

1924-007 Chancery Causes : Waverly W. Scott & al vs Edna E. Scott & al
Isle of Wight County

Folder /
322

Other surnames: Holland,
White, Barham, Baker,
Delk, Outland, Jones,
Edwards, Stringfield,

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

SCOTT ET AL'S

VS) CHANCERY, NO. 322.

SCOTT ET AL'S.

TO HONORABLE S. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery, of
your Honor's Court, to whom has been referred the papers in the above
entitled cause, for the execution of a decree entered therein on the 6th.
day of January, 1920, respectfully reports to the Court, that on the 22nd.
day of September, 1920, in the presence of W. S. Holland, the guardian
ad litem, and Parke P. Deans, counsel for all the adult parties, he took
the testimony of I. A. Jones, J. N. Springfield, J. I. Latham, J. M. Outland
and W. W. Scott, which was reduced to writing, and is returned herewith as
a part of this report, and from such testimony, so taken, and from the
records filed in the Clerk's Office of this Court, is informed and reports
as follows:

1st. "Whether the real estate in the bill mentioned can be con-
veniently divided among the several parties entitled to share therein? Ans.
It appears from the testimony filed herewith that it cannot be conveniently
divided among the several parties entitled to share therein.

2nd. 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? Ans. It does
not appear that any party wishes to take the property and pay the others
for their several shares.

3rd. And if the same cannot be conveniently divided, and of
no party will take the entire property and pay the others for their shares,

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 the allotment of part and sale of the residue? Ans. It clearly appears that the interest of all parties will be promoted by a sale of the entire property and the proceeds arising therefrom distributed, as the law provided, by order of this Honorable Court.

4th. What real estate the parties to this suit are entitled, the location and description thereof, how their title was acquired, and their respective interest therein, and the annual and fee simple values of said real estate? Answer: The real estate mentioned in the Bill belonged to John Scott, as appears from the Land Book of 1849, and was conveyed by him, by his deed bearing date the 2nd. day of July, 1849, of record in Deed Book No. 37, page 495, to James Scott, sometimes called James F. Scott. The deed states that the land contains 130 acres, more or less, while the Land Book shows 132 acres. James F. Scott, by his deed bearing date March 17th. 1873, and of record in Deed Book No. 42, page 547, conveyed to R. H. Baker twenty five acres from the tract of land aforesaid. C. C. Scott and Sarah C. Scott his wife; R. L. Scott and Annie Scott, his wife; Sarah M. Delk and S. B. Delk, her husband; and Ella Outland and J. M. Outland, her husband, by their deed bearing date the 20th. day of April, 1897, and of record in Deed Book No. 65, page 233, conveyed their interests in said tract of land to A. N. Scott; this deed reciting that the said land was a tract of 107 acres, and adjoining the lands of M. A. E. Jones, John Scott and others, and on the County Road leading from Smithfield to I. N. Jones' store, now known as the Smithfield-Proctor's Bridge Road. William S. Holland, Special Commissioner, by his deed bearing date the 20th. day of September, 1891, and of record in Deed Book No. 65, page 403, conveyed to said A. N. Scott twenty five acres of land from the estate of R. H. Baker, deceased, and known as the "Scott land", this being the twenty five acres which James F. Scott conveyed to the said R. H. Baker, as aforesaid. This put the whole tract of 130 or 132 acres in the said A. N. Scott, save and except one share therein belonging to Joseph W. Scott, a son of said James F. Scott, who is not a party to

this suit, but who, by his deed, in which his wife, Evelyn M. Scott joined, bearing date the 9th. day of September, 1920, and exhibited to your Commissioner, and which is to be recorded in the said Clerk's Office, has conveyed his interest in the 107 acre tract of land to Waverly W. Scott, a party to this suit, and an heir at law of the said A. N. Scott. This leaves the land divisible as follows:

1. The estate of A. N. Scott owning five shares in the 107 acre tract, and Waverly W. Scott owning one share therein as alienee of the said J. W. Scott.

2. The estate of said A. N. Scott owning the entire twenty five acre tract.

The five shares of the estate of James F. Scott, owned by the estate of the said A. N. Scott, as well as the twenty five acre tract of the said A. N. Scott, is divisible into six equal parts, and owned as follows:

1. Sarah A. White, one sixth.
2. Waverly W. Scott, one sixth.
3. Mattie V. Holland, one sixth.
4. Della F. Holland, one sixth.
5. The children of Wm. Floyd Scott, to-wit: Edna E. Scott and Josie E. Scott, one sixth.
6. The children of Alice May Barnham, to-wit: Eula May Barnham, Emily Barnham and Isaac Lloyd Barnham, one sixth.

It will be noted in the testimony of said Waverly W. Scott that Wm. Floyd Scott and Alice May Barnham, children of the said A. N. Scott, both predeceased the said A. N. Scott, and their respective consorts are not entitled to any interest in said estate, the said children, at the time of their death, not being possessed of an estate of inheritance therein.

A description, the best that can be had from the records, is given herein, and may be, generally stated, as a tract of land, lying on the road from Smitafield to Proctor's Bridge, adjoining the lands formerly belonging to the estate of M. A. F. Jones, deceased, John Scott, and the estate of R. H. Baker, it being, according to the records, all

the land owned by the said A. N. Scott, at the time of his death, and the share in the estate of said James F. Scott of the said J. W. Scott, or the whole of the 130 or 132 acre tract of land conveyed to the said James F. Scott by said John Scott, as aforesaid.

The title of the parties herein is derived by grant, in the case of the share of the said J. W. Scott in the 107 acre tract of land, and by inheritance in the estate of the said A. N. Scott.

The annual value of the whole of the land aforesaid appears to be two hundred and fifty dollars and the fee simple value six thousand dollars.

5th. Whether there are any liens against the real estate on account of delinquent taxes or otherwise? Answer. None appear of record.

6th. Whether all the proper parties to this cause are properly before the Court, and the ages and residences of the infant defendants; Answer (1) The proper parties appear to be properly before the court, and (2) Edna E. Scott, eighteen years of age, resides in Newport News, and Josie E. Scott, sixteen years of age, resides in Smithfield; Emily Barham, fifteen years of age, Eula May Barham, twelve years of age, and Isaac Lloyd Barham, ten years of age, and while it is not stated in the testimony where they reside, your commissioner believes they reside with their father, J. I. Barham, who resides upon the property herein mentioned.

7th. When A. N. Scott died and whether or not all his debts have been paid and by whom? Answer He died, according to the testimony of said W. W. Scott, on the 10th. day of December, 1919, and his debts are believed to be paid, by the said W. W. Scott, who has been appointed and qualified as his administrator, all of which appears of record.

Your Commissioner recommends that the land herein mentioned be sold at public auction, the grave yard to be excepted in the deed (though it is believed the law would do this even if not mentioned in the deed, but the deed will make it plainer to the average person) to the highest bidder, and that before a division of the proceeds is made, if the sale

be confirmed, further testimony be taken in order that it may be ascertained what is the value of the 107 acre tract of land, and what is the value of the twenty five acre tract of land, mentioned herein, so that a proper distribution may be made among the parties as their respective interests may appear, nothing appearing in the testimony filed herewith to show the separate values of said parcels of land, the matter being, apparently, overlooked, though not necessary, it is believed, for a sale to be directed, of the whole of said property, since the values aforesaid can be ascertained after the sale, or the relative values, and distribution directed thereupon, every interest in said land, whatever may be its value, in parcels or as a whole, now being properly before the Court, and subject of this suit for partition.

