

1886-009
Nansemond Co. (Suffolk)

Chancery Causes: Francis C. Butler et al vs Wilbur J. Kilby, Trst et al

Ellis

Wright p. q.

Francis C. Butler & al

vs/ In Chancery

Richard Kilby Trustee & al
1886.

Jan'y 20th
Dismissed by order of
Plaintiffs counsel.

Francis B. Butler Ld.

to Chy. Notes

Wilbur J. Kelly, Trustee do

1885. Dec. 14th

1885. Dec. 12th: Order of Sup^{ts}: filed - Sup^{ts}: Bond, executed after L. 11 met.

in Chy. Le inform to J. Kelly, 1886

Obj. Notes

of Your Orators in the premises can be
fully and properly determined, and that
such other and further relief may be
granted to Your Orators as the nature of
their Cause may require or to equity may
seem due; And Your Orators will ever
pray &c.

Francis C. Butler, &
Dempsey Butler.
By Counsel.

Virginia:

Hammond County to wit:

I. Geo. H.

Bright, a Notary Public for the State &
County aforesaid, do certify that Francis
C. Butler personally appeared before me,
this day, in my said County and made
Oath that the Statements contained in
the foregoing Bill of Complaint are
true to the best of his knowledge, infor-
mation & belief.

Given under my hand this 11th day of
December 1885

Geo. H. Bright, N. P.

On the Complaint of Francis Butler and
Dempsy Butler and their petition contained
in said Complaint ^{and upon good cause shown} an injunction is awarded
them according to the prayer of their said peti-
tion, Enjoining and restraining Wilbur Hilby
Trustee, Sydney J. Ellis Trustee ^{and} their agents or
attorneys from making sale of the land
in the Bill ^{and proceedings} mentioned, under the Deeds of
Trust Executed by said Francis Butler to
Wilbur J. Hilby Trustee for the ^{benefit of the} Commercial
Bank of Suffolk, until the further order of
the Circuit Court of Hanseman County.
But this order is not to take effect until the
said Complaintants or some one for them
shall enter into bond before the Clerk of
^{the Circuit Court of} Hanseman County, with security approved by
him, in the penalty of Five hundred Dollars (\$500)
conditioned according to law for the payment
of all such costs and damages as may be a-
warded against them, by reason of violating
this injunction.

C. M. Munday

To
Clerk of Circuit Court

of Hanseman County

Virginia

Wright. p. 9
Francis C. Butler Cal.

to { Bill

William J. Kelly, Trustee Cal.

1886. Jan. 20th:
The Clerk will certify
This Sale at Felt: Rules
1886.

J. H. Wright p. 9

Hansen and Co. Co.

To the Hon. Geo. B. Wood, Judge of the Circuit
Court of Brunswick County.

Complaining
ing Sheweth unto Your Honor, Your Orator
Francis C. Butte & Dempsey Butte, That
on the 10th day of June 1882, Your Orator Fran-
cis C. Butte was the owner of three Sepa-
rate tracts of land in the Said County; one of
twenty six acres, one of ~~at~~ Sixty acres, and
one of thirty three acres; and on the date last
named he executed to William J. Kilby, Justice,
a Deed of Trust, to ~~secure~~ on the twenty six
acre tract, to ~~secure~~ to the Commercial Bank
of Suffolk Va the sum of \$700⁰⁰; and on the
4th day of October 1883, Your Orator Francis C.
Butte, Executed to the Said William J. Kilby, Jus-
tice, a Deed of Trust on the Sixty acre tract
and the thirty three acre tract, to ~~secure~~ to
the Said Bank the sum of \$800⁰⁰; that since
the dates above named, Your Said Orator,
Francis C. Butte has been regularly paying
the interest on Said notes, until some time
in June 1885, the amount of interest so paid
being about \$286⁰⁰, and had also paid
\$200⁰⁰ on the principal of Said notes, (copies
of said Deeds and here with filed, marked re-
spectively "A" & "B" proposed to be taken as
parts of this Bill); that on the 25th of June

