

STATE OF INDIANA }
COUNTY OF MARION }

SS:

IN THE SUPERIOR COURT OF MARION
COUNTY

CAUSE NO. S62-5766

ROOM NO. 1

STATE OF INDIANA,
Plaintiff

vs.

CHESTER CHAPPELL and
EVELYN CHAPPELL (H&W)
FIRST FEDERAL SAVINGS & LOAN ASS'N.
(Mortgagee),

DEFENDANTS

FILED
S1 JUN 28 1963

Edwin M. Chue

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by Edwin K. Steers, Attorney General, and Jerry W. Newman, Deputy Attorney General, and come now the defendants, Chester Chappell and Evelyn Chappel, (H&W) and First Federal Savings & Loan Ass'n., by their attorneys of record herein, _____, and plaintiff (and said defendants) now withdraw their request for a jury trial, and this cause is now submitted to the court upon the issues formed by the exceptions heretofore filed by the plaintiff, and said defendants.

And the court being duly advised finds as follows:

1. That the plaintiff, State of Indiana, filed its complaint for the appropriation of the fee simple title, to defendants' real estate for highway purposes on the 28th day of August, 1962, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.
2. That on the 17th day of September, 1962, being the day set for the hearing of the cause, an order was entered upon the record of the Marion Superior # 1 Court, signed by M. Walter Bell, Judge, showing that the fee simple title to defendants' real estate was condemned for the uses and purposes described in said complaint.

3. That by said order the court also appointed three disinterested freeholders of Marion County to assess the damages and benefits to the defendants caused by the appropriation.

4. That on the 5th day of October, 1962, said court-appointed appraisers returned their report to the court showing total damages in the sum of Seven Hundred Fifty Dollars (\$750.00), and the court ordered the appraisers' fees set at One Hundred Fifty Dollars (\$150.00) each.

5. That the plaintiff, State of Indiana, paid the award of the appraisers together with the fees for the services of said appraisers to the clerk of the court on the 17th day of October, 1962.

6. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 9th day of October, 1962.

7. That the defendants, Chester Chappell and Evelyn Chappell (H&W), filed exceptions to the court-appointed appraisers' report on the 11th day of October, 1962.

8. That the total value of the fee simple title to the defendants' real estate taken for highway purposes and the damages to the remaining land of the defendants is Seven Hundred Fifty Dollars, (\$750.00) and that the defendants, Chester Chappell and Evelyn Chappell (H&W) and First Federal Savings & Loan Ass'n., should recover from the plaintiff, State of Indiana, total damages in the sum of Seven Hundred Fifty Dollars, (\$750.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the order of appropriation entered herein on the 17th day of September, 1962, be, and the same is hereby confirmed and the fee simple title to the real estate described in plaintiff's complaint be, and the same is appropriated for highway purposes, said real estate appropriated being more particularly described as follows:

(Project I-65-3 (17) 120 Parcel No. 10 Perm. R/W)

Beginning at the most Northerly corner of tract # 21 in Bailey's Westwood Highlands, as recorded in deed Record 1497 Pages 322 to 325 inclusive, in the Office of the Recorder of Marion County, Section 12, Township 16 North, Range 2 East, Marion County, Indiana; for the point of beginning of Parcel 10 Permanent Right of Way:

Thence South 47 degrees 00 minutes East, 120.0 feet along the Northeastern property line of the Grantor's lands to the Southeastern property line of Grantor's lands;

Thence South 43 degrees 00 minutes West, 22.0 feet along said property line;

Thence North 48 degrees 41 minutes West, 120.1 feet to the Northwestern property line of the Grantor's lands;

Thence North 43 degrees 00 minutes East, 25.6 feet along said property line to the point of beginning and containing 2,858 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the defendants, Chester Chappell and Evelyn Chappell (H&W) and First Federal Savings and Loan Ass'n., have and recover from the plaintiff, State of Indiana, as final and total damages the sum of Seven Hundred Fifty Dollars (\$750.00), and that the clerk of the court pay said amount to the defendants.

Charles O. Daugherty
Judge of the Marion Superior # 1 Ct.

Dated: 6-28-63

APPROVED:

Jerry W. Newman
Deputy Attorney General

APPROVED:

Attorney for defendants.

(PROJECT 1-65-3(17)120 PARCEL No. 10 PERM., R/W)

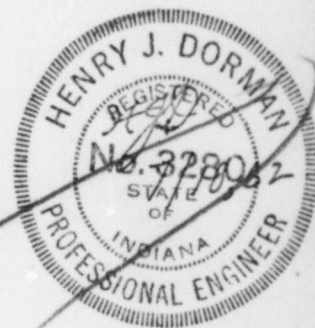
BEGINNING AT THE MOST NORTHERLY CORNER OF TRACT #21 IN BAILEY'S WESTWOOD HIGHLANDS, AS RECORDED IN DEED RECORD 1497 PAGES 322 TO 325 INCLUSIVE, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, SECTION 12, TOWNSHIP 16 NORTH, RANGE 2 EAST, MARION COUNTY, INDIANA; FOR THE POINT OF BEGINNING OF PARCEL 10 PERMANENT RIGHT OF WAY:

THENCE SOUTH 47 DEGREES 00 MINUTES EAST, 120.0 FEET ALONG THE NORTHEASTERN PROPERTY LINE OF THE GRANTOR'S LANDS TO THE SOUTHEASTERN PROPERTY LINE OF GRANTOR'S LANDS;

THENCE SOUTH 43 DEGREES 00 MINUTES WEST, 22.0 FEET ALONG SAID PROPERTY LINE;

THENCE NORTH 48 DEGREES 41 MINUTES WEST, 120.1 FEET TO THE NORTHWESTERN PROPERTY LINE OF THE GRANTOR'S LANDS;

THENCE NORTH 43 DEGREES 00 MINUTES EAST, 25.6 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING AND CONTAINING 2,858 SQUARE FEET, MORE OR LESS.



