

STATE OF INDIANA
COUNTY OF ADAMS

IN THE ADAMS CIRCUIT COURT
ESTATE NO. E-81-131

IN THE MATTER OF THE
ESTATE OF CARL D. GERBER
DECEASED

SS:
WAIVER OF NOTICE OF HEARING AND
CONSENT TO SALE OF REAL ESTATE AT
PRIVATE SALE.

The undersigned as devisee in the estate of Carl D. Gerber, deceased, and a person interested in said estate which is being administered in the Adams Circuit Court as above captioned and being over the age of eighteen (18) years, does now and hereby irrevocably waive the issuance and service of any notice of the filing, pendency, hearing and determination on the Petition of the Executor of said estate to sell at private sale of real estate of said Decedent as prayed in said Petition to which this Waiver is attached. The undersigned stated that she has reviewed the proposed Contract for Conditional Sale of Real Estate between the Executor and Philip H. Barger and Carolyn E. Barger, husband and wife for all of said real estate consisting of what is commonly known as the Gerber Shopping Center located in Decatur, Adams County, Indiana and irrevocably consents to the sale of said real estate pursuant to the terms and conditions as contained in said contract as proposed by the Executor and does hereby irrevocably consent to said sale of all of said real estate upon the terms and conditions as proposed by the Executor and consents and requests the Court enter authorization authorizing said Executor to sell said real to the said Philip H. Barger and Carolyn E. Barger upon the terms as contained therein.

Nancy Martin

Nancy Martin

STATE OF INDIANA , COUNTY OF *Spencer* , SS:

Before me, the undersigned Notary Public in and for said County and State, personally appeared Nancy Martin as devisee in the estate of Carl D. Gerber, deceased, acknowledged the execution of the foregoing instrument to be her voluntary act and deed.

Witness my hand and Notarial Seal this 14th day of July, 1982.

My Commission Expires:
December 8, 1984

Suzanne Wade

Notary Public
Spencer County, Indiana

STATE OF INDIANA
 COUNTY OF ADAMS

IN THE ADAMS CIRCUIT COURT
 ESTATE NO. E-81-131

IN THE MATTER OF THE
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WAIVER OF NOTICE OF HEARING AND
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 Jane Lose

STATE OF ARKANSAS , COUNTY OF INDEPENDENCE, SS:

Before me, the undersigned Notary Public in and for said County and State, personally appeared Jane Lose as devisee in the estate of Carl D. Gerber, deceased, acknowledged the execution of the foregoing instrument to be her voluntary act and deed.

Witness my hand and Notarial Seal this 12th day of July, 1982.

My Commission Expires:
 7/16/83



 Notary Public

July 30
82 ~~AUG 18~~ P 4: 06

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT

COUNTY OF ADAMS SS:
MARILEE RAY LINN, CLERK

ESTATE NO. E-81-131

IN THE MATTER OF THE
ESTATE OF CARL D. GERBER
DECEASED

WAIVER OF NOTICE OF HEARING AND
CONSENT TO SALE OF REAL ESTATE AT
PRIVATE SALE

The undersigned as devisee in the estate of Carl D. Gerber, deceased, and a person interested in said estate which is being administered in the Adams Circuit Court as above captioned and being over the age of eighteen (18) years, does now and hereby irrevocably waive the issuance and service of any notice of the filing, pendancy, hearing and determination on the Petition of the Executor of said estate to sell at private sale of real estate of said Decedent as prayed in said Petition to which this Waiver is attached. The undersigned stated that she has reviewed the proposed Contract for Conditional Sale of Real Estate between the Executor and Philip H. Barger and Carolyn E. Barger, husband and wife for all of said real estate consisting of what is commonly known as the Gerber Shopping Center located in Decatur, Adams County, Indiana and irrevocably consents to the sale of said real estate pursuant to the terms and conditions as contained in said contract as proposed by the Executor and does hereby irrevocably consent to said sale of all of said real estate upon the terms and conditions as proposed by the Executor and consents and requests the Court enter authorization authorizing said Executor to sell said real to the said Philip H. Barger and Carolyn E. Barger upon the terms as contained therein.

Isabel B. Gerber
Isabel B. Gerber

STATE OF INDIANA , COUNTY OF ADAMS , SS:

Before me, the undersigned Notary Public in and for said County and State, personally appeared Isabel B. Gerber as devisee in the estate of Carl D. Gerber, deceased, acknowledged the execution of the foregoing instrument to be her voluntary act and deed.

