Cunningham Jno & Ben v Mrs to Cornelia Wharton

The State of Alabama
Shelby County

This Indenture made and entered into this

the 20th day of April 1877 by and between John Cunningham and Moriah E Cunningham and his wife, and Benjamin F Cunningham and Mary E Cunningham his wife all of the County and State aforesaid as parties of the first part, and Cornelia ~~Cunningham~~ Wharton, wife of Richard Wharton of the County of Etowah and said State, as party of the second part Witnesseth That the said parties of the first part for and in consideration of the full satisfaction of and receipt against, by the said parties of the second part given, a decree obtained and rendered in and by the Probate Court of Shelby County Alabama in favor of the said Cornelia Wharton, who was formerly Cornelia Cunningham on the 26 day of June 1876 for the sum of Five thousand three hundred and seventy four & 50/100 Dollars, and against the said John Cunningham as his Guardian, and the said Benjamin F. Cunningham and Joseph H. Cunningham and John F. M. Welch as his sureties on his said Guardian Bond — The said parties of the first part for and in consideration of the said satisfaction of and receipt against the said decree as aforesaid by the said party of the second part and for the further consideration of the sum of Two hundred and seventy four & 24/100 Dollars to the said parties of the first part in hand paid by said party of the second part, the receipt whereof

is hereby acknowledged, hath bargained Granted sold enfeoffed and conveyed, and by these presents do Grant bargain, sell enfeoff sell and Convey unto the said party of the second part an undivided two thirds interest in and to the following described tract of land lying and being situated in said County of Shelby in said State To wit: The E½ of SE¼ of Sec 36, Township 21 Range 3 West, and W½ of NW¼ of Section 6, Township 22 Range 2 West, and E½ of NE¼ Section 1, Township 22 Range 3 West & W½ of SW¼ of Section 31 Township 21 Range 2 West, and SE¼ of NW¼ of Section 31 Township 21 Range 2 West & SW¼ of NW¼ of Section 31 Township 21 Range 2 West To have and to hold unto the said party of the second part her heirs and assigns forever together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, and we the said parties of the first part bind ourselves, our heirs and legal representatives to forever warrant and defend the title to said undivided two thirds interest in and to said land against the claims of all and every person whatsoever either in law or equity and against the title of the general Government.

Witness our hands and seals this the day and date above written,

John Cunningham (Seal)
Moriah E Cunningham (Seal)
Benj F Cunningham (Seal)
Mary E Cunningham (Seal)

The State of Alabama
Shelby County } I French Nabors Notary Public

and Ex officio Justice of the Peace in and for said County and State, hereby certify that John Cunningham and Benjamin F Cunningham whose names are signed to the foregoing Conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the Conveyance they executed the same voluntarily on the day the same bears date, I further certify that on the 20th day of April 1877, came before me the within named Mariah E. Cunningham known to me to be the wife of the within named John Cunningham and Mary E Cunningham known to me to be the wife of the within named Benjamin F Cunningham, both of whom being by me examined separate and apart from their said husbands touching their signatures to the within Conveyance or deed, acknowledged that they signed the same of their own free will and accord, and without fear, constraint, persuasion or threats of their said husbands

In witness whereof I hereunto set my hand this 20th day of April A D 1877.

Turner Nelson
N.P. & Ex Off J.P.

Filed for Record August 21st 1877 and Recorded September 7th 1877.

J. T. Leffler, Judge Probate