

Chase

WARRANTY DEED

Project 1-70-3(52)
Code 0536
Parcel 23

This Indenture Witnesseth, That *JOHN W. BAKER AND RUTH F. BAKER (ADULT HUSBAND AND WIFE) AND JAMES R. JONES AND MARGARET A. JONES (ADULT HUSBAND AND WIFE)*

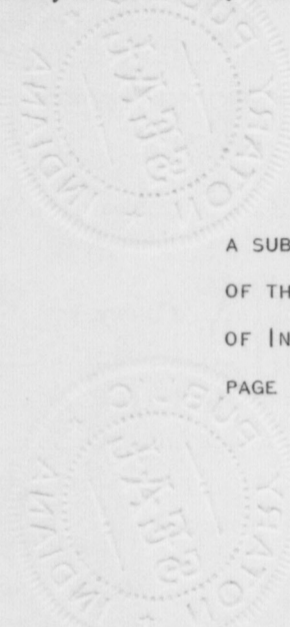
of *MARION* County, in the State of *INDIANA*

Convey and Warrant to

the STATE OF INDIANA for and in consideration of

FOUR THOUSAND AND 00/100 (\$4000 00) Dollars,

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



LOT 7 IN BALLWEG AND COMPANY'S RAY STREET SUBDIVISION, BEING A SUBDIVISION OF THE WEST PART OF BLOCK "A" IN McCARTY'S SUBDIVISION OF THE WEST PART OF OUT LOT 120 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 175, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

DULY ENTERED FOR TAXATION

OCT 28 1965

John T. Sutton
COUNTY AUDITOR



40

RECEIVED FOR RECORD
1965 OCT 28 PM 1:39
MARCIA M. HAWTHORNE
RECORDER OF MARION COUNTY

*W.H.B.
7-15-65*

Paid by Warrant No. *7063420*
7063419

Dated *9-9-* 19*65*

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

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

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

In Witness Whereof, the said *JOHN W. BAKER AND RUTH F. BAKER (ADULT HUSBAND AND WIFE) AND JAMES R. JONES AND MARGARET A. JONES (ADULT HUSBAND AND WIFE)* have hereunto set their hands and seal, this *15th* day of *JULY* 1965

MEH

(Seal) *John W. Baker* (Seal)
(Seal) *Ruth F. Baker* (Seal)
(Seal) *James R. Jones* (Seal)
(Seal) *Margaret A. Jones* (Seal)

*JRS
8-10-65*

AUG 20 1965

STATE OF INDIANA, _____ County, ss:
 Before me, the undersigned, a Notary Public in and for said County and State, this _____
 day of _____, A. D. 19____; personally appeared the within named _____
 _____ Grantor _____ in the above conveyance, and acknowl-
 edged 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 28th
 day of JULY, A. D. 1965; personally appeared the within named JAMES R JONES & MARGARET L JONES ADULT HUSBAND & WIFE
 _____ Grantor S in the above conveyance, and acknowl-
 edged 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 OF INDIANA, _____ MARION _____ County, ss:
 Before me, the undersigned, a Notary Public in and for said County and State, this 15th
 day of JULY, A. D. 1965; personally appeared the within named JOHN W BAKER AND RUTH F BAKER
 _____ Grantor S in the above conveyance, and acknowl-
 edged 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

65 56348

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 ENTERED _____ County
 Duly entered for taxation this _____
 day of OCT 28 1965, 19____

Auditor's fee \$ _____
 Auditor _____
 Auditor COUNTY AUDITOR _____ County

State Highway (23)

Division of Land Acquisition
 Indiana State Highway Commission

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

.....September 22, 1965.....19.....

To John W. Baker & Ruth F. Baker & James R. Jones &
1025 Chadwick Street Margaret L. Jones
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 063420 9-9-65 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 July 15, 1965 Parcel 23 escrow	400.00

PLEASE RECEIPT AND RETURN

Received Payment: *John W. Baker*Date: *Sept 22, 1965*

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

September 22, 1965 19

To
John W. Baker & Ruth F. Baker &
James R. Jones & Margaret L. Jones
1025 Chadwick Street
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 063419 9-9-65 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 July 15, 1965 Parcel 23	3600.00

PLEASE RECEIPT AND RETURN

Received Payment:

Date

John W. Baker
9/24/65

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway Commission

Central

Project I-70-3(52)
Parcel No. 23
Road I-70
County Marion
Owner John W. Baker
Address 8765 Washington Blvd
Address of Appraised Property:
1025 Chadwick St.

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

1. I have personally checked all Comparables and concur in the determinations made. see attachment
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 May 28, 1965 and familiarized myself with the Parcel.
9. The computations of this parcel have been checked and reviewed. yes
10. To the best of my knowledge, non-compensable items are not included in this appraisal. yes
11. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. yes

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

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

It is my opinion as of March 28, 1965 :
(Date)

(a) The fair market value of the entire property before the taking is: \$ 4,000.00

(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 \$ 4,000.00

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

APPROVED BY:

Approved	Date	Signed
Rev. Appr.	6-3-65	<u>James L. Baker</u>
NGS Asst. or Chief Appr.	6-4-65	<u>Richard S. Nichols</u>

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

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 4

PROJECT # I 70-3 (52) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER JOHN W BAKER ET UXOR (FEE) AND
JAMES R. MARGARET JONES (CONTRACT) PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED JOHN BAKER AND RUTH BAKER
8765 WASH BLVD PHONE # _____

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

DATE ASSIGNED 6-7-65 DATE OF CONTACT 7-15-65

OFFER \$ 4000⁰⁰ 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 MR & MRS BAKER - THEY SIGNED
WARRANTY DEED - AGREEMENT FOR POSSESSION -
AND 2 VOUCHERS IN THE TOTAL OF \$4000 IN FAVOR OF
THE JONES AND THE BAKERS ALL OF WHICH IS OWED
BY THE JONES TO THE BAKERS AS A BALANCE ON
CONTRACT. MR ~~BAKER~~ BAKER GAVE ME A CHECK FOR \$440
IN MY FAVOR FOR DEED STAMPS.

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

Distribution Made

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

Chadwick M Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 3

PROJECT # I 70-3 (52) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER JOHN W BAKER ET UXOR AND

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED JAMES R JONES ET UXOR

1025 CHADWICK ST INDIANAPOLIS PHONE # NO PHONE

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

DATE ASSIGNED 6-7-65 DATE OF CONTACT 6-28-65

OFFER \$ 4000⁰⁰ TIME OF CONTACT 6:30 PM

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 JONES - THEY SIGNED WARRANTY DEED
AND AGREEMENT FOR POSSESSION AND 2 VOUCHERS BOTH
PAYABLE TO THE JONES AND THE BAKERS ONE IN THE
AMOUNT OF \$400 (ESCROW) AND ONE IN THE AMOUNT OF
\$3600⁰⁰. 6513 WILL BE FURNISHED BY MR BAKER.

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

Distribution Made

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

Chadwick S Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 1

PROJECT # I 65-3 (50) PARCEL # 23 COUNTY MARION

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

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 2

PROJECT # I 70-3 (52) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER BAKER (FEE) JONES (CONTRACT)

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED JONES (MR+MRS)

1025 CHADWICK ST

PHONE # MIE 6-9601

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

DATE ASSIGNED 6-7- DATE OF CONTACT 6-18-65

OFFER \$ 4000⁰⁰ TIME OF CONTACT 3:00 PM

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 - MADE OFFER - HOME SO

FINALLY I STOOD UP - DID NOT TARRY -

THEY WILL WANT TIME TO CONSIDER

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

() Other, awaiting what? _____

Distribution Made

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

Chadwick M Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 1

PROJECT # I65-3 (50) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER JOHN W BAKER AND RUTH F BAKER
8765 WASH BLVD PHONE # V16-1194

NAME & ADDRESS OF PERSON CONTACTED TWE ABOUT
SUB PROP AT 1025 CHADWICK PHONE # _____

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

DATE ASSIGNED 6-7-65 DATE OF CONTACT 6-17-65

OFFER \$ 4000⁰⁰ TIME OF CONTACT 7:45 AM

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

1. () (X) () Checked abstract with owner? Affidavit taken? () Yes () No
2. () (X) () Showed plans, explained take, made offer, etc.?
3. () (X) () Any mortgage? (Is it VA _____, FHA _____, FNMA _____, Fed.Ld. Bk. _____, Conv'l. _____?)
4. (X) () () Explained about retention of Buildings? (any being retained? () Yes, (X) No)
5. () () () 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. () (X) () Secured Right of Entry? Secured Driveway Permit? () Yes () No () N/A
9. () (X) () Explained Eminent Domain Procedures?

REMARKS: CONTRACT BUYER JAMES + MARGARET L JONES. LIVE

THERE. CONTRACT BAL ABOUT 400 - BUYERS ARE
ABOUT 6 MONTHS IN ARREARS WITH POSSESSION AND
CONTRACT
TITLE AT SUFFERANCE. GOT ORIGINAL CONTRACT AND
65A REC FOR XEROX AND RETURN TO THE BAKERS.
CONTRACT OWNERS PROBABLY HAVE A TITLE I FHA ON
FURNACE OVER AND ABOUT BALANCE DUE ON THE HOUSE
CONTRACT. IF I CAN GET CONTRACT OWNERS TO
SIGN ~~FOR~~ AT \$4000 THE TITLE OWNERS WILL SIGN.

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

Distribution Made

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

Chadwick D Hall
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # _____

PROJECT # ~~765~~ I70-3 (5v) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER BAKIER - JONES

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED _____

PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT 7-14-65

OFFER \$ _____ TIME OF CONTACT 12:05 BY PHONE

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: _____

APPT FOR
I AM AT
8765 WASH BLVD.

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

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

(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # _____

PROJECT # I 70-3 (52) PARCEL # 23 COUNTY MARION

NAME & ADDRESS OF OWNER BAKER (F.F.E.) (JONES CONTRACT)
1025 CHURCH ST PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED _____
PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT 6-24-65

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: _____
ADPT FOR MINDAY 6:30-7:30 PM
AT 1025 CHURCH ST
SEE NOTE

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

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

(Signature)

TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. **I 70**

PROJ.

I 70-3 (52)

COUNTY **Marion**

Names on Plans _____

Names in Trans Book _____

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Lot 7 Ballweg and Company's					
Ray Street					

LAST OWNER OF RECORD

Deed Record _____ p. _____ Recorded _____ Dated _____ Deed _____

Grantor **NONE**

Grantee _____

Address of Grantee _____

MORTGAGE RECORD

Mortgage Record _____ p. _____ Amount _____ Dated _____

Mortgagor **NONE**

Mortgagee _____

JUDGMENT RECORD Yes () None () 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 20th day of July 195 1965 BY C. Edward Blum
ABSTRACTER
 Abstractor

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

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

65-14809A

The following is an Extension of the original search by Union Title Company under No. 64-27960A.

CAPTION

-1-

Continuation of Abstract of Title to Lot 7 in Ballweg and Company's Ray Street Subdivision being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 10, page 175, in the Office of the Recorder of Marion County, Indiana. Since November 18, 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.

Uniform Commercial Code Search

-4-

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

65-14809A

Judgment Search

-5-

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

John W. Baker

from November 18, 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. Baker.

Duplicate No. 243824, A-B, Indianapolis, Center
Township, Code No. 1-01, Parcel No. 1190.

May Installment \$34.97 Paid.

November Installment \$34.97 Unpaid.

Assessed Valuation:

Land \$270.00 Improvements \$480.00 Exemptions none

-8-

Taxes for 1965 now a lien in name of John W. Baker.

No. 642380

ABSTRACT OF TITLE

TO

-1-

Lot 7 in Ballweg and Company's Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 10, page 175, in the Office of the Recorder of Marion County, Indiana.

Prepared for

MERCHANTS NATIONAL BANK AND TRUST COMPANY

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

180 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)

CLAIMS. The original possessory title to said lands was held by the Indians. The Delaware, Maryland and Kickapoo were the only tribes recognized as having substantial rights, and their claims were distinguished by sessions dated October 2, 3 and 6, 1818, and July 30, 1819.—7 U. S. Statutes at Large, pp. 186, 188, 189, and 200.

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

STATE GOVERNMENT. A Memorial praying for authority to form a State Government, was adopted by the Legislature of said Territory, December 14, 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 23, 1816, approved the Constitution. H. S. 1824, p. 33. The State Government superseded Territorial Government, November 7, 1816, and Indiana was formally admitted into the Union by a joint Resolution of Congress, approved December 11, 1816. 3 U. S. Statutes at Large, p. 399.

