

1930 - 020
Norfolk Co (Suffolk)

Chancery Causes: Charles J. Vaughan vs Elenora Gardner et al

Cutchins, Beale, Morgan

Virginia:

In the Circuit Court of Nansemond County.

Charles J. Vaughan,

Complainant,

vs.) - - - - - In Chancery

Elenora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Bettie Morgan, and W.
J. Vaughan, Sr.,

Defendants.

To The Clerk of said Court:

Kindly issue, returnable to First *August*, 1930, Rules.

Tom E. Gilman, p. q.

Elenora Gardner, B. W. Gardner,
and James A Cutchins,

E. L. Beale, Trustee,

Betty Vaughna Morgan,

W. J. Vaughan, Sr.,

Elwood, Nansemond Co.

Franklin, Va.

Nansemond Co.

Suffolk.

Virginia: In the Circuit
Court of Nansemond County.

Charles J. Vaughan

vs.) In Chancery

Elenora Gaddner et als

Memorandum

TOM E. GILMAN
ATTORNEY AT LAW
KIRN BUILDING
PORTSMOUTH, VA.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton, Greeting:

WE COMMAND YOU, That you summon

Elesha Gardner,
B. W. Gardner, James C. Gutcliff, E. L. Beale,
Bethie Morgan, W. J. Vaughan, Jr.

to appear at the Clerk's office of the Superior Court of the County of Southampton
at the rules to be held for the said Court on the First Monday in August, 1931
to answer a bill in chancery, exhibited against them in our said Court by

Charles J. Vaughan

And have then there this writ. Witness Paul J. Powell, Clerk of our said
Court, at the court-house, the 30 day of July, 1931, and in the
155 year of the Commonwealth.

Paul J. Powell Clerk
By John H. Powell Deputy Clerk

Executed in Southampton County, Virginia, this 31st day of July, 1930
by delivering a true copy hereof to the within named E. L. Beale in person

T. B. Bell, Sheriff,

By T. B. Bell, D. S.

Form No. 300

Original

vs.

}

SUBPOENA IN CHANCERY

....., p.q.

To.....Rules,

.....Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Nassau, Greeting:

WE COMMAND YOU, That you summon

Elenora Gardner, B. W.
Gardner, James A. Butelins, Betty Vaughan Morgan
W. J. Vaughan, Jr.

to appear at the Clerk's office of the Circuit Court of the County of Nassau
at the rules to be held for the said Court on the First Monday in August, 19 30,
to answer a bill in chancery, exhibited against them in our said Court by

Charles J. Vaughan

And have then there this writ. Witness Paul Bruce, Clerk of our said
Court, at the court-house, the 30 day of July, 19 30, and in the
1535 year of the Commonwealth.

Paul Bruce Clerk
By James B. Smith Deputy Clerk.

Charles J. Vaughan

vs.

SUBPOENA IN CHANCERY

Elvira Gardner et als

Original, p.q.

To First August Rules,
Nansemond County Circuit Court.
250 pd

Original

Executed on the 30th day of July
1930, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to

Elvira Gardner in person.

E B Rawles
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

B W Gardner could not be found at
his usual place of abode on the July day of
30th, 1930, so the within
summons notice was executed on the said 30th
day of July, 1930, within the
County of Nansemond, State of Virginia, by de-
livering a true copy of the same, in writing, and
giving information of its purport to Elvira
Gardner.

B W Gardner, who was found at
usual place of abode, and who is a member of
B W Gardner Family,
and above the age of sixteen years.

E B Rawles
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

Executed on the 30th day of July
1930, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to Beth

Vaughan Mager in person.

E B Rawles
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

Executed on the 30th day of July
1930, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to wf
Vaughan Jr in person.

E B Rawles
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

James A Cutchins
nor any member of
his family could not
be found at his usual
place of abode 7/30/30
Executed 7/30/30 by
posting a copy of
within summons on
front door of James A
Cutchins usual place
of abode in Nansemond
Co Va E B Rawles Sheriff

E. L. Beale
Attorney at Law
Franklin, Virginia

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

August 30, 1930.

Mr. Tom E. Gilman,
Attorney-at-Law,
Professional Bldg.,
Portsmouth, Virginia.

Re: Vaughan vs Gardner, et als.

Dear Sir:

I wrote you on last Wednesday that I would ask Judge McLemore to-day at his office in Suffolk for a decree directing that the Trustee sell the land in question in the above styled suit.

I appeared before the Judge to-day and he granted my prayer and entered a decree of sale but said he thought you should be notified, and I tried to get you over the telephone from his office but was unable to do so, and then I told him I would write you so that if you had anything to say about the matter you could let him know Monday.

I am sending a copy of this letter to Judge McLemore so that he will know that I have written you regarding same.

He amended the decree by directing that the sale be under the first deed of trust, securing a debt of \$4000.00 to James A. Cutchins, and in the end of the decree he added:

"For its confirmation or rejection."

Very truly yours,

ELB:G

c.c.

Judge Jas. L. McLemore,
Suffolk, Virginia.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

DECREE.

Elnora Gardner, B. W. Gardner
James A. Cutchins, E. L. Beale,
Trustee, Bettie Morgan and W. J.
Vaughan, Sr.

