

66 29180

Ch-2

WARRANTY DEED

Project 1-70-3(52)
Code 0536
Parcel 29

This Indenture Witnesseth, That *JULIA G. DAVIS (ADULT FEMALE UNMARRIED)*

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

Convey and Warrant to

the STATE OF INDIANA for and in consideration of

FIVE THOUSAND AND 00/100 (\$5000 00) Dollars,

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

LOT No. 253 IN McCARTY'S SUBDIVISION OF THE MIDDLE PART OF
OUT LOT No. 120 IN THE CITY OF INDIANAPOLIS ACCORDING TO THE PLAT OF
SAID SUBDIVISION AS RECORDED IN PLAT BOOK 8 AT PAGE 145 THEREOF
IN THE RECORDS OF THE OFFICE OF THE RECORDER OF MARION COUNTY,
INDIANA.

DULY ENTERED
FOR TAXATION

JUN 9 1966

John T. Sutton
COUNTY AUDITOR

RECEIVED FOR RECORD
1966 JUN 10 AM 8:00
MARCIA M. HAWTHORNE
RECORDER OF MARION COUNTY



5.50

A94276

Paid by Warrant No. ~~A94~~

Dated *4-20* 19*66*

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.

JLD
2-11-66
MEH

In Witness Whereof, the said *JULIA G. DAVIS (ADULT FEMALE UNMARRIED)*
has hereunto set her hand and seal, this *25th* day of *FEBRUARY* 19*66*

(Seal) *Julia G. Davis* (Seal)
.....
(Seal) *JULIA G DAVIS (ADULT FEMALE UNMARRIED)* (Seal)
.....
(Seal) *adult, female unmarried* (Seal)
.....
66 29180 (Seal) (Seal)
.....
(Seal) (Seal)

66 29180

[Signature] This Instrument Prepared by *E.W. King*

FEB 8 1965

MAR 28 1966

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:

X Before me, the undersigned, a Notary Public in and for said County and State, this 28th day of February, A. D. 1966; personally appeared the within named

X JULIA G. DAVIS

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

X My Commission expires 8/22/67 William S. Mercuri Notary Public
William S. Mercuri

66 29180

WARRANTY DEED

FROM

TO

STATE OF INDIANA

Received for record this

day of, 19.....

at o'clock m, and

Recorded in Book No. page

Recorder County

Duly entered BY X ENTERED

day of FOR TAXATION, 19.....

Auditor's fee \$11.19 1966

Auditor: [Signature] County Auditor

(50)

Division of Land Acquisition
Indiana State Highway Commission

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

4-27-66

19

To Julin G. Davis & Insurance Savings & Loan Assn &
Ted A. Pollard & Betty M. Pollard & Lauck Funeral Home
1022 South Capitol Avenue
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 94276 4-20-66 19
in settlement of the following vouchers: Trans 130

DESCRIPTION	AMOUNT
Purchase <i>For the purchase of Right of Way on State Road</i> No. <u>I-70</u> in <u>Marion</u> County <u>I</u> Project <u>70-3</u> Section <u>(52)</u> as per Grant dated <u>Feb 25, 1966</u> Parcel 29	\$ 5,000 00

PLEASE RECEIPT AND RETURN

Received Payment:

Wilson S. Daily attorney for
Insurance Sav + Loan Assn.

Date May 10, 1966

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway Commission

Control
Project I-70 B(S2)
Parcel No. 29
Road I-70
County Marion
Owner Dwain E. Davis et ux
Address 1022 S. Capital
Address of Appraised Property: same

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. yes
5. The appraisal is fully documented and supported as required by the State Highway Commission and the requirements of P.P.M. 21-4.1 of the Federal Bureau of Roads. yes
6. Plats drawn by the appraisers are attached. yes
7. I have personally inspected the Plans. yes
8. I have personally inspected the site on June 1, 1965 and familiarized myself with the Parcel.
9. The computations of this parcel have been checked and reviewed. yes
10. To the best of my knowledge, non-compensable items are not included in this appraisal. yes
11. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. yes

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

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

It is my opinion as of March 31, 1965 :
(Date)

(a) The fair market value of the entire property before the taking is: \$ 5,000.00

(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 \$ 5,000.00

(1) Land and/or improvements	\$ <u>5,000.00</u>
(2) Damages	\$ <u>0</u>
(3) Other damages and/or temp. R.O.W.	\$ <u>0</u>
(4) Estimated Total Compensation	\$ <u>5,000.00</u>

APPROVED BY:

Approved	Date	Signed
Rev. Appr.	6-7-65	<i>[Signature]</i>
Asst. or Chief Appr.	JUN 8 1965	<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.)

I 70-3 (57)

PARCEL 29 IRWIN & JULIA G DAVIS

AFFIDAVIT

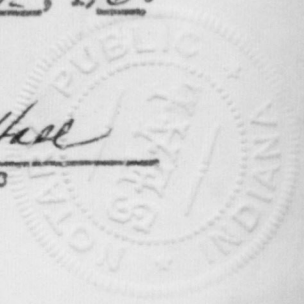
STATE OF INDIANA)
MARION COUNTY) SS

JULIA G DAVIS being duly sworn upon ~~(his)~~
(her) oath says that ~~(he)~~ (she) is OVER 21 years of age and knew in
~~(his)~~ (her) lifetime IRWIN DAVIS, deceased,
and knows that said decedent died JUNE 21, 1964

Julia G Davis
JULIA G DAVIS

Subscribed and sworn to before me this 22nd day of JUNE, 1965

Chadwick H. Hall
Notary Public



My commission expires JANUARY 1969

6

BUYERS REPORT #

PROJECT # I-70-3(52) PARCEL # 29 COUNTY Marion

NAME & ADDRESS OF OWNER Julia S. Davis
1022 S. Capitol Indianapolis PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Wilson S. Daily
120 E. Market St. Indianapolis PHONE # _____

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

DATE ASSIGNED June 14, 1965 DATE OF CONTACT February 2, 1966

OFFER \$ _____ TIME OF CONTACT 11:30

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: Talked to Mr. Daily and went over the papers with him. He will take care of the foreclosure release and call as soon as he can get the necessary papers signed.

