

INDIANA STATE HIGHWAY COMMISSION

FUND S

STATE OFFICE BUILDING
INDIANAPOLIS 4, INDIANA

PROJECT No. 778

RIGHT OF WAY GRANT

SECTION (1)

PARCEL No. 20

Sheet 1 of 2 Sheets

This indenture witnesseth that the undersigned, as grantors and sole owners of land in HENRY County, Indiana, more definitely described below, through, over and upon which will pass a public highway which it is proposed by the State of Indiana to improve, hereby grant, bargain, warrant and convey to the State of Indiana, for Right of Way, lands as described below and located by surveys and shown on plans on file in the office of the Indiana State Highway Commission. The description from said plans of said right of way hereby granted is as follows:

PLANS ON SR. NO. S.R. 38 SEC. S PROJ. No. 778 SEC. (1) DATED 1962

SEC. 20, T. 17 N, R. 12 E PERM. R/W 0.336 ~~SEE~~ ACRES, MORE OR LESS, ACQUIRED

Descriptions are of parcels of land lying between the plan centerline and the plan right of way line on the above designated project.

Measured distances along plan centerline are indicated by Station Number and plus.

Widths of parcels are indicated in feet, measured at a right angle from plan centerline at designated Station Number and plus; however, when Station Number and plus is followed by the letters P.L.; F.L.; F.D.; L.L. or C/L.S. (indicating property line, Fence Line, Field Division, Lot Line and Centerline of Stream respectively) or other identifying notations, it shall mean that the boundary line follows said identified line from plan centerline to plan right of way line.

Above explanation is applicable only if centerline description is used.

STA. TO STA. ON (C/L) "P.R."

TO

LEFT

RIGHT

493 + 45±PL 503 + 27±PL
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PARCEL 20 PERMANENT RIGHT OF WAY.

50

COMMENCING AT THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 17 NORTH, RANGE 12 EAST, HENRY COUNTY, INDIANA; THENCE EASTERLY 1,023.2 FEET ALONG THE NORTH LINE OF SAID SECTION; THENCE SOUTHERLY 21.3 FEET ALONG THE WEST PROPERTY LINE OF THE GRANTOR'S LAND TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

HENCE ALONG THE SOUTHERN BOUNDARY OF STATE ROAD 38 BY THE FOLLOWING COURSES: THENCE SOUTH 89 DEGREES 28 MINUTES EAST, 155.0 FEET; THENCE SOUTH 89 DEGREES 08 MINUTES EAST, 200.0 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES EAST, 288.0 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES EAST, 96.0 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES EAST, 116.0 FEET; THENCE SOUTH 88 DEGREES 14 MINUTES EAST, 27.5 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES EAST, 99.5 FEET TO THE EASTERN PROPERTY LINE OF THE GRANTOR'S LAND; HENCE LEAVING SAID BOUNDARY BY THE FOLLOING COURSE: THENCE SOUTHERLY 19.3 FEET ALONG SAID PROPERTY LINE; THENCE WESTERLY 427.7 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 43,021.8 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 88 DEGREES 40 MINUTES WEST, AND A LENGTH OF 427.7 FEET; THENCE NORTH 88 DEGREES 23 MINUTES WEST, 25.1 FEET; THENCE WESTERLY 529.2 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 42,921.8 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 88 DEGREES 44 MINUTES WEST, AND A LENGTH OF 529.2 FEET TO THE WESTERN PROPERTY LINE OF THE GRANTOR'S LAND; THENCE NORTHERLY 10.2 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.336 ACRES, MORE OR LESS.

H. P. M.
T. D. M.

Richard C. [Signature]
Auditor Henry County

MAR 27 1963

DULY ENTERED
FOR TAXATION

Recorded *March 27 1963*
9:00 M. Book 13178 P. 202
Raymond [Signature]
Register, Henry County, Indiana

29339

C.W.B.
11-27-62

FEB 12 1962

PARCEL NO. 20 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 NINE HUNDRED & NINETY EIGHT Dollars (\$ 998.00), which sum shall be paid or held in escrow as specified to the order of KENNETH PAUL MOORE & THELMA D. MOORE

R#3 NEWCASTLE 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 GRANTORS

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:

METROPOLITAN LIFE INSURANCE COMPANY TO LEMUEL B. OWENS

This grant is to be and become effective and binding from and after its approval by the Indiana State Highway Commission.

Land and improvements \$217.00; Damages \$781.00; Total consideration \$998.00

<u>Kenneth Paul Moore</u>	(Grantor)	<u>Husband</u>	(Grantor)
<u>Thelma D. Moore</u>	(Grantor)	<u>Wife</u>	(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)
	(Grantor)		(Grantor)

Dated January 31, 1963

This instrument prepared and checked with project plans for Division of Land Acquisition.
BY O.W. Best 11-27-62
Date

AMOUNT APPROVED March 8 1963
BY James W. Townsend

THE ABOVE GRANT IS HEREBY ACCEPTED.
STATE OF INDIANA

DESCRIPTION & FORM OK'D FEB 12 1963
BY Sh Hirschy

PAID BY WARRANT NO. A127061
DATED 3-14, 1963

BY Charles D. Sheets
Title Chief Div. 2/a
Indiana State Highway Commission

DATE MAR 8 1963, 19

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 Kenneth Paul Moore & Thelma D Moore and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the facts therein are true, this 31 day of January, 1963.

Witness my hand and official seal.

My Commission expires June 27 1963

Ralph Galbreath
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

4 day of February, 1963

(Seal) _____
(Seal) _____

L. B. Owens (Seal)
Thelma W. Owens (Seal)

State of Indiana }
County of Henry } ss:

Personally appeared before me L. B. Owens & Thelma W. Owens

above named and duly acknowledged the execution of the above release the 4 day of February, 1963

Witness my hand and official seal.

My Commission expires June 27 1965

Ralph Galbreath
Ralph Galbreath Notary Public.

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

March 20, 1963

To Kenneth Paul & Thelma D. Moore
 and Lemuel B. Owens
 R. R. # 3
 New Castle, Indiana

GENTLEMEN:

We enclose State Warrant No. A 127061 3/14 1963
 in settlement of the following vouchers:

DESCRIPTION	AMOUNT
Purchase of Right of Way <i>For the purchase of Right of Way on State Road</i> No. 38 in Henry County S Project 778 Section (1) as per Grant dated January 31, 1963 Parcel 20	\$998.00

PLEASE RECEIPT AND RETURN

Received Payment: *Kenneth Moore*
 Date: *Mar. 21, 1963*

Control

APPRAISAL REVIEW

Project S-778 (1) Road SR 38 County Henry Parcel No. 20
Property Owner Kenneth D. Moore Address RR 3, 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 Cost Approach: No value has been given to the Garage, Chicken House and Storage Building. However, the total of all buildings (Market Data) contribute only \$8,000 to the total farm value.

It is my opinion as of 12-30-62:
(date)

- (a) The fair market value of the entire property is: \$ 40,125.
(b) The fair market value of the property after the taking, assuming the completion of the improvement, is: \$ 39,127

The total value of taking is: (a minus b) Total \$ 998.

- (1) Land and/or improvements \$ 217
(2) Damages \$ 781

J. E. Gallagher
Reviewing Appraiser
Date: 1-21-63

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-778-(1) PARCEL # 90

OWNER Kenneth Moore PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER R#3 New Castle Ind

DATE ASSIGNED 1-22-63

DATE OF CONTACT 1-31-63

TIME OF CONTACT 10:00 AM

DATE OF PREVIOUS CONTACT 1-28-63

OFFER \$ 998.00

DETAIL CONTACT* Secured

ACTION TAKEN** Parcel not turned in, have to secure signature of 2nd Mortgage release.

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 5778 (1) PARCEL # 20
OWNER Kenneth Moore Et Ux PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER RR # 3 New Castle Indiana

DATE ASSIGNED _____

DATE OF CONTACT 1/31/63

TIME OF CONTACT 10 A.M.

DATE OF PREVIOUS CONTACT 1/28/63

OFFER \$ 998.⁰⁰

DETAIL CONTACT* Mr. Galbreath & I talked with Mr. + Mrs. Moore showed plans again. We explained to them their existing drainage problem would not be more severe after the construction of road.

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.

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-778-11 PARCEL # 20
OWNER Kenneth Moore PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER New Castle R#3 Parcel
DATE ASSIGNED 1-22-63
DATE OF CONTACT 1-28-63
TIME OF CONTACT 1:00 P.M.
DATE OF PREVIOUS CONTACT _____

OFFER \$ 998.00

DETAIL CONTACT* Contacted Mr & Mrs. Moore at their home. Explained take and made offer. They stated they wanted to talk to their atty. before signing. Am to call back Thurs. morning 1-31-63.

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 5778 (1) PARCEL # 20

OWNER Kenneth Moore EtUx PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER RR# ~~2~~ ^{New Castle} ~~Highway~~ Indiana

DATE ASSIGNED _____

DATE OF CONTACT 1/28/63

TIME OF CONTACT 12:30 PM

DATE OF PREVIOUS CONTACT 1/25/63

OFFER \$ 998.⁰⁰

DETAIL CONTACT* On 1/25/63 I called on Mr. & Mrs. K. Moore, showed the plans + explained the take. He asked if the state would build a sump well on his property to help with the excess water which flows thru his farm. I found this is not possible, and informed them today.

ACTION TAKEN** Mr. & Mrs. Moore now want to consult their attorney and Mr. Galbraith and I have an appointment for Thurs. 1/31/63.

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.

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 5778 (1) PARCEL # 20

OWNER Mr. J. Morris Forest Ely PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER Jacksonburg Road North, RR #2, Lagertown, Ind.

DATE ASSIGNED 1/25/63

DATE OF CONTACT 1/25/63

TIME OF CONTACT 1:30 P.M.

DATE OF PREVIOUS CONTACT _____

OFFER \$ _____

DETAIL CONTACT* At time of contact, grantee's address was unknown, however, after talking with renter of subject property, I found that Mr. & Mrs. Morris reside at above address. I informed Mr. Morris' sister-in-law who is renting property that I would

ACTION TAKEN** call back Monday of following week

SIGNED Wale 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.

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 5778 (1) PARCEL # 20
OWNER Mr. & Mrs. Kenneth Moore PHONE # _____

(Other interested parties and relationship)

ADDRESS OF OWNER RR# 2 Hagerstown Ind.

DATE ASSIGNED _____

DATE OF CONTACT 1/25/63

TIME OF CONTACT 11 AM

DATE OF PREVIOUS CONTACT _____

OFFER \$ 987.⁰⁰

DETAIL CONTACT* I contacted Mr. & Mrs. Moore, showed plans, explained take. They had a question about surplus water through drainage ditch which I couldn't answer. It is an existing condition, but I informed them I would ask engineering about it.

