

1933-159

Nansemond Co (Suffolk)

Chancery Causes: Holland Supply Corp]
Vs

187

J. H. Ellis

* All old chancery cases dismissed in this year

May

To Holland Supply Corporation

and

J.H.Ellis.

You are hereby notified that on the 30th.day of April 1919 at the office of R.H.Rawles in the City of Suffolk,Va.between the hours of 10 A.M. and 5 P.M.,at which time and place you are required to attend,I shall take,state and settle the following accounts which are to be taken,stated,and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Virginia,pronounced the 26th.day of March 1919 in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1)

An account of the real estate holdings of the defendant,J. H.Ellis,in this county,together with its annual and fee-sample value,and whether the same has ever been sold for delinquent taxes.

(2)

The liens thereon,if any,together with their amounts,dignities and priorities.

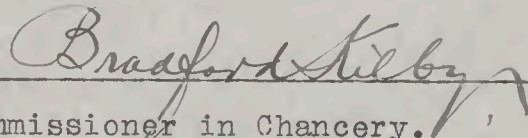
(3)

Whether the said real estate will rent for enough in five years to pay the liens thereon,including the judgment of the plaintiff in this case.

(4)

Any other matters deemed pertinent by the said commissioner or which shall be required to be stated by any party in interest.

Given under my hand this 15th.day of April 1919,as Commissioner in Chancery for the Circuit Court of the County of Nansemond,in the State of Virginia.



Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted.

*R. H. Rauber atty
for Holland & Coffey
C. W. Mordue*

Virginia,

Circuit Court for the County of Nansemond, to-wit:

Holland Supply Corporation)

v.)

J.H.Ellis)

In Chancery.

Commissioner's Office,

Suffolk, Va. May 9th. 1919.

To Honorable James L. McLemore, Judge of the Circuit Court
for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the
County of Nansemond pronounced on the 26th. day of March 1919
in the suit in chancery pending in said court between Holland
Supply Corporation, Complainant and J.H. Ellis, Defendant, the un-
dersigned Bradford Kilby, one of the Commissioners in Chancery
of said Court, respectfully reports as follows:

That on the 15th. day of April 1919, your commissioner
gave notice that he would proceed on the 30th. day of April 1919
at the office of R.H. Rawles in the City of Suffolk, Va. between
the hours of 10 A.M. and 5 P.M. to make the several inquiries re-
quired by said decree to be made by one of the Commissioners in
Chancery of said Court.

That service of said notice was accepted by the Holland
Supply Corporation but as J.H. Ellis was proceeded against by or-
der of publication, no notice was given him.

That on said 30th. day of April 1919, your commissioner took
the depositions of T.V. Arthur and George Ellis concerning said
inquiries and that from the testimony of said witnesses and from
information otherwise obtained, your commissioner reports as fol-
lows:

(1)

The real estate holdings of J.H.Ellis in Nansemond County, Virginia, consist of a one-ninth interest in a certain tract of land containing 90 acres, situated in Cypress Magisterial District and adjoining the lands of E.J.Freeman, Jim Williams, Jim Baker and others. He inherited this one-ninth interest from his mother, Maud Lavinia Ellis.

The fee-simple value of this entire tract is about \$2500. and its annual value from \$100. to \$150.

It has not been sold for delinquent taxes.

(2)

There is a deed of trust dated Oct.2,1913 and recorded in Deed-book No. _____, page ____ in Nansemond County Clerk's office, Va. executed by J.H.Ellis and wife and conveying all his interest in the above tract of land to T.V.Arthur, Trustee for B.A.Fanny, to secure the payment of \$190. There are no other liens, except the judgment of the Complainant, against said land.

(3)

The said real estate will not rent for enough in five years to pay the liens thereon, including the judgment of the Complainant in this suit.

(4)

There is no other matter deemed pertinent by your commissioner or required to be so stated by any party in interest.

Respectfully submitted this 9th.day of May 1919.

Comr's fee \$10.

Bradford Kilby
Commissioner in Chancery.

Holland Supply Corporation

v.

J.H.Ellis.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of March 26,
1919.

Filed _____ 1919

Clerk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

AFTER FIVE DAYS RETURN TO
OFFICE OF
CLERK SUPERIOR COURT, GATES COUNTY
GATESVILLE, N. C.

