

1910-11

Southampton County Chancery

Toyner, Mary A.

vs

Blythe, M.C.

petitions for deed

Dythe.

1910. Sept. 26th. *first*
dark.

Cant locate other papers

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To the Honorable Jas.L.McLemore, Judge of the Circuit Court of Southampton County, Virginia:

Your petitioner, M.C.Blythe complaining sheweth unto the court the following case:

That your petitioner and Mary A. Joyner are seized jointly of a piece or parcel of land lying situate and being in Southampton County, Virginia.

That about 3 years ago your petitioner loaned to the said Mary A. Joyner the sum of One hundred and Sixty dollars; that the said Mary A. Joyner executed a deed of trust on her part of said land to secure the loan made by your petitioner; that the said Mary A. Joyner has continuously occupied the said land since the said loan was made and has not paid any interest or rent during the whole term of her occupancy; that some time in the year 1908 the said Mary A. Joyner brought a suit in chancery to have partition made of the said property; that in the July term of the circuit court a decree was entered in the said cause directing a sale of the said real estate in the proceedings mentioned and appointing E. Frank Story and R.E.L. Watkins Special commissioners to make such sale; that on the 27th. day of August 1910 the said property was exposed to sale at Franklin, Virginia and was knocked down to your petitioner for the sum of FOUR HUNDRED DOLLARS, with the statement by the commissioners that the said property would pass to the possession of the purchaser as soon as the sale was confirmed by the court.

Your petitioner states that by the terms of the decree agreed to by parties of record the said cause was made a vacation cause, and that your petitioner has frequently urged the special commissioners aforesaid to make him a deed for said property, but they have failed to make such deed and constantly put off and delay your petitioner much to his damage, inconvenience and loss.

Your petitioner says that he has lost three years interest on his money loaned as well as the accrued court costs and rent, and that he believes that he is being delayed in the securing of his deed for no other reason than the protection of the said Mary A. Joyner. The bid of your petitioner is an excessive price for the said land.

and far more than its value.

Your petitioner further says that since the day of sale he has made arrangements with workmen to repair certain buildings on the place and that on account of his inability and delay in getting possession of the said land that he is sustaining a considerable loss, which in equity and good morals he ought not to be compelled to sustain.

Your petitioner further states that all papers in connection with the suit of Joyner against Blythe are in the possession of the commissioners and that your petitioner cannot present them with this petition.

In tender consideration whereof and forasmuch as your orator is remidless save in a court of equity, he prays that an order may issue requiring the said E. Frank Story and R. E. L. Watkins, Special commissioners to make their report forthwith to court; that a good and sufficient deed may be directed from the said commissioners to your petitioner; that all such other, further and special relief may be afforded your petitioner as the nature of his case may require or to equity shall seem meet, and your petitioner will ever pray &c

M. C. Blythe

Enter Sept 26th 1910
John L. Moore

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J.S.M.

ENTERED - C.O.B.

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Virginia, in vacation

In Circuit Court of Southampton County, Virginia. September 26th. 1910.

In Vacation: Joyner vs Blythe,

M. C. Blythe

EX Parte.

Petition of M. C. Blythe -

Upon petition of M. C. Blythe it is ordered that R. E. L. Watkins and E. Frank Story, Special Commissioners in the suit of Joyner VS Blythe appear before the Judge of this court on the 1st day of the October term 1910 ~~chambers in Suffolk, Virginia~~, and show cause why they should not make ~~a report of the sale of~~ report of the sale of a deed to M. C. Blythe for the property sold on the 27th. day of August 1910 at Franklin Virginia, in the suit of Joyner VS Blythe, and do such other things as are required to carry out the purposes of the cause, as set out in the bill -

To the Clerk of the Circuit court of Southampton

County, Virginia. to be entered in the

Chancery order book.

John L. Moore,