

65 64955  
WARRANTY DEED

Project 1-70-3(52)  
Code 0536  
Parcel 24

*Chet*

This Indenture Witnesseth, That JOHN W. BAKER AND RUTH F. BAKER  
(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

FOUR THOUSAND FIVE HUNDRED AND 00/100 (<sup>4</sup>4500 <sup>00</sup>) Dollars,

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

LOT NUMBERED 249 IN McCARTY'S SUBDIVISION OF THE MIDDLE PART  
OF OUT LOT 120, OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS,  
THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 8, PAGE 145, IN THE  
OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.



5.00



DULY ENTERED  
FOR TAXATION

DEC 7 - 1965

*John T. Sutton*  
COUNTY AUDITOR

RECEIVED FOR RECORD  
1965 DEC - 8 AM 8:03  
MARCIA J. HARTHORNE  
RECORDER OF MARION COUNTY

*W.H.B.  
9-29-65*

Paid by Warrant No. *A 21716*  
*A 21215*

Dated *11-5-65* 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.

In Witness Whereof, the said JOHN W. BAKER AND RUTH F. BAKER  
(ADULT HUSBAND AND WIFE)  
have hereunto set their hands and seal, this *14th* day of *SEPTEMBER* 1965

..... (Seal) *John W. Baker* (Seal)

..... (Seal) JOHN W. BAKER (ADULT HUSBAND) (Seal)

..... (Seal) *Ruth F. Baker* (Seal)

..... (Seal) RUTH F. BAKER (ADULT WIFE) (Seal)

..... (Seal) (Seal)

65 (Seal) 64955

This Instrument Prepared by *E. W. King*

DEC 15 1964

MEH

*KTB  
10-20-65*

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.

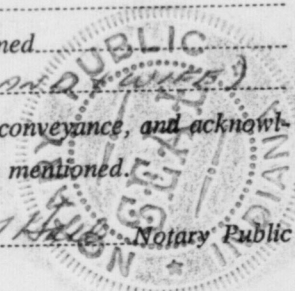
My Commission expires \_\_\_\_\_ Notary Public

STATE OF INDIANA, MARION County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 14<sup>th</sup> day of SEPTEMBER, A. D. 1965; personally appeared the within named \_\_\_\_\_

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 Chadwick G. Hall Notary Public  
Chadwick G. Hall



State Highway 32

Property of John W Baker, Ruth F Baker

The undersigned owner of a mortgage and/or lien on the land of which the real estate (Parcel No. 24, Project No. I-70-3-52) described in the attached deed is conveyed, hereby releases from said mortgage and/or lien said real estate, and do hereby consent to the payment of the consideration therefor as directed in claim voucher providing for payment for said deed, this 15 day of Nov., 1965.

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

Fred D. Carl Jr. (Seal)  
Fred D. Carl Jr. Atty. in fact

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

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

State of Indiana )  
County of Marion ) SS:

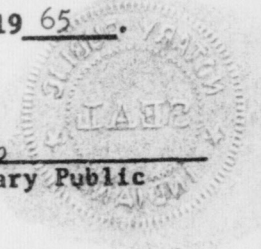
Personally appeared before me \_\_\_\_\_

\_\_\_\_\_ above named and duly acknowledged the execution of the above release the 15th day of November, 1965.

Witness my hand and official seal.

My Commission expires 10-15-69

Samary Harris  
Samary Harris Notary Public



DULY ENTERED FOR TAXATION

DEC 7 - 1965

John T. Sutton  
COUNTY AUDITOR

65 64955

A.D. 1965

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE  
INDIANAPOLIS, INDIANA

November 10, 1965 19

To John W. Baker, Ruth F. Baker  
8765 Washington Blvd. W. Dr.  
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-71716-11-5-65-19  
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 September 14, 1965  Parcel 24 escrow		500 00

**PLEASE RECEIPT AND RETURN**

Received Payment: *John W. Baker*

Date: *11-16-65*

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

.....November 10, 1965..... 19.....

**To** John W. Baker, Ruth F. Baker  
 Merchants Nat. Bank & Trust Co.  
 8765 Washington Blvd. W. Drive  
 Indianapolis, Indiana

**GENTLEMEN:**

We enclose State Warrant No. ....A 71715-11-5-65..... 19.....  
 in settlement of the following vouchers:

DESCRIPTION	AMOUNT	
Purchase  <i>For the purchase of Right of Way on State Road</i> <i>No. ....L-70..... in.... Marion.....</i> <i>County.... I..... Project..... 70-3.....</i> <i>Section..... (52)..... as per Grant dated</i> <i>..... September 14, 1965.....</i>  Parcel 24	4000	00

**PLEASE RECEIPT AND RETURN**

Received Payment: *John W. Baker*

Date: *11-15-65*

R E S O L U T I O N

( 24 )

WHEREAS, The Indiana State Highway Commission of Indiana has heretofore acquired by Grant dated 9-14-65 executed by THE STATE OF INDIANA and John Baker

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:

**Lot 249 in McCarty's subdivision of middle pt. of out lot 120 of Donation Lands of City of Indianapolis**

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 removal from the strip of right of way as above described and by law provided.

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 28<sup>th</sup> day of October, 19 65

Offices of the INDIANA STATE HIGHWAY COMMISSION OF INDIANA.

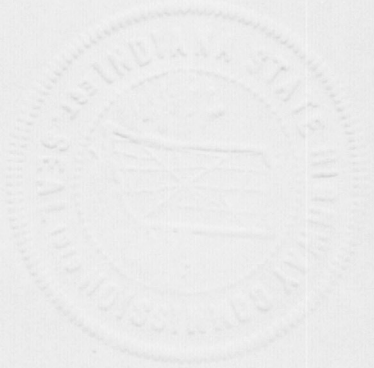
This is to certify that the attached is a full, true and complete copy of a Resolution authorizing the sale of improvements on the right of way as described, as the same appears in the minutes of the Commission in the State Office Building in the City of Indianapolis, Indiana.

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 28<sup>th</sup> day of October, 19 65

*Roy F. Whitton*

Secretary

SEAL:



TE

APPRAISAL REVIEW FORM

Division of Land Acquisition  
Indiana State Highway Commission

Control  
Project I-70 (52)  
Parcel No. 24  
Road I-70  
County Marion  
Owner John W. Baker  
Address 8765 Washington Blvd  
Address of Appraised Property:  
10385 Capital

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. Income approach not used
4. Necessary photos are enclosed. see attachment
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 and familiarized myself with the Parcel. May 28, 1965
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 March 31, 1965 :  
(Date)

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

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

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

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

APPROVED BY:

Approved	Date	Signed
Rev. Appr.	6-3-65	<i>[Signature]</i>
Asst. or Chief Appr.	6-4-65	<i>[Signature]</i>

(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 # 24 COUNTY MARION

NAME & ADDRESS OF OWNER JOHN W AND RUTH F. BAKER

8765 WASH BLVD INDIANAPOLIS IND. PHONE # VI 6-1194

NAME & ADDRESS OF PERSON CONTACTED \_\_\_\_\_

SUBJECT PROP AT 1038 So CAPITOL PHONE # \_\_\_\_\_

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

DATE ASSIGNED 6-7-65 DATE OF CONTACT 9-14-65

OFFER \$ 4500<sup>00</sup> 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. ( ) ( ) ( ) 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 THE ABOVE - THEY SIGNED WARRANTY DEED

AGREEMENT FOR POSSESSION - RAAP - AND 2 VOUCHERS

ONE IN THE AMOUNT OF \$500<sup>00</sup> (ESCROW) AND ONE IN THE  
AMOUNT OF \$4000<sup>00</sup>. ALL PRICE AND 6513 TAXES ARE PAID.

SEE XEROX 6513 HERE WITH. MR BAKER GAVE ME ~~\$15.00~~  
A \$15.00

DEED STAMPS WHICH WE AFFIXED TO THE DEED

Status of Parcel: ( ) Secured, ( ) Bought, awaiting mortgage release, ( ) Condemned

( ) Other, awaiting what? \_\_\_\_\_

Distribution Made

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

Chadwick Hall

(Signature)



TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. I70 PROJ. I70-3 (52) COUNTY Marion

Names on Plans \_\_\_\_\_

Names in Trans Book \_\_\_\_\_

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Lot 249 McCarty's Sub OL 120					

LAST OWNER OF RECCRD

Deed Record \_\_\_\_\_ p. \_\_\_\_\_ Recorded \_\_\_\_\_ Dated \_\_\_\_\_ Deed

Grantor (None)

Grantee \_\_\_\_\_

Address of Grantee \_\_\_\_\_

MORTGAGE RECORD

Mortgage Record \_\_\_\_\_ p. \_\_\_\_\_ Amount \_\_\_\_\_ Dated \_\_\_\_\_

Mortgagor (None)

Mortgagee \_\_\_\_\_

JUDGMENT RECORD Yes  None  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 30<sup>th</sup> day of September 1951 1965 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

65-20916A

The following is an Extension of the original search by Union Title Company under No. 64-27959A.

CAPTION

-1-

Continuation of Abstract of Title to Lot 249 in McCarty's Subdivision of the middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the Office of the Recorder of Marion County, Indiana.  
Since November 19, 1964, 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.

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.

65-20916A

- 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".
- 4-
- 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:
- 5-
- John W. Baker  
and  
Ruth F. Baker,  
jointly and  
not individually
- from November 19, 1964,  
8 A.M. to date and  
against none other
- 6-
- Taxes for the year 1963 and prior years paid in full.
- 7-
- Taxes for 1964 payable 1965 in name of John W. & Ruth F. Baker.
- Duplicate No. 243880, A-B, Indianapolis, Center Township, Code No. 1-01, Parcel No. 33725.
- May Installment \$57.82 Paid.
- November Installment \$57.82 Unpaid.
- 8-
- Assessed Valuation:  
Land \$320.00 Improvements \$1,420.00 Exemption \$500.00
- 9-
- Taxes for 1965 now a lien in name of John W. & Ruth F. Baker.

