

1923-003

Chancery Causes
Isle of Wight County

Blanche Lowe, W.

Fletcher Edwards + D.

Petition of D.

C. Whitley vs

G. Whitley

G. Whitley

vs Georgie Edwards,

363

Other surnames: Bowers
Larimore, Pruden, Matthews,
Whitehead, Mathews, Horne

363 @

W. C. Whitley et als

VS) IN CHANCERY

V. K. W.

Georgie Edwards et als

BILL

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

Mar. 7 19 *21*

Filed

Teste, *R. G. Edwards* Clerk.

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

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

W. C. Whitley, Mary A. Whitley,
Blanche Lowe and L. L. Lowe

Plaintiffs

v.

Georgie Edwards, Fletcher Edwards, D. G.
Whitley, an infant under the age of twenty
one years, and E. H. Williams, Guardian ad
Litem for the infant defendant

Defendants

-----:-----:-----:-----:-----:-----*

Take notice that the undersigned, one of the Commissioners in Chancery, of the Circuit Court, for the County of Isle of Wight, to whom has been referred papers in the above entitled case therein depending, for the execution of the decree entered therein on the 7th day of March, 1921, a copy of which immediately follows this notice, that I shall on the 15th day of March, 1921, at the office of George F. Whitley, Attorney at Law, in the Town of Smithfield, County of Isle of Wight and State of Virginia, at 3 o'clock P M, proceed with the execution of said decree, and at which time and place you are notified to attend.

Given under my hand this 11th day of March, 1921.

R. A. Edwards

Commissioner in Chancery

We hereby accept due legal and sufficient
service of the within notice

B. Lanch Lowe

Georgie Edwards

E. H. Williams

Guardian ad Litem

W. C. Whitley

L. L. Lowe

W.C. Whitley do
vs
George B. Edwards do

~~W.C. Whitley~~
D. G. Whitley,
N. & S.
to his my defunct.

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

Blanche Lowe, L. L. Lowe, W. C.
Whitley and Mary A. Whitley

Complainants

v.

Georgie Edwards, Fletcher Edwards
and D. G. Whitley, the last named
being an infant under the age of
twenty one years

Defendants

The answer of D. G. Whitley, an infant defendant
over the age of fourteen years, and of the age to-wit: *19 years*
to a bill in equity exhibited against him and others in the
Circuit Court of Isle of Wight County by Blanche Lowe, L. L.
Lowe, W. C. Whitley and Mary A. Whitley.

For answer to the said bill the said D. G. Whitley
answers and says that although ~~under~~ full age he believes he
knows what are his interests in the matters referred to in
the said bill; he believes the statements in said bill are
true and he concurs in the prayer of the same.

And now having fully answered he prays to be hence
dismissed with his costs etc.

D. G. Whitley

W. P. Whitley et al
~~Blanche Lowe et als~~

v.

Georgie Edwards et als

Answer of D. G. Whitley

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

Blanche Lowe, L. L. Lowe,
W. C. Whitley and Mary A. Whitley

Plaintiffs

v.

Georgie Edwards, Fletcher Edwards
and D. G. Whitley, the last named
being an infant under the age of
twenty one years

Defendants

-----:-----:-----:-----:-----:

The answer of D. G. Whitley, an infant under the age of twenty one years, by E. H. Williams, Guardian ad Litem, a discreet and competent attorney at law, assigned to defend him in this suit, and the answer of the said E. H. Williams, guardian ad litem, of the said infant defendant, to a bill of complaint exhibited against the said infant and others by Blanche Lowe, L. L. Lowe, W. C. Whitley and Mary A. Whitley, in the Circuit Court of Isle of Wight, Virginia.

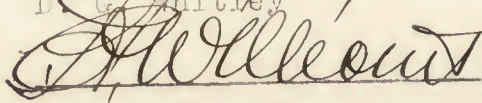
For answer to the said bill, the said infant defendant, by his said guardian ad litem, answers and says that being of tender years, he does not know what his true interest is in relation to the subject-matter of the said bill, nor does he know whether the statements therein contained are true or not. He confides the protection of his interest therein to the care of the Court.

And now, the said guardian ad litem of the said infant defendant for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendant. And, now, having fully answered, the defendant prays to be hence dismissed with his costs, etc.



Guardian ad Litem

D. G. Whitley



guardian ad litem of the said infant

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:-

Subscribed and sworn to before me in my County and
State aforesaid, by E. H. Williams, guardian ad litem as af-
oresaid, this 7 day of March, 1921.

Given under my hand this 7 day of March 1921
1921.

Johnson. Court in Chancery

³
W. P. Whitley & als,
vs J. F. Chaney
George Edw. Edwards

Guardian ad litem
Answer

Filed. 3/7/21

Teste
R. A. Edwards.
ce/v

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

Blanche Lowe, and L. L. Lowe
W. C. Whitley, and Mary A. Whitley

Plaintiffs

v.

Georgie Edwards, Fletcher Edwards
and D. G. Whitley, the last named
being an infant under the age of
twenty one years

Defendants

:-----:-----:-----:-----:-----:-----:

The joint and separate answer of Georgie Edwards and Fletcher Edwards to a bill in equity exhibited against them and D. G. Whitley, the last named being an infant under the age of twenty one years, by Blanche Lowe, L. L. Lowe, W. C. Whitley and Mary A. Whitley, in the Circuit Court for the County of Isle of Wight.

These respondents saving and reserving, etc. for answer to the said bill say that they believe the statements therein made are true and that they concur in the prayer of the said bill.

And now having filed their answer they pray to be hence dismissed with their costs, etc.

Mrs. Georgie Edwards

Fletcher Edwards

²
W. C. Whitley & Co
123 In Chancery
Bergie Edwards & Co

Answer of
Bergie Edwards
and Fletcher Edwards,

Filed 3/7th/21

Teste R. A. Edwards
ceh

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

W. C. Whitley et als

vs.

Georgie Edwards, et als

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

Your petitioner, D. G. Whitley, respectfully represents the following:

That he ~~wzs~~ the infant defendant in the above styled suit at the time same was instituted; that on the 22nd day of October, 1922, he became twenty-one (21) years of age; that he is informed that his share of the proceeds derived from the sale of the land in the bill and proceedings mentioned is \$1147.63.

Your petitioner prays that George F. Whitley, Special Commissioner in the said suit, be directed to pay the above amount to your petitioner, together with the interest thereon, after the payment of the accrued court cost, taxes and premium on the Special Commissioner's bond.

And your petitioner will ever pray.

D. G. Whitley

W. C. Whitley et als
vs.
Georgie Edwards

PETITION OF D. G. WHITLEY

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

Blanche Lowe, L. L. Lowe,
W. C. Whitley and Mary A. Whitley

Plaintiffs

VS) IN CHANCERY

Georgie Edwards, Fletcher Edwards,
and D. G. Whitley, the last named
being an infant under twenty one years

Defendants

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

Your complainants, Blanche Lowe, L. L. Lowe, W. C. Whitley and Mary A. Whitley humbly complain and showeth unto your honor the following case:

1st. That during the month of 1919, Vertley K. Whitley, departed this life intestate, seized and possessed of a tract of land in the County of Isle of Wight, Virginia, and adjoining the lands of J. E. Warren, W. R. Presson, G. G. Whitley and others, and the county road leading from Longview to Smithfield.

2nd. That the said Vertley K. Whitley left surviving her, as her only heirs at law, G. G. Whitley, her husband, and the following children: Viola R. Bowers (nee Whitley), Maude Larimore (nee Whitley), Robert T. Whitley, Blanche Lowe (nee Whitley), Georgie Edwards (nee Whitley) and D. G. Whitley, the last named being an infant under twenty one years of age. That during the month of 1920, the said G. G. Whitley departed this life; that the said Viola R. Bowers, Maude Larimore and Robert T. Whitley by their deeds executed and duly recorded in the Clerk's Office for the County of Isle of Wight, have heretofore conveyed their interest in the above mentioned property to W. C. Whitley.

3rd. That your complainants believe that the real estate of which Vertley K. Whitley died 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 your complainants and the respondents, according to their respective rights; the shares of the infant to be disposed of according to law. Should the said real estate be not dividible, 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 Georgie Edwards, Fletcher Edwards and D. G. Whitley, the last named being an infant 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 defendant; 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 defendant, be required to answer this bill under oath; that the said real estate be partitioned among the several parties entitled thereto, and your complainants' portion thereof be allotted to them; and in case the said real estate to be partitioned cannot be partitioned and divided among the parties entitled thereto, that the whole of same be exposed 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, to equity shall seem meet. 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.

Blanche Lowe

L. L. Lowe

W. C. Whitley

Mary A. Whitley

By Geo. F. Whitley
Counsel *P*

Geo. F. Whitley, p.q.
P

(5)

363

H. C. Whitley et al.

vs Chauncy

George Edwards et al.

Commissioners Report.

Filed Mar.

16th 1921.

Teste R. A. Edwards.

cel.

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

W. C. Whitley, et als

Vs.

Georgie Edwards, et als

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

The under-signed Special Commissioner begs leave to make the following report:

That pursuant to a decree entered in this cause on the 6th day of September, 1921, he has paid the court costs and the attorney's fee as directed by said decree, and has paid to W. C. Whitley the sum of \$3,442.88, and to Blanche Lowe and Georgie Edwards the sum of \$1,147.63, respectively, as will be shown by the respective receipts of the said W. C. Whitley, Blanche Lowe, and Georgie Edwards, filed herewith.

Your Commissioner reports that he has paid to D. G. Whitley, who became 21 years of age on the 22nd day of October, 1922, his pro-rata share of the proceeds derived from the sale of the land in the bill and proceedings mentioned, as is shown by the receipt of the said D. G. Whitley, filed herewith.

Respectfully submitted.


Special Commissioner.

W. C. Whitley, et als

Vs.

Georgie Edwards, et als

REPORT.

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

W. C. Whitley et als

Plaintiffs

v.

Georgie Edwards et als

Defendants

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 25th day of May, 1921, he has executed a good and sufficient deed, with covenant of Special Warranty, conveying the property in the bill and proceedings mentioned to W. C. Whitley; that said W. C. Whitley has paid to him the sum of SEVEN THOUSAND TWO HUNDRED FIFTY (\$7250.00) DOLLARS, less that portion of same due D. G. Whitley for his interest in the said proceeds; that the amount due D. G. Whitley for his interest in said proceeds, after the payment of the court costs and attorney's fee, is ^{\$125.00} ~~\$1147.63~~; that said W. C. Whitley has executed bond for the said amount of ~~\$1147.63~~ the same being the amount due said D. G. Whitley for his interest in the proceeds, dated on the 25th of May, 1921, bearing interest from date, and payable on demand to the said Special Commissioner, said bond being secured by a first deed of trust on the said property; that the said Special Commissioner has delivered the said deed to the said W. C. Whitley.

The said Special Commissioner reports the following as the accrued cost in this suit:

Clerk's fee	\$ 11.50
Taxed attorney's fee	15.00
Commissioner in Chancery fee	25.00
Premium on bond	12.00
Drawing deed	10.00

Acknowledgment	.50
Special Commissioner's commissions	154.00
Witness fee for 3 witnesses @ \$3.75	<u>11.25</u>
Total	\$239.25

Respectfully submitted.

Geo. F. Whitley.
Special Commissioner

363
W. P. Whitley et al
vs. Chancery
George Edwards

Spec. Comm. Report,

1421
Sept 6
Filed
~~Sub. for~~
P.W.

Chancery Book #8
Page 80.

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

Blanche Lowe, L.L.Lowe
W.C.Whitley & Mary A. Whitley

Vs. Chancery

Georgie Edwards, Fletcher Edwards,
and D. G. Whitley, the last named
being an infant under twenty one
years of age.

TO THE HONORABLE B.D.WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT.

The undersigned, one of the Commissioners in Chancery of your Honors Court, respectively reports that the papers in the above entitled cause have been referred to him for the execution of a decree entered therein on the 7th day of March, 1921, and that after due notice to the parties, he did, on the 15th day of March, 1921, at the office of George F. Whitley, Attorney at Law, in the town of Smithfield, County of Isle of Wight, proceed with the execution thereof, and in the presence of Counsel for all of the adult parties, both plaintiffs and defendants and of the guardian ad litem for the infant defendant therein named, took the testimony of S.L.Horne, T.D.Matthews, J. W. Whitehead and F.G.Edwards, competent witnesses, which was reduced to writing and is herewith returned and made a part of this report, and from which, and from the records filed in the office of the Clerk of this Court he is informed and reports as follows:

X
That the real estate mentioned in the bill and proceedings of this suit contains 165 acres, and is of the assessed value of \$2000, on the land books of Isle of Wight County for the year 1920.

That V. K. Whitley came into possession of the said land by

inheritance from her father, K.K.Pruden, that said land is bounded and described as follows: That certain tract of land located near what is known as Longview and about seven miles from Smithfield in the said County of Isle of Wight and bounded by the lands of J.E.Warren, W.R. Presson, Walter Pleasants and the land belonging to the Estate of G.G. Whitley, and the County Road leading from Longview to Smithfield via Scotts Factory. The land here mentioned, from the testimony filed herewith, can not be conveniently divided among the parties in interest.

2;- It does not appear that any of the parties will take the entire property and pay therefor to the other parties such sums of money as their interest might entitle them to.

3;- It appears, that since the property can not be conveniently divided, that it will be to the interest of those entitled to the property to sell the entire property and divide the proceeds, in accordance with the direction of the Court.

4;- The fee-simple value of the property is given at between \$6500.00 and \$7200.00, and the annual value at \$250.00

5;- It appears that all of the proper and necessary parties are properly before the Court.

6;- There does not appear to be any liens for delinquent taxes on the said property. *Sore and except \$37.42 State & County taxes which was returned* There appears to be a lien on the interest of W. C. Whitley in the said property, evidenced by a deed of trust dated on the 5th. day of November, 1920, and recorded in the Clerk's Office for the County of Isle of Wight in D.B. 90, page 307, the amount secured by said deed of trust being for the sum of \$3200.00 evidenced by four notes, three of said notes being for the sum of \$1000.00 each, and one note for

delinquent for the year 1919, together with not all paid and charged.

the sum of \$200.00, all bearing interest from date, payable to the holders thereof.

7;- It appears that D.B. Whitley ^{the infant defd herein} was nineteen years old on his last birthday, which was October, 1920.

8;- Description of the land mentioned in the bill is fully given in the answer of the first inquiry noted herein.

It appears from the testimony that V. K. Whitley, some time called Vertley K. Whitley, was twice married, that she had three children by her first husband, namely, Maude Larimore, Viola Bowers and Robert T. Whitley; that she had three children by her second husband, who was G.G. Whitley, Blanche Lowe, Georgie Edwards and D.G. Whitley; that the said V.K. Whitley died ^{intestate} during the month of November, 1919, and that her husband G.G. Whitley died during the month of February, 1920.

It appears from the records at the Clerk's Office that Maude Larimore and husband, by their deed dated on the 4th day of October, 1920, and recorded in the Clerk's Office for the County of Isle of Wight, in D.B. 91. page 331, conveyed the interest of the said Maude Larimore in the said property to the said W.C. Whitley, that the said Viola Bowers and husband, by their deed dated on the 4th day of October, 1920, and recorded in the Clerk's Office for the County of Isle of Wight, in D.B. 91. page 334, conveyed the interest of the said Viola Bowers in the said property to the said W.C. Whitley; that the said Robert T. Whitley by his deed dated on the 4th day of October, 1920, and recorded in the Clerk's Office for the County of Isle of Wight, in D.B. 91. page 333, conveyed the interest of the said Robert T. Whitley in the said property to the said W. C. Whitley, making W.C. Whitley the owner of a one half interest in the said property, and the said Georgie Edwards, Blanche Lowe and D.G. Whitley the owners of a one sixth interest each in said property.

All of which is hereby respectfully submitted:

R. A. Edmonds.
Com, in Chancery

F. G. Edwards being duly sworn deposes and says as follows:

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

A. F. G. Edwards, 34, farmer, Isle of Wight County.

Q. Did you know V. K. Whitley, the wife of G. G. Whitley?

A. Yes sir, I married her daughter, Georgie K.

Q. Is Mrs. Whitley now living? If not, when did she die?

A. No sir, she is not living, she died in November 1919.

Q. Did she leave any children? If so give their names.

A. She left six, Maude Larimore, Viola Bowers, Robert T. Whitley, Blanche Lowe, Georgie Edwards and D. G. Whitley.

Q. Are any of the children under 21 years of age?

A. Yes sir, one of them, D. G. Whitley. He was 19 years old in October 1920. All the rest of them are over 21 years.

Q. Do you know how Mrs. Whitley came into possession of her property?

A. Yes sir she got it from her father, K. K. Pruden, so I understand, and she was the only child, her father having died in the War between the States, and she had the property.

And further this deponent saith not.

F. G. Edwards

V. B. Whitley.

Endorse

J. W. Whitehead being duly sworn deposes and saith as follows:-

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

A. J. W. Whitehead, 59, farmer, Isle of Wight County.

Q. The bill filed in this suit states that V. K. Whitley died seized and possessed of a tract of land containing 165 acres, more or less. Are you familiar with this land? and how far do you live from same?

A. Yes sir, I am familiar with this land and have been knowing it for fifteen or twenty years, and live about two miles from it, and I was on the place with Mr. T. D. Mathews and Mr. S. L. Horne recently for the purpose of assessing its value.

Q. Mr. Whitehead, you heard the testimony of Mr. Horne and Mr. Mathews in regard to the condition of the houses on this property, the state of cultivation of the land, the number of acres in wood land and open land, as well a description of same. Please state whether or not their testimony in reference to these facts are true.

A. Yes sir, I think so, to the best of my knowledge.

Q. Mr. Horne stated that there were six children left by V. K. Whitley and gave their names, was he correct in his testimony? Did V. K. Whitley leave surviving a husband? If so is he now living.

A. Yes sir, he was correct. She left a husband surviving her but he died a few months after she did, in fact he died in the month of February 1920, and she died during the month of October or November 1919, to the best of my recollection.

Q. Can the property of which V. K. Whitley died seized and possessed and mentioned in the bill filed in this cause, be conveniently divided among the above mentioned children? If not, how would you suggest it to be divided?

A. No sir I do not think that you can cut this property up and divide it. You would practically ruin the property. There is

50 acres of open ground and the rest of it is open ground, and only one settlement on the place and to cut it up at all would be impractical and spoil it as a farm. It is a right nice little farm now and I think it should be sold as a whole and the money divided among the parties.

Q. Mr. Whitehead you heard the values both fee simple and annual as given by Mr. Mathews and Mr. Horne. Would you say those values are fair?

A. Yes sir I think that they have valued them a plenty and just about right.

And further this deponent saith not.

John Whitehead

T. D. Mathews being duly sworn deposes and saith as follows:-

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

A. T. D. Mathews, 60, farmer and in the sawmill business and live in Isle of Wight County.

Q. Mr. Mathews, did you know V. K. Whitley?

A. Yes sir, I knew her. I have been living about two miles from her for about seven years.

Q. Mr. Mathews, the bill filed in this suit states that Mrs. Whitley owned a tract of land near Longview in this County, containing about 165 acres, are you familiar with this property, and have you been on the property recently?

A. I have been knowing the property casually for twenty or twenty five years, and I went on the property recently with S. L. Horne and J. W. Whitehead for the purpose of assessing its value and seeing its condition.

Q. Mr. Mathews, you have heard the testimony of Mr. S. L. Horne as given in this suit. Is his testimony about correct as you see it and understand the property.

A. Yes sir, according to my judgment it is.

Q. Can the property be conveniently divided among the parties entitled thereto?

A. Why, I shouldn't think so. It would practically ruin the property to cut it up.

Q. How would you suggest a division of the property?

A. I should think it best for the property to be sold and the money divided. It would be to the interest of everybody to sell the entire property and divide the money rather than to attempt any division in any other way.

Q. Mr. Horne states that the property is worth from \$6500.00 to \$7200.00, that is the fee simple value, and that a fair rental value would be \$250.00. What would you say as to these values,

A. I should say that they are all right. I think they are about fair.

And further this deponent saith not.

J. A. Matthews

S. L. Horne being duly sworn deposes and says as follows:-

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

A. S. L. Horne, 58, farmer, Isle of Wight County.

Q. Mr. Horne are you familiar with the property of which V. K. Whitley died siezed and possessed, and known as the Pruden property? If so please give its location and description.

A. Yes sir, I have been knowing the property all of my life and live about two miles from it. It is located near what is known as Longview, and about seven miles from Smithfield, and is bounded by the lands of J. E. Warren, W. R. Presson, Walter Pleasants and the county road leading from Longview to Smithfield by Scott's Factory, x

Q. How many acres does this farm contain, both wood land and open land?

A. There is about 165 acres in the whole tract, and about 50 acres open, the rest of it wood land.

Q. Is there any timber on the wooded land?

A. Yes sir, but I understand that this has been sold.

Q. Are there any buildings on the property? If so, what are they and their condition, also what is the state of cultivation of the open land?

A. There is a dwelling house, a barn, a crib and a stable-barn. The dwelling house is in fairly good condition, it is a two story house, two rooms upstairs and two rooms down stairs, with a dining room and kitchen attached. The stable-barn is in good condition, the other out houses are in not such good condition as the stable-barn. The land is in a fairly good state of cultivation.

Q. Do you know when Mrs

Q. How many children did V. K. Whitley leave surviving her?

A. She left six, three by her first husband, who was Robert Whitley, and three by her second husband, who was B. G. Whitley.

Q. Please give the names of the children.

A. Maud Larimore, Viola Bowers, R. T. Whitley, these are children by her first husband, and Blanche Lowe, Georgie Edwards and D. G. Whitley, are the children by her second husband.

Q. Mr. Horne, how long has it been since her first husband's death?

A. It has been some twenty five years ago, I should think.

Q. Is her second husband, Mr. G. G. Whitley, living?

A. No sir, he died some time in January or February 1920.

Q. When did V. K. Whitley die, the wife of G. G. Whitley?

A. She died in the latter part of the year of 1919.

Q. Mr. Horne, can the property of which V. K. Whitley died seized and possessed be conveniently divided among the several parties entitled thereto?

A. I wouldn't think so. It would be impractical, I don't see how it could be satisfactorily done.

Q. How would you suggest would be the best way to divide it? Could a part be allotted and the residue sold?

A. No sir, the only I see would be to sell it and divide the money.

Q. Do you know whether or not any of the parties in interest would buy the entire property and pay therefor to the other parties such sums of money as their interest would entitle them to?

A. I understand that W. C. Whitley has bought three shares and I understand that he would be willing to buy it.

Q. Mr. Horne, what do you think would be a fair fee simple value for the property?

A. I should say that the property is worth from \$6500.00 to \$7200.00.

Q. What would be a fair rental value?

A. I should say \$250.00 would be a plenty.

And further this deponent saith not.

S L Home

Received of Geo. F. Whitley, Special Commissioner in the
suit of W. C..Whitley, et als, vs. Georgie Edwards, et als.,
the sum of \$3442.88, it being in full for my share in the proceeds
derived from the sale of the land in the bill and proceedings
mentioned.

W. C. Whitley

RECEIVED of George F. Whitley, Special Commissioner in the
suit of W. C. Whitley et als vs. Blanche Lowe et als, settlement in
full for my pro-rata share in the proceeds derived from the sale of
the land in the bill and proceedings mentioned.

Given under my hand this 22 day of October,
1922.

D. G. Whitley

RECEIVED of George F. Whitley, Special Commissioner
in the suit of W. C. Whitley et als vs. Georgie Edwards et als the
sum of ELEVEN HUNDRED FORTY SEVEN AND 62/100 (\$1147.62) DOLLARS,
in full settlement of my share of the proceeds derived from the
sale of the land in the above styled suit.

Georgie Edwards

RECEIVED of George F. Whitley, Special Commissioner
in the suit of W. C. Whitley et als vs. Georgie Edwards et als the
sum of ELEVEN HUNDRED FORTY SEVEN AND 62/100 (\$1147.62) DOLLARS,
in full settlement of my share of the proceeds derived from the
sale of the land in the above styled suit.

Blanche Lowe.

1147.62
231.91
1379.53

1921

M4. Geo. F. Whitley, Special Commissioner, in suit W.C. Whitley at als. vs-
- Edwards, et als.

Smithfield, Va.

A. S. BARRETT

General Insurance

Loans and Investments

NOTARY PUBLIC

If You Have Money to Loan

If You Want to Borrow

File Your Needs With Me

MAIN STREET

DATE	COMPANY	No. POL.	AMOUNT	RATE	TIME	PREMIUM
	AGRICULTURAL BOND Am. Surety Co. #75		\$4,000.	\$3.	1 Yr	\$12.00
	ATLAS					
	EQUITABLE					
	HARTFORD					
	WILLIAMSBURG CITY					
	S. U. & NATIONAL					
	NEWARK					
	LONDON ASSURANCE					
	AM. U. FIRE					

*Paid 8/11/21
A. S. Smith
5 Bucks*

ISLE OF WIGHT, VA. June 15th, 1921 192

M r George F. Whitley, Atty. and Special Com.,

In re W. C. Whitley et als Vs. Edwards et als #363

TO R. A. EDWARDS,

CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, DR

To writ tax and Clerks fee's,	11 50
" ~~XXXXXX~~ Commissioners Report,	25 00
	\$ 36.50

RECEIVED
PAYMENT

This includes the entering of two more acres.

AUG 23 1921
R. A. EDWARDS, Clerk

Per

S

Freia 4/25/21
Leti. RAE dundo
ch

To George F. Whitley, Special Commissioner in the suit of
W. C. Whitley et als vs Georgie Edwards et als:

I hereby make an offer of \$7250.00, for the land
mentioned in the bill and proceedings in the above suit,
known as the V. K. Whitley farm. The above amount to be
paid according to the terms of the decree directing sale of
the said property.

W. C. Whitley

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

W. C. Whitley, et als

Vs.

Georgie Edwards, et als.

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 it appearing from said report that the said Special Commissioner has paid the costs in this suit and the attorney's fee, and has paid to W. C. Whitley the sum of \$3,442.88, and to Blanche Lowe and Georgie Edwards the sum of \$1,147.62 each, and has paid to D. G. Whitley, who became^a 21 years of age on the 22nd day of October, 1922, his pro-rata share of the proceeds derived from the sale of the land in the bill and proceedings mentioned; *On* consideration whereof the court doth confirm said report, and there remaining nothing further to be done in this cause, the same is ordered to be stricken from the docket.

W. C. Whitley, et als

Vs.

Georgie Edwards, et als.

DECREE

1923
Sept. 17
Entered
J. H. W.

C. O. B. 8.

Page 161

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

W. C. Whitley et als

Plaintiffs

v.

Georgiá Edwards et als

Defendants

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 executed a good and sufficient deed, with covenant of Special Warranty, conveying the property in the bill and proceedings mentioned to W. C. Whitley; that the said W. C. Whitley has paid to the said Special Commissioner the sum of SEVENTY TWO HUNDRED FIFTY (\$7250.00) DOLLARS, less that portion of same due D. G. Whitley for his interest in the proceeds; that the amount due D. G. Whitley for his interest in said proceeds after the payment of the court cost and an attorney's fee of \$125.00, is \$1147.63; that the said W. C. Whitley has executed a bond for the said amount of \$1147.63, dated on the 25th day of May, 1921, bearing interest from date, payable on demand to the said Special Commissioner, said bond being secured by a first deed of trust on the said property; that the said Special Commissioner has delivered the said deed to the said W. C. Whitley; that the court costs in this suit are as follows:

Clerk's fee	\$ 11.50
Taxed attorney's fee	15.09
Commissioner in Chancery fee	25.00
Premium on bond	12.00
Drawing deed	10.00
Acknowledgment	.50
Special Commissioner's commissions	154.00
Witness fee for 3 witnesses @ \$3.75	11.25
<i>total</i>	<u>\$239.25</u>

that there will be a balance in hand after the payment of the court costs and attorney's fee as above mentioned, of \$5738.12, on consideration whereof the court doth confirm the said report and doth adjudge, order and decree that the said Commissioner pay out of the said balance, the court costs as above mentioned, to George F. Whitley the sum of \$125.00, as attorney's fee, to W. C. Whitley the sum of \$3442.88, it being the distributive share of the said W. C. Whitley in the said proceeds; and to Blanche Lowe and Georgie Edwards the sum of \$1147.62, each, it being the amount of their respective shares in the said proceeds. And the said Special Commissioner is directed to report to Court his proceedings hereunder.

And this cause is continued.

W. P. Whitley & Co
Vr } In Chancery
George E. Dwyer & Co

Deare

1921
Sept. 6
~~Filed~~ B.D.W.
Enter This

C B # 8, page 80

EXAMINED AND VERIFIED

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

Blanche Lowe, L. D. Lowe, W. C. Whitley
and Mary A. Whitley

Plaintiffs

VS) IN CHANCERY

Georgie Edwards, Fletcher Edwards and
D. G. Whitley, the last named being an
infant under the age of twenty one years

Defendants

This cause came on this day to be again heard on the papers formerly read and on the report of R. A. Edwards, Commissioner in Chancery, filed on the 16th day of March, 1921, to which report there are no exceptions, and was argued by Counsel.

And it appearing from said report, together with the depositions returned therewith, that Vertley K. Whitley died intestate, owning a certain tract of land in the County of Isle of Wight, containing 165^{acres} more or less, bounded and described as follows: That certain tract of land located near what is known as Longview, and about seven miles from the Town of Smithfield, Virginia, in the County of Isle of Wight, bounded by the lands of J. E. Warren, W. R. Presson, Walter Pleasants, the land belonging to the estate of G. G. Whitley, and the county road leading from Longview to Smithfield, by way of Scott's Factory; the said land being formerly owned by K. K. Pruden, the father of the said Vertley K. Whitley; that the said land can not be conveniently divided among the parties entitled thereto; that no party in interest will take the entire property and pay therefor to the others such sums of money as their interest might entitle them to; that it will be to the interest of the parties entitled to the said property to sell the entire property and divide the proceeds according to law; that the fee-simple value of the said property is between \$6500.00 and \$7200.00, and the annual value is \$250.00; that it appears that all of the proper and necessary parties are properly before the Court;

That the guardian ad litem for said infant defendant had notice of the taking of the testimony herein and was present at the same.

That Vertley K. Whitley departed this life during the month of November, 1919, leaving surviving her, G. G. Whitley, her husband, who died during the month of February, 1920; that there is now surviving the said Vertley K. Whitley, as her only heirs at law, the following children, namely: Maude Larimore (nee Whitley), Viola Bowers (nee Whitley), Robert T. Whitley, Blanche Lowe (nee Whitley), Georgie Edwards (nee Whitley) and D. G. Whitley; the said D. G. Whitley being an infant and was nineteen years of age during the month of October, 1920; that the said Maude Larimore, Viola Bowers and Robert T. Whitley by their deeds dated on the 4th day of October, 1920, and duly recorded in the Clerk's Office for the County of Isle of Wight, conveyed their interest in the said property to W. C. Whitley, one of the plaintiffs in this cause; that the said W. C. Whitley owns a one-half interest in the said property and the said Georgie Edwards, Blanche Lowe and D. G. Whitley are the owners of a one-sixth interest each in said property; that there appears to be a lien on the said property for delinquent taxes for the year 1919, in the amount of \$37.42; that there also appears to be a lien on the interest of W. C. Whitley in the said property, created by a deed of trust securing the sum of \$3200.00, evidenced by four notes, three of said notes being for the sum of \$1000.00 each, and one of said notes being for the sum of \$200.00, and all of said notes bearing interest from the 5th day of November, 1920, payable to the holders thereof; that no liens against the said property or against the interest of any party therein, other than above mentioned, appears of record, on consideration whereof the Court doth confirm the said report.

And it appearing from a written bid signed by W. C. Whitley, which is now presented to the Court, that the said W. C. Whitley has offered the sum of SEVENTY TWO HUN-

DRED FIFTY (\$7250.00) DOLLARS, for the said property, and it further appearing to the Court that the said W. C. Whitley desires to pay the entire amount in cash, except such amount as shall be due said D. G. Whitley, and that the said W. C. Whitley desires to borrow said amount, giving a first deed of trust on the said property to secure same, the Court doth accept the said bid as made by the said W. C. Whitley, and doth adjudge, order and decree that George F. Whitley, who is hereby appointed a Special Commissioner for the purpose, execute to W. C. Whitley a good and sufficient deed, with ^{Conduct} a SPECIAL WARRANTY, conveying the said property to him the said W. C. Whitley, but that the said deed shall not be delivered to the said W. C. Whitley until the said Special Commissioner has collected from the said W. C. Whitley the entire amount of \$7250.00, except that portion of same which shall be due to D. G. Whitley for his interest in the said proceeds, and further, ~~not~~ until the said W. C. Whitley has executed a bond for the said amount due D. G. Whitley, payable on demand and bearing interest from the 25th day of May, 1921, to the said Special Commissioner, ^{or his successor} said bond to be secured by a first deed of trust on the said property. ~~The Court doth further direct the said Special Commissioner to report to Court the cost of this suit.~~

The said Special Commissioner shall do no act under this decree until he shall have entered into a bond before the Clerk of this Court, with surety deemed sufficient by said Clerk, and payable and conditioned as the law directs in the penalty of \$4000.00, for the faithful discharge of his duty under this or any other decree entered in this cause.

