

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

Case Number 2554

Dallas Genealogical Society
Founded 1955

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

#2554

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No. 2 GUARDIAN'S BOND - (CLASS B) - A. D. Starbidge & Co. Stationers, Printers and Book Binders, Dallas, Texas

The State of Texas,
County of Dallas

KNOW ALL MEN BY THESE PRESENTS, That we,
Saul V. Carmaek as Principal, and
and

as Sureties, are held and firmly bound unto the County Judge of the County of
Dallas, Texas, and his successors in office, in the sum of
Eleven Hundred DOLLARS;

conditioned that the above bound Saul V. Carmaek
who has been appointed by the County Judge of Dallas County,
the Guardian of the ~~person and~~ Estate of John N. Carmaek, a minor,
shall faithfully discharge the duties of Guardian of the person and estate of said
John N. Carmaek, minor.

WITNESS our hands, this 6th day of Aug A. D. 1901

J. M. Mason L.S.
Fidelity & Deposit Company of Md. L.S.
C. E. B. A. Local Director L.S.

I DO SOLEMNLY SWEAR that I will faithfully discharge the duties of
Guardian of the person and Estate of John N. Carmaek, minor.

Sworn to and subscribed before me, this 3rd day of August A. D. 1901

J. E. Smith, County Clerk
Notary Public, Deputy

No. 3072
This package was mailed
by J. E. Smith, Notary Public,
Dallas Texas on May 3rd
1901, and filed same day
received.
By J. E. Smith, County Clerk
Deputy.
This package is opened
this 9 day of July, 1902
at request of
Wm. H. Brown
Admission ca
J. E. Smith
Notary Public
Dallas Texas

317

No. 3072

GUARDIAN'S BOND.
(List No. 20)

ESTATE OF
Jno W. Carmack

Mort

Bond of *Guardian*
Filed *Clay 6" 1901*

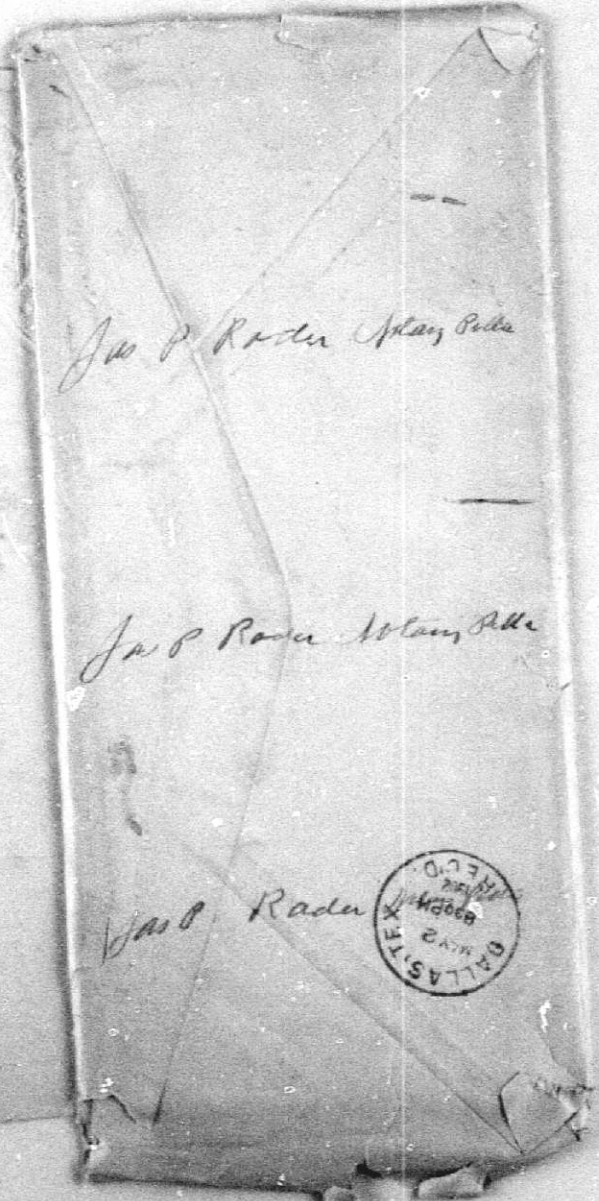
By *J Jackson* Clerk,
C. M. Martin Deputy.

Approved this *6* day of
Aug A. D. 18*90*

E. L. Anderson
County Judge, *Dallas* Co.

A. D. Aldridge & Co., Stationers and Printers, Dallas, Texas.

Recorded 2/4907



To the Probate Court,
 Dallas, Tex.
 Bristol, Virginia
 Aug. 19, 1904.
 I, J. W. Carmack, Guardian in
 the State of Virginia of John
 W. Carmack, have received
 from the State of Texas the
 sum of \$408.00 the amount
 in of the due me for my
 Ward, John W. Carmack, from
 that State
 J. W. Carmack

NOTICE OF FILING ANNUAL ACCOUNT.

THE STATE OF TEXAS,

To all Persons Interested in the Minor J. W. Carmack,

John W. Carmack, Guardian, has filed in the County Court of Dallas County,
 an Annual Account showing the condition of the Estate of his said Ward and his ap-
 plication to remove the estate of his said Ward from the
 State of Texas to the State of Virginia
 which will be heard at the term of said Court commencing the first Monday in March
 A. D. 1904, at the Court House in the City of Dallas, at which time all persons interested in
 the welfare of said Minor may appear and contest said account if they see proper.

WITNESS: FRANK K. SHANKS, County Clerk of Dallas County.

Given under my hand and the seal of said Court, at office in the City
 of Dallas, this 13th day of Feb 1904

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

By W. R. Rawlins Deputy.

62

No. 3072

COUNTY COURT

Estate of the Minor

J. W. Carmack

NOTICE OF FILING ANNUAL ACCOUNT.

Issued this 12 day of Feb

A. D. 1904 FRANK R. STANKS, County Clerk.

By *Alm* Deputy.

SHERIFF'S RETURN.

Came to hand the 13 day of Feb

1904, and executed the 13 day of Feb

1904, 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.

Robt Johnson
Sheriff Dallas County.

By *J. Willis* Deputy.

JOHN WILLIAMS, PRINTER, DALLAS

Posting 3 Nolas 500

No.
In Re Estate
J. N. Learmace
Minor
Sam V. Learmace
Guardian

In County Court
Dallas Co. Tex
March Term 1902

To Mrs. Learmace, or Simpson's Secy
her attys of record

You will take notice that
five days after service hereof I will apply
to the Clerk of the County Court of Dallas
County Texas for a commission to take
the depositions of Josiah Booker of Bristol
Tenn to the following interrogatories, to be
used as evidence upon the hearing of the
application of his guardian for an order
of sale of real estate belonging to this
minor situated in Dallas County Tex

1st State your name, age, place of res-
idence, and the business in which you
are engaged

2nd Do you know J. N. Learmace a minor
for whom Sam V. Learmace is guardian?

If yes, state his age, with whom he now
lives, and what means he has, if you
know

3rd Has he means sufficient for his pres-
ent needs, or is he ^{now} dependent in whole or
in part upon his relatives for support

4th Has he any property other than
that situated in Dallas County Tex

5th Could his Texas ^{property} be committed into
money be used advantageously
in his maintenance and support

6th If you know, state whether or not
it is necessary that this minor

New estate in Dallas Co Texas be
sold. If you state what the neces-
sity is, state fully

Alvaust Jones
Atty for Grice

Cross interrogatory by and on
behalf of Mrs. Mary Carmack.

Cross Int. No. 1.

Are you related to Sam V.
Carmack? If so what is the re-
lationship? Are you not a neigh-
bor and close personal friend of
Sam V. Carmack. Are not you and
Sam V. Carmack in business to-
gether at present, or have you not
been in the past?

Cross Int. No. 2. Is not Sam V.
Carmack a well to do man, and
is he not amply able to take care
of his nephew J. W. Carmack. And
is not J. W. Carmack of sufficient
age, size and strength to earn
his own ~~own~~ support, and
does he not work for his Uncle
Sam V. Carmack?

Cross Int. No. 3.

What do you know of your own
knowledge as to how much property
the minor J. W. Carmack has?
Is it not a fact that all you
know about the matter is what
you have heard Sam V. Carmack
say?

Cross Ex. No. 4.

How do you know whether or not it is necessary for the property in this minor in Dallas County Texas to be sold in order that the money have a support? Would not his uncle Sam V. Carmichael support him whether he had any property at all or not? How is it not a fact that all you know about this matter is just what you have heard? What do you know about the value of the Texas property?

~~Ques.~~ Cross Ex. No. 5.

Explain fully how you happened to come to testify in this case? Did not Sam V. Carmichael tell you he wanted you to testify?

Simpson & Seay
Atty's. for Mrs. Mary Carmichael

In Re Estate of J. W. Carmack
 Minor
 Sam V. Carmack
 Guardian

In County Court
 Dallas Co Texas

deposition of Josiah Barber taken before me at my office in Bristol Tennessee on this the 7th day of April 1952 a witness for the Plaintiff in the above styled Cause taken upon the interrogatories annexed
 Said witness being duly sworn deposes as follows.

Ques to Int 1. Josiah Barber, age 82 years. I reside 1 1/2 miles southeast of Bristol Tennessee My business farming.

Ques to Int 2. Yes. He says that his age is 11 years he looks to be about that old. He now lives with his grandfather John Carmack, he has no means for his present needs

Ques to Int 3. no. He is now dependent in whole upon his relatives for support

Ques to Int 4. He has no other property there is

anywhere else, that I know of except
that situated in Dallas County, Texas

" " Q¹ It could be used advantageously in
his maintenance and support.

" " Q² Yes. He is in need of means for his
support and education. He now depends
upon the charity of his relatives.

Cross Interrogation

A¹ Q¹ As to Q¹, No. we have been neighbors but not
close personal friends, we are not now
in business together nor never have
been.

" " Q² No. he is not so he does not.

" " Q³ Of my own knowledge I know that he
has no property here, but as to his Texas
property I don't know definitely how
much there is.

" " Q⁴ It is necessary that the property be
sold. That he may have the money
now for his support and education.
I do not know whether his uncle could
support him if he had no property
or not. It is not a fact. That what

I know is from hearsay but from my own knowledge. I do not know the exact value of the Texas property

" Int 5 Sam V Carmack wrote to me that he had been requested by his attorney to give a name of some one at Bristol who knows the circumstances of the heirs. and that he had given him my name. Mr Carmack asked me if I would testify. and I as a disinterested person agreed to do so.

And further the deponent saith not
Josiah Booher

State of Tennessee
Succuman County

I Jas P Roden a Notary Public for said County and state do hereby certify

that the foregoing deposition was taken before me as stated in the caption and was duly sworn to and subscribed to by the witness Josiah Booher

Given under my hand official seal this the 26 day of April 1902

Jas. P. Roden
Notary Public

THE STATE OF TEXAS,
COUNTY OF DALLAS.

Commission to Take Deposition.

To any Clerk of a Court of Record having a Seal, or any Notary Public of
County, State of *Tenn.*, or to any Com-
missioner of Deeds, duly appointed under the Laws of Texas, within and for
said State—GREETING:

YOU ARE HEREBY AUTHORIZED AND EMPOWERED to cause to come before you

Josiah Booker, a resident of your County, at such
time and place as you may appoint; and that you then and there carefully and fully examine *him*
upon *his* oath, first to be taken before you, touching the annexed Interrogatories:

1. That you reduce *his* answers, so taken, to writing, in proper form, and cause the same
to be subscribed and sworn to by said witness.

