

OFFICIAL PUBLICATION

AMERICAN TITLE ASSOCIATION

ALBERT BEND

TITLE NEWS

VOLUME XXXIII

SEPTEMBER, 1954

NUMBER 9



TITLE NEWS

Official Publication of

THE AMERICAN TITLE ASSOCIATION

3608 Guardian Building—Detroit 26, Michigan

Volume XXXIII

September, 1954

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GOOD ABSTRACTING

Progress comes from more than mental agility. It is, it must be, accompanied by willingness to discard the old and to accept the new. Ordinarily, one does not attain this approach to perfection in one great jump; rather it is the net result of a series of steps, each taken gradually and only after careful consideration of the effects of each step.

Consideration of the above idealistic program as it may be applied to our profession of Abstracting Titles to Real Property brings us to the conclusion our picture of today in Abstracting of Titles is the result of many changes, of many improvements.

In the earliest days of our nation, land was freely sold with no evidence of title. Inquiry at the corner store usually could inform the buyer all the pertinent facts relating to the ability of the seller to give a good title.

Then came the Public Office for the recording of documents affecting real property. In most localities, in the early days, the public official in charge of that public office could furnish to the buyer (or his counsel) sufficient information concerning the chain of title. On that so-called abstract, although actually it was the barest kind of a minute sheet, conclusions anent the title were reached and the sale and purchase consummated.

With the population of our country mounting, with our cities growing, with the myriad of recording of docu-

ments affecting title to land, it became apparent an improved method must be evolved. In most localities there came into existence firms of abstracters, some operating as individuals, some as partnerships, some as corporate entities. Copies of the public records were made and were posted into the abstract books, geographically arranged, so that one could see and study all the documents affecting a designated parcel of land.

Keeping apace, were the demands of the public that the product of the abstracter reflect more rather than less. In the early days, the abstracter limited his search (and thus his liability) to instruments recorded in the Office of the Recorder of Deeds. His product contained the barest of facts relating to those instruments. Neither satisfied the public. In the opinion of the buyer of real estate, the former was not sufficient. He wanted all the facts relating to the title and to the legal ability of the seller to convey a good title. He called for, and he secured these, from forward thinking and progressive abstracters.

For, by now, those abstracters were covering the Probate Court and other Courts of Record, and they had started to build and maintain a set or sets of miscellaneous records such as judgments, powers of attorney, divorce action, adoption proceedings, liens of one character and another, material mens' and mechanics' liens, liens held by the sovereign, changes of name, and many many others.

Accompanying these steps in the

evolution of evidencing of titles, there came realization on the part of abstracters that we must move with the tide; that there must come modernization, that we must deliver to the public exactly what the public calls for.

Today, we have in the membership of our American Title Association abstracters and abstract firms able and willing to deliver a wholesome product to the public, and with a complete willingness to respond in money damages should there be errors of omission or commission, all within the scope and purview of the Abstracters Certificate.

There also came realization that one abstracter, functioning alone, is but the lone voice of one crying in the wilderness. Thus there came into being groups of abstracters who took memberships in our guild and who consult with their associates on better service to the public. We know these groups today as title associations in many of our states, and in the national organization, the American Title Association.

And there came realization there must be harmony of thinking, of standardization. There came an urge to adopt the sound and to discard the hazy, the fringe, the indefinite, the ambiguous. And from that conclusion, there came determination that intensive studies be made on the entire subject matter, and with a public relations program looking to acceptance of these high standards

by the membership at large.

This program is being carried on today in many of the states. The work is in the hands of able abstracters, ladies and gentlemen willing to contribute their time, their brains, their energies, to improvements in the profession of Abstracting. Throughout the Nation, and too numerous to mention by name, they are quietly pushing the job.

Among these, is the Michigan Title Association. For a score of years, it has been in progress. The work has largely been under the direction of special committees, perennially headed by Judge Ray Trucks, of Baldwin, Michigan, long a distinguished leader in our profession.

With the permission of Judge Trucks and his Committee, and of the Michigan Title Association, we carry in this issue, the conclusion of the Committee under the heading, "Uniform Abstract Specifications."

The job is not finished. Probably it never will be finished. Nothing is static in America; and that applies to abstracting as well as to all commodities in the market places.

But that it is a vast improvement over the old-fashioned minute sheet must be apparent to all. Note it is a partial revision. It is our hope we may be able to carry in "Title News" further of the "Bible on Uniform Abstract Specifications" not only on the Michigan specifications but also of other state title organizations.

J.E.S.

UNIFORM ABSTRACT SPECIFICATIONS

together with

FORMS

for use in the

STATE OF MICHIGAN

This booklet and the information therein contained is the property of the Michigan Title Association, and may be possessed and used by a member of said association in good standing only.

THE MICHIGAN TITLE ASSOCIATION

1935

Revised 1953

Revised (Partial) 1954

COMMITTEE ON UNIFORMITY

Ray Trucks Baldwin

S. K. Riblet White Cloud

Harold A. Preston Mt. Pleasant

The Michigan Title Association uniform system of abstracting real estate titles requires the abstract to be prepared in accordance with the following rules, specifications and forms.

RECORDS TO BE INCLUDED IN AN ABSTRACT

1. REGISTER OF DEEDS. Show all instruments filed or recorded in the office of the Register of Deeds affecting the lands being abstracted, except instruments filed in said office under the Chattel Mortgage Statutes.

2. PROBATE OFFICE. Abstract the probate files of estates where the title to lands being abstracted is affected and show the same on the abstract. Judgment and care must be exercised to know what should and what should not be shown. An abstracter must become familiar with probate law and its relation to and its importance in, the proper showing of a title.

3. COUNTY CLERK. Proceedings in the Circuit Court, which affect the title to the lands being abstracted should be abstracted and shown on the abstract, using the same care and judgment as required in the showing of probate proceedings.

Death, birth and marriage records, corporation, co-partnership, assumed name and other records in the office of the County Clerk, where not a matter of record in the Office of the Register of Deeds, and affecting the title of the land being abstracted, should be abstracted direct from the Clerk's records and so shown on the abstract.

4. COUNTY TREASURER. A tax history should be attached to each original abstract and on each continuation if other taxes have become due. Such tax history may be made by the abstractor or by some other person.

5. RECORDS IN OTHER COUNTIES. The abstracter is under no obligation to show matters affecting title to the lands being abstracted which are of record in some other county. However, where Probate and/or Circuit Court procedure is necessary to complete the title, and where the Probate and/or Circuit Court files are in another county, the abstracter

may request the Abstract Office in such other county to abstract said files, and when received, the same may be shown on the abstract. In such case, the abstracter in compiling his abstract will note the fact that such procedure was abstracted by the party making the same. e.g. "Abstracted by, Osceola County Abstract Company, Reed City, Michigan." This method of showing is recommended as good practice.

GENERAL SPECIFICATIONS

CERTIFICATE

All abstracts and continuations shall be certified as correct and accurate on the Michigan Title Association approved form of certificate, using the proper form for abstracts beginning with Government ownership, continuations or partial abstracts.

PARTIAL ABSTRACTS

Where an abstract is begun at a date subsequent to government ownership, the date of beginning shall be stated both on the caption sheet and in the certificate, together with the following words in capital letters: "PARTIAL ABSTRACT."

NUMBERING

Caption and drawing should be numbered 1 and 2, respectively, and then the balance of the title in numerical order.

ARRANGEMENT

Showings of instruments and court proceedings concerning the fee title shall be arranged in chronological order of conveyances, encumbrances, etc. The showings of all matters concerning each branch title growing out of a mortgage, lease, royalty conveyance or other title less than a fee, shall be arranged in chronological order of conveyances affecting only such branch title. Each such complete chain shall be shown immediately following the instrument in the fee title chain which creates the branch title.

Each such branch title is to be completely shown before the instrument in the fee title chain next following the instrument creating the branch title. In accordance with this rule, re-

leases, assignments, powers of attorney, affidavits, etc., will immediately follow the instruments affected thereby, regardless of date of recording.

HOW WRITTEN

All abstracts and continuations shall be typewritten, and shall not be handwritten, except that where multiple originals of an abstract are made, the same may be printed, mimeographed or multigraphed, but each shall be signed and treated as an original abstract and not as a copy of an abstract. Carbon copies of abstracts should not be used as originals.

VISIBILITY

The facts about an instrument, in order of importance, are as follows:

1. Parties.
2. Kind of instrument.
3. Description.
4. Exceptions and reservations.
5. Irregularities in execution.
6. Dates, Liber and page.

Each group should be set out with plenty of "white space" surrounding each item, so that an examiner can spot the important parts of the instrument; various data should not be typewritten solid or run together so that an examiner will not have to read the whole showing before he can determine what it is or find the fact wanted. DO NOT HAVE TOO NARROW MARGINS.

CAPTION

All complete, supplemental or partial abstracts must have a clear, concise and accurate description of the lands being abstracted.

1. ACREAGE. Use government survey maps for description.

2. PLATTED LANDS. Use the name of the plat and the descriptions exactly as given in the dedication of the recorded plat, including the government description upon which the plat is located.

