

1914-002 Charney Causes, P. D. Swaltney, Junior & Company VS W. J. Nelms
Isle of Wight County

69

other surnames: Pretlow,
Kellow, Chapman, Warren,
Wilson, Batten, Latimer,
[B. P. Chapman & Son]

2

Gwaltney -

R. Du Champagne

Helms -

Bice -

1st September rules 1909
Summons returned ex-
tes. Bill filed - Decree
made

2nd Sept rules 1909
Defendant not appearing
etc - Case set down
for hearing

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Esther de la Cruz pg 7

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF
WIGHT COUNTY, VIRGINIA:

P. D. Gwaltney, Jr. & Co.....Plaintiff.

Vs. In Chancery

W. J. Nelms.....Defendant.

Humbly complaining showeth unto the Court, your complainant
P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr. & Co., that he
recovered a judgment for \$190.45, with interest thereon, from March
22nd. 1909, until paid, and \$7.83 costs: Homestead waived, against
the said W. J. Nelms, in the Circuit Court of Isle of Wight County,
Virginia, and abstract of which judgment, marked "Exhibit A," is
herewith filed, and made a part of this bill. Of this judgment, no
part has been paid.

The said W. J. Nelms, owns a one-half interest, subject to
the dower of the widow of W. C. Nelms, in all that certain tract,
piece or parcel of land lying, being, and situate in the County afore
said, containing 100 acres, more or less, and fully described by a
certified copy of the Deed hereto attached, marked "Exhibit B" and
made a part of this bill. The said W. C. Nelms, mentioned in the
said deed, departed this life some years ago intestate, leaving a
Widow and two children, namely: W. J. Nelms and Mittie Kellow, as
his only heirs at law.

Your complainant avers and charges that the rents and pro-
fits from the said interest in the said land will not in five years
satisfy your complainant's judgment, and that he is entitled to en-
force the lien of the same by sale of the said interest in the said
land; that a reasonable fee be allowed your complainant's Attorney,
for his services in this cause;

In tender consideration whereof your complainant prays
that the said W. J. Nelms, may be made a defendant to this bill and
required to answer the same, an answer under oath being hereby ex-
pressly waived; that proper process issue; that all proper orders
and decrees may be made and inquiries be directed, that if it shall

Executed August 27th 1909. by serving
a true copy of the within process on W.J.
Nelson in person, at his residence in
the County of Iscof Wright.

W.A. Edwards
Sheriff

1
J. J. Nelson

VS.

SUBPOENA
IN
CHANCERY.

J. J. Nelson

C. H. Williams

p. 9

To 1st District Rules,

61st Circuit Court.

1909

B3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

W. J. Nelson

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 *1st* Monday in *Sept* 1909,
to answer a bill in chancery, exhibited against *him* in our said court ~~for~~
by P. D. Gwaltney Jr.; trading as P. D. Gwaltney Jr. & Co

And have then there this writ. Witness *A. S. Johnson* NATHANIEL R. YOUNG, Clerk of our said court, at
the court-house, the *24th* day of *August* 1909, and in the *12th* *1858*
year of the Commonwealth.

Dist. Johnson
Edm

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W. G. Wattney J. C. Co
vs. Report of Reference
W. J. Nelson

Dated November 22/1909

Attest

Johnson Clerk

A. S. Johnson
Court in Chancery

P.D. Gwaltney, Jr. HCo

W. J. Nelson

W. J. Nelson

Notice to take Depositions

Executed under
18th 7909, by delivering
a true copy of the
within Notice to Mrs.
W. J. Nelson for her
husband, W. J. Nelson,
at their residence
in the County of Los Angeles.

W. A. Brown

Att'y

I hereby accept legal service
for the within notice

P.D. Gwaltney Jr.

By Counsel.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

P. D. Gwaltney Jr. & Co.,

vs) Chancery---Notice to take depositions.

W. J. Helms.

Commissioner's Office,

Isle of Wight, Va. Nov.18th.1909.

To the parties in the above styled suit:

Take notice that I shall,
at my office at Isle of Wight Courthouse, Virginia, on the 22nd.
day of November, 1909, proceed to execute the decree entered in
the above styled cause, on the 4th. day of October, 1909, of which
the following is an extract:

On consideration whereof the Court doth adjudge, order and decree that A. S. Johnson, one of the Commissioners of this Court, take, state and report to court the following inquiries and accounts:

FIRST: An account of the real estate belonging to the defendant with its annual and fee simple value:

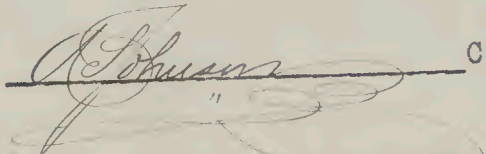
SECOND: An account of all liens against the said real estate by judgment, deed of trust, or otherwise, together with their priorities:

THIRD: Whether or not the rents and profits of the real estate, belonging to the said defendant will in five years satisfy the complainants judgment and the other liens thereon:

FOURTH: Whether all the proper parties are properly before the Court.

Which said several inquiries the said Commissioner shall make and to the court report, together with any matter specially stated, deemed pertinent by himself or required by any party in interest to be so stated."

