

1930-002 Chancery Causes: Addie C. Joyner's estate vs E. S. Joyner vs J. Joyner vs
Dish of Wight County W. D. Joyner & C. S. Joyner vs E. S. Joyner vs J. Joyner vs
Petition of the Southern Distributing Company, Incorporated vs
Petition of Lucille E. Joyner
Petition of Mattie C. Joyner
Petition of Helen W. Joyner

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other surnames: [Cumberland Lumber Company], Leathers, [Bank of Windsor], Rowell, Wilson, [Gilbert Brothers Company, Incorporated], [Nansens and Grocery Company, Incorporated], Gilbert, Bailey, Woodward, Saunders, Whitley, Seward, Gwaltney, [C. W. Bailey & Son], Porter, Brown, Kilby, Watkins, Butler, Babb, Rhodes, McTague, Deans

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

Joyner's executors

vs) Chancery 257

Joyner et als.

The depositions of J. W. Babb, and others, taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, State of Virginia, on the 19th. day of April, 1917, to be read as evidence in the above entitled chancery cause undetermined and pending in said court.

A. S. Johnson

Commissioner.

J. W. Babb being duly sworn, desposes and says:

Q. Please state your name, age, residence and occupation? A. My name is J. W. Babb, I am fifty nine years of age, I live in Isle of Wight County; and am a farmer.

Q. Have you, of late, been upon the land, in the County of Isle of Wight, of which Addie C. Joyner died siezed and possessed? A. Yes sir.

Q. For what purpose did you go there? A. I was asked to go there to look at the land to make an appraisement of it.

Q. What is your estimate of a fair fee simple value of the land? A. Take everything into consideration, I think eight thousand is a fair price for it. In my judgment that is the top of the market for it.

Q. What do you think a fair annual value for the land? A. I believe it should bring five hundred dollars a year provided the dwelling house, the out buildings and the fences were in good shape.

Q. What is the condition of the dwelling house, the out buildings and the fences? A. The condition of the dwelling house looks, from the outside, to be very bad. The top of it looks like it is rotten and it is in general bad condition. The outbuildings look very poor and out of shape to me, and if the farm was productive there are not sufficient buildings upon it to hold what would or should be made. The fences are in bad shape, a lot of posts are needed and some new wire.

Q. I read to you the third clause of the will of said A. C. Joyner. Do you or do you not think it practicable to follow the provisions of this clause? A. I do not think so, because the indebtedness of the estate, the taxes and insurance, and ordinary repairs to the buildings will require as much or more than the income from the farm in its present condition.

Q. I read to you the fourth clause of the will. Do you think that

it is practicable or advisable to follow the provisions of this clause? A. It does not look so to me. Should it be divided half and half, unless the children of F. D. Joyner had right smart capital it would be impossible for them to make a home of it. In fact I do not see how the land could be advantageously divided half and half with any profit to either half. The fact that the timber on the land is already sold would make it impossible to make an equal division of it.

Q. Do you think that the land can be conveniently divided among the several parties entitled to share therein? A. I do not think so.

Q. Do you know of any party in interest who will take the whole property and pay the others for their shares? A. No sir, I do not.

Q. Will it be to the interest of the parties to make a sale of the whole and divide the proceeds, or by an allotment of a part and a sale of the residue? A. I think it will be to the interest of all the parties to sell the whole and make division of the proceeds of sale. It would not be convenient to allot a part and sell the residue. It would promote the interest of all parties to make sale of the property as a whole and divide the money according to law.

I want to say that Mrs. Joyner, Mrs. Floyd Joyner, who now lives on the place, has told me that unless some repairs were made to the dwelling house that she could not stay there any longer, on account of its bad condition. The house, she states, leaks badly.

Q. Please state, in your judgment, what amount of money it would take to make proper repair of the dwelling house and outbuildings and fences to put the farm in fairly good shape to be desirable for a good man to go there and work it, properly work it? A. I reckon you could take four thousand dollars and fix things so that you could get along there.

And further this deponent saith not.

J. W. Babb

W. J. Rhodes being duly sworn, deposes and says:

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

My name is W. J. Rhodes, I am forty six years of age, live in Windsor, in this County, and my occupation is merchant.

Q. Have you recently been upon the land, in Isle of Wight County, of which Mrs. A. C. Joyner died siezed and possessed? A. Yes.

Q. For what purpose did you go? A. I went for the purpose of making an appraisement, in company with Mr. J. W. Babb and Mr. A. Lee Saunders.

Q. What is your estimate of its fee simple and annual values? A. I think it is worth eight thousand dollars, and with an expenditure of a thousand or fifteen hundred dollars in the repair of the buildings I think it would rent for five hundred dollars a year.

Q. You have read the third and fourth clauses of the will of the said A. C. Joyner-do you or do you not think it practicable to follow the provisions or said clauses or either of them. A. My answer to that question would be that the only convenient method of division of the property is by a sale of the whole and a division of the proceeds of the sale. No other method, in my judgment would be convenient or profitable to the parties, or any of them, who are entitled to its proceeds.

Q. How much of the land do you think open and how much wood land? A. From the best judgment I can place upon the there is about one hundred and fifty acres open and the balance in woodland.

Q. What condition is the open land in? A. In only fair condition.

Q. In your opinion what amount of money would be required to put the place in fair condition, buildings, fences and ditches.

A. Twenty five hundred dollars would, I believe, make it livable.

And further this deponent saith not.

W. J. Rhodes

A. Lee Saunders being duly sworn, deposes and says? A. My name is A. Lee Saunders, I am fifty three years of age, live in Windsor, in this County, and am a farmer.

Q. Have you, recently, been upon the land, in this County of which Mrs. A. C. Joyner died siezed and possessed? A. A yes sir- I went there on yesterday, for the purpose of making an appraise-ment of the place.

Q. Please state what you think is a fair fee simple and a fair annual value of the land? A. I would think eight thousand dollars is a fair fee simple value of the land, and for the annual value, and if the place was in a livable condition I believe it would rent for five hundred dollars. As it is it is not desirable, for no one could make out to live there.

Q. Had you to divide the property among the parties entitled to share in it, having in mind the provisions of the will of Mrs. Joyner, how would you do it? A. The only convenient way that I could do it, having regard to the interest of all of the parties, would be to sell it and divide the money obtained from such a sale.

Q. What do you think would be necessary to put the place in a livable condition to induce a desirable teneant to go there and work the place? A. I should think it would take twenty five hundred or three thousand dollars. If I were going there to make a home I should want as much as five thousand dollars to put in it. I would spend that much and believe it would be money well spent.

And further this deponent saith not.

A. Lee Saunders.

E. L. Joyner being duly sworn, desposes and says:

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

E. L. Joyner, I am forty eight years of age, reside in Norfolk, in this State, and am a salesman.

Q. When did Mrs. A. C. Joyner die? A. She died in June 24th. 1916.

Q. Are you the E. L. Joyner mentioned in her will? A. Yes.

Q. Please give the names of your wife and children and the ages of them? A. My wife's name is Lillian E. Joyner, her age is thirty eight years: my children are Dorris L. Joyner, eighteen years of age the fourteenth of next May; Edwin Owens, will be eleven years twenty ninth of the coming May.

Q. What debts are due the estate of said A. C. Joyner and the nature of same? A. My half brother, Mr. C. F. Joyner, one of the executors named in thw will, has kept a record of the accounts and he can testify about that better than I can, except what I owe the estate myself.. On 1st. day of January, 1910, we had a settlement of our accounts, my mother, Mrs. A. C. Joyner, and myself, and since that time I owe as follows: Fifty dollars gotten on the 17th. of February, 1913: one hundred and fifty dollars, gotten January 28th., 1916: thirty five dollars, February, 1916: thirty dollars March 12th. 1916: and twenty five dollars March 31st. 1916:

Q. Do you know of any debts due the estate? A. I have no personal knowledge of any more, other than those mentioned in the will.

Q. As one of the executors of the last will and testament of the said A. C. Joyner, do you or do you not think it is practicable to carry our the provisions of clause three of the will? A. I do not, for three reasons: (1) I do not see how it can be done with the indebtedness against the estate and the condition of the farm: (2) I know, als, when she made this will that she thought that whe she died all of the debts would be paid: (3) I know that she contemplated, before she died, selling the p ace, and to make provision for the children in other property.

Q. With your knowledge of the farm do you think it practical to divide the farm? A. No, I do not. I was born and raised there

and know it well.

Q. In your judgment what you deem is the best way to dispose of this real estate? A. To sell it as a whole and make division of the money.

Q. If the court should so construe the will as to give you and your co-executor the authority to sell this property and to make to a purchaser a good deed therefor, what would be your position with regard to the same, that is as to whether or not you would favor holding it together or making division, in some manner, of it? A. If as much as eight thousand dollars could be obtained for the property I should favor selling it and dividing the proceeds of sale.

Q. Under the 7th. clause of the will, your mother makes mention of some life insurance-- is there any in force on your life? A. I, prior to January 1st. 1910, borrowed some money of her, and had my life insured for the sum of one thousand dollars, for her benefit, as protection against loss on account of this loan. After I made settlement with her, on January 1st. 1910, she assigned her interest in this insurance policy to my wife. There is none now in force on my life for her benefit.

Q. The tenth clause of the will directs that a tombstone be placed at her grave and a good and substantial fence be out around it-- has this stone and fence been erected? A. No.

Q. Do you intend to erect the stone and fence? A. Yes sir.

Q. How much do you estimate it will cost? A. not to exceed a hundred dollars.

And further this deponent saith not.

E. L. Joyner

C. F. Joyner being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. C. F. Joyner, am sixty years of age, reside in Windsor, in this County, and am a merchant.

Q. Are you one of the executors named in the last will and testament of A. C. Joyner, deceased? A. Yes sir.

Q. Have you qualified as such? A. Yes sir.

Q. What debts were due by A. C. Joyner, at her death? A. There is a deed of trust debt, the deed of trust being of record, the indebtedness now being held by the executors of the estate of J. G. Wilson: She was endorser on the following notes: one of \$100.00, made by C. S. Joyner, dated Feb. 1st. 1915, payable ninety days after date: one of E. L. Joyner, for \$12.50, dated Aug. 22nd. 1912, payable to A. C., E. J. and C. F. Joyner, payable sixty days after date: one for \$45.00, made by E. L. Joyner, on all of which, there is a protest fee; the last two of which are in possession of myself, having been paid by me, and are included, with the protest fees, in my account against the estate. I owe the estate one hundred and forty dollars, with interest on \$200.00 from August 1st. 1915 till July 10th. 1916; and on the one hundred and forty dollars from then till now. The original debt was \$200.00. From Wesley Porter, a colored man, there is due \$_____; and from Sam Brown there is due \$_____. The collection of both of them are doubtful.

Q. What debts are due by the estate of A. C. Joyner? A. They are

Jesse H. Gwaltney,.....	\$ 1.79
R. Lee Seward, ...	31.50
C. W. Bailey & Son,.....	90.00
C. F. Joyner,.....	272.13

No fees or taxes have been paid for admitting the will to probate, and the qualification of the executors, and the taxes on the land have not been paid for two years.

Q. Was any part of the crop raised on the land during the year

1916, the property of A. C. Joyner? A. Yes sir. Her share of the crops raised amounts to \$124.72, which amount is in the hands of the executors,, less the expense of housing and otherwise handling the crop, which is \$43.45, leaving a net balance due to the estate of \$81.27. There is some corn and fodder on the place now belonging to the estate, probably ten or twelve barrels, and about six or seven hundred pounds of fodder.

Some time during the sickness of Mrs. Joyner, which covered a period of some eighteen months, she was perfectly helpless for some eight months, and had to be nursed like a baby, and she stated to me, on several occasions, that she expected Mattie (Mrs. M. C. Joyner) to be paid for her services. I believe that the services rendered by Mrs. M. C. Joyner were worth as much as two hundred dollars. She has made a bill for that amount, and I consider it reasonable.

Further than this I know of no debts due by the estate.

Q. Do you think it practical to make disposition of the property as provided for in the 3rd. clause of the will? A. At one time I was disposed to try to handle it that way, but with the indebtedness against the estate, and its condition, I saw it was impossible, and I think that some other disposition of the property would far more beneficial for all parties in interest.

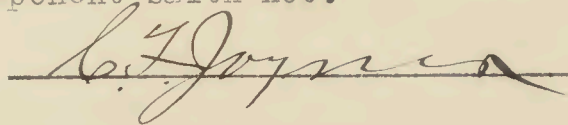
Q. What disposition, in your judgment, will be most convenient and advantageous? A. I think the best disposition to be made of the estate is to sell it and to divide the proceeds among those entitled to share therein. I do not believe the land could be divided, to any advantage, among the parties, or any allotment of part and sale of the residue, which would be at all profitable. In fact I believe that any method than a sale and division of the proceeds would result in a loss.

Q. The sixth clause of the will states that there is something owing by W. D. and C. Shelton Joyner- please state what it is? A. That clause mentions a pea picker and engine and a mule. The

mule should be charged against all the F. D. Joyner's children; but the peanut picker and engine should be charged against W. D. and C. S. Joyner, which is five hundred dollars for the peanut picker, with interest from February 17th. 1913, and the engine, amounting to \$170.00, with interest from January 5th. 1916. The amount for the mule is fifty one dollars and twelve cents, with a dollar and a half protest, which I have mentioned previously and which is included in my account against the estate. Interest runs on this amount from January 13th. 1915.

Another note, for fertilizer bought from W. J. Rhodes, was paid by her, during her life, for M.C. Joyner and the children of F. D. Joyner, the amount paid being \$57.00, and which is properly chargeable against the interest of F. D. Joyner's children, and twelve dollars, of the same obligation, additional to the \$57.00, is properly chargeable against the interest of E. L. Joyner, she having had to pay it for him.

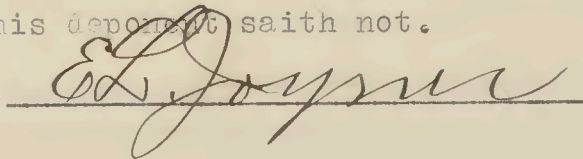
And further this deponent saith not.



E. L. Joyner recalled:

Q. Mrs. M. C. Joyner has presented a claim against the estate for \$200.00 for services rendered to Mrs. A. C. Joyner, as special nursing, during her illness-do you know of this claim, and if so state what? A. Mother was ill during a period of some eighteen months, eight months of which she was practically helpless, and had to be attended like an infant. I think the claim reasonable.

And further this deponent saith not.



M. C. Joyner being duly sworn, deposes and says:

Q. Please state your name, age, and residence? A. Mattie C. Joyner, I am forty eight years of age, and am a resident of Isle of Wight County.

Q. Are you the widow of F. D. Joyner? A. Yes sir.

Q. State the names and ages of your children, please? A. William D. Joyner, aged twenty four years: Charles Shelton Joyner, aged twenty two years: Lucille E. Joyner, aged twenty years: Henning Gordon Joyner, aged eighteen years: Dudley F. Joyner, aged sixteen years: Robert Allen Joyner, aged fifteen years: Adelle C. Joyner, aged eleven years: Helen Wills Joyner, aged eight years:

Q. Are you familiar with the term of the will of Mrs. A. C. Joyner? A. Yes sir.

Q. Do you think that it is practical to hold the estate together as provided for in the third clause of the will? A. I do not see any prospects to do so with advantage to any one.

Q. What is your idea as to what best to do with the estate? A. I think it will be better to sell the property, and take the money derived from such a sale and distribute it under the supervision of the court.

Q. What is the condition of the property at present? A. The dwelling house need a new roof, entirely, some of the brick work is crumbling, and the plastering, a good deal of it is down. The outbuildings are in very bad shape and much in need of repairs, and everything else there. All of the buildings are very old and they are going back very rapidly.

Q. You have presented an account against the estate for two hundred dollars for services rendered the decedent, Mrs. A. C. Joyner, during her last illness? A. Yes sir.

