

1924-020

Chancery Causes :

D.

W. Chapman & al vs George D. Chapman, Senior &

427

Dsh of Wight County

R.

B. Chapman

other surnames: Edwards,
Young, Saunders

(3)

D. W. CHAPMAN, ET AL.

VS.) IN CHANCERY.

GEO. D. CHAPMAN, SR. ET AL

Bill.

2nd Feb. Rules 1924

Process returned Executed
upon all defendants.

3rd Feb. Rules - Continued
for bill.

Second March Rules

Bill filed. taken for
confessed - defendants failing
to appear - Case set down
for hearing

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

should execute and deliver to her the said Minnie I. Chapman a deed for the said land; and the said George D. Chapman Sr. continued to promise to make such deed as aforesaid, and when the said Minnie I. Chapman on her death bed requested the said George D. Chapman Sr. to execute and deliver to her children a good and sufficient deed for the said land the said George D. Chapman Sr. again promised to execute and deliver a deed to the heirs of the said Minnie I. Chapman for the land aforesaid.

Your complainants state that since the institution of this suit the said R. B. Chapman has re-conveyed the said George D. Chapman, Sr the land aforesaid.

In tender consideration whereof and for as much as your complainants are remedyless (save in a court of equity) they pray that the said George D. Chapman Sr. may be made a party defendant to this bill and ~~be~~ required to answer the same; answer under oath being hereby waived as by the statutes in such cases made and provided; that the said defendant George D. Chapman Sr. be required to convey the said real-estate to the heirs of the said Minnie I. Chapman deceased, or upon his failure so to do, that a Special Commissioner be appointed for that purpose; that reasonable attorney's fees be allowed your complainants attorneys for their services in this cause and that all such other and further general relief may be granted to the complainants as the nature of their case may require and the equity and good conscience shall seem meet.

And your complainants will ever pray.

D. W. Chapman,
H. P. Chapman,
Geo. D. Chapman Jr.
John E. Chapman,
BY _____
Counsel

E. H. Williams & Geo. Whitley, p. q.

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

.....
D. W. Chapman, H. C. Chapman,
Geo. D. Chapman, Jr., and John
E. Chapman,.....Plaintiffs
Vs. (In chancery
Geo. D. Chapman, Sr., and
R. B. Chapman,.....Defendants.
.....

TO THE HONORABLE JUDGE OF THE SAID COURT.

Your complainants, D. W. Chapman, H. C. Chapman, George
D. Chapman, Jr. and John E. Chapman, respectfully sheweth to
the court the following case.

That Minnie I. Chapman, in her life time, wife of the said
George D. Chapman, Sr. employed the said George D. Chapman, Sr.
as her agent to purchase for her all that certain, tract, piece
or parcel of land situate, lying and being in the County of Isle
of Wight, State of Virginia, in Hardy Magisterial District, and
containing three hundred (300) acres more or less, adjoining the
lands of C. M. Beale, B. P. Chapman, John E. Chapman, A. W. Atkins
and others; and furnished him for said purpose the sum of Thirty
Seven Hundred (\$3,700.00) Dollars; and empowered him to use so
much thereof as might be necessary to purchase the said land;

The defendant, the said George D. Chapman, Sr. accepted such
employment and as such agent purchased the said real-estate and
paid therefor of the money of the said Minnie I. Chapman, deceased.

That the said George D. Chapman, Sr. without the knowledge
or consent of the said Minnie I. Chapman, took the deed of Con
veyance for said real-estate in his, the said George D. Chapman, Sr.
own name;

That the said Minnie I. Chapman in her life time often demanded
the said George D. Chapman Sr. that the said George D. Chapman Sr.

Chapman et als. Complainant
vs) In Chancery 427,
Chapman et als.....Defendants.

Answer.

C. Fairfield Whitley, p.d.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

C. Fairfield Whitley f. l.

STATE OF VIRGINIA.

COUNTY OF ISLE OF WIGHT, To-wit:

This day personally appeared before me, Ailene C. Parish, the undersigned, a Notary Public in and for the County and State aforesaid whose commission expires on the 6th day of Dec. 1925, George D. Chapman, Sr., who being by me first duly sworn, made oath and said that the matters and things stated in the foregoing answer are true to the best of his knowledge and belief.

Given under my hand this 24th day of May, 1924.

Ailene C. Parish
Notary Public.

ried on the 5th day of Dec. 1866, and made their home upon this same property. That Geo. D. Chapman, Sr., purchased this property on the 25th day of Jan. 1877, from the heirs of Charles Chapman, the father of Geo. D. Chapman, Sr., for the sum of \$1,250.00. Geo. D. Chapman being one of the six heirs of Chas. Chapman therefore was entitled to one-sixth interest and was credited with the same on the purchase price. That his wife Winnefred I. Chapman had nothing to do with the purchase of this property, and at the time of said purchase she was without any means to purchase or direct him to purchase anything for her.

