of Hen M. Sivey, March 8, 1887, recorded in said Deed Records, Vol. 62, page 470, and refiled Vol. 76, page 192 to which deeds for further description of said land, reference is hereby made.

Also, Situated in the County of Marion, in the State of Ohio and in the Township of Prospect, and bounded and described as follows; in V. M. Survey #6129.

Beginning 108.10 rods westerly from the Northeast corner of said Survey in the Indian Boundary Line at point C in a plat and survey of said Survey #6129 made by Charles Neil on the 17, 18, 19, 20 and 21st of August 1846 and recorded in Survey Records Vol. 6, Page 69, Hickory 22 inches in diameter South 19° East 21-3/4 links, beech 20 inches in diameter North 83° 8 links; thence South 9°, 258.65 rods to the center of Patten Run at Point O on said plat, ash 10 inches in diameter North 62° West 38½ links, elm 18 inches South 24° West 26 links, thence westerly in middle of said run to point A on said plat, maple 20 inches in diameter South 37° West 36 links, ash 9 inches in diameter 74° West 16½ links; thence North 9° West 260.37 Poles to the Indian Boundary line at Point D. on said plat; black ash 16 inches in diameter North 46° West 3 links, elm 26 inches in diameter South 2° East 40 links; thence easterly on the Indian Boundary line 30-¼ rods to the beginning, being

THE COL. B. B. MFG. CO. 75974

14004

the westerly half of Lot #2 in said Survey, containing fifty (50) acres of land.

The above described tracts containing in all Two Hundred (200) acres of land, more or less, but subject to all legal highways.

Also, situated in the County of Union, in the State of Ohio, and in the Township of Claibourne, and bounded and described as follows; Part of Survey No. 6161 and bounded and described as follows;

Being forty acres off of the South part of Lot No. 6 of the division of Survey No. 6161 and being the same premises conveyed by Samuel Dilsaver to Charles A. Howison Jan. 9, 1872 and described as beginning at a stone at the Southwest corner of said Lot No. 6; thence with the west line of said lot N. 6° 10' W. 58 poles to a stone; southwest corner of John Hollenbeck land; thence with the south line of said land N. 84° 30' E. 112 poles to a stone, a corner of said land in the east line of said Survey No. 6161; thence with said line S. 4° 30' E. about 58 poles to a stone at the south-east corner of said Lot No. 6; thence with the south line of said lot S. 84° 30' W. 107 poles to the beginning, containing forty acres, be the same more or less, but subject to all legal highways, Being the same premises conveyed by Benjamin M. Rock and wife to R. H. Finestock, by deed dated March 1st, 1921 and recorded in Vol. 128, at page 334, Deed Records of Union County, Ohio.

Said mortgage is conditioned as follows;

Provided always and these Presents are upon this condition that if the said Grantor shall pay or cause to be paid unto the said Grantee The Prospect-Citizens Bank, its successors and assigns the sums of money mentioned in the one following described promissory notes, to-wit;

Of even date herewith calling for the sum of Five Thousand ($5,000.00) Dollars, due one year after date, payable to the order of The Prospect-Citizens Bank, with interest at 6 per cent, per annum from date, payable semi-annually. If not paid when due, 8 per cent on principal and on due and unpaid interest. Signed by the said grantors and being of the usual commercial form, according to the terms said tenor thereof.

Then these presents shall be void, otherwise to remain in full force and virtue in law power.

On February 21, 1934 at 8:20 o'clock A. M. said mortgage was left for record at the office of the Recorder of Union County, Ohio, and was duly recorded in Volume 107 at Pages 593-594 of the Mortgage

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Records of said County and on March 5, 1936, at 4:25 P.M. said mortgage was left for record at the office of the Recorder of Marion County, Ohio, and was duly recorded in Volume 141 at Page 5 of the Mortgage Records of said County.

The conditions of said mortgage have been broken.

Wherefore, this defendant prays that upon the sale of the real estate herein described its rights might be protected; that the priority of the liens be determined that it may have all other and further relief, to which it is entitled in law or equity.

The Prospect Citizens Bank.
By- J. D. Williamson.
Its Attorney.

State of Ohio, Marion County, ss:

J. D. Williamson, being duly sworn, says that he is the duly authorized Attorney for the defendant The Prospect Citizens Bank; that the note and mortgage referred to in the foregoing Answer and Cross Petition are in his possession, that the facts stated in the foregoing Answer and Cross Petition are true as he verily believes.

J. D. Williamson.

Sworn to before me and subscribed in my presence this 24th. day of October, 1938.

J. D. Williamson - Notary Public,
Marion County, Ohio.

$5,000.00 - One year after date, for value received, we jointly and severally promise to pay The Prospect Citizens Bank, or order, at its banking house in Prospect, Ohio.

Five Thousand Dollars, with interest at 6% per annum from date, payable semi-annually. If not paid when due, 8 per cent on principal and on due and unpaid interest.

The drawers and endorsers jointly and severally waive protest, and notice of protest and non-payment of the note, and if same is not paid when due hereby agree to pay cost of collection and attorney fee.

And we hereby authorize and empower any Attorney at Law of any Court of Record at any time after the above note becomes due to appear for us, or any of us, without process in any Court of Record in the State of Ohio, or elsewhere, and confess a judgment for the said amount, interest and costs, in favor of the payee, legal holder, indorsee or assignee hereof, and release all errors which may accrue in the rendition of such judgment. And we also release the right of appeal, the stay of execution, and the power and privilege to hold

THE COL. B. B. MFG. CO. 75974

14004

exempt from execution, any personal or real property belonging to us, or either of us, at and after the date of such judgment, and our said attorney is hereby authorized to enter such release in said judgment.

Witness our hands this 19th. day of February, 1936.

"Exhibit A". R. H. Finsprock.

Interest Paid - Sept. 14, 1936-$150.00

Int. Paid to 8/19/1936.

Paid on Principal - Oct. 3, 1936-$500.00-Bal. due $4500.00

Oct. 12, 1936-$1000.00-Bal due $3500.00

Filed Nov. 3, 1938.

In the Probate Court of Marion County, Ohio.

Fred E. Deeley as Administrator of the Estate of R. H. Finsprock, deceased,

Plaintiff,

-vs-

Norma Finsprock, Ohio Bureau of Credits, Inc., Columbus, Ohio, et al.

Defendants.

Filed Nov. 5th, 1938.

Answer and Cross Petition of Ohio Bureau of Credits, Inc.

Now comes the defendant, Ohio Bureau of Credits, Inc., one of the defendants in the above styled case, by its attorney, Charles A. Slade, and states that it is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, having its principal office and place of business in the City of Columbus in said State.

Defendant further says that on or about April 1st, 1936 by consideration of the Municipal Court, Columbus, Ohio, it obtained a judgment against Rufus H. Finsprock in the amount of Five Hundred Nineteen and 11/100 Dollars ($519.11) and Court costs of $3.30 with interest at 6% until paid.

Certificate of said judgment was filed with the Clerk of Courts, Marion County, Ohio, being recorded in Certificate of Judgment Docket No. 1, page 34, and a Certificate of said judgment was filed with the Clerk of Courts, Union County, Ohio, and recorded in Certificate of Judgment Docket No. 1, page 22.

That on November 24th, 1936, there was a $150.00 credit on said judgment, leaving a balance due on the judgment of Three Hundred Sixty-nine and 11/100 Dollars ($369.11), with interest at 6% from April 1st, 1936 and Court costs, which are unpaid.

This defendant further says that said Certificate of Judgment being filed in the Clerk of Common Pleas Court, Marion County, Ohio, became a lien on the premises described in the above styled case,

14004

14004

and which premises are being foreclosed by the plaintiff as described in the petition therein.

This answering defendant further states that on April 1st., 1936, it recovered a judgment against R. H. Fineprock and Fred W. Issler, in the Municipal Court Columbus, Ohio, Case No. 216110, in the amount of Eighty and 50/100 Dollars ($80.50) and $3.30 Court costs, with interest at 6% from date of judgment, and that a certificate of said judgment was filed with the Clerk of Courts, Marion County, Ohio, being recorded in Docket No. 1, page 35, and a certificate of said judgment filed with the Clerk of Courts, Union County, Ohio, being recorded in Docket No. 1, page 23, but no part of said judgment has been paid, and by virtue of said certificate of judgment, said judgment is a lien on the premises being sold and foreclosed in the above styled case.

Wherefore, this answering defendant, Ohio Bureau of Credits, Inc., states that it has a total due it on the two judgments of Four Hundred Forty-nine and 61/100 Dollars ($449.61), with interest at 6% from April 1, 1936, and Court costs, and this answering defendant joins in the prayer with the plaintiff, and asks that the premises described in the petition be sold. Further, that they be sold as a whole, and not just the undivided one-half interest of R. H. Fineprock, and it is the opinion of this defendant that by putting the premises up as a whole, they will bring a higher price, hence, more money for the Estate. Further that the Court determine the priority of liens and that this defendant be ordered paid such sum of money as the Court finds may be due it from the sale of said premises, and for such other and further relief as it may be entitled to.

Charles A. Slade, Attorney
for Ohio Bureau of Credits, Inc.

State of Ohio, Franklin County:

Charles A. Slade, being first duly sworn, deposes and says that he is the duly authorized Attorney for the Ohio Bureau of Credits, Inc., that said defendant is a corporation duly organized and existing under the laws of the State of Ohio, and that said allegations are true as affiant believes.

Charles A. Slade.

Sworn to before me and subscribed in my presence this 1st. day of November, 1938.

Bernice E. Brown
Notary Public.
Franklin County, Ohio.

THE COL. B. B. MFG. CO. 75974

14004

In the Probate Court of Marion County, Ohio.

Fred W. Dosker as Administrator of the Estate of R. H. Timeprock, deceased,

Plaintiff,

-vs-

Nonna Timeprock, et al.,

Defendants.

Filed Nov. 5, 1938.
Cause No. 13419.
Waivers.

We the undersigned defendant in the above entitled cause hereby waive the issuance, and service of summons herein and voluntarily enter our appearance in this proceedings.

W. A. Sands
Pres. Gen. Mgr.
Ohio Bureau of Credits, Inc.
Marion County, Ohio.

In the Probate Court of Marion County, Ohio.

Fred W. Dosker as Administrator of the Estate of R. H. Timeprock, deceased,

Plaintiff,

-vs-

Nonna Timeprock, et al.,

Defendants.

Filed Dec. 23-1938.
Cause No. 13419.
Answer of Nonna Timeprock.

Now comes Nonna Timeprock and for her answer herein says that she is the widow of R. H. Timeprock, deceased, and is — years of age.

That she has dower in the real estate described in the petition herein and now waives the assignment of the dower by metes and bounds and rents and profits and consents to the sale of said real estate free of dower and consents to take the value of her dower interest in money.

This defendant also consents to the immediate sale of said premises.

Wherefore, this defendant prays that the Court make and enter such orders herein as are proper in the premises.

Nonna Timeprock
By- William P. Moloney
Her Attorney

The State of Ohio, Marion County, ss:

Nonna Timeprock being first duly sworn, says that she is the person filing the foregoing answer and that the facts stated and allegations contained therein are true as she verily believes.

Nonna Timeprock.

Sworn to before me by the said Nonna Timeprock and by her subscribed in my presence this 15th. day of December, 1938.

(Seal)

Hazel LeCapsadle Notary Public in and for Marion County, Ohio.

14004

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14004

In the Probate Court of Marion County, Ohio.

Fred W. Ogler as Administrator of the Estate of R. H. Finefrock, deceased,

Plaintiff.

vs.

Nonna Finefrock, et al.,

Defendants.

Filed Dec. 23, 1938.
Cause No. 13419.
Waiver.

Now comes Mary Ogler one of the defendants herein and waives the issuance and service of summons herein and consents to the immediate sale of the premises described in the petition herein.

Mary Ogler.

In the Probate Court of Marion County, Ohio.

Fred W. Ogler as Administrator of the Estate of R. H. Finefrock, deceased,

Plaintiff,

vs.

Nonna Finefrock, et al.,

Defendants.

Filed Dec. 23, 1938.
Cause No. 13419.
Waiver.

Now comes Fred W. Ogler one of the defendants herein and waives the issuance and service of summons herein and consents to the immediate sale of the premises described in the petition herein.

Fred W. Ogler.

In the Probate Court of Marion County, Ohio.

Fred W. Ogler as Administrator of the Estate of R. H. Finefrock, deceased,

Plaintiff,

vs.

Nonna Finefrock, et al.,

Defendants.

Filed Jan. 5, 1939.
Cause No. 13419.
Entry.

This day this cause came on to be heard upon the petition of the plaintiff, the answer and cross petition of The Buckeye State Building and Loan Company, the answer and cross petition of The Prospect Citizens Bank, the answer and cross petition of Ohio Bureau of Credits, Inc., the answer and cross petition of The Tabor Banking Company, the answer and cross petition of The Union Central Life Insurance Company, the answer of Nonna Finefrock and the evidence.

The Court finds that R. W. Herbster and The Peoples Bank of Green Camp, Ohio, named as defendants in this action have no interest in the subject matter of the action and are therefore not necessary parties defendant and are therefore dismissed as such defendants.

THE COL. B. B. MFG. CO. 75974

14004

The Court further finds that all of the defendants have waived the issuance and service of summons and entered their appearance herein and are properly before the Court.

The Court further finds from the evidence that it is necessary to sell the real estate described in the petition to pay the indebtedness of the estate of decedent and the costs of administration — and that the prayer of the petition should be granted.

The Court further finds that the defendant Nonus Finsbrock is the widow and surviving spouse of R. H. Finsbrock, deceased, and that by her answer she has waived the assignment of dower by metes and bounds and rents and profits and consents to the sale of the real estate free of dower and to take the value of her dower interest in money.

The Court coming now to consider the answer and cross petition of The Buckeye State Building and Loan Company finds that said defendant, The Buckeye State Building and Loan Company has a mortgage on the real estate designated in the petition — as Tract No. 3 and that there is due it on the note set out in the first cause of action of said The Buckeye State Building and Loan Company the sum of $8990.50 with interest from October 1st. 1938, as per the terms of said note; that the mortgage securing said note is recorded in Volume 96, page 400 of the Mortgage Records of Marion County, Ohio; that said mortgage is the first and best lien on said real estate designated in the petition — as Tract No. 3.

The Court coming now to consider the answer and cross petition of the defendant Ohio Bureau of Credits, Inc., finds that said defendant secured a judgment in the Municipal Court of Columbus, Ohio, for $519.11 and costs in the sum of $3.30 on or about April 1st, 1936; that a certificate of said judgment was filed in the office of the Clerk of Courts, of Marion County, Ohio, and was recorded in Certificate of Judgment Docket No. 1 at page 34; that there is now due on said judgment the sum of $369.11 with interest from April 1st, 1936, which judgment is the second best lien on Tract No. 3 described in the petition —; that said defendant on April 1st, 1936, recovered a judgment in the Municipal Court of Columbus, Ohio, in Case No. 216110, for $80.50 and costs in the sum of $3.30; that a certificate of said judgment was filed with the Clerk of Courts of Marion County, Ohio, which is recorded in Certificate of Judgment, Docket No. 1 at page 35; that said judgment is the third and best lien on Tract No. 3 described in the petition.

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The Court further finds that the real estate described in the petition as Tract No. 3 was appraised by the appraisers of the estate at $3600.00, and that a further appraisement is dispensed with; that the bond heretofore given by the plaintiff as administrator of the estate of R. H. Tinefrock, deceased, in the sum of $6,000.00 is sufficient to cover double the total personal assets and the assets to be derived from the real estate designated as Tract No. 3, and additional bond is dispensed with.

It is therefor ordered, adjudged and decreed that R. W. Herbster and The Peoples Bank of Green Camp, Ohio, be and they are dismissed as parties defendant herein.

It is further ordered, adjudged and decreed that said Fred W. Issley as administrator of the estate of R. H. Tinefrock, deceased, sell the real estate designated as Tract 3 in the petition at private sale for not less than $3600.00, being the appraised value thereof for cash on day of sale.

It is further ordred that all other matters pertaining to the other tracts of land described in the petition be continued until further order of this Court.

Oscar Mack- Probate Judge.

Order of Sale
(Private Sale)

The State of Ohio, Marion County, ss. Probate Court.
To Fred W. Issley as Administrator of the estate of R. H. Tinefrock, deceased, 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 Administrator are Plaintiff and Norma Tinefrock, et al., are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, free of dower the following described real estates, to-wit:

Tract No. 3. Known as being the undivided one-half of the following described premises, to-wit; Situated in the County of Marion, in the State of Ohio, and in the Township of Green Camp and described as follows; being part of Survey No. 9945 and described as follows; beginning at a stone in the center of the Porter Public Road and northeast corner of the 87.69 acre subdivision of Martin L. Hazen lands and in the westerly line of said survey; thence with the westerly line of said survey south 6 deg. 30' east 109 poles to a stone northwest corner to the lands of William Kite; thence with said lands north 83 deg. 30' east 82 poles to a stone corner to lane outlet to the

THE COL. B. B. MFG. CO. 75974

14004

lands of William Kirts; thence with the west line of said land South 6 deg. west 110.16 poles to a stone in the center of the said public road; thence with said road south 82 deg. 40' west 83 poles to the place of beginning, containing 56.50 acres, more or less.

Also, the following real estate being parts of Surveys Nos. 10070 and 10240 bounded and described as follows: Beginning at a stone in the center of the Porter Public Road northeast corner to the 56.50 acres subdivision of the Martin L. Hazen lands and in the east line of said survey No. 10070; thence with said survey line South 6 deg. 30' east 232.80 poles to a stone in the southeast corner of said survey; thence with the south line of said survey south 83 deg. west 30.70 poles to a stone southeasterly corner to the lands of William Savage; thence with the lines of said land north 7 deg. west 55.10 poles to a stone; thence south 83 deg. 15' west 73.40 poles to a stone in the center of the Hughes and Travis Gravel Road; thence with the center of said road north 3 deg. 45' west 57.84 poles to a stone in the easterly line of the N. Y. P. and O. R. R. lands and 53 feet at right angles from the center of the traveled tracks; thence with said line north 32 deg. 30' east 154.60 poles to a stone in the center of the Porter Public Road, thence with the center of said Road north 82 deg. 45' east 4.40 poles to the place of beginning, containing 87.50 acres, more or less 77. 7/8 ths. on the east being in Survey No. 10070 and 9- 5/8 ths. acres on the west being in Survey No. 10240.

Also, being the southwest part of Virginia Military Survey No. 9945 and described as follows: Beginning at a stone in the township line southwest corner of the original survey; thence north 8 deg. west along the west line of the survey 124 rods to a stone at the northwest corner of the 45 acre track formerly owned by William Kirts; thence north 82 deg. east 45.16 rods to a stone, thence south 8 deg. east 124 rods to a stone in the south line of said survey; thence south 82 deg. west along the township line and between Green Camp and Prospect, Townships 45.16 rods to the place of beginning, containing 35 acres more or less and being the same real estate deeded to John E. Berninger by Dorothy Ann Reynolds and husband by deed dated April 21, 1896, and recorded in Vol. 79, page 110, Deed Records, Marion County, Ohio.

Said track containing in the aggregate 180 acres more or less.

Said sale to be upon the following terms:
Cash on day of sale.

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14004 Witness my signature and the seal of said Court, this 6th. day of January, 1939.

Oscar East- Judge & 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 7th. day of January, 1939.

Fred W. Issler.

Report of Sale.

In obedience to the within order, I sold said premises on the 7th. day of January, 1939, to Clarence J. Wilcox and Ada L. Wilcox for the sum of Thirty-six Hundred and no/100 Dollars, said sum being the appraised value of the same.

Dated this 7th. day of January, 1939.

Fred W. Issler.

The State of Ohio, Marion County, ss:

The above named Fred W. Issler, Administrator of the estate of R. H. Tinsrock, dec'd. being duly sworn, say that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for it.

Fred W. Issler- Administrator of the estate of R. H. Tinsrock, dec'd.

Sworn to before me, and signed in my presence, this 7th. day of January, 1939.

Hazel Clapsadle- Notary Public, Marion County, Ohio.

Filed Jan. 7, 1939.

In the Probate Court of Marion County, Ohio.

Fred W. Issler as Administrator of the estate of R. H. Tinsrock, deceased, Plaintiff,

-vs-

Norma Tinsrock, et al., Defendants.

Entry.

Feb. 27th. 1939.

This day this cause came on further to be heard and the Court finds upon the evidence that the fund realized from the sale of Tract No. 3 described in the petition has been exhausted in paying the costs and the mortgage lien and there is no fund to distribute to other lien holders. It is therefore ordered, adjudged and decreed that the judgment of Ohio Bureau of Credits, Inc. recorded as Lien

THE COL. B. B. MFG. CO. 75974

14004

Docket 1, page 34, Marion County, Ohio, be and the same hereby is released insofar as the same is a lien on tract No. 3 described in the petition, and the Clerk of Courts of Marion County, Ohio, is hereby ordered to enter the same on said judgment lien docket.

Oscar Nash - Probate Judge.
Marion County, Ohio.

In the Probate Court of Marion County, Ohio.

Fred W. Issler as Administrator of the estate of R. H. Timeprock, deceased,

Plaintiff.

-vs-

Norma Timeprock, et al.,

Defendants.

Entry.

This day this cause came on to be heard on the report of Fred W. Issler as administrator of the estate of R. H. Timeprock, deceased, of this proceedings under the former orders 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 this said report and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed.

It is further ordered that said petitioner execute a deed of all the right, title and interest of the said R. H. Timeprock in said real estate to the purchasers Clarence J. Wilcox and Ada L. Wilcox, upon the payment of the purchase price.

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 $3600.00 the court finds that the interest of the decedent in the real estate designated as Tract No. 3 in the petition is encumbered by a mortgage indebtedness which exceeds the sale price of said tract and which precludes any dower to the defendant Norma Timeprock as the widow of said R. H. Timeprock, dec'd.

It is further ordered that said Administrator, out of the money in his hands, pay:

1. To the Treasurer of this County the sum of ——— being the taxes against said property.
2. The costs incurred in the sale of said property.
3. To The Buckeye State Building and Loan Company, the balance of said funds, in the sum of ——— to apply on the mortgage indebtedness.

It is further ordered that satisfaction of the mortgage to The Buckeye State Building and Loan Company recorded in Volume 96, at page 400

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in the Mortgage Records of Marion County, Ohio, be entered in said record.
Filed Jan. 7- 1939.

Oscar Gaal,
Marion County, Ohio.

In the Probate Court of Marion County, Ohio.

Fred W. Ipsler, as Administrator of the estate of R. H. Finefrock, deceased,

Plaintiff,

-vs-

Norma Finefrock, et al.,

Defendants.

Motion.

Now comes the plaintiff and moves the Court for an order making The Columbus Pharmacal Company of Columbus, Ohio, a corporation, defendant herein.

Plaintiff says that since the filing of the original petition herein, it has come to his attention that the said, The Columbus Pharmacal Company of Columbus, Ohio, may claim some interest in the premises described as Tract Number 4 in said petition by reason of a certain mortgage duly recorded in Volume 109, at Page 558 of the Mortgage Records of Union County, Ohio.

Wherefore plaintiff prays that the said, The Columbus Pharmacal Company of Columbus, Ohio, be made a party defendant herein and that it may be required to set up whatever right title or interest it may have in or to the premises described in said petition as Tract Number 4 or be forever barred from asserting the same.

Fred W. Ipsler, as Administrator of the estate of R. H. Finefrock.
By- William P. Maloney
J. Bernard Le. Maloney
His Attorneys.

In the Probate Court of Marion County, Ohio.

Fred W. Ipsler, as Administrator of the Estate of R. H. Finefrock, deceased,

Plaintiff,

-vs-

Norma Finefrock, et al.,

Defendants.

Journal Entry.

This day this cause came on to be heard on the motion of the plaintiff herein to make The Columbus Pharmacal Company of Columbus, Ohio, a corporation, a party defendant herein and was submitted upon the evidence and, argument of counsel.

Upon consideration whereof, this Court do find that said, The Columbus Pharmacal Company, of Columbus, Ohio, a corporation, is a necessary

THE COL. B. B. MFG. CO. 75974

14004

party to said action, and may claim some interest in/or to the premises described as Tract Number 4 in plaintiff's petition filed herein.

Wherefore, it is ordered, adjudged and decreed that the said The Columbus Pharmacal Company of Columbus, Ohio, a corporation be and the same is hereby made a party defendant herein and it is hereby ordered to file and answer herein setting up whatever right, title or interest it may have in or to the premises described as Tract Number 4 in plaintiff's petition herein by the — of — 1939, or be forever barred from asserting the same.

Oscar Gask - Judge.

Filed Aug. 5 - 1939.

Waiver of Summons and Consent to Sale.

Probate Court, Marion County, Ohio.

Fred W. Igler, as Administrator of the Estate of R. H. Timeprock, deceased,

Plaintiff,

-vs-

Norma Timeprock, et al.,

Defendants.

No. 13419.

Civil Action to Sell Real Estate.

Waiver of Summons and Consent to Sale.

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

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.

Dated Nov. 16 th. 1939.

The Columbus Pharmacal Company,
a Corporation,
By Edwin M. Francis - Its atty.

Filed Nov. 16 - 1939.

In the Probate Court of Marion County, Ohio.

Fred W. Igler, Administrator of the Estate of R. H. Timeprock, Deceased,

Plaintiff,

-vs-

Norma Timeprock, et al.,

Defendants.

Answer and Cross Petition of The Columbus Pharmacal Co.

The Columbus Pharmacal Company, a corporation, having been made a party defendant to this action upon order of this Court comes now and for answer to plaintiff's petition admits that Plaintiff is the duly appointed, qualified and acting Administrator of the estate of R. H. Timeprock, deceased; that R. H. Timeprock is the same person as Rufus H. Timeprock; that the said R. H. Timeprock died on or about the 12th.

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day of January 1938; that the said R. H. Timerock died seized of the real estate in the petition described, that this defendant claims an interest in Tract No. 4 of the real estate in the petition described.

Further answering, defendant denies each and every allegation in the petition contained not herein admitted to be true solely for want of knowledge of the facts therein contained.

Cross Petition.

For its first cause of action, defendant says that R. H. Timerock, then in full life, but now deceased, and the defendant, Norma Timerock, on the 6th. day of October 1936, did make their certain promissory note, in writing, of that date, and did then deliver the same to this defendant, or its order, and thereby promised to pay to this defendant or its order the sum of Seven Hundred Forty Five Dollars ($745.00) together with interest thereon at the rate of six (6) per cent per annum from said 6th. day of October, 1936, payable annually until paid with interest at the rate of seven (7) per cent after maturity upon principal and upon due and unpaid interest and that the due date of said note was October 6th, 1937.

Defendant further says that to secure the payment of said promissory note and the money secured thereby the said R. H. Timerock, deceased, with Norma Timerock, his wife, by their certain mortgage deed, of even date with said promissory note, duly executed and delivered to this defendant, did convey to it, the said The Columbus Pharmacal Company, its successors and assigns forever, all said real estate in the petition therein described as Tract No. 4 to have and to hold the same to it, the said The Columbus Pharmacal Company, its successors and assigns forever, which said deed of conveyance had a condition thereunder written whereby it was provided that if the said R. H. Timerock and Norma Timerock shall pay or cause to be paid to the said The Columbus Pharmacal Company or to its successors and assigns their certain promissory note of even date herewith, for the sum of Seven Hundred Forty Five Dollars ($745.00) to the order of said The Columbus Pharmacal Company on or before one year from date according to the tenor and tyme thereof, then these presents shall be void; otherwise to be and remain in full force and virtue in law forever.

The defendant further says that it caused said mortgage to be deposited with the Recorder of Union County, Ohio, at his office on the 13th. day of

THE COL. B. B. MFG. CO. 75974

14004

October, 1936 at 9:40 o'clock a. M. for record, and the same was thereupon duly recorded in Volume 109 at Page 558, in the Record of Mortgages of said County. This defendant further says that the balance thereon, together with interest to the 25th. day of October, 1939, is Six Hundred Sixty One and 41/100 Dollars ($661.41) and is still due and unpaid.

Wherefore, defendant prays that all the real estate in the petition described be sold; that its rights in and to the proceeds of said sale be fully determined and for all of the relief to which it may be entitled in law and equity.

The Columbus Pharmacal Co.
By Lewis M. Francis.
Its Attorney.

The State of Ohio, Marion County, ss:

Lewis M. Francis, being first duly sworn, says that he is Attorney for the Defendant, The Columbus Pharmacal Company, a corporation, and that the facts stated and allegations made in the foregoing answer and cross-petition are true as he verily believes.

Lewis M. Francis.

Sworn to before me and subscribed in my presence this 16th. day of November, 1939.

Bertha D. Kaye-Notary Public,
Marion County, O.
of Marion County, Ohio.

Filed Nov. 16-1939.

In the Probate Court
of Union County, Ohio.

Fred W. Tasler, as Administrator of the Estate of R. H. Timbrook, deceased,

Plaintiff,

-vs-

Norma Timbrook, et al.,

Defendants.

Case No. 13419.
Journal Entry.

This day came the parties hereto, plaintiff and defendants, by and with their respective attorneys and thereupon this cause came on further to be heard upon the answer of the defendant Norma Timbrook, the answer and cross petition of the defendant The Union Central Life Insurance Company of Cincinnati, Ohio, the answer and cross petition of the defendant The Tabby Banking Co., of Marion, Ohio, the answer and cross petition of the defendant, The Prospect-Citizens Bank, Prospect, Ohio, the answer and cross petition of the defendant, Ohio Bureau of Credits, Inc., of Columbus, Ohio, the answer and cross petition of the defendant, The Columbus Pharmacal company of Columbus, Ohio, and the evidence and was submitted to the Court;

Upon consideration whereof and being duly advised in the premises the Court finds that each and

14004

14004

every one of the defendants is properly before the Court and that they and each of them have consented to the sale of the property remaining unsold as prayed for in plaintiff's petition;

The Court further finds from the evidence that the allegations contained in the Cross-Petition of the defendant The Union Central Life Insurance Company of Cincinnati, Ohio, are true; that there is due to said defendant upon the note in the First Cause of Action in said cross petition set forth, as of October 10, 1938, the sum of $10,885.97 with interest from said date according to the tenor of said note; that the mortgage in the Second Cause of Action in the cross-petition of said defendant set forth was given to secure the payment of said note and indebtedness and was filed and is of record as in said cross petition set forth and is the first and best lien on the real estate described and designated as Tract No. 2 in plaintiff's petition.

