

1917-022

Chancery Causes: Carlyle P. Holland
Isle of Wight County Jason Holland

vs Malinda Butler, Mary Elizabeth Holland &

254

other SURVIVORS: Joyner,
HARRISON, Saunders, Bradshaw,
Babb

3

C. P. Holland

vs.

Malinda Butler, Mary

Elizabeth Holland, etc.

(BILL)

1st November rules
1916

Process returned executed.
Bill filed. Decree nisi

2nd November rules 1917
Defendants not appearing.
Cause set down
for hearing

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

has sold and conveyed her one-third undivided interest in said property, subject to said widow's ^{life right} ~~power~~, to said Jason Holland; and said Mary Elizabeth Holland, who is the wife of said Jason Holland, still owns her one-third undivided interest in said property, subject to the life right of the said widow; and

(3) That Malinda Butler owns a life estate in said property, and that C. P. Holland, Mary Elizabeth Holland and Jason Holland, each, owns a one-third undivided interest in said property, subject to said widow's life right; and

(4) That the said real estate is, as your complainant believes, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainant believes and here states that the interests of those who are entitled to ~~an interest in said~~ ^{the said real} estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment and the sale of the residue:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, he prays that the said Malinda Butler, Mary Elizabeth Holland and Jason Holland, may be made parties defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that proper process issue; that said estate be divided between the parties entitled thereto, or else, if it cannot be so devised, that it may be sold and the proceeds divided among the parties according to their respective rights; that all proper orders and decrees may be entered, accounts taken and inquiries directed; that your complainant may have all such further, other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

W. A. Holland

Counsel.

C. P. Holland
By Counsel

Complainant.

VIRGINIA, IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

C. P. Holland ----- Complainant
vs.

Malinda Butler, Mary Elizabeth

Holland and Jason Holland ----- Defendants

To the Honorable Circuit Court of Isle of Wight County:

Your complainant, C. P. Holland, respectfully represents:

- (1) That Jethro H. Butler died siezed and possessed of the following tract of land: All that certain tract of land near Boaz, in the County of Isle of Wight, State of Virginia, containing Two Hundred (200) acres, more or less, and bounded on the North by Miss Lou Darden, on the East by the land of Woodville Darden, on the South by the land of Jason Holland and on the West by the land of Hardy Darden;^x and
- (2) That the said Jethro H. Butler died leaving a will, which was probated in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, on the 3rd day of June, 1901, a copy of which said will is herewith filed, and prayed to be taken as a part of this bill; under said will said testator devised the said tract of land to his wife, Malinda Butler for her natural life, and at her death, to Laura Virginia Joyner (who was Butler), Mary Elizabeth Holland (who was Butler), and Abby Lillian Harrison (who was Butler); the said Laura Virginia Joyner, by deed of herself and J. E. T. Joyner, her husband, conveyed her one-third interest in said tract of land, subject to said widow's ^{life right} ~~natural life~~, to said C. P. Holland, a copy of which said deed is herewith filed and prayed to be taken as a part of this bill; that the said Abby Lillian Harrison, since the death of the said testator, by her deed duly recorded in the Circuit Court of Isle of Wight County, Virginia,

2

Holland

in

placed it and

Subpoena

Filed
In the Clerk's Office of the
Circuit Court,

OF THE
COUNTY OF ISLE OF WIGHT

this *7* day of *November* 191*6*

John C. Edwards Clerk

I executed the within summons this the 3rd, day of
November 1916, in the County of Isle of Wight, by
serving a true copy of the same on ~~Malinda Holland~~ *Mary*
Mary Elizabeth Holland and Jason Holland at their
residence in person.

R. AUGUSTUS EDWARDS, Sheriff,
By *W. L. English* D. S.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon Malinda ^{Ruby}~~Holland~~, Mary Elizabeth Holland and Jason Holland, to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be holden for said court, on the 1st. Monday in November, 1916, to answer a bill in chancery exhibited against them by C. P. Holland. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said court, at the courthouse, this 24th. day of October, 1916.

Teste, A. S. Johnson Clerk.

Hugh L. Holland, p.q.

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Holland et al

Ny 254

Green et al

Commonwealth vs. Green

Filed Oct 11-1917

Time of filing as required
by law is waived -

R. E. Mathis, atty

for defendants -

H. H. Holland

atty for plffs.

