1905 - 15 Southampton County Chancery Parker, J. C. Gdn Vs. Sumner, Charles E. et als

To sell real estate and provide Educ Exp by the Court

Sumner, Lillian, infant
Parker, J. C. Guardian
Sumner, Charles E

Sumner, Lillian
King, Wartly
Harrell, Mattie E.
Holland, Mattie E.
Holland, Lillian A
Holland, Deborah

Parker. Edin
vs. } Bill in
Chancery
Sumner. [redacted]

1901. 14. Sept. Rules filed
L. A. Gay e.c.

To the Hon.R.R.Prentis,Judge of the Circuit Court of Southampton County, Virginia.

Your complainant,J.C.Parker,Guardian for Charles E.Sumner and Lillian Sumner,infants,humbly complaining sheweth unto the Court the following case.

The said infants,Charles E. and Lillian Sumner,are the owners in fee-simple of a house and lot in the town of Franklin,Virginia,on the corner of High Street and Second Avenue,said lot being 52 & 1/2 by 210 feet in size,which was devised to the said infants in fee by their deceased mother ,Mary L.Sumner. The said property is not used and occupied by either of the said infants,but is rented out for their benefit by your complainant, their Guardian,for an annual rental of $120.,that being the best price which your complainant has been able to obtain for the same. The buildings on the said lot were constructed some six or seven years ago and are now beginning to need some repairs and the dwelling will soon need repainting, all of which will reduce the net amount of rent received from the same very materially.In addition to that the insurance that it is neccessary to carry on the property further reduces the net rent by about $6. per annum,and taking everything into consideration it is apparent that the net rent that can be realized from the property during the next four or five years cannot exceed $100. per annum,and this does not take into consideration the taxes which they would have to pay whether the value of the place is in money or realty. Neither of the said infants have at this time any idea whatever of residing at any time on the said property,but on the contrary both of them have largely formed plans for their future that will preclude the probability of their living on it. They have had several advantageous offers for the property,each of which they refused at the time,not being decided what was best for them to do with the property. They now have an offer from H.A.Williams for the property,who is willing to pay them the sum of $2100. for the property,and your complainant,after consulting with said infants and several of their adult relatives and heirs,has agreed with the said Williams to sell him the said property at the said price,provided the Court will confirm

order and confirm said sale,as will more fully appear from a memorandum of said agreement between your complainant and the said Williams herewith filed,marked"Exhibit A",and prayed to be read as a part of this bill. If this opportunity for sale of this property is not seized your complainant does not beleive that the said infants will soon have another offer that is so advantageous,and as your complainant beleives that the sale will be to the benefit of said infants he urges that it be made. At the price named the said infants will have about $1900. left after paying all expenses of selling,which will give them a net income,exclusive of taxes,of $114. per year,while your complainant,as he has said,does not beleive it possible that the property as it now stands will bring a net income,exclusive of taxes,of more than $100.per annum,and besides the property,so far from being likely to appreciate in value,is more than likely to depreciate,owing to the increased age of the buildings and the probability of an excess of dwellings in the town.

The heirs at law of the said infants to whom the said property would go in the event of their death before maturity are their four married sisters,namely,Wertley A.King (nee Sumner) ,Mollie E.Howell (nee Sumner), Bettie A.Holland (nee Sumner) and Deborah P.Holland(nee Sumner).

The said infants have no other real property but Charles E.Sumner has about $650.,and Lillian Sumner about $700. in the hands of your complainant Charles E.Sumner will be of age in February 1902 and Lillian Sumner in January 1904.

In consideration whereof,your complainant being remediless save in a court of Chancery where such matters are directed by statute to be heard, your complainant prays that the said Charles E.Sumner,Lillian Sumner,Wertly A.King,Mollie E.Howell,Bettie A.Holland and Deborah P.Holland be made parties defendant to this bill and required to answer the same ,though an answer under oath is hereby expressly waived. That a proper Guardian ad litem for the said infant defendants be appointed and be required to answer this bill. That the Court may make proper inquiry and if it deem it advisable to

do so that it will order a sale of the said property and that such care be taken of the proceeds as shall seem proper to the Court, and is required by law. That all proper inquiries be made and accounts be taken and orders be made. That a proper fee be allowed by the court out of the proceeds of the property to counsel for your complainant and notice is hereby given that such fee will be asked for. And that all such other, further and general relief may be granted to your complainant as may be just and proper or to equity may seem meet. And your complainant will ever pray, etc.

J.C. Parker Guardian
for Chas.E. and Lillian Sumner.

Parker and Story p.q.

Virginia, Southampton County, to-wit:-

This day personally appeared before me, [signature] a Notary Public in and for the said county in the state of Virginia, in my county, J.C. Parker, Guardian for Chas.E. and Lillian Sumner, and made oath that the statements contained in the foregoing bill are, so far as made from his own knowledge, true and so far as made from information derived from others he beleives them to be true.

Given under my hand this 1st day of August 1901.

[signature]
Notary Public.

Summers Guardian

vs. } Report of Court Proceedings

Summers et als

1901 8th Nov. Filed

L. A. Gary Cl. Cy.

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., October 14th, 1901.

To J.C.Parker, Guardian for Chas.E.Sumner and Lilian Sumner,

and

Chas.E.Sumner and Lilian Sumner, infants, by R.E.L.Watkins, gdn. ad litem. Wortley A.King. (nee Sumner,) Mollie E.Howell, (nee sumner,) Bettie A.Holland, (nee Sumner,) and Deborah P.Holland, (nee Sumner.

You are hereby notified that I have fixed upon the 29th day of October, 1901, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at Courtland, Va., the following accounts, to-wit:

In the suit Parker, Gdn. &c. v. Sumner et als.

1st:-What is the annual and fee simple value of the property described in this cause.

2nd:-Whether or not the sum offered by H.A.Williams, viz., $2100., is a fair price for the said property.

3rd:-Whether or not the interests of the said infants will be promoted by a sale of the said property upon the terms offered by H.A.Williams as set forth in said bill, and whether or not the interests of any of the adult defendants will be hurt or jeopardized by such sale.

4th:-Whether or not any liens for taxes, or otherwise, exist against said property.

5th:-Any other matter deemed pertinent by the said commissioner or which he may be required to state by any party in interest.

Jos. B. Prince's office

required to be taken by a decree of Southampton Circuit Court, rendered at the October term, 1901, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first aforesaid.

Jos B Prince Jr, Commissioner.

To the Sheriff of Southampton County to execute.

Executed this 26th day of Oct 1901 by Serving a true Copy of the within Notice on Mrs Hartley a Lunig in Person

R E Norfleet Dept
For A H Baker Shff

Parker, Elder
vs. } Notice
Seamon, et al

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., October 14th, 1901.

To J. C. Parker, Guardian for Charles E. Sumner and Lilian Sumner, and

Charles E. Sumner and Lilian Sumner, by R. E. L. Watkins their guardian ad litem, Wortley A. King, Mollie E. Howell, Bettie A. Holland, and Deborah P. Holland.

You are hereby notified that I have fixed upon the 29th day of October 1901, at my office in Jos. Parker's office, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at ~~my office~~, the following accounts, to-wit:

1st:-What is the annual and fee simple value of the property described in the bill in this cause.

2nd:-Whether or not the sum offered by M. A. Williams, viz., $2100, is a fair price for the said property.

3rd:-Whether or not the interests of the said infants will be promoted by a sale of the said property upon the terms offered by M. A. Williams as set forth in said bill, and whether or not the interests of any of the adult defendants will be hurt or jeopardised by such sale.

4th:-Whether or not any liens for taxes, or otherwise, exist against said property.

5th:-Any other matter deemed pertinent by the said commissioner, or which he may be required to state by any party in interest.

required to be taken by a decree of Southampton Circuit Court, rendered at the October term, ~~1901~~ 1901, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first aforesaid.

J. B. Prince Jr., Commissioner.

To the Sheriff of ~~Southampton~~ Nansemond County to execute.

EVERETT WADDEY CO.,
RICHMOND, VA.

Virginia. In the Circuit Court of Southampton County. Oct. Term 1901.

J. B. Parker, Guardian for Charles E. Summer and Lillian Summer,

vs. } First Decree

Charles E. Summer and Lillian Summer, infants, by R. E. L. Watkins, their Guardian ad litem, Worley A. King (nee Summer) Mollie E. Howell (nee Summer), Bettie A. Holland (nee Summer) and Deborah P. Holland (nee Summer).

This day this cause came on to be heard upon the bill and exhibits filed, the answers of Charles E. Summer and Lillian Summer, infants over fourteen years of age, the answer of R. E. L. Watkins Guardian ad litem for said infant defendants, duly duly assigned at rules according to law, the answers of Worley A. King, Mollie E. Howell, Bettie A. Holland and Deborah P. Holland, all duly sworn to, and the general replications to said answers, and was argued by Counsel.

Upon consideration whereof, the Court doth adjudge, order and decree, that one of the Commissioners in Chancery of this Court inquire and report.

First - What is the annual and fee-simple value of the property described in the bill in this cause.

Second - Whether or not the sum offered by H. A. Williams, namely $2100., is a fair price for the said property.

Third - Whether or not the interests of the said infants will be promoted by a sale of the said property upon the terms offered by said H. A. Williams as set forth in said bill, and Whether or not the

interests of any of the adult defendants will be hurt or jeopardized by such sale;

Fourth- Whether or not any liens, for taxes or otherwise, exist against the said property;

Fifth- Any other matter deemed pertinent by the said Commissioner or which he may be required to state by any party in interest.

And the said Commissioner shall report to Court as soon as practicable.

Upon consent of all the parties to this cause, entered of record in open Court the adults by their attorney and the infants by the Guardian ad litem, it is ordered that this be made a Vacation Cause and be submitted to the judge of this Court for such decision and decree herein in vacation as might be made in term.

A Copy

Test: L. A. Gary C.C.

Commissioner's Office.

Courtland, Va. Oct. 29th, 1901.

To the Circuit Court of the County of Southampton, Virginia:-

Pursuant to a decree of the Circuit Court of Southampton county, entered on the 8th day of October, 1901, in the Chancery cause of Parker, Guardian, v. Sumner et als, the undersigned your commissioner, to whom was referred for settlement the inquiries directed by said decree reports to court that on the 14th day of October, 1901, he issued notices against the several parties hereto, requiring them to attend the settlement of said inquiries at the office of Parker & Story in the town of Franklin, Va., which notices were returned duly acknowledged or served. That in pursuance to said notices he proceeded to make the following inquiries, to-wit:-

1st:- What is the annual and fee simple value of the property described in the bill in this cause.

Your commissioner is of opinion that the fee simple value is about $2100. That the annual value for the last two or three years has been $120, ~~and that the annual value~~

2nd:- Whether or not the sum of $2100 offered by H.A.Williams is a fair price for said property.

Your commissioner is of opinion that the sum of $2100 is a fair price for said property.

3rd:-Whether or not the interests of said infants will be promoted by a sale of the said property upon the terms offered by H.A.Williams as set forth in the bill in this cause, and whether or not the interests of any of the adult defendants will be hurt or jeopardized by said sale.

Your commissioner is of opinion that the interests of the infants will be promoted by a sale of the said property and that the interests of none of the adult defendants will be injured by such sale.

