

1927-003
Nansemond Co (Suffolk) Chancery Causes: Jane Deloach vs Alice Grogan, trst et al

Ailstock, Corbell, Walker, Bangel

The Commonwealth of Virginia,

Sergeant of the City of Portsmouth

To the ~~Sheriff of the County of~~ _____, Greeting:

WE COMMAND YOU, That you summon Alice Grogan, Trustee and W.M. Grogan

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the First Monday in March, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Jane Deloach

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 21st day of February, 1927, and in the
151st year of the Commonwealth.

G.E. Bunting, Clerk

SUBPOENA IN CHANCERY

Julius Kroger, Dr. & Co.

Wm. S. Holman p. q.

To March Rules,
1st Monday, 1926
General Chf Circuit Court.

John P. Jones

Let Free Pl

Ex-acted this 23rd day of February
(1862) in the City of Portsmouth, Va., by
delivering a copy of the within ^{and} summons.
Nicolas Croghan and
Wm. Croghan in person,
J. P. Croghan City Sec'y.
by J. P. Croghan Deputy Sec'y.

TRUSTEE'S SALE

Pursuant to the terms of a certain deed of trust, dated June 18, 1926, to the undesignated trustee, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 109, page 220, default having been made in the payment of the debt thereby secured, and at the request of the creditor thereby secured, I will offer for sale at public auction, to the highest bidder, in front of the Clerk's Office of the Circuit Court of Nansemond County, in Suffolk, Virginia, on Thursday, October 6, 1927, at noon, the following property, to-wit:

All that certain lot piece or parcel of land, situated in Nansemond County, Virginia, being a part of the plat of land of the "Nansemond Development Corporation," made by Brinkley and Nurney, engineers, being duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Map Book No. 1, page 47, to which plan or plat reference is hereby made for greater particularity on the description of the property hereby conveyed. Said lot being located on the east side of South Fourth street, commencing at a point on South Fourth street where the said South Fourth Street intersects a ravine or branch, and thence running from the center of said ravine or branch northerly on the east side of South Fourth Street one hundred and forty-five (145) feet, and thence running at right angles with South Fourth Street easterly in a straight line one hundred and ten (110) feet to a point, thence running southwardly, parallel with South Fourth Street, to the center of the ravine or branch above mentioned, and thence running at meanderings along the center of said ravine southwestwardly to the point of beginning.

Terms: Cash.

ALICE GROGAN, Trustee

A. A. BANGEL, Atty. for Trustee.

9-24-10t.

THIS DEED, Made the 18th day of June A.D. nineteen hundred and twenty-six between Elias Deloach and Jane Deloach, his wife, of the City of Suffolk in the State of Virginia, parties of the first part and Alice Grogan, Trustee, party of the second part,

WITNESSETH, That the said parties of the first part do grant unto the said part of the second part the following property, to-wit: All that certain lot, piece or parcel of land, situated in Nansemond County, Virginia, being a part of the plat of land of the "Nansemond Development Corporation", made by Brinkley and Nurney, Engineers, being duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Map Book No. 1, page 47, to which plan or plat reference is hereby made for greater particularity on the description of the property hereby conveyed.

Said lot being located on the east side of South Fourth Street, commencing at a point on South Fourth Street where the said South Fourth Street intersects a ravine or branch, and thence running from the center of said ravine or branch northerly on the east side of South Fourth Street one hundred and forty five (145) feet, and thence running at right-angles with South Fourth Street easterly in a straight line one hundred and ten (110) feet to a point, thence running southwardly, parallel with South Fourth Street, to the center of the ravine or branch above mentioned, and thence running at meanderings along the center of said ravine southwestwardly to the point of beginning, being the same property which was conveyed to the said Jane Deloach by deed of the Nansemond Development Corporation, dated December 23, 1915, and of record in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 82, page 477.