The Court further finds from the evidence that the mortgage of the defendant The Raney Banking Company of Marion, Ohio, set forth in its cross petition herein filed, together with the note which it secures, was originally made, executed and delivered to Frank M. Hazen and Samuel Almendinger, and that the same have been duly assigned and transferred to said defendant The Raney Banking Company, as in its cross petition alleged, and that it is now the bona fide owner and holder thereof; that there is due to it on said note set out in its First Cause of Action in its cross petition herein the sum of $733.06 with interest thereon at the rate of 6% per annum, payable annually, from the 19th. day of October, 1938 according to the tenor of said note; that the mortgage deed securing said note is recorded in Volume 101, at page 261 of the Mortgage Records of Union County, Ohio, and is the first and best lien on the real property designated in plaintiff's petition as Tract No. 4.

The Court further finds from the evidence that there is due and owing to the defendant The Prospect Citizens Bank of Prospect, Ohio, upon the note and mortgage in its cross petition set forth, the sum of $4191.69 with interest thereon from the 25th. day of October, A. D. 1938 at the rate of 8 per cent per annum according to the tenor of said note; that its said mortgage securing said note is of record at page 5 in Volume 141 of the Mortgage Records of Marion County, Ohio, and at pages 593 and 594 in Volume 107 of the Mortgage Records of Union County, Ohio, and is

THE COL. B. B. MFG. CO. 75974

14004

the second best lien on the real property designated in plaintiff's petition as Tracts Nos. 2 and 4, that the defendant Norma Rinehrock, who was the wife of plaintiff's decedent, did not sign said note or mortgage and that she has a dower estate in each and both said Tracts 2 and 4 in plaintiff's petition described, which is superior to the mortgage of said defendant The Prospect Citizens Bank, and also the judgments of the defendant, Ohio Bureau of Credits, Inc., hereinafter referred to and mentioned; that she has by her answer duly filed herein, waived the assignment of such dower by metes and bounds and rents and profits and consented to the sale of said real estate free of such dower estate and elected to take the value thereof in money;

The Court further finds from the evidence that the allegations contained in the answer and cross petition of the defendant The Columbus Pharmacal Company are true and that there is due said defendant on the note set out in its cross petition filed herein, the sum of $745.00 with interest thereon from the 6th. day of October, 1936, according to the tenor of said note; and that the mortgage of said defendant on said tract designated Tract No. 4 in plaintiff's petition, given to secure the payment of said note set forth in its cross-petition, is of record in Volume 109 at page 558 of the Mortgage Records of Union County, Ohio, and is the third best lien on the real property therein described and designated in plaintiff's petition as Tract No. 4, and prior to any dower interest of the defendant Norma Rinehrock, who joined in and executed said mortgage;

The Court further finds from the evidence that certificates of the judgments of the defendant Ohio Bureau of Credits, Inc., in its answer and cross petition set forth, and of each of them, were, as in said cross petition alleged, filed with the Clerk of Courts of Union County, Ohio, and recorded, to-wit, the judgment against Rufus H. Rinehrock alone, at 10:20 o'clock A. M. on April 14, 1936 and recorded in Judgment Docket No. 1, page 22, and the one against R. H. Rinehrock and Fred W. Dosler at 10:30 o'clock A. M. on April 14, 1936, and recorded in Judgment Docket No. 1, page 23, but that no execution was ever issued upon said judgments or either of them although plaintiff's decedent, the said Rufus H. Rinehrock, whom the Court finds was one and the same person as the said R. H. Rinehrock, did not die until January 12, 1938.

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As the Court coming now to marshal the liens a-
gainst the tracts designated as tracts Nos. 2 and 4
in plaintiff's petition, does fix and determine as follows;

As to Track No. 2 in plaintiff's petition described;

That the mortgage of the defendant The Union Central
Life Insurance Company is the first and best lien thereon;

That the defendant Nonna Finefrock has a dower
estate in said premises which is superior to the liens
of the defendants The Prospect Citizens Bank and The
Ohio Bureau of Credits, Inc.;

That the mortgage of the defendant The Prospect Citizens
Bank of Prospect, Ohio, is the second best lien thereon,
but subject to the dower estate of the defendant Nonna
Finefrock in and to said premises;

That the judgments of the defendant, Ohio Bureau of
Credits, Inc., are third in order of priority, but subject
to the dower estate of the defendant Nonna Finefrock.

And as to the tract designated as Tract No. 4 in
plaintiff's petition described;

That the mortgage of the defendant The Fahey Bank-
ing Company of Marion, Ohio, is the first and best lien
thereon;

That the defendant Nonna Finefrock has a dower
estate in said premises which is superior to the liens
of the defendants The Prospect Citizens Bank and Ohio
Bureau of Credits, Inc., but subject to the mortgage
of said defendants The Fahey Banking Company and
The Columbus Pharmacal Company;

That the mortgage of the defendant The Prospect Cit-
izens Bank is the second best lien thereon, but
subject to the dower estate of the defendant Nonna
Finefrock in and to said premises;

That the mortgage of the defendant Columbus Phar-
macal Company, Columbus, Ohio, is the third best lien
in order of priority on said tract No. 4 and is not
subject to any dower interest of the defendant Nonna
Finefrock;

That the judgment of the defendant, The Ohio Bureau
of Credits, Inc., of Columbus, Ohio, are fourth in order
of priority, but subject to the dower estate of the de-
fendant Nonna Finefrock in and to said premises;

That in the distribution of the proceeds which arise
from the sale of said Tract No. 4, after the payment
of the amount found due to said defendant The
Fahey Banking Company, the value of the dower estate
of the said defendant Nonna Finefrock shall be
applied, in so far as necessary, toward the pay-
ment of the amount found due the defendant,
The Columbus Pharmacal Company, before any

THE COL. B. B. MFG. CO. 75974

14004

payment is made upon the amount found due said defendant The Prospect Citizens Bank.

And for good cause shown, and it appearing that it will be for the best interests of said estate it is further by the Court ordered that the tracts designated Nos. 2 and 4 in plaintiff's petition, be re-appraised, and Willard W. Thibaut, Isaac L. Bumgartner, and Junard N. Butz, three judicious and disinterested persons of the vicinity, not next of kin of the petitioner, are hereby appointed to appraise said premises at the true value thereof in money, free of the dower estate of the said Norma Hinsprock therein, which appraisement shall be made upon actual view after said appraisers are duly sworn according to law; and an order of appraisement is directed to issue accordingly;

And this cause is continued until the coming in of the report of said appraisers.

Filed Dec. 6, 1939.

Oscar Gast - Judge.

Order of Appraisement. Filed Dec. 15-1939.

The State of Ohio, Marion - County, ss. Probate Court.

To Fred W. Issler, Administrator of the Estate of Rufus H. Hinsprock, deceased, Greeting:

By obedience to an order of the Probate Court of said County, made this day in a certain action No. 13419, now pending in said Court in which you are Plaintiff and Norma Hinsprock, et al., are Defendants, you are commanded that by Willard W. Thibaut, Isaac L. Bumgartner, and Junard W. Butz, judicious and disinterested persons of the vicinity, not next of kin of the petitioner, 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:

"Situated in the County of Union, in the State of Ohio, and in the Township of Claibourne and bounded and described as follows: Part of Survey Number 6161 and bounded and described as follows:- Being forty acres (40) off the south part of Lot Number six (6) of the division of Survey Number 6161 being the same premises conveyed by Samuel Dilsaver to Charles W. Howison, January 9th, 1872 and described as beginning at a stone at the Southwest corner of said Lot Number six (6) thence with the west line of said Lot, N. 6 degree ten minutes west fifty eight (58) Poles to a stone, Southwest corner of John Hollenbeck's land; thence with the south line of said land N. 84 degree 30 minutes east, One Hundred and Twelve (112) Poles to a stone, corner of said land in the East line of said Survey N. 6161; thence

14004

with said line S. 4 degrees 30 minutes East, about fifty Eight (58) poles to a stone at the southeast corner of said Lot No. six (6); thence with the south line of said lot S. 84 degrees 30 minutes west one hundred and seven (107) poles to the place of beginning, containing forty acres, more or less".

You will make return of your proceedings herein to said Probate Court on or before the fifteenth day of December, 1939, and have you then and there this writ.

Witness my signature and the seal of said Court, this 6th. day of December, 1939.

Oscar Gash- Judge & Ex-Offcio Clerk.
By- Warren Bush- Deputy Clerk.

(Seal)

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 9th. day of December, 1939.

Fred W. Tesler.

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.

Millard W. Thibault
Isaac L. Brumgartner } Appraisers.
Junard W. Bretz

Sworn to before me and signed in my presence, this 9th. day of December, 1939.

Bernard E. Moloney- Notary Public,
Marion County, Ohio.

(Seal)

Appraiser's 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 Fifteen Hundred and no/100 Dollars ($1500.00), free of dower.

Given under our hands, this 9th. day of December, 1939.

Millard W. Thibault
Isaac L. Brumgartner } Appraisers.
Junard W. Bretz

THE COL. B. B. MFG. CO. 75974

14004

Journal Entry. Order Approving Appraisement & Bond.

Probate Court, Marion County, Ohio.

Fred W. Fosler, Administrator of the Estate of Rufus H. Fineprock, Plaintiff,

-vs-

Vonna Fineprock, et al., Defendants.

No. 13419 - January 9 - 1940.

Civil Action on Petition to Sell Real Estate.

Order for Bond.

This day came the said plaintiff, Fred W. Fosler and returned the appraisement herein, made in pursuance of a former order of the Court; and it appearing upon examination that said appraisement was regularly and correctly made, it is ordered that the same be and hereby is approved.

It is further ordered that said Fred W. Fosler, Administrator, execute within five days, a bond with sufficient freehold securities, to be approved by the Court in the sum of Thirty-two Hundred and no/100 ($3200.00) Dollars, conditioned according to law, and this cause is continued.

Filed Jan. 9 - 1940. Oscar Gast - Judge.

Bond of Administrator.

Civil Action. To Sell Real Estate.

Know all Men by these Presents, That we, Fred W. Fosler and Fidelity and Deposit Company of Maryland, are held and firmly bound to the State of Ohio, in the penal sum of Thirty-two Hundred and no/100 ($3200.00) 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 ninth day of January, 1940.

The condition of the above obligation is such, that if the above bound Fred W. Fosler, as Administrator of the Estate of Rufus H. Fineprock, deceased, faithfully discharge his duties and pay and account for all moneys 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.

Executed in Presence of
Bernard C. Moloney
Mary Maag.

Fred W. Fosler.
Fidelity and Deposit Company of Maryland.
By - H. S. Kramer - Atty-in-fact.

This Bond approved in open Court, this 9 day of January, 1940.

(Seal)

Oscar Gast - Judge.

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Journal Entry. Orders approving Bond, for Private Sale, etc.
Probate Court, Marion County, Ohio.

Fred W. Issler, as Administrator
of the Estate of Rufus H.
Fineprock, Deceased,
Plaintiff,

-vs-

Norma Fineprock, et al.,
Defendants.

Filed Jan. 9- 1940.
No. 13419- January 9- 1940.
Civil Action to Sell Real Estate.
Order of Private Sale, etc.

This day this cause came on further to be heard, and it appearing that the said plaintiff has given bond as heretofore ordered, in the sum of Three-two Hundred and no/100 ($3200.00) Dollars, with Fidelity and Deposit Company of Maryland, as surety, it is ordered that the same be and hereby is approved.

And it being made to appear to the Court, upon satisfactory evidence, that it would be more for the interest of said ——— to sell the real estate described in the petition at private sale; it is therefore further ordered that said Fred W. Issler as such Administrator proceed to sell said real estate, free of dower either in whole or in parcels at private sale, for not less than the appraised value thereof, on the following terms, to-wit; cash in hand on day of sale. And said petitioner is ordered to make return to this Court immediately after such sale is made, and this cause is continued.

Oscar Gash- Judge.

Order of Sale - Filed Jan. 9- 1940.
(Private Sale)

The State of Ohio, Marion County, ss. Probate Court.
To Fred W. Issler, Administrator of the Estate of Rufus H. Fineprock, deceased, 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 Administrator of the Estate of Rufus H. Fineprock, deceased, are Plaintiff, and Norma Fineprock, et al., are Defendants, you are commanded to proceed according to law, to sell at private sale, for not less than the appraised value thereof, free of dower the following described real estate, to-wit:

"Situated in the County of Union, in the State of Ohio, and in the Township of Claibourne and bounded and described as follows: Part of Survey Number 6161 and bounded and described as follows:- Being forty acres (40) off the south part of Lot Number Six (6) of the division of the Survey Number 6161 being the same premises conveyed by Samuel Dilsaver to Charles A. Howison, January 9th, 1872 and described as

THE COL. B. B. MFG. CO. 75974

14004

beginning at a stone at the Southwest corner of said Lot Number six (6) thence with the west line of said Lot, N. 6 degrees ten minutes west fifty-eight (58) Poles to a stone, Southwest corner of John Holderbach's land; thence with the south line of said land N. 84 degrees 30 minutes east, One Hundred and twelve (112) Poles to a stone, corner of said land in the East line of said Survey N. 6161; thence with said line S. 4 degrees 30 minutes East, about fifty-eight (58) poles to a stone at the southeast corner of said Lot No. six (6); thence with the south line of said Lot S. 84 degrees 30 minutes west one hundred and seven (107) poles to the place of beginning, containing forty acres, more or less."

Said sale to be upon the following terms: cash on day of sale.

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

Witness my signature and the seal of said court, this ninth day of January, 1940.

Oscar Gash-Judge & Ex Officio Clerk.
By-Warren Bull-Deputy Clerk.

(Seal)

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 ninth day of January, 1940.

Fred W. Issler.

Report of Sale.

In obedience to the within order, I sold said premises on the ninth day of January, 1940, to J. Herbert Woleslagel and Hylon Lydia Woleslagel for the sum of Sixteen Hundred and no/100 ($1600.00) Dollars, said sum being more than the appraised value of the same.

Dated this ninth day of January, 1940.

Fred W. Issler.

The State of Ohio, Marion County, ss.

The above named Fred W. Issler, Administrator of the Estate of Rufus H. Tinsrock, deceased, being duly sworn, says that the sale above reported has been made after diligent endeavor to obtain the best price for said property, and that said sale is for the highest price he could get for it.

Fred W. Issler.

Sworn to before me, and signed in my presence, this ninth day of January, 1940.

(Seal)

Bernard C. Moloney
Notary Public,
Marion County, Ohio.

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In the Probate Court
of Marion County, Ohio.

Fred W. Isler, as Administrator
of the Estate of Rufus H.
Fineprock, Deceased,
Plaintiff.

Filed Jan. 22- 1940.
No. 18419.
Journal Entry.

-vs-

Uoma Fineprock, et al.,
Defendants.

This day this cause came on to be heard on the report of Fred W. Isler, Administrator of the Estate of Rufus H. Fineprock, deceased, of his proceedings under the four-teen 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 Rufus H. Fineprock in said real estate to the pur-chasers, J. Herbert Woleslagel and Hylon Lydia Woleslagel, upon the said purchasers paying to said Administrator the consideration specified herein.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceedings of the sale, amounting to the sum of sixteen hundred and no/100 Dollars, ($1600.00), and the said Uoma Fineprock, widow, having by answer herein asked that the value of her dower in said premises be allowed and paid her out of the proceedings of said sale in money, the Court finds that the just and reasonable value of her dower interest in said real property to be the sum of $273.90, the Court further finds that said money, ascertained by calculating her dower interest in said premises after the payment of costs, taxes and the first mortgage to The Fahey Banking Com-pany of Marion, Ohio, should be paid to The Columbus Pharmacal Company of Columbus, Ohio, to be applied on its mortgage indebtedness as set forth in its answer and cross-petition filed herein.

The Court further finds that there is due to the said The Fahey Banking Company of Marion, Ohio, upon the promissory note set forth in its answer and cross-petition, from the estate of said Rufus H. Fineprock, deceased, the sum of $788.44 with interest thereon at the rate of six per cent from the date of this entry; that the said Rufus

THE COL. B. B. MFG. CO. 75974

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H. Fineprock and said Vonna Fineprock, his wife, to
secure the payment of said promissory note gave a mort-
gage upon the premises described in the petition, which
was a valid and subsisting lien and the first and
best lien upon said premises, and now upon the fund
in the hands of said administrator arising from the sale
of said premises.

The Court further finds that there is due to the said
The Prospect-Citizens Bank of Prospect, Ohio, upon the
promissory note set forth in its answer and cross-
petition, from the estate of said Rufus H. Fineprock,
deceased, the sum of $4608.30, with interest thereon at
the rate of 8 per cent. from the date of this entry; that
the said Rufus H. Fineprock to secure the payment of
said promissory note, gave a mortgage upon the prem-
ises described in the petition, which was a valid
and subsisting lien thereon and insofar as the interest
of said Rufus H. Fineprock in said premises is con-
cerned it is the second best lien thereon and now
upon the fund in the hands of said administrator
arising from the sale of said premises.

The Court further finds that there is due to the
said The Columbus Pharmacal Company of Columbus,
Ohio, upon the promissory note set forth in its answer
and cross-petition, from the estate of said Rufus
H. Fineprock, deceased, the sum of $672.77 with interest
thereon at the rate of 7 per cent. from the date of this
entry; that the said Rufus H. Fineprock and said
Vonna Fineprock, his wife, to secure the payment said
promissory note, gave a mortgage upon the premises
described in the petition, which was a valid and
subsisting lien upon said premises, the third best
lien thereon insofar as the intrest of said Rufus
H. Fineprock, deceased, is concerned and the second
best lien thereon insofar as the interest of said Vonna
Fineprock's dower interest therein is concerned and
now upon the fund in the hands of said administra-
tor arising from the sale of said premises.

The Court further finds there is due to the said
Ohio Bureau of Credits, Inc., upon the judgments
set forth in its answer and cross-petition, from
the estate of said Rufus H. Fineprock, deceased, the
sum of $568.82, with interest at six per cent from
the date of this entry; that the said Ohio Bureau of
Credits, Inc., levied executions upon the premises
described in the petition, which are valid and
subsisting liens upon said premises but subordinate
to all other liens heretofore set forth, and now
upon the fund in the hands of said administrator

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arising from the sale of said premises.

It is ordered that an entry of release and satisfaction of said mortgage and judgment liens in so far as the property therein sold is concerned be entered on the records in the office of the Recorder of Union County, Ohio, and the Clerk of the Court of Common Pleas of Union County, Ohio, respectively, according to law and the Clerk of this Court is hereby authorized to enter such releases.

It is further ordered that said Fred W. Isler, administrator, pay:

First, to the Treasurer of Union County, Ohio, the sum of $105.03, 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 $32.00 to William P. Moloney and Bernard C. Moloney and $32.00, the per cent. of said administrator herein.

Third, to The Fahey Banking Company of Marion, Ohio, on the note and mortgage set forth and described in its answer and cross-petition herein, the sum of $788.56, which the Court finds to be the amount due it.

Fourth, to The Prospect Citizens Bank of Prospect, Ohio, on the note and mortgage set forth and described in its answer and cross-petition herein, the sum of $327.01, which the Court finds to be the amount due it.

Fifth, to the The Columbus Pharmacal Company of Columbus, Ohio, on the note and mortgage set forth and described in its answer and cross-petition herein the sum of $273.90, which the Court finds to be the value of the dower interest of Noma Firestock in said premises to which this mortgage is entitled under the terms of its mortgage and which is to be applied as partial liquidation of its indebtedness, the said sums herein wholly exhausting the consideration received for the sale of said premises.

And it is further ordered that this proceeding be recorded and that said petitioner pay the costs herein, taxed at $41.50, out of the proceeds of said sale within ten days.

Oscar Gash - Judge.

Approved:
J. D. Williamson
Attorney for The Prospect Citizens Bank of Prospect, Ohio.

Lewis M. Francis
Attorney for The Columbus Pharmacal Company of Columbus, Ohio.

THE COL. B. B. MFG. CO. 75974

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Bernard C. Moloney
Attorney for The Fahey Banking Company of Marion, Ohio.

William P. Moloney - Bernard C. Moloney
Attorney for Hound Rinehock.

Charles A. Slade
Attorney for Ohio Bureau of Credits, Inc., Columbus, Ohio.

Certificate & 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 Copy of the Real Estate file in the matter of the estate of R. H. Rinehock, dec'd. Docket 17 Page 108, 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 23rd. day of January, 1940.

Oscar Gast - Probate Judge.
Warren Bull - Deputy Clerk.

Transcript.

Fred W. Dosler Administrator of the Estate of Rufus H. Rinehock, Deceased.

This 23rd. day of January, 1940, at 10 o'clock A.M. Bernard C. Moloney, Attorney, of Marion, Ohio, produced for record, a transcript of the Land Sale of Rufus (R) H. Rinehock, deceased; it is ordered said transcript be recorded in Final Record, No. 41, page 445, same also appears on Docket R, page 377.

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

13946
14020
Filed
Apr. 1-1940.

Final Record, Union County Probate Court

(From Page 409)

13946
14020
Filed
Apr. 1-1940.

In the Matter of the Estate of Elizabeth Holladay, Deceased.
In the Matter of the Estate of Jacob Edgar Holladay, Deceased.
In the Probate Court, Union County, Ohio.

In the Matter of the Estate of Jacob Edgar Holladay, Deceased.	No. 14020. Entry.
In the Matter of the Estate of Elizabeth Holladay, Deceased.	No. 13946.

This day this cause came on to be heard upon the report of A. D. Parish, Administrator of the above mentioned estates, of his proceedings under the former order of this court.

And the court, being fully advised in the premises, finds that in obedience to the order of the court, the said A. D. Parish, as such Administrator, did sell said real estate to Hes Grindell for the sum of Four Hundred Fifty ($450.00) Dollars, and that he did execute and deliver a deed for the same in compliance with said order.

It is therefore ordered and adjudged by the court, upon careful examination of all proceedings, that said sale be, and the same is approved and confirmed.

It is further ordered that the said A. D. Parish, out of the money in his hands, Pay:

First: The costs of this proceeding, including a fee of $50.00 to A. D. Parish for his compensation as such Administrator, and $50.00 to Hooper, Sauder & Hooper, Attorney fee, amounting in all to - $112.00

Second: To Hooper, Sauder & Hooper, to reimburse them for advancement to pay taxes to the Treasurer of Union County, Ohio, in the sum of - $ 16.59

Third: To S. R. Sauder, for the balance due on the mortgage he holds upon said real estate, and for his services for the burial of Elizabeth Holladay, in all the sum of - $ 66.21

Fourth: To Oakley Funeral Home, Binghampton, N. Y. that being the amount of funeral expenses for the said Elizabeth Holladay - $ 256.20

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

13968
Filed
Dec. 13-1939.

In the Matter of the Estate of James R. Sanderson, Deceased.
Probate Court of Union County, Ohio.
In the Matter of the Estate of James R. Sanderson, Deceased. | Case No. 13968. Application.

Your petitioner represents that he is the duly appointed, qualified and acting commissioner of the estate of James R. Sanderson, deceased, late of this county, that the amount of valid debts against that estate is about $450.00, and the costs of administering the estate will be about $50.00. Said deceased died seized of the following described real estate:

Situated in the County of Union, State of Ohio, Township of Taylor, and Village of Broadway, and bounded and described as follows: Being Lots No. 19 and 20 in said village. For a more definite description of said lots, reference is hereby made to the plat of said village as found in the office of the County Recorder of said Union County, Ohio.

Said real estate was appraised by the appraisers at $495.00. Said real estate is encumbered to the extent of $229.85, which amount is part of the $450.00 indebtedness against the estate. Petitioner represents that it would be for the best interests of said estate that a summary order of sale issue without issuing summons to interested parties.

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

William L. Coleman-Commissioner.

State of Ohio, County of Union, ss:

William L. Coleman, being duly sworn, says that he is the duly appointed and acting commissioner in the matter of the estate of James R. Sanderson, deceased, and the facts stated in the foregoing application are true, as he verily believes.

R. W. Hazen- P. J.

Sworn to before me and subscribed in my presence this twenty-first day of November, 1939.

Clifton L. Caryl-Notary Public,
Union County, Ohio.

Filed
Dec. 13-1939.

Probate Court, Union County, Ohio.
In the Matter of the Estate of James R. Sanderson, Deceased. | Case No. 13968. Journal Entry.

This day this matter came on for hearing, and the Court being satisfied that it is necessary to sell the real estate of James R. Sanderson, deceased, described in the petition, to pay his debts, and it appearing to the satisfaction of the Court that

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13968 said real estate is worth less than $500.00, and bond having been given by said William L. Coleman in the sum of $500.00 as provided by law, it is ordered that said William L. Coleman as such commissioner proceed to sell said real estate free of dower at private sale for not less than $450.00, on the following terms:

on the 13 day of December, 1939.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 75974

13463
Filed
July 18-1938.
Attorney
M. Corey.

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

Elton M. Kife, Administrator of the Estate of William H. March,

Plaintiff,

vs.

Harry A. March, Plain City, Ohio, Carl M. March, 223 N. Wayne Ave., Columbus, Ohio, and Federal Land Bank of Louisville, Louisville, Kentucky,

Defendants.

No. 13653.
Petition.

Plaintiff is the duly appointed, qualified and acting administrator of the estate of William H. March, deceased.

Plaintiff further says that there is insufficient personal property in his hands to pay the debts of the estate and the costs of administration. Said deceased died seized, in fee simple of the following described real estate situate in the County of Union, State of Ohio, and being more particularly described as follows:

Parcel #1: Situate in Jerome Township, Union County, Ohio, and part of Virginia Military Survey No. 7058.

Beginning at a stone southerly corner of said James R. Mitchell's land and corner of Surveys Nos. 7058 and 5144, thence with said survey line N. 33 deg. 15' W. 8 poles to the center of the Clark and Martin Gravel Road, thence with the center of said gravel road S. 57 deg. 50' E. 9-44/100 poles to a betake in the southerly line of said survey No. 7058, thence with said survey line S. 65 deg. W. 3-84-100 poles to the beginning. Containing 15 poles of land.

Parcel #2: Beginning at a stone, north west corner to a track of land now owned by Isaac H. Warner; Thence S. 63 deg. E. 106½ poles to a hickory (now cut down), one of the original corners to this survey No. 5144, and in the center of a county road; Thence with the east line of said Survey, and with the center of said road N. 6 3/4 deg. W. 88½ poles to a stone, and southeast corner to David McBane's land; thence S. 52 deg. 30' W. 105 poles and 18 links to a stone in the west line of said survey; thence with said survey line S. 36 deg. E. 87 poles to the place of beginning. Containing fifty-eight (58) acres and 28 square rods- be the same more or less- being a part of Survey No. 5144.

Said real estate was included in the Inventory of the Estate and appraised at $5500.00. Said

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18603 real estate is subject to a mortgage held by defendant, Federal Land Bank of Louisville, upon which there is an unpaid balance of $600.00 and accrued interest. The defendants, Harry A. March and Carl M. March are all the heirs or persons entitled to the intestate 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 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.

Martin P. Leary
Attorney for Plaintiff.

State of Ohio, Madison County, ss:

Elton M. Kile, being first duly sworn, says that he is the plaintiff in the above entitled action and that the facts set forth and allegations contained in the foregoing petition are true as he verily believes.

Elton M. Kile.

Sworn to before me and subscribed in my presence this 18 day of July, A.D. 1938.

Bernice E. George - Notary Public.

Filed Dec. 1-1938.

Answer of The Federal Farm Mortgage Corporation, Defendant.
In the Probate Court, Union County, Ohio.

Elton M. Kile, Administrator of the Estate of William P. March,
Plaintiff,
-vs-
Harry A. March, et al.,
Defendants.

case #13519.
Answer of The Federal Farm Mortgage Corporation, Defendant.

The defendant, 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 recorded 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. A. 1016-1 and 1026-B), the said note,

THE COL. B. B. MFG. CO. 75974

13653

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.

This answering defendant states that it has a claim against the estate of William R. March, deceased, and an interest in the premises described as Parcel #2 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.

Now on about March 13, 1935, William R. March, widower, executed and delivered to this answering defendant their first mortgage promissory note, dated March 13, 1935, in the original amount of $600.00 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 of $30.00. A true copy of said note with all credits endorsed thereon is attached hereto and incorporated herein by reference. According to the terms of said note all overdue amortization payments draw interest at the rate of 5% per annum until paid.

All amortization payments have been made in accordance with the terms of said note.

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 $477.36 with accrued interest at the rate of 5% per annum from November 22, 1938 until paid, and in accordance with the provisions of the Federal Farm Mortgage Act as amended.

In order to secure the indebtedness evidenced by said note the said William R. March, widower, executed and delivered to this answering defendant his first mortgage deed, dated March 13, 1935, 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 March 27, 1935 at 4:00 o' clock P. M., and

Filed
Feb. 13-1939.

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was by him recorded in Mortgage Volume 106, page 397, of the records of said county, thereby becoming the first and best lien on the premises described therein and described as Parcel #2 in the plaintiff's petition.

Now Therefore, this answering defendant prays that there may be found due it the following sum:

$477.36 with interest at 5% per annum from November 22, 1938 until paid;

That its mortgage may be found to be and so declared the first and best lien on the premises described therein, and described as Parcel #2 in the plaintiff's petition;

That out of the proceeds of said sale there be paid to this answering defendant, first after taxes, the amount so found due;

And for such other and further relief as may be equitable and proper and the Court can grant.

E. H. Romer.
J. F. Williamson,
Richard E. Thrall - Counsel
Federal Farm Mortgage Corporation.

L. A. Skene, being duly sworn says that he is the Disbursing Officer of the defendant, Federal Farm Mortgage Corporation, and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

(E. H. R.)

