

THE STATE OF INDIANA, } ss:
NOBLE COUNTY,

NOTICE OF SHERIFF'S SALE OF
REAL ESTATE ON DECREE

State of Indiana,
Noble County, ss:
Edward P. Eagles and Dorothy
Eagles, partners, doing business
under the firm name and style
of Eagles & Son, plaintiff
vs.

Bessie VanDyne and Tary VanDyne,
her husband, defendants.

By virtue of a certified copy of a
decree to me directed from the clerk
of the Noble Circuit Court in the
cause wherein Edward P. Eagles and
Dorothy Eagles, partners, doing bus-
iness under the firm name and style
of Eagles and Son, are plaintiffs and
Bessie VanDyne and Tary VanDyne,
her husband are defendants, requiring
me to make the sum of Eight Hun-
dred Twenty-seven dollars and sixteen
cents, together with interest thereon
and costs, I will offer for sale at pub-
lic auction to the highest bidder on
the 17th day of May, 1940, between
the hours of 10 o'clock A. M. and 4
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 years of
the following described real estate
situated in Noble County, Indiana,
to-wit: A Parcel of ground described
by metes and bounds as follows: Com-
mencing 150 feet north 0 degrees 15
minutes west and north 80 degrees
east 719.5 feet from the east quarter
corner of Section 13, township thirty-
five north, range 9 east; thence
south 28 degrees 30 minutes east 60
feet; thence north 61 degrees 30 min-
utes east 229 feet, more or less, to
the shore of Stienbarger Lake; thence
north 43 degrees west along the mar-
gin of said lake 62 feet, more or less,
to Stienbarger's New Division Corner;
thence south 61 degrees 30 minutes
west 212 feet, more or less, to the
place of beginning, containing .30
acre, more or less, together with the
dwelling house and buildings located
thereon and all appurtenances there-
to.

If such rents and profits will not

R. C. Prichett

being duly sworn, on oath says that he is
the publisher of "THE ALBION NEW
ERA," a weekly newspaper of general cir-
culation, 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 suc-
cessively and on the days following, to-wit:

On the 24th of April, 1st and
8th of May, 1940

R. C. Prichett

Subscribed and sworn to before me, this

11 day of May

1940

sell for a sum sufficient to pay and
satisfy said decree, interest and costs,
I will offer for sale at public auction,
at the same time and place, 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 will be made without re-
lief whatever from valuation and ap-
praisement laws

Dated this 17th day of April, 1940.

MARION G. GALLOWAY,

Sheriff of Noble County, Indiana.

Claud V. Barker,

Attorney for the Plaintiffs. 40w3

NOTICE OF SHERIFF'S SALE OF
REAL ESTATE ON DECREE

State of Indiana,
Noble County, ss:

Edward P. Eagles and Dorothy
Eagles, partners, doing business
under the firm name and style
of Eagles & Son, plaintiff

vs.

Bessie VanDyne and Tary VanDyne,
her husband, defendants.

By virtue of a certified copy of a decree to me directed from the clerk of the Noble Circuit Court in the cause wherein Edward P. Eagles and Dorothy Eagles, partners, doing business under the firm name and style of Eagles and Son, are plaintiffs and Bessie VanDyne and Tary VanDyne, her husband are defendants, requiring me to make the sum of Eight Hundred Twenty-seven dollars and sixteen cents, together with interest thereon and costs, I will offer for sale at public auction to the highest bidder on the 17th day of May, 1940, between the hours of 10 o'clock A. M. and 4 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 years of the following described real estate situated in Noble County, Indiana, to-wit: A Parcel of ground described by metes and bounds as follows: Commencing 150 feet north 0 degrees 15 minutes west and north 80 degrees east 719.5 feet from the east quarter corner of Section 13, township thirty-five north, range 9 east; thence south 28 degrees 30 minutes east 60 feet; thence north 61 degrees 30 minutes east 229 feet, more or less, to the shore of Stienbarger Lake; thence north 43 degrees west along the margin of said lake 62 feet, more or less, to Stienbarger's New Division Corner; thence south 61 degrees 30 minutes west 212 feet, more or less, to the place of beginning, containing .30 acre, more or less, together with the dwelling house and buildings located thereon and all appurtenances thereto.

If such rents and profits will not sell for a sum sufficient to pay and satisfy said decree, interest and costs, I will offer for sale at public auction, at the same time and place, 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 will be made without relief whatever from valuation and appraisement laws

Dated this 17th day of April, 1940.

MARION G. GALLOWAY,

Sheriff of Noble County, Indiana.

Claud V. Barker,

Attorney for the Plaintiffs. 40w3

SHERIFF'S
CERTIFICATE OF
SALE
Sheriff Noble County
TO
CERTIFICATE OF SALE

SHERIFF.

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 a certified copy of a
Decree and order of sale
to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on
the 12th day of April, 1940 in a case wherein
Edward P. Eagles and Dorothy Eagles, partners, doing business under the firm name
and style of Eagles & Son were
plaintiff s and Bessie VanDyne and Tary VanDyne, her husband were
defendant. s wherein judgment was rendered on the 5th day of March, 1940
for the sum of Eight Hundred twenty-seven dollars and sixteen cents,
principal and interest to date of judgment, and the further sum of Twenty-three and 70/100
dollars and Nine cents, costs accrued to that date, upon which there has accrued
interest and Twenty-seven dollars and 02 cents
costs making in all Eight Hundred thirty-seven dollars and 09 cents
principal and interest, and Fifty dollars
and 72 cents cost to date of sale; making total amount due
Eight Hundred eighty-seven dollars and eighty-one cents
And the said Marion G. Galloway as Sheriff aforesaid, advertised for sale,
according to law, and the following described real estate as property of Bessie VanDyne and Tary Van Dyne, her husband
on the 12th day of May, 1940
to-wit: A parcel of ground described by metes and bounds as follows:
commencing 150 feet north 0 degrees 15 minutes west and north 80 degrees east
719.5 feet from the east quarter corner of section 13, township 35 north, range
9 east; thence south 28 degrees 30 minutes east 60 feet; thence north 61 degrees
30 minutes east 229 feet, more or less, to the shore of Stienbarger Lake; thence
north 43 degrees west along the margin of said lake 62 feet, more or less, to
Stienbarger's New Division corner; thence south 61 degrees 30 minutes west 212
feet, more or less, to the place of beginning, containing .30 acres, more or less,
together in Noble County, Indiana, together with the dwelling house and buildings
located thereon and all appurtenances thereto.
And said sale was set for the 17th 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)

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 Edward P. Eagles and Dorothy
Eagles, partners, doing business under the firm name and style of Eagles & Son,
having bid the sum of Eight Hundred Eighty-seven dollars and
eighty-one cents, and no persons bidding more, the same was, in due form openly
struck off to the said Edward P. Eagles and Dorothy Eagles, partners, doing business under
the firm name and style of Eagles & Son
being the highest and best bidder therefor, and that being the highest and best price paid for the same; and the said
Edward P. Eagles and Dorothy Eagles, partners, doing business under the firm name
and style of Eagles & Son
paid the amount so bid by them
The aforesaid certificate will entitle the said Edward P. Eagles and Dorothy Eagles, partners,
doing business under the firm name and style of Eagles & Son
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.
May 17th 1940
By Marion G. Galloway Sheriff of Noble County.
Deputy.

RETURN ON ORDER OF SALE.

This writ came to hand on April 12th, 1940
AND on the 24th 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 17th day of May, 1940 19...., by publication in 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.

Costs:

Clerk's costs to issue \$23.70.
Sheriff's fees:
Mileage, Posting notices \$1.60.
Docket & Return .20.
Commission 6.90.
Certificate 1.00.
Total sheriff's costs 9.70.
Albion New Era,
Pub. of notice 17.32.
total costs 50.72.