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

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

Luther C. Hopper
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

5

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 29 COUNTY _____

NAME & ADDRESS OF OWNER JULIA G DAVIS
1022 SO CAPITOL PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED _____
PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT 1-21-66

OFFER \$ _____ TIME OF CONTACT _____

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: PREPARED ALL PAPERS - SENT TO ATTY 1-21-66
(WILSON'S DAILY)

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

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

Chadwick H. Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

3

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 29 COUNTY MARION

NAME & ADDRESS OF OWNER JULIA G DAVIS
1022 SO CAPITOL

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED _____

PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT 8-17-65

OFFER \$ _____ TIME OF CONTACT _____

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: SINCE OUR OFFER IS NOT ENOUGH TO PAY
THE FIRST & SECOND MORTGAGE AND THE
FIRST MORTGAGEE SAYS THEY ARE GOING TO GET
A RESOLUTION OF THE BOARD TO FORECLOSE WE
WILL JUST HAVE TO WAIT UNTIL SUCH ACTION IS
TAKEN AND THEN PROCEED WITH THE 1ST MORTGAGEE
(THE INSURANCE SAVV LN ASSN)

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

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

Chadwick & Hill
 (Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

2

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 29 COUNTY MARION

NAME & ADDRESS OF OWNER JULIA G. DAVIS (ADULT UNMARRIED)
1022 50 CAPITOL PHONE # ME9-1746

NAME & ADDRESS OF PERSON CONTACTED JULIA DAVIS
PHONE # _____

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

DATE ASSIGNED 6-14-65 DATE OF CONTACT 6-22-65

OFFER \$ 5000⁰⁰ TIME OF CONTACT 3 PM

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

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

REMARKS: TAXES ARE DISABLED VET EXEMPT EACH YEAR.
SHE WILL FURNISH EXEMPT CERTIF FOR XEROX & RETURN TO HER
#3 - 2 MORTGAGES - ONE WITH TED POLLARD & BETTY M POLLARD
FOR REPAIRS APPARENTLY NOT COMPLETED. (I VIEWED THIS)
THE OTHER TO INS SAVY LN ASSN 144 NO PENN.
POLLARD BAL \$3217.⁰⁰ BAL ON INS SAVY LN \$2812⁵⁵
IN VIEW OF OUTSTANDING MORT TO POLLARD WHICH WILL
REQUIRE SOME LEGAL HELP TO SETTLE MRS DAVIS WOULD LIKE
MORE TIME TO TAKE CARE OF SAME BEFORE CONSIDERING
SELLING.

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

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

Chadwick H Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division



BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 29 COUNTY MARION

NAME & ADDRESS OF OWNER IRWIN (DECEASED) AND JULIA G DAVIS

1022 SO CAPITOL

PHONE # ME 9-1746
WORK WAS-1071

NAME & ADDRESS OF PERSON CONTACTED JULIA

PHONE # _____

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

DATE ASSIGNED 6-14-65 DATE OF CONTACT 6-18-65

OFFER \$ _____ TIME OF CONTACT 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: TALKED BY PHONE - MADE APPT FOR
TUES (6-22-65) AT 3PM

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

Distribution Made

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

Chadwick P. Hea
(Signature)

No. 668108

ABSTRACT OF TITLE

TO

-1-

Lot 253 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.

Prepared for JACK ALBOHER

OFFICERS

VERN E. BUNDRIDGE
PRESIDENT
HIRAM E. STONECIPHER
VICE-PRES. AND SEC.
C. EDWARD BLUM
VICE-PRESIDENT
ROBERT W. STOCKWELL
VICE-PRESIDENT
GEORGE W. THOMPSON
VICE-PRES. AND TREAS.

BY

UNION TITLE COMPANY

INCORPORATED

ABSTRACTS OF TITLE, TITLE INSURANCE, ESCROWS

155 EAST MARKET STREET — MELROSE 2-2361

Indianapolis, Indiana

BOARD OF DIRECTORS

C. EDWARD BLUM
ERWIN L. BOHN
ALBERT F. BROMLEY
VERN E. BUNDRIDGE
FRANCIS M. HUGHES
FRANK P. HUSE
PAUL E. JONES
CARL C. KOEPPER
JOHN K. PARRY
GEORGE SADLIER
HIRAM E. STONECIPHER
GEORGE W. THOMPSON

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

(OVER)

INDIAN CLAIMS. The original possessory title to said lands was held by the Indians. The Treaties of 1763, 1764, 1765, 1766, 1767, 1768, 1769, and 1800, and the Act of October 3, 1818, and July 30, 1819, U. S. Statutes at Large, pp. 186, 187, 188, 189, and 200.

