

State of Indiana

Noble County, ss:

We, the undersigned, appraisers selected to appraise the property set out and described in the foregoing inventory to which this oath is attached and made a part, upon our oaths say that the said articles of property and the said several items in said schedule described, were appraised by us and that the same are of the value of the respective sums set opposite each of said items and that the said sums set opposite each item in said inventory is its fair cash value.

Walter Robinson Jr.
Robert Kerr Sedgwick

Subscribed and sworn to before me this 2nd day of October, 1941.

Chester Vanderford
Notary Public.

My Commission expires July 21, 1945.

Exhibit B.



In obedience to the command of the within decree and order of sale, I did on the 20th day of September, 1941, levy said writ and order of sale upon the property therein described and ordered sold, and did on said 20th day of September, 1941, duly advertise said property for sale by the posting of due notice of the sale thereof in the following public places in the city of Ligonier, Noble County, Indiana, to-wit: one at the Foster Sallé Barn, one in the lobby of the American State Bank, one in the lobby of the Farmers & Merchants Trust Company building, and one on a pole situated at the intersection of Third and Cavin Streets, each of said places being a public place located in the township in which said property was situate, a full, true and complete copy of which said notice so given and posted is filed herewith, made a part hereof, and marked exhibit A.

And on the day set for said sale and between the hours of ten o'clock A. M. and four o'clock P. M. of said day and at the place fixed in said notice for the sale thereof, and after having said property duly appraised as provided by law which said appraisal of said property is returned herewith as a part of this return and marked exhibit B, I offered said property for sale at public sale to the highest and best bidder therefor, offering the same both piecemeal and as a whole, and thereupon Illinois Casket Company bid for all of said property the sum of five hundred and twenty five dollars cash, and said sum being the highest and best price bid for said property and more than the aggregate of all bids made for parts of said property, and being more than two thirds of the appraised value of said property, I then and there openly struck off and sold said property to said Illinois Casket Company for said sum which said sum said Illinois Casket Company then and there paid to me whereupon I issued and delivered to said Illinois Casket Company a certificate of purchase therefor.

And out of the said sum so received by me I have made the following payment and distribution, to-wit:

Paid Edd Banta, trucking,	3.00
Paid Robert Kerr Sedgwick, appraiser,	1.00
Paid Walter Robinson, Jr., appraiser,	1.00
Paid To Clerk, costs to issue of writ,	13.45

RETURNED

~~Retained own~~ fees as follows:

Mileage	4.80	
Levy	1.00	
Apprsmt.	.25	
D. & R.	.20	
Commission	5.13	
Certificate of sale	<u>1.00</u>	12.38
Paid to plaintiff to apply on its judgment		494.17
Total		<u>-----</u> \$525.00

I thereupon attempted to make a levy upon other property of the defendants Donovan E. Garland and Ruth L. Garland to satisfy the balance of plaintiff's judgment but was unable to find any property of said defendants or either of them upon which to levy the said unpaid balance of plaintiff's judgment and I therefore return this writ unsatisfied as to said balance of plaintiff's judgment.

October 10, 1941.

Marion G. Galloway
Sheriff of Noble County, Indiana.

October 10, 1941.

Received of Marion G. Galloway, Sheriff of Noble County, Indiana, the sum of four hundred ninety four and 17/100 Dollars to apply on the judgment against Donovan E. Garland and Ruth L. Garland set forth in the attached and foregoing order and bill of sale.

Illinois Casket Co
By Bothwell & Vanderford
Its attorneys.

