

KINGS TITLE & ABSTRACT COMPANY
3100 N. OAKWOOD AVE.
MUNCIE, INDIANA 47304
PH: (765) 288-1566
FAX: (765) 288-1642

PLEASE NOTE: (1)

Title Insurance has been issued on this title and the abstract is returned to aid the owner in a historical nature only.

If ordering future title work please refer to our File Number :
200706-542

Kings Title & Abstract Company assumes no liability or expense should the abstract be subsequently continued and disclose matters which have been previously insured over.

Sincerely,
Don D. Young
Manager

DDY/as

8400 W CR4005
YORKTOWN IN 47396
40° 08' 05.93" N
85° 33' 40.32" W
Elev 903 ft

"The Area's Leader in Title & Closing Services"

in the State of Indiana, to-wit:

West half of the following desc. (2)

A part of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit:

Beginning at a point in the south line of said East Half of the Southeast quarter of Section 34 One hundred Eighty (180) feet east of the southwest corner thereof, and running thence east along said south line Three hundred sixty (360) feet; thence north parallel to the west line of said East Half of the southeast quarter Two hundred forty-two (242) feet; thence west parallel to said south line Three hundred sixty (360) feet; thence south parallel to said west line Two hundred forty-two feet (242') to the place of beginning, containing Two (2) acres, more or less.

Grantees herein assume and agree to pay the 1965 taxes due and payable in 1966, and thereafter.

W 7547 Walter C. Rottens

(3)

-: A B S T R A C T O F T I T L E :-

An Abstract of Title to the following described Real Estate situate in Delaware County, in the State of Indiana, to-wit:

A part of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit:

Beginning at a point in the south line of said East Half of the Southeast quarter of Section 34 One hundred Eighty (180) feet east of the southwest corner thereof, and running thence east along said south line Three hundred sixty (360) feet; thence north parallel to the west line of said East Half of the southeast quarter Two hundred forty-two (242) feet; thence west parallel to said south line Three hundred sixty (360) feet; thence south parallel to said west line Two hundred forty-two feet (242) to the place of beginning, containing Two (2) acres, more or less.

4

40.01 1/4

40.01 1/4

Williams Petty

Williams Petty

40

39.98 1/4

40.01 1/2

20.01 1/4

20.01 1/4

Williams Petty

Williams Petty

Francis McNairy

40 47 25

39.97

40

19.94 3/4

19.94 3/4

Plat of Section 34, Township 20 North, Range 9 East as shown by Original Surveyor's Record 3 page 170, in Surveyor's Office, Delaware County, Indiana

Surveyed July 15, 1859 by J. S. Slack, Surveyor.

United States

⑤

Original Entry.

to

Dated August 10, 1835.

Oliver H. Smith

Enters: All of Section 34,
Township 20 North, Range 9
East, 640 acres.

Tract Book 21

On page 96 of said Tract Book is following Certificate:

State of Indiana,
Office of Auditor of State

I, Bruce Carr, Auditor of State of the State of Indiana, do hereby certify that the foregoing pages from 1 to 95 inclusive is a full, true and complete copy of the land entries from the United States and from the State of Indiana of lands lying within the limits of Delaware County, Indiana, as the same appears from the original tract books of said entries now on file in my office and of which I am the legal custodian.

In Witness Whereof, I hereunto subscribe my name and affix my official seal at the City of Indianapolis, this 24th day of January, 1891.

Bruce Carr, Auditor of State.

United States of America

Patent.

to

Dated March 20, 1837.

Oliver H. Smith

Recorded June 13, 1878.

Deed Record 43 page 186.

Whereas, Oliver H. Smith, of Fayette County, Ohio, has deposited in the General Land Office of the United States, a certificate of the Register of The Land Office at Indianapolis, whereby it appears that full payment has been made by the said Oliver H. Smith, for:

Section thirty-four in Township twenty north of Range nine east, in the district of land subject to sale at Indianapolis, Indiana, containing six hundred forty acres.

which said tract has been purchased by the said Oliver H. Smith.

Now Know Ye, that the United States of America, in consideration of the premises and in conformity with the several acts of Congress in such case made and provided have given and granted and by these presents do give and grant unto the said Oliver H. Smith and to his heirs the said tract above described.

To have and to hold the same unto the said Oliver H. Smith and to his heirs and assigns forever.

By the President, Martin Van Buren,
By: A. Van Buren, Secretary

Hudson M. Garland, Recorder of the General Land Office.

(6)

Oliver H. Smith
to
Moses B. Smith

Mortgage.
Dated May 5, 1838.
Amount \$3,000.00. Duly Ack'd.
Recorded August 6, 1838.
Deed Record 3, page 195.

Grant, Bargain, Alien, Sell, Convey and Confirm:

* * * * *

All of Section thirty-four (34), Township No. twenty
(20) north of Range nine (9) east, except forty (40)
acres in the north east corner of the section.

* * * * *

To secure the payment of \$3,000.00 for the term of 5 years.
Now, if said Oliver H. Smith shall pay said sum when due then this
obligation to be null and void, also to be and remain in full force and
effect.

