

1928-009 Chancery Causes: W. H. Cones vs J. B. Cones, C. A. Cones & Josephine Redd 511
Isle of Wight County

Other surnames: Rhodes Addison,
[Maryland Biscuit Company], Beasley
[Addison Brothers, Incorporated],
[Beasley Shoe Company], Gilbert,
[Gilbert Brothers & Company, Incorporated]
[W. R. Milteer & Company, Incorporated]
[William S. Scull Company], Milteer
[Loose-Wiles Biscuit Company],
Scull, Johnson, Holland, Hewitt
Loose, Wiles

LAW OFFICES

JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

August 29th., 1927.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Virginia.

Dear Gus: In re: Cones v. Cones.

We hand you, herewith, the papers in this matter; the same having been returned to us by Judge White the latter part of last week, together with our check for seven dollars and fifty cents, to cover the initial deposit, and a notice of Commissioner's hearing, upon which we have endorsed an acceptance of service. Please set a date for this hearing and advise me in order that I may have time which to have Shirley Holland get the necessary witnesses in place.

Very truly yours,

Johnson and Stephens,

By, A. E. Stephens.

AESS: S.

No.

Know all Men by These Presents: That we A. E. S. Stephens

principal

and

The Fidelity & Deposit Company of Maryland

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Hundred 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 A. E. S. Stephens

principal

and the said

The Fidelity & Deposit Company of Maryland

surety

by

R. A. Edwards

, 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 R. A. Edwards

, its said agent and attorney

in fact, this, the 2nd

day of

November

A. D. 1927.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound A. E. S. Stephens, who was, by decree entered in the Circuit Court of the County of Isle of Wight, on October 18th 1927, in the Chancery Cause W. H. Cones vs J. B. Cones, et als. Docket No. 511, appointed a Special Commissioner

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.

A. E. S. Stephens

[SEAL]

The Fidelity & Deposit Company of Maryland

By R. A. Edwards

Its duly authorized agent and attorney in fact.

Attest:

R. A. Edwards

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 2nd

day of November

1927, this bond was duly executed and acknowledged by the obligors to the same

and ordered to be recorded.

R. A. Edwards

Clerk.

7

Circuit Court of the County
of Isle of Wight.

W. H. Cones

vs) Chancery No. 511

J. B. Cones, C. A. Cones,
and Josephine Redd.

Bond.

Filed: November 2nd 1927.

Teste: N. A. Earnest
Clerk.

copy

VIRGINIA: IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF
ISLE OF WIGHT, NOVEMBER SECOND, 1927.

W. H. Cones

vs) Chancery #511

J. B. Cones, et al.

I, R. A. Edwards, Clerk of the Circuit Court aforesaid, do hereby
certify that the bond required of the Special Commissioner, by the de-
cree rendered in said cause on the 18th day of October, 1927, has been
duly given.

Given under my hand as Clerk of the said Court this 2nd day of
November, 1927.

TESTE:

R. A. Edwards.
Clerk.

6

Circuit Court for the County
of Isle of Wight.

W. H. Cones

vs) Chancery No. 511

J. B. Cones, et als.

Certificate. in re Bond.
of Special Commissioner.

Filed: November 2nd 1927.

A copy.

Teste R. A. Egan D
Clerk.

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

W. H. Cones,

v). Chancery. No. 511.

J. B. Cones et als.

This matter came on this day to be again heard upon the papers formerly read, and upon the report of A. E. S. Stephens, Special Commissioner, this day, by leave of the court, filed, to which there was no exception, and was argued by counsel;

And it appearing to the Court, from the said report, that A. E. S. Stephens, Special Commissioner, out of the funds in his hands as such amounting to two hundred forty two dollars and sixty cents has paid to W. H. Cones, C. A. Cones and Josephine Redd the sum of sixty dollars and sixty cents each, and to the Maryland Biscuit Company, to be credited on account of a judgement held by it against J. B. Cones, the sum of sixty dollars and sixty cents; that receipts therefor are attached to the said report; that the said Special Commissioner has expended all the funds coming into his hands:

Upon consideration whereof 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 the said Special Commissioner be relieved from his bond as such, and that this cause be dismissed from the docket.

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

W. H. Cones,

v). Chancery. No. 511.

J. B. Cones et als.

Note for Decree.

Enter this:

W. H. Cones

Sept., 4th., 1928.

*Book 8
page 463*

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

W. H. Cones ,

v). Chancery. No. 511.

