

No. 1151

Maggie P. Swanson et als : Warren County.
against : In the Superior Court
Maggie Hicks et als : SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Warren County-Greeting:

You are commanded to summon J. W. Hicks & Minnie Hicks the defendants above named, if they be found within your County, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N. C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let them take notice, that if they fail to answer said petition within the time above specified, the plaintiff will apply to the Court for the relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 20th day of May, 1935
W. K. Newell C. S. C.
Warren County

Service accepted this June 4th 1935. J. W. Hicks & Minnie M. Hicks.

NORTH CAROLINA,

IN THE SUPERIOR COURT.

WARREN COUNTY.

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue, and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and wife Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue, and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, B. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White, and Graham White by his next friend T. O. Rodwell,

PETITIONERS,

V.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret H. Howard and husband Cary Howard, Maude H. Hodges and husband A. L. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and Husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson,

DEFENDANTS.

SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Warren County-Greeting:

You are commanded to summon J. W. Hicks, Minnie Hicks, W. J. Perkinson, Sarah Perkinson, H. G. Perkinson, and Martha Perkinson, the defendants above named if they be found within your County, to appear at the office of the Clerk for the Superior Court for the County of Warren at his office in Warrenton, N. C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County, and let them take notice, that if they fail to answer said petition within the time above specified, the plaintiffs will apply to the Court for relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 20th day of May, 1935.

W. K. Newell C. S. C.

Warren County, N. C.

Received May 29th 1935, Served May 29, 1935, by reading and delivering a copy of the within summons to each of the following defendants:

W. J. Perkinson

Sarah Perkinson

W. J. Pinnell

Sheriff of Warren County.

NORTH CAROLINA,

IN THE SUPERIOR COURT

WARREN COUNTY.

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and wife Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, B. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. P. Perkinson, Sterling Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White and Graham White by his next friend T. O. Rodwell, Petitioners,

v.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret Howard and husband, Cary Howard, Maude H. Hodges and husband A. L. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson, Defendants.

SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Halifax County- Greeting:

You are commanded to summon Stella Hicks, Mamie Hockaday, and W. M. Hockaday, the defendants above named if they be found within your county, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N.C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let them take notice that if they fail to answer said petition within the time above specified, the plaintiffs will apply to the Court for the relief demanded in the petition. Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 20 day of May, 1935.

W. K. Newell

W. K. Newell Clerk Superior Court, Warren County, N.C.

Received May 25, 1935 Served May 27, 1935 by delivering a copy of the within summons to each of the following defendants Stella Hicks, W. M. Hockaday, Mamie Hockaday the last named is dead.

G. H. Johnson

Sheriff of Halifax County

NORTH CAROLINA
WAREN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and wife Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, B. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. P. Perkinson, Sterling Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White and Graham White by his next friend T. O. Rodwell, PETITIONERS.

v.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret H. Howard and husband, Cary Howard, Maude H. Hodges and husband J. A. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson, DEFENDANTS.

PETITION FOR PARTITION

The petitioners respectfully show to the Court:

1.

That the parties to this petition who are hereinafter named in this paragraph are, except as hereinafter specifically set forth seized in fee simple and are in possession as tenants in common, of a certain tract of land described as follows:

That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Wise High School lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt respectively and on the West by the lot of R. P. Perkinson and Brothers, same being a triangular shape, and containing two acres, more or less.

That the names of the said tenants in common, together with the names of their husbands and wives, if any respectively, and their respective interests in said tract of land, are as follows:

Heirs of L. P. Hicks, deceased 1/6 undivided interest:

Maggie Hicks, widow of L. P. Hicks, dowress
F. W. Hicks, husband of Mary Alfred Hicks, 1/18 undivided interest.
Margaret H. Howard, wife of Cary Howard, 1/18 undivided interest.
Maude H. Hodges, wife of A. L. Hodges, 1/18 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/6 undivided interest

Heirs of T. J. Hicks, deceased, 1/6 undivided interest.

Stella Hicks, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living be entitled to a 1/30 undivided interest)
Mamie H. Hockaday, wife of W. M. Hockaday, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living, be entitled to a 1/30 undivided interest)

Heirs of Carrie H. White, deceased, 1/30 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/180 undivided interest.
Robert White, husband of Lucy White, 1/180 undivided interest
Janet W. Newell, wife of W. K. Newell, 1/180 undivided interest.
Bertha W. Meeder, wife of Amos Meeder, 1/180 undivided interest.
Ernest White, 1/180 undivided interest
Graham White, 1/180 undivided interest.

Heirs of Brantley G. Hicks, deceased 1/30 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/90 undivided interest.
Brantley Hicks, 1/90 undivided interest.
Dorothy Redding, wife of Tom Redding, 1/90 undivided interest.

Heirs of Katie H. Perdue, deceased, 1/6 undivided interest:

Eleanor P. Murphy, wife of G. W. Murphy, 1/42 undivided interest.
Annie P. Jackson, wife of J. M. Jackson, 1/42 undivided interest.
Katie Perdue, 1/42 undivided interest.
L. C. Perdue, husband of Lizzie Perdue, 1/42 undivided interest

Heirs of C. H. Perdue, deceased, 1/42 undivided interest:

Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/378 undivided interest.
P. C. Perdue, husband of Ann Perdue, 1/378 undivided interest.
C. H. Perdue, husband of Mavis Perdue, 1/378 undivided interest.
T. H. Perdue, husband of Mary Helen Perdue, 1/378 undivided interest.
Annie Pearl Bailey, wife of Aubrey Bailey, 1/378 undivided interest.
Walter Perdue, husband of Ida S. Perdue, 1/378 undivided interest.
Norris Perdue, 1/378 undivided interest.
Grace Perdue, 1/378 undivided interest.
Edith Perdue, 1/378 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/42 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/42 undivided interest.

Heirs of Fannie P. Pearce, deceased, 1/6 undivided interest.

Maggie P. Swanson, wife of J. K. Swanson, 1/6 undivided interest.

Heirs of Levi G. Perkinson, 1/6 undivided interest:

W. J. Perkinson, husband of Sarah Perkinson, 1/54 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/54 undivided interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/54 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/54 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/54 undivided interest.
G. C. Perkinson, 1/54 undivided interest.
B. L. Perkinson, 1/54 undivided interest.
John Levi Perkinson, 1/54 undivided interest. as devisee of the late Mary E. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/54 undivided interest.

2.

That the parties to this petition who are hereinafter named in this paragraph are, except as hereinafter specifically set forth, seized in fee simple and are in possession as tenants in common, of a certain tract of land described as follows:

That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by North Carolina State Highway No. 50, or United States Highway No. 1, and containing one acre, more or less, and upon which is situate a filling or service station and also a large storehouse. That the names of their respective husbands and wives, if any, and their respective interests in said land, are as follows:

Oscar B. Perkinson, husband of Essie Perkinson, 1/2 undivided interest.

R. P. Perkinson, 1/4 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest:

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, dowress.
F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest.
Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest.

Heirs of T. J. Hicks, deceased, 1/24 undivided interest:

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to an 1/120 undivided interest)

Mamie H. Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 undivided interest in her own right, and 1/120 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to a 1/120 undivided interest).

Heirs of Carrie H. White, deceased, 1/120 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest.

Robert White, husband of Lucy White, 1/720 undivided interest.

Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest.

Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest.

Ernest White, 1/720 undivided interest.

Graham White, 1/720 undivided interest.

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest.

Brantley Hicks, 1/360 undivided interest.

Dorothy Redding, wife of Tom Redding, 1/360 undivided interest.

Heirs of Katie Perdue, deceased, 1/24 undivided interest:

Eleanor P. Murphy, wife of G. W. Murphy, 1/168 undivided interest.

Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.

Katie Perdue, 1/168 undivided interest

L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.

Heirs of C. H. Perdue, deceased, 1/168 undivided interest:

Annie Bell Perdue, dowress.

C. R. Perdue, husband of Sue Perdue, 1/1512 undivided interest.

P. C. Perdue, husband of Ann Perdue, 1/1512 undivided interest.

C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided interest.

T. H. Perdue, husband of Mary Helen Perdue, 1/1512 undivided interest.

Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided interest.

Walter Perdue, husband of Ida S. Perdue, 1/1512 undivided interest.

Norris Perdue, 1/1512 undivided interest.

Grace Perdue, 1/1512 undivided interest.

Edith Perdue, 1/1512 undivided interest.

Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest

J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest.

Heirs of Fannie C. Pearce, deceased, 1/24 undivided interest.

Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.

Heirs of Levi C. Perkinson, deceased, 1/24 undivided interest.

W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest.

H. G. Perkinson, husband of Martha Perkinson, 1/216 undivided interest.

W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest.

O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest.

E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest.

G. C. Perkinson, 1/216 undivided interest.

B. L. Perkinson, 1/216 undivided interest.

John Levi Perkinson, 1/216 undivided interest.

C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided interest.

That the parties to this petition who are hereinafter named in this paragraph are, except as hereinafter specifically set forth, seized in fee simple and are in possession as tenants in common, of a certain tract of land described as follows:

That certain tract or parcel of land containing about ___ acres, more or less, situate near the village of Wise, in Warren County, North Carolina, and known as the "Patilla Farm". That the names of the said tenants in common, together with the names of their respective husbands and wives, if any, and their respective interests in said tract of land are as follows:

Oscar B. Perkinson, husband of Essie Perkinson, 3/8 undivided interest.

Sterling Perkinson, husband of Ava Perkinson, 3/8 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest.

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, widow, dowress.

F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest.

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest.

Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest.

Heirs of T. J. Hicks, deceased, 1/24 undivided interest.

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to a 1/120 undivided interest).

Mamie Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to a 1/120 undivided interest).

Heirs of Carrie H. White, deceased, 1/120 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest.

Robert White, husband of Lucy White, 1/720 undivided interest.

Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest.

Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest.

Ernest White, 1/720 undivided interest.

Graham White, 1/720 undivided interest.

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest.

Brantley Hicks, 1/360 undivided interest

Dorothy Redding, wife of Tom Redding, 1/360 undivided interest

Heirs of Katie H. Perdue, deceased, 1/24 undivided interest:

Eleanor P. Murphy, wife of G. W. Murphy, 1/168 undivided interest.

Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.

Katie Perdue, 1/168 undivided interest.

L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.

Heirs of C. H. Perdue, deceased, 1/168 undivided interest.

Annie Bell Perdue, widow, dowress

C. R. Perdue, husband of Sue Perdue, 1/1512 undivided interest.

P. C. Perdue, husband of Ann Perdue, 1/1512 undivided interest.

C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided interest.

T. H. Perdue, husband of Mary Helen Perdue, 1/1512 undivided interest.

Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided interest.

Walter Perdue, 1/1512 undivided interest.

Grace Perdue, 1/1512 undivided interest.

Edith Perdue, 1/1512 undivided interest.

Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest

J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest

Heirs of Fannie R. Pearce, deceased, 1/24 undivided interest:

Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.

Heirs of Levi C. Perkinson, deceased 1/24 undivided interest

W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest.

H. G. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest.

W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest.

O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest.

E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest.

G. C. Perkinson, 1/216 undivided interest.

B. L. Perkinson, 1/216 undivided interest.

John Levi Perkinson, 1/216 undivided interest.

C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided interest.

4.

That the petitioners are informed and believe and therefore allege that the lot of land described in paragraph 1 of this petition was used by the said C. R. Perkinson, one of the parties to this proceeding, for his own purposes for at least one year; that the said C. R. Perkinson has not paid any rent whatever for the use of said lot and there is now due and owing from the said C. R. Perkinson to the owners of said lot the sum of at least \$___ as rent for same for the period it was used by him..

5.

That the petitioners are informed and believe and therefore allege that the tract of land known as the "Patilla Farm" described in paragraph 3 of this petition, has been rented out regularly for a number of years by the firm of R. P. Perkinson & Brothers, of Wise, N.C., the said R. P. Perkinson himself being a party to this proceeding; that the said firm of R. P. Perkinson & Brothers has collected every year the said rent from said farm, and petitioners are informed and believe and therefore allege that the said firm of R. P. Perkinson & Brothers is ready and able and willing to account for the said rents, and to pay over the same for division among the owners of said tract of land.

6.

That the petitioners desire to hold their interest in said lands, or the proceed thereof, in severalty.

7.

That there is located upon the said tract of land known as the "Patilla Farm" a body of merchantable timber, and in the opinion of petitioners it is advisable and would be more advantageous to the parties to this proceeding for said timber to be sold and the proceeds divided among the owners of said land than for an actual partition thereof to be made.

8.

That an actual partition of said lands cannot be made without injury to the parties to this proceeding, owing to the small number of acres or the small part of an acre to which each would be entitled by a division and a sale of said lands would be more advantageous to all parties interested than an actual partition thereof.

Wherefore, the petitioners pray the Court to appoint some competent person as commissioner to collect the rents alleged to be due in paragraph four and paragraph five of this petition; to sell the said timber either public auction or at private sale, whichever may be more advantageous, and to sell said lands at public auction, after due advertisement, to the highest bidder for cash and to report his proceeding in this cause to the Court within ten days after said sales.

Kerr & Kerr
Yarborough & Yarborough

North Carolina,
Warren County.

Maggie P. Swanson, one of the petitioners in the foregoing proceeding, being duly sworn, says that the foregoing petition is true of her own knowledge except as to matters and things therein stated upon information and belief, and as to those she believes it to be true.

Maggie P. Swanson

Sworn to and subscribed before me, this the 18th day of May, 1935.

Eugenia P. Holmes

(N.P. Seal)

N.P.

My commission expires May, 1, 1937.