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

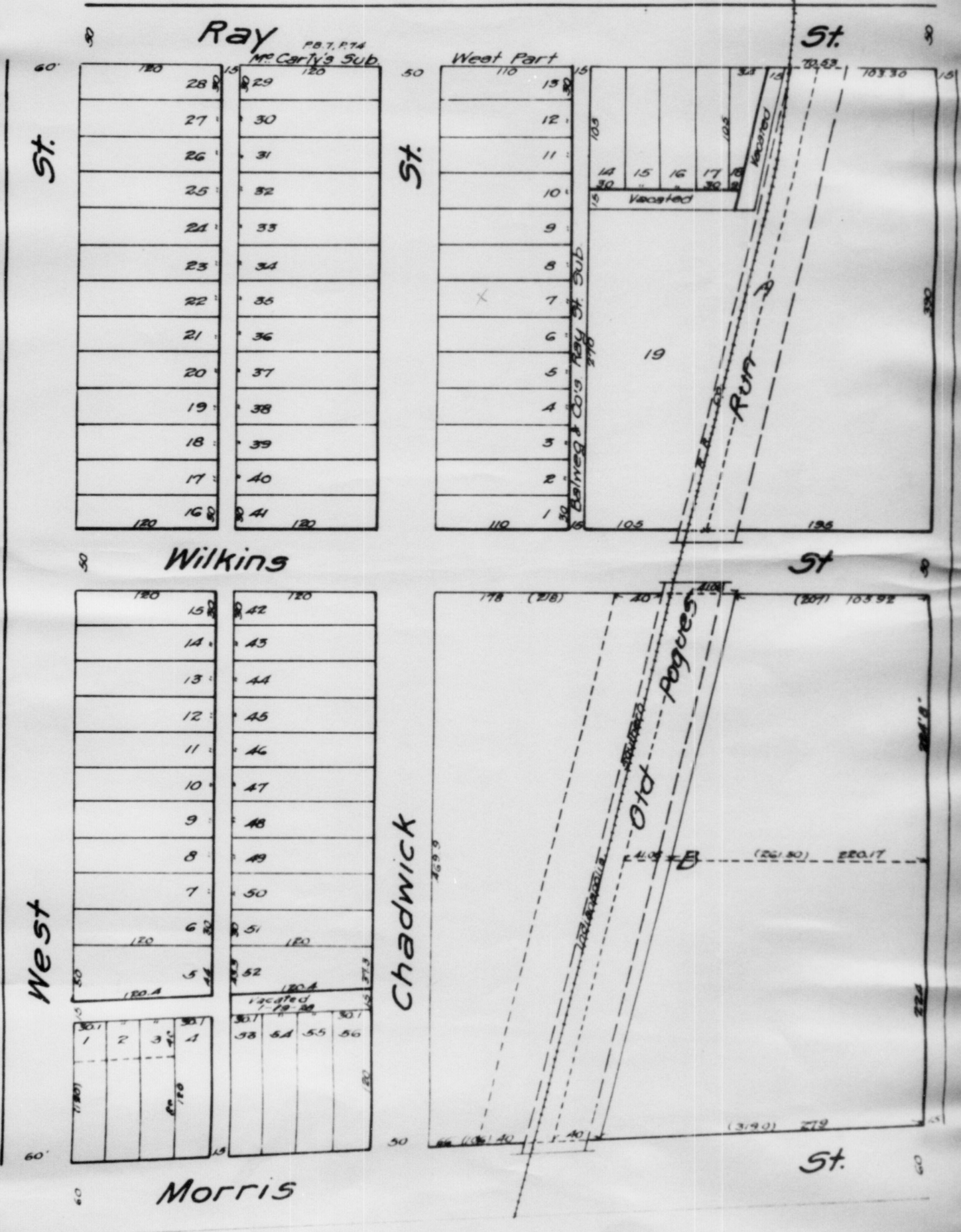
CITY OF INDIANAPOLIS. By act of Congress, approved April 19, 1816, heretofore mentioned, four sections of land were granted to the State, "for the purpose of fixing their seat of Government thereon," which grant was accepted by the Territorial Convention, by Ordinance of June 29, 1816, H. S. 1824, p. 33. By act of Congress, approved March 8, 1819, it was provided that instead of 4 sections, "Any contiguous quarter sections, tractions, 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, of 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 12, 640 acres, and section 11, on the east side of White River, 448.20 acres, leaving 202.07 acres to be taken out of section 3. The act approved January 6, 1821, approved the selection of the above described land, provided for the appointment of three Commissioners, to lay out a town on such part of the land selected, as they deemed most proper, provided for the sale of lots, the appointment of agents and authorized the execution of certificates and deeds by said agents. Said act further provided, "that said town shall be called, and known by the name of Indianapolis." Acts 1820, p. 44. The original survey of the town, as made in the year 1821, included within North, South, East and West streets, embracing squares 1 to 101 inc., which were all divided into lots. By Act approved November 28, 1821, the acts and proceedings of the commissioners were legalized. Acts 1821-2, p. 18. By act approved January 3, 1822, it was provided that the agent lay off in lots from 5 to 20 acres, the fraction of land authorized to sell any part of the unappropriated Donation, not exceeding 2 acres, to any person or persons, for the purpose of making bricks for the improvement of the town. Acts 1821-2, p. 129. A square tract of 2 acres was platted and sold as a brick yard and designated "H." on the map. By act, approved January 20, 1824, Indianapolis was adopted and established as the permanent seat of Government, upon, from, and after the 2nd Monday in January, 1825. Acts 1824, p. 10. The act, approved January 31, 1824, authorized the agent to lay out on the North and South sides of the town part, 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 lot of out-lots on the North and South sides of the said town, of the same size and dimensions of the 20 out-lots provided for in the foregoing act. Acts 1825, p. 3. An act, approved January 26, 1827, authorized the agent to sell a quantity of ground not exceeding 7 acres, on White River and adjoining thereto, either above, or below the Ferry, on said river, to be by said agent laid off and surveyed, in such form and manner as in his opinion will best answer the purpose designed; which piece of land shall be sold for the purpose of affording a site for the erection of a steam mill, etc. Acts 1827, p. 3. This tract is designated "Steam Mill" on the map. By an act, approved January 26, 1827, all the alleys passing through squares 1 to 20 inc., 80, 84, 85 and 90 to 101 inc., were vacated and the agent was granted authority to divide squares 80, 84 and 85. Acts 1827, p. 6. Within the survey, including that necessitated by the act of 1827, the streets are 30 feet wide, except Washington, which is 120 feet, and Circle, which is 80. The alleys are 30 and 15 feet wide, each of the regular squares are 420 feet, including the alleys, and contain 4-100 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 and 6 inches in depth. By act, approved February 9, 1831, the agent was required to cause the lands around the Town of Indianapolis, belonging to the State, to be accurately surveyed and divided into lots, according to the plan designated on the plat presented by the said agent, and cause the corners and boundaries thereof to be distinctly marked and numbered. Acts 1830-1, p. 82. A "Map of Indianapolis and its Environs" as originally drawn by B. F. Morris, surveyor, was filed by E. Sharpe, Agent, July 5, 1831, in the Recorder's office of Marion County. A verified copy of the same is now of record in said office.

In the survey of the Remaining part of the Donation, authorized by the law of 1831, the lines of the original survey of the town are assumed as having been run according to the true Meridian, and the lines on the east side of White River are run with the same bearing upon the assumption the variation of the needle indicated at this time, by the instrument used is 3 degrees, 25 minutes, east. The lines on the west side of the River are run at a variation of 5 degrees, 30 minutes, as corresponding more exactly with the congressional surveys. Washington street is continued west to the River and east with the National Road, to the boundary of the Donation, 120 feet wide. The National Road, after leaving Washington street, is 80 feet wide. The Michigan Road is 100 feet. The continuation of Kentucky, Massachusetts, Virginia, New Jersey, north, and Delaware, Pennsylvania, Meridian and Illinois streets, south, are respectively 80 feet wide; the Fort Wayne, Madison and Bluff Roads are severally 80 feet wide. The continuation of Market and New York streets, east, North street, west, and the Lafayette Road are severally 60 feet wide. Water street is 39 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 was 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. H. S. 1824, p. 33. By Acts, approved January 31, 1831, the Congressional Townships were constituted bodies corporate. By the Act of 1824, the lands were vested in such corporation. By an act of Congress, approved May 24, 1828, the Legislature of the State of Indiana was authorized to sell and convey in fee simple, after complying with certain provisions, all or any part of the lands heretofore reserved and appropriated by Congress for the use of the schools within said state. 4 U. S. Statutes at Large, p. 298. Provisions for the sale of such lands, and authority for certain officers to execute deeds were provided, by the Acts of 1829, 1831, 1843, 1853 and 1865. H. S. 1824, p. 379; Acts 1829, p. 120; H. S. 1831, p. 463; H. S. 1843; Article 13, H. S. 1862, p. 450; Acts 1865, p. 16.

2920-1

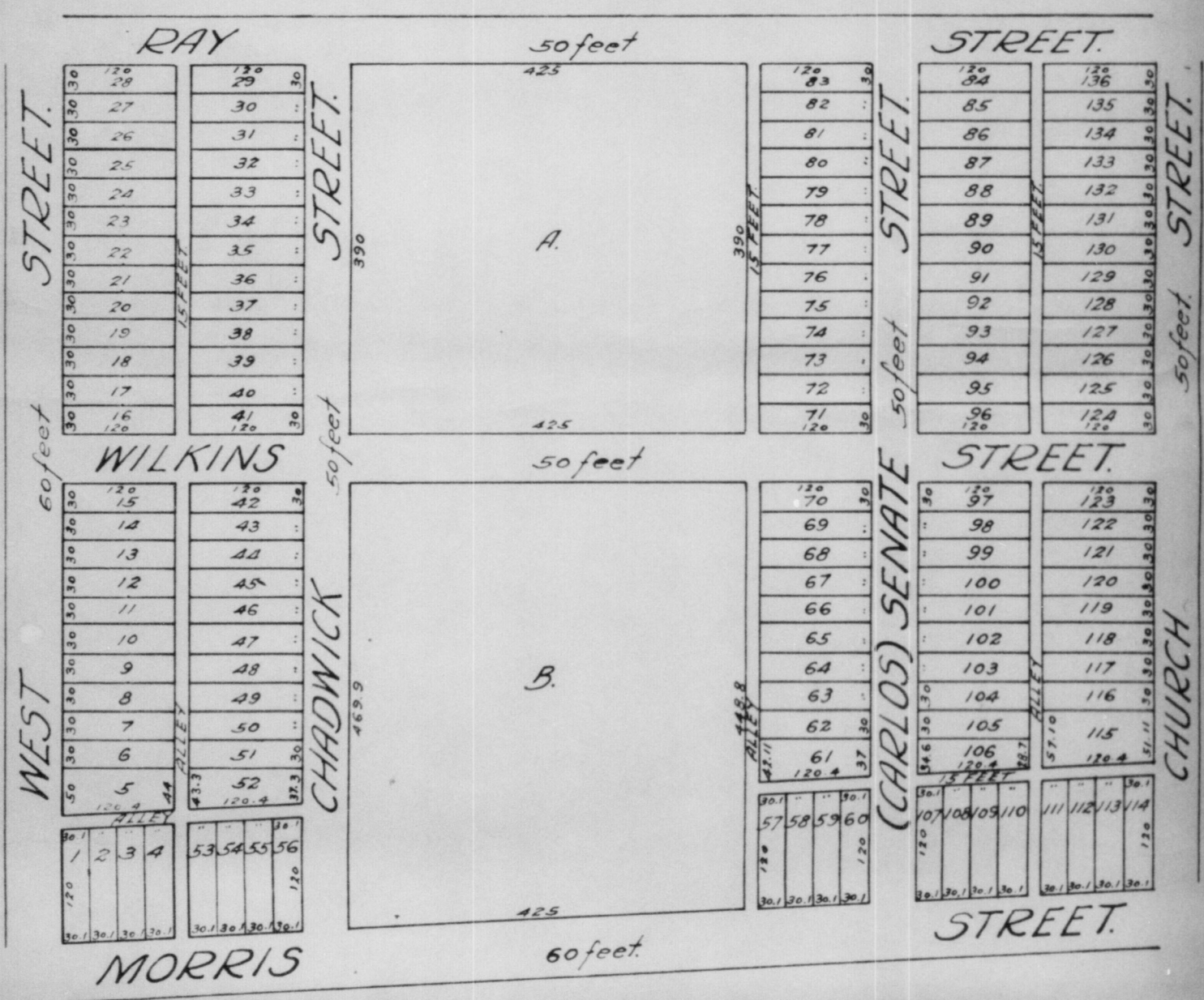
W. Pt. Out Lot N^o 120.



I-3U

MCCARTY'S SUBDIVISION OF PART OF OUT LOT 120.

PLAT BOOK 7 PAGE 7A



628918

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
to

Agent's Deed

Nicholas McCarty, to have
and to hold to said McCarty,
his heirs and assigns

The following described lots in the Town of
Indianapolis, described as follows: Lot 120 con-
taining 52.33 acres and other real estate.

Deed made in pursuance of the law of Indiana
entitled "An Act appointing Commissioners to lay
off a Town on the site selected for the permanent
seat of Government".

Approved January 6, 1821.

-2-

-3-

Nicholas McCarty died intestate May 17, 1854.

IN THE COMMON PLEAS COURT OF MARION COUNTY

Complete Record
11 page 66

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

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

Order Book 7 page 463.

January 7, 1860. Estate settled.

Order Book 9 page 83.

-4-

-5-

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.

628918

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

-6-

STATE OF INDIANA, MARION COUNTY, SS:

I, Henry Day, the undersigned being duly sworn according to law says, that ever since the year 1857, I was acquainted with the family of the Nicholas McCarty to whom the agent of the State deeded Out Lot 120 in the City of Indianapolis, Indiana, on the 2nd day of May, 1835, which deed is recorded on page 535, of Marion County, Deed Record D. That said Nicholas McCarty died previous to the fall of 1854, that he left Margaret McCarty, his widow surviving him; that the only children he left surviving him were Nicholas McCarty, Junior, Margaret R. McCarty, Frances J. McCarty and Susannah McCarty, who subsequently married affiant, that he left surviving him no grand children by deceased sons or daughters.

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

Henry Day

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

William Watson Woollen
Notary Public

IN THE COMMON PLEAS COURT OF MARION COUNTY

Margaret McCarty

vs

Susanna McCarty
Margaret R. McCarty
Nicholas McCarty and
Frances J. McCarty

Your petitioner, Margaret McCarty would respectfully represent, that one Nicholas McCarty died leaving as his heirs at law him surviving, your petitioner, Margaret McCarty, his widow and children, Susanna McCarty, Margaret R. McCarty, Nicholas McCarty and Frances J. McCarty, the said Nicholas and Frances J. being infants, that decedent died seized of the following real estate: Out Lot 120 in the City of Indianapolis, (and other real estate not certified to herein.)

That one third of said real estate be set off in severalty to your petitioner.

All defendants served by reading: Lucian Barbour appointed guardian ad litem for defendants, Nicholas McCarty and Francis J. McCarty, infants.

Partition ordered and James Blake and Andrew Wilson and James Wood appointed commissioners to make same.

Filed
June 23, 1854

-7-

-3- eb - over

628918

Report of commissioners filed in open Court, October 13, 1854. Commissioners set off and assigned to Margaret McCarty, other real estate than certified to herein.

Report approved and confirmed by the Court. Complete Record 4, page 159.

Marriage Record
6 page 659
Dec. 9, 1857

Susannah McCarty
to
Henry Day

Marriage

-8-

-9-

By Plat dated January 27, 1863, and recorded January 26, 1863, in Plat Book 2, page 86, the following described Real Estate was subdivided and is now known as McCartys Subdivision of the East part of Out Lot 120 in the City of - of - County of Marion and State of Indiana.

We hereby lay out and subdivide the east part of Out Lot 120 into 161 lots. The lots from 2 to 25 both inclusive are each 123 feet 6 inches deep by 30 feet wide.

Lot 26 being 46 feet and 3 inches wide on the east line, 51 feet 6 inches on the west line and 123 feet and 6 inches on the North line. Lots 28 to 52 both inclusive are each 30 feet wide by 120 feet deep; Lot 27 is 22 feet wide on the east line, 27 feet 6 inches on the West line and 120 feet long on the North line; Lots from 55 to 79 both inclusive are each 30 feet wide by 102 feet long; Lot 80 is 29 feet 10 inches wide on the East line and 34 feet and 5 inches wide on the West line and 102 feet long on the North line, Lots 82 to 106 both inclusive are each 30 feet wide and 90 feet deep. Lot 81 is 35 feet deep on the East line, 39 feet on the West line and 90 feet long on the North line, Lots 109 to 133 both inclusive are each 30 feet wide and 90 feet long, Lot 134 is 41 feet wide on the east line, 45 feet wide on the west line and 90 feet on the north line. Lots from 136 to 160 both inclusive are each 30 feet wide and 90 feet long; Lot 135 is 45 feet and 6 inches on the East line, 50 feet on the West line and 90 feet long on the North line. Lots 1 and 53 are each 42 feet wide and 123 feet 6 inches long; Lot 54 is 42 feet wide and 104 feet long; Lots 107, 108 and 161 each 42 feet wide and 90 feet deep.

628918

The streets and alleys are as laid out on the annexed plat. Tennessee Street South of Ray Street is 58 feet wide, that part of Tennessee North of Ray Street being 60 feet wide. Maple Street is 40 feet wide, Illinois is 50 feet wide. All of the above streets run North and South.