J. Frank Joyner being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. F.

Joyner, I am forty two years of age, I resid in the city of Suffolk, Virginia, and am a lumber inspector.

Q. Please state whether you are familiar with the geography, acreage and valuation of the Jethro Butler tract of land? A. I do not know the exact number of acreage; I am familiar with how it lays, and I know how much of it is open--I t ink there is some sixty or sixty five acres of it open land.

Q. Taking into consideration your knowledge of this land, and also that this property is owned by threo remaindermen, who will obtain nothing from it until the death of the widow, please state whether the interest of the parties will be promoted by a sale and a division of the proceeds of sale? A. I tthink it will.

Q. If you owned a share in it would prefer a sale, or not, at this time? A. I should prefer a sale.

Q. Please state whether partition can be conveniently made of this property? A. I dont think it could.

Q. What do you think the annual and fee simple value of this propert.?

A. I think it would be five thousand dollars. I think it should rent for two hundred and fifty dollars.

Q. How much would sell for subject to the widow's right, who is eighty four years of age? A. I should think it would be worth four thousand dollars.

And further this deponent saith not.

J. F. Joyner

ties entitled to share therein at the death of Mrs. Butler? A. I wouldn't think so.

Q. Please state whether you think the interest of the parties will be promoted by a sale of the entire property and a division of the proceeds of the sale, taking into consideration the fact that this property is owned by three parties who derive nothing whatever from the property until the death of the widow? A. I cannot answer it-I do not know.

And further this deponent saith not.

J. W. Bahl

Jason Holland being duly sworn, deposes and says.

Please state your name, age, residence and occupation? A. My name is Jason Holland, I am sixty eight years of age, live in Isle of Wight County, Virginia, and I am a farmer?

Butler

Q. Who are the owners of the Jethro/farm, at this time, and in what proportions? A. Mrs. Malinda Butler, the widow of Jethro Butler, owns a life interest in it; I own a third of it, having bought the interest of Lelia Harrison in it, from Walter Barrett, who bought it from Lelia Harrison; my wife, who is a daughter of Jethro Butler, owns a third; and J. E. T. Joyner's wife, Laura Joyner, who is a daughter of Jethro Butler, does or did own the other third. I understand she has sold her interest in it to Mr. C. P. Holland.

And further this deponent saith not.

John C. Joyner

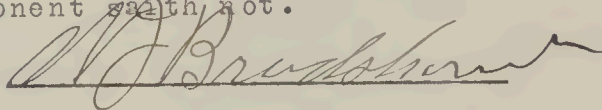
Jason Holland
Mason

not expected to live long. She is a pretty healthy old lady.

Q. Please state whether you think this property can be conveniently divided between three parties? A. I think it would hurt the farm right much to do so. Had I one part of it I would not want any unless I could get all.

Q. Knowing that this widow is entitled to a life right in all of this property, and that the owners of the property, after her death, are holding it without any compensation or profit to themselves, would you state that the interest of the parties owning this property would or would not be promoted by a sale at this time? A. I should think that it would be promoted by a sale at this time.

And further this deponent ~~saith~~ not.



J. W. Babb being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. J. W. Babb, I am fifty nine years of age, live in Windsor, in this County, and am a farmer.

Q. Mr. Babb, please state whether you have had experience in farm values in Windsor District, of this County? A. Seem like some people think I do whether I do or not? I have some general idea of the values. I own some land in this neighborhood.

Q. Are you acquainted with the Jethro Butler place- and if so when were you on it? A. I went over it this morning- I am acquainted with the open land but know little or nothing about the wood land.

Q. From your general knowledge of this property what would say are its annual and fee simple values? A. That is a hard question for me to answer. I dont know. I feel certain that if it is put under the hammer right now it will sell for five thousand dollars or more right now. It ought to rent for two hundred and fifty dollars if it will sell for five thousand dollars, but I do not think it will rent in proportion to what it will sell.

Q. Do you think it could be conveniently divided among the three par-

Q. Do you know how many acres of cleared land there are? A. From general observation I should think there is something like sixty acres of it clear land.

Q. Do you think, Mr. Saunders, with the present increasing value of farm land, that the interests of the parties would be promoted by a sale of this property, and a division of the proceeds, or would their interest be better served, considering the age of the life tenant, by waiting until her death? A. I don't know about that. I don't think I am prepared to answer that question.

And further this deponent said not.