*Control
proj. en*

APPRAISAL REVIEW

Project I-65-3 (17)

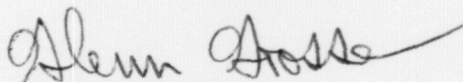
Marion County

Parcel 10

Owner: Chester Chappell

Two appraisals were made on this parcel. Jack P. Meek estimated the value of part taken to be \$541.00, rounded to \$550.00, and this appraisal was approved. Edward L. White subsequently estimated value of part taken to be \$565.00, rounded to \$550.00. The court - appointed appraisers' award was \$750.00. A review of the two appraisals reveals that most of the compensation appears under "Other Damages". Two elm trees (4" and 8") are taken and valued at \$60.00; one peach tree (2") is taken at \$10.00. These values are reasonable but could be considered somewhat low when compared to values used at other times by appraisers for similar trees. An allowance of \$300.00 is included for relocation of the septic finger system. This estimate is also reasonable and is based upon appraiser's experience in septic system evaluations on previous parcels which he has appraised. The land taken is valued at \$171.00 and is to be used for reconstructing and enlarging the drainage ditch which forms the rear property line. Appraiser allows no damage for any loss caused by the larger ditch or for the reduced distance from the house to the new rear property line. It appears reasonable that some damage could be included for these items.

Property owner has agreed to accept the court - appointed appraisers' award of \$750.00. Since the values placed upon the trees taken are somewhat low and since no damage was allowed for ditch enlargement and reduced area of the back yard it appears that the court appraisers' award is fair and reasonable and should be accepted in settlement of this case. I am approving settlement for the amount of \$750.00.



Glenn Grosse

Assistant Chief Appraiser

GG/sj

C: Control

File

INDIANA STATE HIGHWAY COMMISSION

Warrant No. _____

CLAIM - VOUCHER

STATE AGENCY FILL IN. Form may be used only for charge- able to Services Other Than Personnel.	No.
400-800 (Maintenance)	
400-801 (Construction)	
400-802 (Supervisory)	
400-803 (Miscellaneous)	
400-808 (Traffic Engr.)	
AMOUNT TO BE PAID (Total)	

No.

Claimant's Name
and
Address

**CLERK MARION SUPERIOR CRT.
 COURT HOUSE
 INDIANAPOLIS, INDIANA**

FURNISHED
TO

COST AND BUDGET DISTRIBUTION

Code	Cost Acct. No.	Road and Section No.	Project or Structure No.	Serv. Acct. No.	ENTER APPROPRIATE BUDGET CLASSIFICATION				TOTAL CLAIMED
TOTALS									

STATE AGENCY

FILL IN

*150.00
450.00
150.00
600.00
150.00*

Date _____ Item _____ Amount _____ ✓

**For the amount of the appraisers' award in the condem-
 nation case of State of Indiana vs. CHESTER CHAPPELL
 et al., in the Marion County Superior Court # 1, Cause
 S 62-5766**

750 -

**For the amount of the appraisers' fees, three (3)
 at \$ 150. ea.
 (Project I 65-3 (17) 120, S.R. 65 Parcel No.10,
 5620 W. 51st St., Indianapolis, Indiana (Marion County)**

450 -

*Edward C. Burkert
 Charles Johnson
 Frank Vickman*

STATE FUNDS	<u>75.00</u>
FEDERAL FUNDS	<u>675.00</u>
TOTAL	<u>750.00</u>

STATE FUNDS	<u>45.00</u>
FEDERAL FUNDS	<u>405.00</u>
TOTAL	<u>450.00</u>

STATE FUNDS	<u>120.00</u>
FEDERAL FUNDS	<u>1080.00</u>
TOTAL	<u>1200.00</u>

Total *1200 -*

RECOMMENDED FOR APPROVAL DATE
Jerry W. Newman 10-9-62
 Official Initiating the Charge
Deputy Attorney General

Controller *Roger R. Shipley* OCT 15 1962
 Division of Auditing (Highway Department)

I certify that this claim is correct and valid, and is a proper charge against the State Agency and Account Number indicated.

W.P. Henry
 Indiana State Highway Commission

Pursuant to the provisions and penalties of Chapter 155 Acts of 1953:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Oct 9-62 X *Edwin McClure*
 Date (If a firm or corporation, give name)

XX By *Maxine Gordon*
 Personal Signature

MR

INDIANA STATE HIGHWAY COMMISSION

FINAL REPORT ON CONDEMNATION

Date July 1, 1963

State of Indiana vs. CHESTER CHAPPELL, et al.

Court Marion Superior, Room No. 1 Cause No. 862-5766

Location of Land Marion County, Indiana

Project No. 500 I-65-3(17)120 Parcel 10 Road No. I-65

Our Offer \$ 550.00 Amount of Appraisers' Award \$ 750.00

Date deposited with Marion County Clerk 10-17-62

Additional amount deposited for final settlement \$ -----

Date deposited -----

Total paid to defendant \$ 750.00

Amount refunded to State \$ -----

John S. Perkins
Deputy Attorney General

Judgment entered: 6-28-63



REPORT OF APPRAISERS

STATE OF INDIANA, }
COUNTY OF } SS:

IN THE CIRCUIT COURT

STATE OF INDIANA,
vs.
CHESTER CHAPPELL et al

No. **362-5766**

FILED
S1 OCT 5 1962
Walter Bell

The undersigned appraisers in the above entitled proceedings, appointed by ~~Hon.~~
WALTER BELL Judge of the **MARION SUP. # 1** ~~Circuit~~

Court on the 17th day of September, 1962, after
being duly sworn by the clerk of the **MARION SUP. # 1** ~~Circuit~~ Court

to honestly and impartially assess the damages and the benefits, if any, that may be
sustained by or result to said defendants by reason of the appropriation of the real estate
described in the complaint in said proceeding, met at the office of the clerk of the.....