IN TRUST, To secure to secure to the holder of the hereinafter described note the payment of the sum of Nien Hundred and Twenty-eight dollars and twenty-four cents (\$928.24), as evidenced by a certain negotiable promissory note of even date herewith, made by Elias Deloach and Jane Deloach, payable thirty days after date to the order of W.M. Grogan at the Bank of

Tidewater, at Portsmouth, Virginia, bears interest at the rate of six per cent per annum, waives homestead exemption and is marked on the margin to Alice Grogan, Trustee, as a mark of further identification. and upon the further trust that the said grantor shall remain in quiet and peaceable possession of the above granted and described premises, ~~and take the~~ profits thereof to their own use, until default be made in the payment of the debt aforesaid, in whole or part, and upon such default being made, the said Trustee shall so soon thereafter as he shall be requested by the said creditor herein secured or his assigns so to do , sell the above granted property at public auction, at such time and place and upon such terms and conditions, as he may deem expedient, having first given notice of such time and place of sale for at least ten days, by advertisements in one or more newspapers published in the City of Suffolk, Virginia, and out of the proceeds of such sale, after paying all the expenses attending the execution of this trust, including commissions on said proceeds of sale, to the said Trustee, at the rate of five per centum, shall pay to the said creditor secure or his assigns, the debt aforesaid, with interest thereon, or so much thereof as may then remain unpaid, and the balance, if any, to the said grantor or his assigns. The said grantor covenants that they will during the continuance of this trust, keep the buildings upon the aforesaid land insured against loss by fire, in a sum not less than One Thousand dollars and assign the policy of insurance to the said Trustee as an additional security for the payment of the debt aforesaid, and if they the said grantors fail to keep the said buildings insured as aforesaid, the said Trustee or the beneficiary hereunder, may cause the same to be insured, and the premium of such insurance shall be a charge upon the trust property aforesaid. The said grantors covenant that they will warrant generally the property hereby conveyed, and will pay all taxes, levies and assessments upon said property so long as they, or their assigns shall hold the same. And the said grantors hereby waive the benefit of their homestead exemption as to this obligation; and agree that upon payment of this debt, a release deed shall

be executed at their expense.

WITNESS the following signatures and seals:
his
Witness to mark Elias x Deloach (SEAL)
Geo. H. Walker. mark
her
Jane x Deloach (SEAL)
mark

State of Virginia,

City of Portsmouth to-wit:

I, Geo. H. Walker, a Notary Public for the City aforesaid, in the State of Virginia, do certify that Elias Deloach and Jane Deloach whose name__ are signed to the writing above, bearing date on the eighteenth day of June in the year nineteen hundred and twenty six ha__ acknowledged the same before me in my city aforesaid.

Given under my hand this 18th day of June, 1928.

My commission expires September 16, 1927.

Geo. H. Walker
Notary Public.

Virginia.

In the Clerk's Office of the Circuit Court of Nansemond County the 28 day of June 1926.

This deed was presented, and, with the certificate annexed, admitted to record.

Teste: G.E. Bunting, Clerk.

By, M.K. Gardner, D.C.

A true copy made this the 3rd. day of February, 1927.

Teste: G.E. Bunting, Clerk.

By, M.K. Gardner, D.C.

"Exhibit A"

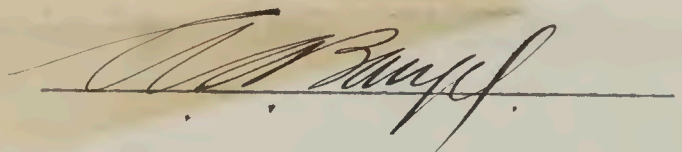
Elias Deloath and
Jane Deloath

To:

Alice Grogan Trustee

STATE OF VIRGINIA,
City of ~~Por~~^{Suffolk}smouth, To-Wit:

A. A. Bangel, being first duly sworn according to law, deposes and says: That he was retained about a month ago by W. M. Grogan to act as attorney for him and the Trustee in making sale of a certain piece of property securing a note for the principal sum of \$928.24, made by Elias Deloach and Jane Deloach to Alice Grogan, Trustee; that on being consulted by W. M. Grogan, who is colored, to look after this matter, he was led to believe that his duty was to prepare the advertisement, insert it in the newspaper, attend the sale with the trustee and prepare the deed of bargain and sale to the purchaser; that on the 21st day of September, 1927, he mailed to the Suffolk News-Herald, a newspaper published in the City of Suffolk, Virginia, the advertisement offering said property for sale on the 6th day of October, 1927, (a copy of said advertisement being attached to this affidavit and made a part hereof as though fully written herein); that he was not informed of any chancery suit pending in the Circuit Court of Nansemond County, Virginia; that he verily believes that he would have been so informed had W. M. Grogan been familiar with said condition; that had he been so informed he would have made application to the court for leave to file an answer, which would have been within the statutory period of six months.



