

65 58336
WARRANTY DEED

Project 1-70-3(52)
 Code 0536
 Parcel 31

Ch 700

This Indenture Witnesseth, That *A.B. BECKER AND LENA BECKER (ADULT HUSBAND AND WIFE)*

of *MARION* County, in the State of *INDIANA*

Convey and Warrant to

the STATE OF INDIANA for and in consideration of

SEVEN THOUSAND FIVE HUNDRED AND 00/100 (7500⁰⁰) Dollars,

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

PART OF LOT NUMBER 24 IN MARGARET McCARTY'S SUBDIVISION OF OUT LOT 119 AND THE WEST PART OF OUT LOT 118 OF THE DONATION LANDS IN THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGES 253 AND 254 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT, THENCE WEST ALONG THE NORTH LINE OF SAID LOT, 88 FEET, THENCE SOUTH 35 FEET, THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, 89.17 FEET TO THE EAST LINE OF SAID LOT; THENCE NORTH ALONG THE EAST LINE OF SAID LOT, 35 FEET TO THE PLACE OF BEGINNING. ALSO, A 5-FOOT STRIP EAST OF AND ADJOINING ABOVE DESCRIBED REAL ESTATE, BEING A PORTION OF UNION STREET HERETOFORE VACATED AS SHOWN IN TOWN LOT RECORD 26, PAGE 251.



RECEIVED FOR RECORD

1965 NOV -5 PM 2: 10

MARCIA M. HAWTHORNE
 RECORDER OF MARION COUNTY



DULY ENTERED
 FOR TAXATION

NOV 5 - 1965

John T. Sutton
 COUNTY AUDITOR

Paid by Warrant No. *A065608*
A065607
 Dated *9-28-65* 19

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.

8-25-65 In Witness Whereof, the said *A.B. BECKER AND LENA BECKER ADULT HUSBAND AND WIFE* have hereunto set their hands and seal, this *19th* day of *AUGUST* 1965

(Seal) + *A. B. Becker* (Seal)
A. B. BECKER (ADULT HUSBAND) (Seal)
 (Seal) + *Lena Becker* (Seal)
LENA BECKER (ADULT WIFE) (Seal)
 (Seal) (Seal)
 (Seal) (Seal)

FAR

9-1-65 65 58336 This Instrument Prepared by *E. W. King* FEB. 0 1 1965

W. W. King
 AUG 31 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, _____ 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

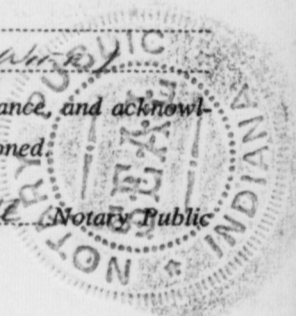
STATE OF INDIANA, MARION County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 1964 day of AUGUST, A. D. 1964; personally appeared the within named _____

A. B. BECKER AND LENA BECKER (ADULT HUSBAND & WIFE) Grantor S 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 JANUARY 1969 Charles H. White Notary Public



65 58336

WARRANTY DEED

FROM

TO

STATE OF INDIANA

Received for record this _____

day of _____, 19____

at _____ o'clock _____ m, and _____

Recorded in Book No _____

DUTY ENTERED page _____

Recorder **TAXATION** County _____

Duly entered for taxation this _____

day of _____, 19____

Auditor's fee: **SIXTY AUDITOR**

Auditor _____ County _____

State Highway (51)

Division of Land Acquisition
Indiana State Highway Commission

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

October 1, 1965 19.....

To A. B. Becker and Lena Becker
 5654 Broadway
 Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A065607 9-28 19 65
 in settlement of the following vouchers:

DESCRIPTION	AMOUNT	
Purchase <i>For the purchase of Right of Way on State Road</i> <i>No. I-70 in Marion</i> <i>County I Project 70-3</i> <i>Section (52) as per Grant dated</i> <i>August 19, 1965</i> Parcel 31	6800	00

PLEASE RECEIPT AND RETURN

Received Payment

A. B. Becker & Lena Becker

Date

Oct 6-1965

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

October 1, 1965

19

To A. B. Becker and Lena Becker
5654 Broadway
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 065608 9-28-65 19
in settlement of the following vouchers:

DESCRIPTION	AMOUNT	
Purchase		
<i>For the purchase of Right of Way on State Road</i>		
No. I-70 in Marion		
County I Project 70-3		
Section (52) as per Grant dated		
August 19, 1965		
Parcel 31 esc.	700	00

PLEASE RECEIPT AND RETURN

Received Payment:

Date:

A. B. Becker
Lena Becker
October 11 - 1965

Control

APPRAISAL REVIEW FORM
Division of Land Acquisition
Indiana State Highway Commission

Project I-70-3(52)
Parcel No. 31
Road I-70
County Marion
Owner _____
Address _____
Address of Appraised Property: _____

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 June 28, 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. yes
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 May 20, 1965 (Date):

(a) The fair market value of the entire property before the taking is: \$ 7,500.00

(b) The fair market value of the property after the taking, assuming the completion of the improvement is: \$ 0

The total value of taking is: (a minus b) TOTAL \$ 7,500.00

(1) Land and/or improvements	\$ <u>7,500.00</u>
(2) Damages	\$ <u>0</u>
(3) Other damages and/or temp. R.O.W.	\$ <u>0</u>
(4) Estimated Total Compensation	\$ <u>7,500.00</u>

APPROVED BY:

Approved	Date	Signed
Rev. Appr.	<u>6-29-65</u>	<u>[Signature]</u>
Asst. or Chief Appr.	<u>6-29-65</u>	<u>P. E. Nichol</u>

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

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 31 COUNTY MARION

NAME & ADDRESS OF OWNER LENA BECKER AND HUSBAND

5654 BROADWAY

PHONE # CL1-2507

NAME & ADDRESS OF PERSON CONTACTED TNE ABOUE

PHONE # _____

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

DATE ASSIGNED 7-6-65 DATE OF CONTACT 8-19-65

OFFER \$ \$ 7500⁰⁰ TIME OF CONTACT 8 AM

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. () (X) () 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: MET WITH MR & MRS BECKER. THEY SIGNED

WARRANTY DEED - AGREEMENT FOR POSSESSION -

AND 2 VOUCHERS - ONE FOR \$6800⁰⁰ AND ONE FOR

700⁰⁰ - PAYABLE (BOTH) TO THE BECKERS.

MR BECKER GAVE ME \$8.25 FOR DEED STAMPS

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

Distribution Made

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

Chadwick Y Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 31 COUNTY MARION

NAME & ADDRESS OF OWNER LENA BECKER
5654
5642 BROADWAY PHONE # CK1-2507

NAME & ADDRESS OF PERSON CONTACTED MRS BECKER
PHONE # _____

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

DATE ASSIGNED 7-6-65 DATE OF CONTACT 8-10-65

OFFER \$ 7500 00 TIME OF CONTACT 9 AM

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

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

REMARKS: Met with Mrs Becker - Discussed all phases - Mrs Becker says she could have sold on contract for more than the offer. Mrs Becker is not satisfied with the offer - she states that a number of years ago they paid \$13000 for it and put another \$3000 in it and that for years she has paid taxes on a higher value than that offered by us. She also states that the Hwy has by advance program ~~been~~ driven down prop values and scared away good tenants and that she has suffered thereby. I explained advance procedures and comparisons with procedures having to do with "current market values" she feels "dejected about this" in view of rent loss. She says "it is not fair" more time to consider.

