

NOTICE OF SHERIFF'S SALE
OF REAL ESTATE.

State of Indiana,
County of Noble, ss:
Cause No. 14103.
City of Kendallville, Indiana,

vs.

Charles L. Cushing and 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 Kendall-
ville, Indiana, is plaintiff, and Charles
L. Cushing and et. al. are defendants,
requiring me to make the sum of one
thousand one hundred thirteen and
97-100 dollars (\$1113.97), with inter-
est and costs, I will offer for sale at
public auction to the highest bidder
on the 29th day of November, 1941,
between the hours of 10:00 A.M. and
4:00 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 seven (7) years,
the following described real estate in
said County and State, to-wit:

Fifty and one-half (50½) feet by
parallel lines off the east side of Lot
154, in Mitchell's Addition to the City
of Kendallville, Indiana; also Lot 181
in Mitchell's Addition to the City of
Kendallville, Indiana, and the vacated
alley along the south side of said
Lot 181.

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 sim-
ple 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 any
relief from valuation and appraise-
ment laws.

Dated this 3rd day of November,
1941.

MARION G. GALLOWAY,
Sheriff of Noble County, Indiana:
Porter D. Crowell,
Attorney for Plaintiff.
(Nov 4 11 18)

STATE OF INDIANA }
NOBLE COUNTY } ss

Noble Circuit Court November 26, 19 41.

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 4 day of Nov. 19 41 On the 18 day of Nov. 19 41

On the 11 day of Nov. 19 41 On the day of 19

Signed Hellie D. Shaffer

Subscribed and sworn to this 26 day

of November 19 41

Lorraine Seidel nee Karlen

My commission expires August 28, 19 44

[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 execution to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on the 21 day of October, 1941 in a case wherein City of Kendallville, Indiana plaintiff and Charles L. Cushing, et al

defendant wherein judgment was rendered on the 13 day of Oct, 1941 for the sum of \$1085.85 dollars and cents, principal and interest to date of judgment, and the further sum of dollars and cents, costs accrued to that date, upon which there has accrued interest and \$51.19 dollars and cents costs making in all dollars and cents principal and interest, and \$2137.04 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 defendants on the 5th day of November 1941, to-wit: Fifty and one-half feet by parallel lines off the east side of lot 154 in Mitchell's Addition to the City of Kendallville; also Lot 181 in Mitchell's Addition to the City of Kendallville, and vacated alley along south side of said lot 181.

And said sale was set for the 29th day of November, 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

TO -
Sheriff Noble County

FILED
DEC - 4 1941
Barton R. Black
CLERK NOBLE CIRCUIT COURT

SHERIFF.

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 \$2137.04 dollars and cents, and no persons bidding more, the same was, in due form openly struck off to the said City of Kendallville, Indiana being the highest and best bidder therefore, and that being the highest and best price paid for the same; and the said paid the amount so bid by City of Kendallville, Indiana The aforesaid certificate will entitle the said City of Kendallville, Indiana 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.

November 29 1941
By Marion G. Galloway Sheriff of Noble County
Deputy

RETURN ON ORDER OF SALE.

AND on the 5th 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 29th day of November, 1941, by publication in the Kendallville 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, Albion, Indiana 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: November 29th, 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. Fifty and one-half feet by parallel lines off the east side of lot 154 in Mitchell's Addition to the City of Kendallville; also Lot 181 in Mitchell's Addition to the City of Kendallville, and vacated alley along south side of said lot 181.

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. Fifty and one-half feet by parallel lines off the east side of lot 154 in Mitchell's Addition to the City of Kendallville; also Lot 181 in Mitchell's Addition to the City of Kendallville, and vacated alley along south side of said lot 181.

the fee simple right of the defendant.. of, in and to said Real Estate as described in said order of sale to me directed and City of Kendallville, Indiana

bid therefor \$ 2137.04 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 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 It, as per It receipt hereon

\$1085.86 DOLLARS.

Paid over to Clerk \$51.19 dollars, original costs, and retained it dollars, my fees, Printer fee.

Done November 29, 1941.

Marion G. Gallaway Sheriff
Deputy

<i>Advt.</i>	\$12.64
<i>Costs & insur</i>	26.68
<i>Certif.</i>	1.00
<i>Comm.</i>	8.07
<i>Mileage</i>	2.60
<i>D & H</i>	.20
	\$ 51.19

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 14103 The City of Kendallville, Indiana)
vs) To Foreclose assessment lien.
Charles L. Cushing, et al)

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

Be it remembered, that on the 13th day of October, 1941 the same being the 7th Judicial Day of the 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 the 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 a municipal
assessment*

October 13, 1941 7th day

State of Indiana
County Of Noble

In the Noble Circuit Court.

