

# THE AVILLA NEWS

HERSH & DOLAN, Publishers

## AFFIDAVIT OF PUBLICATION

### COPY OF NOTICE

#### Notice of a Sale of Real Estate

By virtue of a certified copy of judgement, decree and order of sale to me from the Clerk of Noble County, in the State of Indiana, in a cause of action wherein Adelbert N. Ross is plaintiff and Frank M. Peters is defendant the same being cause number 12020 in said Court requiring me to make the sum of One-hundred fifty-eight and 56/100 Dollars, together with interest, costs and costs of this sale, I will offer for sale at Public auction to the highest bidder on the 11th, day of May, 1934, between the hours of ten (10) A. M. and four (4) O'Clock P. M. of said day 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 years of the following described real estate in said county and state, to-wit: Lot number seventy-two (72) in Iddings Addition to the town, now City, of Kendallville, except two (2) feet off of the East side thereof.

If such rents and profits will not sell for a sum sufficient to pay and satisfy said judgment so rendered in said cause together with interest, costs and costs of this sale I will at the same time and place offer for sale at public auction the fee-simple of said real estate or so much thereof as may be necessary to pay and satisfy said judgment and decree, interest and costs.

Said sale will be made without relief valuation and appraisal laws.

Irvin M. Cazier  
Sheriff of Noble County, Indiana.  
Dated this 18th, day of April, 1934.

Clarence R. Finley and John J. Cole, Attys. for Plaintiff.

16-3 t

State of Indiana, )  
County of Noble, ) SS:

*Thos E Richards*  
MANAGER

being duly sworn, upon oath says he is the manager of

### THE AVILLA NEWS

a weekly newspaper of general circulation, published in the Town of Avilla, County of Noble, and State of Indiana, and that the notice of which the annexed is a true copy, was published in said newspaper for 3 weeks successively, on the following dates to-wit:

April 26, 1934  
May 3, 1934  
" 10, 1934

19  
*Thos E Richards*  
MANAGER

Subscribed and sworn to before

me this 11 day of May 1934.

*Peter Dolan*  
Printer's Fee, \$ 10.48

My commission expires May 22, 1934.

....., 1934 and the said

heriff as aforesaid, did upon said day,

ounty, offer for sale at public auction,  
(Over)



RETURN ON ORDER OF SALE.

AND on the 26th day of April 1934, in pursuance to the command of this Order Of Sale I advertised the Real Estate herein described for sale at the Court House Door of Noble County, Indiana, on the 26th day of April 1934, by publication in the Avilla News a weekly newspaper of general circulation, printed and published in the Town of Avilla 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 was done more than twenty days immediately made a part of this return.

Sheriff's Fees

Posting Notices	\$3.20
Service	.40
Certificate	1.00
Docket	.10
Return	.10
Commission	3.30
Advertizing	10.48
	\$ 18,58
Cost to issue	14.70
	\$ 33.28

FILED  
MAY 14 1934  
Harold Van Antis  
CLERK NOBLE COUNTY COURT

Notice  
the fee simple right of the defendant.. of, in and to said Real Estate as described in said Adelbert N. Ross  
and One Hundred Seventy Seven (\$177.00) and 99/100 DOLLARS.  
bid therefor. 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 Adelbert N. Ross  
for the sum, there being present at and during all the time of said sale more than three competent bidders; and purchaser him having paid over to me the amount so bid by Him my certificate of purchase, bearing even date herewith. Paid over to plaintiff..., as per his receipt hereon  
One hundred forty four (\$144) and 71/100 DOLLARS.  
Paid over to Clerk. Thirty Three (\$33.00) and 28/100 total dollars, original costs, and retained None dollars, my fees,  
Printer fee. May 11th 34  
Done 1934

Irvin M. Cazier Sheriff  
By Deputy

And said sale was set for the 11th day of May 1934 and the said Irvin M. Cazier Sheriff as aforesaid, did upon said day, east between the hours prescribed by law, at the door of the Court House of Noble County, offer for sale at public auction, (Over)



# SHERIFF'S CERTIFICATE OF SALE

I, Irvin M. Cazier ----- 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

----- to me directed from the Clerk of the Circuit Court of Noble County, Indiana, issued on  
the April day of 1934, in a case wherein