The hour of the taking of the depositions will be begun at ten o'clock A.M.



Commissioner.

VIRGINIA: 11th

COUNTY OF ISLE OF WIGHT, TO-WIT:

IN THE COURT OF M. F. JORDAN, A JUSTICE OF THE PEACE FOR
SAID COUNTY SEPTEMBER 13TH. 1909.

J. E. Warren,.....Plaintiff

vs) Abstract of judgment.

W. J. Nelms,.....Defendant.

Judgment that the plaintiff recover of the defendant
the sum of sixty two and 17/100 dollars with interest thereon
from December 12th. 1907 till paid, and \$3.00 costs.

Homestead Exemption waived.

Teste,  Clerk.

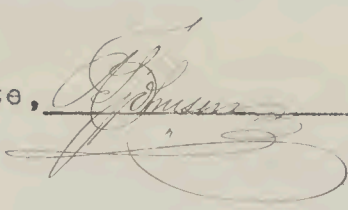
VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT 3 SEPTEMBER
10TH. 1909.

B. P. Chapman and James T. Chapman,
trading as B. P. Chapman & Son,.....Plaintiffs

vs) Abstract of judgment.

W. J. Nelms,.....Defendant.

Judgment that the plaintiff recover of the de-
fendant the sum of eighty nine and 69/100 dollars with interest
thereon from January 1st. 1907 till paid; and Seventy six and
71/100 dollars, with interest thereon from January 1st. 1908
till paid, and \$3.60 costs. Homestead Exemption waived.

Teste,  Clerk.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, JUNE 7TH.
1909.

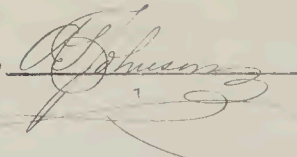
P. D. Gwaltney Jr. trading as P. D.

Gwaltney Jr. & Co.,.....Plaintiff

vs) Abstract of judgment.

W. J. Nelms,.....Defendant.

Judgment that the plaintiff recover of the de-
fendant the sum of one hundred and ninety and 45/100 dollars,
with interest thereon from March 22nd. 1909 till paid, and \$7.83
costs.

Teste,  Clerk.

E. H. Williams. p.q.

J. F. Latimer being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. F. Latimer, I am forty eight years old. I live in Isle of Wight County and am a farmer.

Q. Please state whether or not you are acquainted with the tract of land, according to the land book of this county containing 100 acres, of which W. C. Nelms lately died siezed and possessed, and if you are, please state what you term a fair cash value of the tract of land, and what an undivided one third interest is worth and what the same interest will now rent for? A. I amprettly well acquainted with it. I have lived on the adjoining farm all of my life. I reckon it is worth about a thousand dollars. The number has been lately cut off. I suppose a one third undivided interest in the land at this time, or the interest of the defendant, W. J. Nelms, is now worth three hundred dollars. His interest in it now would be worth nothing.

And further this deponent saith not.

J. F. Latimer

Virginia:

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, do hereby certify that the foregoing depositions were taken before me, at my office, at Isle of Wight Courthouse, on the 22nd. day of November, 1909, between the hours of ten o'clock A.M. and four o'clock P.M.

Given under my hand this 22nd. day of November, 1909.

A. S. Johnson
Commissioner in Chancery.

Nelms, who died siezed and possessed of this land? A. He died leaving a widow, Emily A. Nelms, who is now living on the place, and who, I believe is entitled to dower in it, Jodie Nelms, the defendant in this suit, and Mrs. Kello, who lived in Smithfield and has recently died, leaving, I think, three children.

Q. Would the interest of W. J. Nelms, the defendant in this suit, in the said tract of land, rent for anything as the land now stands?

A. The land, I understand, is not divided, and if divided the share of W. J. Nelms might rent for twenty five or thirty dollars. Undivided it would not rent for anything.

And further this deponent saith not.

W. J. Nelms

O. L. Batten being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. O. L.

L. Batten, Forty eight years, live at Isle of Wight Courthouse, and am a merchant and a farmer.

Q. Are you acquainted with the land of which the late W. C. Nelms died siezed and possessed in this county and near the courthouse, containing, according to the land book of the county for the year 1908, 100 acres, and if you are please state, what, in your opinion the same is worth, and what an undivided one third interest in the said tract of land would rent for? A. The timber is all cut off and I should think the place ought to be woth a thousand dollars. The buildings on it are poor. They are old and have not been kept up. I would not like to attempt to rent a one third undivided interest in it for any price.

And further this deponent saith not.

O. L. Batten

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

P. D. Gwaltney Jr. & Co.

vs) Chancery. Commissioner's report. Depositions.

W. J. Nelms.

Depositions of W. V. Wilson et als. taken before me, A. S. Johnson, a commissioner in chancery of the Circuit Court of the County of Isle of Wight, in the State of Virginia, at my office at Isle of Wight Courthouse, in said County, between the hours of ten A.M. and four o'clock P.M., on Monday the 22nd. day of November, 1909, to be read as evidence in the cause in chancery in the said court pending styled generally, as above.

