

1933-037

Chancery Causes: J.R. Bunting's Sons vs R.B. Ayers et al

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Nansemond Co (Suffolk)

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Mrs. J. R. Bunting and Z. V. Bunting,
trading as J. R. Bunting Sons

vs.

R. S. Ayers, R. B. Ayers, and G. E. Bunting, *Auditor*,

To the Clerk of the Circuit Court of Nansemond County:

Issue process commanding the proper officer to summon R. S. Ayers, R. B. Ayers and G. E. Bunting, *Auditor*, to appear in the Clerk's Office of the Circuit Court of Nansemond County at the rules to be holden for the said court on the 1st Monday in November, 1925, to answer the bill of complaint of Mrs. J. R. Bunting and Z. V. Bunting, trading as J. R. Bunting Sons.

Wm J. Holland Jr.

*Deposit \$750 Paid Oct 24, 1925 -
Ref. Paid \$100*

J. R. Bunting Annot

vs.

R. S. Cyres et al

Memo.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon R.C. Ayers, R.B. Ayers and C.E. Bunting,

Clerk Bunting

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 First Monday in November 19 25,
to answer a bill in chancery, exhibited against them in our said Court by
Mrs. J.R. Bunting and E.V. Bunting, trading as J.R. Bunting Sons

And have then there this writ. Witness C.E. Bunting, Clerk of our said
Court, at the court-house, the 20th day of October, 19 25, and in the
10th year of the Commonwealth.

A true copy: Test
C.E. Bunting, Clerk
C.E. Bunting, Clerk

Chas. B. Smith No. 300. *Rich*

US.

SUBPOENA IN CHANCERY

--p. q.

To Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon R.S.Ayers, R.B.Ayers and G.E.Bunting,

~~Clerk~~ Trustes

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 First Monday in November 19 25,
to answer a bill in chancery, exhibited against them in our said Court by
Mrs. J.R. Bunting and Z.V. Bunting, trading as J.R. Bunting Sons

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 26th day of October, 19 25, and in the
150th year of the Commonwealth.

G.E. Bunting, Clerk

RS Ayers 26
EE Jones cost 27
PB Jones Travel 27
" Sec & Ins 27

No. 300.

J. B. Bunting Sen

vs.

SUBPOENA IN CHANCERY

R. S. Ayers et al

W. S. Ireland p. q.

To Juv. Rules,
1st Monday
Hansmann Chy Circuit Court.

Executed on the 26 day of
Oct 1925 within the county of
Hansmann, by delivering a
true copy of the within process,
in writing, to RS Ayers

in person
E. B. Rawles
Sheriff of Hansmann County.

Executed on the 26 day of
Oct 1925 within the county of
Hansmann, by delivering a
true copy of the within process,
in writing, to R. S. Ayers

in person
E. B. Rawles
Sheriff of Hansmann County.

Executed on the 26 day of
Oct 1925 within the county of
Hansmann, by delivering a
true copy of the within process,
in writing, to G. E. Bunting, Jr.

in person
E. B. Rawles
Sheriff of Hansmann County.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Z. V. BUNTING AND MRS. J. R. BUNTING,
trading as J. R. BUNTING'S SONS

vs. Answer

R. B. AYRES, R. S. AYRES, AND G. E. BUNTING, TRUSTEE

The joint and separate answer of R. B. Ayres and R. S. Ayres to a bill of complaint filed against them in the Circuit Court of Nansemond County, Virginia, by Z. V. Bunting and Mrs. J. R. Bunting, trading as J. R. Bunting's Sons,

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

That it is not true that your respondent, R. S. Ayres, was indebted to the complaint in the sum of \$847.10 as stated in the bill of complaint;

That it is true, however, that the said complainant recovered a judgment against your respondent, R. S. Ayres, and that the said R. S. Ayres owes said judgment at this time;

That it is also true that the said R. S. Ayres gave a deed of trust, dated March 17th, 1925, in which George E. Bunting is named Trustee, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 105, page 162, but it is not true that your respondent, R. S. Ayres, executed said deed of trust securing your respondent, R. B. Ayres, a certain amount of money, without consideration, and the same was not made to hinder, delay or defraud your complainant or anyone else. On the other hand, it is true that your respondent, R. S. Ayres, owed the said amount named in said deed of

trust to your respondent, R. B. Ayres. and when the proper time comes to establish same, your respondents will give a full statement as to why this was done and the consideration therefor.

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

Witness:

Sue W. Riddick.

his
R. B. ~~X~~ Ayres
mark
R. L. Ayers
 Respondents.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Z. V. Bunting et als

vs. ANSWER

R. S. Ayres et als

Filed the 30 day of Mar.
1926.

J. E. Bunting,
Clerk

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Z. V. Bunting et als

vs. ANSWER OF GEO. E. BUNTING, TRUSTEE

R. S. Ayres et als

The answer of George E. Bunting, Trustee to a bill of complaint filed against him and others in the Circuit Court of Nansemond County, Virginia, by Z. V. Bunting and Mrs. J. R. Bunting, trading as J. R. Bunting's Sons.