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

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

CHADWICK HALL
Room 1105
STATE OFFICE
ME 3-6630

Chadwick Hall
(Signature)

R E S O L U T I O N (31) ✓

WHEREAS, The Indiana State Highway Commission of Indiana has heretofore acquired by Grant Dated 8-19-65 ✓
executed by the STATE OF INDIANA and A.B. Becker ✓
a frame double house ✓

including trees, shrubs and fence, if any, on Road # I-70 ✓
located within the limits of the proposed improvements to be made on
said highway. The parcel of real estate is situated in Marion ✓
County, Indiana, and more particularly described as follows:

**Part lot 24 in Margaret McCarty's subdivision of out lot
119 and W. Part Lot 118 of Donation Lands in City of Indpls.** ✓

WHEREAS, the parcel of real estate heretofore described was so procured
by the Indiana State Highway Commission for construction of Road I-70 ✓
through the County, and

WHEREAS, the above mentioned buildings and improvements located on right
of way of said proposed construction project designated as I-70-3 (52) ✓
and

WHEREAS, it is necessary, in order to properly construct and improve said
highway, to sell buildings and other improvements and to cause their re-
moval from the strip of right of way as above described and by law pro-

BE IT RESOLVED, therefore, by the Indiana State Highway Commission of Indiana, that said building so described be advertised, sold and caused to be removed from right of way of said highway project within a definite time to be fixed in the notice and terms of sale thereof, all as by law provided, and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be submitted to the Director of Public Works as his warrant of authority for the disposal of said personal property as herein requested.

ADOPTED and PASSED by the Indiana State Highway Commission of Indiana this 1st day of October, 1965.

Offices of the Indiana State Highway Commission of Indiana.

This is to certify that the attached is a full, true and complete copy of a Resolution authorizing the sale of improvements on the right of way as described, as the same appears in the minutes of the Commission in the State Office Building in the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I, Roy Whitton, Secretary of the Indiana State Highway Commission of Indiana, hereto place my hand and seal of said Commission on this 1st day of October, 1965.

Roy P. Whitton
Secretary

SEAL:



No. 418783

ABSTRACT OF TITLE

TO

-1-

Part of Lot 24 in Margaret McGarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, towit:

Beginning at the Northeast corner of said Lot, thence west upon and along the North line of said Lot, 88 feet, thence south 35 feet, thence east parallel with the North line of said Lot, 89.17 feet to the East line of said Lot, thence north upon and along the East line of said Lot, 35 feet to the place of beginning.

Also 5 feet east of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Prepared for WIDES CONSTRUCTION COMPANY

BY

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

155 EAST MARKET STREET — MARKET 2361-S

Indianapolis, Indiana

DIRECTORS
ALBERT M. BRISTOR
ALBERT P. BROMLEY
VERN E. BUNDRIDGE
WILLIS N. COVAL
GEORGE S. ELLIOTT
GEORGE C. FORREY, JR.
FRANK P. HUSE
JOHN E. PARRY
GEORGE SAGLIER
TIMOTHY P. SEXTON
GEORGE W. SNYDER
H. E. STONECIPHER
G. W. THOMPSON
LEO F. 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 Kickapoo 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 the 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, it was provided that the agent lay off in lots from 5 to 20 acres, the fraction of land lying west of the west fork of White River, opposite Indianapolis, and which is within the Donation. Said Agent was authorized to sell any part 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 90 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 1924, 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. 463; R. S. 1843; Article 13, R. S. 1852, p. 450; Acts 1865, p. 16.

418783

Land Record
E page 395
May 9, 1835
Recorded
May 25, 1835

Ebenezer Sharpe, Agent of the State of Indiana, for the Town of Indianapolis, for and in behalf of the said State of Indiana

Deed

-2-

to
James E. McClure, his heirs and assigns

Out Lot 118 containing 13.18 acres, also Lot 119 containing 11.18 acres, and other real estate.

Deed recites:

WITNESSETH, that the said Agent for and in behalf of the State of Indiana, in pursuance of the provisions of the law of Indiana, entitled an Act appointing Commissioners to lay off a Town on the site selected for the permanent seat of Government approved Jany, 6, 1821.

Land Record
G page 450
Jan. 27, 1836
Recorded
Aug. 31, 1836

John E. McClure and
Martha H. McClure, his wife

Warranty Deed

to

Nicholas McCarty, and
Calvin Fletcher, their
heirs and assigns

-3-

- Lot 118 containing 13.08 acres, also - Lot 119 containing 11.18 acres.
(And other real estate.)

Land Record
N page 210
Feb. 15, 1842
Recorded
Feb. 18, 1842

Nicholas McCarty and
Margaret McCarty, wife of the
said Nicholas McCarty,

Warranty Deed

to

John Siter, his
heirs and assigns

-4-

All the right, title and interest being the undivided half of the said party of the first part of, in and to the certain other tracts, lots, in said Town of Indianapolis, known and described as follows:

- Lot 118 containing 13.08 acres, - Lot 119, containing 11.18 acres.

418783

Land Record
Q page 279
May 14, 1846
Recorded
May 27, 1846

Calvin Fletcher and
Sarah H. Fletcher, wife of
said Calvin Fletcher,
to
John Siter, his
heirs and assigns

Quit Claim Deed

-5-

All our title, interest and estate, legal and equitable in the following premises with the appurtenances situate in Marion County, in the State of Indiana, described as follows, viz: - Lot 118 containing 13.08 acres, also - Lot 119 containing 11.18 acres.

(And other real estate.)

Land Record
CC page 546
Nov. 30, 1852
Recorded
Jan. 6, 1853

John Siter and
Maria Siter,
his wife
to
Nicholas McCarty, his
heirs and assigns

Warranty Deed

-6-

Out Lot 118 containing thirteen 8/100 acres, more or less; Out Lot 119 containing 11.18 acres, more or less.

(And other real estate.)

Town Lot Record
1 page 191
June 6, 1853
Recorded
Sept. 26, 1853

John Siter and
Maria Siter, his wife
to
Nicholas McCarty, his
heirs and assigns

Warranty Deed

-7-

Out Lot 118 containing 13.08 acres, more or less. Out Lot 119 containing 11.18 acres, more or less, and other real estate, all of which said Lots are situate in the Donation Lands adjoining the City of Indianapolis.

And this deed of conveyance is made in lieu of and to correct all mistakes of description occurring in the deed from the parties of the first part herein to the party of the second part herein for the same tracts of land dated November 30, 1852.

418783

-8-

Nicholas McCarty died intestate May 17, 1854.

IN THE COMMON PLEAS COURT OF MARION COUNTY

Index of Estates
M to Z
Estate No. 1017
Complete Record
11 page 66

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

June 3, 1854. Margaret McCarty was duly appointed and qualified as Administratrix of the Estate of Nicholas McCarty, deceased.

Order Book 7, page 463.

-9-

January 7, 1860. Final settlement filed and estate closed.

Order Book 9, page 83.

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

STATE OF INDIANA, MARION COUNTY, 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, Indiana, on the 2nd day of May, 1835, which deed is recorded on page 535 of Marion County Deed Record D; 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 surviving him were Nicholas McCarty, Junior, Margaret R. McCarty, Frances J. McCarty, and Susannah McCarty, who subsequently married affiant; that he left surviving him no grand children by deceased sons or daughters.

That the said Nicholas McCarty, Junior, Frances J. McCarty and Margaret R. McCarty were of age and unmarried on February 9, 1864, and that the said Susannah McCarty, affiant's wife, was of age on the 9th day of February, 1864.

Henry Day

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

William Watson Wollen
Notary Public

-10-

418783

IN THE COMMON PLEAS COURT OF MARION COUNTY.

Cause #102
Filed
June 23, 1854
Complete Record
4 page 159

Margaret McCarty
vs
Susanna McCarty,
Margaret R. McCarty,
Nicholas McCarty, Jr. and
Frances J. McCarty

Petition for
Partition

-11-

Your petitioner Margaret McCarty of said County would respectfully represent that one Nicholas McCarty, late of said County, died leaving as his heirs at law him surviving your petitioner Margaret McCarty, his widow; and children, Susanna McCarty, Margaret R. McCarty, Nicholas McCarty, Jr. and Frances J. McCarty, the said Nicholas and Frances J. being then and now infants within the age of 21 years; that said decedent died possessed of personal property sufficient to pay all of his debts. That he died seized of the following real estate situate in said County, towit:

Out Lots Nos. 112, 113, 114, 118, 119 & 120 in the City of Indianapolis.

