

1916-018

Chancery Causes: Lucy Rhoads vs John B. Willie G. Pinner &c
Nansemond County (Suffolk)

Saunders, Brinkley, Williams, Roper

Ed. W. L. May 19.

My Mother

John Brown & Co.

Mar. 4 1814

Wesley

2.50

No. 10. 2 CUSSETS

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

LUCY RHOADS.

COMPLAINANT.

-VS-

J. R. SAUNDERS. :

JOHN B. PINNER. : DEFENDANTS.

WILLIE G. PINNER :

To the clerk of the said Court:

Please issue summons for the above mentioned plaintiff against the said defendants to answer to a Bill in Equity exhibited against them in the said Court, returnable First March Rules, 1916.

J R Friedman

P. q.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Sergeant of the City of Suffolk, Va.
TO THE ~~SHERIFF OF NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON...J.R.Saunders, John B.Pinner..
.....and Willie G.Pinner.....

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...March...1916...., to answer....a.....Bill in
Chancery, exhibited against.....them.....
in the said Court by...Lucy Rhoades.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, this.....4th.....day of
.....March....., 19.16., in the 140...year of the Commonwealth.

A copy—Teste:

....., Clerk.

Teste:

....., Clerk.

.....I.R.Feldman,....., p. q.

vs. } In Chancery.

.....J.R.Saunders, John B.Pinner
and Willie G.Pinner.
.....

.....March.....Rules.

1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 14000 15000 16000 17000 18000 19000 20000 21000 22000 23000 24000 25000 26000 27000 28000 29000 30000 31000 32000 33000 34000 35000 36000 37000 38000 39000 40000 41000 42000 43000 44000 45000 46000 47000 48000 49000 50000 51000 52000 53000 54000 55000 56000 57000 58000 59000 60000 61000 62000 63000 64000 65000 66000 67000 68000 69000 70000 71000 72000 73000 74000 75000 76000 77000 78000 79000 80000 81000 82000 83000 84000 85000 86000 87000 88000 89000 90000 91000 92000 93000 94000 95000 96000 97000 98000 99000 100000

Process Book, No..3....

[illegible]

Sheriff.

I have on that 4th day
March 1916 arranged
to execute the will
by delivery a
deed as per to J.P. Dunham
in person in the city of
New York City
Very truly
yours
Wm. A. Conner

I. R. FELDMAN
ATTORNEY AND COUNSELLOR AT LAW
618 BANK OF COMMERCE BLDG.
NORFOLK, VIRGINIA

Mar. 3rd. 1916.

Mr. Geo. G. Bunting, Clerk, Circuit Court of Nansemond County,
Suffolk,
Va.

Dear Sir:-

Yours of the 2nd. inst. to hand and contents noted, in reply will say. Enclosed please find check for \$9.00 for necessary costs includ-
recording of Lis Pendens, which I am enclosing. Please send me a receipt for the above \$9.00, and let me know if you received the Bill properly signed and sworn to by Lucy Rhoads?.

IRF..TS.

Yours truly,

I. R. Feldman

THE COMMONWEALTH OF VIRGINIA,
Sergeant of the City of Suffolk, Va.

To the ~~Sheriff of Nansemond County~~—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W.B. Brinkley, Robt. Williams,
and George Roper, Jr......

to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County
on the 29th day of May....., 1916...., at 10.... o'clock A. M., to testify and the truth
to say on behalf of..... Lucy Rhoades.....

in a certain matter of controversy in our said Court depending and undetermined between.....

..... Lucy Rhoades.....

..... Plaintiff

and J.B. Saunders et al..... Defendant..

And this the witness..... shall in no wise omit under the penalty of \$100 each. And have then and there
this summons.

Witness, G. E. BUNTING, Clerk of our said Court, at his office, this 23rd... day of May.....
1916..., in the 143....th year of the Commonwealth.

..... G. E. Bunting....., CLERK.

²³Your attendance and mileage, under this summons, will not be entered unless you go to the Clerk's desk each and every
day you attend Court, under same, and, on your oath, have an entry made of the sum you are entitled to, etc., as
required by law.