Margin of page 195, Deed Record 3, shows following:

The following is a true copy of the receipt endorsed upon the original
mortgage, towit:

Received April 1st, 1848, of the within named Oliver H. Smith the full
and entire consideration, both principal and interst of the within mortgage,
and I do hereby authorize and require the Recorder of Deed, etc., of the
County of Delaware in the State of Indiana, to enter satisfaction for me in
the Book of Records in his office.

In Confirmation of which I have hereunto set my hand theyear and day
above written.

Attest: James A. Maddy, R.D.C.

Moses B. Smith, M.D.

Oliver H. Smith and Mary
Smith, his wife,
to
Peter Rumley

Deed.
Dated January 23, 1848.
Consideration \$300.00.
Recorded April 3, 1848.
Deed Record 9 page 202.

Bargain, Grant, Sell, Alien, Convey and Confirm:

The east half of the south east quarter of Section
thirty-four in Township 20, Range 9 east, contain-
ing 80 acres.

(7) continued

7

And the party of the first part covenants that the said party and heirs have full power and lawful authority to sell said premises, that they are seized in fee of the same, and will warrant and forever defend the title to the same against the lawful claims of all persons whomsoever.

Witness: Lucian Barbour

O.H. Smith
Mary Smith

Acknowledged January 23, 1848 by Oliver H. Smith and Mary Smith, his wife, and the said Mary Smith being by me examined separate and apart from her said husband, before Lucian Barbour, Notary Public, Marion County, Indiana.

(8)

Peter Rumley, Madison County,
Indiana,

Deed.

to

Dated April 19, 1848.

Frances McNary, Fayette County,
Indiana.

Consideration \$330.00.

Recorded June 4, 1849.

Deed Record 10 page 346.

Grant, Sell, Convey and Confirm unto the said Frances McNary, his heirs and assigns forever:

The east half of the south east quarter of Section thirty-four (34) in Township twenty (20) and Range nine (9) east, containing eighty (80) acres, more or less.

And the said party of the first part hereby covenants to and with the said Frances McNary, his heirs or assigns, that he is the true and lawful owner of said premises, that he has good right and lawful authority to sell and convey the same in manner and form aforesaid, and will warrant and forever defend the same against the lawful claims of all persons whomsoever.

In presence of Elisha Vaun.

Peter Rumley

Acknowledged April 19, 1848 by Peter Rumley, before Joseph Justice, Justice of the Peace, Fayette County, Indiana.

Certificate of Amos R. Edwards, Clerk of the Circuit Court of Fayette County, Indiana, shows that at the time of taking the above acknowledgement Joseph Justice was an acting Justice of the Peace in and for said County, and that full faith and credit are due his official acts.

Last Will and Testament

of

Francis McNairy

Will.

18

Filed March 9, 1894.

Will Record 4, page 475.

I, Francis McNairy of Mt. Pleasant Township, Delaware County, and State of Indiana, declare this to be my last Will and Testament.

1. I give and devise to my wife Mary Jane McNairy so long as she may live, the dwelling house and lot (thirty-one) where I now live in the town of Yorktown in said county.

2. I give and bequeath to my wife my horse and buggy, buggy harness, cow, and all my household goods not herein after disposed of, that I may own at the time of my death.

3. I give and devise to my wife the one sixth part of the proceeds of sales of all my real estate, except lot thirty-one above mentioned in the town of Yorktown.

4. I give and bequeath to my wife the one sixth part of all the proceeds of sales of all my personal property not herein after or before disposed of, with one years provision for herself and our daughter, Manie.

5. I give and bequeath to my daughter, Manie one good bedstead, and bedding complete, together with the organ I now have or any other musical instrument I may have at my death.

6. I give and bequeath to my daughters Nancy Luce and Amanda Runnion each one of the newest double coverlets I now have; the balance of my coverlets and quilts to be equally divided among my son Samuel McNairy and my two daughters Nancy and Amanda above mentioned.

7. I direct that my executors shall sell, after my death, all my real estate, except lot thirty-one in Yorktown, at private sale, and all my personal estate not disposed of by special bequest at public or private sale and divide the proceeds equally among my wife, children and grandchildren; That is to say, my wife Mary Jane McNairy shall receive the one sixth part, my daughter Nancy Luce one sixth part, my son Samuel McNairy one sixth part, my grandchildren, my son Calvin's children, onesixth part, my daughter Amanda Runnion one sixth part, and my daughter Manie one sixth part.

8. The house and lot thirty-one (31) in Yorktown bequeathed to my wife her lifetime, at her death to be sold at private sale and the proceeds divided equally among my five children as before named.

9. I, direct that my daughter Amanda's husband, Lafayette Runnion shall have the refusal of the forty acres of land I purchased of Alfred Heath, at the appraisement.

10. I further direct that the tombstone to my grave shall be about the same as that erected to the memory of my deceased wife,

11. I appoint Perry V. Stewart of Salem Township and J. W. Koontz of Mt. Pleasant Township, Delaware County, Indiana, executors of this my last Will.