Subscribed and sworn to before me this Oct day of
October, 1927.

My commission expires February 5, 1930.


NOTARY PUBLIC.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,

Complainant.

V.

ALICE GROGAN, Trustee, and
W. M. GROGAN,

Defendants.

AFFIDAVIT.

Exhibit "6"

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

STATE OF VIRGINIA,

City of Portsmouth, To-Wit:

George H. Walker, being first duly sworn according to law, deposes and says: That he is a practicing attorney in the City of Portsmouth, Virginia, and has been so engaged for years; that sometime during the past summer W. M. Grogan consulted him with reference to being employed for the purpose of enforcing payment of a note made by Elias Deloach and Jane Deloach; that upon being informed by W. M. Grogan that the note was in the possession of Mr. J. Allan Blair, who was handling this matter for him, he then advised him that legal ethics would not permit him to accept the matter while still with Mr. Blair; that he had personal knowledge that Mr. Blair was confined to the hospital and that for this reason the matter was not being looked after.

Geo H Walker

Subscribed and sworn to before me this 3rd day of October, 1927.

My commission expires: June 10th, 1929

Sallie B. Hatford
Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,

Complainant.

V.

ALICE GROGAN, Trustee, and
W.M. GROGAN,

Defendants.

AFFIDAVIT.

Exhibit 'S'

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

MARGIN RESERVED FOR BINDING

N. B.—WRITE PLAINLY, WITH UNFADING INK (WRITING FLUID)—THIS IS A PERMANENT RECORD. EVERY ITEM OF INFORMATION SHOULD BE CAREFULLY SUPPLIED. AGE SHOULD BE STATED EXACTLY. PHYSICIANS SHOULD STATE THE CAUSE OF DEATH IN PLAIN TERMS, SO THAT IT MAY BE PROPERLY CLASSIFIED, EXACT STATEMENT OF OCCUPATION IS VERY IMPORTANT.

1 PLACE OF DEATH

COUNTY OF Norfolk
 MAGISTERIAL DISTRICT OF Western Branch
 OR
 INC. TOWN OF _____
 OR
 CITY OF _____

 CERTIFICATE OF DEATH
 COMMONWEALTH OF VIRGINIA

 BUREAU OF VITAL STATISTICS
 STATE BOARD OF HEALTH

REGISTRATION DISTRICT NO. 1645 B REGISTERED NO. 22
 (TO BE INSERTED BY REGISTRAR) (FOR USE OF LOCAL REGISTRAR)
 (No. Third Ave ST. _____ WARD _____)

(If death occurred in a hospital or other institution, give its NAME instead of street and number)

2 FULL NAME James Allan Blair

(A) RESIDENCE, NO. _____ ST. _____ WARD _____
 (Usual place of abode) (If non-resident give city or town and State)
 Length of residence in city or town where death occurred yrs. mos. ds. How long in U. S., if of foreign birth? yrs. mos. ds.