It is noted, from the testimony of J. I. Barnham, that he has leased the land mentioned herein, all of it, from A. N. Scott, who appears to have exercised ownership over the whole, notwithstanding the fact that said J. N. Scott owned an interest therein, for the sum of two hundred and twenty five dollars for the first year, and two hundred and fifty dollars for the succeeding years, and for three years with privilege of five, but that he does not intend to exercise his rights under his lease longer than the year 1921, which sale, if one is directed, will, of course, have to be subject to said lease, and which will expire December 31st. 1921, the said J. I. Barnham having, in his testimony quit any claim to reunder for a longer period.

While nothing is stated in these proceedings as to the settlement of the administrator of the personal estate of the said A. N. Scott, the Court, in its direction, may direct that it be done in this suit.

Respectfully submitted,



Commissioner in Chancery.

Commissioner's fee,	\$ <u>50.00</u>
Witnesses:	
I. N. Jones	\$ <u>5.00</u>
J. H. Edwards,	\$ <u>5.00</u>
J. W. Stringfield,	\$ <u>5.00</u>

Waverly W. Scott being duly sworn, deposes and says:

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

My name is Waverly W. Scott, I am thirty two years of age, I live in Smithfield, in the County of Isle of Wight, and am a clerk in a merchandise store.

Q. Please state if you knew Mr. A. N. Scott? Ans. He was my father.

Q. Is he living? Ans. No he died the 10th. of December, 1919.

Q. Did he leave a will? Ans. No sir.

Q. What estate did he leave? Ans. He left personal estate of the value of about twenty five hundred dollars, and real estate of the probable value of something like six thousand dollars,

Q. Who are the heirs at law of Mr. A. N. Scott, their ages and places of residences? Ans. Sarah A. White, she is thirty nine years of age, and she resides in Newport News, Va. Waverly W. Scott, thirty two years of age, resides in Smithfield. Lelia Holland, twenty six years of age, resides in Isle of Wight County; Mattie V. Holland, twenty three years of age, resides in Surry County. These are the only living sons and daughters. There are some grand children: They are Edna E. Scott, eighteen years of age, the daughter of W. F. Scott. She resides in Newport News: Josie E. Scott, sixteen years of age, daughter W. F. Scott, she resides in Smithfield: W. F. Scott died, intestate, in 1905. He left a widow but she has since died. Emily Barham, aged fifteen years, daughter of Alice May Barham, who was Scott, a daughter of A.N. Scott: Eula May Barham, a daughter of the same person, twelve years of age; Isaac Lloyd Barham, aged ten years, a son of said Alice May Barham.

Q. When did Mrs. Barham die? Ans.. She died in 1909, the 22nd.

day of October.

Q. Did she leave any will? A. No sir.

Q. Have all the debts of A. N. Scott been settled? A. Yes sir, all to my knowing.

Q. Who has qualified as administrator on the estate of A. N. Scott? I have done so. I helped my father, before his death, about his business affairs, and believe all his debts have been paid.

Q. What funds have you in your hands now belonging to the estate? A. About two thousand dollars, which is in The Merchants & Farmers Bank, at Smithfield.

And further this deponent saith not.

W. W. Scott Admr.

J. M. Outland being duly sworn, deposes and says:

Please state your name, age, residence and occupation? My name is J. M. Outland, I am sixty years of age, I live in Isle of Wight County, and am a farmer.

Q. Please state whether or not you knew Mr. James F. Scott? A. Yes sir, I knew him,

Q. Was he any relation to you? Ans. No sir, I married his daughter.

Q. How long has he been dead if he is dead? Ans. I do not know, exactly. My wife is forty nine years old and she says he died when she was about three years of age.

Q. Do you know who his children were? Ans. Yes sir, A. N. Scott, C. C. Scott, R. L. Scott, J. W. Scott, Sadie Scott, who married Beauregard Delk, and my wife, Mary M. These were the children living at the time of his death. There were some others, so I have heard my wife and her mother say, but they all died in their infancy, and unmarried.

Q. Do you know anything of the whereabouts of J. W. Scott? A. No sir, I hear he is in Los Angeles, California, I have not seen him since about 1888. He went away about that time, or some time before, and he has not been back here since. He went away about two years before 1888, and was a drummer, and we went over to Old Point on an excursion, and he met his mother over there in 1888, and that is the last time I have seen him. About eleven years ago he wrote to some of his folks, and he was in Hampton about two or three years ago, having some relations there, and he then left his address. He was living in Chicago, Ills, at the time. A. N. Scott, C. C. Scott, R. L. Scott, J. W. Scott, Sadie Scott and Mary M. Scott were the heirs of James F. Scott.

And further this deponent saith not.

J M Outland

I. N. Jones being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans.
My name is I. N. Jones, I am forty seven years of age, I live in
Isle of Wight County, and am a farmer?

Q. Are you acquainted with the land, in the County of Isle of
Wight, of which Mr. A. N. Scott died siezed and possessed? Ans.
Yes sir, I live within a half mile of the home place. I adjoin
it.

Q. Do you know who are the heirs of Mr. Scott? Ans. Yes sir,
I know all of them- I have known them all their lives.

Q. Can the real estate mentioned in the Bill, which is the real
estate of which Mr. Scott was seized at the time of his death,
be conveniently divided among the heirs? Ans. It cannot. The
only convenient way to make a division is to sell it and divide
the money.

Q. What is its fee simple and annual values? Ans. Fee simple
value about six thousand dollars- annual value about two hund-
red and fifty dollars.

Q. Do you know of any party to this suit who wishes to take
the whole of the land and to pay the others for their shares?
Ans. No sir, I do not.

Q. Will the interests of those entitled to the property be
promoted by a sale of a part of the property and an allotment
of the residue? Ans. No sir, I do not think so. To sell the
whole and divide the proceeds would be the only convenient way
to make a fair division of it, I believe.

Q. Mr. Jones, where is this piece of land located? Ans. It is on the Smithfield-Proctor's Bridge road, about three and a half miles from Smithfield, and adjoins the lands of J. E. Edwards, J. C. Warren, I. N. Jones, and J. A. Scott.

Q. How much of it is clear and how much in woods? Ans. There is about forty five or fifty acres cleared, said to be. The balance is in woods.

Q. Is there any timber on the land? Ans. There is a little oak, no pine.

And further this deponent saith not:

J N Jones

J. H. Edwards being duly sworn, deposes and says?

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

J. H. Edwards, forty one years of age, live in Isle of Wight County, and am a farmer.

Q. Please state if you know of the land of which Mr. A. N. Scott was seized at the time of his death? Ans. Yes sir, I live adjoining it.

Q. Please state what, in your opinion, is a fair annual and a fair fee simple value? Ans. I think it should rent for about two hundred and fifty dollars a year; and I think it is worth about six thousand dollars.

Q. Do you know who are the heirs of Mr. Scott? Ans. Yes sir- I was here when Waverly testified and he gave them correct.

Q. Can the land of which said Mr. Scott died seized be conveniently divided among the parties entitled to share the ein? Ans. No sir, it cannot. The only convenient method to make division of it is to sell it and divide the proceeds.

And further this deponent saith not.

J. H. Edwards

J. N. Stringfield being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans: My name is J. N. Stringfield, I am forty five years of age, live in Isle of Wight County, and am a farmer.

