

1910-012 Chancery Causes: Grant Mason vs P S. Chapman trustee & H. B. Chapman 85

Isle of Wight County

-B-I-L-L-.

Grant Mason, Plaintiff.

vs:

et al. et als
P. S. Chapman, Trustee,
H. B. Chapman, Defendants.

-I-N- -C-H-A-N-C-E-R-Y-

2nd. January rules, 1910.

Process returned, executed on
all parties.

Upon motion of the plain-
tiff, made in person, this suit
is dismissed at the cost of the
said plaintiff.

BASSETTE & WALKER
ATTORNEYS AND COUNSELORS AT LAW
NEWPORT NEWS, VA.

proper orders be made; and that all such other, further and general relief may be afforded your orator as the nature of his case may require, or to equity shall seem meet. And your orator will ever pray, &c.

Grant Mason

James H. Wick P.Q.

STATE OF VIRGINIA,
CITY OF NEWPORT NEWS, to-wit:

This day personally appeared before me, the undersigned a Notary Public for the City aforesaid, Grant Mason, and made oath that he believes that the statements made in the foregoing bill are true.

Given under my hand this 11th day of January, 1910.

C. B. McIntyre
Notary Public.

BENT. D. White

To the Honorable ~~L. J. Barham~~, Judge of the ~~Corporation~~
Circuit
Court of the ~~City of Newport News~~, Virginia:
County of Isle of Wight

-B-I-L-L-

Your orator, Grant Mason, of Isle of Wight County, in the State of Virginia, would respectfully represent and shew unto the Court, that on the 11th., day of September, 1905, he executed a Deed of Trust on a certain tract or parcel of land, together with the buildings thereon, containing ten acres, more or less, along with certain other property, situated in Isle of Wight County, Virginia, to P. S. Chapman, Trustee, to secure H. B. Chapman, the payment of the sum of Twenty-two hundred (\$2200.) Dollars, with interest.

Your orator further shews unto the court, that at divers times he has paid unto the said H. B. Chapman, the full sum of Twenty-two hundred (\$2200) Dollars, and all monies secured by said Deed of Trust, and that at the present time therec is no debt due by virtue of said Deed of Trust, that should create a lien on said property.

Your orator further avers that said Trustee is about to offer for sale at Public Auction, on the 12th day of January 1910, as will appear by copy of Notice of Sale filed herewith marked "Exhibit A" and prayed to be read as a part of this bill, the property aforesaid, notwithstanding that all claims thereunder have been fully satisfied.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your orator is remediless in the premises save in a court of equity where matters of this kind alone are cognizable, your orator prays that the said P. S. Chapman, Trustee, and H. B. Chapman may be made parties defendant to this bill, and required to answer the several statements thereof, but answer under oath is expressly waived; that the said defendants, their agents, attorneys, and all others, be enjoined and restrained from *that all proper accounts be taken* making such sale aforesaid, that proper process issue, all.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Isle of Wight, Greeting:

We command you that you summon P. S. Chapman, Trustee and H.B. Chapman, to appear at the Clerk's Office of the Circuit Court, of the County of Isle of Wight, at the rules to be held for the said Court, on the third Monday in January, 1910, to answer a bill in chancery, exhibited against them in our said court by Grant Mason.

And have then ~~the~~ this writ. Witness, A. S. Johnson, Clerk of our said court, at the court-house, the 12th. day of January, 1910, and in the 134th. year of the Commonwealth.

Teste, A. S. Johnson Clerk.

By L. C. McClelland D. C.

Grant Mason

vs { Subpoena
in
Chancery

P. S. Chapman & al.

Messrs. Walker & Co.

To 2nd January Rules

Circuit Court

1910

Chas. H. W. Paid

Entered this 12th day of January 1910
by delivering a true copy of the
Vt. 18 & al. in form in the
Court of Am. & Fed. Circuit of Isle of Wight
A. S. Johnson
Clerk

VIRGINIA:

In the Circuit Court for the County of Isle of Wight:

On motion of the Plaintiff, by counsel, and for good cause shown, *an* injunction is awarded him to enjoin and restrain the defendants, their agents, attorneys and all others from making sale of the property in the bill mentioned, containing Ten acres, more or less, untill the further order of the Circuit Court of Isle of Wight County, Virginia.

But the plaintiff is not to have the benefit of this order until he or some one for him, shall enter into bond, with sufficient security, before the Clerk of this Court, in the penalty of one hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain in consequence of said injunction, in the case the same shall be dissolved.