J. B. Cones et als.

This cause came on this day to be again heard upon the papers formerly read and upon the report of A. E. S. Stephens, Special Commissioner, this day, by leave of the court, filed, to which there were no exceptions, and was argued by counsel:

And it appearing to the court, from the said report, that A. E. S. Stephens, Special Commissioner, has paid the taxes on the land which is the subject matter of this cause for the year 1927, and has paid the costs of this suit up to, and including, the entry of a final decree; *a statement of expenditures being shown in said report, which statement the land shall carry* that he now has in hand the sum of two hundred forty two dollars and forty cents belonging to W. H. Cones, C. A. Cones, J. B. Cones and Josephine Redd, who was Cones, in equal parts; that the interest of each party aforesaid amounts to sixty dollars and forty cents; that the interest of the said J. B. Cones is subject to the lien of a certain judgement against him in favor of Maryland Biscuit Company for the principal sum of ninety three dollars and twenty four cents with interest thereon from the 15th., day of December, 1923, and three dollars and thirty cents costs, and upon which said judgement there are no credits:

Upon consideration whereof 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 the said A. E. S. Stephens, Special Commissioner as aforesaid, out of the funds in his hands as such, pay to W. H. Cones the sum of sixty dollars and forty cents; to C. A. Cones the sum of sixty dollars and forty cents, and to Josephine Redd, who was Cones, the sum of sixty dollars and forty cents, and to Maryland Biscuit Company, the sum of sixty dollars and forty cents to be applied on the judgement held by it against the said J. B. Cones;

For all of which the said Special Commissioner is to take the proper receipts and report his acts hereunder to this Court.

And this cause is continued.

Virginia; In the Circuit Court
of the County of Isle of Wight.

W. H. Cones,

v). Chancery. No. 511.

J. B. Cones.

Note for Decree.

Enter this:

BAC.

June 11th., 1928.

8-450

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

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

W. H. Cones, -----, Complainant.

v). Chancery. No. 511.

J. B. Cones, C. A. Cones, and

Josephine Redd, who was Cones, -----, Respondents.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. E. S. Stephens, special commissioner, this day, by leave of the court, filed, and to which there was ~~no~~ exception, and was argued by counsel:

And it appearing ~~to the court~~, from the said report, that A. E. S. Stephens, special commissioner as aforesaid, after having given bond as required by the decree entered herein on the 18th., day of November, 1927, and after having advertised the time, place and terms of said sale as by said decree ~~he was~~ directed, exposed to sale the lot of land in the bill and proceedings mentioned, at public auction, to the highest bidder, and at which sale Josephine Redd became the last and highest bidder, having bid the full sum of three hundred and fifty dollars; that the said sale was fairly attended and the bid fair; Upon consideration whereof it is adjudged, ordered and decreed that the said report and sale be, and the same are, hereby, confirmed; and, it is further adjudged, ordered and decreed that upon payment to him of the sum of three hundred and fifty dollars, the said A. E. S. Stephens shall execute and deliver to the said Josephine Redd a good and sufficient deed, with covenant of Special Warranty, conveying to the said Josephine Redd the said lot of land in the bill and proceedings mentioned; and ~~that~~ out of the money paid to the said Special Commissioner he shall pay the taxes due upon the said property for the year 1927, the costs of this suit, up to, and including, a final decree, to Johnson and Stephens, attorneys conducting this suit, a counsel fee of \$25.00; and, the balance of the money remaining in his hands he shall hold ~~subject~~ to the further order of this Court.

And this cause is continued.

9

Virginia: Circuit Court County
of Isle of Wight.

J. H. Cones,

v). Chancery. No. 511.

J. B. Cones et als.

Note for Decree.

Enter this:

B. H. Cones

Dec., 6th., 1927.

Book 8-19421

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT ISLE OF WIGHT COUNTY.

W. H. Cones, -----, Complainant.

v). Chancery. No. 511.

J. B. Cones, C. A. Cones, and
Josephine Redd, who was Cones, -----, Defendants.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner in Chancery, ^(Pursuant to a decree entered herein on the 15th day of August, 1927) ~~responsive to a decree entered herein on the 15th day of September, 1927~~, filed herein on the 6th., day of October, 1927, and to which there is no exception, and was argued by counsel:

And it appearing to the court, from the said report, that Rebeccan Cones died seized and possessed of a certain lot or parcel of land, situate in Windsor District, County of Isle of Wight, State of Virginia, near Colosse Church, said lot being forty four and two thirds feet by one hundred thirty two and one half feet; ^{Conveyed to her by deed recorded in 173.71 at page 142, in the Clerk's office of this County} that those who are entitled to share in said lot of land are W. H. Cones, J. B. Cones, C. A. Cones, and Josephine Redd, who was Cones, who are the children and sole heirs of the said Rebecca Cones, and, as such, are entitled to a one fourth share each; that the ^{Real} real estate ~~which is the subject of this suit,~~ ~~nor any distinct or independent part thereof,~~ ^{nor allotted} cannot be, conveniently and advantageously, divided among the parties entitled to share therein; that the interests of the parties will be promoted by a sale of the entire subject matter and the proceeds from such sale divided as is provided by statute ~~in such cases~~; that there are the following judgment liens against the interest of J. B. Cones in the subject matter of this suit, to-wit: A judgement in favor of Maryland Biscuit Co., for ninety three dollars and twenty four (\$93.24) cents, with interest thereon from the the

