

1933-039
Nansemond Co (Suffolk) Chancery Causes: Suffolk Lumber Co] vs Frank L. Skeeter

45

Crocker, Hosier, King

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

B.D.Crocker, trading as
Suffolk Lumber Company

v. *Chy*

Frank L. Skeeter

To George E. Bunting, Clerk:

Please issue process commanding the proper officer to summons Frank L. Skeeter to appear in the Clerk's Office of the Circuit Court of Nansemond County at the first day of first November rules, 1927, to answer the bill of complaint of B. D. Crocker, trading as Suffolk Lumber Company.

Holland and Woodward
Attorneys for Suffolk Lumber Company.

VIRGINIA,
IN THE CIRCUIT COURT OF THE
COUNTY OF NAIS EMOND

B.D. Crocker, trading as Suffelk
Lumber Company

v.

Frank L. Skeeter

Memorandum

The Commonwealth of Virginia,

To the Sheriff of the County of....., Greeting:

WE COMMAND YOU, That you summon **Zackery Reid, Herman Reid, Admon Reid and
R.L. Brewer, Jr.**

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**27**,
to answer a bill in chancery, exhibited against **them** in our said Court by
B.D. Crocker, trading as Suffolk Lumber Company

And have then there this writ. Witness **G.E. Bunting,** Clerk of our said
Court, at the court-house, the **13th** day of **October**, 19**27**, and in the
152nd year of the Commonwealth.

No. 300

vs.

}

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 Frank L. Skeeter

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 27,
to answer a bill in chancery, exhibited against him in our said Court by
B.D. Crocker, trading as Suffolk Lumber Company

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 13th day of October, 19 27, and in the
152nd year of the Commonwealth.

G.E. Bunting

Clerk

B, D. Crocker, trading as
Suffolk Lumber Company

vs. }

SUBPOENA IN CHANCERY

Frank Skeeter

Thos L. Woodward p. q.

To November 1927 Rules,
1st Monday

Nansemond County Circuit Court.

Frank Skeeter could not be found at
his usual place of abode on the 27 day of
Oct, 1927, so the within
summons notice was executed on the said 27
day of Oct, 1927, 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 Odessa
Skeeter

Frank Skeeter, who was found at
usual place of abode and who is a member of
Frank Skeeter Family,
and above the age of 18 years.

E. B. Rawls
Sheriff of Nansemond County

By
Deputy Sheriff of Nansemond County

VIRGINIA.

CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

B. D. Crocker, trading as Suffolk Lumber Company, --- Complainant,
vs. In Chancery. Commissioner's Report.
Frank L. Skeeter, --- Defendant.

To the Honorable,

Circuit Court of the County of Nansemond, Virginia:

Your commissioner, to whom the above entitled cause was referred by a decree duly made and entered herein on the eighteenth day of November last past, begs leave to report, as follows:

That pursuant to said decree due notice of taking the proofs of the various liens was given to each known lien holder, and to the above named defendant, setting the hearing therein for the 4th day of December instant, at the office of Holland and Woodward in the National Bank of Suffolk Building at the hour of ten o'clock in the forenoon thereof, at which time and place the said complainant by his attorney applied for an adjournment of said hearing until the 5th day of December aforesaid, at the same time and place, whereupon your commissioner duly adjourned said hearing in accordance with said application therefor; that the said notice was given after your commissioner had made search in the office of the clerk of this court for any and all possible liens against said premises described in the bill of complaint herein.

That pursuant to said adjournment and said notice your commissioner proceeded to take the proofs of the liens holders and others as shown by the depositions of witnesses annexed to and making part of this report.

That the search of the records of the clerk of this court disclosed Frank L. Skeeter to be the owner in fee simple of the tract of land mentioned and described in complainant's bill of complaint, but he owns none other. That said tract is supposed to contain about four acres of land.

Your commissioner finds but two liens of record against the said defendant, first, that of the county treasurer of Nansemond County for taxes for the current year, and second, that of the complainant's judgment; that he finds the priority between the two lien claimants to be, first that of

the County Treasurer of Nansemond, and second, that of the complainant by his judgment. That the witness, J. Walter Hosier, has a claim against said defendant for the sum of twenty-four (\$24.00) dollars, being for premiums for insurance on the property described in said bill; that whereas this insurance enures to the benefit of complainant and defendant alike, your commissioner is of the opinion that this claim should be paid before the complainant's judgment, for that should a fire loss occur the insurer would be entitled to deduch this premium from any sum that might become due and payable under the policy issued.

