

## Civil Case: Joseph Nuttman vs Amos J. Furbee

| Name in Record       | Reason for Being in Record  | Date of Record |
|----------------------|---|----------------|
| Amos J. Furbee       | Signed a mortgage owing Joseph Nuttman                                | June 26, 1857  |
| Joseph Nuttman       | Gave a mortgage to Amos Furbee  |                |
| P. F. Robison        | Justice who signed the Nuttman/Furbee mortgage agreement              |                |
| Joseph Nuttman       | Complains of non-payment of mortgage; requests judgment & foreclosure | No date        |
| Spencer & Studabaker | Attorneys for Joseph Nuttman  |                |
| William G. Spencer   | Bound to state of Indiana to sell real estate                         | May 4, 1858    |
| Oliver T. Hart       | Bound to state of Indiana to sell real estate                         |                |
| Amos J. Furbee       | Summoned to answer to Joseph Nuttman complaint for foreclosure        | Oct. 1, 1858   |
| James B. Simcoke     | Clerk   |                |
| James Furbee         | Summoned to answer to Joseph Nuttman complaint for foreclosure        | Nov. 5, 1858   |
| James B. Simcoke     | Clerk   |                |
| William G. Spencer   | Oath of Amos Furbee being non-resident of Indiana                     | Nov. 6, 1858   |
| James B. Simcoke     | Clerk   |                |
| James B. Simcoke     | Published notice to non-resident in newspaper                         | Dec. 11, 1858  |
| James B. Simcoke     | Oath of publishing notice to non-resident in newspaper                | Feb. 7, 1859   |
| K. Grim              | J. P.   |                |
| James B. Simcoke     | Published notice to non-resident in newspaper                         | Feb. 11, 1859  |
| James B. Simcoke     | Oath of publishing notice to non-resident in newspaper                | May 2, 1859    |
| Wm. G. Spencer       | Master commissioner   |                |
| George Frank         | Sheriff; published notice of Sheriff's sale in newspaper              | May 6, 1859    |
| W. G. Spencer        | Oath of sheriff publishing notice of Sheriff's Sale in newspaper      | May 30, 1859   |

Roll No 31 (70)

- Joseph D Nuttman  
vs. compt

Amos J Furber

1838

By 14.

This Indenture Witnesseth, That Amos J.

Turbee of Clay County, in the State of Indiana Mortgage and Warrant

for the sum of One hundred dollars  
to Adam County, in the State of Indiana, to wit: The South  
half of the South West quarter of Section  
number Twenty (20) Township Twenty-five (25)  
North of Range Number Fifteen East Contain  
Eighty acres

to secure the payment of the following described note: dated June 26<sup>th</sup>  
1857 for Eighty-seven 00 dollars due July 1<sup>st</sup> 1858  
bearing interest from date & made payable  
to S. S. Putnam, without any relief whatever  
from valuation or appraisement laws

and the mortgagor expressly agrees to pay the sum of money above secured, without  
relief from valuation laws.

In Witness Whereof, the mortgagor has hereunto set his hand and seal  
this 26<sup>th</sup> day of June A. D. 1857

Amos J. Turbee

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

The State of Indiana, Adams County, Oct.

BEFORE me, P. F. Robison

a Justice in and for said county

this 26<sup>th</sup> day of June 1857

Amos J. Turbee

acknowledged the execution of the annexed mortgage.

Witness my hand and seal, this 26<sup>th</sup> day of June 1857

P. F. Robison, Justice

(SEAL)

Know all men by these presents that by William G. Spencer  
and Oliver T. Hart of the County of Adams and State  
of Indiana in the special sum of Eight hundred dollars  
well and truly to be made and done by and ourselves, our  
heirs executors and administrators jointly and severally  
firmly by these presents sealing with our Seals and dated  
this 4<sup>th</sup> day of ~~March~~ <sup>April</sup> A.D. 1838

The Conditions of this above obligation is such  
that the above named William G. Spencer has this day  
been duly appointed Commissioner to sell the follow-  
ing described tract of land: To wit: The West half of the North East quarter  
of Section twenty (20) Township twenty five (25) North of Range fifteen  
(15) East and the South East quarter of the North East quarter  
of Section twelve (12) Township twenty five (25) North of Range  
fourteen (14) East Containing one hundred and twenty  
(120) acres of land in said County of Adams as Commissioner

Now if the said William G. Spencer shall faithfully  
discharge the duties of his trust as Commissioner and  
shall pay over all the money arising from said sale  
to the persons authorizing to receive the same then  
this obligation shall be void otherwise to be and  
remain in full force and virtue in law.

