

C No Fee

WARRANTY DEED

Project 1-70-3(51)
Code 0574
Parcel 14

This Indenture Witnesseth, That **MILLARD A. WELCH - HUSBAND**
LORETTA C. WELCH - WIFE
of *marion* County, in the State of *Indiana* Convey and Warrant to
the STATE OF INDIANA for and in consideration of *seven thousand and*
one hundred dollars (*7,100.00*) Dollars,

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

LOT No. 64 IN BYBEE AND PRATT'S FIRST WEST SIDE ADDITION TO THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 8 PAGE 200 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, KNOWN AS 1213-15 WEST RAY STREET.

TOGETHER WITH THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM, AND ACROSS THE ABOVE DESCRIBED REAL ESTATE.

Land and improvements \$7,100.00
Damages — 0 TOTAL \$7,100.00

RECEIVED FOR RECORD

1966 JAN 18 AM 8:22

MARCIA M. HAWTHORNE
RECORDER OF MARION COUNTY

DULY ENTERED
FOR TAXATION

JAN 18 1966

J. T. Sutton
COUNTY AUDITOR



8.25

178882

Paid by Warrant No. *A-78883*

Dated *12-29-65* 19

WFB-B
11-24-65

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 *millard A. and Loretta C. Welch*
have hereunto set their hands and seals, this *29th* day of *November* 19*65*
millard A. Welch (Seal) *David A. McDonald* (Seal)
MILLARD A. WELCH ADULT HUSBAND **DAVID A. MCDONALD** ADULT HUSBAND
Loretta C. Welch (Seal) *Agnes Marie McDonald* (Seal)
LORETTA C. WELCH ADULT WIFE **AGNES MARIE MCDONALD** ADULT WIFE
(Seal) (Seal)

WFB
12-14-65

WFB
DEC 16 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, _____ *maison* _____ County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this _____ *22*
day of _____ *November*, A. D. 19 *65*; personally appeared the within named *Millard A*
and Louisa C. Welch _____ *Husband and wife*

_____ Grantors _____ 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 *April 22 - 1969* _____ Notary Public

Robert L. Kutz
ROBERT L. KUTZ

STATE OF INDIANA, _____ *maison* _____ County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this _____ *22*
day of _____ *November*, A. D. 19 *65*; personally appeared the within named *David A.*
and Agnes Marie McDonald _____

_____ Grantors _____ 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 *April 22 - 1969* _____ Notary Public

Robert L. Kutz
ROBERT L. KUTZ

66 2855

WARRANTY DEED

FROM

TO

STATE OF INDIANA

Received for record this _____

day of _____, 19____

DULY ENTERED
at _____ o'clock _____ m, and
FOR TAXATION

Recorded in Book No. _____ page _____
JAN 18 1966

Recorder _____ County _____

Duly entered for taxation this _____

day of _____, 19____

Auditor's fee \$ _____

Auditor _____ County _____

ENVELOPE

Division of Land Acquisition
Indiana State Highway Commission

5

Handwritten notes and signatures at the bottom of the page, including names like David A. McDonald and Louisa C. Welch.

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

B ✓

January 6, 1966 19

To David A. & Agnes Marie McDonald
Millard A. & Loretta C. Welch
7155 Shelby Street
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-78883 12-29-65 19
in settlement of the following vouchers:

DESCRIPTION	AMOUNT
Purchase	
For the purchase of Right of Way on State Road	
No. I-70 in Marion	
County I Project 70-3	
Section (51) as per Grant dated	
November 23, 1965	
Parcel 14	6390.00

PLEASE RECEIPT AND RETURN

David A. McDonald & Agnes Marie McDonald

Received Payment:

Date:

Loretta C. Welch & Millard A. Welch
Jan 8 - 66

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 • 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA

January 6, 1966 19

To David A. & Agnes Marie McDonald
Millard A. & Loretta C. Welch
7155 Shelby Street
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-78882 12-29-65 19
in settlement of the following vouchers:

DESCRIPTION	AMOUNT
Purchase	
For the purchase of Right of Way on State Road	
No. I-70 in Marion	
County I Project 70-3	
Section (51) as per Grant dated	
November 23, 1965	
Parcel 14	710.00
Escrow	

PLEASE RECEIPT AND RETURN

Received Payment: David A. McDonald

Date 2/14-66

paid up in person 2-14-66

APPRAISAL REVIEW FORM
 Division of Land Acquisition
 Indiana State Highway Commission

Project I-70-3(51)
 Parcel No. 14
 Road I-70
 County Marion
 Owner Millard A. Welch
 Address 7155 Shelby St.
 Address of Appraised Property:
1213-15 W. Ray St.

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

1. I have personally checked all comparables and concur in the determinations made.
2. Planning and Detail Maps were supplied appraisers.
3. The three approaches required (Income, Market Data, and Cost Replacement) were considered.
4. Necessary photos are enclosed.
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.
6. Plats drawn by the appraisers are attached.
7. I have personally inspected the Plans.
8. I have personally inspected the site and familiarized myself with the parcel on...
9. The computations of this parcel have been checked and reviewed.
10. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices.

yes
Advanced Requisition
yes
yes
yes
yes
Advanced Requisition
October 27, 1965
yes
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 October 27, 1965 (Date):

Estimate of Appraisers:

	By: <u>Albertson</u>	By:	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ 7,100.00	\$	\$ 7,100.00
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ 0	\$	\$ 0
The Total Value of Taking Is: (a minus b) TOTAL	\$ 7,100.00	\$	\$ 7,100.00
(1) Land and/or improvements	\$ 7,100.00	\$	\$ 7,100.00
(2) Damages	\$ 0	\$	\$ 0
(3) Less non-compensable items	\$ 0	\$	\$ 0
(4) Estimated Total Compensation	\$ 7,100.00	\$	\$ 7,100.00

Approved	Date	Signed
Rev. Appr.	11-12-65	<u>James P. Albertson</u>
Asst. or Chief Appr.	11-12-65	<u>J. E. Gallagher</u>

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 2

PROJECT # I 70-3 (51) PARCEL # 14 COUNTY maison

NAME & ADDRESS OF OWNER millard A and Lojetta C welch
7155 Shelby St Indpls Ind PHONE # ST 49653

NAME & ADDRESS OF PERSON CONTACTED Same
PHONE # Same

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

DATE ASSIGNED Nov 16-1965 DATE OF CONTACT Nov 23-1965

OFFER \$ 7100⁰⁰ X TIME OF CONTACT 4:30 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: See other buyers report for
answers 1 through 9
Mr & Mrs Welch was
selling to David A and
~~Lojetta~~ Agnes Marie McDonald
on contract. All parties concerned
signed grants and Deed
offer accepted

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

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

Robert L King
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

1965

BUYERS REPORT # 700-22-1985

PROJECT # I 70-3-(51) PARCEL # 14 COUNTY Marion

NAME & ADDRESS OF OWNER David A and Agnes M McDonald
155 West Thompson Rd Indianapolis PHONE # St 786-7311

NAME & ADDRESS OF PERSON CONTACTED Same
PHONE # Same

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

DATE ASSIGNED 700-16-1965 DATE OF CONTACT 700-22-1965

OFFER \$ 7100⁰⁰FX TIME OF CONTACT 5:30

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

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

REMARKS: Mr McDonald stated there is
approximately \$4200⁰⁰FX owed on contract
states offer accepted.

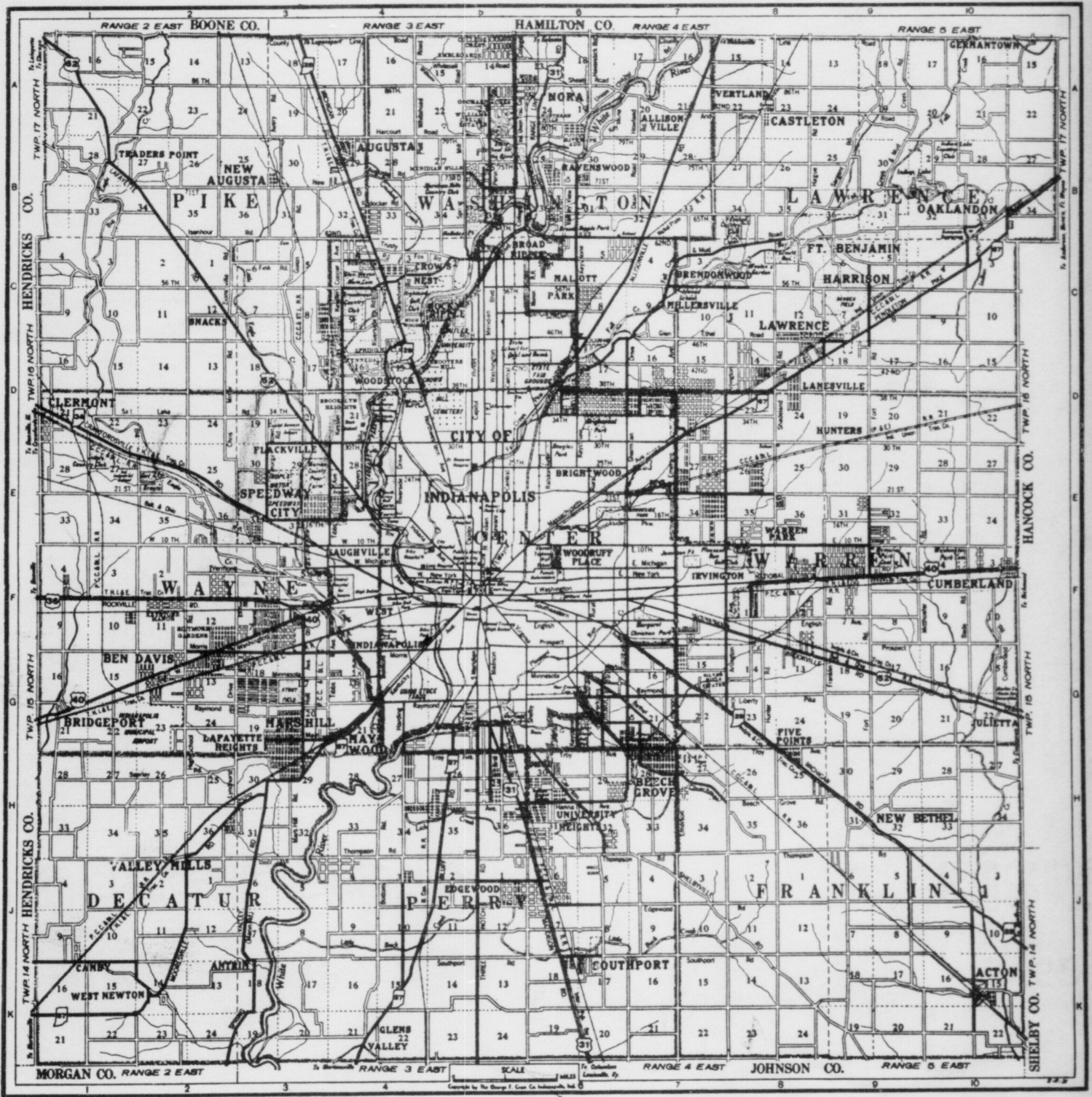
Status of Parcel: () Secured, () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

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

Robert L. King
(Signature)

471675

MAP OF MARION COUNTY



L. M. BROWN TITLE COMPANY, INC.
INDIANAPOLIS

ABSTRACT OF TITLE

To

The Real Estate more particularly described
on the following page of this Caption Sheet.

