

NOTICE OF SHERIFF'S SALE OF  
REAL ESTATE.

State of Indiana,  
County of Noble, ss:  
Cause No. 14165.  
City of Kendallville, Indiana,

vs.

Erwin A. Deibele, et al.  
Notice of Sheriff's Sale of Real  
Estate.

By virtue of a certified copy of a decree to me directed, from the Clerk of the Noble Circuit Court, in the cause wherein the City of Kendallville, Indiana, is the plaintiff, and Erwin A. Deibele, et al., are defendants, requiring me to make the sum of Three Thousand, Eight Hundred Twenty-one and 41-100 (\$3821.41) Dollars, with interest and costs, I will offer for sale at public auction to the highest bidder, on the 13th day of December, 1941, between the hours of 10 A.M. and 4 P.M., at the east door of the Court House in the Town of Albion, Indiana, the rents and profits for a term not exceeding ten years, the following described real estate in the City of Kendallville, in said County and State, to-wit:

The west 125 feet of Lots 208 and 209, in Mitchell's Addition to the town, now City of Kendallville, excepting 20 feet off the south side of Lot 209; also Lots 23, 24, 25 and 49, in Idings' Addition to the City of Kendallville.

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

Said sale to be made without relief from valuation or appraisal laws.

Dated this 17th day of November, 1941.

MARION G. GALLOWAY,  
Sheriff of Noble County.

Porter D. Crowell,  
Attorney for Plaintiff.  
(Nov 17 24 Dec 1)

STATE OF INDIANA }  
NOBLE COUNTY }

ss

Noble Circuit Court December 2, 1941

Personally appeared Hellie D. Shaffer, bookkeeper  
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 2 weeks successively, to-wit:

On the 17 day of Nov, 1941 On the 1 day of Dec, 1941

On the 24 day of Nov, 1941 On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed Hellie D. Shaffer

Subscribed and sworn to this 2 day

of December, 1941

Lorraine Leidel nee Karlen

My commission expires Aug. 28, 1944

[SEAL]

# SHERIFF'S CERTIFICATE OF SALE

I, Marion G. Galloway Sheriff of Noble County, in the State of Indiana, certify that I have this day sold by virtue of an order of sale

to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on the 13 day of November, 1941 in a case wherein City of Kendallville

plaintiff and Erwin A. Deibele, et al

defendant wherein judgment was rendered on the 1 day of November, 1941 for the sum of 3784.56 dollars and 28.67 cents, principal and interest to date of judgment, and the further sum of 28.67 dollars and 8.20 cents, costs accrued to that date, upon which there has accrued interest and 46.53 dollars and 3791.76 cents costs making in all 65.20 dollars and 3878.43 cents cost to date of sale; making total amount due

And the said Marion G. Galloway as Sheriff aforesaid, advertised for sale, according to law, or levied said

upon the following described real estate as property of City of Kendallville on the 17 day of November, 1941, to-wit:

The west 125 feet of lots 208 and 209 in Mitchell Addition to Kendallville, Indiana, excepting 20 feet off the south side of lot 209; also lots 23, 24, 25 and 49 in Iddings Addition to the City of Kendallville, Indiana.

And said sale was set for the 13th day of December, 1941 and the said Marion G. Galloway Sheriff as aforesaid, did upon said day, between the hours prescribed by law, at door of the Court House of Noble County, offer for sale at public auction,

(Over)

# SHERIFF'S CERTIFICATE OF SALE

Sheriff Noble County  
- TO -

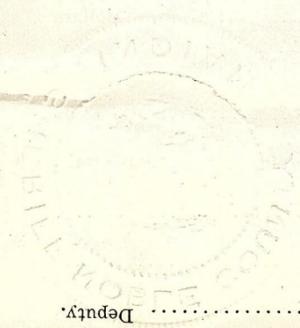
# CERTIFICATE OF SALE

FILED  
DEC 18 1941  
Benton R. Black  
SHERIFF NOBLE COUNTY

SHERIFF

Dec. 13 1940 By Deputy

the rents and profits of said real estate for a term not exceeding seven years, and having received no bid therefore, he did then and there offer for sale at public auction the fee-simple of said real estate, and City of Kendallville, Indiana having bid the sum of \$3878.43 dollars and cents, and no persons bidding more, the same was, in due form openly struck off to the said City of Kendallville being the highest and best bidder therefore, and that being the highest and best price paid for the same; and the said City of Kendallville paid the amount so bid by City of Kendallville The aforesaid certificate will entitle the said City of Kendallville the purchaser of said real estate as aforesaid, to deed in fee-simple to said premises in one year from date of sale, if the same is not redeemed by the defendant or any other person entitled thereto, paying the purchase money, with interest at eight per centum per annum, before the expiration of one year from date of sale aforesaid.