NOTICE OF SALE OF PERSONAL PROPERTY

Notice is hereby given that by virtue of an order of sale to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued in the cause of Illinois Casket Co., Inc. vs Donovan E. Garland, et al., I will expose at public sale to the highest bidder on Thursday, the 2nd day of October, 1941, between the hours of 10 o'clock a.m. and 4 o'clock p.m. of said day at the Foster Sale Barn located on Third Street in the City of Ligonier, in said county and state, the following described property, to-wit:

1 burial casket, 1 6/5 #9074 I.C.SIL., 1 casket, 1 6/5 #4471 Winetone Stanley, 1 casket, 1 6/3 #5570 Suntan Plus, 1 casket, 1 6/5 #8276 Bronze, 1 casket, 1 6/5 #1374¹/₄ plain oak, 1 casket, 1 2/0 #X white lambswool, 5 burial dresses, 3 burial suits, 1 Jiffy folding stretcher and pad, 2 pr. burial slippers, 1 blanket, 3 doz. Bentwood folding chairs, 1 set of embalming instruments and case, 1 wheelchair, 2 hospital beds, 2 layout couches and drapes, 1 Baumgartner ambulance cot, 1 prayer rail, 1 Crucifix, 1 Champion operating table, 1 Frigid Church truck, 1 casket bier, 1 Lincoln combination hearse and ambulance, 1926 Model, motor #35088, taken as the property of said Donovan E. Garland in the above entitled suit and by said Court ordered sold.

Sale of said property will be made for cash and with relief from valuation and appraisement laws.

Marion G. Galloway
Sheriff of Noble County.

Exhibit A.

State of Indiana

Noble County, ss:

In the Noble Circuit Court

Illinois Casket Co., Inc.)

vs

Donovan E. Garland and

Ruth L. Garland.)

Appraisement of personal property.

An appraisement of the personal property of the defendants in the above entitled cause ordered sold by the Noble Circuit Court of Indiana, said appraisement made by Robert Kerr Aedgwick and Walter Robinson, Jr., two resident freeholders of Noble County, Indiana, who before proceeding to the discharge of their duties as appraisers herein, took and subscribed the oath subjoined hereto.

Description of property

Appraised value

1 burial casket, 1 6/5 #9074 I.C.SIL.,
1 casket, 1 6/5 #4471 Winetone Stanley,
1 casket, 1 6/3 #5570 Suntan Plus,
1 casket, 1 6/5 #8276 Bronze,
1 casket, 1 6/5 #1374½ plain oak,
1 casket, 1 2/0 #X white lambswool,
5 burial dresses,
3 burial suits,
1 Jiffy folding stretcher and pad,
2 pr. burial slippers,
1 blanket,
3 doz. Bentwood folding chairs,
1 set of embalming instruments and case,
1 wheelchair,
2 hospital beds,
2 layout couches and drapes,
1 Baumgartner ambulance cot,

\$ 50⁰⁰
40⁰⁰
35⁰⁰
55⁰⁰
90⁰⁰
8⁰⁰
30⁰⁰
21⁰⁰
25⁰⁰
2⁰⁰
3⁰⁰
18⁰⁰
5⁰⁰
5⁰⁰
16⁰⁰
25⁰⁰
15⁰⁰

Exhibit B.

Description of property

Appraised value

1 prayer rail,	\$ 25 ⁰⁰
1 Crucifix,	15 ⁰⁰
1 Champion operating table,	70 ⁰⁰
1 Frigid Church truck,	15 ⁰⁰
1 casket bier,	10 ⁰⁰
1 Lincoln combination hearse and ambulance, 1926 Model, motor #35088,	200 ⁰⁰

Total appraised value of the
foregoing property,

\$ 778⁰⁰

This appraisement made and signed by us this 2nd of
October, 1941.

Robert Kerr Sedgwick
Appraiser
Walter Robinson Jr
Appraiser

Attest:

Sheriff of Noble Co., Ind.

Exhibit B.

State of Indiana,

Noble County, ss:

We, the undersigned, appraisers selected to appraise the
property set forth and described in the foregoing inventory to
which this oath is attached and made a part, being duly sworn upon
our oaths say that the said articles of property and the said
several items in said schedule described, will be appraised by us
at their fair cash value.

