

DEED CHARLES A. SCOTT  
TRUSTEE BY JOSEPH HARLAN & JAMES W. HARLAN

ALBEMARLE COUNTY

DEED BOOK: 59

PAGE NO: 401

7 MARCH 1861

Whereas by a DEED OF TRUST bearing date the 10 day of November 1856 and recorded in the Clerks Office of Albemarle County Court the tract of land herein before conveyed was formerly conveyed to CHARLES A. SCOTT, TRUSTEE, BY JOSEPH HARLAN AND JAMES W. HARLAN which deed secured certain debts therein named due to THOS. STAPLES AND JOHN S. MARTIN, Merchants and Partners under the firm and style of STAPLES & MARTIN AND TO JOHN D. MOON, JR. and whereas said debts have been fully paid off and satisfied and said creditors desire to release said land from any lien which they may have thereon by virtue of said deed in proof of which they have subscribed their names and affix their seals hereto, and whereas after the making of said Deed of Trust and after the death of said JOSEPH HARLAN the said JAMES W. HARLAN being then the sole owner of said land, did convey the same to JOHN S. MOON as TRUSTEE by three Deeds of Trust, one of which bears date the 26th day of March 1857, One the 15th day of April 1859 and the 3rd. the 12 day of July 1859, and whereas the said JAMES W. HARLAN and FRANCES HARLAN his wife have also conveyed said land to JOHN S. MOON as Trustee by a Deed of Trust bearing date the 17th day of January. ALL of which deeds are of record in the Clerk Office of the Court of Albemarle County, and whereas the said JAMES W. HARLAN AND JOHN S. MOON have sold said land privately to JAMES M. MADDEX with the consent and for the benefit of the creditors who hold claims secured in the four last mentioned Deeds of Trust, which creditors by name JOHN D. MOON, JR. JNO. H. COLEMAN as assignee of CHAS. M. RAGLAND, JOHN. S. MARTIN, and under the firm and style of Staples & Martin the said JOHN S. MARTIN AND THOMAS STAPLES and under the firm and style of MASON MARTIN CO. The said John S. Martin, the said Thomas Staples and James W. Mason and John O. Lewis all of whom desire to release said land from any lien they may have thereon as attested by their signatures and seals hereto subscribed and affixed. The purchase money for said land being taken and held by the said John S. Moon in lieu of same and to be disposed of among said creditors as they are severally entitled under the said Deeds of Trust, there being no intention however to release effect or impair the rights of said creditors as to any other property mentioned in said Deed of Trust or to any greater extent than is necessary to perfect the title of the said JAMES W. MADDEX to said land, and whereas JOHN B. HARLAN is jointly bonded with JAMES W. HARLAN as security for one or more of the debts secured in one or more of the four last named Deeds of Trust and the said JOHN B. HARLAN having consented to the sale and conveyance of said Land to JAMES M. MADDEX as herein set forth and made. In testimony whereof witness his signature and seal subscribed and affixed hereto. Now this Deed made this 7th day of March in the year 1861 between CHARLES A. SCOTT, Trustee

JOSEPH &amp; JAMES W. HARLAN

in one of the above mentioned Deeds of Trust, JOHN S. MOON, Trustee in four of the above mentioned Deeds of Trust, JAMES W. HARLAN AND FRANCES HARLAN, HIS WIFE of the one part and JAMES M. MADDEX of the other. Witnesseth that in consideration of the premise and also in consideration of the sum of One Dollar by the said JAMES M. MADDEX to the said CHARLES A. SCOTT in hand paid the receipt whereof is hereby acknowledged and also by the sum of One Dollar by the said JAMES M. MADDEX to the said JAMES W. HARLAN in hand paid the receipt whereof is hereby acknowledged and also in consideration of Twenty-five Hundred and Twenty five Dollars by the said JAMES M. MADDEX to the said JOHN S. MOON in hand paid the receipt whereof is also hereby acknowledged. They the said CHARLES A. SCOTT as TRUSTEE as aforesaid JOHN S. MOON as Trustee in four of the above mentioned Deeds as set forth above and JAMES W. HARLAN AND FRANCES HARLAN do grant bargain, sell and convey unto the said JAMES M. MADDEX all of their right, title and interest in and to the following property viz:

The tract of land upon which the SAID JAMES W. HARLAN at present resides containing TWO HUNDRED AND TWENTY FOUR ACRES be the same more or less. It comprises land that was formerly separated into two tracts - one of which was purchased by JOSEPH HARLAN Decd. from ANDREW STEVENSON and conveyed to the said JAMES W. HARLAN by the said JOSEPH HARLAN decd by Deed bearing date the 20th April 1840. This tract contained about ONE HUNDRED AND TWELVE ACRES - the other tract containing about ONE HUNDRED AND TEN ACRES by an old survey - was devised by JOSEPH HARLAN decd. to TABITHA HARLAN decd. for life with remainder in fee to JAMES W. HARLAN. The tract now comprising these two is situated in Albemarle County upon the PLANK ROAD ABOUT FIVE MILES FROM SCOTTSVILLE AND ABOVE GEO. W. DILLARD'S MILL POND ON TOTIER CREEK adjoining the lands of the said GEORGE W. DILLARD, MRS. WOOLDRIDGE, JAMES HAMNER AND OTHERS.

And the said CHARLES A. SCOTT doth covenant with the said JAMES W. MADDEX that he will warrant specially the property hereby conveyed and the said JOHN S. MOON doth covenant with the said JAMES M. MADDEX that he will warrant specially the property hereby conveyed and the said JAMES W. HARLAN doth covenant with the said JAMES M. MADDEX that he will warrant generally the property hereby conveyed.

Witness the following signatures and seals

CHARLES A. SCOTT, TRUSTEE  
JOHN S. MOON  
JOHN S. MARTIN  
JOHN O. LEWIS  
JAMES W. HARLAN  
FRANCES HARLAN  
JNO. H. COLEMAN for C.M. Ragland  
J. W. MASON  
THOS. STAPLES  
JNO. D. MOON, JR.

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Albemarle County to Wit:

I, Wm. D. Davis, a Notary Public for the County aforesaid in the State of Virginia do certify that Charles A. Scott, John S. Moon, John S. Martin, John O. Lewis, James W. Harlan, John B. Harlan, John H. Coleman, J. W. Mason, Thomas Staples, and John D. Moon, Jr. whose names are signed to the foregoing writing bearing date the 7th day of March 1861 have acknowledged the same before me in my said county.

I also certify that Frances Harlan the wife of James W. Harlan whose names are signed to the foregoing writing bearing date the 7th day of March 1861 personally appeared before me in my said County and being examined by me privily and apart from her husband and having the aforesaid writing fully explained to her, the said Frances Harlan acknowledges the same to be her act and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this 11 day of March 1861

Wm. D. Davis, N.P.