MARION SUP. # 1 ~~Circuit~~ Court, at 11:00 o'clock, AM, on the 17th
day of September, 1962, and after being duly sworn and

instructed by the court as to their duties as appraisers proceeded in a body to view
said real estate that will be affected by said appropriation and to assess and appraise
the damages and the benefits sustained and resulting to each of said defendants by reason
of the appropriation thereof, and said appraisers now report the damages and benefits to
said defendants to be as follows :

The value of the land sought to be appropriated as described in the court's order and
warrant hereto attached, the appraisers find to be the sum of Four
Hundred Dollars (\$ 400.00).

The value of improvements, if any, on the portion of said realty sought to be appro-
priated, we find to be the sum of Dollars
(\$ none).



The damages, if any, to the residue of the real estate of such defendant owners caused by taking out the part sought to be appropriated as above described, we find to be the sum of \$.....300.00.....

Such other damages, if any, as will result to the defendants from the construction of the improvement described in the complaint, in the manner proposed by plaintiff, we find to be \$.....50.00.....

The benefits, if any, to the residue of the real estate of said defendants, resulting by taking out the part sought to be appropriated as above described, we find to be the sum of \$.....none.....

The total damages we find to be the sum of \$.....750.00.....

Date.....10/5/62.....

Edward C Burkert

Charles C. [unclear]

[unclear]

Appraisers

This report to be completed in triplicate on each call. One copy to be inserted in parcel - one to be forwarded to office with weekly report - one copy to property owner.

BUYERS REPORT

PROJECT I-65-3(17) PARCEL # 10
OWNER Chester Chappel PHONE # AX. 1-3658

(Other interested parties and relationship)

First Federal Savings & Loan assn. mortgage

ADDRESS OF OWNER 5620 W 51st. Indianapolis Ind.
DATE ASSIGNED May 17th. 1962
DATE OF CONTACT May 24th. 1962
TIME OF CONTACT 9:30 P.M.
DATE OF PREVIOUS CONTACT 1st. call

OFFER \$ 550⁰⁰

DETAIL CONTACT* Showed and explained the plans and answered their questions. The owners refused the price at this time. Said it was not enough money. Also said there might be some trouble relocating sewer system.
ACTION TAKEN** Said they would talk to their atty. Will call property owners some time next week after 4 P.M. for their answer.

SIGNED B.R. Souder

* Showed plans, walked over property, etc.

** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

This report to be completed in triplicate on each call. One copy to be inserted in parcel - one to be forwarded to office with weekly report - one copy to property owner.

BUYERS REPORT

PROJECT I-65-3 (17) PARCEL # 10

OWNER Chester Chappell PHONE # AX. 1-3658
Brooklyn Chappell

(Other interested parties and relationship)
First Federal Savings and Loan Assn. Indpls.

ADDRESS OF OWNER 5620 W. 51 st. St. Indpls.

DATE ASSIGNED 5-17-62

DATE OF CONTACT 6-12-62

TIME OF CONTACT 8:00 P.m.

DATE OF PREVIOUS CONTACT 5-24-62

OFFER \$ 550.00

DETAIL CONTACT* contacted Mrs. Chappell by phone
She again refused my offer. She stated
they had talked to their city and he
advised them the offer was too low.
She also stated they had talked to a firm

ACTION TAKEN** About moving finger system,
also trees. She said these two items
would cost \$600 and noting for land.
I told her if I had any more to offer them
I would contact them again -

SIGNED B. R. Souder

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. 65

PROJ. I 65-3 (17) 120

COUNTY Marion

Names on Plans E. E. Chappel

Names in Trans Book Chester Philip & Evelyn Chappell

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Part of the W 1/2 SE 1/4	12	16	2	0.55 Ac.	Land \$ 150.00
					Imp. \$2300.00
					Total \$2450.00

U.S.R. \$1.65

LAST OWNER OF RECORD

Deed Record 1621 p. 197 Recorded 6/12/56 Dated 6/8/56 ^{Warranty} Deed

Grantor Lawrence J. Welch & Lenore D. Welch, husband & wife

Grantee Chester Philip Chappell & Evelyn Chappell, husband & wife

Address of Grantee None Given

MORTGAGE RECORD

Mortgage Record 1874 p. 463 Amount \$7,600.00 Dated 11/20/56

Mortgagor Chester Philip Chappell & Evelyn Chappell, husband & wife

Mortgagee First Federal Savings and Loan Association of Indianapolis

JUDGMENT RECORD Yes() None() LIS PENDENS RECORD Yes() None()

MISCELLANECUS RECORD Yes() None() EASEMENTS Yes() None()

If answer to any of above is yes, clarify on back of sheet or on attached sheet

TAXES Current Paid () Delinquent ()

CERTIFICATE

I, the undersigned certify that the above and the attached copies include all transfers of the above described real estate as shown by the records in the office of Recorder of the above county from the date of the earliest entry shown in this search to date, except as otherwise noted, and that all liens, judgments and other matter of record hereinbefore requested for the same period are set forth.

