

(ED NOTE: This document is a Deed of Trust which is essentially an instrument of real property financing similar to a mortgage. It operates by placing the title to real property in one or more trustee to secure the payment of a debt. The arrangement under which such a trust is established allows the property to be sold in case of default and for the application of the proceeds to pay the debts, turning all surplus back to the debtor. A trust deed has nothing to do with trustees of an organization conveying their title to property. SOURCE: Val D. Greenwood, The Researcher's Guide to American Genealogy. (Genealogical Publishing Co., 1990) p. 356.

*It appears that in the case of this particular Deed of Trust that Anthony is actually selling the property that his late wife **Polley (Edds)Sheperd** had inherited from her father **Abraham Edds** and brother **Joseph Edds** to the so named trustees and their heirs for one dollar (probably to pay a debt) , with the stipulation that it may actually used by his daughter **Francis (Sheperd) Scruggs** during her lifetime as well as her children while they are still living within the household of Francis and **Joseph Scruggs**.)*

Indenture made and entered into this 26th day of May in the year 1828

Between **Anthony Sheperd** of the first part – and Walker Timberlake Basil M. Jones and William J. Timberlake of the second part all of the County of Fluvanna and state of Virginia. Witnesseth that the said **Anthony Sheperd** for and in consideration of the sum of One dollar to him in hand paid by the said Walker Timberlake Basil M. Jones V William J. Timberlake at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged and for the further consideration of the uses Trusts and purposes hereinafter contained and expressed he the said **Anthony Sheperd** hath granted bargained and sold and by these presents doth grant bargain and sell unto the said Walker Timberlake, Basil M. Jones and William J. Timberlake and to the survivor of them and to his heirs all his interest in the estate of Abraham Edds deceased late of Albermarle County in right of his late wife **Polley Sheperd** formerly **Polley Edds** daughter and heir of the said **Abraham Eads** deceased all of his interest in the Estate of **Joseph Edds** in right of his said late wife Polley formerly **Polley Edds** who was a sister of the said **Joseph Edds** also all the interest which he now has or may have that is to say- Whereas the said **Anthony Sheperd** has but one child and that ____ -les by the name of **Fanny** who has lately intermarried with **Joseph Scruggs** of Albermarle County and for whom he professes the utmost regard that is possible for a (husband) have for an only child and wishing to provide for her and her children's maintenance and comfort through life is desirous to appropriate to the said purposes as far as it will ____ the means thereof the exclusive use and enjoyment of all the interest which he now has in the estates herein before mentioned and the real and personal property also herein before mentioned – now therefore be it known that the said Walker Timberlake, Basil M. Jones and William J. Timberlake and the survivor of them and his heirs are to have and to hold and and ____ legally possessed of all and every part of the property herein before mentioned as in the possession of the said **Anthony Sheperd** and also ____ estates herein before mentioned so soon as it may come into their hands by a suit or suits or otherwise during the life of the said **Fanny Scruggs** and the advance arising therefrom and from time to time and as often as they may think needful to applied by these trustees or either of them or the survivor of them or his heirs to them

CITATION: Anthony Sheperd Deed Of Trust, Deed Volume 8-9, Deed Book 9 (1826-1830), Fluvanna Co., pg. 347, LDS 0031470, Card No. 013447

purposes aforesaid of the maintenance and support of the said **Fanny Scruggs** and her present and future children so long as such children or child shall reside with the said **Fanny Scruggs**. But in case the said Trustees or Trustee acting in the _____ shall deem it necessary or expedient they or he may at liberty to permit the said **Fanny Scruggs** to have possession of the property by these presents conveyed that she may thereby receive the benefit and advantages arising therefrom for the purpose afore said _____ at the decease of the said **Fanny Scruggs** or so soon thereafter as the Trustees or Trustee or the survivor of them and his heirs may think proper he the said **Anthony Sheperd** doth hereby empower to make an equal division and distribution of _____ the property Vs herein before mentioned and conveyed or such part thereof as may _____ undisposed of by the said trustee in carrying into effect the purposes of this trust in equal proportions between all the children of the said **Fanny Scruggs**. _____ Testimony whereof whereof the parties to this Indenture hereunto set their hands and seals the day and year first herein written.

Sealed and delivered

In presence of

Anthony Sheperd

Mark

((Seal))

At a Court of Monthly Sessions held for Fluvanna County on Monday the 16th Day of May 1828. This Deed of Trust was this day in open court acknowledged by **Anthony E. Sheperd** a party hereto to be his act Ordered to be recorded.

Testes

John Timberlake C.Fle