2. That you certify, under your hand and seal of office, that said answers were sworn to and subscribed
before you.

3. That you seal up in an envelope the answers so taken, together with the annexed interrogatories and this
commission, with your name written across the seal.

4. That you endorse on the envelope the names of the parties to this suit, and the name of said witness.

5. That you direct the package to the "Clerk of the County Court of Dallas County, Dallas, Texas."

6. That if said package is sent by mail, the postmaster, or his deputy, shall endorse thereon that he received
it from your hands, and sign his name thereto; or, if you entrust it to private conveyance, as provided by the
statute, you will apprise the person receiving it that it must be delivered to the Clerk of this Court by himself in
person; which evidence, so taken as above, is to be used on the trial of a suit now pending in the County Court

of said County of Dallas, wherein *Sam V. Carmack is applicant*, and
Mrs. Mary Carmack is Respondent in the matter of
the estate of J. W. Carmack minor

HEREIN FAIL NO., but make due return of this writ.

Witness, A. S. JACKSON, Clerk of the County Court of Dallas County, and the seal of
said Court, at office in the City of Dallas, this *16th* day of *April* A. D. 190*2*

A. S. JACKSON,

Clerk County Court, Dallas County, Texas.

By *L. Stewart* Deputy.

No. 3072

In Re Estate of W. Carmack
vs. Minor

Sam V. Carmack
Plaintiff

Commission to Take Deposition

of Josiah Booker

Issued the 14 day of April
A. D. 1902

A. S. JACKSON,

Clerk County Court, Dallas County, Texas.

By *L. Stewart* Deputy.

No. 3072

Estad. J. M. Gansan

Sum v. Gansan

Interrogatorio to J. M. Gansan
for the making of a copy
of the same for the use of the

Mr. Gansan, under time
service had copy of the
interrogatorio, and after that
commission may issue
at once

Simpson & Leary
Attys for Mr. Gansan

FILED
A. S. JACKSON
ATTORNEY-AT-LAW,
DALLAS, TEXAS

A. S. JACKSON
CLERK OF COURT

LEGAL WRAPPER

A. D. Aldridge & Co., Stationers, Printers and Book Binders, Dallas, Texas

July 12
 Bill of Sam v. Carmack & Co
 23. in full payment for all
 services in estate of W. Carmack
 minor
 Stewart Jones

DALLAS, TEXAS. Aug 15 1901
 Bill of Sam v. Carmack & Co
 Sam ^{pro} as attys for in case
 in the Estate of John W. Carmack
 minor, pending in Co. Court of
 Dallas Co. Tex. This in full settle-
 ment to date
 Stewart Jones



J. B. NABORS,
General Agent,
No. 257 Main Street.

EDWIN WARFIELD, President

H. CRAWFORD BLACK,
JOSEPH STONEBRIEGER,
HENRY B. PLATT,
THOS. A. WHELAN, Vice Pres'ts.

HERMAN E. BOSLER, Secy & Treas
HARRY NICODEMUS, Asst Secy & Treas
THOS L. BERRY, Second Asst Secy & Treas

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND.

SURETY BONDS.

DALLAS
Board of Directors:
WM. H. GASTON,
JAMES M. HARRY,
DE EDWARD GREER,
A. T. WATTS,
GEORGE N. ALDREDGE,
JOE J. ECKFORD,
C. E. BIRD,
J. L. BURGESS,
LEE E. BURGESS,
W. P. FINLEY.

HOME OFFICE: BALTIMORE, MARYLAND.

Dallas, Texas,

AUG. 26, 1901.

Jno. Watson Carnack

To Fidelity & Deposit Co. of Md.,

To making guardian bond in the penalty of \$1400.00

Dr.

\$7.00

Paid 8/29/1901

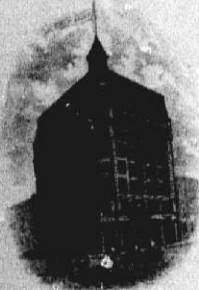
J. B. Nabors

Sau v. Carnack Dr
To Account Form for prof. services
in the estate of J. M. Carnack \$35.00
Rec'd payment in full for
per M. C. Glenn -
Account Form

EDWIN WARFIELD, President

H. CRAWFORD BLACK,
JOS. R. STONEBRAKER,
HENRY B. PLATT,
THOS. A. WHELAN, Vice-Presets.

HARRY NICODEMUS, Secy & Treas.
THOS. L. BERRY, Asst. Secy & Treas.



Fidelity and Deposit Company

OF MARYLAND.

SURETY BONDS.

HOME OFFICE,
BALTIMORE, MARYLAND.
NEW YORK OFFICE,
35 WALL STREET.
LONDON OFFICE,
3 FINCH LANE,
CORNHILL, E.C.

Baltimore, 6/16/03

JUDICIAL DEPARTMENT.
CHAS. R. MILLER,
ATTORNEY IN CHARGE.

48425

Mr. Samuel V. Carmack,
Mansfield, Texas.

Dear Sir:

We beg to acknowledge receipt of yours of the 6th enclosing
check for \$5 in payment of the premium upon your bond as Guardian of
J. W. Carmack, minor, for which please accept our thanks.

Yours very truly,

Chas R Miller
Attorney in Charge.

E.T.M.

Virginia:

At a Court begun and held for Washington
County, at the Court House thereof, on the
15th day of April, 1901.