Q. Are you acquainted with the land of which Mr. A. N. Scott died siezed? Ans. Yes sir, I live in a couple miles of it.

Q. Please state, in your judgment, what the land is worth, both fee simple and annual values? Ans. I think it is worth, in fee simple, six thousand dollars, and annual about two hundred and fifty dollars.

Q. Can the property be divided among the heirs of Mr. Scott, conveniently? Ans. No sir, only by a sale and a division of the proceeds.

Q. Will it be convenient, and to the interest of the parties entitled to share therein, to sell a part and to allot the residue? Ans. No sir.

And further this deponent saith not.

J. N. Stringfield

J. I. Barham being duly sworn, deposes and says:

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

J. I. Barham, I am forty one years of age, I live in Isle of Wight County, and am a farmer. I live on the A. N. Scott land.

Q. Mr. Barham, were you present when Mr. Waverly W. Scott testified? Ans. Yes sir.

Q. Did he give the names of your children correctly? Ans, yes sir, also their ages.

Q. Mr. Barham, how long have you been living upon this piece of land? Ans. I went there the first of 1919 under a contract for three years with a privilege of five years.

Q. Did you have any agreement in writing? Ans. I did.

Q. Where is that agreement? Ans. I do not know. I never took a copy of it myself, I have never seen it since the day it was written. Mr. Scott took a copy of it and he lost it moving around. Mr. Horace Chapman, in the store of Mr. P. D. Gwaltney, in Smithfield, wrote the contract.

Q. Did you and Mr. Scott sign the paper? Ans. Yes sir, both of us.

Q. How much rent are you paying for the land? Ans. The first year I was to pay two hundred and twenty five dollars and two hundred and fifty dollars for each and every year after.

Q. At what time was the contract betw en you and Mr. Scott prepared? Ans. I think it was in September of 1918.

Q. Mr. Barham, how long do you intend to hold the land, or to contend for its occupancy under the contract? I want to hold for the first three years.

Q. Then you expect to give it up at the end of 1921? Yes sir.

Q. And you make no further claim for its occupancy? Ans. No sir.

Q. Mr. Barham, do you know of any other person or persons who saw the contract you mentioned? Ans. Yes sir, R. A. Scott, P. D. Gwaltney, junior, and Miss Mitchell, Mr. Gwaltney's stenographer.

Q. Can this land be conveniently divided among the several parties entitled to share therein? Ans. I believe the only convenient method of a division is to put it up at public auction and to sell it and divide the proceeds.

And further this deponent saith not.

J. V. Barham

We, Sarah A. White, J. I. Barham, Mattie V. Holland and Waverly W. Scott believe that the property mentioned in this proceeding should be put up and sold at public auction; and we think that when a deed is made for it that the grave yard thereon should be specifically reserved, which is about forty^{five} feet square, and to be shortly enclosed, the wire for the enclosure having been purchased, and with right of ingress and egress to and from the same, for any member of the family or their heirs.

Mrs Sarah A White
J. I. Barham
Mattie V. Holland
Waverly W. Scott

Scott et als.

vs) Chancery. No. 322.

Scott et als.

Report of Commissioner in Chancery.

Filed Sept. 22nd. 1920.

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H. VA.

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

Sectt et als.

v.

Sectt et als.

The separate answer of Edna E. Sectt, Jessie E. Sectt, Eula May Barham, Emily Barham and ~~Isaac~~ L. Barham, infants under the age of twenty one years by W. S. Holland, their guardian ad litem, appointed to defend them in this suit, to a bill of complaint exhibited against them and Waverly W. Sectt, Administrator of the estate of A. N. Sectt by Waverly W. Sectt, and others in the Circuit Court of Isle of Wight County, Virginia.

The respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their guardian ad litem, answer and say:

That they are infants of tender years and by reason of their infancy are incapable of understanding, or of taking care of their rights and interest. They therefore, by their said guardian ad litem, commend themselves and their rights and interest to the protection of the Court, and pray that no decree may be entered which will tend to their prejudice.

And having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and she will ever pray, etc.

W. S. Holland
Guardian ad litem for Edna E. Sectt, Jessie E. Sectt, Eula May Barham, Emily Barham and ~~Isaac~~ L. Barham, Infants.

State of Virginia,
County of Isle of Wight, to-wit:
Subscribed and sworn to, before me, Parker P. Deans a Commissioner in Chancery for the Circuit Court of the County and State aforesaid, in my said County this 6th day of January, 1920.

Parker P. Deans
Commissioner in Chancery.

COMMONWEALTH OF VIRGINIA,

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

We command you that you summon J. H. Edwards, J. M. Stringfield, and I? N. Jones, to appear before the undersigned, a commissioner in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the Courthouse of the said County, on Monday the 19th. day of April, 1920, to testify in the matter of partition of the lands of which A. N. Scott died siezed and possessed. And have then and there this writ.

Given under my hand, as Commissioner in Chancery of the Circuit Court of the County of Isle of Wight this 13th. day of April, 1920.


Commissioner in Chancery.

Scott et al

v. C. No 322

Broth et al

Subpoena for
Witness

I executed the within ^{Summons} this the ¹⁶ day of
^{Apr.} 19⁹⁰ by ^{Sheriff} a true
copy of the same ^{on the Within Named} In person
in the County of Isle of Wight.

P. A. Edwin
Sheriff of Isle of Wight Co.

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Scott et als

v. *My*

Scott et als

Answer of Guardian ad litem

Filed July 6, 1920

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Scott et als.

v.

Scott et als.

The answer of Waverly W. Scott, Administrator of the estate of A. N. Scott, deceased, to a bill of complaint exhibited against him and others in the Circuit Court of Isle of Wight County by Waverly W. Scott and others.

This respondent reserving to himself the benefit to all just exceptions to the said bill for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says:

That it is true that he is administrator of the estate of A. N. Scott, deceased and that the cattle property will pay all indebtedness of the estate and that he is willing that his account be settled in this cause.

And now having fully answered the complainants' bill this defendant prays to be hence dismissed with his reasonable cost by him in this behalf expended.

Waverly W. Scott
Administrator of the estate of A. N. Scott.

Paul Deans

Scott et als.

v. *SW*

Scott et als.

Answer of Adminsitratcr

Filed July 6, 1900

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Waverly W. Sectt, Mattie V. Holland

Sarah A. White and Lelia F. Holland

COMPLAINANTS.

VERSUS

Edna E. Sectt, Jessie E. Sectt, Eula

May Barham, Emily Barham, ~~Isaac L.~~

Barham, infants under the age of twenty-

one years and Waverly W. Sectt, Adminis-

trator of the estate of A. N. Sectt, deceased

DEFENDANTS.

To the Honorable B. D. White, Judge of the Circuit Court
of Isle of Wight County, Virginia:

Your complainants, Waverly W. Sectt, Mattie V. Holland
Sarah A. White and Lelia F. Holland, respectfully represent
as follows:

That your complainants' father, A. N. Sectt was in his
life-time, seized and possessed of certain real estate lying
in Isle of Wight County and described as follows:

All that certain tract of land situate in Hardy Mag-
isterial District, Isle of Wight County, Virginia, containing
132 acres, more or less, and adjoining the lands of J. A. Sectt
and others;

That while so seized and possessed, the said A. N.
Sectt departed this life on the ____ day of December, 1919,
intestate.