ACTION TAKEN** I have an appointment with them on Monday Jan 28, 63.

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. 20-PERM

PROJECT NO. S-773(1)

ROAD S.R.38

OWNER: K.P. MOORE ET UX

DRAWN BY WIXOM R

CHECKED BY *sect*

DEED RECORD
184

PAGE
306

DTD.,
6-26-62

NORTH

COUNTY : HENRY

SECTION : 20

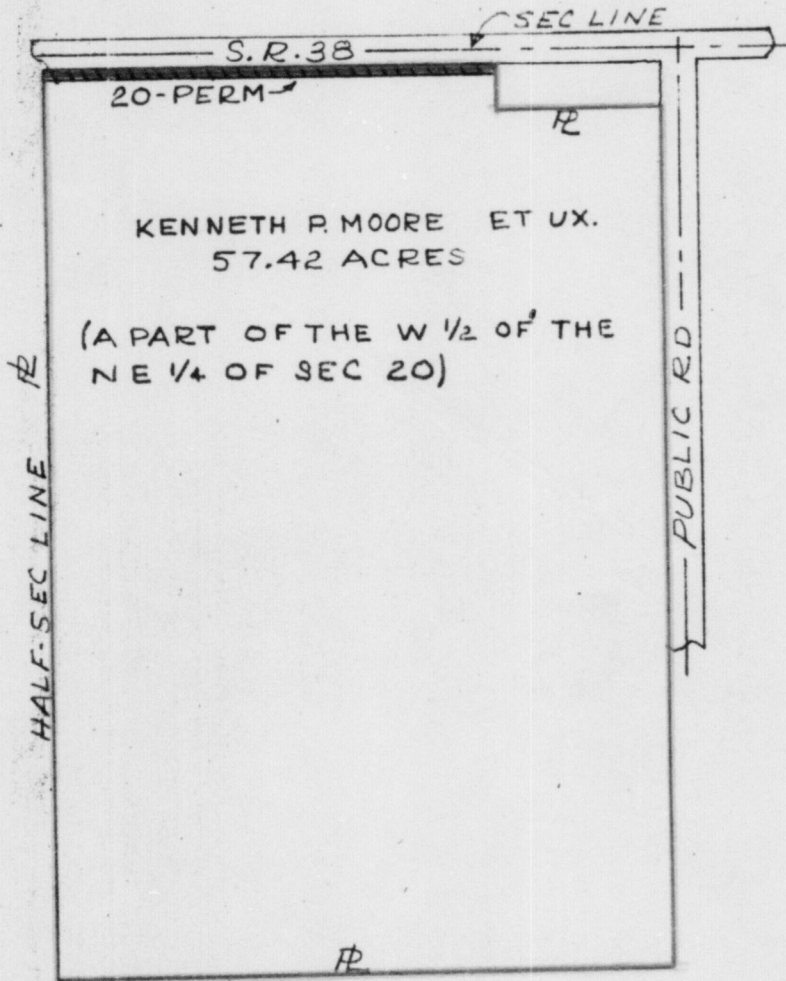
T 17 : N

R 12 : E



CROSSHATCHED
AREA IS
APPROX. TAKE

SCALE:
1"=400'



SUPPLEMENTAL TITLE AND ENCUMBRANCE REPORT

PROJECT No. S-778 (1) STATE ROAD No. 38 PARCEL No. 20

RECORD OWNER Kenneth Paul Moore and Thelma D. Moore

FROM July 12, 1962 TO 2-7-63

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

DEED RECORD	<u>NO CHANGE</u>
MORTGAGE RECORD	<u>" "</u>
MISCELLANEOUS RECORD	<u></u>
OLD AGE ASSISTANCE RECORD	<u></u>
TAX LIEN RECORD	<u></u>
JUDGMENT RECORD	<u></u>
LES PENDENS RECORD	<u></u>
TAX DUPLICATE	<u>PAID NO. DEL.</u>

CHANGES SINCE DATE OF LAST ABSTRACT ARE AS FOLLOWS:

SIGNED Ocla N. Collins
DATE 2-7-63

TITLE AND ENCUMBRANCE REPORT

42277-1

20 Perms

DIVISION OF LAND ACQUISITION

INDIANA STATE HIGHWAY COMMISSION

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

Names on Plans Lemuel & Thelma W. Owens

Names in Trans. Book Kenneth Paul & Thelma D. Moore

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
In NE	20	17	12	57.42	\$2830 \$3050
In NW	20	17	12	48.19	\$2210 None
In SW	20	17	12	1.85	\$80 None

Liberty Township

LAST OWNER OF RECORD

Deed Record 184 P. 306 Recorded 6-26-1962 Dated 6-26-62 Deed

Grantor Lemuel B. Owens and Thelma W. Owens, husband and wife

Grantee Kenneth Paul Moore and Thelma D. Moore, husband and wife

Address of Grantee R R #3, New Castle, Indiana

MORTGAGE RECORD

Mortgage Record 210 P. 301 Amount \$20000.00 Dated 6-18-1962

Mortgagor Kenneth Paul Moore and Thelma D. Moore

Mortgagee Metropolitan Life Insurance Company & Lemuel B. Owens

JUDGMENT RECORD Yes None LIS PENDENS RECORD Yes None

MISCELLANEOUS RECORD Yes None EASEMENT Yes None

* Wildlife Habitat Agreement Shown at Entries 53 to 58 Inc. attached Search. 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 12th day of July 1962

Nelson Digg
Abstractor President.

Prel. Approval of Title _____ Date _____

By _____
Deputy Attorney General

Final Approval of Title _____ Date _____

By _____
Deputy Attorney General

TITLE SEARCH

NO. 42277-1

Prepared for Indiana State Highway Commission
Project S-778(1) Liberty Township, Henry County, Indiana

Names on Plans: Lemuel & Thelma W. Owens

1. Names on Transfer Book: Kenneth Paul Moore
Thelma D. Moore

Description:

60 acres off of the North end of the West half of the Northeast quarter of Section 20, Township 17 North, Range 12 East, excepting therefrom, beginning at the Northeast corner of the said half quarter and running thence West on and along the North line thereof 353.73 feet; thence South 137 feet to an iron pipe; thence East 355.5 feet to the center line of a county road; thence North 317 feet to the place of beginning, containing 2.58 acres, more or less, containing after said exception 57.42 acres, more or less.

A part of the Northwest quarter; a part of the North half of the Southwest quarter; a part of the Northwest quarter of the Southeast quarter; all parts thereof being in Section 20, Township 17 north, range 12 East, Henry County, Indiana, more particularly described as follows, to wit: Beginning at a point in the north line of the Northwest quarter of Section 20, Township 17 North, Range 12 East, a distance of 587.9 feet East of the Northwest corner thereof; and running thence South 497.4 feet; thence West 587.9 feet; thence South 2251.8 feet; thence East 991.5 feet; thence North 2048.0 feet; thence West 394.8 feet; thence North 667.2 feet to the North line of the Northwest quarter of Section 20, Township and Range aforesaid, (said point being in the approximate center line of State Road Number 38 as now located) thence West on and along said north line of said Northwest quarter 33.0 feet to the point of beginning. Said tract containing 50.46 acres, more or less.

Containing in all 107.88 acres more or less, but subject to all legal highways, rights of way and other esements of record.

THIS INDENTURE WITNESSETH, That Susan E. Shaffer and Charles Shaffer, her husband, and Sarah C. Straub, unmarried, all of Henry County, Indiana, for and inconsideration of the sum of Eighteen Hundred Sixty-six and sixty-six hundredths dollars (\$1866.66) hereby CONVEY AND QUIT CLAIM to Anna M. Adams and Charles O. Adams, husband and wife, the undivided two-thirds of the following described Real Estate in Henry County, Indiana, towit:

2. Commencing 40 poles and 8 links South of a point in the center of the pike at the Northwest corner of Section 20, Township 17, Range 12 East, and running thence East 60 rods; thence South 126 rods; thence West 60 rods; thence North 126 rods to the place of beginning, containing 47 and 1/2 acres.

Also, Convey and Quit-Claim the undivided two-thirds of the following other tract of land in Henry County, Indiana, towit: Commencing in the center of the turnpike at the South West corner of Section 17, Township 17 Range 12 East, and running thence East 38 poles; thence south 40 poles and 8 links; thence west 38 poles to the Section line; thence North 40 poles and 8 links to the place of beginning, containing 9 and 59/100 acres.

That said Susan E. Shaffer and Sarah C. Straub and the Grantee, Anna M. Adams, being the daughter and heirs and only heirs at law of Amanda A. Straub, recently deceased, from whom the said Two Grantors and the Grantee, Anna M. Adams, inherited in equal proportions the land above described.

In Witness Whereof, the said Susan E. Shaffer, Charles Shaffer and Sarah C. Straub have hereunto set their hands and seals this 19th day of January 1903.

Susan E. Shaffer (seal)
Charles Shaffer (seal)
Sarah C. Straub (seal)

3. State of Indiana, Henry County,

Before me, Emma Peed, a Notary Public in and for said County and State, this 19th day of January, 1903, personally came Susan E. Shaffer, Charles Shaffer, and Sarah C. Straub who each acknowledged the execution of the above and foregoing deed.

Witness my hand and Notarial seal the day and year last above written.

Emma Peed, Notary Public (LS)

My Com. Ex. 8/26/06

Recorded January 19, 1903 at 4 P.M. Adam V. Harter, R.H.C.I.
Deed Record 75 page 77.

State of Indiana,
Henry County, ss:

Charles O. Adams, being duly sworn, upon his oath says, that Anna M. Adams, his wife, departed this life intestate on or about the 13th day of April, 1943, leaving this affiant surviving her.

4. That this affiant, Charles O. Adams and said Anna M. Adams, were in the lifetime of said Anna M. Adams, the owners in fee simple, as tenants by entirety, of the real estate described on the Liberty Township, Henry County, Indiana, Transfer Books, as follows, to wit:

In NW 1/4 Sec. 20, Twp. 17 N. Rge. 12E. 54.69Acres
In SW 1/4 Sec. 20, Twp. 17 N. Rge. 12 E. 1.85Acres

That by virtue of the death of said Anna M. Adams, this affiant became and now is the owner of said real estate in fee simple.

That he makes this affidavit for the purpose of inducing the Auditor of Henry County, Indiana, to transfer said real estate from the names of Charles O. Adams and Anna M. Adams, to the name of this affiant, Charles O. Adams, and for no other purpose.

And said affiant further saith not.

Charles O. Adams

Subscribed and sworn to before me this 29th day of November A.D. 1945.

