

# Dallas County, Texas Probate Cases 1846 – Early 1900's

Case Number 3004

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Dallas Genealogical Society  
Founded 1955

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FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

# 3004

FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

NOTICE OF FILING FINAL ACCOUNT.

Est. of *M. C. Byrum*  
No. *3389*  
*H. F. Byrum* Admr.

DECEASED.

The State of Texas,

To all Persons Interested in the Estate of *M. C. Byrum* Deceased:

*H. F. Byrum* Administrator, has filed in the County Court of *Dallas* County his Final Account, showing the condition of said Estate, and his application to be finally discharged as such Administrator, and to close the administration of said Estate, which will be heard at the next term of said Court, commencing on the First Monday in *September* A. D. *1904*, at the Court House in the City of Dallas, at which time all persons interested in said Estate shall appear and contest said Account if they see proper.

WITNESS, *Frank R. Shank* Clerk of the County Court of Dallas County, Texas. Given under my hand and the Seal of said Court, at office in the City of Dallas, this *20* day of *June* A. D. *1904* *Frank R. Shank*  
A. S. JACKSON,  
Clerk of the County Court of Dallas County, Texas.

By *A. Lee* Deputy.

Issued this the *20* day of *June* A. D. *1904*  
*Frank R. Shank* County Clerk.

By *A. Lee* Deputy.

[SEAL]

Mcquike, Texas, July 26, 1904.  
 Mr. Est. M. C. Byrum, Deceased.  
 IN ACCOUNT WITH X  
 The Texas Mesquiter,  
 John E. Davis, Editor and Proprietor.  
 To Publishing notice of  
 Filing Final Account. \$5.00



FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

The State Of Texas.  
County Of Dallas.

Before me, J. C. Rugel, a notary public in and for the County of Dallas, Texas, this day personally appeared John E. Davis, who, being by me duly sworn, on his oath says that he is the publisher of The Texas Mesquiter, a newspaper published weekly in Dallas county, Texas, and that the attached notice of filing final account was duly published in said newspaper for three successive weeks prior to the first Monday in September A. D. 1904, and on the following dates, to-wit:

~~July 1, 1904; July 8, 1904;~~ July 15, 1904.

Sworn to and subscribed before me, this 26 day of July, A. D. 1904.

*J. C. Rugel*  
Notary Public, Dallas County, Texas.

The thing for heart-breaking  
—London, O'Connell  
prosper that follow  
of the number in the life of our  
and the great movement, or for  
the great movement in the  
the thing for heart-breaking  
—London, O'Connell  
prosper that follow  
of the number in the life of our  
and the great movement, or for  
the great movement in the

FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978



FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

The State Of Texas.  
County of Dallas.

Before me, J. C. Rugel, a notary  
the County of Dallas, Texas, this day personally appear  
who, being by me duly sworn, on his oath says that he  
of The Texas Mesquiter, a newspaper published weekly in  
Texas, and that the attached notice of filing final acco  
lished in said newspaper for three successive weeks pri  
Monday in September A. D. 1904, and on the following da

~~July 1, 1904; July 8, 1904;~~ July 15,  
July 1, 1904; July 8, 1904; July 15,

*John E. D.*

Sworn to and subscribed before me, this 26 day of July,

*J. C. Rugel*  
Notary Public, Dallas County, Texas.

NOTICE OF FILING FINAL ACCOUNT.

THE STATE OF TEXAS. Estate of  
M. C. Byrum, deceased, no. 289, W.  
F. Byrum, Administrator. To all per-  
sons interested in the Estate of M. C.  
Byrum, deceased:

W. F. Byrum, administrator, has  
filed in the County Court of Dallas  
County his Final Account, showing  
the condition of said Estate, and his  
application to be finally discharged  
as such Administrator, and to close  
the administration of said Estate,  
which will be heard at the next term  
of said Court, commencing on the  
first Monday in September, A. D. 1904,  
at the Court House in the City of Dal-  
las, at which time all persons inter-  
ested in said Estate shall appear and  
obtain said account if they see prop-  
er.

WITNESS, Frank R. Shanks, Clerk  
of the County Court of Dallas County,  
Texas. Given under my hand and the  
seal of said Court, at Dallas, this 26th day of June, A. D.  
of Dallas, this 26th day of June, A. D.  
1904.

[L. S.]  
Frank R. Shanks, Clerk County  
Court of Dallas County, Texas. By  
H. H. Lee, Deputy.  
Issued this the 26th day of June, A.  
D. 1904. Frank R. Shanks, County  
Clerk. H. H. Lee, Deputy.

FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

THE STATE OF TEXAS }  
COUNTY OF DALLAS }

County Court of Dallas County, Texas, this day personally appeared Before me, Clerk of the  
who, being by me duly sworn, on his oath says that he is the publisher of a newspaper published weekly in Dallas County, Texas, and that the within notice of filing Final Account was duly published in said newspaper for three successive weeks prior to the first Monday in A. D. \_\_\_\_\_, and on the following dates, to-wit:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_

Clerk County Court of Dallas Co., Texas.

By \_\_\_\_\_ Deputy.

No. 3389  
COUNTY COURT

ESTATE OF  
H C Byrum

Deceased.

NOTICE OF FILING FINAL ACCOUNT.

Issued this 20 day of June  
A. D. 1904

By FRANK R. SHANKS, Clerk,  
Dallas Co., Tex.  
A. H. Lee Deputy.

SHERIFF'S RETURN

Came to hand the \_\_\_\_\_ day of June  
A. D. 1904, and secured by cause the same to  
be published in The Texas Messenger  
a newspaper published weekly in the County of Dallas,  
Texas, for twenty days prior to the first Monday in  
September A. D. 1904, and on  
the following dates, to-wit: July 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st  
A copy of said publication is hereto attached and made  
a part of this return.

By W. Johnson Sheriff,  
Dallas County, Texas.  
A. L. [unclear] Deputy.

Received by  
[unclear] Clerk

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978



ADMINISTRATOR'S BOND.

THE STATE OF TEXAS,  
COUNTY OF DALLAS.

Estate of *M.C. Byrum Deed*  
*W.F. Byrum*

Know all Men by these Presents, That we  
as Principal, and \_\_\_\_\_ and  
as Sureties, are held and firmly bound unto the County Judge of said County of Dallas,  
and his successors in office, in the sum of *2280.* Dollars;  
conditioned that the above bound *W.F. Byrum*, who has  
been appointed *Administrator of the Estate of M.C. Byrum Deed*  
shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this *15* day of *May* *1903*

*W.F. Byrum* [SEAL]  
*J.H. Burkhall* [SEAL]  
*R.S. Neal* [SEAL]

I do solemnly swear that *M.C. Byrum*, deceased, died without  
leaving any lawful will, so far as I know or believe; and that I will well and truly  
perform all the duties of Administrator of the estate of said deceased.

*W.F. Byrum*  
Signed to and subscribed before me this *19* day of *May* *1903*

*W.G. Patrick*  
County Clerk, Dallas County, Texas  
Notary Public  
Deputy.  
In and for Dallas Co. Tex.

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION.

The Samuel Jones Company.

The State of Texas.

To all Persons Interested in the Estate of

*M.C. Byrum*  
*W.F. Byrum*

Deceased.

has filed in the County Court of Dallas County,  
State aforesaid, an application for letters of Administration upon the estate of said decedent

*M.C. Byrum*

which application will be heard and acted upon by said Court, at the next term thereof, to be held at the  
Court House in the City of Dallas, County of Dallas and State of Texas and commencing on the first  
Monday in *May* *1903*, at which time and place all persons interested in said Estate  
shall appear and contest said Application should they desire to do so.