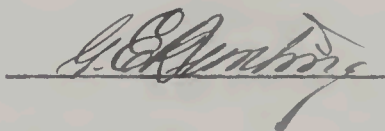
This respondent, reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, answers and says:

That he is Trustee in the said deed of trust, dated March 7th, 1925, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 105, page 162, which said deed of trust was executed by R. S. Ayres and wife;

That your respondent, George E. Bunting, Trustee, is not interested in the transaction in any way except to throw any light he can on the same from his knowlege of the transaction to aid the Court in reaching a just conclusion;

That your said respondent is now ready and willing to disclose any facts he know in the transaction in any hearing.

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

 , Trustee.
Respondent.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Z. V. Bunting et als

vs. ANSWER OF
GEORGE E. BUNTING,
TRUSTEE

R. S. Ayres et als

Filed the 30 day of March
1926.

G. E. Bunting,
Clerk

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

Z. V. BUNTING AND MRS. J. R. BUNTING,
trading as J. R. BUNTING'S SONS

vs.

R. B. AYERS, R. S. AYERS, AND G. E. BUNTING, TRUSTEE.

To the Honorable Judge of the Circuit Court of Nansemond County:

Complainings show unto the court your complainants, Z. V. Bunting and Mrs. J. R. Bunting, trading as J. R. Bunting's Sons, that R. S. Ayers is indebted to your complainants in the sum of Eight Hundred and Forty-seven Dollars and Ten Cents (\$847.10), with interest thereon from the 17th day of October, 1922, and Fifty-six Dollars and Seventy-seven Cents (\$56.77) for cost of collection, and Eighteen Dollars and Twenty Cents (\$18.20) court costs, which debt, except the aforesaid \$18.20 for court costs, has been due and owing to your complainants by the said R. S. Ayers since the 17th day of October, 1922, and still remains due and unpaid; and that at the last term of this court your complainants recovered a judgment against the said R. S. Ayers for a part of the aforesaid claim, namely, the sum of Four Hundred and Forty-seven Dollars and Ten Cents (\$447.10), with interest thereon from the 17th day of October, 1922, and Fifty-six Dollars and Seventy-seven Cents (\$56.77) cost of collection and Eighteen Dollars and Twenty Cents (\$18.20) court costs. In anticipation that judgment would be recovered in favor of your complainants against the said R. S. Ayers, the said R. S. Ayers, with the object and intent to prevent your complainants from realizing anything from the said R. S. Ayers property, conveyed by deed of trust to G. E. Bunting, Trustee, dated March 7th, 1925, and recorded on the same date in the Clerk's Office of this Court in Deed of Trust Book 105, page 162, to secure the payment of an alleged indebtedness of Five Thousand (\$5000.00) Dollars to R. B. Ayers, all his property consisting of one-half undivided interest in a certain tract of land

described as follows:

"All that certain tract, piece or parcel of land situated, lying and being in Holy Neck Magisterial District, Nansemond County, Virginia, containing One Hundred and Five (105) acres, more or less, and being bounded as follows: On the North by the lands of Mrs. Ann Milteer and John Duke; on the East by the land of Tom Barrett; on the South by the land of T. H. Dilday, formerly owned by the grantors herein, (R.S. Ayers and R.B. Ayers) and on the West by the lands of Dr. C. F. Griffin and Dr. J. Lewis Rawles, and being all of the land that was conveyed to the grantors herein (R.S. Ayers and R.B. Ayers) by Charles E. Duke and wife by deed bearing date the 14th day of January, 1919, and recorded on the 15th day of January, 1919, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book No. 90, page 157, except Eighty-nine and Three-fourths (89-3/4) acres, more or less, conveyed by the grantors herein (R.S. Ayers and R.B. Ayers) to T. H. Dilday by deed bearing date the 11th day of March, 1921, and recorded on the 11th day of March, 1921, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 96, page 343."

Your complainants allege and charge that no consideration whatever passed from the said R. B. Ayers to the said R. S. Ayers for the said deed of trust; that the same was made to hinder, delay, and defraud your complainants; and that your complainants are entitled to have the said deed of trust set aside and the property therein embraced subjected to the payment of your complainants' said judgment and debt.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your orators are remediless in the premises save by the aid of a court of equity where matters of this kind are alone and properly cognizable, your orators pray that the aforesaid R. B. Ayers, R. S. Ayers and G.B. Bunting, Trustee, may be made parties defendant to this bill, that they be required to answer the several statements thereof, but not under oath, answer under oath being expressly waived; that the deed of trust mentioned above be set aside as fraudulent and void; that the property embraced in it, or so much as is necessary to satisfy the complainants' claims be sold and the proceeds applied to complainants' claims; and that all such other, further and general relief may be afforded your orators as the nature of his case may re-

quire or to equity shall seem meet.

Z. V. Bunting and Mrs.
J. R. Bunting, trading as
J. R. Bunting's Sons, By their
attorney, W. S. Halland.

Z. V. BUNTING AND MRS. J. R. BUNTING,
TRADING AS J. R. BUNTING'S
SONS

VS.

R. B. AYERS, R. S. AYERS AND
G. E. BUNTING, TRUSTEE.

Filed Dec. 1, 1928

W. S. Holland

BILL

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

950848

W. S. Holland, Jr.

L. H. Spring, etc

W. S. Holland

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