A. L. Saunders.

W. J. Bradshaw being duly sworn, deposes and says.

Q. Please state your name, age, residence and occupation? A. W. J. Bradshaw, I am forty four years of age, I live in Windsor, in this County, and I am a constable.

Q. Do you not, occasionally, buy farm land and sell it? A., yes-sometimes not very often.

Q. Are you acquainted with the Jethro Butler place? A., yes, I have been knowing it for a good long time, some twenty years or more. I have been noticing it ever since I have been grown.

Q. When were you last on the property to look at it? A. To day.

Q. The record shows this property has two hundred acres--please state how much of that you regard as open land and how much wood land. I would not judge there was over sixty acres of open land, and the balance is in wood land.

Q. What do you regard as the fee simple and annual values of this property? A. I think the farm would easily bring five thousand dollars. It ought to bring two hundred dollars a year all right.

Q. What do you consider the fee simple value of the property if sold subject to the life right of Mrs. Malinda Butler, who is eighty three

years old? A. That is a pretty hard thing to get at. I should think seven or eight hundred dollars less- she is old and

A. Lee Saunders being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is A. Lee Saunders, I am fifty two years of age, reside at Windsor, in Isle of Wight County, Virginia, and am a farmer.

Q. Please state what is the annual and fee simple values of what is known as the Jethro Butler place? A. I should think that place would be worth two hundred dollars a year; and the fee simple value is forty five hundred or five thousand dollars.

Q. How much, do you consider the fee simple value of this property if sold subject to the life right of Mrs. Malinda Butler, who is said by her husband to be eighty three or eighty four years old?

A. Well, now, she is that old, no one knows how long she will live, would be rather-- couldn't expect her to live very long- I don't think- I should think there would be right much difference- some seven or eight hundred or a thousand dollars less.

Q. Please state whether partition can be made, conveniently, of the said property, and if not whether any party will accept the entire property and pay therefor to the others such sums of money as their interest shall entitle them to receive? A. I should answer no-not accurately or conveniently. I do not know of any party who will take the entire property and pay the others for their shares.

Q. Please state whether the interest of the parties will be promoted by a sale of the entire subject matter, and a division of the proceeds? A. I should it would be promoted by a sale of the property and a division of the proceeds.

Q. Do you think that it will be to the interest of the parties to allot a part of the land and sell the residue? A. No.

Cross examination by Mr. Watkins----

Q. Do you know how many acres in this tract of land? A. No. only by what I have been told.

Witness:

Gavin Rawles,

J. F. Eley.

In the County Court of Isle of Wight County, June 3rd. 1901
A paper purporting to be the last will and testament of
Jethro H. Butler, deceased, was presented and proved by the
oath of Gavin Rawles and J. F. Eley, the subscribing witnesses
thereto, and ordered to be recorded as the true last will and
testament of Jethro H. Butler, deceased.

Teste,
N. F. Young, C. C.

A copy,

W. H. Young, Clerk.

I, Jethro H. Butler, being of sound mind, do make this my last will and testament, to-wit: I give unto my wife, Malinda Butler, all of my real estate, the home farm on which I now reside, to have and to hold as hers, during her natural life; at her death I bequeath all of this real estate to my daughters, Laura Virginia, Mary Elizabeth and Abbey Lillian or their children, share and share alike. And for purpose of division the land may be sold. To my granddaughter, Eva Harrison, I give the sum of One Hundred Dollars which shall be paid by my daughters out of the real estate when they shall have come in possession of the land. Should Eva die before my daughters come into possession of the land they shall pay the \$100 to her then living brothers and sisters, share and share alike. I give to my wife one horse (she to select), buggy, cart and wheels, and necessary gear to go with cart and buggy, two feather beds and steads, a cow and calf, 1500 lbs. fodder, 15 barrels of corn, 500 lbs bacon, and ten dollars worth of live hogs. I also give to my granddaughter Eva, above-mentioned, one feather bed and necessary bed clothing to be kept for her by my wife until she becomes of age or marries.

I now direct that all my remaining chattel estate be sold and the proceeds, with all money I have in bank or elsewhere, shall be equally divided between my wife, Malinda and my daughters, Laura, Mary and Lillian, after the payment of all my honest debts, and that the sale and division shall occur as soon after my death as practicable.

It is my desire that E.R.H. Daughtrey shall serve as administrator of my estate.

