# IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO

IN RE: THE VACATION AND ALTERATION OF PART OF PIAT 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

CAUSE NO. 11,404 NOTICE

Notice is hereby given that on the 17th day of April, 1957, the Logan Development Company of Logan, Ohio; Nathan L. Davis and Betty Lou Davis; Barton Sparnon Holl and Regina Lee Holl; Robert E. Auflick and Stella S. Auflick; John J. Voits and Ogla Voits; and Fred Hollis Meadows and Gladys Mae Meadows, filed their application in the Court of Common Pleas of Hocking County, Ohio, praying among other things that the plat of the West Half of Lots Nos. 12, 25 and 50, and the plat of all the Lots Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 and 52 in Graceland Addition to the City of Logan, Ohio, together with the streets and alleys heretofore dedicated and abutting upon and adjacent to said Lots, be vacated and altered and that the Plat of such lots hereinafter be known and recognized as a Plat of part of Fractional Lot No. 13, Section No. 14, Township No. 14, Range No. 17, of the City of Logan, Ohio; and for such other and further relief to which they may be entitled.

Said application will be for hearing on or after the 22nd day of May, 1957.

> Logan Development Company By: Barton A. Holl, Its President.

Nathan L. Davis and Betty Lou Davis Barton Sparnon Holl and Regina Lee Holl Robert E. Auflick and Stella S. Auflick John J. Voits and Olga Voits Fred Hollis Meadows and Gladys Mae Meadows.

Hubert D. Lappen Attorney for Applicants

IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO

. .

:

IN RE: THE VACATION AND ALTER-ATION OF PART OF PLAT OF GRACE-LAND 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, 50, AND ALL OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, 20

CAUSE NO. 11 404 JOURNAL ENTRY

## Affidavit of Publication

THE STATE OF OHIO, HOCKING COUNTY, SS

I, William S. Miller, of THE LOGAN DAILY NEWS a daily newspaper published in the city of Logan and of general circulation in said county, make solemn oath that a notice, of which the attached is a true copy was published in said newspaper for 4 consecutive weeks, commencing on the 18th day of April A. D. 1957.

### WM. S. MILLER

Sworn to and subscribed before me this 14th day of May A. D. 1957.

LAWRENCE T. WEBB Lawrence T. Webb, Notary Public (Seal) Printer's Fee \$19.64 My Commission Expires May 21, 1958

Please Include this number 2838 payment to insure proper credit

#### NOTICE

Ohio In the Court of Common Pleas, Hocking County,/Case No. 11,404.

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.

Notice is hereby given that on the 17th day of April, 1957, the Logan Development Company of Logan, Ohio; Nathan L. Davis and Betty Lou Davis; Barton Sparnon Holl and Regina Lee Holl; Robert E. Auflick and Stella S. Auflick; John J. Voits and Olga Voits; and Fred Hollis Meadows and Gladys Mae Meadows, filed their application in the Court of Common Pleas of Hocking County, Ohio, praying among other things that the plat of the West Half of Lots Nos. 12, 25 and 50, and the plat of all the Lots Nos. 13,14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 and 52 in Graceland Addition to the City of Logan, Ohio, together with the streets and alleys heretofore dedicated and abutting upon and adjacent to said Lots, be vacated and altered and that the Plat of such lots hereinafter be known and recognized as a Plat of part of Fractional Lot No. 13, Section No. 14, Township No. 14, Range No. 17, of the City of Logan, Ohio; and for such other and further relief to which they be entitled. Said application will be for hearing on or after

the 22nd day of May, 1957.