1910- January, 11

To the Clerk of the Circuit Court for the County of Isle of Wight: Enter this vacation order:

T. J. Barham, Judge of the
Corporation Court for the City
of Newport News, Va.

Clerk Office of the Circuit Court of the County of Isle of Wight,

I, hereby certify that the required bond has been executed.

Yeste, A. Johnson Clerk.
L. C. McLeod D. C.

VIRGINIA:

In the Circuit Court for the County of Isle of Wight:

On motion of the Plaintiff, by counsel, and for good cause shown, an injunction is awarded him to enjoin and restrain the defendants, their agents, attorneys and all others from making sale of the property in the bill mentioned, containing Ten acres, more or less, untill the further order of the Circuit Court of Isle of Wight County, Virginia.

But the plaintiff is not to have the benefit of this order until he or some one for him, shall enter into bond, with sufficient security, before the Clerk of this Court, in the penalty of one hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain in consequence of said injunction, in the case the same shall be dissolved.

1910- January, 11.

To the Clerk of the Circuit Court for the County of Isle of Wight: Enter this vacation order:

T. J. Barham, Judge of the
Corporation Court for the City
of Newport News, Va.

Clerk's Office of the Circuit Court of the County of Isle of Wight,

I, hereby certify that the required bond has been executed.

Teste, A. S. Johnson Clerk.

By L. C. McCallum D. C.

Grant Mason

vs

Subpoena
in
Chancery

J. S. Chapman

Newson & Walker, ppy

7 2nd January, 1910

Circuit Court

1910

Executed in the City of
Newport News this the 13th
day of January 1910
by serving a copy
hereof on C. S. Chapman
Trustee

J. J. Lawrence 09X

City of Newport

by W. A. Chapman

Deputy

THE COMMONWEALTH OF VIRGINIA,

To the Sergeant of the City of Norfolk, Greeting:

We command you that you summon P. S. Chapman, Trustee and H. P. Chapman, to appear at the Clerk's Office of the Circuit Court, of the County of Isle of Wight, at the rules to be held for the said Court, on the third Monday in January, 1910, to answer a bill in chancery, exhibited against them in our said court by Grant Mason.

And have then there this writ. Witness, A. S. Johnson, Clerk of our said court at the court-house, the 12th. day of January, 1910, and in the 134th. year of the Commonwealth.

Teste, A. S. Johnson Clerk.

By L. C. McCallum D. C.

Grant Mason

Vs. IN CHANCERY

H. B. Chapman, et al, et als.

To the Clerk of the Circuit
Court of Isle of Wight Coun-
ty, Virginia

60137. page 8

BASSETTE & WALKER
ATTORNEYS AND COUNSELORS AT LAW
NEWPORT NEWS, VA.

VIRGINIA:

Circuit Court for the County of Isle of Wight.
In the ~~Corporation Court for the City of Newport News.~~

~~Order of Injunction Restraining Sale~~

On motion of the Plaintiff, by counsel, and for good cause shown, an injunction is awarded him to enjoin and restrain the defendants, their agents attorneys and all others from making sale of the property in the bill mentioned, containing Ten acres, more or less, until the further order of the Circuit Court of Isle of Wight County, Virginia.

But the plaintiff is not to have the benefit of this order until he ^{or someone for him,} shall enter into bond, with sufficient security, ^{before the clerk of this Court,} in the penalty of one hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain in consequence of said injunction, in the case the same shall be dissolved.

1910-Jany 11

To the Clerk of the Circuit Court
for the County of Isle of Wight:

Enter this vacation order:

J. J. Barham, Judge of the
Corporation Court for the
City of Newport News, Va.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight January 12th. 1910. This vacation decree was received and entered of record.

Teste,

[Signature]
Clerk.

Exhibit A

Sale of Valuable Real Estate

By virtue of the power vested in me, the undersigned, as Trustee, in a certain Deed of Trust, bearing date on the 11th day of September, 1905, executed by Lewis Riggan, Julia Riggan, Grant Mason and Emma Mason and duly recorded in the Clerk's office of the County Court of Isle of Wight County, in Deed Book No. 72, and at page 192, default having been made in the payment of the debt therein secured, and at the request of the party holding the bond in said deed mentioned, **I SHALL ON THE**

12th DAY OF JANUARY, 1910,

at 12 o'clock, M., in front of the Post Office at Smithfield, Va., offer for sale for cash to the highest bidder, all of that certain tract or parcel of land, together with the building thereon, containing ten acres, be the same more or less, (sale by the gross and not by the acre) being the same land conveyed to Grant Mason by the heirs of Mahala Mason, deceased, and which is mentioned in the above mentioned deed of trust as second tract.