WITNESS *FRANK R. SHANKS*, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court at office in the  
City of Dallas, this *10* day of *March* *1903*

*FRANK R. SHANKS*  
*A. S. JACKSON*  
County Clerk, Dallas County, Texas.

By *A.H. Lee* Deputy.



No. 3389

COUNTY COURT,  
DALLAS COUNTY.  
ADMINISTRATOR'S BOND.

ESTATE OF

*McByrum Deed*

**FILED**

Filed MAY 30 1903 A. D.  
FRANK H. SHANKS,  
COUNTY COURT, Clerk,  
By *[Signature]* DEPUTY.  
By \_\_\_\_\_ Deputy.

Approved this 30 day of May  
A. D. 1903

*E. H. Handcock*  
County Judge, Dallas County.  
10-321

**RECORDED** 3/2/10

123

*(Original)*

No. 3389

COUNTY COURT.

ESTATE OF

*McByrum*

Deceased

Notice of Application for Letters  
of Administration.

Issued this 10 day of March  
A. D. 1903  
FRANK H. SHANKS,  
COUNTY CLERK.  
By *[Signature]* Deputy.

SHERIFF'S RETURN.

Came to hand the 10 day of March  
1903 and executed the 11 day of March  
1903, by posting up three copies of this writ  
at three public places in Dallas County, one of  
which was at the Court House door of said  
County, and no two of which were in the same  
town or city.

*[Signature]* 303  
County Clerk, Dallas County.  
By *[Signature]* Deputy.

Posting 3 notices \$3.00

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

INVENTORY AND APPRAISEMENT  
OF THE PROPERTY, REAL AND PERSONAL, BELONGING TO THE ESTATE OF

*W.C. Byrum Deed*

*Real Estate*

*114 acres of land part of the M. W. Mearns' Deed \$ 1140.00*

*Personal property*



No. 3384

COUNTY COURT.

ESTATE OF

Mc Bynum Deed

Inventory and Appraisement.

FILED

MAY 30 1903

County Clerk

FRANK R. SHANNON, County Clerk

By *R. F. Cullum* Deputy

Examined and Approved this

day of *May* 1903

*E. J. Lenczewski* County Judge

S-321

John W. Hancock, Printer, Dallas

*7/136*

THE STATE OF TEXAS,  
COUNTY OF DALLAS.

*W. F. Bynum*

of the above named Estate do solemnly swear that the foregoing is a true, full and complete Inventory of all the property, real and personal, belonging to said Estate, that has come to my knowledge.

*W. F. Bynum*

Sworn to and subscribed before me, this the *19<sup>th</sup>* day of *May* A. D. 1903

*W. J. Patrick* Clerk County Court

By *Notary Public* Deputy  
In and for Dallas Co 54

THE STATE OF TEXAS,  
COUNTY OF DALLAS.

Before the Undersigned Authority, this day personally appeared

*J. H. Lovett and F. P. Fisher*

Appraisers of the above named Estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true Appraisalment of the property pointed out to them as belonging to said estate.

Witness to *J. H. Lovett mark*  
*Fred Patrick*

*J. H. Lovett*  
*F. P. Fisher*

Sworn to and subscribed before me, this the *19<sup>th</sup>* day of *May* A. D. 1903

*W. J. Patrick* Clerk County Court

By *Notary Public* Deputy  
In and for Dallas Co 74



The State of Texas ( In the County Court of  
County of Dallas ( Dallas County Texas

To the Honorable County Court of Dallas County;  
W. J. Byrum hereinafter styled applicant respectfully represents that M. C. Byrum is dead that he died in Dallas County Texas on the 10<sup>th</sup> day of January 1900 where his residence was and had been for a number of years prior to his death, that he died intestate and that he left an estate consisting of real Estate situated in said Dallas County of the probable value of \$1500<sup>00</sup>. That a necessity exists for an administration upon said Estate because there are debts against the same that cannot be paid without an administration.

That deceased was applicants brother.  
That said applicant is in no way disqualified from acting as administrator of said Estate.  
Wherefore applicant prays that notice hereof be issued and served as the law directs and that upon hearing hereof he be appointed administrator of said Estate and for such other and further order as may be necessary in the premises.  
W. J. Byrum - applicant  
By his attorney Taylor & Combes

TY - 1978

No 3389

Estate of McByrnam  
Dec.

Application for administra-  
tion

FILED

MAR 20 1963

R. H. [Signature]  
Clerk

Taylor, [Signature]  
Attorney



Office of COUNTY CLERK,  
Dallas Co., Texas.

RECORDER'S RECEIPT.

Received from *W. F. Byrum Adm. M. C. Byrum Decd.*  
 the sum of *Thirty dollars* <sup>100</sup> ~~1000~~ <sup>100</sup> ~~1000~~  
 paid for record this *13* day of *June* 190*4*  
 of *Cost on Estate* from *M. C. Byrum Decd.*  
 to *Frank R. Shankle*  
 COUNTY CLERK.  
 By *C. E. Gross* Deputy.  
*\$30.00* *Volume 103*

Received of *W. F. Byrum, Administrator*  
 of the Estate of *M. C. Byrum Decd.*  
 one hundred dollars as payment in  
 full for professional services rendered  
 him as such *Adm.* this *June*  
*13-1904*  
*Volume # 2* *Taylor & Crumbeo*



Received, Dallas, Texas, June 13th, 1904, of W.F.Byrum,  
administrator of the estate of M.C.Byrum, deceased, the sum of  
two thousand one hundred and thirty dollars, in full of claim  
allowed in favor of the Texas Land & Mortgage Company, Limited,  
against the Estate of said M.C.Byrum, deceased, as will be shown  
by the records in the probate court of Dallas County, in the  
matter of aforesaid estate.

The Texas Land & Mortgage Company,  
(Limited)

*A. G. Wood*  
General Manager

*Voucher #1*

No. 3389  
In the Matter of the Estate of M. C. Byrum Dec'd. of Dallas County  
N. F. Byrum Adm. 3 22 1904

To the Hon Ed J Sandeupls County  
Judge of Dallas County Texas

Now comes N. F. Byrum Administrator  
of the Estate of M. C. Byrum deceased and  
shows to the Court that the 114 acres of  
land part of the W D Munger came into his  
hands as such Administrator which said  
land is mentioned in the inventory filed herein  
by said Administrator

That said land was sold by this Administrator  
to the Texas Mortgage Company Limited under  
order of this Court for the purpose of paying  
the claim of said Company against said  
Estate which said claim had theretofore  
been allowed by this Administrator and approved  
by this Hon Court as a 2<sup>d</sup> class claim against  
said Estate and that said land was sold at  
public Auction to said Company for the sum  
of Twenty Four Hundred and Sixty 4/10 Dollars as  
shown by the report of said sale approved  
this Court by its Judge ment rendered herein  
on the 13<sup>th</sup> day of June 1904

That the only claim <sup>presented</sup> to this Administrator  
was the claim of the said the Texas Standard  
Mortgage Company Limited which said claim  
on said day of sale to wit the 7<sup>th</sup> day of June 1904  
amounted to the sum of Twenty One Hundred and  
Thirty (\$2130.00) which amount he has paid to  
said Company as shown by Voucher 121 filed  
herewith. That this Administrator has paid to



