

1933-039 Chancery Causes Vaughan & Company, Bankers vs Junius E. Rose, Josephine E.
Isle of Wight County Rose & d

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Other surnames: Vaughan, Camp
Beale, Cabb, Scott, Jones, Wiggins,
Bradshaw, Steinhardt, Council

VIRGINIA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C.C. Vaughan, Jr., and
Cora V. Camp, trading as
VAUGHAN AND COMPANY, BANKERS,
Franklin, Virginia.

VS

J.E. ROSE. *et als.*

* * * * *

TO THE HONORABLE B.D. WHITE, JUDGE OF THE SAID COURT:

Humbly complaining sheweth unto your Honor, your
Complainants, C.C. Vaughan, Jr., and Cora V. Camp, trading as
VAUGHAN AND COMPANY, BANKERS, Franklin, Virginia as follows:

FIRST: That the complainants are a private Bank doing
business in the town of Franklin, Southampton County, Virginia;
that heretofore to-wit on the 21st day of March 1921, the said
J.E. Rose, J.N. Cobb, E.L. Beale, George W. Scott, I.J. Jones,
W.M. Bradshaw, Harry Steinhardt, I.Q. Wiggins, *and E.C. Beale* executed and deli-
vered their certain bond for the sum of ONE HUNDRED AND TEN
THOUSAND DOLLARS, (\$110,000.00) payable to Vaughan & Company, Bank-
ers, Franklin, Virginia ON DEMAND one year after date; that the
said bond and no part thereof has been paid although demand has
been frequently made and payment refused; that the said bond is in
words and figures as follows:

"Franklin, Va.

\$110,000.00

March 21, 1921.

ON DEMAND, One year after date, with interest from
date, for value received, we owe, both jointly and severally and
promise to pay unto Vaughan & Company, Bankers, Franklin, Va., the
just and full sum of ONE HUNDRED AND TEN THOUSAND DOLLARS.

This obligation is to be used as collateral security
for a loan to secure the deposits of the Farmers Bank of Franklin,
Franklin, Va. this day taken over by said Vaughan and Company,

Bankers.

We and each of us hereby waive the benifit of our homestead exemptions as to this obligation.

Given under our hands and seals this 21st day of March 1921.

J. E. Rose (SEAL)
E.L. BEALE (SEAL)
J.N. COBB (SEAL)
GEORGE W. SCOTT (SEAL)
I.J. JONES (SEAL)
W.M. BRADSHAW (SEAL)
HARRY STEINHARDT (SEAL)
I.Q. WIGGINS (SEAL)
E.C. BEALE (SEAL)"

At the time of the execution and delivery of the said bond by the said parties, all of said parties were directors of the Farmers Bank of Franklin, Franklin, Virginia, and that the said Bank was at that time embarassed financially in the meeting of its obligations; that at the time of the execution and delivery of said bond to the Complainants the said J.E. Rose was seized and possessed of a valuable farm located in Isle of Wight County, Virginia described as follows:

That certain tract, piece or parcel of land, situate, lying, and being in the County of Isle of Wight and State of Virginia, containing two hundred and forty acres, be the same more or less, bounded by the lands of the estate of J.A. Vaughan deceased, C.J. Bradshaw, S.V. Butler and others, and being the same conveyed to the said J.E. Rose by Mary L. Councill, by her deed bearing date the 29th day of December 1911, and of record in the Clerk's Office of the said County in d.b. 79 p.412, reference to which may be had for a more particular description thereof.

That at the time of the execution and delivery of the said bond aforesaid to the said Vaughan & Company, Bankers that the said J.E. Rose held a trust deed on property in Isle of Wight County securing a loan of \$4,000.00 payable by R.D. Brett and that the said J.E. Rose has had in bank on deposit at interest within the past six months \$4,000.00 from which said bank said money has been withdrawn and concealed by the said J.E. Rose; that prior to

the execution of said bond to the said Vaughan and Company, Bankers, by the said J.E. Rose, the said J.E. Rose had been a money lender and has at all times since the execution of said bond been in easy circumstances with a surplus of money and in a position to accomodate parties for loans.