Given under my hand and seal this 11th day of April, 1901.

Jethro H. ^{his} X Butler
mark

(SEAL)

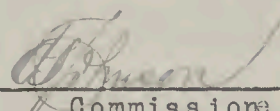
4. Your Commissioner finds a lien upon the interests of Mary E. Holland and Jason Holland, a joint deed of trust, to secure to E. A. Watkins the payment of the sum of \$565, evidenced by a negotiable note, dated June 28th. 1909, and payable ninety days after date at Farmers Bank of Mansemond, said deed of trust being of record in the Clerk's Office of this Court in deed book No. 76, at page 442.

A lien against the interest of C. P. Holland, secured by a deed of trust dated October 22nd. 1915, and of record in D.B. No. 84, page 473, securing to Laura V. Joyner the payment of the sum of \$1250, evidenced by bond of even date with said deed.

No other liens are found of record.

5. All the proper parties are, or appear to be before the court.

Respectfully submitted,



Commissioner.

Commissioner's fee \$20.00

ginian Ry. Co.

. The values of the two tracts of land, upon the Land Book of 1915, is stated at \$1500 and \$200, respectively. The testimony says that the whole is of the fee simple value of of about forty five hundred dollars, and the annual value at two hundred dollars, according to the lowest estimate given, and of the fee simple value of five thousand dollars, and of the annual value of two hundred and fifty dollars, according to the highest estimate given to it.

2. It appears that Malinda Butler, wife of Jethro H. Butler, who is some eighty three or four years of age, is the life tenant of said property, as will be seen by the last will and testament of said Jethro Butler, deceased, a copy of which is hereto annexed, as a part of this report, and that the remainder belongs to Mary Elizabeth Holland, wife of Jason Holland, who is one of the devisees under said will; and to Jason Holland, who is the alienee of A. Lelia Harrison, called in the will Abbey Lillian, or rather is the alienee of W. T. Barrett, who was the alienee of said Harrison; and to Carlyle P. Holland, alienee of Laura V. Joyner. Each of the parties herein mentioned are now possessed of a one third in said remainder.

All of the parties in interest are adults.

3. It appears that the property is not susceptible of division, conveniently, among said parties.

No other way, according to the testimony, will it be convenient to make division of the proper save by a sale of the whole and a division of the proceeds of such sale, subject, of course to the life estate of said Malinda Butler.

It does not appear that any party in interest desires to take the whole property and pay the others for their shares.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

C. P. Holland et al

vs) Chancery. No. 254.

Malinda Butler et als.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

The undersigned, one of the Commissioners in Chancery of your Honor's Court, to whom has been referred the papers in the above entitled cause, for the execution of a decree entered therein on the 5th. day of February, 1917, respectfully reports to the court, that the attorneys for the parties in interest, both complainant and defendant, met your commissioner, with their respective witnesses, at his office, some time since, and presented their testimony, all of which was reduced to writing, and is filed herewith as a part of this report, notice of the taking of the same being waived.

That from the testimony so taken your Commissioner finds, and reports:

1. That Jethro H. Butler died siezed and possessed of three separate tracts of land, charged on the Land Book for the year 1901, the year his will was admitted to probate, described thereon as a tract of 72 acres, a tract of 28 acres, and a tract of 10 acres, the first adjoining the lands of Margaret Holland, the second adjoining himself, and the last adjoining the lands of J. J. Rhodes.

That on the land book of 1916 said land is charged, as two tracts, one of 72 $\frac{3}{8}$, acres, and the other as 34 $\frac{3}{8}$ acres, the difference coming about in the conveyance of some of the land, for right of way, to the Vir-

C. P. Holland----Plaintiff.

vs. Partition Suit.

Malinda Butler et als---

Defendants. 184

Special Com'rs' Report.

1417

Dec. 3.

Filed:

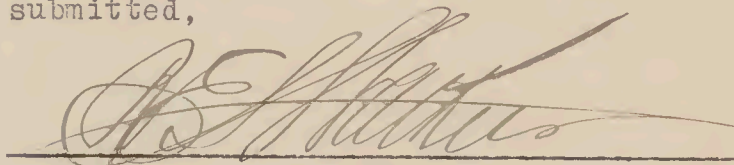
B.W.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

-2-

Inasmuch as all of the persons are adults and have agreed to this settlement, your commissioners recommend that a decree be entered which will allow this agreement among the parties to stand, and this suit to be dismissed according to agreement.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "A. E. H. H. H.", written over a horizontal line.

