

1893-014
Nansemond Co. (Suffolk)

Chancery Causes: Thomas A. McClenney vs Frederick J. Hueter et al

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Frederick J. Hueter,*
Peter B. Prentiss, Trustee, and Charles E. Sumner,

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~~ ^{third} Monday in *September 1888* next, to answer

a Bill in Chancery, exhibited against them
in the said Court by *Thomas A. McCleary*

and have then and there this summons.

Witness, PETER B. PRENTISS, Clerk of our said Court, at his office, this *15th* day of
September 1888, in the 113th year of the Commonwealth.

Teste:

Peter B. Prentiss Clerk.

I have served a copy of this process in
writing upon the within named Frederick
J. Hartman, John B. Purvis Taylor, and
Charles E. Sumner. September 15th 1848-

Wm. A. Howell
Shff-

W. S. Holland p. 9

Thomas A. McCleary

Sum^r in Chy.

Frederick J. Hartman

To Sept^r: Rules (3rd: Monday)

1888.

~~Wm. A. Howell~~

~~Sept^r 10th 1848 4 Oct^r 1848~~

~~Wm. A. Howell~~

Shff

Pro: B. H. C. Page
Cui: Co:

Thomas A. McLenney

rs
Frederic J. He^uster et als

This cause came on this day on the bill and exhibits and was argued by counsel: on consideration where- of it ordered that this suit be dismissed from the docket, it being represented to the court that the plaintiff has been paid his debt as agreed upon by the parties hereto. Leave is given ant party in interest to reinstate this suit within two years from the date of this decree.

~~Thomas A. McLenney~~
~~Frederic J. Hester et als~~
Thomas A. McLenney &

vs

Frederic J. Hester et als

Decree

To be entered

C 704
Oct 11, 1893

Entered in Chancery
Order Book
No. 2. Page 516.

This Deed, made the 26th day of March in the year of ^{our Lord} one thousand eight hundred and eighty-^{eight} between Frederick J. Huter

and

~~his wife~~, of the county of

Nausumond in the ~~and~~ State of Virginia, of the one part, and

Peter B. Prentiss

chosen as trustee for the purposes herein named, of the other part—

WITNESSETH: That the said Frederick J. Huter

and

~~his wife~~, do ^{se} grant, with general

warranty, unto the said

Peter B. Prentiss

trustee as aforesaid, the following property, to wit: All that tract, piece or parcel of land situated,

lying and being in the County of Nausumond ^(Holy Creek District) in the State of Virginia,

and bounded and described as follows: Containing thirty (30) acres

adjoining the lands of Daniel Durr, Tom Ark,

Allen Lee, James L. Prener and others And is

the same land this day purchased by said

Frederick J. Huter from Frank Reed by deed

duly recorded in the Clerk's Office of

Nausumond County Court

together with all and singular the appurtenances belonging to the same, IN TRUST, to secure to
Charles E. Sumner of the County of *Nassau*,
in the State of *Virginia* the payment of the sum of *One hundred*
and fifty dollars evidenced by a bond of even
date with this deed, payable eighteen months
after date with interest from date, made by
Frederick J. Hunter and payable to Charles E.
Sumner

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 for *twenty* days,
and upon such terms as the said Trustee shall direct, 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 *bond or note* given in renewal or curtail of the aforementioned.
bond.

The said party of the first part covenants to pay all taxes, assessments, dues and charges upon
the said property so long as he or his heirs shall hold the same, and to keep the said property
insured for a reasonable amount for the benefit of the said *Charles E. Sumner*
; and should the said party of the first part fail to keep the
said property so insured, then the said *Charles E. Sumner*
shall insure the same and make the premiums a charge on said property secured by this deed.

In case a deed of release is given it shall be at the cost of the said party of the first part.

In all other respects this Deed shall be executed according to the law governing trust sales.

In case of default in payment of the *bond* secured herein, in whole or in part,
sale shall be made, and if there ~~is more than one~~ secured, then sale shall be
~~made in case there be default in payment either in whole or in part of the first~~
~~secured.~~

Witness the following signatures and seals:

F. J. Hunter



STATE OF VIRGINIA,
COUNTY OF *Nassau* } To wit:

I, *W. H. Causey*, a Notary Public in and for the county
aforesaid, in the State of Virginia, do certify that *Frederick J. Hunter*
the wife of whose names are signed to the
writing above, bearing date the _____ day of _____, 188____, personally
appeared before me in the county aforesaid, and being duly examined by me 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 my hand this _____ day of _____, 188____.

NOTARY PUBLIC.

