

1896-18

Southampton County Chancery

White, Alfred R. vs

Kitchen, Collin, et al

"To sell property and
proceeds be applied to
the payment of Complainant
 debts"

Kitchen, Wesley
Kitchen, Garrie his wife
Jagers, J. B.
Jagers, Ada A his wife
Gardner, G. L. Trustee
Ortlow, Jno. Jr.
Ortlow, L. B.
Ortlow, J. B.
Ortlow, R. A. +
Maure, M. H. 2/4
Ortlow + Co.

White

vs. { Bill + Exhibits

Kitchen sh alr.

1896. 1. March Rules filed
L. H. Gay b. b.

J. N. Sebrell Jr.

W. J. SEBRELL

ATTORNEY-AT-LAW

COURTLAND, VA

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To the Hon R. P. Prentiss, Judge of the
Circuit Court of Southampton County:
In Chancery:

Humbly complaining sheweth unto your
Honor your complainant Alfred R. White
that on and before the 14th day of
January 1896 Collin Kitchin was in-
debted to your complainant in the
sum of ninety dollars with interest
from the 18th day of May 1895, and
that on the 12th day of February 1896
your complainant recovered judgment
against the said Collin Kitchin for
the said sum of ninety dollars with
interest as aforesaid, and one dollar
for his costs, all of which will
appear by a copy of a bond, and an
abstract of said judgment herewith
filed respectively as exhibits - "A" & "B"
and prayed to be read as parts of
this bill; that being so indebted
to your complainant, the said Collin
Kitchin, with the object and intent to
prevent your complainant from real-
izing anything from the property of said
Collin Kitchin, did on the said 14th
day of January 1896, by deed of
bargain and sale, convey all his

interest in and to that certain
tract or parcel of land lying and
being in the County of Southampton, Va
containing 100 acres, more or less, and
bounded and described as follows:

On the north by the county road
running by the Almo House farm,
east by the Cat tail Swamp, South by
the lands of R.B. Joynes, and west by
the lands belonging to Black Creek
Church, to Wesley Kitchen (sometimes
called Wm. Kitchen) and J.B. Joynes.
as will appear by a copy of said
deed herewith filed as Exhibit "C" and
prayed to be read as part of this
bill. Your complainant alleges and
charges that the said deed was
not upon a consideration deemed
valuable in law but was executed
with intent to hinder, delay, and
defraud the creditors of the said Collin
Kitchen and especially your com-
plainant, and that he is entitled
to have the same set aside and
the property therein embraced, or so
much thereof as may be necessary
subjected to the payment of your
complainant's debt as evidenced by

the said judgment. That on the
28th day of January 1895 and before
the conveyance of the said land by the
said Cecie Kitchen to the said Wesley
Kitchen (sometimes called Wm Kitchen)
and J.B. Joyner, the said Cecie
Kitchen conveyed ^{a part of} the said land, in
trust to A. L. Gardner, trustee, to
secure the payment of a certain bond
for \$120.⁰⁰ due Prillow and Company.

In tender consideration whereof
and inasmuch as your complainant
is without remedy save in a Court
of equity where all such matters
are peculiarly and properly cognizable
he prays that the said Cecie Kitchen
Wesley Kitchen and Garrie F. Kitchen his
wife, J.B. Joyner and Ada A. Joyner his wife
A. L. Gardner, trustee, and Jno. Prillow Jr.,
J.B. Prillow, J.W. Prillow, R.A. Prillow and
M.H. Moore, partners trading as Prillow & Co.
be made parties defendant to this bill
and be required to answer the same
though answer under oath is hereby
expressly waived; that this suit may
be abated as to any and all of the
parties above named who may not
be deemed essential and necessary
parties to this suit by this Honorable

Count; that the said and of bargain
and sale from William Kitchen to W. M.
Kitchen and J. B. Joyner be declared
fraudulent and void, and be set
aside as to your complainant's debt
and that the property therein embraced
or so much thereof as may be necessary,
be sold, and the proceeds thereof be
applied to the payment of your com-
plainant's and such other debts
as may be binding upon the
said property, and that all such
other further general and special
relief be given your complainant
as the nature of his case may re-
quire or to equity may seem meet.
And your complainant will
ever pray etc.

W. J. Abrell }
J. M. Abrell } P. J.

White

V.S. } Sum. In chg.

Kitchen et als.

