Daily Democrat.

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EXECUTORS NOTICE

NOTICE IS HEREBY GIVEN that the undersigned executor of the last will and testament of Frank Shedd, deceased, has filed with the clerk of the County Court for Linn County, Oregon, his final account, and the court has fixed the 5th day of March, 1894 at the hour of 1 o'clock p m, for hearing objections to said account, if any, and to settle said estate.

This January 15, 1894.

C J SHEDD, Executor

J K WEATHERFORD, Attorney for Ex.

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SUMMONS.

In the Circuit Court of the State of Oregon for Linn county.

M Sternberg, Plaintiff.

vs

A B Seal and J L Seal his wife, Geo E Chamberlain and S W Chamberlain his wife, J W Cusick, E D Cusick and Chas H Cusick partners doing business under the firm name and style of J W Cusick & Co., and Charles Smith as the administrator of Job C Smith, deceased. Defendants

To A B Seal and J L Seal, the wife of said A B Seal, two of the above named defendants:

IN THE NAME OF THE STATE OF Oregon, you and each of you are hereby required to appear and answer the complaint of the above plaintiff in the above entitled court, now on file with the clerk of said court, on or before the first day of the next regular term of said court, which said term begins on the 12th day of March, 1894, at the court house in the city of Albany, Linn County, Oregon; and you are hereby further notified that if you fail to appear and answer the said complaint as hereby required, the plaintiff will take a decree and judgment against you for the relief demanded in his said complaint to-wit:

1. A judgment and decree against A B Seal for the sum of $400 in United States gold coin together with interest thereon in like gold coin at the rate of 8 per cent per annum from the 16th day of November, 1891 until paid and for the further sum of $50 attorney's fees for instituting this suit, and for the costs and disbursements of this suit.

2. A decree foreclosing the mortgage made, executed and delivered by you to G W Smith on the 16th day of November, 1889, and directing the premises described therein, to wit: The southwest quarter of block number one hundred and twelve (112) in Hackleman's addition to the city of Albany, Linn County, Oregon; and also described in said complaint, to be sold upon execution as required by law and directing the proceeds of such sale to be applied as follows: First to the payment of the costs and expenses of making such sale and the sum of $50 as attorney's fees for instituting this suit. Second, to the payment to the plaintiff of the sum of $400 in gold coin of the United States of America and interest thereon in like gold coin from the 16th day of November, 1891 until paid, at the rate of 8 per cent per annum. Third, That the surplus, if any, be paid out in such sums as the court may direct.

3. That you, all the defendants above named and each of them, and any and all persons claiming by, through or under you or them or any of them, be forever barred and forclosed of any and all right title or interest, right of dower, or equity of redemption in or to said premises or any part thereof; that if the proceeds of the sale of said premises be not sufficient to pay the claim of plaintiff together with all costs and disbursements and expenses and a reasonable attorney's fee for instituting this suit, that plaintiff have a personal judgment and decree against said defendant A B Seal for the deficiency.

4. That the mortgage executed by G W Smith and Viola B Smith his wife in favor of Job C Smith as mentioned in said complaint, be decreed to have created no lien upon said premises or any part thereof.

5. That the deed, mentioned in said complaint, from A B Seal to the said defendant, Geo E Chamberlain, be decreed to be subsequent in time to said plaintiff's said mortgage, and all rights acquired thereunder by said Chamberlain to be subject to the lien of plaintiff's said mortgage.

This summons is published by order of the Hon Geo H Burnet, the judge of the above entitled court made at Chambers in the City of Salem, Marion County, Oregon on the 26th day of January, 1894.

W R BILYEU, Attorney for Plaintiff

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