Due 3cl^s



R. H. Rawles, Atty. at Law
Suffolk, Va.



STATE OF VIRGINIA—To-wit:

County of Nansemond,

In the Clerk's Office of the Circuit
Court of Said County in Vacation
on the 27th day of December,
1918.

Holland Supply Corporation

Plaintiff

Vs.

J. H. Ellis Defendant

The object of this suit is to recover
of the defendant J. H. Ellis, the sum
of ONE HUNDRED AND THIRTY-
TWO DOLLARS AND EIGHTY-
FOUR CENTS (\$132.84) with in-
terest thereon from the 1st day of
May, 1915, and to attach and subject
the following real estate of the said
defendant in Nansemond county to
the payment of said debt, to-wit:

The interest of the said J. H. El-
lis, the same being one undivided
one-fourth interest in and to a cer-
tain tract of land situated in Cypress
District, in Nansemond county, Vir-
ginia, containing ninety (90) acres,
more or less, and adjoining the lands
of E. J. Freeman, Jim Williams, Jim
Baker, and others, and being the
same land that the said J. H. Ellis
received and came into possession
of by inheritance from his mother,
Maud Levenia Ellis. Affidavit hav-
ing been made and filed that the de-
fendant is not a resident of the state
of Virginia and that he has real
estate situated in Nansemond county,
Virginia, it is ordered that the said
defendant appear at the Clerk's of-
fice of the Circuit Court of Nanse-
mond county within fifteen days af-
ter due publication thereof, and do
what may be necessary to protect his
interest in said suit, and that this or-
der of publication be published and
posted according to law.

Given under my hand this 27th day
of December, 1918.

A copy—Teste:

G. E. BUNTING, Clerk.

G. E. BUNTING,

Clerk.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA.,

Feb 5 1919

I hereby certify that the order of which the annexed is
a copy has been published in THE SUFFOLK HERALD
in the manner prescribed by law---once a week for four
weeks.

beginning January 31, 1919 and ending

January 24, 1919

Robb

Editor Herald

Your Order No.

Telephone No. 135

P. O. Box 506

SUFFOLK, VA., Feb. 3/19

M

R. H. Rawls

City

In Account with

THE HERALD PRINTING CORP'N

High-Class Printers and Publishers

All Accounts Due When Rendered

JOB WORK STRICTLY CASH

To Account Rendered

Jan 31

To advertising re Holland Supply Corp vs Ellis

5½" - 4 t

11 00

Paid Feb 2/19.

HERALD PRINTING CORPORATION

M. H. Rawls

No Discount Allowed Unless Specified

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATTORNEY
E. E. WAGNER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VIRGINIA

Rule Notes:

Holland Supply Corporation,

Plfts.

V. Chancery with Attachment.

J.H.Ellis,

December 27, 1918, Process issued returnable to January Rules, First Monday, 1919.

Affidavit of non-residence filed. Order of Publ'n. Attach't. issued vs property.

Copy of Ord. of Publ'n. to Herald, copy posted at C.H.

Mr. Geo. E. Bunting Clerk of the Circuit
Court of Naumond County:

Holland Supply Corporation

Att
Supt.

J. H. Ellis

Issue summons for plaintiff against
defendant to first January Rule 1919
to answer a Bill in chancery.

R H Reader J. G.

Defendant is a non-resident
owning real estate in Naumond
Co. Va.

Memo for Clerk

Received of the
Clerk of the Court
the sum of \$100.00
for the year 1888

Received of the
Clerk of the Court
the sum of \$100.00
for the year 1888

Received of the
Clerk of the Court
the sum of \$100.00
for the year 1888

Received of the
Clerk of the Court
the sum of \$100.00
for the year 1888

OFFICE OF
CLERK OF THE SUPERIOR COURT
OF GATES COUNTY

WM. R. COWPER, CLERK

TERMS OF COURT

3D MONDAY AFTER THE 1ST MONDAY IN MARCH
5TH MONDAY BEFORE THE 1ST MONDAY IN SEPTEMBER
14TH MONDAY AFTER THE 1ST MONDAY IN SEPTEMBER
RESIDENT JUDGE, HON. W. M. BOND, EDENTON, N. C.

GATESVILLE, N. C. March. 18, 1919.

R. H. Rawles, Atty

Certificate & Seal

.50

March 10, 1919.