(Also other real estate.)

That your petitioner as the widow of said decedent is the owner of one third undivided of said premises in fee simple and the said children before named are as heirs of the deceased, are the joint owners of the remaining two thirds undivided.

Your petitioner therefore asks that the said Susanna McCarty, Margaret R. McCarty, Nicholas J. McCarty, and Frances J. McCarty may be made defendants hereto and that the one third part of said premises may be assigned and set off in severalty to your petitioner and Commissioners appointed to make such partition.

June 23, 1854. Summons issued and returned showing that Susanna McCarty, Margaret R. McCarty, Nicholas McCarty, Jr, and Frances J. McCarty, were served by reading on June 23, 1854.

July 21, 1854. Lucien Barbour appointed Guardian ad litem for infant defendants Nicholas McCarty, Jr. and Frances J. McCarty, and filed answer in general denial on their behalf.

October 13, 1854. This day comes the petitioner by Newcomb & Harvey, her Attorneys. And it appears to the satisfaction of the Court by the return of the Sheriff on the writ of summons herein issued. that the said defendants have been duly served with process more than ten days before the first day of the present term of this Court, which writ of Summons and the Sheriffs return indorsed thereon are in these words, (here insert them).

And thereupon said defendants Susanna McCarty, and Margaret R. McCarty are each three times called

and comes not, but make default, whereby said petition as to said defendants Susanna and Margaret R. remains unanswered and undefended.

And on motion of the petitioner Lucien Barbour is by the Court appointed Guardian ad litem for said defendants Nicholas McCarty, Jun. and Frances J. McCarty, who are infants within the age of twenty one years. And said Lucien Barbour now comes into open Court, accepts said appointment, and files his answer as such guardian ad litem in these words, (here insert).

And thereupon this cause is by agreement submitted to the Court for judgment upon the petition, default of said adult defendants, the answer of said guardian ad litem, and the evidence adduced, and the Court after hearing the evidence and being sufficiently advised in the premises, find the matters and things set forth and charged in said petition to be true; that the said petitioner Margaret McCarty is the widow of said Nicholas McCarty, deceased, who died seized in fee of the premises named and described in said petition, and as such widow she, the said Margaret McCarty, is the owner in fee simple of the undivided one third part of said premises and it appears to the satisfaction of the Court that partition of said premises ought to be made in accordance with the prayer of said petitioner.

It is therefore adjudged by the Court that partition be made of said premises, and that one third part of said premises, towit: Out Lots 112, 113, 114, 118, 119 & 120 in the City of Indianapolis, (also other real estate) be assigned and set off to the said petitioner Margaret McCarty, in severalty forever.

And the Court now appoints James Blake, Andrew Wilson and James Wood, three disinterested freeholders of the County of Marion, not of kin to any of the parties, Commissioners to make partition of said premises in pursuance of the foregoing judgment.

And it is ordered that said Commissioners make report thereof unto this Court, at the next term thereof, until when further proceedings herein are continued.

Order Book 2, page 148.

Commissioners sworn and oath filed.

Commissioners report they proceeded to make partition of said premises an accordance with said Order and have assigned and set off to the said Margaret McCarty, her heirs and assigns in severalty forever, for and in full of her one third part of the premises aforesaid the following described tracts and parcels of land with the apputenances the same being parts and parcels above described, towit:

418783

Out Blocks 112, 118 and 119 all in McCarty's
Addition to the City of Indianapolis.

(Also other real estate.)

In pursuance of the order of said Court here-
to attached. Partition approved.

Plat Book
1 pages 253 and
254
Dec. 20, 1854
Recorded
Dec. 21, 1854

PLAT OF MARGARET McCARTY'S SUBDIVISION OF OUT LOT
119 AND WEST PART OF OUT LOT 118 IN THE CITY OF
INDIANAPOLIS.

DESCRIPTION: The above Out Lot 119 and west
part of 118 are subdivided into 63 lots, Lot 1 is
42 feet wide and 184 1/2 feet deep. Lots from 2 to 17
inclusive are respectively 42 feet wide and 174 1/2
feet deep. Lot 18 is 64 feet wide in front and 73 1/2
ft. in rear and is 179 1/2 feet deep. Lots from 19
to 32 inclusive are respectively 42 feet wide and
179 1/2 feet deep. Lot 33 is 42 feet - and 184 1/2
feet deep. Lot 34 is 42 feet wide and 150 feet deep.
Lots from 35 to 48 inclusive are respectively 42 feet
wide and 145 deep. Lot 49 is 60 feet wide in front
and 52 1/3 feet in rear and 145 feet deep. Lot 50
is 55 1/3 feet wide in front and 63 feet in the rear
and 144 feet deep on south side and 146 feet 7 inches
on north side. Lots from 51 to 64 inclusive are
all 42 feet wide and depths are marked on the plat.
Lot 65 is 42 feet wide and 195 feet 5 inches deep.
A strip of ground 10 feet wide is given off the
west side of Out Lot 119 to widen the Bluff Road
as exhibited by the dotted line on the plat.

The width of street and alleys are marked on
the plat.

Margaret McCarty (Seal)

(Acknowledged by Margaret McCarty on Dec. 20,
1854 before William Sullivan, a Justice of the Peace.)

Town Lot Record
479 page 142
June 8, 1911
Recorded
June 12, 1911

STATE OF INDIANA, MARION COUNTY, SS:

Comes now Nicholas McCarty who being first duly
sworn on his oath says that he is a son of Margaret
McCarty who on Jan. 4, 1861, was the owner of Lot 22
in McCarty's Subdivision of Out Lot 119 and part of
Out Lot 118 in the City of Indianapolis, Indiana, and
who on that date conveyed said real estate to the Trus-
tee of the First Baptist Church of Indianapolis, and
their successors which deed appears of record in Deed

-13-

418783

Record 13, page 15, of the Marion County Recorders Office. And affiant says that his mother was a widow on said date. That she became a widow by the death of her husband, Nicholas McCarty, Sr., the father of this affiant, on or about the 17th day of May, 1854, and that she remained unmarried from date until her death on the 18th day of Feby. 1873.

Nicholas McCarty

Subscribed and sworn to this 8th day of June, 1911.

Fred Seinsticker (LS)
Notary Public

Town Lot Record
18 page 139
Apr. 21, 1863
Recorded
June 1, 1863

Margaret McCarty --
to
John Hillman

Warranty Deed

Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and of the west part of Out Lot 118, in the City of Indianapolis, according to the plat of said Subdivision as recorded in the Recorder's office of said County of Marion.

-14-

VACATION

Town Lot Record
26 page 251
Aug. 14, 1865
Recorded
Oct. 21, 1865

Transcript of proceedings had before the Common Council of the City of Indianapolis, in the matter of vacating parts of Union Street. The proposed vacation was more particularly described as follows, towit:

5 feet in width of that portion of Union Street lying on the west side of the east line thereof, and running in length from Ray Street to the Corporation line south, making the east line of said Street parallel to the east line of said street north of Ray Street and 5 feet in width of that portion of Union Street lying on the east side of the west line thereof, and running in length from Ray Street to the Corporation line south, making the west line of said Street parallel to the west line of said street north of Ray Street, thus giving an uniform width of 60 feet to Union Street from Merrill Street to the Corporation line.

-15-

418783

On petition of the property owners residing on Union Street for the vacating of the above described portion of Union Street, after notice had been published and posted and no person appearing to object, same was ordered and decreed vacated by the Common Council of the City of Indianapolis, on October 19, 1865.

-16-

John Hillman died testate August 20, 1892.