LOGAN DEVELOPMENT COMPANY By : Barton A. Holl, Its President Nathan L. Davis and Betty Lou Davis Barton Sparnon Holl and Regina Lee Holl Robert E. Auflick and Stella S. Auflick John J. Voits and Ogla Voits IN THE COURT OF COMMON PLEAS, 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. 13, 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,

AFFIDAVIT

## STATE OF OHIO. SS.

HOCKING COUNTY

Leslie G. Johnson being first duly sworn says he is attorney for a party defendant in this action, and that the Honorable Harley Meyer, Judge of the Court of Common Pleas in and for said county, and before whom this cause has been assigned for trial for the 25th day of May, 1957, has a bias for the plaintiff herein and a prejudice against this defendant's attorney and is disqualified by reason thereof to sit in the trial of this cause.

#### LESLIE G. JOHNSON Leslie G. Johnson

Sworn to before me and subscribed in my presence this 21st day of

May, 1957.

(Seal)

Frances M. Johnson Notary Public Hocking County My Comm Exp. 2-18-60

Filed: May 22, 1957 Hocking County Common Pleas Court Thelma Keyes, Clerk

IN THE COURT OF COMMON PLEAS, 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.

CAUSE NO. 11,404

CAUSE NO. 11,404

NOTICE OF APPEAL ON QUESTION OF LAW

Appellant hereby gives notice of his appeal to the Court of Appeals

on questions of law from the judgment overruling a demurrer and final order

	21, 22, 23, 24, 51 and 52 IN SAID GRACEIAND ADDITION 52 IN	Fred Hollis Meadows and	
	SAID GRACELAND ADDITION	Gladys Mae Meedowr	endered herein on the 21st day of May, 1957.
	CITY OF LOGAN, OHIO	nubert D. Lappen	
		Attorney for Applicants. 4-18-4 t	
	The Noti-	IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO	
	The Motion of James Comstock for leave to become a party defendant herein, is hereby granted and b	- III COOMI OF COMMON FILMS, HOCKING COUNTY, OHIO	LESLIE G. JOHNSON
	herein, is hereby granted and he may plead herein.	IN RE: THE VACATION AND ALTERATION )	Attorney for - Defendant Appellant
		OF PART OF PIAT OF GRACEIAND ADDITION )	Abberrano
		TO THE CITY OF LOGAN. OHIO. WHICH PART	
		OF THE PLAT TO BE VACATED AND ALTERED	
		IS PARTICULARLY DESCRIBED AS BEING THE ) CALLER NO. 17104	Filed: Jun. 6, 1957
	A HADT DT	WEST HALF OF LOTS NOS, 12, 25 and 50	locking County
	APPROVED: HARLEY MEYER, JUDGE		Jommon Pleas Court
		17, 18, 19, 20, 21, 22, 23, 24, 51 and 52)) IN SAID GRACELAND ADDITION TO THE CITY OF)	Thelma Keyes, Clerk
	LESLIE G. JOHNSON	LOGAN, OHIO.	13
	Attorney for Dec		IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO
	James Comstock	DEMURRER.	
		Defendant gave that theme is and	IN RE: THE VACATION AND ALTERATION :
	IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO	Defendant says that there is, and was at the time of the commencement	OF PART OF PLAT OF GRACELAND ADDITION
		of this action another action pending between Plaintiff and Defendant on the	TO THE CITY OF LOGAN, OHIO, WHICH PART :
			CAUDE NU. LL. TVT
	IN RE: THE BACATION AND ALTERATION	same cause of action alleged in the Petition herein in the Common Pleas Cour	IS PARTICULARLI DESCRIBED AS BELING INE .
	OF PART OF PIAT OF GRACELAND ADDITION	of Hocking County Obio and Jack these to the	LAND ATT OF LOPS NOS 12 14. 15. 10. 10.
	TO THE CITY OF LOGAN, OHIO, WHICH PART : 120	of Hocking County, Ohio, and plaintiff is without right to maintain this	18, 19, 20, 21, 22, 23, 24, 51, AND 52 PRAECIPE
		action.	IN SAID GRACELAND ADDITION TO THE CITY :
	IS PARTICULARLY DESCRIBED AS BEING THE :		OF LOGAN, OHIO.
