October the 4th 1878.

Mitchem Jas + wife To Benj Averett

The State of Alabama } Know all men by these presents
Shelby County } that we James Mitchem and
Emaly Mitchem his wife for and in consideration
of the sum of Three hundred & Nineteen dollars and
nine cents, which sum we are indebted to the said
Benjamin Averett, which is evidenced by our promissory
note made payable to him or bearer and of even
date with this instrument and due the first day
of January 1879, and for the purpose of securing
the prompt payment of said note we grant
bargain sell and convey unto the said Benjamin
Averett his heirs and assigns the following prop-
erty to wit, one Mule named Rock
one other Mule named Ned, one Bay mare named
Lissy, one Cream Mare Named Lucy, one Steel
Colt named Ball one Cream filley named Fannie
and three Cows and calves, To have and to hold
to the said Benjamin Averett his heirs and assigns
forever, — Upon conditions however that if we pay
the amount due on said note above discribed on or
before the same becomes due, in all then this obli-
gation is void, But if we fail to pay said note
prompt in part or all, then the said Benjamin
Averett his heirs or assigns is authorized to take pos-
sion of the above described property and after giv-
ing twenty days notice at three public places in
the neighborhood where the property is, (The said
Benjamin Averett granting the said James Mitchem
the liberty to move the property to some other
neighborhood not remote from where it is now)
of the time and place of sale by putting up posters
in writing, proceed to sell for cash at auctry to the
highest bidder for cash, and to sell the property at the
house of the said James Mitchem and then to make
title of the property and then first to pay expenses of sale,
secondly pay the debt herein secured in principal and
interest, and if there be a residue, then to pay it to the
maker of this instrument, — In witness whereof we
have hereunto set our names and seals, date above
interlined before signed,

Jas his x mark Mitchem (Seal)
Emely, Mitchem (Seal)

attest D Edwards

Satisfied & this charge
Mat Barnett
Special

The State of Alabama } I David Edwards a Justice of
Shelby County } the peace hereby certify that Jas
Mitchum & Emily Mitchum his wife whose name is
signed to the foregoing conveyance and who is known
to me acknowledged before me on this day that being
informed of the contents of the conveyance they execu-
ted the same voluntarily on the day the same bears date.
I do hereby certify that I examined Said Emily
Mitchum separate and apart from her husband
and she acknowledged before me that she signed
the same of her own free will and accord
Given under my hand } D Edwards J.P.
this 4th day of October 1878
Filed and Recorded October 18th 1878
J T Lupo Judge of Probate