

State of Indiana,
Noble County, ss:

NOTICE OF SHERIFF'S SALE
OF REAL ESTATE.

By virtue of a certified copy of a judgment and decree to me directed from the Clerk of the Noble Circuit Court of Noble County, state of Indiana, in a civil cause in said court numbered 13663 upon the dockets thereof and wherein Eugene V. Carteaux is plaintiff and Nellie Reed and others are defendants, requiring me to make for the plaintiff upon his judgment in said cause the sum of five hundred seventy eight dollars and five cents (\$578.05), and the sum of seven hundred thirty-six dollars and sixty-one cents (\$736.61) for the defendant. The County Department of Public Welfare of Noble County, upon its judgment on its cross-complaint, together with interest on said judgments and costs, and costs of this sale, I will expose at public sale to the highest bidder, on Saturday the 30th day of December, 1939, between the hours of ten o'clock A. M. and four o'clock P. M. of said day, at the door of the Court House in the town of Albion, in Noble County, state of Indiana, the rents and profits for a term not exceeding seven (7) years of the following real estate in Noble County, state of Indiana, to-wit:

Commencing on the east side of the Fort Wayne and Lima Plank Road and on the north side of Albion Street and at the intersection of said public highways, in the village of Lisbon, and running thence in an easterly direction along the north line of said Albion Street a distance of one hundred and thirty-two (132) feet to the west line of an old unused alley; thence in a northerly direction along the west line of said old unused alley; thence in a northerly direction along the west line of said old unused alley to the south line of an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon; thence westerly along the south line of said old unused alley, lying south of said lot number nine (9) and on

a line parallel with the south line of said lot number nine (9) to the east line of said Fort Wayne and Lima Plank Road; thence in a southerly direction along the east line of said Fort Wayne and Lima Plank Road to the place of beginning, it being intended to convey all that part of Section number nine (9) in township thirty-four (34) north, range eleven (11) east, which lies and is bounded on the north by said old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon, and is bounded on the east by an old unused alley, the west line of which alley is one hundred thirty-two (132) feet east of the east line of the Fort Wayne and Lima Plank Road, and is bounded on the south by Albion Street and on the west by the Fort Wayne and Lima Plank Road.

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

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

ROSCOE RIMMEL,

Sheriff of Noble County, Indiana.

48-50

B. R. Matteson, being duly sworn, on oath, says that he is the Publisher of THE NOBLE COUNTY DEMOCRAT, a weekly newspaper of general circulation, published in Noble County, and that the notice, of which the annexed is a copy, was published in

said paper 3 weeks successively, and on the days following, to-wit:

On the 30th of
Nov., and 7th
and 14th of
Dec., 1939

Signed B. R. Matteson

Subscribed and sworn to before me this 14th day of
December 1939.

Harold V. Curtis
Clerk—Notary Public

My Commission Expires.....19..

Printer's fees, \$21.35

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

SHERIFF.