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

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

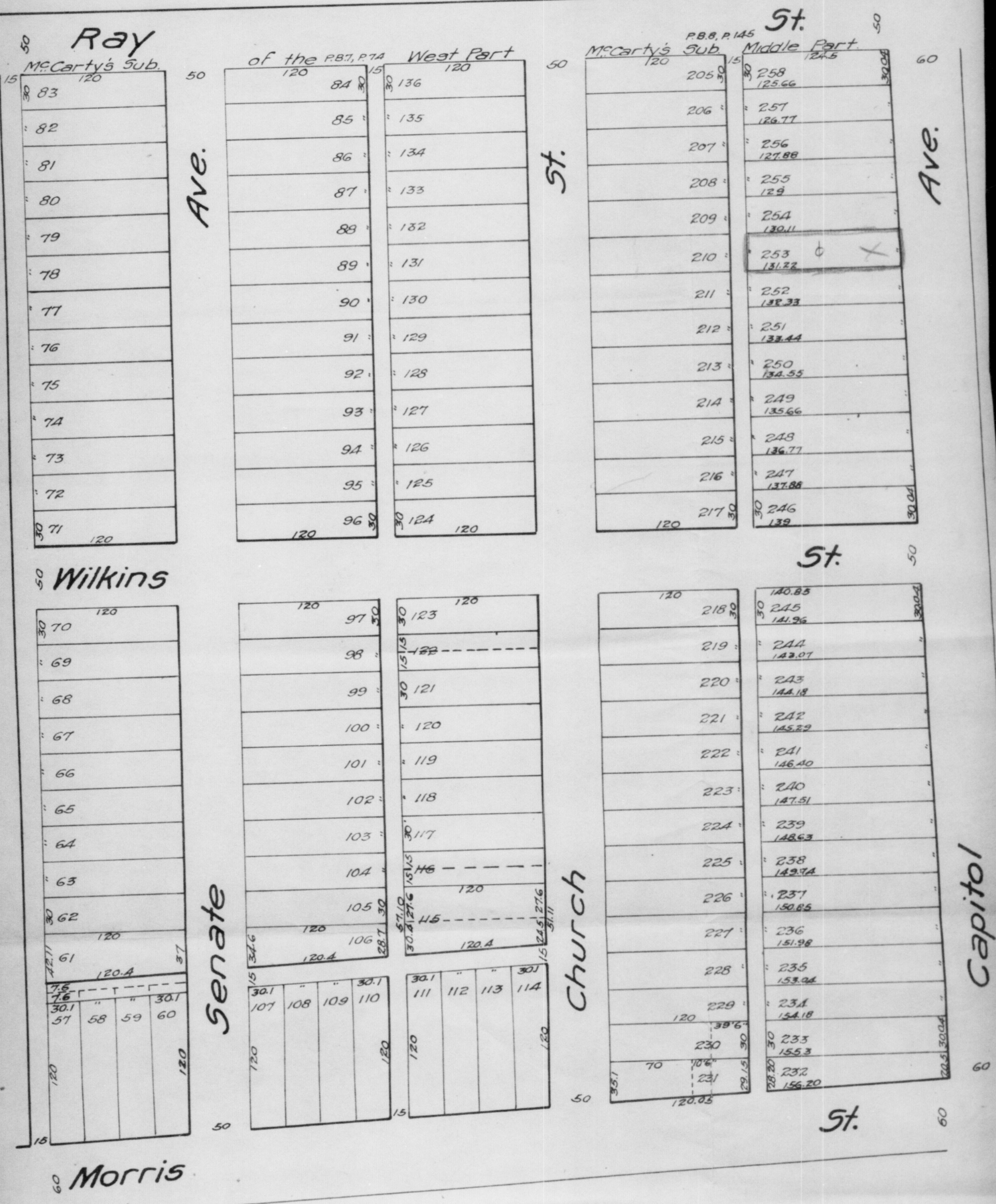
ORGANIZATION OF COUNTY. Marion County lands were included within the boundaries of Delaware County, organized January 20, 1820, Acts 1820, p. 96. Marion County was organized December 31, 1821, Acts 1821-2, p. 135. The boundary lines of Marion County were corrected and established January 7, 1824, Acts 1824, p. 52.

CITY OF INDIANAPOLIS. By act of Congress, approved April 19, 1816, heretofore mentioned, four sections of land were granted to the State, "for the purpose of fixing the seat of Government thereon," which grant was accepted by the Territorial Convention, by Ordinance of June 29, 1816, R. S. 1824, p. 33. By act of Congress, approved March 3, 1819, it was provided that instead of 4 sections, "any contiguous quarter section, fraction, or parts of sections, not to exceed in the whole the quantity contained in 4 entire sections," were to be selected under the direction of the Legislature, 3 U. S. Statutes at Large, p. 516. By act approved January 11, 1820, Commissioners were appointed by the General Assembly to select and locate a seat for the permanent seat of Government of the State of Indiana, Acts 1819, p. 18. Commissioners reported, June 7, 1820, selection of sections 1 and 12 east and west fractional sections, numbered 2, east fractional section numbered 11, and so much of the east part of west fractional section numbered 3, to be set off by a North and South line as will complete 4 entire sections, or 2,660 acres in Township 16 North, Range 3 East of the Second Principal Meridian. House Journal 1820-1821, p. 25. According to the returns of the United States Surveyors, section 1 contains 658.20, section 2, 611.53, section 11, 640 acres, and section 12, on the east side of White River, 448.20 acres, leaving 202.07 acres to be taken out of section 3. The act approved January 6, 1821, approved the selection of the above described land, provided for the appointment of three Commissioners, to lay out a town on such part of the land selected, as they deemed most proper, provided for the sale of lots, the appointment of agents and authorized the execution of certificates and deeds by said agents. Said act further provided, "that said town shall be called, and known by the name of Indianapolis," Acts 1820, p. 44. The original survey of the town, as made in the year 1821, included within North, South, East and West streets, embracing squares 1 to 101 inc., which were all divided into lots. By Act approved November 28, 1821, the acts and proceedings of the commissioners were legalized. Acts 1821-2, p. 18. By Act approved January 3, 1822, it was provided that the agent lay off in lots from 5 to 20 acres, the fraction of land lying west of the west fork of White River, opposite Indianapolis, and which is within the Donation. Said Agent was authorized to sell any part of the unappropriated Donation, not exceeding 2 acres, to any person or persons, for the purpose of making bricks for the improvement of the town. Acts 1821-2, p. 129. A square tract of 2 acres was platted and established as the permanent seat of Government, upon, from, and after the 2nd Monday in January, 1825. Acts 1824, p. 10. The act, approved January 31, 1824, authorized the Agent to lay out on the North and South sides of the town plat, 20 out-lots of the same size as the squares in said town plat, and to offer said out-lots for sale. Acts 1824, p. 88. By the act, approved February 12, 1825, the Agent was required to lay off one more tier of out-lots on the North and South sides of the said town, of the same size and dimensions of the 20 out-lots provided for in the foregoing Act. Acts 1825, p. 3. An act, approved January 26, 1827, authorized the Agent to sell a quantity of ground not exceeding 7 acres, on White River and adjoining thereto, either above, or below the Ferry, on said river, to be by said Agent laid off and surveyed, in such form and manner as in his opinion will best answer the purpose designed; which piece of land shall be sold for the purpose of storing a site for the erection of a steam mill, etc. Acts 1827, p. 3. This tract is designated "Steam Mill" on the map. By an act, approved January 26, 1827, all the alleys passing through squares 1 to 20 inc., 80, 84, 85 and 90 to 101 inc., were vacated and the Agent was granted authority to divide squares 80, 84 and 85, except Washington, which is 120 feet, including the alleys, and contains 4-100 acres. The lots in the regular squares are 67 feet 6 inches in front, and 195 feet in depth where they abut on 50-foot alleys; where they abut on 15-foot alleys, they are 65 feet in front and 202 feet in depth. By act, approved February 9, 1831, the Agent was required to cause the lots around the Town of Indianapolis, belonging to the State, to be accurately surveyed and divided into lots, according to the plan designated on the plat presented by the said Agent, and cause the corners and boundaries thereof to be distinctly marked and numbered. Acts 1830-1, p. 82. A "Map of Indianapolis and its Environs" as originally drawn by B. F. Morris, surveyor, was filed by H. Sharpe, Agent, July 5, 1831, in the Recorder's office of Marion County. A verified copy of the same is now of record in said office.

