

1929-011 Chancery Causes: Federal Land Bank of Baltimore vs Joseph W. Moody & A. S. Johnson, 547
Isle of Wight County trustee

COMMONWEALTH'S ATTORNEY
FOR ISLE OF WIGHT COUNTY

GEORGE F. WHITLEY
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

May 10, 1929

Mr. R. A. Edwards,
Isle of Wight, Va.

Dear Gus:

Will you please send me a statement of the cost in the
suit of The Federal Land Bank of Baltimore vs. J. N. Moody?

There will be two reports and two decrees now to be
entered.

Yours truly,

GEF/b:

GEO. F. WHITLEY

per- *B.*

No.

Know all Men by These Presents: That we George F. Whitley,

principal

and

The Fidelity & Deposit Company, Of Maryland

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Thousand

Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said George F. Whitley

principal

and the said

Fidelity And Deposit Company Of Maryland,

surety

by

R. A. Edwards

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said

R. A. Edwards

, its said agent and attorney

in fact, this, the

11th

day of

April

A. D. 1929.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound George F. Whitley, who was by a decree of the Circuit Court of Isle Of Wight County, entered on the 5th day of March 1929, in the Chancery cause of Federal Land Bank Of Baltimore Vs. J. N. Moody, Docket No. 547, appointed a Special Commissioner for the sale of certain real estate therein mentioned and described,

shall faithfully discharge the duties of his office or trust as such Special Commissioner

, then the above obligation to be void, or else to remain in full force and virtue.

George F. Whitley [SEAL]
Fidelity and Deposit Company of Maryland
By R. A. Edwards
Attorney-in-Fact

By

Its duly authorized agent and attorney in fact.

Attest: R. A. Edwards

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 11th day of April 1929, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R. A. Edwards Clerk.

Fed. Land Bank of B.

ss. Cy #547

J. N. Moody

Copy of bond.
of S. C.

Filed Apr. 11-1929.

Note R. A. Edwards.

llh

Everett Wadley Co.
Stationers and Printers
Richmond, Va.

Form No. 310—Clerk's Certificate that Commissioner has given Bond. Code 1919, Sec. 6269.

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

The Federal Land Bank Of Balto Plaintiff ,
~~xxxxxx~~ Vs. Chancery # 547
Joseph N. Moody, Defendant ,

I, R. A. Edwards, Clerk of the said Court, do certify that
the bond required of the Special Commissioner by the decree rendered in said cause on the
5th day of March, 1929, has been duly given.

Given under my hand as Clerk of the said Court, this 11th day
of April, 1929.

R. A. Edwards
Clerk

VIRGINIA:

IN THE CIR-CUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

The Federal Land Bank of Baltimore..., Plaintiff)
vs:)
J. N. Moody, et al....., Defendants)

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day by leave of Court filed, to which report there are no exceptions, and was argued by counsel:

And it appearing from said report, that the said Special Commissioner has collected from The Federal Land Bank of Baltimore the costs in this suit and the taxes due on the land in the bill and proceedings mentioned; that he has executed and delivered to the said The Federal Land Bank of Baltimore a deed conveying the said land; that he has paid the costs and taxes in this suit as follows:

WRIT TAX.....	\$ 1.50
Taxed Atty. fee.....	15.00
Clerk's cost.....	10.40
Sheriff's fee.....	1.00
Commissions.....	190.00
Drawing deed.....	10.00
Advertisements.....	4.50
Spec'l Commissioner's Prem on bond.....	15.00
Crier's fee.....	10.00
Acknowledgement deed	.50
Taxes for 1927.....	94.53
Taxes for 1928.....	87.47,
	<u>\$ 439.90</u>

on consideration whereof the Court doth confirm the said report.

And nothing further remaining to be done in this cause, the same is ordered to be stricken from the docket.

The Federal Land Bank,

VS) In Chancery

J. N. Moody et al.

Decree.