PERSONAL AND STATISTICAL PARTICULARS

3 SEX M 4 COLOR OR RACE W 5 SINGLE, MARRIED, WIDOWED, OR DIVORCED (write the word) M

5A IF MARRIED, WIDOWED, OR DIVORCED
 HUSBAND OF Ruth A. Blair
 (OR) WIFE OF

6 DATE OF BIRTH (MONTH, DAY, AND YEAR, WRITE NAME OF MONTH)
Jan 31 st. 1894 19

7 AGE YEARS MONTHS DAYS IF LESS THAN 1 DAY, _____ HRS OR _____ MIN.
33 7 3

8 OCCUPATION OF DECEASED
 (A) TRADE, PROFESSION, OR PARTICULAR KIND OF WORK Lawyer
 (B) GENERAL NATURE OF INDUSTRY, BUSINESS, OR ESTABLISHMENT IN WHICH EMPLOYED (OR EMPLOYER)

(C) NAME OF EMPLOYER

9 BIRTHPLACE (CITY OR TOWN) Va.

(STATE OR COUNTRY)

10 NAME OF FATHER S. E. Blair

11 BIRTHPLACE OF FATHER (CITY OR TOWN) Va.

(STATE OR COUNTRY)

12 MAIDEN NAME OF MOTHER Mary Mc Donough

13 BIRTHPLACE OF MOTHER (CITY OR TOWN) Va.

(STATE OR COUNTRY)

14 INFORMANT Jno F. O'Connor
 (Address) City

15 FILED Aug. 5, 1927 Mary H. Leake
 REGISTRAR

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH (MONTH, DAY AND YEAR, WRITE NAME OF MONTH)
Aug. 3 d. 1927

17 I HEREBY CERTIFY, THAT I ATTENDED DECEASED FROM
Jan 5, 1927, TO Aug. 3, 1927

THAT I LAST SAW HIM ALIVE ON Aug. 3, 1927

AND THAT DEATH OCCURRED, ON DATE STATED ABOVE, AT 8:30 P M.
 THE CAUSE OF DEATH* WAS AS FOLLOWS:

Pulmonary Tuberculosis

(DURATION) _____ YRS. _____ MOS. _____ DS.

CONTRIBUTORY (SECONDARY)

(DURATION) _____ YRS. _____ MOS. _____ DS.

18 WHERE WAS DISEASE CONTRACTED
 IF NOT AT PLACE OF DEATH?

DID AN OPERATION PRECEDE DEATH? no DATE OF _____

WAS THERE AN AUTOPSY? no

WHAT TEST CONFIRMED DIAGNOSIS? Microscopic

(SIGNED) R. d. Corbell M. D.

Aug. 4, 1927 (ADDRESS) Portsmouth, Va

*State the DISEASE CAUSING DEATH, or in deaths from VIOLENT CAUSES, state (1) MEANS AND NATURE OF INJURY, and (2) whether ACCIDENTAL, SUICIDAL, or HOMICIDAL.

19 PLACE OF BURIAL, CREMATION, OR RE-MOVAL DATE OF BURIAL

Oak Grove 8/5/27

20 UNDERTAKER Flynn & O'Connor

ADDRESS Portsmouth, Va.

Attest:- The obverse is a true and legal copy of the original certificate filed in the records of the State Board of Health.

Date

Oct. 6, 1927.

Wapered

State Registrar

Exhibit "H"

STATE OF VIRGINIA,

City of Portsmouth, To-Wit:

R. L. Corbell, being first duly sworn according to law, deposes and says: That he is a practicing physician in the City of Portsmouth, Virginia, and has been so engaged for a number of years; that on the 28th day of January, 1927, he was engaged to administer to Mr. J. Allan Blair, a practicing attorney of the City of Portsmouth, Virginia; that he had Mr. Blair removed to the Parrish Memorial Hospital, where he remained until the 19th day of April, 1927; that during said period of time he was lingering between life and death and not permitted to be seen by any person relative any business matter, nor was anyone permitted to engage in conversation with him, save and excepting immediate members of his family; that on the 19th day of April, 1927, he advised the removal from said hospital to a sanatorium, where the climate would aid the tubercular condition which had set in; that Mr. Blair remained away from the City of Portsmouth, Virginia, until a very short time prior to his death.

R. L. Corbell

Subscribed and sworn to before me this 16th day of October, 1927.

My commission expires: June 23 1930

M. M. Hillard
Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,

V. Complainant.

ALICE GROGAN, Trustee, and
W. M. GROGAN,

Defendants/

AFFIDAVIT.