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

SCHOOL LANDS. By the proposition on the part of the United States, offered in the Enabling Act, approved April 19, 1816, which when accepted, as heretofore noted, became obligatory, every section numbered 16, in every township, in Marion County, was granted to the inhabitants of such township, for the use of Schools, 3 U. S. Statutes at Large, p. 290. R. S. 1824, p. 33. By Act, approved January 21, 1831, the Congressional Townships were constituted bodies corporate. By the Act of 1824, the lands were vested in such corporation. By an Act of Congress, approved May 24, 1828, the Legislature of the State of Indiana was authorized to sell and convey in fee simple, after complying with certain provisions, all or any part of the lands heretofore reserved and appropriated by Congress for the use of the schools within said state, 4 U. S. Statutes at Large, p. 298. Provisions for the sale of such lands, and authority for certain officers to execute deeds were provided, by the Acts of 1829, 1831, 1843, 1853 and 1866. R. S. 1824, p. 379; Acts 1829, p. 120; R. S. 1831, p. 463; R. S. 1843; Article 13, R. S. 1852, p. 450; Acts 1866, p. 16.

W. Pt. Out Lot No. 120.



668108

Land Record
D page 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

All the following described lots in the
Town of Indianapolis, in the State of Indiana.
Lot 120 containing 52 33/100 acres.
(Also other lots.)

-2-

-3-

Nicholas McCarty died intestate May 17, 1854.

IN THE COMMON PLEAS COURT OF MARION COUNTY

Complete Record
11 page 66

June 3, 1854. Margaret McCarty appointed
and qualified as Administratrix of the estate
of Nicholas McCarty, Deceased.

-4-

Order Book 7 page 463.
January 7, 1860. Estate Settled.
Order Book 7 page 83.

NOTE: It appears from reference to the
proceedings in the settlement of the estate of
Nicholas McCarty deceased, Complete Record 11
page 66, Common Pleas Court that said decedent
left surviving him Margaret McCarty, his widow
Nicholas McCarty, Margaret R. McCarty, Susanna
McCarty and Frances J. McCarty, his children.

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

STATE OF INDIANA, MARION COUNTY, SS:

I, Henry Day, the undersigned, being duly sworn
according to law says that ever since the year 1867
I was acquainted with the family of the Nicholas
McCarty to whom the agent of the State deeded Out Lot
120 in the City of Indianapolis, Indiana, on the 2nd
day of May, 1835, which deed is recorded on page 535
of Marion County, Deed Record D, that said Nicholas
McCarty died previous to the fall of 1854. That he
left Margaret McCarty, his widow, surviving him that
the only children he left surviving him were Nicholas
McCarty, Junior, Margaret R. McCarty, Frances J. McCarty,
and Susannah McCarty, who subsequently married affiant
that he left surviving him no grand children by deceased
sons or daughters.

-5-

668108

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

Henry Day

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

William Watson Woolen
Notary Public

Marriage Record
6 page 659
Dec. 9, 1867

Susannah McCarty
to
Henry Day

Marriage

-6-

Marriage Record
10 page 36
Oct. 2, 1867

Margaret R. McCarty
to
John C. S. Harrison

Marriage

-7-

-8-

Margaret McCarty died intestate February 18, 1873.

IN THE MARION CIRCUIT COURT

Estate Docket
8 page 283

March 14, 1874. Nicholas McCarty appointed and qualified as Administrator of the estate of Margaret McCarty, Deceased.

Order Book 34 page 551.

July 7, 1899. Final Report filed showing that the sole and only heirs of said decedent are the following named persons, towit:

Her children Nicholas McCarty, Margaret McCarty Harrison, Frances J. McCarty and her grand children, Henry McCarty Day and Margaret McCarty Day.

September 12, 1899. Final Report approved and estate closed.

Order Book 140 page 121.

-9-

-10-

Susanna McCarty Day died testate August 30, 1873.

Will Record
E page 125
Probated
Sept. 19, 1873

-11-

LAST WILL AND TESTAMENT OF SUSANNA McCARTY DAY,
DECEASED.