UNION TITLE CO.

Dated this 22 day of Sept. 1961 8 AM BY Norm E. Lundridge
 Abstractor

Prel. Approval of Title _____ By _____
 Date Deputy Attorney General

Final approval of Abstract of Title _____ BY _____
 Date Deputy Attorney General

CAPTION

-1-

~~Continuation of Abstract of Title to Part of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, to wit:~~

Beginning at a point 329.24 feet west of the East line of said Half Quarter Section and 1407.96 feet south of the North line thereof and run thence north 43 degrees 27 minutes west a distance of 120 feet along the center of 51st Street North Drive to the southern most point of Tract #20 Bailey's Westwood Highlands as recorded in Deed Record 1497 pages 322, 323, 324 and 325 in the Office of the Recorder of Marion County, Indiana, thence deflecting to the right 90 degrees a distance of 196.4 feet, thence south 46 degrees 8 minutes a distance of 120 feet, thence southwesterly 202.6 feet to the place of beginning, containing in all 0.55 acre, more or less.

Subject to any legal highways or rights of way.

The above described tract is also known as Tract #21 in Bailey's Westwood Highlands, as recorded in Deed Record 1497 pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana.

Prepared for: State Highway Department of Indiana

Town Lot Record
971 page 358
Inst. #18380
June 15, 1937
Recorded
June 16, 1937

STATE OF INDIANA, COUNTY OF MARION, SS:

Cora L. Whisenand, being first duly sworn upon her oath according to law, deposes and says:

That Albert W. Whisenand and Anna Whisenand were the owners of the following described real estate in Marion County, in the State of Indiana, to wit:

East 1/2 except 1 acre where the Church stands, of the Southwest 1/4 of Section 12, Township 16 - Range 2 - 79 acres.

Also the middle part of the West 1/2 of the Southeast 1/4 of Section 12, Township 16 - Range 2 - 24 acres.

That Albert W. Whisenand and Anna Whisenand are both deceased, and died during the year of 1936. That the estates of both Albert W. Whisenand and Anna Whisenand have been entered for probate in the Marion County Probate Court, and both estates are solvent, and that said real estate will not be sold to pay the expenses of administration of said estates.

That the only heirs-at-law and next of kin to Albert W. Whisenand and Anna Whisenand are Omer B. Whisenand a son of Albert W. Whisenand and Anna Whisenand, and Florence Evelyn Whisenand and Roy VanArsdal Whisenand, children of Roy Whisenand, deceased, a son of Albert W. Whisenand and Anna Whisenand.

Cora L. Whisenand

Subscribed and sworn to before me this 15th day of June 1937.

Florence K. Thacker (LS)

Notary Public

My Commission expires August 1, 1939.

Deed Record
968 page 406
May 1, 1937
Recorded
May 1, 1937

Omer B. Whisenand, and
Cora L. Whisenand,
his wife
to
J. D. Thacker, Trustee
for the purpose of
reconveying

Warranty Deed
(No U. S. Revenue
Stamp Attached)

-3-

An undivided 1/2 interest in the following real estate:
East 1/2, except 1 acre, where the Church stands,
of the South West 1/4 of Section 12, Township 16 - Range 2 -
79 acres.

Also the middle part of the West 1/4 of the South East
1/4 of Section 12, Township 16 - Range 2 - 24 acres.

Deed Record
968 page 407
May 1, 1937
Recorded
May 1, 1937

J. D. Thacker, Trustee
for the purpose of
reconveying, (signs,
J. D. Thacker, --)
to
Cora L. Whisenand

Quit Claim Deed
(No U. S. Revenue
Stamp Attached)

-4-

An undivided 1/2 interest in the following real
estate:

East 1/2, except 1 acre, where the Church stands, of
the South West 1/4 of Section 12, Township 16 -, Range 2 -
79 acres.

Also the middle part of the West 1/2 of the South
east 1/4 of Section 12, Township 16 -, Range 2 - 24 acres.

Misc. Record
443 page 448
Jan. 13, 1950
Recorded
Jan. 26, 1950

-----, -----, ---:
Affiant says, that in her office on May 1, 1937 a
deed was prepared from Omer B. Whisenand and Cora L. Whisenand
his wife to J. D. Thacker, Trustee for the purpose of
reconveying, deed recorded in Deed Record 968, page 406
in the Office of the Recorder of Marion County, Indiana,
also a deed from J. D. Thacker, Trustee, for the purpose of
reconveying, to Cora L. Whisenand, deed recorded in Deed
Record 968 page 407 in the office of the Recorder of Marion
County, Indiana, to the following described real estate
situated in Marion County, Indiana, to wit:

An undivided 1/2 interest in the following real estate:
East 1/2, except 1 acre, where the Church stands, of
the South West 1/4 of Section 12, Township 16 North, Range
2 East, 79 acres.

Also, the middle part of the West 1/2 of the South
East 1/4 of Section 12, Township 16 North, Range 2 East,
24 acres.

-5-

Affiant further says that she is the widow of J. D. Thacker who died September 11, 1940, she being his only heir.

Affiant further says that when J. D. Thacker signed the above described deed he signed it in his individual capacity instead of in his capacity as Trustee for reconveyance, but that it was his intention and the intention of all parties involved that he sign this deed as Trustee.

Affiant further says that she did not have and does not now have any interest in the above described property.

And further affiant saith not.

Florence Thacker Bradley.

Deed Record
1407 page 385
Feb. 26, 1951
Recorded
Feb. 28, 1951

-----, -----, ---:
Affiant says, That he is a resident of Marion County, Indiana.