PREPARED BY

Lawyers Title Insurance Corporation BROWN DIVISION

140 East Washington Street

INDIANAPOLIS, MARION COUNTY, INDIANA

TELEPHONE: ME Irose 8-6401

Plant Established 1868

HISTORICAL NOTES

Showing Original Title from earliest times down to the organization
of Marion County and the location of Indianapolis, County Seat.

The land Northwest of the Ohio River was first a part of Louisiana and was governed by the officers of the French King. The French in 1763 ceded the land North of the Ohio to the British, who retained it until 1783, when they surrendered the country South of the Great Lakes to the United States, by whom the land in Marion County was purchased of the Miami Indians.

The Indians who made any claims to the lands South of the Wabash River were primarily the Miami Nation. The Delawares occupied this immediate region, and were considered as having a title by grant or permission from the Miami Nation, which was at least a title by permanent occupation.

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

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

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

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

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

American State Papers, 2 Indian Affairs, page 169.

By authority of Congress, Indiana Territory was organized May 7, 1800, and the State government, under authority of Congress superseded the territorial government in November of 1816, and Indiana was fully admitted into the Union December 11, 1816. Marion County was organized December 1821 and the boundary lines of the County were established January 7, 1824—Acts of 1824, page 52.

By clause 5 of Section 5 of the Enabling Act of Congress of April 19, 1816, four sections of land were granted to the new State of Indiana, to be selected by the legislature, "for the purpose of fixing the seat of government thereon."

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

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

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

January 11, 1820, the Indiana legislature appointed commissioners to locate the seat of government. Act of 1820, page 18.

January 6, 1821, the legislature approved the selection of "sections 1 and 12 east and west fractional sections numbered 2, east fractional section numbered 11, and so much of the east part of west fractional section numbered 3, to be set off by north and south lines as will complete four entire sections, or 2560 acres of land in township 15 North and range 3 East of the Second Principal Meridian."

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

Acts 1821, page 44.

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

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

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

The seat of government was permanently established at Indianapolis, January 20, 1824.
R. S. 1824, page 370.

January 26, 1827, the alleys in certain squares were vacated, and the "steam mill" lot authorized.

Acts 1827, page 5.

February 9, 1831, a survey of the remaining part of the donation was authorized and a plat of such survey was filed in the Recorder's office of Marion County, July 5, 1831, embracing Out-lots numbered 41 to 184 inclusive, and Out-lots numbered 1 to 18 inclusive, west of White River.

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

Land in Townships 14, 15, 16 and 17, North of Base Line and in ranges 2, 3, 4 and 5, East of the Second Principal Meridian are within Marion County.

While the lands outside the original donation were patented by the United States to those entering the same or their assigns at the Land Offices that had been established by the General Government at Brookville, Indianapolis or Crawfordsville, the squares or out-lots within the boundaries of the donation itself were sold by the Agent of the State of the Town of Indianapolis, duly appointed by an Act of the Legislature.

Caption Description

1. Lot Number Sixty-four (64) in Bybee and Pratts First west side an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200, in the office of the recorder of Marion County, Indiana.

PREPARED FOR HOME REALTY CO..

L. M. Brown Abstract Co.,
INDIANAPOLIS
TITLES
OF
ABSTRACTS

Tract Book
July 21, 1821

-2-

CONVEYANCES.

The United States of America Original Entry
to
Daniel Yandes,
South East 1/4 of Section 10, Township 15
North, Range 3 East, 160 acres.

Deed Record
E page 672
Nov. 6, 1835
Recorded
Nov. 7, 1835

-3-

Ar. St. Clair Register Certificate
Land Office at Indianapolis

It is hereby certified that Daniel Yandes, has
entered at this office the South East Qr. of Section
10, Township 15 N. Range 3 E.

Deed Record
Lands
66 page 401
Nov. 13, 1822
Recorded
Sept. 10, 1918

-4-

The United States of America Patent
By, the President, J. M.
to
Daniel Yandes, his heirs
and assigns forever,

The West Half of the South East Quarter of Section
10, in Township 15 of Range 3, in the District of
Brookville and State of Indiana, containing 80 acres.
Full payment having been made according to the
provision of the Act of Congress of the 24th of April,
1820, entitled "An Act making further provisions for
the sale of the Public Lands."

Deed Record
Lands
69 page 519
Nov. 13, 1822
Recorded
May 7, 1920

-5-

The United States of America Patent
By, the President, J. M.
to
Daniel Yandes, his heirs
and assigns forever,

The East half of the South East Quarter of Section
10, in Township 15 - of Range 3 - in the District of
Brookville and State of Indiana, containing 80 acres.
Full payment having been made according to the
provisions of the Act of Congress of the 24th of
April, 1820, entitled "An Act making further provision
for the sale of the Public Lands."

Deed Record
C page 160
May 7, 1831
Recorded
May 7, 1831

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INDIANAPOLIS
TITLE
OF
ABSTRACTS

Daniel Yandes,
(Signs Danl.) and
Ann Yandes, his wife,

Warranty Deed

to
Abraham A. Hall, his
heirs and assigns forever,

All that tract or parcel of land known as the undivided half of the South East Quarter of Section 10, Town. 15 N., of Range 3 East, and also the undivided half of the residue of the fractional part Section 11, Town 15 of Range 3 (lying on West side of W. River) after taking out the contents of the following survey and bounds, to wit:-

Commencing at the N. W. corner of Sec. 11 and running South along the line of said Section until it strikes the bayou, thence up along the bayou to the River, thence up the River to the E. & West line of said Section, thence W. along said line to the place of beginning, containing 36 3/4 acres and 4 poles; also 3 1/4 acres lying as follows:

Beginning at the half mile stake on the N & S line of Sec. 11 and running South 12 rods, thence E. 46 rods to the River, thence up the River 12 rods, thence West to the place of beginning.

Deed Record
C page 320
Oct. 5, 1831
Recorded
March 3, 1832

-7-

L. M. Brown Abstract Co.,

Daniel Yandes and
Ann Yandes, his wife,

Warranty Deed

to
Nicholas McCarty, his
heirs and assigns forever,

All that tract or parcel of land described as follows, to wit:-

The equal and undivided half of the South East Quarter Section 10, in Township 15 North, of Range 3 East, and also the undivided - of the residue of the fractional Section 11, same Town and Range, which lies West of White River, after taking out the contents of the following survey and bounds, to wit:-

Commencing at the N. W. corner of the Section and running South along the line of said Section until it strikes the bayou, thence up along the bayou to the river, thence up the river to the East and West lines of the Sections, thence West along said line to the beginning, containing 36 3/4 acres and 4 poles, and also 3 1/4 acres lying as follows:

Beginning at the half mile stake on the North and South line of said Section and running South 12 rods thence East 46 rods to the River, thence up the same 12 rods, thence to the place of beginning.

-4-

Deed Record
Lands
40 page 255
Oct. 5, 1831
Recorded
Sept. 25, 1902

-8-

INDIANAPOLIS

TITLE

OF

ABSTRACTS

Daniel Yandes and
Ann Yandes, his wife,
to

Warranty Deed

Nicholas McCarty, his
heirs and assigns forever,

All that tract or parcel of land described as
follows, to wit:-

The equal and undivided half of the Southeast
Quarter Section 10, in Township 15 North, of Range 3
East, and also the undivided half of the residue of
the fractional Section 11, same Town and Range, which
lies West of White River, after taking out the contents
of the following survey and bounds, to wit:-

Commencing at the N. W. corner of the Section and
running South along the line of said Section until
it strikes the bayou, thence up along the bayou to
the river, thence up the river to the East and West
lines of the Section, thence West along said line to
the beginning, containing 36 3/4 acres and 4 poles,
and also 3 1/4 acres, lying as follows:

Beginning at the half mile stake on the North
and South line of said Section and running South 12
rods, thence East 46 rods to the River, thence up the
same 12 rods, thence to the place of beginning.

(NOTE: This is a re-record of a deed, recorded in
Deed Record C page 320 and 321, correcting description.)

Deed Record
C page 321
Oct. 5, 1831
Recorded
March 3, 1832

-9-

L. M. Brown Abstract Co.

Abram A. Hall and
Lydia Hall, his wife,
to

Warranty Deed

Nicholas McCarty, his
heirs and assigns forever,

Certain lands in Section 15 Town 15 of Range 3
(describing said lands).

Also, the undivided half of the South East Quarter
of Section 10, West of White River in same Town and Range,
and also the undivided half of the residue of the
fractional part of Section 11 in same Town and Range,
West of White River, after taking out the contents of
the following survey and bounds, to wit:-

Commencing at the N. W. corner of Sec. 11, thence
South on the Section line until it strikes the bayou,
thence along the bayou to the River, thence up the
River to the E. & W. line of said Section, thence West
to the beginning, containing 36 3/4 acres and 4 poles,
and also 3 1/4 acres, lying as follows:

Beginning at the half mile stake on the N. & S.
line of Section 11, and running South 12 rods, thence East
46 rods to the river, thence up the river 12 rods, thence
West to the beginning.

-10-

INDIANAPOLIS

Nicholas McCarty died, intestate, May 17, 1854.

COMMON PLEAS COURT OF MARION COUNTY.

-11-

Nicholas McCarty

Estate

TITLE
OF

June 3, 1854, Bond filed and letters of Administration issued to Margaret McCarty: approved by Court on July 7, 1854.

January 7, 1860, The Estate was finally settled distribution was made to Margaret McCarty, the widow, and to Nicholas McCarty, Junior, Margaret R. McCarty, Frances McCarty and Susanna McCarty Day, said four persons being the only children and heirs of said decedent.

(For full proceedings in the above Cause, see Complete Record 11 page 66).

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

ABSTRACTS

Henry Day

Affidavit

Affiant says, that ever since the year 1857, he was acquainted with the family of Nicholas McCarty, to whom the Agent of State, deeded Out Lot 120, City of Indianapolis, 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 Susanna 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 Feb. 9, 1864, and said Susannah McCarty, affiant's wife was of age on Feb. 9, 1864.

Henry Day.

-12-

COMMON PLEAS COURT OF MARION COUNTY.

-13-

Margaret McCarty

vs.

Susanna McCarty,
Margaret R. McCarty,
Nicholas McCarty, Jr.,

Frances J. McCarty.

June 23, 1854, Petition filed, petitioner alleging

L. M. Brown Abstract Co.,

L. M. Brown Abstract Co.,
INDIANAPOLIS
TITLE
OF
ABSTRACTS

that Nicholas McCarty, of Marion County, Indiana, died leaving as his heirs at law, him surviving, this petitioner Margaret McCarty, his widow, and children Susanna McCarty, Margaret R. McCarty, Nicholas McCarty, Jr. and Frances J. McCarty, the said Nicholas and Frances J., being then and now infants within the age of 21 years.