Nelson Higgs
(LS) Notary Public

My com. exp. Feb. 16, 1946

Filed: Commissioners Papers
November Term 1945

- - - - -

5. THIS INDENTURE WITNESSETH, That Harold S. Adams, unmarried, of Wayne County, in the State of Indiana, Wayman Adams and Wahnetta Adams, his wife, of Henry County, in the State of Indiana, Blanche Souther and Delbert Souther, her husband of Imperial County in the State of California, Ruth Adams, unmarried Henry County, in the State of Indiana, and Hazel Adams, unmarried of Henry County, in the State of Indiana, Convey and Warrant to Charles O. Adams, of Henry County in the State of Indiana for and in consideration of One Dollar (\$1.00) the receipt whereof is hereby acknowledged their undivided interest in the following described real estate in Henry County in the State of Indiana, to wit:

Commencing 40 poles and 8 links south of a point in the center of the pike at the North West corner of Section 20, township 17 Range 12 East, and running thence east 60 rods; thence south 126 rods; thence west 60 rods; thence north 126 rods to the place of beginning, containing 47 and 1/4 acres, Also commencing in the center of the turnpike at the southwest corner of section 17, township 17 range 12 east and running thence East 38 poles thence south 40 poles and 8 links; thence west 38 poles to the Section line; thence north 40 poles and 8 links to the place of beginning, containing 9 and 59/100 acres.

Henry County Abstract Company, Inc.

New Castle, Indiana

Subject to any and all liens, taxes and encumbrances. The Grantors, Harold S. Adams, Wayman Adams, Blanche Souther, Ruth Adams and Hazel Adams, together with the grantee, Charles O. Adams all adults, are the sole and only heirs at law of Anna M. Adams who died in the year of 1943 and who was at her death the mother of said grantors and the wife of said Grantee.

6. IN WITNESS WHEREOF, The said Harold S. Adams, unmarried, Wayman Adams and Wahneta Adams, his wife, Blanche Souther and Delbert Souther, her husband, Ruth Adams, unmarried, and Hazel Adams, unmarried, have hereunto set their hands and seals this ___ day of June 1953.

Harold S. Adams
Harold S. Adams

Wayman Adams
Wayman Adams

Blanche Souther
Blanche Souther

Wahneta Adams
Wahneta Adams

Delbert Souther
Delbert Souther

Ruth Adams

Hazel Adams

STATE OF INDIANA, HENRY COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 13 day of June, A.D. 1953 personally appeared the within named Wayman Adams and Wahneta Adams, Grantors in the above Conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Mary Sharp, Notary Public

My commission expires:
August 6, 1956.

7. State of Indiana, Wayne County, ss:

Before me, the undersigned, a Notary Public, in and for said County and State, this 10th day of June, A.D. 1953, personally appeared the within named Harold S. Adams, unmarried, Grantor in the above conveyance, and acknowledged the execution of the same to be his voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Don A. McCullough
Notary Public

My commission expires:
January 2, 1957

State of California, Imperial County, ss;

Before me, the undersigned, a Notary Public, in and for said County and State, this 23rd day of June, A.D. 1953, personally appeared the within named Blanche Souther and Delbert Souther, her husband, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed for the uses and purposes herein mentioned.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires _____
Virginia S. Criswold, Notary Public
Virginia S. Criswold, Notary Public

Recorded July 14, 1953
Deed Record 158 pages 397-8

Henry County Abstract Company, Inc.

New Castle, Indiana

State of Indiana
County of Henry, ss;

In the Henry Circuit Court
September Term 1953

Charles O. Adams
vs
Ruth Adams
Hazel Adams

Complaint for Partition

8.

Charles O. Adams, plaintiff in the above entitled cause of action, complains of the defendants, Ruth Adams and Hazel Adams, and each of them and for complaint says:

1.

That the plaintiff and the defendants are the owners in fee simple, as tenants in common, of the following described real estate in Henry County, State of Indiana to wit:

Commencing 40 poles and 8 links south of a point in the center of the pike at the North West corner of Section 20, Township 17, Range 12 East, and running thence east 60 rods; thence south 126 rods; thence West 60 rods; thence north 126 rods to the place of beginning; also commencing in the center of the turnpike at the Southwest corner of Section 17, Township 17, Range 12 east and running thence East 38 poles, thence south 40 poles and 8 links thence West 38 poles to the Section line; thence North 40 poles and 8 links to the place of beginning, containing in all forty six and eighty four hundredths Acres (56.84) more or less.

2.

That the plaintiff is the owner of an undivided forty one forty fifths ($41/45$) of said real estate and each of said defendants is the owner of an undivided two forty fifths ($2/45$) thereof.

3.

That the plaintiff desires that his interest in said real estate be partitioned from that of the defendants, and that his interest be set off to him in severalty.

Wherefore, plaintiff asks that said land be partitioned and that his share thereof be set off to him in severalty.

Charles O. Adams
Plaintiff

Subscribed and sworn to before me this 23 day of September 1953.

Malcolm Edwards
Notary Public

My commission expires:
August 18th, 1954.

Filed: Sept. 2, 1953
Robert A. Harvey
Clerk Henry Circuit Court

- - - - -

The State of Indiana, Henry County, ss:

The State of Indiana to the Sheriff of said County, Greeting. You are hereby commanded to summon Ruth Adams and Hazel Adams 2807 State Street to appear in the Circuit Court of Henry County before the Judge thereof, on the 28th day of the present term, n/w in session at the Court House in New Castle, and being the 8th day of October, 1953, and answer the complaint of Charles O. Adams.

9.

DEMAND Partition, and of this writ make due return.
Witness the Clerk of said Court, this 24th day of September

1953.

Robert A. Harvey, Clerk

Henry County Abstract Company, Inc.

New Castle, Indiana

This writ came to hand 25th day September, 1953, and served by reading to and in the hearing and presence of Ruth Adams and Hazel Adams also by leaving a copy of this writ at the last and usual place of residence of Ruth Adams and Hazel Adams
This 25th day of September. 1953.

Robert L. Padgett, Sheriff

Sheriff Fees

Filed: September 26, 1953
Robert A. Harvey,
Clerk Henry Circuit Court

- - - - -

State of Indiana
County of Henry, ss:

In The Henry Circuit Court
September Term 1953
No. 29539

Charles O. Adams

vs

Ruth Adams
Hazel Adams

Amended Complaint for Partition

10.

Charles O. Adams, plaintiff in the above entitled cause of action, complains of the defendants, Ruth Adams, and Hazel Adams and each of them and for complaint says:

1.

That the plaintiff and the defendants are the owners in the fee simple as tenants in common of the following described real estate in Henry County, State of Indiana, to wit:

Commencing 40 poles and 8 links South of a point in the center of the pike at the North west corner of Section 20, township 17 range 12 East, and running thence east 60 rods; thence south 126 rods; thence west 60 rods; thence north 126 rods to the place of beginning; also, commencing in the center of the turnpike at the southwest corner of Section 17, township 17 range 12 east and running thence east 38 poles, thence south 40 poles 8 links thence west 38 poles to the section line; thence north 40 poles and 8 links to the place of beginning, containing in all fifty six and Eighty four hundredths Acres (56.84) more or less.

2.

That the plaintiff is the owner of an undivided forty one forty fifths (41/45) of said real estate and each of said defendants is the owner of an undivided two forty fifths (2/45) thereof.

3.

11.

Plaintiff further avers that said real estate above described consists of approximately fifty six and eighty four hundredths acres (56.84) more or less located in Liberty Township Henry County, Indiana, on which is situated a house and the usual farm buildings, of the approximate value of Fifteen thousand dollars (\$15,000.00) that the same is not susceptible of division nor is any part thereof, and cannot be partitioned among the respective owners, that said premises will have to be sold and the proceeds divided according to the interests of the parties herein as aforesaid.

WHEREFOREM PLAINTIFF prays that said parties may be adjudged the owners of the said real estate, and that plaintiff may have partition thereof and that Commissioner be appointed by this Court to make sale of said real estate, and distribute the proceeds thereof, according to the interest of the parties herein and for all other proper relief.

Malcolm M. Edwards
Attorney for Plaintiff

Filed: November 6, 1953

Henry County Abstract Company, Inc.
New Castle, Indiana

State of Indiana
County of Henry, ss;

Henry Circuit Court
September Term 1953
Cause No. 29539

Charles O. Adams
vs
Ruth Adams
Hazel Adams

Answer To Amended Complaint

12.

Comes now Hazel Adams, one of the defendants in the above entitled cause by Chester M. DeWitt her attorney, comes now Ruth Adams one of the defendants in the above entitled cause by Paul C. Archibald, her attorney and for their separate and several answers to the plaintiff's amended complaint herein say: 1. That they admit the matters and facts set forth in Numerical Paragraph 1, 2, and three of the plaintiff's amended complaint.

WHEREFORE, the defendants separately and severally demand judgment in said cause and that said real estate be sold as prayed and that their separate and several interests in the proceeds thereof be set off to them in severalty in proportion shown in plaintiff's complaint.

Chester M. DeWitt
Chester M. Dewitt
Attorney for Hazel Adams

Paul C. Archibald
Paul C. Archibald
Attorney for Ruth Adams

Filed: Nov. 28, 1953
Robert A. Harvey
Clerk Henry Circuit Court.

- - - - -

State of Indiana
County of Henry, ss:

Henry Circuit Court
September Term 1953

Charles O. Adams
vs
Ruth Adams
Hazel Adams

Cause No. 29539
Answer to Amend Complaint And
Counter Claim.

13.

Paragraph 1.

Comes now Hazel Adams, one of the defendants in the above entitled cause of action and for answer to the plaintiff's complaint says:

1. That she admits the matters and facts set forth in Numerical Paragraphs 1, 2, and 3 of the plaintiff's complaint.

WHEREFORE, the defendant demands judgment.

PARAGRAPH 2.

Comes now the defendant in the above entitled cause Hazel Adams and by way of counter claim herein alleges and says:

1. That the lands described in the plaintiff's complaint were originally owned by the mother of this defendant and who was for a number of years prior to her death and at the time of her death the wife of Charles O. Adams.

2. That at the time of the death of her said mother the plaintiff Charles O. Adams and the brothers and sisters of this defendant became the owners of said above described real estate; the said Charles O. Adams inheriting one third of said lands and that the brothers and sisters of this defendant inherited the other two thirds as tenants in common.

3. That Charles O. Adams purchased the interest of all of said children except the interest of the defendants Ruth Adams and Hazel Adams.

14. 4. Said Hazel Adams further says that from the time of the death of her said mother, the wife of the plaintiff, the said Charles O. Adams has continued to occupy said real estate by common consent and has continued to farm the same and has collected all the rents and profits from the same and that he is not occupying said real estate.

5. The defendant further says that by the reason of the facts herein set forth the defendant Hazel Adams is entitled to an equitable accounting from said Charles O. Adams from the reasonable rents, profits and income from her undivided interest in and to said real estate.