3. METES AND BOUNDS. The description need not necessarily follow the description in the last deed, but may be a revised and corrected description of the premises sufficient-

ly accurate to be safely used in conveyancing; it may follow a certain authentic survey. This description (or measurements and bearings) is taken from a survey made (date) by (John Jones, Registered Land Surveyor). Reference should be made to the government subdivision of the section or portion of platted property of which it is a part. Where conveyances have been made under the assumption that a 40 acre tract is 1320 feet square and that the lines run E & W and N & S, add a notation under the caption to the "effect that" this abstract has been prepared under the assumption that the (SW of SW) is exactly 1320 feet square and that the lines thereof are due E & W and due N & S.

MAPS AND DRAWINGS

1. ACREAGE. Make drawing from government survey map, showing entire section with lands abstracted shown in color; insert acreage and such other data as appear on such original survey map.

2. PLATTED LANDS. Show an acreage drawing, the same as required above with location of plat shown in color; then at next sheet, or below the above map, show the entire block, and intersecting streets, in which the lot or lots being abstracted are located, showing lands abstracted in color.

3. METES AND BOUNDS. Show an acreage drawing the same as required above, with general location of metes and bounds description indicated in color; then at next sheet, or below the above map, on an increased scale, draw in the lines of said description, giving and showing bearings and measurements. Show description in color.

4. Photographs of drawings may be used.

OTHER DATA. Indicate on the drawings where the data was taken from, what survey map or plat; place thereon directional marks, courses, variations and measurements, roads on Section lines and other roads, railroads, transmission line running across section.

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THE VARIOUS PARTS OF AN INSTRUMENT

FIRST PARTIES. Place names at the upper left hand side of page. Set the names out exactly as in the body of the instrument, including any recitations as to marital status, trustees, executors, administrators, guardian, etc. Including the address is optional, but where the marital status is lacking or by other than a person in his own right, the address, if any, should be shown after the names. This information then becomes of value to an examiner.

If a corporation deed, give exact name of corporation, state where incorporated and address.

If a co-partnership, give recitations in full.

Do not use the term "Grantor", "Mortgagor" or "First Party", as it is self-evident that the names first set out are the grantors, mortgagors or first parties, according to the nature of the instrument. This same rule applies to grantees.

SECOND PARTIES. Drop a minimum of two lines, use the word, "to" and drop a minimum of two lines, then begin with the names of the second parties. Set the names out exactly as in the body of the instrument, showing in exact terms any reference to the estate created, as "joint tenants and not as tenants in common", or "To the survivor or survivors of either." Prior to January 10, 1942, giving the address is optional, but, if when these grantees become grantors and the instrument by them as grantors is defective as to marital status or other matters, the address of these grantees, if any, should be shown. Beginning January 10, 1942, the address of the grantee, mortgagee, etc. must be stated in the instrument where the instrument was executed in Michigan, and the address then should be shown on the abstract. (MSA 26.1221-CL 48-565.201).

Where corporations and co-partnerships are grantees in addition to exact name, show State of incorporation, place of business or other data as shown in instrument.

KIND OF INSTRUMENT. Set out

at the upper right hand side and opposite the names of the first parties, the name of the instrument in capital letters, e.g. WARRANTY DEED, or whatever it is. Leave at least one space blank below the name of the instrument for visual purposes. Do not use the term "kind of instrument" in addition to naming the instrument, as it is self-evident that it is that kind of an instrument.

DATES AND RECORD. Drop at least one line below the name of the instrument and show:

e.g. WARRANTY DEED

Dated Jan. 2, 1935
Acknowledged Feb. 3, 1935
Consideration \$1050.00
Recorded Feb. 6, 1935
Liber 23 Deed, Page 76

Prior to January 10, 1952 the abstractor must state whether the instrument is recorded in a Liber of Deeds, mortgages or miscellaneous records. A mis-recorded instrument cannot be used as evidence. Do not state that the record is in "Liber 23, page 76". Beginning January 10, 1942, if the Register of Deeds records by photography, he may have one set of record books in which deeds, mortgages and miscellaneous instruments may be recorded. (MSA 26.544-CL 48 565.26).

DESCRIPTION

Drop at least two lines below the last line of "parties" and "Dates and Record", whichever is farthest down. Commence at left hand margin and state: "Conveys (and/or mortgages, etc.)", follow with description exactly as it appears in the instrument; do not say "land in caption" or "land in heading" or "same as entry No. 43 above".

However, no more land need be described, in case other lands are included in the instrument, than is in the caption; if there are other lands in the description in the instrument, state, "with other land".

AN EXCEPTION TO THIS RULE is where a mortgage has been foreclosed, and the foreclosure sale remains unredeemed, all of the lands described in the mortgage MUST be

shown in the abstract. An examiner needs this information to determine whether the lands have been sold in parcels or in the inverse order of alienation, should the lands be separate parcels or some of them sold since the mortgage has been given.

EXCEPTIONS, RESERVATIONS AND CONDITIONS

After the description, drop at least one line and quote the same exactly as appearing in the instrument, e.g. "Except taxes for the year 1913 and prior years", "subject to a mortgage of \$500.00 which grantee assumes and agrees to pay", "subject to a Life Estate", etc.

SIGNATURE AND NAMES IN ACKNOWLEDGMENT

If the names appear in the signature and in the acknowledgment the same as they are written in the body of the instrument, no comment is necessary, although it is permissible to make this showing.

If there is any variance, drop at least one line below the exceptions and reservations and set out, e.g.

Signatures appear as: "John Jones, Mabel Jones." In acknowledgment: "John Jones, Mabel Jones, his wife".

EXCEPTION: See corporation deeds deeds and deed by power of attorney, following.

WITNESSES

If regularly witnesses so as to be eligible to record, no comment is necessary; if irregular state in what manner. It is permissible to show number of witnesses. In case some of the parties to the instrument witnessed the instrument, then the names of the witnesses should be given.—**This sometimes happens.**

ACKNOWLEDGMENT

If it is regular, no comment is necessary; if irregular, set out in full or at least show sufficient thereof for an examiner to be able to understand the nature of the irregularity, e.g. in a deed by a corporation,

Acknowledgment in part reads:
"personally appeared John Jones, Cashier of the First Na-

tional Bank of Reed City, Michigan, to me known to be the person described in and who acknowledged the within instrument to be his free act and deed."

If the seal and the commission expiration date of the Notary are necessary to make the instrument eligible to record, and do not appear on the record, so state, e.g.

"date notary commission expires is not given"

"no notary seal"

"name of the State omitted from acknowledgment"

"name of County omitted from acknowledgment"

It is considered good practice and permissible to give,

Number of witnesses to each signature.

State and County where acknowledgment taken.

Date of acknowledgment.

Acknowledgment of — and — taken before a Notary Public in and for said County.

Commission expiration date.

Seal of Officer.

Or the acknowledgment in full.

USE OF SEALS

Effective June 8, 1937, the use of an actual seal, a scroll or device used as a seal, the word "seal" or letters "L.S." after the signature of an **Individual** was made unnecessary. (Section 1, MSA 26.595—CL 48 565.241).

(Section 2, MSA 26.595—CL 48 565.242, enacted the same date as Section 1. Validated the record of any unsealed instruments that had been **heretofore** recorded (that is, prior to 6-8-1937) and made the record admissible as evidence. It could be assumed that the validation had reference to any recorded instrument executed by **any** individual, as contemplated by Section 1 of the Act.

Effective September 23, 1949, the above Section 1 (MSA 26.595—CL 48 565.241) was amended by adding after "any individual", the words "Partnership or Corporation".

Section 2 was not re-enacted so as to definitely validate the record of any prior recorded deeds by corporations or partnerships, and until clarified, prior to September 23, 1949, show in the abstract whether or not a corporate seal was used or whether the instrument states that the corporation has no seal. After September 23, 1949, no mention of seal need be made.

CORPORATE ACKNOWLEDGMENTS

Show whether a corporate form of acknowledgment has been used (see

statutory form MSA 26.601—CL 48 565.251). Make this showing below the exceptions and reservations:—

Corporate form of acknowledgment

If Corporate form of acknowledgment is not used, either show in full or partially as shown above under heading of acknowledgment.

CORPORATE SIGNATURES

Show how corporate deed is signed:

e.g. Smith Brothers Corporation
by: James Johns, President

Attest: Frank Rogers, Secretary

CAPTION

(acreage)

(Number 1)

THE NORTHWEST QUARTER (NW¼) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION THREE (3), TOWN SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) WEST, containing 40 acres more or less, according to government survey thereof, Pleasant Plains Township, Lake County, Michigan.

CAPTION

(Platted Land)

LOT TWELVE (12) OF BLOCK TWENTY-NINE (29), VILLAGE OF BALDWIN, according to the recorded plat thereof, being a part of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) of Section Three (3), Town Seventeen (17) North, Range Thirteen (13) West, Pleasant Plains Township, Lake County, Michigan.

CAPTION

(Metes and Bounds)

A parcel of land located on Government Lot One (1), Section Seven (7), Town Nineteen (19) North, Range Fourteen (14) West, Sauble Township, Lake County, Michigan, described as:

“Commencing”, etc.

Containing 7.5 acres, more or less.

Use of capitals and repeating the description in parenthesis is optional.

STATUTORY FORMS OF ACKNOWLEDGMENT

MSA 26.601—CL 48 565.251 provides that either the forms now in use or the following forms may be used:

Natural Persons acting in their own right.

State of _____, County of _____

“On this _____ day of _____ 19____,

before me personally appeared A B (or A.B. and C.D.) to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

Natural Persons or Persons Acting by Attorney.