W. V. Wilson being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. W.

V. Wilson, I will be sixty my next birth day, I reside in Isle of Wight County near the courthouse and am a farmer.

Q. Are you well acquainted with the estate of W. C. Nelms, in which W. J. Nelms, the defendant in this suit is interested or owns a share? A. I am. I live in about a mile of it and have lived at the same place all of my life.

Q. The land book of this county shows that it consists of a tract of land of one hundred acres. Please state, if in your opinion that is about the correct area of the land, and what is its annual and what its fee simple value of the land? A. So far as I know the area stated is correct. I have no knowledge of this particular fact. I should think it ought to rent for at least a hundred dollars a year. It is over a horse crop. It would take two horses to cultivate it and it is good land if properly tended. The timber has been recently cut off and I should think fifteen hundred dollars would be a fair price for it now.

Q. If you know please state who are the heirs at law of W. C.

The the said land has never been divided between the several parties entitled to shares therein, and is now tenanted by the said Emily A. Nelms, the widow, and her son, W. J. Nelms, the defendant in this cause.

Your commissioner, from the evidence before him, is informed, and so reports, that the said tract of land is worth something over a thousand dollars; that being undivided the interest of the said defendant, W. J. Nelms, will rent for nothing, and, therefore, cannot, in five years, pay off and discharge the judgment liens against him and hereunder reported; that his fee simple interest in the said land is worth about the sum of three hundred dollars.

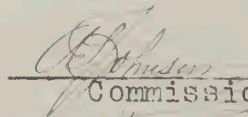
Your commissioner reports the following liens, by judgment, of record against the interest of the said defendant, in the said land, abstracts of which are herewith filed to be taken as a part of this report, the said judgments being here stated in accordance with their priority.

A judgment in favor of P. D. Gwaltney, trading as P. D. Gwaltney Jr. & Co., against W. J. Nelms, for the sum of \$190.45, with interest thereon from March 22nd. 1909 till paid, and \$7.83 costs.

A judgment in favor of B. P. Chapman and James T. Chapman, trading as B. P. Chapman & Son, against W. J. Nelms for the sum of \$89.69, with interest thereon from January 1st. 1907 till paid, and \$76.71, with interest thereon from January 1st. 1908 till paid, and \$3.60 costs.

A judgment in favor of J. E. Warren against W. J. Nelms for the sum of \$62.17, with interest thereon from December 12th. 1907 till paid, and \$3.00 costs.

Respectfully submitted,


Commissioner in Chancery.

Commissioner,.....	\$7.50
Sheriff,.....	50
Witnesses:	
W. V. Wilson,.....	50
O. L. Batten,.....	50
J. F. Latimer,.....	50

P. D. Gwaltney Jr. & Co.

vs) Chancery--Report of Commissioner

W. J. Nelms.

Commissioner's Office,

Isle of Wight, Va. Nov. 22nd.1909.

TO HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF
THE COUNTY OF ISLE OF WIGHT.

The undersigned, one of the Commissioners in Chancery of Your Honor's Court, to whom has been referred the papers in the above entitled cause, which is now pending in the said court, for the execution of a decree entered therein on the 4th. day of October, 1909, begs leave to report, that on the 22nd. day of November, 1909, after notice to all the parties in this cause, between the hours of ten o'clock A.M. and four o'clock P.M., at his office aforesaid, proceeded to take the depositions of W. V. Wilson, J. F. Latimer and O. L. Batten, which are herewith returned, is the execution of the said decree. Your commissioner is informed, and so reports, that W. J. Nelms is the son of W. C. Nelms, deceased, who died ^{intestate} leaving him surviving, a widow, Mrs. Emily A. Nelms, a son, the said W. J. (Jodie) Nelms, and _____ Kellow, now deceased. That the said W. C. Nelms, at the time of his death, was seized of a tract of land, situated in the said county, near the courthouse, containing, according to the land book of the said county, one hundred acres, a part of which is open and in cultivation, and the other woodland. That the timber from the said land has recently been cut therefrom, thereby reducing the value of the said land.

P. D. Gwaltney, Jr. & Co.,

Vs) Commissioner's report

W. J. Nelms,

*Report filed
1910
Feb. 7.
BDW*

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

on the said interest in the said land and secure the deferred payments, and your commissioner recommends that this be done.

Very respectfully submitted,

J. H. Williams
Special Commissioner.

TO THE HON. B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT.

P. D. Gwaltney, Jr., trading as P. D. Gwaltney Jr. & Co,
Vs.) Special Commissioner's report.
W. J. Nelms.

The undersigned, E. H. Williams, Special Commissioner under the decree in the said cause entered on Dec. 6th. 1909, begs leave to report that, in pursuance to the said decree, he advertised for sale the interest of the said W. J. Nelms in the land in the bill and proceedings of this cause mentioned for a period of two weeks by hand bills posted at ten or more public places in this county, and on Saturday, January 15th, 1910, at 2 o'clock P. M., in front of the Post-office of Smithfield, Virginia, he offered the said interest in the said land for sale at public auction to the highest bidder, upon the following terms, to-wit: One-third in cash and the remainder in two equal installments payable in one and two years from the day of sale, with interest, the said deferred payments to be evidenced by the bonds of the purchaser, and the title to the said interest in the said land to be retained until the whole of the purchase price is paid; and at which sale M. L. Kello, being the highest bidder, became the purchaser of the said interest in the said land for the sum and price of Three Hundred and Eighty Six Dollars (\$386.00).