September 23, 1885

his
Francis x McNairy
mark

Witness:

O. M. Koontz

H. M. Koontz

9

C O D I C I L

Having sold and conveyed lot (31) thirty one, mentioned in item one, I give and devise to my wife Mary Jane McNairy, instead thereof Lot number fifty-one (51) in the Town, County, and State aforesaid, subject in every way to the same provisions made in this Will as to lot thirty-one (31).

Witnesses:

O. M. Koontz
H. M. Koontz

his
Francis x McNairy
mark

July 9, 1886

State of Indiana)
)SS:
Delaware County)

Before me, C. M. Kimbrough, Clerk of the Circuit Court of the County of Delaware, in the State of Indiana, personally came Harv. M. Koontz, one of the subscribing witnesses to the foregoing instruments of writing, who, being by me first duly sworn, upon oath deposes and says that Francis McNairy the testator named in the instruments of writing purporting to be his last Will and Testament did sign, seal, publish and declare the same to be his last Will and Testament and Codicil thereto on the days thereof; that the said testator was, at the same time respectively of the full age of twenty-one years, and of sound and disposing mind and memory, and that he was not under coercion, compulsion or restraint, and that he was competent to devise his property. And that the said testator so signed, sealed, published and declared the same to be his last Will and Testament and Codicil thereto in manner and form as aforesaid, in the presence of affiant and of O. M. Koontz the other subscribing witness thereto; and that they each attested the same said instruments and subscribed their names as witnesses thereto, in the presence and at the request of the said testator, and in the presence of each other.

Harv M. Koontz

Subscribed and sworn to before me, in Witness of which I hereunto affix the seal of said Court, and subscribe my name at Muncie, this 8th day of March, 1894.

C. M. Kimbrough, Clerk

(10)

Among original papers on file in Clerk's Office in foregoing cause is following Election of Widow:

State of Indiana, Delaware County,
Election of Widow to take under the Will of Francis McNairy late of Delaware County, State of Indiana, deceased, probated and recorded in the record of Wills in Volume _____ at page _____.

I, Mary Jane McNairy hereby declare my election and purpose to take and accept the provisions made for me in said will as the widow of said decedent Francis McNairy in lieu of the interest in the estate of said decedent given made and provided for me as such widow by the Statute law of the State of Indiana. Witness my hand and seal this 25th day of February, 1895.

Mary Jane McNairy (Seal)

10

State of Indiana, Delaware County,

Before me James D. Reynolds, a Notary Public in and for said County appeared Mary Jane McNairy to be well known to be the person who signed the foregoing instrument and acknowledged the execution thereof for the use and purposes therein named and contemplated.

James D. Reynolds, Notary Public

(11)

Samuel McNairy, Administrator
of the Estate

of

Francis McNairy, Deceased

Delaware Circuit Court.

March Term, March 12, 1894.

Appointment.

Probate Order Book 29 page 136.

Comes Samuel McNairy into open court and files and presents to the court the following sworn application for letters of administration (HI), and also files the following bond herein (HI), which bond is duly approved by the court and the court being fully advised in the premises now orders that said Samuel McNairy be and he is hereby appointed Administrator of the estate of Francis McNairy, deceased, and the Clerk of this Court is hereby ordered and directed to issue letters of Administration accordingly, which letters are now issued, (HI).

(12)

Cassius E. McNairy, unmarried,
Madison County, Indiana,

to

William F. McNairy, Madison
County, Indiana.

Quit-Claim Deed.

Dated March 2, 1894.

Consideration \$750.00.

Filed March 2, 1894.

Deed Record 78 page 457.

Release and Quit-Claim:

All of my undivided one third (1/3) of one sixth (1/6) interest in and to the following described real estate, as shown by the Will of Francis McNairy, deceased, of Delaware County, Indiana. The east half (1/2) of the south east quarter (1/4) of Section number thirty-four (34), Township number twenty (20) north, Range number nine (9) east, containing eighty acres, more or less, and * * * * *

Cassius E. McNairy

Acknowledged March 2, 1894 by Cassius E. McNairy, before John F. Meredith, Noary Public of Delaware County, Indiana.

Among original papers on file in Clerk's Office in foregoing cause is following Administrator's Notice of Sale of Real Estate, and Proof of Publication:

Notice is hereby given that as Administrator with the will annexed of the estate of Francis McNairy, late of Delaware County, Indiana, deceased, I will, under and pursuant to provisions of the will of said decedent sell at private sale all the real estate of the said Francis McNairy, described as follows:

* * * * *

The east half of the southeast quarter of Section thirty-four (34), in Township twenty (20) north of Range nine (9) east, containing eighty (80) acres more or less.

* * * * *

All of said lands lying and being in the County of Delaware and State of Indiana, and will be sold in parts or altogether to suit purchaser.

Terms of Sale: One-third cash, one-third in nine (9) and one-third in eighteen (18) months with six per cent interest from date of sale on deferred payments. Purchaser giving notes, mortgage and personal security to secure payment of notes.

J. H. Koontz, Atty.

Samuel McNairy, Admr.

State of Indiana)
)SS:
Delaware County)

Personally appeared before me, the undersigned T. D. Haimbaugh, owner and publisher of the Muncie Weekly Herald, a public Weekly Newspaper, of general circulation, printed and published in the City of Muncie, in the County aforesaid who, being duly sworn, upon his oath saith the notice, of which the attached is a true copy, was duly published in said paper for four weeks successively, the first of which publication was on the 24th day of May, 1895, and the last on the 14th day of June, 1895.