Will Record
L page 127
Probated
Aug. 29, 1892

-17-

LAST WILL AND TESTAMENT OF JOHN HILLMAN, DECEASED.

I, John Hillman of the City of Indianapolis, County of Marion and State of Indiana, do make this my last will and testament and hereby revoke any and all former wills by me made.

I give, bequeath and devise to my beloved wife, Frederica Hillman, all my personal and real property of every description wherever located, to have and to hold for her own free use and benefit without any let or hindrance during the time she shall remain my widow. If my widow does not remarry, then at her death, I give and devise to my children Sophia A. Hillman Fournace, William F. Hillman, Frederick W. Hillman and Charles T. Hillman all my estate remaining to be divided among them share and share alike.

But if my widow shall re-marry, in that event, I give, bequeath and devise to her one third of all my estate both personal and real in fee simple, but the remaining two-thirds I give, bequeath and devise to my children aforesaid, share and share alike to themselves and their heirs.

IN WITNESS WHEREOF, and in presence of the attesting witnesses I have signed and declared this my last will and testament, this 9 day of February A.D. 1888.

John Hillman

The foregoing instrument was signed by John Hillman in our presence and declared by him to be his last will and testament and in his presence, we, at the request of the testator, have signed our names as witnesses hereto.

Bennett F. Witt
Lucius B. Swift

418783

IN THE MARION CIRCUIT COURT

Estate Docket
17 page 1931

-18-

IN THE MATTER OF THE ESTATE OF JOHN HILLMAN, DECEASED.
August 29, 1892. Will probated and Frederick Hillman was duly appointed and qualified as administrator with the Will annexed of the estate of John Hillman, deceased by Clerk in Vacation of Court.
September 6, 1892. Action of Clerk in Vacation confirmed by the Court.
Order Book 96, page 560.
September 17, 1892. Proof of notice of appointment filed.
September 26, 1899. Verified final report filed.
October 27, 1899. Final report approved and estate closed.
Order Book 140, page 212.
Final Report Record 22, page 316.

Town Lot Record
393 page 252
Nov. 9, 1905
Recorded
Nov. 15, 1905

-19-

Frederica Hillman, unmarried, Warranty Deed
Charles T. Hillman and
Lena Sophie Hillman, his wife,
Frederick W. Hillman and
Sophia Hillman, his wife,
William F. Hillman and
Katherine M. Hillman, (Signed
Katharine M. Hillman), his wife
to

John B. Fournace

Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of Out Lot 118 in the City of Indianapolis, Marion County, Indiana.

The above grantors Frederica Hillman is the widow of John Hillman, deceased, and Charles T. Hillman Frederick W. Hillman, William F. Hillman, together with Sophia A. Hillman Fournace are the same persons named in the Will of said John Hillman, deceased, which said Will is recorded in Will Record L, page 127, in the Clerk's office of Marion County, Indiana, and are the heirs, only heirs and all the heirs of John Hillman, deceased.

-10- bjl

Order Book 55, page 252.
August 20, 1918. Proof of notice of appointment filed.

March 13, 1919. Petition showing death of Sophia A. Fournace, administratrix herein, and Ethel Haerle was duly appointed and qualified as Administratrix de bonis non herein.

Order Book 56, page 90.

-11- bjl over

418783

Town Lot Record
393 page 251
Nov. 9, 1905
Recorded
Nov. 15, 1905

Sophia A. Hillman Fournace and
John B. Fournace, her husband

Warranty Deed

to
Robert F. Catterson

Lots 23 and 24 in Margaret McCarty's Subdivi-
sion of Out Lot 119 and the west part of Out Lot
118 in the City of Indianapolis, Marion County,
Indiana.

-20-

Town Lot Record
393 page 250
Nov. 9, 1905
Recorded
Nov. 15, 1905

Robert F. Catterson,
(unmarried)

Quit Claim Deed

to
John B. Fournace

Lots 23 and 24 in Margaret McCarty's Subdivi-
sion of Out Lot 119 and the west part of Out Lot 118
in the City of Indianapolis, Marion County, Indiana.

-21-

-22-

John B. Fournace died intestate July 19, 1918.

IN THE PROBATE COURT OF MARION COUNTY.

Estate Docket
53 page 16334

IN THE MATTER OF THE ESTATE OF JOHN B. FOURNACE,
DECEASED.

-23-

July 25, 1918. Sophia A. Fournace was duly ap-
pointed and qualified as administratrix of the estate
of John B. Fournace, deceased, by Clerk in Vacation
of Court.

September 3, 1918. Action of Clerk in Vacation
confirmed by the Court.

Order Book 53, page 232.

August 20, 1918. Proof of notice of appointment
filed.

March 13, 1919. Petition showing death of Sophia
A. Fournace, administratrix herein, and Ethel Haerle
was duly appointed and qualified as Administratrix de
bonis non herein.

Order Book 56, page 90.

418783

March 30, 1920. Verified final report filed.
April 20, 1920. Proof of publication of final notice filed.

June 14, 1920. Proof of posting of final notice filed, final report approved and estate closed.
Order Book 64, page 150.

Final Report Record 56, page 644.

Note: Entry on final report reads in part as follows, towit: that all of decedent's debts, including inheritance tax have been paid and discharged; that said decedent left surviving the following and only heirs, Sophia A. Fournace, his widow, Mary Helen Warner, Ethel Hearle, Susie Fournace, daughter and John Fournace, Louis Fournace, Joseph Fournace, Abram Fournace and Ebert Fournace, his sons.

That said decedent died the owner of the following described real estate situated in Marion County, Indiana, towit:

Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of Out Lot 118 to the City of Indianapolis, Indiana.

(And other real estate.)

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisement lists Lots 23 and 24 herein (and other real estate), as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$58,868.00.

-24-

Sophia A. Fournace died intestate March 9, 1919.

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
55 page 16990

IN THE MATTER OF THE ESTATE OF SOPHIA A. FOURNACE,
DECEASED.

March 13, 1919. Ethel Haerle was duly appointed and qualified as administratrix of the estate of Sophia A. Fournace, deceased.

Order Book 56, page 91.

April 5, 1919. Proof of notice of appointment filed.

April 28, 1920. Verified final report filed.

May 17, 1920. Proof of publication of final notice filed.

-25-

418783

June 14, 1920. Proof of posting of final notice filed, final report approved and estate closed.

Order Book 64, page 146.

Final Report Record 56, page 613.

Note: Entry on final report reads in part as follows, towit: that all of decedent's debts including inheritance taxes have been paid and discharged; that said decedent left surviving the following and only heirs, Mary Helen Warner, Ethel Haerle and Susie Fournace, daughters and John Fournace, Louis Fournace, Joseph Fournace, Abram Fournace and Ebert Fournace, her sons.

That said decedent died the owner of 1/3 interest in the following described real estate situated in Marion County, Indiana, towit: Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of Out Lot 118 to the City of Indianapolis, Indiana, (and other real estate).

ABTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal lists 1/3 interest of Lots 23 and 24 herein (and other real estate, as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$19,906.32.

Misc. Record
185 page 561
Inst. #29329
June 29, 1927
Recorded
July 6, 1927

-26-

STATE OF INDIANA, COUNTY OF MARION, SS:

Personally appeared before me, the undersigned a Notary Public, in and for said County and State, this 29 day of June, 1927, Abram W. Fournace of lawful age, who after being duly sworn on his oath deposeth and saith that he was well acquainted with John B. Fournace, who was at one time the owner of Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of Out Lot 118 in the City of Indianapolis, Indiana; that said John B. Fournace died intestate July 19, 1918, leaving him surviving, his widow, Sophia A. Fournace and his children, Mary Helen Warner, Ethel Haerle, John Fournace, Louis Fournace, Joseph Fournace, Susie Fournace, Abram Fournace and Ebert Fournace; and that said John B. Fournace left no other child or descendants of a child deceased, him surviving.

