

Chase

Mrs. Merrill

Ma 1268
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6474

Bomer

152 Clinton Heights Ave.

OFFICE OF
THE GUARANTEE, TITLE AND TRUST CO.

Successors to GEORGE J. ATKINSON & CO.

ABSTRACTERS OF TITLES

316 SOUTH HIGH STREET, COLUMBUS, OHIO

ABSTRACT OF TITLE

*Of the following described premises situate in the County of Franklin, in
the State of Ohio, and in the Township of Clinton.*

Being Lot Number 53 of The Clinton Land Company's Addition, as
the same is numbered and delineated upon the recorded plate thereof, of record in
Plat Book 7, page 182, Recorder's Office, Franklin County, Ohio.

Chris Matigala

896416

FRED W. SCHUELLER,
JOHN B. SCHUELLER,
FRANK MERION,

TO

DANIEL E. SULLIVAN.

41

The following entry appears on the margin of the record of said mortgage, viz.:

Columbus, Ohio, Nov. 7, 1899.

The conditions of the within mortgage having been satisfied, I hereby cancel and release the same,
this 7th day of Nov. A. D., 1899.

Copied from original mortgage Nov. 7, 1899.

DANIEL E. SULLIVAN.

NEVILLE WILLIAMS, Recorder.

By C. D. Rarey, Deputy.

MORTGAGE FOR \$12,000.00.

On premises described at Section 38 (D. B. 206,
page 81).

Signed and sealed Nov. 7, 1890.

Recorded in M. R. 143, page 242.

FREDERICK W. SCHUELLER, AND
ADA K. SCHUELLER, HIS WIFE,
JOHN B. SCHUELLER, AND
BETZY SCHUELLER, HIS WIFE,
FRANK MERION, AND
VIRGINIA MERION, HIS WIFE,

TO

THE CLINTON LAND COMPANY.

GENERAL WARRANTY DEED,

IN FEE SIMPLE.

Signed and sealed April 3rd, 1895.

Filed for record April 4th, 1895.

Recorded April 29th, 1895.

Recorded in D. B. 273, page 53.

Two witnesses.

Consideration \$33,000.

42

Grant, convey, etc., in fee, premises described at Section 38, D. B. 206, page 81. (Also other property).

To have and to hold with appurtenances, etc., in fee.

Covenants of seizin, free and clear, excepting the unpaid portion of a mortgage indebtedness originally for \$12,000 and interest. See M. R. 143, page 242. Said unpaid portion being the sum of \$10,000, and interest from and after Nov. 7th, 1894, and which unpaid portion grantee assumes and agrees to pay as part of consideration, and to save and protect the grantors herein harmless in that behalf, excepting also all unpaid installments of the High Street Assessment upon said premises whether same be due, past due or yet to become due. All of which grantee assumes and agrees to pay, excepting any and all other assessments that may exist against said premises, the grantee herein reserving all rights to contest the validity of any and all assessments.

Covenant of warranty, except as above stated.

Special release of dower.

1895, April 4th—Acknowledged before Alex. W. Krumm, Notary Public, Franklin County, Ohio.
(Seal).

INCORPORATION OF THE CLINTON LAND COMPANY.

43

These Articles of Incorporation of The Clinton Land Company, WITNESSETH:

That we, the undersigned, all of whom are citizens of the State of Ohio, desiring to form a corporation for profit under the general corporation laws of said State do hereby certify

First: The name of said corporation shall be The Clinton Land Company.

Second: Said Corporation is to be located at Columbus, Franklin County, Ohio, and its principal business there transacted.

Third: Said Corporation is formed for the purpose of buying, holding, leasing, renting, improving, mortgaging and selling real estate and exercising all the rights, powers and privileges as provided in Section 3235 of the Revised Statutes of Ohio as amended April 6, 1894.

Fourth: The Capital stock of said Corporation shall be \$35,000.00 divided into 350 shares of \$100.00 each.

In witness whereof we have hereunto set our hands this 31st day of December A. D., 1894.

