

State of Indiana

Noble County

SS

NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a Decree and Order of sale issued from the Noble Circuit Court of Noble County, Indiana, to me directed from the clerk of said court in favor of The P. and H. Supply Company and against Vern B. Fisher et al, I will sell at public auction to the highest bidder on the 5th day of February, 1944, between the hours of 10:00 A. M. and 4:00 P. M. of said day, at the east door of the Court House in the Town of Albion, County of Noble, State of Indiana, the following described real estate situated in Noble County, Indiana, to-wit:

Lot Number (4) four, and the west half of lot number three (3) in Wandell's Addition to the Town, now City, of Ligonier, also a tract of land described by metes and bounds as follows; to wit: Commencing at the northeast corner of Outlot number two (2) in said City of Ligonier, running thence due east one hundred and four (104) feet to the west line of said lot number four (4) in Wandell's Addition aforesaid, thence north one hundred and thirty (130) feet to the northwest corner of said lot Number four (4), thence west one hundred four (104) feet, more or less, to a point due north of the place of beginning, thence south one hundred and thirty (130) feet to the place of beginning, excepting therefrom the west fifty-two (52) feet by parallel lines thereof.

I will at that time offer for sale the fee simple of said real estate, together with the rents, issues, income and profits thereof to the highest bidder for cash, to satisfy said order of sale.

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

Dated this 22nd day of December, 1943.

Marion G. Galloway,
Sheriff of Noble County, Indiana
(35-3t)

L. K. THOMPSON, being duly sworn deposes and says he is the Editor of the Ligonier Leader, a newspaper of general circulation in the county of Noble, state of Indiana; that the annexed printed notice taken from the paper in which it was published, has been duly published in said paper at least once each week for 3 weeks as follows:

On the 30th day of December 19 43

On the 6th day of January 19 44

On the 13th day of January 19 44

On the _____ day of _____ 19 _____

L. K. Thompson
L. K. Thompson

and before me this 14th day of January A. D. 19 44

Ischuyler C. Sackitt J.P.
Notary Public

My Commission Expires Dec. 31, 1946

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1944, between the hours of 10:00 A. M. and 4:00 P.M. of said day, at the east door of the court House in the Town of Albion, County of Noble State of Indiana, the following described real estate situate in Noble County, Indiana, to-wit: Lot Number (4) four, and the west half of lot number three (3) in Wandell's Addition to the Town, now City, of Ligonier, also a tract of land described by metes and bounds as follows; to-wit: Commencing at the northeast corner of Outlot number two (2) in said City of Ligonier, running thence due east one hundred and four (104) feet to the west line of said lot number four (4) in Wandell's Addition aforesaid, thence north one hundred and thirty (130) feet to the northwest corner of said lot Number four (4), thence west one hundred four (104) feet, more or less, to a point due north of the place of beginning, thence south one hundred and thirty (130) feet to the place of beginning, excepting therefrom the west fifty-two (52) feet by parallel lines thereof.

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Dated this 22nd day of December, 1943.

Marion Galloway,

Sheriff of Noble County, Indiana.

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I will at that time offer for sale the fee simple of said real estate, together with the rents, issues, income and profits thereof to the highest bidder for cash, to satisfy said order of sale.

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

Dated this 22nd day of December, 1943.

Marion G. Galloway,
Sheriff of Noble County, -Indiana

12-30-48

- 1. East Door Court House
- 1. Junction 6 + 33 in Perry Twp
- 1. Foster Sale Barn in Sigouin, Perry Twp.
- 1. American State Bank in Sigouin Perry Twp

mileage 2.60
D. R. \$2.80

14.81
2.60
17.41

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 14436 The P. and H. Supply Company)	
vs)	Foreclosure.
Vern B. Fisher, et al)	

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

Be it remembered that on the 19th day of November, 1943, the same being the 59th Judicial day of the September, 1943, 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 2nd Monday in September, 1943, 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:

State of Indiana

County of Noble, SS:

The P. and H. Supply Company)

vs)

Vern B. Fisher)

The National Mill Supply Company)

Flint & Walling Mfg. Company)

Decree

w.e. furnished by counsel.