This tract is in excellent state of cultivation, being of exceptionally good soil, especially adapted to the raising of Truck, and the buildings consist of good two-story dwelling, lathed and plastered, painted, lightning rodded, and good barn and stables.

P. S. CHAPMAN, Trustee.

#85- Bk 57

Form No. 306.

Grant Mason

to { INJUNCTION BOND.

Commonwealth

Mason

vs {

Chapman, Huster et al

Know all Men by these Presents, That we Grant Mason, by attorney, Pherius Harris and Isaac Jones, as sureties,

are held and firmly bound unto the Commonwealth of Virginia, in the sum of One Hundred Dollars,

dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our exemptions as to this obligation, and also of any claim, or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 12th. day of January, one thousand eight hundred and nine hundred and ten

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound Grant Mason

on his bill in chancery against T. S. Chapman, trustee, and H. D. Chapman,

addressed to the Judge of the Circuit Court of the County of Isle of Wight, has obtained from the said Judge an injunction to enjoin and restrain the defendants, their agents and attorneys, and all others from making sale of the property in the bill mentioned, containing ten acres, more or less, until the further order of the Circuit Court of Isle of Wight County, Virginia:

until the future order of the said court; and whereas it is provided, by the order of the said Judge awarding the said injunction, that the plaintiff shall not have the benefit thereof until he, or some one for him, shall enter into a bond, with good security, in the clerk's office of the said court, payable to the Commonwealth of Virginia, in the penalty of one hundred dollars, and conditioned to pay all such costs as may be awarded against the said plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now, therefore, if the said Grant Mason shall pay all such costs as may be awarded against him, and all such damages as shall be incurred in case the said injunction be dissolved, then this obligation to be void, otherwise to remain in full force and virtue.

Executed in the presence of

Charles E. Wilson
W. H. McClelland

Grant Mason, by attorney
his attorney
Pherius X Harris
Isaac X Jones



In the Clerk's Office of the Circuit Court of the County of Isle of Wight

This day personally appeared before me A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight

Pherius Harris and Isaac Jones, and made oath that their estate, after the payment of all their just debts, and those for which they bound as security for others and expect to have to pay, they worth the sum of one hundred dollars, over and above all exemptions allowed by law.

Given under my hand this 12th. day of January, 1910, 18

A. S. Johnson

Clerk.

Mason

vs } Chancery

Chapman, Inslee et al

Copy of Injunction
bond.

Taken filed January
12th 1910

KNOW ALL MEN BY THESE PRESENTS, that we, Grant Mason, by his attorney, Phenius Harris and Isaac Jones, as sureties, are held and firmly bound unto the Commonwealth of Virginia, in the sum of one hundred dollars, to the payment whereof well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally firmly by these presents. And we hereby waive the benefit of our exemptions as to this obligation, and also of any claim, or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals and dated this 12th. day of January, one thousand nine hundred and ten.

THE CONDITION OF THE ABOVE OBLIGATION is such, that whereas the above bound Grant Mason on his bill in chancery against P. S. Chapman, trustee and H. B. Chapman, addressed to the Judge of the Circuit Court of the County of Isle of Wight, has obtained from the said judge an injunction to enjoin and restrain the defendants, their agents and attorneys, and all others from making sale of the property in the bill mentioned, containing ten acres, more or less, until the further order of the Circuit Court of Isle of Wight County, Virginia: And whereas it is provided by the order of the said judge awarding the said injunction that the plaintiff shall not have the benefit thereof until he or some one for him shall enter into a bond with good security, in the clerk's office of said court, payable to the Commonwealth of Virginia, in the penalty of one hundred dollars, and conditioned to pay all such costs and damages as may be awarded against the said plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now therefore, if the said Grant Mason shall pay all such costs as may be awarded against him, and all such damages as shall be incurred in case the said injunction be dissolved, then this obligation to be void, otherwise to remain in full force and virtue.

Executed in the presence
of Charles E. Wilson
W. H. McClelland.

Grant Mason, (SEAL)
By W. R. Walker, his attorney
his
Phenius x Harris (SEAL)
mark
his
Isaac x Jones, (SEAL)
mark.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight.

This day personally appeared before me, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, Phenius Harris and Isaac Jones, and made oath that their estate, after the payment of all their just debts, and those for which they are bound as security and expect to have to pay, they are worth the sum of one hundred dollars, over and above all exemptions allowed by law.

Given under my hand this 12th. day of January, 1910.

A. S. Johnson, Clerk.

A copy,
Teste,


Clerk.