Received and filed May 20th, 1935. W. K. Newell, Clerk Superior Court.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and wife Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue, and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, C. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, B. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. O. Perkinson, Sterling Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White, and Graham White by his next friend T. O. Rodwell,

PETITIONERS,

vs.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret H. Howard and husband Cary Howard, Maude H. Hodges and husband A. L. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue, and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson,
DEFENDANTS.

PETITION FOR APPOINTMENT AS NEXT FRIEND

ORDER

ACCEPTANCE OF APPOINTMENT AS NEXT FRIEND

Received and Filed May 20, 1935.

W. K. Newell C. S. C.
Warren County, N.C.

The petitioners herein respectfully show to the Court:

1.

That Graham White is air infant, without general or testamentary guardian; that owns a certain undivided interest in a certain tract of land described as follows:

1. That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, North Carolina and bounded on the North by the Wise High School Lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt, respectively, and on the West by the lot of R. P. Perkinson and Brothers, same being triangular in shape, and containing two acres, more or less.
2. That certain tract or parcel of land situated in the Village of Wise, Hawtree Township, Warren County, North Carolina and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by North Carolina State Highway No. 50, or Untied States Highway No. 1, and containing one acre, more or less, and upon which is situated a filling or service station and also a large storehouse.
3. That certain tract or parcel of land containing about ___ acres, more or less, situate near the village of Wise, in Warren County, North Carolina, and known as the "Patilla Farm".

2.

That it is desirable that there shall be a sale for partition of said property, and it is necessary that there be an action or special proceeding at law for the purpose; that the persons closely connected with said infant are interested in the results of said action or special proceeding, and the undersigned has for that reason been requested to apply for appointment as next friend of said infant; that the undersigned has no interest

whatever, neither present nor prospective, in the result of said action or special proceeding, except to see that the rights of said infant are protected in the event of his application as next friend.

Wherefore, the undersigned makes application that he be appointed as next friend of said infants in the said action or special proceeding for the partition of said land.

This 20th day of May, 1935.

T. O. Rodwell

Signed in the presence of John Kerr.

ORDER

Upon reading the foregoing and annexed application, and after making due inquiry as to the fitness of T. O. Rodwell, applicant, to be appointed as next friend of the infant, Graham White, in an action or special proceeding for the sale for partition of the land hereinafter described, in which an interest, it is found by the court to be a fact that the said applicant, T. O. Rodwell, is a reputable and disinterested citizen and a fit and suitable person to act as next friend of said infant, and Graham White, in the said action or special proceeding for the sale of partition of said land, and the said applicant, T. O. Rodwell, is hereby appointed to act as next friend of the said infant, Graham White, in an action or special proceeding for the sale of partition of said land:

1. That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Wise High School Lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt, respectively, and on the West by the lot of R. P. Perkinson and Brothers, same being triangular in shape, and containing two acres, more or less.
2. That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by North Carolina State Highway No. 50, or United States Highway no. 1, and containing one acre, more or less, and upon which is situate a filling station or service station and also a large storehouse.
3. That certain tract or parcel of land containing about ___ acres, more or less, situate near the village of Wise, in Warren County, North Carolina, and known as the "Patilla Farm".

W. K. Newell, C. S. C.

Warren County, N.C.

ACCEPTANCE OF APPOINTMENT AS NEXT FRIEND

I hereby accept the appointment as next friend of the infant, Graham White, in an action or special proceeding above described, and agree to act faithfully and diligently in said capacity.

This the 20th day of May, 1935.

T. O. Rodwell

Signed in the presence of John Kerr

Received and filed May 20th, 1935.

W. K. Newell C. S. C.
Warren County.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and wife Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. P. Perkinson, Sterling Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White, and Graham White by his next friend T. O. Rodwell,

PETITIONERS,

vs.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret H. Howard and husband Cary Howard, Maude H. Hodges and husband J. A. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson, and wife Martha Perkinson

DEFENDANTS.

SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Franklin County – Greeting:

You are commanded to summon Maggie Hicks, F. W. Hicks, Mary Alfred Hicks, Margaret H. Howard, Cary Howard, Maude H. Hodges, J. A. Hodges, the defendants above named if they be found within your County, to appear at the office in Warrenton, N.C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let them take notice, that if they fail to answer said petition within the time relief demanded in the petition.

Given under my hand and seal of said Court, this 15th day of June.

W. K. Newell C.S.C.
Warren County, N.C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT.

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, C. R. Perdue and wife Sue Perdue, C. H. Perdue and Mavis Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue and wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, B. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. P. Perkinson, Sterling Perkinson and his wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White, and Graham White by his next friend T. O. Rodwell,

PETITIONERS

V.

Maggie Hicks, F. W. Hicks, and wife Mary Alfred Hicks, Margaret H. Howard and husband Cary Howard, Maude H. Hodges and husband J. A. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson

DEFENDANTS.

SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Franklin County – Greeting:

You are commanded to summon Annie Bell Perdue, P. C. Perdue, Ann Perdue, Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, the defendants above named if they be found within your County, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N.C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let them take notice, that if they fail to answer said petition within the time above specified, the plaintiffs will apply to the Court for the relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 15th day of June.

W. K. Newell C. S. C.
Warren County, N.C.

Received June 18, 1935. Served June 19, 19135 by delivering a copy of the within summons to each of the following defendants: P. C. Perdue, Ann Perdue, Walter Perdue, Ida S. Perdue, Annie B. Perdue, Edith Perdue, Norris Perdue, Grace Perdue.

F. N. Spivey
Sheriff Franklin County.

By J. P. Moore
D. S.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

Maggie P. Swanson and husband J. L. Swanson, Frank Hicks and wife Katherine Hicks, Brantley Hicks, Dorothy Redding and husband Tom Redding, Eleanor P. Murphy and husband G. W. Murphy, Annie P. Jackson and husband J. M. Jackson, Katie Perdue, L. C. Perdue and wife Lizzie Perdue, T. H. Perdue and wife Mary Helen Perdue, Annie Pearl Bailey and husband Aubrey Bailey, Lucas P. Perdue & wife Jessie Perdue, W. L. Perkinson and wife Eliza Perkinson, O. B. Perkinson and wife Essie Perkinson, E. C. Perkinson and wife Mary Perkinson, G. C. Perkinson, E. L. Perkinson, John Levi Perkinson by his Guardian W. L. Perkinson, C. R. Perkinson and wife Lillie S. W. Perkinson, R. P. Perkinson, Sterling Perkinson and wife Ava Perkinson, Myrtle W. Newell and husband B. L. Newell, Robert White and wife Lucy White, Janet W. Newell and husband W. K. Newell, Bertha W. Meeder and husband Amos Meeder, Ernest White, and Graham White by his next friend T.O. Rodwell.

PETITIONERS,
V.

Maggie Hicks, F. W. Hicks and wife Mary Alfred Hicks, Margaret H. Howard and husband Cary Howard, Maude H. Hodges and husband J. A. Hodges, J. W. Hicks and wife Minnie Hicks, Stella Hicks, Mamie Hockaday and husband W. M. Hockaday, Annie Bell Perdue, P. C. Perdue and wife Ann Perdue, Walter Perdue and wife Ida S. Perdue, Norris Perdue, Grace Perdue, Edith Perdue, W. J. Perkinson and wife Sarah Perkinson, and H. G. Perkinson and wife Martha Perkinson.

DEFENDANTS.
PETITION AND MOTION FOR GUARDIAN AD LITEM
ORDER APPOINTING GUARDIAN AD LITEM

The petition and motion of Yarborough and Yarborough, attorneys for plaintiffs in the above entitled action respectfully shows:

1. That this action was commenced for the purpose of selling for partition the following described tracts or parcels of land:
That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Wise High School Lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt, respectively, and on the West by the lot of R. P. Perkinson and Brothers, same being triangular in shape, and containing two acres, more or less.
That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by North Carolina State Highway No. 50, or United States Highway no. 1, and containing one acre, more or less, and upon which is situate a filling station or service station and also a large storehouse.
That certain tract or parcel of land containing about ___ acres, more or less, situate near the village of Wise, in Warren County, North Carolina, and known as the "Patilla Farm".
That the petitioners and the defendants own as tenants in common said tracts or parcels of land, all of which was set forth in the petition in the proceeding, which has been filed in the office of the Clerk of the Superior Court of Warren County, North Carolina.
2. That the defendants, Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, are minors without general or testamentary guardian.
3. That on the 19th day of June, 1935, the summons in this cause, together with a copy of the petition herein was served upon the defendants, Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue
4. That it is necessary for a guardian ad litem to be appointed to represent the said minor defendants and to appear and defend the above entitled proceeding in their behalf.

Wherefore the undersigned attorneys for petitioners ask and move that some suitable, fit and competent person be appointed guardian ad Litem for the defendants Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, and be authorized and directed to defend this action in their behalf.

This the 19th day of June 1935.

Yarborough & Yarborough
Attorneys for Petitioners

Received and file June 19, 1935.

W. K. Newell C. S. C.
Warren County, N.C.

ORDER

Upon reading and filing the foregoing petition and motion for the appointment of a guardian ad litem for the defendants, Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, and after due inquiry as to the fitness of the person be appointed; it is found as a fact by the court that J. L. Palmer, is a discreet, fit, suitable and competent person to act as guardian ad litem for the defendants, Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, and it is ordered that the said J. L. Palmer, be and he is hereby appointed guardian ad litem of the infant defendants Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, in this proceeding for said sale for partition, and he is authorized and directed to appear and defend the same on said infant's behalf as guardian.

This 19th day of June, 1935.

Received and filed June 19th 1935.

W. K. Newell C. S. C.
Warren County, N.C.

Maggie P. Swanson et als.
against
Maggie Hicks et als.

Warren County.
IN THE SUPERIOR COURT
SUMMONS

THE STATE OF NORTH CAROLINA

To the Sheriff of Franklin County-Greeting:

You are commanded to summon J. L. Palmer, Guardian ad Litem of Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, the defendant above named, if he be found within your County, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N.C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let _____ take notice, that if they fail to answer said petition within the time above specified, the plaintiffs will apply to the Court for the relief demanded in the complaint.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 19th day of June, 1935

W. K. Newell C. S. C.
Warren County, N.C.

Service hereof, together with copy of petition and summons accepted. This the 26th day of June, 1935. J. L. Palmer.

NORTH CAROLINA,
WARREN COUNTY.

Maggie P. Swanson et als. : ANSWER OF J. L. PALMER GUARDIAN
v. : AD LITEM
Maggie P. Hicks et als. :

J. L. Palmer, Guardian ad Litem of Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, answering the petition in the above entitled action says:

1.
That the allegations of paragraph one of the petition are admitted.
2.
That the allegations of paragraph two of the petition are admitted.
3.
That the allegations of paragraph three of the petition are admitted.
4.
That the allegations of paragraph four of the petition are not denied.
5.
That the allegations of paragraph five of the petition are not denied.
6.
That the allegations of paragraph six of the petition are not denied.
7.
That the allegations of paragraph seven of the petition are not denied.
8.
That the allegations of paragraph eight of the petition are admitted.

Wherefore, this defendant, having duly answered the petition herein, respectfully submits the interest of his wards to the Court for such orders and decrees as will best protect their rights, as may seem best to the Court.

J. L. Palmer
Guardian ad Litem

NORTH CAROLINA,

FRANKLIN COUNTY.

J. L. Palmer, Guardian ad Litem of Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue, and Edith Perdue, being duly sworn, says that the foregoing answer is true of his own knowledge, except as to matters and things therein stated upon information and belief, and as to those he believes it to be true.

J. L. Palmer

Sworn to and subscribed before me,
this the 26th day of June, 1935.

Eugenia P. Holmes
Notary Public

My commission expires May 1, 1937

Received and filed June 28th, 1935.

W. K. Newell C. S. C.
Warren County, N.C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

Maggie P. Swanson et als. : PETITION & MOTION FOR GUARDIAN AD LITEM
v. : AND
Maggie Hicks, et als. : ORDER APPOINTING GUARDIAN AD LITEM

The petition and motion of Yarborough and Yarborough, attorneys for plaintiffs in the above entitled action, respectfully shows:

1. That this action was commenced for the purpose of selling for partition the following described tracts or parcels of land:
That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Wise High School Lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt, respectively, and on the West by the lot of R. P. Perkinson and Brothers, sane being triangular in shape, and containing two acres, more or less.
That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, North Carolina, and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by North Carolina State Highway No. 50, or United States Highway no. 1, and containing one acre, more or less, and upon which is situate a filling station or service station and also a large storehouse.
That certain tract or parcel of land containing about ___ acres, more or less, situate near the village of Wise, in Warren County, North Carolina, and known as the "Patilla Farm".
That the petitioners and the defendants own as tenants in common said tracts or parcels of land, all of which was set forth in the petition in this proceeding, which has been filed in the office of the Clerk of the Superior Court of Warren County, North Carolina.
2. That Blanch Hockaday, Roy Hockaday, Olley Hockaday and Alvin Hockaday are minors without general or testamentary guardian.
3. That on the 24th day of Aug. 1935, the summons in this cause, together with a copy of the petition herein was served upon the said Blanch Hockaday, Roy Hockaday, Olley Hockaday, and Alvin Hockaday.
4. That it is necessary for a guardian ad litem to be appointed to represent the said minors and to appear and defend the above entitled proceeding to their behalf.

Wherefore the undersigned attorneys for petitioners ask and move that some suitable, fit and competent person be appointed Guardian ad Litem or the said minors and be authorized and directed to defend this action in their behalf.

This the 14th day of September, 1935.

Yarborough & Yarborough
Attorneys for Petitioners.

