

The original probate files of Hendricks County, some from as early as 1823, are very fragile and are in storage. You are encouraged to use these digital images instead of seeking the originals as they are as complete, and more readable in many cases, than the originals.

BLAIR MCCROSKY

ESTATE

1889

HENDRICKS COUNTY, INDIANA

No. 5885

Hendricks Circuit Court.

Amanda J. Dowden

VS.

Bludsoe McCroskey
et al

Judgment, - - \$

Sept. 10th

1889

O. B.

32

P.

48

Filed

July 15th

1889

Enoch G. Hogate

Clerk.

Disposed of Sept. Tr. 1889

Complete Record

Dowenard & Parker

Attorney for Plaintiff.

F. B. No.

25

P.

281

State of Indiana, Hendricks County, ss:

Downard & Parker, Attys for Plff.

Notice to Non-Residents.

The State of Indiana, Hendricks county.
In the Hendricks circuit court, September term
1889.

Complaint No. 5085.
Amanda J. Dowden vs. Bledsoe McCrosky,
et al.

Now comes the plaintiff, by Downard & Parker,
her attorneys, and files a complaint herein, together
with an affidavit that said defendants, Bledsoe
McCrosky, Fannie E. Worthington, John Drake,
Marshall B. Leachman, Unknown heirs of Blair
McCrosky, David Hampton, or if he is dead the
unknown heirs of David R. Hampton not residents
of the State of Indiana; that said action is for
quieting title to real estate and that said non-resi-
dent defendant are necessary parties thereto.

Notice is therefore hereby given said defendants,
last named, that unless they be and appear on the
8th day of the next term of the Hendricks circuit
court, to be holden on the first Monday of September,
A. D., 1889, at the court house in Danville, in said
County and State, and answer or demur to said
complaint, the same will be heard and determined in
their absence.

Witness my name and the seal of
said court, affixed at Danville, this 15th
July, A. D., 1889.
7 15 31

ENOCH G. HOGATE, Clerk.

Personally appeared before the undersigned

J. C. Ochiltree editor of
Hend. Co. Republican

a Public Weekly Newspaper of general circulation, printed
and published in Danville, in the County aforesaid, who being
duly sworn, upon his oath, saith that the notice, of which the
attached is a true copy, was duly published in said paper for

3 weeks successively, the first of which publication
was on the 18th day of July 1889, and
the last on the 1st day of August 1889

John C. Ochiltree

Subscribed and sworn to before me, this 30th day of Aug. 1889

Enoch G. Hogate, Clerk

Received _____, of _____,

_____ Dollars and _____ Cents, in full for publish-
ing the above notice

Notice D. Non-res.
Dowden vs. Mellosky
Comp. 5085-
\$8 00

Aug 1st

FILED.
SEP 10 1889

E. G. Hogate
CLERK.

Paid.

In the Circuit Court of Hendricks County, Indiana.

Amanda J Dorden

vs.

No. 5089

Bledsoe McCrosky
John Drake
James C. Worthington Marshall B.
Leckman Unknown heirs of Blair
McCrosky David R. Hampton or if he
be dead the Unknown heirs of
David R. Hampton

Notice is hereby given that the above named Amanda J Dorden
has filed her complaint in said Court, against the above named
Defendants

to Quiet the title to

the following described real estate, situate in the County and State aforesaid, viz:

The East half of the North East quarter
of Section Twenty-eight (28) in
Township Seventeen (17) North
and Range One (1) West

(Signed,)

Amanda J Dorden
By Leonard & Parker Attorneys

No 5083

Amanda Druden
vs.
Bledsoe McCrosky
Et al

In _____ Court
of _____ County.

Notice of Suit affecting Real Estate.

Filed _____ 187

at 11 JUL 15 1889
o'clock A.M.

E. G. Hoyle
Clerk.

Judged Sept 10th 1889 + 9dy of the

State of Indiana

Hendricks Circuit Court

Hendricks County

September Term, 1889

Amanda J. Dowden,

vs

Bledsoe McCrosky, John Drake,

Fannie E. Worthington,

Marshall B. Leachman,

Unknown heirs of Blair McCrosky,

David R. Hampton, or if he be dead

the Unknown heirs of David R. Hampton.

Comes the plaintiff by counsel and shows to the Court the affidavit of John C. Ochiltree, Editor of the Hendricks County Republican, a public weekly newspaper of general circulation, printed and published in the Town of Danville, Hendricks County and State of Indiana, from which affidavit it appears that notice had been given to Bledsoe McCrosky, John Drake, Fannie E. Worthington, Marshall B. Leachman, the Unknown heirs of Blair McCrosky, David R. Hampton or if he be dead the Unknown heirs of David R. Hampton, by three successive publications in said newspaper, at least thirty days before the tenth day of September 1889, on which day, by endorsement in writing on said complaint, proceedings herein was made returnable, the first of which publications was on the 18th day of July, 1889 and the last on the first day of August 1889, at which time, this cause is set for trial, and process made returnable.

