1912-09 Southampton County Chancery - Grizzard, Clarence T. etal vs Grizzard, C. Duke

Sues to have real estate sold + proceeds divided among the parties entitled -

Grizzard, C. P.

Arnold, V. L. (G. A. L.)

Grizzard et als.

vs. Bill in Chancery.

Grizzard's Infant.

1912. April 19th Issued
Writ ck

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Humbly complaining, your complainants, Clarence T. Grizzard and C. P. Grizzard, show unto the Court the following case:

That Mrs. Ruth T. Grizzard, who was the mother of your complainant, Clarence T. Grizzard and wife of your other complainant, C. P. Grizzard, during her life-time was seised and possessed of certain real estate, to-wit:

> All of that certain tract or parcel of land lying situate and being in Drewryville Magisterial District, Southampton County, Virginia, about three miles from Drewryville and about four miles from Adams Grove, in said County, containing about one hundred and forty (140) acres, more or less, known as the "Ramsey Place", and bounded on the north by the lands belonging to the estate of Dr. D. B. Drewry and the Est. of P. S. Thomas; on the east by the lands of Samuel Ellis; on the south by the lands of Mrs. Lelia Rogers, and on the west by the lands belonging to the Est. of Dr. D. B. Drewry and the Thomas Est.

That the said Mrs. Ruth T. Grizzard departed this life several years ago, intestate, leaving as her sole heirs at law your aforesaid two complainants, together with two other children, namely, C. Duke Grizzard, an infant under the age of twenty-one years to-wit, of the age of nineteen years, who is now living, and Paul S. Grizzard, who died during the year 1910, at the age of fifteen years. Therefore, your complainants are advised that the interests of the heirs at law of the said decedent now living are as follows;

C. P. Grizzard, his curtesy right:

Clarence T. Grizzard, one-half, subject to the curtesy right of his father:

C. Duke Grizzard, one-half, subject to the curtesy right of his father:

That being thus seised and possessed of the said real estate, your complainants are advised that they have the right to have same partitioned in one of the modes prescribed by law, among

them, according to their respective rights, and it is for that purpose that this suit is brought.

Your complainants do not believe that the real estate in question can be conveniently and properly partitioned in kind among the parties in interest, without materially damaging its value, and your complainants are of the opinion that it will be best to have the real estate sold and the proceeds divided among the parties, according to their respective rights, and in order to facilitate this matter, your complainant, C. P. Grizzard, is willing to have his curtesy right computed and paid to him in money, according to to the Statutes in such case made and provided.

In tender consideration whereof, and in-as-much as your complainants are without remedy, save in a court of equity, where such matters are alone and properly cognizable, they pray that the said C. Duke Grizzard, an infant, may be made a party defendant to this bill, and required to answer same by a proper guardian ad litem, not under oath however, same being hereby expressly waived; that a proper guardian ad litem be appointed to defend the interest of the said infant defendant in this suit; that the said real estate may be partitioned, or divided among the parties in interest, according to their respective rights, in a manner deemed most expedient by the Court; that all necessary account be taken and stated; that all proper orders and decrees be made and entered, and that such other relief, both general and special, may be afforded your complainants, as the nature of their case may require, or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable counsel fees to be paid to plaintiffs' counsel for his services in conducting this cause.

And your complainants will ever pray, etc.

CLARENCE T. GRIZZARD:

C. P. GRIZZARD.

By _____, Their Attorney.

Grizzard et als.

No. 7 Ans. of Defs. ad Interr.

Grizzards Defdt.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

****
* Grizzard et als., *
* *
* vs. *
* *
* Grizzard's Infant. *
* *
****

The answer of V. L. Arnold, Guardian ad Litem for the infant defendant, C. Duke Grizzard, to a bill in chancery exhibited against him in the Circuit Court of Southampton County, Virginia.

For answer thereto answers and says, that he knows nothing of the truth or falsity of the statements contained in the said bill, but he prays that the Court will, in all respects, fully protect the interest of the said infant in this cause.

And now having fully answered the said bill, he prays to be hence dismissed with his reasonable cost in this behalf expended.

V. L. Arnold.

Guardian ad Litem for C. Duke Grizzard.

Grizzard et als.

vs.

Statement of Glen. Contr.