ORDER

Upon reading and filing the foregoing petition and motion for the appointment of a guardian ad litem for Blanch Hockaday, Roy Hockaday, Olley Hockaday, and Alvin Hockaday and after due inquiry as to the fitness of the person to be appointed; it is found as a fact by the court that Frank Banzet is a discreet, fit, suitable and competent person to act as guardian ad litem for the said minors and it is ordered that the said Frank Banzet be and he is hereby appointed guardian ad litem of the infants named above in this proceeding for said sale for partition, and he is authorized and directed to appear and defend the same on said infants' behalf as guardian.

This the 14th day of Sept. 1935.

Received and filed Sept 14th 1935

W. K. Newell C. S. C.
Warren County, N.C.

Maggie Swanson et al. : Warren County.
against : In the Superior Court.
Maggie Hicks et al. : SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Halifax County-Greeting:

You are commanded to summon H. G. Perkinson, Martha Perkinson, Blanche Hockaday, Alvin Hockaday, Olley Hockaday, Roy Hockaday the defendants above named, if they be found within your County, to appear at the office in Warrenton within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let them take notice, that if they fail to answer said petition within the time above specified, the plaintiff will apply to the Court for the relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, this 20th day of August, 1935.

W. K. Newell C. S. C.
Warren County, N.C.

Received Aug. 24, 1935, Served Aug 24th 1935, by delivering a copy of the within summons to each of the following defendants: H. G. Perkinson, Martha Perkinson, Blanch Hockaday, Roy Hockaday, Olley Hockaday and Alvin Hockaday.

G. H. Johnson
Sheriff Halifax County.

Maggie P. Swanson et als. : Warren County.
against : In the Superior Court.
Maggie Hicks et als. : SUMMONS IN SPECIAL PROCEEDING.

THE STATE OF NORTH CAROLINA,

To the Sheriff of Warren County-Greeting:

You are commanded to summon Frank Banzet, Guardian ad Litem of Blanch Hockaday, Roy Hockaday, Olley Hockaday and Alvin Hockaday, the defendants above named, if he be found within your County, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N.C., within ten (10) days after the day of service hereof, and answer the petition, copies of which have been filed in the office of the said Clerk of the Superior Court of said County. And let him take notice, that if he fails to answer said petition within the time above specified, the plaintiffs will apply to the Court for the relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court, the 14th day of Sept., 1935.

W. K. Newell C. S. C.
Warren County, N.C.

Service of the within Summons accepted, together with copy of petition herein, this 14th day of Sept. 1935.
Guardian ad Litem of Blanch Hockaday, Roy Hockaday, Olley Hockaday, and Alvin Hockaday.

NORTH CAROLINA
WARREN COUNTY

IN THE SUPERIOR COURT
BEFORE THE CLERK

Maggie P. Swanson et al. :
vs. :
Maggie Hicks et al. :

Answering the petition herein, Frank Banzet, Guardian ad litem for the above named infants, says:

1. That the allegations of paragraph one are admitted upon information and belief;
2. That the allegations of paragraph two are admitted upon information and belief;
3. That the allegations of paragraph three are admitted upon information and belief;
4. That the defendant does not have sufficient knowledge or information to form a belief concerning the allegations of paragraph four and therefore denies the same;
5. That this defendant does not have sufficient knowledge or information to form a belief concerning the allegations of paragraph five and therefore denies the same;
6. That paragraph six is admitted upon information and belief;
7. That paragraph seven is admitted upon information and belief;
8. That paragraph eight is admitted;

WHEREFORE, this defendant prays that the Court makes such lawful orders in the premises as is best suited to the interests of the parties.

Frank Banzet
GUARDIAN AD LITEM FOR BLANCH HOCKADAY
Roy Hockaday, Olley Hockaday and
Alvin Hockaday, infants

NORTH CAROLINA
WARREN COUNTY

Frank Banzet, being first duly sworn, says: That the allegations in the foregoing answer are true of his own knowledge except the matters state therein upon information and belief and as to them he believes it to be true.

Frank Banzet

Sworn to and subscribed before me
this 14th day of September, 1935.

N. H. Newell
Dpy. Clerk Superior Court.

Received and filed Sept. 14th 1935.
W. K. Newell C. S. C.
Warren County, N.C.

North Carolina,
Warren County.

In Superior Court,
Before the Clerk.

Maggie P. Swanson, et als. :
vs. : Order of Sale.
Maggie Hicks, et als. :

This cause coming on to be heard before the undersigned Clerk of the Superior Court of Warren County, North Carolina, upon the petition of the plaintiffs herein, and being heard, and it appearing to the satisfaction of the Court that all parties defendant herein have been duly and properly served with summons; and it further appearing and being found as a fact that Graham White, infant plaintiff, is duly and properly represented herein by T. O. Rodwell, his next friend, that Walter Perdue, Ida S. Perdue, Norris Perdue, Grace Perdue and Edith Perdue, infant defendants, were duly and properly served with summons herein, and J. L. Palmer was duly appointed guardian ad litem to represent said infants and has been served with summons and filed his answer herein, and that Blanche Hockaday, Roy Hockaday, Olley Hockaday and Alvin Hockaday, infant defendants, were duly and properly served with summons herein, and Frank Banzet was duly appointed guardian ad Litem to represent said infants and has been served with summons and filed his answer herein; and it further appearing to the satisfaction of the Court that an actual partition of the timber and the lands described in the petition herein cannot be made without injury to the parties to this proceeding, especially on account of the large number of persons entitled to participate in said partition; and it further appearing to the Court that there are certain rents due and owing upon the tract of land described in paragraph 1 of the petition, and upon the tract of land described in paragraph 3 of the petition; and it further appearing and being found as a fact that it would be more advantageous for and to the best interests of all parties to this proceeding for said lands and timber to be sold at public auction to the highest bidder for cash than for actual partition of same to be made, and for said rents to be collected and disbursed among all parties to this proceeding entitled to receive same:

It is therefore ordered by the Court that Hill Yarborough be and he is hereby appointed a Commissioner to sell the lands and timber described in the petition herein, either separately or all together, as may seem most advisable and for the best interests of the parties hereto, at the Court house door in Warrenton, Warren County, N.C., to the highest bidder for cash, at public auction, after posting a notice of said sale at the court house door and at three other public places in Warren County for thirty days immediately preceding such sale, and also publishing said notice once a week for four weeks in The Warren Record, a newspaper published in Warrenton, N.C., and the said commissioners shall report his proceedings in the premises within ten days from the date of said sale.

It is further ordered that Hill Yarborough be and he is hereby appointed a Commissioner to collect the rents alleged in said petition to be due and owing upon two of the three tracts of land described in the petition, after first having an accounting with the persons who are alleged to owe said rent; and said Commissioner shall disburse the said rents so collected in accordance with the orders of this Court.

This the 14th day of September, 1935.

Received and file Sept. 14th, 1935.

W. K. Newell C. S. C.
Warren County, N.C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK

MAGGIE P. SWANSON ET ALS. :
VS. : AFFIDAVIT AND NOTION TO MAKE
MAGGIE HICKS ET ALS. : NEW PARTIES.

In the above entitled matter the petitioners respectfully show to the Court:

1.

That Eleanor P. Murphy, one of the petitioners herein, died on the day of December, 1936, leaving surviving her the following children and heirs-at-law, together with the names of their husbands and wives, if any, respectively:

Morris C. Murphy and wife Mozzelle S. Murphy
Claude H. Murphy and wife Elizabeth M. Murphy
George Herman Murphy and wife Naomi U. Murphy
Lillian M. Dennis and husband J. S. Dennis
Kathleen M. Jackson and husband R. R. Jackson.

2.

That the interest of the said Eleanor P. Murphy in the tract of land described in the petition herein was a 1/42 undivided interest, and the interests of her said children and heirs-at-law are as follows:

Morris C. Murphy 1/210 undivided interest
Claude H. Murphy 1/210 undivided interest
George Herman Murphy 1/210 undivided interest
Lillian M. Dennis 1/210 undivided interest
Kathleen M. Jackson 1/210 undivided interest

3.

That the said children and heirs-at-law of the said Eleanor P. Murphy, deceased, are proper and necessary parties to the final determination of this proceeding

WHEREFORE, the petitioners respectfully move the Court that the said Morris C. Murphy and wife Mozzelle S. Murphy, Claude H. Murphy and wife Elizabeth M. Murphy, George Herman Murphy and wife Naomi U. Murphy, Lillian M. Dennis and husband J. S. Dennis, Kathleen M. Jackson and husband R. R. Jackson be made parties to this action and that summons be issued against them requiring them to appear and answer the petition herein as required by law.

Yarborough & Yarborough
Attorneys for Petitioners

NORTH CAROLINA,
FRANLIN COUNTY.

J. L. Swanson, being duly sworn, says that he is one of the petitioners in the above entitle matter and that the foregoing Affidavit and Motion is true of his own knowledge, except as to matters and things therein stated upon information and belief, and as to those he believes it to be true.

J. L. Swanson

Sworn to and subscribed before me,
this the 10th day of March, 1937.
Eugenia P. Holmes
Notary Public
My commission expires May 1, 1937.

Received and filed March 10th 1937.
W. K. Newell C.S.C.
Warren County, N.C.

NORTH CAROLINA
FRANKLIN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON, ET ALS. :
VS. :
MAGGIE HICKS, ET AL. :

ORDER TO MAKE NEW PARTIES.

This cause coming on to be heard before the undersigned Clerk of the Superior Court of Warren County, North Carolina upon the Affidavit and Motion to make New Parties filed herein by J. L. Swanson, one of the plaintiffs, and it appearing to the Court and being found as a fact that Eleanor P. Murphy, one of the defendants herein, died on the ___ day of December, 1936, leaving surviving her the following children and heirs-at-law, together with their husbands and wives, if any, respectively, Morris C. Murphy and wife Mozzelle S. Murphy, Claude H. Murphy and wife Elizabeth M. Murphy, George Herman Murphy and wife Naomi U. Murphy, Lillian M. Dennis and husband J. S. Dennis, and Kathleen M. Jackson and husband R. R. Jackson; and it further appearing to the Court and being found as a fact that the interest of the said Eleanor P. Murphy in the tract of land described in the petition herein was a 1/42 undivided interest, and the interests of her said children and heirs-at-law are as follows: Morris C. Murphy 1/210 undivided interest, Claude H. Murphy 1/210 undivided interest, George Herman Murphy 1/210 undivided interest, Lillian M. Dennis 1/210 undivided interest, and Kathleen M. Jackson 1/210 undivided interest; and it further appearing to the Court and being found as a fact that the said children and heirs-at-law of the said Eleanor P. Murphy, deceased, are proper and necessary parties to the final determination of this proceeding.

NOW, THEREFORE, it is by the Court ordered that the said Morris C. Murphy and wife Mozzelle S. Murphy, Claude H. Murphy and wife Elizabeth M. Murphy, George Herman Murphy and wife Naomi U. Murphy, Lillian M. Dennis and husband J. S. Dennis, and Kathleen M. Jackson and husband R. R. Jackson be and they are hereby made parties to this action; it is further ordered that summons be issued against the said Morris C. Murphy and wife Mozzelle S. Murphy, Claude H. Murphy and wife Elizabeth M. Murphy, George Herman Murphy and wife Naomi U. Murphy, Lillian M. Dennis and husband J. S. Dennis, and Kathleen M. Jackson and husband R. R. Jackson requiring them to appear and answer the petition herein as required by law.

This the 10th day of March, 1937

Received and filed March 10th 1937.

W. K. Newell C. S. C.
C. S. C. Warren County, N. C.

MAGGIE SWANSON ET ALS. : WARREN COUNTY.
AGAINST : IN THE SUPERIOR COURT
MAGGIE HICKS ET ALS. : SUMMONS IN SPECIAL PROCEEDING

THE STATE OF NORTH CAROLINA,

To the Sheriff of Franklin County-Greeting:

You are commanded to summon Morris C. Murphy, Mozzelle S. Murphy, Claude H. Murphy, Elizabeth M. Murphy, Kathleen M. Jackson, and R. R. Jackson the defendants above named, if they be found within your County, to appear at the office of the Clerk of the Superior Court for the County of Warren, at his office in Warrenton, N. C. within ten (10) days after the day of service hereof, and answer the petition, copies of which have been file in the office of the said Clerk of the Superior Court of said County. And let them take notice, that if they fail to answer said petition within the time above specified, the plaintiffs will apply to the Court for the relief demanded in the petition.

Herein fail not and of this summons make due return.

Given under my hand and seal of said Court this 10th day of March 1937

W. K. Newell C. S. C.
Warren County, N. C.

Service of the within summons accepted this 15th day of March, 1937

North Carolina,
Warren County.

In the Superior Court,
Before the Clerk.

Maggie P. Swanson et als.)
 V.)
Maggie Hicks et als.) Report of Sale.

To the Clerk of the Superior Court of Warren County:
Pursuant to an order of the Superior Court of Warren County, N. C. made in the above entitled proceeding, the undersigned commissioner exposed to sale to the highest bidder at the court house door in Warrenton, Warren County, N. C., on Monday, June 28, 1937, at or about the hour of 12:00 o'clock noon, after due advertisement as by law required and in said order directed, the lands mentioned and described in the petition in this cause and described in the notice of sale hereto attached and made a part hereof, when and where said lands and the timber situate upon a part thereof were sold as follows:

1. For the first tract of said lands C. C. Perkinson became the last and highest bidder at the price of \$50.00 cash.
2. For the second tract of said land C. C. Perkinson became the last and highest bidder at the price of \$430.00 cash.
3. For the third tract of said land C. C. Perkinson became the last and highest bidder at the price of \$625.00 cash.
4. For the timber situate upon the third tract of said land C. C. Perkinson became the last and highest bidder at the price of \$680.00 cash.
5. For the third tract of said land and the timber situate thereon, sold together, C. C. Perkinson became the last and highest bidder at the price of \$1550.00 cash.
6. For all of said lands and the timber situate upon a part thereof, sold as a whole, C. C. Perkinson became the last and highest bidder at the price of \$2030.00 cash.

