

1891-18

Seventhampton County Chancery

Grubb, Percy <sup>et al</sup> vs Story, J B et al

"Injunction"  
to stop sale of land

Turner, Susan

Scrums, R W

To the Hon. Chas. H. H. Judge of the Circuit  
Court of Southampton County in Chancery.  
Complaining thereof unto your Honor  
your Complainants Perry Russell &  
Susan Turner as follows: That in  
July 1890 David Vick reported this  
life after having made and published  
his last will testament, which was  
and admitted to probate at the Aug  
Term 1890 of the Circuit Court of South-  
ampton Co. and J. B. Barton qualified  
as his Admin. with the will annexed  
all of which will more fully ap-  
pear from Copies of the record of probate  
and qualification herewith filed marked  
a & B - and prayed to be taken as parts of  
this bill. That under said will, your  
Complainants are each entitled to  
one half of his estate during their  
natural lives, as will more fully  
appear from a certified copy of said  
will herewith filed marked 'b' as  
an exhibit in this suit. That on the  
20 day of June 1887 the said David  
Vick executed to J. B. Story as trustee  
a deed of trust on his farm contain-  
ing 428 acres, more or less and  
bounded by the land of John Pickley

Estate Robt W. Seever, Dempsey  
Johnson & S. H. Bishop, in trust to Seever  
a bond due by him to Robt W. Seever  
for \$860 .. That said Seever has  
directed the trustee to advertise the  
said land for sale at public auction  
at Centland on Nov 17. 1890 for cash  
and the same has been done..

That the public road runs through  
this farm and nearly divides it  
into equal shares, and your com-  
plainants verily believe that the  
land on one side of this road  
will see for enough to pay the  
debt secured there under the said  
trust. That they know as well  
as they know anything in the future,  
that one side of the road with a  
small portion cut off from the  
other side will certainly see for  
enough to pay the debt in full..

That a portion of this land is heavily  
timbered in pine & oak timber and  
to allow the sale of the whole farm  
now would involve them in  
utter ruin and such a sale is in  
no wise necessary for the beneficia-  
ry to get his debt.. That they have

him to the said Mr. Screws and besought  
him not to see the whole farm,  
but to see a part and if that  
would not see for enough to pay  
his debt, then to see enough to pay  
him, but he refused to entertain  
their propositions. That complainants  
are both without any means to run  
this land up and the sale now  
advertised, if allowed to take place  
means ruin to them and is not  
necessary to enable the beneficiary  
to get his money. That to deprive  
them of their home, thus unnecessary  
would be against good conscience  
and every principle of Equity.  
In consideration whereof and inas-  
much as your complainants are  
without remedy in the premises  
except in a Court of Equity where  
such matters are properly cogniza-  
ble, they pray that the said J. B. Story  
and Mr. Screws may be made  
parties defendant to this bill &  
compelled to answer its allega-  
tions. That answers in due oath  
are expressly waived. That your  
Honor will grant an order

restraining and enjoining the said JB  
 Story Trustee and the said NW Screens  
 their agents and attorneys from  
 selling the above said tract of land  
 or any part thereof until the further  
 order of this Court. That all necessary  
 proper accounts may be rendered  
 and that the Honor will grant such  
 other further general & special  
 relief as to Equity may seem meet  
 or the nature of this case may  
 require. And as in duty bound to  
 obey it please the Court &c.

Prayer Allowed &c.

for  
 Perry & Devere  
 mark  
 Susan <sup>for</sup> Devere  
 mark

Subscribed and sworn to this 10 day of  
 Nov 1890.

b. b.

Devere &c.  
 vs  
 JB Story Trustee &c.

Prayer Allowed  
 &c.

Know all men by these Presents, That we *Penny Revell and Susan Turner*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

*Fifty* Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *10* day of *November* A. D. 18*90*

THE CONDITION of the above obligation is such that if the above bound *Penny Revell*, who has this day sued out of the Circuit Court of Southampton County an injunction restraining and enjoining *J. B. Story*, Trustee in a deed of Trutt from *Davis Vick* dated June 20. 1887, and of record in the Clerk's Office of Southampton County Court. Conveying a tract of land containing 428 acres, more or less. To record a bond due *Robt. W. Devens*. Their agents and attorneys from receiving the said land under said deed until the further order of this Court. Shall pay all costs and damages that may be awarded against them in case this injunction shall be dissolved.

~~shall faithfully discharge the duties of~~ office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }  
in presence of the Court. }

*her*  
*Penny x Revell*  
*mark*

*her*  
*Susan x Turner*  
*mark*



Recall &c.,

v. 3

Story, history.

Repub of A.B.

Story, history.

Reverend  
r.  
Story, Trustee &c.

Report of J.B. Story, Trustee.

