

Free

WARRANTY DEED

Project 1-70-3(52)
Code 0536
Parcel 406

This Indenture Witnesseth, That **JOHN ATWOOD AND DELLA ATWOOD**
(ADULT HUSBAND AND WIFE)

of **MARION** County, in the State of **INDIANA** Convey and Warrant to
the STATE OF INDIANA for and in consideration of **TWO THOUSAND FIVE HUNDRED**

(\$2500) Dollars,

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

26 FEET OFF THE NORTH SIDE OF LOT NUMBERED 35 IN JACOB KLINGENSMITH JR'S. CORRECTED SUBDIVISION
OF LOT 1 IN OUT LOT 128 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED
IN PLAT BOOK 3, PAGE 27, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

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

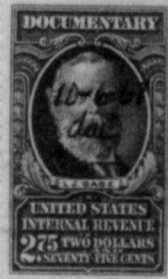
Paid by Warrant No. **A-173730**
A-173729
Dated **9-27-1967**

DULY ENTERED
FOR TAXATION

086996 OCT 10 '67

John T. Sutton
COUNTY AUDITOR

RECEIVED FOR RECORD
1967 OCT 10 AM 9:41
MARCIA M. HAWTHORNE
RECORDER OF MARION COUNTY



2.75

Land and improvements \$ **2500**; Damages \$ **-0-**; Total consideration \$ **2500**

WAB 8-3-67

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 **GRANTORS**

have hereunto set their hands and seals, this

1 day of **AUGUST** 1967

John Atwood (Seal) *Della Atwood* (Seal)
JOHN ATWOOD (ADULT HUSBAND) **DELLA ATWOOD ADULT WIFE**
..... (Seal) (Seal)
..... (Seal) (Seal)
..... (Seal) (Seal)

J. W. Myers
SEP 1967

STATE OF INDIANA, County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this.....
day of....., A. D. 19.....; personally appeared the within named.....

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

My Commission expires..... Notary Public

STATE OF INDIANA, MARION County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this..... /
day of AUGUST, A. D. 1967; personally appeared the within named JOHN ATWOOD

AND DELLA ATWOOD
..... Grantor..... 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 OCTOBER 21, 1969. Frank L. Cullivan Sr. Notary Public

STATE OF INDIANA, County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this.....
day of....., A. D. 19.....; personally appeared the within named.....

..... Grantor..... in the above conveyance, and 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

The undersigned, owner of a mortgage and/or lien on the land herein conveyed, hereby releases from said mortgage and/or lien said conveyed land, and does hereby consent to the payment of the consideration therefor as directed in this trans-
action, this..... day of....., 19.....

..... (Seal) (Seal)
..... (Seal) (Seal)

State of..... }
County of..... } ss:

Personally appeared before me.....

..... above named and duly acknowledged the execution of the above release
the..... day of....., 19.....

Witness my hand and official seal.

67 49549

My Commission expires..... Notary Public

WARRANTY DEED
FROM
TO
STATE OF INDIANA
Received for record this.....
day of....., 19.....
at..... o'clock..... m, and
Recorded in Book No..... page.....
Recorder..... County.....
Endorsed NOT TAXABLE this.....
day of....., 19.....
Auditor..... County.....
Division of Land Acquisition
Indiana State Highway Commission

APPRAISAL REVIEW FORM
 Division of Land Acquisition
 Indiana State Highway Commission

Project I 70-3(52)
 Parcel No. 406
 Road I-70
 County MARION
 Owner JOHN ATWOOD
 Address _____
 Address of Appraised Property:
906 S. MISSOURI

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. | <u>YES</u> |
| 2. Planning and Detail Maps were supplied appraisers. | <u>ADV. ACQ.</u> |
| 3. The three approaches required (Income, Market Data, and Cost Replacement) were considered. | <u>YES</u> |
| 4. Necessary photos are enclosed. | <u>YES</u> |
| 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. | <u>YES</u> |
| 6. Plats drawn by the appraisers are attached. | <u>YES</u> |
| 7. I have personally inspected the Plans. | <u>ADV. ACQ.</u> |
| 8. I have personally inspected the site and familiarized myself with the parcel on... | <u>6/7/67</u> |
| 9. The computations of this parcel have been checked and reviewed. | <u>✓</u> |
| 10. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. | <u>✓</u> |

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 6/7/67 (Date):

Estimate of Appraisers:

	By: <u>R. YORK</u>	By:	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ 2,500 ⁰⁰	\$	\$ 2,500 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	\$ 2,500 ⁰⁰	\$	\$ 2,500 ⁰⁰
(1) Land and/or improvements	\$ 2,500 ⁰⁰	\$	\$ 2,500 ⁰⁰
(2) Damages	\$ - 0 -	\$	\$ - 0 -
(3) Less non-compensable items	\$ - 0 -	\$	\$ - 0 -
(4) Estimated Total Compensation	\$ 2,500 ⁰⁰	\$	\$ 2,500 ⁰⁰

Approved	Date	Signed
<u>Arthur R. Rev.</u>	<u>6/14/67</u>	<u>John L. York</u>
Rev. Appr.		
Asst. or		
Chief Appr.	<u>6/14/67</u>	<u>John L. York</u>

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 2 COUNTY Marion PARCEL NO. 406

NAME & ADDRESS OF OWNER John & Della Atwood 906 S. Missouri
Indpls, Indiana PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Nora Goodman (Tenant)
906 S. Missouri Indpls, Ind PHONE # _____

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

DATE ASSIGNED 6/16/67 DATE OF CONTACT 8/2/67

OFFER \$ 2500 TIME OF CONTACT 10:30 AM

Write YES, NO, or (NA) (for Not Applicable), as appropriate, in each numbered blank space:

- 1. _____ Checked abstract with owner? 2. _____ Any affidavits taken?
- 3. _____ Any mortgage(s)? 4. _____ Any other liens, judgements, etc.?
- 5. _____ Showed plans, explained take, made offer, etc.?
- 6. _____ Explained about retention of buildings, etc.? 7. _____ Any being retained?
- 8. _____ Walked over property with owner? (or with whom? _____)
- 9. _____ Arranged for owner to pay taxes? (Explain how in remarks)
- 10. _____ Secured Right of Entry? 11. _____ Secured Driveway Right of Entry?
- 12. _____ Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
- 13. _____ Was 180 Day Notice Letter delivered or mailed to all parties?
- 14. _____ Waivers, were any secured? 15. _____ Filled out RAAP Form?

REMARKS: Mr. Sullivan met with Nora Goodman
tenant in the Property above. Mr. Sullivan
made a room count and delivered a 180 day
letter.

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

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

Frank L. Sullivan Jr
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. F-70-3(52)

BUYER'S REPORT NUMBER: 1 COUNTY Marion PARCEL NO. 406

NAME & ADDRESS OF OWNER John Atwood 906 S. Missouri St
Indpls, Ind PHONE # 856-5881

NAME & ADDRESS OF PERSON CONTACTED John Atwood RR #2 Box 74
Camby Indiana PHONE # _____
(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 6/16/67 DATE OF CONTACT 8/1/67

OFFER \$ 2500 TIME OF CONTACT 9:00 P.M.

Write YES, NO, or NA (for Not Applicable), as appropriate, in each numbered blank space:

1. Yes Checked abstract with owner? 2. No Any affidavits taken?
3. No Any mortgage(s)? 4. No Any other liens, judgements, etc.?
5. Yes Showed plans, explained take, made offer, etc.?
6. Yes Explained about retention of buildings, etc.? 7. No Any being retained?
8. Yes Walked over property with owner? (or with whom? self)
9. Yes Arranged for owner to pay taxes? (Explain how in remarks)
10. No Secured Right of Entry? 11. No Secured Driveway Right of Entry?
12. Yes Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
13. Yes Was 180 Day Notice Letter delivered or mailed to all parties?
14. No Waivers, were any secured? 15. No Filled out RAAP Form?

REMARKS: Mr. Bullian met with Mr Atwood and explained that the Indiana State Highway wished to purchase their property. all of House Bill #1347 was explained. A firm offer letter was given and an offer \$2500 was made a 180 day letter was left. The Atwoods signed the Warranty Deed, Receipt of Warranty Deed and Voucher. Copies of the Warranty Deed, and Receipt of Warranty Deed were left

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

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

Frank L. Bullian Jr
(Signature)

406

INTERIM CERTIFICATE OF TITLE

Pioneer National Title Insurance Company

Union Title Division

S.R.	PROJECT	COUNTY	PNTIC #
I-70	I-70-3 (52)	Marion	66-13890-S

Name on Plans John & Della Atwood

Name of Fee Owner John Atwood and Della Atwood, husband and wife

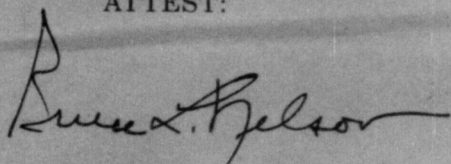
PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby certifies that a search of the records from November 14, 1966, 8 A.M. to and including August 9, 1967, 8 A.M. reveals no changes as to the real estate described under PNTIC # 66-13890-O except:

1. Taxes for 19 66 payable 19 67 in name of John and Della Atwood
Duplicate # 7009831 Parcel # 1057463 Township I-Center Code # 1-01
May \$ 28.06 (paid) (~~unpaid~~); November \$ 28.06 (~~unpaid~~) (unpaid)
Taxes for 19 67 payable 19 68 now a lien.

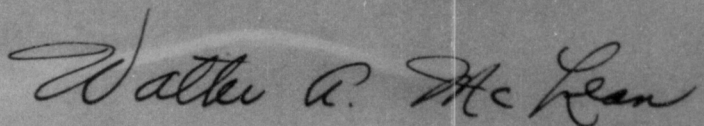
IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

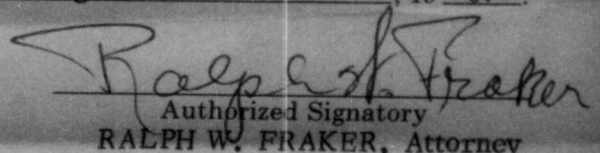


Assistant Secretary



Vice President

Countersigned and validated as of the 14th day of August, 19 67



Authorized Signatory
RALPH W. FRAKER, Attorney

GUARANTY OF TITLE

406 ~~724~~

Pioneer National Title Insurance Company

Union Title Division

S.R.	PROJECT	COUNTY	PNTIC #
I-70	I-70-3(52)	Marion	66-13890-0

Names on Plans John & Della Atwood

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby guarantees that as of the 14th day of November, 1966, 8 A.M.

John Atwood and
Della Atwood, husband and wife
R.R. #2, Box 74,
Camby, Indiana

are the Record Owner or Owners of the property described in Schedule "A" as disclosed by a search of the Public Record for a twenty-year period immediately prior to the effective date of this Guaranty, and that said search disclosed no defects or liens or encumbrances in the title to said property except those shown in or referred to in Schedule "B".

This Guaranty is issued for the use and benefit of the State of Indiana.

The maximum liability of the undersigned under this Guaranty is limited to the sum of \$5,000.00.

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

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

Bruce A. Nelson
Assistant Secretary

Walter A. McLean
Vice President

Countersigned and validated as of the 30th day of Nov., 1966

James I. Wright
Authorized Signatory
James I. Wright
Attorney

SCHEDULE "A"

The property covered by this Guaranty is situated in the County of Marion in the State of Indiana and is described as follows:

26 feet off the north side of Lot numbered 35 in Jacob Klingensmith Jr's. Corrected Subdivision of Lot 1 in Out Lot 128 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 3, page 27, in the office of the Recorder of Marion County, Indiana.

The Record Owner or Owners disclosed above acquired title by

Deed from Waymon Holt and Lucy Holt, husband and wife, dated August 2, 1958, recorded October 2, 1958, in Deed Record 1722, Instr.#62235. (No U.S.R. Shown)

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition
 ROOM 1105 — 100 NORTH SENATE AVENUE
 INDIANAPOLIS, INDIANA 46209

October 3, 1967 19

To

Hans Goodman
 928 1/2 Union St.
 Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-173751 9-27 19 67
 in settlement of the following vouchers: 68-129

Description	Amount
For <u>Relocation Expense</u> on State Road No. <u>49</u> in <u>Union</u> County. Project <u>I-76-3(52)</u> Parcel No. <u>406</u> as per Grant/Warranty Deed, Dated <u>9-12-67</u>	\$162 00

FILE COPY

Payment Received: By _____

Date _____

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46209

Oct. 4 19 67

To John Atwood & Della Atwood
R.R. #2, Box 74
Camby, Indiana 46113

GENTLEMEN:

We enclose State Warrant No. A-173729 9-27-19 67
in settlement of the following vouchers:

Transmittal #68-141

Description	Amount
For <u>Purchase</u> on State Road No. <u>I-70</u> in <u>Marion</u> County, Project <u>I-70-3 (52)</u> Parcel No. <u>406</u> as per Grant/Warranty Deed, Dated <u>August 1, 1967</u>	\$2,471.94

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By John & Della Atwood
Date 10/9/67

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition
 ROOM 1105 — 100 NORTH SENATE AVENUE
 INDIANAPOLIS, INDIANA 46209

Oct. 4 19 67

To Treasure of Marion County
 City-County Building
 Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-173730 9-27-19 67
 in settlement of the following vouchers:

Transmittal #68-141

Description	Amount
1967-A are paid 67-B #Duplicate #7009831 Parcel #1057463 John Atwood 906 S. Missouri Indianapolis, Indiana For _____ Taxes _____ on State Road No. <u>I-70</u> in <u>Marion</u> County, Project <u>I-70-3</u> (52) Parcel No. <u>406</u> as per Grant/Warranty Deed, Dated <u>August 1, 1967</u>	\$28.06

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By John H. [Signature]
 Date _____
 Marion County Treasurer

SCHEDULE "B"

This certificate is a guarantee of Record Ownership only and as such does not purport to cover nor disclose:

1. the rights of parties in possession
2. matters that might be disclosed by an accurate survey
3. statutory liens for labor or materials unless filed of record
4. ordinances, laws or regulations enacted by governmental authority

The search of the record of the property described in Schedule "A" discloses the following liens, encumbrances or defects in the title of the Record Owner or Owners.

5. Taxes for 19 65 payable 19 66 in name of John and Della Atwood
Duplicate # 6004138 Parcel # 1057463 Township I-Center Code # 1-01
May \$ 26.18 (paid) ~~unpaid~~; November \$ 26.18 (~~paid~~) (unpaid)
Taxes for 19 66 payable 19 67 now a lien.
Assessed Valuation:
Land \$210.00 Improvements \$340.00 Exemptions (None)

W. Pt. O.L. 128 & N. Pt. O.L. 120.

60 Mc Carthy St. 60

St. 60

1	2	3	4	5	6
30				30	40
Mc Kenna & Pierce's					
85				85	
30	48		31	90	30
	47		32		
	46		33		
	45		34		
	44		35		
	43		36		
	42		37		
	41		38		
	40		39		
30				30	

St. 40

7	8	9	10	11	12
30				30	40
R.B. P. 125					
85				85	
30	30		13	20	30
	29		14		
	28		15		
	27		16		
	26		17		
	25		18		
	24		19		
	23		20		
	22		21		
30				30	

St. 60

Klingensmith's	
1	12
2	13
3	14
4	15
5	16
6	17
7	18
8	19
9	20
10	21
11	22
20	
	20
McCarthy's	

St. Chadwick

R.B. P. 27	
23	34
24	35
25	36
26	37
27	38
28	39
29	40
30	41
31	42
32	43
33	44
20	
	20
R.B. P. 11	

St. Missouri

West

Ray St.