That the heirs at law of the said A. N. Sectt are
your complainants who are the children of the said A. N. Sectt,
and Edna E. Sectt and Jessie E. Sectt who are the children of
William Floyd Sectt, deceased who was a son of A. N. Sectt and
Eula May Barham, Emily Barham and ~~Isaac Lloyd~~ Barham, the children
of Alice May Barham who was a daughter of A. N. Sectt.

That the said children of the late William Floyd Sectt deceased and Alice May Barham, deceased are infants and under the age of twenty-one years;

That Waverly W. Sectt has qualified as administrator of the estate of A. N. Sectt, deceased and has settled the claims against the estate and your complainants understand is ready and willing to settle the estate in this suit:

That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be devisible in kind, complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Edna E. Sectt, Josie E. Sectt, Eula May Barham, Emily Barham and ~~Isaac M.~~ Barham and Waverly W. Sectt Administrator of the estate of A. N. Sectt, may be made parties defendant to this bill and required but not on their oaths, to answer the same, the oaths being hereby waived, the said adults in their own proper person and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process issue: that the said estate be divided between the parties entitled thereto, or else if it cannot be so divided, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders, decrees may be made account taken, and

inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable attorney's fee to Parke P. Deans, counsel for the complainants, for services rendered and to be rendered in the conduct of this suit, out of any funds that may come under the direction of the Court.

Maverly W. Scott

Mattie V. Hallam

Sarah A. White

Lelia F. Hallam

COMPLAINANTS.

Parke P. Deans, Counsel

Scott et als.

v. *844*

Scott et als

Bill of Complaint.

Jan 6, 1920;
Bill filed in Open Court;
Order ad litem for infant
defendants appointed & filed
answers. Answer defendant
filed ans. Cause ordered
to docket set down for
hearing

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

No.

Know all Men by These Presents: That we Parke P. Deans

principal ,

and Amercian Surety Company of New York

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

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 Parke P. Deans

principal ,

has hereto set his hand and affixed his seal;

and the said Amercian Surety Company of New York

surety ,

by A.S. Barrett

, 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 A.S. Barrett

, its said agent and attorney

in fact, this, the 23rd.

day of November

A. D. 19 20

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Parke P. Deans, who was by a decree entered on the ___ day of ___ 19___, in the chancery suit of Scott et als vs. Scott et als, docketed No. 322 appointed as a Special Commissioner, by the Circuit Court of Isle of Wight County.

shall faithfully discharge the duties of his office or trust as such Special Commissioner

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

Parke P. Deans [SEAL]

Amercian 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 23rd day of November 1920, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

Clerk.

A Copy

Countersigned A.S. Barrett.

Scott et al
vs # 322

Scott et al

9/18/1920 91-323
J. W. Scott, L. W. Scott

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

SCOTT ET ALS.

V. 322

SCOTT ET ALS.

This cause came on this day to be again heard upon the papers formerly read, the report of Parke P. Deans, special commissioner, and was argued by counsel:

On consideration whereof, it appearing from the said report of Parke P. Deans, special commissioner that he has disbursed the five thousand dollars received from T. G. Pierce as follows:

Amount received from T. G. Pierce	5000.00
Paid R. A. Edwards court cost	84.48
Paid P. P. Deans taxed attorney's fee	15.00
Paid P. P. Deans fee allowed by court	100.00
Paid P. P. Deans commissions on sale	109.00
Paid P. P. Deans preparing deed	10.50
	~~105.50~~
Paid J. R. Rowell Jr. revenue stamp on deed	5.00
Paid A. S. Barrett premium on bond	35.00
Paid D? J. Mood advertisements of sale	3.50
Paid Waverly W. Scott interest 107 acres	644.10
Paid Waverly W. Scott heir	665.57
Paid Mattie V. Holland, heir	665/57
Paid Sarah A. White, heir	665.57
Paid Lelia F. Holland, heir	665.57
Paid Edna E. Scott, half heir	332.78
paid Josie E. Scott, half heir	332.78
Paid J. I. Barham father of Eula May Barham,	
Emily Barham and Isaac L. Barham	665.57
	5000.00
	5000.00

The Court confirms the said report, and it further appearing that all matters have been adjudicated, the Court doth further adjudge, order and decree that the said Parke P. Deans, special commissioner

and his surety be relieved of further obligation and that this
cause be stricken from the docket.

322

Scott et al,

r

Scott et al

Allen

Enter this

1924

July 7.

Enter this.

P.H.W.

Index Book 8
pages 217

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

Scott et als.

v. 322

Scott et als.

This cause came on thisday to be again heard upon the papers formerly read, the report of Parke P. Deans, Special Commissioner, the report of A. S. Johnson, Commissioner in Chancery, which reports have been duly filed and no exceptions is taken, and was argued by counsel.

On consideration whereof it appearing from the report of Parke P. Deans, special commissioner that he has collected five thousand dollars from T. G. Price and delivered to him a deed for the real estate heretofore described in these proceedings, and that he has deposited in the Bank of Windsor, Incorporated, Windsor, Virginia, the said amount and it also appearing from the report of A. S. Johnson commissioner in chancery that the 107 acres of the entire real estate is five-sixths of the entire amount, the Court doth adjudge, order and decree that the said reports of Parke P. Deans special commissioner and A. S. Johnson ² commissioner in chancery be confirmed and doth further adjudge, order and decree that Parke P. Deans, special commissioner pay first the cost of this suit, including a fee of one hundred dollars to Parke P. Deans, the attorney, and that he shall then ~~divide~~ pay to Waverly W. Scott, the owner of one-sixth of the 107 acre tract, one sixth of five-sixths, or five thirty sixths, of the balance, and ~~then~~ the remainder *he shall* *And pay the same tract of the following parts First* ~~be divided~~ into six equal parts, ~~one of which he paid~~ Waverly W. Scott, ~~another to~~ Mattie V. Holland, ~~another to~~ Sarah A. White, ~~another to~~ Lelia F. Holland, ~~another to~~ Elna E. Scott and Josie E. Scott, infants children of William Floyd Scott, deceased, and ~~the other part~~ to J. I. Barham the father of Eula May Barham, Emily Barham and Isaac L. Barham, infant children of Alice May Barham, *the same to be used by him in and for their education and maintenance.*

Scott et als.

v.

Scott et als.

DEGREE.

ENTER THIS.

1422

May 16

B.W.

Book 8

page 111

VERIFIED

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

Scott et als.

v.

Scott et als.

This cause came on this day to be again heard upon the papers formerly read, the report of Parke P. Deans, special commissioner and was argued by counsel:

~~On consideration whereof,~~ ^{and} it appearing to the Court that the real estate in the bill and proceedings mentioned has been offered for sale at public auction according to the terms of the former decree, and that the highest bid received was forty five hundred dollars, ~~which was inadequate and not accepted;~~ and it further appearing that T. G. Price has offered the sum of five thousand dollars for the said real estate of which sum, two hundred and fifty dollars is to be paid on the 1st day of January, 1922 and the balance (\$4750.00) is to be paid on the 1st day of February, 1922; which offer has been recommended to be ^{and by} J. I. Barham, accepted by the adult heirs, ~~the~~ ^{and} the father of three of the infant defendants, and also by the special commissioner, they deeming the price fair and equitable ~~taking in consideration the conditions as existing in farming communities and the money market,~~ ^{on consideration whereof} the Court doth adjudge, order and decree that ~~the~~ ^{said sale and} report of the special commissioner be confirmed, ^{ed} and further adjudge, order and decree that the offer of T. G. Price be accepted by the special commissioner, who shall collect the sum of two hundred and fifty dollars on the 1st day of January, 1922 and the balance (\$4750.00) on the 1st day of February, 1922 and when the full amount has been so received, the said Parke P. Deans, special commissioner shall execute and deliver unto the said T. G. Price a deed with ~~the~~ covenants of special warranty for the real estate as described in the proceedings as follows:

"That certain tract of land situate in Hardy Magis-
terial District, Isle of Wight County, Virginia, containing
132 acres, more or less, lying on the road from Smithfield
to Proctor's Bridge, and adjoins the lands of the estate of
A. A. E. Jones, or that which was, the estate of R. B. Baker, or
that which was; and the lands of John Scott, or that which was his,"

reserving the burial grounds with right of ingress and
egress thereto and therefrom.

