1931-003
Nansemond Co (Suffolk) Chancery Causes: David Goodman vs David Lee Goodman

Weyman, Mcgee, Powell

1. Memorandum Filed May 9, 1931.
2. Affidavit of Non-residence Filed May 9, 1931.
3. Order of publication Filed May 9, 1931.
4. Bill Filed July 15, 1931
5. Depositions. Taken Sept. 10, 1931; Filed Nov. 12, 1931.
6. Certificate of Clerk showing copy of order of publication duly posted and copy mailed to last known address of defendant.
7. Certificate of publisher
8. Decree

Adv. $9.56

Virginia:

VIRGINIA, IN THE CIRCUIT COURT OF NANSEMOND COUNTY, ON THE 9TH DAY OF MAY, 1931:

David Goodman, Complainant,

vs. Order of Publication.

David Lee Goodman and all unknown parties, Defendants.

The object of the above styled suit is to ask the Court to declare void a certain deed to a certain lot in "Philadelphia," Nansemond County, Virginia, which deed undelivered was wrongfully taken from the possession of the complainant by the defendant and recorded without the knowledge of the complainant, and it appearing by affidavit made and filed according to law that the defendant, David Lee Goodman, is not a resident of the State of Virginia, and that there may he other parties to this suit whose names are unknown, it is ordered that they do appear within ten days after due publication hereof and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the Virginian-Pilot and that a copy be posted at the front door of the Courthouse of this County on or before the 18th day of May, 1931, that being the next succeeding Rule Day after this order was entered, and that a copy be mailed to the defendant, David Lee Goodman, Philadelphia, Pa., that being the last known address as given in said affidavit.

A Copy, Teste:

JOHN H. POWELL,
Clerk of Circuit Court of Nansemond County.

[illegible] V. Knight, p. q. my11,18,25-je1

I, W. S. Wilkinson ....Secretary of the Virginian-Pilot and the Norfolk Landmark, a newspaper published in the City of Norfolk, State of Virginia, do certify that the advertisement hereto annexed of Order of publication

David Goodman
vs
David Lee Goodman

has been published in said newspaper on the following dates: May 11-18-25-June 1

.....19..31.

Given under my hand this ..26th.... day of September 19..31.

W. S. Wilkinson

Secretary of Virginian-Pilot and Norfolk Landmark.

(4)

David Goodman.....Complainant.

vs. AFFIDAVIT

David Lee Goodman. and all unknown parties.....Defendant.s.

STATE OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

This day David Goodman, the above named complainant, personally appeared before me S. E. Everett, a Notary Public in and for the State and City aforesaid, in my City, and made oath that David Lee Goodman, the above-named defendant, is not a resident of the State of Virginia, that there may be other parties to this suit whoes names are unknown, and that the last known address of the said defendant was Philadelphia, Pa.

Given under my hand this 2nd day of May, 1931.

My commission expires the 24th day of July, 1933.

S. E. Everett

Notary Public.

(2)

David Goodman.....Complainant.

vs. AFFIDAVIT

David Lee Goodman.etals Defendants

Filed the 9th day of May, 1931.

John H. Powell. Clerk.

VIRGINIA,

IN THE CIRCUIT C URT OF NANSEMOND COUNTY, ON THE 9TH DAY OF MAY, 1931.

David Goodman.....Complainant

vs. ORDER OF PUBLICATION

David Lee Goodman and all unknown parties.....Defendants

The object of the above styled suit is to ask the Court to declare void a certain deed to a certain lot in"Philadelphia", Nansemond County, Virginia, which deed undelivered was wrongfully taken from the possession of the complainant by the defendant and recorded without the knowledge of the complainant, and it appearing by affidavit made and filed according to law that the defendant, David Lee Goodman, is not a resident of the State of Virginia, and that there may be other parties to this suit whose names are unknown, it is ordered that they do appear within ten days after due publication hereof and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the Virginian-Pilot and that a copy be posted at the front door of the Courthouse of this County on or before the 18th day of May, 1931, that being the next succeeding Rule Day after this order was entered, and that a copy be mailed to the defendant, David Lee Goodman, Philadelphia, Pa., that being the last known address as given in said affidavit.

~~A Copy~~, ~~Teste~~: John A. Powell Clerk of Circuit Court of Nansemond County

Raye V. Knight, p.q.