In this cause, the undersigned has to submit the following report. Pursuant to the order of this Court entered in this cause on the day of 1891, after having duly advertised the same, I sold by public auction, at Concord Pa., on the 19<sup>th</sup> day 1891, all that portion of the lands of Davis Vick, decd., lying on the North side of the Road leading from Cypress bridge to Boone's bridge, supposed to contain 225 acres, more or less, to Dempsey Johnson, the highest bidder, in the sum of ————— \$1426.00

This amount I have disbursed as follows, as per receipts herewith filed

|                                                  |                  |                  |
|--------------------------------------------------|------------------|------------------|
| Amt. pd W.H. Shinn for advertising -             | 1.00             | ✓                |
| " " R.D. Moore " auctioneering -                 | 5.00             | ✓                |
| To com's. on \$1426. <sup>00</sup> due me -      | 37.52            | ✓                |
| " paid B.F. McLemore for writing deed -          | 2.50             | ✓                |
| " " R.W. Sereno's note secured by land - decd. - | 984.00           | ✓                |
| " " B.F. McLemore, Clerk's fees in suit,         | 6.56             | ✓                |
| " " J.W. Williams, Shiff's " " "                 | 1.00             | ✓                |
| " " Price & Sebrule, atty's fees Taxes in suit.  | 16.50            | ✓                |
| " Balance pd J.L. Barkan, admi. D. Vick -        | 371.92           | ✓                |
|                                                  | <u>\$1426.00</u> | <u>\$1426.00</u> |

Respectfully submitted,  
J.B. Story Trustee,

J. D. Barham.  
Recd for  
\$37.92 1/2

Received Jan'y. 24/91 of J.B. Story,  
Trustee, Three Hundred and Seventy  
One &  $9\frac{2}{100}$  dollars, balance in  
his hands from sale of a part of the  
tract of land belonging to Davis Vica dead,  
sold under order Circuit Court of Southampton,  
after deducting costs & expenses of suit & sale  
& payment of amount due R.W. Sears on his note  
secured by trust-deed.

J. L. Barham

Adm<sup>r</sup>. Davis Vica, dead.

\$2.50

Received of J.B. Story, Trustee two & 5/100  
dollars. for writing deed. from Story Trustee  
to Johnson.

B. F. McLeamy

Jan'y 24/91

R. Moors

Receipt

\$5-00

January 19<sup>th</sup> 1891

Received of James B  
Story Trustee to a deed from  
Davis Vicks sent to Robert W  
Sorens Five Dollars in full  
for buying out land at  
Courtland Va R. D. Moore

September the 8<sup>th</sup> 1890 Received of James B Story, Trustee  
to a deed from James Vick, beed to Robert W Stroud  
one dollar in full for Printing advertisements  
of The sale of Said Vicks Land

W H Stroud  
Per. Ricks

Received Jan'y. 24/91 of L.B. Story,  
trustee, One dollar in payment of  
sheriff's fees in suit of Revell &c.  
vs. Story, trustee &c.

J. H. Williams  
Clerk

Received Jan'y. 24/91 of D.B. Story,  
trustee, sixteen & 59/100 dollars, in pay-  
ment of atty's fees taxed in suit  
of Howell &c. v. Story, trustee &c -  
Prince & Sebrill,  
attys!

Received Jan'y. 24/91 of D.B. Story,  
trustee, six & 56/100 dollars, in  
payment of all costs - past & future -  
due me as Clerk in suit of Howell &c.,  
v. Story, trustee &c -  
B. F. McLemore &c.

\$ 863.86

Obedience with Interest from  
date, I owe and promise to pay unto Robert  
W. Screws, the just and full sum of  
Eight Hundred and Sixty Three Dollars and  
Eighty Six Cents. (Interest at the rate of  
Six per cent per annum) for value received  
Hereby waiving the benefit of all laws Exempting  
real and personal property from levy or sale  
As to this debt, Given under my hand and  
Seal this the 20<sup>th</sup> Day of June 1888.

Witness

Lumpsey Johnson

Davis <sup>his</sup> Vick  
mark

Seal

April 13<sup>th</sup> 1888

Received of Davis Vick nine dollars & forty  
one cents part payment of the above bond  
R. W. Screws

May 7<sup>th</sup> 1888

Received of Davis Vick Forty four  
dollars & forty cents for timber cut  
on his land, In part payment of the  
above bond, R. W. Screws

ft timber 35-5-23

June 26<sup>th</sup> 1888

Received of Davis Vick Ten dollars &  
Sixty five cents for Timber cut on his land  
in part payment of the within note  
of Timber \$521  $\frac{3}{4}$  R. H. Screws