1885; Your said Orator Francis C. Butler sent to the said Bank, the Sum of \$127⁰⁰ to be credited on said notes, and on the 2^o of July 1885 another Sum of \$56⁵⁸, which (Except the Sum of about \$24) was also to be credited on said notes, the Exact amount of said remittances, not being now known, but leaving about the Sum of \$153⁰⁰ to be applied to the Credit of said notes, And Your Orator charges that instead of applying said Sum to the Credit of his said notes as directed, the same was placed to his individual Credit in the said Commercial Bank of Suffolk Va, which said Bank, suspended on the 1th Day of August 1885; And Executed a Deed of Trust to Sydney J. Ellis Trustee, for the benefit of the Creditors of said Bank, that the said Trustee now desires to pay to Your said Orator Francis C. Butler a dividend upon the said Sum of \$153⁰⁰, instead of applying the whole of said Sum to the Credit of his said notes, as he desires and directed at the time should be done.

And Your Orator further says that after the Execution of the two Deeds of Trust aforesaid, Your said Orator Francis C. Butler executed another Deed of Trust on the

C. H. Canby

three tracts of land aforesaid, to ~~John B.~~
Pentecost's Trustee, to secure to you Orator
Dempsey. Quiter the payment of the Sum
of \$30.00⁰⁰

And you Orator further Charge, that refer-
ring to credit the \$153⁰⁰ aforesaid on the said
two notes due to the Commercial Bank,
the said William J. Kilby Trustee, by direction
of the said Sydney J. Ellis Trustee, has ad-
vertised to sell all the three tracts of land
aforesaid, before the Court House door in Luf-
fkin, for Cash, as appears by paper here-
with filed as part of this Bill, ^{& exhibited "D"} And you
Orator allege that if such sale be permit-
ted it will be greatly to their injury, as in the
present depressed condition of business, a
sale upon such terms must necessarily
be at a great sacrifice of the land. That
only a few years since the said Francis C.
Butler purchased the said land for the
sum of \$4000⁰⁰, and that under ordinary
circumstances, the land ought to bring as
much now, as he has improved the same;
that the buildings thereon have been kept
in good order, and kept insured as further
security for the said Bank; but to sell now
for cash, when scarcely any one in the
community has ready cash, and to sell on

* And Your Orator also alleges that it is not necessary to sell the whole of the land conveyed by the two Deeds of Trust to H. J. Kilby, to satisfy the said debt, as they believe that any two of said tracts would be ample for that purpose, or that the 60 acres alone, with the improvements thereon would be sufficient, & to sell the whole under existing conditions would result in serious injury to Your Orator.

not more than two weeks' notice, would necessitate a heavy loss to both Your Orator, as the debt due to said Dempsey & Cutler would scarcely be one half paid out of said proceeds.* And while Your said Orator Francis C. Cutler is reluctant to take advantage of any payment of interest on said notes, in excess of the legal rate, he yet charges that from the making of the said notes the rate paid has always been usurious, and he prays that the same may be inquired into and proper allowances made therefor on the said notes.

But as Your Orator are without remedy in the premises save by the aid of a Court of Equity, where such matters are properly cognizable and relievable, Your Orator prays that the said Wilbur J. Kilby Trustee, and the said Sydney J. Ellis, Trustee, under a Deed from the said The Commercial Bank of Suffolk Va., may be made parties Defendant to this Bill, and required to answer the same under oath, fully and particularly, that the said Wilbur J. Kilby Trustee may be enjoined and restrained from selling the said land as advertised by him until the matters herein complained of can be inquired into by the Court and the rights

This Deed, made the 10th day
 of June one thousand eight hundred and eighty-two
 between Frank C. Butler and
 his wife, of the county of
 Fauquier
 and State of Virginia, of the one part, and Wilbur J. Kilby

