

1900-002

Nansemond Co (Suffolk)

Chancery Causes: Sarah A. Rhodes et al vs Fannie A. Ballard et al

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Fannie A Ballard
A W Ballard and R A Baines
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 *Third* Monday in *March 1900*, to answer

A Bill in Chancery, exhibited against *them*
in the said Court by *Sarah S Rhodes and*
Jack Rhodes her husband and
James S Rhodes

and have then and there this summons.

Witness, A. F. GOMER, Clerk of our said Court, at his office, this *8th* day of
March, *1900*, in the 124th year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

Memo. On Motion of Sarah A Rhodes and James S Rhodes two of the Complainants in the bill in the case of Rhodes et al vs R A Baines trustee et al an injunction is awarded them, enjoining and restraining Fannie A Ballard, A.W. Ballard and R A Baines trustee, their agents and attorneys from selling or attempting to sell, till the further order of this Court the land in the said bill and proceedings mentioned, but this order shall not take effect till the Complainants or some one for them enter into a bond before the Clerk of the Circuit Court of Nausemond County with surety by the said Clerk deemed sufficient, in the penalty of \$100. Conditioned to pay all such costs as may be awarded and all such damages as may be incurred in case this injunction shall be dissolved and that the said bond shall be made payable and further executed according to law.

Robert R Prentiss
March 8, 1900

To the Clerk of the Circuit Court
of Nausemond County.

A copy Test: A P Gomez Clerk

I A P Gomez Clerk of the Circuit Court of Nausemond County do hereby Certify that the bond required by the above Order of injunction has been given with security deemed sufficient by me,

Test: A P Gomez Clerk

W S Ballard p. q.

Sarah A Rhodes
and others

vs. } In Chancery.

Fannie A Ballard
and others

1900

March Rules.

Third Monday.

Nausemond Circuit Court.

Process Book No. 21

Page 190

Entered this the 9th day of March 1900 by delivering a true copy of the within process to James A Ballard and to A W Ballard in person, and not finding R A Baines trustee at his usual place in person, I executed the within summons by delivering a true copy thereof to his brother R S Baines in person and giving information thereof

A E Anglin Atty
For A W Ballard Atty

Know All Men by These Presents, That we, James S Rhodes
and Walter F Williams

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of One hundred 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.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 9th day of March in the year of our Lord one thousand ^{nine}~~eight~~ hundred and (1900), and in the 1241st year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas an injunction was on the 8th day of March 1900 awarded against the defendants Fannie A Ballard A W Ballard and R A Baines trustee on a bill in chancery filed in vacation in the Circuit Court of Nansemond County in the case of Sarah S Rhodes and Jack Rhodes her husband and James S Rhodes against said Fannie A Ballard A W Ballard and R A Baines trustee enjoining and restraining them their agents and attorneys from selling or attempting to sell the further order of this court the land in the said bill and proceedings mentioned, but this order shall not take effect till the complainants or some one for them enter into bond before the clerk of the Circuit Court of Nansemond County with surety deemed sufficient by said clerk in the penalty of \$100. Conditioned to pay all such costs as may be awarded and all such damages as may be incurred in case this injunction shall be dissolved,

Witness

Simon W Laurence

James S Rhodes
W F Williams

SEAL

SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 9th day of March 1900

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste:

A copy
Teste: A P Gomez Clerk

A P Gomez

CLERK.

James S Rhodes
To } Injunction
Bond
The Commonwealth.

1900
March 9th

Recorded in Official
Bond Book No 1
Page 194

A copy

Law Office
OF
W. S. HOLLAND.

COURTS: Isle of Wight, Nansemond, and
Southampton.

Windsor Station, Va., Mar 8 1900

Mr. A. P. Homer, clk

Dear Sir,

I send you a bill in chancery with an injunction. Mr. Rhodes will be at your office ~~on~~ to-morrow morning to give bond. Please issue process and let it go in hands of sheriff at once so it may be served in time. Mr. Rhodes will pay writ tax.

Yours very truly
W. S. Holland

Sarah A. Rhodes, and Jack Rhodes her husband
and James S. Rhodes vs Fannie A.
Ballard, A. W. Ballard and
R. A. Baines trustee. Summons in chancery
to send Mich. Rules 1900

Pay \$1.50 pd

W. S. Holland p.g.

Memorandum

In the Circuit Court of Hansemond County, Virginia.

Sarah A. Rhodes and Jack Rhodes, her

husband and James S. Rhodes,

Complainants

Against - - - In Chancery

Fannie A. Ballard, A. W. Ballard and R. A.

Baines, Trustee,

Defendants.

Whereas all matters in controversy ^{including the payment of all costs} in the above entitled cause have been ~~xx~~ fully settled and determined, on motion of the plaintiffs, here entered of record, this cause is stricken from the docket.

Rhader et al.

vs

Ballard's Trustee

De Cree

To be given

April 30, 1900

Robert R. Rhader

We consent to the

decre

Wm S. Halland atty

for Rhader

Entered in Chancery
Order Book No 3 Page 292.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of Nansemond County, Virginia:

Sarah A. Rhodes and Jack Rhodes her husband and James S. Rhodes: Plaintiffs.
vs.

Fannie A. Ballard and A. W. Ballard her husband, and R. A. Baines trustee,
defendants.

Your complainants, said plaintiffs, show to the court; ^{her husband} that on the 12th day of March 1895 said Sarah A. Rhodes and ~~his wife~~ made and executed a deed of trust to said R. A. Baines as trustee, a copy of which is herewith filed as an exhibit marked "A" and is prayed to be taken and read as a part of this bill of complaint, by this deed of trust it will appear that ^{said} grantors conveyed a certain tract of land situate in Nansemond county, Virginia, to secure to said Mrs Fannie A. Ballard the sum of \$287.04 and your complainants admit that the said debt is due and payable and unpaid.