15th., day of December, 1923, until paid and three dollars and thirty (\$3.30) cents, costs; a Judgement in favor of Addison Brothers, Incorporated, for the principal sum of seventy dollars and seventy five (\$70.75) cents, with interest thereon from the 20th., day of December, 1923, until paid, and three dollars and thirty (\$3.30) cents, costs; a judgement in favor of Beasely Shoe Company for the principal amount of sixty two dollars and forty cents (\$62.40), with interest thereon from the 26th., day of December, 1923, till paid, and three dollars and fifty five (\$3.55) cents, costs; a judgement in favor of Gilbert Brothers & Co., Inc., for the principal sum of one hundred eighteen dollars and thirty four (\$118.34) cents, with interest thereon from the 15th., day of December, 1923, until paid, and three dollars and thirty (\$3.30) cents, costs; a judgement in favor of W. R. Milteer Company, Inc., for the principal sum of two hundred and twenty (\$220.00) dollars, with interest thereon from the 24th., day of November, 1923, until paid, and three dollars and eight (\$3.80) cents, costs; a judgement in favor of Wm. S. Scull Co., for the principal sum of forty eight dollars and twenty two (\$48.22) cents, with interest thereon from the 5th., day of January, 1924, until paid, and three dollars and thirty (\$3.30) costs; a judgement in favor of W. R. Milteer Co., Inc., for the principal sum of eight six dollars and seventy two (\$86.72) cents, with interest tereon from the 24th., day of November, 1923, till paid, and four dollars and thirty (\$4330) cents costs; a judgement in favor of Loose Wiles Biscuit Co., for the principal summ of forty five dollars and seventy seven (\$45.77) cents, with interest thereon from the 17th., day of October, 1923, till paid, and three dollars and thirty cents costs; that the proper parties to this suit are W. H. Cones, J. B. Cones, C. A. Cones and Josephine Redd, who was Cones, who are

all of whom are adults,
the children and sole heirs at law of the said Rebecca Cones,
deceased; that they are properly before the court in this
cause; that the annual value of the real estate mentioned
in this cause is from fifty to seventy five dollars, and
the fee simple value from three hundred and fifty to four
hundred and fifty dollars; On consideration whereof it is
adjudged, ordered and decreed that the said report be, and
is, hereby confirmed; and, it is further adjudged, ordered
and decreed that A. E. S. Stephens, who is hereby appointed
special commissioner for that purpose, do, after advertising
for ten days by printed posters, posted in *five* or more *public* places in the vic-
inity of the real estate herein mentioned, proceed to make
thereof, at public auction, for cash.

But before the said Special Commissioner shall do any
act hereunder, he shall *execute before the Clerk of this Court* ~~enter into~~ a bond, with *security*
deemed sufficient by *said* ~~the~~ Clerk of this Court, and before the
~~said Clerk~~, in the penalty of \$500.00 conditioned as the
law provides.

And the said special commissioner shall make report to
the court of his doings hereunder.

5
Virginia: In the Circuit Court
of the County of Isle of Wight.

W. H. Cones,

v). Chancery. No. 511.

J. B. Cones, C. A. Cones,
and Josephine Redd.

Note for Decree.

Enter this: 1178, 1901.

Chancery Order Book 8 Page 406

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

W. H. Cones, -----, Complainant.

v). Chancery. No. 511 " Decree."

J. B. Cones, C. A. Cones, and
Josephine Redd, who was Cones, -----, Respondents.

This day came W. H. Cones and, by leave of Court,
filed his bill of complaint against J. B. Cones, C. A.
Cones and Josephine Redd; and, thereupon, ^{on motion of} J. B. Cones,
C. A. Cones and Josephine Redd, ^{the defendants} by leave of the Court,
filed their joint and separate answer, to the said bill
of complaint; ^{which} and, to the ~~answers~~ the Complainant replied
generally; and, thereupon, by consent of all parties, this
cause is set down for hearing and ordered to be docketed,
and is docketed; and, by like consent this cause came on
this day to be heard upon the bill of complaint and upon the
answers filed thereto, and upon general replications to said
answers, and was argued by counsel:

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

1. Of what real estate the parties to this cause
are entitled ~~within the jurisdiction of this court~~, how
acquired, what are their respective interests therein,
where situated, and what are the annual and fee simple values
thereof:

2. What liens, if any, are of record against the
said property, ~~for delinquent taxes, judgements, deeds of~~
~~trust, or otherwise~~, together with thier priorities and
dignities.

3. Whether or not the real estate to which they

may be entitled, as mentioned in the bill, or any distinct or independent part thereof, can be conveniently partitioned among them, to advantage; *according to the statute in such case found* and if not, then if it will be to the interest of all of them to have the said real estate sold and the proceeds of such sale distributed among them as provided by law.

4. Who are the proper parties to this suit, their ages, and if they are properly before the court.

5. And matter deemed pertinent by the commissioner, or required by any party in interest to be inquired into and reported.

And the commissioner shall reduce to writing any evidence taken by him as a basis of his report hereunder, and shall return same with his report to the Court:

And this cause is continued:

3
Virginia: Circuit Court Isle
of Wight County.

W. H. Cones, Complainant.

v). Chancery. No. 511

J. B. Cones, C. A. Cones and
Josephine Redd,
Respondents.

Note for decree.

Enter this:

B. D. W.
August 15th., 1927.

*Chancery Order Book 8
Page 397.*

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Received of A. E. S. Stephens, Special Commissioner in the Chancery cause entitled Cones v. Cones et als., the sum of sixty dollars and sixty cents in full settlement for my pro-rata share of the proceeds arising from the sale ~~which was~~ of the real estate which was the subject matter of the aforesaid chancery cause.

Dated this the 14th. day of June, 1928.

B. A. Banks .

Received of A. E. S. Stephens, Special Commissioner in the Chancery cause entitled Cones v. Cones et als., the sum of sixty dollars and sixty cents in full settlement for my pro-rata share of the proceeds arising from the sale ~~which was~~ of the real estate which was the subject matter of the aforesaid chancery cause.

Dated this the 14th., day of June, 1928.

Mrs. Josephine Kadd.

Received of A. E. S. Stephens, Special Commissioner in the chancery cause pending in the Circuit Court of the County of Isle of Wight, State of Virginia, entitled Cones et als., v. Cones et als., the sum of sixty dollars and sixty cents in payment of the amount due J. B. Cones on account of his interest in the sale price of the subject matter of the said cause, and which said is to be credited by us on a certain judgement we hold against the said J. B. Cones.

Dated this the 14th., day of June, 1928.

Maryland Biscuit Company,

By, G. L. Newirth, Sec'y

Received of A. E. S. Stephens, Special Commissioner in the Chancery cause entitled Cones v. Cones et als., the sum of sixty dollars and sixty cents in full settlement for my pro-rata share of the proceeds arising from the sale ~~which was~~ of the real estate which was the subject matter of the aforesaid chancery cause.

Dated this the 14th., day of June, 1928.

W. H. Cones .

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

W. H. Cones,

v). Chancery. No. 511.

J. B. Cones et als.

To the Honorable Benjamin Dey White, Judge of the Circuit Court
of the County of Isle of Wight, State of Virginia:

The undersigned Special Commissioner in this cause
begs leave to report to your honor that pursuant to a certain
decree entered herein on the 11th., day of June, 1928, that out
of the sum of two hundred forty two dollars and forty cents
remaining in his hands that he has paid to C. A. Cones the sum
of sixty dollars and sixty cents, to Josephine Redd the sum of
sixty dollars and sixty cents, to W. H. Cones the sum of sixty
dollars and sixty cents, and to Maryland Biscuit Company, to be
credited on a certain judgement held by it against J. B. Cones,
the sum of sixty dollars and sixty cents, which sums represent
the interests of the parties aforesaid in the proceeds arising from
the sale of the land which is the subject matter of this cause;
that proper receipts have been taken for the aforesaid expenditures
which are attached hereto and made a part of this report; that
there are no more funds to be distributed and your Special Comm-
issioner aske that he be relieved from his bond as such.

Respectfully submitted,

A. E. Stephens.
Special Commissioner.

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

W. H. Cones,
v). Chancery. No. 511.
J. B. Cones et als.

Report of Special Comm.

Filed Sept., 4th., 1928.

Butler

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

COUNTER CHECK

Smithfield, Va., Dec. 24, 1927. No. _____

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of W. E. Laine, Treas. \$ 4.60

Four & 60/100 ————— Dollars

tax 1927 on land.

W. E. Laine, Spt. Commr.,
Com. V. Comm.

Pay Bank of Smithfield,
Smithfield, Va. or order
W. E. Laine, Treasurer

COUNTER CHECK

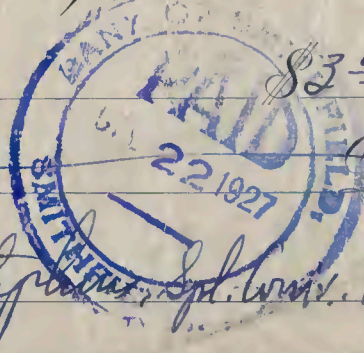
Smithfield, Va., Dec. 8. 1927. No. _____

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of John & Stephen.

Three & $\frac{20}{100}$

Sale notice.



\$3⁰⁰

Dollars

B. E. Stephens, Spt. Wm. Com. v. Comr.

Johnson & Stylus.
A. E. Stylus.

J. D. Warner
A. J. Holloway & Co.

ANY BANK OR BANKER
OUR ORDERS
All Prior Endorsements Guaranteed
DEC 22 1827
SILAS & FRANKS
SILAS & FRANKS
SILAS & FRANKS

COUNTER CHECK

Smithfield, Va., Dec. 8, 1927. No. _____

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of R. A. Edwards, Clerk. \$ 15⁰⁰

Fifteen no on _____ Dollars

Commissioner's fee. B. E. Stephens, Spl. Commr., Com. v. Com.

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.

R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

COUNTER CHECK

Smithfield, Va., Dec. 8. 1927. No.

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of R. G. Edwards, Agent. \$2. 50

Two + $\frac{50}{100}$

Dollars

Bond premium.

R. E. Stephens, Spl. Comm. Comm. V. Comm.

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

COUNTER CHECK

✓ Smithfield, Va., Dec. 8, 1927. No.

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of W. H. Chapman \$5⁰⁰

Five $\frac{00}{100}$ Dollars

Buying property at sale. B. S. Stephens, Spt. Comr. Com. V. Com.

H. H. Chapman



COUNTER CHECK

Smithfield, Va., Dec. 8. 1927. No. _____

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of A. E. S. Stephens, \$17.⁵⁰

Seventeen & ⁵⁰/₁₀₀ Dollars

Spl. Comr's. Inc.

