

Ch. Allen

WARRANTY DEED

Project 1-70-3(52)
Code 0536
Parcel 12

This Indenture Witnesseth, That *HENRY H. ALLEN & DORA E. ALLEN* (ADULT HUSBAND & WIFE)

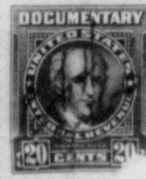
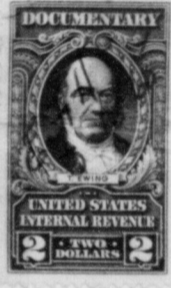
of *MARION* County, in the State of *INDIANA* Convey and Warrant to

the STATE OF INDIANA for and in consideration of *FOUR THOUSAND FIVE HUNDRED* DOLLARS (*\$4,500*) Dollars,

the receipt whereof is hereby acknowledged, the following described Real Estate in *MARION* County in the State of Indiana, to wit:

LOT 215 IN McCARTY'S SUBDIVISION OF THE MIDDLE PART OF OUT LOT 120 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 145, THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA

RECEIVED FOR RECORD
1965 MAY -4 AM 10:18
MARCIA M. HAWTHORNE
RECORDER OF MARION COUNTY



DULY ENTERED FOR TAXATION

MAY 4 1965

John T. Sutton
COUNTY AUDITOR

Paid by Warrant No. *17044058* *17044052*

Dated *4-22-65*

The grantor shall clear and convey free of all leases, licenses, or other interests both legal and equitable, and all encumbrances of any kind or character on, in and under said land as conveyed.

It is understood between the parties hereto, and their successors in title, and made a covenant herein which shall run with the land, that all lands hereinbefore described (excepting any parcels specifically designated as easements or as temporary rights of way) are conveyed in fee simple and not merely for right of way purposes, and that no reversionary rights whatsoever are intended to remain in the grantor(s).

And further states that said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s) who has (have) had any proprietary right, title or interest in the above described real estate, either directly or indirectly, during grantors ownership, that these representations and statements are made under oath to induce the acceptance of this deed of conveyance.

3-16-65
MO In Witness Whereof, the said *HENRY H. ALLEN & DORA E. ALLEN* (ADULT HUSBAND & WIFE) have hereunto set their hand and seal, this *12th* day of *MARCH* 19 *65*

.....(Seal).....(Seal)
SDK X *Henry H. Allen* (Seal).....(Seal)
HENRY H. ALLEN (ADULT HUSBAND) (Seal).....(Seal)
X *Dora E. Allen* (Seal).....(Seal)
DORA E. ALLEN (ADULT WIFE) (Seal).....(Seal)

4-5-65

APR 1 1965

STATE OF INDIANA, County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this day of, A. D. 19.....; personally appeared the within named

..... Grantor in the above conveyance, and acknowledged the same to be voluntary act and deed, for the uses and purposes herein mentioned. I have hereunto subscribed my name and affixed my official seal.

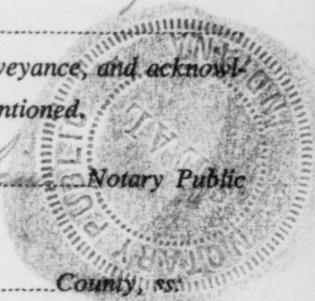
My Commission expires Notary Public

STATE OF INDIANA, Marion County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 12th day of March, A. D. 1965; personally appeared the within named Henry A. Allen & Vera E. Allen (Adult Husband & Wife)

..... Grantor in the above conveyance, and acknowledged the same to be THEIR voluntary act and deed, for the uses and purposes herein mentioned. I have hereunto subscribed my name and affixed my official seal.

My Commission expires Aug 7th 1968 Edwin F. Harkin Notary Public
EDWIN F. HARKIN



STATE OF INDIANA, County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this day of, A. D. 19.....; personally appeared the within named

..... Grantor in the above conveyance, and acknowledged the same to be voluntary act and deed, for the uses and purposes herein mentioned. I have hereunto subscribed my name and affixed my official seal.

My Commission expires Notary Public

65 20264

WARRANTY DEED

FROM

TO

STATE OF INDIANA

Received for record this

day of, 19.....

at o'clock m, and

Recorded in Book No. page

DULY ENTERED

FOR TAXATION County

Duly entered for taxation this 1965

day of

Auditor's Seal John T. Johnson
COUNTY AUDITOR

Auditor County

State Highway

(3)

ENVELOPE

Division of Land Acquisition
Indiana State Highway Commission

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

April 28, 1965..... 19.....

To Henry H. Allen & Dora E. Allen
1113 So. Church St.
Indpls. Indiana

GENTLEMEN:

We enclose State Warrant No. A.044057-4-22-65..... 19.....
in settlement of the following vouchers:

DESCRIPTION	AMOUNT
Purchase For the purchase of Right of Way on State Road No. I-70..... in..... Marion..... County..... I..... Project..... 70-3..... Section..... (52)..... as per Grant dated March 12, 1965..... Parcel 12	4000.00

PLEASE RECEIPT AND RETURN

Received Payment: *Henry H. Allen*
Date: *4-30-65*

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

April 28, 1965..... 19.....

To Henry H. Allen & Dora E. Allen
1113 So. Church
Indpls, Indiana

GENTLEMEN:

We enclose State Warrant No. A-044058-4-22-65..... 19.....
in settlement of the following vouchers:

DESCRIPTION	AMOUNT
Purchase	
<i>For the purchase of Right of Way on State Road</i>	
<i>No. <u>1-70</u>..... in..... <u>Marion</u>.....</i>	
<i>County..... <u>1</u>..... Project..... <u>70-3</u>.....</i>	
<i>Section..... <u>(52)</u>..... as per Grant dated</i>	
<i><u>March 12, 1965</u>.....</i>	500.00
Parcel 12	
escrow	

PLEASE RECEIPT AND RETURN

Received Payment: Dora E. Allen.....

Date.....

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway Commission

Project I-70-3-()
Parcel No. 12
Road I-70
County Marion County, Indiana
Owner Henry H. Allen, etux.
Address 1113 S. Church St.
Address of Appraised Property:
1041 S. Church St.

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

1. I have personally checked all Comparables and concur in the determinations made. Yes
2. Planning and Detail Maps were supplied appraisers. Yes.
3. The three approaches required (Income, Market Data, and Cost Replacement) were considered. Yes.
4. Necessary photos are enclosed. Yes
5. The appraisal is fully documented and supported as required by the State Highway Commission and the requirements of P.P.M. 21-4.1 of the Federal Bureau of Roads. Yes.
6. Plats drawn by the appraisers are attached. Yes
7. I have personally inspected the Plans. Yes
8. I have personally inspected the site on Yes Jan. 7th, 1965 and familiarized myself with the Parcel.
9. The computations of this parcel have been checked and reviewed. yes
10. To the best of my knowledge, non-compensable items are not included in this appraisal. There are none
11. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. yes

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.

This is to certify that I have no present or contemplated future interest in this property, nor have I entered into collusion with the property owner or an agent of the property owner.

It is my opinion as of Jan. 7th, 1965 :
(Date)

(a) The fair market value of the entire property before the taking is: \$4,500.00

(b) The fair market value of the property after the taking, assuming the completion of the improvement is: \$ None

The total value of taking is: (a minus b) TOTAL \$4,500.00

- | | |
|---------------------------------------|--------------------|
| (1) Land and/or improvements | <u>\$ 4,500.00</u> |
| (2) Damages | <u>\$ None</u> |
| (3) Other damages and/or temp. R.O.W. | <u>\$ None</u> |
| (4) Estimated Total Compensation | <u>\$ 4,500.00</u> |

APPROVED BY:

Approved	Date	Signed
Rev. Appr.	<u>1/28/65</u>	<u>[Signature]</u>
Asst. or Chief Appr.	<u>2/3/65</u>	<u>R. E. Nichols</u>

(All comments and additional information will be shown on the reverse side of this page and/or by use of supplemental sheets.)

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

BUYERS REPORT

PROJECT I 70-3-52. PARCEL # 12
OWNER Henry Allen PHONE # Me 49283

(Other interested parties and relationship)

Property Located at 1041 So Church.
ADDRESS OF OWNER 1119 So Church
DATE ASSIGNED 2-8-65
DATE OF CONTACT None (2-24 Call was made)
TIME OF CONTACT None 2 P.M.
DATE OF PREVIOUS CONTACT None

OFFER \$ 4500

DETAIL CONTACT* Have not been able to contact Mr or Mrs Allen. Have called and stopped at house several times. Have left card with note to call office for appt.

ACTION TAKEN** Have received no answer. will continue to phone.

SIGNED E. L. Jackson

* 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.

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 2

PROJECT # I 70-3-(52) PARCEL # _____ COUNTY Merion

NAME & ADDRESS OF OWNER Henry A. Allen

PHONE # Me 49283

NAME & ADDRESS OF PERSON CONTACTED Henry A. Allen

PHONE # _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2-8 DATE OF CONTACT 3-12-65

OFFER \$ 4500 TIME OF CONTACT 10 A.M.

YES NO N/A (Circle N/A if all questions are not applicable)

- 1. () () () Checked abstract with owner? Affidavit taken? () Yes () No
- 2. () () () Showed plans, explained take, made offer, etc.?
- 3. () () () Any mortgage? (Is it VA ____, FHA ____, FNMA ____, Fed.Ld. Bk. ____, Conv'l. __?)
- 4. () () () Explained about retention of Buildings? (any being retained? () Yes, () No)
- 5. () () () Filled out RAAP Form?
- 6. () () () Walked over property with owner (or who? _____)
- 7. () () () Arranged for payment of taxes? (Explain how in remarks)
- 8. () () () Secured Right of Entry? Secured Driveway Permit? () Yes () No () N/A
- 9. () () () Explained Eminent Domain Procedures?

REMARKS: Mr & Mrs Allen signed deed + Chain of title
Mr Allen to me to see tenant and get R.aap forms
signed.

Status of Parcel: () Secured, () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify: _____

E. L. Harkin
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 1

PROJECT # I-70-3(52) PARCEL # 12 COUNTY Marion

NAME & ADDRESS OF OWNER Henry H. Allen

PHONE # 764 9283

NAME & ADDRESS OF PERSON CONTACTED H. H. Allen

PHONE # _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2-8 DATE OF CONTACT 3-9-65

OFFER \$ 4500 TIME OF CONTACT 3 P.M.

YES NO N/A (Circle N/A if all questions are not applicable)

- 1. () () Checked abstract with owner? Affidavit taken? () Yes () No
- 2. () () () () Showed plans, explained take, made offer, etc.?
- 3. () () () Any mortgage? (Is it VA _____, FHA _____, FNMA _____, Fed.Ld. Bk. _____, Conv'l. _____?)
- 4. () () () Explained about retention of Buildings? (any being retained? () Yes, () No)
- 5. () () () Filled out RAAP Form?
- 6. () () () Walked over property with owner (or who? _____)
- 7. () () () Arranged for payment of taxes? (Explain how in remarks)
- 8. () () () Secured Right of Entry? Secured Driveway Permit? () Yes () No () N/A
- 9. () () () Explained Eminent Domain Procedures?

