

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 25 and 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 AND 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO.

NO. 11,404  
COMMON PLEAS COURT

TO THE CLERK: -- Issue Subpna for

Residence

- 1. Nathan L. Davis W. Front street, Graceland Addition, Logan, Ohio
2. Betty Lou Davis W. Front Street, Graceland Addition, Logan, Ohio
3. Barton Sparnon Holl W. Front Street, Graceland Addition, Logan, Ohio
4. Regina Lee Holl W. Front Street, Graceland Addition, Logan, Ohio
5. Robert E. Auflick W. Front Street, Graceland Addition, Logan, Ohio
6. Stella S. Auflick W. Front Street, Graceland Addition, Logan, Ohio
7. John J. Voits W. Front Street, Graceland Addition, Logan, Ohio
8. Olga Voits W. Front Street, Graceland Addition, Logan, Ohio
9. Fred Hollis Meadows W. Front Street, Graceland Addition, Logan, Ohio
10. Gladys Mae Meadows W. Front Street, Graceland Addition, Logan, Ohio

to appear as witness in above named case, on Wednesday, June 12, 1957 A. D. at 9:30 o'clock A. M. Required on behalf of the Applicants.

HUBERT D. LAPPEN Attorney for the Applicants

THE STATE OF OHIO HOCKING County

COMMON PLEAS COURT

Table with columns: To, Residence, Miles, How Served, Day Served. Lists names like Olga Voits, Fred Hollis Meadows, Gladys Mae Meadows.

You are hereby required to be and appear before the Common Pleas Court at the Court House in said County, on the 12th day of June A. D. 19 57 at 9:30

o'clock A. M. to testify as a witness in a certain case pending in said Court, wherein IN RE: THE VACATION & ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 25 and 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 & 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO. Plaintiff, and Defendant, and not depart the Court without leave. Herein fail not, under penalty of the law. And have you then and there this writ.

Said Court requires your said attendance on behalf of the Applicants. Witness my hand and the seal of said Thelma Keyes Clerk. Court, this 6 day of June 19 57 By Deputy

THE STATE OF OHIO HOCKING County

COMMON PLEAS COURT

Table with columns: To, Residence, Miles, How Served, Day Served. Lists names like Nathan L. Davis, Betty Lou Davis, Barton Sparnon Holl, Regina Lee Holl, Robert E. Auflick, Stella S. Auflick, John J. Voits.

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Said Court requires your said attendance on behalf of the Applicants. Witness my hand and the seal of said THELMA KEYES Clerk. Court, this 6 day of June 19 57 By Deputy

Transcript of Docket and Journal Entries TO COURT OF APPEALS. Includes case details, attorneys (Hubert D. Lappen, Leslie G. Johnson), and clerk (Thelma Keyes).

Barrett Brothers, Publishers, Springfield, Ohio

Transcript of Docket and Journal Entries TO COURT OF APPEALS

General Code, Sec. 12223-8

Common Pleas Court, Hocking County, Ohio

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 25 AND 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 AND 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO.

- 1957 4 17 Application filed.
1957 4 17 Plat filed.
1957 4 17 Notice filed.
1957 4 27 Journal Entry filed.
1957 4 27 Motion for leave to become a part to action filed.
1957 5 14 Proof of Publication filed.
1957 5 20 Demurrer filed.
1957 5 21 Entry filed.
1957 5 22 Affidavit filed.
1957 6 6 Notice of Appeal on Question of Law filed.
1957 6 6 Precipe Filed.
1957 6 6 Motion Filed.
1957 6 10 Transcript of Docket and Journal Entries with all original papers filed.

ENTRY NO. 1.

The Motion of James Comstock for leave to become a party defendant herein, is hereby granted and he may plead herein.

HARLEY MEYER, JUDGE

APPROVED: LESLIE G. JOHNSON Attorney for Defendant James Comstock

ENTRY NO. 2.

This 21st day of May, 1957, this cause came on to be heard upon a Demurrer filed by Leslie G. Johnson, Attorney for James H. Comstock.

The Court, being fully advised in the premises, finds that said demurrer is not well taken and should be overruled.

It is, therefore, ORDERED, ADJUDGED AND DECREED that said demurrer is overruled, to which ruling defendant excepts.

HARLEY MEYER, JUDGE

APPROVED: HUBERT D. LAPPEN Attorney for Applicants. LESLIE G. JOHNSON Attorney for James H. Comstock Defendant.

The State of Ohio, Hocking County.

I, the undersigned, Clerk of the Common Pleas Court in and for said County, do hereby certify that the foregoing is a true transcript of the Docket and Journal Entries of said Court in the above entitled cause, and that the said entries are a true and correct copy of the original entries as the same appear in the files of said Court.

Witness my hand and the seal of said Thelma Keyes Clerk. Court, this 6 day of June 19 57 By Deputy

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said Common Pleas Court on this 10 day of June A. D. 19 57

(SEAL) Thelma Keyes Clerk. By Deputy

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 23, AND 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51, AND 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO.

NO. 11404

APPLICATION

Now comes the defendant and respectfully moves the Court for leave to file an answer herein.

LESLIE G. JOHNSON Attorney for Defendant

Filed July 16, 1957 Hocking County Common Pleas Court Thelma Keyes, Clerk.

APPROVED:

Attorney for Plaintiff

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 23, AND 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51, and 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO.

JOURNAL ENTRY

The defendant has leave to file an answer by July 31st 1957.

DELBERT L. DEDRICK Judge by Assignment

APPROVED:

HUBERT D. LAPPEN Attorney for Plaintiff

Journal 37 Page 342

Filed July 16, 1957 Hocking County Common Pleas Court Thelma Keyes, Clerk

LESLIE G. JOHNSON Attorney for Defendant

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 25, AND 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 AND 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO.

NO. 11404

ANSWER

FIRST DEFENSE

Defendant says that the Court is without jurisdiction over the subject matter or over the person of this defendant in this cause of action.

SECOND DEFENSE

Defendant for his second defense incorporates each and every allegation contained in his first defense as though the same were re-written herein in full.

Defendant says that there was at the time of commencement of this action another action pending between the plaintiff and defendant on the same cause of action alleged in the petition herein in the Common Pleas Court of Hocking County, Ohio, and plaintiff's are without right to maintain this action; that the filing of this action is maintenance.

THIRD DEFENSE

Defendant for his third defense incorporates each and every allegation contained in his first and second defenses as though the same were re-written herein in full.

The defendant says that on the 8th day of June, 1957, the defendant recovered a judgment against this plaintiff in the Court of Common Pleas of Hocking County, Ohio, being Cause Number 1138, in said Court, on the same cause of action set forth in the petition herein, and all the matters set forth herein were in said cause adjudicated and determined.

FOURTH DEFENSE

Defendant for his fourth defense incorporates each and every allegation in his first, second, and third defenses as though the same were re-written herein in full.

Defendant says that he and his wife purchased an undivided interest in Lot Number Ten (10) in the Graceland Addition to the City of Logan upon which lot a house had been erected; defendant says he purchased said lot with full reliance upon the restrictive covenants set up on the dedicated plat; the restrictive covenants were carried forward to the defendant by a Warranty Deed.