SHERIFF'S CERTIFICATE OF SALE

I, Roscoe Rimmel Sheriff of Noble County, in the State of Indiana, certify that I have this day sold by virtue of a certified copy of a judgment and decree to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on the 17th day of November, 1939 in a case wherein Eugene V. Carteaux is plaintiff and Nellie Reed, The County Department of Public Welfare of Noble County, Frank J. Mitchell and Celia L. Mitchell are defendant wherein judgment was rendered on the 23rd day of October, 1939 for said plaintiff for the sum of 578 dollars and 05 cents, principal and interest to date of judgment, and the further sum of 15 dollars and 10 cents, costs accrued to that date, upon which there has accrued 6 dollars and 45 cents interest and 31 dollars and 20 cents costs making in all 584 dollars and 50 cents principal and interest, and 46 dollars and 30 cents cost to date of sale; making total amount due 630 dollars and 80 cents And the said Roscoe Rimmel as Sheriff aforesaid, advertised for sale, according to law, of ~~XXXXXX~~ upon the following described real estate as property of ~~XXXXXX~~ on the 30th day of November, 1939 to-wit: The following real estate in Noble County, state of Indiana, to-wit: Commencing on the east side of the Fort Wayne and Lima Plank Road and on the north side of Albion Street and at the intersection of said public highways, in the village of Lisbon, and running thence in an easterly direction along the north line of said Albion Street a distance of one hundred and thirty-two (132) feet to the west line of an old unused alley; thence in a northerly direction along the west line of said old unused alley to the south line of an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon; thence westerly along the south line of said old unused alley lying south of said lot number nine (9) and on a line parallel with the south line of said lot number nine (9) to the east line of said Fort Wayne and Lima Plank Road; thence in a southerly direction along the east line of said Fort Wayne and Lima Plank Road to the place of beginning, it being intended to convey all that part of section number nine (9) in township thirty-four (34) north, of range eleven (11) east, which lies and is bounded on the north by said old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon, and bounded on the east by an old unused alley, the west line of which alley is one hundred thirty-two (132) feet east of the east line of the Fort Wayne and Lima Plank Road and is bounded on the south by Albion Street and on the west by the Fort Wayne and Lima Plank Road; And said sale was set for the 30th day of December, 1939 and the said Roscoe Rimmel 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,

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 Eugene V. Carteaux having bid the sum of six hundred thirty dollars and cents, and no persons bidding more, the same was, in due form openly struck off to the said Eugene V. Carteaux being the highest and best bidder therefore, and that being the highest and best price paid for the same; and the said Eugene V. Carteaux paid the amount so bid by him. The aforesaid certificate will entitle the said Eugene V. Carteaux 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.

December 30, 1939 By Deputy Sheriff of Noble County

SHERIFF'S RETURN ON ORDER OF SALE.

The within decree and order of sale came to hand November 17, 1939, and in obedience to its command I advertised the real estate therein described for sale at public auction at the door of the court house of the county of Noble, in the state of Indiana, on the 30th day of December, 1939, between the hours of 10 o'clock A.M. and 4 o'clock P.M. of said day, by publication in the Noble County Democrat, a weekly newspaper of general circulation, printed in the English language, printed and published in the town of Albion, in said Noble County, Indiana, for three (3) weeks successively, which notice was so published in said newspaper on the following dates:

November 30, 1939
December 7, 1939
December 14, 1939

And a copy of said notice, together with due proof of such publication is attached hereto and is made a part of this return.

I further advertised the sale of said real estate by posting copies of said notice as published, and which posting was done November 30, 1939, at the following places: One at the east door of the court house in the town of Albion, Noble County, Indiana; and by posting at each of the three following public places in Allen Township, in said Noble County, Indiana, said Allen Township being the civil township in which said real estate is located: One in section nine (9) in said township, in the village of Lisbon, opposite the said real estate at the intersection of State Road No. 3 and the east and west road through said village; one at the road intersection near the southeast corner of section seven (7) in said township; one at the

road intersection at the southwest corner of section seventeen (17) in said township; that each of said notices was posted in the public highway, and an exact copy of which notice is attached hereto and made a part of this return.

That on the day set for said sale, to-wit: December 30, 1939, between the hours of 10 o'clock A.M. and 4 o'clock P.M., at the door of the court house in said town of Albion, Noble County, Indiana, I then and there offered for sale at public auction, to the highest and best bidder for cash, the rents and profits of the land described in the within decree, to-wit:

The following real estate in Noble County, state of Indiana:

Commencing on the east side of the Fort Wayne and Lima Plank Road and on the north side of Albion Street and at the intersection of said public highways, in the village of Lisbon, and running thence in an easterly direction along the north line of said Albion Street a distance of one hundred and thirty-two (132) feet to the west line of an old unused alley; thence in a northerly direction along the west line of said old unused alley to the south line of an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon; thence westerly along the south line of said old unused alley, lying south of said lot number nine (9) and on a line parallel with the south line of said lot number nine (9) to the east line of said Fort Wayne and Lima Plank Road; thence in a southerly direction along the east line of said Fort Wayne and Lima Plank Road to the place of beginning, it being intended to convey all that part of section number nine (9) in township thirty-four (34) north, range eleven (11) east, which lies and is bounded on the north by an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon, and is bounded on the east by an old unused alley, the west line of which alley is one hundred thirty-two (132) feet east of the east line of the Fort Wayne and Lima Plank Road and is bounded ^{on the south} by Albion Street and on the west by the Fort Wayne and Lima Plank Road;

for the separate terms of one, two, three, four, five, six and seven years, and I received no bid therefor.