1929
June 5.
Entered this
B. H. H.

8-511

VIRGINIA - IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

THE FEDERAL LAND BANK OF BALTIMORE, a corporation---Plaintiff
VS.

JOSEPH N. MOODY,- - - - -Defendant .
- - - - -

This cause, which has been regularly matured at rules, and set for hearing upon process returned executed against the Defendant, came on this day to be heard upon the Plaintiff's Bill, taken for confessed, the process aforesaid, and was argued by Counsel.

Upon consideration whereof, and it appearing to the Court that on the 28th day of July, 1923, Joseph N. Moody, executed and delivered to the Plaintiff, The Federal Land Bank of Baltimore, his promissory note whereby he promised to pay to the Plaintiff the principal sum of \$4000.00, with interest thereon at the rate of five and one half per centum per annum, the said principal and interest being dischargeable in sixty nine semi-annual installments, and to secure the payment of the debt aforesaid, represented by the said note, and the interest to accrue thereon, the said Defendant, Joseph N. Moody, on the 28th day of July, 1923, by his certain deed, commonly called a mortgage, conveyed to the Plaintiff in fee simple all that certain tract or parcel of land, situate, lying and being in the Hardy Magisterial District, in the County of Isle of Wight, in the State of Virginia, containing 302 $\frac{1}{2}$ acres, more or less, and fully described in said mortgage deed, and in these proceedings mentioned, which said mortgage is of record in the Clerk's Office of Isle of Wight County, Virginia, in Deed Book 94, page 124,&c.

And it further appearing to the Court that the Defendant, Joseph N. Moody, made default in the payments which became

due and payable on the 28th day of January, 1928, and the 28th day of July, 1928, and that there is now due to the Plaintiff on account of said mortgage debt the sum of \$3823.73, with interest thereon at the rate of 5¹/₂% ^{per cent} per annum from July 28th 1927, together with a collection fee of 5% ^{per cent} on the gross amount of the debt, which said fee is provided to be paid in the said note in case it is necessary to resort to legal proceedings to collect said debt.

And the Court being of opinion that under the terms, conditions and covenants of the said mortgage, and of the note secured thereby, the Plaintiff hath the right to require of the Defendant the payment of the whole mortgage debt, principal and interest, together with the collection fee of 5% ^{per cent} on the gross amount of the debt due, provided for in the said note, and upon the failure of the Defendant to make such payment, to have the mortgaged land sold and to have the fund arising therefrom applied to the discharge of said mortgage debt, DOETH SO DECIDE:

On consideration whereof
~~And~~ the Court doth adjudge, order and decree that unless the Defendant, Joseph N. Moody, or someone for him, shall within thirty days from the entry of this decree, pay to the Plaintiff, The Federal Land Bank of Baltimore, the sum of \$3823.73, with interest thereon at 5¹/₂% ^{per cent} per annum from July 28th, 1927, and a collection fee of 5% ^{per cent} on the gross amount of the debt due, as provided in the note, and the costs of this suit, then George F. Whitley and I. P. Whitehead, who are hereby appointed Special Commissioners for the purpose, either or both of whom may act,

by advertisement by notices posted at five or more public places in
~~in such manner as will be most likely to attract bidders,~~ sell the land in the bill and proceedings mentioned, ~~and on which said~~
~~The Federal Land Bank of Baltimore holds its mortgage,~~ at public auction to the highest bidder in front of the Court House of Isle of Wight County, Virginia, or upon the premises, and upon the

this Court

following terms, to wit: for cash as to one third of the purchase money, and the balance upon a credit of one and two years, payable in equal installments and to be evidenced by notes executed by the purchaser or purchasers, payable to the Commissioners in this cause, bearing interest from day of sale, and containing a waiver of the homestead exemption, title to said land to be retained by the said Commissioners until the whole of the purchase money shall be paid, or for all cash at the option of the purchaser.

