

And/ this cause being now at issue is submitted to the Court for trial, finding and decree; and the Court having heard the evidence and being sufficiently advised in the premises finds:

That the personal assets of said estate are insufficient to pay and discharge the liabilities and debts of said estate.

That the several tracts of real estate in said petition described and as hereinafter described are each liable to sale and to be made assets in the hands of said executor to pay such indebtedness and liabilities of said estate.

The Court further finds that there are sixty dollars (\$60.00) taxes on said real estate in Adams County, Indiana, which is a first lien thereon.

That the defendant, Mary Snyder, is the owner of a mortgage lien on that portion of said real estate described as follows, to-wit: The north west quarter of the south east quarter of section sixteen, township twenty five north, range thirteen east in Adams County, Indiana which mortgage is a first lien on said land after said tax. That said mortgage was given by said decedent to one William Snyder, now deceased, who was at the time of his death the owner thereof; that said mortgage and the note secured thereby was transferred by assignment in writing to said Mary Snyder, by George Schott, the administrator of the estate of said William Snyder, deceased, as a part of her distributive share of the assets of said estate; that said mortgage is Recorded in the Recorder's Office of Adams County Indiana, on Mortgage Record 35 at page 513, and that there is now due thereon the sum of \$ 13 70 ⁰⁰ Dollars.

That said defendant, Jacob Ruple, owns and holds a mortgage lien on said real hereinabove last described, which is a subsequent lien to the lien of said taxes and the mortgage lien of said Mary Snyder thereon

as hereinbefore found, and that said mortgage is recorded in the Recorder's office of Adams County, Indiana, in mortgage record 40 at page 191, and that there is now due thereon the sum of

\$ 866 93

Dollars.

That the defendant, Abe Bierie, owns and holds a mortgage lien on that part of said real estate described as follows, to-wit: The east half of the south east quarter of the north west quarter of section sixteen (16) township twenty five north, range thirteen east in Adams County, Indiana, which is a ^{second.} ~~first~~ lien thereon after said tax, and that there is now due thereon the sum of 542¹⁰

Dollars. That said mortgage is recorded in the Recorder's office of Adams County, Indiana, in mortgage record No. 40 at page 439.

That there is a school fund mortgage lien in favor of

The State of Indiana

on that part of said real estate described as follows: The south west quarter of the south east quarter of section sixteen, township twenty five north, range thirteen east in Adams County, Indiana, which said mortgage is recorded in the Recorder's office of Adams County, Indiana, in School Fund mortgage record No. 41 at page 165, and which said mortgage is a first and prior lien on said real estate, and that there is now due thereon the sum of \$ 1617⁰⁰

Dollars.

That the defendant, Joseph Rich, owns and holds a mortgage ~~aa~~ lien on said real estate hereinabove last described, which is subsequent to the lien of the taxes thereon and also to the lien of said school fund mortgage, which said mortgage is recorded in the Recorder's office of Adams County, Indiana, ^{in mortgage record No. 40 at Page 507} and that there is now due thereon the sum of

1044⁶⁹

Dollars.

Court

The ~~taxes~~ further finds

^{in the sum of \$554}

that there are taxes assessed against said

lot ~~No. 133~~ Number one hundred sixty three as known and designated on the

plat of R.W. and J.W. Townleys South addition to the town, new city of Bluffton, Wells County, Indiana, which are a first lien thereon; that there is a sidewalk improvement lien thereon in the sum of \$45⁸¹ which is a second lien thereon.

That the defendant, Alexander McKee, owns and holds two mortgages on said real estate herein last described which are a first lien (after said tax and improvement liens) and that there is due on the first of said mortgages the sum of 456⁰⁰ dollars, and that there is due on the second of said mortgages the sum of 228⁰⁰ Dollars making total due said defendant, Alexander McKee, on account of said mortgages the sum of 684⁰⁰ Dollars

That said mortgages are recorded in the Recorder's office of Wells County, Indiana, the first in mortgage record No.3 at page 564-5, and the second in mortgage record No.5 at page 82-3.

