

ABSTRACT OF TITLE

TO

A part of the Southeast quarter, section 11 containing 15.754 acres and a part of the Southwest quarter section 12 containing 12.232 acres all located in township 11, (Plain), Range 8, Stark County, Ohio.

Plain Township Historical Society



ABSTRACT OF TITLE

TO

A part of the southeast quarter of section 11 and the southwest quarter section 12, township 11, (Plain), range 8, Stark County, Ohio, bounded and described as follows:

Beginning at the southwest corner of said southwest quarter section 12 said point is the true point of beginning for the tract of land herein conveyed; thence south 86 degrees 0 minutes east along the south quarter section line and the center line of Easton Street a distance of 510.61 feet to a point on said line; thence north 12 degrees 11 minutes west a distance of 343.41 feet to an iron pin; thence north 21 degrees 55 minutes west a distance of 276.62 feet to an iron pin; thence north 4 degrees 0 minutes east a distance of 317.56 feet to an iron pin; thence north 48 degrees 11 minutes west a distance of 922.63 feet to an iron pin; thence north 85 degrees 34 minutes west a distance of 136.18 feet to an iron pin; thence south 8 degrees 15 minutes west a distance of 870 feet to an iron pin; thence south 3 degrees 33 minutes west a distance of 396 feet to an iron pin; thence south 86 degrees 0 minutes east and parallel to the south quarter section line a distance of 623 feet to a point on the west quarter section line of ~~WEST~~ section 12; thence south 3 degrees 9 minutes west and along said west line a distance of 699.38 feet to the true place of beginning containing 15.754 acres in the southeast quarter of section 11 and 12.232 acres in the southwest quarter section 12, Plain Township, subject to all legal highways.

The above described premises are also subject to a water easement recorded in Stark County, Ohio, Recorder's Office, Misc. Vol. 3067, page 582, a copy of which easement is attached at the end of this abstract.

Plain Township Historical Society

42451

No. 2

All instruments are regular unless otherwise noted.

No. 3

Thomas Jefferson,  
President of the United  
States of America,

PATENT  
Dated Oct. 3, 1805  
Rec. for Rec. Oct. 3, 1805  
Vol. B, page 58

to

Jacob Sell

Conveys the Southeast Quarter of Section No. 11, Township No. 11, Range No. 8, Stark County, Ohio, of the lands directed to be sold at Steubenville.

No. 4

Jacob Sell

WARRANTY DEED \$2100.00.  
Dated \_\_\_\_\_, 1854  
Rec. for Rec. Feb. 11, 1856  
Two Witnesses  
Geo. Nile, N. P., Adams County,  
Pa.

to

John Sell of A.

Conveys the Southeast Quarter of Section No. 11, Township No. 11, Range No. 8, Stark County, Ohio, containing 161 acres.

Recites free and clear.

Marital status of grantor not given. See Section No. 86, hereir

No. 5

John Sell of A. and  
Elizabeth Sell,  
husband and wife,

WARRANTY DEED  
Dated Feb. 3, 1865  
Rec. for Rec. Sept. 9, 1865  
Vol. 89, page 75  
Two Witnesses.  
Edward Lanam, J.P.

to

Mary Bard.

Conveys the Southeast Quarter of Section No. 11, Township No. 11 (Plain), Range No. 8, Stark County, Ohio, excepting:-

- 1st: A 10-acre tract in the southeast corner owned by Joseph S. Goldsmith and recorded in Vol. 76, page 391;
  - 2nd: A 4-acre tract in the northwest corner owned by Henry Firestone and recorded in Vol. 73, page 65;
  - 3rd: A 3-acre tract in the southwest corner owned by Jacob Rousch and J. Richard and recorded in Vol. 64, page 487;
- Stark County, Ohio, Deed Records, leaving 143 70/100 acres herein conveyed.

Recites free and clear.

Tracts 2nd and 3rd, above recited, do no contain any part of the 24.67 acre tract hereinafter described.

No. 6

John Sell of A.

WARRANTY DEED  
Dated June 8, 1861  
Rec. for Rec. Aug. 27, 1861  
Vol. 76, page 391  
Two Witnesses  
Edward Lanam, J. P.

to

Joseph Goldsmith

Conveys the following: Part of the Southeast Quarter of Sec-



No. 6 cont'd.

tion No. 11, Township No. 11, Range No. 8, beginning for the same at the southeast corner of said Quarter; thence west with Quarter line 38 rods to a post; thence north parallel with the east line of Quarter 42 2/19 rods to a post; thence east parallel with first line 38 rods to post in Quarter line; thence south with Quarter line 42 2/19 rods to the place of beginning, containing 10 acres of land.

This deed shown for reference only.

No. 7

Samuel Bard and  
Mary Bard, his wife,  
of Allen County, Indiana.

to

John T. Warner

WARRANTY DEED  
Dated Mar. 30, 1868  
Rec. for Rec. Apr. 4, 1868  
Vol. 99, page 294  
Two Witnesses  
D. C. Fisher, N. P., Allen  
County, Indiana.

Conveys premises as described in Section No. 5, above.  
Recites free and clear.

No. 8

John T. Warner

to

Abraham Welty

WARRANTY DEED  
Deed Mar. 26, 1873  
Rec. for Rec. Mar. 30, 1877  
Vol. 148, page 144  
Two Witnesses  
A. Pontius, N. P.

Conveys the Southeast Quarter of Section No. 11, Township No. 11 (Plain), Range No. 8, Stark County, Ohio, excepting the five following tracts:-

- 1st Tract - Same as noted in Section No. 5, and described in Section No. 6, above;
- 2nd Tract - Same as noted in Section No. 5, above;
- 3rd Tract - Same as noted in Section No. 5, above;
- 4th Tract - Owned by Manias Warstler and described as follows:  
Beginning at a point on the Quarter line 38 rods west of the southeast corner of said Quarter; thence north with the line of Joseph Goldsmith's land 42 2/19 rods; thence west 11 rods and 2/5; thence south 42 2/19 rods; thence east 11 2/5 rods to the place of beginning, containing 3 acres;
- 5th Tract - Owned by Henry B. Goldsmith and recorded in Vol. 116, page 39, Stark County, Ohio, Deed Records, containing 2 27/100 acres.

the premises herein conveyed contains 139 acres.

Ellen Warner, wife of John T. Warner, releases dower only.

No. 9

Abraham Welty and  
Elizabeth Welty,  
husband and wife,

to

Manias Warstler

WARRANTY DEED  
Dated Jan. 30, 1874  
Rec. for Rec. Aug. 7, 1874  
Vol. 132, page 71  
Two Witnesses  
J. G. Williard, Surveyor

Conveys the following described premises:

Being part of the Southeast Quarter of Section No. 11, Township No. 11 (Plain), Range No. 8, Stark County, Ohio, beginning at the northeast corner of Elias Werstler's 10 acre tract, 694.76 feet north of the southeast corner of said Quarter; thence westerly with

No. 9 cont'd.

the north line of said Elias Werstler's land 9 chains 50 links to a stone and the northwest corner of said Elias Werstler's land; thence north 3 deg. east 6 chains to a post; thence north 6 deg. east 23 chains 62 links to a point on the north line of said Quarter Section; thence with said north line easterly 7 chains to a stone on the northeast corner of said Quarter; thence southerly with the east line of said Quarter 29 chains 63 links to the place of beginning, containing 24.67 acres of land.

Recites free and clear.

See Section No. 6, above, for description of Elias Werstler's 10-acre tract.

No. 10

Manias Warstler

to

Peter Graber

WARRANTY DEED

Dated Mar. 11, 1878

Rec. for Rec. Mar. 11, 1878

Vol. 154, page 171

Two Witnesses

William J. Piero, N. P.

Conveys premises as described in Section No. 9 above, containing 24.67 acres of land.

Recites free and clear.

Marital status of grantor not given. See Section No. 86 herein.

No. 11

The following Sections will trace the record of title to the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio.

No. 12

President of the  
United States

to

Tobias White

PATENT

Dated Feb. 7, 1955

Rec. for Rec. Feb. 14, 1955

Vol. 2299, page 184

Covers the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, west of the State Line of Ohio, containing 160 acres of lands directed to be sold at Steubenville, Ohio.

Said Patent granted as and for a Patent intended to have been issued January 20, 1812.

No. 13

I find no deed from Tobias Wise. It is presumed that the Patent was intended for Tobias Wise. See Section No. 86, herein.

No. 14

I find no Estate of Tobias Wise recorded in Stark County, Ohio.

No. 15

I find no Will of Tobias Wise recorded in Stark County, Ohio.



No. 16

I find no record of the heirs of Tobias Wise other than in the Partition suit shown hereafter.

No. 17

The Tax Records of 1839 lists Tobias Wise as the owner of said Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio.

No. 18

John Wise

VS

Mary Wise, Widow,  
Samuel Wise,  
John Ream and  
Margaret Ream,  
husband and wife,  
Benjamin Fritz and  
Mary Fritz,  
husband and wife,  
Elizabeth Wise,  
Jacob Wise,  
Hannah Wise, and  
Henry Wise.

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

Doc. J, page 528

PETITION FOR PARTITION

1839 - Apr. 8 - Petition filed.  
" - Sept. 9 - Guardian ad litem.  
" " " - Partition ordered.  
" Nov. 9 - Writ of Partition ordered.  
1840 - Apr. 20 - Report of Commissioner's approved.  
Sale ordered except to reversionary  
interests.  
Council fees of \$15.00 allowed.  
1841 - Jan. 14 - Order to sell issued.  
" Mar. - Returned sold.  
" Apr. 12 - Sale approved and deed ordered.  
1855 - Aug. 11 - Motion to amend the record filed.  
Clerk and Sheriff ordered to amend  
record.

Costs paid.

No. 19

Petition recites that, "Tobias Wise died seized in fee of the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, in Stark County, Ohio, and other premises; that he died leaving Mary, his widow, residing in Stark County, and the following his heirs at law:

1. Samuel Wise,
2. Margaret, now intermarried with John Ream,
3. Elizabeth Wise,
4. Jacob Wise,
5. Hannah Wise,
6. Henry Wise, and
7. Mary, now intermarried with Benjamin Fritz; that John, the plaintiff, is entitled to an undivided one-eighth part of said described land subject to the dower interest of Mary Wise, the widow; and that Henry Wise and Hannah Wise, defendants, are minors under age." Partition is prayed for.

Samuel Pease was appointed Guardian ad litem for both minor defendants.

The Answer of Samuel Pease, guardian ad litem, asks the Court to protect the interests of said minors.

The Journal Entry ordering Partition finds that each of said children is entitled to an eighth part of said lands, subject to the dower interest of the widow. Order of Partition also recites "and it also appearing that notice of the pendency of said petition has been given as required by law."

No. 21

Writ of Partition orders three appraisers to appraise and set-off, etc.

Writ of Order of Appraisement set-off to Mary Wise, widow of Tobias Wise, part of the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, described as beginning at the southwest corner of Section No. 12, Township No. 11, Range No. 8, thence north  $\frac{1}{4}$  chains; thence north  $78 \frac{1}{2}$  deg. east 32 chains 94 links; thence south 20 chains 75 links; thence west 32 chains 29 links to the place of beginning, containing  $56 \frac{1}{2}$  acres.

Said Commissioners further found that said premises could not be divided without manifest injury to the value and therefore appraised the value of the same at \$500.00 and the value of the Quarter Section at \$2000.00. This valuation of the widow's dower included premises in Richland County and the east half of a lot in Osnaburg.

There is no report that parties neglected to take at the appraised value.

Report of sale shows that sale of said premises was advertised in the Stark County Democrat at least 3 days prior to the 20th day of March, 1841, which was the sale date, at which sale Adam Wise bid to pay for the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, excepting the dower of Mary Wise, the sum of \$1367.00, which was the highest and best bid and more than Two-thirds of the appraised value, one-half to be paid cash and one-half in one year.

The  $56 \frac{1}{2}$  acres set off to Mary was appraised at \$500.00, and the remainder of the Southwest Quarter at \$2000.00, but statement in appraisal is confused. See Section No. 22, following.

No. 22

Record Vol. R, page 298, shows that upon motion of defendants, and plaintiff in this case having waived noticed, the Court, on inspection of the trial docket, finds that the former Journal Entry is erroneous and the following order was made:

"It appeared that neither of the parties elected to take said estate at the valuation thereof as returned by the Commissioners, it is ordered that said estate be sold at public auction ('excepting that part covered by the dower estate of Mary Wise and assigned to her in the proceedings')"

It is ordered that the Sheriff amend his return to conform to the facts so that it shows Adam Wise bid \$1367.00 for the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, excepting that part covered by the dower estate of Mary Wise. (1851)



The Sheriff's deed was delivered in 1841 and confirmation had.  
See Section 24, herein.

No. 23

Jrl. Vol. V, page 406, under date of Saturday, August 11, 1855, shows a Journal Entry recorded that the former Journal Entry recorded in the April term of 1840 was erroneous in that it did not order all the real estate described in the petition except the reversion interests of that part covered by the dower estate of Mary Wise, and the following amendment to the return of the Sheriff was ordered: "and at said sale, so held as aforesaid, Adam Wise bid to pay for the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, in said County, excepting that part thereof covered by the dower estate of Mary Wise, therein, the sum of \$1367.00."

See Section No. 30, herein.  
Also see Section No. 86, herein.

No. 24

Daniel Raffenspirger,  
Sheriff of Stark County,

to

Adam Wise

SHERIFF'S DEED  
Dated Apr. 12, 1841  
Rec. for Rec. June 18, 1841  
Vol. Z, page 340  
Two Witnesses  
S. Myer, N. P.

Conveys the Southwest Quarter of Section No. 12, Township No. 11 (Plain), Range No. 8, Stark County, excepting the dower interest of Mary Wise therein contained.

Deed recites "that on April 8, 1839, John Wise filed his certain petition in the Court of Common Pleas in Stark County against Mary Wise, widow of Tobias Wise, deceased, Samuel Wise, John Ream and Margaret, his wife, Benjamin Fritz and Mary, his wife Elizabeth Wise, Jacob Wise, Hannah Wise and Henry Wise, demanding partition of certain real estate hereinafter described, and whereas such proceedings were had upon said petition; that at the April term of said Court, A. D. 1840, the Sheriff of Stark County was ordered to sell said real estate at public auction, and the said Sheriff having caused the same to be daily advertised, did on the 20th day of March, A. D. 1841, sell said real estate at public auction to one Adam Wise for the sum of \$1367.00, which sale was afterwards at the April term of said Court, A. D. 1841, approved and confirmed and the said Sheriff ordered to execute and deliver a deed in fee simple to the purchaser of said real estate all of which will more fully appear, reference being had to the records of said Court."