Taylor & Coombs the sum of One Hundred Dollars for  
 legal services rendered him as such administrator as  
 shown by voucher No 2 filed herewith which fee  
 is reasonable and was necessarily incurred in the course  
 of said administration. That this Administrator  
 has deposited with the Clerk of this Court the sum  
 of thirty dollars as shown by voucher No 3 filed  
 herewith to pay the costs of said administration  
 that the commissions on said sale are as follows  
 to wit: 5 per cent on amount received from said sale (\$2260.00)  
 \$113.00 on amount paid out (\$2260.00) \$113.00 aggregating  
 \$226.00 That there is no other property belonging to  
 said estate or claims against the same known  
 to this Administrator and no other expense to incur  
 against said estate except such as will accrue on  
 this final report and no necessity for further  
 administration herein wherefore he prays that  
 settlement upon as required by law and on final  
 order of that this report be approved and for such  
 orders as may be necessary in the premises

W. F. Byrum  
 Sworn to and subscribed before me by W. F.  
 Byrum this 10th day of June AD 1904  
 W. F. Patrick's Notary Public Dallas County  
 Texas

No 3389  
 In the Matter of  
 the Estate of  
 M. C. Byrum  
 Dec'd.  
 W. F. Byrum  
 Administrator  
 Final report

RECORDED Vol. 11 Page 635  
 FILED  
 JUN 20 1904  
 FRANK P. SULLIVAN, Co. Clerk  
 Dallas County, Texas

Examined and  
 approved & filed  
 this 20th day of  
 June 1904  
 W. F. Patrick  
 Notary Public  
 Issued 6/20/04  
 Susan M. Byrum



SECURED BY FIRST DEED OF TRUST.

\$ 200

REAL ESTATE DEED OF TRUST NOTE.

Know all Men by these Presents, THAT J. M. C. Byrum of Texas in the County of Ellis, State of Texas, for value received, hereby promise to pay to the order of

**THE TEXAS LAND AND MORTGAGE COMPANY, Limited,**

the principal sum of Two Hundred Dollars,

in Gold Coin of the United States, of the present weight and fineness, with Exchange on New York, on the 1<sup>st</sup> day of November 1902, at its office in the City of Dallas, Texas, with interest thereon, from date until maturity, at the rate of 9 per cent. per annum, payable annually on the 1<sup>st</sup> day of November and \_\_\_\_\_ in each and every year. This note and accrued interest thereon shall bear interest after maturity at the rate of Ten per cent. per annum until paid.

IT IS EXPRESSLY AGREED by the maker hereof, that in case of default in the payment of any instalment of interest hereon, when the same shall become due and payable, or in case of failure to comply with any agreement or covenant set forth in the Deed of Trust given to secure this Note, then, the principal sum expressed in this Note, with all accrued interest, shall, at the election of the legal holder or holders hereof, at once become due and payable. And it is further agreed hereby that if this Note is not paid when due and is placed in the hands of an attorney for collection, I agree to pay ten per cent. additional on the full amount due as an attorney's fee.

Dated at Dallas, Dallas County, Texas, this 11<sup>th</sup> day of February A. D. 1899.

M. O. Byrum



No. 1195/1      200.<sup>00</sup>

REAL ESTATE  
DEED OF TRUST NOTE.

M. C. Byrum  
Jenks, Okla.

TO  
THE TEXAS LAND AND MORTGAGE CO.  
LIMITED.

Dated Feb'y 11<sup>th</sup> 1899.

Due Nov. 1<sup>st</sup> 1902

Renewed to

Interest } 9% per an  
Payable } Annually  
          } Apr. 1<sup>st</sup>

Sent by J. W. Mar. 10/99.

Received by [Signature] 2/3/99

PRINTED BY J. W. MARLEY, DALLAS.

Subst paid to Nov 1/1900 on within rule  
Apprentice to me December 22<sup>nd</sup> 1903, and allowed  
for \$200 principal, with interest thereon from Nov 1<sup>st</sup>  
1900 at nine per cent per annum, and the per cent  
on the unpaid of such principal & interest as accepted  
for - same conditions accrued by mortgage as accept  
in proof of claim.  
M. C. Byrum  
Administrator



\$ 200

SECURED BY FIRST DEED OF TRUST.

REAL ESTATE DEED OF TRUST NOTE

Know all Men by these Presents, THAT I, M. C. Byrum of Lewis in the County of Ellis, State of Texas,

THE TEXAS LAND AND MORTGAGE COMPANY, Limited,

for value received, hereby promise to pay to the order of the principal sum of Two Hundred Dollars, in Gold Coin of the United States, of the present weight and fineness, with Exchange on New York, on the 1st day of November 1903, at its office in the City of Dallas, Texas, with interest thereon, from date until maturity, at the rate of 9 per cent. per annum, payable annually on the 1st day of November and in each and every year. This note and accrued interest thereon shall bear interest after maturity at the rate of Ten per cent. per annum until paid.

IT IS EXPRESSLY AGREED by the maker hereof, that in case of default in the payment of any instalment of interest hereon, when the same shall become due and payable, or in case of failure to comply with any agreement or covenant set forth in the Deed of Trust given to secure this Note, then, the principal sum expressed in this Note, with all accrued interest, shall, at the election of the legal holder or holders hereof, at once become due and payable. And it is further agreed hereby that if this Note is not paid when due and is placed in the hands of an attorney for collection, I agree to pay ten per cent. additional on the full amount due as an attorney's fee.

Dated at Dallas, Dallas County, Texas, this 11th day of February A. D. 1899. M. C. Byrum





No. 1195/2 \$200.00

REAL ESTATE  
DEED OF TRUST NOTE.

M. C. Byrum  
Jervis, Texas.

TO  
THE TEXAS LAND AND MORTGAGE CO.  
LIMITED.

Dated Feb 11<sup>th</sup> 1899.

Due Nov 1<sup>st</sup> 1903.

Renewed to

Interest } 9% per an  
Payable } monthly Nov 1<sup>st</sup>

Sent by J. W. Moore 10/29/99.

Received by J. W. Moore 2/13/99

PRINTED BY JOHN H. WAGLER, DALLAS.

Approved to me Stearns to 11/1903 and allowed for  
\$200 principal, with interest thereon from Nov 1<sup>st</sup>  
1900 at nine per cent per annum, and ten per cent  
on the unpaid principal & interest as  
attorneys fee. said indebtedness secured by  
mortgage as attests in proof of claim.  
W. F. Byrum  
Administrator

Subscribed paid to Nov 1/1900 on within book

8/15/11 11212000

\$1000

SECURED BY FIRST DEED OF TRUST.

REAL ESTATE DEED OF TRUST NOTE

Know all Men by these Presents, THAT I M. C. Byrum of Ferris in the County of Ellis, State of Texas,

THE TEXAS LAND AND MORTGAGE COMPANY, Limited,

for value received, hereby promise to pay to the order of the principal sum of One Thousand Dollars,

in Gold Coin of the United States, of the present weight and fineness, with Exchange on New York, on the 1st day of November 1904, at its office in the City of Dallas, Texas, with interest thereon, from date until maturity, at the rate of 9 per cent. per annum, payable annually on the 1st day of November and

thereon shall bear interest after maturity at the rate of Ten per cent. per annum until paid. in each and every year. This note and accrued interest

IT IS EXPRESSLY AGREED by the maker hereof, that in case of default in the payment of any instalment of interest hereon, when the same shall become due and payable, or in case of failure to comply with any agreement or covenant set forth in the Deed of Trust given to secure this Note, then, the principal sum expressed in this Note, with all accrued interest, shall, at the election of the legal holder or holders hereof, at once become due and payable. And it is further agreed hereby that if this Note is not paid when due and is placed in the hands of an attorney for collection, I agree to pay ten per cent. additional on the full amount due as an attorney's fee.

