

NOTICE OF SHERIFF'S SALE OF
REAL ESTATE

By virtue of a certified copy of a judgment and decree to me directed from the Clerk of the Noble Circuit Court of Noble County, State of Indiana, in a cause in said Court wherein Noble County Loan and Savings Association is plaintiff and Lawrence Dale Witham and Mary Jane Witham and others are defendants, requiring me to make for the plaintiff upon its judgment in said cause the sum of nineteen hundred thirty-one dollars and ninety-one cents (1931.91), together with interest and costs and the costs of this sale, I will expose at public sale, to the highest bidder, on Friday, the 27th day of May, 1949, between the hours of eight o'clock A.M. and four o'clock P.M., central standard time, of said day, at the east door of the Court House in the Town of Albion, in said Noble County, in the State of Indiana, the rents and profits for a term of not exceeding seven (7) years, of the following real estate in said Noble County, State of Indiana, to-wit:

Lot number sixty-nine (69) in Is-and Park Assembly Grounds, Orange Township, in said Noble County, State of Indiana.

If the rents and profits will not sell for a sum sufficient to satisfy said decree, interest and costs, I will at the same time and place expose at public sale the fee simple of said real estate or so much thereof as may be sufficient to discharge the said decree, interest and costs.

Said sale will be made without relief from valuation and appraisal laws.

CHARLES HAASE,
Sheriff of Noble County, Indiana.
Glenn E. Thrapp,
Attorney for Plaintiff.
(Apr 20 27 May 4)

STATE OF INDIANA }
NOBLE COUNTY } ss

Noble Circuit Court May 10 1949

Personally appeared Ruby Baad lookkeeper
of THE KENDALLVILLE DAILY NEWS-SUN; a daily newspaper of general circulation, published in the city of Kendallville, in the county aforesaid, who, being duly sworn, upon her oath says that the notice, of which the attached is a true copy, was duly published in said paper for 3 weeks successively, to-wit:

On the 20 day of April 1949 On the 4 day of May 1949

On the 27 day of April 1949 On the _____ day of _____ 19____

12 Pastors Signed Ruby Baad

Subscribed and sworn to this 10 day

of May 1949

[SEAL]

L. Joyce Detrick (nee Smith)

My commission expires July 23 1949

15639

typed

NOBLE CIRCUIT COURT

Term, 19

No.

FILED
MAY 11 1949

Louella Hyman

CLERK NOBLE CIRCUIT COURT

PROOF OF PUBLICATION

IN

The Kendallville Daily News-Sun

FEE

1.00
11.93
12.93

STATE OF INDIANA
NOBLE COUNTY

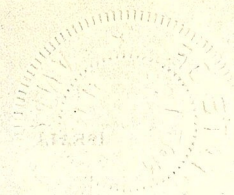
Noble Circuit Court

Personally appeared
of THE KENDALLVILLE DAILY NEWS-SUN, a daily newspaper of general
circulation, published in the city of Kendallville, in the county aforesaid,
who, being duly sworn, upon oath says that the notice, of which the
attached is a true copy, was duly published in said paper for weeks
successively, to-wit:

On the day of 19 On the day of 19

On the day of 19 On the day of 19

Subscribed and sworn to this day



My commission expires 19

SHERIFF'S RETURN ON CERTIFIED COPY OF
JUDGMENT AND DECREE.

The within and foregoing writ came to hand on the 15th day of April, 1949, and on the 22nd day of April, 1949, pursuant to law and the command of said judgment and decree I advertised the real estate in said judgment and decree described for sale at the Court House door in the Court House of Noble County, Indiana, to be held on the 27th day of May, 1949, by posting notices of such sale, and of which notice a true and exact copy is hereto annexed, at the three (3) following public places in Orange Township, in said Noble County, state of Indiana, said Orange Township being the township in which said real estate is situate, and which said notices were by me so posted in the following places, to-wit:

One in the village of Brimfield on a pole standing in the public highway known as Indiana-U.S. Highway No.6, at a point one half block east of the Tower Garage;

One on a pole standing in the public highway at the point that Indiana Road No.9 leaves Indiana-U.S. Highway No.6, to the north, and commonly known as McClure's Corners;

One in the public highway being Indiana Road No. 9 in the village of Rome City at its intersection with Kerr Avenue.

And I caused said notice to be published for three (3) weeks in the Kendallville News-Sun, a daily newspaper of general circulation in the English language, printed and published in the city of Kendallville in said county, and due proof of which publication, showing the first publication to have been made more than thirty (30) days prior

to date of such sale, is attached hereto and is made a part of this return.