Your Commissioner is advised that the said interest in the said land sold for a fair price, and advises that the sale be confirmed.

Your Commissioner further reports that the said M. L. Kello desires to pay the cash payment, and that upon the payment of the said cash payment the interest in the said land be conveyed to him upon the condition that he execute a deed of trust

Sent to

M. L. Kees

713 86 ^W

W. A. Estor

Andrew

COMMISSIONER'S SALE OF THE INTEREST OF W. J. HELMS IN FARM LAND NEAR
ISLE OF WIGHT, VIRGINIA.

By virtue of a decree made by the Circuit Court of Isle of Wight County on the 8th. day of December, 1909, in the Chancery cause of P. D. Swaltney Jr. & Co. Vs. W. J. Helms, pending in said Court, I shall, as Special Commissioner appointed thereby, proceed to sell at Public Auction, to the highest bidder, at the front door of the Post-Office of Smithfield, Virginia, on SATURDAY, JANUARY, 15TH, 1910, at 2 O'clock P. M. the following property, to-wit:

The One-half interest of the said W. J. Helms, subject to the dower interest of Emily A. Helms, the widow of W. C. Helms, in and to all that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, Virginia, containing 100 acres, more or less, and being the same land of which W. C. Helms died, seized and possessed; the said land having been conveyed to the said W. C. Helms, by deed from R. H. Pretlow et ux, which said deed is of record in the Clerk's Office of Isle of Wight County, in D. B. 47, Page 180, and it being the same tract of land which was conveyed to the said R. H. Pretlow by N. P. Young, Executor, of John Edwards, deceased:

× TERMS OF SALE: One-third in cash and the remainder in two equal installments payable in one and two years from the day of sale, with interest, the said deferred payments to be evidenced by the bonds of the purchaser, and the title to the said interest in the said land to be retained until the whole of the purchase price is paid.

E. H. Williams,
Special Commissioner.

VIRGINIA: Clerk's Office of the Circuit Court of the County of Isle of Wight, December, 8th. 1909.

I, A. S. Johnson, Clerk of the said Court, do hereby certify that the bond required of E. H. Williams as Special Commissioner has this day been duly executed.

Teste, A. S. Johnson, Clerk.

December, 24th. 1909.

To,) B. & S.

M. H. ELLIOT,

Admitted to practice May 15
day of July 1910
at Two P M
Recording & Filing No. 77
page 469-70

Tax	1.00
Fee	1.40
<i>Paid</i>	<u>2.40</u>

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

which was conveyed to him by deed from R. H. Protlow and wife, by their deed dated the 9th. day of June, 1883, and recorded in Deed Book No. 47, page 180, and adjoins the lands of J. F. Latimer, and others.

And the said E. H. Williams, Special Commissioner as aforesaid, the title to the said tract or parcel of land against himself and his heirs, and all persons claiming by, through, or under him, will forever warrant and defend.

Witness the following signature and seal:

E. H. Williams (SEAL)
Special Commissioner

State of Virginia,

County of Isle of Wight, to-wit:—

I, L. C. McClelland, a Notary Public, in and for the County and State aforesaid, do hereby certify that E. H. Williams, Special Commissioner, whose name is signed to the foregoing writing, bearing date February 14th. 1910, has acknowledged the same before me in my County aforesaid.

My commission expires May 12th. 1912.

Given under my hand this 14th. day of February, 1910.

L. C. McClelland N.P.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight February 15th. 1910 at two o'clock P.M. this deed was received and with the certificate annexed, admitted to record.

Teste,

E. J. Mason
Clerk.

order, advertised the time, terms and place of sale for the period of two weeks by posters posted in ten or more public places in the said County, at which sale the said interest of the said W. J. Nelms in the said tract or parcel of land, was bid off to the said M. L. Kello for the sum of Three Hundred and Eighty six Dollars (\$386.00), that being the highest bid for the same; and

WHEREAS, on the 7th. day of February, 1910, it was decreed and ordered by the Circuit Court of the County aforesaid that the said E. H. Williams, Special Commissioner, as aforesaid, upon the payment of the cash payment of one-third of the purchase money convey with Special Warranty, the interest of the said W. J. Nelms, in the tract or parcel of land aforesaid and take from the said M. L. Kello a deed of trust to secure the deferred payments on the purchase price of the said land; and

WHEREAS, the said M. L. Kello has paid to the said E. H. Williams, Special Commissioner, as aforesaid, the cash payment according to the said decretal order;

NOW, THEREFORE, THIS DEED WITNESSETH:- That the said E. H. Williams, Special Commissioner, as aforesaid, in order to carry into effect the said sale made as aforesaid, in pursuance of the said decretal order, in consideration of the premises and of the sum of One Hundred and Twenty Eight Dollars and Sixty Seven cents (\$128.67), to me in hand paid by the said M. L. Kello, according to the terms of the said decretal order, at and before the delivery and sealing of these presents, the receipt whereof is hereby acknowledged, doth give, grant, bargain, sell and convey unto the said M. L. Kello, his heirs and assigns forever, the said interest of the said W. J. Nelms in the said tract or parcel of land lying situate and being in the County and State aforesaid, containing 100 acres, being the same land of which W. J. Nelms, died, seised and possessed and

THIS DEED, made this 14th. day of February, 1910, between E. H. Williams, Special Commissioner of the County of Isle of Wight, State of Virginia, party of the first part, and W. L. Kello, of the County and State aforesaid, party of the second part.