T. D. Haimbaugh

Subscribed and sworn to before me, this 17th day of August, 1895.

C. M. Kimbrough, Clerk

Among original papers on file in Clerk's Office in foregoing cause is following Administrator's Notice of Sale of Real Estate, and Proof of Posting:

(Same notice as set out in preceeding entry)

State of Indiana, Delaware County, SS:

The undersigned, being duly sworn, on oath says that notices, of which the annexed is a true and complete copy, were posted on the 25th day of May, 1895, in five places as follows:

One at Daleville, One at cross-roads, one at cross-roads near William Sunderlands, one at cross-roads, near William Shoemakers', one at cross-roads near Abner Heaths, one at court-house in the City of Muncie.

(14) continued

12

All of said places of posting being public places within said County and State.

Samuel McNairy

Subscribed and sworn to before me, this 5th day of December, 1895.

John E. Reed, Clerk.

(15)

Among original paper on file in Clerk's Office in foregoing cause is following Appraisement of Real Estate:

State of Indiana, Delaware County, SS:

We, Gustus Mingle and John Richman swear that we will honestly appraise the Real Estate of Francis McNairy, deceased, which may be exhibited to us.

Gustus Mingle
John Richman, Appraisers

Subscribed and sworn to, this 3rd day of June, 1895, before me.

Samuel McNairy, Admr.

An inventory of _____ of the Real Estate of Francis McNairy, deceased, and described as follows, towit:

* * * * *

The east half of the southeast quarter of Section 34, (thirty-four), Township 20, north of Range 9, (nine) East, containing 80 (eighty) acres, more or less.

We appraise at-----\$4200.00.

Gustus Mingle
John Richman, Appraisers

(16)

In the Matter
of the Estate

of

Francis McNairy

Delaware Circuit Court.

September Term, 1895.

#2067.

Report of Sale of Real Estate.

Filed December 5, 1895.

Abstracted from original Report
on file in Clerk's Office.

The undersigned Administrator with the Will annexed, of the said estate, reports to the Court that pursuant to the provision of the Will of said decedent:

Acc 932

Item 7--I direct that my executors shall sell sell, after my death all my real estate, except Lot thirty-one in Yorktown, at private sale and all my personal estate not disposed of by special bequest, at public or private sale and divide the proceeds equally among my wife, children, and grandchildren,

he gave notice as required by law by publication and posting, proofs of which with copies of said notices annexed, on file herewith, that he would sell the interest of his decedent in the following described real estate, towit:

* * * * *

The east half of the southeast quarter of Section 34, (thirty-four) in Township 20 (twenty), north of Range 9 (nine) east, containing 80 (eighty) acres more or less.

All of the said lands lying and being in the County of Delaware and State of Indiana.

That on the 3rd day of December, 1895, he sold at private sale, a part of said real estate, towit:

The east half of the southeast quarter of Section 34, (thirty-four), in Township 20 (twenty) north of Range 9 (nine) east, containing 80 (eighty) acres, more or less,

to Joseph Bennet and Mary J. McNairy, they being the highest and best bidders, for \$4766.66, (forty-seven hundred and sixty-six dollars and sixty-six cents), in cash, being \$166.66 (one hundred sixty-six dollars and sixty-six cents), more than the appraisement, and has executed to said purchasers, a Certificate of Sale for said land; and he prays that said sale be confirmed, and asks an order to convey said lands.

Samuel McNairy

Subscribed and sworn to before me, December 5th, 1895.

John E. Reed, Clerk

Samuel McNairy, Executor of the Will

of

Francis McNairy, deceased

Delaware Circuit Court.
September Term, December 5, 1895.
#2067.
Order Confirming Sale of Real Estate.
Probate Order Book 31 page 265.

Comes now said Executor in person and by counsel, and files and presents the following report of sale of real estate (HI). And said Administrator files the following copy of notice and affidavits in proof of the posting and publication thereof (HI). And said Administrator files the following appraisement (HI). And said Administrator also files the following bond (HI).

And the court being advised in the premises and being satisfied with the sufficiency of said bond now accepts and approves the same. And the court being further advised in the premises now accepts, allows and approves said report so made and filed in all things and ratifies and confirms said sale so made, and the court now orders said Administrator to execute, acknowledge, and deliver to said purchaser a good and sufficient deed of conveyance for said real estate.

(18)

Samuel McNairy, Admr. with
the Will Annexed of the
Estate

Delaware Circuit Court.

April Term, May 14, 1896.

of

Current Report.

Francis McNairy, deceased.

Probate Order Book 32 page 11.

Comes now the said Samuel McNairy and files and presents to the Court this his current report (HI).

Sworn current report shows total charges of \$5664.38, including \$4766.66, for sale of 80 acres of land to Joseph Bennett, and total credits of \$5633.70. Which current report is accepted and approved by the court and this cause is continued for settlement.

(19)

Samuel McNairy, Administrator
of the Estate

Delaware Circuit Court.