SECOND: That on the 12th day of April 1921, the said J.E. Rose executed a trust deed to J.F. Rose, Trustee (His Brother) to secure to John E. Vaughan the payment of the sum of Ten Thousand Dollars, (\$10,000.00) evidenced by a bond of even date with said trust deed, payable ON DEMAND, which is more fully set out and explained in a certified copy of the trust deed hereto annexed marked "EXHIBIT A" and prayed to be taken and read as a part of this bill; that on the 16th day of May 1922, *in the Circuit Court of Southampton County* Vaughan & Company, Bankers filed a motion of judgement, against J.E. Rose and others for the sum of ONE HUNDRED AND TEN THOUSAND DOLLARS, (\$110,000.00) default having been made in the payment of the bond aforesaid; that on the 29th day of May 1922, the said J.E. Rose, through his trustee, J.F. Rose, advertised the farm hereinbefore described for sale at public auction at Carrsville, Virginia on the 30th day of June at 12 o'clock noon, 1922 in front of the U.S. Post Office, a copy of said advertisement or written notice being hereto attached marked "Exhibit B" and prayed to be taken and read as a part of this bill; that the said John ~~E~~^E Vaughan, the holder of the bond mentioned in the said trust deed resides in the home of the said J.E. Rose and is closely related to the wife of the said J.E. Rose and has stood in the position of parent to the said wife of the said J.E. Rose, she being an orphan, a neice by marriage and having come to his home in her young childhood and was by him reared to womanhood, the said John ~~E~~^E Vaughan being childless and the said Mrs. J.E. Rose being near and dear to him as a child usually is to parents.

THIRD: That on the 7th day of April 1922, there was admitted to record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia another deed of trust executed by Junius E. Rose to John E. Vaughan, Trustee to secure the payment of the sum of Seventeen Hundred and Fifty Dollars, (\$1750.00) payable to Josephine E. Rose, the wife of the said J.E. Rose, although this trust deed was dated the same date as the trust deed referred to as "Exhibit A", it was not recorded until a year later, said trust deed conveying in trust to secure the said debt, the same farm as conveyed by the trust deed executed to J.F. Rose, Trustee; that at the time of the execution of said Trust deed to the said J.E. Vaughan, Trustee, the said J.E. Rose then had money loaned at interest to R.D. Brett in the sum of Four Thousand Dollars, (\$4000) and had in bank in cash \$4,000.00, which said deed of trust by the said J.E. Rose to J.E. Vaughan, Trustee is herewith attached, marked "Exhibit C" and prayed to be taken and read as a part of this bill.

Your Complainants charge and aver that the deed of trust made and executed on the 12th day of April 1921 to J.F. Rose Trustee and filed as "EXHIBIT A" with this bill was made to protect the said defendant, J.E. Rose, against the claim of your Complainant's, and was not made to secure any bona fide obligation or indebtedness; that the said bond of \$10,000.00 purporting to be secured thereby was not for any valuable consideration and is not now held by any bona fide holder thereof, and that there is no amount due by the said J.E. Rose to the said John E. Vaughan or to any holder of said bond; that the same was made to hinder, delay and prevent your Complainants in the collection of their debt; and the effect of which is to defraud your Complainants and other creditors of the said J.E. Rose; that the said deed of trust from J.E. Rose to John E. Vaughan, Trustee filed on the 17th day of April 1922 and referred to as "Exhibit C" purporting to

secure to Josephine E. Rose the payment of a certain bond therein mentioned and described, that said bond is without any valuable consideration and is not now held by any bona fide holder thereof, and that there is no amount due by the said J.E. Rose to any holder of said bond; that the same was made to hinder and prevent your Complainants in the collection of their debt, and the effect of which is to defraud your complainants and other creditors of the said J.E. Rose.