WHEREAS, on the 6th. day of December, 1909, it was decreed and ordered by the Circuit Court of the County of Isle of Wight in a certain cause pending on the Chancery side of the said Court between P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr. & Co., Plaintiff, and W. J. Nelms, Defendant, that the said E. H. Williams, who was thereby appointed Special Commissioner for the purpose, should, at public auction, upon the following terms, to-wit: One-Third cash and the remainder to be paid in two equal installments, payable respectively in one and two years from date of sale, title to the said land to be retained until the further order of the Court, make sale of the interest of the said W. J. Nelms, subject to the dower of Emily A. Nelms, in and to all that certain tract, piece or parcel of land, lying, situate and being in the County and State aforesaid containing one hundred (100) acres, more or less, bounded and described as follows, adjoining the lands of J. W. Latimer, and others, and being the same land conveyed to W. J. Nelms by R. H. Pretlow, et ux, by deed dated the 9th. day of June, 1883, and recorded in Deed Book No. 47, page 180, having first advertised the time, terms and place of sale for a period of two weeks by posters posted in ten or more public places; and,

WHEREAS, the said E. H. Williams, Special Commissioner as aforesaid, in pursuance to the said decretal order, did on the 15th. day of January, 1910, in front of the Post Office in Smithfield, Virginia, offer for sale, at public auction, the said interest of the said W. J. Nelms in the tract or parcel of land aforesaid, mentioned and described in the complainant's bill in the said cause; having in pursuance to the said decretal

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Virginia: In the Circuit
Court of Isle of Wight
County.

P. D. Gwaltney, Jr. & Co.,
Plaintiff,

v. *69-Cy*

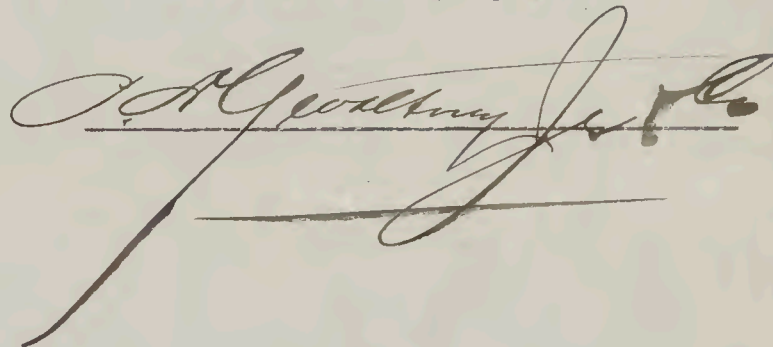
W. J. Nelms,
Defendant.

Report of Special
Commissioner.

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this *24* day of *Aug* 19*14*
J. H. Johnson Clerk

E. H WILLIAMS
Attorney At Law
SMITHFIELD, VA.

Received, February 14th., 1910, of E.H.Williams, Special Commissioner in the
suit of P.D.Gwaltney JR. & CO. V. W.J.Nelms, the sum of TWO HUNDRED AND
EIGHT DOLLARS AND NINETY FIVE CENTS, in full settlement of judgement V. W.J.
Nelms, interest and costs.



E. H WILLIAMS
Attorney At Law
SMITHFIELD, VA.

Received, February 14th., 1910, of E.H.Williams, Special Commissioner in the
suit of P.D.Gwaltney JR. & Co. V. W.J.Nelms, the sum of SEVENTY SEVEN DOLLARS
AND NINETY THREE CENTS, as part payment on judgement V. the said W.J.Nelms.

B. P. Gwaltney

In account with the suit of

To amount of purchase price of the interest of W. J. Nelms
in the land mentioned and described in the said suit, \$386.00

"	"	attorney fees, commissions, advertising and postage, ...	54.22
---	---	--	-------

"	"	P. D. Gwaltney, Jr. & Co.,		
		Judgment,	\$190.45	
		Interest,	10.60	
		Costs,	7.83	208.95

"	"	West & Withers, premium on bond,.....	10.00
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" " B. P. Chapman & Son, on judgment, 77.93.

386.00	386.00
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will appear by a statement, together with the vouchers hereto attached and made a part of this report.

And nothing further remaining to be done in this suit, your Commissioner recommends this cause be stricken from the docket.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Williams". The signature is written in dark ink and is positioned below the typed phrase "Respectfully submitted,".