That said decedent died possessed of personal property sufficient to pay all his debts. That he died seized of the following real estate, situate in said County, to wit:

So much of Block No. 25 in the City of Indianapolis, as lies West of the Madison and Indianapolis State Road, and so much of said Block as lies East of said Madison and Indianapolis State Road, except 113 feet 10 inches off of the North end thereof. Also Out Lots No. 112, 113, 114, 118, 119 and 120 in the City of Indianapolis. Also Lots No. 146, 145, 155 and 156 in Block No. 17 in McCarty's Addition to the City of Indianapolis; also Lot 15 in Block No. 17, Lot No. 39 in Block No. 24, Lots No. 92, 93, 94, 95 and 96 in Block No. 110, Lot No. 138 in Block 109 and Lots No. 23, 29, 30, 19, 20 and 21 in Block No. 116 all in McCarty's Addition to the City of Indianapolis; also Lots No. 9 and 11 and 7 1/2 feet off of the East side of Lot No. 8 in Block No. 59 in the City of Indianapolis; also so much of Block No. 84 in the City of Indianapolis; as lies South of the Union Rail Road track and North of Indianapolis and Cincinnati Rail Road Depot, being 207 feet 8 inches on Delaware and 374 feet 6 inches on Alabama Street; also so much of Block No. 99 in said City of Indianapolis, as lies South of said Indianapolis and Cincinnati Rail Road Depot, being 365 feet on Delaware Street and 365 feet on Alabama Street. Also the North part of the West half of the North West Quarter of Section 13 in Township 15 North, of Range 3 East, containing 40.75 acres, except 5.08 acres off the South end adjoining N. B. Palmer's land, heretofore sold and conveyed to the Madison and Indianapolis Rail Road Company.

That petition-as the widow of said deceased is the owner of one-third undivided of said premises in fee simple and the said children before named are as heirs of the deceased, the joint owners of the remaining 2/3rds undivided.

Petitioner asks that the 1/3 of said premises may be set off in severalty to her; asks appointment of Commissioners.

Sheriff's return upon the summons issued in this cause is as follows:

This writ served by reading to Susanna McCarty, Margaret R. McCarty, Nicholas McCarty, Jr., and Frances J. McCarty, June 23, 1854.

Isaac W. Hunter, Sheriff
Marion County.

July 31, 1854, Interlocutory decree is entered; defendants, Susanna McCarty and Margaret N. McCarty, are each called and make default; on motion of petitioner Lucian Barbour, is by the Court appointed Guardian ad litem for said defendants, Nicholas McCarty, Jr., and Frances J. McCarty, who are infants within the age of 21 years, and said Lucian Barbour, comes into open Court accepts said appointment and files his answer as such Guardian ad litem, that his wards are ignorant of the matters and things in said complaint set forth and deny the same and require strict proof thereof.

Upon submission by agreement, the Court after hearing evidence, finds the matters and things set forth and charged in the petition to be true; that petitioner is the widow of said Nicholas McCarty, deceased, who died seized in fee of the premises named and described in said petition, and as such widow she is the owner in fee simple of the undivided 1/3 part of said premises and that partition ought to be made.

The Court decrees that partition be made and one third part of said premises set off to the petitioner; and the Court appoints James Blake, Andrew Wilson and James Wood, three disinterested freeholders of the County of Marion, not of kin to any of the parties, Commissioners to make partition of said premises.

On October 13, 1854, the said Commissioners are sworn.

October 13, 1854, The said Commissioners file and acknowledge in open Court their report, in which they set off to the said Margaret McCarty, her heirs and assigns in severalty, forever, for and in full of the one third part of the realty described in the order of partition, the following described tracts and parcels of land, with the appurtenances, to wit: Lots No. 15, 145, 146, 155 and 156 in Out Block No. 17, Lot Number 39 in Out Block No. 24, Lots No. 92, 93, 94, 95 and 96 in Out Block No. 110 Lot No. 138 in Out Block No. 109, Lots No. 23, 29, 30, 19, 20 and 21 in Out Block No. 116, Out Blocks No. 112, 118 and 119, all in McCarty's Addition to the City of Indianapolis; also 55 feet off Square No. 84 lying immediately North of the Indianapolis and Cincinnati Railroad depot in the City of Indianapolis, containing 53/100 of an acre; also part of Out Block No. 25 lying West of the Indianapolis and Madison State Road, containing 1.36 acres, including the buildings thereon; Lot in said Out Block No. 25, lying East of Indianapolis and Madison State Road, off the North end of said Out Lot and adjoining Lot sold to Frederick Wright, commencing at the South East corner of said lot on Pennsylvania Street; running South on said Street 45 feet, thence West to the Indianapolis and Madison State Road, thence Northwest on said Indianapolis and Madison State Road 47 feet 10 inches to the corner of Frederick Wright's lot, thence East along the South line of said lot to Pennsylvania Street to the place of beginning.

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The Court having seen and inspected said report and being fully advised in the premises, does order, adjudge and decree that the same be approved of and confirmed and that such partition above set forth be firm and effectual between the said parties and their heirs and assigns forever.

(For full proceedings in the above Cause see Complete Record 4 page 159.)

Deed Record
Town Lots
479 page 142
June 8, 1911
Recorded
June 12, 1911

Nicholas McCarty

Affidavit

Affiant says that he is a son of Margaret McCarty, who on January 4, 1861, was the owner of Lot 22 in Margaret McCarty's Subdivision of Out Lot 119 and part of Out Lot 118 in the City of Indianapolis, Indiana, and who on that date conveyed said real estate to the Trustees of the First Baptist Church of Indianapolis, and their successors, which deed appears of record in Deed Record 13 page 15 of the Marion County Recorder's Office. And affiant says that his mother was a widow on said date. That she became a widow by the death of her husband, Nicholas McCarty, Sr., the father of this affiant, on or about the 17th day of May 1854, and that she remained unmarried from that date until her death on the 18th day of February 1873.

Nicholas McCarty.

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L. M. Brown Abstract Co.,

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Margaret McCarty died, intestate, February 18, 1873.

MARION CIRCUIT COURT

Appearance
Docket of
Estates
8 page 283

Margaret McCarty

Estate

February 23, 1885, Order of Court entered amending affidavit of death, showing that said decedent, died on February 18, 1873.

Order Book 69 page 542.

March 14, 1874, Bond filed and letters of Administration granted to Nicholas McCarty, Administrator.

Order Book 34 page 551.

September 12, 1899, Final report approved and estate settled and closed.

Order Book 64 page 496.

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L. M. Brown Abstract Co.,

Order Book 140 page 121.

In an entry of July 14, 1884, the Court finds that Margaret McCarty, at the time of her death on February 18, 1873, left as her only heirs at law, her four children, Susanna McCarty Day, (wife of Rev. Henry Day) Margaret McCarty Harrison, (wife of John C. S. Harrison) Nicholas McCarty and Frances J. McCarty, all of them of full age.

In the entry approving the final report, September 12, 1899, the Court finds that said decedent left surviving her as her sole and only heirs at law, her children, Nicholas McCarty, Margaret McCarty Harrison, Frances J. McCarty, and her grandchildren, Henry McCarty Day and Margaret McCarty Day.

Marriage Record
6 page 659
Dec. 9, 1857

Susanna McCarty
and
Henry Day.

Marriage

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Marriage Record
10 page 30
Oct. 2, 1867

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

Marriage

-18-

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

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

Susanna McCarty Day Will

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

I give and bequeath to my brother Nicholas McCarty all my personal property (except that in the dwelling

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L. M. Brown Abstract Co.,

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house occupied by me which I give and bequeath to my husband, Rev. Henry Day) and the crops growing upon my lands at the time of my death, but on condition that he within sixty days after the probate of this my Will does not pay to my Executor, the sum of \$5,000.00 and execute his two promissory notes payable to my Executor with interest, without relief from valuation or appraisement laws, each in the sum of \$7,500.00 one on or before one year after date, one on or before two years after date, then said devise to him shall fail and then and thereupon I give and bequeath said personal property and growing crops and the proceeds of any thereof disposed of by said Nicholas in the mean time, the one third thereof to my said husband, Rev. Henry Day, one third to my son, Henry McCarty Day and one third to my daughter Margaret McCarty Day.

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

The North half of the Northwest Quarter of Section 22, in Township 15 North, of Range 3 East, but on condition that he does not within sixty days after the probate of this my will, pay to my Executor the sum of \$2,500.00 and execute his three promissory notes payable to my Executor each in the sum of \$2500.00 with interest without relief from valuation or appraisement laws, one, one year, one two years and one three years after date, this bequest shall fail and then and thereupon I give said described real estate, the one third to my said husband, Rev. Henry Day, one third to my son, Henry McCarty Day, one third to my daughter, Margaret McCarty Day.

I give and bequeath the moneys which may be paid and the notes which may be executed by my said brother, Nicholas McCarty, in compliance with the conditions attached to the bequests 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 money, notes and real property to my said husband, Rev. Henry Day, the one third to my son, Henry McCarty Day and the one third to my daughter, Margaret McCarty Day.

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

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

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

Susanna McCarty Day.

INDIANAPOLIS

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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.

MARION CIRCUIT COURT

Appearance
Docket
of Estates
8 page 248

Susanna McCarty Day

Estate

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October 15, 1873, Bond filed and letters testamentary granted to Henry Day, Executor.

Order Book 34 page 309.

October 17, 1874, Final report filed and approved, Executor discharged and estate settled and closed.

Order Book 35 page 80.

MARION CIRCUIT COURT.

Guardian's Docket
3 pages 30
and 135

Henry McCarty Day,
(aged 14, on Oct. 19, 1873)

Guardianship

Margaret McCarty Day,
aged 10, on June 16, 1874)

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October 15, 1874, Bond filed and Court appoints Henry Day, Guardian.

Order Book 34 page 309.

September 11, 1885, Final report filed and approved and Guardian discharged.

Order Book 72 page 284.

Costs all paid.

L. M. Brown Abstract Co.,

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

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INDIANAPOLIS
TITLE

Nicholas McCarty

Affidavit

Affiant says, that he is the son of Nicholas McCarty, deceased, who formerly owned in his life time Out Lot 120 in the City of Indianapolis, Indiana. That this affiant is now 78 years of age and that he is the brother of Margaret R. McCarty, Frances J. McCarty and Susannah McCarty Day. That affiant has never been married and his sister, Frances J. McCarty, has never been married and that Margaret R. McCarty, was married on the 3rd day of October 1867, to John C. S. Harrison.

Nicholas McCarty.

Misc. Record
79 page 22
Nov. 14, 1913
Recorded
Nov. 15, 1913

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OF
ABSTRACTS

Nicholas McCarty

Affidavit

Affiant says, that he is the son of Nicholas McCarty deceased, who died intestate May 17, 1854, and who at his death was the owner of Out Block 25 in the City of Indianapolis.

That affiant is now 79 years of age and that he is the brother of Margaret R. McCarty, Frances J. McCarty, and Susanna McCarty Day; that neither this affiant nor his sister Frances J. McCarty, have ever been married and that his sister Margaret R. McCarty was married on the 2nd day of October, 1867, to John C. S. Harrison.

That affiant was acquainted with one Henry Day, who was the husband, of affiant's sister Susanna McCarty Day, that Susanna McCarty Day, died August 30th, 1873, leaving surviving her, her husband, Henry Day and two children Henry McCarty Day and Margaret McCarty Day; that both Henry Day and his son, Henry McCarty Day, were unmarried men on December 29, 1883, the said Henry Day, never having remarried after the death of his wife, Susannah McCarty Day.

Further affiant sayeth not.

Nicholas McCarty.

