

Wells Documents

Item 19

Abstract of Title
Lots 3,4 9,10, Block E
Metcalf's Addition
Plat Book 1, Page 49
Part of Lot 4, Section 34, T27S R37E

Original consists of 12 pages of good,
watermarked bond paper plus a fold out
map bound in a blue binder

Scanned 2020/12/26
John Daly

No. 17896.

ABSTRACT OF THE TITLE

TO

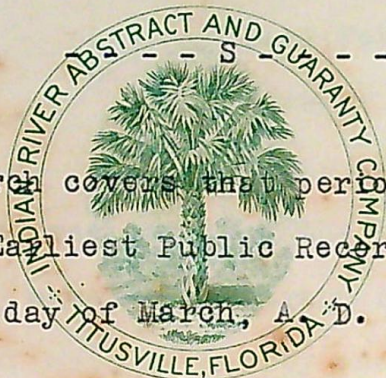
Caption

These certain Pieces, Parcels or Lots of land, situate, lying and being in the County of Brevard and State of Florida, known and described as follows:

Lots 3, 4, 9, and 10, Block E of Metcalf's Addition to Melbourne, according to plat recorded in Plat Book 1, page 49, Public Records of Brevard County, Florida, and being a part of Government Lot 4, Section 34, Township 27 South, Range 37 East.

Period

This search covers that period of time extending from and including the Earliest Public Records of Brevard County to and including the 16th day of March, A. D. 1927.



PREPARED FOR

W. T. WELLS,
By BUTLER & HOGAN

BY

INDIAN RIVER ABSTRACT & GUARANTY COMPANY

TITUSVILLE, FLORIDA.

No. 1
Book I
Page 438

United States of
America,
to
Fred W. Sheffield.

U. S. Patent.
Dated Nov. 13, 1885.
Filed March 16, 1888.
Conveys Lot 4 of Sec. 34, in Tp. 27
S. of R. 37 E. of Tallahassee Meri-
dian in Florida, and other land, containing 156 acres, according to
the Official Plat of the survey of the said lands, returned to the
General Land Office by the Surveyor General which said tract has
been purchased by the said Fred W. Sheffield.

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No. 2
Book G
Page 523

Fred W. Sheffield
and Ada, his wife,
to
W. I. Metcalf.

Warranty Deed. \$1.00
Dated Aug. 5, 1886.
Filed Feb. 7, 1887.

Conveys: Lot 4, Sec. 34, Tp. 27, S.R.
37 E., and other lands, containing
about 240 acres, and recites that the same "are free of all incum-
brances whatsoever, except a Mortgage of \$225, given to Lucy H.
Boardman, which said Metcalf hereby assumes and agrees to pay."

Note: No separate acknowledgment of wife. Written word
seal encircled only follows signature of N.P. taking acknowledgment.
Acknowledged in South Dakota. No Cert. appended to effect that deed
is acknowledged according to Laws of S. D.

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No. 3
Book 1
Page 49

W. I. Metcalf, by
R. B. Burchfiel,
County Surveyor.
to
The Public.

Map or Plat.
Dated Feb. 12, 1890.
Filed Feb. 12, 1891.
This is a Plat, embracing all of Lot 4,
or the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 34, Tp. 27
S., R. 37 E., showing the subdivision thereof into Blocks and Lots,
to be known as Metcalf's Addition to the town of Melbourne.

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No. 4
Book G
Page 186

William I. Metcalf and
L. J. his wife
to
Maria E. Stewart.

Mortgage \$400.00
Dated Dec. 12, 1892.
Filed Dec. 22, 1892.
Encumbers Lot 4, Sec. 34, Tp. 27 S.,
R. 37 E., which is also known as Met-
calf's Addition to Melbourne, excepting therefrom Lot 3 in Block
"A", as shown on the Plat of said Addition to Melbourne, now on
file in the Clerk's Office of Brevard County, heretofore sold to
George A. Ducker by deed recorded in Book "N" on page 334 of said
County records. (And encumbers other land not described in Caption.)