Special Commissioner.

A handwritten signature in dark ink, appearing to be "Hugh H. H. H.", written over a horizontal line.

Special Commissioner.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

C. P. HOLLAND-----PLAINTIFF.

VS. - PARTITION SUIT. - REPORT OF SPECIAL COM'RS.

MALINDA BUTLER, MARY ELIZABETH HOLLAND AND JASON

HOLLAND-----DEFENDANTS.

Your commissioners, R. E. L. Watkins and Hugh L. Holland, respectfully represent to court that they were appointed the special commissioners in the above styled suit by a decree entered herein on October 23rd, 1917, by which decree they were directed to sell the tract of land in the bill and proceedings mentioned, subject to the life interest in the said tract of land of Mrs. Malinda Butler.

Pursuant to the provisions of the said decree, your commissioners gave bond before the clerk of the circuit court of Isle of Wight Co. in the penalty of Seventy-five Hundred (\$7500.00) Dollars, and proceed to advertise the said property for sale on the terms given by the said decree, and the sale was to have been held on November 17th, 1917, at Windsor, Virginia. After this action had been taken, the parties to the suit, all being adults agreed between themselves, with the consent of their attorneys that the complainant herein, C. P. Holland should sell and convey his one-third interest in said property ^{subject to life interest of Malinda Butler} to Mary Elizabeth Holland, who is the wife of Jason Holland, and who also was the owner of a one-third interest in the said property, for the sum of Two Thousand (\$2000.00) Dollars, with the understanding that this sale should be called off, that the court cost of this suit should be paid by the said C. P. Holland, and that this suit should be promptly dismissed on his motion; and a deed was executed and delivered by the said C. P. Holland to the said Mary Elizabeth Holland, carrying out this agreement before the date of the proposed sale.

Auction Sale

of Valuable Real Estate

Under authority of a certain decree entered in the chancery suit of C. P. Holland et als vs. Malinda Butler et als now pending in the Circuit Court of Isle of Wight County, Virginia, on October 23rd, 1917, we shall sell at PUBLIC AUCTION, in front of the postoffice in Windsor, Isle of Wight County, Virginia, at 3 o'clock P. M., on

Saturday, Nov. 17, 1917

the following property, to-wit:

All that certain tract of land near Boaz, in the County of Isle of Wight, State of Virginia, containing.....acres, more or less, and bounded on the North by Miss Lou Darden; on the East by the land of Woodville Darden; on the South by the land of Jason Holland; on the West by the land of Hardy Darden; subject to the life interest in the said property of Mrs. Malinda Butler, for her life as shown by the will of Jethro Butler dated April 11th, 1901, and probated on June 3rd, 1901, in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia.

TERMS OF SALE:—The terms of sale shall be one-third cash, and the residue in two equal installments, payable respectively in one and two years from the day of sale, said deferred payments to be evidenced by notes of the purchaser, with six per centum interest from the date of sale and the title of the property to be retained until the whole of the purchase money is paid, and conveyance directed by the court provided the purchaser shall have the right to pay the whole of the said purchase money in cash, the highest bidder shall at the time of the said sale pay to said special commissioners at least fifteen per cent of the amount of his bid, and should he fail to do so then said special commissioners shall forthwith proceed at the same time and place proceed to sell said property and in the event said purchaser shall fail to fully comply with terms of sale within ten days from said day of sale then the said fifteen per cent of said proceeds of sale shall be in addition to any other remedies be forfeited and treated as part of proceeds of sale, and in the event the purchaser shall fail to pay all cash then he shall have the buildings on said land insured for at least three-fourths of their value and assign the policy of the insurance to said special commissioners as additional security for the payment of the deferred payments.

It is estimated that there is considerable standing timber on this property. Either of the undersigned will be glad to have any prospective purchaser shown over this land.

HUGH L. HOLLAND, Suffolk, Va.
R. E. L. WATKINS, Franklin, Va.
Special Commissioners.

October 26, 1917.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that Hugh L. Holland and R. E. L. Watkins, appointed special commissioners in the suit of C. P. Holland and others vs. Malinda Butler and others, by decree entered therein on the 23rd day of October, 1917, have executed the bond required of them by said decree.

Given under my hand this 24th day of October, 1917.

