

1920-009

Chancery Causes: George P. Godwin v et al vs John E. Holloway et al

Isle of Wight-County

Petition of J. D. W. Holloway
Petition of John E. Holloway

Petition of Emma Beggs

Petition of George P. Godwin

Petition of Richard Henry Tynes

Petition of Hayden Parsons

Petition of Gracie Parsons

Folder 1
249

other surnames: Robertson,
Hearn, Riah, Edwards,
Parson, Chapmon, Barlow

ORDINANCE NO. 100,
 (15) 1000000
 DECEMBER, 1911.

---1111---

St. Lawrence Co. Nov 1916
Enclosed returned to sender
Two folded letters with
---1111---
Nov 1916
Letters in afternoon
Placed on door for 10
days

GEORGE F. WHITLEY
 ATTORNEY-AT-LAW
 SMITHFIELD, VA.

Godwin et als
vs) Chancery No. 249.
Holloway et als.

Second October Rules, 1916: Bill filed: Process returned executed on John E. Holloway and Hayden Parsons- decree nisi as to them: Continued as to Roxanna Tynes:

1st. November Rules, 1916: Defendants John E. Holloway and Hayden Parsons not appearing, cause set down for hearing as to them. Process not executed on Roxanna Tynes- new process having been issued, returnable to 3rd. November Rules for her.

2nd. November Rules, 1916: Process having been returned, executed upon Roxanna Tynes, decree nisi as to her.

3rd. November Rules, 1916: Defendant, Roxanna Tynes, not appearing, cause set down for hearing.

parties entitled thereto, that the whole or some be ex-
posed to sale, and the proceeds derived from said sale
be divided among the parties in interest; or, that a part
of the real estate be allotted, and sale be made of the
residue, and the proceeds derived from the sale of such
residue be divided among the parties entitled thereto;
that all proper orders and decrees may be made and proper
inquiries be directed; and, that all such other, further
and general relief may be afforded your complainants as
the nature of their case may require, or, the equity shall
appear. And notice is hereby given that proper counsel
fees will be asked for during the progress of this suit.

And your complainants will ever pray, etc.

George F. Godwin, and
Martha Godwin, his wife;
David Rich; Emmett F. Tynes,
Henderson Tynes, Lizzie
Tynes, Wannie Tynes, Lula
Robertson, Emma Biggs,
Thomas Biggs, and Richard
H. Tynes.

By Wm. A. Whitley
Counsel.

Wm. A. Whitley P.P.

(6) That your complainants believe that the real estate of which Berana Lynne Die, seized and possessed is susceptible of partition among the parties entitled thereto; but, if not, Your complainants desire the same to be sold, and the proceeds divided among the complainants and the respondents according to their respective rights; the shares of the income *to be* ~~proceeds~~ of according to law. Should the said real estate be not divisible then your complainants believe and here state that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the entire real estate, or, by an allotment of part, and sale of the residue.

In consideration whereof, and for as much as your complainants are remediless save in a Court of equity, where alone such matters are cognizable, they pray that John B. Holloway, Taplan Person, Roseann Tynes, Willie Holloway, Frank Holloway, Russell Holloway, Grace Tilton, Earnest Person, Etta Person, Rufus Person, Nellie Person, Lucretia Person, Willie O'Sell Person, Zachariah Person and Gertrude Person, the last named twelve being infants under the age of twenty-one years, may be made parties defendants to this suit; that a proper guardian ad litem be appointed to defend the rights of the said infant defendants; that the said adult defendants be required to answer this bill, though answer under oath is hereby waived; that the said guardian ad litem of the said infant defendants be required to answer this bill under oath; that the said real estate be partitioned among the several parties entitled thereto, and your complainants' portions thereof be allotted to them; and in case the said real estate to be partitioned cannot be partitioned and divided among the

Seventh Judicial District, in the County of Giles of
West Virginia, about three miles from the Town of
Smithfield, containing, by estimation, forty acres, and
adjoining the lands belonging to the estate of Timothy
Gedwin; the lands belonging to the Travis estate, and
others;

(2) That the said Berene Tynes left surviving
her, as her only heirs at law, the following children,
namely: George F. Gedwin, David Rich, Mary E. Holloway,
who was Rich; Lizzie Tynes, Winnie Tynes, Lela Robertson,
Eula Higgs, Richetta Tynon, Richard H. Tynes, and Walter
Tynes;

(3) That since the death of the said Berene
Tynes, her daughter Mary E. Holloway has departed this
life, intestate, leaving surviving her, as her only heirs
at law, John E. Holloway, her husband, and the following
children, namely: Ernest F. Tynes, Emerson Tynes, Willie
Holloway, Frank Holloway and Russell Holloway, the last
named three being infants under the age of twenty-one years;

(4) That since the death of the said Berene Tynes,
Richetta Tynon, her daughter, has departed this life, in-
testate, leaving surviving her, as her only heirs at law,
Raydon Tynon, her husband, and the following children, name-
ly: Grace Tynon, Earnest Tynon, Etta Tynon, Rufus Tynon,
Willie Tynon, Beatrice Tynon, Willie O'Neil Tynon and
Emerson Tynon, all of the said children being under the age
of twenty-one years;

(5) That since the death of the said Berene Tynes,
Walter Tynes, her son, has departed this life, intestate,
leaving surviving him, as his only heirs at law, Rosanna
Tynes, his wife, and one child, under the age of twenty-one
years, namely, Cortrude Tynes;

VIRGINIA,

IN THE CIRCUIT COURT FOR THE COUNTY OF PAGE OF WEST.

George F. Godwin, and
Martha Godwin, his wife;
David Rich; Samett W. Tynes,
Lenderson Tynes, Lizzie
Tynes, Jennie Tynes, Mule
Robertson, Emma Diggs,
Thomas Diggs, and Richard
W. Tynes,

Plaintiffs,

VS.

IN CHANCERY

John W. Holloway, Hayden
Parson, Jerama Tynes,
Willie Holloway, Frank
Holloway, Russell Holloway,
Gracie Parson, Ernest Parson,
Ella Parson, Rufus Parson,
Fellie Parson, Beatrice Parson,
Willie O'Call Parson, Rich Rich
Parson and Cartrade *Tynes*, the
last named twelve, being infants
under the age of twenty-one years,

Defendants.

TO THE HONORABLE S. D. WHITE, JUDGE, FOR THE CIRCUIT COURT
FOR THE COUNTY OF PAGE OF WEST, VIRGINIA:

Your complainants, George F. Godwin, and Martha
Godwin, his wife, David Rich, Samett W. Tynes, Lenderson
Tynes, Lizzie Tynes, Jennie Tynes, Mule Robertson, Emma
Diggs, Thomas Diggs and Richard W. Tynes, humbly complain
and sheweth unto your Honor the following case:

(1) That about ten years prior to the institu-
tion of this suit Jerama Tynes departed this life intestate,
seised and possessed of a certain tract of land located in

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GODWIN, ET ALS.,
VS) IN CHANCERY,
HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

The undersigned petitioner respectfully represents
the following:

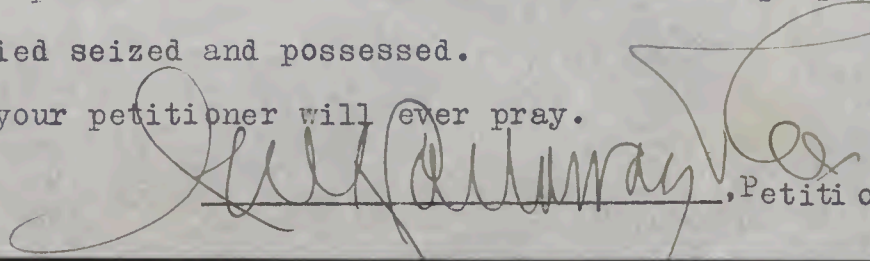
That, after the death of Mary E. Holloway, who was
a daughter of Serena Tynes, the estate of Mary E. Holloway was com-
mitted to R. A. Edwards, Sheriff, for administration;

That the personal estate of the said Mary E. Hollo-
way was not sufficient for her indebtedness;

That your petitioner obtained before M. F. Jordan,
Justice of the Peace for the County of Isle of Wight, on March 1st,
1916, judgment against the said R. A. Edwards, Administrator of the
estate of Mary E. Holloway, deceased; that the amount of this judg-
ment was \$35.79, with interest thereon from November 30th, 1915, until
paid, and cost of \$2.50; that the said judgment was docketed on April
14th, 1916, in the Clerk's Office for the County of Isle of Wight, in
Lien Docket No. 3, page 203, a certified abstract of said judgment being
herewith filed.

Your petitioner prays that the Special Commissioner
in this suit be ordered to pay to your petitioner, ^{amount of the} the/above judgment,
together with interest and cost thereon, out of the share of the said
Mary E. Holloway, in the proceeds derived from the sale of the property
of which Serena Tynes died seized and possessed.

And, your petitioner will ever pray.


Petitioner.

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GEO. P. GODWIN, ET ALS.,
VS) IN CHANCERY,
JOHN E. HOLLOWAY, ET ALS.

Petition of John E. Holloway.

1918
Apr 24
Filed. B. W. S.

And, your petitioner will ever pray.

John H. Hall :

Petitioner.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,
VS) IN CHANCERY, NO.249-
JOHN E. HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your petitioner, John E. Holloway, respectfully represents the following facts:

That he was the husband of Mary E. Holloway, who was the daughter of Serena Tynes, that as such husband, he has a curtesy right in the share due the said Mary E. Holloway, out of the proceeds derived from the sale of the property in the bill and proceedings mentioned, as belonging to Serena Tynes;

Your petitioner desires to relinquish whatever curtesy right he may have in said share, and hereby requests the court to order the Special Commissioner in this cause to apply whatever amount may be due him, by virtue of the said curtesy right in the said share of the said Mary E. Holloway, out of the proceeds derived from the sale of the property in the bill and proceedings mentioned, to the payment, first, of a judgment recovered against the said Mary E. Holloway, by J. W. Holloway, and the remainder, if any, to the payment of the balance due on a certain note dated the 21st day of September, 1915, payable to Geo. P. Godwin, at the Bank of Smithfield, Smithfield, Virginia, and signed by Mary E. Holloway, said note being for the sum of \$64.00, the balance due of which is \$42.30.

GODWIN, ET ALS.,
VS) IN CHANCERY,
HOLLOWAY, ET ALS.