In tender consideration whereof, and inasmuch as your Complainants are without remedy, save in a Court of Equity, where all such matters are peculiarly cognizable, your Complainants pray that J.E. Rose, Josephine E. Rose, John E. Vaughan, John E. Vaughan, Trustee, W.F. Rose, Trustee, be made parties defendant to this bill and required to answer the same; that each of the said Creditors secured in said deeds of trust shall disclose to the Court the amount now due and owing to them by the said J.E. Rose; that all the said parties be required to answer the said bill, answer under oath being hereby expressly waived; that the said J.E. Rose be required to disclose and discover to the Court what disposition he made of the \$4,000.00 paid to him by R.D. Brett; that the said J.E. Rose be required to disclose and discover unto the Court what disposition he made of the \$4,000.00 withdrawn from bank; that the said J.E. Rose be required to disclose and discover unto the Court what disposition he made of the sixteen bales of cotton which he had on storage with Jones Sons and Company of Norfolk, Virginia; that the said J.E. Rose be required to disclose and discover unto Court what disposition he has made of his other property; that an injunction be awarded enjoining and restraining J.F. Rose, Trustee or any other party, whether agents or Attorneys from selling the farm and land in this bill described; that the said deed of trust from J.E. Rose to J.F. Rose, Trustee and the said deed of trust from J.E. Rose to John E. Vaughan, Trustee be set aside; that the assets of the

said J.E. Rose and all his property be sold and all of his moneys be collected and the proceeds of sale and the money so collected be applied to the payment of his debts, including that of your Complainants; that all proper accounts and inquiries be directed and taken, and all proper orders and decrees entered, and that your Complainants may have such other, further, general and special relief as the nature of their case may require or to equity shall seem meet. And your Complainant's will ever pray etc..

RE: [Signature] p.q.

VAUGHAN & COMPANY, BANKERS

BY C. C. Vaughan, Jr. *Cashier*
and manager of firm.

State of Virginia:
Southampton County to-wit:

This day personally appeared before me, J. Powell Esq. a Notary Public in and for the County aforesaid, State of Virginia, C. C. Vaughan, Jr., one of the firm of Vaughan & Company, Bankers, and Cashier of said bank and made oath that the matters and things set out in the said bill are true as made of his own knowledge and he believes to be true those statements made upon information of others.

Given under my hand this 13th day of June, 1922.

J. Powell Esq. *Notary*

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Vaughan Co., Bankers.

or } Reel

J. E. Rose

Filed:

June 22-1922.

Teste: R. A. Edwards *ad*

R. E. L. WATKINS
ATTORNEY AT LAW
FRANKLIN, VIRGINIA

VIRGINIA:

On the 21st day of June 1922,
IN VACATION: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C.C. Vaughan, Jr. and Cora V. Camp trading as
Vaughan & Company, Bankers

vs

J.E. Rose. *On* motion of the Plaintiffs, by counsel, and for
good cause shown an injunction is awarded them to enjoin and
restrain the defendant, J.F. Rose, Trustee, his agents, attorneys
and all others from selling that certain tract or parcel of land
situate and lying in the County of Isle of Wight, State of Vir-
ginia, containing 240 acres, be the same more or less, bounded
by the lands of the estate of J.A. Vaughan, deceased, C.J. Brad-
shaw, S.V. Butler and others, and being the same conveyed to the
said J.E. Rose by Mary L. Council, by her deed bearing date on
the 29th day of December 1911 and of record in the Clerk's Office
of the said County in d.b. 79 p. 412, reference to which may be
had for a more particular description thereof and the same land
conveyed by J.E. Rose to J.F. Rose, Trustee by a trust deed dated
12th day of April 1921 and of record in the Clerk's Office of
Isle of Wight County, Virginia, and the same land advertised by
J.F. Rose, Trustee under authority of said Trust deed to be sold
on the 30th day of June ¹⁹²² at noon in front of the Post Office at
Carrsville, Virginia and the same land mentioned and described
in the bill in Chancery of C.C. Vaughan, Jr., and Cora V. Camp
trading as Vaughan & Company, Bankers, Franklin, Virginia ^{against} ~~vs~~
J.E. Rose, ^{and} until the further order from the Court. But the Plain-
tiffs are not to have the benefit of this order until they shall
enter into bond, with sufficient security, approved by the Clerk
of this Court in the penalty of \$ 300⁰⁰, payable to the

defendant, and conditioned to pay all such costs and damages as
as may be awarded
~~he may sustain in consequence of said injunction, in case the~~
injunction shall not remain
~~same shall be dissolved.~~ *in force longer than ninety days, unless resumed or sooner enlarged*
all which is certified TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:
for entry in vacation in the Chancery order book.

