

# THE STATE OF INDIANA, } SS: NOBLE COUNTY,

## NOTICE OF SHERIFF'S SALE

Notice is hereby given that by virtue of an order of sale on decree directed to me by the Clerk of the Noble Circuit Court of Noble County, Indiana in Civil Cause No. 13699, wherein the Peoples Savings and Loan Association of DeKalb County, Indiana, is plaintiff, and Gladess I. Wilkes et al., are defendants, requiring me to make the sum of \$5583.44 together with interest on said sum and the costs of said action and the costs of this sale, I will offer at public auction at the front door of the court huse in Albion, Noble County, Indiana, between the hours of 10 A. M. and 4 P. M. on Saturday the 28th day of December, 1940,

the rents and profits for a term not exceeding seven years of the following described real estate in Noble County, Indiana, to-wit:

Lot numbered two hundred and thirty three (233) in Mitchell's Addition to the Town, now City of Kendallville.

If such rents and profits shall not sell for a sufficient sum to satisfy said judgment, interest and costs, I will at the same time and place aforesaid mentioned, offer for sale at public sale the fee simple of said above described or as much thereof as may be necessary to satisfy said judgment, interest and costs. Said sale to be made without relief from valuation and appraisal laws of the State of Indiana.

MARION G. GALLOWAY,

Sheriff of Noble County, Indiana

H. C. Springer, Attorney

18w3

*R. C. Prickett*

being duly sworn, on oath says that he is the publisher of "THE ALBION NEW ERA," a weekly newspaper of general circulation, published in said County, and that the notice of which the annexed is a full, true and complete copy, was published in said paper 3 weeks successively and on the days following, to-wit:

On the 27<sup>th</sup> November,  
4<sup>th</sup> & 11<sup>th</sup> of December  
1940

*R. C. Prickett*

Subscribed and sworn to before me, this 12 day of December

1940

*Harold Hunter*

*Clerk Noble Circuit Court*

Printer's Fee \$ 9.59

41 P.

# RETURN ON ORDER OF SALE.

AND on the.....**27th**.....day of.....**November**.....19**40**, in pursuance to the command of this.....**Order of sale**..... I advertised the Real Estate herein described for sale at the Court House Door of Noble County, Indiana, on the.....**27th**.....day of.....**November**.....19**40**, by publication in the.....**The Albion New Era**.....a weekly and daily newspaper of general circulation printed and published in the.....**Town**.....of.....**Albion**.....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.

## Sheriff Costs

Mileage	\$ 2.60
D & R	.20
Deed	1.00
Albion New Era	
Printers fee	9.59
Sheriff Com.	30.69
Total	\$ 44.08
	17.85
	61.93

And on the day set for the sale of said Real Estate, to-wit:.....**December 28**.....19**40**, 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 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 **Order of sale**..... and **Peoples Savings and Loan Association** of **Dekalb County, Indiana** bid therefor **the sum of Five Thousand Six Hundred & Sixty Nine & 48/100** 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 **Peoples Savings and Loan Association of** /..... 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....., **them**, I executed to..... **them** deed **###** bearing even date herewith. Paid over to plaintiff....., as per..... **its** receipt hereon **Five Thousand Six Hundred and Seven and 55/100 (\$5607.55)** DOLLARS. Paid over to Clerk..... **Seventeen and 85/100 (\$17.85)** dollars, original costs, and retained **Forty Four and 04/100 (\$44.04)** dollars, my fees,..... Printer fee. Done..... **December 28 1940**.....

*Marion G. Galloway*, Sheriff  
Deputy

Received of Marion G. Galloway Sheriff of Noble County, the sum of \$5607.55.  
By *W. H. H. H.* Their Attorney  
Peoples Savings and Loan Association of Dekalb County  
Indiana

NOTICE OF SHERIFF'S SALE.

Notice is hereby given that by virtue of an order of sale on decree directed to me by the Clerk of the Noble Circuit Court of Noble County, Indiana in Civil Cause No. No 13699, wherein the Peoples Savings and Loan Association of Dekalb County, Indiana, is plaintiff, and Gladess I. Wilkes et al, are defendants, requiring me to make the sum of \$ 5583.44, together with interest on said sum and the costs of said action and the costs of this sale, I will offer at public auction at the front door of the court house in Albion, Noble County, Indiana, between the hours of 10 A.M. and 4 P.M. on Saturday the 28 day of December, 1940, the rents and profits for a term not exceeding seven years of the following described real estate in Noble County, Indiana, to-wit:

Lot numbered two hundred and thirty three (233) in Mitchell's Addition to the Town, now City of Kendallville.

