

1888-03

Southampton County Chancery -

Baker, R.H., Jr.
Trustee

vs

Person, Peter et al

creditor's suit

Francis Bro -

Prince, J.B. Trustee
Turner, Geo. W.
" , J.E.P. (acc.)

2^d Hon: Geo. Blow, Judge of Circuit Court
of Southampton County:-

Humbly complaining sheweth unto Your
Honor your complainant R.H. Baker Jr.,
Trustee for Francis & Bros. that at the
May term 1884 of the Circuit Court
of Southampton he recovered a Judg-
ment against Peter Purson for the sum
of \$584.⁹⁰ with interest from Jan'y
1st 1884 and \$8.⁶⁶ costs, which said
Judgment was duly docketed in
the Clerk's Office of the Circuit
Court of Southampton, a copy of
which is herewith filed, marked
"Exhibit A" & prayed to be read as
a part of this bill; that, of this
Judgment, though execution issued
thereon, no part has been paid,
the execution having been returned
"no property"; that the records of the
Clerk's office of the County Court of
said County show that the said
Peter Purson, together with his wife,
Ada P. Purson, has executed a deed
of Trust to J.B. Prince, Trustee, to
secure a debt for \$1500.⁰⁰, with interest,
due to Geo. W. Turner and J.E.P. Turner;

that the said J. E. P. Turner has departed this life and Sec. 10, Turner qualified as administrator upon his Estate, a copy of said qualification being herein filed, marked, "Exhibit B" & prayed to be read as a part of this bill; that the said Peter Person is seized and possessed of a certain tract or parcel of land lying on Meherrin River in the County of Southampton, containing 965 acres, more or less and adjoining the lands of W. B. Person, B. G. Turner, David Turner & others; that on the 9th day of Jan'y. 1884 the said Peter Person made and executed and had recorded in the Clerk's office of said County, a deed of Homestead whereby he set apart for the benefit of himself and family personal property therein mentioned, estimated to be of the value in the aggregate of \$895.⁰⁰, and an interest in the said tract or parcel of land to the extent of \$995.⁰⁰, all which will more fully appear in a copy of said Homestead deed herewith filed marked "Exhibit C"

and prayed to be read as a part of this bill. — Now your Complainant avers and charges that, after satisfying the deed of Trust and the deed of Homestead hereinbefore mentioned, there will be a considerable surplus of the said Real Estate, the rents & profits of which will not in five years satisfy the judgments which are liens upon the same, and your Complainant is advised that he is entitled to have the said surplus sold to satisfy his own & the other liens thereon.

In consideration whereof your Complainant prays that the said Peter Person, J. B. Prince, trustee, and Geo. W. Turner, in his own right and as Adm^r. of J. E. P. Turner, decd., be made defendants to this bill & required to answer the same; that proper process issue; that all proper orders and accounts be ~~directed~~ ^{in Chancery} & taken; that the lien creditors of said Peter Person be convened before a master Commissioner ^{in Chancery} of this Court; that the lien debts of said Peter Person be ascertained & the amounts thereof and

their order of priority of lien be established; that, if it appears that the rents & profits of the said surplus will not in five years pay the judgments which are liens upon the same, that it or so much thereof as will suffice to satisfy the liens thereon & the costs of suit & sale, be sold & the proceeds thereof be applied to the payment of said costs & liens; that if such rents will so suffice the said real estate be rented out & the rents & profits thereof be applied to the said liens till they are fully satisfied, and that all such other, further relief may be given as in the premises is just and right. And your complainant will con-
w. J. Sebrice, p. 9.

Baker, Trustee - ~~125~~
vs. 3 Bill Exch.

Pusan et al.

Sebrice, p. 9.

Santa Barbara Circuit Court

May Term 1885

R. H. Baker Trustee for Francis & Bro.

vs

Peter Benson

Defendant

Judgment against Defendant for
Plaintiff Five hundred and Eighty four
\$7100 Dollars with legal interest
thereon from Jan'y 1st 1884 till paid
and Costs \$8⁶⁶

Abstract

Teste J. B. Bruce C. C.