L. A. Skene.

Sworn to before me a Notary Public in and for said county and state and subscribed in my presence this November 25, 1938.

Marie R. Elliott - Notary Public.
My commission expires June 24-1941.

Filed
Feb. 13-1939.

Recipe,

In the Probate Court of Union County, Ohio.

Elton M. Kipp, Administrator of the Estate of William F. March,

Plaintiff,

-vs-

Harry A. March, et al.,

Defendants.

Case No. 13019.

Recipe.

To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Franklin County, Ohio, for service on the defendants, Earl M. March, 223 N. Wayne Avenue, Columbus, Ohio, and, also issue summons directed to the Sheriff of Madison County, Ohio, for service on the defendant, Harry A. March, Plain City, Ohio.

THE COL. B. B. MFG. CO. 75974

13653

Issue said summons in the above entitled cause on the answer of the Federal Farm Mortgage Corporation; endorse "Action for sale of real estate for recovery of money, amount claimed $477.36 with interest at 5% per annum from November 22, 1938, and equitable relief," and make returnable according to law.

Richard L. Thrall- Attorney
for Federal Farm Mortgage Corporation.

Filed
Feb. 17-1939.

Precipe.

In the Probate Court of Union County, Ohio.

Elton M. Kile, Administrator,
of the Estate of William F. March,
Plaintiff,

-vs-

Harry A. March, et al.,
Defendants.

Case No. 13519.
Precipe.

To the Clerk:

Issue summons in the above entitled cause directed to the Sheriff of Union County, Ohio, for service on the defendant, Harry A. March, Plain City, Ohio.

Issue said summons in the above entitled cause on the answer of the Federal Farm Mortgage Corporation; endorse "Action for sale of real estate for recovery of money, amount claimed $477.36 with interest at 5% per annum from November 22, 1938, and equitable relief," and make returnable according to law.

Richard L. Thrall- Attorney
for Federal Farm Mortgage Corporation.

Filed
Feb. 17-1939.

Summons on Answer and Cross-Petition.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Union County, Greeting:

You are commanded to notify Harry A. March, Plain City, Ohio.

That The Federal Farm Mortgage Corporation has filed an answer and cross-petition in the case of Elton M. Kile, Administrator of the estate of William F. March, plaintiff, vs. Harry A. March and Earl M. March, in the Probate Court of Union County, and that unless he answer by the 18th. day of March, A. D. 1939, the answer and cross-petition of the said The Federal Farm Mortgage Corporation against him filed in said Court, such answer and cross-petition will be taken as true, and judgment rendered accordingly.

Said Sheriff will make due return of this summons on the 27th. day of February, 1939.

Witness my hand and the seal of said Court this 17 day of Feby. 1939.

Richard L. Loguezon
Carrie W. Hornbeck-Deputy-Acting Probate Judge.

13653

Filed
Feb. 23-1939.

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13653

Sheriff's Return.

The State of Ohio, Union County.

Sheriff, Fee	
Service & Return, first name	.75
28 Miles traveled, at 8¢	2.24
Total	$2.99

Received this writ Feb. 17th. 1939, at 9 o'clock, A. M., and pursuant to its command, I served the within named Harry A. March by personally handing to him copy of this writ with all endorsements thereon.

H. S. Ropsa, Sheriff.
E. Wood, Deputy.

Filed Feb. 23-1939.

Summons on Answer and Cross-Petition.

The State of Ohio, Union County. Probate Court.

To the Sheriff of Franklin County, Greeting:

You are commanded to notify Earl M. March, 223 N. Wayne Avenue, Columbus, O.

That The Federal Farm Mortgage Corporation has filed an answer and cross-petition in the case of Elton M. Kile, Administrator of the Estate of William F. March, Plaintiff, vs. Harry A. March, et al., Defendants, in the Probate Court of Union County, and that unless he answer by the 18th. day of March, A. D. 1939, the answer and cross-petition of the said The Federal Farm Mortgage Corporation, against him filed in said court, such answer and cross-petition will be taken as true, and judgment rendered accordingly.

Said Sheriff will make due return of this summons on the 27th. day of February, 1939.

Witness my hand and the seal of said Court this 14 th. day of February, 1939.

L. W. Hagen-Probate Judge.

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 Feb. 15, 1939, at 9 o'clock A.M., and pursuant to its command, on February 17, 1939, I served the within named Earl M. March, by personally handing to him a true and certified copy of this writ with all the endorsements thereon.

Jacob E. Sandusky.
Sheriff of Franklin County, O.
by C. C. Donohue - Deputy.

THE COL. B. B. MFG. CO. 75974

13653
Filed
Mar. 29-1940.

Entry.

In the Probate Court of Union Co.

Elton W. Vile, Admr. of the Estate of Wm. M. Marsh,
vs.
Harry A. Marsh, et al.,

#13653.
Entry.

Case dismissed at Plaintiff's cost. Costs paid.

March 29- 1940.

L. W. Hazen- P. J.

M. P. Leary- Atty. for Plaintiff.

13949
Filed
Jan. 12-1940.

In the Matter of the Estate of Wm. Hickok, Deceased.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Wm. Hickok, Deceased.

Case No. 13949.

Application to Sell Personalty.

Now comes Geo. Hickok and F. W. Hickok and respectfully represent that they are the duly appointed, qualified, and acting Co-Administrators of the estate of Wm. Hickok, deceased, late of said County; that the assets of said estate have been duly appraised and an Inventory filed in this Court.

Your applicants ask authority to sell the following personal property at private sale upon such terms as the Court may order, to-wit:

1. U. S. Treasury Registered Bond, Serial No. 65593 C for the principal sum of $100.00 appraised at $100.00.
2. U. S. Treasury Registered Bond, Serial No. 3841 A for the principal sum of $5000.00 appraised at $5000.00.
3. U. S. Treasury Registered Bond, Serial No. 42849 K for the principal sum of $1000.00 appraised at $1000.00.

The applicants respectfully represent that the bonds above described are registered in the name of William Hickok and that Letters of Administration have been issued to applicants as Co-Administrators of the estate of Wm. Hickok, deceased, and that William Hickok and Wm. Hickok were one and the same person.

Application is made for said authority for the reason that the same is necessary in order to make distribution thereof to the heirs at law of said decedent.

Wherefore, applicants pray that said Application be allowed and that an Order of Sale be issued authorizing the sale of said personal property as the Court may direct.

Allen and Allen.
By- Robert F. Allen.
Attorneys for Co-Administrators.

13949
Filed
Jan. 12-1940.

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13949

State of Ohio, Union County, ss:
Geo. Hickok and N. W. Hickok being duly sworn depose and say that the facts stated in the foregoing application to sell personalty are true as they verily believe.

Geo. Hickok.
N. W. Hickok
Co-Administrators.

Sworn to before me and subscribed in my presence this 11th. day of January, 1940.

Robert N. Allen - Notary Public.
Union County, Ohio.

Filed
Jan. 12-1940.

In the Probate Court of Union County, Ohio.
In the Matter of the Estate of Wm. Hickok, Deceased. | Case No. 13949. Entry.

This day this cause came on to be heard upon the application to sell personal property therein described and the testimony; and the Court being fully advised in the premises finds that the statements and the allegations in said Application are true and that such property ought to be sold as prayed for.

It is further found by the Court that the U. S. Treasury Bonds hereinafter described are registered in the name of William Hickok and that Letters of Administration have been issued to Geo. Hickok and N. W. Hickok, Co-Administrators of the estate of Wm. Hickok, deceased, and it is found by the Court that William Hickok and Wm. Hickok were one and the same person.

And the Court being satisfied upon good and sufficient proof that it will be to the advantage of said estate to sell said personal property at private sale, it is therefore,

Ordered that Geo. Hickok and N. W. Hickok, as Co-Administrators of said estate, proceed to sell at private sale for the best price obtainable the following personal property, to-wit:

1. U. S. Treasury Registered Bond, Serial No. 65593 C for the principal sum of $100.00 appraised at $100.00.
2. U. S. Treasury Registered Bond, Serial No. 3841 A for the principal sum of $5000.00 appraised at $5000.00.
3. U. S. Treasury Registered Bond, Serial No. 49849 K for the principal sum of $1000.00 appraised at $1000.00.

It is further ordered that said sale be made for cash.

It is further ordered that said Co-Administrators make return of their proceedings herein within thirty (30) days after the sale.

And this cause is continued.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

14007
Filed
Feb. 17-1940.

14007
Filed
Feb. 17-1940.

In the Matter of the Estate of J. W. Koch, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate of | Case No. 14007.
J. W. Koch, Deceased. | Application to Sell Personalty.

Marion C. Winter respectfully represents that he is the duly appointed, qualified and acting Executor of the estate of J. W. Koch, deceased, late of said County; that the assets of said estate have been duly appraised and an Inventory filed in this Court.

Your applicant asks authority to sell the following personal property at public sale upon such terms as the Court may order:

Mahogany suite consisting of a settee and two chairs	$ 2.50
Victrola	1.00
Small stand	.25
Tall stand	.50
Magazine rack	.00
Rug	1.00
Dresser	3.00
Library table	1.00
Rug	1.00
Dresser	2.00
Wash stand	1.00
Bed, springs and mattress	2.00
Rocking Chair	.50
Heating stove, zinc and pipe	10.00
Brisseks carpet sweeper	.30
Ironing board	.25
Clothes press	.75
Step ladder	.00
Kitchen cabinet	.00
Two kitchen chairs	.50
Walnut cupboard	2.00
Kerosene stove and oven	.75
Dishes, cooking utensils and crocks	1.00
Iron wash tube	.50
Grind stone	.25
Block and tackle	1.50
Mattox, pick, post hole digger and two shovels	1.25
Four forks	1.00
Garden tools	.60
Cross cut saw	.25
Wheel barrow	.25
Lawn mower	.75
Step ladder	.25
Congoleum rug	.50
Bed, springs and mattress	1.25
Rocker	.25
Wash stand	.00

THE COL. B. B. MFG. CO. 75974

14007	Bed, springs and mattress	1.25	14007	S
	Dresser	1.00		
	Wash stand	.50		oa
	Chair	.10		wa
	Armed chair	.25		n
	Table	.25		ge
	Approximately six dozen glass cans	1.50		
	Approximately two dozen glasses	.10		
	White stand	.10		th
	Two porch swings and two porch chairs	1.00		
	High chair	.10		Le
	Oil stove	.50	Filed	
	Clothes rack and stand	.25	Feb. 17-1940.	
	1928 Chevrolet coach	25.00		
		Total $74.80		

Application is made for said authority for the reason the nature of the items and number thereof are such that it would be impractiable to try and dispose of the same at private sale.

Marion Le. Winter, Executor of
the Estate of J. W. Koch, deceased.

State of Ohio, Union County, ss:

Marion Le. Winter being duly sworn deposes and says that the facts stated in the foregoing Petition are true as he verily believes.

Marion Le. Winter.

Sworn to Before me and signed in my presence by the said Marion Le. Winter this 14th. day of February, 1940.

Seal

Robert M. Allen - Notary Public
Union County, Ohio.
My commission expires March 10-1940.

Filed
Mar. 11-1940.

Notice of Public Sale.

The personal property belonging to the estate of J. W. Koch, deceased, will be sold by the undersigned at public auction at the late residence of said deceased on the east side of South Franklin Street, on Saturday, the 2nd. day of March, 1940, beginning at one o'clock in the afternoon and continue from day to day thereafter until all the property is sold.

Said personal property consists of a full and complete list of household goods such as living room, dining room and bedroom furniture, stoves and also several items of small tools, spades, shovels and forks, etc.

Several pieces of antique furniture will be sold such as a walnut cupboard and a cherry dresser.

Marion Le. Winter, Executor of
the Estate of J. W. Koch, deceased.

Allen & Allen
Attorneys for Executor.

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14007

State of Ohio, Union County.

Personally appeared before me U. A. Keigley, and made oath, that the notice, a copy of which is hereto attached, was published for 3 consecutive weeks on and after Feb. 15, 1940, in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

U. A. Keigley.

Sworn to before me and signed in my presence this 7th. day of March A. D., 1940.

Ralph Yamaugh-Notary Public.
Union County, Ohio.

Printers fee - $4.88

Filed Feb. 17-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of J. W. Koch, deceased. | Case No. 14007. Entry Ordering Sale.

This day this cause came on to be heard upon the application to sell personal property therein described and the evidence; and the Court being fully advised in the premises, finds that the statements and allegations in said application are true and that such property ought to be sold as prayed for.

It is therefore ordered that Marion C. Winter, as Executor of the estate of J. W. Koch, deceased, proceed according to law to sell said personal property at public auction to the highest bidder, after giving notice thereof for the time and in the manner prescribed by law.

It is further ordered that said sale be made upon the following terms, that is, for cash.

It is further ordered that said Executor make return of his proceedings herein within thirty (30) days after the sale.

L. W. Hagen-Probate Judge.

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THE COL. B. B. MFG. CO. 75974

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In the Matter of The Estate of Wilbur C. Temple, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate of | Case No. 14030.
Wilbur C. Temple, Deceased. | Application to Sell Personalty.

Charles A. Wiley respectfully represents that he is the duly appointed, qualified and acting Executor of the estate of Wilbur C. Temple, deceased, late of said County; that the assets of said estate have been duly appraised and an Inventory filed in this Court.

Your Applicant asks authority to sell the following personal property at public sale:

Fencing tools, such as post auger, fence stretchers, etc., two breaking plows, two disc harrows, mowing machine, two fork pick up tractors, corn sheller and motor, platform scales, wheel barrow, extension ladder, single ladder, batter charger, double trees and single trees, wagon, tree sprayer, ditching tools, a complete set of carpenter tools and many small items too numerous to mention.

Application is made for said authority for the reason said Executor believes a public sale to be to the best interest of the estate.

Allen and Allen
By Robert M. Allen
Attorneys for Applicant.

State of Ohio, Union County, ss:

Charles A. Wiley being duly sworn deposes and says that the facts stated in the foregoing Application are true as he verily believes.

Charles A. Wiley.

Sworn to before me and signed in my presence by the said Charles A. Wiley this — day of March, A.D., 1940.

M. Le Roy Allen - Notary Public,
Union County, Ohio. My
commission expires Feb. 16, 1942.

Filed
Mar. 30-1940.

In the Probate Court
In the Matter of the Estate of | of Union County, Ohio.
Wilbur C. Temple, Deceased. | Case No. 14080.
Entry Ordering Sale.

This day this cause came on to be heard upon the Application to sell personal property therein described and the testimony; and the Court being fully advised in the premises finds that the statements and allegations in said Application are true and that such property ought to be sold as prayed for.

The Court being satisfied upon the good and sufficient proof that it will be to the advantage of said estate to sell said personal property at public sale, it is therefore ordered that Charles A. Wiley, as such Executor, proceed according to law to sell

THE COL. B. B. MFG. CO. 75974

14080

said personal property at public auction to the highest bidder after giving notice thereof for the time and in the manner prescribed by law.

It is further ordered that said sale be made upon the following terms, that is, cash upon the delivery of the property to the purchaser.

It is further ordered that said Executor make return of his proceedings herein within thirty (30) days after the sale.

L. W. Hazen Probate Judge.

14042
Filed
Mar. 28-1940.
Allen & Allen,
Attorneys.

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14042
Filed
Mar. 28-1940.
Allen & Allen,
Attorneys.

Petition to Sell Real Estate to Pay Debts.

In the Probate Court
of Union County, Ohio.

Robert F. Allen, Administrator of
the Estate of Flora L. Thomas,
Deceased,

Plaintiff,

-vs-

Burl Martin Thomas, and
Bertha Irene Thomas,

Defendants.

Case No. 14042.
Petition to Sell Real Estate
to Pay Debts.

Now comes the Plaintiff, Robert F. Allen and says he is the duly appointed, qualified and acting Administrator of the Estate of Flora L. Thomas, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is One Thousand Fifty and 00/100 Dollars ($1050.00), and the costs of administering the estate will be about Two Hundred and 00/100 Dollars ($200.00).

The total value of the personal property of said decedent was fixed by the Appraisers of said estate at One Hundred Sixty Eight and 21/100 Dollars ($168.21) 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 Township of Claiborne, County of Union and State of Ohio and bounded and described as follows:

Being Part of Survey No. 6293.

Beginning at a stake in the center of the Richwood and Prospect Gravel Road and northwest corner of land formerly owned by Moses Watson, deceased (a stone bears S. 6° E. 27 feet); thence with the West line said Watson lands S. 6° E. 52 poles to a stake and stone; thence S. 73° W. 69 poles to a stake and stone; thence N. 6° 45' E. 14.60 poles to 3 small stones set side by side; thence N. 1° E. 39.32 poles to a stake in the center of said pike (a stone bears S. 10° W. set between the gravel and the ditch); thence with the center of said pike N. 75° E. 59.40 poles to the place of beginning. Containing 20.25 acres, more or less.

Also, the following real estate: Part of said Survey No. 6293, and bounded and described as follows:

Beginning at the northwest corner of P. Ripley's land 20-3/4 acres, in the middle of the Richwood and Middletown Pike; thence S. 70-1/4° W. 52 poles to a stake in the middle of said Pike; thence S. 10½° E. 63.44 poles to a stake; thence N. 70-3/4°

THE COL. B. B. MFG. CO. 75974

14042

E. 50 poles to the West line of P. Linsley's land; thence N. 9° W. 63.44 poles to the place of beginning.

Containing 20 acres, more or less.

Said real estate was included in the Inventory of the estate pursuant to the order of this Court and appraised at Thirty Eight Hundred Sixty Seven and 00/100 Dollars ($3867.00).

The decedent died leaving the Defendant, Burl Martin Thomas as her widower and the Defendant Bertha Irene Thomas as her daughter, unmarried, who are her only next of kin, said persons being the only ones entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein.

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

Wherefore Plaintiff prays that said real estate be sold free from all the rights of Burl Martin Thomas and Bertha Irene Thomas 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 statute in such case made and provided and for such other and further relief to which he may be entitled.

Robert R. Allen - Administrator of the Estate of Flora L. Thomas, Deceased.

State of Ohio, Union County, ss:

Robert R. Allen 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.

Robert R. Allen.

Sworn to before me and signed in my presence this 28th. day of March, 1940.

T. LeRoy Allen - Notary Public, Union County, Ohio. My Commission Expires Feb. 6/1942

Filed Mar. 28-1940.

Entry Ordering Appraisement.

In the Probate Court of Union County, Ohio.

Robert R. Allen, Administrator of the Estate of Flora L. Thomas, Deceased,

Plaintiff,

-vs-

Burl Martin Thomas, et al,

Defendants

Case No. 14042.

Entry Ordering Appraisement.

Filed Mar. 28-1940.

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Filed Mar. 28-1940.

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Appraisement.

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This matter coming on further 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 will proceed before this Court; and that it is necessary to sell said real estate to pay the debts of said estate and the prayer of the Petition should be granted.

And it appearing to the Court that a new appraisement should be made of the said real estate, it is ordered that Robert A. Porter, Sr., Lloyd Winter and Myron A. Miller, three (3) 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 forthwith.

L. W. Hazen-Probate Judge.

Filed
Mar. 28-1940.

Waiver.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Flora L. Thomas, Deceased,

Plaintiff,

-vs-

Burl Martin Thomas, et al,

Defendants.

Case No. 14042.
Waiver.

The undersigned, Parties Defendant herein, hereby waive the issuance and service of process and consent to the sale of the real estate described in the Petition.

Witness as to
Burl Martin Thomas (X) mark Thomas.

Burl Martin Thomas mark.
F. Le Roy Allen.
Robert F. Allen.

Bertha Irene Thomas.

Filed
Mar. 28-1940.

Order to and Report of Appraisement.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Flora L. Thomas, Deceased,

Plaintiff,

-vs-

Burl Martin Thomas, et al,

Defendants.

Case No. 14042.
Order to and Report of Appraisement.

To Robert A. Porter, Sr., Lloyd Winter and F. P. Sieg;

THE COL. B. B. MFG. CO. 75974

14042

The Court reposing confidence in your judgment on the — day of March, 1940, it is certain to said real estate now pending in said Court wherein Robert F. Allen, Administrator of the estate of Flora L. Thomas, deceased, is Plaintiff, and Burk Martin Thomas and Bertha Irene Thomas, are Defendants, appointed you Appraisers of the following described real estate:

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

Being part of Survey No. 6293.

Beginning at a stake in the center of the Richwood and Prospect Gravel Road and northwest corner of land formerly owned by Moses Watson, deceased (a stone bears S. 6° E. 27 feet); thence with the West line of said Watson lands S. 6° E. 52 poles to a stake and stone; thence S. 73° W. 69 poles to a stake and stone; thence N. 6° 45' E. 14.60 poles to 3 small stones set side by side; thence N. 1° E. 39.32 poles to a stake in the center of the said pike (a stone bears S. 10° W. set between the gravel and the ditch); thence with the center of said pike N. 76° E. 59.40 poles to the place of beginning.

Containing 20.25 acres, more or less.

Also, the following real estate: Part of said Survey No. 6293, and bounded and described as follows:

Beginning at the northwest corner of P. Linsley's land 20-3/4 acres, in the middle of the Richwood and Middletown Pike; thence S. 70-1/4° W. 62 poles to a stake in the middle of said Pike; thence S. 10 1/2° E. 63.44 poles to a stake; thence N. 70-3/4° E. 60 poles to the West line of P. Linsley's land; thence N. 9° W. 63.44 poles to the place of beginning.

Containing 20 acres, more or less.

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 28th. day of March, 1940.

Oath of Appraisers.

State of Ohio, Union County, ss:

On the 28th. day of March, 1940, before me, personally appeared Robert A. Porte, Sr., Lloyd Winter and F. P. Sieg, the within named, and made oath that they would upon actual view, truly and impartially appraise at its fair cash value the within described real estate in pursuance of the

14042

Filed Mar. 28-1940.

14042

Filed Mar. 28-1940.

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R. LeRoy Allen - Notary Public,
Union County, Ohio, My
Commission Expires Feb. 6 - 1942.

Seal

Report of Appraisers.

We do appraise the within described real estate on our oath aforesaid after having actually viewed the same at $3500.00

Witness our hands this 28th. day of March, 1940.

Lloyd Witter,
Robert A. Yorte, Sr.
T. P. Sieg.

Filed Mar. 28-1940. Entry Confirming Appraisement, Approving Bond & Ordering Private Sale.

In the Probate Court of Union County, Ohio.

Robert T. Allen, Administrator of the Estate of Flora L. Thomas, Deceased,

Plaintiff,

-vs-

Burl Martin Thomas, et al,

Defendants.

Case No. 14042.
Entry Confirming Appraisement; Approving Bond and Ordering Private Sale.

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 further appearing to the Court that the Plaintiff has given a bond as Administrator of the estate of Flora L. Thomas, deceased, in the sum of Four Thousand and 00/100 Dollars ($4000.00) with approved sureties, conditioned according to law, said Administrator is therefore not required to give additional bond herein.

It appearing to the Court that private sale would be to the best interest of the estate, it is ordered that said Robert T. Allen as Administrator of the estate of Flora L. Thomas, deceased, sell said real estate at private sale at not less than Thirty Five Hundred and 00/100 Dollars ($3500.00) being the appraised value thereof for cash upon the delivery of a deed to the purchaser.

It is further ordered that said Administrator make return of sale without unnecessary delay.

L. W. Hagen - Probate Judge

Filed Mar. 28-1940. Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

Robert T. Allen, Administrator of the Estate of Flora L. Thomas, Deceased,

Plaintiff,

Burl Martin Thomas, and Bertha Irene Thomas, Defendants.

Case No. 14042.
Order Issued to Representative for Private Sale and Return.

THE COL. B. B. MFG. CO. 75974

14042

To Robert R. Allen, Administrator of the Estate of Flora L. Thomas, Deceased, Greeting:

Whereas, in a certain action pending in the Probate Court of Union County, Ohio, wherein Robert R. Allen, Administrator of the estate of Flora L. Thomas, deceased, is Plaintiff and Burl Martin Thomas, 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, Thirty Five Hundred and 00/100 Dollars ($3500.00) agreable to the statute regulating the sale of real estate by Administrators and that you make return of your proceedings in the premises to the said Probate Court and bring this order with you. The said real estate is described in the Petition as follows, to-wit:

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

Part of Survey No. 6293.

Beginning at a stake in the center of the Richwood and Prospect Gravel Road and northwest corner of land formerly owned by Moses Watson, deceased (a stone bears S. 6° E. 27 feet); thence with the West line of said Watson lands S. 6° E. 52 poles to a stake and stone; thence S. 73° W. 69 poles to a stake and stone; thence N. 6° 45' E. 14.60 poles to 3 small stones set side by side; thence N. 1° E. 39.32 poles to a stake in the center of said pike (a stone bears S. 10° W. set between the gravel and the ditch); thence with the center of said pike N. 75° E. 69.40 poles to the place of beginning.

Containing 20.25 acres, more or less.

Also, the following real estate: Part of said Survey No. 6293, and bounded and described as follows:

Beginning at the northwest corner of P. Linsley's land 20-3/4 acres, in the middle of the Richwood and Middleton Pike; thence S. 70-1/4° W. 62 poles to a stake in the middle of said Pike; thence S. 10½° E. 63.44 poles to a stake; thence N. 70-3/4° E. 60 poles to the West line of P. Linsley's land; thence N. 9° W. 63.44 poles to the place of beginning.

Containing 20 acres, more or less.

Witness my hand and the seal of said Court at Marysville, Ohio, this 28th. day of March, 1940.

L. W. Hazen-Probate Judge.

Seal

Report of Private Sale.

In obedience to the command of the within Order of Sale, I did on the 28th. day of March, 1940, offer said property at private sale and Vern Howison and Hazel Howison having offered therefor

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Filed Mar. 28-1940.

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the sum of Thirty Five Hundred and 00/100 Dollars ($3500.00) and the same being not less than the appraised value of said property, I sold the same to Vern Howison and Hazel Howison for said sum.

Robert F. Allen - Administrator of the Estate of Flora L. Thomas, Deceased.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Robert F. Allen, 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 of said property and that the sale reported is for the highest price that could be obtained.

Robert F. Allen.

Subscribed in my presence and sworn to before me this 28th. day of March, 1940.

F. LeRoy Allen, Notary Public, Union County, Ohio. My Commission Expires Feb. 6th 1942.

Filed Mar. 28-1940.

Entry Confirming Sale Ordering Deed and Distribution.

In the Probate Court of Union County, Ohio.

Robert F. Allen, Administrator of the Estate of Flora L. Thomas, Deceased, Plaintiff,

-vs-

Burl Martin Thomas, et al, Defendants.

Case No. 14042.
Entry Confirming Sale Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Robert F. Allen, Administrator of the estate of Flora L. Thomas, 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 Flora L. Thomas in said real estate to the purchasers, Vern Howison and Hazel Howison, upon the purchasers paying to the said Administrator the sum of Thirty Five Hundred and 00/100 Dollars ($3500.00) cash.

THE COL. B. B. MFG. CO. 75974

14042

It is further ordered, that said Robert F. Allen, Administrator of the estate of Flora L. Thomas, deceased, out of the money in his hands pay:

First: To the Treasurer of this County the taxes against said property, the sum of $14.10

Second: D. E. Ogan, real estate broker's commission $105.00

Third: To the Probate Court of Union County, Ohio, the Court Costs in this land sale in the amount $19.00

Fourth: It is further ordered that the balance of said proceeds amounting to the sum of $3361.90 be accounted for by said Administrator according to law.

L. W. Hazen - Probate Judge.

14051
Filed
Apr. 8- 1940.
Hooper, Sandre & Hooper, Atty's.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Paul E. Herd, as Guardian of Grace Lucille Herd, a minor,
Plaintiff,
-vs-
Grace Lucille Herd and Paul E. Herd,
Defendants.

No. 14051.
Petition.

Plaintiff says that he is the duly appointed, qualified and acting guardian of Grace Lucille Herd, aged 19 years, by virtue of an order of the Probate Court of Union County, Ohio.

Plaintiff further says that he is owner of an undivided one-half interest in the following described real estate, to-wit:

Situated in the State of Ohio, County of Union, Township of Liberty, being part of Survey Nos. 4815, 12388, 12401, and 14755, and bounded and described as follows:

Tract No. 1: In Survey #14755.

Beginning at a stone, in the northeast line said Survey No. 14755, said stone being set to mark the southwest corner of J. B. Herd's land 35 acre track; thence with said Herd's south line S. 33° East 67.57 poles to a stone, northeast corner to A. J. Skidmore's land; thence with said Skidmore's northwest line, S. 55-3/4° West 65.75 poles to a stake, northwest corner to H. H. Herd's 108 acre track; thence N. 32-1/2° West 70 poles to a stake; thence N. 57-3/4° East 65 poles to the beginning.

Containing 28.10 acres, more or less.

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Track No. 2: In Survey #12388 - 12401:

Beginning at a stone corner to Thomas Garwood's heirs' land and in the north line of said Survey; thence S. 32-3/4° West 166.80 poles with the west line of said Garwood's heirs land and P. and M. E. Mc Connell's land line to a stone southwest corner to Mc Connell's land and in James Herd's north line; thence N. 33¼° West 44.80 poles with the Survey line to a stone on broken tile corner to James Herd's land; thence N. 32¾° East 133.44 poles with the east line of said James Herd's land to a rock; thence S. 77° East 43.64 poles with the north line of said Survey to the beginning.

Containing 38.40 acres more or less.

Track No. 3: In Surveys Nos. 4815 and 12388-12401:

Beginning at a stake in the center of the East Liberty and Raymond pike, said stake being the northwest corner of Eva V. Herd's land; thence with said Eva V. Herd's west line S. 18½° West 46.2 poles to a stake northwest corner to J. B. Herd's 35 acre tract; thence with said J. B. Herd's west line S. 33° West 139.50 poles to a stone corner of J. B. and M. E. Herd's land; thence with M. E. Herd's two consecutive lines N. 80¼° West 20 poles to a stake, and thence N. 7° East 79.26 poles to a stone corner to a 13.66 acre tract conveyed to Charles Herd; thence with two consecutive lines of said Charles Herd's land S. 83° East 36.34 poles to a stake, and thence N. 20½° East 61.02 poles to a stake in the center of said East Liberty and Raymond pike; thence with the center of said pike N. 78° East 31.25 poles to the beginning.