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said Frank C. Butler and
 his wife, doth grant, with general warranty,
 unto the said Wilbur J. Kilby

trustee as aforesaid, the following property, to wit: All those two tracts, pieces or parcels of land, situated lying and being in the County of Fauquier (Chickahominy District) in the State of Virginia, and bounded and described as follows: First: That parcel of land near the Village of Chuckatuck and on the County Road leading from said Village down Barretts Creek and containing eighteen and one half (18½) acres, more or less, by survey and bounded on the North by the land of J. Frank and Wm C. Whitney, on the East by the second parcel of land hereinafter described, formerly owned by Dr. Geo. F. Glover, on the South by the said Barretts Creek Road. And on the West by the lot of the M. E. Church and a road or lane leading from said Barretts Creek road to the farm of Anna G. and C. L. Updegraff and being the same parcel of land which Henry Pruden purchased of John F. Pinner and wife by deed dated the first day of January A. D. 1880 and recorded the 26th day of January, A. D. 1880 in Deed Book No. 8, page 184, in the Clerk's Office of the County Court of said County. Second: That parcel of land containing by survey eight (8) acres, more or less, near said Village and on the North side of said Barretts Creek County Road and bounded on the North by the land of J. Frank and Wm C. Whitney (formerly John F. Pinner's land); on the East and South by said road and on the West by the parcel of land above described as containing eighteen and a half (18½) acres, and being the same land which by deed dated the 9th day of January A. D. 1880, and recorded, this day was conveyed to Henry Pruden by Wm H. Darden and J. C. Darden Executors of Geo. W. Darden deceased, and which was devised to the said Geo. W. Darden by Dr. Geo. F. Glover, as will appear by his Will duly recorded in said Clerk's Office, and which was conveyed to said Dr. Geo. F. Glover by said John F. Pinner and wife by deed dated the first day of January A. D. 1880, and recorded the 21st day of January A. D. 1880, in said Clerk's Office in Deed Book No. 8, pages 106-7 both of said parcels of land being the same which by deed dated this 10th day of June 1882, and recorded the same day were sold and conveyed unto said Frank C. Butler by said Henry Pruden together with all and singular the appurtenances belonging to the same.

~~together with all and singular the appurtenances belonging to the same~~

In trust to secure to the Commercial Bank of Suffolk in the County of Nausumond in the State of Virginia the payment of the sum of seven hundred dollars, due and payable by said Frank C. Butler to said Bank as evidenced by this negotiable note for said sum of seven hundred dollars, executed and dated this 10th day of June A.D. 1882, and payable to said Bank's order sixty days after its date and negotiable at said Bank which said note waives the benefit of the Homestead Exemption of said Frank C. Butler and has been by him endorsed and transferred, and made payable for value received, to said Bank and is now held by and due to said Bank. And said Trustee is hereby authorized and empowered to sell the above described parcels of land for cash by public auction, if default be made in the payment of said note for said sum of \$700.00 or any note given in renewal thereof as herein provided, at the maturity thereof, and it is covenanted and agreed between the parties aforesaid, that in case of a sale, the same shall be made after first advertising the time, place and terms thereof, and after paying the expenses of executing this trust, if then unpaid, including a commission of five per cent to the said trustee, then to discharge the amount of money principal and interest, then due and unpaid of the said debt; and the residue, if any, pay as the law directs. It is also covenanted and agreed that this deed of Trust shall secure any note, which may be given in renewal or curtail of the aforementioned note for said sum of \$700.00. The said party of the first part covenants to pay all taxes, assessments, dues and charges upon said property so long as he or his heirs shall hold the same. In bare a deed of Release is given it shall be at the cost of said party of the first part. In all other respects this deed shall be executed according to the law governing trust sales.

Witness the following signatures and seals:

Witness
Wilbur G. Kilby

F. C. Butler

[SEAL.]

[SEAL.]

State of Virginia,

County of

To wit:

in and for the county aforesaid,
the wife
whose names are
day of
signed to the writing above, bearing date the
18, personally appeared before in the county aforesaid, and being
duly examined by privily and apart from her husband, and having the
writing aforesaid fully explained to her, she the said
acknowledged the said
writing to be her act, and declared that she had willingly executed the same,
and does not wish to retract it.

