

Probate, SC, York, James Brian Jr. 1879

York County ]  
South Carolina ]  
] 22-Jan-1879  
Personally appeared ]  
**MARTHA S BELL** ]

Who being first duly sworn says:

I. That a cause of action exists in favor of the above named plaintiff against the above name defendant and others, the grounds of which appear by the sworn complaint of the plaintiff in this action on file in the office of the Clerk of said Court; that in said action the plaintiff took to enjoin and restrain the sheriff of York County from selling the real estate of **JAMES BRIAN**, deceased, under execution for cash, to the prejudice of the heirs-at-law, and prays that said real estate may be sold under an order from this court under such terms as may be just for the purpose of paying the debts of **JAMES BRIAN**, deceased, according to their legal priorities and for \_\_\_\_\_ of any residue amongst the heirs-at-law of **JAMES BRIAN**, deceased, and that the creditors of said deceased be called in by publication, and for each other relief as may be just and equitable.

II. That **AARON W BRIAN** and **MARTHA J SMITH**, two of the defendants in this action, are necessary parties to the action, the former residing at Camden, Ouachita County, Arkansas, and the latter residing at Jacksonville, Polaski County, in the state of Arkansas; that **MARY J WRAY**, another defendant and necessary part, resides at Kings Mountain, Cleveland County, in the state of North Carolina; and that defendant **SALLY HALL JEFFREYS**, and other necessary parties reside at Hendersonville, Henderson County, in the state of North Carolina: each of the aforesaid defendants being heirs-at-law of **JAMES BRIAN**, deceased, and non-residents of the state of South Carolina, and it not being in the power of the sheriff of York County to serve either of them personally with the summons and complaint in this action.

Sworn to and subscribed before me this 22nd day of January, 1879.

**MARTHA J BELL**  
**JOSEPH F WALLACE**