I find no record of the reformation or cancellation of any part of this deed or the premises described therein.

See Section No. 36 following.

No. 25

Henry C. Wise

vs

Samuel Wise and  
Hannah Wise,  
Benjamin Frits and  
Polly Frits,  
John Sell and  
Elizabeth Sell

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

Vol. V, page 27

IN PARTITION



No. 25 cont'd.

1851 - Mar. 11 - Bill filed.  
" May 5 - Partition ordered.  
" " " - Writ issued.  
" " 26 - Election confirmed and deed ordered.

Costs paid.

No. 26

Petition recites that Henry C. Wise, plaintiff, is the owner of 5/8 undivided interest of 56 1/2 acres of land as described in Section No. 30, herein, "which is covered by the dower estate of Mary Wise, widow of Tobias Wise" and subject to said dower estate. That Hannah Wise, Polly Frits and Elizabeth Sell each own an undivided one-eighth interest of said 56 1/2 acre tract.

No. 27

Appraisers appraise said 56 1/2 acre tract, subject to the dower of Mary Wise, at \$500.00.

No. 28

Notice by publication on the six defendants was had in the Stark County Democrat six weeks and after March 11, 1851.

No. 29

Henry C. Wise elected to take and deed was ordered to him.

No. 30

George N. Webb,  
Sheriff of Stark County  
  
to  
  
Henry C. Wise

SHERIFF'S DEED  
Dated May 26, 1851  
Rec. for Rec. May 26, 1851  
Vol. 48, page 215  
Two Witnesses  
John Richard, J.P.

Deed recites: "Henry C. Wise filed his certain petition in the Court of Common Pleas against Samuel Wise, Hannah Wise, Benjamin Fritz, Polly Fritz, John Sell and Elizabeth Sell demanding partition of certain real estate hereinafter described and whereas such proceedings were had upon said petition, that the Commissioners appointed by said Court to make partition of said Estate, made report that partition of the same could not be made without manifest injury and that the value thereof was \$500.00, and whereas at the May term of 1851 of said Court the said report of said Commissioners was approved and confirmed by said Court and the said Henry C. Wise, electing to take said real estate at the valuation of said Commissioners and having paid to the said Samuel Wise, Hannah Wise, Benjamin Fritz and Polly Fritz, John Sell and Elizabeth Sell their respective proportions at the appraised value thereof, the said Court did adjudge the said estate to the said Henry C. Wise and did order the said Sheriff to execute a deed in fee simple for the same to the said Henry C. Wise, all of which will more fully appear, reference being had to the records of said Court.

Now, therefore, George N. Webb, the Sheriff, aforesaid, in consideration of the premises and by virtue of the powers in me vested by law do by these presents conveys to Henry C. Wise, his heirs and assigns, part of the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8.



Beginning at the southwest corner of said Quarter; thence north 14 chains, 19 links; thence north 78 1/2 deg. east 32 chains and 94 links; thence south 20 chains, 75 links; thence west 32 chains, 29 links to the place of beginning, containing 56 1/2 acres. Subject to the dower estate of Mary Wise, widow of Tobias Wise, deceased, in the whole of said premises."

Refers to Vol. V, page 27, Stark County Clerk's Office.

No. 31

John Wise and  
Carrilla Wise, his wife,  
of Guernsey Co.,

to

Jacob Wise

QUIT CLAIM DEED \$150.00  
Dated Nov. 1, 1839  
Rec. for Rec. June 21, 1848  
Vol. 40, page 471  
Two Witnesses  
James Stockdan, J.P.

Quit claims the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, situated in Stark County, aforesaid, and formerly owned and possessed by one Tobias Wise, late of Stark County, aforesaid, deceased, of whom the said John Wise is a son and heir at law.

No. 32

Jacob Wise and  
Mary Wise, his wife,

to

Samuel Wise

QUIT CLAIM DEED \$200.00  
Dated May 10, 1848  
Rec. for Rec. June 21, 1848  
Vol. 40, page 472  
Two Witnesses  
Peter Lautzenheiser, J.P.

Quit claims all title, interest and estate, legal and equitable in following premises:

Being part of the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, beginning at the southwest corner of said Quarter, thence north 14 chains, 19 links; thence north 78 1/2 deg. east 32 chains and 94 links; thence south 20 chains, 75 links; thence west 32 chains, 29 links to the place of beginning, containing 56 1/2 acres.

No. 33

John Ream and  
Rebecca Ream, his wife,

to

Henry C. Wise

QUIT CLAIM DEED \$110.00  
Dated May 25, 1850  
Rec. for Rec. Nov. 30, 1855  
Vol. 63, page 241  
Two Witnesses  
Martin Hoover J. P.

Quit claims all title, interest and estate, legal and equitable in the following real estate: Being the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio, and formerly owned and possessed by Tobias Wise, late of Stark County, deceased, and whom the said John Ream is a son-in-law and heir-at-law.

No. 34

Samuel Wise,

to

Henry C. Wise

QUIT CLAIM DEED \$330 .00  
Dated Mar. 11, 1851  
Rec. for Rec. Nov. 30, 1855  
Vol. 63, page 240  
One Witness  
Seraphim Meyer, N. P.

Quit claims all right, title and interest and estate in the



No. 34 cont'd.

Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio, "my interest being three undivided eighth parts of that part of said Quarter which is covered by the dower estate of Mary Wise, widow of Tobias Wise, late of said County of Stark, deceased."

No. 35

Mary Wise, widow of  
Tobias Wise, deceased,

and

Henry C. Wise

AGREEMENT

Dated June 2, 1856

Rec. for Rec. June 19, 1856

Vol. 64, page 436

Two Witnesses

Edward Lanum, J. P.

Agreement recites, "in consideration of the release of the said Mary Wise to John Bloomfield of her dower estate in and to a part of the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio, containing 56 1/2 acres, the benefit and emoluments of which was and is to accrue to the said Henry C. Wise, and for the further consideration of love and affection, the said Henry C. Wise hereby agrees and binds himself, his heirs and assigns, to provide for the mentainance of the said Mary Wise for and during her natural lifetime to the amount of \$55.00 per annum, which amount is to be paid by said Henry C. Wise to said Mary Wise each and every year on demand made by said Mary of her order. Provided and it is a part of this agreement that if the said Mary shall live with the said Henry then the said Henry shall be released from payment of the aforesaid sum of \$55.00 per annum to be reconed in the same ratio for the time that said Mary may live with the said Henry. And after the death of the said Mary, the said Henry is to be fully released from the payment of any sum or sums of money or the giving of any property that may have belonged to the said Mary Wise to any of the heirs of said Mary. It is a part of this agreement that said Henry C. Wise is to have the benefit of all or any property of said Mary Wise after her death as a consideration for the proper and decent mentainance of said Mary as before mentioned."

I find no deed of Quit Claim from Hannah Wise or Mary Fritz. I find no record of necessity for such deeds.

No. 36

Adam Wise,

to

John Bloomfield

WARRANTY DEED

Dated May 22, 1855

Rec. for Rec. May 22, 1855

Vol. 61, page 288

Two Witnesses

S. Slanker, J. P.

Conveys the Southwest Quarter of Section No. 12, Township No. 11 (Plain), Range No. 8, Stark County, Ohio, containing 160 acres.

Deed recites "For the consideration of natural affection and by way of advancement of the sum of \$2500.00 to my daughter, Rebecca wife of John Bloomfield of said County."

Recites also that the same is subject to the right of dower of Mary Wise.

Marital status of grantor not given. See Section No. 86, herein



John Bloomfield  
to  
Andrew V. Pontius

WARRANTY DEED  
Dated Apr. 1, 1872  
Rec. for Rec. Apr. 1, 1872  
Vol. 117, page 229  
Two Witnesses  
A. Pontius, N. P.

Conveys the Southwest Quarter of Section No. 12, Township No. 11 (Plain) Range No. 8, Stark County, Ohio, containing 160 acres.

Rebecca Bloomfield, wife of John Bloomfield, releases dower only.

I find no record of the death of Mary Wise, widow of Tobias Wise.

Andrew V. Pontius  
to  
Peter Graber

WARRANTY DEED  
Dated Apr. 4, 1876  
Rec. for Rec. Apr. 8, 1876  
Vol. 141, page 471  
Two Witnesses  
George Violand, N. P.

Conveys the Southwest Quarter of Section No. 12, Township No. 11, Range No. 8, Stark County, Ohio, containing 160 acres.

Maria Pontius, wife of Andrew V. Pontius, releases dower only.

Refer to Section No. 10 herein for balance of chain of title.

Peter Graber  
to  
The East Ohio Gas Company

RIGHT OF WAY  
Dated Aug. 10, 1908  
Rec. for Rec. Jan. 18, 1909  
Vol. 477, page 346

Covers Plain Twp. lands for purpose of transporting gas and for telephone lines. Bounded on north by Mrs. Bedler; on south by Beare farm; on east by Michie Klopresstine; and on west by grantor. Acres not given.

Marital status of grantor not given.

PETER GRABER'S ESTATE

IN THE PROBATE COURT,  
STARK COUNTY, OHIO

No. 21166  
Adm. Doc. V, page 527

- 1928 - Dec. 14 - Application to probate Will filed. Hearing set for Dec. 21, 1928, at 9:00 A.M.
- " " 21 - Waiver of notice filed.
- " " 22 - Hearing had. Will admitted to probate and record.
- " " 28 - Application for letters filed. John Graber and Mary Combs, Executors.
- " " " Bond waived by Will.
- " " " Letters issued.
- 1929 - Jan. 9 - Inventory and appraisement filed.



- 1929 - Jan. 9 - Petition to sell personal property filed. Hearing had. Sale ordered.
- " " 28 - Proof of publication filed.
- " Apr. 20 - Statement issued to County Auditor.
- 1930 - Dec. 5 - Final account filed.
- " " " - Hearing had. Report of sale of personal property confirmed.
- 12/5/30 - Petition to determine inheritance tax filed.
- 12/9/30 - Hearing had. Estate found not subject to tax.

Costs paid.

No. 41

PETER GRABER'S WILL

IN THE PROBATE COURT, STARK COUNTY, OHIO

Will Rec. 57, page 580

"Canton, Ohio, December 1st, 1904

I, Peter Graber of the Township of Plain, County of Stark and State of Ohio, and being of sound and disposing mind and memory, do make and declare this my Last Will and Testament in manner following:

FIRST I direct my executors hereinafter named to pay out of my estate, as soon as possible after my decease, all my just debts, together with the expenses of my last sickness and my funeral expenses."

SECOND I give and bequeath unto my beloved wife, Mary Graber, all my Real Estate and Personal Property of which I may die seized after my just debts paid, to hold during her natural life and at her death the Real Estate and Personal Property is to be sold by my Executors and the proceeds is to be equally divided between my children share and share alike - Emma Graber, Mary Graber Combs, Catharine Graber Reed, Eli Graber, John Graber, Alice Graber and Eldora Graber.

THIRD I hereby appoint my son, John Graber, and my daughter, Mary Combs, as Executors of this my last will and testament.

To which I hereby set my hand and seal the day and year above written.

(Signed) Peter Graber"

Witnesses: J. W. Pontius  
Edward G. Bockius

No. 42

The Application for Letters, filed in the above Estate, states that Peter Graber, a resident of Plain Township, died on or about December 5, 1928, at Plain Township, Ohio, leaving no widow and the following persons all of his known next of kin:

Emma Graber	Canton, Ohio	Adult	Daughter
Eli Graber	" "	"	Son
Eldora Best	" "	"	Daughter
Mary A. Combs	" "	"	"
John Graber	" "	"	Son
Kate Reed	Detroit, Mich.	"	Daughter



No. 42 cont'd.

Alice Graber is not named as next of kin. (See. Sec. 95 hereir re death of Alice Graber).

No. 43

The Inventory and Appraisement, filed in the above estate, lists the premises in question and appraises the same at \$18,500.00.

This appraisal should be considered with proceedings in Section No. 51, herein.

No. 44

PETER GRABER'S ESTATE

IN THE PROBATE COURT, STARK COUNTY, OHIO

No. 37482  
Adm. Doc. 36, page 285

1943 - July 17 - Applications for letters filed. Mary A. Combs, Administratrix de bonis non with the Will annexed.  
" " " Bond of \$3000.00 with Emma Graber and Mable Deuble as sureties filed and approved.  
" " " Letters issued.  
" Aug. 20 - Proof of publication filed.  
1944 - June 13 - First and final account filed.  
1946 - Feb. 5 - Account approved.  
" " " - Hearing had on oral application, Court authorizes and approves allowance of attorney fees.  
Costs paid.

No. 45

The Application for Letters of Administration de bonis non with the Will annexed, filed in the above estate, lists the following persons as next of kin:

Eli Graber (deceased)	Canton, Ohio	Adult	Son
John Graber (deceased)	" "	"	"
Emma Graber	" "	"	Daughter
Kate Reed	Detroit, Mich.	"	"
Eldora Best (deceased)	Canton, Ohio	"	"
Mary A. Combs	" "	"	"
Austin Graber	" "	"	Grandson
Walter Graber	" "	"	"

No. 46

The Application for letters recites that John Graber, the Executor, of said decedent, died on the 29th day of June, 1943, without fully administering said Estate.

The Declination of Administration recites that Walter J. Graber, Austin P. Graber, Emma Graber and Mary A. Combs voluntarily renounce the administration of said Estate and recommend the appointment of Mary A. Combs as administratrix de bonis non with will annexed.



Mary A. Combs, Administratrix de bonis non with the Will annexed of the Estate of Peter Graber, deceased,

IN THE PROBATE COURT, STARK COUNTY, OHIO

vs

No. 37482  
Doc. (Civ) 28, page 176

Emma Graber,  
Mary A. Combs,  
Walter Graber,  
Austin Graber,  
Mary A. Combs, Administra-  
trix de bonis non of the Estate  
of Eli Graber, dec'd.,  
Roy C. Best,  
Kate Reed, and  
Walter Graber and  
Austin Graber, Administrators  
of the Estate of John Graber,  
deceased.