Exhibit "THREE"

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

STATE OF VIRGINIA,

City of Portsmouth, To-Wit:

Harriet V. Ailstock, being first duly sworn according to law, deposes and says: That she is the superintendent of the Parrish Memorial Hospital, which hospital is located in the City of Portsmouth, Virginia; that Mr. J. Allan Blair was confined to the hospital from the 28th day of January, 1927, until April 19, 1927; that upon his being discharged from said hospital he was to be removed to a sanatorium for further treatment.

Harriet V. Ailstock R.N.
Supt.

Subscribed and sworn to before me this 4th day of October, 1927.

My commission expires: June 23, 1930

M. M. Hillards
Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,
Complainant

V.

ALICE GROGAN, Trustee, and
W. M. GROGAN,
Defendants.

AFFIDAVIT.

Exhibit Two

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Jane Deloach,	)	
	Complainant.	)
V.	)	IN CHANCERY.
Alice Grogan, trustee, and	)	
W. M. Grogan,	Defendants.	)

To The HON. JAMES L. MCLEMORE, Judge of said Court:

Your petitioner, W. M. Grogan, respectfully represents:

1. That he is one of the defendants in the suit pending in the Circuit Court of Nansemond County, Virginia, wherein Jane Deloach is complainant.

2. That he is the bona fide holder for value, without notice, of the note described in the Bill for Nine Hundred and Twenty-eight Dollars and Twenty-four Cents (\$928.24).

3. That upon default in the payment of said note he placed the matter with J. Allan Blair, an attorney at Law, Portsmouth, Virginia, for handling.

4. That Mr. Blair advised him that he would look after the matter and see that the note was satisfied.

5. That he has personal knowledge that this matter was taken up with the maker of said note by his attorney and an effort made by him to collect the same.

6. That about two months thereafter he received a paper, the contents of which he did not understand and properly made an effort to deliver the same to his attorney, having delivered this paper to the stenographer of Mr. Blair, and was informed by her that upon Mr. Blair's return to his office from the hospital she would see that he received it.

7. That Mr. Blair continued to remain confined to the hospital for some time and that he consulted another attorney at law, George H. Walker, asking that he proceed to enforce the note, not knowing at the time that the paper which he delivered to the office of Mr. Blair was a summons to answer a Bill in Chancery.

8. That he was informed by George H. Walker that inasmuch as this matter was placed by him with an attorney, legal ethics would not permit to handle it until that attorney had abandoned it or agreed to release the client.

9. That he then permitted the matter to remain dormant, awaiting the return of Mr. Blair to his office and it was not until Mr. Blair's death that he obtained the note and upon his attention being called to a newspaper advertisement which had been inserted in the Portsmouth Star did he change counsel by calling at the office of A. A. Bangel, who is a practicing attorney in the City of Portsmouth.

10. That the character of the paper which was served on him and which he delivered to the stenographer of Attorney Blair was not made known to him until explained by his present attorney on Monday, October 3, 1927.

Wherefore, your petitioner prays that he be allowed a reasonable length of time in which to file his answer, as provided by Section 6122 of the Code of Virginia.

Wm. Greaves
Petitioner.

STATE OF VIRGINIA,
City of Portsmouth, To-Wit:

Subscribed and sworn to before me this 3rd day of
October, 1927:

My commission expires: February 5, 1930.

Annie Williams
Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,

Complainant.

v.

ALICE GROGAN, Trustee, and
W. M. GROGAN,

Defendants.

PETITION AND AFFIDAVIT OF
W. M. GROGAN.

Exhibit One

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

JANE DELOACH

vs.

ALICE GROGAN, TRUSTEE, and W. M. GROGAN

This cause, which has been regularly matured at rules, docketed and set for hearing, came on this day to be heard on the complainant's bill, which was filed in the Clerk's Office of this court on the 3rd Monday in February, 1927, proof of legal service of proper process executed on the 23rd day of February, 1927, upon the respondents, W.M. Grogan and Alice Grogan, Trustee, both in person, and they having failed to plead, answer or demur within six months from the date of service of process, said bill is taken for confessed against them, and the defendant, W. M. Grogan, came by counsel on the 8th day of October, 1927, and presented his verified petition "Exhibit 1" with affidavits "Exhibits 2,3,4,5,6," which are filed by leave of court, praying leave to file his answer, "Exhibit 7" to the bill of complaint, and it appearing to the court that the petition and affidavits do not show good cause for granting leave to file his answer, the court doth refuse to allow the filing of said answer "Exhibit 7", and was argued by counsel.