L. M. Brown Abstract Co.,

Deed Record
Lands
XX page 291
May - 1873
Acknowledged
May 20, 1873
Recorded
Aug. 22, 1873

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INDIANAPOLIS

TITLE

OF

ABSTRACTS

Henry Day and
Susanna McCarty Day,
his wife,
John C. S. Harrison and
Margaret R. McCarty Harrison,
his wife,
Frances J. McCarty, -
(named as Francis J. McCarty, in
the certificate of acknowledgment)

Warranty Deed

to
Nicholas McCarty,
(With other realty.)
That part of Section 10 in Township 15 North of
Range 3 East, described as follows:
Commencing at the South West corner of the South
East Quarter of said Section 10, running thence North
on the West line of the South East Quarter of said
Section 10, 1390 feet to a point, thence East on a
line parallel with the South line of said South East
Quarter 662 feet to a point, thence South on a line
parallel with the West line of said South East Quarter
1390 feet to a point on the South line of said South
East Quarter, thence West on said South line of the
said South East Quarter 662 feet to the place of
beginning, containing 21.12 acres more or less,
except the following described real estate:
Beginning at the South West corner of the South
East Quarter of Section 10-15-3, thence North with the
West line of said Quarter Section 160 rods to the - -
West corner of said Quarter Section, thence East 11
rods, thence South 4 degrees West to the place of be-
ginning, containing 5.51 acres.

Deed Record
Lands
3 page 188
June 5, 1877
Recorded
June 20, 1877

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L. M. Brown Abstract Co.,

Nicholas McCarty, (unmarried)
John C. S. Harrison, and
Margaret R. McCarty Harrison,
his wife,
Frances J. McCarty (unmarried)
Henry Day, (unmarried)

Warranty Deed

to
Union Railroad Transfer and
Stock Yard Company, a Corporation,
(With other realty.)
The undivided 5/6 part of a strip of land 100
feet in width, being 50 feet on either side of the
following described center line, viz:
Commencing at a point in the West line of the said
N. McCarty's land 762 85/100 feet South of the stone
at the center of Section 10, Township 15 North, Range
3 East, thence South 18 degrees East (magnetic) 1933

feet to the South line of said Section 10, at a point 1408 feet more or less West of the intersection of said South Section line with the center of the main track of the Indianapolis and Vincennes Railroad, thence with the said course South 18 degrees East continued 102 3/10 feet, thence curving to the East with a radius of 2864 93/100 feet for 2219 2/10 feet, thence South 62 degrees 23' East (magnetic) for 3197 1/2 feet, thence curving to the East with a curve having a radius of 2292 1/100 feet for 1289 3/10 feet, thence North 85 degrees 23' East (magnetic) 230 feet more or less to White River.

The said strip of 100 feet in width being the same real estate conveyed by Nicholas McCarty and others to the Indianapolis Belt Railroad Company by deed dated September 10, 1873 and recorded in Land Record XX page 294, being 20 acres, more or less.

(NOTE: No attempt is here made to show title to any portion of the railroad right of way above described the same including no part of the realty described in caption hereof; this deed being here set out merely to make certain the location of the Railroad, which is hereafter mentioned in descriptions of realty included in this abstract.)

Plat Book
8 page 185
May 6, 1887
Recorded
May 7, 1887

MCCARTY'S 6th WEST SIDE
ADDITION TO THE CITY OF
INDIANAPOLIS

Plat

We the undersigned Nicholas McCarty unmarried, Frances J. McCarty unmarried, Henry Day widower, and Margaret McCarty Day, unmarried and Margaret R. McCarty Harrison with John C. S. Harrison her husband and Henry McCarty Day by Nicholas McCarty their Attorney in fact have laid out into six lots Numbered respectively 177, 178, 179, 180, 213 and 214, one Block lettered L and one Avenue named Woodburn Avenue, the real estate in the Town of West Indianapolis, in Marion County, State of Indiana, as shown on this plat, which Lots, Block and Avenue only constitute this Addition (River Avenue, the twenty foot alley and Drover Street having heretofore been laid off and dedicated and the strip of ground lying Northeast of said lot 177 and between said River Avenue and alley having been included in McCarty's 5th West Side Addition to the City of Indianapolis.) the said real estate being a Subdivision of part of the South West Quarter of Section 11, and part of the South East Quarter of Section 10, Township 15 North of Range 3 East, said Subdivision is named McCarty 6th West Side Addition to the City of Indianapolis, Numbers

L. M. Brown Abstract Co.,

L. M. Brown Abstract Co.,

INDIANAPOLIS
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and size of lots and width of alley and Woodlawn Avenue marked on this plat. Distances given in feet and decimals, the line A. B. is the South West line of Lot 176, in McCarty's 5th West Side Addition to the City of Indianapolis, and the line C. D. is the North East line of Lot 181 in said McCarty's 5th West Side Addition to the plat of which Addition reference is hereby had. E is 782 $\frac{3}{10}$ feet South of the North line of said South West Quarter of said Section 11, at a point 305 feet East of the Northwest corner of said Southwest Quarter of said Section 11, the line G. H. being the South line of said Woodburn Avenue, is parallel to and 1250 feet North of the South line of said Section 10 and 11 and said Woodburn Avenue is laid out and located on this plat is hereby dedicated to public use as a highway, except and with the reservation to the undersigned of the right at any time within five years from the date hereof to grade and gravel the same and to plant and maintain shade trees thereon.

IN WITNESS WHEREOF We have hereunto set our hands and seals this 6th day of May 1887.

Margaret R. McCarty Harrison (Seal)
John C. S. Harrison (Seal)
Henry McCarty Day (Seal)
By: Nicholas McCarty
their Attorney in Fact

Nicholas McCarty (Seal)
Frances J. McCarty (Seal)
Henry Day (Seal)
Margaret McCarty Day (Seal)

STATE OF INDIANA,
MARION COUNTY, SS:

Before me the undersigned a Notary Public in and for said County this 7 day of May 1887 Nicholas McCarty, Frances J. McCarty, Henry Day and Margaret McCarty Day, acknowledged the execution of the annexed plat and Margaret - McCarty Harrison and John C. S. Harrison, her husband and Henry McCarty Day, by Nicholas McCarty their Attorney in fact acknowledged the execution of the annexed Plat.

Witness my hand and Notarial Seal this 7 day of May A. D. 1887.

B. F. Witt (LS)
Notary Public.

Fidelity Union Skin
Baltimore

Deeed Record
Lands
18 page 555
Sept. 25, 1886
Recorded
Dec. 29, 1886

INDIANAPOLIS

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)
Margaret McCarty Day, (unmarried)

Warranty Deed

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ABSTRACTS OF TITLE

to
Bybee & Pratt, a firm
composed of Addison Bybee
and Julius F. Pratt,

Part of the South East Quarter of Section 10, in
Township 15 North, of Range 3 East, described and
bounded as follows, to wit:-

Beginning in the center of the railroad of the
Belt Railroad and Stock Yard Company at a point 30 feet
North of the South line and 470 35/100 feet East of the
West line of said Quarter Section, and thence running
Northwardly in the center of said Railroad 1171 35/100
feet, thence East parallel to the South line of said
Quarter Section 1122 2/10 feet, thence Southwardly
parallel to the said Railroad 682 65/100 feet to the
North West line of River Avenue, thence Southwestwardly
with said line of River Avenue, 650 5/10 feet to the
North line of Morris Street, thence West with the North
line of Morris Street 567 9/10 feet to the place of
beginning, except a strip 50 feet wide along the West
side of the above described tract, containing exclusive
of said strip, 25 acres.

Misc. Record
8 page 533
Dec. 13, 1886
Recorded
Jan. 21, 1887

L. M. Brown Abstract Co.,

Margaret R. McCarty Harrison
and John C. S. Harrison,
her husband,
to

Power of Attorney

Nicholas McCarty,

To let or lease, to bargain, sell and convey for
cash or upon credit, to make, sign, seal, acknowledge
and deliver conveyances by Quit Claim or Warranty Deed
and in his own name or the names of them or either of
them, to take, receive and collect notes and mortgages,
to subdivide and re-subdivide into lots and parcels
and to make additions to any City or town and to make,
sign and acknowledge and cause to be recorded any Plat
of such addition and subdivision and generally to
possess, control, protect and absolutely dispose of the
and any of the proceeds of the right, title, interest
and estate of them and each of them, in, to and of, all
and singular the real estate situate in Marion County,
Indiana, which is owned by the said Margaret R. McCarty
Harrison, formerly Margaret R. McCarty, as daughter and

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L. M. Brown Abstract Co.,

INDIANAPOLIS

TITLE

OF

ABSTRACTS

heir of her father, Nicholas McCarty, deceased, and her mother, Margaret McCarty, deceased, or either of them, and whether so owned in severalty or in common, which Nicholas McCarty and Frances J. McCarty, Henry Day, Henry McCarty Day and Margaret McCarty Day, or any of them.
(See instrument for full particulars.)

Book 23

Deed Record
Lands
19 page 71
Feb. 7, 1887
Recorded
March 2, 1887

Warranty Deed

Nicholas McCarty (unmarried)
Margaret R. McCarty Harrison,
and John C. S. Harrison,
her husband,
By: Nicholas McCarty, their
Attorney in fact,
Frances J. McCarty, (unmarried)
Henry Day, (unmarried)
Henry McCarty Day, (unmarried)
Margaret McCarty Day, (unmarried)

to
Bybee and Pratt,
a firm composed of
Addison Bybee and
Julius F. Pratt,
Part of the South East Quarter of Section 10,
Township 15 North, Range 3 East, described as follows,
to wit:

Beginning in the center of the Railroad of the Belt Railroad and Stock Yard Company in said Quarter Section at a point 1171 35/100 feet, measured along the center line of said Railroad, North of the North line of Morris Street and running East, parallel to the North line of Morris Street 1122 2/10 feet, thence Southwardly, parallel to the said Railroad 682 65/100 feet to the North West line of River Avenue, thence Northeastwardly with said Northwest line of said River Avenue 1015 8/10 feet, thence West, parallel to the North line of Morris Street 1988 2/10 feet to the center of the said Railroad, thence Southwardly with the center of said Railroad 81 8/10 feet to the place of beginning, containing 9 36/100 Acres, except a strip 50 feet wide along the West side of the above described real estate.

Plat Book
8 page 200
Sept. 1, 1887
Recorded
Sept. 2, 1887

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INDIANAPOLIS
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OF
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BYBEE AND PRATTS FIRST Plat
WEST SIDE ADDITION
TO INDIANAPOLIS

Bybee and Pratts First West Side Addition to the City of Indianapolis, being a Subdivision of part of the South East Quarter of Section 10, Township 15 North Range 3 East, in the Town of West Indianapolis, Marion County, State of Indiana, described as follows, beginning on the North edge of Morris Street at a point 30 feet North of the South line and 1038 25/100 feet East of the West line of said Quarter Section, and running North 42 1/4 degrees East with River Avenue 90 feet, thence North 1 degree West 11 54 5/10 feet to South side of Woodburn Avenue, at a point, 1075 4/10 feet East to the West line of said Quarter Section, thence East with South side of Woodburn Avenue, 1063 feet to River Avenue, thence South 42-1/4 degrees West with River Avenue 1666 feet to the place of beginning, containing 14 25/100 acres more or less; into 80 lots, with streets and alleys, with size and numbers of lots and width of Streets and Alleys marked on this Plat.

Distances given in feet and decimals.

All Streets and Alleys in this Addition are hereby dedicated to public use.

Addison Bybee,
Julius F. Pratt.

STATE OF INDIANA,
MARION COUNTY, SS:

Before me a Notary Public in and for said County Addison Bybee and Julius F. Pratt acknowledged the above signatures this 1st day of September 1887.

Daniel A. Goodin (LS)
Notary Public.

