

Jefferson County Circuit Court
Case Files - Civil
January - 1875 #4

Box

23 Folder 39

Shields, James A Public Admin
Perryman, David E., Deceased

VS

Klenn, Theodore

Vendors Lien

S28-T49-R4E 160 acres;
\$900 NOTE

\$ 900 ⁰⁰/₁₀₀



Five Years

to the order of David C. Perryman

Nine hundred

Dollars

Value received at the rate of six per cent interest per annum. said interest payable annually from date

payable in equal installments in last month



No. x x x

Given to Mr. May 5 1870

after date I promise to pay

Thompson & Co.

For value received
I assign the within
note to Mariah F.
Perryman This
the 21st day of Feby
1872.

I assign the
within

L. E. Perryman

Witnessed
by J. M. Lancaster

James A. Shields, ^{Public} Auditor
Washington Co. ^{being in charge}
of the estate of David
E. Penman Deceased
Plaintiff

Theodore Klem, Defendant
In the Jefferson Circuit
Court. Jan. Term 1875.

The Plaintiff states that heretofore
to wit on the 5th day of May 1870
David E. Penman in his lifetime
was seized in fee simple and
the owner of the following real
estate situated in Jefferson
County Missouri, viz: The South
East quarter of section twenty
eight, Township thirty nine
N. Range Four East contain-
ing one hundred and sixty
acres and being so seized there-
of he on that ^{day} sold the same
✓ to Defendant for the sum
of ~~one thousand~~ ^{nine hundred} dollars,
which Defendant agreed to pay
said Penman in ten equal annual
installments, or ninety dollars
per year and agreed to pay the

said Perryman 24 per cent interest
on the said sum of nine hundred
dollar, the said interest payable
annually, for which Defendant
gave his promissory note ^{to said Perryman} dated
that day embodying his agreement
as aforesaid which note is herewith
filed. Plaintiff states that on
the said 5th day of May 1870
the said Perryman and his wife
Horiah F. Perryman executed and
delivered to said Defendant
a warranty deed for said land
but the only consideration for
the same was the agreement
of said Defendant as contained
in said note. Plaintiff states
that it was a purely oral by and
between said Perryman and
said Defendant at the time
of the sale and purchase of
said land that said Perryman
should retain a vendor's lien
on said land for the payment
of said sum of \$900 and
the interest thereon.

Plaintiff states that since the sale
of said land as aforesaid the

said Perryman has departed this
life intestate ^{in Washington D.C.} and that ~~place~~
✓ James A. Shields is the Public
Administrator of Washington
County Missouri and as
such has taken charge of the
said estate of said David C.
Perryman Deceased and is
now administering the same.
✓ and that as such administrator
he holds and is the owner of said
note. Plaintiff states Defendant
has not paid any interest on said
note or any one of the annual
instalments falling due May
5 1871, May 5th 1872, May 5th 1873
and May 5th 1874, though he
has often been requested so to
do. The Plaintiff Notes there is
✓ now due Plaintiff on said Note
~~three~~ ^{and six} hundred dollars for four
annual installments with interest
on same as each fell due and also
two hundred and sixteen dollars
for four years interest thereon
making the total ^{amount} now due Plai-
tiff on said Note amount to ~~five~~
hundred and ~~sixteen~~ seventy six
dollars. Plaintiff Notes that Defendant

and still own said land subject
to a vendor's lien for the purchase
money thereof to the Estate of
David E. Seymour deceased.
Wherefore Plaintiff prays the Court
to render judgment against the
Defendant for five hundred
and seventy six dollars and the
interest thereon and to order, judge
and decree that said land be
sold to satisfy the same and
to grant Plaintiff such other
relief as he may be entitled to.

John L. Thomas Esq.
Atty for Plaintiff.

James Shields Adam

D.E. Perryman
Dead

7

Medicine Creek

Relation to enforce
Vendor's Lien,

Filed Dec. 3rd 1874

W. F. Boyce Clerk

By C. H. Harrison

Sept 18

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon *Theodore Klenn*

if he be found in your County, that he be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and held at the town of Hillsboro, within and for the County of Jefferson, on the *second* Monday after the fourth Monday of *January* next, then and there to answer unto *James Shields Public Admr. of Washington Co. having in charge the Estate of David & Perryman deceased*

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro this *third* day of *December* A. D. 1874

W. S. Boyce Clerk Circuit Court.

C. Ho. Störne Deputy.

Jan 75 - 20 and 20 cent 25-
 May 14th 1875 7-373
 \$ 576.00 5070

The south East cor of Sec 28. T 39 N R 4 E
 Cont 160 a

43919

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1875.

James A Shields
 Public Administrator,
 in charge the
 Est of David &
 Benjamin Reed

vs

Theodore Glenn

Original
 of Sheriff's
 \$ 576

I executed this writ at the County of Jefferson
 in the State of Missouri this the 18th day of
 December AD 1874 By leaving a true copy of
 the within writ and Petition as furnished me by the
 Clerk of the Circuit Court at Hillsboro. Mo
 at Theodore Glenns the within named defendant to small
 place of abode with a white member of the family
 over the age of fifteen years

T. B. Hop Smith
 By Wm. T. Woodbee Dep