And on the day set for such sale, to-wit: the 27th day of May, 1949, between the hours of 8 o'clock a.m. and 4 o'clock p.m., ^{Central Standard Time} at the Court House Door, of the Court House of said Noble County, state of Indiana, located in the town of Albion, I first offered to the highest and best bidder for cash in hand the rents and profits of said Real Estate for a period of one, two, three, four, five, six, ~~seven and~~ and seven years, respectively, and receiving no bid therefor, I did then and there offer to the highest and best bidder for cash in hand the fee simple right, title and interest of the defendants of, in and to said real estate as described in said judgment and decree, and Noble County Loan and Savings Association bid therefor the sum of Eighteen Hundred eightyseven dollars and eighty cents (\$1887.80) and that being the highest and best bid then and there offered for the fee simple title to all the said real estate described in said judgment and decree the same was openly struck off and sold to said Noble County Loan and Savings Association for the said sum,

and the purchaser having paid over to me the amount so bid by it, I executed to it my certificate of purchase of even date herewith and sheriff's deed for said real estate likewise of even date herewith.

Paid over to plaintiff in said cause.. . .	\$1842.04	1293
Return purchase price Paid Clerk of court costs.	\$ 45.76	3283
Total sale price.	\$1887.80	

Done this 27th day of May, 1949.

Charles F. Haase
Sheriff of Noble County, Indiana.

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No.-15639 Noble County Loan and Savings
Association, plaintiff

vs

Lawrence Dale Witham, Mary
Jane Witham, Harry Rice and Nora Rice,
defendants

To Foreclose Mortgage.

The State of Indiana, to the Sheriff of Noble County, Indiana:

Greeting:

Be It Remembered, that on the 11th day of June, 1948,
the same being the 29th Judicial day of the May, 1948, term of the
Noble Circuit Court of Indiana, held in the Court House in the town
of Albion, in said County and State, commencing on the Second Monday
in May, 1948, the Honorable Fred L. Bodenhafer, Judge of said court
presiding, the following proceedings were had and findings, judgments,
decrees and orders of sale made, rendered and entered by said court
in the above and foregoing cause, to-wit:

June 11, 1948 29th day

78-P.161-162

No.-15639 Noble County Loan and Savings
Association, plaintiff
vs
Lawrence Dale Witham, Mary
Jane Witham, Harry Rice and Nora
Rice, defendants.

)
) Decree of foreclosure,
)
)
) (w.e.furnished by counsel)

Comes now the plaintiff, Noble County Loan and Savings Association, by Glenn E. Thrapp its attorney, and it appearing to the satisfaction of the court, by the summons issued in this cause to the Sheriff of DeKalb County, State of Indiana, and the return of the Sheriff thereon endorsed, and which said summons and said return are severally in the words and figures following, to-wit: (h.i.), that the defendants Lawrence Dale Witham and Mary Jane Witham have been duly served with such summons more than ten days before the return day therein mentioned and more than ten days prior to the present date, and it further appearing to the satisfaction of the court by the summons issued in this cause to the Sheriff of Noble County, State of Indiana, and the return of the Sheriff thereon endorsed, and which said summons and said return are severally in the words and figures following, to-wit: (h.i.), that the defendants Harry Rice and Nora Rice have been duly served with such summons more than ten days before the return date therein mentioned and more than ten days prior to the present date, and that such service of summons on each and all of the above mentioned defendants was in each case made more than ten days prior to the return day noted on the plaintiff's complaint in this action, and each and all of the defendants to this cause now fail to appear, and each and all of the defendants to this cause are now three times loudly called, and each and all of the defendants to this cause come not and each and all the defendants to this cause now herein wholly make default.

And this cause is now submitted to the court for trial without the intervention of a jury, upon the default of each and all of the defendants hereto, and the evidence and argument of counsel being heard, and the court being fully advised in the premises, finds for the plaintiff that the allegations of its complaint are true and fully proven; that there is now due the plaintiff from the defendants Lawrence Dale Witham and Mary Jane Witham on the note sued on the sum of seventeen hundred ninety seven dollars and ninety cents (\$1797.90), and the further sum of one hundred twenty four dollars, (\$124.00) as a fee for plaintiff's attorney, all without relief from valuation and appraisement laws; that there is further due the plaintiff the sum of ten dollars and one cent (\$10.01) for taxes paid by the plaintiff under the terms of said mortgage; that said sums are all secured by the mortgage which is sought to be foreclosed by the complaint herein, and that said mortgage was duly recorded on the 1st day of November, 1946, in the office of the recorder of Noble County, State of Indiana, and that plaintiff is entitled to have said mortgage foreclosed as against all said defendants.

And the court further finds that by the terms of said mortgage it is provided that the plaintiff may have a receiver appointed to take charge of the mortgaged real estate and receive and collect the rents and profits therefrom, and that the said mortgaged premises are not occupied by the mortgagors as a residence, but that said premises are rented to the defendants Harry Rice and Nora Rice from month to month.

It is therefore considered and adjudged and decreed by the court that the plaintiff have and recover of and from the defendants Lawrence Dale Witham and Mary Jane Witham, the sum of nineteen hundred thirty one dollars and ninety one cents (\$1931.91), and also its costs and charges in this cause laid out and expended taxed at dollars and cents, without any relief from whatever from valuation and appraisement laws, and the judgment to bear interest at the rate of four per cent (4%) per annum from rendition thereof until paid.