Whereas the Legislature of Virginia
did by an Act approved the 27 of June
1870. prescribing in what manner a
householder and head of a family shall
set apart and hold a homestead for the
benefit of himself and family exempt
from sale or debt direct that in order
to be entitled to the full benefit of
a homestead exempt from levy
against garnishing or sale the said
householder and head of a family shall
declare in the same of the property so
set aside by deed duly recorded,
Now therefore this Deed testifies that
that C. Peter Persons a householder
and head of a family residing in
the County of Southampton, State of
Virginia do set apart the following
property to wit all my interest in a
certain tract of land lying in the
County of Southampton, containing
96 5 acres bounded north by the land
of Dorcy Turner and J. L. Persons West
by the land of J. R. Persons, South
by the land of W. L. Persons, and
H. A. Francis, the said Tract of land
having been conveyed by me to J. B.
Francis Trustee to secure a debt

And the Estate of J. E. Turner died the
debt now due \$1900^x, the said tract of
land appraised at \$2895^x, and my inven-
tionary interest or remainder being
\$995^x, Two horses valued at \$200^x, 10
head of hogs cattle valued at \$80^x 10 hogs
valued at \$60^x Two carts valued at \$20^x
all my farming implements, valued
at \$15^x, household & kitchen furniture
valued at \$80^x, Twenty five barrels
of Corn at \$25^x, 7500 pounds of
saddles valued at \$75^x One buggy and
harness valued at \$50^x one double
barrel Shotgun valued at \$10^x one
pistol valued at \$3^x one gold watch
valued at \$50^x, total valuation all the
above property \$1890^x all the said
property to be held by us as a homestead
under the above receipt and for
the benefit of myself and my wife,
Ada P. Persons, and our live infant
children,

Attest my hand and seal this
7th day of Jan'y: 1884

Peter Persons (seal)

Southampton County, South Carolina
Office on the 9th day of June 1884
This deed of Hamstead & from John
Benson, was this day received and
acknowledged before me and entered
to record

Test. J. B. Brown C.C.

Copy Test. Jas L. McQuinn

Baker, Trustee
of the
Costs -
Prison

Costs = Sum 20. Cofr 30. receipt 18. Atty 10. Doct 18. Moving
return 35. Rules 1.00. filing fees 15. Exhibs 15. Cofr En. 1.00
Decease + Cofr 72. Tax Cost + Cofr 40 filing papers 25
filing Comm's report 25. Continuances + 1.00 = GRK \$5.58

B. F. M. " .85

Lawfr. 16.50

Comm's 132m 5.00

Filing Costs 2.50

Shk

\$ 30.43

1.50

31.50

Baker, Trustees &c

v 3 Sum

\$
Pay to et. al.

1885. Aft. Rules

Per: Lt

Executed March 31st
1885 by delivering to each
of the parties named within
a copy of their summons

L. W. Vick

Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON *Peter Person, J.B. Prince, trusted*
and Geo. W. Turner, in his own right and as Atty of
J.E.P. Turner

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court

on the first Monday in

April

next, to answer a bill in Chancery exhibited against

them

in our said Court by

R.H. Baker, Jr., Trustee for Francis W. Mo-

re

And this

they

shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

30"

day of

March

, 188*5*,

in the

109"

year of the Commonwealth.

Teste.

J.B. Prince C.C.

Southampton County Court Octo:
Term 1882

On the motion of G. W. Turner who
made oath according to Law and together
with G. C. Hargrave his security (who
justified on oath as to his sufficiency)
entered into and acknowledged a bond
in the penalty of Twenty five Thousand
Dollars, conditioned as the Court direct
which bond is ordered to be accorded,
Certification is granted the said George W.
Turner for obtaining letters of adminis-
tration on the Estate of J. C. F. Turner
decd. in due form.

Attest
J. P. Pringle C. C.

~~9~~ 62
Baker Trustee re
vs- 3 Decree
Person

Nov. Term 1886.

✓
To be entered -

Geo. Blow.