April Term, June 3, 1901.

of

Final Report.

Francis McNairy, deceased

Probate Order Book 40 page 105.

Comes now Samuel McNairy, Administrator of the estate of Francis McNairy deceased, in person and by counsel, and files and presents to the court the following copy of notice and affidavits in proof of the publication and posting thereof (HI) from which it is shown to the satisfaction of the court that due notice has been given to all persons interested in said estate that said administrator had filed his final account in said estate and notifying them to appear in this Court on the 26th day of April, 1901, when said final account would be heard and show cause why said final account should not be allowed by publication in the Muncie Weekly Herald, a public weekly newspaper of general circulation printed and published in the City of Muncie, Delaware County, Indiana, and by posting said notice at the court house door of Delaware County, Indiana, which said notices were so published and posted for two successive weeks prior to said date fixed for the hearing of said account, which said account is now for hearing submitted to the court (HI).

Sworn final report filed shows total charges of \$4328.42 and total credits of \$4328.42.

And the court having examined and inspected said final report and all things touching the same, and being fully advised in the premises, now accepts, allows and approves said final report so made and filed in all things and orders that said Administrator be, and he is hereby discharged from all further duties and liabilities in this behalf as such, and the matters of said estate are declared fully and finally settled.

(20)

15

Samuel McNairy, as Administrator with the Will Annexed of the Estate of Francis McNairy, Late of Delaware County, Indiana, deceased, by order of the Will of said decedent and Circuit Court, Delaware County, Indiana, entered in Order Book 31, pages 265 to 269, of the records of said Court,

Administrator's Deed.
Dated December 16, 1895.
Consideration \$4766.66.
Filed February 10, 1896.
Deed Record 84 page 456.

to

Joseph Bennet.

Conveys:

The east half of the southeast quarter of Section thirty-four (34), in Township twenty (20) North of Range nine (9) east, in Delaware County, Indiana, containing eighty (80) acres, more or less.

Samuel McNairy, Administrator

Acknowledged December 16, 1895 by Samuel McNairy, Administrator with Will Annexed of Estate of Francis McNairy, deceased, before James D. Reynolds, Notary Public, Delaware County, Indiana.

(21)

Mamie Bennett and Joseph Bennett, her husband,

Mortgage.

to

Dated December 16, 1895.

Mary Jane McNairy

Amount \$2000.00. Duly Ack'd.

Recorded December 21, 1895.

Mortgage and Warrant:-

Mortgage Record 42 page 298.

The east half of the southeast quarter of Section 34, in Township 20 north of Range 9 east, containing 80 acres, more or less.

(22)

Margin of page 298, Mortgage Record 42, shows:

The debt secured by the annexed mortgage having been paid in full, the same is hereby forever released and satisfied this 24th day of March, 1904.

Attest:
Geo. E. Dungan, R.D.C.

Mary Jane McNairy

ACC 932

(23)

16

Joseph Bennett, sole and unmarried, Delaware County, Indiana,

Warranty Deed.

to

Dated January 3, 1950.

Martin L. Shroyer and Estel Shroyer, husband and wife, Delaware County, Indiana.

Consideration \$1.00 and other valuable consideration.

Recorded January 6, 1950.

Deed Record 313 page 151.

Convey and Warrant:-

The East half of the Southeast quarter of Section Thirty-four (34) in Township Twenty (20) North of Range Nine (9) East, in Delaware County, Indiana containing eighty (80) acres more or less.

Joseph Bennett

Acknowledged January 3, 1950 by Joseph Bennett, sole and unmarried, before Marker Sunderland, Notary Public, Delaware County, Indiana.

(24)

Martin L. Shroyer and Estel Shroyer, husband and wife,

Mortgage.

to

Dated January 3, 1950.

Joseph Bennett

Amount \$15,000.00. Duly Ack'd.

Recorded January 6, 1950.

Mortgage and Warrant:-

Mortgage Record 191 page 170.

The East half of the southeast quarter of Section 34, Township 20 North of Range 9 East in Delaware County, Indiana, containing 80 acres, more or less.

(25)

Margin of page 170 Mortgage Record 191 shows the following:

The debt secured by the annexed having been paid in full, the same is hereby forever released and satisfied this 24 day of July, 1953.

Attest: Betty Pittenger, R.D.C.

Claude F. Williams, Admr. of Estate of Joseph Bennett

(26)

(17)

In the Matter
of the Estate

Delaware Circuit Court.

of

Jan. Term, January 7, 1953.

Joseph Bennett, Deceased.

No. P 53/5.

Appointment.

Probate Order Book 154 page 387.

Comes now Estel Shroyer and files and presents to the court her application to have Claude F. Williams appointed administrator of the estate of Joseph Bennett, deceased; and also tenders and files bond herein in the penal sum of \$24,000.00 with Walter C. Williams, Martin L. Shroyer and Estel Shroyer as surety thereon.

And the court being fully advised in the premises now finds for said Estel Shroyer on said application.

It is therefore considered, ordered and adjudged by the court that said Claude F. Williams be and is hereby appointed administrator of the estate of Joseph Bennett, deceased.