4th:-Whether or not any liens for taxes, or otherwise, exist against said property.

Your commissioner does not find any from the records.

The depositions of J.C.Parker, M.H.Moore, W.T.Pace and J.R.Howell, all property owners in the town of Franklin are filed herewith as a part of this report.

Respectfully submitted

J.B.Price, Jr.
Comr. in Chy.

Commissioner's fee $10.

The depositions of J.C.Parker and others, taken before me, J.B.Prince, jr., a commissioner in chancery of the Circuit Court of Southampton county on the 29th day of October 1901. to assist said commissioner in making a reprt in the suit of Parker, Gdn., v. Sumner et als, said depositions being taken after due notice of the time and place of taking said account, as will appear fromcopies hewewith filed.

Present:-Parker and Story, for plaintiff.

R.E.L.Watkins, Gdn. ad litem for infant defebdabts.

The witness J.C.Parker after being duly sworn deposes as follows:

Q.Please state your age; name residence and do you know the parties to this suit.

A.38, J.C.Parker,Lawyer,Franklin, Va, yes, except some of the adult defendants.

Q.Who would be the heirs of Chas.E. and Lillian Sumner if they were dead?

A.They have no father or mother, and their sisters named in the bill would be their heirs.

Q.What is the fee simple value of the property owned by them and described in the bill?

A. About $2I 00. It did not cost quite that much and the house was built more than six years ago and has not been repaired.

Q.What is its rental value?

A. $I20 a year.

Q.Would it be to the interest of the infant defendantsto sell the said property?

A. I think so.One of them, Chas.E.Sumner proposes to study medicine, and will probably need the value of his share in getting a medical education, which will certainly be worth more to him than his share in the property. The property is not paying to exceed 4 % gross on what they can get for it and will ceratinly depreciate in value unless kept in repair. Neither of them expects to live there at any time.

Q.Would the interst of any of the adult defendants be injured by a sale of the property?

A. I think not.

And further this deponent saith not.

J.C.Parker

Witness M.M.Moore after being duly sworn deposes as follows:

Q. State your ###.name, age residence occupation and do you know the parties to this suit ?

A. M.M.Moore, 42, Franklin, Va., Merchant, know the plaintiif infant defendants and their guardian ad litem.

Q. Please state what in your opinion is the value of the real estate of the infants mentioned in this suit situated on High Street and Second Ave. #the town of Franklin, said property being described more fully in the bill in this cause which I will read to you ?

A. I think the price of $2100 is a fair value for it. I owned a lot on the opposite side of the street which I considered as valuable as this one, and I have recently sold it for $2000.

What was your reason for selling your lot.

A. I could only get $10 a month for it and I considered that a##### small income on $2000.

Q. Then do you think it would be to the interests of the infants in this suit to sell this property.

A. Certainly unless they can get a better rent.

And further this deponent sith not.

M.M.Moore

Witness W.T.Pace after being duly sworn deposes as follows.

Q. State you name.age, residence, occupation, and do you know the parties to this suit.

A. W.T.Pace, 35, Franklin, Va., Merchant, all except some of the adult defendants

Q. Please state waht in your opinion is the fee simple value ofthepropperty situated on the corner of High###### Street and Second Ave. belonging to the Sumner children ?

A. I think $2000 would be a fair value for it.

Q. What do you think the rental value should be for this peoperty ?

A. I don't think ower $12.50 could beobtained in this town for it. The class of houses such as the one on this property is hard to rent here. ## People here would rather own their own property. In Norfolk it might rent for as much as $20. a month.

Q. Then if these infants can only get as much as $10 rental for this house ### would you consider it to their advantage to sell same.

A. Yes, I should say so. It doesn't pay to own that class of property here as

a mere investment.

Q. Are you a property owner in the town of Franklin ?

A. Yes.

And further this deponent saith not.

W. T. Pace

Witness J.R.Howell after being duly sworn deposes as follows.

Q. State your name, age, residence, occupation and do you know the parties to this suit.

A. J.R.Howell, 50 years, Franklin, Va., Merchant, and know all the parties.

Q. Please state what in your opinion is the value of the property situated on the corner of High St. and Second Ave. said property now being owned by the Sumner children ?

A. I should think the value of the property is about $2500. The rental value of this property has not been as much as it ought to be, considering its value. I understand it has rented for $10 a month.

Q. Do you think that is as much rent as could be obtained for the place in Franklin.

A. Yes.

Q. If these infants can only get $10a month rent, do you consider it to their interest to sell for $2100.

A. Yes. That has been my opinion all the time.

Q. Are you a property owner in the town of Franklin ?

A. Yes.

Q. Do you think the interests of any of the adult defendants in this suit would be injured by a sale of the property?

A. I do not.

And fusther this deponent saith not.

J R Howell

Office of J.B.Prince Jr. Comr in Chy.
Courtland Va. Oct. 29th, 1901.

I hereby certify that the above epositions of J.C.Parker, J.R.Howell, W.T.Pace and M.H.Moore were this day taken before me, and for the purposes named in the caption hereof, and duly subscribed and sworn to before me. Given under my hand this 29th day of October, 1901.

J.B. Prince Jr.
Comr- in chy-

Parker, Glen

Summer, Utah

Alleges Glen

default defendants

1902. 4" Sept. Just

L.D. Hay C.C.