And the special commissioner shall report hereunder.

It is further adjudged, ordered and decreed that this
matter shall be at in referred to a commissioner of this court
who shall determined the ^{value} one-sixth interest of Waverly W. Scott
in the 107 acre tract, ~~who shall receive this amount previous~~
~~to the equal division among the heirs at law of A. B. Scott.~~

Scott et als.

v.

Scott et als.

Decree

1931

Dec. 8.

Auter this
B.W.

8-96.

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

Scott et als.

vs) Chancery. No. 322.

Scott et als.

This cause came on this day to be again heard, upon the papers formerly read, and upon the report of A. S. Johnson, Commissioner in Chancery, filed ~~herein~~ on the 22nd. day of September, 1920, ~~to~~ to which there is no exception, and was argued by counsel; And, it appearing from said report that the real estate in the bill mentioned cannot be conveniently divided among the several parties entitled to share therein; that no party in interest will take the entire property and pay the others for their shares such sums of money as their interest may entitle them to; that the interests of those entitled to the said property will be promoted by a sale of the whole, at public auction; ^{reserving the burial grounds and right of way thereto} that the real estate mentioned herein is a tract of 130 or 132 acres of land, lying on the road from Smithfield to Proctor's Bridge, and adjoins the lands of the estate of M. A. E. Jones, or that which was, the estate of R. H. Baker, or that which was, and the lands of John Scott, or that which was his, it being the same tract of land conveyed to James F. Scott, by John Scott, as appears of record in Deed Book ~~40~~ 37, page 495; that the title to the said real estate was acquired by the parties hereto by grant, as to one sixth of the 107 acre tract, herein mentioned, as to W. W. Scott; and by inheritance as to the balance by the parties to this cause; that the annual value of the whole of the said real estate is \$250.00; that the fee

simple value is six thousand dollars; that said Waverly W. Scott owns ^{(as grantee of Joseph W. Scott and wife, (the said Joseph W. being a son and heir of James F. Scott, and the 25 acre tract, ~~is~~ divisible into six equal parts, and is owned by} one sixth of the 107 acre tract; and that the balance of the 107 acre tract ^{(constituting the whole tract of 132 acres),} and the 25 acre tract, ^{is} owned by

(1) Sarah A. White, daughter of said A. N. Scott: (2) Waverly W. Scott, a son of said A. N. Scott: (3) Mattie V. Holland, a daughter of said A. N. Scott: (4) Lelia F. Holland, a daughter of said A. N. Scott: (5) Edna E. Scott and Josie E. Scott, children of Wm. Floyd Scott, a son of ~~the~~ said A. N. Scott, who died in 1905, intestate: and (6) Eula May Barham, Emily

James F. Scott, son of A. N. Scott

Barham and Isaac Lloyd Barham, children of Alice May Barham, a daughter of said A. N. Scott, who died in 1909, intestate; that the said Wm. Floyd Scott and the said Alice May Barham died before their said father, the said A. N. Scott; that their respective consorts are not entitled to any part of their estate, because they were not, at the time of their respective deaths, possessed of an estate of inheritance in said land, or any part thereof; that there appear to be no liens of record against said real estate, for delinquent taxes or otherwise; that all the parties necessary to this cause are properly before the Court; that the ages of the infant defendants are, respectively: (1) Edna E. Scott, eighteen years; (2) Josie E. Scott, sixteen years; (3) Emily Barham, fifteen years of age; (4) Eula May Barham, twelve years of age; and (5) Isaac Lloyd Barham, ten years of age; that the said A. N. Scott died on the 10th. day of

December, 1919, ^{and} that Waverly W. Scott, one of the parties to this suit, has been appointed and has qualified as administrator of his estate, that J. I. Barham holds a lease upon the said premises, which expires Dec^{ember} 31, 1921 and has, ~~so far as he knows~~, paid all of the debts of said estate; it is adjudged, ordered and decreed that the said report be, and the same is, hereby, confirmed:

And, it is further adjudged, ordered and decreed that Parke P. Deans, who is hereby appointed a special commissioner for the purpose, after at least twenty days notice, by printed posters posted in the or more to sell the real estate herein mentioned, at public auction, to the highest bidder, in the town of Smithfield, in this County, or upon the premises, as to him shall seem most advisable, upon the following terms, to-wit: one third cash, within ten days from the date of sale, and the balance to be payable in one and two years from ^{the} date of sale, ^{the deferred payments} ~~and~~ to be evidenced by the bonds ^{or notes} of the purchaser, bearing date as of the date of sale, and carrying interest ^{said} from ^{said} date till paid, at the rate of six per centum per annum, payable annually, and to be secured by a deed of trust, which shall be a first lien upon the said property, and ~~which shall require~~ the building thereon to be insured for three fourths of their value, in some good and solvent insurance company, and the policy of insurance, or policies, to be made payable to the trustee in said deed of trust as his interest may appear: ~~And, the~~ said purchaser shall ~~make~~ deposit of ten per cent of the

Public Records I said County subject to the laws of the State and having the house ground and the right of disposal and signs have and transfer

purchase price of said property, ^{at the time} ~~on the day~~ of sale, which shall be in addition to any other remedies,

forfeited in the event he fails to comply with the terms of sale,

and should the highest bidder fail to make said deposit at the time of sale, then said Special Commissioner shall forthwith proceed, at the same time and place of sale, to again sell said property, and the purchaser may pay all cash for said property, or he may pay the one third cash payment and the title to the property be retained until the final order of the court, the insurance to be provided as herein provided.

But the said special commissioner shall do no act under this decree until he shall have executed a bond, ^{before the Clerk of this Court,} ~~as required by law in~~

~~such cases,~~ in the penalty of \$ 7000.00, with surety deemed suf-

ficient by the Clerk of this court, and conditioned for the faithful ex-
ecution of his duties hereunder or any future decree herein.
All other matters are rescinded.

And this case is continued for the report of said special commissioner of his proceedings under this decree.

6
Scottsdale
13/4
Scottsdale

Brewer

1420

Nov. 22

Inter his.

B.W.

Cham. O. B. 8 - Pg 27

Entered

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

Waverly W. Sectt, Mattie V. Holland,

Sarah A. White and Lelia F. Holland

COMPLAINANTS.

VERSUS

Edna E. Sectt, Jessie E. Sectt, Eula

May Barham, Emily Barham, ~~Isaac~~ L.

Barham, infants under the age of twenty-
one years and Waverly W. Sectt, Adminis-

trator of the estate of A. N. Sectt, deceased DEFENDANTS.