Dated at Dallas, Dallas County, Texas, this 11th day of February, A. D. 1899

M. C. Byrum





1195/3 \$1000.00

REAL ESTATE  
DEED OF TRUST NOTE.

M. C. Byrum  
Ferris, Texas.

TO  
THE TEXAS LAND AND MORTGAGE CO.  
LIMITED.

Dated Febry 11<sup>th</sup> 1899.  
Due November 1<sup>st</sup> 1904.  
Renewed to

Interest } 9% per an.  
Payable } Annually

Sent by J.W. Mar 10/99.

Received by W. 2/13/99

Indentured back to Nov 1/1900, on within back  
Presented to me December 22-1903, and allowed  
for \$1000 principal, with interest thereon from  
Nov 1<sup>st</sup> 1900 at rate for said for annum, and  
Ten per cent on attorney's fee - said note  
+ interest as mortgage as always in favor of  
M. C. Byrum  
Administrators

THE MORTGAGE SOCIETY - 1978



The State of Texas. }  
County of Dallas. }

Before me, the undersigned authority, on this day personally appeared A. G. Wood, personally known to me, who being by me first duly sworn, on oath says:

I am the General Manager of The Texas Land & Mortgage Company, Limited, a corporation. That the facts hereinafter stated are true within my personal knowledge. That on February 11th, 1899, M. C. Byrum, of Ellis County, Texas, for value received, made, executed and delivered to The Texas Land & Mortgage Company, Limited, his three certain promissory notes, all payable to the order of said Mortgage Company, all bearing date the day and year last aforesaid, and all bearing interest from date until maturity at the rate of nine per cent. per annum, <sup>and 10% after maturity</sup> payable annually on the first day of November of each and every year, each of said notes providing that in case of default in payment of any installment of interest thereon when same became due and payable the principal sum evidenced by said note with all accrued interest should, at the election of the legal holder or holders thereof, at once become due and payable, and further providing that if said note was not paid when due and was placed in the hands of an attorney for collection, the maker thereof would pay ten per cent. additional on the full amount due as an attorneys' fee, one of said notes being for the sum of Two Hundred Dollars, (\$200.00), payable on the 1st day of November, 1902, one of said notes being for the sum of \$200.00 payable on the 1st day of November 1903, and the third of said notes being for the sum of One Thousand Dollars (\$1,000.00), payable on November 1, 1904, all of said notes payable in gold coin of the United States of the present weight and fineness with exchange on New York. That at the same time and as part of the same transaction, and to secure aforesaid notes, the said M. C. Byrum made, executed and delivered to the said Mortgage Company a certain deed of trust, of even date with said notes, whereby he conveyed to C. E. Wellesley, as trustee, to secure said notes, that

certain tract of land, lying and being situated in Dallas County, in the State of Texas, and particularly described in said deed of trust as follows:

114 acres, a part of the W. D. Menifee survey, patent 269, Vol. 2, beginning at Southeast corner of lot sold to R. M. Noonan a stake on North bank of Ten Mile Creek, where an ash 10 in. brs. S. 20 W. 8 vrs. a box elder 6 in. brs. W. 49 E. 3 vrs. Thence N. 30 W. with East line of J. I. Smith's lot 543 vrs. to a stake on South line of a 10 acre tract sold to L. H. Rawlings; Thence N. 60 E. with South line of said 10 acre lot 1192 vrs. to his Southeast corner a stake on East line of said Menifee survey 47 vrs. S. E. of the N. E. corner of said Menifee survey; Thence S. 30 E. with the said East line 653 vrs. to a stake whence a S.O. 15 in. brs. S. 50 W. 6 vrs. an elm 12 in. brs. N. 23 E. 13 vrs; Thence S. 60 W. 480 vrs. a stake on North bank of Ten Mile Creek an ash 12 in. marked for cor.; Thence up said creek with its meanders and with North line of A. W. Rice's 15 acres and W. A. Lang's 10 acres lot to the place of beginning, containing 114 acres more or less, being the same land as deeded to said M. C. Byrum by J. W. Ferris and W. H. Getzendander by deed dated 17th January, 1889, and recorded in Vol. 102, page 94, deed records of Dallas County, Texas; which said trust deed is duly recorded in the records of trust deeds, mortgages, etc., of Dallas County, Texas in Book 104, page 140, to which deed and the record thereof reference is here made for full particulars.

That interest has been paid on each of aforesaid notes up to November 1, 1900, and credited thereon. That nothing has been paid on either of said notes, except the interest as aforesaid to November 1, 1900. That after default in the payment of the installment of interest coming due November 1, 1901, said Mortgage Company elected to mature all of said notes and placed same in the hands of attorneys for collection. That there remains owing and unpaid on said three notes the sum of Fourteen Hundred Dollars (\$1400.00), with nine per cent. per annum interest thereon from November 1, 1900, with ten per cent. additional on the aggregate amount of principal and



IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, this 22<sup>nd</sup> day of December, 1903.

interest as attorneys' fee.

That aforesaid claim for \$1400.00 and interest and attorneys' fee is just, and that all legal offsets, payments and credits known to affiant have been allowed. That said claim is a first lien upon the property hereinbefore described.

A. G. Wood

Subscribed and sworn to before me, this 22<sup>nd</sup> day of December, 1903, by the said A. G. Wood.

A. A. Edrige

Notary Public, Dallas County, Texas.





W  
No. 3389

In the Matter of the Estate  
of M.C. Byrum, Deceased,  
W.F. Byrum, Administrator.

-----  
Proof of Claim of The Texas  
Land & Mortgage Company,  
Limited.

-----  
*This claim was presented  
to me for allowance on the  
29<sup>th</sup> day of December 1903  
and same was allowed by me  
in full on same day  
W. F. Byrum  
Administrator*

FILED  
JAN 5 1904

*W. F. Byrum  
Jan 20 1904 Examined  
and approved on full as  
class claim; passed by  
B-74 Est. Co. Just*

A

The State of Texas,

Know All Men by These Presents:

County of

Dallas

That

J. M. C. Byrum (a single man) of  
Texas in the County of Ellis, State  
of Texas.

for and in consideration of the sum of Ten Dollars, to <sup>me</sup> in hand paid by C. E. WELLESLEY, Trustee, of Dallas, Texas, the receipt of which is hereby acknowledged, have Granted, Bargained, Sold and Conveyed, and by these presents do Grant, Bargain, Sell and Convey, unto the said C. E. WELLESLEY, Trustee, and to his successors in this Trust, and to his and their heirs and assigns forever, all and singular the following described property, situated in the County of Dallas in the State of Texas, to-wit:

114 acres a part of the W. D. Menifee Survey, Patent 269 Vol 2, beginning at Southeast Corner of lot sold to R. M. Noonan a stake on north bank of Ten Mile Creek whence an ash 10 in bro S 70 W 8 2/3 rrs a box cedar 6 in bro N 49 E 3 1/2 rrs, thence N 30 W with East line of J. J. Smith's lot 543 rrs to a stake on south line of a 10 acre tract sold to S. H. Rawlings, thence N 60 E with south line of said 10 acre lot 1192 rrs to his Southeast corner a stake on East line of said Menifee Survey, 47 1/2 S E of the N. E. Corner of said Menifee Survey, thence S 30 E with the said East line 653 rrs to a stake whence a S. 15 in bro S 50 W 6 rrs an elm 12 in bro N 73 E 13 rrs, thence S 60 W 480 rrs a stake on north bank of Ten Mile Creek an ash 14 in marked for cor., thence up said Creek with its meanders and with north line of A. W. Rice 15 acres and W. A. Langs 10 acres lot to the place of beginning, containing 114 acres more or less, being the same land as deeded to me by J. M. Ferris and W. H. Getzendaner by deed dated 17<sup>th</sup> January 1889 and recorded in Vol 102 page 94 deed records of Dallas County, Texas.



