

1933-067 Chancery Causes: George W. Delle, for VC VS A. B. Stott, Junior val 413

Isle of Wight County

other SURNames: Wilson

E. H. WILLIAMS

Attorney-at-Law

SMITHFIELD - VIRGINIA

Aug. 21, 1923.

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

Dear Gus:

I beg to herewith enclose Memorandum in case
of Delk vs. Stott et als. I will thank you to send bill
for deposit to Geo. W. Delk.

I am,

Very truly yours,

EHW-j

Enc.1

E. H. Williams

per J

E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD - VIRGINIA

Dec. 12, 1923.

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

Dear Gus:

Please summons Mr. A. B. Stott, Ida M. Stott,
A. B. Stott, Jr., Mary George Wilson and W. P. Wilson
to appear at the office of E. H. Williams on December
~~22nd~~^{24th}, 1923 to testify in the suit of Geo. W. Delk vs.
A. B. Stott, et als, before Jane Johnson a Notary Public.

on behalf of the Plaintiff
I am,

Very truly yours,

EHW-j

E. H. Williams

Deck

75

Start

Each for 2000
to go before a
motor public

5	X	25	125
1	X	100	100
			<hr/>
			1.65

\$ 386.92

Smithfield, Va. Sep 21- 1922

30

days after date I promise to pay

to the order of Geo. W. Delk

Three Hundred Eighty Six and 92/100 Dollars
100

without offset, at **BANK OF SMITHFIELD, SMITHFIELD, VA.,** for value received.

And the endorser or endorsers of this note severally waive its presentment, notice of its dishonor or non-payment at maturity, and also further waive the protest of this note in case of non-payment at maturity, and also waive notice of any protest of the same if made. And we, the maker or makers, and endorser or endorsers, of this note, each hereby waive the benefit of our homestead exemption as to this debt, and further agree to pay ten per cent. of the amount of this obligation, as attorney fee, and all court costs which may be incurred, ~~in any suit brought to enforce its collection.~~ if collected by any attorney or by any legal process

No. _____

Due Oct 21 P.O. City

A. B. Stott

"EXHIBIT # 1"

1922

Oct. 27-By cash on within

\$150.00

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

-----oOo-----

Geo. W. Delk, who sues on behalf of himself and other
Creditors who may come in and contribute to the expense
of this suit,.....Plaintiff.

vs. (In Chancery

A. B. Stott, Jr. Mary G. Wilson,^{W.P. Wilson,} A. B. Stott, Sr., and
Ida M. Stott,.....Defendants.

-----oOo-----

Issue summons in Chancery for said plaintiff against
said defendant to First September Rules, 1923, to answer
the said plaintiff a bill in Chancery.

E. H. Williams pg

Geo. W. Duke, et cetera

W. Cy. No. 413.

A. B. Stout Jr et al.

Memo. filed.

Aug. 24-23.

Debit. R. A. Edmund.
elk

Writ ten paid. ⁷Stutes

Part case in Sept Report

1923

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Stolt et al.
vs: # 413
Stolt et al.

. It appearing, pursuant to a decree entered herein
on the 6th day of March, 1933, that the parties, or their Counsel,
have been notified by the Clerk of this Court of the terms of
said decree, and no good cause having been shown, it is ordered
that this cause be removed from the docket, with leave to rein-
state the same as provided in Section 6172 of the Code as
Amended.

Deek et al.

vs # 413

Stott et al.