# RETURN ON ORDER OF SALE.

AND on the...17th...day of...November...1941, in pursuance to the command of this...Court... I advertised the Real Estate herein described for sale at the Court House Door of Noble County, Indiana, on the...13th...day of...December...1941, by publication in the...Kendallville Daily News Sun...a weekly and daily newspaper of general circulation printed and published in the...City...of...Kendallville...in said county, and nearest to where said Real Estate is situate, for more than three weeks successively, immediately before the day of sale, and by posting up a printed notice thereof at the Court House Door of said County, and by posting up like printed notices thereof at three public places of the Township, where the said Real Estate is situate, which was done more than twenty days immediately preceding the day of sale, a copy of said notice being thereunto attached and made a part of this return.

And on the day set for the sale of said Real Estate, to-wit:.....  
 December 13...1941, between the hours of 10 o'clock a m., and 4 o'clock p. m., at the Court House door of said County, at the Town of Albion, I first offered to the highest and best bidder for cash in hand. The west 125 feet of lots 208 and 209 in Mitchell's Addition to the town now City of Kendallville, excepting 20 feet off the south side of Lot 209 also lots 23, 24, 25 and 49 in Iddings Addition to the City of Kendallville, Indiana the rents and profits of said Real Estate for a period not exceeding seven years by the year, and receiving no bid therefor, I did then and there offer to the highest and best bidder for cash in hand. The west 125 feet of lots 208 and 209 in Mitchell's Addition to the town now City of Kendallville, excepting 20 feet off the south side of lots 209 also lots 23, 24, 25 and 49 in Iddings Addition to the City of Kendallville, Indiana

Costs to issue	\$28.67
Advertising	12.17
Sheriff's mileage	2.60
D & R	.20
Commission	21.56
	65.20
<i>ew.</i>	1.80
	\$ 66.20

the fee simple right of the defendant.. of, in and to said Real Estate as described in said ...order... of sale... and City of Kendallville, Indiana bid therefor...\$3878.43... DOLLARS and that being the highest and best bid then and there offered for the fee simple of all of the above described Real Estate, the same was openly struck off and sold to...City of Kendallville, Indiana... for the sum, there being present at and during all the time of said sale more than three competent bidders; and purchaser having paid over to me the amount so bid ...by...it..., I executed to...it...my certificate of purchase, bearing even date herewith. Paid over to plaintiff..., as per...its...receipt hereon...\$3813.23... DOLLARS. Paid over to Clerk...\$65.20...dollars, original costs, and retained ...dollars, my fees, Printer fee. Done...Dec. 13...1941.

*Marion Galloway* Sheriff  
 Deputy

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana,.

No. 14105 The City of Kendallville, Indiana, Plaintiff )  
vs )  
Erwin A. Deibele, Lydia F. Holsinger, )  
Emma M. Galloway, Edith R. Baughman, Depart- )  
ment of Financial Institutions of the State )  
of Indiana in charge of liquidation over the ) Decree  
Noble County Bank & Trust Company, Harry M. ) Foreclose  
Brown, Ownsboro Ditch & Grader Company, ) Assessment lien.  
Andrew J. Morrison, Vermont Finley, Commissioner )  
Defendants )

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

Greeting:

Be it remembered, that on the 1st day of November, 1941, the same being the 24th Judicial Day of October, 1941 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 in October, 1941, 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:

*Not taxable judgment  
was upon municipal  
assessment.*

November 1, 1941 24th day

State of Indiana, SS:

The City of Kendallville, Indiana, Plaintiff

County of Noble,

vs

Case No. 14105

Erwin A. Deibele, Lydia F. Holsinger, Emma M. Galloway, Edith R. Baughman, Department of Financial Institutions of the State of Indiana in charge of liquidation over the Noble County Bank & Trust Company, Harry M. Brown, Owensboro Ditch & Grader Co., Andrew J. Morrison, Vermont Finley, Comm. Defts.

Comes now the plaintiff by counsel, Porter D. Crowell, and it appearing to the court by summons herein, and the return of the sheriff endorsed thereon, that the defendants, Erwin A. Deibele, Lydia F. Holsinger, Emma M. Galloway, Edith R. Baughman, Department of Financial Institutions of the State of Indiana, in charge of liquidation over the Noble County Bank & Trust Company, Harry M. Brown, Andrew K. Morrison and Vermont Finley, commissioner, have been served with process more than ten days before the 6th day of June, 1941, which said summons and returns thereon are in words and figures as follows: (H.I.), by notice and proof of publication herein, which said notice and proof of publication are in words and figures as follows: (H.I.); that the Owensboro Ditch & Grader Company has been duly notified of the pendency of this action by three successive publications in the Kendallville Daily News-Sun, a weekly newspaper, of general circulation printed and published in the State of Indiana, County of Noble, the last of which publications was made on the 7th day of June, 1941 and more than thirty days before the 6th day of October, 1941, the same being the return day endorsed on plaintiff's complaint herein.

And the Department of Financial Institutions in charge of the liquidation of the Noble County Bank & Trust Company by its attorney R.S. Emerick, now files answer in one paragraph, Vermont Finley now withdraws his appearance.

