

*Deed Between the Costner Heirs and L. S. Gardner*

Contributed by Mike Allen

North Carolina  
Cleveland County

This Deed, Made this the 2<sup>nd</sup> day of November, 1906, by and between Jacob Costner, (widower) William Costner and wife, Mary Costner, Thomas Costner and wife, Ida Costner, Alex Costner and wife, Florence Costner, Frank Costner, (single), Julius Costner and wife, Etta Costner, Perry Costner and wife, Martha Costner, Amanda Gardner and husband, Sylvanus Gardner, of Cleveland County, North Carolina, parties of the first part, and L. S. Gardner, of the aforesaid County and State, party of the second part,

WITNESSETH, Whereas on January 2<sup>nd</sup>, 1906, the parties of the first part, the husband and the heirs at law of the late Martha Costner, deceased, executed a power of attorney to Sylvanus Gardner, authorizing, empowering and directing him to sell the tract of land of which Martha Costner dies seized, and to make, execute and deliver title to same, the said power of attorney being duly recorded in the office of the Register of Deeds of Cleveland County in Book SS of Deeds, page 69.

Whereas, in pursuance of the powers therein given, the said Sylvanus Gardner offered for sale to the highest bidder on the premises in No. 9 Township on Saturday, February 3<sup>rd</sup>, 1906, the tract of land therein described, and whereas, at that sale L. S. Gardner became the last and highest bidder at the sum of six hundred & seventeen & 75/100 Dollars and has fully complied with the terms of said sale.

Now, Therefore, in consideration of the sum of Six hundred and seventeen and 75/100 Dollars in hand paid to the parties of the first part by the party of the second part, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell and convey and confirm unto the party of the second part all of the following tract of land situated in No. 9 Township, Cleveland County, North Carolina, and more particularly described as follows:

Beginning at a stone in the fork of a gully, Thos. Costner's corner in Alexander Costner's line, thence E. 79 poles to a stone in Allen's line, thence with said line N. 5 E. 65½ poles to a stone, Allen's corner, thence with his other line N. 84 W. 88 poles to a stone in said line thence S. 2, E. 71 poles to the beginning, containing 35 acres.

TO HAVE AND TO HOLD the same with the appurtenances thereto belonging to the said L. S. Gardner, the party of the second part, his heirs and assigns forever. And the said parties of the first part, for the consideration aforesaid, do hereby covenant and agree to warrant and defend the premises aforesaid, to the party of the second part, his heirs, executors, administrators and assigns, against the claim and entry of all persons whatsoever, and they do further covenant that they are seized of the premises in fee

simple and have power to make and convey such estate by this deed and have done the same be these presents to the said L. S. Gardner, party of the second part.

IN WITNESS WHEREOF, the said parites of the first part have hereunto set their hands and seals the day and year first above written.

Witness:	Clyde R. Hoey	Jacob Costner	(Seal)
		Wm Costner	(Seal)
		Mary Costner	(Seal)
		Thos. Costner	(Seal)
		Ida Costner	(Seal)
		Alex Costner	(Seal)
		Florence Costner	(Seal)
		Frank Costner	(Seal)
		Julius Costner	(Seal)
		Etta Costner	(Seal)
		Perry Costner	(Seal)
		Martha Costner	(Seal)
		Amanda Costner	(Seal)
		Sylvanus Gardner	(Seal)
		By their Attorney in fact:	
		Sylvanus Gardner	(Seal)

North Carolina  
Cleveland County

Personally appeared before me Clyde R. Hoey, the subscribing witness to the foregoing deed, who being duly sworn says that he say Sylvanus Gardner, the Attorney in fact, sign and seal the foregoing deed for the intent and purpose therein expressed.

This November 2<sup>nd</sup>, 1906

Clyde R. Hoey

Sworn to and subscribed before me this second day of November, 906. Lot the same with this certificate be registered.

F. L. Hoyle, D. C. S. C.

Filed for registration on the 12<sup>th</sup> day of Nov. 1906, at 11 o'clock, A. M. and registered.

W. H. Eskridge, Register of Deeds

CLEVELAND COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY