

214VA14

IN THE  
SUPREME COURT OF VIRGINIA  
AT RICHMOND

-----

RENA P. WILSON,	Plaintiff in Error
vs.	Record No. 8140
<u>VIRGINIA NATIONAL BANK</u>	Defendant in Error

-----

APPENDIX

Wayland P. Britton  
Counsel for Plaintiff in Error  
216 New Kirn Building  
Portsmouth, Virginia

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WARRANT IN DEBT

COMMONWEALTH OF VIRGINIA, CITY OF CHESAPEAKE, to-wit:  
THE HIGH CONSTABLE OF SAID CITY:

You are hereby commanded in the name of the Commonwealth of Virginia to summon.....  
*Allen B. Wilson, Jr. + Bernice P. Wilson P/H/H Mrs. Allen B. Wilson, Jr.*

appear at Municipal Building, 1205 20th Street, in said city, before the Civil Division, Municipal Court to try  
warrant, at 9:00 o'clock A.M., on the.....*22*.....day of.....*April*....., 19*71*.....

answer the complaint of.....*Virginia National Bank (a Banking Corp.)*.....

on a claim for money, to-wit: for the sum of.....*one thousand two hundred fifty seven*.....<sup>*51/100*</sup>Dollars,

by.....*Open Account pursuant to a Master Charge Card Agreement*.....

*\$ 1,267.51*

and there make return of this warrant.

given under my hand this.....*8*.....day of.....*April*....., 19*71*.....

*Alvin S. Hays*  
Justice of the Peace

vs.

IN DEBT—Before the Civil Division, Municipal  
Court of the City of Chesapeake, Virginia, on the  
*22nd* day of.....*April*....., 19*71*.....

JUDGMENT is that the Plaintiff recover of the Defendant.....*1267.51*.....

.....Dollars, with interest from the.....*22*.....day of

.....*April*....., 19*71*....., until paid, \$.....accrued interest, \$.....

....., \$.....attorney fees and \$.....*6.75*.....cost

*Paul C. Culver*  
Associate Judge, Municipal Court, Civil Division

*Filed  
July 6, 1972  
H/H*

Docket Number 62272

Returnable April 22, 1971

WARRANT IN DEBT

RECEIVED  
HIGH CONSTABLE

'71 APR 12 AM 8:

CITY OF  
CHESAPEAKE,

Bernard Wilson

Executed APR 13 1971  
In the City of Chesapeake, State of  
Virginia, by calling at the usual  
place of abode of the defendant

Rena B. Wilson  
and not finding her there, I de-  
livered a copy hereof in writing to  
her son  
Bernard Wilson

at usual place of abode and gave him  
information of its purport, he being  
a member of her family above the  
age of sixteen years.

J. K. Holland, Jr.  
High Constable

J. K. Holland, Jr.  
Deputy High Constable

Virginia National Bank  
(a Banking Corp.)  
No. 3300 E. Princess Anne Rd.  
Norfolk Va

vs. JUDGMENT

Allen B. Wilson, Sr.  
Rena B. Wilson & Mrs. Allen B. Wilson, Sr.  
No. 618 Justice Ave  
Chesapeake, Va.

	Amount	Date
Filing Fee	1.50	4/13
Clerk's Fee	.25	4/13
H. Cons't Fee	1.25	4/13
Add. H. Cons't Fee	1.25	

Executed APR 13 1971  
In the City of Chesapeake, State of  
Virginia, by calling at the usual  
place of abode of the defendant

Allen B. Wilson Sr  
and not finding him there, I de-  
livered a copy hereof in writing to  
his son  
Bernard Wilson

at usual place of abode and gave him  
information of its purport, he being  
a member of his family above the  
age of sixteen years.