Petition of Emma Diggs.

9/8
Apr. 24
Filed

1848

EMMA DIGGS, PETITIONER, vs. GODWIN, ET AL., DEFENDANTS. The petitioner prays that she may be appointed guardian of the person and estate of the said GODWIN, ET AL., and that she may be allowed to recover the costs of this petition.

EMMA DIGGS, PETITIONER, vs. GODWIN, ET AL., DEFENDANTS.

1848

EMMA DIGGS, PETITIONER, vs. GODWIN, ET AL., DEFENDANTS.

1848

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,
VS) IN CHANCERY, NO.249-
JOHN E. HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your petitioner, Emma Diggs, one of the children of Serena Tynes, deceased, and one of the parties to the above styled suit, respectfully requests the Court to order the Special Commissioner in this cause to pay to Hayden Parsons, whatever amount of money which may be due me out of the proceeds derived from the sale of the property in the bill and proceedings mentioned.

And, your petitioner will ever pray.

Emma Diggs

Petitioner.

THE UNIVERSITY OF CHICAGO PRESS

GODWIN, ET ALS.,
VS) IN CHANCERY,
HOLLOWAY, ET ALS.,

Petition of Geo. P. Godwin.

1918.
Apr. 24
Friday

Your petitioner prays that after the payment of the said judgment, should there remain a balance due the estate of Mary E. Holloway, that the said Special Commissioner in this cause, be ordered to apply so much of the said balance, as may be necessary, to pay the balance due on the above mentioned note, together with the accrued interest and cost.

And your petitioner will ever pray, etc.

Witness!
Mr. P. J. [unclear]

Mr. P. J. [unclear]
Petitioner.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,
VS) IN CHANCERY, NO.249-
JOHN E. HOLLOWAY, ET ALS.,

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your petitioner, George P. Godwin, respectfully represents the following facts:

That the estate of Mary E. Holloway is in debt to your petitioner in the sum of \$42.30, which is evidenced by a note dated on the 21st day of September, 1915, payable ninety days after date, to your petitioner, at the Bank of Smithfield, Incorporated, Smithfield, Virginia, and signed by Mary E. Holloway, said note being for the amount of \$64.00, which said note is subject to a credit of \$21.70; that the said note is endorsed by Emmett F. Tynes and Alberta Tynes;

That the personal estate of Mary E. Holloway was not sufficient to pay her indebtedness;

That your petitioner is informed that after the payment, out of the share of Mary E. Holloway, in the proceeds derived from the sale of the property of Serena Tynes, as made in this cause, a certain judgment recovered by J. W. Holloway against Mary E. Holloway, there will remain a balance of the said share of the said Mary E. Holloway, in the hands of the Special Commissioner.

GODWIN, ET ALS.,
VS) IN CHANCERY,
HOLLOWAY, ET ALS.

Petition of Richard Henry Tynes

1918.
ap. m.
Rec'd J.D.W.

The undersigned, being a duly qualified and sworn agent, deposes and says:

That on the 10th day of March, 1918, at the City of New York, I was present at the residence of the said Godwin, et als., and saw and examined the same, and they are the same as those mentioned in the petition of the said Godwin, et als., and they are the same as those mentioned in the petition of the said Holloway, et als., and they are the same as those mentioned in the petition of the said Tynes.

Subscribed:

That the foregoing is true and correct, and that the said Godwin, et als., and the said Holloway, et als., and the said Tynes, are the same as those mentioned in the petition of the said Godwin, et als., and the said Holloway, et als., and the said Tynes.

And, I am further sworn that I am a duly qualified and sworn agent.

Richard Henry Tynes
Agent

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,
VS) IN CHANCERY, NO.239-
JOHN E. HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

The undersigned petitioner; respectfully represents
the following facts:

That he has recovered against John D. Riah, the son
of Serena Tynes, a judgment for the sum of \$50.75, with
interest thereon from the 3rd day of January, 1917, until
paid, and \$2.50 cost; that the said judgment was docketed in
the Clerk's Office for the County of Isle of Wight, on Jany.
4th, 1917; that the said judgment is a lien against the in-
terest of John D. Riah in the land of which Serena Tynes
died seized and possessed, and in the bill and proceedings
mentioned;

Your petitioner prays that the Special Commissioner
in this cause, be ordered to pay to him, the amount of the said
judgment, together with the interest thereon, and the cost
above mentioned, out of the share due the said John D. Riah,
in the proceeds derived from the sale of the property in the
bill and proceedings mentioned.

And, your petitioner will ever pray, etc.

Rich. Holloway Tynes Petitioner.

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GODWIN, ET ALS.,
VS) IN CHANCERY,
HOLLOWAY, ET ALS.

Petition of Hayden Parsons.

1918.
Apr. 24.
Holloway.

FOR COURT RECORD ONLY. NOT TO BE USED FOR OTHER PURPOSES.

And, your petitioner will ever pray.

Henry Denbar Sand.

Petitioner.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,

VS) IN CHANCERY, NO.249-

JOHN E. HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your Petitioner, Hayden Parsons, one of the parties to this suit, respectfully represents the following facts:

That he was the husband of Richetta Parsons, deceased, who was the daughter of Serena Tynes, that as husband of the said Richetta Parsons, he has a curtesy right in the share due the estate of the said Richetta Parsons, out of the proceeds derived from the sale of the property in the bill and proceedings mentioned;

That your petitioner desires to release and relinquish all curtesy rights that he may have in the said share, due the estate of the said Richetta Parsons out of the proceeds, and prays that the Court may direct the Special Commissioner in this cause, to pay whatever amount which may due him, by virtue of his curtesy right, to him as the parent of Garnett Parsons; Etta Parsons; Rufus Parsons; Nellie Parsons; Beatrice Parsons, Willie Odell Parsons, and Zachariah Parsons, who are also the children of Richetta Parsons, and all of whom are infants of such tender years, as to be incapable of handling the said amount, to be used for the education, maintenance and support of the said infants.

18
Gordin star
vs.

Holloway star

Petition of
Grace Parsons

1918.

Apr.

Westbury

Norfolk

Chesapeake St

Nov. 1810.

2

the sale of the land in the bill
and proceedings.

Your petitioner respectfully
request the Court to order the
Special Commissioner in this
Cause to pay, what ever amount
that may be due out of the
said share of my Mother in said
proceeds, to my father Hayden
Parson, who is hereby authorized
to receive same and to exhibit
a proper receipt therefor.

And your petitioner will ever
pray etc.

Harriet Parson.

Virginia
In the Circuit Court for the County
of Isle of Wight:

Arduin et al
vs In Chanery
Holloway et al.

Do the Judge of said Court:

Your petitioner, Grace Parsons
respectfully represents the following:

That she is one of the children
of Bessetta Parsons, deceased,
who was a daughter of Pierre Pyrie;
that she is years old; that as
such child of the said Bessetta
Parsons she is entitled to a certain
portion of the share of her mother
in the proceeds derived from

2

Godwin et als

vs) Chancery--No 849

Holloway et als.

Subpoena

E. C. G.

CIRCUIT COURT

COUNTY OF ISLE OF WIGHT

this 10 day of Oct. 1916

William Field

Det. Chapman

X

I executed the within summons this the 9th, day of October 1916,
in the County of Isle of Wight, by serving a true copy of the same
on Hayden Parsons and John E. Holloway in person.

R. Augustus Edwards
Sheriff of Isle of Wight County

COMMONWEALTH OF VIRGINIA,

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

We command you that you summon John E. Holloway, Haydey Par-
son, Roxanna Tynes, Willie Holloway, Frank Holloway, Russel
Holloway, Gracie Parson, Garnet Parson, Etta Parson, Rufus
Parson, Nellie Parson, Beatrice Parson, Willie Odell Parson,
Zachariah Parson, and Gertrude Tynes, the twelve last named
being infants under the age of twenty one years, to appear
at the Clerk's Office of the Circuit Court of the County of
Isle of Wight, at the rules to be holden therefor, on the
Third Monday in October, 1916, to answer a bill in chancery
filed against them by George P. Gowdin and Martha Godwin, his
wife: David Riah, Emmett F. Tynes, Henderson Tynes, Lizzie
Tynes, Nannie Tynes, Lula Robertson, Emma Diggs, Thomas Diggs,
and Richard H. Tynes. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at
the Courthouse, this 4th. day of October, 1916.

Teste, A. S. Johnson Clerk.

George F. Whitley, p.g.

The within named,
 Roxanna Lynne not
 being a resident of
 my County the within
 summons is hereby
 returned not Executed.

Oct 9th 1916.

R. Aug. Edwards.

J. L. H.

IN THE CIRCUIT COURT
 OF THE
 COUNTY OF ISLE OF WIGHT

this 16th day of Oct 1916.

Returned filed
 Attest. J. L. H. Clerk

COMMONWEALTH OF VIRGINIA,

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

We command you that you summon John E. Holloway, Haydey Parson, Roxanna Tynes, Willie Holloway, Frank Holloway, Russel Holloway, Gracie Parson, Garnet Parson, Etta Parson, Rufus Parson, Nellie Parson, Beatrice Parson, Willie Odell Parson, Zachariah Parson, and Gertrude Tynes, the twelve last named being infants under the age of twenty one years, to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be holden therefor, on the Third Monday in October, 1916, to answer a bill in chancery filed against them by George P. Gowdin and Martha Godwin, his wife: David Riah, Emmett F. Tynes, Henderson Tynes, Lizzie Tynes, Nannie Tynes, Lula Robertson, Emma Diggs, Thomas Diggs, and Richard H. Tynes. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 4th. day of October, 1916.

Teste, A. S. Johnson Clerk.

George F. Whitley, p.g.

Godwin et al

v. C. No. 249

Holloway et al

Subpoena

This came to hand 4³⁰ P.M.
October 18, 1916

By E. B. Curtis, Supt.
By L. C. Poane, D. Supt.

Executed this in the city of
Newport News, Virginia on the
18th day of October 1916, by
delivering a true copy of the
within summons to William
Paine in person.

E. B. Curtis, Supt.
By L. C. Poane, Deputy

In the Clerk's Office
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 30th day of Oct 1916
Returned filed

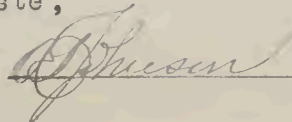
COMMONWEALTH OF VIRGINIA,

TO THE SERGEANT OF THE CITY OF NEWPORT NEWS; GREETING:

We command you that you summon Roxanna Tynes to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, on the third Monday in October, 1916, at the rules then to be holden for said court, to answer a bill in chancery filed against her and others by George P. Godwin and others. And have then and there this writ.

