

Legal Advertisements

State of North Carolina, Henderson County.
John A. Burckmyer & B. P. Burckmyer Trading as Burckmyer Bros. vs. S. F. Wheeler.

NOTICE OF EXECUTION SALE.
By virtue of an execution directed to the undersigned from the Superior Court of Henderson County in the above entitled action I will on Monday the 5th day of May 1913 during the legal hours of said court the court house door of said county sell to the highest bidder for cash to satisfy said execution all the right, title and interest which the said S. F. Wheeler, the defendant above named, has in the following described Real Estate to-wit: All the interest of said S. F. Wheeler in and to that land on the East side of Main St., in the town of Hendersonville, known as the Wheeler Hotel property, containing seven acres more or less including the Hotel building and being the same land conveyed by W. A. Smith, Trustee to D. H. Wheeler by Deed recorded in Book 38 page 55 of the Records of Deeds for Henderson County.
J. C. Drake, Sheriff.
This the 11th day of March 1913.

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON.
In the Superior Court.
J. B. Stepp vs. Lilly Stepp

NOTICE.
The defendant above named will take notice that an action entitled as above has been commenced in the Superior court of Henderson county by the plaintiff to obtain a divorce absolute from her, and the said defendant will further take notice that she is required to appear at the next term of the Superior court of said county to be held at the court house in Hendersonville, North Carolina on the 10th Monday after the 1st Monday in March, 1913 and answer or demur to the complaint of the plaintiff in said action or the plaintiff will apply to the court for the relief demanded in his said complaint.
This 12th day of March, 1913.
C. M. Pace, Clerk Superior Court Henderson county.

NOTICE OF LAND SALE UNDER MORTGAGE.

By virtue of a mortgage deed, with power of sale, executed by Fred Rhodes to S. Maxwell and wife to secure certain indebtedness therein named, which said mortgage deed bears date October 28, 1909 and is registered in the office of the Register of deeds for Henderson County, in book 28 page 84 of mortgages and deeds of trust; and default having been made in the payment of the indebtedness secured thereby, I will on Wednesday the 21st day of May 1913, at the court house door in Hendersonville, N. C. within the legal hours of sale, offer for sale at public outcry, and sell to the highest bidder, for cash, to satisfy the balance due on said indebtedness, with interest and cost, all the following described land, in the County of Henderson, township of Hendersonville, and known and designated as follows, viz.: Being the land conveyed by J. C. Morrow et ux to A. L. Tabor by deed dated Aug. 17th, 1908, which deed is duly recorded in Book 60 page 288 of records of Deeds of Henderson County and more particularly described as follows: Beginning at a stake in the east margin of Washington street, said stake standing 100 feet south of the intersection of Brook street with Washington street, being the south west corner of lot conveyed by J. C. Morrow et ux to H. T. Brock, and runs with Brock's line (now Anders) E. parallel with Brook Street 75 feet to a stake; thence south parallel with Washington Street, passing through center of a well, 50 feet to a stake in S. D. Dogan's line; thence with Dogan's line west 75 feet to a stake in the east margin of Washington Street; thence with the east margin of Washington Street to the Beginning. Excepting and reserving a strip of land eight feet wide on the north side of the above lot to be used as an alley for the convenience of this and also the lot in the rear.
This April 18th, 1913.
S. Maxwell, Annie Maxwell, Mortgagees.
First Bank & Trust Company, Assignee.

State of North Carolina, Henderson County.
In the Superior Court.
Calla Poitvart Seefeld, vs. F. W. G. Seefeld, alias F. Von G. Seefeld.
The defendant above named will take notice that the depositions of Fred P. Miller, Nathaniel Konez and N. Francis will be taken by J. P. Danief commissioner, on the 26th day of April, 1913, at 11 o'clock a. m., in the office of said commissioner, in Harriman Nat. Bank building, on 5th and 44th streets, in the city and state of New York, and that the evidence of said witnesses will be used by the said plaintiff in the trial of the above entitled cause, which is a suit brought by the plaintiff against the defendant, for the purpose of obtaining an absolute divorce.
This the 27th day of March, 1913.
C. M. Pace, Clerk Superior Court
Smith, Shipman & Justice, P. A. Lelong, jr. Attorneys for Plaintiff.