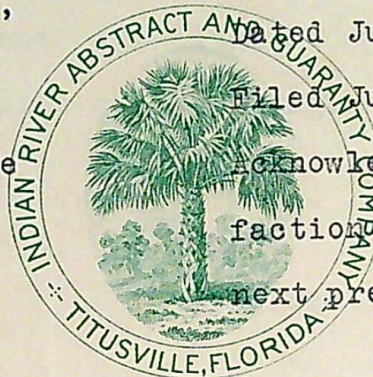
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No. 5
Book 2
Page 170

Maria E. Stewart and
A. A., her husband,
to
William I. Metcalf
and L. J., his wife

Satisfaction.
Dated July 27, 1895.
Filed July 27, 1895.

Acknowledges full payment and satis-
faction of Mortgage noted in Item 4,
next preceding.



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No. 6
Book G
Page 187

William I. Metcalf
and L. J., his wife
to
Marion E. Russell,
(recited feminine).

Mortgage. \$1100.00
Dated Dec. 6, 1892.
Filed Dec. 22, 1892.
Encumbers land described in Item 4 of
this abstract and other land.

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No. 7
Book 3
Page 91

Marion E. Russell and
Alfred, her husband,
to
William I. Metcalf and
L. J., his wife.

Satisfaction.
Dated April 7, 1897.
Filed July 14, 1897.
Acknowledges full payment and satis-
faction of Mortgage noted in Item 6,
next preceding.

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No. 8
Book T
Page 737

Wm. I. Metcalf and
L. J. Metcalf, hus-
band and wife

to

Jacksonville, St. Au-
gustine and Indian River
Railway Company.

Warranty Deed. \$1.00

Dated April 8, 1893.

Filed April 20, 1893.

Conveys: A strip of land 75 feet in
width being 37½ feet in width on
either side of the center line of
the said parties railroad located on

part of and across the W½ of the SE¼ and Lot 4 of Sec. 34, Tp. 27
S., R. 37 East where the said road is now graded thereon said se-
cond party is to build and maintain suitable fences on either side
of said track and to build and maintain suitable and necessary
road crossing over said track as may hereafter be required by said
first parties or their heirs and assigns, together with all and
singular the tenements heretofore and appurtenances thereunto be-
longing or in any wise appertaining



No. 9
Book W
Page 98

Wm. I Metcalf and
L. J. Metcalf, hus-
band and wife,

to

The Jacksonville, St.
Augustine and Indian
River Railway.

Warranty Deed. \$1.00

Dated March 10, 1893.

Filed Nov. 11, 1893.

Conveys: Known as being the N½ of the
SE¼ of the SE¼ of Sec. 34, Tp. 27 S.
R. 37 East, Fla. containing 20 acres
of land, subject to certain mortgages

amounting to \$1500.00 on said lands and other properties.

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No. 10
Book 1
Page 45
Inc.

State of Florida,

to

Jacksonville, St. Augus-
tine & Indian River Rail-
way Company, a Corporation.

Letters Patent.

Dated Sept. 13, 1895.

Filed Oct.. 14, 1895.

Changes the name of the said Company
to Florida East Coast Railway Com-

pany.

Signed by the Governor, and countersigned by the Secre-

tary of State. State Seal.

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No. 11
Book EE
Page 13

Florida East Coast Railway Company, a Corporation existing under the laws of the State of Florida

Quit Claim Deed. \$1.00
Dated May 28, 1897.
Filed June 25, 1897.

to
William I. Metcalf.

Quit-Claims: Known as being the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34, Tp. 27 S., R. 37 East, containing 20 acres

more or less, being the same land erroneously conveyed by the said William I. Metcalf and wife to the J. St. A. & I. R. Ry. Co. (now the Florida East Coast Railway Co) by deed dated March 10, 1893.

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No. 12
Book 2
Page 47
T/S

Tax Collector, Brevard County, Florida

Report of Tax Sale \$0.21.

to

Dated Apr. __, 1893.

State of Florida.

Certificate No. 537.

Melbourne, Sec. 34, Tp. 27 S. R. 37 East.

Sold under name of "Unknown" as owner, Lot 3, Blk. E., Metcalf's Addition to



No. 13
Book 2
Page 47
T/S

Tax Collector, Brevard County, Florida

Report of Tax Sale. \$0.21.

to

Dated Apr. __, 1893.

State of Florida.

Certificate No. 538.

Melbourne, Sec. 34, Tp. 27 S. R. 37 East.

Sold under name of "Unknown" as owner, Lot 4, Blk. E., Metcalf's Ad-

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No. 14
Book 2
Page 47
T/S

Tax Collector, Brevard County, Florida

Report of Tax Sale. \$0.21.

to

Dated Apr. __, 1893.