State of _____, County of _____

On this _____ day of _____ 19____,

before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed the same as the free act and deed of said C D.

CORPORATIONS OR JOINT STOCK ASSOCIATIONS.

State of _____, County of _____

On this _____ day of _____ 19____,

before me appeared A B to me personally known, who, being by me duly sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors (or trustees), and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

In case the corporation or association has no corporate seal omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association), and that", and add at the end of the affidavit clause, the words "and that said corporation (or association) has no corporate seal".

In all cases add signature and title of the officer taking the acknowledgment.

PERSONS SERVING IN OR WITH THE ARMED FORCES OF U. S.

MSA 26.601 (1) CL 48 565.251a; provides in addition to manner and forms otherwise authorized, a certificate substantially in the following form:

On this the day of 19, before me, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

.....
Signature of Officer

.....
Rank of Officer and Command to which attached

Acknowledgment may be taken before any Commissioned officer in active service of the Armed Forces of the United States with rank of Second Lieutenant or higher in Army. Marine Corps., or Ensign or higher in the Navy of the United States or United States Coast Guard.
Effective February 17, 1943.

A GOVERNMENT ENTRY BOOK is a list of State and United States lands showing their disposition, and varies in form and information in each County; in some Counties there is no such list. It is of little importance, but if it is on file, it should be shown on the abstract. Below is how it appears in Lake and Osceola Counties and how shown there; a somewhat similar showing would be considered standard.

NUMBER 2

Book entitled: "COPY OF TRACT BOOK, OSCEOLA COUNTY, MICHIGAN". In this book is entered the disposition of the various parcels of State and United States land, under the following headings:

Grantor:	United States (or State of Michigan)
Purchaser:	John C. Blanchard
To whom patented:	Same
Warrant of:	Cash
Number of Warrant:	Cash
Date of Sale:	8-8-1854
Date of Patent:	3-1-1855
Description:	N½ of Section 4, T19N, R7W
Acres:	320

An entry in this book is not a record of a patent, if issued, and the Patent, if recorded, will be shown subsequently in this abstract.

NUMBER 2

Book entitled "LAKE COUNTY PLATS"
In this book is entered the disposition of the various parcels of State and

United States land, under the following headings:
 United States Lands: (or State lands)
 Certificate Number: (cash) (Warrant No.) (Homestead)
 Name of Purchaser: John Jones
 Date of Sale: 6-3-1856
 To whom patented: John Jones
 Date of Patent: 7-3-1856
 Description: N½ of Section 3, T17N, R13W.
 Acres: 320

An entry in this book is not the record of a Patent, if issued, and the Patent, if recorded, will be shown subsequently in this abstract.

UNITED STATES PATENT

NUMBER 3

United States, **PATENT**
 to Dated October 10, 1866
 Welcome A. Mosher and Recorded March 27, 1934
 Lyman A. Tuttle. Liber 93 Deeds, Page 69

Conveys the NW¼ of Section 3, Town 17 North, Range 13 West, containing 160 acres, the same being Agricultural College Lands.

Patent conveys pursuant to Act of Congress approved May 20, 1862, entitled, "To secure Homesteads to actual settlers on the Public Domain", and Acts supplemental thereto.

Instrument signed by the President: Andrew Johnson, by Edw. D. Neil, Secretary and J. N. Granger, Recorder of the General Land Office. (How signed is optional)

STATE PATENT

NUMBER 3

State of Michigan, **PATENT**
 to Dated January 25, 1869
 Charles F. Ruggles Recorded December 4, 1934
 Liber 93 Deeds, Page 249 .

Conveys the S½ of Section 3, Town 17 North, Range 13 West, containing 320 acres.

"Being Certificate No. 7224 for Swamp lands. (or Primary school lands)."

Instrument signed, by the Governor: Henry P. Baldwin, Samuel H. Row, Secretary of State. (How signed is optional).

DEED REGULAR IN FORM (individuals)

NUMBER 4

John Jones and **WARRANTY DEED**
 Mary Jones, his wife
 to Dated June 6, 1885
 Richard Olson and Peter Olson, Consideration \$1.00
 as joint tenants and not as Recorded July 7, 1886
 tenants in common. Liber 28 Deeds, Page 563

Conveys the S½ of Section 3, Town 17 North, Range 14 West, with other land.

DEED IRREGULAR IN FORM (individuals)

NUMBER 4

John Jones and
Mary Jones of
Baldwin, Michigan
to
Richard Olson and

QUIT CLAIM DEED
Dated June 6, 1885
Acknowledged June 10, 1886
Consideration \$1.00
Recorded July 7, 1886

Olga Olson. (no address)

Liber 28 Deeds, Page 565

Conveys the N $\frac{1}{2}$ of Section 3, Town 17 North, Range 14 West, with other land.

Conveyance made subject to all unpaid taxes, and "reserving a life estate to said first parties during their natural lives." Second parties "agree to pay a certain mortgage held by the First National Bank of Reed City, Michigan, in the sum of \$500.00 as a part of the consideration of this deed".

Instrument signed: John J. Jones, Mary Jones.
Names in acknowledgment: John Jones, Mary Jones.
Marital status of grantors and grantees is not given.

Instrument acknowledged in Jefferson County, Ohio, before a Notary Public; no notary seal used; no clerk certificate is attached showing authority of notary; instrument has one witness.

DEED REGULAR IN FORM (by a Corporation)

NUMBER 5

The American Gypsum Company,
a Michigan Corporation, of
Grand Rapids, Michigan,
to
Richard Olson

WARRANTY DEED
Dated July 5, 1915
Consideration \$550.00
Recorded July 6, 1915
Liber 97 Deeds, Page 48

Conveys entire Section 3, Town 17 North, Range 13 West.

Instrument signed: The American Gypsum Company by G. A. Gill, President

Attest: George Hill, Secretary.

Corporate seal used; for instruments dated after 9-23-1949, seal data not necessary. Corporate form of acknowledgment.

DEED IRREGULAR IN FORM (by a Corporation)

NUMBER 5

The American Gypsum Company,
a Michigan Corporation, of
Grand Rapids, Michigan,
to
Richard Olson

QUIT CLAIM DEED
Dated July 5, 1915
Consideration \$550.00
Recorded July 6, 1915
Liber 87 Deeds, Page 280

Conveys entire Section 4, Town 17 North, Range 13 West.

Instrument signed: G. A. Gill, President

No corporate seal used. For instruments dated after 9-23-1949, Seal data not necessary.

Acknowledgment reads in part: "personally appeared G. A. Gill, President, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed."

Acknowledgment taken in Kent County, Michigan, before a Notary Public; date notary commission expires is not given. Instrument has one witness.

DEED, REGULAR, BY ATTORNEY IN FACT

NUMBER 6

John Brown,
a single man,
to
Richard Olson

WARRANTY DEED
Dated June 1, 1933
Consideration \$1.00
Recorded July 1, 1934
Liber 98 Deeds, Page 86

Conveys Lots 1 and 2, Block 76, Village of Baldwin, according to the recorded plat thereof.

Instrument signed: John Brown, by Richard Brown, his attorney in fact.

Acknowledgment reads in part: "personally appeared Richard Brown, to me known to be the person who executed the foregoing instrument in behalf of John Brown, and acknowledged that he executed the same as the free act and deed of said John Brown."

DEED, IRREGULAR, BY ATTORNEY IN FACT

NUMBER 6

Richard Brown, Attorney in
fact for John Brown, a single
man, of Baldwin, Michigan,
to
Richard Olson

QUIT CLAIM DEED
Dated June 1, 1933
Acknowledged June 3, 1933
Consideration \$1.00
Recorded July 1, 1934
Liber 98 Deeds, Page 87

Conveys Lots 7 and 8 of Block 75, Village of Baldwin, according to the recorded plat thereof, with other land.

Instrument signed: Richard Brown, attorney in fact for John Brown.

Acknowledgment reads in part: "personally appeared John Brown by Richard Brown, his attorney in fact, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed."

One witness; acknowledgment taken in County, Michigan before "John Jones, Notary Public in and for said County." Name of County not given; no notary seal used; and date commission of notary public expires is not given.

AUDITOR GENERAL TAX DEEDS—(prior to 1938)

NUMBER 7

James E. Mogan, Deputy
Auditor General of the
State of Michigan,
to
Richard Olson

AUDITOR GENERAL TAX DEED
Dated June 1, 1933
Consideration \$22.98
Recorded June 10, 1933
Liber 80 Deeds, Page 59

Conveys the Southeast Quarter of Section Three, Town Seventeen North, Range Thirteen West, subject to the provisions of Act 229 of the Public Acts of 1897, as amended.

Purchased from the County Treasurer, May 6, 1930 for taxes of the year 1927.

STATE TAX LAND DEEDS—(prior to 1938)

NUMBER 7

George L. Hauser, Deputy
Auditor General of the
State of Michigan,
to
Richard Olson

STATE TAX LAND DEED

Dated June 1, 1932
Consideration \$43.55
Recorded June 4, 1933
Liber 80 Deeds, Page 48

Conveys the South half of Section Twenty-eight, Town Nineteen North, Range Thirteen West, subject to the provisions of Act 229 of the Public Acts of 1897, as amended.

