

1933-062 Chancery Causes: W. J. Holland vs Margaret Elizabeth Daughtrey

348

Isle of Wight County

Other surnames: Fowler, Bryant,

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

W. J. HOLLAND

COMPLAINANT

VERSUS

M. E. DAUGHTREY

DEFENDANT.

To the Clerk of the said Court:

Issue process in chancery for Second August Rules, 1920.

John A. Deane p. a.

Deposit ^{7.25}~~\$7.50~~

W. J. HOLLAND

v. { *cy. No 348*

M. E. DAUGHTREY

MEMO. *File & Aug 9-19 70*

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

Holland
vs: #348
Daughtry

. 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 rein-
state the same as provided in Section 6172 of the Code as
Amended.

Holland

Mr. #348

Leunghty

March TERM 1933. Filed

CLK.

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

Holland

vs: # 348

Daughtry

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.

Holland
vs# 348
Daughtry
C.O.B #9
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COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon M. E. Daughtrey to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the Rules to be holden therefor on the Third Monday in August, 1920, to answer a bill in chancery filed against him by W. J. Holland. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Court-house, this 9th day of August, 1920.

Teste, *A. S. Johnson* Clerk.

Parke P. Deans, p.q.

W. J. Holland

2nd Cy

M. E. Daugherty

Subpoena

I executed the within Warrant this the 11 day of
Aug 1874 by Deputy a true
copy of the same M. E. Daugherty in person
in the County of Isle of Wight:

W. J. Holland
Sheriff of Isle of Wight Co.

Filed Aug 12/1870

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

W. J. HOLLAND

COMPLAINANT

VERSUS

M. E. DAUGHTREY

DEFENDANT

To the Honorable B. D. White, Judge of the said Court:

Your complainant respectfully shows unto
your Honor, the following facts:

That on the 13th day of January, 1915, Margaret
Fowler, and unmarried woman and Keeton Holland a widow
woman, who is also sometimes known as Claton Fowler, conveyed
to your complainant a certain tract of land, the deed for which
has been recorded in the Clerk's Office of the Circuit Court
of Isle of Wight County, in Deed Book 83 page 384.

That the consideration named in the said deed was
as follows:

"That in consideration of Five(\$5.00) Dollars, cash
paid by the said W. J. Holland unto the said parties of the
first part, at and before the signing, sealing and delivery
of these presents, the receipt whereof is hereby acknowledged,
and of the further consideration of the said W. J. Holland feedi
feeding, clothing and caring for the said parties of the
first part so long as they may live, in the same manner as he
does his own family, and upon the payment by the said W. J.
Holland unto Josephine Bryant, Margaret Elizabeth Daughtrey
and J. A. Holland the sum of one hundred and fifty(\$150.00)
dollars each, aggregating the sum of four hundred and fifty
dollars within twelve months after the death of the said
parties of the first part or the death of the last surviving
of the said grantors,"

That it was further stipulated in the aforesaid
deed that;

"the said W. J. Holland is to have twelve months
after the death of both grantors within which to pay the
said four hundred and fifty dollars, and the same is to be
without interest."

That the grantors under the aforesaid deed are dead,
the last surviving one, Keeton Holland(some times known as
Claton Holland) departed this life on the ___ day of June
1919, and that your complainant fulfilled his contract in so
far as providing for their needs and wants.

That your complainant has paid to Josephine Bryant the sum of one hundred and fifty dollars as required and also has paid the said J. A. Holland, the sum of one hundred and fifty dollars, the same having been paid on the 29th day of May, 1920, and has a receipt for same and a discharge of any further liability on his part to them.

That your complainant on the same day, to-wit; the 29th day of May, 1920 offered the sum of one hundred and fifty dollars to the said Margaret Elizabeth Daughtrey as required in the aforementioned deed and she declined to accept the same.

That your complainant has on divers occasions offered the said sum to the said Margaret Elizabeth Daughtrey and she continues to refuse to accept same.

That while your complainant has done all in his power to fulfill every requirement of the said deed, that he understands that the said amount is a lien upon his real estate, that he is ready, able and willing to pay the said amount and the same is known to Margaret Elizabeth Daughtrey.

That if this amount is a lien upon his property, it is without any right whatsoever and that the said Margaret Elizabeth Daughtrey has not any lien, right, title, interest, or estate of any kind whatever in the said real estate or any part thereof, but by reason of the refusal to accept the said sum of money by Margaret Elizabeth Daughtrey, and her further refusal to execute and deliver a release or receipt for the said sum, there is a cloud on your complainant's title to the said land, which should be removed and your complainant's title thereto quieted.

Forasmuch, therefore, as your complainant is remediless in the premises, save in a court of equity, where matters of this kind are properly cognizable, your complainant prays that the said M. E. Daughtrey may be made a party defendant to this

bill, and required to answer the same, but an answer under oath is waived; that the said M. E. Daughtrey may be required to set forth the nature of her claim against the said land, and that her claim may be determined by a decree of this Honorable Court; that by the said decree it may be declared and adjudged that your complainant is the owner of the said land, and that the said M. E. Daughtrey has no lien, interest, title or estate whatever, in, on or to the said land, and also that the said M. E. Daughtrey be forever barred from asserting any such claim to or lien on the said land, and that the said cloud upon your complainant's title to the said land be forever removed, and his title thereto be quieted; and for such other, further and general relief as may be agreeable to equity and good conscience.

Notice is hereby given that the Court will be asked to allow /to the complainant~~ss~~ attorney reasonable fee for his services in this matter to be deducted out of the funds belonging to M. E. Daughtrey.

And your complainant will ever pray etc.

W. J. Halland
Ex. Recd. p. n.

W. J. HOLLAND

v. *Cy. No 348*

M. E. Daughtrey

Bill of Complaint

Filed August 9th 1920

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.