

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 12041. Ralph W. Probst

vs

Mary J. Hoffman
Carl Hoffman.

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} Eccl. Mtg.

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

Be it remembered, that on the 30th day of January, 1934, the same being the 26th Judicial Day of the January, 1934 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 of January 1934, the Honorable Rob R. McNagny, 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:

Feb 19
March 1 1934
Intangibles Tax paid March 1 1933
in sum of Dollars 15 Cents
On account of this Judg + note
Harold Clementis
Clerk of Noble Circuit Court

No. 12041. Ralph W. Probst,

vs

Mary J. Hoffman
Carl Hoffman.

Fcl. Mtg.

Comes now said plaintiff, Ralph W. Probst, by his attorney,

C. R. Finley, and said plaintiff now shows to the satisfaction of the court by the summons heretofore issued in this behalf upon his complaint herein, and the return of said Sheriff thereon endorsed, and the court now finds that said defendants to this cause of action and said complaint have been duly and legally served with due and legal summons in this cause more than ten days prior to the 22nd day of January, 1934, the return day of said summons, which said summons and return thereon endorsed are severally in the following words and figures, to-wit: (here insert) And there being no appearance by, or on behalf of, either of the defendants to this action and said complaint, thereupon, on motion of said plaintiff, each of the defendants to this action and said complaint are each and severally three times duly called in open court, come not, but herein each and all wholly make default. And on motion of said 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 his complaint herein contained are true and fully proven; that there is due said plaintiff from said defendants on the note and mortgage sued upon herein, and set out and described in plaintiff's complaint the sum of One Hundred Thirty seven and 10/100 dollars, (\$137.10) without relief from valuation and appraisement laws and that said plaintiff is entitled to and should have a judgment therefor 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 the following described real estate in the said County of Noble, State of Indiana, to-wit: Lots number fifty-six (56) and fifty-seven (57) located in Mathews subdivision to the town, now City, of Kendallville, County and State aforesaid; 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 above described as against said defendants to this action, and a judgment, order and decree for the sale of all of said real estate 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, Ralph W. Probst do have and recover herein from said defendants, Mary J. Hoffman and Carl Hoffman, the sum of One Hundred Thirty seven and 10/100 (\$137.10) dollars, so found to be due him on his said note and mortgage sued upon by him herein as aforesaid, and also all his 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 appraisement 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 described, 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 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, the following described real estate in the said county of Noble, State of Indiana, to-wit: Lots number fifty-six (56) and fifty-seven (57) located in Mathews subdivision to the town, now city, of Kendallville, County and State aforesaid, 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 debt 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 by 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.

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

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 30th day of January, 1934, 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 19th day of February, 1934.

Harold V. Curtis
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 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 19th day of February, 1934.

Harold V. Curtis
Clerk Noble Circuit Court.

In the Noble Circuit Court, January Term, 1934.

No. 12041. Ralph W. Probst

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STATEMENT OF COSTS.

Clerk's costs.....	\$8.00
Sheriff's fee.....	2.40
Docket fee.....	2.00
Transcript fee.....	<u>1.50</u>
Total	13.90

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 19th day of February, 1934.

Harold V. Curtis
Clerk Noble Circuit Court.

June 25 1940
Returned on order of Plaintiff

Marion G. Gallows
Sheriff of Noble Co

Sheriff fees

\$2.25

13.90

16.15

In the Noble Circuit Court,
January Term, 1934.

No. 12041. Ralph W. Probst
vs
Mary J. Hoffman
Carl Hoffman

Judg. favor Pltff.....	\$137.10
Interest to issue.....	.45
Costs to issue.....	13.90
Total	151.45

Judg. favor Pltff for \$137.10, fore-
closure of mortgage and sale of real
estate. Personal judgment vs Mary J.
Hoffman and Carl Hoffman.

O. B. 68 P. 574	E. D. 28 P. 4
J. D. 15 P. 140	Ex. D. 11 P. 83

Returnable one hundred and eighty
days from February 19, 1934.

FILED
JUN 24 1940

Harold V. Harris
CLERK NOBLE CIRCUIT COURT

C. R. Finley, Atty. for pltff.