

State of North Carolina
Warren County }

In the Superior Court
Before the Clerk.

Page R. Perkinson, Levi C. Perkinson, Jr., Ann W. Hicks, T. J. Hicks, J. W. Hicks, L. P. Hicks, L. C. Perdue, C. H. Perdue, George Murphy and M. E. Murphy, his wife, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Maggie Pearce, C. R. Perkinson and Lily M. S. Perkinson, his wife, and Kate G. Perdue, the last being a minor.

Ex parte } Application for Appointment of next friend

The application of P. H. Allen respectfully showeth to the Court, that Katie G. Perdue is an infant under the age of 21 years, without general or testamentary Guardian in the State of North Carolina, and that a next friend is necessary to represent said infant in a Special Proceeding entitled as above, which is about to be commenced in the Superior Court of ^{said} Warren for the purpose of having Partition made of a certain tract of land in which said infant owns an interest; that those who are closely connected with said infant are interested in the result of said Proceeding and cannot make the application for appointment of next friend.

Wherefore your applicant, at the request of the attorney for said infant, asks the Court to appoint a next friend to represent said infant in said Proceeding and look after her interest therein. This the 15th day of November, 1907

P. H. Allen.

T. Polk, being duly sworn, says that he knows P. H. Allen personally, and that he is a gentleman of the highest character and standing, and he is advised and believes that said P. H. Allen is entirely disinterested in the above entitled matter, except in so far as he is interested in said infant's welfare

Tasker Polk

Sworn to and subscribed before me, this the 15th day of November, 1907.

J. R. Rodwell, C. S. C.

State of North Carolina
Warren County }

In the Superior Court,
Before the Clerk

Page R. Perkinson & others
Petitioners Ex-parte }

Order appointing
Next Friend.

It appearing to the Court from the foregoing application that Katie G. Perdue is an infant under 21 years of age, without general or testamentary Guardian in the State of North Carolina, that a Next Friend is necessary to represent said infant in the above entitled Special Proceeding for the partition of a certain tract of land in said Warren County, in which said tract of land said infant owns an interest, and that those who are closely connected with said infant are interested in the result of said Proceeding and therefore cannot make application for appointment of a Next Friend; and it further appearing to the Court, upon the oath and examination of T. Polk that P. H. Allen is entirely disinterested in the result of said Proceeding, except in so far as he is interested in the welfare of said infant, and that he is a fit and suitable person to be appointed Next Friend to represent said infant,- It is, therefore, ordered and decreed that P. H. Allen be and he is hereby appointed next Friend to represent said infant in said Special Proceeding and look after her interest therein.

J. R. Rodwell
Clerk Superior Court

Wise, N.C. Aug 15th 1907

Mr. Tasker Polk,
Warrenton, N.C.

Dear Sir:-

We own an interest in a small tract of land near Wise N.C. containing 8 or 9 acres. Mr. Page R. Perkinson and Mr L. C. Perkinson Jr., also own an interest in this land. We have no objection to having the land divided and request you to file a petition in the Superior Court for that purpose.

Yours truly,

L. P. Hicks,
Katie G. Perdue,
C. H. Perdue,
Annie B. Jackson,
Maggie B. Swanson,
L. P. Perdue,

J. W. Perdue,
M. E. Murphy,
L. C. Perdue,
J. W. Hicks,
W. A. Hicks,
Lillie Perkinson,
C. R. Perkinson.

State of North Carolina
Warren County }

In the Superior Court.
Before the Clerk.

