

1888-09

Southampton County - Chancery

Lloyd, M. J. vs Cobb, W. J. et al

To sell land to
satisfy Judgment

Orellan, S. B. Trustee
Thurday, John A.
Orellan, J. D.

M. J. Lloyd

vs $\frac{2}{3}$ Bill re.

H. J. Lott tochers

Appl Rules &c

Wm H. Parker, Jr.

To
The Hon. L. M. Hill, Judge of the
Circuit Court of Southampton County,
In Chancery.

Humtly complaining, sheweth unto
your Honor, your Complainant, M. J.
Sloyd, that in a Justice Court held in
the town of Jerusalem, on the 28th. Janu-
ary 1888, he recovered a judgment against
W. J. Cobb for the sum of \$69.39, with
interest from the 1st. January 1888, and
\$1.00 costs, a copy of which is herewith
filed, marked Exhibit "A", and prayed to
be read as a part of this bill; that no
part of said judgment has ever been
paid, and that, the same was duly docu-
mented on the 20th. March 1888; in the Clerk's
Office of Southampton County; that, in ad-
dition to said judgment, a deed of trust
was executed by the said W. J. Cobb to
S. B. Preilow, Trustee, to secure the pay-
ment of a bond for \$1000.00, with in-
terest from January 1st. 1888, in favor of
John A. Handley and S. B. Preilow, which
was filed in the Clerk's Office of South-
ampton County, an examined of Copy
which said deed is herewith filed, marked
Exhibit "B", and prayed to be read as a
part of this bill; that the said W. J. Cobb

is seized and possessed in fee simple of the following tract or parcel of land, to wit that part of the old Geo: H. Gardner tract lying in Southampton County on the east side of the road leading from the Black Creek road to Dor, containing about 300 acres, it being the same tract that was conveyed to the said, Leott by John A. Hurdley and J. D. Preilow and their wives by deed of bargain and sale, to which reference is specially made in the deed of trust herein mentioned and set forth, and, your Complainant further sheweth unto your Honor, that the rents and profits of the said land will not in five years satisfy the lien upon the same, and that he is therefore entitled to have the said land sold to satisfy his judgment and the other liens that may have attached thereon.

In Consideration whereof, he prays that the said H. J. Leott, S. B. Preilow, trustee, John A. Hurdley and J. D. Preilow be made parties defendants to this bill, and required to answer the same; that proper process issue; that all proper orders and accounts be directed and taken; that the lien created by the said H. J. Leott be conveyed be-

fore a Commissioner in Chancery of this Court; that the lien debts of the said H. J. Cobb be ascertained, and the amounts thereof and their order of priority of lien be established; that if it appears that the rents and profits of the said land will not in five years pay the liens upon the same, that it or so much thereof as will suffice to satisfy the liens thereon, and the costs of suit and sale, be sold, and the proceeds thereof be applied to the payment of the said costs & liens; that if such rents will so suffice, the said lands be rented out, and the said rents and profits thereof be applied to the said liens until they are fully satisfied; and that all such other, further, general and special relief may be given as in the premises is just and right; And your Complainant will ever pray, &c.

Wm. H. Parker, f.c.
— " —

In Southampton Justice Court,
M. J. Lloyd January 17 Term, 1888.

Against } Pltff. In Debt
W. J. Cobb. } Deft.

Judgment for the Plaintiff against the Defendant for \$ 69 ⁸⁹ with
legal interest thereon from 1st day of August, 1887, till paid,
and costs, \$1 ⁵⁸

Extract.

Teste: B. A. Lamoore C. C.

Loyd

T. Lums

Cobb et al.

1888. April Rells. Dir.
Ch.

Ex^d. March 31st 1888
by delivering a copy of
this sum, to W. J. Cobb
Q. B. Puttall. J. W. A. Hurdley
& J. D. Puttall

A. F. Cobb Deft for

J. W. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting :

WE COMMAND YOU TO SUMMON

W. J. Cobb. & B. Pretton
Trustee John A. Hensley and J. D. Pretton

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 *M. A. Loya*.

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

Witness, *B. F. McLeunore*
J. B. Prince, Clerk of our said Court, this

26 day of *March*.

188⁸, in the *112* year of the Commonwealth.

B. F. McLeunore

C. C.

Copy of Deed of Trust
from

W. J. Cobb
to

Prulow & Humbley's
Trustee -

Exhibit "12".

141
Lloyd
Stat: Rules
Cobb & others

M. F. Lloyd — Pltff
against
W. J. Leobb. S. B. Peilow. Trustee. John A.
Hendley - and J. D. Peilow. Defs

1888

March 26. Sum: to April Rules

April Rules: Sum: ret? Executed. bills & Ex:
filed, decree nisi to Defs

May " bill taken for confessed & Cause
set for hearing.

This deed made this 12th day of July 1887,
between H. J. Leff of the County of Southamp-
ton of the first part, and S. B. Preilow of said
County of the second part, witnesseth: That for
and in consideration of one dollar to him in
hand paid, the said Leff doth hereby convey
to the said Preilow the following property, to-
wit: That part of the old Geo. H. Gardner
tract lying in Southampton Co., on the east
side of the road leading from the Black-Creek
road to Dover, containing about 3⁰⁰^{acres}, it be-
ing the same tract that was conveyed to
said Leff by John A. Handley and J. D.
Preilow and their wives by deed bearing
same date as this, to which deed reference
is now made for further description of said
land; to have and to hold to the said Prei-
low forever, free from the claims of all per-
sons whatsoever. In trust, however, to secure
the payment of a certain bond bearing even
date with this deed made by H. J. Leff in
favor of John A. Handley and J. D. Preilow
for the sum of One thousand dollars, paya-
ble two years after date with lawful int-
erest from the first day of January 1888;
and, if at the end of the said two years the
said bond be not paid, then the said S. B.
Preilow upon request of said Preilow and

Handley, or either of them, shall take possession of said land and after duly advertising the same, shall sell it at public auction for cash, and out of the proceeds shall pay the expenses of the trust and the balance due on said bond, and then the balance to said Cobb or his assigns.

Witness the following signatures and seal the day and year above written.

H. J. Cobb 

Virginia, Southampton County, to wit:

I, J. L. Parker, a Notary Public, in and for the County and State aforesaid, hereby certify that H. J. Cobb whose name is signed to the writing above bearing date the 12th day of July 1887, appeared before me in my County and acknowledged his signature to the same.

Given under my hand this 12th day of July 1887.

J. L. Parker, N. O.

I hereby certify that this deed has been by me compared with the original, and found to be an accurate copy thereof.

B. F. McLeomore C. C.

Copied and examined March 23rd 1888.

B. F. McLeomore Sec.

Lloyd
vs 3 Decree
Leott. others

May Term 1888

To be entered
Costs

Costs in this
suit paid -

B. F. M. C. C.

Lloyd

(17)

Deorce

leath + actus -

On motion of the Plaintiff, and
it appearing to the Court that there
is nothing further to be done in
this cause it is ordered that the
same be removed from the books.