NOTICE OF MORTGAGE SALE

By virtue of the power of sale contained in a deed of trust executed by John Whitmire, Jr., and wife, to G. H. Valentine, trustee, dated May 27, 1912, registered in book 35 page 48 of the records of mortgages and deeds in trust for Henderson county, North Carolina, securing a note, of even date therewith, for \$36.75, due six months after date, and drawing interest from date at 6 per cent.; and default having been made in the payment of said indebtedness, I will, on Saturday the 3rd day of May, 1913, in front of the court house door in Hendersonville, N. C., within the legal hours of sale, offer for sale at public outcry, and sell to the highest bidder for cash, to satisfy the amount due on said indebtedness, with interest and cost, all the interest of the said John Whitmire Jr. and wife in and to the following described piece or parcel of land, to-wit: "Situate, lying and being in Henderson County, State of North Carolina, adjoining the lands (now or formerly) of W. A. Smith and P. B. Justice, BEGINNING on a stone in the old Thomas line, and runs north 28 poles to a stone; thence east 11 1/2 poles to a stake; thence south 28 poles to a stone; thence west to the BEGINNING; containing two acres, more or less; and being the land which John Whitmire Sr., deceased, owned at the time of his death.
This April 2, 1913.
G. H. Valentine, Trustee.

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON.

In the Superior Court.
W. A. Garland, vs. Hendersonville Realty Co., and T. C. Williams and W. H. Lyles.
Notice of Execution Sale.
By virtue of an execution directed to the undersigned from the Superior Court of Henderson County in the above entitled action, I will on the first Monday (5th day) of May, 1913, during the legal hours of sale, between 12 m. and 2 p. m., at the Court House door in said county, sell to the highest bidder for cash to satisfy said execution, all the right, title, interest and estate owned by said defendants, or either of them, on the 7th day of October, 1912, in the following described real estate in said county, to-wit:
All that land described in the following deeds, now of record in said county, to-wit: Deed from M. S. and W. J. Hatch to Hendersonville Realty Co., recorded in Book 54 at page 448, deed from C. E. and Bessie Laughter to Hendersonville Realty Co., recorded in Book 56 at page 38, and deed from J. C. Rymer, et al. to Hendersonville Realty Co., recorded in Book 56 at page 316, being all the land described in the boundaries of said deeds, except that part of said land awarded W. A. Garland by judgment in said case and that part deeded off by the Hendersonville Realty Company, prior to the date of the docketing of said judgment. The amount of said judgment, being \$475.41 with interest since the 24th day of September, 1912, \$58.87 cost and the cost and charges, incident to said execution.
This the first day of April, 1913.
J. C. Drake, Sheriff of Henderson County.

NOTICE
Having qualified as Executrix of the Last Will and Testament of Robert Tabor, deceased, All persons having claims against his estate are hereby notified to present them to me by the 12th day of March, 1914, or this Notice will be read in bar of their recovery; and all persons indebted to the estate will please make prompt payment to me of same.
This, the 12th day of March, 1913.
M. N. Tabor, Executrix.

EXECUTRIX'S NOTICE.
Having qualified as the Executrix of J. P. Israel, deceased, this is to notify all persons holding claims against the estate of the said deceased to present them to the undersigned on or before the 6th day of February, 1914 or this notice will be pleaded in bar of their recovery.
All persons indebted to the said estate will please make immediate payment.
This the 6th day of February, 1913.
ANNA BELLE ISRAEL, Executrix.

North Carolina—Henderson County
In the Superior Court.
Louise Underwood vs. G. M. Underwood

NOTICE
Of the taking of Depositions.
The defendant above named will take notice that in the above entitled action, the depositions of A. Wolfel and J. R. Perry will be taken before W. W. Elliot, Commissioner, at his office 519 Bank of Commerce building, in the city of Norfolk and State of Virginia on the 1st day of May 1913 at 12 m., and that the evidence of said witnesses will be used by the plaintiff in the trial of the above entitled cause, which is an action brought by the plaintiff against the defendant for the purpose of obtaining an absolute divorce.
This April 2, 1913.
C. M. Pace, Clerk Superior Court.
H. S. Anderson, Atty for plaintiff.

District Court of the United States, Western District of North Carolina.

In the Matter of R. J. Brown, Bankrupt.