And on the day set for the sale of said Real Estate, to-wit: May 17 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. S of, in and to said Real Estate as described in said Decree and order of sale and Edward P. Eagles and Dorothy Eagles partners, doing business under the firm name and style of Eagles & Son bid therefor. 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 Said Edward P. Eagles and Dorothy Eagles, partners as aforesaid 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 my certificate of purchase, bearing even date herewith. Paid over to plaintiff, as per their receipt hereon Eight Hundred thirty-seven and 09/100 DOLLARS.

Paid over to Clerk Twenty-three and 70/100 dollars, original costs, and Paid over to Clerk \$9.70 sheriff fees and \$17.32.

Printer fee.

Done May 17, 1940

Marion G. Galloway Sheriff
Deputy

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13698. Edward P. Eagles and Dorothy Eagles,)
partners, doing business under the)
firm name and style of Eagles & Son)
vs) Fcl. Mech's Lien
Bessie VanDyne and Tary VanDyne, her)
husband)
The Federal Land Bank of Louisville,)
Kentucky)

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

Be it remembered, that on the 5th day of March, 1940, the same
being the 2nd 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:

Intangibles Tax Paid 4-12 1940
in sum of Three 3-12 1940
On account of taxes 10 Cents

Harold V. Curtis
Clerk of Noble Circuit Court

No. 13698. Edward P. Eagles and Dorothy Eagles
partners, doing business under the
firm name and style of Eagles & Son
vs
Bessie VanDyne and Tary VanDyne, her
husband
The Federal Land Bank of Louisville,
Kentucky

))))))))))
Fcl. Mech's Lien

Come now the plaintiffs by counsel and now show to the satisfaction of the court by due proof of the due publication of notice in this cause now here filed by them herein and submitted to the court, and the court now finds, that each and all the defendants to this cause and action and plaintiffs' complaint herein have been duly and legally notified of the filing and pendency of this action and the complaint herein against them, and of the time when, and the place where, the same would be heard, by publication of due notice thereof as provided by law, once each week for three weeks successively in the Noble County Democrat, a weekly newspaper of general circulation, printed in the English language and published daily in the city of Albion, in Noble County in the State of Indiana, and that said notice was so published for three weeks successively more than thirty days prior to the 8th day of January, 1940, the return day of said notice and that said day was the day on which said defendants were notified to appear to this action and said complaint, which said notice and proof of the publication thereof are severally in the following words and figures, to-wit: (here insert)

Come now the plaintiffs by counsel and dismiss their complaint as to The Federal Land Bank of Louisville, Kentucky. And there being no appearance by, or on behalf of all other defendants, thereupon, on motion of said plaintiffs, said defendants are three times duly called in open court, come not but herein wholly make default. And on motion of said plaintiff, this cause is now submitted to the court for trial without the intervention of 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 plaintiffs; that each and all the statements and averments of their complaint herein are true and proven; that there is due said plaintiffs from said defendants on the claim and demand sued upon herein the sum of Seven hundred fifty two and 16/100 dollars (\$752.16) and the further sum of \$75.00 fees for plaintiffs' attorney and that said plaintiffs are entitled to and should have a personal judgment therefor accordingly against said defendants for said amount together with the costs of this action, all without relief from valuation and appraisement laws. And the court further finds that on the 14th day of November, 1939, and within sixty days after furnishing the material mentioned in plaintiffs' complaint, said plaintiffs filed in the office of the Recorder of Noble County in the State of Indiana, a due notice in writing of their intention to hold a lien on the real estate and buildings thereon mentioned and described in said complaint, and that said notice was, on said day, duly recorded in the office of said Recorder, and the court further finds that said plaintiffs have and hold a lien on said real estate and buildings for the amount of their said claim and that they are entitled to have their said claim enforced against the same.