Q. State, specifically, what this covers? A. She was down in her bed, practically all the time, for eighteen months prior to her death, and it was necessary for her to be attended to like a child. She had no funds to employ a trained nurse except to further encumber her property, and she agree with me that I

should be paid

should be paid out of her estate, by her executors, if I would wait upon her; and, to save as much as I could for the estate I agreed to do so, and have presented a bill for a moderate amount, compared with the services I rendered to her. Had a trained nurse been employed the expense would have been at least fifty or seventy five dollars a month, or more.

Q. What was the specific language used by Mrs. Joyner when she promised you that you should be paid, as well as you can recall?

A. She mentioned the matter to me many times after the first time, and as far as I can remember her general remark was that I was doing a great deal for her, in fact much more than any one else, and she had told Crawley (Mr. C. F. Joyner) many times that she wanted him to pay me out of the estate for my services. No specific amount was named, but she asked me several times to put in my bill for the services rendered her, stating to me that she had arranged for it to be paid.

And further this deponent saith not.

M. E. Joyner.

Lucille E. Joyner being duly sworn, deposes and says:

Q. Please state your name, age and residence? A. My name is Lucille E. Joyner, I am twenty years of age, and live with my mother, Mrs. M. C. Joyner, in Isle of Wight County.

Q. State what you know about any promise your grand-mother, Mrs. A. C. Joyner, made to Mrs. M. C. Joyner, your mother, for nursing her during her last illness? A. When she was first taken sick she mentioned the fact that she needed a nurse, and I then heard her say to mother that she should be paid for nursing her, and several times after that I heard her repeat, or about so, the same words. All during her sickness I felt satisfied that mother was going to be paid for I had heard grand-mother say so so many times, and that she had arranged for her to be paid, I have heard her say that she would not be willing

for her to wait upon her unless she would be paid, and that she expected her to be paid out of her estate, for she had directed uncle Crawley to pay her.

And further this deponent saith not.

Lucille Joyner

A. C. Joyner.

E. L. Joyner.

\$100.⁰⁰/₁₀₀

Windsor, Va., Feb - 1 - 1915

ninty

days after date 9 promise to pay unto

A. I. Sawyer

or order, negotiable and payable

without offset, at the BANK OF WINDSOR, INC., WINDSOR, VIRGINIA,

and

hundred

DOLLARS,

for value received, with ten per cent. for cost of collection; and it is hereby agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

P. O. Windsor Va

due May 2-1915-

C. S. Sawyer

Notary Public
Protessed for Payment

Notary Public

CHARLES

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

Addie C. Joyner's executors

vs) Chancery. 257.

E. L. Joyner et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioner's in
Chancery of y ur 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 2nd. day of April, 1917,
respectfully reports that on the 19th. day of April, 1917,
at his office, at Isle of Wight Courthouse, after due no-
tice to all the parties, your commissioner proceeded with
the execution of said decree; and from the evidence taken
by him, on the date aforessaid, and from references to the
records in the Clerk's Office of this Court, your commiss-
ioner is informed and reports, as follows:

1. The said Addie C. Joyner, or her estate, owes
following named debts, to-wit:

✓ (1) A debt of \$1200.00, evidenced by a negotiable
promissory note, dated December 25th. 1915, payable to Bank
of Windsor, secured by a deed of trust upon the real es-
tate of decedent, now, according to the testimony of C.
F. Joyner, one of the executors of said estate, filed here-
with, held by the executors of John G. Wilson, deceased.

(2) The sum of \$100.00, evidenced by a note, payable to A. I. Saunders, dated February 1st. 1915, payable ninety days after date, with a protest fee of \$1.57, said note being made by C. S. Joyner, one of the children of F. D. Joyner, and a grand child of the said A. C. Joyner, and a distributee of the estate of said A. C. Joyner, and upon which the said A. C. Joyner is endorser. The amount of this note will have to be paid by the estate of said A. C. Joyner, which estate will have to be reimbursed by said C. S. Joyner in the event his portion of said estate will fully pay all claims against him, and of not then pro-rata. The note here mentioned is filed herewith.

An account of C. F. Joyner, amounting to the sum of \$272.13, in which account is included three notes upon which A. C. Joyner was endorser, and which he has paid for her estate, out of his own funds, the amounts paid by him being as follows:

- (a) A note, made by E. L. Joyner, and endorsed by said A. C. Joyner, face and protest fee \$13.84
- (b) A note, made by D. D. Joyner, and endorsed by said A. C. Joyner, face and protest fee, \$46.73
- (c) A note, made by M. C. Joyner, and endorsed by said A. C. Joyner, face and protest fee, \$52.62.
- (4) An account of George F. Whitley, Attorney, \$36.00
- (5) An account of R. L. Seward, D.D., \$31.50
- (6) An account of J. H. Gwaltney, for \$1.79
- (7) An account of C. W. Bailey & Son, \$90.00
- (8) An account of M. C. Joyner, for \$200.00
- ✓ (9) Taxes on real estate for 1915 and 1916, due the treasurer of this County, amount not ascertained.
- (10) Fees for qualification of executors, and admitting will to probate, as well as tax on same, due the Clerk of this County, amount not ascertained.

It will be noted that one of the notes paid by C. F. Joyner, included in his account, mentioned above, is made by M. C. Joyner, who has an account against the estate, and out of which, if allowed, her indebtedness to the estate should be taken. It is also true that the notes paid by said C. F. Joyner for the estate, which were made by B. L. Joyner, should be deducted from his share of said estate, when ascertained.

II. The following debts are due the estate of said A. C. Joyner, to-wit:

(1) A debt of \$200.00, due by C. F. Joyner, with interest thereon from August 1st. 1915 till paid, subject to a credit of sixty dollars as of the 10th. day of July, 1916.

(2) A debt of \$_____, due by Wesley Porter, a colored man, the collection of which is doubtful.

(3) A debt of \$_____, due by Sam Brown, a colored man, the collection of which is doubtful.

Your commissioner could not ascertain the exact amount of these debts when taking the testimony, but both are small.

III. At the time of her death, the said A. C. Joyner was possessed of a little chattel estate in the nature of some crops raised upon her land, or in cultivation, the net proceeds of which amount to \$81.27, which is now in the hands of the executors. There remains, unsold, some ten or twelve barrels of corn, and some six or seven hundred pounds of fodder.

She was possessed of real estate as follows, to-wit: A certain lot or parcel of land, situate near Orbit, in the County of Isle of Wight, conveyed to her by John R. Kilby, Special Commissioner, by his deed bearing date on the 5th. day of July, 1875, and is of record in the Clerk's Office of this

court in Deed Book No. 43, page 502. This tract was conveyed to her as six hundred acres. It is not valued, upon the land book for 1916, at \$2500.00 and is listed at 475 acres.

Said A. C. Joyner, by deeds bearing date October 17th., 1901, conveyed to Junius Watkins and to Adolphus Butler tracts of thirty five and one hundred and thirty five acres, respectively, from the tract conveyed to her by Kilby, Commissioner. These deeds are of record in said Clerk's Office in Deed Book No. 66, beginning at pages 560 and 562, respectively.

Said A. C. Joyner, by her deed bearing date October 22nd. 1906, and of record in Deed Book No. 73, page 628, conveyed to Cumberland Lumber Company all timber and trees, ten inches and upwards, across the stump, outside measurement, on a part of this land, estimated as containing 125 acres, and gave ten years, with privilege of five years more, to cut said timber, as well as certain rights, privileges and easements, all of which are mentioned in the deed. The Cumberland Lumber Company has, since that time, aliened said timber, timber rights, privileges and easements, to the Surry Lumber Company, which is now the owner thereof.

IV. There is only one lien, of record, against said real estate, in the name of Addie C. Joyner, and which is a deed of trust lien, for twelve hundred dollars, mentioned in the first clause of this report.

There are some judgments, of record against the distributees of the said A. C. Joyner, or the beneficiaries under her will, which are enumerated hereinafter, in the last clause.

V. It does not appear that the rents and profits, within five years, will be sufficient to pay off the indebted-

edness against the estate, pay the taxes and insurance premiums, and make the necessary repairs and improvements to the property in order to get some one to live there and run the farm in a proper manner. In fact, were it deemed that such could be done, it is more than likely that some creditor of some party in interest against whom there are judgment liens, would file a bill asking subjection of that interest to the payment of such debt or debts.

VI. From the testimony filed it seems impracticable to manage the whole of the estate as provided in the third clause of the will.

VII. No tomb stone or fence has been erected at the grave and around the burial plot of decedent.

VIII. It does appear, from the testimony, that it is practicable, and advisable, to dispose of the property, as directed in the latter part of the fourth clause of the will, that is to say, to sell it as a whole and to divide the proceeds of such sale among the several parties entitled thereto, as their interests appear under the said will. No other method of management of the property seems practical, from the testimony taken and herewith filed.

It will be noted that the testator calls C. F. Joyner and E. L. Joyner managers: It seems, however, from a proper construction of the will, that she intended they should be the executors thereof, and used the word "managers" because of lack of technical knowledge of such matters. She wrote the will, with her own hand, and it is hardly to be supposed that she was sufficiently versed in the law to discriminate between the two words, and their technical meaning. Her clear intent

seems to have been, from a full reading and reasonable construction of the will, to give to her executors or managers full power and authority to manage the estate to the best interests of those who are the recipients of her bounty, and, after suggesting several plans finally gives them the power of disposal and distribution of the proceeds. While she does not mention, specifically, that they shall have the power of conveyance, to give them the power to sell and not to convey would be a vain thing and meaningless. Under the general construction of such instruments, as laid down by our court, it is evident that the executors have full power to sell and convey the said real estate.

In this connection, however, your commissioner recommends that the executors, if the Court decrees that they have the power to make conveyance of the property, should execute a new bond with ample security. This has been suggested to your commissioner by some of the parties in interest, and it is believed to be a proper course to pursue. While the will asks that no security be required of them it is also true that the testator desires that the children of her two sons, F. D. Joyner and E. L. Joyner, shall have proper benefit of what is their due, and prudence and wisdom would prompt throwing around the children, and especially the infants, all the protection permissible.

IX. It appears that no insurance policy, upon the life of E. L. Joyner, for the benefit of the said A. C. Joyner, is now in force.

X. The real estate in the bill mentioned cannot be conveniently divided among the several parties entitled to share therein.

XI. It does not appear that any party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to.

XII. It appears, as before stated, that a sale of the entire property, and a proper division of the proceeds among the several parties entitled to share therein, the parts accruing to the said infants to be invested as provided in the will, or, if the Court shall deem it to the best interest of the infant defendants to have it invested under the supervision of the Court, will be the most advantageous manner to dispose of the matter, and that no party will be prejudiced thereby.

XIII. After the payment of the just debts of the decedent, the property then belongs to, per stirpes, the children of F. D. Joyner and E. L. Joyner, in equal shares, that is to say one half to the children of F. D. Joyner, and one half to the children of E. L. Joyner, the said E. L. Joyner having a life estate in that part which goes to his children. The said F. D. Joyner having departed this life many years ago, and before decedent herein mentioned, his children will take their share at once.

The location of the property mentioned is in Isle of Wight County, near Orbit, and consists of four hundred and seventy five acres, about one hundred and fifty of which is clear, with a dwelling house and some out buildings, in very bad condition, all of them, being on the property, and the land needing fences, in part, and much improvement.

The annual value of the said land, if the buildings are put in proper condition to induce a good tenant to go there to live and work the farm, should be five hundred dollars, and the fee simple value seems to be eight thousand dollars, or near to that figure.

XIV. The proper and necessary parties to this suit appear to be properly before the court, their names and ages being as follows, to-wit: E. L. Joyner, forty eight years of age: his children are: Dorris L. Joyner, aged eighteen years: and Edwin Owens Joyner, aged eleven years: his wife is Lillian E. Joyner, aged thirty eight years.

The children of F. D. Joyner are: William D. Joyner, aged twenty four years: Charles Shelton Joyner, aged twenty two years: Lucille E. Joyner, aged twenty years: Henning Gordon Joyner, aged eighteen years: Dudley F. Joyner, aged sixteen years: Robert Allen Joyner, aged fifteen years: Adelle C. Joyner, aged eleven years: Helen Wills Joyner, aged eight years.

E. L. Joyner, and his family, are residents of the City of Norfolk, in Virginia; and F. D. Joyner's family are residents of this County. W. D. Joyner and C. S. Joyner are now sojourning in the city of Hopewell, but their residences are here. The facts in the clause stated are, in the main, in the evidence, but your commissioner is in personal knowledge of them as well, and though his personal knowledge is probably not good evidence, yet the matter being not of material weight it is deemed proper to make report as he has.

The residents^a of the infant defendants are, as stated, the children of E. L. Joyner in Norfolk, and the children of F. D. Joyner, in this County.

XV. The executors seem not to have done anything save and except disposed of a part of the crops raised upon the land mentioned in the year 1916, which has been heretofore stated.

XVI. There are several liens against the interests of two of the children of F. D. Joyner, namely: W. D. Joyner

and C. S. Joyner, to-wit:

(1) Southern Distributing Company vs. W. D. and C. S. Joyner, Circuit Court December 21st., 1914, for \$740.53, with interest thereon from June 23rd., 1914, till paid, and \$7.18 costs: docketed January 15th. 1915, and docketed in Docket No. 3, page 176.

(2) Gilbert Bros. Co., Inc. vs. W. D. Joyner, judgment of A. L. Saunders, J.P., August 3rd. 1915, for \$11.32, with interest from Aug. 3rd. 1915 till paid, and \$2.25 costs; docketed September 20th. 1915, in docket No. 3, page 184.

(3) Nansmond Grocery Co. vs. W. D. Joyner, judgment of A. L. Saunders, J.P., December 12th. 1915, for \$31.50, with interest from June 11th. 1914, and \$2.25 costs: docketed September 20th. 1915, in Docket No. 3, page 184.

(4) A judgment of Lorenza Bailey vs. C. S. Joyner and M. C. Joyner, for \$92.62, with interest from December 6th. 1916 till paid and \$2.75 costs. This judgment is subject to a credit of some amount not now known to the Commissioner. The abstract of the judgment has been sent to the Clerk's Office, was in the said office on the date of taking the testimony in this case, and to which your commissioner had access, but there being some clerical error in the papers, they all have been returned, by the Clerk, to the Justice for correction. The amount of the credit can be obtained at a later date, and before any distribution is made of the estate, if it has then been filed, and if not it can be left out of the accounting entirely. The plaintiff in the judgment has been notified by the Commissioner that his judgment should be promptly looked after and docketed.

The claim of M. C. Joyner, for nursing decedent in her last illness, has had especial attention of your commissioner, and all authorities consulted available to him; after which he has arrived at the conclusion that the contract had and made by and between the said A. C. Joyner and M. C. Joyner

is of sufficient definiteness to base the claim upon; and that the account is reasonable and just, and should be allowed.

Especial attention of the court is called to the present condition of the property, as to the ruinous condition of the dwelling house and outbuildings, according to the testimony, and the absolute necessity of disposing of the property very soon or making provision for its proper repair and preservation in order to save the interests of the infant defendants.

Respectfully submitted,



Commissioner

Commissioner's fee,.....\$25.00

Supplementary to the above report your Commissioner recommends that J. W. Babb, A. Lee Saunders, and W. J. Rhodss be allowed a reasonable sum, not less than \$2.50 each, for their services in going upon the land and making an examination thereof for the purpose of making an intelligent estimate of its value. \$5.00 each will not be excessive.

Respectfully,



Commissioner.

9
Joyner's Executors
v Chanery No 257
Joyner et al

Report of Court in Chanery

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

April 21 1917
Filed

Teste, *A. Johnson* Clerk

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT:

We command you that you summon E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, ~~Wm. D. Joyner~~, and C. Shelton Joyner, adults: and Dorris L. Joyner, ^{Dudley} ~~Douglas~~ F. Joyner, Robert Allen Joyner, Adelle C. Joyner, and Helen W. Joyner, infants: to appear at the Clerk's Office of the Circuit Court for the County of Isle of Wight, at the rules to be holden for said court, on the third Monday in January, 1917, to answer a bill in chancery exhibited against them, by E. L. Joyner and C. F. Joyner, executors of the last will and testament of Addie C. Joyner, deceased. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 13th. day of January, 1917.