Given under hand this day of eighteen
hundred and

Virginia,

County of Nausumond

To wit:

I, Willard P. Primer, a Notary Public in and for
the said county, in the State of Virginia, do certify that Frank C. Butler
whose name is signed to the
writing above, bearing date the 10th day of June, 1882,
has acknowledged the same before me in the county aforesaid.

Given under my hand this 10th day of June 1882.

Willard P. Primer
Notary Public

In the Clerk's Office of Nausumond County Court, the 10th day
of June, 1882.

This deed of Trust was received, duly certified, and thereupon
admitted to record.

Teste: Peter B. Pruit's Clerk.

A. Copy,

Teste:

Peter B. Pruit's Clerk.

a copy of a ^{X^{ind}}

DEED of TRUST.

Frank C. Butler

To

Wilbur J. Kelly Trustee
for the First Commercial Bank of
Suffolk

¹⁸⁸²
June 10th Presented in the Clerk's
Office, with the Certificate annexed
& a R.

Exhibit (A)

Recorded Deed Book No 10 Page 470

This Deed, made the fourth day

of October AD one thousand eight hundred and Eighty Three

between Frank C Butler

~~and~~ his wife, of the county of Hanover

and State of Virginia, of the one part, and William J Kelly,

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said Frank C Butler

~~and~~ ^{do hereby} his wife, do grant, with general warranty,

unto the said William J Kelly

trustee as aforesaid, the following property, to wit: First, all that certain tract or parcel of land situated near the village of Chuckabuck in said County and State, containing by estimation sixty (60) acres more or less, and bounded on the North by Chuckabuck Creek on the East by the land of Frank and Wm Whitney on the South by a road, which leads from the Barrens Creek to the land of Caleb L. and Anna G. Upshur, and on the West by the land of Janet M. Godwin; and secondly, all that tract or parcel of land situated in said County and State, about one mile from said Village containing thirty three (33) acres, one odd and fourteen (14) poles more or less, and bounded by the lands of John L. Beale, Caleb R. Jackson, and Wm Jackson, and the road from said Village to Beaufort, and the road from said Village to Everetts Bridge and being the two parcels of land which by deed dated this 4th day of October, AD, 1883, and recorded at the same time with this deed, was sold and conveyed by Dempsey Butler and wife, unto the said Frank C Butler, together with all and singular the appurtenances belonging to the same.

~~together with all and singular the appurtenances belonging to the same~~

In trust, to secure to ^{the} Commercial Bank of Suffolk, Virginia, the payment of the sum of eight hundred dollars, due and payable by said Joseph B. Butler unto said Bank as evidenced by his negotiable note for said sum of money, executed and dated this 4th day of October A.D. 1883 and payable sixty days after its date, to his own order, and negotiable at said Bank, which said note for value received has been endorsed and assigned to said Frank C. Butler unto said Bank, and is now due and payable unto ^{said Bank} as well as at said Bank, and to secure the payment of any note that may be given in renewal of said note for said sum of eight hundred dollars, in whole or in part for a like or less sum of money, according to the usages or requirements of said Bank at any time hereafter. And the said Trustee is hereby authorized and empowered to sell the above described parcels of land for cash by public auction after due advertisement of the time place and terms of the sale, according to law, if default be made in the payment of said note for said sum of eight hundred dollars, at the maturity thereof, or in the payment of any note that may be given in renewal thereof as above specified at the maturity thereof, and out of the proceeds of the sale to pay first all the costs and expenses of the sale, including a commission of five per cent on the gross proceeds of the sale to himself (said Trustee) for his services and then to pay said note for said sum of eight hundred dollars, if then due and unpaid, and all interest thereon, or such note as may have been given in renewal thereof as above specified and may be due and unpaid at the time of said sale and all interest due thereon and to pay the surplus if any, as the law directs.

Witness the following signatures and seals:

J. C. Butler [SEAL.]

[SEAL.]

State of Virginia,

County of

{ To wit:

in the State of Virginia, do certify that

of

signed to the writing above, bearing date the

18th, personally appeared before in the county aforesaid, and being duly examined by privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said

writing to be her act and declared that she had willingly executed the same, and does not wish to retract it.

Given under hand this day of eighteen hundred and

Virginia,

County of of Nansemond

{ To wit:

I, Peter B. Pantis, a Commissioner in Chancery, of the ^{circuits Court} in and for the said county, in the State of Virginia, do certify that Frank C. Butler

whose name is signed to the writing above, bearing date the 4th day of October 1883 has acknowledged the same before me in the county aforesaid.

Given under my hand this 4th day of October 1883.

Peter B. Pantis
Commr in Chy.

In the Clerk's Office of Nansemond County Court, this 5th day of October 1883.
This Deed of Trust was presented with the certificate annexed, and admitted to record

Teste Peter B. Pantis Clerk

A copy

Teste Peter B. Pantis Clerk.

a copy of a

X^{ms}

DEED of TRUST.

Frank C. Butler

To

Walter J. Kelly Trustee
for The Commercial Bank of Suffolk

1883
October 5. Presented in the Clerk's
Office with the Certificate annexed
J. A. R.

Exhibit (B')

Recorded Deed Book No 12.
Page 248.

"D"

VALUABLE LAND

At the Village of Chuckatuck

❧FOR SALE!❧

By authority of two deeds of trust executed by Frank C. Butler respectively on the 10th day of June, 1882, and 4th day of October, 1883, and duly recorded, to secure certain debts therein specified, and by direction of the beneficiary under said deeds, I shall sell by public auction, before the Courthouse door of Nansemond county, Va., on County Court day,

MONDAY, DECEMBER 14, '85,

The following parcels of real estate, to wit:

1. All that certain parcel of land situated at the village of Chuckatuck, in said county, and on the north side of the road leading from said village into Barrett's Neck, containing 26 acres, more or less, and bounded by the land of J. Frank and William C. Whitney, said road, the lot of the M. E. Church and a lane leading from said road to the farm of Anna G. Upshur.

2. All that certain parcel of land, also situated at said village, in said county, containing by estimation 60 acres, more or less, and bounded by Chuckatuck creek, the land of said J. Frank and William C. Whitney, the land of Janet M. J. Godwin and said lane.

3. All that certain parcel of woodland situated about one mile from said village and containing 33 acres, 1 rood and 14 poles, more or less, and bounded by the lands of John L. Beale, Caleb R. Jackson and William H. Jackson, and the roads leading from said village to Suffolk and Everett's Bridge.

The first and second parcels of the above lands are separated from each other by said lane only, and may be held as one farm or two farms. Both parcels are enclosed by excellent fences and are highly improved. The first has, however, no buildings nor improvements upon it, but the second has upon it a large and convenient dwelling and all necessary outhouses, and a barn which cost \$700, all recently built; a well of the best water, a spring with a most conveniently arranged dairy and all necessary appurtenances connected with it; two acres of spinach, two of good Fall cabbages, a hot-bed of young cabbages nearly large enough to be set out, and 25 hot-bed sash. A wharf, convenient for shipping purposes, is located within a few hundred yards of the farm, on Chuckatuck creek. The third parcel of the above lands is all woodland, and goes with the other parcels to supply them with firewood, timber for fences, etc.

 **Terms Cash.**

WILBUR J. KILBY, Trustee.

GEORGE T. PARKER, Crier.

November 28, 1885.

GEORGE T. PARKER, Clerk.

November 28, 1882.

WILLIAM J. KILBY, Trustee.

DR. TELLERS Cash

Balance on

and sundries on the other hand, resulting from collection and transfer to the fund, being up to date, being \$11,400.00

and sundries on the other hand, resulting from collection and transfer to the fund, being up to date, being \$11,400.00

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Clark's Office of Mansfield Co: Co:
Oct. 23rd 1885-

I hereby certify that in examining
the records in the Clerk's Office of
Mansfield County Court, that nothing
appears on record against F. C. Butler
previous to the deeds of trust made by
him to the Commercial Bank of Suffolk
Also the records show that said Butler
paid \$4,000± dollars for the same farm the
Bank holds the trust deeds on, and the
Assessors land book show its assessed
value to be \$2,023± dollars, The buildings on
said farm being insured for \$2,500± dollars
for a term of three years for the benefit
of said Bank, to the extent of their claim
All the facts in consideration, I have no
hesitation in recommending the property
to be ample security to the extent
of the Banks claims by said trust deeds.

