



PARCEL NO. 25 PROJECT NO. S-778(1) SHEET 2 of 2 SHEETS.

It is hereby agreed as part of the total consideration as shown below that possession of the buildings and the land constituting the homesite on the real estate above described will be surrendered within \_\_\_\_\_ days from the date first payment is received, and \$ \_\_\_\_\_ will be held in Escrow until said possession is given. Possession of the balance of the real estate will be given upon receipt of the first payment in the amount indicated herein.

The above and foregoing grant is made in consideration of payment of the sum of EIGHT HUNDRED & THIRTY FIVE Dollars (\$ 835.00), which sum shall be paid or held in escrow as specified to the order of BERTHA HOWELL  
R#2 HAGERSTOWN INDIANA

(Give address of Payee)

It is further understood and agreed that this conveyance transfers only the right to make, construct and maintain such highway on said lands and to use any material lying within the above described limits suitable for use in constructing and maintaining said highway and does not convey any rights to any minerals or other substances underneath the surface, except as it may be used for the construction or maintenance of such improved highways.

Any and all timber, shrubbery, fences, buildings and all other physical improvements on the above granted right of way, not specifically reserved by special provision stated above, shall become the property of the State of Indiana.

When, by special provisions as stated above, any trees and/or shrubs are to be left standing on said right of way, it is mutually agreed and understood by grantor and grantee, that such special provision is only for such period as the excepted trees and/or shrubs shall not constitute an obstruction to future construction or hazard to power lines or traffic as shall be determined from time to time by the Indiana State Highway Commission through its authorized representatives.

It is understood and agreed that all provisions of this grant are stated above and that no verbal agreements or promises are binding.

It is also mutually agreed by grantor and grantee that this is a permanent easement unless otherwise specified for Highway purposes and shall be binding until specifically vacated by resolution by the Indiana State Highway Commission.

The undersigned GRANTOR'S being duly sworn, says that he, she (is) or they (are) the sole owner(s) of the above described property, and said grantors further represent that there are no encumbrances, leases, liens or options of any kind or character on said lands as conveyed, except as shown below, and that they make this representation for the purpose of inducing the Indiana State Highway Commission to pay them the amount herein stipulated.

Grantor further agrees to assume for the property described above all taxes payable for current and prior years and any taxes now a lien on said property.

Mortgagee: BRICK CHURCH CEMETERY ASSOCIATION CHURCH OF THE BRETHERN  
This grant is to be and become effective and binding from and after its approval by the Indiana State Highway Commission.

Land and improvements 160.00; Damages 675.00; Total consideration 835.00

(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
Bertha Howell Widow (Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
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(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_  
(Grantor) \_\_\_\_\_ (Grantor) \_\_\_\_\_

Dated January 24, 1963

This instrument prepared and checked with project plans for Division of Land Acquisition.  
BY K. F. Wesen Date 11-16-62

AMOUNT APPROVED Feb. 20, 1963  
BY W. Henry

THE ABOVE GRANT IS HEREBY ACCEPTED.  
STATE OF INDIANA

DESCRIPTION & FORM OK'D 2-A-63  
BY W. Henry

PAID BY WARRANT NO. A 124504  
DATED 2/27, 1963

BY Charles D. Shurt Title  
Chief, Div. L/A  
Indiana State Highway Commission  
DATE FEB 21 1963, 19

Jan 14 1963  
Adm. 20-63





State of Indiana, County of \_\_\_\_\_ ss:

Personally appeared before me \_\_\_\_\_ and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_ Notary Public.

State of Indiana, County of \_\_\_\_\_ ss:

Personally appeared before me \_\_\_\_\_ and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_ Notary Public.

State of Indiana, County of \_\_\_\_\_ ss:

Personally appeared before me \_\_\_\_\_ and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_ Notary Public.

State of Indiana, County of \_\_\_\_\_ ss:

Personally appeared before me \_\_\_\_\_ and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_ Notary Public.