WHEREFORE, the said Hazel Adams prays the court to find that the parties hereto are the owners of the real estate described in the plaintiff's complaint and that she is the owner as a tenant in common of the undivided 2/45 thereof and that she is entitled to an accounting from the rents and profits from her undivided interest during all the time the same has been occupied by Charles O. Adams, since the death of his said wife, in 1938 and that the court further find that said lands are not susceptible of division without damage to the whole; and that a commissioner be appointed to make sale of real estate and distribute the proceeds thereof according to the interest of the parties therein and for all other relief right and proper in the premises.

Chester M. DeWitt
Attorney for the Defendant
Hazel Adams

IN THE HENRY CIRCUIT COURT
SEPTEMBER TERM, 1953
No. 29539

Charles O. Adams

vs

Ruth Adams, Hazel Adams

PARTITION

15. Comes now the plaintiff, Charles O. Adams, by Malcolm M. Edwards, his attorney, and it appearing to the Court by the summons herein and the return of the Sheriff endorsed thereon, which summons and return are in the words and figures following: (HI) that the defendants, Ruth Adams and Hazel Adams, have each been duly served with process more than ten (10) days prior to the day fixed by the plaintiff by the endorsement on his complaint for the defendants to appear and answer said complaint. Comes now the defendant, Ruth Adams, by her attorney, Paul C. Archibald, and comes now the defendant, Hazel Adams, by her attorney, Chester M. DeWitt, and file herein their separate and several answers which answer is in the words and figures as follows, towit: (HI)

And now upon the issue thus formed, said cause is submitted to the Court without the intervention of a jury for trial, finding, and decree.

And the Court having heard the evidence and the argument of Counsel and being fully advised in the premises, finds for the plaintiff, and that the material allegations of plaintiff's amended complaint are true and proven.

The Court further finds that the plaintiff, Charles O. Adams

Henry County Abstract Company, Inc.

New Castle, Indiana

and the defendants, Ruth Adams and Hazel Adams, are the owners, as tenants in common, of the following described real estate in Henry County, Indiana, towit:

16. Commencing 40 poles and 8 links South of a point in the center of the pike at the North west corner of Section 20, Township 17 Range 12 East, and running thence East 60 rods; thence south 126 rods; thence West 60 rods; thence North 126 rods to the place of beginning; also commencing in the center of the turnpike at the south west corner of Section 17, township 17 range 12 east and running thence east 38 poles thence south 40 poles and 8 links; thence west 38 poles to the Section line; thence North 40 poles and 8 links to the place of beginning, containing in all fifty six and eighty four hundredths acres (56.84) acres more or less.

The Court further finds that the said parties own said real estate in the following proportions; that the plaintiff Charles O. Adams is the owner of an undivided forty one forty fifth ($41/45$) thereof, that the defendant Ruth Adams is the owner of an undivided two forty fifths ($2/45$) thereof; and that the defendant Hazel Adams, is the owner of an undivided two forty fifths ($2/45$) thereof; and that the said parties are entitled to have their said interests set off and assigned to them in severalty.

And the Court further finds from the evidence that the said real estate cannot be divided as aforesaid without damage to the owners thereof and that a sale of said should be made, and the proceeds of such sale distributed in accordance with the interests of the parties in and to said real estate as the same are herein found and determined.

It is further, considered, adjudged and decreed by the Court that the plaintiff Charles O. Adams, and the defendants Ruth Adams and Hazel Adams, are the owners of and have interest as above found and set forth in and to said real estate, or to any proceeds derived from his sale, and that said real estate is not susceptible of partition without damage to the owners thereof.

17. It is further considered, ordered and adjudged by the Court that said real estate after being duly appraised as provided by law be sold by a Commissioner appointed for that purpose at private sale for not less than the full appraised value thereof, and for cash. Notice of the time, terms and place of such sale shall be given by two (2) publications thereof in the New Castle Courier Times, a daily newspaper printed and published in the English language in the city of New Castle, Henry County, Indiana, and of general circulation, the last of which notices shall be published at least ten (10) days prior to the time fixed for such sale.

And the Court now appoints Malcolm M. Edwards, Commissioner thereof, to make sale of said real estate in accordance with the foregoing order, and requires him to execute bond in the penalty of Seventeen Thousand (\$17,000.00) dollars conditioned for the faithful discharge of his duties, and with surety thereon to the approval of the Court.

And comes now Malcolm M. Edwards and accepts such trust and tenders his bond as Commissioner herein in the penalty, and conditioned as aforesaid, with Western Casualty and Surety Company as surety thereon which bond is now approved by the Court and reads as follows, towit:(HI)

And such Commissioner is hereby directed to have an appraisal made of the said real estate and thereupon to proceed to the execution of the foregoing order for the sale thereof and make due report of his proceedings herein, and time is given.

All of which is fully and finally considered, ordered, decreed and adjudged by the Court.

December 22, 1953
Civil Order Book 126 page 531.

State of Indiana
Henry County

18. Before the undersigned personally came Scott B. Chambers, who being duly sworn, says he is Publisher of the Courier Times that it is a newspaper of general circulation, printed and published in New Castle in said County, and that the notice of which the annexed is a true copy was published in said paper on the 23 day of December 1953, and for 1 successive weeks immediately following.

Subscribed and sworn to before me the 30 day of December, 1953.

Scott B. Chambers

Lillian R. Albertson
Notary Public

My commission expires:
January 6, 1956
Printer's Fee \$11.44

State of Indiana
County of Henry, ss:

No. 29539
Charles O. Adams
vs
Ruth Adams, Hazel Adams

Notice of Commissioner's
Sale of Real Estate.

The undersigned Commissioner, by virtue of an order of the Henry Circuit Court, made and entered in a cause therein pending and entitled Charles O. Adams, vs Ruth Adams and Hazel Adams and numbered 29539 upon the dockets thereof, hereby given notice that at the law office of Malcolm M. Edwards, at Room 404 in the Burr Building in the city of New Castle, Indiana, on January 18 1954, at 10:00 A.M. of said day and from day to day thereafter until sole, he will offer for sale at private sale and at not less than the full appraised value thereof, the following described real estate in Henry County, Indiana, to wit:

19. Commencing 40 poles and 8 links south of a point in the center of the pike at the northwest corner of Section 20, township 17 range 12 East and running thence East 60 rods, thence south 126 rods; thence West 60 rods; thence north 126 rods to the place of beginning, also commencing in the center of the turnpike at the south west corner of Section 17, township 17 north, range 12 east and running thence east 38 poles, thence south 40 poles and 8 links thence west 38 poles to the Section line, thence North 40 poles and 8 links to the place of beginning, containing in all fifty six and eighty four hundredths acres (56.84) more or less.

Said sale will be made for cash and subject to the taxes due and payable in the year 1954, and subject to the approval of the Henry Circuit Court.

Malcolm M. Edwards,
Commissioner
Chester M. DeWitt
Paul C. Archibald
Attorneys

December 23-30

Filed: December 31, 1953
Robert A. Harvey
Clerk Henry Circuit Court

Know all Men by these Present, that we Malcolm M. Edwards and the Western Casualty and Surety Company are bound unto the State of Indiana, in the penal sum of Seventeen Thousand (\$17,000.00) Dollars, to pay which we jointly and severally bind ourselves, our heirs, executors and administrators.

20.

Sealed and dated this 22 day of December, 1953.

THE CONDITION OF THE ABOVE OBLIGATION IS, That as the above bound Malcolm M. Edwards has been appointed by the Circuit Court of Henry County, Indiana, a Commissioner to sell certain real estate, described in the order to sell in the case of Charles O. Adams, vs Ruth Adams and Hazel Adams.

Now, if the said Malcolm M. Edwards will faithfully discharge the duties of his trust according to law, then the above obligation is to be void, else to remain in full force in law.

Malcolm M. Edwards (seal)
The Western Casualty and Surety
Company (seal)

By O.E. Dickerson (seal)
attorney in fact.

Approved the 22nd day of
December 1953.

John H. Morris, Judge
C.C. of Henry County

Filed: December 22, 1953
Robert A. Harvey
Clerk Henry Circuit Court

Charles O. Adams
vs
Ruth Adams, Hazel Adams

Henry Circuit Court
January Term 1954
No. 29539

21.

The undersigned Commissioner, appointed in the above entitled cause to make sale of the real estate hereinafter described respectfully reports; That pursuant to the order in said cause entered, he had an appraisement made of said real estate by Herman Jones and R.E. Jones, disinterested householders of the neighborhood, who were duly chosen to make the same in the manner appraisers are selected in cases of land sold upon execution and said appraisement is herewith returned.

That said commissioner gave notice of the time, terms and place of the sale of such real estate by two publications thereof in the New Castle Courier Times, a daily newspaper of general circulation, printed and published in New Castle, Henry County, Indiana, the last of which publications was so made on the 30th day of December 1954, and proof of the said publication thereof being hereto attached and made a part of this report. That on the 18th day of January 1954, being the time fixed for such sale and at the place in said notice specified, said Commissioners offered said real estate for sale at private sale and Charles O. Adams, having then and there bid therefor the sum of Fourteen Thousand Seven Hundred Eighty five (\$14,785.00) Dollars and that being the highest and best bid received and more than the full appraised value thereof, said commissioner, subject to the approval of the Court sold to the said Charles O. Adams, for the said sum the real estate so ordered sold and described as follows towit:

Henry County Abstract Company, Inc.

New Castle, Indiana

22.

Commencing 40 poles and 8 links south of a point in the center of the pike at the north west corner of Section 20, Township 17 range 12 east and running thence east 60 rods; thence south 126 rods; thence West 60 rods; thence north 126 rods to the place of beginning, also commencing in the center of the turnpike at the south west corner of Section 17, township 17 range 12 east, and running thence east 38 poles, thence south 40 poles and 8 links thence west 38 poles to the Section line; thence North 40 poles and 8 links to the place of beginning, containing in all fifty six and eighty four hundredths acres, (56.84) more or less. That said purchaser has complied with the terms of such sale by paying in cash the sum of Two thousand six Hundred (\$2,600.00) dollars, and stands ready upon confirmation of said sale to pay the remaining sum due on his bid in the sum of Twelve Thousand One Hundred eighty five (\$12,185.00) dollars.

And said Commissioner now brings into Court the proceeds of such sale, as aforesaid, and prays that his actions in the premises may be approved.

Malcolm M. Edwards

Subscribed and sworn to before me this 4th day of February 1954.

Paul C. Archibald
Notary Public

My commission expires
November 30, 1957

Filed: February 4, 1954
Robert A. Harvey
Clerk Henry Circuit Court

Charles O. Adams
vs
Ruth Adams
Hazel Adams

Henry Circuit Court
September Term 1953
No. 29539
APPRAISEMENT

23.

We, Herman Jones and R.E. Jones, being over the age of twenty one (21) years and householders and freeholders of the neighborhood of Henry County, Indiana, swear that we will honestly appraise the real estate hereinafter described as its fair cash value, so help us God.