W. H. White
Judge

W. H. White

Virginia: Clerk's Office of the Circuit Court of Isle of Wight County
June 22 1922. This vacation decree was received & entered of record

Teste: R. A. Edwards, Clerk

By E. Ray Wills

W.S.

VAUGHAN & COMPANY, BANKERS

vs

J. E. ROSE.

Enter this 31 day of June

1922.

Vacation

S. D. B. #8

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COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon J. E. Rose, Josephine E. Rose,
John E. Vaughan, John E. Vaughan, Trustee, and J. F. Rose, 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
Third Monday in July, 1922, to answer a bill
in chancery exhibited against them., in our said Court by
C. C. Vaughan, Jr., and Cora V. Camp, partners, trading as Vaughan and
Company, Bankers, Franklin, Va.

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 22nd day of June, 1922, and in
the 146 year of the Commonwealth.

R. A. Edwards Clerk.

I executed the within summons as herein directed, this the
26th day of June, 1922, by serving a true copy on J. E. Rose,
Josephine Rose, John Vaughn, John Vaughn, Trustees, and J. F.
Rose, Trustee, each in person, Dea Isle of Wight
County, N. H. Chapman, Sheriff.

Wangham & Company

Virginia Chancery No.

J. E. Rose et al.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

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Returned, entered and filed.

Teste:

Clerk

To

2nd July

Rules.

R. E. F. Matthews atty.

VIRGINIA: IN VACATION ON THE 21ST DAY OF JUNE, 1922, IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

C. C. Vaughan Jr., and Cora V. Camp, trading as Vaughan & Company, Bankers.

Vs.

J. E. Rose et als.

On motion of the plaintiffs. by counsel, and for good cause shown an injunction is awarded them to enjoin and restrain the defendant, J.F. Rose, Trustee, his agents, attorenys and all others from selling that certain tract or parcel of land situate and lying in the County of Isle of Wight, State of Virginia, containing 240 acres, be the same more or less, bounded by the lands of the estate of J. A. Vaughan, deceased, C.J. Bradshaw, S.V. Butler and others, and being the same conveyed to the said J.E. Rose by Mary L. Councill, by her deed bearing date on the 29th day of December 1911, and of record in the Clerk's Office of the said County in D.B. 79, p.412, reference to which may be had for a more particular description thereof and the same land conveyed by J. E. Rose to J. F. Rose, Trustee, by a trust deed dated 12th day of April, 1921, and of record in the Clerk's Office of Isle of Wight County, Virginia, and the same land advertised by J.F. Rose, Trustee under authority of said trust deed to be sold on the 30th day of June, 1922, at noon in front of the Post Office at Carrsville, Virginia, and the same land mentioned and described in the bill in Chancery (duly sworn to) of C. C. Vaughan Jr, and Cora V. Camp, trading as Vaughan and Company, Bankers Franklin, Virginia, against J. E. Rose et als, until the further order from the Court. But the Plaintiffs are not to have the benefit of this order until they shall enter into bond, with sufficient security, approved by the Clerk of this Court in the penalty of \$300.00 payable to the defendant, and conditioned to pay all such costs as may be awarded against the plaintiffs and all such damages as may be incurred in case the injunction shall be dissolved. But this injunction shall not remain in force longer than ninety days, unless the same be sooner enlarged, modified or dissolved.

All of which is certified to the Clerk of the Circuit Court of Isle of Wight County to be entered in vacation in the Chancery Order Book.

B.D.White, JUDGE.

VIRGINIA: IN VACATION ON THE 21ST DAY OF JUNE, 1922, IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

C. C. Vaughan Jr., and Cora V. Camp, trading as Vaughan
& Company, Bankers.

Vs.

