

# PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, August 10th A. D. 1939

Personally appeared before the undersigned, Martha L. Branning, who, being duly sworn according to law, saith that she is the Secretary-Treasurer of

The Fort Wayne News-Sentinel,

a Daily Newspaper of general circulation, printed and published in said County and State, and that the notice herewith attached was published in the said Fort Wayne

News-Sentinel in the daily edition for three times,

the first publication being on the 25th

day of July, 1939; the second on

the 1st day of August, 1939

and the third on the 8th day of

August, 1939, and the fourth on

the day of , 1939.

Subscribed and Sworn To before me, this

10th day of August, 1939

Notary Public.

My Commission expires March 7, 1940

## SHERIFF'S SALE.

In the Noble Circuit Court of Noble County, State of Indiana. No. 3070. Home Owners' Loan Corporation )

vs. Florenz J. Hale, Marie E. Hale )

By virtue of an Order of Sale, to me directed and delivered by the Clerk of said Court, in the above entitled cause, I have levied upon and will expose for sale by Public Auction, at the Court House Door, East entrance first floor in Allen County, Indiana, between the hours of 1 and 4 o'clock, p.m. (DST) on the 28th day of August, 1939, the following described real estate in Allen County, Indiana, to wit:

Lot number Ten (10) in F. J. Young's Addition to the City of Fort Wayne, Allen County, Indiana.

Said sale to be made without relief from valuation or appraisal laws; together with rents, issues, income and profits thereof, said property taken as the property of the defendants to satisfy said order of sale pursuant to and by virtue of the provisions of the acts of Chapter 90 of the Acts of the General Assembly of the State of Indiana for 1931.

WALTER A. FELGER,  
Sheriff Allen County, Indiana.

Byron F. Novitsky, Attorney.  
7-25; 8-1-8

Fort Wayne, Ind., August 1939 193

WALTER A. FELGER - Sheriff Allen County

Court House - City

To NEWS PUBLISHING CO. Dr.

PUBLISHERS  
FORT WAYNE NEWS-SENTINEL

Barr and Washington

DAY	INCHES	LINES	AMOUNT	TOTAL
Publishing -				
Sheriff's Sale				
Home Owners' Loan Corp.				
vs. Florenz J. Hale,				
Marie E. Hale			9 60	9 60



OK.

148.59

# SHERIFF'S SALE

Home Owners' Loan Corporation  
  
VS.  
  
Florenz J. Hale  
Marie E. Hale.

No. 3070  
  
**Noble Circuit**  
In the **Noble** Court  
of ~~Allen~~ **Noble** County,  
State of Indiana

By virtue of an **Order of Sale**, to me directed and delivered by the Clerk of said Court, in the above entitled cause, I have levied upon and will expose for sale by PUBLIC AUCTION, at the Court House Door, East entrance first floor in Allen County, Indiana, between the hours of 1 and 4 o'clock, P. M., <sup>D.S.T.</sup> on the **28th** day of **August**, 19 **39** the following described real estate in Allen County, Indiana, to wit:

**Lot number Ten (10) in F. J. Young's Addition to the City of Fort Wayne, Allen County, Indiana.**  
  
**Said sale to be made without relief from valuation or appraisement laws;**

CLERK	<u>19.10</u>	JUDGMENT	<u>4430.33.</u>
PUBLICATION	<u>9.60</u>	INTEREST	<u>129.84</u>
SHERIFF	<u>24.85</u>	COSTS	<u>54.55</u>
<i>Deed</i> CERTIFICATE	<u>1.00</u>	TOTAL	<u>4614.72</u>
TOTAL COSTS	<u>54.55</u>	SOLD FOR	<u>4466.13</u>
		<i>sup. gr.</i>	<u>\$148.59</u>

*Paid 8/29/39  
by Byron F. Novitsky*

together with rents, issues, income and profits thereof, said property taken as the property of the defendants to satisfy said order of sale pursuant to and by virtue of the provisions of the acts of Chapter 90 of the Acts of the General Assembly of the State of Indiana for 1931.

Walter A. Felger,  
Sheriff Allen County, Indiana.

Byron F. Novitsky,  
Attorney.