Containing 31.34 acres, more or less.

Track No. 4: In Survey No. 4815:

Beginning at a stone on the north side of the road from East Liberty to Raymond, said stone being the southwest corner of the Thomas Skidmore estate; thence with said Skidmore's west line N. 6° East 109.90 poles to the center of Mill Creek; thence with the center of Mill Creek N. 49° West 8.69 poles; thence S. 52° West 10.91 poles to a stake; thence S. 71½° West 46.24 poles to a stake; thence S. 11° East 100.90 poles to the center of the aforesaid road; thence N. 78° East 28.82 poles to the beginning.

Containing 29.17 acres, more or less.

Containing in all four tracts 127 acres, more or less.

Also the following track situated in the same County, Township, and Surveys Nos. 4815, 12388-12401, and bounded and described as follows:

Beginning at an iron pin set at the northeast corner of lands belonging to J. Bry Herd's heirs and

THE COL. B. B. MFG. CO. 75974

14061

in the center line of the Raymond-East Liberty improved road; thence along the east line of said Herd's land S. 18° 30' West 45.2 poles to a stake at the northwest corner to J. Bry Herd's 35 acre track; thence S. 77° East 43.64 poles to a stone corner on the north line of Survey No. 12388-12401; thence S. 32° 45' West 130.6 poles to a stake; thence S. 83° East 71 poles to a stone corner; thence N. 19° East 120.4 poles to a wooden stake; thence N. 79° 45' West 19.2 poles to a wooden stake; thence N. 13° 30' East along the west line of the T. B. Skidmore lands 73.7 poles to an iron pin set in the center line of the Raymond-East Liberty Improved Road; thence along the center line of said road S. 76° 45' West 67.3 poles to the place of beginning.

Containing 67.6 acres, more or less.

Containing in all, 194.6 acres, more or less.

Plaintiff further says that his sister, Mabel S. Herd, is the owner of the other undivided one-half interest in said real estate; that it is necessary for this plaintiff as an individual to encumbert said real estate, together with his sister, in the sum of $4500.00, by obtaining a loan from the Federal Land Bank of Louisville in the sum of $4500.00 with interest at the rate of 4% per annum, for a term of 33 years, and to also encumber said real estate for the sum of $2100.00, by obtaining a loan from the Land Bank Commissioner for the sum of $2100.00, with interest at the rate of 5% per annum, for a term of 29 years; that in order to so encumber said real estate it will be necessary that the contingent dower interest of the minor defendant, Grace Lucille Herd, be conveyed to the said the Federal Land Bank of Louisville, and to the Land Bank Commissioner, in order that a valid and subsisting lien be created in the said the Federal Land Bank of Louisville and the Land Bank Commissioner, and therefore that this plaintiff as guardian of the said Grace Lucille Herd be authorized and empowered to execute, and deliver upon her behalf a mortgage to the Federal Land Bank of Louisville in the sum of $4500.00, with interest at the rate of 4% per annum, for a term of 33 years, and a mortgage to the Land Bank Commissioner in the sum of $2100.00, with interest at the rate of 5% per annum, for a term of 20 years.

That it will be for the best interests of said ward, and of this plaintiff, if said mortgages are executed.

Wherefore, plaintiff prays that he be ordered, authorized and empowered to execute for and on behalf of his ward, Grace Lucille Herd, a mortgage to

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14051 the Federal Land Bank of Louisville for the sum of $4500.00, with interest at the rate of 4% per annum, for a period of 33 years, and a mortgage to the Land Bank Commissioner for the sum of $2100.00, with interest at the rate of 5% per annum, for a period of 20 years, and thereby release, relinquish and convey to the said Federal Land Bank of Louisville, and the Land Bank Commissioner the contingent right of dower of the said Grace Lucille Herd in and to said real estate, 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:

Paul E. Herd, being first duly sworn, says that he is the duly appointed and acting guardian of Grace Lucille Herd, a minor, 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.

Paul E. Herd.

Sworn to before me and subscribed in my presence this 8th. day of April, 1940.

Ruth Huss-Notary Public,
Union County, Ohio.
My commission expires 5/26/41.

Fee $.50

Precipe.

To the Judge, Clerk Ex-Officio:

Issue summons in the above entitled cause, directed to the Sheriff of Union County, Ohio, for the minor defendant, Grace Lucille Herd, and make the same returnable according to law. Cause said summons to be served upon the said Grace Lucille Herd, and also cause said summons to be served upon Paul E. Herd, husband of said Grace Lucille Herd, and the person with whom she resides. Endorse summons, "Action by guardian for authority to execute a mortgage to the Federal Land Bank of Louisville for $4500.00 with interest at 4% per annum, for a term of 33 years, and a mortgage to the Land Bank Commissioner for $2100.00, with interest at 5% per annum, for a term of 20 years, to convey the contingent dower interest of the said ward, Grace Lucille Herd, and for other relief.

Hooper, Sanders & Hooper.
Attorneys for Plaintiff.

THE COL. B. B. MFG. CO. 75974

14051
Filed
apr. 8-1940.

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 Paul E. Herd, husband of Grace Lucille Herd and person with whom she resides and the following named who are minors, to-wit: Grace Lucille Herd making service of this summons upon such minor as she 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 8 th. day of April, A. D. 1940, Paul E. Herd, husband and person with whom Grace Lucille Herd resides, 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 authorizing him to execute a mortgage on behalf of Grace Lucille Herd, his ward, to the Federal Land Bank of Louisville for the sum of $4500.00, with interest at the rate of 4% per annum, for a period of 33 years, and a mortgage to the Land Bank Commissioner for the sum of $2100.00, with interest at the rate of 5% per annum, for a period of 20 years, and that unless they answer by the 11 th. day of May 1940, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 22 nd. day of April, 1940.

Witness my hand and the seal of said court, this 8 th. day of April, 1940.

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

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 April 8-1940, at 3 o'clock P. M., and on the days and in the manner hereinafter named, I served the defendants, viz: April 8-1940, said person with whom on Paul E. Herd, husband Grace Lucille Herd resides, April 8, 1940, on Grace Lucille Herd, a minor over the age of 14 years.

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

Filed
apr. 19-1940.

Waiver.

In the Probate Court, Union County, Ohio.

Paul E. Herd, Guardian of Grace Lucille Herd, a Minor, Plaintiff,
-vs-
Grace Lucille Herd and Paul E. Herd. Defendants.

No. 14051.
Waiver.

Filed
apr. 19-1940.

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14051

Now comes the defendant, Paul E. Herd, and waives the issuing and service of summons and process, and voluntarily enters his appearance herein.

Paul E. Herd.

Filed Apr. 19-1940.

Application.

In the Probate Court, Union County, Ohio.

Paul E. Herd, as Guardian of Grace Lucille Herd, a minor,

Plaintiff,

-vs-

Grace Lucille Herd and Paul E. Herd,

Defendants.

No. 14051.
Application.

Grace Lucille Herd says that she is a minor of the age of 19 years, and the wife of the plaintiff herein, and that said plaintiff is her guardian, and she prays for the appointment of a guardian ad litem to represent her during the pendency of this action.

Grace Lucille Herd.

State of Ohio, Union County, ss:

Grace Lucille Herd, being first duly sworn, says that the facts stated in the foregoing application are true as she verily believes.

Grace Lucille Herd.

Sworn to before me and subscribed in my presence this 8th. day of April, 1940.

Virgil Sanders - Notary Public.

Filed Apr. 19-1940.

Answer of Guardian Ad Litem.

In the Probate Court, Union County, Ohio.

Paul E. Herd, as Guardian of Grace Lucille Herd, a minor,

Plaintiff,

-vs-

Grace Lucille Herd and Paul E. Herd,

Defendants.

No. 14051.
Answer of Guardian Ad Litem.

Now comes William S. Hooper, and respectfully represents to the court that he is the duly appointed, qualified and acting Guardian ad litem of the minor defendant, Grace Lucille Herd, by virtue of an order of this court, and that as such Guardian ad litem he has examined the petition of plaintiff filed herein, and has made inquiry into the circumstances of said cause, and that upon examination he finds that it would be to the

THE COL. B. B. MFG. CO. 75974

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best interests of said ward if the prayer of the said petition were granted, and that if the said Paul E. Herd, as such guardian, be authorized, empowered and ordered to execute upon behalf of said minor, and thereby convey, her contingent right of dower, a mortgage to the Federal Land Bank of Louisville in the sum of $4500.00 with interest at the rate of 4% per annum, for a term of 33 years, and a mortgage to the Land Bank Commissioner in the sum of $2100.00, with interest at 5% per annum, for a term of 25 years.

Wherefore, said guardian ad litem joins with plaintiff in the prayer as set forth in said petition.

William S. Hoopes.
Guardian Ad Litem.

State of Ohio, Union County, ss:

William S. Hoopes, being first duly sworn, says that he is Guardian Ad Litem for Grace Lucille Herd, a minor, and that the facts stated and allegations contained in the foregoing answer are true as he verily believes.

William S. Hoopes.

Sworn to before me and subscribed in my presence this 17th. day of April, 1940.

Ruth Hess-Notary Public,
Union County, Ohio,
My commission expires 5/26/41.

Filed
Apr. 19-1940.

Entry.

In the Probate Court, Union County, Ohio.

Paul E. Herd, as Guardian of Grace Lucille Herd, a minor,

Plaintiff,

-vs-

Grace Lucille Herd and Paul E. Herd,

Defendants.

No. 14051.
Entry.

This day this cause came on to be heard upon the application of Grace Lucille Herd, a minor of the age of 19 years, asking for the appointment of a Guardian Ad Litem, and the Court being fully advised in the premises, finds that a Guardian Ad Litem should be appointed, and it is ordered that William S. Hoopes be, and he hereby is, appointed Guardian Ad Litem for Grace Lucille Herd during the pendency of this action, and it is ordered that he file his answer instanter.

L. W. Hazen-Probate Judge.

14051
Filed
Apr. 19-1940.

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Filed
Apr. 19-1940.

Entry.

In the Probate Court, Union County, Ohio.

Paul Ed. Herd, as Guardian of Grace Lucille Herd, a minor,

Plaintiff,

-vs-

Grace Lucille Herd and Paul Ed. Herd,

Defendants.

No. 14051.
Entry.

This day this cause came on to be heard upon the petition of plaintiff, the answer of William S. Hoopes, Guardian Ad Litem for the minor defendant, Grace Lucille Herd, and the evidence.

And the Court, being fully advised in the premises, finds that the defendant, Grace Lucille Herd, has been served with summons and process, and that she has applied for the appointment of a Guardian Ad Litem, and that William S. Hoopes has been duly appointed Guardian Ad Litem; that the defendant, Paul Ed. Herd, has waived service of summons and process and voluntarily entered his appearance herein, and has joined in the prayer set forth in plaintiff's petition.

And the Court further finds that the facts stated and the allegations made in said petition are true and that the facts stated and the allegations made in the answer of the Guardian Ad Litem are true, and that the prayer of said petition should be granted.

The Court further finds that the said Grace Lucille Herd is the wife of the defendant, Paul Ed. Herd, and is a minor of the age of 19 years; that it is necessary that said Paul Ed. Herd secure a loan from the Federal Land Bank of Louisville in the sum of $4500.00, with interest at the rate of 4% per annum, for a term of 33 years, and a loan from the Land Bank Commissioner for the sum of $2100.00, with interest at the rate of 5% per annum, for a term of 20 years, and that in order to secure said loans it is necessary that he execute and deliver mortgages on his interest in the real estate as set forth and described in the petition, and that the contingent right of dower of the said minor defendant, Grace Lucille Herd, be released and conveyed to the said the Federal Land Bank of Louisville and said Land Bank Commissioner.

It is therefore ordered, adjudged and decreed that the said Paul Ed. Herd, as guardian of the minor

THE COL. B. B. MFG. CO. 75974

14051

defendant, Grace Lucille Herd, be, and he hereby is, authorized, ordered and empowered to execute and deliver for and on behalf of said minor defendant, Grace Lucille Herd, a mortgage to the Federal Land Bank of Louisville in the sum of $4500.00, with interest at the rate of 4% per annum, for a term of 33 years, and a mortgage to the Land Bank Commissioner in the sum of $2100.00, with interest at the rate of 5% per annum, for a term of 20 years, and thereby release and relinquish all of the right, title and interest of the said Grace Lucille Herd in and to said real estate and convey the same to the said Federal Land Bank of Louisville and Land Bank Commissioner, as in said mortgages provided.

And it is further ordered that said guardian make due report of his proceedings to this Court.

L. W. Hazen - Probate Judge.

13950
Filed
Oct. 31 - 1939.

Petition to Sell Real Estate.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A Johnston & Alpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Earl W. Johnston & Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 South Avenue, Canton, Ohio.

Defendants.

Case No. 13950.
Petition to Sell Real Estate to Pay Debts.

Now comes the Plaintiff, Clayton P. Johnston, and says he is the duly appointed, qualified and acting Executor of the estate of John M. Johnston, deceased, late of this County; that as far as can be ascertained the amount of the valid debts against the deceased is Twenty Seven Hundred and 00/100 Dollars ($2700.00) and the costs of administering the estate will be about Three Hundred Thirty and 00/100 ($330.00) Dollars.

Your petitioner says there was no personal property belonging to the estate of John M. Johnston, deceased, and that said appraisement has not been excepted to; and there is no money to pay the debts and costs aforesaid.

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following described real estate:

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

Beginning at three ashes, corner of Spain, Grindell and Ross land: Thence S. 18° E. 200 poles with the line of Spains tract of land to a stake. Thence N. 72° E. 80 poles to two bushes corner to Tobias Robinson's land: Thence N. 18° W. 200 poles to a corner of Grindells land and a stone: Thence with Grindells line 80 poles to the beginning. The whole tract containing 125 acres. This conveyance consisting of 25 acres off of the north end of the same. Also the following track of land to-wit: Part of Military Survey No. 220 Original quantity 416 acres on the waters of Fulton Creek. Beginning at three ashes, the original southwest corner of said Survey: thence N. 14½° W. with the original line 70-7/10 poles to a stake and stones; Thence N. 78° 57' E. 81-32/100 poles to a stake and stones; Thence S. 16° 3' E. 77-6/100 poles to a line stone in the original south line of said Survey; Thence S. 73° 57' W. 83-7/10 poles to the beginning. Containing forty (40) 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 Forty One Hundred and 00/100 Dollars ($4100.00).

Said real estate is subject to a mortgage held by the Defendant, T. P. Johnston, in the original principal sum of Thirteen Hundred and 00/100 Dollars ($1800.00) on which there is due approximately Nineteen Hundred and 00/100 Dollars ($1900.00).

The Defendants Thomas A. Johnston, Clayton P. Johnston, Earl W. Johnston and Harry J. Johnston, 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 Alpha E. Johnston is the wife of Thomas A. Johnston; the Defendant Golda Bell Johnston is the wife of Earl W. Johnston; and the Defendant Lulu Johnston is the wife of Harry Johnston and said Defendants may have or claim to have some interest in the real estate hereinabove described.

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

Wherefore, Clayton P. Johnston, Executor of the Estate of John T. Johnston, Deceased, the Plaintiff herein, 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

THE COL. B. B. MFG. CO. 75974

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estate according to the statutes in such cases made and provided and for such other and further relief to which he may be entitled.

Allen and Allen.
By- Robert M. Allen.
Attorneys for Plaintiff.

State of Ohio, Union County, ss:
Clayton P. Johnston, being duly sworn, says he is the Plaintiff in the above entitled cause and that the facts stated and the allegations herein are true as he verily believes.

Clayton P. Johnston.

Sworn to before me and signed in my presence by the said Clayton P. Johnston this — day of October, 1939.

Robert M. Allen-Notary Public,
Union County, Ohio.
My commission Expires Mar. 10-1940.

Filed
Nov. 3- 1939.

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

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,
Plaintiff,
-vs-
Thomas A. Johnston et Alpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Carl W. Johnston et Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Butbalk, Montana; and T. P. Johnston, 927 Smith Avenue, Galion, Ohio.
Defendants.

Case No. 13950.
Entry of Appearance and Consent to Sell.

T. P. Johnston, the undersigned party defendant in the above entitled action, being a competent adult person, hereby waives the issuing and service of summons upon and as of 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.

T. P. Johnston.

Filed
Nov. 3- 1939.

Answer of T. P. Johnston to Petition to Sell Real Estate.
State of Ohio, Union County, ss: In the Probate Court.
Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,
Plaintiff,
-vs-
Thomas A. Johnston, et al.,
Defendants.

Answer of T. P. Johnston to Petition to Sell Real Estate.

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Now comes T. P. Johnston, one of the defendants in the above entitled action and for his answer herein, says:

He admits that Clayton P. Johnston is the duly appointed, qualified and acting executor of the estate of John R. Johnston, deceased, and that there are valid debts against the estate of said deceased in the amount of Twenty-Seven Hundred Dollars ($2700.00) or more and that the cost of administering said estate will be approximately Three Hundred Thirty Dollars ($330.00).

He admits that said John R. Johnston died, seized in fee simple of the real estate described in the petition and that he is advised that the same was appraised at Forty-One Hundred Dollars ($4100.00).

He admits that said real estate is subject to two (2) mortgages belonging to this answering defendant in the total original principal sum of Thirteen Hundred Dollars ($1300.00) and that there is due to him on them the sum of Seventeen Hundred Ninety-Six and 75/100 Dollars ($1796.75), with interest thereon from November 1, 1939 at the rate of six percent (6%) per annum.

He says that the first of said notes was signed by John R. Johnston and Lavina Johnston and is as follows:

$800.00 May 13th, 1932.

One year after date, for value received we promise to pay to the order of T. P. Johnston Eight Hundred and 00/100 Dollars with interest at the rate of 6% per centum per Semi-Annually at Richwood, O. and we hereby authorize any Attorney at Law to appear in any Court of Record in the United States, after the above obligation becomes due, and waive the issuing and service of process and confess a judgment against us in favor of the holder hereof for the amount then appearing due, together with costs of suit, and thereupon to release all errors and waive all right of appeal.

Due May 13th, 1933.

John R. Johnston.
Lavina Johnston.

He says that there are no endorsements or credits thereon and that there is due and owing to this answering defendant, T. P. Johnston, the sum of Six Hundred Thirty-Eight and 75/100 Dollars ($638.75) as of November 1, 1939, with interest thereafter.

He says that the second of said notes is signed by John R. Johnston and is as follows:

$500.00 Richwood, Ohio - March 15 - 1935.

On demand for value received I promise to pay to the order of T. P. Johnston, Five Hundred and 00/100 Dollars with interest at the rate of 6 per centum

THE COL. B. B. MFG. CO. 75974

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per annum at and I hereby authorize any Attorney at Law to appear in any Court of Record in the United States, after the above obligation becomes due, and waive the issuing and service of process and confess a judgment against me in favor of the holder hereof for the amount then appearing due, together with costs of suit, and thereupon to release all errors and waive all right of appeal.

John R. Johnston.

Due on demand.

That there are no endorsements or credits on said note and that there is due and owing to this answering defendant, J. R. Johnston, thereon the sum of One Thousand One Hundred Fifty-Eight Dollars ($1158.00) as of November 1, 1939, with interest thereafter.

He says further that John R. Johnston and Lavina Johnston to secure the payment of said note of Eight Hundred Dollars ($800.00), did on May 13, 1932 make, execute and deliver unto this answering defendant their certain mortgage on and covering the land described in the petition and all of it and he says further that said mortgage was duly recorded on the 18th. day of May, 1932 in Deed Book 102, pages 47 and 48 of the Deed and Mortgage Records of Union County, Ohio, and that the same is the first and best lien on said premises.

He says that John R. Johnston did on March 15, 1935, make, execute and deliver unto this answering defendant his certain mortgage deed to secure the payment of said note of Five Hundred Dollars ($500.00) on and covering the following described premises:

Situated in the Township of Claibourne in the County of Union and State of Ohio and described as follows:

Beginning at three ashe corner of Spain, Grindell and Rose land; Thence S. 18° East 200 poles with the line of Spain's tract of land to a stake; Thence N. 72° E. 80 poles to two buckes corner to Tobias Robinson's land; Thence N. 18° W. 250 poles to a corner of Grindells land and a stone; Thence with Grindells land 80 poles to the beginning, the whole tract containing 125 acres, this conveyance consisting of 25 acres off the north end of the same.

That said mortgage was on the 16th. day of March, 1935, at 9:10 o'clock A. M. filed for record in the office of the Recorder of Union County, Ohio and was thereafter on March 18, 1935 recorded in Deed Book 106, Page 94 of the Deed and Mortgage Records of Union County, Ohio, and that said mortgage is the second best lien on the premises therein described.

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Filed Nov. 4-1939.

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This answering defendant admits that the other allegations of the petition are true insofar as his knowledge goes.

Wherefore, this answering defendant asks that the amount due him on said notes, with interest at the rate of six percent (6%) per annum may be ascertained; that his mortgages may be held to be the first and second lien on said real estate and that when said premises are sold that the executor of said estate be ordered to pay him the amount of the said notes with interest thereon out of the proceeds of such sale, and for all such other and further relief as is proper and he may be entitled to in the premises.

Wm. Simpson - Attorney at Law.
Atty. for Defendant.

State of Ohio, Stark County, ss:

T. P. Johnston, being first duly sworn, deposes and says that he is one of the defendants in the above entitled action and that the facts stated and allegations contained in his foregoing answer are true as he verily believes.

T. P. Johnston.

Sworn to before me and in my presence subscribed by T. P. Johnston, at Canton, Ohio, this 2nd day of November, 1939.

Wm. Simpson - Notary Public, Stark County, O.

Filed Nov. 4 - 1939.

Praecipe,

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased, Plaintiff,

-vs-

Thomas A. Johnston, et al., Defendants.

Case No. 13950.
Praecipe.

To the Probate Judge:

Please issue summons in the above entitled action for the Defendants, Earl W. Johnston and Golda Bell Johnston, directed to the Sheriff of Union County, Ohio, and make same returnable according to law.

Endorse summons "Action to sell real estate and all equitable relief."

Allen & Allen
Attorneys for Plaintiff.
Rec. F. L. A.

THE COL. B. B. MFG. CO. 75974

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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 Earl W. Johnston and Golda Bell Johnston, #13950, residing near Claibourne, Richwood #3; Clayton P. Johnston, Executor of the Estate of John P. Johnston, Deceased, Plaintiff, -vs- Thomas A. Johnston, et al., Defendants - In Case #13950; that on the 4th. day of November, A. D. 1939, Clayton P. Johnston, Executor of the Estate of John P. Johnston 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 "Action to sell real estate and all equitable relief," and that unless they answer by the 2nd. day of December 1939, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this writ on the 13th. day of November, 1939.

Witness my hand and the seal of said Court, this 4th. day of November, 1939.

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

Sheriff's Return.

The State of Ohio, Union County.

Received this writ Nov. 4th. 1939 at 9 o'clock a. m. No service made on order of Plaintiff's attorney. Defendants signed waiver.

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

Filed Nov. 13 - 1939.

Entry of Appearance, and Consent to Sell.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John P. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston, et al Orpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Earl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio,

Defendants.

Case No. 13950.
Entry of Appearance and Consent to Sell.

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Earl W. Johnston and Golda Bell Johnston, the undersigned parties defendants in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon and as to them and voluntarily enter their appearance as such defendants and consent to the sale of the real estate described in the Petition as therein prayed for.

Earl W. Johnston.
Golda Bell Johnston.
and Consent to Sell.

Entry of Appearance
In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Orpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Earl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Rylu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio.

Defendants.

Case No. 13950.
Entry of Appearance and Consent to Sell.

Thomas A. Johnston and Orpha E. Johnston, the undersigned parties defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon and as to 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.

Thomas A. Johnston.
Orpha E. Johnston.
Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Orpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Earl W. Johnston and Golda Bell Johnston, Richwood, Ohio;

Case No. 13950.
Entry of Appearance and Consent to Sell.

THE COL. B. B. MFG. CO. 75974

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Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio.

Defendants.

Clayton P. Johnston, the undersigned party defendant in the above entitled action, being a competent adult person, hereby waives the issuing and service of summons upon and as of 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.

Clayton P. Johnston.

Entry of Appearance and Consent to Sell.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Orpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Carl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio.

Defendants.

Case No. 13950.

Entry of Appearance and Consent to Sell.

Filed Nov. 13-1939.

Harry J. Johnston and Lulu Johnston, the undersigned parties defendant in the above entitled action, being competent adult persons, hereby waive the issuing and service of summons upon and as 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.

Harry J. Johnston.

Lulu Johnston.

Entry Ordering Appraisement.

Filed Nov. 13-1939.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Orpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Carl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston

Case No. 13950.

Entry Ordering Appraisement.

13950

and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio. Defendants.

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 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 an appraisement should be made of said real estate, it is ordered that Lloyd Winter, R. W. Clevenger and S. H. Cheney, three judicious and disinterested persons of the vicinity, not nors of kin of the petitioner, be and they hereby are appointed to appraise certain real estate at its true value in money free from any dower estate therein; it is further ordered that said appraisers 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 - Judge.

Filed Nov. 13-1939.

Order to and Report of Appraisers.
In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John R. Johnston, Deceased, Plaintiff,

-vs-

Thomas A. Johnston et Upha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Earl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Canton, Ohio, Defendants.

Case No. 13950.
Order to and Report of Appraisers.

To Lloyd Winter, R. W. Clevenger and S. H. Cheney, the Court reposing confidence in your judgment of the ___ day of November, 1939, it is certain to sell real estate now pending in said Court herein, Clayton P. Johnston, Executor of the estate of John R. Johnston, deceased, Plaintiff, and Thomas A. Johnston, et al, are Defendants, appointed your appraisers of the following described real estate to-wit:

THE COL. B. B. MFG. CO. 75074

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

Beginning at three ashes, corner of Spain, Grindell and Ross land: Thence S. 18° E. 250 poles with the line of Spains track of land to a stake. Thence N. 72° E. 80 poles to two bushes corner to Tobias Robinson's land: Thence N. 18° W. 250 poles to a corner of Grindells land and a stone: Thence with Grindells line 80 poles to the beginning. The whole tract containing 125 acres. This conveyance consisting of 25 acres off of the north end of the same. Also the following track of land to-wit- Part of Military Survey No. 2210 Original quantity 416 acres on the waters of Fulton Creek. Beginning at three ashes, the original southwest corner of said Survey: thence N. 14½° W. with the original line 70-7/10 poles to a stake and stones; thence N. 73° 57' E. 81-32/100 poles to a stake and stones; thence S. 16° 3' E. 77-6/100 poles to a lime stone in the original south line of said Survey: Thence S. 73° 57' W. 83-7/10 poles to the beginning. Containing forty (40) acres of land more or less.

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 present this Order with you.

Witness my hand and official seal in Marysville, Ohio, this 13 day of November, 1939.

L. W. Hagen-Probate Judge.

Oath of Appraisers.

State of Ohio, Union County, ss:

On the 13th. day of November, 1939, before me personally appeared Lloyd Winter, R. W. Clevenger and S. H. Cheney, the within named and made oath that they would on actual view truly and impartially appraise at its fair cash value the within described realy estate in purpuance of the within order of the Probate Court of said county.

-Notary Public.

Repat of Appraisers.

We do appraise the within described real estate, on our oath aforesaid, after having actually viewed the same, at Thirty Five Hundred and 00/100 Dollars ($3500.00).

Witness our hands this 13th. day of November, 1939.

Lloyd Winter.
R. W. Clevenger.
S. H. Cheney.

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Filed
Nov. 13-1939.

Entry Confirming Appraisement; Ordering Dispensing with Bond and Private Sale.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John N. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Alpha E. Johnston, 124 South Union St., Galion, Ohio; Clayton P. Johnston, Richwood, Ohio; Carl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry J. Johnston and Lulu Johnston, Cutbank, Montana; and T. P. Johnston, 927 Smith Avenue, Dayton, Ohio.

Defendants.

Case No. 13950.
Entry Confirming Appraisement Dispensing with Bond and Ordering Private Sale.

This day this matter came on to be further heard on the report of the appraisers 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 further appearing to the Court that the Will provides that Clayton P. Johnston shall serve in the administration of the estate of John N. Johnston without bond, a bond in this proceeding to sell real estate is therefore dispensed with.

It further appearing to the Court that private sale would be to the best interest of the estate, it is ordered that said Clayton P. Johnston, as such Executor, sell said real estate at private sale at not less than Thirty Five Hundred and 00/100 Dollars ($3500.00) being the appraised value thereof for cash upon the delivery of a deed to the purchaser.

It is further ordered that said Clayton P. Johnston, as such Executor, make return of sale without unnecessary delay.

L. W. Hazen - Judge.

Filed
Nov. 13 - 1939.

Order Issued to Representative for Private Sale and Return.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John N. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston and Alpha E. Johnston, 129 South Union St., Galion, Ohio; Clayton P. Johnston,

Case No. 13950.
Order Issued to Representative for Private Sale and Return.

THE COL. B. B. MFG. CO. 75974

13900

Richwood, Ohio; Earl W. Johnston and Golda Bell Johnston, Richwood, Ohio; Harry L. Johnston and Lulu Johnston, Kolbank, Montana; and V. P. Johnston, 927 Smith Avenue, Canton, Ohio.

Defendants.

