

No.

April 12

1944

Received of

John Singleton, Sheriff

Three Hundred Twenty one & 85/100 Dollars.

as payment of money on sale of Kenneth
B. Berber. Personal property of Sheriff's sale

\$ 321.85-

Community State Bank
By Betty W. Frost teller

January 26, 1944 21st day

No.-14636 Community State Bank)
vs) Suit on Note
Kenneth Gerber)

Comes now the plaintiff by Ralph W. Probst, its attorney, and said plaintiff now shows to the satisfaction of the court by the summons, heretofore issued in this behalf upon its complaint herein, and the return of the sheriff thereon endorsed, and the court now finds that said defendant has been duly and legally served with due and legal summon in this cause more than ten days prior to the 20th day of January, 1944, the return day of said summons, which said summons and the return thereon endorsed are severally in the following words and figures, to-wit: (h.i.).

And on motion of said plaintiff this cause is now submitted to the court for trial without the intervention of a jury. And thereupon the trial of this cause commences, proceeds and is concluded. And the court having heard all the evidence and being fully advised in the premises, finds for said plaintiff that each and all the statements and averments of its complaint herein are true and fully proven; and that there is due the plaintiff from defendant on the note sued upon in the complaint the sum of \$368.18, dollars, and which sum the plaintiff is entitled to recover from defendant, together with the costs of this action, all without relief from valuation or appraisement laws; and the court further finds that the sum due plaintiff is secured by the chattel mortgage upon the goods and property described in the complaint; the court further finds that the said mortgage was duly recorded in the office of the recorder of said Noble County, within ten days after its execution, and that at the time of its execution, and at the time it was so recorded, the defendant resided and ever since has resided in said Noble County; and the court further finds that plaintiff is entitled to have his mortgage foreclosed and said property sold for the payment and satisfaction of his debt.

It is now therefore considered, ordered and adjudged by the court that said plaintiff, Community State Bank, do have and recover of and from said defendant, Kenneth Gerber, the sum of \$368.18,

so found due it on the note sued upon herein, without relief from valuation and appraisement laws, said judgment to draw interest at the rate of 8% per annum from this date until paid, and that said plaintiff also recover of and from defendant all its costs herein expended taxed at dollars and cents.

It is further considered, adjudged and decreed by the court that plaintiff's mortgage be foreclosed, and that the goods and property therein named and described as follows, to-wit: One J. B. Portable Mill; One 1936 Standard Chevrolet 2 Dr. Sedan, or so much thereof as may be necessary for that purpose be sold by the sheriff of said County of Noble, State of Indiana, as other goods, chattels, and personal property, are sold on execution, and the sale to be without any relief from valuation or appraisement laws.

Clerk's Certificate

State of Indiana,

County of Noble, 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 true, correct and complete copy of the Judgment rendered in the case entitled Community State Bank vs Kenneth Gerber, as the same appears of record in my office in Civil Order Book 76 at page 195.

I further certify that the costs accrued in this cause are listed as follows, \$10.00 Court Costs, \$2.00 Docket Fee, and \$2.58 Sheriff Fees, making in all a total of \$14.85.

In Witness Whereof, I hereunto set my hand and affix the seal of said court at Albion, Indiana this 3rd day of February, 1944.

Feb. 2, 1944

Porter R. Black

This Judgment is Exempt from Intangibles
tax by reason of: Clerk Noble Circuit Court
Having Actual Notice of said Exemption
Being Specifically Exempt under Sec. 1 (b)

Porter R. Black

Clerk of Noble Circuit Court

April 12, 1944

This writ came to hand this 3rd day of February, 1944, and served the same on the judgment defendant Kenneth B. Gerber, on 13th day of March, 1944, and did levy on the within described J. B. Portable Mill, the said Chevrolet Automobile not being found.