FRED. W. SCHUELLER,

J. B. SCHUELLER,

FRANK MERION,

H. H. THORP,

ALEXANDER W. KRUMM.

1894, Dec. 31—Acknowledged before Albert Krumm, Notary Public, Franklin County, Ohio.
(Seal).

Certificate of Chas. F. Galloway, Clerk of Court of Common Pleas, Franklin County, Ohio, stating that said Albert Krumm was at the time of the above acknowledgement duly authorized and qualified to take same.

Filed Jany. 2nd, 1895. Recorded in Record of Incorporation 63, page 686, office of Secretary of State of Ohio.

THE CLINTON LAND COMPANY,
By ALEX W. KRUMM, PRESIDENT,
FRANK MERION, SECRETARY,
TO
FREDERICK W. SCHUELLER,
ADMINISTRATOR OF THE ESTATE OF
ANNA M. SCHUELLER, DECEASED.

MORTGAGE FOR \$6000.00
On premises described at Section 38, D. B. 206,
page 81.
Signed and sealed Nov. 7th, 1899.
Filed for record Nov. 7th, 1899.
Recorded Nov. 11, 1899.
Recorded in M. R. 255, page 85.
Two witnesses.

44. Given to secure three promissory notes of even date herewith each for the sum of \$2000 with interest at 6% per annum, payable semi-annually.

1899, Nov. 7th—Acknowledged before Albert Krumm, Notary Public, Franklin County, Ohio.
(Seal). Not satisfied on record.

The following entries appear on the margin of the record of said mortgage, viz.:

For value received and pursuant to the order of distribution in kind of the Probate Court, of Franklin County, Ohio, Case No. 2069, I hereby assign, transfer and set over to Fred W. Schueller, the equal 1-3 part of the within mortgage and the security thereof and one of the three notes described in the within mortgage, without recourse this Feby. 24th, 1904.

FRED W. SCHUELLER,
Administrator de bonis non with the will annexed
of the estate of Anna Maria Schueller, deceased.

Copied from original mortgage Feby. 26th, 1904.

JOS. W. WICKHAM, Recorder,
By M. C. HUSTON, Deputy.

For value received, I hereby release from the lien and operation of the within mortgage that part of the within described premises now known as lot Number Sixty-eight (68), of the Subdivision (Addition) of the within described premises as per plat recorded in Vol. 7, page 182, of the plat records of said Franklin County, Ohio, this 16th day of May A. D., 1907.

FREDERICK W. SCHUELLER,
Administrator of the estate of Anna M. Schueller,
deceased.

Copied from the original mortgage May 18, 1907.

J. W. Wickham, Recorder,
J. B. HANSON, Deputy Recorder.

See Contn

THE CLINTON LAND COMPANY,
vs.
OSSIAN E. D. BARRON,
AS COUNTY TREASURER OF FRANKLIN COUNTY,
WILLIAM H. HALLIDAY,
AS COUNTY AUDITOR OF FRANKLIN COUNTY,
GEORGE W. BELLOWES,
JOHN R. BROWN,
JOSEPH B. McDONALD,
AS COUNTY COMMISSIONERS OF FRANKLIN COUNTY,
OHIO,
NELSON A. SIMS, AS TREASURER.
1897, Aug. 6th—Petition filed as follows:

COURT OF COMMON PLEAS, FRANKLIN,
COUNTY, OHIO.
Complete Record 251, page 665.
Case No. 36676.
Civil Action.

45. The plaintiff is a corporation duly incorporated under the laws of the State of Ohio. The Defendant Ossian E. D. Barron is the duly elected, qualified and acting Treasurer of said County. The Defendant Wm. H. Halliday is the duly elected, qualified and acting Auditor of said County, and Defendants Geo. W. Bellows, John R. Brown and Joseph B. McDonald, are the duly elected, qualified and acting County Commissioners of said County.