To Clayton P. Johnston, Executor of the Estate of John R. Johnston, Deceased, Greeting:

Whereas, on the 13th day of November, 1939, the Probate Court of Union County, Ohio, in a certain action thereon pending wherein Clayton P. Johnston, Executor of the Estate of John R. Johnston, Deceased, Plaintiff and Thomas A. Johnston, et al, are Defendants, 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, Thirty Five Hundred and 00/100 Dollars ($3500.00) agreeable to the statute regulating the sale of real estate by Executors, and that you make return of your proceedings in the premises to the said Probate Court, and bring this order with you. The said real estate is described in the Petition as follows, to-wit:

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

Beginning at three ashes, corner of Spain, Grindell and Rock land: Thence S. 18° E. 250 poles with the line of Spains tract of land to a stake. Thence N. 72° E. 80 poles to two bushes corner to Tobias Robinsons land: Thence N. 18° W. 250 poles to a corner of Grindells land and a stone; Thence with Grindells line 80 poles to the beginning. The whole tract containing 125 acres. This conveyance consisting of 25 acres off of the north end of the same. Also the following tract of land to-wit: Part of Military Survey No. 220 Original quantity 416 acres on the waters of Fulton Creek. Beginning at three ashes, the original southwest corner of said Survey: thence N. 14½° W. with the original line 70-7/10 poles to a stake and stones; Thence N. 73° 57' E. 81-32/100 poles to a stake and stones; thence S. 16° 3' E. 77-6/100 poles to a line stone in the original south line of said Survey; Thence S. 73° 57' W. 83-7/10 poles to the beginning. Containing Forty (40) acres of land more or less.

Witness my hand and the seal of said Court at Marysville, Ohio, this 13th day of November, 1939.

Seal

L. W. Hazen Probate Judge.

13900

Filed Nov. 13-1939.

13900

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 13th. day of November, 1939, offer said property, at private sale, and Dorsey Ross having offered therefor the sum of Thirty Five Hundred and 00/100 Dollars ($3500.00) and the same being not less than the appraised value of said property, I sold the same to said Dorsey Ross for that sum.

Clayton P. Johnston - Executor.

Affidavit to Report of Private Sale.

State of Ohio, Union County, ss:

Clayton P. Johnston, 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.

Clayton P. Johnston.

Subscribed in my presence and sworn to before me this 13th. day of November, 1939.

Robert M. Allen - Notary Public,
Union County, Ohio.
My commission expires March 10-1940.

Filed
Nov. 13-1939.

Entry Confirming Sale and Ordering Deed.

In the Probate Court of Union County, Ohio.

Clayton P. Johnston, Executor of the Estate of John M. Johnston, Deceased,

Plaintiff,

-vs-

Thomas A. Johnston, et al,

Defendants.

Case No. 13900.
Entry Confirming Sale and Ordering Deed.

This day this cause came on to be heard on the report of Clayton P. Johnston, Executor of the estate of John M. 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 fair 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 M. Johnston, deceased, to Dorsey Ross, upon the said purchaser paying to the said Executor the purchase price of Thirty Five Hundred and 00/100 Dollars ($3500.00) in cash.

This cause coming on further to be heard upon the pleadings herein the Court finds there is due P. P.

THE COL. B. B. MFG. CO. 75974

13950

Johnston upon the notes set forth in his Answer and Cross Petition, from the estate of said John M. Johnston, deceased, the sum of Seventeen Hundred Ninety Six and 75/100 Dollars ($1796.75) with interest thereon at six per cent (6%) per annum from November 1, 1939; that the said John M. Johnston and his wife, Lavina Johnston, who died prior to the death of John M. Johnston, deceased, to secure the payment of said promissory notes, gave a mortgage upon the premises in the Petition discribed, which was a valid and subsisting lien upon said premises, and now upon the fund in the hands of said Executor arising from the sale of said premises. It is ordred 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 ordred that said Executor account for the proceeds of the sale of said premises or the sum of Thirty five Hundred and 00/100 Dollars ($3500.00) by further and final order of distribution to be made hereafter by this Court.

L. W. Hazen - Judge.

14095
Filed
June 7- 1940.

In the Matter of the Guardianship of John S. Miley, a Minor.
Application for Appointment as Guardian. (of Minor).

Probate Court, Union County, Ohio.
No. 14095.

In the Matter of the Guardianship of John S. Miley, a Minor.

I Daisy Marie Miley, a resident of Jackson Township, Union County, Ohio, hereby makes application for the appointment of Ernest Fish as Guardian of the person and estate of the following minor:

John S. Miley - Age 12 years, Nov. 15- 1939- Jackson Township, Union County, Ohio. and says that the name and residence of his parents are Daisy Miley and Samuel Miley, Richwood, Ohio, R. F. D. that the name and residence of the person having custody of said minor is his parents; and that the following is a statement of the whole estate of said minor, to- wit:

Personal Property consisting of none, of the probable value of none Dollars, and Real Estate consisting of 120 acres of farm land subject to life estate of Daisy Marie Miley and income of $150.00 per year to Elizabeth Wolfrum Dague, for life, situate in the Township of Jackson, County of Union and State of Ohio, of the probable value of Seven Thousand and 00/100 Dollars, The probable annual rents of said Real Estate amount to none Dollars.

Daisy Marie Miley.

Filed
June 7- 1940.

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The State of Ohio, Union County, ss.

Daisy Marie Miley, being duly sworn, says that the statements contained in the foregoing application are true as she verily believes. Daisy Marie Miley.

Sworn to before me and signed in my presence, this 7th. day of June, 1940.

Robert H. Allen-Notary Public-
Union County, Ohio.
My Commission Expires Apr. 7-1943.

To the Probate Court of Union County, Ohio:

The undersigned offers a bond as Guardian of said minor in the sum of $2000.00 with The Fidelity and Deposit Company of Maryland as sureties thereon.

The name of Allen and Allen, Attorneys, who will represent him in matters relating to this trust, is hereby filed in said Court.

Dated this 7th. day of June, 1940.

Ernest Fish.
By- Robert H. Allen.

Waiver of Notice
Probate Court, Union County, Ohio.
In the Matter of The Guardianship of } No. 14095.
John S. Miley, Minor.

We the undersigned, do each of us hereby waive the issuing and service of Notice, and voluntarily enter our appearance herein.

And we do hereby consent to the appointment of Ernest Fish as Guardian of said minor according to the prayer of the Application filed in said Court.

Dated June 7- 1940.

Daisy Marie Miley.
Samuel Miley.

Filed June 7-1940.

Journal Entries - Appointment of Guardian for Minor.
Probate Court, Union County, Ohio.
In the Matter of The Guardianship of } No. 14095 - June 7- 1940.
John S. Miley, Minor. } Order for Hearing and Notice.

This day Daisy Marie Miley filed an application in court for the appointment of a Guardian of John S. Miley, Minor.

It is ordered that said application be set for hearing on the 7th. day of June, 1940, at ten o'clock A.M., and that at least three days' notice of the time and place of said hearing be given to:

The proposed ward, by personal service in writing.
All interested parties by ——— as provided by law.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 75974

14095

Probate Court, Union County, Ohio.
In the Matter of the Guardianship of John S. Wiley, Minor. | No. 14095 - June 7- 1940. Order on Hearing.

This day this matter came on to be heard upon the application filed herein. The Court finds that notice has been given to all interested parties as heretofore ordered.

The Court finds that said John S. Wiley is a minor, and that a guardian is necessary.

It is therefore ordered that a Guardian be appointed.

It appearing to the Court that Ernest Fish is legally competent, and he having filed his application herein and given bond in the sum of $2000.00 conditioned according to law, with The Fidelity and Deposit Company of Maryland, as surties thereon, it is ordered that said bond be approved and that letters of Guardianship issue to said Ernest Fish as provided by law.

L. W. Hazen - Probate Judge.

Filed June 7- 1940.

Bond of Guardian.

Know All Men By these Presents, That we, Ernest Fish, as principal, and The Fidelity and Deposit Company of Maryland, as surties, are held and firmly bound unto the State of Ohio in the penal sum of Two Thousand and 00/100 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 ——, Ohio, this — day of — 19—.

The condition of this obligation is such, that, whereas, on the — day of —, 19—, the Probate Court of Union County, Ohio, appointed Ernest Fish, Guardian of the person and estate of John S. Wiley which appointment the said Ernest Fish has accepted.

Now, if the said Ernest Fish shall faithfully and honestly discharge the duties devolving upon him as such Guardian, as is required by law, then this obligation to be void; otherwise to be and remain in full force and virtue in law.

Executed in the Presence of
Gladys L. Cheney.

Ernest Fish
Fidelity Deposit Company of Maryland - Sturgis H. Cheney - Attorney-in-fact.

Seal

This Bond approved in open Court, this 7 day of June, 1940.

L. W. Hazen - Probate Judge.

Seal

14095
Filed
June 7- 1940.

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June 7- 1940.

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Filed
June 7- 1940.

Letters of Guardianship.

The State of Ohio, Union County, ss.

To All to Whom these presents may come, Greeting:

Know ye, that the Honorable, the Judge of the Probate Court of the County of Union and State of Ohio, has appointed, and by these presents does appoint Ernest Fish Guardian of the person and estate of John S. Wiley child of ——— deceased, lunely granting to said Guardian all and singular the power necessary and by law required, to enable him fully to do, act and perform all and singular the duties of Guardian for the aforesaid minor according to the statute in such case made and provided.

In Testimony Whereof, I have hereunto affixed my signature and the seal of said Court, at Marysville, Ohio, this 7th. day of June, 1940.

L. W. Hazen
Judge and ex-officio Clerk.

Filed
June 7- 1940.

In the Probate Court of Union County, Ohio.

In the Matter of The Guardianship No. 14095.
of John S. Wiley, a Minor. Application.

Now comes Ernest Fish and says he is the duly appointed, qualified and acting Guardian of John S. Wiley, a minor, and as such Guardian, there has come into his possession belonging to John S. Wiley, a minor, the following described real estate to-wit:

Tract I. Situated in the State of Ohio, County of Union and Township of Jackson, being part of Survey Nos. 9901 and 10780, and bounded and described as follows:

Beginning at a stake at an angle of the Fish and Dauin Road and northerly line of Survey Nos. 9901 and 10780; thence with the center of said road being the northerly line to said Survey Nos. 9901 and 10780, S. 84° 30' W., 175 poles to a stake, northeast corner to the lands of Charles E. Dauin; thence with the easterly line of said Dauin's land and the lands of Jacob Schumch S. 5° 30' E. 91.40 poles to a stake at the northwest corner of Lot No. 2, of the subdivision of the Leonard Dauin Estate; thence with the north line of said Lot No. 2, N. 84° 30' E. 175 poles to a stake in the center of the Fish and Dauin Road; thence with the center of said Fish and Dauin Road N. 5° 30' W. 91.40 poles to the place of beginning.

Containing 100 acres, more or less.

As surveyed by Alvi Graham, Surveyor for Union County, Ohio, which Survey is recorded in Surveyor's Record, No. 6, page 69. Said tract being Lot No. 1, of said division.

THE COL. B. B. MFG. CO. 75974

14095

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

Being part of Survey Nos. 9901 and 10780.

Being Lot No. 2, of the sub-division of the Leonard Damm estate.

Beginning at a stake in the center of the Fish and Damm Road, and at the southeast corner of Lot No. 1, of the said Leonard Damm estate, devised to John Damm; thence with the south line of said Lot No. 1, S. 84° 30' W. 175 poles to a stake at the southwest corner of said Lot No. 1, and in the east line of the lands of Charles E. Damm; thence with the east line of said Damm's land and of the lands of Jacob Schurch, S. 5° 30' E. 18.30 poles to a stake at the northwest corner of Lot No. 3, of said Leonard Damm estate; thence with the north line of said Lot No. 3, N. 84° 30' E. 175 poles to a stake in the center of the Fish and Damm Road; thence with the center of said Fish and Damm Road, N. 5° 30' W. 18.30 poles to the place of beginning.

Containing 20 acres, more or less.

For plat of the sub-division of the Leonard Damm estate see Surveyor's Record No. 6, page 69.

It is found by the Court John S. Wiley, a minor, acquired title to said real estate by devise from John S. Damm, deceased, as more fully appears in cases entitled "In the Matter of the Will of John S. Damm, deceased, No. 13997 and in the Matter of the Estate of John S. Damm, deceased, No. 13998," in the Records of the Probate Court of Union County, Ohio.

It is found by the Court the Will of John S. Damm, deceased, provides as follows to-wit:

"Second: I give, devise and bequeath to my daughter, Daisy Marie Wiley, all my real property that I may own or have the right to dispose of at the time of my decease during her natural lifetime subject to the payment by her to my wife, Elizabeth Wolfring Damm, of the sum of One Hundred Fifty Dollars ($150.00) each year for and during the life of said Elizabeth Wolfring Damm so so long as she remains my widow. After the death of my said daughter, Daisy Marie Wiley, I give, devise and bequeath said real property to my grandchild or grandchildren, their heirs and assigns forever and if there be more than one (1) grandchild, to be divided between them equally, share and share alike, absolutely and in fee simple."

Applicant states Elizabeth Wolfring Damm, the surviving spouse of John S. Damm, deceased, according to the provisions of his last Will and Testament

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and based on the Inventory and Appraisement of the estate reflecting assets of the total value of Eighty Two Hundred Eighty Two and 99/100 Dollars ($8282.99) would be entitled under the provisions of said Will to a year's allowance in the amount of Five Hundred and 00/100 Dollars ($500.00), an exemption based on twenty per cent (20%) of the estate in the amount of Sixteen Hundred Fifty Six and 59/100 Dollars ($1656.59) cash legacy in the amount of One Hundred and 00/100 Dollars ($100.00), the automobile of the value of Three Hundred and 00/100 Dollars ($300.00) and One Hundred Fifty and 00/100 Dollars ($150.00) per year for life which in conformity to the mortality table is of the value of Thirteen Hundred Ninety Nine and 80/100 Dollars ($1399.80) making a total to which the said Elizabeth Wolfring Damm, the surviving spouse, would be entitled of the sum of Thirty Nine Hundred Fifty Six and 39/100 Dollars ($3956.39).

Applicant states that the costs of administration would be approximately Five Hundred Three and 66/100 Dollars ($503.66) and the debts of the estate are Four Hundred Twenty Nine and 65/100 Dollars ($429.65). That the total debts, costs of administration and amount to which the surviving spouse would be entitled, and the legacy of Fifty and 00/100 Dollars ($50.00) to John S. Miley, is the sum of approximately Forty Nine Hundred Thirty Nine and 74/100 Dollars ($4939.74), leaving a net estate of Thirty Three Hundred Forty Three and 25/100 Dollars ($3343.25) in which Daisy Marie Miley has a life estate. That the life estate to which Daisy Marie Miley would be entitled is the sum of approximately Twenty Six Hundred Eleven and 08/100 Dollars ($2611.08).

Applicant states after payment of all of the prior claims and life estates, the amount to which John S. Miley would be entitled in remainder would be approximately Seven Hundred Thirty Two and 17/100 Dollars ($732.17) plus the Fifty and 00/100 Dollars ($50.00) legacy or the total sum of Seven Hundred Eighty Two and 17/100 Dollars ($782.17).

Applicant states Elizabeth Wolfring Damm, the surviving spouse, has agreed with Daisy Marie Miley to accept and release all of her rights, title and interest in and to the estate of John S. Damm, deceased, for the sum of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) cash as a settlement and compromise of the estate in conformity to a written agreement, a copy of which is hereto attached marked "Exhibit A" and made a part

THE COL. B. B. MFG. CO. 75974

14095

hereof as though fully re-written herein.

Applicant states if this settlement were not made by and between Daisy Marie Miley and Elizabeth Wolfring Dawn, it would be necessary to sell the real estate hereinabove described to pay debts and upon the distribution of the proceeds thereof Elizabeth Wolfring Dawn could claim the amounts set forth hereinabove to which she would be entitled and Daisy Marie Miley could claim the amount stated above to which she would be entitled, as a result of which, John S. Miley, the minor herein would receive on distribution only approximately Seven Hundred Eighty Two and 17/100 Dollars ($782.17).

Applicant states the completion and performance of the contract of settlement between Elizabeth Wolfring Dawn and Daisy Marie Miley enhances the value of the remainder to which John S. Miley, a minor, is entitled in the real estate above described by the amount represented by the difference between the amount to which Elizabeth Wolfring Dawn is entitled and the amount of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) which she has agreed to accept less the life estate of Daisy Marie Miley therein, and that by completing the contract with Elizabeth Wolfring Dawn, it will not be necessary to sell the real estate above described to pay debts and that the remainder in favor of John S. Miley, a minor, or any other contingent interests in the remainder would be preserved for the benefit thereof, and that the completion of the settlement hereinabove mentioned and the preservation of the rights, title and interest to which John S. Miley, a minor, is entitled, will accomplish the intention of John S. Dawn, deceased, the testator of the above mentioned Will and carry out the terms and provisions thereof.

Applicant states in order to pay the costs of administration, debts of the estate other than that to which Elizabeth Wolfring Dawn would be entitled and to pay Elizabeth Wolfring Dawn the sum of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) cash, it is necessary that Daisy Marie Miley borrow the sum of Three Thousand and 00/100 Dollars ($3000.00) cash and give as security for the payment thereof, a mortgage upon the real estate hereinabove described. That in order to convey the real estate to the mortgagee and the mortgagee to acquire the first and best lien upon the entire title therein, it is necessary for the Applicant as Guardian of John S. Miley, a minor, to release the rights of the said John S. Miley in and to said real estate to the mortgagee in con-

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14095 formity to the terms, provisions and conditions of such mortgage.

Applicant states a release in conformity to the above would be to the best interest of his ward and would preserve for the benefit of said ward, the rights of which he is the owner in said real estate.

Wherefore, Applicant, Ernest Fish, Guardian of John S. Miley, a minor, prays the Court for an order authorizing and instructing him as such Guardian to execute the mortgage of Three Thousand and 00/100 Dollars ($3000.00) to be given by Daisy Marie Miley and thereby release the rights, title and interest of John S. Miley, a minor, in and to the above described real estate in conformity to the terms, provisions and conditions of said mortgage.

Allen and Allen
By Robert T. Allen
Attorneys for Applicant.

State of Ohio, Union County, ss:

Ernest Fish, Guardian of John S. Miley, a minor, being sworn, says the facts therein are true as he verily believes.

Ernest Fish - Guardian.

Sworn to before me and subscribed in my presence this 7th. day of June, 1940.

Robert T. Allen - Notary Public, Union County, Ohio. My commission Expires April 7-1943.

"Exhibit A" Agreement - Richwood, Ohio - Feb. 19-1940.

Whereas, John S. Damm died on the 5th. day of January, 1940, leaving Elizabeth Wolfring Damm his surviving spouse and Daisy Marie Miley, a daughter and the only next of kin and John S. Miley, the son of Daisy Marie Miley named as a devisee in his Will, and,

Whereas, the estate of John S. Damm, deceased, is being administered in the Probate Court of Union County, Ohio, in Case No. 13998 and Marie C. Winter is the duly qualified and acting Executor of his estate, and,

Whereas, the said John S. Damm died testate and his Last Will and Testament has been probated in the Probate Court of Union County, Ohio in Case No. 13997, and,

Whereas, the said Elizabeth Wolfring Damm, surviving spouse of the said John S. Damm, deceased, has elected to take under said Will.

Now, therefore in consideration of the premises and of the mutual covenants and agreements hereinafter and in order to make an amicable settlement and adjustment by and between Elizabeth Wolfring Damm, the

THE COL. B. B. MFG. CO. 75974

14095

surviving spouse, and Daisy Marie Miley, next of kin of John S. Dawn, deceased, the said Daisy Marie Miley hereby agree to pay to Elizabeth Wottring Dawn the sum of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) in cash on or before the 10th. day of June, 1940, and the said Elizabeth Wottring Dawn hereby releases and relinquishes all of her rights and interests in and to the estate of John S. Dawn, deceased, especially including a release of her rights in and to a widow's exemption, a year's allowance, the One Hundred Fifty Dollars ($150.00) a year for and during her life, the One Hundred Dollars ($100.00) cash and automobile bequeathed in conformity to the Will and any and all other rights she may have.

Elizabeth Wottring Dawn further agrees to execute and deliver to Daisy Marie Miley a Quit Claim Deed in order to properly convey all of her rights, title and interest in and to the real estate owned by John S. Dawn at the time of his death, which Quit Claim Deed shall be executed and delivered at the time of the payment of the Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) cash by Daisy Marie Miley to Elizabeth Wottring Dawn.

It is further agreed by Elizabeth Wottring Dawn that the One Hundred Dollars ($100.00) heretofore paid by Marion C. Winter, Executor, which was intended to be part payment on year's allowance shall be a credit upon the Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00), leaving Twenty Five Hundred Fifty and 00/100 Dollars ($2550.00) to be paid by Daisy Marie Miley.

By this agreement it is meant that upon the payment by Daisy Marie Miley of the sum hereinabove mentioned she shall acquire and thereafter be the owner of all of the rights, title and interest in and to the estate of John S. Dawn, deceased, of which the said Elizabeth Wottring Dawn may own.

In Testimony Whereof the Parties hereto have subscribed their names to triplicates hereof the day and year above written.

Witnesses:
Starling Dixon.
Robert F. Allen.

Elizabeth Wottring Dawn.
Daisy Marie Miley.

Filed June 7-1940.

In the Probate Court of Union County, Ohio.
In the Matter of the Guardianship of John S. Miley, a Minor. No. 14095.
Order.

This cause came on to be heard on the application of Ernest Fish, Guardian of John S. Miley, a minor, and it is found by the Court that he has come into the possession of said Guardian

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14095 certain real estate belonging to John S. Wiley, a minor, described as follows, to-wit:

Tract I. Situated in the State of Ohio, County of Union and Township of Jackson, being part of Survey Nos. 9901 and 10780, and bounded and described as follows:

Beginning at a stake at an angle of the Fish and Damm Road and northerly line of Survey Nos. 9901 and 10780, S. 84° 30' W. 175 poles to a stake, northeast corner to the lands of Charles E. Damm; thence with the easterly line of said Damm's land and the lands of Jacob Schurch S. 5° 30' E. 91.40 poles to a stake at the northwest corner of Lot No. 2, of the subdivision of the Leonard Damm estate; thence with the north line of said Lot No. 2, W. 84° 30' E. 175 poles to a stake in the center of the Fish and Damm Road; thence with the center of said Fish and Damm Road N. 5° 30' W. 91.40 poles to the place of beginning. Containing 100 acres, more or less.

As surveyed by Alvie Graham, Surveyor for Union County, Ohio, which Survey is recorded in Surveyor's Record No. 6, page 69, Said tract being Lot No. 1, of said division.

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

Being part of Survey Nos. 9901 and 10780.

Being Lot No. 2, of the sub-division of the Leonard Damm estate.

Beginning at a stake in the center of the Fish and Damm Road and at the southeast corner of Lot No. 1, of the said Leonard Damm estate, devised to John Damm; thence with the south line of said Lot No. 1, S. 84° 30' W. 175 poles to a stake at the southwest corner of said Lot No. 1, and in the east line of the lands of Charles E. Damm; thence with the east line of said Damm's land and of the lands of Jacob Schurch, S. 5° 30' E. 18.30 poles to a stake at the northwest corner of Lot No. 3, of said Leonard Damm estate; thence with the north line of said Lot No. 3, W. 84° 30' E. 175 poles to a stake in the center of the Fish and Damm Road; thence with the center of said Fish and Damm Road, N. 5° 30' W. 18.30 poles to the place of beginning. Containing 20 acres, more or less.

For plat of the sub-division of the Leonard Damm estate see Surveyor's Record No. 6, page 69.

It is found by the Court John S. Wiley, a minor, acquired title to said real estate by devise from John S. Damm, deceased, as more fully appears in case entitled "In the Matter of the Will of John S.

THE COL. B. B. MFG. CO. 75974

14095

Dawne, deceased, No. 13997 and in the Matter of the Estate of John S. Dawne, deceased, No. 13998, in the Records of the Probate Court of Union County, Ohio.

It is found by the Court the Will of John S. Dawne, deceased, provides as follows, to-wit:

"Second: I give, devise and bequeath to my daughter, Daisy Marie Wiley, all my real property that I may own or have the right to dispose of at the time of my decease during her natural lifetime subject to the payment by her to my wife, Elizabeth Wolfring Dawne, of the sum of One Hundred Fifty Dollars ($150.00), each year for and during the life of said Elizabeth Wolfring Dawne or so long as she remains my widow. After the death of my said daughter, Daisy Marie Wiley, I give, devise and bequeath said real property to my grandchild or grandchildren, their heirs and assigns forever and if there by more than one (1) grandchild, to be divided between them equally, share and share alike, absolutely and in fee simple."

It is further found by the Court that Elizabeth Wolfring Dawne, the surviving spouse of John S. Dawne, deceased, according to the provisions of his Last Will and Testament and based on the Inventory and Appraisement of the estate reflecting assets of the total value of Eight Two Hundred Eighty Two and 99/100 Dollars ($8282.99) would be entitled under the provisions of said Will to a year's allowance in the amount of Five Hundred and 00/100 Dollars ($500.00), an exemption based on twenty per cent (20%) of the estate in the amount of Sixteen Hundred Fifty Six and 59/100 Dollars ($1656.59) cash legacy in the amount of One Hundred and 00/100 Dollars ($100.00), the automobile of the value of Three Hundred and 00/100 Dollars ($300.00) and One Hundred Fifty and 00/100 Dollars ($150.00) per year for life which in conformity to the mortality tables is of the value of Thirteen Hundred Ninety Nine and 80/100 Dollars ($1399.80) making a total to which the said Elizabeth Wolfring Dawne, the surviving spouse, would be entitled of the sum of Thirty Nine Hundred Fifty Six and 39/100 Dollars ($3956.39).

It is further found by the Court that the costs of administration would be approximately Nine Hundred Three and 66/100 Dollars ($903.66) and the debts of the estate are Four Hundred Twenty Nine and 65/100 Dollars ($429.65). That the total debts, costs of administration and amount to which the surviving spouse would be entitled and the legacy of Fifty and 00/100 Dollars ($50.00) to John S. Wiley, is the sum of approximately Forty Nine Hundred Thirty Nine and 74/100 Dollars

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($4939.74), leaving a net estate of Thirty Three Hundred Forty Three and 25/100 Dollars ($3343.25) in which Daisy Marie Miley has a life estate. That the life estate to which Daisy Marie Miley would be entitled is the sum of approximately Twenty Six Hundred Eleven and 08/100 Dollars ($2611.08).

It is further found by the Court that after payment of all of the prior claims and life estates, the amount to which John S. Miley would be entitled in remainder would be approximately Seven Hundred Thirty Two and 17/100 Dollars ($732.17) plus the Fifty and 00/100 Dollars ($50.00) legacy or the total sum of Seven Hundred Eighty Two and 17/100 Dollars ($782.17).

It is further found by the Court that Elizabeth Wolting Daum, the surviving spouse, has agreed with Daisy Marie Miley to cancel and release all of her rights, title and interest in and to the estate of John S. Daum, deceased, for the sum of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00), cash as a settlement and compromise of the estate in conformity to a written agreement, a copy of which is hereto attached marked "Exhibit A" and made a part hereof as though fully re-written herein.

It is further found by the Court that if this settlement were not made by and between Daisy Marie Miley and Elizabeth Wolting Daum, it would be necessary to sell the real estate hereinabove described to pay debts and upon the distribution of the proceeds thereof Elizabeth Wolting Daum could claim the amounts set forth hereinabove to which she would be entitled and Daisy Marie Miley could claim the amount stated above to which she would be entitled as a result of which, John S. Miley, the minor herein would receive on distribution only approximately Seven Hundred Eighty Two and 17/100 Dollars ($782.17).

It is further found by the Court that the completion and performance of the contract of settlement between Elizabeth Wolting Daum and Daisy Marie Miley enhances the value of the remainder to which John S. Miley, a minor, is entitled in the real estate above described by the amount represented by the difference between the amount to which Elizabeth Wolting Daum is entitled and the amount of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) which she has agreed to accept less the life estate of Daisy Marie Miley therein and that by completing the contract with Elizabeth Wolting Daum it will not be necessary to sell the real estate above described to pay debts and that the remainder in favor of John S. Miley, a minor,

THE COL. B. B. MFG. CO. 75974

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or any other contingent interests in the premisses would be preserved for the benefit thereof, and that the completion of the settlement hereinabove mentioned and the preservation of the rights, title and interest to which John S. Miley, a minor, is entitled, will accomplish the intention of John S. Dawn, deceased, the Testator of the above mentioned Will and carry out the terms and provisions thereof.

It is further found by the Court that in order to pay the costs of administration, debts of the estate other than that to which Elizabeth Wotring Dawn would be entitled, and to pay Elizabeth Wotring Dawn the sum of Twenty Six Hundred Fifty and 00/100 Dollars ($2650.00) cash, it is necessary that Daisy Marie Miley borrow the sum of Three Thousand and 00/100 Dollars ($3000.00) cash and give as security for the payment thereof, a mortgage upon the real estate hereinabove described. That in order to convey the real estate to the mortgagee and the mortgagee to acquire the first and best lien upon the entire title, therein, it is necessary for the Applicant as Guardian of John S. Miley, a minor, to release the rights of the said John S. Miley in and to said real estate to the mortgagee in conformity to the terms, provisions and conditions of such mortgage.

It is further found by the Court that a release in conformity to the above would be to the best interest of his ward and would preserve for the benefit of said ward, the rights of which he is the owner in said real estate.

It is therefore ordered, adjudged and decreed that Ernest Fish, Guardian of John S. Miley, a minor, is hereby authorized, empowered and instructed to execute a mortgage in the amount of Three Thousand and 00/100 Dollars ($3000.00) to be given by Daisy Marie Miley upon the above described real estate and thereby release and relinquish the rights, title and interest of the said John S. Miley, a minor, in and to said real estate in conformity to the terms, provisions and conditions of said mortgage.

L. W. Hazen- Judge.

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Filed
July 24-1940.

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Filed
July 24-1940.

In the Matter of the Estate of Mary A. Blue, Deceased.
In the Probate Court of Union County, Ohio.
In the Matter of the Estate of | Case No. 14104.
Mary A. Blue, Deceased. | Application to Sell Personalty.

Charles Blue respectfully represents that he is the duly appointed, qualified and acting Administrator of the estate of Mary A. Blue, deceased, late of said County; that the assets of said estate have been duly appraised and an Inventory filed in this Court.

Your Applicant asks authority to sell the following personal property at private sale upon such terms as the Court may order.

