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Solesbee vs. Peoples National Fund, Inc.

Order

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petitioner that on or about December 31, 1962 the petitioner gave the aforementioned mortgage to Delta Construction Company, Inc. in the amount of Two Thousand Four Hundred Seventy-Nine and 80/100 (\$2,479.80) Dollars to secure the payment of certain aluminum siding placed on the petitioner's house. I further find that said mortgage was subsequently assigned to the respondent herein, Peoples National Fund, Inc. by Delta Construction Company, Inc. and that according to the exhibits introduced at the hearing and other testimony, that the assignee of said mortgage, Peoples National Fund, Inc. is either no longer in existence or cannot be found.

It further appears from the testimony that the petitioner states that he has paid said indebtedness in full and has not received or cannot obtain a satisfaction of this mortgage.

It further appears that the petitioner is an upright and honest person, known to pay his just debts when they become due.

I further find that the respondent has either failed or neglected to furnish to the petitioner a satisfaction or cancellation of the mortgage previously referred to and that the respondent can no longer be found to execute the necessary satisfaction needed to remove a cloud presently existing on the title to the property referred to in said mortgage.

Wherefore, in light of the aforementioned circumstances and it appearing to the Court that the mortgage referred to in this action has, in fact, been paid and satisfied, and it further appearing to the Court that the respondent is no longer in business and cannot be located,

JRM
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*Amended
Dennis L. Jenkins
1972*