

1899, 31

Southampton County - Chancery Jellon, W. J. vs Annese, J. H.

"To rent property"
in title judgments"

TO,
The Honorable Robert R. Prentiss, Judge, of the Circuit Court
of Southampton County, Virginia.

And your complainant In Chancery:

Complaining sheweth unto the Court your complainant,
W.T. Tillar, that he recovered judgment against J.H. Tennessee for
the sum of \$80. on February 14, 1896, with interest and costs, and
both of which judgments are duly docketed in Southampton County
for the sum of \$15. on May 28th. 1896, with interest and cost, as
will appear by abstracts of said judgments herewith filed marked
"A" and "B" as apart of this bill. Of these two judgments no part
has been paid. That said J.H. Tennessee owns a tract of land in
the County of Southampton containing about *84* acres, and bounded
by the lands of P.S. Thomas, on the North, on the East by Ben Jones,
South by the lands of Cland, and West by the lands of
Harrell.

Your Complainant avers and charges that the rents and
profits will not in five years pay the lien debts against the same
and that he is therefore entitled to enforce his judgment by a sale
of the entire property, and distribution of the proceeds as the in-
terest of the lien creditors may appear.

In tender consideration whereof, your complainant prays
that the said J.H. Tennessee may be made a party to this bill,
and required to answer the same, that all proper orders and decrees
may be entered accounts and enquiries directed, that if it shall ap-
^{the rents &}pear that profits of the said real estate will not in five years pay
the the debts that are liens against the same, then that the said
real estate be sold and the proceeds applied as the interest of the
several lien creditors may appear: that if such rents and profits
will suffice, then that said property be rented out, and the rents and
profits be applied according to the several priorities, and that all
such further and general relief may be granted both special and

and general as the nature of this case may require or to equity as
may seem meet.

And your complainant will ever pray, &c.

Prince G. W. L. Moore Pp.

Tillar H. J.

vs } Statement of Rules

J. H. Innes.

W. T. Tiller.

Plaintiff

vs.

J. H. Tennessee

Defendant

February 22nd. 1897. Process Spt. to 1st. Mich. Rules
1897. 1st. Mich. Rules. Process returned executed.

Bills & Exhibits filed

Deem nisi vs. Defendant

1897. 2nd. Mich. Rules. Bills taken for confessing, and

Cause set for hearing.

W. J. Tillar

TS. } Azores.

J. H. Tennessee.

11
Virginia: In the Circuit Court of Southampton
County. March Term 1897.

W. T. Tiller,

vs.

J. H. Tennessee.

This cause which has regularly matured
at rules, came on to be heard upon the bill and
exhibits filed. bill taken for confessed, and was
argued by counsel. On consideration whereof, the
Court doth adjudge order and decree that one
of the commissioners of this Court enquire and
report to Court the following: 1st. An account
of the lien debts against the defendant, with
their priorities.

An account of the real estate of the defendant,
together with its annual and for simple value.
2nd. Whether or not the real estate will in five years
pay the debts reported as liens against the same
from the rents and profits arising therefrom.
3rd. Any other matter specially stated, deemed
pertinent by the Commissioner, or required by any
interested party, to be so stated.

A Copy.

Teste: L. A. Gay 1st.

Tillan

& } Notice

Pennepes

1897. Aug: 20.

Executed

August 17th 1897 by
delivery a copy of
this notice to J. W.

Grimes

J. W. Williams
App

Commissioner's Office,

Courtland
Jerusalem, Va., Augt 10th 1897.

To M. T. Fillar -
and
J. H. Pennefer -

You are hereby notified that I have fixed upon the 20th day of August next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

- 1st. An Account of the lien debts against J. H. Pennefer with their privileges.
- 2^d. An Account of the real estate of the said Pennefer. Together with its Annual and fee simple value.
- 3^d. Whether or not the rents and profits of said real estate will, in five years, pay the liens reported against it.
- 4th. Any other matter, specially reported, deemed pertinent &c.

Required to be taken by a decree of Southampton Circuit Court, rendered at the March term, 1897, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

B. F. M. Lenoir

WM. H. PARKER, Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the lien debts against J. H. Tompkins.
 arranged according to priority Aug 20. 1897.