March TERM 1933 Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Delk et als

vs: #413

Stott et als

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Helb et al

vs 413

Stott et al

C.O.B # 9

Page 82

Geo. W. Delk, Plaintiff

vs. (Lis Pendens

A. B. Stott, Sr., A. B. Stott, Jr., and Mary G. Wilson.

KNOW ALL MEN BY THESE PRESENTS, that I, Geo. W. Delk, of the County of Isle of Wight, State of Virginia, plaintiff in the hereinafter stated cause, do give notice of Lis Pendens, by this Memorandum, which sets forth as follows: That there is now pending in the Circuit Court of the County of Isle of Wight, Virginia, a certain cause, the title to which is "Geo W. Delk, who sues on behalf of himself and other Creditors who may come in and contribute to the expense of this suit, Plaintiff. vs. In Chancery. A. B. Stott, Jr., Mary G. Wilson, A. B. Stott, Sr., and Ida M. Stott and W. P. Wilson, Defendants.

The general object of this suit is to set aside and have declared to be null and void a certain conveyance made by the said A. B. Stott, Sr., and wife, bearing date of the 30th day of August, 1922, to A. B. Stott, Jr., and Mary G. Wilson, children of the said A. B. Stott, Sr., and wife, entered of record in the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia, the 31st day of August, 1922, in D. B. 93 page 246, the said conveyance having been made as alleged in Bill in this suit as fraud upon the Creditors of the said A. B. Stott, Sr., and to subject the property conveyed thereby to the payment of the note of the said plaintiff, fully mentioned and described in the said Bill, the property conveyed in the said deed being therein described as follows, to-wit: All that certain piece or parcel of land or tract of land, together with all the appurtenances thereto belonging or in anywise appurtenant, known as the Laurel Hill Tract, and situate, lying and being in the County of Isle of Wight, in the State of Virginia, containing Seven Hundred Acres, be the same

more or less, and bounded and described as follows:
Bounded on the South by the Ivor and Smithfield road;
on the East by the lands of C. H. Chapman ; on the North
by the lands of Surry Lumber Company; and on the West
by the lands of Dr. R. Lee Seward and the lands of the
Crumpler Estate.

Witness the following signature and seal this
13th day of September, 1923.

Geo. W. Delk (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Jane Johnson, a Notary Public in and for the said
County in the State of Virginia, do hereby certify that
Geo. W. Delk, whose name is signed to the above Lis
Pendens, bearing date on the 13th day of September, 1923,
has acknowledged the same before me in my said County.

Given under my hand this 14th day of September, 1923.

My com. expires on the 16th day of Nov, 1925.

Jane Johnson N.P

I, R.A. Edwards, Clerk of the Circuit Court of the County of Isle of Wight, pursuant to Section 6469 of the Code of Virginia, do hereby authenticate the foregoing memorandum of lis pendens, and I do hereby certify that on the 24th day of August, 1923, suit was instituted and is now pending by Geo. W. Delk et cetera against A.B. Stott, Jr, Mary G. Wilson, W.P. Wilson, A.B. Stott Sr, and Ida M. Stott, in the aforesaid Court, whose title, general object, the amount of claim asserted, description of property effected, as well as the name of the persons whose property is to be effected, are as set forth in this memorandum.

Teste,

Clerk

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight Sept. 15th, 1923. at 9 o'clock A.M. his lis pendens was received and with the certificate annexed, admitted to record.

Teste,

Clerk

413

Geo. W. Delk, Plaintiff

vs (Lis Pendens

A. B. Stott, Sr., et als.

Registrar Clerk's Office of the Circuit Court of
the County of Isle of Wight

..... Sept 15 1922
Record in D B No. 45 Page 49

State Tax, - - -	\$.....
Clerk, - - -	\$.....
Cour. Revenue - -	\$.....
Total - - -	\$.....

E. H. WILLIAMS,
ATTORNEY AT LAW,
SMITHFIELD, VIRGINIA

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon A.B.Stott, Jr., Mary G. Wilson, W. P. Wilson, A. B. Stott Sr., and Ida M. Stott.,

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.....September....., 192³....., to answer a bill
in chancery exhibited against them.....in our said Court by
George W. Delk, et cetera,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this.....24th.....day of.....August....., 192³....., and in
the.....14⁸th.....year of the Commonwealth.

