

1899-016

Nansemond Co (Suffolk)

Chancery Causes: Old Dominion Building & Loan Association vs Eugenia A. Blackhall et al

Holland, Nurney, Doughtrey

See also

1899-009

Old Dominion Building Loan
Association, E C Holland and
John T Murrey Trusts } Complainants.
Against In Chancery
Eugenia A Blackwell }
W L Daughtry and } Defendants.
Beatrice J Daughtry McKee }

The debt

Old Dominion Building Loan Ass'n
E.E. Means and Geo. P. Humey, ^{trustees}

Eugenia A. Beekmant, W.D. Daugherty, ~~trustees~~
Beatrice J. Daugherty

This day came the plaintiffs and filed
~~their~~ answer, and on consideration thereof, on
the motion of the plaintiffs, A. H. Baker
Sheriff of Hanover County, is ap-
pointed a Receiver to take possession
of and run out the property in these
proceedings mentioned, to receive the
rents thereof and to hold the same
subject to the further order of this
Court; and out of the funds coming
into his hands from such rents such
Receiver is authorized to keep the insur-
ance upon said property insured, and
to expend upon such business such
amounts as may be necessary and
needed to keep said business in ordi-
nary repair.

Old Dominion B.
+ L. Cassin

N. Z. Drew

Blackwall F.

Enter Oct. 19, 1895
Robert H. Dennis.

Entered in Cheney
Per Order Book No 3
Page 6

In the Circuit Court of Hansmann County
O. D. B. & Loan Assn ~~vs.~~ W. L. Daughtry, Blackhall & others

On motion of the plaintiff it is ordered
that this cause be stricken from the
docket.

O. D. B. & L. Assn.
15 } In Chancery
Blackwall vals.

Decree

Enter Oct. 20, 1899
Robert S. Huntis

Entered in Chancery
Order Book No. 3.
Page 253.

To the Hon:R.R.Prentis,Judge of the Circuit Court of Nansemond County:

Your orators the Old Dominion Building and Loan Association,of Richmond,Virginia,E.E.Holland and Jno.T.Nurney,Trustees,respectfully show unto your honor the following case:

That by a certain deed of trsut,dated June 7th,1890,and duly recorded in Nansemond County Clerks Office,Beatrice J.Daughtrey and W.L.Daughtrey,her husband,conveyed to E.E.Holland and Jno.T.Nurney,trustees therein named,certain real estate,situate in the Town of Suffolk,Virginia,to secure the payment of a certain debt of \$1500.00,due your orator the said Association,and that said debt,although long since past due, still remains unpaid.A copy of said deed is herewith filed and prayed to be read as a part of this bill.

That subsequently by deed dated the 10th day of October,1891,and also duly recorded in the Clerks Office of said County Court,the said Beatrice J.Daughtrey and W.L.Daughtrey,her husband,for certain considerations therein named,one and a part of which was the assumption^h of the debt due your said orators,conveyed to one Eugenia A.Blacknall,the said real estate conveyed in trust as aforesaid.A copy of said deed is also filed herewith marked Exhibit "B" and prayed to be read as a part of this bill.

That afterwards a suit was instituted in the Circuit Court of Nansemond County,styled W.B.Ferguson & Co and others vs W.L.Daughtrey and others,in which your orators were made formal parties defendant,the object of which was to set aside as illegal,null and void,certain deeds made by said Beatrice J.Daughtrey and W.L.Daughtrey,her husband,to said Eugenia A.Blacknall,among them the deed to her conveying to her the property upon which your orators have a lien as aforesaid,and to have the said real estate subjected to the payment of the claims thereon.

That in said suit an appeal is now pending in the Supreme Court of Appeals of this State the object of which is to reverse the decisionⁿ of the Circuit Court of Nansemond County sustaining said deeds.

Your orators further-state that no part of the principal of said debt,or of the interest thereon,or the Insurance premiums on

on the buildings conveyed in said deed of ~~trust~~, is being paid to your orators, and that as a consequence the debt as aforesaid is increasing, and the security for its payment becoming more and more insufficient.

That there are several buildings upon the said real estate conveyed to secure the debt of your ~~petitioners~~ orators which are rented out, and the rents collected therefrom are not being applied to keep down the interest on your orators debt, to reduce the principal or to keep in repair the buildings upon said land.

That the said buildings are depreciating in value for lack of needed repairs, and the property becoming less valuable as a security for the payment of your orators debt.

That your orators have the first lien upon said property, and that said property is now, as your orators believe, insufficient to pay its debt.

That said suit of Ferguson & Co and others vs Daughtrey and others involves a complicated and protracted litigation; that your orators being formal parties defendant to said bill in said suit are powerless to collect its said debt by a sale of the real estate conveyed to its trustees as a security for its payment; that the makers of said debt are, as your orators believe, utterly insolvent, and that whatever is realized thereon must come from a sale of the said property and application of the proceeds of sale thereon: that by reason of said suit your orators cannot sell said property; and that by reason of the application of the rents to other purposes than the payment of your orators claim or to the necessary repair of the buildings upon the premises, your orators, without fault on their part, are being deprived of the benefit of the security held for the payment of the debt as aforesaid.

In tender consideration whereof and for as much as your complainants are remediless in the premises, save in a court of equity, where matters of this kind are alone and properly cognizable, your orators pray that said Eugenia A. Blacknall, Beatrice J. Daughtrey and W.L. Daughtrey, her husband, may be made parties defendant to this bill and re

quired to answer the same (answers under oath being waived): that the sheriff of Nansemond County may be appointed a Receiver to take possession of and rent out the property referred to in these proceedings mentioned; that he collect said rents and hold the same subject to the further order of this Court; that at the proper time said real estate may be sold to satisfy your orators debt; that proper process issue and all proper orders be made; and that all such other, further and general relief may be granted your orators as the nature of their case may require or to equity shall seem meet. And your orators will ever pray &c.

E. E. Holland & J. T. Nurney

*Old Dominion Building & Loan
Association, By E. E. Holland, Atty*

*E. E. Holland, Trustee
John. T. Nurney, Trustee.*

Virginia, Nansemond County, to wit:

This day personally appeared before me in my County aforesaid E. E. Holland and Jno. T. Nurney, trustees, and made affidavit that the statements made in the foregoing bill so far as made of their own knowledge are true, and so far as made upon information derived from others they believe to be true. Given under my hand this the 19th day of October, 1895.

*Marion Briggs
Notary Public*

1895 OCT 10 11 10 AM

RECEIVED THE SECRETARY OF THE
TREASURY
WASHINGTON
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1895-October 1915 Received
in the Clerk's office and
filed

E E Hall and pg
Old Dominion
B & L Association
W In Chancery
Blackwell & others

1899
October 20th
Final Decree

J. B & L. Assn's Blackwell & others

Costs
Clerk 61²