State of Indiana, County of \_\_\_\_\_ ss:

Personally appeared before me \_\_\_\_\_ and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

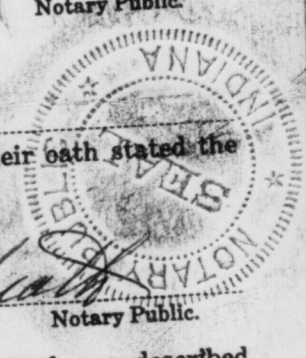
My Commission expires \_\_\_\_\_ Notary Public.

State of Indiana, County of Henry ss:

Personally appeared before me Bertha Howell and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this 24 day of January, 1963.

Witness my hand and official seal.

My Commission expires June 27 1965 Ralph Galbreath Notary Public.



The undersigned owner of a mortgage and/or lien on the land of which the right of way described in the attached grant, is conveyed, hereby releases from said mortgage and/or lien said granted right of way, and do hereby consent to the payment of the consideration therefor as directed in said grant, this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

State of \_\_\_\_\_ } ss:  
County of \_\_\_\_\_ }

Personally appeared before me \_\_\_\_\_ above named and duly acknowledged the execution of the above release the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_ Notary Public.

INDIANA STATE HIGHWAY COMMISSION  
 Division of Land Acquisition  
 ROOM 1105 • 100 NORTH SENATE AVENUE  
 INDIANAPOLIS, INDIANA

March 5, 1963

To Bertha Howell  
 R. R. #2  
 Hagerstown, Indiana

GENTLEMEN:

We enclose State Warrant No. A 124504 2-27 1963  
 in settlement of the following vouchers:

DESCRIPTION	AMOUNT
<b>Purchase</b>  <i>For the purchase of Right of Way on State Road</i> <i>No. 38 in Henry</i> <i>County S Project 778</i> <i>Section (1) as per Grant dated</i> <i>January 24, 1963</i>  <b>Parcel 25</b>	835.00

PLEASE RECEIPT AND RETURN

Received Payment:

Bertha Howell

Date:

March 6, 1963



Control

APPRAISAL REVIEW

Project S-778(1) Road SR 38 County Henry Parcel No. 25  
Property Owner Bertha Howell Address RR, New Castle, Ind.  
Address of Appraised Property Same

I have made a determined effort to consider all competent information that I have secured and that is documented by the appraisers including any comments by the property owner along with any recent awards by condemnation juries, that have been brought to my attention, that is relevant to this matter.

I have reviewed this parcel and appraisal for the following items:

1. I have personally checked all Comparables and concur in the determinations made. ✓
2. Planning and Detail Maps were supplied appraisers. ✓
3. The three approaches required (Income, Market Data and Cost Replacement) were considered. ✓
4. Necessary Photos (3 prints of each) are enclosed. ✓
5. The appraisal is fully documented and supported as required by the State Highway Commission and the Federal Bureau of Roads. ✓
6. Plats drawn by the appraisers are attached. ✓
7. I have personally inspected the Plans. ✓
8. I have personally inspected the site and familiarized myself with the Parcel. ✓
9. I have carefully reviewed and checked the computations of this parcel and attest to their correctness. ✓

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is my opinion as of 1-3-63 :  
(date)

- (a) The fair market value of the entire property is: \$ 18,000.
- (b) The fair market value of the property after the taking, assuming the completion of the improvement, is: \$ 17,165.

The total value of taking is: (a minus b) Total \$ 835.

(1) Land and/or improvements \$ 160.

(2) Damages \$ 675.

J. E. Gallagher  
Reviewing Appraiser  
Date: 1-22-63

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 S- 278 (1) PARCEL # 25

OWNER Bertha Howell PHONE # \_\_\_\_\_

(Other interested parties and relationship)

ADDRESS OF OWNER R# 2 Hagerstown Ind.