Mr. W. T. [redacted] Clerk,
Superior Court,
Gatesville, N. C.

Dear Mr. Cross:-

I am herewith returning the certificate which you sent me of the judgment of the Holland Supply Corporation against J. H. Ellis, as I am under the impression that your signature to same should be duly attested by the Judge of the court.

I have prepared a certificate for the Judge to sign, which is hereto annexed. I will thank you to take the matter up and have the Judge, who was the Judge [redacted] the date of your certificate, sign it as such Judge and return it to me. I know this will be some trouble to you, but if you will send me your bill for services, including all postage and other expenses which you may incur, I will remit promptly in cash for same. I would like to have it back as early as possible.

Thanking you for your courtesy in the matter, I beg to remain,

Yours very truly,

R/K
ENC.

STATE OF NORTH CAROLINA,)
County of Gates,) To wit:

TO WHOM IT MAY CONCERN:

I, _____

Judge of the Superior Court of Gates County, in the State of North Carolina, do certify that W. T. Cross, whose genuine signature which is attached to the transcript of judgment hereto annexed and marked Exhibit "A" in the matter of the Holland Supply Corporation against J. H. Ellis was on the 25th day of November, 1918, the date of said attestation, the duly qualified clerk of the Superior Court of Gates County; that the seal of the court attached to the said document is genuine, and that the testation by the clerk of said transcript is in due form.

Given under my hand this _____ day of
March, 1919.

Let the attachment be levied on the following real estate of the defendant, J. H. Ellis, situated in Nansemond County, Virginia, to wit: The interest of the said J. H. Ellis, the same being one undivided one-fourth interest in and to a certain tract of land situated in Cypress District, in Nansemond County, Virginia, containing ninety (90) acres, more or less, and adjoining the lands of E. J. Freeman, Jim Williams, Jim Baker and others and being the same land that the said J. H. Ellis, received by inheritance from his mother, Maud Levenia Ellis.



ATTORNEY FOR PLAINTIFF.

The above should be endorsed on the summons to the officer commanding him to attach the said real estate of the defendant.

The attachment should be levied by the officer making the same by such an estate being mentioned and described in an endorsement on an attachment made by the officer to whom it is delivered for service to the following effect:

Levied on the following real estate of the defendant, J. H. Ellis, to wit, (here describe the estate levied on as above set forth), this ____ day of _____, 19____.

SHERIFF.

The attachment should be served on the person, if any, in possession of such real estate.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon J. H. Ellis,

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 January, 1919, to answer a

Bill in Chancery, exhibited against him

in the said Court by Holland Supply Corporation

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 27th day of

December, 19 18, in the 143rd year of the Commonwealth.

A Copy---Teste:

G. E. Bunting

Clerk }

Teste:

G. E. Bunting

Clerk

Copy

Alice Sweet

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

R. H. Rander p. q.

Holland Supply Corp.

vs. } In Chancery

J. H. Ellis

1918

January Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 163

The Commonwealth of Virginia,

WHEREAS

To the Sheriff of the County of *Norfolk*
Holland Sully Corporation has

Greeting:

instituted in our Circuit Court of the County of *Norfolk*, a certain ~~action of~~
suit in equity against

JH Ellis
which ~~action~~ *suit* is now pending in the said Court: And there having been filed in the Clerk's Office of our said Court an affidavit that the claim of said plaintiff asserted in the said suit is believed to be just, that the affiant believes the plaintiff *\$132.84* entitled to or ought to recover at the least, with interest thereon to be computed after the rate of six per centum per annum from the *1st* day of *May* 19*18*, till payment, and that to the best of the said affiant's belief the said defendant:

1. ~~a foreign corporation, or~~ *is* not a resident of this State, and has estate or debts owing to said defendant within the *County* of *Norfolk* in which the ~~action is, or~~ *suit* ~~sued with a defendant residing therein;~~ *is pending*
2. ~~removing, or about to remove out of this State, with intent to change~~ domicile;
3. ~~removing, or intend to remove, or has removed~~

~~own estate, or the proceeds of the sale of~~ property, or a material part of such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will be unavailing;

4. ~~converting, or about to convert or has converted~~ property, or some part thereof, into money, securities, or evidences of debt, with intent to hinder, delay or defraud creditors;

5. Has ~~assigned or disposed of, or about to assign or dispose of~~ estate, or some part thereof, with intent to hinder, delay or defraud creditors;

Therefore we command you, that you attach the estate of the said

\$132.84 for the amount of the said, with interest thereon, as aforesaid, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forthcoming and liable to further proceedings thereupon to be had before our said Court, on the *13th* day of the next *Jan'y* term thereof; and that you make return hereof at the rules to be held in Clerk's office of our said Court, on the *2nd* Monday in *January* next (or to the said Court on the first day of the next term thereof) how you have executed the same. And have then there this writ.