The said sale were well attended and were fair and open to all bidders.
Respectfully submitted, this June 28, 1937.

Hill Yarborough
Commissioner

COMMISSIONER'S SALE OF LAND AND TIMBER

Under and by virtue of the power and authority contained in and conferred by that certain order of Hon. W. K. Newell, Clerk of the Superior Court of Warren County, N. C., in that certain special proceeding entitled "Maggie P. Swanson et als. vs. Maggie Hicks et als.", the undersigned commissioner will sell, on Monday June 28, 1937, at or about the hour of twelve o'clock noon, at the Court house door in Warrenton, Warren County, N. C., at public auction to the highest bidder for cash, the following described land and timber:

1. That certain tract or parcel of land situate in the Village of Wise, Hawtree Township, Warren County, N. C. and bounded on the North by the Wise High School lot, on the East by the land of R. P. Perkinson, on the South by the land of E. K. Hunt, and on the West by the land of R. P. Perkinson and Bros., same being triangular in shape, and containing two acres, more or less.
2. That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, N. C. and bounded on the North by the Paschall-Oakville Road, on the East by a gin lot, on the South by the store lot of R. P. Perkinson, and on the West by N. C. State Highway No. 50 or U. S. Highway No. 1, and containing one acre, more or less, and upon which is situate a filling or service station and also a large storehouse.
3. That certain tract or parcel of land in Smith Creek Township, Warren County, N. C., adjoining the lands of John Robinson, Daniel T. Hicks and others, bounded as follows, viz.: East by Hawkins Mill Road, North by D. T. Hicks land, on South by Zion Church Road, on the west by the lands of Ben D. Moore, containing seventy (70) acres, more or less: See Registry of Warren County, N. C., Book 60, page 195, and known as the "Patillo Farm"
4. All the merchantable, standing and growing timber that will measure eight (8) inches or more at the stump at the time of cutting, now standing and growing on that certain tract or parcel of land described as follows: That certain tract or parcel of land in Smith Creek Township, Warren County, N. C., adjoining the lands of John Robinson, Daniel T. Hicks, and others, bounded as follows: East by Hawkins Mill Road, North By D. T. hicks land, on South by Zion Church Road, on West by the lands of Ben D. Moore, containing seventy (70) acres, more or less; see Registry of Warren County, N. C., Book 60, page 195; and known as the "Patillo Farm." The purchaser shall have the right and privilege of cutting and removing said timber within a period of two years from the date of the confirmation of said sale by the Court.

This the 21st day of May, 1937.

Hill Yarborough,
Commissioner.

Maggie P. Swanson et als.)
 V.)
Maggie Hicks, et als.)

ORDER OF RESALE

Whereas C. R. Perkinson has filed a ten per cent bid on the purchase money paid for the following described land being that certain tract or parcel of land in the Village of Wise, Hawtree township, Warren County, N. C. and bounded on the North by the Wise High School lot, on the East and South by the lots of R. P. Perkinson and E. J. Hunt, respectively, and on the West by the lot of R. P. Perkinson and Brothers, same being triangular in shape, and containing two acres more or less.

And whereas the said C. R. Perkinson has paid the said bid to me on this July 19th. 1937. Now, therefore, it is ordered, considered and adjudged that Hill Yarborough, Commissioner in said special proceedings entitled as above advertise said land for resale for fifteen days in some newspaper published in Warren County and report his proceedings to the Court in time and manner as provided by the laws of the State of North Carolina.

This the 19th day of July, 1937.

Received and filed July 19th 1937.

W. K. Newell C. S. C.
Warren County, N. C.

of the purchase money and every part thereof, shall execute and deliver to the purchaser, the said C. C. Perkinson, and his heirs and assigns a deed in fee simple for said land.

3. That the sale of the third tract of said land be and the same is hereby not confirmed
4. That the sale of the timber situate upon the third tract of said land be and the same is hereby not confirmed.
5. That the sale of the third tract of said land and the timber situate thereon, sold together, be and the same is hereby in all respects confirmed, and that the said Hill Yarborough, Commissioner as aforesaid, upon the payment of the purchase money and every part thereof, shall execute and deliver to the purchaser, the said C. C. Perkinson, and his heirs and assigns a deed in fee simple for said tract of land and the timber situate thereon..
6. That the sale of all of said lands and the timber situate upon a part thereof, sold as a whole, be and the same is hereby not confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this proceeding be and the same is hereby retained pending the further orders of this Court respecting the distribution of the proceeds of said sale, the confirmation of the sale of the first tract of said lands, and the payment of the costs and expenses of this proceeding.

This July 26, 1937.

Received and filed July 26, 1937

W. K. Newell C. S. C.
Warren County, N. C.

COMMISSIONER'S RESALE OF LAND

Under and by virtue of the power and authority contained in and conferred by that certain order of resale of Hon. W. K. Newell, Clerk of the Superior Court of Warren County, North Carolina, in that special proceeding entitled "Maggie P. Swanson et als. vs. Maggie Hicks et als," dated 19th day of July 1937, the undersigned commissioner will sell, on Thursday August 12th, 1937 at or about the hour of twelve o'clock noon, at the court house door in Warrenton, Warren County, North Carolina, at public auction to the highest bidder for cash, the following describe land:

1. That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, N. C., and bounded on the North by the Wise High School lot, on the east by the lands of R. P. Perkinson, on the South by the lands of E. J. Hunt, and on the West by the land of R. P. Perkinson and Bros., same being triangular in shape, and containing two acres, more or less.

This the 20th day of July, 1937.

Hill Yarborough
Commissioner

NORTH CAROLNA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

Maggie P. Swanson et als.)
 v.)
Maggie Hicks et als.)

REPORT OF RESALE

To the Clerk of the Superior Court of Warren County:

Pursuant to an order of resale of the Superior Court of Warren County, N.C., made in the above entitled proceeding, the undersigned commissioner exposed to sale to the highest bidder at the Court house door in Warrenton, Warren County, N.C., on Thursday, August 12, 1937, at or about the hour of 12 o'clock noon, after due advertisement, the first tract of the lands mentioned and described in the petition herein, when and where C. C. Perkinson, became the last and highest bidder for the same at the price of ninety & no/100 dollars (\$90.00), cash. The said sale was well attended and was fair and open to all bidders, and the said Commissioner considers that the price bid was just and reasonable and the fair value of said tract of land.

This the 12th day of August 1937.

Hill Yarborough,
Commissioner.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

Maggie P. Swanson et als. :

v. :

Maggie Hicks et als. :

DECREE CONFIRMING SALE

This proceeding again coming on to be heard, and being heard, and it appearing to the court and being found as a fact that Hill Yarborough, Commissioner, appointed by the court to sell the lands described in the Petition herein, did, pursuant to an order of resale made and entered on the 19th day of July 1937, on Thursday, August 12, 1937, at or about the hour of 12:00 o'clock noon, offer the first tract of land mentioned and described in the Petition herein for resale to the highest bidder for cash at the court house door in Warrenton, Warren County, North Carolina, after due advertisement as by law required;

And it further appearing to the court and being found as a fact that the said resale of said land was duly and properly made and conducted in all respects;

And it further appearing to the Court and being found as a fact that for the said first tract of said lands C. C. Perkinson became the last and highest bidder for the price of NINETY DOLLARS (\$90.00) cash; that the price offered was and is just and reasonable, and the fair value of said land, an said sale should be confirmed;

And it further appearing to the court and being found as a fact that more than ten days have elapsed since said sale, and no upset or increased bid has been made.

NOW, THEREFORE, it is by the court ordered, adjudged and decreed:

That the sale of the first tract of said land be and the same is hereby in all respects confirmed, and that the said Hill Yarborough, Commissioner as aforesaid,, upon the payment of the purchase money and every part thereof shall execute and deliver to the purchaser, the said C. C. Perkinson, and his heirs and assigns, a deed in fee simple for said tract of land.

It is further ordered, adjudged and decreed that this proceeding be and the same is hereby retained pending the further orders of the court respecting the distribution of the proceeds of said sales, and the payment of the costs and expenses of this proceeding.

This the 30th day of August, 1937.

W. K. Newell C. S. C.
Warren County, N.C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
 V. :
MAGGIE HICKS ET ALS. :

TRANSFER OF BID.

For value received I hereby transfer and assign to R. P. Perkinson, C. C. Perkinson, and C. T. Perkinson my bid in the sum of NINTEY DOLLARS (\$90.00) cash made on the 12th day of August, 1937, for that certain tract or parcel of land sold by Hill Yarborough, Commissioner appointed by the Court in the above entitled matter, and described as follows:

That certain tract or parcel of land situate in the village of Wise, Hawtree Township, Warren County, N. C., and bounded on the North by the Wise High School lot, on the east by the lands of R. P. Perkinson, on the South by the lands of E. J. Hunt, and on the West by the land of R. P. Perkinson and Bros., same being triangular in shape, and containing two acres, more or less.

This the 20th day of September, 1937

Witness:
N. H. Newell

C. C. Perkinson

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
V. : FINAL JUDGEMENT AND DECREE
MAGGIE HICKS ET ALS. :

This proceeding again on to be heard, and being heard and it appearing to the Court and the Court finding the facts to be as follows:

That Hill Yarborough, Commissioner appointed by the Court to sell the lands described in the Petition herein, did make sale of said lands and execute and deliver deeds therefore in accordance with the orders and directions of this court, as appears of record in the office of the Clerk of the Superior Court of Warren County, North Carolina.

1. That the said Hill Yarborough, Commissioner, has collected and now has on hands rents, as he was ordered and directed by the Court to do, upon the property described in the complaint herein, upon the one-fourth undivided interest in said property owned by the heirs-at-law of Silas G. Hicks, deceased, in the sum of \$197.24, that said rents are due and owing to the heirs-at-law of said Silas G. Hicks deceased, after the costs and expenses have been deducted from the said sum of \$197.24 in the proportions set out in the Petition herein.
2. That, as appears from the reports of the said Hill Yarborough, Commissioner, filed herein, the said Hill Yarborough, Commissioner, has collected and now has on hand from the sale of the first tract of land described in the petition herein, containing two acres, more or less, the sum of \$90.00. That the said sum is due and owing to the heirs-at-law of Silas G. Hicks, deceased,, in the proportions set out in the petition herein.
3. That, as appears from the reports of the said Hill Yarborough, Commissioner, filed herein, the said Hill Yarborough, Commissioner, has collected and now has on hand from the sale of the second tract of land described in the petition herein, containing one acre, more or less, and upon which is situate a filling or service station and also a large storehouse, the sum of \$430.00. That the said sum is due and owing to Oscar B. Perkinson, R. P. Perkinson and the heirs-at-law of Silas G. Hicks, deceased, in the proportions set out in the petition herein.
4. That, as appears from the reports of the said Hill Yarborough, Commissioner, filed herein, the said Hill Yarborough, Commissioner, has collected and now has on hand from the sale of the third tract of land described in the petition herein, together with the timber situate thereon, the sum of \$1550.00. That the said sum is due and owing to Oscar B. Perkinson, Sterling Perkinson and heirs-at-law of Silas G. Hicks, deceased, in the proportions set out in the petition herein.

NOW, THEREFORE, it is by the Court ordered, adjudged and decreed that the acts of the said Hill Yarborough, Commissioner be and the same are hereby confirmed; that the said Hill Yarborough, Commissioner, out of the rents and purchase money, shall first apply a sufficiency thereof to the payment of the costs of this proceeding, including a commission to the said Commissioner of five per cent of the amount received by him, and including a fee for the attorneys herein in the sum of \$150.00; that the surplus remaining after the payment of said debts and charges shall be disposed of as follows:

1. The amount remaining in the hands of said Commissioner from the rents shall be paid out to the heirs-at-law of Silas G. Hicks, deceased, in the proportion set out in the petition herein as follows:

Heirs of L. P. Hicks, deceased, 1/6 undivided interest:

Maggie Hicks, widow of L. P. Hicks, dowress.

F. W. Hicks, husband of Mary Alfred Hicks, 1/18 undivided interest.

Margaret H. Howard, wife of Cary Howard, 1/18 undivided interest.

Maude H. Hodges, wife of A. L. Hodges, 1/18 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/6 undivided interest

Heirs of T. J. Hicks, deceased, 1/6 undivided interest.
Stella Hicks, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would if living, be entitled to a 1/30 undivided interest).
Mamie H. Hockaday, wife of W. M. Hockaday, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks deceased, who would, if living, be entitled to a 1/30 undivided interest)
Heirs of Carrie H. White, deceased, 1/30 undivided interest:
Myrtle W. Newell, wife of B. L. Newell, 1/180 undivided interest,
Robert White, husband of Lucy White, 1/180 undivided interest,
Janet W. Newell, wife of W. K. Newell, 1/180 undivided interest,
Bertha W. Meeder, wife of Amos Meeder, 1/180 undivided interest,
Ernest White, 1/180 undivided interest,
Graham White, 1/180 undivided interest,
Heirs of Brantley G. Hicks, deceased, 1/30 undivided interest:
Frank Hicks, husband of Katherine Hicks, 1/90 undivided interest,
Brantley Hicks, 1/90 undivided interest,
Dorothy Redding, wife of Tom Redding, 1/90 undivided interest,
Heirs of Katie H. Perdue, deceased, 1/6 undivided interest:
Heirs of Eleanor P. Murphy, deceased, 1/42 undivided interest.
G. W. Murphy, Widower, Estate by curtesy
Morris C. Murphy, 1/210 undivided interest,
Claude H. Murphy, 1/210 undivided interest,
George Herman Murphy, 1/210 undivided interest,
Lillian M. Dennis, 1/210 undivided interest,
Kathleen M. Jackson, 1/210 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/42 undivided interest.
Katie Perdue, 1/42 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/42 undivided interest.
Heirs of C. H. Perdue, deceased, 1/42 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/378 undivided interest,
P. C. Perdue, husband of Ann Perdue, 1/378 undivided interest,
C. H. Perdue, husband of Mavis Perdue, 1/378 undivided interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/378 undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/378 undivided interest,
Walter Perdue, husband of Ida S. Perdue, 1/378 undivided interest,
Norris Perdue, 1/378 undivided interest,
Grace Perdue, 1/378 undivided interest,
Edith Perdue, 1/378 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/42 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/42 undivided interest.

