

State of Indiana, Adams County.

In the Adams Circuit Court, September Term, 1907.

Andrew Gottschalk, <sup>Executor</sup> ~~Administrator~~  
<sup>last Will and testament</sup>  
of estate of Wilson H. Shepherd,  
deceased.

vs

X Clarence C. Shepherd

X ~~Al~~ Nellie I. ~~Steiner~~ Steiner

X <sup>Amos</sup> ~~Clarence~~ Steiner

Alta C. Pontius

Oral T. Pontius

Morris Wells, guardian of said

Alta C. Pontius and Oral T. Pontius

X Mary Snyder

Jacob Ruple

<sup>Bennie</sup>  
Abe ~~Burrie~~

Joseph Rich

Isaac Gehring

Alexander McKee

Edward Ehle.

*Petition for sale  
of Real Estate*

The plaintiff, Andrew Gottschalk <sup>Executor</sup> of the  
<sup>last Will and testament</sup>  
estate of Wilson H. Shepherd, deceased, complains of each and all  
the defendants above named and set out, and says that said Wilson  
H. Shepherd, deceased, died testate in Adams County in the State of  
Indiana on the 15 day of May 1907, leaving as his sole and only  
heirs-at-law, his son Clarence C. Shepherd, his daughter, Nellie I.  
Steiner, and his <sup>two</sup> ~~few~~ grandchildren, Alta C. Pontius and Oral T.  
Pontius who are minors under the age of twenty one years, and



who are the sole and only children of one Anna Termini Pontius  
deceased, who was a daughter of the decedent, Wilson H. Shepherd,  
and who died prior to the death of her father; that said defendant,  
Morris Wells, is the guardian of said <sup>two minor children</sup> ~~two minor children~~; that  
said defendant, <sup>Anna</sup> ~~Clarence~~ Steiner is the husband of said  
defendant, Nellie I. Steiner, and is made a party defendant hereto  
be cause of his marital <sup>relation</sup> ~~relation~~ to such defendant.

The plaintiff Executn further shows that said decedent  
died the owner in fee simple of the following described real  
estate in Adams County in the State of Indiana, to-wit:-

The south west quarter of the south east quarter and the  
east half of the south east quarter of the north west quarter,  
and the north west quarter of the south east quarter, all in sec-  
tion sixteen, township twenty five north, range thirteen east.  
All of the probable value of \$8000.00.

That said decedent also died the owner of lot one hundred and  
sixty three as known and designated on the plat of R.W. and J.W.  
Townleys south addition to the town, now city, of Bluffton,  
in Wells County in the State of Indiana, which is of the probable  
value of \$800.00.

That the personal estate of said decedent as appears from  
the inventory and appraisement thereof on file in this cause  
is \$1912.14.

That there are claims filed and allowed against said estate  
to the amount of ~~\$3279.37 and that there are claims~~ <sup>\$5003.32</sup> ~~\$4725.12~~  
that there is one claim filed and not allowed to the amount of  
\$1289<sup>00</sup>.



163 in Bluffton, in the sum of \$5.54

That there is a lien for sidewalk improvement on said lot in Bluffton in the sum of about \$45.00.

The plaintiff executor further shows that said decedent in his lifetime fully executed to one William Snyder a mortgage to secure the payment of a note of \$1200.00 to said Snyder on and upon said north west quarter of the south east quarter of said section sixteen township twenty five north, range thirteen afore-said, which mortgage is a first lien (after said tax lien) on said tract of real estate; that after the death of said William Snyder, said note of \$1200.00 and said mortgage securing the same was assigned to said defendant, Mary Snyder, who was the widow of said William Snyder, now deceased; as a part and portion of her share of the estate of said William Snyder, deceased, and that she is now the sole lawful owner of said note and mortgage; that the assignment of said note and mortgage were made in writing by the indorsement on the back of said note and mortgage, respectively, by one George B. Schott, the administrator of the estate of said William Snyder, but that the assignment of said mortgage was not acknowledged in form and said assignment was not put of record; that the estate of said William Snyder has been fully and finally settled and all the heirs of said William Snyder have received their respective shares of his estate. *That said mtge is recorded in the Recorder's office of Adams County, Ind. in mortgage record No. 35 at page 513.*

