

NOTICE OF SALE OF
PERSONAL PROPERTY

SHERIFF'S SALE

By virtue of an Order of Sale in Attachment and Garnishment to me directed from the Clerk of the Noble Circuit Court, Noble County, Indiana, wherein Jay S. Brechbill, d/b/a/ Kendallville Coal Company, is plaintiff, and Elias Portman, et al, is defendant, and wherein I am directed to make the sum of Four Hundred Thirty Seven Dollars, and ninety cents, together with costs, accruing costs, and interest thereon at the rate of six per cent from the 16th day of October, 1942, being the date of Judgement in favor of the plaintiff aforesaid, I have levied the same upon the said Fifty Five (55) shares of no par common stock in the Watters & Portman Wheel Company, being the specific described personal property described in said order of sale so directed to me, and ^Iwill, on the 8th day of December, 1942, at ^{and between} the hours of ten (10) o'clock in the forenoon and 4 P. M. in the afternoon of said day, offer for sale to the highest bidder, and for not less than two-thirds of the appraised value thereof, Fifty Five (55) shares of no par common stock in the Watters & Portman Wheel Company, or so much thereof as may be required to make the aforesaid sum of said judgment, costs, accruing costs and interest.

Said sale will be held at the office of Watters & Portman Wheel Company, West Ohio Street, in the City of Kendallville, Noble County, Indiana.

Dated this 24th day of November, 1942.

Marion G. Galloway
Sheriff of Noble County, Indiana.

R. W. Probst, Attorney
for Plaintiff.

11 State of Indiana,
County of Noble, S. S.

Jay S. Brechbill

vs

Appraisement

Elias Portman, et al.

We the undersigned J. Austin Jones and
Burton Hull householders of Noble County,
Indiana, and having no interest in the hereinafter described
personal property, do hereby swear that we will appraise the
personal property hereinafter described at it's fair cash value.

J. Austin Jones
Burton Hull

Subscribed and sworn to this 24th day of November, 1942.

Ralph W. Probst
Notary Public

My Com. Ex. August 7, 1943.

Personal property appraised.
Description.

Fifty-five (55) shares of no par common stock in
Watters & Portman Wheel Company
Total Appraised value

\$550⁰⁰

J. Austin Jones
Burton Hull
Appraisers

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

Copy.

Certificate of Purchase.

This is to certify that the undersigned as Sheriff of Noble County, State of Indiana, without warranty, has under and pursuant to an order of sale issued by the Clerk of the Noble Circuit Court, Noble County, Indiana, in the cause of Jay S. Brechbill d/b/a Kendallville Coal Company, as plaintiff and Elias Portman, et al as defendants, wherein I was ordered and directed to make the sum of \$437.90, together with costs and accruing costs, and interest thereon from the 16th day of October, 1942, to date of sale, at the rate of six per cent per annum, from the sale of 55 shares of the common stock of Watters and Portman Wheel Company, Incorporated, or so much thereof as may be required to be sold to satisfy said judgment, costs and interest, and that in accordance with said writ I did levy the same on said stock aforesaid and cause the same to be appraised as by law provided, and did give notice of said time and place of sale of said stock aforesaid.

And further that in accordance with said writ and notice of sale thereof, I did, between the hours of 10 o'clock in the forenoon and 4 P. M. of the 8th day of December, 1942, being the time fixed in said notices of the time, place and terms of sale of said stock aforesaid, did at the office of Watters and Portman Wheel Company, Incorporated, offer for sale/^{at public auction,} to the highest and best bidder, and for cash, the fifty five (55) shares of Common Stock of said Watters and Portman Wheel Company, Incorporated, and that the said George

E. John ^{Belonging to Elias Portman} having bid the sum of \$442⁰⁰ for said fifty five shares of stock aforesaid, and that being the highest and best bid therefor, and more than two thirds of the appraised value I did upon receipt of said ~~bid~~ bid in cash, then and there open ~~stock~~ off and sell said Fifty Five Shares of Common Stock of Watters and Portman Wheel Company, Incorporated, to George E. John, and have issued this certificate in evidence of said sale.

Witness my hand and seal of my Office this 8th day of December, 1942.

Marion G. Gallaway
Sheriff of Noble County, Indiana.

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana

No. 14358 Jay S. Beechbill, d/b/a Kendallville)	} Order of sale Attachment & Garnishment
Coal Co.)	
vs)	
Elias Portman, et al)	

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

Be it remembered that on the 12th day of October, 1942, the same being the 7th Judicial day of the January, 1942, 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 October, 1942, the Honorable Fred L. Bodenhafer Judge, of said Court presiding, the following proceedings were had and findings, judgments, decrees above and foregoing cause, to-wit:

Intangibles Tax Paid October 16, 1942
 in sum of one Dollars 25 1942
 On account of this Judgment Cents

Porter R. Black
 Clerk of Noble Circuit Court

Served this by levying on 55 Shares of Common Stock of Elias Portman et al and by selling same to settle judgment this 8th day of December 1942. I return this judgment fully satisfied.