Thereafter on the 31st day of March, 1944, I did post three notices advertising the sale of said J. B. Portable Mill; the same being posted as follows, to-wit:

One posted on the north side of the Drake Pavement and directly east of the Penn. R. R. Right-of-way, in the city of Kendallville, Noble County, Indiana, and on the premises where said J. B. Portable Mill was located and was to be sold.

One at the southwest corner of Rush and Main Streets and

One at the Northwest corner of South Main and Drake Pavement intersections, all in Noble County, Indiana.

J. B. Portable Mill

Also on the said 31st day of March, 1944, I caused the same to be appraised, and on failure of the plaintiff and defendant to select an appraiser I, as Sheriff, did select Charles Thomas and Fred R. Young, to act as appraisers, who did thereafter duly qualify and appraise said J. B. Portable Mill, which appraisement is filed herewith and made a part hereof.

Thereafter, on the 12th day of April, 1944, between the hours of 10 o'clock A. M. and 4 P. M. of said day, and at the premises stated in said notice and where the said J. B. Portable Mill was located, I did, offer the same for sale to the highest and best bidder, and the said Community State Bank bidding the sum of Three Hundred Fifty Dollars, and that being the highest bid therefor, I as such Sheriff did openly strike off and sell the said J. B. Portable Mill, to the said Community State Bank, who did pay the sum of Three Hundred Fifty Dollars in Cash.

Judgment to date of issue	\$368.18
Interest to date of issue	.65
Costs to date of issue	14.85
Total	383.68

Sheriff's Costs

Posting	\$3.00
Levy and Milage	2.60
Comm. on sale	4.50
Appraiser fees, each \$1.50	3.00
Total	13.10
Docket & Return	20

Total	\$13.30	13.30
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Interest from issue date to date of sale	5.73
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Bid	350.00
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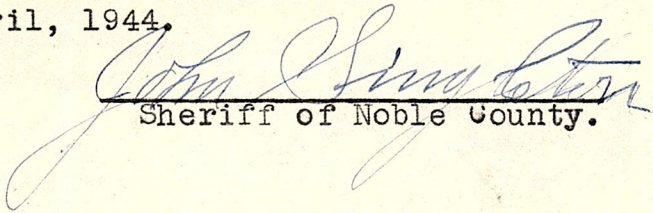
Deficiency	\$ 52.71
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Of the Proceeds of of said sale, I have applied as follows:

Paid to Community State Bank the sum of Three Hundred Twenty One Dollars and Eighty five Cents (\$321.85), receipt for which is attached hereto and made a part of this return. Check for Twenty Eight Dollars and fifteen Cents (\$28.15) is attached hereto.

Therebeing no other property in said county subject to levy this writ is herewith returned partially satisfied.

Dated this 12th day of April, 1944.


Sheriff of Noble County.

No.-14636

Community State Bank
vs
Kenneth Gerber

Order of Sale to foreclose
Chattel Mortgage Judgment

Principal-----	368.18
Int. to date-----	.65
Costs to date--	14.85
Total	<u>383.68</u>

JD.17 P.110	O.B.76 P.195
Ex.12 P.180	Ed. 35 P.248.

Ralph W. Probst, Atty.

FILED
APR 14 1944

Porter R. Black
CLERK NOBLE CIRCUIT COURT

State of Indiana,
County of Noble, S. S.
Community State Bank

vs

Appraisement.

Kenneth B. Gerber,

We, the undersigned, householders of Noble County,
Indiana, and having no interest in the personal property hereinafter
described, do swear that we will appraise the same at it's reaonable
cash value.

Charles Thomas

Fred P. Young

Subscribed and sworn to this 31st day of March, 1944.

John Singleton

Sheriff of Noble County.

Description of Personal property

One J. B. Portable Mill

Appraised value

\$ 300.⁰⁰

appraisers fee \$3.00
\$1.50 Each

Charles Thomas

Fred P. Young

Attest:

John Singleton
Sheriff.

FILED
APR 14 1944

Porter R. Black
CLERK NOBLE CIRCUIT COURT