A. E. Stephens, Spl. Comr., Curv. Co.

B. E. Stephens.

Johnson + Stephens.

COUNTER CHECK

Smithfield, Va., December 8th., 1927. No. _____

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of John & Stephen \$ 10⁰⁰

Ten & no Dollars

Dept. of land to purchase BE Stephen, Spl. Com. Coms v. Coms

John & Stephen.

COUNTER CHECK

Smithfield, Va., Dec. 8. 1927. No.

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of John & Stephens,

\$15⁰⁰

Fifteen ⁰⁰/₁₀₀

Dollars

and atty fee.

A. E. Stephens, Spl. Comm. Com. v. Com.

John Stephens.

COUNTER CHECK

Smithfield, Va., Dec. 8. 1927. No.

Bank of Smithfield 68-233
SMITHFIELD, VA.

Pay to the order of John H. Stephens.

\$25⁰⁰

Twenty five ⁰⁰/₁₀₀ Dollars

Atty. fee allowed by Court. B. E. Stephens, Spl. Com. Lones v. Lones

Johnson & Stephens

Received of A. E. S. Stephens, Special Commissioner, in the
Chancery cause entitled Cones v. Cones et als., the sum of one
dollar and fifty cents for writ tax and eight dollars and fifty
cents for court costs.

Dated this the 6th., day of June, 1928.

B. A. Eames
Clerk Circuit Court Isle of Wight Co.

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

W. H. Cones,

v). Chancery. No. 511.

C. A. Cones et als.,

TO THE HONORABLE BENJAMIN DEY WHITE, JUDGE OF THE CIRCUIT COURT
OF THE COUNTY OF ISLE OF WIGHT, STATE OF VIRGINIA:

The undersigned special commissioner in this cause begs leave to report to your honor that pursuant to a certain decree entered in this cause on the 6th., day of December, 1927, that he has collected from Josephine Redd, the purchaser of the real estate which is the subject matter of this cause, the sum of three hundred and fifty dollars, which said sum is the full amount of the purchase price of the said real estate, and has delivered to her a deed for the said land with covenants of special warranty; that out of the sum of three hundred and fifty dollars coming into my hands as aforesaid I have paid the following costs, to-wit:

Writ tax,	\$1.50
Clerk's Fees,	8.50
1927 Land Tax,	4.60
Sale Notices,	3.00
Commissioner in Chancery, making report,	15.00
Bond premium,	2.50
Crier's fee,	5.00
Special Commissioner's fees,	17.50
Johnson and Stephens, draft of deed to purchaser,	10.00
Taxed attorney fee,	15.00
Attorney fee allowed by court,	25.00

That the costs and taxes paid as aforesaid amount to one hundred seven dollars and sixty cents, leaving a balance in the hands of your commissioner ofm\$242.40, which said sum belongs to

W. H. Cones, C. A. Cones, J. B. Cones and Josephine Redd, who was Cones, in equal parts; that the share of each party amounts to sixty dollars and forty cents; that according to the report of R. A. Edwards, Commissioner in Chancery, filed in this cause on the 6th., day of October, 1927, there are several judgements against the interest of J. B. Cones, the first of which is a judgement in favor of Maryland Biscuit Company dated the 15th., day of December, 1923, and duly docketed on the 5th., day of February, 1924, for the principal sum of ninety three dollars and twenty four cents, with interest thereon from the 15th., day of December, 1923, together with three dollars and thirty cents costs, and upon which there are no credits; that the fund in the hands of your commissioner belonging to the said J. B. Cones is not sufficient to satisfy the judgement aforesaid.

Respectfully submitted,

W. E. Stephens
Special Commissioner.

10.

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

W. H. Cones,
v). Chancery. No. 511.
J. B. Cones et als.

Report of Special Commissioner.

Filed June 11th., 1928.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Grantor: Rebecca Ann Stals.

Grantee: Susan Rhoderick et al.

Date: 10/10/04. Rec. 10/28/04. DTB ~~65~~⁷⁶-142.

Consideration: \$2900.00.

Warranty: General.

330
1.00
5.25

Conveyed all of her property
except a lot adjoining R. J. Davis
which is $44\frac{2}{3}$ ft. fronting on the
road leading from Winch to Colosse.
& running back $132\frac{1}{2}$ ft., & to be
designated on the S.E. corner by an
iron post.

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

W. H. Cones, -----, Complainant.

v). Chancery. No. 511.

J. B. Cones, C. A. Cones and

Josephine Redd, who was Cones, ----- Respondents.

To the Honorable Benjamin Dey White, Judge of the Circuit Court
of the County of Isle of Wight, State of Virginia:

The undersigned, appointed special commissioner in this cause
by a certain decree entered herein on the 18th., day of October, 1927,
respectfully reports to the court as follows, to-wit:

That as directed by said decree, after having given the bond
required thereby, and after advertisement thereof in accordance with
the directions in the said decree contained, he did, on the 19th., day
of November, 1927, sell at public auction, to the highest bidder, in
front of the United States Postoffice in the village of Colosse, County
of Isle of Wight, State of Virginia, the lot of land in the bill and
proceedings mentioned, at which sale Josephine Redd, became the last
and highest bidder, having bid the full sum of three hundred and fifty
dollars; that the sale was fairly attended and the price bid, in the
opinion of your commissioner, a fair one, and the sale should be
confirmed.