That he has known Florence E. Coolman for the past several years and that she is the daughter of Roy A. Whisenand, and that Florence E. Whisenand and Florence E. Coolman are one and the same person.

That Florence E. Whisenand and Robert B. Coolman were united in marriage in the City of St. Louis, St. Louis County, Missouri on October 14, 1939.

Further affiant saith not.

Robert E. Huffman.

-6-

IN THE PROBATE COURT OF MARION COUNTY

Cause No. 3454
Filed
Oct. 3, 1940

Florence E. Coolman,
Roy V. Whisenand

Interlocutory
Partition Decree

vs

Cora L. Whisenand,
Omer B. Whisenand

October 3, 1940. Complaint for partition filed.

NOTE: There are no papers in the files in this matter and no Complete Record was made of the same. The following is taken from the Order Book entries therein.

-7-

October 29, 1940. Interlocutory Partition Decree.

Comes now the defendants and by counsel and written assent of the defendants, Cora L. Whisenand and Omer B. Whisenand, to the partition prayed for in said complaint and waiving notice thereof is filed, and reads as follows, to-wit: (H.I.).

And comes now the defendants in person and by counsel and the issues in this behalf having been joined, the same are submitted to the court for trial and determination, a jury by agreement being waived. And the court having heard the evidence and being sufficiently advised in the premises finds that as alleged in the complaint, said plaintiffs and said defendant, Cora Whisenand, are the owners in fee simple as tenants in common and entitled to the possession of the following described real estate, in Marion County, State of Indiana, to-wit:

Part of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, described as follows: Beginning on the west line of said Quarter Section at a point 15 chains and 90 links south of the northwest corner thereof and running east parallel to the north line of said Quarter Section 20 chains; thence south parallel to the west line of said quarter section 12 chains; thence West parallel to the North line of said Quarter Section 20 chains to the West line of said Quarter Section; thence north 12 chains to the place of beginning, contained 24 acres, more or less, also

The East Half of the Southwest Quarter of Section 12, Township 16 North, Range 2 East, excepting one acre out of the northwest corner thereof, containing 79 acres, more or less.

That said parties so own said real estate in the following proportions:

The plaintiff, Florence E. Coolman, is the owner of an undivided one-fourth thereof.

The plaintiff, Roy V. Whisenand, is the owner of an undivided one-fourth thereof, and

The defendant, Cora L. Whisenand, is the owner of an undivided one-half thereof, and that they are entitled to have and hold their said respective interest in severalty and that partition of said real estate ought to be made.

It is therefore Considered and Decreed by the Court that the parties hereto are the owners of, and have interests as above found and set forth, in and to said described real estate, and partition thereof in accordance with the foregoing findings is now awarded and adjudged between them and their said respective interests ordered set off and assigned to them in severalty.

And the Court now appoints Carlos D. Deeds, Edwin E. Thompson and Harry Harmon, disinterested resident free holders of Marion County, Indiana, and not of kin to any of the parties herein, commissioners to make such partition and after taking an oath as by law required to faithfully perform their duties said commissioners are ordered to

assign and set off by lots, metes and bounds to the said several owners of said real estate their respective interests therein as heretofore found and adjudged, and make due report of their proceedings during the present term of this Court.

And thereupon a warrant is issued to said commissioners under the hand of the clerk and seal of this court.

Order Book 194 page 569.

October 29, 1941. Come now the parties and the duly verified report of Carlos D. Deeds, Edwin E. Thompson and Harry Harmon, the commissioners heretofore appointed to make partition of the real estate described in the interlocutory decree in this cause rendered is now filed and reads in the words and figures following:

STATE OF INDIANA, COUNTY OF MARION, SS:
IN THE PROBATE COURT OF MARION COUNTY #3454
REPORT OF COMMISSIONERS
Florence E. Coolman,
Roy V. Whisenand,

vs

Cora L. Whisenand
Omer B. Whisenand

The undersigned, appointed by decree of said court in the cause above entitled, as commissioner to make partition among the owners thereof of the real estate described in the annexed warrant, respectfully report that after taking an oath for the faithful performance of their duties, which oath is endorsed upon said warrant, they proceeded to view the said premises so ordered partitioned; and after due inspection and consideration, they make partition thereof in accordance with said order, and have set off and assigned in severalty to the owners in full of their respective interests therein as specified in said warrant, the following described parts and parcels of said real estate, to-wit:

They have set off and assigned to the plaintiffs, Florence E. Coolman and Roy V. Whisenand, as tenants in common, share and share alike, as their full one half in value of all of said real estate in the following portion thereof, to-wit:

Part of the South East Quarter of Section 12,
Township 16 North, Range 2 East, described as follows:

Beginning on the west line of said Quarter Section at a point 15 chains and 90 links south of the north west corner thereof, and running east parallel to the north line of said quarter section 20 chains; thence south parallel to the west line of said quarter section 12 chains; thence west parallel to the north line of said quarter Section 20 chains to the west line of said quarter section; thence north 12 chains to the place of beginning, containing 24 acres, more or less.

Also, A part of the East Half of the South West Quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows:

Beginning at a point in the west line of said 1/2 1/4 section 81 rods south of the northwest corner thereof; thence south along said west line to the southwest corner of said half quarter section; thence east along the south line of said half quarter section 80 rods more or less, to the southeast corner of said half quarter section; thence north along the east line of said half quarter section to a point 81 rods south of the northeast corner thereof; thence west 80 rods more or less, to the place of beginning containing 39.50 acres, more or less.