This day, this cause came on to be further heard upon the papers formerly read and upon report of E. L. Beale, Trustee, reporting sale on September 20th of that certain tract or parcel of land set forth and described in the bill and proceedings as follows:

That certain tract or parcel of land lying situate and being in Holy Neck District, Nansemond County, Virginia, of which the late Virginia C. Vaughan died seised and possessed, and bounded by the lands of James C. Vaughan, Holy Neck Lumber Company, John A. Cutchins estate, and Robert H. Holland, and containing 90-3/4 acres more or less, in the gross as a parcel and not by the acre, and being the same of which 2-4 interest therein was inherited by the said Elnora Gardner and Charlie A. Vaughan, and 2-4 interest of the said property purchased from Betty Morgan and W. J. Vaughan Sr. by deed of bargain and sale, bearing date on the 13th day of December, 1927, which is the said land directed to be sold under decree entered in this cause on the 29th day of August, 1930, to James A. Cutchins for the sum of Five Thousand (\$5,000.00) Dollars, and was argued by counsel.

there being no exceptions to the report and
Upon consideration whereof, the court being of the opinion that the price obtained for the said property is a fair price and that the rights of none of the parties in interest have been violated the court doth confirm the said sale, and doth direct that the said E. L. Beale, Trustee, proceed forthwith to collect the purchase price from the said James A. Cutchins and apply the proceeds thereof in accordance with the terms of the said deed of trust under which the said property was sold, and report his transactions to court.

DECREE.

Vaughan

vs

Gardner, et als.

1930: September 24th Enter.

Jas. L. Moore

*Chancery Order Book
No. 6 Page 357*

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Vaughan

vs

Gardner, et als.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE SAID COURT:

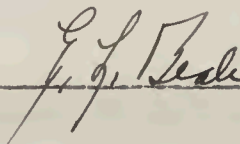
In obedience to a decree entered in the above styled chancery cause on the 29th day of August, 1930, I beg to report to court that as Trustee under deed of trust from Elnora Gardner and husband and C. J. Vaughan and wife, I exposed to sale by public auction to the highest bidder in Holland, Nansemond County, Virginia, on September 20, 1930, the tract of land set forth and described in the said chancery proceedings and being the same conveyed by Elnora Gardner and husband and Charlie J. Vaughan and wife to E. L. Beale, Trustee, to secure James A. Cutchins the sum of Four Thousand (\$4000.00) Dollars, which deed of trust bears date December 13, 1927, and is of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in deed book 113, page 156.

I beg to report that at said sale the rights of the landlord, tenants and the beneficiary of a crop lien against the crop on said land was set forth in accordance with memorandum hereto attached, marked "statement made at sale," and a large crowd was present at the sale, at which sale James A. Cutchins, the holder of the first lien amounting to Four Thousand (\$4000.00) Dollars, secured by said deed of trust with accrued interest thereon to day of sale amounting to \$664.67, bid in the said property for the sum of Five Thousand (\$5000.00) Dollars, which was the highest and best bid made for the said property as evidenced by Crier's certificate on the back of poster advertising sale.

This sale was given very much publicity and I am of the opinion that the price the said property brought is a fair price for the said land, and is as much as the property will bring. This is

enough to pay off the first lien, expenses of sale and just a little will be left which should be applied on the second line. I recommend that the sale be confirmed.

v Respectfully,



TRUSTEE

September 22, 1930.

Since making the above report, Mr. James A. Cutchin, the purchaser at the said sale, has made his statement in writing, which is hereto attached and made a part of this report, that he bought the farm with the understanding that it was sold without the crops and he does not assert any claim in the crops except for supplies furnished and none on account of the purchase of the land, and that possession was to be given on December 31st. 1930.

That being true I would recommend that the deed so state and then ~~the second deed of trust holder may or may not take~~ no claim will be made by Mr. Cutchin for the crops on account of his purchase of the land.

Respectfully,



Trustee.

Sept. 23rd. 1930.

Franklin, Va., Sept. 23rd. 1930.

Mr. E. L. Beale, Trustee,
Franklin, Va.,

Dear Sir:-

Re: Vaughan vs. Gardner, et als.

When you sold the farm as Trustee at Holland, Va., last Saturday you made an announcement about the crops and I told you to sell it without the crops and give possession to the land on December 31st. 1930.

I bought it with that understanding and I do not assert any interest in any of the crops, *except for supplies furnished and move on account of purchase* I am ready to take the property at the price of \$5,000.00 ~~of~~ for which it was knocked down to me.

Yours very truly,

James C. Butcher

of land.

TRUSTEE'S SALE OF A Valuable Farm

By virtue of the terms of a certain deed of trust bearing date December 13, 1927, to the undersigned Trustee, and of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Trust Deed Book Number 113, page 156, from Elnora Gardner and B. W. Gardner, her husband, and C. J. Vaughan and Otelia Vaughan, his wife, and by virtue of a decree entered in the chancery cause generally styled Vaughan vs. Gardner, et als. by the Circuit Court of Nansemond County, Virginia, on the 29th day of August, 1930, default having been made in the payment of a certain bond therein mentioned and described, and at the request of the holder of the said bond, and by virtue of said decree, I will offer for sale to the highest bidder in

Holland, Nansemond County, Virginia, on
Saturday, September 20, 1930
AT ABOUT 3 O'CLOCK P. M.

