

To have and to hold said real estate however in Trust for the use and benefit of said the Phoenix Investment Company, with the powers and limitations following to-wit: Said Security Trust Company, as such Trustee is to have the right to and is authorized and empowered to cause the said real estate to be surveyed, subdivided into lots, streets and alleys, to dedicate the streets and alleys to public use. The said real estate as so platted to constitute an addition to be known as "Emerleigh" Addition to the City of Indianapolis to cause the plat of said addition to be recorded in the office of the Recorder of Marion County, Indiana, to sell the said lots in said addition, execute contracts of sale of said lots and execute and deliver special Warranty deeds to the purchasers thereof, to collect and receive any and all moneys arising from the sale of said lots or any of them to apply moneys so received from the sale of said lots to the payment of taxes commissions for sales and all other expenses incident to the survey, subdividing, platting and sale of said lot or lots, cost of making collections and execution of deeds and to the reduction of said Mortgage indebtedness and to procure releases of lots sold from the lien of said Mortgage, to sign waivers for the payment of any and all municipal assessments, if any be assessed against said lots, or any of them under the Barrett Law, and to do any other act or acts incident to the use, control or disposition of said real estate which in its judgment may be for the benefit of said Trust.

The purchasers of said real estate or any part thereof or others paying money to said grantee, as such Trustee shall be under no obligation to see to the disposition of the moneys so paid by them and the title of any of the grantees of said Trust Company as such Trustee is not to be prejudicially affected by any act of said Trustee.

43. **Emerleigh.**

We, the undersigned hereby certify that the within plat of Emerleigh, an addition to the City of Indianapolis, Indiana, was surveyed by us, is true and correct, and represents a subdivision into lots, streets and alleys of the following described tract of land situated in Center Township in the County of Marion and State of Indiana, being the Southwest quarter of the southeast quarter of section thirty three (33) in township sixteen (16) north of range four (4) east.

Beginning at the southwest corner of said quarter quarter section, running thence east and along the south line of said quarter quarter section, thirteen hundred thirty-three and ninety-five hundredths (1333.95) feet to the southeast corner of said quarter quarter section thence north and along the east line of said quarter quarter section, thirteen hundred thirty eight (1338) feet to the northeast corner of said quarter quarter section thence west and along the north line of said quarter quarter section, thirteen hundred thirty-four and eighty-five hundredths (1334.85) feet to the northwest corner of said quarter quarter section, thence South and along the west line of said quarter quarter section, thirteen hundred forty-three (1343) feet to the place of beginning this being the tract of land conveyed to the Security Trust Company Trustee, by the Phoenix Realty Company by Harry S. Bastian, its President, and John D. Moriarty, its Secretary, by deed recorded in the office of the Recorder of said County, which gives the said Security Trust Company, Trustee, power to execute this plat.

This plat contains two hundred eighteen (218) lots, numbered respectively in figures from one (1) to two hundred eighteen (218) both inclusive. The width of the streets and alleys, and the sizes

of the lots are marked on such plat in figures denoting feet and the decimal parts thereof.

Withess our signature this 30th day of August 1919.

George G. Schmidt & Company,  
by Geo. G. Schmidt, Surveyors.

The undersigned Security Trust Company Trustee, hereby certifies that it has laid off, platted and subdivided, and does hereby lay off, plat and subdivide into lots, streets and alleys in accordance with the within plat (hereinto certified by George G. Schmidt and Company, Surveyors) the real estate mentioned in the foregoing certificate of said George G. Schmidt and Company, Surveyors, such subdivision to be called and known as Emerleigh, being an addition to the City of Indianapolis, Indiana.

The streets and alleys shown on such plat and not heretofore dedicated are hereby dedicated to the public.

In witness whereof this 30th day of August 1919 the said Security Trust Company Trustee, has hereunto caused its name to be subscribed, and its corporate Seal to be hereto affixed and the same to be attested by the signatures of Reily C. Adams, its President and George W. Snyder its secretary, thereunto duly authorized.