Misc. Record
9 page 43
March 29, 1881
Recorded
May 3, 1887

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L. M. Brown Abstract Co.,

Mary A. Pratt and
Julius F. Pratt,
her husband,
to
Fletcher Randolph,
Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, That We, Mary A. Pratt and Julius F. Pratt, her husband, of the City of Indianapolis, in Marion County, in the State of Indiana, have made, constituted and appointed, and by these presents do make, constitute and appoint Fletcher Randolph, of the City of Indianapolis, in Marion County,

in the State of Indiana, the true and lawful attorney of the said Mary A. Pratt, for her and in her name, place and stead to join with the said Julius F. Pratt, her husband, or with the said Julius F. Pratt and Addison Bybee, in the sale and conveyance of any and all real estate belonging to said Mary A. Pratt, or in which she has any interest in her own right, or as the wife of said Julius F. Pratt, wherever the same may be situated, giving and granting to said attorney, full power and authority in the name, place and stead of said Mary A. Pratt, to sign, seal, acknowledge and deliver any and all deeds and conveyances or other instruments of writing necessary or proper to be executed by her jointly with said Julius F. Pratt, her husband, or with the said Julius F. Pratt and Addison Bybee, for the purpose of fully and effectually conveying to and vesting in the purchaser of any such real estate all title and interest which the said Mary A. Pratt may have therein; and whatsoever said attorney may properly do in the premises, said Mary A. Pratt and Julius F. Pratt, her husband, do hereby ratify and confirm and the same shall have the same force and effect as if it had been done by the said Mary A. Pratt, in person.

Deed Record
Town Lots
203 page 451
Inst. # 6795
Mar. 16, 1889
Recorded
Apr. 11, 1889

33.

INDIANAPOLIS, INDIANA

Addison Bybee and
Mary I. Bybee his wife;
Julius F. Pratt and
Mary H. Pratt, his wife
to
Charles Allen and
Frank A. Bosler

Warranty Deed

Lots No. 63 to 79 inclusive in Bybee and Pratts
First West Side addition to the City of Indianapolis,
the plat of which is recorded in Plat Book 8 page 200
in the office of the Recorder of Marion County, Indiana.

Deed Record
Town Lots
216 page 46
Inst. No. 3541
Dec. 6, 1889
Recorded
Jan. 22, 1890

34.

L. M. BROWN DIVISION

Charles Allen (signs Chas
Allen and Ella Allen,
his wife and
Frank A. Bosler
Emma Bosler, his wife
to
James H. Billington

Warranty Deed

Lots No. 64-66-67-68-69 and 71 in Bybee and Pratts
First West Side addition to the City of Indianapolis, the
plat of which is recorded in Plat Book 8 page 200, in
the office of the Recorder of Marion County, Indiana.

Deed Record
Town Lots
221 page 270
Inst. # 11389
June 17, 1890
Recorded
June 26, 1890

35.

Lawyers Title Insurance Corporation

James Hoeford Billington
unmarried, (Signs J. H. Billington)
to
Ella Allen-----

Warranty Deed

Lots No. 64-66-67-68-69 and 71 in Bybee and Pratts
First West Side Addition to the City of Indianapolis,
the plat of which is recorded in Plat Book 8 page 200,
in the office of the Recorder of Marion County, Indiana.

Deed Record
Town Lots
310 page 99
Inst. # 987
Dec. 3, 1898
Recorded
Dec. 7, 1898

36.

Ella Allen and
Charles Allen,
her husband (signs
Chas. Allen)
to
Dio Lewis Jenkins----

Warranty Deed

Lots No. 64-67-68 and 71 in Bybee and Pratts
First West Side addition to the City of Indianapolis.

Deed Record
Town Lots
310 page 100
Inst. # 988
Dec. 5, 1898
Recorded
Dec. 7, 1898

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Dio Lewis Jenkins, Warrantly Deed
unmarried
to
Charles Allen -----
Lots No. 64-67-68 and 71 in Bybee and Pratts
First West Side addition to the City of Indianapolis.

37.

Deed Record
Town Lots
350 page 337
Inst. # 16096
Sept. 8, 1902
Recorded
Sept. 11, 1902

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Charles Allen (Signs Warrantly Deed
Chas. Allen) and
Ella Allen,
his wife
to
Leander Allard-----
Lots No. 64-67 and 68 in Bybee and Pratt's First
West Side addition to the City of Indianapolis, the
plat of which is recorded in Plat Book 8 page 200 in the
office of the Recorder of Marion County, Indiana.
Subject to taxes and assessments.

38.

39.
Will Record Z
page 220
Jan. 17, 1913
Probated
May 21, 1914

Leander Allard died testate May 18, 1914.

40.

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Leander Allard Will

I, Leander Allard, of the City of Indianapolis, County of Marion and State of Indiana, being now of sound and disposing mind and memory and being desirous of making a disposition of all my worldly affairs while I yet have power to do so, do hereby make, establish, publish and declare the following as my last will and testament.

Item I. It is my will that all my just debts, together with all of my funeral expenses be paid by my executor as speedily as possible after my death.

Item II. I hereby direct that my body be interred in Crown Hill Cemetery in the City of Indianapolis, Indiana, and for that purpose I direct that my Executor, hereinafter named, purchase a suitable lot in said Cemetery and within one year after my interment therein cause a suitable monument to be erected thereon to my memory with appropriate inscriptions. In determining what shall be a suitable monument to be erected thereon, I direct that there shall be taken into consideration the value of the estate left by me and that no one is depending on me or my estate for support and such a lot shall be purchased and such a monument shall be erected thereon as would be appropriate for one in my circumstances.

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The value of such lot and also the value of such monument shall be determined by the Judge of the Court having jurisdiction in said County. The value as determined upon by said Judge shall be ascertained by my Executor, hereinafter named, by a petition for instructions filed by said Executor in said Court. In case I have already purchased a lot in said Cemetery, then in that event my executor shall not purchase one and I shall be buried in the lot purchased by me. In case I have also purchased a tombstone and placed the same on a lot purchased by me in said Cemetery my executor shall not purchase another but said Executor shall see the suitable inscriptions are placed thereon. In case I have purchased a monument which has not been erected, said Executor shall see that the same is erected on my lot and that it has proper inscription thereon.

Item III. To each of my nephews and nieces living at the time of my death, I hereby give, grant, devise and bequeath the sum of \$1,000.00 to be theirs absolutely and forever.

Item IV. To my sister, Mrs. Lettie Silsby and my brothers Albert R. Allard, Alfred Allard and Hollis E. Allard, I hereby give, grant, devise and bequeath each the sum of \$8000.00 to be theirs absolutely and forever. In case of the death of my said sister or of my said brothers, previous to my death the legacy, in this item devised to such as may be deceased, shall lapse.

Item V. To my brother, Albert R. Allard, in case he survives me, I hereby give, grant, devise and bequeath the watch, watch charms, chains, fobs, rings, all my diamonds and all other jewelry, which I may own at the time of my death to be his absolutely.

Item VI. In case my sister or any of my brothers survive me, all the rest and residue of my estate remaining after the payment of my funeral expenses and costs of administering my estate and the payment of the legacies above provided to be paid and the \$1000.00 legacy in Item VIII hereof, whether said estate be real personal or mixed, and wheresoever situated I hereby give, grant, devise and bequeath to the Fletcher Savings and Trust Company of the City of Indianapolis, Marion County, State of Indiana.

To all real estate devised to said Company it shall take the fee simple title. All of the property in this item devised to said Fletcher Savings and Trust Company, shall be held and owned by it in trust for the following parties and with the following powers and for the following purposed; said Trust Company shall have full power and authority to manage and control all of the property by this item devised to it in trust and receive the income therefrom and sell and dispose of any of said property, all however, under the supervision, direction and control of such court in Marion County, State of Indiana, as shall have probate jurisdiction.

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In the sale of any real estate held by it hereunder the same shall be sold by order of said court and the deed for the same approved by said court. And in making such sale said real estate shall not be sold for less than the full value thereof. Any and all money coming into the hands of this Trust Company as Trustee under this item or from the sale of property received by it hereunder shall be invested by it under the supervision and direction of said court, either in real estate which shall pay a reasonable income on the value thereof or by loaning said funds at the highest rate of interest provided the payment of the amount loaned is secured by mortgage on real estate, in Marion County, Indiana, and the amount loaned shall not exceed sixty per centum of the value of said real estate. Said mortgage shall be a lien on the real estate mortgage prior and superior to all other liens at the time the loan is made, except current taxes.

Said loans shall be protected when necessary with fire insurance and such other safeguards as are proper. The income derived by said Trust Company from the property held by it in trust hereunder shall after paying the necessary expenses of this trust and preserving the property held by it hereunder be paid by said Trust Company on the first day of January and of July of each year, during the continuance of this trust, to my sister, Mrs. Lettie Silsby and My brothers, Albert R. Allard, Alfred Allard and Hollis E. Allard and to the survivor of them, share and share alike. On the death of my said sister or any of my said brothers, either before my death or after my death, then the part of said income hereby directed to be paid to such one as shall be dead shall go to the survivor or survivors of them. In case however, previous to my death, my sister or any of my said brothers shall have died then in case of the death of my said sister previous to my death leaving her husband her surviving or in case any of my said brothers shall die previous to my death leaving their wife, them surviving then in that event, the said trustee shall convert into cash enough of my property to amount to eight thousand dollars, for said surviving husband of my said sister, and for each surviving wife of any of my brothers, who shall be dead at the time of my death and shall loan said sum at the highest rate of interest obtainable to invest the same in good non-taxable bonds, and the gross income off of the sum of eight thousand dollars shall be paid at the time of my death, and to each of the surviving wives of my said brothers, who shall be dead at the time of my death during their lifetime. It is the intention that said surviving husband of my sister and each surviving wife of any of my said brothers shall each receive the gross income of the sum of Eight thousand dollars, so long as they live.

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The trustee hereby appointed and any trustee hereafter appointed to carry out the trust created may be removed by the court having probate jurisdiction in Marion County, Indiana, at any time for failure to discharge the duties of this trust properly or any other good cause satisfactory to said Judge. Said Trustee and any other trustee hereafter appointed shall resign as Trustee on the request of a majority of the parties interested in said trust. Such Trustee and any trustees hereafter appointed shall be removed by the Judge of said Court at any time after six months after appointment as such trustee on request to said Judge by a majority of the said parties who are then beneficiaries under said trust. In making such request it shall not be necessary that said parties state or show any cause for wishing said removal. Said trust shall be accepted by said trustee and all future trustees on the above condition.

The said trust hereby created shall terminate on the death of my said sister and all of my said brothers who survive me, except as to such amount or amounts as said trustee is holding to pay the income to the surviving husband of my said sister and the surviving wife or wives of any of my brothers, if any, and whenever the last of them who survive me shall be dead this trust shall terminate and the property and funds held by said trust company or any other trustee shall be paid to and turned over to my nieces and nephews living at that time, share and share alike to be theirs absolutely. This trust shall close as to the property held for the benefit of my sisters husband or any of the wives of my said brothers, if any property is so held whenever said husband or wife dies and shall be distributed in the same manner as the other property so held by said trustee.

In case of the death of any of my said nieces or nephews before the time when said distribution is to be made the same shall go to the survivor or survivors of them unless such deceased niece or nephew shall have left child or children them surviving, and in such case the interest of such deceased niece or nephew shall descend to their child or children or the descendants of any child or children them surviving. Such child or children of any deceased niece or nephew or the descendant of any child or children of any deceased niece or nephew shall take the interest the parent would take, if living.