1896. 1. March Rules

Plaintiff vs. Defendant

Executed March 2nd 1896
by delivering a copy of this
Sum. to Collier Kitchen
in which Mr Kitchen a copy is
given to Kitchen a copy to
J.B. Jones & a copy to Ada
A. Gifford. The P. L. L.
Alfred R. White is made
indigent to serve the remain-
der of the will & summons
H. E. Pardue kept

for J. Williams
(S) J. Williams

H. J. & J. N. Deane p. q.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Colleen Kitchen, Wesley M. Kitchen and
Garriss F. Kitchen, his wife, J. B. Joyner and Ada H. Joyner, his wife,
A. L. Gardner, trustee and John Foutlaw Jr. S. B. Poutlaw, J. D. Poutlaw,
R. A. Poutlaw, and M. H. Moore, partners trading as Foutlaw & Co.

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 March 1896 next, to answer a
Bill in Chancery exhibited against them in our said Court by Alfred R. White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of
February, 1896, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON R. A. Farrow

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 March 1896 next, to answer a Bill in Chancery exhibited against him & als in our said Court by Refred R. White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of February, 1896, in the 120 year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON M. H. Moore

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 March 1896 next, to answer a Bill in Chancery exhibited against him & als in our said Court by Alfred R. White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of February, 1896, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

John Foulton Jr.

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 March 1896 next, to answer a Bill in Chancery exhibited against him & als in our said Court by Alfred R White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of

February, 1896, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay

, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. D. Prillow

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 *March* *1896* next, to answer a Bill in Chancery exhibited against *him & als* in our said Court by *Alfred R White*.

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this *29th* day of *February*, 189*6*, in the 12*th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON A. L. Gardner Justice

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 March 1896 next, to answer a Bill in Chancery exhibited against him & als in our said Court by Alfred R. White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of February, 1896, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

S. B. Follow

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 March 1896 ~~next~~, to answer a Bill in Chancery exhibited against him & als in our said Court by Jeffrey R. White

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of February, 1896, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay

, C. C.

Balances in hand to come in,
in white suit,

J. C. Porter Admin.	340.18
" " " " " " " "	403.89
Assess White Admin.	128.41
A. R. White, Receiver,	104.00
Balance from rule court exclusive of costs,	
	<u>1363.50</u>
	2339.98

To be paid (estimated)

To. M. H. Moore	22.00
For Justice costs	25.00
" Rosa D. White for Haver	210.09
" " " " widow distribution	62.53
" " " " " " " " " " " "	5.00
Future costs of administration	
Balance to be distributed to heirs.	
	<u>2015.36</u>
	2339.98

v

Alfred R. White.

Plaintiff

vs

William Kitchen, Wesley M Kitchen,

and Fannie F. Kitchen, his wife,

J. D. Joyner and Ada A. Joyner, his wife.

A. L. Gardner trustee, and John Preston Jr.

J. D. Preston, J. D. Preston, R. A. Preston and

M. H. Moore, partners trading as Preston & Co.

Defendants

1896. 29th Feb. Process Sps. 15 1st March Rules.

" 1st March Rules. Process returned executed
upon William Kitchen, W. M. Kitchen, & F. F. Kitchen
his wife, J. D. Joyner & Ada A. Joyner, his wife,
Bill & Exhibits filed, & Deans nisi as to
defendants upon whom process served.

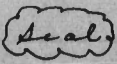
1896. 2nd March Rules. Bill Taken for confessed as
to defendants, William Kitchen, W. M. Kitchen &
F. F. Kitchen his wife, J. D. Joyner & Ada A.
Joyner his wife and Cause set for hearing
as to them.

White

15. } Statement of Rules

Kitchener et al.

This Deed made. This the 14th day of January 1896
by Colleen Kitchen of the County of Southampton, State
of Virginia. party of the first part, and W. M. Kitchen
and J. B. Joyner of the aforesaid County and State
parties of the second part. Witness: That the said
Colleen Kitchen the party of the first part, in consideration
of the sum of Five Hundred Dollars (\$500.00) cash
in hand paid, the receipt of which is hereby acknowl-
edged, doth grant with general warranty unto the
said W. M. Kitchen and J. B. Joyner, the parties of the
second part, their heirs, Executors and assigns, a certain
tract or parcel of land lying and being in the County
of Southampton, State of Virginia, and containing one
hundred acres more or less and bounded and described
as follows: viz: on the North by County Road running
by Alms-house farm, East by the Cattail Swamp, South
by lands of R. B. Joyner and West by lands belonging
to Black Creek Church, To have and to hold the
above described and aforesaid land, together with all
and singular the appurtenances thereto belonging,
and the said Colleen Kitchen the above mentioned party
of the first part covenants that he is seized in fee-
simple of the above mentioned tract, or parcel of land,
That he has ^{that he has done no act to} the right to convey the said land, ^{incumber the said land and}
That the grantors shall have quiet possession of the said
land free from all incumbrances and that the said party
of the first part will execute such further assurances
as may be requisite to the said land
Witness the following signature and seal