Witness my hand and Notarial Seal this 30th day of July, 1982.

My Commission Expires:

MY COMMISSION EXPIRES
JANUARY 2 1983

Daniel C. Burry
Notary Public
DANIEL C. BURRY, NOTARY PUBLIC
RESIDING IN ADAMS COUNTY, INDIANA



FRIDAY, JULY 30, 1982

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Said Petition To Sell Real Estate at private sale is now submitted, examined and approved, which Order Authorizing Sale of Real Estate is in the following words and figures, to wit:

STATE OF INDIANA

82 JUL 30 1982 IN THE ADAMS COUNTY CIRCUIT COURT

SS:

COUNTY OF ADAMS

ESTATE NO. C-81-131
MARCELLA WAT LIND. CLERKIN THE MATTER OF THE
ESTATE OF CARL D. GERBER,
DECEASED

ORDER AUTHORIZING SALE

This cause coming on for hearing upon the Petition of Lincoln National Bank and Trust Company, as Executor of the estate of Carl D. Gerber, deceased, to sell at private sale without notice, the following described real estate of such Decedent, to-wit:

Part of the Northwest Quarter of Section 2 and of the Fractional Northeast Quarter of Section 3, in Township 27 North, Range 14 East, in Adams County, Indiana, in particular described as follows, to-wit: Commencing on the centerline of Monroe Street in the City of Decatur, Indiana, at the East abutment of the concrete arch bridge spanning the St. Mary's River; thence running northeastward on and along said Monroe Street centerline, a distance of 544.2 feet to the northwest corner of a parcel of land sold to Everett J. & Constance Wenner, by deed recorded in Deed Record 123, at page 12 in the Office of the Recorder of Adams County, Indiana; thence southward by a deflection right of 90 degrees, a distance of 185.0 feet; thence northeasterly by a deflection left of 117 degrees 35 minutes, a distance of 197.6 feet to the southwesterly right-of-way line of Limberlost Trail as in the plat of STRATTON PLACE ADDITION, Section "a", in Plat Book 3, page 22, in the Office of the Recorder of Adams County recorded; thence southeastward on and along the aforesaid street line, a distance of 91.2 feet to the north corner of Lot "55" of said STRATTON PLACE ADDITION; thence southwestward by a deflection right of 99 degrees 16 minutes, along the northwest line of said Lot, a distance of 127.8 feet to the west corner thereof; thence southeastward on and along the rear line of Lots numbered consecutively 55 to 47 of said plat, a distance of 692 feet to the south corner of said Lot (47); thence southwestward on a line parallel to the said Monroe Street centerline, a distance of 1143.7 feet to a point of reference situated 50 feet distance northeastward as on the said course measured from the low water mark of the said St. Mary's River; thence at said point of reference running northwestward by a deflection right of 72 degrees 15 minutes, a distance of 128 feet, more or less, thence northward by a deflection right of 28 degrees 24 minutes, a distance of 242 feet; thence northeastward by a deflection right of 5 degrees 09 minutes, a distance of 241.5 feet; thence northeastward by a deflection right of 2 degrees 02 minutes, a distance of 253 feet; to the centerline of said Monroe Street at a point situated 30.0 feet more or less, southwestward of the place of beginning; thence northeastward on the said street centerline a distance of 30 feet, more or less, to the place of beginning, containing 17.41, more or less, acres of land.

SUBJECT TO an easement upon and over a strip of land 20 feet in uniform width, abutting upon the rear of said lots (55) to (47) inclusive, extending northwestward of the northwest line of said lot (55), a distance of 50 feet, more or less, thence deflecting westward, and parallel to the said Monroe Street centerline, a distance of 60 feet, more or less, to an existing easement off the west border of said Wenner parcel.

SUBJECT TO an easement for sewer purposes upon and over a strip of land of the uniform width of 15 feet, centered upon a line parallel to the said Monroe Street centerline, extending southwestward of the west corner of said lot (55) to the St. Mary's River;

SUBJECT TO AN easement for sewer and electrical power pole, 12 feet in uniform width, centered on a line normal to the said Monroe Street south line and extending southward thereof, at a point 562.2 feet east of the east abutment of the said Monroe Street Bridge, and across the subject premises, extending southward of the southeast line of said Everett J. & Constance Wenner parcel, a distance of 50 feet, more or less, to the centerline of the sewer easement next above described, at a point situated 114.0 feet west of the west corner of Lot (55) of said Stratton Place Addition.

