1894-060
Nansemond Co (Suffolk) Chancery Causes: John Ivey vs J. K. P. Daughtrey et al

Vaughan

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Injunction 3.11

1.66

4.77

Summons .15

Replevin

Decree .36

Day Copy .20

Copy .30

filing Papers .25

7.16

Bond for filing .36

filing Bond .15

1.66

4.77
16.50
21.27

23.20
21.27
$1.93

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON J. K. P. Daughtrey and John B. Vaughan 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~~ Third Monday in July 1889 ~~next~~, to answer Bill in Chancery, exhibited against them in the said Court by John Ivey

and have then and there this summons.

Witness, ~~PETER D. PRENTIS~~ Wm. B. Causey, Clerk of our said Court, at his office, this 15th day of July 1889, in the 113th year of the Commonwealth.

Teste:

Wm. B. Causey Clerk.

Memo.

The Defendants. J. K. Pdaughtrey and John B. Vaughan, Trustee and their agents. Attorneys and all other parties are hereby enjoined and restrained from selling, disposing of, or removing "one Bay Mare known as the Jerrigan Colt" and from proceeding to foreclose the deed of Trust executed by John Ivey and his wife dated 15 December 1885, by the sale of the land and said horse thereby conveyed or by any other ways or means whatsoever until the further order of the Circuit Court of Richmond County.

Teste:

Wm. B. Causey Clerk

1577 July 3rd. Issued this Memo by delivering a true Copy to J. K. P. Daughtrey and John B. Vaughan each in person

Wm. A. Atwell
Sheriff

Briggs/by

John Ivey
vs
Sun'd in Chy &c.

J. K. P. Daughtrey et als

Ch. July Rules
3rd Monday.

Br. B. N. 2nd
Circ. Co. 18

Know All Men by These Presents, That we, John Ivey

and William A. Bond

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Fifty DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

The obligors herein hereby waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to said Commonwealth arising under this bond, or by virtue of the ~~bond~~ injunction herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 18th day of July in the year of our Lord one thousand eight hundred and eighty nine, and in the 113th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~ Whereas, in a certain suit in Chancery, pending in the Circuit Court of Nansemond County, this day commenced, wherein John Ivey is Plaintiff and J. K. P. Daughtry and John B. Vaughan Trustee are the Defendants, an injunction has been awarded by the Judge of said Court enjoining and restraining said defendants, their agents, or attorneys and all other persons, from doing certain acts in the order awarding said injunction set forth and whereas by said order it is provided that said Plaintiff or some for him shall execute before the Clerk of said County, a ~~who ha~~ ~~this day qualified before the~~ ~~Court of Nansemond County,~~ bond in the penalty of Fifty Dollars with security to be approved by said Clerk and conditioned according to law: Now if the said plaintiff or some one for him shall pay to the said defendant all costs and damages which said defendant may incur by reason of said injunction, in case the same shall be dissolved.

~~shall faithfully discharge the duties of his said~~ then the above obligation to be void, or else to remain in full force and virtue

Executed in presence of ~~the Court.~~

W. B. Causey
Clerk of the Circuit
Court of Nansemond
County.

John Ivey SEAL
W. A. Bond SEAL
SEAL
SEAL
SEAL

John Ivey

to

Ex Injunction Bond

J. K. P. Daughtry and

John B Vaughan Trustee

1889

July 16th Executed & filed

Ivey

vs In Chancery

DaughtreyT

This cause came on this day to be heard on the bill of the complainant, the answer of the defendant, with replications thereto, and was argued by Counsel: On consideration whereof the Court doth order, adjudge and decree that unless the said defendant, Ivey, shall pay to said defendant, Daughtrey, within fifteen days from the date hereof, the sum of ~~thirty one~~ twenty three 20/100 dollars and seventy cents, with legal interest from the date hereof, the said sum being the amount now owing to said defendant on the note mentioned in complainants bill as secured by said deed of trust, that then John B. Vaughan, the trustee named in said deed of trust, shall proceed to sell the real and personal property mentioned in said deed, according to the terms of said deed of trust, and out of the proceeds of sale, after deducting the costs of executing said deed of trust, shall pay to said defendabt Daughtrey the sum of thirty one dollars and seventy cents, and the balance of said purchase money, if any, shall pay to said complainant, taking receipts from said parties for the amounts so paid, and the said defendant shall pay costs to date and filing the same with his report of sale to Court, and this cause is continued &c