I have on this 24th day May 1914
Executed the within return
as Comanded

W. B. Binsley
Sgt of City of Norfolk
Va

Original

A COPY FOR

Nansemond
Circuit Court

I. R. FELDMAN
ATTORNEY AND COUNSELLOR AT LAW
OFFICES: 422 BANK OF COMMERCE BLDG.
NORFOLK, VIRGINIA

May 22nd. 1916.

In Re: Lucy Rhoades vs. J. R. Saunders et als. in Chancery.

Mr. Geo. G. Bunting, Clerk,
Circuit Court of Nansemond County,
Suffolk, Va.

Dear Sir:-

I am taking the liberty to use your building for the taking of depositions in the above styled suit, and I trust that it will be satisfactory to you. Please serve the enclosed notices of taking of said depositions on the parties therein named so as to give them five days notice thereof.

Please summons for me W. E. Brinkley, Robt Williams, and Geo. Roper Jr. to be present on Monday May the 29th., 1916 at 10 A. M. at your office as witnesses in this case.

Hoping that you will give this your attention and that you will let me use a spare room to take the above evidence, I beg to remain,

IRF..TS.

Yours truly,

I. R. Feldman
P. Q.

I have on this 23rd day May, 1916 served and executed the within notice by delivering a copy to J. R. Saunders Jno B Primer and Willie G Primer in person in the City of Suffolk Va

W. E. Brinkley
Sgt of City Suffolk Va

Lucy Rhodes

V. J. R. Saunders & Jno B. Pinner

The said respondents, reserving to them-selves the benefit of all just exceptions to the said bill of complaint for answer thereto answers and says;

FIRST: that they deny each and evert material allegation in the bill of complaint filed and that they deny the said bill as a whole.

Second; That the said J. R. Saunders was a bonafide purchaser of the said lot without any knowledge of the alleged insanity of the said ALLEN RHODES.

THIRD; that the said respondents require strict ~~pro~~ proof of every allegation contained in the said bill of complaint.

Fourth; That the said J. R. Saunders procured of the said Allen Rhodes an assignment of the said lot before the said H. R. Saunders knew, or had cause to know of that the said Rhodes was, in any way, incapable.

Fifth; The said J. R. Saunders here offers to prove that he acquired the said lot in good faith.

And now having answered everything the said respondents are advised it is material they should answer they pray to be hence dismissed with their cost proper to them in this behalf expended, and will ever pray Etc.

J. R. Saunders
Jno B. Pinner
By J. R. Saunders atty

[Faint, illegible handwritten text]

Filed
K

Filed April 19-1916.
Kate C. Bell, D. C.

To the Honorable James L. Molemore, Judge of the Circuit Court of Nansemond County Virginia.

Your orator Lucy Rhoads, wife and sole heir of Allen R. Rhoads, humbly complaining sheweth unto your honor: That on and before the 25th. day of November 1915. the said Allen R. Rhoads, possessed in his name an equity in a piece of land lying and situate in the county of Nansemond, Virginia and known as Lot #33 in "West Jericho" under a contract from John B. Pinner for Lots #32 & #33 "West Jericho" for \$225.00, deed to be given when purchase price was paid. On Feb. 2, 1910 a sufficient amount having been paid on one and the full amount on the other, a deed to Allen R. Rhoads^{for Lot #32} was given and is now properly recorded. The said Allen R. Rhoads was paying on the aforesaid lot #33 when the hereinafter grievance occurred, having paid in \$94.00 of the \$112.50 due.

That a long time before and on the 25th. day of November 1913, the said Allen R. Rhoads was of an unsound mind and incapable of understanding and knowing what he was doing. Having been arrested on the 25th. day of November 1913 charged with stealing and burning \$325.00 United States money, he acted very curious and incoherent while in the cell and up to the time of the trial, that the said Justice of the Peace L. W. Williams refused to try him on such a charge but instead appointed a Commission to pass upon his sanity. The Commission adjudged him insane on the 3rd. day of December 1913 and he was sent to the Central State Hospital where he later died.