J. E. Rose et als.

On motion of the plaintiffs, by counsel, and for good cause shown an injunction is awarded them to enjoin and restrain the defendant, J. E. Rose, Trustee, his agents, attorneys and all others from selling that certain tract or parcel of land situate and lying in the County of Isle of Wight, State of Virginia, containing 240 acres, be the same more or less, bounded by the lands of the estate of J. A. Vaughan, deceased, C. J. Bradshaw, S. V. Butler and others, and being the same conveyed to the said J. E. Rose by Mary L. Council, by her deed bearing date on the 29th day of December 1911, and of record in the Clerk's Office of the said County in D.B. 72, p. 412, reference to which may be had for a more particular description thereof and the same land conveyed by J. E. Rose to J. E. Rose, Trustee, by a trust deed dated 12th day of April, 1921, and of record in the Clerk's Office of Isle of Wight County, Virginia, and the same land advertised by J. E. Rose, Trustee under authority of said trust deed to be sold on the 10th day of June, 1922, at noon in front of the Post Office at Carrsville, Virginia, and the same land mentioned and described in the bill in Chancery (only sworn to) of C. C. Vaughan Jr. and Cora V. Camp, trading as Vaughan and Company, Bankers Franklin, Virginia, against J. E. Rose et als, until the further order from the Court. But the Plaintiffs are not to have the benefit of this order until they shall enter into bond, with sufficient security, approved by the Clerk of this Court in the penalty of \$300.00 payable to the defendant, and conditioned to pay all such costs as may be awarded against the plaintiffs and all such damages as may be incurred in case the injunction shall be dissolved. But this injunction shall not remain in force longer than ninety days, unless the same be sooner enlarged, modified or dissolved.

All of which is certified to the Clerk of the Circuit Court of Isle of Wight County to be entered in vacation in the Chancery Order Book.

B. H. W. JUDGE.

Virginia; IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT;;

IN VACATION; June 21st.,1922.

C. C. Vaughan Jr, and Cora V. Camp., trading as Vaughan & Company Bankers,

Vs. In Chancery;

J. E. Rose et als.

On motion of the plaintiffs, by Counsel, and for good cause shown an Injunction is awarded them to enjoin and restrain the defendant, J. F. Rose, Trustee, his agents, Attorneys and all others from selling that certain tract or parcel of land situate and lying in the County of Isle Of Wight, State Of Virginia, containing 240 acres, be the same more or less, bounded by the lands of the estate of J. A. Vaughan dec., C. J. Bradshaw, S. V. Butler et als, and being the same conveyed to the said J. E. Rose by Mary L. Council, by her deed bearing date on the 29th day of December 1911, and of record in the Clerks Office of the said County, D. B. 79 page 412, reference to which may be had for a more particular description thereof, and the same land conveyed by J. E. Rose to J. F. Rose, Trustee by a Trust Deed dated the 12th day of April 1921, and of record in the Clerks Office of Isle Of Wight County, Virginia, and the same land advertised by J. F. Rose, Trustee under authority of said Trust Deed, to be sold on the 30th day of June 1922, at Noon in front of the Post Office at Carrsville Virginia and the same land mentioned and described in the bill in Chancery duly sworn too of C. C. Vaughan Jr., and Cora V. Camp, trading as Vaughan & Company, Bankers, Franklin, Virginia, against J. E. Rose et als., until the further order from the Court. But the Plaintiff's are not to have the benefit of this order until they shall enter into bond, with sufficient security, approved by the Clerk of this Court in the penalty of Three Hundred Dollars payable to the defendant and conditioned to pay all such cost as may be awarded against the Plaintiffs, and all such damages as may be incurred in case the Injunction shall be dissolved. But this Injunction shall not remain in force longer than ninety days, unless the same be sooner enlarged, modified or dissolved.

All of which is certified to the Clerk Of The Circuit Court of Isle Of Wight County, to be entered in Vacation in the Chancery Order Book.

B. D. White, Judge Of The Circuit Court,
Of Isle Of Wight County.

Teste. A. G. Edmunds Clk.

Clerks Office Of The Circuit Court Of The County Of Isle Of Wight, Virginia.

June 22nd 1922.

Bond in the above Injunction cause in the sum of Three Hundred Dollars, with security approved by the Clerk of the Court, has been properly given and filed in this office by the Plaintiff's hereto.

Teste R. A. Edwards Clerk.

