15 PRECIPE FOR SUBPENA IN CIVIL CASE		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.	No. 11404 No. 11404 Page 104 Page 104 MMON PLEAS COURT Hocking County, 0. HE VACATION AND ALITERATION THE VACATION AND ALITERATION THE VACATION AND ALITERATION THE VACATION AND ALITERATION THE CITT OF ELGAN, OHI Province 23, 104, 0. Province 23, 104, 10 TO, 10, 10, 10, 10 Defendant Altorney Defendant Altorney CRIPT OF DOCKET AND OURNAL ENTRIES 10, 19 Doug 19 Deputy t Brothers, Publishers, Springfield, Olio 43-12	IN THE COOKT OF CONTON THEAD, MODILLO CONTON THEAD, 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			
PRECIPE FOR SUBPENA IN CIVIL CASE	FILED FILED FILED FILED FILED	LOGAN, OHIO. A P.P.I.ICATION			
TO THE CLERK: Issue Subpena for <u>Residence</u>		A PP III CAILON			
1. Nathan L. Davis W. Front Street, Graceland Addition, Logan, Ohio		Now comes the defendant and respectfully moves the Court for leave to			
2. Betty Lou Davis W. Front Street, Graceland Addition, Logan, Ohio 3. Barton Sparnon Holl W. Front Street, Graceland Addition.	Clk. 844 COPY Barrett Brothers, Publishers, Springfield, Ohio	file an answer herein.			
4. Regim Lee Holl U. Front Street, Graceland Addition, Logan, Ohio	Transcript of Docket and Journal Entries TO COURT OF APPEALS	LESLIE G. JOHNSON Attorney for Defendant			
5. Robert E. Auflick W. Front Street, Graceland Addition, Logan, Ohio	General Code, Sec. 12223-8	APPROVED: Filed July 16, 1957 Hocking County			
6. Stella S. Auflick W. Front Street, Graceland Addition, Logan, Ohio	Common Pleas Court, Hocking County, Ohio IN RE: THE VACATION AND ALTERATION OF	Common Pleas Court Thelma Keyes, Clerk.			
7. John J. Voits W. Front Street, Graceland Addition, Logan, Ohio	PART OF PIAT OF GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART OF THE PLAT TO BE VACATED AND ALTERED IS No. 11404	Attorney for Plaintiff			
 8. Olga Voits 9. Fred Hollis Meadows 10. Gladys Mae Meadows W. Front Street, Graceland Addition, Logan, Ohio W. Front Street, Graceland Addition, Logan, Ohio W. Front Street, Graceland Addition, Logan, Ohio 	PARTICULARLY DESCRIBED AS BEING THE W. HALF OF LOTS NOS: 50, AND ALL OF LOTS NOS: 17, 18, 19, 20, 21, 2822, 23, 24, 51, 14, 17, 16 AND 52' IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO,	IN RE: THE VACATION AND ALTERATION OF : 1 PART OF PLAT OF CEACELAND ADDITION TO THE CITY OF LOGAN, OHIO, WHICH PART : OF THE PLAT TO BE VACATED AND ALTERED IS PARTICULARLY DESCRIBED AS BEING THE : NO. 11404 WEST HALF OF LOTS NOS. 12, 23, AND 50,			
to appear as witness in above named case, on Wednesday, June 12, 1957 A. D.	Defendant/	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 :			
at 9:30 o'clock A. M. Required on behalf of the Applicants.	1957 4 17 Application filed. 1957 4 17 Plat filed. 1957 4 17 Notice filed.	OF LOGAN, OHIO,			
HUBERT D. IAPPEN Attorney for the Applicants	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.	JOURNAL ENTRY The defendant has leave to file an answer by July 31st 1957.			
COPY	1957 5 20 Demurrer filed. 1957 5 21 Entry filed. 1957 5 22 Affidavit filed.				
Clk. 17 THE STATE OF OHIO HOCKING County Clk. 17 County	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.	DELBERT L. DEDRICK			
HOCKING W. Front St. Graceland Addition Niles Served Served Served	ENTRY NO. 1.	APPROVED:			
To Olga Voits Logan, Ohio City Per 6/7/57		HUBERT D. IAPPEN Journal 37 Filed July 16, 1957 Hocking County Journal 37 Hocking County Loglia Journal 37 Common Pleas Court			
Fred Hollis MeadowsLogan, OhioCity Per6/7/57Gladys Mae MeadowsLogan, OhioCity Per6/7/57	The Motion of James Comstock for leave to become a party defendant herein, is hereby granted and he may plead herein.	Leslie Page 342 Common Pleas Court Attorney for Plaintiff			
	HARLEY MEYER, JUDGE	3 de la companya de la			
	APPROVED:	LESLIE G. JOHNSON Attorney for Defendant			
	LESLIE G. JOHNSON Attorney for Defendant James	,4 IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO			
You are hereby required to be and appear before the Common Pleas Court at the Court House in said	Comstock ENTRY NO. 2.	IN RE: THE VACATION AND ALTERATION :			

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 PIAT TO BE VACATED AND ALTERED IS <i>Plaintiff</i> , and PARTICULARLY DESCRIBED AS BEING THE WEST HALF OF LOTS NOS: 12, 25 and <i>Plaintiff</i> , and 20, and all of Lots Nos: 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 51, 25, 25, 21, 22, 23, 24, 51, 25, 21, 25, 25, 24, 51, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25
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
Court, this6day of }
(SEAL) June 1957 By Deputy

Subpena in Civil Case General Code, Sec. 11501, 3 Clk. 17 THE STATE OF OHIO COMMON PLEAS COURT Hocking County Day Served W. Front St. Graceland Addition Served 6/7/57 Logan, Ohio City Per To Nathan L. Davis W. Front St. Graceland Addition 11 Betty Lou Davis Logan, Ohio W. Front St. Graceland Addition 11 Barton Sparnon Holl Logan, Ohio W. Front St. Graceland Addition Regina Lee Holl Logan, Ohio W. Front St. Graceland Addition " 77 Robert E. Auflick W. Front St. Graceland Addition Stella S. Auflick Logan, Ohio W. Front St. Graceland Addition " John J. Voits Logan, Ohio You are hereby required to be and appear before the Common Pleas Court at the Court House in said County, on the <u>12</u> day of A. D. 19 57 , ap: 30 June

Α. M., to testify as a witness in a certain case pending in said Court, wherein o'clock 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 Plaintiff, 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 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

E. J. E.	Witness my hand and the seal of said	THELMA KEYES	
			Clerk
	Court, this day of	Bu	
(SEAL)	June 19.57 {		Deputy

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.

County. The State of Ohio,... Hocking

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, =ant = that = the = said entered into a written undertaking ..., conditioned to abide and perform the order and judgment _ with approved suret

of the Appellate Court, and to pay all money, costs and damages which may be re-

quired of or awarded against said.

upon-the final termination of said appeal and such other conditions as the Court may monde; and I further certify that the papers herewith sent, numbered from one Defendant..... against. IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said Common Pleas Court on this

By...

.day of June .A. D. 19 57 10

(SEAL)

Thelma Keyes

Clerk

Deputy

IN RE: THE VACATION AND ALTERATION OF PART OF PLAT OF GRACELAND ADDITION

- they are a trained

TO THE CITY OF LOGAN, OHIO, WHICH NO. 11404 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, ANSWER 16, 17, 18, 19, 20, 21, 22, 23, 24, 51 : AND 52 IN SAID GRACELAND ADDITION TO THE CITY OF LOGAN, OHIO

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 11383 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 rewritten 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.