

1909-53

Southampton County Chancery - International Harvester Co. vs Westbrook, S.P.

use rents to satisfy debt;
if this not enough, then sell
Real estate and proceeds applied
to satisfy judgment.

INTERNATIONAL HARVESTER CO.
OF AMERICA.

vs.) Bill. ✓ *Ex:*

S. R. WESTBROOK.

1908-April 24" filed

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT
OF THE COUNTY OF SOUTHAMPTON, VA.

Complaining sheweth unto the court your complainant, the International Harvester Company of America, a corporation, that it recovered a judgment for ONE HUNDRED AND TEN DOLLARS, with interest from the 1st day of Oct, 1924, against S. R. Westbrook in the Circuit Court of the county of Southampton, Virginia, an extract of which judgment, marked "Exhibit A," is herewith filed.

Of this judgment no part has been paid and your complainant does not believe any part of it can be made from the personalty of the said S. R. Westbrook. The said S. R. Westbrook owns a tract of land in the county of Southampton Virginia, containing 1256 ~~(1856)~~ acres, and your complainant avers and charges that the rents and profits of this land will not in five years satisfy your complainant's judgment, and that it is entitled to enforce the lien of the same by sale of the said property.

In tender consideration whereof, your complainant prays that the said S. R. Westbrook may be made a party defendant to this bill and required to answer the same, but not on oath; that proper process issue; that all proper orders and decrees may be made and inquiries directed; that if it shall appear that the said rents and profits of the said real estate will not in five years satisfy your complainant's judgment, that the said real estate be sold and the proceeds thereof applied in satisfaction of your complainant's judgment; that if such rents will so suffice, that the said land be rented out and the rents and profits applied to the said judgment until the same is fully satisfied, and that all such other, further and general relief may be given your complainant as the nature of its case may require, or to equity shall seem meet, and your complainant will ever pray.

W. Lane Gundy P. G.

To produce

To the Sheriff of Southampton County Va,

His Attorney,

The International Harvester Company, Va,

Respondent, returned by way of the carrier to be so filed,

and together with any matters specially stated, dated pertinent to

as the said Commissioner is directed to state and settle and report to

as the said defendant taxes pending the said real estate, all of which

And the said Commissioner must in further directed to report it
together with the fee simple and annual value.

Second, An account of the real estate owned by the defendant, S.R. Westbrook,

together with their rights and privileges,

and an account of the real estate owned by the defendant, S.R.

Westbrook, together with their rights and privileges,

the following accounts:

of the defendant, S.R. Westbrook, together with their rights and privileges,
order and order that

received in beginning of the circuit

is now pending in the circuit

International Harvester Co. of
America, A Corporation, Pltff,

Vs(Notice,

S.R. Westbrook, Defdt,

*Exempted this 29th day
of Jan 09 by delivering
Copy of within to
S.R. Westbrook
person
Jas D. Turner Sheriff
By J. E. Smith D.*

You will take notice and are hereby notified.

To S.R. Westbrook,

S.R. Westbrook, Defendant,

Against, (Notice,

International Harvester Company of America, A Corporation, Plaintiff,

International Harvester Company of America, A Corporation, Plaintiff,

Against, (Notice,

S.R. Westbrook, Defendant,

To S.R. Westbrook,

You will take notice, and are hereby notified,

that the above named plaintiff by counsel according to law, will on the *18th* day of *February* ~~February~~ 1909, ask the Hon. J.L. Melemore judge of the second judicial circuit of Virginia, at his office in the town of Suffolk Virginia, to enter a vacation decree in the above cause, which is now pending in the circuit court of Southampton County Va, after due recital in beginning of the decree as to part merely formal, to enter a decree as follows; namely,

"On consideration whereof the, the court doth adjudge, order and decree that one of the commissioners in chancery of the circuit court of Southampton county Virginia, take and state the following accounts;

First, An account of the liens binding the real estate of the defendant, S.R. Westbrook, together with their dignit^{ies} and priorities,

Second, An account of the real estate owned by the defendant, S.R. Westbrook, together with its fee simple and annual value,

And the said commissioner ~~shall~~ is further directed to report if there are any delinquent taxes binding the said real estate, all of which accounts the said commissioner is directed to state and settle, and report to court, together with any matters specially stated, deemed pertinent by himself, or required by any of the parties to be so stated,

The International Harvester Company by,

W. Dowl. Goodwyn

Its Attorney,

To The Sheriff of Southampton County Va,

To Execute

}
}
}
}

International Harvester
Co of America - a
Corporation

233 Cinn. Notice
S. R. Westbrook

Granted this - the 30th
day of April 1909
by following copy of
within notice to S. R.
Westbrook in person
Jno J. Turner Sheriff
By J. K. Smith D.C.

Commissioner in Charge for C. of C. T. Springfield

County Attorney

Apr 30 1909

Office of Wm. Shands Commissioner in Chancery for the
Circuit Court of Southampton County Va, Courtland Va, April 28th, 1909.