That Winnefred I. Chapman's father, John Edwards, died Sept. 3th. 1879 leaving her a few hundred dollars which were paid to her in small amounts over a period of several years by W. T. Young, the Executor of the estate of John Edwards. That Geo. D. Chapman had finished paying for this property before this money was paid.

That during said marriage there were born to Geo. D. Chapman, Sr., and Winnefred I. Chapman, eleven children some of whom are the complainants. That he has improved his property by building several barns and out-buildings upon the same at a great expence. That he kept a governess about twenty years; and sent most all of his children to college. That with his wife's consent, he loaned W. G. Saunders about \$900.00 and Hurbert Chapman, now deceased, about \$1,000.00 and lost about \$250.00 by W. D. Chapman, one of the complainants all of which is lost. That he paid the nurse during his wife's last illness and funeral expenses which were about \$500.00. The amount by the direction of his wife would far exceed the amount they received from her father's estate.

And now, having fully answered the complainants bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended, and this respondent prays for such other further and general relief in the premises as to him shall seem meet. Geo. D. Chapman ⁱⁿ

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

D.W.Chapman, I.C.Chapman,
Geo.D.Chapman,Jr., and
John E.Chapman,.....Complainants

vs) In Chancery #427

Geo.D.Chapman,Sr., and
R.B.Chapman,.....Defendants.

The answer of Geo.D.Chapman,Sr., one of the defend-
ants in this cause, to the bill of complaint exhibited
against himself and R.B.Chapman in the Circuit Court for
the County of Isle of Wight, Va., by D.W.Chapman, H.C.
Chapman, Geo.D.Chapman,Jr., and John E.Chapman, reserving
all just and legal exceptions to the same, for answer to
said bill, or to so much thereof as he is advised is mate-
rial or necessary to answer says;-

That the whole bill and each paragraph thereof is
untrue, false and malicious. That Winnefred I.Chapman, who
is alleged in the bill to be Minnie, did not at any time
employ Geo.D.Chapman, Sr., as her agent or direct him to
or furnish him with any money to purchase the said property.
That your complainants are the sons of Geo.D.Chapman, Sr.,
and Winnefred I.Chapman, who were nurished, protected and
educated by Geo.D.Chapman, Sr., who is now an old man about
eighty years of age, and who spent all of his earnings dur-
ing his early days upon the support and education of the
complainants and now during the late years of his life,
with only a few more months to enjoy the happiness of life,
when he is unable to work, they are trying to defraud him
of all the property he has worked and paid for during his
early days. Which property the said Winnefred I.Chapman, has
not at ant time during her lifetime directed or demanded
Geo.D.Chapman,Sr., to deliver to the complainants or to
herself any conveyance whatever.

That Geo.D.Chapman, and Winnefred I.Chapman were mar-

427

D. W. Chapman et als

vs(Lis pendens

Geo. D. Chapman Sr. and
R. B. Chapman.

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

Recorded in D B No. 95 Jan. 16 1924
@ 11:20 a.m. Page 201

State Tax,	- - -	\$.....
Clerk,	- - -	\$1.50
Comr. Revenue	- - -	\$.....
Total	- - -	\$1.80

EXAMINED AND VERIFIED

INDEX
E. H. WILLIAMS,
ATTORNEY AT LAW,
SMITHFIELD, VIRGINIA

State of Virginia,

County of Isle of Wight, to-wit:

I, Jane Johnson, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that D. W. Chapman and H. C. Chapman, whose names are signed to the above Lis Pendens, bearing date on the 15th day of January, 1924, have acknowledged the same before me in my said County.

Given under my hand this 15th day of January, 1924.

My com. expires Nov. 16-1925.

Jane Johnson
Notary Public.

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle Of Wight, Virginia, pursuant to Section No 6469 of the Virginia Code, do hereby authenticate the foregoing memorandum of Lis Pendens and I do hereby certify that on the 16th day of January 1924, suit was instituted and is now pending, by D. W. Chapman, H.C. Chapman, George D. Chapman Jr, and John E. Chapman against George D. Chapman Sr, and R. B. Chapman in the aforesaid Court, who's title, general object, and amount of the claim asserted, description of the property effected as well as the names of the person who's property is intended to be effected are as above set forth in this memorandum.

Given under my hand this the 16th day of January 1924.

R. A. Edwards Clerk.

VIRGINIA: Clerks office of the Circuit Court of the County of
Isle of Wight January 16, 1924, at 11 O'clock A.M.
Notice of Lis Pendens
this ~~and~~ was received and with the certificate annexed, admitted
to record.

Teste R. A. Edwards Clerk.

D. W. Chapman, H. C. Chapman,
Geo. D. Chapman, Jr., and
John E. Chapman,

vs(LIS PENDENS

Geo. D. Chapman, Sr., and
R. B. Chapman.