1 cook stove; 1 kitchen cabinet; 1 cupboard; 1 dining room table; 12 dining chairs; 1 small kitchen table; 1 rocking chair; 1 mirror; 1 congoleum rug in kitchen; 1 side board in living room; 1 leather rocker; 1 cane bottom rocker; 1 congoleum rug in living room; 1 clock; 1 leather rocker in front room; 1 settee; 1 piano and bench; 1 stand; 1 stand cover; 1 tray; 1 radio; 1 music cabinet; 1 rug in front room; 88 glasses jelly; all kitchen utensils; all silverware and dishes; 30 quart 1 can fruit; 1 heating stove; all laundry equipment; all articles in cellar except canned fruit; 500 lbs. coal; 2 cushions; 1 bed, mattress and springs; 1 rocker size rug in bedroom; 1 heating machine; 1 rocker size rug in bedroom; 1 heating pad; 14 pillow cases; 12 sheets; 4 pillows; 12 throw rugs; 1 bed spread; 10 pieces of fancy work; 1 pair curtains in bedroom; 1 pair of curtains and drapes in front room; 1 bed, mattress, and springs; 10 quilts and comforts; 4 bed spreads; 5 blankets; 1 dresser; 1 large mirror; 1 screen; 1 bed, mattress and springs; 3 feather beds; 1 dresser; 1 bed, mattress and springs; 1 mirror; 1 commode; 1 table with radio; 3 electric wall fixtures, and six chickens.

The account for balance of rent of Charles Blue, Richwood, Ohio, dated March 1, 1940.

Application is made for said authority for the following reasons.

1. It is necessary in order to pay the debts of decedent that all personal property, as well as the real estate, be converted into cash. A petition to sell real estate to pay debts in this day filed in a hand Sale in this Court. There is offered for all of said estate at private sale by one (1) of the next of kin and agreed to by all other next of kin of said decedent, the appraised value of said property. The expense of sale at public auction is not justified by the amount of property appraised herein as well as

THE COL. B. B. MFG. CO. 75974

14104

the nature of the property of which the estate consists. It is impossible to divide said personal property among the heirs at its appraised value. By this pulp the most money therefor will be received.

Charles Blue- Administrator.

State of Ohio, Union County, ss:

Charles Blue, Administrator, being duly sworn deposes and says that the facts stated in the foregoing application are true as he verily believes.

Charles Blue.

Sworn to before me and signed in my presence this 23rd. day of July, 1940.

T. Le Roy Allen- Notary Public, Union County, Ohio, My commission Expires Feb. 6-1942.

Filed July 24-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Mary A. Blue, Deceased.

Case No. 14104.

Return of Private Sale.

In compliance with the former order of the court, I have sold at private sale the personal property described in the application heretofore filed herein to Blanche Tracy for the sum of Three Hundred Fifty Eight and 81/100 Dollars ($358.81).

Said sale price is not less than the price fixed by the court.

Charles Blue- Administrator.

Union County, Ohio.

Nos. 14103 and 14104.

Recommendation.

Filed July 24-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estates of Mary A. Blue, Deceased, and Harvey Blue, Deceased.

To Charles Blue, Administrator:

We, the undersigned, children of and next of kin of Harvey Blue, deceased, and Mary A. Blue, deceased, being fully advised in the premises, believe and therefore state that in our opinion it is for the best interests of said estates that you, as Administrator, sell the personal property and real estate in both estates for the appraised value thereof, to-wit, Three Thousand Seventy Eight and 81/100 Dollars ($3078.81).

We therefore respectfully recommend that you accept the offer and enter into a contract for the sale of the same subject to the approval of the Probate Court and that the same be sold at private sale for said price as the best price obtainable.

Respectfully submitted,

July 17th. 1940.

Roy H. Blue.
Charles Blue.
Etta White.
Blanche Tracy.
Elmer Blue.

14104
Filed
July 24-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estate of Mary A. Blue, Deceased.

Application to Sell Personal Property at Private Sale.

Filed July 24-1940.

In the Probate Court of Union County, Ohio.

In the Matter of the Estates of Mary A. Blue, Deceased, and Harvey Blue, Deceased.

Application to Sell Real Estate at Private Sale.

14098
Filed
June-28-1940.
Hoopes, Sauder & Hoopes, Attorneys.

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July 24-1940.

In the Probate Court of Union County, Ohio.
In the Matter of the Estate of Mary A. Blue, Deceased. | Case No. 14104. | Journal Entry.

This day this cause came on to be heard upon the application to sell personal property therein described and the testimony.

The Court being fully advised in the premises finds that the statements and allegations in said application are true and that said property ought to be sold as prayed for.

The Court being satisfied upon good and sufficient proof that it will be to the advantage of said estate to sell said personal property at private sale, it is,

Therefore Ordered that Charles Blue, as Administrator of said estate, proceed to sell for cash the personal property described in the application at private sale for not less than Three Hundred Fifty-Eight and 81/100 Dollars ($358.81).

It is further ordered that said Charles Blue make return of this proceedings herein within thirty (30) days after the sale.

L. W. Hazen - Probate Judge.

Filed
July 24-1940.

In the Probate Court of Union County, Ohio.
In the Matter of the Estate of Mary A. Blue, Deceased. | Case No. 14104. | Journal Entry.

This day came Charles Blue, Administrator of the estate of Mary A. Blue, 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, it is confirmed, and with the proceedings herein, is ordered recorded.

L. W. Hazen - Probate Judge.

14098
Filed
June-28-1940.
Hoopes, Sauder & Hoopes, Attorneys.

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

Graydon Mc Kitrick, Administrator of the Estate of Delmore Mc Kitrick, Deceased,

Plaintiff,

-vs-

Alma Mc Kitrick, Delmore Mc Kitrick, Graydon Jr. Mc Kitrick, and Orton W. Mc Kitrick,

Defendants.

No. 14098.
Civil Action.
Petition to Sell Real Estate.
Petition.

THE COL. B. B. MFG. CO. 75974

14098

The plaintiff, is the duly appointed, qualified and acting Administrator of the estate of Delmore McKitrick, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Two Thousand Seven Hundred Ninety-one & 91/100 Dollars.

An allowance of One Thousand Dollars was made by the appraisers of the above estate to the widow for twelve months.

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 One Thousand Fifty-eight 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 an undivided one-half interest of the following:

Situated in the Township of Jerome, part of Survey No. 7073, and bounded and described as follows:

Commencing at a stake in the center of the Marysville and New California Gravel pike, and at the south east corner of Isaac Lacey and Sarah Mitchell being the northerly line of said Survey No. 7073, S. 53° 30' W. 224 poles to the northeasterly corner of Dell McKitrick's land; thence with the easterly line of said land S. 36° 30' E. 69.40 poles to a stone at the northwesterly corner of a tract of 46 acres formerly owned by John B Sundell; thence with the northerly line of said land N. 54° E. 236.50 poles to a stake in the center of said Marysville and New California Road; thence with the center of said gravel pike N. 46° 30' W. 72.10 poles to the place of beginning.

Containing 101¼ acres, more or less.

Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at Three Thousand Seven Hundred Seventy-five Dollars.

Said real estate is encumbered as follows:

The decedent died leaving the defendant, Alma McKitrick as his surviving spouse who is 66 years of age and is entitled to dower in said premises.

The defendants, Alma McKitrick, Delmore McKitrick, Graydon McKitrick and Upton W. McKitrick, are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate

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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 of said Alma McKitrick 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.

Hoopes, Saydee & Hoopes,
Attorney for the Plaintiff.

The State of Ohio, Union County.

Graydon McKitrick, 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.

Graydon McKitrick.

Sworn to before me and signed in my presence by the said Graydon McKitrick, at Marysville, Ohio, this 28 day of June, 1940.

Dec
Gwynn Saydee - Notary Public.

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

Filed
June 28-1940.

Graydon McKitrick, Administrator
of the Estate of Delmore McKitrick,
Deceased,
Plaintiff,

-vs-

Alma McKitrick, et al.,
Defendants.

No. 14098.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

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

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

June A. D. 1940.

Graydon McKitrick.
Alma McKitrick.
Delmore A. McKitrick.
Vernon W. McKitrick.

THE COL. B. B. MFG. CO. 75974

14098
Filed
June 28-1940.

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

Probate Court, Union County, Ohio.

Graydon Mc Kitrick, as Administrator of the Estate of Delmore Mc Kitrick, Plaintiff,

-vs-

Alma Mc Kitrick, et al., Defendants.

June 28-1940.
Dispensing with a New appraisement & Ordering Bond.

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate, the answer and cross-petition of ——, the surviving spouse of said decedent, 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; and said Real Estate sold free from any dower interest of Alma Mc Kitrick, surviving spouse of said decedent; that the real estate described in the petition was appraised by the appraisers of the estate at Three Thousand Seven Hundred Seventy-five 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 Delmore Mc Kitrick, in the amount of Two Thousand Dollars is insufficient and is ordred that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Two Thousand Dollars, and this cause is continued.

D. W. Hazen- Probate Judge.

Filed
June 28-1940.

Bond of Administrator.

Know all Men by these Presents: That we, Graydon Mc Kitrick, Alma Mc Kitrick and Delmore Mc Kitrick, are held and firmly bound unto the State of Ohio, in the penal sum of Two Thousand Dollars, for the payment of which we herby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated at Marysville, Ohio, this 28th. day of June, A. D. 1940.

The condition of the above obligation is such, That whereas, the above bound Graydon Mc Kitrick was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administrator of the estate of Delmore Mc Kitrick, Deceased.

And whereas, the said Graydon Mc Kitrick as such Administrator has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said decedent described in said petition;

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Probate Judge.

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And whereas said Court, on the — day of June, 1940, made an order requiring said Administrator to execute a bond according to the statute in such cases made and provided.

Now, if the said Graydon Mc Kitrick 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
Guyon Sanders,
James Todd Hoopes.

Graydon Mc Kitrick.
Alma Mc Kitrick.
Delmore A. Mc Kitrick.
Urton W. Mc Kitrick.

This Bond approved in open Court, this 28 day of June, 1940.
L. W. Hazen - Probate Judge.

Filed June 28-1940.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Graydon Mc Kitrick, Administrator of the Estate of Delmore Mc Kitrick, 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 Delmore Mc Kitrick, deceased, are Plaintiff and Alma Mc Kitrick, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Three Thousand Seven Hundred Seventy five the appraised value thereof, the following described premises, to-wit:

Being an undivided one-half intrest in the following: Situated in the State of Ohio, in the County of Union, and in the Township of Jerome, and being part of Survey No. 7073, and bounded and described as follows:

Commencing at a stake in the center of the Marysville and New California pike, and at the southeast corner of Isaac Casey and Sarah Mitchell being the northerly line of said Survey No. 7073, S. 53° 30' W. 224 poles to the northeasterly corner of Dell Mc Kitrick's land; thence with the easterly line of said land S. 36° 30' E. 69.40 poles to a stone at the northwesterly corner of a tract of 46 acres formerly owned by John Bandtel; thence with the northerly line of said land N. 54° E. 236.50 poles to a stake in the center of said Marysville and New California Road; thence with the center of said gravel pike N. 46° 30' W. 72.10 poles to the place of beginning.

containing 101¼ acres, more or less.

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

THE COL. B. B. MFG. CO. 75974

14098

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 28th. day of June, 1940.

L. W. Hagen-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 June, 1940.

Graydon McKitrick.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 28 day of June, 1940, offer said property at private sale, and Alma McKitrick having offered therefor the sum of Three Thousand Seven Hundred Seventy-five Dollars ($3775.00) and the same being not less than the appraised value of said property, I sold the same to said Alma McKitrick for that sum.

Graydon McKitrick.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Graydon McKitrick, being duly sworn, says that the private sale of property made under the within order and reported 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.

Graydon McKitrick.

Sworn to before me and subscribed in my presence, this 28 day of June, 1940.

Seal

Gwynn Sanders-Notary Public.

Filed June 28-1940.

Approving Additional Bond and Ordering Private Sale.

Probate Court, Union County, Ohio.

Graydon McKitrick, as Administrator of the Estate of Delmore McKitrick, Deceased,

Plaintiff,

-vs-

Alma McKitrick, et al.,

Defendants.

June 28-1940.

Approving Additional Bond, and Ordering Private Sale.

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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.

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate and to the beneficiaries thereof to sell the real estate described in the petition at private sale, it is ordered that Graydon McKitrick 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 June 28-1940.

Entry - Confirming Sale, Ordering Deed and Distribution.

In the Probate Court, Union County, Ohio.

Graydon McKitrick, as Administrator of the Estate of Delmore McKitrick, Deceased,

Plaintiff,

-vs-

Alma McKitrick, et al.,

Defendants.

No. 14098.
Confirming Sale, Ordering Deed and Distribution.

This day this cause came on to be heard on the report of Graydon McKitrick, Administrator of the Estate of Delmore McKitrick, 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 Delmore McKitrick in said real estate, to the purchaser, Alma McKitrick, upon the 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 Nine Thousand Seven Hundred Seventy-five Dollars, it is ordered that the said Graydon McKitrick account for said proceeds in this final account as Administrator, as required by law.

L. W. Hazen - Probate Judge.

THE COL. B. B. MFG. CO. 75974

14010
Filed
Jan. 27- 1940
Hoopes, Saudus & Hoopes, Attorneys.

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

Edna D. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased,

Plaintiff,

-vs-

Harold Wright and Marion Wright, his wife,
Helen Sherwood and Earl T. Sherwood, her husband,
Mary Jane Rapp and Marion Rapp, her husband,
Mildred Wright, unmarried,
Jamus Wright, a minor aged 18 years,
Myrtle Wright, a minor aged 15 years, and
Bonnie Rose Wright, a minor aged 11 years,
Edna D. Wright, unmarried, and
The Federal Farm Mortgage Corporation,

Defendants.

No. 14010.
Petition.

Plaintiff is the duly appointed, qualified and acting Administratrix of the Estate of Lewis L. Wright, deceased, late of Union County, Ohio, by virtue of an order of the Probate Court of Union County, Ohio, and as near as can be ascertained, the amount of valid unsecured debts against said estate is approximately Six Hundred ($600.00) Dollars; an allowance of One Thousand ($1000.00) Dollars was made by the appraisers of said estate to the widow and minor children for twelve months; and the amount of the widow's exemptions under Section 10509-54 is $1476.08, and the costs of administering said estate will be about $400.00.

The Federal Farm Mortgage Corporation holds a first mortgage lien on the real estate in approximately the sum of $3570.00.

The total value of the personal property of said decedent was fixed by the appraisers of said estate at $2080.43, and said appraisement has been approved and confirmed by the Probate Court of Union County, Ohio, and said personal property is wholly insufficient to pay the debts, allowance, exemptions and costs as aforesaid.

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

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

Beginning at a stake & stone in the West line of said Survey No. 10971, and Southwest corner to a 50 acre tract of land conveyed by John Wm. Foreman to Coit Allen Foreman, Feb. 20, 1883; thence with the South line of said tract of land N. 78° 40' E. 140.67 poles to a stake & stone Southeast corner to said Coit Allen Foreman's land; thence S. 10° 30' E. 56.88 poles to a stake & stone Northeast corner to a 50-acre tract of land conveyed by John Wm. Foreman to Lovina T. Stahl, April 13, 1883; thence with the north line of said tract of land S. 78° 40' W. 140.67 poles to a stone Northwest corner to said Lovina T. Stahl's land in the West line of said survey No. 10971; thence with said line N. 10° 30' W. 56.88 poles to the place of beginning. Containing 50 acres of land, more or less.

Also the following real estate, being part of said Survey No. 10971 and bounded and described as follows:

Beginning at the Southwest corner of a 50 acre lot deded to John W. Foreman, Jr., at a stone in said survey line; thence N. 78° 40' E. 140 poles & 11 feet to a stake and stone at the southeast corner of John W. Foreman, Jr's. land; thence S. 10° 30' E. 57-7/8 poles to a stake; thence S. 78° 40' W. 140 poles and 11 feet to a stone and stake in the west line of said Survey; thence N. 10° 30' W. 56-7/8 poles to the beginning.

Containing 50 acres.

Also the following described real estate, being part of Survey No. 12112, bounded and described as follows:

Beginning at two beech trees, Southeast corner of said Lot No. 9 and running thence N. 10½° W. 100.25 poles to a stake & hickory, corner to Lot No. 8; thence along the south line of lot, passing the Southwest corner thereof S. 79½° W. 100 poles to a stake, Northeast corner of Lot No. 5; thence on a line between lots 5 & 9, S. 10½° E. 100.25 poles to the South line of the North half of said Survey; thence with said line North 79½° E. 100 poles to the place of beginning.

Containing 62 acres and 165 poles, more or less.

Containing in all, 162.65 acres, more or less, but subject to all legal highways.

Said real estate was included in the inventory and appraisement of said estate pursuant to an order of this Court and appraised at $5000.00.

Said real estate is subject to a mortgage held by the defendant, The Federal Farm Mortgage Corporation, in the sum of $3570.00.

THE COL. B. B. MFG. CO. 75974

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The deceduk died leaving the defendant, Edua B. Wright as his widow, and the defendants, Harold Wright, Helen Sherwood, Mary Jane Rapp, Mildred Wright, James Wright, Myrtle Wright and Bonnie Rose Wright, as his only heirs at law, and next of kin, or persons entitled to the next estate & inheritance from the deceduk in such real estate, and having an intuk therein.

The defendant, Marion Wright is the wife & the defendant, Harold Wright; the defendant, Earl T. Sherwood, is the husband & the defendant, Helen Sherwood; the defendant, Marion Rapp, is the husband & the defendant, Mary Jane Rapp; and the defendants, Mildred Wright, James Wright, Myrtle Wright and Bonnie Rose Wright, and Edua B. Wright, are unmarried.

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

Wherefore, plaintiff prays that said real estate be sold free from the rights & all persons parties to this action; that the defendant, The Federal Farm Mortgage Corporation, be required to set up its claim adjust said real estate, or be therefrom forever barred; that said real estate be sold subject to the claim & The Federal Farm Mortgage Corporation; that the rights, intuks and liens & 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 statute in such case 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 & Ohio, Union County, ss:

Edua B. Wright, being first duly sworn, says that she is Administratrix & the Estate & Lewis H. Wright, deceased, and that as such she is the plaintiff herein, and that the facts stated and allegations contained in the foregoing petition are true as she verily believes.

Edua B. Wright.

Sworn to before me and subscribed in my presence this 19th. day & January, 1940.

E. A. Hoopes - Notary Public.

Filed
Jan. 27-1940.

Precipe.

To the Clerk:

Issue summons in the above entitled cause, directed to the Sheriff & Union County, Ohio, for the defendants, James Wright, a minor 18 years & age, Myrtle Wright, a minor 15 years & age, and Bonnie Rose Wright, a minor 11 years & age, and make

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Filed
Jan. 27-1940.

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the same returnable according to law. Cause the Sheriff to serve said summons upon each of said defendants and upon Edna A. Wright, mother of said children, and the person with whom they reside. Endorse summons, "Action by Administratrix to sell real estate to pay debts, and other equitable relief".

Hooper, Sanders & Hooper.
Attorneys for Plaintiff.

Filed Jan. 27-1940.

Answer of Edna A. Wright.

In the Probate Court, Union County, Ohio.

Edna A. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased,

Plaintiff,

-vs-

Harold Wright, et al.,

Defendants.

No. 14010.
Answer.

Now comes Edna A. Wright, defendant herein, and voluntarily enters her appearance herein, and waives the issuing of service of summons and process, and for her answer to the petition of plaintiff, admits all of the facts in said petition contained are true, and that said real estate ought to be sold as prayed for therein.

Wherefore, said defendant prays that said real estate may be sold as prayed for in said petition.

Hooper, Sanders & Hooper-
Attorneys for defendant, Edna A. Wright.

State of Ohio, Union County, ss:

Edna A. Wright, being first duly sworn, says that she is the answering defendant herein, and that the facts stated and allegations contained in her foregoing answer are true as she verily believes.

Edna A. Wright.

Sworn to before me and subscribed in my presence this 19th. day of January, 1940.

[Seal] C. A. Hooper - Notary Public.

Filed Jan. 27-1940.

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 Edna A. Wright, mother of said minor defendants, and the person with whom they reside, and the following named who are minors, to-wit: James Wright, Myrtle Wright and Bonnie Rose Wright, making service of this summons upon such minors, and also upon the mother of said minors, in the order named; that on the 27th. day of January, A. D. 1940, Edna A. Wright, Administratrix of the Estate of Lewis L. Wright, deceased, filed her

THE COL. B. B. MFG. CO. 75974

14010

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 costs of administration of said estate and that unless they answer by the 24th. day of February 1940, said petition will be taken as true, and an order granted accordingly.

Said Sheriff will make due return of this summons on the 3 day of Feby. 1940.

Witness my hand and the seal of said court, this 27 th. day of January, 1940.

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

Seal

Sheriff's Return.

The State of Ohio, Union County.

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

Received this writ January 27, 1940. at - o'clock - M., and on the days and in the manner hereinafter named, I served the same on the within named defendants, viz: January 27, 1940, on Jan. 27, 1940 James Wright, Myrtle Wright and Bonnie Rose Wright; and also on January 27, 1940, on Edna O. Wright, the mother of the said James Wright, Myrtle Wright and Bonnie Rose Wright.

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

Filed Feb. 1-1940.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Edna O. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased, Plaintiff, vs. Harold Wright, et al., Defendants. No. 14010 January 27- 1940.

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

Now comes Edna O. Wright, and makes application for the appointment of a Guardian Ad Litem for Bonnie Rose Wright a minor under 14 years of age and James Wright and Myrtle Wright, minors, over 14 years of age, defendants herein, upon whom summons was duly served according to law, and suggests that William S. Hooper, who is a suitable person be appointed as such Guardian Ad. Litem.

Edna O. Wright.

Filed Feb. 1-1940.

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Journal Entry.
Probate Court, Union County, Ohio.

Edna A. Wright, Administratrix
of the Estate of Jennie L.
Wright, Deceased,
Plaintiff,
-vs-
Harold Wright, et al.,
Defendants.

No. 14010 - January 27-1940.
Appointing Guardian Ad Litem.

Upon the application of Edna A. Wright it appearing to the Court that James Wright, Myrtle Wright, and Bonnie Rose Wright, minors, and Edna A. Wright, mother of the defendants herein, have been duly served with summons, it is ordered that William S. Hoopes be and he is hereby appointed Guardian Ad Litem for said minor defendants.

L. W. Hazen - Probate Judge.

Filed
Feb. 1-1940.

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

Edna A. Wright, Administratrix
of the Estate of Jennie L.
Wright, Deceased,
Plaintiff,
-vs-
Harold Wright, et al.,
Defendants.

No. 14010.
Answer of Minor Defendants.

And now comes William S. Hoopes, duly appointed by the Court as Guardian Ad Litem for James Wright, Myrtle Wright and Bonnie Rose Wright, the minor children of Edna A. Wright, 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 defendants, become informed as to the truth of the matters set forth in said petition; and therefore, on behalf of said minor defendants, denies the same, and submits the interest of said defendants to the care and protection of the Court, to order in the premises as justice and interest of said defendants shall require.

William S. Hoopes
Guardian Ad Litem.

Filed
Feb. 1-1940.

Waiver.
In the Probate Court, Union County, Ohio.

Edna A. Wright, Administratrix
of the Estate of Jennie L.
Wright, Deceased,
Plaintiff,
-vs-
Harold Wright, et al.,
Defendants.

No. 14010
Waiver.

THE COL. B. B. MFG. CO. 75974

14010

We, the undersigned defendants herein, hereby waive the issuing and service of summons and process, and voluntarily enter our appearances herein.

Helen Sherwood.
Carl T. Sherwood.
Mary Jane Rapp.
Malcolm Rapp.
H. E. Wright.
Marian Wright.
Mildred M. Wright.

Filed Apr. 19-1940.

Answer of The Federal Farm Mortgage Corporation, Defendant.

In the Probate Court of Union County, Ohio.

Edna O. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased,

Plaintiff,

-vs-

Harold Wright, et al.,

Defendants.

Case # 14010.
Answer of The Federal Farm Mortgage Corporation, Defendant.

The Defendant, Federal Farm Mortgage Corporation (hereinafter called the Corporation), states that it is a corporation organized under the Federal Farm Mortgage Corporation Act; that its principal 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. A. 1016-A 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 pursuant thereto files this answer for and on behalf of the Corporation.

The Corporation is, and at all times hereinafter mentioned 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.

That it has a claim against plaintiff, Edna O. Wright, as Administratrix of the Estate of Lewis L. Wright, deceased, and against Edna O. Wright individually, 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.

14010

On or about February 1, 1934, Leyris L. Wright and Edna A. Wright, his wife, executed and delivered to this answering defendant their mortgage promissory note, dated February 1, 1934, in the original amount of $4200.00 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 of $105.00. A true copy of said note with all credits endorsed thereon is attached hereto and incorporated herein by reference. According to the terms of said note all overdue amortization payments draw interest at the rate of (5) per cent until paid.

All amortization payments of have been made in accordance with the terms of said note.

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 $3,471.74 with accrued interest at the rate of five per cent per annum from April 15, 1940, until paid, in accordance with the provisions of the Emergency Farm Mortgage Act of 1933, as amended.

In order to secure the indebtedness evidenced by said note the said Leyris L. Wright and Edna A. Wright, his wife, executed and delivered to this answering defendant their mortgage deed, dated February 1, 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 February 10, 1934 at 8:50 o'clock A. M., and was by him recorded in Mortgage Volume 103, at pages 561-562 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 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 be sold subject to the lien of this answering defendant's mortgage in the amount of $3,471.74, with interest at the rate of 5% per annum from April 15, 1940 until paid; in accordance with the provisions of the Emergency Farm Mortgage Act of 1933, as amended;

(3) That out of the proceeds of said sale there be paid to this answering defendant, first after court costs and taxes due and all amortization payments,

THE COL. B. B. MFG. CO. 75974

14010

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; (4) And for such other and further relief as may be equitable and proper and the court can grant.

E. H. Romers.
Richard E. Thrall - Counsel
Federal Farm Mortgage Corp.

L. A. Skeme, being duly sworn, says that he is the Disbursing Officer of the defendant, Federal Farm Mortgage Corporation, and that the facts contained and allegations made in the foregoing answer are true as he verily believes.

E.H.R. L. A. Skeme

Sworn to before me a Notary Public in and for said county and state and subscribed in my presence this April 18th. 1940.

Seal Joseph M. Ryan - Notary Public.
My Commission expires Apr 14 1942.

Filed May 2-1940.

Dispensing with a New Appraisement and Ordering Bond.

Probate Court, Union County, Ohio.

Edna A. Wright as Administratrix of the Estate of Lewis L. Wright, Deceased, Plaintiff,

-vs-

Harold Wright, et al., Defendants.

March 18-1940.
Dispensing with a New Appraisement and Ordering Bond

This matter came on to be heard upon the petition of the plaintiff for authority to sell real estate of the above decedent to pay debts of his estate, and the answer of William S. Hooper, guardian ad litem of James Wright, Myrtle Wright & Bonnie Rose Wright, minors, the answer of Edna A. Wright, the surviving spouse of said decedent, the answer and cross-petition of the defendant, 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; that the defendant, Edna A. Wright, surviving spouse of said decedent, is entitled to just and reasonable value of her dower in said premises; that the real estate described in the petition was appraised by the appraisers of the estate at Five Thousand Dollars, and that a further appraisement is dispensed with.

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Filed May 2-1940.

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The Court further finds that the bond heretofore given by the plaintiff as Administratrix of the estate of Lewis L. Wright, in the amount of Four Thousand Dollars is insufficient, and is ordered, that he file an additional bond with sufficient sureties to be approved by this Court in the sum of Three Thousand Dollars, and this cause is continued.

L. W. Hazen-Probate Judge.

Filed May 2-1940.

Bond of Administratrix.

Know all Men by these presents: That we, Edna O. Wright, Earl T. Sherwood, Helen Sherwood, Harold Wright, and Mildred M. Wright, 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 Marysville, Ohio, this 18th. day of March, A. D. 1940.

The condition of the above obligation is such, That whereas, the above bound Edna O. Wright was heretofore duly appointed and qualified by the Probate Court of Union County, Ohio, Administratrix of the estate of Lewis L. Wright, Deceased.

And whereas, the said Edna O. Wright as such Administratrix has filed a petition in said Probate Court, asking an order for the sale of certain Real Estate of said Lewis L. Wright described in said petition;

And whereas said Court, on the 18th. day of March, 1940, made an order requiring said Administratrix to execute a bond according to the statute in such cases made and provided.

Now, if the said Edna O. Wright 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
Ruth Hess.
Eugene Sanders.

Edna O. Wright.
Earl T. Sherwood.
Helen Sherwood.
H. E. Wright.
Mildred M. Wright.

This Bond approved in open Court, this 2nd. day of May, 1940.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 75974

14010
Filed
May 2- 1940.

Entry.

In the Probate Court, Union County, Ohio.

Edna A. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased, Plaintiff,

vs. No. 14010.

Harold Wright, et al., Defendants. Entry.

This day this cause came on to be heard upon the petition of the plaintiff, the answer of William S. Hoopes, Guardian Ad Litum for the minor defendants, James Wright, Myrtle Wright, and Bonnie Rose Wright, the answer of the defendant, Edna A. Wright, and the answer of the defendant, Federal Farm Mortgage Corporation, and the evidence.

And the court, being fully advised in the premises, finds that all of the defendants herein have been duly served with summons and process according to law, or have waived service of summons and process and voluntarily entered their appearances herein, and, with the exception of the above named defendants, are in default for answer and demurrer to the petition, and that the facts contained therein are thereby confessed by them to be true.

The court further finds that the plaintiff is the duly appointed, qualified and acting Administratrix of the Estate of Lewis L. Wright, deceased, and that the amount of unsecured debts of said estate is greater than the value of the personal property of said estate, and that it is necessary that the real estate described in said petition be sold for the payment of said debts.