I, Susanna McCarty Day, daughter of Nicholas McCarty and Margaret McCarty, both deceased, sister Margaret R. McCarty Harrison, Nicholas McCarty, Francis J. McCarty, wife of Rev. Henry Day and Mother of Henry McCarty Day and Margaret McCarty Day of the City of Indianapolis, County of Marion and State of Indiana, of sound mind and disposing memory though sick in body and do make this my last Will and Testament intending thereby to dispose of all the property of which I shall die seized or possessed and I give and bequeath to my brother Nicholas McCarty all my personal property (except that in the dwelling house occupied by me, which I give and bequeath to my husband, Rev. Henry Day) and the crops growing upon my lands at the time of my death, but on condition that he within sixty days after the probate of this my Will does not pay to my Executor the sum of \$5,000.00 and execute his two promissory notes payable to my Executor with interest without relief from valuation or appraisement laws. Each in the sum of \$7,500.00 one on or before one year after date, one on or before two years after date, then said devise to him shall fail and then and thereupon I give and bequeath said personal property and growing crops and the proceeds of any disposed of by said Nicholas in the mean time the 1/3 thereof to my said husband Rev. Henry Day, 1/3 to my son Henry McCarty Day and the 1/3 to my daughter Margaret McCarty Day. I give and bequeath to my said brother Nicholas McCarty the undivided one fourth of the Real Estate situate in the County of Marion and State of Indiana, described as follows, towit:

The North Half of the Northwest Quarter of Section 22, in Township 15 North of Range 3 East but on one 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 3 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 after date, 1 two years and 1 three years after date this bequest shall fail and then and thereupon I give said described real estate the one third to my said husband, Rev. Henry Day, one third to my son Henry McCarty Day and one third to my daughter Margaret McCarty Day. I give and bequeath the moneys which may be paid and the notes which may be executed by my said brother Nicholas McCarty in compliance with the condition attached to the bequests or either of them hereinbefore set forth and I give and bequeath all the residue of my real property of whatever description and wherever situate the one third of said moneys notes and real property to my said husband, Rev. Henry Day, the one third thereof to my son Henry McCarty Day and the one third to my daughter Margaret McCarty Day.

I hereby appoint my husband, Rev. Henry Day executor

668108

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, Testament and Codicils heretofore made by me.

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

Susanna McCarty Day

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

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

Margaret A. Wood
John S. Tarkington

IN THE COMMON PLEAS COURT OF MARION COUNTY

-12-

October 15, 1873. Henry Day appointed and qualified as Executor of the estate of Susanna McC. Day, Deceased.

Order Book 34 page 309.

October 19, 1874. Estate settled.

Order Book 35 page 80.

IN THE MARION CIRCUIT COURT

Guardian's Docket
3 pages 30 and 135

-13-

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

June 16, 1874. Henry Day appointed Guardian of Henry McCarty Day (aged 14 years October 19, 1873) and Margaret McCarty Day (aged 10 years 1874.)

Order Book 34 page 309.

October 19, 1880. Said Henry McCarty Day arrived at full age.

February 22, 1881. Guardian discharged as to said Henry McCarty Day.

Order Book 56 page 227.

June 16, 1885. Margaret McCarty Day arrived at full age.

September 11, 1885. Final report Guardianship settled and Guardian discharged.

Order Book 72 page 284.

668108

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

-14-

STATE OF INDIANA, MARION COUNTY, SS:

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

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

Nicholas McCarty

Subscribed and sworn to before me the undersigned Notary Public this 22nd day of November, 1912.

Frank C. Groninger
Notary Public

My commission expires: June 4, 1913.

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

-15-

STATE OF INDIANA, COUNTY OF MARION, SS:

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

Further affiant sayeth not.

Nicholas McCarty

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

Fred D. Stilz (LS)
Notary Public

My commission expires April 8th, 1916.

668108

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

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

-16-

to
Nicholas McCarty

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

Part of Out Lot 120 bounded and described as follows: Beginning on the West line of Tennessee Street in said Out Lot at a point 42 feet south of the North line of said Out Lot and running West in a line parallel to the North Line of said Out Lot 264 feet to a point in a line with the East line of Church Street in said Out Lot, thence south with the East line of Church Street 915 1/10 feet to a point in the North line of Morris Street, which said point is 30 feet North of the South line of said Out Lot thence East with the North line of Morris Street, and 30 feet North of the South line of said Out Lot 296 25/100 feet to the West line of Tennessee Street, thence North with the said West line of Tennessee Street 901 7/10 feet to the beginning, containing 5 80/100 acres, more or less.

Also part of the Lot or Block "B" in McCarty's Subdivision of the West part of Out Lot 120 according to the plat of said Subdivision as recorded in the office of the Recorder of said County of Marion in Plat Book 7 page 74, bounded and described as follows: Beginning at the North West corner of said Lot or Block and running East with the North line thereof 218 feet, thence Southwardly to the South line of said Lot or Block to the South line thereof at a point 107 6/10 feet East of the Southwest corner of said Lot or Block thence West with the South line of said Lot or Block 107 6/10 feet to the Southwest corner thereof, thence North with the West line of said Lot or Block 469 75/100 feet to the beginning, containing 1 74/100 acres, more or less.

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

of said real estate or any part thereof and generally to possess, contract, protect and absolutely dispose of the and any of the proceeds of the right, title, interest and estate, of us and each of us, in and to and of the real estate or any part thereof and any the lots or parcels into which the said real estate may be divided or subdivided and to receipt for all payments, assigns and discharge execute and cause to be recorded certificates of satisfaction and discharge of all and singular notes, mortgages or other securities for the or any purchase money or rent for the real estate hereinbefore described or any part thereof.