Your commissioner further reports that he finds the actual fee simple value of the property in question to be approximately \$650.00, and its annual rental value to be above \$65.00. This is based principally on the testimony of Mr. Hosier who has holdings on the same road, and has dealt in property in the neighborhood of the premises mentioned in the bill of complaint. But, in any event, your commissioner is of the opinion, and so reports, that the property in question can be rented for sufficient within five years or less for a sum sufficient to pay all taxes, the claim of the witness Hosier and the complainant's judgment. That no decree for sale should be made in this cause until an effort has been made to rent said property under a proper order of this court.

And your commissioner further reports that the amounts of the respective liens against said lands are as follows:

County Treasurer, Taxes for 1929	\$ 9.68	
Five percentum penalty	.48	\$ 10.16
Complainant's Judgment	\$ 72.47	
Interest thereon from November 16.1925 until paid		
Costs	3.75	
J. Walter Hosier's claim:		
Insurance premium (no interest claimed)		24.00

Your commissioner knows of no further matter that should be reported to the court at this time.

Respectfully submitted this 9th day of December A. D. 1929.

John H. Palmer
Commissioner in Chancery.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

B. D. Crocker, trading as
Suffolk Lumber Company.....Complainant

v. IN CHANCERY - DEPOSITIONS

Frank L. Skeeter.....Defendant

Depositions of J. Walter Hosier, B. D. Crocker and G. P. King, taken before me, John H. Palmer, Commissioner in Chancery of the Circuit Court of the County of Nansemond, Virginia, after notice of such hearing was served upon said defendant by the Sheriff of the County of Nansemond, which notice is annexed hereto, which hearing was duly continued by me from the fourth day of December, 1929, to the fifth day of December, 1929, at ten o'clock in the forenoon thereof, at the office of Holland and Woodward, Room 305, National Bank of Suffolk, ^{Building} Suffolk, Virginia, at the time aforesaid, to be read in evidence in the above entitled cause on behalf of said complainant, which said cause is now pending in said court.

Appearances:

For the Complainant: Thomas L. Woodward

For the Defendant: None

Mr. J. Walter Hosier, being duly sworn, deposes as follows:

Q. Your name is J. Walter Hosier and you reside in the City of Suffolk, and the Hosier Road on which the Frank L. Skeeter property in question is located, was named after you?

A. Yes sir, I reckon so.

Q. Are you acquainted with the Frank L. Skeeter property?

A. Yes, I know where the property is.

Q. How long have you been in the real estate business Mr. Hosier?

A. Nearly forty years.

Q. You have had reason to deal with property in ~~that~~ immediate section from time to time for the last several years anyway have you not?

A. Yes.

Q. What in your opinion as a real estate man, is the fee simple value of the tract of land containing four acres located on the Hosier Road, and now in the name of Frank L. Skeeter, the building and land?

A. \$650.00.

Q. What would you say was the annual rental value of that property?

A. Well not to exceed \$60.00 a year.

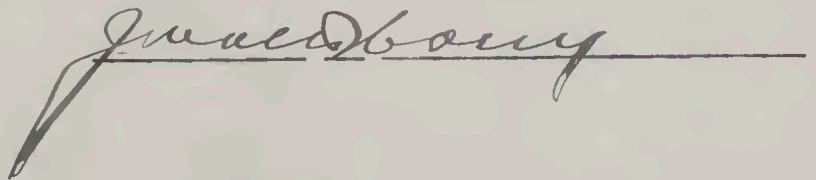
Q. Mr. Hosier you are a creditor of Frank L. Skeeter are you not?

A. Yes

Q. What amount does he now owe you?

A. \$24.00.

And further this deponent saith not.

A handwritten signature in dark ink, appearing to read "J. Walter Hosier", is written over a horizontal line.

Mr. B. D. Crocker, being duly sworn, deposes as follows:

Q. Mr. Crocker, how long have you been living in Suffolk?

A. The last time about twenty-nine years.

Q. Have you had occasion to log any on the Hosier Road?

A. Yes

Q. Are you acquainted with the property lying along the Hosier Road and the values thereof?

A. Well yes, I think so.

Q. Do you own any property located close to the Hosier Road in the immediate neighborhood of Frank Skeeter?

A. Yes

Q. Do you know the value of the Frank L. Skeeter tract of land consisting of four acres with a dwelling thereon located on the West side of the Hosier road about five miles from Suffolk?