REMARKS: Mr & Mrs Allen wanted to talk to tenant as to Carl Friday

Status of Parcel: () Secured, () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? See above

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify:

E. F. Haskin
(Signature)

65-5041A

TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. I 70

PROJ. I 70-3 (52)

COUNTY Marion

Names on Plans

Names in Trans Book

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Lot 215 McCarty's Sub. ✓					
O L 120					

LAST OWNER OF RECORD

Deed Record _____ p. _____ Recorded _____ Dated _____ Deed

Grantor none

Grantee

Address of Grantee

MORTGAGE RECORD

Mortgage Record _____ p. _____ Amount _____ Dated _____

Mortgagor none

Mortgagee

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

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

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

TAXES Current Paid (x) Delinquent ()

CERTIFICATE

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

UNION TITLE CO.

Dated this 18 day of March 1965, J.A. Edward Blain Abstractor PRESIDENT

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

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

65-5041A

The following is an Extension of the original search by Union Title Company under No. 64-22821A

CAPTION

-1-

Continuation of Abstract of Title to Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the Office of the Recorder of Marion County, Indiana.
Since September 24, 1964, 8 A.M.

Prepared for: Indiana State Highway Commission
Division of Land Acquisition

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

-2-

-1- sab

65-5041A

Juvenile Court
Search

-3-

Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for judgments, as appear from the General Judgment Dockets of the Juvenile Court of Marion County, as said dockets are now entered up.

Note: Search has been made for the 10 years last past as to the persons listed below, irrespective of dates given.

Uniform Commercial
Code

-4-

Search has been made of the records in the Office of the Recorder of Marion County, Indiana, which search discloses no financing statements as required by the Uniform Commercial Code (Chapter 317, 1963 Acts of Indiana General Assembly) with respect to any Security Interest in crops or in fixtures containing an adequate description of real estate herein, except none.

Judgment Search

-5-

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

Henry H. Allen
and
Dora E. Allen
jointly and
not individually

from September 24, 1964,
8 A.M. to date and
against none other.

65-5041A

-6- Taxes for the year 1962 and prior years paid in full.

-7- Taxes for 1963 payable 1964 in name of Henry H. & Dora E. Allen.

Duplicate No. 325043, A-B, Indianapolis, Center Township, Code No. 1-01, Parcel No. 19950.

May Installment \$32.67 Paid.

November Installment \$32.67 Paid.

Assessed Valuation:

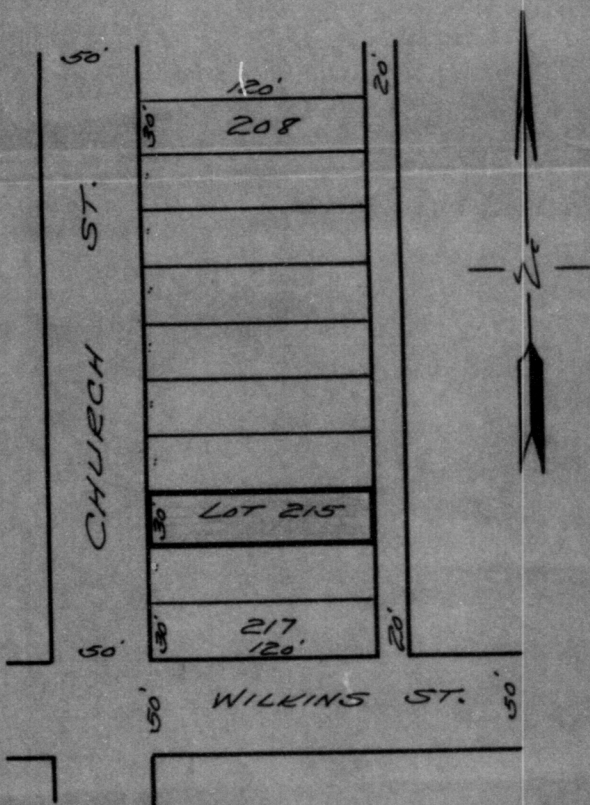
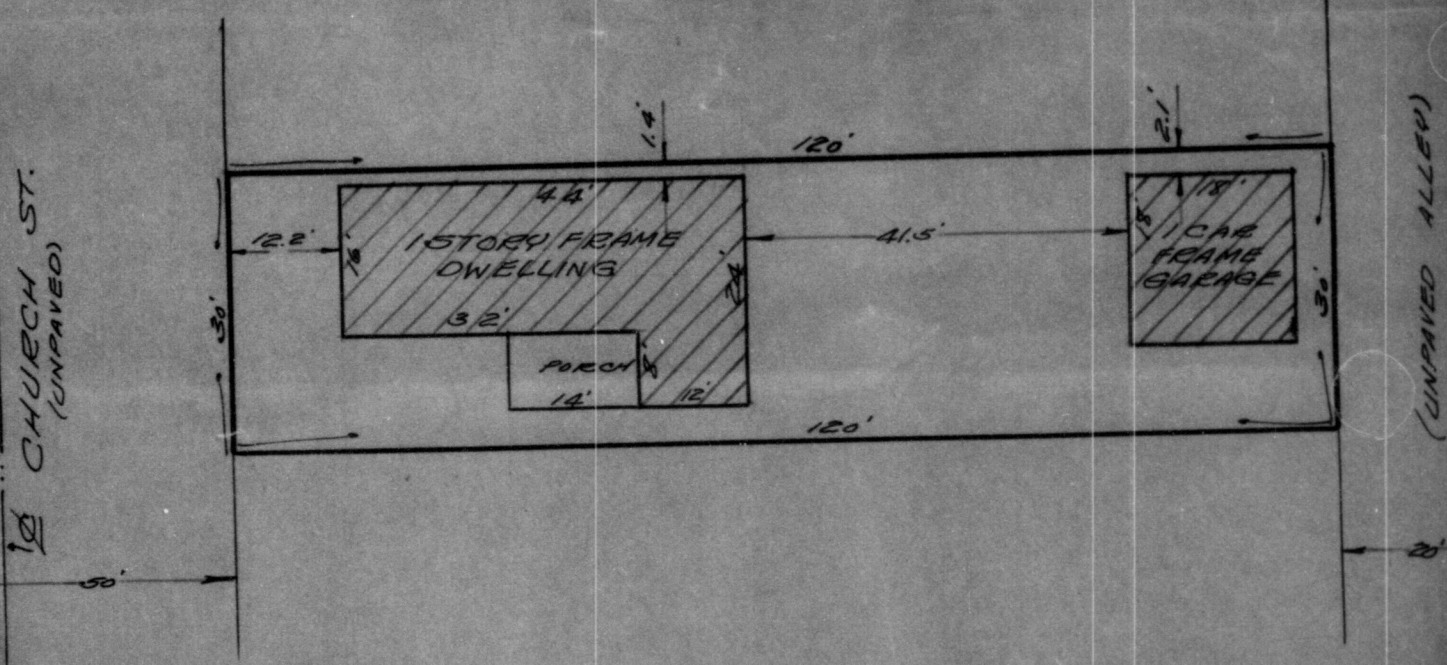
Land \$280.00 Improvements \$450.00 Exemption (None)

-8- Taxes for 1964 in name of Henry H. & Dora E. Allen unpaid.

-9- Taxes for 1965 now a lien.

ARTHUR F. HAUFLE

CIVIL ENGINEER & SURVEYOR
 327 PEOPLES BANK BUILDING
 INDIANAPOLIS, INDIANA
 TELEPHONE MA. 5003



Lot 215, in McCarty's Sub.
 House # 1041 Church Street

Railroadmen's Fed. Sav. & Loan Assn.
 Indianapolis, Indiana

Re: Lawrence O. Badgley - Loan # New loan
 Dept. Legal

Gentlemen:

I, the undersigned, hereby certify that the within plat is true and correct of the following described real estate to-wit:- Lot 215, in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, recorded in plat book 8, page 14, in the office of the Recorder, Marion County, Indiana.

I further certify that the buildings situated on the above described real estate are located on and within the boundaries of said premises. I further certify that the buildings located on the adjoining property do not encroach upon said Lot 215.

The survey was made by me this 1st day of June, 1946.

A. F. Haufle:

By A. F. Haufle

NO. 291119

ABSTRACT OF TITLE TO

-1-

Lot 215 in McCarty's Subdivision of the Middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.

RAILROADMEN'S FEDERAL SAVINGS AND LOAN ASSOCIATION.

OFFICERS

WILLIS N. COVAL
CHAIRMAN OF THE BOARD

ALBERT M. BRISTOR
PRESIDENT

H. E. STONECIPHER
SECRETARY

G. W. THOMPSON
TREASURER

VERN E. BUNDRIDGE
MANAGER

UNION TITLE COMPANY

INCORPORATED

CAPITAL STOCK \$1,000,000.00

ABSTRACTS OF TITLE, TITLE INSURANCE, ESCROWS

185 EAST MARKET STREET — MARKET 2361-5

Indianapolis, Indiana

DIRECTORS

EDWARD ADDLAY
ALBERT M. BRISTOR
ALBERT F. BROWLEY
ARTHUR V. BROWN
VERN E. BUNDRIDGE
WILLIS N. COVAL
LINTON A. COX
GEORGE B. ELLIOTT
GEORGE C. FORREY, JR.
FRANK P. HUSE
JOHN K. PARRY
GEORGE RADLIER
TIMOTHY P. BERTON
GEORGE W. SNYDER
H. E. STONECIPHER
LEO P. WELCH

HISTORICAL NOTES. The title to all real estate in Marion County, Indiana, is derived from the United States. An epitome of the fee title to these lands, prior to the local records of the county, is as follows: Spain, France and Great Britain asserted sovereignty over the territory, now forming the State of Indiana; Spain, by virtue of the discovery of America, by Columbus, the discoveries by Ponce de Leon, in 1512, and Hernando de Soto between 1538 and 1542; France, by virtue of the explorations of Verrazzani in 1524, Carter and LaSalle; and Great Britain, by virtue of the explorations by the Cabots, in 1497, acquisition from the Indian Confederacy, and actual occupancy. Despite the claims based on priority of discovery, exploration and occupancy, the title vested in the nation strongest in military power. By the terms of the Treaty of Paris, February 18, 1763, between said countries, Great Britain was ceded all lands in the State of Indiana. The title of Great Britain to said territory passed to the United States by the Treaty of September 3, 1783, ratified by Congress, January 14, 1784. Virginia, Connecticut, New York and Massachusetts were claimants of the vacant lands north and west of the River Ohio. Whatever rights existed were compromised, and deeds of cession were made to the United States. The conveyance by Virginia, the only state recognized to have a valid claim on lands in Marion County, was accepted by Congress March 1, 1784.

(OVER)

INDIAN CLAIMS. The original possessory title to said lands was held by the Indians. The Weas, Delawares, Miamis, and Kickapoos were the only tribes recognized as having substantial rights, and their claims were extinguished by cessions dated October 2, 3 and 6, 1818, and July 30, 1819.—7 U. S. Statutes at Large, pp. 185, 186, 188, 189, and 200.

TERRITORIAL GOVERNMENT. The maintenance of a government, in the Territory of the United States Northwest of the River Ohio, was provided for by a series of Resolutions of April 23, 1784. By authority of an Ordinance of Congress, July 13, 1787, Indiana Territory was organized May 7, 1800.

STATE GOVERNMENT. A Memorial praying for authority to form a State Government, was adopted by the Legislature of said Territory, December 14, 1815, and laid before Congress, December 28, 1815. An Enabling Act was approved by Congress, April 19, 1816. 3 U. S. Statutes at Large, p. 289. Elections were held May 13, 1816, for delegates to the Constitutional Convention. The convention met June 10, and on June 29, 1816, approved the Constitution. R. S. 1824, p. 33. The State Government superseded Territorial Government, November 7, 1816, and Indiana was formally admitted into the Union by a joint Resolution of Congress, approved December 11, 1816. 3 U. S. Statutes at Large, p. 399.