It is ordered that Samuel V. Carmack,
be appointed guardian of John W. Carmack,
minor child of W. C. Carmack deceased, and
Mary Carmack, and under fourteen years of
age, to-wit: ten years old, thereupon the said
Samuel V. Carmack, appeared in open Court,
and together with the Fidelity and Deposit
Company of Maryland, by S. R. Preston, its
Attorney-in-fact, as his security, entered into
and acknowledged a bond in the sum
of Six Hundred Dollars, conditioned as
the law directs.

Attest,

A. R. Blackwell, D. C.

Know all Men by these Presents, That we *Samuel V. Carmack & Fidelity & Deposit Co. of Maryland,*

do hereby waiving the benefit of an Homestead Exemption as to this obligation, and also waiving any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or in any currency, funds, counterclaims or offsets other than legal tender currency of the United States (provided by an Act of Assembly of Virginia, approved August 26th, 1884,) are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of *Six*

Hundred Dollars, to the payment of which, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *15th* day of *April* one thousand ~~one~~ *nine* hundred and *one*, and in the *185th* year of the Commonwealth.

The Condition of the above Obligation is such, That if the said *Samuel V. Carmack*

who has qualified in the County Court of WASHINGTON COUNTY as *Guardian of John Watson Carmack only child of W. P. Carmack dec'd and Mary Carmack under fourteen years of age, to wit: ten years old,*

shall faithfully discharge the duties of his office or trust as aforesaid, then the above obligation to be void, or else to remain in full force and virtue.

*Stamped
549*

*Sam'l. V. Carmack
Fidelity & Deposit Co. of Md.
By
S. R. Preston, Atty in fact*



The above bond is hereby duly recorded as required by law.

Attest: A. R. Blackwell, Clerk.

Everett Wadley Co.,
Stationers and Printers,
Richmond, Va. Form No. 313.

State of Virginia,

County of Washington

to-wit:

I, R. P. Cummings, Clerk of the County Court
of the County of Washington, do hereby certify that on the Fifteenth day
of April, 1901, ~~1900~~ Samuel V. Carmack

duly qualified in my said court as Guardian of John W. Carmack

and gave bond as such according to law. I further certify that the foregoing is a full and complete transcript from the records in my office in this case.
In testimony whereof, I have hereto set my hand and annexed the seal of the

said court, this 27th day of June, 1901 ~~1900~~.

R. P. Cummings Clerk

State of Virginia,

County of Washington

to-wit:

I, D. C. Cummings, Jr., Judge of the County Court
of the County of Washington, hereby certify that R. P. Cummings
whose name is signed to the foregoing certificate, is, and was
at the time of signing the same, clerk of the said court, duly qualified; that his attestation is in due form of
law; that his signature is genuine, and all his official acts entitled to full faith and credit.

Given under my hand this 27th day of June, 1901 ~~1900~~.

D. C. Cummings, Jr. Judge
of the County Court of Washington County
Virginia

State of Virginia,

County of Washington

to-wit:

I, R. P. Cummings, Clerk of the County Court
of the County of Washington, do hereby certify that D. C. Cummings
whose name is signed to the foregoing certificate, is, and was
at the time of signing same, Judge of the said Court, duly qualified.

Given under my hand this 27th day of June, 1901. ~~1900~~

R. P. Cummings Clerk

Form No. 33.

3072

Certificate of Qualification

OF

Samuel V. Carmack

as Guardian

of

John W. Carmack

FILED Aug 6-1901

J. S. JACKSON,

Notary Public for the Territory of Alaska

Recorded in Minutes

*Charles W. Carmack
J. A. Heston
W. A. Heston*

Virginia:

At a court begun and held for Washington
County, at the Court House thereof, on the
15th day of April, 1901.

It is ordered that Samuel V. Carmack,
be appointed guardian of John W. Carmack,
minor child of W. P. Carmack deceased, and
Mary Carmack, and under fourteen years of
age, to-wit: ten years old, thereupon the said
Samuel V. Carmack, appeared in open court,
and together with the Fidelity and Deposit
Company of Maryland, by S. R. Preston, its
Attorney in fact, as his security, entered into
and acknowledged a bond in the sum
of Six Hundred Dollars, conditioned as
the law directs.

Attest,

S. R. Blackwell, D. C.

Know all Men by these Presents, That we *Samuel V. Carmack & Fidelity & Deposit Co. of Maryland,*

do hereby waiving the benefit of an Homestead Exemption as to this obligation, and also waiving any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or in any currency, funds, counterclaims or offsets other than legal tender currency of the United States provided in an Act of Assembly of Virginia, approved August 26th, 1884, are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Six Hundred Dollars, to the payment of which, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 15th day of April one thousand ~~one~~ ^{nine} hundred and one, and in the 185th year of the Commonwealth.

The Condition of the above Obligation is such, That if the said *Samuel V. Carmack*

who has qualified in the County Court of WASHINGTON COUNTY as *Guardian of John Watson Carmack only child of W. P. Carmack, dec'd and Mary Carmack under fourteen years of age, to wit: ten years old,*

shall faithfully discharge the duties of his office or trust as aforesaid, then the above obligation to be void, or else to remain in full force and virtue.

Sam'l. V. Carmack
Fidelity & Deposit Co. of Md.
By *J. R. Preston, Atty in fact*



Stamped
549

The above bond is hereby duly recorded as required by law.
Copy Teste A. R. Blackwell, D. Clerk.

Everett Washley Co., Stationers and Printers, Richmond, Va. Form No. 313.

State of Virginia,

County of Washington

to-wit:

I. R. P. Cummings Clerk of the County Court of the County of Washington do hereby certify that on the Fifteenth day of April, 1901, Samuel V. Carmack

duly qualified in my said court as Guardian of John W. Carmack

and gave bond as such according to law. I further certify that the foregoing is a full and complete transcript from the records in my office in this case. In testimony whereof, I have hereto set my hand and annexed the seal of the

said court, this 27th day of June, 1901.