J. K. Holland, Jr.  
High Constable

J. K. Holland, Jr.  
Deputy High Constable

GARNISHEE SUMMONS MUST BE ANSWERED IN WRITING UNDER OATH,  
OR IN PERSON ON THE 9 DAY OF March, 1972

COMMONWEALTH OF VIRGINIA, CITY OF CHESAPEAKE, to-wit:

TO: J. K. Holland, High Constable of the City of Chesapeake, Greetings:

WHEREAS, Virginia National Bank

PLAINTIFF has suggested that there is a liability on  
Home Beneficial Life Insurance Company

Civil

GARNISHEE for the amount of judgment rendered in the \_\_\_\_\_ Court against  
Allen B. and Rena P. Wilson DEFENDANT

for \$ 1,267.51 with interest there from the 22 day of April, 1971, until  
paid, and \$ 19.75 costs, which includes cost of this garnishment, \$ - Attorneys Fees, and  
\$ - Fines on this behalf, by reason of the lien of the writ of fieri facias which was upon said

judgment sued out and delivered to the High Constable for the said City. Therefore, we command you,  
in the name of the Commonwealth of Virginia, that you summon \_\_\_\_\_  
Allen B. and Rena P. Wilson

\_\_\_\_\_ JUDGMENT DEBTOR and \_\_\_\_\_  
Home Beneficial Life Insurance Company

\_\_\_\_\_ GARNISHEE

to appear before the Municipal Court, Civil Division, Municipal Bldg., 1205-20th Street, at 9 o'clock  
A. M. on the 9 day of March, 19 72, to answer the said suggestion.

And have then and there this writ.

Given under my hand this 11 day of Feb., 19 72.

Chesapeake Municipal Court, Civil Division

M. Benduout Deputy Clerk

Garnishee is required to  
Answer these questions: 1. Are you indebted to the defendant? 2. If so, in what amount? 3. Is defendant  
employed by you, or if not, when did he leave your employment? If you answer that you are indebted to  
defendant you should hold the amount subject to the order of the Court.

On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

The said \_\_\_\_\_ who has been garnished in this  
cause having appeared and answered, upon consideration of evidence before the court that he is indebted to  
the said Judgment Debtor, JUDGMENT is granted the plaintiff against the said Garnishee for the sum of

\$ \_\_\_\_\_

Associate Judge, Municipal Court, Civil Division

Docket Number 62272

Returnable March 9, 1972

**SUMMONS IN GARNISHMENT**

'72 FEB 14 AM 8:40

HIGH CONSTABLE  
NORFOLK VA

*1/4/72 J.C. Ransom  
11 AM*

FEB 14 1972

Executed  
In the City of Norfolk, Commonwealth of Virginia at 11 O'clock AM by delivering a copy of the within process to J.C. Ransom who is the Manager of the within mentioned corporation, wherein he resides or his place of business is or the registered office of the corporation is located.

*W. B. O'Dea*  
CHARLES U. O'DEA  
High Constable  
Deputy High Constable

Virginia National Bank

Plaintiff

vs.

Judgment Debtor

Allen B. and Wena F. Wilson  
618 Tuskegee Ave.  
Chesapeake, Va.

Garnishee

Home Beneficial Life Insurance Company  
5713 East Va. Beach Blvd.  
Norfolk, Va.

*2/11*

SEARCHED	INDEXED	SERIALIZED	FILED
	1.50		
	1.25		
	1.75		

Stuart D. Glasser, Atty.

GARNISHEE SUMMONS MUST BE ANSWERED IN WRITING UNDER OATH,  
OR IN PERSON ON THE 11 DAY OF April 1972.

COMMONWEALTH OF VIRGINIA, CITY OF CHESAPEAKE, to-wit:

TO: J. K. Holland, High Constable of the City of Chesapeake, Greetings:

WHEREAS, Virginia National Bank

PLAINTIFF has suggested that there is a liability on  
(1) United Va./Seaboard (2) First & Merchants Nat'l Bank (3) Peoples Bank of Chesapeake

(4) Bank of Virginia  
GARNISHEE for the amount of judgment rendered in the Civil Court against  
Rena P. Wilson DEFENDANT

for \$ 1,267.51 with interest there from the 22 day of April 1971, until

paid, and \$ 34.50 costs, which includes cost of this garnishment, \$ — Attorneys Fees, and

\$ — Fines on this behalf, by reason of the lien of the writ of fieri facias which was upon said

judgment sued out and delivered to the High Constable for the said City. Therefore, we command you,

in the name of the Commonwealth of Virginia, that you summon Rena P. Wilson

JUDGMENT DEBTOR and (1) United Va./Seaboard (2) First & Merchants Nat'l Bank (3) Peoples Bank of Chesapeake (4) Bank of Va.

GARNISHEE

to appear before the Municipal Court, Civil Division, Municipal Bldg., 1205-20th Street, at 9 o'clock

A.M. on the 11 day of April, 19 72, to answer the said suggestion.

And give then and there this writ.

