1927-026 Chancery Causes Robert W. Arnold, reciever for the Bank of Watters Vs A. C. Cones 505

Isle of Wright County et al

other surnames: Hedgepeth Leathees, Butler, Bradshaw, Vaughan

COMMONWEALTH ATTORNEY
FOR ISLE OF WIGHT COUNTY

GEORGE F. WHITLEY
Attorney at Law
SMITHFIELD, VIRGINIA

9/29/27.

Dear Gus,

Please let have bill for the accrued cost in the suit of R. W. Arnold, Trustee, vs. A. C. Cones, and others . this is a Chancery suit, and we have agreed upon a settlement but cannot bring the matter to a close until I get the vost.

Yours truly,

ROBERT W. ARNOLD
ATTORNEY AND COUNSELLOR AT LAW
WAVERLY, VIRGINIA

May 28, 1927

Mr. R. A. Edwards, Clerk,
Isle of Wight Courthouse, Va.

Dear Mr. Edwards:

Please enter the following memorandum:

Robert W. Arnold, Receiver,
The Bank of Walters,

v

A. C. Cones, J. M. Cones, P. C. Bradshaw, Trustee,
Lizzie G. Bradshaw, A. C. Cones, Trustee and
V. V. Vaughan.

Issue supoena in Chancery returnable to the second June rules, 1927, Circuit Court of Isle of Wight County.

Please let me know the amount of the deposit required for advanced cost.

I enclose bill in this cause also.

Yours truly,

Robert W. Arnold.

RWA/MS

Give Cones subp. for Thos
Mear Walters

1

Writ issued, Ide.

WB Memo. 505

A. C. Cohen et al

Filed.

June 2 - 1927.

Virginia,

In the Circuit Court of Isle of Wight County.

Robert W Arnold, Receiver,
The Bank of Walters.

v. Decree.

A. C. Cones, et als.

This cause came on this day ~~again~~ to be heard upon the bill of complaint and the exhibits filed therewith, and was argued by counsel:

Upon consideration whereof, the Receiver Robert W Arnold, stated at the bar of the count that counsel for the defendants had made an offer of compromise of this suit by paying the Receiver one hundred dollars in cash in settlement of the judgments sued upon, set out in the bill of complaint, and by paying twenty five dollars to Robert W Arnold, Attorney for services rendered in this cause, and the costs of this suit, which compromise settlement is approved by the court, the court doth adjudge order and decree that the sum of one hundred dollars be paid to the said Receiver in cash forthwith and the sum of $25.00 as attorney's fee herein, and ~~xx~~ the costs of this suit, and when paid the clerk of this court is authorized and directed to mark satisfied the following judgments by compromise settlement between the parties, making reference to this decree for his authority for doing so, to wit:

Judgment Arnold Receiver v. Elliott Hedgepeth and A C Cones, for $120. dated Mar. 19, 1927, docketed in book 5 page 103; this judgment to be satisfied as to said A C Cones;

Judgment Arbold, Recr. v. A C Cones for $80.00 dated Mar. 19,1927, docketed in book 5, page 103;

Judgment Arnold, Recr. v. A C Cones for $102.00, dated Mar 19,1927 docketed in book 5 page 103;

Judgment Arnold, Recr. v. A C Cones $37.50 dated Apr. 19,1927, docketed in book 5 page 104.

And it is ordered that this cause be removed from the docket, when said amounts as above have been paid, and the judgments satisfied as above.

Arnold Receiver
v. 3 Decree
A. C. Jones et als

I repeat the compromise
offer indicated and believe
it is one for Compromise
and one suggested fair.
Robert W. Arnold

1927
Oct 6

I agree to the entering
of this decree.

Geo. F. Whitley
attorney for Def

Chancery Order Book 8
Page 408.

ROBERT W. ARNOLD
ATTORNEY AND COUNSELLOR AT LAW
WAVERLY, VIRGINIA

June 22, 1927

Mr. R. A. Edwards, Clerk,
Isle of Wight Courthouse, Va.

Dear Sir:

I acknowledge receipt of your favor of the 20th advising that V. V. Vaughan, one of the defendants in the case against A. C. Cones, et als, is not a resident of Isle of Wight County. I am sending a copy of this letter to Mr. Cones with the request that he try to ascertain the adress of this party. It is possible that he can find out where V. V. Vaughan resides from someone in Windsor.