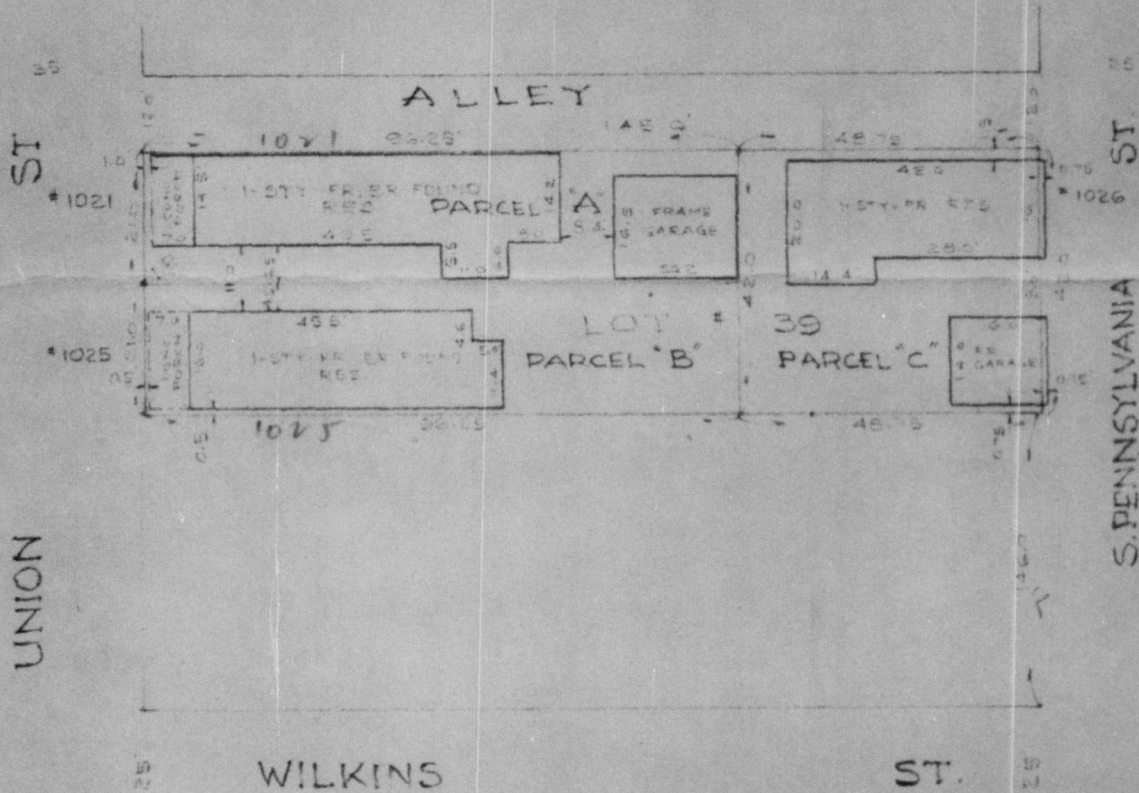
SUBDIVISIONS
LOT SURVEYS

GEORGE F. ROOKER SURVEYING AND ENGINEERING CO.

DRAINAGE
STREETS & ROADS

SUITE 215 INDIANA TRUST BUILDING
INDIANAPOLIS 4, INDIANA

Telephone: Office, ME. 7-3646 — Residence, IR. 6723



Keller Realty Inc
208 E. Delaware
Indianapolis, Indiana

February 20, 1956

I hereby certify that I am a Registered Engineer residing in the City of Indianapolis, Indiana, and that the above is a true and correct plat of the following described real estate, to-wit:

Lot No. 39 in McCarty's Subdivision of out-lots 118 and 119, an Addition to the City of Indianapolis, Indiana, as per plat thereof recorded in Plat Book 1, Page 253 in the office of the Recorder of Marion County, Indiana, and described as follows:

Parcel "A"

96.25 feet by parallel lines off the entire west end of the north half of said Lot 39.

Parcel "B"

96.25 feet by parallel lines off the entire west end of the south half of said Lot 39.

Parcel "C"

48.75 feet by parallel lines off the entire east end of Lot 39.

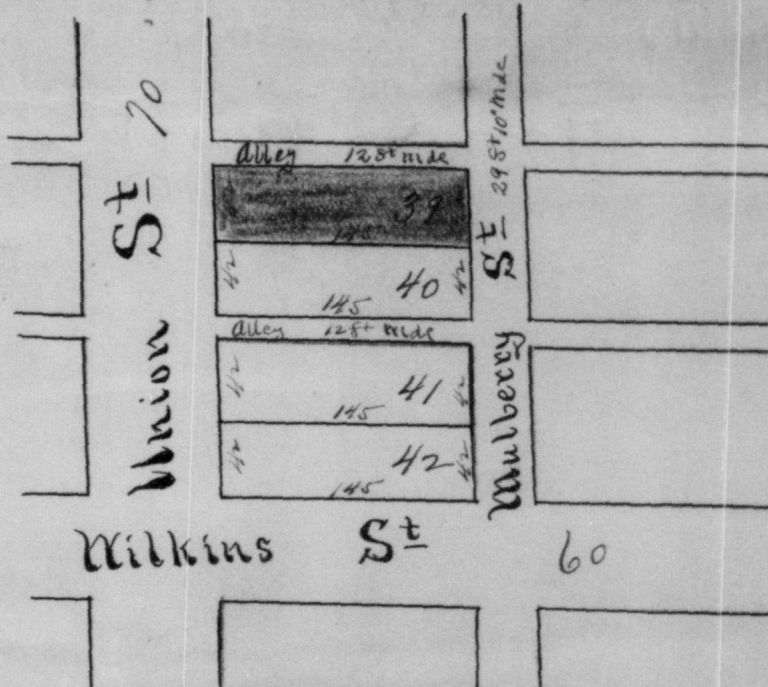
I further certify that the buildings situated ^{except as shown} on or within the boundaries of said premises, I have shown on said plat the distances from the sides and ends of the buildings to the sides and ends of the lot. I further certify that buildings on adjoining property do not encroach on the lot or real estate in question.

George F. Rooker
Registered Engineer No. 950
State of Indiana

#21930.
ABSTRACT OF TITLE

TO

Lot 39, in Margaret McCarty's Sub-division of Out lot 119 and the West part of Out Lot 118, in the city of Indianapolis.



Marion County Indiana

Prepared for

PETER PFISTERER.

By

MARION TITLE GUARANTY COMPANY

Indianapolis, Indiana

HISTORICAL NOTES

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

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

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

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

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

The Weas, or Ouatienons, were properly a part of the Miami Nation. So also were the Kickapoos, who relinquished their claims, in general terms, July 30, 1819.

—U. S. Statutes at Large, vol. 7, p. 200. These four treaties covered all tribes having any claim to lands in Marion County. The record in the Statutes at Large is the official one, including the signatures of the parties.

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

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

3 U. S. Statutes at Large, p. 293.

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

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

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

Act of 1820, p. 18.

January 6, 1821, the legislature approved the selection of "sections 1 and 12, east and west fractional sections numbered 2, east fractional section numbered 11, and so much of the east part of west fractional section numbered 3, to be set off by north and south lines as will complete four entire sections, or 2,560 acres of land in township 15 north and range 3 east of the second principal meridian."

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

Acts 1821, p. 44.

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

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

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

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

R. S. 1824, p. 370.

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

Acts 1827, p. 5.

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

The office of Agent of State, created by the act of 1821, was continued until 1834, when it was abolished and the papers and records of the agent were transferred to the secretary and auditor of state who are at present their custodians.

AGENTS OF STATE

1. JOHN CARR, appointed September, 1821.
2. JAMES MILROY, appointed September, 1822.
3. BETHUEL P. MORRIS, appointed December 1822.
4. BENJAMIN I. BLYTHE, appointed February 1825.
5. EBENEZER SHARPE, appointed April 1828.
6. JOHN G. BROWN, appointed September, 1835.
7. THOMAS H. SHARPE, appointed February, 1836.

#21930.

Land Record
"E" p. 395.
May 9, 1835.
Recorded
May 25, 1835.

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

Deed.

to
John E. McCluer, his heirs
and assigns.

Out Lot 118, containing 13.18 Acres and --- Lot
119, containing 11.18 Acres in the Town of Indiana-
polis.

-1-

"G" p. 450.
July 27, 1836.
Recorded
Aug. 31, 1836.

John E. McCluer, and
Martha H. F. McCluer, his wife.

Warranty Deed.

to
Nicholas McCarty, and
Calvin Fletcher, their
heirs and assigns.

Out Lot 118, containing 13.18 Acres, also Out
Lot 119, containing 11.18 Acres, in the Town of
Indianapolis, and other real Estate.

-2-

"N" p. 210.
Feb. 15, 1842.
Recorded
Feb. 18, 1842.

Nicholas McCarty, and
Margaret McCarty, his wife.

Warranty Deed.

to
John Siter, his heirs
and assigns.

All right, title and interest, being the
undivided $\frac{1}{2}$ in and to --- Lot 118, containing 13.18
Acres, and --- Lot 119, containing 11.18 Acres, in the
Town of Indianapolis.

-3-

"Q" p. 279.
May 14, 1846.
Recorded
May 27, 1846.

Calvin Fletcher, and
Sarah H. Fletcher, his wife.

Quit Claim
Deed.

to
John Siter, his heirs
and assigns.

All our right, title and interest and estate
legal and equitable in and to --- Lot 118 contain-
ing 13.18 Acres, also --- lot 119, containing 11.18
Acres in the Town of Indianapolis.

-4-

"CC" p. 546.
Nov. 30, 1852.
Recorded
Jan. 6, 1853.

John Siter, and
Maria Siter, his wife.

Warranty Deed.

to
Nicholas McCarty, his heirs
and assigns.

Out Lot 118, containing 13.18 Acres more or
less, and Out Lot 119, containing 11.18 Acres, in the
City of Indianapolis.

-5-

#21930.

1, p. 191.
June 6, 1853.
Recorded
Sept. 26, 1853.

John Siter, and
Maria Siter, his wife.
to

Warranty Deed.

Nicholas McCarty, his
heirs and assigns.

-6-

Out Lot 118, containing 13.18 Acres, more or
less, and Out Lot 119, containing 11.18 Acres, and
other real estate.

-7-

Nicholas McCarty, died intestate May 17, 1854.

Appearance pocket
3, p. 150.

-8-

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

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

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

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

IN THE COURT OF COMMON PLEAS OF MARION COUNTY.

Margaret McCarty,

vs.

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

Petition for
Partition.

-9-

Petition recites that Nicholas McCarty, died
intestate leaving above complainant and defendants
as his only heirs and seized of Out Lot 118 and Out
Lot 119, in the city of Indianapolis, and divers other
real estate.

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

Said Commissioners set off to Margaret McCarty,
as her $\frac{1}{2}$ interest in the estate of her deceased
husband Out Lots 118 and 119 above described and also
various other tracts, all of which was duly approved
by the Court.

See full proceedings in Complete Record
4, page 159, etc.

#21930.

Plat Book
1, p. 253.

Recorded
Dec 21, 1854.

-10 -

Margaret McCarty, filed a plat of Margaret McCarty's Sub-division of Out Lot 119, and the west part of Number 118 into 65 lots. Lot 1 is 42 feet wide, and 184½ feet deep. Lots from 2 to 17, inclusive are respectively 42 feet wide and 174½ feet deep. Lot 18 is 64 feet wide in front and 73½ feet deep in the rear and is 179½ feet deep. Lots from 19 to 32 inclusive are respectively 42 feet wide and 179½ feet deep. Lot 33 is 42 feet wide and 184½ feet deep. Lot 34, is 42 feet wide and 150 feet deep. Lots 35 to 48 inclusive are respectively 42 feet wide and 145 feet deep. Lot 49 is 60 feet wide in front and 52½ in rear and 145 feet deep. Lot 50 is 55½ feet wide in front and 63 feet in rear and is 144 feet deep on the south side and 146 feet 7 inches on the north side. Lots from 51 to 64 inclusive are all 42 feet wide and depths are marked on the plat. Lot 65 is 42 feet wide and 195 feet 5 inches deep. A strip of ground 10 feet wide is given off the west side of Out Lot 119, to widen the Bluff Road as exhibited by the dotted line on the plat. The width of streets and alleys are marked on the plat.

4, p. 431.
June 1, 1856.
Recorded
July 16, 1856.

-11-

Margaret McCarty, ----
to
Charles Schwicho.

Warranty Deed.

Lot 39, in Margaret McCarty's Sub-division of Out Lot 119, and of West part of Out Lot 118, in the City of Indianapolis. The plat of said Sub-division was recorded December 21, 1854 at the Recorder's Office of Marion County.

21, p/ 192.
April 30, 1864.
Recorded
April 30, 1864.

-12-

Charles Schwicho, and
Margareth Schwicho, his wife.
to
Martin Fischer.

Warranty Deed.

Lot 39, in Margaret McCarty's Sub-division of Out Lot 119, and of West part of Out Lot 118, in the City of Indianapolis.

21, p. 395.
June 1, 1864.
Recorded
June 4, 1864.

-13-

Conflicting
conveyance.

Charles Schwicho, and
Margaretha Schwicho, his wife.
to
Rudolph Kuhlmann.

Warranty Deed.

Lot 39, in Margaret McCarty's Sub-division of Out Lot 119, and the West part of Out Lot 118, in the City of Indianapolis.

#21930.

-14-

By deed dated January 17, 1865, and recorded May 19, 1865, in Land Record 28, page 144, Charles Schwicho and Margaret Schwicho, his wife, (Signs Margareth Schwicho), conveyed by Warranty Deed to Rudolph Kuhlmann, Lot 40, in Margaret McCarty's Sub-division of Out Lot 119 and the west part of Out Lot 118, in the City of Indianapolis. This deed being given to correct an error of said grantor in his previous deed to said Grantee of June 1, 1864 recorded in Twpn Lot Record 21, wherein said Lot was erroneously numbered 39, and said grantee by the acceptance of this deed releases said grantor from all claims against him under said previous deed.

25, p. 191.
May 18, 1865.
Recorded
May 19, 1865.

Martin Fischer, and
Eve Fischer, his wife.

Warranty Deed.

to
Caleb D. Shimer.
Lot 39, in Margaret McCarty's Sub-division of Out Lot 119 and of West part of Out Lot 118, in the City of Indianapolis.

-15-

38, p. 391.
Jan. 29, 1869.
Recorded
Jan. 30, 1869.

Caleb D. Shimer, ----

Warranty Deed.

to
Charles Schmidt.
Lot 39, in McCarty's Sub-division of Out Lots 118 and 119 in the City of Indianapolis, according to the recorded Plat thereof in the Recorder's Office of Marion County, Indiana.

Subject however to a certain Mortgage given by the grantor herein to Ellen Shimer given on -- about the first day of November 1867 for the sum of \$200.00 which said Schmidt hereby assumes and agrees to pay as a part of the above named consideration.

Mortgage above referred to recorded in Mortgage Record 2, page 277 and was satisfied of Record April 27, 1869.