In making said distribution said trust company or its successors in said trust shall pay over the money in its hands and shall turn over the property held by it, or in case it shall be to the interest of the parties entitled to receive the property held by said company to have said property sold and the proceeds of the sale of said property to be paid to the parties entitled to receive the same, then in that event said Trust Company shall under the order of the court of Marion County, Indiana, having probate jurisdiction, proceed to sell said property to the highest bidder on such terms as the court may fix and after paying the expenses of such sale shall distribute the proceeds derived therefrom to the parties entitled to

receive the same hereunder. No sale shall be for less than the full value of said real estate. The compensation of said Trust Company for its services as Trustee hereunder or any future Trustee and all attorneys fees paid out of the trust shall be fixed by the court in Marion County, Indiana, having probate jurisdiction.

I hereby request any judge fixing any such fees to protect such trust and allow no exorbitant fees.

In case, however, at the time of my death my said sister and all of my said brothers are dead, together with my sister's husband and the wives of all of my brothers are dead, then in that event the property hereby devised to said Trust Company in trust shall not go to said Trust Company and the devise herein to it shall lapse, except as hereinafter shown, and I hereby give, grant, devise and bequeath all of said property to all of my nieces and nephews share and share alike, to be theirs absolutely, however, in case any of my nieces and nephews shall be dead at the time of my death having left child or children them surviving or descendants of any child or children them surviving then the bequest hereby made to such niece or nephew in case they were living at the time of my death, shall go to their child or children, or the descendants of any such deceased child or children.

In case at the time of my death my said sister's husband shall be living and she shall be dead or in case any of my brothers shall be dead and their wife shall be living, then in that event said devise above made to said trustee shall not lapse entirely but said Trustee shall only receive as trustee the sum of \$8000.00 for said husband and also alike sum of \$8000.00 for each of said wives to be held in trust for their benefit as hereinabove set out and the remainder of my said property I hereby give, grant, devise and bequeath all of said property to all of my nieces and nephews, share and share alike to be theirs absolutely however, in case any of my nieces or nephews shall be dead at the time of my death, having left child or children them surviving or descendants of any child or children them surviving then the bequest hereby made to such niece or nephew in case they were living at the time of my death, shall go to their child or children or the descendants of any such deceased child or children.

It is the intention hereby that all of my nieces and nephews shall receive said property share and share alike and the child or children of any of said niece or nephew who shall be dead at the time of my death shall take the interest which would have gone to their parent in case such parent had survived me, and that the descendants of any such child or children of any deceased nieces or nephews as above mentioned, shall receive the part which would have gone to their parent if living at the time of my death.

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Item VII. In case at any time hereafter, I shall give and advance to any of the legatees hereunder any sum of money or any property the same shall be considered as an advancement and taken out of the property hereby devised to such legatee. In case I shall leave any book, books, paper or papers in which I have charged, in my own handwriting any of said legatees with any amount as advanced to any of them the same shall be conclusive and the amount so shown shall be deducted from the property devised to such legatee.

Item VIII. I also hereby give, grant, devise and bequeath to said Fletcher Savings and Trust Company, as Trustee a sum sufficient to purchase United States Government Bonds of the face value of \$1000.00. Said Trustee shall keep said sum invested in United States Government Bonds and the income therefrom shall be used by it in keeping my grave and the tombstone thereon in good condition and the balance of said income shall be expended in purchasing flowers and placing them on my grave at appropriate times. The trust hereby created shall terminate with the death of all of the legatees under this will who shall believing at the time of my death.

This trust shall be accepted on condition that said Trustee and any trustee hereafter appointed may be removed by the Judge of the Court having probate jurisdiction in Marion County, Indiana, and a new trustee appointed by him for failure to carry out said trust, at any time, or on the application of a majority of the legatees under this will.

When this trust shall terminate the bonds on hand shall be sold for their full value and with the sums realized by such sale my said grave and tombstone shall at that time, be placed in first class condition and the balance, if any remaining, be distributed among such charitable institutions in the City of Indianapolis, Indiana, as shall be designated by the above mentioned Judge.

Item IX. I hereby nominate and appoint the Fletcher Savings and Trust Company of Indianapolis, Indiana, as Executor of this my last will and Testament.

Item X. I hereby declare null and void any and all other wills and codicils thereto by me heretofore at any time made.

In Witness Whereof, I Leander Allard, the testator have hereunto set my hand and do hereby declare the foregoing instrument consisting of nine pages and ten items to be my last will and testament this 17th day of January, 1913.

I have also at the same time placed my signature on each preceding page for identification.

Leander Allard.

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We, the undersigned hereby certify that the instrument hereto attached was on this 17th day of January A.D. 1913, signed by said Leander Allard, and by him declared to be his last will and testament in our presence, and we, at his request and in his presence, and in the presence of each other have signed the same as witnessess.

C. W. Means,
L. D. Buenting.

PROBATE COURT OF MARION COUNTY

Estate Docket
44 page 12758

Leander Allard

Estate

41.

May 21, 1914, Will probated in Open Court, and Fletcher Savings and Trust Co., qualified as Executor. Order Book 26 page 534.

June 29, 1914, Proof of Publication of notice of appointment filed.

July 1, 1916, Final Report filed.

October 6, 1916, Proof of Publication of final notice filed.

October 10, 1916, Proof of posting final notice filed.

September 30, 1916. Final report approved and estate closed. Order Book 39 page 307.

Entry on final report recites, that the inheritance tax assessed against said estate has been paid.

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CIRCUIT COURT OF MARION COUNTY

Cause #25364
Filed
June 24, 1915

In Re Trust Under Will
of Leander Allard, deceased.

42.

June 24, 1915. Petition for appointment of Trustee under the will of Leander Allard, deceased filed.

July 2, 1915, Fletcher Savings and Trust Company appointed Trustee and file acceptance. Order Book 201 page 235.

March 27, 1917. Transferred to Probate Court of Marion County, Trust #196. Order Book 208 page 211.

March 16, 1934

Fletcher Trust Company
Trustee under the will of
Leander Allard, deceased.

Petition to sell
Real Estate and
Construe Will

vs

Lewis D. Silsby and Caroline
Silsby, his wife,
Bessie Pettingill and
Louis L. Pettingill,
her husband,

Lawyers Title Insurance Corporation

Grace L. Hinton,
 Beatrice G. Allard
 Stella Allard Campbell,
 and William Campbell,
 her husband, Kingsley G.
 Mitchell, Raymond Julian
 Bradbury, and Gertrude
 Bradbury, his wife, and
 Hattie Pittman.

Fletcher Trust Company Trustee under the will of Leander Allard, deceased, complains of the defendants. Lewis D. Silsby and Caroline Silsby, his wife, Bessie Pettingill and Louis L. Pettingill, her husband, Grace L. Hinton, Beatrice G. Allard, Stella Allard Campbell and William Campbell, her husband, Hattie Pittman, Kingsley G. Mitchell and Raymond Julian Bradbury and Gertrude Bradbury, his wife, and says, that it is now and for many years last past has been the duly appointed and acting trustee under the will of Leander Allard, deceased; that said trust and all the property thereof is now under and subject to the jurisdiction of this court; that this trustee is the duly qualified and acting trustee of said trust in this court and subject to the orders of this court, that said Leander Allard died a resident of Marion County, Indiana, on or about the 18th Day of May, 1914; that he died testate; that his will was duly probated in Marion County, Indiana, and is recorded in Will Record 3-220 of the records in the office of the Clerk of said County and State.

That the estate of said Leander Allard was duly administered on and said estate closed many years ago.

That at the time of the death of said Leander Allard he left surviving him his sister, Lettie Silsby, and his brothers, Albert R. Allard, Alfred Allard and Hollis E. Allard; that he left surviving him no other brothers or sisters; that by the terms of the will of said decedent after the payment of certain legacies therein mentioned in Item III, IV, V and VIII thereof and debts and all the rest and residue of the estate of said decedent was bequeathed and devised to this trustee with certain duties and powers and for the benefit of certain parties therein mentioned; that by the terms of said will, this trustee took the fee simple title of all real estate left by said decedent; that decedent at the time of his death was the owner of in fee simple of the following described real estate in Marion County State of Indiana, to-wit:

Lot Number 64 in Bybee and Pratts First west side an addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200, in the office of the Recorder of Marion County, Indiana.

(With other property.)

That by virtue of said will this trustee is now the owner of said real estate in fee simple, that at the time of his death said decedent had no brother or sister dead who had left surviving them any husband or wife.

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That since the death of said decedent his said sister and his said three brothers mentioned in said will have died, that by the terms of the said will the trust created by said will terminated on the death of all of said sister and brothers; that the last one of them died on the 14th day of November 1933.

That by the terms of said will on the termination of said trust by the death of the last of said sister and brothers and on the happening of said event the property in the hands of said trustee shall be paid and turned over to his nephews and nieces living at that time and also in case of the death before the time for distribution the said property shall go to the survivor or survivors of them unless the deceased niece or nephew shall have child or children then surviving, in which case the share of said niece or nephew shall go to such surviving child or children.

By the terms of said will the trustee was ordered and directed to turn over the property in its hands to those entitled thereto, however in case it is to the interest of the parties to have the property sold and the proceeds of the sale of the property paid to them, then in that event this trustee shall under the order of this court proceed to sell said property on such terms as the court may fix to the highest and best bidder and after paying expenses of sale, pay the proceeds over to the parties entitled thereto under the terms of said will.

That all of the parties interested in said trust live outside the State of Indiana, and are scattered in various states; if said real estate were turned over to them it would probably be necessary for them to have a partition suit for the sale of the property which would probably be more expensive to them than for the trustee to sell the property and divide the proceeds between them, that it is to the interest of this trust and of all the parties interested in this trust and the assets thereof, that said real estate be sold and the proceeds divided among the parties entitled to the same under the terms of said will.

That the defendant, Lewis D. Silsby is a nephew of decedent and said defendant, Caroline Silsby is his wife, that defendant, Bessie Pettingill is a niece of decedent and Louis L. Pettingill is her husband, that defendants, Grace L. Hinton and Beatrice G. Allard are nieces of said decedent, and are both unmarried, that Stella Allard Campbell is a niece of said decedent and William Campbell is her husband, that Hattie Pittman is a niece of said decedent and is unmarried, that Kingsley G. Mitchell is a nephew of said decedent and is unmarried; that said decedent left no other nephews or nieces him surviving and left no descendants or any other nieces or nephews him surviving, except the defendants herein Raymond Julian Bradbury; that Raymond Julian Bradbury is a son of and the only descendant of a niece of said decedent, Leander Allard; that said niece died prior to the death of said Leander Allard and also prior to the time when said will was written. That defendant, Gertrude Bradbury is the wife of said

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Raymond Julian Bradbury. That the husbands and wives of the said nephews and nieces and the grandnephew of said decedent are made parties hereto, to answer as to their interest.

This petitioner further says, that some question has arisen as to whether the defendant, Raymond Julian Bradbury has any right to any of the proceeds of this trust owing to the fact that he is the son of a niece of said decedent, Leander Allard, which niece died prior to the death of said Leander Allard and prior to the time of the writing of the will; that this petitioner does not know how to distribute the proceeds of said trust for the reason that it does not know whether said Raymond Julian Bradbury is interested in the funds of this trust; that by the terms of said will it is uncertain as to whether he has any interest in this trust and the assets thereof; that as to such fact said will is obscure and uncertain; that it is necessary before the funds of this trust can be distributed to construe the will of said Leander Allard and have the question decided as to who are entitled to the proceeds of this trust before any distribution can be made by this trustee.