Dated this 16 day of January 1954.

Herman Jones
R.E. Jones

Subscribed and sworn to before me this 16th day of January, 1954.

(LS) Malcolm M. Edwards, Notary Public

My commission expires:
August 18, 1954.

APPRAISEMENT

We, the undersigned appraisers, appraise, the following described real estate situate in Henry County, Indiana, to wit:

24.

Commencing 40 poles and 8 links south of a point in the center of the pike at the Northwest corner of Section 20, Township 17, Range 12 East, and running thence East 60 rods; thence south 126 rods; thence West 60 rods; thence North 126 rods to the place of beginning, also commencing in the center of the turnpike at the south west corner of section 17, township 17 range 12 east, and running thence east 38 poles to the Section line; thence North 40 poles and 8 links to the place of beginning containing in all fifty six and eighty four hundredth Acres. (56.84) more or less. at and for the sum of Twelve Thousand Five Hundred Dollars.

\$12,500.00

Dated this 18th day of January, 1954.

Herman Jones
R.E. Jones

FILED: February 4, 1954
Robert A. Harvey
Clerk Henry Circuit Court

Charles O. Adams
vs
Ruth Adams
Hazel Adams

Henry Circuit Court
January Term 1954
No. 29539
PARTITION

25.

Comes now the parties and comes now also Malcolm M. Edwards, the commissioner heretofore appointed, and files an appraisement and report of sale of the real estate in this proceeding ordered sold, which appraisement and report of sale read as follows: towit: (HI) from which it appears, and the Court so finds that after giving notice of the sale of said real estate and having the same duly appraised, as required by the order of this court authorizing such sale, said commissioner sold the same at private sale to Charles O. Adams for the sum of Fourteen Thousand seven hundred eighty five (\$14,785.00) dollars, that being the highest and best bid received and more than the full appraised value thereof; that said purchaser paid the sum of Two Thousand Six Hundred (\$2,600.00) dollars in cash and stands ready to pay the balance of his bid in the sum of Twelve Thousand One Hundred eighty five (\$12,185.00) dollars on the confirmation of such sale and in accordance with the terms of the sale, and which such proceeds are by said commissioner now brought into Court. And the Court being sufficiently advised in the premises now in all things approves said report and ratifies and confirms said sale; and said commissioner is ordered to execute to said purchaser a deed for said real estate and deliver the same to said purchaser upon receiving the balance of the purchase money. And now said commissioner reports such deed and the same being examined, is approved by the court and delivered to said purchaser, who concurrently therewith pays to said commissioner the balance due on his bid in the sum of Twelve Thousand One hundred Eighty five (\$12,185.00) dollars. And the Court, upon proof heard now allows said commissioner for his services, the sum of four hundred ninety five (\$495.00) dollars and allows the sum of Five Hundred forty five (\$545.00) to Paul Archibald and Chester M. DeWitt for their services as counsel in this matter and orders the same taxed, and paid as a part of the costs of this proceeding. The Court further orders and directs said commissioner, after payment of all proper costs and allowances, to distribute without delay the cash proceeds of

such sale, among the parties hereto in proportion to their respective interests therein as heretofore found and determined by this Court.

And upon such distribution being made, said Commissioner is required to make due report thereof to this Court and files there- with proper vouchers in evidence of such payments.

And this cause is continued for report of said commissioner dated this 4th day of February 1954.

Civil Order Book 127 page 17.

COMMISSIONER'S DEED

26. Malcolm M. Edwards, Commissioner, appointed by the Henry Circuit Court of Henry, County, Indiana, State of Indiana, in a case pending therein entitled Charles O. Adams, vs Ruth Adams and Hazel Adams and numbered 29539 upon the dockets thereof, pursuant to the order of said Court in said cause made, and entered on Page 12 of Order Book 127 of the records thereof, as such Commissioner conveys to Charles O. Adams of Henry County, State of Indiana, for the sum of Fourteen Thousand Seven Hundred Eighty five (\$14,785.00) dollars the following described real estate situate in Henry County, Indiana, to wit:

Commencing 40 poles and 8 links south of a point in the center of the pike at the Northwest corner of the Section 20, township 17 north, range 12 east and running thence East 60 rods thence south 126 rods; thence west 60 rods; thence north 126 rods to the place of beginning; Also commencing in the center of the turnpike at the southwest corner of section 17, township 17 range 12 east, and running thence east 38 poles thence south 40 poles and 8 links; thence west 28 poles to the Section line; thence North 40 poles and 8 links to the place of beginning, containing in all fifty six and eighty four hundredths acres (56.84) more or less.

IN WITNESS WHEREOF, the said Malcolm M. Edwards, Commissioner as aforesaid, has hereunto set his hand and seal this 4th day of February 1954.

Malcolm M. Edwards (seal)
Malcolm M. Edwards, Commissioner

Paul C. Archibald, Notary Public

My commission expires Nov. 30th, 1957
Examined and approved by me in open court this 4th day of February 1954.

John H. Morris
Judge Henry Circuit Court

Recorded April 19, 1954
Deed Record 161 page 46.

Affidavit

Chas. O. Adams, being first duly sworn upon his oath, deposes and says:

27. That Anna M. Adams, one of the heirs of Amanda A. Straub and one of the Grantees in a certain deed executed by Susan E. Shaffer and others on January 19, 1903 and recorded in Deed Record 75, page 77, in the records of Henry County, Indiana, died in residence of Henry County, Indiana on the 13th day of May, 1943, leaving as her sole and only heirs at law this affiant, Charles O. Adams, her husband, and five adult children namely, Harold S. Adams, Blanche Souther, Wayman Adams, Ruth Adams and Hazel Adams.

Charles O. Adams

Subscribed and sworn to before me this 19th day of April, 1954.

(LS)

Malcolm M. Edwards

Notary Public

My commission expires August 18, 1954

Recorded April 19, 1954

Miscellaneous Record 36 page 118.

Charles O. Adams and Pearl Adams, his wife
to

Lemuel B. Owens and Thelma W. Owens, husband and wife

28. Warranty Deed for \$1.00, dated April 19, 1954 and recorded April 19, 1954 in Deed Record 161 page 47. Acknowledged before Malcolm M. Edwards, Notary Public, Henry County, Indiana. (LS)

Beginning at a wooden stake 303.7' south of the N.W. corner of Section 20, T-17N, R-12E; thence continuing south 2251.8 feet to a fence corner; thence east 991.5 feet to a fence corner; thence north 2048 feet to a fence corner; thence west 394.8 feet to a fence corner; thence north 667.2 feet to the centerline of the highway known as State Road 38; thence 33 feet westerly along the centerline of said State Road 38; thence south 497.4 feet to a wooden stake; thence west 587.9 feet to the place of beginning, containing fifty (50) acres, more or less.

Subject to the 1954 taxes due and payable in 1955.

2.9

Bert Monroe and Mamie Monroe, husband and wife

to

Frank E. Hay and Clara Hay, husband and wife

Warranty Deed for \$1.00, dated June 28, 1940 and recorded October 11, 1940 in Deed Record 123 page 106. Acknowledged before Ethel M. Hoover, Notary Public, Wayne County, Indiana. (LS)

Sixty (60) acres off the north end of the west half of the northeast quarter of section 20, township 17 north, range 12 east of the 2nd Principal Meridian in Liberty Township Henry County, Indiana.

Said grantors to pay tax assessed in 1939 payable in 1940 on said real estate.

- - - - -

APPLICATION FOR LETTERS OF ADMINISTRATION
with the Will Annexed

3.0

State of Indiana, Henry County, ss:

Mary E. Rinehart being duly sworn upon her oath says that Frank E. Hay departed this life testate at _____ in Henry County, Indiana, on the 6th day of March 1945, leaving a last will and Testament to her knowledge and belief, that said decedent was at, or immediately previous to his death a resident of Henry County, Indiana, and that he left a personal estate of the probable value of Three Thousand (\$3000) dollars, and real estate of the estimated value of None dollars, and that said decedent left surviving him as his sole and only heirs at law as far as known to the affiant as follows:

Clara R. Hay Widow

Therefore, your affiant asks that letters of administration with the will annexed of the estate of said decedent be granted to Mary E. Rinehart of Hagerstown in Wayne County, Indiana.

Mary E. Rinehart

Subscribed and affirmed to before me, this 3 day of April, 1945.

Crawford F. Parker
Clerk of Henry Circuit Court

I, Clara R. Hay widow and sole legatee under the will of Frank E. Hay, deceased, hereby consent to the appointment of my daughter Mary E. Rinehart, as administratrix with the will annexed of the estate of said Frank E. Hay.

Clara R. Hay

FILED: April 3, 1945
Crawford F. Parker
Clerk Henry Circuit Court

- - - - -

LAST WILL AND CODICIL OF FRANK E. HAY

I, Frank E. Hay a resident of the City of Indianapolis, County of Marion and State of Indiana, being of sound mind and disposing memory, do hereby make, publish and declare this to be my last Will and Testament, revoking and annulling all other and former Wills, testaments and Codicils thereto by me heretofore at any time, made,

31.

ITEM I. I direct that all my just debts, obligations and funeral expenses be paid as soon after my decease as may be found convenient.

ITEM II. I direct my Executor to pay all excise taxes, estate taxes, inheritance taxes, transfer taxes and/or death duties which may be levied or assessed by the United States any of the several States of the United States, any foreign government, or any political subdivision thereof against my estate, or any distributive share, portion or interest therein. Before paying any inheritance or transfer tax on the share or interest of any beneficiary named in this Will, my Executor may in its discretion, require the approval of such person for whom any such tax is paid.

ITEM III. All the rest, residue and remainder of my property and estate of whatsoever nature and wheresoever situated and whether acquired before or after the execution of this my last Will and Testament, together with all property over which at the time of my death I shall have my power of testamentary disposition whatsoever, I hereby give, devise and bequeath unto my wife Clara R. Hay, if she be living.

ITEM IV. In the event that my wife, Clara R. Hay shall predecease me or die simultaneously with me, then and in either of such events I hereby give, devise and bequeath all of my property and estate described in Item III hereof unto my issue of my said daughter, Mary E. Rinehart, per stirpes and not per capita, or in the event that she shall have died without leaving issue surviving then it is my wish and desire that my property and estate should be distributed unto my heirs at law, as such heirship may be determined by the laws of the State of Indiana, in force at the time of my death.

32.

ITEM V. I hereby nominate and appoint THE FLETCHER AMERICAN NATIONAL BANK OF INDIANAPOLIS its successors and assigns, as the Executor of this my last Will and Testament. And I do direct that no bond shall be required of such Executor hereunder. My said Executor shall have full power, at its discretion to do any and all things necessary for the complete administration of my estate, including the power to sell at public or private sale and without order of court, any real or personal property belonging to my estate, and to compound, compromise or otherwise to settle or adjust any and all claims, charges, debts and demands whatsoever against or in favor of my estate, as fully as I could do if living.