Notice of Sale.
By virtue of an order of F. W. Thomas, Referee in Bankruptcy, dated March 29, 1913, the undersigned will, on Monday, the 5th day of May, 1913, at the Court House Door in Hendersonville, in the County of Henderson, North Carolina, sell at public sale, on the following terms, to-wit: one-third cash, balance in two equal instalments in six and twelve months, deferred payments to draw interest at 6 percent. and to be secured by mortgage on the land, all the following described real estate in Henderson County, North Carolina:

First Tract, on the waters of Puncheon Camp Creek. Beginning on a large White Oak and Dogwood the beginning corner of the grant and runs with the old line North 88 poles to a Chestnut and some rocks, thence with the old line North 45 deg. West 20 poles to two Chestnuts, thence with the old line West 19 poles to a Sourwood at James M. Edney's corner, thence with his line North 55 deg. West 80 poles to a stake, thence with the old line South 25 deg. West 40 poles to a rock in said line, a conditional corner, thence a new line South 9 deg. East 64 poles to a Chestnut, thence a line South 23 deg. East 22 poles to Chestnut Oak near a rock, thence a new line South 32 deg. East 53 poles to a Black Gum, thence a new line South 45 deg. East 27 poles to a rock in the old field, thence North 63 deg. East 50 poles to the beginning containing 60 Acres more or less.

Second Tract, also on the waters of Puncheon Camp Creek. Beginning on a water Oak on a rock by the road and runs North 54 deg. East 38 poles to a stake, thence South 40 deg. East 73 poles to a rock, thence South 1 deg. West 70 poles to a stake thence South 70 deg. West 44 poles to a stake thence North 82 deg. West 21 poles to a stake in the road leading up to the thence with the road North 24 deg. West 18 poles to a stake, thence North 17 deg. West 23 poles to a stake, thence North 4 deg. East 16 poles to a stake thence North 35 deg. West 16 poles to a stake, thence North 22 deg. West 12 poles to a stake, thence North 11 deg. E. 9 poles to a stake, thence North 11 deg. West 16 poles to the beginning containing 56 Acres more or less.

Third Tract, on waters of Clear Creek. Beginning on a Wild Cherry on the bank of an old channel at Clear Creek on Collins' line and Maxwell's line and runs with their line North 42 poles to a rock their corner at the edge of the fence, thence with their line North 52 deg. West 82 poles to a Post Oak their corner, thence South 57 deg. West 42 poles to a stake on the bank of Puncheon Camp Creek, thence down the creek with its meanders to the old channel before mentioned, thence up said channel to the beginning containing 16 1/2 Acres more or less.

Fourth Tract. Beginning on a Hickory in Jerry Leonard's line and runs North 2 poles to a Chestnut Oak Jerry Leonard's corner, thence West 23 poles to Black Oak in Jerry Leonard's line, thence

North 20 deg. West with Leonard's line about 50 poles to a stake in A. L. Maxwell's corner of 82 Acre tract, thence with A. L. Maxwell's line South 75 deg. East 118 poles to a stake his corner, thence South 9 deg. West 88 poles to two Chestnuts thence to the beginning containing 34 Acres more or less and being part of the land conveyed by McBrayer and others to R. J. Brown.

Sixth Tract. Part of the Cary Maxwell land. Beginning on a Gum corner of David Maxwell's line and runs North 29 deg. West with his line 52 poles to a stake, thence North 60 deg. East with said line 100 poles to a stake, thence South 36 deg. East with the same 25 poles to a stake, thence North with the same line 60 poles to a stake, thence North 56 deg. West with said line 100 poles to a stake James Edney's line, thence with Edney's line South 64 deg. West 160 poles to a stake in Samuel Maxwell's line, thence with Samuel Maxwell's line East 19 poles to a stake, thence South 45 deg. East with said line 20 poles to a stake, thence with the same South 88 poles to a stake, thence with the same line South 21 deg. East 66 poles to a stake in the line of R. J. Brown's 56 Acre tract, thence with R. J. Brown's line North 54 deg. East 18 poles to a stake his corner, thence with his line South 40 deg. East 73 poles to a rock and pointers his corner, thence with his line North 76 poles to the beginning containing 137 Acres more or less.

Seventh Tract, also part of the Cary Maxwell land. Beginning on a Chestnut in David Maxwell's line and runs North 60 deg. East 125 poles to a stake, thence South 60 deg. East 110 poles to a stake in Whitaker's line, thence with Whitaker's line South 55 deg. West 150 poles to a stake in Lyda's line, thence with Lyda's line North 55 deg. West 40 poles to a stake in David Maxwell's line, thence with said line North 35 deg. West 60 poles to the beginning containing 82 Acres more or less.

Eighth Tract, also part of the Cary Maxwell land. Beginning on a B. Oak, Big Mountain, running North 86 deg. West 83 poles to a Chestnut thence North 37 deg. East 53 poles to a Water Oak, thence South 62 deg. East 18 poles to a Gum, thence South 47 deg. East 73 poles to a Black Gum, thence to the beginning containing 16 Acres more or less.