We consent to this
Decree -

W. J. Sebrell P. G.
Shands & Son p. cl

Baker Trustee &c
vs 3 Decree
Person

This Cause came on this day to be heard on the bill taken for Confessed and the exhibits filed, and was argued by Counsel, On Consideration whereof the Court ^{by Consent of Parties} doth [^]adjudge order and decree that a Commissioner of this Court convene before him the lien Creditors of Peter Person and audit and state the following accounts, to wit; 1st An account of the lien debts of the said Person distinguishing their priorities. 2nd An account of the annual and absolute value of his real estate; and the said Commissioner is also directed to enquire whether or not, in his opinion, the rents and profits of the said real estate will in five years pay the liens on the same, and report his proceedings under this order to Court, together with any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by any party interested —

Baku Trustees &c
vs 3 Decur
Person

Copy

Apr 20.

Baker Trustee &c
v ^{vs} ^{vs} Decree
Person

This cause came on this day to be heard on the bill taken for confessed and the exhibits filed, and was argued by counsel on consideration whereof the Court doth by consent of parties adjudge order and decree that a Commissioner of this Court convene before him the lien creditors of Peter Person and audit and state the following accounts to wit: 1st An account of the lien debts of the said Person distinguishing their priority, 2nd an account of the ~~concurrent~~ and absolute value of his real estate, and the said Commissioner is also directed to enquire whether or not, in his opinion, the rents and profits of the said real estate will in five years pay the liens on the same, and report his proceedings under this order to Court, together with any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by any party interested.

Accepny - Testo:

J. B. Prince cc.

Commissioner's Office,

Jerusalem, Va. Apr 1st 1887

To Baker, Trustee & Plff }
against }
Person - } Chancery
Deft.

You are hereby notified that I have fixed upon the 20th day of April next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st. An account of the liens debts of Peter Person. distinguishing their priorities.
- 2nd. An account of the annual and absolute value of the real Estate of said Person. and the said Commissioner is also required to state whether or not, in his opinion, the rents and profits of said real Estate will, in five years, pay the liens on the same. With anything matter specially stated deemed pertinent &c. &c.

required to be taken by a decree of Southampton Circuit Court rendered at the November term, 1886, in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

B. F. McLeure

Commissioner.

To the Sheriff of Southampton County to Execute.

Baker, Dansted &c
vs Natico
Person

1887. April 20th

Executed April 15th
1887 by delivering a
Copy of writ to Peter
Person

J. L. Barham
Sheriff

2

An account of the lien debts of Peter Person arranged according to their Dignities and priorities taken by B. F. M. Lemore Commissioner in Chancery of the Circuit Court of Southampton County on the 26th day of April 1887. Pursuant to Notice herewith filed and in obedience to a decree of the Circuit Court of said County, entered at the Nov. Term 1887. in the Chancery Cause of Baker, Trustee vs Person.

1st
A Deed of Trust Executed by Peter Person wife to J. B. Parnes Trustee for the benefit of Geo. W. & J. E. P. Turner. admitted to record in the Clerk's Office of Southampton County on the 17th day of Feb: 1873 to secure a bond bearing even date with this deed. 1 for

1500 00/1500 00

2nd
A Judgment in favor of R. H. Baker Jr. Trustee for Francis & Bros. Int: from Jan 1/84 to May 1/87. Costs

584.90

116 98

8 66 1/2 710.54

Total amt lien debts.

\$722 10.54

Respectfully Submitted
B. F. M. Lemore
Comm'r in Chancery

An account of the annual and actual
value of the real Estate of Peter Person.
taken by virtue of a decree of the Circuit
Court of Southampton County. entered at
the Nov^r Term 1886. in the Chancery Cause
of Baker, Deceased, v^r Person. on the 20th day
of April 1887. by B. F. M. Lenoire, Com^r in
Chancery.

965 acres of land, valued at	\$300000
Annual Value of same	\$24000

Respectfully Submitted
B. F. M. Lenoire
Com^r in Chancery

Commissioner's Office.
Jerusalem Va.

April 20th 1887.