And now on motion of the plaintiff, the defendants Bledsoe McCrosky, John Drake, Fannie E. Worthington, Marshall B. Leachman, the Unknown heirs of Blair McCrosky, David R. Hampton, or if he be dead the Unknown heirs of David R. Hampton, are each three times loudly called

but come not to answer the complaint herein, and wholly make default.

Whereupon this cause is submitted to the Court for trial without the intervention of a jury; and after hearing the evidence, and inspecting the proof the Court doth say and find that on the 28th day of May 1838, Blair McCrosky and wife, the ancestor of Bledsoe McCrosky, John Drake, Fannie E. Worthington, Marshall B. Leachman, and the Unknown heirs of Blair McCrosky, being the owner in fee simple of the following described Real Estate in Hendricks County and State of Indiana to-wit: The East half of the North East quarter of Section 28 Township 17 North of Range one West, containing 80 acres, bargained and sold and conveyed the same for a valuable consideration to one David R. Hampton, on the 29th day of May 1838, which deed was recorded in Deed Record No. 6 at page 352 of the Record of said County, but by the inadvertance of the scrivener of the deed to said Hampton, there was a mutual mistake made by the parties in describing said land in said deed, it being described as the North East half quarter of said Section 28 Township 17 North of Range one West, instead of the East half of the North East quarter of said Section, Township and Range aforesaid; and that on the 28th day of October 1850, the said David R. Hampton, for a valuable consideration, bargained, sold and conveyed said lands to Johnson Brookshire and Allie Brookshire his wife, which deed was recorded on the 6th day of August 1851, Book 14, page 328 of the Records of Hendricks County of said State, but by the inadvertance of the scrivener of the deed to said Brookshires, there was a mutual mistake made by the parties in describing said land in said deed, it being described as the East half of the North East quarter of Section 28 Township 16 North of Range one West, instead of the East half of the North East quarter of Section 28 Township 17 North of Range one West.

And the Court further finds that said Blair McCrosky departed this life intestate on the day of 1863, in the County of Mason and State of Kentucky, leaving him surviving as his all and only heirs the above named defendants Bledsoe McCrosky, John Drake, Fannie E. Worthington and Marshall B. Leachman; and further that the said David R. Hampton is dead, and the Unknown heirs cannot be found, although diligent search therefor has been made.

And the Court further finds that Amanda J. Dowden is the owner in fee simple by deed of conveyance from said Bledsoe McCrosky and David R. Hampton and their subsequent grantees of the East half of the North East quarter of Section 28 Township 17 North of Range one West, and that she and her immediate grantors have been in the quiet and peaceable possession of said tract of land for more than thirty years last past and that the defendants have no interest whatever therein, and that the title to said Real Estate should be quieted and the mistake in said deed from said Blair McCrosky and wife to said Hampton corrected, so that the same shall read the East half of the North East quarter of Section 28 Township 17 North of Range one West, instead of the North East half quarter of said Section, Township and Range; and that the mistake in said deed from said David R. Hampton to said Brookshires should be corrected so that the same shall read the East half of the North East quarter of Section 28 Township 17 North of Range one West, instead of the East half of the North East quarter of Section 28 Township 16 North of Range one West.

It is further ordered, adjudged and decreed by the Court that said deed from said Blair McCrosky and wife to said Hampton and the said deed from said Hampton to the said Brookshires, are hereby corrected, reformed and made to read the East half of the North East quarter of Section 28 Township 17 North of Range one West.

It is further ordered by the Court that the title of Amanda J. Dowden in and to said Real Estate, be and the same is hereby forever quieted and set at rest in the said Amanda J. Dowden as against the defendants and each and every one of them, and all persons claiming under them or either of them.

Ordered that the plaintiff pay the cost of proceedings herein taxed at \$

013 331248

5085

Approved
Jno. B. L. L. L.
Judge

State of Indiana

Hendricks County

Hendricks Circuit Court

September Term, 1889

Amanda J. Dowden

vs

Bledsoe McCrosky, John Drake,

Fannie E. Worthington,

Marshall B. Leachman

Unknown heirs of Blair McCrosky,

David R. Hampton, or if he be dead

the Unknown Heirs of David R. Hampton.

