Randall E N vs others — agreement

State of Alabama } This Memorandum of agreement entered
Shelby County } into and between the following nam-
ed persons who are the heirs at law of the late Mary
B Powell Eliza N Randall by her Vendee of in-
terest Martha H Hale, Sarah E Harris Martha H
Hale Mary E Nelson + Elbert F Sevier by his attor-
ney in fact James Sevier Witnesseth, The said heirs
have agreed & by these presents do agree to divide the
lots & lands lying in and near Montevallo which
they inherit from the said Mary B Powell in the
following manner, first Mary E Nelson to have
for her full share of the whole of said lots & lands
forty acres of land lying on the South boundary
line + on the South side thereof of the plantation or
tract of land now owned by the said Mary E
Nelson said forty acres extending from the South
West corner of said tract eastward to the creek,
and being the same as was set aside as part of
the dower of said Mary B Powell, at the time of
the settlement of the estate of the late Edward W Pow-
ell, Second, It is further agreed that the other
heirs above named shall divide between
themselves lot No 47 in the plat of the town
of Montevallo, and the other dower lands of
said Mary B Powell lying immediately between
lots 5 & 6 + 57 (in the plat of the town of Montevallo)
+ the creek, and it is agreed to divide said lot
47 & the other lands just named into four
parts as near equal in value as practicable
which shall be laid off by Metes + bounds + cor-
ners marked by Stakes and the said heirs Eliza
N Randall represented by her Vendee Martha H
Hale Sarah E Harris Martha H Hale + Elbert
F Sevier by his attorney in fact James Sevier,
shall draw lots for choice of said divisions of
land, + when the drawing is over, and the choices
made by each, then a fee simple deed of conveyance
shall be signed sealed and delivered to each one of
all of said heirs by all the rest, for the lot or parcel
of land he or she may have chosen, It is further
agreed by all of said heirs above named, that as much
land as was set aside for a family burying ground

at the time of the Settlement of the Estate of the late Edward W Powell, shall not be divided or fall to the share of any of said heirs but shall continue to be owned and held jointly by all of them, as a common family cemetery, but in the event that the public records have no evidence of any certain amount having been so set aside, then it is agreed by all of said heirs that one acre in a Square around & enclosing as centrally as practicable the existing graves, shall be so set aside & held jointly as above mentioned, It is further agreed that the following named lands, The South West 1/4 of the North East 1/4 & the South East 1/4 of the North West 1/4 Section two, Township twenty four Range Twelve East belonging to estate of said Mary B Powell, shall be Sold for the purpose of raising money to refund the burial expenses of said Mary B Powell, & if there be more than enough for that purpose the surplus shall be applied to the purchase of a Tombstone for the grave of said Mary B Powell, We further agree that Lemuel J Hale may sell and convey as our attorney in law & in fact, and make fee simple titles to last named lands for purchasers above described, and may sell at public outcry after thirty days public notice or by consent of any two of said heirs may sell at private sale if they think it best,

In testimony whereof we hereunto set our hands and seals this 28 day of September A.D. 1828.

Eliza N Randall (L.S.)
by Martha H Hale
Sarah E Harris (L.S.)
Martha H Hale (L.S.)
Mary E Nelson (L.S.)
E F Levier (L.S.)
by James A Levier

State of Alabama } I L W Rogan an acting Justice of
Shelby County } the peace in and for said County hereby certify that Eliza N Randall by her venue of interest, Martha H Hale, Sarah E Harris, Mary E Nelson Martha H Hale and Elbert F Levier by his attorney in fact James Levier whose names are signed to the foregoing agreement and who are

known to me acknowledged before me on this day, that being informed of the contents of the agreement, they executed the same voluntarily on the day the same bears date,
Given under my hand this 28th day of September A.D. 1878. P. M. Rogan J.P.
Filed and Recorded October 8° 1878.
J T Luper Judge of Probate