R. P. Cummings Clerk

State of Virginia,

County of Washington

to-wit:

I. D. C. Cummings, Jr. Judge of the County Court of the County of Washington, hereby certify that R. P. Cummings, whose name is signed to the foregoing certificate, is, and was at the time of signing the same, clerk of the said court, duly qualified; that his attestation is in due form of law; that his signature is genuine, and all his official acts entitled to full faith and credit.

Given under my hand this 27th day of June, 1901.

D. C. Cummings, Jr. Judge of the County Court of Washington County Virginia

State of Virginia,

County of Washington

to-wit:

I. R. P. Cummings Clerk of the County Court of the County of Washington do hereby certify that D. C. Cummings, whose name is signed to the foregoing certificate, is, and was at the time of signing same, Judge of the said Court, duly qualified.

Given under my hand this 27th day of June, 1901.

R. P. Cummings Clerk

Form No. 211

3072

Certificate of Qualification

of

Samuel V. Carmack

as Guardian

of

John W. Carmack

FILED Aug 6 - 1961
A. S. JACKSON,
Notary Public
109 Queen

Recorded in Minutes

Checked by Mr. Carmack
J. A. Hurd
M. A. Hurd

FILED BY THE HALLAS HEREPOLICAL SOCIETY-1973

No.....
 Estate of J.W.Carmack, Minor? // In County Court of Dallas
 By Sam V.Carmack, Guardian. // County Texas.

Now comes Mrs.Mary Carmack by her attorneys and enters protest and prays the Court that the order of sale asked for by Sam V Carmack,Guardian of J.W.Carmack,Minor,of certain real estate situated in Dallas County Texas,be not granted,and for reasons assigns the following:-

The said Mrs.Mary Carmack is now using and occupying the land described in the application for order of sale,as a homestead. That said land was the community property of W.P.Carmack and Mary Carmack and that since the death of her husband the said W.P.Carmack,the said Mrs.Mary Carmack has been using and occupying the land aforesaid as a homestead.That the said Mrs.Mary Carmack is the mother of the minor J.W.Carmack.Said J.W.Carmack is only ten years of age and is now temporarily held by his uncle,the said Sam V.Carmack in the State of Virginia,fraudulently and over the protest of his mother the said Mrs.Mary Carmack.The said Mrs Mary Carmack says that she is the natural guardian of J.W.Carmack and that Sam V.Carmack's guardianship of the said minor was obtained in the State of Virginia and without notice to her and was obtained through fraud and in derogation of her rights. She says that the only property the said minor has either in the State of Texas or elsewhere is his interest in the land aforesaid. She further says that this is also the homestead of the said minor and that she is willing and anxious to have said minor returned to her and reside with her on said land,using the same as a homestead. She denies the right of ~~of~~ the said Sam V.Carmack in the alleged capacity of guardian for J.W.Carmack to have said land sold and denies that it is to the best interest of the said minor to have his interest in said land sold or in any way incumbered.

Simpson & Stacy
 Attys.for Mrs.Mary Carmack.

No.
In Re Estate
J. N. Carmack

Minor
Sam V. Carmack
Petitioner

In Co Court
Dallas Co. Tex

Now comes this guardian and shows to the court that his ward upon the death of its father owned in fee simple an undivided one half interest in 75 acres of land situated in Dallas County Tex, the part of the Haulka Survey and that Mrs Carmack owned the other one half of said property - it being the community property of Mrs Carmack and her deceased husband, the said Carmack

That Mrs Carmack on the day of 1907 ^{sold} conveyed to M. C. Glenn her undivided one half interest in said land and that said land is now ~~her~~ owned and held in fee simple by this ward and the said Glenn

This guardian prays that citation issue to the said Glenn and that upon a hearing the court grant an order permitting him the said guardian to use and occupy said property as the homestead of his minor

Sam V. Carmack
Petitioner
By Kenneth Foster
Atty

No 3072

In Re Estate
 J. W. Curmeck
 minor
 Sam V. Curmeck
 executor

App. for permis-
 sion to use and
 occupy land as
 homestead

FILED

SEP 2 1902

A. S. ... N. ... COURT
 by *A. M. Rawlins*
 DEPUTY

blank will cite M.C. Glenn
 to appear and answer within
 application Sept 6th 1902
 (R. 470) Es. H. Kuebler, Sec.
 & Just

ATTORNEY AT LAW,
DALLAS.

In the Estate of J.W. Carmack)
Minor)
Sam V. Carmack, Guardian.)

This day came on to be heard the motion of Sam V. Carmack, guardian of this minor, alleging that the original application for the order of the sale of land belonging to this estate was lost and praying that a paper filed herewith be adjudged and decreed to be a copy thereof and as substitute therefor; and it appearing to the court that the application for the sale of real estate was filed in this court by said guardian on the 9th day of Oct 1901 and citation on the same was issued, and served in the manner and for the length of time required by law and that the same is lost and that the application this day filed being shown to be in substance a copy of said lost application, it is ordered, adjudged and decreed by the court that the prayer of petitioner be granted and that the foregoing application be substituted for and in the place and stead of the original. *and ordered of record-*

(R-405)

E. S. Lambdale
County Judge

No. 3072

Bill of John Carmack
name

IN

Order

July 26, 1902

(R-405)

KENNETH FOREE,
Attorney-at-Law,
DALLAS, TEXAS.

