

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 15043 First National Bank of Warsaw,)	
Plaintiff)	Fore close mortgage.
vs)	
Earl Coutts, Jane Coutts and Paul Grimm)	
defendants)	

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

Be it remembered, that on the 11th day of February, 1946, the same being the 31st Judicial day of the January, 1946, 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 First Monday of January, 1946, 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:

Feb.11,1946 31st day

No.-15043 First National Bank of Warsaw,plaintiff

vs
Earl Coutts,Jane Coutts and
Paul Grimm, defendants

)
) Decree.
)
)

Comes now the plaintiff by counsel,Porter D.Crowell, and comes also the defendant Paul Grimm by his counsel,Brubaker and Rockhill,attorneys at law,and it appearing to the court by summons herein,and by the return of the sheriff of Noble County endorsed thereon,that the defendant Jane Coutts has been served with process more than ten days before the first day of the present term of this court; and the return of the sheriff of Kosciusko County endorsed thereon, that the defendant Paul Grimm was served with process more than ten days before the first day of the present term of this court, and that return of the Sheriff of Kosciusko County endorsed thereon, that the defendant Earl Coutts has been served with process more than ten days before the 14th day of January,being the date endorsed on plaintiff's complaint for the return day of said summons which said summons and returns thereon are in words and figures as follows,to-wit:(h.i.).

And the defendants Earl Coutts and Jane Coutts being now three times audibly called in open court,come not but wholly make default.

Comes now the defendant Paul Grimm and files an answer in two paragraphs, which answer is in words and figures as follows,(h.i.).

Said cause is now submitted for trial and the court having heard the evidence and being duly advised in the premises finds that the allegations of plaintiff's complaint are true and that there is due from the defendants upon the note sued upon the sum of \$499.05 and the further sum of fifty dollars (\$50.00) as fees for the services of plaintiff's attorney,which sums the plaintiff is entitled to recover from the defendants,together with the costs of this action,all without relief from valuation and appraisement;and the court further finds that the defendant Paul Grimm,executed the note sued upon as the surety for the defendants Earl and Jane Coutts and the court further finds that the property of said defendants ,Earl Coutts and Jane Coutts should be first levied upon and exhausted before levying upon the property of the defendant Paul Grimm;

The court further finds that the sums due the plaintiff are secured by a chattel mortgage upon the goods and property owned by the defendants Earl Coutts and Jane Coutts which is described in the complaint; that said chattel mortgage was duly recorded in the office of the recorder of Noble County,Indiana,within ten days after its execution and that at the time of its execution and at the time it was recorded the defendants Earl Coutts and Jane Coutts resided in Noble County,State of Indiana;and the court further finds that the plaintiff is entitled to have said mortgage foreclosed and said property sold for the payment and satisfaction of said debt.

It is therefore considered,ordered adjudged and decreed that the plaintiff have and recover from said defendants the sum of \$549.05 together with the costs and charges laid and expended.

It is further adjudged and decreed that the plaintiffs said mortgage be foreclosed and the goods and chattels therein described,to-wit:

One half interest in the following listed barber shop equipment;

1 2 ch

- 1 - 2 chair #451 case like sample on floor
- 2 - #570 Ivory Porcelain with Levant #d266 genuine leather
- 6 - #3514 chairs textile to match above leather
- 1 - used ivory pedestal lavatory swing faucet
- 1 - used #46 Pole, black base
- 1 - used cigar case, as is
- 1 - used #73 hat and coat rack, black and chrome
- 1 - used low quick shining stand - set up
- 1 - used 22" shampoo stool ox

All the above quipment located on the east side of Cavin Street in the City of Ligonier, Indiana.

or so much thereof as may be necessary for that purpose, be sold by the sheriff of Noble County, State of Indiana, as other goods, chattels, and personal property are sold on execution, the sale to be without any relief from valuation or appraisement laws.

The proceeds arising from the sale of said personal property shall be applied as follows, to-wit:

First, to the payment of the costs and accruing costs herein;

Second, to the payment of the amount found due plaintiff on the claim sued upon herein, being the last of the judgment herein before rendered, together with interest from this date, at the rate of six per cent per annum from date until paid;

Third, the over-plus if any there be, to be paid by the Sheriff to the Clerk of this court for the use of the party lawfully entitled and authorized to receive the same.

In the event, said mortgaged personal property shall fail to sell for a sum sufficient to pay and satisfy said judgment, interest, costs and accruing costs, the residue thereof remaining unpaid shall be levied upon the goods, chattels and lands and tenements of the defendants Earl Coutts and Jane Coutts subject to execution, and sale thereof shall be made without any relief from valuation and appraisement laws.

It is further adjudged and decreed that in the event said mortgaged personal property and other goods, chattels lands and tenements of the said defendant Earl Coutts and Jane Coutts shall fail to sell for a sum sufficient to pay and satisfy said judgment, interest, costs and accruing costs the residue remaining unpaid shall be levied upon the goods, chattels, lands and tenements of the defendant Paul Grimm, which is subject to execution and sale thereof shall be made without relief from valuation and appraisement laws.

State of Indiana,

Noble County, SS:

I, Porter R. Black, Clerk of the Noble Circuit Court of Noble County, 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 February, 1946, 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 subscribe my name and hereto affix the seal of said court at my said office this 18th day of March, 1946.

Porter R. Black
Clerk Noble Circuit Court.