The joint and separate answers of Charles E.Sumner and Lillian Sumner, infants under twenty-one years of age but more than fourteen years of age, to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County, Virginia, by J.C.Parker, Guardian for the said infants.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say that they fully concur in all the allegations contained in the said bill and join with the said complainant in requesting that the said property be sold at the price and on the terms named in said bill. Neither of these respondents have any idea at this time of ever risiding on this property and they fully beleive that it is not advisable for them to hold it as a mere investment unless they could get a very much larger rent for it that they have been able to get in the past or have any prospect of being able to get in the future. They beleive that their interests will be promoted by sale of the property and hence they unite in the request of the complainant in said bill. This resp ndent Charles E.Summer says that he is now twenty years of age and Lillian Sumner says that she is eithteen years of age, and being of these ages, while not fully capable of protecting their rights, beleive that they are capable of judging to some extent of what is best for them, in this connection. But your respondents commend themselves and their rights and interests to the protection of the court and pray that no order may be entered or decree be pronounced which will tend to their prejudice.

And now having fully answered these respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, etc.

Chas E Sumner
Lillian B Sumner

Virginia, Southampton County, to-wit:

This day personally appeared before me, [illegible] a Notary Public for the county aforesaid in the state of Virginia, Charles E.Sumner and Lillian Sumner, whose answer is above written, and made oath that the statements contained in the said answer so far as made of their own knowledge are true ; and so far as made from knowledge or information derived from others they are beleived to be true.

Given under my hand this [illegible]day of [illegible] 1901.

[illegible]
Notary Public.

Summers Guardian

vs } Statement of Rents

Summer et als.

EVERETT WADDEY CO.,
RICHMOND, VA.

J. L. Porter, Guardian for Charles E. Summer and Lillian Summer } Plaintiff

vs.

Charles E. Summer and Lillian Summer, infants, by R. E. L. Watkins, their guardian ad litem, and Worthy A. King (nee Summer), Mollie E. Howell (nee Summer), Bettie A. Holland (nee Summer), and Deborah P. Holland (nee Summer). } Defendants

In Chancery

1901, 1st Aug. Process issued to 2nd Aug. Rules.

1901 2nd Aug. Rules. Process not executed.

Bill not filed.

1901. 1st Sept. Rules. Process returned executed.

Bill and exhibits filed.

R. E. L. Watkins appointed G. M. ad litem to infant defendants.

Decree Nisi vs. Defendants

1901 2nd Sept. Rules, Answer of adult defendants, the infant defendants and the infant defendants by their G. M. ad litem filed.

Bill taken for confessed and cause set for hearing.

Parker. Guardian

vs. } Gdn. Bond

Sumner, et als.

1901. 18th Nov. Filed

L. A. Gay C.C.

Know all men by these Presents, That we J. L. Parker

as & E. F. Story

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of ($2500.00)
Twenty five hundred & 00/100 Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this 18th day of November A. D. ~~18~~ 1901

THE CONDITION of the above obligation is such that if the above bound J. L. Parker Guardian of Charles E & Lillian Summer, who is authorized to receive the cash payment and bonds and evidence confirming sale of certain lands in the bill and proceedings mentioned in the suit styled Parker, Gdn. vs. Summer et als. entered Nov. 18th 1901, shall make faithful application of the funds, and for the preservation and management of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent

~~shall faithfully discharge the duties of~~ ~~office or trust according to law~~, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

J. L. Parker SEAL

Frank Story SEAL

SEAL

SEAL

Parks Guardian

vs. } Final Report of
Chas E. Summers

Summers, et als

Report of Guardian
of Chas E. Summers
Filed April 8th 1902
& confirmed by decree
of same date

Parker Gdn.

vs. } additional costs

Semmes et als

Filing report 15. / Continuance at Apr. term 902 25 — 40

/ Decree at same term 36 — 36

2/4/1902 Paid L. A. Gay. 76

Mr. Chas. E. and Lillian Lee Summers

July 1, 190[illegible], to July 1, 1902. **TO TOWN OF FRANKLIN, VA., DR.**

	Town Levy 50c. on $100.		T'n Sch'l Tax 10c. on $100.		TOTAL TAX	
To 1/4 acres Land, value $ 1300.	6	50	1	30	7	80
To acres Land, value $						
To acres Land, value $						
To Personal Property, value $						
Total	6	50	1	30	7	80
5 per cent, additional Feb. 1, 190[illegible]						
Total						

Rec'd payment in full Jan 16 1902 Sergt.

Rec'd payment in full Jan 16 1902 J. S. Parker, Sergt.

Received of J. H. Parker, Guardian for Chas. E. & Lillian Sumner, Thirty-five & 00/100 Dollars fee directed to be paid to us by decree in suit of Parker, Guardian, vs. Sumner, et als.

Feby 4th 1902. Parker & Story

J. B. PRINCE J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law
Courtland, Va.

December 2nd, 1901.

Hon. J. C. Parker,

Franklin, Va-

Dear Sir:-

I beg to acknowledge receipt of your check for $10 which is for my fee as commissioner in suit Parker, Gdn., &c., v. Sumner et als.

Yours very truly,

J B Prince Jr

Parker, Guardian

2 of 2 Cons

Summer 24 als

Parker, Guardian

vs. } Stat: of costs

Commrs et als.

Seim, 25. 5 c.p. 65. receipt 18. atty. 10. Docket 18= 1 81

Rules 150, entering return 35 fil. bill 15. Do. Ex. 15= 2 15

Do. answers of Wm. and Wm. 15. Do. Ans. other defendants 15= 30

Do. Ans. of infant defendants 15. Do. report of Comr in chy. 25= 40

2 drafts from copy 141 taking Gdn's bond 95= 2 36

Jury costs 12. 40. 40

12/21/1901 Paid by J. B. Parker L. A. Gay & Co. $6 97

Sheriff Rockingham Co. Ordered by C.P. 5-0

Rec'd payment J. C. Parker, atty. 16 50

$23 97

Fee of Comm'r J. B. Pruner for Receipt-filed exhibits 10 00

$33.97

Taxed: L. A. Gay & Co.