Robert Kerr Sedgwick
Walter Robinson Jr

Subscribed and sworn to before me this 2nd day of October, 1941.

Chester Vanderford
NOTARY PUBLIC, NOBLE CO., IND.
My commission expires July 21, 1945

LAW OFFICE OF

BOTHWELL & VANDERFORD
LIGONIER, INDIANA

No. _____

Ligonier, Ind., Oct 10 1921

Received of Marion G. Galloway, Sheriff
Three and no/100 _____ DOLLARS
trucking goods Ill. Casket Co vs Garland
etal
\$ 3⁰⁰

Edd Banta

LAW OFFICE OF

BOTHWELL & VANDERFORD
LIGONIER, INDIANA

No. _____

Ligonier, Ind., Oct 10 1921

Received of Marion G. Galloway, Sheriff
One and no/100 _____ DOLLARS
appraisers for Ill. Casket Co vs Garland etal
\$ 1⁰⁰

Robert Kerr Sedgwick

LAW OFFICE OF

BOTHWELL & VANDERFORD
LIGONIER, INDIANA

No. _____

Ligonier, Ind., Oct 10 1921

Received of Marion G. Galloway, Sheriff
One and no/100 _____ DOLLARS
appraisers for Ill. Casket Co vs Garland &
Garland
\$ 1⁰⁰

Walter Robinson Jr

Illinois Casket Co., Inc.)

vs

Donovan E. Garland and
Ruth L. Garland.)

) Findings, Judgment, Order and Decree.

Comes now said above named plaintiff by Bothwell & Vanderford, its attorneys, and shows to the satisfaction of the Court by the summons heretofore issued herein and the return of the Sheriff thereon endorsed that said defendants have each and both been duly and legally served with due and legal summons in this cause more than ten (10) days prior to the first day of the present term of this Court, which said summons and the return of the Sheriff thereon endorsed are severally in the following words and figures, to-wit: (here insert). And the Court having examined said summons and the said return thereon endorsed now finds and adjudges the same to be sufficient. And there being no appearance by, or on behalf of, said defendants, or either of them. thereupon on motion of said plaintiff said defendants, Donovan E. Garland and Ruth L. Garland, are each and both three times duly called in open court, come not, but herein each and both wholly make default. And on motion of said plaintiff this cause is now submitted to the Court for hearing and trial without the intervention of a jury. And thereupon the trial of this cause is commenced, proceeds and is concluded. And the Court having heard all the evidence, and being fully advised in the premises, now finds for said plaintiff that there is due said plaintiff from said defendants, Donovan E. Garland and Ruth L. Garland, upon the note sued upon by plaintiff herein the sum of \$1996.35, which said sum plaintiff is entitled to recover of and from said defendants together with the costs of this action. And the Court further finds that said sum so due plaintiff herein as aforesaid is secured by the chattel mortgage of said defendant, Donovan E. Garland, upon the goods and property described in the complaint of the plaintiff herein, which said mortgage the Court finds was duly recorded in the office of the Recorder of Noble County, Indiana, within ten (10) days after

the execution thereof, and that at the time of the execution of said mortgage, and at the time the same was recorded as aforesaid, the defendants herein have resided in said Noble County, Indiana; and the Court further finds for said plaintiff that it is entitled to have its said mortgage foreclosed and the said property therein described sold for the payment and satisfaction of its debt.

It is now therefore ordered, adjudged and decreed by the Court that said plaintiff, Illinois Casket Co., Inc., do have and recover of and from said defendants, Donovan E. Garland and Ruth L. Garland, the sum of \$1996.35 so found to be due said plaintiff from said defendants herein as aforesaid, together with interest thereon from this date at the rate of six (6) percent per annum, and together with its costs herein expended, taxed at \$ and ¢.