Heirs of Fannie H. Pearce, deceased, 1/6 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/6 undivided interest.

Heirs of Levi C. Perkinson, deceased, 1/6 undivided interest:
W. J. Perkinson, husband of Sarah Perkinson, 1/54 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/54 undivided interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/54 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/54 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/54 undivided interest.
C. C. Perkinson, 1/54 undivided interest.
B. L. Perkinson, 1/54 undivided interest.
John Levi Perkinson, 1/54 undivided interest. as devisee of the late Mary P. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/54 undivided interest.

2. The amount remaining in the hands of said Commissioner from the proceeds of the sale of the first tract of land described in the petition herein containing two acres, more or less, shall be paid out in the following proportions:

Heirs of L. P. Hicks, deceased, 1/6 undivided interest:

Maggie Hicks, widow of L. P. Hicks, dowress.

F. W. Hicks, husband of Mary Alfred Hicks, 1/18 undivided interest.

Margaret H. Howard, wife of Cary Howard, 1/18 undivided interest.

Maude H. Hodges, wife of A. L. Hodges, 1/18 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/6 undivided interest

Heirs of T. J. Hicks, deceased, 1/6 undivided interest.

Stella Hicks, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would if living, be entitled to a 1/30 undivided interest).

Mamie H. Hockaday, wife of W. M. Hockaday, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks deceased, who would, if living, be entitled to a 1/30 undivided interest)

Heirs of Carrie H. White, deceased, 1/30 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/180 undivided interest,

Robert White, husband of Lucy White, 1/180 undivided interest,

Janet W. Newell, wife of W. K. Newell, 1/180 undivided interest,

Bertha W. Meeder, wife of Amos Meeder, 1/180 undivided interest,

Ernest White, 1/180 undivided interest,

Graham White, 1/180 undivided interest,

Heirs of Brantley G. Hicks, deceased, 1/30 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/90 undivided interest,

Brantley Hicks, 1/90 undivided interest,

Dorothy Redding, wife of Tom Redding, 1/90 undivided interest,

Heirs of Katie H. Perdue, deceased, 1/6 undivided interest:

Heirs of Eleanor P. Murphy, deceased, 1/42 undivided interest.

G. W. Murphy, Widower, Estate by curtesy

Morris C. Murphy, 1/210 undivided interest,

Claude H. Murphy, 1/210 undivided interest,

George Herman Murphy, 1/210 undivided interest,

Lillian M. Dennis, 1/210 undivided interest,

Kathleen M. Jackson, 1/210 undivided interest,

Annie P. Jackson, wife of J. M. Jackson, 1/42 undivided interest.

Katie Perdue, 1/42 undivided interest

L. C. Perdue, husband of Lizzie Perdue, 1/42 undivided interest.

Heirs of C. H. Perdue, deceased, 1/42 undivided interest,

Annie Bell Perdue, widow, dowress.

C. R. Perdue, husband of Sue Perdue, 1/378 undivided interest,

P. C. Perdue, husband of Ann Perdue, 1/378 undivided interest,

C. H. Perdue, husband of Mavis Perdue, 1/378 undivided interest,

T. H. Perdue, husband of Mary Helen Perdue, 1/378 undivided interest,

Annie Pearl Bailey, wife of Aubrey Bailey, 1/378 undivided interest,

Walter Perdue, husband of Ida S. Perdue, 1/378 undivided interest,

Norris Perdue, 1/378 undivided interest,

Grace Perdue, 1/378 undivided interest,

Edith Perdue, 1/378 undivided interest.

Lucas Perdue, husband of Jessie Perdue, 1/42 undivided interest.

J. W. Perdue, husband of Beulah Perdue, 1/42 undivided interest.

Heirs of Fannie H. Pearce, deceased, 1/6 undivided interest.

Maggie P. Swanson, wife of J. L. Swanson, 1/6 undivided interest.

Heirs of Levi C. Perkinson, deceased, 1/6 undivided interest:

W. J. Perkinson, husband of Sarah Perkinson, 1/54 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/54 undivided interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/54 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/54 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/54 undivided interest.
C. C. Perkinson, 1/54 undivided interest.
B. L. Perkinson, 1/54 undivided interest.
John Levi Perkinson, 1/54 undivided interest. as devisee of the late Mary P. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/54 undivided interest.

3. The amount remaining in the hands of said Commissioner from the proceeds of the sale of the second tract of land described in the petition herein containing one acre, more or less, and upon which is situate a filling or service station and also a large storehouse, shall be paid out in the following proportions:

Oscar B. Perkinson, husband of Essie Perkinson, 1/2 undivided interest.
R. P. Perkinson, 1/4 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest:

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, dowress:

F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest

Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest

Heirs of T. J. Hicks, deceased, 1/24 undivided interest:

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitle to an 1/120 undivided interest).

Mamie H. Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks deceased, who would, if living, be entitled to a 1/120 undivided interest)

Heirs of Carrie H. White, deceased, 1/120 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest,

Robert White, husband of Lucy White, 1/720 undivided interest,

Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest,

Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest,

Ernest White, 1/720 undivided interest,

Graham White, 1/720 undivided interest,

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest,

Brantley Hicks, 1/360 undivided interest,

Dorothy Redding, wife of Tom Redding, 1/360 undivided interest,

Heirs of Katie H. Perdue, deceased, 1/24 undivided interest:

Heirs of Eleanor P. Murphy, deceased, 1/168 undivided interest.

G. W. Murphy, Widower, Estate by curtesy

Morris C. Murphy, 1/840 undivided interest,

Claude H. Murphy, 1/840 undivided interest,

George Herman Murphy, 1/840 undivided interest,
Lillian M. Dennis, 1/840 undivided interest,
Kathleen M. Jackson, 1/840 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.
Katie Perdue, 1/168 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.
Heirs of C. H. Perdue, deceased, 1/168 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/1512 undivided
interest,
P. C. Perdue, husband of Ann Perdue, 1/1512 undivided
interest,
C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided
interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/1512
undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided
interest,
Walter Perdue, husband of Ida S. Perdue, 1/1512 undivided
interest,
Norris Perdue, 1/1512 undivided interest,
Grace Perdue, 1/1512 undivided interest,
Edith Perdue, 1/1512 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest.
Heirs of Fannie H. Pearce, deceased, 1/24 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.
Heirs of Levi C. Perkinson, deceased, 1/24 undivided interest:
W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/216 undivided
interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest.
C. C. Perkinson, 1/216 undivided interest.
B. L. Perkinson, 1/216 undivided interest.
John Levi Perkinson, 1/216 undivided interest. as devisee of the late
Mary P. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided
interest.

4. The amount remaining in the hands of said Commissioner from the proceeds of the sale of the third tract of land described in the petition herein, together with the timber thereon, shall be paid out in the following proportions:

Oscar B. Perkinson, husband of Essie Perkinson, 3/8 undivided interest.
R. P. Perkinson, 3/8 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest:

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, dowress:

F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest

Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest

Heirs of T. J. Hicks, deceased, 1/24 undivided interest:

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and

1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitle to an 1/120 undivided interest).

Mamie H. Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks deceased, who would, if living, be entitled to a 1/120 undivided interest)

Heirs of Carrie H. White, deceased, 1/120 undivided interest:
Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest,
Robert White, husband of Lucy White, 1/720 undivided interest,
Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest,
Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest,
Ernest White, 1/720 undivided interest,
Graham White, 1/720 undivided interest,

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:
Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest,
Brantley Hicks, 1/360 undivided interest,
Dorothy Redding, wife of Tom Redding, 1/360 undivided interest,

Heirs of Katie H. Perdue, deceased, 1/24 undivided interest:
Heirs of Eleanor P. Murphy, deceased, 1/168 undivided interest.
G. W. Murphy, Widower, Estate by curtesy
Morris C. Murphy, 1/840 undivided interest,
Claude H. Murphy, 1/840 undivided interest,
George Herman Murphy, 1/840 undivided interest,
Lillian M. Dennis, 1/840 undivided interest,
Kathleen M. Jackson, 1/840 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.
Katie Perdue, 1/168 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.
Heirs of C. H. Perdue, deceased, 1/168 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/1512 undivided interest,
P. C. Perdue, husband of Ann Perdue, 1/1512 undivided interest,
C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/1512 undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided interest,
Walter Perdue, husband of Ida S. Perdue, 1/1512 undivided interest,
Norris Perdue, 1/1512 undivided interest,
Grace Perdue, 1/1512 undivided interest,
Edith Perdue, 1/1512 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest.
Heirs of Fannie H. Pearce, deceased, 1/24 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.
Heirs of Levi C. Perkinson, deceased, 1/24 undivided interest:

W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/216 undivided
interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest.
C. C. Perkinson, 1/216 undivided interest.
B. L. Perkinson, 1/216 undivided interest.
John Levi Perkinson, 1/216 undivided interest. as devisee of the late
Mary P. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided
interest.

This the 27th day of September, 1937

W. K. Newell C. S. C.
Warren County, N. C.

Examined, considered and approved.
J. Paul Frizzall Judge holding Court

Third Judicial district.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
V. : SUPPLEMENTARY PETITION.
MAGGIE HICKS ET ALS. :

The commissioner appointed by the Court to make sale of the lands described in the petition herein respectfully shows to the Court:

1.

That in paragraph two of the original petition filed herein it is alleged that as to tract of land therein described, known as the filling station lot, the interest of Oscar B. Perkinson, husband of Essie Perkinson, was a 1/2 undivided interest, and the interests of the heirs of Levi C. Perkinson, deceased, was a 1/24 undivided interest, and heirs and the interest of each of them having been set forth as follows:

W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest
H. G. Perkinson, husband of Martha Perkinson, 1/216 undivided interest
W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest
O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest
E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest
G. C. Perkinson, 1/216 undivided interest
B. L. Perkinson, 1/216 undivided interest
John Levi Perkinson, 1/216 undivided interest
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided interest

That it has been recently discovered by the petitioners herein that said allegations do not give true interest of said parties, for the following reasons:

That the said Levi C. Perkinson, deceased, left a last will and testament which is recorded in the office of the Clerk of the Superior Court of Warren County, North Carolina, in Will Book 54 at page 28. That by the fifth item of said will there was devised to Charlie Perkinson, who is the same person hereinbefore named as C. R. Perkinson, and to Oscar Perkinson, who is the same person hereinbefore name as Oscar B. Perkinson, both of whom are sons and heirs at law of the said Levi C. Perkinson deceased, jointly and as tenants in common, to share and share alike, all the right, title and interest, the same being stated in said will to be a one-half undivided interest therein of the said Levi C. Perkinson in the store house and gin lot at Wise, North Carolina, the said store-house and gin lot being the same tract of land described in paragraph two of the original petition herein. That in the first codicil to said will the said Levi C. Perkinson changed the said fifth item of his said will so as to annul the same with respect to the devise to his son Charlie Perkinson or C. R. Perkinson, but not disturbing the same as to the devise to Oscar B. Perkinson of a one-half undivided interest in the one half undivided interest owned by the said Levi C. Perkinson in said lot, That, therefore, the said Oscar Perkinson is entitled not to one-half of a one-half undivided interest, or to a one-fourth undivided interest, in and to said lot of land described in paragraph two of the original petition herein.

That as to that one-half of the one-half undivided interest or, as to that one-fourth undivided interest, of the said Levi C. Perkinson in and to said lot of land which was devised to the said Charlie Perkinson or C. R. Perkinson and which devise was annulled, the said Levi C. Perkinson died intestate.

That the said Levi C. Perkinson during his lifetime purchased from Lillie S. W. Perkinson all her right, title and interest in said lot of land, the same being a one-twenty-fourth interest therein devised to her under the will of Silas G. Hicks, deceased, and that the one-twenty-fourth undivided interest of the heirs of Levi C. Perkinson, deceased, as hereinbefore set forth, is the one-twenty-fourth undivided interest in said lot of land purchased by the said Levi C. Perkinson from the said Lillie S. W. Perkinson, and the allegations of paragraph two of the original petition herein are correct as to the interest of said heirs of Levi C. Perkinson, each of said heirs being entitle to 1/9 of 1/24, or a 1/216 undivided interest.

