1933-033
Nansemond Co (Suffolk)

Chancery Causes: Dixie Guano Co] vs W. Marion Ballard et al

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

DIXIE GUANO COMPANY INC.

vs.

W. MARION BALLARD, ELLA CAMP BALLARD, P. D. CAMP, AND L. P. HOLLAND, TRUSTEE.

To G. E. Bunting, Clerk:

Issue Subpoena in Chancery against each defendant returnable to the first September rules.

Wm. S. Holland

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon W.Marrion Ballard, Ella Camp Ballard, P.D.Camp and L.P.Holland, 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 First Monday in September, 1923 to answer a Bill in Chancery, exhibited against them in the said Court by Dixie Guano Company, Inc.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 21st day of August, 19 23, in the ~~148~~ 148th year of the Commonwealth.

A Copy---Teste:

_____ Clerk

Teste: G E Bunting

_____ Clerk

Executed this ..... day of ....., 191.. by delivering a true copy of the within-

in process to .....

.....

.....

.....

in person, in the County of Nansemond, State of Virginia.

..... Sheriff

Executed on the 21 day of Aug. 1923 within the county of Nansemond, by delivering a true copy of the within process, in writing, to W Marion Ballard in person

E B Rawles
Sheriff of Nansemond County.

Executed on the 21 day of Aug. 1923 within the county of Nansemond, by delivering a true copy of the within process, in writing, to Ella Camp

Ballard in person

E B Rawles
Sheriff of Nansemond County.

L P Holland Trustee could not be found at his usual place of abode on Aug 21 1923 nor any member of his family upon whom notice could be served.

Therefore the within Notice was Executed on Said 21 day of aug 1923 by posting a true copy on front door of L P Holland Trustee usual place of abode in Nansemond

E B Rawles Sheriff

Original

W. S. Holland p. q.

Dixie Guano Co &c.

vs. } In Chancery

W. Marion Ballard, &c.

19 23

Sept. ..... Rules

..... Print ..... Monday.

NANSEMOND COUNTY COURT.

Process Book, No. ....

Page .....

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF ~~NANSEMOND~~ Southampton COUNTY---GREETING:

You are Hereby Commanded to Summon W.Marion Ballard,Ella Camp Ballard,P.D.Camp and L.P.Holland,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 First Monday in September, 1923, to answer a Bill in Chancery, exhibited against them in the said Court by Dixie Guano Company,Inc.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 21st day of August, 1923, in the ~~134~~ 148th year of the Commonwealth.

~~A Copy---Teste:~~

Clerk

Teste: G. E. Bunting Clerk

Executed this ____ day of _____, 191___ by delivering a true copy of the with-

in process to _____

_____

_____

_____

in person, in the County of Nansemond, State of Virginia.

_____ Sheriff

Original

W. S. Ashland ---- p. q.

Dixie Camp & Ex.

vs. } In Chancery

H. Braun Booker

And others

1923.

Sept. ---- Rules

---- Monday.

NANSEMOND COUNTY COURT,

Process Book, No. ____

Page ____

Not finding the within named P. D. Camp at his usual place of abode I executed same in Southampton County Virginia by delivering a true copy hereof to Mrs. Ella Camp whom I found there she being a member of his family over the age of 16 Yrs. adn explained its purport to her this 1st. day of Sept. 1923.

C. A. Bell Sheriff.

By J B Bell D. S.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

DIXIE GUANO CO., INC.

vs.