Teste, A. S. Johnson Clerk.

Parke P. Deans, p.q.

We hereby accept due, legal and sufficient service of this process.

E. L. Joyner
C. F. Joyner
E. L. Joyner
Lillie E. Joyner
Mattie C. Joyner

Jaymes Exrs.

W & Co 257

Jaymes et al

Proven

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

Jaymes 1917

Telephone Files

Testo, _____ Clerk.

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

Joyner's Executors etc

v.

Joyner et als.

The joint and separate answers of W. D. Joyner, C. S. Joyner and Mattie C. Joyner to a bill of complaint filed against them and others in the Circuit Court of Isle of Wight County by E. L. Joyner and C. F. Joyner Executors of the estate of A. D. Joyner.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, answer and say:

And further answer and say that the statements contained in the first nine paragraphs of said bill of complaint are true

But they deny that the said executors have the right or authority under said will of A. D. Joyner to sell the real estate.

And further they say that at a proper time they will show and explain any indebtedness that they may owe the estate of said A. D. Joyner.

And now having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

E. L. Joyner

W. D. Joyner

M. C. Joyner

7

Joyner's Executors etc

v.

Joyner et als

Answer of

W. D. Joyner, C. S. Joyner
and Mattie Joyner

PARKE P. DEANS

ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Jcyner's Executors etc.

v.

Jcyner et als.

The joint and separate answers of E. L. Jcyner and Lillie E. Jcyner to a bill of complaint filed against them and others in the Circuit Court of Isle of Wight County by E. L. Jcyner and C. F. Jcyner of the Estate of A. C. Jcyner, deceased.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, answer and say:

That they believe the statements in said bill of complaint to be true; that they do not object to the sale of the land as prayed for in the said bill; and that they concur in the prayer of the said bill.

We further believe that it will be beneficial to all parties of interest that the real estate be sold immediately. We further believe that it is not convenient and will be to a great expense for the executors to cultivate or lease the said real estate.

And now, having fully answered the complaints' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

E. L. Jcyner
Lillian E. Jcyner

5

Joyner's Executors etc

v.

Joyner et als

Answer of

E. L. Joyner and Lillie Joyner

VIRGINIA CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT

Apr 2 1917

Filed

Teste, Attest Clerk

PARKE P. DEANS

ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

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

Joyner's Executors etc.

v.

Joyner et als.

The joint and separate answers of Doris L. Joyner, E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner, infants under the age of twenty-one years, by Geo. F. Whitley, their guardian ad litem appointed to defend them in this suit, to a bill of complaint filed against them and E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, William D. Joyner and C. Sholton Joyner in the Circuit Court of Isle of Wight County by E. L. Joyner and C. F. Joyner, Executors of the Estate of A. D. Joyner, also the answer to a petition filed in this caused by W. D. Joyner and C. S. Joyner, petitioner.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint and petition, for answer thereto, do to so much thereof as they are advised that it is material they should answer, by their said 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 interests herein; and that they therefore commend themselves and their rights and interests to the protection of the court, and pray that no decrees may be entered that will tend to their prejudice.

And now having fully answered the complaints' bill and also the petition, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

Geo. F. Whitley
Guardian ad litem for Doris L. Joyner,

E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner, Helen W. Joyner - Infants

4
Jeyner's Executors etc.

v.

Jeyner et als.

Answer of Guardian ad litem.

VIRGINIA: CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

April 2 19 14

Filed
Teste, W. S. Johnson Clerk.

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

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Joyner's Executors Complainants

v. Chancery Suit Number 257

Joyner, et als.....Defendants

To the Honorable B. D. White, Judge:

Your petitioner, Helen W. Joyner, respectfully represents:

That by a certain decree entered in this cause on the 3rd day of April, 1918, in Chancery Order Book No. 7, page 458, C. F. Joyner and E. L. Joyner, Executors and Special Commissioners, were authorized and empowered to make a loan of the sum of Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) of the funds in this suit, which said sum belonged to five infant parties in the said suit, namely H. Gordon Joyner, Dudley F. Joyner, Robert A. Joyner, Adelle C. Joyner, and Helen W. Joyner, (the sum of FOUR HUNDRED AND NINE DOLLARS AND EIGHTY-SEVEN CENTS (\$409.97) being due each infant); that pursuant to such decree the said C. F. Joyner and E. L. Joyner, Executors and Special Commissioners as aforesaid, loaned to Mattie C. Joyner the aforesaid sum of Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) the payment of which was secured by a deed of trust from the said Mrs. Mattie C. Joyner on real estate in Nansemond County, which action was confirmed by a decree entered in this cause on the 3rd day of June, 1918, in Chancery Order Book No. 7, page 470; and,

That by a decree entered in this cause in May, 1924, the respective shares of H. Gordon Joyner, Dudley F. Joyner, Robert A. Joyner and Adele C. Joyner were released under them and the aforesaid executors and special commissioners were authorized and empowered to take from Mattie C. Joyner a second deed of trust on the real estate of

Mattie C. Joyner, in Nansemond County, to secure a bond payable to them in the sum of \$409.97 with legal interest thereon from April 16th, 1918, until paid, which said entire sum is the respective share of Helen W. Joyner in this cause.

That pursuant to said decree said deed of trust was duly executed by Mattie C. Joyner to Thomas L. Woodward, Trustee, to secure to C. F. Joyner and E. L. Joyner, Executors and Special Commissioners as aforesaid, the payment of aforesaid sum, which deed of trust is now of record in the Clerk's Office of the Circuit Court of the Nansemond County.

That your petitioner Helen W. Joyner is now over twenty-one years of age as shown by affidavit of the mother of your petitioner, Mattie C. Joyner, hereto attached, having arrived at the legal age April 22nd, 1930, and is entitled to said bond.

It is respectfully prayed that the Honorable Court order the aforesaid bond delivered to your petitioner.

And your petitioner will ever pray, etc.

X Helen W. Joyner
Petitioner

STATE OF NEW YORK,
CITY OF NEW YORK,
county of New York, to-wit:

I, Bend Flannigan, a Notary Public in and for the State and County aforesaid, do certify that Helen W. Joyner whose name is signed to the foregoing petition, personally appeared before me in the City, County and State aforesaid and made oath that the matters and things stated in the foregoing petition are true to the best of her knowledge and belief.

Given under my hand and Notarial Seal this 8th day of May, 1930.

My commission expires the

~~New York County Clerk's No. 430~~
~~New York County Register's No. 1-2-345~~
Kings County Clerk's No. 473, 19____.
Kings County Register's No. 1226
My Commission Expires March 30, 1931

Bend Flannigan
Notary Public

STATE OF VIRGINIA,
City of Suffolk, to-wit:

I, Minnie Lawrie, a Notary Public in and for the State and City aforesaid do certify that Mattie C. Joyner personally appeared before me in my City aforesaid, who being duly sworn, says that she is the mother of Helen W. Joyner and that the said Helen W. Joyner was born on the 22nd day of April, 1909, in Isle of Wight County, Virginia, and that the said Helen W. Joyner reached the age of twenty-one years on April 22nd, 1930;

And further affiant saith not.

Mattie C. Joyner
Affiant

Sworn and subscribed to before me this 7th day of May, 1930.

In witness whereof, I have hereunto set my hand this 7th day of May, 1930.

My commission expires the 2nd day of October, 1930.

Minnie Lawrie
Notary Public

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

Joyner's Executors
Complainants

v. Petition of Helen W.
Joyner

Joyner, et als
Defendants

CHANCERY CAUSE NO. 257

1430
May 27
Filed

HOLLAND & WOODWARD
ATTORNEYS AND COUNSELLORS AT LAW
SUITE 301-307 NATIONAL BANK OF SUFFOLK BUILDING
SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,
JOYNER'S EXECUTORS

vs.

CHANCERY SUIT NUMBER 257

JOYNER ET ALS

To the Honorable B. D. White, Judge:

Your petitioner, Mattie C. Joyner, respectfully represents:

First: That by a certain decree entered in this cause on the 3rd day of April, 1918, in Chancery Order Book No. 7, page 458, C. F. Joyner and E. L. Joyner, Executors and Special Commissioners, were authorized and empowered to make a loan of the sum of Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) of the funds in this suit, which said sum belonged to five infant parties in the said suit, namely H. Gordon Joyner, Dudley F. Joyner, Robert A. Joyner, Adelle C. Joyner, and Helen W. Joyner, (the sum of Four Hundred and Nine Dollars and Ninety-seven Cents (\$409.97) being due each infant); that pursuant to such decree the said C. F. Joyner and E. L. Joyner, Executors and Special Commissioners as aforesaid, loaned to Mattie C. Joyner the aforesaid sum of Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) the payment of which was secured by a deed of trust from the said Mrs. Mattie C. Joyner on real estate in Nansemond County, which action was confirmed by a decree entered in this cause on the 3rd day of June, 1918, in Chancery Order Book No. 7, page 470; and,

Second: That the said H. Gordon Joyner, Dudley F. Joyner, and Robert A. Joyner have become twenty-one years of age and are now adults; that Adelle C. Joyner is now eighteen years of age and Helen W. Joyner is now fourteen years of age; and,

Third: The said Adelle C. Joyner is in great need of her money due in this suit for her maintenance and support; that your petitioner, Mattie C. Joyner, is the mother of all the aforesaid infants and the said Dudley F. Joyner, Robert A. Joyner, Adelle C. Joyner and Helen W. Joyner are now residing with your petitioner; that

your petitioner desires to borrow the amount due Helen W. Joyner in this cause and secure the payment thereof by a second deed of trust on the aforesaid real estate, the first deed of trust to be in favor of the Federal Land Bank of Baltimore for Twenty-three Hundred (\$2300.00) Dollars; that your petitioner estimates the value of the aforesaid real estate to be Six Thousand (\$6000.00) Dollars or more, the said property being three miles from Suffolk on the new concrete road from Norfolk to Richmond, and rapidly enhancing in value:

In consideration whereof, your petitioner prays that the said C. F. Joyner and E. L. Joyner, Executors and Special Commissioners as aforesaid, in person or by their Attorney, shall be directed to release the aforesaid deed of trust for Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) in favor of C. F. Joyner and E. L. Joyner, Executors and Special Commissioners, upon the payment of the aforesaid indebtedness or upon receipts from H. Gordon Joyner, Dudley F. Joyner, and Robert A. Joyner for their respective shares of the aforesaid indebtedness and upon the receipt of Mattie C. Joyner showing that she has received the sum of Four Hundred and Nine Dollars and Ninety-seven Cents (\$409.97) for the maintenance and support of the said Adelle C. Joyner and upon the execution of a bond secured by a second deed of trust on the aforesaid property by Mattie C. Joyner for the sum of Four Hundred and Nine Dollars and Ninety-seven Cents (\$409.97) with interest from April 16, 1918, payable to C. F. Joyner and E. L. Joyner, Executors and Special Commissioners of the Estate of A. C. Joyner; and that all such other further and general relief may be had as the nature of this case may require or to equity shall seem meet,

And your petitioner will ever pray, etc.

Mattie C. Joyner
Petitioner.

VIRGINIA,
IN SENATE
FILED OF WRIT OF HABEAS CORPUS:

Joyner's Executors

257

v. Chancery Suit #257

Joyner, et als

FILED F. M. C.
JUN 11.

Filed -

May 29-24-

At N. A. Eam & J.
clw

THOMAS L. WOODWARD
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

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

Joyner Executors' etc.

v.

Joyner et als.

To the Honorable B. D. White, Judge of said Court:

Your petitioner, Lucille E. Joyner doth respectfully represent to the Court that she was twenty-one years old on the 28 day of December, 1917. And as such be the case she respectfully asks the Court to direct E. L. Joyner and C. F. Joyner, Special Commissioners and Executors in the above styled cause to pay to your petitioner the amount of money due her in said cause.

Respectfully submitted,

Lucille E. Joyner

State of Virginia:

County of Isle of Wight t -wit:

This day personally appeared before me, the above Lucille E. Joyner and made oath to the statements set forth in the above petition.

Subscribed and sworn to before me this ___ day of April, 1918

State of Virginia
County of Wight

19

Joyner & Co

v

Joyner & Co

Richard D. Lucille

E. Joyner

Apr 1918

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

Joyner's Executors

v.

Joyner et als.

To the Honorable B. D. White, Judge of said Court:

Your petitioners, Southern Distributing Company, Incorporated; Gilbert Brothers Company, Incorporated; Nansemond Grocery Company, Incorporated and Lorenza Bailey, respectfully represent:

They have judgments docketed as follows and reported by A.S. Johnson Commissioner in his report filed, April 21st, 1917:

(1) Southern Distributing Company vs. W. D. and C. S. Joyner, Circuit Court December 21st, 1914, for \$740.53 with interest thereon from June 23rd, 1914 till paid and \$7.18 costs: docketed January 15th, 1915 and docketed in Docket No. 3, page 176.

(2) Gilbert Bros. Co. Inc. vs. W. D. Joyner, judgment of A. L. Saunders J. P., August 3rd, 1915 for \$11.32 with interest from August 3rd, 1915 till paid and \$2.25 costs; docketed September 20th, 1915 in Docket No 3. page 184

(3) Nansemond Grocery Co. vs. W. D. Joyner, judgment of A. L. Saunders J. P., December 12th, 1915 for \$31.50 with interest from June 11th, 1914 and \$2.25 costs; docketed September 20th, 1915 in Docket No. 3, page 184.

(4) A judgment of Lorenza Bailey vs. C. S. Joyner and M. C. Joyner for \$92.62 with interest from December 6th 1916 till paid and \$2.75 cost.

We respectfully ask that we be made parties to the above-styled suit and further ask that such funds belonging to the said W. D. Joyner and C. S. Joyner be placed to the credit

of our claims in the order in which we are entitled.

Respectfully,

Loring & Bailey

by _____ Atty.

Southern Distributing Company

by Geo F. Whitley Atty

Robert Bros. Co. Inc.

by Paul Deane Atty

Nashua Iron Co

Paul Deane

19

Joyner's Executors

v.

Joyner et als.

Petition of
Southern Dis. Co., and
others

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

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

Joyner's Executors etc.

v. Petition

Joyner et als.

To the Honorable B. D. White, Judge of said Court:

The undersigned W. D. Joyner and C. S. Joyner, your petitioners respectfully ask that in connection with this petition that your Honor will consider as a part hereof, paragraphs one, two, three, four, five, six, seven, eight and nine of the bill of complaint as filed by E. L. Joyner and C. F. Joyner, Executors of the estate of A. B. Joyner, and further represent that while they do not believe that the said executors have the right to sell the said real estate, that they, the said petitioners said for a partition of the said real estate among the several heirs or devisees.

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

In consideration whereof, and forasmuch as your petitioners are remediless in the premises save by the aid of a court of equity, they pray that the said E. L. Joyner, Lillie E. Joyner, Doris L. Joyner, E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner and Hellen W. Joyner may be made parties defendant to this petition to be taken as a bill of complaint and required, but not on their oaths, to answer the same, the oaths being hereby waived, the said adults in their own proper persons, 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 and decrees may be made, accounts 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.

T. S. Jagger

W. S. Jagger

Petitioners.

Counsel.

Jeyner's Executors etc

v.

Jeyner et als.

Petition of W. D. Jeyner and
C. S. Jeyner.

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

Apr 2 1914

Filed

Teste, As Johnson Clerk.

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

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

E. L. Joyner and C. F. Joyner, Executors of the Estate of
A. C. Joyner, deceased. Complainants

v.

E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, William D.
Joyner, C. Shelton Joyner, adults; and Doris L. Joyner, E. Owens
Joyner, Lucille E. Joyner, H. Gordan Joyner, Dudley F. Joyner,
Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner,
infants under the age of twenty-one years. Defendants.

To the Honorable Judge of the Circuit Court of the County of
Isle of Wight:

Your complainants, E. L. Joyner and C. F. Joyner
Executors of the Estate of A. C. Joyner, deceased, respectfully
represent the following:

(1) That A. C. Joyner (widow) died on the ____ day of
____ 1916 at her residence in Newport Magisterial District,
Isle of Wight County, Virginia.

