

1923-004 Chancery Causes: Blanche Lowe + S. J. Lowe vs Georgie Edwards,
Isle of Wight County Fletcher Edwards + D. L. Whitley
Petition of D. G. Whitley

364

other SURNAMES: HORNE,
Whitehead, Mathews,

364 (1)

Blanche Lowe et als

VS) IN CHANCERY

J. G. W.

Georgie Edwards et als

BILL

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

Mar. 7 1921

Filed

Teste, R. L. Edwards, Clerk

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

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.

B. A. Edwards

Commissioner in Chancery

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

Blanche Lowe

Georgie Edwards

E. H. Williams

Guardian ad Litem

L. L. Lowe

Blanche Love et al
vs
George K. Edwards

Notice of taking
depositions

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

Blanche Lowe and L. L. Lowe

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 and L. L. Lowe, 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 statement 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.

E. H. Williams

Guardian ad Litem

D. G. Whitley

D. G. Whitley guardian ad litem for 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.

E. H. Williams
Clerk in Charge

(31)

Blanchette & Co.
124th Chancery,
Gerie Edwards & Co.

Guardian ad
litam answer,

Filed Mar. 7th 1921

Att. R. A. Edwards
cld

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

Blanche Lowe, and L. L. Lowe .

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, and
L. L. Lowe .

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
dismisses with his costs etc.

D. G. Whitley

Blanche Lowe et al

v.

Georgie Edwards et als

Answer of D. G. Whitley

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

Blanche Lowe, and L. L. Lowe

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 un-
der the age of twenty one years, by Blanche Lowe and L. L.
Lowe, 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
hance dismissed with their costs, etc.

Mrs. Georgie Edwards
Fletcher Edwards

(2)

Blanche Lowetal
V. J. In Chancery
Gorgie Edwards et al.

Answer of George Edwards
and Fletcher Edwards,

Filed Mar 7th 1921

Teste R. A. Edwards.
all

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

Blanche Lowe 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 was 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 \$231.93.

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

Blanche Lowe et als

vs.

Georgie Edwards et als

PETITION OF D. G. WHITLEY

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

BLANCHE LOWE and L. L. LOWE

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

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

Your complainants, Blanche Lowe and L. L. Lowe
humbly complain and sheweth unto your honor the following
case:

1st. That during the month of 1920,
G. G. Whitley departed this life testate, seized and pos-
sessed of a tract of land in the County of Isle of Wight,
Virginia, and adjoining the lands of Vertley K. Whitley,
C. H. Lawrence and others.

2nd. That by the last will and testament of the
said G. G. Whitley, a certified copy of which is herewith
filed, a portion of the above described land was disposed
of, leaving a balance of about ten or twelve acres undis-
posed of, which said ten or twelve acres is described as
follows: bounded by the lands of Vertley K. Whitley, J. E.
Warren and the county road leading from Longview to Smith-
field.

3rd. That the said G. G. Whitley left surviving
him as his only heirs at law the following children: Blanche
Lowe, Georgie Edwards and D. G. Whitley, the last named being
and infant under the age of twenty one years.

4th. That your complainants believe that the real
estate of which G. G. Whitley died seized and possessed is
susceptible of partition among the parties entitled thereto;
but, if not, your complainant desires the same to be sold,
and the proceeds divided among your complainants and the re-
spondents, according to their respective rights; the shares
of the infant to be disposed 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 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 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 the case may require, or, to equity may 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

By

D. G. Whitley
counsel

D. G. Whitley p.q.

364

Blanch Lorette et al
vs Chauncy
Georgie Edmund et al

Cour. Report.

Filed Mar. 16th 1921.

Teste R. A. Edmund:
eeh

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

Blanche Lowe and L.L.Lowe Plaintiffs

Vs. Chancery

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

TO THE HONORABLE B.D.WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT.