-16-

49, p. 66.
May 19, 1871.
Recorded
May 20, 1871.

Charles Schmidt, and
Louisa Schmidt, his wife.

Warranty Deed.

to
Frederick Beck.
Lot 39, in McCarty's Sub-division of Out Lots 118 and 119, in the City of Indianapolis.
Subject to the taxes of 1871.

-17-

#21980.

74, p. 79.
Sept. 29, 1873.
Recorded
Oct. 1, 1873.

Frederick Beck, and
Mary Beck, his wife.

Warranty Deed.

to
George Lang.

Lot 39, in Margaret McCarty's Sub-division of
Out Lot 118, in the City of Indianapolis.

-18-

Lot 39 falls in Out Lot 118

-19-

For Transcript of the proceedings of the Common
Council of the City of Indianapolis, for the Vacation
of 5 feet in width on each side of the full length
of that portion of Union Street lying between Ray
Street and the South Corporation line dated October
19, 1865, and recorded October 21, 1865, see Town
Lot Record 26, page 251.

-20-

There are no further conveyances.

-21-

Taxes for the year 1905, paid in full.

-22-

Taxes for the year 1906, now a lien.

*As shown of record these taxes are FULLY PAID
BY M. B. JAMES ABSTRACT CO.
BY James*

Indianapolis, July 21, 1906.

We find no further conveyances nor unsatisfied encumbrances of record on Lot as described in caption.

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

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

MARION TITLE GUARANTY COMPANY,

BY *Arthur J. James* MANAGER.

1. Continuation of Abstract of Title to Lot numbered Thirty-Nine (39) in Margaret McCarty's Subdivision of Out Lot 119 and the West part of Out Lot 118 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1 page 253, in the office of the Recorder of Marion County, Indiana.
- INDIANAPOLIS
- Prepared for Harvey L. Tielking, Commissioner, since date of July 21, 1906.
- TITLE
- CONVEYANCES.
- Deed Record
Town Lots
404 page 383
Aug. 27, 1906
Recorded
July 27, 1906
- George Lang, widower,
to
Louis C. Engelking.
Lot No. 39 in Margaret McCarty's Subdivision of Out Lot number 118 in the City of Indianapolis.
- Warranty Deed.
- 2.
- ABSTRACTS
3. Emma Stahlhut died intestate March 13, 1938.
- PROBATE COURT OF MARION COUNTY.
- Estate Docket
112 page 39811
- Emma Stahlhut, Estate.
4. March 17, 1938, Application for letters filed.
Bond filed and Harvey L. Tielking appointed Administrator.
Order Book 181 page 214.
April 5, 1938, Proof of Publication of Notice of Appointment filed.
November 5, 1938, Petition to file final report filed and approved.
Order Book 184 page 198.
November 5, 1938, Final report filed.
November 16, 1938, Proof of Publication of Final Notice filed.
December 3, 1938, Proof of Posting Final Notice filed.
Final Report Approved and Estate closed.
Order Book 180 page 304.
Entry on final report recites decedent left surviving her as her sole and only heirs, : Edward Stahlhut, nephew; Edna Berg, niece; Stella Stahlhut, niece;
- L. M. Brown Abstract Co.,*

INDIANAPOLIS

TITLE

OF

ABSTRACTS

Minnie C. Resener, niece; Donald Mathias, nephew; Clara Ostermeyer, niece; Elsie Ostermeyer, niece; Norma Koster, niece; Christina Hinchman, niece; Caroline Tielking, sister. That no inheritance tax was assessed against said estate. That no gross income tax was payable by said estate.

5. Herman Engelking died intestate January 17, 1932.

PROBATE COURT OF MARION COUNTY.

Estate Docket
92 page 31771

Herman Engelking, Estate.

6. February 16, 1932, Application for letters filed. Bond filed and Bridget Engelking appointed Administratrix. Order Book 140 page 544.
March 11, 1932, Proof of Publication of Notice of Appointment filed.
October 20, 1932, Petition to file final report filed and approved.
Order Book 148 page 468.
November 12, 1932, Final report filed.
November 25, 1932, Proof of Publication of Final Notice filed.
December 3, 1932, Proof of Posting Final Notice filed. Final Report Approved and Estate closed.
Order Book 142 page 460.
Entry on final report recites decedent left surviving him as his sole and only heirs: Bridget Engelking, wife and Anna Reynolds, daughter. That no inheritance tax was assessed against said estate.

ABSTRACTER'S NOTE:

7. A careful search in the Probate Indexes in the office of the Clerk of the Marion Circuit Court fails to disclose any entry of the Probate of the last Will or of the granting of letters of administration upon the estate of Elizabeth Engelking, deceased.

ABSTRACTER'S NOTE:

8. A careful search in the Probate Indexes in the office of the Clerk of the Marion Circuit Court fails to disclose any entry of the Probate of the last Will or of the granting of letters of administration upon the estate of William Engelking, deceased.

9.

INDIANAPOLIS

ABSTRACTER'S NOTE:

A careful search in the Probate Indexes in the office of the Clerk of the Marion Circuit Court fails to disclose any entry of the Probate of the last Will or of the granting of letters of administration upon the estate of Emma Tansel, deceased.

10.

TITLE

ABSTRACTER'S NOTE:

A careful search in the Probate Indexes in the office of the Clerk of the Marion Circuit Court fails to disclose any entry of the Probate of the last Will or of the granting of letters of administration upon the estate of Carl Rahe, deceased.

ATTEST, UNION TITLE CO.

BY Vern E. Bunderidge
PRESIDENT

Cause No.
3259 3259 1/2
Filed
April 5, 1938

11.

OF
ABSTRACTS

PROBATE COURT OF MARION COUNTY.

Caroline Tielking, unmarried,
Edward W. Stahlhut,
Mamie Stahlhut, his wife,
Stella Stahlhut, unmarried,
Edna S. Berg,
Carl Berg, her husband,
Minnie C. Resener, unmarried,
Don R. Mathius, a minor and
unmarried, by
R. H. Mathius, guardian of
said minor,
Christina Hinchman,
Carl Hinchman, her husband,
Norma Koster, unmarried,
Elsie Ostermeyer, unmarried,
Clara Ostermeyer, unmarried,
vs.
William Kruger,
Maude L. Kruger, his wife,
William C. Engelking,
---- Engelking, his wife,
whose christian name is unknown,
Louis H. Engelking,
---- Engelking, his wife,
whose christian name is unknown,
Theodore B. Engelking,
---- Engelking, his wife,
whose christian name is unknown,
Henry H. Engelking,
---- Engelking, his wife,
whose christian name is unknown,
Clara Luecke,
---- Luecke, her husband,
whose christian name is unknown,

L. M. Brown Abstract Co.,

INDIANAPOLIS	TITLE	OF	ABSTRACTS
	Elizabeth Engelking, unmarried, Arthur J. Schowengerdt, Kate M. Schowengerdt, his wife, Dora Garrity, Thomas E. Garrity, her husband, Fred J. Engelking, Mary Engelking, his wife, Christian Engelking, Clara Engelking, his wife, Clara Engelking, unmarried, The unknown heirs, legatees and devisees, and their unknown husbands or wives of William and Elizabeth Engelking, deceased,		
	Henry W. Engelking, ----- Engelking, his wife, whose christian name is unknown, Otto Engelking, ----- Engelking, his wife, whose christian name is unknown, Frank A. Engelking, Emma Engelking, his wife, Emma Tansel, The unknown husband of Emma Tansel, The unknown heirs, legatees and devisees of Emma Tansel, deceased, Herman Engelking, ----- Engelking, his wife, whose christian name is unknown, The unknown heirs, legatees and devisees of Herman Engelking, deceased, Louis C. Engelking, ----- Engelking, his wife, whose christian name is unknown, Frederick Engelking, ----- Engelking, his wife, whose christian name is unknown, Caroline Kellermeier, ----- Kellermeier, her husband, whose christian name is unknown, Christine Dehne, ----- Dehne, her husband, whose christian name is unknown, Heinrich Rahe, ----- Rahe, his wife, whose christian name is unknown, Heinrich Tegtmeier, ----- Tegtmeier, his wife, whose christian name is unknown, Wilhelm Rahe, ----- Rahe, his wife, whose christian name is unknown, Caroline Laue, ----- Laue, her husband, whose christian name is unknown,		

Caroline Rinney,
---- Rinney, her husband,
whose christian name is unknown,
Carl Rahe,
---- Rahe, his wife,
whose christian name is unknown,
The unknown heirs, legatees and devisees
of Carl Rahe, deceased,
Harvey L. Tielking, Administrator of the
Estate of Emma Stahlhut, deceased,
William Engelking,
Elizabeth Engelking, his wife.

COMPLAINT FOR PARTITION:

The plaintiffs complaint of the defendants and for
their cause of action allege:

That the plaintiffs, Caroline Tielking, Edward W.
Stahlhut, Stella Stahlhut, Edna S. Berg, Minnie Resener,
Don R. Mathius, Christina Hinchman, Norma Koster, Elsie
Ostermeyer, Clara Ostermeyer, and the defendants,
William Kruger, William C. Engelking, Louis H. Engelking,
Theodore B. Engelking, Henry H. Engelking, Clara Luecke,
William Engelking, or if he be deceased, the unknown
heirs, legatees and devisees of William Engelking,
deceased, his known heirs being the following defendants:
Elizabeth Engelking, Kate M. Schowengerdt, Dora Garrity,
Fred J. Engelking, Christian Engelking, Clara Engelking;
Henry W. Engelking, Otto Engelking, Frank A. Engelking,
Emma Tansel, or if she be deceased, the unknown heirs,
legatees and devisees of said Emma Tansel, deceased,
Herman Engelking, or if he be deceased, the unknown
heirs, legatees and devisees of Herman Engelking,
deceased, Louis C. Engelking, or if he be be deceased,
the unknown heirs, legatees and devisees of said Louis C.
Engelking, deceased, his known heirs being the
following defendants: Frederick Engelking, Caroline
Kellermeier, Christine Dehne, Henrich Rahe, Henrich
Tegtmeier, Wilhelm Rahe, Caroline Laue, Caroline Rinney,
Carl Rahe, or if he be deceased, the unknown heirs,
legatees and devisees of Carl Rahe, deceased, are the
owners as tenants in common of the following described
real estate in said County of Marion, State of Indiana,
to-wit:

Tract I: Lot number 14 in McCarty's Subdivision
of Out Lot 116 in Marion County, Indiana,
KNOWN AS 849-51 S. Meridian Street and 846
Charles Street in said City.

Tract II: Lot numbered 39 in McCarty's Subdivision
of Out Lot 119 in the City of Indianapolis,
Marion County, Indiana, KNOWN AS 1021-5
Union Street and 1026 S. Pennsylvania
Street, in said City County and State.

These plaintiffs say that they are the owners of
said real estate in the following proportions, to-wit:
Caroline Tielking, an undivided 6/108ths part;
Edward W. Stahlhut, an undivided 6/324ths part;

Stella Stahlhut, an undivided 6/324ths part; Edna S. Berg, an undivided 6/324ths part; Minnie Resener, an undivided 6/216ths part; Don R. Mathius, an undivided 6/216ths part; Christina Hinchman, an undivided 6/432ths part; Norma Koster, an undivided 6/432ths part; Elsie Ostermeyer, an undivided 6/432ths part; Clara Ostermeyer, an undivided 6/432ths part;

That said defendants are the owners of said real estate in the following proportions:

William Kruger, who is the sole and only heir at law of Minnie C. Kruger, deceased, an undivided 1/27th part; William C. Engelking, an undivided 1/27th part; Louis H. Engelking, an undivided 1/27th part; Theodore B. Engelking, an undivided 1/27th part; Henry H. Engelking, an undivided 1/27th part; Clara Luecke, an undivided 1/27th part; William Engelking, or if he be deceased, the unknown heirs, legatees and devisees of William Engelking, the known heirs being as follows: Elizabeth Engelking, an undivided 1/162nd part; Kate M., Arthur J. Schowengerdt, an undivided 1/162nd part; Dora Garrity, an undivided 1/162nd part; Fred J. Engelking, an undivided 1/162nd part; Christian Engelking, an undivided 1/162nd part; Clara Engelking, an undivided 1/162nd part; Henry W. Engelking, an undivided 1/27th part; Otto Engelking, an undivided 1/27th part; Frank A. Engelking, an undivided 1/27th part; Emma Tansel, or if she be deceased, the unknown heirs, legatees and devisees of Emma Tansel, deceased, an undivided 1/27th part; Herman Engelking, or if he be deceased, the unknown heirs, legatees and devisees of Herman Engelking, deceased, an undivided 1/27th part; Louis C. Engelking, or if he be deceased, the unknown heirs, legatees and devisees of Louis C. Engelking, deceased, the known heirs being as follows: Frederick Engelking, an undivided 1/27th part; Caroline Kellermeier, an undivided 1/27th part; Christine Dehne, an undivided 1/27th part; Henrich Rahe, an undivided 1/27th part; Wilhelm Rahe, an undivided 1/27th part; Henrich Tegtmeier, an undivided 1/27th part; Caroline Laue, an undivided 1/27th part; Caroline Rinney, an undivided 1/27th part; Carl Rahe, or if he be deceased, the unknown heirs, legatees and devisees of Carl Rahe, deceased, an undivided 1/27th part;

These plaintiffs further aver that said real estate above described consists of residence property in the City of Indianapolis, of the estimated value of \$10,000.00; that the same is not susceptible to division nor is any part thereof, and cannot be partitioned among the respective owners; that said premises will have to be sold and the proceeds divided according to the interest of the said parties herein as aforesaid;

Plaintiffs further aver that they have made the respective husbands and wives of the plaintiffs party plaintiffs and have made the respective husbands and wives of the defendants party defendants to bind their inchoat interest and so that the same may be conveyed by the commissioner appointed to make sale of this real estate;

Plaintiffs further aver that the defendant, Emma Tansel is deceased and that her heirs are unknown to these plaintiffs and that they have made her heirs party defendants under the title of the unknown heirs, legatees and devisees of Emma Tansel, deceased; that the defendant, Herman Engelking, is deceased and that his heirs are unknown and that they have made his heirs party defendants under the title of "The unknown heirs, legatees and devisees of Herman Engelking, deceased;" that the defendant, Carl Rahe is deceased and that his heirs are unknown to these plaintiffs and that they have made his heirs party defendants under the title of the "unknown heirs, legatees and devisees of Carl Rahe, deceased;

That the defendants, William C. Engelking and ---- Engelking, his wife, whose christian name is unknown, Louis H. Engelking and ---- Engelking, his wife, whose christian name is unknown; Henry H. Engelking, ---- Engelking, his wife, whose christian name is unknown; Theodore B. Engelking, ---- Engelking, his wife, whose christian name is unknown; Clara Luecke, ---- Luecke, her husband, whose christian name is unknown, Clara Engelking, unmarried; the unknown heirs, legatees and devisees and their unknown husbands or wives of William and Elizabeth Engelking, deceased; Henry W. Engelking and ---- Engelking, his wife, whose christian name is unknown; Otto Engelking and ---- Engelking, his wife, whose christian name is unknown; Emma Tansel, ---- Tansel, her husband, whose christian name is unknown; the unknown heirs, legatees and devisees of Emma Tansel, deceased; Herman Engelking and ---- Engelking, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Herman Engelking, deceased; Louis C. Engelking and ---- Engelking, his wife; and the unknown heirs, legatees and devisees of Louis C. Engelking, deceased; Frederick Engelking and ---- Engelking, his wife, whose christian name is unknown; Caroline Kellermeier, ---- Kellermeier, her husband, whose christian name is unknown; Christine Dehne, ---- Dehne, her husband, whose christian name is unknown; Henrich Rahe, ---- Rahe, his wife, Henrich Tegtmeier, ---- Tegtmeier, his wife, whose christian name is unknown; Wilhelm Rahe, ---- Rahe, his wife, whose christian name is unknown; Caroline Laue, ---- Laue, her husband, whose christian name is unknown; Caroline Rinney ---- Rinney, her husband, whose christian name is unknown; Carl Rahe, ---- Rahe, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Carl Rahe, deceased, are non-residents of the State of Indiana and upon diligent inquiry, their exact residences are unknown to plaintiffs; that the defendant, Harvey L. Tielking is the duly appointed, qualified and acting administrator of the estate of Emma Stahlhut, deceased, and is made party defendant to answer as to any interest which he may have in the foregoing real estate;

WHEREFORE, plaintiffs pray that said parties may be adjudged the owners of said real estate and that these plaintiffs may have partition thereof, and that a commissioner be appointed by this court to make sale of said real estate, and distribute the proceeds thereof, according to the interest of the parties hereto and for all other and proper relief in the premises.