SALE OF REAL ESTATE

1943 - Sept. 2 - Petition to sell real estate filed.  
" " " Waivers of the following filed: Kate Reed,  
Mary A. Combs, Admrx. of Estate of Eli Graber  
Walter J. Graber, Ardis Graber, Emma Graber,  
John B. Reed, Mary A. Combs, Austin Graber,  
Clara Graber, Roy C. Best, Walter J. Graber  
and Austin Graber, Admrs. of the Estate of  
John Graber, deceased.  
1944 - May 2 - Answer and Cross-petition of Emma Graber filed  
" " " - Bond of \$16,000.00 with Emma Graber and Mable  
Deuble as sureties filed and approved.  
" " " - Hearing had. Judgment granted and private  
sale ordered.  
" " " Order of private sale issued.  
" " " Order of sale for Tract No. 1 & No. 2 re-  
turned, sold to Emma Graber for \$18,000.00.  
" " " Hearing had. Sale of Tract No. 1 & No. 2  
confirmed and deed and distribution ordered.  
Costs paid.

No. 48

The Petition to sell real estate, filed in the above action, recites as follows:

"The plaintiff is the duly appointed, qualified, and acting administratrix de bonis non with the will annexed of the estate of Peter Graber, deceased, late of this County; as near as can be ascertained the amount of the valid debts against said deceased is Four Thousand Dollars (\$4000.00) and the cost of the administering of the Estate will be about One Thousand Dollars (\$1000.00).

The total value of the personal property of the said decedent when sold amounted to approximately Eight Hundred Dollars (\$800.00) and said personal property is wholly insufficient to pay the debts of the decedent and the costs of administering his Estate."

"Said decedent died seized in fee simple of the following described real estate situated in the Township of Plain, County of Stark, State of Ohio, and further known as and being."

including those  
(Describes premises ~~xxx~~ shown in the heading of this Abstract of Title)

"Said real estate was included in the inventory of the Estate pursuant to the order of this Court and appraised at Eighteen Thousand, Eight Hundred and Fifty Dollars (\$18,850.00)



The decedent died leaving no widow and the defendants, Mary A. Combs; Kate Reed; Emma Graber; John Graber, now deceased, and whose estate is being administered by Walter Graber and Austin Graber as administrators; Eli Graber, whose estate is being administered by Mary A. Combs as administratrix de bonis non; and Eldora Graber Best, deceased, who is survived by her husband, Roy C. Best, who are all the heirs or persons entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein. John B. Reed is the husband of the defendant, Kate Reed, and Ardis Graber and Clara Graber are the wives of the defendants, Walter Graber and Austin Graber, respectively. There are no other persons who have any interest in said real estate.

Plaintiff says that the defendant, Emma Graber, claims an interest in said lands by reason of money owing to her by plaintiff's decedent, and plaintiff admits there is some money owing to the said defendant, Emma Graber, exact amount being unknown to this plaintiff.

WHEREFORE, plaintiff prays that said real estate be sold, that the rights, interests, and liens of all parties may be fully determined, adjusted, and protected, and that the petitioner be authorized and ordered to sell said real estate according to the statutes in such case made and provided, and for such other and further relief as she may be entitled to."

No. 49

The Answer and Cross-petition of Emma Graber, filed in the above action, recites as follows:

"Now comes Emma Graber, one of the defendants herein, and admits the appointment and qualifications of Mary A. Combs as the acting administratrix de bonis non, with the will annexed, of the estate of Peter Graber, deceased. Further admits that the debts of the decedent amount to approximately \$4,000.00, and that the cost of administering said decedent's estate will approximate \$1,000.00. Further admits that the personal assets of the estate are insufficient to pay the debts of said decedent.

This defendant hereby expressly consents to the sale of the real estate described in the plaintiff's petition for the purpose of paying debts of the estate.

#### CROSS PETITION

For her cross-petition this defendant says that prior to the death of the decedent, she advanced and loaned to the decedent, Peter Graber, the sum of \$4000.00, which sum decedent agreed to repay to this defendant. This defendant says that said decedent agreed to pay 4% interest on said money loaned.

This defendant says that during the lifetime of the decedent, he repaid to her the sum of \$880.00, leaving a balance of \$3,120.00 at the time of decedent's death. That following the decedent's death, she has received interest at the rate of 4% per annum, and that said interest was received up until the year 1940. That said interest was paid to her by the estate of Peter Graber, deceased.

The defendant says that as of this date there is owing to her on the principal and interest the sum of \$3,494.40.

WHEREFORE, this defendant prays that her claim against the estate of Peter Graber, amounting to \$3,494.40, be protected and that if the real estate described in plaintiff's petition be sold, that she be paid the amount of the judgment found due her; that the judgment be paid prior to any distribution to the heirs of said estate, and for all such other and further relief to which she may be entitled."



The Journal Entry granting judgment and ordering private sale of Real Estate, filed in the above action, recites as follows:

"This day this cause came on further to be heard, the Court finds that the allegations in Plaintiff's petition to be true and that it is necessary to sell said real estate to pay debts. Re-appraisal of the real estate is unnecessary and the first appraisal in the inventory of said estate is hereby approved, said appraisement being \$18,000.00."

"The Court further finds that the defendant, Emma Graber, has a prior lien against said real estate in the sum of \$3,494.40.

And the plaintiff above named, having given additional bond dated 9th day of December, 1943, in the sum of \$16,000.00, with Emma Graber and Mable Deuble sureties, conditioned according to law and approved by the Court. And it appearing to the court it would be to the interest of said estate to sell the real estate described in the petition at private sale.

It is now ordered that said plaintiff proceed to sell the real estate at private sale at not less than the appraised value thereof, upon the following terms, to-wit: Cash. And that the said plaintiff make due return to this Court."

No. 51

The return of the Order of Sale recites that Tracts 1 & 2 were sold to Emma Graber for \$18,000.00, the appraised value thereof.

No. 52

The Journal Entry confirming sale orders Mary A. Combs, administratrix de bonis non with the Will annexed, of the Estate of Peter Graber, deceased, to execute a good and sufficient warranty deed to Emma Graber for the premises described in the heading of the Abstract of Title. (See Sec. 91 and following for deeds of release for premises sold in this action).

No. 53

Peter Graber, deceased

to

Mary Graber, widow,  
Emma Graber,  
Mary Graber Combs,  
Catharine Graber Reed,  
Eli Graber,  
John Graber,  
Alice Graber, and  
Eldora Graber.

AFFIDAVIT OF TRANSFER OF  
REAL ESTATE DEVISED

Dated Mar. 11, 1929

Rec. for Rec. Apr. 1, 1929

Vol. 958, page 317 (deed Rec.-  
Wills)(as of Apr. 1, 1929)

Alva L. Deal, Probate Judge.

Above recites "I hereby certify that on the 22nd day of December, 1928, the last will and testament of Peter Graber, late of said county, was duly admitted to probate in this Court, and the same has been duly recorded in Will Rec. 57, page 580, that by the terms of said will certain real estate was devised to Mary Graber (widow, now deceased), Emma Graber, Mary Graber Combs, Catharine Graber Reed, Eli Graber, John Graber, Alice Graber and Eldora Graber.



That the following is a description of said real estate such as is contained in the will, real estate to go to widow during her natural lifetime and at her death same was to be sold and the proceeds divided between above named children, share and share alike."

This shows affidavit of transfer issued from Probate Court, but does not follow instructions in the Will of Peter Graber.

No. 54

ELDORA BEST'S ESTATE

IN THE PROBATE COURT, STARK COUNTY, OHIO

No. 30321

Adm. Doc. 30, page 305

1937 Nov. 12 - Application for letters filed. Roy Best, administrator.  
" " " - Bond of \$3200.00 with Mary A. Combs and John B. Graber as sureties filed and approved.  
" " " Letters issued.  
" Dec. 9 - Proof of publication filed.  
1939 Mar. 4 - Petition for sale of personal property filed. Hearing had. Sale ordered.  
" " 18 - Petition for distribution filed. Hearing had. Distribution ordered.

2/17/55 - Petition to determine inheritance tax filed.

3/8/55 - Hearing had. Estate found not subject to tax.

No further record.  
Costs are paid.

No. 55

The application for letters, filed in the above estate, recites that Eldora Best, a resident of Canton, Ohio, died March 5, 1937, leaving Roy Best, her widower, and the following persons all of her known next of kin:

Emma Graber	Canton, Ohio	Adult	Sister
Mary A. Combs	" "	"	"
Mrs. J.B. Reed	Detroit, Mich	"	"
Eli L. Graber	Canton, Ohio	"	Brother
John B. Graber	" "	"	"

No. 56

I find no inventory and appraisement filed in the above estate.

No. 57

ELI GRABER'S ESTATE

IN THE PROBATE COURT, STARK COUNTY, OHIO

No. 36408

Adm. Doc. 35, page 348

1942 Oct. 2 - Application for letters filed.  
" " 2 - John Graber, administrator.  
" " 2 - Bond of \$3,000.00, with Emma Graber and Mary Combs as sureties filed and approved.  
" " 2 - Letters issued.  
" " 22 - Proof of publication filed.



No. 57 cont'd.

- 1942 Dec. 2 - Inventory and appraisement and waiver filed. Hearing set for Jan. 20, 1943, at 10:00 A.M. and notice by publication ordered.
- 1943 Jan. 18 - Proof of publication approved.
- " " 20 - Hearing had. Inventory and appraisement approved.
- 12/4/42 - Petition to determine inheritance tax filed.
- 12/8/42 - Hearing had. Estate found subject to tax: Gross, \$13,163.21; Pers., \$5788.21; Real, Canton, \$1200.00, Plain, \$5175.00; Total \$7375.00; Debts, \$3306.64; Net, \$9856.57; Tax, \$392.84. Waiver and Notices ordered.
- 12/10/42 - Waiver of Department of Taxation filed.
- 12/11/42 - Waiver of next of kin filed.
- 12/19/42 - Acknowledge receipt for \$393.52 Inh. tax from Auditor of State filed.

Costs paid.

No. 58

The Application for letters, filed in the above estate, recites that Eli Graber, a resident of Plain Township, died on December 3, 1941, leaving no widow and the following persons all of his known of kin:

Emma Graber	Canton, Ohio	Adult	Sister
Mary Combs	" "	"	"
Kate Reed	Detroit, Mich.	"	"
John Graber	Canton, Ohio	"	Brother

No. 59

The Inventory and Appraisement, filed in the above estate, lists the "undivided share in the estate of Peter Graber Estate" and appraises the same for \$2500.00..

No. 60

ELI GRABER'S ESTATE

IN THE PROBATE COURT, STARK COUNTY, OHIO

No. 37486  
Adm. Doc. 36, page 287

- 1943 July 19 - Application for letters filed. Mary A. Combs administratrix de bonis non.
- " " " Bond of \$1000.00 with Emma Graber and Mable Deuble as sureties filed and approved.
- " " " Letters issued.
- " Aug. 12 - Inventory filed.
- " " 20 - Proof of publication filed.
- " Sept. 2 - Petition for sale of personal property filed. Hearing had. Sale ordered.
- " Dec. 20 - Additional Bond of \$11,000.00 with Emma Graber and Mable Deuble as sureties filed and approved.
- 5/10/44 - Supplemental petition to determine inheritance tax filed.
- 5/17/44 - Hearing had. Estate found subject to tax as follows: Gross, \$3737.29; Pers., \$3737.29; Net, \$3737.29; Tax, \$186.80. Notices and waivers ordered.



No. 60 cont'd.

- 5/20/44 - Waiver from Department of taxation filed  
 5/29/44 - Waiver from next of kin filed.  
 5/29/44 - Acknowledgment of receipt of \$208.75  
 Inheritance tax from Auditor of State.

Costs paid.

No. 61

The Application for Letters of Administration de bonis non, filed in the above estate, recites that Eli Graber, a resident of Plain Township, died December 3, 1941, leaving no widow and the following persons all of his known next of kin:

Kate Reed	Detroit, Mich.	Adult	Sister
Mary A. Combs	Canton, Ohio	"	"
Emma Graber	" "	"	"
John Graber (deceased)			
Walter Graber	Canton, Ohio	"	Nephew
Austin Graber	" "	"	"

No. 62

The Inventory and appraisalment, filed in the above estate, lists the "Undivided share in Estate of Peter Graber Estate" and appraises the same for \$2500.00.

No. 63

JOHN B. GRABER'S ESTATE

IN THE PROBATE COURT, STARK  
 COUNTY, OHIO

No. 37441

Adm. Doc. 36, page 265

- 1943 July 6 - Application for letters filed. Walter J. Graber and Austin P. Graber, administrators.  
 " " " Bond of \$15,000.00 with St. Paul Mercury Indemnity Co. of St. Paul, Minn. as sureties filed and approved.  
 " " " Letters issued.  
 " Aug. 5 - Proof of publication filed.  
 " Nov. 22 - Inventory, appraisalment and waiver filed.  
 " " 29 - Hearing had. Inventory and appraisalment approved.  
 " Dec. 7 - Petition for sale of personal property filed. Hearing had. Sale ordered.  
 1944 Mar. 27 - Petition for distribution of assets in kind filed. Hearing had. Distribution authorized.  
 " " " Application for certificate of transfer of real estate filed. Hearing had. Real Estate ordered transferred. Certificate issued. (not our property  
 " " " Report of sale filed. Hearing had. Sale of personal property authorized.



No. 63 cont'd.

- 1944 June 13 - Petition for distribution of assets in kind filed.  
Hearing had. Distribution in kind ordered.
- " July 31 - Final account filed.
- " Aug. 31 - Account approved.
- " July 31 - Report of distribution filed. Hearing had. Dis-  
tribution authorized.
- 1945 Sept. 7 - Petition to sell personal property filed. Hearing  
had. Personal property ordered sold.
- 6/13/44 - Petition to determine inheritance tax  
filed.
- 6/17/44 - Hearing had. Estate found subject to  
tax: Gross, \$46,196.73; Pers.,  
\$29,196.74; Real Estate \$17,000.00;  
Debts, \$8,141.49; Net, \$38,055.24; Tax,  
\$260.55. Notices and waivers ordered.
- 6/21/44 - Waiver from Department of Taxation  
filed.
- 8/ 7/44 - Acknowledgment of receipt of \$262.22  
inheritance tax from Auditor of State.
- 4/5/ 44 - Amended petition to determine heri-  
tance tax filed adding \$2314.18 to  
original assets.
- 4/13/ - Hearing had. Estate found subject to  
additional tax of \$23.13.
- 9/2/ 55 - \$43.80 add'l tax paid.
- Costs paid.