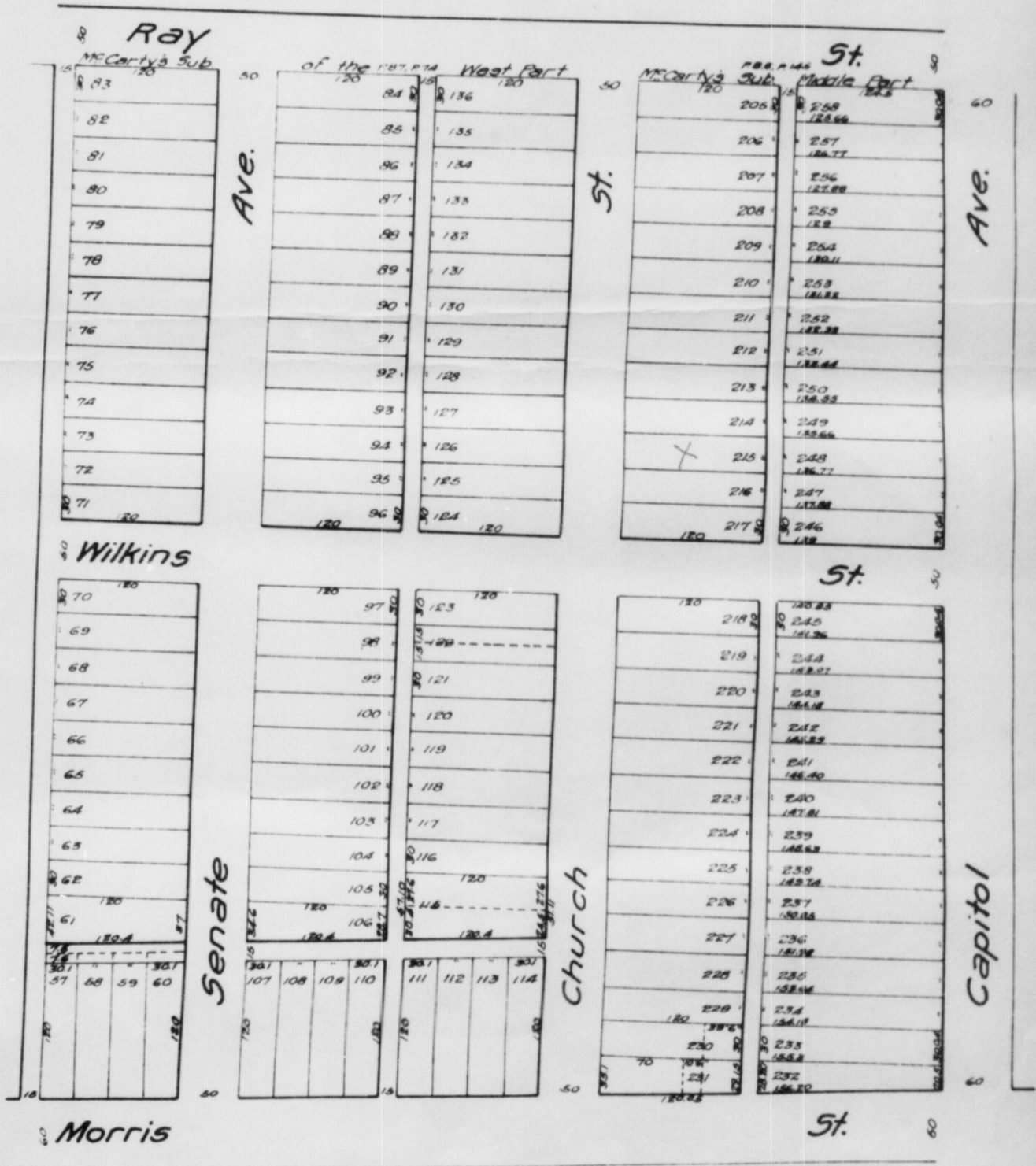
ORGANIZATION OF COUNTY. Marion County lands were included within the boundaries of Delaware County, organized January 20, 1820, Acts 1820, p. 95. Marion County was organized December 31, 1821, Acts 1821-2, p. 135. The boundary lines of Marion County were corrected and established January 7, 1824, Acts 1824, p. 52.

CITY OF INDIANAPOLIS. By act of Congress, approved April 19, 1816, hereinbefore mentioned, four sections of land were granted to the State, "for the purpose of fixing their seat of Government thereon," which grant was accepted by the Territorial Convention, by Ordinance of June 29, 1816, R. S. 1824, p. 33. By act of Congress, approved March 3, 1819, it was provided that instead of 4 sections, "Any contiguous quarter sections, fractions, or parts of sections, not to exceed in the whole the quantity contained in 4 entire sections," were to be selected under the direction of the Legislature. 3 U. S. Statutes at Large, p. 516. By Act, approved January 11, 1820, Commissioners were appointed by the General Assembly to select and locate a seat for the permanent seat of Government of the State of Indiana. Acts 1819, p. 18. Commissioners reported, June 7, 1820, selection of sections 1 and 12 east and west fractional sections, numbered 2, east fractional section numbered 11, and so much of the east part of west fractional section numbered 3, to be set off by a North and South line as will complete 4 entire sections, or 2,560 acres in Township 15 North, Range 3 East of the Second Principal Meridian. House Journal 1820-1821, p. 25. According to the returns of the United States Surveyors, section 1 contains 658.20, section 2, 611.53, section 12, 640 acres, and section 11, on the east side of White River, 448.20 acres, leaving 202.07 acres to be taken out of section 3. The Act approved January 6, 1821, approved the selection of the above described land, provided for the appointment of three Commissioners, to lay out a town on such part of the land selected, as they deemed most proper, provided for the sale of lots, the appointment of agents and authorized execution of certificates and deeds by said agents. Said act further provided, "that said town shall be called, and known by the name of Indianapolis." Acts 1820, p. 44. The original survey of the town, as made in the year 1821, included within North, South, East and West streets, embracing squares 1 to 101 inc., which were all divided into lots. By Act approved November 28, 1821, the acts and proceedings of the commissioners were legalized. Acts 1821-2, p. 18. By Act, approved January 3, 1822, of the unappropriated Donation, not exceeding 2 acres, to any person or persons, for the purpose of making bricks for the improvement of the town. Acts 1821-2, p. 129. A square tract of 2 acres was platted and sold as a brick yard and designated "H" on the map. By act, approved January 20, 1824, Indianapolis was adopted and established as the permanent seat of Government, upon, from, and after the 2nd Monday in January, 1825. Acts 1824, p. 10. The Act, approved January 31, 1824, authorized the Agent to lay out on the North and South sides of the town plat, 20 out-lots of the same size as the squares in said town plat, and to offer said out-lots for sale. Acts 1824, p. 88. By the Act, approved February 12, 1825, the Agent was required to lay off one more tier of out-lots on the North and South sides of the said town, of the same size and dimensions of the 20 out-lots provided for in the foregoing Act. Acts 1825, p. 3. An Act, approved January 26, 1827, authorized the Agent to sell a quantity of ground not exceeding 7 acres, on White River and adjoining thereto, either above, or below the Ferry, on said river, to be by said Agent laid off and surveyed, in such form and manner as in his opinion will best answer the purpose designed; which piece of land shall be sold for the purpose of affording a site for the erection of a steam mill, etc. Acts 1827, p. 3. This tract is designated "Steam Mill" on the map. By an Act, approved January 26, 1827, all the alleys passing through squares 1 to 20 inc., 80, 84, 85 and 90 to 101 inc., were vacated and the Agent was granted authority to divide squares 80, 84 and 85. Acts 1827, p. 5. Within the surveys, including that necessitated by the Act of 1827, the streets are 90 feet wide, except Washington, which is 120 feet, and Circle, which is 80. The alleys are 30 and 15 feet wide, each of the regular squares are 420 feet, including the alleys, and contain 4 4-100 acres. The lots in the regular squares are 67 feet 6 inches in front, and 195 feet in depth where they abut on 30-foot alleys; where they abut on 15-foot alleys, they are 65 feet in front and 202 feet and 6 inches in depth. By Act, approved February 9, 1831, the Agent was required to cause the lands around the Town of Indianapolis, belonging to the State, to be accurately surveyed and divided into lots, according to the plan designated on the plat presented by the said Agent, and cause the corners and boundaries thereof to be distinctly marked and numbered. Acts 1830-1, p. 82. A "Map of Indianapolis and Its Environs" as originally drawn by B. F. Morris, surveyor, was filed by E. Sharpe, Agent, July 5, 1831, in the Recorder's office of Marion County. A verified copy of the same is now of record in said office.

In the Survey of the Remaining part of the Donation, authorized by the law of 1831, the lines of the original survey of the town are assumed as having been run according to the true Meridian, and the lines on the east side of White River are run with the same bearing upon the assumption the variation of the needle indicated at this time, by the instrument used is 3 degrees, 25 minutes, east. The lines on the west side of the River are run at a variation of 5 degrees, 30 minutes, as corresponding more exactly with the congressional surveys, Washington street is continued west to the River and east with the National Road, to the Boundary of the Donation, 120 feet wide. The National Road, after leaving Washington street, is 80 feet wide. The Michigan Road is 100 feet. The continuation of Kentucky, Massachusetts, Virginia, New Jersey, north, and Delaware, Pennsylvania, Meridian and Illinois streets, south, are respectively 80 feet wide; the Fort Wayne, Madison and Bluff Roads are severally 80 feet wide. The continuation of Market and New York streets, east, North street, west, and the Lafayette Road are severally 60 feet wide. Water street is 99 feet wide, between the River and lots 135, 136, 139, and the South end of 145; at the North end of 145 it is 118 feet wide. The Act of February 2, 1841, appointed the State Librarian ex officio Agent of State, and made such officer custodian of all books and papers of every description, relating to the affairs of the Town of Indianapolis. Acts 1841, p. 114. By Act of January 15, 1844, all books, papers and maps were placed in the custody of the Auditor of State and said act further provided: "All final or partial payments of lots in Indianapolis shall hereafter be made to the State Treasurer, upon the statement of the Auditor and the final certificate of the Auditor of State shall authorize the Secretary of State to issue a patent therefor." Acts 1844, p. 103.

SCHOOL LANDS. By the proposition on the part of the United States, offered in the Enabling Act, approved April 19, 1816, which when accepted, as hereinbefore noted, became obligatory, every section numbered 16, in every township, in Marion County, was granted to the inhabitants of such township, for the use of Schools. 3 U. S. Statutes at Large, p. 290. R. S. 1824, p. 33. By Acts, approved January 31, 1831, the Congressional Townships were constituted bodies corporate. By the Act of 1824, the lands were vested in such corporation. By an Act of Congress, approved May 24, 1828, the Legislature of the State of Indiana was authorized to sell and convey in fee simple, after complying with certain provisions, all or any part of the lands heretofore reserved and appropriated by Congress for the use of the schools within said state. 4 U. S. Statutes at Large, p. 298. Provisions for the sale of such lands, and authority for certain officers to execute deeds were provided, by the Acts of 1829, 1831, 1843, 1852 and 1865. R. S. 1824, p. 379; Acts 1829, p. 120; R. S. 1831, p. 462; R. S. 1843; Article 13, R. S. 1852, p. 450; Acts 1865, p. 16.