Witness, A. B. Johnson, Clerk of said Court, at the Court-house, this 16th. day of October, 1916.

Teste,

 Clerk.

George F. Whitley, p.g.

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Return at cost

2 of Cy 249

Recovery at cost

Subpoena

In the Court of the
Circuit Court of the

COUNTY OF ISLE OF WIGHT

this 4th day of May 1916

Subpoena

Executed in the city of Newport News, Virginia on the 2nd day of November 1916 by delivering a true copy of within summons to Roxanna Myers, in person, in the city of Newport News, Virginia.

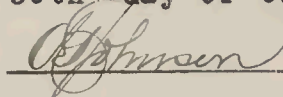
Newport News, Virginia
By C. C. Curtis, Sgt. City
L. C. Poole, D. Sgt.

VIRGINIA,

TO THE SGT. CITY OF NEWPORT NEWS, GREETING:

We command you that you summon Roxanna Tynes 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 third Monday in November, 1916, to answer a bill in chancery exhibited against her and others by George P. Godwin and others; and have then and there this writ.

Witness, A. S. Johnson, Clerk of said court, at the courthouse, this 30th. day of October, 1916.

 Clerk.

George F. Whitley, p.g.

8

Godwin ch as

25 cy 249

Holloway ch as

Communion report

Find October 8/1917

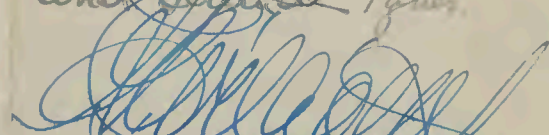
RODNEY, VT. ALB.,

VS) IN CHANCERY,

HOLBURY, VT. DEC.

I hereby accept legal
services of the within
notice.

Josiah Moreau
Counsel for Roxanna Holbury
and Gertrude Tynes.


Guardian ad Litem.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

George P. Godwin: Martha Godwin: David Riah: Emmet F. Tynes: Henderson Tynes: Lizzie Tynes: Nannie Tynes: Lula Robertson: Emma Diggs; Thomas Diggs: and Richard H. Tynes,.....COMPLAINANTS:

and

John E. Holloway: Hayden Parson: Roxanna Tynes: Willie Holloway: Frank Holloway: Russell Holloway: Gracie Parson: Garnet Parson: Etta Parson: Rufus Parson: Nellie Parson: Beatrice Parson: Willie O'dell parson: Zachariah Parson, and Gertrude Parson: the last named twelve being infants under the age of twenty one years; and E. H. Williams, their guardian ad litem:

You are hereby notified that I shall, at the office of George P. Whitley, Attorney at Law, in the town of Smithfield, County of Isle of Wight, State of Virginia, on the 18th. day of May, 1917, at eleven o'clock A.M., the papers in the above entitled suit having been referred to me for the execution of a decree entered therein on the 1st. day of May, 1917, proceed with the execution thereof, which said decree requires said commissioner to:

(1) to inquire into and report to court:-----
What real estate Serena Tynes died seized and possessed, where it is located, and a description of the same:

(2) Whether the real estate in the bill and proceedings mentioned can be conveniently divided among the several parties entitled thereto:

(3) If the same cannot be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to:

(4) And if the same cannot be conveniently divided and no party will take the entire property and pay the others for their share, whether the interest of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by allotment of part and sale of the residue:

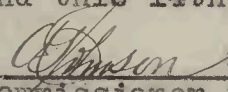
(5) The annual and fee simple values of the real estate in the bill and proceedings mentioned, and the respective interests of the parties entitled thereto, and how the same were acquired:

(6) Whether or not there are any liens on the said land for delinquent taxes or otherwise, and whether or not there are any liens on the interest of any party in the said land:

(7) Whether all the proper and necessary parties are properly before the Court:

Which several inquiries the said Commissioner shall make and report to the Court, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be stated; and, together with the testimony taken by him.

Given under my hand this 14th. day of May, 1917.


Commissioner in Chancery of the
Circuit Court of Isle of Wight
County, Virginia.

I. Lerby ~~accept~~
due and legal
service of the
within notice.

Spink & allay

I. hereby accept
due and legal
service of the
within notice
Hayden Carson

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

George P. Godwin: Martha Godwin: David Riah: Emmet F. Tynes: Henderson Tynes: Lizzie Tynes: Nannie Tynes: Lula Robertson: Emma Diggs: Thomas Diggs: and Richard H. Tynes,COMPLAINANTS:

and

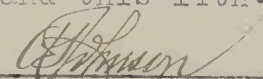
John E. Holloway: Hayden Parson: Roxanna Tynes: Willie Holloway: Frank Holloway: Russell Holloway: Gracie Parson: Garnet Parson: Etta Parson: Rufus Parson: Nellie Parson: Beatrice Parson: Willie O'dell parson: Zachariah Parson, and Gertrude ~~Parson~~ the last named twelve being infants under the age of twenty one years; and E. H. Williams, their guardian ad litem:

You are hereby notified that I shall, at the office of George W. Whitley, Attorney at Law, in the town of Smithfield, County of Isle of Wight, State of Virginia, on the 18th. day of May, 1917, at eleven o'clock A.M., the papers in the above entitled suit having been referred to me for the execution of a decree entered therein on the 1st. day of May, 1917, proceed with the execution thereof, which said decree requires said commissioner to:

- (1) to inquire into and report to court:-----
What real estate Serena Tynes died siezed and possessed, where it is located, and a description of the same:
- (2) Whether the real estate in the bill and proceedings mentioned can be conveniently divided among the several parties entitled thereto:
- (3) If the same cannot be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to:
- (4) And if the same cannot be conveniently divided and no party will take the entire property and pay the others for their share, whether the interest of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by allotment of part and sale of the residue:
- (5) The annual and fee simple values of the real estate in the bill and proceedings mentioned, and the respective interests of the parties entitled thereto, and how the same were acquired:
- (6) Whether or not there are any liens on the said land for delinquent taxes or otherwise, and whether or not there are any liens on the interest of any party in the said land:
- (7) Whether all the proper and necessary parties are properly before the Court:

Which several inquiries the said Commissioner shall make and report to the Court, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be stated; and, together with the testimony taken by him.

Given under my hand this 14th. day of May, 1917.


Commissioner in Chancery of the
Circuit Court of Isle of Wight
County, Virginia.

Q- Whom did Mary E. Holloway marry?

A- Mary E. Holloway married John Holloway.

Q- Is he living?

A- Yes, sir.

Q- Did Mary E. Holloway leave any children, if so, give me their names and ages.

A- Mary E. Holloway died, leaving surviving her, five children, Emmet Tynes, who is over twenty-one years of age; Henderson Tynes, who is also over the age of twenty-one years; Willie Holloway, who is nineteen years of age; Frank Holloway who is seventeen years of age, and Russell Holloway who is fourteen years, and *John E. Holloway. Her husband*

Q- Whom did Richetta Parsons marry?

A- Richetta Parsons married Hayden Parsons.

Q- Is he living?

A- Yes, sir.

Q- Did Richetta Parsons leave any children, if so, please state their names and ages.

A- Richetta Parsons died, leaving eight children, namely, Grace Parsons, eighteen years of age; Garnett Parsons, fifteen years of age; Etta Parsons, eleven years of age; Rufus Parsons, nine years of age; Nellie Parsons, seven years of age; Beatrice Parsons, five years of age; Willie Odell Parsons, three years of age, and Zachariah Parsons, eighteen months.

Q- Whom did Walter Tynes marry?

A- Walter Tynes married Roxana Tynes.

Q- Do you know whether or not any of the parties in interest would buy the shares of the others?

A- No, sir, I do not.

And, further this deponent saith not.

Witness
E. Littleton Laine,

his
George P. & Edwin
mark

George P. Godwin, being duly sworn, deposes as follows:

Q- Please state your name and residence and occupation.

A- My name is George P. Godwin, my age is 64 years, I live in Isle of Wight County, near Smithfield, and am a farmer.

Q- Did you know Berens Tynes?

A- Yes, Sir, she was my mother.

Q- Is Berens Tynes living?

A- No, sir, she is dead, she died about ten years ago.

Q- Is her husband living?

A- No, sir, he is dead, too.

Q- Did your mother own any property at the time of her death? If so, how much?

A- I think she owned some where between forty and forty-five acres of land.

Q- Did Berens Tynes leave any children, at her death, besides yourself, if so, how many, and give me their names?

A- She left nine children; George P. Godwin; David Rish, Lizzie Tynes; Lula Robertson; Emma Diggs. Richetta Parsons, Richard H. Tynes, Fannie Tynes and Mary E. Holloway.

Q- Did any of her children die before she died? If so, who were they?

A- Walter Tynes, a son, died before she died.

Q- Have any of her children died since she died, if so, who were they?

A- Yes, Sir, two have died since her death, Mary E. Holloway, and Richetta Parsons.

Q- How many children did Walter Tynes, who died before Berens Tynes, leave?

A- One child.

Q- What is her name?

A- Gertrude Tynes.

Q- How old is she?

A- I think she will be fourteen years old next birthday.

party in interest, who will take the entire property, and pay therefor, to the others, such sums of money as their interest may entitle them to?

A- No, sir.

Q- If you had to make division of the property among the several parties, how would you do it?

A- I would sell the property, and divide the money, that is the only way it can be done, in my opinion.

Q- What is a fair reasonable value of the real estate?

A- I think it worth about six hundred dollars, it may bring more.

Q- What is the annual value of the land?

A- Nothing, on the condition that it is not in. The house has been occupied, but nothing has been done to the land in two or three years. The house would rent for hardly more than enough to pay the taxes.

Q- If a good fence was around it, what would it rent for?

A- About fifty dollars.

Q- For much would it cost to fence it?

A- It would cost every bit of \$150.00 to put a fence around it.

There is not enough timber on the place to fence it, and posts would probably have to be bought.

Q- Do you think it would be to the benefit of any of the parties in interest, and especially to the interested defendants, to make the proper repairs, and rent it?

A- No, Sir. There are too many parties in interest, and the division would be too late to be of any practical value to any body.

Q- Have you been on this land recently, if so, for what purpose did you go?