In Front of the Farmers Bank of Holland

The following real property, to-wit:

That certain tract or parcel of land lying situate and being in Holy Neck District, Nansemond County, Virginia, of which the late Virginia C. Vaughan died seised and possessed, and bounded by the lands of James C. Vaughan, Holy Neck Lumber Company, John A. Cutchins estate, and Robert H. Holland, and containing 90 3-4 acres, more or less, in the gross as a parcel and not by the acre, and being the same of which 2-4 interest therein was inherited by the said Elnora Gardner and Charlie A. Vaughan, and 2-4 interest of the said property purchased from Betty Morgan and W. J. Vaughan, Sr., by deed of bargain and sale, bearing date on the 13th day of December, 1927.

TERMS OF SALE: CASH.

A deposit of ten per cent shall be paid when the property is knocked down to the highest bidder. Sale subject to confirmation by the Court.

E. L. BEALE, Trustee

September 8, 1930.

I sold the within described property to
James A. Butcher for \$5000⁰⁰ that being
the highest bid made for same at place
and time as advertised, this 20th day of Sept
1930

S. Whiffle
Clerk

THIS SALE is made subject to the right and interest of the tenant in any crop planted by him under a bona-fide contract of lease not exceeding one year, entered into by him with the mortgagor after the execution of the deed of trust, under which this property is being sold. Acts 1928, page 1146 amending Section 5540 of the Code of Virginia.

By the Acts of 1930, page 779, Section 6452 of the Code of Virginia, was amended so that in event of sale under a deed of trust of the land upon which any such crop has been seeded, and or may be growing, and before said crop has been severed, such sale shall be made subject to the said crop lien and the rights of the holder or beneficiary of such lien shall be protected in such manner and to the same extent that the rights of the tenant would be protected under similar circumstances under the provisions of Section 5540 of the Code of Virginia as amended by Acts of 1928 above mentioned.

Therefore the above land will be sold giving possession of the premises as soon as the sale has been confirmed by the Court and the balance of the purchase money in addition to the ten per cent deposited to-day has been paid, the interest of Elnora Gardner and B. W. Gardner, her husband, and C. J. Vaughan and Otelia Vaughan, his wife, going to the purchaser at this sale, the purchaser to settle any liens against the crop which may have been properly executed and docketed in the Clerk's Office of Nansemond County as provided and required by law, the purchaser taking the place of the present owners and to settle with tenants in accordance with agreements made with them, and subject to any valid crop liens executed either by the tenants or landlord.

*"Statement Made
at Sale" J. J. Blake*

September 20, 1930.

Mr. Tom E. Gilman,
Attorney-at-Law,
Professional Bldg.,
Portsmouth, Virginia.

Re: Vaughan vs Gardner, et als.

Dear Sir:

I sold the farm of Elnora Gardner and C. J. Vaughan at public sale in Holland this afternoon. I thought perhaps you or Mr. Vaughan would be present. Mrs. Betty Morgan was represented and Mr. W. J. Vaughan, Sr. was at the sale, and a good crowd attended the sale.

Mr. James A. Cutchins, holder of the first lien, bought the property for \$5000.00 and it is my intention to ask Judge McLemore on next Wednesday, September 24th to confirm the sale to Mr. Cutchins for \$5000.00.

If you have any objections I wish you would write me promptly, and if you wish to do so, be present in Suffolk Wednesday when I ask the court to confirm the sale, but let me know if you have any objections so I will know whether or not you do object.

Very truly yours,

ELB:G

Report of E. L. Beale,
Trustee.

Vaughan

vs

Gardner, et als.

1930: September 24. Filed:
J.M.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner,
James Cutchins, E. L. Beale, Trustee,
Bettie Morgan and W. J. Vaughan, Sr.

This day, this cause came on to be heard on the bill and exhibits filed, and upon the separate answers of James A. Cutchins, Bettie Morgan and E. L. Beale, Trustee, the answer of James A. Cutchins, holder of a bond for \$4000.00 secured by deed of trust as a first lien on the property set forth and described in the bill in this cause, and the answer of Bettie Morgan, holder of a \$500.00 bond secured by deed of trust as a second lien on said property, praying that they be allowed to foreclose under their respective deeds of trust, and was argued by counsel.

On consideration whereof, it appearing to the court that the debts secured by deeds of trust on the said property are payable on demand, and demand has been made for the payment of the said debts, and default has been made in the payment thereof, and it further appearing from the answer of Bettie Morgan that unless the property is sold promptly, there is doubt whether the same will bring a sum sufficient to pay the indebtedness against the same, the court doth order and decree that the said E. L. Beale, Trustee, proceed forthwith to advertise the said land for sale in accordance with the terms of the deed of trust, and sell the same by public auction for cash as provided therein, requiring the purchaser at the sale to deposit at least ten per cent (10%) of the purchase price and report to court *for its confirmation or rejection.*

Steele

Vaughan

vs

Gardner, et als.

1930 Aug 29 Enter

Jas. L. McInore,

Chancery Order Book
No 6 Page 344

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner
James Cutchins, E. L. Beale, Trustee,
Bettie Morgan and W. J. Vaughan, sr.