TO HAVE AND TO HOLD The herein described premises, together with all and singular the rights, members, hereditaments and appurtenances now or hereafter at any time before the foreclosure hereof, in anywise appertaining thereto, unto the said C. E. WELLESLEY, Trustee, and to his successor in this Trust and to his and their heirs and assigns forever. And I do hereby bind myself and my heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said C. E. WELLESLEY, Trustee, and to his successor in this Trust, and to his and their heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

THIS CONVEYANCE IS INTENDED, However, as a Trust for the better securing of three certain promissory Notes made by me bearing even date herewith, payable to the order of THE TEXAS LAND AND MORTGAGE COMPANY, LIMITED, hereinafter called "Company," at its office in the City of Dallas, Texas, in GOLD COIN of the United States of the present weight and fineness, with Exchange on New York.

First. For the sum of Two Hundred Dollars due Nov 1<sup>st</sup> 1904,  
Second. For the sum of Two Hundred Dollars due Nov 1<sup>st</sup> 1903,  
Third. For the sum of One Thousand Dollars due Nov 1<sup>st</sup> 1904

with interest thereon from date until maturity, at the rate of Nine per centum per annum, said interest being payable annually on the 1<sup>st</sup> day of November and and in each and every year, and said Notes and accrued interest thereon shall bear interest after maturity at the rate of ten per cent per annum until paid. Each of said notes further provides: That if any instalment of interest on said note is not paid when due, or in case of failure to comply with any agreement or covenant contained in this deed, then the principal of said note with all accrued interest shall, at the election of the legal holder or holders of said note, at once become due and payable. That if said note is not paid when due and is placed in the hands of an attorney for collection, ten per cent additional on the full amount due shall be paid as attorney's fee.

AND WHEREAS, for the better securing of said notes, with all interest to become due thereon, to the legal holder or holders thereof, I do hereby covenant with the said COMPANY as follows: That I will pay the said notes and the interest thereon, as the same becomes due and payable; that I have a good and perfect title in fee simple to the said property, and have the right to convey the same to the said C. E. WELLESLEY, Trustee, and his successors in this Trust, as aforesaid, that said property is free and clear of all liens and incumbrances of every nature and description whatsoever, and that my heirs and personal representatives will make and execute such other and further assurances of the premises as may be necessary for confirming the title to the same to the said C. E. WELLESLEY, Trustee, and to his successor hereunder, and to his and their assigns; that I will pay taxes and assessments now due, or which may become due, on said premises or chargeable against said Promissory Note before the same shall become delinquent; and that I will keep all fences, buildings and other improvements on said premises, in good condition and repair, and will do no act by which the value of said premises may be impaired.

AND IT IS HEREBY SPECIALLY AGREED, Between the parties hereto, that the legal holder or holders of said notes may pay all taxes and assessments of whatever nature, that may from time to time fall due and be unpaid on said premises, or chargeable against said Promissory Note, and charge such payments, with interest at the rate of ten per cent. per annum from date thereof, against said premises; and in case the said legal holder or holder of said notes satisfy any charge on the property hereby conveyed, or make any advances for taxes, assessments or otherwise, as aforesaid, to or on account of the grantor herein, the amount paid in respect thereof shall be payable forthwith, with interest at the rate of ten per cent. per annum until paid; and the said legal holder or holders of said notes shall be entitled to all equities of the person to whom such moneys shall have been paid. And should the title to the property hereby conveyed be called in question at any time while this trust is in force, I hereby authorize the legal holder or holders of said notes at my expense, to take all necessary and proper steps for the defense of the same, including the employment of counsel, and should said legal holder or holders of said notes make any advances in this behalf, I promise to at once repay the amount so advanced, with ten per cent. interest per annum from date of advancement, and if not so paid, then any amount so due will be a charge on said property and secured by this deed.

NOW THEREFORE, If the said covenants and agreements herein contained be faithfully kept and performed, then, and in that case only, this conveyance shall become null and void, and the property herein described shall become again wholly mine and these presents shall be released in due form at my cost; otherwise to continue in full force and effect.



But in case of failure or default on my part to keep or perform any covenant or agreement herein contained, I do hereby fully authorize and empower the said C. E. WELLESLEY, Trustee, and his successors hereunder, and it is hereby made his or their special duty, at the request of the legal holder or holders of said note of, at any time made after failure or default as aforesaid, to sell the property hereby conveyed, for cash, at the time and place, and in the manner, and after the advertisement pointed out by the Statute of Texas for sales of Real Estate under Trust Deed; and after said sale as aforesaid, to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds in law to the property so sold, in fee simple, and shall receive the proceeds of said sale, to be applied as follows—first, to the payment of the proper expenses of advertising the sale; second, to the payment of the full amount owing and unpaid on said note of, and also the taxes and assessments, or any payments made as aforesaid, with interest; third, to the payment to said Trustee of five per cent. upon the whole amount due and unpaid, as a commission for executing this Trust; and lastly, to hold the remainder of the moneys, if any, subject to my order.

And should the said C. E. WELLESLEY, Trustee, be absent from the state, or fail or refuse, or be disqualified from acting hereunder, the legal holder or holders of said note of, or the General Manager, or Assistant General Manager of aforesaid Mortgage Company shall have full power to appoint a substitute, in writing, without notice to me, who shall have the same powers which are hereby delegated to the said C. E. WELLESLEY, Trustee, and I do hereby absolutely ratify and confirm any and all acts that the said Trustee, or his successor in this Trust, may lawfully do in the premises by virtue hereof.

AND IT IS FURTHER AND LASTLY SPECIALLY AGREED, By the parties hereto, that any deed or deeds which shall be made by any Trustee acting hereunder, to the purchaser or purchasers at any sale made hereunder, shall be *prima facie* evidence of the truth of all the recitals therein contained as to the maturity and non-payment of the debt secured, the request to the Trustee to sell, the advertisement of such sale, the time, place, terms and manner of such sale and proceedings had thereat, and in case such acting Trustee is a substitute, the fact of his appointment, and the facts authorizing the appointment of a substitute to act in the premises. And all courts of law and equity shall accept said deed or deeds as *prima facie* evidence that all prerequisites to the validity of such sale were had and done. all erasures & interlineations made before signing

WITNESS my hand, this 11<sup>th</sup> day of February A. D. 1899



M. C. Byrum

THE STATE OF TEXAS, }  
COUNTY OF Dallas } Before me D. A. Eldridge a Notary  
Public of Dallas County Texas on this day personally appeared  
M. C. Byrum

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and the said wife of the said having been examined by me privately and apart from her husband and having the same fully explained to her, she, the said acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and considerations therein expressed, and that she did not wish to retract it.