If such rents and profits shall not sell for a sufficient sum to satisfy said judgement, interest and costs, I will at the same time and place aforesaid mentioned, offer for sale at public sale the fee simple of said above described, or as much thereof as may be necessary to satisfy said judgement, interest and costs. Said sale to be made without releif from valuation and appraisement laws of the State of Indiana.

Marion Galloway  
Sheriff of Noble County, Indiana

H.C. Springer,  
Attorney

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13699.	Peoples Savings and Loan Association	)	
	of DeKalb County, Indiana	)	
	vs	)	Fcl. Mtg.
	Gladess I. Wilkes	)	
	William S. Bowers	)	
	The Lincoln National Life Insurance	)	
	Company a corporation of Fort Wayne,	)	
	Indiana	)	

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

Be it remembered, that on the 5th day of June, 1940, the same being the 21st Judicial day of the May, 1940 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 second Monday of May, 1940, 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 Judge June 5 1940  
Tax by reason of: is Exempt from Intangibles  
Having Actual Business Situs outside Indiana  
Being Specifically Exempted under Sec. 1 (b)  
Harold V. Hunt  
Clerk of Noble Circuit Court

June 5, 1940 - 2127 day

State of Indiana

County of Noble

In the Noble Circuit Court

May Term, 1940

Peoples Savings and Loan Association )

of DeKalb County, Indiana )

vs )

Gladess I. Wilkes )

William S. Bowers )

The Lincoln National Life Insurance )

Company a corporation of Fort Wayne, )

Indiana. )

Fel. Mtg.

(Entry furnished by counsel)

Comes now the plaintiff by Henry C. Springer its attorney and it appearing to the Court by the summons herein and the return of the sheriff of Noble County, Indiana endorsed thereon, that the defendant, Gladess I. Wilkes, has been served with process more than ten days before the 1st day of January, 1940, being a day fixed by endorsement on the complaint herein for the return day of said summons and being the date fixed at said summons for the return day of said summons and which said summons and return thereon are in words and figures as follows, to-wit: (h.i.)

Comes now the Plaintiff further and it appearing to the Court by the summons herein and the return of the Sheriff of Adams County endorsed thereon that the defendant, William S. Bowers, has been served with process more than ten days before the 1st day of January, 1940 being the date endorsed on the complaint herein for the return day of summons herein and being the date fixed in the summons for the return of said summons and which said summons and return thereon are in words and figures as follows, to-wit: (h.i.)

And comes now the plaintiff further and it appearing to the Court by the summons herein and the return of the Sheriff of Allen County endorsed thereon that said Defendant the Lincoln National Life Insurance Co., a corporation of Fort Wayne, Indiana, has been served with the process more than ten days before the 1st day of January, 1940, being a date fixed by endorsement on the complaint herein for the return day of service and being also the date fixed in the said summons as the return day thereon and which said summons and the return thereof are in words and figures as follows, to-wit: (h.i.)

And now said Defendants, Gladess I. Wilkes and William S. Bowers and the Lincoln National Life Insurance Co. a corporation of Fort Wayne, Indiana being now three times audibly called in open court come in by wholly making default herein and this cause is submitted to the court trial upon the default of said defendants and the evidence and agreement by consent being heard and the Court being fully advised in the premises, advise that the said defendant Gladess I. Wilkes made, executed and delivered to the plaintiff herein, The Peoples Savings and Loan Association of DeKalb County, Indiana her certain promissory note for five thousand dollars (\$5000.00) payable in installments and containing the provision and condition that default in the payment of any one installment of said note should, at the option of the holder thereof render all of the balance of said note due and payable; that the said defendant wholly neglected, failed and refused to pay the installments due on said note at the date said installments became due and payable and that there is due the plaintiff from the defendant, Gladess I. Wilkes, upon said note, including the interest thereon the sum of \$5095.62 and the further sum of \$300.00 as a fee for the plaintiffs attorney herein, making a total due the plaintiff from the defendant, Gladess I. Wilkes of \$5395.62 and which said sum is due without relief from valuation and

That the said sums as above are secured by a mortgage upon the real estate described in the complaint herein and the mortgage was duly recorded on the 21st day of July 1936 in Mortgage Record 92 on pages 124, 125, 126 of the records of Noble County, Indiana and which said mortgage covers and describes the following described real estate in Noble County, Indiana, to-wit: Lot #233 in Mitchells Addition to the Town, now City of Kendallville, Noble County, Indiana.