They have set off and assigned to the defendant, Cora L. Whisenand, as her full one half in value of all of said real estate the following portion thereof to wit:

Part of the East Half of the Southwest Quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows:

Beginning at the Northwest corner thereof and running thence south along the west line thereof 81 rods; thence east 80 rods, more or less to the East line of said half quarter section; thence north 81 rods along the east line of said half quarter section to the northeast corner thereof; thence west 80 rods, more or less, to the place of beginning, containing 40.50 acres, more or less, excepting therefrom one acre heretofore conveyed to the Liberty Church, making the net amount herein set off to said defendant, 39.50 acres, more or less.

Respectfully submitted,

Carlos D. Deeds
Edwin E. Thompson
Harry Harmon

And no objection to said report being made or appearing and the court being sufficiently advised in relation thereto now in all things approves and confirms the same.

It is therefore considered by the court that the partition of said real estate, so made and reported by said commissioners, be and the same is hereby made firm and effectual between the parties; and each of the said owners thereof shall take and hold in severalty the share by said report set off and assigned to him or her, in full, and in lieu of his undivided interest heretofore held in all the real estate so partitioned and free and discharged from any claim or title thereto of any of his said coterants.

It is further ordered by the Court that the costs of this Action be paid by the parties hereto in proportion to their respective interests in said real estate so partitioned.

All of which is now ordered, adjudged and decreed by the Court.

Order Book 194 page 567.
Costs Paid.

Misc. Record
378 page 112
Feb. 28, 1946
Recorded
March 13, 1946

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-----, -----, ---:
Affiant says, that his wife, Florence E. Coolman, is a grand-daughter of Albert W. Whisenand, who died testate March 16, 1936; that Albert W. Whisenand left as his sole and only heirs at law his widow, Anna Whisenand, and one son, Omer B. Whisenand, and two grandchildren, Florence E. "Whisnand" and Roy V. "Whisnand" children of Roy "Whisnand" that Roy "Whisnand" son of Albert Whisenand, spelled his name "Whisnand" and also his two children spelled their names as "Whisnand", while Omer B. and his wife spelled their names "Whisenand".

That in a certain partition proceeding in the Probate Court of Marion County, cause number 3454, the difference in spelling of the surname of the two brothers is due to the fact that Roy V. Whisnand dropped the letter "e" in the spelling of his name and this same method of spelling was followed by his children. Omer B. Whisenand retains the old Spelling.

Further affiant saith not.
Robert B. Coolman.

Town Lot Record
1202 page 195
Inst. #7159
Jan. 19, 1946
Recorded
Jan. 31, 1946

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Roy V. Whisnand and
Jane Anné Whisnand, his wife
to
Florence E. Coolman
Warranty Deed
(U. S. Revenue
Stamp Attached)
One half undivided interest in the following described
real estate:
Part of the southeast quarter of Section 12, Township
16 North, Range 2 East described as follows:
Beginning on the west line of said Quarter Section
at a point 15 chains and 90 links south of the northwest
corner thereof, and running east parallel to the north line
of said quarter section 20 chains, thence south parallel
to the west line of said quarter section 12 chains; thence
west parallel to the north line of said quarter section 20
chains to the west line of said quarter section; thence
north 12 chains to the place of beginning, containing 24
acres, more or less.
Also a part of the east half of the southwest quarter
of Section 12, township 16 north, range 2 east, more
particularly described as follows, to wit:
Beginning at a point in the West line of said half
quarter section 81 rods south of the northwest corner thereof;

thence south along said west line to the southwest corner of said half quarter section; thence east along the south line of said half quarter section 80 rods, more or less, to the southeast corner of said half quarter section; thence north along the east line of said half quarter section to a point 81 rods south of the northeast corner thereof; thence west 80 rods more or less to the place of beginning, containing 39.50 acres, more or less. Proper citizenship clause is attached.

Town Lot Record
1202 page 196
Inst. #7160
Jan. 22, 1946
Recorded
Jan. 31, 1946

Florence E. Coolman and
Robert B. Coolman,
her husband

Warranty Deed

to
Marian I. Oden, Trustee for the
purpose of reconveyance to
joint title

Part of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, described as follows:

Beginning on the west line of said quarter section at a point 15 chains and 90 links south of the northwest corner thereof and running east parallel to the north line of said Quarter Section 20 chains; thence south parallel to the West line of said quarter section 12 chains; thence west parallel to the North line of said quarter section 20 chains to the west line of said quarter section; thence north 12 chains to the place of beginning, containing 24 acres, more or less.

Also a part of the east half of the southwest quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows, to-wit:

Beginning at a point in the west line of said half quarter section 81 rods south of the northwest corner thereof; thence south along said west line to the southwest corner of said half quarter section; thence east along the south line of said half quarter section 80 rods, more or less, to the southeast corner of said half quarter section; thence north along the east line of said half quarter section to a point 81 rods south of the northeast corner thereof; thence west 80 rods, more or less to the place of beginning, containing 39.50 acres, more or less.

Proper citizenship clause is attached.

Town Lot Record
1202 page 197
Inst. #7161
Jan. 22, 1946
Recorded
Jan. 31, 1946

Marian I. Oden, Trustee
to
Robert B. Coolman, and
Florence E. Coolman,
husband and wife

Warranty Deed

Part of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, described as follows:

Beginning on the West line of said quarter section at a point 15 chains and 90 links south of the northwest corner thereof and running east parallel to the north line of said Quarter Section 20 chains; thence south parallel to the west line of said Quarter Section 12 chains; thence west parallel to the North line of said Quarter Section 20 chains to the west line of said quarter section; thence north 12 chains to the place of beginning, containing 24 acres, more or less.