Respectfully submitted,

W. S. Stephens
Special Commissioner.

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

J. H. Cones,

V). Chancery. No. 511.

J. B. Cones et als.

Report of Special Commissioner.

Filed Dec., 6th., 1927.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

W. H. Cones, Complainant.

v) Chancery. #511

J. B. Cones, C. A. Cones and
Josephine Redd, who was Cones,
Respondents.

TO THE 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 was referred the papers in the above
entitled cause, ^{by a} ~~having examined~~ the Decree entered therein on
August 15, 1927, respectfully reports to the Court, that on the 9th
day of September, at 11 o'clock A. M. at the Farmers Bank of
Windsor, in the presence of Johnson & Stephens, attorneys for the
respondents, took and reduced to writing the testimony of W. H.
Johnson and S. T. Holland, which is herewith entered and made a
part of this report, and from such testimony so taken, and from
the records on file in the Clerk's Office of your Honor's Court
is informed and reports as follows:

Q 1. To what real estate the parties are entitled; how
acquired; what are their respective interests therein; where
situated and what are the annual and fee simple values thereof.

A 1. Your Commissioner is informed and herewith reports
that the parties to this cause are entitled to a certain house
and lot situate, lying and being in Windsor District, Isle of
Wight County, Va. near Colosse Church, of which Rebecca Cones, the
mother of the parties hereto died seized and possessed, and which
was acquired by the said Rebecca Cones by reserving a certain lot
44 2/3 feet x 132 1/2 feet, as will be shown by a certain deed from the
said Rebecca Cones and husband to Susan P. Rhodes, et als, bearing
date the 15th day of October, 1904, and of record in the Clerks Office

of Isle of Wight County, in Deed Book 71, at Page 142.

and the respective interest of the parties hereto is a one-fourth interest each, their being four children of said Rebecca Cones. The annual value of the aforesaid house and lot appears to be from \$50 to \$75; while the fee simple value of same appears to be between \$350 and \$450.

Q 2. What liens, if any, are of record against the said property, together with their priorities and dignities.

A 2. Your Commissioner begs leave to report that from an examination of the records in the office of the Clerk of your Honor's Court that the only liens of record against the property mentioned in these proceedings are the following Judgments, to-wit:

1. A Judgment in favor of Maryland Biscuit Co. vs J. B. Cones, dated December 15, 1923, docketed February 5, 1924; for the principal sum of \$93.24, with interest from Dec. 15 1923 until paid, and \$3.30 court costs. Book 4 Page 191.

2. A Judgment in favor of Addison Bros. Inc. vs J. B. Cones, dated Dec. 20, 1923, docketed Feb 15 1924, for the principal sum of \$70.75, with interest from Dec 20 1923 until paid and \$3.30 Court costs. Book 4 Page 192.

3. A Judgment in favor of Beasley Shoe Co. vs J. B. Cones, dated Dec 25, 1923, docketed Feb 15 1924, for the principal sum of \$62.40; with interest from Dec 26 1923 until paid, and \$.3.55 Court Costs. Book 4 Page 192

4. A Judgment in favor of Gilbert Bros & Co. Inc., vs J.B. Cones, dated Dec 15 1923, docketed Feb 15 1924, for the principal sum of \$118.34, with interest from Dec 15 1923 until paid, and \$3.30 Court Costs. Book 4 Page 192

5. A Judgment in favor of W. R; Milteer & Co. Inc., vs J. B. Cones, et ux; dated February 12, 1924, and docketed March 3 1924, for the principal sum of \$220, with interest from Nov 24 1923 until paid, and \$3.80 Court costs. Book 4 Page 193.

6. A Judgment in favor of Wm. S. Scull Co. vs J. B. Cones,

dated Jan 5 1924, docketed March 21 1924, for the principal sum of \$48.22, with interest from Jan 5 1924, until paid, and \$3.30 court costs. Book 4, Page 195.

7. W. R. Milteer Co. Inc vs J. B. Cones et ux, dated March 21, 1924, docketed March 23, 1924, for the principal sum of \$86.72, with interest thereon from Nov 24, 1923, until paid and \$4.30 Court costs. Book 4 Page 195

8. A Judgment in favor of Loose-Wiles Biscuit Co. vs J. B. Cones dated Oct 17 1923, docketed July 28 1924, for the principal sum of \$45.77, with interest from Oct 17, 1923 until paid, and \$3.30 Court Costs. Book 5 Page 10.

Q. 3 Whether or not the real estate which the parties may be entitled to, as mentioned in the bill, or any distinct or independent part thereof, can be conveniently partitioned among them to advantage, according to the statutes in such cases provided, and if not, then if it will be to the interest of all of them to have the said real estate sold and the proceeds of such sale distributed among them as provided by law.