The following streets run east and west, viz; Ray Street is 50 feet wide, Williams Street is 50 feet wide; Morris Street is 25 feet wide. The alley between Illinois Street and Bluff Road South of Ray Street is 15 1/2 feet wide. The alley between 1 and 53 is 12 feet wide. The alley between Illinois Street and Maple Street South of Ray Street is 12 feet wide, the alley between Lots 54 and 107 being 10 feet wide. The alley between Maple Street and Tennessee Street South of Ray Street is 12 feet wide and the alley between Lots 108 and 161 being 10 feet wide. Said subdivision is made subject to any right the State of Indiana, has for the use of the Central Canal along Tennessee Street of any present right of way that the grantees of the State may legally have along said street.

Witness our hands and seal, this 27th day of January, 1863.

Henry Day
Susannah McCarty Day
Margaret R. McCarty
Nicholas McCarty
Frances J. McCarty

Acknowledged January 27, 1863, by Henry Day, Susannah McCarty Day, Margaret R. McCarty, Nicholas McCarty and Frances J. McCarty.

Marriage Record
10 page 36
Oct. 2, 1867

Margaret R. McCarty
to
John C. S. Harrison

Marriage

-10-

-11-

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

628918

IN THE MARION CIRCUIT COURT

Estate Docket
8 page 283

IN THE MATTER OF THE ESTATE OF MARGARET McCARTY, DECEASED.
March 14, 1874. Nicholas McCarty was appointed and qualified as Administrator of the Estate of Margaret McCarty, deceased.

-12-

Order Book 34, page 551.

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

Order Book 140, page 121, of the Marion Circuit Court.

-13-

Susanna McCarty Day, died testate, August 30, 1873.

Will Record
E page 123
Aug. 21, 1873
Recorded
Sept. 19, 1873

LAST WILL AND TESTAMENT OF SUSANNA McCARTY DAY, DECEASED.

I, Susanna McCarty Day, daughter of Nicholas McCarty and Margaret McCarty, both deceased, sister of Margaret R. McCarty Harrison, Nicholas McCarty and Francis J. McCarty, wife of Rev. Henry Day and mother of Henry McCarty Day and Margaret McCarty Day of the City of Indianapolis, County of Marion and State of Indiana, of sound mind and disposing memory though sick of body do make this my last Will and Testament intending thereby to dispose of all the property of which I shall die seised or possessed. I give and bequeath to my brother, Nicholas McCarty, all my personal property (except that in the dwelling house occupied by me which I give and bequeath to my husband, Rev. Henry Day and the crops growing upon my lands at the time of my death but on condition that he within sixty days after the probate of this my Will does not pay his two promissory notes payable to my executor with interest without relief from valuation or appraisement laws. Each in the sum of seven thousand five hundred dollars, one on or before one year after date and one on or before two years after date, then said devise to him shall fail and then and thereupon I give and bequeath said personal property and growing crops and the proceeds of any thereof disposed of by said Nicholas in the meantime the one third thereof to my said husband Rev. Henry Day, one third to my son, Henry McCarty Day and the 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

-14-

628918

the County of Marion and State of Indiana, described as follows, to wit: The North Half of the Northwest Quarter of Section 22, in Township 15 North of Range 3 East, 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 3 promissory notes payable to my executor, each in the sum of \$2500.00 with interest without relief from valuation or appraisement laws 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 said husband, Rev. Henry Day, executor of this my last Will and Testament and direct that no bond be required of him for the discharge of his duties, I also appoint him the guardian of our said children, Henry McCarty Day and Margaret McCarty Day.

Hereby revoking all wills, testament and codicils heretofore made by me. In Witness Whereof, I, the said Susanna McCarty Day, have this 21st day of Aug., 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

628918

IN THE MARION CIRCUIT COURT

Estate Docket
7 page 248

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

-15-

October 15, 1873. Henry Day appointed and
qualified as executor of the last Will and Testa-
ment of Susanna McCarty Day, Deceased.

Order Book 34, page 309.

October 19, 1874. Final report filed, approved,
and estate closed.

Order Book 34, page 80.

IN THE MARION CIRCUIT COURT

Guardian's Docket
3 pages 30
and 135

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

-16-

Henry Day appointed Guardian, October 15, 1873,
of Henry McCarty Day (aged 14 years, October 19, 1873)
and Margaret McCarty Day (Aged 10 years, 1874.)

Order Book 34, page 309.

Said Henry McCarty Day arrived at full age October
19, 1880, and Guardian discharged as to said Henry
McCarty Day, February 22, 1881.

Order Book 56, page 227.

Margaret McCarty Day arrived at full age, June 16,
1885, and final report Guardianship settled and guardian
discharged, September 11, 1885.

Order Book 72 page 284.

Plat Book
7 page 74
Apr. 10, 1875
Recorded
Apr. 13, 1875

McCARTY'S SUBDIVISION OF PART OF OUT LOT 120.

The annexed is a plat of McCarty's Subdivision of
the West part of Out Lot 120 in the City of Indianapolis,
in Marion County, in the State of Indiana, divided into
136 lots consecutively numbered and into 2 blocks lettered
respectively A and B and into streets and alleys the names
of the streets are designated on the plat.

The width of the streets and alleys are designated by
figures in feet. The width and depth of the lots are de-
signated by figures in feet and inches and the size of
Lots A and B are designated by figures in feet and inches.

Nicholas McCarty
Frances J. McCarty
Henry Day for himself
and as Guardian of
Henry McC. Day and
Margaret McC. Day
John C. S. Harrison
Margaret McCarty Harrison

(Acknowledged April 10, 1875.)

642380

POWER OF ATTORNEY

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

-18-

KNOW ALL MEN: That we, Margaret R. McCarty Harrison, and John C. S. Harrison, her husband, Frances J. McCarty, (unmarried) Henry Day (widower), Henry McCarty Day, (unmarried) and Margaret McCarty Day, (unmarried) of the City of Indianapolis, County of Marion, State of Indiana, have made, constituted, appointed and empowered, and by these presents do make, constitute, appoint and empower, Nicholas McCarty of said City, the true and lawful attorney for us and each of us, and in the name, place and stead of us and each of us, in the full and only discretion of said Nicholas McCarty, to divide, subdivide, lay out and plat, sign seal and acknowledge the execution of 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, to wit:

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 $\frac{1}{10}$ 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 $\frac{25}{100}$ feet to the West line of Tennessee Street; thence North with the said West line of Tennessee Street 901 $\frac{7}{10}$ feet to the beginning; containing 5 $\frac{80}{100}$ acres more or less.

Also part of Lot or Block lettered "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 $\frac{6}{10}$ feet East of the South West corner of said Lot or Block; thence West with the South line of said Lot or Block 107 $\frac{6}{10}$ feet to the South West corner thereof; thence North with the West line of said Lot or Block 469 $\frac{75}{100}$ feet to the beginning, containing 1 $\frac{74}{100}$ acres more or less.

Also, Lot or Block lettered "A" in said McCartys Subdivision of the West part of Out Lot 120 into Lots or parcels, with Streets and Alleys therein located of such dimensions and description 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 he shall determine; to make, sign, seal, acknowledge and deliver conveyances by Quit Claim or Warranty Deed, and in his own name or the names of us or any of us, to take all and singular evidences of of indebtedness, mortgages 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

642380

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

And generally, giving to our said attorney power and authority touching the premises, to do and execute 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, this 26th day of May, 1886.

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

(Duly acknowledged)

Town Lot Record
242 page 192
May 10, 1892
Recorded
May 11, 1892

-19-

Nicholas McCarty, unmarried
Margaret B. 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
Frederick W. Ballweg and
William Blizard

Part of Lot or Block lettered "A" in McCarty
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 the said County of Marion,
in Plat Book 3, page 74, bounded and described as
follows, towit: Beginning at the North East corner
of said Lot or Block lettered "A", running thence
South on the East line of said Lot or Block 390
feet to the Southeast corner of said Lot or Block,
thence West on the South line of said Lot or Block,
195 feet; thence Northeastwardly on a line to a point
in the North line of said Lot or Block 103 3/10 feet

Warranty Deed

642380

West from the said North East corner of said Lot or Block; thence East on the North line of said Lot or Block 103 3/10 feet to the place of beginning, excepting and reserving to the grantors and their heirs and assigns, the right to deepen and clean the channel of Pogues Run on said premises hereby conveyed and for said purposes to enter on the 20 feet in width off of the West side of said described premises.

Town Lot Record
250 page 251
Jan. 11, 1893
Recorded
Jan. 17, 1893

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

Quit Claim Deed

-20-

to
Frederick Ballweg and
William Blizard

Part of Lot or Block lettered "A" 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 the said County of Marion,
in Flat Book 3 page 74 bounded and described as follows,
towit:

Beginning at the North East corner of said Lot or Block lettered "A" running thence South on the East line of said Lot or Block 390 feet to the South East corner of said Lot or Block; thence West on the South line of said Lot or Block 195 feet; thence Northeastwardly on a line to a point in the North line of said Lot or Block 103 3/10 feet West from the said North East corner of said Lot or Block; thence East on the North line of said Lot or Block 103 3/10 feet to the place of beginning, excepting and reserving to the grantors and their heirs and assigns, the right to deepen and clean the channel of Pogues Run on said Premises hereby conveyed and for said purposes to enter on the 20 feet in width off of the West side of said described premises.

This deed is made for the purpose of conveying any rights reserved in a deed dated May 10, 1892 executed by the said grantors to the said grantees recorded in the office of the Recorder of said Marion County, in Deed Record 242 page 192.

642380

Town Lot Record
250 page 258
Jan. 11, 1893
Recorded
Jan. 17, 1893

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

Warranty Deed

-21-

to
Frederick W. Ballweg and
William Blizard

That part of Lot or Block lettered "A" in McCarty's
Subdivision of the West part of Out Lot 120 in the City
of Indianapolis, according to the plat of said Sub-
division as recorded in the Recorder's Office of the
said County of Marion described and bounded as follows,
towit:

Beginning on the North line of said Lot or Block
at a point 103 $\frac{3}{10}$ feet West of the North East corner
of said Lot or Block; and running thence Southwestwardly
on a line to a point in the South line of said Lot or
Block 195 feet West of the South East corner of said
Lot or Block; thence West with the South line of said
Lot or Block 230 feet to the South West corner of said
Lot or Block; thence North with the West line of said
Lot or Block 390 feet to the Northwest corner of said
Lot or Block, thence East with the North line of said
Lot or Block, 322 $\frac{5}{10}$ feet, more or less, containing
2 $\frac{47}{100}$ acres, more or less.

Plat Book
10 page 175
Apr. 15, 1893
Recorded
Apr. 17, 1893

BALLWEG AND COMPANY'S RAY STREET SUBDIVISION. Being a
Subdivision of the West part of Block "A" in McCarty's
Subdivision of the West part of Out Lot 120 in the City
of Indianapolis, Marion County, State of Indiana.

This Subdivision consists 19 Lots with alleys,
with size and numbers of Lots and width of Alleys
marked on this plat. Distances given in feet.

The alleys in this Subdivision are hereby dedicated
to public use.

"A" is the North West corner, "B" the South West
corner, "B.D". the South line, "A.C." the North line
and "A.B." the West line of said Block "A".

Frederick W. Ballweg
William Blizard

STATE OF INDIANA, COUNTY OF MARION, --

Before me Lucius B. Swift a Notary Public in and
for said County and State, on this April 15, 1893,
Frederick W. Ballweg and William Blizard, acknowledged
the execution of the annexed plat.

Lucius B. Swift (LS)
Notary Public

Approved: April 17, 1893.
A. W. Conduitt
Ad Scherrer
M. M. Defrees

642380

Town Lot Record
322 page 472
Mar. 8, 1900
Recorded
Mar. 10, 1900

William Blizard, unmarried
to
Frederick W. Ballweg
Lots 6 and 7 in Ballweg and Company's Bay Street
Subdivision according to Plat Book 10 page 175, of the
Recorder's Office of Marion County, Indiana.
(Also other Real Estate.)

Warranty Deed

-23-

-24-

Frederick W. Ballweg died testate September 20, 1922.

Will Record
GG page 646
Probated
Sept. 23, 1922

LAST WILL AND TESTAMENT OF FREDERICK W. BALLWEG,
DECEASED.

I, Frederick W. Ballweg, of the City of
Indianapolis, Marion County, Indiana, being of
sound and disposing mind and memory do hereby make,
publish and declare this to be my last Will and
Testament hereby revoking all former Wills by me
at any time made.

Item 1. I direct my executor hereinafter named
to pay all my just debts and funeral expenses.

Item 2. I give, devise and bequeath to my wife,
Wilhelmina C. Ballweg, my homestead known as No.
2151-2153 North Meridian Street, also Lot to South
of No. 2151 in the City of Indianapolis, more parti-
cularly described as 44 feet off South side of Lot 37,
also Lots 38 and 39 in Lazarus and Pierce's Meridian
Place an Addition to the City of Indianapolis, Marion
County, Indiana, and all my furniture, library, bric-
a-brac, pictures and all household equipment in and
about said premises, to be hers absolutely and in fee
simple to include autos and everything about the premises.

Item 3. One third of the residue of my estate,
real, personal and mixed and wherescever situate, I
give, devise and bequeath for the benefit of my wife,
Wilhelmina C. Ballweg to The Indiana Trust Company of
Indianapolis, Indiana, Trustee, to be by it held and
managed, with power to contract to sell, sell and dis-
pose of, invest and reinvest any part or all of it or
the proceeds of the sale thereof, during the natural
life of my said wife, and to pay to her, in quarterly
rates, the net annual income thereof, such payments to
aggregate not less in any one year than \$6,000.00
charging any deficit occuring to said period to the
principal of said trust, and at her death add the
balance remaining to, and so as to become a part
of, the principal of the trust estate created and
provided for in Item 5 of this Will for the benefit
of my children Pauline Elizabeth, Frederick S. and
Virginia Katherine, subject to all of the terms con-
ditions and limitations in said item provided, except
that if my son, Frederick S., shall then be 30 years
old, or if be dead, his children, if any shall receive

-25-

outright the share of said balance to which he would be entitled.

Item 4. I give and bequeath the sum of \$1,000.00 to my brother, Louis E. Ballweg, the sum of \$1000.00 to James C. Johnson; the sum of \$1000.00 to my nephew Kurt H. Ackelow, the sum of \$500.00 to my nephew Frederick Ackelow, sons of Herman and Anna Ackelow, both deceased.

Item 5. I give, devise and bequeath the residue of my estate, real, personal and mixed and wheresoever situate to the Indiana Trust Company of Indianapolis, Indiana, in trust nevertheless, for the benefit in equal part of my children Pauline Elizabeth, Frederick S. and Virginia Katherine, or the survivor or survivors, that is to say, if either of said beneficiaries shall be dead, leaving children him or her surviving, the said children shall take the place as beneficiary which the parent would have taken if alive; with power to contract, to sell, sell and dispose of, invest and reinvest, any part, and all of it and the proceeds of the sale thereof, the net income derived therefrom to be paid quarterly to said beneficiaries, one part to Frederick S. until he shall arrive at the age of 30 years, when he shall be entitled to receive his share of the principal of said trust and cease thereafter to receive any of said net income, and if he should die before arriving, at the age of 30 years, leaving children him surviving, then such children shall be entitled to receive his share of the principal and undistributed income of said trust; one part to Pauline Elizabeth during her natural life, and, if she should die, leaving children her surviving, then such children shall be entitled to receive the parents share of the principal and undistributed income of said trust one part to Virginia Katherine, during her natural life and, if she should die, leaving children her surviving then such children shall be entitled to receive the parent's share of the principal and undistributed income of said trust.

