

Proof Of Publication

STATE OF INDIANA, COUNTY OF NOBLE, SS:

I, Donald C. Robbins, being duly sworn, deposes and says that he is the owner and publisher of **THE CROMWELL ADVANCE**, a newspaper of general circulation, published weekly at Cromwell, Noble County, Indiana. That the annexed printed form is a true and exact copy of a notice printed in **THE CROMWELL ADVANCE**, as required by law, on the following dates:

On the 25th day of April 1940
 On the 2nd day of May 1940
 On the 9th day of May 1940
 On the day of 19.....

Donald C. Robbins Publisher.

Subscribed and sworn to before me, this 9th day of May 1940.....

W. J. Mortimer Cole Notary Public.
 My Commission Expires July 12-1941

Printing Fee \$ 14.10 (with cards)

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE**

By virtue of a certified copy of a judgment, decree and order of sale, to me directed from the Clerk of the Noble Circuit Court of Noble County, Indiana, in cause of action wherein the State of Indiana on relation of Gerry D. Hoff Auditor of Noble County, Indiana is Plaintiff, and John E. Oliver and Florence E. Oliver, his wife, are defendants, being civil cause No. 13717 in said Court requiring me to make the sum of money in said decree provided and in manner and form as therein provided with interest and costs, I will expose and offer for sale at Public Auction to the highest and best bidder on Saturday, the 18th day of May, 1940, between the hours of 10:00 A. M. and 4:00 P. M. of said day and date, at the east door of the Court House in the Town of Albion, Noble County, Indiana, the rents and profits for a term of not exceeding seven (7) years, of the following described real estate in Noble County, to-wit:

The east end of the north half except four (4) acres off the east side of the northwest quarter of Section 28, township 33 north, range 10 east, containing forty-two (42) acres.

If such rents and profits will not sell for a sum sufficient to satisfy said judgement and decree, interest and costs, I will at the same time and place expose and offer for sale at Public Auction to the highest bidder the fee simple of said real estate or so much thereof as may be necessary to satisfy and discharge said decree.

Said sale will be made without relief from valuation or appraisal laws.

Dated April 18th, 1940.

MARION G. GALLOWAY,

Sheriff of Noble County, Indiana.

Foote & Spangler, 3t-40
Attorneys for Plaintiff.

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE**

By virtue of a certified copy of a judgement, decree and order of sale, to me directed from the Clerk of the Noble Circuit Court of Noble County, Indiana, in cause of action wherein the State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana, is Plaintiff, and John R. Oliver and Florence E. Oliver, his wife, are defendants, being civil cause No. 13717 in said Court requiring me to make the sum of money in said decree provided and in manner and form as therein provided with interest and costs, I will expose and offer for sale at Public Auction to the highest and best bidder on Saturday, the 18th day of May, 1940, between the hours of 10:00 A. M. and 4:00 P. M. of said day and date, at the east door of the Court House in the Town of Albion, Noble County, Indiana, the rents and profits for a term of not exceeding seven (7) years, of the following described real estate in Noble County, to-wit:

The east end of the north half except four (4) acres off the east side of the northwest quarter of Section 28, township 33 north, range 10 east, containing forty-two (42) acres.

If such rents and profits will not sell for a sum sufficient to satisfy said judgement and decree, interest and costs, I will at the same time and place expose and offer for sale at Public Auction to the highest bidder the fee simple of said real estate or so much thereof as may be necessary to satisfy and discharge said decree.

Said sale will be made without relief from valuation or appraisement laws.

Dated April 18th, 1940.

MARION G. GALLOWAY,

Sheriff of Noble County, Indiana.

Foote & Spangler,
Attorneys for Plaintiff.

3t-40

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 decree and order of sale

to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on the 17 day of April, 1940 in a case wherein the State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana,

plaintiff and John R. Oliver and Florence E. Oliver

defendant S wherein judgment was rendered on the 11th day of March, 1940 for the sum of Eighteen Hundred Twenty Three dollars and Seventy-eight cents, principal and interest to date of judgment, and the further sum of Fifteen dollars and thirty cents, costs accrued to that date, upon which there has accrued Fourteen dollars and Twenty nine cents interest and Twenty Eight dollars and Sixty cents costs making in all Eighteen Hundred Thirty Eight dollars and Seventy cents principal and interest, and Forty Three dollars and Ninety cents cost to date of sale; making total amount due Eighteen Hundred Eighty One dollars and Ninety Seven cents

And the said Marion G. Galloway as Sheriff aforesaid, advertised for sale, according to law, or levied said decree and order of sale

upon the following described real estate as property of John R. Oliver and Florence E. Oliver on the 17th day of April, 1940, to-wit: The east end of the north half except 4 acres off the east side of the northwest quarter of section 28, township 33 north, range 10 east, containing 42 acres in Noble County, Indiana.