To, S.R. Westbrook,

You are hereby notified that in accordance with a decree entered by the circuit court of Southampton County Va, in the chancery case of the International Harvester Co, of America against S.R. Westbrook, same entered at the March Term 1909, of the said court, I shall proceed to take at my office in Courtland Va, on May the 3rd, 1909, between the hours of 8, a.m and six, P.M, the following accounts, namely,

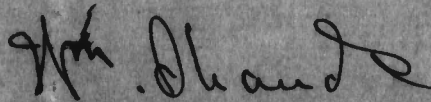
1st, An account of the liens binding the real estate of the defendant S.R.

Westbrook, together with their dignities and priorities,

2nd, An account of the real estate owned by the said defendant, S.R. Westbrook,

together with its fee- simple and annual value,

And the said commissioner will, and is further directed to report if there are any delinquent taxes binding the said real estate, all of which accounts the said commissioner will, and is directed to ~~report~~ to state and settle, and report to court, together with any other matters specially stated, deemed pertinent by himself, or required by any of the parties to be so stated, Given under my hand this 28th day of April, 1909.



Commissioner in Chancery for Ct, Ct, of Southampton
County Virginia,

To the Sheriff of Southampton County Va,

To Execute,

W. Sam'l Goodwyn,
Attorney at Law,
Emporia, Va.

April 23, 1908.

B. F. McLemore, Esq.,

Courtland, Va.

Dear Mr. McLemore:

I enclose memorandum of suit against S. R. Westbrook; also, the bill. Please put an ~~ex~~tract of the judgment in the bill and the number of acres of land owned by Westbrook. You can send your bill to me. Also, please fill in the blanks in the bill.

Truly yours,

W.S.G./M.R.D.

W. Sam'l Goodwyn

International
Harvester Co. of
America -

or } Stat: of Rules

S. R. Westbrook

"Exhibit A"

vs. } Extract of Judgment.

p. q.

Circuit Court,

Term, 189--

No.-----

COMMONWEALTH OF VIRGINIA,

In Southampton Circuit Court, October Term, ~~189~~ 1906.

The International Harvester Co. of
America

Against

Plaintiff

In Debt

S. R. Westcott

Defendant

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

One Hundred and Ten

90 DOLLARS,

Homestead waived, with legal interest thereon from 1st day of Oct. 1903, ~~189~~

till paid, and costs \$ 6.50

A Extract—Teste:

B. F. McLeary

C. C.

International Harvester Co
{ Stat: Costs.
S. R. Westbrook

Summ. 25- Copy 13"- Doct 18. Atty 10

Rect 18- Rule 1.00- Enter return 35-

Filing Recd. 15- Do. Exhibit 15- Copy Ex: 25

Decree. 36- Tax Costs. 40- Filing away papers. 25-

Levies f 3.75

Shff 1.50

Lawyer 16.50

21.75

INTERNATIONAL HARVESTER
CO. OF AMERICA.

vs.) Decree.

S. R. WESTBROOK.

Entered March 16, 1909
Anna L. Somers

Entered-C.O.B. Page-#20-

INTERNATIONAL HARVESTER CO. OF AMERICA.

vs.) Decree.

S. R. WESTBROOK.

This day this cause came on to be heard on the bill taken for confessed as to the defendant, S. R. Westbrook, on whom process has been served, he still failing to appear, plead, answer or demur to the said bill, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that one of the commissioners of this court take the following accounts:

First, an account of the liens binding the real estate of the defendant, S. R. Westbrook, together with their dignities and priorities.

Second, an account of the real estate owned by the defendant, S. R. Westbrook, together with its fee simple and annual value.

And the commissioner is further directed to report if there are any delinquent taxes binding the said real estate, all of which accounts the said commissioner is directed to state and settle, and report to court, together with any matters specially stated, deemed pertinent by himself, or required by any of the parties to be so stated.

International
Harvester Co. Inc.
} Springfield, Ohio
S. R. Westbrook

1908-1st May Rules

Executed this 29th
day of Apr. 1908 by
delivering a true
copy of the with
summon to S. R.
Westbrook in person

Just. Sumner Sheriff
By J. A. Sumner Deputy

S. R. Westbrook
Apr 29 1908

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon.....

S. R. Westhouse

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 *May*....*1908*.....~~next~~, to answer a Bill in Chancery exhibited against...*him*.....in our said Court by.....

The International Harvester Company of America, a Corporation

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

B. F. McLemore

WITNESS, ~~L. A. GAY~~, Clerk of our said Court, at the Courthouse, this *24th* day of

April

....., 19*08*., in the *132nd* year of the Commonwealth.

Teste :

B. F. McLemore C. C.

~~International Harvester Co~~
-1909-
M 3 Final Decker
S. R. Melbrook

To be entered
July (23) Term 1909
James L. McManis

ENTERED - C.O.B.

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International Harvester Co
vs 3 Final Decree
S. A. Westbrook

This day this cause
came on again to be heard on
the papers formerly read and
was argued by counsel. And it
being suggested to the court by
plaintiff's attorney that since
the last decree in this cause
that the said matter involved
the suit had been adjudget
on consideration whereof the
court doth adjudge order and
decree that the said cause be
removed from the docket