WHEREFORE, this petitioner prays the court, that the said will of Leander Allard be construed and determine who under the terms of said will are entitled to the proceeds of this trust and to decide how the same shall be distributed; that this petitioner be ordered and directed to sell all of said real estate in parcels or as a whole, and on such terms as this court may direct and this petitioner further prays for any and all other proper relief in the premises.

May 21, 1934. All defendants file answer and consent to sale of real estate.

October 19, 1934, Comes now the Fletcher Trust Company, Trustee under the will of Leander Allard, deceased, the petitioner in the above entitled petition by Means and Buenting, its attorneys, and it being shown to the court that each of the defendants herein have heretofore filed in this court their written appearance and answers, and by the terms of said answers, each of the said defendants stated that it was to the interest of the trust that the Trustee, this petitioner should sell the real estate described in its said petition and that each of the defendants further filed their written consents to the sale of said real estate as prayed for in said petition, and each and all of the defendants being now in court by their said answers as above stated, and this cause being at issue as to the petition filed herein, as to each of the defendants on their answers and consent of sale as prayed for in said petition this matter is now on motion of the petitioners attorneys submitted to the court for trial, finding, judgment and decree, without the intervention of a jury, and the court having examined said petition, appearance, answers and consents and having heard the evidence and being fully advised in the premises finds that all the statements contained in said petition are true.

The court further finds that the Fletcher Trust Company, Trustee under the will of Leander Allard, deceased, petitioner herein, is Trustee under the terms of said will and that under the terms of said will is the fee simple owner of the real estate and each part thereof described in its petition herein; that it is to the interest of this trust and each of the parties interested therein that said Trustee should sell all of said real estate under the order of this court and divide the proceeds thereof after deducting the expenses of the sale and the expense of conducting of this trust and any sum of money due and owing this said Trustee, if any, from said trust in looking after the same, between the parties entitled thereto under the terms of said Will.

The court further finds that each of the defendants have filed in this court, their appearance of this petition and their written statement that they believe it is to the interest of the trust that said real estate be sold by said Trustee and also their written consent to the sale of said real estate by said Trustee, which written appearance, answers and consents have been heretofore filed in this court.

The court further finds that the terms of said will are slightly ambiguous as to whether or not the defendant, Raymond Julian Bradbury is one of the parties entitled to the proceeds of the sale of said trust and as to whether or not he is one of the beneficiaries under the terms of said will. The court further finds that by a proper interpretation of said will that said Raymond Julian Bradbury is one of the beneficiaries under said will, and is entitled to distribution under the terms of said will, the same as the nephews and nieces of said Leander Allard, deceased, and the court further finds that under the terms of said will, the only parties entitled to the proceeds from the sale of said real estate as beneficiaries, thereunder are the defendants, Lewis D. Silsby, Bessie Pettingill, Grace L. Hinton, Beatrice G. Allard, Stella Allard Campbell, Kingsley G. Mitchell, Hattie Pittman and Raymond Julian Bradbury, and that they are entitled to the proceeds of said trust in equal proportions, that said Raymond Julian Bradbury is the only surviving child of a niece of said decedent, and said other parties are only surviving nephews and nieces; that said decedent has no niece or nephew deceased leaving child or children or descendants them surviving, except the mother of said Raymond Julian Bradbury, who is the only descendant of his said mother.

The court further finds that the sister and all of the brothers of said Leander Allard, deceased, have died and that the husband and wives have all died and further that the only assets in the hands of said Trustee liable for distribution to the parties above mentioned is the real estate described in said petition and that said real estate should be sold and the proceeds distributed to said parties after making such deductions as the court may find proper as the expenses of said trust.

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The court further finds that said real estate should be sold by said Trustee after first having the same appraised by two disinterested freeholders of the City of Indianapolis, where said real estate is located; that sale of said real estate ought to be a private sale to the highest and best bidder, for not less than the full appraised value, either for cash or at least one third cash and the remainder thereof should be divided into two or more installments the last of which shall be payable in not more than eighteen months from date of sale, and secured by mortgage under such terms as the Trustee shall deem to the best interest of said trust; that before selling the same the said Trustee ought to give notice of the terms, time and place of said real estate by - publication in some newspaper printed and published in the City of Indianapolis and of general circulation therein and printed in the English language; that in case said real estate is not sold on the date on which the sale is set that said trustee ought to offer the said real estate for sale from day to day thereafter until the same is sold; and that said Trustee ought to sell said real estate as a whole or in parcels, which ever it may deem best for the interest of this trust. That said real estate should be sold subject to all taxes not delinquent and free of any taxes delinquent at time of sale, if any.

It is therefore considered, ordered, adjudged and decreed by the court that said Fletcher Trust Company, Trustee under the will of Leander Allard, deceased, is hereby ordered and directed to sell all of the real estate described in its petition herein, to-wit: The following described real estate in Marion County, State of Indiana, Lot number 64 in Bybee and Pratts First west side an addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200, in the office of the Recorder of Marion County, Indiana.

(Also other real estate.)

That it sell the same to the highest and best bidder, either for cash or at least one third cash and the remainder payable in two or more installments, the last of which shall be due and payable in not more than eighteen months after date of sale; that such sale shall be at private sale and for not less than the full appraised value, and that before making such sale said Trustee shall give notice thereof giving the time, terms and place of such sale, by one publication in some newspaper printed and published in the English language and of general circulation in Marion County, Indiana, said Trustee shall sell said real estate as a whole or in parcels, as it may deem best and that sale of said real estate in case all of the same is not sold on the date on which the sale is set shall be continued from day to day until all of said real estate is sold; that said real estate shall be sold subject to any and all taxes not delinquent and free of any taxes delinquent at time of sale, if any.

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It is further ordered, adjudged and decreed that the defendants, Lewis D. Silsby, Bessie Pettingill, Grace L. Hinton, Beatrice G. Allard, Stella Allard Campbell, Kingsley G. Mitchell, Hattie Pittman and Raymond Julian Bradbury are entitled to the proceeds of the sale of said real estate after deducting the expenses of said trust, and that the same shall be distributed to them in equal proportions.

All of which is ordered, adjudged and decreed by the court. Order Book 158 page 279.

February 11, 1935. Inventory and appraisement filed. Said appraisement made by S. L. Montgomery and R. G. Sumner who after taken and subscribing to an oath appraised lots No. 14 and 15 in Block No. 7 in S. A. Fletcher Jrs. North East Addition to the City of Indianapolis for \$1750.00.

February 11, 1935. Proof of publication of notice of sale of real estate filed.

April 4, 1935. Petition for Reappraisement and sale. Fletcher Trust Company respectfully shows to the court that it is the duly appointed and acting Trustee under the will of Leander Allard, deceased, appointed by this court, that it has heretofore filed its petition herein for order of sale of real estate held by it as Trustee; that one tract of real estate is all that has been sold; that under the order of court heretofore made, it was ordered to sell said real estate for not less than the full appraised value and subject to all taxes not delinquent; that it has heretofore filed inventory and appraisement and filed proof of notice of sale in this court; that under the order of this court it is to continue the sale of the real estate ordered sold, but remaining unsold, from day to day; that among the parcels of real estate ordered sold is the following:

Lot number 64 in Bybee and Pratt's First West Side an addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200, in the office of the Recorder of Marion County, Indiana.

(With other real estate.)

WHEREFORE, this Trustee prays the court that it be ordered and directed to have a reappraisement made for said real estate and that it be ordered and directed to sell said real estate in accordance with the former order of this court and the notice given in pursuance of said order, at private sale, and without further notice and for not less than the full appraised value thereof, as shown by the reappraisement.

Fletcher Trust Company, Trustee,
By E. C. McKinney, Asst. Secy.

Means & Buenting,
Attorneys for Trustee.

STATE OF INDIANA, COUNTY OF MARION, SS:

E. C. McKinney being duly sworn upon his oath says that he is Assistant Secretary of the Fletcher Trust Company, the Trustee herein above mentioned, and that the matters set out in the foregoing report of sale are true.

E. C. McKinney.

471675

Subscribed and sworn to, before me, this 4th day of April, 1935.

C. W. Means, (LS)
Notary Public.

My commission expires March 27, 1938.

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

April 4, 1935 Entry: And the court having examined said petition and being fully advised in the premises finds that the allegations in said petition are true, that said tract of ground was appraised too high and that said Trustee is unable to sell said real estate for said price and that it ought to be ordered and directed to have said tract re-appraised and sold under the former order of this court and in pursuance with the notice given under said order at private sale, and for not less than the full appraised value thereof, as shown by the reappraisement, subject to all taxes now delinquent.

It is therefore considered, ordered, adjudged and decreed by the court that said Fletcher Trust Company, Trustee under the will of Leander Allard, deceased, is hereby ordered and directed to have that part of the real estate heretofore ordered sold by this court and as hereinafter described, located in Marion County, Indiana to-wit:

Lot number 64 in Bybee and Pratt's First West Side an addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200, in the office of the Recorder of Marion County, Indiana and it is hereby ordered to sell said real estate under the former order of this court and in pursuance with such order and the notice given thereunder at private sale, for not less than the full appraised value thereof, as shown by the reappraisement and subject to all taxes not delinquent. (With other realty)

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

Order Book 160 page 681.

(NOTE: Papers not now on file- the following taken from Order Book Entry.)

(Proof of notice of sale not now on file.)

ENTRY ON REPORT OF SALE OF REAL ESTATE

Comes now Fletcher Trust Company, trustee under the will of Leander Allard, deceased, by Means & Buenting, its attorneys and files herein its verified reappraisement (Not now on file) of the following described real estate in Marion County, Indiana, heretofore ordered sold by this Court to-wit: (With other real estate) Lot 64 in Bybee and Pratt's First West Side Addition to the City of Indianapolis, according to the plat of said addition as recorded in Plat Book 8 at page 200, thereof; of the records in the office of the Recorder of Marion County, Indiana, known as 1213-15 West Ray Street.

And comes now said Trustee and files herein its verified report of sale of real estate to Waler C. Clarke, for the sum of \$3500.00 subject to the taxes for the year 1935, and payable in 1936, which report is in the words and figures following to-wit: (H.I.)

And the court having examined said report and being fully advised in the premises finds that all statements contained in said report are true; that said Trustee has under the order of this court continued the sale of said real estate from day to day; that it has heretofore filed in this court proof of notice of sale (not now on file) as required by order of this court; that said Walter C. Clarke was the highest and best bidder for said real estate and that said bid is the highest and best bid received, and is for the full appraised value thereof; as shown by the reappraisement of said real estate order made by this court and already filed herein.

The court further finds that said purchaser has complied with the terms of sale by paying to said trustee the sum of \$3500.00, in cash and that the acts of said trustee in making said sale ought to be approved, that said sale ought to be approved.

And comes now said trustee and brings into court a deed of conveyance of said real estate to said Walter C. Clarke and the court having examined said deed finds that it is in proper form and that said deed ought to be approved by this court and ought to be ordered and directed to be delivered to him.

The court further finds that said sale was made for this trustee by a real estate agent of the City of Indianapolis; that he ought to be allowed for his services rendered in making said sale the sum of \$175.00 which sum the court believes is a reasonable compensation for the services performed by him.

It is therefore considered ordered, adjudged and decreed by the court that the acts of said trustee in selling the following described real estate in Marion County, Indiana to-wit: (with other real estate) Lot 64 in Bybee and Pratt's First West Side Addition to the City of Indianapolis, according to the plat of said addition as recorded in Plat Book 8 at page 200 thereof, of the records in the office of the Recorder of Marion County, Indiana, known as 1213-15 West Ray Street to Walter C. Clarke, be and the same is hereby approved and confirmed; that all of the acts of said trustee in making said sale are hereby approved; that the deed of conveyance of said real estate to said purchaser made by said trustee be and the same is hereby ordered and directed to deliver the said deed of conveyance for said real estate to said purchaser and all of the right, title and interest of said trustee and all the beneficiaries of this trust and all the parties claiming from, by under and through them and all the parties to this proceeding in which such sale was ordered, and the same is hereby vested in said Walter C. Clarke.