No. 64

The Application for letters, filed in the above estate, recites that John B. Graber, a resident of Plain Township, died on June 29, 1943, leaving Ida M. Graber, his widow, and the following persons all of his known next of kin:

Walter J. Graber	Canton, Ohio	Adult	Son
Austin P. Graber	" "	"	"

No. 65

The Inventory and appraisement filed in the above estate does not list the premises in question.

\$2314.18 was accounted for as distribution in cash from Estate of Peter Graber.



Mary C. Combs, as Administratrix  
de bonis non of the Estate of  
Peter Graber, dec'd.

ADMINISTRATRIX DEED  
Dated May 2, 1944  
Rec. for Rec. May 23, 1944  
Vol. 1447, page 490  
Two Witnesses  
F. J. Drukenbrod, N. P.

to

Emma Graber

Conveys the following described premises:-

Situated in the Township of Plain, County of Stark, and  
State of Ohio, and known as and being the following two tracts:

TRACT 1 - Known as and being the Southwest Quarter of Section No.  
No.12, Township No.11 (Plain), Range No.8, containing  
160 acres, more or less.

TRACT 2 - Known as and being part of the Southeast Quarter of  
Section No. 11, Township No. 11, Range No. 8, beginning  
at the northeast corner of Elias Werstler's corner of a 10-acre  
tract, 694.76 feet north of the southeast corner of said Quarter  
Section; thence westerly with said north line of said Elias  
Werstler's land 9 chains and 50 links to a stone and the northwest  
corner of said Elias Werstler's land; thence north 3 deg. east 6  
chains to a post; thence north 6 deg. east 23 chains 62 links to a  
post on the north line of said Quarter Section; thence with said  
north line easterly 7 chains 30 links to a stone on the northeast  
corner of said Quarter; thence southerly with the east line of  
said Quarter 29 chains and 63 links to the place of beginning,  
containing 24.67 acres of land, more or less.

Deed refers to Civil Docket 28, page 176, Probate Court  
Records, Stark County, Ohio, in re Estate of Peter Graber.

IDA M. GRABER'S ESTATE  
(Wife of John Graber)

IN THE PROBATE COURT, STARK  
COUNTY, OHIO

No. 39971  
adm. Doc. 38, page 330

- 1945 May 14 - Application to probate Will filed.  
Hearing set on the appearance of  
witnesses.
- " " 15 - Hearing had. Will admitted to probate  
and record.
- " " 18 - Application for letters filed. Alice  
Monigahan Lippert, executrix.
- " " " - Bond of \$12,400.00 with Lawrence E.  
Johnson and Kathryn H. Koehn as sureties  
filed and approved.
- " " " - Letters issued.
- " - June 6 - Proof of publication filed.
- " - Aug. 6 - Inventory and appraisement filed.
- " " 10 - Hearing had. Inventory and appraisement  
approved and confirmed.
- " - Nov.29 - Application for certificate of transfer of  
real estate filed. Hearing had. Real  
Estate ordered transferred.
- " " " - Certificate issued.

- 1945 - Dec. 12 - First and final account filed.
- " " 17 - Hearing set for Jan. 21, 1946 at 10:00 A.M. and notice of filing by publication ordered.
- 1946 - Jan. 21 - Account approved.

- 11/29/45 - Petition to determine Inheritance Tax filed.
- 12/4/45 - Hearing had. Estate found subject to tax; Gross \$5202.17, Pers., \$1202.17; Real Estate, \$4000.00; Debts, \$1171.29; Net Estate \$4030.89; Tax \$5.31  
Waivers and notices ordered.
- 12/13/45 - Waivers of next of kin filed.
- 12/11/45 - Waiver from Department of Taxation filed.
- 12/17/45 - Acknowledgment of receipt of \$5.10 Inheritance tax from Auditor of State filed.

Costs paid.

No. 68

IDA M. GRABER'S WILL

*Widow of John Graber*

IN THE PROBATE COURT,  
 STARK COUNTY, OHIO  
 Dated July \_\_\_\_\_, 1943  
 Probated May 15, 1945  
 Will Rec. 92, page 361

"I, Ida M. Graber of R. D. #3, Canton, Stark County, Ohio, being of full age and sound mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking and annulling any and all wills by me heretofore made.

ITEM I - I direct that all my just debts and funeral expenses be paid out of my estate as soon as practicable after my decease.

ITEM II- All the rest and residue of my Estate, be it real or personal property, and wheresoever situate, I do hereby give, devise and bequeath to my daughter, Alice Monighan Lippert, to be hers absolutely and in fee simple

ITEM III- I nominate and appoint my daughter, Alice Monighan Lippert, of Canton, Ohio, to be the executrix of this my Last Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament at Canton, Ohio this \_\_\_\_ day of July, 1943.

(Signed) Ida M. Graber"

Witnesses:  
 Kathryn Fellows  
 Chas. K. Correll



No.69.

The Application for Letters recites that Ida M. Graber, a resident of the City of Canton, Ohio, died on the 11th day of May, 1945, at Canton, Ohio, leaving no widower and the following persons her known next of kin:-

Alice M. Lippert, aka  
Alice Monighan Lippert Canton, Ohio adult Daughter

No.70.

The Inventory and appraisement, filed in the above Estate, does not list the premises in question.

No.71.

Ida M. Graber did not have the next estate of inheritance from Peter Graber.

The Estate of Ida M. Graber and other proceedings are shown for reference and should be noted in connection with Section No. 86 of this Abstract.

No.72.

WALTER GRABER'S ESTATE  
(Son of John Graber)

IN THE PROBATE COURT,  
STARK COUNTY, OHIO

No. 39330  
Adm. Doc. 38, page 9

1944 - Nov. 30 - Application for letters filed. Ardis L. Graber, Administratrix.  
" " " - Bond of \$12,000.00 with Emma Graber and Austin P. Graber as sureties filed.  
" " " - Letters issued.  
1945 - Jan. 6 - Proof of publication filed.  
" Feb. 7 - Inventory and appraisement filed.  
" Mar. 1 - Hearing set for Mar. 20, 1945, at 10:00 A.M. and notice by publication ordered.  
" Mar. 14 - Proof of publication approved.  
" " 20 - Hearing had. Inventory and appraisement approved.

No further record.  
Costs paid.

No.73.

The Application for letters, filed in the above Estate, recites that Walter J. Graber, a resident of Plain Township, died on November 12, 1944, leaving Ardis L. Graber, his widow, and the following persons all of his known next of kin:

Beverly J. Graber	Canton, Ohio	17 years	Daughter
Richard W. Graber	" "	15 years	Son

No.74.

The Inventory and appraisement, filed in the above Estate does not list the premises in question.

The Estate of Walter Graber is shown to determine heirship only, and does not trace title.

No.75.

EMMA GRABER'S ESTATE

IN THE PROBATE COURT,  
STARK COUNTY, OHIO

Adm. Doc. 48, page 174  
No. 51660

- 1953 - Mar. 12 - Application for letters and declination filed, Austin P. Graber, administrator.
- " " " - Bond of \$10,000.00 with The American Surety Company of New York as surety filed and approved.
- " Apr. 8 - Proof of publication filed.
- 1954 - Nov. 17 - Inventory, appraisement and waiver filed.
- " - Dec. 1 - Hearing set for Dec. 20, 1954, at 10:00 A.M., and notice by publication ordered.
- " - Dec. 20 - Hearing had. Inventory and appraisement approved and confirmed.
- " - Nov. 17 - Petition to determine Inheritance Tax filed.
- " - Dec. 13 - Hearing had. Estate found as follows:  
Gross, \$47,735.01; Personalty, \$7,735.01; Real \$40,000.00; Debts \$6,186.00; Net \$41,549.01; Tax, \$2,131.17  
Waiver and notice ordered.
- " - Dec. 16 - Waiver from the Department of Taxation filed.
- 1955 - Mar. 2 - Acknowledgment of receipt of \$2281.29 Inheritance Tax from Auditor of State filed.

No further record  
Costs paid to date

No.76.

The Application for letters, filed in the above Estate, recites that Emma Graber, a resident of Plain Township, died intestate on March 8, 1953, leaving the following persons all of her next of kin:-

Mary Combs	Orange, N. Jersey	Adult	Sister
Catherine Reed	Detroit, Michigan	"	"
Austin P. Graber	Canton, Ohio	"	Nephew
Richard Graber	" "	"	Grand-Nephew
Beverly Graber	McMann Canton, Ohio	"	Grand-Niece



No.77.

The Inventory and appraisement filed in the above Estate lists the premises in question and appraises the same for \$40,000.00

No.78.

Austin P. Graber, Administrator  
of the Estate of Emma Graber,  
deceased.

IN THE PROBATE COURT,  
STARK COUNTY, OHIO

Civ. Doc. 34, page 177  
No. 51660

vs

Mary Combs,  
Catherine Reed,  
Beverly Graber McMahan  
Richard Graber,  
Austin P. Graber,  
East Ohio Gas Company,

SALE ON REQUEST AND  
CONSENT

- 1954 - Dec. 1 - Petition to sell real estate of decedent at request of all the heirs filed.
- " " " - Waiver and consent and request filed by Richard Graber, Austin P. Graber, Catherine Reed, Mary Combs, and Beverly Graber McMahan.
- " " 8 - Bond of \$40,000.00 with The American Surety Company of New York as surety filed.
- 1955 - Jan.14 - Answer and cross-petition filed by East Ohio Gas Company, defendants.
- " " 18 - Hearing had. Bond and appraisement approved and additional bond having been given, and property ordered sold at private sale.
- " " " - Order of private sale issued.
- " " 28 - Order of sale returned, Property ordered sold, at private sale, to Atlee O. Evans for \$40,000.00.
- " Feb.18 - Proceedings confirmed. Deed and Distribution ordered.
- " Apr.21 - Motion to have Order of Sale and Journal Entry confirming same vacated filed.
- " " " - Hearing had. Court orders return of sale and confirming entry vacated and orders alias Order of Sale.
- " " 22 - Alias Order of private sale issued.
- " Aug.19 - Alias Order of sale returned. Property sold to The J. C. Steiner Co., for \$40,000.00.
- " " " - Proceedings confirmed. Deed and distribution ordered.

Costs paid.

The Petition to sell real estate of decedent at request of all the heirs, filed in the above action, recites as follows:-

"Plaintiff is the duly appointed, qualified and acting administrator of the estate of Emma Graber, deceased, as will more fully appear in Probate Administration Records Doc. 48, page 174.

The defendants, Mary Combs, Catherine Reed, Austin P. Graber, Richard Graber and Beverly Graber McMahan, are all the persons entitled to share in the estate of plaintiff's decedent upon distribution. All said persons have requested plaintiff to bring this action for authority to sell all of decedent's real estate even though not required to be sold to pay debts. The defendant, The East Ohio Gas Company, is interested in said real estate for the reason that it holds a gas lease, as is more fully shown in Lease Rec. Vol. 99, page 373, Stark County, Ohio, Lease Records, which lease has been supplemented by a storage agreement made with plaintiff's decedent.

There are no mortgages or other liens on said premises. Said real estate was included in the inventory of plaintiff's decedent's estate pursuant to the order of this Court and was appraised at \$40,000.00. Said decedent left no surviving spouse.

The parties named herein as the persons entitled to share in said estate upon distribution are all the heirs, devisees or persons entitled to the next estate of inheritance from said decedent of the real estate hereinafter described. There are no other persons having any interest in said real estate. Said real estate for which request has been made to sell is described as follows:-"

(Describes premises as shown in Section No. 66, above)

"Plaintiff's decedent died intestate on the 8th day of March, 1953.

WHEREFORE, plaintiff prays that he may be allowed and directed to sell said real estate in the manner provided by law and that summons may issue to the Sheriff of this County for said defendant in the manner provided by law."

No.80.

The answer and cross-petition of the East Ohio Gas Company, filed in the above action, recites as follows:-

"Now comes the Defendant, East Ohio Gas Company, an Ohio corporation having its principal office in Cleveland, Ohio, and waives the issuance and service of summons upon it in the within action, acknowledges the receipt of a copy of the petition in said case, and enters its appearance herein for all purposes.

## ANSWER

For its answer herein this defendant admits that it has and claims an interest in the premises described in the petition by reason of a Pipe Line Right of Way Grant, an Oil and Gas Lease, and supplemental gas storage Agreement referred to and more fully described in this Defendant's cross petition herein.

For lack of information this Defendant denies the other allegations in said petition and requests proof thereof.



## CROSS PETITION

## First cause of Action

For the first cause of action of its cross petition herein this defendant states that on August 10, 1908, Peter Graber, for a valuable consideration, did grant to The East Ohio Gas Company, its successors or assigns, the right of way to lay, maintain, operate and remove a pipe line for the transportation of gas and erect, maintain and operate a telegraph or telephone line, if the same should be found necessary on, over and through the lands of Peter Graber, situate in Section 11, Range 8 of Plain Township, Stark County, Ohio, bounded and described as follows:-

On the North by lands of Mrs. Bedler;  
 On the East by lands of Michel Klopesstine;  
 On the South by lands of Becue Farm;  
 On the West by lands of Barbrice Miller

with ingress and egress to and from the same.

This defendant further states that thereafter on January 18, 1909, it deposited said grant for recording and the same was thereafter recorded in Vol. 477, Page 346, of the Stark County Records.

This defendant further states that the premises described in said Pipe Line Right of Way Grant or Easement are comprised in the premises described in said petition; that said grant or easement is in full force and effect and that pursuant to the provisions thereof this defendant has installed one 14" and one 16" gas transmission line in, through and across said premises.

## Second Cause of Action

For its second cause of action this defendant states that on September 10, 1951, Emma Graber, a single person, for a valuable consideration, did execute and deliver a certain gas and oil lease hereunder, the said Emma Graber as the lessor did grant and lease unto the East Ohio Gas Company as a lessee, for the sole and only purpose of drilling and operating for oil and gas, and all the constituents thereof, and of laying of pipe lines, and of building tanks, stations and structures therein and thereon, to procure, take care of and transport the said products with the right to remove, at any time, all appliances, fixtures and machinery placed thereon, all that certain tract of land, situated in Plain Township Section No. 11-12, in Stark County, Ohio, bounded substantially as follows:

North by lands of B. T. Bruce, et al, H. Farrer;  
 East by lands of A. & J. Psolla;  
 South by lands of Public Highway;  
 West by lands of B. Geiselman, Nimishilla Creek,

being all the property owned by Lessor in Section 11-12 of Plain Township, containing one hundred eighty-five (185) acres more or less.