To the Hon.R.R.Prentis, Judge of the Circuit Court of Southampton County, Virginia.

The undersigned, guardian for Charles E.Sumner and Lillian Sumner, begs leave to report that in accordance with decree entered by your Honor on Nov.18th 1901, in the chancery suit pending in the said court, styled Parker, Guardian, vs. Sumner and others, he has received from H.A.Williams, the purchaser of the property named in said suit, $2100. in cash and bonds as directed by said decree, and has paid out of the same the amounts directed to be paid by the said decree : and the said Charles E.Sumner, being twenty-one years old, as shown by the affidavit of his sister and his own statement, incorporated in his receipt, herewith filed, I have paid him his share, one-half, of the said fund as directed by said decree, all of which is shown by the following statement, duly supported by vouchers herewith filed

STATEMENT.

1901.				
Nov.27-	By amount of cash and bonds received from H.A.Williams,			$2100.00
"	To paid costs of suit as follows,			
	Clerk's fees to date,	$6.97		
	Sheriff of Nansemond Co.	.50		
	Writ tax and taxed fee,	16.50		
	Fee to J.B.Prince Jr., Comr.	10.00	$33.97	
"	" paid Parker & Story, attorney's fee,		35.00	
"	" " E.F.Story, Special Comr., 2 %,		42.00	
"	" " J.C.Parker, Guardian, 3 %,		63.00	
"	" " for recording trust deed from Williams,		2.85	
"	" " " writing deed from Comr. to "		2.50	
"	" " town taxes on this property from July 1st 1901 to Dec.1st 1901,		3.25	
	Balance,		1917.43	
			$2100.00	$2100.00
Nov.27th, 1902.	By balance due wards,			$1917.43
Feb.4th,	" interest on $1917.43 - 2 & 1/4 months,			21.56
" "	To commissions on the same,		1.67	
" "	" paid further costs in suit including this report, decree confirming same and continuance.		.76	
" "	" paid onehalf of balance to Chas.E.Sumner,		968.58	
	Balance,		968.58	
			$1938.99	$1938.99
1902.				
Feb.4th,	By balance due Lillian Sumner,			$968.58

Respectfully submitted,

J.C.Parker Guardian.

$968.58

I, Charles E.Sumner, the person named above, hereby declare that I am twenty-one years old and acknowledge receipt from J.C.Parker, my guardian, of the sum of Nine hundred and sixty-eight & 58/100 dollars in full of my share from sale of house and lot as shown by above report, this 4th day of February 1902.

Witness J.R.Knight

x Chas. E. Sumner

Parker. Guardian
vs.
Sumner. et als

---

affidavit of Mary
E. Harrell as Co-
oge of Charles
E. Sumner.

Franklin, Va. Feb. 5th, 1902.

I, Mary E. Howell, the sister of Charles E. Sumner, hereby make affidavit that the said Charles E. Sumner, for whom J. C. Parker is guardian, was born on the 4th day of February 1881 and is now twenty-one years old. I make this statement on my own recollection, I being much older than he is and remember when he was born, and also on the evidence of the family bible record in which his birth is recorded.

Mary E. Howell.

Subscribed and sworn to before me in my county, by Mary E. Howell, this 5th day of February 1902.

Notary Public.

Parker, Gibbs
vs. } "Exhibit A"
Sumner, et als.

Memorandum of agreement between J.C.Parker,Guardian for Charles E.Sumner and Lillian Sumner,on the one part and H.A.Williams on the other part,concerning the sale and purchase of the house and lot on the corner of High Street and Second Avenue,in Franklin,Va.,belong to said Chas.E.& Lillian Sumner,infants,made this first day of August 1901.

Williams agrees to take said property as soon as deed for and possession of the same can be given him,and topay therefor twenty-one hundred dollars ($2100.)payable five hundred dollars cash when deed is delivered to him and the remainder in three equal installments payable one,two and three years after date of deed,secured by deed of trust on the property,and bearing interest at six per cent from date.

Parker agrees,with the advice and consent of the court to be obtained hereafter,to sell said property to Williams at the price and on the terms above stated,and promises to institute a chancery suit at once for the purpose of getting the consent of the Court to said sale and will press the same to a conclusion as rapidly as possible and will as soon as it is possible under the law to do so,deliver to said Williams a deed for and the possession of the said poperty,on the terms above indicated.

J.C.Parker Guardian

for Chas E. and Lillian Sumner.

H. A. Williams

Parker, Edie

vs.

Summers, Beals

Answer & Plea

Guardian ad litem

1901. 3rd Supt. Dist.

L a Hay C.C.

The separate answer of R.E.L.Watkins, Guardian ad litem for Charles E.Sumner and Lillian Sumner, infants, to a bill of complaint exhibited against the said infants and others in the Circuit Court of Southampton County, Virginia by J.C.Parker, Guardian for the said infants.

This respondent, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says that he know nothing as to the truth or falsity of any of the allegations made in the said bill but that he beleives them to be true and from his personal knowledge of the property in question (which is fairly accurate) he beleives that a sale of them at the price mentioned in said bill, $2100. is advantageous and should be made. But your respondent commends himself and the said infants and their rights and interests, to the protection of the court and prays that no order may be entered or decree be pronounced which will tend to their prejudice.

And now, having fully answered, this respondent prays to be hence dismissed with his costs in this behalf expended, and he will ever pray, etc.

R.E.L.Watkins Guardian ad litem for Chas.E. and Lillian Sumner.

Virginia, Southampton County, to-wit:- , in my county

by R.E.L.Watkins this 3rd day of August 1901. This day personally appeared before me, [illegible] a Notary Public for the county aforesaid in the state of Virginia, in my said county, R.E.L.Watkins, whose answer as guardian ad litem for Chas.E. and Lillian Sumner is above written, and made oath that the statements contained in the said answer so far as made from his own knowledge are true, and so far as made from knowledge or information derived from others they are beleived to be true.