(3)

David Goodman.....Complainant.

vs. ORDER OF PUBLICATION

David Lee Goodman, et als.Defendants.

Filed the 9th day of May, 1931.

John H. Powell Clerk

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

David Goodman Pltff.
vs.
David Lee Goodman et al Df't
} In Chancery

I hereby certify that on the 9th day of May 1931 I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, and I further certify that I have mailed a copy of same to the last known address of the defendant.

Given under my hand this 12th day of May 1931

John A. Powell, Clerk.

By _____, Deputy Clerk.

To the Hon. John H. Powell, Clerk of the Circuit Court of Nansemond County, Virginia.

David Goodman.....Complainant.

vs.

David Lee Goodman.and.all.unknown.parties.....Defendants.

Issue summons to Second Rules (Third Monday) in June, 1931.

Raye V. Knight
p.q.

(1)

David Goodman.....Complainant.

vs. MEMORANDUM

David Lee Goodman.etalsDefendants.

Filed the 9th. day of May, 1931.
John A. Powell- Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon David Lee Goodman and all Unknown Parties

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the Third Monday in May, 1931, to answer a bill in chancery, exhibited against them in our said Court by David Goodman

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of May, 1931, and in the 155th year of the Commonwealth.

John H. Powell - Clerk

Form No. 300

Copy for
David Goodman

vs. } SUBPOENA IN CHANCERY

....., *p.q.*

To.....*Rules,*

.....*Circuit Court.*

David Goodman not
found in the county
of Nansemond &c

J. C. Saylor Deputy
Sheriff

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon David Lee Goodman and all unknown parties

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in May, 1931, to answer a bill in chancery, exhibited against them in our said Court by David Goodman

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of May, 1931, and in the 155th year of the Commonwealth.

John H. Powell, Clerk

Form No. 300

Original

vs. } SUBPOENA IN CHANCERY

, *p.q.*

To *Rules,*

Circuit Court.

This is to certify that the Commissioners Deed from Raye V. Knight, Special Commissioner, to David Goodman, was recorded in the Clerk's Office of the Circuit Court of Nansemond County, December 2nd, 1931.

John H. Powell

Clerk.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

David Goodman.....Complainant.

vs. REPORT OF SPECIAL COMMISSIONER

David Lee Goodman and all unknown parties.....Defendants.

Your Special Commissioner in the above styled suit respectfully submits unto Your Honor the following report in accordance with the decree entered in this cause on the 16th day of November, 1931:

Your Special Commissioner, Raye V. Knight, executed and delivered a deed conveying the real estate described in these proceedings to the said David Goodman, the complainant in this suit, and has had the same duly recorded in the Clerk's Office of the Circuit Court of Nansemond, Virginia, and herewith files certificate of the Clerk showing recordation.

Respectfully submitted.

Raye V. Knight
Special Commissioner.

David Goodman.....Complainant.

vs. REPORT OF SPECIAL COMMISSIONER

David Lee Goodman et als.Defendants.

Filed the 3rd day of December, 1931.

J. L. M.

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

David Goodman.....Complainant.

vs. DECREE

David Lee Goodman and all unknown parties.....Defendants.

This cause in which the complainant appears to have proceeded in the mode prescribed by law against the non-resident, David Lee Goodman, and all unknown parties to this suit, defendants, came on this day to be heard on the bill, depositions and exhibits taken on the 10th day of September, 1931, before S. E. Everett, a Notary Public for the City of Suffolk, in the State of Virginia, and filed on behalf of the Complainant on the 12th day of November, 1931, and on the bill taken for confessed and was argued by counsel.

On consideration whereof, it appearing to the Court that there has been no valid delivery of the deed from David Goodman to David Lee Goodman, dated February 24th, 1927, and recorded the 16th day of May, 1927, in the Clerk's Office of this Court, to the real estate described in said deed as follows:

"All that certain piece or parcel of land situated and being in that plot of building lots known as "Philadelphia" near the Town of Suffolk, County of Nansemond, State of Virginia, and bounded as follows: Beginning at a certain point on east side of Second Street in said "Philadelphia" eighty-three (83) feet and three (3) inches from center of a ditch or T. W. Smith's line, it being southern end of said Second Street and running from said point in a northerly direction along the east side and fronting on the said Second Street fifty (50) feet, thence running eastwardly at right angels to the said Second Street one hundred and forty-six (146) feet, thence running southwardly in a line parallel with said Second Street fifty (50) feet, and thence running westwardly in a straight line one hundred and forty-six (146) feet to the point of beginning"; and;