That the said heirs of the said Levi C. Perkinson are entitled, in addition to said one-twenty-fourth undivided interest, also to that one-half of the one-half undivided interest or one-

fourth undivided interest in said land, as to which the said Levi C. Perkinson died intestate, as hereinbefore set forth, each of said heirs being entitled to 1/9 of 1/4, or 1/36, undivided interest in said tract of land, as follows:

W. J. Perkinson, husband of Sarah Perkinson, 1/36 undivided interest
H. G. Perkinson, husband of Martha Perkinson, 1/36 undivided interest
W. L. Perkinson, husband of Eliza Perkinson, 1/36 undivided interest
O. B. Perkinson, husband of Essie Perkinson, 1/36 undivided interest
E. C. Perkinson, husband of Mary Perkinson, 1/36 undivided interest
G. C. Perkinson, 1/36 undivided interest
B. L. Perkinson, 1/36 undivided interest
John Levi Perkinson, 1/36 undivided interest
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/36 undivided interest

That is to say, the heirs of Levi C. Perkinson are entitled to a one-twenty-fourth undivided interest in and to said lot of land, the same being the interest of the said Lillie S. W. Perkinson as an heir at law of Silas G. Hicks, deceased, which said interest was purchased by the said Levi C. Perkinson, each of said heirs being entitled to 1/216 interest, and also to a one-fourth undivided interest in said lot of land as to which the said Levi C. Perkinson died intestate, each of said heirs being entitled to 1/36 interest. That, therefore, the heirs of Levi C. Perkinson are entitled, as to said lot of land, each to an undivided interest as follows:

O. B. Perkinson, husband of Essie Perkinson, 1/4 undivided interest

W. J. Perkinson, husband of Sarah Perkinson, 1/216 plus 1/36 equals 7/216
H. G. Perkinson, husband of Martha Perkinson, 1/216 plus 1/36 equals 7/216
W. L. Perkinson, husband of Eliza Perkinson, 1/216 plus 1/36 equals 7/216
O. B. Perkinson, husband of Essie Perkinson, 1/216 plus 1/36 equals 7/216
E. C. Perkinson, husband of Mary Perkinson, 1/216 plus 1/36 equals 7/216
G. C. Perkinson, 1/216 plus 1/36 equals 7/216
B. L. Perkinson, 1/216 plus 1/36 equals 7/216
John Levi Perkinson, 1/216 plus 1/36 equals 7/216
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 plus 1/36 equals 7/216

That since the filing of the original petition herein there has been recorded in the office of the Register of Deeds of Warren County, North Carolina in Book 144, page 147, a deed executed by W. J. Perkinson (widower), W. L. Perkinson and wife Eliza Perkinson, E. C. Perkinson and wife Mary Perkinson, Grover C. Perkinson (unmarried) and B. L. Perkinson (unmarried), and H. G. Perkinson and wife Martha Perkinson, grantors, by the terms of which there was conveyed to Oscar B. Perkinson, grantee, all the right, title interest and estate of the said grantors in and to certain tracts or parcels of land (or the proceeds of any sale thereof or the rents and profits therefrom), among them being the two tracts of land hereinbefore referred to.

That, therefore, the said Oscar B. Perkinson is entitled to receive in his own right, by the terms of the will of Levi C. Perkinson, deceased a 1/4 undivided interest in the tract of land hereinbefore referred to, and also, as one of the heirs at law of Levi C. Perkinson, to 7/216 interest, which together with the 7/216 interest of each of the grantors in said deed recorded in Book 144, page 147, or a total of 42/216, makes a total of 19/216.

That the said John Levi Perkinson is entitled to receive 7/216 interest, but the said John Levi Perkinson is a minor under the age of twenty-one years and the interest which he is entitled to receive should be paid into the hands of the Clerk of the Superior Court of Warren County, North Carolina,

That the said C. R. Perkinson, husband of Lillie S. W. Perkinson, claims to be entitled to receive 7/216 interest, but, a controversy has arisen between certain of the heirs at law of the said Levi C. Perkinson, deceased, as to whether or not the said C. R. Perkinson was divested of any interest in any of the real property of the said Levi C. Perkinson, by virtue of the terms of the fifth item and the first codicil in the will of the said Levi C. Perkinson, deceased. This controversy will be further referred to in paragraph three hereof.

That in paragraph three of the original petition filed herein it is alleged that as to the tract of land therein described, known as the "Patillo Farm" the interest of Oscar B. Perkinson, husband of Essie Perkinson, was a three-eighths undivided interest, and the interests of the heirs of Levi C. Perkinson, deceased, was a one-twenty-fourth undivided interest, each of said heirs being entitled to 1/9 of 1/24, said heirs and the interest of each of them having been set forth as follows:

W. J. Perkinson, husband of Sarah Perkinson, 1/216 undivided interest
H. G Perkinson, husband of Martha Perkinson, 1/216 undivided interest
W. L. Perkinson, husband of Eliza Perkinson, 1/216 undivided interest
O. B. Perkinson, husband of Essie Perkinson, 1/216 undivided interest
E. C. Perkinson, husband of Mary Perkinson, 1/216 undivided interest
G. C. Perkinson, 1/216 undivided interest
B. L. Perkinson, 1/216 undivided interest
John Levi Perkinson, 1/216 undivided interest
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/216 undivided interest

That it has recently been discovered by the petitioners herein that said allegations do not give the true interests of said parties, for the following reasons:

That the said Levi Perkinson, deceased, left a last will and testament which is recorded in the office of the Clerk of the Superior Court of Warren County, North Carolina, in Will Book 54 at page 28. That by the fifth item of said will there was devised to Charlie Perkinson, who is the same person hereinbefore name as C. R. Perkinson, and to Oscar Perkinson, who is the same person hereinbefore named as Oscar B. Perkinson, both of whom are sons and heirs at law of the said Levi C. Perkinson, deceased, jointly and as tenants in common, to share and share alike, all the right, title and interest, the same being stated in said will as a 3/8 undivided interest, therein, of the said Levi C. Perkinson in the "Patilla Farm", the said "Patilla Farm" being the same tract of land described in paragraph three of the original petition herein. That in the first codicil to said will the said Levi C. Perkinson changed the fifth item of his said will so as to annul the same with respect to the devise to his son Charlie Perkinson or C. R. Perkinson, but not disturbing the same as to the devise to Oscar Perkinson of a one-half undivided interest in the three-eighths undivided interest, or 3/16, in and to the said tract of land owned by the said Levi C. Perkinson. That, therefore, the said Oscar Perkinson is entitled not to a three-eighths undivided interest in and to the said tract of land but only to a 3/16 undivided interest in and to the said tract of land described in paragraph three of the original petition herein.

That as to that 1/2 of the 3/8 or 3/16 undivided interest of the said Levi C. Perkinson in and to said tract of land, which was devised to the said Charlie Perkinson or C. R. Perkinson and which devise was annulled, the said Levi C. Perkinson died intestate.

That the said Levi C. Perkinson during his lifetime purchased from Lillie S. W. Perkinson all her right, title and interest in said tract of land the same being a one-twenty-fourth interest therein devised to her under the will of Silas G. Hicks, deceased, and that the one-twenty-fourth undivided interest of the heirs of Levi C. Perkinson, deceased, as hereinbefore set forth, is the one-twenty-fourth undivided interest in said lot of land purchased by the said Levi C. Perkinson from the said Lillie S. W. Perkinson, and the allegations of paragraph three of the original petition herein are correct as to the interests of said heirs of said Levi C. Perkinson, each of said heirs being entitled to 1/9 of 1/24 or 1/216, undivided interest.

That the said heirs of the said Levi C. Perkinson are entitled, in addition to said 1/24 undivided interest, to that 1/2 of 3/8 or 3/16 undivided interest as to which the said Levi C. Perkinson died intestate, as hereinbefore set forth, each of said heirs being entitled to 1/9 of 3/16, or 3/144, as follows:

W. J. Perkinson, husband of Sarah Perkinson, 3/144 undivided interest
H. G Perkinson, husband of Martha Perkinson, 3/144 undivided interest
W. L. Perkinson, husband of Eliza Perkinson, 3/144 undivided interest
O. B. Perkinson, husband of Essie Perkinson, 3/144 undivided interest
E. C. Perkinson, husband of Mary Perkinson, 3/144 undivided interest
G. C. Perkinson, 3/144 undivided interest
B. L. Perkinson, 3/144 undivided interest
John Levi Perkinson, 3/144 undivided interest

C. R. Perkinson, husband of Lillie S. W. Perkinson, $\frac{3}{144}$ undivided interest

That is to say the heirs of Levi C. Perkinson are entitled to a $\frac{1}{24}$ or each to $\frac{1}{9}$ of $\frac{1}{24}$ or $\frac{1}{216}$, undivided interest in and to said tract of land, the same being the interest of the said Lillie S. W. Perkinson as an heir at law of Silas G. Hicks, deceased, which said interest was purchased by the said Levi C. Perkinson, and also to a $\frac{3}{16}$ or each to $\frac{1}{9}$ of $\frac{3}{16}$ or $\frac{3}{144}$, undivided interest in said tract of land as to which the said Levi C. Perkinson died intestate. That, therefore, the heirs of Levi C. Perkinson are entitled, as to said tract of land, each to an undivided interest as follows:

O. B. Perkinson, husband of Essie Perkinson, $\frac{3}{16}$
W. J. Perkinson, husband of Sarah Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
H. G Perkinson, husband of Martha Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
W. L. Perkinson, husband of Eliza Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
O. B. Perkinson, husband of Essie Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
E. C. Perkinson, husband of Mary Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
G. C. Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
B. L. Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
John Levi Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$
C. R. Perkinson, husband of Lillie S. W. Perkinson, $\frac{1}{216}$ plus $\frac{3}{144}$ equals $\frac{11}{432}$

That since the filing of the original petition herein there has been recorded in the office of the Register of Deeds of Warren County, North Carolina, in Book 144, page 147, a deed executed by W. J. Perkinson (widower), W. L. Perkinson and wife Eliza Perkinson, E. C. Perkinson and wife Mary Perkinson, Grover C. Perkinson (unmarried) and B. L. Perkinson (unmarried), and H. G. Perkinson and wife Martha Perkinson, grantors, by the terms of which there was conveyed to Oscar B. Perkinson, grantee, all the right, title, interest and estate of the said grantors in and to certain tracts or parcels of land (or the proceeds of any sale thereof or the rents and profits therefrom), among them being the two tracts of land hereinbefore referred to.

That, therefore, the said Oscar B. Perkinson is entitled to receive in his own right, by the terms of the will of Levi C. Perkinson, deceased a $\frac{3}{16}$ undivided interest in the tract of land hereinbefore referred to, and also, as one of the heirs at law of Levi C. Perkinson, to $\frac{11}{432}$ interest, which, together with the $\frac{11}{432}$ interest of each of the grantors in said deed recorded in Book 144, page 147, or a total of $\frac{66}{432}$, makes a total of $\frac{77}{432}$.

That the said John Levi Perkinson is entitled to received $\frac{11}{432}$ interest but he said John Levi Perkinson is a minor under the age of twenty-one years an the interest which he is entitled to receive should be paid in the hands of the Clerk of the Superior Court of Warren County, North Carolina.

That the said C. R. Perkinson, husband of Lillie S. W. Perkinson claims to be entitled to receive $\frac{11}{432}$ interest, but, a controversy has arisen between certain of the heirs at law of the said Levi C. Perkinson, deceased, as to whether or not the said C. R. Perkinson was divested of any interest in any way of the real property of the said Levi C. Perkinson by virtue of the terms of the fifth item and the first codicil in the will of the said Levi C. Perkinson, deceased. This controversy will be further referred to in paragraph three hereof.

3.

That the controversy hereinbefore referred to in paragraph one and paragraph two of the Supplementary Petition, with respect to the right of the said C. R. Perkinson to share in any of the real estate of which the said Levi C. Perkinson was seized at the time of his death arose out of and is dependant upon the construction of the fifth item and first codicil of the will of the said Levi C. Perkinson, deceased, which will follow. That the will of the said Levi C. Perkinson, deceased, is recorded in the office of the Clerk of the Superior Court of Warren County, North Carolina, in Book 54, page 28. That the fifth item of said will reads as follows:

“I give and bequeath to my two sons Charlie Perkinson and Oscar Perkinson, jointly and as tenants in common to share and share alike, to them and their heirs in fee simple forever, all my right, title and interest, the same being $\frac{3}{8}$ undivided interest therein, in “The Patillo Place” situated in Smith Creek Township; all my right, title, and interest, the same being a $\frac{1}{2}$ undivided interest therein, in the store house and gin lot in Wise, North Carolina; the two lots or parcels of

land containing about 8 acres at Wise, North Carolina, allotted to be in the division of the property of the old firm of Perkinson, Hicks & Co.; the "Tally place", containing about 90 acres, and bought by me from W. G. Egerton; and the "Joseph H. Perkinson tract of land", containing about 70 acres".

That the first codicil of said will reads as follows:

"Under the fifth section of my said will I devised and bequeathed to my two sons Charlie Perkinson and Oscar B. Perkinson jointly certain lands, since my said will was written, in the year 1921, I have deeded and conveyed and put in possession of Charlie Perkinson the Joseph H. Perkinson tract of land containing 70 acres, more or less, and I wish this conveyance to be in full settlement of all the rights to my said son, Charlie Perkinson, shall have in and to my real estate, and that portion of item five of my will bequeathing any real estate to him is hereby declared null as to his rights, in and to any of my real estate."

That in view of the contention between the heirs of the said Levi C. Perkinson as to the right of the said C. R. Perkinson to receive any interest in any of the said real estate of the said Levi C. Perkinson, it is advisable that the said interest of the said Charlie Perkinson be paid into the hands of the Clerk of the Superior Court of Warren County, N. C., in order that the division of the proceeds of the sale of the tracts of land referred to in this proceeding should not be further delayed pending the settlement of said controversy.

