1895-17 Southampton County Chancery- Pretlow, John Jr. et als vs Story, Irvin et als

Foreclosure to settle debt

Pretlow, S. B.
" , T. D.
Moore, M. H.
Pretlow, R. A.
} Pretlow & Co.

Story, Lavinia
Prince, T. B.
Vaughan, C. C.

Pretlow No.

Bill
+
Exhibits

v.

Stow et als.

Circuit Court
See papers of continuance

2

McLemore P.Q.

To.

The Honorable G. W. Hill Judge of the Circuit Court of Southampton County

Complaining showeth unto the Court your complainants Jno Pretlow jr. S. Pretlow, J. D. Pretlow, M. N Moore and R. A Pretlow trading and doing business as Pretlow & Co. That they recovered a judgment against Irvin Story amounting to $86.19 with interest and cost in a justice Court on February 5th 1887. which judgment is docketed in the Clerks office of Southampton County Court, an extract of which is filed herewith as exhibit "A" and that no part of said judgment has been paid.

Your complainants state farther that Irvin Story is possessed of an equitable interest in a tract of land lying north the town of Franklin in District and containing about 136 acres bounded on the North by the Draper land, on the West by Sam Scotts land, on the East by the lands of Peter Scott and South by the lands of Albert Blythe, that the legal title to said land was conveyed to G. G. Vaughan in trust to secure debt of $500. due to Spikes Bear F'bury 6th 1883. and that said bond has been transferred to J. B. Prince who now holds the same all of which will

appear by reference to the aforementioned deed filed as exhibit "X".

Your orators farther sayeth that there is no limit as to the duration of the aforesaid deed of Trust and therefore your complainants are powerless in their efforts to realize on their judgment save by resort to this Court: That the said Story has no available personal property, an execution on your complainants judgments having been returned "no property" by Thos. W. Olive Constable.

In tender consideration whereof and for-asmuch as your complainants are without remedy save in this Court they pray that Irvin Story and Livinia Story his wife, J. B. Pinion and C. C. Vaughan Trustee be made parties defendants to this bill and required to answer the same under oath; that all proper decrees may be made and inquiries be directed, That the deed aforesaid be foreclosed and your complainants debt, after the deed of Trust has been satisfied, be paid or credited so far as the surplus will go, and that all such further and general relief may be given your orators as the nature of their case may require" to equity may seem

Meek. And notice is here given that the Court will be asked to allow a reasonable attorney's fee in this cause.

And your Complainants will ever pray &c. May it please the Court.

Jas. L. McLemore p.q.

Prellow + Co 1.77

(v) Stat: Rules

Story & als:

John Prillaw Jr. S.B. Prillaw
J.D. Prillaw - M.H. Moore and R.
A. Prillaw - Merchants and
Partners trading as Prillaw & Co. } Pltffs
Against
Irvin Story - Levinia Story
J.B. Prince & C.C. Vaughan
Trustee. } Defts.

1891. Apl 13th. Process isd. to 2 apl Rules
" 2nd " Rules. Process Executed. Bill & Ex:
filed. decree nisi
" 1 May " Bill taken for Confessed
& Cause set for hearing.

Costs in Case of Eph. Pratt & Geo. Story

30 0.51
2 7.49
3 4.49 due Eph. Pratt
3 " Sept. Nichols

Clk paid B.F.M. $ 4.01
Shff pd J.H.H. Shff. 2.00
Lawyer paid J.L.M. 16.00

$ 22.51

Debt due by Erwin Story 87.19
Int to May 1st 91. by rule nisi 33.56

$ 143.26
30 00

Cash rec'd. $ 113.26
2 Notes —

Check pd may 1: 30.00

Note	Due	June	1st	paid	10.00
"	"	July	1.	paid	10.00
"	"	Aug	1.	"	10.00
"	"	Sept	1	"	10.00

In Southampton Justice Court,

Febry 5th. Term, 1887

Pettaw & Co Pltff.

Against

Irvin Story. Deft.

In Debt

Judgment for the Plaintiff against the Defendant for $ 86 19 with legal interest thereon from 1st day of Janp, 1885, till paid, and costs, $ 1 00

Extract.

Teste: B. F. McLemore C. C.

Prettyman &c

as } Dunn

Story et als

1891. 2 April Rules

Circ Ct

D. L. McLemore Esq.

Executed April 17th 1891 by delivering a copy of this Sum: to each of the within named parties

J. W. Williams
Shff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Irwin Story. Lebonia Story. J. B. Prince. and C. C. Vaughan, Trustee

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 3- Monday in April 1896 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by John Prellas Jr. S. B. Prellas. J. D. Prellas. M. A. Moore and R. A. Prellas. Merchants and partners, trading and doing business as Prellas + Co.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 13" day of April, 1896, in the 116th year of the Commonwealth.

Test: B. F. McLemore C. C.

Prettyman & Co
vs. 3 Decree
Story et al.

1891. Nov. Term
Interlocutory
Order

Entered

Pretlow & Co
vs. Decree
Story et al.

This day this cause came on to be heard upon the bill & exhibits filed the Bill taken for confessed and was argued by Counsel. On consideration whereof and it appearing to the Court from the statement of Counsel that the matters herein complained of have been settled between the parties, doth adjudge order and decree that this cause be removed from the docket