

ABSTRACT OF TITLE

OF

LEWIS WEINBERG

to

All that certain lot of land designated as Lots 4 and 5 on a plat made by LaMotte, C. E., dated May 8, 1903, and being a part of lots Nos. 7 and 8 on a plat of lands belonging to the Wallace estate and recorded in Deed Book "J", page 405, and being bounded on the North by an alleyway 15 feet wide, more or less, on which it measures 62 feet, more or less; on the East by lands of the estate of Thompson on which it measures 600 feet, more or less; on the South by lands of Mandiebirt B. Williams, on which it measures 65 feet, more or less, and on the West by lot formerly of Alice Bell, on which it measures 69 feet.

This abstract is prepared by James F. Dreher, Attorney, for the Columbia Housing Authority to which the property above described has been offered for sale.

Lot No. 12, White Section

An abstract of the property of Mandlebirt B. Williams prepared this day by James F. Dreher for Columbia Housing Authority shows title to the property herein abstracted to be vested in Daniel Miles by deed from Malinda Thompson of May 31, 1899, recorded June 21, 1899 in Deed Book "AD", page 118.

I. Daniel Miles	)	FSGW deed dated March 9, 1914,
	)	Recorded Sept. 12, 1914,
-to-	)	Deed Book "BM", page 127.
	)	Properly executed, witnessed and
Charles Knox and Emma	)	probated. Dower properly renoun-
Knox.	)	ced by Frances J. Miles. Con-
	)	sideration \$315.00.

Conveys: All that certain piece, parcel or lot of land designated as Lots 4 and 5 on a plat made by LaMotte, C.E., dated May 8, 1903, and the same being a part of lots 7 and 8 on a plat of lands belonging to the Wallace Estate and recorded in Deed Book "J", page 405, and bounded on the North by an alleyway 15 feet, more or less, wide, upon which it measures 62 feet, more or less; East by lands of estate of _____ Thompson on which it measures 66 feet, more or less; on the South by lands of Lowrance on which it measures 65 feet, more or less, and on the West by lot of Alice Bell, on which it measures 69 feet, more or less.

II. Estate of	)	Probate Court, Box 397,
	)	Package 11378.
Emma Knox.)	

Katie S. Knox filed a petition July 12, 1932 to prove the will of Emma Knox in common form, reciting that Emma Knox died testate July 1, 1932, leaving a will appoint-

ing Katie S. Knox executrix. The will sought to be proved is in the Roll. It leaves the property herein abstracted to her son Charles James Tillman for life and at his death to the children of his body, and should he die without issue, to the children of Katie S. Knox and Herbert Lee Tillman. The will was admitted to probate in common form July 13, 1932 and Letters Testamentary issued to petitioner on the same date. Upon the petition of Charlie Knox and Charlie Tillman the Probate Court on November 18, 1934, ordered Katie Knox to prove the will in due form of law.

Upon the verified petition of Charlie Knox the Probate Court on October 10, 1935, passed an order finding that more than twenty days had elapsed since the order requiring the will to be filed in due form and that Katie Knox had not complied with its terms. The order provided that a judgment pro confesso be entered against Katie Knox, as executrix.

Charlie Knox thereafter filed a petition making parties thereto Charlie Tillman, Herbert Lee Tillman, Hazel Goff, Melvin Brown, Lizzie Mims and Katie Knox, individually and as executrix, alleging them to be all the parties who would share if the will be declared valid, and all who would share if the will were declared a nullity. The petitioner, ~~however~~, reciting the proceedings in the Probate Court, prayed that he be allowed to prove the validity of the will. There is in the roll a proof of service on all the defendants. Hazel Goff, Charlie Tillman, Herbert Lee Tillman and Lizzie Mims answered and alleged the mental incapacity on the part of the testator.

The order of the Probate Court of March 9, 1936, recited the above proceedings, set out that the case came on for hearing and testimony was taken which convinced the Court that Emma Knox was mentally incapable of executing a valid will at the time the purported will was executed. It was ordered that the will filed Nov. 13, 1932, be declared invalid and that Emma Knox be declared to have died intestate.

III. Charlie Knox, Charlie
Tillman and Herbert
Lee Tillman

-vs-

Katie Knox, individually
and as executrix of the
estate of Emma Knox, deca-
sed, Sarah Caughman and
W. H. Harvey.

Judgment Roll No. _____

Plaintiffs' complaint alleges that Emma Knox died intestate July 1, 1932, leaving as her heirs-at-law Charlie Knox, husband, and Charlie Tillman, Herbert Lee Tillman and Katie Knox, children, all over twenty-one. The description of the property of which intestate died seized includes the premises herein abstracted, of which it is stated the intestate owned a one-half interest, and the other one-half interest was owned by the plaintiff, Charlie Knox, he being desirous of having his interest sold. The complaint recites the setting aside of the will of Emma Knox and alleges that Katie Knox, as executrix, mishandled moneys and property of the estate. Sarah Caughman is made a party defendant because it is alleged that Katie Knox undertook to sell to her one parcel of the property of Emma Knox (not including the property herein abstracted) and had no authority to do so. W. H.

of the proceeds be paid one-half to Charlie Knox, one of the plaintiffs in this action who owns a one-half interest in and to the property herein described, and the remaining portion be held subject to the further order of this Court."