This day came, Waverly W. Sectt, Mattie V. Holland, Sarah A. White and Lelia F. Holland, the above-named complainants and by leave of Court filed their bill of complaint and on their motion, the Court doth appoint W. S. Holland a discreet and competent attorney at law, practicing in this Court, as guardian ad litem for the infant defents, Edna E. Sectt, Jessie E. Sectt, Eula May Barham, Emily Barham and ~~Isaac~~ L. Barham, and on motion of the complainants, leave is granted said guardian ad litem to file the answer of said infants and his own answer to said bill, and thereupon said answer is filed, and on like motion, leave is granted to Waverly W. Sectt, Administrator of the estate of A. N. Sectt, deceased to file his answer to said bill and the same is accordingly filed, and to all of which answers the complainants replied generally and upon like motion this cause is placed upon the docket and thereupon this cause came on to be heard upon the bill of complaint and upon all of said several answers and upon the general replication ~~thereto~~ etc, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who is directed to inquire into and report to the Court:

(1st) Whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein.

(2nd) 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 therein may entitle them to.

(3) And if the same cannot be conveniently divided and if no party will take the entire property and ^{pay} the others for their shares, whether ~~the~~ interest of those, who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue.

(4) What real estate the parties to this suit are entitled to, the location and description thereof, how their title was acquired, and their respective interest therein, and the annual and fee simple values of said real estate.

(5) Whether there are any liens against the real estate on account of delinquent taxes or otherwise.

(6) Whether all the proper parties to this cause, are properly before the Court and the ages and residences of the infant defendants.

(7) When A. N. Scott died and whether or not all his debts have been paid and by whom.

Which several inquires, the said commissioner ^{shall} make, and to the Court report, together with any matter specially stated, deemed pertinent by himself, or required by any ^{of the} parties to be so stated, and return to the Court with his report the evidence taken by him.

By consent of all parties, by counsel here entered of record it is ordered that this cause be made a vacation cause and that all such orders and decrees ~~may~~ be entered in vacation as in term time.

4

Sectt et als.

v. *377*

Sectt et als

Decree

*1420
Jan 6
Entered
D.W.*

6037 7 529

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

ISLE OF WIGHT, VA. May 22nd, 192 2

M rP arke P. Deans, Atty.,

In re Scott Vs. Scott No. 322.

To R. A. EDWARDS,

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

Clerks fee's,	12 98
Writ Tax,	1 50
Commissioners Reports,	55 00
Witnesses,	15.00
Attorney's Fee,	<u>15.00</u>
	99.48

ISLE OF WIGHT COUNTY, VIRGINIA
JUNE 6, 1922

RECEIVED OF PARKE P. DEANS, SPECIAL COMMISSIONER

SIX HUNDRED SIXTY FIVE AND 57/100 DOLLARS.

IN FULL OF MY INTEREST IN SUIT OF SCOTT ET ALS. SCOTT ET ALS.

\$665.57

W. W. Scott

ISLE OF WIGHT COUNTY, VIRGINIA
June 6, 1922

RECEIVED OF PARKE P. DEANS, SPECIAL COMMISSIONER

SIX HUNDRED, FORTY FOUR AND 10/100 Dollars

In full of my interest in 107 acres tract in suit of
SCOTT ET ALS. V. SCOTT ET ALS.

\$644.10

W. W. Scott

ESTABLISHED IN 1910

Smithfield, Va., May 29 1922

M P P Deane

IN ACCOUNT
WITH

D. J. MOOD

THE PRINTER

SPECIALIST IN JOB PRINTING

May 27, 1920

Scott vs Scott

Sal. bill

3 50

COUNTER-CHECK



WINDSOR, VA.

June 6

1922

No.

BANK OF WINDSOR

68-457

INCORPORATED.

PAY TO THE
ORDER OF

Mattie V. Hallen

\$ *665* ^{*57*}/_{*100*}

Six hundred, sixty five and 57/100
In full settlement of indebtedness

DOLLARS

Scott & Scott

Bank of Windsor, Inc.
Scott & Scott

Mattie V. Holland

Account of
my Co
my Va
29-22

PAY FEDERAL RESERVE BANK OF RICHMOND OR ORDER PRIOR ENDORSEMENTS GUARANTEED NATIONAL STATE & CITY BANK OLD DOMINION TRUST CO. STATE & CITY BANK & TRUST CO. RICHMOND, VA.	68-5
JUL 31 1923	
68-3 PAY TO THE ORDER OF 68-3 ANY BANK BANKER OR TRUST CO. PRIOR ENDORSEMENTS GUARANTEED. FEDERAL RESERVE BANK OF RICHMOND	68-3

COUNTER CHECK



WINDSOR, VA.

June 6

192 2 No.

BANK OF WINDSOR

68-457

INCORPORATED.

PAY TO THE
ORDER OF

Sarah H. White

\$ *665-57*

Six hundred sixty five and 57/100

DOLLARS

& full settlement of interest in Scott et al v Scott et al

*John / Deane Spivey
Scott et al v Scott et al*

Mr. S. A. White

Federal Reserve Bank of Richmond
68-3
ANY BANK BANKERS OR TRUST CO.
Order Endorsements Guaranteed

PAY TO THE ORDER OF
68-89 JUL 21 1922 68-89
SHEPHERD NATIONAL BANK
NEWPORT NEWS, VA.
Pay to order, Prior Endorsements required

COUNTER CHECK



WINDSOR, VA. June 6 1922 No. 68-457

BANK OF WINDSOR

INCORPORATED

PAY TO THE
ORDER OF

Lelia F. Hall

\$ 665⁵⁷/₁₀₀

Six hundred sixty five and ⁵⁷/₁₀₀

DOLLARS

In full settlement of interest on Scott's & Scott's
Bank & Loan
Scott's & Scott's

COUNTER CHECK



WINDSOR, VA.

June 6

1924 No.

BANK OF WINDSOR
INCORPORATED.

68-457

PAY TO THE
ORDER OF

Edna E. Scott

\$ 332 ⁷⁸/₁₀₀

Three hundred thirty two and ⁷⁸/₁₀₀ DOLLARS

In full settlement of interest in Scott et al v Scott et al

Therese B. Adams
Scott et al v Scott et al

Edna E. Scott.

Pay Federal Reserve Bank of Richmond
or Order, Pay Instruments Guaranteed
National Bank
Norfolk, Va.

CASH

JUL 26 1922

ORDER

PAID

RECEIVED

COUNTER CHECK



WINDSOR, VA.

June 6

192 *4* No.

BANK OF WINDSOR
INCORPORATED.

68-457

PAY TO THE
ORDER OF

John E. Scott

\$ *332*^{*79*}/_{*100*}

Three hundred thirty two and ^{*79*}/_{*100*} *in* DOLLARS
In full settlement of account in Scott & Scott

James E. Scott
Secretary, Scott & Scott,

Jessie E. Smith.

Mrs. A. W. Manning

Pay Federal Reserve Bank of Richmond
or Order, Prior Endorsements Guaranteed
SCHMELZ NATIONAL BANK
NEWPORT NEWS, VA
68-89 JUL 21 1922 68-89
PAY TO THE ORDER OF
ANY BANK, BANK OF AMERICA TRUST CO.,
Federal Reserve Bank of Richmond
NEWPORT NEWS, VA
68-89

COUNTER CHECK



WINDSOR, VA.