And the court further orders that the clerk of this court issue letters of Administration on said estate to Claude F. Williams, which letters are now issued (HI).

(27)

M. L. Shroyer and Estel
Shroyer, his wife,

Deed of Easement.

to

Dated April 24, 1963.

Indiana & Michigan Electric
Company, its successors and
assigns

Consideration \$1.00. aDuly Ack'd.

Filed May 20, 1963.

Grant and Convey:-

Deed Record 431 page 118.

The right and easement to construct, operate and maintain or remove an electric power line, with all necessary poles, anchors, wires and fixtures, and the right to permit attachments of others to said poles, with services and extensions therefrom on and over the following described lands situated in the Township of Salem, County of Delaware, State of Indiana and being a part of Section No. 34, Township No. 20 North, and Range No. 9 East, and described as follows:

The East 1/2 of the Southeast 1/4 of said Section 34-
20-9 and estimated to contain 80 acres, more or less.

Together with the right of ingress and egress.

Miscellaneous Record A-75 page 71 shows the following:

Affidavit of Martin L. Shroyer

Martin L. Shroyer, being duly sworn upon his oath, says:

That he, together with his wife, Estel Shroyer, were the Grantees in a certain Warranty Deed executed by Joseph Bennett on January 3, 1950, by which said deed this Affiant and his said wife, Estel Shroyer, became the owners as tenants by the entireties of the following described real estate located in Delaware County, State of Indiana, to-wit:

The East half of the Southeast quarter of Section thirty-four (34) in Township twenty (20) North of Range nine (9) East, in Delaware County, Indiana, containing eighty (80) acres more or less,

which said deed was duly entered for record in the Recorder's Office of Delaware County, Indiana, on January 6, 1950, and duly recorded in Deed Record 313 at page 151 thereof.

That on the date of the execution of said deed, to-wit: January 3, 1950, the Grantees thereof, Martin L. Shroyer and Estel Shroyer, were husband and wife, and continuously thereafter remained husband and wife until the 28th day of June, 1964, on which date the said Estel Shroyer died a resident of Delaware County, State of Indiana, intestate.

That this Affiant makes this affidavit for the purpose of transferring the real estate as hereinabove described from the names of Martin L. Shroyer and Estel Shroyer to that of Martin L. Shroyer, the surviving tenant by the entirety.

Martin L. Shroyer

Subscribed and sworn to before me this 6th day of July, 1964.

Seal Esther Gick, Notary Public

My commission expires:
November 18, 1964

This instrument was prepared by
Jacob N. Lennington, Attorney at Law

Filed: July 6, 1964
Aleen Sullivan, R.D.C.

(29)

19

Uniform Commercial Code

Filed: August 31, 1965

File No. 007457

Debtor:

M. Luther Shroyer,
R.R. #2 Yorktown,
Indiana

Secured Party:

Rural Acceptance Corp.
130 E. Washington
Indianapolis, Indiana

Type or Items of Property: - -Paint Farm Buildings

Realty Description: - - - Section 34-20-9 - - 79 acres.

JUDGMENT AND OLD AGE ASSISTANCE SEARCH

Examination has been made as to the persons named below for liens shown by notices of Old Age Assistance, filed in the office of the Recorder of Delaware County, as provided by the Act Concerning Public Welfare, since approval of the Act, March 18, 1936. Also, examination has been made for ten years last past preceding the date of the certificate hereto, or for the period of time they and each of them held ownership and title to the real estate described in the Heading of this Abstract of Title of the indexes of the Judgment Dockets in the office of the Clerk, in the names of the parties named below, the search being made and limited according to the names exactly as set forth and not otherwise:

Estel Shroyer
Martin L. Shroyer

31
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ASSESSED VALUATION

Current Transfer Books for Salem Township in Auditor's Office show:-

Shroyer, Martin L.	<u>Value of Land</u>	<u>Value of Improvements</u>
E ¹ / ₂ SE ¹ / ₄ 34-20-9 79 Ac.	\$4150.	\$2090.

Tax rate for Salem Township for year 19 64 due and payable in 1965, \$ 4.10 per \$100.

32
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TAXES

Current Tax Duplicate for Salem Township in Treasurer's Office shows:-

1st installment 1964 taxes due and payable in 1965, Paid
2nd installment 1964 taxes due and payable in 1965, a lien.
Taxes for the year 1965 due and payable in 1966, a lien.

CERTIFICATE OF THE ABSTRACT OF TITLE FOR
THE FOLLOWING REAL ESTATE IN DELAWARE
COUNTY, IN THE STATE OF INDIANA, TOWIT:

21

A part of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit:

Beginning at a point in the south line of said East Half of the Southeast quarter of Section 34 One hundred Eighty (180) feet east of the southwest corner thereof, and running thence east along said south line Three hundred sixty (360) feet; thence north parallel to the west line of said East Half of the southeast quarter Two hundred forty-two (242) feet; thence west parallel to said south line Three hundred sixty (360) feet; thence south parallel to said west line Two hundred forty-two (242) to the place of beginning, containing Two (2) acres, more or less.