Page R. Perkinson, Levi C. Perkinson Jr., Ann W. Hicks, T. J. Hicks, J. W. Hicks, L. P. Hicks, L. C. Perdue, C. H. Perdue, George Murphy and M. E. Murphy, his wife, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Maggie Pearce, C. R. Perkinson, & Lily M. S. Perkinson, his wife, and Kate G. Perdue, (the last one named being an infant and appearing herein by P. H. Allen, him duly appointed Next Friend)

Petitioners Ex-parte } Petition for Partition

To the Honorable Clerk of the Superior Court of said Warren County:

The Petitioners in the above entitled Special

Proceeding respectfully showeth to the Court:-

1. That they, with the exception of George Murphy, Ann W. Hicks and C. R. Perkinson, are tenants in common, seized in fee, and in possession of the following described tract of land, lying and being in Warren County, Hawtree Township, State of North Carolina, and bounded as follows, viz: On the North by the lands of William King and the Wise Graded School property, on the East by St. Tammany Road, on the West by the Palmer Springs Road, and on the South by the fork of the St. Tammany and the Palmer Springs Roads, containing Eight acres, more or less.
2. That the interest of said tenants in common in said land is as follows, to wit: Page R. Perkinson and Levi C. Perkinson Jr., each own $\frac{3}{8}$ undivided interest therein, and T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, C. H. Perdue, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lilly M. S. Perkinson together own $\frac{1}{4}$ undivided interest therein, subject to the life estate of said Ann W. Hicks which said life estate was devised to said Ann W. Hicks by the last Will and Testament of Silas Hicks, her husband.
3. That said Kate G. Perdue, one of the Petitioners herein, is an infant under 21 years of age, without general or testamentary Guardian in the State of North Carolina, and is represented in this Proceeding by P. H. Allen, her duly appointed Next Friend.
4. That the said George Murphy is the husband of said M. E. Murphy, and as such he joins in this Petition, and the said C. R. Perkinson is the husband of said Lilly M. S. Perkinson and as such he joins in this Petition.
5. That your Petitioners desire to have said land divided into two shares, as follows; viz: One of said shares to be $\frac{3}{4}$ in value of said land, to be allotted to said Page R. Perkinson and Levi C. Perkinson Jr. and held by them as tenants in common with equal estates therein, and the other one of said shares to be $\frac{1}{4}$ in value of said lands, to be allotted to said T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, C. H. Perdue, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lilly M. S. Perkinson, and to be held by them as tenants in common, subject to the life estate of said Ann W. Hicks.

Wherefore your Petitioners pray that you will appoint three disinterested Commissioners, as provided by law, to divide said land into two shares, by proper metes and bounds, one of said shares to be $\frac{3}{4}$ in value of said land, and the other share to be $\frac{1}{4}$ in value of said land, and allot the same to said tenants in common as set forth in Section 5. of this Petition. And if the division of said land in the above stated proportions cannot otherwise be made, then said Commissioners are to charge either one of said shares with such a sum of money as they shall deem necessary, to be paid to the other one of said shares, in order to make the division in the above ^{stated} proportions, and to report their proceedings with your Court, under their hands and seals, within the time prescribed by law.

Tasker Polk, Attorney for Petitioners
P. H. Allen, Next Friend representing Katie G. Perdue

State of North Carolina
Warren County }
In the Superior Court,
Before the Clerk.

Page R. Perkinson, Levi C. Perkinson, Jr., Ann W. Hicks, T. J. Hicks, J. W. Hicks, L. P. Hicks, L. C. Perdue, C. H. Perdue, George Murphy and M. E. Murphy, his wife, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Maggie Pearce, C. R. Perkinson and Lilly M. S. Perkinson, his wife, and Kate G. Perdue (the last one named being an infant and appearing herein by P. H. Allen, her duly appointed next friend).

Petitioners Ex-parte } Order Appointing Commissioners.

The Petition in this cause coming on to be heard, and being heard, it is ordered by the Court that A. S. Webb, W. O. Dunn and William R. Coleman be and they are hereby appointed Commissioners to divide the land described in said Petition into two shares, as follows, viz: One of said shares to be three-fourths in value of said land, and to allot said share to said Page R. Perkinson and Levi C. Perkinson, Jr., to be held by them as tenants in common, and the other one of said shares to be one-fourth in value of said land, and to allot said share to said T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, C. H. Perdue, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lilly M. S. Perkinson, to be held by them as tenants in common, subject to the life estate of said Ann W. Hicks. And if the division of said land cannot otherwise be made in the above stated proportions, then the said Commissioners are to charge either one of said shares with such sum of money as they shall deem necessary, to be paid to the other one of said shares, in order to make one of said shares $\frac{3}{4}$ in value of said land and the other one of said shares $\frac{1}{4}$ in value of said land.