The undersigned, one of the Commissioner 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 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. Mathews, 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:

That the real estate mentioned in the bill and proceedings of this suit contains 140 acres, and that G. G. Whitley the former owner thereof who died testate on the 11th day of February 1920, did by his last will and testament dispose of all of his real-estate above mentioned with the exception of about twelve or thirteen acres, which said remainder is, as appears from the evidence herewith submitted, in Newport District, Isle Of Wight County, Virginia, and adjoining

the lands of V. K. Whitley, his wife, and the County road leading from Longview to Smithfield via Scotts Factory, and the land devised by the will of G. G. Whitley to D. G. Whitley, his son, the same being a triangular piece of land without buildings of any kind and just in front of the dwelling house on the V. K. Whitley property.

//
It does not appear from the evidence before your commissioner that the land above described can be conveniently divided among the parties entitled thereto.

//
It does not appear from the evidence before your commissioner 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.

//
It further appears to your commissioner that since the property cannot be conveniently divided and that none 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, 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.

//
It appears to your commissioner that the fee-simple value of the real-estate herein mentioned is from 500.00 to 800.00 dollars and that the annual value thereof is \$75.00.

//
It appears to your commissioner that all of the ^{proper & necessary} parties are properly before the Court.

//
There does not appear to your commissioner after a careful search of the records on file in the office of the Clerk of the Court of this County that there are any liens for delinquent taxes or otherwise on the above described property.

//
It appears to your commissioner from the evidence taken that G. G. Whitley who married Vertley ^{K.} Whitley and who died as heretofore stated,

the said Vertley K. Whitley having died prior to his death, to-wit during the month of November 1919, had by said marriage three children, namely, Georgie Edwards, Blanch Lowe, and D. G. Whitley, and that they being the only heirs ^{of the said S. S. Whitley} are entitled to one third interest each in said land herein mentioned.

//

It appears to your commissioner that the age of the infant defendant herein is 19 years, that he attained that age during the month of October 1920.

All of which is hereby respectfully submitted.

R. A. Edwards
Commissioner in Chancery.

B. L. Horne being duly sworn deposes and saith 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

D. G. Whitley died siezed and possessed?

A. Yes sir, I have known it all of my life, and I live about ~~two~~ miles from it.

Q. Mr. Horne, the bill filed in this suit states that all of the property owned by G. G. Whitley was disposed of by his will with the exception of a small tract of land adjoining the land of V. K. Whitley, his wife, and the county road leading from Longview to Smithfield, by Scott's Factory, and the lands devised by the will of G. G. Whitley to D. G. Whitley, his son. How many acres would you say this tract of land contains? and is the above description correct? and is it open land, and are there any buildings on it?

A. I should judge there are ~~twelve~~ or thirteen acres, it is all open and lies just in front of the dwelling house on the V. K. Whitley property. It is a triangular piece of land and there are no buildings on it. The above dâscription is correct.

Q. What is the state of cultivation of this tract of land?

A. Fairly good, I should say.

Q. Mr. Horne, when did Mr. G. G. Whitley die, and did he leave surviving him any children? If so, what are their names.

A. He died sometime in February 1920, and left three children, Blanche Lowe, Georgie Edwards and D. G. Whitley.

Q. Mr. Horne, do you think the above mentioned tract of land could be conveniently divided among the above children?

A. No sir, I do not.

Q. How would suggest to divide the property? Could a part of it be allotted and the rest of the property sold?

A. No sir, I think the entire property should be sold and the

money divided. As a matter of fact this is the only way it can be done to any advantage.

Q. Do you know of any party in interest who would take the entire property and pay the others therefor such sums of money as their interest might entitle them to?

A. No sir, I do not.

Q. Mr. Horne, what do you think a fair fee simple value for this tract of land?

A. I should say from \$500.00 to \$800.00.

Q. What would be a fair rental value per year for this property?

A. I should say that this property should rent out for \$75.00 per year.

And further this deponent saith not.