Given under my hand this 6 day of March, 19 72.

Chesapeake Municipal Court, Civil Division

M. N. Bondurant Deputy Clerk

Garnishee is required to

Answer these questions: 1. Are you indebted to the defendant? 2. If so, in what amount? 3. Is defendant employed by you, or if not, when did he leave your employment? If you answer that you are indebted to defendant you should hold the amount subject to the order of the Court.

On the 18 day of April, 19 72

The said Judgment for garnishee who has been garnished in this cause having appeared and answered, upon consideration of evidence before the court that he is indebted to the said Judgment Debtor, JUDGMENT is granted the plaintiff against the said Garnishee for the sum of

\$ —  
Charles D. Calhoun  
Associate Judge, Municipal Court, Civil Division

FILED IN THE CLERK'S OFFICE OF THE CITY OF CHESAPEAKE, VIRGINIA  
APR 18 1972  
CHARLES B. CROSS JR., CLERK

**SUMMONS IN GARNISHMENT**

Va. National Bank

Plaintiff

vs.

Rena P. Wilson  
618 Tuskegee Ave.  
Chesapeake, Va.

Judgment Debtor

- (1) United Virginia/Seaboard  
5 Main Plaza East  
Norfolk, Va.
- (2) First & Merchants Nat'l Bank  
1 Bank St.  
Norfolk, Va.
- (3) Peoples Bank of Chesapeake  
3403 Battlefield Blvd.  
Chesapeake, Va.
- (4) Bank of Virginia  
500 Plume East  
Norfolk, Va.

ISSUING	150		
CONST. FEE	125		
TOTAL CONST. FEE	175		

*Bladen & Bladen*

**APPEAL**

Virginia National Bank having prayed an appeal from my decision in the case of Rena P. Wilson, Defendant, and (1) United Virginia Bank/Seaboard National, (2) First & Merchants National Bank, (3) Peoples Bank of Chesapeake, (4) Bank of Virginia, Garnishees, to the Circuit Court for the City of Chesapeake and having posted cash bond for payment for all cost the above case is hereby appealed on this the 21st day of April, 1972.

*Earle A. Cadmus*  
EARLE A. CADMUS  
JUDGE  
MUNICIPAL COURT, CIVIL-DIVISION  
CITY OF CHESAPEAKE, VA

Executed. 1972  
In the City of Norfolk, State of Virginia, by  
delivering a copy at 10:35 AM  
to Wanda Chapman  
Mrs. Chapman  
Bank of Virginia  
a Corporation, in the City of Norfolk, where  
In the residence or wherein the said Corporation  
is doing business.  
CHARLES U. ODEA  
High Court Clerk

Executed. 1972  
In the City of Norfolk, State of Virginia, by  
delivering a copy at 10:35 AM  
to Wanda Chapman  
Mrs. Chapman  
Bank of Virginia  
a Corporation, in the City of Norfolk, where  
In the residence or wherein the said Corporation  
is doing business.  
CHARLES U. ODEA  
High Court Clerk

Executed. 1972  
In the City of Norfolk, State of Virginia, by  
delivering a copy at 10:30 AM  
to Wanda Chapman  
Mrs. Chapman  
Bank of Virginia  
a Corporation, in the City of Norfolk, where  
In the residence or wherein the said Corporation  
is doing business.  
CHARLES U. ODEA  
High Court Clerk



VIRGINIA: IN THE MUNICIPAL COURT OF THE CITY OF CHESAPEAKE

VIRGINIA NATIONAL BANK : 62272  
vs. : MOTION TO DISMISS  
RENA P. WILSON : RETURNABLE APRIL 11, 1972  
Judgment Debtor :

To: United Virginia Bank/Seaboard National  
First and Merchants National Bank  
Peoples Bank of Chesapeake  
Bank of Virginia, Garnishee  
AND Virginia National Bank  
(Garnishee)

Rena P. Wilson moves the Municipal Court of the City of Chesapeake that the garnishee issued on the 6th day of March, 1972, on the following banks, to-wit:

1. Bank Account No. 1-10364-7 in the Bank of Virginia, 500 Plume East, Norfolk, Virginia 23510, in the amount of - - - - - \$1,302.01

2. Bank Account No. 512311 in the Peoples Bank of Chesapeake, Virginia, in the amount of - - - - - 122.89

3. Bank Account No. 05/40036;6478769 in the Virginia National Bank, Norfolk, Virginia, in the amount of - - - - - 250.00  
\$1,674.90

be dismissed; that on the 10th day of April, 1972, Rena P. Wilson has filed a homestead deed in the Circuit Court of the City of Chesapeake and has claimed these bank accounts exempt under her exemptions. Copy of the homestead deed is hereby attached to this motion to dismiss and made a part thereof.