Yours truly,

Robert W. Arnold.

RWA/MS

C. C. for
Mr. W. L. Cones,
Walters, Virginia.

ISLE OF WIGHT, VA ..... 6/2/27 ..... 192....

Mr R. W. Arnold, Receiver,

Waverly, Virginia.

To R. A. EDWARDS Dr.

CLERK OF THE CIRCUIT COURT

Of Isle Of Wight County

COMMISSIONER IN CHANCERY

Prompt settlement of accounts rendered insures prompt attention to future work.

To writ tax and deposit in re Arnold Rec. Vs.		
A. C. Cones et als.,	7 50	
To Sheriff fees executing process 6 @.50	3 00	
		10 50

R. N. arrived

$5 #505

A. C. Ones et als

Papers sent to

W. L. Cons. D.S.

no fee sent.

6/6/27

Rec'd of N.N.A.

Dep Clk.	7 00
D.S.	3 00
	10.50

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon A. C. Cones, J. M. Cones, T. C. Bradshaw, trustee, Lizzie G. Bradshaw, A. C. Cones, trustee, V. V. Vaughn

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in June, 1927, to answer a bill in chancery, exhibited against them in our said Court by Robert W. Arnold, receiver, the Bank of Walters

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 2nd day of June, 1927, and in the 151st year of the Commonwealth.

R. A. Edwards, Clerk.

Executed the within summons this the 13 day of June 1927 by serving a true copy of same on A. C. Cones A.C. Cones trust. J.M. Cones and Lizzie S. Braddock are in person in the County of Isle of Wight.

W. H. Chapman Sheriff

By W. F. Cones D.S.

2

R. W. Arnold, Receiver

vs. } CHANCERY NO. 505

A. C. Cones, et al

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Third Monday *Rules*

1927

19.....

R. W. Arnold *p. q.*

Executed the within subpoena at his usual place of abode. I executed the within subpoena on A. C. Cones trust. by serving a true copy of same on J.M. Cones this the 13th day of June 1927 and on Lizzie S. Braddock in person in the County of Isle of Wight.

W. H. Chapman Sheriff

By W. F. Cones D.S.

I, V. V. Young Jr. is not a resident of the County of Isle of Wight.

W. H. Chapman Sheriff

By W. F. Cones D.S.

6/13/27

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon V. V. Vaughn

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in June, 1927, to answer a bill in chancery, exhibited against him in our said Court by Robert W. Arnold, receiver, the Bank of Walters,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 2nd day of June, 1927, and in the 151st year of the Commonwealth.

R. A. Edwards Clerk.

2a

V. V. Vaughan

#505

V. V. Vaughan is
now a resident of
the County of
Isle of Wight

W. H. Chapman Sheriff
by W. P. Lewis
D. S.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

R. W. ARNOLD, RECEIVER,
THE BANK OF WALTERS,

V.

A, C, CONES, J. M. CONES,
P. C. BRADSHAW, TRUSTEE, LIZZIE
G. BRADSHAW, A. C. CONES, TRUSTEE,
AND V. V. VAUGHAN.

To: The Hon. B. D. White, Judge of
said Court.

Your complainant respectfully represents as follows:

That on the 19th day of March 1927 there was obtained by R. W. Arnold, Receiver, The Bank of Walters, the following judgments.

Arnold, Receiver vs Elliott Hedgepeth and A. C. Cones, $120 with interest from May 29, 1924 until paid and 10% attorney's fee and $4.05 cost. Dated March 19 1927, recorded April 19, 1927, in J. L. Book 5, page 103.

Arnold, Receiver vs A. C. Cones, $102.00, interest from May 22, 1924 until paid and 10% attorney's fee and $3.55 cost. Dated March 19, 1927, recorded April 19, 1927 in J. L. Book 5, page 103.

Arnold, Receiver vs. A. C. Cones, $80.00, interest from June 4, 1924 until paid and 10% attorney's fee and $3.55 cost. Dated March 19, 1927, recorded April 19, 1927 in J. L. Book 5, page 103.