**Ray**  
McCarty's Sub.

83
82
81
80
79
78
77
76
75
74
73
72
71

of the PB7, R7A West Part

84	136
85	135
86	134
87	133
88	132
89	131
90	130
91	129
92	128
93	127
94	126
95	125
96	124

McCarty's Sub. Middle Part.

205	258
206	257
207	256
208	255
209	254
210	253
211	252
212	251
213	250
214	249
215	248
216	247
217	246

**Wilkins**

70
69
68
67
66
65
64
63
62
61
60
59
58
57

97	123
98	122
99	121
100	120
101	119
102	118
103	117
104	116
105	115
106	114

218	245
219	244
220	243
221	242
222	241
223	240
224	239
225	238
226	237
227	236
228	235
229	234
230	233
231	232

Senate

Church

Capitol

**Morris**

57	58	59	60
----	----	----	----

St.

#56146.

# ABSTRACT OF TITLE

TO

Lot 249, in McCarty's Sub-division of the Middle Part of Out lot 120,  
in the city of Indianapolis.

**Marion County, Indiana**

Prepared for JOHN R. WELCH.

By

**MARION TITLE GUARANTY COMPANY**

**Indianapolis, Indiana**

## HISTORICAL NOTES

All the land in Marion County, Indiana, was purchased by the United States of the Miami Indians. The Indians who made any claim to the lands south of the Wabash River were primarily the Miami Nation. The Delawares occupied this immediate region, and were considered as having a title by grant or permission from the Miami Nation, which at least was a title to permanent occupation.

Cessions were made at St. Mary's Ohio, in October, 1818, as follows:

By the Weas, in general terms, October 2—U. S. Statutes at Large, vol. 7, p. 186.

By the Delawares, in general terms, October 3—U. S. Statutes at Large, vol. 7, p. 188.

By the Miamis, by boundaries, October 6—U. S. Statutes at Large, vol. 7, p. 189.

The Weas, or Oulatenons, were properly a part of the Miami Nation. So were also the Kickapoos, who relinquished their claims, in general terms, July 30, 1819—U. S. Statutes at Large, vol. 7, p. 200. These four treaties covered all tribes having any claims to lands in Marion County. The record in the Statutes at Large is the official one, including the signatures of the parties.

American State Papers, 2 Indian Affairs, p. 169.

By clause 5 of section 5 of the enabling act of congress of April 19, 1816, four sections of land were granted to the new State of Indiana, to be selected by the legislature "for the purpose of fixing the seat of government thereon."

3 U. S. Statutes at Large, p. 290.

By the act of March 3, 1819, the Indiana legislature was authorized to select for that purpose any contiguous parts of sections "not to exceed in the whole the quantity contained in the four sections."

3 U. S. Statutes at Large, p. 516.

January 11, 1820, the Indiana legislature appointed commissioners to locate the seat of government.

Act of 1820, p. 18.

January 6, 1821, the legislature approved the 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 north and south lines as will complete four entire sections, or 2,560 acres of land in township 15 north and range 3 east of the second principal meridian."

Three commissioners were appointed to lay off the town site, and to offer lots for sale. The office of the agent was created to sell and convey lots and the site was named Indianapolis.

Act 1821, p. 44.

By the original survey section 1 contained 658.20 acres; section 2, 611.53 acres; section 12, 640 acres, and section 11, east of White River, contains 448.20 acres, leaving 202.07 acres to be taken out of the east side of section 3.

The original survey of the city of Indianapolis, as made in the year 1821, is included within North, South, East and West Streets, embracing squares numbered 1 to 101 inclusive, which were subdivided into lots.

In pursuance of an act of 1824, out-lots numbered 1 to 10 on the north and 11 to 20 on the south side of the city were laid off, and in 1825, an additional survey of out-lots, including 21 to 30 on the south, and 31 to 40 on the north side of the city was also authorized. "H" is a square of two acres laid out and sold for a brick yard.

The seat of government was permanently established at Indianapolis January 20, 1824.

R. S. 1824, p. 370.

January 26, 1827, the alleys in certain squares were vacated.

Acts 1827, p. 5.

February 9, 1831, a survey of the remaining part of the donation was authorized and a plat of such survey was filed in the Recorder's office of Marion County, July 5, 1831.

The office of Agent of State, created by the act of 1821, was continued until 1844, when it was abolished and the papers and records of the Agent were transferred to the Secretary and Auditor of State, who are at present their custodians.

## AGENTS OF STATE

1. John Carr, appointed September, 1821.
2. James Milroy, appointed September, 1822.
3. Bethuel F. Morris, appointed December, 1822.
4. Benjamin I. Blythe, appointed February, 1825.
5. Ebenezer Sharpe, appointed April, 1828.
6. John G. Brown, appointed September, 1835.
7. Thomas H. Sharpe, appointed February, 1836.

Land Record  
"D" p. 535.  
May 2, 1834.  
Recorded  
June 21, 1834.

Ebenezer Sharpe, Agent of  
the State of Indiana, for  
the Town of Indianapolis.

Agent's deed

to  
Nicholas McCarty, his heirs and  
assigns.

Out Lot 120, in the City of Indianapolis, containing  
52.33 Acres.

-1-

-2-

Nicholas McCarty, died intestate May 17, 1854.

Appearance Docket  
3, p. 150.

-3-

Estate of Nicholas McCarty, settled in the  
Probate Court of Marion County.

Margaret McCarty, appointed and qualified as  
Administratrix June 3, 1854.

Final report filed, approved and estate closed  
January 7, 1860. See full proceedings in Complete  
Record 11, page 66, of the Court of Common Pleas of  
Marion County.

Final report shows that he left surviving him  
as his sole and only heirs at law his widow  
Margaret McCarty and four children to wit;-  
Nicholas McCarty, Margaret R. McCarty, Susannah  
McCarty and Frances J. McCarty.

IN THE COURT OF COMMON PLEAS OF MARION COUNTY.

-4-

Margaret McCarty,  
vs.  
Susannah McCarty,  
Margaret R. McCarty,  
Nicholas McCarty, and  
Frances J. McCarty.

Petition for  
Partition.

Petition recites that Nicholas McCarty, died  
intestate, leaving above complainants and defendants  
as his only heirs and seized of Out Lot 120, and  
divers other real estate, in the City of Indianapolis.

Court having heard the evidence orders partition  
and appoints James Blake, Andrew Wilson, and James  
Wood, Commissioners to effect the same of the  
premises described in Complaint.

Said Commissioners set off to Nicholas McCarty  
Margaret R. McCarty, Susannah McCarty and Frances J.  
McCarty, as tenants in common Out Lot 120, above  
described, also various other tracts all of which was  
duly approved by the Court.

For full proceedings in the above Cause see  
Complete record 4, page 159, etc.,

Marriage record  
6, p. 659.  
Dec. 9, 1857.

Sysannah McCarty,  
with  
Henry day.

Marriage.

-5-

Marriage record  
10, p. 30.  
Oct. 2, 1867.

Margaret R. McCarty,  
with  
John C. S. Harrison.

Marriage.

-6-

-7-

Susanna McCarty Day, died testate August 30, 1873.

Will Record  
"E" p. 123.  
Aug. 21, 1873.  
Probated  
Sept. 19, 1873.

-8-

LAST WILL AND TESTAMENT OF SUSANNA McCARTY DAY,  
DECEASED.

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

I give and bequeath to my brother Nicholas McCarty all my personal property (except that in the dwelling house occupied by me which I give and bequeath to my husband Rev. Henry Day, ) and the crops growing upon my lands at the time of my death but on condition that he within 60 days after the probate of this will does not pay to my Executor the sum of \$5000.00 and execute his 2 promissory notes payable to my Executor with interest without relief from valuation or appraisement laws each in the sum of \$7500.00 one on or before 1 year after date, one on or before 2 years after date, then said devise to him shall fail and then and thereupon I give and bequeath said personal property and growing crops and the proceeds of any thereof disposed of by said Nicholas, in the meantime the one third thereof to my said husband Rev. Henry Day, one third to my son Henry McCarty Day, and one third to my daughter Margaret McCarty Day. I give and bequeath to my said brother Nicholas McCarty, the undivided one fourth of the real estate situate in the County of Marion, and State of Indiana, described as follows, to wit:- The North  $\frac{1}{2}$  of the North West  $\frac{1}{4}$  of Section 22. 15. 3., but on condition that -- does not within 60 days after the probate of this my will pay to my Executor the sum of \$2500.00 and execute his three promissory notes payable to my Executor each in the sum of \$2500.00 with interest without

relief from valuation or appraisement laws, one one year, one two years, and one three years after date, this bequest shall fail and then and thereupon I give said described real estate and one third to my said husband Rev. Henry Day, and one third to my son Henry McCarty Day, and one third to my daughter Margaret McCarty Day.

I give and bequeath the moneys which may be paid and the notes which may be executed by my said brother Nicholas McCarty, in compliance with the conditions attached to the bequests of either of them hereinbefore set forth and I give and bequeath all the residue of my real property of whatever description and wherever situated the one third of said moneys notes and real property to my said husband Rev. Henry Day, the one third to my son Henry McCarty Day, and the one third to my daughter Margaret McCarty Day, I hereby appoint my said husband Rev. Henry Day, Executor of this my last Will and Testament, and direct that no bond be required of him for the discharge of his duties.

I also appoint him Guardian of our said children Henry McCarty Day, and Margaret McCarty Day.

Hereby revoking all wills and testaments and Codicils heretofore made by me.

Index of Estates  
1, p. 2498.

-9-

Estate of Susanna McCarty Day, settled in the Marion Circuit Court.

October 15, 1873, Henry Day, was appointed and qualified as Executor of the last will and testament of Susanna McCarty Day, deceased. See Order Book 34, page 309.

The Estate of the above decedent was finally settled and closed October 19, 1874. See Order Book 35, page 80.

-10-

Henry Day, was appointed and qualified as Guardian October 13, 1873, of Henry McCarty Day, and Margaret McCarty Day, aged 14 years, and 10 years respectively. See Order Book 34, page 309, of the Marion Circuit Court.