Grizzards Defaut.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

Grizzard et als.	
vs.	STATEMENT OF E. FRANK STORY, Special Commissioner.
Grizzard' Infant.	

BASED UPON AND IN ACCORDANCE WITH A DECREE ENTERED IN THE ABOVE STYLED CAUSE ON THE 27th DAY OF APRIL, 1912:

	DISB'M'TS:	RECEIPTS:
By-Amount of J. P. Fox, the purchaser of the real estate in the bill and proceedings in this cause mentioned and described,		$1000.00
To-Paid legal taxed costs of this suit and sale as follows:		
Costs as taxed by Clerk,	$29.83	
Coms. of the Special Commissioner,	29.00	
Fee allowed E. Frank Story, Atty., by the Court,	40.00	
Writing deed from the Special Commissioner to the grantee,	5.00	
" Paid C. P. Grizzard, (his curtesy right)	607.60	
" " Clarence T. Grizzard,	144.28	
" " C. Duke Grizzard,	144.29	
	$1000.00	$1000.00

Grizzard et als.

To Receipt of C. Dale Grizzard

Grizzard's Defaut.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

Grizzard et als.
vs.
Grizzard's Infant.

Received May 1st, 1912, of E. Frank Story, Special Commissioner in the above styled suit, now pending in the Circuit Court of Southampton County, Virginia, the sum of One Hundred and Forty-Four & 29/100 ($144.29) Dollars, same being my interest in the funds in his hands, and directed to be paid me by a decree entered in the said cause on the 27th day of April, 1912.

C. Duke Grizzard

Witness:

E. P. Grizzard:

Grizzard et als.

— Rec'd Receipt of Clarence J. Grizzard

Grizzard's Infant.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

****
* Grizzard et als. *
*
* vs. *
*
* Grizzard's Infant. *
****

Received May 1st, 1912, of E. Frank Story, Special Commissioner in the above styled suit, now pending in the Circuit Court of Southampton County, Virginia, the sum of One Hundred and Forty-Four & 28/100 ($144.28) Dollars, same being my interest in the funds in his hands, and directed to be paid me by a decree entered in the said cause on the 27th day of April, 1912.

Clarence J. Grizzard.

Witness:

C. P. Grizzard:

Grizzard et als.

vs. Receipt of C. P. Grizzard

Grizzard's Infant.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

****
* Grizzard et als. *
*
* vs. *
*
* Grizzard's Infant. *
****

Received May 1st, 1912, of E. Frank Story, Special Commissioner in the above styled suit, now pending in the Circuit Court of Southampton County, Virginia, Six Hundred and Seven & 60/100 ($607.60) Dollars, same being my curtesy right in the funds in his hands, and directed to be paid me by a decree entered in the said cause on the 27th day of April, 1912.

E. P. Grizzard

Witness:
Ruth M. Owens:

Grizzard et als

VS Statement of Cost.

Grizzards Infants

To Filing bill 15c Deck 18c Atty 10c Rules 1.00		$ 1.43
To fil report of Commissioner Shands ---------		.15
To Filing answer of Gdn-adlitem ----------		.15
Entering 4 decrees at 50c----------		2.00
Taxing cost 20c copy 20c----------		.40
Taking and recording Comr's Bond----------		1.45
Filing away papers ----------		.25
Clerk----------		$ 5.83
Commissioner Shands	$ 7.50	
Law etc----------	16.50----------	24.00
		$ 29.83

H.B.M. Paid

Pd Jno Shands

A Copy

Teste H. B. McLemore Clerk

Grizzard et als

VS Statement of Cost.

Grizzards Infants

To Filing bill 15c Dock 18c Atty 10c Rules 1.00	$ 1.43
To fil report of Commissioner Shands ---------	.15
To Filing answer of Gdn-adlitem ----------	.15
Entering 4 decrees at 50c----------	2.00
Taxing cost 20c copy 20c----------	.40
Taking and recording Comr's Bond----------	1.45
Filing away papers ----------	.25 H.B.M.
Clefk----------	$ 5.83 Paid
Commissioner Shands $ 7.50	
Law etc---------- 16.50----------	24.00
	$ 29.83

A Copy

Teste H. B. McLemore Clerk

Grizzard et als.

No. 3 Statement of Spec. Comm.

Grizzard's Defect.