EXCEPTING THEREFROM: Commencing at the southwest corner of real estate owned by Robert H. Heller and Mary V. Heller, his wife by deed recorded in Deed Record 139, at page 308, in the office of the Recorder of Adams County, Indiana, thence northeasterly on and upon the south line of said property, a distance of 197.6 feet to the west line of Limberlost Trail of Stratton Place Addition; thence southeasterly on and upon said west line a distance of sixty-one (61) feet more or less; thence southwesterly parallel to the south line of said Heller property, a distance of 151 feet more or less; thence northwesterly a distance of eighty-eight (88) feet more or less to the place of commencement.

EXCEPTING ALSO THEREFROM: Commencing at the Northeast corner of Lot 55 in Section A of Stratton Place Addition to the City of Decatur, Indiana; thence Southwesterly on and upon the North line of said Lot 55 a distance of 127.8 feet to the Northwest corner of said lot 55; thence Northwesterly to a point, said point being located on a line parallel and 60 feet southerly of the South line of the Heller Insurance property; thence Northeasterly on and upon said line to the West line of Limberlost Trail; thence Southeasterly on and upon said West Line to the place of commencement.

It now appearing to the Court the Decedent herein, Carl D. Gerber, died seized in fee simple of the above described real estate and the same has been appraised in two (2) separate parcels but which is one in the same parcel as the description set out herein which appraised parcel #1 is in the amount of three hundred forty one thousand dollars (\$341,000.00) and appraised parcel #2 is in the amount of seventy one thousand five hundred dollars (\$71,500.00)

FRIDAY, JULY 30, 1982

Making a total appraisal of four hundred twelve thousand five hundred dollars (\$412,500.00).

It further appears to the Court that the Decedent herein died testate leaving surviving him his widow, Isabel B. Gerber and his four (4) children whose names are: Nancy Martin, Jane Lose, David Gerber and Sara A. Suter. And no other children or descendants of deceased children and the only persons interested in his estate.

It further appears to the Court that all the heirs and devisees of Carl D. Gerber have requested this Executor to offer said above described real estate of the Decedent for sale at private sale without notice and have consented in writing to such sale and has waived in writing any notice of the filing, pendency, hearing and determination of this petition, which waivers and consents are in the following words and figures towit: (H.I.)

And it further appears to the Court that the lien holder herein, The First State Bank of Decatur, Indiana, has also filed its Waiver of Notice and Consent to said sale which Waiver and Consent is in the following words and figures, to-wit: (H.I.)

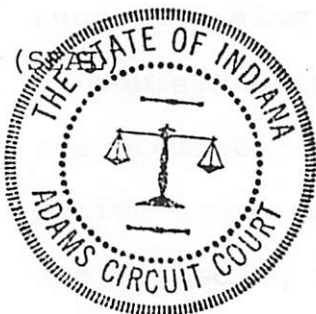
The Court further finds that it is necessary for the Executor to make sale of said real estate of the Decedent for the purposes as set out in its Petition and the Court having seen and inspected said Petition to Sell Real Estate at private sale, having heard evidence thereon and being sufficiently advised in the premises, now finds that the facts and material allegations as contained therein are true and correct and that the relief therein prayed should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the real estate of the Decedent herein, as hereinabove described be sold by the Executor at private sale without notice for not less than the full appraised value thereof pursuant to terms and conditions of commonly used Contracts for Conditional Sale of Real Estate used in Adams County, Indiana, for a duration of not more than seven (7) years and not less

than nine per cent (9%) interest per annum with Executor's Deed being delivered upon completion of said Contracts together with a merchantable abstract of title.

IT IS FINALLY ORDERED that said Executor make due report of their actions taken pursuant to this order.

Done in open Court this 30th day of July, 1982.



Robert S. Anderson
Robert S. Anderson, Judge
Adams Circuit Court

S/ Robert S. Anderson
Robert S. Anderson, Judge Adams Circuit Court

Robert S. Anderson
ROBERT S. ANDERSON, JUDGE ADAMS CIRCUIT COURT

Read and signed.