1 st A judgment in favor of J. S. Thomas.	27.00	
Int. from Nov 1/91. to Sept 1/97.	9.45	
Cost.	2.00	
<u>Homestead waived.</u>		38.45
2 nd A judgment in favor of H. T. Tillar	80.00	
Int. from Nov 1/96 to Sept 1/97.	4.00	
Cost.	60	84.60
<u>Homestead waived.</u>		
3 rd A judgment in favor of H. T. Tillar	15.00	
Int. from May 28/96 to Sept 1/97.	1.12	16.12
<u>Total amount of Liens</u>		\$139.17

Respectfully Submitted.

B. F. McSennor

Clerk in Charge.

Tillan

at } Report.

Tennessee

1897. Aug 20. filed

L. A. Gay Esq.

Commissioner's Office.
Courtland Va.

Aug 20th 1897.

To the Circuit Court of Southampton Co.

Pursuant to a decree of said Court, rendered at the March Term 1897, of said Court, in the Cause of Tellar & Tennessee, the undersigned Commissioner reports to Court, that on the 10th day of August 1897, he issued Notice against the parties to the suit, requiring them to appear before him, at his Office, in Courtland on the 20th day of August 1897, at which time and place he should proceed to take and report the accounts required under the aforesaid decree, that said Notice has been returned ^{duly executed} ~~delivered~~, that the Defendant appeared in obedience thereto. Whereupon the Commissioner submits the following report:

- 1st. An Account of the lien debt against J. H. Tennessee - arranged according to priority - showing liens against said lien amounting to \$139.¹⁷ inclusive of interest to Sept. 1. 1897.
- 2nd. That said Tennessee is charged, on the land Books of this County - with a tract of land containing 84 acres - valued at \$300.⁰⁰ & the Annual value at \$24.⁰⁰.

3rd The rents and profits of the said real estate, used
not. in five years, pay the liens on the same.
The Commissioner reports specially that there is
a Deed of Trust on record in the Clerk's Office
of Southampton County Court against the said
J. H. Tennessee in favor of B. F. Williams. convey-
ing the land herein reported. but the Commis-
sioner has seen an instrument of writing from
said beneficiary, showing that the debt has been
paid in full.

Respectfully Submitted.

B. F. McLenore

Com' in Chancery.

Com'mr's fee
\$5.00

more

Licor.

vs. { lepy. Ludwig.

Linnæus.

Est. "B"

Greensville
In **Southampton** *Justices* Court,

Feb 14"

Term, 1896

W. J. Tiller,

Pltff.

Against

In

J. H. Tennessee,

Deft.

Judgment for the Plaintiff against the Defendant for \$ *80 00* with
legal interest thereon from *1"* day of *November*, 18*96*, till paid,
and costs, \$ *0 60*

Extract.

Teste:

B. F. McLeod, C. C.

Ticear

vs } Sam. In chy.

Tennessee

1897. 1st. Mch. Rules
lev. let.

Executed Feb. 27th 1897
by delivering a copy of this
"Sum" to Alice Sumner
= See wife of and a mem-
ber of the family of J. H.
Sumner over the age of
21 years & explained
its purport to her the
defendant J. H. Sumner
not being found at his
usual place of abode

(1) J. H. Williams
Cly.

Prince & McLeone P. V.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. N. Tennessee

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 *1st* Monday in *Feb* 189*7* next, to answer a Bill in Chancery exhibited against *him* in our said Court by

M. J. Tiller

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this *22nd* day of

February, 189*7*, in the 12*th* year of the Commonwealth.

TESTE:

L. A. Gay

, C. C.

Tice

vs. Statement of Costs

Tennison

1865-66 Tennison vs. Tice

1866-67 Tennison vs. Tice

1867-68 Tennison vs. Tice

1868-69 Tennison vs. Tice

1869-70 Tennison vs. Tice

1870-71 Tennison vs. Tice

1871-72 Tennison vs. Tice

1872-73 Tennison vs. Tice

1873-74 Tennison vs. Tice

1874-75 Tennison vs. Tice

1875-76 Tennison vs. Tice

1876-77 Tennison vs. Tice

1877-78 Tennison vs. Tice

1878-79 Tennison vs. Tice

1879-80 Tennison vs. Tice

1880-81 Tennison vs. Tice

1881-82 Tennison vs. Tice

1882-83 Tennison vs. Tice

1883-84 Tennison vs. Tice

1884-85 Tennison vs. Tice

Jillier.