Item 6. I hereby nominate and appoint the Indiana Trust Company of Indianapolis, Indiana, Executor of this my last Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of September, 1921.

Frederick W. Ballweg

Signed, sealed, published and declared by the above named testator as and for his last Will and Testament in our presence, who in the presence of each other and at his request have hereunto set our hands as witnesses and have also signed our names as witnesses on the margin of the other 2 pages of this will, this 4th day of September, 1921.

John P. Frenzel, Jr.,
Eugene C. Miller

642380

Will Record
GG page 647
Probated
Sept. 23, 1922

-26-

CODICIL:

I, Frederick W. Ballweg, of the City of Indianapolis, Marion County, Indiana, being of sound and disposing mind and memory do hereby publish and declare this as a first Codicil to my last Will and Testament executed heretofore this fourth day of September, 1921.

Item One. In addition to the \$1,000.00 given my nephew Kurt H. Ackelow under Item Four of my last Will and Testament executed September 4th, 1921, I hereby give and bequeath to my nephew Kurt H. Ackelow of Indianapolis, Indiana, 50 shares of the Capital Stock of Ballweg and Co., Incorporated, of Indianapolis, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of September 1921 at an hour subsequent to the execution of the above Will and Testament.

Frederick W. Ballweg

Signed, sealed and declared by the above named Frederick W. Ballweg as a first Codicil to his last Will and Testament in our presence, who at his request have set our names hereto as witnesses in his presence and all in the presence of each other this 4th day of September, 1921, at an hour subsequent to the execution of the foregoing Will.

Witness our hands.

J. P. Frenzel, Jr.,
Eugene C. Miller

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
64 page 20484

-27-

IN THE MATTER OF THE ESTATE OF FREDERICK W. BALLWEG,
DECEASED.

October 14, 1922. Widow's Election filed.

I, Wilhelmina C. Ballweg, widow of Frederick W. Ballweg, deceased, late of Marion County, Indiana, and whose last Will and Testament has been duly admitted to probate and record in the Marion Probate Court of said County and State hereby elect to accept the provision made by said Will in my favor in lieu of my rights and interest of as such widow under the statutes of descent, in and to the estate of my said husband, and in consideration of the provisions of said will my rights under the statute of descent, in and to the estate of said decedent are hereby relinquished and released.

Wilhelmina C. Ballweg

STATE OF INDIANA, MARION COUNTY, SS:

Before me the undersigned a Notary Public in and for said County and State personally appeared Wilhelmina C. Ballweg, widow of Frederick W. Ballweg, deceased and acknowledged the execution of the foregoing instrument to be her voluntary act and deed this 12th day of October, 1922.

Helen G. Schmidt (LS)
Notary Public

My Commission expires: September 18, 1926.

642380

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
64 page 20484

IN THE MATTER OF THE ESTATE OF FREDERICK W. BALLWEG,
DECEASED.

-28-

September 23, 1922. The Indiana Trust Company duly qualified as Executor of the Last Will and Testament of Frederick W. Ballweg, Deceased.

Order Book 61 page 431.

October 11, 1922. Proof of publication of notice of appointment filed.

October 14, 1922. Widows Election filed.

May 11, 1925. Verified final report filed.

June 2, 1925. Proof of publication of final notice filed.

June 13, 1925. Proof of posting filed, final report approved, estate closed.

Order Book 92, page 133.

Final Report Record 69 page 15.

Note: Final report reads in part as follows, to-wit: That all of decedent's debts have been paid and discharged.

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

Lot 7 in Ballweg and Company's Ray Street Sub-division, being a subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120.

(Also other real estate.)

Title to which is now vested in The Indiana Trust Company, Trustee of Wilhelmina C. Ballweg, Pauline Elizabeth Ballweg, Frederick S. Ballweg and Virginia Katherine Ballweg, in equal shares. Subject to the provisions contained in said decedents last Will and Testament.

That the inheritance taxes assessed against said estate in the amount of \$6122.23 have been paid.

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal and Order determining tax lists the real estate described in the above entry on final report as an asset of said estate. Said Schedule and Order further shows the gross value of said decedent's estate to be \$339,458.16.

IN THE PROBATE COURT OF MARION COUNTY

Guardian's Docket
17 page 192

IN THE MATTER OF THE GUARDIANSHIP OF VIRGINIA KATHERINE BALLWEG, FREDERICK S. BALLWEG AND PAULINE ELIZABETH BALLWEG, MINORS.

-29-

November 15, 1922. Wilhelmina C. Ballweg, duly qualified as Guardian of Virginia Katherine Ballweg, aged 12 years, Frederick S. Ballweg, aged 17 years and Pauline Elizabeth Ballweg, aged 18 years, minors.

Order Book 82, page 73.

December 9, 1926. Verified final report filed as to Frederick S. Ballweg.

Order Book 105 page 539.

August 4, 1932. Verified final report filed.

Approved and Guardianship closed.

Order Book 146 page 165.

642380

IN THE PROBATE COURT OF MARION COUNTY

Trust Docket
2 page 455
Filed
April 23, 1925

IN THE MATTER OF THE ESTATE OF FREDERICK W. BALLWEG, DECEASED.
APPLICATION FOR APPOINTMENT AND ACCEPTANCE OF TRUST.
THE INDIANA TRUST COMPANY, TRUSTEE.

To The Honorable Mahlon E. Bash, Judge.

The undersigned The Indiana Trust Company of Indianapolis, Marion County, Indiana, respectfully represents and shows to the Court that it is a corporation organized under the laws of said State, pertaining to trust companies and as such, is competent and qualified to assume responsibilities as Trustee of express trusts; that under and in pursuance of the last Will and Testament of Frederick W. Ballweg, deceased, duly admitted to probate and the estate thereunder now pending settlement under the jurisdiction of this Court, your petitioner was named as devisee and legatee, in trust nevertheless, for the uses and purposes particularly set forth of properties in said Will enumerated. A copy of said last Will and Testament is attached hereto for reference and incorporated herein.

(NOTE: Said Will is not set out again herein as it is shown at a preceding entry.)

Your petitioner says that it is ready and willing to undertake the duties and responsibilities as such trustee undertakes to faithfully perform the same and hereby tenders its acceptance thereof.

WHEREFORE, your petitioner respectfully prays an order of this Court effecting its appointment accordingly as Trustee under the said last Will and Testament of said decedent to every intent and purpose as therein intended.

By: The Indiana Trust Company
R. N. Britton,
Assistant Secretary

STATE OF INDIANA, COUNTY OF MARION, SS:

R. N. Britton, being first duly sworn upon oath deposes and says: That he is the Assistant Secretary of The Indiana Trust Company: and that the matters and things stated in the foregoing application are true as he verily believes.

R. N. Britton

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 22nd day of April, 1925.

Wm. H. Talbott (LS)
Notary Public

My Commission expires: Jan. 7, 1927.

Entry filed. Comes now The Indiana Trust Company, of Indianapolis, Marion County, Indiana, and files its verified petition in the following words and figures (H.I.) showing that pursuant to the last Will and Testament of Frederick W. Ballweg, deceased, duly admitted to Probate and the estate thereunder, now pending settlement under the Jurisdiction of this Court, said petitioner was named and designated as legatee and devisee, in trust nevertheless for specified uses and purposes, of certain of the estate of said decedent, in said Will particularly set forth. Petitioner tenders its acceptance of the responsibilities of said trust, its undertaking for their

642380

faithful performance and asks its due appointment thereto by this Court.

The Court having examined said petition, heard the evidence in relation thereto and being sufficiently advised in the premises, finds the facts therein stated are true and that the prayer thereof should be granted.

It is accordingly considered, adjudged and decreed that said The Indiana Trust Company be and it is hereby named and appointed trustee as contemplated under the said last Will and Testament of Frederick W. Ballweg, deceased, and is hereby invested with full authority thereto to every intent and purpose as therein intended.

And now comes said said The Indiana Trust Company and in open Court accepts said appointment and qualifies as such.

Order Book 97 page 278.
Pending.

CHECKED TO 11-17-64
UNION TITLE COMPANY

Marriage Record
126 page 640
Jan. 30, 1926

Pauline Elizabeth Ballweg
to
Stanley E. Gray

Marriage

-31-

-32-

NOTE: We find no record of the marriage of Virginia Katherine Ballweg to William H. Krieg on file in the Clerk's Office of Marion County, Indiana.

-33-

Wilhelmina Ballweg died testate on September 20, 1937.

Will Record
YY page 74
Probated
Sept. 28, 1937

LAST WILL AND TESTAMENT OF WILHELMINA BALLWEG, DECEASED.
I, Wilhelmina Ballweg, of the City of Indianapolis, Indiana, do hereby make, publish and declare this to be my Last Will and Testament and hereby revoke all former Wills by me at any time made.

-34-

(1) I devise and bequeath the sum of \$500.00 to my son, Fredrick S. Ballweg, in trust to be used in such manner as he shall see fit to keep and maintain perpetually my family's burial Lot in Crown Hill Cemetery in Indianapolis, Indiana.

(2) I devise and bequeath the sum of \$1500.00 to my son Fredrick S. Ballweg, in trust for the following purposes:

\$1,000.00 of said Trust fund shall be used by the trustee to support, maintain and care for my sister, Amelia Rech, and \$500.00 of said trust fund shall be used by the trustee to support, maintain and care for my brother, John Straub. Said trustee may use said trust funds either in making cash advances to said beneficiaries in such amounts and at such times as the trustee in his sole discretion shall determine or may purchase the necessities of life for said beneficiaries out of said funds.

Said Trustee shall not be required to give bond, nor shall he be responsible to any court for his acts as trustee, and shall have full authority to keep such trust funds in cash or in such investments as he, in his sole discretion, shall from time to time determine. If my sister, Amelia Rech, shall die before the trust fund of \$1000.00 is used up, the trustee shall deliver the balance remaining, over equally to my three children, Fredrick S. Ballweg, Pauline B. Gray and Virginia Ballweg Krieg. If my brother, John Straub, shall die before the trust fund of \$500.00 is used up, the trustee shall deliver the balance remaining over equally to my three children, Fredrick S. Ballweg, Pauline B. Gray and Virginia Ballweg Krieg.

(3) I devise and bequeath the sum of \$100.00 to each of my grandchildren, Ann Rebecca Ballweg, Stanley Everts Gray and Peter Ballweg Krieg.

(4) All the rest, residue and remainder of the property, real, personal or mixed of whatsoever character and wheresoever situated of which I may die seized or possessed or as to which I may have any right, title or interest at the time of my death, including all lapsed legacies and devisees hereunder and including also any property over which I may have a power of appointment, I devise and bequeath equally and without preference of one over the other to my three children, namely: Fredrick S. Ballweg, Pauline B. Gray and Virginia Ballweg Krieg.

(5) I designate and appoint my son, Frederick S. Ballweg, as the Executor of this Will and my Estate.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Indianapolis, Indiana, this 7th day of August, 1937.

Wilhelmina C. Ballweg

On this 7th day of August, 1937, the above named testatrix, Wilhelmina Ballweg, signed, published, declared and acknowledged the foregoing instrument as her last Will and Testament, in our presence, and each of us, who, in her presence, at her request, and in the presence of each other, all being present at the same time, and the testatrix signing first, have hereunto subscribed our names as attesting witnesses.

Katherine E. Keesling
1740 North Capitol
Ruth K. Chambers
1309 No. Pennsylvania
William H. Krieg
- - - - -

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
110 page 39173

-35-

IN THE MATTER OF THE ESTATE OF WILHELMINA BALLWEG,
DECEASED.

September 28, 1937. Frederick S. Ballweg was duly appointed and qualified as executor of the last will and testament of Wilhelmina Ballweg, deceased. Order Book 176 page 618.

October 19, 1937. Proof of notice of appointment filed.

May 7, 1938. Petition to file final report after six months filed. Approved.

Order Book 182 page 34.

May 7, 1938. Verified final report filed.

May 18, 1938. Proof of publication of final notice filed.

June 4, 1938. Proof of posting of final notice filed, final report approved and estate closed.

Order Book 179 page 616.

Final Report Record 104, page 372.

NOTE: Entry on final report reads in part as follows, to-wit:

And the Court having examined said account and vouchers and said notices and proofs and said final report, and having conferred with said Executor and his attorney, finds that more than six months has elapsed since the giving of notice of the Executors appointment and qualification herein; that the Inheritance taxes assessed against the beneficiaries of said estate have all been paid; that the Estate Tax assessed by the United States Government has been paid, and that the liability of said Executor for Gross Income Tax to the State of Indiana, has been settled and determined and a Certificate of Clearance given said Executor by the Gross Income Tax Division. That said Executor has paid all debts, liabilities, court costs, taxes, allowances and all claims against said estate in full in cash, and has also distributed the surplus of said estate to the beneficiaries designated in the last Will and Testament of Wilhelmina C. Ballweg, as shown by receipts of said legatees filed with said final report. The Court further finds that said final report should be approved, said Executor discharged, his bond with William H. Krieg and Virginia Ballweg Krieg as sureties thereon released and discharged and this estate closed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the final report and settlement of Frederick S. Ballweg, as Executor of the estate of Wilhelmina Ballweg, deceased, be and the same is hereby in all things confirmed, ratified and approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said Frederick S. Ballweg be and he is hereby released and discharged from his said trust. That said estate be and the same is adjudged fully administered upon and finally settled and determined and the bond of said Executor hereinbefore filed with the Clerk of this court with William H. Krieg and Virginia Ballweg Krieg as sureties thereon is now cancelled and made void.

Dated at the City of Indianapolis, Indiana, this 4th day of June, 1938.

642380

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisement lists real estate other than described in the caption hereof as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$51,728.61.

IN THE SUPERIOR COURT OF MARION COUNTY

Cause A-78211
Complaint filed
July 10, 1934

Pauline Elizabeth Gray
vs.
Stanley Edgar Gray

-36-

Suit instituted for divorce.

Complaint alleges that plaintiff has been a resident of Marion County, Indiana, all her entire life and has resided at 2151 North Meridian St., in the City of Indianapolis, during the past year and that her occupation is a social service investigator.

Complaint asks for divorce and custody of minor child.

July 10, 1934. Summons issued returnable on September 4, 1934 and returned showing that Stanley Edgar Gray was served by reading and copy on July 12, 1934.

September 18, 1934. Defendant filed answer in general denial.

September 18, 1934. Come now the parties in person and by counsel and this cause is submitted to the Court for trial and the evidence being heard and the court duly advised, finds for the plaintiff.

It is therefore decreed that the plaintiff be granted a divorce from defendant, that plaintiff have the custody of the minor child, Stanley Everts Gray and that defendant pay the costs of this action.

Order Book 531 page 653.