A. S. JOHNSON, Clerk.

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Holland et al

n { Cy 254

Quar et al

Copy of decree

Entered 7/5/1917

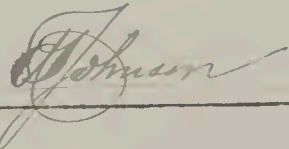
COTD 77 403

by a sale of the entire subject matter, and a division of the proceeds of sale, or whether it would be to the interest of the parties that there should be an allotment of a part and a sale of the residue.

(4) Whether there are any delinquent taxes against the said real estate.

(5) To inquire and report to Court whether all parties interested are properly before the Court.

(6) All other matters deemed pertinent by the said Commissioner, or requested by any of the parties.

A Copy,  , Clerk
Teste, _____

VIRGINIA: AT A REGULAR TERM OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT, HELD AT THE COURT HOUSE OF THE SAID COUNTY
ON FEBRUARY FIFTH, NINETEEN HUNDRED AND SEVENTEEN.

Carlyle P. Holland.....Complainant,

vs

Malinda Butler, Mary Elizabeth

Holland and Jason Holland Defendants.

This cause came on this day to be heard on the bill of
complaint, the defendants having been legally served with process,
and upon the demurrer and answer of the defendants, and was argued
by counsel. On consideration whereof the court doth overule the
said demurrer, and doth adjudge, order and decree that the papers
in this cause be referred to one of the commissioners of this Court
who shall take, state and report to the Court the following in-
quiries:

- (1) An account of all the real estate of which Jethro Butler
died, seized and possessed, with an accurate description there-
of, together with the annual and fee simple values thereof, and
any liens of record binding said property, or the interest of
any of the parties entitled thereto.
- (2) The heirs and distributees at law of the said Jethro But-
ler, deceased, together with their respective ages, interests
and shares in the said decedent's estate, and how acquired.
- (3) Whether partition can be conveniently made of the said pro-
perty, and if not, whether any party will accept the entire pro-
perty and pay therefor to the others such sums of money as their
interest shall entitle them to receive, and if partition cannot
be conveniently made, and no party will accept the entire subject
matter, whether the interest of the parties will be promoted

C. P. Holland et al
vs. } Cy 254
Malinda Butler et al.

we consent to this
decree

H. P. Holland
att'y for plffs
R. M. Butler
att'y for defendants

1917 v.

Oct. 23

Enter this

R. M. Butler

C. O. B. 7

page 430

County of Isle of Wight, State of Virginia, containing

acres, more or

less, and bounded on the North by Miss Lou Darden, on the East by the land of Woodville Darden, on the South by the land of Jason Holland, on the West by the land of Hardy Darden; subject to the life interest in the said property of Mrs Malinda Butler, widow of Jethro Butler, for her life as shown by the will of Jethro Butler dated April 11th 1901, and probated on June 3rd¹⁹⁰¹ in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia "

The terms of sale shall be one-third cash, and the residue in two equal instalments, payable respectively ⁱⁿ ~~at~~ one and two years from the day of sale, said deferred payments to be evidenced by notes of the purchaser, with six per centum interest from the date of sale ~~advertised~~, with ^{and} the title of the property ^{the} retained ~~as se-~~
~~curity for the said notes~~ until the whole of the purchase money is paid, and a conveyance directed by the court, provided the purchaser shall have the right to pay the whole of the said purchase money in cash, ^{*} ~~and to receive a deed for the property on~~
~~confirmation of the said sale by the court, and upon the payment~~
~~of the purchase money.~~

But the said special commissioners shall have no power to execute this decree until they shall enter into a bond with sufficient security in the Clerk's Office of this court, payable to the Commonwealth of Virginia, in the penalty of \$ 2500⁰⁰ and conditioned for the faithful discharge of their duties hereunder.

And this cause is continued.