State of Florida

Certificate No. 539.

Melbourne, Sec. 34 Tp. 27 S. R. 37 East.

Sold under the name of "Unknown" as owner, Lot 9, Blk E, Metcalf's Ad-

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No. 15
Book 2
Page 47
T/S

Tax Collector, Brevard
County, Florida
to
State of Florida.

Report of Tax Sale. \$0.21.
Dated Apr. __, 1893.
Certificate No. 540.

Sold under name of "Unknown" as
owner, Lot 10, Blk. E, Metcalf's
Addition to Melbourne, Sec. 34 Tp. 27 S. R. 37 East.

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No. 16
Book BB
Page 91

State of Florida, by
its Governor, and
Secretary of State,
to
Wm. T. Wells

Tax Deed. \$9.20.
Dated Jan. 10, 1896.
Filed Jan. 14, 1896.
Conveys: Lots 3, 4, 9 and 10 of
Block "E" Metcalf's Addition to
Melbourne, Sec. 34, Tp. 27 S. R. 37 East.

Pursuant to Tax Certificates 537, 538, 539 and 540 of
1893.



No. 17
Book BB
Page 362

Wm. I. Metcalf and
Leah J., his wife,
to
Kenyon C. Lathrop.

Warranty Deed. \$400.00
Dated July 17, 1896.
Filed Aug. 11, 1896.
Conveys: Lot 4, Sec. 34, Tp. 27 S.,
R. 37 E., *** and other land.

Lot 4 is Platted and known as W. I. Metcalf's Addition
to the Town of Melbourne, excepting and reserving from the above
**** Lot No. 3 sold to Ducker, Lot No. 19 sold to J. H. McCoy,
Lots 10 and 11 sold to C. H. Stewart and Lots 3 and 4 Block E sold
for taxes; also Blocks G and I sold to Wm. Argue now owned by
Powell.

Recites subject to Mortgage noted in Item 6, which gran-
tee is to pay. Sep. ack. of wife, recites that she executed deed
freely and without fear or compulsion of her said husband, words,
"constraint" and "apprehension" not being used in the certificate
by the Notary.

No. 17 the date of this abstract is made, the said Leah J. Metcalf was
Con. several years deceased.

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No. 18 W. I. Metcalf and
Book CC L. J. Metcalf, hus-
band and wife,

Page 265

to

Kenyon C. Lathrop.

Warranty Deed. \$4000.00 as well as
for other considerations.

Dated Jan. 18, 1897.

Filed June 25, 1897.

Conveys land described as follows:

and known as the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ and
the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ and Lot 4, Sec. 34, Tp. 27 S. of R. 37 E. and
the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 33, and the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 34,
Tp. 27 S. of R. 37 E., excepting and reserving therefrom the Rail-
road Right of Way heretofore conveyed the Cemetery Lot of two
acres, 20 acres heretofore conveyed to H. M. Flagler from the $SE\frac{1}{4}$
of Sec. 33 also about 16 acres heretofore conveyed out of the $NW\frac{1}{4}$
of $SE\frac{1}{4}$ of Sec. 34 to John E. Beach, Gay I. Metcalf and Grant M.
Shervon also Lot No. 19 known as the McCoy Lot. Lot 3 conveyed to
G. S. Ducker Lots 2 and 11 sold to C. H. Stewart 4 lots sold for
taxes as well as a tract of about 7 acres sold to Wm. Argue now
owned by Powell said lots and tract being in Metcalf Addition to
Melbourne. This deed is made to correct a former deed to said
Second party to which deed reference is made for a more full des-
cription. Together with Riparian Rights.

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No. 19 Kenyon C. Lathrop and Ber-
tha H. Lathrop husband and
Book 78 wife by Julia E. Comstock
Page 289 their attorney in fact.

to

Duncan McLaren.

Warranty deed. \$1.00 & OVC.

Dated Jan. 3, 1901.

Filed Sept. 23, 1918.