But before acting under this decree, the said Commissioners, or the one acting, shall enter into bond with approved security before the Clerk of this Court in the penalty of \$5000.00 conditioned for the faithful performance of his or their duties ~~as such Commissioners~~, under this and any future decrees or orders which may be entered in this cause, ^{And} said Commissioners shall report to Court.

And this cause is continued.

VIRGINIA - IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY

THE FEDERAL LAND BANK OF BALTIMORE

vs. (DECREE

JOSEPH N. MOODY et al

WE ASK FOR THIS DECREE:

B. J. Whitely
J. P. Whitely

Counsel

1424
Mar 5

ENTER THIS:

B. J. Whitely

Judge

8-493

VIRGINIA,

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

The Federal Land Bank of Baltimore....., Plaintiff

VS)

J. N. Moody and A. S. Johnson, Trustee,....Defendants.

oooOooo

This cause came on this day to be again heard
on the papers formerly read and ^{upon} the report of George F.
Whitley, Special Commissioner, this day by leave of Court
filed, to which report there are no exceptions and was
argued by counsel:

And it appearing from the said report that pursuant
to a decree entered in this cause on the 5th day of March, 1928,
after having advertised the time, place and terms of sale as
provided for in said decree, the said Commissioner did offer
for sale, at public auction, on the 6th day of May, 1929,
at one o'clock P. M., in front of the Courthouse of Isle of
Wight County, the property in the bill and proceedings mentioned;
that the said property was struck off to the said The Federal
Land Bank of Baltimore for the sum of \$3800.00, it being the
highest bid made therefor, on consideration whereof the Court
doth confirm the said report and sale.

And it further appearing to the Court that the said
The Federal Land Bank of Baltimore, the purchaser of the said
land in the bill and proceedings mentioned, is the beneficiary
of the entire fund arising in this cause, the Court doth adjudge,

order and decree that the said The Federal Land Bank of Baltimore do pay to the said Commissioner in this cause the costs of the suit and any unpaid taxes on the said land; and that, so soon as The Federal Land Bank of Baltimore shall have paid the costs of the suit and sale and the unpaid taxes aforesaid, then Goe. F. Whitley, who is hereby appointed as Special Commissioner for the purpose, shall convey to The Federal Land Bank of Baltimore the land in the bill and proceedings mentioned, which was purchased by the said The Federal Land Bank of Baltimore from the said Commissioner aforesaid, by deed with Special Warranty of title. And the said Commissioner shall report to Court.

And this cause is continued.

The Federal Land Bank
of Baltimore

vs) IN CHANCERY

J. H. Moody, et al

1929

May 14

Under the
Bd. of

DECREE

Book 8

page 502

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

The Federal Land Bank of Baltimore..., Plaintiff)

vs:)

J. N. Moody, et al....., Defendants.)

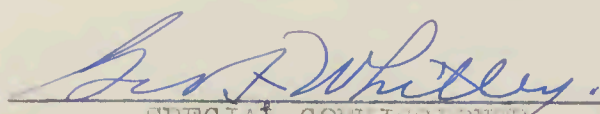
TO THE HON. JUDGE OF THE SAID COURT:

The undersigned Special Commissioner begs leave to make the following report:

That pursuant to a decree entered in this cause on the ____ day of _____, 1929, your Commissioner has collected from The Federal Land Bank of Baltimore the costs and delivered in this suit and the taxes; that he has executed a deed conveying the property in the bill and proceedings mentioned, to the said The Federal Land Bank; and, that he has paid said costs and taxes as follows:

Writ tax.....	\$ 1.50
Taxed Atty. fee.....	15.00
Clerk's cost.....	10.40
Sheriff's fee.....	1.00
Commissions	190.00
Drawing deed.....	10.00
Advertisements.....	4.50
Spec'l Commissioner's Prem. on bond.....	15.00
Crier's fee.....	10.00
Acknowledgment of deed	.50
Taxes for 1927.....	94.53
Taxes " 1928.....	87.47
Total	\$ 439.90
Cost of circulars	3.00
	442.90

Respectfully submitted,


SPECIAL COMMISSIONER

The Federal Land of Baltimore

VS) In chancery

J. W. Moody et al.

Special Commissioner's
Report.