Witness, *GE. P. Moring*
this *27th* day of *Dec.*

Clerk of our said Court, at the court-house
1918, in the *14th* year of the Commonwealth.

GE. P. Moring, Clerk

The Plaintiff designate

as being in possession of effects of, or being indebted to the defendant.

Form 243—Attachment

Notland Supply Corp.

78.

ATTACHMENT

J. H. Ellis

To

January

term, 1918

J. H. Pauter,

p. q.

I say on and attach the following real estate
of the defendant J. H. Ellis to wit:
The interest of the said J. H. Ellis in some being one
undivided one fourth interest in and to a
certain tract of land situated in Jefferson
District in Staunton County Virginia. Containing
nearly (80) acres more or less and adjoining
the lands of E. J. Freeman, Jim Williams,
Jim Baker and others and being the same
land that the said J. H. Ellis inherited
from his mother Maud Lennia Ellis.

Dec 27. 1918.

W. H. Newby, atty
for Plaintiff.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon J.H.Ellis,

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 ¹⁹¹⁹ Monday in January, to answer a

Bill in Chancery, exhibited against him

in the said Court by Holland Supply Corporation

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 27th day of
December, 1918, in the 133rd year of the Commonwealth.

~~A Copy~~ Teste:

Clerk

Teste:

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

<i>R. H. Hawley</i>	p. q.
<i>Holland Supply Corp</i>	
vs. } In Chancery	
<i>J. H. Ellis</i>	
1918	
<i>James</i> Rules	
<i>Post</i> Monday.	
NANSEMOND COUNTY COURT,	
Process Book, No. _____	
Page _____	

Let the attachment be levied on the following real eatate of the defendent, J.H.Ellis, situated in Nansemond County, Virginia, to-wit: The interest of the said J.H.Ellis, the same being one undivided one-fourth interest in and to a certain tract of land situated in Cypress District, in Nansemond County, Virginia, containing ninety (90) acres, more or less, and adjoining the lands of E.J.Freeman, Jim Williams, Jim Baker and others and being the same land that the said J.H.Ellis, received by inheritance from his mother, Maud Levenia Ellis.

Levied on the following real estate of the defendent, J.H.Ellis, to-wit: one undivided one -fourth interest in and to a certain tract of land situated in Cypress District, Nansemond County, Virginia, containing ninety (90) acres, more or less, and adjoining the lands of E.J.Freeman, Jin Williams, Jim Baker and others and being the same land that the said J.H.Ellis, received by inheritance from his mother, Maude Levenia Ellis, this 28th day of December, 1918

E. E. Wagner Sheriff

STATE OF VIRGINIA,
County of Nansemond, To wit:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SAID COUNTY,
IN VACATION ON THE 27th DAY OF DECEMBER, 1918.

Holland Supply Corporation.....Plaintiff

Vs.

J. H. Ellis.....Defendant

The object of this suit is to recover of the defendant, J. H. Ellis, the sum of ONE HUNDRED AND THIRTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$132.84) with interest thereon from the 1st day of May, 1915, and to attach and subject the following real estate of the said defendant in Nansemond County to the payment of said debt, to wit:

The interest of the said J. H. Ellis, the same being one undivided one-fourth interest in and to a certain tract of land situated in Cypress District, in Nansemond County, Virginia, containing ninety (90) acres, more or less, and adjoining the lands of E. J. Freeman, Jim Williams, Jim Baker and others, and being the same land that the said J. H. Ellis received and came into possession of by inheritance from his mother, Maud Levenia Ellis. Affidavit having been made and filed that the defendant is not a resident of the State of Virginia and that he has real estate situated in Nansemond County, Virginia, it is ordered that the said defendant appear at the Clerk's Office of the Circuit Court of Nansemond County within fifteen days after due publication thereof, and do what may be necessary to protect his interest in said suit, and that this order of publication be published and posted according to law.