It is further considered, adjudged and decreed by the court that the equity of

June 11, 1948 29th day

redemption of the defendants Lawrence Dale Witham and Mary Jane Witham, Harry Ride and Nora Rice, and all persons claiming from, under or through them, in and to the mortgaged premises, to-wit:

Lot number sixty-nine (69) in Island Park Assembly Grounds, Orange Township, in Noble County, in the State of Indiana;

be and the same is hereby forever barred and foreclosed, and that the said real estate and all the right, title and claim of the defendants Lawrence Dale Witham, Mary Jane Witham, Harry Rice and Nora Rice, and of all persons claiming from, under or through them in and to said real estate, shall be sold by the sheriff of this county as lands are sold under execution, such sale to be made without any relief whatever from valuation and appraisement laws, and the proceeds arising from such sale the sheriff is ordered and directed to apply in the manner following, to-wit:

First; To the payment of all costs accrued in this cause and costs of sale;

Second; To the payment of the amount found due the plaintiff herein, being the amount of the judgment hereinbefore rendered, together with interest from this date.

Third; The overplus, if any, remaining after payment of the foregoing judgment, interest and costs, to be paid by the Sheriff to the Clerk of this court for the use of the parties lawfully authorized to receive the same.

In the event that said mortgaged premises, shall fail to sell for a sum sufficient to pay and satisfy said judgment, principal, interest and costs, the residue thereof remaining unpaid shall be levied of the goods and chattels, lands and tenements of the defendants Lawrence Dale Witham and Mary Jane Witham, subject to execution, and sale thereof shall be made with any relief from valuation and appraisement laws.

It is further ordered and decreed by the court that Glenn E. Thrapp be, and he is hereby appointed receiver herein, and ordered to file bond in penal sum of \$1000.00 to collect and receive and hold until further ordered by this court, all rents and profits now due and unpaid, and all rents and profits of said mortgaged premises during the period of redemption, and it is further ordered and decreed that the tenants and all persons occupying said mortgaged premises are hereby directed to pay over to such receiver all rents of said mortgaged premises now due from them and which may hereafter become due until further order of the court.

State of Indiana,

Noble County, SS:

I, Dorabelle Frymier, Clerk of the Noble Circuit Court of Noble County, Indiana, in the state of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments, decrees and orders of sale made, rendered and entered in and by said court in said cause on said 11th day of June, 1948, as the same appears of record in my office in the Court House at the town of Albion, in said County and State.

In Witness Whereof, I hereunto subscribed my name and hereto affix the seal of said court at my said office this 15th day of April, 1949.

Dorabelle Frymier
Dorabelle Frymier
Clerk Noble Circuit Court.

You are therefore commanded, after giving the notice required by law, to sell the said real estate in the foregoing judgment and decree described as therein directed and as provided by law, without relief from valuation and appraisement laws, and apply the proceeds arising therefrom/*** therein ordered, and return this writ with your proceedings indorsed thereon within sixty days from this date.

In Witness Whereof, I hereunto subscribe my name and hereto affix the seal of said court at my office in the court house at the town of Albion, in said County and State, this 15th day of April, 1949.

Dorabelle Frymier
Dorabelle Frymier
Clerk Noble Circuit Court.

and that then of any other property of said defendants, subject to execution, you levy, without relief from valuation and appraisement, any balance remaining unpaid of the judgments rendered against said defendants, together with interest and costs and have the same at my office to satisfy said judgment, interest and costs,

In The Noble Circuit Court, March Term,
1949.

No.-15639 Noble County Loan and Savings
Association, plaintiff

vs

Lawrence Dale Witham, Mary Jane
Witham, Harry Rice and Nora Rice,
defendants.

To Foreclose Mortgage

Statement of Costs

Clerk's Costs.....	8.00	\$8.00
Docket Fee.....	2.00	\$2.00
Sheriff's Fee.....	5.75	\$5.75

State of Indiana, Noble County, SS:

I, Dorabelle Frymier, Clerk of the Noble Circuit Court of
Noble County, in the State of Indiana, do hereby certify that the
above and foregoing is a full, true and complete statement and list
of all the accrued costs in the above entitled cause as the same
appears of record in my office.

In Witness Whereof, I have hereunto subscribed my name and
affixed the seal of said court, this 15th day of April, 1949.

Dorabelle Frymier
Dorabelle Frymier
Clerk Noble Circuit Court.

Ex. No. 3359---
No. 15639-----

Noble County Loan and Savings
Association, plaintiff

vs

Lawrence Dale Witham, et al

Judg. favor pltf. ---1931.91

Interest to issue 65.23

Costs to issue 15.75

Total

Ed. 37 P. 84

Jd. 18. P. 325

Ex. 12 P. 225

Ob. 78 P. 161

FILED
MAY 27 1949

Dorabella Thymier

CLERK NOBLE CIRCUIT COURT

Glenn E. Thrapp

Attorney for plaintiff