STATE OF VIRGINIA,
COUNTY OF *Nassau* } To wit:

I, *W. H. Causey*, a Notary Public in and for the said county,
in the State of Virginia, do certify that *Frederick J. Hunter*, whose
name is signed to the writing above, bearing date the *26th* day of *March*
188*8*, has acknowledged the same before me in the county aforesaid.

Given under my hand this *26th* day of *March*, 188*8*.

W. H. Causey

NOTARY PUBLIC.

In the Clerk's Office of Nassau and County
Court, the 26th day of March 1888.

This deed of Trust was presented with the
Certificate annexed, and admitted to record

Teste

Peter B. Prentiss, Clerk

A copy

Teste:

Peter B. Prentiss, Clerk

DEED OF TRUST.

TO

Exhibit "D"

This Deed MADE this, the 26th day of March in the year eighteen hundred and eighty-eight between Frank Reed and Texanna his wife

of the County of Nausumond in the State of Virginia part ~~is~~ of the first part, and
Frederick J. Hunter part *y* of the second part.

Witnesseth, THAT IN CONSIDERATION OF THE SUM OF Two Hundred
and fifty dollars, the said

part ~~is~~ of the first part do grant, with general warranty, unto the said part *y* of the second part

and to his heirs and assigns, forever the following property, to-wit: All that tract

piece or parcel of land, situate lying and being in the County of Nausumond, Holy Neck District in the State of Virginia, and bounded and described as follows: Thirty (30) acres, adjoining the lands of Daniel Duke Tour ash, Allen Lee, James L. Preece and others, and is the same land which the said Frank Reed purchased of James T. Duke wife, by deed dated the 6th day of November, 1882 and recorded same day in the Clerk's Office of Nausumond County Court.

IN THE CLERK'S OFFICE of Nansemond County Court, the 26th day of March
1888. This ^{the foregoing} deed was presented and acknowledged by Frank Reed and

Lexanna his wife

to be ^{their} act and deed. And the said Lexanna Reed

being examined by me privily and apart from ^{her} husband, and having said deed fully explained to ^{her}
^{the same to be her act and declared} acknowledged that she had willingly executed the same and wished not to retract it. Whereupon said deed
is admitted to record.

TESTE,

Peter B. Prentiss

CLERK.

a lofty testis:

Peter B. Prentiss. Clerk

Together with all and singular the appurtenances belonging to the same The Said grantor
covenant§ that he ha§ the right to convey the said land to the grantee; that the
grantee shall have quiet possession of the said land, free from all incumbrances; that he , the said part y of
the first part, will execute such further assurances of the said land as may be requisite; and that he ha§ done
no act to incumber the said land.

WITNESS the following signatures and seals

Frank Reed [SEAL.]
Lexanna ^{her} x Reed [SEAL.]
mark

In the Clerk's Office of Vanuam and County Court, the [SEAL.]
26th day of March, 1888. This the fore

STATE OF VIRGINIA.

COUNTY OF NANSEMOND, To-Wit:

I, _____ a Notary Public for the County aforesaid
in the State of Virginia, do certify that

whose name _____ signed to the writing above, bearing date on the _____ day of _____ in the year
eighteen hundred and eighty- _____ ha _____ acknowledged the same before me, in my County aforesaid.

Given under my hand, this _____ day of _____ in the year 188 .

Notary Public.

STATE OF VIRGINIA.

COUNTY OF NANSEMOND, To-wit:

I, _____ a Notary Public for the County of
Nansemond County, in the State of Virginia, do certify that

the wife of _____ whose names are signed to the writing above
bearing date on the _____ day of _____, in the year eighteen hundred and eighty- _____, personally
appeared before me, in the County aforesaid, and being examined by me privily and apart from her hus-
band 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 my hand, this _____ day of _____ in the year 188 .

Notary Public.

Exhibit "C",

Deed of Bargain & Sale.

FROM

TO

ADMITTED TO RECORD

This . . . day of . . . 188

Recorded in Deed Book No.

page . . . , and Ex-
amined and Verified.
TESTE.

Clerk.

Tax \$. . .

Fee . . .

Total \$. . .

This Deed, made the *Sixth* day of *November* in the year of
our Lord one thousand eight hundred and eighty-*two* between *James T. Duke and*
Georgianna his wife

of the county of *Nansemond*, and State of Virginia, of the one part, and
Frank Reed

of the ~~county of~~ *same place* ~~and State of~~
of the other part, witnesseth: That ~~the said~~

in consideration of the sum of *Three hundred (300) dollars, the said James T. Duke*
and Georgianna his wife
do grant with general warranty, unto the said *Frank Reed*

and to *his* heirs and assigns forever, the following real estate, to wit: *All that tract piece or*
parcel of land, situate, lying and being in the county
of Nansemond (Holy Neck District) in the State of
Virginia and bounded and described as follows:
Thirty (30) acres, adjoining the lands of Daniel Duke, Tom
Ash, Allen Lee, James L. Pence and others, and lies on
both sides of the old Louimston Road and is a part
of the land which the said James T. Duke purchased
of Frank Hitch by deed, dated the 15th day of September
1877, and duly recorded the same day, in the Clerk's
Office of Nansemond County Court in deed book
No 6. page 358

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

And the said *James T. Duke*

covenant^s that *he* has the right to convey the said land to the ^{*said*} grantee; that the said grantee shall have quiet
possession of said land; that *he* has done no act to encumber the said land; and that *he* will execute
such further assurances of the said land as may be requisite.

