

1895-07

Southampton County Chancery - Darden, J. J. vs Worrell, J. T. et al

Sues to have "deed of trust"
Set aside as fraudulent

Story, J. B. (Trustee)
Worrell, Emiline M.

W. B. Hallam p. y.

J. J. Darden

vs.

Worrell et al

Bill of Complaint

1895. 1. Sept. Rules filed

L. A. Gay C. C.

In the Circuit Court of Southampton County, Virginia:

First September Rules 1895.

Your orator J. J. Darden humbly complaining, represents to the Court:

That J. T. Worrell is justly indebted to him in the sum of one hundred and forty seven (147.)^{seventy} eight (78) cents exclusive of interest and costs, that said indebtedness is evidenced by six several bonds and notes containing waivers of the Homestead Exemption, that at different times six several judgments have been obtained in favor of your orator against said J. T. Worrell on said indebtedness as will more fully appear by reference to extracts from the judgment docket of the County Court of Southampton county filed herewith as exhibits marked "A" "B" "C" "D" "E" & "F" and prayed to be read as apart of this bill.

Your orator says that said J. T. Worrell owns no property out of which he can recover said indebtedness, interest and costs as shown by said exhibits except the property contained in a certain deed of trust recorded in the Clerks' office of the County Court of Southampton county in Trust Deed book #3 page 330, purporting to be a deed of trust from said J. T. Worrell to one J. B. Story trustee to secure to Emaline M. Worrell who is the wife of the said J. T. Worrell the sum of four hundred (.400.) dollars a copy of which deed of trust is herewith filed as an exhibit marked "G" and prayed to be read as apart of this bill. That it will be seen by reference to said deed that the property therein contained is described as "All my right, title and interest in my mother Ivie Worrell's estate" and your orator says that said interest consist mainly if not wholly in the share of ^{said J. T. Worrell} a certain tract of land of which Mrs. Worrell died seized and possessed

situate in the county of Southampton and in the state of Virginia which share or interest, as your orator is informed and believes, will sell for enough to satisfy said indebtedness but will not rent for enough in five years to satisfy said indebtedness.

Your orator says that the debt recited in said deed of trust as due to Mrs. Emeline M. Worrell wife of said J. T. Worrell is fictitious, and that in fact no such debt ever existed, that said deed of trust as well as any note or bond evidencing said alleged debt is and was wholly without consideration and purely voluntary and that the same were made to hinder, delay and defraud the creditors of the said J. T. Worrell, especially your orator.

In tender consideration whereof, and for as much as your orator is remeadiess save in this Court of Equity where such matters are alone and properly cognizable, he prays that J. T. Worrell, J. B. Story trustee and Emeline M. Worrell, the wife of J. T. Worrell, be made parties defendants to this bill and required to answer the same, but that an answer under oath is hereby expressly waived as by the statute in such made and provided, that said deed of trust be annulled and set aside as voluntary or fraudulent and that the property therein contained be subjected to the payment of the indebtedness herein before mentioned, that all such other, further and general relief may be afforded to your orator as the nature of his case may require or as to equity and good conscience shall seem meet. And he will ever pray.

W.S. Hallam

p. q.

J.J. D. order
W.S. Hallam
his ally.

This Deed of Trust made the 14th Day of November
in the year 1894. between James T. Worrell
the grantor of the one part and J. B. Story Trustee
of the other part. Witnesseth: That the said
James T. Worrell, the grantor, doth grant unto
the said J. B. Story, Trustee, the following property.
All of my right, title and interest in my mother
Liss Worrell Estate, In Trust, to secure one note
due by said James T. Worrell to Mrs. Emeline-
M. Worrell for four hundred dollars dated 13th
day of November 1894. with interest from the
13th day of November 1894. and the said James-
T. Worrell covenants to warrant generally the
title to said property and should the party
secured in this deed require a sale of said
property, the trustee, after being notified
shall give twenty days notice and sell
on the usual terms, pay all costs and
Commissions and pay the above debt, and
the balance pay over to the said James T.
Worrell or his heirs

Witness my hand and seal this 14th day of November
in the year 1894.

James T. Worrell, Seal

Sauchoampton County: In the Clerk's Office Nov. 14th 1894
The foregoing Deed of Trust from Jas. T. Worrell
to Mrs. Emeline M. Worrell's Trustee, was this day

received acknowledged in this Office by said
Jas. T. Horrell & admitted to record.

Testi: B. F. McLemore l.w. to.

A Copy - Testi: B. F. McLemore l.w. to.

Horrell Jas. T.

To } Said Trust

Horrell Emaline M's Trust

Ex. "B"

J.O.B. Ex. page 330

Darden J. J.

VS } Statement of costs
Worcester

^{costs}
Statement of ^a in suit of

J. F. Darden vs Norrell et al.

Sum 25. 3 copy 39. rect. 18. Book. 18. Rule 1.00, return

35. filing bills 15. 2. 75 Sum 72. L^y cost & copy 40.

all^{copy} 10. 52. (Judgments) 1.25 copy 1. clud trust 30.

filing away papers 25

Clark 5.67

Shiff. 1.50

Lawre. 16.50

\$23.67

J. F. Dardin

VS } Statement of Rules

Horrell et als.