Also a part of the east half of the southwest quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows, to-wit:

Beginning at a point in the West line of said half quarter section 81 rods south of the northwest corner thereof; thence south along said west line to the southwest corner of said half quarter section; thence east along the south line of said half quarter section 80 rods, more or less, to the southeast corner of said half quarter section; thence north along the east line of said half quarter section to a point 81 rods south of the northeast corner thereof; thence west 80 rods, more or less to the place of beginning, containing 39.50 acres, more or less.

The execution of this deed by the grantor herein and the acceptance thereof by the grantees herein fully closes and terminates the trust created of even date herewith.

Proper citizenship clause is attached.

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Town Lot Record
1488 page 425
Inst. #28222
Apr. 28, 1953
Recorded
May 1, 1953

Robert B. Coolman and
Florence E. Coolman
husband and wife
to
Chester F. Bailey and
Ruth Bailey,
husband and wife

Warranty Deed
(U. S. Revenue
Stamp Attached)
(\$9.90)

Part of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows:

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Beginning on the West line of said Quarter Section at a point 15 chains and 90 links south of the Northwest corner thereof and running east parallel to the north line of said quarter section twenty chains to the east line of the West half of said quarter section; thence South parallel to the West line of said Quarter Section Twelve chains; thence West parallel to the north line of said Quarter Section twenty chains to the West line of said Quarter Section; thence North Twelve chains to the place of beginning, containing 24 acres more or less. Excepting therefrom 2.16 acres more or less out of the extreme Southwest corner described as follows:

Beginning at the Southwest corner of said 24 acre tract and running thence north along the west line thereof 258 feet, thence east parallel to the north line of the Southeast Quarter of said Section 12, a distance of 365.4 feet to a point; thence south parallel to the west line of said South East Quarter Section 258 feet to the South line of said 24 acre tract, thence west 365.4 feet to beginning.

Subject to Taxes for the year 1953 due and payable in 1954.

Subject to all highways and legal rights of way. Proper citizenship clause is attached.

CERTIFICATE

BAILEY'S WESTWOOD HIGHLANDS

Part of the Southeast 1/4 of Section 12, Township 16 North, Range 2 East.

I hereby certify that this plat is true and correct, representing a survey and partition of Part of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the 2nd Principal Meridian, in Marion County, State of Indiana.

Certified: June 29, 1953.

Herbert Bloemker

Registered Engineer No. 1836 Indiana

Copy of above Plat attached to front of Abstract.

Town Lot Record
1497 page 322-
323
Instr. #47181
June 29, 1953
Recorded
July 20, 1953

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666482

Misc. Record
507 page 265
Instr. #57704
Aug. 31, 1953
Recorded
Sept. 2, 1953

STATE OF INDIANA, COUNTY OF MARION, SS:

I, the undersigned, Herbert Bloemker, a registered Engineer under the laws of the State of Indiana, being first duly sworn do hereby state and affirm that the center line of Moller Road and the East line of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian are co-incidental throughout said half quarter section.

Herbert Bloemker

Registered Engineer No. 1836 Indiana.

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 31st day of August, 1953.

Rosella S. Bloemker (LS)

Notary Public

My Commission expires May 1st, 1956.

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Town Lot Record
1529 page 668
Instr. #31431
May 12, 1954
Recorded
May 17, 1954

Chester F. Bailey and
Ruth Bailey,
husband and wife
to
William S. Knox and
Grace C. Knox,
husband and wife

Warranty Deed
(U.S.R. \$1.10)

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Part of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian and more particularly described as follows: Beginning at a point 329.24 feet West of the East line of said Half Quarter Section and 1407.96 feet south of the North line thereof and run thence North 43 degrees twenty seven minutes West a distance of 120 feet along the center of 51st Street North Drive, to the southern most point of Tract Number 20, Bailey's Westwood Highlands, as recorded in Deed Record 1497, pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana, thence deflecting to the right 90 degrees a distance of 196.4 feet; thence south 46 degrees 8 minutes, a distance of 120 feet; thence south-westerly 202.6 feet to the place of beginning, containing in all 0.55 acre, more or less; subject however to the dedication to the public for highway purposes of a strip of land 25 feet in width by parallel lines off the entire southwesterly side thereof and subject further to an easement 10 feet in width by parallel lines off the entire northeasterly side thereof which is reserved for the installation and maintenance of public utilities and storm water drain.

It is the intention to convey Tract Number 21 in Bailey's Westwood Highlands, the survey of which, together with certain covenants pertaining thereto, is recorded in Deed Record 1497 pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana, and subject to covenants and easements of record and to legal highways.

Subject to the taxes for 1954, payable in 1955.

Proper citizenship clause is attached.

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Town Lot Record
1621 page 196
Inst. #39696
June 1, 1956
Recorded
June 12, 1956

William S. Knox and
Grace C. Knox,
husband and wife
to
Lawrence J. Welch and
Lenore D. Welch,
husband and wife

Warranty Deed
(U.S.R. \$1.65)

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Part of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, towit: Beginning at a point 329.24 feet west of the east line of said 1/2 1/4 section and 1407.96 feet south of the north line thereof and run thence north 43 degrees 27 minutes west a distance of 120 feet along the center of 51st Street North Drive to the southern most point of Tract #20 Bailey's Westwood Highlands as recorded in Deed Record 1497 pages 322, 323, 324 and 325 in the Office of the Recorder of Marion County, Indiana, thence deflecting to the right 90 degrees a distance of 196.4 feet, thence south 46 degrees 8 minutes a distance of 120 feet, thence southwesterly 202.6 feet to the place of beginning, containing in all 0.55 acre, more or less.