IN THE PROBATE COURT OF MARION COUNTY

Trust Docket
2 page 455

IN THE MATTER OF THE TRUST ESTATE UNDER THE WILL OF
FREDERICK W. BALLWEG, DECEASED.

-37-

March 31, 1938. Trustee filed report final as to Wilhelmina C. Ballweg and as to Frederick S. Ballweg. Current as to Pauline Elizabeth Ballweg, whose name by reason of marriage is now Pauline E. Gray and Virginia Katherine Ballweg, whose name by reason of Marriage is now Virginia K. Krieg. Showing that the beneficiary Frederick S. Ballweg, attained the age of 30 years on the 6th day of December, 1935 and thereupon became entitled to a full and final settlement of his interest in the trust estate; that said beneficiary then became entitled to an equal one third portion of two thirds of the entire trust estate; that the value of the corpus of the personal assets of the trust estate was at the time of said settlement, determined

to be the total sum of \$57,819.00, and said Frederick S. Ballweg became entitled to \$19,273.03.

That in satisfaction of the interest of said beneficiary in this portion of the trust estate, said Trustee has segregated, paid, assigned and delivered to said Frederick S. Ballweg, the following:

(Certain stocks and bonds not set out herein totaling \$19,273.03.)

Said Trustee further shows that a one third portion of the entire trust estate was subject to the use and benefit of Wilhelmina C. Ballweg during her life; that said beneficiary was entitled to the income therefrom and not less than the sum of \$6000.00 per annum; that said Wilhelmina C. Ballweg departed this life, testate, on the 20th day of September, 1937, and at that time, was entitled to a total in unpaid portions of annuities, for years in which she had received less than \$6000.00, amounting to \$27,006.37; that the balance of the personalty of the trust estate which has been held for the primary use and benefit of said beneficiary, amounting in carried value of \$23,762.96 has, by said Trustee and Frederick S. Ballweg, Executor of the Estate of Wilhelmina C. Ballweg, deceased, been agreed to be of the value of \$27,006.37 and, subject to approval of this court, has been paid, transferred and delivered unto said Executor in full satisfaction and discharge of the claim of the estate of said deceased beneficiary in said sum of \$27,006.37; that upon approval thereof said Trustee will have no personal estate in its hands on behalf of the said deceased life beneficiary.

That the testator trustor, Frederick W. Ballweg, died the owner of the following described real estate which was impressed with the uses created in said trust, to wit:

Lot Number 10 in Vajen's Subdivision of 7 acres of ground in the South East corner of Out Lot 108 and the Northeast corner of the Northwest Quarter of Section 13 in Township 15 North, Range 3 East in Marion County, Indiana, Plat Book 3 page 23.

Part of Out Lot No. 118, more particularly described as: Beginning at a point in the South line of said Out Lot 118, on the North line of Morris Street, 249 feet West of the West line of Madison Avenue, running thence North $132.98/100$ feet to a point, thence East parallel with Morris Street to Madison Avenue at a point in the West line of said Madison Avenue 127 feet, Northwestwardly from its junction with Morris Street; running thence Northwestwardly with the line of Madison Avenue, $229.8/10$ feet; thence West $336.2/10$ feet to the West Line of said Out Lot 118; thence South 359 feet, to Morris Street, thence East $195.6/10$ feet to the place of beginning.

Also, Part of Out Lot No. 118, more particularly described as: Beginning at a point in the West line of Madison Avenue, 40 feet Northwestwardly from its junction with Morris Street; thence Northwestwardly along the line of Madison Avenue, 87 feet, thence West parallel with Morris Street 140 feet to a point, thence Southeastwardly 87 feet on a line parallel with Madison Avenue; thence East 140 feet to Madison Avenue.

Part of Lots 2 and 3 in Minturn's North Addition to the City of Indianapolis, Marion County.

Lots Number 7 in Ballweg & Cos., Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

Lots Numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in Stubbins Massachusetts Avenue Place, being a Subdivision of Lots 24, 25 and part of 26 in Woods Subdivision of Out Lot 41 in the City of Indianapolis, Marion County, Indiana.

That the beneficiary Frederick S. Ballweg, upon his attaining the age of 30 years, became entitled to an undivided one third portion of two thirds of said real estate free and clear of the uses of this trust and that upon the death of the beneficiary Wilhelmina C. Ballweg, said Frederick S. Ballweg, became entitled to a further undivided one third of one-third interest in said real estate, free and clear from the uses of this trust estate; that accordingly, at this time, said real estate is owned, an undivided one third thereof by said Frederick S. Ballweg and said owner is entitled to conveyance thereof by said Trustee; that said real estate was devised to said trustee subject to the uses created in said trust and that such use have been fully satisfied as to the one third interest of said Frederick S. Ballweg; that title to an undivided $\frac{2}{3}$ of said real estate continues.

Part of Out Lot No. 118, more particularly described as: Beginning at a point in the South line of said Out Lot 118, on the North line of Morris Street, 249 feet west of the West line of Madison Avenue, running thence North $132.\frac{98}{100}$ feet to a point, thence East parallel with Morris Street to Madison Avenue at a point in the West line of said Madison Avenue 127 feet, Northwestwardly from its junction with Morris Street; running thence Northwestwardly with the line of Madison Avenue, $229.\frac{8}{10}$ feet; thence West $336.\frac{2}{10}$ feet to the West line of said Out Lot 118; thence South 359 feet, to Morris Street, thence East $195.\frac{6}{10}$ feet to the place of beginning.

Also, Part of Out Lot No. 118, more particularly described as: Beginning at a point in the West line of Madison Avenue, 40 feet Northwestwardly from its junction with Morris Street; thence Northwestwardly along the line of Madison Avenue, 87 feet, thence West parallel with Morris Street 140 feet to a point, thence Southeastwardly 87 feet on a line parallel with Madison Avenue; thence East 140 feet to Madison Avenue.

Part of Lots 2 and 3 in Minturn's North Addition to the City of Indianapolis, Marion County.

Lots Number 7 in Ballweg & Cos., Ray Street Subdivision, being a subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

Lots numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Stubbins Massachusetts Avenue Place, being a Subdivision of Lots 24, 25 and part of 26 in Woods Subdivision of Out Lot 41 in the City of Indianapolis, Marion County, Indiana.

That the beneficiary Frederick S. Ballweg, upon his attaining the age of 30 years, became entitled to an undivided one third portion of two thirds of said real estate free and clear of the uses of this trust and that upon the death of the beneficiary Wilhelmina C. Ballweg, said Frederick S. Ballweg, became entitled to a further undivided one third of one-third interest in said real estate, free and clear from the uses of this trust estate; that accordingly, at this time, said real estate is owned, an undivided one third thereof by said Frederick S. Ballweg and said owner is entitled to conveyance thereof by said Trustee; that said real estate was devised to said trustee subject to the uses created in said trust and that such use have been fully satisfied as to the one third interest of said Frederick S. Ballweg, that title to an undivided 2/3 of said real estate continues in said Trustee, for the primary use and benefit in equal shares of Pauline Elizabeth Ballweg who by reason of Marriage, is Pauline Elizabeth Gray, and Virginia Katherine Ballweg, who by reason of marriage is Virginia Katherine Kreig.

The Court finds that said Frederick S. Ballweg attained the age of 30 years on the 6th day of December, 1935; that said Trustee has made a full and final settlement with said beneficiary.

That Wilhelmina C. Ballweg departed this life on the 20th day of September, 1937, and the interest of said beneficiary in the trust estate thereupon ceased, subject to satisfaction of unpaid income due said beneficiary; that said Trustee has made payment of the entire balance of income due said beneficiary, to Frederick S. Ballweg, Executor of her estate; that the interest of said beneficiary in the trust estate, has been fully and finally settled.

The Court finds that the facts set forth in said report are true and that the prayer thereof should be granted.

IT IS ACCORDINGLY CONSIDERED, ADJUDGED AND ORDERED that said Trustee's report, final as to the beneficiaries Wilhelmina C. Ballweg and Frederick S. Ballweg and current as to the beneficiaries Pauline E. Ballweg Gray and Virginia Katherine Ballweg Krieg, be and the same is hereby approved and confirmed. Credits therein claimed are allowed, including credits for the service of said trustee. Settlement of the claim of the estate of Wilhelmina C. Ballweg as reported, is approved and confirmed. Settlement with the beneficiary Frederick S. Ballweg, as reported, is approved and confirmed.

Said Trustee is ordered to endorse certificates of corporate stock incident to such settlements and do all things appropriate to gain transfer thereof, on the books of the several corporations. The within trust is adjudged as terminated as to the beneficiaries Wilhelmina C. Ballweg and Frederick S. Ballweg and is continued as to the beneficiaries Pauline Elizabeth Ballweg Gray and Virginia Katherine Ballweg Krieg, subject to the jurisdiction and further order of this Court.

Order Book 181 page 364.

642380

Town Lot Record
988 page 259
Inst. #9917
Mar. 31, 1938
Recorded
April 2, 1938

The Indiana Trust Company,
Trustee under the Will of
Frederick W. Ballweg,
Deceased, (Corp. Seal)
By: Morse P. Bowen,
Vice President
Attest: R. N. Britton,
Assistant Secretary, as
such Trustee by order of
the Probate Court of Marion
County, in the State of
Indiana, entered in
Order Book 181 of said
Court, on page - - -

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

-38-

to
Frederick S. Ballweg
An undivided 1/3 interest in and to each of the
parcels described as:

Lot Number 7 in Ballweg & Cos., Ray Street Sub-
division, being a subdivision of the West part of
Block "A" in McCarty's Subdivision of the West part
of Out Lot 120 in the City of Indianapolis, Marion
County, Indiana.

(Also other real estate.)

Hereby conveying only an undivided 1/3 interest
in and to each and all the hereinbefore described
parcels of real estate.

Examined and approved in open court 31 day of
March, 1931.

Smiley N. Chambers
Judge of the Probate Court
of Marion County, Indiana.

IN THE PROBATE COURT OF MARION COUNTY

Trust Docket
2 page 455
Petition Filed
May 8, 1940

IN THE MATTER OF THE TRUST ESTATE UNDER THE WILL OF
FREDERICK W. BALLWEG, DECEASED.

The Indiana Trust Company
Trustee under the Will of
Frederick W. Ballweg,
Deceased

vs.

Frederick S. Ballweg
Pauline Elizabeth Gray
Virginia Katherine Kreig
Stanley E. Gray, infant
child of Pauline Elizabeth
Gray, Peter B. Krieg, infant
child of Virginia Katherine
Krieg, Ann Rebecca Ballweg
and Cynthia Ballweg, infant
children of Frederick S.
Ballweg, possible unborn
children of Frederick S.
Ballweg, Pauline Elizabeth
Gray and Virginia Katherine Krieg

PETITION FOR INSTRUCTIONS IN RE: DIVISION OF REAL
ESTATE.

Petitioner respectfully shows that it is the duly
named, constituted and acting Trustee under the Will
of Frederick W. Ballweg, deceased, that it was so
appointed and qualified on the 23rd day of April, 1925;

-39-

That by the terms of decedent's Will, one-third of the residue of decedent's estate was devised and bequeathed unto The Indiana Trust Company, Trustee, with power to sell, dispose of, invest and re-invest, and to pay to decedent's wife, Wilhelmina C. Ballweg, during her life, the annual income therefrom, but not less than \$6000.00 per annum, and to charge any of such annual sums, in excess of the realized income, against the principal of the Trust Estate. Upon the death of said life beneficiary, said one-third portion was made and became a part of the residue of decedent's estate.

Said Will further devised and bequeathed the residue of decedent's estate to The Indiana Trust Company, in Trust for the use and benefit of, and to pay the income in equal parts, to decedent's children, Pauline Elizabeth Ballweg, Frederick S. Ballweg, and Virginia Katherine Ballweg, or the survivor or survivors during their lives, provided, that if any of them shall be dead, leaving a child or children surviving such child or children shall, per stirpes, take the deceased parent's share. And further provided, that when the beneficiary, Frederick S. Ballweg, shall arrive at the age of 30 years, he shall be entitled to receive his share of the principal of the Trust Estate.

Petitioner shows that said Wilhelmina C. Ballweg survived decedent but thereafter departed this life on the 20th day of September, 1937; that thereupon the one third portion of decedent's estate so devised and bequeathed unto The Indiana Trust Company, Trustee for the primary use and benefit of said Wilhelmina C. Ballweg, became a part of the residue of decedent's estate, to be held by said The Indiana Trust Company, Trustee, one-third thereof for decedent's son, Frederick S. Ballweg, until he became 30 years of age, then settled upon him and one-third thereof to each, decedent's two daughters, Pauline Elizabeth Ballweg and Virginia Katherine Ballweg, during their lives, with remainder over, per stirpes, to their issue, if any, and if none, then to the survivors of decedent's three said children.

Petitioner shows that by reason of marriage, said Pauline Elizabeth Ballweg is now Pauline Elizabeth Gray, and said Virginia Katherine Ballweg, is now Virginia Katherine Krieg.

Petitioner further shows that said beneficiary, Frederick S. Ballweg, attained the age of 30 years on the 6th day of December, 1935; that thereupon said beneficiary became entitled to segregation of the Trust Estate and distribution to him of an equal one-third portion of the corpus thereof; that on the 31st day of March, 1938, petitioner as such Trustee, filed its final report in respect of Frederick S. Ballweg, then having already attained the age of 30 years. Said Trust Estate in respect of the beneficiary, Frederick S. Ballweg, was fully and finally settled and the personal property thereof was segregated, set off and delivered to him, except as to his contingent interest in the other two-thirds thereof, and said Trustee conveyed to said Frederick S. Ballweg, an undivided one third interest in and to the hereinafter described real estate as a part of the corpus of the Trust Estate to which said beneficiary was then entitled and said Frederick S. Ballweg, is now the owner thereof in fee simple.

642380

That title to the following described real estate is vested in said Frederick S. Ballweg, an undivided one-third thereof, and The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, an undivided two-thirds thereof as Tenants in Common, to wit:

Parcel No. 3 Exhibit "C" of Appraisal.

Lot Number 7 in Ballweg & Company's Ray Street Subdivision, being a subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

(Also other real estate.)

All in the City of Indianapolis, Marion County, Indiana.

Petitioners shows that said Frederick S. Ballweg as one of the tenants in common thereof, is demanding that his individual one-third interest in said real estate be set off to him in severalty; that said tenants in Common are entitled to have segregation of their interests therein.

Petitioner shows that while said real estate is not susceptible to equal division in value proportionate to the respective interests of said tenants in common, nevertheless, it is not to the best interests of said Tenants in Common nor of the beneficiaries of the Trust Estate by reason of which the tenant, The Indiana Trust Company, Trustee, holds its undivided two-thirds interest therein, that said real estate or any part thereof be sold at this time; that in the opinion of petitioner it will be advantageous to the Trust Estate and all beneficiaries thereof, immediate, remote, certain and contingent, in being or possibly to be hereafter born, that segregation and division of the interests of said tenants in common be accomplished through agreement, by setting off to each and mutual conveyances in accord with values as nearly approaching their respective shares as possible, and the adjustment of difference in values through cash payment or other assets.