Given under my hand and Seal of office this 13<sup>th</sup> day of February A. D. 1899

D. A. Eldridge  
Notary Public Dallas  
County Texas

THE STATE OF TEXAS, } I hereby certify that this  
County of Dallas, } instrument was filed for  
record at 12<sup>05</sup> o'clock P 13<sup>th</sup> Feb 13 1899  
and was duly recorded this Feb 28 1899 in Vol  
104 Page 140 Just Deed Revial  
Dallas County, Texas. Witness my official Seal and  
Signature this 28<sup>th</sup> day of Feb 1899  
A. S. JACKSON, County Clerk,  
By J. W. Siler Deputy.

10873

Please Record this in Deed of Trust or Mortgage Record and so state in Certificate.

No.

Dallas - County, Texas

Dated February 11<sup>th</sup> 1899

### DEED OF TRUST

M. C. Byrum  
of Ellis County  
Texas

TO

C. E. WELLESLEY,  
TRUSTEE FOR THE  
TEXAS LAND AND MORTGAGE CO.  
(LIMITED)

Filed for record this 13<sup>th</sup> day of

Feb A. D. 1899  
at 12<sup>00</sup> o'clock P. M.

By A. Jackson Clerk  
H. Smith Deputy

Recorded in Vol. 104 Page 140

*[Handwritten notes and signatures at the bottom of the document]*





CITATION.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County---GREETING:

YOU ARE HEREBY COMMANDED to summon *W. F. Byrum*

to appear before the Honorable County Court of Dallas County, State of Texas, at a regular term thereof, to be held at the Court House of said County, in the City of Dallas, on the first Monday in *March*

*1904*, then and there to answer the petition of *The Texas Land and Mortgage Company Limited* a corporation.

filed in said Court on the *8th* day of *Febry*, *1904*, against the said *W. F. Byrum* in the matter of the estate of *M. C. Byrum Deat* No 3359 pending in the County Court of Dallas County, Texas, on the Probate Docket

the nature of which <sup>application</sup> demand is as follows, to-wit:

*Application to sell 11 1/4 acres of land part of the W.D. Menzies Survey, Patent No. 269, Vol. 2, on Dry Mide Creek in Dallas Co, Tex. belonging to the Estate of said M.C. Byrum Deat, said sale to be made for the purpose of paying an indebtedness of \$2019.48 due by said estate to said Company as evidenced by a claim established in said Court on 26th day of Jan. 1904 and which claim is secured by a Deed of Trust on the land sought to be sold.*

*Plaintiff prays that sale be made at public auction for Cash or on such terms as the Court may direct, for general and special relief etc.*

and you will deliver to the said *W. F. Byrum*

a true copy of this Citation.

HEREIN FAIL NOT, but due service and return hereof make, showing how you have executed the same.

ATTEST: FRANK R. SHANKS, Clerk of the County Court of Dallas County.

GIVEN UNDER MY HAND and seal of office, at Dallas, this

day of *Febry*, *1904*

FRANK R. SHANKS, Clerk County Court, Dallas County, Texas.

By *A. J. Lawless* Deputy.

*Original*  
**CITATION.**

No. *3389*

**COUNTY COURT,  
Dallas County, Texas.**

*Est of*  
*M. C. Byrum Decd.*  
—vs.—

ISSUED

this *9th* day of *Feb* 190*4*

FRANK R. SHANKS, Clerk.

By *W. R. Galloway* Deputy.

Grand Pacific Pub. Co. Printers.

*Wm. Patrie's*  
*School House.*

Press: *25*  
Serving Cop *150*  
Mileage *225*  
Total *225*

By *J. R. Johnson*  
Sheriff  
*J. R. Johnson*  
Dallas County, Texas  
Deputy.

CAME TO HAND ON *9* day of *March* A. D. 190*4* for delivering to *W. R. Galloway*  
the within named defendant in person, a true copy of this writ:

**SHERIFF'S RETURN.**

A. D. 190*4*, and executed on the

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978



## THE STATE OF TEXAS,

To all Persons Interested in the Administration of the  
Estate of M. C. Byron, Deceased.

Texas Land & Mortgage Company, Limited, a creditor of said Estate,  
has filed in the County Court of Dallas County, an Application for the sale of certain lands belonging to said Estate, for the payment of the debts due by said Estate, said lands being described in said Application as follows, to wit: 114 acres of land, situated in the County of Dallas, and State of Texas, part of the W. D. Menefee survey, patented No. 269, Vol. 2, beginning at the S. E. corner of Lot sold to R. M. Noonan, a stake on N. bank of Ten Mile Creek, whence an Elm Ash 10 in. brs. S. 20 W. 8 yrs., a box elder 6 in. brs. N. 49 E. 3 yrs.; thence N. 30 W. with E. line of J. I. Smith's Lot 543 yrs. to a stake on S. line of a 10 acre tract sold to S. H. Rawlings; thence N. 60 E. with S. line of said 10 acre tract 1192 yrs. to his S. E. corner a stake on E. line of said Menefee survey 47 yrs. S. E. of the N. E. corner of said Menefee survey; thence S. 30 E. with said E. line 653 yrs. to a stake; whence an S. O. 15 in. brs. S. 50 W. 6 yrs. an Elm 12 in. brs. N. 25 E. 15 yrs.; thence S. 60 W. 480 yrs. a stake on N. bank of Ten Mile Creek ash 12 in. brs. marked for corner; thence up said creek with its meanders and with N. line of A. W. Rice's 15 acres and W. A. Lang's 10 acre Lot to the place of beginning, containing 114 acres more or less, being the same land as decided to me by J. W. Ferris and W. H. Getzendaner, by deed dated 17th Jany. 1866, and recorded in Book 102, page 94, Deed Records of Dallas County, Texas.

which application will be heard at the next term of said Court, commencing on the First Monday in May, A. D. 1904, at the Court House in the City of Dallas, at which time and place all persons interested in said Estate may appear and show cause why such sale should not be made, should they choose to do so.

WITNESS, FRANK R. SHANKS, County Clerk  
of Dallas County, Texas. Given under my hand and  
seal of said Court, at office in the City of Dallas, this  
9th day of January, A. D. 1904.

FRANK R. SHANKS,  
County Clerk, Dallas County, Texas.

*W. R. Rawlings* Deputy.

123

No. 3389

COUNTY COURT.

ESTATE OF

*M. C. Pyrean*  
Deceased.

Notice of Application for Sale of Real Estate.

Issued this *9th* day of *Feb.*  
A. D. 190*4*.

FRANK SHANKS  
COUNTY CLERK.

By *A. M. Rawlins* Deputy.

SHERIFF'S RETURN

Came to hand the *10* day of *Feb*  
190*4* and executed the *12* day of *Feb*  
190*4* by posting up three copies of this Writ at  
three public places in Dallas County, one of which  
was the Court House room of said County.

*J. J. Johnson*  
Sheriff Dallas County.

By *J. J. Witt* Deputy.