Records, School Fund Mortgage Records, Release Records, Miscellaneous Records, Inheritance Tax Receipt Records, Sheriff's Deed Records, Quiet Title Records, Tax Title Deed Records, Plat Books, Federal Tax Lien Notice Books, Federal Tax Lien Index Books, Old Age Assistance Records, Books of Original Entries of land, Contractors Agreement Records as to contracts against acquiring liens, and the Recorder's Current Entry Dockets, all in the Recorder's Office; the Transfer Books, Tax Sale Registers and unrecorded School Fund Mortgages, all in the Auditor's Office; the Current Tax Duplicates of Salem Township, and the Inheritance Tax Receipt Books, and Ditch Assessments as entered in Ditch Assessment Record, all in the Treasurer's Office; the Will Records, Probate Records, Complete and Partition Records, Recognizance Bond Records, Circuit Court and Superior Court Order Books as to Judgments and Lis Pendens proceedings shown in this Abstract, Marriage License Records and the indexes of the Judgment Dockets for the ten years last preceding this date in the name of each person shown in this Abstract to have been the owner of the real estate described herein during said period, and also the indexes of the Execution Dockets and Lis Pendens Records all in the Office of the Clerk of the Circuit and Superior Courts; the Records of Surveys in the Surveyor's Office; ~~also the indexes of Local Municipal Improvement Assessment Records of the City of Muncie, Indiana, in the City Controller's Office;~~ all pertaining to the above described real estate.

The Beebe Title Company, Inc., certifies that there is no recorded instrument or record of any proceeding in the above records pertaining to the real estate described in this Certificate, except as set out in the above and foregoing Abstract.

The period of time covered by this Abstract begins with the date of the Original Entry of the lands hereinabove described and ends on the 9 day of September, 1965, at eight o'clock, A.M.

BEEBE TITLE COMPANY, INC.

46415

By

Waldo Beebe

Pres.
Sec'y.

LGP/vc



Order No. _____

22

CERTIFICATE

City of Muncie _____

County of Delaware _____

Indiana August 25, 1965 at 8:00 A.M.

Prepared for:

SEARCH FOR
FEDERAL JUDGMENTS, PENDING BANKRUPTCIES, INTERNAL
REVENUE TAX LIENS

in the

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville
New Albany Division

NORTHERN DISTRICT

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

The undersigned hereby CERTIFIES that there are no transcripts of judgments of the United States courts filed in the office of the Clerk of the Circuit Court of said County; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act; and that there is no notice of lien filed in the Federal Tax Lien Index in the Office of the Recorder of said County; and that there are not now pending upon the records of any of the eight divisions of the Federal courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:

Examination made against the parties named below, the search being made and limited according to the names exactly as set forth herein and not otherwise:

Estel Shroyer
Martin L. Shroyer



BEEBE TITLE COMPANY, INC,
By Walter Beebe Pres. Secy.

(1)

23

A Continuation of the Abstract of Title to the following described Real Estate situate in Delaware County, State of Indiana, to-wit:-

A part of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section thirty-four (34), township twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at a point in the south line of said East half of the Southeast quarter of Section 34 one hundred eighty (180) feet east of the southwest corner thereof, and running thence east along said south line three hundred sixty (360) feet; thence north parallel to the west line of said East half of the southeast quarter two hundred forty-two (242) feet; thence west parallel to said south line three hundred sixty (360) feet; thence south parallel to said west line two hundred forty-two feet (242) to the place of beginning, containing two (2) acres, more or less.

Subsequent to September 9, 1965 at 8:00 o'clock a.m.

(2)

Martin L. Shroyer, an Unmarried adult of Delaware County, Indiana.

to

Walter C. Robbins and Norma L. Robbins, husband and wife, of Delaware County, Indiana.

Convey and warrant:-

Warranty Deed.

Dated September 13, 1965

Consideration \$1.00 and other valuable considerations

Recorded September 24, 1965.

Deed Record 457 page 61

A part of the east half ($E\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$) of Section thirty-four (34), Township Twenty (20) North, Range nine (9) East, more particularly described as follows, to-wit:- Beginning at a point in the south line of said East half of the Southeast quarter of Section 34 one hundred eighty (180) feet east of the southwest corner thereof, and running thence east along said south line three hundred sixty (360) feet; thence north parallel to the west line of said East half of the Southeast quarter two hundred forty-two (242) feet; thence west parallel to said south line three hundred sixty (360) feet; thence south parallel to said west line two hundred forty-two (242) feet to the place of beginning, containing two (2) acres, more or less.

Grantees herein assume and agree to pay the 1965 taxes due and payable in 1966, and thereafter.

(2) continued

(24)

Martin L. Shroyer

Acknowledged on September 13, 1965 by Martin L. Shroyer, an unmarried adult of Delaware County, Indiana, before Violet R. White a Notary Public of Delaware County, Indiana.