KNOW ALL MEN BY THESE PRESENTS, that we, D. W.
Chapman, H. C. Chapman, Geo. D. Chapman, Jr., and
John E. Chapman, plaintiffs, in the hereinafter stated
cause, do give notice of Lis Pendens by this Memorandum,
which sets forth as follows: There is now pending in
the Circuit Court of Isle of Wight County, Virginia,
a certain cause, the title of which is D. W. Chapman,
H. C. Chapman, Geo. D. Chapman, Jr., and John E. Chapman,
plaintiffs vs. Geo. D. Chapman, Sr. and R. B. Chapman.

The general object of this suit is to declare null
and void and of no effect a deed of conveyance from Geo.
D. Chapman Sr., to the said R. B. Chapman, conveying all
that certain tract, piece or parcel of land, lying, being
and situate in Hardy Magisterial District in the County
of Isle of Wight, Virginia, containing 325 acres, more or
less, and bounded by the lands of John E. Chapman, A. W.
Atkins, C. M. Beale, B. F. Chapman, et als; and also to
declare null and void a certain deed of trust, executed
by the said R. B. Chapman, to secure to said Geo. D. Chap-
man^{Sr}, a certain sum therein named, and to have a resulting
trust declared in the said land to the heirs of Winnie I.
Chapman, deceased, the said Winnie I. Chapman being the
wife of the said Geo. D. Chapman Sr.

Witness the signatures and seals of the said D. W.
Chapman, and H. C. Chapman, this 15th day of January, 1924,
on behalf of the plaintiffs.

D. W. Chapman (SEAL)
H. C. Chapman (SEAL)

(2)

J. N. Chapman et al

Virginia Chancery No.

Geo. D. Chapman Sr et al

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

Feb. 18th 192 4

Returned, entered and filed.

Teste: R. A. Edmond Clerk

To 2 N. d. February Rules.
1924

E. H. Williams & W.

executed the within copy this the 18 day of
Feb. 1924 by receiving a true
copy of the same on Geo D. Chapman Sr. in person
in the County of Isle of Wight.

W. N. Chapman

executed the within copy this the 18 day of
Feb. 1924 by receiving a true
copy of the same on R. B. Chapman in person
in the County of Isle of Wight.

W. N. Chapman
Sheriff of Isle of Wight Co.

\$1.00

Shiff's fee paid by Clerk.
1000

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon George D. Chapman Sr., and R. B. Chapman

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
Third Monday in February, 1924, to answer a bill
in chancery exhibited against them in our said Court by

D. W. Chapman, George D. Chapman Jr, H. C. Chapman, and John E. Chapman,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 16th day of January, 1924, and in
the 148th year of the Commonwealth.

E.H.Williams, p.q.

R. A. Edwards Clerk.

Chapman et als, Com.

v) In Chancery

Chapman et als, Def.

Decree filing answer.

1424
May 27th
Entered
B.B.W.

D.B # 8

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

D.W.Chapman, H.C.Chapman,
Geo.D.Chapman,Jr., and
John E.Chapman,.....Complainants

vs) In Chancery

Geo.D.Chapman,Sr., and
R.B.Chapman,.....Defendants.

Upon motion of the defendant,Geo.D.Chapman, by
counsel, leave is given him to file his answer in this cause,
which is accordingly filed.

Clerk's Office
of Isle of Wight County
Isle of Wight, Va.

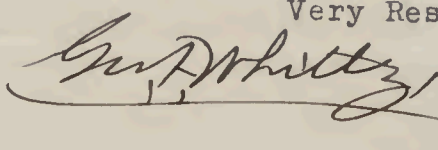
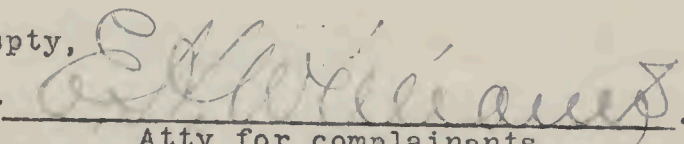
R. A. EDWARDS, CLERK

August 4th, 1924.

Dear Judge.,

Please enter the within decree and return to R. A.
Edwards Clerk by mail.

Very Respty,

 
Atty for complainants.

D. W. Chapman et als.

Cy.No ~~427~~. 427

George D. Chapman et als.

Decree dismissing suit.

1924.

July 31st 1924.

Enter This Decree.

W.D.C.

Judge.

D.B # 8

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Virginia; In The Circuit Court of the County of
Isle Of Wight;

D. W. Chapman et als.,

Vs. Cy. No 439.

George D. Chapman et als.,

This day came the complainant, by counsel,
and moved the Court to dismiss this suit from the dock-
et. Upon consideration whereof, it is adjudged, ordered and
decreed that the same be dismissed from the docket, and
that the costs thereof shall be paid by the said complain-
ant.

427 (1)

W. C. Chapman et als

vs (Memorandum

Geo. W. Chapman Sr
et al.

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

Jan. 16th 1924
Filed:

Teste, B. A. Edwards D. Clerk.

Dep 900
" 100
1000

