1875-028
Nansemond Co. (Suffolk)

Chancery Causes: John M. Shepherd, Exum B. Brit, & Benjamin Riddick vs William & Ann Eliza Moody

COUNTY OF NANSEMOND—TO WIT:—
At Rules held in the Clerk's Office of the County Court for the said county, on Wednesday, the 3d day of April, 1872.

John M. Shepherd, Exum B. Britt and Benjamin Riddick

Plaintiffs,

IN CHANCERY,

Against

William Moody and Ann Eliza his wife,

Defendants.

The object of this suit is to recover against the Defendants the sums of Forty Seven Dollars and Sixty-two cents (47,62) with interest thereon after the rate of six per centum per annum from the 8th day of April 1871, till paid, and Three Dollars and Ninety-three Cents ($3,93) costs of judgment, and One Hundred and Nine Dollars ($109) with interest thereon after the rate of ten per centum per annum from the 29th day of March 1871 till paid. Affidavit having been made that Defendants William Moody and Ann Eliza his wife after due diligence to ascertain in what County or Coporation are residents without effect are hereby required to appear in the said Clerk's office, within one month after due publication hereof, and do what may be necessary to protect their interest.

A Copy—Teste:

R. O. DOSWELL,
D. C. N. C.

ap5-4t
Withers, p.q.

COUNTY OF NANSEMOND—TO WIT:—
At Rules held in the Clerk's Office of the County Court for the said county, on Wednesday, the 3d day of April, 1872,

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A Copy—Teste:

R. O. DOSWELL,
D. C. N. C.

ap5-4t
Withers, p.q.

We do hereby certify that the annexed Notice was published for four successive weeks, in the Christian Sun, and that the price charged is in accordance with the established rates of the Office. Given under My hand this June 5th 1872

W. B. Wellons & Co

Price of Adv.

$8.00

Shepherd. Jno M. &c

vs } Publication

Wm. Moody &c

Filed June 5. 1872

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, Va. August 14th 1872

Mr Benjamin Riddick, Trustee for E. B Britt

To W. B. WELLONS & CO., Dr

W. B. Wellons.
D. B. Dunbar.
N. F. McCann.

TERMS CASH.

KILBY STREET.

July	12	To Advg	Moody's	Land for Sale 1 sq 15 ℔	$	5.10
Nov	29	To do	do	do " " 1 sq 15 ℔		1.95
					$	7.05

Repayment
W. B Wellons & Co.

Benjamin Riddick

Trustee.

$7.05

$ 55 00

Nine months after date ~~On demand~~, I promise to pay unto **E. B. BRITT**, his heirs, executors, administrators or afsigns, the just and full sum of Fifty five Dollars, and ~~with interest at the rate of per centum per annum from date~~ Cents, current money of the United States, for value received, for the true payment of which I bind myself, my heirs, executors and administrators, firmly by these presents; and I hereby waive the benefit of my homestead exemption as to this debt, obligation or contract.

In witness my hand and seal this 29th day of March in the year of our Lord one thousand eight hundred and seventy one.

Witness
Benjn Riddick

William Hardy (Seal.)

(Seal.)

$65.25 ant of Feby - 1873

Wm Moody

July 20th 1872

Pay to
Wm Cherry
Second in Succession
Exam B.I. Bnd
11

Jany 1st 1873 Rec'd of Mr. Benjn
Riddick trustee, Two dollars
and fifty cents for selling the
Moody Land at auction

$2.50

Wm J McGuire Auct

$54.37

Eighteen months after date On demand, I promise to pay unto **E. B. BRITT,** his heirs, executors, administrators or afsigns, the just and full sum of Fifty four Dollars, and thirty one Cents, with interest at the rate of Ten per centum per annum from date current money of the United States, for value received, for the true payment of which I bind myself, my heirs, executors and administrators, firmly by these presents: and I hereby waive the benefit of my homestead exemption as to this debt, obligation or contract.

As witnefs my hand and seal this 29th day of March in the year of our Lord one thousand eight hundred and seventy one.

Witnefs
Benjn Riddick

William Moody (Seal.)

(Seal.)