W. MARION BALLARD, ELLA CAMP BALLARD, P. D. CAMP, AND L. P. HOLLAND, TRUSTEE.

To the Honorable Circuit Court of Nansemond County:

Your complainant, Dixie Guano Co., Inc., respectfully represents:

(1) That during the October (1920) term of court your complainant recovered in the Circuit Court of Nansemond County, a judgment against W. Marion Ballard of the said county, for the sum of Three Hundred, Fifty-two Dollars and Six Cents ($352.06) with interest thereon from the first day of December, 1919, until paid, and Six Dollars and Twenty-five Cents ($6.25) cost, that the said judgment was duly docketed in the Clerk's Office of the said court on the 20th day of December, 1920. An abstract of which judgment is herewith filed, marked "Exhibit A" and made a part of this bill: and,

(2) That a writ of fieri facias was issued upon the said judgment on the 18th day of April, 1921, directed to the Sheriff of the said County, returnable to the second rules in June, 1921; and that the said writ was placed in the hands of the said Sheriff to be executed, and was, on the_____day of_____, 1921, returned by the said Sheriff with the following return endorsed thereon, to-wit: "No effects. E. B. Rawls, Sheriff of Nansemond County."

(3) That the said W. Marion Ballard is seised and possessed in fee simple of certain tracts of land lying and being in the said County of Nansemond, and described as follows:

1. That certain tract or parcel of land in Nansemond County, Virginia, commencing on the South side of the main County Road leading from Portsmouth, and on the West side of a sixteen (16) foot lane leading Southwardly towards the Norfolk & Western Railroad; thence along the west side of the said lane South 23° to a stone, a corner with S. J. Felton; thence S. 53° W. along a line of marked trees across a pond 1442 feet to a stone, a corner with said S. J. Felton and the Dismal Swamp Land Company; thence in a Northwesterly direction along the said Company's land to a cor-

ner held by the Trustees of Cypress District Public School; thence in an Easterly direction along the line of said Trustee's land and the Oak Grove Baptist Church to a corner with said Church; thence in a Westerly direction at right angles to the last mentioned line to said County Road first mentioned; thence along the South side of said County Road to the point of beginning; containing forty (40) acres, more or less, together with all and singular the appurtenances belonging to the same, and being the same property which was conveyed to A. M. Wiatt by J. D. Sessoms and wife by deed dated the 20th day of August, 1917, and duly recorded in Deed Book 86, Page 428, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia; and also being same property which was conveyed to W. M. Ballard by A. M. Wiatt by deed dated the 2nd day of January, 1920.

2. (a) All that certain tract or parcel of land lying on the West side of the "Tributary Canal", containing nine (9) acres by actual survey, and bounded on the West by the land of Emma Costen; on the North and East by the "Tributary Canal," and on the South by the lands of W. M. Ballard, and being a portion of the same land which was conveyed to S. J. Felton by R. P. Philhower, Trustee, by deed dated November 1, 1909, and recorded in Deed Book 70, Page 197, in Nansemond County Clerk's Office.

(b) All that certain tract of land in Nansemond County, Virginia, in Cypress Magisterial District, containing eighty-nine (89) acres, more or less, but sold by the tract and not by the acre, bounded on the West by the lands of Burwell Riddick and W. D. Redwood; on the South by the lands of J. W. Brinkley and others; on the East by the lands of F. A. Emory and J. A. Cheatham; and on the North by the lands of W. D. Redwood, the lands of R. P. Philhower and the County Road, and being a portion of the tract of land which was conveyed to Samuel J. Felton by Sarah B. Philhower by deed dated January 4, 1910, and recorded in Deed Book 68, Page 308, in the said Clerk's Office.

(c) All that certain tract of land containing twenty-five and one-half (25½) acres by survey, situated near the Norfolk County Road and Stevers Station in Nansemond County, Virginia, being described as follows: Beginning at a stone on the Western side of a sixteen (16) foot right of way, a corner with other lands of Burwell Riddick; thence South 53° West along a line of marked trees 1442 feet to a stone, a corner with Burwell Riddick and the Dismal Swamp Land Company; thence South 22½° East 825 feet along the land of the Dismal Swamp Land Company to a stone; thence North 50½° East 1320 feet to a stone on the Western side of said sixteen (16) foot right of way; thence North 21° West 766 feet to the point of beginning. Said land being bounded on the North by the land of Burwell Riddick; on the West by the lands of the Dismal Swamp Land Company; on the South by the lands of W. J. Brinkley; and on the East by a sixteen (16) foot right of way; and being same property which was conveyed to S. J. Felton by Burwell Riddick, Sr., and wife by deed dated May 25, 1920, and duly recorded in Deed Book 70, Page 196, in the Clerk's Office of Nansemond County, Virginia.