October Term, 1941

Cause No. 14103

In re: City of Kendallville, Indiana)	
Plaintiff)	
vs)	
Charles L. Cushing, Anna Cushing, Cora)	Decree
Cushing Drenning, Blanch Cushing)	
Snellenbarger, Horace Cushing, Harry)	
Cushing, Vetora (or Vetura) Cushing,)	
John E. Boughey, Kendallville Coal)	
Co., Department of Financial Insti-)	
tutions, State of Indiana in charge)	
of Liquidation over Noble County)	
Bank & Trust Company)	

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, Charles L. Cushing, Anna Cushing, Kendallville Coal Company and the Department of Financial Institutions of the State of Indiana, in charge of liquidation of the Noble County Bank and Trust Company, have been served with process more than ten days before the 6th day of October, 1941 which said summons and returns thereon, are in words and figures as follows: to-wit: (N.I.), and by notice and proof of publication herein, which said notice and proof of publication are in words and figures as follows:-(N.I.), that Cora Cushing, Blanch Cushing Snellenbarger, Horace Cushing, Harry Cushing, Vetora (or Vetura) Cushing and John E. Boughey, have each 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 City of Kendallville, Noble County, Indiana, the last of which said publications was made on the 7th day of June, 1941, and more than thirty days before October 6th, 1941, the same being the return day endorsed on plaintiff's complaint herein.

And now 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 in the complaint set forth; that the value of the services and materials in the construction of said work is One Thousand Twenty-nine and 30/100 (\$1029.30) Dollars; that the reasonable value of the services of plaintiff's attorney in this action is Fifty-six and 65/100 (\$56.65) Dollars; that there is due the plaintiff on the assessment, as made and set out in the complaint, the sum of One Thousand, eighty-five and 85/100 (\$1085.85) Dollars; and the court further finds that the plaintiff has and holds 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 enforce 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 One Thousand Eighty-five and 85/100 (\$1085.85) Dollars, together with the costs of this action, and that its lien and ~~1/2~~ 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: (N.I.)

Fifty and one-half feet by parallel lines off the east side of lot 154 in Mitchell's Addition to the City of Kendallville; also Lot 181 in Mitchell's Addition to the City of Kendallville, and vacated alley along south side of said lot 181.

And that a copy of this order and decree duly certified by the clerk of this court to the Sheriff of Noble County directing and commanding him to sell said real estate as

October 13, 1941 7th day

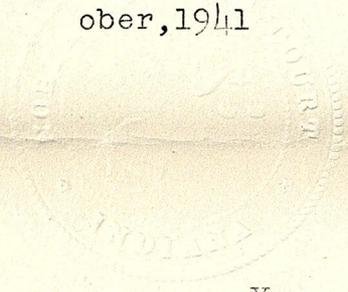
upon execution, without relief from valuation or appraisement laws, and to divide the proceeds thereof first to the payment of costs and accruing costs, then to the payment of the judgment herein with interest at the rate of 6 percent per annum, and that any balance remaining be paid to the defendants as their interests may appear.

State of Indiana,

Noble County, SS:

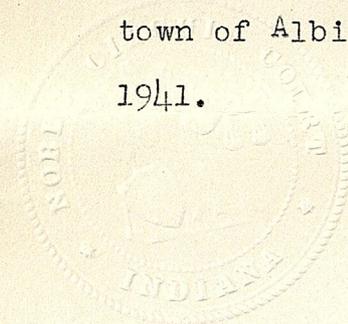
I, Porter R. Black, Clerk of the Noble Circuit Court of Noble County, in the State of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments decrees and orders of sale made, rendered and entered in and by said court in said cause on said 13th day of October, 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 20th day of October, 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 20th day of October, 1941.


Porter R. Black
Clerk Noble Circuit Court.

In the Noble Circuit Court, October Term, 1941

No. 14103 The City of Kendallville, Indiana)
vs) To Foreclose assessment lien
Charles L. Cushing, et al)

STATEMENTS OF COSTS.

Clerk's costs.....\$ 8.50
Sheriff's fee.....\$ 4.35
Docket fee.....\$ 2.00
Transcript fee.....\$ 2.00
Newspaper notice.....\$ 9.83

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OCT 20 1941
CLERK'S OFFICE
NOBLE COUNTY INDIANA

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 affix the seal of said court this 20th day of October, 1941.

Porter R. Black
Clerk Noble Circuit Court.



Cause No. 14103
Ex. 3205.

No. 14103 The City of Kendallville, Ind.

vs

Charles L. Cushing, et al

Judg. favor pltf.....\$1085.85
Interest to issue.....\$ 1.44
Costs to issue.....\$ 26.68
Total.....\$1113.97

O.B. 75.P. 57-8 Ed. 34 P. 294
Ex.D. 12 P. 128 J.D. 17 P. 48

Porter D. Crowell, Attorney

FILED

DEC - 4 1941

Porter D. Crowell
CLERK NOBLE CIRCUIT COURT



Porter D. Crowell
CLERK NOBLE CIRCUIT COURT