6448 Sent 9th July 1873

Pay Wm. Cherry Esqr

Exam B Bruce

John W. Shepherd, Extor vs B Brill and Benjamin Riddick

1872 To the Clerk of Nansemond County Court Dr

Febry Subpoena in Chancery &c 4 3. 2 copies 24 Docketing 18 85

Attorney 10 papers 25 Recording Return 35 Rule 50 1.20

Bill 15. 4 Exhibits 20. March Alias Subpoena in — 35

Chancy &c 4 3. 2 copies 24. Postage 24. Recording 91

Return 35 Rule 50. April Rule 50. Filing affidavits 1.50

Order of Publication 50. 3 copies 75 May Rule 50 1.75

June Filing. Publication 15 Rule 50. July Rule 5 1.15

Decree $1.50. 2 copies 2. Taxing cost 20 Statement 25 3.95

$11.66

vs Moody &c

Willis & Cohoon Clerk

Benja Riddick

$11.66
3.01
$15.27

County of Nansemond--To wit:

At Rules held in the Clerk's Office of the County Court for the said county, on ~~Monday~~ Wednesday the 3? day of April 1872.

John M Shepherd. Ewum B Bill and Benjamin Riddick PLTFF.S

AGAINST

William Moody and Ann Eliza his wife DEFT.S

Jn C Chancery

The objeet of this suit is to reeover against the defendants the sums of Forty Seven Dollars and sixty two cents ($47.62) with interest thereon after the rate of six per centum per annum from the 8 th day of April 1871 till paid and three Dollars and ninety three cents ($3.93) Costs of Judgement. And One hundred and nine Dollars ($109) with interest thereon after the rate of Ten per centum per annum from the 29th day of March 1871 till paid

Affidavit having been made that defendants William Moody and Ann Eliza his wife after due diligence to ascertain in what County or ~~not a resident of the State of Virginia~~, are residents Corporation without effect, are hereby required to appear in the said Clerk's offiee, within one month after due publication hereof, and do what may be necessary to proteet their interest.

Witness PL A copy—Teste: R O Donnell DC

Shepherd &c

vs } Publication

Moody &c

Withers

Filed April 3rd 1872

In the Clerks office Nansemond County Court
April 3d 1872

John M Shepherd, Exum B Bill and Benjamin Riddick

Pltfs

vs

Wm Moody and Anna Eliza his wife Defts

In Chancery in Nansemond County Court Va

This day R C Withers personally appeared before me R C Dowell Deputy Clerk in and for said County and made oath that after due diligence had been ~~made~~ used by or on behalf of the said Plaintiffs to ascertain ~~the~~ in what County or corporation the said Defendants reside without effect. In pursuance of a Clause of Section 10. Chapter 170 of the Code of Virginia of 1860

Witness My hand

R C Dowell D C N C

Shepherd &c

vs

Affidavit

Moody

Wickes

Filed 30 Oct 1872

(CHANCERY SUMMONS.)

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ~~NANSEMOND~~ Surry COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON William Moody and Ann Eliza his wife

to appear at the Clerk's office of the County COURT OF NANSEMOND COUNTY, at the Rules to be holden for the said Court, on the first Monday in February next, to answer a Bill in Chancery, exhibited against them in the said Court, by John M Shepherd, Eugene B Britt and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 3d of day February 1872 in the 96th year of the Commonwealth.

Willis E Cohoon *Clerk of the Court.*

Came to hand Feby 7th 1872 - Too late to Execute
J P Hargrave
Sheriff.

Sheriffs Fees &c.
$7 Sub in Chy
Proofs &c
4.65

Rec'd 13 cents. J. P. H. Sheriff

(CHANCERY SUMMONS.)

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ~~NANSEMOND~~ Surry COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON William Moody and ~~Elizabeth~~ Ann Eliza his wife

to appear at the Clerk's office of the County COURT OF NANSEMOND COUNTY, at the Rules to be holden for the said Court, on the first Monday in February next, to answer a Bill in Chancery, exhibited against Thomas B Bill and in the said Court, by John M Shephard, Exam B Bill and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 3d ~~of~~ day February 187 2 in the 96th year of the Commonwealth.

Willis E Cohoon ~~Clerk of the Court.~~

A Copy Teste Willis E Cohoon Clerk

(Copy)

(CHANCERY SUMMONS.)