Your complainants say that said A. W. Ballard acting for his said wife called on said Jack Rhodes for the money a few weeks ago, and that in obedience to said call the said Sarah A. Rhodes with the aid of her son, the said James S. Rhodes, made arrangements to borrow the money and pay Mrs Ballard's debt, that Mr. Henry Pruden of Isle of Wight county offered to loan the money provided he could get a first lien by deed of trust on said land, and said Mr. A. W. Ballard was notified that he could get his wife's money at any time by releasing the property, so that Mr. Pruden could get a first lien, but he refused to accept the money for the deed of trust debt unless and until another claim on which a warrant has since been issued by M. O. Holland administratrix of M. H. Holland Sr. deceased, against Sarah A. Rhodes, Jack Rhodes and C. F. Rhodes, which warrant on application has been removed to the County Court of Nansemond county according to law for trial. Your complainants say that Sarah A. Rhodes does not owe one penny on said claim warranted for, and will be able so to show on the trial. And your complainants say there is no lien on the said land to secure the said debt, nor so far as they have ever heard, does any one contend that said claim is any lien on said land.

Notwithstanding said offer to pay, said Mrs Fannie A. Ballard or some one for her ^{has} required said trustee to sell, and they say that said trustee has very recently advertised said land for sale for cash at Buckhorn on Saturday March 10th 1900 by printed hand bills posted at a few places

Your complainants say that they are willing and ready to pay Mrs Fannie A. Ballard, s deed of trust debt off any time, that they have offered so to do, and will do so at any future time when she will release the lien of the said deed of trust, so that the money can be borrowed. They charge that Mr. A.W. Ballard acting for his said wife is wrongfully endeavoring to collect a debt from a person who does not owe ^{it}, and he knows she does not owe it, by refusing to accept payment of the debt secured by the said deed of trust.

Your complainant say that by her certain deed the said Sarah A. Rhodes, her husband joining in the same, has conveyed the said tract of land to the said James S. Rhodes, and that the larger part of the purchase price, or consideration for the said conveyance was the assumption by the said James S. Rhodes of the payment of the said deed of trust debt.

Forasmuch as your orators ^{are} ~~is~~ remediless save in this honorable court where such matters are alone and properly cognizable, they pray that the said Fannie A. Ballard, A.W. Ballard and R.A. Baines trustee, be made parties defendants to this bill and required to answer the same, but an answer on oath is hereby expressly waived as provided by the statute in such case made and provided, that an injunction be awarded the said complainants restraining and enjoining the said defendants, their agents and attorneys from selling or attempting to sell the lands in the bill and proceedings mentioned till the further order of the court, that said Mrs Fannie A. Ballard be required to accept what is justly due her on the debt secured by the said deed of trust and at the same time to release the lien of the said deed of trust by deed or otherwise according to law so that the said James S. Rhodes may borrow the money with which to pay off the same, that all proper orders may be made, inquiries taken stated and reported to court, that a proper fee be allowed counsel conducting this case to prevent a wrong so unjust, that all such other and further general relief may be afforded your complainants as to equity and good

good conscience may seem meet. And they will ever pray etc.

Wm. S. Hall and p.d.

James S. Rhodes
his
mk

Witness

Wm. S. Hall and

Virginia:-

I, Wm. S. Holland, a Commissioner in Chancery for the Circuit Court of the county of Isle of Wight, in the said state of Virginia, do certify that James S. Rhodes one of the complainants in the foregoing bill named and whose name is signed thereto, came before me in my said county and made oath in due form of law that the statements contained in the said foregoing bill in chancery are true so far as made upon his own knowledge, and that so far as made on ~~XX~~ information derived from others he believes them to be true.

Given under my hand this 7th day of March 1900.



Wm. S. Hall and Commr. In Chan,ry

On motion of Sarah A. Rhodes and James S. Rhodes two of the complainants in the bill in the case of Rhodes et als Vs. R.A. Baines trustee et als, an injunction is awarded them, enjoining and restraining Fannie A. Ballard, A.W. Ballard and R.A. Baines trustee, their agents and attorneys from selling or attempting to sell, till the further order of this court, the land in the said bill and proceedings mentioned, but this order shall not take effect till the said complainants or some one for them enter into a bond before the Clerk of the Circuit Court of Nansemond county, with surety by the said clerk deemed sufficient, in the penalty of \$100. conditioned ~~they will~~ ^{to such as may be} pay all ^{such} costs ^{as may be} awarded and all ^{such} damages ^{as may be} incurred in case this injunction shall be dissolved, and that the said bond shall be made payable and further executed according to law.

To the Clerk of the
Circuit Court of
Nansemond County

Robert A. Davis
March 8, 1900.

Enter March 8, 1900
Robert R. Hunt

Entered in Chancery
Order Book No 3
Page 265,

Wm. H. Smith
1899-1900
Chancery
Order Book No 3
Page 265

Rhodes
vs
Ballard

James S. Rhodes & others
vs
Mchancery Injunction
Fannie A. Ballard

1900 March 8th Process issued returnable
to March Rules 3rd Monday

" " 19 Process returned executed
on defendants.

Bill filed and decree nisi
against said defendants.

" Apr 2nd Decree nisi confirmed and
Cause set for hearing

James S Rhodes & others,
vs
Wm Ingham & others,
J. A. Ballard & others

1900
April 30th
Final Decree

Costs.

Clerk. 527⁰⁰

Shff 150⁰⁰

Tax 150⁰⁰

Acty 150⁰⁰

23, 27