This defendant alleges that thereafter on November 16, 1951, it deposited said Lease for recording and the same was thereafter recorded in Book 99, page 373, of Stark County, Ohio, Records, and that said Lease is in full force and effect with respect to the premises described therein, which are comprised in those referred to in said petition.

## Third Cause of Action

For its third cause of action this defendant alleges that on September 10, 1951, the said Emma Graber, a single person, as lessor, did execute and enter into a Supplemental Gas Storage Agreement with the East Ohio Gas Company as the lessee hereunder, for a valuable consideration said lessor did agree that the



above mentioned Oil and Gas Lease be 'modified and extended to the extent that the lessee shall have the additional right, which is hereby granted and given it, of introducing, injecting, storing and removing gas of any kind, including gas now or at any time hereafter lying under said premises, either through wells now located or hereafter drilled upon said premises or through wells located upon any other premises within the so-called Clinton Sands Area (sometimes referred to as the Red and White Medina Formation), or by any other method or means whatsoever, into, in and from any and all sub-surface sands, formation or reservoirs known as the so-called Clinton Sands underlying said premises, whether such gas produced or secured on or off the premises, and using for such purpose any well or wells now located thereon, to drill as it may elect, other wells thereon for such purpose, and to install and maintain on said premises such additional equipment and pipe lines on, over and across said premises to convey gas to and from and over said premises, and to use sufficient water from the premises to drill and operate wells and other equipment as may be necessary for such purposes.

'TO HAVE AND TO HOLD the said oil and gas lease as herein modified and extended unto and for the use of the Lessee for a term of ten years, and so much longer either (1) as gas is being produced, stored, withdrawn, or held in storage by the lessee, in the sub-surface sands, formations or reservoirs known as the so-called Clinton Sands Storage Area within which these premises are comprehended, or taken or marketed from a well or wells on the said premises; or (2) as oil is found on said premises, or gas is found in sub-surface formations underlying said premises other than the so-called Clinton Sands in paying quantities in the judgment of lessee; provided, however, that if at the termination of said term either primary or extended there is a well in process of being drilled, then this lease shall continue in force so long as the drilling of such well is continued with reasonable diligence, and so much longer thereafter as oil is found on said premises or gas is found in sub-surface formations underlying said premises other than the so-called Clinton Sands in paying quantities in the judgment of the lessee.'

This defendant further alleges that thereafter on November 21, 1951, it deposited said agreement for recording, and that the same was thereafter recorded in Vol. 2023, page 35, of Stark County, Ohio Records; that said agreement is in full force and effect between the parties.

By reason of the foregoing this defendant further alleges that its right under the above mentioned Pipe Line Right of Way Grant or Easement, Oil and Gas Lease and Supplemental Gas Storage Agreement are in full force and effect, that this defendant's rights thereunder are prior and superior to the right, title, lease or interest of any other party to this proceeding, or otherwise."

"WHEREFORE, this defendant prays that at the hearing in this cause if said premises are ordered to be sold by this Court the same will be sold expressly subject to said grant or easement oil and gas lease and supplemental gas storage agreement, and this defendant's rights thereunder, and that this defendant have such further relief as it may be entitled to in the premises."



The Journal Entry ordering private sale recites as follows:

"This day this cause came on further to be heard, the Court finds the allegations in plaintiff's petition to be true; the appraisement in the inventory of said estate, is hereby approved, said appraisement being Forty Thousand and 00/100 Dollars, free of the dower estate therein.

And the plaintiff, above named, having given bond, dated 11th day of March, 1953, in the sum of Ten Thousand and 00/100 Dollars with The American Surety Company of New York, sureties, and having given additional bond in the sum of Forty Thousand Dollars with the same sureties, said bond being in the amount set by the Court. And it appearing to the Court it would be to the interest of said estate to sell the real estate described in the petition at private sale.

It is now ordered that said plaintiff proceed to advertise and sell real estate at public vendue, free of dower estate, at private sale, at not less than \$40,000.00, the appraised value thereof, upon the following terms, to-wit: Cash, and that said sale be subject to instruments shown in Vol. 477, page 346; Lease Vol. 99, page 373; and Deed Vol. 2023, page 35, Stark County, Ohio, Recorder's Records, all in favor of the East Ohio Gas Company, and as set forth in its answer and cross petition herein, and that said plaintiff make due return to this Court."

On September 2, 1955, a nunc pro tunc entry was filed, being the same as the above excepting the words "advertise and" are deleted in the first line of the last paragraph, and the words "at public vendue" are deleted in the second line of the last paragraph of the above shown entry.

No. 82.

The return of the Order of Sale recites that the premises in question were sold to Atlee O. Evans for \$40,000.00, and said sale was approved and confirmed and deed ordered.

No. 83.

Journal Entry vacating former return of sale and confirming entry and ordering alias Order of Sale issued recites as follows:

"This matter comes on before the Court on the motion of the plaintiff to vacate the return of the Order of Sale heretofore made and to vacate the decree of confirmation and the ordering of a deed, and it appearing to the Court that the purchaser has failed to provide the consideration to bring about the delivery of the deed, the Court find that said motion is well taken. It is, therefore,

THE ORDER OF THE COURT that the return of the former Order of Sale, heretofore issued in this cause, be vacated, cancelled and held for naught, and that an Alias Order of Sale be issued herein. It is further

THE ORDER OF THE COURT that the Order of Confirmation and delivery of deed to purchaser, heretofore made in this cause be vacated, cancelled and held for naught."

No.84.

The return of the alias Order of Sale recites that the premises were sold to The J. C. Steiner Company for the sum of \$40,000.00, at private sale.

No. 85.

The order confirming sale approves the proceedings had and orders the administrator to execute and deliver a good and sufficient deed to the purchaser upon receipt of the purchase money, and orders distribution of proceeds according to law.

No. 86.

Mary Combs,  
Catherine Reed,  
Austin P. Graber,  
Ardis Graber,  
Beverly Graber McMann, aka  
Beverly Graber McMahan,  
Richard Graber

IN THE COURT OF COMMON  
PLEAS, STARK COUNTY, OHIO

CASE NO. 96452  
EQUITY

vs

Alice Monighan Lippert,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of ADAM WISE, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of HANNAH WISE, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of MARY FRITZ, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of MARGARET WISE REAM, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of ELIZABETH WISE, aka ELIZABETH SELL,  
deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of JACOB WISE, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of HENRY WISE, aka HENRY C. WISE, dec'd.,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of MARY WISE, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of TOBIAS WISE, deceased,  
The unknown heirs, legatees, devisees,  
administrators, executors and assigns  
of TOBIAS WHITE, deceased,  
The unknown husbands and wives and heirs,  
if any, of the unknown heirs, legatees,  
devisees and assigns of ADAM WISE, dec'd.  
The unknown husbands and wives and heirs,  
if any, of the unknown heirs, legatees,  
devisees and assigns of  
HANNAH WISE, deceased,



The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 MARY FRITZ, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 MARGARET WISE REAM, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 JACOB WISE, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 HENRY WISE, aka HENRY C. WISE, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 MARY WISE, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 ELIZABETH WISE, aka ELIZABETH SELL, dec'd.,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 TOBIAS WISE, deceased,  
 The unknown husbands and wives and heirs,  
 if any, of the unknown heirs, legatees,  
 devisees and assigns of  
 TOBIAS WHITE, deceased,  
 The unknown wife, if any and if living,  
 of ADAM WISE, deceased,  
 The unknown husband, if any and if living,  
 of MARY FRITZ, deceased,  
 The unknown wife, if any and if living,  
 of SAMUEL WISE, deceased,  
 The unknown husband, if any and if living,  
 of MARGARET WISE REAM, deceased,  
 The unknown husband, if any and if living,  
 of MARY WISE, deceased,  
 The unknown wife, if any and if living,  
 of MANIA WARSTLER, deceased,  
 The unknown wife, if any and if living,  
 of JACOB SELL, deceased,

1955 - Apr. 22 - Petition and praecipe  
 filed.  
 " " " - Summons issued. Answer day  
 May 21, 1955  
 " " " - Affidavit for publication  
 filed.  
 " " " - Publication Ordered.  
 " " 25 - Summons returned "I notified  
 the within named defendant,  
 Alice Monighan Lippert, by  
 delivering to her personall  
 a true and certified copy o  
 this writ with all endorse-  
 ments thereon.



1955 - June 13 - Affidavit of publication  
filed.  
" - Aug. 16 - Court orders title quieted.  
Plaintiffs to pay costs.  
  
Costs paid.

No.87.

The petition in the above action recites as follows:-  
"Plaintiffs, Mary Combs, Catherine Reed, Austin P.  
Graber, Ardis Graber, Beverly Graber McMann, aka Beverly Graber  
McMahan, and Richard Graber, are the owners in fee and in  
possession of the following described real estate:-"

(Describes premises as described in Section 66  
preceding)

"The following averments indicate claims, or pretended  
claims, of the several defendants adverse to the ownership of  
the plaintiffs in said premises;

1. Alice Monighan Lippert, only devisee of Ida M. Graber,  
surviving spouse of John Graber, deceased, claims an interest  
in the estate of Peter Graber resulting from proceedings shown  
in Civil Docket 28, page 176, Stark County Probate Office. Said  
defendant has no claim. The distribution in Civil Docket 28,  
page 176, shows a distributive share of John Graber, in the  
amount of \$2314.18, paid to the Estate of John Graber, and in  
that estate distributed to Ida M. Graber and others. Final  
account in the estate of John Graber was approved August 31,  
1944. Vol. 146 O. S., page 456, is authority for the principle  
of law that it is not necessary to disentail the property when  
the same is sold to pay debts, as was done in Civ. Doc. 28,  
page 176, above cited.

2. The following grantors in deeds did not list the  
marital status:

Vol. 63, page 394, - Jacob Sell,  
Vol. 154, page 171 - Manias Warstler,  
Vol. 63, -page 240 - Samuel Wise,  
Vol. 61, page 288 - Adam Wise.

Said conveyance are in the chain of title for said premises.

3. The following owners of the premises in question, as  
shown by the chain of title, have not executed and delivered, or  
the grantees have not recorded any instrument of transfer to  
subsequent grantees:

Tobias White, grantee of patent in which it was  
intended to grant the same to Tobias Wise. (Vol. 2299, page 184,  
Stark County Recorder's Office)

Tobias Wise, owner of said premises in the year 1839  
(Tax Records)

Adam Wise, owner of said premises as shown in Vol. Z,  
page 340.

Henry C. Wise, owner of said premises as shown in Vol.  
48, page 215.

Henry C. Wise, aka Henry Wise, owner of said premises as  
shown in Vol. 63, page 241, and Vol. 63, page 240. (All in  
Stark County Recorder's Records)

Mary Wise, owner of a dower in said premises set off by  
metes and bounds in proceedings shown in Doc. J, page 528, Stark  
County, Ohio, Clerk 's Office.

Hannah Wise and Margaret Wiso Ream and Mary Wise Fritz,  
heirs at law of Tobias Wise.



"These plaintiffs further say that themselves and their predecessors in title have had open, adverse and notorious possession of the premises described in this petition for more than seventy-seven years.

Plaintiffs further say that Adam Wise, Mary Fritz, Samuel Wise, Margaret Wise Ream, Jacob Wise, Henry Wise, aka Henry C. Wise, Mary Wise, Tobias Wise, Manias Warstler and Jacob Sell, and the husbands or wives of said parties, if any, are deceased; that, after diligent search, plaintiffs are unable to learn the names and addresses of the heirs, devisees, legatees, administrators and assigns of each and all of said parties or the husbands and wives of said parties.

Plaintiffs further allege that each defendant named in this petition claims an interest, or a pretended interest, in the premises in this petition described, which interest is adverse to the interest of these plaintiffs; that each of said claims, or pretended claims, is and are unfounded and without right but the same constitutes a cloud upon the plaintiffs' title.

WHEREFORE, plaintiffs pray that each of said defendants may be compelled to set forth the nature of his or her claim; that said adverse interests, if any, may be determined and declared null and void, and that each and all of said defendants may be forever enjoined from asserting any claim adverse to that of the plaintiffs; that these plaintiffs may be adjudged to be the owners in fee of said premises described, and that their title thereto may be quieted, and for all other just and equitable relief to which they may be entitled."

No. 88.

Journal Entry ordering service by publication recites as follows:-

"On motion of plaintiff, and the Court being satisfied that all defendants in this cause, save and excepting Alice Monighan Lippert, are either not residents of the State of Ohio or are persons whose addresses cannot, with reasonable diligence, be ascertained, and are also such persons upon whom service may be made by publication, it is

ORDERED that constructive service be had on all defendants herein named save and excepting the defendant, Alice Monighan Lippert."

No. 89.

Journal Entry ordering title quieted recites as follows:-

"This cause coming on this day for hearing and a jury being waived, was submitted to the Court upon the pleadings and the evidence, and on consideration thereof the Court find that all defendants have been properly served with summons, which service is herewith approved, and that all defendants are in default for answer or demurrer, by reason of which they have confessed the allegations of said petition to be true.

The Court further finds that at the time of bringing this action the plaintiffs named in the petition were in possession of the real property in said petition described, and that they, as joint tenants, had the legal estate in, and were entitled to the possession of, the same; that neither the defendants, nor any one of them, have any estate in, or are entitled to the possession of, said real estate or any part thereof, and that plaintiffs ought to have their title and possession quieted as against each and every one of said defendants, as prayed for in their petition.