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ~~NANSEMOND~~ Suffolk COUNTY—Greeting:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ (as we have before Commanded you) to Summon William Moody and Ann Eliza his wife

to appear at the Clerk's office of the County Court of Nansemond County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer a Bill in Chancery, exhibited against them in the said Court, by John M Shepherd, Exum B Brill and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 7th day of March 1872, in the 96th year of the Commonwealth.

Willis E Cohoon

Clerk of the Court.

No inhabitant

W. H. Dillard Deputy for
L. P. Hargrave
Sheriff--

Mar 23d 73.

Sheriff's Return

vs } Alb. Suit in Abs
To April Term

Proof of
Debt

Pro. B. Book 1 P. 83

(CHANCERY SUMMONS.)

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ~~NANSEMOND~~ Suffolk COUNTY—Greeting:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ (as we have before Commanded you) to Summon William Moody and Ann Eliza his wife

to appear at the Clerk's office of the County Court of Nansemond County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer

a Bill in Chancery, exhibited against them in the said Court, by John M Shepherd, Exum B Brill and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 7th of day March 187 2, in the 96th year of the Commonwealth.

Willis E Cohoon

Clerk of the Court.

A Copy Teste Willis E Cohoon

(CHANCERY SUMMONS.)

THE COMMONWEALTH OF VIRGINIA,

To the **SHERIFF OF ~~NANSEMOND~~ Suffolk COUNTY**—Greeting:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ (as we have before commanded you) to summon William Moody and Ann Eliza his wife

to appear at the Clerk's office of the County Court of Nansemond County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer a Bill in Chancery, exhibited against them in the said Court, by John M Shepherd, Exum B Brill and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 7th of day March 1874, in the 96th year of the Commonwealth.

Willis E Cohoon

Clerk of the Court.

A Copy Teste Willis E Cohoon

(CHANCERY SUMMONS.)

4

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF ~~NANSEMOND~~ Surry COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON William Moody and Ann Eliza his wife

to appear at the Clerk's office of the County Court of Nansemond County, at the Rules to be holden for the said Court, on the first Monday in February next, to answer a Bill in Chancery, exhibited against them in the said Court, by John W Shepherd, Evans B Britt and Benjamin Riddick

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 3d of day February 1872, in the 96th year of the Commonwealth.

Willis E Cohoon ~~Clerk of the Court.~~

A Copy Teste Willis E Cohoon Clerk

(copy)

In compliance with an Order of the County Court of Nansemond made on the 8th day of July 1872, in the suit of John M Shepherd, Exum B Britt and Benyn Riddick Plffs against William Moody & Ann Eliza his wife Defts. In Chancery. After having advertised the sale of the land named in the deed of Trust from said Wm Moody & Ann Eliza his wife to Benyn Riddick Trustee for E B Britt & referd to in the named decree for four weeks in the Christian Sun a news Paper published in the Town of Suffolk and in four or five public places in the County of Nansemond, proceeded to sell the same before the same before the Courthouse door of Nansem. County on August Court day, upon a credit of ninety days for one half the purchase money, and upon a credit of six months for the other half from the day of sale, after deducting the amount necessary to pay costs & expenses of this suit, which was to be in cash, when John M Shepherd became the purchaser at the price of One hundred and ninety dollars. After the sale the purchaser John M Shepherd refused to comply with the terms of sale, and on the 11th day of November 1872, another decree was obtained requiring the Trustee to resell the land referd to. and after advertising the same as required by said decree, the Trustee proceeded to sell the said land before the Courthouse door of Nansemond County on December Court day, when Wm Cherry ~~~ became the purchaser at the price of one hundred & fifty one dollars thus $161.00

which has been disposed of as follows

Amt pd. Wm Cherry agee of E.B. Britt one bond for	$55.00
dated 29th March 1871 & paid on 11th Feby 1873 & Int.	10.25
Amt pd Wm Cherry agee of E B Britt one bond for	54.31
dated 29th March 1871 & paid 11th Feby 1873 & Int.	10.10
5 pr ct. coms on $161. Amt of Sale	8.05
Amt. retained to pay for writing deed	2.00
Amt. pd. Printer as pr bill & Rect.	7.05
Amt. pd. Auctioneer as pr Rect	2.50
Amt pd Clerk of Court, as pr fees filed for recording Trustee's report &c.	15.27
	$164.53 $161.00

leaving a balance due the Trustee of three dollars & fifty three cents. All of which is most respectfully submitted to the County Court of Nansemond County.