*Received on 93*  
*Pasting 3 notices 900*  
*Recorded for 5-477*  
*State Recor*



In Re Estate of W. C. Byrum In the County  
No. 3389 Dec'd of Dallas  
W. F. Byrum Adm. County of Texas

On this the 13<sup>th</sup> day of June AD 1904 came  
on to be heard the report of sale of the  
hereinafter described land belonging to the  
Estate of W. C. Byrum Dec'd and the same  
having been on file for the requisite  
length of time and no objection being  
taken thereto and the Court having  
enquired into the manner in which said  
sale was made and having heard the  
evidence in support of said report and  
being satisfied that said sale was lawfully  
made and in conformity with law  
It is therefore ordered, adjudged and  
decree by the Court that said sale be  
and the same is hereby in all things  
confirmed and said report is approved and  
ordered to be recorded by the Clerk  
and the Administrator W. F. Byrum is ordered  
to make proper conveyance to the purchaser  
of said property - to wit to The Texas Land  
and Mortgage Company, Limited, upon the  
compliance by said purchaser with the  
terms of said sale conveying to said  
purchaser said land, which said land  
is described as follows to wit -

Situate in the County of Dallas  
and State of Texas and being 114 acres of  
land part of the W. D. Merritt survey  
Pat. No. 269 Vol. 2 Beginning at the S. E. Corner  
of the Lot sold to R. M. Grogan, a stake  
on the North bank of Ten Mile Creek where  
an Ash 10 ins. dia. S. 20 W. 8 varas, box Elder

6 ins. by N. 49° E. 3 varas  
Thence N. 30° W. with the E. line of J. D. Smith the  
lot 543 varas to stake on the South line  
10 acre tract sold to S. H. Rawlins  
Thence N. 60° E. with the South line of the said  
10 acre tract 1192 varas to his S. E. corner a  
stake on the East line of said Menifee  
Survey 47 varas S. E. of the N. E. corner  
of said Menifee Survey  
Thence S. 30° E. with said East line  
653 varas to stake whence a S. O. 15 ins.  
by S. 50° W. 6 varas, an Elm 12 ins. by  
N. 23° E. 13 varas  
Thence S. 60° W. 480 varas a stake a stake  
on the North bank of Ten Mile Creek  
an Ash 12 ins. marked for corner  
Thence up said Creek with its meanders  
and with the North line of W. M. Rice  
15 acres and W. A. Sango 10 acre lot - to the  
place of Beginning containing 114 acres  
of land more or less and being the same land  
deeded to M. C. Byrum by J. M. Ferris and  
W. H. ~~Setz~~ Setz and dated by deed dated  
July 17<sup>th</sup> 1889 and recorded in Vol 102  
page 94 DEED RECORDS of Dallas County -  
Texas

OK Ed Lambdale  
County Judge



no. 3389  
W. C. B. By. case.

In Re Estate of  
W. C. Byrum dec'd.  
W. J. Byrum  
Adm'r.

Judgment Approving  
Sale

J-269

N

Estate of M. C. Byrum  
Deed  
H. F. Byrum Adm

To the Hon County Court of Dallas  
County Texas

H. F. Byrum Administrator respectfully  
appears to the Court that by virtue of the  
order of this Court, as amended and  
directing him as such Adm. to sell  
at public sale for cash the hereinafter  
described land he the said Administrator did  
on the 7th day of June 1904 at the East  
door of the County Court House in the City  
of Dallas County Texas sell to the Texas  
and Land Mortgage Company Limited  
at public auction for the sum of  
Twenty Four Hundred and six & Dollars Cash  
the following described tract of land  
belonging to said Estate to wit  
situate in the County of Dallas and  
State of Texas and being 114 acres of land  
part of the H. D. Memphis Survey Pat. No.  
269 Vol. 2 Beginning at the South  
East Corner of Lot sold to R. M. Spooner  
a stake on the North bank of Ten mile  
Creek thence an arch 10 ins by S. 20 W.  
8 varas - box elder ~~to~~ 6 ins by N. 49 E. 3  
varas thence N. 30 W. with the E. line  
of J. J. Smiths lot 54.3 varas to stake  
on the South line of the ten acre tract  
sold to S. H. Rawlings - thence N. 60 E.  
with the south line of the ten acre  
1192 varas to his S. E. Corner a stake  
on the East line of said Memphis Sur.



47 ns S. E. of the N. E. corner of said  
Municipal sub. Thence S 30 E. 40 with  
said E line 653 varas to a stake  
whence a S. O. 15 ins per 500 ft 6 var.  
and an E line 127 ins per N. 73 E. 13  
varas. Thence S 60 W 4800 varas a stake  
on the North bank of Fox Mill Creek. an  
Ash 12 ins marked for corner

Thence up said creek with its meanders  
and with the line of M. C. Rice's 150 acres  
and H. A. Pango's 10 acre lot place of  
beginning 114 acres more or less and being  
the same land sold to M. C. Byrum  
by J. H. F. Ellis and W. H. Getzendaner by  
deed dated Jan'y 17. 1889 and record in  
Book 102 page 94 of the D. E. Records of  
said Dallas County Tex as

Which said sale was fairly made at the  
time and place required by law and the said  
order of this Court.

Wherefore said Administrator prays  
that said sale be approved and in all  
things confirmed and for such orders  
as may be necessary in the premises

The State of Texas  
County of Dallas

I Be fore me the undersigned  
Judge of this Court personally appeared  
W. F. Byrum Administrator of the Estate of  
M. C. Byrum deceased who being by me  
duly sworn upon his oath states that the matters  
and things set forth in the above and  
foregoing report of said executor and  
correct as therein stated W. F. Byrum

Admin of the Estate of  
Mc Byrum deceased

Subscribed & sworn to before me this  
the 7<sup>th</sup> day of June 1904

Frank R. Shaw  
County Clerk  
By W. J. Dwyer, Notary

X 3389

Est. McByrum  
Deed

Report of Sale of part of

FILED

JUN 7 - 1904

FRANK R. HALL

RECORDED

3-217

Report of Sale of part of



No. 3389

In the Matter of the Estate  
of M. C. Byrum, Deceased,  
W.F.Byrum, Administrator.

In the County Court of Dallas  
County, Texas, Sitting in  
Probate.

Now comes The Texas Land & Mortgage Company, Limited, and respectfully shows to the Court, that on the 11th day of February, 1899, the said decedent, M. C. Byrum, made, executed and delivered to it his three certain promissory notes, described as follows: the first for Two Hundred Dollars (\$200.00), due November 1, 1902; the second for Two Hundred Dollars (\$200.00), due November 1, 1903; and the third for One Thousand Dollars (\$1,000.00), due November 1, 1904; with interest at the rate of nine per cent. per annum. That on said date the said decedent, M. C. Byrum, made, executed and delivered to C. E. Wellesley, as Trustee, a certain deed of trust whereby he conveyed to the said Wellesley, in trust to secure the payment of the notes aforesaid, the following described tract of land, situated in the County of Dallas, and State of Texas, to-wit:

114 acres, part of the W.D.Menefee survey, patented No. 269, Vol. 2, beginning at the S. E. corner of lot sold to R. M. Noonan, a stake on N. bank of Ten Mile Creek, whence an ash 10 in. brs. S 20 W. 8 vrs., a box elder 6 in. brs. N. 49 E. 3 vrs; thence N. 30 W. with E. line of J. I. Smith's lot 543 vrs. to a stake on S. line of a 10 acre tract sold to S.H.Rawlings; thence N. 60 E. with S. line of said 10 acre tract 1192 vrs. to his S. E. corner a stake on E. line of said Menefee survey 47 vrs. S.E. of the N.E. corner of said Menefee survey; thence S. 30 E. with said E. line 653 vrs. to a stake; whence an S.O. 15 in. brs. S. 50 W. 6 vrs. an elm 12 in. brs. N. 25 E. 13 vrs; thence S. 60 W. 480 vrs. a stake on N. bank of Ten Mile Creek ash 12 in. brs. marked for corner; thence up said creek with its meanders and with N. line of A.W.Rice's 15 acres and W.A.Lang's 10 acre lot to the place of beginning, containing 114 acres more or less, being the same land as deeded to me by J.W. Ferris and W.H.Getzendander by deed dated 17th Jan'y. 1888 and recorded in book 102, page 94, Deed Records of Dallas County, Texas.