Purchased the rights of the State May 31, 1931 for Taxes bid off to the State for the years 1923, 1924, 1925, 1926 and 1927.

TAX DEEDS (issued after 1938)

Show the same as the foregoing tax deeds, except the deeds are called TAX DEED whether issued by the Auditor General to the purchaser, or to his assignee, at the May tax sale, or to the purchaser from the Auditor General after the May tax sale and before one year therefrom, and except the reference "subject to" has been changed to "subject to Act 206 of Public Acts of 1893, as amended."

The foregoing tax deeds, whether issued prior to or after 1938, convey the tax interest only. Before the title of the grantee is good, notice of redemption must be served on the last grantee in the regular chain of title and the holders of other interests. Proof of service must be filed with the County Clerk and the redemption period of six months must have expired without redemption.

The following is a form of notice by the grantee to the former owners and others in interest of their right to redeem, together with proofs of service.

NOTICE BY PURCHASER UNDER TAX SALE (where title is based thereon)

NUMBER 8

Andrew A. Scowley,
to

**NOTICE BY PURCHASER UNDER
TAX SALE (certified copy)**

Notice filed with the County Clerk
on June 1, 1934
Recorded January 2, 1935
Liber 2 of Notices by Purchaser
under tax title, Page 49

Richard Olson, et al.

Following is the notice and proof of service:

To the owner or owners of any and all interests in, or liens upon the lands herein described:

Take notice that sale has been lawfully made of the following described land for unpaid taxes thereon, and that the undersigned has title thereto under tax deed or deeds issued therefor, and that you are entitled to a re-conveyance thereof at any time within six months after return of service of this notice, upon payment to the undersigned or to the register in chancery of the county

in which the lands lie, of all sums paid upon such purchase, together with one hundred per cent additional thereto, and the fees of the sheriff, for the service or cost of publication of this notice, to be computed as upon personal service of a declaration as commencement of suit and the further sum of five dollars for each description, without other additional cost or charge. If payment as aforesaid is not made, the undersigned will institute proceedings for possession of the land.

Description of land	Amount Paid	Taxes for year
Northeast quarter of Section One, Town Seventeen North, Range Fourteen West	\$23.72	1923
	24.60	1924
	25.80	1925

All in the County of Lake, State of Michigan.

Amount necessary to redeem, \$133.24, plus the fees for service.

(signed) Andrew A. Scowley,
117 N. Dearborn Street,
Chicago, Illinois

To, Richard Olson, grantee under the last recorded deeds, in the regular chain of title, or any interest therein.

To, James Davis, mortgagee named in all undischarged mortgages.

LIBER 2 OF NOTICE BY PURCHASER UNDER TAX TITLE, PAGE 49

RETURN OF PERSONAL SERVICE OF ABOVE NOTICE

STATE OF MICHIGAN:

: SS

COUNTY OF LAKE :

(Set out a complete copy of returns)

RETURN OF SERVICE BY REGISTERED MAIL

STATE OF MICHIGAN:

: SS

COUNTY OF LAKE :

(Set out a complete copy of returns, but abstract the post office registered return receipts)

RETURN OF FAILURE OF SERVICE, PERSONAL AND MAIL

STATE OF MICHIGAN:

: SS

COUNTY OF LAKE :

(Set out a complete copy of returns)

PROOF OF PUBLICATION OF NOTICE

STATE OF MICHIGAN:

: SS

COUNTY OF LAKE :

(Set out body of affidavit of publication, if the copy of the printed notice conforms with the notice as first set out herein, so state and do not show it again)

NOTE: Where the title to the land being abstracted does not depend on the service of the tax notice for its validity, and a tax notice appears of record, make a very brief showing of the tax notice; omit the body of the tax notice, returns of service and proof of publication.

DEED BY THE AUDITOR GENERAL TO THE STATE OF MICHIGAN

NUMBER 9

Auditor General of the
State of Michigan,
to
State of Michigan

DEED

Dated February 15, 1927
Recorded May 12, 1927
Liber 45 Deeds, Page 48

Conveys entire Section Three, Town Seventeen North, Range Thirteen West. Recites that taxes were delinquent for the years 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925 and were bid off to the State in the years 1921, 1922, 1923, 1924, 1925 and 1926. And that whereas the Auditor General and the Department of Conservation have caused an examination of said lands to be made as provided in Section 127, Act 206, Public Acts of 1893, as amended by Act 107, Public Acts of 1899, and a certificate having been filed showing said lands to be abandoned; and Department of Conservation having found and determined that the lands have been returned and bid off to the State; that they are abandoned and no suit is pending in said County to set aside the taxes or any of them; or to remove the cloud occasioned thereby and that no application has been made to pay said taxes or to purchase or redeem said lands, therefore conveys all title acquired by the State in the lands above described.

NOTE: The recitation in the above kind of deeds are not always like the above recitation, and the abstractor will have to examine each instrument and not use the above recitation as a form. The above is given to indicate the method of showing such an instrument.

DEED BY STATE OF MICHIGAN TO INDIVIDUALS—TAX LANDS

NUMBER 10

Department of Conservation for
the State of Michigan, under and
by virtue of the authority in said
department vested by Act 17, P.A.
of 1921

QUIT CLAIM DEED

Dated June 1, 1932
Consideration \$50.00
Recorded June 10, 1932
Liber 89 Deeds, Page 45

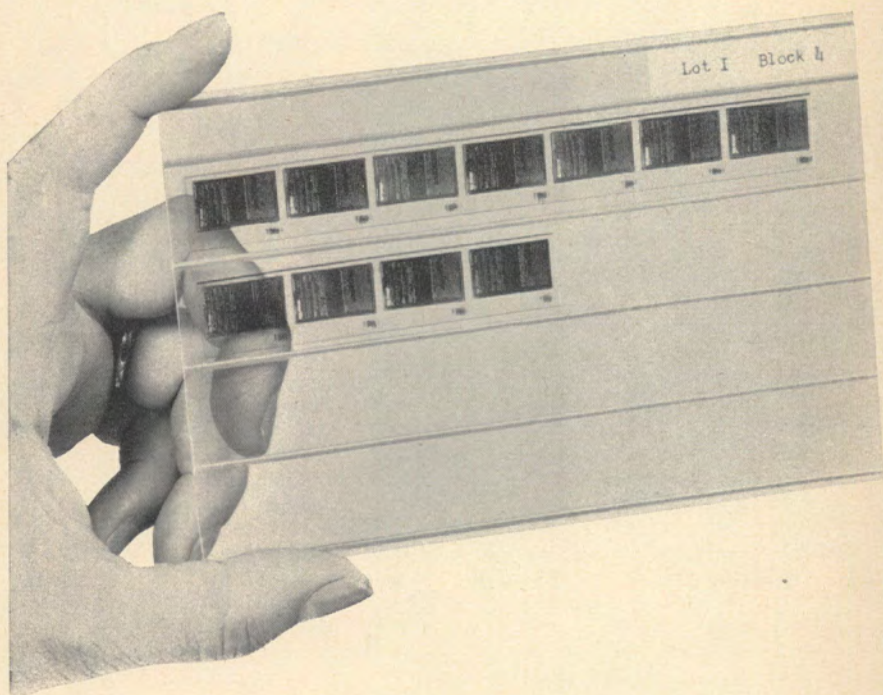
to
Richard Olson

Conveys Southeast quarter of Southeast quarter of Section 3, Town 19 North, Range 13 West, subject to:

Quit claims rights of State pursuant to Section 131 of Act 206, Public Acts of 1893, as amended, and reserves unto the State of Michigan, all mineral, coal, oil, gas, lying, being on, within or under said lands hereby conveyed, with full and free liberty and power to the said State of Michigan, its duly authorized officers, representatives and assigns, and its or their lessees, agents and workmen and all other persons by it or their authority or permission whether already given or hereafter to be given at any time and from time to time, to enter upon said lands and take all usual, necessary or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, making merchantable and taking away the said mineral, coal, oil and gas; also saving and reserving unto the People of the State of Michigan the right of ingress and egress over and across all of the above mentioned descriptions of land lying along any water course or stream pursuant to the provisions of Section 12 of P.A. 280 of 1909, as amended. Further excepting and reserving to the State of Michigan all aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines and other relics and also the right to explore and excavate for the same, by or through its duly authorized agents pursuant to Act 173, P.A. of 1929.

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NOTE: Prior to the Department of Conservation acting for and on behalf of the State, such deeds were issued by the Commissioner of the State Land Office and the Public Domain Commission.
The above is shown for form only and each deed must be carefully examined.

Prior to June 2, 1909 there were no reservations in the deeds, but since then as the law has been amended from time to time, each deed must be read carefully and the purpose of the deed, restrictions and reservations carefully reproduced. Since 1938, deeds which otherwise on their face look like a conveyance of a new title are merely redemption deeds.

FORECLOSURE OF MORTGAGE BY ADVERTISEMENT

Where the title is based thereon.

Show mortgage and any assignments after the deed to the mortgagor and just before the Sheriff's Deed.

NUMBER 11

James Janes and Martha
Janes, his wife,
to
Richard Olson

MORTGAGE
Dated June 1, 1924
Acknowledged June 3, 1924
Amount \$4000.00
Recorded July 6, 1924
Liber 30 Mortgages, Page 480

Mortgages (show all of the descriptions in the mortgage)

Terms: Principal payable on or before 5 years from date, with interest at 5% per annum, according to terms of one promissory note of even date.