Conveys: The $W\frac{1}{2}$ of the $SE\frac{1}{4}$ and the
 $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ and Lot 4 Sec. 34, Tp.
27 S. R. 37 E. and the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$

of Sec. 33 and the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 34, Tp. 27 S. R. 37 E. ex-
cepting and reserving therefrom the railroad right of way hereto-
fore conveyed and the Cemetery lot of 2 acres, also 20 acres here-

No. 19
Con.

tofore conveyed to H. M. Flagler from the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, also about 16 acres heretofore conveyed out of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34 to John B. Beach, Guy I. Metcalf and Grant M. Sherbon, also Lot 19 known as the McCoy lot, Lot 3 Block A conveyed to G. L. Ducker; Lots 2, Block C and 11 Block F sold to C. H. Stewart, four lots sold for taxes 3, 4, 9 and 10 in Block E as well as a tract of about 7 acres sold to William Argue now owned by Powell, said lots and Argue tract being in what is known at Metcalf's Addition to Melbourne, Also Lots 1, 2 and 3 Block A owned by Charles L. Merritt of New York State. Also lot 6 owned, Block A by Mrs. A. Thomas, Also a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34, Tp. 27 S. R. 37 E. in Brevard County Florida and described as follows: Beginning at a point 540 ft. S. of the NE corner of said tract and running thence East 1320 ft. to the West line thereof, thence S. 330 ft. thence East 1320 ft. thence North 330 feet to place of beginning and intended to contain ten acres of land, excepting therefrom the railroad right of way across said land. Also excepting all of Block B and all we own in Blocks C E and F also excepting lots 4, 5, in Block F all of lots in this conveyance and in exceptions mentioned are in the Metcalf addition to Melbourne above described and in Block A are repeted as follows: viz: Lots 1-2-3-6- and 19 all of which in Block A are excepted.

Note: This Item is shown for information.

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No. 20

Abstracter's Note: The records of County Judge of Brevard County Florida show that W. I. Metcalf died Dec. 7, 1921, leaving a will, but due to time elapsing since the Tax Deed noted in Item 16, we are omitting this Estate from this Abstract, but same will be furnished on requisition.

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No. 21
Book SS
Page 424

F. Q. Brown, Trustee,
and F. Q. Brown and
Ida E., his wife

to
Braxton Beacham.

Warranty Deed \$10.00 & OVC.

Dated Mar. 1, 1902.

Ack. Feb. 3, 1904.

Filed Dec. 19, 1905.

Conveys: (or purports to convey)
Sec. 34, Tp. 27 S., R. 37 E., and
other lands.

Abstracter's Note: According to arrangement of descriptions in this deed, by Townships and Ranges, this Township should seemingly be 37 instead of 27, locating the land ten Townships South of Section under search, where grantors owned land.

Note: N.P. does not state when commission expires.

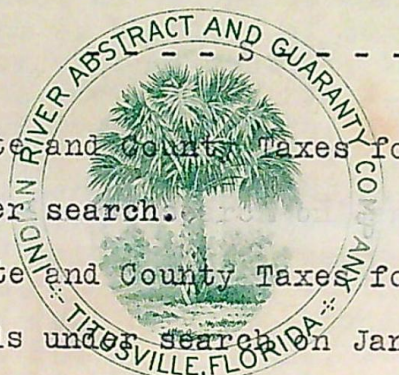
No. 22

The State and County Taxes for the year 1926 have been paid on lands under search.

The State and County Taxes for the year 1927 became by law a lien on lands under search on Jan. 1, 1927, but are not due and payable until on or after Nov. 1, 1927.

We suggest inquiry as to the payment of Municipal Taxes and Assessment for Municipal Improvements.

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ACTS OF 1925, LEGISLATURE OF FLORIDA.

AN ACT Declaring all Proceedings Taken by the City Council of the City of Melbourne, Florida, in Passing an Ordinance on January 15, 1925, to Annex Certain Territory Contiguous to said City, and all proceedings Relating to said Annexation, Void and of no Effect, Also Enlarging, Extending, Establishing, and Redefining the Corporate Limits of the said City of Melbourne a Municipal Corporation, Situate in Brevard County, Florida. BE It Enacted by the Legislature of the State of Florida:

Section 1. All acts, doings and proceedings of the City Council of the City of Melbourne, Florida, in passing and enacting an ordinance on the 15th day of January A. D. 1925, to annex territory, contiguous to the City of Melbourne, Florida, and all proceedings relating to the Annexation of said territory pursuant to or in connection with said ordinance, are hereby declared to be null and void.