The plaintiff further shows that the defendant Jacob Ruple owns and holds a mortgage in the sum of \$800.00 against and upon said northwest quarter of the southeast quarter of said section sixteen, township twenty five north, range thirteen east as afore-said, which is a second lien thereon. *That said mortgage is recorded in the recorder's office of Adams County, Indiana, in mortgage record No. 40 at page 191.*



The plaintiff executor further shows that the defendant,  
Abe ~~Burris~~ Burrie, owns and holds a mortgage to the amount of  
\$510.00 on and upon the said east half of the southeast quarter of  
the north west quarter of said section sixteen, township twenty

five north, range thirteen east as aforesaid, which is a <sup>second.</sup> ~~first~~  
and subsequent to the lien of Joseph Rich. herein before alleged.  
lien, after said tax lien, on said tract of land land. <sup>That said mortgage</sup>

is recorded in the Recorder's office of Adams County, Indiana in mortgage record No 40 at page 489

The plaintiff further shows that there is a School Fund  
in the sum of \$1500.00

Mortgage lien on and upon the said southwest quarter of the south

east quarter of said section sixteen township twenty five north  
which said mortgage is Recorded in the Recorder's office of Adams County, Indiana in School Fund Mtg. Record  
range thirteen east, aforesaid, and that the defendant Joseph Rich

also owns and holds a mortgage lien in the sum of \$1000.00 against

said last above described tract of land which is a subsequent

lien to that of said School Fund Mortgage. <sup>That said mortgage is recorded</sup>

in School Fund Mortgage Record No 40 at page 507, in Recorder's office of Adams County, Indiana

The plaintiff executor further shows that the defendant,

Isaac Gehring, claims to hold a mortgage lien of \$220.00 against

said lot number ~~163.00~~ <sup>163</sup> in Bluffton, Ind; and said defendant,

Alexander McKee, claims to own and hold two mortgage liens

against said lot No.163, one for the sum of \$400.00 and the other  
which is recorded in the Recorder's office of Wells County, Ind. in mortgage record No 5. at page 82-3  
for the sum of \$200.00, and that the defendant, Edward Ehle,

claims to own and hold a mortgage lien in the sum of \$200.00

against said lot No.163, which is recorded in the Recorder's office of Wells  
County Ind in Mortgage record No. 5 Page 227

The plaintiff executor further shows that the wife of said

Wilson H. Shepherd, deceased, died long prior to the death of her

husband, Wilson H. Shepherd, and that therefore all said real estate

is subject to sale for the payment of said mortgage liens and the

debts of said decedent's estate, and that all said lienholders

are made parties defendant to this petition that they may appear

hereto and protect their several liens and have the priorities

\* but your petition says that said mortgage has been  
discharged and paid but the same remains unsatisfied  
of record in Recorder's office of Wells County, Ind. in  
mortgage record No. 5 page 82-3

Mortgage record No. 5 page 82-3



thereof adjudged and determined.

Wherefore your petitioner prays that he have an order to sell all said real estate at private sale in separate tracts and parcels, as follows, to-wit:-

The southwest quarter of the south east quarter of section sixteen, township twenty five north, range thirteen east in Adams County, State of Indiana.

The east half of the south east quarter of the north west quarter of said section sixteen, township, range, county and state aforesaid.

The north west quarter of the <sup>South east.</sup> ~~North west~~ quarter of said section sixteen, township, range, county and state aforesaid.

Inlet number one hundred sixty three as known and designated on the plat of R.W. and J.W. Downleys addition to the town, now city, of Bluffton, Wells County, State of Indiana.

if any

And that the liens, of the several defendants on each tract, ~~if any~~ respectively, be found and determined and that such real

estate be ordered sold free of liens, and that said liens be

*And that the Clerk of this Court be ordered to satisfy of Record said mortgage*  
ordered paid out of the proceeds of sale, and that such sale be

upon such terms, time and conditions as the Court may order

and for any further necessary order in the premises.

*✓* Andrew Gottschalk

Executor of last will and  
testament of Wilson H.  
Shepherd, deceased.

*Refer to main paper*

*J. C. Sutton*  
Attorney.

State of Indiana, Adams County: Andrew Gottschalk, executor above named, being first duly sworn upon his oath says that the averments contained in the foregoing petition are true in substance and in fact, as he is informed and verily believes.

*✓* Andrew Gottschalk

Subscribed and sworn to before me this <sup>16<sup>th</sup></sup> ~~27~~ day of <sup>December</sup> ~~September~~, 1907.