A. 3 Your commissioner begs leave to report that from the evidence submitted before your commissioner, that the property mentioned in the bill cannot be conveniently partitioned among the parties entitled to share therein, and that it will be to the advantage of all parties concerned to have the said real estate sold at public auction, and a division of the proceeds among the parties as provided by law.

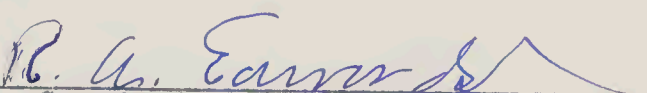
Q. 4 Who are the proper parties to this suit and^{their} /ages, and if they are properly before the Court.

A. 4 Your Commissioner is informed and herewith reports that the proper parties to this suit are, W. H. Cones, the complainant herein; J. B. Cones, C. A. Cones, and Josephine Redd, who was Cones, the last three named being the respondents to this suit; all of whom are over the age of twenty-one years, and are properly before your Honor's Court.

Q. 5 And matters deemed pertinent by the Commissioner, or required by any party in interest to be enquired into and reported.

A. 5 Your Commissioner begs leave to report that other than above stated he has no matters of interest to report herein, nor has he required by any party in interest to enquire into or report anything other than as above stated.

Respectfully submitted,


Commissioner

Mr. W. H. Johnson, being duly sworn deposes and says:

Q. What is your name, residence and occupation ?

A. W. H. Johnson, Windsor, Virginia, merchant.

Q. Did you know Rebecca Cones ?

A. Yes; knew her for a good many years.

Q. Is she living or dead, and if dead, when did she die ?

A. Dead; she died about six or seven months ago.

Q. Did she leave any heirs, and if so, what are their names ?

A. Yes; J. B. Cones, C. A. Cones, W. H. Cones and Josephine Redd, who was ~~Xan~~ Cones, all of whom are her whole children ?

Q. Are they all of age ?

A. Yes.

Q. Did Rebecca Cone die seized and possessed of any real estate ?

A. Yes, she had a house and lot situate in Collosse, Isle of Wight, County, Virginia. She had another lot at the time she died, situate in Windsor at the time she died but it was later sold under a deed of trust. The lot aforesaid, the one which still stands in her name, is a very small one not over forty feet square. The house on it takes almost the entire lot.

Q. What is the fee simple value of the lot ?

A. This lot has a small, single story, wooden house on it, and that, together with the lot, I would say is worth between three hundred and fifty and four hundred and fifty dollars.

Q. What is its annual value ?

A. From fifty to seventy five dollars.

Q. Can this lot, or any distinct or independent part thereof, be partitioned in kind among the parties entitled to share therein, or would it be to the interest of all parties involved to sell the entire property and divide the proceeds ?

A. This lot is entirely too small to divide in parts among the parties entitled to share therein, and the only way to get at it would be to sell the entire property and divide the proceeds among the

W. H. Johnson, # 2.

parties entitlted to s are in it.

Q. Is the husband of Rebecca Cones living ?

A. No; he died sometime before she did .

And further this deponent saith not.

W H Johnson .

S. T. Holland, being duly sworn, deposes and says:

Q. Please state your name, residence and occupation.

A. S. T. Holland, Windsor, Isle of Wight County, Va., Banker.

Q. Did you know Rebecca Cones.

A. Yes.

Q. Is she dead, and if so, how long ~~axx~~ has she been dead ?

A. Yes; been dead about six months.

Q. Do you know who her heirs, if any, are ?

A. J. B. Cones, C. A. Cones, W. H. Cones and Josephine Redd, who was Cones before marriage.

Q. Are they all of age.

A. Yes.

Q. Did Rebecca Cones die seiz d and possessed of any real estate ?

A. Yes, a small lot in Collose, Isle of Wight, Virginia,

Q. Is this all the real estate she had at the time of her death ?

A. Yes.

Q. What is the fee simple value of this lot ?

A. From three hundred and fifty to four hundred and fifty dollars .

Q. What is its annual value ?

A. From fifty to seventy five dollars a year.

Q. Can this property be conveniently partitioned among the parties entitled to share therein, or would it be to the interest of all in interest to sell the property and divide the proceeds among them ?

A. This lot is too small to be divided in kind among the parties, and I am of the opinion that it would be far better to ~~a~~ sell the property and divide the proceeds.

Q. Is the husband of Rebecca Cones living ?

A. No; he predeceased his wife, Rebecca Cones.

Q. Do you think that any distinct or independent part of this property could be conveniently partitioned among the parties entitlted to share

S. T. Holland, # 2.

therein.

Q. No; as I have said before the only practiable way would be to sell the entire property and divide the proceeds.

And further this deponent saith not.

S. T. Holland .

21
H. H. Jones

W. Chancery 511

J. B. Jones et al.

Commissioner in
Chancery Report.

Filed Oct-6-1927.

See R. A. Edwards
clh.

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

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

W. H. Cones, -----, Complainant.

v). Chancery. No. _____

J. B. Cones, A. C. Cones, and
Josephine Redd, who was Cones, -----, Respondents.

Take Notice:

That the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, Virginia, to whom was referred the papers in the above entitled cause by a decree entered therein on the 15th., day of August, 1927, for the execution thereof, has set upon Friday, the 9th day of Sept., at Eleven o'clock A. M. at the Farmers Bank, Windsor, Virginia, to take, state and report on the following matters required by the said decree, to wit:

1. Of what real estate the parties to this cause or entitled, how acquired, what are their respective interests therein, where situate, and what are the annual and fee simple values thereof.