To the Circuit Court of Southampton
County:

In obedience to a decree of the Circuit Court of Southampton County rendered at the November Term 1887 in the Chancery Cause therein depending under Style of Baker Trustee v. Person, the undersigned, one of the Commissioners of said Court, to whom was referred for settlement, by said decree, An Account of the lien debts of Peter Person, with their priorities, and an account of the actual and annual value of the real Estate of said Person; reports to Court, that on the 1st day of April 1887, he issued Notice to the parties aforesaid, requiring them to attend the settlement of taking of said accounts, before him at his Office, in Jerusalem, on the 20th day of April 1887; that said Notice has been returned Executed, and is herewith filed; that the Defendant appeared in person, and

that the Plaintiff was represented by Counsel; and thereupon your Commissioner proceeded to take the following accounts, 1st: An account of the lien debts of the said Peter Person, and find the following to wit: 1st a bond of \$1500.⁰⁰ Executed by said Person. payable to Geo. W. & J. E. P. Turner. secured by deed of Trust from said Person & wife. which said deed was duly admitted to record in the Clerk's Office of Southampton ^{County} Court, on the 17th day of Feb'y 1873. and conveyed all of the real Estate of the grantors. The Commissioner has not been able to ascertain, accurately, the amount of interest due on the above bond, but is informed that the debt, inclusive of interest. at the date of this report, amounts to about \$2200.⁰⁰. 2nd Judgment in favor of R. H. Baker. Trustees for Francis & Bros., inclusive of interest and costs of suit, amounting to \$710.⁵⁴, the two debts herein reported, amounting in the aggregate (exclusive of interest on the bond secured by the

Trust Deed) top 2210. ⁵⁴.

2nd - An Account of the actual and annual value of the real Estate of Peter Person. and finds him charged on the Land Books of this County, with 965 acres of land. Appraised at \$3000.⁰⁰ - as the fee simple value; the annual value of which, the Com'r ascertains to be \$240.⁰⁰, which is 8% of the actual value. From the foregoing, it will be seen, that the rents and profits of the aforesaid real Estate will, in five years, pay off and discharge the lien of the judgment above reported, but, that it will not be sufficient to satisfy the debt secured by the trust deed and lien of the judgment, combined. The Commissioner, deeming it pertinent reports specially: That on the 9th day of January 1884, Peter Person, the Defendant in this suit, filed in the Clerk's Office of the County Court of Southampton County, his Deed of Homestead, in accordance with section four, of Chapter 183, of the Code of Virginia 1873, in which deed said Person claims the benefit

of the Homestead Exemption, for the use of himself and family, in certain personal property therein described, and also, his equity of redemption in all his real Estate, subject to the lien of the deed of trust hereinbefore referred to.

Respectfully Submitted.

D. F. McLeod

Comr in Chancery

Commissioner's fee

\$5.00

Chg Plaintiff.

Baker, Trustee
Report
Person
1887. April 20th filed.

Baker, Trustee re.,
m.  Secrecy.
Person.

May Term 1888.

To be entered—
CMH:il
✓

Primer & Scrill,
N.Y.

Baker, Trustee &c.

n. } Dierce.

Person.

This day this cause came on to be further heard upon the paper formerly read and upon the statement of the Attorneys for the plaintiffs showing that the matters involved in this suit have been settled by compromise ^{and was argued by counsel} between the parties. On consideration whereof and it appearing to the Court that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

Baker, Trustee &c

or $\frac{3}{3}$ Stat: Rules

Person & others

~~~~~

In Southampton Circuit Court.  
R.H. Baker Jr. Trustee for Francis & Bro. Plff  
against.

Peter Pelam, J.B. Pinner Trustee and Geo W.  
Turner in his own right and as Adm'r of  
J.R.P. Turner dec'd.

In  
Chancery  
Defts

1885

Feb 30

Summons to Apl Pinner.

Apl Pinner.

Summons Sd. Pinner & Exhibits filed.

Decree nisi vs Defts.

May ..

Cause set for hearing.

Baku, Intwte.,  
v.   
Person.

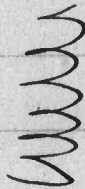
Statement of  
Atty. for plff.

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Baker, Justice re.,

Mr.

Person -



The matters in controversy in this suit have been settled by compromise between the parties -

Prince & Sebrice - p. 4