*Frank C. Bonner*

Notary Public.

Commission expires My Commission Expires Feb. 5, 1911





State of Indiana, Adams County.

In the Adams Circuit Court, February Term, 1908

In the estate of

Wilson H. Shepherd, deceased

No. 1096

Petition for order to pay taxes on realty.

Comes now Andrew Gottschalk, executor of the last will and testament of Wilson H. Shepherd, deceased, and states and shows to the Court, that by virtue of a certain petition heretofore filed in this cause your petitioner was ordered by this Court to sell certain real estate belonging to the estate of said decedent situated in Adams County, Indiana, that by mistake and oversight the amount of taxes that were a lien on said real estate were set out in said petition at \$60.00, when in truth and in fact said taxes amounted to \$70.42; and that said error was carried forward into the order of this Court and the taxes on said land were ordered paid on said land in the sum of \$60.00, which was found by the Court to be the amount of taxes on said land that were a lien on said land; and this executor shows to the Court that the taxes assessed against said land and that were a lien thereon at the time said real estate was ordered sold were \$70.42; that said real estate was ordered sold free of liens, including said tax of \$60.00;

And said executor now asks an order authorizing him to pay \$70.42 taxes on said land instead of \$60.00 as heretofore ordered and for any further necessary order in the premises.

Andrew Gottschalk  
Subscribed and sworn to before me this January 29th, 1908

\_\_\_\_\_  
Notary Public

Commission expires January 5th, 1910.



Comes now Andrew Gottschalk, executor of the last will and testament of Wilson H. Shepherd, deceased, and shows to the Court that has been given due notice of the filing of the amended petition herein to sell the real estate hereinafter described to pay the debts of said estate, to Alta C. Pontius, Oral T. Pontius, Morris Wells, guardian of said Alta C. Pontius and Oral T. Pontius, and Isaac Gehring, at least ten days before the time for which this petition was set for hearing, which notice and proof of service thereof is herein filed and is as follows, to-wit: (H.I.); and now the said Alta C. Pontius, Oral T. Pontius, Morris Wells, guardian of Alta C. Pontius and Oral T. Pontius, and Isaac Gehring, are each severally three times called and come not but wholly make default.

It being suggested to the Court that the defendants, Alta C. Pontius and Oral T. Pontius are minors, the Court now appoints John C. Moran as guardian ad litem for said minor defendants, and said John C. Moran accepts said trust in open Court and is sworn as such guardian ad litem. And comes now John C. Moran, said guardian ad litem, and files his answer as such guardian ad litem in these words (H.I.)

Comes now Clarence C. Shepherd, Nellie I. Steiner and Amos Steiner, and file their written consent and assent to the sale of said real estate in said petition described and as prayed for in the petition filed in this cause, which assent is in the words and figures as follows (H.I.)

Comes now Mary Snyder, by her attorneys, Heller & Son, and files her answer to the petition in this cause, in the words and figures following (H.I.)

Comes now Jacob Ruple, by his attorney Jacob Butcher, and files his answer to the petition herein in the words and figures following (H.I.)



Comes now Abraham Bierie, by his attorney Jacob Butcher and files his answer to the petition herein, which answer is in the words and figures following (H.I.)

Comes now the defendant, Joseph Rich, in person, and <sup>leas</sup>files his answer to the petition herein which answer is in the words and figures following (H.I.)

by his attorney David E. Smith

Comes now the defendant, Alexander Mc.Kee, and files his answer to the petition herein which answer is in the words and figures following (H.I.)

Comes now the defendant Edward Ehle, by his attorneys, Todd & Gordon and files his answer to the petition in this cause, which answer is in the words and figures following (H.I.)

Comes now Andrew Gottschalk, executor, petitioner in this cause and files his reply to the separate answers of the defendants, Mary Snyder, Joseph Rich, Alexander McKee and Edward Ehle, which reply is in the words and figures following (H.I.)

And said executor now files inventories and appraisements of real estate in his petition described taken and made in due form of law and reading as follows: (H.I.) and tenders his additional bond in a penalty double the appraised value of said real estate conditioned for the faithful discharge of his duties under any order in these premises made and with James M. Ross, J. A. Gottschalk, Lewis Reynolds and W. H. Parr. resident free holders as surety thereon which bond if by the Court approved and reads as follows (H.I.)