DATE ASSIGNED 1-22-63

DATE OF CONTACT 1-24-63

TIME OF CONTACT 3:00 PM

DATE OF PREVIOUS CONTACT —

OFFER \$ 835.<sup>00</sup>

DETAIL CONTACT\* Secured

Mrs Howell stated the mortgage had been paid and showed me a receipt paid in full 1-31-62

ACTION TAKEN\*\* \_\_\_\_\_

SIGNED Ralph Galbreath

\* 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 178(1) PARCEL # 25  
OWNER Bertha Howell PHONE # \_\_\_\_\_

(Other interested parties and relationship)

ADDRESS OF OWNER RR #2 Hagerstown, Indiana

DATE ASSIGNED \_\_\_\_\_

DATE OF CONTACT 1/24/63

TIME OF CONTACT \_\_\_\_\_

DATE OF PREVIOUS CONTACT \_\_\_\_\_

OFFER \$ 835.00

DETAIL CONTACT\* Mr. Gabbraith + I contacted Mrs. Bertha Howell. We showed plans + explained take to her. She was satisfied and accepted offer.

ACTION TAKEN\*\* Secured

SIGNED Dale E. Smiley

\* 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.

PARCEL NO. 25-PERM  
PROJECT NO. 5-778(1)  
ROAD S.R. 38

OWNER: BERTHA HOWELL  
DRAWN BY WIXOM, R.  
DEED RECORD 143

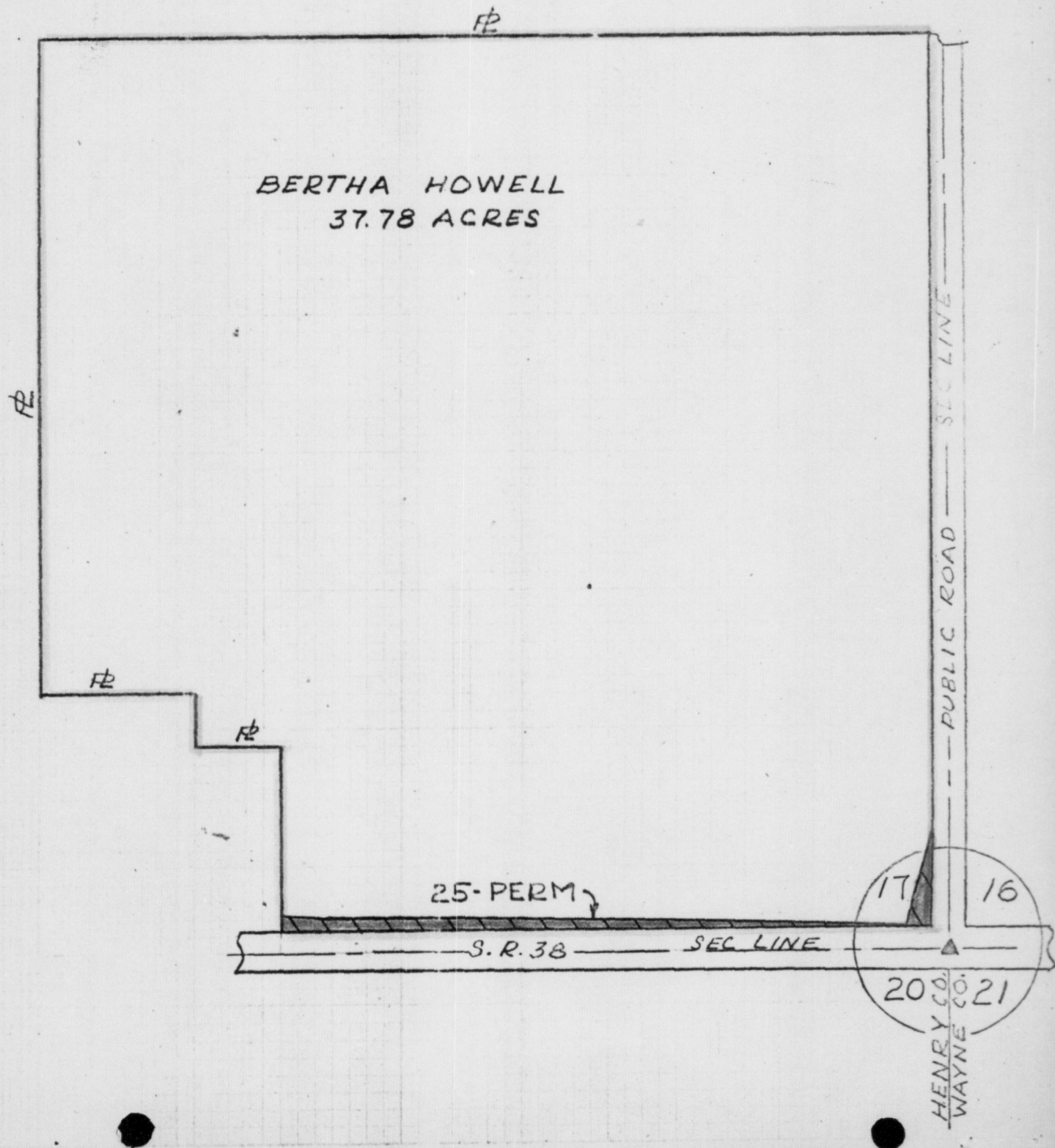
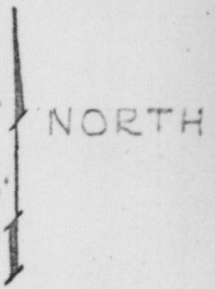
CHECKED BY *RLB*  
PAGE 101  
DTD., 7-31-48