Peter B. Prentiss. Clerk
of Mansfield County Court

A. S. DARDEN, President.

THOS. G. ELAM, Cashier.

The Commercial Bank
OF SUFFOLK.

Suffolk, Va July 9 1885
F C Buttery

Your favor of 2 instant has been received
with enclosure as stated. We credit your account

\$6 38 for Wm Wm

We enclose as entered below.

RESPECTFULLY,

THOS. G. ELAM, CASHIER.

Dunn's check
has not been pre-
sented yet. We
pay when it is.

on note 100 Cr
 on note 50 Cr

 58.50 Int

total paid \$208.50

OK 301.51
 208.50

4884
 Ace

 \$93.01
 cash

Bal due \$1300

• Pd on \$700

wa \$50

Pd int on
\$650 @ 5.8% 9.24

Pd int on
\$700 note @ 8% 11.37
wys 8% \$70.61

Total

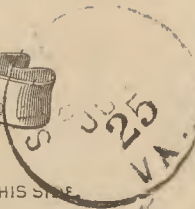
Oct 3rd 84

T. J. Eames
State ment

Ac 32⁰ 1^o Dec 5th

19

1161



NOTHING BUT THE ADDRESS CAN BE PLACED ON THIS SIDE.

J. C. Butler
Lynchburg
VA

1238
5638
8338
25
53

A. E. DARDEN, President.

THOS G. ELAM, Cashier

THE COMMERCIAL BANK OF SUFFOLK.

Suffolk, Va.

June 25 1885.

Dear Sir: Yours of 23 inst. is received, with
enclosure as stated and we Cr you
as directed

Respectfully,

THOS. G. ELAM, Cashier.

By

SK

This Deed, made the 1st day
of April one thousand eight hundred and eighty-four (1884)
between F. C. Butler and
his wife, of the county of Nau-se-mund
and State of Virginia, of the one part, and C. H. Causey,

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said F. C. Butler and
his wife do grant, with general warranty,
unto the said C. H. Causey

trustee as aforesaid, the following property, to wit:

First: All that tract, piece or parcel of land, situated, lying and being in the County of Nau-se-mund, in the State of Virginia, near the Village of Chukatchuck, and on the County Road leading from said Village, down Burnett's Neck, and containing Eighteen and a half (18½) acres, more or less, by survey, and bounded on the North by the lands of J. Frank Whitney; on the East, by the Second parcel of land hereinafter described; on the South, by the said Burnett's Neck Road, and on the West, by the lot of the M. E. Church, and a road or lane, leading from said Burnett's Neck Road, to the farm of Anna G. and C. E. Upshur.

Second: All that tract, piece or parcel of land, situated in the County aforesaid, near the Village aforesaid, on the North side of the Road leading from said Village, containing Eight (8) acres, more or less, and bounded on the North, by the land of J. Frank Whitney; on the East and South, by said Road, and on the West, by the parcel of land first hereinbefore described; said two (2) parcels of land being the same which the said F. C. Butler purchased of Henry Pruders, by Deed, dated and of record in the Clerk's Office of Nau-se-mund County Court, the 10th day of June, 1882, in Deed Book No. 10, p. 488-9, less the small portion of the said 18½ acre tract which the said F. C. Butler, sold and conveyed to J. Frank Whitney and Wm. C. Whitney, by Deed, dated the 25th day of April, 1883, and of record the 21st day of May, 1883, in the Clerk's Office of Nau-se-mund County Court, in Deed Book No. 11, p. 606-7; the said two (2) parcels of land being subject to the lien of a Deed of Trust thereon from said F. C. Butler to Wilbur J. Kelly, Trustee for the Commercial Bank of Suffolk, Va. to secure the sum of \$700 See Deed Book No. 10, p. 490-91, for the record of said Deed of Trust.