LEGAL WRAPPER

A. D. AMOS & Co., Stationers, Printers and Book Binders, Dallas, Texas.

THE DALLAS ZOOLOGICAL SOCIETY

No 3072
 Estate of J. W. Carmack
 Minor

In Probate Court
 Dallas Co. Tex
 Jan. Term 1905

Now comes Sam V. Carmack Guardian
 of the estate of this minor, and excepts
 to the protest against his application
 to sell the minor interest in said lands
 because the same is insufficient in
 law, and of this says the judgment
 of the court

Almond Jones

Atty for Green

And this guardian further specially
 excepts to all that portion of said protest
 which attacks the appointment
 of this guardian because the same
 is collateral, and is not a proceeding
 instituted for that purpose

Jones atty

for Green

And answering this Green denies
 all the allegations in said protest

Jones for

Green

KENNETH FOREE,
ATTORNEY AT LAW,
CORNER MAIN AND LAMAR STS.

DALLAS, TEXAS, 190

In Re Estate of }
 minor }
 Schae v. Leammock }
 In Re }
 County, Texas }
 sitting in Probate }
 July 21-1902 }

This day coming on to be heard the ap-
 plication of this guardian for the sale
 of the land belonging to this minor
 under the protest of Mrs. Mary Leammock
 filed Oct 21-1901 and it appearing
 to the court that ^{said} ~~the~~ ^{land} ~~land~~ ^{is} ~~is~~ ^{is}
 and ~~is~~ ^{is} the ~~best~~ ^{best} ~~interest~~ ^{interest}
 the length of time required by law
 and that it is necessary for the edu-
 cation and maintenance of the minor
 that the said estate belonging to him
 be sold. It is ordered and adjudged
 and decreed by the court that
 the protest of Mrs. Leammock be
 and the same is in all things over-
 ruled and the guardian is ordered

KENNETH FOREE,
ATTORNEY AT LAW,
CORNER MAIN AND LAMAR STS.

DALLAS, TEXAS, 190

to see at private sale for cash or for
one half cash and one half on
credit not to exceed 12 months the
following described property belong-
ing to the minor as shown by the
Inventory herein and also report
made to this court for confirma-
tion: An undivided one half interest
in and to 900 acres of land in the
R.A. Kanda Survey in Dallas County Tex
Beginning at the S. E. cor said Survey,
Thence N. 45° W. 950 varras to the North Cor.
of said Survey. Thence S. 45° W. with the N.
W. line of said Survey 73.1 varras to corner
Thence S. 45° ~~W.~~ E. 950 varras to Cor
on S. E. line of said Survey. Thence
N. 45° E. with said line 73.1 varras
to beginning. Containing 120 acres
of land. Shown above described land
is dedicated. 44.9 ^{acres} described in Book
242 ~~242~~ Page 182 records of deeds
Dallas Co. Texas in a partition

KENNETH FOREE,
ATTORNEY AT LAW,
CORNER MAIN AND JEWETT STS.

DALLAS, TEXAS, _____ 190_____

deed of Mr. P. Curmack to Kate M^r
 here made

BY
Ed. Raudabaal
Co. July 1st

ATTORNEY AT LAW,
DALLAS.

No. 3072

In the matter of the estate of) In the County Court of Dallas
J.W. Carmack, Minor) Texas.
Sam V. Carmack, Guardian.)

Now comes this guardian and shows to the court that he ~~filed~~
in this court on the 9th day Oct ~~1903~~
an application for the sale of real estate, belonging to his ward,
situated in Dallas County, Texas, and described as follows:

Being an undivided one-half interest in 75 1/10 acres of
land in the R.A. Hanckey survey, formerly belonging to the community
estate of H.P. Carmack and Mary Carmack his wife, parents of this minor;
that proper notice of said application was issued by the County Clerk
of Dallas County and properly executed by the sheriff of said county, as
is shown by the writ and return thereof, now on file among the papers of
this cause.

This guardian shows that said application is lost and the
same has never been recorded. He further shows that said application
was in substance, in words and figures as follows:

No. 3072

Estate J.W. Carmack, Minor) In the County Court of Dallas County,
Sam V. Carmack, Guardian) Texas.

To the Hon. Ed. S. Lauderdale, Judge of said court:

Now comes Sam V. Carmack, guardian, and makes application for
the sale of the real estate belonging to this minor and shows the
following:

1. That his ward is domiciled in Washington
County, ~~Tennessee~~ ^{va}, and that petitioner was regularly appointed guardian
of the person and estate of said minor by the proper court of said
county and state; that he qualified as such guardian in accordance
with the laws of the state of ~~Tennessee~~ ^{va} and is now acting under such
appointment; that on the 6th day of August
~~1903~~, he caused to be filed with the County Clerk of Dallas County,
Texas, a complete and certified transcript of the proceedings of the
~~Tennessee~~ ^{va} court, in accordance with Articles 2671-2-3-4-5

KENNETH FOREE,
ATTORNEY AT LAW,
DALLAS.

of the Revised Statutes of the State of Texas and was by the County Judge of said County appointed guardian of the estate of this minor, situated in Dallas County, Texas.

2. That there had been no previous sales; that there is no personal property belonging to his ward; and that the income from his ward's estate is insufficient for his education and maintenance and to pay the debts against the estate.

3. That the property for which application is made to sell consists of an undivided one-half interest in seventy-five acres of land, situated in Dallas County, Texas, part of the Hanckley survey, as is shown by the inventory herein, and is of the probable value of \$550, and that the debts against the estate aggregate about \$60.00.

4. The petitioner further shows that he desires to sell the land above described for the purposes of removing the proceeds out of the state.

5. Wherefore petitioner prays that citation issue and upon a hearing hereof, he be directed to sell the above described property.

Sam V. Carmack, Guardian.

Sworn to and subscribed before A.S. Jackson, County Clerk.

This guardian prays that the foregoing application be adjudged and decreed to be a copy of said last application for the sale of real estate, and be substituted therefor, and to stand in lieu of and in its place well read, and that the application for the sale of real estate be ordered of record.

*Sam V. Carmack
Guardian
by Kenneth Foree
Atty -*

3072

No.

Est. of
John W. Carmack
Minor

VS.

