

Civil Case: Rebecca Hamilton vs David Studabaker

Name in Record	Reason for Being in Record	Date of Record
Rebecca Hamilton	Guardian of estate & person of Franklin A. Hamilton	Jan. Term 1864
Franklin A. Hamilton	Minor	
Rebecca Hamilton	Oath: William Hamilton d. intestate seized of real estate	
Rebecca Hamilton	Widow & heir of Wm. Hamilton; entitled to 1/3 of real estate	
Mary Hamilton	Dau. & heir of William Hamilton	
Jane Hamilton	Dau. & heir of William Hamilton	
Ezra S. Hanneman	Husband of Mary Hamilton	
Franklin A. Hamilton	Son and heir of William Hamilton	
Rebecca Hamilton	Sold her share of real estate to David Studabaker	
Mary Hamilton	Sold her share of real estate to David Studabaker	
Jane & Ezra Hanneman	Sold their share of real estate to David Studabaker	
Rebecca Hamilton	Requests partition of real estate between Stuabaker and her son	
Rebecca Hamilton	Requests commissioners be appointed to make partition	
David Studabaker	Answer to complaint: admits all allegations to be true	Jan. Term 1864
Jacob Stults	Ordered by court to make partition of real estate	Jan. 10, 1865
William Frazee	Ordered by court to make partition of real estate	
John McConnel	Ordered by court to make partition of real estate	
Jacob Stults	Oath of Commissioner to carry out duty of partition	Jan. 10, 1865
William Frazee	Oath of Commissioner to carry out duty of partition	
John McConnel	Oath of Commissioner to carry out duty of partition	
Jus. R. Bobo	Master Commissioner	
Stults, Frazee & McConnel	Report: real estate can't be divided without injury to value	Jan. 10, 1865
James R. Bobo	Bound by state to sell said real estate	Jan. 11, 1865
David Studabaker	Bound by state in selling real estate	
James B. Simcoke	Oath to honestly appraise said real estate	Jan. 11, 1865
Jacob Stults	Oath to honestly appraise said real estate	
John McConnel	Clerk	
W. Studabaker	Deputy	
R. L. Hudsel	Oath of publishing "Commissioner's Sale" in newspaper	Feb. 25, 1865
James R. Bobo	Master Commissioner	
James R. Bobo	Commissioner: Sold said real estate & requests deed made	March 2, 1865
David Studabaker	Purchased said real estate; paid it off and requests deed	
John McConnel	Clerk	
A. J. Hill	Deputy	
James B. Simcoke	Oath of posting notices of upcoming sale of real estate	April 17, 1865
John McConnel	Clerk	
A. J. Hill	Deputy	

Roll no 43 (42)

Rebecca Hamilton
Guardian of
Franklin A. Hamilton

vs
David Studabaker

1861

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Receipt

State of Indiana, In the Court of Common
Adams County Pleas of Adams County

January Term 1864

Rebecca A Hamilton Guardian of
the Estate and person Hamilton
vs. David Studabaker

Rebecca A Hamilton
Guardian of the Estate and person of
Franklin A Hamilton a minor plain-
tiff in this action complains David
Studabaker a Defendant in this action
and says that William Hamilton
died intestate on the day of
AD 18 Seized in fee simple of the following
described Real Estate Situate in the County
of Adams in the State of Indiana to wit:
The South West quarter of Section thirty
four (34) and the East half of the North
West quarter of said Section thirty four
(34) all in Township Twenty Seven South
Range fourteen East containing
in all two hundred and forty acres
be the same more or less, leaving
as his only heirs at law his widow
Rebecca A Hamilton who was enti-
tled to one third part thereof in fee

and Mary Hamilton and Jane
Hamilton now intermarried with Ezra
S. Hannuman and Franklin A. Hamilton
his children who were each entitled
to two ninth parts thereof in fee simple
and that the said Rebecca Hamilton
Mary Hamilton and Jane Hannuman and
her husband Ezra S. Hannuman each
sold and conveyed their respective
interest and title in said Real Estate
to David Shuabaker the Defendant
in this action and that the said Franklin
A. Hamilton is the owner in fee simple of
two ninth parts of said Real Estate
and the said David Shuabaker is the
owner of seven ninth parts of said
Real Estate in fee simple and that they the
Plaintiff and the Defendant own the
same as tenants in common and
the Plaintiff as the Guardian of said
Franklin A. Hamilton asks and
Demands Judgment of and from
the Defendant for Partition of said
Real Estate by setting off the share and
share to which each is entitled and
that Commissioners be appointed

to make the said partition and that
if the said Real Estate be found
indivisible that the same be sold
and Grant to the Plaintiff such other
relief as may appear just.

Rebecca Hamilton Guardian
Plaintiff

State of Indiana } On the Court of
Adams County } Common Pleas of
Adams County

Rebecca A Hamilton Guardian of the Estate
and persons of Franklin Hamilton

D. Studabaker } Warrant of Partition

The State of Indiana
To Jacob Stuts Mr. J. Fraser. v.
John McCune

Whereas heretofore
to wit; on the day of January 1865
in the said Court of Common Pleas
of Adams County and at the January
term thereof the Plaintiff in the above
entitled cause in said Court obtained
an interlocutory Decree against the
said Defendant for the Partition
of the land here in described by which
it was ordered that partition be
made of the said land by setting off
in severalty to the said Plaintiff
Franklinth Hamilton two ninths & parts
^{in value} of said land; and by setting and
assigning ⁱⁿ severally to the said ^{Daniel Studabaker} seven
ninths & parts in value of said
land and that you were each

appointed by said Court to make
partition. You are therefore authorized
and required to make partition of
said land to wit: The southwest
quarter of section thirty four (34) and
the East half of the Northwest
quarter of said section thirty four (34)
all in Township twenty seven
North of Range fourteen (14) East
containing in all two hundred
and forty acres be the same more
or less in said County of Adams
by setting off and assigning in severalty
^{three} equal ninth ^{parts} of the value of
said Real Estate to the said Martin
A. Hamilton as his share of the said
Real Estate and by setting off and assign-
ing ^{ten} severalty ^{three} equal ^{seventeen}
ninths ^{parts} of the value of said
Real Estate to the said David
Stutabaker as his share of said
Real Estate as the same has been ordered
by said Court if the same can
be done without damage to the
value of said land and that
you report from proceeding

at the present term of said
Court

witness my hand and the
seal of said Court this day of
January 1865

John McConnel Clerk
B. M. Stutabaker ^{Sept}

State of Indiana vs
Adams County & We Jacob Stutts
Mr. D. Frazer & John McConnel
the above named commissioners
upon oath say we will honestly and
faithfully to the best of our
judgment discharge our duties as
such commissioners according to
law so help us God

Jacob Stutts,

Mr. D. Frazer

John McConnel

Subscribed and sworn to before me
this 10th day of January 1865

John McConnel Clerk
B. M. Stutabaker ^{Sept}
Jas R. Bobo
Master Commissioner