The Plaintiff is the owner of and seized in fee simple of the following real estate, situate in Clinton Township, Franklin County, Ohio:

Beginning at a point in the center of the Columbus and Worthington Plank Road, Southeast corner of land conveyed by Edward G. Thompson and wife to James Chestnut and running thence South 80°, East 239.76 poles to a stake in the Southwest corner of a track of land conveyed by Henry C. Cooke and wife to Frederick Weaver; thence North 5°, West 29 poles to a stake in the Northwest corner of the aforesaid tract to said Weaver; thence North 89° 30', West 230.98 poles to a stake; thence South 76° 30', West 15 poles to the center of said Columbus and Worthington Plank Road; thence with the center of said road South 13°, East 19.88 poles to the place of beginning, containing 38.50 acres of land, excepting so much thereof as was conveyed by deed dated July 19th, 1873, recorded in Deed Book 116, page 378, to the Board of Education of Clinton Township by Thomas Legg and wife.

The Columbus Worthington Plank Road is also known as North High Street Extension.

Within the years 1890 and 1891, the County Commissioners of said County, caused the said The Columbus and Worthington Plank Road to be improved from the North Corporation line of Columbus, Ohio, lying South of the premises hereinbefore described to the Innis Road near Clintonville, Ohio, which road lies North of said premises so owned by plaintiff, by widening and improving the same under the provisions of an Act of the General Assembly of the State of Ohio, entitled, "An Act to authorize County Commissioners in Counties in which there are Cities of the first grade of the second class to improve roads extending from such Cities and other roads or streets in certain cases," passed March 26th, 1890 (87 Vol. O. L. 113) and with the Auditor of said County placed on the tax duplicate thereof as a charge against Plaintiff's said premises, a pretended assessments of \$9.42 per front foot amounting in all to about \$5400.00, to be collected in 2 equal annual installments of principal with 6% interest on each of the unpaid installments.

46 Said duplicate has been placed and is now in the hands of the County Treasurer of said County for the collection of said assessments. Said assessment was placed and charged against the whole of Plaintiff's said premises and was placed on said tax duplicate of said County and into the hands of said O. E. D. Barron, as County Treasurer of said County for collection, without any warrant or authority of law, whatsoever, excepting such as is conferred by the aforesaid act of the Defendants herein and each of them, now assert a lien by reason of said assessment against the Plaintiff's said real estate for the full amount thereof so charged against the same. Said assessment is a cloud upon the title of said premises which prevents Plaintiff from selling and disposing of the same and together with the several steps taken by the commissioners of said County and the Defendants herein relating to said improvement and the charge of said pretended assessment against the Plaintiff's premises is illegal, null and void, for the following reasons, to-wit:

1st. The aforesaid act is in violation of Section 26 of Article 2 of the Constitution of Ohio, in that it is a law of general nature, but has no application to, and can have no application to any County in said State other than said County of Franklin.

2nd. The improvement of said Plank Road between the points above designated was not completed at the time the amount charged against plaintiff's premises was assessed and entered upon said tax duplicate against said premises, that said improvement has never been made, nor can it ever be completed for reason that one, James Chestnut, who is owner of premises fronting for a distance of about 400 feet on the line of said improvement, and lying directly opposite to the said premises of the Plaintiff by the consideration of this Court in case No. 25590, wherein the said James Chestnut was Plaintiff and McCloud and Geigle a partnership and the County Commissioners of said County et al., were defendants procuring an injunction perpetually enjoining the making of said improvement along his premises, and the completion of the improvement of said street and the assessing of any part of said improvement on his premises. No appeal or error has ever been taken from the judgment rendered in his favor in said Cause and said proceedings so instituted have been finally determined and remain unreversed and in full force and effect.

3rd. The said pretended assessment so charged against the Plaintiff's premises are charged against the whole thereof, and not against so much thereof as lie within 250 feet of said improvement.