Entered Chancery
Order Book No. 2
page 325

John Doey

vs.

D. K. P. Daughtry et al.

This cause came on this day to be heard upon the bill and answer and was argued by counsel. It being agreed that ~~that~~ the money due said Daughtry by said Doey has been paid in full, that said Daughtry shall pay the costs in this suit and shall also mark the deed of trust mentioned in the bill in this cause satisfied and it appearing that nothing further is to be done in this cause the court doth order adjudge and decree that the same be removed from the docket.

John Ivey

vs.

J. R. A Dauphin

Final decree

To be entered

C. M. D

Office 11th 1854

Entered in Chancery
Order Book
No. 2. Page 550.

Ivey
vs-In chancery,
Daughtrey,

This defendant in answer to so much of complainants bill as he is advised it is material for him to answer, answers and says: That it is true as alleged that this defendant did sell to said complainant a certain horse and take his note for the agreed purchase price secured by deed of trust on a certain real estate and on said horse; that the full purchase price of said horse, including costs of preparing and recording deed of trust, and attorney's fee for recording same has been paid, with the exception of $51.70 for which this defendant asks a decree in his favor. In arriving at this amount as the balance due every cent paid by the complainant as interest or otherwise has been ~~paid~~ deducted from the original amount due. And now having fully answered this defendant prays to be hence dismissed with his reasonable costs about his defense expended, and he will ever pray &c

J. K. P. Daughtrey

Answer
of
J. K. P. Doughty

Ines
vs
Doughty

Exhibit

NOTICE!

By authority of a deed of trust executed by John Ivey and wife on the 15th day of December, 1885, and recorded in the office of the Clerk of Nansemond County Court on the 18th day of January, 1886, to secure the payment of a certain debt therein specified, and by direction of the beneficiary under said deed, I shall sell by public auction, to the highest bidder, FOR CASH, at Holland's Station,

On Thursday, July 4, 1889,

all that certain parcel of land situated in Holy Neck Magisterial district, in said county, containing two acres, more or less, and bounded on the north, east and south by the lands of Perry Hodges and on the west by the lands of Nelson Dillard.

At the same time and place I shall also sell one Bay Mare known as "the Jernigan Colt," in trust to me to secure a debt due to J. K. P. Daughtrey by deed and bond bearing even date.

JUNE 24, 1889. **JOHN B. VAUGHAN, Trustee.**

John Ivey
Vs.
D. K. P. Daughtry and John B. Vaughan Trustee
To The Hon Chandler W. Hill Judge of the
Circuit Court of Nansemond County
Humbly Complaining

your orator John Ivey of Nansemond County
Virginia respectfully represents. That on the
15th day of December 1885 he executed his bond
payable one year after date to D. K. P. Daughtry
for $104.—
and on the same day executed a deed of
trust upon "all that certain parcel of land
situated in Holy Neck Magisterial district in
Nansemond County in the State of Virginia
containing two acres more or less and bounded
on the North, East and South by the Lands
of Perry Hodges and on the West by the Lands
of Nelson Dillard, also upon one Bay Mare
known as the Derrigan Colt, your orator had
no other property except the above described land
and horse when said deed of trust was given
and it was distinctly understood that the said
deed was not to be foreclosed without first
giving your orator ample notice and sufficient
time to raise the money on the said Daughtry
Bond with the principal of the bond paid.
The said Daughtry has recently and without
giving any such ample notice demanded