Exhibit "A" with report of Comm.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

Grizzard et als.	
vs.	STATEMENT OF E. FRANK STORY, Special Commissioner.
Grizzard' Infant.	

BASED UPON AND IN ACCORDANCE WITH A DECREE ENTERED IN THE ABOVE STYLED CAUSE ON THE 27th DAY OF APRIL, 1912:

	DISB'M'TS:	RECEIPTS:
By-Amount of J. P. Fox, the purchaser of the real estate in the bill and proceedings in this cause mentioned and described,		$1000.00
To-Paid legal taxed costs of this suit and sale as follows:		
Costs as taxed by Clerk,	$29.83	
Coms. of the Special Commissioner,	29.00	
Fee allowed E. Frank Story, Atty., by the Court,	40.00	
Writing deed from the Special Commissioner to the grantee,	5.00	
" Paid C. P. Grizzard, (his curtesy right)	607.60	
" " Clarence T. Grizzard,	144.28	
" " C. Duke Grizzard,	144.29	
	$1000.00	$1000.00

Grizzard et als

vs. Grizzard's Insane

to { COMMISSIONER'S BOND.

COMMONWEALTH.

1912. May 14th.

Recorded. C. B. B.

Page - 214

Know all Men by these Presents, That we E. Frank Story and C. L. Grizzard are held and firmly bound unto the Commonwealth of Virginia, in the sum of One Thousand Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from the bonds of this State. Sealed with our seals, and dated this 1st day of May one thousand nine hundred and Twelve.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. Frank Story shall faithfully perform the duties of Rec office or trust, as Special Commissioner under decree of the Circuit Court of the County of Southampton pronounced on the 27 day of April 1912, in the suit therein depending under the name and style of Grizzard et als v. Grizzard Instr. and any future decree that may be entered in the Cause

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

E. Frank Story [SEAL]

C. L. Grizzard [SEAL]

[SEAL]

Virginia:

In the Clerk's Office of the Circuit Court of the County of Southampton

This day C. L. Grizzard

surety on the above bond, made oath before me, H. B. McClenny, Clerk of the Circuit Court of the County of Southampton that his estate, after the payment of all his just debts, and those for which he is bound as security for others and expect to have to pay is worth the sum of One Thousand dollars.

Given under my hand, this 1st day of May, 1912.

H. B. McClenny Clerk.

Grizzard et als.

vs.

Report of Spec. Comm.

Grizzard's Infant.

1912 May 10th. filed H.M.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

Grizzard et als.
vs.
Grizzard's Infant.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, the Special Commissioner appointed by a decree entered in the above styled cause on the 27th day of April, 1912, begs leave to report:

That in obedience to the said decree he has received from J. P. Fox, the purchaser of the real estate in the bill and proceedings mentioned and described, the sum of One Thousand ($1000.00) Dollars, and at the instance and request of the said J. P. Fox, the purchaser, and in accordance with the provisions of the aforesaid decree, he, your said Commissioner, executed to Delia H. Smith a deed for the said real estate, and thereupon proceeded to pay out the funds as directed by the said decree of April 27th, 1912, as shown by an itemized statement herewith filed, marked Exhibit "A", to be taken and read as a part of this report, which disbursements as shown by the said statement, are supported by the proper vouchers, herewith filed.

And now having fully discharged all of the obligations imposed upon him by this trust, he prays that this, his report, may be confirmed and that the suit be dismissed from the docket.

Respectfully submitted,

SPECIAL COMMISSIONER.

Grizzard et als.

—vs.—

Report of Comm. Shands

Grizzard's Defaut.

1912: Apr. 22nd. Filed

H. B. McLemore, Clerk.

By W.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

COMMISSIONER'S OFFICE,

Courtland, Va., April 22nd, 1912.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

COMMISSIONER'S REPORT:

****
* Grizzard et als. *
* *
* vs. *
* *
* Grizzard's Infant. *
****

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

The undersigned, Wm. Shands, a Commissioner in Chancery for the Circuit Court of Southampton County, Virginia, having had referred to him for execution, a decree of your Honor's Court, entered on the 19th day of April, 1912, in the chancery cause, generally styled, Grizzard et als. vs. Grizzard's Infant, duly gave notice of his purpose to proceed with the execution of the said decree on the 22nd day of April. 1912, at his office in the town of Courtland, Virginia, in one of the modes prescribed by law, a copy of which said notice is herewith filed, as a part of this report, together with a copy of the decree, setting forth the matters of examining and inquiry thereby referred to the said Commissioner;

That pursuant to the directions of the said decree and in conformity with the said notice, your said Commissioner, on the 22nd day of April, 1912, at his office in the town of Courtland, Virginia, attended at the time and place so appointed, and took the depositions of B. B. Claud and others, same being herewith filed.