And said sale was set for the 18th day of May, 1940 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

Sheriff Noble County

TO

Gerry DeHoff, Auditor of

Noble County, Indiana

CERTIFICATE OF SALE

Marion G. Galloway
SHERIFF

By Marion G. Galloway Sheriff of Noble County, Deputy. May 18, 1940

Marion G. Galloway Sheriff of Noble County.

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 the State of Indiana, on relation of Gerry DeHoff, Auditor of Noble County, Indiana, having bid the sum of Eighteen Hundred Eighty One dollars and Ninety Seven cents, and no persons bidding more, the same was, in due form openly struck off to the said the State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana being the highest and best bidder therefore, and that being the highest and best price paid for the same; and the said Gerry DeHoff, Auditor of Noble County, Indiana paid the amount so bid by him. The aforesaid certificate will entitle the said State of Indiana on relation of Gerry DeHoff Auditor of Noble County, 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 S 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.

RETURN ON ORDER OF SALE.

AND on the 25th day of April, 1940, in pursuance to the command of this decree and order of sale I advertised the Real Estate herein described for sale at the Court House Door of Noble County, Indiana, on the 25th day of April, 1940, by publication in the The Cromwell Advance a weekly and daily newspaper of general circulation printed and published in the Town of Cromwell 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:.....

SCHEDULE OF COSTS AND SHERIFF'S FEES

Mileage	\$ 1.20
Service	.40
D. & R.	.20
Certificate	1.00
Publication	14.10
Commission	11.70
Costs to issue	15.30
 Total	 \$43.90

May 18, 1940, 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 decree and order of sale and Gerry DeHoff, Auditor of Noble Co.

bid therefor... ~~six~~ Six Eighteen Hundred Eighty One and 97/100 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 Gerry DeHoff, Auditor of Noble County

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 bidby..... him....., I executed to..... him..... my certificate of purchase, bearing even date herewith. Paid over to plaintiff....., as per..... his..... receipt hereon

..... Eighteen Hundred Thirty Eight and 07/100 DOLLARS.

Paid over to Clerk Forty Three and 90/100 dollars, original costs, and retained none dollars, my fees,.....

Printer fee.

Done..... May 18, 1940

Marion G. Gallows Sheriff

Deputy

NOTICE OF SHERIFF'S SALE OF REAL ESTATE

By virtue of a certified copy of a judgment, decree and order of sale, to me directed from the Clerk of the Noble Circuit Court of Noble County, Indiana, in cause of action wherein the State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana, is Plaintiff, and John R. Oliver and Florence E. Oliver, his wife, are defendants, being civil cause No. 13717 in said Court requiring me to make the sum of money in said decree provided and in manner and form as therein provided with interest and costs, I will expose and offer for sale at Public Auction to the highest and best bidder on Saturday, the 18th. day of May, 1940, between the hours of 10:00 A.M. and 4:00 P.M. of said day and date, at the east door of the Court House in the Town of Albion, Noble County, Indiana, the rents and profits for a term of not exceeding 7 years, of the following described real estate in Noble County, Indiana, to-wit: The east end of the north half except 4 acres off the east side of the northwest quarter of section 28, township 33 north, range 10 east, containing 42 acres.

If such rents and profits will not sell for a sum sufficient to satisfy said judgment and decree, interest and costs, I will at the same time and place expose and offer for sale at Public Auction to the highest bidder the fee simple of said real estate or so much thereof as may be necessary to satisfy and discharge said decree.

Said sale will be made without relief from valuation or appraisement laws.

Marion G. Galloway, Sheriff,
Noble County, Indiana.

Foote & Spangler,
Attorneys for Plaintiff.

Dated: 18th May 1940

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13717. The State of Indiana on relation)
of Gerry DeHoff, Auditor of)
Noble County, Indiana)
vs) TO FORECLOSE MORTGAGE
John R. Oliver and Florence E.)
Oliver, his wife, Defendants)

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

Be it remembered, that on the 11th day of March, 1940, the same being the 7th Judicial day of the March, 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 First Monday of March, 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:

March 11, 1940. -7th day-

No. 13717. St
State of Indiana,
County of Noble, SS:

In the Noble Circuit Court
March Term, 1940.

The State of Indiana on relation
of Gerry DeHoff, Auditor of
Noble County, Indiana, Plaintiff.

CIVIL CAUSE NO. 13717

vs

(ENTRY FURNISHED BY ATTORNEY FOR PLAINTIFF)

John R. Oliver and Florence E.
Oliver, his wife, defendants.

Comes now the plaintiff by counsel and it appearing to the court by summons herein and the return of the Sheriff endorsed thereon, that the defendants, John R. Oliver and Florence E. Oliver, have been served with process more than 10 days before the 2nd day of January, 1940, being the date endorsed on plaintiff's complaint for the return day of summons thereon, which said summons and return thereon are in the words and figures as follows, to-wit: (H.I.)

And now said defendants, John R. Oliver and Florence E. Oliver being three times audibly called in open court, come not, but herein wholly make default.