* ~~And the proceeds to~~ the highest bidder shall at the time of said sale pay to said Special Com-
missioner a cash bill for every per cent of the amount of his bid, and should he fail to do so he
said Special Commissioner may prohibit anyone at the time of said sale and place proceeds of said
said property and in the said said purchase shall pay to the Commissioner of Sale of Sale
within ten days from said day of sale, when the said Special Commissioner shall
be authorized to receive the proceeds of the proceeds of said, and in
the event the purchaser shall pay to him he shall have the buildings on said

* that the parties entitled to the land are Mary Eliza and Hollander wife of James Ireland, and James Holland and Carlisle P. Hollander, each of said parties being entitled to one third of the land subject to the wife estate of Malinda Butler.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VA:

C. P. Holland et als -----Complainants

vs. (DECREE)

Malinda Butler et als-----Defendants

This cause came on this day to be again heard on the papers formerly read, and on the report of Commissioner A. S. Johnson, dated October 11, 1917, and filed on the same day, to which report there is no exception, the counsel for the ~~adult~~ parties ~~and the guardian ad litem for the infant defendants,~~ by endorsement on said report, having waived ^{the} time allowed by law for exceptions, and was argued by counsel.

On considerations whereof, it appearing to the court from said report, that the real estate mentioned in the bill of complaint is not susceptible of partition in kind among the parties entitled to share therein, and that no party in interest will take the whole of the real estate, and pay to ^{such sums as} the others ^{used while them to} their respective interests therein, and that it will be to the interest of the parties entitled to said real estate to have same sold ^{and the proceeds divided} for division among the parties entitled to share therein, ^{*} that all parties in interest are properly before the court, the court doth approve and confirm said report; ^{and} the court doth further adjudge, order and decree that Hugh L. Holland, and R. E. L. Watkins, who are hereby appointed special commissioners for the purpose, do, after having advertised the time, place and terms of sale, by printed posters conspicuously posted at ten or more places in the County of Isle of Wight, for a period of not less than fifteen days, and by any other advertisement, ^{that the said special commissioners may deem appropriate} that the said special commissioners may think proper, proceed to sell at public auction, ^{Subject to the wife estate of Malinda Butler,} the real estate mentioned in the bill of complaint, and described as follows:

"All that certain tract of land near Boaz, in the

C. P. HOLLAND----COMPLAINANT.

VS. PARTITION SUIT- DECREE. 254

MALINDA BUTLER ET ALS.

we consent to this
Plaintiff by *H. Holland*
his atty

Defendants
by *B. D. W.*
their atty. v

1917

Dec. 18

Enter his.

B. D. W.

C. O. B. #7, page 43

HUGH L. HOLLAND

ATTORNEY AT LAW

SUFFOLK, VIRGINIA

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

C. P. HOLLAND-----COMPLAINANT.

VS. -PARTITION SUIT--DECREE.

MALINDA BUTLER, JASON HOLLAND AND MARY ELIZABETH

HOLLAND-----DEFENDANTS.

This cause came on this day to be again heard, by consent of all parties on the papers formerly read, and on the report of Hugh L. Holland and R. E. L. Watkins, Special Commissioners, this day filed by leave of court and by consent of all parties, and was argued by counsel.

On consideration whereof, it appearing to the court from the said report that after a decree was entered in this suit on October 23rd, 1917, and after the said commissioners proceeded to advertise the property and to give the bond as required by the said decree, but before the date of the advertised sale, the parties to this suit, being adults, agreed that the said C. P. Holland should sell and convey his interest in the property herein to Mary Elizabeth Holland, and his said interest was so conveyed, under agreement among the parties that this suit should forthwith be dismissed, and that the said C. P. Holland should pay the court cost of the same, the court doth ajudge, order and decree that there has been no liability on the bond of the said special commissioners, inasmuch as no sale was held and they are hereby released from liability on the said bond. The court doth ajudge, order and decree that the said report of the said special commissioners be and the same is hereby approved and confirmed. The court doth further ajudge, order and decree that the said C. P. Holland pay the court cost of this suit, and it appearing to the court that there is nothing further to be done in this suit, the same shall be forthwith stricken from the docket.

C. P. Holland-----Plaintiff.

vs. Injunction Suit. 104

Malinda Butler et als.

-----Defendants.

1917

V

Dec 18

Entered
J. D. W.

I have seen this.

C. P. B. - # 7

page - 444

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

C. P. HOLLAND-----PLAINTIFF:

VS. INJUNCTION SUIT.

MALINDA BUTLER, MARY ELIZABETH HOLLAND,
JASON HOLLAND, JETHRO HOLLAND AND C.C. REDD-----DEFENDANTS:

This cause came on this day to be heard on the bill of complaint, answer of Malinda Butler, and the depositions of witnesses, and was argued by counsel.