Henry McCarty Day, became of age October 21, 1880, and said Guardianship was closed as to him See Order Book 56, page 227. Guardianship discharged as to Margaret McCarty Day, September 11, 1885. See Order Book 72, page 264.



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

-11-

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

Power of Attorney

To lay out, sub-divide and plat and to sell and convey and to execute and deliver warranty deeds, and to receive and receipt for purchase money and satisfy mortgages etc., the following described part of Out Lot 120, to wit:--

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

Plat Book  
8, p. 145.  
June 2, 1886.  
Recorded  
June 2, 1886.

-12-

Nicholas McCarty, and Margaret R. McCarty Harrison, and John C. S. Harrison, her husband, Frances J. McCarty, Henry Day, Henry McCarty Day, and Margaret R. McCarty Day, all by Nicholas McCarty, their attorney in fact, filed a plat of McCarty's Sub-division of the middle part of Out Lot 120, in the City of Indianapolis, the same being a Sub-division of the middle part of Out Lot 120, as follows:--

Beginning on the West line of Tennessee Street in said Out Lot 42 feet South of the North line of said Out Lot, and running West in a line parallel to the North line of said Out Lot, 264 feet to a point in a line with the East line of Church Street in said Out Lot, thence South with the East line of Church Street 915-1/10 feet to a point in the North line of Morris Street which said point is 30 feet north of the South line of said Out Lot, thence East with the North line of Morris Street and 30 feet North of the South line of said Out Lot 296-25/100 feet to the West line of Tennessee Street thence North with the said West line of Tennessee Street 901-7/10 feet to the beginning, containing 5-84/100 Acres, more or less, and other real estate into 54 lots numbered 205 to 258 inclusive.

For record of Power of Attorney see Misc. Record 8, page 258.

IN THE SUPERIOR COURT OF MARION COUNTY.

Cause No. 34102.  
Complaint filed  
July 7, 1885.

-13-

Nicholas McCarty, and  
Margaret R. McCarty Harrison,  
John C. S. Harrison, her husband.  
Frances J. McCarty,  
Henry Day,  
Henry McCarty pay, and  
Margaret McCarty Day.

Complaint to Quiet  
Title.

vs.

The Cincinnati, Indianapolis, St.  
Louis and Chicago Railroad Company,  
George T. Bliss, Hervey Bates, Sr.,  
Trustee for the bondholders of said  
Company, The Indianapolis Water Company,  
Oscar B. Hord, and A. W. Hendricks, Trustee  
for the bondholders of said Company,  
The Holly Manufacturing Company,  
Benjamin Gould, Henry Coughlin,  
Thomas Blackwell, T. Edward Hambleton,  
John M. Denison, E. P. Delavey Woodruff,  
Trustees, Oliver, alias Owen Conlon, and  
-- Conlon, his wife, George Hoadley, and  
Mary Hoadley, his wife, Benjamin E. Smith, and  
Catharine Smith, his wife, George T. Bliss,  
and Jeanette D. Bliss, his wife.  
Hervey Bates, and --- Bates, his wife, also  
The Water Works Company, of Indianapolis,  
James S. Seymour, and -- Seymour, his wife,  
Jacob Burnet, Jr., and -- Burnet, his wife.  
Cyrus C. Dennis, and -Dennis, his wife,  
The Indianapolis, Cincinnati and Lafayette Railroad Co.,

The plaintiffs complaining of the above named  
defendants say; That they are the owners in fee  
and in the possession of the following described real  
estate, situate in the City of Indianapolis, County  
of Marion and State of Indiana, described as follows,  
to wit;-

That part of Out Lot 120, in said City of  
Indianapolis, bounded as follows;- Upon the North  
by the North line of Ray Street on the South by  
the South line of said Out Lot 120, being in  
Morris Street, on the East by the West line of  
Tennessee Street and on the West by a line parallel  
to and 133 feet East from the East line of Church  
Street drawn from the North line of said Ray Street  
to the South line of said Out Lot in Morris Street  
aforesaid.

And also this other portion of said Out Lot 120,  
bounded as follows, to wit;-

On the North by the North line of said Out Lot  
on the East by the West line of said Tennessee Street  
on the South by the North line of Ray Street aforesaid,  
and on the West by the East line of that portion of  
said Out Lot sold and conveyed by Nicholas McCarty  
and others to James L. McKernan, and Winslow S.  
Pierce, by deed dated November 25, 1865, and recorded  
in the Office of the Recorder of said County, in  
Town Lot Record 27, page 664.

That the said defendants and each of them falsely give out, publish and pretend to have some interest in lien upon, or mortgage or claim against the whole or some part of said premises hereinabove described adverse to the title and possession of these plaintiffs.

But plaintiffs say that said defendants nor either of them have any right, title, claim mortgage or interest of any kind or matter whatsoever in or upon the aforesaid described parts of said Out Lot or any part or portion thereof in any way or manner whatsoever.

WHEREFORE, plaintiffs pray that the defendants and each of them be required to answer concerning their alleged titles, claims, liens, interest or demands, in, against or upon the aforementioned and described premises or any part thereof and that upon the hearing of this Cause the title of the plaintiffs to said premises may be quieted in them by decree of this Court and that the said defendants and each of them be perpetually enjoined from setting up, giving out asserting or publishing that they or any of them have any claim, interest right, title lien or demand of any nature whatsoever in, upon or against said premises or any part thereof.

And they pray for all further proper relief.

Now comes the plaintiffs and it appearing to the satisfaction of the Court from the several summons issued and the returns thereon endorsed by the Sheriff, which summons and returns are in the words and figures following. (Here Insert) that the following defendants the Cincinnati, Indianapolis St. Louis and Chicago Railroad Company, Hervey Bates, Trustee for the Bondholders of said Company, the Indianapolis Water Company, Oscar B. Hord, and A. W. Hendricks, Trustees for the Bondholders of said Company, The Water Works Company, of Indianapolis, The Indianapolis, Cincinnati and Lafayette Railroad Company, Hervey Bates, and Charlotte T. Bates, his wife, have each been served with process herein more than ten days before the first day of the present term of this Court and they and each of them failed to appear and answer or demur are now on motion each three times called in Open Court but come not and each herein wholly make default.

And it further appearing from the affidavit of Nicholas McCarty filed herein as follows, (Here Insert) and the proof of publication filed herein as follows (Here Insert) that each of the following defendants to wit; - Holly Manufacturing Company, Benjamin Gould, T. Edward Hambleton, John M. Denison, E. Delavan Woodruff, Trustees for the Bondholders of the Water Works Company, of Indianapolis, Henry Coughlen, George Hoadley, and Mary Burnett Hoadley, his wife, George T. Bliss, and Jeannette D. Wright. Bliss, his wife, James S. Seymour, who never was married as now proven to the court and so found Benjamin E. Smith, and Catherine Smith, his wife, Jacob Burnett, Jr., who it is now proven and is found by the Court never to have been married, Cyrus C. Dennis who it is proven and found by the Court to be a widower and has so been for many years, Oliver alias Owen Conlon, and -- Conlon, his wife, whose given name is unknown, were each and all notified of the pendency of this suit by publication made for three

May 13, 1886.  
Order Book  
131, p. 574.

successive weeks in the Indianapolis Journal, a newspaper printed and published in the City of Indianapolis, Marion County, Indiana, more than 30 days before the present term of this Court and failing to appear or answer or demur they and each of them are now three times called in Open Court but come not, and herein make default.

And now the defendant Thomas Blackwell, having heretofore filed his answer herein this Cause is set down for hearing before the Court upon the said complaint, answer and default.

And the evidence being heard and the Court haing fully advised in the premises does say and find that each and every of the matters and things set forth in the complaint are true.

And the Court further finds that the plaintiffs are the owners in fee simple and in the possession of the real estate in the complaint described and that said defendants have not nor has either of them any interest in, title to, or lien upon or claim against the whole or any part of said premises adverse to the title and possession of the said plaintiffs, but that the said plaintiffs own the said premises in the complaint described and every part thereof, by a fee simple title forever, except the parcel heretofore by them sold and conveyed to Thomas Blackwell, as follows; Part of Out Lot 120, Commencing at the Corner of Tennessee Street and Ray Street, in Indianapolis, Indiana, thence North on the West line of Tennessee Street 42 feet thence West on a line parallel to Ray Street 90 feet, thence

South on a line parallel to the West line of Tennessee Street, 42 feet thence East on the North line of Ray Street 90 feet to the place of beginning.

It is therefore ordered, adjudged decreed by the court that the said title of the plaintiffs in and to said premises in the complaint described to wit;- That part of Out Lot Numbered 120, in said City of Indianapolis, Marion County, Indiana, bounded as follows; Upon the North by the North line of Ray Street on the South by the South line of said Out Lot 120, being in Morris Street on the East by the West line of Tennessee Street and on the West by a line parallel to and 133 feet East from the East line of Church Street drawn from the North line of said Ray Street to the South line of said Out Lot in Morris Street, aforesaid.

And also this other portion of said Out Lot 120, bounded as follows to wit;-

On the North by the North line of said Out Lot on the East by the West line of said Tennessee Street on the South by the North line of Ray Street aforesaid and on the West by the East line of that portion of said Out Lot sold and conveyed by Nicholas McCarty and others to James H. McKernan, and Winslow S. Pierce, by deed dated November 25, 1865, and recorded in the Office of the Recorder of said County in Town Lot Record 27, at page 664, be and the same is hereby forever quieted in the said plaintiffs against any and all pretended claims, pretended interests, pretended liens, pretended mortgages or pretended rights of any other class or description whatsoever asserting publishing giving out or otherwise claimed or demanded by the defendants and each of them.

And the said defendants each and all are hereby forever enjoined and restrained from asserting that they have or hold any title interest, claim, lien mortgage or other interest or demand in, to against or upon the said lands above described or any part, portion or parcel thereof or that they or either of them their ancestors, grantees, purchasers directly or remotely have had any such title, interest lien, mortgage claim or demand of any nature whatsoever in to upon or against any part or parcel of said lands, or to any wise by any publication speech or otherwise to attempt to cast any cloud upon the entire fee simple estate now had and held by the plaintiffs in and to all of said lands and every part and parcel thereof except said parcel sold to said Blackwell, which parcel he holds by a perfect title in fee simple from these plaintiffs.

