

State of South Carolina.)

County of Sumner

Thomas and C. B. Turner brought an action in the Court of Common Pleas for said State and County, against one Charles J. Garrison, in which said Garrison confessed judgment to said Turner for \$421.25 and costs on March 2nd 1867, and C. B. Turner, then Sheriff for said County and State, under a writ of fieri facias, issued in said cause on said date, levied on a tract of land belonging to said Charles J. Garrison, situate lying and being in said State and County, with the branch waters of Salsuda River, and Garden Grove Creek, containing about Three Hundred acres, more or less, and out of said tract laid off to said Charles J. Garrison a tract of eighty-three 7/8 Acs. (83 7/8), more or less, as a homestead, all of which said mortgagee appeal by reference to judgment, roll number 6579 in the Clerk's office for said County and State, and the plot of said homestead, thence certain, lies, whereas said C. B. Turner, as said Sheriff, sold and conveyed the remainder of said tract of land, containing one hundred and twenty-three and three eighths (223 3/8) acres, more or less, to one William W. Tarrant, Jr. late of said State and County, by deed bearing date December 7th 1868, and recorded December 15, 1868, in R. M. C. office for said State and County, in Book P. of C. B. at Page 135.

And whereas said W. W. Tarrant, departed this life in the year 1877, seized and possessed of said tract of 223 3/8 acres, and having of full force his will recorded in the Probate Office for said State and County in apartment 40, file 7, whereby he devised said tract of land to his wife, Fannie W. Tarrant, for life or widowhood, until his youngest child should reach the age of twenty one year, and appointing as his executor his said wife, Fannie W. Tarrant, and C. B. Tarrant, who duly qualified and received letters testamentary on February 8th 1877.

And whereas one Lawrence Leubardt, brought his action in the Court of Common Pleas for said State and County, against said Charles J. Garrison and one W. H. Garrison, and obtained judgment against them on October 31st 1861, for \$462.04, and costs, and a writ was made thereunder in 1868, and 1862 acres of land, as the property of said W. H. Garrison and the said judgment and fieri facias issued, the same was assigned by said Lawrence Leubardt to said W. W. Tarrant, Jr. and said W. H. Garrison, on January 23rd 1869, and said judgment and executions were more than once renewed by consent of said Charles J. Garrison, and said W. H. Garrison, assigned all his interest in said judgment on October 29th 1877, to said Fannie W. Tarrant, as trustee for her children, W. W. Tarrant, Charles Tarrant and Minnie Tarrant, all of which are more fully appear by reference to judgment roll number 6326, in the office of said Clerk, and whereas said Lawrence Leubardt as Sheriff for said County and State, levied under the last mentioned judgment and executions, upon the tract of eighty-three and five eighths (83 5/8) acres which had been previously

said off, as a homestead, to said Charles J. Garrison, in 1867 or 1868, under the judgment first above referred to, and said and conveyed the same to said Fannie W. Tarrant, as executrix, of W. W. Tarrant, deceased, by deed bearing date February 9th 1886, and recorded on Feb. 16th 1886, in R. M. C. office for said County and State, in Book P. of C. B. at Page 812.

And whereas said Fannie W. Tarrant, and C. B. Tarrant, believing that they were entitled to the same, under the name of said W. W. Tarrant, deceased, to view his real estate, did make and cause made, whereby they purported to convey portions of his said real estate, and the land which was purchased by said Fannie W. Tarrant, as executrix, as above set forth, to the children of said W. W. Tarrant, and Fannie W. Tarrant, as follows:

- (1) Deed to C. B. Tarrant, dated September 20th 1874, for two hundred and thirteen (113) acres more or less, with the waters of Salsuda River and Garden Grove Creek, the Green Hill and Pelzer Road, and the Columbia and Sumner Railroad Company's line, which lands are fully described by notes and bounds in said deed, which was recorded in the R. M. C. office for said State and County, in Book L. I. at page 329;
 - (2) A deed to W. W. Tarrant, dated September 20th 1874, for one hundred and six (106) acres, more or less, on said Green Hill, and Pelzer road, fully described by notes and bounds in said deed, recorded in said office, in Book L. I. at page 327;
 - (3) Deed to M. C. Latimer, dated September 24th 1874, for fifteen and one half (15 1/2) acres, more or less, on said Green Hill and Pelzer road, fully described by notes and bounds, in said deed, recorded in said office, in Book J. J. at page 326;
 - (4) Deed to M. C. Latimer, dated September 24th 1874, for ninety-one and one-half (91 1/2) acres, more or less, lying on waters of Salsuda River and Garden Grove Creek, in said County and State, fully described by notes and bounds in said deed, recorded in said office, in Book P. of C. B. at page 582.
- And whereas, the said Fannie W. Tarrant, has since departed this life, intestate, leaving as the said C. B. Tarrant, W. W. Tarrant, and M. C. Latimer, sole heirs, at law, and distributees of said W. W. Tarrant, and Fannie W. Tarrant, deceased. And whereas, it appears that said Fannie W. Tarrant, and C. B. Tarrant, had no power as executors, under said will, to make said conveyances, and it is deemed desirable that we do hereby confirm the above decisions of said Courts, now therefore know as men by their parents, that we, C. B. Tarrant, W. W. Tarrant, and M. C. Latimer, sole heirs, at law, and distributees of said W. W. Tarrant, and Fannie W. Tarrant, deceased, as aforesaid, in confirmation of the premises, and for the purpose of quieting title of said lands, do hereby declare that the family arrangements attempted to be consummated by the executors and delivery of the four above mentioned deeds, was a fair and equitable division of the lands of said W. W. Tarrant and Fannie W. Tarrant, deceased, and we do hereby confirm said partition in every respect, and have mutually granted