June 6

1927

No.

BANK OF WINDSOR

68-457

INCORPORATED.

PAY TO THE
ORDER OF

J. I. Barham

\$ *665.⁵⁷/₁₀₀*

DOLLARS

Six hundred sixty five and 57/100
in full settlement of interest of Paula May Barham, Emily Barham &
Esse L. Barham in Scott et al v Scott et al

Thos. Deane Spiller
Scott et al v Scott et al

J. S. Barham

PAY FEDERAL RESERVE BANK OF RICHMOND
OR ORDER PRIOR ENDORSEMENTS GUARANTEED
NATIONAL STATE & CITY BANK
OLD DOMINION TRUST CO.
STATE & CITY BANK & TRUST CO. 68-5
RICHMOND, VA.

JUL 31 1922

68-3 PAY TO THE ORDER OF 68-3
ANY BANK ENDORSEMENTS GUARANTEED
OF RICHMOND

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed
JUL 28 1922
BANK OF SMITHFIELD
SMITHFIELD, VA.
JOHN I. COFER, Cashier

WINDSOR, VA.

Apr 60

1922 No.

BANK OF WINDSOR

INCORPORATED

⁵
68-457

PAY TO THE
ORDER OF

Bank of Windsor

\$10 ⁵⁰

Ten and 50

DOLLARS

FOR

Windsor Dec 20

Bank of Windsor
Scott & Co. & Co.

Pratt Draw 25

WINDSOR, VA. Apr 10

1922 No.

BANK OF WINDSOR

INCORPORATED

$\frac{5}{68-457}$

PAY TO THE
ORDER OF

Bank of Windsor Spl Com \$109 00

One hundred and nine ————— DOLLARS

FOR *Commission*

Bank of Windsor Spl Com
Scott & Stal & Scott & Stal

Photo, Deane & Co

COUNTER CHECK



WINDSOR, VA. *March 28* 192*2* No. _____

BANK OF WINDSOR 68-457
INCORPORATED.

PAY TO THE
ORDER OF

Parker & Deane & Co.

\$ *100.00*

One Hundred DOLLARS
Ten

Parker & Deane & Co.
South War v. Scotland

St Anne & Decatur

PARKE P. DEANS
ATTORNEY-AT-LAW

No. _____



PAY TO THE
ORDER OF

WINDSOR, VA. Apr 1 1942

\$ 5⁰⁰

Five _____ DOLLARS

FOR Revenue Stamp

TO **BANK OF WINDSOR, INC.,**
WINDSOR, VA.

68-457

Parke P. Deans Atty Gen
Scott & Sons Scott & Sons

To Her

60-37
PAY TO THE ORDER OF
Prior Endorsements Guaranteed
Reserve Bank of Richmond
60-37

WINDSOR, VA.

Apr 10

1922 No.

BANK OF WINDSOR

INCORPORATED

⁵/₆₈₋₄₅₇

PAY TO THE
ORDER OF

Robert Williams Ally

\$15⁰⁰/₁₀₀

Fifteen

DOLLARS

FOR

Super Market

Robert Williams for Cash
Scott and West et al

Reverend Dear Sir

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

SCOTT ET ALS.

V.

SCOTT ET ALS.

Honorable B. D. White, Judge,

of the said Circuit Court:

Your undersigned, special commissioner, begs leave to
transmit his transactions in accordance with a decree entered on April
_____ 1922, as follows:

Amount received from T. G. Pierce	5000.00	
Paid R. A. Edwards court cost		84.48
Paid P. P. Deans taxed attorney's fee		15.00
Paid P. P. Deans fee allowed by court		100.00
Paid P. P. Deans commissions on sale		109.00
Paid P. P. Deans, preparing deed		10.50
Paid J. R. Rowell Jr. revenue stamp on deed		5.00
Paid A. S. Barrett premium on bond		35.00
Paid D. J. Mood, advertisements of sale		3.50
Paid Waverly W. Scott, interest 107 acres		644.10
Paid Waverly W. Scott, heir		665.57
Paid Mattie V. Holland heir		665.57
Paid Sarah A. White heir		665.57
Paid Lelia K. Holland heir		665.57
Paid Edna e. Scott, half heir		332.78
Paid Josie E. Scott, half heir		332.78
Paid J. I. Barham, father of Eula May Barham		
Emily Barham, and Isaac L. Barham		665.57
	5000.00	5000.00

Said amounts were paid June 6, 1922.

Respectfully submitted

Paul Deans
Special Commissioner

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

Scott et als

vs) Chancery. No. 322.

Scott et als.

TO HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT
OF THE COUNTY OF ISLE OF WIGHT.

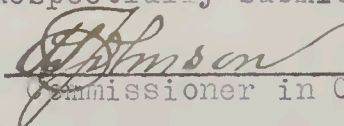
The undersigned, one of the Commissioners in Chancery
of your Honor's Court, to whom has been referred the papers in this
cause for the execution of that part of the decree entered herein
on the 8th. day of December, 1921, which requires one of the com-
missioners of this court to ascertain and report to court:

"The value of one sixth interest of Waverly W. Scott
in the 107 acre tract of land"

Respectfully reports to the Court that on the 10th. day of April,
1922, in the presence of Parke E. Deans, counsel for the adult par-
ties to this cause, both complainant and defendant, and William S.
Holland, guardian ad litem for the infant defendants, he took the
testimony of J. N. Stringfield and J. I. Barham (the latter being
the father of the Barham children who are infant defendants in this
suit) and from such testimony finds and reports, that the 107 acre
tract of land in this suit mentioned is of the value as relates to
the whole of five sixths, and that the interest therein of the said
Waverly W. Scott is one sixth in the smaller tract, one sixth in the
larger tract, and then one sixth of the balance of the larger tract,
he being the owner of one sixth of the larger tract as alienee of
J. W. Scott, and then the owner of one sixth in the interest therein
of A. N. Scott, as an heir at law of the said A. N. Scott.

Respectfully submitted,

April 10th. 1922.


Commissioner in Chancery.

Commissioner's fee \$5.00

I have examined the foregoing report and the same, in my opinion, should be confirmed.

Counsel for adult parties.

I have examined the foregoing report and see no objection to its confirmation. The value placed upon the interest of Waverly W. Scott in the 107 acre tract of land seems to be fair, and not to the prejudice of the interest of the infant defendants.

Guardian ad litem for the infant defendants.

J. N. Stringfield being duly sworn, deposes and says:

Please state your name, age, residence and occupation? Ans. I am named J. N. Stringfield, I am forty seven years of age: live in Isle of Wight County, Virginia, and am a farmer.

Q. Mr. Stringfield, are you the same J. N. Stringfield who testified as to the value of the property in question in this suit at a former hearing herein? Ans. I am.

Q. Have real estate values changed, in this community, very materially, between then and now? Ans. Yes sir, they certainly have. They have fallen, a great deal.

Q. Mr. Stringfield, the record shows that Mr. A. N. Scott owned two tracts, adjoining each other, at the time of his death, one of twenty five acres and one of one hundred and seven acres- are you well acquainted with these two tracts? Ans. I am.

Q. Mr. Stringfield, please state, of you can, the relative values of these two tracts as to the whole? Ans. I went upon the land, this morning, with Mr. J. I. Barham, for the express purpose of ascertaining the relative values of the two tracts of land. We estimate the value of the whole at five thousand dollars, and the small tract at one sixth of the whole, that is to say \$833.33 1/3.