Given under my hand this 27th day of December, 1918.

W. B. Smith, Clerk.

To Holland Supply Corporation

and

J.H.Ellis.

You are hereby notified that on the 30th.day of April 1919 at the office of R.H.Rawles in the City of Suffolk,Va.between the hours of 10 A.M. and 5 P.M.,at which time and place you are required to attend,I shall take,state and settle the following accounts which are to be taken,stated,and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Virginia,pronounced the 26th.day of March 1919 in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1)

An account of the real estate holdings of the defendant,J. H.Ellis,in this county,together with its annual and fee-simple value,and whether the same has ever been sold for delinquent taxes.

(2)

The liens thereon,if any,together with their amounts,dignities and priorities.

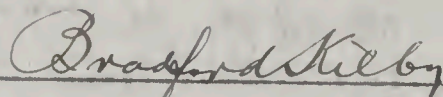
(3)

Whether the said real estate will rent for enough in five years to pay the liens thereon,including the judgment of the plaintiff in this case.

(4)

Any other matters deemed pertinent by the said commissioner or which shall be required to be stated by any party in interest.

Given under my hand this 15th.day of April 1919,as Commissioner in Chancery for the Circuit Court of the County of Nansemond,in the State of Virginia.



Commissioner in Chancery.

Geo. Sweet Lt. St. de pub. Act
in the Feele on de Francis
Ad. Haneu

Lot #2575 - Paid 100 = 2875.

Possession June 1 1919 a for cash +
Lot dead.

J. H. Ellis	Sales #1
Louise Ellis	So
John Ellis	Portsmouth
Mills Ellis	Ryndon
Geo Ellis	Drummond
G. Ellis	Montclair
Lynne Ellis	Marbleton
Marj Ellis	— Aulander
Laura May	— Inpeth

x

December 3, 1918.

Holland Supply Corporation,
Holland, Virginia.

Gentlemen:-

In Re: J. H. Ellis.

I have made some investigation of the above matter. I find that B. C. Ellis formerly owned a tract of land near Somerton on which there is a deed of trust dated May 12, 1884, to E. J. Freeman, trustee for Nancy Freeman for \$60.00. On November 29, 1886, he gave a deed of trust to T. W. Hunter, trustee for Nat Newsome, for \$200 on said tract of land. Neither of these deeds of trust is marked satisfied, though they are so old no doubt both of them have been paid long ago.

In Deed Book 53, page 685, B. C. Ellis conveyed a certain tract of land to his wife Maude Levinia Ellis, and she has probably since died.

On October 2, 1913, J. H. Ellis and wife conveyed to T. V. Arthur, trustee for B. A. Fanny all his interest in a certain tract of land situated in Cypress District, consisting of ninety acres, more or less, adjoining the lands of E. J. Freeman, Jim Williams, Jim Baker and others, being land which he had heired from his mother, to secure a deed of trust of \$190. This deed of trust on his interest in said land has never been marked satisfied, and I suppose is still due. Maude Levinia Ellis is assessed on the land books with land valued at \$175. If you say so, I will go ahead, file suit and take an attachment on his interest in the land, whatever it might be.

Yours very truly,

R/K

Summon

T. V. Arthur
Geo. Ellis

Somerton
"

10/2 30

STATE OF NORTH CAROLINA,)
County of Gates,) To wit:

TO WHOM IT MAY CONCERN:

I, W. M. Bond

Judge of the Superior Court of Gates County, in the State of North Carolina, do certify that W. T. Cross, whose genuine signature which is attached to the transcript of judgment hereto annexed and marked Exhibit "A" in the matter of the Holland Supply Corporation against J. H. Ellis was on the 25th day of November, 1918, the date of said attestation, the duly qualified clerk of the Superior Court of Gates County; that the seal of the court attached to the said document is genuine, and that the ^{at}testation by the clerk of said transcript is in due form.

Given under my hand this 17 day of March, 1919.

W. M. Bond

Judge

North Carolina, Gates County.

I, Wm. R. Cowper, Clerk of the Superior Court of Gates County, do hereby certify that Hon. W. M. Bond, whose genuine signature appears to the certificate above, is the Judge of the 1st Judicial District of North Carolina, and that all of his official acts as such are entitled to full faith and credit.