Davis Vick  
To Note

\$863.86

Secured by Deed

Jan<sup>y</sup> 24 1891 Rec<sup>d</sup> of J. B. Steg, Traveler  
Nine Hundred and Eighty Seven Dollars  
are full of within Note and discharges  
R. H. Screws

Revell &  
N<sup>o</sup> Stat: Rules.  
Story. Trustees &

Priny Revell + Susan Turner. *Pltffs.*  
against

Robt. W. Screws + J. B. Story - *Defts.*  
- In Chancery -

1890 Nov: 10. Procep ip<sup>d</sup> to 2<sup>d</sup> Nov: Rules

" 2<sup>d</sup> Nov: Rules: Procep Executed - Bill + Ex:  
filed - decree nisi

" 1 Dec " Bill taken for Confessed  
and Cause set for hearing

Reverend vs Decree

Story Trustee

An motion of the plaintiff's an injunction is awarded them restraining and enjoining B. Story Trustee in a deed of trust from doing vic. 16. dated June 20. 1887 and of record in the Clerk's Office of Canterbury County N. H. containing 428 acres more or less conveying to him a tract of land containing 428 acres more or less of lands due B. Story Trustee for 8 and 1/2. Story Trustee's agents and attorney from selling the said land under said deed until the further order of this Court. But before the said plaintiffs shall have the benefit of this order they or some of them or some one of them shall execute before the Clerk of this Court a bond in the penalty of \$500 with security to be approved by said Clerk, and directed to pay all costs and damages that may be awarded against them in case this injunction be dissolved.

A Copy Teste B. F. W. Leonard C. C.

Reverend vs

Story Trustee vs Sum

Story Trustee vs

1890 2 New Rules

in lib.

Executed for 14th  
1890 By delivering  
a copy of Sum to each  
of the within named parties

B. F. W. Leonard  
for J. W. Williams  
Shy

X

Test. B. F. W. Leonard C. C.

I certify that the bond for security has been  
given in this case

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Robt. W. Serews and J. B.*

*Story, Trustees.*

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<sup>d</sup>* Monday in *November 1890* ~~next~~, to answer a Bill in Chancery exhibited against *them* in our said Court by *Penny Revell and Susan*

*Turner.*

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 *10<sup>th</sup>* day of *November*, 1890, in the 11<sup>th</sup> year of the Commonwealth.

*B. F. McLemore*

C. C.

Reverend &

Mr. 3 Deere

Story Trustees &

---

1890 For Term

Whe entered

CMS

Apr 10. 1890

Enk

Reveree &c.

or 3 Decees.

Story Trustee &c.

On motion of the plaintiffs an injunction is awarded them restraining and enjoining J.B. Story Trustee in a deed of trust from Davis Vich, dated June 20. 1887 and of record in the Clerk's office of Southampton conveying to him a tract of land containing 428 acs., more or less to secure a bond due Robt W. Screws for \$ - and W. Screws, their agents and attorneys from selling the said land under said deed until the further order of this Court. But before the said plaintiffs shall have the benefit of this order they or some of them or some one for them shall execute before the Clerk of this Court a bond in the penalty of \$50 - with security to be approved by said ~~Clerk~~ Clerk, conditioned to pay all costs and damages that may be awarded against them in case this injunction shall be dissolved.

Revue &c.,

v. 3 } Decem.

Story, Trust &c.

Dec. 22<sup>nd</sup> 1890

To be entered -

CMH

Ent

Revell &c., }  
v. } decree.  
Story Trustee &c.

This day this cause came on to be further heard upon the papers formerly read, and was argued by Counsel. On consideration whereof, the Court, by consent of parties, doth adjudge, order and decree that J.B. Story, Trustee, after having given due notice of time, place and terms of sale, do proceed to sell to the highest bidder, for cash, all the lands belonging to the Estate of Davis Vick dead, lying on the North side of the County road leading from Cypress bridge to Boones bridge, and, after collecting the purchase-price, execute to the purchaser a deed for said land with special warranty. And the said J.B. Story, Trustee, will report his proceedings hereunder to this Court. And by consent of parties, it is, also, ordered that this cause may be further heard in vacation.

Reece &

or 3 Reece

Story Hunter &

1891 May Term

To be entered.

CMT

Ent p 465

Deuce 1.  
1st 3 Deuce.

Story Trustee

This day this cause came on to be again heard on the papers formed & read, the report of J. B. Story, Trustee, reporting sale of a part of the land of which Davis Rich died seized to Humphrey Johnson for \$1426.00 the collection of the purchase money, the distribution of the same, supported by proper vouchers. and the execution of said to the purchaser. to which report there is no exception and nor argued by Counsel. on consideration whereof, the Court doth advise and decree that the said report be confirmed. and nothing further appearing necessary to be done this cause is ordered to be removed from the docket.