

1891. 20

Saukhampton County - Chancery

Stary, Wm D vs Stary, Fannie E. et al

" Exemption "

Quarantined & enjoined from
further alienation of said land -
to stop sale

Stary, Saml. L.

Cutler, G. D.

Dordon, J. J. Trustee

Bunn, George C.

Stardow, E. M.

To

The Honorable Leitch Judge of
the Circuit Court of Southampton County.

Humbly complaining your orator
Wm. D. Story sheweth unto your honor
that on the 3rd day of October 1887. he
was seized of valuable real estate in
the County of Southampton near Chawson
Va. given to him by his father Marcy
Story. That said tract of land contains 140
acres and is worth \$2000. That being as
he is, afflicted with bodily infirmities
and being urged and solicited by flattering
and deceptive promises made by Saul L.
Story his brother and Fannie E Story wife of
the said Saul L. Story to make to the said
Fannie E Story a deed of gift for his tract
of land, reserving to himself a life estate
therein and to make his future home with
them. he finally consented to make what
he thought was a deed conveying the remain-
der of his estate after his death, to the said
Fannie E Story; Acting upon this promise
the said Fannie Story caused to be written ^{deed} a
wholly different from what your complain-
ant had intended and agreed upon. and the
said deed was read to him by said Fannie E

Story the grantee therein named, corrupted and changed as though it were written as he had intended it should be, whereupon your complainant, being a man unlettered, and without knowledge as to the functions of either letters or figures, was induced to have signed & acknowledged the said writing, trusting in the fidelity of the said Fannie E. Story and believing that she had honestly and correctly read the same to me. That the reading of the said writing by the grantee therein named is the only notification of the contents of the deed ever communicated to your orator until about thirty days ago, when he had it truly read to him in the clerk's office of this County. That at the time his acknowledgment was taken to the deed by R. E. Dandur a Notary, nothing of its purport was explained to him because of a request by said F. Story that it be not done.

Your Complainant sayeth further, that in the deed aforesaid there is the following provision: "It is hereby expressly understood covenanted and agreed between the parties hereto that the said Wm. D. Story shall be entitled to a comfortable support out of the rents and profits arising from the property herein conveyed so long as he may live," &c. -----

but this condition is not to be construed to operate as a restriction upon the said Fannie E. Story in obtaining money or supplies necessary to enable her to cultivate from year to year crops upon the said land and to provide necessaries and comforts for the maintenance of the family: all of which will more fully appear by reference to a copy of the deed herewith filed as Exhibit "X"

Your complainant sayeth further, that although the said Fannie E. Story by her trickery and deception practiced upon him, has obtained from him a Deed of Gift for all his real estate, leaving him nothing but a conditional support from the same, even then your orator's wants have been so scantily gratified that he was compelled to obtain some of the necessities of life from another source, than from the said Fannie E. Story: that the said grantee in the deed as aforesaid has borrowed about \$1000. from Benja. L. Sumner and G. D. Cutler and secured the same by Deed of Trust on the land in question, that the said sum of \$1000. on a large portion of it was employed in purchasing luxuries and making other unnecessary expenditures, not for cultivating the crop from year to year or to obtain necessaries for the use of the family as is provided for in the aforesaid

deed, so that the property out of which your complainant's support is to come is being rapidly consumed and your orator being, as he is, old infirm and unable to support himself by his own efforts, will be in a most destitute and alarming condition should the said Story be allowed to continue to encumber the land as aforesaid, although had he been dealt with in good faith, he would have now been in possession of his farm, the income from which would have given him a comfortable support for his life. That said Fannie Estory has no other property save her interest in the land herein referred to.

Your Complainant further saith, that not only has he not been comfortably supported, but that his personal property has been taken by the said Fannie Estory and sold or changed and destroyed until he is left penniless, without means of obtaining the usual comfort of life.

Your Complainant is advised and believes that he has some rights in the premises, one of which is to have the deed aforesaid declared null void & of no effect, but if this Honorable Court should in the light of all the circumstances

Story Bee &
vs. Exhibits
Story et al.

Francis & Subrepps
vs. Limone

think differently from your complainant, then he claims with confidence the right to a support from the land for his life, & submits his claim to the consideration of this Court.

In tender consideration whereof and forasmuch as your complainant is without remedy save in this court where causes of this nature are alone and properly cognizable to the end that justice may be done he prays that Fannie Estory, same. L. Estory & D. Cutler, J. J. Sander Trustee, Benja. B. Burn and C. M. Sander Trustee, be made parties defendant to this bill & required to answer the same (an answer under oath being waived) That the said Fannie Estory her agents or attorney be restrained and enjoined from any further alienation of the land in controversy until the rights of the parties can be determined, that the deed to her be declared fraudulent void & of no effect, and that your orators claims be adjudged paramount to all deeds of trust given on the same by Fannie Estory & also in which your orator did not join. But your Honor believes the deed is not fraudulent void then your complainant prays that his rights under the said deed may be

Determined by this Court, and that it may
be ascertained what amount will insure to
your orator a comfortable support during
his life, and that the forth coming of the said
amount yearly, may be secured by proper
orders, that all such accounts may be
taken and inquiries directed, and that such
further general and special relief may be
granted to your complainant as the nature
of this case may require or to equity
may seem meet.

And your Complainant will ever pray &c.

Dr. Price & Sebrall

Jas. L. McLeane

W. D. Story
m.c.

Virginia

County of Southampton to wit

This day personally appeared
before me, B. F. McLeane Clerk of the County
Court of Southampton County, Wm. D. Story
and made oath that the statements contained
in the foregoing bill, so far as made of
his own knowledge are true, and so
far as made from the knowledge of others
he believes to be true.

