

Tafferson County Circuit Court
Case File - Civil

Box

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Folder 76

May 1868, #145

Mathews, Robert

vs

Reppy, Samuel

Set aside sale

Set aside improper sheriff's sale
of plaintiff's land in 528,29 742123E
on execution

Robert Mathews, Plaintiff
against
Samuel A. Keppy, Defendant

In the Circuit Court of
Jefferson County, Missouri
May Term 1868

Plaintiff states that the Defendant recovered a judgment against Plaintiff in the Circuit Court of the aforesaid County of Jefferson on the 17th of May 1867 in a suit then pending in said Court between said parties, that an Execution was issued on said judgment on the 13th of June 1867 and was levied by the Sheriff of said County on the following described Real Estate of this Plaintiff situate in said County of Jefferson viz. The S. W. qr. of the N. W. $\frac{1}{4}$ Section 28 in Township 42 Range 3 East & the S. E. qr. of the N. E. qr. of Section 29 Township 42 Range (3) three East
~~and the S. W. qr. of the N. W. $\frac{1}{4}$ Section 28 in Township 42 Range 3 East~~

and that the same was advertised for sale by said Sheriff that is to say said Sheriff advertised said Lands to be sold on the fifth day of November 1867 during the session of the Circuit Court of said County, and Plaintiff avers that said Sheriff did expose said Lands to sale on said 5th day of November 1867 at the Court house floor of said County and that each of said Tracts was struck off to this Defendant who was the Plaintiff in said execution at a merely nominal sum that is to say the S.W. qr. of the N.W. qr. Section 38 Town. 42 Range 3. & the S.E. qr. of the N.E. qr. Sec. 29 Town. 42 Range 3 were struck off as follows ~~for~~ the first named Tract for Twenty five Dollars and the second for Twenty when in Truth each of said Tracts was worth five hundred Dollars

Plaintiff avers that the Circuit Court of
Said County was not in session when said
lands were offered for sale that the Nov-
Term of said Court - for the year 1867
was fixed by Law to commence on
the 4th day of November in that year
and that the Judge of said Court who
lived in a distant County did not arrive
in said County of Jefferson or appear at
the County Seat of said County till the
(6th) Sixth day of November 1867
and that on the fifth of November 1867
it was not known whether there would
be any Court or not, that there were
but few people present at said sale
and but little if any competition in
bidding for said lands owing to the
fact that the Judge of said Court was
not present holding Court the bystand-
ers had no confidence in the validity of
said sale, and therefore refrained from
bidding - Plaintiff further states that
said Sheriff has since executed a
Sheriff's Deed to Defendant for said
lands based upon said sale which
is dated Nov. 15th 1867 and which has
been duly recorded. - Plaintiff
avers that it is recited in said Deed

from said Sheriff to Defendant that
said sale was made during the
session of the Circuit Court when
in truth & in fact, ^{said} recitation is wholly
untrue ~~and the same is a fraud upon the Court~~
~~and the same is a fraud upon the Court~~

Plaintiff prays the
Court in consideration of the premises
to set said Deed from said Sheriff
to Defendant aside by a Decree of
the Court and to adjudge and Decree
that Defendant be divested of all
title, if any he has by reason of said
Sheriff's Deed and that the Court
will grant such other relief as may
be just in the premises

Jos. J. Williams
Atty.
for Plaintiff

W. Cicewick-Corral-
Hoady Term 1868

Robert H. Hathaway

as
Samuel H. Hephay

This is an action to
set aside a Sheriff's deed

(Original)

Dated July 24 1868

E. H. Honeypelt

Also by Deft 6

Certificate Process

Williams

for Deft.

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 *Samuel A. Rippy*

if he be found in your County, that he be and appear before the Hon. 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 *sixth* Monday after the fourth Monday of *March* next, then and there to answer unto

Robert Mathews

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this
Twenty fifth day of *February* A.D. 1868

Elias F. Honey
Clerk Circuit Court.
Per J. D. Morris Depy

2572

No 143-

2572

JEFFERSON CIRCUIT COURT.

May Term, 1868

Robert Mathews

vs

Samuel A. Peppy

original

John Williams
Sherriff-fee \$100

I executed this writ in the County of Jefferson
State of Missouri on the 28th Day of February
1868 by Delivering to Samuel A. Peppy
a true copy of this writ and petition as
furnished to me by the clerk

John Williams Sherriff

Robert Moathens } action to set aside a
Samuel A Reppy } Sheriff's Sale & Deed for
Land

now at this day comes Thomas
Moathens & makes application to be
made a party plaintiff in this
Cause which by consent of all the
parties is done,

Robert Moathens & } action to Set aside
Thomas Moathens } Sheriff's Sale &
vs } Deed for Land
Samuel A Reppy }

now again at this day
comes the plaintiff & Defendant in their
proper persons, and said Defendant
doth Confess all & singular the matters
Charged in plaintiffs petition, & all the
parties both plaintiff & Defendant
doth agree to submit the said Cause
to the Court for trial & decision now
at this Term of the Court and doth further
agree that Judgment be now rendered in
favor of plaintiff & against Defendant
in accordance with the prayer of
plaintiffs petition, and the doth there-
upon find the issue for the plaintiff, it
is therefore ~~ordered~~ ordered considered
and adjudged by the Court that the ~~Dee~~ Sale

made by the Sheriff of Jefferson County
Missouri on the 5th day of November
1867 by virtue of an execution dated on
the 13th day of June 1867 which execution
is based on a judgment rendered in
the Circuit Court of said County of
Jefferson on the 17th day of May 1867
in favor of S. A. Keppy & against Robert
Meathews at which said Sale S. A. Keppy
was the purchaser and also a deed from
said Sheriff to said Keppy based on
said Sale which deed is dated on
the 15th day of November 1867 for the
South west qr. of the North west qr of
Section Twenty-Eight and the South East
qr. of the North East qr. of Section Twenty
nine, in Township Forty Two Range
Three East containing Eighty-acres
situate in Jefferson County Missouri be
set aside vacated & annulled and for
nought held and that all right title
and interest conveyed by said Sheriff's
Sale and Deed to Defendant be divested
and it is further ordered that plaintiffs
recover from Defendant the costs of this
suit for this term & have execution
therefor

21200

71227)32.

12 Mcathens } Judg. for alth.
J A Rogers } Mean deno (22) 1868, 1869/589

Henry Clerk,

Cyphact, 175-445 3-0, with 11. exp 10, doct 8.

2,40

file 8.

5

Mean deno

Judg. 30^c deno 33^c and 20^c deno to Judg. 10^c

1,15-

making each, 20^c 31.13 10^c - deno 3^c after 10^c

45

4.05

The Sheriff deno 25th,

1,000

5,05