IN WITNESS WHEREOF I have hereunto set my hand and seal, in the City of Indianapolis, Indiana, this 24th day of June 1932, in the presence of Margaret L. Hauck and Helene C. Stricker, whom I have requested to become attesting witnesses hereto.

Frank E. Hay (seal)

The foregoing instrument was signed, sealed, published and declared by Frank E. Hay, as and to be his Last Will and Testament in the presence of the undersigned, Margaret L. Hauck and Helene C. Stricker, and each of us, and we, at the request of Frank D. Hay and in his sight, and presence and in the sight and presence of each other, have hereunto subscribed our names as attesting witnesses thereto, in the city of Indianapolis, Indiana, this 24th day of June 1932.

Margaret L. Hauck Helene C. Stricker

Henry County Abstract Company, Inc.

New Castle, Indiana

PROBATE OF WILL

State of Indiana
County of Henry, ss:

In the Henry Circuit Court

33. In the Matter of the Probate
of the Last Will and Testament
of Frank E. Hay, Deceased

1st Judicial Day
April Term 1945
April 2, 1945

Henry Knaff being first duly sworn on oath deposes and says that he has carefully examined the instrument of writing purporting to be the last Will and Testament of Frank E. Hay Deceased late of said County, bearing date of June 24, 1932, and this day produced for probate before the Judge of the Henry Circuit Court of Henry County, Indiana.

That he was acquainted with Margaret L. Hauck and Helene C. Stricker, the subscribing witnesses thereto, and knows that both were competent at the time of attesting the same so to do and that said subscribing witnesses are both out of the State of Indiana and reside in Washington D.C. and the State of New York.

This deponent further says that he was well acquainted with the handwriting of the said Frank E. Hay, the testator and that the signature on said instrument purporting to be that of said testator is true, and genuine. That at the time aforesaid when said instrument appears to have been executed, said testator was over the age of twenty-one years and that this affiant is informed and believes that said testator was competent to devise his said property.

Affiant further says that the said Frank E. Hay died on or about the 6th day of March 1945.

Henry Knaff

Subscribed and sworn to before me this 2 day of April, 1945.

Crawford F. Parker

Clerk Henry Circuit Court.

CODICIL

I, Frank E. Hay of Indianapolis, Indiana, being of sound disposing mind and memory do hereby make, publish and declare this present writing to be a codicil to my last Will and Testament bearing date of June 24th 1932.

34.

ITEM I.

I hereby strike from said Will the name of THE FLETCHER AMERICAN NATIONAL BANK of Indianapolis wherever the same appears therein and I hereby substitute therefor at all such places therein the names of American National Bank of Indiana.

It being the intention hereof to substitute in said will the American National Bank at Indianapolis to act in every capacity in which said The Fletcher American National Bank of Indianapolis was originally appointed, designated or requested to act.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal in the City of Indianapolis, Indiana, on this 1st day of February 1934, in the presence of Henry Knaff and H.T. Dodds whom I have requested to become attesting witnesses hereto.

Frank E. Hay (seal)

The foregoing instrument was signed, sealed, published and declared by Frank E. Hay, as and to be a codicil to his Last Will and Testament dated June 24th 1932 in the presence of the undersigned Henry Knaff and H.T. Dodds, and each of us, and we at the request of Frank E. Hay and in his sight and presence and in the sight and presence of each other, have hereunto subscribed our names as attesting witnesses thereto in the City of Indianapolis, Indiana, this 1st day of February 1934.

Henry Knaff

G.T. Dodds

Henry County Abstract Company, Inc.

New Castle, Indiana

PROBATE OF CODICIL

State of Indiana
Henry County, ss:

5. In open Court before me John H. Morris, Judge of the Circuit Court of the County of Henry in the State of Indiana, personally came Henry Knaff, one of the subscribing witnesses to the foregoing instrument of writing who being by me first duly sworn upon oath, depose and say that Frank E. Hay, the testator named in the instrument of writing purporting to be a Codicil to his last Will and Testament, in manner and form as aforesaid, in the presence of affiant, and of H.T. Dodds the other subscribing witness thereto; and that they each attested the same, and subscribed their names as witnesses thereto in the presence and at the request of said testator, and in the presence of each other, and that said testator departed this life testate as he believes on the 6 day of March, 1945.

Henry Knaff
Subscribed and Sworn to before me, in witness of which I hereunto affix the seal of said Court and subscribed my name at New Castle, Ind., this 2 day of April A.D. 1945.

Crawford F. Parker
Clerk

State of Indiana
Henry County, ss:

I, Crawford F. Parker, Clerk of the Circuit Court of the County of Henry, in the State of Indiana, do certify that the foregoing Codicil to the Last Will and Testament of Frank E. Hay has been duly admitted to Probate before me.

That the same was proven by the examination, under oath of Henry Knaff, the subscribing witness thereto; and that a full and complete record of the said Will, and of the proof and examination by the witnesses by whom the same was proven has been made and is now on record in Will Record N of said County, on pages 508-509-510.

IN TESTIMONY WHEREOF, I have hereunto affixed the seal of said Court, and subscribed my name, at New Castle, this 2 day of April A.D. 1945.

Crawford T. Parker
Clerk

6. I hereby certify that the above and forgoing is a true and complete copy of the last Will and Testament and Codicil thereto of Frank E. Hay deceased, as the same appears of record and is on file in my office and in my custody.

Crawford F. Parker
Clerk Henry Circuit Court

Will Record N pages 508-10

- - - - -

In Re: Estate of
Frank E. Hay, deceased

Henry Circuit Court
April Term 1945
No. 23472
PROBATE OF WILL

37

An instrument of writing purporting to be the Last Will and Testament of Frank E. Hay, deceased, late of Henry County, Indiana, is now produced in open Court an application made for the probate thereof, and

Comes now Henry Knaff who being duly sworn upon his oath says that he has carefully examined the instrument of writing purporting to be the last will and testament of Frank E. Hay, deceased, late of said County, bearing date of June 24, 1932, and this day produced for probate in this Court and testifies that he was acquainted with Margaret L. Hauck, and Helene C. Stricker, who appear to be the subscribing witnesses thereto, and they were both competent at the date of attesting the same so to do and that said subscribing witnesses to his personal knowledge, are residing out of the State of Indiana. He further says that he was well acquainted with the handwriting of the said Frank E. Hay, the testator, and believes that the signature to said instrument purporting to be that of said testator is true and genuine, and that at the time said instrument appears to have been executed, the said Frank E. Hay was over the age of twenty-one years; that he was competent to devise his property and that in such execution he was under no coercion, or restraint; that he died at Henry County Indiana, and which said testimony is now reduced to writing, subscribed by said witnesses and attested by the Clerk and the seal of this Court, and,

The Court being fully advised, now finds that said instrument has been duly proven and established as the Last Will and Testament of said decedent, and orders that the same as such be now admitted to Probate and record in this court, and the Clerk thereof is ordered to endorse thereon a certificate of such probate which is accordingly done, said Will and Testimony and proof thereon endorsed reading as follows, towit:(HI)

April 3, 1945
Probate Order Book 56 page 484.

- - - - -

In Re: Estate of
Frank E. Hay, Deceased

Henry Circuit Court
April Term 1945
No. 5098
Petition, Bond and Letters

38. mm

Comes now Mary E. Rinehart and files her petition for letters of Administration for the estate of Frank E. Hay, deceased and the Court being fully advised, now appoints Mary E. Rinehart Administratrix with the will annexed of the estate of Frank E. Hay deceased, and comes now Mary E. Rinehart and accepts such trust and duly qualifies by taking oath and giving bond as provided by law in the sum of Six Thousand (\$6000.00) dollars with Horace Hoover and Ed Pierce as sureties thereon, which bond the Court now approves and said letters prayed for therein ~~are~~ issued to Mary E. Rinehart, which bond and letters read as follows, towit: (HI)

April 4, 1945
Probate Order Book 56 page 486.

Order Determining Value of Estate and Amount of Tax, Etc.

(Section 10, Acts 1931)

39

IN THE PROBATE COURT,

Cause No. 2349

COUNTY OF Henry, STATE OF INDIANA.

In the Matter of the Estate of

At the January Term, 19 46

Frank E. Hay

The matter of determining the value of the property of said decedent and the tax imposed by the inheritance and transfer tax laws upon the transfer thereof coming on to be heard at this time, pursuant to notice given on the 23rd day of January 1946, to all persons interested, including the Indiana Department of State Revenue and County Treasurer;

And it appearing that the inventory and report of Mary E. Rinehart
(Fiduciaries or Beneficiaries)

and the report of Glen Snodgrass
(Appraiser) have heretofore been duly filed

herein, and that said deceased died on or about the 6th day of March 1945;

And having taken testimony and considered the inventory, appraisal, report and the whole record herein, and having heard all parties desiring a hearing, and being fully advised in the premises;

The Court finds and determines that the clear market value of the property of the said decedent, subject to and within the jurisdiction of the laws of this State, is as follows:

Value of Personal Property (Gross) - - - - -	\$	25,452.02
Value of Real Property (Gross) - - - - -	\$	None
Total Gross Value of Estate - - - - -	\$	25,452.02
Deductions (Debts, Claims, Expenses, etc.) - - - - -	\$	2,775.78
Total Net Value of Estate - - - - -	\$	22,676.24

Schedule B-3 and/or other Transfers "Outside of Estate" - - - - - \$

And the Court further finds and determines that the proportions and amounts of the property of the decedent transferred, the names and relationships of the persons beneficially entitled to receive the same, the rates and amounts of tax for which they are liable, are as follows:

NAME	Relation	Value of Interest	Exemption	Rate	Amount of Tax
Clara R. Hay	widow	22,676.24	15000.	1%	76.76

Schedule filed; date _____ Amount of penalty at 50c per day _____

Total Tax \$

WHEREFORE, IT IS ORDERED, That Mary E. Rinehart (Fiduciaries or Beneficiaries) or said persons pay and deliver to the County Treasurer, as and for the tax imposed by the acts in relation to the taxable transfers of property, the proportions and amounts as above set forth.

Such tax shall be a lien upon the several items of personal property described in the schedule for determination and the appraiser's report, and the following real estate:

County	Twp., City or Town	Description, Addition, Etc.	Area			
			Sec.	Twp.	Eqa.	Acres

It is further ordered that Glen Snodgrass, appraiser, be allowed and paid \$ 5.00 for his services and expenses in this matter.

Dated March 6 1946 By the Court, John H. Morris Judge

Order Determining Value of Estate and Amount of Tax, Etc.

(Section 10, Acts 1931)

Cause No. 2349 Amended

IN THE PROBATE COURT,

COUNTY OF Henry, STATE OF INDIANA.