COUNTY : HENRY  
SECTION : 17  
T 17 : N  
R 12 : E



CROSSHATCHED  
AREA IS  
APPROX. TAKE

SCALE:  
1"=200'





SUPPLEMENTAL TITLE AND ENCUMBRANCE REPORT

PROJECT No. S-778 (1) STATE ROAD No. 38 PARCEL No. 25

RECORD OWNER Bertha Howell

FROM 7-5-62 TO 1-30-63

I have checked the following records in Henry COUNTY,  
Indiana, for the Caption Property as described in the original T. & E. Report.

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DEED RECORD	<u>NO CHANGE</u>
MORTGAGE RECORD	<u>SEE ITEM #1 Mortgage Release</u>
MISCELLANEOUS RECORD	<u>NO CHANGE</u>
OLD AGE ASSISTANCE RECORD	<u>" "</u>
TAX LIEN RECORD	<u></u>
JUDGMENT RECORD	<u></u>
LES PENDENS RECORD	<u></u>
TAX DUPLICATE	<u>TAX PAID NONE DEL.</u>

CHANGES SINCE DATE OF LAST ABSTRACT ARE AS FOLLOWS: \_\_\_\_\_

Bertha & Garner Howell, H. & W.

To

Brick Church Cementary  
Association of the Brethern  
of Wayne County, Indiana

Mortgage Release  
Mortgage Record Book 124  
Page 466

The debt secured by the annexed mortgage is hereby released  
this 25th day of January, 1963.

Brick Church Cementary Ass'n.  
By: Clarence Stout, Sec. Treas.  
Attest: Roydon Gordon, Recorder

SIGNED Oda N. Collins  
DATE 1-30-63

TITLE AND ENCUMBRANCE REPORT

486-1

DIVISION OF LAND ACQUISITION

INDIANA STATE HIGHWAY COMMISSION

S.R. 38 PROJ. S-778(1) COUNTY Henry

Names on Plans Bertha Howell

Names in Trans. Book Bertha Howell

Description or Addition	Sec.	Twp.	Rge.	Acreege	Assessed Value
SE 1/4 SE 1/4	17	17	12	37.78	\$1860 \$1230

Liberty Township

LAST OWNER OF RECORD

Deed Record 143 P. 101 Recorded 9-18-1948 Dated 7-31-48 Deed

Grantor Garner Howell

Grantee Bertha Howell

Address of Grantee R R #2 Hagerstown, Indiana

MORTGAGE RECORD

*paid in full. receipt. Dated Jan 31, 1962 signed by Clarence B. Stout Sec. Treas.*

Mortgage Record 124 P. 466 Amount \$1400.00 Dated 2-20-1941

Mortgagor Bertha Howell & Garner Howell

Mortgagee Brick Church Cemetery Association Church of the Brethern

JUDGMENT RECORD Yes  None  LIS PENDENS RECORD Yes  None

MISCELLANEOUS RECORD Yes  None  EASEMENT 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.

HENRY COUNTY ABSTRACT COMPANY, INC.

Dated this 5th day of July 1962

*Nelson Shipp*  
Abstractor President.

