

1925-010
Nansemond Co (Suffolk) Chancery Causes: S.R. Brockenborough et al vs R.T. Griffith et al

Green, Kelly, Brinkley

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon R.T.Griffith and Minnie B.
Griffith

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 Third Monday in October, 1923 to answer a

Bill in Chancery, exhibited against them

in the said Court by J.W.Green, S.R.Brockenbrough and B.A.Kelly

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 1st day of
October, 1923, in the 148th year of the Commonwealth.

~~A Copy---Teste:~~

Clerk

Teste:

Clerk

Executed on the 1 day of
Oct. 1923 within the county of
Nansemond, by delivering a
true copy of the within process.

In writing, to R.T. Griffith

E.B. Rawles
Sheriff of Nansemond County.

Executed on the 1 day of
Oct. 1923 within the county of
Nansemond, by delivering a
true copy of the within process.

In writing, to Minnie B.

Griffith in person
E.B. Rawles
Sheriff of Nansemond County.

Executed on the 1 day of
Oct. 1923 within the county of
Nansemond, by delivering a
true copy of the within process.

In writing, to

E.B. Rawles
Sheriff of Nansemond County.

Thomas L. Woodward

p. q.

J.W. Green et als

vs. } In Chancery

R.T. Griffith et al

19²³

October Rules

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

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

THIS DEED, Made this 8th day of November, 1922, between R. T. Griffith and Minnie B. Griffith, his wife, of Nansemond County, Virginia, parties of the first part, and W. J. Green, S. R. Brockenbrough and B. A. Kelley, all of the City of Suffolk, Virginia, parties of the second part:

W I T N E S S E T H: That for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do grant unto the said parties of the second part, with GENERAL WARRANTY, "All that certain tract of land containing two hundred (200) acres, more or less, which is situated in Cypress Magisterial District, Nansemond County, Virginia, on what is known as the Hosier road (now Old Hosier road), and is bounded and described as follows: on the North by the land of Jackson Brinkley (or formerly his), on the East by the land of Minnie B. Griffith, on the South by the Hosier road and the land of John Walls (or formerly his), and on the West by the Somerton road. It being that part of the tract of land lying on the North side of the Hosier road which was conveyed to Felton Brinkley by Irajah Langston by deed recorded in the Clerk's Office of Nansemond County" And it is the same land which was conveyed to R. T. Griffith and W. R. Kilby by Felton Brinkley and Elizidee Brinkley, his wife, by deed dated March 8th, 1906, and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book No. 60, page No. 404, and likewise conveyed by W. R. Kilby (his undivided share) to R. T. Griffith by deed dated February 2nd, 1907, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia in Deed Book No. 62, page No. 487.

The said parties of the first part covenant that they have the right to convey the said land to the grantees; that they have done no act to encumber the said land; that the grantees shall have quiet possession of the said land, free from all encumbrances, and that they, the said parties of the first part will execute such further assurances of the said land as may be requisite.

WITNESS the following signatures and seals:



[Signature] (SEAL)
Winnie B. Griffith (SEAL)

STATE OF VIRGINIA,

CITY OF SUFFOLK, TO-WIT:

I, Wm. L. Woodward, a Notary Public in and for the State and City aforesaid, do certify that R. T. Griffith and Minnie B. Griffith, his wife, whose names are signed to the writing hereunto annexed, bearing date the 8th day of November, 1922, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this 13 day of November, 1922.

My commission expires the 6th day of January, 1925.

Wm. L. Woodward
Notary Public.

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County
the 13th day of November, 1922

This Deed was presented, and, with the certificate annexed,
admitted to record. *The requisite amount of \$2.00 in Revenue*
stamps affixed and cancelled. Teste:

H. E. Bunting, Clerk
By *Hubert N. Bunting* D. C.

115

DEED OF BARGAIN AND SALE.

INDEXED

R. T. GRIFFITH

and

MINNIE B. GRIFFITH

TO

W. J. Green, S. R. Brocken-
brough and B. A. Kelley.

Admitted to record
November 13th 1922

See Deed Book
No. 100, Page 277

Again & verified

H. E. Bunting, Clerk
By Ruby C. Bunting

Tax 1.80

See 1.50

Sy. 1.00

THOMAS L. WOODWARD

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

6122

4.30
Warrant 2.00
5.30

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

J. W. Green, S. R. Brockenbrough)
and B. A. Kelly---Complainants)

v. ORDER)

R. T. Griffith and Minnie B.)
Griffith-----Defendants)
.....)

This cause came on this day to be heard upon the complainant's bill; proof of regular service of proper process on R. T. Griffith and Minnie B. Griffith in person, who have failed, and still fail to appear, plead, demur, or answer the said bill, which is taken for confessed as to each of them.

On consideration whereof, the court doth order, adjudge and decree that J. W. Green, S. R. Brockenbrough, and B. A. Kelly do recover of R. T. Griffith ~~and Minnie B. Griffith~~ the sum of \$675.00, with legal interest thereon from the 8th day of November, 1922, until paid.

VIRGINIA:
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

J. W. Green, S. R. Brocken-
brough, and B. A. Kelly

v. ORDER

R. T. Griffith and Minnie
B. Griffith.

Entered May 30 1920
J. L. McGinnis

#575. 546

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

S. R. Brockenbrough, J. W. Green
and B. A. Kelly.....Complainants

vs. ANSWER

R. T. Griffith and Minnie B. Griffith.....Defendants

The answer of R. T. Griffith and Minnie B. Griffith to a bill of complaint filed against them in the Circuit Court of Nansemond County by S. R. Brockenbrough and others, complainants.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint. for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

(1) It is true that the said R. T. Griffith conveyed a certain tract of land to the said complainants as stated in the bill and as set out in the deed filed with the said bill of complaint, and it is also true that the said deed stated that the tract of land contains two hundred (200) acres.