Third: All that certain tract or parcel of land, situated near the Village of Chukatchuck, in the County aforesaid, containing by estimation, sixty (60) acres, more or less, and bounded on the North by Chukatchuck Creek; East, by the land of J. Frank Whitney; on the South, by the land of Anna G. Upshur, and on the West, by the land of Janet M. J. Godwin.
Fourth: All that tract or parcel of land, situated in said County and State, about one mile from said Village, containing thirty-three (33) acres, more or less, and bounded on the North, by the land of John L. Boone, Calab R. Jackson and Wm. Jackson; on the East, by the land of John L. Boone, Calab R. Jackson and Wm. Jackson; on the South, by the land of John L. Boone, Calab R. Jackson and Wm. Jackson; and on the West, by the land of John L. Boone, Calab R. Jackson and Wm. Jackson.
Fifth: The two (2) parcels of land, which, by Deed, dated the 4th day of October, 1883, and recorded in said Clerk's Office in Deed Book No. 12, p. 241-5, were sold and conveyed by Frank C. Butler and Malvina, his wife, to said F. C. Butler, and which said two parcels of land, containing 33 acres, 1 Road and 14 Poles, are now subject to a Deed of Trust from said F. C. Butler to Wilbur J. Kelly, Trustee for the Commercial Bank of Suffolk, Virginia, to secure the sum of Eight Hundred (800) dollars, as therein specified - See Deed Book No. 12, p. 245-6, for the record of said Deed of Trust.

together with all and singular the appurtenances belonging to the same.

In trust to secure to Dempsey Butler, his heirs, executors, administrators or assigns the just and full sum of Three Thousand (3000) dollars, evidenced by a bond for that sum signed by the said J. C. Butler dated the 1st day of April, 1884, payable to the said Dempsey Butler as aforesaid, and containing a waiver of the benefit of the Homestead Exemption.

In the event of default in the payment of said bond, it shall be the duty of the said C. H. Causey, Trustee, whenever requested so to do, by the said Dempsey Butler, his heirs or assigns, to sell the said lands by public auction to the highest bidder, for cash, after having first advertised the time, place and terms of sale, for at least 30 days, in such manner as to the Trustee shall seem best for the interest of all parties.

Out of the proceeds of said sale, the said Trustee, after paying the expense of executing this trust, including a commission of five (5) per centum on the gross proceeds of sale, to the said Trustee, shall pay off and discharge the said bond of \$3000, less decay and its accrued interest, and the balance, if any, shall be paid to the said J. C. Butler, his heirs or assigns.

Witness the following signature and seal:

J. C. Butler [SEAL.]

[SEAL.]

In the Clerk's Office of Mansfield County Court, this 19th day of July, 1884.

This Deed of Trust was acknowledged by J. C. Butler, and thereupon admitted to record.

Teste: Peter B. Prentiss, Clerk

A Copy: Teste: Peter B. Prentiss, Clerk

State of Virginia,

County of

} To wit:

in and for the county aforesaid, the wife
of whose names are
signed to the writing above, bearing date the day of
18, personally appeared before in the county aforesaid, and being
duly examined by privily and apart from her husband, and having the
writing aforesaid fully explained to her, she the said

acknowledged the said
writing to be her act, and declared that she had willingly executed the same,
and does not wish to retract it.

Given under hand this day of eighteen
hundred and

Virginia,

County of

} To wit:

I, in and for
the said county, in the State of Virginia, do certify that
whose name is signed to the
writing above, bearing date the day of 18
has acknowledged the same before me in the county aforesaid.

Given under my hand this day of 18

XVII

(Copy)
DEED of TRUST.

