Hays E. & W. C.
To
B. Rushing
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This indenture made this eighth day of February A.D. 1838, between Enoch Hays & William C. Hays the debtors of the first part, and John M. McClanahan the trustee of the second part, and Bryant Rushing the creditor of the third part, whereas as the said Enoch & Wm. C. Hays are justly indebted to the said Bryant Rushing in the sum of two hundred and fifty dollars due 25 Dec. 1838, as by note bearing date 5 Feb. 1838 - more fully appears which debt the said Enoch & William C. Hays are willing and desirous to secure, now this indenture, Witnesseth: that for and in consideration of the premises and also for the further ~~sum~~ sum of dollar to the said Enoch & Wm. C. Hayes, in hand paid by the said John M. McClanahan the trustee at and before the ensealing of these presents, the receipt whereof is hereby acknowledged they the said Enoch & Wm. C. Hayes, have given, granted, bargained & sold and by these presents do give grant, bargain, sell & convey to the said John M. McClanahan his heirs & assigns all that tract or parcel of land known as the NW¼ SE¼ section 7 township 22 Range 15 with all and singular the appurtenances to the same belonging and all the estate of the said Enoch & Wm. C. Hays in & to the said land to have and to hold the same to the said McClanahan, his heirs and assigns. upon trust nevertheless that the said John M. McClanahan his heirs & assigns shall permit the said Hays to remain in quiet and peaceable possession of the said land and

and take the profits thereof to themselves until default be made in the payment of the said sum of two hundred and fifty dollars, with interest in whole or in part and then the said John M. McClanahan his assigns &c, shall and will so soon after the happening of such default of payment as he may think proper, or the said Bryant Rushing his executors or administrators shall request, sell the said lands to the highest bidder for cash at public auction in the town of Columbiana after giving due notice by advertisement at least thirty days in three public places, in the County, and out of the money arising out of the sale of said land after paying the charges thereof pay to the said Bryant Rushing his heirs & assigns the said sum of two hundred & fifty dollars with the interest, and the balance if any pay to the said Enoch & Wm. C. Hays their heirs & assigns &c. but if the whole of the said sum of money shall be paid to the said Bryant Rushing his assigns &c. on or before the 25th December next then this obligation to be void else to remain in full force & effect. In testimony whereof the said parties to these presents have hereto set their hands & seals the day and date first above written

Signed, sealed & delivered in presence of A. Sloan. Hardy Horton

Enoch Hays (seal)
Wm. C. Hays. (seal)
John M. McClanahan (seal)
Bryant Rushing (seal)

Acknowledged before me the same day.
John M. McClanahan Justice of the Peace.

Filed for record 6. Feb. 1838 and recorded 7th Feb. 1838 Test. O. B. Harris Clk.