That the defendant, Edward Ehle, owns and holds a mortgage lien on said real estate herein last above described which is a subsequent lien to that of the taxes, improvement lien, and the two mortgage liens of said Alexander McKee as hereinbefore found, which said mortgage is recorded in the Recorder's office of Wells County, Indiana, in mortgage record 5 at page 227, and that there is due thereon the sum of 242¹⁴ Dollars.

That the defendant, Isaac Gehring, has no interest in said real estate; and that the mortgage given to him on said real estate herein above last described, as appears of record in the Recorder's office of Wells County, Indiana, in mortgage record No. _____ at page _____, has been fully paid and discharged and that said mortgage ought to be satisfied of record.

The Court further finds that said decedent was at the time of the

his death ~~of~~ the owner of the real estate hereinbefore described, subject to the liens thereon as in these findings set out.

The Court further finds that to make assets for the payment of the debts and liabilities of said estate it will be necessary to sell all of said real estate; and that the material allegations contained in the petition of said executor are true as therein set forth. *and that one's Real estate ought to be sold free of liens.*

It is therefore considered and adjudged and ordered by the Court that the real estate of said decedent described and mentioned as follows to-wit:

~~1st~~ (1st). The northwest quarter of the south east quarter of section sixteen, township twenty five north, range thirteen east, in Adams County, State of Indiana.

(2nd). The east half of the south east quarter of the north west quarter of section sixteen, township twenty five north, range thirteen east, in Adams County, State of Indiana.

(3rd). The south west quarter of the south east quarter of section sixteen, township twenty five north, range thirteen east, in Adams County, State of Indiana.

(4th) Lot number one hundred sixty three as known and designated on the plat of R.W. and J.W. ⁹ Townleys addition to the town, new city, of Bluffton, Wells County, State of Indiana, be sold in parcels as described by said executor at private sale for not less than the full appraised value thereof and on the following terms and conditions, to-wit: One third of purchase money to be paid in cash on day of sale; one third in nine months and one third in eighteen months from the day of sale, the deferred payments to be evidenced by notes of the purchaser bearing six per cent interest from their date, waiving relief from valuation or appraisement laws,

providing for attorney fees and to be secured by freehold surety and mortgage on the real estate sold, or the purchaser may pay all cash on day of sale.

Said real estate shall be sold free of all liens thereon as hereinbefore found.

Said executor is required to give four weeks notice of the time, terms and place of sale in a public weekly newspaper of general circulation printed and published in the County in which such real estate is situate, and by posting printed or written notices thereof in at least five public places in said County, three of which shall be posted in the township wherein said real estate is situated.

It is further considered and adjudged by the Court that the ~~estate~~ said executor shall pay out of the funds received from the sale of said real estate, the costs of this action; and he shall then pay out of the funds received from the sale of said real estate in Adams County, Indiana, the taxes due thereon, as hereinbefore found.

After payment of the costs of this action, and the taxes due on said real estate in Adams County, Indiana, the said executor shall pay out the separate funds received from the sale of said real estate in Adams County, Indiana, in the following way and manner, to-wit:

He shall pay out of the funds received from the sale of real estate hereinabove first described and designated in this judgment as "1st" as follows: First to the costs of sale thereof; second, to said Mary Snyder the sum of \$ 1,370⁰⁰ Dollars together with interest thereon at the rate of six per cent per annum from date hereof; third, to Jacob Ruple the sum of

\$ 866⁹³

Dollars

together with six per cent interest per annum from date hereof; fourth the residue of said funds shall become a part of the general fund of said

And he shall pay out of the funds received from the sale of real estate hereinabove second described and designated in this judgment as

"2nd" as follows: First, to the costs of sale thereof; second, *to said Joseph Rich the sum of \$546⁹¹ dollars together with six percent interest thereon from date hereof.*
And, to said Abe Bierie the sum of \$542¹⁰

dollars together with six per cent interest thereon from date hereof;

fourth
third, the residue of such funds shall become a part of the general fund of said estate and shall be paid out according to law.