Witness my hand and official seal this 18th. day of March, 1919.

Wm. R. Cowper

Clerk Superior Court Gates County.

Transcript of Judgment From the Judgment Docket of Gates Superior Court.

North Carolina, Gates COUNTY-In the Superior Court.

Holland Supply Co

Plaintiff

AGAINST

J. H. Ellis

Defendant

Transcript of Judgment.

At a Justice's Court held for the County of Gates, at the
office of said Justice in Reynolds Township, the 20 day of
March 1907, before E. S. Allenor a Justice of the
Peace in and for said County, Judgment was rendered in favor of Holland Supply Co

the above named plaintiff against J. H. Ellis

the defendant, for the sum of One Hundred thirty & 4/100 Dollars, with
interest at 6 per cent. on \$430.44 Dollars from the
1st day of May 1902, till paid, and cost of suit \$4.60 And said
judgment was duly docketed on the judgment docket of Gates Superior Court on the 9th
day of April 1907 at 12 o'clock M., and costs in this Court \$1.20

North Carolina
Gates County-SS.

I, H. V. Cross Clerk of the Superior Court of said County, do hereby
certify that the foregoing is a true and perfect Transcript from the judgment docket in my office.

In Testimony Whereof, I have hereunto set my hand,
and affixed the seal of said Court at office in

Gatesville the
25 day of Nov. 1908

H. V. Cross

Clerk Superior Court.

No.

Holland Supply Co,

Plaintiff.....

AGAINST

John H. Ellis

Defendant.....

Transcript of Judgment.

From *Golden* County.

COPY OF SHERIFF'S LEVY

See 707

Exhibit A
4

Holland Supply Co.

J. H. Ellis

Manager of Jefferson

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

IN THE CIRCUIT COURT OF HANSENCHOND COUNTY, VIRGINIA.

Holland Supply Corporation,)

Vs.)

J. H. Ellis.)

IN CHANCERY.

This cause came on this day to be heard on the bill of the complainant, and the exhibits filed therewith and the defendant who appears to have been duly proceeded against in the manner prescribed by law, failing to appear, demur, , plead or answer, the bill is taken as confessed as to him and was argued by counsel.

On consideration whereof, it appearing to the court that the complainant has obtained a judgment against the said defendant in the County of Gates, and State of North Carolina, for the sum of ONE HUNDRED AND THIRTY DOLLARS AND FOUR CENTS (\$130.04) together with \$2.80 costs, and with interest thereon from the 1st day of May, 1915, until paid, and has filed a duly certified copy of the judgment in said matter, the court doth order adjudge and decree that a judgment be and the same is hereby rendered by this court in favor of the complainant against the defendant for the sum of ONE HUNDRED AND THIRTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$132.84) with interest from the 1st day of May, 1915, until paid, and it is ordered that the same be docketed on the common law side of this court. The court doth further order, adjudge and decree that the papers in this cause be submitted to one of the commissioners of this court, who is hereby directed to take and state the following accounts, to wit:

-1-

An account of the real estate holdings of the defendant, J. H. Ellis, in this county together with its annual fee simple value, and whether the same has ever been sold for delinquent taxes.

-2-

The liens thereon, if any, together with their amounts, dignities and priorities.

-3-

Whether the said real estate will rent for enough in five years to pay the liens thereon, including the judgment of the plaintiff in this case.

-4-

Any other matters deemed pertinent by the said commissioner, or which shall be required to be stated by any party in interest.

The said commissioner will make report to this court of all his proceedings under this decree, and this cause is continued.

Decree
Hon Judge Smith and
for accounts.

Enter March 26. 1919.
Jas. S. Smith

Chancery Office
Book No. 5 Page 197

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Holland Supply Corporation.....Plaintiff

Vs.

J. H. Ellis.....Defendant

City of Suffolk, to wit:

This day personally appeared before me, Ruby G. Keller, a Notary Public in and for the city aforesaid, in the State of Virginia, R. H. Rawles, agent and attorney for the above plaintiff, who made oath before me in my said city that a suit in equity has been instituted in the said court by the said plaintiff to recover against J. H. Ellis, defendant the sum of ONE HUNDRED AND THIRTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$132.84) with interest thereon from the 1st day of May, 1915, until payment, which said sum is now due, and which sum the affiant believes the plaintiff is entitled to and ought to recover, and that the plaintiff's claim is just, and that the affiant believes the defendant, J. H. Ellis, is not a resident of this state of Virginia, and has estate or debts owing to the said defendant within the county of Nansemond aforesaid.