Petitioner shows that for this purpose, it has caused said real estate hereinbefore described, to be appraised by two competent qualified and disinterested appraisers, and filed herewith is the return of said appraisers, Alex Chambers and Samuel L. Montgomery, showing the values thereof as follows:

Parcel No. 1 Exhibit A	\$38,050.00
Parcel No. 2 Exhibit B	975.00
Parcel No. 3 Exhibit C	1,300.00
Parcel No. 4 Exhibit D	3,000.00
Parcel No. 5 Exhibit E	1,600.00
Parcel No. 6 Exhibit F	52,250.00
Total Value	\$97,175.00

That the appraised value of the interest of The Indiana Trust Company, Trustee, therein is the sum of \$64,783.33 and the appraised value of the interest of said Frederick S. Ballweg therein is the sum of \$32,391.67.

That the nearest approach to a division of said real estate in accord with the interests of each of said Tenants in Common, lies in so setting off to said Frederick S. Ballweg the parcel indentified as

Number 1, Exhibit A. of Appraisal, valued by said Appraisers at the sum of \$38,050.00, which is in excess of the interest of said tenant in common, in said real estate by \$5,653.33.

And setting off to Petitioner, The Indiana Trust Company, Trustee, the several parcels identified as Numbers 2, Exhibit B; 3, Exhibit C; 4, Exhibit D; 5, Exhibit E and 6, Exhibit F. valued by said Appraisers in the total sum of \$59,125.00, which is less than the value of the interest of said tenant in common in said real estate by the sum of \$5,658.33.

That by such division, it will be necessary that said Frederick S. Ballweg compensate said The Indiana Trust Company, Trustee, to the extent of said excess value so received.

Your Petitioner shows that said Trust Estate received from the Estate of said decedent and now holds 83 1/3 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation; that said its co-tenant, Frederick S. Ballweg, likewise received shares of said corporate stock as distribution from said Trust; that to equalize the division of the within real estate, said Frederick S. Ballweg has offered to pay and transfer, to The Indiana Trust Company, Trustee, 62 shares of said Common Capital Stock at the valuation of \$55800.00 and the sum of \$78.33 in cash, totaling the sum of \$5,658.33.

Petitioner has caused said corporate stock to be appraised and filed herewith is the return of said Appraisers, S. L. Montgomery and Alex Chambers, fixing as a fair value thereon the sum of \$90.00 per share, which is the value at which said co-tenant is willing to effect assignment and transfer of said 62 shares in partial adjustment of the excess in value of the real estate so proposed to be set off to him, over the one third part of such real estate value to which he is entitled.

Petitioner shows that all the adult beneficiaries of the Trust Estate, including Pauline Elizabeth Gray and Virginia Katherine Krieg, as life beneficiaries, and Frederick S. Ballweg, as contingent beneficiary in remainder, have joined in recommending and approving such division and adjustment of the interest in said real estate.

That the child of Pauline Elizabeth Gray, at this time in being, is Stanley E. Gray, a minor, aged thirteen years; that the child of Virginia Katherine Krieg, at this time in being, is Peter B. Krieg, a Minor, aged three years; that the children of Frederick S. Ballweg, at this time in being are the minors, Ann Rebecca Ballweg and Cynthia Ballweg; that said minor beneficiaries and possible unborn beneficiaries should be represented herein by Guardian ad litem, duly appointed by your Honorable Court and make answer and defend as to their several rights and interests, and the rights and interests of any possible unborn child or children beneficiaries of the Trust Estate, eventual and contingent, should be represented by living members of their class and so herein finally determined in respect of this segregation, division and adjustment of values incident to the real estate herein described, as between said co-tenants thereof, said Frederick S. Ballweg and petitioner, The Indiana Trust Company, Trustee.

642380

That it is not necessary to this proceeding that there be any determination by your Honorable Court as to the time when or circumstances under which any interest in remainder, in the Trust property, shall vest, and petitioner presents no issue for determination at this time, in respect of the construction and legal effect of the instrument of trust or the relative rights and estates thereunder of any beneficiaries or remainder interests, whether such beneficiaries be born or unborn, certain or contingent.

WHEREFORE, Petitioner respectfully prays the consideration of your Honorable Court and instructions in the premises, and, if found proper and in the best interest of the Trust Estate, and all beneficiaries thereof, that Petitioner as such Trustee be authorized and ordered to join in division of the interests of the Trust Estate and Frederick S. Ballweg, in the hereinbefore described real estate by conveyance to said Frederick S. Ballweg, all of the undivided two-thirds interest of the Trust, in and to the said real estate identified as Parcel Number 1, Exhibit A of Appraisal filed herein, and by acceptance from said Frederick S. Ballweg of conveyance of all the undivided one third interest in and to the said real estate identified as Parcel 2, Exhibit B; Parcel 3, Exhibit C; Parcel 4, Exhibit D; Parcel 5, Exhibit E; and Parcel 6, Exhibit F; and acceptance also from said Frederick S. Ballweg, in satisfaction of the disproportionate value of the real estate so conveyed to him, of 62 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation, and the sum of \$78.33, in cash.

That by such exchanges of conveyances, assets and cash, the rights and interests of said co-tenants in said real estate be adjudged as equitably severed and finally determined.

And petitioner prays that your Honorable Court enter such further instructions and orders in the premises as may be found proper and equitable.

THE INDIANA TRUST COMPANY, TRUSTEE
under the Will of
Frederick W. Ballweg, Deceased

By: R. N. Britton,
Assistant Secretary

STATE OF INDIANA, COUNTY OF MARION, SS:

R. N. Britton, being first duly sworn, on oath deposes and says: That he is Assistant Secretary of The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, deceased; and that the statements made in the foregoing petition are true as he verily believes.

R. N. Britton

Subscribed and sworn to before me, the undersigned, a Notary Public, in and for said County and State, this 3 day of May, 1940.

Justine M. Simms (LS)
Notary Public

My Commission expires: Jan. 26, 1942.

Summons issued May 8, 1940 returnable on May 24, 1940 and returned showing that Peter B. Krieg infant child of Virginia Katherine Krieg; Ann Rebecca Ballweg and Cynthia Ballweg, infant children of Frederick S. Ballweg were served by reading and copy

642380

and Stanley E. Gray, infant child of Pauline Elizabeth Gray was served by copy, all on May 9, 1940.

May 27, 1940. I, Sidney Stein appointed Guardian ad litem for infant defendants Stanley E. Gray, Peter B. Krieg, Rebecca Ballweg and Cynthia Ballweg and filed answer in general denial on their behalf.

May 27, 1940. The undersigned, Frederick S. Ballweg, Pauline Elizabeth Gray and Virginia Katherine Krieg, defendants in the above entitled Cause of action, hereby severally accept notice thereof and waive the issuance of any process and service of any summons upon them and for separate and several answers to said Trustee's petition praying instructions and an order for division of real estate in which said Trust Estate holds an undivided interest.

Hereby admit all the material facts, representations and allegations in said petition set forth; that it is advantageous and in the best interest of said Trust Estate and of the beneficiaries thereof, immediate, remote, certain, contingent, born or unborn, that the prayer of said petition be granted. The undersigned join in the prayer of said Petition.

Frederick S. Ballweg
Pauline Elizabeth Gray
Virginia Katherine Krieg

May 27, 1940. Appraisement filed, as of October, 1939, showing that after taking oath of office, S. L. Montgomery and Alex Chambers appraised Exhibit A as referred to in above petition at \$38,050.00, Exhibit B. therein at \$975.00, Exhibit C. therein at \$1300.00, Exhibit D. therein at \$3000.00, Exhibit E. therein at \$1600.00, Exhibit F. therein at \$52,250.00 making a total appraised value of \$97,175.00.

May 27, 1940. Order on Petition.

Comes now The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, deceased, by R. N. Britton, its Assistant Secretary, and files its verified petition for instructions in respect of division of real estate in which this Trust Estate owns an undivided two-thirds interest, and Frederick S. Ballweg owns an undivided one-third interest, as tenants in common, as follows, to-wit: (H.I.)

And filed herein are the separate and several answers of Frederick S. Ballweg, Pauline Elizabeth Gray and Virginia Katherine Krieg, taking due notice of said petition and joining in the prayer thereof.

And it appearing that the eventual beneficiaries of the Trust Estate in remainder, are the children of said Pauline Elizabeth Gray and Virginia Katherine Krieg; that such children now in being are Stanley E. Gray, infant son of said Pauline Elizabeth Gray, and Peter B. Krieg, infant son of Virginia Katherine Krieg; that possible unborn children of said Pauline Elizabeth Gray and of Virginia Katherine Krieg, likewise, if so born, are possible eventual beneficiaries in remainder; that under possible eventualities, the infant children of said Frederick S. Ballweg, namely: Ann Rebecca Ballweg and Cynthia Ballweg, as well as any child or children hereafter born to said Frederick S. Ballweg, may become beneficiaries of the trust estate in remainder and all such beneficiaries in remainder, eventual and contingent

in being or unborn, are members of the same class, and all such beneficiaries should be represented herein by Guardian ad litem.

The Court now appoints I. Sidney Stein a reputable Attorney of this Bar, not of kin to any of the beneficiaries of the Trust Estate, as such Guardian ad Litem for the infants, Stanley E. Gray, Peter B. Krieg, Ann Rebecca Ballweg and Cynthia Ballweg, and such living members shall stand for and represent any and all unborn members of such class. And said I. Sidney Stein accepts appointment as such Guardian Ad Litem, appears herein and files answer in behalf of said infants, in general denial and demanding strict proof herein, as follows, (H.I.)

And it appearing that all parties in interest herein are duly represented, in person, by Attorney or by Guardian ad Litem; that all adult beneficiaries of the Trust Estate have filed herein their several answers, assenting to, joining in and recommending that the prayer of said petition be granted.

And the Court, having heard the evidence, and being advised in the premises, finds with petitioner that the facts are as set forth in said petition, and that the prayer thereof should be granted.

That it is in the best interest of the Trust Estate and of the several beneficiaries thereof, including beneficiaries having immediate interests for life and as well, all beneficiaries in remainder, whether born or unborn and whether in expectancy or contingent, that division of the hereinafter described real estate be made; that title to said real estate is now vested in Frederick S. Ballweg, an undivided one third thereof, and in The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, an undivided two thirds thereof, as tenants in Common; that said real estate is not susceptible to division in exact accord with the proportionate interests of said co-tenants and that it would be to the disadvantage of, and result in loss to said co-tenants, including this Trust Estate, if said real estate be sold at this time, for such purpose of division; that said co-tenants and each of them have the right to have partition of their interests and said co-tenant, Frederick S. Ballweg, has demanded that his said interest be so partitioned and set off to him in severalty.

That petitioner has caused said real estate to be appraised by competent and disinterested appraisers and the return of said appraiser is filed herein. The Court finds that the total fair value of said real estate is the sum of \$97,175.00; that the value of the interest of this Trust Estate therein is \$64,783.33, and the value of the interest of Frederick S. Ballweg therein is \$32,391.67.

That said real estate embraces six parcels, each identified, described and valued as follows, to wit:

Parcel No. 3 Exhibit "C" of Appraisal.

Lot Number 7 in Ballweg & Company's Ray Street Subdivision, being a subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

(Also other real estate.)

The Court further finds that the nearest practicable approach to a division of said real estate proportionate to the value of the interests of said two tenants in common, is to allot and set off to said Frederick S. Ballweg, said parcel identified as Number 1, Exhibit A of appraisal of the value of \$38,050.00, subject to the payment by said co-tenant of the sum of \$5,658.33, in cash or property to this Trust Estate, in consideration for the excess in value of said Parcel of real estate over the one third interest to which said co-tenant is entitled and to allot and set off to this Trust Estate said other Parcels Numbers: 2, Exhibit B; 3 Exhibit C; 4, Exhibit D; 5, Exhibit E; and 6 Exhibit F; of the total value of \$59,125.00, subject to receipt by said Trust Estate of cash or property in value of \$5,658.33, in payment for the amount which the value of said real estate is less than the two-thirds interest to which said Trust Estate, as such co-tenant is entitled.

The Court further finds that Petitioner, as such Trustee, received in distribution and now holds 83 1/3 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation of the par value of \$100.00 each; that said co-tenant, Frederick S. Ballweg, has offered to transfer to said Petitioner as such Trustee 62 shares of the Common Capital Stock of said corporation at the valuation of \$90.00 per share, total value \$5,580.00, and the sum of \$78.33 in cash in full satisfaction of the sum so to be owing by him by reason of the excess value of said Parcel Number 1, Exhibit A, of real estate so set off to him; that said Trustee has caused said corporate stock to be appraised and filed herein is the return of such appraisers, showing the fair cash value thereof as the sum of \$90.00 per share.

The Court finds it is in the best interest of this Trust Estate and of all beneficiaries thereof that such settlement of the sum of \$5,658.33 so to be owing by the co-tenant, Frederick S. Ballweg, be accepted and that said petitioner should be ordered to accept and receive from said Frederick S. Ballweg, 62 shares of the Common Capital Stock of Ballweg and Company, and \$78.33 in cash, in full satisfaction of said sum of \$5,658.33, due the Trust Estate by reason of this division and segregation of the respective interests of said co-tenants in said real estate. And said Trustee should be ordered to hold said corporate stock in the trust estate, pending the further order of this Court.

The Court further finds that no issue is presented in respect of the construction and legal effect of the instrument of Trust herein; that it is not necessary to this proceeding and the adjudication of the rights of this Trust Estate and the beneficiaries thereof, in respect of the issues presented, that there be any adjudication as to the time when or circumstances under which any estate in remainder vests and the order of this Court is limited strictly to the determination of the rights and interests of the parties in respect of the division of interests in the real estate described as between the co-tenants thereof.

642380

It is accordingly ordered, adjudged and decreed that Petitioner, The Indiana Trust Company, Trustee under the will of Frederick W. Ballweg, deceased, be and it is hereby authorized and ordered to join in segregation and division of the interests held by it and Frederick S. Ballweg as tenants in Common, in the hereinbefore described real estate.

That said Trustee execute its deed of conveyance and transfer unto said, its co-tenant, Frederick S. Ballweg, all the undivided right, title and interest of this Trust Estate, in and to the real estate hereinbefore described and identified as Parcel Number 1, Exhibit A.

That said Trustee accept and receive from said Frederick S. Ballweg, his good and sufficient deed of conveyance, joined in by his wife, transferring to this Trust Estate all the undivided right, title and interest of said Frederick S. Ballweg and his wife, in and to the hereinbefore described real estate identified as Parcels Numbers 2, Exhibit B; 3, Exhibit C; 4 Exhibit D; 5, Exhibit E; and 6, Exhibit F.

That said Trustee accept and receive from said Frederick S. Ballweg, 62 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation, and the sum of \$78.33 in cash, in full satisfaction for the excess in value of the said real estate so conveyed to said Frederick S. Ballweg, over his equal one third in value of the Real Estate so herein divided.

It is adjudged and decreed that the rights, titles, and interest of all beneficiaries of said Trust Estate in and to said real estate and the division thereof hereby ordered, whether such beneficiaries be immediate or in remainder, in expectancy or contingent, including the right of beneficiaries hereafter born, are hereby fixed, adjudicated and finally determined.