W. Pt. Out Lot No 120.



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Land Record
D page 535
May 2, 1834
Recorded
June 21, 1834

Ebenezer Sharpe, Agent
of the State of Indiana,
for the Town of Indiana-
polis

Agent's Deed

-2-

to
Nicholas McCarty, his
heirs and assigns, all
the following described
lots in the Town of Indiana-
polis, in the State of
Indiana

Lot 120 containing 52-33/100 acres. (Also
other lots).

Complete Record
11 page 66

-3-

IN THE COMMON PLEAS COURT OF MARION COUNTY.

IN THE MATTER OF THE ESTATE OF NICHOLAS McCARTY,
DECEASED.

Nicholas McCarty died intestate May 17, 1854,
leaving him surviving as his sole and only heirs at
law, his widow Margaret McCarty, and four children,
towit: Nicholas McCarty, Margaret R. McCarty,
Susannah McCarty and Frances J. McCarty.

Complete Record
11 page 66

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IN THE COMMON PLEAS COURT OF MARION COUNTY.

IN THE MATTER OF THE ESTATE OF NICHOLAS McCARTY,
DECEASED.

January 7, 1860. The estate of Nicholas
McCarty, deceased, was finally settled and closed.

Marriage Record
6 page 659
Dec. 9, 1857

-5-

Susannah McCarty
to
Henry Day

Marriage

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Marriage Record
10 page 30
Oct. 2, 1867

Margaret R. McCarty
to
John C. S. Harrison

Marriage

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Margaret McCarty, widow of Nicholas McCarty, deceased, died intestate February 18, 1873. See Order Book Marion Circuit Court 69 page 542, for corrected affidavit of death executed by Nicholas McCarty, which contained the statement that Margaret McCarty died intestate February 18, 1874, when in fact, she died February 18, 1873, leaving her surviving as her sole and only heirs at law, Nicholas McCarty, Susannah McCarty Day, Margaret R. McCarty Harrison and Frances J. McCarty.

IN THE MARION CIRCUIT COURT.

Estate Docket
8 page 283

IN THE MATTER OF THE ESTATE OF MARGARET McCARTY,
DECEASED.

-8-

March 14, 1874. Nicholas McCarty was appointed and qualified as Administrator of the Estate of Margaret McCarty, deceased.

See Order Book 34 page 551.

September 12, 1899. The estate of Margaret McCarty, deceased, was finally settled and closed.

See Order Book 140 page 121.

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Susanna McCarty Day died testate August 30, 1873.

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Will Record
E page 123
Probated
Sept. 19, 1873

-10-

LAST WILL AND TESTAMENT OF SUSANNA McCARTY DAY,
DECEASED.

I, Susanna McCarty Day, -- daughter of Nicholas McCarty and Margaret McCarty, both deceased, sister of Margaret R. McCarty Harrison, Nicholas McCarty and Francis J. McCarty, wife of Rev. Henry Day, and mother of Henry McCarty Day and Margaret McCarty Day -- of the City of Indianapolis, County of Marion and State of Indiana, of sound mind and disposing memory though sick of body do make this my last will and testament intending thereby to dispose of all the property of which I shall die seized or possessed.

I give and bequeath to my brother Nicholas McCarty all my personal property, except that in the dwelling house occupied by me which I give and bequeath to my husband, Rev. Henry Day and the crops growing upon my lands at the time of my death, but on condition that he, within sixty days after the probate of this my will does not pay to my executor the sum of five thousand -- dollars, and execute his two promissory notes payable to my Executor with interest without relief from valuation or appraisement laws, each in the sum of seven thousand five hundred dollars, one on or before one year after date, one on or before two years after date, then said devise to him shall fail and then and thereupon I give and bequeath said personal property and growing crops and the proceeds of any thereof disposed of by said Nicholas in the meantime the one third thereof, to my said husband, Rev. Henry Day, one third to my son, Henry McCarty, Day and one third to my daughter Margaret McCarty Day.

I give and bequeath to my said brother, Nicholas McCarty the undivided one fourth of the real estate situate in the County of Marion and State of Indiana, described as follows, towit:

The North Half of the North West Quarter of Section 22, Township 15 North of Range 3 East, but on condition that he does not within sixty days after the probate of this my will pay to my executor the sum of Twenty-five hundred dollars, and execute his three promissory notes payable to my Executor each in the sum of Twenty-five hundred dollars, with interest without relief from valuation or appraisement laws, one, one year, one two years and one three years after date, this bequest shall fail and then and thereupon I give said described real estate the one third to my said husband, Rev. Henry Day, one third to my son, Henry McCarty Day and one third to my daughter, Margaret McCarty Day.

I give and bequeath the moneys which may be paid and the notes which may be executed by my said brother Nicholas McCarty in compliance with the

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conditions attached to the bequests or either of them hereinbefore set forth, and I give and bequeath all the residue of my real property of whatever description and wherever situate the one third of said moneys, notes and real property to my said husband, Rev. Henry Day, the one third to my son, Henry McCarty Day and the one third to my daughter, Margaret McCarty Day.

I hereby appoint my said husband, Rev. Henry Day, Executor of this my last will and testament and direct that no bond be required of him for the discharge of his duties, I also appoint him the Guardian of our said children, Henry McCarty Day and Margaret McCarty Day.

Hereby revoking all wills, testaments and codicils heretofore made by me.

IN WITNESS WHEREOF, I, the said Susanna McCarty Day, have this 21st day of August A. D. 1873, set my hand and seal.

Susanna McCarty Day
(Seal)

Signed, sealed, published and declared by the said Susanna McCarty Day as her last will and testament in the presence of us who at her request in her sight and presence and in the presence of each other have subscribed our names as attesting witnesses.

The interlineation of the words "and growing crops" was made before signing by the testatrix. Also the interlineation in the fifteenth line of the words "except that in the dwelling house occupied by me which I give and bequeath to my husband, Rev. Henry Day" was made before signing by the testatrix.

Margaret A. Wood
John S. Tarkington.

IN THE MARION CIRCUIT COURT.

IN THE MATTER OF THE ESTATE OF SUSANNA McCARTY DAY,
DECEASED.

October 19, 1874. The estate of Susanna McCarty Day deceased, was finally settled and closed.

Order Book
35 page 80

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IN THE MARION CIRCUIT COURT.

Guardian's Docket
3 page 30

IN THE MATTER OF THE GUARDIANSHIP OF HENRY McCARTY
DAY AND MARGARET McCARTY DAY.

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October 15, 1873. Henry Day was appointed
Guardian of Henry McCarty Day and Margaret McCarty
Day aged 14 and 16 years respectively.

See Order Book 34 page 309.

October 21, 1880. Henry McCarty Day became of
age, and said Guardianship was closed as to him.

See Order Book 56 page 227.

September 11, 1885. Guardianship closed as to
Margaret McCarty Day.

See Order Book 72 page 284.

Misc. Record
17 page 11
Sept. 7, 1881
Recorded
Jan. 23, 1893

STATE OF INDIANA, COUNTY OF MARION, SS:

I, Henry Day, the undersigned, being duly sworn
according to law says that ever since the year 1857,
I was acquainted with the family of the Nicholas
McCarty to whom the Agent of the State deeded Out
Lot 120 in the City of Indianapolis, on May 2, 1835,
which deed is recorded in Deed Record "D" page 535,
that said Nicholas McCarty died previous to the fall
of 1854, that he left Margaret McCarty, his widow
surviving him; that the only children he left surviv-
ing him were Nicholas McCarty, Junior, Margaret R.
McCarty, Frances J. McCarty and Susannah McCarty,
who subsequently married affiant; that he left surviv-
ing him no grand-children by deceased sons or daughters;
that said Nicholas McCarty, Jr., Frances J. McCarty and
Margaret R. McCarty were of age and unmarried on Feb-
ruary 9, 1864, and that the said Susannah McCarty
affiant's wife was of age on February 9, 1864.

Henry Day

Subscribed and sworn to before me this 7th day
of September, 1881.

William Watson Woolen (LS)
Notary Public

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Misc. Record
71 page 357
May 1, 1912
Recorded
May 14, 1912

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STATE OF INDIANA, COUNTY OF MARION, SS:

Nicholas McCarty being duly sworn upon his oath says that he was acquainted during the life time with one Henry Day, who was the husband of Susannah McCarty Day, who was formerly the owner of the North Half of the North West Quarter of Section 22, Township 15, North, Range 3 East in Marion County, State of Indiana, which ground was subsequently subdivided and known as McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, and that the said Henry Day who together with Nicholas McCarty and others conveyed by Warranty Deed the undivided five sixths part of Out Lot 109 in McCarty's Subdivision of the West Part of Out Lot 120 in the City of Indianapolis, said deed bearing date of April the 28th 1875 and recorded in Town Lot Record 114, at page 234 was at that time an unmarried man and that the said Henry Day never remarried after the death of his wife, Susanna McCarty Day, but died a widower.

Further affiant sayeth not.

Nicholas McCarty

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 1st day of May 1912.

Fred D. Stilz (LS)

Notary Public

My Commission expires April 8th, 1916.

Misc. Record
8 page 258
May 26, 1886
Recorded
June 1, 1886

-15-

Margaret R. McCarty
Harrison, John C. S.
Harrison, her husband,
Frances J. McCarty,
unmarried, Henry Day,
widower, Henry McCarty
Day, unmarried,
Margaret McCarty Day,
unmarried

Power of Attorney

to

Nicholas McCarty

To divided, subdivide, lay out and plat, sign, seal and acknowledge the execution of any plat or plats of division or subdivision of the or any part or parts of the real estate situate in the City of Indianapolis, County of Marion and State of Indiana, described and bounded as follows, towit:

Part of Out Lot 120 bounded and described as follows:

Beginning on the West Line of Tennessee Street

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in said Out Lot at a point 42 feet South of the North Line of said Out Lot and running West in a line parallel to the North Line of said Out Lot, 264 feet to a point in a line with the East line of Church Street in said Out Lot, thence South with the East line of Church Street 915-1/10 feet to a point in the North Line of Morris Street, which said point is 30 feet North of the South Line of said Out Lot thence East with the North Line of Morris Street, and 30 feet North of the South Line of said Out Lot, 296-25/100 feet to the West Line of Tennessee Street, thence North with the said West Line of Tennessee Street 901-7/10 feet to the beginning, containing 5-80/100 acres more or less.

Also part of the Lot or Block "B" in McCarty's Subdivision of the West part of Out Lot 120 according to the plat of said Subdivision as recorded in the office of the Recorder of said County of Marion in Plat Book 7 page 74, bounded and described as follows:

Beginning at the North West corner of said Lot or Block and running East with the North Line thereof 218 feet, thence Southwardly to the South Line of said lot or block to the South Line thereof at a point 107-6/10 feet East of the Southwest corner of said Lot or Block, thence West with the South Line of said Lot or Block 107-6/10 feet to the southwest corner thereof, thence North with the West Line of said Lot or Block 469-75/100 feet to the beginning, containing 1-74/100 acres, more or less.