Marion Galloway
Sheriff Noble Co

Judgment	437.90
Interest	4.00
Costs to issue	22.40
Appraiser fees	5.00
Shuff court	5.20
mileage	40
Services	16.90
Commission	20
D+R	20
<u>492.00</u>	

October 12, 1942 7th day

No.-14338 Jay S. Brechbill, d/b/a)
Kendallville Coal Co.) Complaint on account, affidavit for garnishment &
vs) attachment .
Elias Portman, Et Ted Portman)
Watters & Portman Wheel Co. Inc.)

Comes now the plaintiff by counsel, and it appearing to the satisfaction of the court by the proof of publication of the notice now herein filed that the defendants Elias Portman and Ted Portman have been duly notified of the pendency of this action by three successive weekly publications in the Kendallville New Daily News Sun, a Newspaper of general circulation, printed and published in the city of Kendallville, County of Noble State of Indiana, the last of which publication was made ~~ere~~ more than 30 days before the first day of the present term of this court, which said notice and proof of publication ~~ef~~ thereon are in the words and figures following, to-wit: (h.i.). And the said defendants Elias Portman and Ted Portman, failing to appear, said defendants are three times audibly called in open court but came not and herein wholly make default.

And comes now Watters & Portman Wheel Co., Inc., garnishee defendant herein, and now file herein their answer as garnishee defendant, which said answer is in the words and figures following, to-wit: (h.i.). 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 for the plaintiff herein on the issue in the attachment and garnishment proceedings herein; and that plaintiff's affidavit for attachment and affidavit in garnishment are true; and that the defendants Portman and Portman were at the time said affidavits were filed and at the time said writ of attachment was issued not residents of the State of Indiana; and that the defendant Elias Portman was the owner of the property attached and the owner of the property set out and described in the answer and garnishment herein filed by the defendant Watters & Portman Wheel Co., Inc., and the court further finds that plaintiff is entitled to have said property so attached and so described in said answer and garnishment, to-wit: 55 shares of no par common stock, issued by the Watters & Portman Wheel Co., Inc., sold, or a sufficient amount thereof to pay and satisfy plaintiff's said claim and his costs and charges in this behalf laid out and expended.

And the court finds that there is due ~~the~~ and the plaintiff is entitled to have and recover of on his proceedings in attachment and garnishment, of and from the defendants Elias Portman and Ted Portman, on the claim sued upon herein the sum of \$437.90.

It is therefore considered, adjudged, and decreed by the court that there is due plaintiff from defendant Elias Portman the sum of \$437.90, to be made only out of the proceeds of the sale of the property hereinafter ordered sold. It is further considered, adjudged and decreed by the court that the property attached in this action and described in the answer and garnishment as follows, to-wit: 55 shares of no par common stock in the Watters & Portman Wheel Co., Inc., or so much thereof as may be necessary to pay and satisfy said judgment and costs, and costs of sale be sold as other personal property is sold on execution, and that the proceeds arising from such sale be applied first to the payment of the costs and accruing costs, then to the payment of the judgment herein with interest, and that any ~~the~~ balance remaining be paid to the clerk of the Noble Circuit Court for the use of Elias Portman, defendant.

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 12th day of October, 1942, 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 16th day of October, 1942.

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, and apply the same arising therefrom as therein ordered, and return this writ with your proceedings endorsed thereon within one hundred and eighty 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 16th day of October, 1942.

Porter R. Black
Clerk Noble Circuit Court.

In the Noble Circuit Court October Term, 1942.

Noble 14338 Jay S. Brechbill, d/b/a)
Kendallville Coal Co.)
vs)
Eliás Cortman, et al)

STATEMENT OF COSTS

Clerk's Costs.....	\$9.50
Sheriff's fees	\$.60
Docket fee/.....	\$ 2.00
Newspaper notice.....	\$10.30
Total	<u>22.40</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 subscribe my name and hereto affix the seal of said Court this 16th day of October, 1942.

Porter R. Black

Clerk Noble Circuit Court.



No. 14338 Jay S. Brechbill, d/b/a
Kendallville Coal Co.

vs
Elias Portman, et al

Judg. favor plaintiff.....	\$437.90
Interest to issue.....	.29
Costs to issue.....	<u>22.40</u>
Total.....	460.59

O.B. 75 P. 414	Ed. 34 P. 531
JD. 17 P. 24	Ex. D. 12 P. 162

Posting of notices

1 East corner of Main & W. Main
 1 West " " " "
 1 West " " " "
 1 West " " " "

Ralph W. Probst, attorney

FILED
DEC 9 1942

Ralph W. Probst
CLERK, NOBLE CIRCUIT COURT