Arnold, Receiver vs. A. C. Cones, $37.50, interest from November 28, 1924 until paid and 10% attorney's fee and $3.55 cost, Date March 19, 1927, recorded April 19, 1.27 in J. L. Book 5, page 104.

That all of the above judgments are due the Bank of Walters, having been rendered on Homestead waiving notes and were contracted and long past due when said judgments were obtained.

That writs of fieri facias issued on said judgments, respectively, have been returned, "no effects."

That A. C. Cones, while being indebted to the said Bank of Walters, as aforesaid, attended the Trustee's sale of the tract of land hereinafter described, sold by F. T. Leathers, Trustee under deed of trust from R. A. Butler and wife, dated January 1, 1927, of record in the Clerk's office of this Court in deed book 86, page 318, at whice said Trustee's sale of said land, A. C. Cones became the purchaser, the land being described as follows:

"All that certain tract of land situate in Windsor Magisterial district, Isle of Wight County, Virginia, containing eighteen (18) acres more or less and which adjoins the lands of R. Y. Butler and Irvin Jenkins, and the county road leading from Windsor to Mt. Carmel Church. It being the same tract of land co nveyed to the said R. A. Butler by deed from W. D. Boykins and wife and recorded in the Clerk's office of Isle of Wight County, Virginia."

Your Complainant avers and alleges that while A. C. Cones became the purchaser of the tract of land as aforesaid, the deed to the said land from the said F. T. Leathers, Trustee, conveyed it to J. M. Cones; that your Complainant has been advised and believes that J. M. Cones is not the true owner of the land and that the said J. M. Cones knew, or ought to have known when the title was placed in him that it was for the purpose of avoiding and preventing the payment of the debts of the said A. C. Cones; that the said A. C. Cones furnished the consideration for the said land and had the title thereto conveyed to his brother, the said J. M. Cones, with intent to hinder, delay and defraud his creditors, existing at that time.

That the said land is encumbered by the following deeds of trust:

J. M. Cones to P. C. Bradshaw, Trustee, for Lizzie G. Bradshaw, to secure $1,200.00, evidenced by note payable on demand. Dated December 3, 1926, recorded December 4, 1926 in Deed Book 98, page 135.

J. M. Cones to A. C. Cones, Trustee, for V. V. Vaughan, to secure $330.00, evidenced by note payable on demand. Dated February 8, 1927, recorded February 9, 1927 in Deed Book 98, page 271.

That the said J. M. Cones, is, in Equity, only a Trustee, holding the legal title to the said property for the benefit of the said A. C. Cones; and your complainant is advised, and believes and avers that the said deed to the said J. M. Cones should be set aside as being void as to your Complainant, an existing creditor.

That the rents and profits of the said real estate will not pay off and satisfy the liens binding upon it within five years.

Being, therefore, without an adequate remedy at law, and relievable only in a Court of Equity, wherein matters of this nature are alone and properly cognizable, the prayer of your Complainant

is that the said A. C. Cones, J. M. Cones, P. C. Bradshaw, Trustee, Lizzie G. Bradshaw, A. C. Cones, Trustee and V. V. Vaughan may be made parties defendant to this bill and required to answer the same, but not under oath, the oath being hereby waived; that all proper orders and decrees may be made, inquires directed and accounts taken; that if it shall appear that the land mentioned in this bill shall be the property of A. C. Cones; that J. M. Cones holds the title thereof as Trustee as alleged; that the said deed to the said J. M. Cones may be set aside and the property decreed to be that of the said A. C. Cones; that if the same will not pay off and discharge the liens binding upon it within five years, that the same may be directed to be sold to satisfy the said liens; that if it will pay off and discharge the said liens within five years that the same may be rented out for the purpose and that your Complainant may have all such further and other and general relief in the premises as the nature of his case may require or to Equity shall seem meet.

And your Complainant will ever pray, etc,

Robt W Amis Receiver
The Bank of Walters.

Robt W Amis Sol'r.

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Robert W. Arnold, Receiver
The Bank of Waverly

vs

Bill #505

A. L. Bones, et als.

Issued 6/10/27

Process issued & sent to
D.S.C. - no Ret.

ROBERT W. ARNOLD
ATTORNEY AND COUNSELLOR AT LAW
WAVERLY, VIRGINIA