As touching the several matters required to be stated by the said decree, your Commissioner begs to report further:

(1) The annual value of the real estate in question is about $50.00, and the fee-simple value thereof is about $1000.00/

(2) The said real estate cannot be conveniently divided among the parties in interest, in kind, according to their respective rights, without materially damaging the value of same:

(3) The Commissioner is of the opinion that it will be to the best interest of all of the parties that the real estate be sold, and the proceeds divided among the parties according to their respective interests.

So far as your Commissioner can ascertain, all of the parties in interest are properly before the Court:

(4) The Commissioner finds no liens of record binding the said property, for delinquent taxes, or otherwise:

(5) The Commissioner having been requested to state the interests of the parties, would report as follows:

C. P. Grizzard, curtesy right:

Clarence T. Grizzard, one-half of residue:

C. Duke Grizzard, remaining one-half.

Respectfully submitted,

Wm. Dhamd

COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE: $7.50.

OFFICE OF Wm. SHANDS, COMMISSIONER IN CHANCERY FOR THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Courtland, Va., April 20, 1912.

TO:

Clarence T. Grizzard and C. P. Grizzard,

and

C. Duke Grizzard, an infant under the age of twenty-one years, by V. L. Arnold, his Guardian ad Litem, and V. L. Arnold, Guardian ad Litem.

You are hereby notified that I have fixed upon the 22nd day of April, 1912, to take and settle, at my office, the following accounts, to-wit:

(1) The annual and fee-simple value of the real estate in the bill and proceedings in this cause mentioned and described;

(2) Whether the said real estate can be conveniently divided among the parties in kind, according to their respective interests, without materially damaging its value:

(3) If it cannot be thus divided, whether it will be to the interest of all of the parties that the said property be sold and the proceeds divided among them. according to their respective rights, and whether all parties in interest are before the Court:

(4) Whether there are any liens for delinquent taxes, or otherwise, binding the said land:

(5) Any other matter deemed pertinent by the Commissioner, or required to be stated by any party in interest;

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 19th day of April, 1912, in a suit in Chancery, depending in the 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 the said Court, the day and year first aforesaid.

Wm. Shands

COMMISSIONER IN CHANCERY.

The depositions of B. B. Claud and others, taken before me, Wm. Shands, a Commissioner in Chancery for the Circuit Court in and for the County of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at Courtland, Virginia, on the 22nd day of April, 1912, to be used by the said Commissioner in Chancery for the purpose of assisting him in framing a report in a certain suit in equity, now pending in the said Court, generally styled, Grizzard et als. vs. Grizzard's Infants.

Witness B. B. Claud, being first duly sworn deposes and says:

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

A. B. B. Claud, age 55 years, reside in Southampton County, Virginia, farmer, and I know the parties to the suit.

Q. Please state if you are familiar with the farm located in Drewryville Magisterial District, this county, containing about one hundred and forty acres, known as the Ramsey place, the lands belonging to the estate of Mrs. Ruth Grizzard.

A. Yes I am familiar with this property, have been knowing it all of my life.

Q. This suit is for the purpose of having partition of this land, please state if in your opinion it could be conveniently divided among the parties in kind without materially damaging its value.

A. I am of the opinion that to undertake to divide it in kind would materially lessen its value. In fact, the property does not lie in such manner that it could be cut up and divided in kind.

Q. Do you know whether any party is willing to take the entire property, and pay the others such sums as their interest therein may entitle them to.

A. I do not know that they are.

Q. Do you think it would be advisable to have a sale of this property and the proceeds divided according to the respective interests of the parties.

A. Yes I think it would be to their interest, in view of the fact that the property necessarily depreciates when rented.

Q. What is the fee-simple value of this property.

A. About $1000.00

Q. What do you think it would rent for per annum.

A. Probably $50.00.

And further this deponent saith not.