Section 2. That the corporate limits of the City of Melbourne, Florida, are hereby enlarged and extended so as to include in and compose the corporate limits of said City all the territory lying within and defined by the following boundaries, to-wit: Beginning at the NW corner of the SW $\frac{1}{4}$ of Sec. 28, Tp. 27 S. R. 37 E, thence run South along the West boundary of said Sec. 28 to the SW corner of said section, thence S. along the W. boundary of Sec. 33 Tp. 27, S. R. 37 E. to the SW corner of said section, thence E. along the Township line which divides Tp. 27 S. and Tp. 28 S. R. 37 E. to the NW corner of Sec. 4, Tp. 28, S. R. 37 E, thence S. along the W. boundary of Sec. 4, 9 and 16 to the SW corner of the NW $\frac{1}{4}$ of said Sec. 16, Tp. 28, S. R. 37 E., Thence E. through the center of said Sec. 16 to the $\frac{1}{4}$ Section post on the E. boundary of said Sec. 16 thence E. through the center of Sec. 15, Tp. 28, S. R. 37 E., to the $\frac{1}{4}$ Section post on the E. boundary of said Sec. 15, thence E. through the center of Sec. 14 Tp. 28, S. R. 37 E., to the $\frac{1}{4}$ Section post on the E. boundary of Sec. 14, thence E. through Government Lot 1, Sec. 13, Tp. 28 S. R. 37 E., on the projection Eastward of the center line of Sec. 14 to the channel of the Indian River. Thence Northwesterly along the Government Channel of Indian River to the intersection of said channel with the projection eastward of the S. Boundary of the N $\frac{1}{2}$ of Sec. 27 Tp 27 S. R. 37 E.; thence W. along the S. boundary of the N $\frac{1}{2}$ of said Sec. 27, to the $\frac{1}{4}$ section post of the W. boundary of said section 27, thence W. through the center of Sec. 28, Tp. 27, S. R. 37 E., to the point of beginning, and being situate in Brevard County, Florida, and said territory lying within said boundaries as redefined is hereby established as corporate limits of said City of Melbourne, Florida. SECTION 3.-That the said City of Melbourne, Florida is hereby given and granted all public property, lots, franchises, easements, streets, roads and public highways now located and dedicated, acquired, laid out, platted or conveyed to the public in all the territory described in Sec. 2 of this act. SECTION 4.- That all the ordinances of said City of Melbourne, and all laws heretofore passed by the Legislature of the State of Florida, relating to said City, and all laws which now or may hereafter constitute its charter, shall apply to and have the same force and effect in all the territory described in Sec. 2 of this Act as if all of such territory had been a part of the City of Melbourne at the time of the passage and approval of such laws and ordinances.

SECTION -5. This Act shall take effect immediately upon its becoming a law.

Approved June 2, 1925.

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CERTIFICATE

INDIAN RIVER ABSTRACT & GUARANTY COMPANY, a Corporation under the Laws of the State of Florida, hereby certifies that the annexed Abstract of Title, consisting of Items numbered from 1 to 23 inclusive, was compiled from the public records of Brevard County in said State, and shows:

All Conveyances, Liens, Judgments at Law and Decrees in Chancery describing the lands designated in the Caption hereof recorded in the office of the Clerk of the Circuit Court prior to and including the 16th day of March, A. D. 1927.

2nd. All unsatisfied judgments and Decrees for the recovery of money, if any, recorded in the Office of the Clerk of the Circuit Court of Brevard County, Florida, affecting the title to ~~land~~ described in the Caption hereof, except judgments against those parties, if any, having an interest in said land and whose names do not appear herein as grantors or grantees or owners of an interest in said land as heirs or devisees or by decree.

3rd. All unredeemed Tax Sales of said land, or any part thereof, for unpaid taxes levied by Brevard County during the period aforesaid.

4th. All unredeemed Tax Sales of said land, or any part thereof, for unpaid taxes levied by any Town or City in which said land may be located, which are recorded in the office of the Clerk of the Circuit Court of said Brevard County.

Excepting however, matter relating to roads or highways adjoining or across said land, the County, at present, not having any satisfactory records of the location of its roads or highways.

IN WITNESS WHEREOF, INDIAN RIVER ABSTRACT & GUARANTY COMPANY has hereunto signed its name by its Actuary, and has affixed its Corporate seal, at Titusville, Florida, as of the date above mentioned.

INDIAN RIVER ABSTRACT & GUARANTY CO.,

By

H. C. Conkling

Actuary.

No. 17896.