And this cause is continued.

① 363
W. C. Whitley & Co
Vt. In Chancery
George Edwards,

Decree:

1921
May 15.
Enter this.
B.W.S.

Book 8, page 72

912

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

Blanche Lowe, L. L. Lowe, W. C.
Whitley and Mary A. Whitley

Plaintiffs

v.

Georgie Edwards, Fletcher Edwards
and D. G. Whitley, the last named
being an infant under the age of
twenty one years

Defendants

This day came the complainants, Blanche Lowe, L. L. Lowe, W. C. Whitley and Mary A. Whitley, and by leave of Court filed their bill of complaint against Georgie Edwards, Fletcher Edwards and D. G. Whitley, the last named being an infant under the age of 21 years, and upon motion of the said complainants it is adjudged, ordered and decreed that E. H. Williams, a discreet and competent attorney at law, practicing in this Court, he, and he is, hereby, appointed guardian ad litem for the infant defendant to defend his interest herein; and on motion of said guardian ad litem he is hereby given leave to file his own answer and the answer of the said infant defendant to the said bill of complaint, *and the separate answer of said D. G. Whitley (who is now sixteen years of age)* which are accordingly filed; to which said answers the complainants replied generally; and, on motion of the defendants, Georgie Edwards and Fletcher Edwards, they are hereby given leave to file their joint and separate answers to the said bill of complaint, which is accordingly filed, to which said answers the complainants replied generally; and, on motion of said complainants this cause is placed upon the docket. Whereupon this cause came on to be heard upon the bill of complaint, and upon the answer of the Guardian ad Litem and the infant defendant by said Guardian ad Litem, and upon the joint and separate answers of the said defendants, Georgie Edwards and Fletcher Edwards, and upon the general replications of said answers.

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.

✓ 1- Whether the real estate in the bill and proceedings mentioned can be conveniently divided among the several parties entitled thereto.

✓ 2- If the same can not be conveniently divided, whether any party will take the entire property and pay therefor to the other parties such sum of money as their interest may entitle them to.

✓ 3- And if 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.

4- 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.

5- Whether all the proper and necessary parties are properly before the Court.

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- The age of the infant defendant upon his last birthday and the date of same.

8- A description of said land and where located.

Which several inquiries the said Commissioner shall made and return to Court, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be stated. It is ordered that the testimony taken by said Commissioner hereunder shall be reduced to writing and signed by the witnesses testifying and returned with the report ~~of~~ ¹⁰⁸ said Commissioner.

And on motion of the complainants, by Counsel, and
by consent of all parties, by Counsel, it is ordered that this
cause be made a vacation cause and that such decreed be enter-
ed herein in vacation as might be entered in term time.

4
W. R. Whitley et al
vs } In Chancery
Gergie Edwards et al

Deare

1921.
Mar. 7.
Enter this.
B. J. W.

Chancery Order Book
8, Page 52

EXAM

EXAM

660

No.

Know all Men by These Presents: That we

George F. Whitley, principal ,

and

American Surety Company Of New York, suret y,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Four Thousand Dollars,

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said George F. Whitley, principal ,

has hereto set his hand and affixed his seal;

American Surety Company Of New York, y
suret ,

and the said

A. S. Barrett,

by

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said 13th June A. S. Barrett, , its said agent and attorney

in fact, this, the day of George F. Whitley, who was

~~THE CONDITION OF THE ABOVE OBLIGATION IS SUCH~~ that if the above bound ~~George F. Whitley~~ of Isle Of Wight, Virginia, on the 25th day of May 1921, appointed a Special Commissioner in the Chancery Cause of ~~XXXXXX~~ W. C. Whitley et als Vs. Georgie Edwards et als, No. 363,

shall faithfully discharge the duties of his office or trust as such
: any later decree
Special Commissioner in
this

, then the above obligation to be void, or else to remain in full force and virtue.

Geo. F. Whitley [SEAL]

American Surety Company of New York

By A. S. Barrett

Its duly authorized agent and attorney in fact.

SEAL

Attest: A. S. Barrett

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 13th, day of June, 19 21, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

a copy.

Test R. A. E. Clerk

R. A. E. Clerk.

W. C. Whitley et als

Vs) 363

Georgie Edwards et als

File # 6/12/21

Anti

PA & Lumber

Ali