Also Lot or Block lettered "A" in said McCarty's Subdivision of the West Part of Out Lot 120 into Lots or parcels with streets and alleys therein located of such dimensions and descriptions as he may think expedient and to dedicate by such plat or plats or otherwise to public use such streets and alleys; to let or lease to bargain sell and convey for cash or upon credit and upon such terms as she shall determine to make sign, seal, acknowledge and deliver conveyance by quit claim or warranty deed and in his own name, or the name of us, or any of us, to take all and singular evidence of of indebtedness, mortgage or other securities for the payment of the purchase money or rent of said real estate or any part thereof to compromise, settle, demand, take, receive, sue on and collect any indebtedness, notes and mortgages for the or any of the purchase money or rent of said real estate or any part thereof and generally to possess, contract, protect and absolutely dispose of the and any of the proceeds of the right, title, interest and estate, of us and each of us, in and to and of the real estate or any part thereof and any

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the lots or parcels into which the said real estate may be divided or subdivided and to receipt for all payments, assign and discharge execute and cause to be recorded certificates of satisfaction and discharge of all and singular notes, mortgages or other securities for the or any purchase money or rent for the real estate hereinbefore described or any part thereof.

And generally giving to our attorney power and authority touching the premises to do and execute and in all things in as effectual and ample a manner as we, and each of us might if personally present, giving and granting unto our said attorney full power and authority to do and perform all and singular act and thing whatsoever requisite, necessary or proper to be done in and about the premises.

Hereby ratifying and confirming all that our said attorney shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, we, the said Margaret S. McCarty Harrison and John C. S. Harrison her husband, Frances J. McCarty, Henry Day, Henry McCarty Day, and Margaret McCarty Day, have hereunto set our hands and seals the 26th day of May 1886.

Margaret R. McCarty Harrison
John C. S. Harrison
Frances J. McCarty
Henry Day
Henry McCarty Day
Margaret McCarty Day

Acknowledged June 1, 1886, before B. F. Witt, a Notary Public in and for Marion County, Indiana.

IN THE SUPERIOR COURT OF MARION COUNTY.

Order Book
131 page 574

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Nicholas McCarty, et al

vs.

The Cincinnati, Indianapolis
St. Louis & Chicago Rail Road
Company, et al

May 13, 1886. Decree entered forever quieting title in the plaintiffs Nicholas McCarty, Margaret R. McCarty Harrison, Frances J. McCarty, Henry Day, Henry McCarty Day, and Margaret McCarty Day, as tenants in common in and to the following described part of Out Lot 120 in the City of Indianapolis, towit;

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Bounded upon the North by the North Line of Ray Street, on the South by the South Line of said Out Lot 120, said South Line being in Morris Street, on the East by the West Line of Tennessee Street and on the West by a line parallel to and 133 feet East from the East Line of Church Street drawn from the North Line of said Ray Street, to the South Line of said Out Lot in Morris Street aforesaid.

Transcript of decree certified to record June 15, 1886, and recorded in Town Lot Record 183, page 353.

Plat Book
8 page 145
June 2, 1886
Recorded
June 2, 1886

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McCARTY'S SUBDIVISION.

McCarty's Subdivision of the middle part of Out Lot 120 in the City of Indianapolis, We the undersigned, Nicholas McCarty, for himself and Margaret R. McCarty Harrison with John C. S. Harrison her husband, Frances J. McCarty, Henry Day, Henry McCarty Day, Margaret McCarty Day, by Nicholas McCarty, their attorney in fact, of Marion County, State of Indiana, have subdivided and laid off the real estate situate in the City of Indianapolis, and County and State bounded and described as follows, to-wit:

Plat of Out Lot 120, bounded and described as follows:

Beginning on the West Line of Tennessee Street in said Out Lot at a point 42 feet South of the North Line of said Out Lot, and running West in a line parallel to the North Line of said Out Lot 264 feet to a point in a line with the East Line of Church Street, in said Out Lot thence South with the East Line of Church Street 915-10/100 feet to a point in the North Line of Morris Street, which said point is 30 feet North of the South Line of said Out Lot, thence East with the North Line of Morris Street 30 feet North of the South Line of said Out Lot 296-25/100 feet to the West Line of Tennessee Street, thence North with the said West line of Tennessee Street 901-7/100 feet to the beginning, containing 5-80/100 acres, more or less, into 54 lots numbered from 205 to 258 both inclusive with streets and alleys.

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The numbers and size of lots and width of streets and alleys marked herein named McCarty's Subdivision of the middle part of Out Lot 120 in the City of Indianapolis. The distance herein are marked in feet and decimals of a foot. All the streets herein have been heretofore laid out and dedicated.

The dotted lines "A-B" is the North Line of said Out Lot and "C-D" the South Line of same.

IN WITNESS WHEREOF, the said Nicholas McCarty for himself and Margaret R. McCarty Harrison and John C. S. Harrison, her husband, Frances J. McCarty Henry Day, Henry McCarty Day, and Margaret McCarty Day by Nicholas McCarty their attorney in fact, have hereunto set their hands and seals this 2nd day of June 1886.

Nicholas McCarty
Margaret R. McCarty Harrison
John C. S. Harrison
Frances J. McCarty
Henry Day
Henry McCarty Day
Margaret McCarty Day, by
Nicholas McCarty, their
attorney in fact.

Acknowledged June 2, 1886, before William F. Keay, Recorder of Marion County, Indiana.

Town Lot Record
199 page 418
April 7, 1888
Recorded
April 9, 1888

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Nicholas McCarty (unmarried)
and Margaret R. McCarty Harrison
son and John C. S. Harrison, her
husband, Frances J. McCarty (un-
married), Henry Day (unmarried),
Henry McCarty Day (unmarried) and
Margaret McCarty Day (unmarried)
by Nicholas McCarty, their
attorney in fact,

to
Ligetta J. Meyers and
Barney J. Meyers, as
husband and wife

Lot 215 in McCartys Subdivision of the middle part of Out Lot 120 in the City of Indianapolis, according to the plat of said Subdivision as recorded in the office of the recorder of the said County of Marion in plat Book 8 page 145.

Warranty Deed

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Town Lot Record
324 page 383
April 28, 1900
Recorded
April 30, 1900

Lizetta J. Meyers and
Barney J. Meyers,
as husband and wife,
to
Andrew A. Sweeney, and
Anna Sweeney, his wife

Warranty Deed

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Lot 215 in McCarty's Subdivision of the middle
part of Out Lot 120 in the City of Indianapolis,
according to the Plat of said Subdivision as re-
corded in the office of the Recorder of the said
Marion County, in Plat Book 8, page 145.

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GUARANTEED CERTIFICATE



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STATE OF INDIANA }
COUNTY OF MARION } ss:

The undersigned hereby certifies, guarantees and warrants to whoever relies upon this certificate, and this certificate inures to the benefit of the present and all future persons in interest and runs with the real estate described in the caption hereof.

FIRST That the foregoing contains a true and correct abstract of all deeds, mortgages unsatisfied of record, notices of mechanic's liens unsatisfied of record, and all other instruments filed for record or recorded in the Office of the Recorder of said County, including the Federal Tax Lien Index in said Office, and notices of liens for Old Age Assistance entered in the Abstract Old Age Certificate Index in said Office, affecting the title to the real estate described in the Caption hereof.

That all instruments abstracted herein appear regular in form, execution, and acknowledgment, unless otherwise noted.

SECOND That there are no wills, estates, nor guardianships affecting the title to the real estate described in the caption hereof, except as shown herein.

That there are no notices of Lis Pendens filed in the Lis Pendens Records of Complaints and Attachments, and no judgments against, nor any Recognizance or Replevin Bail signed by any of the parties named above under the caption of judgment search which are now liens upon the real estate described in the caption hereof, as appears from the General Judgment Dockets of the Criminal, Circuit, Superior and Probate Courts, and the Civil Municipal Courts of Marion County, nor any transcripts of judgments of the United States Courts filed in the Office of the Clerk of the Circuit Court of Marion County, as said records and dockets are now entered up, except as herein above set out.

THIRD That according to the current tax duplicates, moratorium duplicates, and special tax duplicates, and the municipal assessment records in the County Treasurer's Office as certified by the City Comptroller, there are no taxes nor municipal assessments assessed or entered against said real estate, either general or special, due and unpaid, except as shown herein. That according to the tax sale records in the Auditor's Office, there are no tax sales unredeemed, except as shown herein.

FOURTH That there are no liens for unpaid unemployment compensation taxes nor for unpaid gross income taxes as shown by warrants docketed in the judgment docket in the Office of the Clerk of the Circuit Court, nor for unpaid taxes on intangibles entered upon the duplicates for omitted taxes in the Office of the County Treasurer, against any of the parties named above under the
Caption of Judgment Search entered within the periods designated in said Judgment Search.

The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the Caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates and our liability hereunder is limited to matters filed or entered of record within such period.

This certificate covers entries Nos. 1 to 20 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 13 both inclusive.

Dated at Indianapolis, Indiana, June 18, 1946, 8 A.M.
The Period of Search covered by this examination is from date of Agent's Deed down to and including October 30, 1906.

UNION TITLE COMPANY

By *Albert M. Bister*
President

-13- BMT

288442

CAPTION.

-1-

Continuation of Abstract of Title to Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.
Since October 30, 1906.

Prepared for: John Scherer.

Misc. Record
74 page 241
Nov. 22, 1912
Recorded
Nov. 23, 1912

-2-

STATE OF INDIANA, MARION COUNTY, SS:

Nicholas McCarty, being duly sworn on his oath says, that he is the son of Nicholas McCarty deceased, who formerly owned in his life time Out Lot 120 in the City of Indianapolis, Indiana.

That this affiant is now 78 years of age and that he is the brother of Margaret R. McCarty, Frances J. McCarty and Susannah McCarty Day. That this affiant has never been married and his sister, Frances J. McCarty has never been married and that Margaret R. McCarty was married on the 3rd day of October, 1867 to John C. S. Harrison.

Nicholas McCarty
(Duly acknowledged).

Town Lot Record
409 page 115
Nov. 3, 1906
Recorded
Nov. 8, 1906

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Andrew A. Sweeney
and Annie Sweeney
his wife,
to

Warranty Deed

Henrietta A. Faber
Lot 215 in McCartys Subdivision of the middle part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

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seized of the following described real estate, to wit: Lot 215 of Out Lot 120 McCarthys Subdivision Addition, and Lot 25 Ayres South Meridian Street Addition.

(Also other real estate).

Note: Application for Letters of Administration discloses that said decedent left surviving as her sole and only heirs at law, to wit: John E. Scherer, Son, and Frances L. Scherer, Daughter.

That at the time of the death of said decedent the title of said real estate vested in the above-named heirs, pursuant to statute. That neither decedent nor her estate was an employer liable for any unemployment security taxes.

That no inheritance tax was assessed against said estate.

That no gross income tax was paid upon said estate.

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal lists the real estate described in the caption hereof as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$21,198.34.

Judgment Search

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

Henrietta A. Scherer from April 30, 1935
to and including
April 2, 1945

and vs.

John E. Scherer
and
Frances L. Scherer for the 10 years
last past and
against none other.

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Taxes for the year 1945 on the real estate for which this Abstract is prepared are assessed in the name of Henrietta - Faber and are due and payable on or before the first Mondays in May and November of 1946.

General Tax Duplicate No. 331598, EFG, Indianapolis, Center Township, Parcel No. 19950.

May Installment \$10.95 Paid.

November Installment \$10.95 Paid.