Abstract of Title

FOR

W. T. WELLS.
BY BUTLER & HOGAN.

TO

Lots 3, 4, 9 and 10, Block E,
Metcalf's S/D - an Addition
to Melbourne.

Covering the Period From the Earliest Records of
Brevard County, Florida, to and Including

March 16, 1927.

INDIAN RIVER ABSTRACT &
GUARANTY CO.
TITUSVILLE, FLORIDA

METCALF'S ADDITION to MELBOURNE, FLORIDA.

Embraced in and containing all of Lot 4,
Sec 34, T 27 E, R. 37 E
Scale 160 feet to the inch

The State of Florida }
Brevard County ss } Before the undersigned, a Notary Public
in and for the County of Brevard, personally appeared
Wm J Metcalf, who acknowledged the foregoing plat to have
been made for him and at his request for the purpose
of recording the same as a plat of Record and
authorizing the Clerk of the Court of said county
to file a record the same.

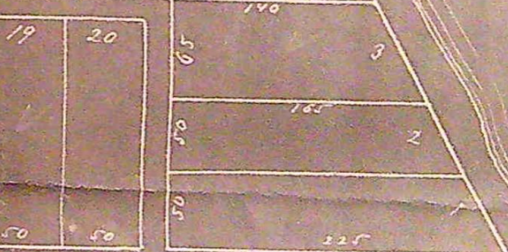
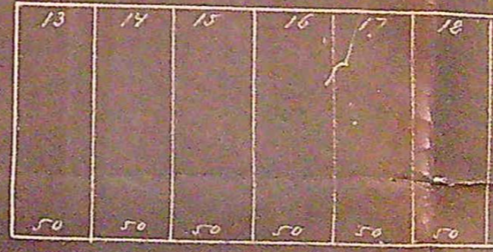
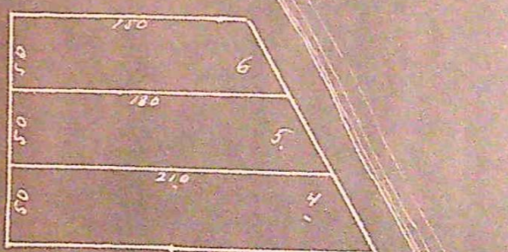
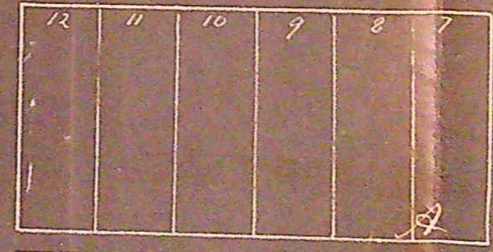
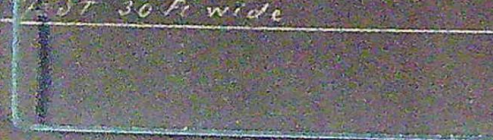
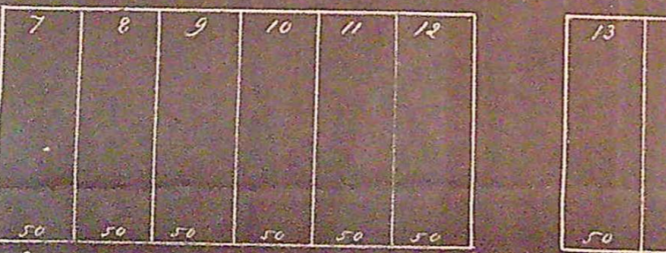
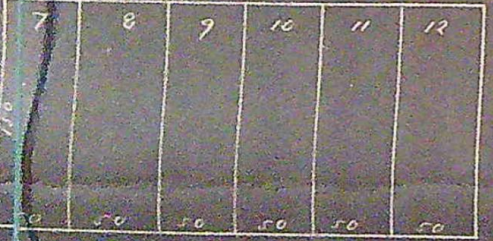
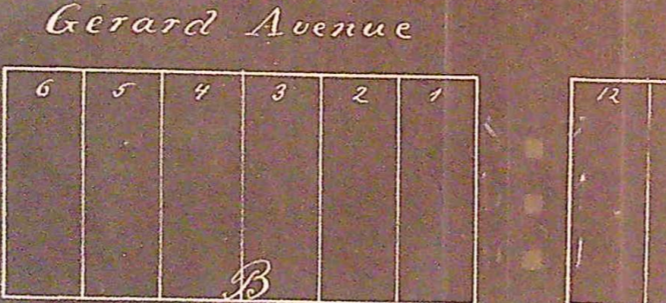
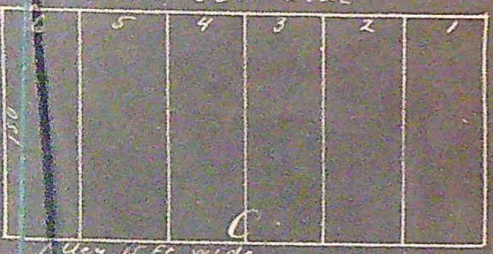
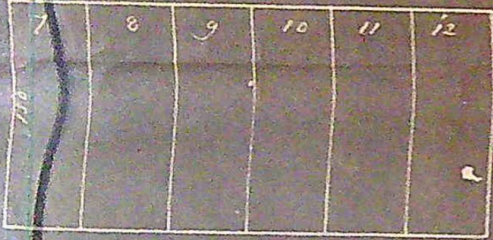
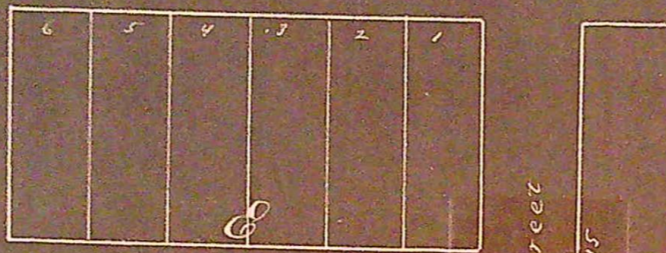
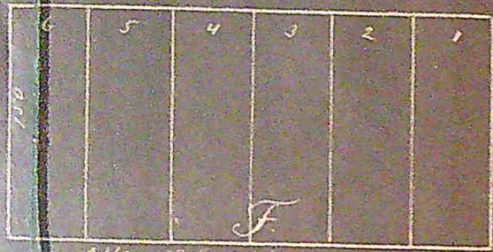
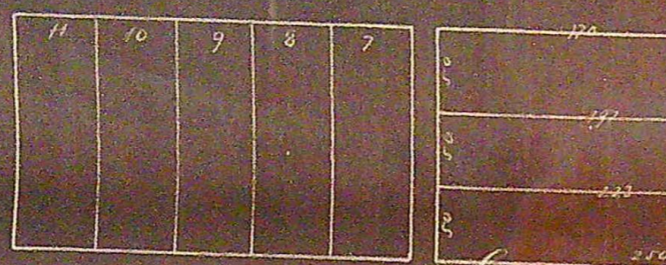
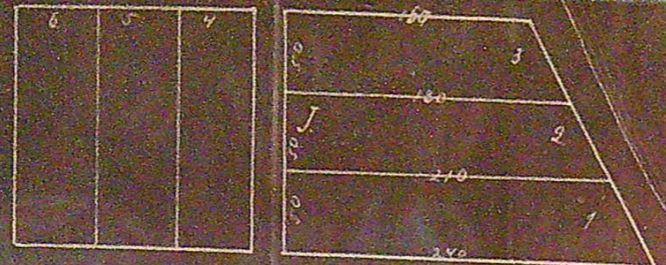
William J. Metcalf