A. You mean to include the building?

Q. Yes.

A. I would say it was worth between \$750.00 or \$800.00.

Q. What in your opinion is the annual rental value of that tract of land?

A. Well I think if a man wanted to live ^{there} and cultivate it, it ought to be worth \$75.00 a year.

Q. You are the same B. D. Crocker trading under the name of Suffolk Lumber Company, who owns the judgment against Frank L. Skeeter for the recovery of which this action is brought?

A. Yes.

By Mr. Palmer:

Q. Has any part of that judgment been paid to you Mr. Crocker?

A. No.

And further this deponent saith not.

B. D. Crocker

G. P. King, being duly sworn, deposes as follows:

Q. Your name is G. P. King, and you live in the City of Suffolk?

A. Yes

Q. How long have you been living in this locality Mr. King?

A. Twelve years

Q. Do you know the location and the surroundings and the fee simple value of the property located on the West side of the Hosier Road about five miles from Suffolk where Frank L. Skeeter now lives, and if so, state what in your opinion is the fee simple value?

A. Yes, I know the property and its location.

Q. What in your opinion is the fee simple value of that tract of land with the buildings thereon.

A. Well, I should think it would be worth not less than \$700.00 or \$750.00.

Q. What in your opinion, if you know, would be the annual rental value, that is what would it rent for per year?

A. Around \$70.00 I should think.

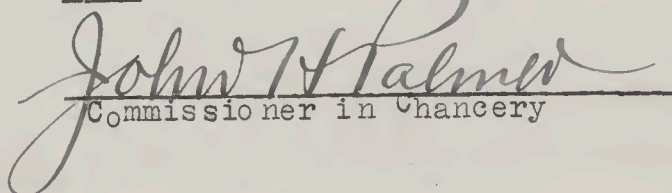
And further this deponent saith not.

G P King

STATE OF VIRGINIA,
City of Suffolk, to-wit:

I, John H. Palmer, one of the Commissioners in Chancery
for the Circuit Court of the County of Nansemond, Virginia,
do hereby certify that the foregoing depositions of J. Walter
Hosier, B. D. Crocker and G. P. King, were duly taken before
me pursuant to notice in the caption mentioned, and that
same was duly taken, reduced to writing, and signed in my
immediate presence.

Given under my hand this 6th day of December, 1929.


Commissioner in Chancery

Fees:

Sheriff serving notice	\$.50
Commissioner	15.00
Stenographer	<u>2.50</u>
TOTAL - - - - -	\$18.00

Virginia:

Circuit Court of the County of Hansemond.

B.D. Crocker, trading as
Suffolk Lumber Company — Complainant,

vs. In Chancery. Notice of hearing.

Frank R. Skuter, — Defendant.

To B.D. Crocker, Creditor.

Sir: Take notice, that the above entitled cause having been referred to me by decree of said court, made and entered in said cause on the 18th day of November, instant, I have ^{set} said cause for hearing before me, at the office of Holland ^{and} Woodward, attorneys of complainant, Room 305 National Bank of Suffolk Building, Suffolk, Virginia, on Wednesday the 4th day of December next, at ten o'clock in the forenoon thereof, when I shall proceed to inquire into the matters therein referred to me as required by law.

Given under my hand at the City of Suffolk, Virginia,
this 22^d day of November A.D. 1929, and the 15th year
of the Commonwealth

John H. Palmer
Commissioner in Chancery
for the Circuit Court of the
County of Hansemond, Virginia.

Circuit Court of the County
of Hansemond.

B.D. Crocker, trading as
Suffolk Lumber Co.
Compl't

vs.
Frank L. Skeeter
Def't.

In Chancery.
Com'r's Notice of Hearing.
Holland & Woodward
Pg.

Service of a copy of the
within notice is hereby
acknowledged this 22^d
day of November A.D. 1929
at the City of
by H. L. Woodward
Pg.

Virginia:

Circuit Court of the County of Hansemond,

B.D. Crocker, Trading as
Suffolk Lumber Company — Complainant,

vs. In Chancery. Notice of hearing.

Frank L. Skeeter — Defendant.

To Frank L. Skeeter, defendant.

Sir:

Take notice, that the above entitled cause having been referred to me by decree of said court, made ^{and} entered in said cause on the 18th day of November, instant, and on motion of Holland and Woodward, attorneys for the complainant, I have set said cause for hearing before me, at the office of Holland ^{and} Woodward, Room 305, in the National Bank of Suffolk Building, Suffolk, Virginia, on Wednesday the 4th day of December next, at ten o'clock in the forenoon; and that I shall then ^{and} there proceed to inquire into and execute said decree of reference;

And you are further notified to be then ^{and} there present if you so desire, ^{and} examine or cross-examine such witness or witnesses as may be produced before me therein as you see fit, or may be advised.