On motion of the defendants, Bettie Morgan and E. L. Beale, leave is granted them to file their separate answers in the said cause, and the said answers are this day accordingly filed.

Sicree

Vaughan

vs

Gardner, et als.

1930 Aug 27. Enter

J. L. McLenore

Chancery Order Book

No. 6 Page 343

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner,
James Cutchins, E. L. Beale, Trustee,
Betty Morgan and W. J. Vaughan, Sr.

On motion of the defendant, James A. Cutchins, leave is granted him to file his answer in this cause and the said answer is this day accordingly filed.

Chas. J. Vaughan

vs Decree

Elnora Gardner, at als.

1930: Aug. 18 Enter.

James McInerney

Chancery Order Book
No. 6 Page 343

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner,
James Cutchins, E. L. Beale, Trustee,
Betty Morgan and W. J. Vaughan, Sr.

On motion of the defendants, Elnora Gardner and B. W. Gardner,
leave is granted them to file their answer in this cause, and the
said answer is this day accordingly filed.

Chas. J. Vaughan

vs

Decree

Elnora Gardner, et als.

1930: Aug, 18 Enter.

Edw. M. G. Moore

Chauncy Order Book
No. 6 Page 343

TRUSTEE'S SALE OF A Valuable Farm

By virtue of the terms of a certain deed of trust bearing date December 13, 1927, to the undersigned Trustee, and of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Trust Deed Book Number 113, page 156, from Elnora Gardner and B. W. Gardner, her husband, and C. J. Vaughan and Otelia Vaughan, his wife, and by virtue of a decree entered in the chancery cause generally styled Vaughan vs. Gardner, et als. by the Circuit Court of Nansemond County, Virginia, on the 29th day of August, 1930, default having been made in the payment of a certain bond therein mentioned and described, and at the request of the holder of the said bond, and by virtue of said decree, I will offer for sale to the highest bidder in

Holland, Nansemond County, Virginia, on
Saturday, September 20, 1930
AT ABOUT 3 O'CLOCK P. M.

In Front of the Farmers Bank of Holland
The following real property, to-wit:

That certain tract or parcel of land lying situate and being in Holy Neck District, Nansemond County, Virginia, of which the late Virginia C. Vaughan died seised and possessed, and bounded by the lands of James C. Vaughan, Holy Neck Lumber Company, John A. Cutchins estate, and Robert H. Holland, and containing 90 3-4 acres, more or less, in the gross as a parcel and not by the acre, and being the same of which 2-4 interest therein was inherited by the said Elnora Gardner and Charlie A. Vaughan, and 2-4 interest of the said property purchased from Betty Morgan and W. J. Vaughan, Sr., by deed of bargain and sale, bearing date on the 13th day of December, 1927.

TERMS OF SALE: CASH.

A deposit of ten per cent shall be paid when the property is knocked down to the highest bidder. Sale subject to confirmation by the Court.

E. L. BEALE, Trustee

September 8, 1930.

E. L. Beale
Attorney at Law
Franklin, Virginia

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

December 5 - 1930

Judge James L. McLemore,
Suffolk, Virginia.

Re: Vaughan vs Gardner.

Dear Sir:

I received your postal card this morning with reference to the above and thought I had the voucher for advertising attached to my report where the bond of James A. Cutchins was attached. There was no bond given ^{by me} as the property was sold under deed of trust by me as Trustee.

As to the \$10.00 charged for examining title, it was my duty to examine the records as to liens in addition to the deed of trust under which the property was sold, to see how to pay out the money received from the sale of the land, and it has been a practice with some attorneys in making up their account as Trustee to charge an ~~ad~~nominal fee for this service, which has been approved by the Commissioner of Accounts. I think the first lawyer who spoke to me about these charges was Mr. Corbitt, and I put that fee in because I did make a trip to Suffolk to examine records in the Nansemond Clerk's Office.

If it is not entirely clear to you, just hold up the decree until I can see you in Suffolk within the next few days and I will get the matter straightened out to your satisfaction.

Very truly yours,

E. L. Beale

ELB:G

Dear Judge:

Here is the voucher you wrote
me about in the suit of Vaughan v. Gardner, et als.

E.L.Beale.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Betty Morgan and W. J.
Vaughan Sr.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COURT:

In obedience to a decree entered in the above styled cause on the 24th day of September, 1930, E. L. Beale, Trustee, begs to report to court that he has collected from James A. Cutchins the sum of FIVE THOUSAND (\$5000.00) DOLLARS or its equivalent, which said sum was the purchase price of the land set forth and described in the said decree and has applied the proceeds thereof in accordance with the terms of the said deed of trust under which the said property was sold, as follows:

Bond	\$4000.00
Accrued interest to	
date of sale	664.67
Crier at Sale	10.00
Drawing deed	10.00
Advertising	6.00
Examining records for liens	10.00
Five per cent commission	250.00
Paid 1930 taxes	36.96
Applied on Insurance	
Premium \$26.65)	12.39
Total	\$5000.00

So far as your Trustee is advised, this closes this transaction and there is nothing further to be done as there is nothing in hand with which to pay the second liens secured by deed of trust and payable to Mrs. Bettie Morgan and W. J. Vaughan Sr.