(2) During her life time she disposed of her personal
property, but died seized and possessed of the following des-
cribed real estate:

All that certain tract of land situate in Newport
Magisterial District, Isle of Wight County, Virginia, containing
four hundred and seventy five acres, more or less, and adjoins
the lands of Henry Griffin, E. W. Laine, J. D. Pittman, Geo. W.
Denson, Adolphus Butler, Junius Watkins and others. It being
the tract of land conveyed to said Joyner by deed from J. R.
Kilby Commissioner of record in the Clerk's Office of Isle of
Wight County in Deed Book 43 page 502.

(3) The said A. C. Joyner in her life time made her last will and testament, which was duly attested and on the 24th day of July, 1916 was admitted to probate in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia as will more fully appear from a certified copy of same with a codicile thereto, attached hereto marked "Exhibit W" and prayed to be read as a part of this bill.

(4) Under said will E. L. Joyner and C. F. Joyner were named as executors and as such duly qualified on the 15th day of January, 1917, a certification of same is herewith filed, marked "Exhibit Q" and prayed to be read as a part of this bill.

(5) During her life time she conveyed certain timber rights to the Cumberland Lumber Company, Incorporated on a part of her real estate. A certified copy of said contract is hereto filed marked "Exhibit A" and prayed to be read as a part of this bill.

(6) She also executed a certain deed of trust dated the 22nd day of December, 1915 to F. T. Leathers, Trustee to secure a certain negotiable note for twelve hundred dollars and payable to the Bank of Windsor, which Bank has duly assigned same to J. R. Rowell Jr., J. G. Wilson Jr. and Sadie F. Wilson, Executors of the Estate of J. G. Wilson; this debt is now due and payable.

(7) Your complainants have ascertained that there are other debts due by the estate, among same is the burial expenses account of attending physician during last illness and sundry accounts amounting to over three hundred dollars. In addition to this she was underser on some bonds and notes, for which the estate will be forced to pay.

(8) Your complainants further allege that no funds are available whereby they can pay the just debts and further state that the said indebtedness amounts to more than the rents

derived from the reale state will total within the next five years, at the same time providing for taxes and insurance.

(9) The said A. C. Joyner had two sons, E. L. Joyner and F. D. Joyner. The said E. L. Joyner is living and married to Lillie E. Joyner and they have two living children, Doris L. Joyner and E. Owens Joyner, both of whom are minors.

The said F. D. Joyner died prior to his mother leaving his widow, Mattie C. Joyner and the following children: William D. Joyner and C. Shelton Joyner, adults; and Lucille E. Joyner H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner, and Helen W. Joyner, minors.

(10) That upon the payment of legal claims against the estate, which will necessitate the sale of the real estate; the certain clauses of the will be materially effected and also the construction, validity and legal effect of certain provisions of said will is doubtful and inconsistent.

(11) That attention of the Court is called to clause 3 of said will, which is as follows:

I desire that my son E. L. Joyner and C. F. Joyner assistant, manage my whole estate as they think best for 5 years more or less, or so long as they think practicable, so as to keep a home for my deceased son's little children. The insurance and taxes on property to be paid out of rents, and the balance of rents to be spent on farm, after all my just debts are paid".

Your complainants are unable to construe the above clause as it is uncertain, indefinite, vague, impractical and impossible to carry into effect.

(12) It appears to be a conflict or uncertainty to your complainants when you read clause four and six of said will. Clause four is as follows:

"After trying the above plan and they find it not practicable or if any discord and they agree that it is best to

divide the farm half and half at once, and all personal and chattel property belonging to me, to do so, or if they think best to sell farm and other property as a whole, or in part, and divide the proceeds half and half after all my just and lawful debts and expenses are paid, to do so."

Clause six reads as follows:

The other half, less one half of my expenses, and debts, I bequeath to F. D. Joyner's children, (if sold), to be invested in real estate for their benefit after deducting from their half one note against F. D. Joyner, deceased for one hundred dollars, and interest from date May 1st, 1903. Said note was for money loaned him to help pay my burial expenses, also the notes I am endorser on for M. C. Joyner his widow and W. D. and C. Shelton Joyner, his sons; if I or my estate have them to pay, then the amounts must be deducted from the amount I have bequeathed to F. D. Joyner's children, and the makers of note M. C. Joyner, widow and W. D. and C. Shelton Joyner, his sons, must pay to F. D. Joyner's younger children the amount of said notes and costs, if any. The said notes were for a Pea Picker, an engine and a mule".

The meaning of "my burial expenses" is uncertain and further the note made being dated May 1st, 1903 is barred by Statute of Limitations, if this is claimed as a debt, otherwise under certain conditions.

Under this clause how long would such funds be invested for the minor children or would the amounts due each children be paid as they come of age or was it the intention of the deceased to provide from said funds a farm to be maintained as a home of said "little children", referring to previous clause number two, as given above.

(13) The deceased in addition to said will made a codicil which mentioned a certain deed of trust for five hundred dollars which has been canceled, but the amount named was paid by a loan secured under the deed of trust to F. T. Leathers mentioned above. In addition to this amount, other money was paid by A. C. Joyner for said W. D. and C. Shelton Joyner, settled since the date of her will.

The Court's attention is called to this clause in connection with clause six mentioned above, would the codicil supercede the clause six in its entirety or in part?

(14) Your complainants say that they have no funds to carry out the desire of the testatrix under clause ten. This amount can be raised only in the same manner necessary to satisfy her other obligations.

(15) Your complainants are unable to ascertain the amount due the estate by W. D. and C. Shelton Joyner and further say that they have no property other than their interest in the estate of the said A. C. Joyner.

In consideration whereof and for as much as your complainants are remediless in the premises save in a Court of equity, they pray that the said. E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, William D. Joyner, C. Shelton Joyner, adults and Doris L. Joyner, E. Owens Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner infants under the age of twenty-one years, may be made parties defendant to this bill and required to answer the allegations herein contained; but answer on oath is hereby expressly waived as provided by statute; that an account of E. L. Joyner and C. Joyner, Executors of the estate of A. C. Joyner be taken, stated and reported to Court; that the said will of said A. C. Joyner, deceased be construed by this Court

and the rights, powers and duties of E. L. Joyner and C. F. Joyner Executors of the Estate of A. C. Joyner under the provisions thereof be ascertained and declared in order that they may administer the estate according to the true intent and meaning of said will; that account be taken showing the balance due said estate by W. D. Joyner and C. Shelton Joyner, that all such other inquiries and accounts may be taken, stated and reported to Court as the nature of this case may require or which may be necessary in settling all matters in regards to the estate of said A. C. Joyner, deceased and your complainants pray that they may be afforded all such other and further and general relief in the premises as the nature of their case may require or to equity shall seem meet.

And they will ever pray etc.,

3
Bill

Jaymes Executors
7 1/2 Chancery 257
Jaymes et al

Second January Rules 1917
Motions returned executed
Bill filed. Deems nisi

Third January Rules 1917
Defendants not appearing
Cause set for hearing

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

Windsor, Va., June 30 —

1946

No ~~146~~ Estate of Mrs A. G. Joyner

To C. F. JOYNER, Dr.

—DEALER IN—

GENERAL MERCHANDISE,

And Cash Peanut Buyer.

1909

Apr	24	2 Pad Locks 25-	50
	26	" Post Toasties 10 Cakes 5-	15-
		112 Battle Soda 5	10
June	7	" 2 ¹ / ₂ Sugar 6 1/2 1 lb Coffee 20 Crackers 10	42
		Post Toasties 10 Cakes 10 Lard 10	30
	14	Paper & Envelopes 15 Jumpers 25-	40
Aug	7	Rope 25 Sugar 12 Tobacco 10	47
Sept	27	1/2 1 lb Tobacco 25- Corn 20 Crackers 10	55
Jan 1910	8	" Chk on Totas	10 00
		" 2 ¹ / ₂ Sugar 6 1/2 1 lb Coffee 15-	32
Feb	5	Paper & Envelopes 20 Cakes 20	40
		" 2 ¹ / ₂ Sugar 6 1/2 Lard 8 Lard 5	25-
	21	" 1 Bat Jumpers Fat	25-
Apr	23	" 2 ¹ / ₂ Sugar 6 1/2 Corn 10 Crackers 10	32
July	16	" Lard 8 Crackers 3 1/2 Sugar 6 1/8	36
Aug	6	Paper & Envelopes	15-
Dec 1911	5	" 5 ¹ / ₂ Sugar 6	30
Jan	14	" 1 Bat Jumpers Fat 25- 1 Box Pills 25-	50
		" 1 Lard 35- Oil 8	41
Mar	4	" 1 Bat Oil 15 1 lb Tobacco 50	65-
Apr	1	" Chk	50 00
June	2	" 67 ¹ / ₂ 1 lb Oil 15 2 ¹ / ₂ Sugar 6 1/2 Envelopes 4 1/4	285-
		11 1 Bat Oil 15 2 ¹ / ₂ Sugar 6 1/2 Envelopes	32
	24	" 1 Bat Oil 15- Crackers 10 Corn 18	43
Aug	8	" Soap 10 Lard 15 1 lb Coffee 14 1 lb Coffee 15-	59
	28	" 1 Box Pills	25-
Sept	6	" 1 Bat Oil 15 1 lb Coffee 25- 1 lb Coffee 12	52
		" Crackers 10 Bread & Lard 15-	25-
Nov	15	" Oil 15 2 ¹ / ₂ Sugar 8 1/2	31
Dec 1912	22	" 1 lb Candy 10 1 Bat Oil 15-	35-
Jan	27	" 1 Bat Jumpers Fat	25-
May	4	" 1 Bat Oil 15 2 ¹ / ₂ Sugar 15 1 lb Coffee 15	44
		" Crackers	10
June	8	Paper & Envelopes 10 Sugar 7	17
		" 1 lb Coffee 15- 1 lb Tobacco 50	65-
July	9	" Lard 10 Corn 10 5 ¹ / ₂ Sugar 7 1/2-	55-
			7470

		Trout feed	74 73
Aug	13	11 5 Gal air 15/75-1 Bat-Quinn ¹⁰	85
	"	" 2 Boxes Pills 25-	50
Nov	20	11 1 lb Sulphur ¹⁰ Matches ¹⁰ Paper ¹⁵	35
	"	" 1/2 lb Tobacco 52/25-1 Gal. Oil ¹⁵	40
1913	"	" 2 lb Crackers ¹⁰ /20 2 lb Sugar ¹⁷	32
Jan	9	" Chrl	500 ✓
Feb	20	" 1 Gal Oil	15
Apr	1	" 1 Gal Oil ¹⁵ Corn ¹⁰ Crackers ¹⁰	35
	"	" Paper ¹⁰ Envelopes ¹⁰	20 ✓
	14	" 1 Gal. Oil ¹⁵ 1 lb Cheese 20	35
May	13	" 2 lb Sugar ¹⁰ Soap 5 Oil ¹⁵	30 ✓
	22	" Oil ¹⁵ Corn ¹⁵ 1 Bat-Jump ⁷⁵	55
	"	" Jam 5 Pans Crackers ¹⁰	20 ✓
Aug	19	" Crackers ¹⁰ Corn ¹⁵ Jump ⁷⁵	50
Dec	27	" 2 Pans Plaster ¹⁵	30
1914	Jan	" 2 lb Crackers ¹⁸ /36 (29) Corn ³⁰	66
	31	" 3 lb Crackers ¹⁰	30
May	14	" 2 lb Corn ²⁰ /40 1 lb Crackers ¹⁰	50
	"	" 4 Sugar 25 1 Gal air ¹⁵ Bat Lox ⁵⁰	90
Jun	6	" Oil ¹⁵ Corn ¹⁵ Crackers ¹⁰ Sugar ²⁰	63
	"	" Jump ⁷⁵ Fly Paper ³⁵	65
July	13	" Oil ¹⁵ Corn ¹⁸ Crackers ¹⁰	43
Aug	1	" 2 lb Corn ²⁰ 2 lb Lox ⁵⁰ Nitro ¹⁰	100
	"	" Quinine Pills ²⁵ Box Paper ¹⁵	50
Sept	19	" 1 lb Corn ²⁰ 1 lb Sugar ⁸ 1 lb Corn ¹⁰	38
Oct	9	" 1 lb Corn ¹⁵ 1 Gal air ¹⁵	30
Nov	25	" Corn ¹⁰ Sugar ¹⁴ Oil ¹⁵	39
1915	Jan	" Oil ¹⁵ Sugar ¹² Corn ¹⁸ Corn ⁵	50
Feb	16	" Bat-Lox ⁵⁰ Crackers ¹⁵	55
	"	" Apples ¹⁰ 2 Gal. Oil ¹⁵ /20	40
Mar	2	" 5 lb Sugar ⁷ /35- Corn Flour ¹⁰	45
	"	" Bread 10 Oranges ¹⁰	20
	6	" 1 lb Shaws 250 Oil 23	273
	"	" 5 lb Sugar ⁷ /35-	35
			96 67

To Aunt fund

139 56.

Dec	9	4	Quinine	25-	Lax	For	50	75-
	"	2	Bottle	blenas	Linnment		25-	50
	"	4	H Sugar	7/14	2 H Corn		25/50	64
	"		Tobacco	5	Condy	5		10
	13	"	Cherry	Gum	5	Lax	For	50
	"	"	Cher	"	Corn	20	Oil 10	Crack 10
	22	"	Cher	22	1 H Corn	25-	Gal oil 15	Oil Can 25-
	"	"	Candy	5	Crack	10	Matches	10
	28	"	Crack	10	Cher	"	2 H Corn	25/50
	"	"	1 Gal	Oil	15	Matches	10	
1916	Jan	29	"	1 H Butter	40	1 H Corn	18	Box Currants 15-
	"	"	1 Broom	25-	But-Linnment	25-		50
	"	"	4 Powder	10	5 H Sugar	7/35-		45-
Feb	5	"	Quinine	25-	Oil	15	Crack	10
	"	"	1 H Corn	25-	4 H Sugar	7/28		53
	24	"	2 Can	Salt	Sun	10/30	Tobacco	10
	"	"	2 H Crack	10/20	1 H Corn	18		38
Mar	2	"	4 H Sugar	7/28	1 Bottle	Linnment	25-	53
	"	"	1 But-Lax	For	50	Box	Pills	25-
	"	"	But	Mustard	10	But	Cough	Syrup 25-
	"	"	Oranges	Linnment	5	Tobacco	10	25-
	5	"	1 Cough	Syrup	25-	Lax	For	50
	"	"	Tailor	Soap	10	5 Gal	Oil	15/75-
	23	"	But	Lax	For	50	2 But	Cough
	"	"	2 H Crack	10/20	1 H Corn	20		40
	"	"	1 H	Linnment	20/10	4 H Sugar	7/30	40

153 61

6

	To acct paid	153	61
Mar 23	" 2 pkgs Gum ⁵ / ₁₀ 2 Gal oil ¹⁵ / ₃₀		40
	" 1 Jar Cold Cream		10
29	" 1 Bat - Beef Wm + Iron		50
Apr 3	" 1 Bat - Lament		25-
	" " 1 Lomp Globe ¹⁰ / ₁₀ 1 Ht Case ²⁰ / ₂₀		30
May 18	" 1 Bat - Lot For ⁵⁰ / ₅₀ 1 Bat Beef Wm + Iron ⁵⁰ / ₅₀	1	00
	" 2 pkgs Fly Paper ¹⁰ / ₁₀		20
Jun 3	" 2 Ht Cases ²⁰ / ₄₀ 2 Ht Cases ¹⁰ / ₂₀		60
	" Sugar ³⁶ / ₃₆ Chewing Gum ¹⁰ / ₁₀		46
14	" Bot Cough Syrup ²⁵ / ₂₅ 3 Ht Sugar ⁹ / ₂₇		52
	" pkg Gold Dust		05-
15	" 5 Ht Sugar ⁹ / ₄₅ 1 Bot Fly paper ⁴⁰ / ₄₀		85-
	" 1 Bottle Carbolic Acid		10