B B Claud

Witness J. T. Turner, being first duly sworn, deposes and says:

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

A. J. T. Turner, age 33 years, reside in Southampton County, farmer, and I know the parties to the suit.

Q. Are you familiar with the farm which I have just described to Mr. Claud.

A. Yes I am familiar with the property, live not far from it and have been knowing it all my life.

Q. You know the parties in interest, please state if you think this property can be cut up and divided among them in kind without materially the farm.

A. I do not think it could be cut up and thus divided without materially depreciating its value. The property does not lie in such shape that it can be divided in kind.

Q. What do you think of the proposition to sell the property and divide the proceeds among the heirs.

A. I think this would be the best, and to their interest.

Q. Do you know if any party wants to buy the entire property.

A. No I do not know.

Q. What do you think the fee-simple value of this farm.

A. I think about $1000.00.

Q. What do you think it would rent for in its present condition.

A. About $50.00.

And further this deponent saith not.

J. P. Grizzard

Witness C. P. Grizzard, being first duly sworn, deposes and says:

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

A. C. P. Grizzard, 45 years old, reside in Southampton County, farmer, and of course I know the parties to the suit, in fact, I am one of them.

Q. Please state if you have been able to rent this farm for the past year or two.

A. I have not rented it for the past two years.

Q. What kind of repair is the property in at the present time.

A. The buildings and fences are in low condition,and stock has been running on the premises.

Q. Have you been able to rent it for the present year.

A. No, I have not.

Q. Do you feel that it would be to your interest and that of your children to have a sale of this property as soon as possible.

A. Yes I think so.

And further this deponent saith not.

C. P. Grizzard

STATE OF VIRGINIA, (
(to-wit:
Southampton County, (

I, Wm. Shands, a Commissioner in Chancery for the Circuit Court in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of B. B. Claud, J. T.Turner and C. P. Grizzard, were this day taken, reduced to writing and signed by the witnesses, respectively, before me, pursuant to the notice hereto annexed.

Given under my hand this 22nd day of April, 1912.

Wm. Shands

COMMISSIONER IN CHANCERY.

IN VACATION: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA, THIS 19TH DAY OF APRIL, 1912:

Clarence T. Grizzard and C. P. Grizzard,
vs.
C. Duke Grizzard, an infant under the age of twenty-one years.

This day this cause came on to be heard in vacation, on the bill of the complainants, and V. L. Arnold is this day appointed a Guardian ad Litem to defend the interest of the infant defendant in this cause, whereupon the said Guardian ad Litem, by leave of Court, filed his answer, with general replication thereto, and upon consent in writing, of all parties to this cause, made in vacation, that it be submitted to the Judge of this Court for such decisions and decrees in vacation as might be made therein in term, which writing is made a part of the record in this cause, and the said cause is ordered placed on the docket for hearing, and was argued by counsel:

On consideration whereof, and by consent of all partied, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court to ascertain and report:

(1) The annual and fee-simple value of the real estate in the bill and proceedings in this cause mentioned and described:

(2) Whether the said real estate can be conveniently divided among the parties in kind, according to their respective interests, without materially damaging its value:

(3) If it cannot be thus divided, whether it will be to the interest of all of the parties that the said property be sold and the proceeds divided among them, according to their respective rights, and whether all parties in interest are before the Court:

(4) Whether there are any liens for delinquent taxes, or

otherwise, binding the said land:

(5) Any other matter deemed pertinent by the Commissioner, or required to be stated by any party in interest:

All of which is hereby certified to the Clerk of the Circuit Court of Southampton County, Virginia, to be entered in the Chancery Order Book.

James L. McLemore.

A Copy:

Teste: H. B. McLemore Clerk

By B. M. Keller D. C.

Grizzard et al.

— Offer of J. P. Fox to purchase.

Grizzard's Infant.

E. FRANK STORY
ATTORNEY AT LAW

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

I hereby make an offer of One Thousand ($1000.00) Dollars, to be paid in cash, for the real estate set forth and described in the papers in the Chancery cause of Grizzard et als. vs. Grizzard's Infant, now pending in the Circuit Court of Southampton County, Virginia, known as the "Ramsey Place". Same to be paid when a proper deed can be executed to me, or to such person as I may desire said deed made to, for the said land.