Comes now the plaintiff by its attorneys Claude V. Barker and Heaton, Shiffer & McClain and comes also the defendant Vern B. Fisher by his attorney W. Mortimer Cole, and the defendant Flint & Walling Mfg. Company failing to answer is now called and defaulted, and it appearing to the satisfaction of the court by the sheriff's return to the summons issued in this cause, which summons and the return of the sheriff endorsed thereon are in the words and figures following, to-wit: (h.i.), that the defendant The National Mill Supply Company has been duly served with process more than ten (10) days before the day fixed by the plaintiff, by endorsement on its complaint, for the defendant The National Mill Supply Company to appear and answer said complaint and more than ten (10) days prior to this time, and said defendant The National Mill Supply Company failing to appear, is now three (3) times loudly called, and comes not, and herein wholly makes default, and this cause is submitted to the court for trial upon the default of the defendants The National Mill Supply Company and Flint & Walling Mfg. Co., and the issues joined by the defendants Vern B. Fisher, and the evidence and arguments of counsel being heard, and the court being fully advised in the premises, finds that there is due the plaintiff from the defendant Vern B. Fisher on the note sued on, for principal, interest, attorney fees, insurance and extension of abstract as alleged in its complaint, the sum of \$437.97, all without any relief whatever from Valuation as or appraisement Law; that said sum is secured by the mortgage described in plaintiff's complaint and sought to be foreclosed by the complaint herein, that said mortgage was duly recorded on the 15th day of June, 1933, and duly entered in Mortgage Record Eighty-seven (87), Pages Three Forty Six, (346) and Three Forty-seven (347) of the records on file in the office of the Recorder of Noble County, State of Indiana, and that said Mortgage and said sums thereby secured is a first lien on the real estate therein and hereinafter described, superior to all rights therein of all the defendants to this action; that plaintiff is entitled to have said mortgage foreclosed against all the defendants to this action and said real estate sold, as provided by law, to pay the amount found due plaintiff as aforesaid.

The court further finds that, on March 16th, 1940 the defendant The National Mill Supply Company obtained a judgment in this court against its co-defendant, Vern B. Fisher, for the sum of Three hundred ninety nine dollars (\$399.00) and costs, which judgment was entered in Judgment Docket Seventeen (17), Page Eighty-three (83) of the Judgment dockets of this court, and that said judgment is unpaid and is a lien on the real estate hereinafter described and that said lien of said judgment is inferior to the lien on said real estate of plaintiff's said mortgage, but superior to the rights therein of all the other defendants to this action.

The court further finds that, on October 17th, 1940, the defendant, Flint & Walling Mfg. Company, obtained a judgment in this court against the defendant Vern B. Fisher in the sum of one hundred Twenty-nine dollars Seventy-one cents (129.71) and costs, which judgment was entered in Judgment Docket Seventeen (17), Page Eighty-four (84) of the judgment dockets of this court, and that said judgment is all paid except court costs, that said judgment is a lien on the real estate hereinafter described, all subject and inferior, however, to the lien of plaintiff's said mortgage on said real estate and also subject and inferior to the lien of the judgment of the defendant, The National Mill Supply Company, as above found, but superior

November 19, 1943 59th day

to the rights of the defendant Vern B. Fisher.

The court further finds that the defendant Vern B. Fisher was at the time of the filing of plaintiff's complaint herein and has at all times since been and is now an unmarried man.

The court further finds that all of the allegations in plaintiff's complaint contained are true.

IT IS THEREFORE CONSIDERED, ADJUDGED AND DECREED BY THE COURT, that the plaintiff, The P. and H. Supply Company, have and recover of and from the defendant Vern B. Fisher the sum of \$437.97, and also its costs and charges in this behalf laid out and expended, all without any relief ~~what~~ whatever from Valuation or Appraisement Laws, this judgment to bear interest at the rate of six per cent (6%) per annum from the date hereof until paid.

