

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 of Indiana, in the Cause wherein The Department of Financial Institutions in charge of the liquidation of Noble County Bank & Trust Company, is Plaintiff, and Clifford R. Myers and Marie Myers are Defendants, requiring me to make the sum of Ten Hundred Ten Dollars and twelve cents (\$1010.12), with interest and costs, I will offer for sale, at public auction, to the highest bidder, on the 9th day of June, 1941, between the hours of 10:00 o'clock A.M. and 4:00 o'clock P.M. of said day, at the East door of the Court House, in the Town of Albion, County of Noble, State of Indiana, the rents and profits for a term not exceeding seven (7) years of the following described real estate in said County and State, to-wit:

Beginning at the Southwest corner of the Southeast Quarter (¼) of Section number Eleven (11), Township Thirty-four (34) North, Range Ten (10) East; thence East on the section line eleven (11) chains and fifty-four and one-half (54½) links; thence North on a line parallel with the West line of said quarter section Eleven (11) chains and fifty-four and one-half (54½) links; thence West on a line parallel with the South line of said quarter section Eleven (11) chains and fifty-four and one-half (54½) links; thence South on said quarter section line Eleven (11) chains and fifty-four and one-half (54½) links to the place of beginning, containing thirteen and one-third (13 1-3) acres of land, excepting a strip one (1) rod wide East and West off of the West side of that part of said real estate that lies South of the public highway crossing the same in an easterly and westerly direction running from Albion to Lisbon; Also except one and one-quarter (1¼) acres of land conveyed to John H. Kimmel by Morton Kimmel and Mary Kimmel, his wife, on the 8th day of January, 1908, and recorded in Deed Record 91, at page 335, in the Recorder's Office of Noble County, Indiana.

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, interest and costs. Said sale to be made without relief from Valuation or Appraisal Laws.

MARION G. GALLOWAY,

As Sheriff of Noble County, Indiana.

Dated May 5, 1941.

R. S. Emerick, Attorney.

(May 5 12 19)

STATE OF INDIANA }
NOBLE COUNTY } SS

Noble Circuit Court June 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 3 weeks successively, to-wit:

On the 5 day of May 1941 On the 19 day of May 1941

On the 12 day of May 1941 On the _____ day of _____ 193

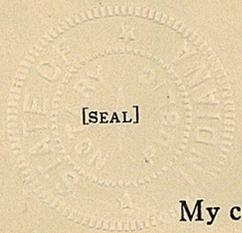
Signed Hellie D. Shaffer

Subscribed and sworn to this 2 day

of June 1941

Lorraine Karles, W.P.

My commission expires August 28, 1944



RETURN ON ORDER OF SALE.

AND on the 5th day of May, 1941, in pursuance to the command of this Judgment and decree I advertised the Real Estate herein described for sale at the Court House Door of Noble County, Indiana, on the 9th day of June, 1941, by publication in the Kendallville Daily News-Sun a ~~weekly~~ 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: June 9, 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.

Certificate of Sale 1.00
Advs 17.32
Costs to issue 13.05
Sheriff's fee 10.41

41.78

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 fee simple right of the defendant.. of, in and to said Real Estate as described in said notice, judgment and decree and The Department of Financial Institutions in charge of the liquidation of Noble County Bank & Trust Company bid therefor Ten Hundred Sixty-three and 34/100 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 The Department of Financial Institutions in charge of the liquidation of Noble County Bank & Trust Company 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 its receipt hereon

1021.56 Ten Hundred Twenty-one and 56/100 --- DOLLARS.
 Paid over to Clerk 13.05 Thirteen and 05/100 --- dollars, original costs, and 41 retained 11 Eleven and 41/100 --- dollars, my fees, 17.32 Seventeen and 32/100 Printer fee.

Done June 9th, 1941.
Marion G. Galloway Sheriff
 Deputy

Filed Aug 25 1941
Porter R. Black
Clerk of the Circuit Court

Received of Marlon G. Galloway, Sheriff of Noble County, Indiana, the sum of \$1021.56, being the principal amount of judgment and interest to date and being in full of judgment rendered in favor of the undersigned against Clifford H. Myers and Marie Myers.
 THE DEPARTMENT OF FINANCIAL INSTITUTIONS
 IN CHARGE OF THE LIQUIDATION OF NOBLE COUNTY
 BANK & TRUST COMPANY
 BY *Marion G. Galloway*
 Its Special Representative.
 Kendallville, Indiana
 June 9, 1941