It is understood that I have already paid to Mr. C. P. Grizzard, the sum of Fifty ($50.00) Dollars, which said amount is to be deducted from the aforesaid sum of One Thousand Dollars, leaving a balance of Nine Hundred and Fifty ($950.00) Dollars to be paid.

April 22nd, 1912.

Jno. P. Fox

Grizzard et al.
vs
2nd Decree
Grizzard Infant.

Enter this April 27, 1912.
James L. McLemore,

We consent to this decree.
C. P. Grizzard
C. D. C. P. Grizzard.
C. D. C. P. Grizzard
W. Arnold
Gdn. ad Litem.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

ENTERED - C.O.B.
PAGE - 242 -

IN VACATION: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA, THIS 27th DAY OF APRIL, 1912:

****
* *
* Grizzard et als. *
* *
* vs. *
** *
* Grizzard's Infant. *
* *
****

This day this cause, which has been regularly submitted to the Judge of this Court for such decisions and decrees in vacation as might be made therein in term, came on to be further heard on the papers formerly read, and upon the report of Commissioner Williams Shands, filed on the 22nd day of April, 1912, to which report there is no exception and was argued by counsel:

On consideration whereof, all of the parties in interest having waived the ten days usually required that the report of the Commissioner should lie in the Clerk's Office before action thereon, as evidenced by their consent being given in writing to the entering of ~~proper endorsation on~~ this decree, the Court doth approve and confirm the said report, and it appearing therefrom that it will be to the interest of all of the parties to this suit, that the real estate in the bill and proceedings in this cause mentioned and described, to-wit:

> All of that certain tract or parcel of land lying situate and being in Drewryville Magisterial District, Southampton County, Virginia, about three miles from Drewryville and about four miles from Adams Grove, in said County, containing about one hundred and forty (140) acres, more or less, known as the "Ramsey Place", and bounded on the north by the lands belonging to the estate of Dr. D. B. Drewry and the estate of P. S. Thomas; on the east by the lands of Samuel Ellis; on the south by the lands of Mrs. Lelia Rogers and on the west by the lands belonging to the Est. of Dr. D. B. Drewry and the Thomas Est.

Should be sold, and the proceeds thereof divided according to the respective rights of the parties, and it further appearing from a writing signed by J. P. Fox and filed with the papers in this cause, that he is willing to pay for the said property the

sum of One Thousand ($1000.00) Dollars, in cash, the Court doth adjudge, order and decree that E. Frank Story be, and he is hereby appointed a Special Commissioner for the purpose of receiving from the said J. P. Fox, the said sum of One Thousand Dollars, and when the same is fully paid, that he execute to the said purchaser, or to such person or persons as he may designate, J. P. Fox, a deed, with special warranty of title, for the aforesaid property.

The Court doth further adjudge, order and decree that when the said Special Commissioner shall have received the aforesaid sum of money, namely, One Thousand ($1000.00) Dollars from the said purchaser, that he proceed to pay out the same as follows;

(1) The costs of this suit and sale, including a fee of $ 40 , to be paid to E. Frank Story, Attorney, for his services in this suit:

(2) To C. P. Grizzard, his curtesy right in the said property, to be ascertained and computed according to the provisions of Sec. 2281 of the Code of Virginia:

(3) To Clarence T. Grizzard, one-half of the residue:

(4) To C. Duke Grizzard, the remaining one-half. It clearly appearing to the Court that the amount to be paid to the said C. Duke Grizzard will be less than Three Hundred ($300.00) Dollars, and that he is of sufficient age, to-wit, of the age of nineteen years, to judiciously use and expend the said funds.

But before the said Special Commissioner shall proceed to act under this decree, he shall execute a bond before the Clerk of this Court, in the penalty of $ 1000 , with security deemed sufficient by the said Clerk, conditioned to faithfully discharge his duties under this, or any future decree that may be entered in this cause.

And the Commissioner will report to Court.

Grizzard et als.

No. 3 Consent to make vacation cause.

Grizzards Defaut.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

****
* Grizzard et als. *
*
* vs. *
*
* Grizzard's Infant. *
****

We, the parties, plaintiffs and defendants in the above styled Chancery cause, pending in the Circuit Court of Southampton County, Virginia, hereby consent, out of Court, in writing, to submit this said cause to the Judge of the said Court for such decisions and decrees in vacation as might be made therein in term.