And being the same tracts or parcels of land conveyed to W. M. Ballard by S. J. Felton and wife by deed dated the 31st day of December, 1919, and duly recorded in said Clerk's Office.

3. All that certain tract or parcel of land lying in

Cypress Magisterial District, in Nansemond County, Virginia, and described by metes and bounds as follows, to-wit: Beginning on the Northernbounds of the Norfolk & Western Railroad Company at a stone, a corner with the Dismal Swamp Land Company (now the Camp Manufacturing Company's land) and running along a ditch N. E. 544 feet to another old ditch, a corner with J. W. Brinkley, thence along Brinkley's line a ditch N. 80½° East 1184 feet, thence South 75½° E. 1100 feet to a maple stump in a ditch, a corner with J. W. Brinkley on Thompson (now the Protective Land & Lumber Company), thence along Thompson's line a ditch South 17½ E. 188 feet to the Railroad bounds thence along the bounds of the said Railroad 83½° West 2320 feet to the beginning and contains twenty-six (26) acres, more or less, the names of the owners of the adjoining tracts of land being as follows: On the North, now or formerly J. W. Brinkley; on the East, The Protective Land & Lumber Company; on the South, the Norfolk & Western Railroad Company; on the West, the Camp Manufacturing Company; together with all and singular the buildings and appurtenances thereon and belonging to the same; and being the same tract of land which was conveyed to W. Marion Ballard by Emma Urquhart and husband by deed dated the 6th day of September, 1916, and duly recorded in Deed Book 84, page 410, in Nansemond County Clerk's Office.

4. All that certain tract of land in Cypress Magisterial District, Nansemond County, Virginia, bounded and described as follows: Bounded on the South by the land formerly belonging to Alfred Davis, now the land of W. M. Ballard; on the West by the land belonging to or formerly belonging to the Dismal Swamp Land Company and David White, a part of which now belongs to Sam Felton; on the North by the land formerly belonging to Burwell Riddick, but now belonging to Sam Felton; and on the East by the land of Sam Felton and what was formerly the Thompson land, together with all and singular the appurtenances belonging to the same, containing thirty-nine (39) acres, more or less, sale and conveyance in gross and not by the acre.

Also the roadway and right of way from the land herein conveyed, running Northwardly out to the main County Road, or rather egress and ingress through said roadway, running Northwardly between the land of the said Sam Felton (formerly Jacob Philhower land) and that of said Piatt (formerly Burwell Riddick land); and being the same land which was conveyed to W. M. Ballard by Elmer Doyle and wife by deed dated the 4th day of January, 1918, and recorded in Deed Book 88, page 54, in Nansemond County Clerk's Office.

5. All that certain tract of land situated in Cypress Magisterial District, County of Nansemond, Virginia, bounded and described on a plat made by C. F. Petrie, C. E., on May 29th, 1918, entitled "Plat of part of property owned by Protective Land & Lumber Corp. situated near Magnolia, Nansemond County, Virginia," and attached to deed from Protective Land & Lumber Corporation to W. M. Ballard;