Prel. Approval of Title \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_  
Deputy Attorney General

Final Approval of Title \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_  
Deputy Attorney General



TITLE SEARCH

No. 47886-1

Prepared for Indiana State Highway Commission.

Project S-778 (i), Liberty Township, Henry County, Indiana.

1. Names on Plans: Bertha Howell  
Names on Transfer Book: Bertha Howell

Description

The Southeast Quarter of the Southeast Quarter of Section 17 Township Seventeen (17) North, Range 12 East, except commencing at the Southwest corner of said Quarter Quarter Section and running thence East Three Hundred Fifty (350) feet; thence North Two Hundred Fifty (250) feet; thence West One Hundred Twenty five (125) feet; thence North Eighty (80) feet; thence West Two HundredTwentyFive (225) feet; thence South Three Hundred Thirty (330) Feet to the place of beginning, leaving after said exception Thirty Seven and seventy eight hundredths (37.78) acres more or less.

2. Effie E. Hoover and Ora I. Hoover, her husband, of Henry County, and Josie M. Scruggs and Forest E. Scruggs, her husband, Ray C. Sherry & Ruth P. Sherry, his wife, all of Wayne County.

to

Bertha Howell and Garner Howell, husband and wife

Warranty Deed for \$1.00 and other consideration dated February 16, 1939 and recorded February 17, 1939 in Deed Record 120, page 342. Acknowledged before M.F. Steffenson, Notary Public, Wayne County, Indiana. (LS)

All of their undivided interest in the following: The Southeast quarter of the Southeast quarter of Section 17, Township 17 North, Range 12 East, containing forty acres more or less.

Subject to November, 1938 taxes due and payable in November 1939 and thereafter, which grantees assume and agree to pay.

The grantors Effie Hoover, Josie M. Scruggs, Ray C. Sherry and the grantee Bertha Howell are the children and sole and only heirs at law of Michael Sherry and Mary J. Sherry, who are now deceased. That the said Michael Sherry and Mary J. Sherry left no other heirs at law, nor any descendants of any deceased children, nor any deceased children.

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3. Bertha Howell and Garner Howell, husband and wife

to

Brick Church Cenetary Association Church of the Brethern

Mortgage for \$1400.00 dated February 20, 1941 and recorded February 21, 1941 in Mortgage Record 124, page 466. Acknowledged before Ralph B. Worl, Notary Public, Wayne County, Indiana. (LS)

The Southeast quarter of the southeast quarter of section 17 Township 17 North, Range 12 East, containing forty acres more or less.

And the mortgagors expressly agrees to pay the sum of money above secured, without relief from valuation or appraisement laws; and upon failure to pay any one of said notes, or any part thereof at maturity or the interest thereon, or any part thereof, when due or the taxes or insurance as hereinafter stipulated, then all of said notes are to be due and collectible, and this mortgage may be foreclosed accordingly. And it is further expressly agreed, that until all of said notes are paid, said mortgagors will keep all legal taxes and charges against said premises paid as they become due, and will keep the buildings thereon insured for the benefit of the mortgagee, as they interest may appear and the policy duly assigned to the mortgagee to the amount of Fourteen Hundred Dollars Dollars, and failing to do so, said mortgagee may pay said taxes or insurance, and the amount so paid, with 5 per cent interest thereon, shall be a part of the debt secured by this mortgage.

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4. Garner Howell, husband of the grantee herein, of Delaware County  
to  
Bertha Howell

Warranty Deed for \$1.00 dated July 31, 1948 and recorded  
September 18, 1948 in Deed Record 143, page 101. Acknowledged  
before Franklin George, Notary Public, Henry County, Indiana. (LS)

The Southeast quarter of the Southeast quarter of Section 17,  
Township 17 North, Range 12 East, containing forty acres more  
or less.

Subject to all liens, taxes and incumbrances thereon which  
the grantee assumes and agree to pay.

The purpose of this conveyance is to settle all of the pro-  
perty rights and alimony between the parties thereto.

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5.