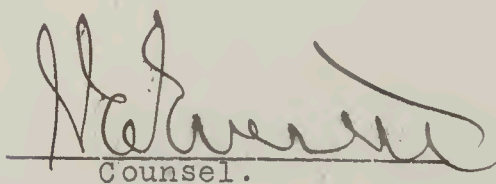
(2) It is not true that your respondents falsely and fraudulently represented the number of acres in the said tract of land; nor did your said respondents falsely and fraudulently represent the wrong boundary lines of said tract of land.

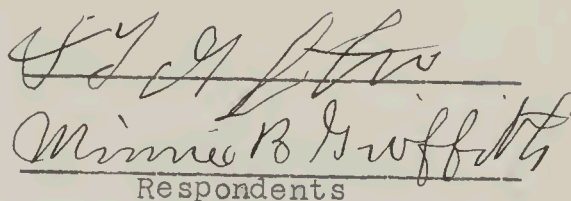
(3) Your respondent, R. T. Griffith, took the complainants, or their representative, on the tract of land and showed them the land and told them all he knew about it, and after going over the lines themselves, with full knowledge of the property, they made your said respondent, R. T. Griffith,

an offer for the property as it stood. The said complainants did not have the said property surveyed, before they purchased and paid for the same, because they knew at the time they were purchasing the said property as it stood, regardless of the number of acres. Your respondents did not misrepresent the property and the complainants did not depend on your respondents' statements and representation of the property, when making the purchase, they used their own judgment in buying the property as it was.

Your respondent Minnie B. Griffith is the wife of R. T. Griffith, and signed the deed as the said complainants well knew to relinquish any right that she might have in said property as the wife as the said R. T. Griffith.

And, now, having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.


Counsel.


Minnie B. Griffith
Respondents

Recd Apr 8, 1924
H. G. Smith,
Care

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

S. R. Brockenborough,
J. W. Green and B. A.

Kelly - - - - -Complainants

v.

R. T. Griffith and
Minnie B. Griffith - - - - -

Defendants.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF SAID COURT:

Your complainants, S. R. Brockenborough, J. W. Green and B. A. Kelly, humbly complaining sheweth unto the court the following case:

That defendants on about the 1st day of November 1922, in consideration that the complainants would buy of them, the said defendants, certain tract of land situate in Cypress Magisterial District, Nansemond County, State of Virginia, and pay unto them, the said defendants, the sum of Two Thousand (\$2000.00) Dollars, as a purchase price of said tract of land, falsely and fraudently represented and stated to said complainants that the said tract of land contained two hundred (200) acres of land and that the said defendants did falsely and fraudently represent and show your complainants the wrong boundaries to said tract of land so as to include land belonging to others; and that the complainants paid the said sum of Two Thousand (\$2000.00) Dollars to the said defendants as the purchase price of said land, and the said defendants conveyed the same to your complainants by deed with covenants of general warranty, all of which will more fully and at large appear by reference to the said deed itself, the same being herewith filed marked Exhibit "A" and made a part of this bill.

Your complainants further show unto the court that they relied upon said representations and statements of the defendants and did purchase and pay for the said tract of land at the price above specified, relying on said representations and allegations and believing them to be true, but your complainants aver that

said representations and allegations were and are untrue; that said tract of land contains only one hundred and twenty-five (125) acres of land by actual survey and that complainants ought to recover from the said defendants the sum of Six Hundred and Seventy-five (\$675.00) Dollars, being the difference in the amount of purchase money actually paid by your complainants to the said defendants, and that which your complainants should have paid by reason of the deficiency in the quantity of land in the tract aforesaid, which sum of Six Hundred and seventy-five (\$675.00) Dollars said defendants declined and refused to pay.

Your complainants therefore pray that the said R. T. Griffith and Minnie B. Griffith may be made parties defendant to this bill and required to answer the same, but not under oath, the oath being hereby waived; and that the said complainants may have a decree for the said sum of six hundred and seventy-five (\$675.00) Dollars, and that they may have such other, further and general relief as to equity may seem meet and the nature of the case may require.

And they will ever pray, etc.

J. H. Green
H. P. Brockebrough
J. A. Keeney

By Counsel.

Wm. L. Woodward
Solicitor for Complainants.

VIRGINIA:
IN THE CIRCUIT COURT OF
HANSELOD COUNTY.

J. W. Green, S. R. Brocken-
brough and B. A. Lolly

v.

R. T. Griffith and Minnie
b. Griffith.

Filed Dec, 22, 1923
[Signature]
Dec

THOMAS L. WOODWARD
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

J. W. Green, S. R. Brocken-
brough and B. A. Kelly - - - - -Complainants.

v.

R. T. Griffith and
Minnie B. Griffith - - - - -Defendants.

To Mr. George E. Bunting, Clerk of the Circuit Court of
Nansemond County.

Please issue process commanding the proper officer to
summons R. T. Griffith and Minnie B. Griffith to appear before
the Circuit Court of Nansemond County in the Clerk's Office
thereof at the rules to be held for the said court of Monday,
the 15th day of October, 1923, to answer the bill of complaint
of J. W. Green, S. R. Brockenbrough and B. A. Kelly.

Thos. L. Woodward
Attorney for Complainants.

Rich Notes:

*10-1-23 - Process issued, returnable to
Oct. Rules, 3rd Monday, 1923.*

*Oct. 22, 1923, process returned & served, but
filed and drawn in it.*

*Nov. Rules, 1st Monday, 1923 - drawn in it & confirmed
& came out for hearing.*

George E. Bunting
Clerk