Subject to any legal highways or rights of way.

The above described tract is also known as Tract #21 in Bailey's Westwood Highlands, as recorded in Deed Record 1497 pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana.

Subject to 1956 taxes payable in 1957.

Proper citizenship clause is attached.

Town Lot Record
1621 page 197
Inst. #39697
June 8, 1956
Recorded
June 12, 1956

Lawrence J. Welch and
Leonore D. Welch
(signed and acknowledged
Leonore D. Welch)
husband and wife
to

Warranty Deed
(U.S.R. \$1.65)

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Chester Philip Chappell and
Evelyn Chappell,
husband and wife

Part of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, towit: Beginning at a point 329.24 feet west of the east line of said 1/2 1/4 section and 1407.96 feet south of the north line thereof and run thence north 43 degrees 27 minutes west a distance of 120 feet along the center of 51st Street North Drive to the southern most point of Tract #20 Bailey's Westwood Highlands as recorded in Deed Record 1497 pages 322, 323, 324 and 325 in the Office of the Recorder of Marion County, Indiana, thence deflecting to the right 90 degrees a distance

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of 196.4 feet, thence south 46 degrees 8 minutes a distance of 120 feet, thence southwesterly, 202.6 feet to the place of beginning, containing in all 0.55 acre, more or less.

Subject to any legal highways or rights of way.

The above described tract is also known as Tract #21 in Bailey's Westwood Highlands, as recorded in Deed Record 1497 pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana.

Subject to 1956 taxes payable in 1957.

Proper citizenship clause is attached.

Mortgage Record
1874 page 463
Inst. #81650
Nov. 20, 1956
Recorded
Nov. 23, 1956

Chester Philip Chappell
and Evelyn Chappell,
husband and wife

Mortgage

to

First Federal Savings and
Loan Association of
Indianapolis

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Part of the West Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, to-wit: Beginning at a point 329.24 feet west of the east line of said 1/2 1/4 section and 1407.96 feet south of the north line thereof and run thence north 43 degrees 27 minutes west a distance of 120 feet along the center of 51st Street North Drive to the southern most point of Tract #20 Bailey's Westwood Highlands as recorded in Deed Record 1497 pages 322, 323, 324 and 325 in the Office of the Recorder of Marion County, Indiana, thence deflecting to the right 90 degrees a distance of 196.4 feet, thence south 46 degrees 8 minutes a distance of 120 feet, thence southwesterly 202.6 feet to the place of beginning, containing in all 0.55 acre, more or less.

Subject to any legal highways or rights of way.

The above described tract is also known as Tract #21 in Bailey's Westwood Highlands, as recorded in Deed Record 1497, pages 322, 323, 324 and 325, in the Office of the Recorder of Marion County, Indiana.

To secure the performance of the provisions hereof and the payment of a certain promissory note of even date herewith for the principal sum of \$7600.00 payable on or before 15 years from date, with interest and attorneys fees as provided in said note, said principal and interest being payable in amounts as provided in said note, which note is hereby made a part hereof by reference as if fully copied herein.

That this mortgage shall also secure such additional sums, the total of such sums not to exceed \$1500.00 which the mortgagee may at its option loan to the Mortgagors at any time for any purpose, and all instruments evidencing the same.

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Old Age Assistance
Search

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Examination has been made, as to the persons in title subsequent to May 1, 1947, for liens shown by notices of Old Age Assistance, filed in the Office of the Recorder of Marion County, as provided by the Acts concerning Public Welfare, effective May 1, 1947.

Juvenile Court
Search

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Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for judgments, as appear from the General Judgment Dockets of the Juvenile Court of Marion County, as said dockets are now entered up.
Note: Search has been made for the 10 years last past as to the persons listed below, irrespective of dates given.

Judgment Search

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Examination made for judgments entered against the following named parties, the search being made and limited according to the names exactly as set forth herein and not otherwise:

Robert B. Coolman
and
Florence E. Coolman,
jointly and
not individually

from September 19, 1951,
to and including
May 1, 1953

Chester F. Bailey
and
Ruth Bailey,
jointly and
not individually

from September 19, 1951,
to and including
May 17, 1954

William S. Knox
and
Grace C. Knox,
jointly and
not individually

from September 19, 1951,
to and including
June 12, 1956

Lawrence J. Welch
and
Lenore D. Welch,
jointly and
not individually

from September 19, 1951,
to and including
June 12, 1956

and vs

Chester Philip Chappell
and
Evelyn Chappell,
jointly and
not individually

for the 10 years
last past and
against none other

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-22- Taxes for the year 1959 and prior years paid in full.

-23- Taxes for the year 1960 on the real estate for which this Abstract is prepared are assessed in the name of Chester Philip & Evelyn Chappell and are due and payable on or before the first Mondays in May and November of 1961.

General Tax Duplicate No. 105712, Pike Township, Parcel No. 3584.

May Installment \$43.36 Paid.

November Installment \$43.36 Unpaid.

Assessed Valuation;

Land \$150.00 Improvements \$2300.00 Exemption \$1000.00

-24- Taxes for the year 1961 now a lien.

PARCEL NO 10 PERM
PROJECT NO. I-65-3(17)
ROAD I-65

OWNER CHESTER & EVELYN CHAFFELL
DRAWN BY R.D.P. CHECKED BY
DEED RECORD 1621 PAGE 197 DTD. 6-8-56



CROSSHATCHED
AREA IS
APPROX. TAKE

COUNTY : MARION
TOWNSHIP : PIKE
SECTION : 12
T : 16N
R : 2E

SCALE 1" = 100'

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