R. A. Edwards Clerk.
By E. Kaywiler
D.S.

413

George W. Delk., et cetera

Virginia Chancery No.

A. B. Stott et als.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit Court of the County of Isle of Wight:

192

Returned, entered and filed.

Teste:

Clerk

To Second September 1923. Rules.

E. H. Williams, p. q.

I executed the within sub this the 1 day of Sept 1923 by sermon a true copy of the same on A. B. Stott in person in the County of Isle of Wight.

H. H. Chapman
Sheriff of Isle of Wight Co.

I executed the within sub this the 1 day of Sept 1923 by sermon a true copy of the same on A. B. Stott in person in the County of Isle of Wight.

H. H. Chapman
Sheriff of Isle of Wight Co.

I executed the within sub this the 1 day of Sept 1923 by sermon a true copy of the same on Ida M. Stott in person in the County of Isle of Wight.

H. H. Chapman
Sheriff of Isle of Wight Co.

I executed the within sub this the 1 day of Sept 1923 by sermon a true copy of the same on H. C. Wilson in person in the County of Isle of Wight.

H. H. Chapman
Sheriff of Isle of Wight Co.

I executed the within sub this the 1 day of Sept 1923 by sermon a true copy of the same on Mary S. Wilson in person in the County of Isle of Wight.

H. H. Chapman
Sheriff of Isle of Wight Co.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
VIRGINIA.

---oOo---

Geo. W. Delk, who sues on behalf of himself and
other Creditors who may come in and contribute to
the expense of this suit.....Plaintiff.

vs(In Chancery

A. B. Stott, Jr., Mary G. Wilson, A. B. Stott, Sr.,
and Ida M. Stott and W. P. Wilson,...Defendants.

----oOo----

TO THE HONORABLE B. D. WHITE,

JUDGE OF THE SAID COURT:

The complainant, Geo. W. Delk, ^{WR} sues on behalf of
himself and other Creditors who may come in and con-
tribute to the expense of this suit, plaintiff, humbly
complaining, showeth unto the Court the following case:

That on September 21st, 1922, the said A. B. Stott, Sr.,
made his certain negotiable note and delivered the
same to your said plaintiff, and thereby promised
in thirty (30) days after date to pay to the said
plaintiff, Geo. W. Delk, or his order, the sum of
Three Hundred Eighty Six Dollars and ninety two cents;
said note containing a waiver of presentment, notice
of dishonor on nonpayment at maturity, etc., and
also a waiver of the homestead exemption; that on the
27th day of October, 1922, the said A. B. Stott, ^{Sr.} paid
on the said note the sum of One Hundred and Fifty
Dollars; which said credit duly appears on the back
of said note; all of which will more fully and at
large appear by a copy of the said note, with the
credit thereon, herewith filed, marked "Exhibit # 1"
and prayed to be read as a part hereof;

That the said plaintiff, further complaining, says that on the 29th day of August, 1922, the said A. B. Stott, Sr., defendant, was the owner in fee of a tract of Seven Hundred acres of land, lying, being and situate in Hardy Magisterial District, in the County of Isle of Wight, State of Virginia, and bounded by the lands of C. H. Chapman, L. L. Vellines, J.M.H. Jordan, W. P. Stagg, et als; and, that on the 30th day of August, 1922, the said defendant, A. B. Stott, Sr., by his deed bearing date of August 30th, 1922, and of record in the Clerk's Office of the Circuit Court of the County of Isle of Wight in D.B. 93, page 246, conveyed in fee simple the said tract of Seven Hundred acres of land, more or less, to the said defendants, A. B. Stott, Jr., and Mary G. Wilson, children of the said A. B. Stott, Sr., a copy of the said deed being herewith filed marked "Exhibit # 2" and made a part hereof; that Ida M. Stott, wife of the said A. B. Stott, Sr., also signed and executed the said deed for the purpose of relinquishing her dower interest in the land therein conveyed.