47 Plaintiff has offered to pay to defendant Barron, as County Treasurer, all regular tax on said premises and now offers to pay same, but said Treasurer has refused and still refuses to receive said taxes unless Plaintiff will also pay aforesaid illegal assessments so charged, said property in so far as same may be due and payable and said Treasurer threatens to return said premises to the auditor of said County as delinquent for non-payment of said tax and assessment, and said Auditor will thereupon proceed to advertise said property for sale for the payment of said taxes and assessment. Wherefore Plaintiff prays that the Defendants and each of them be enjoined from demanding and collecting from it on the said property any portion of said assessment or of the interest thereon; that said assessment and each and every part thereof and each and every step taken towards the improvement of said roadway be declared null and void and that the Defendants herein be authorized to strike from duplicate the amount so charged and assessed against Plaintiff's premises, and to direct that the same be cancelled as against said premises; that the Treasurer be directed to accept the tax legally due on said premises without any part of said assessment or the interest thereon being included therein, that the title to the Plaintiff be quieted against said assessment, that Defendants be perpetually enjoined on the hearing hereof, and each of them be perpetually enjoined on the hearing hereof from asserting any lien on said premises by reason of said improvement or of said assessment, and from demanding and collecting the same and for all such other relief as may be proper in the premises.

Petition verified.

Temporary restraining order allowed as prayed for in petition.

1897, Aug. 7th—Entry filed.

On motion of the Plaintiff by the Attorney and for good cause shown, it is ordered by D. C. Badger, one of the Judges of the Court of Common Pleas of said County in Chambers, that on an undertaking being in the sum of \$100.00 with sureties to the approval of the Clerk of the Court of Common Pleas of said County, an injunction be allowed to issue herein, enjoining the Defendants and each of them from demanding and collecting from Plaintiff on the property in the petition described,

48 any portion of the assessment therein mentioned or of interest thereon and said Defendants and each of them are hereby directed to accept from the Plaintiff the tax legally due on said premises without any part of said assessment or interest thereon, until the further order of this Court.

1897, Aug. 7th—A bond was filed in the sum of \$100.00 in the office of the Clerk of said Court with Frank Merion as surety.

1898, Jan. 18th—First Defense: Defendants by way of answer herein admit that plaintiff is a corporation, duly incorporated under the laws of Ohio and owner of real estate described in petition. That Defendant Barron is duly elected, qualified and acting Treasurer of Franklin County, that Defendant Halliday is duly elected, qualified and acting Auditor of said County; that Defendant Bellows, Brown and McDonald were at the time of the commencement of this action duly elected, qualified and acting County Commissioners of said County; that the premises in petition described have a frontage on what is known as the North High Street Extension of about 480 feet, more or less; that within the years of 1890 and 1891 the said County Commissioners of Franklin County, caused The Columbus and Worthington Plank Road, otherwise known as North High Street Extension, to be improved from the North Corporation line of Columbus, Ohio, to the Innis Road, near Clintonville, Ohio, by widening and improving the same under the provision of an act of the General Assembly of the State of Ohio, passed March 26th, 1890, (87 Vol. O. L. page 113), to which reference is made in the petition, that the Auditor of said County placed on the tax duplicate thereof, as a charge against Plaintiff's said premises an assessment of \$9.42 per front foot, amounting to about \$5400 to be collected in 20 equal annual installments of the principal with 6% interest on each of the unpaid installments; said duplicate has been placed and is now in the hands of the County Treasurer of said County for collection of said assessment, but Defendants deny each and every allegation in the petition of Plaintiff contained, not herein expressly admitted to be true.

Second Defense: Defendants say that aforesaid Commissioners were at the time of the commencement of this action the duly elected, qualified and acting County Commissioners of Franklin County, Ohio, and that Wm. Pinney has succeeded to the office of Joseph B. McDonald and is now discharging the duties of the same.

49 That on April 15th, 1890 a petition was filed signed by John R. Hunt, et al., asking for improvement of said roadway, by paving with permanent material; that in accordance with said request in said petition contained the Board of County Commissioners of Franklin County, Ohio, proceeded according to the Statute in such cases made and provided and ordered and directed the improvement of said North High Street Extension in the manner and to extent requested in said petition; that as a result of said order and direction of the said Board of County Commissioners, said improvement was made and completed in the manner and form as requested by petition aforesaid; that the said assessment was made by the Board of County Commissioners to pay the cost and expense of making the said improvement as provided by law; that the property of plaintiff, described in petition and assessed for the improvement is especially benefited by said improvement.