It is now therefore ordered, adjudged and decreed by the court that said plaintiffs Edward P. Eagles and Dorothy Eagles, partners, doing business under the firm name and style of Eagles & Son do have and recover of and from the said defendants, Bessie VanDyne and Tary VanDyne, her husband, the sum of Eight hundred twenty seven and 16/100 dollars (\$827.16) so found to be due them from said defendants herein as aforesaid, and also all

their costs in this cause expended, taxed at dollars and cents, said judgment to draw interest at the rate of six per cent per annum from this date until paid, all without relief from valuation and appraisement laws. And it is further considered, ordered, adjudged and decreed by the court that plaintiffs' said claim is, and the same is hereby declared, adjudged and decreed to be, a lien in favor of said plaintiffs upon the real estate described in said complaint; that said lien be, and the same hereby is, foreclosed upon all the real estate in said complaint described as to and against said defendants and all persons claiming from, under or through them and that upon default in the full payment and satisfaction of plaintiffs' said judgment, all of said real estate in said complaint described, said real estate being all situate in Noble County in the State of Indiana and described as follows, to-wit:

A parcel of ground described by metes and bounds as follows: Commencing 150 feet north 0 degrees 15 minutes west, and north 80 degrees east 719.5 feet from the east quarter corner of section 13, township 35 north, range 9 east; thence south 28 degrees 30 minutes east 60 feet; thence north 61 degrees 30 minutes east 229 feet more or less, to the shore of Stienbarger Lake; thence north 43 degrees west, along the margin of said lake, 62 feet, more or less, to Stienbarger's New Division Corner; thence south 61 degrees 30 minutes west 212 feet, more or less, to the place of beginning, containing .30 acre, more or less. and the dwelling house and buildings thereon, or so much thereof as may be necessary, and all the rights, titles, interests and claims of said defendants, and all persons claiming from, under or through them in and to the same, shall be sold by the Sheriff of Noble County in the State of Indiana, as provided by law, 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 executions issued upon judgments at law for the payment of plaintiffs' said claim 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 the costs accrued in this cause including the costs of such sale; Second, to the payment of plaintiff's said claim and judgment, principal and interest, and Third, the overplus, if any remaining, shall be paid to said defendant or 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 said sale herein ordered and the completed delivery by the Sheriff to the purchaser or purchasers of the real estate and building so sold, all the rights, titles, interests, claims and equity of redemption of the defendant to this action, and of all persons claiming from, under or through them in and to the said property so sold shall be absolutely and forever barred and foreclosed.

And it is further considered, ordered, adjudged and decreed by the court that in the event said property hereinbefore described shall fail to sell for a sum sufficient to fully pay and satisfy the said claim and judgment, principal, interest, costs and accruing costs of said plaintiffs, the balance thereof remaining unpaid shall be levied of any property of said defendants subject to execution, and sale thereof shall be made without any relief from valuation and appraisement laws.

All of which is finally 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 5th 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 12th day of April, 1940.

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 that then of any other property of said defendants, Bessie VanDyne and Tary VanDyne, subject to execution, you levy, without relief from valuation and appraisement laws, any balance remaining unpaid of the judgment 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 12th day of April, 1940.

Harold V. Curtis
Clerk Noble Circuit Court.

STATEMENT OF COSTS.

Clerk's costs.....	\$10.00
Docket fee	2.00
Printer's fee.....	<u>11.70</u>
	\$23.70

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 12th day of April, 1940.

Harold Curtis
Clerk Noble Circuit Court.

No. 3140

In the Noble Circuit Court

March Term, 1940.

No. 13698. Eagles & Son

VS

Bessie VanDyne, et al.

Judg. favor plfff, for.....	\$827.16
Interest to issue..6%.....	5.10
Costs to issue.....	23.70

Total \$855.96

Judg. favor plfff, for \$827.16, fore
closure of mechanic's lien. Personal
judgment against Bessie and Tary VanDyne.

O. B. 74 P. 112	J. D. 17 P. 324
E. D. 33 P. 189	Ex. D. 12 P. 69

Claud V. Barkery, Atty.

FILED
MAY 17 1940

Revised Minutes
CLERK NOBLE CIRCUIT COURT