William G. Spencer *Decd*  
O. T. Hart *Decd*



State of Indiana

Madison County ss In the Court of Common Pleas within and for said County

Joseph D. Votawman

vs

Amos I. Furber

Complaint in Foreclosing Mortgage.

Joseph D. Votawman Complainant Plaintiff complains of Amos I. Furber Defendant, and says that the Defendant executed a Mortgage conveying to the plaintiff the tract of land therein described, as security for the payment of a debt evidenced by a note a copy of which, together with the original mortgage is filed herewith, amounting to Eighty Seven dollars and six cents, which yet remain unpaid. Wherefore he asks judgment for one hundred dollars and the foreclosure of this Mortgage premises and sale of the property, or so much thereof as may be necessary to pay said debt and for other proper relief.

Spencer H. Haddock  
Attorney for Plaintiff

(Copy of Note)

Witness my hand this 26<sup>th</sup> day of July 1837

\$87<sup>06</sup>/<sub>100</sub>

On the 4<sup>th</sup> day of July 1838 I promise to pay J. D. Votawman or order Eighty Seven <sup>06</sup>/<sub>100</sub> Dollars, without ~~any~~ interest from date, without any relief whatever from valuation or appraisement and

(Signed)

Amos I. Furber

State of Indiana }  
 Adams County } Court of Common Pleas Feb. 7<sup>th</sup> 1859  
 Joseph D Nuttman }  
 vs }  
 Amos J Furbee }

Foreclosing of Mortgage

William G Spencer being duly  
 sworn says that Amos J Furbee the Defendant  
 in the above action is a non resident of the  
 State of Indiana, as he is informed and believes

W G Spencer

Subscribed & sworn to this 6<sup>th</sup> day of Nov 1858  
 James B Simcoe Clerk

Notice to Non Residents.  
 State of Indiana } Adams Cir-  
 Adams County } court made  
 1859. Term

Joseph D Nuttman } Complaint to  
 vs } Foreclose  
 Amos J. Furbee, } mortgage  
 Comes now the Plaintiff in this behalf  
 and files in the Clerks office of said  
 Court his complaint in this behalf  
 and it appearing by a proper affidavit  
 of a disinterested witness, filed in said  
 Court that said Defendant is a nonres-  
 ident of the State, of Indiana.

Said defendant is therefore  
 heredy notified, of the filing and  
 pendency, of said complaint, and un-  
 less he appears in said Court to be-  
 holden on the first Monday of Feb.  
 A. D. 1859. at the Court House  
 in said County and answer or demur,  
 to said Complaint on or before the  
 first calling thereof, the matters and  
 things therein contained will be taken  
 as confessed to be true.



In witness whereof I have  
 hereunto set my hand and a  
 fixed the seal of said Court  
 at Decatur the 11th day of  
 Novem A. D. 1858  
 JAMES B SIMCOKE,  
 Clerk.

State of Indiana. }  
 Adams County. } SS.

Be it remembered, that on this the 7<sup>th</sup> day of February 1859.  
 personally appeared before the undersigned James B Simcoe  
 of lawful age who being duly sworn, according to law, says,  
 that the advertisement hereto annexed was published in the  
 Adams County Democrat a weekly newspaper published in said  
 County for three weeks in succession and that said notice was  
 taken from said paper on December 2<sup>nd</sup> 1858  
 and further saith not. James B Simcoe

Subscribed and sworn to before me this 7<sup>th</sup> day of February 1859.

L. B. Grinn L. W.



# Notice to Non-residents.

In the Court of Common Pleas of Adams  
County, Indiana, May term, 1859.

Joseph D Nuttman } Complaint to fore-  
vs. } close a Mortgage.