Defendants further say that said improvement was made and completed as above stated and the assessment which was made to defray the cost of the same, was certified to the Auditor and by him placed upon the tax duplicate of Franklin County, Ohio, as a lien upon the premises of plaintiff in the petition described on or before Dec. 31st, 1891. Defendants further say that Plaintiff acquired the title to said premises in the petition described by virtue of deed of special warranty from Frederick W. Schueller, John B. Schueller and Frank Marion and their wives of date April 3rd, 1895, which said deed is recorded in D. B. 273, page 53, Recorder's Office, Franklin County, Records. That Plaintiff and its officers well knew at the time of said purchase that said improvement had been made and was to be assessed on property abutting thereon.

50 The Defendants further say that Plaintiff's grantors, Frederick W. Schueller, John B. Schueller and Frank Marion acquired the title to premises described by deed of conveyance of date, Nov. 7th, 1890, from Daniel E. Sullivan and wife. That Plaintiff's grantor, Daniel E. Sullivan, not only signed the petition for said improvement, but also actively participated in causing the improvement of said North High Street Extension to be made in the manner and to the extent in which said improvement was made. Defendants further say that at no time during the progress of said improvement did Plaintiff's grantors, D. E. Sullivan or his grantors, F. W. Schueller or Frank Marion, nor has Plaintiff at any time made any objection in any manner to the construction of said improvement, or expressed any dissatisfaction on account thereof, nor to mode and manner in which same was being done.

Wherefore Defendants ask the Court to dismiss the petition of Plaintiff at his cost.

DYER & WILLIAMS,
Attorneys for Defendants.

1903, July 20th—Cross petition filed as follows:

Now comes Nelson A. Sims, by leave of Court first had and obtained, and says that since the filing of this action he has become and now is the duly elected and qualified acting Treasurer of Franklin

That there stands charged on the duplicate of said Franklin County, Ohio, for the year 1902, assessments duly levied and assessed for lawful purposes against the real estate in the petition and answer herein described in the amount of \$5725.00; that said real estate is situated in Franklin County, Ohio, and that said taxes and assessments aforesaid are due and unpaid.

This Defendant asks that decree may be rendered for said assessment, together with a penalty of 5% thereon and for the costs of this action, against the Plaintiff, The Clinton Land Company, that the real estate aforesaid be ordered sold for the payment of the aforesaid amount due this Defendant, free from all claims and interest of said Plaintiff and that out of the proceeds of said sale said amount due him be paid and for such relief as may be just and proper in the premises.

Verified by Nelson A. Sims.

1903, July 20—Entry. This day this cause came on to be heard upon the petition of the Plaintiff, the answer of Defendants and cross-petition of Nelson A. Sims, as Treasurer, and the issues joined thereon and upon the evidence, and the arguments of counsel and the same was submitted to the Court, upon consideration whereof and being fully advised in the premises, the Court finds upon the issues joined in favor of the Defendants.

51 And it appearing to the Court that it will be to the best interests of all concerned in a sale of the premises hereinafter ordered and decreed to be sold free from the entire assessment in this action involved including the installment thereof past due, as well as those now due, and as well as those which are owing which would otherwise become due hereinafter, and that a more advantageous sale can be made in that way and all parties now here in open Court consenting thereto, it is ordered, adjudged and decreed that the sale hereinafter ordered and decreed to be made, if sale be made by reason of default in this behalf, such sale shall be made free and clear and in full satisfaction and discharge of the entire assessment involved in this action, including the discharge and cancellation of all past due installments of said assessment, as well as all installments thereof now due, and as well as all installments thereof which are owing but which would otherwise hereinafter become due. And the Court coming now to the construction of the amount properly owing and chargeable against the said premises upon said assessment, including the unpaid installments thereof, which would hereinafter become due, finds that the unpaid amount of said entire assessment so chargeable and a lien upon said premises at this date including all installments thereof, past, present and future in the sum of \$5725.03.