1912

Aug 22	1 Note Endorsed for E. L. Johnson	13	84
1914 Mar 17	1 Note Endorsed for Mrs. Mrs. M. C. Johnson	52	62
Jan 15	1 Note Endorsed for E. L. Johnson	46	73

272.13

July 26 1916

Mrs. A. C. Joyner

Balance on rds. \$1.79

J. H. Gwaltney.

ISLE OF WIGHT, VA.,

Nov 10 7 1916

M^{rs} A. L. Joyner

IN ACCOUNT WITH

R. LEE SEWARD, M. D.

OFFICE HOURS, 7 to 8 A. M.
1 to 2 P. M.
AFTER DARKPHONE 323
WINDSOR LINE

FRANKLIN PRESS CO. 3707

1914

May	6	To Med	sf	1 00		
June	7	" Visit	sf	2 50		
July	5	" Do	sf	2 50		
"	8	" Do	sf	2 50		
"	17	" Med	sf	1 00		
"	24	" Visit	sf	2 50		
Mar	5	" Med	sf	1 00		
"	15	" Do	sf	1 00		
"	22	" Visit	sf	2 50		
"	29	" Med	sf	1 00		
Apr	15	" Visit	sf	2 50		
"	28	" Med	sf	1 00		
May	15	" Do	sf	1 00		
June	5	" Do	sf	1 00		
"	19	" Visit	sf	2 50		
July	12	" Med	sf	1 00		
Apr	22	" Visit	sf	2 50		
June	22	" Do	sf	2 50		
"	30	By Balance			31 50	
				31 50	31 50	
1916						
July	1	To Balance den		31 50		

ALL ACCOUNTS SHOULD BE CLOSED EACH YEAR

REPAIR WORK A SPECIALTY

MANUFACTURERS OF BAILEY'S FERTILIZER DISTRIBUTOR

WINDSOR, VA.,

April

17

1919

Mrs. *A. G. Joyner* *Est*

BOUGHT OF C. W. BAILEY & SON

Furniture, Stoves, Farming Implements and Royal Wire Fencing

MANUFACTURERS AND DEALERS IN ALL KINDS OF

WAGONS, CARTS AND BUGGIES

<i>Jan</i>	<i>26</i>	<i>Xo</i>	<i>one cabinet</i>	<i>50.00</i>	
<i>"</i>	<i>"</i>	<i>"</i>	<i>slot vault</i>	<i>30.00</i>	
<i>"</i>	<i>"</i>	<i>"</i>	<i>service & use of house</i>	<i>50.00</i>	<i>\$90.00</i>

The estate of Addie C. Joyner,

To Mattie C. Joyner,.....Dr.

To services rendered decedent in her last illness,
as special nurse,..... \$200.00

GEORGE F. WHITLEY

ATTORNEY AT LAW

COMMONWEALTH ATTORNEY
FOR ISLE OF WIGHT COUNTY

SMITHFIELD, VA.

April 23rd, 1917.

Estate of Addie Joyner, deceased,

in Debt to George F. Whitley, Attorney.

For services in negotiating \$1200.00 loan for G. F.
Joyner, executor, ...36.00

To E.L. Joyner and C. F. Joyner, executors of the estate of A. C. Joyner, deceased, complainants-----and----- E. L. Joyner, Lillian E. Joyner, Mattie C. Joyner, William D. Joyner, C. Shelton Joyner, adults; and George F. Whitley, guardian ad litem for Morris L. Joyner, E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner, infants, defendants.

You are hereby notified that the undersigned, one of the Commissioner's in Chancery of the Circuit Court of the County of Isle of Wight, to whom has been referred the papers in the chancery cause in said court depending, in which the executors of A. C. Joyner are complainants, and E.L. Joyner and others are defendants, docket No. 257, for the execution of a decree entered therein on the 2nd. day of April, 1917, in which said commissioner is required to make the following inquiries, and to report thereupon, to-wit:

1 When A. C. Joyner died and what debts, if any, are due by her estate, and to whom, and their priority.

2. What debts are due the estate of A. C. Joyner and by whom and the nature of the same.

3. Of what estate, real and personal, said A. C. Joyner was possessed of at her death.

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

5. Whether the rents and profits of the real estate mentioned in the bill and proceedings will be sufficient in five years to pay the indebtedness upon the estate.

6. Whether it will be practicable to manage the whole of the real estate for the term mentioned, as is set forth in the third clause of the will of said A. C. Joyner.

7. Whether a tombstone and fence have been provided as directed in the tenth clause of said will.

8. Whether it be practical to dispose of the property as directed in the fourth clause of said will, and further if it should be impracticable to manage the land as directed, in the third clause of said will, who has power to convey the said real estate and execute a deed for same under the terms of said will.

9. Whether any insurance policy or policies, on the life of E. L. Joyner are in force and effect at her death.

10. And in the event that it is impracticable to dispose of or manage the real estate as set forth under said will, whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein.

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.

12. And if the same cannot be conveniently divided, and if not party will take the entire property, and pay the others for their shares, whether the interests 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.

13. 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.

14. Whether all the proper and necessary parties to this cause are properly before the court and the ages and residences of the infant defendants.

15. What are the transactions of the executors or administrators, appointed or qualified before the Clerk of this Court, since their qualification.

16. Which several inquiries the said commissioner shall make, and to the court report, together with any matter specially stated, deemed pertinent by himself, or required by any party to be so stated, and return to the court, with his report, the evidence taken by him.

will, upon the 19th. day of April, 1917, at his office, at Isle of Wight Courthouse, in the said County of Isle of Wight, at two o'clock P.M., proceed with the execution of said decree, at which time and place you are required to be present.

Given under my hand this 16th. day of April, 1917.

Commissioner.

Service of the above notice is hereby accepted:

E. L. Joyner, and C. F. Joyner, executors
of A. C. Joyner:
E. L. Joyner,
Lillian E. Joyner
Mattie C. Joyner
William D. Joyner
C. S. Joyner,

By _____, their attorney.

_____, guardian ad
litem for the infants, Dorris L. Joyner,
E. Owen Joyner, Lucille E. Joyner, H. Gordon
Joyner, Dudley F. Joyner, Robert Allen
Joyner, Adelle C. Joyner, and Helen W.
Joyner.

In the Circuit Court of Isle of Wight County, Virginia:
Joyner's Executors etc.

v.

Joyner et als.

To the Honorable B. D. White, Judge of said Court:

The undersigned, Special Commissioner and Executors under the above styled cause have executed the decree entered January 23rd, 1918 as follows:

Amount of money in hand	5237.36	
Paid Executors of J. G. Wilson balance on bond		603.68 ✓
Paid A. L. Saunders, note		119.07 ✓
Paid G. F. Whitley, attorney's fees		36.00 ✓
Paid J. H. Gwaltney for merchandise		1.79 ✓
Paid C. F. Joyner for merchandise <i>& note</i>		326.47 ✓
Paid M. C. Joyner nurse		200.00 ✓
Paid West and Withers insurance premium		54.00 ✓
Paid J. W. Babb witness fee		2.50 ✓
Paid W. J. Rhodes, witness fee		2.50 ✓
Paid A. L. Saunders, witness fee		2.50 ✓
Paid E. L. Joyner, commissions		239.59 ✓
Paid C. F. Joyner, commissions		239.59 ✓
Paid Parke P. Deans, fee allowed		310.00 ✓
Paid A. S. Johnson, clerk's fee, court cost and taxed attorney's fee		18.50 ✓
Reserved for taxes		6.00 ✓
Balance in hand	<u>5237.36</u>	<u>3083.17</u> 5237.36

The undersigned have contracted with the Blount Marble Works, Norfolk, Virginia to erect a tombstone over the grave of the late A. C. Joyner and place a substantial fence around the grave according to the tenth item of her will at a cost of \$158.00 the job to be completed by the 10th day of May, 1918, which leaves an actual balance of \$2928.17 to be divided according to the will.

We find the following indebtedness which should be deducted from the interest of the heirs of F. D. Joyner:

Note of F. D. Joyner(6th item of will)	100.00	interest	88.00
Note of M. C. Joyner	52.62	interest	9.68
Note for Guano	57.00		
Note of C. S. Joyner	100.00	interest	19.07
Note of W. D. & S. C. Joyner	500.00	interest	147.50
Engine for W. D. & S. C. Joyner	170.00	interest	20.40
	<u>979.62</u>		<u>384.65</u>
	384.65		
Total	<u>1364.27</u>		

We find the following indebtedness which should be deducted from the interest of the said E. L. Joyner and heirs:

Check to E. L. Joyner	52.00	interest	14.75
Check to E. L. Joyner	150.00	interest	17.62
Check to E. L. Joyner	35.00	interest	3.92
Check to E. L. Joyner	30.00	interest	3.15
Check to E. L. Joyner	25.00	interest	2.62
Note of E. L. Joyner	13.84	interest	4.54
Note of E. L. Joyner	46.73	interest	7.24
Guano for E. L. Joyner	12.00		
	<u>362.57</u>		<u>53.84</u>
	53.84		
Total	416.41		

In addition to the above indebtedness of E. L. Joyner and heirs, there should be added the amount approved by last decree as invested for their interest, amounting to \$2939.38, making a total of \$3355.79.

With the amount reported as balance in hand, \$2928.17, with the sum of \$1364.27 due from the heirs of F. D. Joyner and the sum of \$3355.79 due from E. L. Joyner and heirs, make the estate of A. C. Joyner total to be divided among the heirs at \$7648.23. Half of this amount, \$3824.11 less \$3355.79 is \$468.32 which is to be invested for the heirs of E. L. Joyner as specified in will

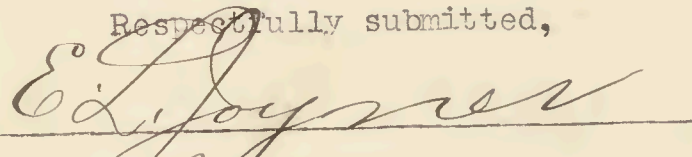
From the half due the heirs of F. D. Joyner, \$3824.11, the sum of \$1364.27 should be deducted, leaving \$2459.84 and as there are eight children of the late F. D. Joyner, their share will each be \$307.48.

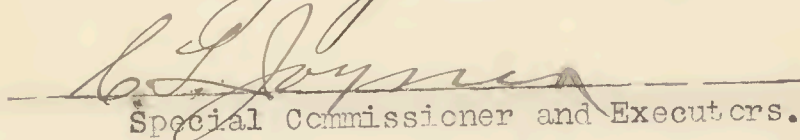
Two of the children of the late F. D. Joyner owes the estate more than their interest, to-wit: S. C. Joyner owes the estate the sum of \$538.02 and W. D. Joyner owes the estate the sum of \$418.95.

Lucille Joyner another of the children became of age on the 28th day of December, 1917.

We ask the Court to instruct us what we shall do with the proceeds in hand.

Respectfully submitted,




Special Commissioner and Executors.

Jcyner etc.

v.

Jcyner et als.

Report of Spl. Ccm'rs.

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

BANK OF WINDSOR

INCORPORATED

WINDSOR, VA.

In Account with

E. L. & C. F. Joyner,
Windsor, Va.

AMERICAN BANK NOTE & CO. NEW YORK

ALWAYS BRING YOUR BOOK WITH DEPOSITS

SEE THAT THE ENTRIES AGREE WITH YOUR TICKETS

PLEASE LEAVE YOUR BOOK ONCE A MONTH FOR BALANCING

In acc't with

1917

DEPOSITS

June 28	Deposit	140000
July 7	"	10000
Sept 18	"	6000
Jan 4	Int. 160 -	466000
" 18	"	17106
Feb 15	"	2600
" 21	"	24160
1918		665866
Mar 11	Balance	388098
" 12	Deposit	1400
Apr 12	"	117
" 2	"	5132
1918		394747
Apr 15	Balance	315829

E. L. & C. F. Joyner Executors & Special Commissioners	Cr.
Max 11	Checks 277768
" 11	Balance 388098

Teachers returned and took balloons
T.T. LEATHERS, Cashier

Apr 15	Cheers	78918
15	Balance	315829

Vouchers returned and Book Balance
F. T. LEATHERS, Cashier

394747

**REMAINING
PAGES IN
VOLUME ARE
BLANK AND
HAVE NOT
BEEN
REFORMATTED**



7217
90.00
31.50
700.00
72.83 .

966.50*

603.68
119.07
36.00
1.79
200.00
326.47
54.00
250
250
250

1,348.51*

C. W. Bailey Bn

Windsor, Va. July 2nd 1917 No 4

Bank of Windsor, Incorporated.

Pay to the
order of

C. W. Bailey & Son

\$ 9000

Ninety 00/100

Dollars

Mrs A. Joyner
Burial Expenses

E. L. Joyner

C. F. Joyner

Executors of A. Joyner & Spec. Com.

Pay Bank of Smithfield,
SMITHFIELD, VA.

R. LEE SEWARD.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed

JUL 13 1917

BANK OF SMITHFIELD,
SMITHFIELD, VA.
68-233 JOHN I. COFER, Cash'r 68-233

Pay any Bank, Banker, or Trust Co.
—or order—

JUL 17 1917
The National Bank of Commerce
of Norfolk, Va.
68-36 R. S. COOPER, Cash'r 68-36

Windsor, Va. July 6 - 1917 No. 5

Bank of Windsor, Incorporated.

Pay to the
order of W. R. Lee Samuel \$31.50

Thirty One 50/100 ————— Dollars

Medical Bill to
Mrs A. C. Joyner

E. L. Joyner

B. F. Joyner

Executors of Mrs A. C. Joyner's Estate

Pay Bank of Smithfield,
Smithfield, Va. or Order

W. E. Laine, Treasurer.

WANT BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed

JUL 30 1917
BANK OF SMITHFIELD,
SMITHFIELD, VA.
JOHN I. COFER, Cash'r 68-233

OR ORDER

AUG 1 17
THE CITIZENS BANK
68-34 OF NORFOLK, VA 68-34
WILLIAM BELL, JR., Cashier

Windsor, Va. July 20 1917 No. 6

Bank of Windsor, Incorporated.

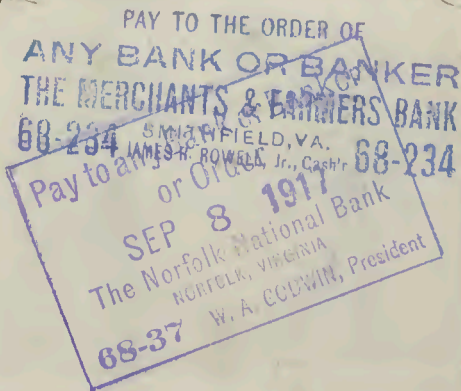
Pay to the
order of W E Laine Jr \$ 72 ¹⁷/₁₀₀

Security Ins ~~Office~~ ¹⁷/₁₀₀ Dollars

Issued on account of E. J. Joyner
for 1915-1916
Executors of A. C. Joyner's Spec Grm

Pay to
Jas B. Bowser
in order,

Mr. F. Whitley.
Jas R. Rawlins Jr



Windsor, Va. Sept 4th 1917 No. 7

Bank of Windsor, Incorporated.

Pay to the
order of

Gen. F. Whitley

\$700.00

Dollars

Seven Hundred 00/100
Interest & port payments
on \$1200 - Acc't of Trust

Joyner
C. F. Joyner
Executor of A. C. Joyner & Epl. Ames

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

Addie C. Joyner's Executors.

v.

E. L. Joyner et als.

Honorable B. D. White, Judge of said Court:

E. L. Joyner and C. F. Joyner Executors and Special Commissioners respectfully report their acts since the last report and decree dated 10th day of July, 1917, confirming said report and directing certain matters to be given attention.