A- Yes, Sir. I went to this land, some days ago, in company with Mr. L. C. Hearn and Mr. E. L. Barlow for the purpose of making an estimate of the present value of the property, and observing its condition.

Further this deponent saith not.

G. A. Barlow

The following testimony taken before Mr. J. S. Johnson,
Commissioner in Chancery, Circuit Court, Isle of Wight County.

G. A. Barlow, being first duly sworn, deposes as follows:

- Q- Please state your name, age, residence and occupation.
- A- My name is G. A. Barlow, I am 33 years of age, I live in Isle of Wight County, about a mile from Smithfield, and am a farmer.
- Q- Do you know anything of the land lying in Isle of Wight County, of which Serena Tynes, died seized and possessed? If so, state where it is located, and give me a general description thereof.
- A- I do know of the piece of land; it is about two miles from the town of Smithfield, in what is known as "Elab Town", and on no public road, but a drive-way or path-way which leads from the road from Smithfield to Scott's Factory by the land of W. B. Cole, and the road from Smithfield to Scott's Factory, by the Dick place, and is about mid-way between the two roads; a little over one half being open land, and the rest in wood land; it appears to contain something like forty acres. The open land is not in cultivation, the fence being all gone, one portion of it being rolling, and badly washed; the wood land is grown up in short shrubby hard wood, there being no merchantable timber to amount to anything thereon.
- Q- The bill states that Serena Tynes, who, apparently was married several times, had ten children, some of whom have died, leaving children, some twelve or fourteen in number: this being true, in it your opinion that the real estate in the bill and proceedings mentioned, can be conveniently divided among the several parties entitled thereto; this would necessitate a division of the land in two parts, some of the parts to be divided among the several children, who have been left by their dead parents.
- A- No, Sir.
- Q- If the same cannot be conveniently divided, do you know of any

Q-

A- No, sir.

Q- How far do you live from this piece of land?

A- I live between a half of a mile, and a mile.

Q- How long have you lived this near to it?

A- I have lived in this neighborhood all my life.

And further this deponent saith not.

L. M. Hearn

Q- The fifth clause of the bill states that Walter Tynes, a son, is dead, leaving surviving him, a wife, Rexie Tynes, and one child, named Gertrude. Do you know these parties?

A- I know Walter, and I know Rexie, but, I do not know the child.

Q- Do you have anything of the land owned by Gertrude Tynes, when she died?

A- Yes, sir. I have recently been upon the land in company with Mr. C. L. Barlow and Mr. C. A. Barlow, for the purpose of ascertaining its condition and value.

Q- What did you find?

A- A piece of land, about forty acres, a little more than one-half of which is cleared; it is without fence, and is not in cultivation. There is a dwelling house upon it, and some frames of what was once, but buildings.

Q- What do you consider to be a fair fee simple value of this tract of land, including the buildings thereon?

A- From six to seven hundred dollars.

Q- What do you consider a fair annual value of the land.

A- At the present time, nothing, except for what the house would rent for, which would be very little.

Q- Can this property be conveniently divided among the parties entitled to shares therein?

A- No, Sir.

Q- If you had it divided among the several parties, how could you do it?

A- Sell it, and divide the money, that is the only way a proper division can be made.

Q- Do you know of any party in interest, who is willing to take the entire property, and pay the others for their shares?

A- No, Sir, I do not.

Q- Can a part of it be allotted to any party or parties in interest, and the balance offered, for money, to advantage?

L. F. Hearn, being duly sworn, deposes as follows:

Q- Please state your name, age, residence and occupation.

A- My name is L. F. Hearn, I am forty years of age, I live in Isle of Wight County, about a mile from Smithfield, and am a farmer.

Q- Did you know Serene Tyner, who died, leaving a piece of property in what is known as "Slab Town"?

A- Yes, Sir.

Q- How long has she been dead.

A- She has been dead ten years or more.

Q- Do you know her children?

A- Yes, Sir.

Q- How many of them do you know?

A- There were a good many of them; I don't remember the number.

Q- I read you the names mentioned in the second clause of the bill. Can you state whether or not they are correctly named?

A- Yes, Sir. I know that they were all her children; there may have been others, I do not know.

Q- The bill states that Mary Holloway died, leaving a husband and five children. Do you know them?

A- Yes, sir.

Q- I will read their names, as mentioned in the third clause of the bill. Are they correctly named?

A- Yes, sir.

Q- The fourth clause of the bill states that Richette Persons, a daughter, is also dead, leaving a husband and eight children surviving her. the names of whom I read you from the bill. Are they correctly stated?

A- I know Weldon, and Grace and Cornett. I do not know the rest of them by name; I do know, however, that there were a bunch of them.

Page 2-

Q- The bill states that Sarah Lynes died some time ago, and left ten children, or had ten children during her life, some of them have died leaving children, some twelve or fourteen in number. Do you think this property can be conveniently divided among the several parties entitled to share therein?

A- No, sir, it could not be conveniently divided, into as few as five parts, to be of any value to any of them.

Q- If you had to make a division of this property among the several parties entitled to share therein, how would you go about it?

A- I would sell it and divide the money. No other way to do it.

And, further it is dependent with act.

C. H. Barlow

C. T. Barlow, being duly sworn, deposes as follows:

Q- Please state your name, age, residence and occupation.

A- My name is C. T. Barlow, I am 47 years of age, I live in Hale of Wright County, about two miles from Smithfield, and am a farmer, and have also done a good deal of contract carpenter work.

Q- Have you recently been upon the land, in Hale of Wright County, of which George Tynes died seized and possessed?

A- Yes, sir.

Q- About how far do you reside from this land?

A- Something less than a mile.

Q- For what purpose did you visit this land?

A- To ascertain the condition and value of the property.

Q- What did you find?

A- We found a tract of land of something like forty acres, a little over half of which is cleared, and the rest in woodland, grown up in shrubbery; the cleared land having no fence about it. There is a house there, which is now occupied, and is in very poor condition -- very much in need of repair to make it a desirable dwelling. The house is about 18 x 28, two stories; two rooms up stairs, two down, with kitchen attached. It is apparently 30 or 40 years old. I do not think it has ever been painted, being built out of very ordinary timber.

Q- State about what the land would rent for, per year.

A- Practically nothing in its present shape and condition. The house would probably rent for a sufficient amount to pay the taxes.

Q- If the land were fenced, would it not rent for about \$50.00 per year, that is, for house and land together?

A- I think it would bring about that.

Q- What do you consider a fair cash value of the property?

A- I would think it would bring some six or seven hundred dollars.

- c. Henderson Tynes, son, an adult,
- d. Willie Holloway, son, 19 years of age,
- e. Frank Holloway, son, 17 years of age,
- f. Russell Holloway, son, 14 years of age, and

Each of the living children are entitled to a one tenth interest, and the children of those dead are entitled to their deceased parents share, which is one tenth, subject to the dower interest of the widow, or the curtesy right of the husband.

6. Taxes are delinquent on said tract of land, as follows, to-wit: \$4.73 for the year 1909, with interest on same from January 1st. 1910: and \$5.16 for the year 1911, with interest thereon from January 1st. 1913.

No further liens are found of record.

7. All parties necessary appear to be properly before the court.

Respectfully submitted,

Johnson
Commissioner in Chancery.

Commissioner's fee,\$20.00

If the open land was fenced it would probably rent for fifty dollars per annum, but at the present cost of fencing material that would be very expensive, costing probably three hundred dollars.

It appears that Serena Tynes died intestate, and left her surviving the following named children, to-wit:

- 1 George P. Godwin ✓
- 2 David Riah ✓
- 3 Lizzie Tynes ✓
4. Lula Robertson ✓
5. Emma Diggs ✓
6. Richetta Parsons ✓
7. Richard H. Tynes ✓
8. Nannie Tynes ✓
9. Mary E. Holloway ✓

Walter Tynes, a son of said Serena Tynes, predeceased her, and left him surviving 1 child, namely Gertrude Tynes, who is fourteen years of age, and a widow, Roxanna Tynes.

Since the death of said Serena Tynes, two more of her said children have died, namely:

1. Richetta Parsons, who left her surviving
 - a. Hayden Parsons, husband
 - b. Grace Parsons, 18 years of age,
 - c. Garnet Parsons, 15 years of age,
 - d. Etta Parsons, 11 years of age,
 - e. Rufus Parsons, 9 years of age,
 - f. Nellie Parsons, 7 years of age,
 - g. Beatrice Parsons, 5 years of age,
 - h. Willie Odell Parsons, 3 years of age,
 - i. Zachariah Parsons, 18 months old, and
2. Mary E. Holloway, who left her surviving,
 - a. John E. Holloway, husband,
 - b. Emmet Tynes, son, and adult,

2

ing in the County of Isle of Wight, State of Virginia, conveyed to her by B. P. Chapman and wife, by their deed bearing date the 19th. day of February, 1897, of record in the said Clerk's Office in D.B. No. 61, page 429, described therein as follows, to-wit:



"Commencing at the corner of a ditch on the road side on the corner of G. R. Atkinson's land as descended to him by his father; thence South fifty degrees East to a marked pine along the line of Colonel Thomas; thence South fourteen degrees East along said Thomas' line to a small pine at the head of a ravine, thence down the ravine to a corner on said Thomas and Tynes and Miss Mary Whitfield's land, thence up another ravine North-east along said Tynes land to a small tree between said Jordan and said Tynes and George R. Atkinson to the beginning".

which is located in Newport Magisterial District off the County of Isle of Wight, and is about two miles from the town of Smithfield, in "Slab-town".

(Right here your Commissioner would suggest that if a conveyance is ordered that the same be made by present distinct boundaries instead of the description given above, as the same does not appear to be very explicit)

The said tract of land is about one half cleared and one half in woodland, and contains forty acres, according to the testimony filed herewith, and the records in said Clerk's Office.

2. The real estate herein mentioned cannot be conveniently divided among the several parties entitled to share therein.

3. It does not appear in evidence that any party in interest will take the entire property and pay the others in interest for their shares.

4. A part of the property cannot be sold and another part allotted and promote the interest of the parties entitled to share therein.