And it is further ordered, adjudged and decreed by the Court that any violation of this order and Judgment shall be deemed to be a contempt of Court for which the said defendants and each of them their heirs and assigns or any person asserting any false claim through them in to or upon or against said lands shall be punishable and punished as for contempt in addition to their liability for all damages that may be suffered by the plaintiffs their heirs and assigns by reason of such false assertions and claim, if any should hereafter be made.

Transcript of the above proceedings also recorded in Town Lot Record 183, page 335.

For full proceedings in the above Cause see Complete record 100, page 59.

-14-

There are no further conveyances.

Indianapolis, May 12, 1914.

We find no further conveyances nor unsatisfied encumbrances of record on lot as described in caption, since date of Entry up to and including June 22, 1886.

Search made in the Recorder's Office, the Tax Sale Records in the Auditor's Office, the Tax Duplicates in the Treasurer's Office, and the Lis Pendens Records of Complaints and Attachments and Judgment Dockets of the Marion Superior, Circuit and Probate courts; also Records of Street Alley Park and Sewer Improvement Assessments in the Treasurer's Office, as certified by the City Comptroller, as said Records and Dockets are now entered up.

No search made for Judgments in the United States Circuit and District Courts at Indianapolis.

MARION TITLE GUARANTY COMPANY

*J. W. Williams*  
Manager

M.

-9-

I find no further conveyances or unsatisfied Encumbrances on the Lot described in the caption of this Abstract. Search made as to the Records in the Recorder's Office. The Lis Pendens Records of Complaints and Attachments and the Judgment Dockets of the Marion Circuit and the Superior Court of Marion County, as said Records and Dockets are now made up.

No. 7849.

Examined from June 21<sup>st</sup> 1886 to May 1<sup>st</sup> 1895.

For Mary E. Barton.

C. H. Rosebrock.

# 19 Thorpe Block.

No. 7849

A partial Abstract of Title to Lot 249 in  
M<sup>c</sup>Cartys Subdivision of the middle  
part of Out Lot 120 in the city of Indiana  
polis.

J. L. R. 189  
P-122.

Nicholas M<sup>c</sup>Carty  
(unmarried)  
Margaret R. M<sup>c</sup>Carty Harrison  
and John C. S. her husband  
Frances J. M<sup>c</sup>Carty  
(unmarried)  
Henry Day (unmarried)  
Henry M<sup>c</sup>Carty Day (unmarried)  
and Margaret M<sup>c</sup>Carty Day  
(unmarried) by  
Nicholas M<sup>c</sup>Carty their  
attorney in fact  
to

Warranty Deed.  
Lot Numbered  
249 in M<sup>c</sup>Cartys  
Subdivision of  
the middle  
part of Out  
Lot 120 in the  
city of Indiana  
polis (P. B. 8 p.  
145) Dated  
March 17-1887.  
Recorded March  
21-1887. 2<sup>3</sup>/<sub>4</sub>-P. M.

No. 1.

Mary E. Cartou.

No. 2.

Second ~~Installment~~ of Taxes for 1894 unpaid.

Stamp: **PAID**  
Marion Title & Realty Company  
By \_\_\_\_\_

Since Paid

28894.

Continuation of Abstract of Title to Lot 249 in McCarty's  
Subdivision of the middle part of Out Lot 120, in the City of  
Indianapolis.

Prepared for John R. Welch since date of former continuation  
dated May 1, 1895.

There are no further conveyances.

*Since Paid*  
Taxes for the year 1907 1st installment paid.  
2nd installment unpaid.  
*Since Paid*  
Taxes for the year 1908 now a lien.  
MARION TITLE GUARANTY COMPANY  
SINCE PAID  
MARION TITLE GUARANTY COMPANY

Indianapolis, Ind. May 30, 1908.

We find no further conveyances, nor unsatisfied encumbrances of  
record on lot as described in caption, since date of May 1, 1895.

Search made in the Recorder's Office, the Tax Sale Records in the  
Auditor's Office, the Tax Duplicates in the Treasurer's Office and the  
Lis Pendens Records of Complaints and Attachments and Judgment Dockets  
of the Superior, Marion Circuit and Probate Courts; also Records of  
Street, Alley and Sewer Improvement Assessments in the Treasurer's  
Office, as certified by the City Comptroller, as said Records and  
Dockets are now entered up.

No search made for Judgments in the United States Circuit and  
District Courts at Indianapolis.

MARION TITLE GUARANTY COMPANY,  
BY *Arthur L. [Signature]* MANAGER



56058.

Continuation of an Abstract of title to Lot 249 in McCarty's  
Subdivision of Middle Part of Out Lot 120 in the City of Indianapolis.

Prepared for John R. Welch, since date of former continuation, dated  
May 30, 1908.

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

STATE OF INDIANA, MARION COUNTY, S.S.

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

That this affiant is now 78 years of age and  
that he is the brother of Margaret R. McCarty, Frances  
J. McCarty, and Susannah McCarty Day. That this affiant  
has never been married and his sister Frances J.  
McCarty has never been married and that Margaret R.

McCarty was married on the 3rd day of October 1867 to  
John C.S. Harrison.

Nicholas McCarty.

There are no further conveyances.

Encumbrances.

510, p. 386  
May 5, 1908  
Recorded  
June 18, 1908.

Mary E. Carton, and  
Catherine Carton, both unmarried,  
to

The Celtic Savings and Loan  
Association # 3.

Lot 249 as above in Caption.

To secure a loan of \$200.00 with certain  
dues interest etc.

Satisfied May 22, 1914  
Marion Title Guaranty Co.  
Mortgage

Sect. Mayor  
K. B. ...

Taxes for the year 1913, 1st Installment paid.  
2nd Installment unpaid.

Taxes for the year 1914, now a lien.

Attention called to 3rd Park and Boulevard Assessment  
for South Park District for which this property may  
be assessed.

Indianapolis, May 4, 1914.

We find no further conveyances nor unsatisfied encumbrances of Record on lot as described in Caption, since date of May 30, 1908.

Search made in the Recorders Office, the Tax Sale Records in the Auditors Office, the Tax Duplicates in the Treasurers Office, and the Lis Pendens Records of Complaints and Attachments, and Judgment Dockets of the Marion Circuit Superior and Probate Courts, also Records of Street Alley Park and Sewer Improvement Assessments in the Treasurers Office, as certified by the City Comptroller, as said Records and Dockets are now entered up.

No search made for Judgments in the United States Circuit and District Courts at Indianapolis.

MARION TITLE GUARANTY COMPANY

By J. B. Williams Manager

Continuation of Abstract of Title to Lot 249, in McCarty's sub-division of the Middle part of Out Lot 120, of the Donation Lands of the City of Indianapolis, reference being made to the recorded plat thereof as recorded in Plat Book 8, page 145, of the Recorder's Office of Marion County, Indiana.

Prepared for W. T. Cannon, since date of former continuation, dated May 4, 1914.

We find no record of death or administration on the estate of Mary E. Carton, deceased, in Marion County, Indiana.

Misc. Record  
81, p. 276.  
May 15, 1914.  
Recorded  
May 15, 1914.

STATE OF INDIANA, COUNTY OF MARION, S. S.

Mary E. Carton, being duly sworn upon her oath says she is a resident of the City of Indianapolis, Marion County, Indiana, and has resided in said City over 50 years, that she is a daughter of Mary E. Carton, who purchased the following described real estate in said County, and State, to wit:-

Lot 249, in McCarty's sub-division of the Middle part of Out Lot 120, in the City of Indianapolis, from Nicholas McCarty, and others, on March 17, 1887, that her said mother died intestate on or about the 27th day of January 1892, and left her surviving as her sole and only heirs at law, her husband, Andrew Carton, and her children, as follows:-  
Mary E. Carton, Hugh Carton, William Carton, Anna Carton, Katharine Carton, John Carton, and Julia Carton.

Said affiant says that her said father Andrew Carton, died unmarried, and intestate on the 5th day of March 1893, that her said brother Hugh Carton died unmarried and intestate on the 12th day of March 1895, and that her said sister Julia Carton, died unmarried, and intestate on the 12th day of June 1902. That her brother Hugh Carton, left him surviving as his sole and only heirs at law, his said sisters Mary E., Anna Katharine, and Julia Carton, and his said brothers William and John Carton, and that her said sister Julia Carton, left surviving as her sole and only heirs at law her said sisters Mary E., Anna, and Katharine Carton, and her said brothers William Carton, and John Carton.

Said affiant further says that all debts and liabilities of each and all of said decedents have been fully paid, satisfied and discharged long prior to this time and that no person or persons have or hold any claim or demand of whatever nature against the estates of any of said decedents and that the expenses of the last sickness and funeral of each of said decedents have been fully paid.

These statements are made for the purpose of inducing Gisella Horshoff, to purchase the fee simple title of said real estate from the above named owners thereof for a valuable consideration and to accept a Warranty Deed executed by affiant Anna Carton, Katharine Carton, William Carton, each of whom are unmarried, and John Carton, and Sara Carton, his wife.

Mary E. Carton.

527. p. 604.  
May 15, 1914.  
Recorded  
May 15, 1914.

William Carton, unmarried,  
John Carton, and  
Sara Carton, his wife.  
Mary E. Carton, unmarried,  
Anna carton, unmarried,  
Catherine Carton, unmarried.  
to  
Gisella Horshoff.

Warranty Deed

Lot 249, in McCarty's Sub-division of the middle  
part of Out Lot 120, in the City of Indianapolis.  
Subject to second installment of taxes for 1913, and  
for the years for 1914, payable in 1915.

There are no further conveyances.

*Paid*

Taxes for the year 1916, <sup>we now</sup> 1st installment paid.  
2nd installment unpaid, payable  
in November 1917.

