

Deed, John Harrell to John Foster, 14 December 1824

Wythe County Deed Book 9, pp. 691-692, Wythe County, Virginia

Jno Harrell
To } Trust Deed
John Foster
Examined

Recorded 14 December 1824

This Indenture made this 14th day of December 1824 Between John Harrell of the one part & John Foster of the other part both of Wythe County Virginia. Whereas the said John Harrell is indebted to Henry Hoppess Jr. the Sum of One hundred nineteen Dollars and fifty cents as will more fully appear by his note executed on the 11th day of December 1824 and payable on the 1st day of October 1825 the payment of which Sum the Said Harrell is desirous more fully to Secure to the said Hoppess. Now this Indenture Witnesseth that for and in Consideration of the premises as well as of one Dollar to him in hand paid by the said John Foster the receipt of which is hereby acknowledged to the Said John Harrell hath grated bargained & Sold and by these presents doth grant bargain & Sell to the Said John Foster all the right title Interest & claim of him the Said John Harrell as one of the heirs of William Harrell Dec'd in and to a tract of land of which his said father Wm Harrell Dec'd died Seized being the Same tract on which the Said Wm. Harrell Dec'd lived at the time of his death and the Said John Harrell's interest being one undivided moiety at least With its appurtenances To have and to hold the interest in the land aforesaid to the Said John Foster his heirs or assigns forever against the claim of all persons Whatever. Upon Trust nevertheless that of the Said John Harrell shall on or before the Said 1st day of October 1825 pay to the Said Hoppess the Said Sum of \$119.50c together with the costs of drawing & recording this Indenture then this Indenture shall be void. But on this further trust that if the Said Harrell shall fail to pay the Said Sum of money or any part thereof together with the costs aforesaid to the Said Hoppess on or before the Said 1st day of October 1825, Then full power is hereby given to the Said John Foster on being requested by Said Hoppess and after having given ten day s previous notice by advertisement posted at the front door of the courthouse of Wythe County and at Some public house in Newbern to proceed to Sell on the premises the Interest of the Said Harrell in the tract of land aforesaid to the highest bidder for ready money and out of the proceeds of Said Sale after paying the costs aforesaid & retaining a commission of five per cent on the amount of Sale to himself as a compensation for his trouble as trustee pay to the Said Hoppess Jr. the Sum of money aforesaid or any part thereof which may remain unpaid together with the interest due thereon and it is agreed between the parties that the Interest in the land aforesaid is to remain in the possession of the Said Harrell until a Sale if any Shall take place he paying all taxes &c. which may become due thereon. In Testimony whereof the parties have hereunto Subscribed their names & affixed their Seals this day & year first herein written.

John Harrell {Seal}

John Foster {Seal}

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Virginia

At a Court held for Wythe County the 14th day of December 1824.

This Deed in Trust Between John Harrell of the one part and John Foster of the other part was acknowledged in Court by the Said John Harrell & John Foster as their act & Deed & the Same is ordered to be Recorded.

Teste

J. P. Mathews CC