

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
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 Oglia 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 Oglia Voits
Fred Hollis Meadows and Gladys Mae Meadows.

Hubert D. Lappen
Attorney for Applicants

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, 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
JOURNAL ENTRY

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

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. 11404

MOTION FOR LEAVE TO BECOME A PARTY TO ACTION

Now comes James Comstock and represents that he has an interest in the real property, the subject of this action, and respectfully moves the Court for leave to become a party defendant herein; in order that he may set up such interest.

JAMES H. COMSTOCK
James Comstock

STATE OF OHIO)
HOCKING COUNTY) SS:

James Comstock, being first duly sworn, deposes and says that the allegations contained in the foregoing Motion are true as he verily believes.

JAMES H. COMSTOCK

Sworn to before me and subscribed in my presence this 26th day of April, 1957.

LESLIE G. JOHNSON
L. G. Johnson, Notary Public
My Comm. Exp. 3-20-60, State of Ohio.

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 solem 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 Oglia Voits
Fred Hollis Meadows and Gladys Mae Meadows.

Hubert D. Lappen
Attorney for Applicants.
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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. 11404

DE MURRER

Defendant says that there is, and was at the time of the commencement of this action another action pending between 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 is without right to maintain this action.

LESLIE G. JOHNSON
Attorney for Defendant
James H. Comstock

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

ENTRY

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.

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,

CAUSE NO. 11,404

AFFIDAVIT

STATE OF OHIO)
HOCKING COUNTY) SS.

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 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

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 rendered herein on the 21st day of May, 1957.

LESLIE G. JOHNSON
Attorney for - Defendant
Appellant

Filed: Jun. 6, 1957
Hocking County
Common Pleas Court
Thelma Keyes, Clerk

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

PRECEIPE

TO THE CLERK OF COURT:

Please prepare and file in the court of appeals for Hocking County a transcript of the docket and journal entries, with all original papers in the above entitled action.

LESLIE G. JOHNSON
Attorney for - Defendant
Appellant

Filed: Jun. 6, 1957
Hocking County
Common Pleas Court
Thelma Keyes, Clerk

Filed Jun. 10, 1957
Hocking County
Court of Appeals
Thelma Keyes, Clerk

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

MOTION

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 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
MEMO: See Ohio Jurisprudence, Appellant Review Vol. 2 Part 1
Page 188 and following.