Adelbert N. Ross -----

-----  
plaintiff and Frank M. Peters, deceased, and P. F. C. Peters, as administrator  
of the estate of Frank M. Peters, deceased,

-----  
defendant. ~~S~~ wherein judgment was rendered on the 31st day of March, 1934.

for the sum of One hundred forty three dollars and fifty three cents,

principal and interest to date of judgment, and the further sum of Twenty

dollars and thirty three cents, costs accrued to that date, upon which there has accrued

interest and Eighteen dollars and fifty eight cents

costs making in all One hundred forty four dollars and eighty one cents

principal and interest, and thirty three dollars

and Twenty eight cents cost to date of sale; making total amount due

One hundred seventy seven dollars and ninety nine cents

And the said Irvin M. Cazier ----- as Sheriff aforesaid, advertised for sale,

according to law ~~for levied said~~

upon the following described real estate as property of Frank M. Peters, deceased, et al et al

----- on the 19th day of April,

1934, to-wit: Lot number seventy-two (72) in Idding's Addition to the town,

now city, of Kendallville, Noble County, Indiana, Excepting two (2) feet

by parallel lines off of the east side thereof.

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And said sale was set for the 11th day of May, 1934 and the said

Irvin M. Cazier ----- Sheriff as aforesaid, did upon said day,

east  
between the hours prescribed by law, at the 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 therefor, he did then and there offer for sale at public auction the fee-simple of said real estate, and... **Adelbert N. Ross,**

having bid the sum of... *one hundred seventy seven* dollars and *unity nine* cents, and no persons bidding more, the same was, in due form openly struck off to the said **Adelbert N. Ross,**

he being the highest and best bidder therefor, and that being the highest and best price paid for the same; and the said **Adelbert N. Ross,** paid the amount so bid by... **the release of said judgment, and the balance in cash,**

The aforesaid certificate will entitle the said **Adelbert N. Ross,** 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.

*Lewis M. Gier*  
Sheriff of Noble County.

Dated April 11th, 193<sup>4</sup>. By Deputy.

**FILED**  
MAY 14 1934  
*Harold V. Hunt*  
CLERK NOBLE CIRCUIT COURT

SHERIFF'S IFICATE OF SALE	ff Noble County —TO— <i>Ad. N. Ross</i>	CATE OF SALE	SHERIFF.
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State of Indiana, Noble County, SS:

In the Noble Circuit Court of Indiana.

No. 12020.	Adelbert N. Ross	)	
	vs	)	To Foreclose Mtg.
	Frank M. Peters.	)	

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

Be it remembered, that on the 31st day of March, 1934, the same being the 24th Judicial Day of the March, 1934 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, 1934, the Honorable Rob R. McNagny, 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 April 12 1934  
in sum of April 1 1934  
On account of this Judgment Dollars forty Cents  
Harold V. Curtis  
Clerk of Noble Circuit Court



No. 12020. Adelbert M. Ross                   )  
  )       To foreclose Mtg.  
  )  
Frank M. Peters.                                   )

Comes now the plaintiff, Adelbert M. Ross, by his attorney, C. R. Finley and said plaintiff now makes showing to the court of the death of the defendant, Frank M. Peters and asks leave of the court to substitute the name of P. F. C. Peters, Administrator of the estate of Frank M. Peters, as party defendant. And the court having examined said motion now grants the same and the name of P. F. C. Peters is substituted as party defendant.

Comes now said plaintiff by counsel and said plaintiff now shows to the satisfaction of the court by the summons heretofore issued in this behalf upon his complaint herein, and the return of said Sheriff thereon endorsed, and the court now finds that the defendant to this cause of action and said complaint has been duly and legally served with due and legal summons in this cause more than ten days before the 16th day of December, 1933, the return day of said summons, which said summons and return thereon endorsed are severally in the following words and figures, to-wit: (here insert)