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

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

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

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

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

IN THE SUPERIOR COURT OF MARION COUNTY

May 13, 1886

Nicholas McCarty, etal

vs

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

-17-

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

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

Order Book 131 page 574.

Transcript of decree certified to record June 15, 1886, and recorded in Town Lot Record 183, page 335.

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

-18-

MCCARTY'S SUBDIVISION OF THE MIDDLE PART OF OUT LOT 120 in the City of Indianapolis. We the undersigned, Nicholas McCarty, for himself and Margaret R. McCarty Harrison with John C. S. Harrison, her husband, Frances J. McCarty, Henry Day, Henry McCarty Day, Margaret McCarty Day, by Nicholas McCarty, their attorney in fact, of Marion County, State of Indiana, have subdivided and laid off the real estate, situate in the City of Indianapolis, and County and State bounded and described as follows, to-wit: Plat of Out Lot 120, bounded and described as follows: Beginning on the West line of Tennessee Street in said Out Lot at a point 42 feet South of the North line of said Out Lot and running West in a line parallel to the North line of said Out Lot 264 feet to a point in a line with the East line of Church Street, in said Out Lot thence South with the East line of Church Street 915 10/100 feet to a point in the North line of Morris Street, which said point is 30 feet North of the South line of said Out Lot, thence East with the North line of Morris Street 30 feet North of the South line of said Out Lot 296 25/100 feet to the West line of Tennessee Street, thence North with the said West line of Tennessee Street 901 7/100 feet to the beginning, containing 5 80/100 acres, more or less, into 54 lots numbered from 205 to 258 both inclusive with streets and alleys.

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

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

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

Nicholas McCarty
Margaret R. McCarty Harrison
John C. S. Harrison
Frances J. McCarty
Henry Day
Henry McCarty Day
Margaret McCarty Day
Nicholas McCarty,
Their Attorney in Fact

By:

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

668108

Town Lot Record
186 page 547
Oct. 21, 1886
Recorded
Nov. 27, 1886

-19-

Nicholas McCarty, unmarried,
Margaret R. McCarty Harrison
and John C. S. Harrison,
her husband,
Frances J. McCarty, unmarried,
Henry Day, unmarried,
Henry McCarty Day, Unmarried,
and Margaret McCarty Day,
unmarried, By: Nicholas McCarty,
Their Attorney in Fact
to
Henry Fink

Warranty Deed

Lot 253 in McCarty's Subdivision of the Middle
part of Out Lot 120 in the City of Indianapolis,
according to the plat of said Addition as recorded
in the office of the Recorder of the said County of
Marion, in said Plat Book 8 page 145.

Town Lot Record
242 page 232
May 6, 1892
Recorded
May 12, 1892

-20-

Henry Fink, unmarried
to
Catherine Nurse

Warranty Deed

Lot 253 in McCarty's Subdivision of - Middle
part of Out Lot 120 in the City of Indianapolis,
as shown by Plat recorded in Plat Book 8 Page 145
in the Recorder's Office of Marion County, Ind.

Town Lot Record
279 page 559
Oct. 31, 1895
Recorded
Nov. 2, 1895

-21-

Catherine Nurse and
Thomas Nurse,
her husband
to
Rachel Levy

Warranty Deed

Lot 253 in McCarty's Subdivision of the Middle
part of Out Lot 120, in the City of Indianapolis,
according to the Plat thereof, recorded in Plat
Book 8, on page 145, in the Marion County Recorder's
Office.

668108

Town Lot Record
413 page 185
Feb. 5, 1907
Recorded
Feb. 21, 1907

Racehl Levy and
Phillip Levy,
her husband
to
Max Levi, unmarried

Quit Claim Deed

-22-

Lot 253 in McCarty's Subdivision of the Middle part of Out Lot 120 in the City of Indianapolis, according to the plat of said Subdivision as recorded in Plat Book 8 at page 154 thereof of the records in the Office of the Recorder of said Marion County, Indiana.

In Witness Whereof, the said Rachel Levy and Phillip Levy, her husband, have hereunto set their hands and seals this 5th day of February A.D.1907.

her
Rachel X Levy
mark
his
Phillip X Levy
mark

Signature Witnessed by:

L. D. Buenting
Lillian Kreber

STATE OF INDIANA, MARION COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County, this 5th day of February, 1907, Rachel Levy and Phillip Levy, her husband, acknowledged the execution of the annexed Deed.

Witness my hand and Notarial seal.
L. D. Buenting (LS)
Notary Public

My commission expires Dec. 18th, 1910.

Town Lot Record
413 page 184
Feb. 5, 1907
Recorded
Feb. 21, 1907

Max Levi, unmarried
to
Philip Levi and
Rachel Levi, his wife

Quit Claim Deed

-23-

Lot 253 in McCarty's Subdivision of the Middle part of Out Lot 120 in the City of Indianapolis, according to the plat of said Subdivision as recorded in Plat Book 8 at page 154 thereof, of the records in the Office of the Recorder of said Marion County, Indiana.

668108

Town Lot Record
714 page 601
May 5, 1924
Recorded
May 9, 1924

Philip Levi and
Rachel Levi, his wife
to
Mardechi Arbuchar and
Polamba Arbuchar,
husband and wife

Warranty Deed

-24-

Lot 253 in McCarty's Subdivision of the Middle part of Out Lot 120 in the City of Indianapolis, according to the plat of said Subdivision as recorded in Plat Book 8 at page 154, thereof of the records in the Office of the Recorder of said Marion County, Indiana.

In Witness Whereof, the said Philip Levi and Rachel Levi, his wife, have hereunto set their hands and seal- this 5th day of May, 1924.

his
Philip X Levi
mark
her
Rachel X Levi
mark

Witnesseth his Mark X

Witnesseth her Mark X

By: Isidor Wulfson

This 5th day of May, 1924.