On consideration whereof, it is adjudged, ordered, and decreed that the said deed of trust from Elias DeLoach and Jane DeLoach to Alice Grogan, Trustee, dated the 18th day of June, 1926, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed of Trust Book 109, page 220, on the 28th day of June, 1926, conveying a certain lot, piece, or parcel of land described in the bill in this cause to Alice Grogan, Trustee, to secure the payment of a certain note hereinafter described,

be, and the same is hereby, cancelled and declared void and of no effect, and it is further adjudged, ordered, and decreed that the note described in the aforesaid deed of trust, bearing date the 18th day of June, 1926, for the sum of Nine Hundred and Twenty-eight Dollars and Twenty-four Cents (\$928.24), be, and the same is hereby, likewise cancelled and declared void and of no effect. And it is ordered that the Clerk of this court make a reference to the book and page where this order is entered in the Chancery Order Book on the margin of the page where the aforesaid deed of trust is recorded. And it is also adjudged, ordered, and decreed that the said Alice Grogan, Trustee, be, and she is hereby, perpetually enjoined and restrained from selling, or further attempting to sell, under or by virtue of the aforesaid deed of trust, the property therein described. And it is further ordered that the complainant recover of the defendant, W. M. Grogan, her costs about her suit in this behalf expended.

And it is ordered that this cause be stricken from the docket.

JANE DELOACH

v.

W.M.GROGAN & ALICE GROGAN, TRUSTEE

DECREE

Enter Octo. 8. 1924.

J. L. McNamee

Chancery Order Book

No. 6 Page 102

HOLLAND & WOODWARD
~~WILLIAM S. HOLLAND~~

ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Jane Deloach,	)	
	Complainant.	)
V.	)	IN CHANCERY.
Alice Grogan, trustee, and	)	
W. M. Grogan,	Defendants.	)

The answer of W. M. Grogan, to a bill of complaint exhibited against him by Jane Deloach in the Circuit Court of Nansemond County, Virginia.

This respondent, reserving unto himself the benefit of all just exceptions to said Bill, for answer thereto, or so much thereof as he is advised that it is material for him to answer, answers and says:

That Jane Deloach and Elias Deloach executed a deed of trust to Alice Grogan, trustee, to secure the payment of a note for Nine Hundred and Twenty-eight Dollars and Twenty-four Cents (\$928.24), described in said Bill, which said deed of trust is marked "Exhibit A" and attached to said bill; that this respondent emphatically denies that said deed of trust was procured by improper and fraudulent means and under the circumstances alleged in said bill.

Your respondent, denying all allegations of fraud, corrupt, wicked and deceptive means, for further answer thereto says:

That John Deloach is the son of Elias Deloach and Jane Deloach; that John Deloach purchased an automobile from a Mr. Engel, for the sum of Six Hundred Dollars (\$600.00), which automobile was

seized for transporting intoxicating liquors; that the said W. M. Grogan, your respondent, was approached by John Deloach for the purpose of paying the purchase price of said automobile, paying the costs of the confiscation proceedings and a repair bill to said automobile and certain attorney's fees incurred by the said John Deloach, and that your respondent, W. M. Grogan, agreed to make these several expenditures upon being given security for the re-payment of said sums of money by him paid; that John Deloach suggested to your respondent that they call on his father and mother who would gladly execute a deed of trust on their property to secure him said sums of money; that your respondent, W. M. Grogan and John Deloach called at the home of the complainant and her husband, explained the matter to them in detail, this respondent informing the complainant that he would not advance these several sums of money unless they would sign a note secured by deed of trust on their property, assuring him the re-payment; that the said complainant and her husband both understood and expressed themselves as being exceedingly desirous of protecting this respondent and offered your respondent the said note secured by deed of trust; that on the next day, in the afternoon, this respondent and John Deloach called at the home of the complainant and her husband in an automobile; that the complainant and her husband entered said automobile, came to the City of Portsmouth, where they executed said note and deed of trust before George H. Walker, a Notary Public, and were immediately, by this respondent, conveyed in said automobile to their home.