J. M. Butler

To

C. H. Vausey, Trustee
for
Dempsey Butler.

Exhibit (E)

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :
YOU ARE HEREBY COMMANDED TO SUMMON *Wilbur J. Kilby, Trustee, and*
Sydney J. Ellis, Trustee, _____

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *January* next to answer a
_____ Bill in Chancery, exhibited against *them*
_____ in the said Court by *Francis C. Butler and Deridsey Butler*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *14th* day of *December* 188*5*, in the *110th*
year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

Memo: The defendants, Wilbur J. Kilby, Trustee, and Sydney T. Ellis, Trustee, and their Agents and Attorneys are hereby enjoined and restrained from making sale of the land in the bill and proceedings mentioned under the deeds of trust executed by Francis C. Butler to the within named Wilbur J. Kilby, Trustee, for the benefit of the Commercial Bank of Suffolk until the further order of the Circuit Court of Hanscom and County Virginia.

Teste:

Peter B. Pentis. Clerk

1019th P. 1.
Francis C. Butler del

to
J. Sumner Chy: de

Wilbur J. Kilby, Trustee del.
To Jany: Rader, 1885-

Peter B. Pentis, payee
City of

Executed, Decr: 14th: 1885, and a true here to delivered to Wilbur J. Kilby, Trustee, and Sydney T. Ellis, Trustee, each

J. T. Coats, Secy. pro
J. L. Fulkham Sheriff

Know all men by these presents, that We, Francis C. Butler
~~Dempsey Butler~~ and John W. Wright and Elisha Butler
are held and firmly bound unto Wilbur J. Kelly, Trustee, and
Sydney J. Ellis, Trustee, in the sum of Six hundred (600) dollars,
to the payment whereof, well and truly to be made to the said Wilbur
J. Kelly, Trustee, and Sydney J. Ellis, Trustee, we bind ourselves and
each of us, our and each of our heirs, executors and administrators
jointly and severally, firmly, by these presents.

Sealed with our seals and dated, this 14th day of December, A.D.,
1885. And we hereby waive our Homestead Exemption, as to this
obligation.

The Condition of the above obligation is such, that whereas the said
Francis C. Butler and Dempsey Butler, in their Bill in Chancery against
the said Wilbur J. Kelly, Trustee, and Sydney J. Ellis, Trustee, addressed to
Hon: George Blou, Judge of the Circuit Court of Hanson and County, has
obtained from the Hon: C. W. Mordaugh, Judge of the Hastings Court of
the City of Portsmouth, an injunction, enjoining and restraining Wilbur
J. Kelly, Trustee, and Sydney J. Ellis, Trustee, and their agents or attorneys,
from making sale of the land in the Bill and proceedings mentioned, under
the Deeds of Trust executed by said Francis C. Butler to Wilbur J. Kelly,
Trustee, for the benefit of the Commercial Bank of LaPlak, until the
further order of the Circuit Court of Hanson and County: And
whereas, it is provided by the order of the said Judge, awarding the said
injunction, that the Complainants shall not have the benefit thereof
until they or some one for them shall enter into bond before the ^{Hall of the} said
Circuit Court of Hanson and County, with security approved by him, in
the penalty of Six hundred (600) dollars, conditioned according to
law, for the payment of all such costs and damages as may
be awarded against them, by reason of granting said injunction:

Now therefore, if the said Francis C. Butler and Lemley Butler
shall pay all such costs as may be awarded against them, and
all such damages as shall be incurred, in case the said injunction
be dissolved, then, this obligation to be void, otherwise to remain
in full force and virtue.

Executed and acknowledged
before me, the day and date above
Peter B. Prentiss.

Clk of the Circuit Court of
Harrison County, Va.

F. C. Butler

Seal

Lemley Butler

Seal

Wm. H. Wright

Seal

Elisha Butler

Seal

Francis C. Butler & Co

vs E. J. B. B. B.

William J. Kelly, Trustee & Co

1885-
Decr: 14th: General Office

Certs

chk.

Att. Tax

Sup.

\$9.00

16.50

1.00

\$26.50

Red chk for \$9.00

1.50

Writ Tax

1.00

Sup. for

\$11.50

Ad to m. { Jas. H. Wright

p.g. { Peter B. Prentiss. W

Jan: 20/86