

# 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. 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 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 Abe N. Drake and Clara E. Drake, husband and wife; Francis E. Drake and Wava I. Drake, husband and wife, and Louisa Greenwalt, are defendants, being civil cause No. 13572 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 not exceeding seven (7) years, of the following described real estate in Noble County, Indiana, to-wit:

Lots No. 3 and 4 in Strauss Addition to the Town, now City of Ligonier.

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,



**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 Abe N. Drake and Clara E. Drake, husband and wife; Francis E. Drake and Wava I. Drake, husband and wife, and Louisa Greenwalt, are defendants, being civil cause No. 13572 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 not exceeding seven (7) years, of the following described real estate in Noble County, Indiana, to-wit:

Lots No. 3 and 4 in Strauss  
Addition to the Town, now  
City of Ligonier.

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.

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SHERIFF'S  
CERTIFICATE OF  
SALE  
Sheriff Noble County  
TO  
Gerry DeHoff, Auditor of  
Noble County, Indiana  
CERTIFICATE OF SALE

Marion G. Galloway  
SHERIFF.

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, 1934, in a case wherein the State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana, plaintiff and Abe N. Drake, Clarence E. Drake, Francis G. Drake and Wava I. Drake, and Louisa Greenwalt defendant, wherein judgment was rendered on the 11th day of March, 1934, for the sum of Six Hundred Forty Eight dollars and Twenty Four cents, principal and interest to date of judgment, and the further sum of Seventeen dollars and Seventy cents, costs accrued to that date, upon which there has accrued Five dollars and Sixty cents interest and Twenty Four dollars and Seven cents costs making in all Six Hundred Fifty Four dollars and Eighty Four cents principal and interest, and Forty One dollars and Seventy Seven cents cost to date of sale; making total amount due Six Hundred Ninety Five dollars and Sixty One 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 Abe N. Drake, Clarence E. Drake, Francis G. Drake and Wava I. Drake, and Louisa Greenwalt on the 17th day of April, 1934, to-wit: Lots Three and Four in Strauss Addition to the Town, now City of Ligonier, Noble County, Indiana.

And said sale was set for the 18th day of May, 1934 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)

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 Six Hundred Ninety Five dollars and Sixty One 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 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.

May 18, 1934  
By Deputy Sheriff of Noble County  
Marion G. Galloway



# 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.....May 18,.....1940, between the hours FEE.

Mileage	\$ 2.60
Service	.40
D. & R.	.20
Certificate	1.00
Publication	14.10
Commission	5.77
Costs to issue	17.70

Total \$41.77

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 Hundred Ninety-five and 61/100..... 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 bid .....by.....him....., I executed to..him.....my certificate of purchase, bearing even date herewith. Paid over to plaintiff...., as per.....his.....receipt hereon .....Six Hundred Fifty Three and 84/100..... DOLLARS. Paid over to Clerk..Forty One and 77/100.....dollars, original costs, and retained .....none..... dollars, my fees,..... Printer fee.

Done.....May 18,.....1940.....

*Marion G. Galloway* 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 Abe N. Drake and Clara E. Drake, husband and wife; Francis E. Drake and Wava I. Drake, husband and wife, and Louisa Greenwalt, are defendants, being civil cause No. 13572 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 ~~xxx~~ on Saturday, the 18 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 not exceeding 7 years, of the following described real estate in Noble County, Indiana, to-wit: Lots No. 3 and 4 in Strauss Addition to the Town, now City of Ligonier.

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 ~~xxx~~ appraisement laws.

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

Foote & Spangler,  
Attorneys for Plaintiff.

Dated: 18<sup>th</sup> April 1940



State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana

No. 13572. State of Indiana on relation )  
of Gerry DeHoff, Auditor of )  
Noble County, Indiana, Plaintiff )  
vs ) Foreclose mortgage.  
Abe N. Drake, Clara E. Drake, his )  
wife; Francis G. Drake and Wava I. )  
Drake, husband and wife; and Louisa )  
Greenwalt, 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,  
judgment, 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-

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. 13572

vs

Abe N. Drake, Clara E. Drake, his  
wife; Francis G. Drake and Wava I.  
Drake, husband and wife; and Louisa  
Greenwalt, defendants.