Given under my hand this 3rd day of August 1901.

[illegible]
Notary Public.

We, [redacted] Wortley A.King, Mollie E.Howell, Bettie A.Holland and Deborah P.Holland, defendants in a chancery suit pending in the Circuit Court of Southampton County, Virginia, in which J.C.Parker, Guardian for Chas.E.Summer and Lillian Summer is plaintiff, and we and others are defendants, the object of which suit is the sale of the house and lot in Franklin, Virginia, on the corner of High Street and Second Avenue, which belongs to said Chas.E.& Lillian Summer, hereby designate Parker & Story, of Franklin, Virginia, as our attorneys to represent our interests in said suit and to act for us in acknowledging service of all process and notice required in said suit.

Mollie E. Howell.

Wortley A. King.

Bettie A. Holland

Deborah P. Holland.

Porter Gibb

Summer et als

vs

Adell-Defendants

1901 Dec. Sept Term

L. A. Hay

The joint and separate answers of Wortley A.King,Mollie E.Howell,Bettie A. Holland,and Deborah P.Holland to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County,Virginia,by J.C.Parker,Guardian for Charles E.Sumner and Lillian Sumner,infants.

These respondents,reserving to themselves the benefit of all just exceptions to the said bill for answer thereto,or to so much thereof as they are advised it is material that they should answer,answer and say that they fully concur in the allegations made in the said bill and join in the prayer contained therein. These respondents say that they have no interest in the said property except as the heirs of the said infants to whom the property would go in the event of the death of said infants before arriving at the age of maturity,but these respondents do not think that any interest that they have will be violated or hurt by the said sale,and they feel assured that,under all the circumstances,it will be much best for the said infants for the said property to be sold at the price and on the terms named in said bill. Hence these respondents request that the property be sold and the proceeds secured or invested as provided by law.

And now having fully answered these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended,and will ever pray,etc.

Mrs. King signs here = Wortley A. King.

Mollie E. Howell

Mrs. Bettie A. Holland signs here = Bettie A. Holland

Mrs. Deborah P. Holland, signs here = Deborah P. Holland

Virginia,Southampton County,to-wit:-

This day personally appeared before me, E.A. Story a Notary Public,for the county aforesaid in the state of Virginia,in my said county Mollie E.Howell,whose answer is above written,and made oath that the statements contained in the said answer so far as made from her own knowledge she believes to be true,and so far as made from information derived from others she obeleives them to be true.

Given under my hand this 5th day of August,1901. E.A. Story.

Notary Public

FRANKLIN DISTRICT.

Mr. J. H. Parker Gdn. Lillian B. Sumner No. 391

1902. To L. R. EDWARDS, Treasurer of Southampton County Va., Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on $100	State School Tax, 10c. on $100	County Levy, 40c. on $100.	County School Tax. 5c. on $100.	District School Tax, 10c. on $100.	TOTAL TAX.
To ____ acres Land, value $						
" ____ acres Land, value $						
" ____ acres Land, value $						
" ____ acres Land, value $						
"Personal Property, value $ 625	1 88	62	2 50	31	[illegible]	5 31
"Capitation Taxes $ 950	2 85	95	3 80	48	[illegible]	8 08
" Income $						
Total	4 73	1 57	6 30	79		13 39
5 per cent. additional						
Fee Bills						
Total						

Received payment 1 *day of* Dec 1902, L. R. Edwards, *Treasurer*

1904
Mich

Parker Gdn v Sumner

To Drawing Cause	.75
" Typing Copy	.40
~~" Clerk Searching Files Copy~~	
" Clerk	.36
" Filing away Papers	.25
	$1.76

Received Payment —
B. F. McLemore, Clk

I,Mary E.Howell,the sister of Lillian S.Hay,formerly Lillian Sumner, hereby make affidavit that the said Lillian S.Hay,for whom J.C.Parker is guardian,was born on the 5th day of December 1883,and hence ~~will be~~ was twenty-one years old on the 5th day of December 1904.I make this statement partly on my own recollection,I being much older than she is and remember when she was born,and partly on the evidence of the family bible record in which her birth is recorded.

Mary E. Howell

Subscribed and sworn to before me in my county,by Mary E.Howell,this 6th day of December 1904.

Joseph D. Pruden

Commissioner in Chancery ~~Notary Public~~ of the Circuit Court of Southampton Co. Va.

to the Hon.R.R.Prentis,Judge of the Circuit Court of Southampton County, Virginia.

The undersigned,guardian for Lillian Sumner,begs leave to report that since his last report in this cuase,Parker,Guardian vs.Sumner,et als., filed April 8th 1902 and confirmed by decree of same date,showing final settlement with Charles E.Sumner,and a balance in hand February 4th 1902 of $968.58 due to Lillian Sumner,the said Lillian has,to-wit,in the year 1903,married one L.E.Hay and is now living in Alabama,and on the 5th day of December,1904 became twenty-one years of age,as shown by the affidavit of her sister,Mrs.Mary E.Howell,herewith filed,and by her own statement,and the undersigned has paid her the balance due her,per statement below,supported by vouchers herewith filed,and has taken her receipt for said balance hereto attached.

STATEMENT.