Signed in my presence and acknowledged
before me this 12th day of February
1890

R. B. Burchette

Notary Public

State of Florida



County of Brevard }
State of Florida }
That this plat correctly represents
the survey made by me on June A.D. 1888
R. B. Burchette
Notary

Filed in the Office of
Brevard County Fla. by
Wm J Metcalf February
12th 1891
A. A. Stewart
Clerk

Transcribed from the Original
Nov 1896 by J. O. Fries
Columayo

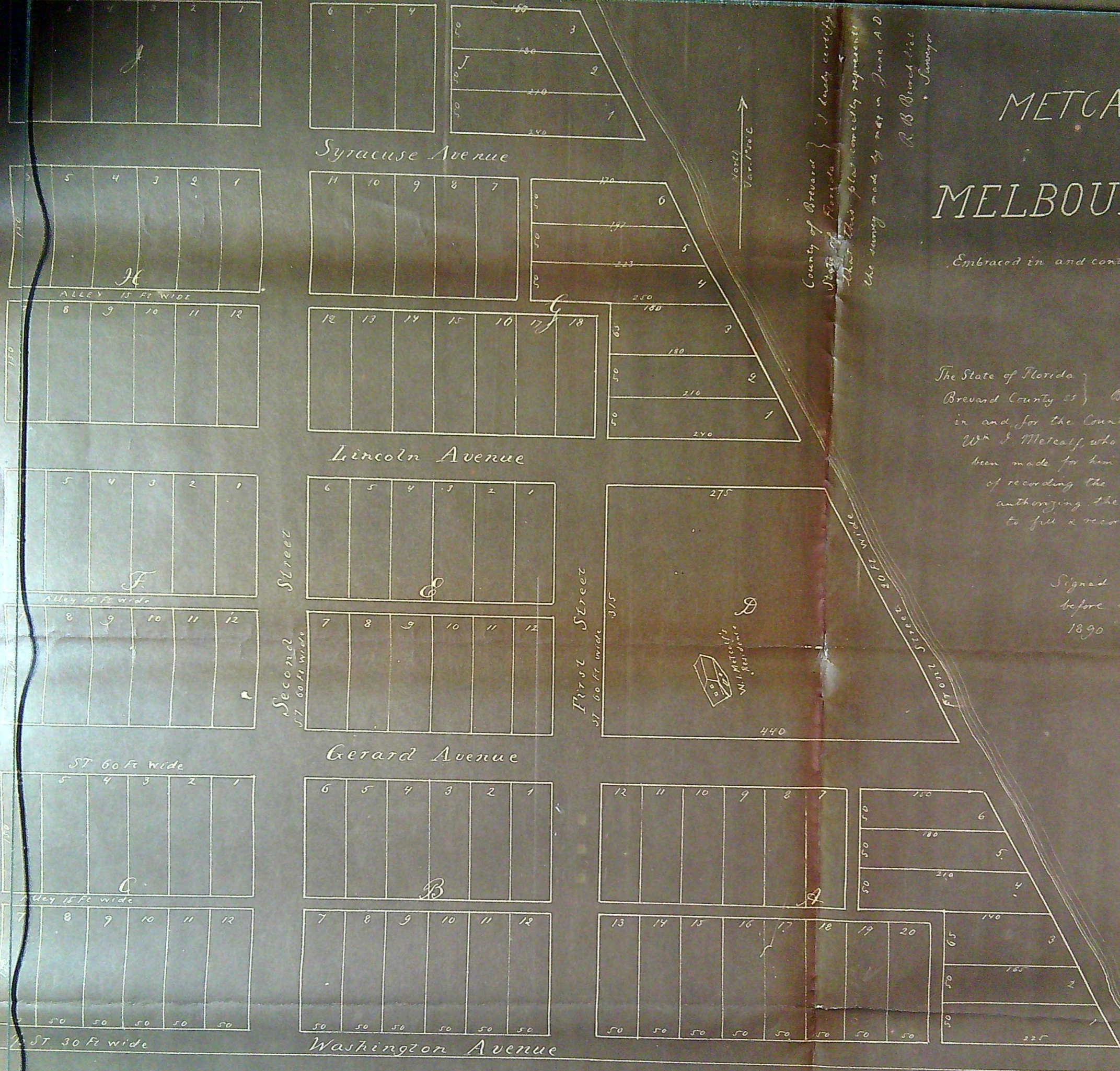
METCALF'S ADDITION to MELBOURNE, FLORIDA.

Embraced in and containing all of Lot 4.
Sec 34. T 27 E. R. 37 E
Scale 160 feet to the inch

The State of Florida }
Brevard County ss } Before the undersigned, a Notary Public
in and for the County of Brevard, personally appeared
Wm J. Metcalf, who acknowledged the foregoing plat to have
been made for him and at his request for the purpose
of recording the same as a plat of Record and
authorizing the Clerk of the Court of said county
to file a record the same
William J. Metcalf

Signed in my presence and acknowledged
before me this 12th day of February A.D.
1890
R. B. Burchell
Notary Public
State of Florida

County of Brevard } I hereby certify
State of Florida }
that this plat correctly represents
the survey made by me on June A.D. 1890
R. B. Burchell
Surveyor



Filed in the office of
Brevard County Fla by
Wm J Metcalf February
12th 1891

A. A. Stewart
Clerk

Transcribed from the Original
Nov 1898 by J. O. Fries
Columayo