Security Trust Company, Trustee, (Corp. Seal) by Reily C. Adams  
President, by George W. Snyder Secretary.

(Acknowledged August 30, 1919.)

F. C. Lingenfelter, City Civil Engineer.

This plat is O.K. Chas. H. Wilkinson Sept. 2, 1919.

Approved this 3rd day of Sept. 191- F. C. Lingenfelter, City Civil Engineer. Approved this 3rd. day of Sept. 1919 on condition that the plat will be recorded in the office of Recorder of Marion County, State of Indiana within 30 days from the date of this approval. If not so recorded within said 30 day period, this approval becomes null and void and of no effect.

Geo. Lemaux, Mark H. Miller, Thomas A. Riley,  
Board of Public Works,

Recorded September 4, 1919 in plat Book 18 page 93.

44. Washington Black, # June 21, 1849  
To Mortgage # Mortgage Record S. page 131.  
William Smith. # Recorded June 21, 1849.

All of the west 1/2 of the south east 1/4 of section 33 in Township 16 North of Range 4 East, and other real estate.

To secure the payment of \$900.00 payable in 4 notes of \$225.00 each at 1, 2, 3, and 4 years from Dec. 25, 1849. On Margin. Satisfied in full Jan. 17, 1855 Josiah his X Mark Smith Atty. in fact.  
Attest Chas. Stephens R. M. Co.

45. Phoenix Investment Company a Corporation (Corp (L.S.) Seal) by # Nov. 24, 1915.  
Harry S. Bastian President Attest # Record 675 page 149  
J. A. Moriarty, Secretary, # Recorded Nov. 30, 1915.  
To Mortgage # The south half of the West  
# half of the Southeast quarter  
The Union Trust Company of # of section 33 Township 16  
Indianapolis Indiana Trustee. # North, Range 4 east, except a  
strip of ground of the uniform width of 25 feet off the entire  
South end of this tract.

To secure the payment, when the same shall respectively become due, of three (3) principal notes of \$5000.00 each payable 5 years after date and thirty (30) coupon or interest notes of \$150.00 each three of which are payable each 6 months for 6, 12, 18, 24, 30, 36, 42, 48, 54, and 60 months respectively after date all of said notes are

This conveyance is made upon the following express conditions; that the business of manufacturing or selling intoxicating liquors shall never be conducted on any lot or any part thereof; that no slaughter house or anything obnoxious to or constituting a nuisance to a good residence neighborhood shall ever be allowed or maintained on said lot; that neither said lot nor any residence or building thereon shall ever be rented or sold to anyone not of the white race; that all buildings constructed on said lot shall be painted and finished on the outside thereof as erected, and that building paper shall not constitute the whole or any part of the outside finish of any building used as a residence; that no building to be used as a residence shall be erected on said lot or any part thereof unless it contain at least four main rooms exclusive of bath, pantry, halls and porches have a total floor space of not less than six hundred square feet and be built of good material and in a good workmanlike manner; that no building shall be erected or maintained on said lot except open porches so constructed as not to obstruct the view nearer than twenty feet from the front line thereof,

All lots in this said Emerleigh Addition have been and are to be sold and conveyed on like conditions, and with like restrictions, and said conditions and restrictions shall operate in favor of the grantor herein, its successors and assigns, and of each and all persons who shall from time to time respectively be the owner or owners of any lot or lots in said addition and may be enforced by anyone or more of such owners by injunction or other legal proceedings in the event of the violation or threatened violation of any one of said conditions or of any part thereof by the grantees herein, their lessee, heirs, successors or assigns.

Continuation of Abstract of Title to Lot 200 in Emerleigh, an Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 18 page 93 in the office of the Recorder of Marion County Indiana. Since October 5, 1928 8 A.M.

Keep in Key folder

Prepared for Albert Neuerburg.

