

It further appearing to the Court that the amount of matured indebtedness, as fixed by the former decree of this Court is \$2393.09, and that all costs incident to the suit is \$70.41, or a total of \$2463.50, and that the amount bid at said sale was \$2500.00, leaving an overplus in the hands of said commissioner of \$36.50 which should be applied on the remaining \$500.00 note maturing November 1, 1932; it is, therefore, ordered that said Commissioner be authorized and directed to pay over said overplus of \$36.50 to the Clerk of this Court, and by her to be applied on the liquidation of said \$500.00 note when presented to her by J. H. Settoon at maturity, or any legal holder thereof.

Ordered further, that said Commissioner pay over to J. H. Settoon and Mrs. A. B. Settoon, complainants in this suit, the sum of \$2,393.09, said amount being the net balance due them from the sale price of \$2500.00, as now matured.

It is further ordered that when the said Commissioner has disbursed the proceeds of said sale in this cause in accordance with the terms of this decree, and has failed proper vouchers with the papers in this cause for the money so disbursed by him, that he be released from further accounting herein, and that he be finally discharged.

It is further ordered, adjudged and decreed that only the original bill, summons for defendant and the Commissioner's report be made a matter of final record.

Ordered, adjudged and decreed this the 19th day of December, A.D. 1931.

M. B. Montgomery, Chancellor.

No. 10033.

J. H. Settoon et al
vs.
Mrs. L. E. Raspberry

Filed for record Nov. 18, 1931.
Recorded the 26 day of May, 1932.
Aurie Sutherland, Clerk.
Cammie Parker, D.C.

Decree Ordering Sale of Land.

This cause coming on this day to be heard upon Original Bill of Complaint, Decree Pro Confesso taken against the defendant, and proof to be taken in open court; and the Court after hearing all of the evidence offered on the part of complainants and being fully advised in the premises, finds:

That the defendant, Mrs. L. E. Raspberry, is justly indebted to the complainants, J. H. Settoon and Mrs. A. B. Settoon, in the following sums, namely:

Principal of 4 notes past due and unpaid	\$2,000.00
Bal. of unpaid interest for the year 1930	40.00
Int. of \$2500.00 from 11/1/30 to 11/18/31	157.50
Insurance on dwell. paid by Complainants	38.93
Amount of 1930 taxes, damages &c.	156.66
	<u>2,393.09</u>

also a note for \$500.00 due Nov. 1st, 1932; that is to say, a total indebtedness now past due and unpaid by the defendant in the sum of \$2,393.09; and an indebtedness of \$500.00 to mature as aforesaid and the court finds from the deed executed by complainants to the defendant, copy of which is marked as "Exhibit A" to the Bill, that the aforesaid sum of \$2,393.09 and the \$500.00 note aforesaid and interest thereon are secured by a Vendor's Lien reserved in and to Complainants (Grantors in said deed) and by other statutory and equitable liens on the property herein after described; and that complainants are now entitled to have said liens enforced in this court by a sale of the property herein after described for the purpose of applying the proceeds thereof pro tanto on the aforesaid matured indebtedness.

Wherefore, the court is of the opinion that complainants are entitled to the relief sought by their said bill; and doth accordingly order, adjudge and decree that the sum of \$2,393.09 and the \$500.00 note aforesaid and interest thereon be, and the same is hereby fixed as a charge or lien upon all of the property herein after described; and that the said lien, which is a Vendor's lien in part and other statutory and equitable liens in part, in so far as relates to the matured indebtedness aforesaid, is hereby ordered enforced by a sale of the following described land and personal property being lygnand situated in the Clunty of Maidon, and State of Mississippi, to-wit:

Beginning at the Northeast corner of Wesley Smith's land, which on November 1, 1924, belonged to E. C. Harris, being the land conveyed to Wesley Smith by W. B. Jones, see deed recorded in Book N.N.N. page 328, and run West to the E. A. Downs Line (for the Downs land see deed from W. B. Jones to E. A. Downs recorded in Book III page 360) run thence North along said Downs line to his Northeast corner; thence East to the Yazoo & Miss. Valley Rail Road Right of way, thence South to the Point of beginning, lying the E $\frac{1}{2}$ of E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 8, T. 8, R. 1 West, and containing by estimation 49 acres. Also: two mules, one mare, one jersey cow, one wagon all farming utensils, all household goods, including piano and graphophone;

being the property sold and conveyed by the complainants to the defendant and decribed in the original bill and "Exhibit A" thereof.

Said sale shall be made by R. S. Powell, who is hereby appointed as Special Commissioner to make the same; and said sale shall be made for cash at the South door of the Court House in the City of Canton, Mississippi, within legal hours, On Saturday, the 12th day of December, 1931, and said Commissioner shall give three weeks notice of the time, place and terms of said sale by publication of a notice thereof in three issue of the Madison County Herald, a newspaper published weekly in Chaton, Miss., and by posting one notice thereof at the South door of the Court House in Canton, Miss., and the report thereof shall be made to the Chancellor in Chambers in Vacation at Yazoo City, Mississippi, 10.00 o'clock A.M. on Saturday, December 19th, 1931, at which time and place the Chancellor may confirm said sale, and enter such other and further orders as may be deemed meet and proper in the premises.

The Bond of the Commissioner is fixed at \$2500.00, to be approved by the Clerk of this Court.

Ordered, adjudged and decreed this the 18th day of November, A.D. 1931.

M. B. Montgomery, Chancellor.

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