The said plaintiff, further complaining, says that on the 6th day of September, 1922, the said A. B. Stott, Sr., was the owner and had in his possession a certain lot of chattel property, consisting in part of household and kitchen furniture, farming implements, Ford Automobile and numerous other articles, all of said chattel property being located in the said County of Isle of Wight, Virginia; and, that on the 7th day of September, 1922, by a Bill of Sale, duly of record in the Clerk's Office of the Circuit Court of Isle of Wight Courty in D.B. 93 page 264,

did sell and deliver to his wife, Ida M. Stott, for the sum of One Hundred Dollars the said chattel property, all of which will more fully appear by a copy of the said Bill of Sale, herewith filed, marked "Exhibit #3" and made a part hereof;

The said plaintiff, still complaining, says that the said conveyance of the said Seven Hundred Acres of land made in consideration of the sum of Ten Dollars, love and affection, and other considerations of value, bearing date of August 30th, 1922, and of record as aforesaid in D.B. 93, page 246, was made by said Grantor therein for the sole purpose of hindering, delaying and defrauding his creditors and especially to evade, hinder and delay the payment of the said note above mentioned, of which fraudulent intent the said A. B. Stott, Jr., and Mary G. Wilson, children of the said Grantor, had notice before and at the time of said conveyance, and which note was then a subsisting obligation against the said A. B. Stott, Sr;

The said plaintiff, further complaining, says that the said Bill of Sale of September 7th, 1922, and of record as aforesaid in D. B. 93 page 264 was made by the said Grantor therein for the sole purpose of hindering, delaying and defrauding his creditors and especially to evade, hinder and delay the payment of said promissory note first above mentioned, of which fraudulent intent the said Ida M. Stott had notice before and at the time of said conveyance, which note was then a subsisting obligation against the said A.B. Stott, Sr;

The said plaintiff, still further complaining, says that the said A. B. Stott, Sr., at the time he made the said conveyance of the said land and the said Bill of Sale of chattels aforesaid, was, and still is, insolvent; that no consideration whatever for the said land and the said chattels was passed from either A. B. Stott, Jr., Mary G. Wilson or Ida M. Stott, to the said A. B. Stott Sr; that the said conveyance executed by the said A. B. Stott, Sr., was purely voluntary and wholly without consideration deemed valuable in law; and that in executing the said conveyance of the said land and the said Bill of Sale of the chattels aforesaid, the said A. B. Stott, Sr., had no other purpose than the fraudulent design above mentioned.

In tender consideration thereof, the said complainant being remediless in the premises save in a Court of Equity where matters of this kind are alone and properly cognizable, prays that the said A. B. Stott, Jr., Mary G. Wilson, W. P. Wilson, A. B. Stott, Sr., and Ida M. Stott, may be made parties defendant to this bill and required to answer the same on oath; that the said deed bearing date of August 30th, 1922, and of record as aforesaid in D. B. 93 page 246, and the said Bill of Sale, bearing date of September 7th, 1922, and of record as aforesaid in D. B. 93, page 264 be set aside and declared null and void as voluntary and fraudulent so far as the plaintiff's rights and interest are concerned; that the said tract of land containing Seven Hundred Acres, more or less, above mentioned and described, be sold subject to a certain mortgage for Six Thousand Dollars in favor of the

Federal Loan Bank of Baltimore, Md., to satisfy and pay the balance due on the plaintiff's note and the costs of this suit, including a reasonable Attorney's fee to your complainant's Attorney; and that all such other, further and general relief may be granted to the said plaintiff as the nature of his case may require or to equity shall seem meet.

Geo. M. West
BY COUNSEL

E. Williams pq

413

Geo. W. Delk,

Vs(In Chancery

A. B. Stott, Sr., et als.

2 Sift Rules file

B I L L.

E. H. WILLIAMS,
ATTORNEY AT LAW,
SMITHFIELD, VIRGINIA