Mortgage contains a power of sale by advertisement as follows: (copy verbatim the terms and conditions under which the mortgage can be foreclosed)

Full terms and covenants of this mortgage are not shown on this abstract, but will be shown hereon upon request.

NOTE: If no power of sale by advertisement appears in the mortgage and the title is based on the Sheriff's Deed on foreclosure of this mortgage, the mortgage should be shown verbatim.)

NUMBER 12

Richard Olson

to

James Sprague

ASSIGNMENT OF MORTGAGE
Dated July 1, 1925
Amount \$4000.00
Recorded July 7, 1925
Liber 32 Mortgages, Page 28

Assigns mortgage dated June 1, 1924, executed by James Janes and Martha Janes, his wife to Richard Olson and recorded on July 6, 1924 in Liber 30 Mortgages, Page 480.

NUMBER 13

Arnold C. Misteli, Sheriff
of Lake County, Michigan,

to

James Sprague

**SHERIFF'S DEED ON
MORTGAGE FORECLOSURE**
Dated August 1, 1933
Consideration \$4256.63
Recorded August 7, 1933
Liber 96 Deeds, Page 467

Conveys the East Half of Southeast Quarter of Section 7, Town Seventeen North, Range Thirteen West, and the West Half of the Southwest Quarter of Section Eight, Town Seventeen North, Range Thirteen West.

Recites: Whereas on June 1, 1924, James Janes and Martha Janes, his wife, made a certain indenture of mortgage to Richard Olson, which said mortgage was recorded in the office of register of deeds in and for the County of Lake and State of Michigan, in Liber 30 of Mortgages, Page 480 on July 6, 1934, which said mortgage contained a power of sale, which has become operative by reason of a default in the conditions of said mortgage. And whereas, by virtue of said power of sale, and in pursuance of the Statute in such case made and provided, no proceedings at law having been instituted to recover the debt secured by said mortgage or any part thereof, a notice was duly published and a copy of said notice was duly posted in a conspicuous place upon said premises in said indenture of mortgage, that said premises would be sold on the 1st day of August, 1933, at the front door of the Court House in the Village of Baldwin, that being the place of holding the Circuit Court in Lake County where the premises are situated. And whereas, in pursuance of said notice, I did on the 1st day of August, in the year aforesaid, at one o'clock in the afternoon of said day expose for sale at public vendue, the lands and tenements (above) described, and on said sale did strike off and sell said lands to James Sprague for the sum of \$4256.63. The said James Sprague being the highest bidder,—therefore conveys (above land).

NOTE: Show recitations, if any, as to sale by separate parcels or reference to sale as one tract or parcel.

EVIDENCE OF SALE RECORDED WITH THE ABOVE DEED

AFFIDAVIT OF PUBLISHER (Set out body of affidavit in full)

PRINTED NOTICE ATTACHED TO ABOVE AFFIDAVIT

(Set out body of affidavit in full)

AFFIDAVIT OF POSTING (Set out body of affidavit in full)

AFFIDAVIT OF AUCTIONEER (Set out body of affidavit in full)

CERTIFICATE OF SHERIFF attached states that the within deed will become operative one year from 8-1-1933 unless sooner redeemed.

FORECLOSURE OF MORTGAGE IN CHANCERY

After the deed to the mortgagor, show the mortgage and any assignments and make the same showing of the mortgage as with any undischarged mortgage, except that the power of sale clause is of no importance when foreclosed in chancery, then show as follows:

NUMBER 14

STATE OF MICHIGAN,
CIRCUIT COURT FOR LAKE
COUNTY,
In Chancery,
Leo Feldpausch,
Elizabeth Feldpausch,
Albert Feldpausch, Louise Feld-
pausch, Plaintiffs,
vs.

NOTICE LIS PENDENS
Dated December 27, 1929
Recorded December 28, 1929
Liber 1 Lis Pendens, Page 43

George Hendershot, Jennie Hendershot, Alex Csallo, Elizabeth Csallo, Benjamin Gilbert, Annabel Gilbert and State Savings Bank of Scottville, Defendants.

Gives notice that suit has been commenced and is pending in the above court upon a bill of complaint for the foreclosure of a mortgage dated June 1, 1925, given by George Hendershot and Jennie Hendershot, his wife, to the above plaintiffs, and recorded in Liber 30 of Mortgages, Page 48.

Signed: McAllister & McAllister, attorneys for plaintiffs.

Mortgage referred to is shown at entry Number 15 of this abstract.

NUMBER 15

CIRCUIT COURT FOR LAKE COUNTY, MICHIGAN, IN CHANCERY, Abstract of procedure from chancery file No. 660.

Bill of complaint filed Dec. 27, 1929; acknowledged Dec. 10, 1929.

By Leo Feldpausch, Elizabeth Feldpausch, Albert Feldpausch, Louise Feldpausch, as Plaintiffs.

Against George Hendershot, Jennie Hendershot, Alex Csallo, Elizabeth Csallo, Benjamin Gilbert, Annabel Gilbert, and State Savings Bank of Scottville, Defendants.

brought for the purpose of foreclosing a mortgage dated November 24, 1926, given by Alex Csallo and Elizabeth Csallo, his wife, to George Hendershot and Jennie Hendershot, his wife and recorded in Liber 30 of Mortgages, page 194 and assigned to plaintiffs by an assignment recorded in Liber 29 of Mortgages, page 117; recites default in payment of above mortgage and that said mortgage is subject to one given by George Hendershot and Jennie Hendershot, his wife, to State Savings Bank of Scottville, in the sum of \$15,000.00.

Descriptions set out as affected by said mortgage foreclosure:

SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 2, T19N, R12W
N $\frac{1}{2}$ of NE $\frac{1}{4}$	Section 3, T19N, R12W
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 26, T20N, R12W
E $\frac{1}{2}$ of SW $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 27, T20N, R12W
SE $\frac{1}{4}$ of NE $\frac{1}{4}$; E $\frac{1}{2}$ of SE $\frac{1}{4}$	Section 28, T20N, R12W
NE $\frac{1}{4}$ of NW $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 33, T20N, R12W
Entire	Section 34, T20N, R12W
SW $\frac{1}{4}$; W $\frac{1}{2}$ of NW $\frac{1}{4}$; W $\frac{1}{2}$ of SE $\frac{1}{4}$	Section 35, T20N, R12W

Chancery summons issued Dec. 27, 1929, for all of above named defendants, returnable Feb. 11, 1930; shows personal service on Alex Csallo, Jan. 31, 1930, George Hendershot and Jennie Hendershot on Jan. 22, 1930; Benjamin Gilbert and Annabel Gilbert on Jan. 24, 1930; State Savings Bank of Scottville, of

Scottville, Michigan, on Feb. 8, 1930.

Jan. 30, 1930, appearance of Benjamin Gilbert and Annabel Gilbert.

Feb. 27, 1930, the answer of George Hendershot and Jennie Hendershot.

Feb. 13, 1930, appearance of George Hendershot and Jennie Hendershot.

Feb. 27, 1930, the answer of George Hendershot and Jennie Hendershot.

Feb. 11, 1930, appearance of Alex Csallo and Elizabeth Csallo.

Mar. 12, 1930, the answer of Alex Csallo and Elizabeth Csallo.

Apr. 8, 1931, Affidavit of regularity; affidavit of non-appearance of State Savings Bank of Scottville; and other pro-confesso.

Nov. 14, 1931, Decree of foreclosure, session of court held.

Nov. 10, 1931, Decrees amount due from Alex Csallo to be \$18,732.73, with costs and interest to be taxed; authorizes circuit court commissioner to sell said lands at public auction after Nov. 20, 1931, according to law and practice of the court, and at the end of six months, unless redeemed, purchaser to have title;

recites prior mortgage given to State Savings Bank of Scottville, and that sale of said premises will be subject to the rights of said mortgagee and its assignees; described land as in the bill of complaint.

Mar. 1, 1932, Circuit Court Commissioner's report of sale made on regular printed form dated Mar. 1, 1932; reports sale of all of lands herein described to Leo Feldpausch and Louise Feldpausch for \$19,071.57.

NUMBER 16

Wilber B. Pool, Circuit
Court Commissioner for
Lake County, Michigan,
to
Leo Feldpausch and Elizabeth
Feldpausch, his wife, Albert C.
Feldpausch and Louise
Feldpausch, his wife

CIRCUIT COURT COMMISSIONER'S DEED

Dated March 1, 1932
Consideration \$19,071.57
Recorded March 2, 1932
Liber 93 Deeds, Page 82

Conveys (Set out all of the descriptions, the same as in deed)

Recites that at a session of the Circuit Court for Lake County, Michigan, In Chancery, on November 10, 1931, it was ordered, adjudged and decreed in a cause pending between (name the plaintiffs), as plaintiffs and (name the defendants), as defendants, brought for the purpose of foreclosing a mortgage dated June 1, 1925 and recorded in Liber 30 of Mortgages, page 48, that the mortgaged premises, or so much thereof as is necessary to satisfy the amount due the plaintiffs be sold by Wilber B. Pool, Circuit Court Commissioner of said County at Public Auction, first giving public notice of the time and place of sale; and whereas said first party did on March 1, 1932 sell at Public Auction at the front door of the Court House at Baldwin, Lake County, Michigan, the said mortgaged premises, having first given the previous notice as required; premises were struck off to second parties for \$19,071.57, that being the highest bid and second parties being the highest bidders.