In the Matter of the Estate of

Frank E. Hay

At the Ad journed Term, 1946

The matter of determining the value of the property of said decedent and the tax imposed by the inheritance and transfer tax laws upon the transfer thereof coming on to be heard at this time, pursuant to notice given on the day of waived 1946, to all persons interested, including the Indiana Department of State Revenue and County Treasurer;

41.

And it appearing that the inventory and report of Mary E. Rinehart
(Fiduciaries or Beneficiaries)

and the report of Glen Snodgrass
(Appraiser) have heretofore been duly filed

herein, and that said deceased died on or about the 6th day of March 1945;

And having taken testimony and considered the inventory, appraisal, report and the whole record herein, and having heard all parties desiring a hearing, and being fully advised in the premises;

The Court finds and determines that the clear market value of the property of the said decedent, subject to and within the jurisdiction of the laws of this State, is as follows:

Value of Personal Property (Gross) - - - - -	\$ 26,712.02
Value of Real Property (Gross) - - - - -	None
Total Gross Value of Estate - - - - -	\$ 26,712.02
Deductions (Debts, Claims, Expenses, etc.) - - - - -	\$ 3,263.78
Total Net Value of Estate - - - - -	\$ 23,448.24

Schedule B-3 and/or other Transfers "Outside of Estate" - - - - - \$

And the Court further finds and determines that the proportions and amounts of the property of the decedent transferred, the names and relationships of the persons beneficially entitled to receive the same, the rates and amounts of tax for which they are liable, are as follows:

NAME	Relation	Value of Interest	Exemption	Rate	Amount of Tax
Clara R. Hay	widow	23,448.24	15000.	1%	84.48

Schedule filed; date..... Amount of penalty at 50c per day.....
Total Tax \$ 84.48

42.

WHEREFORE, IT IS ORDERED, That Mary E. Rinehart
(Fiduciaries or Beneficiaries) or said persons

pay and deliver to the County Treasurer, as and for the tax imposed by the acts in relation to the taxable transfers of property, the proportions and amounts as above set forth.

Such tax shall be a lien upon the several items of personal property described in the schedule for determination and the appraiser's report, and the following real estate:

County	Twp., City or Town	Description, Addition, Etc.	Sec.	Twp.	Rgs.	Acres	Lot	Blk.
None								

It is further ordered that Glen Snodgrass, appraiser, be allowed and paid \$ 5.00 for his services and expenses in this matter.

Dated July 29 1946 By the Court, John H. Morris

Office of County Treasurer

No. A-39569 Cause No. 2349
 County of Henry, New Castle, Indiana, August 27, 1946

Received of Mary E. Rinehart,
 Administrator, Executor, Trustee, Heir, Legatee, of the Estate of
Frank E. Hay Deceased (who died on or
 about March 6 1945) the sum of Seven & 72/100
 Dollars, being the amount of Inheritance or Trans-
 43 fer Tax Due the State under the provisions of the Inheritance Tax
 Law, approved February 28, 1913, upon the following Gifts, Inheri-
 tances, Bequests, Legacies, Devises and Successions, towit:

Name	Relationship	Amount of Tax
Clara R. Hay		7.72
	Additional Tax	
	Original Tax paid March 6, 1946 Receipt #A 37517	
Amount of Tax		\$ <u>7.72</u>
Discount (5% if paid within one year)		\$ <u> </u>
Interest yrs. mos. days at %		\$ <u> </u>
Amount Due State		\$ <u>7/72</u>

Karl S. Holwager
 County Treasurer

By Anna L. Myer
 Deputy Treasurer

44.

In Re: Estate of
Frank E. Hay, deceased

Henry Circuit Court
January Term 1947
No. 5098
FINAL REPORT

Comes now Mary E. Rinehart, Administratrix with the will annexed of the above estate and submits to the court the following account and vouchers by her filed in final settlement herein as follows, towit: (HI) and also files and submits proof of publication of notices and when the same would be heard which notice the Court finds to be sufficient and are as follows, towit:(HI) and the Court having seen and examined said account and vouchers approves and confirms said final settlement account in all things and orders that said Administratrix be and she is hereby released and discharged from any and all further liability.

The Court further finds that the inheritance tax due on said estate has been fully paid and satisfied.

And said Administratrix files her receipt for gross income tax herein which said receipt reads in the words and figures as follows, towit:(HI)

March 13, 1947
Probate Order Book 58 page 451.

- - - - -

45.

Clara Hay an unmarried woman, widow of Frank E. Hay
to
Delmas Halstead and Delores Halstead, husband and wife
Warranty Deed for \$1.00. dated April 15, 1947 and recorded
May 5, 1947 in Deed Record 138 page 231. Acknowledged before Ethel
Mae Hoover Notary Public Wayne County, Indiana. (LS)
Sixty acres off of the north end of the west half of the
Northeast quarter of Section 20, township 17 north range 12 east
in Liberty Township, Henry County, Indiana.

- - - - -

46.

Delmas Halstead and Delores Halstead, husband and wife
to
Clara Hay
Mortgage for \$3250.00, dated April 15, 1947, and recorded
May 29, 1947 in Mortgage Record 145 page 135.
Sixty acres off of the north end of the west half of the
northeast quarter of section 20, township 17 north, range 12 east
in Liberty Township, Henry County, Indiana.

- - - - -

RELEASE OF MORTGAGE

THIS CERTIFIES that the annexed Mortgage to Clara Hay which is recorded in the office of the Recorder of Henry County, Indiana in Mortgage Record 145 page 135, has been fully paid and satisfied and the same is hereby released.

47.

Witness the hand and seal of said mortgagee this 9th day of Nov. 1948.

Clara Hay

State of Indiana, Wayne County, ss:

Before me the undersigned a Notary Public in and for said County this 9th day of November 1948, came Clara Hay and acknowledged the execution of the annexed release of mortgage.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Estelle Holaday
(LS) Notary Public

My commission expires
March 27, 1949

Recorded Nov. 10, 1948
Release Record 12 page 323.

Delmas Halstead and Delores Halstead, husband and wife
to

Lemuel B. Owens and Thelma W. Owens, husband and wife

48.

Warranty Deed for \$1.00 dated November 12, 1948 and recorded December 6, 1948 in Deed Record 143 page 420. Acknowledged before Estelle Haladay, Notary Public, Wayne County, Indiana. (LS)

Sixty (60) acres more or less off of the North end of the West half of the Northeast quarter of Section Twenty (20) township Seventeen (17) North and range twelve (12) east in Liberty Township, Henry County, State of Indiana.

Seller to pay the taxes due and payable in Spring of 1948 buyer to assume all taxes thereafter.

Lemuel B. Owens and Thelma W. Owens, husband and wife

b
Citizens State Bank

49.

Mortgage for \$4000.00 dated April 19, 1950 and recorded April 19, 1950 in Mortgage Record 155 page 305.

60 acres off the north end of the west half of the northeast quarter of Section 20, Township 17 north, range 12 east.

SATISFACTION

On the margin of Mortgage Record 155 page 305 is written the following satisfaction, towit:

50

The debt secured by the annexed mortgag having been fully paid, this mortgage is hereby released this 27 day June 1961.

CITIZENS STATE BANK OF NEW CASTLE
By V.B. Redd Asst. Cashier

Attest: Adelia W. Worley
Recorder of Henry County, Indiana.

- - - - -

Lemuel B. Owens and Thelma W. Owens, husband and wife
to

Citizens State Bank of New Castle, Indiana

Mortgage for \$9,400.00 dated June 9, 1954 and recorded June 9, 1954 in Mortgage Record 174 page 209.

51.

Beginning at a wooden stake 303.7 feet south of the North West corner of Section 20, township 17 north, range 12 east; thence continuing south 2251.8 feet to a fence corner, thence east 991.5 feet to a fence corner; thence north 2048 feet to a fence corner; thence west 394.8 feet to a fence corner; thence north 667.2 feet to the center line of the highway known as State Road 38; thence 33 feet westerly along the center line to said State Road 38; thence south 497.4 feet to a wooden stake; thence west 587.9 feet to the place of beginning containing 56 acres more or less also 60 acres off the north end of the west half of the northeast quarter of section 20, township 17 north, range 12 east, containing in all 116 acres, more or less.

- - - - -

SATISFACTION

On the margin of Mortgage Record 174 page 209 is written the following satisfaction, towit:

The debt secured by the annexed mortgage having been fully paid, this mortgage is hereby released this 27 day June 1961.

52

CITIZENS STATE BANK OF NEW CASTLE
By V.B. Redd, Asst. Cashier

Attest: Adelia W. Worley
Recorder of Henry County, Indiana.

- - - - -

FARMER-STATE COOPERATIVE AGREEMENT
FOR

WILDLIFE HABITAT RESTORATION PROGRAM

5 3

THIS AGREEMENT entered into this 6th day of January, 1956, by the, INDIANA DEPARTMENT OF CONSERVATION by its DIVISION OF FISH AND GAME hereinafter called the STATE, and L.B. Owens and Thelma W. Owens, owner's of the real estate herein described, his/hers/their/heirs, administrators, and assigns hereinafter called the OWNER WITNESSETH:

Purpose

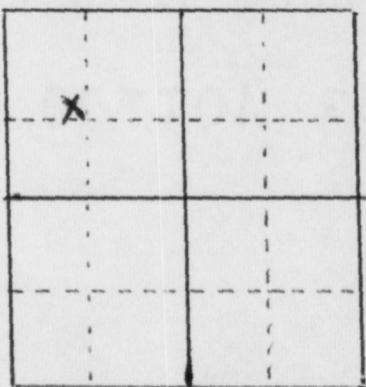
1. That the Parties hereto agree to cooperate to effectuate the development and maintenance of a food, cover, and nesting unit for wildlife on the real estate herein described under the provisions of the Cooperative Wildlife Habitat Restoration Program, Indiana Project 6-D;

Consideration

2. That the consideration for this agreement shall be one dollar (\$1.00) in hand paid by the STATE, receipt of which is hereby acknowledged by OWNER and it is further agreed that any benefits of whatsoever nature or kind, inuring, or reasonably expected to inure, to any party, hereto by reason of this agreement, shall be deemed by that party sufficient consideration for the performance, or the promise to perform any act required of such party by this agreement;

Lease & Term

3. That the OWNER in consideration of the premises, does hereby lease, let and demise to the STATE, and deliver possession for the purpose stated to the STATE beginning on the 6th day of January, 1956, and for the term of ten years from said date the following described real estate tract:



Acres: 3.79 (more or less

Quarter: NW $\frac{1}{4}$ of NW $\frac{1}{4}$

Section: 20

Township: 17N

Range: 12E

County: Henry

Nearest Town:
Hagerstown, Ind

54.

said area being more particularly described and marked Exhibit A and dated the same date herewith, a copy of which is attached hereto and made a part thereof;

Obligation
of the State.