*Paid*

Taxes for the year 1917, now a lien, payable in May and  
November 1918.

As shown of record these taxes are now  
FULLY PAID.  
BY L. BROWN ABSTRACT CO.

Attention called to 4th Park and Boulevard Assessment  
for South Park District for which this property maybe  
assessed.

Indianapolis, October 1, 1917.

We find no further conveyances nor unsatisfied encumbrances of re-  
cord on Lot as described in caption, since date of **Mat 4, 1914.**

Search made in the Recorder's Office, the Tax Sale Records in the  
Auditor's Office, the Tax Duplicates in the Treasurer's Office, and the  
Lis Pendens Records of Complaints and Attachments and Judgment Dockets  
of the Marion Superior, Circuit and Probate Courts; also Records of  
Street, Park, Alley and Sewer Improvement Assessments in the Treasurer's  
Office as certified by the City Comptroller, as said Records and  
Dockets are now entered up.

No search made for Judgments in the United States Circuit and Dis-  
trict Courts at Indianapolis.

MARION TITLE GUARANTY COMPANY

*J. B. Wilkins*

199522

1.

INDIANAPOLIS

Continuation of Abstract of Title to Lot 249, in  
McCarty's Sub-division of the Middle part of Out Lot  
120, of the Donation Lands of the City of Indianapolis,  
the Plat of which is recorded in Plat Book 8 page 145,  
of the Recorder's Office of Marion County, Indiana.

Prepared for R. A. Franke,  
Since date of October 1, 1917.

TITLE

CONVEYANCES

Deed Record  
1053 page 538  
Feb. 4, 1941  
Recorded  
Feb. 5, 1941

OF

Gisella Horshoff,  
unmarried  
to

Warranty Deed  
Revenue Stamps  
Attached

George Horshoff  
Lot No. 249 in McCarty's Subdivision of the middle  
part of Out Lot No. 120 in the City of Indianapolis.  
Subject to liens of record.

2.

ABSTRACTS

3.

WE FIND NO FURTHER CONVEYANCES.

ENCUMBRANCES

MORTGAGES

4.

None found unsatisfied of record filed within the  
period of this search.

MECHANICS' LIENS

5.

None found unsatisfied of record filed within the  
period of this search.

*L. M. Brown Abstract Co.,*

INDIANAPOLIS  
TITLE  
OF  
ABSTRACTS

**JUDGMENTS**

6.

Search is made, and strictly limited, for judgments, which may have been entered against the following parties, solely under the names as herein written, and not otherwise, and the General Certificate hereto appended is accordingly limited.

Gisella Horshoff from January 3, 1935 to February 5, 1941 inclusive.

George Horshoff for 10 years last past.

None found unsatisfied.

**ASSESSMENTS**

7.

None found unsatisfied of record which became a lien within the period of this search.

**TAXES**

8.

Taxes for year 1942 paid in full.

9.

Taxes for year 1943 assessed in name of  
George Horshoff  
Parcel No. 33725  
General Tax Duplicate No. 350609  
Indianapolis Center Township  
were due and payable the first Monday in May and the first Monday in November, 1944.

May installment \$14.89 paid.

Nov. installment \$14.89 paid.

As shown of record the taxes are now  
FULLY PAID  
L. M. Brown Title Co., Inc.  
PRES.

10.

Taxes for year 1944 became a lien March 1st and are due and payable in May and November of the year 1945.

*L. M. Brown Abstract Co.,*

199522

ZONING

11.

INDIANAPOLIS

TITLE

OF

ABSTRACTS

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, 1939, and effective January 10, 1940.

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

Eight Classes of Area Districts, Class AAA, 30,000 square feet per family; 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 Commissioner, 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.

*L. M. Brown Abstract Co.,*

## CERTIFICATE

12.

The undersigned, L. M. BROWN ABSTRACT COMPANY, a corporation, hereby certifies, guarantees, and warrants to whoever relies upon this certificate, including present and all future persons in interest and this certificate runs with the real estate described in caption hereof, that the foregoing, within the limits of the period of search herein specified, is an ABSTRACT OF THE TITLE to and unsatisfied encumbrances upon, the real estate described in the caption hereof, and that all instruments abstracted herein appear regular in form, execution and acknowledgment unless otherwise indicated.

And it is further certified that SPECIAL SEARCHES were made as follows:

I. IN THE OFFICE OF THE RECORDER OF MARION COUNTY, search made for deeds, affidavits, miscellaneous instruments affecting the title, unsatisfied mortgages, mechanics' liens and Federal Tax Liens.

II. IN THE OFFICE OF THE AUDITOR OF MARION COUNTY, search made in the general index to tax sales as the same is now entered up, for unsatisfied or unredeemed tax sales.

III. IN THE OFFICE OF THE TREASURER OF MARION COUNTY, search made in the current tax duplicates for unpaid taxes, assessed against the real estate for which this examination is prepared; search is also made in the assessment duplicates for unpaid Ditch assessments and Municipal improvement assessments, as the same now appear in the hands of the Treasurer for collection, which are a lien upon the real estate for which this examination is prepared.

IV. IN THE OFFICE OF THE CLERK OF THE MARION CIRCUIT COURT, search made in the Lis Pendens records of complaint and attachments, the will records and estate and guardianship dockets, and the general judgment dockets of the Marion Circuit Court, of the Superior Courts of Marion County, of the Probate Court of Marion County, of the Criminal Court of Marion County, and of the Civil Municipal Courts of Marion County, including Replevin Bail, Recognizance Bonds and Transcripts of Judgments of United States Courts, as said records and dockets are now indexed.

From the searches as above enumerated, we find no further conveyances nor unsatisfied encumbrances, as indexed, or entered up, within the period herein certified, against the real estate described in the caption hereto, except those which may be herein shown.

The period of search covered by this certificate is  
from **October 1, 1917** to and including  
**January 3, 1945**

and covers Paragraphs No. 1 to **12**

both inclusive, and Sheets No. 1

to **4** both inclusive.



L. M. BROWN ABSTRACT COMPANY

By

*Quinn L. Brown*  
President & Mgr.



Established 1868

OFFICERS  
RUSSELL A. FURR  
PRES. & MANAGER  
VOLNEY M. BROWN  
VICE-PRESIDENT  
FRED G. APPEL  
VICE-PRESIDENT  
CORNELIUS O. ALIG  
TREASURER  
EDSON T. WOOD, JR.  
SECRETARY  
KARL MOHR  
ASST. MGR.

# L. M. Brown Abstract Co.

150½ EAST MARKET STREET

Phone Market 3448

ABSTRACTS OF TITLE—TITLE INSURANCE

Capital \$150,000.00

INDIANAPOLIS 4, IND.

199522

DIRECTORS  
CHAS. R. YOKE  
EDSON T. WOOD, JR.  
FERMOR B. CANNON  
VOLNEY M. BROWN  
FRED G. APPEL  
CORNELIUS O. ALIG  
FRED WUELFING  
ALLAN P. VESTAL  
ALBERT E. UHL  
RUSSELL A. FURR  
SAMUEL B. SUTPHIN  
J. ALBERT SMITH

In The UNITED STATES DISTRICT COURT

SEARCH FOR  
BANKRUPTCIES

At the Request of

**R. A. Franke**

the following certificate is prepared and furnished covering a search for Bankruptcies in the United States District Court of Indiana, held in Indianapolis, Terre Haute, South Bend, Fort Wayne, Evansville, Hammond and New Albany.

The undersigned L. M. BROWN ABSTRACT CO., of Indianapolis, hereby certifies that there are no Bankruptcies, either voluntary or involuntary, of record, in any one of the above named seven divisions of the United States District Courts for ten years last past, except such as may hereafter be set out against any one of the following named parties, under the spelling of the name as herein written, and not otherwise.

This certificate covers the Indianapolis Division down to and including **January 3, 1945** and all other Divisions of the State of Indiana, down to and including **January 2, 1945**

In The OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, search is also made for Internal Revenue Tax Liens as filed in the Office of the Recorder of Marion County, Indiana, from March 4, 1925, to date. See Internal Revenue Code Sections 3670-3671-3672, and Acts of General Assembly of the State of Indiana, Burns' 49-3221 et seq.

**Gisella Horshoff**

**George Horshoff**

Dated **January 3, 1945**

L. M. BROWN ABSTRACT CO.

By *Russell A. Furr*  
President and Manager

1

Continuation of Abstract of Title to Lot numbered Two Hundred Forty-nine (249) in McCarty's Sub-division of the middle part of Out Lot 120, of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 145, in the Office of the Recorder of Marion County, Indiana.

Prepared for James A. Francis,  
since date of January 3, 1945.

INDIANAPOLIS, INDIANA

CONVEYANCES

Misc. Record  
364 page 321  
Inst. 3903  
Jan. 25, 1945  
Recorded  
Feb. 2, 1945

George Horshoff

Affidavit

Affiant says that he is the son of Gisella Horshoff, now deceased.

That he was acquainted with Catherine Carton, unmarried adult, as recorded in Deed Record 527 page 604, dated May 15, 1914 and in the affidavit of same date, Record 81 page 276, which describes her as Katherine Carton unmarried, and that she is one and the same person.

George Horshoff.

2

Deed Record  
1166 page 51  
Inst. 3908  
Jan. 16, 1945  
Recorded  
Feb. 2, 1945

George Horshoff and  
Besse Horshoff,  
his wife,

Warranty Deed  
Revenue Stamps  
Attached

To

Raymond A. Franke and  
Maida B. Franke,  
husband and wife.

Lot No. 249 in McCarty's Subdivision of the middle part of Out Lot No. 120 of the Donation Lands in the City of Indianapolis, Indiana, the plat of which is recorded in Plat Book 8 page 145 in the office of the Recorder of Marion County, Indiana.

Deed contains usual citizenship statement by grantors.

3

*L. M. Brown Title Company, Inc.*

429393

Deed Record  
1252 page 108  
Inst. 12894  
Feb. 27, 1947  
Recorded  
March 11, 1947

Raymond A. Franke and  
Maida B. Franke,  
husband and wife,  
To  
William Evans and  
Rebecca Evans,  
husband and wife.