1924
June 5.
Filed BAW

VIRGINIA,

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

The Federal Land Bank of Baltimore....., Plaintiff

vs)

J. N. Moody and A. S. Johnson, Trustee,.....Defendants.

TO THE HON. JUDGE OF THE SAID COURT:

The undersigned Special Commissioner begs leave
to make the following report:

That pur-suant to a decree entered in this cause
on the 5th day of March, 1929, after having advertised the
time, place and terms of sale as provided for in said decree,
your Commissioner did offer for sale, at public auction, on
May 6th 1929, beginning at one o'clock P. M., in front of
the Courthouse of Isle of Wight County, the property in the
bill and proceedings mentioned; and that the same was struck
off to The Federal Land Bank of Baltimore for the sum of
THIRTY EIGHT HUNDRED (\$3800.00) DOLLARS, the said amount being
the highest bid therefor.

Your Commissioner recommends the confirmation of
said sale.


Special Commissioner

The Federal Land Bank of
Baltimore

Dr. For Chaney
J. N. Moody et al

Free Communion
Report.

1939

May 16,

Free B.O.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Joseph N. Moody and A. S. Johnson, Trustee,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the 1st Monday in February, 1929,
to answer a bill in chancery, exhibited against them.,
in our said Court by The Federal Land Bank, Of Baltimore, A Corp.,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 24th
day of December, 1928, and in the 153rd year of the
Commonwealth.

R. A. Edwards Clerk.

Executed the within summons this the 1st day of Jan. 1929
by serving a true copy of the same on A.S. Johnson Trustee
in person in the county of Isle of Wight.

N. C. Whithead Sheriff
Isle of Wight County, Va.

Not finding Joseph N. Moody at his usual place of abode I
executed the within summons this the 31st day of Dec. 1928
by serving a true copy of the same on Mrs. Mary E. Moody, and
explained to her the purpose of same, she being a member of
the family of the said Joseph N. Moody and over the age of 16
years in the county of Isle of Wight.

N. C. Whithead Sheriff
Isle of Wight County, Va.

The Fed. Land Bank Of Balto.

VS.

CHANCERY NO.

J. N. Moody et als.

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

Returned, entered and filed. 19

Teste:

Clerk

To 1st February--- Rules

1928

Whitley & Whitehead, p. q.

Shawff the Paid 100

VIRGINIA - IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

THE FEDERAL LAND BANK OF BALTIMORE, a corporation Plaintiff

vs.

JOSEPH N. MOODY and A. S. JOHNSON, TRUSTEE Defendants

SUMMONS IN CHANCERY TO FIRST FEBRUARY RULES, 1929.

Geo. F. W. Lacey
.....

J. H. L. Lacey
.....

To the Clerk of the Circuit Court:

Please issue process in the suit above styled as per memorandum, and place in the Sheriff's hands for service on the Defendants.

I enclose herewith check for \$10.00 costs, that being the amount of deposit generally required by the Clerks in Virginia for Sheriff and Clerk. Please sign and return the slip to be found in the return envelope, acknowledging receipt of these enclosures.

Very truly yours,

J. H. L. Lacey

Counsel

NE
December 21, 1928

VIRGINIA - IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

THE FEDERAL LAND BANK OF BALTIMORE, a corporation Plaintiff
vs.

JOSEPH N. MOODY and A. S. JOHNSON, TRUSTEE Defendant s

To the Judge of the Circuit Court for Isle of Wight Co., Virginia.