It is hereby considered, ordered, adjudged and decreed that said trustee be and it is hereby ordered and directed to pay to said _____ as real estate agent the sum of \$175.00 for services rendered in making said sale, and that said sum be paid from and out of the proceeds of said trust and as part of the costs of said sale.

INDIANAPOLIS, INDIANA

And the sale of the remainder of said real estate ordered sold by this court is hereby ordered continued from day to day.

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

Order Book 162 page 653.

Deed Record
937 page 74
Inst. #22252
Sept. 6, 1935
Recorded
Sept. 6, 1935

Fletcher Trust Company
Trustee under the will
of Leander Allard, deceased,
by order of the Probate
Court of Marion County,
Indiana, entered in Order
Book 162 page----thereof, as
such trustee
(Corp. Seal)

Trustee's Deed
Revenue Stamps
Attached

43.

By: H. F. Clippinger,
Vice-President
Attest: E. C. McKinney,
Ass't Secretary

to
Walter C. Clarke
(With other real estate.)

Lots No. 64 in Bybee and Pratt's First West Side addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8 page 200 in the office of the Recorder of Marion County, Indiana, known as 1213-15 West Ray Street.

Examined and approved in open court this 6th day of Sept. 1935. Smiley N. Chambers, Judge of Probate Court of Marion County, Indiana.

L. M. BROWN DIVISION

Deed Record
1148 page 137
Inst. # 25389
June --, 1944
Acknowledged
June 14, 1944
Recorded
July 11, 1944

Walter C. Clarke,
unmarried
to
Jossie Welch

Warranty Deed
No Revenue Stamps
Attached

44.

Lot No. 64 in Bybee and Pratt's First West Side addition to the City of Indianapolis, Marion County, Indiana.

Deed Record
1218 page 540
Inst. #32727
June 4, 1946
Recorded
June 4, 1946

Jossie Welch, unmarried
to
Clyde Welch, as
Trustee to reconvey

Warranty Deed
No Revenue Stamps
Attached

45.

Lot No. 64 in Bybee and Pratt's First West Side addition to the City of Indianapolis, Marion County, Indiana.

Deed contains usual citizenship clause of grantor.

Lawyers Title Insurance Corporation

Deed Record
1218 page 541
Inst. # 32728
June 4, 1946
Recorded
June 4, 1946
46.

INDIANAPOLIS, INDIANA

Clyde Welch, as
Trustee, to re-convey
to
Jossie Welch and
Millard A. Welch, Mother
and Son, as joint tenants
and to the survivor
of them.

Warranty Deed
No Revenue Stamps
Attached

Lot No. 64 in Bybee and Pratt's First West Side
addition to the City of Indianapolis, Marion County,
Indiana.

Deed contains usual citizenship clause of grantor.

Deed Record
1600
Inst. #93287
Nov. 25, 1955
Recorded
Dec. 15, 1955
47.

L. M. BROWN DIVISION

Jossie Welch and
James D. Welch, (his
mark) her husband,
and
Millard A. Welch and
Loretta C. Welch, his wife
to
Clyde Welch, as Trustee,
to re-convey

Warranty Deed
No Revenue Stamps
Attached

Lot 64 in Bybee and Pratt's First West Side
Addition to the City of Indianapolis, Marion County,
Indiana.

Deed contains usual citizenship clause of grantor.

Deed Record
1600
Inst. # 93288
Nov. 30, 1955
Recorded
Dec. 15, 1955
48.

LAWYERS TITLE INSURANCE CORPORATION

Clyde Welch, as Trustee,
to re-convey (Signs
Clyde Welch-----)
to
Millard A. Welch and
Loretta C. Welch,
husband and wife

Warranty Deed
Revenue Stamps
Attached

Lot 64 in Bybee and Pratt's First West Side Addition
to the City of Indianapolis, Marion County, Indiana.
Deed contains usual citizenship clause of grantor.

49.

WE FIND NO FURTHER CONVEYANCES

ENCUMBRANCES

MORTGAGES

50.

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

FINANCING STATEMENTS

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

MECHANICS' LIENS

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

OLD AGE ASSISTANCE LIENS

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

We find None.

SEARCH IN THE JUVENILE COURT OF MARION COUNTY, INDIANA

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

We find None.

JUDGMENTS

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

Millard A. Welch
 Jossie Welch, individually from July 5, 1955 to December 15, 1955 inclusive.
 Millard A. Welch,
 Loretta C. Welch jointly and not individually for the 10 years last past.

None found unsatisfied.

ASSESSMENTS

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

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INDIANAPOLIS, INDIANA

TAXES

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

57. Taxes for the year 1964 assessed in the names of Millard A. and Loretta Welch.

ASSESSED VALUATION:

Land	\$ 330
Improvements	\$1430
Exemption	\$----
Net Valuation	\$1760

Parcel No. 101-12980
General Tax Duplicate No. 366351
Indianapolis, Center Township are due and payable the first Monday in May and November 1965.

May installment \$82.07 paid
Nov. installment \$82.07 unpaid

58. Taxes for the year 1965 became a lien March 1st and are due and payable in May and November, 1966.

Lawyers Title Insurance Corporation

L. M. BROWN DIVISION

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

59.

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

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

Five Classes of Use Districts termed respectively,

Class U-1, or Dwelling House Districts; Class U-2, or Apartment House Districts; Class U-3, or Business Districts; Class U-4, or First Industrial Districts, and Class U-5 or Second Industrial Districts.

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

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

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

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

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

Computation of Lot Area.

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

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

Restrictions on Reduction of Lot Areas.

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

Restrictions of Floor Areas in Dwelling Houses.

(General Ordinance No. 113, 1952)

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

In Class AA district 1500 square feet;

In Class A1 district 1200 square feet;

In Class A2 district 900 square feet;

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

Building line and Yard Restrictions in U1 and U2 districts.

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

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

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

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

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

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

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

Non-Conforming uses.

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

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

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

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

The real estate herein abstracted appears in Use District, Class U-1 ; Height District, Class H-1 ; and Area District, Class A-3 ; all as shown by the district zoning map of the City of Indianapolis, and is subject to the restrictions and uses therein provided for real estate in each of said respective districts.

June 11, 1965

60.

We hereby certify that no variance has been granted by the Board of Zoning Appeals of the City of Indianapolis affecting the use of the real estate described in the caption hereof.

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O R D I N A N C E

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

That Sub-Section (c) and (d) 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:

(c) Class A2 District. In a class A2 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 6,800 square feet of the area of the lot; Provided, that one single family dwelling may be erected or used:

- (1) on any lot that was separately owned as of December 20, 1922;
- (2) on any lot that came into separate ownership subsequent to December 20, 1922, and prior to the effective date of this amending ordinance, if said lot contains at least 4800 square feet of lot area and otherwise conforms to the zoning requirements applicable thereto; or
- (3) on any numbered lot of full original size in a recorded plat or replat that is on record in the office of the county recorder if said lot otherwise conforms to the zoning requirements applicable thereto.

(d) Class A3 District. In a Class A3 district no building shall be erected altered or used to accommodate or make provision for more than one family for each 6,000 square feet of the area of the lot; Provided, that one dwelling for one or two families may be erected or used.

- (1) on any lot that was separately owned as of December 20, 1922;
- (2) on any lot that came into separate ownership subsequent to December 20, 1922, and prior to February 26, 1954, if said lot contains at least 2400 square feet of lot area per family, or 2000 square feet if a corner lot, and otherwise conforms to the zoning requirements applicable thereto;
- (3) on any lot that came into separate ownership on or subsequent to February 26, 1954, and prior to the effective date of this amending ordinance, if said lot contains at least 4800 square feet of lot area and otherwise conforms to the zoning requirements applicable thereto; or

(Over)

471675

- (4) on any numbered lot of full original size in a recorded plat or replat that is on record in the office of the County Recorder if said lot otherwise conforms to the zoning requirements applicable thereto."

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, provided however, that this amendment shall not apply to any land for which an application for plat approval has been submitted to and filed with the Executive Director of the Metropolitan Planning Department of Marion County, Indiana, prior to March 11, 1959, and which shall have been approved by the Metropolitan Plan Commission of Marion County, Indiana, within six (6) months after the effective date of this ordinance.

Josephine K. Bicket
Fred W. Nordsiek
Frank J. Billeter
Edwin J. Koch
Louie Moller
John A. Kitley
John D. Hardin
THE MARION COUNTY COUNCIL

Dated: May 14, 1959
Attest: Clem Smith
AUDITOR OF MARION COUNTY, INDIANA.

O R D I N A N C E

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

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

(j) Restrictions of Floor Areas in Dwelling Houses.

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

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

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

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

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

(1) At least one complete side of such floor area shall be at ground level or above; and 60% or more of the exterior wall surface for such floor area (excluding that portion of the exterior wall surface enclosing any higher floor) shall be above the level of the finished lot grade; and

(2) Said exterior wall surface shall have a minimum total window area equal to 7% of such "additional floor area".

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

John A. Kitley
Albert L. Steinmeier
Josephine K. Bicket
Frank J. Billeter
John D. Hardin
THE MARION COUNTY COUNCIL

Dated July 7, 1961

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

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

63.

Be it resolved by The Metropolitan Plan Commission of Marion County, Indiana, that in order to consolidate the various existing master plans and zoning and subdivision control ordinance now in force in Marion County, Indiana, and the classified cities and towns of Marion County, Indiana, The Metropolitan Plan Commission of Marion County, Indiana, adopts all existing master plans now in force in Marion County, Indiana, and the classified cities and towns of Marion County, Indiana.

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

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

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

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

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

NOTE: Above Resolution passed by the Metropolitan Plan Commission of Marion County at its regular meeting, held March 27, 1957, and certified to the Marion County Council by the Secretary of the Metropolitan Plan Commission and adopted by said Marion County Council as Ordinance #8, 1957. Effective March 28, 1957.

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

471675

CERTIFICATE

64.

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

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

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

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

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

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

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

The period of search covered by this certificate is

from Date of Entry to and including
July 6, 1965, 8 A.M.

and covers Paragraphs No. 1 to both inclusive, and Sheets No. 1 64.

to -48- both inclusive.

LAWYERS TITLE INSURANCE CORPORATION
L. M. BROWN DIVISION

By

m L Sullivan

-48-



DMN

Lawyers Title Insurance Corporation

L. M. BROWN DIVISION

Abstracts - Escrows - Title Insurance

140 EAST WASHINGTON STREET - PHONE MELROSE 8-6401 - INDIANAPOLIS, INDIANA 46204

471675

In The UNITED STATES DISTRICT COURT

SEARCH FOR BANKRUPTCIES

At the Request of

Home Realty Co.

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

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

This certificate covers the Indianapolis Division down to and including July 6, 1965 8 A.M. and all other Divisions of the State of Indiana down to and including July 6, 1965 8 A.M.

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

Millard A. Welch

Jossie Welch

Loretta C. Welch

LAWYERS TITLE INSURANCE CORPORATION

L. M. BROWN DIVISION

Dated July 6, 1965, 8 A.M.

By M. L. Sullivan

DMN