Colleen Kitchen 

State of Virginia

County of Southampton to wit:

I, John R. Dole a notary Public for the County aforesaid

in the State of Virginia do certify that Bollen Kiechen
whose name is signing to the above writing bearing date
on the 14th day of January 1896. has acknowledged the
same before me in my County aforesaid.

Given under my hand this the 14th day of January 1896
Jno. R. Dole - Notary Public,

Virginia.

In the Clerk's Office of the County Court for
Southampton County, January 15th, 1896. This Deed
was presented and with the Certificate annexed admitted
to record.

Teste: B. F. McLemore C. C.

Attest.

Teste: B. F. McLemore C. C.

White

{ Copy of Deed of B. F.
V. S. } from Bollen Kiechen to
Kiechen of Jagers.

Kiechen of also

Ex "B"

1896. 1. March Rules filed

L. A. Gay.

White

V.A. } Copy Bond
Kitchen et al. Ex. "A"

1896. 1. March Rules filed

L.A. Gay 6.6.

Sixty days after date I promise to pay to Refg R. White
the sum of ninety dollars for value received and I hereby
waive the benefit of all homestead exemptions as to this bond
as witness my hand and seal this 18th. of March 1895
Witness Ellen Kitchen Seal

Wm B. Shands

Attest.

Teste: B. F. McLenore Secy.

Net sales of realty-

\$1767.87

Interest on 1/6 (\$294.⁶⁴) at 6%

17.67

Present value of annuity

\$210.09

403.89
1363.98
6 1767.87
294.64
17.6784
11.89
159.03
141.36
1767
1767
210.0963

White

Vo. } Abstract Judgment

Kiechen et als Est. B.

1896. 1. March Rules filed

L. H. Gay b.b.

In Southampton

Justice Court,

Feb'y 12 Term, 1896

A. R. White

Pltff.

Against

In

Debt

Collin Kitchen

Def't.

Judgment for the Plaintiff against the Defendant for \$ 90.⁰⁰ with
legal interest thereon from 18 day of May, 1895, till paid,
and costs, \$ 1.⁰⁰

Extract.

Teste:

B. F. M. Leman C. C.

White
vs. 3 Drans
Kitchen

March June 1896
Enter this 24th.

Wm. I. Dentis

Entered
Page 61-

White
vs.

Kitchin et al.

This day this cause came on to be heard on the bill of complainant and the exhibits therewith filed, and a statement of W. J. Sebrue and J. Sebrue Jr. attys for plaintiff showing that the matters involved in this suit have been settled by compromise - And was argued by counsel. On consideration whereof and it appearing to the court that the matters herein involved have been satisfied and that there remains nothing further to be done in this suit it is ordered that the same be removed from the docket.

While —
VS } Statement of costs
Kitchen

White

VS

Kitchen et al

Statement of costs.

Sum. 25, 11. Copies 143 receipt 18, atty. 10, Docket 18 =	2.14
Rule 50, entering return 35, fil. fees N. D. 24. 15 =	1.15
Copy Exhibits 75, Rule 50, Decree 72, Jan costs 40 =	2.37
fil. accounts statement 15, fil. away papers 25 =	40
	6.06
	2.50
	16.50
	\$25.06

White
vs. 3 Statement
of
Council
Kilchus Falls

1896. 24. 7th mo. ch. filed

L. A. Gay L.B.

White -
vs.
Kitchen & Co.,

The undersigned, attorneys for the plaintiff in the above styled cause cooned respectfully state to the Court, that the matters involved in the said suit have been satisfactorily settled by way of compromise by and between the parties and there is nothing further to be done in the suit.

Respectfully Submitted
W.D. Schell.

J.D. Schell for
att. for plaintiff.