Said Commissioners shall meet on the premises at the time summoned by the Sheriff, and after being sworn by a Justice of the Peace, or other person authorize to administer oaths, shall divide said land. The said Commissioners are empowered to employ the County Surveyor, or in his absence, or if he be connected with any of the parties, some other surveyor, who shall make out a map of the premises, showing the quantity, courses and distances of each share, which map shall accompany and form a part of the report of the Commissioners; and the said Commissioners shall, within sixty days of the notification of their appointment, make a full report of their proceedings, under their hands and seals, or the hands and seals of any two of them, specifying therein the manner of executing their trust, and describing particularly the land or parcels of land and the shares allotted under this order, with the sum of money, if any, charged on either share. This the 15th day of November 1907.

J. R. Rodwell
Clerk of the Superior Court

State of North Carolina
Warren County }

Page R. Perkinson, Levi C. Perkinson, Jr., Ann W. Hicks, T. J. Hicks, J. W. Hicks, L. P. Hicks, L. C. Perdue, C. H. Perdue, George Murphy and M. E. Murphy, his wife, Jane Perdue, L. P. Perdue, J W. Perdue, Annie Perdue, Maggie Pearce, C. R. Perkinson and Lily M. S. Perkinson, his wife, and Kate G. Perdue, the last named being a minor and represented in this cause by her next friend P. H. Allen.

Ex parte } Report of Commissioners

To J. R. Rodwell Clerk of the Superior Court of Warren County, State of North Carolina:-

We, A. S. Webb, W. O. Dunn and W. R. Coleman, the undersigned Commissioners, appointed by your order November 15, 1907, in the above named Special Proceeding, to value and allot the land described in the Petition in this cause, beg leave to make the following report. We, after having been duly summoned by R. E. Davis, Sheriff of Warren County, met on the premises on the 4th day of January 1908, and were duly sworn by W. C. Parker Jr. a Notary Public in and for Warren County, State of North Carolina. We employed Lee Paschall, a competent surveyor, who first surveyed the entire tract and ascertained it to contain Eight and one-half (8 ½) acres, which we valued at four hundred (400) Dollars. And then by mutual agreement between the parties, we cut off (2 ½) two and one-half acres from the East side of said tract or parcel of land, which we valued at One Hundred (100) Dollars, and allotted the same to T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, C. H. Perdue, Jane Perdue, L. P. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lily M. S. Perkinson, to be held by them as tenants in common, subject to the life estate of Ann W. Hicks. This two and one-half acres of land is known as Lot No. 1 on the plat herewith attached and is more particularly described as follows:

Lot No. 1. Begin at Point 485 feet S. 84° E. from 84° E to intersection of old St. Tammany and Saddle Bogs Roads, thence N. 11° W. 440 feet to beginning containing two & one-half (2 ½) acres

We valued the other six (6) acres at Three Hundred (300) Dollars, and allotted the same to Page R. Perkinson and Levi C. Perkinson, Jr., to be held by them as tenants in common, and is known as Lot. No 2. on the plat herewith attached and is more particularly described as follows.

Lot No. 2. Begin at intersection of St. Tammany and Mill Pond Roads N. 11° W. 136 feet, joint in Mill Pond Road, thence N. 79° E. -731/2 feet [^]thence N. 11° W. 74 feet thence S. 79° W. 73 ½ feet to joint in Mill Pond Road, Thence N. 11° W. 508 ½ feet to King's corner in Mill Pond Road. Thence 485 feet S. 84° E. to Hick's corner (Lot No. 1) Thence – S. 11 E. 440 feet to joint in St. Tammany Road. Thence S. 50° E. 40 feet Thence S. 63° W. 438 feet to beginning, containing six (6) acres.