You are therefore commanded, after giving the notice required by law, to sell the said personal property 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 as therein ordered, and return this writ with your proceedings indorsed thereon, within sixty days.

In Witness Whereof, I hereunto subscribe my name and hereby affix the seal of said court at my office in the court house at the town of Albion, in said County and State this 18th day of March, 1946.

Porter R. Black
Clerk Noble Circuit Court.

In the Noble Circuit Court, March term, 1946

No.-15043 First National Bank of Warsaw,
plaintiff

vs

To foreclose mortgage.

Earl Coutts, Jane Coutts and Paul Grimm
defendants

Statement of costs.

Clerk's Costs.....	10.00
Sheriff's fee.....	10.20
Total	20.20

State of Indiana, Noble County, SS:

I, Porter R. Black, 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 hereunto subscribe my name and hereto affix the seal of said court this 18th day of March, 1946.

Porter R. Black

Clerk Noble Circuit Court.

Ex.No.3311
Cause No.15043
First National Bank of Warsaw
vs
Earl Coutts,Jane Coutts,Paul Grimm

Judg.favor pltf.	\$549.05
Interest to issue	3.39
Costs to issue	20.20
Total	572.64
O.B.77 P.140	Ed.36 P. 73
J.D. 17 P.58	Ex.12 P. 198

Porter D.Crowell,Attorney

FILED
AUG 16 1946

Porter R Black
CLERK NOBLE CIRCUIT COURT

State of Indiana:

In The Noble Circuit Court

County of Noble: SS

No.15043

First National Bank of Warsaw

- VS -

Earl Coutts, Jane Coutts, Paul Grimm

By virtue of this writ, and in obedience to the command, I levied upon the personal property of the within named defendants, Earl Coutts, Jane Coutts and Paul Grimm, described as follows, to-wit:

- 1- 2 chair #451 case like sample on floor
- 2 - #570 ivory porcelain with Levant #d266 genuine leather
- 6 - #3514 chairs textile to match above leather
- 1 - used ivory pedestal lavatory swing faucet
- 1 - used #46 pole, black base
- 1 - used cigar case as is
- 1 - used #78 hat and coatrack, black and chrome
- 1 - used low quick shining stand
- 1 - used 22" shampoo stool ox

I thereupon advertised said property according to law, by posting notices of the time and place of the sale, ten days previous of said sale, and by posting them in three of the most public places in the township where sale was made.

The following posting to-wit:

- 1. On Ben Glaser Bldg. Cavin St. Ligonier, Perry Township.
- 2. Left side entrance of Barber shop, Cavin St. Ligonier, Perry Township.
- 3. On the east side lawn of City bldg. Ligonier, Perry Township.
- 4. East door of Noble County Court House.

I thereupon sold, said property at public auction, pursuant to the advertisement, to the following named person and for the sum set opposite ^{his} their name.

Richard Botts. All property as advertised \$325.00

Mary Jane Coutts, being duly sworn, upon her oath, says, that she is an execution defendant in the cause named above, and has filed a schedule of assets, to be exempt from execution. A certified copy of which is hereto attached and made a part of this return.

There being no property found belonging to the within named defendants, on which to levy that would satisfy this writ, I return same partially satisfied. This 16th day of August, 1946.

and interest
~~paid~~ costs, to issue of Execution \$23.59

Sheriff's costs for sale as follows:

Mileage	\$ 2.60
Service	\$.40
D. & R.	\$.20
Levy	\$ 1.00
Commission	\$ 4.13

Total Paid \$31.93

Recieved from sale \$325.00

Costs Paid

Balance *Judg. & Int.*

\$325.00

~~\$31.93~~

\$293.08

Total costs =
less amt 3.39
\$28.53

Total paid on judgment. ed amt 296.47

Paid to the Clerk of the Noble Circuit Court \$325.00 the total amount of money received for sale of property. Which sum includes all costs on sale of property.

John S. Lighter Sheriff Noble County

FILED
AUG 1 1904
CLERK OF THE COURT
Noble County, Iowa

STATE OF INDIANA)
COUNTY OF NOBLE }SS

IN THE NOBLE CIRCUIT COURT
MAY TERM A.D. 1946
Cause No. 15043

FIRST NATIONAL BANK OF WARSAW

VS

EARL COUTS
JANE COUTS
PAUL GRIMM

SCHEDULE OF ASSETS OWNED BY MARY JANE COUTS.

The following is a list of all property owned by the undersigned and located in Noble County, Indiana:

Household goods	\$300.00
Dodge 1936 Two Door Auto	250.00

which said amounts the undersigned holds and claims should be set off to her as a householder, exempt from execution.

Mary Jane Couts
Mary Jane Couts

STATE OF INDIANA
NOBLE COUNTY, S.S.

Mary Jane Couts, being duly sworn, upon her oath, says, That she is an execution defendant in the caused named in the above schedule to which this affidavit is attached and made a part; that affiant is now and was at the time the execution herein was issued, a bona fide resident of Noble County, State of Indiana; affiant says that said inventory and schedule contains a full and true account of all property owned or on hand of every kind and description whatever belonging to this affiant or in which she had any interest on the 18 day of March 1946, the same being the date of issuing the execution herein, and that she has not disposed of any part of said property since said execution was issued.

That she claims the property described in said schedule exempt from execution.

Mary Jane Couts

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 15 day of May, 1946.

George L. Kulison
Notary Public

My Commission Expires
January 5th, 1949.