

1893-07

Santhampton County - Chancery

Barrett, R. Crawford vs Edwards, Luita R.
Trustee

Barrett, Mary Estelle

"Trustee pay Plaintiff
surplus of sale of
Real Estate"

¹²⁹
Barrett's wife
vs 3 Bice Exhibits
Edward J. Tustin -

1882 October Rules

5-80 women in Bice
1426 " in Exhibits
2006

J. B. Prince & Co.

To the Judge of the Circuit Court of
Southampton County. In Chancery.
Humbly Complaining sheweth unto
your Honor, your complainants
R. Cranford Barrett and Mary Estelle,
his wife, as follows. That on the 14th
Sept: 1877, Mary R. Barrett by deed of
bargain & sale, of record in the Clerk's
office of Southampton, conveyed to
Mary Estelle Barrett, wife of R. Cranford
Barrett, a certain lot of land in
said County, in fee, as will more
fully appear from a certified
copy of said deed herewith filed,
marked (A) as an exhibit in this Cause.
That sometime after the execution of
this deed, the complainants executed
to Luther R. Edwards as trustee,
a deed of trust on said land, to
secure a loan of money from one
John Preston, in order to build
thereon a dwelling house on said
lot, as will more fully appear from
a copy of said deed, herewith
filed, marked B, as an exhibit in
this Cause. That complainants were
unable to comply with the terms of
said deed of trust, and a sale
was had thereunder in accordance

with its terms, and after satisfying the debt secured thereunder, a large surplus of some six or seven hundred dollars remains in the hands of the trustee. That after the execution of said trust deed several judgments were obtained in the Circuit Court of this County against R. Crawford Barrett, husband of Mary Estelle Barrett, and the trustee, Luther R. Edwards refuses to pay said surplus to your complainant Mary Estelle Barrett, because as he alleges, the judgment creditors of R. Crawford Barrett have notified him that they will hold him to account for said surplus. That in no event has R. Crawford Barrett anything but a life estate in said surplus, which he is willing should be computed at its fee simple value and that paid to his creditors and the balance paid to your complainant Mary Estelle Barrett. That your complainant Mary Estelle Barrett insists that she is entitled to have the whole of the net surplus, after paying the debts of trust creditor secured upon her, irrespective

J. B. Purvis & Co.

Barrett & wife

$\frac{1}{v}$ } Sp. to hy

Echiv ar 25

1882 October Rules

~~Egmont~~

~~John W. Oliver~~

~~Sp. to~~

Executed by
devering & Co
Edward a Boyer
of the Garrison on
the 25 day of Sept
1882 J W Oliver
for W. W. Drugg, Shift

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Luther R Edwards*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *October* next, to answer a bill in Chancery exhibited against *him* in our said Court by

R. Crawford Barrett of Mary Estelle his wife

And this

he

shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this

20

day of

September

1882, in the

107

year of the Commonwealth.

L. R. Edwards

~~66~~ ~~45~~ ~~120~~ ~~718~~ 42
Barrett & W. J. ~~10~~
} Stat. Rules 40
39

Edwards

In Southampton Circuit Court

R. Crawford Barrett & Mary Estelle his wife Plaintiffs

against

Luther R Edwards

Defendant

1882 Gr

In Chancery

1882 Sept. 20th Summons issued

" Oct. R Summons returned Executed - Bill filed - D, Nisi
v. Deft

" Nov. R. Bill taken for confessed & Cause set for hearing &

" " J. Decree for Deft

Exhibit A

This Deed made this 14th day of September in the year 1877 between Mary R. Barrett of the County of Southampton and State of Virginia of the first part and Mary Estelle Barrett of said County and State of the second part Witnesseth that for and in consideration of the sum of two hundred and fifty dollars to her in hand paid the receipt whereof is hereby acknowledged she the said Mary R. Barrett doth grant bargain sell and convey unto the said Mary Estelle Barrett with general warranty that certain lot or parcel of land lying in the Town of Franklin Southampton County Virginia &c bounded as follows beginning at a stone post buried in the centre of the County road at Old Norfolk Corner thence North along Main Street 34 x 75 feet to another stone post a corner for this lot thence South 86 with 210 feet to a stone post buried as a corner for this lot thence in a Southern direction along a line parallel with Main Street to a point on the public road leading from South Quay to the Town of Franklin 240 feet from Main Street; thence up the centre of said road to the stone post nearly in front of the residence of A. W. Norfolk and a corner for him the point of beginning containing a little more than one third of an acre of land more or less to have and to hold the aforesaid lot of land to her the said Mary Estelle Barrett and her heirs and assigns forever Witness the following signature and seal this day

and year above written.

W. R. Barnett Secy

State of Virginia

County of Southampton to wit:

J. W. Duke a Justice of the Peace for the County
aforesaid and State do certify that M. R. Barnett
whose name is signed to the writing above
bearing date on the 14th day of September 1877
have acknowledged the same before me
in my County. Given under my hand this 22nd
day of September 1877

J. W. Duke J.P.

Southampton County, In the Deeds Office January
16th 1878 This Deed of Bargain and Sale from Mary
R. Barnett to Mary E. Stille. Barnett was this day
received and together with the certificate
thereto annexed admitted to record