In accordance therewith, the last decree showing that the following disbursement had been made:

Cash received from Joseph Blatchford	1500.00	
Commission to M. D. White and Co, Real Estate Agents		450.00
Cost of court including commissioner in chancery and qualification of executors		53.50
Premium on bond paid A. S. Barnett		30.00
Balance in Bank of Windsor		966.50
	1500.00	1500.00
Which balance of \$966.50 was directed by Court to be		

disbursed as follows, the receipts for which are hereto attached:

W. E. Laine County Treasurer	72.17
C. W. Bailey and Bro. burial expenses	90.00
Dr. R. L. Seward, physician in last illness	31.50
Executors of J. G. Wilson on account of bond secured by deed of trust	700.00
Balance in hand	72.83
	966.50

As directed by said decree, we purchased a certain lot with dwelling there in the City of Norfolk from Dora B. McTague and husband, and said conveyance being made to "E. L. Joyner, for his own benefit during the period of his natural life, and at his death for the benefit of his wife and children", which was in accordance with the will of the late Addie C. Joyner, deceased. The title to said lot was examined by W. T. Higgins, an attorney at law, practicing in Norfolk City and his certificate is herewith

filed marked "Exhibit A" and asked to be made a part of this report. We assigned to the Marine Bank of Norfolk, Virginia as directed in said decree, the bond of Joseph Blatchford for the amount of three thousand dollars, which transaction was made through H. L. Page and Company, Real Estate Agents of Norfolk, Virginia, and a report and accounting of such transaction and funds is herewith filed with this report, marked "Exhibit B", and asked to be made a part hereof. Said accounting shows that there has been advanced as follows:

Purchase of lot in Norfolk	2850.00
Interest to January 1st, 1918	78.38
Total	<u>2928.38</u> as of

January 1st, 1918.

The said H. L. Page and Company turned over to us a check for \$171.06, the balance of said bond by statement as shown which since has been deposited in the Bank of Windsor to the credit of this cause.

The balance of the purchase price represented by a bond of Joseph Blatchford, amounting to \$4500.00 with interest thereon, amounting to \$160.00, has been collected and deposited in the Bank of Windsor.

We reported to Commissioner A. S. Johnson, that from the sales of personal property, we had received \$81.27 and since said report we have collected the account of C. F. Jcyner amounting to \$241.60, we have sold the balance of personalty amounting to \$40.00. In addition thereto, we received from the Cumberland Lumber Co., the sum of thirty dollars as our portion in the annual proceeds under the timber deed recited in said report of A. S. Johnson, making a total of \$392.87 from personal property.

All of which has been deposited in the Bank of Windsor and the total proceeds now in the hands of the undersigned is \$5237.36.

We find from the report of Commissioner A. S. Johnson (including a claim of West and Withers not previously reported amounting to \$54.00) that the estate of A. C. Joyner now owes with interest to January 15th, 1918, the following items:

Executors of J. G. Wilson (bond)	603.68
A. L. Saunders note	119.07
G. F. Whitley fee for loan	36.00
J. H. Gwaltney	1.79
M. C. Joyner	200.00
C. F. Joyner	326.47
West and Withers	54.00
J. W. Babb	2.50
W. J. Rhodes	2.50
A. L. Saunders	<u>2.50</u>
Total	1348.51

We ask that we directed to pay these claims immediately so that final division and proper investment of funds may be made.

We further ask that we be directed to pay to Parke P. Deans attorney in this cause such fee as would be commensurate with the services.

We further ask that you determine what commissioner we should receive for our services, whether they be calculated on the basis of executors, or as special commissioners, while our duties may be as special commissioners in this cause we conducted the affairs in the function of executors as mentioned in said will.

Respectfully submitted,

E. C. Joyner
C. F. Joyner
Executors and Special Commissioners of
the Estate of A. C. Joyner.

16

Joyner's 18.
183 July
Joyner's 183

Repub.

1918

Jan 23,

Filed B.D.W.

16

Joyner etc.

v.

Joyner et als.

Report of Spl. Comrs.
Jan 23, 1918

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

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

Jcyner's etc.

v.

Jcyner et als:

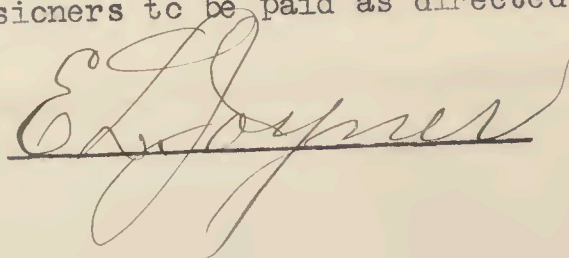
To the Honorable B. D. White, Judge of said Court:

Your petitioner respectfully represents that he is the son of A. C. Jcyner, deceased and the one named in the fifth clause of her last will and testament. The said clause reads as follows:

"Then I bequeath one half of my whole estate less one half of my expenses and debts to E. L. Jcyner, (if sold) to be invested in real estate for his own benefit, during the period of his natural life, and at his death for the benefit of his wife and children".

I ask that from the funds payable to me from the estate of the late A. C. Jcyner, that \$2850.00 ^{be} used for the purchase of a house and lot in the City of Norfolk, Virginia, known as Number 246 Lucille Avenue. It is well locate and the house is sufficiently built to care for my family.

In order that the sale may be effected, the owner thereof is willing to ~~place the~~ deed in escrow with the Marine Bank until January 1st, 1918, at which time the bonds of Joseph Blatchford become due and payable. I ask that the bond for three thousand dollars be also placed with said Bank in escrow and when paid the sum of twenty eight hundred and fifty dollars and interest be paid on said purchase and the balance placed in hands of Special Commissioners to be paid as directed by Court.



This deed, made this 25th. day of June in the year 1917, between Lora Belle McTague and W.E. McTague, her husband, of the city of Norfolk, in the State of Virginia, parties of the first part, and E.L. Joyner, for his own benefit, during the period of his natural life, and at his death for the benefit of his wife and children, parties of the second part:

Witnesseth, That in consideration of the sum of Twenty-eight hundred and fifty dollars, the said parties of the first part do grant, with general warranty, unto the said parties of the second part, the following property to-wit:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon and appurtenances thereto belonging, situated in the City of Norfolk, State of Virginia, and designated as lot number twenty-six (26), in Block Number Three (3), on the revised plat of "Riverside Park" which said plat is duly of record in the Clerk's Office of the Corporation Court, of the City of Norfolk, Virginia, in Map Book 3, page 10, and to which reference is hereby made for a more particular description, together with all riparian and other rights attached, it being the same property conveyed to the said Lora Belle McTague by The Holding Corporation, of the City of Norfolk, Virginia, by deed dated December 9th. 1915, and duly of record in the Clerk's Office of the Corporation Court, of Norfolk City, Virginia.

Commonwealth of Virginia,
City of Norfolk, to-wit:

This day, in the City of Norfolk, W. C. Etheridge, personally appeared before me, Elizabeth A. Baker a Notary Public for the City aforesaid and State of Virginia and after being duly sworn, said that ~~he~~ is connected with the real estate firm of M. D. White and Company of Norfolk, Virginia and has been in the real estate business for 10 years. That he is familiar with real estate values in the said City and he has visited and inspected in property known as Number 246 Lucille Avenue in said City and that he believes that the property is well worth twenty eight hundred and fifty dollars and is a good investment. He would recommend the purchase of said property at that amount. He further states that he is in no way interested in the sale or purchase of said property.

Given under my hand and seal this 12 day of July, 1917.

W. C. Etheridge (SEAL)

Subscribed and sworn to before me, this 12 day of July,
1917.

Elizabeth A. Baker
Notary Public

My term of office expires November 2, 1920

Commonwealth of Virginia,

City of Norfolk, to-wit:

This day, in the City of Norfolk, Va E B Lewis,
personally appeared before me, W R Dutcher a Notary
Public for the City aforesaid and State of Virginia and after
being duly sworn, said that he is connected with the real estate
firm of E B Lewis & Co of Norfolk, Virginia
and has been in the real estate business for 20 years.
That he is familiar with real estate values in said City. That
he has been to Number 246 Lucille Avenue and inspected the
property and believes that it is worth twenty eight hundred and
fifty dollars and at that price, it is a good investment. The
property is well located and the house is convenient. He further
states that he is in no way interested in the sale or purchase
of said property.

Given under my hand and seal this 14 day of July, 1917.

E B Lewis (SEAL)

Subscribed and sworn to before me, this 14 day of July,
1917.

W R Dutcher
Notary Public.

My term of office expires September 2 1920

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

Joyner's Executors etc

v.

Joyner et als

To the Honorable B. D. White, Judge of said Court:

The undersigned, Special Commissioners and as Executors of the Estate of A. C. Joyner, in pursuance of a decree in the Circuit Court of Isle of Wight County entered on the 28th day of May, 1917, in a cause in chancery in said Court depending under the style of E. L. Joyner and C. F. Joyner Executors of the Estate of A. C. Joyner complainants and E. L. Joyner and others defendants, executed the necessary bond and then had prepared and executed a deed with special warranty in accordance with said decree to Joseph Blatchford ^{for} the real estate described in the bill and proceedings, and the said Blatchford ^{has} delivered to them the sum of fifteen hundred dollars in cash and two bonds, one for three thousand and the other for forty five hundred dollars, secured by deed of trust on the real estate sold under aforesaid ~~deed~~ ^{from}. The money was deposited in the Bank of Windsor, Incorporated, Windsor Virginia and carrying out the instructions under afore said decree ^{they have} paid out as follows:

Cash received	1500.00	
Commissions to M. D. White and Company		450.00
Cost of Court, ^{14.00} ~~Commissioners in chancery and qualification of Executors on Estate~~ ^{25.00} ^{14.50}		53.50
A. S. Barrett, premium on bond		30.00
		<u>856.50</u>
Balance in Bank		

We ask that we be directed to pay the taxes dues by the Estate and ~~pay~~ the balance to applied on the bond secured

by ^{the} deed of trust, *which is to further on said property, the principal amount being \$1000*

E. L. Joyner one of the heirs of A. C. Joyner's Estate has found a house and lot in the City of Norfolk, Virginia,

where he resides, that he desires that a part of the funds coming to him and his heirs under the fifth clause of the will of said A. C. Joyner, be applied to the purchase of said property, which can be bought for \$2850.00. We have examined the property and believe same to be a good investment. We have had two experienced real estate agents in Norfolk to examine same and herewith file affidavits of E. B. Lewis of the firm of E. B. Lewis and Company and W. C. Etheridge of the M. D. White and Company, who state that they believe to the property to be a good investment. The owners of the property, Lora Belle McTague and husband have executed a deed dated June the 25th, 1917 to E. L. Joyner, for his own benefit during the period of his natural life and at his death for the benefit of his wife and children. They are willing to place said deed with the Marine Bank of Norfolk, Virginia in escrow upon the simultaneous placing of the bond of Joseph Blatchford for three thousand dollars due and payable January 1st, 1918. When said bond is paid that the purchase price, with interest from June, 25th, 1917, be paid Lora Belle McTague, and the balance to be paid the Special Commissioners in this cause to be paid out as may be directed by your Honor. We ask that a decree be entered directing us in this matter.

Respectfully,

E. L. Joyner

E. L. Joyner

Special Commissioners and Executors

M. D. WHITE & CO.

Per

Windsor, Va. June 27th 1917 No. 1

Bank of Windsor, Incorporated.

Pay to the
order of Ms White & Co \$450⁰⁰



Four hundred and fifty
Commissions on sale of Real Estate as per decree

Dollars

E. L. Joyner
C. H. Joyner

Executors of A. C. Joyner & Spl Comrs

Bank of Smithfield, Va
OR ORDER
ALBERT S. JOHNSON

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed

JUL 21 1917
BANK OF SMITHFIELD.
68-233
SMITHFIELD, VA.
JOHN I. COFER, Cash'r 68-233

Windsor, Va. June 27 1917 No. 2

Bank of Windsor, Incorporated.

Pay to the
order of

A. S. Johnson, Clerk

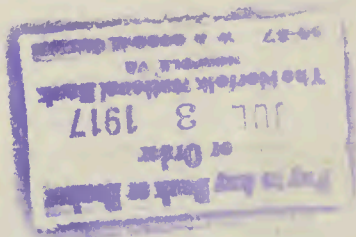
\$ 53.50

Dollars

Count Cash in Joyner etc & Joyner etc

E. L. Joyner
E. L. Joyner

Executor of H. C. Joyner, 1st term.



Al Burrett

PAY TO THE ORDER OF
ANY BANK OR BANKER
THE MERCHANTS & FARMERS BANK
68-234 SMITHFIELD, VA. 68-234
JAMES R. HOWELL, Jr., Cash'r

Windsor, Va.

June 27th 1917

No. 3

Bank of Windsor, Incorporated.

Pay to the
order of

A. S. Barrett

\$20.00

Twenty
Penny Bond

Dollars

E. L. Joyner

C. F. Joyner

Executives, H. C. Joyner & Son, Owners



4 50.00

5 3.50

30.00

9 66.50

1,500.00 *

14

Joyner, et al.

v

Joyner et al

Report of Spe Court

and

Petition of E. H. Joyner

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

Buckley Va

March 31-17

W. C. Othridge

Forest Va

Dear Sir:- For The 560 acres more or less, known
as The Addie C. Joyner estate, in Isle of White Co. Va
which included the main farm and buildings
also all the several odd pieces of land separated
from it by highways, also the fish pond and all timber
on all the land excepting that sold to the Sunny Lumber
Co. and covered by contract from said Co dated Oct
22-1906, said contract being of record and
to be assigned to me - I make you the following
offer - I will pay the lump sum of \$9,000
as follows - \$1,500 cash of which the
enclosed \$1,000 is paid. \$1,400 on or before 30 days
Balance \$7,500 on or before Jan 1st 1918
I will pay 6% interest on this amount until paid
and will receive this year income from
The farm.

Yours truly

Joseph Batchford

Accepted W^m Ethridge

Agent for

E. L. Joyner, C. F. Joyner
Executors and Trustees for Estate of A. C.

Joyner, Decd.

Accepted E. L. Joyner Exs and Trustees

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

Jcyner's Executors

v.

Jcyner et als.

To the Honorable B. D. White, Judge of said Court:

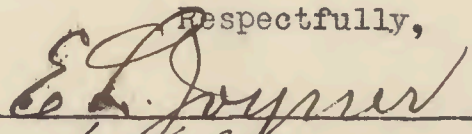
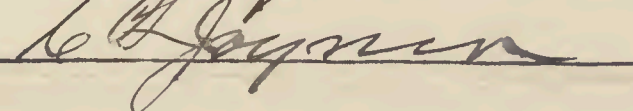
Pursuant to a decree entered on the 23rd day of May, 1917, in your Honor's Court, the undersigned appointed, special commissioners executed a bond for ten thousand dollars with surety deemed sufficient by the Clerk of the Circuit Court.

We have considered the advantages of different modes of sale and have received several propositions for the sale of the property. However we deem it best for the interest of all parties concerned, to accept the offer of one Joseph Batchford herewith submitted in writing, for your approval or confirmation. The price offered is nine thousand (\$9000.00) dollars. This sale is subject to a commission of 5% to M. D. White and Company, who obtained the purchaser.

This is the best proposition made that we can submit for your consideration. The price is better than that named by A. S. Johnson, Commissioner in his report and upon investigation we find that those acquainted with the property consider this price very good.

We therefore, recommend the sale and ask that your Honor enter such decree as is necessary to accept same.

Respectfully,

12

A

James E. Eason

v

James et al

Report of Spl Commr

Filed May 28, 1917

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

1 00.00
88.00
52.62
9.68
57.00
1 00.00
19.07
5 00.00
1 47.50
1 70.00
20.40

1,264.27*

52.00
1 50.00
35.00
30.00
25.00
13.84
46.73
12.00

364.57*

364.57
.14.75
17.62
3.92
3.15
2.62
4.54
7.24

418.41*

W F Whaley
Executor
J. G. Wilson
Estate

THE PERMANENTS & TRANSFERS BANK
68-234 SMITHFIELD, VA.
JAMES R. ROWELL, Jr., Cash'r 68-234

Pay to any Bank or Banker
or Order

FEB 15 1918

The Norfolk National Bank
NORFOLK, VIRGINIA

68-37 W. A. GODWIN, President

Windsor, Va. Jan 23rd 1918 No. 8

Bank of Windsor, Incorporated.