That aforesaid deed of trust was duly recorded in Vol. 104, page 140, <sup>Trust</sup> Dead Records of Dallas County, Texas, and for further particulars thereof and of the notes therein described reference is now here made to said record.

That the said The Texas Land & Mortgage Company, Limited, petitioner, heretofore, to-wit, on the 22<sup>nd</sup> day of December, 1903, presented its claim against the estate of the said decedent, M. C. Byrum, as evidenced by the aforesaid notes and secured by said deed of trust, to the said W. F. Byrum, administrator, with affidavit thereto attached in conformity with law, and the said Byrum, administrator, on said day allowed your petitioner's said claim, as evidenced by aforesaid notes and mortgage, in full, and made an endorsement upon the said notes and affidavit accompanying the same to that effect; which said proof of claim and notes and mortgage are now on file in this Court.

That the total amount of said claim so allowed by the said W. F. Byrum, administrator, on the said 22<sup>nd</sup> day of December, 1903, was Two Thousand and Ninety <sup>100</sup>/<sub>100</sub> Dollars (\$209<sup>00</sup>/<sub>100</sub>), which sum, with interest thereon from the date of said allowance to this date, at the rate specified in said notes, is justly due and owing to this petitioner.

That after the allowance of the aforesaid claim, the same was filed in this Court and properly docketed, and after having remained upon the docket for the specified length of time, the same was presented to the Judge of this Honorable Court for approval, and on to-wit, the 26<sup>th</sup> day of January, 1904, the said claim was approved by this Honorable Court for the amount allowed as aforesaid by the said administrator, and the said claim was classified by the Court as a Third Class Claim, and the lien of your petitioner upon the land hereinbefore set out, as security for aforesaid claim, was thereby recognized and established.

Petitioner further avers that aforesaid claim is now past due; that the said administrator has on hand no assets available for its



payment; that it has become necessary for petitioner to resort to the security furnished by its mortgage aforesaid, in order to secure the payment of its said indebtedness.

Wherefore petitioner prays that the said administrator, W. F. Byrum be cited to appear and answer this application; that due and proper notice of this application be given as the law directs, and that upon a hearing hereof this Court grant petitioner an order for the sale of the property upon which it has a mortgage or lien, as aforesaid, which said property is hereinbefore set out and described, or so much thereof as may be necessary to satisfy petitioner's claim; that said sale be made at public auction for cash or on such terms as the Court may direct, and as may be in conformity with the statute. Petitioner further prays for such other and further relief, legal or equitable, general or special, as it may be entitled to in the premises, and as in duty bound it will ever pray.

*Coke, Coke*  
Attorneys for Petitioner.

No. 3389 In Probate.

In the Matter of the Estate  
of M. C. Byrum, Dec'd, W. P.  
Byrum, Administrator.

Application of Texas  
Land & Mortgage Co. for  
Sale of certain Real Estate

FILED

A. R. Rawlins

8/1/57

25 4/1/57



No. 3389.

In the Matter of the Estate }  
of M. C. Byrum, deceased, }  
W. F. Byrum, Administrator. }

May 6th, 1904.

This day came on to be heard in the above entitled and numbered matter the application of The Texas Land & Mortgage Company, Limited, for the sale of certain <sup>belonging to the said Estate</sup> real estate <sup>Said of Trust</sup> upon which it has a mortgage, said application having been filed herein on the 8th day of February, 1904; and it appearing to the Court that the administrator, W. F. Byrum, has been duly served with citation issued upon said application, and that due notice of said application has also been posted in the manner and for the length of time required by law; and it further appearing to the Court that The Texas Land & Mortgage Company, Limited, on the 22nd day of December, 1903, presented to the said administrator for allowance its claim, consisting of three promissory notes, signed by the said decedent, aggregating the principal sum of Fourteen Hundred Dollars (\$1400.00), and at the same time presented a deed of trust executed by the said decedent securing said notes upon the land hereinafter described; and it further appearing to the Court that the said administrator, on aforesaid date, allowed said notes, principal, interest and attorney's fees, and the said ~~mortgage~~ <sup>deed of trust</sup> by which the same were secured; and it further appearing to the Court that the said claim so allowed was duly filed and docketed upon the claim docket of this Court, and thereafter, on January 26th, 1904, examined and approved for its full amount as a third class claim against the estate of the said M. C. Byrum, deceased, which said claim is a charge and lien upon the property set out in the aforesaid deed of trust above mentioned and hereinafter particularly described; and it appearing to the Court that the administrator has on hand no funds with which to pay aforesaid claim, and has made no application for the sale of the land described in <sup>& that a necessity exists for the sale thereof to pay said claim</sup> said deed of trust securing the same; it is the opinion of the Court that the aforesaid application of The Texas Land & Mortgage Company,

Limited, should be granted:

It is therefore ordered, adjudged and decreed by the Court that the said administrator, W. F. Byrum be and he is hereby authorized and directed to sell, at public sale for cash, at the door of the County Court House in the City of Dallas, Dallas County, Texas, on Tuesday, June 7th, 1904, between the hours of ten o'clock A.M. and four o'clock P. M., after having given such notice of the time, place and terms of said sale and the property to be sold as is prescribed by law, the property conveyed by aforesaid deed of trust and particularly described as follows:

Situated in the County of Dallas and State of Texas, and being 114 acres, part of the W. D. Menefee survey, patent No. 269, Vol. 2, beginning at the S. E. corner of lot sold to R. M. Noonan, a stake on N. bank of Ten Mile Creek, whence an ash 10 in. brs. S. 20 W. 8 vrs., a box elder 6 in. brs. N. 49 E. 3 vrs.; thence N. 30 W. with E. line of J. I. Smith's lot 543 vrs. to a stake on S. line of a 10 acre tract sold to S. H. Rawlings; thence N. 60 E. with S. line of said 10 acre tract 1192 vrs. to his S. E. corner a stake on E. line of said Menefee survey 47 vrs. S.E. of the N.E. corner of said Menefee survey; thence S. 30 E. with said E. line 653 vrs. to a stake; whence S.O. 15 in. brs. S. 50 W. 6 vrs. an elm 12 in. brs. N. 23 E. 13 vrs; thence S. 60 W. 480 vrs. a stake on N. bank of Ten Mile Creek ash 12 in. ~~brs.~~ marked for corner; thence up said creek with its meanders and with N. line of A.W.Rice's 15 acres and W.A.Lang's 10 acre lot to the place of beginning, containing 114 acres more or less, being the same land as deeded to <sup>M. P. Byrum</sup> ~~me~~ by J.W. Ferris and W.H.Getzendander by deed dated 17th Jany. 1889 and recorded in book 102, page 94, Deed Records of Dallas County, Texas.

The said administrator is further directed to make immediate report of his action hereunder to this Court, when ~~and where~~ such further proceedings will be had herein as are conformable to law.

*E. J. Landerdale*  
*Co. Secy*



No. 3389 In Probate.

In the Matter of the Estate  
of M.C.Byrum, Dec'd, W. P.  
Byrum, administrator.

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Order of Sale.  
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2  
*P* 263