J. J. Darden,

Plaintiff

vs } In Chancery

J. J. Worrell, J. B. Story Trustee and Emaline M. -
Worrell the wife of J. J. Worrell, Defendants

1895. 29th Aug. Process Sfd. to 1st Sept. Rules,

1895. 1st Sept. Rules. Process returned executed, Bill

& Exhibits filed, Decree nisi vs Defendants

1895 2nd Sept. Rules. Bill Taken for confessed, and

Case set for hearing

COURTS:
Isle of Wight, Nansemond
and Southampton.

LAW OFFICE OF
W. S. HOLLAND.

Windsor Station, Va. Sept. 20th 1895.

Mr. L. A. Gay, Clerk,
Courtland, Va.,

Dear Sir:-

Please file the enclosed letter in the papers in the chancery case of J. J. Darden vs Worrel et als. I am afraid that I should forget to dismiss the case as requested by the letter unless it is in the papers.

Yours Truly.

W. S. Holland

Ex. "A."

Jos. J. Darden

vs. } Extract of Judgment.

Jos. J. Herrell

-----p. q.

Circuit Court,

-----Term, 189--

No. 208

COMMONWEALTH OF VIRGINIA,

Justice
In Southampton Circuit Court,

Nov. 24th Term, 189*4*..

Jas. J. Darden

Plaintiff....

Against

In *Subt.*

Jas. P. Hume

Defendant....

Judgment for the Plaintiff.....against the Defendant....for.....

Seventeen

28 DOLLARS,
100

Homestead waived, with legal interest thereon from *the 1st* day of *Jan'y*.....18*94*..

till paid, and costs *\$1.00 Costs*.....

A Extract—Teste:

W. J. McLennan

C. C.

Ex. "A."

Jas. J. Darden

vs. } Extract of Judgment.

Jas. P. Horrell

-----p. q.

Circuit Court,

-----Term, 189--

No. 211-----

COMMONWEALTH OF VIRGINIA,

Justice
In Southampton Circuit Court,

Nov. 24 Term, 189*4*.

Jas. J. Darden.

Plaintiff

Against

In

Jas. P. Horrell.

Defendant

Judgment for the Plaintiff....against the Defendant....for

One

91
100

DOLLARS,

Homestead waived, with legal interest thereon from *The 1st* day of *Jan.* 189*2*

till paid, and costs \$ *1.00* Costs

A Extract—Teste:

B. J. McLeod

C. C.

Ex. "E"

Jas. J. Baird

vs. } Extract of Judgment.

Jas. T. Howell

----- p. q.

Circuit Court,

----- Term, 189--

No. 212

COMMONWEALTH OF VIRGINIA,

Justice
In Southampton Circuit Court,

Nov. 24 Term, 189*4*.

Geo. J. Darden

Plaintiff

Against

In

Sub

Geo. T. Horrell

Defendant

Judgment for the Plaintiff.....against the Defendant.....for.....

Nine

79 DOLLARS,
100

Homestead waived, with legal interest thereon from *the 2^d* day of *Jan'y*, 189*0*.
till paid, and costs \$ *1.⁰⁰* *Costs*.

A Extract—Teste:

W. J. McLenne

C. C.

Ex. "B"

Jas. J. Barden

vs. } Extract of Judgment.

Jas. J. Worrell

-----p. q.

Circuit Court,

-----Term, 189--

No. 209

COMMONWEALTH OF VIRGINIA,

In Southampton ~~Circuit~~ Court,

Nov. 24th, Term, 1894.

Geo. J. Anderson

Plaintiff

Against

In

Sub

Geo. T. Horrell

Defendant

Judgment for the Plaintiff....against the Defendant....for.....

Thirteen

07 DOLLARS,
100

Homestead waived, with legal interest thereon from the 1st day of Jan'y, 1893.
till paid, and costs \$1.00

A Extract—Teste:

T. J. McDonald

C. C.

Ex. "b."

Jas. J. Darden

vs. } Extract of Judgment.

Jas. T. Worrell

-----p. q.

Circuit Court,

-----Term, 189--

No. 210

COMMONWEALTH OF VIRGINIA, *Justice*

In Southampton ~~Circuit~~ Court,

Nov. 24. Term, 189*4.*

Jas. J. Darden

Plaintiff

Against

In

Dell

Jas. T. Horrell

Defendant

Judgment for the Plaintiff....against the Defendant....for.....

Forty

53
100

DOLLARS,

Homestead waived, with ~~legal~~ interest thereon from *the 1st* day of *Jan* 189*5*
till paid, and ~~costs~~ *\$1.00 Costs*

A Extract—Teste:

B. J. McLean

C. C.

Darden.

VS } Sum. In Chy.

Horrell et als.

1895. 1. Sept. Rules.

Leir. let.

Executed May 30th
1895 by delivering
a Copy of this
'Sum' to each of
the within named
parties defendant
W. E. Darden
for J. W. Williams
Mgt.

(3)
30
W. S. Holland p.g.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. T. Horrell, J. B. Story Justice
and Emeline M. Horrell, wife of J. T. Horrell.

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 *September 1895* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *J. J. Barden*.

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

WITNESS, *L. A. Gay* F. M. HOWARD, Clerk of our said Court, at the Courthouse, this *29th* day of
August, 189*5*, in the 1*2th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Newson va Sept 19th 1895

Mr W. S. Holland

Dear Sir

I have made a
compromise with Jas. J. Norrell and
Emeline m Norrell his Wife by making
the amt less than it is and had to
buy his interest in a little piece of
Land. So please dismiss the suit
do not let it be called. I am to
pay the cost. But do not dismiss
my suit. I have against Edward &
Thom as I want his Deed of Trust
set aside

Respectfully
Jas J Darden