Motion to Substitute
lost application for
Sale of Real Estate

FILED July 26, 1908
107 Cotton

KENNETH FORRE,
Attorney-at-Law,
DALLAS, TEXAS

~~FILED~~
~~July 26, 1908~~
~~107 Cotton~~

Petition Record

Recorded 8/60

LEGAL WRAPPER

A. D. L. Bridge & Co., Stationers, Printers and Book Binders, Dallas, Texas

CITATION

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon

M. O. Glenn,

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~~ *Saturday*

Sept. 6th 190*2*, then and there to answer the petition of

Sam N. Carmack, Guardian of the Estate of J. W. Carmack, Minor,
filed in said Court on the *3* day of *Sept.* 190*2*, against the said

M. O. Glenn,

for said suit being numbered *on the Probate Docket*, the nature of which demand is as follows, to-wit:

Petitioner, Sam N. Carmack alleges that his ward, J. W. Carmack, is the owner in fee simple of a 75 acre interest in 75 acres of land situated in Dallas County Texas, a part of the Hawkes Survey, and that said M. O. Glenn, has acquired title to the other 75 interest in said land, by purchase thereof from Mrs. Carmack the mother of his said ward. Petitioner prays that the Court grant him permission to use and occupy said property as the homestead of his said ward. The Court having entered its order setting Sept. 6, 1902 as the day for hearing of said petition and directing Citation to issue thereon

M. O. Glenn,

a true copy of this Citation.

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

ATTEST: A. S. JACKSON, Clerk of the County Court of Dallas County.

GIVEN UNDER MY HAND and seal of office, at Dallas, this *3rd* day of *Sept.* 190*2*.

A. S. JACKSON,
Clerk County Court, Dallas County, Texas.
By *A. S. Rawlins* Deputy.

SHERIFF'S RETURN.

CAME TO HAND on the 3 day of Sept 1902 by delivering to Wm Glenn executed on

the within named defendant in person a true copy of this writ.

Press:
Serving one Copy . . . \$ 75
Mileage 10
Total \$ 85

J. P. Johnson
Sheriff Dallas County, Texas
By Wm Glenn Deputy

Original 62
CITATION.

No. 3072
COUNTY COURT,
Dallas County, Texas.

Est. Jno. W. Carmack
Minor.

Sam. V. Carmack Et al.
M. C. Glenn

ISSUED
this 3 day of Sept 1902
A. S. JACKSON, Clerk.
By W. H. Lawless Deputy.

THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of _____

Sam J. W. Carmack, Minor,
Sam J. W. Carmack, Guardian,

has filed in the County Court of Dallas County, an Application for the sale of certain lands belonging to said Estate, for the maintenance and support of said minors, of the following description, to-wit:

Certain real estate situated in Dallas County, Texas, of the probable value of \$600.00, as shown by the Inventory and appraisement of said estate,

which will be heard at the next term of said Court, commencing on the

First
Monday *November* A. D. 1901, at the Court House, in the City of Dallas,

at which time all persons interested in said Estate may appear and contest said Application if they see proper.

A. Jackson
WITNESS, *S. B. SCOTT*, Clerk of the County Court of Dallas Co.

Texas. Given under my hand and seal of said Court, at office in the City of Dallas, this *9th* day of *Oct*, A. D. 1901

S. B. SCOTT

Clerk of the County Court of Dallas County.
By *A. M. Jenkins* Deputy

Recorded 7/384 02
30-12



COUNTY COURT.

ESTATE OF
J. W. Carmack
Minor.

Notice of Application For Sale of Real Estate

Issued the *9* day of *Oct.*
A. D. *1901* *As Jackson*
County Clerk, Dallas Co., Texas.

By *W. M. Gwinn* Deputy.

SHERIFF'S RETURN

Came to hand the *9* day of *Oct.*
1901, and executed the *9* day of
Oct. *1901* posting in three
copies of this writ at the three public places
in Dallas county, one of which was the
Court House, Dallas County.

J. R. Johnson
Sheriff Dallas County.
By *W. P. Scott* Deputy.

Shff fu 300

KENNETH FOREE,
ATTORNEY AT LAW,
DALLAS.

No. 3072

In re Estate of) In County Court, Dallas County, Texas.
J.W. Carmack, Minor) Hon. Ed. S. Lauderdale, Judge of said
Sam V. Carmack, Guardian.) Court.

Now comes this guardian and shows to the court that in obedience to an order of this court made and entered in this cause on the 21st of July 1902, authorizing and directing sale of real estate belonging to his ward's estate, he has sold to M.C. Glenn the following described property belonging to said estate in Dallas County, Texas, being an undivided one half interest in a tract of land heretofore belonging to the community estate of his parents, Mrs. Mary Carmack and Mr. W. P. Carmack Carmack, deceased, as is shown by the inventory in this minor's estate, and by Metes and bounds and by reference particularly described as follows:

Beginning at the S.E. corner of said Hankl survey; thence north 45° west 950 varas to the north corner of said survey; thence south 45° east with the N.W. line of said survey 718 1/10 varas a corner; thence S. 45° E. 950 varas to corner on S.E. line of said survey; thence N. 45° E. with said line 718 1/10 varas to beginning, containing 120 acres of land.

From above described land is deducted 44 9/10 acres described in Book 242, page 182 Records of Deeds Dallas County, Texas, in a partition deed of W.P. Carmack to Kate McGowan, to which reference is here made; the land herein conveyed being 35 1/20 acres.

This guardian shows that he has sold said land to M.C. Glenn, as aforesaid, for the sum of \$500.00, one half of said sum to be paid in cash and one half thereof on time, not to exceed one year, with interest on deferred payment at the rate of 8% per annum, with vendor's lien retained.

