

1901-60

Southampton County Chancery - Kindred, D.C. vs Williams, J.W. (adm.) (Shriff)
et al

sues to get release of deed of
trust that had been paid off.

Darden, Geo. H. (dec.)
" , Pauline J.
" , Joseph Samuel
" , Pauline R.
Williams { " , Pearl
McKenmore, J. L.

Kindred,
vs. { Bill & Exhibits.
Darden et al.

1 Oct Rules

W. J. SEBRELL.
ATTORNEY-AT-LAW.
COURTLAND, VA

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

To Hon. D. W. Hill, Judge of the Circuit
Court of Southampton County:

Humbly complaining sheweth unto
your Honor your complainant, D. H. Kindred
that on the 21st day of June 1879 he was
indebted to one Geo. B. Darden and Pauline
Jr., his wife, ~~of~~ said County, in the sum of
(\$315.⁵⁶) Three Hundred and Fifteen & ⁵⁶/₁₀₀
Dollars, for which said sum he executed
to said Darden & wife his bond, bearing
date on said 21st day of June 1879, with
interest from the date thereof, and due
& payable on the 1st day of January 1881,
and to secure the payment of which, he,
along with his wife Lucy R. Kindred, ~~on the~~
21st day of August 1879, executed a deed
of trust on his Real Estate in the County
of Southampton, a copy of which said
deed of trust is herewith filed as an
exhibit, marked "X", and prayed to be
read as a part of this bill. That
sometime thereafter, to-wit, in or about the
year 188, your complainant satisfied and
paid in full to said Darden & wife the
said debt of \$315.⁵⁶, with the accrued
interest thereon, and took in his said
bond, which is herewith filed as an exhibit,
marked "Z", and prayed to be considered

as a part of this bill. That at the time your complainant paid off said debt and took in said bond, said Darden wife failed to execute to him a Release deed releasing the lien of said deed of trust, promising and intending, however, to do so sometime thereafter, whenever they should be thereto requested; but that in or about the year 188, and before said Darden wife executed to your complainant such deed of Release, the said Geo. H. Darden departed this life, intestate, leaving as his heirs at law, his wife, Pauline J. Darden, and his children, Joseph Samuel Darden, Pauline R. Darden, and Pearl Darden, the last two infants.

That since the death of said Geo. H. Darden, to-wit, at a County Court held in & for said County on the day of 188, J. W. Williams, shff. was appointed as appointed as his administrator, as will appear from a copy of the order appointing him as such administrator, herewith filed as exhibit A & prayed to be read as a part of this bill. That your complainant, having paid in full the debt secured by said deed of trust, is desirous of having the same released, and is advised that he

should apply to your Honor by a suit in Chancery for the appointment of a Commissioner to release the same -

In consideration whereof, and inasmuch as your complainant is without remedy save in a Court of Equity, where such matters are properly cognizable, to the end, therefore, that justice may be done, your complainant prays that the said J. W. Williams, sh'ff., and as such adm'r. of Geo. H. Darden, dec'd., Pauline J. Darden, Joseph Samuel Darden, Pauline R. Darden and Pearl Darden be made parties defendant to this suit and required to answer the same, but answer on oath is hereby expressly waived; that a proper *fiduciary ad litem* be appointed for the infant defendants; that proper process issue; that proper orders & decrees may be made, that a Commissioner may be appointed to release the lien of said deed of trust, and that all such other, further relief may be granted your complainant as the nature of his case may require or to Equity may seem meet.

And your complainant will ever pray &c.
W. J. Sebrill, p.p.

Kindred

r" } Stat: Rules

Darden et: als:

D. H. Kindred - ~~Plff~~

Against

J. H. Williams, Shff + Admr
of Geo. H. Darden dec^d.

Pauline J. Darden,
Joseph Samuel Darden,
Pauline R. Darden &

Pearl Darden, the last
two infants, by J. L.

McLemore, their Edm ad litem. Dpts.

1892, Sept 28. Procep ip^o to 1^o Oct: Rules.

" 1^o Oct. Rules: Procep Executed, Bill & Ex:
filed. J. L. McLemore appt:
Edm ad litem to infants.
de orae nisi & Adults.

" 2^o Oct: Rules: Bill taken for Confessed
as to adults, and causd.
set for hearing as to adults.