The Plat and survey made by Lee Paschall, Surveyor, we attach and make a part of this report. Witness our hands and seals, this the 4th day of Jany, 1908

A. S. Webb {seal}
W. R. Coleman {seal}

Mr. W. O. Dunn died suddenly before signing this report.

Filed Feby. 14th 1908.

J. R. Rodwell C. S. C.

State of North Carolina
Warren County. }
In the Superior Court;

Before the Clerk.

Page R. Perkinson, Levi C. Perkinson, Jr., Ann W. Hicks, T. J. Hicks, J. W. Hicks, L. P. Hicks, L. C. Perdue, C. H. Perdue, George Murphy and M. E. Murphy, his wife, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Maggie Pearce, C. R. Perkinson and Lilly M. S. Perkinson, his wife, and Kate G. Perdue (the last one named being a minor and appearing herein by her duly appointed Next Friend, P. H. Allen.)

Ex-parte } Decree of Confirmation

This Special Proceeding coming on for final hearing upon the report of A. S. Webb and W. R. Coleman, two of the Commissioners heretofore appointed by the Court to divide the tract of land described in the Petition in this cause among the tenants in common herein named, which said report was filed in this Court by said Commissioners on the 14th day of February 1908; and it appearing to the Court from said report that said Commissioners allotted Lot No. 1., containing two and one-half acres, to T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lilly M. S. Perkinson, to be held by them as tenants in common, subject to the life estate of said Ann W. Hicks, and the metes and bounds of said Lot No. 1, as contained in said report are hereby made a part of this decree, and that they allotted Lot No. 2, containing six acres, to Page R. Perkinson and Levi C. Perkinson, Jr., to be held by them as tenants in common, and the metes and bounds thereof, as given, are made a part of this decree. And it ~~further~~ appearing to the Court that all of the parties to this Proceeding have had notice of the filing of said report, and no exceptions thereto having been filed by any of the parties within the twenty days allowed by law,- It is therefore ordered, adjudged and decreed by the Court that the said report be and the same is hereby in all respects confirmed, and that the said T. J. Hicks, L. P. Hicks, J. W. Hicks, L. C. Perdue, C. H. Perdue, Jane Perdue, L. P. Perdue, J. W. Perdue, Annie Perdue, Kate G. Perdue, M. E. Murphy, Maggie Pearce and Lilly M. S. Perkinson, hold Lot No. 1, as allotted to them by said Commissioners, as tenants in common, subject to the life estate of said Ann W. Hicks, and that said Page R. Perkinson and Levi C. Perkinson, Jr., hold said Lot No. 2., as allotted to them by said Commissioners, as tenants in common.

And it is further ordered that the said report and the plat therewith appended be enrolled in the records of this Court, and that the same, together with this decree be certified to the Register of Deeds of said Warren County, to the end that he may record the same in his office.

And this decree is hereby adjudged to be binding upon all the parties to this Proceeding, their heirs and assigns.

And it is further ordered that the costs of this Special Proceeding be taxed as follows, viz: one-third thereof against the said T. J. Hicks and the others to whom said Lot No. 1. was allotted, an two-thirds thereof against the said Page R. Perkinson and Levi C. Perkinson Jr., to whom said Lot No. 2. was allotted. This the 5th day of March 1908

J. R. Rodwell
Clerk of the Superior Court
of Warren County, N.C.

The foregoing and attached decree of the Clerk of the Superior Court of the County of Warren, State of North Carolina, confirming the report of the Commissioners appointed to divide and allot the land described in the Petition in this Special Proceeding, together with all other orders and decrees made in said Proceeding, are hereby approved and confirmed.

This the 6th day of March 1908
C. H. Allen,
Judge Riding
2nd Jud. Dist.