July 25th  
Aug. 1st



JD. e.B.

No. 3070

CAME TO HAND, July 18th, 1939, at 4:00 o'clock P. M.,  
and I advertised the within described Real Estate, by first giving due and legal notice of the time and place of  
sale, by posting printed notices thereof in three public places in Wayne

--- Township, and one at the Court House door of Allen County, Indiana;  
and also by publication once each week for three successive weeks in the Fort Wayne News-Sentinel

---, a ~~weekly~~ <sup>daily</sup> newspaper of general circulation, printed in the English lan-  
guage and published in said County, the first of which publication was at least thirty days before the date of sale.

Said sale was set for the 28th day of August, 1939, and the amount  
of the judgment, interest and costs for the payment or satisfaction which the sale was ordered, not having been paid,

I did, on said day, at the door of the Court House of said County, between the hours prescribed by law, at public auc-  
tion, sell the following described Real Estate, together with rents, issues, income and profits thereof, to-wit:

Lot number Ten (10) in F. J. Young's Addition to  
the City of Fort Wayne, Allen County, Indiana,

and Home Owners' Loan Corporation, did

then and there bid the sum of Four Thousand Four Hundred Sixty-six --- Dollars

and Thirteen --- Cents, and no person bidding more, the same was in due form openly

struck off to the said Home Owners' Loan Corporation,

~~xx it~~ being the highest and best bidder therefor, and that being the highest and best price bid for the same,

and the said Home Owners' Loan Corporation,

having paid Four Thousand Four Hundred Sixty-six Dollars and Thirteen Cents,

I executed and delivered to ~~xx it~~ a Deed of conveyance of said premises, and I have paid Home Owners'

Loan Corporation, in real estate ----- \$4411.58

Fort Wayne News-Sentinel Company ----- 9.60

Clerk Harold V. Curtis (Noble County) ----- 19.10 ~~xx it~~

all costs made and accrued hereon, except ----- 25.85 ~~xx it~~

which I retain as my own cost, and this writ is returned partially satisfied.

Walter A. Felger, Sheriff Allen County, Indiana.

By Martin E. Rejodany, Deputy.



State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 13409. Home Owners' Loan Corporation )  
vs ) To Foreclose Mortgage.  
Florenz J. Hale )  
Marie E. Hale . )

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

Be it remembered, that on the 27th day of January, 1939, the same  
being the 23rd Judicial day of the January, 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 January,  
1939, the Honorable George L. Foote, Judge pro tempore 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:

This Judge Jan 27 1939  
Tax by reason of: is Exempt from Intangibles  
~~Having Actual Business Sites outside Indiana~~  
Being Specifically Exempted under Sec. 1 (b)  
Harold Wentz  
Clerk of Noble Circuit Court



January 27, 1939. -23rd day-

No. 13409.

State of Indiana,  
County of Noble, SS:

In the Noble Circuit Court  
Cause No. 13409

HOME OWNERS' LOAN CORPORATION

VS

FLORENZ J. HALE  
MARIE E. HALE

JUDGMENT AND DECREE OF FORECLOSURE

Comes now the plaintiff, Home Owners' Loan Corporation, and it appearing to the satisfaction of the court by the Sheriff's return of the summons, which summons and return of the Sheriff endorsed thereon are in the words and figures following, to-wit: (H.I.) that the defendants Florenz J. Hale and Marie E. Hale, have each been duly served with process more than ten (10) days before the 21st day of July, 1938, being the return date endorsed on plaintiff's complaint, and come now the defendants, Florenz J. Hale and Marie E. Hale, and enter appearance herein and file an answer, which said answer is in the words and figures as follows: (H.I.)

This cause is now submitted to the court for trial without the intervention of a jury upon the issues joined by the plaintiff's complaint and the answer filed by the defendants, Florenz J. Hale and Marie E. Hale.

And the evidence being heard and the court fully advised in the premises finds for the plaintiff and that all the allegations of its complaint are true.