April 5, 1938, AFFIDAVIT FOR PUBLICATION.

William H. Faust, being first duly sworn upon his oath deposes and says:

That he is one of the attorneys for the plaintiffs in the above entitled cause of action and that he makes this affidavit for and on behalf of the plaintiffs herein;

Affiant further says that the defendants: William C. Engelking, ----- Engelking, his wife, whose christian name is unknown; Louis H. Engelking and ----- Engelking, his wife, whose christian name is unknown; Henry H. Engelking, ----- Engelking, his wife, whose christian name is unknown; Theodore B. Engelking, ----- Engelking, his wife, whose christian name is unknown; Clara Luecke, ----- Luecke, her husband, whose christian name is unknown; Clara Engelking, unmarried; the unknown heirs, legatees and devisees and their unknown husbands or wives of William and Elizabeth Engelking, deceased; Henry W. Engelking and ----- Engelking, his wife, whose christian name is unknown; Otto Engelking and ----- Engelking, his wife, whose christian name is unknown; Emma Tansel, ----- Tansel, her husband, whose christian name is unknown; the unknown heirs, legatees and devisees of Emma Tansel, deceased; Herman Engelking and ----- Engelking, his wife; the unknown heirs, legatees and devisees of Herman Engelking, deceased; Louis C. Engelking and ----- Engelking, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Louis C. Engelking, deceased; Frederick Engelking and ----- Engelking, his wife, whose christian name is unknown; Caroline Kellermeier, ----- Kellermeier, husband; whose christian name is unknown; Christine Dehne, ----- Dehne, her husband, whose christian name is unknown; Heinrich Rahe, ----- Rahe, his wife, whose christian name is unknown; Heinrich Tegtmeier, ----- Tegtmeier, his wife, whose christian name is unknown; Wilhelm Rahe, ----- Rahe, his wife, whose christian name is unknown; Caroline Laue, ----- Laue, her husband, whose christian name is unknown; Caroline Rinney ----- Rinney, her husband, whose christian name is unknown; Carl Rahe, ----- Rahe, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Carl Rahe, deceased, are not residents of the State of Indiana, and upon diligent inquiry and search, their residence is unknown;

That said defendants are necessary and proper parties to the determination of said cause of action and that the same cannot be heard nor determined in their absence; that said cause of action is for partition of real estate owned

INDIANAPOLIS

TITLE

OF

ABSTRACTS

by the plaintiffs and defendants in Marion County, State of Indiana;

WHEREFORE, affiant prays that notice may issue to the above named defendants by publication according to law and for all other and proper relief.

William H. Faust.

Subscribed and sworn to before me, this 5th day of April, 1938.

Julius V. Medias, Notary Public.

(L.S.)
My commission expires
October 31, 1938.

Publication ordered returnable June 3, 1938.

Summons issued returnable June 3, 1938 and returned endorsed as follows:

And served this writ by reading to and within the hearing of the within named Maude L. Kruger, wife of William Kruger, Kate M. Schowengerdt, wife of Arthur J. Schowengerdt, and delivering to them a true copy of the same, May 6, 1938.

Otto Ray, Sheriff of Marion
County

Per Boyt, Deputy.

And served this writ by reading to and within the hearing of the within named Fred J. Engelking and Mary Engelking, his wife, Christian Engelking, husband of Clara Engelking, and delivering to them a true copy of the same, May 6, 1938.

Otto Ray, Sheriff of Marion
County

Per, Boyt, Todd, Deputy.

And served this writ by reading to and within the hearing of the within named, Frank A. Engelking, Emma Engelking, his wife, and delivering to them a true copy of the same, May 6, 1938.

Otto Ray, Sheriff of Marion
County

Per, Todd, Deputy.

And served this writ by leaving a true copy of the same at the last and usual place of residence of the within named William Kruger, husband of Maude L. Kruger, Elizabeth Engelking, William Engelking and Elizabeth Engelking, his wife, Arthur J. Schowengerdt, husband of Kate M. Schowengerdt, May 6, 1938.

Otto Ray, Sheriff of Marion
County

Per, Boyt, Deputy.

And served this writ by leaving a true copy of the same at the last and usual place of residence of the within named Dora Garrity and Thomas E. Garrity, her husband, Clara Engelking, wife of Christian Engelking, May 6, 1938.

Otto Ray, Sheriff of Marion
County

Per, Boyt, Todd, Deputy.

April 14, 1938, and served this writ by reading to and within the hearing of the within named Emma Tansel, and delivering to her a true copy of the same.

Otto Ray, Sheriff of Marion County,
Per, Barrett, Deputy.

June 6, 1938, WAIVER OF ISSUANCE OF SUMMONS AND SERVICE OF PROCESS BY DEFENDANT, HARVEY L. TIELKING, ADMINISTRATOR OF THE ESTATE OF EMMA STAHLHUT, DECEASED.

Comes now Harvey L. Tielking, administrator of the estate of Emma Stahlhut, deceased, and waives the issuance of summons and service of notice in the above entitled cause and by way of answer to plaintiffs' complaint says:

That the assets of said estate are more than sufficient to pay the debts and liabilities thereof and he therefore as administrator disclaims any interest in the real estate described in plaintiffs' complaint.

Harvey L. Tielking,
Administrator of the Estate of Emma Stahlhut, deceased.

June 6, 1938, Harvey L. Tielking, Commissioner files bond in the penal sum of \$10,000.00 which bond is approved by the court.

June 6, 1938, Proof of Publication of Notice to non resident defendants filed.

June 6, 1938, DECREE.

Come now the plaintiffs and it appearing to the satisfaction of the court by the notice and proof of publication herein, which said notice and proof of publication is now filed and reads in the words and figures as follows, to-wit: (H.I.) that the defendants, William C. Engelking, ---- Engelking, his wife, whose christian name is unknown; Louis H. Engelking, ---- Engelking, his wife, whose christian name is unknown; Theodore B. Engelking, ---- Engelking, his wife, whose christian name is unknown; Henry H. Engelking, ---- Engelking, his wife, whose christian name is unknown; Clara Luecke, ---- Luecke, her husband, whose christian name is unknown; Clara Engelking, unmarried; Henry W. Engelking, ---- Engelking, his wife, whose christian name is unknown; Otto Engelking, ---- Engelking, his wife, whose christian name is unknown; the unknown husband of Emma Tansel; Herman Engelking, ---- Engelking, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Herman Engelking, deceased; Louis C. Engelking, ---- Engelking, his wife, whose christian name is unknown; Frederick Engelking, ---- Engelking, his wife, whose christian name is unknown; Caroline Kellermeier, ---- Kellermeier, her husband, whose christian name is unknown, Christine Dehne, ---- Dehne, her husband, whose christian name is unknown; Henrich Rahe, ---- Rahe, his wife, whose christian name is unknown; Henrich Tegtmeier, ----

Tegtemeier, his wife, whose christian name is unknown; Wilhelm Rahe, ----- Rahe, his wife, whose christian name is unknown; Caroline Laue, ----- Laue, her husband, whose christian name is unknown; Caroline Rinney, ----- Rinney, her husband, whose christian name is unknown; Carl Rahe, ----- Rahe, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Carl Rahe, deceased, were each duly notified of the pendency of this action by three successive publications in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, State of Indiana, the last of which said publications was made more than 30 days prior to the 3rd day of June, 1938, the same being the return day endorsed on plaintiffs' complaint herein, and it further appearing to the court by the summons herein and the return of the Sheriff endorsed thereon, that the defendants, William Kruger, Maude L. Kruger, his wife, Elizabeth Engelking, Arthur J. Schowengerdt, Kate M. Schowengerdt, his wife, Dora Garrity, Thomas E. Garrity, her husband, Fred J. Engelking, Mary Engelking, his wife, Christian Engelking, Clara Engelking, his wife, Frank A. Engelking, Emma Engelking, his wife, Emma Tansel, William Engelking and Elizabeth Engelking, his wife have been duly served with process more than 10 days prior to the 3rd day of June, 1938, being the date endorsed on plaintiffs' complaint for the return day of summons thereon, which said summons and return thereon are in the words and figures as follows, to-wit: (H.I.);

And now comes Harvey L. Tielking, administrator of the estate of Emma Stahlhut, deceased, and as such administrator files a waiver of issuance of summons and service of process and files his answer alleging that the assets of said estate are more than sufficient to pay the debts and liabilities thereof and disclaiming any interest in the real estate herein described, which waiver and answer reads in the words and figures following, (H.I.);

And now on motion of the plaintiffs, each of said defendants, except the defendant, Harvey L. Tielking, Administrator of the estate of Emma Stahlhut, deceased, are three times audibly called in open court and come not, but herein wholly make default and this cause is now submitted to the court for trial without the intervention of a jury.

And the court having heard the evidence and being duly advised in the premises finds:

That the plaintiff, Caroline Tielking, is the owner of an undivided 6/108ths of the real estate described in the complaint; that the plaintiff, Edward W. Stahlhut, is the owner of an undivided 6/324ths part; that the plaintiff, Stella Stahlhut, is the owner of an undivided 6/324ths part; that the plaintiff, Edna S. Berg, is the owner of an undivided 6/324ths part; that the plaintiff, Minnie Resener is the owner of an undivided 6/216ths part; that the plaintiff, Don R. Mathius is the owner of an

undivided 6/432ths part; that the plaintiff, Norma Koster is the owner of an undivided 6/432nds part; that the plaintiff, Elsie Ostermeyer is the owner of an undivided 6/432nds part; that the plaintiff, Clara Ostermeyer is the owner of an undivided 6/432nds part of the real estate described in the complaint;

That the defendant, William Kruger, who is the sole and only heir at law of Minnie G. Kruger, deceased, is the owner of an undivided 1/27th part of the real estate described in the complaint; that the defendant, William G. Engelking, is the owner of an undivided 1/27th part; that the defendant, Louis H. Engelking, is the owner of an undivided 1/27th part; that the defendant, Theodore B. Engelking, is the owner of an undivided 1/27th part; that the defendant, Henry H. Engelking, is the owner of an undivided 1/27th part; that the defendant, Clara Luecke is the owner of an undivided 1/27th part; that the defendant, William Engelking, or if he be deceased, the unknown heirs, legatees and devisees of William Engelking, the known heirs being as follows: Elizabeth Engelking, the owner of an undivided 1/162nd part; Arthur J. Schowengerdt, the owner of an undivided 1/162 part; Dora Garrity, the owner of an undivided 1/162 part; Fred J. Engelking, the owner of an undivided 1/162nd part; Christian Engelking, the owner of an undivided 1/162 part; Clara Engelking, the owner of an undivided 1/162nd part; that the defendant, Henry W. Engelking is the owner of an undivided 1/27th part; that the defendant, Otto Engelking is the owner of an undivided 1/27th part; that the defendant, Frank A. Engelking is the owner of an undivided 1/27th part; that the defendant, Emma Tansel, or if she be deceased, the unknown heirs, legatees and devisees of Emma Tansel, deceased, is the owner of an undivided 1/27th part; that the defendant, Herman Engelking, or if he be deceased, the unknown heirs, legatees and devisees of Herman Engelking, deceased, is the owner of an undivided 1/27th part; that the defendant, Louis C. Engelking, or if he be deceased, the unknown heirs, legatees and devisees of Louis C. Dongelking, deceased, the unknown heirs being as follows: Frederick Engelking, the owner of an undivided 1/27th part; Caroline Kellermeier, the owner of an undivided 1/27th part; Christine Dehne, the owner of an undivided 1/27th part; Christine Dehne, the owner of an undivided 1/27th part; Henrich Rahe, the owner of an undivided 1/27th part; Wilhelm Rahe, the owner of an undivided 1/27th part; Henrich Tegtmeier, the owner of an undivided 1/27th part; Caroline Laue, the owner of an undivided 1/27th part; Caroline Rinney, the owner of an undivided 1/27th part and Carl Rahe, or if he be deceased, the unknown heirs, legatees and devisees of Carl Rahe, deceased, the owner of an undivided 1/27th part;

The court further finds that said real estate is not susceptible of partition and that the interests of the several parties cannot be set off to them in severalty without damage to the owners, the said parties; the

court further finds that said real estate is of the probable value of \$10,000.00 and that said premises will have to be sold and the proceeds divided according to the interests of said parties herein as heretofore found and that a commissioner should be appointed to make sale of said real estate and each parcel thereof and that the material allegations of plaintiffs' complaint are true;

It is therefore considered and adjudged by the court that said real estate, to-wit:

TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 116 in Marion County, Indiana, known as 849-51 S. Meridian St. and 846 Charles Street in said city;

TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State,

be appraised as provided by law and be sold at private sale for not less than the full appraised value thereof on the following terms and conditions, to-wit:

The commissioner hereafter appointed shall give ten days notice of the time, terms and place of such sale by one publication in the Indianapolis Commercial, a daily newspaper printed and published in the City of Indianapolis, Marion County, Indiana, and by posting 5 printed notices thereof in 5 public places in said County and State, 3 of which shall be posted in the Township in which said real estate is located;

Said property shall be sold for cash in hand and free and discharged of all liens, mortgages, assessments and taxes; said property may be sold as a whole or in parcels;

It is further considered and adjudged by the court that Harvey L. Tielking be and he is hereby appointed commissioner to make sale of said real estate and that he give bond in the sum of \$10,000.00 with the Metropolitan Casualty and Insurance Company of New York as surety thereon.

It is further considered and adjudged by the court that upon the sale of said real estate, said commissioner shall issue to the purchasers thereof a deed for said real estate and report the same to this court for approval;

It is further ordered and adjudged, that from the proceeds of said sale that the costs of this action be paid first, including a reasonable fee for plaintiffs' attorneys and a reasonable fee for the attorneys for said commissioner and a commission for said commissioner and the payment of any liens or mortgages existing against said real estate and that the balance be paid to the parties to this action in proportions equal to their several interests in said real estate as herein found and determined and that said commissioner make a full and detailed report of his doings herein and this cause is continued.

Order Book 182 page 369.