Amos J Furbee. }

Comes now the plaintiff in this behalf and  
files an affidavit with the complaint, that the  
defendant is a non-resident of the State of In-  
diana.

It is therefore ordered that the defendant be  
notified of the filing and pendency of said com-  
plaint; and unless he appear in said court on the  
first Monday of May 1859, at the Court House in  
Adams county Ind. and answer or demur to said  
complaint on, or before the first calling thereof,  
the matters and things therein contained will be  
taken as confessed.

L.S.

In witness whereof I have her unto  
set my hand and affix the seal of  
said Court this the 11th day of Feb-  
ruary 1-59.

JAMES B. SIMCOKE,  
Clerk.

Feb. 11. 1859.

State of Indiana, }  
Adams County. }

SS.

The undersigned, upon his oath says, the above Notice was published in the

"Decatur Eagle," a weekly newspaper, printed and published in said county, for *three* consecutive weeks,

from date of said notice, *the last of which was more than sixty days prior to*  
*the date*

Subscribed and sworn to before me, this *2<sup>d</sup>* day of *May*

*H L Phillips*  
1859

Printer's fee, \$ *3.00* } *3.25*  
Fee for affidavit, \$ *.25*

*\$ 3.25*

*Wm G Spencer*  
Master Commissioner

# Sheriff's sale.

Joseph D. Nuttman, } In the Court of Com-  
vs } mon Pleas of Adams  
Amos J. Furbee. } County, Indiana.

By virtue of an execution to me directed and delivered by the Clerk of the Court of Common Pleas of Adams county, Indiana, I have, levied upon and will expose to sale, by public auction at the Court House door in said County, Indiana, between the hours of ten o'clock A. M. and four o'clock P. M. on

Saturday, June 4, 1859.

The rents and profits for a term of years not exceeding seven of the following described real estate to wit:

The south half of the south-west quarter of section twenty, township twenty-five north, of range fifteen east, in said county and State of Indiana.

And on failure to realize therefrom the full amount of the execution, I will at the same time and place by public auction as aforesaid expose to sale the fee simple of said above described real estate.

Taken as the property of Amos J. Furbee, at the suit of Joseph D. Nuttman.

GEORGE FRANK,

Sheriff.

May 6, 1859.

State of Indiana, }  
Adams County. }

SS.

The undersigned, upon his oath says, the above Notice was published in the

"Dur Eagle," a weekly newspaper, printed and published in said county, for four consecutive weeks,

from date of said notice,

Subscribed and sworn to before me, this

30 day of

1859.

Printer's fee, \$

375

For affidavit, \$

25

\$400

*affirmed*  
*Sworn by the Sheriff*  
*Phillips & Spence*

*J. G. Phillips*

*M. A. Spencer*  
*Notary Commissioner*



\$87  $\frac{11}{100}$

Received June 26. 1857

On the 7<sup>th</sup> day of July  
1858 I promise to pay E. S. Nutman  
or order Eighty-seven  $\frac{11}{100}$  dollars, with  
interest per date, without any relief  
whatsoever from valuation or appraisement  
land.

Amos J. Furber

The State of Indiana, to the Sheriff of .....County

You are hereby commanded to summon, James J. Funder

to appear in the Court of Common Pleas of Adams County, on the 2<sup>nd</sup> day of the

Next Term thereof to be held at the Court House in Decatur, on the 1<sup>st</sup> Monday in

February next, Then and there to answer Joseph O. Nuttman

in a Complaint to foreclose a Mortgage

and of this summons make due return,

**W**ITNESS. The Clerk and Seal of the Court this 5<sup>th</sup> day of

November 1858.

Amos B. Hinckley Clerk, C. C.



The State of Indianä, to the Sheriff of Say County

You are hereby commanded to summon,

Amos Turbee

to appear in the Court of Common Pleas of Adams County, on the 1<sup>st</sup> day of the

Next Term thereof to be held at the Court House in Decatur, on the 1<sup>st</sup> Monday in

November next, Then and there to answer Joseph D Nathan  
on a complaint to foreclose a mortgage

and of this summons make due return,



WITNESS. The Clerk and Seal of the Court this 1<sup>st</sup> day of

October 185 8

C. C  
Clerk, C. C