This Decree is limited to the issues presented and necessarily determined in respect of the severance of interests of the co-tenants of said real estate, and is not an adjudication of any question in respect of the construction and legal effect of the instrument of trust, nor as to when or the circumstances under which any estate in remainder has or shall hereafter vest in any particular beneficiary.

Order Book 193, page 159.

Town Lot Record
1037 page 472
Inst. #24403
May 31, 1940
Recorded
June 15, 1940

-40-

Frederick S. Ballweg and
Charlotte Ballweg, his wife
to

The Indiana Trust Company, Trustee
under the Will of Frederick W. Ballweg,
Deceased, all the undivided right, title
and interest of the with- Grantors, in
and to the following described real
estate situate in of Indianapolis, Marion
County, in the State of Indiana.

Lot 7 in Ballweg & Company's Ray Street Subdivision,
being a subdivision of the West part of Block "A" in
McCarty's Subdivision of the West part of Out Lot 120
in the City of Indianapolis, Marion County, Indiana.

(Also other real estate.)

Warranty Deed
(U. S. Revenue
Stamp Attached)

642380

-41-

We are informed by client that Pauline Elizabeth Gray married Lemuel Clark Linthicum in St. Louis, Missouri on September 8, 1941.

-42-

The Indiana Trust Company merged and consolidated with the Merchants National Bank of Indianapolis, under the name of "Merchants National Bank & Trust Company of Indianapolis", effective as of the close of business September 30, 1953, as disclosed by a Certificate of the Comptroller of Currency, recorded Nov. 3, 1953, in Misc. Record 510, page 59.

Judgment Search

-43-

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:

The Indiana Trust Company,
Trustee under the Last
Will and Testament of
Frederick W. Ballweg,
Deceased

for the 10 years
last past

and vs

Merchants National Bank &
Trust Company, of
Indianapolis, Trustee
under the Last Will and
Testament of
Frederick W. Ballweg,
Deceased

from October 1, 1953
to date and
against none other

64-27960A

SECTION 2.07 I-3-U MEDIUM INDUSTRIAL SUBURBAN DISTRICT REGULATIONS

Note: This district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial Urban District but which are not of the heaviest industrial types. Because of the nature of these industries, the district will be located away from residential areas and buffered by lighter industrial districts. Where this district abuts residential or business districts, setbacks are large and enclosure of activities and storage is required.

A. PERMITTED I-3-U USES

First Page

64-27960A

CAPTION

-1- Continuation of Abstract of Title to Lot 7 in Ballweg and Company's Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof recorded in Plat Book 10, page 175, in the Office of the Recorder of Marion County, Indiana. Since October 13, 1960, 8 A.M.

Prepared for: John Baker

Town Lot Record 1834, Inst. #83600 Nov. 8, 1960 Recorded Nov. 9, 1960

Merchants National Bank and Trust Company of Indianapolis successor by consolidation to The Indiana Trust Company, as Trustee under the will of Frederick W. Ballweg, (Corp Seal) By, F. D. Michael, Vice President and Trust Officer Attest: Neil C. Estabrook, Assistant Cashier

Trustee's Deed (U. S. Revenue Stamp Attached)

-2-

to John W. Baker Lot 7 in Ballweg and Company's Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis as per plat thereof, recorded in Plat Book 10 page 175, in the Office of the Recorder of Marion County, Indiana. Subject to restrictions and easements of record and rights of tenants in possession. To have and to hold the above described real estate to the said grantee and said grantee's heirs and assigns forever. Merchants National Bank & Trust Company of Indianapolis, as such Trustee, and not for itself individually, covenants that said premises are free of any encumbrances made or suffered by said grantor except taxes and assessments and that said grantor and its

642380

-47-

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 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.

642380

-44-

Taxes for the year 1958 and prior years paid in full.

-45-

Taxes for the year 1959 on the real estate for which this Abstract is prepared are assessed in the name of Indiana Trust Co., - and are due and payable on or before the first Mondays in May and November of 1960.

General Tax Duplicate No. 372425, H-I-J, Indianapolis, Center Township, Parcel No. 4190.

May Installment \$31.64 Paid.

November Installment \$31.64 Unpaid.

Assessed Valuation:

Land \$290.00 Improvements \$530.00 Exemption None

-46-

Taxes for the year 1960 not a lien.

642380

and Stanley E. Gray, infant child of Pauline Elizabeth Gray was served by copy, all on May 9, 1940.

May 27, 1940. I, Sidney Stein appointed Guardian ad litem for infant defendants Stanley E. Gray, Peter B. Krieg, Rebecca Ballweg and Cynthia Ballweg and filed answer in general denial on their behalf.

May 27, 1940. The undersigned, Frederick S. Ballweg, Pauline Elizabeth Gray and Virginia Katherine Krieg, defendants in the above entitled Cause of action, hereby severally accept notice thereof and waive the issuance of any process and service of any summons upon them and for separate and several answers to said Trustee's petition praying instructions and an order for division of real estate in which said Trust Estate holds an undivided interest.

Hereby admit all the material facts, representations and allegations in said petition set forth; that it is advantageous and in the best interest of said Trust Estate and of the beneficiaries thereof, immediate, remote, certain, contingent, born or unborn, that the prayer of said petition be granted. The undersigned join in the prayer of said Petition.

Frederick S. Ballweg
Pauline Elizabeth Gray
Virginia Katherine Krieg

May 27, 1940. Appraisement filed, as of October, 1939, showing that after taking oath of office, S. L. Montgomery and Alex Chambers appraised Exhibit A as referred to in above petition at \$38,050.00, Exhibit B. therein at \$975.00, Exhibit C. therein at \$1300.00, Exhibit D. therein at \$3000.00, Exhibit E. therein at \$1600.00, Exhibit F. therein at \$52,250.00 making a total appraised value of \$97,175.00.

May 27, 1940. Order on Petition.

Comes now The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, deceased, by R. N. Britton, its Assistant Secretary, and files its verified petition for instructions in respect of division of real estate in which this Trust Estate owns an undivided two-thirds interest, and Frederick S. Ballweg owns an undivided one-third interest, as tenants in common, as follows, towit: (H.I.)

And filed herein are the separate and several answers of Frederick S. Ballweg, Pauline Elizabeth Gray and Virginia Katherine Krieg, taking due notice of said petition and joining in the prayer thereof.

And it appearing that the eventual beneficiaries of the Trust Estate in remainder, are the children of said Pauline Elizabeth Gray and Virginia Katherine Krieg; that such children now in being are Stanley E. Gray, infant son of said Pauline Elizabeth Gray, and Peter B. Krieg, infant son of Virginia Katherine Krieg; that possible unborn children of said Pauline Elizabeth Gray and of Virginia Katherine Krieg, likewise, if so born, are possible eventual beneficiaries in remainder; that under possible eventualities, the infant children of said Frederick S. Ballweg, namely: Ann Rebecca Ballweg and Cynthia Ballweg, as well as any child or children hereafter born to said Frederick S. Ballweg, may become beneficiaries of the trust estate in remainder and all such beneficiaries in remainder, eventual and contingent

in being or unborn, are members of the same class, and all such beneficiaries should be represented herein by Guardian ad litem.

The Court now appoints I. Sidney Stein a reputable Attorney of this Bar, not of kin to any of the beneficiaries of the Trust Estate, as such Guardian ad Litem for the infants, Stanley E. Gray, Peter B. Krieg, Ann Rebecca Ballweg and Cynthia Ballweg, and such living members shall stand for and represent any and all unborn members of such class. And said I. Sidney Stein accepts appointment as such Guardian Ad Litem, appears herein and files answer in behalf of said infants, in general denial and demanding strict proof herein, as follows, (H.I.)

And it appearing that all parties in interest herein are duly represented, in person, by Attorney or by Guardian ad Litem; that all adult beneficiaries of the Trust Estate have filed herein their several answers, assenting to, joining in and recommending that the prayer of said petition be granted.

And the Court, having heard the evidence, and being advised in the premises, finds with petitioner that the facts are as set forth in said petition, and that the prayer thereof should be granted.

That it is in the best interest of the Trust Estate and of the several beneficiaries thereof, including beneficiaries having immediate interests for life and as well, all beneficiaries in remainder, whether born or unborn and whether in expectancy or contingent, that division of the hereinafter described real estate be made; that title to said real estate is now vested in Frederick S. Ballweg, an undivided one third thereof, and in The Indiana Trust Company, Trustee under the Will of Frederick W. Ballweg, an undivided two thirds thereof, as tenants in Common; that said real estate is not susceptible to division in exact accord with the proportionate interests of said co-tenants and that it would be to the disadvantage of, and result in loss to said co-tenants, including this Trust Estate, if said real estate be sold at this time, for such purpose of division; that said co-tenants and each of them have the right to have partition of their interests and said co-tenant, Frederick S. Ballweg, has demanded that his said interest be so partitioned and set off to him in severalty.

That petitioner has caused said real estate to be appraised by competent and disinterested appraisers and the return of said appraiser is filed herein. The Court finds that the total fair value of said real estate is the sum of \$97,175.00; that the value of the interest of this Trust Estate therein is \$64,783.33, and the value of the interest of Frederick S. Ballweg therein is \$32,391.67.

That said real estate embraces six parcels, each identified, described and valued as follows, to wit:

Parcel No. 3 Exhibit "C" of Appraisal.

Lot Number 7 in Ballweg & Company's Ray Street Subdivision, being a subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 in the City of Indianapolis, Marion County, Indiana.

(Also other real estate.)

The Court further finds that the nearest practicable approach to a division of said real estate proportionate to the value of the interests of said two tenants in common, is to allot and set off to said Frederick S. Ballweg, said parcel identified as Number 1, Exhibit A of appraisal of the value of \$38,050.00, subject to the payment by said co-tenant of the sum of \$5,658.33, in cash or property to this Trust Estate, in consideration for the excess in value of said Parcel of real estate over the one third interest to which said co-tenant is entitled and to allot and set off to this Trust Estate said other Parcels Numbers: 2, Exhibit B; 3 Exhibit C; 4, Exhibit D; 5, Exhibit E; and 6 Exhibit F; of the total value of \$59,125.00, subject to receipt by said Trust Estate of cash or property in value of \$5,658.33, in payment for the amount which the value of said real estate is less than the two-thirds interest to which said Trust Estate, as such co-tenant is entitled.

The Court further finds that Petitioner, as such Trustee, received in distribution and now holds 83 1/3 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation of the par value of \$100.00 each; that said co-tenant, Frederick S. Ballweg, has offered to transfer to said Petitioner as such Trustee 62 shares of the Common Capital Stock of said corporation at the valuation of \$90.00 per share, total value \$5,580.00, and the sum of \$78.33 in cash in full satisfaction of the sum so to be owing by him by reason of the excess value of said Parcel Number 1, Exhibit A, of real estate so set off to him; that said Trustee has caused said corporate stock to be appraised and filed herein is the return of such appraisers, showing the fair cash value thereof as the sum of \$90.00 per share.

The Court finds it is in the best interest of this Trust Estate and of all beneficiaries thereof that such settlement of the sum of \$5,658.33 so to be owing by the co-tenant, Frederick S. Ballweg, be accepted and that said petitioner should be ordered to accept and receive from said Frederick S. Ballweg, 62 shares of the Common Capital Stock of Ballweg and Company, and \$78.33 in cash, in full satisfaction of said sum of \$5,658.33, due the Trust Estate by reason of this division and segregation of the respective interests of said co-tenants in said real estate. And said Trustee should be ordered to hold said corporate stock in the trust estate, pending the further order of this Court.

The Court further finds that no issue is presented in respect of the construction and legal effect of the instrument of Trust herein; that it is not necessary to this proceeding and the adjudication of the rights of this Trust Estate and the beneficiaries thereof, in respect of the issues presented, that there be any adjudication as to the time when or circumstances under which any estate in remainder vests and the order of this Court is limited strictly to the determination of the rights and interests of the parties in respect of the division of interests in the real estate described as between the co-tenants thereof.

642380

It is accordingly ordered, adjudged and decreed that Petitioner, The Indiana Trust Company, Trustee under the will of Frederick W. Ballweg, deceased, be and it is hereby authorized and ordered to join in segregation and division of the interests held by it and Frederick S. Ballweg as tenants in Common, in the hereinbefore described real estate.

That said Trustee execute its deed of conveyance and transfer unto said, its co-tenant, Frederick S. Ballweg, all the undivided right, title and interest of this Trust Estate, in and to the real estate hereinbefore described and identified as Parcel Number 1, Exhibit A.

That said Trustee accept and receive from said Frederick S. Ballweg, his good and sufficient deed of conveyance, joined in by his wife, transferring to this Trust Estate all the undivided right, title and interest of said Frederick S. Ballweg and his wife, in and to the hereinbefore described real estate identified as Parcels Numbers 2, Exhibit B; 3, Exhibit C; 4 Exhibit D; 5, Exhibit E; and 6, Exhibit F.

That said Trustee accept and receive from said Frederick S. Ballweg, 62 shares of the Common Capital Stock of Ballweg and Company, an Indiana Corporation, and the sum of \$78.33 in cash, in full satisfaction for the excess in value of the said real estate so conveyed to said Frederick S. Ballweg, over his equal one third in value of the Real Estate so herein divided.

It is adjudged and decreed that the rights, titles, and interest of all beneficiaries of said Trust Estate in and to said real estate and the division thereof hereby ordered, whether such beneficiaries be immediate or in remainder, in expectancy or contingent, including the right of beneficiaries hereafter born, are hereby fixed, adjudicated and finally determined.

This Decree is limited to the issues presented and necessarily determined in respect of the severance of interests of the co-tenants of said real estate, and is not an adjudication of any question in respect of the construction and legal effect of the instrument of trust, nor as to when or the circumstances under which any estate in remainder has or shall hereafter vest in any particular beneficiary.

Order Book 193, page 159.

Town Lot Record
1037 page 472
Inst. #24403
May 31, 1940
Recorded
June 15, 1940

Frederick S. Ballweg and
Charlotte Ballweg, his wife
to

Warranty Deed
(U. S. Revenue
Stamp Attached)

The Indiana Trust Company, Trustee
under the Will of Frederick W. Ballweg,
Deceased, all the undivided right, title
and interest of the with- Grantors, in
and to the following described real
estate situate in of Indianapolis, Marion
County, in the State of Indiana.

Lot 7 in Ballweg & Company's Bay Street Subdivision,
being a subdivision of the West part of Block "A" in
McCarty's Subdivision of the West part of Out Lot 120
in the City of Indianapolis, Marion County, Indiana.
(Also other real estate.)

-40-

642380

-41-

We are informed by client that Pauline Elizabeth Gray married Lemuel Clark Linthicum in St. Louis, Missouri on September 8, 1941.

-42-

The Indiana Trust Company merged and consolidated with the Merchants National Bank of Indianapolis, under the name of "Merchants National Bank & Trust Company of Indianapolis", effective as of the close of business September 30, 1953, as disclosed by a Certificate of the Comptroller of Currency, recorded Nov. 3, 1953, in Misc. Record 510, page 59.