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Taxes for the year 1946

SINCE PAID IN FULL
NO LIAISON
BY *Wm C. Durdridge*
PRESIDENT

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GUARANTEED CERTIFICATE

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STATE OF INDIANA }
COUNTY OF MARION } ss:

The undersigned hereby certifies, guarantees and warrants to whoever relies upon this certificate, and this certificate inures to the benefit of the present and all future persons in interest and runs with the real estate described in the caption hereof.

FIRST That the foregoing contains a true and correct abstract of all deeds, mortgages unsatisfied of record, notices of mechanic's liens unsatisfied of record, and all other instruments filed for record or recorded in the Office of the Recorder of said County, including the Federal Tax Lien Index in said Office, and notices of liens for Old Age Assistance entered in the Abstract Old Age Certificate Index in said Office, affecting the title to the real estate described in the Caption hereof.

That all instruments abstracted herein appear regular in form, execution, and acknowledgment, unless otherwise noted.

SECOND That there are no wills, estates, nor guardianships affecting the title to the real estate described in the caption hereof, except as shown herein.

That there are no notices of Lis Pendens filed in the Lis Pendens Records of Complaints and Attachments, and no judgments against, nor any Recognizance or Replevin Bail signed by any of the parties named above under the caption of judgment search which are now liens upon the real estate described in the caption hereof, as appears from the General Judgment Dockets of the Criminal, Circuit, Superior and Probate Courts, and the Civil Municipal Courts of Marion County, nor any transcripts of judgments of the United States Courts filed in the Office of the Clerk of the Circuit Court of Marion County, as said records and dockets are now entered up, except as herein above set out.

THIRD That according to the current tax duplicates, moratorium duplicates, and special tax duplicates, and the municipal assessment records in the County Treasurer's Office as certified by the City Comptroller, there are no taxes nor municipal assessments assessed or entered against said real estate, either general or special, due and unpaid, except as shown herein. That according to the tax sale records in the Auditor's Office, there are no tax sales unredeemed, except as shown herein.

FOURTH That there are no liens for unpaid unemployment compensation taxes nor for unpaid gross income taxes as shown by warrants docketed in the judgment docket in the Office of the Clerk of the Circuit Court, nor for unpaid taxes on intangibles entered upon the duplicates for omitted taxes in the Office of the County Treasurer, against any of the parties named above under the Caption of Judgment Search entered within the periods designated in said Judgment Search.

The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the Caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates and our liability hereunder is limited to matters filed or entered of record within such period.

This certificate covers entries Nos. 1 to 11 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 5 both inclusive.

Dated at Indianapolis, Indiana, May 6, 1946, 8 A.M.

UNION TITLE COMPANY

By Albert M. Bristor
President

-5- BMT

UNION TITLE COMPANY

ABSTRACTS OF TITLE • TITLE INSURANCE • ESCROWS

155 East Market St.

UNION TITLE BUILDING

Market 2361-5

INDIANAPOLIS, INDIANA

Capital Stock \$1,000,000.00



288442

UNITED STATES DISTRICT COURTS OF INDIANA

Southern District

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

Northern District

South Bend Division
Hammond Division
Fort Wayne Division

SEARCH FOR
PENDING BANKRUPTCIES,
INTERNAL REVENUE TAX LIENS

Prepared for: **John Scherer.**

The undersigned hereby CERTIFIES, GUARANTEES, and WARRANTS to whoever relies upon this certificate, that there are no transcripts of judgments of the United States Courts filed in the office of the Clerk of the Circuit Court of Marion County, Indiana; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act, that there is no notice of lien filed in the Federal Tax Lien Index in the office of the Recorder of Marion County, Indiana; and that there are not now pending upon the records of any of the seven divisions of the Federal Courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:

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

This certificate covers all divisions of both Districts of the State down to and including

May 1, 1946, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

May 2, 1946, 8 A.M.

Henrietta A. Scherer

John E. Scherer

Frances L. Scherer

UNION TITLE CO

BY *Albert M. Briston*
PRESIDENT

924254

500097

CAPTION

-1-

Continuation of Abstract of Title to Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.)

Since May 6, 1946, 8 A. M.

Prepared for: Studebaker Realty Company

Town Lot Record
1218 page 592
Inst. #32856
June 3, 1946
Recorded
June 4, 1946

-2-

STATE OF INDIANA, COUNTY OF MARION, SS:

Frances L. Scherer, being first duly sworn, on oath states that she is of lawful age and a resident of Marion County, Indiana; that she is the daughter of Henrietta A. Scherer who died intestate April 2, 1945, the owner of the following described real estate in Marion County, Indiana.

Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8 page 145 in the office of the Recorder of Marion County, Indiana.

Affiant further states that said Henrietta A. Scherer was formerly Henrietta A. Faber, grantee in Warranty Deed Executed by Andrew A. Sweeney and Annie Sweeney, his wife, November 3, 1906, which deed was recorded in Town Lot Record 409 page 115 in the office of the Recorder of Marion County, Indiana, she having married Edward F. Scherer as shown by Marriage Record 46 page 734; that said Edward F. Scherer, husband of Henrietta A. Scherer died intestate November 9, 1935; that said Henrietta A. Scherer was unmarried at the time of her death and that she left surviving her as her sole and only heirs at law, this affiant, her daughter and John E. Scherer, her son; that she left surviving her no other child nor any descendants of any deceased child or children;

500097

that her estate was administered upon as shown by Estate Docket 131 page 47518 in the Probate Court of Marion County, Indiana; that all funeral expenses, and doctor bills of said decedent have been fully paid and satisfied and that there are no unpaid claims of any kind or character against the estate of said decedent which might become a lien against the above described real estate; that the gross value of the estate of said Henrietta A. Scherer together with her investment in the property in which she held a joint interest and including the proceeds of insurance upon her life was less than \$60,000.00 and therefore not subject to Federal Estate Tax.

This affidavit is made for the purpose of inducing the Auditor of Marion County, Indiana, to change the tax records upon the above described real estate into the names of Frances L. Scherer, this affiant and John E. Scherer.

Frances L. Scherer

Sworn to before me and subscribed in my presence this 3 day of June 1946.

H. J. Hollenbeck (LS)

Notary Public

My commission expires November 5, 1947.

Town Lot Record
1218 page 596
Inst. #32864
June 3, 1946
Recorded
June 4, 1946

John E. Scherer,
unmarried, and
Frances L. Scherer,
unmarried,

Warranty Deed
(U. S. Revenue
Stamp Attached)

to
Lawrence O. Badgley and
Geneva Badgley,
husband and wife

Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145 in the office of the Recorder of Marion County, Indiana.

Subject to all unpaid taxes and assessments.
Proper citizenship clause is attached.

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Mortgage Record
1378 page 148
Inst. #32881
June 3, 1946
Recorded
June 4, 1946

Lawrence O. Badgley and
Geneva Badgley,
his wife
to
Railroadmen's Federal Savings
and Loan Association of
Indianapolis

Mortgage

6-16-55
SATISFIED OF RECORD
ATTEST, UNION TITLE CO.
BY *E. Edward Blum*
PRESIDENT

-4-

Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8 page 145 in the office of the Recorder of Marion County, Indiana.

To secure (1) the payment of a loan evidenced by a promissory note of even date herewith, payable on or before 10 years from date, in the principal sum of \$1500.00, with interest as provided for in said note from date until paid, said principal and interest being payable in payments of not less than \$15.19, per month in advance, all of said payments to be made on or before the 3rd day of each calendar month hereafter until the whole of said principal sum and interest is fully paid in compliance with all the stipulations in said note; and (2) any advances made by the mortgagee to the mortgagor for any purpose, at any time before the release and cancellation of this mortgage, but at no time shall this mortgage secure advances on account of said original note and such additional advances in a sum in excess of the original principal amount of this mortgage, said additional advances to be evidenced by a note executed by the mortgagor to the mortgagee and secured by this mortgage; provided, however, that nothing herein contained shall limit the amount that shall be secured hereby when advanced to protect the security as hereinafter provided; and with 10% attorney's fees.

Old Age Assistance
Search.

Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for liens shown by notices of Old Age Assistance, filed in the Office of the Recorder of Marion County, as provided by the Acts concerning Public Welfare, approved May 1, 1947.

-5-

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Judgment Search

-6-

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

John E. Scherer
and
Frances L. Scherer

from May 6, 1946,
8 A. M. to and including
June 4, 1946,

and vs

Lawrence O. Badgley
and
Geneva Badgley,
jointly and
not individually

for the 10 years
last past and
against none other.

-7-

Taxes for the year 1954 on the real estate for which this Abstract is prepared are assessed in the name of Lawrence O. and Geneva Badgley and are due and payable on or before the first Mondays in May and November of 1955.

General Tax Duplicate No. 207811, A-B,
Indianapolis, Center Township, Parcel No. 19950.

SINCE PAID IN FULL
ATTEST. UNION TITLE CO.
May Installment \$23.19 Unpaid

BY *C. Edward Shum*
PRESIDENT

SINCE PAID IN FULL
ATTEST. UNION TITLE CO.
November Installment \$23.19 Unpaid

BY *C. Edward Shum*
PRESIDENT

-8-

Taxes for the year 1955 now a lien SINCE PAID IN FULL
ATTEST. UNION TITLE CO.

BY *C. Edward Shum*
PRESIDENT

SYNOPSIS OF THE ZONING AND PLANNING REGULATIONS
OF THE CITY OF INDIANAPOLIS.

The original comprehensive Zoning Ordinance adopted for the City of Indianapolis, being General Ordinance No. 114, 1922, as amended, was repealed and reordained, as changed by General Ordinance No. 104, 1950, except Section 22, as amended, being the establishment of the City Plan Commission, and except the District Zone Map, as amended, which were adopted, continued and are now in full force and effect.

The purpose of the "Municipal Code of Indianapolis 1951" is to restate and codify, General Ordinance No. 104, 1950, as amended, and now in effect, so as to conform such zoning ordinances to become a part of said code. Said code contains the zoning and planning regulations of the City of Indianapolis, in order to regulate and restrict the height, area, bulk and use of all buildings, to regulate and determine the area of yards, courts, and other open spaces, to specify and regulate the location of industries, commercial enterprises and the location and character of buildings designed for special uses, to establish building lines, and for all such purposes to divide the City of Indianapolis, into the following districts:

Five classes of Use Districts termed respectively, Class U-1, or Dwelling House Districts; Class U-2, or Apartment House Districts; Class U-3, or Business Districts; Class U-4, or First Industrial Districts; and Class U-5 or Second Industrial Districts.

Four classes of Height Districts; H-1, 50 foot Height limit; H-2, 80 foot Height limit; H-3, 108 foot Height limit; and H-4, 180 foot Height limit.

Modifications of said height restrictions are provided, depending upon position of building on lot, generally allowing 2 feet additional height in Classes H1 and H2 and 3 feet in H3 and H4 for each 1 foot the higher portion is set back from required yard lines.

Seven classes of Area Districts, Class AA, 15,000 square feet per family; Class A-1, 7,500 square feet per family; Class A-2, 4,800 square feet per family; Class A-3, 2,400 square feet per family; Class A-3 (corner lot) 2000 square feet per family; Class A-4, 1200 square feet per family; Class A-4 (corner lot) 1000 square feet per family; Class A-5, 600 square feet per family; Class A-5 (corner lot) 500 square feet per family; Class A-6, 300 square feet per family.

Provided, that in Class AA, A1 and A2 districts one single family dwelling, and in Class A3 district one dwelling for two families may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the County Recorder.