And the Court finds that the Defendants generally and the Defendant Nelson A. Sims as Treasurer upon his said cross-petition and upon the evidence and upon the submission made as hereinbefore set forth are entitled to an order and decree for the sale of the premises in the petition herein described, only, however, to the depth and extent as provided in the statute under which said improvement was made, and as hereinafter fully set forth and described.

52 And it appearing to the Court that the Plaintiff is under contract obligation to open a street 60 feet in width through and along a portion of said premises as hereinafter described, and that in good conscience and equity such contract should be regarded and protected and it appearing further that to do so will not be detrimental to the interests of any or either of the parties concerned herein, and all parties now here in open Court consenting, it is therefore by the Court ordered, adjudged and decreed that in making the appraisement and sale hereinafter ordered and as hereinafter more fully set forth, the same shall instead of being made in two parcels (parts of two parcels), as set forth in the petition, the same shall be made in three parcels and proposed street to be appraised and sold as a separate and distinct parcel, the balance of said tract out of which said proposed street is to be taken to be appraised and sold as another separate and distinct parcel, and the other tract in the petition described to be appraised and sold as another separate and distinct as described in the petition to the extent and depth aforesaid and all to be done in manner and form as hereinafter more specifically set forth. It is therefore, now and by the Court here ordered, adjudged and decreed upon the submission of all parties as aforesaid of the entire case, and involving and disposing of the said assessment entire, past due, now due, in the future to become due, that unless the Plaintiff within three days from this date shall pay or cause to be paid to the Defendant, Nelson A. Sims, as Treasurer of Franklin County, Ohio, the said sum of \$5725.03 together with interest thereon from this date, in full of said assessment past due, now due, and the installments of which but for this decree upon submission as aforesaid would have become due hereafter, but by virtue of this decree upon submission as aforesaid, are now considered, taken and held to be due, and that unless the Plaintiff shall likewise within three days from this date pay to the Clerk of this Court the costs of this action taxed at \$. then that the premises aforesaid in the petition described, but only to the lawful depth and extent aforesaid and as hereinafter set forth, and in the parcels and form aforesaid and as hereinafter set forth, be appraised, advertised and sold according to law and for that purpose that an order of sale be issued by the Clerk of this Court to the Sheriff of Franklin County, Ohio, commanding and directing him and the said Sheriff is hereby commanded and directed to proceed according to law, to cause to be appraised and advertised, and to sell at the door of the Court House in said Franklin County, Ohio, the premises aforesaid and in the parcels and form aforesaid, to-wit: The following three parcels of real estate situate in Franklin County, Ohio, and Township of Clinton, bounded and described as follows:

First Parcel: Beginning at a point in the center of The Columbus and Worthing Plank Road (now High Street), on a line coincident with the South line, protracted Westwardly of a parcel of about 184-1000 of an acre heretofore conveyed by The Clinton Land Company to the Board of

Education of Clinton Township, Franklin County, Ohio, running thence Eastwardly with said protraction of said South line of said parcel of 184-1000 acres and thence still continuing in a straight line along said line of said 184-1000 acre parcel altogether, from the beginning point a distance of 250 feet to a point; thence Southwardly parallel with the center line of said Plank Road (now High Street), 60 feet to a point; thence Westwardly parallel with the first described line and parallel with
53 the South line of said 184-1000 acre parcel to the center of said Plank Road (now High Street), thence Northwardly with the center of said Plank Road (now High Street), 60 feet to the place of beginning, being part of the same premises conveyed by Fred W. Schueller et al., to the Clinton Land Company, by deed dated April 3, 1895, and recorded in Vol. 273, page 53 et seq., of Deed Records of Franklin County, Ohio.