April 14th 1873. Benjn Riddick, Trustee.

Shepherd &c

v

Moody &c

Report of Sale

Wm. M. Shepherd et als.

vs.

William Moody et ux

On motion of the Plaintiffs in this cause. It is ordered that a rule be issued against Benj. Riddick Trustee returnable to the next term of this Court to show cause if any he can why the costs & Expenses of this suit were not paid as directed in the decree of the 11th of November 1872.

Jno. M. Shepherd &als.

v.

William Moody et ux.

Sept. Term:

To be entered

Gen'l Rule.

Jno. M. Shepherd &c
vs
Wm Moody & wife
On petition and answer & summons &c
of Benj. Riddick (Trustee) & Exon B. Britt

This cause came on this day & the
bond in Summons, and answer with
same, requiring the said Benj. Riddick
to show cause why he should not pay
the costs in the suit of Jno. M. Shepherd &c
vs. Wm Moody & wife, whereupon the Court
doth adjudge order and decree that
the said Benj. Riddick Trustee pay the
costs as directed in the decree grant-
-ed by the County Court, & ~~that exam-~~
~~-ine~~ issue for the cause.

Jno. M. Shepherd
&c
v.
Wm Moody exr.

To be entered

Geo. Blow

Entered

(262

In Nansemond County Court November 11th 1872)

John W Shepherd, Exum B Butt
and Benjamin Riddick Trustees Plaintiffs
against } In Chancery
William Moody & Ann Eliza his wife Defts

This cause came on again to be heard on the original bill taken for confessed as to the Defendants on whom process has been duly served, they etise failing to appear and make defence, and was argued by Counsel, Whereupon the Court doth adjudge order and decree that Benjamin Riddick (Trustee) proceed to make a sale of the land mentioned in a former decree herewith filed, bearing date as of the 8th of July 1872. and filed with the papers in this cause (the party purchasing at the former sale having

failed to comply with the terms thereof) after advertising the time & terms of sale for two weeks in the Christian Sun a newspaper published in the Town of Suffolk & on the following terms to wit: So much cash as may be necessary to defray the costs and expenses of this suit and the balance on a credit of ninety days from the date of sale, the purchaser giving bond with approved security and the title retained until the whole of the purchase money is paid, The proceeds of sale after paying costs and expenses to be applied as directed in a decree rendered on the 8th day of July 1872, and herewith filed, And make report to Court.

Jno. M. Shepherd & als

vs } Copy decree

Wm Moody & ux

1872

November 11th.

In Hammond County Court November 13th
1872.

Jno. M. Shepherd, Exon B. Britt and Benjamin Riddick (Trustee) Plaintiffs

against } In Chancery

William Moody & Ann Eliza his wife. Defts.

This cause came on again to be heard on the original bill taken for confessed as to the Defendants on whom process has been duly served, they still failing to appear and make defence and was argued by counsel, whereupon the Court doth adjge order and decree that Benjamin Riddick (Trustee) proceed to make a resale of the land mentioned in a former decree herein filed bearing date as of the 8th of July 1872, and filed with the papers in this cause, (the party purchasing at the former sale having failed to comply with the terms thereof) after advertising the time & terms of sale for two weeks in the Christian Sun a newspaper published in the Town of Suffolk, & on the following terms to wit: So much cash as may be necessary to defray the costs and expenses of this suit, and the balance on a credit of Ninety-days

from the date of sale, the purchaser giving bond with approved security and the title retained until the whole of the purchase money is paid. The proceeds of sale after paying costs and expenses to be applied as directed in a decree rendered on the 8th day of July 1872 & hereinafter filed. And make report to Court.