Upon consideration whereof it appearing to the court from the depositions herein that Jethro Holland, one of the defendants has cut from the land in the bill and proceedings mentioned certain timber trees, and that the damage thereby was the sum of Fifty (\$50.00) Dollars, and that it further appearing to the court that the complainant herein, C. P. Holland owned a one-third interest in the said land, the court doth ajudge, order and decree that the said C. P. Holland have a judgment against the said Jethro Holland for the sum of Sixteen (\$16.67) Dollars and sixty-seven cents and the cost of this suit.

It further appearing to the court that a certain injunction was entered on October 18th, 1916, and extended on December 4th, 1916, and that this extension has expired, and it further appearing to the court by motion of the complainant that he has since sold all of his interest in this said property to one Mary Elizabeth Holland, who is the mother of Jethro Holland, and that said complainant having no further interest in this property, no longer asks for an injunction, no further injunction is granted; and it appearing to the court that there is nothing further to be done in this suit, the same shall be forthwith stricken from the docket.

1

C. P. Holland

n f Cy No 254

Malinda Holland et al

Memo

Filed Oct 24-1916

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

To A. S. Johnson, Clerk:

C. P. Holland ----- Plaintiff

vs.

Butler
Malinda ~~Holland~~, Mary Eliza *bell*

Holland and Jason Holland ----- Defendants

Please summon defendants for complainant to first
November (1916) rules, In Chancery.

Hugh A. Holland p. q.

11

Laura V. Joyner and
J. E. T. Joyner

(
TO (DEED OF BARGAIN & SALE
(

Carlyle P. Holland.

Virginia Clerk's Office of the Circuit Court of

11/3 15
Recorded by T. B. No. 83. page 414

State Tax	1.30
Clerk	1.25
Court Service	1.00
Total	3.55

Filed as an exhibit
Book B in Holland
& Butler et al vs Cy
No 250 10/18/1916
3.55

Hugh L. Holland
Attorney-at-Law
Suffolk, Va.

Verified

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight November 3rd. 1915 at one o'clock P.M. this deed
was received and with the certificate annexed, admitted to
record.

Teste, *E. Thomas* Clerk.

on behalf of said grantors to the family burying ground on said property with the right of ingress thereto and egress therefrom.

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

Witness the following signatures and seals:

Laura V. Joyner (SEAL)

J.E. Joyner (SEAL)

STATE OF VIRGINIA

County of

Isle of Wight }

To-wit:

I, A. Lee Saunders a Justice of the Peace for the county aforesaid, in the State of Virginia, do certify that Laura V. Joyner and J.E. Joyner whose names are signed to the writing hereto annexed, bearing date the 22nd day of October, 1915, have acknowledged the same before me in my county aforesaid.

Given under my hand this 22 day of October 1915.

A. Lee Saunders J.P.

~~My term of office expires on the _____ day of _____ 19~~

THIS DEED, Made this 22nd day of October, in the year nineteen hundred and fifteen, between Laura V. Joyner and J. E. T. Joyner, her husband, and in his own right, of the County of Isle of Wight, State of Virginia, parties of the first part, and Carlyle P. Holland, of the City of Suffolk, State of Virginia, party of the second part -

WITNESSETH: That in consideration of the sum of Twelve Hundred and Fifty -----(\$1250.00) Dollars, the said parties of the first part do grant with GENERAL WARRANTY, the following property, to-wit:

A one-third undivided interest in and to what is known as the Jethro H. Butler tract of land, near Boaz, in the County of Isle of Wight, in the State of Virginia, containing Two Hundred (200) acres, more or less, and bounded on the North by *the lands of Miss Lou Darden.* ;
on the East by *lands of Woodville Darden.* ;
on the South by *lands of Jason Holland & others.* ;
and on the West by *lands of Harden Darden.* ;

This is the same tract of land of which Jethro H. Butler died seized and possessed, and on which he resided at the time of his death. The one-third interest hereby conveyed was derived by the said Laura V. Joyner, who was Butler, from her father, Jethro H. Butler, deceased, by the will of the said Jethro H. Butler probated in the Clerk's Office of Isle of Wight County, on June 3, 1901. The interest hereby conveyed ~~is subject to the life interest~~ is subject to the life interest of Malinda Butler, widow of the said Jethro H. Butler, who is now living.

This property is sold and conveyed subject to a reserva-



No. 254

Harvard

vs.

Bute

Papers in hand
of Hugh L. Harvard