June 21, 1938, Oath of appraisers filed, Inventory and appraisement filed as follows:

<u>Description</u>	<u>Appraised value</u>
TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 116 in Marion County, Indiana, known as 849-51 S. Meridian Street and 846 Charles Street in said County and State.	\$ 4,500.00
TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State.	3,800.00
	<hr/>
	TOTAL \$ 8,300.00

March 20, 1939, Petition to re-appraise real estate filed.

March 20, 1939, The court having examined said petition, and being sufficiently advised, finds that the averments thereof are true, and that in the interests of said estate, said real estate should be reappraised, and for the purpose of making such reappraisement now appoints Russe H. Hartman and George R. Brown, two reputable and disinterested householders of the neighborhood where said real estate is situate, who, before proceeding to the discharge of their duties, shall take and subscribe and oath to honestly appraise said real estate at its fair cash value.

And upon said reappraisement being so made and filed, the same shall take the place of the original appraisement, and said commissioner shall proceed to the sale of said real estate under the former order of this court.

Smiley N. Chambers,
Judge, Marion Probate Court
March 20, 1939.

Order Book 186 page 61.

March 31, 1939, Oath of appraisers filed, Inventory and re-appraisement filed re-appraising,

TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 116 in Marion County, Indiana, known as 849-51 S. Meridian St. and 846 Charles Street in said City - \$1700.00.
TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State - \$2,000.00,
Total \$3,700.00

March 31, 1939, Proof of Posting of Notice of Sale of Real Estate filed.

March 31, 1939, Proof of Publication of Notice of Sale of Real Estate filed.

March 31, 1939, COMMISSIONER'S REPORT OF SALE.

The undersigned commissioner, appointed to make sale of the real estate for the partition of which, this action is brought, respectfully represents to the court:

That in pursuance of the order of the court, he has caused said real estate to be reappraised by Russe H. Hartman and George S. Brown, two disinterested householders of said County who were appointed by order of this court to reappraise said real estate, and whose reappraisal is attached hereto and made a part of this report;

That he caused notice of the time and place of said sale to be given by one publication in the Indianapolis Commercial, a daily newspaper printed and published in the City of Indianapolis, Marion County, Indiana, and by posting 5 printed notices thereof in 5 public places in said County and State, all of which were posted in Center Township, being the Township in which said real estate is located, proofs of such posting and publication are attached hereto and made a part hereof;

That on the 20th day of June, 1938 at ten o'clock A. M. and from day to day thereafter, he offered for sale at private sale and at not less than the full appraised value thereof, the real estate in the complaint, appraisal and as hereinafter described at the place in said notice provided and Martha Hudson bidding therefor, the sum of \$4,000.00 and that being the highest and best bid and more than the full appraised value thereof, subject to the approval of this court, he sold said real estate, viz:

TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 116 in Marion County, Indiana, known as 849-51 S. Meridian St. and 846 Charles Street in said City.

TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State,

to her for said sum of \$4,000.00;

That said purchaser paid to him in cash \$100.00 and stands ready and willing, upon the approval of said sale and the execution of a deed therefor, to pay to this commissioner the balance of said purchase price of \$3,900.00 in cash and that this commissioner issued to her a certificate of purchase of said real estate entitling her to a deed therefor on the payment of the purchase money in full.

WHEREFORE, he asks that said sale be in all things confirmed.

Harvey L. Tielking,
Commissioner.

Faust, Faust and Faust
By, William H. Faust,
Attorneys for Commissioner.

STATE OF INDIANA,
COUNTY OF MARION, SS:

HARVEY L. TIELKING, being first duly sworn upon his oath deposes and says:

That the matters and facts set forth in the foregoing report are true.

Harvey L. Tielking.

Subscribed and sworn to before me this 30th day of March, 1939.

William H. Faust, Jr.,
Notary Public.

(L.S.)
My commission expires
September 21, 1940.

March 31, 1939, And the court being sufficiently advised in the premises now in all things approves said report and ratifies and confirms said sale;

And said commissioner is ordered to execute to said purchaser a certificate of purchase for said real estate conditioned that upon the payment of the balance of the purchase price in full within 30 days; that said commissioner execute a deed to said purchaser for the real estate described in his said report and now said commissioner reports such certificate and the same being examined is now approved by the court and delivered to said purchaser and this cause is continued for the further report of said commissioner showing the payment of the purchase price in full and the execution of a deed therefore to said purchaser.

Order Book 186 page 187.

April 5, 1939, PETITION TO VACATE FORMER SALE.

Comes now Caroline Tielking, unmarried, one of the plaintiffs in the above entitled cause and respectfully shows:

That heretofore on the 29th day of March, 1939, Harvey L. Tielking, commissioner, reported the sale of the real estate ordered sold in the above cause and as hereinafter described to Martha Hudson for the sum of \$4,000.00 and which report of sale has been approved by this court; that on the 4th day of April, 1939 and within 30 days from the date of the approval of said sale by this court, Henry Friedman submitted his written bid for the real estate ordered sold in said proceedings and described as follows, to-wit:

TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 118 in the City of Indianapolis, Marion County, Indiana, known as 849-51 S. Meridian Street and 848 Charles Street in said City, County and State;

TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1025 S. Pennsylvania Street in said City, County and State;

to the Clerk of this Court and in said bid offered and agreed to purchase said real estate for the sum of \$4400.00, which sum exceeds the sale price by ten per centum and the plaintiff herein files with said written bid her bond in the sum of \$5280.00, conditioned to pay any and all damages that might accrue should said real estate not sell for the sum of \$4,000.00, plus costs of resale and which bond was approved by the Clerk of the Marion Probate Court;

That by virtue of the provisions of the Statutes of the State of Indiana, being Section 3-3417 of Burns Annotated Statutes, 1933, said sale should be vacated and set aside and held for naught and the commissioner ordered to re-advertise said property for sale;

WHEREFORE, petitioner respectfully prays an order of this court that the sale heretofore reported and approved on the 29th day of March, 1939 be vacated, set aside and held for naught and that the Certificate executed and delivered to said purchaser be declared void and of no effect and that the commissioner be directed to repay to said purchaser the amount of her tender so paid and that said commissioner be ordered and directed to re-advertise and sell said real estate at private sale by giving ten days notice and for all other and proper relief in the premises.

Caroline Tielking.

Subscribed and sworn to before me, this 5th day of April, 1939.

William H. Faust, Jr.
Notary Public.

(Seal)
Commission expires
September 21, 1940.

April 5, 1939, Caroline Tielking files bond in the penal sum of \$5,280.00, which bond is approved by the court.

April 5, 1939, The court having seen and inspected said petition and being duly advised in the premises finds that the allegations and facts as herein set forth are true and that the sale heretofore reported by the Commissioner on the 29th day of March, 1939 to Martha Hudson and the Certificate approved and delivered to said purchaser, each should be vacated and set aside and held for naught and the commissioner ordered and directed to re-advertise said property for sale;

IT IS THEREFORE considered, adjudged and decreed by the court that the report of sale heretofore made by the commissioner on the 29th day of March, 1939 for the following described real estate:

TRACT I: Lot number 14 in McCarty's Subdivision of Out Lot 116 in the City of Indianapolis, Marion County, Indiana, known as 849-51 S. Meridian Street and 846 Charles Street in said City, County and State;

INDIANAPOLIS

TRACT II: Lot number 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1025 S. Pennsylvania Street, in said City, County and State;

TITLE

OF

ABSTRACTS

be, and the same is hereby vacated, set aside and held for naught; that the certificate approved by this court and delivered to said purchaser by said commissioner be, and the same is hereby cancelled, set aside and held for naught; that the commissioner be and he hereby is ordered and directed to refund to said purchaser, the amount of cash paid by said purchaser for said real estate; that said commissioner be and he hereby is ordered and directed to resell said property and give ten days notice of the time, terms and place of such resale and make the sale in accordance with the terms of the order of sale heretofore made in this cause and to report his further proceedings to this court within sixty days and this cause is continued for such report.

Otto Buenting,
Judge Pro Tem, Marion Probate
Court, April 5, 1939.

Order Book --- page ---.
Pending:

22.12

WE FIND NO FURTHER CONVEYANCES.

ENCUMBRANCES.

25.13

MORTGAGES.

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

L. M. Brown Abstract Co.,

INDIANAPOLIS

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MECHANIC'S LIENS.

14.

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

JUDGMENTS.

15.

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.

Louis C. Engelking from April 5, 1929 to August 3, 1930, inclusive.

Emma Stahlhut from April 5, 1929 to March 13, 1938, inclusive.

Caroline Tielking, Edward W. Stahlhut, Stella Stahlhut, Edna S. Berg, Minnie Resener, Don R. Mathius (or Mathias) Christina Hinchman, Norma Koster, Elsie Ostermeyer, Clara Ostermeyer, William Kruger, William C. Engelking, Louis H. Engelking, Theodore B. Engelking, Henry H. Engelking, Clara Luecke, William Engelking, Elizabeth Engelking, Kate M. Schowengerdt, Arthur J. Schowengerdt, Dora Garrity, Fred J. Engelking, Christian Engelking, Clara Engelking, Henry W. Engelking, Otto Engelking, Bridget Engelking, Anna Reynolds, Frank A. Engelking, Emma Tansel, Herman Engelking, Louis C. Engelking, Frederick Engelking, Caroline Kellmeier, Christine Dehne, Henrich Rahe, Wilhelm Rahe, Henrich Tegtmeier, Caroline Lane, Caroline Rinney, and Carl Rahe for the ten years last past.

We find the following:

SUPERIOR COURT OF MARION COUNTY.

Cause No. A-98135
Order Book 620 page 296

Gertrude Engelking,
vs.
William Engelking.

Judgment rendered June 8, 1938 against defendant for costs.

COSTS PAID
ATTORNEY UNION TITLE CO.
[Signature]
PRESIDENT

16.

Costs Paid *[initials]*

CIVIL MUNICIPAL COURT OF MARION COUNTY.

Cause No. 70969
Order Book 67 page 160

Hattie Harris Thomas,
vs.
Fred Engelking.

Judgment.

Judgment rendered April 12, 1938 against defendant for \$.01 damages and costs.

17.

on *[initials]*

L. M. Brown Abstract Co.,

CHECKED TO *5-8-56*
UNION TITLE COMPANY

Cause No.
A-89634
Order Book
595 page 664

INDIANAPOLIS

SUPERIOR COURT OF MARION COUNTY.

Arthur Schowengert,
vs.

Max Sacks, et al.

Judgment rendered October 26, 1936 against plaintiff
for costs.

COSTS PAID
ATTEST UNION TITLE CO.
[Signature]
BY: *[Signature]*

18.

Costs Paid $\text{\textcircled{D}}$

Cause No.
A-90611
Order Book
561 page 205

TITLE

SUPERIOR COURT OF MARION COUNTY.

Arthur Schowengert,
vs.

Max Sacks, et al.

Judgment rendered February 13, 1937 against plain-
tiff for costs.

COSTS PAID
ATTEST UNION TITLE CO.
[Signature]
BY: *[Signature]*

19.

Costs Paid $\text{\textcircled{D}}$

Cause No.
19748
Order Book
20 page 572

ABSTRACTS
OF

CIVIL MUNICIPAL COURT OF MARION COUNTY.

Matthew H. Taggart,
Ins. Comr. of Penn.,
vs.

Carl Rahke.

Judgment rendered January 8, 1930 against defendant
for \$31.55 and costs.

Judgment.

20.

on $\text{\textcircled{D}}$

CHECKED TO *5-8-57*
UNION TITLE COMPANY

OLD AGE PENSIONS.

21.

L. M. Brown Abstract Co.,

Search has been made as to recipients under the
Public Welfare Act established March 18, 1936 as shown
by the Recorder's Abstract of Old Age Assistance
Certificates as to all the names in the judgment search
above certified to have been searched since March 18,
1936, but only for the period certified to in said
judgment search, and we find none.

ASSESSMENTS.

Treas. Record
170 page 123
Resolution
No. 15070

Frederick Engelking,
to
Resurfacing, etc. of
Russell Ave.

Assessment.

22.

Approved by the Board of Public Works of the City
of Indianapolis September 11, 1933.

Lot 14 herein described, assessed for \$5.77,
unpaid and delinquent.

We hereby certify that Lot 39 described in the
Caption hereof was not assessed under the above
Resolution No. 15070.

INDIANAPOLIS
TAXES.
23.
TITLES
24.
OF
ABSTRACTS
25.
L. M. Brown Abstract Co.,

TAXES.

23.

Taxes for year 1937 paid in full.

24.

Taxes for year 1938 assessed in name of Louis C. Engelking, are due and payable the first Monday in May and the first Monday in November of the year 1939.

General Tax Duplicate No. 2400,
Indianapolis, Center Township

May installment \$43.60 paid
Nov. installment \$43.65 unpaid.

SINCE PAID IN FULL
ATTEST
BY *[Signature]*
PRESIDENT

25.

Taxes for year 1939 became a lien March 1st and are due and payable in May and November of the year 1940.

SINCE PAID IN FULL
ATTEST
BY *[Signature]*
PRESIDENT

ZONING

26.

INDIANAPOLIS
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 L. M. Brown Abstract Co.,

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

Provides for the establishing of a Zoning Plan for the City of Indianapolis to regulate and restrict the height, area, bulk and use of all buildings, to regulate and determine the area of yards, courts and other open spaces, to specify and regulate the location of industries, commercial enterprises and the location and character of buildings designed for special uses, to establish building lines, and for all such purposes to divide the City into the following districts:

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

And into four Classes of Height Districts, H-1, 50 foot Height limit; H-2, 80 foot height limit; H-3, 108 foot height limit; and H-4, 180 foot height limit; and

Six Classes of Area Districts, Class A-1, 7500 square feet per family; Class A-2, 4800 square feet per family; Class A-3, 2400 square feet per family; Class A-4, 1200 square feet per family; Class A-5, 600 square feet per family; Class A-6, unlimited.

Provides for its administration by the Building Commissioner, and for penalties for violation of its provisions and authorizes the creation of a Board of Zoning Appeals, and that no building or apartment shall be erected or used except in conformity with the regulations prescribed in said Ordinance.

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

CERTIFICATE

The undersigned, L. M. BROWN ABSTRACT COMPANY, a corporation, hereby certifies 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 recipients under the Public Welfare Act established March 18, 1936, as shown by the Recorder's Abstract of Old Age Assistance Certificates, all as now entered up and indexed.

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 municipal improvement assessments, as the same now appear in the hands of the Treasurer for collection, which are a lien upon the real estate for which this examination is prepared.

IV. IN THE OFFICE OF THE CLERK OF THE MARION CIRCUIT COURT, search made in the Lis Pendens records of complaint and attachments, the will records and estate and guardianship dockets, and the general judgment dockets of the Marion Circuit Court, of the Superior Courts of Marion County, of the Probate Court of Marion County, of the Criminal Court of Marion county, and of the Civil Municipal Courts of Marion County, including Replevin Bail and Recognizance Bonds, 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 **JULY 21, 1906** to and including
APRIL 5, 1939 and covers Paragraphs No. 1 to 27.

both inclusive, and Sheets No. 1

to 19 both inclusive.

L. M. BROWN ABSTRACT COMPANY

By *[Signature]*
 Vice-President & Mgr.



