

United States District Court-
Western District of South Carolina.

Certified Copy

In the Matter of:
James Elmer Clark
Bankrupt.

Order Confirming Sale of
Real Estate.

#B-1536.

This matter comes before the Court upon the petition for sale of real estate filed by S. E. Colvin, Jr., trustee of the above bankrupt estate, the order of sale by the Referee, the report of sale by the trustee, and the Referee's recommendation on said sale.

It appears that the sale was made by the trustee at Greenville County Court House, Greenville, South Carolina on June 3, 1935, and that the property sold was listed among the assets of the bankrupt and is described as follows:

"All that parcel or tract of land situated in Oneal Township, Greenville County, State of South Carolina, about twelve miles North of Greenville City, containing 89½ acres, more or less, bounded by the lands of Thomas E. Roe on the West and North, and by the lands of Tom Styles and Arthur Hart on the East, and by the lands of Arthur Hart on the South, and being more completely described as follows:

Beginning at the bridge crossing Enoree River and running thence along the Greenville Road in a Southern direction 26.67 chains to a stake in the center of said road; thence South 60½ degrees East 23.10 chains to a stone; thence North 13 degrees

West 9.78 chains to a stone on bank of road; thence North 43 degrees East 19.88 chains to a stone; thence North 44 degrees East 23.00 chains to a stake; thence North 51½ degrees

West 6.80 chains to a stake; thence North 32-¾ degrees West 3.70 chains to Enoree River; thence up said river as a line 39.50 chains to the beginning corner. For a more particular description see plat of J. O. Williams, Surveyor, a copy and tracing thereof in possession of Atlantic Joint Stock Land Bank of Raleigh, North Carolina."

"This is the same tract of land conveyed to the James Elmer Clark by Thomas E. Roe, recorded in deed Book 56, page 552, in the office of the R. M. C. for Greenville County, State of South Carolina.

It appears that said real estate was sold to the Atlantic Joint Stock Land Bank of Raleigh for Thirty three hundred (\$3300.00) Dollars, it being at that price the highest bidder therefor, and that the amount of the bid exceeded the appraised value of the land.

It further appears that there was an irregularity in the advertisement of the notice of sale in the newspaper, said notice having been run in the Greenville News in the issues of May 11, May 18, and May 25, 1935, but omitted from the issue of June 1, 1935, and that said notice was run in the Greenville Piedmont in the issue of June 1, 1935. The attorney for the Bankrupt and the attorney for all of the lien creditors agreed to waive this irregularity and creditors have recommended that the same be waived. The Referee has also recommended that this irregularity be waived and that the sale be confirmed.

The meeting of the creditors at which this recommendation was made, was held in the Referee's office, pursuant to due notice, at twelve o'clock noon on June 3, 1935, and at said meeting the creditors passed a resolution recommending a confirmation of the sale to the Atlantic Joint Stock Land Bank of Raleigh for Thirty three hundred (\$3300.00) Dollars.

The Referee's recommendation fully sets forth the liens upon the property sold, and under the order of sale said liens are to be transferred to funds arising from said sale.

It is therefore ordered, adjudged, and decreed, that the sale of the real estate to the Atlantic Joint Stock Land Bank of Raleigh for Thirty-three hundred (\$3300.00) Dollars be confirmed and that upon compliance by the purchaser with the terms of sale, the trustee do make and deliver to the said Atlantic Joint Stock Land Bank of Raleigh his deed to the said real estate above described.

It is further ordered, that the irregularity in the advertisement of the notice of sale be and the same is hereby waived, and the sale confirmed in all respects.

It is still further ordered, that the trustee shall pay the costs of the bankruptcy out of the proceeds of sale, including an agreed commission of \$50.00 to himself and an agreed commission of \$25.00 to the Referee, any past due taxes, and the balance to the Atlantic Joint Stock Land Bank of Raleigh, the holder of the mortgage constituting the first lien upon the premises sold.

It is further ordered, that the Referee do mark satisfied and cancelled of record the mortgage by the bankrupt to the Atlantic Joint Stock Land Bank of Raleigh recorded in mortgage Book 178, page 4, and the mortgage by the Bankrupt to Farmers Bank of Travelers

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