Therefore conveys lands described above.

Circuit Court Commissioner certifies that this deed will become operative at the end of six months from March 1, 1932, unless sooner redeemed.

MORTGAGE, ASSIGNMENT AND DISCHARGE—REGULAR

NUMBER 17

Richard Rowe and
Mary Rowe, his wife
to
John Doe

MORTGAGE
Dated June 1, 1912
Amount \$500.00
Recorded June 2, 1912
Liber 23 Mortgages, Page 48

Mortgages East half of Section 3, Town 17 North, Range 13 West, with other land.

NUMBER 18

John Doe
to
James Fairburn

ASSIGNMENT OF MORTGAGE
Dated July 1, 1913
Consideration \$400.00
Recorded July 6, 1913
Liber 24 Mortgages, Page 80

Assignment of mortgage dated June 1, 1912, executed by Richard Rowe and

Mary Rowe, his wife to John Doe and recorded in Liber 23 Mortgages, Page 48.

NUMBER 19

James Fairburn
to
Richard Rowe and
Mary Rowe, his wife

DISCHARGE OF MORTGAGE
Dated June 15, 1917
Recorded June 17, 1917
Liber 25 Mortgages, Page 188

Discharge of mortgage dated June 1, 1912, executed by Richard Rowe and Mary Rowe, his wife to John Doe and recorded in Liber 23 of Mortgages, Page 48, and assigned by said John Doe to James Fairburn, which assignment is recorded in Liber 24 of Mortgages, Page 80.

COMMENT: Even where the mortgage has been regularly discharged, and the assignment, if any, is regular, it is a good practice to show any variance in names between the way set out in the instrument, the signature and the acknowledgment.

EXAMPLE: R. Rowe took title in June 1, 1912, and on the same date gave a mortgage in which his name appeared as Richard Rowe and signed the mortgage as R. Rowe and acknowledged as Richard Rowe and later conveyed as Richard Rowe; an examiner should be satisfied as to the identity from this showing without an affidavit.

C E R T I F I C A T E

THE LAKE COUNTY ABSTRACT COMPANY hereby certifies that the foregoing entries numbered _____ a true and correct abstract of all conveyances and other instruments of writing including Federal Income Tax Liens, filed or recorded in the office of the Register of Deeds of the County of Lake (except any instrument filed as a chattel only), affecting title of or describing the following real estate situated in the County of Lake, State of Michigan, to-wit:

_____ from _____ to date, so far as appears from the records of the Register of Deeds Office in said County of Lake and that all conveyances, mortgages, assignments and discharges of mortgages set forth herein are signed, acknowledged and witnessed by two witnesses, unless otherwise shown; and further certifies that all matters, filed in the offices of the County Clerk, Circuit and Probate Courts in said County, affecting title to said land, are set forth herein insofar as notice of the existence of such matters appears in any instrument in the chain of title recorded or filed in the Office of said Register of Deeds during the period indicated.

THIS CERTIFICATE DOES NOT INCLUDE any matters filed in the United States District Court, or matters filed in the office of the County Clerk, Circuit and Probate Courts, where no notice of the same appears in any instrument in the chain of title recorded or filed in the Office of the Register of Deeds. Matters referred to in this paragraph will be abstracted and certified to by special request only.

THE UNDERSIGNED owns a complete set of Abstract Records, and is a member in good standing of the Michigan Title Association and the American Title Association at the date hereof, and this abstract has been compiled according to the rules of the MICHIGAN TITLE ASSOCIATION governing uniformity of content showing.

Dated at Baldwin, Michigan

LAKE COUNTY ABSTRACT COMPANY
By _____ Manager.

OPTIONAL ASSIGNMENT AND DISCHARGE OF MORTGAGE—REGULAR

No. 20

John Doe

ASSIGNMENT OF MORTGAGE

Dated July 1, 1913

to

Consideration \$400.00

James Fairburn

Recorded July 6, 1913

Liber 24 Mtges., Page 80

Assigns mortgage recorded in Liber 23 Mortgages, Page 48.

No. 21

James Fairburn

DISCHARGE OF MORTGAGE

Dated June 15, 1917

to

Recorded June 17, 1917

Richard Rowe and

Liber 25 Mtges., Page 188

Mary Rowe, his wife

Discharges mortgage recorded in Liber 23 Mortgages, Page 48.

No. 22

ASSIGNMENT AND DISCHARGE OF MORTGAGE—IRREGULAR

Where the assignment and/or discharge is not properly executed or defective in other respects, set out the defect; e.g.

“instrument executed in Lake County, Michigan, before a Notary Public; commission expiration not given (if after September 17, 1903); 1 Witness to instrument,” or whatever the irregularity may be.

No. 23

MARGINAL ENTRIES OF DISCHARGE OF MORTGAGE were permissible prior to January 1, 1946, and were either stamped or written on the margin of the record page of the mortgage and were usually in the following form:

“I hereby acknowledge payment in full satisfaction of the within mortgage and discharge the same of record. Witness my hand and seal this 7th day of March, 1895.

(signed) John Doe (seal)

In the presence of

(signed) James Richards, Register.”

Marginal discharges may be shown verbatim as one entry on the abstract, or noted at the bottom of the mortgage entry substantially as follows:

“Discharged on margin of record by John Doe in the presence of Register of Deeds on June 15, 1896.”

There was no provision made in the law for a marginal discharge of mortgage by a Corporation. On January 1, 1946, provision allowing marginal discharges was repealed.

CERTIFICATE OF QUALIFICATIONS OF EXECUTOR, ADMINISTRATOR, ETC.

No. 24

Estate of JOHN DOE, deceased.

Dated July 5, 1905

Probate Court for Muskegon

Recorded July 7, 1905

County, Michigan

Liber 23 Mtges., Page 47

Certificate of qualifications

as to

James P. Owens, administrator

Certificate by the Judge of Probate (or Register) that James P. Owens was on June 1, 1898 duly appointed administrator of said estate and filed bond as such administrator, which bond was duly approved by the Court and letters of administration issued to him on June 5, 1898, which bond and letters continued in full force and effect, unsuspended and unrevoked to and including July 5, 1905.

The above showing could well be abbreviated as follows:

Certifies that Letters of Administration were issued on June 1, 1898 to James P. Owens, as administrator, that the same remained in full force and effect to and including July 5, 1905.

Such certificates are used by executors, administrators and guardians when a mortgage is assigned or discharged, or deed given pursuant to a power of sale contained in the will, or in fulfillment of a land contract.

In case such a certificate is NOT OF RECORD, the probate file should be abstracted sufficiently to show the same facts as contained in the above form of certificate; this can be done at a saving to the property owner and at the same time show an added earning to the abstract office.

No. 25

Suggested form:

Estate of John Doe, deceased,	File No. 4469
Probate Court for Muskegon County, Michigan	
Abstract of procedure relative to administrator	
June 5, 1898	Order appointing James P. Owens, administrator.
July 1, 1898	Bond filed and approved
July 1, 1898	Letters of administration issued
July 5, 1905	Discharge of administrator or no discharge of administrator.

The above abbreviated form of showing from probate files would be sufficient for the assignment or discharge of mortgage by a fiduciary, but in case of a sale of real estate for any reason, a more complete showing from the probate files should be made.

UNDISCHARGED MORTGAGES

Show all undischarged mortgages the same as **Form 11, Page 26**; which showing shall contain the terms of the mortgage and whether the same contains a power of sale by advertisement, and any irregularities in the execution of the mortgage, and a statement that full terms and covenants are not shown. Give the same information as though the mortgage was about to be foreclosed.

MORTGAGES GIVEN TO THE FEDERAL LAND BANK OF SAINT PAUL

No. 26

Herman Hahn and Bertha Hahn, as his wife and in her own right, to The Federal Land Bank of Saint Paul, a body corporate, of St. Paul, Minnesota.	MORTGAGE Dated November 1, 1953 Acknowledged November 13, 1953 Amount \$800.00 Recorded January 10, 1953 Liber 29 Mtges., Page 408
---	--

Mortgages the Southwest quarter of the Southeast quarter of Section Four Town Nineteen North, Range Eleven West.

Terms: Principal payable within years; interest payable \$54.00 on May 1, 1954 and a like sum of \$24.00 every six months, with a final installment of \$38.22.

Mortgage contains a power of sale by advertisement upon default. Full term and covenants of this mortgage are not shown on this abstract, but will be shown hereon upon request.

COMMENT: Many of the mortgages given to the Federal Land Bank contain provisions relative to oil, gas or minerals. Such notation or statements in the mortgage should be shown verbatim.

OIL AND GAS LEASE, ASSIGNMENT AND DISCHARGE

No. 27

William B. Wilder and
Martha E. Wilder, his
wife,
to
W. E. Lang.

OIL AND GAS LEASE
Dated August 21, 1928
Consideration \$1.00
Recorded November 6, 1928
Liber 1 Misc. Records, Page 27

Leases the Southeast quarter of the Northeast quarter of Section Seventeen, Town Twenty North, Range Eleven West, for the primary term of 5 years.