5. The fee simple value of the property is estimated at from six to seven hundred dollars.

The annual value is practically nothing, being estimated at a sufficient amount to pay the taxes upon the land.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

George P. Godwin, et als.

vs) Chancery. No. 249

John E. Holloway 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, in said court depending, for the execution of a decree entered therein on the 1st. day of May, 1917, respectfully reports to the Court that:

On the 14th. day of May, 1917, he issued notice to all the parties in said suit, that he would, on the 18th. day of May, 1917, at the office of George F. Whitley, Esq., in the Town of Smithfield, County of Isle of Wight, State of Virginia, at eleven o'clock A.M., proceed with the execution of said decree; and, that at the time and place mentioned in said notice he attended, and there took the testimony of L. W. Hearn, C. H. Barlow, George P. Godwin and G. A. Barlow, competent witnesses, reduced the same to writing, all of which is herewith filed, as a part of this report; and, from the testimony so taken, and from the records filed in the Clerk's Office of the said court, he is informed and reports as follows:

1. That Serena Tynes, (Colored) died siezed and possessed of a certain tract, piece or parcel of land ly-

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GEO. P. GODWIN, ET ALS.,

VS) IN CHANCERY, 249

JOHN A. HOLLOWAY, ET ALS.

R E P O R T O F
SPECIAL COMMISSIONER.

1918.
Feb 4
Filed J.D.W.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

George P. Godwin, et als.,

Vs) In Chancery,

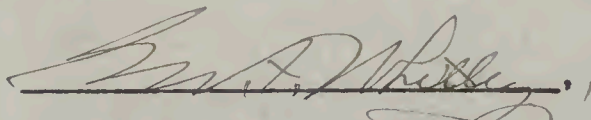
John E. Holloway, et als.

TO THE HON. B. D. WHITE, JUDGE OF THE SAID COURT:

The undersigned Special Commissioner, respectfully reports that in pursuance to a decree entered in this cause on the 5th day of November, 1917, after having advertised for sale the property in the bill and proceedings mentioned, according to the requirements as mentioned in the said decree, did on Friday, November 30th, 1917, at eleven o'clock A.M., in front of the U. S. Post Office, of the Town of Smithfield, Virginia, offer for sale, the said property, at which sale R. H. Tynes and Lizzie A. Tynes became the purchasers thereof, they being the highest bidders therefor, for the sum of \$850.00; that the said Special Commissioner has collected from the said R. H. Tynes and Lizzie A. Tynes, fifteen per cent., of the purchase price, which amount is now deposited to the Credit of the said Special Commissioner in the Merchants and Farmers Bank, Incorporated, of Smithfield, Virginia; that the said purchasers desire to pay the entire purchase price in cash.

Your Special Commissioner recommends that the sale be confirmed, and a deed conveying the said property to the said purchasers be executed.

Respectfully submitted.


Special Commissioner.

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GODWIN, ET ALS.,

VS) IN CHANCERY, 249

HOLLOWAY, ET ALS.

REPORT OF SPECIAL
COMMISSIONER.

1918
Apr. 24
Filed B.W.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

By amt. paid W.E.Laine, 1915 taxes,

leaving a balance in the hands of said
Special Commissioner of \$722.²⁹/₁₀₀ to be
distributed

7.22
\$127.71

Respectfully submitted,

G. S. F. Whitney,
Special Commissioner.

850.00
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722.29
722.29
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64
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Your Commissioner respectfully asks that the Court confirm the sale of the property as actually made by him, and that he be ordered to execute to R. H. Tynes and Lizzie A. Tynes, a deed for the above described property, which was sold on the date of sale as mentioned in the said decree.

Your Commissioner further reports, that in pursuance to a decree entered in this cause, on the ____ day of February, 1918, he has paid out of the proceeds in hand, the following accrued costs:

To amt. received,.....	\$850.00
By amt. paid A.S.Johnson, Clerk's fees,.....	11.50
By amt. paid A.S.Johnson, Clerk, writ tax,.....	1.50
By amt. paid G.F.Whitley, Attorney, taxed atty.fee.	15.00
By amt. paid A.S.Johnson, Commissioner in Chancery,	20.00
By amt. paid C.H.Barlow, witness,	2.00
By amt. paid Gurley Barlow, witness,	2.00
By amt. paid R. A. Edwards, Sheriff for serving summons and notice,	2.00
By amt. paid D. J. Mood for printing hand bills	2.50
By amt. paid C. C. Curtis, Sergeant, Newport News, for serving summons,	.50
By amt. paid A.S.Barrett, Agent, premium on bond	10.00
By amt. paid for revenue stamps for deed,	1.00
By amt. paid Jas. R. Rowell, Jr., Notary Public, taking acknowledgment to deed,	.50
By amt. paid W.E.Laine, County Treas., 1917 taxes,	7.22
By amt. paid G.F.Whitley, Special Commissioner, commissions,	26.00
By amt. paid R.A.Edwards, crier's fee,	5.00
By amt. paid for delinquent taxes, 1908,	4.73
By amt. paid for interest on 1908 delinquent taxes, from Jany. 1st, 1910,	2.29
By amt. paid for delinquent taxes, 1911,	5.16
By amt. paid interest on 1911 delinquent taxes, from Jany. 1st, 1913,	1.59
By amt. paid W.E.L	

fine,

12 0.29

viewed the two pieces of property as a whole, and estimated the annual and fee simple values as a whole. Your Special Commissioner respectfully states that he conducted the examination of the witnesses who testified, and in questioning them, did so in reference to the entire property. Your Commissioner respectfully states that the description as mentioned in the said decree, only described what is estimated to be thirty acres of the land, when, as a matter of fact, the land of which Serena Tybes died seized and possessed, contains about forty-four acres, as is alleged in the bill filed in this cause. Your Commissioner further states that on the day of sale, it was announced that the property contained about forty-four acres of land, and, further, that several of the parties in interest were present at the time the property was offered for sale, and that every body including the bidders, understood that the entire property was being sold, and as a matter of fact, the entire property was sold. Your Special Commissioner respectfully states that the tract of land adjoining the tract included in the description, as mentioned in the said decree was conveyed to Serena Tynes, by John Tynes, by deed dated the 5th day of September, 1888, and recorded in the Clerk's Office, for the County of Isle of Wight, Virginia, on the 10th day of April, 1888, a certified copy of which deed is herewith filed. That the said piece of land conveyed by the said deed, last above mentioned, is described as follows: "All of that certain piece or parcel of land lying and being in the said County and State, containing by estimation fourteen and onehalf acres, bounded by the lands of A. Travis, Tim Dick and the lands occupied by George Newby, and the public road, this land being the same tract conveyed to the said John Tynes by deed bearing date the 1st day of December, 1838, from Archer Atkinson, recorded in the office of the Clerk of said County, in deed book 32, page 416.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEORGE P. GODWIN, ET ALS.,

VS) IN CHANCERY, No.249-

JOHN A. HOLLOWAY, ET ALS.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

the undersigned Special Commissioner begs leave to
report as follows:

That pursuant to a decree entered in this cause on the
4th day of February, 1918, your Commissioner executed a deed
conveying to R. H. Tynes and Lizzie A. Tynes, the property
described in said decree, and collected from them, the sum
of Eight Hundred and Fifty Dollars, (\$850.00), which amount
is deposited in The Merchants and Farmers Bank, Incorporated,
Smithfield, Virginia, to the creditoof your said Commissioner.

Your Commissioner respectfully states that the des-
cription in said deed, does not correctly describe the prop-
erty actually sold on the day of sale, and does not describe
sll of the land of which Serena Tynes died seized and possessed,
nor does it describe the entire property which the purchasers
of the said land understood they were purchasing. Your Com-
missioner respectfully states that Serena Tynes owned two pieces
of land which adjoin each other; that when the three witnesses
who viewed the property for the purpose of assessing its annual
and fee simple values, and who later testified in this cause,

Godwin, et als.

Vs)

Holloway, et als

Special Commissioner's
Report

1930
Dec. 2.
File T. 201

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Zachariah Parsons, seven eighths ($7/8$) of said share, to be used for the education, maintenance and support of the said infant children, and to George F. Whitley the sum of \$50.00, attorney's fee.

Respectfully submitted.

Geo. F. Whitley,
Special Commissioner

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

GODWIN ET ALS

VS

HOLLOWAY ET ALS

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

The undersigned Special Commissioner begs leave to make the following report:

That pursuant to a decree entered in this cause on the 24th day of April, 1918, he has paid to Richard Henry Tynes, Lizzie Tynes, Lula Robertson, Nannie Tynes and George P. Godwin, the sum of \$74.09 each, it being their distributive shares from the sale of the land in the bill and proceedings mentioned; that he has paid out of the distributive share of John D. Rich to Richard Henry Tynes \$37.29, the amount of a judgment, including interest and cost, secured by Richard Henry Tynes; that he has paid to John D. Rich the sum of \$16.80, the balance due out of his share after the payment of said judgment; that he has paid to Roxanna Tynes, the mother of Gertrude Tynes the sum of \$74.09 to be used for the education, maintenance and support of said Gertrude Tynes; that he has paid to J. W. Holloway the sum of \$48.47, being the amount of judgment, including interest and cost, recovered by the said J. W. Holloway against R. A. Edwards, administrator of the estate of Mary E. Holloway, deceased; that he has paid to George P. Godwin the sum of \$50.01, to be applied to the payment of a note of \$48.20, held by the said George P. Godwin against Mary E. Holloway; that the said Special Commissioner has paid to Hayden Parsons the sum of \$74.09, it being the distributive share of Emma Diggs; that he has paid to Gracie Parsons one eighth (1/8) of the distributive share of Richetta Parsons, and to Hayden Parsons, the father of Garnett Parsons, Etta Parsons, Rufus Parsons, Nellie Parsons, Beatrice Parsons, Willie Odelle Parsons and

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GEORGE D. GODWIN, JR. AIR.,

VS) IN DEANDERY,

JOHN F. HORTON, JR. AIR.

DECREET OF REFERENCE.

1917
May 1.
Enter this.
B.D.W.

~~Case~~ #7 Page 413

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Fifth: The annual and fee-simple values of the real estate in the bill and proceedings mentioned, and the respective interests of the parties entitled thereto, and how the same were acquired;

Sixth: Whether or not there are any liens on the said land for delinquent taxes or otherwise, and whether or not there are any liens on the interest of any party in the said land;

Seventh: Whether all the proper and necessary parties are properly before the Court.