Respectfully,

E. L. Beale TRUSTEE.

\$10⁰⁰ Received from E. L. Beck, Trustee
Ten Dollars for crier at sale property of
Elmore Gardner, Sale at Holland Va Sept 20th 1920

S. P. Hilgird
crier

Franklin, Va., Dec. 6, 1930

THE NEWS PUBLISHING COMPANY

Publishers of The Tidewater News

PRINTING ENGRAVING BINDING

LOOSE-LEAF LEDGERS OFFICE SUPPLIES LEGAL FORMS

IN ACCOUNT WITH

Mr. E. L. Beale

Franklin, Va.

To Reach Southampton People You Must Advertise in The Tidewater News

Sept. 8, 1930

150 Circulars Vaughan vs Gardner
et als

\$ 6.00

Paid Dec. 6, 1930

News Publishing Co.

By

J. P. King

County Levy \$.65
 County School Levy 1.00
 Interest and Sinking Fund (School) 25
 District Road Levy 30
 Total \$ 2.20

COMMONWEALTH OF VIRGINIA
 STATE TAXES AND LOCAL LEVIES, 1930

M *Edwina Gardner & ab*No. **5238**

HOLY NECK DISTRICT

Land **42** Line **10**

Personal Property ... Page Line

Income Page Line

To J. P. DALTON, Treasurer of NANSEMOND COUNTY, VIRGINIA, Dr.

SUBJECTS OF TAXATION	VALUE	STATE RATE ON \$100	STATE TAXES	LOCAL RATE ON \$100	LOCAL LEVIES	TOTAL STATE TAXES AND LOCAL LEVIES
FOR STATE TAXATION ONLY:						
State Capitation Tax.....			\$ 1 50	NONE	NONE	\$ 1 50
Bonds, Notes, and Other Evidences of Debt.....	\$	\$.50		NONE	NONE	
Money.....		.20		NONE	NONE	
Moneyed Capital in Competition with National Banks.....		1.00		NONE	NONE	
Capital Not Otherwise Taxed.....		.75		NONE	NONE	
Income: 1 1/2% on first \$3,000; 2 1/4% on next \$2,000; 3% on excess over \$5,000.....				NONE	NONE	
FOR LOCAL TAXATION ONLY:						
Tangible Personal Property.....		NONE	NONE	\$ 2.20		
Machinery and Tools.....		NONE	NONE	2.20		
Merchants' Capital (Schools).....		NONE	NONE	1.25		
Real Estate..... 94 3/4 Acres 1680		NONE	NONE	2.20	36 96	36 96
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		
Real Estate..... Acres		NONE	NONE	2.20		
CREDITS			TOTAL STATE TAXES.....	\$ 4	TOTAL LOCAL LEVIES.....	\$ 36 96
Date	Amount	Received Payment:		5% Penalty December 6, 1930.....		
	\$	Date		Total Taxes, Levies and Penalty.....		
		J. P. DALTON, Treasurer		5% Penalty June 16, 1931.....		
		By <i>[Signature]</i>		Total Taxes, Levies and Penalties to June 16, 1931.....		
				6% Interest from June 16, 1931, to date of payment.....		
				Total Taxes, Levies, Penalties and Interest.....		

DEC 2 - 1930

Franklin, Va., DEC 1 1930

THE NEWS PUBLISHING COMPANY

Publishers of The Tidewater News

PRINTING ENGRAVING BINDING
LOOSE-LEAF LEDGERS OFFICE SUPPLIES LEGAL FORMS
IN ACCOUNT WITH

M E L Beale
City

To Reach Southampton People You Must Advertise in The Tidewater News

Sept 8. 150 Circulars,
vaughan vs. gardner \$6.00

M

James W. Cutchin
Feb 8

For Elvora Gardner & Charlie Langham

INSURANCE

SURETY BONDS

DATE	POLICY NO.	COMPANY	PROPERTY	TERM	AMOUNT	PREMIUM
5/26.	509199	Equitable	Dwgs	1yr	2000	2365

Elwood, Virginia,

December 13, 1927.

\$4000.00.

On demand, with interest from date, payable annually, for value received, we owe, both jointly and severally, and promise to pay to James A. Cutchins, the just and full sum of FOUR THOUS* AND (\$4000.00) DOLLARS;

As to this obligation, which is secured by a deed of trust on real estate in Nansemond County, Virginia, near Elwood, with E. L. Beale, named Trustee, we bind ourselves, our heirs, administrators and executors, and waive the benefit of our homestead exemption.

Given under our hands and seals this 13th day of December, 1927.

Elnora Gardner (SEAL)

B. W. Gardner (SEAL)

C. Vaughan (SEAL)

Tellie Vaughan (SEAL)

Witness as to Elnora Gardner
and B. W. Gardner:

E. L. Beale

Witness as to Charlie J. Vaughan
and Tellie Vaughan:

W. F. Langhorne

Paid by E. L. Beale Trustee
Sept 25-1930 Amount 4000.00
Accrued Interest 614.67
Total 4614.67
James A. Cutchins

Witness signature of James A. Cutchins
John Henry Powell

4464.67
175.00
160.33

5000.00

Bond for \$4000⁰⁰

Eleanor Gardner and
Highland and
Charlie Vaughan and
wife

To:

James A. Butcher.

6.00
1.75
1.00

8.75

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

Report of E. L. Beale
Trustee

Vaughan
vs
Gardner, et als.