No. 28

W. E. Lang and Leannah
S. Lang, his wife
to
The Pure Oil Company,
an Ohio Corporation

ASSIGNMENT OF OIL & GAS LEASE
Dated September 18, 1928
Consideration: Valuable
Recorded November 6, 1928
Liber 1 Misc. Records, Page 290

Assigns all right, title and interest in lease given to W. E. Lang by William and Martha Wilder on August 21, 1928, recorded in Liber 1 Misc. Records, Page 27.

No. 29

The Pure Oil Company,
a Corporation,
to
William B. Wilder and
Martha E. Wilder, his wife

DISCHARGE OF OIL AND GAS LEASE
Dated July 25, 1933
Recorded July 31, 1933
Liber 1 Misc. Records, Page 549

Discharges that certain oil and gas lease granted by William B. Wilder and Martha E. Wilder, his wife, covering the Southeast quarter of the Northeast quarter of Section Seventeen, Town Twenty North, Range Eleven West, recorded in Liber 1 Miscellaneous Records, Page 27.

COMMENT: For all general purposes the terms of an oil and gas lease that has been released of record need not be shown, however, when making the abstract in oil territory, it would be advisable to make a brief statement of the terms and rental, the same as is shown in the set-out in form Number 26.

UNDISCHARGED OIL AND GAS LEASE

NUMBER 30

William B. Wilder and
Martha E. Wilder, his wife,
to
W. E. Land.

OIL AND GAS LEASE
Dated August 21, 1928
Consideration \$1.00
Recorded November 6, 1928
Liber 1 Misc. Records, Page 27

Leases for the sole and only purpose of mining, drilling and operating for oil, gas and other minerals and removing the same from (List all lands described in the instrument) for the primary term of years and so long thereafter as oil or gas and other minerals may be produced in paying quantities.

Delay rentals of \$1.00 per acre payable to lessor's credit at (give address or name and address of depository), beginning on January 14, 1950, if no well has been commenced.

Lease provides for payment of $\frac{1}{8}$ royalty by lessee.

COMMENT: As to whether an oil and gas lease that is undischarged shall be shown in full or briefly abstracted as above shown, is largely a matter of local practice, custom and demand; apparently mortgagees are only interested in knowing there is a lease, its primary terms and rentals.

No attempt should be made to abstract the various terms and conditions of an oil and gas lease other than to give the primary terms and rental. If the person for whom the abstract is being made needs full terms and conditions, then the complete lease should be shown verbatim. Some abstract offices in such cases bind a photo copy of the lease in the abstract.

ASSUMED NAME CERTIFICATE

NUMBER 31

Assumed Name

CERTIFICATE

to

Filed in the Office of County
Clerk of Emmet County, Mich.
on April 25, 1926

Duplex Oil and Development Co.

Acknowledged April 25, 1926

State of Michigan, County of Emmet: as

I, George N. Gould of the Village of Harbor Springs in said County and State, do hereby certify, in pursuance of Act 101, Public Acts of the State of Michigan, 1907, that Albert Fochtman and George N. Gould, intend to own, conduct and transact business in the County of Emmet, Michigan, under the name and style of Duplex Oil and Development Co. And I do further certify that the true and real full name of the persons who intend to own, conduct and transact the same, together with the post office address of said persons, are as follows, viz:

Name

Street Address

City or Town

Albert Fochtman

816 E. Mitchell St.

Petoskey, Mich.

George N. Gould

State Bank Building

Harbor Springs, Mich.

Signed and acknowledged by George N. Gould.

COMMENT: Leases are often taken in an assumed name; an "assumed name" cannot hold title, so it is necessary to know who are back of the assumed name.

Sections MSA 19. 821 to 827 (C.L. 1948, 445.1 to 5), provides that any person or persons doing business under an assumed name shall file with the County Clerk of the County or Counties, where they are doing or intend to do business, a certificate showing the names of such persons, their addresses and ownership of the business.

The certificate of assumed name should be shown on the abstract in full, direct from the files of the County Clerk; the acknowledgment may be omitted. No provisions has been made by statute for the recording of such a certificate with the register of deeds, for the reason that the statute permitting the doing of business under an assumed name does not contemplate or authorize the taking of title, or any interest in real estate, in an assumed name.

A release of such an instrument should be made by the persons rather than the assumed name.

DEATH CERTIFICATES

NUMBER 32

Death Certificate

of

Nettie Effie Duboys

Date of death

January 1, 1930

Place of death

Hobart Township
Osceola Co., Michigan

Age

64 years and 1 day

Wife of

James P. Q. Duboys

Occupation

Housewife

Recorded January 3, 1930 in Liber 3 of Death Records, page 98 in the office of the County Clerk of Osceola County, Michigan.

Since October 11, 1947, where a deed is given by a survivor, a death certificate must be recorded in the office of the Register of Deeds.

Prior thereto, where a death certificate is not recorded in the Register's office, but is of record in the office of the County Clerk, it may be abstracted direct from the Clerk's records, thus saving the making and recording of a certified copy thereof. This is in cases where an abstract is being prepared and a death certificate needs to be shown prior to October 11, 1947.

Deeds by survivors either contain a reference to where the death certificate is recorded, or the death certificate is presented for record with the deed.

It is seldom that the name of the deceased grantee as it appears in the Register's office is the same as it appears in the death certificate, and if the information given in the death certificate or a general reading of the title does not clear the identity, then in such cases the examiner may require and record an affidavit of identity, and such an example is shown on the following page.

AFFIDAVIT OF DEATH AND IDENTITY

NUMBER 33

Affidavit

AFFIDAVIT

as to

Acknowledged June 1, 1933

Irma Hare and

Recorded June 2, 1933

Irma I. Hare.

Liber 1 Misc. Records, Page 47

State of Michigan, County of Osceola: as

Edward G. Hare, being first duly sworn, deposes and says that Irma Hare, the decedent named in a certain death certificate recorded in the office of the County Clerk of Lake County, Michigan, in Liber 2 of Death Records, Page 48, who died in the township of Chase, in said Lake County on the 15th day of March, 1923, was at the time of her death, the wife of affiant; that the decedent is the same identical person as Irma I. Hare, who is named as one of the grantees in that certain deed dated September 25, 1914, executed by John Jones and Mary Jones, his wife, to Edward G. Hare and Irma I. Hare, his wife and recorded in the office of the Register of Deeds of said Lake County, in Liber 21 of Deeds, Page 248, covering the property described therein as:

Northeast quarter of the Northeast quarter of Section Twenty-five, Town Seventeen North, Range Eleven West, Chase Township, Lake County, Michigan.

Affidavit signed and acknowledged by Edward G. Hare.

COMMENT: No attempt should be made to abstract an affidavit.

AFFIDAVITS GENERALLY The caption or heading of the affidavit should set out generally the nature of the affidavit, and the above form is suggested for all affidavits.

SHOWING OF ESTATES

First page of printed work sheet in INTESTATE ESTATES showing how data from Probate Files is transcribed to work sheet forms.

WORK SHEET

INTESTATE ESTATE—In Michigan

ABSTRACT OF PROBATE FILES—
(Michigan Title Ass'n Form).

2401—(M.T.A. 1—Rev. 1952)

DOUGLASS BROS. & CO., KALAMAZOO, MICH. 33661

Estate of Paulina Roosa, aka Roosa DECEASED.

Abstract of procedure in the Probate Court of Lake County, Mich. File No. 4446

FILING DATES

10-10-1953 Petition for Appointment of Administrator made by Joseph Roosa, son and one of the heirs at law of said deceased. Recites deceased died on 10-10-1952, intestate, an inhabitant of Yates Twp., Lake Co. County, Michigan.

Sworn to 8-11-1953

Lists heirs at law as follows:

NAMES	RELATIONSHIP	AGE	ADDRESS
<u>James Roosa</u>	<u>son</u>	<u>adult</u>	<u>441 Spincer, SE Grand Rapid, Mich</u>
<u>Joseph Roosa</u>	<u>son</u>	<u>adult</u>	<u>Milvana, Mich R#1</u>

X Order for Publication on Appointment of Administrator (and determination of heirs): (strike if not in the order) sets hearing for _____

X Proof of publication of above order; published from _____ to _____ in _____

10-10-53 Waiver of notice and consent to Appointment of Administrator ~~(and)~~ and Waiver of notice by registered mail as to all notices of hearing where notice is given by publication ~~(strike so as to conform)~~. Signed and acknowledged by James Roosa and Joseph Roosa

X Proof of service by registered mail; mailed on _____ 19____ to _____

10-10-1953 Order appointing William De Long as Administrator.

10-10-53 Bond of Administrator: Approved 10-10-1953

10-10-53 Letters issued to above named Administrator; dated 10-10-1953

The following pages, 2-3-4, show balance of an intestate estate.

Page 1

INTESTATE ESTATES - continued

DETERMINATION OF HEIRS PROCEDURE
(Where Determination is made during course of Administration)

FILING DATES

Petition by _____
(recite interest) of said estate for the determination of the heirs of deceased at the time
of death (or present time); recites deceased died on _____ 19____
Lists heirs as follows:

NAME	RELATIONSHIP	AGE	ADDRESS
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1-20-1954 *Petition for determination of heirs is included in the petition for allowance of final account*

(If petition is made in connection with some other petition, so state.)
Order for publication of above order; sets hearing for _____ 19____
Included in publication on final account
(If notice of hearing is given with some other order, so state.)