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13959. The Department of Financial Institutions)
in charge of the liquidations of Noble)
County Bank and Trust Company)
vs) Foreclose Mortgage.
Clifford R. Myers)
Marie Myers)

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

Be it remembered, that on the 29th day of March, 1941, the same being the 24th Judicial Day of the March 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 First Monday of March, 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:

This judgment May 1st 1941
is Exempt from Intangibles
Tax by reason of:
~~Having Actual Business Situs outside Indiana~~
Being Specifically Exempted under Sec. 1 (b)

Porter R. Black
Clerk of Noble Circuit Court

No. 13959. The Department of Financial Institutions)
 in charge of the liquidations of Noble)
 County Bank & Trust Company.) Foreclose Mortgage.
 vs)
 Clifford R. Myers)
 Marie Myers)

Come now the parties hereto my counsel and on motion of the plaintiff, this cause is now submitted to the court for trial without 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 allegations of ~~the~~ its said complaint herein contained are true and fully proven; that here is due said plaintiff from said defendants on the notes and mortgage sued upon herein, and set out and described in plaintiff's complaint the sum of(\$910.12) nine hundred, ten dollars and twelve cents, and the further sum of(\$100.00) one hundred dollars as fees for services of the plaintiff's attorney without relief from valuation and appraisal laws and that said plaintiff is entitled to and should have a judgment therefore herein accordingly. And the Court further finds that plaintiff's said mortgage set out and described in said complaint and the mortgage debt secured thereby is a valid, subsisting and first lien upon all the following real estate in said mortgage described as follows, to-wit:

Beginning at the southwest corner of the southeast ~~quarter~~ quarter of section number eleven (11), township thirty-four (34) north, range ten (10) East; thence east on the section line eleven chains and fifty-four and one-half links; thence north on a line parallel with the west line of said quarter section eleven chains and fifty-four and one-half links; thence west on a line parallel with the south line of said quarter section eleven chains and fifty-four and one-half links; thence south on said quarter section line eleven chains and fifty-four and one half links to the place of beginning, containing thirteen and one-third acres of land, except a strip one rod wide east and west off the west side of that part of said real estate that lies south of the public highway crossing the same in an easterly and westerly direction running from Albion to Lisbon; Also except one and one-quarter acres of land conveyed to John.H. Kimmel by Morton Kimmel and Mary Kimmel, his wife, on the 8th day of January, 1908 and recorded in Deed Record 91 at page 335 in the Recorder's Office of Noble County, Indiana; prior superior and paramount to any and all rights, titles, interests, liens and claims of whatsoever nature or kind of each and all of the defendants to this action therein, thereon or thereto; and that said plaintiff is entitled to and should have a judgment, order and decree herein for the foreclosure of said mortgage upon all the real estate therein above described as against said defendants to this action, and a judgment, order and decree for the sale of all of said real estate above described or so much thereof as may be necessary to pay and satisfy said mortgage debt and costs.

It is now therefore ordered, adjudged and decreed by the court that said plaintiff, The Department of Financial Institutions in charge of the liquidation of Noble County Bank & Trust Company, do have and recover herein from said defendants Clifford R. Myers and Marie Myers the sum of(\$1010.12) ten hundred and ten dollars and twelve cents so found to be due it on its said notes and mortgage sued upon by it herein as aforesaid, and also all its costs in this cause expended, taxed at dollars and cents, said judgment and amount to draw interest at the rate of six per cent per annum from this date until paid, all without any relief whatever from valuation and appraisal laws.

And it is further considered, adjudged and decreed by the court that said plaintiff's said mortgage and the mortgage debt secured thereby is a valid and subsisting and first lien on all the real estate hereinbefore describe, prior, superior and paramount to any and all rights, titles, interests, liens and claims of each and all of the defendants to this action therein, thereon or thereto; and that said mortgage be, and the same hereby is, foreclosed on all said real estate therein hereinbefore described as to and against each and all of the defendants to this cause of action and all persons claiming from, under or through them, or any of them, and that upon default in the full payment and satisfaction of plaintiff's said mortgage debt and costs before the time fixed for such sale, all of the real estate in said mortgage described, to-wit:

Beginning at the southwest corner of the southeast quarter of section number eleven (11), township thirty-four (34) north, range ten (10) east; thence east on the section line eleven chains and fifty-four and one-half links; thence north on a line parallel with the west line of said quarter section eleven chains and fifty-four and one-half links; thence west on a line parallel with the south line of said quarter section eleven chains and fifty-four and one-half links; thence south on said quarter section line eleven chains and fifty-four and one half links to the place of beginning, containing thirteen and one-third acres of land, except a strip one rod wide east and west off the west side of that part of said real estate that lies south of the public highway crossing the same in an easterly and westerly direction running from Albion to Lisbon; Also except one and one-quarter acres of land conveyed to John H. Kimmel by Morton Kimmel and Mary Kimmel, his wife, on the 8th day of January, 1908 and recorded in Deed Record 91 at page 335 in the Recorder's Office of Noble County, Indiana; or so much thereof as may be necessary, and all the rights, titles, interests and claims of the defendants to this cause of action and each of them, and all persons claiming from, under or through them, or any of them, in and to the same, shall be sold as provided by law by the Sheriff of said Noble County upon a duly certified copy of the judgment, order and decree herein under the hand of the Clerk and the seal of this court, after first duly advertising the same as provided by law, in like manner as lands are sold upon execution issued upon judgments at law for the payment of plaintiff's said mortgage debt and costs; that such sale be made without any relief whatever from valuation and appraisement laws, and that the proceeds arising therefrom shall be applied as follows, to-wit: First, to the payment of all costs accrued in this cause of action including the costs of such sale; Second, to the payment of said mortgage debts and judgment, principal and interest of said plaintiff, and Third, the overplus, if any remaining, shall be paid to the party or parties thereto entitled to law.

And it is further considered, ordered, adjudged and decreed by the court that upon the final consummation of the sale herein ordered and the completed conveyance by the Sheriff to the purchaser or purchasers of the real estate so sold all the rights, titles, interests, claims and equity of redemption of the defendants to this action and each and every one of them, and of all persons claiming from, under or through them, or any of them, in and to said real estate so sold and conveyed, shall be completely and absolutely and forever barred and foreclosed.

And it is further considered, ordered, adjudged and decreed by the court that in the event all of said mortgaged real estate hereinbefore described shall fail to sell for a sum sufficient to fully pay and satisfy said mortgage debt, judgment lien, principal and interest, costs and accruing costs of said plaintiff, the balance thereof remaining

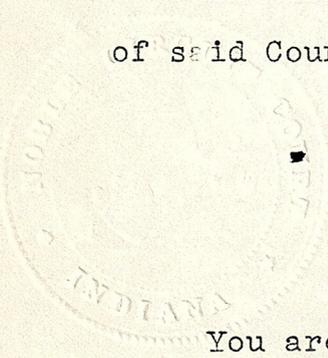
unpaid shall be levied of any property of said defendants, Clifford R. Myers and Marie Myers subject to execution and the sale thereof shall be made without any relief from valuation and appraisement laws.

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

State of Indiana, Noble County, SS:

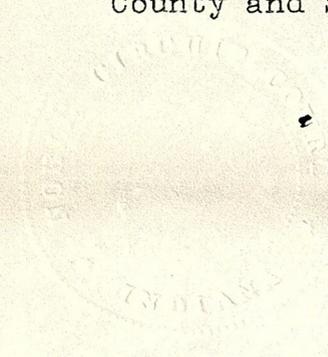
I, Porter R. Black, Clerk of the Noble Circuit Court of Noble County in the State of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments, decrees and orders of sale made, rendered and entered in and by said court in said cause on said 29th day of March, 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 1st day of May 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 that then of any other property of said defendants Clifford R. Myers and Marie Myers, Subject to execution, you levy, without relief from valuation and appraisement laws, any balance remaining unpaid of the judgments rendered against said defendants, together with interest and cost and have the same at my office to satisfy said judgment, interest and costs 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 1st day of May, 1941.


Porter R. Black
Clerk Noble Circuit Court.

No. 3186

In the Noble Circuit Court,

March Term, 1941.

No. 13959 The Department of Financial Institutions in charge of the liquidations of The Noble County Bank and Trust co.

vs

Clifford R. Myers

Marie Myers

Judg. favor Pltff. for.....\$1010.12

Interest to issue..... 5.38

Costs to issue.....13.05

Judg. favor Pltff. for \$1010.12, foreclosure of mortgage and sale of real estate. Personal judgment vs Clifford E. Myers and Marie Myers, 6% interest without relief.

O. B. 74 P. 540-541 E.D. 34 P. 150

J.D. 17 P. 200 Ex. D. 12 P. 113

FILED
AUG 25 1941
Clerk Noble Circuit Court
Dexter R. Black

1 1001 Pennington Court
one Myrtle Road
1 Corner Road & one
Myrtle Road
1 Adams Fork
1 Adams Fork
1 Adams Fork