Warranty Deed  
Revenue Stamps  
Attached

4

Lot No. 249 in McCarty's Subdivision of the middle part of Out Lot #120, addition to the City of Indianapolis, Indiana.

Deed contains usual citizenship statement by grantors.

INDIANAPOLIS, INDIANA

5

ABSTRACTER'S NOTE:

A careful search in the Probate Indexes in the office of the Clerk of the Marion Circuit Court fails to disclose any entry of the probate of the last will or of the grant of letters of Administration upon the estate of William Evans.

6

WE FIND NO FURTHER CONVEYANCES

ENCUMBRANCES

MORTGAGES

Rebecca Evans,  
Alonzo Evans &  
Georgia Evans,  
To  
Fidelity Trust Company

SATISFIED OF RECORD 6:30-61  
ATTY. UNION TITLE CO.  
*Edward Blum*  
PRESIDENT

Indemnifying  
Mortgage

Lot 249 McCarths Sub of Out Lot 120

This mortgage is executed upon the following conditions: The said Fidelity Trust Company agrees to advance by way of a loan any sum or sums of money that Rebecca, Alonzo & Georgia Evans, hereinafter called borrower, may from time to time desire within the period of six months from the date hereof, not to exceed an aggregate principal amount of \$298.94 and interest, including any amount already advanced by Mortgagee to borrower. Interest on such advances shall be at the rate of 6% per annum discounted in advance. All of said advances are or will be evidenced

(over)

Mtg. Record  
1688 page 222  
Inst. #37538  
Sept. 26, 1952  
Recorded  
June 9, 1953

7

Checked by 6-7-61  
Layman Title  
BY [Signature]

L. M. Brown Title Company, Inc.

by the principal promissory note or notes of borrower, payable to the order of mortgagee, providing for interest after maturity at the rate of eight per cent per annum, for attorney's fees and for payment without relief from valuation or appraisal laws.

It is agreed that this mortgage is a continuing security for the repayment to mortgagee of any sum or sums advanced to borrower by mortgagee under the provisions of this mortgage; and it is expressly agreed that should any sum now or hereafter secured by this mortgage be reduced by payment or otherwise, such reduction shall not be an extinguishment pro tanto of this mortgage, but said mortgage shall remain as a security of any advances made after as well as before any such reduction.

(For further particulars see instrument).

Misc. Record  
564 page 556  
Inst. #61046  
Aug. 24, 1956  
Recorded  
Aug. 31, 1956

ARTICLES OF MERGER  
OF  
BANKERS TRUST COMPANY  
INTO  
FIDELITY TRUST COMPANY  
UNDER THE NAME OF  
FIDELITY BANK & TRUST COMPANY

8

The undersigned, BANKERS TRUST COMPANY (hereinafter referred to as the "Merging Corporation"), existing pursuant to the provisions of The Indiana Financial Institutions Act, as amended (hereinafter referred to as the "Act"), and FIDELITY TRUST COMPANY (hereinafter referred to as the "surviving Corporation"), also existing pursuant to the provisions of said Act, each desiring to give notice of corporate action effectuating the merger of the Merging Corporation into the surviving Corporation, and under the name of Fidelity Bank & Trust Company, and acting by its President or Vice-President and its Secretary or Cashier, hereby certify, each with respect to the facts and acts relating to it and the acts taken by its Board of Directors and Shareholders, as following facts:

SUBDIVISION A.

AGREEMENT OF MERGER AND SIGNATURES THERETO

The Merging Corporation and the surviving Corporation have entered into an Agreement of Merger, the titles, parties, terms, conditions and signatures of which are as follows:

THIS AGREEMENT between Fidelity Trust Company, a banking corporation organized and existing under the laws of the State of Indiana, and Bankers Trust Company, a banking corporation organized and existing under the laws of the State of Indiana, each of said banking corporations having its principal office in the City of Indianapolis, County of Marion, State of Indiana, acting pursuant to a

Over

429393

resolution of each bank's Board of Directors, adopted by the vote of a majority of each of said Boards, pursuant to the authority given by and in accordance with the provisions of the Acts of the General Assembly of Indiana, 1933, Chapter 40, as amended, witnesses as follows:

Fidelity Trust Company and Bankers Trust Company (hereinafter referred to as the Merging Banks) shall be merged under the Articles of Incorporation of Fidelity Trust Company.

The name of the merged banks (hereinafter referred to as the Surviving Corporation) shall be Fidelity Bank & Trust Company. The place where its banking houses and offices shall be located and its operations carried on and its general business conducted shall be in the City of Indianapolis, County of Marion, State of Indiana, its main office being at 123 East Market Street, Indianapolis, Indiana.

The amount of the authorized capital stock of the Surviving Corporation shall be \$3,000,000.00, divided into 300,000 shares of common stock of the par value of \$10.00 each.

Each of the Merging Banks shall contribute all of its assets to the Surviving Corporation, and all assets of the Merging Banks at the effective date of the merger shall pass to and vest in the Surviving Corporation at the valuation at which the same stand on the books of the Merging Banks on the effective date of the merger.

All the rights, franchises, and interests of each of the Merging Banks in and to every species of properties, real, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in the Surviving Corporation, without any deed or other transfer, and the Surviving Corporation shall hold and enjoy the same and all rights of property, franchise and interest, including agreements, designations, and nominations, and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estate of incompetents and in every other fiduciary capacity in the same manner and to the same extent as such rights, franchises and interests were held or enjoyed by the Merging Banks on the effective date of the merger.

Effective as of the date of this merger, the Articles of Incorporation of Fidelity Trust Company, as amended, shall become the Articles of incorporation of the Surviving Corporation, except for the following amendments:

Over

Article I shall be amended to read as follows:

"The name of the corporation shall be as follows:  
Fidelity Bank & Trust Company."

Article II shall be amended to read as follows:

"The amount of capital stock of said Fidelity Trust Company shall be \$3,000,000.00, divided into 300,000 shares of the par value of \$10.00 each; any part of said shares unsubscribed may be offered for subscription and payment at such future time and upon such terms and conditions as ordered by two-thirds of the Board of Directors and ratified by the stockholders, provided that in no event shall said stock be sold for less than par value."

Also amend Article IV of the Articles of Incorporation by amending the first sentence thereof to read as follows:

"The maximum number of Directors of said corporation shall be 20 who shall constitute a Board of Directors thereof, and all of the corporate powers of said corporation shall be exercised by the Board of Directors and such officers and agents as said Board shall elect or appoint."

(FOR FURTHER PARTICULARS SEE INSTRUMENT.)

MECHANICS' LIENS

9

None found unsatisfied of record filed within the period of this search.

OLD AGE ASSISTANCE LIENS

10

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.

And we find the following:

Certificate  
No. A49-4820  
Recorder's  
#540  
May 1, 1947

William Evans  
623 N. West St.  
\$37.50 per month.

Old Age Assistance  
Lien

SEE SUBSEQUENT CONTINUATION

429393

SEARCH IN THE JUVENILE COURT  
OF MARION COUNTY, INDIANA

12

Individual Search has been made in the Juvenile Court of Marion County, Indiana, as to the persons named under the heading of Judgments, and for the period so specified under such search, for unsatisfied judgments rendered in Paternity and Heirship proceedings.  
We find none.

INDIANAPOLIS, INDIANA

JUDGMENTS

13

Search is made, and strictly limited, for judgments which may have been entered against the following parties, solely under the names as herein written, and not otherwise, and the General Certificate hereto appended is accordingly limited.

William Evans and Rebecca Evans, jointly and not individually; and  
Rebecca Evans, individually, for ten years last past.  
And we find the following:

MARION CIRCUIT COURT

Cause 76567  
Order Book  
338 page 258

Rebecca Ellen Evans Judgment  
vs.  
Cornell Evans.

Judgment rendered March 18, 1958 against plaintiff for costs.

SEE SUBSEQUENT CONTINUATION

14

*on 6-7-61 RN*

SUPERIOR COURT OF MARION COUNTY

Cause C-19744  
Order Book 934 page 561.  
Sup. Judg. Doc. E-1 Series 8 page 64

The Trelawny Inc. Judgment  
vs.  
Rebecca Evans et al.

Judgment rendered April 29, 1958 against defendants for \$.01 damages and costs.

SEE SUBSEQUENT CONTINUATION

15

*on 6-7-61 RN*

*L. M. Brown Title Company, Inc.*

429393

ASSESSMENTS

16 None found unsatisfied of record which became a lien within the period of this search.

INDIANAPOLIS, INDIANA

TAXES

17 Taxes for the year 1956 paid in full.

18 Taxes for the year 1957 assessed in the names of William and Rebecca Evans Parcel No. 33725 General Tax Duplicate No. 291998 Indianapolis, Center Township were due and payable the first Monday in May and November, 1958.

May installment \$47.04 paid, Nov. installment \$47.04 paid.

19

Taxes for the year 1958 became a lien March first and are due and payable in May and November of the year 1959.

*since paid RN*

*L. M. Brown Title Company, Inc.*

AS a condition of these taxes are now FULLY PAID BY DIVISION OF L. M. BROWN TITLE INSURANCE COMPANY BY *M. G. Sullivan*



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

20

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

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

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

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

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

Seven classes of Area Districts, Class AA, 15,000 square feet per family; Class A-1, 7,500 square feet per family; Class A-2, 4,800 square feet per family; Class A-3, 2,400 square feet per family; Class A-3, (corner Lot) 2000 square feet per family; Class A-4, 1,200 square feet per family; Class A-4 (corner Lot) 1000 square feet per family; Class A-5, 600 square feet per family; Class A-5 (corner Lot) 500 square feet per family; Class A-6, 300 square feet per family.

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

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

Computation of Lot Area.

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

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

Restrictions on Reduction of Lot Areas.

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

Restrictions of Floor Areas in Dwelling Houses.

(General Ordinance No. 113, 1952)

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

In Class AA district 1500 square feet;

In Class A1 district 1200 square feet;

In Class A2 district 900 square feet;

In Class A3, A4, A5, or A6 district 720 square feet.