Geo. W. Stoddard &c
vs
Decree
William Moody &c

1872 November 11th

(Entered)

In Chancery Court July 8th 1872

John M Shepherd, Eyom B Britt and Benjamin Riddick Pltfs

against } In Chancery

William Moody and Ann Eliza his wife Defts

This Cause Came on to be heard on the Comp=
=plainants bill taken for confessed as to the
Defendants on whom process has been duly
Served, they Still failing to appear and make
defence and was argued by Counsel, Whereup=
=on the Court doth adjudge, order and de=
=cree that Benjamin Riddick (Trustee
under the deed of trust filed with this bill
in this Cause and marked as exhibit "C"
proceed to Sell at the front door of the Court
=house of the County of Hancock on
Same Court day the land mentioned in
the deed of trust referred to after first Advert=
=ising the time and place of Sale, and the Terms
there of four successive weeks in the Christian
Sun, and by posting Notice at one or more
public places in the County and at the Court=
=house door, which Sale Shall be made on
the following terms: So much Cash as may
be necessary to defray the Costs and expenses
of this Suit and the balance of the purchase
Money to be paid in two equal instalments
the first payment to be made at the expiration
of ninety days after the day of Sale and the Second

payment to be made at the expiration of Six Months after the day of Sale the title to be retained until the whole of the purchase money shall have been paid. The Court doth further adjudge order and decree that the ~~Defendant~~ Trustee aforesaid shall after making Sale as directed proceed to pay to Evan B Bill one of the Plaintiffs in this cause the Sum of One hundred and Nine Dollars and thirty one cents ($109.31) of principal money with interest on the whole from the 29th day of March 1871 at the rate of Ten per centum per annum till paid And the Court doth further adjudge order and decree that the Trustee aforesaid shall after paying the Sums and interest above named pay to John M Shepherd one of the plaintiffs in this Suit the Sum of Forty Seven Dollars and Sixty two cents ($47.62/100) of principal Money and three Dollars and ninety three cents ($3.93) costs by him expended in obtaining judgment against William Moody one of the Defendants, and interest on the Forty Seven Dollars and Sixty two cents at the rate of Six per centum per annum from the 8th day of April 1871, till paid. And the Court doth further order and decree that after paying the various Sums

above named the Trustee shall pay over any monies he may have left in his hands from the Sale of the land referred to, to William Moody or his heirs or assigns and make report to Court

A Copy

Test

Willis E Cohoon Clerk

Jno W. Shepherd &c
vs } Co. Deed
William Moody &c

1872 July 8th

Jno. M. Shephard Exor B. Britt et als.

Plaintiffs

vs

Wm Moady & Ann Eliza his wife

Defendants

This cause came on to be heard on the complainants bill taken for confessed as to the defendants on whom process has been duly served, they still failing to appear and make defence and was argued by counsel, whereupon the Court doth adjudge order and decree, that Benjamin Riddick (trustee) under the deed of trust filed with the bill in this cause, and marked as exhibit "C," proceed to sell at the front door of the Court House of the County of Nansemond on some Court day, the land mentioned in the deed of trust upon 6, after first advertising the time and place of sale, and the terms thereof, for four successive weeks in in the Tobacco Sun, and by posting notice at one or more public places in the County and at the Ct House door, which sale shall be made on the following Terms: So much cash as may be necessary to defray the costs and expenses

of this suit, and the balance of the purchase money to be paid in Two equal installments, the first payment to be made at the expiration of Ninety days after the day of sale, & the second payment to be made at the expiration of six months after the day of sale, the title to be retained until the whole of the purchase money shall have been paid, The Court doth further adjudge order and decree that the Trustee aforesaid shall after making sale as directed herein and to pay to Exum B. Britt one of the plaintiffs in this cause, the sum of One Hundred and Nine ¾ Dollars and Thirty one cents ($109.31) of principal money, with interest on the whole from the 29th day of March 1871 at the rate of ten per centum per annum till paid And the Court doth further adjudge order and decree that the Trustee aforesaid shall after paying the sums and interest above named pay to Jno. M. Shepherd one of the plaintiffs in this suit the sum of Forty Seven Dollars and Sixty two cents

($47.62/100) of principal money, and Three Dollars and Ninety-three cents ($3.93) costs, by him expended in obtaining judgment against Wm Moody one of the defendants, and interest on the $47.62/100 at the rate of six per centum per annum from the 8th day of April 1871 till paid. And the court doth further order and decree that after paying the various sums above named the Trustee shall pay over any monies he may have left in his hands from the sale of the land reported to, to Wm Moody or his heirs or assigns, and make report to court.