That said deed was unlawfully taken by the said defendant from the said complainant's possession without the knowledge and consent of said complainant, the Court doth declare said deed null and void and doth adjudge, order and decree, that Raye V. Knight, who is appointed Special Commissioner, for the purpose convey with Special Warranty to the said David Goodman, the complainant in this case, the real estate above described, and make report thereof to this Court filing with said report Clerk's receipt for recordation of said deed.

David Goodman.....Complainant.

vs. DECREE

David Lee Goodman et alsDefendants.

Enter the 16 day of November, 1931.

J. L. McKinney

Entered in Chancery Order Book 6, page 433

THIS DEED, Made this the 24th day of February, 1927, by and between David Goodman (widower), of Nansemond County, Virginia, party of the first part, and David Lee Goodman, of the said County and State, party of the second part:-

WITNESSETH: That for and in consideration of natural love and affection, and other good,legal and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part, reserving unto himself an estate therein for and during his natural life, doth grant unto the said party of the second part, with GENERAL WARRANTY, subject to the aforesaid life estate, the following property, to-wit:

All that certain parcel of land, with the improvements thereon and appurtenances thereto, situated in Nansemond County, Virginia, which was conveyed to the said David Goodman by Max A.T.Weyman by deed dated May 19th, 1900, and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 44 page 698, and described in said deed as follows:

"All that certain piece or parcel of land situated and being in that plot of building lots known as "Philadelphia"near the Town of Suffolk, County of Nansemond,State of Virginia, and bounded and described as follows:

Beginning at a certain point on east side of Second Street in said 'Philadelphia' eighty-three (83) feet and three (3) inches from center of a ditch or T.W.Smith's line, it being southern end of said Second Street and running from said point in a northerly direction along the east side and fronting on the said Second Street Fifty (50) feet, thence running eastwardly at right angles to the said Second Street one hundred and forty-six (146) feet, thence running southwardly in a line parallel with said Second Street Fifty (50) feet, and thence running westwardly in a straight line one hundred and forty-six (146) feet to the point of beginning.

It being the same land which was conveyed unto the said Max A.T.Weyman by deed from Jesse D.Daughtrey, Trustee, dated May 30, 1892,

and duly recorded in the Clerk's Office of Nansemond County in Deed Book 34, page 281."

It is the purpose of this deed to convey to the grantee the remainder in the above described property, the grantor reserving a life estate therein.

The said party of the first part covenants that he has the right to convey the said land to the grantee; that he has done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that he, the said party of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signature and seal:

Witness David his x mark Goodman (SEAL)

Evelyn V.Palmer.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, Evelyn Palmer, a Notary Public for the City aforesaid, in the State of Virginia,do hereby certify that David Goodman (widower), whose name is signed to the writing hereto annexed, bearing date the 24th day of February, 1927, has acknowledged the same before me in my City aforesaid.

Given under my hand this the 24th day of February, 1927.

My Commission expires on the 23rd day of May, 1927.

Evelyn Palmer

Notary Public

Virginia.

In the Clerk's Office of the Circuit Court of Nansemond County the 16th day of May 1927.

This deed was presented,and,with the certificate annexed, admitted to record.

Teste: G.E.Bunting, Clerk.

By, M.K.Gardner, D.C.

A true copy- Teste:

Deed Book No. 114Page 25 John A Young, Clerk.

David Goodman.....Complainant.

vs. DEPOSITIONS

David Lee Goodman and all unknown parties.....Defendants.

The depositions of David Goodman, A. B. McGee, L. G. Powell and Mattie Goodman, taken before me, S. E. Everett, a Notary Public for the City of Suffolk, in the State of Virginia, at my office in Suffolk, Virginia, on the 10th day of September, 1931, between the hours of 3 PM and 5 PM, to be read as evidence on behalf of David Goodman, in a certain suit in equity, depending in the Circuit Court of the County of Nansemond, in the State of Virginia, wherein David Goodman is complainant and David Lee Goodman is defendant.