And the Court now further advised that the plaintiff is entitled to have said mortgage foreclosed as against all of the said defendants and the real estate sold to satisfy said judgment. It is therefore considered adjudged and decreed by the Court that the plaintiff recover from the defendant, Gladess I. Wilkes the sum of \$5095.62 and the further sum of \$300.00 as its attorney fees, making a total judgment of \$5395.92 without any relief whatever from valuation or appraisement laws and that the judgment herein shall bear interest at the rate of seven percent per annum from the date of the rendition thereof until paid.

It is further ordered, considered and adjudged by the Court that said mortgage be foreclosed as to the following described real estate described in Noble County, Indiana, to-wit: Lot #233 in Mitchells Addition to the Town, now City of Kendallville, Noble County, Indiana, and that the same be and hereby is foreclosed and that the equity of redemption of all of said defendants be forever barred and foreclosed and that said real estate and all of the right, title, interest and claim of the defendant, Gladess I. Wilkes, and all of the persons claiming from, under ~~their~~ or through them, or any of them, as so much thereof as may be necessary, shall be sold as provided by law by the Sheriff of said Noble County, in like manner as lands are sold upon execution; that ~~such~~ sale be made without any relief whatever from valuation and appraisement laws, and that the proceeds arising therefrom such sale shall be by said Sheriff applied as follows: First: To the payment of all costs accruing in this action and the costs of the said sale. Second: To the payment of the amount found due the plaintiff herein by the amount of the judgment hereinbefore rendered, together with interest from this date. Third: That all surplus, if any, remaining after the payment of the foregoing judgment, interest, and cost, to be paid by the sheriff of this County to the Clerk of the Court for the use of the parties lawfully entitled to receive the same.

And it is further ordered and adjudged 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 defendant, Gladess I. Wilkes, subject to execution and the sale thereof shall be made without any relief from valuation and appraisement laws.

It is further ordered and decreed by the Court that no order of sale shall issue and this said proceedings until the 17th day of November, 1940 being a period of one year from the date of the filing of the complaint herein.

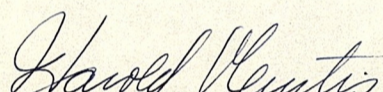
It is further ordered, adjudged and decreed by the Court that a duly certified copy of this decree under the hand of the Clerk of this court shall be sufficient authority to the Sheriff to execute the same.

Fred L. Bodenhafer, Judge.

State of Indiana, Noble County, SS:


I, Harold V. Curtis, 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 5th day of June, 1940, 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 18th day of November, 1940.

  
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 defendant, Gladess I. Wilkes, 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 costs 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 18th day of November, 1940.

  
Clerk Noble Circuit Court.

In the Noble Circuit Court, May Term, 1940.

No. 13699. Peoples Savings and Loan Association )  
of DeKalb County, Indiana )  
vs ) Fcl. Mtg.  
Gladess I Wilkes, et al. )

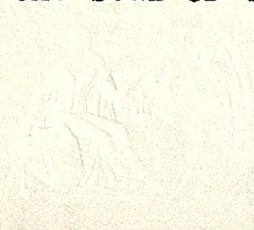
STATEMENT OF COSTS.

Clerk's costs	.....	\$10.00
Docket fee	.....	2.00
Foreign Sheriff's fee.....		5.85
		<u>5.85</u>
		\$17.85

State of Indiana, Noble County, SS:

I, Harold V. Curtis, 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 18th day of November, 1940.

  
Harold V. Curtis  
Clerk Noble Circuit Court.

In the Noble Circuit Court

May Term, 1940.

No. 13699. Peoples Savings and Loan  
Association of DeKalb County,  
Indiana

vs

Gladess I. Wilkes, et al.

Judg. favor plttf for...	\$5395.62
Interest to issue,...7%..	169.97
Costs to issue.....	17.85
	<u>\$5583.44</u>

Judg. favor plttf for \$5395.62, fore-  
closure of mortgage and sale of real  
estate. Personal judgment vs Gladess  
I. Wilkes.

O. B. 74 P. 262	J. D. 17 P. 332
E. D. 33 P. 190	Ex. D. 12 P. 10k

H. C. Springer, Atty. for Plttf.

FILED  
JAN - 7 1941  
*Carter R. Black*  
CLERK NOBLE CIRCUIT COURT