Shepherd. J. Exr &c
vs } Decree
Wm Moody &c

Rev. M. Shepherd Exr &c
vs } Decree
Wm Moody &c

8: July 1872

To be entered
Theodore S. Garnett Jr.

John M. Shepherd and Exum B. Britt et als.

vs. } In Chancery

William Moody et ux

This cause came on this day to be again heard upon the papers formerly read, and upon summons and answer of Benj. Riddick (trustee &c) to shew cause if any he can and why he should not pay costs as such trustee, and was argued by Counsel whereupon the Court doth adjudge that Benj. Riddick pay any additional costs that may have accrued in this cause and that the cause be removed from the docket.

Jno. M. Shepherd et als.
v. S. In Chcy
William Moody chy.

Decree
Oct Term 1875-
To be entered.

Oct. 18/75.

Entered C. B. No 1 - p 288

South. Va. April. 8th 1871

Sixty days after date I promise to pay to Thos. M. Shepherd the just & full Sum of forty five dollars & Seventeen Cents for value received & I hereby waive the Benefit of my Homestead Exemption as to this Note

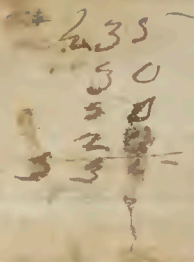
William Coody

$45.17

April. 8th 1871

Witness

Wiley Kandy



Whereas We have made a Deed of Trust to E B Bell of a certain piece of Land in the County of Nansemond. to secure to him Money loaned & Whereas We have made and arraugenad with W Jno M Chesfield to pay him a Bill out of proceeds of said Land after the Deed of Trust is Satisfied thereon The Trustee will pay to John M Chesfield Fifty dollars out of proceeds of Sale of Land out of Surplus funds after Satisfying deed of Trust — Witness our Hands this 7th day of June 1871

Witness
W. J. Riddick as to
Mrs Ann Eliza Moody.

William G Moody
Ann Eliza her X Moody
mark

All Available Text Successfully Captured

Moody & Co

Memo. Acct

Dud Trust &

Note

following Signatures & Seals.

William Moody [Seal]

Ann Eliza her + Moody mark [Seal]

Benja Riddick [Seal]

In the Clerks Office of Nansemond County Court. the 29 th day of March 1871
the foregoing Deed of trust was presented and acknowledged by William Moody, and Ann Eliza, his wife, and Benjamin Riddick Trustee, to be their act and deed, and the said Ann Eliza Moody being examined by me privily and apart from her husband and having said Deed, fully explained to her acknowledged that she had willingly — executed the same, and wished not to retract it. Whereupon said deed is admitted to record (the Signature Stamps of 50 c having been affixed and cancelled

Teste

Peter B. Parrish Clerk

Copy

Teste

Willis E. Cohoon Clerk

This deed, made this 29th day of March in the year of our Lord, one thousand eight hundred and seventy one between Wm Moody and Ann Eliza his wife, the grantors, of the one part, and Benja Riddick, the Trustee of the other part all of the parties residing in Nansemond County and State of Virginia: Witnesseth, that the said grantors, do grant unto the said Benja Riddick, the Trustee, with general warranty, the following tract, piece or parcel of land lying & being in Nansemond County, containing twenty five acres more or less, and adjoining the lands of Hilliard Archer, William Archer, and others, in trust to secure the payment of the following named sums, to wit: one Exam B. Bill one, Bond, for Fifty five dollars, dated 29th March 1871. and due the 29th day of December 1871, and one of Fifty two dollars and thirty one cents dated 29th of March 1871 and due on the 29th day of September 1872, both of said bonds are to carry interest at the of ten per cent from date. and it is hereby covenanted that the Trustee, shall have five per cent commissions, in the event of a sale, and that this deed shall be in all respects, executed according to Law. Witness the

Wm Moody
to
Deed of Trust
Benja Riddick

("6")

(78 cts)

FI. FA.