Attorney for Plaintiffs.

Guardian ad Litem for the infant defendant, C. Duke Grizzard.

Grizzard et als.

No. 3 Decree making this
3 mentain caches.

Grizzard's Defts.

Entered April 19. 1913.
James L. McLemore

ENTERED -- C.O.B.
PAGE - 241 -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

IN VACATION: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA, THIS 19th. DAY OF APRIL, 1912:

Clarence T. Grizzard and C. P. Grizzard,
vs.
C. Duke Grizzard, an infant under the age of twenty-one years.

I, James L. McLemore, Judge of the Circuit Court of Southampton County, Virginia, do hereby certify that the parties, plaintiffs and defendants in the above styled cause have, by consent, out of Court, duly evidenced by a writing filed in the papers in this cause, consented to submit the said cause to the Judge of the said Court for such decisions and decrees in vacation as might be made therein in term.

All of which is hereby certified to the Clerk of the Circuit Court of Southampton County, Virginia, to be entered in the Chancery Order Book.

James L. McLemore,

JUDGE.

Grizzard et als.

vs.

Ist Decree

Grizzard's Infant.

Enter this April 19, 1917.

James L. McLemore,

We consent to this decree.

Atty for Plaintiffs

J. L. Orgill

Gdn. ad. Litem

ENTERED -

C.O.B. PAGE - 241 -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

IN VACATION: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA, THIS 19th. DAY OF APRIL, 1912:

Clarence T. Grizzard and C. P. Grizzard,
vs.
C. Duke Grizzard, an infant under the age of twenty-one years.

This day this cause came on to be heard in vacation on the bill of the complainants, and V. L. Arnold is this day appointed a Guardian ad Litem to defend the interest of the infant defendant in this cause, whereupon the said Guardian ad Litem, by leave of Court, filed his answer, with general replication thereto, and upon consent in writing, of all parties to this cause, made in vacation, that it be submitted to the Judge of this Court for such decisions and decrees in vacation as might be made therein in term, which writing is made a part of the record in this cause, and the said cause is ordered placed on the docket for hearing, and was argued by counsel;

On consideration whereof, and by consent of all parties the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court to ascertain and report:

(1) The annual and fee-simple value of the real estate in the bill and proceedings in this cause mentioned and described:

(2) Whether the said real estate can be conveniently divided among the parties in kind, according to their respective interests, without materially damaging its value:

(3) If it cannot be thus divided, whether it will be to the interest of all of the parties that the said property be sold and the proceeds divided among them, according to their respective

rights: And whether all parties in interest are before the court.

(4) Whether there are any liens for delinquent taxes, or otherwise, binding the said land:

(5) Any other matter deemed pertinent by the Commissioner, or required to be stated by any party in interest.

All of which is hereby certified to the Clerk of the Circuit Court of Southampton County, Virginia, to be entered in the Chancery Order Book.

James L. McLemore

- 1912.

Grizzard et als.

— vs. — 2nd and Final Decree

Grizzards Defaut

Ended. - 1912 -

Enter this May 10. 1912

James E. McSwain.

ENTERED - C.O.B.

PAGE - 243 -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

IN VACATION, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA, THIS 10th. DAY OF MAY, 1912:

Grizzard et als.
vs.
Grizzard's Infant.

This day this cause, which has been regularly submitted to the Judge of this Court for such decisions and decrees in vacation as might be made therein in term, came on to be further heard on the papers formerly read, and upon the report of the Special Commissioner, E. Frank Story, this day filed by leave of Court, showing that he has received from J. P. Fox, the sum of One Thousand ($1000.00) Dollars, as the purchase price of the real estate in the bill and proceedings in this cause mentioned and described, and at the instance and request of the said J. P. Fox, has executed to Delia H. Smith a deed, with special warranty of title, for the said real estate, and it appearing further that the said Special Commissioner has made full and complete disbursement of the said funds as directed by the decree entered in this cause on the 27th day of April, 1912, which said disbursements are supported by the proper vouchers, to which report there is no exception, and was argued by counsel:

On consideration whereof, the Court doth approve and confirm the said report, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

All of which is hereby certified to the Clerk of the Circuit Court of Southampton County, Virginia, to be entered in the Chancery Order Book.

Thos. L. McSmore,