YOUR COMPLAINANT, The Federal Land Bank of Baltimore, a
corporation, sheweth unto your Honor the following facts:

1. That on the 28th day of July, 1923, Joseph N. Moody
of the County of Isle of Wight, Virginia, made and delivered
unto your Complainant their promissory note, whereby they promised
to pay to Complainant the principal sum of \$4000.00, with interest
thereon at the rate of five and one half per centum per annum,
the principal and interest payable in sixty eight (68) semi
annual payments of \$130.00 each on the 28th day of January and
July in each and every year, and a final payment of \$129.68 on
the 28th day of January, 1958.

2. That to secure the payment of the said debt (note) and
the interest to accrue thereon, the said Joseph N. Moody, by
his certain deed commonly called a mortgage, dated on the 28th
day of July, 1923, and of record in the Clerk's Office of
Isle of Wight County, Virginia, in Deed Book 94, page 124,
conveyed unto Complainant in fee simple all that certain tract
or parcel of land, situate, lying and being in the Hardy
Magisterial District, in the County of Isle of Wight, in the
State of Virginia, containing 302½ acres, more or less, and fully
described in said mortgage, which mortgage Complainant charges
is a first lien on the land thereby conveyed.

3. That all of the payments which became due and payable
up to and including the payment due July 28th, 1927 were made
and proper credit has been given said mortgagor, but the payments
which became due and payable on the twenty eighth day of
January, 1928 and the 28th day of July, 1928 have not been paid,

but are wholly in default.

4. It is provided in said mortgage that if the payments set out in said mortgage and note are not paid when due, then the whole of the said debt secured to be paid by said mortgage, shall, at the option of the Complainant, become immediately due and demandable, with the right vested in Complainant to at any time thereafter institute any proper proceedings for the foreclosure of said mortgage and sale of the said land for the satisfaction of Complainant's said demand.

5. THAT default having been made as aforesaid, Complainant has exercised its option and demanded of the said Joseph N. Moody, payment of the whole of said debt, principal and interest, and now demands payment of the same in full, together with a collection fee of 5% as provided for in said note, as well as the costs of these proceedings.

6. THAT the amount now due to Complainant from the Defendant is the sum of \$3823.73, with interest thereon at 5 $\frac{1}{2}$ % per annum from July 28th, 1927, and a collection fee of 5% on the gross amount of the debt due.

7. THAT on the 21st day of March, 1927 the said Joseph N. Moody conveyed the aforesaid mortgaged land to A. S. Johnson, trustee, in trust to secure certain debts in said deed of trust set out, which said deed of trust is of record in the clerk's office of Isle of Wight County, Virginia in Deed Book 98, page 322.

IN CONSIDERATION WHEREOF, and as your Complainant is without adequate remedy, save in a Court of Equity where matters of such nature are properly and alone cognizable, your Complainant prays that the said Joseph N. Moody and A. S. Johnson, Trustee, be made parties defendant to this suit, with leave to answer the allegations of this Bill of Complaint; but answer under oath from them or either of them is hereby and herein expressly waived;

that the said Defendant, Joseph N. Moody be ordered and decreed to pay to your Complainant the aforesaid sum of \$3823.73 with interest thereon at 5½% from the 28th day of July, 1927, together with the said collection fee of 5% on the gross amount of the debt due, as provided in the said note, and in addition thereto all of the costs and charges incident to the prosecution of this suit, and in default of such payment that the said land be sold to pay off and satisfy the aforesaid debts and demands; and that all necessary accounts be ordered and taken, and such further general and special relief be granted as the case of your Complainant requires, and to equity may seem meet. And, as in duty bound, your Complainant will ever pray, &c.

THE FEDERAL LAND BANK OF BALTIMORE

BY - COUNSEL

Geo F Welling
27 So Larchwood

#547

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

THE FEDERAL LAND BANK OF BALTIMORE

vs (BILL OF COMPLAINT #547.

JOSEPH N. MOODY ET AL

1724/28 Fwdl.

Dep Nat Bank

Pl 864

10.00

1.00

9.00