"The Court further find that the defendant, Alice Monighan Lippert, is the daughter and only devisee or person entitled to the inheritance of Ida M. Graber; that Ida M. Graber is deceased, and that she was the surviving spouse of John Graber, who, in turn, was entitled to an estate of inheritance in the Estate of Peter Graber, deceased, which spouse relationship is more fully shown in the Estate of John B. Graber in Adm. Doc. 36, page 265, Stark County, Ohio, Probate Records, and that Alice Monighan Lippert, defendant herein, is one and the same person as the Alice Monighan Lippert named in the Will of Ida M. Graber, shown in Will Record 92, page 361, Stark County, Ohio, Probate Court, and named as the next of kin of Ida M. Graber in Adm. Doc. 38, page 330; and, further that Ida M. Graber, whose estate is administered in Adm. Doc. 38, page 330, Stark County, Ohio, Probate Records, is one and the same person as Ida M. Graber, surviving spouse of John Graber, hertofore referred to; that said Alice Monighan Lippert has no estate in, and is not entitled to the possession of, any part of the real estate described in plaintiffs' petition, either by reason of her being an heir of Ida M. Graber or for any other reason, and that the estate of Ida M. Graber, deceased, has no interest in, and is not entitled to the possession of, any part of said real estate. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the title and possession of the said Mary Combs, Catherine Reed, Austin P. Graber, Ardis Graber, Beverly Graber McMann, aka Beverly Graber McMahan, and Richard Graber, to all and singular, the premises in the petition described, to-wit: "

(Describes premises as described in Section 66 preceding)

"be, and the same hereby are, quieted as against the defendants, and each and every one of said defendants, and all persons claiming under them or any of them; and they are hereby forever enjoined from setting up any claim to said premises, or any part thereof, adverse to the title and possession of said plaintiffs abovementioned, or the heirs or assigns of any and all of said plaintiffs. It is further

THE ORDER OF THE COURT that the plaintiffs pay the costs of this action, taxed at \$ \_\_\_\_\_ . No record."

No.90.

Austin P. Graber, Admr. of the  
Estate of Emma Graber, deceased,

to

The J. C. Steiner Co.

Administrator's Deed \$40,000.  
Dated Oct. 4, 1955  
Rec. for Rec. Oct 4, 1955 2:40  
P.M.

Vol. 2357, Page 457  
Two Witnesses  
Christian R. Wingerd, N.P.  
Sr. #322018

Conveys same premises as described in Section 66 preceding, subject to instruments shown in Vol. 477, page 346, Lease Vol. 99, page 373, and Deed Vol. 2023, page 35, Stark County, Ohio Recorder's Records, all in favor of the East Ohio Gas Company, and a Slope Easement recorded in Deed Vol. 2023, page 421, Stark County, Ohio, Recorder's Records, in favor of the Board of County Commissioners of Stark County, Ohio.

Deed recites proceedings shown in Section No. 78 and following sections herein.



No.91.

Ardis L. Graber, unmarried and widow  
of Walter J. Graber, deceased,  
Richard W. Graber and  
Carolyn Graber, husband and wife,  
and Beverly J. Graber McMahan and  
Thomas C. McMahan, wife and husband,

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Jan. 24, 1955  
Rec. for Rec. Oct 4, 1955  
2:42 PM  
Vol.2357, page 460  
Two Witnesses  
Robert D. Troup, N. P.  
Sr. # 322020

Quit claims all right, title and interest in and to the premises described in Section No. 66 preceding.

Deed further recites "This deed of quit-claim is executed and delivered for the purpose of perfecting title because of a cloud in title shown in proceedings in Civ. Doc. 28, page 176, Stark County, Ohio, Probate Records, and of releasing grantors' interest, if any, had by reason of said imperfection, and for the purpose of releasing any claim whatever which grantors might have or claim to have in said premises."

No.92.

Roy C. Best, unmarried

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Jan. 25, 1955  
Rec. for Rec. Oct. 4, 1955 2:41  
P.M.  
Vol.2357, Page 458  
Two Witnesses  
Christian R. Wingerd, N. P.  
Sr. # 322019

Quit claims all right, title and interest in and to the premises as described in Section No. 66 preceding, and contains the same recitation as shown in Section No. 91, above.

Deed also recites "This deed of quit claim is intended to release whatever interest Roy Best, as administrator of the Estate of Eldora Best, has, or ever claimed to have in the premises described, in addition to the individual claim of Roy C. Best."

No.93.

Austin Graber and  
Clara Graber,  
husband and wife,

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Oct. 4, 1955  
Rec. for Rec. Oct. 4, 1955  
2:43 P.M.  
Vol. 2357, Page 462  
Two Witnesses  
Christian R. Wingerd, N. P.  
Sr. #322021

Quit claims all right, title and interest in and to the premises as described in Section No. 66 preceding, and contains the same recitation as shown in Section No. 91, above.

No.94.

Catherine Reed, aka Kate Reed, and  
John B. Reed,  
wife and husband,

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Apr. 7, 1955  
Rec. for Rec. Oct. 4, 1955  
2:44 PM  
Vol. 2357, page 464  
Two Witnesses  
Edgar J. Denson, N.P.  
Wayne County, Michigan  
Sr. #322022

Quit claims all right, title and interest in and to the premises as described in Section No. 66 preceding, and contains the same recitation as shown in Section No. 91, above.

Deed also recites as follows:- "Catherine Reed, grantor in this deed, represents that she is the sister of Alice Graber, deceased; that Alice Graber died as an unmarried person while living in Stark County, Ohio; that she had no property at the date of her death which was before the year 1928, and that there was no administration of her estate had; that Mary Graber, her mother and formerly the wife of Peter Graber, her father, died in 1921 leaving no assets and no administration was had of her estate; that she is the sister of Eli Graber, deceased; that Eli Graber was never married. (See Registration District No. 1206, File No. 19724, Department of Health, State of Ohio)."

No.95.

Mary A. Combs, unmarried

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Sept. 3, 1955  
Rec. for Rec. Oct. 4, 1955  
2:45 P.M.  
Vol. 2357, page 466  
Two Witnesses  
Frederick J. Benson, N.P.  
Newport County, R. I.  
Sr. #322023

Quit claims all right, title and interest in and to the premises as described in Section No. 66 preceding, and contains the same recitation as shown in Section No. 91, above.

Deed also recites as follows:- "Mary A. Combs, grantor in this deed, represents that she is the sister of Alice Graber, deceased; that Alice Graber died as an unmarried person while living in Stark County, Ohio; that she had no property at the date of her death which was March 9, 1926, as shown by Registration No. 1206, File No. 19724, Department of Vital Statistics, State of Ohio; that Alice Graber died leaving no issue and that there was no administration of her estate had; that Mary Graber, her mother, formerly the wife of Peter Graber, her father, died in 1921 leaving no assets and no administration was had of her estate; that she is the sister of Eli Graber, deceased; that Eli Graber was never married."



No.96.

Atlee O. Evans and  
Harriet M. Evans,  
husband and wife,

to

The J. C. Steiner Co.

QUIT CLAIM DEED \$1.00  
Dated Sept. 24, 1955  
Rec. for Rec. Oct. 4, 1955  
2:46 P.M.  
Vol. 2357, page 468  
Prepared by Christian R.  
Wingerd  
Sr. #322024

Quit claims all right, title and interest in and to the premises as described in Section No. 66 preceding.

NOTE:- Grantors, their heirs and assigns, do further release any interest which they claim or might claim by reason of proceedings had in Civ. Doc. 34, page 177, Stark County Ohio Probate Records, in the matter of the estate of Emma Graber, deceased. See Section No. 78 and No. 83 preceding.

No.97.

Andrew V. Pontius

to

John Bloomfield

MORTGAGE DEED \$2000.00  
Dated Apr. 1, 1872  
Rec. for Rec. Apr. 1, 1872  
Vol. 118, page 445  
CANCELED

No.98.

Abraham Welty

to

John T. Warner

MORTGAGE DEED \$6075.00  
Dated Mar. 31, 1873  
Rec. for Rec. Apr. 26,  
1873  
Vol. 125, page 254  
NOT CANCELED ON RECORD  
(Canceled in Vol.134,  
page 451)

Covers 39 acres of the Southeast Quarter of Section No.11, Township No. 11, Range No. 8, Stark County, Ohio.

The margin of the above mortgage shows the following: "A record of this will be found in Vol. 134, page 451, which is made to correct an error made in the original writing of the instrument."

No.99.

Abraham Welty

to

John T. Warner

MORTGAGE DEED \$6070.00  
Dated Mar. 31, 1873  
Rec. for Rec. Mar. 3, 1875  
Vol. 134, page 451  
CANCELED

Covers 139 acres of the Southeast Quarter of Section No. 11, Township 11, Range 8, Stark County, Ohio.

Sections 98 and 99 are one and the same mortgage with minor changes in description.

No.100.

Peter Graber  
to  
Andrew V. Pontius

MORTGAGE DEED \$8080.00  
Dated Apr. 4, 1876  
Rec. for Rec. Apr. 6,  
1876  
Vol. 144, page 302  
CANCELLED

No.101.

Manias Warstler  
to  
Abraham Welty

MORTGAGE DEED \$2000.00  
Dated Mar. 7, 1877  
Rec. for Rec. Mar. 7,  
1877  
Vol. 147, page 383  
CANCELLED

No.102.

Peter Graber  
to  
John H. Klingaman and  
George B. Klingaman

MORTGAGE DEED \$3000.00  
Dated Apr. 1, 1895  
Rec. for Rec. Apr. 1,  
1895  
Vol. 323, page 206  
CANCELLED

Mary Graber, wife of Peter Graber, releases dower only.

On Mar. 28, 1896, John H. Klingaman assigned to George B. Klingaman all his right, title and interest in and to the above mortgage, and the mortgage was cancelled by George B. Klingaman on April 10, 1897.

No.103.

Peter Graber  
to  
John Graber and  
John B. Reed

MORTGAGE DEED \$3000.00  
Dated Apr. 16, 1907  
Rec. for Rec. June 12,  
1907  
Vol. 443, page 342  
CANCELLED

On April 1, 1909, John Graber assigned and transferred the within note of \$1500.00, due in one year, to Mary A. Warstler.

On the margin of the above mortgage appears the following:  
"November 27, 1933

The within described note of \$1500.00 assigned by John Graber to Mary Warstler on Apr. 1, 1909, having heretofore been paid in full by Peter Graber to said Mary A. Warstler and prior to Mary A. Warstler's death and also prior to her guardianship. This mortgage is hereby satisfied and discharged.

Lester S. Hossler as  
guardian of Mary A. Warstler  
and also as executor of the  
Estate of Mary A. Warstler,  
deceased."

Release Rec.7, page 407, shows that John B. Reed canceled and released the above mortgage by separate instrument.



No.104.

No other mortgages.

No.105.

Peter Graber, widower,

to

The Pittsburg Plate Glass Co.,  
Chemical Division of Summit  
County, Ohio

LEASE

Dated Nov. 6, 1928

Rec. for Rec. Dec. 5,  
1928

Lease Rec. 39, page 526

CANCELED

Assignment Rec. Vol. 2, page 500, shows that the above lease was assigned to Samuel J. Brendel Oil and Gas Co., Inc., an Ohio Corporation of Canal Fulton, by H. A. Galt, V. President of the Pittsburg Plate Glass Co., dated Oct. 14, 1931, and received for record on October 19, 1931.

Release Vol. 8, page 54, shows that Samuel J. Brendel, President, canceled the within lease on January 19, 1935.

No.106.

John B. Graber,  
Ida M. Graber, his wife,  
Eli Graber, and  
Emma Graber, both single,  
Mary A. Combs, widow,  
Catherine Reed and  
John B. Reed, her husband

LEASE

Dated Dec. 8, 1939

Rec. for Rec. Jan. 30,  
1940

Lease Rec. 69, page 141

CANCELED Jan. 14, 1941

No.107.

Emma Graber, single

to

East Ohio Gas Company

LEASE

Dated Sept. 17, 1951

Rec. for Rec. Nov. 16,  
1951

Lease Rec. 99, page 373

NOT CANCELED

Leases premises for a period of one year or longer for the purpose of: to drill and operate for oil or gas and all constituents thereof on lands situated in Plain Township, Stark County, Ohio, being all the land owned by the lessor in Section No. 11 and Section No. 12 of said Township, bounded:

On the north by lands of B. T. Bruce, et al - L. Forrer,

On the east by lands of A. & J. Psolla

On the south by lands of public highway, and

On the west by lands of B. Geiselman, Nimishilla Creek,

containing 185 acres.

NOTE

For release of drilling rights under this lease and the rights under the Gas Storage Agreement shown in section 108 following see release dated April 12, 1959 and recorded April 13, 1959 Vol. 112 page 385.

Emma Graber, single,  
to  
East Ohio Gas Company

No. 108.

SUPPLEMENTAL GAS STORAGE  
AGREEMENT  
Dated Sept. 10, 1951  
Rec. for Rec. Nov. 21, 1951  
Vol. 2023, page 35  
NOT CANCELED

Leases for a period of 10 years and so much longer  
either as (1) gas is being produced, stored, withdrawn or held  
in storage by Lessee, or (2) oil is found on said premises.

Being all the property owned by Lessor in Plain Township  
in Sections No. 11 & 12, Township No. 11, Stark County, Ohio,  
bounded:

On the north by lands of B. T. Bruce, et al - H. Forrer,  
On the east by lands of A. & J. Psolla  
On the south by lands of public highway, and  
On the west by lands of B. Geiselman, Nimishilla Creek,  
containing 185 acres.

\$185.00 per year in quarterly installments.

No. 109.

Emma Graber, unmarried,  
to  
Board of County Commissioners  
of Stark County

SLOPE EASEMENT FOR HIGHWAY  
PURPOSES  
Dated Apr. 7, 1952  
Rec. for Rec. Apr. 8, 1952  
Vol. 2023, page 421  
Two Witnesses  
A. P. Bechtel, N. P.

Grantor does hereby grant, bargain, sell, convey and  
release to the grantee, its successors and assigns, forever, a  
perpetual easement and right of way for public highway and road  
purposes, in, upon and over a 160 acre tract of land situated in  
the Southwest Quarter of Section No. 12, Township No. 11 (Plain)  
Range No. 8, as described in Vol. 1447, page 490, of the deed  
records of Stark County.

Being a strip of land of varying width in addition to the  
legal width of 30 feet from the center line on the north side of  
the No. Canton-Maximo Road.

Grantee shall pay any crop damage and replace any fences  
affected by this improvement.

It is understood that this improvement is made as a  
mutual benefit to the general public and the grantor, and that  
no claim for further compensation will be made for said grantor,  
nor shall any assessments be filed against said grantor for  
this improvement.

No. 110.

No other leases and no mechanics liens.

No. 111.

No Federal tax, personal tax, bonding or recognizance liens.



No.112.

No unemployment compensation liens.

No.113.

No pending suits, living judgments or foreign executions.

No.114.

The Treasurer's duplicate shows no special assessments.

No.115.

TAXES:

Payable December, 1965 are paid. No assessments appear upon the tax duplicate.

I hereby certify that the foregoing ABSTRACT OF TITLE was collated by me from the Official Records of Stark County, Ohio, and that I believe the same is correct and shows every instrument of record affecting the title to the premises in question, as shown by the General Indexes in the several County Offices in and for Stark County, Ohio.