#651

Town Lot Record  
828 page 238  
Inst. # 43574  
Oct. 9, 1928  
Recorded  
Oct. 10, 1928

Special  
Warranty Deed

Security Trust Company,  
Indianapolis, Indiana, Trustee  
(Signed: Security Trust Company  
Trustee) (Corp. Seal)  
By Irving W. Lemaux President  
Attest: Hugh V. Brady Assistant Secretary  
a corporation organized under the laws of  
the State of Indiana

2

to  
Emmett L. Andrews & Anna M. Andrews,  
husband and wife

Lot numbered 200 in Emerleigh an Addition to the City of Indianapolis, as per plat thereof, recorded September 4, 1919 in Plat Book 18 page 93 in the office of the Recorder of Marion County, Indiana.

Subject to taxes for last half of 1927 payable last half of 1928 and to all municipal assessments for public improvements.

This conveyance is made upon the following express conditions; that the business of manufacturing or selling intoxicating liquors shall never be conducted on any lot or any part thereof; that no slaughter house or anything obnoxious to or constituting a nuisance to a good residence neighborhood shall ever be allowed or maintained on said lot; that neither said lot nor any residence or building thereon shall ever be rented or sold to anyone not of the white race; that all buildings constructed on said lot shall be painted and finished on the outside thereof as erected, and that building paper shall not constitute the whole or any part of the outside finish of any building used as a residence; that no building to be used as a residence shall be erected on said lot or any part thereof unless it contain at least four main rooms exclusive of bath, pantry, halls and porches have a total floor space of not less than six hundred square feet and be built of good material and in a good workmanlike manner; that no building shall be erected or maintained on said lot except open porches so constructed as not to obstruct the view nearer than twenty feet from the front line thereof.

All lots in this said Emerleigh Addition have been and are to be sold and conveyed on like conditions, and with like restrictions, and said conditions and restrictions shall operate in favor of the grantor herein, its successors and assigns, and of each and all persons who shall from time to time respectively be the owner or owners of any lot or lots in said addition and may be enforced by anyone or

91979

more of such owners by injunction or other legal proceedings in the event of the violation or threatened violation of any one of said conditions or of any part thereof by the grantees herein, their lessee, heirs, successors or assigns.

To have and to hold the above conveyed premises to the said grantee- their heirs and assigns forever and the said Security Trust Company of Indianapolis, Indiana, Trustee for itself and its successors covenants with the said grantee- their heirs and assigns that said premises are free of incumbrances made or suffered by it, said grantor and that it and its successors shall warrant and defend the same to said grantee- their heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under it said grantor, but against none other. /

Misc. Record  
200 page 568  
Inst #45818  
Oct. 22, 1928  
Recorded  
Oct 23, 1928

3

STATE OF INDIANA, MARION COUNTY, SS:

Emmett L. Andrews and Anna M. Andrews, husband and wife of Marion County, State of Indiana, upon oath state that they are the owners in fee simple of the following described real estate in Marion County, Indiana, to wit:

Lot numbered 200 in Emerleigh an Addition to the City of Indianapolis, Marion County, State of Indiana, a plat of which addition is recorded in Plat Book 18 page 93 of the records of the Recorder's Office of Marion County, State of Indiana.

Affiants state that the above described real estate is free and clear of all encumbrances except; a mortgage in favor of the Fletcher Avenue Building and Loan Association in the sum of \$3700.

Any and all unpaid municipal assessments.

Second installment of taxes of 1927 payable in 1928 and later taxes.

Affiants state that there are no unsatisfied judgments rendered against them in any of the Federal or State Courts located in the State of Indiana, and that they have not by deed, mortgage or other instrument done anything by which the title to said real estate has been in any manner affected within the last sixty days and affiants state that they make this affidavit to induce Francis J. Lenahan and Margaret Aletha Lenahan to buy the above described real estate.

Emmett L. Andrews

Anna M. Andrews

Subscribed and sworn to before me this 22 day of October 1928.

Albert Neubarburg (LS)

Notary Public

My commission expires October 24, 1929