Present, Raye V. Knight, attorney for complainant;

David Lee Goodman not present.

David Goodman being duly sworn, deposes as follows:

Q: Give your name, age, residence and occupation.

A: David Goodman, 63 years, Nansemond County, near Kilby Station, Virginia, Farmer.

Q: Did you buy a lot in "Philadelphia" on Second Street some time during the year 1900?

A: Yes sir.

Q: You kept this lot until some time during the year 1927, did you not?

A: Yes sir.

Q: You made a paper to your son in 1927, did you not?

A: Yes sir

Q: You made this paper conveying this property to you son?

A: Yes sir

Q: Why did you do this?

A: Well, I had talked to A. B. McGee about it and he advised me to make a deed instead of a will. I thought it would be a good idea and I told him I thought it would be, so McGee told me to go ahead and write the deed and it could be put on record at my death.

Q: Is McGee a man you go to about questions of this kind?

A: Yes, McGee is a mighty good friend of mine, that is why I talked to him as I did.

Q: After you had the deed written who took it?

A: I took it myself.

Q: What did you do with it?

A: Carried it home and put it away where I thought nobody would find it.

Q: Did your son at that time have anything to do with the making of this deed?

A: No

Q: Did you take that deed home and put it with your valuable papers?

A: I carried it home and put it where I thought nobody would find it.

Q: Was it your intention to let your son have the deed then?

A: No sir

Q: Was it your intention to have the deed recorded then?

A: No sir

Q: When did you first have any trouble in this matter or suspect anything?

A: I did not have any trouble until I found out the deed was gone from where I had put it.

Q: When was this?

A: About three months afterwards.

Q: Did you make a thorough search of your papers and your home to find the deed?

A: Yes sir, I searched the whole house but could not find it and then I went down the Clerk's Office and Mr. Bunting told me that it had been recorded.

Q: Did Mr. Bunting tell you that the deed had been delivered to your son?

A: Yes sir

Q: Did you ever ask your son for this Deed?

A: Yes sir

Q: Did he give it to you?

A: No, I asked him for the deed and he told me he was going to give it to me. He went down the Clerk's Office and came back and told me he was going to change it, said Mr. Bunting charged him $10.00 to change it so I gave him the $10.00. When he came back he gave me some advertisement out of the paper for a deed.

Q: What made you know it was an advertisement paper?

A: I took it down for Mr. Powell to read it to me.

Q: Where did your son go then?

A: Philadelphia is where he said he was going.

Q: About this time did you notice any suspicious things about the boy?

A: Yes sir, he kept searching the house all over, even in my wife's trunk.

Q: Have you ever to this day heard from him?

A: No sir, nothing at all.

Q: Had you ever delivered this deed to your son?

A: No sir, I never told him he could take it out of the house.

Q: Was it taken from your possession without your knowledge and consent?

A: Yes sir

Q: Have you up until this day paid taxes on this property every year?

A: Yes sir

Q: Have you always received rents and profits from this property?

A: Yes sir

And further this deponent saith not.

Witness:
Ivy Harrell

David his X mark Goodman

A. B. McGee being duly sworn, deposes as follows:

Give your name, age, residence and occupation.

A: A. B. McGee, 34years, Second Street "Philadelphia," Nansemond County, Virginia, Butcher.

Q: Do you know David Goodman, the complainant in this case?

A: Yes sir

Q: How long have you been knowing him?

A: About twenty years or a little more.

Q: What kind of man is he?

A: I have always found him straight forward in all the dealings I have ever had with him.

Q: David said something about a conversation he had with you involving his property located on Second Street "Philadelphia." What was this conversation and when was it?

A: I could not give the time of year exactly or the exact year but as near as I can get at it it has been around three or four years ago.

Q: It was before David had this deed written?

A: Yes

Q: What was the conversation?

A: Well, he and his son was sitting on the porch talking and I came along so Mr. Goodman called me over and when I came up he and his son was speaking, speaking about this for some cause, I do not know why, they were speaking about a deed or a will. Between us whiletalking it was suggested that he simply have a copy deed drawn and not have it recorded, Mr. Goodman decided this was best. I think I made this suggestion. He had the deed about two weeks when I saw him one day and he told me that he had this deed fixed but did not intend to have it recorded and that went on then for maybe a year. Between that time maybe the length of about a year. That was in the spring and late in the fall his son came back.