"And lastly it is ordered that all parties to this action and any person claiming under said parties be forever barred of any right, title and interest in and to the premises herein described or any portion thereof."

There is in the roll no report on sales and disbursements. The statement of costs prepared by the Master shows the purchase price of Tract No. 2, which is the property herein abstracted, to have been \$10.00.

NOTE: The partition proceedings just above abstracted has not yet been made into a judgment roll, it still being in the office of the Master. There should be a Master's report and a confirmation thereof by the Court, and an entering of the judgment in the office of the Clerk of Court.

IV. H. M. Lightsey, Master	)	Master's deed in fee simple,
for Richland County	)	Dated Dec. 20, 1937,
	)	Recorded
-to-	)	Deed Book 27 page 37
	)	Properly executed, witnessed
Lewis Weinberg.	)	and probated. No dower
	)	necessary. Consideration
	)	\$10.00.

Conveys the property described in the caption.

NOTE 1: The above deed had not at the date of this abstract been recorded, but should be.

NOTE 2: The alleyway given as the Northern boundary of this lot came out of the property conveyed to Daniel Miles by Malinda Thompson. It is not included within this lot or the other lots adjacent to the alley and so title thereto would be in Daniel Miles, or his estate, if there had been no dedication of this strip as a public alley. That

there was such a dedication is, however, we believe, sufficiently established even without affidavits since the conveyance by Daniel Miles to this and adjoining land refer to the strip as a public alley. It is treated by subsequent grantees as a public alley. Several of the deeds in the chain of title of the lots adjacent to this alley refer to a plat of the property of Daniel Miles on which the property conveyed to him by Malinda Thompson was sub-divided into lots. It is probable that this plat establishes the strip as an alley, although the abstractor has not had access to that plat. The width of the alley is variously given as 10, 15 and 20 feet.

JUDGMENTS

1. W. A. Lowry

-vs-

Emma Knox and One Chevrolet Sedan Automobile,
State License No. 22319,
Taxi No. 16.

Judgment Roll 22414,
Entered July 25, 1932.

The judgment as entered was for \$275.00 plus \$16.90 costs, being for damages arising out of an automobile accident. There is of record an assignment of this judgment to W. H. Harvey. The assignment is dated October 24, 1933, and is properly executed, witnessed and recorded in Deed Book "DR", page 327. The assignment recites that plaintiff's judgment had been paid except the amount of \$60.82 and that payment in that amount had been made by W. H. Harvey and M. B. Williams, sureties on the defendant's replevin bond. In consideration of this payment of \$60.82 plaintiff assigned his judgment to W. H. Harvey, his heirs and assigns.

NOTE: In view of the judicial proceedings hereinabove abstracted in which W. H. Harvey was made a party defendant, the above judgment no longer constitutes a lien on the property herein abstracted.

OTHER ENCUMBRANCES.

We find no mortgages, lis pendens, mechanics liens or other liens, with the exception of the Judgment abstracted above, on or affecting the title to the property herein abstracted.

TAXES

The property herein abstracted cannot be located on the tax books in any name and it is the abstractor's opinion that neither the State and County authorities, nor the City authorities have any lien against this property.

OPINION

As far as the records and indices of Richland County show, I am of opinion that Lewis Weinberg will have a good, fee simple, marketable title to the property herein abstracted when the partition proceedings abstracted as Link III above, and the Master's deed, abstracted as Link IV. above, are properly filed and recorded, respectively, in the office of the Clerk of Court for Richland County.

James F. Decker
Attorney at Law.

June 10, 1939.

SUPPLEMENTAL REPORT

The following link has been added to the chain of title included in the original abstract of the property of Lewis Weinberg:

V. Lewis Weinberg	)	FSGW deed dated Aug. 21, 1939,
	)	Recorded August 22, 1939,
-to-	)	Deed Book "EQ", page 163,
	)	Properly executed, witnessed
The Housing Authority of	)	and probated. No dower neces-
the City of Columbia, S.C.	)	sary - grantor a bachelor.
	)	Consideration \$5.00 and other
	)	valuable consideration.

Conveys the property described in the caption.

The partition proceeding abstracted in the original abstract as link III has been made into a judgment roll and entered as Judgment Roll No. 26589 in the office of the Clerk of Court for Richland County.

The deed from Harry M. Lightsey, Master for Richland County to Lewis Weinberg, abstracted in the original abstract as IV. has now been properly recorded in the office of the Clerk of Court for Richland County. It is recorded in Deed Book "EP", page 37.

SUPPLEMENTAL OPINION

So far as the records and indices of Richland County show, I am of the opinion that The Housing Authority of the City of Columbia, S.C. has a good, fee simple, marketable title to the premises described in the caption of the original abstract.

James F. Dehn
Attorney at Law.

October 14 1939.