ESTABLISHED 1868

L. M. Brown Abstract Co.

OFFICERS
 HIRAM BROWN
 PRESIDENT
 VOLNEY M. BROWN
 VICE-PRESIDENT
 CORNELIUS O. ALIG
 TREASURER
 EDSON T. WOOD, JR.
 SECRETARY
 RUSSELL A. FURR
 VICE-PRES. & MANAGER

321-331 LEMCKE BUILDING
 PHONE LINCOLN 5518

ABSTRACTS OF TITLE - TITLE INSURANCE
 CAPITAL \$150,000.00
 INDIANAPOLIS, IND.

DIRECTORS
 CHAS. R. YOKE
 HIRAM BROWN
 EDSON T. WOOD, JR.
 FERMOR S. CANNON
 VOLNEY M. BROWN
 FRED G. APPEL
 CORNELIUS O. ALIG
 ELWIN H. SHEDD
 FRED WUELFING
 ALLAN F. VESTAL
 ALBERT E. UHL
 RUSSELL A. FURR

138877

UNITED STATES DISTRICT COURT

SEARCH FOR JUDGMENTS

Pending Bankruptcies and Internal Revenue Tax Liens

At the Request of

HARVEY L. TIELKING, COMMISSIONER.

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

The undersigned, L. M. BROWN ABSTRACT CO., of Indianapolis, hereby certifies that there are no unsatisfied judgments of record in any of the seven above named divisions of the United States District Court in Indiana, rendered within that portion of the ten years last past, prior to March 11, 1929, the date of the passage of the Indiana Conformity Act, nor any transcripts of judgments recovered in any of the United States Courts in Indiana, filed in the office of the Clerk of the Circuit Court of Marion County, Indiana, nor are there any pending Bankruptcies, either voluntary or involuntary, nor any notice of Liens for unpaid Internal Revenue or Income Taxes of record, in any one of the above named seven divisions of the United States District Courts, 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.

Search is made and limited as to the parties named below, solely under the name or names as herein written.

This certificate covers the Indianapolis Division down to and including
 and all other Divisions of the State of Indiana down to and including

April 5, 1939
 March 28, 1939

Louis C. Engelking,
 Emma Stahlhut,
 Caroline Tielking,
 Edward W. Stahlhut,
 Stella Stahlhut,
 Edna S. Berg,
 Minnie Resener,
 Don R. Mathius (or Mathias)
 Christina Hinchman,
 Norma Koster,
 Elsie Ostermeyer,
 Clara Ostermeyer,
 William Kruger,
 William C. Engelking,
 Louis H. Engelking,
 Theodore B. Engelking,
 Henry H. Engelking,
 Clara Luecke,
 William Engelking,
 Elizabeth Engelking,

Kate M. Schowengerdt,
 Arthur J. Schowengerdt,
 Dora Garrity,
 Fred J. Engelking,
 Christian Engelking,
 Clara Engelking,
 Henry W. Engelking,
 Otto Engelking,
 Bridget Engelking,
 Anna Reynolds,
 Frank A. Engelking,
 Emma Tansel,
 Herman Engelking,
 Louis C. Engelking,

L. M. BROWN ABSTRACT CO.

By *Russell A. Furr*
 Vice-President and Mgr.

128877

INDIANAPOLIS

Frederick Engelking,
Caroline Kellmeier,
Christine Dehne,
Henrich Rahe,
Wilhelm Rahe,
Henrich Tegtmeier,
Caroline Laue,
Caroline Rinney,
Carl Rahe.

TITLE

OF

ABSTRACTS

L. M. BROWN ABSTRACT COMPANY

By

Renee Lee
President & Manager.

L. M. Brown Abstract Co.,

Indianapolis, Indiana
April 5, 1939
March 28, 1939
MH.

527197

CAPTION

-1-

Continuation of Abstract of Title to 48.75 feet off the entire East End of Lot 39 in Margaret McCarty's Subdivision of Out Lot 119 and the West Part of 118 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254, in the Office of the Recorder of Marion County, Indiana.

Since April 5, 1939.

Prepared for: Shelby Street Federal Savings
& Loan Association

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Louis C. Engelking died intestate August 3, 1930.

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
87 page 29870

IN THE MATTER OF THE ESTATE OF LOUIS C. ENGELKING,
DECEASED.

August 12, 1930 Renunciation filed. Oath filed, and Fletcher Savings and Trust Company duly appointed and qualified as administrator, of the estate of Louis C. Engelking, deceased.

Order Book 1 page 22.

September 8, 1930 Proof of notice of appointment filed.

February 5, 1932 Verified final report filed.

February 27, 1932 Proof of publication of final notice filed.

February 27, 1932 Proof of posting of final notice filed, final report approved and estate closed.

Order Book 137 page 634.

Final Report Record 89 page 168.

NOTE: Entry on final report reads in part as follows, to-wit: that all of decedent's debts have been paid and discharged; that said decedent left surviving the following and only heirs, to-wit: Mary Stahlhut, Edward Stahlhut,

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-1- eb (over)

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Minnie L. Kruger, Minnie C. Resener, Caroline Tiekling, William C. Engleking, Emma Stahlhut, Christina Ostermyer, Louis H. Engelking, Theodore B. Engelking, Henry H. Engelking, Clara Luecke, William Engelking, Henry W. Engelking, Otto Engelking, Frank A. Engelking, Emma Tansel, the estate of Herman Engelking, deceased, and the following first cousins residing in Germany: Frederick Engelking, Caroline Kellermeir, Christine Dehne, Heinrich Bahe, Heinrich Tegtmeier, Wilhelm Bahe, Caroline Laue, Caroline Rinne, and the estate of Carl Bahe, deceased.

That said decedent died the owner of the following described real estate, to-wit: Lot 39 in McCarty's Subdivision of Lot 119 in the City of Indianapolis, Marion County, Indiana. (Also other real estate) The title to said real estate is succeeded to by the said heirs at law as tenants in common.

That the inheritance tax assessed against said estate has been fully paid.

ABSTRACTOR'S NOTE:- Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal lists Lot 39 herein as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$72,311.98.

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Stella Stahlhut alias Engle Marie Eleanora Stahlhut died intestate March 9, 1934.

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
98 page 34300

IN THE MATTER OF THE ESTATE OF STELLA STAHLHUT ALIAS ENGLE MARIE ELEANORA STAHLHUT, DECEASED.

-5-

April 3, 1934 Bond filed, and Harvey L. Tielking, duly appointed and qualified as administrator of the estate of Stella Stahlhut alias Engle Marie Eleanora Stahlhut, deceased.

Order Book 153 page 691.

July 10, 1934 Proof of notice of appointment filed.

January 3, 1935 Petition to file final report after six months filed. Approved.

Order Book 159 page 386.

January 3, 1935 Verified final report filed.

January 16, 1935 Proof of publication of final notice filed.

February 9, 1935 Proof of posting of final notice filed, final report approved and estate closed.

Order Book 186 page 389.

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Final Report Record 95 page 523.

NOTE: Final report and entry on final report read in part as follows, towit: that more than 6 months have elapsed since the granting of letters of administration in said estate, and the giving of notice thereof; that all of decedent's debts have been paid and discharged; that said decedent left surviving the following named heirs; Caroline Tielking, Emma Stahlhut and Christina Ostermeyer, sisters, Harry Resener and Edward Stahlhut, nephews, Minnie Resener, Stella Stahlhut and Edna Berg, nieces, and Donald Matthius, grand-nephew.

That said decedent died the owner of the following described real estate situated in Marion County, Indiana towit: (Lists real estate other than certified to herein.)

That no inheritance tax was assessed against said estate.

ABTRACTOR'S NOTE:- Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal purposes lists real estate other than certified to herein.

Said Schedule further shows the gross value of said decedent's estate to be \$4,616.28.

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Christina Ostermeyer died intestate September 30, 1937.

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
115 page 41193

IN THE MATTER OF THE ESTATE OF CHRISTINA OSTERMEYER,
DECEASED.

April 11, 1939, Oath filed.

Security Trust Company duly appointed and qualified as administrator of the estate of Christina Ostermeyer deceased.

Order Book 186 page 332.

April 29, 1939, Proof of notice of appointment filed.

November 9, 1939, Petition to file final report after six months filed. Approved.

Order Book 189 page 244.

November 10, 1939, Verified final report filed.

November 21, 1939, Proof of publication of final notice filed.

December 9, 1939, Proof of posting of final notice filed, final report approved and estate closed.

Order Book 190 page 366.

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Final Report Record 108 page 167.

Note: Entry on final report reads in part as follows, to-wit:- That all of decedent's debts have been paid and discharged; that said decedent left surviving the following and only heirs: Christina Hinchman, daughter; Elsie Ostermeyer, daughter; Clara Ostermeyer, daughter and Norma Koster, daughter.

That said decedent died the owner of the following described real estate situated in Marion County, Indiana, to-wit: (Lists real estate other than that certified to herein.)

That no gross income tax was payable upon said estate.

That no inheritance tax was assessed against said estate.

ABSTRACTOR'S NOTE: - Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisement lists real estate other than certified to herein.

Said Schedule further shows the gross value of said decedent's estate to be \$1900.00.

Misc. Record
398 page 509
Inst. #24842
May 9, 1947
Recorded
May 10, 1947

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STATE OF INDIANA, COUNTY OF MARION, SS:

Christina Hinchman of said County and State being duly sworn upon her oath, deposes and says that William F. Ostermeyer died intestate a resident of Marion County, Indiana, on June 1, 1907, leaving surviving him his widow, Christina Ostermeyer, and his children, Clara Ostermeyer, Elsie Ostermeyer, Norma Ostermeyer and Christina Hinchman, said affiant but no other child and no descendant of any predeceased child, that said Christina Ostermeyer died intestate and unmarried, a resident of Marion County, on September 30, 1937, leaving surviving her her children, Clara Ostermeyer, Elsie Ostermeyer, Norma Koster and Christina Hinchman, said affiant, but no other child and no descendant of any predeceased child, that the estate of said Christian Ostermeyer, deceased, was located entirely within the State of Indiana.

And further affiant saith not.

Christine Hinchman

Subscribed and sworn to before me, the undersigned a Notary Public in and for said County and State, this 9th day of May, 1947.

Louis P. Geis (LS)

Notary Public

My commission expires: September 17, 1948.

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Misc. Record
530 page 194
Inst. #92008
Dec. 23, 1954
Recorded
Dec. 23, 1954

STATE OF INDIANA, COUNTY OF MARION, SS:

Norma Ostermeyer Koster, being first duly sworn upon her oath deposes and says:

That she is a resident of Marion County, Indiana.

That she was the daughter of Christina Ostermeyer.

That said Christina Ostermeyer died intestate on or around the 29th day of September, 1937, leaving surviving her as her sole heirs at law, Christina Ostermeyer Hinchman, Elsie Ostermeyer, Clara Ostermeyer, and Norma Ostermeyer Koster, this affiant. That at the time of her death, said Christina Ostermeyer was seized of a 1/27th share in the following described real estate, to-wit:

Lot numbered 14 in Out Lot 116 of McCarty's Subdivision of Out Lot 116 and two acres on the South Side of Out Lot numbered 117 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 77 and 78, in the office of the Recorder of Marion County, Indiana.

That said Christina Ostermeyer's husband predeceased her and that thereafter no other children were born to her nor did she remarry.

Affiant further says that she was the niece of Mary Stahlhut, who was the same Mary Stahlhut who died on or about the 9th day of March, 1934, seized of a 1/27th share in the above described real estate, and that said Mary Stahlhut was sometimes known as Stella Stahlhut, and that Mary Stahlhut and Stella Stahlhut were one and the same person.

Further affiant says not.

Norma Ostermeyer Koster

Subscribed and sworn to before me a Notary Public in and for said county and state this 23rd day of December, 1954.

Thomas D. Mantel (LS)

Notary Public

My Commission Expires: 4-14-58.

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Misc. Record
299 page 80
Inst. #14040
April 17, 1939
Recorded
April 19, 1939

STATE OF INDIANA, COUNTY OF MARION, SS:

Harvey L. Tielking, being first duly sworn upon his oath deposes and says:

That he has personal knowledge that Elizabeth Engelking departed this life intestate on the 28th day of February 1933; that her husband, William Engelking predeceased her and that he departed this life intestate on the 2nd day of June, 1933;

Affiant further says that the William Engelking, defendant in a certain cause in the Marion Superior Court, numbered A-98135 and entitled Gertrude Engelking vs. William Engelking is not one and the same person

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-5- eb (over)

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as the William Engelking, named as one of the heirs in the estate of Louis C. Engelking, deceased;

That the Arthur Schowengert, plaintiff in two actions filed in the Marion Superior Court and numbered Cause No. A-89634 and Cause No. A-90611 and both actions entitled Arthur Schowengert vs. Max Sacks, et al., is not one and the same person as the defendant, Arthur J. Schowengerdt in Cause No. 3295 in the Marion Probate Court, entitled Caroline Tielking, et al vs. William Kruger, et al..

Affiant further says that the Carl Rahe against whom a judgment was rendered in the Civil Municipal Court of Marion County, Indiana, in Cause No. 19748 entitled Matthew H. Taggart, Ins. Comr. of Penn. vs. Carl Rahe, is not one and the same person as the Carl Rahe, defendant in Cause No. 3295 in the Marion Probate Court, entitled Caroline Tielking, et al vs. William Kruger, et al;

Affiant further says that said defendant, Carl Rahe has never been a resident of the State of Indiana, and as affiant is informed, was born, raised and still resides in Germany;

That affiant does not know whether or not the said Carl Rahe is living or dead and therefore in said action last mentioned in the Probate Court, the same was prosecuted in the name of "Carl Rahe and ---- Rahe, his wife, whose christian name is unknown and the unknown heirs, legatees and devisees of Carl Rahe, deceased" and that notice was issued for such defendants by publication;

Affiant further says that the defendant, Emma Tansel, defendant in said cause of action for partition, pending in the Marion Probate Court is living and that summons was served upon her personally as shown by the return of the Sheriff endorsed on the summons issued in said cause; that at the time of the filing of said action, it was unknown whether or not said Emma Tansel was living or dead and therefore said action was prosecuted against her personally and also by the title "The unknown heirs, legatees and devisees of Emma Tansel, Deceased";

Further affiant sayeth not.

Harvey L. Tielking

Subscribed and sworn to before me this 17 day of April 1939.

William H. Faust, Jr. (LS)
Notary Public

My commission expires: Sept. 21, 1940.

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IN THE PROBATE COURT OF MARION COUNTY

Cause No. 3259

Caroline Tielking, et al

vs

William Kruger, et al

(As continued from a preceding continuation)

April 17, 1939 Verified Report of Sale of Real Estate.