Pay to the
order of G. F. Whitley, Executor of J. Switzer \$ 603 68

Six Hundred & Three 68/100 Dollars
for Bond

E. L. Joyner
E. L. Joyner
Executor of A. C. Joyner & Spl. Com.

Mrs. M. C. Joyner

C. F. Joyner

Windsor, Va. Jan 23rd 1918 No. 9

Bank of Windsor, Incorporated.

Pay to the
order of Mr. M. C. Joyner

\$200⁰⁰

Two Hundred and Two Dollars

for nursing
Mrs. A. C. Joyner

E. L. Joyner
A. C. Joyner

Executors of A. C. Joyner's estate

A. Lee Saunders

Windsor, Va. Jan 23 1918 No. 10

Bank of Windsor, Incorporated.

Pay to the
order of

A. L. Saunders

\$119.07

One Hundred & Ninety 07/100 Dollars

Five Note

E. L. Joyner

Executors of A. L. Joyner & Special Commissioners

W. F. Whittier

PAY TO THE ORDER OF
ANY BANK OR BANKER
THE MERCHANTS & FARMERS BANK
68-234 SMITHFIELD, VA. 68-234
JAMES R. ROWELL, Jr., Cashier

Pay to any Bank or Banker
or Order

FEB 21 1918

The Norfolk National Bank
NORFOLK, VIRGINIA

68-37 W. A. GODWIN, President

Windsor, Va. Jan 23rd 1918 No. 11

Bank of Windsor, Incorporated.

Pay to the
order of

G. F. Whitty

\$ 36⁰⁰

Thirty Six ⁰⁰/₁₀₀

Dollars

Attorney General

A. C. Joyner

Executors of A. C. Joyner & Special Commissioners

J. H. Sewall

Windsor, Va. June 23rd 1918 No. 12

Bank of Windsor, Incorporated.

Pay to the
order of

J. A. Gwaltney

\$ 179

One 79/100

Dollars

For Mds

E. L. Joyner

W. L. Joyner

Executors of A. C. Joyner + Special Commissioners

397477
 9202
 (3882.77)

56
 36
 92

Pay to the order of BANK OR BANKER
 Pay to the order of NATIONAL BANK OF SUFFOLK
 NATIONAL BANK OF SUFFOLK
 68-124 SUFFOLK, VA
 A. WOOLFORD, WITHERS, Agents.
 FEB 21 1918
 Pay Any Bank, Banker or Treasurer

Windsor, Va. Jan 23rd 1918 No. 13

Bank of Windsor, Incorporated.

Pay to the
order of

Wash & Wicks

\$ 56⁰⁰

Dollars

Fifty Six 00/100

For Insurance



E. L. Joyner
C. L. Joyner

Executors of A. C. Joyner & Special Commissioners

Windsor, Va. Jan 13th 1918 No. 14

Bank of Windsor, Incorporated.

Pay to the
order of

J. T. Hall

\$ 250

Two 50/100

Dollars

Windsor for

E. L. Joyner

C. L. Joyner

Executors of A. C. Joyner & Special Commissioners

J. W. Babb

W. J. H. H. H.

68-451
BANK OF WINDSOR, LTD.
WINDSOR, ONT.
PAY TO THE ORDER OF
ROBERT A. RHODES.

Windsor, Va. Jan 23 " 1918 No. 15

Bank of Windsor, Incorporated.

Pay to the
order of

W. J. Rhoads

\$2⁵⁰

Dollars

Five - 50/100
Witness for

E. L. Joyner

C. F. Joyner

Executors of A. C. Joyner & Special Comrs

A. Lee Saunders

11907
282
12757

Windsor, Va. Mar 23 1918 No. 16

Bank of Windsor, Incorporated.

Pay to the
order of

A. L. Bauman

\$ 2.50

Five 50 Cents

Witness for

E. L. Joyner

Dollars

Executors of A. C. Joyner & Special Commissioners

C. F. Johnson

Windsor, Va. Jan 23rd 1918 No. 17

Bank of Windsor, Incorporated.

Pay to the
order of

A. C. Joyner

\$326⁴⁷/₁₀₀

Three Hundred & Twenty Six ⁴⁷/₁₀₀ Dollars

For Notes & Mds

E. L. Joyner

A. C. Joyner

Executor of A. C. Joyner & Special Commissioner

E.L. Joyner

PAY TO THE ORDER OF

BANK OF WINDSOR, INC.

WINDSOR, VA.

68-457

C.F. JOYNER

Windsor, Va. *McL 17* 1918 No. *18*

Bank of Windsor, Incorporated.

Pay to the
order of

E. L. Joyner

\$ *239.59*

Two Hundred & Thirty Nine Dollars

Commission on Settling Estate of Mrs. A. C. Joyner

E. L. Joyner

Executors of A. C. Joyner & Special Commissioners

Windsor, Va. March 12 1918 No. 19

Bank of Windsor, Incorporated.

Pay to the
order of

P. P. Deane

\$ 310.00

Three Hundred and Ten 00/100 Dollars
For as per decree.

E. L. Joyner
E. L. Joyner

Executors of A. C. Joyner & Special Commissioners

Wm. H. Keane

C. F. Joyner

Windsor, Va. *Mch 30* 1918 No. *20*

Bank of Windsor, Incorporated.

Pay to the
order of

C. F. Joyner

\$ *239*^{*59*}

^{*59*}/_{*100*} Dollars

Two Hundred + Thirty Nine
Corn on settlement of
Estate of A. C. Joyner. *C. F. Joyner*

Executors of A. C. Joyner & Special Commissioners

In the name of God, Amen:

I, A. C. Joyner, of the County of Isle of Wight, in the State of Virginia, being of sound mind and disposing memory, do declair this to be my last will and testament, hereby revoking any will or wills of whatever kind, or character heretofore made by me.

1st- I desire that my son, E. L. Joyner and C. F. Joyner, have full control of my ^{whole} estate and manage the same as they think best, for the benefit of my son, E. L. Joyner and grand children, without giving any bond.

2nd- I desire that all my just and lawful debts be paid so soon after my death as practicable.

3rd- I desire that my son, E. L. Joyner and C. F. Joyner, assistant, manage my whole estate as they think best for 5 years, more or less, or so long as they think practicable, so as to keep a home for my deceased son's little children. The insurance and taxes on property to be paid out of rents, and the balance of rents to be spent on improvements on farm, after all my just debts are paid.

4th- After trying the above plan and they find it not practicable or if any discord and they agree that it is best to divide the farm half and half at once, and all personal and chattle property belonging to me, to do so, or if they think best to sell the farm and other property as a whole, or in part, and divide the proceeds half and half after all my just and lawful debts and expenses are paid, to do so.

5th- Then I bequeath one half of my whole estate less one half of my expenses and debts to E. L. Joyner, (if sold) to be invested in real estate for his own benefit, during the period of his natural life, and at his death for the benefit of his wife and children.

6th- The other half, less one half of my expenses, and

debts, I bequeath to F. D. Joyner's children, (if sold), to be invested in real estate for their benefit after deducting from their half one note I hold against F. D. Joyner, deceased, for one hundred dollars, and interest from date May 1st, 1903. Said note was for money loaned him to help pay my burial expenses, also the notes I am endorser on for M. C. Joyner his widow and W. D. and C. Shelton Joyner, his sons; if I, or my estate have them to pay, then the amounts must be deducted from the amount I have bequeathed to F. D. Joyner's children, and the makers of the notes M. C. Joyner, widow, and W. D. and C. Shelton Joyner, his sons, must pay to F. D. Joyner's younger children the amount of said notes, and costs, if any. The said notes were for a Pea Picker, an engine and a mule.

7th- I give to E. L. Joyner's wife and children, all insurance I may have on his life for my benefit after all notes that I am endorser on for him are paid.

8th- Having heretofore advanced and charged up to my deceased son, F. D. Joyner, the sum of four thousand, eight hundred and ninety four dollars and eighty nine cents, I leave this account balanced Jan. 1st, 1910, as a gift to him.

9th- Having heretofore advanced and charged up to my son, E. L. Joyner, the sum of \$4050.20, I leave this account balanced, Jany. 1st, 1910 as a gift to him.

10th- I desire that a neat tombstone be erected over my grave, with a good and substantial fence around it.

In witness of this my last will and testament, I sign and seal this, the 15th day of June, 1912.

A. C. Joyner, (SEAL)

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

Isle of Wight, July 24th, 1916. A paper writing purporting to be the last will and testament of A. C. Joyner, deceased, was presented for probate by C. F. Joyner, one of the executors named therein; and P. P. Deans and W. E. Laine, competent witnesses, being first duly sworn, testified that they are well acquainted with the hand writing of said A. C. Joyner, and after having examined said paper writing further made oath that they verily believe the same to be wholly written and signed by the hand of the said A. C. Joyner: and, thereupon, the said paper writing was ordered to be recorded as the true last will and testament of the said A. C. Joyner, deceased.

Teste, A. S. Johnson, Clerk.

A copy,

Teste, A. S. Johnson, Clerk.

By Chas. E. Wilson, J. C.

A Codicill to Will.

I A. C. Joyner add this as a codicil to my last will and testament. Whatever notes I am endorser on for F. D. Joyner's widow and his two sons W. D. and C. Shelton Joyner, also the amount of Deed of Trust for \$500, I gave on my Farm for their benefit, must be deducted from the amount I have given F. D. Joyner's children in my will. And W. D. and C. Shelton Joyner and mother, must pay the 6 younger children their part of said Deed of Trust and notes, unless canceled. Signed and sealed this the 28th day of Oct. 1913, In witness hereof I affix my seal.

A. C. Joyner's, (SEAL)

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT DECEMBER 4TH. 1916.

A paper writing purporting to be a codicil to the last will and testament of A. C. Joyner, deceased, admitted to probate on the 24th. day of July, 1916, was this day presented for probate, by C. F. Joyner and E. L. Joyner, the executors therein named, and Parke P. Deans and W. E. Laine, competent witnesses, being duly sworn, deposed and said that they are well acquainted with the hand writing of the said A. C. Joyner, and verily believe that the said paper writing is wholly written and signed by the hand of the said A. C. Joyner. And, thereupon, the said paper writing is admitted to record as a codicil to the true last will and testament of the said A. C. Joyner, deceased.

Teste, A. S. Johnson, Clerk.

A copy,

Teste, A. S. Johnson, Clerk.

By, Chas. E. Wilson, D. C.

A. S. Johnson, Clerk,

Isle of Wight, V.a

E. L. Joyner and C. F. Joyner, Executors of the Estate of

A. C. Joyner, deceased.

V.

E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, Wm. D.

Joyner, C. Shelton Joyner, adults; and Doris L. Joyner,

E. Owens Joyner, Lucille E. Joyner, H. Gordon Joyner,

Douglas F. Joyner, Robert Allen Joyner, Adelle C. Joyner

and Helen W. Joyner, infants under the age of twenty-one years.

Issue summons in chancery to Second January Rules, 1917.

John L. Joyner, p. q.

No 256

Joyner Executors
vs No 256. Cy
Joyner et al

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

Jany 13 1917
Filed

Teste, Asst. Clerk Clerk.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Joyner's Executors.....Complainants

v.

Joyner, et als.....Defendants

This cause came on this day to be ^{again} heard on the papers formerly read, and upon the petition of Helen W. Joyner, verified by oath, asking for the delivery to her of certain personal property, and the affidavit of her father attached thereto and filed this _____ day of May, 1930, and was argued by counsel.

And it appearing to the Court that Helen W. Joyner reached the age of twenty-one years on April 22nd, 1930, and that she is entitled to a certain bond in the sum of \$409.97, with legal interest thereon from April 16th, 1918, until paid, executed by Mattie C. Joyner and payable to C. F. Joyner and E. L. Joyner, executors of F. D. Joyner and Special Commissioners in this cause, and secured by deed of trust to Thomas L. Woodward, Trustee on certain land in Nansemond County as authorized by decree of this court entered in May, 1924, which bond is now in the possession of said C. F. Joyner, and E. L. Joyner, ^{on consideration whereof} it is ordered that the said C. F. Joyner, and E. L. Joyner, Executors and Special Commissioners assign said bond unto Helen W. Joyner, her heirs or assigns, and deliver same to Helen W. Joyner or Thomas L. Woodward, her attorney, upon receipt therefor, executed by either of them, upon doing which they shall thereafter be released ^{from} liability ^{with respect to said bond}.

There being nothing further to be done in this cause, the same is ordered dismissed from the docket.

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

Joyner's Executors

Complainants

v. Order *cy.*

Joyner, et als

Defendants

Enter May 27, 1950

B.D.W.

Judge

Book 8
page 547

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

JOYNER EXECUTORS

vs.

CHANCERY SUIT NUMBER 257

JOYNER ET ALS

This cause came on this day to be ^{again} heard on the papers formerly read and upon petition of Mattie C. Joyner, this day filed by leave of court and was argued by counsel:

On consideration whereof, it appearing to ~~the satisfaction of~~ the Court that H. Gordon Joyner, Dudley F. Joyner and Robert A. Joyner are now over the age of twenty-one years, and it further appearing ^{who is about 20 years of age and} ~~to the Court~~ that Adelle C. Joyner ^{is} is in need of the sum due her in this cause for her maintenance and support, and that the interest of Helen W. Joyner in this suit will be protected by a second deed of trust on the real estate of Mattie C. Joyner situate in Nansemond County, it is hereby adjudged, ordered and decreed that C. F. Joyner and E. L. Joyner, Executors and Special Commissioners, in person, or by their Attorney, release the deed of trust from Mattie C. Joyner to Parke P. Deans, Trustee, dated April 16, 1918, securing the payment of Two Thousand and Forty-nine Dollars and Eighty-seven Cents (\$2049.87) to C. F. Joyner and E. L. Joyner, Executors and Special Commissioners of the Estate of A. C. Joyner, upon receipts from H. Gordon Joyner, Dudley F. Joyner and Robert A. Joyner and upon a receipt from ^{Adelle C. Joyner} ~~Mattie C. Joyner~~ showing that she has received her share of the said loan for her maintenance and support, ~~of the said Adelle C. Joyner,~~ and upon the execution of a bond payable to C. F. Joyner and E. L. Joyner, Executors and Special Commissioners, for Four Hundred and Nine Dollars and Ninety-seven Cents (\$409.97) with interest from April 16th, 1918, until paid, with the payment thereof secured by a second deed of trust on the real estate of Mattie C. Joyner in Nansemond County, Virginia.

VIRGINIA,

IN THE CLERK'S OFFICE OF
THE COUNTY OF WISCONSIN:

Joyner's Executors

v. Chancery Suit #257

Joyner, et al.