The court further finds that Harold Wright, Helen Sherwood, Mary Jane Rapp, Mildred Wright, James Wright, Myrtle Wright, and Bonnie Rose Wright, are the children of the deceased, and that the defendant, Edna A. Wright, is the surviving spouse of said decedent, and that they are the only heirs at law and next of kin of said decedent, and are the only persons entitled to any interest in said real estate; The court further finds that Marian Wright is the wife of the defendant, Harold Wright; that Earl T. Sherwood is the husband of the defendant, Helen Sherwood; that Marion Rapp is the husband of the defendant, Mary Jane Rapp; and that the defendants, Mildred Wright, James Wright, Myrtle Wright, Bonnie Rose Wright, and Edna A. Wright, are all unmarried.

The court further finds that the defendant, Federal Farm Mortgage Corporation, is the owner and holder of the first mortgage lien upon said real estate to

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secure a promissory note executed by Lewis L. Wright, then living, but now deceased, and his wife, Edna O. Wright, on the 15th. day of February, 1934, in the sum of Forty-Two Hundred ($4200.00) Dollars, and that there is now due on said note the sum of Three Thousand Four Hundred Seventy-One and 74/100 Dollars ($3471.74), with interest at the rate of 5% per annum from April 15, 1940; that said mortgage is recorded in the Mortgage Records of Union County, Ohio, in Volume 103, at Pages 561 and 562, and is now the first and best lien on the premises described in the petition.

The court further finds that it would be to the best interests of said estate, and of said defendants, if said real estate were sold at private sale, subject to the mortgage of the defendant, Federal Farm Mortgage Corporation, and said purchaser of said real estate to assume the payment thereof, in the sum of Three Thousand Four Hundred Seventy-One and 74/100 ($3471.74) Dollars, with interest at 5% per annum from April 15, 1940; that the real estate described in the petition was appraised by the appraisers of said estate at Five Thousand ($5000.00) Dollars, and the court orders that a further appraisement be dispensed with, and orders that said real estate be sold at private sale for not less than the appraised value, to-wit, Five Thousand ($5000.00) Dollars.

It is further ordered that said Administratrix file an additional bond, with sufficient sureties to be approved by this court, in the sum of Three Thousand ($3000.00) Dollars, before an order of sale be issued herein.

L. W. Hagen - Probate Judge.

Approved by:
Hoopes, Sawyer & Hoopes.
Attorneys for Plaintiff.
E. H. Porter
Richard C. Thrall
Attorneys for Federal Farm
Mortgage Corporation.

Filed
May 2 - 1940.

Approving Additional Bond & Ordering Private Sale.
Probate Court, Union County, Ohio.

Edna O. Wright, as Administratrix
of the Estate of Lewis L. Wright,
Deceased,
Plaintiff,
-vs-
Harold Wright, 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 Three

THE COL. B. B. MFG. CO. 75974

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

And it appearing to the Court, upon satisfactory evidence, that it would be more to the interest of said estate to sell the real estate described in the petition at private sale, it is now ordered that Edna B. Wright 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, $1528.26, and assumption of mortgage by purchaser in the sum of $3471.74.

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

L. W. Hazen - Probate Judge.

Filed May 2 - 1940.

Order of Private Sale.

The State of Ohio, Union County. Probate Court.

To Edna B. Wright, Administratrix of the Estate of Lewis L. Wright, deceased, Greeting:

In obedience to an order and decree of the Probate Court, within and for said County, made this day, in a certain cause wherein you as Administratrix are Plaintiff and Harold Wright, et al., are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Nine Thousand, the appraised value thereof the following described premises, to-wit:

Situated in the State of Ohio, County of Union, and Township of Washington, and being part of Survey No. 10971, and bounded and described as follows:

Beginning at a stake & stone in the west line of said Survey No. 10971, and Southwest corner to a 50 acre tract of land conveyed by John Wm. Foreman to Lott Allen Foreman, Feb. 20, 1883; thence with the South line of said tract of land N. 78° 40' E. 140.67 poles to a stake & stone Southeast corner to said Lott Allen Foreman's land; thence S. 10° 30' E. 56.88 poles to a stake & stone northeast corner to a 50 acre tract of land conveyed by John Wm. Foreman to Lovina N. Stahl April 13, 1883; thence with the north line of said tract of land S. 78° 40' W. 140.67 poles to a stone northwest corner to said Lovina N. Stahl's land in the West line of said Survey No. 10971; thence with said line N. 10° 30' W. 56.88 poles to the place of beginning. Containing 50 acres of land, more or less.

Also the following real estate, being part of said Survey No. 10971 and bounded and described as follows:

Beginning at the Southwest corner of a 50-acre tract deeded to John W. Foreman, Jr., at a stone in said survey line; thence N. 78° 40' E. 140 poles & 11 feet to a stake and stone at the southeast corner of John

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14010 W. Foreman, Jr's. land; thence S. 10° 30' E. 57-7/8 poles to a stake; thence S. 78° 40' W. 140 poles and 11 feet to a stone and stake in the west line of said Survey; thence N. 10° 30' W. 56-7/8 poles to the beginning.

Containing 50 acres.

Also the following described real estate, being part of Survey No. 12112, bounded and described as follows:

Beginning at two buck trees, Southeast corner of said Lot No. 9 and running thence N. 10½° W. 100.25 poles to a stake & hickory, corner to Lot No. 8; thence along the south line of Lot, passing the Southwest corner thereof S. 79½° W. 100 poles to a stake, Northeast corner of Lot No. 5; thence on a line between Lots 5 & 9, S. 10½° E. 100.25 poles to the South line of the North half of said Survey; thence with said line of North 79½° E. 100 poles to the place of beginning.

Containing 62 acres and 105 poles, more or less.

Containing in all 162.65 acres, more or less, but subject to all legal highways.

Said sale to be upon the following terms: The Purchaser to assume the payment of a mortgage to Federal Farm Mortgage Corporation, in the sum of $3471.74, and to pay the balance of said purchase price in cash, to-wit, the sum of $1528.26.

You are therefore hereby commanded to execute the aforementioned order and decree of our said Court in all respects according to law, and of your proceedings herein make due return to this Court.

Witness my signature, and the seal of said Probate Court at Marysville, Ohio, this 2nd. day of May, 1940.

L. W. Hagen. 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 2nd. day of May, 1940.

Edna B. Wright.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 2nd. day of May, 1940, offer said property, at private sale, and Lestie E. Cooley having offered therefor the sum of Five Thousand Dollars ($5000.00) and the same being not less than the appraised value of said property, I sold the same to said Lewis E. Cooley for that sum.

Edna B. Wright.

THE COL. B. B. MFG. CO. 75974

14010

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

Edna B. Wright, Administratrix, 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.

Edna B. Wright.

Sworn to before me and subscribed in my presence, this 2nd. day of May, 1940.

Seal

Dwight Saunders-Notary Public.

14092
Filed
June 10-1940.
Wm. Coleman,
Attorney.

Filed
May 2-1940.

Entry-Confirming Sale, Ordering Deed & Distribution of Proceeds.

In the Probate Court, Union County, Ohio.

Edna B. Wright, Administratrix of the Estate of Lewis L. Wright, Deceased,

Plaintiff,

-vs-

Harold Wright, et al.,

Defendants.

No. 14010.

Entry-Confirming Sale, Ordering Deed, and Distribution of Proceeds.

This day this cause came on to be heard upon the report of Edna B. Wright, Administratrix of the Estate of Lewis L. Wright, deceased, of her proceedings under the former order of this court; and upon the motion of said petitioner to confirm the sale made in obedience to said order; and the court, having carefully examined said report, and finding the proceedings of said petitioner in all respects correct, and being satisfied that said sale was fairly and legally made, it is ordered that the same be, and 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 Lewis L. Wright in said real estate to the purchaser, Lewis E. Cooley, upon said purchaser paying to said petitioner the sum of $1528.26, and said deed shall contain a provision that the said purchaser, Lewis E. Cooley, shall assume and agree to pay the first mortgage lien of Federal Farm Mortgage Corporation, in the sum of $3471.74, with interest at 5% per annum from April 15, 1940, according to the terms 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 $1528.26, it is ordered that the said Administratrix, out of the money in her hands, pay:

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First: The costs of this action, in the sum of $ 44.50.
Second: To the Treasurer of Union County, Ohio, the taxes due on said real estate, in the sum of $ 31.07
Third: The balance remaining in her hands to be accounted for by said Administratrix in her final account, as provided by law, to-wit, the sum of $1452.69

L. W. Hazen-Probate Judge.

14092
Filed
June 10-1940.
Wm. Coleman,
Attorney.

Petition to Sell Real Estate to Pay Debts.

Probate Court, Union County, Ohio.

In the Matter of The Estate of Edwin G. Wilmarth, Deceased. Mrs. Lois Jordan, Admx., Plaintiff.

Case No. 14092.
Petition to Sell Decedent's Real Estate to Pay Debts.

The plaintiff, is the duly appointed, qualified, and acting administratrix of the estate of Edwin G. Wilmarth, deceased, late of this County, and as near as can be ascertained the amount of the valid debts against said deceased is $1900.00. Plaintiff says that the decedent had no living spouse at the time of his death, and that they are no minor children of the said Edwin G. Wilmarth, but that all have reached the age of majority. Plaintiff says that the costs of administering the estate will be about $200.00; that the total value of the personal property of said decedent was fixed by the appraisers at $55.00, said appraisement not having been excepted to, and said personal property is wholly insufficient to pay the said debts and costs herein.

Said decedent died seized in fee simple of the following described real estate, situated in the County of Hardin, in the State of Ohio, and in the town of Ridgeway, and bounded and described as follows:

Lots numbers Eleven, Twelve, Thirteen, Fourteen, and Fifteen of the original plat of said Village.

Said real estate was included in the inventory of the estate pursuant to the order of this Court and appraised at $1000.00; said real estate is not encumbered in any manner.

Decedent died leaving the defendants as follows: Mrs. Lois Jordan, Richwood, Ohio; Mrs. Thomas Trizzle, R. R. D. #7, Pontiac, Michigan; Mrs. Helen Stout, 462 Avondale Avenue, Marion, Ohio; and Mr. Charles J. Wilmarth, 12027 Work Avenue, Detroit, Michigan, as his only heirs at law and entitled to the yearly estate by inheritance from the decedent, each having an undivided interest therein.

THE COL. B. B. MFG. CO. 75974

14092

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 at private sale according to the statutes in such cases made and provided, and for such other and further relief as he may be entitled to.

William L. Coleman
Attorney for Plaintiff.

State of Ohio, County of Union, ss:

William L. Coleman, being first duly cautioned and sworn according to law, deposes and says that he is attorney for the plaintiff, in the foregoing cause of action, and the facts therein stated are true as he verily believes.

William L. Coleman.

Sworn to before me and subscribed in my presence this — day of January, 1940.

Clifton L. Caryl-Notary Public,
Union County, Ohio.

Filed June 10-1940.

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

Mrs. Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle,
Defendant.

Case No. 14092.
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 Edwin G. Wikwerth, deceased, therein described, to pay debts and costs of administering the estate of said deceased. Plaintiff further says that they defendants and all interested parties have waived the service of summons and entered their voluntary appearance herein, and this cause is continued.

L. W. Hagen - Probate Judge.

Filed June 10-1940.

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

Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle, et al.,
Defendants.

Case No. 14092.
Waiver of Summons and Consent to Sell.

We, the undersigned, parties defendant to the petition in said cause, waive the issuing and service of summons, and voluntarily enter our appearance as such defendants, and we do hereby consent to the sale of the real estate described in said petition as therein prayed for.

Mrs. Florence Frizzle.
Mr. George H. Frizzle.

Filed June 19-1940.

14092
Filed
June 10-1940.

Waiver & Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Mrs. Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle, et al,
Defendants.

Case No. 14092.
Waiver & Summons and
Consent to Sell.

We, the undersigned, parties defendant to the petition in said cause, waive the issuing and service of summons and voluntarily enter our appearance as such defendants, and we do hereby consent to the sale of the real estate described in said petition as therein prayed for.

Mrs. Lois Jordan.
Mr. Lester Jordan.

Filed
June 10-1940.

Waiver & Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle, et al,
Defendants.

Case No. 14092.
Waiver & Summons and
Consent to Sell.

We, the undersigned, parties defendant to the petition in said cause, waive the issuing and service of summons and voluntarily enter our appearance as such defendants, and we do hereby consent to the sale of the real estate described in said petition as therein prayed for.

Chas. F. Wilmarth.

Filed
June 10-1940.

Waiver & Summons and Consent to Sell.
Probate Court, Union County, Ohio.

Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle, et al.,
Defendants.

Case No. 14092.
Waiver & Summons and
Consent to Sell.

We, the undersigned, parties defendant to the petition in said cause, waive the issuing and service of summons, and voluntarily enter our appearance as such defendants, and we do hereby consent to the sale of the real estate described in said petition as therein prayed for.

Mrs. Helen Stout.
Mr. A. G. Stout.

Filed
June 19-1940.

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

Mrs. Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Frizzle, et al.,
Defendants.

Case No. 14092.
Journal Entry Finding Sale
Necessary and Ordering
Appraisement.

THE COL. B. B. MFG. CO. 75974

14092

This day this cause came on to be heard upon the petition, evidence, and testimony of Mrs. Lois Jordan, plaintiff, and the Court being fully advised in the premises, finds that all the defendants herein have duly and legally been served, or have voluntarily entered their appearance herein, and are now properly before the Court. The Court further finds that the statements and allegations in said petition are true; that said sale of the premises is necessary in order to pay the debts as set forth in the petition. It is further ordered that George Ulrick, Ira Mitchell, and Elisa Lewis, three suitable and judicious disinterested persons of the vicinity of said real estate, who are free-holders, be and they hereby are appointed to appraise said lands, as described in the petition, at their true value in money, free from any dower estate.

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 20th. day of June, 1940, and this cause is continued.

L. W. Hagen Probate Judge.

Filed June 19-1940. Journal Entry Confirming Appraisement, Ordering Private Sale, and Approving Bond Heretofore Given.

Probate Court, Union County, Ohio.

Mrs. Lois Jordan, Admx., Plaintiff, -vs- Mrs. Flonnie Frizzle, et al., Defendants. | No. 14092 - Journal Entry Confirming Appraisement, Ordering Private Sale, and Approving Bond Heretofore Given.

This day this cause came on further to be heard, and it appearing to the Court that the appraisement heretofore ordered has been duly made, the same is hereby confirmed, said appraisement being $800.00, with no dower being assigned.

It further appearing to the Court that bond heretofore given with Leng M. Winters and C. L. Thompson, free-holders, as sureties, in the sum of $1000.00, is sufficient to secure the former and additional assets arising from the sale of real estate of the said decedent in Case No. 14092 in the Probate Court of Union County, Ohio, it is ordered that said bond be approved.

And it appearing to the Court that it would be to the interest of said estate to sell said real estate free of dower at private sale at not less than the appraised value thereof, and upon the fol-

14092 Lois Jordan Admx. vs Flonnie Frizzle et al. Journal Entry Confirming Appraisement, Ordering Private Sale, and Approving Bond Heretofore Given. Filed June 19-1940.

14092 saying terms, to wit: Cash. And the said Mrs. Lois Jordan, 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.

State of Ohio, County of Union SS:

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

Dated this 28 day of June, 1940.

Lois Jordan.

Report of Sale.

State of Ohio, County of Union, SS:

In obedience to the within order, I sold said premises on the 20th. day of June, 1940, to Elizabeth Mc Calla, of Belle Center, Ohio, for the sum of $800.00, said sum being the appraised value of the same.

Dated this 28 day of June, 1940.

Lois Jordan.

State of Ohio, County of Union, SS:

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

Lois Jordan.

Sworn to before me and subscribed in my presence this 28th. day of June, 1940.

William L. Coleman -
Notary Public, Union County, Ohio.

Filed June 19-1940.

Order of Appraisement.

Probate Court, Union County, Ohio.

Mrs. Lois Jordan, Admx., Plaintiff, -vs- Mrs. Florence Frizzle, et al., Defendants.

Case No. 14092.
Order of Appraisement.

State of Ohio, County of Union, SS:

To Mrs. Lois Jordan, administratrix of the estate of Edwin S. Wilmarth, 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, Mrs. Lois Jordan, administratrix of the estate of Edwin S. Wilmarth, deceased, are Plaintiff, and Mrs. Florence Frizzle, et al., are defendants, you are commanded that by the oaths of J. George Ulrick, Ira Mitchell, and Elija Linn, judicious disinterested persons of the vicinity not of kin to the petitioners, who are free-holders

THE COL. B. B. MFG. CO. 75974

14092

of the County in which said real estate is situated, and upon actual view cause a just valuation and appraisement to be made according to law of the following described premises:

Situated in the County of Hardin, State of Ohio, and the Town of Ridgeway, and bounded and described as follows: Out-Lots No. 11, 12, and 13, 14, 15, of the original plat of said Village.

You will make return of your proceedings herein to our said Probate Court forthwith upon execution of said order, and have you then and there this writ. Witness my signature, as Judge and Ex-Officio Clerk of said Probate Court, and the seal of said Court at Marysville, Ohio, this nineteenth day of June, 1940.

L. W. Hazen - Probate Judge.

Seal

Return.

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

Dated this 28 th. day of June, 1940.

Mrs. Lois Jordan - Administratrix.

Oath of Appraisers.

State of Ohio, County of Union, ss:

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

Dated this 28 th. day of June, 1940.

Geo. J. Ulrich.
Eliza Linger.
D. C. Mitchell.

Sworn to before me and subscribed in my presence this 28 th. day of June, 1940.

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

Seal

Appraisers Return.

In obedience to the foregoing order, after being duly sworn, and upon actual view of the premises therein described, we, the undersigned, appraisers estimate the value of said real estate at $800.00, free of any dower estate.

Dated this 28 day of June, 1940.

Geo. J. Ulrich.
Eliza Linger.
D. C. Mitchell.

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Journal Entry Confirming Sale.
Probate Court, Union County, Ohio.

Mrs. Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Trizzle, et al.,
Defendants.

Case No. 14092.
Journal Entry Confirming Sale.

This day this cause came on to be heard on the report & Lois Jordan, administratrix & the estate & Edwin S. Wilmarth, deceased, & her proceedings and sale under the former order & this Court. And the Court having carefully examined said report and being satisfied that said sale has in all respects been fairly and legally made, it is ordered that the same be and is hereby approved and confirmed. It is further ordered that the said Lois Jordan, administratrix & said estate make to the purchaser a good and sufficient deed for the premises so sold, purchaser paying the consideration therefor, and in cash to said administratrix.

It is further ordered that this proceeding be recorded, and that said administratrix pay the costs herein taxed at $ 28.16.

L. W. Hagen - Probate Judge.

Filed
Aug. 20-1940.

Journal Entry Confirming Sale and Ordering Distribution.
Probate Court, Union County, Ohio.

Mrs. Lois Jordan, Admx.,
Plaintiff,
-vs-
Mrs. Florence Trizzle, et al.,
Defendants.

Case No. 14092.
Journal Entry Confirming Sale and Ordering Distribution.

This cause came on this day to be heard upon the report & the plaintiff & sale made to Elizabeth McCalla, Belle Hunter, Ohio, for the sum & $800.00, as herein-above ordered, and the proceedings appearing in all respects regular and in conformity to law, they are hereby approved and confirmed.

And the said Lois Jordan, administratrix, is ordered to execute and deliver to the said purchaser a good and sufficient deed for the premises so sold.

It further appearing to the Court that there are no rights & dower in the premises nor any mortgages or liens against the same, and the Court coming now to distribute the proceedings & said sale amounting to $800.00, it is ordered that said administratrix, out & the money in her hands, pay:

1. To the Treasurer & Hardin County the taxes, penalty, and interest against said property, to-wit the sum & $6.66.

THE COL. B. B. MFG. CO. 75974

14092

2. The costs and expenses incurred in the sale of said property amounting to the sum of $3.50.
a. The court costs amounting to the sum of $18.00.
b. To Lois Jordan, administratrix, her percentum amounting to $ Nil.
c. To William L. Coleman, attorny for plaintiff, the sum of $ Nil.

It is ordered that the balance of said fund amounting to $771.84 be accounted for by said administrator according to law.

L. W. Hazen - Probate Judge.

14151
Filed
Aug. 27-1940.

In the Matter of The Estate of Samuel W. Buten, Deceased.
In the Probate Court, Union County, Ohio.
In the Matter of The Estate of Samuel W. Buten, Deceased. | No. 14151. | Application.

Now comes William S. Hoopes, and respectfully represents to the court that he is the duly appointed, qualified and acting Administrator of the above mentioned estate by virtue of an order of this Court, and that the only assets of said estate is an undivided one-half interest in the following described real estate:

Situated in the State of Ohio, County of Union, Township of York, in Military Survey No. 3239, and bounded and described as follows:

Beginning at a stone, northeast corner to said Survey No. 3239; thence N. 79¼° W. 58.48 poles with the north line of said survey to an iron stake in the center of the Newton and York Gravel Road; thence S. 1 deg. W. 22 poles with the center of said Road to an iron stake, corner to George H. Ruder's land; thence S. 79¼° E. 54.64 poles to a stone on broken tile in the east line of said Survey No. 3239; thence with said Survey line N. 11¼° E. 21.65 poles to the place of beginning, containing 7.65 acres of land be the same more or less but subject to all legal highways.

This Administrator further represents that said real estate was listed in the inventory filed in this cause at the appraised value of $125.00, and that said inventory has been approved by this Court; that the actual market value of said real estate is the sum of $125.00.

Your applicant further states that Zepporah A. Buten is the widow of the decedent, and by virtue of the laws of the State of Ohio relating to widow's exemptions, year's support, etc., she is the only person actually having any interest in said real

14151

estate, although said decedent died leaving four grandchildren, namely, Ernestine Giles, LaVerne Cornish, Ivey Roseboro and Marion Roseboro, who are his only heirs at law and next of kin.

Your applicant further represents that the Division of Aid for the Aged of the State of Ohio is the owner and holder of a trust deed upon said real estate, providing that in the event of the sale of said real estate, all of the proceeds required thereof would go to said Division to reimburse it for money advanced to the said Samuel W. Ruben during his natural lifetime, he being a recipient of Aid from said Division; that said Division of Aid for the Aged of the State of Ohio did during the lifetime of the said Samuel W. Ruben pay to him the sum of $108.00, and that said sum is a good and subsisting lien upon said real estate.

Your applicant further represents that he has been offered the sum of $125.00 for the undivided one-half interest in said real estate formerly belonging to the said Samuel W. Ruben, and that said offer is fair and is the actual market value of said real estate, and that the said Deborah A. Ruben and the Division of Aid for the Aged of the State of Ohio have requested your applicant to sell said real estate for that sum.

Your applicant further represents that this application is filed under and by virtue of the provisions of Section 10510-14 of the General Code of Ohio, providing for the sale of real estate, if the value thereof is less than $5000.00, by summary order.

Your applicant further represents that it would be to the best interests of said estate, the widow, the heirs at law and next of kin, and to the Division of Aid for the Aged of the State of Ohio, if said real estate were sold, at private sale, for the sum of $125.00, upon summary order.

Wherefore, your applicant prays that he be granted an order authorizing and empowering him to execute and deliver a deed for said real estate to the purchaser, C. L. Thompson, upon the receipt from the said C. L. Thompson of the sum of $120.00, and for such other and further relief in the premises as the Court deems just and proper.

Hooper, Squires & Hooper.
Attorneys for Applicant.

THE COL. B. B. MFG. CO. 75974

14151

State of Ohio, Union County, ss:
William S. Hoopes, being first duly sworn, says that he is Administrator of the Estate of Samuel W. Bailey, deceased, and that the facts stated and allegations contained in the foregoing application are true as he verily believes.

William S. Hoopes.

Sworn to before me and subscribed in my presence this 27th. day of August, 1940.

Ruth Hess - Notary Public,
Union County, Ohio.
My Commission Expires 5/26/41.

Filed
Aug. 27-1940.

In the Probate Court, Union County, Ohio.
In the Matter of the Estate of Samuel W. Bailey, Deceased. | No. 14151. Entry.

This day this cause came on to be heard upon the application of William S. Hoopes, Administrator, for a summary order, authorizing and empowering him to sell the real estate formerly belonging to the decedent, Samuel W. Bailey, for the sum of $125.00.

And the Court, being fully advised in the premises, finds that the actual market value of said real estate, is the sum of $125.00; that it is necessary to sell said real estate; that the widow, heirs at law and next of kin consent to said sale, and that the Division of Aid for the Aged of the State of Ohio is the owner and holder of a lien upon said real by way of a trust agreement, in the sum of $108.00, and that said Division also consents to said sale, and that it would be to the best interests of all parties concerned if said real estate were sold, at private sale, upon summary order, for the sum of $125.00.

It is, therefore ordered, adjudged and decreed that the said William S. Hoopes, Administrator as aforesaid be and he is hereby authorized to sell and convey said real estate described in the application filed herein, for the sum of $125.00, and to execute and deliver a deed of all the right, title and interest of said decedent, to the purchaser C. L. Thompson, upon receiving from said purchaser said sum of $125.00.

And said administrator, out of the money in his hands, is ordered to pay:

First: To the Probate Court of Union County, Ohio, the costs of this matter, to-wit, $ 9.00
Second: To William S. Hoopes, for attorney fee and administrator's compensation, to-wit, $15.00
Third: To the Division of Aid for the Aged of the State of Ohio, to apply on its claim, the balance remaining in his hands, to-wit $101.00 the sum of

L. W. Hazen - Probate Judge.

14114
Filed
July 24-1940.
Allen & Allen
Attorneys.

14114
Filed
July 24-1940.
Allen & Allen
Attorneys.

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

Charles Blue, Administrator with the Will Annexed of the Estate of Harvey Blue, Deceased,
Plaintiff,
-vs-
Elmer Blue, Ethel White, Roy Blue, Blanche Tracy, Charles Blue, May Stults, Ruth L. Segner, Marilyn Rose Sullivan, Paul W. Sullivan, Alda Blue, Martha Blue, Emma Blue, Ray White, W. B. Segner and Paul A. Sullivan, father of Marilyn Rose Sullivan,
Defendants.

Case No. 14114.
Petition to Sell Real Estate to Pay Debts.

The Plaintiff represents that he is the duly appointed, qualified and acting Administrator with the Will Annexed of the estate of Harvey Blue, deceased, late of Union County, Ohio; that the amount of debts due from the deceased is approximately One Thousand Fifty and 00/100 Dollars ($1050.00) as near as they can be ascertained; that the charges of administration of said estate will amount to about Two Hundred Fifty and 00/100 Dollars ($250.00) and that the total value of the personal estate and effects of said deceased is nothing and wholly insufficient to pay the debts and costs as aforesaid.

That Plaintiff further represents that said Harvey Blue died seized in fee simple of the following described real estate to-wit:

Tract I. Being an undivided one-half in the following described premises to-wit:

Situated in the County of Union, State of Ohio, and Township of Jackson and in the U. M. District and part of Survey No. 9920.

Being 13-3/4 acres off the farm formerly owned by L. H. James and deeded by him to the heirs of Daniel Wooley.

Beginning at a stake and stone in the center of the Eastbury Road corner to land owned by Jermiah Cregray; Thence N. 80° E. 64.80 poles to a stake in the west line of land owned by Asbury Cheney; Thence S. 10° E. with said Cheney's west line 53.40 poles to a stone in the center of the Essex and Rythalia Gravel Road and S. W. corner to said Cheney's land; thence in a northwesterly diriction and with the center of said Road 76 poles to the maple corner; Thence

THE COL. B. B. MFG. CO. 75974

14114

north and with the center of the Eastman Road 15 poles to the place of beginning. Containing 13-3/4 acres of land be the same more or less.

Excepting therefrom the following described real estate described in a warranty deed from Mary A. Blue and Harvey Blue to the Board of Education of Jackson Township dated April 1- 1922 and recorded in Union County Record of Deeds Volume 125 at page 584 and bounded and described as follows:

Situated in the County of Union, State of Ohio and in the Township of Jackson and being part of Survey No. 9920.

Beginning in the center of and at the point where the Eastman Gravel Road intersects the Bythalia and Essex road at the cross roads known as Maple Corner; Thence N. 10° West and with the center of the said Eastman Road 16 rods to a stake; Thence N. 80° East 12 rods and 4 feet to a stake; Thence S. 10° East 23 rods to the center of the Bythalia and Essex Road; Thence in a northwesterly direction and with the center of said road 14 rods and three feet to the place of beginning.

Containing One and One-half (1/2) acres of land.

Leaving therein 12.25 acres of land be the same more or less.

Tract II. Situated in Jackson Township, Union County, Ohio, in the Virginia Military District, and part of Survey No. 9920 and bounded as follows to-wit:

Beginning at the Maple Corner in the center of the Rush Creek Pike or gravel road. Thence easterly and with the center of said road 35 and 74/100 poles to a stone, in the center of said road. Thence south 9½° E. nearly 70-70/100 poles to a stone in the south line of Wm. Cobbs land; Thence north 80° E. 30 poles to a stone in the survey line; thence north 8½° W. 87 and 40/100 poles to the place of beginning containing (16) sixteen acres of land more or less and also another piece or parcel of land situated in Jackson Township, Union County, Ohio, in the Virginia Military District and part of the same survey No. 9920 containing nine acres of land, the same was deeded to Adam Blue by David J. Burgoon and Sarah his wife April 1st, 1878 and recorded in Deed Book No. 46. Page 180 in Marysville, Sept. 2nd, 1878. To which record reference is hereby made for a more full and particular description of said nine acre lot.

Tract III. Situated in the County of Union, State of Ohio and Township of Jackson and in Survey No. 9920.

Beginning at a stone in the center of the Marion and Bellefontaine State Road northwest corner to a lot of land containing 30-21/100 acres of land

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commenced by Michael Wooley to Ujinvah Blue on the 2nd. day of November, 1869; Thence with the west line of said lot S. 10° E. 125 poles to a stone in the north line of William Cobb's land. Thence with said line N. 80° E. 33-41/100 poles to a stone. Thence N. 10° W. 105 poles to a stone in the center of said Marion and Bellefontaine Road. Thence with the center of the said Road N. 69° W. 39 poles to the place of beginning. Containing twenty three acres.

Except a strip twenty feet wide on the west side for a road for William Cobb.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, and that the amount of said appraisement is Twenty Four Hundred Seventy Five and 00/100 Dollars ($2475.00).