2. What liens, if any, are of record against the said property for delinquent taxes, judgements, deed of trust, or otherwise, together with their dignities and priorities.

3. Whether or not the real estate to which they may be entitled, as mentioned in the bill, or any distinct or independent part thereof, can be conveniently and advantageously partitioned among them; and, if not will it be to the interest of all the parties to have the said real estate sold and the proceeds of such sale distributed among them as provided by law.

4. Who are the proper parties to this suit, their ages, and whether or not they are properly before the Court.

5. Any matter deemed pertinent by the Commissioner, or required by any party in interest to be taken and stated.

All of which said evidence the said Commissioner in Chancery, after so taking, shall reduce to writing and shall return the same together with his report to the Court.

R. A. Edwards
Commissioner in Chancery.

Johnson and Stephens, p. q.

J. B. Conner

94-223
" 229

3^d

Conns
v. Chauncy.
Conns et al.

Notice of Conns.
hearing #511

Service accepted.
Johnson Stephens
attys for respondents.

VIRGINIA: IN THE CIRCUIT COURT ISLE OF WIGHT COUNTY.

W. H. Cones, ----- Complainant.

v). Chancery. No. _____ " Answers."

J. B. Cones, C. A. Cones, and
Josephine Redd, who was Cones, ----- Respondents.

The joint and separate answer of J. B. Cones,
C. A. Cones and Josephine Redd to a bill in equity
exhibited against them, in the Circuit Court of the
County of Isle of Wight, State of Virginia, by W. H.
Cones.

These defendants for answer to the said bill,
or to so much thereof as they are advised it is material
and proper that they should answer, do answer and say that
the allegations made in the said bill are true and correct,
and that they concur in the prayer of the bill, and recomm-
end that the Court make sale of the lot or parcel of land
mentioned in the said bill of complaint in accordance with
the prayer of said bill.

And now having fully answered these defendants
pray to be hence dismissed with their cost in this behalf
expended, etc.

Josephine Redd.
W. H. Cones
J. B. Cones

Virginia: Circuit Court Isle
of Wight County.

W. H. Cones, Complainant.

v). Chancery. No. 511

J. B. Cones, C. A. Cones,
and Josephine Redd,
Respondents.

Answer of J. B. Cones,
C. A. Cones and Josephine
Redd.

Aug. 15-27.
Filed N.G.E.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT ISLE OF WIGHT COUNTY.

W. H. Cones, ----- Complainant.

v). Chancery. No. _____ "Bill of Complaint."

J. B. Cones, C. A. Cones and
Josephine Redd, who was Cones, ----- Respondents.

TO THE HONORABLE BENJAMIN DEY WHITE,

Judge of the Circuit Court of the County of
Isle of Wight, State of Virginia:

Your complainant, humbly complaining, sheweth un-
to your honor the following cause, to-wit:

That your complainant's mother, Rebecca Cones, was
in her lifetime seized and possessed of a certain lot or
parcel of land situate, lying and being in the County of
Isle of Wight, State of Virginia, at or near the village of
Colosse, and being so seized and possessed of the said real
estate, sometime during the year 192____, the said Rebecca
Cones departed this life intestate, leaving your complainant,
J. B. Cones, C. A. Cones and Josephine Redd, who was Cones,
her only children and heirs at law, all of whom are adults.

And your complainant further states, that the said
real estate is, as he believes, susceptible of partition, as
a whole, among those entitled to share therein; but should
it not be susceptible of partition, conveniently and to
advantage, then your complainant believes, and here states,
that the interest of those entitled to share therein, will
be promoted by a sale of the entire subject, and a division
of the proceeds among them.

In tender consideration whereof, and forasmuch as
your complainant is remediless in the premises, save in a
court of equity, where matters of this kind are alone and
properly cognizable, he prays that the said J. B. Cones,

C. A. Cones and Josephine Redd, be made parties defendant to this bill, and required to answer same, tho not under oath, answer under oath being hereby expressly waived; that proper process issue; that the said real estate be divided among the parties entitled to share therein, or if it cannot be conveniently and advantageously divided, that it may be sold and the proceeds arising therefrom be divided among those entitled to share therein; that all proper orders and decrees may be made, accounts taken and inquiries directed; and, that your complainant may have such other, further and general relief as the nature of his case may require and to equity shall seem meet.

Notice is hereby given that the court will be requested to make such allowance to the attorney for the complainant as shall seem proper.

And as in duty bound your complainant will ever pray etc.,

M. A. Cones
Complainant.

Johnson and Stephens, f. c.

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Virginia: Circuit Court Isle
of Wight County.

W. H. Cones, Complainant,

v). Chancery. No. 511

J. B. Cones, C. A. Cones,
and Josephine Redd,
Respondents.

Bill of Complaint.

1927
Aug. 15- Filed in open Ct.
A. G. E.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut