Stephen Wharton To William Cochran in trust for Benjamin T. Tunce 177

State of Alabama, Tuscaloosa County - Indenture made and entered into this thirty first day of August in the year one Thousand Eight hundred & Thirty nine between Stephen Wharton of the first part, William Cochran of the second part & Benjamin T Tunce of the third part - whereas the said party of the first part is indebted to the said party of the third part upon three several promissory notes each for the sum of Eleven hundred and sixty six Dollars and sixty six cents each dated the thirty first day of August 1839 the first payable two days after date with interest from the tenth day of January 1841 with interest from the tenth day of January 1839 & the last payable on or before the tenth day of January 1842 and whereas the said party of the first part is desirous to secure the payment of the said notes as the same respectively become due, now this Indenture witnesseth that the party of the first part for and in consideration of the premises and the sum of one dollar to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged and other good and valuable consideration has granted bargained and sold and by these presents does grant bargain and sell unto the said party of the second part the following land & premises, viz all the West half of the South East quarter of Section number seventeen and the north West quarter of the north East quarter of Section number Twenty all in Township Eighteen Range three west and in Jefferson County also all the north East quarter of the north East quarter of Section number seven Township nineteen Range two west also the West half of the north West quarter of Section number eleven also the East half of the South West quarter of Section number Two all in Township Twenty & Range three West and in the County of Shelby - To have and to hold the same to the party of the second

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part his heirs & assigns forever upon the following Trust the party of the first part and those claiming under him be allowed to retain peaceable possession thereof until default be made as hereafter provided and upon the further trust that if any or other of the said notes shall not be paid when the same becomes due & payable that the said party of the said part will upon being thereto required by the said party of the third part sell and dispose of the aforesaid land and premises & out of the proceeds thereof pay & discharge the expense of this trust and apply the balance of such proceeds to the payment of the said notes sending the surplus if any to the party of the first part or their said to be made at public auction and the land situated in each County to be sold at the Court house of the County in which the land is situated upon at least thirty days previous notice of the time & place of such sale each being given in some newspaper published in Tuscaloosa County and in such other manner as the party of the second part may think proper and upon such sale to execute to the purchaser purchasers a sufficient conveyance fee said lands in fee simple and the party of the first part hereby constitutes the party of the said part his heirs and lawful attorneys for all the purposes of executing this trust and the said party of the first part covenants to execute any other or further conveyances that may be necessary to perfect the title hereby intended to be conveyed In witness whereof the parties have hereunto set their hands and seals the day and year first above written Sealed & delivered in the presence of } Stephen Wharton (Seal)
Erasures on first page initialed } William Cochran (Seal)
Benj. Williams } Benjamin D. Tunce (Seal)

Tuscaloosa, County Tenit: On this 31st day of August 1839 personally appeared before me Stephen Wharton, William Cochran & Benjamin D. Tunce known to me who severally acknowledged that they executed

the preceding conveyance and that the same is their voluntary act and deed all which I certify - let it be recorded. Fee 50 cents paid by M. C.

C. Louis Williams J. P.

Filed for record 4th October 1899 and recorded the next day

Noel Mason Clk -