That said Sophia A. Fournace above mentioned died intestate and unmarried on March 9, 1919 and left surviving her the children of herself and John B. Fournace above mentioned and left no other child nor descendant of a child deceased her surviving.

Further affiant saith not.

Abram W. Fournace

418783

Subscribed and sworn to before me this 29 day
of June, 1927.

Witness my hand and Notarial Seal.

Sam Wides (LS)

Notary Public

My Notarial Commission expires Jan. 29, 1929.

IN THE PROBATE COURT OF MARION COUNTY

Cause No. 1280
Complaint Filed
Oct. 16, 1919

Ethel Haerle,
Mary Helen Warner

Complaint for
Partition

vs

John A. Fournace,
Louis Fournace,
Joseph J. Fournace,
Susie Fournace,
Abram - Fournace,
Ebert Fournace,
Otis H. Warner,
John W. Haerle,
Minnie Lee Fournace,
Grace Fournace,
Grace E. Fournace,
Edna May Fournace,
Ethel Haerle, Administratrix
of the Estate of
Sophia A. Fournace, Deceased,
The Union Trust Company of
Indianapolis, Indiana.

-27-

Ethel Haerle and Mary Helen Warner, plaintiffs herein, complain of the defendants, John A. Fournace, Louis Fournace, Joseph J. Fournace, Susie Fournace, Abram Fournace, Ebert Fournace, Otis H. Warner, John W. Haerle, Minnie Lee Fournace, Grace Fournace, Grace E. Fournace, Edna May Fournace, Ethel Haerle, administratrix of the estate of Sophia A. Fournace, deceased, and The Union Trust Company of Indianapolis, Indiana, Trustee, and for cause of action against said defendants and each of them, and by way of petition herein, respectfully represent and show to the court that they and the defendants, John A. Fournace, Louis Fournace; Joseph J. Fournace, Susie Fournace, Abram Fournace, and Ebert Fournace are the owners in fee simple, as tenants in common of the following described real estate, located in the City of Indianapolis, Marion County, Indiana, to wit:

418783

(Parcels 1, 2, 3, 4, 6, and 7 describe real estate other than certified to herein.)

PARCEL NO. 5. Lots number 23 and 24 in Margaret McCarty's Sub-division of Out Lot 119 and the West part of Out Lot 118 in the City of Indianapolis, Indiana.

That the interests of these plaintiffs and said defendants in and to said real estate are as follows:

That the plaintiffs, Ethel Haerle, and Mary Helen Warner are each the owners of an undivided one-eighth thereof.

That the defendants John A. Fournace, Louis Fournace, Joseph J. Fournace, Susie Fournace, Abram Fournace and Ebert Fournace are each the owners of an undivided one-eighth thereof.

That the defendant, Otis H. Warner, is the husband of the plaintiff, Mary Helen Warner; that the defendant, John W. Haerle, is the husband of the plaintiff, Ethel Haerle; that the defendant Minnie Lee Fournace is the wife of the defendant Louis Fournace; that the defendant Grace Fournace is the wife of the defendant, Joseph J. Fournace; that the defendant Grace E. Fournace is the wife of the defendant Abram Fournace; that the defendant Edna May Fournace is the wife of the defendant Ebert Fournace. That said defendants Otis H. Warner, John W. Haerle, Minnie Lee Fournace, Grace Fournace, Grace E. Fournace and Edna May Fournace are each made party defendants to this cause of action to answer as to any interest they may have in said real estate.

Plaintiffs further allege that said defendants Otis H. Warner, Louis Fournace, Minnie Lee Fournace, Joseph J. Fournace, Grace Fournace and Susie Fournace are each and all non-residents of the State of Indiana, and that they are necessary parties to this cause of action.

Plaintiffs further allege that said defendant, Ethel Haerle, administratrix of the estate of Sophia A. Fournace, deceased, is the duly qualified and acting administratrix of the estate of said Sophia A. Fournace, deceased, under appointment of this court; that said Sophia A. Fournace at the time of her death, was the owner of an undivided one-third interest in and to all of said real estate which she inherited from her husband, John B. Fournace, deceased.

Plaintiffs further allege that said administratrix does not have a sufficient sum of money in her possession to enable her to pay all of the just debts, funeral expenses and expenses of administration of the estate of Sophia A. Fournace, deceased, and plaintiffs therefore, request the court to order and direct the commissioner hereinafter appointed to turn over to

418783

said administratrix, sufficient sum of money to enable her to pay all of said debts, funeral expenses and expenses of administration of the estate of Sophia A. Fournace, deceased, before any distribution of the funds derived from the sale of said real estate is made to the heirs at law of said Sophia A. Fournace, deceased.

And these plaintiffs aver that they, and each of them, are entitled to the possession of and are desirous of holding their respective interest in and to said real estate in severalty.

Plaintiffs further allege that said real estate is not susceptible of partition or division, among the respective owners thereof, without damage, to the interests of the owners thereof, and that said real estate should be sold by a commissioner appointed by this court for that purpose, and the proceeds derived from the sale thereof divided among these plaintiffs and said defendants in the proportion above mentioned.

WHEREFORE, plaintiffs pray the court that partition may be awarded and adjudged of said real estate, in accordance with the rights of the parties therein, as above set forth, and that said real estate be ordered sold by a commissioner appointed for that purpose, by this court, and the proceeds derived from the sale thereof distributed among these plaintiffs and said defendants in the proportion to which they shall be found entitled.

And plaintiffs pray the court for all other proper relief in the premises.

(Note: Complaint shows that defendant Otis H. Warner is defendant herein by virtue of a mortgaged interest from defendants Ebert Fournace, Abram W. Fournace and Joseph J. Fournace, said mortgages have since been satisfied of record. Defendant Union Trust Company holds a mortgage lien upon Parcel 7, being real estate other than certified to herein).

January 21, 1920. Defendants Louis Fournace, Otis H. Warner, Susie Fournace, Joseph J. Fournace, Grace Fournace, John W. Haerle, John A. Fournace, Abram W. Fournace, Grace E. Fournace, Edna May Fournace, Ebert Fournace and Ethel Haerle, Administratrix of the estate of Sophia Fournace, deceased, file answer in general denial and waive issuance and service of summons and voluntarily enter appearance herein.

January 21, 1920. Defendant The Union Trust Company waives issuance and service of summons and files answer setting up its mortgage on Parcel 7 of real estate in said complaint and prays protection etc.

January 21, 1920. Proof of publication of notice to non-resident defendants (as named in above complaint) filed showing that said notice was published in

418783

The Indianapolis Commercial, a newspaper printed and published in the City of Indianapolis, for 3 weekly insertions successively the first of which publications was on Oct. 17, 1919 and the last on Oct. 31, 1919.

January 21, 1920. DECREE.

Defendant Minnie Lee Fournace called and defaulted.

And the issues in this case having been thus joined the same are now submitted to the court for trial and determination, a jury by agreement of all the parties being waived.

And the court having heard the evidence and being fully advised in the premises finds, as alleged in plaintiff's complaint, that said plaintiffs and the defendants, John A. Fournace, Louis Fournace, Joseph J. Fournace, Susie Fournace, Abram Fournace and Ebert Fournace are the owners as tenants in common of the following described real estate located in the City of Indianapolis, Marion County, Indiana, to-wit:

PARCEL NO. 5. Lots number 23 and 24 in Margaret McCarty's Sub-division of Out Lot 119, and the west part of Out Lot 118 to the city of Indianapolis, Indiana.

(Also other real estate.)

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

That the plaintiffs Ethel Haerle and Mary Helen Warner are each the owners of an undivided one-eighth thereof.

That the defendants John A. Fournace, Louis Fournace, Joseph J. Fournace, Susie Fournace, Abram Fournace and Ebert Fournace are each the owners of an undivided one eighth thereof.