The above named plaintiff complains of the above named defendants and says, that on the 28th day of May, 1838, Blair McCrosky and wife, the ancestor of Bledsoe McCrosky, John Drake, Fannie E. Worthington and Marshall B. Leachman, and the Unknown Heirs of Blair McCrosky, being the owner in fee of the following described Real Estate in Hendricks County and State of Indiana to-wit: The East half of the North East quarter of Section 28 Township 17 North of Range one West, containing 80 acres, bargained and sold and conveyed the same for a valuable consideration to one David R. Hampton, on the 29th day of May 1838, which deed was recorded in Deed Record No. 6 at page 352 of the Records of said County; but by the inadvertance of the scrivener, of the deed to said Hampton, there was a mutual mistake made by the parties in describing said land in said deed, it being described as the North East half quarter of Section 28 Township 17 North of Range one West, instead of the East half of the North East quarter of said Section Township and Range aforesaid; and that on the 28th day of October 1850, the said David R. Hampton, for a valuable consideration, bargained sold and conveyed the said land to Johnson Brookshire and Allie Brookshire his

wife, which deed was recorded on the 6th day of August 1851 in Book 14 page 328 of the Hendricks County Records, but by the inadvertance of the scrivener of the deed to said Brookshires, there was a mutual mistake made by the parties in describing said land in said deed, it being described as the North East half quarter of Section 28 Township 16 North of Range one West, instead of the East half of the North East quarter of Section 28 Township 17 North of Range one West.)

And plaintiff further says that said Blair McCrosky departed this life intestate on the---day of---1863 in the County of Mason and State of Kentucky, leaving him surviving as his all and only heirs the above named defendants Bledsoe McCrosky, John Drake, Fannie E. Worthington, Marshall B. Leachman

And plaintiff further says that she is the owner in fee by deed of conveyance from said Blair McCrosky and David R. Hampton and their subsequent grantees, of the East half of the North East quarter of Section 28 Township 17 North of Range one West, and that she and her immediate grantors have been in the quiet and peaceable possession of said tract of land as last above described, for more than thirty years last past, and that the defendants have no interest whatever therein, Wherefore the plaintiff prays for the correction of said deeds from said Blair McCrosky to said David R. Hampton and from said David R. Hampton to said Brookshires, and that her title to the tract of land above described be quieted and forever set at rest, and she prays for all proper relief in the premises.

No 5085

Hendricks Circuit Court

September Term, 1889

Amanda J. Dowden

vs

Bl ~~l~~ McCrosky et al

C O M P L A I N T

The Clerk will issue summons and cause notice by publication to be given, and make the same returnable on the 9th day of the September Term, 1889, of this Court, the same being the 10th day of Sept. 1889, and set this cause down for issue and trial on that day.

Downard & Parker
Atty. for Plff

FILED.
JUL 15 1889

E. G. Hogate
CLERK

State of Indiana

Hendricks County

Hendricks Circuit Court

September Term, 1889.

Amanda J. Dowden

vs

Bledsoe McCrosky, John Drake,

Fannie E. Worthington,

Marshall B. Leachman

Unknown Heirs of Blair McCrosky

David R. Hampton, or if he be dead

the Unknown Heirs of David Hampton.

James A. Downard, plaintiffs attorney in the above action, says that the above entitled cause is in relation to Real Estate, and that the above named defendants are all necessary parties thereto, and that said defendants are all non-residents of the State of Indiana at this time as this affiant verily believes.

James A. Downard

Subscribed and sworn to before me this 15th day of July 1889

Enoch G. Fitzgerald
clerk

FILED.
JUL 15 1889

E. G. Hogate
Clerk

State of Indiana
Hendricks County

Hendricks Circuit Court
September Term, 1889

Amanda J. Dowden

vs

Bledsoe McCrosky, John Drake,
Fannie E. Worthington,
Marshall B. Leachman,
Unknown Heirs of Blair McCrosky,
David R. Hampton, or if he be dead
the Unknown Heirs of David R. Hampton

James A. Downard, Attorney for plaintiff in the above action, being sworn, says, that the Unknown Heirs of Blair McCrosky and the Unknown Heirs of David R. Hampton are necessary parties in the above cause of action, and that their names are all unknown to him as well as to the plaintiff, and that he verily believes they are not residents of the State of Indiana.

James A. Downard

Subscribed and sworn to before me this 15 day of July 1889

Enoch G. Hogate
clerk

No. 5885

Amaud a J. Dowden
vs

Blair McCroskey

Affidavit

FILED
JUL 15 1889

E. G. Hogate
CLERK

BLAIR MCCROSKY

ESTATE

1889

HENDRICKS COUNTY, INDIANA