STATE OF INDIANA, MARION COUNTY, SS:

Personally appeared before me the undersigned, a Justice of the Peace in and for said County, and State, Philip Levi and Rachel Levi, his wife, who acknowledged the execution of the annexed deed to be their voluntary act and deed.

Witness my hand and official seal, this 5th day of May, 1924.

Isidor Wulfson (LS)
Justice of the Peace

Lien Record
668 page 44
Instr. #95519
Dec. 16, 1960
Recorded
Dec. 16, 1960

Ted A. & Betty M. Pollard
D/B/A Stoker Ser. & Htg. Co.

Notice of
Mechanic's Lien

to
John Doe
M & P Arbucher

Lot 253 McCarty Sub of the Middle Part
PB 8 Pge. 145.

For the sum of \$8.50.

Instrument shows name of person preparing same.

SATISFIED OF RECORD
ADVEST. UNION TITLE CO.
BY: *[Signature]*
PRESIDENT

1-22-62

-25-

668108

Old Age Assistance
Search

-26-

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

-27-

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.

Judgment Search

-28-

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:

Mardechi Arbuchar
and
Polamba Arbuchar,
jointly and
not individually

for the 10 years
last past and
against none other

668108

-29-

Taxes for the year 1959 and prior years paid in full.

-30-

Taxes for the year 1960 on the real estate for which this Abstract is prepared are assessed in the name of Mordecai & Polamba Arbuchar and are due and payable on or before the first Mondays in May and November of 1961.

General Tax Duplicate No. 322125, A-B., Indianapolis, Center Township, Parcel No. 2930.

May Installment \$48.00 Paid.

November Installment \$48.00 Unpaid.

Assessed Valuation:

Land \$370.00 Improvements \$870.00 Exemption None

-31-

Taxes for the year 1961 now a lien.

SINCE PAID IN FULL
ATTY. JACK TITLE CO.
BY: *[Signature]*
PRESIDENT

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

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

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

Six 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-3 (S), or General Commercial Districts; Class U-4, or First Industrial Districts; and Class U-5 or Second Industrial Districts.

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

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

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

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

Regulations are construed to determine number of families permitted to occupy residential buildings 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 Areas.

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

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

Restrictions on Reduction of Lot Areas.

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

Restrictions of Floor Areas in Dwelling Houses.

(General Ordinance No. 113, 1952)

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

In Class AA district 1500 square feet;

In Class A1 district 1200 square feet;

In Class A2 district 900 square feet;

In Class A-3, A⁴, 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, from set-back line shall be equal to 1/3 of the average depth of the lot up to 50 feet, with minimum of 20 feet.

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

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

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

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

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

668108

Non-Conforming Uses.

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

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

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

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

The real estate herein abstracted appears in Use District, Class U-2 ; Height District, Class H-1 ; and Area District, Class A-4 ; all so 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.

668108

METROPOLITAN PLAN COMMISSION

DOCKET NO. 60-AO-4

ORDINANCE

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

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

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

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

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

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

John D. Hardin

Fred W. Nordsiek

Frank J. Billeter

Louie Moller

John A. Kitley

THE MARION COUNTY COUNCIL

DATED May 31, 1960

ATTEST Clem Smith

AUDITOR OF MARION COUNTY, INDIANA

668108

METROPOLITAN PLAN COMMISSION
DOCKET NO. 61-A0-2.

O R D I N A N C E

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

668108

of the finished lot grade measured within the outer face of exterior walls and under the roof of a dwelling house.

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

-33

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

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

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

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

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

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

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

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

Effective March 28, 1957.

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

-34-

September 22, 1961. 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.

668108

GUARANTEED CERTIFICATE

-35-

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 35 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 22 both inclusive.
Dated at Indianapolis, Indiana, October 5, 1961, 8 A. M.

UNION TITLE COMPANY

by

Nern H. Sundridge
President

-22- eb

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

668108

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: **Jack Alboher**

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

October 4, 1961, 8 A. M. and

The Indianapolis Division of the Southern District down to and including

October 5, 1961, 8 A. M.

Mardechi Arbuchar

Polamba Arbuchar

UNION TITLE CO.

BY *Hernst L. Lawrence*
PRESIDENT

eb

65-829A

CAPTION

-1-

Continuation of Abstract of Title to Lot 253 in
McCarty's Subdivision of the Middle part of Out
Lot 120 of the Donation Lands of the City of
Indianapolis, as per plat thereof, recorded in
Plat Book 8, page 145, in the Office of the
Recorder of Marion County, Indiana.
Since October 5, 1961, 8 A.M.

Prepared For: Julia G. Davis

-2-

Mardechi Arbuchar or Mardechi Alboher died April 3,
1952 as appears at a subsequent entry herein.

-3-

NOTE: No letters of administration issued in the Clerk's
Office of Marion County, Indiana, upon an estate of
Mardechi Arbuchar or Mardechi Alboher; deceased.

65-829A

Town Lot Record
1900, Inst#108743
Dec. 13, 1961
Recorded
Dec. 14, 1961

Polamba Alboher, an
unmarried woman of
legal age

Warranty Deed
(U. S. Revenue
Stamp Attached)

to

Irwin E. Davis and
Julia G. Davis,
husband and wife

-4-

Lot No. 253 in McCarty's Subdivision of the middle part of Out Lot No. 120 in the City of Indianapolis according to the plat of said Subdivision as recorded in Plat Book 8 at page 145 thereof in the records of the office of the Recorder of Marion County, Indiana.

Subject to all taxes, restrictions and encumbrances of record.

Grantor together with her husband acquired title to the above described real estate by Warranty Deed dated May 5, 1924 recorded May 9, 1924 in Town Lot Record 714, page 601 in the office of the recorder of Marion County, Indiana in which the Grantor and her husband were named as Mardechi Arbuchar and Polamba Arbuchar. That said Mardechi Arbuchar died on the 3rd day of April, 1952 and since that date Grantor has remained a widow and unmarried. That Polamba Arbuchar and Polamba Alboher are one and the same person.

