

Alma Boutwell Greenwaldt, et al
vs.
Walter Boutwell et al

Filed for record the 1st day of Dec. 1933
at 1:45 o'clock P.M. and
Recorded the 19 day of Dec. 1933.

Aurie Sutherland, Clerk.

This cause coming on to be heard on motion of Walter H. Boutwell, purchaser at the sale of the property hereinafter described, for the confirmation of the sale of said property, and the Report of the Special Commissioner, Aurie Sutherland, appointed by this Court to sell the following described property for partition among the owners thereof, namely:

That certain lot or parcel of land in the Town of Camden, and in Madison County, Mississippi, described as beginning at an iron stake on the North side of the Public Road or street that leads East from Camden 133 feet from the intersection of said road with the one that leads North from Camden, then run North 150 feet, thence West 133 feet to the Road leading North from Camden, thence running North 350 feet, thence East 400 feet, thence South 89 feet, thence East 269 feet, thence South 367 feet to the public road, that leads East from Camden, thence run West along the North side of said road 543 feet to the point of beginning, being the same lot conveyed to G. R. Boutwell by T. J. & W. J. Ward, Sr., by Deed of Record in Book VVV, on page 310 in the Chancery Clerk's Office of said County, less and excepting therefrom a lot 50 x 60 feet sold to the Southern United Ice Company and described in deed recorded in Book 6, on page 442, in said Chancery Clerk's office of Madison County, Mississippi, situated in Madison County, Mississippi; and

It appearing to the Court from the Report of the Commissioner on file that said sale was made as directed by the decrees of this Court, and that at said sale Walter H. Boutwell became the purchase of said above described property at and for the sum of \$700.00, and that he has paid \$70.00, and now stands ready and willing to pay the balance as soon as this sale is confirmed and Deed ordered executed; and,

It appearing to the Court that the sale of said property should be confirmed and Deed ordered made to the said Walter H. Boutwell;

It is, therefore, ordered, adjudged and decreed by the Court that the sale of the above described property to Walter H. Boutwell, at and for the sum of \$700.00 be confirmed, and the said Special Commissioner, Aurie Sutherland, is hereby authorized and directed to execute a Deed to the said Walter H. Boutwell conveying the above described property, upon his payment of the balance due under said sale of \$630.00.

And it further appearing to the Court that White & McCool, Attorneys of Record for the Complainant, and H. B. Greaves, Attorney of record for the Defendants, have represented all of said parties both in this proceeding whereby the lot of land hereinabove described was sold, and which said sale is by this Decree confirmed, and that said Attorneys have likewise represented said parties in this cause in the matter of the partition in kind of certain other lands, which are more particularly described in the Report of the Commissioners appointed to make said partition in kind, and likewise described in that other decree of this Cause in this Cause confirming said partition in kind made by the Commissioners, and that a reasonable fee for all of the services of said Attorneys, White & McCool, and H. B. Greaves, is the sum of \$200.00;

It is, therefore, ordered, adjudged and decreed by the Court that one fee for said Attorneys be allowed in this cause in the sum of \$200.00, which said fee shall be equally divided between the firm of White & McCool, representing the Complainants, and H. B. Greaves, representing the Defendants, which said Attorney's fee shall be paid by said Special Commissioner to said Attorneys in said proportion out of the proceeds of the sale of said lot of land in Camden, Mississippi, hereinabove described; and

It is, further ordered, adjudged and decreed by the Court that said Special Commissioner shall also pay out of the proceeds of said sale of property in Camden all Court Costs, advertising fees, and other expenses of said Sale, and also the taxes due on all of the property sold for partition and also partitioned in kind, for the year 1932, and the Attorney's fee as above provided, and any balance together with the proceeds of the sale of the personal property, remaining in her hands shall be divided among the parties, to this cause as their several interests may appear, that is 3/8 to Walter Boutwell, 1/8 to Jack Boutwell, 1/8 to Alma B. Greenwaldt, 1/8 to Mrs. Lillie McKay, 1/8 to Carrie Christeen Blalock and 1/8 to Mary Lou Busby.

It is further ordered, adjudged and decreed by the Court that when said Special Commissioner has disbursed the above said sum of Seven Hundred Dollars received by her as the purchase price of said lands and the proceeds of the sale of said personal property, and has filed with the papers in this Cause proper vouchers for such disbursement, that she be thereupon fully and finally discharged from further accounting herein.

Ordered, adjudged and decreed by the Court this the 21st day of November, 1933.

M. B. Montgomery, Chancellor.

666

JJ

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FINAL DECREE.

This Cause coming on this day to be heard on all of the pleadings in this case, and on the report of the Commissioners heretofore appointed by a Decree of this Court at its May Term, 1933, appointing said Commissioners and directing them to allot and partition said lands; and

It appearing to the Court that said Commissioners have acted legally and as directed by the Court and that their report and actions should be confirmed by this Court;

It is, therefore, ordered, adjudged and decreed by the Court that said Commissioners Report now on file in this Cause be confirmed and that the same is duly confirmed in every respect and that of the lands divided and allotted by them situated in Madison County, Mississippi, namely:

All of the NE $\frac{1}{4}$ of Section 24, Township 11, Range 4 East, less 12 acres in the North West Corner of said NE $\frac{1}{4}$, also 14 acres in the NW $\frac{1}{4}$ of Section 24, Township 11, Range 4, East, commencing at the South East Corner of said NW $\frac{1}{4}$ and run West 12 Chains and 21 links, thence North 47 chains, thence East 12 chains and 21 links, and thence South 47 chains, to the beginning, estimated at 162 acres in all, more or less, and being the same