

State of Louisiana,
Parish of Orleans,
City of New Orleans

We it Known, That on this Sixth
day of April 1878
hundred and Seventy eight
In the year of our Lord one thousand eight
and of the Independence of the
United States of America, the One hundred & seven Before me
WILLIAM JOSEPH CASTELL,
a Notary Public in and for the Parish of Orleans, State of Louisiana, duly commissioned
and qualified, and in the presence of the witnesses hereinafter named and undersigned,
Personally Came and Appeared

Mr. John Aloysius O'Brien
of this City, herein acting in his quality of Sole
executor of the last will and testament of his
late deceased wife Mrs. Margaret O'Brien

Which appears declared that
by virtue of and pursuant to an order from the Hon-
orable the Judge of the Second District Court
for the Parish of Orleans dated the 24th May
1877, and rendered in the matter entitled, Estate
of Margaret McAuliffe wife of John A. O'Brien
No 38,244 of the docket of said Court, and
after the legal delays and the regular and legal
advertisements had been duly published in The
New Orleans Picayune on the 22nd and 29th
days of December, 1877 and on the 5th, 12th, 19th,
26th, 2nd, 9th, 16th, 23rd and 30th days of January 1878

also in the New Orleans Times on the 21st & 22nd days of January 1878. because to be sold at public auction by Mr. Canale & Gerardy a duly licensed Auctioneer of this Parish on Saturday the 26th day of January 1878 at the hour of Twelve o'clock M. at the Mc Charles Auction Exchange in this City certain properties for account of said Succession when Mr. George Powell

being the last and highest bidder on the property hereinafter described the same was adjudicated to him for the price and sum of Seven thousand and five hundred dollars, payable one third cash, balance at one and two years credit for notes specially secured by mortgage and renders here bearing all the usual clauses of eight per Cent per annum actual from day of sale until final payment five per Cent Attorney's fees in event of suit to enforce their payment, improvements to be kept insured and policy transferred to the holder of the notes and the assumption of the taxes for 1877 due and exigible in 1878 over and above the price of adjudication &c as the whole and more fully appears by reference to the personal and official said Auctioneer annexed hereto and which for

said Succession to others Buckle & Thompson found in the office this day
Now therefore in confirmation of
said adjudication and in order to grant unto said
purchaser an authentic title to said property he
the said affore said did moreover declare that acting as
affore said he does by these presents grant bargain sell
Convey transfer assign and set over with all
lawful guarantees and with substitution and subrogation
to all the rights and actions of warranty of said
Succession against all succeeding vendors co-
professors unto the said

Mr. J. M. George Powell,
also of this City present accepting & purchasing for himself
his heirs and assigns and acknowledging due delivery
and possession thereof

Two Certain lots of ground situate lying and
being in the Fourth District of this City in the square
bounded by Magazine Street, Carondelet (late Louis
Rue) and Second Streets, and designated by the
numbers One and Two on a plan made by W. T. Thompson
Surveyor dated 22^d of May 1842 and deposited for
reference in the Office of Louis J. Cade late acting in the
City this lot at One forms the corner of Magazine

and Second Streets and measures thirty five feet front on
Magazine Street by one hundred and thirty five feet
in depth and front on Second Street extended on
the other side by lot of Two, and in the rear of lot of
Twenty and lot of Two adjoins lot No One and
measures thirty feet front on Magazine Street by
one hundred and thirty five feet in depth bounded
on one side by said lot No One, and on the other side
by lot of Three and in the rear by said lot No Twenty.
Together with all the buildings and improvements
thereon, rights, ways and advantages thereto belonging
and in any wise appertaining.

Being the same property which the said
late Mrs Margaret O'Brien acquired by purchase
from Simon Berkson by an act passed before
me notary on the 25th day of May 1870.

To have and to hold
said property and appurtenances unto the
said purchaser his heirs and assigns to him
and their only proper use and behoof forever.

This Sale is made and
accepted for and in consideration of the price and sum

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of Seven thousand and five hundred dollars (\$7500.)
payable according to the terms of said adjudication, in
part payment and deduction whereof said purchaser
has recently paid in ready current money and
said appears the sum of Two thousand and five
hundred dollars the receipt whereof he hereby acknow-
ledges and acting as aforesaid grants acquittance therefor
and for the balance said purchaser has furnished his
two certain promissory notes dated 26th January
1898 date of adjudication drawn by him to the order
of and by himself endorsed, payable respectively at
one and two years after date each for the sum of
Two thousand and five hundred dollars, bearing interest
at the rate of eight per Cent per annum from date until
paid which said notes after having been duly passed
by the undersigned acting for identification have
with me handed over to said vendor who hereby acknow-
ledges their receipt.

In case it should become necessary to institute legal proceedings for
the recovery of the amount of said promissory notes or any part thereof
said purchaser hereby binds himself to pay the fees of the attorney
at law who may be employed for that purpose and fees
however are fixed at five per Cent on the amount due.

In order to secure the payment of said promissory notes in capital &
all interest thereon, as provided together with all said ~~stipulations~~ special
mortgage transfer's privilege in favor of said vendor & the future
holder or holders of said notes are hereby retained and granted
on the property presently sold the said purchaser hereby binding
himself and his heirs not to sell, alienate or encumber
the same to the prejudice of this act.

And the said purchaser furthermore binds himself to keep the
buildings & improvements on said property constantly insured
against the loss by fire in one of the Insurance Co's Offices in the
City to the amount of notes & to transfer the policy of insurance
to said vendor until the full and final payment of said
notes hereby consenting & agreeing that said vendor
shall have the right to transfer such policy to any future
holder or holders of the said notes & that in case of failure
on the part of said purchaser to effect such insurance, the holder
or holders of the said notes shall have the right to do so & the reimburse-
ment of all premiums paid for that purpose shall also
be secured by the mortgage herein granted; but this clause
shall not be construed as obligating in such holders or
as making them liable for any loss, damage or injury
which may result from the non insurance of said
buildings.

By reference to the annexed Certificate
from the Registrar of Conveyances in and for this
City & Parish dated the 11th March 1878 said property
does not appear to have been heretofore alienated since
its acquisition by the said Mrs Margaret C. Brown.

By reference to the Certificate from
the Recorder of Mortgages in & for this Parish
dated this day & annexed hereto act of sale
to Messrs Burke & Thompson there appears to be
no other mortgage standing in the name
of said Mrs Margaret C. Brown recorded
against the property herein conveyed than
the draining privilege which has been duly paid,
acquitted and cancelled.

The taxes due on said property including
those due exigible in 1877 are duly paid and
acquitted, and said purchaser hereby assumes and
binds himself to pay to the acquittance of said
Succession the taxes on the same for 1877 due &
exigible in the present year 1878 in accordance
with the terms of said adjudication.

Thus done and passed, in my Office, at New Orleans, aforesaid, the day, month
and year first above written, in the presence of *Charles T. Barry*
and *James J. Wolfe* Witnesses, of lawful age, domiciliated in this
City, who hereunto sign their names with the part *and me*, the said Notary, after the reading
of these presents.

Chas. T. Barry

James J. Wolfe

John A. O'Brien

Geo. Powell

Registered in Conveyance
Book N° 110. Folio N° 449
New Orleans April 4, 1878

W. J. P.
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