Which several inquiries the said Commissioner shall make and report to court, together with any matter specially stated, deemed pertinent by himself or required by any party in interest to be stated; and, together with the testimony taken by him.

duly served, they still failing to appear, plead, answer
or demur to the said bill; and, upon the answer of E. H.
Williams, guardian ad litem of the infant defendants,

duly appointed by the Clk of the Court
Willie Holloway, Frank Holloway, Russell Holloway, Gracie
Parson, Cornet Parson, Etta Parson, Rufus Parson, Nellie
Parson, Beatrice Parson, Willie O'dell Parson, Escharish
Parson and Gertrude *Tynes*, ~~who was appointed as such guardian~~
~~ad litem of said~~, this day filed by leave of court, and upon
the general replications to the said answer, and was argued
by counsel:

On consideration whereof, the Court doth adjudge,
order and decree that this cause be referred to one of the
commissioners of this court, who will inquire into and report
to Court the following inquiries:

First: Of what real estate Serena Tynes died
seized and possessed, where it is located, and a description
of the same; ~~whether and if the same be actual~~
values.

Second: Whether the real estate in the bill and
proceedings mentioned can be conveniently divided among the
several parties entitled thereto;

Third: If the same cannot be conveniently divided,
whether any party will take the entire property and pay there-
for to the other parties such sums of money as their interest
may entitle them to;

Fourth: And if the same cannot be conveniently
divided and no party will take the entire property and pay
the others for their share, whether the interests of those
entitled to the said property or its proceeds, will be pro-
moted by a sale of the entire property, or by allotment of part
and sale of the residue;

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

George P. Godwin, and
Martha Godwin, his wife,
David Rich; Emmett P. Tynes;
Henderson Tynes, Lizzie
Tynes, Fannie Tynes, Lula
Robertson, Emma Diggs,
Thomas Diggs, and Richard
H. Tynes,

Plaintiffs,

vs.

IN CHANCERY -

John E. Holloway, Hayden
Parson, Roxanna Tynes,
Willie Holloway, Frank
Holloway, Russell Holloway,
Gracie Parson, Garnet Parson,
Etta Parson, Rufus Parson,
Nellie Parson, Beatrice Parson,
Willie O'Dell, Parson, Zachariah
Parson and Gertrude Parson, the
last named twelve, being infants
under the age of twenty-one years,

Defendants.

On motion of the complainants, by counsel E. H. Williams, an attorney at law practicing in this Court is assigned as guardian ad litem for the infant defendant above named, and in motion of said counsel Williams, guardian ad litem, this case, which has regularly matured at rules, is granted leave to file a bill to come on this day to be heard on the complainant's bill, on which said bill is taken for confessed as to the defendants, John E. Holloway, and said infant Hayden Parson and Roxanna Tynes, on whom process has been issued to the best of her knowledge, and her son

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GODWIN, ET ALS.,

VS) IN CHANCERY NO.249-

J.E.HOLLOWAY, ET ALS.

C. S. B f 7

page 437

DECREE

1917
Nov. 5.
Entered this
P.D.W.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

premises, or in front of the United States _____

Post Office in the Town of Smithfield, Virginia, the property in the bill and proceedings mentioned, and above described. The terms of said sale to be as follows: One-third cash, and the residue on a credit of twelve and twenty-four months from the date of sale, the credit installments bearing interest from date of sale; the purchaser ^{bonds} executing/for the deferred payments, and the title to the said property to be retained until the entire purchase money shall have been paid, and a conveyance directed by the court. But, the purchaser shall have the option, if he so desires, of paying the entire purchase price in cash. But, no bid shall be accepted, until the purchaser shall deposit with the said Special Commissioner, at least fifteen per cent of the said bid; and, in the event such deposit shall not be made, the said Special Commissioner shall forthwith proceed to again sell the said land.

The said Special Commissioner shall do no act under this decree, until he shall have entered into a bond, with sufficient ^{surety} security, in the Clerk's Office of this Court, to be approved by the Clerk, payable to the Commonwealth of Virginia, in a penalty of \$ 900⁰⁰ — and conditioned upon the faithful discharge of his duties under this, or any other decree which may be entered in this cause.

And this cause is continued.

tically nothing; that the property cannot be conveniently divided among the several parties entitled to share therein; that none of the parties in interest will take the entire property and pay the others ~~in interest~~ for their shares; that it would not be to the interest of the parties entitled to the said property to sell a part and allot the residue; that it would be to the interest of all parties that the entire property be sold, and the proceeds divided among those entitled to same; that there are no liens against the said property, or against the interest of any of those entitled thereto, except for delinquent taxes for the sum of \$4.73, for the year, 1908, with interest on same from January 1st, 1910, and \$5.16, for the year, 1911, with interest thereon from January 1st, 1913; that the parties entitled to said property or its proceeds are as follows: Geo. P. Godwin, David Riah, Lizzie Tynes, Lula Robertson, Emma Diggs, Richard Tynes, Nannie Tynes, Hayden Parsons, husband of Richetta Parsons, deceased, John E. Holloway, husband of Mary E. Holloway, deceased, Gertrude Tynes, the only child of Walter Tynes, deceased, who died prior to the decease of Serena Tynes, the following children of Richetta Parsons: Grace Parsons, Garnett Parsons, Etta Parsons, Rufus Parsons, Nellie Parsons, Beatrice Parsons, Willie Odell Parssons, and Zachariah Parsons, and the following children of Mary E. Holloway, deceased: Emmett Tynes, an adult, Henderson Tynes, and adult; Willie Holloway, Frank Holloway and Russell Holloway; that all necessary parties are properly before the Court; on consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree that George F. Whitley, who is hereby appointed Special Commissioner, for the purpose, after having advertised the time, terms and place of sale for fifteen days by hand bills conspicuously posted at five or more public places in the County of Isle of Wight, Virginia, proceed to sell, at public auction, on the

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,COMPLAINANTS,

VS) IN CHANCERY NO.249-

JOHN E. HOLLOWAY, ET ALS.,.....DEFENDANTS.

This cause came on this day to be heard again on the papers formerly read, and on the report of A. S. Johnson, a Commissioner in Chancery, filed on the 8th day of October, 1917, to which report there are no exceptions, and was argued by counsel.

And, it appearing to the court, from said report, together with the evidence returned therewith, that Serena Tynes, at the time of her death, was seized and possessed of a tract of land, lying in Newport Magisterial District, County of Isle of Wight, in what is known as "Slab Town", about two miles from Smithfield, and, being described as follows: "Commencing at the corner of a ditch on the road side on the corner of G. R. Atkinson's land as descended to him by his father; thence South fifty degrees East to a marked pine along the line of Colonel Thomas; thence South fourteen degrees East along said Thomas' line to a small pine at the head of a ravine, thence down the ravine to the corner on said Thomas and Tynes and Miss Mary Whitfield's land, thence up another ravine North-east along said Tynes land to a small tree between said Jordan and said Tynes and George R. Atkinson, to the beginning." It being the same piece or parcel of land conveyed to the said Serena Tynes by B. P. Chapman, and wife, by their deed bearing date of February 19th, 1897, in deed book No.61, page 429.

That the fee simple value of said property is from six to seven hundred dollars; that the annually value is prac-

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GEO. P. GODWIN, ET ALS.

VS) CHANCERY, *No. 294*

JOHN E. HOLLOWAY, ET ALS.

DECREE

*1918
Feb. 4
Entered
B.D.W.*

*C. S. B. #7
page. 449.*

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1
Godwin et al

ex Cy No 249
Holloway et al

Memo

Dated Oct 4/1916

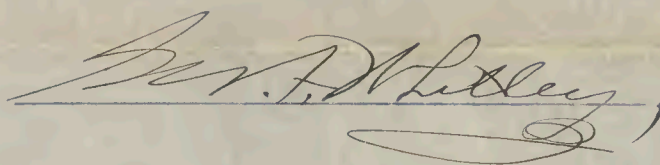
To the Clerk of the Circuit Court for the County of Isle of Wight:

George P. Godwin and Martha Godwin, his wife,
David Riah, Emmett E. Tynes, Henderson Tynes,
Lizzie Tynes, Nannie Tynes, Lula Robertson,
Emma Diggs, Thomas Diggs and Richard H. Tynes, Plaintiffs,

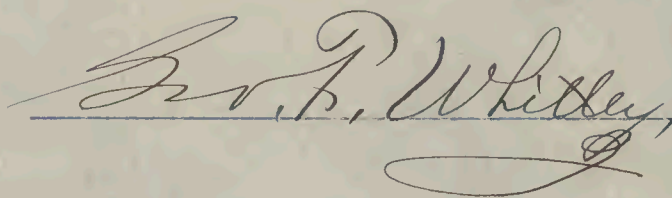
VS

(John E. Holloway, Hayden Parson, Roxanne Tynes,)
Willie Holloway, Frank Holloway, Russell Hol-
loway, Gracie Parson, Garnet Parson, Etta
Parson, Rufus Parson, Nellie Parson, Bea-
trice Parson, Willie Odell Parson, Zacha-
riah Parson and Gertrude Tynes, the last-named
twelve being infants under the age of twenty-
one years, - - - - - Defendants.

Issue summons in Chancery to Second October Rules, 1916.

 p. q.

Appoint E. H. Williams, Guardian ad Litem for infant defendants.

 p. q.

and doth adjudge, order and decree that the said Special Commissioner shall collect from the said purchasers, the balance of the said purchase price, at the same time, executing a deed, with special warranty, conveying the said property to the said purchasers.

The Court doth further adjudge, order and decree, that the said Special Commissioner pay out of the proceeds in hand, the cost of this suit, ~~including an attorney's~~ fee of \$_____, to be paid to George F. Whitley.

And the said Special Commissioner is ordered to report his transactions hereunder to Court.

And, this cause is continued.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

George P. Godwin, et als.,

Vs) In Chancery,

John E. Holloway, et als.

This cause came on this day to be heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day by leave of Court filed, to which report there are no exceptions, and was argued by counsel.

On consideration, whereof, it appearing to the Court from the said report that the said Special Commissioner after advertising the property in the bill and proceedings mentioned, as required by the decree entered in this cause on the 5th day of November, 1917, offered for sale, on Friday, November 30th, 1917, at eleven o'clock A.M., in front of the U.S. Post Office, of the Town of Smithfield, Virginia, the said property, at which sale, R. H. Tynes and Lizzie A. Tynes, became the purchasers of said property, for the sum of \$850.00, they being the highest bidders therefor; that the said Special Commissioner has collected from the said purchasers, fifteen per cent., of the purchaseprice of said property, which amount is now deposited in The Merchants and Farmers Bank, Incorporated, Smithfield, Virginia, to the credit of the said Special Commissioner; that the said purchasers desire to pay the entire purchaseprice in cash; the Court doth confirm the said report,

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GODWIN, ET ALS.,

VS) IN, CHANCERY, NO. 249-

HOLLOWAY, ET ALS.