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The undersigned commissioner appointed to make sale of the real estate ordered sold in the above entitled action for partition, respectfully reports to said court:

That pursuant to the order of said court made on the 4th day of April, 1939, the sale heretofore reported by him as having been made to Martha Hudson, was vacated, set aside and held for naught and the Certificate approved by this court and delivered to said Martha Hudson by said commissioner, was cancelled, set aside and held for naught and that this commissioner, pursuant to the order of said court aforesaid, refunded to said purchaser, the amount of the cash paid for said real estate;

The undersigned would further report that pursuant to said order, he has caused notice of the time and place of said sale to be given by publication in the Indianapolis Commercial, a newspaper printed and published in said City and by posting notices at five places in Center Township, being the Township in which said real estate is situate, more than ten days prior to the date set for said resale, proof of which notice is filed herewith and made a part of this report;

That on the 17th day of April, 1939, the same being the day fixed for said sale, the undersigned as commissioner offered said real estate described as follows towit:

TRACT I: Lot numbered 14 in McCarty's Subdivision of Out Lot 116 in the City of Indianapolis, Marion County, Indiana, known as 849-51 S. Meridian Street and 846 Charles Street in said City, County and State;

TRACT II: Lot numbered 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State for sale at private sale at the time and place fixed in said notice, and Henry Friedman bidding therefor, the sum of Forty-four Hundred Dollars, that being the highest and best bid, and he being the best bidder and said sum being more than the full appraised value thereof and ten per centum more than the bid of said Martha Hudson, the same was then and there openly knocked off and sold to said Henry Friedman for the sum of Forty-four Hundred Dollars;

The undersigned would further report that said purchaser has paid the full amount of his said bid

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in cash and that thereupon this being a resale of said real estate, the undersigned issued to said purchaser a Deed for said real estate;

WHEREFORE, he asks that said sale may be in all things confirmed by the Court, said deed approved and ordered delivered to said purchaser, and for all other and proper relief in the premises.

April 17, 1939 Proof of posting of notice of resale filed, showing that said notice was posted on April 4, 1939, in five public places in Center Township in Marion County, Indiana, viz:

One (1) at the South door of the Court House;
One (1) at the East Door of the Court House;
One (1) in the Basement of the City Hall;
One (1) at the corner of Southeastern Avenue and Washington Street;

One (1) in front of the premises known as 849 S. Meridian Street, all in the City of Indianapolis, Center Township, Marion County, Indiana;

April 17, 1939 Proof of publication of notice of resale filed, showing that said notice was published in The Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, for one insertion on April 6, 1939.

April 17, 1939 Report Approved and Order For Deed.

Come now the parties and comes also the commissioner heretofore appointed to make sale of the real estate herein, and files his Report of Sale and which report is in the words and figures as follows: (H.I.);

And the court having seen and inspected said report approves the same;

IT IS THEREFORE ORDERED by the court that said commissioner, Harvey L. Tielking shall make and execute a Deed of Conveyance to said purchaser, Henry Friedman and which said conveyance shall bar the claims of all owners to said real estate hereinbefore described and described as follows:

Tract I: Lot numbered 14 in McCarty's Subdivision of Out Lot 116 in the City of Indianapolis, Marion County, Indiana, known as 849-51 S. Meridian Street and 846 Charles Street in said City, County and State,

Tract II: Lot numbered 39 in McCarty's Subdivision of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State.

Said deed is now reported, examined, and

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approved in open court and ordered delivered to the purchaser.

And said commissioner is now ordered to distribute the proceeds of said sale in accordance with the Decree ordering sale.

Order Book 186 page 403.

September 26, 1939 Final report of commissioner filed and approved; commissioner released and discharged, and trust closed.

Order Book 188 page 461.

Costs paid.

COMMISSIONER'S DEED

Town Lot Record
1011 page 142
Inst. #13790
April 17, 1939
Recorded
April 18, 1939

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Harvey L. Tielking, Commissioner appointed by the Marion Probate Court of the County of Marion, State of Indiana, in a cause of action for partition, wherein Caroline Tielking, unmarried; Edward W. Stahlhut, Mamie Stahlhut, his wife; Stella Stahlhut, unmarried; Edna S. Berg, Carl Berg, her husband; Minnie C. Resener, unmarried; Don R. Mathius, a minor and unmarried by R. H. Mathius, guardian of said minor; Christina Hinchman, Carl Hinchman, her husband; Norma Koster, unmarried; Elsie Ostermeyer, unmarried; and Clara Ostermeyer, unmarried were plaintiffs and William Kruger, Maude L. Kruger, his wife; William C. Engelking, ---- Engelking, his wife, whose christian name is unknown; Louis H. Engelking, ---- Engelking, his wife, whose christian name is unknown; Theodore B. Engelking, ---- Engelking, his wife, whose christian name is unknown; Henry H. Engelking, -----Engelking, his wife, whose christian name is unknown; Clara Luecke, ---- Luecke, her husband, whose christian name is unknown; Elizabeth Engelking, unmarried; Arthur J. Schowengerdt, Kate M. Schowengerdt, his wife; Dora Garrity, Thomas E. Garrity, her husband; Fred J. Engelking, Mary Engelking, his wife; Christian Engelking, Clara Engelking, his wife; Clara Engelking, unmarried; the unknown heirs, legatees and devisees, and their unknown husbands or wives of William and Elizabeth Engelking, deceased; Henry W. Engelking, -----Engelking, his wife whose christian name is unknown; Otto Engelking, ---- Engelking, his wife, whose christian name is unknown; Frank A. Engelking, Emma Engelking, his wife Emma Tansel, the unknown husband of Emma Tansel, the unknown heirs, legatees and devisees of Emma Tansel, deceased; Herman Engelking,

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---- Engelking, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Herman Engelking, deceased; Louis C. Engelking, ---- Engelking, his wife, whose christian name is unknown; Frederick Engelking, ---- Engelking, his wife whose christian name is unknown; Caroline Kellermeyer, ---- Kellermeyer, her husband, whose christian name is unknown; Christine Dehne, ---- Dehne, her husband, whose christian name is unknown; Heinrich Rahe, ---- Rahe, his wife, whose christian name is unknown; Heinrich Tegtmeier, ---- Tegtmeier, his wife, whose christian name is unknown; Wilhelm Rahe, ---- Rahe, his wife, whose christian name is unknown; Caroline Laue, ---- Laue, her husband, whose christian name is unknown; Caroline Rinney, ---- Rinney, her husband, whose christian name is unknown; Carl Rahe, ---- Rahe, his wife, whose christian name is unknown; the unknown heirs, legatees and devisees of Carl Rahe, deceased; Harvey L. Tielking, administrator of the Estate of Emma Stahlhut, deceased; and William Engelking and Elizabeth Engelking, his wife were defendants, by order of said court duly made and entered in Order Book 186 page-- to Henry Friedman.

Tract I: Lot numbered 14 in McCarty's Sub-division of Out Lot 116 in the City of Indianapolis, Marion County, Indiana, Known as 849-51 S. Meridian Street and 846 Charles Street in said City, County and State.

Tract II: Lot numbered 39 in McCarty's Sub-division of Out Lot 119 in the City of Indianapolis, Marion County, Indiana, Known as 1021-5 Union Street and 1026 S. Pennsylvania Street in said City, County and State.

Examined and approved in open court this 17 day of April 1939.

Smiley N. Chambers
Judge Marion Probate Court.
(U. S. Revenue Stamp Attached).

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Henry Friedman died testate June 4, 1955.

Will Record
A-17 page 460
Probated
June 6, 1955

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LAST WILL AND TESTAMENT OF HENRY FRIEDMAN, DECEASED
I, Henry Friedman, a resident of the City of Indianapolis, County of Marion and State of Indiana, do hereby make, publish and declare this to be my last will and testament, hereby revoking any and all

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other wills, instruments, documents or codicils by me so made.

ITEM I. I direct my executor to pay the expenses of my last illness and death and all of my just and legal debts.

ITEM II. I was born in Austria in the old country and came to the United States of America at the age of thirteen, and am now and have been since my earliest opportunity so to be a resident and naturalized citizen of the United States of America, a privilege which I have held in honor and will until my death.

I married and as a result of my first marriage I had four children, two girls and two boys, and upon the death of my first wife I remarried after a long time of grief, and am now married for the second time to my present wife by whom I have never had any children.

All of the property and the worldly goods of life which I have, I have worked exceedingly hard for and have enjoyed a business reputation in Indianapolis of which I am very proud. I know the objects of my bounty and I know what it is I want done with all of the property that I leave when I die. I have made this brief statement in order that the bequests made by me subsequently in this will will be understood by my children, my grandchildren and by my present wife; and in this disposition of any property I have not only tried to do what in my judgment is the right and proper thing but also I have done the honest thing.

ITEM III. I have purchased two pieces of real estate, one located in Hollywood, Florida, and the other at 921 N. LaSalle Street, in the City of Indianapolis; and these two pieces of property which I have purchased now rest by record title in my name and my present wife's name as husband and wife, and therefore at my death she will become the sole owner of those two pieces of property and in my judgment at the time of the making of this will they are worth \$50,000.00. I give and bequeath to my present wife, Hazel, in addition to the two properties which I have just enumerated above the sum of \$200.00 each month to be paid to her by my trustee hereinafter named out of the rents and profits of my property which I hereafter in this will place in a trust to be administered as I later designate herein.

ITEM IV. My present wife's grandson, Ronald Coleman Green, is very dear to me and I have seen to his welfare during my lifetime and I propose to keep my word with his father upon his death bed and provide adequately for his education. Therefore, I give and bequeath to Ronald Coleman Green the sum of \$5,000.00 to be used

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for his education and in the event all of the same has not been used I direct that whatever balance is left and remaining when he arrives at twenty-one years of age shall be paid over to him. I hereby constitute and appoint the Union Trust Company of Indianapolis, Indiana, Trustee of this \$5,000.00 trust and direct them to expend the same for the education of this boy; and when arrives at twenty-one years pay all of the balance, if any remaining, over to him.

ITEM V. After the payment of all my just debts and the bequests heretofore made I give, devise and bequeath all of the remainder of my property, real, personal and mixed, of which I die seized and possessed, and which I may be entitled to at the time of my death, to my trustee hereinafter named, in trust, nevertheless to pay the net income thereof, after all expenses of upkeep, inclusive of all taxes, to my four children, Rolland Eli Friedman, Leora Sarah Brown, Clarice Hanna Crossland and Stuart Friedman, share and share alike, during their lifetime.

Upon the death of any one of my said children should they leave a child or children surviving, then the portion of income the parent would have received shall go to the child or children surviving them.

In the event any of my four children shall die not leaving a surviving child or children, then the portion of the income heretofore designated to such child shall be divided equally among my remaining children.

ITEM VI. At a time when the last surviving member of my four children has died said trust shall terminate and any payment being made to a grandchild shall cease; and I then give and bequeath and direct that the fee simple title to all of the real estate comprising this trust vest in my great-grandchildren living at that time, to be taken by them share and share alike, or their legal heirs if they are deceased and have left issue; and if there be no great-grandchildren living or the heirs of same, then to descend according to law.

I further give and bequeath to my great-grandchildren or their legal heirs, all other property, personal or mixed, which is in said trust at the time of said distribution, the same to be distributed in like manner as set forth in the preceding paragraph pertaining to said real estate.

ITEM V. I hereby constitute and appoint the Union Trust Company of Indianapolis, Indiana, or its successor, as the trustee of this trust and direct said - Union Trust Company to handle and manage the corpus of said trust in a business like manner and not co-mingle either the principal or

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the income with any other funds on deposit in said trust company, and direct that the payments to my children who are the beneficiaries of this trust be made by the Union Trust Company twice each calendar year.

I have heretofore in this will given and bequeathed to my wife Hazel Friedman the sum of \$200.00 each month during her life time, and I direct the Union Trust Company to pay her said \$200.00 each calendar month, making in all a payment to her of \$2400.00 each year during her life at the rate of \$200.00 each month.

I direct the Union Trust Company upon the final settlement of my estate to docket this said trust in the Marion Probate Court and according to law keep strict account of the earnings and corpus of said trust and furnish each beneficiary hereunder a report of said trust once each calendar year.

I direct the Union Trust Company, my trustee, to manage the corpus of my trust according to the best principles of business acumen and give to said - Union Trust Company the right, power and authority to sell and dispose of any of the property in said trust and to reinvest the proceeds therefrom in good substantial property or securities and make due report of any such sale to the Marion Probate Court at Indianapolis, Indiana, and perform and do the same under proper order of said Marion Probate Court.

As compensation to the Union Trust Company for their services as said trustee, as aforesaid, I direct them to petition the Marion Probate Court to have said court fix their fee annually and the same shall be paid annually.

ITEM VI. I hereby constitute and appoint Max M. Farb of Indianapolis, Ind., as executor of this my last will and testament and Earl R. Cox as attorney for said executor and also as attorney for my trustee in the administration of my trust herein set up.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal and have requested Alberta Smith and Lettie L. Stant to attest this, my last will and testament, as witnesses to the due execution thereof, this 19th day of January 1948.

Henry Friedman

The foregoing instrument consisting of six typewritten pages was on the date thereof signed, published and declared by Henry Friedman to be his last will and testament, in our presence, who, at his request and in his presence, and in the presence of each other, have hereunto affixed our signatures as witnesses to the due execution thereof, this 19th day of January 1948.

Alberta Smith
Lettie L. Stant
Witnesses.

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
165 page 61173

IN THE MATTER OF THE ESTATE OF HENRY FRIEDMAN
DECEASED.

-15-

June 6, 1955 Will Probated in Open Court.
Bond filed, and Max M. Farb duly appointed
and qualified as Executor of the last will and
testament of Henry Friedman, deceased.

Order Book 361 page 283.

June 27, 1955 Proof of notice of appointment
filed.

July 18, 1955 Inventory and appraisement filed,
wherein Read B. Laycock and Stilling L. Schory, after
taking oath, appraised the total value of the estate
of said decedent at \$300,552.82, which sum includes
Lot 39 herein, having been sold on contract in parts
and described as follows, to-wit:

(1) 1021 Union St., being sold to Charles and
Lucy Dugan;

(2) 1025 Union St., being sold to James and
Lucille Franklin; and

(3) 1026 So. Pennsylvania, being sold to Walter
E. Weir.

"Pending."

-16-

The Union Trust Company of Indianapolis merged
and consolidated with The Indiana National Bank of
Indianapolis, under the name of "The Indiana National
Bank of Indianapolis", effective as of the close of
business December 30, 1950. Complete text of said
merger and consolidation recorded January 4, 1951 in
Miscellaneous Record 460 pages 34 and 36.

Old Age Assist-
ance Search

-17-

Examination has been made, as to the persons named
under the heading of Judgment Search, and for the
period so specified under said search, for liens
shown by notices of Old Age Assistance, filed in the
Office of the Recorder of Marion County, as provided
by the Acts concerning Public Welfare, approved
May 1, 1947.

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Judgment Search

-18-

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

Henry Friedman

from May 3, 1945
to and including
June 4, 1955

and vs

The Indiana National Bank
of Indianapolis, Trustee
under the Last Will and
Testament of
Henry Friedman, Deceased

from June 4, 1955,
to date and
against none other

-19-

Taxes for the year 1955 on the real estate for which this Abstract is prepared are assessed in the name of Henry Friedman and are due and payable on or before the first Mondays in May and November of 1956.

General Tax Duplicate No. 295151, E-F-G,
Indianapolis, Center Township, Part of Parcel No. 19427.

May Installment Unpaid.

November Installment Unpaid.

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

-20-

Taxes for the year 1956 now a lien.

-15- eb

*may installment
since paid
EB*

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

-21-

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

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

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

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

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

Computation of Lot Areas.

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

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

Restrictions on Reduction of Lot Areas.

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

Restrictions of Floor Areas in Dwelling Houses.

(General Ordinance No. 113, 1952)

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

In Class AA district 1500 square feet;

In Class A1 district 1200 square feet;

In Class A2 district 900 square feet;

In Class A-3, A4, A5, or A6 district 720 square feet.

Building line and Yard Restrictions in U1 and U2 districts.