Q: Did David Lee Goodman ever say anything to you about finding a paper or deed?

A: Yes, he said he had found some papers in his father's coat pocket and was going to have them looked after. I questioned him then as to what was the paper but he never would tell me what they were, but I am sure by his way of speaking it was that deed.

Q: Have you ever hear from him since?

A: Yes, this was in the fall and he came home again along about Christmas time. I have never heard from him since then.

Q: What sort of boy was David Lee Goodman?

A: I always found him a straight forward, nice boy. I never found anything crooked about him up until his last trip home. He came home the last time and came in Mr. Powell's store and continued to show himself as if he was trying to sneak in something. That was on Thursday night, on the following Sunday he was at my house and I asked him about these papers again but he refused that he knew anything about them. I asked him about them three times because it seemed by the way he was acting he had something up his sleeve

he wanted to do that was not right. I could tell by the way he was acting that is why I impressed upon him in asking about the papers because I felt that much interest in him father.

Q: Do you think that this boy has treated his father right?

A: Not by any means.

Q: Have you any interest in the outcome of this case?

A: No sir

And futther this deponent saith not.

A. B. McLean

L. G. Powell being duly sworn, deposes as follows:

Q: Give your name, age, residence and occupation?

A: L. G. Powell, 66 years, "Philadelphia," Nansemond County, Virginia, Merchant and Preacher.

Q: How long have you known the complainant, David Goodman, in this case.

A: Somewhere about thirty years.

Q: Did you know his son?

A: Yes

Q: What is David Goodman's reputation?

A: His reputation is all right, very good neighbor, I do not know anything against him.

Q: Did David Goodman bring you a paper to read to him saying that it was a deed that his son had given him some time in 1927?

A: Yes

Q: Did he tell you his son had fooled him?

A: No, he did not know he had fooled him until I read it to him .

Q: Was it a deed?

A: No, it was advertisement of some company in Chicago advertising medicines that is all it was.

Q: From what you know in this matter do you think this boy treated his father right?

A: No

And further this deponent saith not.

H G Powell

Mattie Goodman being duly sworn, deposes as follows:

Q: Give your name, age, residence and occupation.

A: Mattie Goodman, 50 years, Nansemond County, near Kilby Station, Virginia, house work.

Q: Did you ever know David Lee Goodman, son of David Goodman?

A: Yes sir

Q: Did you know when David brought this deed home?

A: Yes sir

Q: Did you know where he put it?

A: Yes, in his trunk, then he took it and said he was going to do away with it and put it in his coat pocket hanging on the back porch.

Q: Did you notice any pecularities about the boy before he left home?

A: No more than he would lay around the house until he got a chance to hunt the house. He went into everything there looking for something.

Q: Did David Goodman say anything at all about finding the deed missing?

A: Yes

Q: Did he go to the Clerk's Office and find out from Mr. Bunting that it had been recorded by David Lee Goodman, his son.

A: Yes, he went to the Clerk's Office and found out the boy had carried it there and had it fixed up.

Q: Did the boy give the deed back to his father?

A: No

Q: Did the boy leave home for good along about Christmas time in 1927?

A. Yes

Q: Have you ever heard from him since?

A: No not since he left.

And further this deponent saith not.

Mattie Goodman

State of Virginia,

City of Suffolk, to-wit:

I, S. E. Everett, a Notary Public for the City of Suffolk, in the State of Virginia, do certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and time therein mentioned.

In witness whereof I have hereunto set my hand at my office in Suffolk, Virginia, aforesaid, this 10th day of September, 1931.

S. E. Everett

Notary Public.

My commission expires July 24th, 1933.

(3)

David Goodman.....Complainant.

vs. DEPOSITIONS

David Lee Goodman, et als.....Defendants.

Filed the 17 day of November, 1931.

John H. Powell - Clerk

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

David Goodman.....Complainant.

vs. DECREE

David Lee Goodman and all unknown parties.....Defendants.

This cause came on again this day to be heard on the papers formerly read and on the report of Raye V. Knight, Special Commissioner, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing from said report that Raye V. Knight, Special Commissioner, in accordance with decree entered in this cause on the 16th day of November, 1931, executed and delivered a deed conveying the real estate described in these proceedings to the said David Goodman, the complainant in this suit, and had the same duly recorded in the Clerk's Office of this Court and filed certificate of the Clerk as to recordation with said report, it is adjudged, ordered, and decreed that said report be confirmed and there remaining nothing further to be done in this cause it is ordered that the same be stricken from the docket.