This instrument prepared by: Waldo F. Beebe

(3)

JUDGMENT AND OLD AGE ASSISTANCE SEARCH (25)

Examination has been made as to the persons named below for liens shown by notices of Old Age Assistance, filed in the office of the Recorder of Delaware County, as provided by the Act Concerning Public Welfare, since approval of the Act, March 18, 1936. Also, examination has been made for ten years last past preceding the date of the certificate hereto, or for the period of time they and each of them held ownership and title to the real estate described in the Heading of this Abstract of Title of the indexes of the Judgment Dockets in the office of the Clerk, in the names of the parties named below, the search being made and limited according to the names exactly as set forth and not otherwise:

Martin L. Shroyer
Walter C. Robbins
Norma L. Robbins

(4)

ASSESSED VALUATION

Current Transfer Books for Office show:-	Salem Township	in Auditor's
Robbins, Walter C. & Norma L.	Value of <u>Land</u>	Value of <u>Improvements</u>
Pt E $\frac{1}{2}$ SE $\frac{1}{2}$ 34-20-9 2 ac	\$50	-----

Tax rate for Salem Township for year 1965 due and payable in 1966, \$ 4.92 per \$100.

(5)

TAXES

Current Tax Duplicate for Salem Township in Treasurer's Office shows:-
1st installment of 1965 taxes due and payable in 1966, a lien.
2nd installment of 1965 taxes due and payable in 1966, a lien.
Taxes for the year 1966 due and payable in 1967, a lien.

CERTIFICATE TO CONTINUATION OF THE ABSTRACT
OF TITLE FOR THE FOLLOWING DESCRIBED REAL ESTATE
IN DELAWARE COUNTY, STATE OF INDIANA, TOWIT:

26

A part of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section thirty-four (34), township twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at a point in the south line of said East half of the Southeast quarter of Section 34 one hundred eighty (180) feet east of the southwest corner thereof, and running thence east along said south line three hundred sixty (360) feet; thence north parallel to the west line of said East half of the southeast quarter two hundred forty-two (242) feet; thence west parallel to said south line three hundred sixty (360) feet; thence south parallel to said west line two hundred forty-two feet (242) to the place of beginning, containing two (2) acres, more or less.

Records, Release Records, Miscellaneous Records, Sheriff's Deed Records, Quiet Title Records, Tax Title Deed Records, Plat Books, Federal Tax Lien Record, Inheritance Tax Receipt Record, Old Age Assistance Records, Books of Original entries of land, Contractors Agreement Records as to Contracts against acquiring liens, and the Recorder's Current Entry Dockets, all in the Recorder's Office; the Transfer Books, Tax Sale Registers, all in the Auditor's Office; the Current Tax Duplicates of Salem Township, the Inheritance Tax Receipt Books, Ditch Assessments as entered in Ditch Assessment Record and Delinquent Sewage Assessment certified for collection all in the Treasurer's Office; the Will Records, Probate Records complete and Partition Records, Recognizance Bond Records, Circuit Court and Superior Court Order Books as to Judgments and Lis Pendens Proceedings shown in this Continuation, Marriage License Records and the indexes of the Judgment Dockets for the ten years last preceding this date in the name of each person shown in this Continuation to have been the owner of the real estate described herein during said period, except as heretofore covered by this Abstract, and also the indexes of the Execution Dockets and Lis Pendens Records, all in the Office of the Clerk of the Circuit and Superior Courts; the Records of Surveys in the Surveyor's Office; ~~also the indexes of local records of the City of Muncie, Indiana, in the City Controller's Office,~~ all pertaining to the above described Real Estate.

The Beebe Title Company, Inc., further certifies that there is no recorded instrument or record of any proceedings in the above records pertaining to the real estate described in this Certificate except as set out in the above and foregoing continuation.

The period of time covered by this Continuation, extends from the 9 day of September 1965 at 8:00 o'clock a .M., to the 28 day of March, 1966 at eight o'clock A.M.

BEEBE TITLE COMPANY, INC.

By: Waldo E. Beebe Pres. Sec'y. 48954

DC/beg



G.W.P. MAR 29 1966

Recertified to as above this 4 day of April, 1966, at 12:30 o'clock P.M.

BEEBE TITLE COMPANY, INC.

Waldo E. Beebe chm.

49200

DC/gb

Order No. _____

CERTIFICATE

27

City of Muncie

County of Delaware

Indiana March 16, 19 66

Prepared for:

**SEARCH FOR
FEDERAL JUDGMENTS, PENDING BANKRUPTCIES, INTERNAL
REVENUE TAX LIENS**

in the

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

NORTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville
New Albany Division

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

The undersigned hereby CERTIFIES that there are no transcripts of judgments of the United States courts filed in the office of the Clerk of the Circuit Court of said County; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act; and that there is no notice of lien filed in the Federal Tax Lien Index in the Office of the Recorder of said County; and that there are not now pending upon the records of any of the eight divisions of the Federal courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:
Examination made against the parties named below, the search being made and limited according to the names exactly as set forth herein and not otherwise:

Martin L. Shroyer
Walter C. Robbins
Norma L. Robbins



BEEBE TITLE COMPANY, INC.

By Neal Beebe Pres.
Secy.

DELAWARE CO.
ABST. COMPANY

28

Continuo

Resertify

PARIS ABST.
COMPANY

Manual Prop.
Search

Date 3/24/66

Return 3/28/66

Charge Duxer

Loan Rabkins

Personal

Record none

Search

WHITE, BEYMOND. PIERCE & BEASLEY

Acc 932