The court further finds that said parties are entitled to have their said interests in said real estate set off and assigned to them in severalty.

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

It is therefore hereby considered and decreed by the court that the parties above mentioned, are the owners of, and have interests, as above found and set forth, in and to said real estate, or to the proceeds derived from its sale, and that said real estate is not susceptible of partition without damage to the said owners thereof.

WHEREFORE, it is by the court further ordered, adjudged and decreed that said real estate after being duly appraised, as provided by law shall be sold by

418783

commissioner appointed for that purpose, at private sale, for not less than the full appraised value thereof and for cash.

Notice of the time, terms and place of such sale shall be given by two consecutive publications thereof in the Indianapolis News, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana, the last of which said notices shall be so published, at least five days prior to the time fixed for such sale, and upon such sale being made and confirmed all claim or title in and to said real estate held by any of the owners thereof, including the inchoate right or interest therein, of the defendant, Otis H. Warner, as the husband of the plaintiff Mary Helen Warner, the defendant John W. Haerle, as the husband of the plaintiff, Ethel Haerle; the defendant Minnie Lee Fournace, as the wife of the defendant Louis Fournace; the defendant Grace Fournace as the wife of the defendant Joseph J. Fournace; the defendant Grace E. Fournace as the wife of the defendant Abram Fournace, and the defendant Edna May Fournace, as the wife of the defendant Ebert Fournace, shall be as effectually barred as if said parties had themselves executed a conveyance thereof to the purchaser.

It is by the court further ordered and adjudged that upon such sale being made the mortgage lien held by the Union Trust Company of Indianapolis, Indiana, upon parcel number 7 of said real estate and that the Mortgages held by defendant Otis H. Warner be transferred to the funds derived from the sale of said real estate, and that said real estate shall be sold free and discharged from the lien of all of said above described mortgages.

And the court now appoints George C. Harness, commissioner thereof, to make sale of said real estate in accordance with the foregoing order and requests him to execute bond in the penalty of \$60,000.00 conditioned for the faithful discharge of his duties and with surety thereon to the approval of the court.

And comes now said George C. Harness and accepts said trust, and now tenders his bond, as such commissioner, in the penalty and condition as aforesaid with London & Lancashire Indemnity Company of America as surety thereon, which said bond is now approved by the court.

Said commissioner is directed to have an appraisal made of said real estate, and thereupon proceed with the execution of the foregoing order for the sale thereof and make due report of his proceedings to this court.

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

Order Book 62, page 4.

418783

March 12, 1920. Appraisement filed showing that after taking oath of office Charles R. Yoke and Herbert E. Fieber appraised Parcel 5 herein at \$6000.00.

March 12, 1920. Proof of publication of notice of sale filed showing that said notice was published in The Indianapolis News, a daily newspaper printed and published in the City of Indianapolis, for 2 days on January 22nd and 23rd, 1920.

April 1, 1920. REPORT OF SALE OF REAL ESTATE.

The undersigned commissioner, appointed in the above entitled cause of action to make sale of the real estate hereinafter described, respectfully reports to the court that pursuant to the order in said cause entered, he had an appraisement made of said real estate by Charles R. Yoke and Herbert E. Fieber, two disinterested householders of the neighborhood where said real estate is located, who were duly chosen to make said appraisement in the manner appraisers are selected in cases of land sold upon execution and which said appraisement was filed in this court at the time of reporting the sale of other parcels of real estate in this proceedings ordered sold.

That said commissioner gave notice of the time, terms and place of the sale of such real estate by two consecutive publications in the Indianapolis News, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Marion County, Indiana, the last of which said publications was so made on the - day of -, 1920.

That on the 2nd day of February, 1920, that being the time fixed for such sale, and at the place in said notice specified, said commissioner offered said real estate for sale at private sale and Moses A. Rabb having then and there bid therefor the sum of \$6250.00 and that being the highest and best bid received therefor and more than the full appraised value thereof, said commissioner, subject to the approval of this court, sold to said Moses A. Rabb, for said sum of \$6250.00 the real estate so ordered sold and described as follows, towit:

PARCEL NO. 5. Lots number 23 and 24 in Margaret McCarty's Sub-division of Out lot 119 and the west part of Out Lot 118 to the City of Indianapolis, Indiana.

That said purchaser has complied with the terms of said sale by paying to this commissioner all of said sum of \$6250.00 in cash.

That said commissioner now brings into court the proceeds of such sale and prays that his acts in the premises may be approved.

And the court being sufficiently advised in the premises, now in all things approves said report and ratifies and confirms said sale and said commissioner

418783

is hereby ordered to execute to said Moses A. Rabb a deed for said real estate.

And now said commissioner reports such deed and the same being examined, is approved by the court and delivered to said purchaser.

Order Book 59, page 380.

Town Lot Record
625 page 224
Mar. 31, 1920
Recorded
Apr. 3, 1920

-28-

George C. Harness (Acknowledged
George C. Harnes-) Commissioner
appointed by the Probate Court
of Marion County, in the State
of Indiana, in a case pending
therein entitled Ethel Haerle,
et al against John A. Fournace,
et al and numbered 1280 upon
the Dockets thereof, pursuant
to the order of said Court in
said Cause made and entered
on page -- of Order Book --
of the records thereof

Commissioner's Deed

to
Moses A. Rabb

Parcel No. 5. Lots 23 and 24 in Margaret McCarty's
Subdivision of Out Lot 119 and the west part of Out Lot
118 to the City of Indianapolis, Indiana.

Examined and approved in open court this 1st day
of April, 1920.

W. O. Dunlavy, Judge pro tem of
the Probate Court of Marion
County, Indiana

Town Lot Record
629 page 302
May 21, 1920
Recorded
May 28, 1920

-29-

Moses A. Rabb and
Pauline Rabb, his wife
to
Jacob Wides

Warranty Deed

Lots 23 and 24 in Margaret McCarty's Subdivision
of Out Lot 119 and the west part of Out Lot 118 in the
City of Indianapolis, according to the Plat of said Sub-
division as recorded in the Recorder's office of said
County of Marion.

418783

-30-

By Warranty Deed dated Nov. 1, 1951 and recorded Nov. 2, 1951 in Town Lot Record 1435, page 281, Inst. #70907, Jacob Wides and Rebecca Wides, his wife conveyed to Sam Sham and Esther Sham, husband and wife.

Part of Lots 23 and 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West Part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, towit:

Beginning at a point on the East line of said Lot 24, 35 feet south of the Northeast corner of said Lot 24, thence west parallel to and 35 feet south of the North line of said Lot 24, 89.17 feet, thence south 23.4 feet, thence east parallel to the North line of said Lot 24, 90 feet to a point in the East line of said Lot 23, 58.4 feet south of the Northeast corner of said Lot 24, thence north upon and along the East lines of said Lots 23 and 24, 23.4 feet to the place of beginning.

Also 5 feet east of and adjoining said above described Part of Lots 23 and 24, being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Subject to 1951 taxes payable in 1952.
Proper citizenship clause is attached.
U. S. Revenue Stamp Attached.

Old Age Assistance Examination has been made as to the persons named
Search

-31-

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.

418783

Judgment Search

-32-

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:

Jacob Wides

for the 10 years
last past and
against none other.

-33-

Taxes for the year 1950 on the real estate for which this abstract is prepared are assessed in the name of Jacob Wides and are due and payable on or before the first Mondays in May and November of 1951.

General Tax Duplicate No. 331414, T-Z, Indianapolis, Center Township, Parcel No. 85311.

May installment paid.

November installment paid.

NOTE: We do not set out the amount of Taxes due as this real estate is carried on the Tax Duplicate with other property.

-34-

Taxes for the year 1951 now a lien. SEE SUBSEQUENT CONTINUATION

ZONING

-35-

Zoning Ordinance #114, prepared by City Plan Commission, Council Proceedings of 1922, page 655, introduced November 6, 1922, passed by the Common Council November 20, 1922, signed by the Mayor December 4, 1922, and effective December 20, 1922.