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

WE COMMAND YOU, That of the Goods and Chattels of William Moody

in your bailiwick, you cause to be made Forty Seven dollars & sixty two cents with interest thereon from the 8th day of April 1871 till paid

which John M. Shepherd

before A. F. Holladay a justice of the peace

lately in ~~our~~ ~~Court of~~ Nansemond County, recovered against him

Also, three Dollars, and twenty three Cents, which to the said

in the same court were adjudged for his costs, by him about his suit in that behalf expended; whereof of the said William

is convict, as appears to us of record, and that you have the same at the Clerk's office of our County Court. at Rules directed by the law to be holden in and for Nansemond County, on the first Monday in July next, to render unto the said John M. Shepherd

of the debt and costs aforesaid. And have then and there this writ.

Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 31st day of May in the year of our Lord, 1871, and in the 96th year of our independence.

Clerk.....$ 5-5.

Attorney.....

Sheriff.....

Witness.....

W—T.....

Plff. Cost—$ 3 9 3

Copy Teste

Willis E Cohoon C. C.

I cannot find enough property to satisfy
the mortgage or any part thereof

May 31st 1894

W. H. Ely D.S.

Copy

Test

Willis E. Chapman Clerk

Wm Spears
vs
Exhibit B
Mary Ely

(B)

Dec 30 94

In Tuscumbia County, May 29th 1871 A. F Holladay, Justice

John M. Shipman
against
William Moody. } In Debt.

Judgement for $47.62½ cts. with legal Interest thereon from the 8th day of April 1871 till paid and $3.93. Costs.

Test

Willis E. Cohoon clerk.

John M Stephens
715 Front
William Moody

("A.")

Jan 30

Shepherd

vs } Exhibits

Moody &c

(4)

(Exhibits)

Shepherd &c
v.
Moody &al.

In Chancery,
In the Circuit Court of
Nansemond County, Va.

Your Petitioners Benjamin Riddick and Emma B. Britt, respectfully represent to the said Court, and say, That on the 29th day of March 1871, Wm. Moody & Eliza his wife executed a deed of Trust to said Benjamin Riddick, Trustee, to secure certain debts to said Emma B. Britt, & thereby conveyed a tract of Land in Nansemond County, containing 25 acres, & described in said deed - a copy of which deed is filed in the above cause as Exhibit "C".)

That the debts therein secured were transferred and assigned by said Emma B. Britt to Wm. Cherry.

That your ~~Respondents~~ Petitioners had no need of a Court of Equity to enforce their rights, as they are amply provided for in said deed.

Your Petitioners have understood that one John M. Shepherd, had a claim against said Moody & in order to reach what surplus there might be after satisfying said Trust, instituted a suit in Chancery in Nansemond County Court (since transferred to this Court) ~~against Petitioners~~, and in said suit it seems your Petitioners are joined as parties Plaintiffs, without their authority, & whilst they had no objection to said Shepherd's securing said surplus, if any,

they never supposed that they should be put to any costs in the premises,

That a decree was made to sell said Land and as your Petitioners supposed, for the purpose of ascertaining what surplus if any there might be; That a sale was made for the purposes of said deed, & all the costs paid out of the sales, which was just so much taken out of the assets of the deed & expended, ~~the amount~~ for the benefit — That after paying the debts secured by the deed & all costs (except attorneys fee) there was a small Balance due the Trustee —

Your Petitioners never supposed for a moment that the suit brought for such purpose & in which they had no interest, was to deprive their security, as the aid of a Court of Equity was not needed by them — That so far as any surplus remained after paying the debts secured in said deed because of closing the said Trust, they did not care what became of it & paid it out in expenses of said suit,

That your Petitioners never supposed they were liable for the attorneys fee of Shepherd, & gave no attention to the same, till the execution on them of a Summons & show cause why the costs of said suit were not paid —

In further response to said Summons they said that all the costs were paid, so far

attorney and fo, that no official statement nor official copy of said deed of sale, was delivered to them—

They respectfully protest against paying the attorneys fee of said Stephens or any further amount, having destroyed all the funds received from the sale of said Land.

and your Petitioners will ever

Burgess Accordingly
E. B. Brill
"

Nansemond Co. Va
Sworn to before me Wilbur L. Killby
a Notary Public in & for said County this
29th, day of January 1895.
Wilbur L. Killby
Notary Public

Shepherd &c.

vs

Moody &c.