Teste. ^{Entire &}
R. A. Edwards
ak

Kang Lan & Co -
vs Injunction.
J. E. Rose et al

Executed the within
injunction order, this the
26th day of June 1922,
by delivering a true copy
of the same to J. E. Rose,
Trustee in person,
Du Sall of Knight Co.
H. H. Chapinay,
Shuff.

Vaughan & Co

no # 391

J. E. Rose et al.

C. O. B # 9

Pay. 81



VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Vaughan & Co.

vs: # 391

J. E. Rose et als

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Vaughan & Co.
vs: #391
J. E. Rose et al.

. It appearing, pursuant to a decree entered herein
on the 6th day of March, 1933, that the parties, or their Counsel,
have been notified by the Clerk of this Court of the terms of
said decree, and no good cause having been shown, it is ordered
that this cause be removed from the docket, with leave to rene-
state the same as provided in Section 6172 of the Code as
Amended.

Vaughan & Co

vs } # 391

J E Rose et al.

March TERM 1933 Filed

CLK.

To the Clerk of the Circuit Court of
Isle of Wight County.

C. C. Vaughan Jr and Cora H. Comp, partners,
trading as Vaughan & Company, Porters,
Franklin, Virginia.

vs. In Chancery.

J. E. Rose, Josephine E. Rose, John E.
Vaughan, John E. Vaughan, Trustee,
J. H. Rose, Trustee,

Summon defendants to 2^d July Rules
1922.

R. E. L. Watkins Jr.

Vaughan & Company

W. Memo

J.E. Rose et al

Memo filed

6/22/22.

Dep. 750 cts
" 300 shff.

State Tax \$10.00

J. E. Rose

TO)

J. F. Rose, Trustee.

THIS DEED, Made this 12th day of April, 1921, between J. E. Rose, of the County of Isle of Wight, and State of Virginia, of the first part, and J. F. Rose, of the said County and State, of the second part;

WITNESSETH: That the said party of the first part doth hereby grant and convey unto the said party of the second part, with General Warranty, that certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, containing two hundred and fourty four acres, be the same more or less, bounded by the lands of the estate of J. A. Vaughan, deceased, C.J. Bradshaw, S.V. Butler and others, and being the same conveyed to the said J. E. Rose by Mary L. Council, by her deed bearing date the 29th day of December, 1911, and of record in the Clerk's Office of the said County in deed book no. 79, page 412, reference to which may be had, for a more particular description thereof.

IN TRUST, to secure to John E. Vaughan, the payment of the sum of \$10000.00, evidenced by a bond of even date herewith, made by the said J. E. Rose, payable on demand, for said sum of ten thousand dollars, with interest thereon at the rate of six per centum per annum, and containing a waiver of the Homestead Exemption.

In the event that default is made in the payment of the bond aforesaid, then upon the request of the beneficiary hereunder the said trustee shall make sale of the property hereby conveyed, and in the event of a sale the same shall be by public auction, at Carrsville, Isle of Wight County, Virginia, after advertisement thereof for at least thirty days, in such manner as the said trustee shall deem best, and out of the proceeds of said sale he shall, first, pay, the cost of executing this trust, and then pay off said bond, with all accrued interest and legal charges, and the balance, if any, he shall pay to the said J. E. Rose, his personal representatives or assigns, as he shall be directed. The terms of said sale shall be for cash as to so much as shall be necessary to pay the cost of executing this trust, and *and to pay off said bond*

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the balance to be made payable at such time and in such manner as the said J. E. Rose shall prescribe and direct, and in the event of his failure to give such direction, at such time and in such manner as the said trustee shall think fit.

The said party of the first part covenants to pay all taxes, assessments, dues and charges upon the said property hereby conveyed, so long as he or his heirs or assigns shall hold the same, and further covenants and agrees to keep the buildings upon the said property insured for the full amount of \$1500.00 for the further protection of the said John E. Vaughan, and in the event of his failure to do so, then the said J. E. Vaughan, or the trustee herein, may effect or renew such insurance from time to time, so long as the said debt, or any part thereof, remains unpaid, and the insurance premiums shall constitute a lien upon the property hereby conveyed, secured by this deed of trust, to be paid out of the proceeds of the property, if sold, or to be recoverable by all the remedies in law or equity by which the debt aforesaid may be recoverable.