The said decedent died leaving Mary A. Blue, his widow, and thereafter re-wit, on July 2, 1940, the said Mary A. Blue died.

The Defendants Elmer Blue, Ettie White, Roy Blue, Blanche Tracy, Charles Blue, May Stulte, Lulu L. Segner, Marilyn Rose Sullivan and Paul W. Sullivan are the only heirs at law of said decedent having the next estate of inheritance from said deceased in said premises. Said last Will and Testament of Harvey Blue, deceased, disposed of the life estate only in said real estate to Mary A. Blue, his widow, now deceased, and said real estate passed to said heirs at law according to the statute of descent and distribution for such case made and provided.

The Defendant Alda Blue is the wife of Elmer Blue, the Defendant Emma Blue is the wife of Roy Blue, the Defendant Ray White is the husband of Ettie White; the Defendant W. B. Segner is the husband of Lulu L. Segner, and the Defendant Martha Blue is the wife of Charles Blue, and they are therefore entitled to an inchoate right of dower in said premises. The Defendant Marilyn Rose Sullivan is a minor four (4) years of age and the Defendant Paul W. Sullivan is the father of Marilyn Rose Sullivan, a minor. There is no duly appointed, qualified and acting Guardian of Marilyn Rose Sullivan, a minor four (4) years of age. The Defendant May Stulte is a widow, the Defendant Paul W. Sullivan is a widower and the Defendant Blanche Tracy is a widow.

Wherefore Plaintiff prays that he may be authorized and ordered to sell said real estate according to the statute in such cases made and provided and for all other proper orders and relief in the premises.

Allen & Allen,
Attorneys for Plaintiff.

THE COL. B. B. MFG. CO. 75974

14114

State of Ohio, Union County, ss:
Charles Blue, Administrator, the within named Plaintiff, being duly sworn says that the various matters and things set forth in said Petition are true to the best of his knowledge and belief.

Charles Blue-Administrator.

Sworn to before me and signed in my presence this 23rd. day of July 1940.

H. Le Roy Allen-Notary Public,
Union County, Ohio.
My Commission Expires Feb. 6-1942.

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

Charles Blue, Administrator with the Will annexed of the Estate of Harvey Blue, Deceased,
Plaintiff,
-vs-
Elmer Blue, et al.,
Defendants.

No. 14114.
Proceeding to Sell Real Estate.
Waiver of Summons and Consent to Sell.

We, the undersigned, parties Defendant to the Petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance as such Defendants. And we do hereby consent to the sale of the Real Estate described in the petition in said action according to the prayer of the same.
July 23rd, A. D. 1940.

Blanche Tracy.
Elmer Blue.
Charles Blue.
Alda Blue.
Ettie White.
Ray White.
Roy Blue.
Eunice Blue.
Martha Blue.
Paul W. Sullivan - Father
of Marilyn Rose Sullivan.
Paul W. Sullivan.

Filed July 31-1940.

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

Charles Blue, Administrator with the Will annexed of the Estate of Harvey Blue, Deceased,
Plaintiff,
-vs-
Elmer Blue, et al.,
Defendants.

Case No. 14114.
Waiver of Summons and Consent to Sell.

14114

14114

We, the undersigned parties Defendant to the Petition in the above entitled action, do each & us hereby waive the issuing and service & Summons, and & volunt arily enter our appearance as such Defendants, and we do hereby consent to the sale & the Real Estate described in said action according to the prayer & the same.
July 27th, A. D., 1940.

Lulu L. Segner.
W. B. Segner.

Waiver & Summons and Consent to Sell.

In the Probate Court & Union County, Ohio.

Charles Blue, Administrator
with the Will annexed & the
Estate & Harvey Blue, Deceased,
Plaintiff,

'vs.'

Elmer Blue, et al.,
Defendants.

Case No. 14114.
Waiver & Summons and Consent to Sell.

I the undersigned party Defendant to the Petition in the above entitled action, do hereby waive the issuing and service & Summons, and voluntarily enter my appearance as such Defendant. And I do hereby consent to the sale & the Real Estate described in said action according to the prayer & the same.
July 30th. A. D., 1940.

May Stultz.

Filed
July 31-1940.

Application for Appointment & Guardian Ad Litem.

In Probate Court, Union County, Ohio.

Charles Blue, Administrator
with the Will annexed & the
Estate & Harvey Blue, Deceased,
Plaintiff,

'vs.'

Elmer Blue, et al.,
Defendants.

No. 14114.

To the Hon. L. W. Hague, Judge & said Court:

Now, comes Charles Blue, Administrator, and makes application for the appointment & a Guardian Ad Litem for Marilyn Rose Sullivan, a minor four years & age, defendant herein, upon whom legal notice was duly served according to law, and suggests that William L. Coleman who is a suitable person be appointed as such Guardian Ad Litem.

Charles Blue, Admr.

THE COL. B. B. MFG. CO. 75974

14114

Journal Entry.
Probate Court, Union County, Ohio.

Charles Blue, Administrator
with the Will annexed of the
Estate of Harvey Blue, Deceased,
Plaintiff,

-vs-

Elmer Blue, et al.,
Defendants.

No. 14114.
Appointing Guardian Ad Litem.

On the application of Charles Blue, Administrator it appearing to the Court that Marilyn Rose Sullivan having waived service of summons and entered her appearance herein and consented to the sale as prayed for by Paul W. Sullivan, her father, one of the defendants herein, and Marilyn Rose Sullivan, minor of the age of four years, it is ordered that William L. Colegrave be and he is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hagen - Probate Judge.

Filed
July 31-1940.

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

Charles Blue, Administrator
with the Will annexed of the
Estate of Harvey Blue, Deceased,
Plaintiff,

-vs-

Elmer Blue, et al.,
Defendants.

No. 14114.
Answer of Minor Defendants.

And now comes William L. Colegrave, duly appointed by the Court as Guardian Ad Litem for Marilyn Rose Sullivan the minor child of Paul W. Sullivan 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 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.

William L. Colegrave.
Guardian Ad Litem.

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Order of Private Sale.

The State of Ohio, Union County. Probate Court.
To Charles Blue, Administrator with the Will annexed of the Estate of Harvey Blue, Deceased, Greeting:

You 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 with the Will annexed of the Estate of Harvey Blue, Deceased, are Plaintiff and of Elmer Blue, et al., are Defendants, you are commanded to proceed according to law to sell at Private Sale, for not less than Twenty Four Hundred Seventy five Dollars the appraised value thereof, the following described premises, to-wit:

Tract I. Being an undivided one-half in the following described premises, to-wit:

Situated in the County of Union, State of Ohio, and Township of Jackson, and in the U. M. District and part of Survey No. 9920.

Being 18-3/4 acres off the farm formerly owned by C. H. James and deeded by him to the heirs of Daniel Wooley.

Beginning at a stake and stone in the center of the Eastman Road corner to land owned by Jeremiah Coogray; Thence N. 80° E. 64.80 poles to a stake in the west line of land owned by Asbury Cheney; Thence S. 10° E. with said Cheney's west line 58.40 poles to a stone in the center of the Essex and Byhalia Gravel Road and S. W. corner to said Cheney's land; thence in a northwesterly direction and with the center of said Road 76 poles to the maple corner; Thence North and with the center of the Eastman Road 15 poles to the place of beginning. Containing 13-3/4 acres of land be the same more or less.

Excepting therefrom the following described real estate described in a warranty deed from Mary A. Blue and Harvey Blue to The Board of Education of Jackson Township dated April 1- 1922 and recorded in Union County Record of Deeds Volume 125 at page 584 and bounded and described as follows:

Situated in the County of Union, State of Ohio and in the Township of Jackson and being part of Survey No. 9920.

Beginning in the center of and at the point where the Eastman Gravel Road intersects the Byhalia and Essex road at the cross roads known as Maple Corners; Thence N. 10° West and with the center of the said Eastman Road 16 rods to a stake; Thence N. 80° East 12 rods and 4 feet

THE COL. B. B. MFG. CO. 75974

14114

to a stake; Thence S. 10° East 23 rods to the center of the Byhalia and Essex Road; Thence in a northwesterly direction and with the center of said road 14 rods and three feet to the place of beginning.

Containing One and One-half (1½) acres of land.

Leaving therein 12.25 acres of land be the same more or less.

Tract II. Situated in the State of Ohio, Union County, and in Jackson Township, and in the Virginia Military District, and part of Survey No. 9920 and bounded and described as follows to-wit:

Beginning at the Maple Corner in the center of the Rush Creek Pike or gravel road. Thence easterly and with the center of said road 35 and 74/100 poles to a stone in the center of said road. Thence south 9½° E. nearly 70-70/100 poles to a stone in the south line of Wm. Cobbs land; Thence north 80° E. 30 poles to a stone in the survey line; thence north 8½° W. 87 and 40/100 poles to the place of beginning containing (16) sixteen acres of land more or less and also another piece or parcel of land situated in Jackson Township, Union County, Ohio, in the Virginia Military District and part of the same survey No. 9920 containing nine acres of land, the same was deeded to Adam Blue by David J. Burgoon and Sarah his wife April 1st, 1878 and recorded in Deed Book No. 46 Page 180 in Marysville, Sept. 2nd, 1878. To which record reference is hereby made for a more full and particular description of said lands are had.

Tract III, Situated in the County of Union, State of Ohio and Township of Jackson and in Survey No. 9920.

Beginning at a stone in the center of the Marion and Bellefontaine State Road, northwest corner to a lot of land containing 30-21/100 acres of land conveyed by Michael Wooley to Minerval Blue on the 2nd. day of November, 1869; Thence with the west line of said lot S. 10° E. 125 poles to a stone in the north line of William Cobb's land; Thence with said line N. 80° E. 33-41/100 poles to a stone; Thence N. 10° W. 105 poles to a stone in the center of said Marion and Bellefontaine Road. Thence with the center of the said Road N. 69° W. 39 poles to the place of beginning.

Containing twenty three acres.

Except a strip twenty feet wide on the west side for a road for William Cobb.

Said sale to be upon the following terms: Cash.

14114

Filed July 31-1940.

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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 31st. day of July, 1940.

Seal

L. W. Hagen - Probate Judge.

Return.

To the Probate Court of Union County Ohio.

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

Dated this 31st. day of July, 1940.

Charles Blue - Admr.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 31st. day of July, 1940, offer said property at private sale and Blanche Tracy having offered therefor the sum of Twenty Four Hundred Seventy Five and 00/100 Dollars ($2475.00) and the same being not less than the appraised value of said property, I sold the same to said Blanche Tracy for that sum.

Charles Blue - Admr.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.

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

Charles Blue - Admr.

Sworn to Before me and subscribed in my presence, this 31st. day of July, 1940.

Seal

R. LeRoy Allen - Notary Public -
Union County, Ohio.
My Commission Expires Feb. 6 - 1942.

Filed July 31 - 1940.

Journal Entry.

In the Probate Court of Union County, Ohio.

Charles Blue, Administrator with the Will annexed of the Estate of Harvey Blue, Deceased, Plaintiff,

- vs -

Elmer Blue, et al, Defendants.

Case No. 14114.

Journal Entry.

THE COL. B. B. MFG. CO. 75974

14114

This matter came on to be heard upon the Petition of the Plaintiff for authority to sell real estate of the above decedent to pay debts of his estate and the Answer of William L. Coleman, Guardian Ad Litem of Marilyn Rose Sullivan, a minor, and the evidence.

The Court finds that all parties hereto have waived service of summons and entered their appearance herein and consented to the sale of the real estate as prayed for in said Petition as provided by law which said Waivers are hereby approved.

The Court further finds from the evidence that all necessary parties are before the Court and that the prayer of the Petition should be granted.

The Court further finds, that the real estate described in the Petition, was appraised by the Appraisers of the estate at Twenty Four Hundred Seventy Five and 00/100 Dollars ($2475.00) and orders that a further appraisement be dispensed with.

The Court further finds that the bond heretofore given by the Plaintiff as Administrator with the Will annexed of the estate of Harvey Blue, deceased, in the amount of Three Thousand and 00/100 Dollars ($3000.00) is sufficient and it is ordered that the giving of an additional bond be and the same hereby is dispensed with.

And it appearing that private sale would be to the best interest of the estate, it is ordered that said Charles Blue as such Administrator with the Will annexed sell said real estate at private sale at not less than the Twenty Four Hundred Seventy Five and 00/100 Dollars ($2475.00) being the appraised value thereof therefor cash. And it is further ordered that said Charles Blue as such Administrator with the Will annexed make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed July 31-1940.

Journal Entry.

In the Probate Court of Union County, Ohio.

Charles Blue, Administrator with the Will annexed of the Estate of Harvey Blue, Deceased, Plaintiff.

-vs-

Elmer Blue, et al., Defendants.

Case No. 14114. Journal Entry.

This day this cause came on to be heard on the Report of Charles Blue, Administrator with the Will annexed of the estate of Harvey Blue, 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

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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 Harvey Blue, deceased, in said real estate to the purchaser upon said purchaser paying in cash to said Petitioner all of said purchase money.

And now this cause coming on further to be heard upon the pleadings herein and upon the motion to distribute the proceeds of the sale, amounting to the sum of Twenty Four Hundred Seventy Five and 00/100 Dollars ($2475.00).

It is further ordered that said Charles Blue, Administrator with the Will annexed out of the money in his hands pay:

First: The costs and expenses of the sale not including the Attorney Fee, or fees for services to the fiduciary in connection with the sale but including the costs of this proceeding said Attorney Fee and compensation to be paid upon distribution in said estate the sum of $38.00.

Second: To the Treasurer of Union County, Ohio, the payment of taxes, penalties and assessments now due lapping such real estate the sum of $64.94.

Third: The remaining proceeds of sale to be applied to the discharge of the claims and debts of the estate in the order provided by law and the balance, if any, distributed according to law.

It is further ordered that this proceeding be recorded and that said Petitioner pay the costs herein taxed at $38.00, out of the proceeds of said sale within Ten (10) days.

L. W. Hazen-Probate Judge.

THE COL. B. B. MFG. CO. 75974

14115
Filed
July 24- 1940.
Allen & Allen,
Attorneys.

Petition to Sell Real Estate to Pay Debts.

In the Probate Court of Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased,
Plaintiff,

-vs-

Ethel White, Elmer Blue, Roy Blue, Blanche Tracy, Charles Blue, Marilyn Rose Sullivan, Paul W. Sullivan, Martha Blue, Alda Blue, Ray White and Emma Blue, and Paul W. Sullivan, Father of Marilyn Rose Sullivan,
Defendants.

Case No. 14115.
Petition for Sale of Real Estate to Pay Debts.

Plaintiff represents that he is the duly appointed, qualified and acting Administrator of the estate of Mary A. Blue, Deceased, late of Union County, Ohio; that the amount of the debts due from the deceased is approximately Six Hundred and 00/100 Dollars ($600.00) as near as can be ascertained; that the charges of administration of said estate will amount to about One Hundred and 00/100 Dollars ($100.00) and that the total value of the personal estate and effects of said deceased is but Three Hundred and 00/100 Dollars ($300.00) being wholly insufficient to pay the debts and costs as aforesaid.

The Plaintiff further represents that said Mary A. Blue died seized in fee simple of the following described real estate to-wit:

Tract I. Being an undivided one-half in the following described premises to-wit:

Situated in the County of Union, State of Ohio and Township of Jackson and in the V. M. District and part of Survey No. 9920.

Being 13-3/4 acres off the farm formerly owned by C. H. James and deeded by him to the heirs of Daniel Pooley.

Beginning at a stake and stone in the center of the Eastman Road corner to land owned by Jeremiah Coogray; Thence N. 80° E. 64.80 poles to a stake in the west line of land owned by Asbury Cheney; Thence S. 10° E. with said Cheney's west line 53.40 poles to a stone in the center of the Essex and Byhalia Gravel Road and S. W. corner to said Cheney's land; thence in a northwesterly direction and with the center of said Road 76 poles to the maple corner; Thence south and with the center of the Eastman Road 15 poles to the place of beginning. Containing 13-3/4 acres of land be the same more or less.

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Excepting therefrom the following described real estate described in a warranty deed from Mary A. Blue and Harvey Blue to The Board of Education of Jackson Township, dated April 1- 1922 and recorded in Union County Record of Deeds, Volume 125 at page 584 and bounded and described as follows;

Situated in the County of Union, State of Ohio and in the Township of Jackson, and being part of Survey No. 9920.

Beginning in the center of and at the point where the Eastman Gravel Road intersects the Byhalia and Essex road at the cross roads known as Maple Corner; Thence N. 10° West and with the center of the said Eastman Road 16 rods to a stake; Thence N. 80° East 12 rods and 4 feet to a stake; Thence S. 10° East 23 rods to the center of the Byhalia and Essex Road; Thence in a northwesterly direction and with the center of said road 14 rods and three feet to the place of beginning.

Containing One and One-half (1½) acres of land.

Leaving herein 12.25 acres of land be the same more or less.

Plaintiff represents that said real estate was appraised in accordance with the order of the Probate Court of Union County, Ohio, by the Appraisers of the personal estate of said decedent and that the amount of said appraisement is Two Hundred Forty Five and 00/100 Dollars ($245.00).

The said decedent died leaving no surviving spouse and the Defendants, Etti White, Elmer Blue, Ray Blue, Blanche Raby, Charles Blue and Marilyn Rose Sullivan, are the only heirs at law and next of kin of said decedent having the next estate of inheritance from said Mary A. Blue, deceased, in said premises and that the Defendants, Emma Blue is the wife of Ray Blue, Martha Blue is the wife of Charles Blue, Ray White is the husband of Etti White and, Ada Blue is the wife of Elmer Blue and thereby entitled to an inchoate right of dower in said premises.

The Defendant, Paul W. Sullivan, is the father of Marilyn Rose Sullivan, a minor four (4) years of age.

Wherefore Plaintiff prays that he may be authorized and ordered to sell said real estate according to the statute in such cases made and provided and for all other proper order and relief in the premises.

Allen & Allen,
Attorneys for Plaintiff.

THE COL. B. B. MFG. CO. 75974

14115

State of Ohio, Union County, ss:
Charles Blue, Administrator, the within named Plaintiff, being duly sworn says that the various matters and things set forth in said Petition are true to the best of his knowledge and belief.

Charles Blue- Administrator.

Sworn to before me and signed in my presence this 23rd. day of July, 1940.

F. Le Roy Allen, Notary Public, Union County, Ohio. My Commission Expires Feb 6-1942.

Probate Court, Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff,
-vs-
Ettie White, et al., Defendants.

No. 14115.
Petition to Sell Real Estate.
Waiver of Summons and Consent to Sell.

We, the undersigned, parties Defendant to the above entitled cause and also Paul W. Sullivan, father of Marilyn Rose Sullivan minor, party defendant to the petition in the above entitled action, do each of us hereby waive the issuing and service of Summons, and voluntarily enter our appearance in 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 23 - 1940.

Blanche Tracy.
Elmer Bluf.
Charles Blue.
Alda M. Blue.
Ettie White.
Ray White.
Roy Blue.
Paul W. Sullivan as father of Marilyn Rose Sullivan
Emma Bluf.
Martha Blue.

Filed July 31-1940.

Application for Appointment of Guardian Ad Litem.

Probate Court, Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff,
-vs-
Ettie White, et al., Defendants.

No. 14115.

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

Filed July 31-1940.

14115

Now comes Charles Blue, Administrator, and makes application for the appointment of a Guardian Ad Litem for Marilyn Rose Sullivan, a minor four years of age, defendant herein, upon whom summons was duly served according to law, and suggests that William L. Coleman who is a suitable person be appointed as such Guardian Ad Litem.

Charles Blue - Admr.

Journal Entry.
Probate Court, Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff, -vs- Ettie White, et al., Defendants.

No. 14115.
Appointing Guardian Ad Litem.

On the application of Charles Blue, Administrator, it appearing to the Court that Marilyn Rose Sullivan having waived service of summons and entered her appearance herein and consented to the sale as prayed for by Paul W. Sullivan, her father, one of the defendants herein, and minor of the age of four years, it is ordered that William L. Coleman be and he is hereby appointed Guardian Ad Litem for said minor defendant.

L. W. Hagen - Probate Judge.

Filed July 31-1940.

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

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff, -vs- Ettie White, et al., Defendants.

No. 14115.
Answer of Minor Defendants.

And now comes William L. Coleman, duly appointed by the Court as Guardian Ad Litem for Marilyn Rose Sullivan the minor child of Paul W. Sullivan 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 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 this Court, to order in the premises as justice and interest of said defendant shall require.

William L. Coleman
Guardian Ad Litem.

THE COL. B. B. MFG. CO. 75974

14115
Filed
July 31-1940.

Order of Private Sale.

The State of Ohio, Union County, Probate Court.
To Charles Blue, Administrator of the estate of Mary A. Blue, 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 Mary A. Blue, Deceased, are Plaintiff and Ettie White, et al, are Defendants, you are commanded to proceed according to law, to sell at Private Sale, for not less than Two Hundred Forty Five and 00/100 Dollars, the appraised value thereof, the following described premises, to-wit:

Tract I. Being an undivided one-half in the following described premises to-wit:

Situated in the County of Union, State of Ohio and Township of Jackson and in the N.W.R. District and part of Survey No. 9920.

Being 13-3/4 acres off the farm formerly owned by C. H. James and deded by him to the heirs of David Wooley.

Beginning at a stake and stone in the center of the Eastman Road corner to land owned by Jermiah Conway; Thence N. 80° E. 64.80 poles to a stake in the west line of land owned by Asbury Cheney; Thence S. 10° E. with said Cheney's west line 53.40 poles to a stone in the center of the Essex and Bythalia Gravel Road and S.W. corner to said Cheney's land; thence in a northwesterly direction and with the center of said Road 76 poles to the maple corner; Thence north and with the center of the Eastman Road 15 poles to the place of beginning. Containing 13-3/4 acres of land be the same more or less.

Excepting therefrom the following described real estate described in a warranty deed from Mary A. Blue and Harvey Blue to The Board of Education of Jackson Township dated April 1-1922 and recorded in Union County Records of Deeds Volume 125 at page 584 and bounded and described as follows:

Situated in the County of Union, State of Ohio and in the Township of Jackson and being part of Survey No. 9920.

Beginning in the center of and at the point where the Eastman Gravel Road intersects the Bythalia and Essex road at the cross roads known as Maple Corner; Thence N. 10° West and with the center of the said Eastman Road 16 rods to a stake; Thence N. 80° East 12 rods and 4 feet to a stake; Thence S. 10° East 22 rods to the center of the Bythalia and Essex Road; Thence in a Northwesterly direction and with the center of said road 14 rods and three feet to the place of beginning.

Containing One and One-half (1½) acres of land.

14115
Filed
July 31-1940.

14115

Leaving herein 12.25 acres, I land be the same 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 31st. day of July, 1940.
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 31st. day of July, 1940.
Charles Blue - Admr.

Report of Private Sale.

In obedience to the command of the within order of sale, I did on the 31st. day of July, 1940, offer said property, at private sale, and Blanche Tracy having offered therefor the sum of Two Hundred Forty Five and 00/100 Dollars ($245.00) and the same being not less than the appraised value of said property, I sold the same to said Blanche Tracy for that sum.
Charles Blue - Admr.

Affidavit to Report of Private Sale.

The State of Ohio, Union County, ss.
Charles Blue, Administrator, being duly sworn, says that the private sale of property made under the within order and reported above, was made after diligent endeavor to obtain the best price for said property, and that the sale reported is for the highest price that could be obtained.
Charles Blue - Admr.

Sworn to before me and subscribed in my presence, this 31st. day of July, 1940.
W. Le Roy Allen - Notary Public, Union County, Ohio. My commission Expires Feb. 6-1942.

Seal

Filed July 31-1940.

Journal Entry.

In the Probate Court of Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff, -vs- Etta White, et al., Defendants.

Case No. 14115.
Journal Entry.

THE COL. B. B. MFG. CO. 75974

14115

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 Williams L. Coleman, Guardian Ad Litem of Marilyn Rose Sullivan, a minor, and all of the Defendants having waived service of summons and entered their appearance herein and having consented to the sale as prayed for in said Petition, such waivers are hereby approved.

The Court finds from the evidence that all necessary parties are before the Court and that the fair market value of said real estate is less than Five Hundred and 00/100 Dollars ($500.00) 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 at Two Hundred Forty Five and 00/100 Dollars ($245.00) 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 Mary A. Blue, deceased in the amount of One Thousand (and 00/100 Dollars ($1000.00) is sufficient and that further bond is dispensed with and further finds that it is necessary to sell the real estate of Mary A. Blue, deceased, to pay the debts of such decedent.

It is therefore ordered and decreed that said Charles Blue, Administrator of the estate of Mary A. Blue, deceased be and he hereby is authorized to sell and convey real estate described in the Plaintiff's Petition at private sale for cash for not less than the appraised value thereof.

And it is further ordered that said Charles Blue, as such Administrator, make return of sale without unnecessary delay.

L. W. Hazen - Probate Judge.

Filed July 31-1940.

Journal Entry.

In the Probate Court of Union County, Ohio.

Charles Blue, Administrator of the Estate of Mary A. Blue, Deceased, Plaintiff, -vs- Ettie White, et al., Defendants

Case No. 14115.
Journal Entry.

14054 Filed Sept. 16-1940.

This day this cause came on to be heard on the Report of Charles Blue, Administrator of the estate of Mary A. Blue, 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.

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The Court having carefully examined said Report and finding the proceedings of said Petitioner in all respects correct and being satisfied 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 A. Blue, deceased, in said real estate to the purchaser, Blanche Tracy, upon the said purchaser paying in cash said purchase price in full to said Petitioner.

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 Forty Five and 00/100 Dollars ($245.00) it is further ordered that said Charles Blue out of the money in his hands pay:

First: The costs and expenses of the sale not including an Attorney fee or compensation to the fiduciary for his services in connection with the sale, said Attorny fee and compensation to the Administrator to be paid upon final distribution in said estate but including the costs in the Probate Court for said proceeds herein to-wit, the sum of $36.00.

Second: The payment of taxes, penalties and assessments now due against said real estate to said Treasurer of Union County, Ohio, the sum of $6.57.

Third: The remaining proceeds of sale to be applied to discharge the claims and debts of the estate in the order provided by law and the balance, if any, to be distributed according to law.

And it is further ordered that this proceeding be recorded and that said Petitioner pay the costs herein taxed at $36.00 out of the proceeds of said sale within ten (10) days.

L. W. Hazen - Probate Judge.

14054
Filed
Sept. 16-1940.

In The Matter of The Estate of Frank Staly, Deceased.
Petition to Sell Personal Property.
Probate Court, Union County, Ohio.

In the Matter of The Estate of | No. 14054.
Frank Staly, Deceased | Petition.
To the Judge of said Court:

The undersigned respectfully represents that he is the duly appointed and qualified Executor of the Estate of Frank Staly, 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

THE COL. B. B. MFG. CO. 75974

14054

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 in Item	Description of Articles Appraised	Appraised Value	
6		Horses	$385.	00
64		Hogs	265.	00
35		Cattle	1360.	00
		Farm Implements	215.	00

The undersigned further represents that said sale would be for the best interests of said estate, for the following reasons:

1. The delay and expense of public sale may thus be avoided.
2. That at private sale the said property must bring the full appraised value while at public sale it might sell for less than such appraised value.

Dated September 16-1940. Dale Staley- Executor.

The State of Ohio, Union County.

Dale Staley, being duly sworn, says that the various matters and things contained in the foregoing application, are true, as he verily believes.

Dale Staley.

Sworn to before me and signed in my presence, this 14 day of September, 1940.

Richard C. Tyrall
Justice of the Peace.

Order of Private Sale, Personal Property.
Probate Court, Union County, Ohio.

In the Matter of the Estate of Frank Staley, Deceased. | No. 14054. Order of Sale of Personal Property.

To Dale Staley, Executor of the Estate of Frank Staley, 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 not less than the appraised value, the following goods and chattels belonging to said estate, to-wit:

No. of Item	Weight, Measure or No. Articles in Item	Description of Articles Appraised	Appraised Value	
6		Horses	$385.	00
64		Hogs	265.	00
35		Cattle	1360.	00
		Farm Implements	215.	00

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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 16th. day of September, 1940.

Seal

L. W. Hazen - Probate Judge.

Return.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Frank Staley, Deceased. | Report of Sale of Personal Property.

The undersigned, Executor of said Estate, says that in obedience to the order of said Court, hereto attached, he sold said personal property, to Mildred Staley and Marie Staley commencing on the 16th. day of September 1940, and closing on the — day of — 19—, for the sum of ($2225.00) Two Thousand Two Hundred Twenty-five Dollars, said sum being not less than the price fixed by the Court.

A detailed Bill of said Sale, is hereto attached.

Dated this 16th. day of September, 1940.

Dale Staley.

Bill of Sale.

No. of Item	Description of Articles	Appraised Value	To whom sold	Price
6	Horse	385. 00	Mildred Staley & Marie Staley	385. 00
64	Hogs	265. 00	" " " "	265. 00
35	Cattle	1360. 00	" " " "	1360. 00
	Farm Implements	215. 00	" " " "	215. 00

The State of Ohio, Union County.

Dale Staley, Executor of the Estate of Frank Staley, deceased, being duly sworn, says that the foregoing Report is in all respects true and correct, that such sale has been made after diligent endeavor to obtain the best price for the property, and that the sale reported is for the highest price he could get for the property.

Dale Staley.

Sworn to before me and signed in my presence, this 16th. day of September, 1940.

Richard C. Thrall
Justice of the Peace.

Journal Entry.

Probate Court, Union County, Ohio.

In the Matter of the Estate of Frank Staley, Deceased. | September 16th 1940.
Sale of Personal Property Confirmed.

The Executor of the above named decedent having filed his return of the order heretofore issued for private sale of the personal property of said decedent,

THE COL. B. B. MFG. CO. 75974

14054

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.

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THE COL. B. B. MFG. CO. 75974

No 42 Ordered from Fred Porter Co
11-7-39 Ed Holy

FINAL RECORD

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COUNTY