1930 Dec 8th. Filed
J. L. M.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

August 13, 1930.

Mrs. Elnora Gardner,
RFD, Holland, Virginia.

Mr. B. W. Gardner,
RFD, Holland, Virginia.

Mr. C. J. Vaughan,
Portsmouth, Virginia.

Mrs. Otelia Vaughan,
Portsmouth, Virginia.

Dear Sirs:

The joint and several bond which you executed on December 13th, 1927 has not been paid nor any interest thereon.

Demand is hereby made on you and each of you for payment of the bond and interest, and unless the same is paid within ten days from this date, I shall proceed to sell the farm under my deed of trust.

Respectfully,

(Signed) *James H. Cutchin*

ELB:G

11

5
5
30
50
200
500

(1)

Aug 19, 1930
Hollands, Va

R. F. D. #1 Box 75, D

Mr. E. L. Beale, attorney
at law.

You are trustee
in the sale of my
mothers farm
I want you to
advertise the farm
for sale I hold
my note for five
hundred dollars and
intrust my note
is on demand
and I want my
money. I want
to sell the farm

(2)

While the crop is on it. Before Bill Gardner sells the crop and wastes the money, like he has for the last two years. He has paid no interest or nothing on the note. Jim Luchina, will have to put more than he has got in the farm. or he will not get the place for I have a man in view that is going to buy it. He is very anxious to get a farm like that.
over

(3)

He will pay cash,
Please excuse this
long letter and
let me hear from
you soon.

Yours very truly
Bettie Morgan
and J. J. Morgan,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA,

Charles J. Vaughan

vs.

DECREE.

Elnora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Betty Morgan and W. J.
Vaughan, Sr.

~~TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COUNTY:~~

This day, this cause came on to be further heard upon the papers formerly read and upon ^{the} report of E. L. Beale, Trustee, reporting his transactions with James A. Cutchins, who purchased the land at sale under deed of trust which land is known as the Virginia C. Vaughan farm and which she died seised and possessed ^{of} and bounded by the lands of James C. Vaughan, Holy Neck Lumber Company, John A. Cutchins estate and Robert H. Holland and containing ninety and three-fourths (90-3/4) acres, more or less; which said land was purchased by James A. Cutchins as reported by E. L. Beale, Trustee, September 24, 1930, which report this day filed shows that the purchase money amounting to FIVE THOUSAND (\$5000.00) DOLLARS, has been paid by James A. Cutchins and has been distributed by E. L. Beale, Trustee in accordance with the terms of the deed of trust under which the property was sold, \$4,664.67, the amount of the bond with accrued interest from date of the sale, 1930 taxes, \$36.93, and expenses in connection with sale and insurance as follows: Crier, \$10.00; Drawing deed, \$10.00; advertising, \$6.00; Five per cent commission, \$250.00; Examining records for liens, \$10.00; Applied on insurance, \$12.37, making a total of \$5000.00.

It further appearing that there is nothing else to be done in this cause the Clerk is hereby directed to file the papers and remove this suit from the docket of his court.

Decree

Vaughan

vs.

Gardner, et al

1930 Dec 8th. Enter

J. S. McMore.

Chancery Order Book
No 6 Page 365

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

ANSWER.

Elnora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Bettie Morgan and W. J.
Vaughan, Sr.

The answer of Bettie Morgan to a bill of complaint filed against her and others in the Circuit Court of Nansemond County, Virginia, by Charles J. Vaughan, complainant.

This respondent reserving to herself the benefit of all just exceptions to the said bill of complaint, for answer thereto or to so much thereof as she is advised that it is material she should answer, answers and says:

Allegations 1, 2, 3, 4, 5, and 6, are neither denied nor confirmed, but strict proof thereof is required by respondent.

As to the seventh allegation, the complainant, C. J. Vaughan together with Elnora Gardner, executed two certain negotiable promissory notes for the sum of \$500.00 each, one payable to the respondent and the other payable to W. J. Vaughan, Sr., and secured same by deed of trust bearing date December 13, 1927, on the 90-3/4 acres of land set forth and described in the bill of complaint, but which deed of trust was subsequent to one securing James A. Cutchins \$4000.00.

Your respondent further states that B. W. Gardner, husband of Elnora Gardner, has not paid your respondent interest on the \$500.00 secured by deed of trust, ^{except \$30.00 for first year} and wastes his money, and your respondent is likely to lose the entire sum unless the property is foreclosed under her deed of trust at once, and should the sale not be had before the crop is removed, your respondent stands a chance of losing a large sum of money, and on the other hand she now has a purchaser of the said land, and if sold promptly the land will bring a sufficient sum to pay the entire indebtedness

against it, but if on the other hand the said B. W. Gardner is allowed to waste the crops your respondent stands a chance of losing her money.

She prays that an order may be entered allowing the Trustee, E. L. Beale, under her deed of trust, to foreclose thereunder at once as no restraining order is asked for in the bill of complaint.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable cost by her in this behalf expended.

Bettie Morgan

RESPONDENT.

E. L. Beale
Counsel.

State of Virginia,

Southampton County, to-wit:

Bettie Morgan, the respondent named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

Bettie Morgan
RESPONDENT.