RENA P. RIVERS  
By (S) Wayland P. Britton  
Counsel

Wayland P. Britton  
Attorney for Rena P. Wilson  
216 New Kirn Building  
Portsmouth, Virginia

HOMESTEAD DEED

KNOW ALL MEN BY THESE PRESENTS: That I, Rena P. Wilson, a householder and head of a family, residing in the City of Chesapeake in the State of Virginia, do hereby certify that I have not heretofore at any time declared my intention to claim the benefit of the homestead exemption to which I am entitled under the Constitution of Virginia and the laws of Virginia for such cases made and provided, or selected or set apart as and for the said homestead exemption any estate whatsoever, real or personal; and that I do hereby declare my intention to claim the benefit of the aforesaid homestead exemption and do hereby select and set apart as and for my said homestead exemption the following personal and real estate to be held by me as exempt as provided by law. My cash valuation of said personal and real estate is affixed to each article thereon respectively which is designated and described as follows:

1. Bank Account No. 1-10364-7 in the Bank of Virginia, 500 Plume East, Norfolk, Virginia 23510, in the amount of \$1,302.01.

2. Bank Account No. 512311 in the Peoples Bank of Chesapeake, Virginia, in the amount of \$122.89

3. Bank Account No. 05140036;6478769 in the Virginia National Bank, Norfolk, Virginia, in the amount of \$250.00

Total - - - - - \$1674.90

Dated: This 7th day of April, 1972

(S) Rena P. Wilson (SEAL)

STATE OF VIRGINIA  
CITY OF PORTSMOUTH, to-wit:

I, Vay M. Britton , a Notary Public in and for the City and State aforesaid, do hereby certify that Rena P. Wilson, whose name is signed to the foregoing writing, dated April 7, 1972, has acknowledged the same before me in my said City.

Given under my hand this 7th day of April, 1972.

Vay M. Britton  
Notary Public

My commission expires: Dec. 15, 1972

VIRGINIA: IN THE CLERK'S OFFICE OF CIRCUIT COURT OF THE CITY of Chesapeake April 10, 1972, at 11:06 A. M. This Deed was presented in Office with the certificate annexed and admitted to record. Teste: Charles B. Cross, Jr., Clerk

By Barbara P. Lollar D.C.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

VIRGINIA NATIONAL BANK,  
a national bank association

Plaintiff--Judgment Creditor

vs.

RENA P. WILSON

Defendant--Judgment Debtor

and

BANK OF VIRGINIA  
PEOPLES BANK OF CHESAPEAKE  
UNITED VIRGINIA/SEABOARD NATIONAL BANK  
FIRST AND MERCHANTS NATIONAL BANK

Co-Defendant - Garnishees

Garnishment No. 13016 A

O R D E R

This cause came on this day to be heard on the memorandum and suggestion for summons in garnishment of Virginia National Bank based on a Judgment against the Defendant, Rena P. Wilson, entered by the Municipal Court, Civil Division, of the City of Chesapeake, Virginia on the 22nd day of April, 1971, upon the Motion to Dismiss of the Defendant, Rena P. Wilson, on the grounds that she had filed a Homestead Deed dated April 7, 1972, and recorded on April 10, 1972, in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, claiming the assets described therein as exempt under her Homestead Exemption.

And it appearing to the Court that a garnishment and execution was issued by the Municipal Court, Civil Division, of the City of Chesapeake, Virginia on <sup>returnable April 11, 1972,</sup> March 6, 1972, /and placed in the hands of the High Constable of said city on March 6, 1972, and that the garnishment was served on the Co-Defendant garnishee banks on March 7 and 8, 1972, and on the Defendant, Rena P. Wilson, on March 9, 1972;

And it further appearing to the Court that the Homestead Deed of the Defendant was not duly admitted to record until April 10, 1972, and that the Defendant, Rena P. Wilson, did not set apart the property she desired to hold as exempt under Section 34-4, Code of Virginia, at any time before it was subjected by the garnishment and execution herein, as required by Section 34-17, Code of Virginia;