Thereupon I offered for sale at public auction, for cash, to the

highest bidder, the fee simple right and title in and to said real estate and thereupon Eugene V. Carteaux bid for said real estate the sum of Six hundred thirty DOLLARS and eighty cents (\$ 630.80), and the said sum being the highest and best bid received therefore, said real estate was openly struck off and sold to said Eugene V. Carteaux.

And said purchaser thereupon paid to me the amount of his bid and I executed and delivered to him my certificate of purchase of even date herewith.

And the said sum I so received I paid as follows:


To Eugene V. Carteaux, as evidenced by his receipt.....\$ 584.50

To the Clerk of Noble Circuit Court, costs herein as follows:

Costs to issue.....	\$ 15.10	
Noble County Democrat, printer's fee.....	21.35	
Roscoe Rimmel, sheriff comm....	5.65	
" Service, docket, ret. mil.	3.20	
" " Certf. sale.....	1.00	
	\$ 46.30.....	46.30

Total accounted for.....\$ 630.80

And I return this writ partially satisfied.

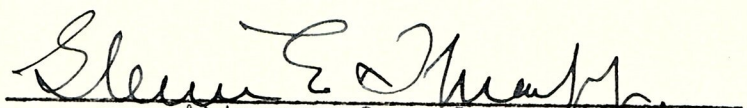

Sheriff of Noble County, Indiana.

Receipt.

\$584.50

December 30, 1939.

Received of Roscoe Rimmel, sheriff of Noble County, Indiana, the sum fo five hundred eighty-four and 50/100-----Dollars on the foregoing mortgage sale.


Attorney for plaintiff.

State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13663. Eugene V. Carteaux)
vs) To foreclose mortgage.
Nellie Reed, The County Department)
of Public Welfare of Noble County,)
Frank J. Mitchell, Celia L. Mitchell.)

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

Be it remembered, that on the 23rd day of October, 1939, the same
being the 19th Judicial day of the October, 1939 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 October,
1939, 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:

11-18 1939
Intangibles Tax Paid 8-10-39 1939
in sum of 1 Dollars 75 Cents
On account of this *Judge*
David Reutis
Clerk of Noble Circuit Court

October 23, 1939. -19th day-

Eugene V. Carteaux)	
vs)	No. 13663
Nellie Reed, The County Department)	(Entry furnished by counsel for plaintiff.)
of Public Welfare of Noble)	
County, Frank J. Mitchell,)	
Celia L. Mitchell)	

Comes now the plaintiff by his counsel, Glenn E. Thrapp, and comes The County Department of Public Welfare of Noble County, by Martin H. Spangler, its Attorney, and presents its answer of general denial to the complaint in said cause and its cross-complaint, heretofore filed in this cause.

And come also the defendants Frank J. Mitchell and Celia L. Mitchell in person and file their written disclaimer of any interest in, title to or claim against the real estate described in plaintiff's complaint, and which said disclaimer is in the words and figures following, to-wit: (here insert)

And the plaintiff makes proof of the due service of summons upon the defendant Nellie Reed more than ten days before the date set for the return day by endorsement upon the complaint in this cause and more than ten days before the present date by summons herein and the return of the sheriff indorsed thereon which said summons and return are severally in the words and figures following, to-wit: (here insert); and the court finds that such service has been duly made and said defendant is now three times loudly called in open court, but comes not, and makes default.

And the plaintiff now files answer of general denial to the cross-complaint of The County Department of Public Welfare of Noble County in words and figures as follows, to-wit: (here insert).

And said cause now being at issue is submitted to the court for trial without the intervention of a jury.