While the said Allen R. Rhoads was in jail awaiting trial and while acting so incoherently, so irrationally^{ly} and unable to know what he was doing, he sent for Mr. J. R. Saunders. But knowing that he was insane he fraudently designed to take advantage of his insanity. He made the said lunatic sign a written paper upon consideration of him representing him before the justice. By the said written instrument, the said Allen R. Rhoads assigned his entire right, title and interest in the aforesaid Lot #33 to the said J. R. Saunders.

Whereupon the said J. R. Saunders went to the said John B. Pinner showed the written assignment, paid the small difference between \$94.00 and \$112.50 due and secured a deed to said Lot #33. The deed was issued on Dec. 1st. 1913 and duly recorded in Deed Book 76 page 531.

Your orator further complains that being the wife of the said Allen R. Rhoads, she had to care for, and support him for nearly twelve months before the aforesaid arrest during which time he insane and unable to care for himself. That she had paid the aforesaid \$94.00 to the said John B. Pinner out of her own earnings and from the fruit of her toil. She would give her husband the money and he would bring back a receipt. Being unable to read and write she did not know whether the receipts were in her name or in her husband's, but thought that they were in hers, as she had instructed him to get them in her name and he assured her that they were. She did not know that her husband had assigned away her land until after his death when she went to inquire about it. Nor did she authorize her husband or any one else to assign the said lot.

Your orator further complains that she went to the said J. R. Saunders and told him that he had no title to the said land, having heard how he had acquired it, as she knew that her husband was insane at the time. There was no improvements made on the lot, but there was cause to believe that he was going to build there on; therefore ^{she} warned him not to build but disregarding her warning he placed a house thereon, but said house is so cheaply constructed and so inferior in quality that it has greatly damaged the value of the property and in no way improved it, and she has suffered considerable damage on account of such building, etc.

Forasmuch, therefore, as these doings are contrary to equity and good conscience, and as your orator is remediless save in court of chancery where matters of this sort are properly cognizable, your orator prays that the said John B. Pinner, Willie G. Pinner, his wife, and J. R. Saunders may be made party defendants, and required to answer the same, but an answer under oath is hereby expressly waived. And your orator further prays that the said John B. Pinner be required to produce the account between the said Allen R. Rhoads and himself to show the exact balance due on the said lot #33. And that the said J. R. Saunders be compelled to produce the writing that the said Allen R. Rhoads is supposed to have signed, and the said deed from the said John B. Pinner to himself be produced and cancelled. And the said J. R. Saunders in the meantime be enjoined and restrained from conveying in trust, mortgaging, selling or conveying in whole or in part the aforesaid land. And that such other, further, and general relief may be granted to your orator as is adopted to the nature of his case, and agreeable to equity and good

conscious. And your complaintant will ever pray &c.

Wit: Kate P. Bell Lucy Rhoads
Complaintant.
J.R. Friedman
P.Q.

County of Nansemond,

State of Virginia,

I Kate P. Bell Deputy Clerk ~~Notary Public~~ for the county aforesaid
in the state of Virginia, do hereby certify that Lucy Rhoads, being
duly sworn according to law, on her oath deposes and says that the
matters and things stated in the forgoing bill of Complaint of her
own knowledge are true and those stated on information and belief
she believes to be true.

Given under my hand this 11th day of March 1916.

Kate P. Bell, Deputy Clerk.
~~Notary Public.~~

Wed Mar. 4,
1916

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

Lucy Rhoads Plft.

vs. Chancery.

SUFFOLK, VA.,

J.R. Saunders, Rule Notes
John B. Pinner Defts.
Willie G. Pinner.

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Mar. 4, 1916. Process issued, returnable to March Rules, 1st, Monday, 1916

*March Rules, 1st Monday, 1916. Process returned & executed
Bill filed & decree nisi.*

*March Rules, 1st Monday, 1916. Answer of defts. filed
Set for hearing on motion of this court to dissolve
and decree nisi.*