This guardian shows that the foregoing offer of the said Glenn is the highest offer he has received for said property and believes and represents it to be the fair and reasonable market value thereof, and he prays that upon a hearing hereof, said sale to the said Glenn be confirmed, and this guardian be authorized to make

KENNETH FOREE,
ATTORNEY AT LAW,
DALLAS.

title to said purchaser upon his compliance with the terms of sale.
Subscribed and sworn to before me the Sam'l. C. C. C. C. C. of

September 1902.

J. M. Elliott
Notary Public
Tarrant Co Tex.

Sam V. Carmack

Minor

Sam V. Carmack

Guardian.

In County Court, Dallas County Tex.
January Term 1904.

To the Honorable Ed S. Lauderdale Judge of said Court.

This guardian respectfully represents the following:-

That on the 15 day of April 1901 he was appointed guardian of the person and estate of Sam V. Carmack a boy aged 7 years by the Probate Court of Washington County Va. and that he duly qualified as such guardian.

That on the 6th day of August 1901 acting under Chapter 16 R.S. of Texas and in compliance there ~~to wit~~ caused a full and complete transcript of the proceedings of the Washington County Va. Court to be filed and recorded in the County Clerk's office of Dallas County Texas and within the proper time filed his bond as such guardian and in all respects qualified as the guardian of the estate of such minor then situated in Dallas County Texas.

That the property belonging to this minor was an undivided one half interest in 79 acres of land situated in Dallas County Texas apart of the Hankle Survey. That after some litigation necessary to assert the rights of this minor, this guardian sold said property to M.C. Glenn for the sum of \$500, \$250 cash and \$250.00 for one year interest 6 per cent.

That he states this account with said estate as follows:

The amount received from sale of said land.	525 00
By amount paid Kenneth Force as Attorney's fee	495 00
By Costs	32 00
To Balance on hand	5408 00

This guardian further represents that by the sale of said property all of said estate has been converted into money as before represented and that all of the debts known to exist

No 3072
Est. J. W. Curman
minor
Sam V. Curman
Judge
Report of Sale

Filed Sept 6 1904
as shown case
The Mitchell

Recorded in Minutes
R-493

against said estate have been paid and that he is desirous of removing the property of his ward out of the State of Texas.

Wherefore he prays that citation issue and that upon a final hearing thereof, this account with said estate be approved, that this estate be closed and that he be permitted to remove said estate out of Texas.

Sam V. Lammack

Subscribed and sworn to before me this 11th day of July 1904

J. W. Elliott
Notary Public
arrant case

ATTORNEY AT LAW,
DALLAS.

In Re Estate)	In County Court, Dallas County, Texas
John W. Carmack)	Sitting in Probate
Minor.)	
Sam. V. Carmack,)	
Guardian.)	

To the Hon. Ed. S. Lauderdale, Judge of said court.
Your petitioner, Sam. V. Carmack represents as follows:

1. That petitioner and John W. Carmack reside in Washington County, Virginia
2. That he has been appointed guardian of the person and estate of ^{the said} John W. Carmack, a boy ~~seven~~ ^{ten} years old, by the Honorable County Court of Washington County, Virginia, a court of competent jurisdiction, and has duly qualified and is now acting as such Guardian, as shown by transcript from said court herewith filed.
3. That said minor is possessed of an estate in lands situated in Dallas County, Texas, consisting of an undivided one-half interest in 70.1 acres in the R. N. Hauella survey in said county of the probable value of \$700. Dollars.
4. That there is in the state of Virginia a statute similar to chapter 16 of the R.S. of the State of Texas favorable to non-resident Guardians and wards.
5. Wherefore he prays that upon the filing and recording of the transcript of the Virginia court, and the return of Inventory and appraisement of this minor's property, and upon filing bond in double the estimated value of said estate, he receive letters of Guardianship of said minor's estate situated in Texas.

Sam V. Carmack
by Mount Tom
Att

APPROVED
FEB 13 1904
Filed 23 10/1904
Examined original
- Nov 20th 1904
Note on back of page

Recorded in 8-130

Application to
close estate of
minor Sam
V. Carmack
of the state
of Va.

Sam V. Carmack
Guardian

J. W. Carmack
Petitioner

J. M. E. C. I.

APR 30 1904

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

John W. Carmack, a minor

An undivided one half
interest in 75.1 acres of land
situated in Dallas County
Texas, a part of the R.H.
Hawley Survey, said land
belonging to the Commu-
nity Estate of Mary Carmack
and H.P. Carmack, deceased,
the parents of this minor.
Value at \$550⁰⁰/₁₀₀

Recorded 7/31/22

LEGAL WRAPPER

KENNETH FORBES
ATTORNEY-AT-LAW
DALLAS, TEXAS

FILED
Aug 6-1922
B. J. Cannon

John W. Carmack
Trust

No. 2072

No. 3072

COUNTY COURT.

ESTATE OF
John M. Carmack

Inventory and Appraisement.

Filed *6th* day of *August* 1901

By *W. S. Jackson*
County Clerk

W. S. Pauline
Deputy

Examined and Approved this *6*

day of *Aug* 1901

E. D. Underdale
County Judge

D-321
Jesse Williams, Printer, Dallas.

Recorded 6/387

of Virginia
I, *Saul V. Carmack* *Grantee*
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.

Saul V. Carmack

Sworn to and subscribed before me, this the *3rd* day of *August* A. D. 1901

J. E. Smith *Notary Public*
Folk County Court

THE STATE OF TEXAS,
COUNTY OF DALLAS.

Before the Undersigned Authority, this day personally appeared

Claude McCallum *J. A. Work*

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 Appraisement of the property pointed out to them as belonging to said estate.

Claude McCallum
J. A. Work

Sworn to and subscribed before me, this the *6th* day of *August* A. D. 1901

J. D. Fouraker *Notary Public*
Dallas, Tex.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

END

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978