DE C R E E

9/8
Apr. 24
Entered.
J.H.W.

C. & O. 7

pages - 460

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GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

\$42.30 on ~~a certain~~^{the} note dated the 21st day of September, 1915, payable to George P. Godwin, and signed by Mary E. Holloway; the Court doth further order the said Special Commissioner to pay, ^{in accordance with the petition of Emma Diggs} to Hayden Parsons, the sum of \$ 74.59, it being the share of ^{said} Emma Diggs, (a daughter of Serena Tynes, deceased) in the proceeds derived from the sale of the land in the bill and proceedings mentioned; and, the Court doth further ^{order} ~~order~~ the said Special Commissioner to divide the sum of \$ 74.59, (it being the share of Richetta Parsons, in the proceeds derived from the sale of the property in the bill and proceedings mentioned), into eight equal shares, they being the distributive shares of the children of the said Richetta Parsons, ^{this is to say} one-eighth of said amount to be paid to Gracie Parsons, ^(who is twenty years of age) one of the children of Richetta Parsons, she being an infant, and of sufficient age and discretion to use the fund judiciously, the remaining seven-eighths to be paid to Hayden Parsons, the father of Garnet Parsons, Etta Parsons, Rufus Parsons, Nellie Parsons, Beatrice Parsons, Willie Odell Parsons, and Zachariah Parsons, to be used for their education, maintenance and support, they being infants of such tender years that they are incapable of handling the said fund.

And the said Special Commissioner is ordered to report ^{all} his transactions hereunder to Court.

And, this cause is continued.

Lizzie A. Tynes, the property described herein, and doth further
adjudge order and decree that the said Special Commissioner pay
out of the funds in hand the sum of \$ 50⁰⁰, to George F.

Whitley, as attorney's fee, for services rendered in this cause, and
further to pay the sum of \$ 74⁶⁹ to each of the following named
children of Serena Tynes, deceased, ^{heir} the sum of \$ _____, it be-

~~ing their distributive shares in the proceeds derived from the sale
of the property in the bill and proceedings mentioned;~~ ^{Richard H. Tynes} George P.

Godwin, Lizzie Tynes, Nannie Tynes and Lula Robertson; that the
said Special Commissioner ~~is further ordered to pay to Richard Henry~~
Tynes, out of the distributive share of John D. Riah, a son of Serena
Tynes, the amount of the above mentioned judgment, recovered against
him by Richard Henry Tynes, together with all interest and cost thereon,
and the remainder of the said share, if any, to the said John D. Riah;

^{And} it further appearing ~~to the Court~~, that Gertrude Tynes, the dau-
ghter of Walter Tynes, deceased, (the said Walter Tynes being a son of
Serena Tynes), is of such tender years that she is incapable to handle
the amount of her distributive share, the Court doth order the said
Special Commissioner to pay to Roxanna Tynes, the mother of the said
Gertrude Tynes, the sum of \$ 74⁶⁹, (it being the distributive
share of the said Gertrude Tynes in the proceeds derived from the sale
of the property in the bill and proceedings mentioned), ^{the same} ~~and~~ to be used
for the education, maintenance and support of the said Gertrude Tynes;

^{And} the Court doth further ^{order} ~~order~~ the said Special Commissioner to pay,
out of the share belonging to the estate of Mary E. Holloway, deceased,
who was a daughter of Serena Tynes, to J. W. Holloway, the sum of
\$35.79, with interest thereon from November 30th, 1915, until paid, and
\$2.50 cost, it being the amount of the judgment and cost recovered by
the said J. W. Holloway, against R. A. Edwards, Administrator of the

estate of Mary E. Holloway, deceased; ^{order} ~~the Court doth further the said~~
~~Special Commissioner to apply the balance in hand of the share belonging~~
to the estate of Mary E. Holloway, ^{he share apply} to the payment of the balance due of

it further appearing ~~to the Court~~ from the petition of Emma Diggs, that she request that the said Special Commissioner be ordered to pay to Hayden Parsons, the amount of her distributive share from the sale of the property in the bill and proceedings mentioned; and, it further appearing ~~to the Court~~ from the petition of Hayden Parsons, that he desires to release and relinquish all of his curtesy right, as the husband of Richetta Parsons, in the share of the said Richetta Parsons, and further requests that the amount due him, by virtue of the said curtesy right, be paid to him as the parent of Garnett Parsons, Etta Parsons, Rufus Parsons, Nellie Parsons, Beatrice Parsons, Willie *infants, the same to be expended for their education and maintenance* Odell Parsons, and Zachariah Parsons; and, it further appearing ~~to the Court~~, from the petition of John E. Holloway, the husband of Mary E. Holloway, that he desires to relinquish all of his curtesy right in the share ~~of~~ ^{his} his wife, Mary E. Holloway, and further requests that the said Special Commissioner be ordered to apply whatever amount that may be due him by virtue of the said curtesy right in the said share of the said Mary E. Holloway, first, to the payment of the said judgment recovered by the said J. W. Holloway, against the said Mary E. Holloway, and the remainder to be applied to the payment of the balance due on the said note of George P. Godwin, dated on the 21st day of September, 1915, and signed by Mary E. Holloway; and, it further appearing from the petition of Emmett F. Tynes and Henderson Tynes, children of Mary E. Holloway, who are over the age of twenty-one years, that they desire that the said Special Commissioner be directed to pay, first, out of the amounts due them from the share of their mother, Mary E. Holloway, the judgment recovered by J. W. Holloway, against their mother, Mary E. Holloway, and to apply the remainder to the payment of the balance due of \$42.30, on the said note held by the said George P. Godwin, against the said Mary E. Holloway, on consideration whereof, the Court doth ~~at said Special Commissioner, and the supplemental report of Commissioner Johnson~~ confirm the said reports, ^{and} and doth further confirm the sale of the property as made by the said Special Commissioner, and doth adjudge, order and decree that the said Special Commissioner execute a good and sufficient deed of conveyance, conveying to the said ^{infant} R. H. Tynes and

By amt. paid W. E. Laine, County Treas.,
1917 taxes, 17.22

By amt. paid Geo, F. Whitley, Special
Commissioner, commissions,26.00

By amt. paid R. A. Edwards, crier's fee, 5.00

By amt. paid for delinquent taxes, 1908..... 4.73

By amt. paid for interest on 1908
delinquent taxes, from Jany.1st, 1910..... 2.29

By amt. paid for delinquent taxes, 1911..... 5.16

By amt. paid interest on 1911 delinquent
taxes, from Jany. 1st, 1913, 1.59

By amt. paid W.E.Laine, 1915 taxes, 7.22

The total expenditures so made amounting to \$127.24

that there is now in the hands of the said Special Commissioner,
the sum of \$ 722.24; and, it further appearing from the supple-
mental report of the said A. S. Johnson, Commissioner in Chancery,
that there is a lien against the interest in the lands in the bill
and proceedings mentioned, owned by John David Riah, by reason of
a judgment ^{*of Richard H. Tynes*} filed against him being docketed as of the 4th day of
January, 1917, for the sum of \$50.75, with interest thereon from
the 3rd day of January, 1917, until paid, and \$2.50 cost, ~~in favor~~
~~of Richard Henry Tynes~~; and, it further appearing ~~to the Court~~, from
the petition of J. W. Holloway, that he recovered before M. F. Jordan,
a Justice of the Peace for the County of Isle of Wight, on March 21st,
1916, a judgment against R. A. Edwards, Sheriff, and Administrator of
the estate of Mary E. Holloway, amounting to \$35.79, with interest
thereon from the 30th day of November, 1915, until paid; and cost of
\$2.50, an abstract of said judgment being filed with the said peti-
tion; and, it further appearing to the Court from the petition of
George P. Godwin, that Mary E. Holloway was, at the time of her death,
in debt to the said George P. Godwin, in the sum of \$42.30, which
said amount is evidenced by a balance due on a note dated the 21st
day of September, 1915; and, that the personal estate of the said
Mary E. Holloway is not sufficient to pay the said sum of \$42.30; and

that several parties in interest were present, and understood that ^{that it was the purpose and object of this suit that the entire tract was sold} the entire property was being sold; ^{that} the said Special Commissioner intended to sell, and actually did sell the entire property; that the tract of land which was not included in the description in the said deed is described in a deed of conveyance from John Tynes to Serena Tynes, by deed dated on the 5th day of September, 1888, and recorded in the in the Clerk's Office of this Court in deed book No. _____, at page _____, ^{is} ~~being~~ described as follows: ^{suit} "All of that certain piece or parcel of land lying and being in the said County and State containing by estimation Fourteen and one-half acres, bounded by the lands of A. Travis, Tim Dick and the lands occupied by George Newby and the public road; this land being the same tract conveyed to the said John Tynes by deed bearing date the 1st day of December, 1888, from Archer Atkinson, recorded in the office of the Clerk of said County, in deed book 32, page 416; that the said Special Commissioner has paid the following accrued cost in this suit:

By amt. paid A. S. Johnson, Clerk's fee,	11.50
By amt. paid A. S. Johnson, Clerk, writ tax,...	1.50
By amt. paid Geo. F. Whitley, attorney, taxed attorney's fee,	15.00
By amt. paid A. S. Johnson, Commissioner in Chancery,	20.00
By amt. paid C. H. Barlow, witness,	2.00
By amt. paid Gurley Barlow, witness,	2.00
By amt. paid R. A. Edwards, Sheriff, for serving summons and notice,	2.00
By amt. paid D. J. Mood, for printing hand bills,	2.50
By amt. paid C. C. Curtis, Sergeant, Newport News, for serving summons,	.50
By amt. paid A. S. Barrett, Agent, premium on bond,	10.00
By amt. paid for revenue stamps for deed.....	1.00
By amt. paid Jas. R. Rowell, Jr., Notary Public, taking acknowledgment to deed.....	.50

*Plaintiff's Attorney
Serena Tynes
Agent of the estate*

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

GEO. P. GODWIN, ET ALS.,

VS) IN CHANCERY,

JOHN E. HOLLOWAY, ET ALS.