This respondent says that he is entitled to the said sum of Nine Hundred and Twenty-eight Dollars and Twenty-four Cents (\$928.24), with interest thereon from the date of said note; that the allegations in said bill setting forth allegations to the

contrary are absolutely untrue and by him emphatically denied.

W. M. GROGAN,

By

W. M. Grogan

Counsel.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

JANE DELOACH,
Complainant.

V.

ALICE GROGAN, Trustee, and
W. M. GROGAN,
Defendants.

ANSWER.

Exhibit "7"

A. A. BANGEL
ATTORNEY AT LAW
NEW KIRN BUILDING
PORTSMOUTH, VA.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

JANE DELOACH

vs. ALICE GROGAN, TRUSTEE, and W. M. GROGAN

To The Honorable James L. McLeMore, Judge of the Circuit Court of the said County:

Your complainant, Jane Deloach, respectfully represents unto your Honor that your complainant, Jane Deloach, is owner of a certain lot or parcel of land, the said lot or parcel of land being described as follows, to-wit:

"All that certain lot, piece or parcel of land, situated in Nansemond County, Virginia, being a part of the plat of land of the "Nansemond Development Corporation", made by Bfinkley and Nurney, Engineers, being duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Map Book No. 1, page 47, to which plan or plat reference is hereby made for a greater particularity on the description of the property hereby conveyed.

"Said lot being located on the east side of South Fourth Street, commencing at a point on South Fourth Street where the said South Fourth Street intersects a ravine or branch, and thence running from the center of said ravine or branch northerly on the east side of South Fourth Street one hundred and forty-five (145) feet, and thence running at right-angles with South Fourth Street easterly in a straight line one hundred and ten (110) feet to a point, thence running southwardly, parallel with South Fourth Street, to the center of a ravine or branch above mentioned, and thence running at meanderings along the center of said ravine southwestwardly to the point of beginning, being the same property which was conveyed to the said Jane Deloach by deed of the Nansemond Development Corporation, dated December 23, 1915, and of record in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 82, page 477."

Your complainant further represents unto your Honor that on the 28th day of June, 1926, that there was recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed of Trust Book 109, page 220, a deed of trust, purporting to have been executed by Elias Deloach and Jane Deloach to Alice Grogan, Trustee, on the above described lot or parcel of land in trust to secure the payment of Nine Hundred and Twenty-eight Dollars and Twenty-four Cents (\$928.24) to W. M. Grogan, a certified copy of this alleged deed of trust is hereto attached marked "Exhibit A", and is, by reference, made a part of this bill, and that the said deed of trust was procured by improper and fraudulent means and under circumstances as follows, to-wit:

That on the 18th day of June, 1926, your complainant, Jane Deloach, was about sixty-six years of age, and that the husband of your complainant, Elias Deloach, was about seventy-six years of age, living together in a colored suburb of the City of Suffolk, Virginia, on the property above described; that on the night of June 18, 1926, after your complainant and her husband had retired, two strangers, unknown to your complainant called at the home of your complainant in company with John Deloach, who is the son of your complainant, and who has been living away from your complainant in the City of Portsmouth for several years, that your complainant believes now that one of these strangers was W.M.Grogan, who claims to be the beneficiary in the aforesaid deed of trust, that the said John Deloach, wickedly and corruptibly contriving with the aforesaid W.M.Grogan, procured your complainant and her husband to sign "a piece of paper" by their marks, without reading same to your complainant and her husband, knowing that your complainant and her husband could neither write, nor read, and further knowing that your complainant and her husband were sick, and greatly enfeebled both in body and mind, and also knowing that by reason thereof, that your complainant and her husband were easily susceptible to persuasions and fraudulent tricks, that then and there, the said W.M.Grogan and John Deloach told your complainant and her husband that it was necessary for your complainant and her husband to sign "a piece of paper" in order to keep John Deloach, their son, "out of some trouble" with reference to an automobile, that the said John Deloach and the said strangers promised that "if they (your complainant and her husband) would sign the piece of paper, that they would not ever be troubled about the matter at all," and by reason of such fraudulent misrepresentation, your complainant and her husband signed, by their marks, the "piece of paper," near the midnight hour on the night of the 18th day of June, 1926; that your complainant first learned that W.M.Grogan claimed a deed of trust on the property above described belonging to your complainant on