Regulations are construed to determine number of families permitted to occupy residential building in area district. No building shall be erected or used for dwelling on lot having area of less than 4800 square feet, unless such lot was separately owned or was a numbered lot of full original size on recorded plat prior to effective date of General Ordinance No. 4-1954.

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Computation of Lot Areas.

In computing such area of the lot for the purpose of this section any part of the area of any corner lot in excess of 15,000 square feet, shall be considered an interior lot. In computing the area of a lot for the purpose of this section, if the depth of the lot is more than three times the width of such lot, a depth of only three times such width shall be used.

In computing the area of the lot for the purpose of this section the lot shall be deemed to extend to the center line of any alley adjoining the rear line of such lot, but such center line shall not be deemed to be a lot line.

Restrictions on Reduction of Lot Areas.

The lot or yard area required by this chapter for a particular building shall not be diminished and shall not be included as part of the required lot or yard area of any other building.

Restrictions of Floor Areas in Dwelling Houses.

(General Ordinance No. 113, 1952)

No dwelling house may be erected, altered or used in which the ground floor area, exclusive of attached garage and open porches, for each family living in such dwelling house, is less than as specified.

In Class AA district 1500 square feet;

In Class A1 district 1200 square feet;

In Class A2 district 900 square feet;

In Class A-3, A4, A-5, or A6 district 720 square feet.

Building line and Yard Restrictions in U1 and U2 districts.

Where front yard lines are established by recorded plat, such lines shall apply as minimum requirements, or lines may be established by average distance of existing houses.

Where no such lines are established, from set-back line shall be equal to $\frac{1}{3}$ of the average depth of the lot up to 50 feet, with minimum of 20 feet.

At least 20 per cent of average width of lot shall be devoted to side yards, up to total of 16 feet, minimum side yard 4 feet.

In case of apartment house, or in case of any building more than $2\frac{1}{2}$ stories high, such least dimension shall be not less than $\frac{1}{6}$ of height of building.

At least 15 per cent of average depth of lot shall be devoted to rear yard, up to 30 feet, (computed to center of alley.) For building other than dwelling house, least dimension of rear yard shall be not less than $\frac{1}{2}$ of height of building. Accessory building not more than 15 feet high may occupy up to 40 per cent of rear yard area. In case of two or more family dwelling, accessory building shall be at least 25 feet from main building on interior lot or 15 feet on corner lot.

Every building used for dwelling purposes shall have front yard directly abutting on public street, with building lines, yards and areas conforming to requirements.

Garages. Private garage shall not provide storage space for more than one motor vehicle for each 2000 square feet of lot area in U1 district, or 500 square feet in U2 District.

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Non-Conforming Uses.

Building, structure, or land use existing or permitted by the original Zoning Ordinance, and existing at effective date of later ordinance but not conforming thereto, shall be deemed to be a non-conforming use, which shall be permitted to continue, but which shall not be extended. In case of abandonment or destruction such non-conforming use shall not be renewed.

The city plan commission is hereby constituted and continued, without any lapse, (as so provided by Section 22 of General Ordinance No. 114, 1922, which section was reordained by the same section of General Ordinance No. 104, 1950, herein restated and reordained as amended), as the board of zoning appeals of this city with all powers conferred thereon pursuant to law and by this chapter. Such commission and board, in addition to the continuance of any existing rules and regulations adopted by either thereof, may from time to time amend, change and supplement the same, as needed to administer all statutes and this chapter, or any later ordinances, relating to their respective powers and duties.

The common council may from time to time, on petition, after public notice and hearing, amend, supplement, or change the districts and regulations herein established.

This certificate is a synopsis only of the general provisions. For specific details, reference should be had to the complete text of the ordinance.

The real estate herein abstracted appears in Use District, Class **U-2**; Height District, Class **H-1** ; and Area District, Class **A-4**; all as shown by the district zoning map of the City of Indianapolis, and is subject to the restrictions and uses therein provided for real estate in each of said respective districts.

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May 23, 1955. We hereby certify that no Variance has been granted by the Board of Zoning Appeals of the City of Indianapolis, affecting the use of the Real Estate described in the caption hereof.

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GUARANTEED CERTIFICATE

-11-

STATE OF INDIANA }
COUNTY OF MARION } ss:

The undersigned hereby certifies, guarantees and warrants to whoever relies upon this certificate, and this certificate inures to the benefit of the present and all future persons in interest and runs with the real estate described in the caption hereof.

FIRST That the foregoing contains a true and correct abstract of all deeds, mortgages unsatisfied of record, notices of mechanic's liens unsatisfied of record, and all other instruments filed for record or recorded in the Office of the Recorder of said County, including the Federal Tax Lien Index in said Office, and notices of liens for Old Age Assistance entered in the Abstract of Old Age Certificate in said Office, affecting the title to the real estate described in the Caption hereof.

That all instruments abstracted herein appear regular in form, execution, and acknowledgment, unless otherwise noted.

SECOND That there are no wills, estates, nor guardianships affecting the title to the real estate described in the caption hereof, except as shown herein.

That there are no notices of Lis Pendens filed in the Lis Pendens Records of Complaints and Attachments, and no judgments against, nor any Recognizance or Replevin Bail signed by any of the parties named above under the caption of judgment search which are now liens upon the real estate described in the caption hereof, as appears from the General Judgment Dockets of the Criminal, Circuit, Superior and Probate Courts, and the Civil Municipal Courts of Marion County, nor any transcripts of judgments of the United States Courts filed in the Office of the Clerk of the Circuit Court of Marion County, as said records and dockets are now entered up, except as herein above set out.

THIRD That according to the current tax duplicates, moratorium duplicates, and special tax duplicates, and the municipal assessment records in the County Treasurer's Office as certified by the City Comptroller, there are no taxes nor municipal assessments assessed or entered against said real estate, either general or special, due and unpaid, except as shown herein. That according to the tax sale records in the Auditor's Office, there are no tax sales unredeemed, except as shown herein.

FOURTH That there are no liens for unpaid unemployment compensation taxes nor for unpaid gross income taxes as shown by warrants docketed in the judgment docket in the Office of the Clerk of the Circuit Court, nor for unpaid taxes on intangibles entered upon the duplicates for omitted taxes in the Office of the County Treasurer, against any of the parties named above under the Caption of Judgment Search entered within the periods designated in said Judgment Search.

The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates and our liability hereunder is limited to matters filed or entered of record within such period.

This certificate covers entries Nos. **1** to **11** both inclusive and sheets watermarked "Union Title Company" Nos. **1** to **8** both inclusive.
Dated at Indianapolis, Indiana, **May 27, 1955, 7 A. M.**

UNION TITLE COMPANY

by *Wm. C. Sundridge*
President

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Certificate Form adopted by Union Title Company, June 1, 1929, Modified September 1, 1933, October 1, 1936, and October 1, 1937, to include matters required by 1933, 1936 and 1937 Statutes.

Geneva Badgley

UNION TITLE CO.

BY *Wm. C. Sundridge*
PRESIDENT

pjc

Certificate Form adopted by Union Title Company, August 15, 1942

UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

ME lrose 2-2361

Capital Stock \$1,000,000.00

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UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

NORTHERN DISTRICT

South Bend Division
Hammond Division
Fort Wayne Division

SEARCH FOR
PENDING BANKRUPTCIES
INTERNAL REVENUE TAX LIENS

Prepared for: **Studebaker Realty Company**

The undersigned hereby CERTIFIES, GUARANTEES, and WARRANTS to whoever relies upon this certificate, that there are no transcripts of judgments of the United States Courts filed in the office of the Clerk of the Circuit Court of Marion County, Indiana; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act, that there is no notice of lien filed in the Federal Tax Lien Index in the office of the Recorder of Marion County, Indiana; and that there are not now pending upon the records of any of the seven divisions of the Federal Courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:

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

This certificate covers all divisions of both Districts of the State down to and including

May 25, 1955, 7 A. M. and

The Indianapolis Division of the Southern District down to and including

May 26, 1955, 7 A. M.

John E. Scherer

Frances L. Scherer

Lawrence O. Badgley

Geneva Badgley

UNION TITLE CO.
BY *Alvin E. Burdridge*
PRESIDENT

pjc

64-22821A

CAPTION

-1-

Continuation of Abstract of Title to Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.
Since May 27, 1955, 7 A.M.

Prepared For: Henry H. Allen

Town Lot Record
1575, Inst. #41198
June 8, 1955
Recorded
June 8, 1955

Lawrence O. Badgley and
Geneva Badgley,
husband and wife
to
Henry H. Allen and
Dora E. Allen,
husband and wife

Warranty Deed
(No U. S. Revenue
Stamp Attached) Consideration
\$1.00 and other
valuable consideration

-2-

Lot 215 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.

Proper Citizenship Clause is Attached.

Old Age Assistance
Search

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

-3-

64-22821A

Juvenile Court
Search

-4-

Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for judgments, as appear from the General Judgment Dockets of the Juvenile Court of Marion County, as said dockets are now entered up.

Note: Search has been made for the 10 years last past as to the persons listed below, irrespective of dates given.

Uniform Commercial
Code

-5-

Search has been made of the records in the Office of the Recorder of Marion County, Indiana, which search discloses no financing statements as required by the Uniform Commercial Code (Chapter 317, 1963 Acts of Indiana General Assembly) with respect to any Security Interest in crops or in fixtures containing an adequate description of real estate herein, except "NONE".

Judgment Search

-6-

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

Lawrence O. Badgley
and
Geneva Badgley
jointly and
not individually

from May 27, 1955
7 A.M. to and including
June 8, 1955

and vs

Henry H. Allen
and
Dora E. Allen
jointly and
not individually

for the 10 years
last past and
against none other

64-22821A

-7-

Taxes for the year 1962 and prior years paid in full.

-8-

Taxes for 1963 payable 1964 in name of Henry H. and
Dora E. Allen.

Duplicate No. 325043, "A-B", Indianapolis Center
Township, Code No. 1-01, Parcel No. 19950.

May Installment \$32.67 Paid.

November Installment \$32.67 Unpaid.

Assessed Valuation:

Land \$280.00 Improvements \$450.00 Exemptions none

-9-

Taxes for 1964 now a lien in name of Henry H. and
Dora E. Allen.

64-22821A

METROPOLITAN PLAN COMMISSION

DOCKET NO. 60-AO-4

ORDINANCE

-10- BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, as amended, be amended as follows:

That Sub-Sections (e), (f), and (g) of Section 11-118 of Chapter 1 of Title 11 of the Municipal Code of the City of Indianapolis (said Chapter 1 of Title 11 thereof having been adopted as part of Ordinance No. 8-1957 by The Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended) be amended to read respectively:

(e) Class A4 District. In a class A4 district no building shall be erected, altered or used to accomodate or make provision for more than one family for each 1700 square feet of the area of the lot.

(f) Class A5 District. In a class A5 district no building shall be erected, altered or used to accomodate or make provision for more than one family for each 1100 square feet of the area of the lot.

(g) Class A6 District. In a class A6 district no building shall be erected, altered or used to accomodate or make provision for more than one family for each 800 square feet of the area of the lot.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

John D. Hardin

Fred W. Nordsiek

Frank J. Billeter

Louie Moller

John A. Kitley

THE MARION COUNTY COUNCIL

DATED May 31, 1960

ATTEST Clem Smith
AUDITOR OF MARION COUNTY, INDIANA.