General Ordinance #79, 1939, an ordinance to amend General Ordinance #114, 1922, Council Proceedings of 1939, page 645, introduced October 2, 1939, passed by the Common Council, October 16, 1939, and signed and approved by the Mayor, October 19, 1939, and effective January 10, 1940. General Ordinance #104, 1950, an ordinance to amend General Ordinance #114, 1922, Council Proceedings of 1950, page 981, introduced December 4, 1950, and signed and approved by the Mayor December 19, 1950, effective date December 19, 1950.

General Ordinance #99, 1951, an ordinance amending and supplementing General Ordinance #104, 1950, as amended, Council Proceedings of 1951, page 578, introduced August 6, 1951, and signed and approved by the Mayor, September 5, 1951, effective date September 14, 1951.

Provides for the establishing of a Zoning Plan for the City of Indianapolis 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 into the following districts:

Being 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.

And into 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; and

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-4, 1,200 square feet per family; Class A-5, 600 square feet per family; Class A-6, unlimited.

Provides for its administration by the Building Commissioners, and for penalties for violation of its provisions and authorizes the creation of a Board of Zoning Appeals, and that no building or apartment shall be erected or used except in conformity with the regulations prescribed in said 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 said Ordinance and on the Zoning Map of the City, and is subject to the restrictions and uses therein provided for real estate in each of said respective districts.

-36-

November 26, 1951. 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.

MRS

GUARANTEED CERTIFICATE

-37-

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 37 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 24 both inclusive.

Dated at Indianapolis, Indiana, December 3, 1951, 8 A. M.

UNION TITLE COMPANY

by *Albert M. Bush*
President

-24-

UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building
Market 2361-5

Indianapolis 4, Indiana

Capital Stock \$1,000,000.00

418783

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: Wides Construction 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

November 28, 1951, 8 A. M. and

The Indianapolis Division of the Southern District down to and including

November 29, 1951, 8 A. M.

Jacob Wides

UNION TITLE CO.

BY

Albert M. Bush

PRESIDENT

bjl

420388

CAPTION

-1-

Continuation of Abstract of Title to Part of Lot 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence South 35 feet, thence East parallel with the North line of said Lot, 89.17 feet to the East line of said Lot, thence North upon and along the East line of said Lot 35 feet to the place of beginning.

Also 5 feet East of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Since December 3, 1951, 8 A.M.

Prepared for: Celtic Federal Savings and Loan
Association of Indianapolis, Indiana

Town Lot Record
1440 page 140
Inst. #83185
Dec. 26, 1951
Recorded
Dec. 26, 1951

-2-

Jacob Wides and Rebecca Wides,
his wife
to

Esther Sarfaty

(Part of Lot 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence south 35 feet, thence east parallel with the North line of said Lot, 89.17 feet to the East line of said Lot, thence north upon and along the East line of said Lot, 35 feet to the place of beginning.

Also 5 feet east of and adjoining above described

Warranty Deed
(U.S. Revenue
Stamp Attached

420388

realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Subject to taxes for year 1951, payable in 1952.

Proper citizenship clause is attached.

Mortgage Record
1625 page 655
Inst. #83186
Dec. 26, 1951
Recorded
Dec. 26, 1951

3-

Esther Sarfaty, unmarried

to
Celtic Federal Savings and
Loan Association of Indianapolis

Part of Lot 24 in Margaret McCarty's Sub-division of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence south 35 feet, thence east parallel with the North line of said Lot 89.17 feet to the East line of said Lot, thence north upon and along the East line of said Lot, 35 feet to the place of beginning.

Also 5 feet east of and adjoining above described realty, being a portion of Union Street heretofore vacated, as shown in Town Lot Record 26, page 251.

To secure the performance of the provisions hereof and the payment of a certain obligation evidenced by a promissory note of even date herewith for the principal sum of \$3,000.00 payable on or before 12 years after date, with interest thereon as provided in said note, said principal and interest being payable in regular monthly installments of \$30.00 each, payable on or before the 26th day of each calendar month hereafter, and with attorney's fees.

7/31/54
SATISFIED OF RECORD
MORTGAGE UNION TITLE CO.
BY *Edward [Signature]*
PRESIDENT

420388
GUARANTEED CERTIFICATE

upon this certificate, and this certificate runs 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

420388

Old Age Assistance 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 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.

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:

Jacob Wides

from December 3, 1951,
8 A.M. to and including
December 26, 1951

and vs

Esther Sarfaty,

for the 10 years
last past and
against none other

-6-

Taxes for the year 1950 on the Real Estate for which this Abstract is prepared are assessed in the name of Jacob Wides and are due and payable on or before the first Mondays in May and November of 1951.

General Tax Duplicate No. 331414, T-Z, Indianapolis, Center Township, Parcel No. 85311.

May Installment Paid.

November Installment Paid.

NOTE: We do not set out the amount of Taxes due as this real estate is carried on the Tax Duplicate with other property.

-7-

Taxes for the year 1951 now a

STAMP PAID IN FULL
ATTORNEY AT LAW TITLE CO.
BY Edward [Signature]
PRESIDENT

420388

Old Age Assistance
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 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.

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:

Jacob Wides

from December 3, 1951,
8 A.M. to and including
December 26, 1951

and vs

Esther Sarfaty,

for the 10 years
last past and
against none other

-6-

Taxes for the year 1950 on the Real Estate for which this Abstract is prepared are assessed in the name of Jacob Wides and are due and payable on or before the first Mondays in May and November of 1951.

General Tax Duplicate No. 331414, T-Z, Indianapolis, Center Township, Parcel No. 85311.

May Installment Paid.

November Installment Paid.

NOTE: We do not set out the amount of Taxes due as this real estate is carried on the Tax Duplicate with other property.

-7-

Taxes for the year 1951 now a

PAID IN FULL
ATTORNEY UNION TITLE CO.
BY *Edward [Signature]*
PRESIDENT

420388

GUARANTEED CERTIFICATE

-8-

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 8 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 4 both inclusive.

Dated at Indianapolis, Indiana, December 27, 1951, 8 A.M.

UNION TITLE COMPANY

by... *Albert M. Distor*
President

-4-hb

UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building
Market 2361-5

Indianapolis 4, Indiana

Capital Stock \$1,000,000.00

420388

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: Celtic Federal Savings and Loan Association of
Indianapolis, Indiana
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

December 27, 1951, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

December 27, 1951, 8 A.M.

Jacob Wides

Esther Sarfaty

UNION TITLE CO.

BY *Albert M. Binstor*
PRESIDENT

hb

65-737A

CAPTION

-1-

Continuation of Abstract of Title to Part of Lot 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, towit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence South 35 feet, thence East parallel with the North line of said Lot, 89.17 feet to the East line of said Lot, thence North upon and along the East line of said Lot 35 feet to the place of beginning.

Also 5 feet East of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Since December 27, 1951, 8 A.M.

Prepared for: Mrs. Lena Becker

-2-

Esther Sarfaty died intestate August 16, 1959.

IN THE PROBATE COURT OF MARION COUNTY

IN THE MATTER OF THE ESTATE OF ESTHER SARFATY, DECEASED.

August 30, 1960 Bond filed, Lena Becker duly appointed and qualified as administratrix of the estate of Esther Sarfaty, deceased.

Order Book 506 page 161.

September 30, 1960 Proof of notice of appointment filed.

May 10, 1961 Verified final report filed.

May 26, 1961 Proof of publication of final notice filed.

Estate Docket
E60-1108

-3-

65-737A

June 5, 1961 Final Report approved and estate closed.
Order Book 537 page 284.

Final Report Record 344 page 296.