Taken sworn to and subscribed before me _____

A Notary Public of and for the County and State aforesaid, in my County aforesaid, this _____ day of August, 1930.

NOTARY PUBLIC.

Answer of Bettie
Morgan

Charles J. Vaughan

vs.

Gardner, et al.

1930 Aug 27. Filed
J.L.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

ANSWER.

Elnora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Bettie Morgan and W. J.
Vaughan, Sr.

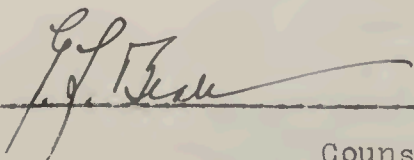
The answer of James A. Cutchins to bill of complaint filed against him and others in the Circuit Court of Nansemond County, by Charles J. Vaughan, complainant,

The respondent reserving to himself the benefit of all just exceptions to the said bill of complaint for answer thereto or to so much thereof as he is advised that it is material he should answer, answers and says:

Allegations 1, 2, 3, 4, 5, and 6, are neither denied nor confirmed, but strict proof thereof is required by respondent.

As to the Seventh allegation, the complainant, C. J. Vaughan and his wife, Otelia Vaughan, together with Elnora Gardner and B. W. Gardner, executed their certain bond, a joint and several obligation for the sum of \$4,000.00 payable on demand with interest from date, which obligation bears date December 13, 1927, and secured same by deed of trust on the 90-3/4 acres of land set forth and described in the bill of complaint. Your respondent states that no interest has been paid on this bond since it was executed and he is notifying the makers of the bond and demanding payment and if payment is not promptly made, your respondent will proceed to foreclose under his deed of trust as no restraining order is asked for in the bill of complaint.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.



Counsel.


RESPONDENT.

State of Virginia,

Southampton County, to-wit:

James A. Gutchins, the respondent named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

James A. Gutchins
RESPONDENT

Taken sworn to and subscribed before me Nessie Gray

A Notary Public of and for the County and State aforesaid, in my County aforesaid, this 13th day of August, 1930.

Nessie Gray
NOTARY PUBLIC.

Answer of
James A. Cutchin

Chas. J. Vaughan

vs.

Elisav Gardner, et al

1930 Aug 18th. Filed
J.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

Elnora Gardner, B. W. Gardner,
James Cutchins, E. L. Beale, Trustee,
Bettie Morgan and W. J. Vaughan, Sr.

The answer of E. L. Beale to a bill of complaint filed against him and others in the Circuit Court of Nansemond County, Virginia, by Charles J. Vaughan.

This respondent reserving to himself the benefit of all just exceptions to the said complaint, for answer thereto or so much thereof as he is advised that it is material he should answer, answers and says.

The allegations in the bill are neither denied nor confirmed but strick proof thereof is required by respondent.

Your respondent states that he is Trustee under a deed of trust on the 90-3/4 acres of land set forth and described in the bill of complaint, first to secure James A. Cutchins the sum of \$4000.00, which is a first lien on the said property, the said deed of trust bearing date December 13th, 1927, and of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book Number 113, page 156 and is also Trustee under another deed of trust on the said land bearing same date as a second lien to secure \$500.00 each to Bettie Morgan and W. J. Vaughan Sr., which said deed of trust is of record in the said Clerk's Office in Deed Book 113, page 158.

Your respondent states that he has been requested by James A. Cutchins, beneficiary under the first deed of trust, to foreclose and sell the property with the crop excepted and possession to be given January 1st, 1931, and has also been requested by Mrs. Bettie Morgan to foreclose under the second deed of trust, but to sell the farm while the crop is on it and before it is harvested for the

reason that she fears the property will not bring a sufficient sum to pay the first lien and interest and then pay her own debt. Your respondent states that he knows nothing of the arrangements with those cultivating the land this year, but all of the debts secured by deeds of trust are payable on demand and that demand has been made for payment.

Your respondent therefore prays that this court will direct him in complying with the request of these beneficiaries under their respective deeds of trust so that their interest therein may be properly taken care of.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.


RESPONDENT.

Answer of E. L. Beale
Trustee

Naughton

vs

Gardner, et als

1920 Aug 27 Filed
J.S.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Charles J. Vaughan

vs

ANSWER.

Elnora Gardner, B. W. Gardner,
James A. Cutchins, E. L. Beale,
Trustee, Bettie Morgan and W. J.
Vaughan, Sr.

The joint and separate answer of Elnora Gardner and B. W. Gardner, her husband, to a bill of complaint filed against them and others in the Circuit Court of Nansemond County, by Charles J. Vaughan, complainant.

The respondents reserving to themselves the benefit of all just exceptions to the said bill of complainant for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

Allegations 1, 2, 3, 4, and 7 are admitted.

Allegation 5 is denied. The respondents are not indebted to complainant neither directly for a specific sum nor on a percentage of profits. On the other hand the complainant, Charles J. Vaughan, has not paid any portion of taxes nor any portion of interest on bond of \$4,000.00 to James A. Cutchins, and on the other hand gave his consent and requested that certain improvements be made on the said farm consisting of wire fence and steel post, improvements to buildings and the erection of new buildings, and has not paid any part of the cost and expenses thereof. Strict proof is required of this allegation.

As to the Sixth allegation, it is neither denied nor confirmed.