Ninth Tract, also part of the Cary Maxwell land. Adjoining land with John Lyda, his own land and the Cox place beginning at a Black Gum his own corner in Cox's line and runs with said line West 43 poles to a stake in Lyda's line, thence with his own line North 14 deg. West 30 poles to a Black Oak his corner also and corner of the Edney tract, thence with the line of said tract North 81 deg. East 51 poles to the beginning 9 acres.

Tenth Tract, also part of the Cary Maxwell land. Beginning on a Chestnut said C. Maxwell's own corner and runs North 60 poles to a Spanish Oak Edney's corner, thence North 75 deg. East with his line 70 poles to a stake in M. Ledbetter's line and then South 39 deg. East with said Ledbetter's line 34 poles to a stake, said C. Maxwell's line, thence to the beginning 22 Acres.

Eleventh Tract, in the town of Hendersonville, Beginning at a stake on the East Margin of first avenue street 20 feet from the center of said avenue and 230 feet North of the center of Anderson Avenue, and runs North 63 deg. East 155 feet to a stake in line of lot No. 45 thence North 27 deg. West 75 feet to a stake in line of lot No. 40 thence South 63 deg. West 150 feet to a stake on first avenue thence with said avenue South 27 deg. East 75 feet to the beginning.

Twelfth Tract. Beginning on a black Gum on the side of the road, and runs South 77 deg. West 15 poles to a rock thence North 32 deg. West 22 poles to a rock thence South 72 1/2 deg. West 35 poles to a rock, thence S. 21 deg. East 58 poles to a stake A. L. Maxwell's corner, thence North 78 deg. East 46 poles to a stake in the road in A. J. Brown's own line thence with his line North 17 deg. West 22 poles to a stake in his corner thence with his line N. 4 deg. East 16 poles to a stake his corner thence with his line North 35 deg. West 2 poles to a stake, thence to the beginning, containing 15 1/2 Acres more or less, being a tract conveyed by A. Maxwell to R. J. Brown.

Thirteenth Tract. Beginning at a White in Asa Q. Edney's line and runs with his line North 30 deg. West 72 1/2 poles to a black Gum Asa Q. Edney's old corner, thence with said Edney's line South 76 poles and 20 links to a rock and pointers, thence North 70 deg. East 38 poles and 20 links to the beginning, containing 8 Acres and 64 poles more or less.

Fourteenth tract. Beginning on

a stake A. L. Maxwell's and R. M. Barnwell's corner and runs West 113 poles to a Chestnut Stump R. M. Barnwell's corner, thence with his line North 10 deg. East 111 poles to a stake in R. J. Brown's line of his 15 1/2 Acre tract, thence with said line South 21 deg. East 6 poles to a stake R. J. Brown's corner thence with his line North 78 deg. East 46 poles to a stake in the public road R. J. Brown's corner thence with his line South 24 deg. East 18 poles to a stake his corner thence with his line South 82 deg. East 21 poles to a stake his corner, thence with his line North 70 deg. East 44 poles to stake his corner in A. Q. Edney's line thence South with his line 20 poles to a stake, thence East with said A. Q. Edney's line 32 poles to a stake (now a rock), thence South 18 deg. West with Edney's line 45 poles to a R. J. Brown's and A. Q. Edney's Post Oak corner, thence South 61 deg. West 40 poles to a stake at Puncheon Camp Creek R. J. Brown's corner thence to the beginning containing 88 Acres more or less, being the Sam Maxwell Home tract, and being the land conveyed by W. F. Byers et al to R. J. Brown.

Fifteenth Tract, known as the Cox tract, adjoining the lands of R. J. Brown and H. W. Conner and bounded as follows:

Beginning on a Black Oak and runs South 42 deg. East 108 poles to a stake and pointers at R. J. Brown's corner, thence North 63 deg. East 90 poles to a Black Oak thence North 61 deg. West 37 poles to a Chestnut, thence North 16 deg. West 80 poles to a Chestnut, thence North 66 deg. West 42 poles to a stake the Settles corner made by W. B. Williams, thence South 88 deg. West 100 poles to the beginning containing 75 Acres more or less.

Sixteenth Tract. Beginning at a rock in A. Q. Edney's line and R. J. Brown's line 19 1/2 poles west of their corner and runs with a line of marked trees North 23 deg. West 14 1/2 poles to stake in A. Q. Edney's and R. J. Brown's line, thence with their line South about 14 poles to the old corner thence East to the beginning containing about 1 Acre.