Note: Entry on final report reads in part as follows,
towit: That all claims filed against said estate have been
paid and discharged; that said decedent left surviving the
following and only heirs, Lena Becker, Florence Calderon,
Raye Mischoulam, Dora Nahmias, Bayne Benjamin, Tillie Calderon,
and Bessie Mordoh, adult daughters.

That each of said heirs are now the owners in fee simple
of a 1/7 interest in the real estate of which decedent died
seized and described as Part of Lot 24 in Margaret McCarty's
Subdivision of Out Lot 119 and the West part of Out Lot 118
of the Donation Lands in the City of Indianapolis, as per
plat thereof, recorded in Plat Book 1, pages 253 and 254
in the office of the Recorder of Marion County, Indiana,
more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot, thence
West upon and along the North line of said Lot, 88 feet
thence south 35 feet, thence east parallel with the North
line of said Lot, 89.17 feet to the East line of said Lot
thence north upon and along the East line of said Lot, 35
feet to the place of beginning.

Also, 5 feet east of and adjoining above described
realty being a portion of Union Street heretofore vacated
as shown in Town Lot Record 26, page 251 (also known as
1102-04 Union Street), also other real estate, which in-
terest in said real estate descended to each of said heirs
upon the death of said decedent. That said estate was not
subject to Federal Estate Tax.

That all Inheritance Taxes assessed against said estate
have been paid.

That said estate was not subject to Gross Income Tax.

That neither decedent nor her administratrix were employ-
ers of labor as defined in the Employment Security Act.

ABSTRACTOR'S NOTE: Schedule of property of said de-
cedent filed with the Inheritance Tax Appraiser for Inheri-
tance Tax Appraisalment and Order determining Tax, lists
caption realty, (Also other real estate), as an asset of
said estate. Said Schedule and Order further shows the
gross value of said decedent's estate to be \$16,975.62.

Note: Transcript of decree approving Final Report
was recorded July 25, 1961 in Town Lot Record 1872, page
590.

65-737A

Town Lot Record
1872, Inst. #59441
July --- 1961
Ack. July 13, 1961
Recorded
July 25, 1961

Florence Calderon and
Albert Calderon, her husband,
Dora Nahmias and
Albert Nahmias (Signed
Albert J. Nahmias),
her husband,
Tillie Calderon and
Morris Calderon,
her husband and
Bessie Mordoh and
Sol Mordoh,
her husband

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

-4-

to
Lena Becker

Part of Lot Number 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence south 35 feet, thence east parallel with the North line of said Lot, 89.17 feet to the East line of said Lot thence north upon and along the East line of said Lot, 35 feet to the place of beginning.

Also, 5 feet east of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Subject to all liens, encumbrances and restrictions of record.

Instrument shows name of person preparing same.

Town Lot Record
1872 Inst. #59442
July ---1961
Ack. July 13, 1961
Recorded
July 25, 1961

Raye Mischoulam and
Daniel Mischoulam,
her husband and
Bayne Benjamin and
Fred Benjamin, her
husband

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

-5-

to
Lena Becker

Part of Lot Number 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, to-wit:

-3- cb -over-

65-737A

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence south 35 feet, thence east parallel with the North line of said Lot, 89.17 feet to the East line of said Lot thence north upon and along the East line of said Lot, 35 feet to the place of beginning.

Also, 5 feet east of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Subject to all liens, encumbrances, and restrictions of record.

Instrument shows name of person preparing same.

Old Age Assistance Examination has been made, as to the persons in Search title subsequent to May 1, 1947, for liens shown

-6-

by notices of Old Age Assistance, filed in the Office of the Recorder of Marion County, as provided by the Acts concerning Public Welfare, effective May 1, 1947.

Juvenile Court Search

-7-

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.

65-737A

Uniform Commercial Code 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"

-8-

Judgment Search 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:

-9-

Esther Sarfaty

from January 7, 1954,
to and including
August 16, 1959,

Florence Calderon
Raye Mischoulam
Dora Nahmias
Bayne Benjamin
Tillie Calderon
and
Bessie Mordoh

from January 7, 1955,
to and including
July 25, 1961,

and vs

Lena Becker

for the 10 years
last past and
against none other

65-737A

-10- Taxes for the year 1962 and prior years paid in full.

-11- Taxes for 1963 payable 1964 on Part Lot 24 herein & 5 Ft.
E. & Adj. in name of Lena Becker.

Duplicate No. 329403, -AB-, Indianapolis, Center
Township, Code No. 1-01, Parcel No. 93983.

May Installment \$106.09 Paid

November Installment \$106.09 Paid

Assessed Valuation:

Land \$310.00 Improvements \$2,060.00 Exemptions None

-12- Taxes for 1964 now a lien in name of Lena Becker.

65-737A

METROPOLITAN PLAN COMMISSION

DOCKET NO. 60-AO-4

ORDINANCE

-13- 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.

65-737A

METROPOLITAN PLAN COMMISSION
DOCKET NO. 61-A0-2

O R D I N A N C E

-14- 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

-15-

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

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.

-16-

December 23, 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.

65-737A

GUARANTEED CERTIFICATE

-18-

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 18 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 12 both inclusive.

Dated at Indianapolis, Indiana, **January 8, 1965, 8 A.M.**

UNION TITLE COMPANY

by

Edward Plum
President

-12- cb

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

65-737A

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

NORTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

SEARCH FOR
PENDING BANKRUPTCIES
INTERNAL REVENUE TAX LIENS

Prepared for: **Mrs. Lena Becker**

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

January 6, 1965, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

January 7, 1965, 8 A.M.

Esther Sarfaty

Lena Becker

Florence Calderon

Raye Mischoulam

Dora Nahmias

Bayne Benjamin

Tillie Calderon

Bessie Mordoh

UNION TITLE CO

BY *[Signature]*
PRESIDENT

cb

65-17965A

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
Part of Lot 24 McCarty's Sub.					

LAST OWNER OF RECORD

Deed Record _____ p. _____ Recorded _____ Dated _____ Deed

Grantor None

Grantee Lera Becker

Address of Grantee _____

MORTGAGE RECORD

Mortgage Record _____ p. _____ Amount _____ Dated _____

Mortgagor None

Mortgagee _____

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

MISCELLANEOUS RECORD Yes () None () EASEMENTS Yes () None ()

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

TAXES Current Paid () Delinquent ()

CERTIFICATE

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

UNION TITLE CO.

Dated this 26th day of August 1951 BY C. Edward Blum
Abstractor PRESIDENT

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

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

65-17965A

The following is an Extension of the original search by Union Title Company under No. 65-737A

CAPTION

-1-

Continuation of Abstract of Title to Part of Lot 24 in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the office of the Recorder of Marion County, Indiana, more particularly described as follows, towit:

Beginning at the Northeast corner of said Lot, thence West upon and along the North line of said Lot, 88 feet, thence South 35 feet, thence East parallel with the North line of said Lot, 89.17 feet to the East line of said Lot, thence North upon and along the East line of said Lot 35 feet to the place of beginning.

Also 5 feet East of and adjoining above described realty being a portion of Union Street heretofore vacated as shown in Town Lot Record 26, page 251.

Since January 8, 1965, 8 A.M.

Prepared for: Indiana State Highway Commission
Division of Land Acquisition

Old Age Assistance Search

-2-

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.

65-17965A

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:

Lena Becker

from January 8, 1965,
8 A.M. to date and
against none other

65-17965A

-6- Taxes for the year 1963 and prior years paid in full.

-7- Taxes for 1964 payable 1965 in name of Lena Becker.

Duplicate No. 245677, Indianapolis, Center
Township, Code No. 1-01, Parcel No. 93983.

May Installment \$110.52 Paid

November Installment \$110.52 Unpaid

-8- Assessed Valuation

Land \$310.00 Improvements \$2,060.00 Exemptions None

-9- Taxes for 1965 now a lien in name of Lena Becker.