DIVORCE

Bertha Howell  
vs  
Garner Howell

Henry Circuit Court  
September Term, 1948  
Number 25831  
Divorce

Divorce granted September 18, 1948. Costs paid.

Civil Order Book 119, page 117.

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## Planning Commission Ordinance

A printed copy of the Henry County, Indiana, Planning Commission Ordinance No. 1, Revised, consisting of pages numbered 1 to 54 inclusive, certified to by the Auditor of Henry County, Indiana, was recorded June 5th, 1956, and appears of record in Miscellaneous Record 38, pages 170 to 198 inclusive, all of which is made a part of this abstract by reference.

Said Ordinance affects all rural area of Henry County, Indiana, all unincorporated communities and such incorporated communities as may be placed under the administration of the Henry County Planning Commission.

6.

For details of this Ordinance and how the same affects Caption Real Estate, if within such jurisdiction, attention is directed to such record and to The Building Commissioner of Henry County, Indiana, who is the Administrative Officer of said Planning Commission.

Attention is likewise directed to the New Castle Planning Commission as to Land Use, Zoning, etc. of Real Estate within the jurisdiction of said Planning Commission.

This Abstract and the subsequent Certificate does not Cover Zoning or Land Use of any tract or lot in Henry County, Indiana; for such information it is necessary to contact the proper administrative officer of the Planning Commission having jurisdiction of Caption Real Estate.

This Abstract and the subsequent Certificate does not cover any governmental limitation or regulation respecting access to abutting streets, roads or highways.

## Taxes

An examination has been made and is limited to the Current Tax Duplicate of Henry County, Indiana, for taxes, both delinquent and current, against the Caption Land of this Abstract, (assessed in some instances with other Real Estate.) Such examination does not cover taxes on personal property, Auditor's Assessments, nor future taxes which may be a lien but not computed and extended on the Current Tax Duplicate.

Such examination reveals taxes against caption land assessed in the Name, Taxing Unit, Description and Amount or Amounts, as follows:

7.

Bertha Howell  
Liberty Township

S.E.S.E. 17-17-12 38.50A	\$1860.00	\$1230.00
Exemptions	1000.00	
Delinquent Taxes	None	

1961 Taxes payable May, 1962: \$38.67; Paid March 15, 1962  
1961 Taxes payable Nov, 1962: \$38.67;



## Judgment Examination

Judgment Examination, as covered by the attached Certificate, made as against the following name or names, only, to-wit:

8. Bertha Howell, for the period of ten years last past.

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### Note

9. We limit the judgment search covered by this certificate to the date of June 23, 1962 at 7:00 A.M. this being the last date on which orders have been placed in the Civil Order Books in the Henry Circuit Court.

Abstracter.

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## Old Age Assistance Lien Search

Search has been made for Old Age Assistance Liens filed and recorded in the "Recorder's Abstract of Old Age Assistance Certificates Filed," of Henry County, Indiana, pursuant to the "Welfare Act of 1936," as amended by Chapter 144, Acts of 1947, approved March 12th, 1947, and said Search shows no assistance has been granted and no Old Age Assistance Liens filed against the person or persons hereinafter named, except and unless set out at prior entry or entries in this abstract. Said Search being made and is expressly limited to the following name or names, and not otherwise, viz.

10. Bertha Howell

C E R T I F I C A T E

The Henry County Abstract Company, Inc., hereby Certifies that the above and foregoing Search includes all transfers of the Real Estate described at Entry No. One herein as shown by the records in the office of the Recorder of Henry County, Indiana, and likewise all liens and mortgages executed by or filed against the owners shown herein of said real estate within the period of Twenty years immediately prior to the date of this Search, and judgments rendered by the Henry Circuit Court of said County and State, against the record owners as set forth in the Judgment Examination in this Search.

This Certificate and Search covers Entries No. One (1) to Ten (10) inc., and the period of Twenty years last past; any entries shown prior to that time are hereby certified as correct.

Dated at New Castle, Indiana, this the 5th day of July A.D. 1962 at Seven O'clock A.M.

HENRY COUNTY ABSTRACT COMPANY, INC.

By

*Nelson Ligg*  
President

Henry County Abstract Company, Inc. db c

New Castle, Indiana