If no default is made in the payment of the bond aforesaid, or insurance premiums, then upon the request of the said J. E. Rose, a good and sufficient deed of release shall be executed to him at his own proper cost and charge.

Witness the following signature and seal:

J. E. Rose (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, A.S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that J.E. Rose, whose name is signed to the writing hereto annexed, bearing date the 12th day of April, 1921, has acknowledged the same before me in my said County.

Given under my hand this 12th day of April, 1921.

A.S.Johnson
Commissioner in Chancery

Virginia: Clerk's Office of the Circuit Court of the County of Isle of
Wight April 12th, 1921, at 2 o'clock P.M. this deed was received and with
the certificate annexed, admitted to record.

Teste, R.A. Edwards, Clerk

A Copy,

Teste, R.A. Edwards, Clerk.

By E. Kay Wills D.C.

D.B. 90, page 524.

J. E. Rose

To

J. F. Rose Trustee

Exhibit "A"

SALE OF REAL ESTATE.

By virtue of a certain deed of trust, made by J. E. Rose, bearing date the 12th. day of April, 1921, of record in the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia, in Deed Book No. 90, page 524, to me, as trustee, default having been made in the payment of the amount thereby secured, and having been requested by the beneficiary thereunder so to do, I will offer for sale, by public auction, in Carraville, Isle of Wight County, Virginia, on the 30th. day of June, 1922, at twelve o'clock, noon, in front of the United States Post Office, the tract of land therein described as follows:

"That certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, containing two hundred and forty four acres, be the same more or less, bounded by the lands of the estate of J. A. Vaughan, deceased, C. J. Bradshaw, S. V. Butler and others, and being the same conveyed to the said J. E. Rose by Mary I. Council, by her deed bearing date the 29th. day of December, 1911, and of record in the Clerk's Office of the said County in Deed Book No. 79, page 412."

The terms of sale to be for cash as to so much as shall be necessary to defray the cost of executing the trust, and to pay off said bond, and the balance to be made payable at such time and in such manner as said J. E. Rose shall prescribe and direct, or in case of his failure to give such direction at such time and in such manner as the said trustee shall think fit.

J. F. Rose, trustee.

May 29th. 1922.

Exhibit "B"

State Tax \$1.80

J. E. Rose

TO)

J. E. Vaughan, Trs.

THIS DEED, Made this 12th day of April, 1921, between Junius E. Rose, of the County of Isle of Wight, Virginia, of the first part, and John E. Vaughan, of the County of Isle of Wight, of the second part.

WITNESSETH: That the said party of the first part doth grant with general warranty, unto the said party of the second part the following property, to-wit: That certain tract, piece or parcel of land situate, lying, and being in the County of Isle of Wight, State of Virginia, near Carrsville, containing by estimation 244 acres, be the same more or less, adjoining the lands of Alfred R. Butler, and others, and being the same land conveyed to said Junius E. Rose by Mary L. Council by deed bearing date the 29th day of December 1911, and of record in the Clerk's Office of the Circuit Court of the County of the County of Isle of Wight, State of Virginia, in deed book 79, page 412, reference to which is hereby made.

IN TRUST, to secure to Josephine E. Rose, the payment of the sum of \$1750.00 evidenced by a bond bearing date the 1st day of January, 1915, payable five years after date, with interest from date till paid, at the rate of six per centum per annum, made by the said Junius E. Rose, payable to said Josephine E. Rose, and containing waiver of the Homestead Exemption.

This bond covers money loaned to said J. E. Rose by said Josephine E. Rose, when they were married, and accrued interest thereon.

In the event that default shall be made in the payment of the above mentioned bond when it becomes due and payable, then the said trustee on being required so to do by the said Josephine E. Rose, her executors, administrators or assigns shall sell the property hereby conveyed.