W E Himebaugh  
Attorney and Abstracter

Canton, Ohio  
May 11, 1966  
1:30 O'Clock, P. M.

E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS: that

WHEREAS, The J. C. Steiner Company, a corporation, the Grantee herein, as owner in fee simple title of the following described property:

"DESCRIPTION OF PLATTED TERRITORY"

Known as and being Laurel Ridge Allotment No. 1, Section "C", Plain Township, Stark County, Ohio, as delineated in Plat Book 35, Page 106, Stark County, Ohio, Records.

(and hereinafter referred to as Grantee's land) have prepared a plat of Grantee's land for the purpose of subdividing said Grantee's land, which said plat is identified as Laurel Ridge Allotment No. 1, Section "C", Plain Township, Stark County, Ohio.

WHEREAS, the Grantor herein is the owner in fee simple title of the following described premises:

"DESCRIPTION OF LAND OVER WHICH EASEMENT IS TO BE GRANTED"

"Known as and being a part of the Southeast Quarter of Section 11, and the Southwest Quarter Section 12, Township 11 (Plain) Range 8, Stark County, Ohio, bounded and described as follows: Beginning at the Southwest corner of said Southwest Quarter Section 12. Said point is the true point of beginning for the tract of land herein conveyed; thence South 86 degrees 0 minutes East along the south Quarter Section line and the center line of Easton Street a distance of 510.61 feet to a point on said line; thence North 12 degrees 11 minutes West a distance of 343.41 feet to an iron pin; thence North 21 degrees 55 minutes West a distance of 276.62 feet to an iron pin; thence North 4 degrees 0 minutes East a distance of 817.56 feet to an iron pin; thence North 48 degrees 11 minutes West a distance of 922.63 feet to an iron pin; thence North 85 degrees 34 minutes West a distance of 136.18 feet to an iron pin; thence South 8 degrees 15 minutes West a distance of 870 feet to an iron pin; thence South 3 degrees 33 minutes West a distance of 396 feet to an iron pin; thence South 86 degrees 0 minutes East and parallel to the South Quarter Section line a distance of 623 feet to a point on the West Quarter Section line of Section 12; thence South 3 degrees 9 minutes West and along said West line a distance of 699.38 feet to the true point of beginning containing 15.754 acres in the Southeast Quarter Section 11 and 12.232 acres in the Southwest Quarter Section 12, Plain Township. Subject to all legal highways.



(and hereinafter referred to as Grantor's Land). thereafter

Now come, therefore, The J. C. Steiner Company, a corporation, the Grantor, in consideration of the sum of One Dollar (\$1.00) received from the Grantee, do hereby, for itself, its successors and assigns, give, grant, bargain, sell and convey unto the Grantee, its successors and assigns, and also to the County of Stark and the Township of Plain, an easement for drainage of surface and storm waters whereby the Grantor's Lands shall accept all water passing through and from said Grantee's Land and said waters more specifically to be concentrated and outletted at the following points:

From the west end of Gravelmont Drive, as shown on the plat of Laurel Ridge Allotment No. 1, Section "C", across the lands of Grantor regardless of the route or method used in disposing of storm and surface water across the premises herein described, the Grantor, its successors and assigns, hereby waive all future claims for damages against Stark County and Plain Township.

and more fully described on the attached "EXHIBIT A", a copy of which is hereto attached and made a part hereof by reference. Said easement shall be effective only until such time as all or part of Grantor's Land shall be platted, and the road plan and drainage system accepted by proper governmental authority, at which time this easement shall be null and void.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio, this \_\_\_\_\_ day of December, 1964

This instrument prepared by:  
W. E. Hinebaugh, Attorney

NOTARY PUBLIC



It is further understood and agreed that if the proposed plat hereinbefore described is not accepted and approved by the Board of Commissioners of Stark County, Ohio, and thereafter recorded in the office of the Recorder of Stark County, Ohio, within two (2) years of the date of execution of this agreement, this easement shall become void and of no effect.

TO HAVE AND TO HOLD, said easement and privileges forever.

IN WITNESS WHEREOF, The J. C. Steiner Company, has hereunto set its hand this 15th day of December, 1964.

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

THE J. C. STEINER COMPANY, 000.00

By \_\_\_\_\_ V. Pres. and  
Not Cancelled. Sec'y

By \_\_\_\_\_ Ass't Sec'y  
and Treas.

STATE OF OHIO }  
STARK COUNTY } SS

Before me, a Notary Public in and for said County, personally appeared the above named The J. C. Steiner Company, by W. B. Carnahan, its Vice President and Secretary, and Glenn Gump, its Assistant Secretary and Treasurer, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of each of them personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio, this \_\_\_\_\_ day of December, 1964.

\_\_\_\_\_  
Attorney at Law

This instrument prepared by:  
W. E. Himebaugh, Attorney

\_\_\_\_\_  
NOTARY PUBLIC



C O N T I N U A T I O N

No. 116

THE J. C. STEINER CO.  
a corporation, by  
Bernice Carnahan, V. Pres.  
Glen Gump, Asst. Sec.

Warranty Deed  
Dated May 10, 1966  
Rec. May 18, 1966  
Vol. 3152, Page 579

to

Nick Vidovich and  
Velma Vidovich

CONVEYS: Premises described at heading of this abstract.

No. 117

Nick Vidovich and  
Velma Vidovich,  
husband and wife,

Wtge. Deed \$22,000.00  
Dated June 7, 1966  
Rec. June 8, 1966  
Vol. 3174, Page 124  
Not Cancelled.

to

First Fed. Sav. & Loan Assn.  
Canton, Ohio

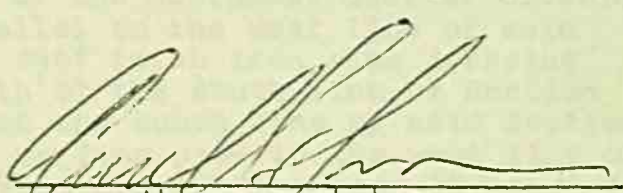
*Cancelled on  
Record 1/20/67  
A. S. Hoover atty*

*Plain Township Historical Society*

\* \* \* \* \*

I hereby certify that the foregoing Continuation was collated by me from the Stark County official records and that I believe the same to be correct and shows the only instruments of record affecting the title herein as shown by the General Indexes in the several County Offices since and including May 11, 1966, AD.

Canton, Ohio  
June 8, 1966  
4:30 P.M.

  
Attorney at Law

## CONTINUATION

No. 118

Continuation to the foregoing Abstract of Title, showing changes since and including June 8, 1966 to the following described property:

Situated in the Township of Plain, County of Stark and State of Ohio and described as follows:

Known as and being a part of the Southeast Quarter of Section 11 and the Southwest Quarter Section 12, Township 11 (Plain), Range 8, Stark County, Ohio, bounded and described as follows:

Beginning at the Southwest corner of said Southwest Quarter Sec. 12, said point is the true point of beginning for the tract of land herein conveyed. Thence South 86 degrees 0 minutes East along the south Quarter Section line and the center line of Easton Street a distance of 510.61 feet to a point on said line. Thence North 12 degrees 11 minutes West a distance of 343.41 feet to an iron pin. Thence North 21 degrees 55 minutes West a distance of 276.62 feet to an iron pin. Thence North 4 degrees 0 minutes East a distance of 817.56 feet to an iron pin. Thence North 48 degrees 11 minutes West a distance of 922.63 feet to an iron pin. Thence North 85 degrees 34 minutes West a distance of 136.18 feet to an iron pin. Thence South 8 degrees 15 minutes West a distance of 870 feet to an iron pin. Thence South 3 degrees 33 minutes West a distance of 396 feet to an iron pin. Thence South 86 degrees 0 minutes East and parallel to the South Quarter Section line a distance of 623 feet to a point on the West Quarter Section line of Section 12. Thence South 3 degrees 9 minutes West and along said West line a distance of 699.38 feet to the true point of beginning containing 15.754 acres in the Southeast Quarter Section 11 and 12.232 acres in the Southwest Quarter Section 12, Plain Township.

EXCEPTING THEREFROM the following described real property:

Tract 1: Situated in the Township of Plain, County of Stark and State of Ohio:

And known as being part of the Southwest Quarter of Section 12, Township 11 (Plain), Range 8, and further bounded and described as follows; to-wit:

Beginning at a point in the south line of said Section 12, said point being S86°00' E, a distance of 150.00 feet from a County monument at the southwest corner of the Southwest Quarter of said Section 12; thence N3°09' E, parallel to the west line of said Section 12, a distance of 500.00 feet to an iron pipe (passing over an iron pipe 30.00 feet north of the south line of Section 12); thence S86°00' E, parallel to the south line of said Section 12, a distance of 189.64 feet to an iron pipe in the west line of Laurel Ridge Allotment No. 1 as recorded in Plat Book 32, Page 76, of the Stark County Record of Plats; thence the following courses and distances along said west line of Laurel Ridge Allotment No. 1:

S 21°55'E, a distance of 189.18 feet to an iron pipe; S 12°11'E, a distance of 343.41 feet to a spike in the south line of said Section 12; thence N86°00'W along the south line of said Section



12, a distance of 360.61 feet to the place of beginning and containing 3.283 acres of land more or less as surveyed by Edward G. Friedl, Registered Surveyer No. 5182, in August, 1966.

Tract 2: Situated in the Township of Plain, County of Stark and State of Ohio:

And known as and being part of the Southwest Quarter of Section 12, Township 11, Range 8 and further bounded and described as follows; to wit:

Beginning at the southwest corner of the Southwest Quarter of said Section 12; thence N 3°09' E, along the section line, a distance of 500.00 feet to an iron pipe; thence S86°00' E parallel to the south line of said section 12, a distance of 150.00 feet to an iron pipe; thence S3°09' W, parallel to the west line of said Section 12 a distance of 500.00 feet to a point (an iron pipe is set N3°09'E a distance of 30.00 feet from this point); (said point is on the south line of said Section 12); thence N86°00'W, along the section line, a distance of 150.00 feet to the place of beginning (said beginning point is a Standard County monument) and containing 1.722 acres of land more or less as surveyed by Edward G. Friedl in August, 1966.

Tract 3: Situated in the Township of Plain, County of Stark and State of Ohio:

Known as and being a part of the Southwest Quarter of Section 12, Plain Township (11), Range 8, Stark County, Ohio, and further bounded and described as follows: to-wit:

Beginning at the southwest corner of the Southwest Quarter of said Section 12; thence N3°09'E along the west line of said section, a distance of 500.00 feet to an iron pipe and the true place of beginning for the parcel herein described; thence N3°09' E, continuing along the west line of said section, a distance of 128.66 feet to an iron pipe; thence N75°42' 51" E a distance of 319.46 feet to an iron pipe on the west line of Laurel Ridge Allotment No. 1, as recorded in Plat Book 32, Page 76, Stark County Plat Records, said pipe being on the common corner of Lots 13 and 14 in said allotment; thence S 4°00' W, along the west line of said allotment, a distance of 150.24 feet to an iron pipe at the angle point in said allotment; thence S21°55' E, continuing along said allotment; a distance of 87.44 feet to an iron pipe; thence N 86°00' W a distance of 339.64 feet to the true place of beginning and containing 1.277 acres of land, more or less, as surveyed by Hammontree and Friedl, Registered Surveyors No. 5004 and No. 5182, in June, 1967.

No. 119

The following deeds are only shown for the purpose of clarifying the description contained in the heading of this Continuation:

(1)

Nick Vidovich and  
Velma Vidovich,  
husband and wife,

to

Robert Bergmeyer  
and Marilyn Bergmeyer

Warranty Deed \$1.00  
Dated September 22, 1966  
Rec. September 22, 1966  
Volume 3188, Page 577

Conveys Tract No. 1, as described in the heading of this Continuation.

(2)

Nick Vidovich  
and Velma Vidovich,  
husband and wife,

Warranty Deed \$1.00  
Dated January 20, 1967  
Rec. January 20, 1967  
Volume 3198, Page 325

to

John M. Money and  
Venita Money

Conveys Tract No. 2 as described in the heading of this Continuation.

(3)

Nick Vodivich and  
Velma Vidovich,  
husband and wife,

Warranty Deed \$1.00  
Dated July 22, 1967  
Rec. July 28, 1967  
Volume 3253, Page 368

to

John M. Money  
and Venita Money

Conveys Tract No. 3 as described in the heading of this Continuation.

No. 120

Velma R. Vidovich, wife  
of Grantee herein,

Quit Claim Deed - \$1.00  
Dated - June 21, 1968  
Rec. - October 4, 1968  
Volume 3349, Page 556

to

Nick Vidovich

Conveys all Grantor's interest in premises described in the Heading of this Continuation.

Subject to a right of way of the East Ohio Gas Company as recorded in Volume 477, Page 346 of the Stark County Records.

Also subject to a certain drainage easement as recorded in Volume 306 Page 582 of the Stark County Miscellaneous Records.

No. 121

Dedication of Northview Ave., N.E.  
a Part of S.E. Quarter of Section  
11, Township 11 (Plain) Range 8.

Plat  
Dated August 12, 1971  
Rec. August 17, 1971  
Plat Book 40, Page 90

Said street is 60 feet long and approximately 50 feet wide and contains 3099 square feet or 0.071 acres.



L I E N S

No. 122

No Mortgages, Division of Aid for Aged Liens, nor Security Interests.

No. 123

No Leases or Mechanic's Liens.

No. 124

No Personal Tax, Federal Tax, Recognizance Bonds or Unemployment Compensation Liens.

No. 125

No Pending Suits, Living Judgments or Foreign Executions.

No. 126

Parcel No. 52-01887

5.95 A Taxes of \$27.73 due in December, 1971 are paid.

Parcel No. 52-01888

15.68 A Taxes of \$48.59 due in December, 1971 are paid.

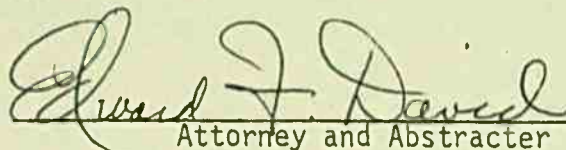
No. 127

There are no assessments.

\* \* \* \* \*

I hereby certify that the foregoing CONTINUATION was collated by me from the Official Records of Stark County, Ohio, and that I believe the same is correct and shows every instrument of record affecting title to said premises as disclosed by the General Indexes in the several County Offices in and for Stark County, since and including June 8, 1966.

Canton, Ohio  
March 9, 1972  
at 9:00 A.M.