Instrument shows name of person preparing same.

Mortgage Record
2123 page 695
Inst. #108744
Dec. 13, 1961
Recorded
Dec. 14, 1961

Irwin E. Davis and
Julia G. Davis,
husband and wife

Mortgage

to

Insurance Savings and
Loan Association

-5-

Lot Numbered 253 in McCarty's Subdivision of the Middle part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 8, page 145, in the office of the Recorder of Marion County, Indiana.

To secure the performance of the provisions hereof and the payment of a certain bond of even date herewith in the sum of \$3100.00 with interest, as therein provided.

This mortgage also shall secure such additional advances in a sum not to exceed \$1000.00 which the Mortgagee at its option may make to the Mortgagors.

Instrument shows name of person preparing same.

65-829A

Mortgage Record
2246 Page 184
Inst. #6756
Jan. 27, 1964
Recorded
Feb. 10, 1964

Irwin E. Davis and
Julia Davis,
husband and wife

Mortgage

to
Ted A. Pollard and
Betty M. Pollard

Parcel 1-01-2930 in McCarty's Middle
Subdivision, Lot 253, Outlot 120, all as recorded
in the Office of the Marion County Recorder on
Plat Book 8, Page 145, City of Indianapolis, County
of Marion, State of Indiana.

To secure the performance of the provisions
hereof and the payment of a certain promissory note
(hereinafter referred to as the "Note") dated
January 27th 1964, in the principal amount of \$3,485.40,

Said Principal and Interest are payable as follows:

The first payment of \$58.09 is due and payable
on February 1st, 1964, and subsequent payments of
\$58.09 are due and payable on the first day of each
month thereafter until the full amount of principal and
interest are fully paid, without relief from valuation
and appraisal laws, and with attorney's fees.

Instrument shows name of person preparing same.

-6-

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.

-7-

Juvenile Court
Search

Examination has been made, as to the persons named
under the heading of Judgment Search, and for the
period so specified under said search, for 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.

-8-

65-829A

Uniform Commercial
Code

--9-

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

-10-

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:

Polamba Arbuchar
and
Polamba Alboher

from January 9, 1955,
to and including
December 14, 1961

and vs

Irwin E. Davis
and
Julia G. Davis
jointly and
not individually

for the 10 years
last past and
against none other

65-829A

-11- Taxes for the year 1962 and prior years paid in full.

-12- Taxes for 1963 payable 1964 in the name of Irwin E. & Julia G. Davis.

General Tax Duplicate No. 346294, "C-D", Indianapolis Center Township, Code No. 1-01, Parcel No. 2930.

May Installment None Payable.

November Installment None Payable.

Assessed Valuation:

Land \$320.00	Improvements \$1,050.00	Soldier's and mortgage Exemptions \$1,370.00
---------------	-------------------------	--

-13- Taxes for 1964 now a lien in name of Irwin E. & Julia G. Davis.

-14- December 23, 1964. We hereby certify that no Variance has been granted by the Board of Zoning Appeals of the City of Indianapolis, affecting the use of the Real Estate described in the caption hereof.

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

-15-

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

-16-

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.

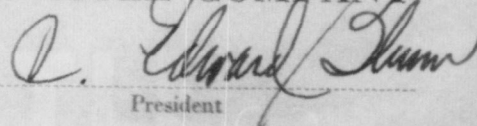
The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates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

This certificate covers entries Nos. 1 to 16 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 7 both inclusive.

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

UNION TITLE COMPANY

by



President

-7- jm

Parcel 29

PIONEER NATIONAL TITLE INSURANCE COMPANY
UNION TITLE DIVISION

INTERIM CERTIFICATE OF TITLE

S.R. I-70 PROJ. I-70-31 (52) COUNTY Marion PNTIC # 65-829-S

Name on Plans Irwin E. Davis and Julia G. Davis

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby certifies that a search of the records from January 8, 1965, 8:00 A.M. to and including March 17, 1966, 8:00 A.M. reveals no changes as to the real estate described under PNTIC # 65-829-A except:

- (1) Taxes for 1964 payable 1965 in name of Irwin E. and Julia G. Davis, Duplicate #263180, Parcel #2930, Township: I-Center, Code #1-01, May none payable; November none payable, (Assessed Valuation and exemptions are equal)
- (2) Pending suit to foreclose a certain mortgage recorded December 14, 1961, in Mortgage Record 2123, page 695; Insurance Savings and Loan Association vs. Julia G. Davis, Ted A. Pollard, Betty M. Pollard, and Marie E. Lauck d/b/a Lauck Funeral Home; Complaint filed November 24, 1965, in the Marion Superior Court, Cause No. S-7-65-709.

*↑
see notes on
back of Claim Voucher.*

IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:
Ray E. Sweat
Assistant Secretary

PIONEER NATIONAL TITLE INSURANCE COMPANY
Walter W. McKean
Vice President

Countersigned and validated as of the 25th day of March, 19 66.

James I. Wright
Authorized Signatory
JAMES I. WRIGHT,
Attorney

TO 4115 IN

UNION TITLE COMPANY

ABSTRACTS OF TITLE • TITLE INSURANCE • ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

MEIrose 2-2361

Capital Stock \$1,000,000.00

65-829A

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: **Julia G. Davis**

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

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

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

January 6, 1965, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

January 7, 1965, 8 A.M.

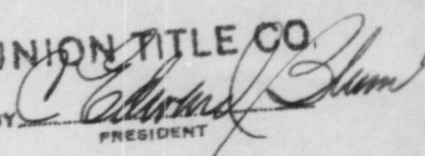
Polamba Arbuchar

Polamba Alboher

Irwin E. Davis

Julia G. Davis

UNION TITLE CO.

BY  PRESIDENT

jm