an immediate settlement in full and your orator having no other property or means has been unable to comply with such demand and the said Daughtry disregarding his promise and your orators rights has decided the Trustee to advertise and sell the said land and home for the satisfaction of the said debt, Thursday the 4th day of July 1889 is the day fixed for the Sale. A copy of the advertisement is herewith filed marked "Exhibit" and your orator prays that it may be read as a part of this bill. your orator avers that the said contract is tainted with usury, that the said debt was only $135- One Hundred and thirty five dollars and that said D.K.P. Daughtry added usurious interest in the said bond making it $154 one Hundred and fifty four dollars. your orator avers that said Daughtry now agrees to settle with him unless he can pay an unusurious rate of interest on the balance due him from February 2nd 1889 to the present time and the Trustee although he has not sold said property claims two dollars and eighty nine $2.89 Commissions. And your orator avers further that he has made the following payments on said bond - Viz - $27.80/100. Twenty Seven dollars and thirty cents on the 26. day of January 1886.

and fifty dollars $50 on the 5th day of February 1887. and six dollars $6 on the 31st day of March 1888 twelve dollars $12 on May 31st 1888 and $16 50/100 sixteen dollars and fifty cents on the 2d day of February 1892, your orator charges that under his agreement he was to pay said Daughtry 10 per cent interest and that said Daughtry has computed the interest on the debt at said rate of interest and has given him credit on said bond in accordance with this agreement, all of the payments he offers to set off against the principal of said bond, which being settled with usury bears no interest at all. Your orator asks for no discovery from the defendant D.K.P. Daughtry. Forasmuch therefore as your orator is without remedy save in a court of equity where such matters are properly cognizable and relievable, he prays that D.K.P. Daughtry and John B. Vaughan Trustee may be made parties defendant to this bill and required to answer the same (but answer under oath are hereby waived) that an injunction may be awarded to prohibit and restrain the defendants, their agents attorneys and all others from proceeding to foreclose the said deed of trust until the matters herein charged can be investigated;

That an account may be taken by one of the Commissioners of this court to ascertain what Amount is legally due upon said bond by your orator and for such other further and general relief as the nature of the case may require and the principles of equity justly, and your orator will ever pray &c.

Sit a subpoena &c.

John Ivey

Wmitt Briggs P.Q.

State of Virginia
County of Nansemond Court:

This day John Ivey personally appeared before me and made oath that the statements of the foregoing bill are true to the best of his knowledge information and belief

Given under my hand this 28th day of June 1889.

Wmitt Briggs
Notary Public

In Vacation: Circuit Court of Hammond County: June 29th 1889.

John Doty

Vs.

D.K.P. Daughtry and John B. Vaughan Trustee

On the

motion of the complainant an injunction is awarded to prohibit and restrain D.K.P. Daughtry John B. Vaughan Trustee their agents, attorneys and all other persons from proceeding to foreclose the deed of trust executed by John Doty & his wife dated 15 December 1888 by the sale of the land and have thereby conveyed or by any other ways or means whatsoever until the further order of the Circuit court of Hammond county. But before the complainant shall have the benefit of this order, he or some one for him must execute a bond before the clerk of the Circuit Court of Hammond county in the penalty of $ conditioned to pay all such costs and damages as may be awarded if ever this injunction shall be dissolved

C W Hall
Judge &c

To the clerk of the Circuit
Court of Hammond
County

John Ivey
vs
J K P. Daughtrey
& W B Vaughan Trustee.

Invocation

July 1st 1889

Entered Chosen
Order Book
No. 2 p. 277

Briggs R. J.

John Divey

vs

J. K. P. Daugherty
John B Daugherty Trustee.

1894 Apl 7th
Removed from
Docket

27.30
50.00
6.00
12.00
16.50
111.80

135.00
8.00
143.50
111.80
$31.70

2.50 Pre Card
3.00 Mail
1.20 Local -
1.70 Auto -
8.40