Given under my hand this 22 day
of May 1891. B. F. McLeane c.

20. Cop Co. Recd 18. Atty 10. Revd 18. 100 return

35. bill 15. Ent 15. Copy Ent 75 drawn & Cox 72.

Carl 40. Ord disburse 36. filing away

papers 25

.80

28

118

65

35-

72

40

61

5.39

bill paid 5.39

Shelf J.M. P.D. 3.00

Sawyer paid 16.50
J.M.

24.89

Story

or } Sum:

Story et. als:

1891. 1" June Rules
lein: let.

Executed

May 28th 1891

by ~~Michael~~ ~~James~~ ~~Scott~~
this Sum^r to each of
the within named
parties

W. R. Blom depts

for J. W. Williams
attf.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Fannie E. Story. S. L.
Story - G. D. Butler. Jas. J. Darden
Trustee - Ben. C. Bunn. and E. M. Darden
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 *1st* Monday in *June 1891* next, to answer a Bill in Chancery exhibited against *them* in our said Court by

William D. Story

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 *16th* day of

May, 1891, in the 115th year of the Commonwealth.

Testo: B. F. McLemore

C. C.

Story N^m D

To } Day B+S

Story Fannie E

a copy

Free 70¢ } B+S
Ch J. L. M

This Deed made this 3rd day of October A.D. 1887 between W^m D Story of the first part and Fannie E Story the wife of Samuel L Story of the second part: Witnesseth: that for and in consideration of the love and affection which the said W^m D. Story has and bears towards his sister in law: the said Fannie E. Story the further consideration of five dollars to him in hand paid by the said Fannie E Story at and before the sealing and delivery of this deed, the receipt whereof is hereby acknowledged, and also for divers other causes and consideration, the said W^m D. Story doth give grant, bargain and sell release and convey with general warranty to the said Fannie E Story the following property to wit: a certain tract or parcel of land lying and being situated in the County of Southampton Virginia containing (130) One hundred and thirty acres be the same however even so much more or less and bounded by the lands of G. D. Cullen and the County road on the South: C. E. Story on the South West, by Barneses Cess mill pond on the west and by the County road on the North and East, same being the tract or parcel of land on which the said Fannie E. Story and Samuel L. Story,

now reside. But this deed is made
subject to the conditions and stipulations
contained in a certain Deed of Gift from
Marey Story to W^m D. Story and recorded
in the Clerk's Office of Southampton
County on the 29th day of January 1881
and also to a certain Deed of Trust from
^{said} W^m D. Story to J. J. Darden trustee convey-
ing the property therein mentioned to secure
a debt of (\$300⁰⁰) three hundred dollars
due to G. D. Butler, reference to which
said Deed is hereby expressly and specially
made, and it is hereby expressly under-
stood covenanted and agreed, between
the parties hereto that the said W^m D. Story
shall be entitled to a comfortable sup-
port out of the rents and profits arising
from the property herein conveyed so long
as he may live: provided however,
he shall remain as one of the family
of the said Fannie E. Story and Saml.
L. Story, as shown by his frequent visits
to, and dining with them as is customary
with him at present to do, but this con-
dition is not to be construed so as operate
as any restriction upon the said Fannie
E. Story in obtaining money or supplies
necessary to enable her to cultivate

from year to year crops upon the said land and to provide necessities and comforts for the maintenance of the family.

Interlining
done before
signing

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

William D. Story ^{his} ~~mark~~ Seal

Virginia

Sauthampton County to wit:

I A. E. Darden a Notary Public for the County aforesaid in the State of Virginia do certify that William D. Story whose name is signed to the within writing bearing date on the 3rd day of October 1887 has acknowledged the same before me in my County aforesaid.

Given under my hand this 3rd day of October A. D. 1887.

A. E. Darden N.P.

Sauthampton County - In the Clerk's Office Nov 9th 1887.

The foregoing Deed from William D. Story to Fannie E. Story was this day received and with certificate annexed admitted to record.

Teste B. F. McLemore C. C.

A Copy

Teste B. F. McLemore C. C.

Story
2" } Stat: Rules

Story et. als:

1 June / 91

dismiss. at Rules

William D. Story.

Pltff

Against

Fannie E. Story - S. L. Story

G. D. Butler & Jas. J. Darden

Trustee. Ben. C. Brown and

E. M. Darden, Trustee

Defn.

1891. May 16. Procep. Sp? to 1st June Rules

" 1st June Rules: Procep. Executed. bills and Ex:
filed. decrea miso.

" 2 " " Bill taken for confessed &
cause set for hearing

Story
m. } Deer
Story vals.

1891. May 22.
To be entered
C. M. H.

Ent page 470

William D Story
Against ^{her} Fannie Estory & others Deceit

On motion of the plaintiff an injunction is awarded, restraining and enjoining Fannie Estory her agents or attorneys from any further alienation or from any other means maintaining disposing of or renting the tract of land on which she now lives particularly described in the bill & proceedings of this cause. ^{the further order of the} until the rights of the plaintiff can be ascertained and the questions arising herein adjudicated.

But the said plaintiff Wm. D. Story is not to have the benefit of this order until he, or some one for him, shall have entered into bond with approved security before the Clerk of this Court in penalty of \$150 - conditioned for the payment to the defendants of all costs & damages that may accrue to them in the event this injunction may be dissolved -