And this cause being at issue is now submitted to the Court for trial without the intervention of the Jury and the Court having heard the evidence and being duly advised in the premises finds for the Plaintiff and that the allegations of the Plaintiff's complaint are true and that there is due the Plaintiff from the defendants John R. Oliver and Florence E. Oliver, on the note in said cause of action sued upon in the sum of \$1823.78 and which said sum plaintiff is entitled to recover from said defendants together with costs of this action, all without relief from valuation or appraisement laws.

And the court further finds that said sum is secured by a Mortgage upon the real estate described in Plaintiff's complaint and that said Mortgage is the first lien upon said real estate to the extent of said sum and that Plaintiff is entitled to have its said Mortgage foreclosed as against all of said defendants upon the real estate described in the complaint.

And it is further considered, adjudged and decreed by the Court that the equity-of-redemption-of-the-defendants, -John-R.,-Oliver-and-Florence-E.,-Oliver,-his-wife-and-all persons-claiming-from, plaintiff, The State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana do have and recover of and from said defendants, John R. Oliver

and Florence E. Oliver, the sum of One thousand eight hundred twenty three and 78/100 dollars (\$1823.78) so found to be due it on the note 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 from valuation and appraisement laws.

And it is further considered, adjudged and decreed by the court that the equity of redemption of the defendants, John R. Oliver and Florence E. Oliver, his wife and all persons claiming from, under or through them in and to the real estate described in the complaint, lying and being in the County of Noble and State of Indiana, and described as follows, to-wit: The east end of the north half except 4 acres off the east side of the northwest quarter of section 28, township 33 north, range 10 east, containing 42 acres, be, and the same is forever barred and foreclosed and that the said described real estate and the right, title, interest and claim of said named defendants and of all persons claiming from, under or through them in and to the same or so much thereof as may be necessary for that purpose shall be sold by the Sheriff of said County of Noble, State of Indiana, as other lands are sold on execution, the sale to be made without any relief from valuation or appraisement laws.

The proceeds arising from said sale to be applied as follows, to-wit:

1. To the payment of the costs and accruing costs herein.
2. To the payment of the amount found due plaintiff on his claim sued upon herein.

The over-plus, if any, remaining after the payment of costs and accruing costs and the foregoing sum is to be paid by the Sheriff to the Clerk of this Court for the use of the defendants or the parties lawfully entitled and authorized to receive the same. In the event said mortgaged premises shall fail to sell for a sum sufficient to pay and satisfy said plaintiff's judgment, principal, interest and costs, the residue of which said plaintiff's judgment so remaining unpaid shall be made out of the Goods, Chattels, Lands and Tenements of said defendants, John R. Oliver and Florence E. Oliver, subject to execution and sale thereof shall be made without relief from valuation or appraisement laws.

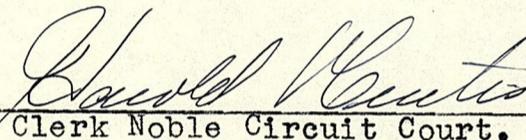
Fred L. Bodenhafer

Judge of the Noble Circuit Court.

State of Indiana, Noble County, SS:

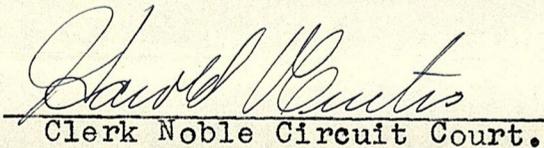
I, Harold V. Curtis, Clerk of the Noble Circuit Court of Noble County in the State of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments, decrees and orders of sale made, rendered and entered in and by said court in said cause on said 11th day of March, 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 17th day of April, 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 defendants, John R. Oliver and Florence E. Oliver, 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 17th day of April, 1940.


Clerk Noble Circuit Court.

HAMMERMILL
BOND
MADE IN U.S.A.

In the Noble Circuit Court, March Term, 1940.

No. 13717. The State of Indiana ex rel
DeHoff

vs

John R. Oliver et al.

STATEMENT OF COSTS.

Clerk's costs.....	\$10.00
Docket fee.....	2.00
Sheriff's fee.....	<u>3.30</u>
	\$15.30

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 17th day of April, 1940.


Harold V. Curtis
Clerk Noble Circuit Court.

In the Noble Circuit Court
March Term, 1940

No. 13717. State ex rel DeHoff

vs

John R. Oliver, et al

Judg. favor Pltff for.....	\$1823.78
Int. to issue.....6%	10.64
Costs to issue.....	15.30
	<hr/>
	\$1849.72

Judg. favor pltff for \$1823. 78, fore closure of mortgage and sale of real estate. Personal judgment vs. John R. and Florence E. Oliver.

O. B. 74 page 125
E. D. 33 page 208
J. D. 17 page 231
Ex. D. 12 page 76

Foote & Spangler, Attys, for pltff.

FILED
JUN 5 - 1940

Harold Stewart
CLERK NOBLE CIRCUIT COURT