Second Parcel: Beginning at a point in the center of The Columbus and Worthington Plank Road (now High Street), 60 feet Southwardly from the South line (protracted Westwardly to the center of said road), of a parcel of about 184-1000 of an acre conveyed heretofore by The Clinton Land Company to the Board of Education of Clinton Township, Franklin County, Ohio, by deed dated July 21st, 1896, and recorded in Vol. 284, page 591, et seq., of the Deed Records of said Franklin County, Ohio, running thence Eastwardly parallel with the South line of said parcel of 184-1000 of an acre, 250 feet to a point; thence Southwardly parallel with the center line of said Plank Road (now High Street), to a point in the South line of the tract first described in the deed from Fred W. Schueller, et al., to The Clinton Land Company, dated April 3rd, 1895, and recorded in Vol. 273, page 53 et seq., of the deed Records of said Franklin County, Ohio; thence Westwardly with said South line of said first described tract in said deed from said Schueller et al., to said The Clinton Land Company to the center line of said Plank Road (now High Street); thence with the center line of said Plank Road Northwardly to place of beginning, being part of the same premises conveyed by Fred W. Schueller, et al., to The Clinton Land Company, by deed dated April 3rd, 1895, and recorded in Vol. 273, page 53 et seq., of the deed Records of said Franklin County, Ohio.

Third Parcel: Part of Lot 12 of Thompson Bull Farm not under investigation.

And the Sheriff is ordered to make report and return of his proceedings in this behalf to this Court without unnecessary delay.

And it is further ordered, adjudged and decreed that the purchasers of said premises, etc., shall
54 take and hold the same, free and clear and discharged from any and all liens, charges, incumbrances and liability whatsoever, by reason of growing out of, or in any way connected with said assessment and every installment thereof past due, now due and which, but for this decree would have become due in the future. And upon the incoming of said Sheriff's report and return and the incoming of the proceeds of such sales, the proceeds thereof shall be applied first to the payment of the costs of this action, and next to said Nelson A. Sims as Treasurer of Franklin County, Ohio, to the extent of the amount so as aforesaid adjudged and decreed, to or toward the payment of said assessment and the lien thereof, and any balance if such there be, shall be paid to the Plaintiff in this case as shall be more fully and in detail ordered by the Court hereafter.

And it is further ordered, adjudged and decreed by the Court that upon and after the application of the proceeds of such sale, the Plaintiff and its successors shall be and they are hereby discharged from any and all obligation, liability, etc., by reason of or in any wise connected with the decree herein and the assessment aforesaid and each and every part thereof, etc., so that the application of proceeds shall be complete and final satisfaction of any and every obligation, etc.

1903, Nov. 21st—Order of sale issued in accordance with foregoing decree.

1903, Dec. 26th—Said order returned and filed as follows:

In obedience to the command of the order of sale herein annexed, I did on the 24th, day of Nov. A. D., 1903, summon W. A. Osgood, P. J. Magley and C. A. Deibel, three disinterested freeholders residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described upon actual view and afterward, on the 26th, day of Nov. A. D., 1903, said appraisers returned to me that they did upon actual view of the premises estimate and impartially appraise the real value in money of the same at

1st Parcel \$350.00, 2nd Parcel at \$850.00, 3rd Parcel \$1175.00.

A certified copy of said appraisal I forthwith deposited in the office of the Clerk of the Court of Common Pleas of said County, and on the 26th day of November A. D., 1903, I caused to be advertised in the Ohio State Journal and Express Westbote (a newspaper printed and published and of general circulation in Franklin County, Ohio), said lands and tenements to be sold at public sale, at the door of the Court House of said County on the 26th day of Dec. A. D., 1903, at 10 o'clock A. M., of said day, and having advertised the said lands and tenements for more than thirty days previous to the day of sale to-wit: five consecutive weeks on the same day of the week in each week; and in pursuance of said notice I did on said 26th, day of Dec. A. D., 1903, at the time and place above

55 mentioned, proceed to offer said lands and tenements at public sale at the door of the Court House and then and there came William Scarlet, who bid for the same the sum of \$1585.34, and said sum being more than 2-3 of the appraised value thereof and said Scarlet being the highest and best bidder therefore, I then and there publicly sold and struck off said lands and tenements to him for said sum of \$1585.34.

CHARLES A. PEARCE, Sheriff.