And further this deponent saith not.

J. N. Stringfield

Mr. J. I. Barham being duly sworn, deposes and says:

Please state your name, age, residence and occupation? Ans. J. I. Barham, I am forty three years of age, I reside in Isle of Wight County and am a farmer.

Q. Are you the J. I. Barham which Mr. Stringfield has mentioned in his testimony given here in your presence? Ans. Yes sir.

Q. Do you agree with him as to the value of the whole tract of land owned by A. N. Scott, at the time of his death, and the relative values to the whole of the two tracts of which it is composed? Ans. I do.

Q. Where do you reside in Isle of Wight County? Ans. Upon the tract of land in this suuit mentioned- I have lived upon it for four years.

Q. Are you any relation to the Eula May Barham, Emily Olivia Barham, & Isaac Lloyd Barham, infants, defendants in this proceeding? Ans. Yes sir, I am their father.

QQ The papers in this suit show that the tract of land mentioned has been recently sold for five thousand dollars-is that or is it not a fair price, at this time? Ans. Yes sir it is a fair price at this time.

And further this deponent saith not.

J. S. Barham

Scott et al.

vs. Chaney

Scott et al.

Report of Court in
Chaney

Filed April 10, 1922

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

Scott et als.

v. 388

Scott et als

Honorable B. D. White,

Judge of the said Circuit Court:

The undersigned, special commissioner has collected the money from the said T. G. Price as directed in a former decree and has executed and delivered a deed to him with the special warranty. The said sum of five thousand dollars has been placed in the Bank of Windsor to the credit of this cause.

Your special commissioner asks that he be directed to disburse the said funds.

Respectfully submitted,

Ben T. Deane

Special Commissioner.

Scott et als.

Scott et als.

Report of Spl. Com'r.

Scott et als.

v.

Scott et als.

Judge B. D. White, Judge of Circuit Court of Isle of Wight County:

The undersigned, special commissioner in the above cause, in accordance with a decree entered on November 22, 1920, entered in to the bond with proper security as required on the 23rd day of November, 1920 and exposed to public sale the real estate described in the proceedings on the 18th day of December, 1920, as per advertisement hereto attached, marked "Exhibit 1", At which sale, the highest bid was forty five hundred dollars, which was refused and the sale declared off.

According to the report of the commissioner in chancery in this cause, the property was valued at six thousand dollars, as per his report filed September 22nd, 1920. This valuation was made on the high market and it is impossible to obtain this price for the property. Many attempts have been made by your special commissioner as well as the adult heirs.

I have received an offer of five thousand dollars from T. G. Price, of which amount, two hundred and fifty dollars is to be paid on the 1st day of January, 1922 and the balance on the 1st day of February, 1922, this offer is hereto attached, marked "Exhibit 2".

This offer has been referred to the adult parties of this cause for their recommendation. The four adult heirs at law W. W. Scott, Sarah A. White, Mattie V. Holland and Lelia F. Holland believe this is a fair price for the property and they ask the court to accept this offer. This view of the offer is concurred in by J. I. Barham, the father of three of the infant defendants. Their recommendation is hereto attached, marked "Exhibit 4".

I have made inquiry as to conditions and from every person I have discussed the offer with, advises the acceptance of same, therefore, knowing the conditions, location of land, recommendation of heirs and advice received by me from disinterested parties, I heartily endorse the offer and believe it should be accepted by you and a decree entered permitting the sale.

Respectfully submitted,

Samuel Deans

Spe. Commr.

November 30th 1921

TO P. P. DEANS, SPECIAL COMMISSIONER IN SUIT OF WAVERLY W. SCOTT
ET ALS ~~VS.~~ EDNA E. SCOTT ET ALS:

I hereby offer to buy for the sum of Five Thousand Dollars
(\$5000.00) cash the land in the bill and proceedings in the
above cause mentioned and described; Two Hundred and Fifty
Dollars (\$250.00) of the said sum to be paid on January 1st,
1922 and the residue of the said sum to be paid on the 1st day
of February, 1922. And in the event that this offer is accept-
ed by the Circuit Court of Isle of Wight County I hereby bind
myself and my heirs to the fulfillment of the offer aforesaid.
Possession to be given on January 1st, 1922.

Given under my hand this 14th day of November, 1921

J B Price

To JUDGE B. D. WHITE, CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

The undersigned are the adults, plaintiffs and defendants in a Chancery cause styled Waverly W. Scott et als vs. Edna E. Scott et als and they know of the offer made by W. W. Scott Price of Five Thousand Dollars (\$5000.00) and they believe this is a fair price for the property at this time, owing to the depreciation in value of real estate and they recommend to the Court the acceptance of the said offer.

W. W. Scott
Sarah Lide White
(Mattie) Martha F. Holland
Lelia F. Holland

I, J. I. Barham, the father of Eula May Barham, Emily Barham, Isaac Loyd Barham, the children of Alice May Barham, hereby concur in the above recommendation.

J. I. Barham

Scott et als.

v.

Scott et als

Report of Sp. Comm'r.

Filed in Clerk's office of
 Circuit Court of the County of
 Suffolk, Virginia, this 8th day
 of Decr 1941.

Teste R. G. Edwards.
 ceh

PARKE P. DEANS,
 ATTORNEY AT LAW,
 WINDSOR, VIRGINIA.

COMMISSIONER'S SALE

OF

REAL ESTATE IN ISLE OF WIGHT COUNTY

By the authority of a decree of the Circuit Court for Isle of Wight County, Va., entered on November 22, 1920, in a chancery cause of Waverly W. Scott et als, complainants, vs. Edna E. Scott et als, defendants, pending therein, I shall, as Special Commissioner, proceed to sell at public auction in front of the United States Postoffice, Smithfield, Va.,

Saturday, Dec. 18, 1920

BEGINNING AT 11.00 A. M.

All that certain tract of land situate in Hardy Magisterial District, Isle of Wight County, Virginia, containing 132 acres, more or less, and adjoins the lands of J. A. Scott and others. It being all the land of which A. N. Scott died seized and possessed.

Said land sold subject to a lease for the year 1921, purchaser receiving the rents, and reserving the burial ground with right of ingress and egress thereto and therefrom.

TERMS--- One-third ($\frac{1}{3}$) cash, and the balance in two equal installments, payable in twelve and twenty-four months after date, evidenced by bonds of the purchaser bearing 6% interest from the date of sale, payable annually, and to be secured by a deed of trust, which shall be a first lien upon the said property, and the buildings thereon to be insured for three-fourths of their value in some good and solvent insurance company, and the policy, or policies, to be made payable to the trustee in said deed of trust as his interest may appear; the said purchaser shall deposit 10% of the purchase price of the said property at the time of sale, which shall be in addition to any other remedies, forfeited to the cause in the event that he fails to comply with the terms thereof within ten days. And should the highest bidder fail to make said deposit at time of sale then said Special Commissioner shall forthwith proceed, at the same time and place of sale, to again sell said property, and the purchaser may pay all cash for said property, or he may pay the one-third cash payment and the title to the property be retained until the further order of the Court.

Nov. 23, 1920

PARKE P. DEANS, Special Comr.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT, the 23d day of November, 1920.

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle Wight, do hereby certify that the bond required of the Special Commissioner in the above entitled cause, has been duly executed and recorded.

R. A. EDWARDS, Clerk.

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