And it is further considered, adjudged, ordered and decreed by the Court that plaintiff's said chattel mortgage be foreclosed and that the goods and property therein named and described as follows, to-wit: six caskets consisting of the following, 1 6/5 #9074 I. C. Sil., 1 6/5 #4471 Winetone Stanley, 1 6/3 #5570 Sun tan plus, 1 6/5 #8276 Bronze, 1 6/5 #1374½ plain oak, 1 2/0 #X white lambswool, 5 burial dresses, 3 burial suits, 1 Jiffy folding stretcher and pad, 2 pair burial slippers, 1 blanket, 3 doz. Bentwood folding chairs, 1 set of embalming instruments and case, 1 wheel chair, 2 hospital beds, 2 layout couches and drapes, 1 Baumgardner ambulance cot, 1 prayer rail, 1 crucifix, 1 Champion operating table, 1 Frigid Church truck, 1 casket bier, 1 Lincoln combination hearse and ambulance 1926 model, motor #35088, or so much thereof as may be necessary for that purpose, be sold by the Sheriff of Noble County, Indiana, as other goods, chattels and personal property are sold upon execution and that the proceeds arising from the sale of said property be applied as follows, to-wit: First, to the payment of the costs and accruing costs herein; second, to the payment of the amount found due plaintiff on its claim sued upon herein, being the amount of the judgment hereinbefore rendered, together with interest from this date;

third, the overplus, if any, to be paid by the Sheriff to the Clerk of this Court for the use of the party lawfully entitled and authorized to receive the same.

It is further ordered, adjudged and decreed by the Court that in the event said mortgaged property shall fail to sell for a sum sufficient to pay and satisfy said judgment, interest, costs and accruing costs, the residue thereof remaining unpaid shall be levied of the goods and chattels, lands and tenements of said defendants, Donovan E. Garland and Ruth L. Garland, subject to execution, and sale thereof shall be made with relief from valuation and appraisement laws.

All of which is ordered, adjudged and decreed by the Court.

State of Indiana, Noble County, SS:,

In the Noble Circuit Court of Indiana

No. 14053 Illinois Casket Co., Inc.)
vs)
Donovan E. Garland and) To foreclose mortgage
Ruth L. Garland)

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

Be it remembered, that on the 6th day of June, 1941, the
same being the 23rd judicial Day of the May Term, 1941, 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 second Monday of May, 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:

June 24, 1941
Judgment is Exempt from Intangibles
reason of:
Having ACTUAL BUSINESS SITAS outside Indiana
Specifically Exempted under Sec. 1 (b)
Porter P. Black
Clerk of Noble Circuit Court

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 6th day of June, 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 office this 24th day of June, 1941.

Porter R. Black
Clerk Noble Circuit Court.

You are therefore commanded, after giving the notice required by law, to sell the said goods and property 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 24th day of June, 1941.

Porter R. Black
Clerk Noble Circuit Court.

In the Noble Circuit Court,.

No. 14053 Illinois Casket Co., Inc.)

VS

Donovan E. Garland and

Ruth L. Garland

Forclose Mortgage

STATEMENTS OF COSTS.

Clerk's costs.,.....\$8.00

Sheriff's fee.....\$3.45

Docket fee.....\$2.00

Transcript fee.....\$

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 myname and hereto affix
the seal of said court this 24th day of June, 1941.

Porter R Black
Clerk Noble Circuit Court.

No. 3194
Cause No. 14053

Illinois Casket Co. Inc.

vs

Donovan E. Garland &
Ruth L. Garland

Judge. favor plff. for \$1996.35, foreclo-
sure of mortgage and sale of goods and
property.

O.B. 74 P. 614-5 Ed. 34 P. 244
J.D. 17 P. 103 Ex.D. 12 P. 118

Judge. favor plff.....\$1996.35
Interest to issue.....\$ 5.65
Costs to issue.....\$ 13.45

Bothwell & Vanderford, Atty. for plff.

FILED
NOV 18 1941
Contra R. B. B.
Clerk Noble Circuit Court