Proof of publication of above order; published from _____
to _____ in _____

Waiver of notice by registered mail as to above hearing, or (as to all notices of hearing where notice of hearing is given by publication) signed and acknowledged by _____

Proof of service by registered mail; mailed on _____ 19____
to _____

2-16-54 Testimony of *Joseph Rosa* and *James Rosa*;
shows heirs to be same as stated in above petition (*or if different show names*).

2-16-54 Order determining legal heirs at time of death (*or at present time*) to be same as shown in petition (*or if different show names*).

WIDOW'S ELECTION AND ALLOWANCE

Notice by _____ to widow to make election (testate).
 Election by _____ widow of deceased to take _____

Notice by _____ to widow to elect before sale of real estate.

Election of widow (intestate) as follows: _____

CLAIMS

10-10-1953 Order appointing time for hearing claims; sets hearing for _____ 12-29 1953

12-29-1953 Proof of publication of above order; published from 10-16-53
to 10-30-53 in Lake County, Ill.

Proof of service by registered mail; mailed on _____ 19____

Order allowing claims totaling \$ _____

12-29-53 Order closing hearing on claims; claims allowed same as above, or none presented, or allowed.

INTESTATE ESTATES - continued

APPRAISERS WARRANT AND INVENTORY

10-10-1953 Order appointing Appraisers.
 1-15-1954 Warrant and Inventory—Personal estate total \$ 463.40
 Real estate, mortgages, land contracts as follows: (List with values)
 Entire interest in:-
 8 1/2 of 8 E 1/4, Sec. 10 T17N, R12W
 Yates Twp, Lake Co. Mich.

SALE OF REAL ESTATE

X Petition by _____ of said estate, for license to sell real estate at private (or public) sale for the purpose of _____
 Lists interested persons as follows: _____
 Descriptions of real estate and values: _____
 Approval of petition for license to sell, attached to said petition and signed and acknowledged by _____
 X Waiver and notice and consent to sale of real estate signed and acknowledged by _____
 X Order for publication on sale of real estate; sets hearing for _____ 19____
 X Proof of publication of above order; published from _____
 to _____ in _____
 X Proof of service of above notice by registered mail; mailed on _____
 19____; to _____
 X Testimony of freeholders as to value on sale of real estate, as follows: _____
 X License to sell real estate for the purpose of _____
 granted to the fiduciary; fixes bond on sale at \$ _____; descriptions licensed to be sold and for not less than amount set opposite each description, as follows: _____
 X Bond on sale in amount of \$ _____; approved _____ 19____
 X Report of sale of real estate at private sale by fiduciary: reports sale of _____
 to _____
 For \$ _____ Copy of Deed (contract) attached.
 X Order confirming sale as above reported; and that conveyance be made

INTESTATE ESTATES - continued

FILING DATES

1-20-1954 Final account of fiduciary; shows payment of debts, funeral expenses, ~~amounts due widow and for minor children, if any,~~
 Lists personal estate on hand at \$ 187.40
 Lists real estate, mortgages and land contracts on hand as follows:
 (Same as in Warrant and Inventory)

2-16-54 Asks for allowance of same and for order of assignment of residue ~~(and)~~ ^{and} asks that heirs of deceased be determined. ~~(Strike so as to conform).~~
 Waiver of notice and consent to allowance of final account, signed and acknowledged by Joseph Rosa

1-20-54 Order for publication on final account, sets hearing for ^{and determining heirs} 2-16-19-54
 2-16-54 Proof of publication of above order; published from 1-29-54
 to 2-12-54 in Lake Co. Sta

X Proof of service of above notice by registered mail; mailed on 19 to

X Intangible tax fixed at \$ Paid 19 or Cleared 19

X Estate tax return filed.

X Receipt for estate tax return,—preliminary payment.

X Final audit and acceptance of estate tax return.

X Income tax clearance filed.

2-16-54 No Inheritance tax fixed at \$

X Receipt for Inheritance Tax signed by County Treasurer 19

2-16-54 Order allowing final account.

2-16-54 Order assigning residue:
 Descriptions of real estate:
 (Same as in Warrant & Inventory)

To the following named persons, shares as follows:
 James Rodway, son undivided 1/2
 Joseph Rosa, son undivided 1/2

Artified Copy of Order assigning Residue was recorded in Office of Registrar of Deeds on 2-20-1954 in Liber 21 Photo Records Page 96

Discharge of fiduciary on 2-16-1954

2401

File No. 4446

ESTATE OF

Pauling Rosa

First page of TESTATE ESTATES - in Michigan.
pages 2-3-4 are the same as in Intestate estates.

WORK SHEET

TESTATE ESTATES—In Michigan

ABSTRACT OF PROBATE FILES—
(Michigan Title Ass'n Form)

4402—(M.T.A. 2—Rev. 1952)

DOUBLEDAY BROS. & CO., KALAMAZOO, MICH. 39862

Estate of Helen Phipps DECEASED.

Abstract of Procedure in Probate Court of Lake County, Mich. File No. 4300

FILING DATES

7-26-52 Last Will and testament of above deceased.
(Show here unless shown elsewhere in Abstract.)

7-26-52 Petition for admission of Will to probate by W.D. Burns, a
legatee and the executor
named in said Will; recites deceased died on 7-28 1951,
leaving a Will dated 6-1 1950, and died a resident of
Baldwin, Lake County, Michigan;
Sworn to on 7-23 1952

Lists devisees, legatees and heirs as follows:

NAMES	RELATIONSHIP	AGE	ADDRESS
<u>W.D. Burns</u>	<u>legatee</u>	<u>adult</u>	<u>Chelsea, Mich.</u>
<u>Helen Phipps</u>	<u>sister</u>	<u>adult</u>	<u>Rose City, Mich.</u>

7-26-52 Order for publication on probate of Will; sets hearing for 8-26 1952

8-26-52 Proof of publication; published from 8-1-1952 to 8-5-52
in Lake Co. Star

X Proof of service by registered mail; mailed on _____ 19____
to _____

8-26-52 Waiver and consent to probate of Will ^{and} Waiver of Notice by registered mail as
to all notices of hearing where notice is given by publication ~~(strike so as to conform)~~.
Signed and acknowledged by W.D. Burns and Helen Phipps

X Order for personal service of notice on _____

X Proof of personal service on _____

8-26-52 Proof of execution of Will on hearing to probate, by John Jones
and one of the, subscribing witnesses.

7-26-52 Declination of trust by W.D. Burns executor named in Will.

8-26-52 Order admitting Will to probate; grants execution to Robert Burns
as executor for administrator W.D. Burns

8-26-52 Certificate of Probate: dated 8-26 1952.

8-26-52 Bond; approved 8-26 1952.

8-26-52 Letters issued to above named ~~executor~~ (Administrator)

First page of TESTATE ESTATES - Foreign Will,
pages 2-3-4 are the same as in Intestate estates.

WORK SHEET

TESTATE ESTATES—Foreign Will

ABSTRACT OF PROBATE FILES—
(Michigan Title Ass'n Form)

2403—(M.T.A. 3—Rev. 1952)

DOMESTIC BROS. & CO., KILANAZOO, MICH. 48860

Estate of Charles F. Bulp, a.k.a. Charles Bulp. DECEASED.

Abstract of Procedure in the Probate Court of Lake County, Mich. File No. 4400

FILING DATES

11-14-53 Petition for Admission of Foreign Will, by Fred C. Bulp, son, legatee and executor named in will of said deceased; recites deceased died on 2-23 1951, leaving a Will which was admitted to probate 2-28 1951 in the Probate Court of Auglaize County, State of Ohio; Sworn to on 11-4 1953

Lists devisees, legatees and heirs as follows:

NAMES	RELATIONSHIP	AGE	ADDRESS
<u>Dean Kohler</u>	<u>grandson</u>	<u>adult</u>	<u>Wapakoneta, Ohio</u>
<u>Robert Kohler</u>	"	"	"
<u>Fred C. Bulp</u>	<u>son</u>	"	"
<u>Bertha Kohler</u>	<u>daughter</u>	"	"
<u>Sara Bulp, named in the will of deceased as wife of deceased, died prior to the date of death of said Charles F. Bulp, and the deceased was a widower at the time of his death</u>			

11-14-1953 Exemplified copy of Will and order admitting same to probate by the Probate Court of Auglaize County, State of Ohio; admitted to probate in said Court on 2-28 1951.

(Show Will here unless shown elsewhere in abstract.)
11-14-1953 Order for publication for probate of Foreign Will; sets hearing for 12-8-1953

12-8-1953 Proof of publication of above order; published from 11-20-53 to 12-4-53 in Lake Co. Star

11-14-53 Waiver of notice and consent to admission of Will ~~and~~ Waiver of notice by registered mail as to all notices of hearing where notice is given by publication (~~strike so as to conform~~).

Signed and acknowledged by Fred C. Bulp, Bertha Kohler, Robert Bulp and Dean Kohler.
R.C. & D.K. also acknowledge satisfaction of the legacy "Item II" of the will through the probate proceedings in Probate Court, Auglaize Co. Ohio

X Proof of service of notice by registered mail; mailed on 19 to "

12-8-53 Order admitting Foreign Will to probate; grants administration to Ray Sutch as administrator, wwa.

12-8-53 Bond: approved 12-8-1953

12-8-53 Letters issued to above named Administrator; dated 12-8-1953