vs. } Statement of Costs

Jennison

Sum. 25. Copy 10. receipt 18. atty. 10. Docket 18 = 84

Rules 1.⁰⁰, entering return 35. fil. bill 15 = 1.50

D. ex. 15. Copy 24. 50. fil. Comm's report 25 = .90

Take Comm's bond 1.¹⁵, 2^d Decree & Copy 1.⁴⁴ = 2.59

Tax Costs &c. 40. filing away papers 25 = .65

Future Costs about 2.⁰⁰ 2.00

Sept 30th.
1897

Paid L. A. Gay

to L.A. 8.48

Shff. 50

Paid P & M. attor. Law 16.50

25.48

Fee of Comm. B. F. McLanahan. Paid B. F. M. 5.00

30.48

Total: L. A. Gay G. G.

so stated.

the Commissioner, or required by any interested party, to be
4th. Any other matter specially stated, seemed pertinent by
note as to profits arising therefrom.

that the debts reported as liens against the same from the tax
Bro. Whether or not the real estate will in five years,
with its annual and for simple value.

An Account of the real estate of the defendant, together,
against the defendant, with their priorities.

to come the following: 1st. An account of the lien debts,
that one of the Commissioners of this Court endorse and report
admission whereof, the Court doth adjudge order and decree

bill taken for confessed, and was argued by counsel. On con-
rises, came on to be heard upon the bill and exhibits filed,
This cause which has regularly matured at

J. H. Tennessee.

As.

W. T. Tiller.

W. J. Tiller
N. D. D. D.
J. H. Tennessee.

W.T.Tillar,

Vs.

J.H.Tennessee,

This cause which has regularly matured at rules, came on to be heard upon the bill and exhibits filed, bill taken for confessed, and was argued by Counsel. On consideration whereof, the Court doth adjudge order and decree that one of the Commissioners of this Court enquire and report to Court the following: 1st. An account of the lien debts against the defendant, with their priorities.

An Account of the real estate of the defendant, together with its annual and fee simple value.

Urd. Whether or not the real estate will in five years, pay the debts reported as liens against the same from the rents and profits arising therefrom.

4th. Any other matter specially stated, deemed pertinent by the Commissioner, or required by any interested party, to be so stated.

Tullar
43 Diaree
Krussee. J. H.

1897 Sept. 29th
Enter
Robert R. Prentiss.

\$600. conditions for the faithful performance
of this or any future work that may be
internal herein.

W. J. Tillas

J. H. Tennessee.

This day this cause came on again to be heard upon the paper formerly read, and upon the report of ~~Special~~ Commissioner B. F. McLeone, filed August 30th 1897, reporting the lien debts against the said defendant, to which report no exceptions have been taken, and was argued by Counsel. On consideration whereof ~~the court~~ appearing to the Court from the said report that the rents & profits from the real estate of the defendant will not in five years pay the liens reported against the same, doth adjudge order and decree that J. L. McLeone who is hereby appointed a Special Commissioner for the purpose, do proceed after 20 days notice of the time, terms & place of sale, to make sale of the real estate in the bill mentioned at Portland or at Emporia, or to ~~where~~ ^{him} may seem best, for cash to the extent of the liens reported against same, the remainder upon credit of twelve months, title thereto to be retained till all of the purchase money is paid, and said Commissioner will report to Court. But before the said Commissioner shall proceed to act hereunder, he shall enter into bond before the Clerk of this Court in the penalty

W. J. Tiller

vs

J. H. Tennessean

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Commissioner B. F. McLenore, filed August 20th, 1897, reporting the lien debts against the said defendant, to which report no exceptions have been taken, and was argued by Counsel. On consideration whereof and it appearing to the Court from the said report that the rents & profits from the real estate of the defendant will not in five years pay the liens reported against the same; doth adjudge order and decree that J. H. McLenore, who is hereby appointed a Special Commissioner for the purpose, do proceed, after 20 days notice of the time, terms & place of sale, to make sale of the real estate in the bill mentioned at Canton or at Emporia as to him may seem best, for cash to the extent of the liens reported against same, the remainder upon credit of twelve months, title thence to be retained till all of the purchase money is paid, and said Commissioner will report to Court. But before the said Commissioner shall proceed to act hereunder, he shall enter

into bond before the Clerk of this Court in the
penalty of \$600. Conditioned for the faithful
performance of this or any future decree
that may be entered herein.

A copy.

Teste: L. A. Gay Jr. Jc.

Fellen

vs. } D. S. Green

Johnson

Continued Sept 29/97

Page 175

Tillon

14, Decree
Finnese

Enter;

Octo. 3rd. 1900

Robert C. Hunt

Tillon

r.

Immesee.

On motion of complainant, and
nothing further remaining to be done
in this cause it is ordered that same
be removed from the docket.