Witness the following signature^s and seal^s:

WITNESSES:

James T. Duke



Georgianna Duke



IN THE CLERK'S OFFICE of Nansemond County Court, the *6th* day of *November*
the foregoing *1882*. This deed dated the *6th* day of *November, 1882* as presented and acknowledged by *James T. Duke and*
Georgianna his wife

to be *their* act and deed. And the said *Georgianna Duke*

being examined by me privily and apart from *her* husband, and having said deed fully explained to
acknowledged that *She* had willingly executed the same and wished not to retract it. Whereupon said deed
is admitted to record.

TESTE,

Peter B. Prentiss CLERK.
a copy *John B. Prentiss, Clerk*

Exhibit "B"

J. A. McHenry

vs

Frank Reed

Docketed 1888 Mech. 2nd

anch. \$65.00 with int. from May 5 - 1888 -
+ \$1.25 cost.

Judgment obtained before Benj. Riddick
Mayor 1888 Jan'y 31st.

Exhibit.

Teste
Peter B. Prentiss. Clerk

Exhibit 'a'

To the Hon. C. W. Hill judge of the
Circuit Court of Stanselwood County;

I am complainant and
J. A. McClelleny respectfully represents
that on Jan'y 6th 1887 he received a judg-
ment against Frank Reid on note contain-
ing waiver of Homestead for sixty-five dollars
and one dollar and twenty cents costs with
interest on the said sum of \$65 from
May 5th 1885 till paid and soon thereaf-
ter he had the said judgment duly
docketed in the clerk's office of said Stan-
selwood County. He represents that said
Frank Reid was on the 25th day of March
1888 and for a long period of time before
that day seized and possessed in fee
of a certain tract of land lying and
being in said Stanselwood County said
to contain 30 acres more or less adjoin-
ing the lands of Daniel Duke, Tom Ash,
Allen Lee, James L. Pierce and others
all which will more fully appear by
an abstract from the records of said
office herewith filed as an exhibit marked
"A" and by a copy of deed from James
T. Duke & wife dated Nov. 1882 herewith
filed as an exhibit marked "B" both
of which are herewith filed and prayed to

be read as a part of this bill. Your complainant says that by reason of said docket and judgment - he has a lien on said land which he is entitled to have enforced and is entitled to have said land rented and or sold and proceeds applied to payment of his said judgment.

Your complainant says that on 26th day of March 1888 said Frank Reid & his wife executed and recorded their deed to Mr. Frederick J. Hunter conveying said tract of land and that said Hunter is now in possession thereof and that on some day said Hunter executed his deed of trust to Peter B. Prentiss trustee for benefit of Charles E. Sumner for one hundred & fifty dollars all which will more fully appear by certified copies of said deeds herewith filed or exhibits - Marked "C" & "D" respectively and asked to be read as a part of this bill:

Forasmuch as your complainant is remedied some in this Hon. Court where matters of this sort are alone and properly cognizable he prays that Frederick J. Hunter, Peter B. Prentiss Trustee and Charles E. Sumner be made parties defendants to this bill and

required to answer the same an answer on
oath is hereby waived as provided by the
statute, and he prays that tract of land
be sold or rented to pay off said judg-
ment and interest. Thereon, costs of obtaining
and docketing same, costs and expenses
of this suit including a reasonable fee to
attorney for complainant. He prays also that
all orders be made, decrees entered, acts
taken, inquiries directed and references
made as the ends of justice and the nature
of this case may require. He prays for
all such other, further and general relief
as may be meet in equity. Let a
Subpoena go. And he will ever pay &c.

W. S. Hallam
T. S.

W. S. Hallant & Co.

McCleary Thos. A.

vs { In charging

Harter Frederick & Co. & Co.

Thomas A. McClary

vs Chy. Notes

Frederick J. Hunter Lads

1888. Sept: 15th: Summons in Chy: issued to F. J. Hunter in Sept: 1888

" " 17th: Bill &c. filed - Dece. nisi vs depl.

" Octo: 1st: Dece. nisi confirmed & Cause set for hearing
in Mo: & Circuit Court.

Chy: Notes