WHEREFORE, the commissioner as aforesaid respectfully prays the Court:

1. That the final judgment and decree herein be amended so as to direct that of the amount remaining in the hands of the commissioner from the proceeds of the sale of the second tract of land described in the petition herein, containing one acre, more or less, and upon which is situate a filling or service station and also a large store house, shall be paid out to the said Oscar B. Perkinson and to the heirs at law of the said Levi C. Perkinson, deceased, in the following proportions:
 - Oscar B. Perkinson, husband of Essie Perkinson, in his own right, by the terms of the will of Levi C. Perkinson, a 1/4 undivided interest in the tract of land hereinbefore referred to, and also the 49/216 undivided interest.
 - John Levi Perkinson, 7/216 undivided interest, said interest to be paid over to the Clerk of the Superior Court of Warren County for benefit of the said John Levi Perkinson, who is a minor under the age of twenty-one years.
 - C. R. Perkinson, husband of Lillie S. W. Perkinson, 7/216 undivided interest, said interest to be paid to the Clerk of the Superior Court of Warren county to be held pending the determination of the rights of the said C. R. Perkinson.
2. That the final judgment and decree herein be amended so as to direct that of the amount remaining in the hands of the commissioner from the proceeds of the sale of the third tract of land described in the petition herein, known as the "Patilla Farm", shall be paid out to the said Oscar B. Perkinson and to the heirs at law of the said Levi C. Perkinson, deceased, in the following proportions:
 - Oscar B. Perkinson, husband of Essie Perkinson, in his own right, by the terms of the will of Levi C. Perkinson, a 3/16 undivided interest in the tract of land hereinbefore referred to, and also the 77/432 undivided interest.
 - John Levi Perkinson, 11/432 undivided interest, said interest to be paid over to the Clerk of the Superior Court of Warren County for the benefit of the said John Levi Perkinson, who is a minor under the age of twenty-one.
 - C. R. Perkinson, husband of Lillie S. W. Perkinson, 11/432 undivided interest, said interest to be pad to the Clerk of the Superior Court of Warren County to be held pending the determination of the rights of the said C. R. Perkinson.
3. That copy of this petition be served upon the said Oscar B. Perkinson, together with an order directing the said Oscar B. Perkinson to appear at a time and place to be named in said order before the Clerk of the Superior Court of Warren County, North Carolina, to show cause, if any he can, why said final decree should not be amended as hereinbefore requested.

Hill Yarborough
Commissioner

North Carolina,
Franklin County.

Hill Yarborough, Commissioner, being first duly sworn, says that the foregoing Supplementary Petition is true of his own knowledge, except as to matters and things therein stated upon information and belief, and as to those he believes it to be true.

Hill Yarborough
Commissioner

Sworn to and subscribed before me,
this the 13th day of April, 1938.

Eugenia P. Holmes
Notary Public

My Commission expires May 1, 1939.

Received and file Apr. 14, 1938.

W. K. Newell C. S. C.
Warren County, N. C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
 V. :
MAGGIE HICKS ET ALS. :

O*R*D*E*R*

This cause coming on to be heard upon the Supplementary Petition filed herein on the 14th day of April, 1938, and it appearing to the Court that it is necessary that Oscar B. Perkinson appear and show cause why the error in said original petition should not be corrected:

NOW, THEREFORE, it is hereby ordered that a notice be served upon said Oscar B. Perkinson directing him to appear at the office of the Clerk of the Superior Court of Warren County, North Carolina, on the 30th day of April, 1938, at 10 o'clock, A.M., to show cause, if any he can, why the prayer as set forth in the Supplementary Petition herein should not be granted.

It is further ordered that copy of Supplementary Petition, together with a copy of this order, be served upon the said Oscar B. Perkinson with the said notice directing him to appear as hereinbefore set forth.

This the 14th day of April, 1938.

W. K. Newell C. S. C.
Warren County, N. C.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
V. :
MAGGIE HICKS ET ALS. :

NOTICE.

TO OSCAR B. PERKINSON:

You are hereby required to appear before Hon W. K. Newell, Clerk of the Superior Court of Warren County, North Carolina, at his office in Warrenton, North Carolina, on the 20th day of April, 1938, at the hour of 10 o'clock, A. M., to show cause, if any you can, why the prayer as set forth in the Supplementary Petition herein should not be granted. A copy of the \said Supplementary Petition, together with a copy of the Order herein, are attached to and served with this notice.

This the 14th day of April, 1938.

W. K. Newell, C. S. C.
Warren County, N. C.

Received; April _____, 1938.

Served: April _____, 1938, by reading and delivering a copy hereof, together with a copy of the Supplementary petition and Order herein, upon Oscar B. Perkinson.

Sheriff of Warren County
By _____ D. S.

Service of the foregoing notice, together with copy thereof, and copy of the supplementary petition and copy of order herein, accepted this the 17th day of April, 1938.

C. B. Perkinson

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
V. : AMENDED FINAL JUDGMENT AND DECREE
MAGGIE HICKS ET ALS. :

This proceeding again coming on to be heard upon the Supplementary petition filed herein by Hill Yarborough, commissioner appointed by the Court, and being heard, and it appearing to the Court and the Court finding the facts to be as follows:

That in the original petition filed herein certain errors occurred with respect to the interests of the heirs in the property therein described; that the finally judgment and decree filed herein dated the 27th day of September, 1937, was based, with respect to the distribution of the funds collected by Hill Yarborough, Commissioner appointed by the Court in this proceeding, upon the interests of the parties to this proceeding as set out in the said original petition, and that the said final judgment and decree is erroneous with respect to the true interests of said parties, and the same should, therefore, be amended so as to direct the payment of the funds received by the said commissioner in their true proportions.

That since the filing of the original petition herein there has been recorded in the office of the Register of Deeds of Warren County, North Carolina, in Book 144, page 147, a deed executed by W. J. Perkinson (widower), W. L. Perkinson and wife Eliza Perkinson, E. C. Perkinson and wife Mary Perkinson, Grover C. Perkinson (unmarried), and B. L. Perkinson (unmarried), and H. G. Perkinson and wife Martha Perkinson, grantors, by the terms of which was conveyed to Oscar B. Perkinson, grantee, all the right, title, interest and estate of the said grantors in and to certain tracts or parcels of land (or the proceeds of any sale thereof or the rents and profits therefrom), said land being the lands described in the original petition herein.

That John Levi Perkinson, one of the parties hereto, is a minor under the age of twenty-one years and the interest which he is entitled to receive should be paid into the hands of the Clerk of the Superior Court of Warren County, North Carolina.

That a controversy has arisen between certain of the heirs at law of Levi C. Perkinson, deceased (said heirs at law being parties to this proceeding) as to whether or not C. R. Perkinson, one of said heirs at law, was divested of any interest in any of the real property of said Levi C. Perkinson by virtue of the fifth item and the first codicil in the will of said Levi C. Perkinson, deceased. That said will of said Levi C. Perkinson, deceased, is recorded in the office of the Clerk of the Superior Court of Warren County, North Carolina, in Book 54, page 28.

That in view of the contention between the heirs of the said Levi C. Perkinson as to the right of the said C. R. Perkinson to receive any interest in any of the said real estate of the said Levi C. Perkinson, it is advisable that the said interest of the said Charlie Perkinson be paid into the hands of the Clerk of the Superior Court of Warren County, N. C., in order that the division of the proceeds of the sale of the tracts of land referred to in this proceeding should not be further delayed pending the settlement of the controversy.

NOW, THEREFORE, it is by the Court ordered, adjudged and decreed that the said final judgment and decree be and the same is hereby amended to show the true interests of the parties to this proceeding in the funds in the hands of the said Hill Yarborough, Commissioner.

That the said Hill Yarborough, Commissioner, be and he is hereby ordered and directed to pay out the funds remaining in his hands in the manner and in the proportions hereinafter set out, it being the purpose of this amended final judgment and decree to set forth the true and exact distribution of said funds to all the parties hereto, the original final judgment and decree being hereby amended in that respect.

1. The amount remaining in the hands of said Commissioner from the rents shall be paid out to the heirs at law of Silas G. Hicks, deceased, in the following proportions:
Heirs of L. P. Hicks, deceased, 1/6 undivided interest:
Maggie Hicks, widow of L. P. Hicks, dowress,
F. W. Hicks, husband of Mary Alfred Hicks, 1/18 undivided interest
Margaret H. Howard, wife of Cary Howard, 1/18 undivided interest
Maude H. Hodges, wife of A. L. Hodges, 1/18 undivided interest
J. W. Hicks, husband of Minnie Hicks, 1/6 undivided interest
Heirs of T. J. Hicks, deceased, 1/6 undivided interest:

Stella Hicks, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living, be entitled to a 1/30 undivided interest).

Mamie Hockaday, wife of W. M. Hockaday, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living, be entitled to a 1/30 undivided interest).

Heirs of Carrie H. White, deceased 1/30 undivided interest:
Myrtle W. Newell, wife of B. L. Newell, 1/180 undivided interest,
Robert White, husband of Lucy White, 1/180 undivided interest,
Janet W. Newell, wife of W. K. Newell, 1/180 undivided interest,
Bertha W. Meeder, wife of Amos Meeder, 1/180 undivided interest,
Ernest White, 1/180 undivided interest,
Graham White, 1/180 undivided interest,

Heirs of Brantley G. Hicks, deceased, 1/30 undivided interest:
Frank Hicks, husband of Katherine Hicks, 1/90 undivided interest,
Brantley Hicks, 1/90 undivided interest,
Dorothy Redding, wife of Tom Redding, 1/90 undivided interest,

Heirs of Katie H. Perdue, deceased, 1/6 undivided interest:
Heirs of Eleanor P. Murphy, deceased, 1/42 undivided interest.
G. W. Murphy, Widower, Estate by curtesy
Morris C. Murphy, 1/210 undivided interest,
Claude H. Murphy, 1/210 undivided interest,
George Herman Murphy, 1/210 undivided interest,
Lillian M. Dennis, 1/210 undivided interest,
Kathleen M. Jackson, 1/210 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/42 undivided interest.
Katie Perdue, 1/42 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/42 undivided interest.
Heirs of C. H. Perdue, deceased, 1/42 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/378 undivided interest,
P. C. Perdue, husband of Ann Perdue, 1/378 undivided interest,
C. H. Perdue, husband of Mavis Perdue, 1/378 undivided interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/378 undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/378 undivided interest,
Walter Perdue, husband of Ida S. Perdue, 1/378 undivided interest,
Norris Perdue, 1/378 undivided interest,
Grace Perdue, 1/378 undivided interest,
Edith Perdue, 1/378 undivided interest.

Lucas Perdue, husband of Jessie Perdue, 1/42 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/42 undivided interest.

Heirs of Fannie H. Pearce, deceased, 1/6 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/6 undivided interest.

Heirs of Levi C. Perkinson, deceased, 1/6 undivided interest:
W. J. Perkinson, husband of Sarah Perkinson, 1/54 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/54 undivided interest.
W. L. Perkinson, husband of Eliza Perkinson, 1/54 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/54 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/54 undivided interest.
C. C. Perkinson, 1/54 undivided interest.
B. L. Perkinson, 1/54 undivided interest.
John Levi Perkinson, 1/54 undivided interest. as devisee of the late Mary P. Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/54 undivided interest.

2. The amount remaining in the hands of said Commissioner from the proceeds of the sale of the first tract of land described in the Petition herein containing two acres, more or less, shall be paid out in the following proportions:
- Heirs of L. P. Hicks, deceased, 1/6 undivided interest:
Maggie Hicks, widow of L. P. Hicks, dowress,
F. W. Hicks, husband of Mary Alfred Hicks, 1/18 undivided interest
Margaret H. Howard, wife of Cary Howard, 1/18 undivided interest
Maude H. Hodges, wife of A. L. Hodges, 1/18 undivided interest
J. W. Hicks, husband of Minnie Hicks, 1/6 undivided interest
- Heirs of T. J. Hicks, deceased, 1/6 undivided interest:
Stella Hicks, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living, be entitled to a 1/30 undivided interest).
Mamie Hockaday, wife of W. M. Hockaday, 3/60 undivided interest (1/30 in her own right, and 1/60 as devisee of Thomas Hicks, deceased, who would, if living, be entitled to a 1/30 undivided interest).
- Heirs of Carrie H. White, deceased 1/30 undivided interest:
Myrtle W. Newell, wife of B. L. Newell, 1/180 undivided interest,
Robert White, husband of Lucy White, 1/180 undivided interest,
Janet W. Newell, wife of W. K. Newell, 1/180 undivided interest,
Bertha W. Meeder, wife of Amos Meeder, 1/180 undivided interest,
Ernest White, 1/180 undivided interest,
Graham White, 1/180 undivided interest,
- Heirs of Brantley G. Hicks, deceased, 1/30 undivided interest:
Frank Hicks, husband of Katherine Hicks, 1/90 undivided interest,
Brantley Hicks, 1/90 undivided interest,
Dorothy Redding, wife of Tom Redding, 1/90 undivided interest,
- Heirs of Katie H. Perdue, deceased, 1/6 undivided interest:
Heirs of Eleanor P. Murphy, deceased, 1/42 undivided interest.
G. W. Murphy, Widower, Estate by curtesy
Morris C. Murphy, 1/210 undivided interest,
Claude H. Murphy, 1/210 undivided interest,
George Herman Murphy, 1/210 undivided interest,
Lillian M. Dennis, 1/210 undivided interest,
Kathleen M. Jackson, 1/210 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/42 undivided interest.
Katie Perdue, 1/42 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/42 undivided interest.
- Heirs of C. H. Perdue, deceased, 1/42 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/378 undivided interest,
P. C. Perdue, husband of Ann Perdue, 1/378 undivided interest,
C. H. Perdue, husband of Mavis Perdue, 1/378 undivided interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/378 undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/378 undivided interest,
Walter Perdue, husband of Ida S. Perdue, 1/378 undivided interest,
Norris Perdue, 1/378 undivided interest,
Grace Perdue, 1/378 undivided interest,
Edith Perdue, 1/378 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/42 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/42 undivided interest.
- Heirs of Fannie H. Pearce, deceased, 1/6 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/6 undivided interest.
- Heirs of Levi C. Perkinson, deceased, 1/6 undivided interest:
W. J. Perkinson, husband of Sarah Perkinson, 1/54 undivided interest.
H. G. Perkinson, husband of Martha Perkinson, 1/54 undivided interest.