Beginning at a point on the Northern side of the right of way of the Norfolk & Western Railroad where it intersects the centre of the tributary ditch dividing property hereby conveyed from other property owned by said Protective Land & Lumber Corporation; thence South 83° 45' West along said right of way of Norfolk & Western Railroad, 3924 feet to the centre of a ditch, separating the property hereby conveyed from the property of said W. M. Ballard; thence along the centre of said ditch North 17° West 1292

feet to a point midway between two ditches, dividing property hereby conveyed from property of S. J. Felton, thence along a line midway between ditches N. 58° 13' E. 754.5 feet; thence along same line N. 63° 26' E. 287.5 feet; thence along the centre of a ditch separating property hereby conveyed from the property of Emory N. 59° 39' E. 300 feet; thence along same line N. 55° 14' E. 1059 feet to a point in ditch, Southwest corner of property of B. F. Latimer, thence along centre of said ditch dividing the property hereby conveyed from the property of said B. F. Latimer N. 56° 35' E. 512 feet; thence still along centre of ditch N. 79° East 164 feet to a forked maple in line of John Costen; thence along the line of the property of said John Costen and S. J. Felton N. 77° 57' East 1058 feet to a marked sweet gum, thence North 77½° East 200 feet to the centre of said tributary ditch; thence along the centre of said tributary ditch South 9° 12' East 2699 feet, more or less, to the point of beginning, containing 199 2/10 acres, being the same property which was conveyed to W. M. Ballard by The Protective Land & Lumber Corporation by deed dated the 1st day of June, 1918, and recorded in Deed Book 90, page 274, in Nansemond County Clerk's Office.

(4) That the rents and profits of the said real estate will not satisfy the judgment in five years; and, that the said W. Marion Ballard has heretofore conveyed all the property above described to L. P. Holland, Trustee, to secure the payment of a certain debt to West & Withers, who have assigned the said debt to P. D. Camp. The balXance due on this debt is unknown to your complainant.

In consideration whereof, and forasmuch as your complainant is remediless in the premises, save in a court of equity, your complainant prays that the said W. Marion Ballard, Ella Camp Ballard, P. D. Camp, and L. P. Holland, Trustee may be made party defendants to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that all proper orders and decrees may be made, inquiries directed, and accounts taken; that, if it shall appear that the rents and profits of the said real estate will not satisfy the said judgment and other liens thereon in five years, the said real estate or so much thereof as may be necessary, be sold to satisfy the said judgment and other liens thereon; that, if the rents and profits of said real estate will satisfy the judgment and other liens thereon in five years, the said land be rented out, and the rents and profits therefrom be applied to the said judgment until thesame is fully satisfied; and that your com-

plainant may have all such further and other and general relief in the premises as the nature of ~~his~~ its case may require, or to equity shall seem meet.

Dixie Guard Co. Inc.,
By his Atty., W. S. Holland

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No.

Virginia

In the Circuit Court for the County of Nansemond *October Term, 192*0

Dixie Guano Company, Inc Plaintiff } Action of

versus } Debt

Marion Ballard Defendant

Judgment in favor of the Plaintiffs against the Defendant for the sum of Three Hundred Fifty-two and 06/100 Dollars } $352.06

With interest thereon at the rate of six per centum per annum, from December 1st, 1919 until payment } $ $

Subject to credit, viz.: } And the cost of suit, $ 6.25

A FIERI FACIAS issued from the Clerk's office of said Court on the 18th day of April 1921 returnable to the June Rules, 3rd Monday thereafter, directed to the Sheriff of the County of Nansemond who hath made return thereon in the words and figures following, to wit: "No effects"

This judgment was duly docketed in the Clerk's office of the Circuit Court of the County of Nansemond on the 20th day of Dec. 192 0

Judgment Docket No. 4 Page 82

Clerk.

Teste:

G. E. Bunting Clerk.

Wm. S. Holland p.q.

"Exhibit A"

Form No. 213

Dixie Guano Company, Inc.,

vs. { ABSTRACT OF JUDGMENT

Marion Ballard

DIXIE GUANO CO., INC.

vs.

W. MARION BALLARD AND OTHERS

BILL

Filed
Sept. 5th
1923
Ruby V. Benton, D.C.

U.S.S. Ireland. R.G.

Dixie Guano Co &c.

vs.

H. Marion Brooks et al