And the court having heard the evidence and being duly advised in the premises now finds for the plaintiff that all of the material allegations of plaintiff's complaint are true and fully proven and that there is due the plaintiff on the notes and mortgage sued on in his first paragraph of complaint the sum of \$240.60 for principal, interest and attorney fees for plaintiff attorney, together with interest at the rate of six per cent. (6%) per annum from date of this decree, all without relief from valuation and appraisement laws.

And the court further finds for the plaintiff that there is due the plaintiff upon the note and mortgage sued on in his second paragraph of complaint the sum of \$337.45 for principal, interest and attorney fees for plaintiff's attorney, together with interest at the rate of six per cent. (6%) per annum from date of this decree, all without relief from valuation and appraisement laws.

And the court further finds that the above sums found to be due the plaintiff are secured by first mortgages upon the following real estate in Noble County, State of Indiana, to-wit:

Commencing on the east side of the Fort Wayne and Lima Plank Road and on the north side of Albion Street and at the intersection of said public highways, in the village of Lisbon, and running thence in an easterly direction along the north line of said Albion Street a distance of one hundred and thirty-two (132) feet to the west line of an old unused alley; thence in a northerly direction along the west line of said old unused alley to the south line of an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon; thence westerly along the south line of said old unused alley, lying

south of said lot number nine (9) and on a line parallel with the south line of said lot number nine (9) to the east line of said Fort Wayne and Lima Plank Road; thence in a southerly direction along the east line of said Fort Wayne and Lima Plank Road to the place of beginning, it being intended to convey all that part of Section number nine (9) in township thirty-four (34) north, range eleven (11) east, which lies and is bounded on the north by said old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon, and is bounded on the east by an old unused alley, the west line of which alley is one hundred thirty two (132) feet east of the east line of the Fort Wayne and Lima Plank Road and is bounded on the south by Albion Street and on the west by the Fort Wayne and Lima Plank Road.

And said real estate being the real estate described in the first and second paragraphs of the plaintiff's complaint herein; and the court further finds that the aggregate sum heretofore found to be due the plaintiff herein and secured by said mortgages, to-wit: the sum of \$578.05 is a first and prior lien upon said real estate, and that the plaintiff is entitled to have its said mortgages foreclosed as against all defendants herein and to have said real estate sold for the payment of plaintiff's claim.

And the court finds for the defendant The County Department of Public Welfare of Noble County on its cross complaint that the allegations thereof are true and that there is due said The County Department of Public Welfare of Noble County on the Old Age Assistance liens sued on the sum of \$736.61, and that said sum is secured by the lien of the two old age assistance certificates set out in said cross-complaint, and that said lien is second and subsequent to the lien of the plaintiff's two mortgages set out in plaintiff's complaint herein upon the real estate described in the plaintiff's complaint herein and that the said The County Department of Public Welfare of Noble County is entitled to have said liens foreclosed as against all of the defendants to said cross-complaint, but subject to the two mortgages of the plaintiff set out in his complaint.

It is therefore ordered, adjudged and decreed by the court that the plaintiff have and recover of and from the defendant Nellie Reed the sum of \$578.05 with interest at 6% per annum from date of decree and his costs in this action without relief from valuation and appraisement laws.

It is further considered and adjudged by the court that the defendant The County Department of Public Welfare of Noble County have and recover the sum of \$736.61 and its costs on its cross-complaint.

And it is further ordered, adjudged and decreed by the court that the equity of redemption of all defendants in this cause, and of all persons claiming from, under or through them, in and to said real estate described in plaintiff's complaint, situated in Noble County, in the State of Indiana, and described as follows, to-wit:

Commencing on the east side of the Fort Wayne and Lima Plank Road and on the north side of Albion Street and at the intersection of said public highways, in the village of Lisbon, and running thence in an easterly direction along the north line of said Albion Street a distance of one hundred and thirty-two (132) feet to the west line of an old unused alley; thence in a northerly direction along the west line of said old unused alley to the south line of an old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon; thence westerly along the south line of said old unused alley, lying south of said lot number nine (9) and on a line parallel with the south line of said lot number nine (9) to the east line of said Fort Wayne and Lima Plank Road; thence in a southerly direction along the east line of said Fort Wayne and Lima Plank Road to the

place of beginning, it being intended to convey all that part of section number nine (9) in township thirty-four (34) north, range eleven (11) east, which lies and is bounded on the north by said old unused alley, lying immediately south of lot number nine (9) in the village of Lisbon, and is bounded on the east by an old unused alley, the west line of which alley is one hundred thirty two (132) feet east of the east line of the Fort Wayne and Lima Plank Road, and is bounded on the south by Albion Street and on the west by the Fort Wayne and Lima Plank Road;

be and the same is hereby forever barred and foreclosed and that said real estate and all the right, title and interest of all defendants and of all parties claiming from, under or through the defendants in and to said real estate, or so much thereof as may be necessary for the purpose shall be sold by the sheriff of Noble County, Indiana, as other lands are sold on execution and said lands shall be sold without any relief from valuation or appraisement laws and the proceeds arising from said sale shall be applied as follows:

First. To the payment of the costs and accruing costs herein.

Second. To the payment of the amount found to be due the plaintiff, Eugene Carteaux, on his notes and mortgages in the sum of \$578.05, with interest at the rate of six per cent (6%) per annum thereon from date of this decree.

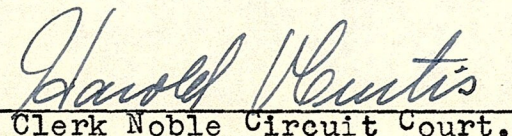
Three. The overplus, if any there be, to be paid to the defendant The County Department of Public Welfare of Noble County on its oldage assistance liens in the sum of \$736.61.

Fourth. The overplus, if any there be, to be paid to the Clerk of this court by the Sheriff for the use of the parties lawfully entitled and authorized to receive the same.

State of Indiana,
Noble County, SS:

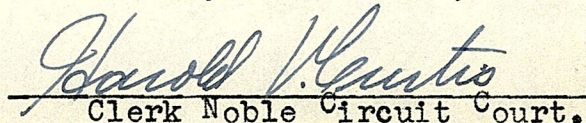
I, Harold V. Curtis, Clerk of the Noble Circuit Court of Noble County in the State of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments, decrees and orders of sale made, rendered and entered in and by said court in said cause on said 23rd day of October, 1939, 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 November, 1939.


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 17th day of November, 1939.


Clerk Noble Circuit Court.

In the Noble Circuit Court, October Term, 1939.

No. 13663. Eugene V. Carteaux)
vs) FCL. MTG.
Nellie Reed, et al.)

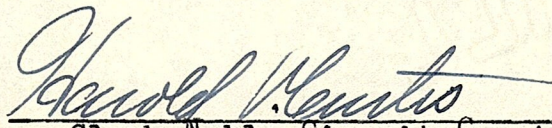
STATEMENT OF COSTS.

Clerk's costs.....	\$10.00
Sheriff's fee.....	3.10
Docket fee.....	<u>2.00</u>
Total	\$15.10

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 November, 1939.


Clerk Noble Circuit Court.

No. 3079

Rec

In the Noble Circuit Court,

October Term, 1939

No. 13663. Eugene V. Carteaux

vs

Nellie Reed, et al.

Judg. favor plfff. for.....	\$578.05
Interest to issue...6%.....	2.31
Costs to issue.....	15.10
	<u>\$595.46</u>

Amt. due Welfare Dept.	736.61
Interest to issue. 6 %	<u>2.95</u>

Total ~~xxx~~ Amt. due \$ 1335.02

Judg. favor plfff for \$578.05, fore
closure of mortgage and sale of real
estate.

O. B. 73 P. 557	J. D. 17 P. 251
E. D. 33 P. 154	Ex. D. 12 P. 30

FILED
Dec 30 - 1939

Harold Valentis
CLERK NOBLE CIRCUIT COURT

Glenn E. Thrapp, Atty. for plfff.

copy cert of sale