*showing the sale of the property estate belonging to Serena Tynes & Richard H. Henderson Tynes, for the sum of \$850.00
the said in cash, and that said sum has been paid, and
that she has conveyed certain real estate to said Richard H. Henderson Tynes*

This cause came on this day to be again heard on the pa-
pers formerly read, and on the report of George F. Whitley,
Special Commissioner, this day, by leave of Court filed, ^{*} on the
supplemental report of A. S. Johnson, Commissioner in Chancery, -
filed on the 12th day of February, 1918, and on the ^{separate} petitions this
day, by leave of Court filed, by the following parties, J. W.
Holloway, John E. Holloway, Emma Diggs, George P. Godwin, ~~Emmett~~
~~F. Tynes, Henderson Tynes,~~ ^{Grace Parsons} Richard Henry Tynes and Hayden Parsons;
to which reports ~~and petitions~~ there are no exceptions, and was
argued by counsel:

And, it appearing, from the said Special Commissioner's
~~And the said supplemental report of Commissioner Johnson~~
report, that the said George F. Whitley has, in pursuance to a de-
cree entered in this cause on the 4th day of February, 1918, ^{*} ~~and~~
~~and it further appearing from said supplemental report of Commissioner Johnson~~
~~executed a deed conveying the property therein described;~~ that the
^{of said Special Commissioner}
description in said deed only described a part of the land of which
Serena Tynes died seized and possessed; that Serena Tynes owned two
tracts of land, one containing about thirty acres, and the other con-
taining about fourteen acres, both of which tracts adjoin each other;
that the witnesses who testified in this cause viewed both tracts of
land as one tract; and estimated the annual and fee simple values of
said land as such; that on the day of sale, both tracts were actually
sold; that the purchasers understood that they were buying both tracts;

** Comproving the property included the area of said Tynes, & Richard H. Tynes and Lizzie A. Tynes.*

And the said Tynes & Grace Parsons

Godwin, et als

VS)

Holloway, et als.

DECREE

1970
Dec. 2.
Entered this.
B.D.W.

Chancery order Book #8.
Page 32.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

against R. A. Edwards, Administrator of Mary E. Holloway; that said Special Commissioner has paid to George P. Godwin the sum of \$30.62, it being the remainder of the distributive share of Mary E. Holloway, to be applied on the note of \$12.50, held by said George P. Godwin and signed by Mary E. Holloway; that said Special Commissioner has paid to Hayden Parsons the sum of \$74.00, it being the distributive share of Emma Diggs; that said Special Commissioner has paid to Gracie Parsons one eighth (1/8) of the distributive share of Richetta Parsons, and to Hayden Parsons, the father of Garnett Parsons, Etta Parsons, Rufus Parsons, Nellie Parsons, Beatrice Parsons, Willie Odelle Parsons and Zachariah Parsons, seven eighths (7/8) of said share, to be used in the maintenance, support and education of the said infant children; and has paid to George F. Whitley the sum of \$50.00, attorney's fee, on consideration whereof the court doth confirm the said report.

And there remaining nothing further to be done in this suit the same is ordered to be stricken from the docket.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

GODWIN ET ALB

VS)

HOLLOWAY ET ALB

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day by leave of Court filed, to which report there are no exceptions, and was argued by Counsel.

And it appearing from said report that the said Special Commissioner has paid to Richard Tynes, George P. Godwin, Lizzie Tynes, Lula Robertson and Mennie Tynes the sum of \$74.09 each, it being their distributive shares of the amount derived from the sale of the land in the bill and proceedings mentioned; that said Special Commissioner has paid to Richard Henry Tynes out of the distributive share of John D. Rich the sum of \$57.39, it being the amount of judgment, including interest and cost, recovered by the said Richard Henry Tynes against John D. Rich; that he has paid to John D. Rich the sum of \$16.00, it being the balance of his distributive share in said proceeds; that said Special Commissioner has paid to Roxanna Tynes, mother of Gertrude Tynes, the sum of \$74.09, it being the distributive share of Walter Tynes, for the education, maintenance and support of the said Gertrude Tynes; that the said Special Commissioner has paid out of the distributive share of Mary E. Holloway, to J. W. Holloway, the sum of \$43.47, it being the amount of a judgment, including interest and cost, recovered by the said J. W. Holloway ag-

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT MARCH 16TH. 1918.

J. W. Holloway & Co.

vs)

R. A. Edwards, Sheriff and administrator of the estate of
Mary E. Holloway, deceased.

Judgment obtained before M. F. Jordan, J.P., March
1st. 1916, for \$35.79, with interest thereon from November
30th. 1915 till paid, and \$2.50 costs, docketed in Lien Docket
No. 3, page 203, April 14th. 1916.

Teste,

Edwards Clerk.

Fee for this abstract 25¢

Pin Vol 3854
Sub du 549
\$44.03

Mr. Whitley
G. A. Edwards
J. W. H.

This Deed made this 19th day of February 1897, between B. P. Chapman and Florence O. Chapman his wife of the County of Isle of Wight State of Virginia of the first part and Serena Tynes the wife of John Robt. Tynes of the County of Isle of Wight, State of Virginia of the second part.

Witnesseth, that for and in consideration of the sum of Three Hundred and Twenty dollars the said parties of the first part do convey with general warranty unto the said parties of the second part all their right title and interest in and to the following real estate to-wit: that certain piece or parcel of land lying and being in said County and State containing by estimation (30) thirty acres be the same more or less that was conveyed to said Geo. E. Newby by deed from John Tines bearing date the 10th day of Jany. 1890, and recorded in clerks office of the County Court of said County on the ____ day of ____ 1890, Deed Book ____ page ____ bounded and described in said deed as follows: commencing at the corner of a ditch on the road side on the corner of G. R. Atkinson land as descended to him by his father, thence South fifty degrees East to a,marked pine along the line of Col. Thomas thence South fourteen degrees East along said Thomas line to a marked pine at the head of a ravine, thence down the ravine to the corner of said Thomas and Tynes and Miss Mary Whitfield land, thence up another ravine North East along said Tynes land to a marked trees between said Jordan and said Tynes and Geo. R. Atkinson to the beginning. The parties of the first part covenant that they have the right to convey the said interest in the said land that they have done no act to encumber the said interest, that the grantee shall have quiet possession of the same free from all encumbrances and that they the parties of the first part will execute such further assurances of the said wright title and interest in the said land as may be necessary.

Witness the following signatures and seals this 19th. day
of February 1897.

Mrs. Florence O. Chapman, (SEAL)

B. P. Chapman, (SEAL)

County of Isle of Wight, to-wit:

I, M. F. Jordan a Justice of the Peace for the County afore-
said in the State of Virginia do certify that Florence O.
Chapman and B. P. Chapman whose names are signed to the writing
hereto annexed bearing date the 19th day of February 1897,
have acknowledged the same before me in my County aforesaid.

Given under my hand this the 23rd. day of Feby
1897.

M. F. Jordan, J. P.

In the Clerk's Office of the County Court of Isle of Wight
County March 2nd. 1897, this deed was presented and with the
certificate annexed admitted to record.

Teste, N. F. Young, Clk.

By Saml. H. Edwards, Deputy.

A copy,

Teste, *N. F. Young*, Clerk.

This Deed, made the fifth day of September in the year of our Lord one thousand eight hundred and eighty eight, between John Tynes of the County of Isle of Wight and State of Virginia of the first part and Serena Tynes wife of Jno. Rob. Tynes of the county and state aforesaid of the second part, Witnesseth, that the said John Tynes in consideration of the sum of One Hundred and Fifty Dollars, doth grant with general warranty, unto the said Serena Tynes wife of Jno. Rob. Tynes and her heirs and assigns forever, the following real estate to-wit: (All of that certain piece or parcel of land lying and being in the said county and state containing by estimation Fourteen and one half acres bounded by the lands of A. Travis, Tim Dick and the lands accupied by Geo. Newby and the public road, this land being the same tract conveyed to the said John Tynes by deed bearing date the 1st. Dec. day of Dec. 1838 from Archer Atkinson, recorded in the office of the clk. of said Co. in Deed Book 32 Page 416) to which reference is hereby made for further description of said land. The land herein conveyed is the same land now occupied by Jno. R. Tynes son of the said grantor, together with all and singular the appurtenances belonging to the same. And the said John Tynes covenants that his the right to convey the said land to the grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signature and seal.

his
John x Tynes, (SEAL)
mark

Virginia,

County of Isle of Wight, to-wit:

I, C. B. Hayden a notary public in and for the said county in the state of Virginia, do certify that John Tynes whose name is signed to the writing above, bearing date the fifth day of September 1888, has acknowledged the same before me in my said county aforesaid.

Given under my hand this fifth day of September 1888.

C. B. Hayden, N. P.

In the clerk's office of Isle of Wight County Court September 10th. 1888, This deed was *received* and upon the annexed certificate was admitted to record.

Teste, N. P. Young, clk.

pr. N. F. Young, D. C.

A copy,

Teste, *Johnson*, Clerk.

Godwin et al

v. Cy No 249

Holloway et al

Copy order appointing

Gdu as Receiver

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

this *4* day of *Oct 1916*

Filed

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

George P. Godwin and Martha Godwin, his wife: David Riah:

Emmett T. Tynes: Henderson Tynes: Lizzie Tynes: Nannie Tynes:

Lula Robertson: Emma Diggs: Thomas Diggs: and Richard H. Tynes:

vs) No. 249

John E. Holloway: Hayden Parson: Roxanna Tynes: Willie Holloway:

Frank Holloway: Russel Holloway: Gracie Parson: Garnet Parson:

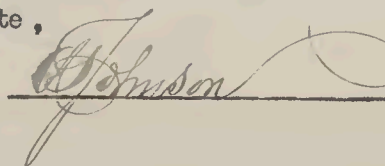
Etta Parson: Rufus Parson: Nellie Parson: Beatrice Parson:

Willie Odell Parson: Zachariah Parson: and Gertrude Tynes: the

last named twelve being infants under the age of twenty one years:

It is ordered that E. H. Williams, a discreet and competent attorney at law, practising in this Court, be, and he is, hereby, appointed guardian ad litem in this suit, to defend the interests therein of Willie Holloway, Frank Holloway, Russell Holloway, Gracie Parson, Garnet Parson, Etta Parson, Rufus Parson, Nellie Parson, Beatrice Parson, Willie Odell Parson, Zachariah Parson and Gertrude Tynes, the infant defendants.

Teste,

 Clerk.

George F. Whitley, p.g.