Given under my hand at the City of Suffolk, Virginia, this 22d day of November A.D. 1929, and the 154th year of the Commonwealth.

John H. Palmer
Commissioner in Chancery
for the Circuit Court of
the County of Hansemond,
Virginia.

Original

Virginia:
Circuit Court of the County
of Nansemond.

B. D. Crocker, trading as
Suffolk Lumber Company,
Compt'

vs.
Frank L. Skeeter,
Defendant.

In Chancery.
On Bill to Charge Lands.
Commissioner's Notice of
Hearing.

Retble Dec's 14, 1929
Holland & Woodward,
P. O.

Entered on the 25 day of November
1929, before the County of Nansemond, State
of Virginia, by delivering a true copy of the within
in solemn presence of me, Frank
L. Skeeter, Clerk of said County.

E. B. Kewles
J. L. Taylor
50 L. H. Palmer

John H. Palmer
Commissioner
Room 302, National Bank
of Suffolk Building.

CIRCUIT COURT OF THE COUNTY
OF NANSEMOND.

B. D. Crocker, trading as
Suffolk Lumber Company
Compl't

vs.

Frank L. Skeeter,
Deft.

In Chancery.
On Bill, etc.

Commissioner's Report and
Depositions.

Holland and Woodward, p.q.

*Filed this 16th day
of Dec 1929*

VIRGINIA,

IN THE CIRCUIT COURT OF HANCOCK COUNTY:

B. D. Crocker, trading as
Suffolk Lumber Company Complainant

v. Order of Reference

Frank L. Skeeter.....Defendant

This cause, which has been duly entered at rules, docketed and set for hearing as to the defendant, came on this day to be heard on the bill of the complainant and the exhibit therewith filed, taken for confessed as to the defendant and was argued by counsel.

On consideration whereof it is ordered that this cause be referred to one of the Commissioners in Chancery of this Court to inquire into and report to the Court as follows:

1. What real estate was owned by the defendant Frank L. Skeeter in Hancock County at the time of, or since the rendition of the judgment in favor of complainant against said defendant set out in the bill.
2. Amount of the lien or liability thereon if any to pay said judgment and what other liens there are on said property and their priorities.
3. Rental value of said real estate if any, of said defendant and whether the rents and profits thereof in five years will satisfy complainant's judgment if rented out by decree of this court.
4. All other matters deemed pertinent by him or which he shall be requested by any party in interest to inquire into and report upon.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

SUFFOLK LUMBER COMPANY

v.

FRANK L. SKEETER

ORDER OF REFERENCE

1929 Nov. 18. Enter.
J. L. McInnes

Chancery Order Book
No. 6 Page 291

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

B. D. Crocker, trading as
Suffolk Lumber Company complainant

v. DECREE

Frank L. Skeeter defendant

This cause, came on this day to be heard on the papers formerly read, upon the report of John H. Dalmer, Commissioner in Chancery, appointed by decree entered herein on November 18, 1929, which said report was filed December 16, 1929, to which no exceptions have been taken, and was argued by counsel.

And it appearing to the Court from the report of said commissioner, that Frank.L. Skeeter is the owner in fee simple of the following tract of land to-wit:

Beginning at an iron stob on the West side of the new Hosier county road and running in a Westerly direction to the right of way of the Norfolk & Southern Railway Company; thence along the said right of way of the Norfolk & Southern Railway Company in a Northerly direction to a swamp, the line of Wells Reid, thence in an Easterly direction to the aforesaid county road; thence along the said county road in a Southerly direction to the point of beginning.

And that the said land will rent for a sufficiency to pay off and discharge the lien debts thereon within five years.

On consideration whereof, the court doth adjudge, order and decree, that Thomas L. Woodward, who is hereby appointed special commissioner for the purpose do proceed to rent the said property for the term of one year, after first advertising the time, place, and terms thereof, for ten days, by printed hand bills posted in three or more public places in the county of Nansemond, upon the following terms: One-fourth cash, one-fourth in three months, one-fourth in six months, and one-fourth in nine months, the said special commissioner retaining unto himself the right to evict the tenant of the said land upon failure to pay the rent at the times herein stipulated, and the said special commissioner is directed to report his proceedings hereunder to the court, but the said Thomas L. Woodward,

special commissioner, shall not act in this decree until he shall enter into a bond with sufficient security in the Clerk's office of this court, payable to the Commonwealth of Virginia in the penalty of Two Hundred(\$200.00) Dollars, and conditioned for the faithful discharge of his duties as such commissioner.

VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY:

B. D. Crocker, Trading as
Suffolk Lumber Co.
Complainant

v. Decree

Frank L. Skeeter, Defendant

Enter September 15, 1930.

J. M. Lawrence
Judge

Chancery Order Book
No. 6 Page 347

THOS. L. WOODWARD
ATTORNEY AT LAW
205-207 NATIONAL BANK OF SUFFOLK BUILDING
SUFFOLK, VIRGINIA

Exhibit "A"

ABSTRACT OF JUDGMENT IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
THE County of Hammond VIRGINIA
Suffolk Lumber Co
PLAINTIFF

v.

Frank L. Skeeter
DEFENDANT

Amount of judgment \$ 72⁴⁷, with interest thereon from Nov. 16, 1925

Amount of attorney's fee recovered _____
Costs recovered \$ 3⁷⁵ Date of judgment July 23rd 1927

What court? N. J. Gray, a Justice of Peace

When docketed 30th day of July, 1927, _____ o'clock _____ M.

Judgment Lien Docket No. 5, Page No. 127 Homestead exemption can _____ be claimed.

Amounts and dates of credits _____

Date of execution July 30th 1927, To whom directed J. J. L. Branch
Constable, Returnable 60 days Nature of return _____

Additional cost of issuing executions \$ _____

Dated this 11th day of October, 1927.

A. E. Brumby

Clerk
Attorney

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

B.D.Crocker, trading as
Suffolk Lumber Company

v.

Frank L. Skeeter

The the Honorable Circuit Court of Nansemond County:

Your complainant, B.D.Crocker, trading as Suffolk Lumber Company, respectfully represents:

(1) That on the ~~23rd~~ day of *July*, 1927, he recovered in the court of N. T. Gray, a Justice of the Peace of Nansemond County, a judgment against Frank L. Skeeter of the said county, for the sum of Two Hundred and Seventy-two Dollars and Forty Seven Cents (\$272.47), with legal interest thereon from the 15th day of November, 1925, until paid, and \$3.75 costs; that said judgment was duly docketed in the Clerk's Office of the Circuit Court of Nansemond County on July 30, 1927, an abstract of which said judgment is herewith filed, marked Exhibit "A" and made a part of this bill; and,

(2) That a writ of fieri facias was issued on said judgment on the 23rd day of July, 1927, directed to the Sheriff or any Constable of Nansemond County, returnable within sixty days, and that said writ was placed in the hands of J.J.S.Branch, a Constable, to be executed but no return was made thereon; and,

(3) That the said Frank L. Skeeter is seized and possessed in fee simple of a certain tract of land lying and being in Cypress Magisterial District, Nansemond County, Virginia, and described as follows:

Beginning at an iron stob on the West side of the new Hosier county road and running in a Westerly direction to the right of way of the Norfolk & Southern

Railway Company; thence along the said right of way of the Norfolk & Southern Railway Company in a Northerly direction to a swamp, the line of Wells Reid, thence in an Easterly direction to the afore-said county road; thence along the said county road in a Southerly direction to the point of beginning; and,

That the rents and profits from the said real estate will not satisfy said judgment in five years:

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 Frank L. Skeeter may be made a party defendant 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 in five years, the said real estate, or so much thereof as may be necessary, be sold to satisfy the said judgment; that, if the rents and profits of said real estate will satisfy the judgment in five years, the land be rented out, and the rents and profits therefrom be applied to the said judgment until the same is fully satisfied; and that your complainant may have all such further and other and general relief in the premises as the nature of this case may require, or to equity shall seem meet.

Holland & Woodward
p.q.

B. D. Crocker, Treasurer
Suffolk Lumber Co.

VIRGINIA:
IN THE CIRCUIT COURT OF HAN-
SEMOND COUNTY

B.D. Crocker, trading as
Suffolk Lumber Company

v.

Frank L. Skeeter

Bill

Dec 7, 1937

W. B. Crocker
Dec 7

motion 3 months in arrears

HOLLAND & WOODWARD
~~THOMAS L. WOODWARD~~

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

Holland & Hordland,

Deerfield, N. H.

Dr. R. N. H. H.