Test L. R. Edwards Secy

Exhibit B

This Deed made this 12th day of January in the year one thousand eight hundred and seventy-eight between Richard Crawford Barrett and Mary Estelle Barrett his wife of the first part Luther R. Edwards Trustee of the second part and John Patton Junior of the third part Witness it; that the said parties of the first part do hereby grant and convey with general warranty to the said party of the second part Trustee the following property to wit: all of that lot or parcel of land by survey situate in the town of Franklin Southampton County Virginia which was granted to the said Mary Estelle Barrett by Deed of Bargain and Sale from Mary R. Barrett dated September 14th 1877 reference to which latter Deed is here with made in which Deed of Bargain and Sale the said lot is described as follows beginning at a stone post buried in the centre of the County Road at A. W. Hoxflets Corner thence North along Main Street 34 x 75 feet to another stone post a corner for this lot thence South 56 West 240 feet to a stone post buried as a corner for this lot thence in a Southerly direction along a line parallel with Main Street to a point on the public Road leading from South Quay to the town of Franklin 240 feet from Main Street thence up the centre of said Road to the stone post nearly in front of the residence of A. W. Hoxflets and a corner for this point of beginning containing a little more than one third of an acre of land more or less which said lot of land hereby

intended to be conveyed is a part of the same lot of land which was divided to the said Mary R Barrett by her father the Reverend Simon Mearns in his last will and testament the said parties of the first part grant the said first described lot with all the buildings privileges and appurtenances thereon or thereto attached. And the said parties of the first part do further grant and convey to the said Trustee all of the right title and interest of every kind whatsoever in law or equity vested or contingent which the said R Crawford Barrett may have under the last will and testament of his father Richard Barrett deceased that is to say in certain real ^{estate} lying in and near the said town of Franklin. In trust to secure the payment of a certain debt due by bond of even date with this deed from the said R C Barrett to the said John Pettow Junior for the sum of eleven hundred dollars. And the said parties of the first part hereby promise and agree to pay the interest on the said bond semi-annually to the said Pettow and furthermore to have and to ^{continue} keep the buildings on the said lot insured in some good reliable fire Insurance Company to be selected by the said John Pettow in the sum of one thousand dollars and on the failure of the said parties of the first part to comply with these two conditions or either of them in due time it shall be discretionary with the said John Pettow Junior to order the said Trustee to make sale of the said property herein.

~~129~~
Barrett & wife } Exhibits
vs
Edwards Trustee }

\$125

conveyed or so much thereof as may be necessary to pay the said debt. And the said parties of the first part promise and agree to pay the whole of the said debt, principal and interest within five years from this date. And the said John Peltow Junior promises and agrees to give indulgence on the principal thereof for that period provided the two conditions as to the payment of interest and disbursements are properly complied with by the parties of the first part but not other wise. Witness the following signatures and seals

R. C. Barrett Seal
Mary C. Barrett Seal
John Peltow Jr Seal

Virginia

Southampton County, to wit:

This day personally appeared before me a Commissioner in Chancery for the County Court of said County in my said County, the within named Mary Estelle Barrett wife of R. Crawford Barrett, whose name is signed to the foregoing writing bearing date January 12th 1878 and she the said Mary Estelle Barrett having the said writing fully explained to her by me privily and apart from her said husband, declared that she had willingly executed the same as her act and deed and that she did not wish to retract it. And do further certify that afterwards to wit: on the same day in my said County the said R. Crawford Barrett and John Peltow Junior

Acknowledged the said writing before me to
be their act and deed. Given under my
hand this 12th day of January 1878

Jos J. Kindred
Clerk in Charge

Southampton County. In the Clerk's Office January
16th 1878. This Deed of Trust from R. C. Barrett & wife
to Luther R. Edwards Trustee for the benefit of
John P. Cotton Jr. was this day received and together
with the certificate thereto annexed admitted
to record

Teste L. R. Edwards C. C.

Petition of H. H. & S. H.
Turkins asking to make
parties in the suit of
Barnett & wife

vs 3 In Chancery
Edwards Trustee

1882 Nov Term

Respectfully Petitioning your petitioners W. B. Jenkins
and J. W. Jenkins merchants and partners doing
business under the name firm and style of W. B. &
J. W. Jenkins show unto you that they with
others filed a suggestion on the common law side
of the court against Luther R. Edwards to
appear at the noon on term of the circuit
and answer if he had any funds liable to him
docketed judgment for \$233.86cts and costs and
they now come in ask that they and the other
judgment creditors of R. C. Barrett may be
made parties to this suit either as plaintiffs or
defendants as to the court may seem right
and that the court would order such portion
of this money in the hands ^{of L. R. Edwards to be paid to them} as they may be
entitled and in order that this may be ascertained
they ask that L. R. Edwards may answer
how much money he has in hand and that
a commissioner may take an account of the docketed
judgments against the said R. C. Barrett and
their priorities and as in duty bound your petitioners
will ever pray in
Shawnee, Mo. 1885.

~~2nd~~
Barrett & wife
vs $\frac{3}{3}$ Deane
Edward & trustee

Nov Term 1882

To be entered.

Geo. Blow.

Barnett wife

vs $\frac{2}{3}$ Deene

Edwards, Trustee

This day this Cause came on to be heard on the complainant's file, taken for confessed as to L. R. Edwards, Trustee Exhibits filed, the petition of Wm. J. Jenkins, filed during the term and was argued by Counsel. On consideration whereof, and the Court being of opinion that Mary Estelle Barnett, the wife of R. Crawford Barnett is entitled to the whole of the surplus in the hands of Luther R. Edwards, trustee, by virtue of the provisions of the Act of Assembly approved April 4. 1877, and commonly known as the "Married Woman's Act." doth a Judge order and decree that the said Luther R. Edwards, trustee, after paying the costs of this suit, and an attorney's fee to J. B. Prince, of twenty five dollars, pay the balance in his hands to Mary Estelle Barnett, wife of R. Crawford Barnett, take her receipt therefor and make report to Court.