Petition & answer
& summons &c
of
Benj.a Riddick &
Exum B. Britt

Rec.d 30 Jan 1875

Virginia

To the Hon. Thos. S. Garnett Jr. Judge of the Court of the County of Nansemond in Chancery Sitting

Humbly complaining sheweth unto yur honor your complainants John M. Shepherd Exor of B. Britt and Benj. Riddick, that on the 29th day of May in the year 1871 John M Shepherd obtained a judgment rendered by A. L. Holladay a justice of the peace of said County against one William Moody one of the defendants in this suit, for $47.62/100 and $3.93 costs, which judgment is filed along with this bill and prayed to be taken as a part of the same, and marked as exhibit "A" On the 31st day of May 1871 Execution issued upon the said judgment of John M Shepherd and was returned "unsatisfied, as will appear from a certified copy of the same marked "B" and prayed to be taken as a part of this bill. Your complainants are informed and do charge that the said execution or any other executions are a lien on the real estate of the said William Moody from the day that they passed into the Officers hands and from the

date of the recordation of said judgment. On the date of the said judgment the said William Moody was seized and possessed in fee simple of a tract of land in Nansemond County, containing Twenty Five Acres more or less and adjoining the lands of Willard Archer, William Archer et als. and is still seized and possessed of the same land just above described, Your complainants are informed and so charge, that the said judgment is a lien on said land and that the said land may be sold to satisfy the said liens as the rents and profits of the said land are insufficient to satisfy the said liens within five years,

Your complainants are informed and so charge that the original note, or evidence of debt upon which the judgment before mentioned was based, was signed by William Moody and Ann Eliza his wife, and declared that they waived the benefit of the Homestead Exemption as to the said claim of Jno. M. Shepherd your complainant, & your complainants charge that the said William Moody nor Ann Eliza his wife can claim no exemption as to this note or bond or avoid the judgment so obtained against them, but no

to this claim all the real property owned and possessed by the said William Moody is bound by the said judgment & execution

Your complainants charge that Exum B. Britt one of your complainants held certain bonds of the said William Moody which said bonds were secured by deed of trust from said Moody and wife to Benj. Riddick Trustee, & was duly recorded in the Clerk's Office of this County, conveying the before mentioned real estate to Benj. Riddick trustee for the benefit of the before mentioned Exum B. Britt that the bonds so secured amounted in all to One Hundred and Twenty Nine dollars and that the said real estate will bring in the market $250.00/100 at the lowest estimate. The deed of trust is filed along with this bill and prayed to be taken as a part of the same and marked as exhibit "C"

In tender and consideration whereof & for as much as your complainants are without remedy at law, and can only be relieved by the aid of this Honorable Court of Chancery where matters of this sort are cognizable. to this end your complain

1874 Sept Term
Bank of Tennessee

1875. July Term
Trustees Church & Co pay
Cost

" Octo: Term Final decree
&c

Writers

Jno. M. Shepherd
et als.

vs

Bill

William Moody
et ux.

1872 Feb. writs filed

1872. Feby 7. Bill & Exhibits
" " " filed & Cause
" " " for Return
" Mar 6. Alias Sub issued
" " " awarded
" Apl 3. Alias Sub
" " " Return. and
" " " Or. Publication
" " " amended &
" " " affidavit filed
" May 8. Cause for Proof
" " " Publication
" June 5. Publication filed
" July 3. Cause set for hearing
" " 8. Decree accordingly
" " " rough filed with papers
Nov Term, do exe forwarded

1873 Attorneys fees
Returned to the Co

and I pray that the said deed of Trust may be enforced, and that the said William Moody and Ann Eliza his wife may be made parties defendant and duly served with process to answer the premises & that by a decree of this Honorable Court the real estate aforesaid of William Moody & Ann Eliza his wife may be subjected to the satisfaction of said judgment, & that such other and further relief may be granted in the premises as to this Honorable Court may seem meet and the nature of the case may require, & your Orator will ever pray &c

Jno. M. Shepherd et als

Writers for Complt's