And it is covenanted and agreed between the parties aforesaid that in case of a sale, the same shall be made at public auction at Carrsville, Virginia, after first advertising the time, place and terms

thereof for at least twenty days by written or printed posters, posted at ten or more public places in the neighborhood of said property and upon the following terms, to-wit: for cash as to so much of the proceeds as may be necessary to defray the expenses of executing this trust, including a trustee's commission of five per centum, the fees for drawing and recording this deed, if then unpaid, and to discharge the amount of money then payable upon the said bond, and if there be any residue of said purchase money the same shall be made payable at such time, and secured in such manner as the said party of the first part, his executors administrators or assigns shall prescribe and direct, or in case of his failure to give such direction, at such time and in such manner as the said trustee shall think fit.

The said party of the first part covenants to pay all taxes, assessments, dues and charges upon the said property hereby conveyed so long as he or his heirs or assigns shall hold the same.

If no default shall be made in the payment of the above mentioned _____ or insurance premiums, then upon the request of the part_ of the first part a good and sufficient deed of release shall be executed to _____ at _____ own proper cost and charges.

Witness the following signature and seal:

J. E. Rose (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, A.S. Johnson, a Commissioner in Chancery for the Circuit Court of the County aforesaid, in the State of Virginia, do certify that J. E. Rose, whose name ___ signed to the foregoing writing, bearing date on the 12th day of April, 1921, has acknowledged the same before me in my County aforesaid.

Given under my hand this 12th day of April, 1921.

A.S. Johnson
Commissioner in Chancery

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, April 7", 1922, at 4 o'clock P.M. this deed was received and with the certificate annexed, admitted to record.

Teste, R.A. Edwards, Clerk

A Copy,

Teste, R.A. Edwards, Clerk

BY C. Ray Wells D.C.

D.B. 92, page 178

J. E. Rose
to
J. E. Vaughan Esq

Exhibit "D"

No.

Know all Men by These Presents: That we C. C. Vaughan and Cora V. Camp
trading as Vuaghan & Company Bankers,..... principal ,

and

C. C. Vaughan 3rd., surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Three Hundred
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 C. C. Vaughan and Cora V. Camp, trading as principal ,
Vaughan & Company Bankers,
and the said C. C. Vaughan 3rd., surety ,

have hereunto set their hands and affixed their seals this, the 22nd
June day of

A. D. 19 22.,

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound C. C. Vaughan and
Cora V. Camp, trading as Vaughan & Company Bankers, shall pay all costs as may be
awarded against the complainants hereinafter mentioned, and all such damages as shall
be incurred in case the said injunction be dissolved, which has been granted to Vaugh-
an and Company Bankers, upon it's bill in Chancery this day filed in the Circuit Court
of the County of Isle Of Wight, enjoining and restraining J. F. Rose, Trustee, his agents
attorney's and all others from selling that certain tract or parcel of land situate
and lying in the County of Isle Of Wight, State Of Virginia, containing 240 acres, be the
same more or less, bounded by the lands of the Estate of J. A. Vaughan dec., C. J. Brad-
shaw, S. V. Butler et als., and being the same conveyed to the said J. E. Rose by Mary L
Council by her deed bearing date on the 29th day of December 1911 and of record in the
Clerks Office of the said County in D. B. 79, page 412., reference to which may be had
for a more particular description of the same, and the same land conveyed by J. E. Rose
to J. F. Rose, Trustee, by a Trust deed dated the 12th day of April, 1921, and of record
in the Clerks Office of Isle Of Wight County, Virginia, and the same land advertised by
J. F. Rose, Trustee, under authority of said Trust deed, to be sold on the 30th day of
June 1922 at noon in front of the Post Office at Carrsville, Va., and the same land men-
tioned and described in the bill in Chancery duly sworn too of C. C. Vaughan Jr., & Cora
V. Camp, trading as Vaughan & Company Bankers., of Franklin Va., against J. E. Rose et als
and from further interfering therewith, during the life of said Injunction order.,
shall faithfully discharge the duties of his office or trust as such

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

A. D. 19 .

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.....

..... Witnesses

Wm. D. - 660 Pinner [SEAL]

Wm. D. - 660 Pinner [SEAL]

C. C. Vaughan [SEAL]

..... [SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 22nd,
day of June 1922 this bond was duly executed and acknowledged by the obligors to the same
and ordered to be recorded.

..... Clerk.