Southampton County Court Dec. Term 1889
Geo. H. Darden, having departed this
life intestate, more than three months
ago, and no person having applied for
Administration of his goods and chattels -
On motion of W. A. Myrick, a creditor,
it is ordered that the Estate of said de-
cedent be committed to the hands of J.
H. Williams, Sheriff of this County, to be
Administered according to law.

A Copy:

Attest: A. B. Urquhart Jr
S. C.

This Deed made this 21st day of August A. D. Eighteen hundred and seventy nine, between David H. Kindred & Lucy R. his wife of the first part, and Henry B. Kindred, Trustee, of the second part, all of the County of Southampton, State of Virginia, Witnesseth:

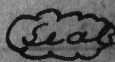
That the said parties of the first part, do hereby grant unto the said party of the second part all that tract or parcel of land lying in said County on the Meherrin and Old River & which is supposed to contain four hundred and fifty acres more or less and is bounded by the lands of W^m E. Myrick W^m H. Stephenson, James M. Corbitt & A. J. Ridley; being the same tract which was granted and conveyed unto the said David H. Kindred, by Deed of Bargain & sale from Henry L. Hill & George H. Darden wife, dated July 22nd A.D. 1879:

In Trust to secure the payment of a certain bond due from the said David H. Kindred to the said George H. Darden and Pauline J. Darden his wife for the principal sum of Three hundred and fifteen dollars and fifty six cents (\$315.56 cent) which said bond is dated June 21st 1879, bears interest from date and is due and payable on the first day of January A.D. 1880 (1880) The sum be-

ing a part of the purchase money for the said tract of land. The said tract of land is granted to the said Trustee with general warranty.

Witness the following signatures & seals.

(Indented in two places before signed

David H. Kindred 

Lucy R. Kindred 

3

Virginia:

Southampton County

} To wit:

This day personally appeared before me, a Commissioner in Chancery for the County Court of said County, in my said County, Lucy R. Kindred, wife of David H. Kindred, parties to the foregoing writing and whose names are signed thereto, which said writing is dated August 21st A.D. 1879. and ^{she} the said Lucy R. Kindred, having the said writing fully explained to her, separate and apart from her said husband, declared that she had willingly signed and executed the same as her deed, and that she does not wish to retract it.

And afterwards, to wit: on the same day in my said County also appeared before me the said David H. Kindred and acknowledged the said writing to be his act and deed.

Given under my hand this Eighth day of

September Anno Domini 1879

Jno. J. Kindred
Comm^r in Chancery &c

Southampton County: In the Clerk's Office Sep-
tember 10th 1879, This Deed of Trust from David
H. Kindred & wife to Henry B. Kindred trustee
for the benefit of George H. Sarden, was this day
received and together with the certificate annex-
ed thereto, admitted to record.

Teste: L. R. Edwards C. C.

A Copy:

Teste: B. F. McLenore C. C.

-1909-
Kindred

2nd 3rd Sum:

Darden et. al:

1892. 1st Oct. Rules
Cir. Ch.

~~Spencer~~ Colo 2nd
1892 by delivering a copy
of this Sum. to each
of the within named
parties

R. G. Williams
deputy for J. H. Williams
Shiff

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

J. H. Williams, Sheriff, and as such
Admin' of Es. H. Darden, dec'd. Pauline J. Darden, Joseph
Samuel Darden, Pauline R. Darden, and Pearl Darden,
the last two infants by J. L. McLenore, their Guardian ad litem.

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 *October 1892* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *D. H. Skindred*

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 *28th* day of
September, 189*2*, in the 11th year of the Commonwealth.

B. F. McLenore

C. C.

Hundred
vs. { Stat: of Books
Darden et al.

Re: This is Judge Price

Hundred

vs. { Stat: of costs

1892

Darden et als.

Sept. 28"

Sum. 25. 4 cop. 52, receipt 18. atty: 10 = 1.05
doctet 18. Rules 1.00 return 35. Fil. bill 15 = 1.68
Do. Exhibits 15. Copy exhibits 85, 2 continuances 50 = 1.50

B. F. M. 4.23

1895. mch.

4 continuances on the doctet J. M. N. 1.00

1900. Apr. 6

10 continuances on doctet 2.50 Law writ 75 = 0.00

8 filing away papers 25. Return writ about 1.00 = 1.25

to look 9.48

Sh H 2.00

Law 12. 16.50

27.98

Note: L. A. Gay L. L.

B. F. M. 4.23

J. M. N. 1.00

L. A. Gay 4.25 11/16/1900 P'd by L. A. Gay L. A. Gay L. A.
59.48