W. L. Perkinson, husband of Eliza Perkinson, 1/54 undivided interest.
O. B. Perkinson, husband of Essie Perkinson, 1/54 undivided interest.
E. C. Perkinson, husband of Mary Perkinson, 1/54 undivided interest.
C. C. Perkinson, 1/54 undivided interest.
B. L. Perkinson, 1/54 undivided interest.
John Levi Perkinson, 1/54 undivided interest. as devisee of the late Mary P.
Perkinson
C. R. Perkinson, husband of Lillie S. W. Perkinson, 1/54 undivided interest.

3. That the amount remaining in the hands of the said commissioner from the proceeds of the sale of the second tract of land described in the petition herein containing one acre, more or less, and upon which is situate a filling or service station and also a large storehouse, shall be paid out in the following proportions:
Oscar B. Perkinson, husband of Essie Perkinson, in his own right, by the terms of the will of Levi C. Perkinson, a 1/4 undivided interest in the tract of land hereinbefore referred to, and also the 49/216 undivided interest.
R. P. Perkinson, 1/4 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest:

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, dowress:

F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest

Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest

Heirs of T. J. Hicks, deceased, 1/24 undivided interest:

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitle to an 1/120 undivided interest).

Mamie H. Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 in her own right, and 1/240 as devisee of Thomas Hicks deceased, who would, if living, be entitled to a 1/120 undivided interest)

Heirs of Carrie H. White, deceased, 1/120 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest,

Robert White, husband of Lucy White, 1/720 undivided interest,

Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest,

Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest,

Ernest White, 1/720 undivided interest,

Graham White, 1/720 undivided interest,

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest,

Brantley Hicks, 1/360 undivided interest,

Dorothy Redding, wife of Tom Redding, 1/360 undivided interest,

Heirs of Katie H. Perdue, deceased, 1/24 undivided interest:

Heirs of Eleanor P. Murphy, deceased, 1/168 undivided interest.

G. W. Murphy, Widower, Estate by curtesy

Morris C. Murphy, 1/840 undivided interest,

Claude H. Murphy, 1/840 undivided interest,

George Herman Murphy, 1/840 undivided interest,

Lillian M. Dennis, 1/840 undivided interest,
Kathleen M. Jackson, 1/840 undivided interest,
Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.
Katie Perdue, 1/168 undivided interest
L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.
Heirs of C. H. Perdue, deceased, 1/168 undivided interest,
Annie Bell Perdue, widow, dowress.
C. R. Perdue, husband of Sue Perdue, 1/1512 undivided
interest,
P. C. Perdue, husband of Ann Perdue, 1/1512 undivided
interest,
C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided
interest,
T. H. Perdue, husband of Mary Helen Perdue, 1/1512
undivided interest,
Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided
interest,
Walter Perdue, husband of Ida S. Perdue, 1/1512 undivided
interest,
Norris Perdue, 1/1512 undivided interest,
Grace Perdue, 1/1512 undivided interest,
Edith Perdue, 1/1512 undivided interest.
Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest.
J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest.
Heirs of Fannie H. Pearce, deceased, 1/24 undivided interest.
Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.

John Levi Perkinson, 7/216 undivided interest. said interest to be paid over to
the Clerk of the Superior Court of Warren County for the benefit of the
said John Levi Perkinson, who is a minor under the age of twenty-one
years.

C. R. Perkinson, husband of Lillie S. W. Perkinson, 7/216 undivided interest,
said interest to be paid to the Clerk of the Superior Court of Warren
County to be held pending the determination of the rights of the said C.
R. Perkinson

4. The amount remaining in the hands of the said Commissioner from the proceeds of the
sale of the third tract of land described in the Petition herein, together with the timber
thereon, shall be paid out in the following proportions:
Oscar B. Perkinson, husband of Essie Perkinson, in his own right, by the terms of the will
of Levi C. Perkinson, a 3/16 undivided interest in the tract of land hereinbefore referred
to, and also the 77/432 undivided interest.

Sterling Perkinson, husband of Ava Perkinson, 3/8 undivided interest.

Heirs of Silas Hicks, deceased, 1/4 undivided interest:

Heirs of L. P. Hicks, deceased, 1/24 undivided interest:

Maggie Hicks, dowress.

F. W. Hicks, husband of Mary Alfred Hicks, 1/72 undivided interest

Margaret H. Howard, wife of Cary Howard, 1/72 undivided interest.

Maude H. Hodges, wife of A. L. Hodges, 1/72 undivided interest.

J. W. Hicks, husband of Minnie Hicks, 1/24 undivided interest.

Heirs of T. J. Hicks, deceased, 1/24 undivided interest:

Stella Hicks, 3/240 undivided interest (1/120 in her own right, and

1/240 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to an 1/120 undivided interest)

Mamie H. Hockaday, wife of W. M. Hockaday, 3/240 undivided interest (1/120 undivided interest in her own right, and 1/120 as devisee of Thomas Hicks, deceased, who, if living, would be entitled to a 1/120 undivided interest).

Heirs of Carrie H. White, deceased, 1/120 undivided interest:

Myrtle W. Newell, wife of B. L. Newell, 1/720 undivided interest.

Robert White, husband of Lucy White, 1/720 undivided interest.

Janet W. Newell, wife of W. K. Newell, 1/720 undivided interest.

Bertha W. Meeder, wife of Amos Meeder, 1/720 undivided interest.

Ernest White, 1/720 undivided interest.

Graham White, 1/720 undivided interest.

Heirs of Brantley G. Hicks, deceased, 1/120 undivided interest:

Frank Hicks, husband of Katherine Hicks, 1/360 undivided interest.

Brantley Hicks, 1/360 undivided interest.

Dorothy Redding, wife of Tom Redding, 1/360 undivided interest.

Heirs of Katie Perdue, deceased, 1/24 undivided interest:

Heirs of Eleanor P. Murphy, deceased, 1/168 undivided interest:

George W. Murphy, Widower, Estate by curtesy

Morris C. Murphy, 1/840 undivided interest

Claude H. Murphy, 1/840 undivided interest

George Herman Murphy, 1/840 undivided interest

Lillian M. Dennis, 1/840 undivided interest

Kathleen M. Jackson, 1/840 undivided interest

Annie P. Jackson, wife of J. M. Jackson, 1/168 undivided interest.

Katie Perdue, 1/168 undivided interest

L. C. Perdue, husband of Lizzie Perdue, 1/168 undivided interest.

Heirs of C. H. Perdue, deceased, 1/168 undivided interest:

Annie Bell Perdue, dowress.

C. R. Perdue, husband of Sue Perdue, 1/1512 undivided interest.

P. C. Perdue, husband of Ann Perdue, 1/1512 undivided interest.

C. H. Perdue, husband of Mavis Perdue, 1/1512 undivided interest.

T. H. Perdue, husband of Mary Helen Perdue, 1/1512 undivided interest.

Annie Pearl Bailey, wife of Aubrey Bailey, 1/1512 undivided interest.

Walter Perdue, husband of Ida S. Perdue, 1/1512 undivided interest.

Norris Perdue, 1/1512 undivided interest.

Grace Perdue, 1/1512 undivided interest.

Edith Perdue, 1/1512 undivided interest.

Lucas Perdue, husband of Jessie Perdue, 1/168 undivided interest

J. W. Perdue, husband of Beulah Perdue, 1/168 undivided interest.

Heirs of Fannie C. Pearce, deceased, 1/24 undivided interest.

Maggie P. Swanson, wife of J. L. Swanson, 1/24 undivided interest.

John Levi Perkinson, 11/432 undivided interest, said interest to be paid over to

the Clerk of the Superior Court of Warren County for the benefit of the said John Levi Perkinson, who is a minor under the age of twenty-one years.

C. R Perkinson, husband of Lillie S. W. Perkinson, 11/432 undivided interest, said interest to be paid to the Clerk of the Superior Court of Warren County to be held pending the determination of the rights of the said C. R. Perkinson.

This the 25th day of April, 1938.

W. K. Newell

W. K. Newell, C. S. C. Warren County, North Carolina

The foregoing amended final Judgment and Decree are hereby confirmed in every and all respects. This the 25th day of May, 1938.

Clawson L. Williams

Judge holding the Courts of the Third Judicial District.

NORTH CAROLINA,
WARREN COUNTY.

IN THE SUPERIOR COURT,
BEFORE THE CLERK.

MAGGIE P. SWANSON ET ALS. :
V. : COMMISSIONER'S FINAL ACCOUNT
MAGGIE HICKS ET ALS. :

Hill Yarborough, Commissioner appointed by the Court in the above entitled matter, herewith submits his Final Account.

To Rents received from R. P. Perkinson & Bros.	\$	197.24
To Proceeds sale school lot		90.00
To Proceeds sale filling station lot		430.00
To Proceeds sale Patilla Farm		<u>1550.00</u>
Total	\$	2267.24

DISBURSEMENTS

By C. S. C. bill of costs	\$	385.40
		<u>7.42</u>
Total	\$	392.82
To balance for distribution-----	\$	<u>392.82</u>
	\$	1874.42

The percent of each item of receipts of the total amount received in the sum of \$2267.24 is as follows:

\$ 197.24 is 8.7% of \$2267.24
 \$ 90.00 is 4% of \$2267.24
 \$ 430.00 is 19% of \$2267.24
 \$1550.00 is 68.3% of \$2267.24

The taxes and costs in the sum of \$392.82 were paid out of each fund in the same proportion as each fund bore to the whole fund as follows:

\$197.24 paid 8.7% of the costs of \$392.82 in the sum of	\$34.18
\$90.00 paid 4% of the costs of \$392.82 in the sum of	\$15.71
\$430.00 paid 19% of the costs of \$392.82 in the sum of	\$74.65
\$1550.00 paid 68.3 of the costs of \$392.82 in the sum of	<u>\$268.28</u>
	\$392.82

	Rents	School lot	Filling Station lot	Patilla Farm
Costs	\$197.24	\$90.00	\$430.00	\$1550.00
Balance	<u>34.18</u>	<u>15.71</u>	<u>74.65</u>	<u>268.28</u>
for dis-tribution	\$163.06	\$74.29	\$355.35	\$1281.72

In accordance with the Amended Final Judgment and Decree the above amounts were paid out to the heirs in the proportions set forth in said Amended Final Judgment and decree as follows:

	Rents	School Lot	Filling Station	Farm	Amount of Check
F. W Hicks	\$9.06	\$4.13	\$4.95	\$17.60	\$35.94
Margaret H. Howard	9.06	4.13	4.95	17.60	35.94
Maude H. Hodges	9.06	4.13	4.95	17.60	35.94
J. W. Hicks	27.17	12.38	14.80	53.41	107.76
Stella Hicks	8.16	3.68	4.45	16.02	32.31
Mamie H. Hockaday	8.16	3.68	4.45	16.02	32.31
Myrtle W. Newell	.90	.42	.50	1.79	3.61
Robert White	.90	.42	.50	1.79	3.61
Janet W. Newell	.90	.42	.50	1.79	3.61
Bertha W. Meeder	.90	.42	.50	1.79	3.61
Ernest White	.90	.42	.50	1.79	3.61
Graham White	.90	.42	.50	1.79	3.61
Frank Hicks	1.81	.83	1.00	3.56	7.20
Brantley Hicks	1.81	.83	1.00	3.56	7.20
Dorothy Redding	1.81	.83	1.00	3.56	7.20
Morris C. Murphy	.77	.35	.43	1.52	3.07
Claude H. Murphy	.77	.35	.43	1.52	3.07
George Herman Murphy	.77	.35	.43	1.52	3.07
Lillian M. Dennis	.77	.35	.43	1.52	3.07
Kathleen M. Jackson	.77	.35	.43	1.52	3.07
Annie P. Jackson	3.88	1.76	2.12	7.62	15.38
Katie Perdue	3.88	1.76	2.12	7.62	15.38
L. C. Perdue	3.88	1.76	2.12	7.62	15.38
C. R. Perdue	.44	.20	.25	.85	1.74
P. C. Perdue	.44	.20	.25	.85	1.74

C. H. Perdue	.44	.20	.25	.85	1.74
T. H. Perdue	.44	.20	.25	.85	1.74
Annie Pearl Bailey	.44	.20	.25	.85	1.74
Walter Perdue	.44	.20	.25	.85	1.74
Norris Perdue	.44	.20	.25	.85	1.74
Grace Perdue	.44	.20	.25	.85	1.74
Edith Perdue	.44	.20	.25	.85	1.74
Lucas Perdue	3.88	1.76	2.12	7.62	15.38
J. W. Perdue	3.88	1.76	2.12	7.62	15.38
Maggie P. Swanson	27.17	12.38	14.80	53.41	107.76
John Levi Perkinson	3.02	1.38	11.48	32.56	48.44
C. R. Perkinson	3.02	1.38	11.48	32.56	48.44
Oscar B. Perkinson	3.02	1.38	169.20	468.91	642.51
W. J. Perkinson	3.02	1.38			4.40
H. G. Perkinson	3.02	1.38			4.40
W. L. Perkinson	3.02	1.38			4.40
E. C. Perkinson	3.02	1.38			4.40
G. C. Perkinson	3.02	1.38			4.40
B. L. Perkinson	3.02	1.38			4.40
R. P. Perkinson			88.84		88.84
Sterling Perkinson				480.66	
	\$163.03	\$74.29	\$355.35	\$1281.72	\$1874.42

Respectfully submitted,
Hill Yarborough, Commissioner

Sworn to and subscribed before me,
this the ____ day of _____, 1938

Examined and audited and in all respects approved and confirmed, this the ____ day of _____, 1938.

W. K. Newell C. S. C. Warren County, N. C.