Special Commissioner.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

P. D. GWALTNEY, JR. AND COMPANY,	)	Plaintiff,
v.	)	
	)	<u>In Chancery.</u>

W. J. NELMS,	Defendant.
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TO THE HONORABLE B. D. WHITE, Judge of the said Court:

The undersigned, E. H. Williams, Special Commissioner, under a prior decree herein, begs leave to report that in pursuance of a decree entered in the said cause on February 7, 1910, and upon the payment of one hundred and twenty-eight and 67/100 (\$128.67) dollars, one-third (1/3) of the purchase price of the land in the bill and proceedings of this cause mentioned and described, he executed and delivered to the said M. L. Kello a good and sufficient deed in fee simple, with special warranty, for the interest of the said W. J. Nelms in the land and bill and proceedings in this cause mentioned, the said interest being an undivided one-half ($\frac{1}{2}$) interest in and to all that tract of land in Newport Magisterial District containing one hundred (100) acres, more or less, adjoining the lands of J. F. Lattimore and others.

Your Commissioners also reports that the said M. L. Kello desired to pay the whole of the purchase price in cash rather than to execute a deed of trust on the said land to secure the deferred payments. Your commissioners therefore collected from the said M. L. Kello the sum of three hundred and eighty-six (\$386.00) dollars, the full purchase price of the said land.

Your Commissioners further reports that he has disbursed the said sum of \$386.00 as directed by the said decree of February 7, 1910, as

3

J. Garvey & Co. Attys

V. Du Cheneery

W. J. Nelson.

Decree

1909

Oct. 4

Entered his
B.W.

Co. B. #6, \$ 627

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA:

OCTOBER TERM 1909.

P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr. & Co. Plaintiff.

Vs. In Chancery.

W. J. Nelms.....Defendant.

This cause came on this day to be heard upon the Complainant's bill, the defendant on whom process has been duly served, still failing to appear, plead, answer or demur, and was argued by Counsel;

On consideration whereof, the Court doth adjudge, order and decree that A. S. Johnson, one of the Commissioners of this Court, take, state, and report to Court the following inquiries and accounts ;

FIRST: An account of real estate belonging to the said defendant, with its annual and fee simple value;

SECOND: An account of all liens against the said real estate by judgment, deed of trust, or otherwise together with their priorities;

THIRD: Whether or not the rents and profits of the real estate, belonging to the said defendant will in five years satisfy the Complainant's judgment and the other liens thereon:

Which: Whether all the proper parties are properly before the Court.
which several inquiries the said Commissioner shall make

and to the Court report, together with any matter specially stated deemed pertinent by himself or required by any party in interest to be so stated.

5
P. S. Lurethy & Co. Recd.

V. Du Chanery

W. J. Nelson, Dq.
Drove.

CO. B. #6 \$639.

1909.

Dec. 6.

Enter this.

W. J.

E. H. WILLIAMS

ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA:

DECEMBER TERM 1909.

P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr & Co. Plaintiffs.
Vs. In Chancery
W. J. Nelms.....Defendant.

This cause came on this day to be again heard on the papers formerly read and on the report of the Commissioner, A. S. Johnson, filed November, 22nd. 1909, to which report there is no exception, and on the examination of the witnesses returned with the said report, and was argued by Counsel; *and it appearing to the Court from*

and upon the consideration whereof, the Court doth approve and confirm the said report, and doth adjudge, order and decree, that E. H.

Williams, who is hereby appointed a Special Commissioner for the purpose, do, after having advertised the time, place and terms of sale for a period of two weeks by hand bills posted *at ten* in five or more public places in this County, proceed to sell at public auction, to the highest bidder, at the front door of the Post-Office of Smithfield,

Virginia, the interest of the said W. J. Nelms in the bill and proceedings of this cause mentioned, *the same being an undivided one half interest in said land, and* and upon the following terms, to-

wit: *One third in cash and the remainder in two*

equal credit instalments payable in one and two years

from the day of sale, with interest, said deferred payments

to be evidenced by the bonds of the purchaser, if the said

Commissioner shall acceptably describe the land to be sold
And the title to said property shall be returned until the purchase money is paid

But the said Commissioner, E. H. Williams, shall receive no money under this decree until he shall enter into a bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$ *200.00*, and conditioned for the faithful discharge of his duties hereunder *or else*

future from service.
The said Special Commissioner shall make report to the Court.

giving the lien on the same; first to the poor interest of Emily A. Nelms, The wife

19
P. H. Gurnea, Jr. Esq.

v.

W. J. Nelson.

De Ques

Robt. Enters
1910

Feb. 7.

Enters his. B. D. W.

C. D. B. #7 - p. 12

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

terest in the said land in the order of their priority, *Swift, P.D.*

And the said E. H. Williams, Special Commissioner,

as aforesaid, shall make report to Court of his proceedings under this decree.