S L Horne

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

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

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

Q. Mr. Whitehead did you know Mr. G. G. Whitley?

A. Yes sir.

Q. Is he now living?

A. No sir, he died about February 1920.

Q. Is his wife living?

A. No sir, she died in October or November 1919.

Q. Did Mr. Whitley leave any children?

A. Yes sir, three.

Q. Are you familiar with the property of which G. G. Whitley died seized and possessed? and which is described in the bill filed in this suit, as adjoining the lands of V. K. Whitley, the county road leading from Longview to Smithfield by Scott's Factory, and the lands devised to D. G. Whitley by G. G. Whitley his father and containing about 12 acres?

A. Yes sir I was on the property within the last few days for the purpose of valuing same.

Q. Is the above description about correct? as well as the above mentioned number of acres?

A. Yes sir.

Q. You heard the testimony of Mr. S. D. Horne and Mr. T. D. Mathews just given in regard to the state of cultivation of this land and its fee simple and annual values, did you not?

A. Yes sir.

Q. Would you say their testimony is correct?

A. Yes sir, it is all open and in a fair state of cultivation, and I think they placed a proper value on same, both fee simple and annual.

Q. Do you think that this property could be conveniently divided among the parties entitled thereto?

A. No sir, I do not. It is too small to be set up.

Q. How would you suggest for it to be divided then?

A. I think it should be sold as a whole and the money divided.

And further this deponent saith not.

Crowwhitehead

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 sawmill business, Isle of Wight County.

Q. Mr. Mathews, did you know Mr. G. G. Whitley?

A. Yes sir, I have been knowing him for eight or ten years, have been living in two miles of him for the last seven years.

Q. Is Mr. Whitley now living?

A. No sir, he died more than a year ago.

Q. Is his wife living?

A. No sir, she died just a little while before Mr. Whitley died.

Q. Mr. Mathews, you have heard the testimony of Mr. S. L. Horne just given in this suit, are the statements made in this testimony in reference to the property about correct?

A. I should think so, according to my idea.

Q. Are you familiar with the piece or property as described in the testimony of Mr. Horne and belonging to the estate of Mr. Whitley?

A. Yes sir, I was on this property recently with Mr. Horne and Mr. J. W. Whitehead, for the purpose of valuing same.

Q. What would you say would be a fair fee simple value as well as a fair annual value? This is all open land and

A. This is all open land and I think that the value as given by Mr. Horne, which was from \$500.00 to \$800.00, is a fair valuation. And the rental value to be \$75.00 per year.

Q. Do you think that this property could be conveniently divided among the parties entitled thereto- there are three children interested in this property.

A. No sir, I do not.

Q. Why, Mr. Mathews?

A. I do not think in the shape it is you could cut it up satisfactory or to the advantage of anybody.

Q. Do you think that it would be to the interest of the parties to allot a part and sell the residue of this property? If not how would you suggest a division of same?

A. I should think that the only way to divide the property would be to sell it as a whole, in fact this is the only way it can be done to the interest of the parties.

And further this deponent saith not.

J. F. Matthews

^{B.}
~~Fletcher~~ Edwards being duly sworn deposes and saith 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 G. G. Whitley?

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

Q. Is he now living? If not, when did he die?

A. He died February 1920.

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

A. Georgie K. Edwards, Blanche Lowe and D. G. Whitley.

Q. Are any of them under 21 years of age? If so give their ages.

A. Only one, D. G. Whitley, he was 19 years old in October 1920.

And further this deponent saith not.

F. G. Edwards

H. L. Whitney
entire

1921

Mr. Geo. F. Whitley, Special Com. in suit Blanche Lowe at. als.
vs. Edwards at 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
	~~Pratt, on~~ BOND. Am. Surety Co.	#74	\$1,000.		1 Yr	\$10.00
	ATLAS					
	EQUITABLE					
	HARTFORD					
	WILLIAMSBURG CITY					
	S. U. & NATIONAL					
	NEWARK					
	LONDON ASSURANCE					
	AM. U. FIRE					

Paid 8/11/21
W. B. Smith
Pharm

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

M r. George F. Whitley, Special Commissioner, _____

In re Blanch Lowe et als Vs. Edwards et als, # 364

TO R. A. EDWARDS,

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

To writ tax and Clerks fee's,

11.50

" Commissioners report,

RECEIVED
PAYMENT

20.00

31.50

This includes the entering of 2 more decree's.

AUG 13 1921

R. A. EDWARDS, Clerk

Per 6

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

Blanche Lowe, 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 attorney's fee as therein mentioned, and to Blanche Lowe and Georgie Edwards the sum of \$231.91 each, as is shown by their receipts herewith filed.

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 ~~may~~ be shown by his receipt herewith filed.

Respectfully submitted.


Special Commissioner.

Blanche Lowe, et als,

Vs.

Georgie Edwards, et als,

REPORT.

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

Blanche Lowe 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 EIGHT HUNDRED FIFTY (\$850.00) 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 of \$50.00, is \$231.93; that the said W. C. Whitley has executed bond for the said amount of \$231.93, the same being the amount due said D. G. Whitley for his interest in the proceeds, dated on the 25th day 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	20.00
Premium on bond	10.00
Drawing deed	10.00

Acknowledgment	.50
Special Commissioner's commissions	26.00
Witness fee for 3 witnesses @ \$3.75	<u>11.25</u>
Total	\$104.25

Respectfully submitted.

Gen. D. Whitley.
Special Commissioner

Blanche Lowder
w/ In Chancery
Georgie Edwards.

Spec. Comm. Report

1921
Sept 6.
Filed Sept 14.

RECEIVED OF George F. Whitley, Special Commissioner in the
suit of Blanche Lowe et als vs. Georgie Edwards 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 22nd day of October,
1922.

G. F. Whitley

RECEIVED of George F. Whitley, Special Commissioner
in the suit of Blanche Lowe et als vs. Georgie Edwards et als, the
sum of TWO HUNDRED THIRTY ONE AND 91/100 (\$231.91) DOLLARS, in full
settlement of my share in the proceeds derived from the sale of the
land in the above styled suit.

Blanche Lowe

RECEIVED of George F. Whitley, Special Commissioner
in the suit of Blanche Lowe et als vs. Georgie Edwards et als, the
sum of TWO HUNDRED THIRTY ONE AND 91/100 (\$231.91) DOLLARS, in full
settlement of my share in the proceeds derived from the sale of the
land in the above styled suit.

Georgie Edwards

To George F. Whitley, Special Commissioner in the suit of
Blanche Lowe et al vs Georgie Edwards et als:

I hereby make an offer of \$950.00 for the land
mentioned in the bill and proceedings in the above suit,
The above amount to be paid accoring 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

Blanche Lowe, 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 was argued by counsel.

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 Georgie Edwards and Blanche Lowe the sum of \$231.91, respectively, pursuant to a decree heretofore entered in this cause; and has paid to D. G. Whitley, who became 21 years of age on the 22nd day of October, 1922, ^{\$231.91} his pro-rata share in the proceeds derived from the sale of the land in the bill and proceedings mentioned, on consideration whereof the court doth confirm the said report.

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

Blanche Lowe, et als,

VS.

Georgie Edwards, et als.

DECREE

1923
Sept 17.
Entered
R.D.W.

C. O. B. S.

Page 161.

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

Blanche Lowe et als

Plaintiffs

v.

Georgie 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 exeptions, 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 EIGHT HUNDRED FIFTY (\$850.00) 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 \$50.00, is \$231.93; that the said W. C. Whitley has executed a bond for the said amount of \$231.93, 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	15.00
Commissioner in Chancery fee	20.00
Premium on bond	10.00
Drawing deed	10.00
Acknowledgment	.50

Special Commissioner's commissions

26.00

Witness fee for 3 witnesses @ \$3.75

11.25

Total

\$104.25

That there will be a balance in hand after the payment of the court costs and attorney's fee as above mentioned of \$463.82, on consideration whereof the Court doth confirm the said report, and doth adjudge, order and decree that the said Commissioner pay the court costs as above mentioned, and pay to George F. Whitley the sum of \$50.00, as attorney's fee, to Blanche Lowe and Georgie Edwards the sum of \$231.91 each, it being the amount of their respective shares in the said proceeds. And the said Special Commissioner is directed to report to Court all his proceedings hereunder.

And this cause is continued.

364

Blanche Lovell
W/ to Chancery
George Edwards

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1921
Sept. 6.
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BDW.

Chancery #8

Page 81

EXAMINED AND VERIFIED

Commissioners of this Court, who will inquire into ~~the~~ 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 make 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 writ-

ing and signed by the witnesses testifying and returned with the report of the 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 decrees be entered herein in vacation as might be entered in term time.

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Blanche Howell
v2 } In Chaney
George Edwards et al

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1921
Mar. 7.
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J.H.W.

Chaney Order
Book 8, Page 51

TEXAS ARCHIVES

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

Blanche Lowe and L. L. Lowe

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 of age

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.

that the Guardian ad Litem for the infant Defendant had notice of the
And it appearing from said report, together with the depositions returned therewith, that G. G. Whitley died testate, owning a tract of land in the County of Isle of Wight, containing about 140 acres; that the said G. G. Whitley disposed of all of his lands by his last will and testament, except twelve or thirteen acres, the said twelve or thirteen acres, being located in Newport District, Isle of Wight County, Virginia, and adjoining the lands of Vertley K. Whitley, the county road leading from Longview to Smithfield, by way of Scott's Factory, and the land devised by the last will and testament of G. G. Whitley to D. G. Whitley, his son; 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 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 \$500.00 and \$800.00, and that the annual value is \$75.00; that it appears that all of the proper and necessary parties are properly before

Notice of the testimony and facts at the same.

the Court; that G. G. Whitley departed this life during the month of February, 1920, leaving surviving him as his only heirs at law, the following children, namely: Blanche Lowe, Georgie Edwards and D. G. Whitley, an infant who was nineteen years of age during the month of October, 1920; that there does not appear to be any liens against the said property or against the interest of any party in interest, 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 EIGHT HUNDRED AND FIFTY (\$850.00) 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 the 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 the 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 as Special Commissioner for the purpose, execute to W. C. Whitley a good and sufficient deed, with ^{covenant} 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 \$850.00, except that portion ~~of~~ same which shall be due to the said 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 to D. G. Whitley, payable on demand, bearing interest from the 15th 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 the Clerk, and payable and conditioned as the law directs in the penalty of \$1000⁰⁰, for the faithful discharge of his duty under this or any other decree entered in this cause.

And this cause is continued.

⑥ 364

Blanche Lowenthal

72 42 Chancery

Georgia Edwards

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1928

May 25.

Enter this.

B.W.

Book 8, Page 72

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 One Thousar.1

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

and the said A. S. Barrett, suret ,

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, 21, its said agent and attorney

in fact, this, the day of A. D. 19 George F. Whitley, who was

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound by a decree, entered by the Circuit Court of Isle Of Wight County, Virginia, on the 25 day of May 1921, appointed a Special Commissioner in the Chancery Cause of Blanch Lowe et als Vs. Georgie Edwards et als No. 364,

shall faithfully discharge the duties of his office or trust as such Special Commissioner, unde this or any later decree, , 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, 1921 this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R. A. Edmunds Clerk.

a copy.
Seal. R. A. Edmunds

Blanche Lowe et als

Vs) 364

Georgie Edwards et als