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

Where no such lines are established, from set-back line shall be equal to $1/3$ of the average depth of the lot up to 50 feet, with minimum of 20 feet.

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

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

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

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

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

Non-Conforming Uses.

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

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

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

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

40 feet off the entire East End of the real estate herein abstracted appears in Use District, Class U-3; Height District, Class H-1; and Area District, Class A-4; the balance of the real estate herein abstracted appears in Use District, Class U-2; Height District, Class H-1; and Area District, Class A-4;

All as shown by the district zoning map of the City of Indianapolis, and is subject to the restrictions and uses therein provided for real estate in each of said respective districts.

April 27, 1956. 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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GUARANTEED CERTIFICATE

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STATE OF INDIANA }
COUNTY OF MARION } ss:

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

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

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

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

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

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

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

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

This certificate covers entries Nos. 1 to 23 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 19 both inclusive.

Dated at Indianapolis, Indiana, May 9, 1956, 7 A. M.

UNION TITLE COMPANY

by... *J. Ira E. Dunderidge*
President

-19- eb

UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

ME Irose 2-2361

Capital Stock \$1,000,000.00

527197

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

Indianapolis Division
 Terre Haute Division
 Evansville Division
 New Albany Division

NORTHERN DISTRICT

South Bend Division
 Hammond Division
 Fort Wayne Division
 Lafayette Division

SEARCH FOR
 PENDING BANKRUPTCIES
 INTERNAL REVENUE TAX LIENS

Prepared for: **Shelby Street Federal Savings &
 Loan Association**

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

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

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

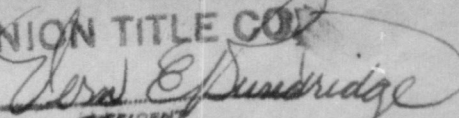
May 9, 1956, 7 A. M. and

The Indianapolis Division of the Southern District down to and including

May 9, 1956, 7 A. M.

Henry Friedman

The Indiana National
 Bank of Indianapolis,
 Trustee under the Last
 Will and Testament of
 Henry Friedman, Deceased

UNION TITLE COY
 BY 
 PRESIDENT

eb

393407

1.

INDIANAPOLIS

Continuation of Abstract of Title to 48.75 feet off the entire East End of Lot Number Thirty-nine (39) in Margaret McCarty's Subdivision of Out Lot 119 and the West Part of 118 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana.

TITLE

Prepared for Shelby Street Federal Savings and Loan Association since date of May 8, 1956

OF

CONVEYANCES

PROBATE COURT OF MARION COUNTY

ABSTRACTS

In The Matter of the Estate of Henry Friedman, Deceased, Max M. Farb, Executor.

Estate Docket
165 page 61173
Filed
June 11, 1956

2.

Petition of Executor For Authority To Comply With Terms Of Conditional Sales Contract Executed By Decedent And To Execute Deed To Real Estate Sold Thereunder.

1. COMES NOW Max M. Farb, Executor of the Last Will and Testament of Henry Friedman, Deceased, and respectfully shows to The Court that said Decedent during his lifetime was the owner in fee simple of the following described real estate, situated in Marion County, Indiana, to-wit:

48.75 feet off the entire East End of Lot #39 in Margaret McCarty's Subdivision of Out Lot 119, and the West part of Lot #118 of the Donation Lands of the City of Indianapolis, as per plat thereof recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana.

2. That on the 22nd day of December, 1948, said decedent entered into a conditional sales contract for the sale of said real estate above described, to Walter E. Weir and Bessie Weir, a copy of which contract is attached hereto, made a part hereof and marked for identification as "Exhibit A".

3. THAT said decedent died on the 6th day of June, 1955; that at decedent's death said contract was in full force and effect and at the time of his death there was due the decedent thereon the sum of \$716.69, and that there is due on said contract at this time the sum of \$535.78.

4. THAT as by statute provided, your petitioner is authorized to carry out the terms of said contract so made

L. M. Brown Abstract Co.,

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

and entered into by the decedent and said purchasers.

5. THAT said purchasers have advised the petitioner that they are ready to pay said balance due on said contract and take a deed to the said real estate herein described and so sold by the decedent under said contract referred to.

WHEREFORE, your petitioner prays The Court that this his petition ~~to~~ set for hearing without notice, as by statute provided and authorized pursuant to Section 7-712 of Burns 1953 replacement authorizing the same, and that upon hearing by The Court your petitioner be authorized to accept the balance due under said contract, and as by statute provided to execute his Executor's Deed to said real estate so sold on conditional sales contract by the decedent herein, and for all such other relief as is fit and proper in the premises.

Max M. Farb, Executor
Estate of Henry Friedman,
Deceased.

Subscribed and sworn to before me, a notary public in and for the above county and state, this 11 day of June, 1956.

Wilfred F. Seyfried, L.S.
Notary Public.

My Commission expires:
January 5, 1957.

Entry Authorizing Executor To
Comply With Terms Of Conditional
Sales Contract Executed By
Decedent And To Execute Deed
To Real Estate Sold Thereunder.

THIS MATTER came on to be heard this 11th day of June, 1956 upon the petition of Max M. Farb as Executor of the Last Will and Testament of Henry Friedman, deceased for authority to carry out the terms of a certain conditional sales contract executed by the decedent prior to his death for the sale of the following described real estate situated in Marion County, Indiana, to-wit:

48.75 feet off the entire East End of Lot No. 39, in Margaret McCarty's Subdivision of Out Lot 119, and the West part of Lot 118 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana;
AND COMES NOW said Executor as aforesaid and it

appearing to The Court that notice of the filing of said petition is discretionary with The Court, THE COURT NOW FINDS that no such notice is necessary to the legatees under decedent's Will, or any heirs of the decedent herein, or any other parties in respect to said petition. And said Executor presents to The Court said contract so executed by the decedent and from an examination thereof, it appearing to The Court that on th 22nd day of December, 1948 the decedent herein did enter into said contract to sell the real estate therein described, and as heretofore set out, to Walter E. Weir and Bessie Weir, husband and

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

wife, for the sum of \$3,000.00, with the sum of \$100.00 as a down payment at the sum of \$27.00 per month until the full purchase price be paid in full, and with interest on the balance due thereon at the rate of six per cent per annum, computed semi-annually.

AND IT FURTHER APPEARING TO THE COURT that said purchasers under said contract owe the sum of \$535.78 at this time, and that said purchasers are ready to pay said sum and have tendered the same to said Executor, thereby complying with all the terms of said contract by them to be performed under said contract to secure a deed for said real estate.

THIS COURT FURTHER FINDS that as by statute provided in Section 7-712 of Burns replacement, 1953, said Executor is authorized and required to execute a deed to said real estate to said purchasers for and on behalf of the decedent, in compliance with the terms of said contract so executed by the decedent prior to his death, upon the payment to said Executor of the balance due under said contract.

IT IS THEREFORE ORDERED BY THE COURT that the Executor herein be, and he is hereby authorized and directed to comply with and carry out the terms of the conditional sales contract executed by the decedent, Henry Friedman, on the 22nd day of December, 1948 with Walter E. Weir and Bessie Weir, husband and wife, for the purchase and sale of the real estate located in Marion County, Indiana, and described as follows:

48.75 feet off the entire East End of Lot #39 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of Lot #118 of the Donation Lands of the City of Indianapolis, as per plat thereof recorded in Plat Book 1 pages 253 and 254 in the office of the Recorder of Marion County, Indiana;

accept the sum of \$535.78 due thereon from said purchasers, and execute his Executor's Deed therefor for and on behalf of said decedent, Henry Friedman.

AND COMES NOW said Executor and brings into court said sum of \$535.78 so paid by said purchasers, and submits for approval his proposed Deed so executed in compliance with the order of this court, and as provided for in said conditional sales contract.

AND said Executor's bond heretofore filed, appearing to The Court to be adequate to cover the proceeds received under the terms of said contract, and in consideration of said Deed, no additional bond is necessary.

IT IS THEREFORE FURTHER ORDERED BY THE COURT that the Executor herein has in all things complied with the terms and conditions of the conditional sales contract executed by the decedent, Henry Friedman on the 22nd day of December, 1948 with Walter E. Weir and Bessie Weir, husband and wife for the purchase and sale of the real estate located in Marion County, Indiana, and described as follows:

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INDIANAPOLIS

TITLE

OF

ABSTRACTS

L. M. Brown Abstract Co.,

48.75 feet off the entire East End of Lot #39 in Margaret McCarty's Subdivision of Out Lot 119 and the west part of 118 of the Donation Lands of the City of Indianapolis, as per plat thereof recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana; that the purchasers hereof have likewise complied with, and carried out all the terms and conditions therein contained on their part to be performed; that the proposed Deed of the Executor herein, conveying said real estate to Walter E. Weir and Bessie Weir, husband and wife, the said purchasers, be, and the same is hereby approved.

AND SAID EXECUTOR is hereby further ORDERED AND DIRECTED to file a certified copy of this Order in the Office of the Recorder of Marion County, Indiana. Order Book 385 page 198.

Executor's Deed
Revenue Stamps
Attached

Deed Record
1623 page -
Inst. #44354
June 11, 1956
Recorded
June 29, 1956

3.

Max M. Farb, Executor of the Estate of Henry Friedman, Deceased, and as such Executor by order of the Probate Court of Marion County, in the State of Indiana, entered in Order Book 385, on the records of said Court, at Page No. -, pursuant to the terms of a certain Conditional Sales Contract executed by and between the Decedent, Henry Friedman and Walter E. Weir and Bessie Weir, husband and wife, on the 22nd day of December, 1948, for the purchase and sale of the real estate herein conveyed

to
Walter E. Weir and
Bessie Weir,
husband and wife

48.75 feet off the entire East End of Lot 39 in Margaret McCarty's Subdivision of Out Lot 119 and the West Part of 118 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 253 and 254 in the office of the Recorder of Marion County, Indiana.

Subject to all existing taxes and encumbrances.

IT IS EXPRESSLY UNDERSTOOD in the issuance and acceptance of this conveyance that the warranty of the Grantor as the personal representative of the decedent, Henry Friedman, as herein contained is not binding on the Grantor but is made solely to comply with the provisions of subsection C of Section 7-712, Burns Indiana Statutes Replacement 1953, relating thereto.

Approved in Open Court this 11th day of June, 1956.

Dan V. White, Judge
of the Probate Court
of Marion County, Indiana.

393407

4.

INDIANAPOLIS

WE FIND NO FURTHER CONVEYANCES

TITLE

ENCUMBRANCES

OF

MORTGAGES

ABSTRACTS

Mortgage Record
1851 page -
Inst. #44355
June 20, 1956
Recorded
June 29, 1956

Walter E. Weir and
Bessie Weir,
husband and wife
to

Mortgage

Shelby Street Federal
Savings and Loan Association

5.

48.75 feet off the entire East End of Lot 39 in
Margaret McCarty's Subdivision of Out Lot 119 and the West
Part of 118 of the Donation Lands of the City of Indianapolis
as per plat thereof, recorded in Plat Book 1, pages 253
and 254, in the office of the Recorder of Marion
County, Indiana.

L. M. Brown Abstract Co.,

To secure the payment of a promissory note
of even date herewith for the principal sum of
\$1400.00 executed by the mortgagors and
payable to the order of the mortgagee on or
before 12 years after date, with interest at
6% thereon as provided in said note, said
principal and interest being payable at the
office of the mortgagee, in the City of
Indianapolis, Indiana, in regular monthly
installments of \$26.00 each, payable on or
before the first day of each calendar month
hereafter, all of which indebtedness the
mortgagors severally promise and agree to pay to
the order of the mortgagee, all without relief
from valuation and appraisement laws and with
attorney's fees. Said monthly payments include
taxes and insurance.

INDIANAPOLIS

MECHANICS' LIENS

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

TITLE

OLD AGE ASSISTANCE LIENS.

7. Provided by the Acts concerning Public Welfare approved March 12, 1947.

OF

Search has been made as to Old Age Assistance Liens filed in the office of the Recorder of Marion County, as to the persons listed, and for the period specified on the following judgment search.

ABSTRACTS

We find none.

JUDGMENTS.

8. 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:

The Indiana National Bank, Trustee from May 8, 1956 to date.

Walter E. Weir and Bessie Weir jointly and not individually for the 10 years last past.

None found unsatisfied.

ASSESSMENTS

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

L. M. Brown Abstract Co.,

393407

INDIANAPOLIS

TITLE TAXES

10.

OF

Taxes for the year 1955 assessed in the name of
Henry Friedman
Part of Parcel No. 19427
General Tax Duplicate No. 295151
Indianapolis, Center Township

ABSTRACTS

are due and payable the first Monday in May and the
first Monday in November, 1956.

May installment paid.
Nov. installment unpaid.

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

L. M. Brown Abstract Co.,

11.

Taxes for the year 1956 became a lien March 1st
and are due and payable in May and November of the
year 1957.

CERTIFICATE

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

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

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

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

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

IV. IN THE OFFICE OF THE CLERK OF THE MARION CIRCUIT COURT, search made in the Lis Pendens records of complaint and attachments, the will records and estate and guardianship dockets, and the general judgment dockets of the Marion Circuit Court, of the Superior Courts of Marion County, of the Probate Court of Marion County, of the Criminal Court of Marion County, 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 June 29, 1956 May 8, 1956 to and including

and covers Paragraph No. 1 to 12
 both inclusive, and Sheets No. 1
 to 8 both inclusive.

L. M. BROWN ABSTRACT COMPANY, Inc.

By *Russell C. Ford*
 President & Mgr.



rab

OFFICERS

RUSSELL A. FURR
PRESIDENT
FRED G. APPEL
VICE-PRESIDENT
VOLNEY M. BROWN
VICE-PRESIDENT
LOWELL W. MYERS
ASST. VICE-PRESIDENT
MARION DAVIS
ASST. VICE-PRESIDENT
EDSON T. WOOD
SECRETARY
ARCHIE H. ADAMS
ASST. SECRETARY
CORNELIUS O. ALIG
TREASURER
RICHARD W. BIRSFIELD
ASST. TREASURER
M. L. SULLIVAN
TITLE OFFICER

Established 1868

L. M. BROWN ABSTRACT COMPANY, Inc.

150 1/2 EAST MARKET STREET

Phone MEIrose 2-3448

ABSTRACTS—TITLE INSURANCE—ESCROWS

Capital \$150,000.00

INDIANAPOLIS 4, IND.

393407

DIRECTORS

CORNELIUS O. ALIG
FRED G. APPEL
VOLNEY M. BROWN
FERMOR S. CANNON
HOWARD W. FIEBER
EDWARD P. FILLION
RUSSELL A. FURR
A. C. MOLDTHAN
J. ALBERT SMITH
SAMUEL B. SUTPHIN
EDSON T. WOOD
FRED H. WUELFING

In The UNITED STATES DISTRICT COURT

SEARCH FOR
BANKRUPTCIES

At the Request of

Shelby Street Federal Savings and Loan Association

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

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

This certificate covers the Indianapolis Division down to and including June 29, 1956
and all other Divisions of the State of Indiana down to and including June 29, 1956

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.

The Indiana National Bank, Trustee
Walter E. Weir
Bessie Weir

Dated..... July 29, 1956.....

L. M. BROWN ABSTRACT COMPANY, Inc.

By.....*Russell A. Furr*.....

President

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