Attached to said return is proof of publication in German paper sworn to by L. Hirsh Dec. 24th, 1903; and proof of publication in Ohio State Journal, sworn to by D. Edward Davies, Cashier, Dec. 24, 1903.

Here follows notice of Sheriff's sale of real estate stating time, place, description of property, appraisement and term of sale of said real estate.

1904, Jany. 16th—Entry: This day this cause came on to be heard and thereupon upon the motion of the defendant the County Treasurer and producing the report and return of the Sheriff of the proceedings had and sales made by him under the former order and decree of the Court herein, and the Court upon careful examination of the proceedings and sales of and by said Sheriff, had and made in all respects in conformity to law and the former orders of this Court, and the Court being satisfied of the legality of said sales it is therefore now by the Court here ordered, adjudged and decreed that said proceedings and sales be and they are hereby in all things approved, ratified and confirmed.

And it is further ordered and decreed by the Court that said Sheriff convey to the purchaser in said sales, William Scarlett, by good and sufficient deed in fee simple according to law the premises so sold to him, and said purchaser is hereby subrogated to each and all rights of each and all the lien holders herein and to said premises in so far as they may be paid herein, for the protection of his title, and a writ of possession to be issued by the Clerk of this Court to the Sheriff of this County, is hereby adjudged and awarded to put said purchaser into the full, peaceable and quiet possession of said premises so purchased by him.

Here follows distribution of proceeds.

GEORGE J. KARB,
SHERIFF OF FRANKLIN COUNTY, OHIO.

TO
WILLIAM SCARLETT.

SHERIFF'S DEED,
IN FEE SIMPLE.

Signed and sealed Feby. 6th, 1904.

Filed for record Feby. 6th, 1904.

Recorded Feby. 9th, 1904.

Recorded in D. B. 382, page 201.

Two witnesses.

Consideration \$1585.34.

56

Recites in substance proceedings shown at Section 45, Case No. 36676.

By virtue of said judgment, order of sale, sale and confirmation and of the statute, etc., grant, convey, etc., in fee, the following real estate situate in the County of Franklin, State of Ohio and Township of Clinton and bounded and described as follows to-wit:

First Parcel: Beginning at a point in the center of the Columbus and Worthington Plank Road (now High Street), on a line coincident with the South line protracted Westwardly of a parcel of about 184-1000 acres heretofore conveyed by the Clinton Land Company to the Board of Education of Clinton Township, Franklin County, Ohio, by deed dated July 31st, 1896, D. B. 284, page 591; thence Easterly with said protraction of said South line of said parcel of 184-1000 acres, and thence still continuing in a straight line along said South line of said 184-1000 acre parcel, altogether from the beginning point a distance of 250 feet to a point; thence Southerly parallel with the center line of said Plank Road (now High Street) 60 feet to a point; thence Westerly parallel with the first described line and parallel with the South line of said 184-1000 acre parcel to the center of said Plank Road (now High Street); thence Northerly with the center line of said Plank Road (now High Street), 60 feet to beginning, being part of same premises conveyed by F. W. Schueller, et al., to The Clinton Land Company by deed recorded in D. B. 273, page 53, Recorder's Office, Franklin County, Ohio.

Second Parcel: Beginning at a point in the center of the Columbus and Worthington Plank Road (now High Street), 60 feet Southerly from the South line (protracted Northerly to the center of said Road), of a parcel of about 184-1000 acres conveyed heretofore by The Clinton Land Company to The Board of Education of Clinton Township, Franklin County, Ohio, by deed dated July 21st, 1896, and recorded in D. B. 284, page 591; thence Easterly parallel with the South line of said parcel of 184-1000 acres, 250 feet to a point; thence Southerly parallel with the center line of said Plank Road (now High Street), to a point in the South line of the tract first described in the deed from F. W. Schueller et al., to The Clinton Land Company, dated April 3, 1895, and recorded in D. B. 273, page 53; thence Westerly with said South line of said first described tract in said deed from said Schueller et al. to the said The Clinton Land Company to the center line of said Plank Road (now High Street); thence with the center line of said Plank Road, Northerly to beginning. Being part of same