That on the 10th day of September, 1934, the defendants, Florenz J. Hale and Marie E. Hale, by their promissory note promised to pay the plaintiff the sum of thirty-eight hundred eighty (\$3880.00) dollars, said note bearing interest at the rate of five (5%) per centum per annum; that said note provided that if default was made thereon for a period of ninety (90) days the entire balance of principal and interest was, at the election of the plaintiff, to become due and payable; that said note provided for reasonable attorney's fees and is payable without relief from valuation or appraisement laws.

That simultaneously with the execution of said note said defendants, Florenz J. Hale and Marie E. Hale, were the record owners of the fee simple title to the following described real estate located in the City of Fort Wayne, County of Allen, State of Indiana, to-wit:

Lot number Ten (10) in F. J. Young's Addition to the City of Fort Wayne.

That contemporaneously with the execution and delivery of said note and to secure the payment thereof, said defendants, Florenz J. Hale and Marie E. Hale, executed to the plaintiff their mortgage on the real estate hereinbefore described, said mortgage being duly recorded on the 27th day of November, 1934, in Mortgage Record 385, page 204, in the office of the Recorder of Allen County, Indiana.

That the plaintiff's mortgage is a firstlien on the real estate hereinbefore described, except as to taxes and assessments.

That defendants and each of them have defaulted and failed to make the payments provided for in said note, due the plaintiff herein, for a period of ninety (90) days and that plaintiff has heretofore exercised its option to declare the entire balance of principal and interest, due on its note above described, due and payable, and that there is now past due and unpaid on said note the sum of four thousand twenty-five and 62/100 (\$4025.62) dollars, in principal and interest, as of this date.

That reasonable attorney's fees for plaintiff's attorney are two hundred fifty-eight and 59/100 (\$258.59) dollars.

That pursuant to the provisions of said mortgage, the plaintiff has advanced one hundred



thirty and 67/100 (\$130.67) dollars in payment, of taxes and assessments; eleven and 50/100 (\$11.50) dollars for an extension of the abstract of title; three and 95/100 (\$3.95) dollars in payment of insurance premiums.

That under the terms of said note and mortgage plaintiff is entitled to recover the above sums of money advanced for insurance, extension of abstract of title and taxes and assessments.

That there is now due the plaintiff herein from the defendants, Florenz J. Hale and Marie E. Hale, the total sum of forty-four hundred thirty and 33/100 (\$4430.33) dollars; and that said sum is secured by the mortgage herein described, and is payable without relief from valuation or appraisement laws, and that the plaintiff is entitled to a judgment for said total amount of said indebtedness against the defendants, Florenz J. Hale and Marie E. Hale, plus the costs of this action, and to a decree of foreclosure of said mortgage against all defendants herein, and to ~~xx~~ <sup>a</sup> sale of said real estate to satisfy said judgment.

That said real estate is not susceptible to division or partition and that no part thereof can be sold without loss to the remainder, and that it is necessary to sell all of said real estate to save and protect plaintiff's lien thereon.

IT IS, THEREFORE, ordered, adjudged and decreed by the court that the plaintiff recover of and from the defendants, Florenz J. Hale and Marie E. Hale, the sum of forty-four hundred thirty and 33/100 (\$4430.33) dollars, also its costs and charges laid out and expended, and all accruing costs taxed at \$\_\_\_\_\_ without any relief from valuation and appraisement laws, said judgment to bear interest at the rate of five (5%) per centum per annum from rendition thereof until paid.

It is further ordered, adjudged and decreed by the court that the mortgage sued upon by the plaintiff be foreclosed and that the equity of redemption of the defendants and each of them, and that of all persons claiming from, under or through them, be foreclosed, and that the said real estate being the same real estate as set out in plaintiff's complaint herein and described as follows, to-wit:

Lot number Ten (10) in F. J. Young's Addition to the City of Port Wayne, Allen County, Indiana,

be sold in accordance with the laws of the State of Indiana, to satisfy the plaintiff's judgment and costs herein.