(ENTRY FURNISHED BY ATTORNEY FOR PLAINTIFF)

Comes now the plaintiff by counsel and all the defendants having heretofore to-wit,  
on the 2nd day of October, 1939, appeared by their attorney, Herbert A. Albright, Fort  
Wayne, Indiana, and were ruled to answer within ten days, and having failed to comply  
with said order of the court, said defendants, were on the 6th day of January, 1940,  
three times audibly called in open court, come not, and 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, Abe N. Drake,  
Clara E. Drake, his wife; Francis G. Drake and Wava I. Drake, husband and wife; and  
Louisa Greenwalt, the sum of Six hundred forty eight and 24/100 dollars (\$648.24) 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.

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 a 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.

It is now therefore ordered, adjudged and decreed by the court that said plaintiff,  
The State of Indiana on relation of Gerry DeHoff, Auditor of Noble County, Indiana, do  
have and recover of and from said defendants, Abe N. Drake, Clara E. Drake, his wife;  
Francis G. Drake and Wava I. Drake, husband and wife, the sum of Six hundred forty eight  
and 24/100 dollars (\$648.24), so found to be due it on its said note and mortgage sued  
upon 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 appraisement laws.

And it is further considered, adjudged and decreed by the court that the equity of  
redemption of the defendants, Abe N. Drake, Clara E. Drake, his wife; Francis G. Drake  
and Wava I. Drake, husband and wife; and Louisa Greenwalt, 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:  
Lots Nos. 3 and 4 in Strauss Addition to the Town, now city of Ligonier, be, and the same  
is forever barred and foreclosed and that 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 the 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 sums to be paid by the Sheriff to the Clerk of this Court for the use of 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, Abe N. Drake, Clara E. Drake, his wife; Francis G. Drake and Wava I. Drake, husband and wife; and Louisa Greenwalt, subject to the execution and sale thereof shall be made without relief from valuation or appraisement laws.

Fred L. Bodenhafer

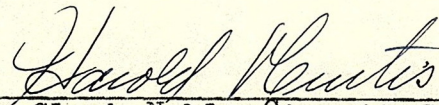
Judge, Noble Circuit Court.



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.

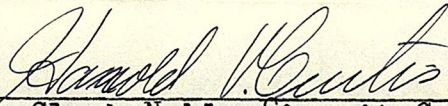
In Witness Whereof, I hereunto subscribe my name and hereto affix the seal of said court at my said office this 17th day of April, 1940.



Clerk Noble Circuit Court.

You are therefore commanded, after giving the notice required by law, to seal 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 Abe N. Drake and Clara E. Drake, his wife; Francis G. Drake and Wava I. Drake, husband and wife; and Louisa Greenwalt, 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.



In the Noble Circuit Court, March Term, 1940.

No. 13572. State of Indiana on relation  
of DeHoff, Auditor

vs

Abe N. Drake, et al.

STATEMENT OF COSTS.

Clerk's costs.....	\$10.00
Sheriff's fee.....	5.70
Docket fee.....	<u>2.00</u>
	\$17.70

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. 13572. State of Indiana ex rel  
DeHoff

vs

Abe N. Drake, et al.

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Judg. favor pltff.....	\$648.24
Interest to issue ..6%.....	3.78
Costs to issue.....	<u>17.70</u>

\$669.72

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Judg. favor pltff for \$648.24, fore-  
closure of mortgage and sale of real  
estate. Personal judgment vs.  
Abe N, Drake, Clara E. Drake, Francis  
G. Drake and Wava I. Drake and Louisa  
Greenwalt.

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O. B. 74 P. 124	J. D. 17 P. 61
E. D. 33 P. 63	Ex. D. 12 P. 75

Foote & Spangler, Attys. for Pltff.

FILED  
JUN 5 - 1940

*Harold V. Curtis*  
CLERK NOBLE CIRCUIT COURT

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