And all other of said defendants are three times audibly called in open court, come not, but herein wholly make default.

And the court having heard the evidence, and being duly advised in the premises, finds for the plaintiff and that the allegations of plaintiff's complaint are true; that the plaintiff is the owner and holder in due course of improvement bonds issued for the improvement of certain streets in the City of Kendallville, ~~as~~ as in the complaint set forth; that the value of the services and materials in the construction of said work is \$3684.56 Dollars; that the reasonable value of the services of plaintiff's attorney in this action is \$190.00 Dollars; that there is due the plaintiff on the assessments, as made and set out in the complaint, the sum of \$3874.56 Dollars; and the court further finds that the plaintiff has had hold a lien upon the real estate described in plaintiff's complaint for the value of said services and attorney fees, and that the plaintiff is entitled to have this lien foreclosed and the same enforced against the real estate described in plaintiff's complaint.

It is now therefore considered, adjudged and decreed by the court that the plaintiff have and recover the sum of \$3874.56 Dollars, together with the costs of this action, only to be made out of the proceeds of the sale of Real estate hereinafter described, and that its lien and assessments be foreclosed as against all claims and interests of the defendants in and to the following described real estate in Noble County, State of Indiana, to-wit:

The west one hundred twenty-five (125) feet of lots two hundred eight (208) and two hundred nine (209) in Mitchell's addition to the town, now City of Kendallville, excepting twenty (20) feet off the south side of said lot 209 and also lots twenty-three (23), twenty-four (24), twenty-five (25) and forty nine (49) in Iddings Addition to the City of Kendallville.

By agreement of the plaintiff and defendant Department of Financial Institutions in charge of the liquidation of the Noble County Bank and Trust Company it is further ordered and decreed that the plaintiff shall hold the dept. of financial Inst., harmless by reason of all taxes, current or delinquent against the above described real estate and that said plaintiff shall re-emburse said defendant for any tax~~s~~ or taxes that said defendant may be required to pay on said real estate if any.

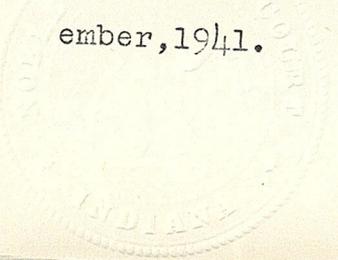
November 1st, 1941 2<sup>nd</sup> day

And that a copy of this order and decree duly certified by the clerk of this court issue to the sheriff of Noble County directing and commanding him to sell said real estate as upon execution, without relief from valuation or appraisement laws, and to divide the proceeds thereof first to the payment of costs and accruing costs, then to the payment of the judgment herein with interest at the rate of 6 per cent per annum, and that any balance remaining be paid to the defendants as their interests may appear.

State of Indiana,  
Noble County, SS;

I, Porter R. Black, Clerk of the Noble Circuit Court of 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 1st day of November, 1941, 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 13th day of November, 1941.

  
*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 return this writ with your proceedings indorsed 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 13th day of November, 1941.

  
*Porter R. Black*  
Clerk Noble Circuit Court.

In the Noble Circuit Court, Vacation Term, 1941

November, 1941

No. 14105 The City of Kendallville, Indiana)

vs

Erwin A. Deibele, et al

( To foreclose assessment  
(  
) lien.

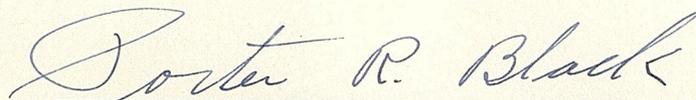
STATEMENTS OF COSTS

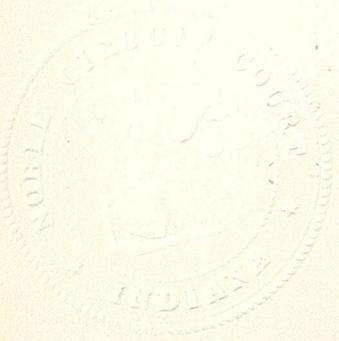
Clerk's Costs.....	\$10.50
Sheriff's fee.....	\$ 7.75
Docket fee.....	\$ 2.00
Newspaper Notice.....	\$ 8.42
Total.....	\$28.67

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 and hereto affix the seal of said court this 13th day of November, 1941.

  
Clerk Noble Circuit Court.



No. 14105  
Ex. No. 3216

The City of Kendallville, Indiana

vs

Erwin A. Deibele, et al.

Judg. favor plff.....	\$3784.56
Int. to issue.....	\$ 8.20
Costs to issue.....	\$ 28.67
Total.....	\$3821.43

J.D. 17 P. 63      O.B. 75 P. 116-117

E.D. 34 P. 296      Ex.D. 12 P. 139

Porter D. Crowell, Attorney

**FILED**  
DEC 18 1941

*Porter D. Crowell*  
CLERK NOBLE CIRCUIT COURT



*Porter D. Crowell*  
Clerk Noble Circuit Court.