Building line and Yard Restrictions in U1 and U2 districts.

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

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

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

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

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

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

Garages. Private garage shall not provide storage space for more than one motor vehicle for each 2000 square feet of lot area in U1 district, or 500 square feet in U-2 district.

Non-Conforming uses.

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

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

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

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

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

February 13, 1959.

21

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.

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

22

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 lands:

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 Deed Record 1657 page 486.

# CERTIFICATE

The undersigned, L. M. BROWN TITLE COMPANY, Inc., a corporation, hereby certifies, guarantees, and warrants to whoever relies upon this certificate, including present and all future persons in interest and this certificate runs with the real estate described in caption hereof, that the foregoing, within the limits of the period of search herein specified, is an ABSTRACT OF THE TITLE to and unsatisfied encumbrances upon, the real estate described in the caption hereof, and that all instruments abstracted herein appear regular in form, execution and acknowledgment unless otherwise indicated.

And it is further certified that SPECIAL SEARCHES were made as follows:

I. IN THE OFFICE OF THE RECORDER OF MARION COUNTY, search made for deeds, affidavits, miscellaneous instruments affecting the title, unsatisfied mortgages, mechanics' liens, Federal Tax Liens, and Old Age Assistance Liens.

II. IN THE OFFICE OF THE AUDITOR OF MARION COUNTY, search made in the general index to tax sales as the same is now entered up, for unsatisfied or unredeemed tax sales.

III. IN THE OFFICE OF THE TREASURER OF MARION COUNTY, search made in the current tax duplicates for unpaid taxes, assessed against the real estate for which this examination is prepared; search is also made in the assessment duplicates for unpaid Ditch assessments and Municipal improvement assessments, as the same now appear in the hands of the Treasurer for collection, which are a lien upon the real estate for which this examination is prepared. No search is made for unpaid assessments in any City or Town other than the City of Indianapolis.

IV. IN THE OFFICE OF THE CLERK OF THE MARION CIRCUIT COURT, search made in the Lis Pendens records of complaint and attachments, the will records and estate and guardianship dockets, and the general judgment dockets of the Marion Circuit Court, of the Superior Courts of Marion County, of the Probate Court of Marion County, of the Criminal Court of Marion County, of the Juvenile Court of Marion County, and of the Civil Municipal Courts of Marion County, including Replevin Bail, Recognizance Bonds and Transcripts of Judgments of United States Courts, as said records and dockets are now indexed.

V. From the searches as above enumerated, we find no further conveyances nor unsatisfied encumbrances, as indexed, or entered up, within the period herein certified, against the real estate described in the caption hereto, except those which may be herein shown.

The period of search covered by this certificate is  
from January 3, 1945 to and including  
February 25, 1959

and covers Paragraphs No. 1 to 23  
both inclusive, and Sheets No. 1  
to 12 both inclusive.

L. M. BROWN TITLE COMPANY, Inc.  
By *[Signature]* President



PF

ESTABLISHED 1868

**L. M. BROWN TITLE COMPANY, INC.**

*Abstracts - Escrows - Title Insurance*

150 EAST MARKET STREET · PHONE MELROSE 8-6401 · INDIANAPOLIS 4, INDIANA

429393

In The UNITED STATES DISTRICT COURT

**SEARCH FOR  
BANKRUPTCIES**

At the Request of

JAMES A. FRANCIS

the following certificate is prepared and furnished covering a search for Bankruptcies in the United States District Court of Indiana, held in Indianapolis, Terre Haute, South Bend, Fort Wayne, Evansville, Hammond, New Albany, and Lafayette.

The Undersigned L. M. BROWN TITLE COMPANY, Inc., of Indianapolis, hereby certifies that there are no Bankruptcies, either voluntary or involuntary, of record, in any one of the above named eight divisions of the United States District Court for ten years last past, except such as may hereafter be set out against any one of the following named parties, under the spelling of the name as herein written, and not otherwise.

This certificate covers the Indianapolis Division down to and including February 25, 1959. and all other Divisions of the State of Indiana down to and including February 19, 1959.

In The OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, search is also made for Internal Revenue Tax Liens as filed in the Office of the Recorder of Marion County, Indiana, from March 4, 1925, to date. See Internal Revenue Code Sections 3670-3671-3672, and Acts of General Assembly of the State of Indiana, Burns' 49-3221 et seq.

William Evans  
Rebecca Evans

L. M. BROWN TITLE COMPANY, Inc.

Dated February 25, 1959.

By 

President

PF

450904

1.

INDIANA  
INDIANAPOLIS.  
DIVISION - L. M. BROWN  
Insurance Corporation - Lawyers Title

Continuation of Abstract of Title to (Lot numbered Two Hundred Forty-nine (249) in McCarty's Sub-division of the middle part of Out Lot 120, of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 145, in the Office of the Recorder of Marion County, Indiana.)

Prepared for James A. Francis, since date of February 25, 1959.

2.

WE FIND NO FURTHER CONVEYANCES

ENCUMBRANCES

MORTGAGES

3.

None found unsatisfied of record filed within the period of this search.

MECHANIC'S LIENS

4.

None found unsatisfied of record filed within the period of this search.

FEDERAL TAX LIENS

UNITED STATES DISTRICT COURT

R. Evans, Evans Masonry Contractor  
822 North Tacoma, Indianapolis, Indiana

Fed. Tax Lien

Serial No. IW-5689  
Total \$481.98

SEE SUBSEQUENT CONTINUATION

Fed. Tax Lien  
Record 2  
Page 79  
Inst. #63076  
Aug. 27, 1959  
Recorded  
Aug. 28, 1959

5.

Lawyers Title Insurance Corporation - L. M. BROWN DIVISION - INDIANAPOLIS, INDIANA

OLD AGE ASSISTANCE LIENS

6.

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.

We find none.

SEARCH IN THE JUVENILE COURT OF MARION COUNTY, INDIANA.

7.

Individual Search has been made in the Juvenile Court of Marion County, Indiana, as to the persons named under the heading of Judgments, and for the period so specified under such search for unsatisfied judgments rendered in Paternity and Heirship proceedings.

We find none.

JUDGMENTS

8.

Search is made, and strictly limited, for judgments, which may have been entered against the following party, solely under the name as herein written, and not otherwise, and the General Certificate hereto appended is accordingly limited.

Rebecca Evans, from February 25, 1959 to date.

None found unsatisfied.

ASSESSMENTS

9.

None found unsatisfied of record which became a lien within the period of this search.



450904

REDEEMED 7-24-61  
ATTOR. UNION TITLE CO.  
BY Tax Sale  
PRESIDENT

Lawyers Title Insurance Corporation - L. M. BROWN DIVISION - INDIANAPOLIS - INDIANA

Tax Sale  
Register 25  
Page -  
Certificate # -

TAX SALE

Auditor Marion County  
to

Atlantic Municipal  
Corporation of Indiana

Lot 249 Out Lot 120 McCarty's Sub.

Returned delinquent in the name of Wm. &  
Rebecca Evans.

Sold April 10, 1961, for \$339.17 for the  
non-payment of taxes, costs, and charges for the  
years 1958, 1959 and 1960.

10.

TAXES

11.

Taxes for the year 1959 and prior years:  
Paid by tax sale.

12.

Taxes for the year 1960 assessed in the names of  
Wm. & Rebecca Evans,

ASSESSED VALUATION:

Land	\$ 380.00
Improvements	\$1020.00
Exemption	\$ - - -
Net Valuation	\$1400.00

Parcel No. 33725  
General Tax Duplicate No. 351774  
Indianapolis Center Township

are due and payable the first Monday in May and November  
1961.

May installment \$54.20 {  
Nov. installment \$54.20 { Paid by Tax Sale

13.

Taxes for year 1961 became a lien and  
are due and payable in May and November 1961 and

SINCE PAID IN FULL  
ATTOR. UNION TITLE CO.  
PRESIDENT

14.

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, from February 13, 1959 to May 26, 1961,  
inclusive.

METROPOLITAN PLAN COMMISSION

DOCKET NO. 60-A0-4

450904

ORDINANCE

15. 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 of 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.

450904

# CERTIFICATE

16.

The undersigned, LAWYERS TITLE INSURANCE CORPORATION, hereby certifies, guarantees, and warrants to whoever relies upon this certificate, including present and all future persons in interest and this certificate runs with the real estate described in caption hereof, that the foregoing, within the limits of the period of search herein specified, is an ABSTRACT OF THE TITLE to and unsatisfied uncumbrances upon, the real estate described in the caption hereof, and that all instruments abstracted herein appear regular in form, execution and acknowledgment unless otherwise indicated.

And it is further certified that SPECIAL SEARCHES were made as follows:

I. IN THE OFFICE OF THE RECORDER OF MARION COUNTY, search made for deeds, affidavits, miscellaneous instruments affecting the title, unsatisfied mortgages, mechanics' liens, Federal Tax Liens, and Old Age Assistance Liens.

II. IN THE OFFICE OF THE AUDITOR OF MARION COUNTY, search made in the general index to tax sales as the same is now entered up, for unsatisfied or unredeemed tax sales.

III. IN THE OFFICE OF THE TREASURER OF MARION COUNTY, search made in the current tax duplicates for unpaid taxes, assessed against the real estate for which this examination is prepared; search is also made in the assessment duplicates for unpaid Ditch assessments and Municipal improvement assessments, as the same now appear in the hands of the Treasurer for collection, which are a lien upon the real estate for which this examination is prepared. No search is made for unpaid assessments in any City or Town other than the City of Indianapolis.

IV. IN THE OFFICE OF THE CLERK OF THE MARION CIRCUIT COURT, search made in the Lis Pendens records of complaint and attachments, the will records and estate and guardianship dockets, and the general judgment dockets of the Marion Circuit Court, of the Superior Courts of Marion County, of the Probate Court of Marion County, of the Criminal Court of Marion County, of the Juvenile Court of Marion County, and of the Civil Municipal Courts of Marion County, including Replevin Bail, Recognizance Bonds and Transcripts of Judgments of United States Courts, as said records and dockets are now indexed.