the _____ day of November, 1926, that the Notary certificate attached to the said deed of trust is absolutely false and fraudulent, that your complainant and her husband were not in the City of Portsmouth at any time during the month of June, 1926, and have never signed a deed of trust in the City of Portsmouth, virginia, the said City of Portsmouth being twenty miles or more from the home of your complainant; that your complainant and her husband have never signed, nor acknowledged signing, a deed of trust to Alice Grogan, Trustee, before George H. Walker, or any other Notary Public, that your complainant has never knowingly or conciously signed the aforesaid deed of trust and if the names signed to the aforesaid deed of trust are the signatures of your complainant and her husband, the said deed of trust is the aforesaid "piece of paper" and such signatures were procured by improper and fraudulent means and under such circumstances as aforesaid; that your complainant has never received any consideration whatsoever from W.M.Grogan, and that your complainant has never been indebted to W.M.Grogan and is not indebted to him now. Your complainant further alleges that her husband, who had an inchoate dower right in your complainant's property, died on the 8th day of February, 1927.

In tender consideration whereof, and for as much as your complainant is without remedy save in the court of equity where such matters are properly cognizable and releivable, your complainant prays that the said Alice Grogan, Trustee, and W.M.Grogan, may, by proper process, be made parties defendants to this bill and required to answer the same, though answer under oath from them and each of them, is hereby expressly waived; that the said Alice Grogan, Trustee, be enjoined and restrained from selling, or attempting to sell, and from conveying the property described in the aforesaid deed of trust, by virtue of the alleged terms and authority in said deed of trust; that the aforesaid deed of trust, and the note described in the said deed of trust, and each of them, may be cancelled, set aside and declared null and void and that the said deed of trust

as a cloud upon the title of the said real estate of your complainant, may be removed, and be delivered to the Clerk of this Court, or to such other person as the court may designate, to be cancelled, that your complainant may have such other and further releif in the premises as equity may require, and to your Honor shall seem meet.

Witness: Katherine Earley

Jane ^{her} Deloach
mark

STATE OF VIRGINIA,
City of Suffolk, to-wit:

I, Katherine Earley, a Notary Public, for the City and State aforesaid, hereby certify that Jane Deloach appeared before me, in my City aforesaid, and made oath that the allegations contained in the foregoing bill are made upon her own knowledge and that such allegations are true.

My commission expires the 31st day of August, 1930.

Given under my hand this 29th day of February, 1927.

Katherine Earley
Notary Public.

~~ELIAS DE LOACH~~ ELANE DELOACH

VS.

ALICE GROGAN, TRUSTEE, and
W. M. GROGAN

BILL

Filed Feb. 21, 1927

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY

~~ELIAS DELOACH~~ and JANE DELOACH

vs.

Memorandum for Process

ALICE GROGAN, TRUSTEE, and W. M. GROGAN

To G. E. Bunting, Clerk:

Issue process in Chancery against the above defendants
returnable to the 1st March rules.

Wm. S. Holland p. q.

Sept. 7 day of Ports.

2-21-27 - Process issued - Return filed
Process returnable to Term. Rules, 1st Monday 12-27
Process return executed & return made
Return made confirmed & cause set for hearing
H. E. Bunting, Clerk

JANE DELOACH

vs.

ALICE GROGAN, TRUSTEE, ET AL

MEMORANDUM *and*
Rule Notes;