And now, having fully answered the complainant's bill, these respondents pray to be hence dismissed with their reasonable cost by them in this behalf expended.

Elnora Gardner
B. W. Gardner

RESPONDENTS.

E. L. Beale

Counsel.

State of Virginia,

Southern County, to-wit:

Elnora Gardner and B. W. Gardner, the respondents named in the foregoing answer, being duly sworn, say that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, they believe them to be true.

Elnora Gardner

B. W. Gardner

RESPONDENTS

Taken, sworn to and subscribed before me Nessie Gray
a Notary Public of and for the County and State aforesaid, in my
County aforesaid, this 15th day of August, 1930.

Nessie Gray.
NOTARY PUBLIC.

Answer of
Elvira Gardner and
D. W. Gardner

Chas J. Vaughan
vs.

Elvira Gardner, et al.

1930 Aug. 18th. Filed
J.L.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

Virginia:

In the Circuit Court of Nansemond County.

Charles J. Vaughan,

Complainant,

vs.) - - - - - In Chancery

Elenora Gardner, B. W. Gardner,
James Cutchins, E. L. Beale,
Trustee, Betty Morgan, and W. J.
Vaughan, Sr.,

Defendants.

To The Honorable James L. McLemore,
Judge of the said Court:

Your complainant, Charles J. Vauhan, respectfully
shows as follows:

1. That Virginia C. Vaughan died intestate, the _____
day of _____, 19____, seised and possessed of the following
described real estate: That certain tract of land, situate in
Holy Neck Magisterial District, Nansemond County, Virginia,
near Elwood, and bounded by the lands of James C. Vaughan, Holy
Neck Lumber Company, John A. Cutchins estate, and Robert H. Hol-
land, and embraces the whole of the said tract constituting the
home place of the said Virginia C. Vaughan, deceased, and con-
tains by estimation about ninety and three fourths ($90\frac{3}{4}$) acres,
more or less, as charged on the land books of Nansemond County,
and being the same purchased by the said Virginia C. Vaughan, de-
ceased, from James C. Vaughan and wife by deed, dated April 6,
1891, and recorded in the clerk's office of this court, in D. B.
26, page 577; there being excepted from the above description a
feww parcels sold from the said tract by the said Virginia C.
Vaughan in her life time, and the family burial ground with

right of ingress and egress.

2. That, upon the death of the said Virginia C. Vaughan, your complainant, Chalres J. Vaughan, and the defendants, Elenora Gardner, Bettie Morgan, and W. J. Vaughn, Sr., became the joint fee simple owners of the said property by inheritance.

3. That, by deed dated December 13, 1927, the said W. J. Vaughan, Sr. and Bettie Morgan conveyed their interest in said property to your complainant and the defendant Elenora Garxdner, the said deed being duly of record in the clerk's office of this court, in D. B. 114, page 396.

4. That the said real estate is now jointly owned by your complainant and the said Elenora Gardner in undivided shares of one half each.

5. That the said Elenora Gardner, by agreement, has had exclusive possession of the said property since the interests of W. J. Vaughan, Sr. and Bettie Morgan were acquired, and that the said Elenora Gardner is indebted to your complainant in a large sum for the use and accupancy of complainant's said interest, the same being based on a per centage of the profits from the place, and which can not be definitely ascertained without an accounting.

6. Your complainant states that the said real estate is, as he believes, susceptible of partition between the parties entitled thereto; but if it cannot be so divided, then he believes and so avers that the interests of those interested would be promoted by a sale of the property and division of the proceeds, or allotment of part and sale of the residue.

7. That your complainant and the said Elenora have executed two deeds of trust on said property to E. L. Beale, Trustee, dated December 13, 1927, and recorded in D. B. 113, at pages 156-158, one of which is to secure James A. Cutchins the pay-

of a notae for \$4000.00, payable on demand, the same being executed by said owners of the property, and the other to secure two notes for \$500.00 each, one payable to Bettie Vaughan, and the other to W. J. Vaughan, Sr, and both being payable on demand and are made by the same parties. The three notes above mentioned have not been paid, and interest is now due on all of them.

Your complainant therefore prays that the said Elenora Gardner and B. W. Gardner, her husband, James A. Cutchins, E. L. Beale, Trustee, Bettie Morgan, and W. J. Vaughan, Sr., may be made parties defendant to this suit and required to answer the same, but not under oath, an oath to such answers being hereby waived; that process issue; that the said real estate be divided between the parties entitled thereto, or else that it be sold and the proceeds divided, in case it be indivisible in kind; that all proper orders and decrees may be made, accounts taken and inquiries directed; that a reasonable attorney's fee be allowed counsel for complainant for his services in and about the institution and conduct of this suit; and that he may have other, further, and general relief as in the premises may be just and right. And he will ever pray etc.

Charles J. Vaughan

By

Tom E. Gilman,

Counsel.

Virginia: In the Circuit
Court of Nansemond County.

Charles J. Vaughan

vs.) In Chancery

Elenora Gardner et als

B I L L

Filed July 30, 1930

*Paul J. Russell, Clerk
By Oliver Whitkumel, D.C.*

TOM E. GILMAN

ATTORNEY AT LAW

KIRN BUILDING

PORTSMOUTH, VA.