Shreeley, Kaduca as F. D. Gwaltney Jr. and Company, for \$790.⁴⁵ with interest from March 22d, 1909, and costs \$7.83, and second to B. P. Chapman and James S. Chapman trading as B. P. Chapman and son, for \$89.⁶⁴ with interest thereon from January 1st, 1907, and \$76.⁷⁴ with interest thereon from January 1st, 1908, and \$3.⁶⁰ costs, and to J. E. Warren \$62.¹⁷ with interest thereon from December 12th, 1907, and \$3.⁰⁰ costs.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

P. D. Gwaltney, Jr. & Co.,

Vs) Chancery

W. J. Nelms,

This cause came on this day to be again heard on the papers formerly read, and on the report of E. H. Williams,

~~On consideration which no exception has been taken, a consideration when~~
Special Commissioner, this day filed by leave of Court, ~~and was~~
~~argued by counsel;~~

~~On consideration whereof it appearing to the Court~~
~~from the report aforesaid that the interest of the said W. J.~~
~~Nelms in the land in the bill and proceedings in this cause men-~~

~~tioned, sold for its fair value, the Court confirming the said~~
~~sale to which no exceptions have been taken, both adjudge, order~~

and decree that the said E. H. Williams, Special Commissioner ~~as~~
~~aforesaid shall, upon the payment of one third cash by the pur-~~

chaser, ~~execute and deliver to the said M. L. Kel-~~

lo a good and sufficient deed, in fee simple and with ~~specie~~

warranty, for the interest of the said W. J. Nelms in the land

in the bill and proceedings in this cause mentioned, ~~and the~~

~~said E. H. Williams, Special Commissioner, as aforesaid, shall~~

~~take from the said M. L. Kello a deed of trust to secure the~~

~~deferred payments on the purchase price of the said interest~~

~~of two tracts bearing date the 15th day of January, 1910, each for the sum of~~

~~\$118.67, each bearing interest from said date, and each con-~~

~~taining a proviso of the homestead exemption, and payable in~~

~~one and two years from said date.~~

The Court doth further adjudge, order and decree that

the said E. H. Williams, Special Commissioner, as aforesaid,

shall collect said deferred payments, at their maturity ~~on befo-~~

~~reignty if payment is tendered; and out of the proceeds of the~~

~~sale of the interest of the said land he shall pay, first, the~~

~~cost of this suit up to a final decree, the usual fees of the~~

~~Special Commissioner and a fee of \$25.00 to E. H. Williams, for~~

~~his services in this cause, and then apply the residue of the~~

~~purchase price towards the payment of the liens on the said in-~~

* And it appearing to the Court from the said report that the interest in the property mentioned in the bill, was sold off by M. L. Kello, at the price of \$386.00,

And further said that the interest of the said W. J. Nelms in the land in the bill and proceedings in this cause mentioned, was sold for its fair value, the Court confirming the said sale to which no exceptions have been taken, both adjudge, order and decree that the said E. H. Williams, Special Commissioner as aforesaid shall, upon the payment of one third cash by the purchaser, execute and deliver to the said M. L. Kello a good and sufficient deed, in fee simple and with specie warranty, for the interest of the said W. J. Nelms in the land in the bill and proceedings in this cause mentioned, and the said E. H. Williams, Special Commissioner, as aforesaid, shall take from the said M. L. Kello a deed of trust to secure the deferred payments on the purchase price of the said interest of two tracts bearing date the 15th day of January, 1910, each for the sum of \$118.67, each bearing interest from said date, and each containing a proviso of the homestead exemption, and payable in one and two years from said date.

And further said that the interest of the said W. J. Nelms in the land in the bill and proceedings in this cause mentioned, was sold for its fair value, the Court confirming the said sale to which no exceptions have been taken, both adjudge, order and decree that the said E. H. Williams, Special Commissioner as aforesaid shall, upon the payment of one third cash by the purchaser, execute and deliver to the said M. L. Kello a good and sufficient deed, in fee simple and with specie warranty, for the interest of the said W. J. Nelms in the land in the bill and proceedings in this cause mentioned, and the said E. H. Williams, Special Commissioner, as aforesaid, shall take from the said M. L. Kello a deed of trust to secure the deferred payments on the purchase price of the said interest of two tracts bearing date the 15th day of January, 1910, each for the sum of \$118.67, each bearing interest from said date, and each containing a proviso of the homestead exemption, and payable in one and two years from said date.

And shall apply

To G. P. Whitley, Trustee

\$25.00

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Virginia: In the Circuit Court
of Isle of Wight County.

P. D. Gwaltney, Jr. & Co.,

Plaintiff,

v. *69 Cy*

W. J. Nelms,
Defendant.

Decree.

Enter this: *24th* Aug. 1914.

B. D. W.

C. D. W. # 7 Page 246

Brought forward, ...	\$ 89.22	\$386.00
By paid P. D. Gwaltney, Jr. & Co.,		
Judgment, \$190.45		
Interest, 10.60		
Costs, <u>7.83</u>	\$208.95	
" " West & Withers, premium		
on bond,	10.00	
" " B. P. Chapman & Son on judgment,	77.93	
	\$386.00	\$386.00

And it further appearing to the court that nothing further remains to be done in this cause, the court confirming the said report, doth adjudge, order and decree that this cause be stricken from the docket.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

P. D. GWALTNEY, JR. AND COMPANY,

Plaintiff,

v. } 69

In Chancery.

W. J. NELMS.

This cause came on this day to be again heard on the papers formerly read and on the report of ~~payments~~ of Special Commissioners, E. H. Williams, this day filed by leave of court, to which no exceptions have been filed, and was argued by counsel.