Given under my hand this 27th day of December, 1918.

*R. H. Rawles Agent
and atty in
Holland Supply Corporation.*

Ruby G. Keller

Notary Public.

My term of office expires on the 2d day of October,

1921.

*See on and attach the following real estate of the
defendant J. H. Ellis to wit:*

Affidavit.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Holland Supply Corporation,

Vs.

J. H. Ellis.

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

Humbly complaining sheweth unto the court, your orator, the Holland Supply Corporation, of Nansemond County, Virginia, the following case:

Your orator says that on the 20th day of March, 1917, it recovered a judgment against one J. H. Ellis, before E. S. A. Ellonor, a Justice of the Peace for the County of Gates and State of North Carolina, in the court of the said Justice in said county and state for the sum of ONE HUNDRED AND THIRTY DOLLARS AND FOUR CENTS (\$130.04) together with \$2.80 costs, and with interest thereon from the 1st day of May, 1915, until paid; the said judgment was docketed on the judgment docket of the Superior Court of Gates County, in the State of North Carolina, on the 9th day of April, 1917, at 12 o'clock M., all of which appears by a duly certified copy of said judgment, and the docketing of same, herewith filed marked "Exhibit A" and prayed to be read as a part of this bill.

Your orator says that the amount set forth in said judgment is now due it by the said defendant, J. H. Ellis; that no part of same has been paid and that there are no off-sets against it.

Your orator further says that pursuant to the constitution of the United States requiring that full faith and credit shall be given by one state to the judgment of a sister state, it is entitled to have said judgment of the sister state of North Carolina, as above stated, duly docketed in the Clerk's Office of this court, and prays that the same may be accordingly done.

Your orator further says that it is informed and believes such, and therefore charges that the said J. H. Ellis is not a resident of this state; that he, the said J. H. Ellis, has real estate within the county of Nansemond, and said real estate consisting of an undivided one-fourth interest in and to a certain tract of land situated in Cypress District in Nansemond County, Virginia, containing ninety (90) acres, more or less, and adjoins the lands of E. J. Freeman, Jim Williams, Jim Baker and others. That the said defendant came into possession and title to the said real estate by inheritance from his mother, Maud Levenia Ellis, who died intestate, and siezed and possessed of the said tract of land, leaving only four heirs-at-law, the said J. H. Ellis being one of said heirs.

Your orator further says that by virtue of the laws in such case made and provided his said debt is a lien upon the said land, or, if it is not, he prays that the same may be declared a lien thereon; that the said interest of the said J. H. Ellis in said land will not rent for enough in three years to pay the said debt and interest and the costs of this suit.

Your orator therefore prays that the said tract of land, or the interest therein of the said J. H. Ellis, may be sold by order of this court, and the proceeds, after paying the costs of this suit and sale, may as far as is necessary be applied to the payment of your orator's debt.

In tender consideration whereof and for as much as your orator is without remedy in the premises save by the aid of a court of equity where such matters are alone and proper cognizable, your orator prays that the said J. H. Ellis may be made a party defendant to this suit and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper accounts may be taken; that your orator's debt may be declared a lien on the real estate of the said J. H. Ellis in this county, and that said real estate of the said J. H.

Ellis may be sold to satisfy your orator's debt as well as the costs of this suit, and for all such other, further and general relief as this case may require or which to equity may seem meet.

And your orator will ever pray, etc.

Holland Supply Corporation
By R H Rawles Counsel.

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

I, R. H. Rawles, a Notary Public for the said city and state, whose term of office expires on the 20th day of January, 1919, do certify that J. T. Rawles, agent of the Holland Supply Corporation, whose name is signed to the foregoing bill, has this day personally appeared before me in my city aforesaid, and being duly sworn, made oath that the statements contained in the said bill as coming of his own knowledge are true, and that all of the statements therein contained as coming as knowledge or information derived from others, he believes to be true.

Given under my hand this 27th day of December, 1918.

R H Rawles

Notary Public.

Bill.

Filed Dec. 27. 1918.

A. E. Embury
1 Clerk