David Goodman.....Complainant.

vs. DECREE

David Lee Goodman et alsDefendants.

Enter the 31st day of December, 193[illegible]

Jas. L McLemore

Entered in Chancery Order Book 6,
page 458.

David Goodman.....Complainant

vs. BILL

David Lee Goodman and all unknown parties.....Defendants

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

Your complainant represents unto your Honor the following case:

That by deed from A. T. Weyman dated the 19th day of May, 1900, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 44, page 698, your complainant became the owner of a certain house and lot in Nansemond County described as follows:

> "All that certain piece or parcel of land situated and being in that plot of building lots known as "Philadelphia" near the Town of Suffolk, County of Nansemond, State of Virginia, and bounded as follows: Beginning at a certain point on east side of Second Street in said "Philadelphia" eighty-three (83) feet and three (3) inches from center of a ditch on T. W. Smith's line, it being southern end of said Second Street and running from said point in a northerly direction along the east side and fronting on the said Second Street fifty (50) feet, thence running eastwardly at right angels to the said Second Street one hundred and forty-six (146) feet, thence running southwardly in a line parallel with said Second Street fifty (50) feet, and thence running westwardly in a straight line one hundred and forty-six (146) feet to the point of beginning.

Your orator, David Goodman, had only one son, David Lee Goodman, his sole heir at law. Your orator growing old was badly advised to give a deed to the property to his son, David Lee Goodman, and on such advice your orator executed a deed February 24th, 1927, conveying said property above described to David Lee Goodman subject to the life right of your orator. On such advice your orator executed said deed but did not deliver same because he was not satisfied with the matter, therefore had the deed in his home undelivered. Some time during May 1927, your orator missed said deed out of his papers and being troubled over the matter went to the Clerk's Office of the Circuit Court of Nansemond County to investigate and that the Honorable George E. Bunting, Clerk of said Court told your orator the deed was admitted to record May 16th, 1927, and your orator requested said Clerk to deliver deed to your said orator but said Clerk refused to do so as your orator was not the grantee. After this conversation with the Clerk, David Lee Goodman

came to the Clerk's Office of the Circuit Court of Nansemond County on the 19th day of December, 1927, and had the said deed delivered to him, the said David Lee Goodman, and yet the said David Goodman has never seen or heard of David Lee Goodman since May 1st, 1927. Your orator states that this deed was unlawfully taken from possession of your orator without your orator's knowledge and consent and fraudulently admitted to record without being the property of the said David Lee Goodman. That your orator has been in possession of said property all the time receiving all rents and profits, paying all taxes and repairs.

In tender consideration whereof and forasmuch as your orator is remediless in the premises save in a court of equity where, etc., your orator prays that the said David Lee Goodman be made a party defendant to this bill and that the heirs and devisees of said David Lee Goodman, if he is dead, be made parties to said bill by the general description of "Persons Unknown" and that they may be summoned to answer this bill in the manner provided by ~~the~~ statute; and that the title of the said described land may be quieted and established and that the court may declare and decree all persons claiming title to said land under and through David Lee Goodman are barred to all right and interest in said land and that a commissioner may be appointed by this court to release and convey unto your orator according to his respective rights all the right, title and interest in the said land which is described above, and that your orator may receive all such other, further and general relief as equity may seem meet and the nature of this case may require.

And your orator will ever pray, etc.

Roye V. Knight
Counsel.

his
David X Goodman
mark

Witness: Guy Harrell -

STATE OF VIRGINIA
City of Suffolk, to-wit:

This day appeared before me, H. O. Crumpler a Notary Public, in and for the city and state aforesaid, David Goodman, the Complainant in the foregoing bill and made oath that the facts therein stated are true.

Given under my hand this 15 day of June, 1931.

My Commission expires July 24, 1933

H. O. Crumpler N.P.

David Goodman.....Complainant.

vs. BILL

David Lee Goodman, et als.Defendants.

Filed the 15th day of July, 1931.

John H. Powell Clerk

By, M.K. Gardner, D C.