And on motion of said plaintiff, this cause is now submitted to the court for trial without 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 plaintiff that each and all the statements and allegations of his complaint herein contained are true and fully proven; that there is due said plaintiff from said defendant, P. F. C. Peters, Administrator, on the note and mortgage sued upon herein, and set out and described in plaintiff's complaint the sum of One hundred Forty Three and 53/100 dollars, (\$143.53) without relief from valuation and appraisement laws and that said plaintiff is entitled to and should have a judgment therefore herein accordingly. And the Court further finds that plaintiff's said mortgage set out and described in said complaint and the mortgage debt secured thereby is a valid, subsisting and first lien upon all the following described



real estate in the County of Noble, State of Indiana, to-wit: Lot number seventy-two (72) in Idding's Addition to the town, now City, of Kendallville, except two (2) feet by parallel lines off of the east side thereof; prior, superior and paramount to any and all rights, titles, interests, liens and claims of whatsoever nature or kind of each and all of the defendants to this action therein, thereon or thereto, and that said plaintiff is entitled to and should have a judgment, order and decree herein for the foreclosure of said mortgage upon all the real estate above described as against said defendants to this action, and a judgment, order and decree for the sale of all of said real estate above described or so much thereof as may be necessary to pay and satisfy said mortgage debt and costs.

It is now therefore ordered, adjudged and decreed by the court that said plaintiff, Adelbert N. Ross do have and recover herein from said defendant, P. F. C. Peters, Administrator of the estate of Frank M. Peters, the sum of One Hundred Forty three and 53/100 Dollars, (\$143.53) so found to be due him on his said note and mortgage sued upon by him as aforesaid, and all his costs in this cause expended, taxed at                      dollars and cents, said judgment and amount to draw interest at the rate of seven 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 said plaintiff's said mortgage and the mortgage debt secured thereby is a valid and subsisting and first lien on all the real estate hereinbefore described, prior, superior and paramount to any and all rights, titles, interests, liens and claims of each and all the defendants to this action therein, thereon or thereto; and that said mortgage be, and the same hereby is, foreclosed on all said real estate hereinbefore described as to and against the defendant to this cause of action and all persons claiming from, under or through them, or any of them, and that upon default in the full payment and satisfaction of plaintiff's said mortgage debt and costs before the time fixed for such sale, all the following described real estate in the said County of Noble and State of Indiana, to-wit: Lot number seventy-two (72) in Idding's Addition to the town, now City, of Kendallville, except two (2) feet by parallel lines off of the east side thereof, or so much thereof as may be necessary, and all the rights, titles, interests and claims of the defendant to this cause of action, and all persons claiming from, under or through them, or any of them, in and to the same, shall be sold as provided by law by the Sheriff of said Noble County 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 execution issued upon judgments at law for the payment of plaintiff's said mortgage debt 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 costs accrued in this cause of action including the costs of such sale; Second, to the payment of said mortgage debt and judgment, principal and interest of said plaintiff, and Third, the overplus, if any remaining, shall be paid 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 the sale herein ordered and the completed conveyance by the Sheriff to the purchaser or purchasers of the real estate so sold, all the rights, titles, interests claims and equity of redemption of the defendant to this action and each and every one of them, and of all persons claiming from, under or through them, or any of them, in and to said real estate so sold and conveyed, shall be completely, <sup>and absolutely</sup> and forever barred and foreclosed. All of which is 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 the 31st day of March, 1934, as the same appears of record in my office and 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, 1934.

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 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, 1934.

Harold V. Curtis  
Clerk Noble Circuit Court.



In the Noble Circuit Court, March Term, 1934.

No. 12020.	Adelbert N. Ross	)	
	vs	)	To foreclose Mtg.
	Frank M. Peters.	)	

STATEMENT OF COSTS.

Clerk's costs.....	\$ 9.50
Sheriff's fee.....	3.20
Docket Fee.....	<u>2.00</u>
Total	14.70

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, 1934.

Harold V. Curtis  
Clerk Noble Circuit Court.



No. 2759.

In the Noble Circuit Court,  
March Term, 1934.

No. 12020. Adelbert N. Ross

VS

Frank M. Peters.  
P.F.C. Peters, Admr.

Judge. favor Pltff for.....	\$143.53
Interest to issue. 7%.....	.33
Costs to issue.....	14.70
Total...	<u>158.56</u>

Judge. favor Pltff for \$143.53,  
foreclosure of mortgage and sale of  
real estate.

O. E. 69 P. 96	E. D. 27 P. 276
J. D. 15 P. 234	Ex. D. 11 P. 85

Returnable one hundred and eighty  
days from April 12, 1934.



MAY 14 1934

*Russell Stewart*  
CLERK NOBLE CIRCUIT COURT

C. R. Fimley, Atty. for Pltff.

P. 137. Box VI

*Amelia Parker May 12*