4. That the State agrees to use the above described area for the purpose mentioned in Paragraph 1 and agrees:

Henry County Abstract Company, Inc.

New Castle, Indiana

55.

- Survey (a) to pay all costs of surveying and measuring the above described area that is required; and
- Vegetation (b) to furnish all seeds, vines, shrubs, and trees that the State may require to be planted on said area; and
- Signs & Fencing (c) to furnish all signs, and to pay the Owner for all fencing which the State may require on said area, according to the schedule of prices and specifications for such fencing, which is contained in a separate contract entered into between said Owner and the State and dated the same date herewith, a copy of which is attached hereto and made a part hereof.

Obligations of the Owner 5. That the Owner will furnish the labor, tools and equipment necessary for the establishment, development and maintenance of the above described area for the purpose herein stated and agrees:

Planting (a) that he will plant and tend said area according to the plans and directions furnished by the State; and

Maintenance (b) that he will care for and maintain said area, fence, and signs around the area under the supervision of the State; and

Fire & Grazing (c) that he will take reasonable care to prevent damage to the area by fire and to prevent his domestic stock from grazing on the above described area;

56.

Hunting 6. That the area herein leased to the State as a Wildlife habitat and sanctuary shall be closed for hunting during the term of this lease; and the remainder of the Owner's property shall be controlled by said Owner in the same manner in which he controlled hunting on his property, prior to this lease. If said Owner permitted no hunting prior to this lease but does wish to permit hunting during the term of this lease, he may do so; but he may not close the remainder of his property to hunting if hunting was permitted prior to this lease;

Release 7. That this contract and lease may be terminated by the State on 60 days' notice in writing mailed to the Owner, in which event, the State will at its expense prepare, execute and record a release of this agreement;

Duplicate 8. This lease and agreement is executed in duplicate and each copy thereof shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have set their hands
the day and year first above written.

Indiana Department of Conservation
By Emmett L. Lewis
Director, Division of Fish and Game

58.

L.B. Owens
Husband

Thelma W. Owens
Wife

448 Main St.
Hagerstown, Ind.
Post Office Address

State of Indiana

STATE ACKNOWLEDGMENT

County of Marion ss:

Before me this 10th day of February 1956, personally
appeared Emmett L. Lewis, known by me to be the Director of the
Division of Fish and Game of the Department of Conservation of
the State of Indiana, and as such director acknowledges the exe-
cution of the above and foregoing instrument.

James A. Hughes

(LS) Notary Public

My commission expires January 11, 1960

State of Indiana

OWNER ACKNOWLEDGMENT

County of Hamilton, ss:

Before me this 6th day of January 1956, personally appeared
L.B. Owens and Thelma W. Owens, known by me to be the owner of
the realstate which is described, and as such owner acknowledges
the execution of the above and foregoing instrument.

(LS) Harold A. Demaree Jr.

Notary Public

My commission expires: Aug. 26, 1957

Recorded March 2, 1956

Miscellaneous Record 38 pages 23-24.

59.

Lemuel B. Owens and Thelma W. Owens, husband and wife

to
Kenneth Paul Moore and Thelma D. Moore, husband and wife

Warranty Deed for \$1.00, dated June 26, 1962 and recorded

June 26, 1962 in Deed Record 184 page 306. Acknowledged before

Franklyn George, Notary Public, Henry County, Indiana. (LS)

Tract I. 60 acres off of the North end of the West half of the Northeast quarter of Section 20, Township 17 North, Range 12 East, excepting therefrom, beginning at the Northeast corner of the said half quarter and running thence West on and along the North line thereof 353.73 feet; thence south 137 feet to an iron pipe; thence East 355.5 feet to the center line of a county road; thence north 317 feet to the place of beginning, containing 2.58 acres, more or less, containing after said exception 57.42 acres, more or less.

Tract II. A part of the Northwest quarter; a part of the north half of the southwest quarter; a part of the northwest quarter of the southeast quarter; and a part of the west half of the northeast quarter; all parts thereof being in Section 20, Township 17 north, range 12 East, Henry County, Indiana, more particularly described as follows, to wit: Beginning at a point in the north line of the northwest quarter of Section 20, township 17 north, range 12 east, a distance of 587.9 feet east of the northwest corner thereof; and running thence south 497.4 feet; thence West 587.9 feet; thence south 2251.8 feet; thence East 991.5 feet; thence north 2048.0 feet; thence west 394.8 feet; thence North 667.2 feet to the north line of the northwest quarter of Section 20, Township and Range aforesaid, (said point being in the approximate center line of State Road Number 38, as now located) thence west on and along said north line of said northwest quarter 33.0 feet to the point of beginning. Said tract containing 50.46 acres, more or less.

Containing in all 107.88 acres, more or less, but subject to all legal highways, rights of way and other easements of record.

Subject to the second installment of 1961 taxes payable in November, 1962, and 1962 taxes payable in 1963, which the grantees assume and agree to pay.

I. R. S. \$44.55

Signed thus: Lemuel B. Owens
Thelma W. Owens

Prepared by: Franklyn George

- - - - -

Kenneth Paul Moore and Thelma D. Moore, husband and wife
(also known as Kenneth P. Moore)

to

Metropolitan Life Insurance Company

60.

Mortgage for \$20,000.00, dated June 18, 1962 and recorded June 26, 1962 in Mortgage Record 210 page 301. Acknowledged before Calvin Russell, Notary Public, Henry County, Indiana. (LS)

Tract I. 60 acres off of the North end of the West half of the Northeast quarter of Section 20, Township 17 North, Range 12 East, excepting therefrom, beginning at the Northeast corner of said half quarter and running thence West on and along the north line thereof 353.73 feet; thence south 317 feet to an iron pipe; thence East 355.5 feet to the center line of a county road; thence North 317 feet to the place of beginning, containing 2.58 acres, more or less, containing after said exception 57.42 acres more or less.

Tract II. A part of the Northwest quarter; a part of the north half of the southwest quarter; a part of the northwest quarter of the southeast quarter; and a part of the west half of the northeast quarter; all parts thereof being in section 20, township 17 north, range 12 east, Henry County, Indiana, more particularly described as follows, to wit: Beginning at a point in the north line of the northwest quarter of Section 20, township 17 North, Range 12 East, a distance of 587.9 feet east of the northwest corner thereof; and running thence south 497.4 feet; thence West 587.9 feet; thence south 2251.8 feet; thence East 991.5 feet; thence north 2048.0 feet; thence west 394.8 feet thence North 667.2 feet to the North line of the northwest quarter of Section 20, Township and range aforesaid; (said point being in the approximate center line of State Road Number 38, as now located) thence west on and along said north line of said northwest quarter 33.0 feet to the point of beginning. Said tract containing 50.46 acres, more or less.

61.

Containing in all 107.88 acres, more or less, but subject to all legal highways, rights of way and other easements of record.

This is a purchase money mortgage, given to secure a Note evidencing funds advanced by Metropolitan Life Insurance Company to pay the balance of the purchase price of the real estate described herein.

Secures promissory note of even date herewith, payable in monthly installments the final instalment due June 1, 1987.

Signed thus: Kenneth Paul Moore
Thelma D. Moore

Prepared by: Richard B. Kleinknecht, Attorney

Kenneth Paul Moore and Thelma D. Moore, husband and wife
to

Lemuel B. Owens

62.

Mortgage for \$3625.00, dated June 26, 1962 and recorded June 26, 1962 in Mortgage Record 210, page 304. Acknowledged before Franklyn George, Notary Public, Henry County, Indiana. (LS)

Tract I. 60 acres off of the North end of the West half of the Northeast quarter of Section 20, Township 17 north, range 12 East, excepting therefrom, beginning at the Northeast corner of said half quarter and running thence West on and along the north line thereof 353.73 feet; thence south 317 feet to an iron pipe thence East 355.5 feet to the center line of a county road; thence north 317 feet to the place of beginning, containing 2.58 acres, more or less, containing after said exception 57.42 acres, more or less.

Tract II. A part of the Northwest quarter; a part of the north half of the southwest quarter; a part of the northwest quarter of the southeast quarter; and a part of the west half of the northeast quarter; all parts thereof being in Section 20, township 17 north, range 12 east, Henry County, Indiana, more particularly described as follows to wit: Beginning at a point in the northline of the northwest quarter of section 20, township 17 north, range 12 east, a distance of 587.9 feet east of the northwest corner thereof; and running thence south 497.4 feet; thence West 587.9 feet; thence south 2251.8 feet; thence East 991.5 feet; thence north 2048.0 feet; thence west 394.8 feet; thence North 667.2 feet to the north line of the northwest quarter section 20, township and range aforesaid; (said point being in the approximate center line of State Road Number 38, as now located) thence west on and along said north line of said north line of said northwest quarter 33.0 feet to the point of beginning. Said tract containing 50.46 acres, more or less.

63.

Containing in all 107.88 acres more or less, but subject to all legal highways, rights of way, and other easements of record. To secure the payment of two promissory notes of even date herewith; one for the principal sum of \$2425.00, payable ten (10) years from date, with interest at 5½% per annum; and the other for the principal sum of \$1200.00, payable one (1) year from date, with no interest from date until maturity.

This mortgage is second and subsequent to a mortgage this day recorded on said real estate by the Metropolitan Life Insurance Company, which mortgage is dated June 18, 1962.

Signed thus: Kenneth Paul Moore
Thelma D. Moore

Prepared by: Franklyn George

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.

64.

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.

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:

65.

Lemuel B. & Thelma Owens					
Liberty Township					
In NE	20-17-12	57.42 A	\$2830.00	\$3050.00	
In NW	20-17-12	48.19 A	2210.00	None	
In SW	20-17-12	1.85 A	80.00	None	
Exemptions	None				
Delinquent Taxes	None				
1961 taxes payable	May 1962	\$312.10	paid	4/26/1962	
1961 taxes payable	Nov. 1962	\$312.10			

Judgment Examination

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

66. Ruth Adams and Hazel Adams (jointly and individually) from and including the date of July 12, 1952 to and including the date of April 19, 1954.

Charles O. Adams from and including the date of July 12, 1952 to and including the date of April 19, 1959.

Lemuel B. Owens and Thelma W. Owens (as tenants by entirety and not individually) from and including the date of July 12, 1952 to and including the date of June 26, 1962.

Kenneth Paul Moore and Thelma D. Moore (as tenants by entirety and not individually) for the period of ten years last past.

- - - - -

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.

67. Ruth Adams
Hazel Adams
Charles O. Adams
Lemuel B. Owens
Thelma D. Moore

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 **Sixty-seven (67)** 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 **12th** day of **July** A.D. 19**62** at Seven O'clock A.M.

HENRY COUNTY ABSTRACT COMPANY, INC.
By *Nelson Higgs* President
(Nelson Higgs)