1902.			
Feb.4th.	By balance due Lillian Sumner per last report,		$968.58
Dec.1st.	To paid taxes for 1902,	8.08	
1903.			
Feb.4th.	By interest on $968.58 one year,		58.11
" "	To 5% commissions on $58.11	2.90	
" "	" interest on $8.08 2 months,	.08	
	Balance,	1015.63	
		1026.69	1026.69
1903.			
Feb.4th.	By balance due ward,		1015.63
1904.			
Feb.4th.	" interest on $1015.63 one year,		60.93
" "	To 5% commissions on $60.93,	3.04	
	Balance,	1073.52	
		1076.56	1076.56
1904.			
Feb.4th.	By balance due ward,		1073.52
Dec.5th.	" interest on 1073.52 for ten months,		53.67
" "	To final costs in this suit,	1.26	
" "	" 5% commissions on 53.67	2.68	
" "	" balance paid to Lillian S.Hay,formerly Lillian Sumner,as shown by her receipt below,	1123.25	
		1127.19	1127.19

Respectfully submitted

J.C.Parker, Guardian

$1123.25

I,Lillian S.Hay,formerly Lillian Sumner,the person named in the statement above,and to whom said balance of $1123.25 is due,hereby declare that I am twenty-one years old,and I acknowledge receipt from J. C.Parker,my guardian,of the sum of Eleven hundred and twenty-three & 25/100 Dollars,in full of my share from sale of house and lot in suit of Parker,Guardian,vs. Sumner,et als.,as shown by above report,this 5th day of December 1904.

Lillian S Hay

Witnesses.

R V Flowers

N P

We hereby acknowledge legal service of the within process & receipt of copy of same,

E. L. Wilkins / Guardian ad litem for Chas. E. & Lillian Sumner.

Mollie E. Howell.

Wortley A. King

Bettie A. Holland.

Deborah P. Holland.

Mrs. Wortley A. King - signs here

Mrs. Bettie A. Holland signs here

Mrs. Deborah P. Holland signs here

Form No. 800¾.

Summons & Attachment

SUBPŒNA IN CHANCERY.

vs.

Summons et als.

Parties in Suit

To Z. & S. Augusta Rules

1901 Equity Court

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 300½.

The Commonwealth of Virginia,

To the Sheriff of the County of Dunkhampton Greeting:

WE COMMAND YOU, That you summon Charles E. Dunmer and Lillian Dunmer, infants, by R. E. L. Watkins, their guardian ad litem, and Worthy A. King (nee Dunmer), Mollie E. Howell (nee Dunmer), Bettie A. Holland (nee Dunmer), and Deborah P. Holland nee Dunmer, Defendants to appear at the Clerk's Office of the Circuit Court of the County of Dunkhampton at the rules to be held for the said court on the 3rd Monday in August 1901, to answer a bill in chancery exhibited against them in our said court by J. B. Parker, Guardian for Charles E. Dunmer and Lillian Dunmer, Plaintiff

And have then there this writ. Witness L. A. Gay, Clerk of our said court, at the courthouse, the 1st day of August 1901, and in the 126 year of the Commonwealth.

Teste: L. A. Gay, C. C.

Parker, Guardian,

VS.) 3rd Decree.

Summers et als.

Enter this.

April 8th 1902.

Robert R. Prentis

Entered on Page 427

Parker, Guardian,

VS.) 3rd decree.

Sumner, et als.,

This day this cause came on again to be heard upon the papers formerly read and upon the affidavit of Mary E. Howell, sister of Chas. E. Sumner as to the age of said Chas. E. Sumner, and upon the report of J.C. Parker, guardian, to which report no exceptions were filed, and was argued by counsel.

Upon consideration the court doth confirm said report, it being properly supported by vouchers.

J.C.Parker,Guardian for Charles E.Summer and Lillian Summer.

vs.) First Decree.

Charles E.Summer and Lillian Summer, Infants, by R.E.L.Watkins, their Guardian ad litem,Worthy A.Kinglee Summer),Nellie E.Howell(nee Summer),Bettie A. Holland(nee Summer) and Deborah P.Holland(nee Summer).

This day this cause came on to be heard upon the bill and exhibits

Filed Dec 1899

Parker,Guardian,

vs.) First Decree.

Summer, et als.

said bill, the answers of Charles E. Summer and Lillian Summer, infants, by R.E.L.Watkins, their Guardian ad litem, Worthy A.Kinglee Summer, Nellie E.Howell(nee Summer), Bettie A. Holland(nee Summer) and Deborah P.Holland(nee Summer) to the said bill and exhibits thereto, the answers of the said infants by their said Guardian ad litem to the said bill, and the replication to the said answers and the proofs taken and filed in this cause, and was argued by H.V.Willingham, Esq., of counsel for the complainant, and the defendants, Charles E. Summer, Lillian Summer, Nellie E. Howell, Worthy A. Kinglee Summer, Bettie A. Holland and Deborah P. Holland, having appeared by their solicitor, Wm. Regan Parker, and the said infants having appeared by their Guardian ad litem, R.E.L. Watkins, Esq., and the said defendants, Charles E. Summer, Lillian Summer, Nellie E. Howell, Worthy A. Kinglee Summer, Bettie A. Holland and Deborah P. Holland, having failed to plead, answer or demur to the said bill within the time required by the rules of this court, and a decree pro confesso having been entered against them, and the said infants having filed their answers by their said Guardian ad litem, and the cause having been set for hearing on the pleadings, exhibits and proofs, and the same having been submitted to the Court for decision, and the Court having considered the same, doth find that the said infants, Charles E. Summer and Lillian Summer, are the children and heirs at law of Charles E. Summer, deceased, and that they are entitled to the property described in the bill of complaint, and that the said Charles E. Summer, deceased, died seized and possessed of the property described in the bill of complaint, and that the said infants are entitled to the same as his heirs at law, and that the said Charles E. Summer, deceased, died intestate, and that no administration has been granted upon his estate, and that there is no necessity for the sale of the property described in the bill of complaint for the payment of debts, and that the said infants have no personal property, and that the said property cannot be partitioned among the said infants without great prejudice to their interests, and that it is to the interest of the said infants that the said property should be sold, and the proceeds thereof divided among them, and that the said infants are entitled to the proceeds of the sale of the said property, and that the said property should be sold by a sale thereof, and that the proceeds of the sale thereof should be divided among the said infants, Charles E. Summer and Lillian Summer

In the Circuit Court for Southampton County, Virginia. In vacation.
on the 18th. day of November 1901.