	WEST HALF OF LOTS NOS. 12, 25 and 50, AND ALL		定期の間
	OF LOTS NOS. 13, 14, 15, 16, 17, 18, 19, : 20, 21, 22, 23, 24, 51 and 52 IN SAID		TO THE CLERK OF COURT:
	GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO. :	TROTTE OF TOTOLS	부분집 넣
	and a locally called .	IESLIE G. JOHNSON Attorney for Defendant	Please prepare and file in the court of appeals for Hocking County
		James H. Comstock	
	NOTION FOR ITATION HERE	1 8 9 10	a transcript of the docket and journal entries, with all original papers in the
	MOTION FOR LEAVE TO BECOME APARTYTO	IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO	· · · · · · · · · · · · · · · · · · ·
	ACTION		above entitled action.
	S CES		
		IN RE: THE VACATION AND ALTERATION	
	North Control of the second seco	OF PART OF PLAT OF GRACELAND ADDITION CAUSE NO. 11,401	
	Now comes James Comstock and represents that he has an interest in	TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED ENTRY	LESLIE G. JOHNSON
and the second	the real property, the subject of this action, and respectfully moves the	A THE TARE TO BE ADDITION THE PROPERTY	Attorney for - Defendant
		IS PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS. 12, 25 and 50,	Appellant
	Court for leave to become a party defendant herein; in order that he may set a	AND ALL OF LOIS NOS. 13, 14, 15, 16, 17, 18, 19,	
	such interest.	20, 21, 22, 23, 24, 51 and 52 IN SAID GRACELAND	
	BUGH INGELESU.	ADDITION TO THE CITY OF LOGAN, OHIO.	
	JAMES H. COMSTOCK		
	James Comstock	This 21st day of May, 1957, this cause came on to be heard upon a	Filed: Jun. 6, 1957 Filed Jun. 10, 1957
			Hocking County Hocking County
		demurrer filed by Leslie G. Johnson, Attorney for James H. Comstock.	Common Pleas Court Court of Appeals
		The Court, being fully advised in the premises, finds that said	Thelma Keyes, Clerk Thelma Keyes, Clerk
	STATE OF OHIO ) SS:		IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO
	HOOVETHIC CONTINUE	demurrer is not well taken and should be overruled.	Contraction of the state of the
	HOCKING COUNTY )	It is, therefore,	
			IN RE: THE VACATION AND ALTERATION
	James Comstock, being first duly sworn, deposes and says that the	ORDERED, ADJUDGED AND DECREED that said demurrer is overruled, to	OF PART OF PLAT OF GRACELAND ADDITION
		which multime defendant and atta	PART OF THE PLAT TO BE VACATED AND CAUSE NO. 11,404
	allegations contained in the foregoing Motion are true as he verily believes.	which ruling defendant excepts.	ALTERED IS PARTICULARLY DESCRIBED
		HARLEY MEYER, JUDGE	AS BEING THE WEST HALF OF LOTS NOS. $M \bigcirc \underline{T} \blacksquare \bigcirc \underline{N}$
	JAMES H. COMSTOCK	and we shall do a the shall to go of the shall to g	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
	Sworn to before me and subscribed in my presence this 26th day of April,	APPROVED:	GRACELAND ADDITION TO THE CITY OF
		Hubert D. Lappen	LOGAN, OHIO.
	1957.	Attorney for Applicants	MOTTON

(Seal)



A Contraction of the second se

Leslie G. Johnson Attorney for James H. Comstock Defendant.

Attorney for Appl

Now come the applicants in the above entitled cause and move the

Court to strike the Notice of Appeal on Question of Law from the file for the

MOTION

reason that the judgment overruling the demurrer heretofore filed on the 21st

day of May, 1957, is not a final order in said cause and such judgment cannot,

therefore, be appealed. Hubert D. Lappen Attorney for Applicants MEMC: See Ohio Jurisprudence, Appelant Review Vol. 2 Part I Page 188 and following.