V. From the searches as above enumerated, we find no further conveyances nor unsatisfied encumbrances, as indexed, or entered up, within the period herein certified, against the real estate described in the caption hereto, except those which may be herein shown.

The period of search covered by this certificate is

from February 25, 1959 to and including June 2, 1961

and covers Paragraphs No. 1 to 16 both inclusive, and Sheets No. 1

to 5 both inclusive.

LAWYERS TITLE INSURANCE CORPORATION  
L. M. BROWN TITLE DIVISION

By *M. L. Sullivan*



me

# Lawyers Title Insurance Corporation

*L. M. BROWN DIVISION*

*Abstracts - Escrows - Title Insurance*

150 EAST MARKET STREET — PHONE MELROSE 8-6401 — INDIANAPOLIS 4, INDIANA

450904

## In The UNITED STATES DISTRICT COURT

### SEARCH FOR BANKRUPTCIES

At the Request of

JAMES A. FRANCIS

the following certificate is prepared and furnished covering a search for Bankruptcies in the United States District Court of Indiana, held in Indianapolis, Terre Haute, South Bend, Fort Wayne, Evansville, Hammond, New Albany, and Lafayette.

The Undersigned Lawyers Title Insurance Corporation, with offices in Indianapolis, hereby certifies that there are no Bankruptcies, either voluntary or involuntary, of record, in any one of the above named eight divisions of the United States District Court for ten years last past, except such as may hereafter be set out against any one of the following named parties, under the spelling of the name as herein written, and not otherwise.

This certificate covers the Indianapolis Division down to and including June 2, 1961  
and all other Divisions of the State of Indiana down to and including May 29, 1961

In The OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, search is also made for Internal Revenue Tax Liens as filed in the Office of the Recorder of Marion County, Indiana, from March 4, 1925, to date. See Internal Revenue Code Sections 3670-3671-3672, and Acts of General Assembly of the State of Indiana, Burns' 49-3221 et seq.

Rebecca Evans

UNITED STATES DISTRICT COURT

Fed. Tax Lien  
Record 2  
Page 79  
Inst. #63076  
Aug. 27, 1959  
Recorded  
Aug. 28, 1959

R. Evans, Evans Masonry Contractor  
822 North Tacoma, Indianapolis, Indiana

Fed. Tax Lien

Serial No. IW-5689  
Total \$481.98

LAWYERS TITLE INSURANCE CORPORATION

L. M. BROWN DIVISION

Dated June 2, 1961 By M. T. Sullivan

me

64-27959A

CAPTION

-1-

Continuation of Abstract of Title to Lot 249 in  
McCarty's Subdivision of the middle part of Out Lot  
120, of the Donation Lands of the City of Indianapolis,  
the plat of which is recorded in Plat Book 8 page 145,  
in the Office of the Recorder of Marion County, Indiana.  
Since June 2, 1961.

Prepared for: John Baker

Misc. Record  
681 Page 456  
Inst. #50431  
June 24, 1961  
Recorded  
June 27, 1961

-2-

STATE OF INDIANA, COUNTY OF MARION, SS:

Rebecca Evans, being duly sworn, deposes and says:

That she is the owner in fee simple of the premises  
known as 1038 South Capitol Avenue, Indianapolis, Indiana;

Lot 249 in McCarty's Subdivision of the Middle Part  
of Out Lot 120, of the Donation Lands of the City of  
Indianapolis, the plat of which is recorded in Plat Book  
8, page 145, in the office of the Recorder of Marion  
County, Indiana.

Affiant further says that she is the widow of  
William Evans, who is deceased, and that his Estate at  
the time of his death was not subject to Federal Estate  
Tax or Indiana Inheritance Tax due to insufficient value;  
that William Evans and Rebecca Evans lived together  
continuously as husband and wife from February 27, 1947,  
until William Evan's death.

Affiant further states that the following persons  
with the same name or similiar names are not one and the  
same as the affiant or, the William Evans, deceased  
husband of the affiant:

1. William Evans, 653 N. West Street, Indianapolis,  
Indiana, Old Age Assistance Lien, Certificate No. A49-  
4820, Recorder's #540, May 1, 1947.

2. Marion Circuit Court - Judgement  
Rebecca Ellen Evans

vs.

Cause 76567, Order Book 338,  
page 258.

Cornell Evans

3. Superior Court of Marion County - Judgement

64-27959A

The Trelawny Inc.

vs Cause C-19744, Order Book 934, page 561,  
Sup. Judg. Doc.

Rebecca Evans et al. E-1 Series 8, page 64.

4. Federal Tax Lien United States District Court  
R. Evans, Evans Masonry Contractor, \* Federal Tax Lien  
822 North Tacoma, Indianapolis, Indiana.  
Serial No. IW-5689  
Total \$481.98

Federal Tax Lien Record 2, Page 79, Instrument  
No. 63076, August 27, 1959, Recorded August 28, 1959.

Further, Affiant sayeth not.

Rebecca Evans

Subscribed and sworn to before me this 24th day of  
June, 1961, the undersigned, a Notary Public in and for  
the County of Marion, State of Indiana and acknowledge  
the execution of the above affidavit, and the affiant  
being duly sworn on oath stated that the facts herein  
contained are true and correct.

Ruth Seward Richey (LS)

Notary Public

Witness my hand and Notarial Seal.

My Commission expires: December 17, 1961.

Instrument shows name of person preparing same.

Town Lot Record  
1868 Page 1  
Inst. #50432  
June 24, 1961  
Recorded  
June 27, 1961

Rebecca Evans, unmarried  
to  
John W. Baker and  
Ruth F. Baker,  
husband and wife

Warranty Deed  
(U.S. Revenue  
Stamp Attached)

Lot numbered 249 in McCarty's Subdivision of the  
Middle part of Out Lot 120, of the Donation Lands of  
the City of Indianapolis, the Plat of which is recorded  
in Plat Book 8 page 145, in the office of the Recorder  
of Marion County, Indiana.

Proper Citizenship Clause is attached.

Instrument shows name of person preparing same.

-3-

64-27959A

Mortgage Record  
2100 page 131  
Inst. #59865  
July 26, 1961  
Recorded  
July 26, 1961

John W. Baker and  
Ruth F. Baker,  
husband and wife  
to  
Merchants National Bank  
& Trust Company of  
Indianapolis

Mortgage

-4-

Lot numbered 249 in McCarty's Subdivision of the middle part of Out Lot 120, of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 145 in the Office of the Recorder of Marion County, Indiana.

To secure the payment, when the same shall become due of a certain promissory note executed of even date and concurrently with this mortgage, and further described as follows: One principal note in the sum of \$3,000.00 with interest thereon according to the terms thereof, providing for payment in installments, the last of which is due and payable at the expiration of 10 years from date, and with interest at the rate of eight per cent per annum after due, until paid; and with ten per cent attorneys fees.

The principal indebtedness may be pre-paid at any subsequent interest-paying date by payment of \$100.00 or multiples thereof.

Instrument shows name of person preparing same.

Old Age Assistance  
Search

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

-5-

64-27959A

Juvenile Court  
Search

-6-

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

-7-

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

-8-

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:

Rebecca Evans

from June 2, 1961  
to and including  
June 27, 1961

and vs

John W. Baker

and

Ruth F. Baker

jointly and

not individually

for the 10 years  
last past and  
against none other



64-27959A

-9- Taxes for the year 1962 and prior years paid in full.

-10- Taxes for 1963 payable 1964 in name of John W. and Ruth F. Baker.

Duplicate No. 327635, A-B, Indianapolis, Center Township, Code No. 1-01, Parcel No. 33725.

May Installment \$77.88 Paid

November Installment \$77.88 Paid

Assessed Valuation

Land \$320.00    Improvements \$1,420.00    Exemptions None

-11- Taxes for 1964 now a lien in name of John W. and Ruth F. Baker.

64-27959A

METROPOLITAN PLAN COMMISSION  
DOCKET NO. 61-AO-2

O R D I N A N C E

-12- 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

-13- November 13, 1964. We hereby certify that no Variance has been granted by the Board of Zoning Appeals of the City of Indianapolis, affecting the use of the real estate described in the caption hereof.

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

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

SECTION 1.01 AIRPORT DISTRICT

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

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

SECTION 2.01 AIRPORT DISTRICT REGULATIONS

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

1. USE

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

2. HEIGHT

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

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

3. PERFORMANCE STANDARDS

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

Interference with Communication

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

Smoke, Dust and Particulate matter

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

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

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

**GUARANTEED CERTIFICATE**

-15-

STATE OF INDIANA }  
COUNTY OF MARION } ss:

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

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

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

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

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

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

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

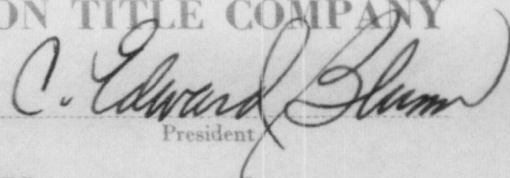
The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates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

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

Dated at Indianapolis, Indiana, November 19, 1964, 8 A.M.

UNION TITLE COMPANY

by



President

-9- cmg

# UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

MEIrose 2-2361

Capital Stock \$1,000,000.00

64-27959A

## UNITED STATES DISTRICT COURTS OF INDIANA

### SOUTHERN DISTRICT

Indianapolis Division  
Terre Haute Division  
Evansville Division  
New Albany Division

### NORTHERN DISTRICT

South Bend Division  
Hammond Division  
Fort Wayne Division  
Lafayette Division

SEARCH FOR  
PENDING BANKRUPTCIES  
INTERNAL REVENUE TAX LIENS

Prepared for: **John Baker**

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

**November 11, 1964, 8 A.M.** and

The Indianapolis Division of the Southern District down to and including

**November 12, 1964, 8 A.M.**

Rebecca Evans

John W. Baker ✓

Ruth F. Baker ✓

UNION TITLE CO.

BY *C. Edward Plum*  
PRESIDENT

cmg