Seventeenth Tract, adjoining the Rhodes place on the West side of said place and on the west side of Clear Creek and bounded as follows: Begin at a stake in a branch where the the Rhodes line corners in the branch and runs down the branch to Clear Creek, thence up the creek to the Rhodes line thence thence with the Rhodes line North 42 deg. West to the beginning containing about 1/4 of an Acre.

Said lands will be sold free of any incumbrance existing by virtue of the following mortgages and deeds of trust to-wit: mortgage to M. C. Toms, recorded in book 32 page 40 of the records of mortgages and deeds of trust for Henderson County; mortgage to S. M. King, recorded in book 32 page 54 of said records; and deed of trust to R. H. Staton, trustee, recorded in book 29 page 133 of said records.

The sales of said real estate will be reported to the court, and on the 10th day of May 1913, the undersigned trustee, before F. W. Thomas, Referee in Bankruptcy, at his office, 33-34 American National Bank Building, Asheville, N. C., will move the court for a confirmation thereof, or for such directions in regard thereto as may appear to be proper.
This April 5th A. D. 1913.
G. H. Valentine, Trustee in Bankruptcy of R. J. Brown, Hendersonville, N. C.

MORTGAGEE'S SALE
By virtue of a power of sale contained in a Mortgage Deed, executed by C. E. Cole and wife, Jeanie Cole, to T. A. Allen, on October 29th, 1910, and duly registered in Book No. 30, page 207, Records of Mortgages for Henderson County, which mortgage deed was executed to secure a certain debt therein mentioned, which said debt, or note and the said Mortgage deed were duly assigned to W. C. Jordan for value, and default having been made in the payment of said note, debt, according to the terms of said Mortgage deed, and payment having been neglected and refused after due notice and demand for payment, and the power of sale under said mortgage deed having become absolute; Now, therefore, for the purpose of satisfying said debt, interest, costs, commission and expenses of sale, I will sell at public auction, at the court House door, in Hendersonville, N. C., on May 17th, 1913, during the legal hours of sale, to the highest bidder for cash, all the following lands, described and conveyed in aforesaid Mortgage Deed, to-wit:

1st tract.—Beginning on a stake in the old run of Mud Creek, Henry Jones' corner, and runs South 22 poles to a Spanish oak, Smith's corner; thence West 21 poles to a

stake, his corner; thence North 28 W. 28 poles to a stake at the head of the ditch; thence North 4 & S. W. 44 poles to a stake in the middle of the old Creek run; thence up the same with its meanders to the beginning,—containing 15 acres more or less.

2nd tract.—Beginning at a stake on the South bank of Mud creek opposite the S. E. corner of the tract conveyed by Annie E. Patton to W. Watson and runs the same course as Watson and Watkins' line S. 28 W. 5 poles and 9 1/2 feet to a stake in the center of the old Creek run, thence following the old run as follows: S. 62 E. 3 poles S. 12 W. 10 poles, thence S. 46 E. 7 poles, thence N. 52 & 1/2 E. 13 poles to the canal, thence with the canal N. 59 W. 21 poles and 9 1/2 feet to the beginning—containing 1 acre and 50 poles.

This April 17th, 1913.
T. A. Allen, Mortgagee.
W. C. Jordan, Assignee.
Per O. V. F. Blythe, Atty.

NOTICE OF SALE OF LAND FOR PARTITION.

By virtue of the power and authority vested in me as commissioner by a decree of the Superior court in the case of S. O. Edney against Dollie Edney and J. W. Edney dated April 7th 1913, I will sell at the court House door in Hendersonville at 12 o'clock noon on May 10th 1913 at public auction to the highest bidder for cash for the purpose of partition between the parties interested, the following described piece or parcel of land lying and being in the township of Edneyville, County of Henderson and State of North Carolina and known and designated as follows, viz:—

Beginning at a poplar, Coston's and R. Edney's corner, and runs with their line S. 35 deg. E. 114 poles to a pine known as the I. R. Sawyer corner; thence with the Davis line N. 45 deg. E. (Var. 5 deg.) 62 poles to an old corner now down—some oak saplings marked as a pointer; thence North with said Davis line (Var. 5 deg.) 12 poles to a stake and pointers; thence S. 8 deg. W. 2 poles to Winston Edney's corner; thence with his line N. 38 1/2 deg. W. 28 poles to a stake Winston Edney's corner; thence 3 1/2 deg. W. 52 poles to a black oak now down; thence N. 37 deg. W. 49 poles to a forked maple at the branch; thence down the branch and with its meanders to the beginning—Containing 48 acres more or less.

This 7th day of April 1913.
McD. Bay, Commissioner.

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