And he shall pay out of the funds received from the sale of real estate hereinabove ~~second~~ ^{third} described and designated in this judgment as

"3rd" as follows: First to the costs of sale thereof; second to

the Treasurer of Adams County, Indiana, for said School Fund Mortgage lien the sum of \$1617⁰⁰

dollars, together with six per cent interest per annum thereon from date hereof; third, to the defendant, Joseph Rich, the sum of

\$1044⁶⁷

dollars, together with interest thereon at six per cent per annum from date hereof; fourth, the residue of such funds shall become a part of the general fund of said estate and shall be paid out according to law.

And said executor shall pay out the funds received from the sale of real estate hereinabove fourth described and designated in this judgment as "4th" as follows: First, a proportionate share of the costs of this action; second, the costs of sale; third, the taxes thereon as hereinabove found; fourth, said sidewalk improvement lien; fifth, to the defendant, Alexander McKee, the sum of \$

\$684⁰⁰

Dollars, together with six per cent interest thereon per annum from date hereof; sixth, to the defendant, Edward Ehle, the sum of \$242¹⁶

 Dollars, together with six

per cent interest per annum from date hereof; seventh, the residue of such funds shall be come a part of the general funds of said estate and shall be paid out according to law.

It is further adjudged by the Court that the defendant Isaac Gehring has no interest in said real estate, ^{whatever} and the Clerk of the ~~in the Recorder's office of Wells County, Indiana,~~ Adams Circuit Court is ordered to enter of record full satisfaction ~~of the mortgage appearing in his name on said real estate, as herein-~~
~~before found by the Court.~~

It is further adjudged and ordered by the Court, that upon sale of any of the tracts of real estate herein described and the confirmation of such sale by this Court, that the ^{Executor} Clerk of ~~of~~ the *Estate of N. H. Shepherd, decd.* in the proper Recorder's office Adams Circuit Court enter of record [^] full satisfaction of the mortgage liens against said real estate so sold as hereinabove found~~y~~ by the Court.

And said executor is further ordered to make due report of his proceedings hereunder and time is given.

R & S.

Robert S. Peluso

Special Judge

P.O.B. 28 page 5 to 10.

State of Indiana, Adams County .

In the Adams Circuit Court, February Term, 1903.

Estate of

Wilson H. Shepherd, deceased.

Report of sale of real estate.

Comes now Andrew Gottschalk, executor of the last will and testament of Wilson H. Shepherd, deceased, and makes the following report of sale of real estate in said cause and says:

That agreeable to the order of this Court, he gave notice of the time, terms and place of the sale of the real estate ^{situated} in Adams County, Indiana, ordered sold in this cause, which real estate is hereinafter described, by publication in the Berne Witness, a weekly newspaper printed and published in Adams County, Indiana, and by posting up of like notices in more than five public places in Adams County, ~~more~~ ^{than} three of which notices were so posted in Hartford township, the township wherein said real estate is situated, for more than four weeks prior to the day set for said sale, proofs of such publication and putting with copies of said notice thereto attached have been filed in this cause and are hereby referred to and made a part hereof.

That thereafter to-wit: on Wednesday the 29th day of January, 1903, between the hours of ten o'clock A.M. and 4 o'clock P.M. of said day at the Drug Store of Andrew Gottschalk in the town of Berne, Adams County ^{y.} Indiana, being the time and place set for said sale, in all things agreeable to the order of said Court and agreeable to said notice so given he offered for sale ^{at Private sale.} free of liens the following tract~~s~~ of real estate ordered sold in said cause, which real estate is situated in Adams County, State of Indiana, and is described as follows, to-wit:

The north west quarter of the south east quarter of section sixteen in township twenty five north, range thirteen east.