METROPOLITAN PLAN COMMISSION
DOCKET NO. 61-AO-2

64-22821A

O R D I N A N C E

-11- BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, as amended be amended as follows:

That Sub-Section (j) of Section 11-118 of Chapter 1 of Title 11 of the Municipal Code of the City of Indianapolis (said Chapter 1 of Title 11 thereof having been adopted as part of Ordinance No. 8-1957 by The Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended) be amended to read as follows:

(j) Restrictions of Floor Areas in Dwelling Houses,
In a Class AA District no dwelling house may be erected, altered, or used in which the minimum main floor area, exclusive of garage area, carports and open porches is less than 1,500 square feet for each family, or 1,000 square feet for each family if additional floor area of at least 500 square feet per family is provided on any floor or floors.

In a class A1 or A2 District no dwelling house may be erected, altered, or used in which the minimum main floor area, exclusive of garage area, carports and open porches is less than 900 square feet for each family, or 660 square feet for each family if additional floor area of at least 240 square feet per family is provided on any floor or floors.

In a class A3, A4, A5, or A6 District no dwelling house may be erected, altered, or used in which the minimum main floor area, exclusive of garage area, carports and open porches is less than 720 square feet for each family, or 600 square feet for each family if additional floor area of at least 120 square feet per family is provided on any floor or floors.

For purposes of this section, "minimum main floor area" shall be the area of that floor or floors (excluding basement or underground floor area) nearest to the level of the finished lot grade measured within the outer face of exterior walls and under the roof of a dwelling house.

-over-

For purposes of this section, "Additional Floor Area" shall include basement or other floor area (exclusive of garage area, carports and open porches, and excepting "minimum main floor area") measured within the outer face of exterior walls and under the roof of a dwelling house; provided, however, that:

- (1) At least one complete side of such floor area shall be at ground level or above; and 60% or more of the exterior wall surface for such floor area (excluding that portion of the exterior wall surface enclosing any higher floor) shall be above the level of the finished lot grade; and
- (2) Said exterior wall surface shall have a minimum total window area equal to 7% of such "additional floor area".

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

John A. Kitley

Albert L. Steinmeier

Josephine K. Bicket

Frank J. Billeter

John D. Hardin

THE MARION COUNTY COUNCIL

DATED July 7, 1961

ATTEST: Clem Smith By: Mary N. Darko, Deputy
AUDITOR OF MARION COUNTY, INDIANA

RESOLUTION ADOPTING EXISTING MASTER PLANS AND MAKING
RECOMMENDATIONS TO THE MARION COUNTY COUNCIL

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Be it resolved by The Metropolitan Plan Commission of Marion County, Indiana, that in order to consolidate the various existing Master Plans and Zoning and Subdivision control Ordinance now in force in Marion County, Indiana, and the classified Cities and Towns of Marion County, Indiana, The Metropolitan Plan Commission of Marion County, Indiana, adopts all existing Master Plans now in force in Marion County, Indiana, and the classified Cities and Towns of Marion County, Indiana.

And to the end that adequate light, air, convenience of access and safety from fire, flood, and other danger may be secured, that congestion in the public streets may be lessened or avoided, that property values may be preserved, and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted, be it further resolved by The Metropolitan Plan Commission of Marion County, Indiana, that it recommends to The Marion County Council the adoption by it without amendment of all existing zoning and Subdivision control ordinances now in force in Marion County, Indiana, and the classified Cities and Towns of Marion County, Indiana.

And be it further resolved by The Metropolitan Plan Commission of Marion County, Indiana, that in case any lands within Marion County, Indiana, are not zoned by existing Zoning Ordinances, The Metropolitan Plan Commission of Marion County, Indiana, recommends that the resolution to be adopted by the Marion County Council pursuant to Section 5 of Chapter 184 of the Acts of 1957, set forth the following residential or agricultural zoning classifications for such unzoned land.

If such lands lie inside the corporate limits of any incorporated City or Town within Marion County, Indiana, that they be classified and zoned R-3 as that classification and zoning is defined and prescribed in the existing Marion County Master Plan Permanent Zoning Ordinance, and

If such lands lie outside the corporate limits of any incorporated City or Town within Marion County, Indiana, that they be classified and zoned A-2 as that classification and zoning is defined and prescribed in the existing Marion County Master Plan Permanent Zoning Ordinance,

said existing Marion County Master Plan Permanent Zoning Ordinance being one of the aforesaid existing zoning ordinances now in force in Marion County, Indiana, which The Metropolitan Plan Commission of Marion County, Indiana, hereby recommends to The Marion County Council for adoption by it without amendment.

NOTE: Above resolution passed by The Metropolitan Plan Commission of Marion County, at its regular meeting, held March 27, 1957, and certified to the Marion County Council by the Secretary of the Metropolitan Plan Commission and adopted by said Marion County Council as Ordinance #8, 1957.

Effective March 28, 1957.

Copy of above resolution recorded April 1, 1957 in Town Lot Record 1657, page 486.

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September 11, 1964, We hereby certify that no variance has been granted by the Board of Zoning Appeals of the City of Indianapolis affecting the use of the Real Estate described in the caption hereof.

EXCERPTS OF THE "AIRPORT DISTRICT ORDINANCE", ADOPTED BY THE MARION COUNTY COUNCIL, SEPTEMBER 4, 1963.

BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by The Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof be amended by the addition of the following provisions:

SECTION 1.01 AIRPORT DISTRICT

An AIRPORT DISTRICT, a secondary zoning district, is hereby established for Marion County, Indiana. The AIRPORT DISTRICT shall consist of two parts, the "Airport Approach Area" and the "Airport Circling Area" as each is defined in this ordinance and indicated on the Airport District Map for each public airport (which Map dated November 7, 1962 is a part of this ordinance and incorporated herein by reference).

All land so defined and indicated is hereby zoned and classified as the AIRPORT DISTRICT.

SECTION 2.01 AIRPORT DISTRICT REGULATIONS

The following regulations shall apply to land within the Airport District. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall control.

1. USE

Within that part of the Airport Approach Area of the Airport District within a horizontal radius of 10,000 feet from the airport reference point, as defined in this ordinance, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, public auditorium, theater, public assembly hall, public swimming pool, picnic grounds, carnival, amusement park, penal institution or sports arena.

2. HEIGHT

a. Within the Airport Circling Area and the Airport Approach Area, of the Airport District, no projection of any building, structure, or plant growth hereafter constructed, located or grown, or of any existing building, structure, or plant growth hereafter reconstructed, relocated or enlarged shall penetrate above the approach surfaces, the runway surfaces, the transitional surfaces, the horizontal surface, or the conical surface, whichever is more restrictive.

b. Provided, however, projections may extend to a maximum height of 50 feet above the established airport elevation.

3. PERFORMANCE STANDARDS

The following performance standards shall apply within the Airport Circling Area and the Airport Approach Area, of the Airport District, except that part of the Airport Area whose horizontal distance from the airport reference point is greater than the radius of the Airport Circling Area:

Interference with Communication

No use shall create interference with any form of communication whose primary purpose is for air navigation.

Smoke, Dust and Particulate matter

(1) No use shall create or emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the United States Bureau of Mines.

(2) No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport in landing, taking off, or maneuvering of aircraft.

NOTE: COPIES OF MAP ABOVE REFERRED TO BEING A DISTRICT MAP FOR INDIANAPOLIS (WEIR COOK) MUNICIPAL AIRPORT ARE ON FILE IN THE OFFICE OF THE METROPOLITAN PLANNING DEPARTMENT: ALSO A COPY FILED OCTOBER 7, 1963, AS INSTRUMENT #59018, IN THE MARION COUNTY RECORDER'S OFFICE.

GUARANTEED CERTIFICATE

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STATE OF INDIANA }
 COUNTY OF MARION } ss:

The undersigned hereby *certifies, guarantees and warrants* to whoever relies upon this certificate, and *this certificate inures to the benefit of the present and all future persons in interest and runs with the real estate described in the caption hereof.*

FIRST That the foregoing contains a true and correct abstract of all deeds, mortgages unsatisfied of record, notices of mechanic's liens unsatisfied of record, and all other instruments filed for record or recorded in the Office of the Recorder of said County, including the Federal Tax Lien Index in said Office, and notices of liens for Old Age Assistance entered in the Abstract of Old Age Certificate in said Office, affecting the title to the real estate described in the Caption hereof.

That all instruments abstracted herein appear regular in form, execution, and acknowledgment, unless otherwise noted.

SECOND That there are no wills, estates, nor guardianships affecting the title to the real estate described in the caption hereof, except as shown herein.

That there are no notices of Lis Pendens filed in the Lis Pendens Records of Complaints and Attachments, and no judgments against, nor any Recognizance or Replevin Bail signed by any of the parties named above under the caption of judgment search which are now liens upon the real estate described in the caption hereof, as appears from the General Judgment Dockets of the Criminal, Circuit, Juvenile, Superior and Probate Courts, and the Civil Municipal Courts of Marion County, nor any transcripts of judgments of the United States Courts filed in the Office of the Clerk of the Circuit Court of Marion County, as said records and dockets are now entered up, except as herein set out.

THIRD That according to the current tax duplicates and special tax duplicates, and the municipal assessment records in the County Treasurer's Office as certified by the City Comptroller, there are no taxes, ditch assessments nor municipal assessments assessed or entered against said real estate, either general or special, due and unpaid, except as shown herein. That according to the tax sale records in the Auditor's Office, there are no tax sales unredeemed, except as shown herein.

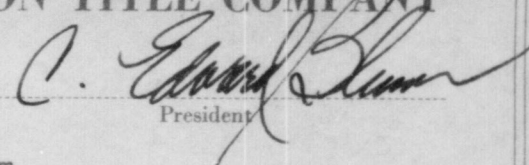
FOURTH That there are no liens for unpaid unemployment compensation taxes nor for unpaid gross income taxes as shown by warrants docketed in the judgment docket in the Office of the Clerk of the Circuit Court, nor for unpaid taxes on intangibles entered upon the duplicates for omitted taxes in the Office of the County Treasurer, against any of the parties named above under the Caption of Judgment Search entered within the periods designated in said Judgment Search.

The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates and our liability hereunder is limited to matters filed or entered of record within such period.

This certificate covers entries Nos. 1 to 15 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 9 both inclusive.

Dated at Indianapolis, Indiana, September 24, 1964, 8 A.M.

UNION TITLE COMPANY

by 
 President

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UNION TITLE COMPANY

ABSTRACTS OF TITLE • TITLE INSURANCE • ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

MEIrose 2-2361

Capital Stock \$1,000,000.00

64-22821A

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

NORTHERN DISTRICT

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

SEARCH FOR PENDING BANKRUPTCIES INTERNAL REVENUE TAX LIENS

Prepared for: Henry H. Allen

The undersigned hereby CERTIFIES, GUARANTEES, and WARRANTS to whoever relies upon this certificate, that there are no transcripts of judgments of the United States Courts filed in the office of the Clerk of the Circuit Court of Marion County, Indiana; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act, that there is no notice of lien filed in the Federal Tax Lien Index in the office of the Recorder of Marion County, Indiana; and that there are not now pending upon the records of any of the eight divisions of the Federal Courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:

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

This certificate covers all divisions of both Districts of the State down to and including
September 16, 1964, 8 A.M. and
The Indianapolis Division of the Southern District down to and including
September 17, 1964, 8 A.M.

Lawrence O. Badgley

Geneva Badgley

Henry H. Allen

Dora E. Allen

UNION TITLE CO

BY: *C. Edward Blum*
PRESIDENT