  
\_\_\_\_\_  
Attorney and Abstractor

Plain Township Historical Society

SHORT FORM CONTINUATION

No. 128

Nick Vidovich and  
Velma Vidovich,  
husband and wife,

Mortgage \$20,000.00  
Dated March 17, 1972  
Recorded March 17, 1972  
Volume 3611, Page 512  
NOT CANCELLED

*Cancelled Aug. 4, 1972*  
*[Signature]*

to

First Federal Savings  
and Loan Association  
of Canton, Ohio

Covers premises described in the heading of the next preceding Continuation to the Abstract of Title and secures a note of even date for the sum of \$20,000.00 with interest at the rate of 7-1/2% per annum payable in installments of \$162.00 per month.

\* \* \*

I hereby certify that the foregoing instruments are the only instruments filed for record since and including March 9, 1972 which would affect the title to the premises described herein as shown by the General Indexes in the several County Offices in and for Stark County, Ohio.

Canton, Ohio  
March 20, 1972  
at 9:00 A.M.

*[Signature]*  
Attorney and Abstracter

Plain Township Historical Society



C O N T I N U A T I O N

NO. 129

CONTINUATION to the foregoing Abstract of Title, showing changes since and including March 20, 1972, to the following described property:

Situated in the Township of Plain, County of Stark, and State of Ohio, and described as follows:

Known as and being a part of the Southeast Quarter of Section 11 and the Southwest Quarter Section 12, Township 11, (Plain), Range 8, Stark County, Ohio, bounded and described as follows:

Beginning at the Southwest corner of said Southwest Quarter Sec. 12, said point is the true point of beginning for the tract of land herein conveyed. Thence South 86 degrees 0 minutes East along the south Quarter Section line and the center line of Easton Street a distance of 510.61 feet to a point on said line. Thence North 12 degrees 11 minutes West a distance of 343.41 feet to an iron pin. Thence North 21 degrees 55 minutes West a distance of 276.62 feet to an iron pin. Thence North 4 degrees 0 minutes East a distance of 817.56 feet to an iron pin. Thence North 48 degrees 11 minutes West a distance of 922.63 feet to an iron pin. Thence North 85 degrees 34 minutes West a distance of 136.18 feet to an iron pin. Thence South 8 degrees 15 minutes West a distance of 870 feet to an iron pin. Thence South 3 degrees 33 minutes West a distance of 396 feet to an iron pin. Thence South 86 degrees 0 minutes East and parallel to the South Quarter Section line a distance of 623 feet to a point on the West Quarter Section line of Section 12. Thence South 3 degrees 9 minutes West and along said West line a distance of 699.38 feet to the true point of beginning containing 15.754 acres in the Southeast Quarter Section 11 and 12.232 acres in the Southwest Quarter Section 12, Plain Township.

EXCEPTING THEREFROM the following described real property:

TRACT 1: Situated in the Township of Plain, County of Stark and State of Ohio:



And known as and being part of the Southwest Quarter of Section 12, Township 11, (Plain), Range 8, and further bounded and described as follows; to-wit:

Beginning at a point in the south line of said Section 12, said point being S 86° 00'E, a distance of 150.00 feet from a County monument at the southwest corner of the Southwest Quarter of said Section 12; thence N 3°09'E, parallel to the west line of said Section 12, a distance of 500.00 feet to an iron pipe (passing over an iron pipe 30.00 feet north of the south line of Section 12); thence S 86°00'E, parallel to the South line of said Section 12, a distance of 189.64 feet to an iron pipe in the west line of Laurel Ridge Allotment No. 1 as recorded in Plat Book 32, Page 76, of the Stark County Record of Plats; thence the following courses and distances along said west line of Laurel Ridge Allotment No. 1:

S 21°55' E, a distance of 189.18 feet to an iron pipe; S 12°11' E, a distance of 343.41 feet to a spike in the south line of said Section 12; thence N 86°00' W along the south line of said Section 12, a distance of 360.61 feet to the place of beginning and containing 3.283 acres of land more or less as surveyed by Edward G. Friedl, Registered Surveyor No. 5182, in August 1966.

TRACT 2: Situated in the Township of Plain, County of Stark and State of Ohio:

And known as and being part of the Southwest Quarter of Section 12, Township 11, Range 8 and further bounded and described as follows; to-wit:

Beginning at the southwest corner of the Southwest Quarter of said Section 12; thence N 3°09' E, along the section line, a distance of 500.00 feet to an iron pipe; thence S 86°00' E parallel to the south line of said section 12, a distance of 150.00 feet to an iron pipe; thence S 3°09' W, parallel to the west line of said section 12 a distance of 500.00 feet to a point (an iron pipe is set N 3°09' E a distance of 30.00 feet from this point); (said point is on the south line of said Section 12); thence N 86°00' W, along the section line, a distance of 150.00 feet to the place of beginning (said beginning point is a



Standard County monument) and containing 1.722 acres of land more or less as surveyed by Edward G. Friedl in August, 1966.

TRACT 3: Situated in the Township of Plain, County of Stark and State of Ohio:

Known as and being a part of the Southwest Quarter of Section 12, Plain Township (11), Range 8, Stark County, Ohio, and further bounded and described as follows: to-wit:

Beginning at the southwest corner of the Southwest Quarter of said Section 12; thence N 3°09' E along the west line of said section, a distance of 500.00 feet to an iron pipe and the true place of beginning for the parcel herein described; thence N 3°09' E, continuing along the west line of said section, a distance of 128.66 feet to an iron pipe; thence N 75°42'51" E a distance of 319.46 feet to an iron pipe on the west line of Laurel Ridge Allotment No. 1, as recorded in Plat Book 32, Page 76, Stark County Plat Records, said pipe being on the common corner of Lots 13 and 14 in said allotment; thence S 4°00' W, along the west line of said allotment, a distance of 150.24 feet to an iron pipe at the angle point in said allotment; thence S 21°55' E, continuing along said allotment; a distance of 87.44 feet to an iron pipe; thence N 86°00' W a distance of 339.64 feet to the true place of beginning and containing 1.277 acres of land, more or less, as surveyed by Hammtree and Friedl, Registered Surveyors No. 5004 and No. 5182, in June, 1967.

TRACT 4: Situated in the Township of Plain, County of Stark and State of Ohio:

Known as being part of the Southeast Quarter of section 11 and the Southwest Quarter Section 12, Township 11, Range 8, and further bounded and described as follows, to-wit:

Beginning at an iron pin at the most westerly corner of Lot 213 in Laurel Ridge No. 1 Section E Allotment as recorded in Plat Book 39, Page 134 of the Stark County Records of Plats, said iron pin is also on the southeasterly line of Northview Avenue N.E. (50 feet wide); thence S 45°10'00" E, along the southwesterly line of said Laurel Ridge Allotment a distance of 320.00 feet to an iron pin set; thence S 60°54'44" W, a distance of 463.27 feet to an iron pin



set; thence N  $10^{\circ}51'23''$  E, a distance of 302.24 feet to an iron pin set on a curve; thence along the arc of a curve to the right, having a central angle of  $38^{\circ}29'35''$ , a radius of 175.00 feet, a chord of 115.37 feet and a chord bearing of N  $30^{\circ}06'10''$  E, an arc distance of 117.57 feet to an iron pin set at the point of tangency of the southeasterly line of Northview Avenue, N.E. projected southwesterly (as recorded in Plat Book 40, Page 90 of the Stark County Record of Plats); thence N  $49^{\circ}21'00''$  E, along said projection and southerly line, a distance of 83.19 feet to the true place of beginning and containing 2.000 acres, more or less, as surveyed by Friedl and Harris, Inc., Engineers and Surveyors of North Canton, Ohio in October of 1973.

Subject to temporary turn-around, drainage and gas line easements.

TRACT 5: Situated in the Township of Plain, County of Stark and State of Ohio:

Known as and being a part of the Southeast Quarter of Section 11, Plain Township (11), Range 8, Stark County, Ohio, and further bounded and described as follows: to-wit:

Beginning at a monument at the most southerly corner of Lot No. 214 of Laurel Ridge Allotment No. 1, Section E as recorded in Plat Book 39, Page 124 of the Stark County Records of Plats; thence S  $49^{\circ}21'00''$  W along the northwesterly line of Northview Avenue N.E. (50 feet wide) as recorded in Plat Book 40, Page 90 of the Stark County Records of Plats, and its southwesterly projection; a distance of 162.83 feet to an iron bar; thence N  $78^{\circ}45'23''$  W, a distance of 217.30 feet to an iron bar; thence N  $11^{\circ}14'37''$  E, a distance of 240.02 feet to an iron pin at the southwest corner of a 0.154 acre tract of land now or formerly owned by J. C. Steiner Company as recorded in Deed Book 2357, Page 456 of the Stark County Records of Deeds; thence S  $82^{\circ}30'55''$  E, along the south line of said 0.154 acre tract, a distance of 136.16 feet to an iron pin on the southwesterly line of said Lot No. 214; thence S  $45^{\circ}10'00''$  E, along the southwesterly line of said Lot No. 214, a distance of 218.39 feet to the place of beginning and containing 1.402 acres, more or less, as surveyed by Friedl and Harris, Inc., Engineers and Surveyors of North Canton, Ohio, in May of 1973.



Nick Vidovich and Velma Vidovich,  
husband and wife

Warranty Deed - \$1.00  
Dated - October 26, 1973  
Rec. - October 29, 1973  
Volume 3714, Page 248

to

Roy E. Overmier

Conveys premises described in Tract 4 of the description contained  
in the Heading of this Continuation.

The Estate of Nick Vidovich, deceased

In the Probate Court of  
Stark County, Ohio  
Adm. Doc. 89, Page 528  
Case No. 101567

- 1976 - July 29 Application to Probate Will and waiver filed. Hearing set for August 5, 1976, at 9:30 A.M. and notice ordered.
- 30 Notice issued.
- Aug. 2 Notice returned served.
- 5 Hearing had, will admitted to probate and record.
- 20 Application for Letters, acknowledgement and acceptance filed. Velma Vidovich of Canton, Ohio, Executrix. Letters issued.
- Sept. 23 Inventory and Appraisement filed.
- Oct. 1 Hearing set for Oct. 20, 1976 at 10:00 A.M. and notice ordered by publication.
- 20 Hearing had, Inventory and Appraisement approved and confirmed.
- Dec. 30 Application for transfer of realty filed. Hearing had, realty ordered transferred. Certificate issued.
- 1977 - Jan. 18 First and Final Account filed.
- Feb. 8 Hearing set for 3/11/77 at 10:00 A.M. and notice by publication ordered.
- Mar. 11 Hearing had, account approved.
- 10/27/76 - Ohio Estate Tax Return Filed, Amount of tax found due \$469.31.
- 1/5/77 - Supplemental Estate Tax Return filed. Amount of tax found due \$100.00.
- 2/4/77 - Certificate of Payment of Ohio Estate Tax in the amount of \$469.31 filed.
- 2/14/77 - Certificate of Final Determination of Ohio Estate Tax liability in the amount of \$469.31 filed.
- 3/21/77 - Certificate of payment of Supplemental Ohio Estate Tax in the amount of \$100.00 filed.

Last Will and Testament of  
Nick Vidovich

Will Record Volume 302  
Page 246

*Item I. Pay Debts*

*\*\*\*ITEM II. All the property, real and personal, of every kind and description, wheresoever situate, which I may own or of which I may have the right to dispose at the time of my decease, I give, bequeath and devise to my wife, VELMA VIDOVICH, absolutely and in fee simple.\*\*\**

*Item III Appoints Velma Vidovich Executrix of the Last Will and Testament with the power of sale*

*Item IV No Bond Required of the Executrix*

*Item V Authorizes Executrix to pay real estate commission*

*Fees*

*Item VI Request Executrix to employ Edward F. Da... as Attorney for Estate.*

Alfon L. Kosh  
Assistant Prosecuting Attorney

Application for Letters Testamentary states, in substance, that Nick Vidovich died testate on July 23, 1976, leaving Velma Vidovich, his surviving spouse and the following persons his known next of kin:

Nenad Vidovich aka Ned Vidovich	922 West Main Massillon, Ohio 44646	Adult	Son
Nada Priscuta	Stipon Yugoslavia Hrvatska	Adult	Daughter

The following are the only legatees and devisees of said testator named in his will:

Velma Vidovich 6877 Northview, N.W. 56  
Canton, Ohio 44721

*She waived notice of Probate  
Probate of the Will by service on his wife at residence  
Alan L. Kirsch  
Assistant Proo.  
City.*

*Nenad Vidovich served with notice of the Probate of the Will*  
NO. 134

Estate of Nick Vidovich, deceased  
to  
Velma Vidovich

Certificate for Transfer of Real Estate  
Dated - Dec. 30, 1976  
Rec. - January 4, 1977  
Volume 3949, Page 714

Conveys premises described in the Heading of this Continuation along with the premises described in Tract 5 in the Heading to this Continuation.

NO. 135

Velma Vidovich, a widow and not remarried  
to  
Gerald O. Yoho and Barbara J. Yoho

Warranty Deed - \$1.00  
Dated - March 7, 1977  
Rec. - March 7, 1977  
Volume 3954, Page 449

Conveys premises described in Tract 5 of the description contained in the Heading of this Continuation.

NO. 136

There are no other deeds.

L I E N S

NO. 137

No Mortgages, Division of Aid for Aged Liens, nor Security Interests.

NO. 138

No leases or mechanic's liens.

NO. 139

No Personal Tax, Federal Tax, Recognizances Bonds, Workmen's Compensation Liens or Unemployment Compensation Liens.

NO. 140

No Pending Suits, Living Judgments or Foreign Executions.



NO. 141

TAXES: Parcel No. 52-12045 - Taxes of \$213.25 due in December, 1976, are paid. (NO SPLIT - taxes cover 19.63 acres).

NO: 142

There are no assessments shown on present tax duplicate.

\*\*\*\*\*

I hereby certify that the foregoing CONTINUATION was collated by me from the Official Records of Stark County, Ohio, and that I believe the same is correct and shown every instrument of record affecting title to said premises as disclosed by the General Indexes in the several County Offices in and for said County, since and including

Canton, Ohio  
June 30, 1977  
@ 9:00 A.M.

*Edward F. David*  
EDWARD F. DAVID, Attorney and Abstractor

*Redated: No changes.  
August 4, 1977  
at 2:15 P.M.  
Edward F. David,  
Attorney.*

Plain Township Historical Society