And it further appearing that there is a balance presently due and justly owing to the Virginia National Bank by Rena P. Wilson on the Judgment dated April 22, 1971, in the amount of \$1,267.51 plus interest at the rate of 6% per annum from April 22, 1971, till paid, plus \$34.50 Court cost, or a total of \$1,380.01 including accrued interest of \$78.00 through May 3, 1972; and it further appearing that the Bank of Virginia is indebted to and has on deposit in the name of Rena P. Wilson, \$122.89,

It is hereby ORDERED that the Motion to Dismiss of the Defendant, Rena P. Wilson, is denied, and it is further ORDERED that Virginia National Bank have judgment against the Bank of Virginia for the sum of \$1,302.01 and against Peoples Bank of Chesapeake for the sum of \$77.99, and said banks are ORDERED to pay each of said respective amounts to Virginia National Bank for which they are to receive credit on their account with Rena P. Wilson.

It is further ORDERED that this matter be removed from the docket.

Enter: 6/19/72

(S) W. H. Hodges

\_\_\_\_\_  
Judge

I Ask For This:

(S) Stuart D. Glasser  
Attorney for Virginia National Bank

Seen and Excepted to:

(S) Wayland P. Britton  
Attorney for Rena P. Wilson

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

VIRGINIA NATIONAL BANK,  
a national banking association

Plaintiff--Judgment Creditor

vs.

RENA P. WILSON

Defendant--Judgment Debtor

and

BANK OF VIRGINIA  
PEOPLES BANK OF CHESAPEAKE  
UNITED VIRGINIA/SEABOARD NATIONAL BANK  
FIRST AND MERCHANTS NATIONAL BANK

Co-Defendant - Garnishee

NO. 13016 A

ASSIGNMENT OF ERROR

The Defendant--Judgment Debtor, Rena P. Wilson, assigns the following error, to-wit:

That the Circuit Court for the City of Chesapeake erred in not allowing the homestead exemption, which homestead deed was filed prior to the return date of the garnishee; and the said homestead deed and a motion to dismiss being duly presented to the Court of proper jurisdiction prior to the judgment of the Court.

RENA P. WILSON

By (S) Wayland P. Britton  
Of Counsel

Wayland P. Britton, p. d.  
Attorney for Defendant--Judgment Debtor  
216 New Kirn Building  
Portsmouth, Virginia

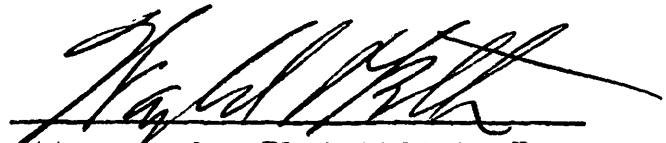
I hereby certify that I have mailed a copy of the foregoing pleading to Stuart D. Glasser, Attorney for Virginia National Bank, Plaintiff, 504 Plaza One, Norfolk, Va., on this 30th day of June, 1972.

(S) Wayland P. Britton

Filed  
6/30/72  
SDG

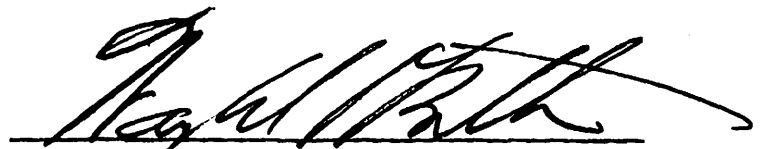
CERTIFICATE OF PARTIES  
AND COUNSEL

The name of the Plaintiff in Error is Rena P. Wilson who is represented by Wayland P. Britton, Attorney at Law, 216 New Kirn Building, Portsmouth, Virginia; the Defendant in Error, is Virginia National Bank and is represented by Stuart D. Glasser, Esquire, Suite 501 Plaza 1, Norfolk, Virginia.

  
\_\_\_\_\_  
Attorney for Plaintiff in Error

CERTIFICATE OF SERVICE

I, Wayland P. Britton, hereby certify that service of the foregoing Appendix was had by handing a true copy thereof to Stuart D. Glasser, Attorney for Virginia National Bank, Suite 501, Plaza 1, Norfolk, Virginia, this 14th day of February, 1973.

  
\_\_\_\_\_  
Attorney for Plaintiff in Error