AND IT IS FURTHER CONSIDERED, ADJUDGED AND DECREED BY THE COURT, that the equity of redemption of each and all of the defendants to this action and of all persons claiming of, from under or through them, or any of them, in and to the real estate described in plaintiff's complaint and in its said mortgage, to-wit:

Lot No. Four (4) and the West Half of Lot No. three (3) in Wandell's Addition to the Town of Ligonier, also a tract of land described by metes and bounds as follows, to-wit:

Commencing at the northeast corner of Outlot No. Two (2) in said City of Ligonier, Indiana- running thence due East one hundred and four (104) feet to the West line of said Lot No. Four (4) in Wandell's Addition aforesaid, thence North one hundred and thirty (130) feet to the Northwest corner of said Lot No. four (4), thence West one hundred four (104) feet, more or less, to a point due north of the place of beginning, thence south one hundred and thirty (130) feet to the place of beginning, thence excepting therefrom the West Fifty-two (52) feet by parallel lines thereof, all situated in Noble County, State of Indiana,

and the same is hereby forever barred and foreclosed and that, upon the failure of said Vern B. Fisher, the National Mill Supply Company and Flint & Walling Mfg. Company, or anyone entitled so to do, to redeem said real estate from said judgment by payment thereof as provided by Law, within one (1) year from the 3rd day of December 1942, that being the date on which the complaint in this action was filed in this court, said real estate, shall be sold by the Sheriff of Noble County, Indiana, to satisfy plaintiff's said judgment with interest and costs, as by law provided, such sale to be made without any relief whatever from Valuation or Appraisement Laws, and the proceeds arising from such sale, said Sheriff is ordered and directed to apply in the manner following, to-wit:

First: To the payment of all costs accrued in this action and the costs of said sale.
Second: To the payment of the amount found due plaintiff herein from the defendant Vern B. Fisher, together with interest thereon from this date as aforesaid.
Third: The overplus, if any, remaining after the payment of the foregoing amounts shall be paid by the Sheriff to the Clerk of this court for the use of the party or parties lawfully entitled to the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, that in the event said mortgaged premises shall fail to sell for a sum sufficient to pay said judgment of the plaintiff, principal, interest and costs, the residue thereof remaining unpaid shall be levied of the goods and chattels, land and tenements of the defendant, Vern B. Fisher, subject to execution, and sale thereof shall be made without any relief whatever from Valuation or Appraisement Laws.

It is Further Ordered, Adjudged and Decreed by the Court that a duly certified copy of this Judgment and Decree, issued on or after the 3d day of December, 1943, under the hand of the Clerk and seal of this court, shall be sufficient authority for the Sheriff to execute the same.

State of Indiana,
Noble County, SS:

I, ~~Porter~~ R. Black, Clerk of the Noble Circuit Court of Noble County, 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 19th day of November, 1943, 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 10th day of December, 1943.

Porter R. Black

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 as therein ordered, and that then of any other property of said defendant, Vern B. Fisher, subject to execution, you levy, without relief from valuation and appraisement laws, any balance remaining unpaid of the judgments rendered against said defendant, together with interest and costs and have the same at my office to satisfy said judgment, interest and costs and return this writ with your proceedings indorsed thereon.

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 10 day of December, 1943.

Porter R. Black

Clerk Noble Circuit Court.

In the Noble Circuit Court, Sept. Term, 1943.

No.-14436 The P. and H. Supply Co.)
vs)
Vern B. Fisher, et al)

STATEMENT OF COSTS

Clerk's Costs.....	\$10.00
Sheriff's fees.....	7.65
Docket Fee.....	2.00
Total	<u>19.65</u>

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 set my hand and affix the seal of said court at Albion, this 10th day of December, 1943.

Porter R. Black
Clerk Noble Circuit Court.

*This writ came to hand on Dec 10, 1943
and I gave notice of sale of Real Estate
as per attached notice and I now
return this writ upon order of*

Plaintiff's Attorney, fully unsatisfied.

this 4th day of February 1944.

*Mileage 2.60
Q & R 26
Notice of sale 14.81
\$ 17.61*

John Singleton
Sheriff of Noble County, Ind.

No. 14436
Ex. No. 3278

The P. and H. Supply Company
vs
Vern B. Fisher, et al

Judg. vs. deft.....	437.97
Int. to date.....	1.45
Costs to date.....	<u>19.65</u>
Total	459.07

Ed. 35 P. 48	Ob. 76 P. 138-9
Jd. 17 P. 90	Ex. d. 12 P. 178

Claud V. Barker, attorney.

FILED
FEB - 4 1944
Arthur H. Blunt
CLERK NOBLE CIRCUIT COURT