

G. M. LAMBERTSON,
Attorney-at-Law,
BURR BLOCK.

LEGAL NOTICE.

First Publication, Feb. 21.

To John Warner, Frank W. Lewis, John Frain, Abbie H. Wolcott, John S. Gregory, E. Mary Gregory, Lizzie H. E. Wilkins, Egbert Starr, trustee, A. Stone and Fred O. Ellis.

You and each of you are hereby notified that on the 4th day of December, 1894, Silas H. Burnham, trustee, as plaintiff, began an action against you and other defendants in the district court of Lancaster County, Nebraska.

Plaintiff in his petition alleges that on or about the 7th day of August, A. D., 1893, James H. McMurtry and Amanda E. McMurtry executed and delivered to Silas H. Burnham, trustee for the American Exchange National Bank, certain warranty deeds for the following described property, to-wit: Lot No. 36 in the southeast quarter of section 30, township 10 north, range 7 east of the 6th principal meridian; also lot 2 except 25 by 42 feet in the northeast corner in block 2 of McMurtry's addition to Lincoln, Nebraska; also lot 3 and the west 33 feet of lot 6 in block 2, McMurtry's addition to the city of Lincoln, Nebraska; also lots B, C, D and E in McMurtry's subdivision of block 1 in McMurtry's addition to Lincoln, and the west half of the south 132 feet of lot 1 and the east 11 feet of the south 132 feet of lot 2 in block 1, McMurtry's Addition to the city of Lincoln, Nebraska; also lot 10 in block 4, McMurtry's addition to Lincoln, Nebraska; also lot 10 in block 2, McMurtry's addition to Lincoln, Nebraska.

All of said premises and other property conveyed by said deeds and other property described in the petition of plaintiff is situated in the county of Lancaster and state of Nebraska.

Said deeds were absolute in form, but were intended by both the said Silas H. Burnham and the said James H. McMurtry and Amanda E. McMurtry, to stand as security for an indebtedness due, and notes executed to the American Exchange National Bank of Lincoln, Nebraska, as was evidenced by an agreement made and entered into on said 7th day of August, 1893, at the time said deeds were executed by James H. Murtry and Joseph R. Webster, parties of the first part, and Silas H. Burnham, party of the second part, whereby it was stipulated that said deeds were in fact only mortgages and given to secure the payment of indebtedness due said bank.

The object of said action is to have the court decree that said deeds and instruments, though absolute in form, are in fact mortgages, and to foreclose said mortgages on the land described above, and other property described in the said deeds and plaintiff's petition.

The further object of said action is to have the court reform said deeds and correct the misdescriptions of said property, in order to carry out and effect the agreement and understanding entered into between the parties to said instruments.

Said deeds, instruments and mortgages were given by the said James H. McMurtry and Amanda E. McMurtry to secure the payment of the following promissory notes given to the American Exchange National Bank, viz: One of James H. McMurtry and D. T. Coffman, for the sum of \$1450, on which there is now due the sum of \$1450 with 10 per cent interest from January 19, 1894.

One of C. E. Loomis and James H. McMurtry for the sum of \$900.00 on which there is now due the sum of \$900.00 and interest at the rate of 10 per cent per annum from the 3rd day of May, 1894.

One of John S. Gregory and James H. McMurtry for the sum of \$1875.00 on which there is now due the sum of \$1875.00 and interest at 10 per cent per annum from the 3rd day of May, 1894.

One of D. B. Howard and James H. McMurtry for the sum of \$600.00 on which there is now due the sum of \$600.00 and interest at 10 per cent per annum from April 12, 1894.

One of G. B. Skinner and James H. McMurtry for the sum of \$1000.00 on which there is now due the sum of \$1000.00 with interest at 10 per cent per annum from the 12th day of April, 1894.

One of G. B. Skinner and James H. McMurtry for the sum of \$800.00 on which there is now due the sum of \$800.00 with 10 per cent interest from the 16th day of April, 1894.

One of James McMurtry for the sum of \$9000.00 on which there is now due the sum of \$9,000. and interest at 10 per cent per annum from the 9th day of April, 1894.

One of James H. McMurtry for the sum of \$10,000.00 on which there is now due the sum of \$10,000 with ten per cent interest from the 9th day of April, 1894.

One of J. R. Webster and James H. McMurtry for the sum of \$5,350.00 on which there is now due the sum of \$5,350. with 10 per cent interest from the 14th day of May, 1894.

One of O. P. Davis and James H. McMurtry for the sum of \$500.00 on which there is now due the sum of \$500, with 10 per cent interest from the 19th day of June, 1894.

One of Alexander Hogeland and James E. McMurtry for the sum of \$200.00 on which there is now due the sum of \$200.00 with 10 per cent interest from the 14th day of June, 1894.

And one of R. Munford and J. H. Mc-

Murtry for the sum of \$150.00 on which there is now due the sum of \$150.00 with 10 per cent interest from July 30, 1894.

Plaintiff prays for a decree of foreclosure and the sale of said land to satisfy said liens aforesaid and for a deficiency judgment and general relief.

You are required to answer this petition on or before the 1st day of April 1895.

SILAS H. BURNHAM, Trustee,
Plaintiff.

By G. M. Lambertson, attorney.

BROWN & LEESE

Attorneys at Law.

SHERIFF'S SALE.

First Publication March 2

Notice is hereby given, that by virtue of an order of sale issued by the clerk of the district court the third judicial district of Nebraska, within and for Lancaster County, in an action wherein The Ballou State Banking Company is plaintiff, and F. A. Chapman et al are defendants.

I will, at two o'clock P. M., on the 2nd day of April A. D. 1895, at the east door of the court house in the city of Lincoln, Lancaster county, Nebraska, offer for sale at public auction the following described real estate, to-wit:

Lot number three (3) in block number four (4) in W. G. Houtz's Addition to Lincoln, Lancaster county, Nebraska.

Given under my hand this 1st day of March, A. D., 1895.

FRED A. MILLER,
Sheriff.

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