It is further ordered, adjudged and decreed by the court that in the event any owner or part owner of said real estate, or other person legally entitled thereto, does not pay the Clerk of Noble County, Indiana, the amount of said judgment, interest and costs rendered in this cause, within one (1) year from the date of the filing of the complaint herein, to-wit, July 6, 1938, or prior to the issuance by the Clerk to the Sheriff of said decree, the said Clerk, upon the filing of a praecipe therefor by the plaintiff, shall issue a copy of this judgment and decree, certified by the Clerk, under seal of the court, to the Sheriff of Allen County, Indiana, who shall thereupon proceed to sell the mortgaged premises heretofore described in this decree, at public auction at the door of the Court House of Allen County, Indiana, after advertising the same once each week for three (3) successive weeks in a daily or weekly newspaper of general circulation, printed in the English language and published in Allen County, Indiana, the first of which publications shall be made at least thirty (30) days before the date of said sale, and by posting written or printed notices thereof in at least three (3) public places in Wayne Township, in said county and state, and at the door of said Allen County Court House, said sale to be made without relief from valuation and appraisement laws and without any right of redemption



therefrom, and that immediately after such sale, the Sheriff shall execute and deliver to the purchaser a deed of conveyance to the premises, which shall be valid and effectual to convey all the right, title and interest of all persons to this action and all persons claiming through or under them, and he shall make due report to the Clerk of the court, and the proceeds arising from such sale, the Sheriff is ordered and directed to apply in the following manner:

First: To the payment of all costs and accruing costs in this cause.

Second: To the payment of the plaintiff's judgment and interest in full.

The overplus, if any, remaining after payment of the foregoing judgment, interest and costs, to be paid by the Sheriff of Allen County, to the Clerk of this court for the use of the persons or persons authorized to receive the same, and the Sheriff is hereby ordered and directed in case said real estate is sold to plaintiff and a deed of conveyance is delivered to the plaintiff herein, immediately to place the plaintiff in possession of said real estate and shall oust and eject from said premises any other persons in said real estate at the time of said sale, and if any part of said judgment, interest and costs remains unsatisfied after said sale, the Sheriff shall forthwith proceed to levy the residue on the other property, real and personal, of the defendants, Florenz J. Hale and Marie E. Hale, subject to execution and without relief from valuation and appraisement laws.

ALL OF WHICH is ordered, adjudged and decreed by the Court this 27th day of January, 1939.

George L. Foote, Judge protem.

O. K. Howard Benninghoff.



State of Indiana, Noble County, SS:

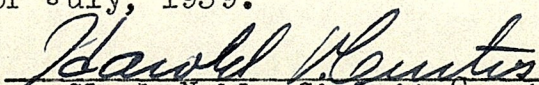
I, Harold V. Curtis, Clerk of the Noble Circuit Court of Noble County in the State of Indiana, do hereby certify that the attached and foregoing is a full, true and complete copy of the proceedings had and of the findings, judgments, decrees and orders of sale made, rendered and entered in and by said court in said cause on said 27th day of January, 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 July, 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 that then of any other property of said defendants Florenz J. Hale and Marie E. Hale, 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 July, 1939.

  
Clerk Noble Circuit Court.



In the Noble Circuit Court, January Term, 1939.

No. 13409. Home Owners' Loan Corporation )  
vs ) To foreclose mortgage.  
Florenz J. Hale )  
Marie E. Hale )

STATEMENT OF COSTS.

Clerk's costs.....	\$10.00
Docket fee.....	2.00
Allen County fees.....	<u>7.10</u>
	\$19.10

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 July, 1939.

Harold V. Curtis  
Clerk Noble Circuit Court.



No. 3070

E.  
222

In the Noble Circuit Court  
January Term, 1939

*New Jan*

No. 13409. H.O.L.C.

VS

Florenz J. Hale, et al.

Judge. favor Pltff for.....	\$4430.00	<sup>33</sup>
Interest to issue...5%....	128.22	
Costs to issue.....	19.10	
	<u>\$4577.32</u>	

Judge. favor pltff for \$4430.<sup>33</sup>.00, fore-  
closure of mortgage and sale of real  
estate. Personal judgment vs  
Florenz and Marie Hale.

O. B. 73 P. 284 J. D. 17 P. 116  
E. D. 32 P. 193 Ex. D. 12 P. 19

**FILED**  
SEP 15 1939

*Harold H. Harts*  
CLERK NOBLE CIRCUIT COURT



*Sale. Aug 28th.*

*Notice July 25*

*" Aug. 1*

*" " 8*