~~It appearing to the court from said report that the said E. H. Williams, Special Commissioner, did, upon the payment of \$128.67 by M. L. Kello, in pursuance of a decree entered in this cause on Feb. 7, 1910, convey to the said M. L. Kello the interest of the said W. J. Nelms in the land in the bill and proceedings of this cause mentioned and described;~~

And it ~~further~~ appearing from the said report that the said Special Commissioner, E. H. Williams, collected from the said M. L. Kello the full amount of the purchase price of the said interest of the said W. J. Nelms in the said land, making a total amount of \$386.00; *And conveyed to said M. L. Kello the interest of W. J. Nelms in said land*

And it further appearing from the said report that the said E. H. Williams, Special Commissioner, as aforesaid, disbursed the said sum of \$386.00 as follows:

To amount of purchase price of the interest of	
W. J. Nelms in the land mentioned and described	
in the said suit, ...	\$386.00
By paid court costs, ...	\$35.00
" " attorney fees, commissions,	
advertising and postage, ...	54.22

In testimony whereof the said R. H. Pretlow and M. E .
his wife have hereunto set their _____ and affixed their seals
this 9th. day of June, 1883.

R. H. Pretlow, (SEAL)

M. E. Pretlow, (SEAL)

State of Virginia,

Surry County, to-wit:

I, B. D. Edwards, a Justice of the peace for the County and State
aforesaid do certify that R. H. Pretlow whose name is signed to
the writing hereto annexed bearing date on the 9th. day of June
1883, has acknowledged the same before me my said County.

Given under my hand this 9th. day of June, 1883.

B. D. Edwards, J. P.

State of Virginia,

Surry County, to-wit:

We, C. E. James and B. D. Edwards, Justices of the peace for the
County and State aforesaid, do certify that M. E. wife of the
said R. H. Pretlow whose name is also signed to the said writing,
bearing date on the 9th. day of June, 1883, personally appeared
before me in my said County and having the writing aforesaid ful-
ly explained to her, she the said M.E. acknowledged the said writ-
ing to be her act and declared that she had willingly executed
the same and does not wish to retract it. Given under our
hands this 9th. day of June, 1883.

C. E. James, J. P.

B. D. Edwards, J. P.

In the Clerk's Office of the County Court of Isle of Wight County,
the 2nd. day of July 1883. This deed from R. H. Pretlow & wife
to W. C. Nelms was admitted to record on the certificates of
Justices of the peace hereto annexed.

Teste, N. P. Young, Clk.

A copy, Teste,

W. C. Nelms Clerk.

R. H. Pretlow, et ux,

To) Bargain and Sale. D. B. No. 47, page 180.

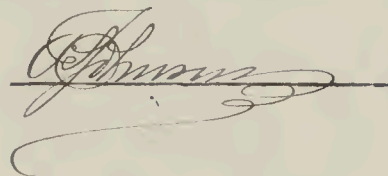
W. C. Nelms,

Know all men by these presents, that we, R. H. Pretlow and M. E. _____ wife of the said R. H. Pretlow, for and in consideration of the sum of Two Hundred and Fifty Dollars to us in hand paid by W. C. Nelms, before the signing and sealing of these presents, the receipt whereof is hereby acknowledged and the execution by the said W. C. Nelms of his two several bonds for Two Hundred and Fifty Dollars bearing date Jany, the 1st. 1883, and payable to the said R. H. Pretlow, respectively Jany. 1st. 1884, and Jany. 1st. 1885, with interest from date, and the further execution by the said W. C. Nelms and wife of a deed of trust of even date herewith on the tract of land hereby conveyed to secure the payment of said bonds, which deed of trust is intended to form a part of this deed and to which reference is hereby had, hath bargained and sold and by these presents doth bargain and sell with general warranty unto the said W. C. Nelms all of that certain tract or parcel of land, situate lying and being in the County of Isle of Wight, known as the Holliday place, containing by estimation 100 acres, be the same more or less, and being the same tract of land which was conveyed to the said R. H. Pretlow by N. P. Young, Exr. of John Edwards decd. by his deed bearing date on the 25th. day of March 1881, which deed is duly recorded in the Clerk's Office of the County Court of the County of Isle of Wight in Deed Book No. 45 p. 650, to which deed reference is hereby had for a more particular description of the land hereby conveyed. The said R. H. Pretlow covenants that he is seised in fee simple of the said land, that he has a right to convey the same to the said grantee, that he has done no act to encumber the title thereto, that the grantee shall have quiet possession thereof free from all encumbrances, and that he will execute such other and further assurances of said land as may be requisite.

CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT, AUGUST 25TH. 1909.

I, A. S. Johnson, Clerk of the Circuit Court of the County of
Isle of Wight, do hereby certify that P. D. Gwaltney, Jr., trading
as P. D. Gwaltney, Jr. & Co., obtained a judgment against W. J.
Nelms, in the Circuit Court of the said County, on the 7th. day
of June, 1909, for the sum of \$190.45, with interest from March
22nd. 1909, and \$7.83 costs, Homestead Waived. Said Judgment
was docketed in the Clerk's Office of the said County on the 10th.
day of June, 1909, in J. L. D. No. 3, page 108.

Given under my hand this 25th. day of August, 1909.

 Clerk.