Parker, Guardian,

Against) 2nd Decree. In vacation.

Sumner, et als.

This day this cause came on to be further heard, in vacation, upon the papers formerly read and upon the report of J.B.Prince Jr., Commissioner in Chancery, filed on the 8th day of November 1901, in the Clerk's office of this court, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof the court doth confirm the said report and doth further adjudge, order and decree that sale of the property mentioned and described in the bill and proceedings in this cause, be made to the said H.A.Williams upon the terms and at the price named in his agreement with J.C.Parker, Guardian, to-wit, $2100. payable $500. cash and the balance in three equal installments, payable respectively one, two and three years after date and secured by deed of trust on the said property. Said Williams shall make said cash payment and give his bonds for said defered payments to J.C.Parker, Guardian for the said infants, Chas.E., and Lillian Sumner, and at the same time that he does so E.F.Story, who is hereby appointed a Special Commissioner for that purpose, shall make the said Williams a good and sufficient deed, with special warranty, for the said property. But before the said J.C.Parker shall receive the said cash payment and bonds and security therefor, he shall enter into a bond in the penalty of $2500.- before the Clerk of this Court and with security deemed sufficient by him, conditioned for the faithful application of the fund, and for the preservation and management of any bonds or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent. The said J.C.Parker shall pay out of the funds coming into his hands under this decree the costs of this suit, including a fee of $35. (thirty-five dollars) to Parker & Story, Attorneys for the plaintiff, and two per cent commission on the purchase price of the property to the said E.F.Story, Special Commissioner, and a further commission of three per cent to himself as Guardian for the said infants in lieu of the usual commissions to guardians, and the remainder he shall invest for their benefit in good interest bearing investments, and on the arrival of each of

the said infants at the age of twentyone years he shall pay him or her his or her share of the said fundsless taxes paid on same and his commissions on the interest thereon and reserving sufficient to pay future costs of this suit,taking their receipts for said balance and filing the same as his voucher along with his report to this court,and he shall make report concerning his settlement with each ward as soon as practicable after each becomes of age and he has settled with him or her.

To the Clerk of the Circuit Court
of Southampton County,Virginia.

Robert R Butts

J.C.Parker, Guardian for Charles E.Sumner and Lillian Summer,

VS. | First Decree.

Charles E.Sumner and Lillian Summer, infants, by R.E.L.Watkins, their Guardian ad litem, Wortley A.King(nee Sumner), Mollie E.Howell(nee Sumner), Bettie A. Holland(nee Sumner) and Deborah P.Holland(nee Sumner).

This day this cause came on to be heard upon the bill and exhibits filed, the answers of Charles E.Sumner and Lillian Summer, infants over fourteen years of age, the answer of R.E.L.Watkins, Guardian ad litem for said infant defendants, the answers of Wortley A.King, Mollie E.Howell, Bettie A.Holland and Deborah P.Holland, and the general replications to said answers, and was argued by counsel.

Upon consideration whereof the court doth adjudge, order and decree that one of the Commissioners in Chancery of this court inquire and report

FIRST- What is the annual and fee-simple value of the property described in the bill in this cause.

SECOND- Whether or not the sum offered by H.A.Williams, namely $2100., is a fair price for the said property.

THIRD-Whether or not the interests of the said infants will be promoted by a sale of the said property upon the terms offered by said H.A. Williams as set forth in said bill, and whether or not the interests of any of the adult defendants will be hurt or jeopardized by such sale.

FOURTH- Whether or not any liens, for taxes or otherwise, exist against the said property.

FIFTH- Any other matter deemed pertinent by the said Commissioner or which he may be required to state by any party in interest.

And the said Commissioner shall report to court as soon as practicable.

Upon consent of all the parties to this cause, entered of record in open court by their attorney, it is ordered that this be made a vacation cause and be submitted to the judge of this court for such decision and decree herein in vacation as might be made in term.

Parker, Guardian. 1905

VS.) 4th, and Final, Decree.

Summons for this.

Enter this.

January 16 1905

Entered

D. B. 138

Upon consideration of the court duly had it appears that the guardian has complied with the order of this court heretofore made herein, and it is ordered that the said guardian be discharged from his said trust and that his bond be released and that the case be stricken from the docket.

Parker, Guardian.

VS.) 4th, and Final, decree.

Summons for this.

And it appearing to the court that the guardian has complied with the order of this court heretofore made herein, and it is ordered that the said guardian be discharged from his said trust and that his bond be released and that the case be stricken from the docket.

Parker, Guardian,

VS.) 4th, and Final, decree.

Sumner, et als.

This day this cause came on again to be heard upon the papers formerly read and upon the affidavit of Mary E. Howell, sister of Lillian S. Hay, formerly Lillian Sumner, stating that said Lillian S. Hay was twenty-one years of age Dec. 5th, 1904, and upon the report of J.C. Parker, guardian for said Lillian S. Hay, showing final settlement by said guardian with said ward after her arrival at the age of twenty-one (he having reported final settlement with Charles E. Sumner April 8th, 1902), supported by the reciept of said Lillian S. Hay, and proper reciepts as vouchers for the other items in said report, which report is filed this day, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof the court doth confirm said report, and it appearing that there is nothing further to be done in this cause, it is ordered that the same be removed from the docket.