Judgment Search

-43-

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:

The Indiana Trust Company,
Trustee under the Last
Will and Testament of
Frederick W. Ballweg,
Deceased

for the 10 years
last past

and vs

Merchants National Bank &
Trust Company, of
Indianapolis, Trustee
under the Last Will and
Testament of
Frederick W. Ballweg,
Deceased

from October 1, 1953
to date and
against none other

642380

-44-

Taxes for the year 1958 and prior years paid in full.

-45-

Taxes for the year 1959 on the real estate for which this Abstract is prepared are assessed in the name of Indiana Trust Co., - and are due and payable on or before the first Mondays in May and November of 1960.

General Tax Duplicate No. 372425, H-I-J, Indianapolis, Center Township, Parcel No. 4190.

May Installment \$31.64 Paid.

November Installment \$31.64 Unpaid.

Assessed Valuation:

Land \$290.00 Improvements \$530.00 Exemption None

-46-

Taxes for the year 1960 not a lien.

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 $\frac{1}{3}$ of the average depth of the lot up to 50 feet, with minimum of 20 feet.

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

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

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

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

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

642380

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-4 ; Height District, Class H-2 ; 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.

642380

METROPOLITAN PLAN COMMISSION

DOCKET NO. 60-A0-4

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 accommodate 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 accommodate 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 accommodate 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

-48- 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 Ordinances 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.

-49- September 23, 1960. 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.

GUARANTEED CERTIFICATE

-50-

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 50 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 41 both inclusive.
Dated at Indianapolis, Indiana, October 13, 1960, 8 A. M.

UNION TITLE COMPANY

by *W. Earl B. Lundrudge*
President

-41- 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

642380

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: Merchants National Bank and Trust Company

The undersigned hereby CERTIFIES, GUARANTEES, and WARRANTS to whoever relies upon this certificate, that there are no transcripts of judgments of the United States Courts filed in the office of the Clerk of the Circuit Court of Marion County, Indiana; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act, that there is no notice of lien filed in the Federal Tax Lien Index in the office of the Recorder of Marion County, Indiana; and that there are not now pending upon the records of any of the 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 12, 1960, 8 A. M. and

The Indianapolis Division of the Southern District down to and including

October 13, 1960, 8 A. M.

The Indiana Trust Company, Trustee under the Last Will and Testament of Frederick W. Ballweg, Deceased

Merchants National Bank & Trust Company of Indianapolis, Trustee under the Last Will and Testament of Frederick W. Ballweg, Deceased

UNION TITLE CO.

BY *W. E. Dunsidge*
PRESIDENT

eb

64-27960A

CAPTION

-1-

Continuation of Abstract of Title to Lot 7 in Ballweg and Company's Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, as per plat thereof recorded in Plat Book 10, page 175, in the Office of the Recorder of Marion County, Indiana.

Since October 13, 1960, 8 A.M.

Prepared for: John Baker

Town Lot Record
1834, Inst. #83600
Nov. 8, 1960
Recorded
Nov. 9, 1960

-2-

Merchants National Bank and
Trust Company of Indianapolis
successor by consolidation to
The Indiana Trust Company, as
Trustee under the will of
Frederick W. Ballweg, (Corp Seal)
By, F. D. Michael, Vice President
and Trust Officer
Attest: Neil C. Estabrook,
Assistant Cashier
to

Trustee's Deed
(U. S. Revenue
Stamp Attached)

John W. Baker

Lot 7 in Ballweg and Company's Ray Street Subdivision, being a Subdivision of the West part of Block "A" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis as per plat thereof, recorded in Plat Book 10 page 175, in the Office of the Recorder of Marion County, Indiana.

Subject to restrictions and easements of record and rights of tenants in possession.

To have and to hold the above described real estate to the said grantee and said grantee's heirs and assigns forever. Merchants National Bank & Trust Company of Indianapolis, as such Trustee, and not for itself individually, covenants that said premises are free of any encumbrances made or suffered by said grantor except taxes and assessments and that said grantor and its successors shall warrant and defend the same to said grantee and said grantee's heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under the said grantor, but against none other.

64-27960A

The execution and delivery of this deed by the grantor and its acceptance by the grantee completely fulfills and finally terminates the trust created by the instrument above referred to insofar as the same relates to the real estate herein described.

Instrument shows name of person preparing same.

Old Age Assistance
Search

-3-

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

-4-

Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for judgments, as appear from the General Judgment Dockets of the Juvenile Court of Marion County, as said dockets are now entered up.
Note: Search has been made for the 10 years last past as to the persons listed below, irrespective of dates given.

Uniform Commerical
Code

-5-

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

64-27960A

Judgment Search

-6-

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

Merchants National Bank and
Trust Company of Indianapolis,
Trustee under the Last Will
and Testament of
Frederick W. Ballweg, Deceased

from October 13, 1960,
8 A.M. to and including
November 9, 1960

and vs

John W. Baker

for the 10 years
last past and
against none other

-7-

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

-8-

Taxes for 1963 payable 1964 in name of John W. Baker.

Duplicate No. 327554, Indianapolis, Center Township,
Code No. 1-01, Parcel No 4190.

May Installment \$33.57 Paid.

November Installment \$33.57 Paid.

Assessed Valuation:

Land \$270.00 Improvements \$480.00 Exemptions None

-9-

Taxes for 1964 now a lien in name of John W. Baker.

64-27960A

INDUSTRIAL ZONING ORDINANCE

-10-

By Ordinance 63-AO-4 adopted November 7, 1963, The Marion County Council amended Ordinance 8-1957, incorporating the Industrial Land Use Map and Industrial Land Use Plan adopted by the Metropolitan Plan Commission for the classification, regulation and development of industrial uses in Marion County, Indiana, including the regulation and limitation of height, area, bulk and floor space of structures, and performance standards, standards of density and traffic distribution therefor.

SECTION 1.00. The following primary INDUSTRIAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said districts as designated on the INDUSTRIAL ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

- INDUSTRIAL ZONING DISTRICTS
- I-1-S RESTRICTED INDUSTRIAL SUBURBAN DISTRICT
- I-2-S LIGHT INDUSTRIAL SUBURBAN DISTRICT
- I-3-S MEDIUM INDUSTRIAL SUBURBAN DISTRICT
- I-4-S HEAVY INDUSTRIAL SUBURBAN DISTRICT
- I-1-U RESTRICTED INDUSTRIAL URBAN DISTRICT
- I-2-U LIGHT INDUSTRIAL URBAN DISTRICT
- I-3-U MEDIUM INDUSTRIAL URBAN DISTRICT
- I-4-U HEAVY INDUSTRIAL URBAN DISTRICT

SECTION 2.00 The following regulations shall apply to all land within the INDUSTRIAL ZONING DISTRICTS.

1. With the exception of legally established non-conforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.

2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established non-conforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed 2/3 of the gross floor area of the structures or facilities affected.

3. For purposes of this ordinance, "lot" shall be defined as: any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy by one principal use.

Note: The provisions of the ordinance are too voluminous and detailed to permit adequate reporting herein. This statement is a synopsis only and furnished for general information. For specific details, reference should be had to the complete text of the ordinance.

According to the map filed with the ordinance the real estate described herein appears to lie in District designated I-3-U District.

64-27960A

SECTION 2.07 I-3-U MEDIUM INDUSTRIAL SUBURBAN DISTRICT REGULATIONS

Note: This district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial Urban District but which are not of the heaviest industrial types. Because of the nature of these industries, the district will be located away from residential areas and buffered by lighter industrial districts. Where this district abuts residential or business districts, setbacks are large and enclosure of activities and storage is required.

A. PERMITTED I-3-U USES

The following uses shall be permitted in the I-3-U DISTRICT. All uses in the I-3-U DISTRICT shall conform to the I-3-U Development Standards (section 2.07, B hereof) and I-3-U Performance Standards (section 2.07, C hereof).

The following I-3-U uses may also include (as accessory or incidental uses thereto) any of the I-4-U DISTRICT uses specified in section 2.07 A, provided that:

(a) Not more than 25 per cent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-4-U uses,

(b) Said I-4-U uses shall conform with all I-3-U Development and Performance Standards, and

(c) Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with light industry.

1. Any use permitted in the I-2-U District.
2. Manufacture and assembly of marine equipment.
3. Canning, bottling, processing, and packaging of food. (Does not include slaughtering of animals or fowl.)
4. Can and container manufacturing.
5. Coffee roasting.
6. Cabinet manufacturing; furniture manufacturing.
7. Manufacture and assembly of major electric and/or gas household appliances.
8. Manufacture of colors, dye, paint, and other coatings, excluding tar products.
9. Manufacture and assembly of communication equipment.
10. Electroplating operations.
11. Manufacture of tools and implements, machinery and machinery components.
12. Manufacture of oleomargarine.
13. Manufacture and assembly of office equipment.
14. Manufacture of musical instruments.
15. Stamping and fabricating metal shops using press, brakes and rolls.
16. Manufacture of malt products; brewing, distillation of liquor and spirits.
17. Machine, welding, tool and die shops.
18. Thermal, electric, steam and/or atomic power plants.
19. Manufacture of glass and glass products.
20. Motor truck terminals less than 10 acres in total area and subject to the regulations of section 2.11, 9.
21. Paper manufacturing.
22. Grainaries, grain processing, starch manufacturing.

November 10, 1964. We hereby certify that no Variance has been granted by the Board of Zoning Appeals of the City of Indianapolis and/or Marion County; 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.

-12-

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

-13-

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 13 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 7 both inclusive.

Dated at Indianapolis, Indiana, November 18, 1964, 8 A.M.

UNION TITLE COMPANY

by

C. Edward Blum
 President

-7-srs-

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

64-27960A

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.

Merchants National Bank and
Trust Company of Indianapolis, Trustee,
under the Last Will and Testament of
Frederick W. Ballweg, Deceased

John W. Baker

srs

UNION TITLE CO.

BY

Edward Blum
PRESIDENT

ABSTRACT OF TITLE

TO

Lots 1 to 13 inclusive, Ballweg & Co's. Ray Street Subdivision
being a subdivision of the West part of Block 'A' in McCarty's
Subdivision of the West part of Out Lot 120 in the City of
Indianapolis, Marion County, Indiana.

No.1. Agent of State : May 2, 1834.
 To Deed : Record D, page 535.
 Nicholas McCarty. : Lot 120, containing
 : 52.25-100 acres.

The estate of Nicholas McCarty was settled in Common Pleas Court December Term 1859, Complete Record 11, page 66.
 2. Settlement shows that he died intestate May 17, 1854, leaving as his heirs at law, Margaret McCarty, his widow, and Nicholas McCarty, Margaret R. McCarty, Frances J. McCarty and Susanna McCarty Day, his children.

Margaret McCarty, widow of: Common Pleas Court
 Nicholas McCarty, deceased: October Term 1854.
 3. To Partition : Complete Record 4,
 Susan McCarty : page 159.
 Margaret R. McCarty :
 Nicholas McCarty and :
 Frances J. McCarty. :

Commissioners set off to Margaret McCarty her one-third interest in the real estate of Nicholas McCarty deceased, out of other real estate than said Out Lot 120.

4. Margaret R. McCarty : October 2, 1867.
 and Married : Record 10, page 36.
 John C. S. Harrison. :

5. Susanna McCarty : December 9, 1857.
 and Marriage : Record 6, page 659.
 Henry Day. :

Susanna McCarty Day died testate August 30, 1873, and her Last Will was probated September 19, 1873, and recorded in Will Record E, page 123.
 6. She gives 1-4 interest in N.1-2 N.W.1-4, 22-15-3, to Nicholas McCarty subject to certain conditions, and the residue of her real estate she devises as follows: one-third to Rev. Henry Day, her husband, one-third to Henry McCarty Day their son and one-third to Margaret McCarty Day, their daughter.
 Estate of Susanna McCarty Day settled in Circuit Court October Term 1874.

7. Henry Day was appointed Guardian of Henry McCarty Day aged 14 years Octr. 19, 1873, and Margaret McCarty Day aged 10 years June 16, 1874. See Circuit Court Guardian's Docket No. 3, page 35.

8. Nicholas McCarty, Frances J. McCarty, John C. S. Harrison and Margaret R. McCarty Harrison, his wife, Henry Day, for himself, and as Guardian of Henry McCarty Day and Margaret McCarty Day, made a subdivision of the West part of Out Lot 120 April 20, 1875, into Blocks lettered "A" and "B" as recorded in Plat Book 7, page 74.

- Margaret R. McCarty Harrison : May 26, 1886.
and husband : Miscellaneous
Frances J. McCarty, unmarried : Record 8, page 258.
Henry Day, unmarried, :
Henry McCarty Day, unmarried, :
Margaret McCarty Day, unmarried:
9. To Power of Attorney :
Nicholas McCarty. :

Constitute, appoint and empower Nicholas McCarty the true and lawful attorney for us and each of us and in the name, place and stead of us and each of us in the full and only discretion of the said Nicholas McCarty to divide, subdivide and lay out and plat &c. Lot or Block lettered "A" in McCarty's Subdivision of the West part of Out Lot 120 &c. To bargain, sell and convey for cash or upon credit and upon such terms as he shall determine, to make, sign, seal, acknowledge and deliver conveyances by quit claim or warranty deed. In his name or the name of us or any of us ~~xxxxxx~~ to take all and singular evidence of indebtedness, mortgages or other securities for the payment of the purchase money or rent of said real estate or any part thereof, &c.

10. Nicholas McCarty, unmarried, : January 11, 1893.
 Margaret R. McCarty Harrison & : Record 250, page 258.
 John C. S. Harrison, her husband, : Part of Lot or Block
 Frances J. McCarty, unmarried, : lettered 'A', McCarty's
 Henry Day, unmarried, : Subdivision of the West part
 Henry McCarty Day, unmarried, : of Out Lot 120, Begin-
 Margaret McCarty Day, unmarried: ning on the north line
 By Nicholas McCarty : of said lot or block
 their attorney in fact : at a point 103.3-10 feet
 To Warrant : west of the northeast
 Frederick W. Ballweg and : corner of said lot or
 William Blizard. : block and running thence
 southwesterly in a line to a point in
 the south line of said lot or block 195 feet west of the
 southeast corner of said lot or block, thence west with the
 south line of said lot or block, 230 feet to the southwest
 corner of said lot or block, thence north with the west line
 of said lot or block, 390 feet to northwest corner of said
 lot or block, thence east on the north line of said lot or
 block 322.5-10 feet more or less to beginning, 2.47-100
 acres.

11. The said Ballweg and Blizard subdivided the West part of
 said lot or block "A" above described, April 15, 1893, as
 recorded in Plat Book 10, page , and designated Ballweg
 & Co's. Ray Street Subdivision.

INCUMBRANCES.

Unsatisfied mortgages - none.

Unsatisfied Judgments - none.

Taxes for 1892 - paid.

April 19, 1893.
 The foregoing is the chain of title to Lots 1 to 13 in-
 clusive of Ballweg & Co's. Ray Street Subdivision of the
 West part of Out Lot 120, and on examination of the Records
 of the Recorder's Office and Lis Pendens Records and Judg-
 ment Dockets of the Circuit and Superior Courts, we find
 no unsatisfied incumbrances on the same.

Elliott & Butler.