Enter May 29, 1924, in Chancery
Order Book 78, page 1

1924
May 29th
Enter. his.
B.D.W.

O.B. 8 204
p. 28

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

Joyner's Executors etc.

v. Chancery

Joyner et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of E. L. Joyner and C. F. Joyner, Executors and Special Commissioners, this day filed, by leave of Court, and to which there is no exception, and was argued by counsel:

On consideration whereof, ~~the Court doth adjudge, order,~~
~~and decree that the said report be confirmed and it appearing there-~~
~~from, that the executors and special commissioners have paid to~~
Lucille Joyner, the sum of \$409.97 and have loaned to Mattie C.
Joyner, the sum of \$2049.87 and taken from her a bond, payable on
demand, to said executors and special commissioners, ~~which said~~
~~bond states;~~ ^{being} and the same is secured by a deed of trust, which is
the first lien upon real estate, situate in Hansemond County,
Virginia, and which appears from testimony filed with said report,
to be a safe investment, (the amount evidenced by said bond being
the interest of the infant children of F. D. Joyner in the estate
of said A. C. Joyner); and it further appearing that the said executors
and special commissioners have had erected a tombstone and fence
around the grave of the said A. C. Joyner, and have paid to the
Blount Marble Works the sum of \$158.00, ~~xxx xxxxx xxx.~~

And it further appearing that the said executors and special
commissioners have settled the estate of A. C. Joyner in full as
follows:



Money received-first payment of Joseph Blatchford	1500.00
Account with Marine Bank of Norfolk (on bond of Joseph Blatchford)	
Advanced E. L. Joyner Norfolk real es estate	2938.38
Check of H. L. Page and Co	<u>171.06</u> 3109.44
Cash from Joseph Blatchford (other bond and full settlement)	4660.00
In Banks to credit of A. C. Joyner, at her death	1.17
Received from personal property:	
Sale of personalty	81.27
Account of C. F. Joyner	241.60
Sale of personalty	40.00
Received from Cumberland Lumber Company	<u>30.00</u> 392.87
Due estate by E. L. Joyner	418.41
Due estate by F. D. Joyner's heir's	<u>1264.27</u>
Total assets of estate	11346.16

PAID OUT

Commissions to M. D. White and Co., Real Estate Agents for sale of farm	450.00
Cost of Court, including commissioner in chancery, and qualification of executors	53.50
Premium on bond to A. S. Barrett	30.00
Paid W. E. Laine County Treasurer, taxes	72.17
C. W. Bailey and Bro., burial expenses	90.00
Dr. R. L. Seward, physician in last illness	31.50
Executors of J. G. Wilson on bond	700.00
Executors of J. G. Wilson, balance on bond	603.68
A. L. Saunders, note	119.07
G. F. Whitley, attorney's fee	36.00
J. H. Gwaltney, for merchandise	1.79
C. F. Joyner for merchandise	326.47
M. C. Joyner, nurse	200.00
West and Withers, insurance premiums	56.00
J. W. Babb, witness fee	2.50
W. J. Rhodes, witness fee	2.50
A. L. Saunders, witness fee	2.50

E. L. Joyner, commissions	239.59
C. F. Joyner, commissions	239.59
Parke P. Deans, attorney's fee	310.00
A. S. Johnson, clerk's fee, court cost and taxed attorney's fee	18.50
Reserved for taxes	6.00
Blount Marble Works	158.00
E. L. Joyner, recording deed of Norfolk real estate	5.40
Parke P. Deans, preparing deed to Joseph Blatchford	10.00
A. S. Johnson, additional court cost	2.00

Paid E. L. Joyner :

Purchase of Norfolk real estate	2938.38	
Amount due estate	418.41	
Paid direct to Joyner (one-half of income from Blatchford bond)	132.91	
Purchase of Liberty Bonds	300.00	3789.70

Paid to heirs of F. D. Joyner :

To Lucille Joyner	409.97	
Loaned to M. C. Joyner, money of Gordon Joyner, Robert Joyner, Dudley Joyner, Adelle Joyner and Helen, infants of F. D. Joyner	2049.87	
Amount due estate	1264.27	
To Lucille Joyner	10.93	
To M. C. Joyner, for clothing for Gordon Joyner, Dudley Joyner, Robert Joyner, Adelle Joyner and Helen Joyner	54.66	3789.70

Total paid out

11346.16

The Court doth adjudge, order and decree that the said report be confirmed, and in so far as there have been error in the disbursements heretofore ordered ~~in decrees heretofore entered~~, ~~therefore~~ ^{such} in so far as ~~such~~ ^{former} decrees are in conflict with this order, they are hereby set aside.

And it further appearing ~~that as soon as this decree has been put into effect~~, that nothing further to be ~~accomplished~~ ^{is done by said E. L. & C. F. Joyner} as special commissioners, the Court doth direct that the said bond of Mattie C. Joyner be assigned to the said E. L. Joyner and C. F. Joyner as Executors of the Estate of A. C. Joyner, ~~and report~~ ^{in their proceedings}.

And ^{they} ~~they~~ ^{are} ~~are~~ ^{to be} ~~be~~ ^{directed} ~~directed~~ ^{and} ~~and~~ ^{performed} ~~performed~~ ⁱⁿ ~~in~~ ^{accordance} ~~accordance~~ ^{with} ~~with~~ ^{the} ~~the~~ ^{said} ~~said ^{will} ~~will~~ ^{of} ~~of~~ ^{the} ~~the~~ ^{said} ~~said~~ ^{A. C. Joyner,} ~~A. C. Joyner, ^{by} ~~by ^{the} ~~the ^{co-} ~~co- ^{executors} ~~executors ^{hereof} ~~hereof~~~~~~~~~~~~~~

Jaques &c

v

~~Jaques~~ et al

1918

Enter this, 6/3/18

B.W.

U. S. B. # 7

page 470

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN VACATION,
MAY 28TH. 1918.

Joyner's Exrs., etc.

vs) Chancery. 257

Joyner, et als.

This cause came on this day to be again heard on the papers formerly read, and upon the report of E. L. Joyner and C. F. Joyner, Special Commissioners and Executors of the estate of Eddie C. Joyner, deceased, this day filed, and to which there is no exception, and was argued by counsel:

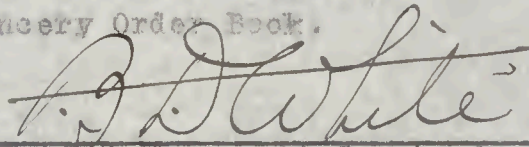
And it appearing from said report that the said executors and Special Commissioners, have executed the bond, required by the decree entered herein on the 23rd. day of May, 1917, and that they have received from Joseph Blatchford an offer for the real estate described in the bill and proceedings of this suit, at the sum of nine thousand dollars, of which sum fifteen hundred dollars is to be paid in cash and the remainder to be evidenced by a bond for the sum of seven thousand and five hundred dollars, payable on the first day of January, 1918, secured by a first lien upon the real estate herein mentioned, said sale to be subject, however, to a commission of five per centum on the gross amount, to be paid to H. D. White & Company, of Norfolk, Virginia, real estate agents, who secured the purchaser of said land:

On consideration whereof, the Judge of this Court, in vacation, approving said offer, doth adjudge, order and decree that the said offer of the said Joseph Blatchford be accepted; and that the said E. L. Joyner and C. F. Joyner, Executors and Special Commissioners,, execute to said Joseph Blatchford a good and sufficient deed, with covenant of Special Warranty, and deliver the same to him upon the payment of the said sum of fifteen hundred dollars in cash, and the execution and delivery of his bond, for the said sum of seven thousand and five hundred dollars, together with a deed of trust, conveying the said land to some one

as trustee, to secure the payment of the said bond of seven thousand and five hundred dollars, which said deed of trust shall constitute the first lien upon the said land:

And the Judge of this Court, in vacation, doth further adjudge, order and decree, that the said E. L. Joyner and C. F. Joyner, Executors and Special Commissioners as aforesaid, shall deposit, in the Bank of Windsor, Inc., in Windsor, in this County, the said sum of fifteen hundred dollars, received for the cash payment upon the property herein mentioned, out of which sum they are directed to pay the costs of this suit to date, the premium upon their bond as such Special Commissioners, the sum of four hundred and fifty dollars to said W. D. White & Company, of Norfolk, Virginia (it being five per cent of the gross amount of the said herein mentioned, due to them for procuring a purchaser for said tract of land), the balance then remaining to be subject to the further order of this Court, or the Judge thereof, in vacation.

All of which is hereby certified to the Clerk of this Court, to be entered in the Chancery Order Book.



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

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, May 30th. 1918. The foregoing vacation decree was received and entered of record.

Teste, _____ Clerk.

May 8, 1918.

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

Jcyner's Executors etc.

v.

Jcyner et als.

This cause came on this day to be again heard upon the papers formerly read, the petition of Lucille^{E.} Jcyner and upon the report of E. L. Jcyner and C. F. Jcyner Special Commissioners and Executors, this day filed and to which report no exception has been taken, and upon the argument of counsel as to the construction of the will of A. C. Jcyner;

And it appearing from said report of E. L. Jcyner and C. F. Jcyner, Special Commissioners and Executors that they have disbursed the funds as follows:

Amount of money in hand	5237.36	
Paid Executors of J. G. Wilson balance on bond		603.68
Paid A. L. Saunders, note		119.07
Paid G. F. Whitley, attorney's fee		36.00
Paid J. H. Gwaltney for merchandise		1.79
Paid C. F. Jcyner for merchandise		326.47
Paid M. C. Jcyner nurse		200.00
Paid West and Withers insurance premiums		54.00
Paid J. W. Babb, witness fee		2.50
Paid W. J. Rhodes, witness fee		2.50
Paid A. L. Saunders, witness fee		2.50
Paid E. L. Jcyner, commissions		239.59
Paid C. F. Jcyner, commissions		239.59
Paid A. S. Johnson, clerk's fee, court cost and taxed attorney's fee		18.50
Reserved for axes		6.00
Reserved for Blount Marble Works for tombstone and fence		158.00
Balance in hand		
	5237.36	2928.17
		5237.36

On consideration where of ~~it is adjudged, ordered and decreed that~~
Court doth confirm the
the said report of said E. L. Joyner and C. F. Joyner, Special

the wife of A. C. Joyner Commissioners and Executors ~~be confirmed,~~ and the Court being of
the said as found in said will,
the opinion that E. L. Joyner and heirs are entitled to one-half

~~of the net proceeds of the sale of the property herein~~
directed to be sold, from which one-half, the indebtedness due by
~~him to the estate of said A. C. Joyner to-wit: the sum of \$416.41~~
should be deducted, and that the heirs of F. D. Joyner are entitled
to the other one half of said proceeds from which one-half, the
indebtedness to said estate ~~of the heirs of said F. D. Joyner, to-wit:~~
the sum of \$1364.27, should be deducted, doth so decide, and it
appearing that the said E. L. Joyner and heirs have already received
from said proceeds of sale the sum of \$2939.38 as appears by a
and it now appearing that said Special Commissioners and Executors now have in
former decree herein, ~~a statement of which would be as follows, to-wit:~~

By actual amount in hand	2928.17
By actual amount advanced to E. L. Joyner	2939.38
By amount due by E. L. Joyner	416.41
By amount due by F. D. Joyner's heirs	1364.27
Total	\$7648.23

One half, or \$3824.11, ~~shall be the part due to said E. L. Joyner and heirs under the terms of the will from which shall be deducted the sum of \$416.41, the indebtedness of said E. L. Joyner and \$2939.38, heretofore advanced upon his distributive share, thereby leaving the sum of \$468.32 due the said E. L. Joyner and heirs; and that the heirs of F. D. Joyner are entitled, under the terms of said will, to the other one half, or \$3824.11 from which shall be deducted the sum of \$1364.27, the indebtedness of the heirs of said F. D. Joyner, thereby leaving the sum of \$2459.84 due the said heirs of F. D. Joyner, and it also being the opinion, the Court doth decide that the said sum of \$2459.84 should be divided into eight parts, that is one eighth, of the sum of \$307.48 to each of the following named: William D. Joyner, C. Shelton Joyner Lucille E. Joyner, H. Gordon Joyner, Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner, and that from the part~~
as aforesaid
to said estate
audit is adjdged and decreed

due to William D. Joyner should be deducted his indebtedness to the estate amounting to \$418.00 ~~thereby making his portion of said proceeds the sum of \$_____~~; that from the part due to C. Shelton

Which said sums are more than their respective shares or portions of the proceeds, sums, for their respective shares, to wit, the sum of \$614.96
Joyner should be deducted his indebtedness to the estate amounting to \$538.02; and that the said sum so deducted, the total of said deductions being \$_____ should be added to the portions of the

remaining children of said F. D. Joyner, a statement of which would be as follows:

To Lucille E. Joyner, ~~one-eighth plus one-sixth of~~ \$_____

\$ 409.97

To H. Gordon Joyner, ~~one-eighth plus one sixth~~

\$ 409.97

To Dudley F. Joyner, ~~one-eighth plus one sixth~~

\$ 409.97

To Robert A. Joyner, ~~one-eighth plus one-sixth~~

\$ 409.97

To Adelle C. Joyner, ~~one-eighth plus one-sixth~~

\$ 409.98

To Helen W. Joyner, ~~one-eighth plus one -sixth~~

\$ 409.98

Total

\$ 409.98

2459.84

And it further appearing that Lucille E. Joyner, one of the heirs of F. D. Joyner has since the institution of this suit become twenty-one years of age, it is ordered that the sum of \$ 409.97 be paid her by said special commissioners and executors; and the Court doth further direct the said special commissioners and executors to invest the amount due to the infant heirs of F. D. Joyner in a

loan upon real estate secured by a first lien upon the same, *and that said executors do purchase four bonds of the United States of America, each for the sum of One Hundred Dollars, to be held for the benefit of E. L. Joyner and his heirs, the same to be held as provided in said will, and the sum of \$468.32 belonging to E. L. Joyner and his heirs, the Court doth direct said special Commissioners and executors to purchase four bonds of the United States of America, each for the sum of One Hundred Dollars, the same to be payable to said special Commissioners, herein, and the remainder of \$68.32 shall be deposited in interest in some solvent bank, and the interest from said bonds and said deposit shall be paid to said E. L. Joyner for his life, and it appearing that the heirs in this suit*

20
Jeyner et al
x 5
Jeyner et al

1918
Apr. 3.
Kuter his.
B.D.W.

C.O.B. # 7.

page 45-8.

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

Addie C. Joyner's Executors etc.

v.

E. L. Joyner et als.

IN VACATION ^{On the} 23rd day of January 1918.

This cause came on this day to be again heard o
on the papers formerly read, and upon the report of E. L. Joy-
ner and C. F. joyner, Executors and Special Commissioners,
this day filed, to which no exception has been taken, and was
argued by counsel:

And it appearing from said report,, that there
had been received and disbursed as follows:

Cash received from Joseph Blatchford on account of purchase price of land	1500.00
Commissions to M. D. White and Co., Real Estate Agents, for sale of farm	450.00
Cost of court, including commissioner in chancery, and qualification of executors	53.50
Premium on bond, paid A. S. Barrett	30.00
Balance in Bank of Windsor	966.50
	1500.00 1500.00

Which balance was disbursed, as directed, as
follows:

W. E. Laine, County Treasurer, taxes	72.17
C. W. Bailey and Bro. burial expenses	90/00
Dr. R. L. Seward, physician in last illness	301.50
Executors of J. G. Wilson on bond secured by deed of trust	700.00
Balance in hand from fund	72.83
	966.50

And it further appearing in conformity with a
former decree that Lora B. McTague and husband on the _____
day of July, 1917 conveyed a lot of land with the building
thereon in the City of Norfolk, Virginia to be held as pro-
vided in the will of A. C. Joyner, that is to say to E. L.
Joyner for his own benefit during the period of his natural
life, and at his death for the benefit of his wife and chil-

dren", the amount paid for the same being \$2850.00, with interest thereon to the 1st day of January, 1918, (the same amounting to \$78.38, which is chargeable to the said E. L. Joyner, his wife and children, ~~making a total of~~ which said sum of \$ 2928.38 was realized, on the 25 day of July ^{no} 1917, from the discount of a bond of Joseph Blatchford of \$3000.00, (the same being a part of the purchase price of the land sold under these proceedings), the said sum of \$2928.38 and attorney fee of \$10.00 for title examination, being an advance to said E. L. Joyner, his wife and children, on account of the devise or bequest to them by said will, a statement of which said discount is as follows:

Bond		3000.00
Interest on same from May 28th to January 1st 1918		109.44
Discount	2850.00	
Interest on same from July -1917 to January 1st, 1918	78.38	
Attorney's fee for title	10.00	
Balance	<u>6 171.06</u>	<u>3109.44 3109.44</u>

And it also appearing that said balance of \$171.06, has been deposited in the Bank of Windsor, together with the sum of \$4500.00 principal, and \$160.00 ^{interest} on the same from the 28th day of May. 1917 to the 1st day of January, 1918, said sum being the total of ^{balance} principal and interest due by Joseph Blatchford on account of the purchase price of the said land sold under these proceedings; and it also appearing that said special commissioners and executors also have in hand the following:

Amount heretofore reported to the Commissioner in Chancery	81.27
Amount received from account of C. F. Joyner	241.60
Amount received from sale of the remainder of the personal property of A. C. Joyner	40.00
Amount received from Cumberland Lumber Company, Interest on purchase price of timber	<u>30.00</u> <u>\$392.87</u>

which said ^{sum} of \$392.87 has also been deposited in said Bank, thereby making a total of \$5237.36 ^{now} on deposit to the credit of said special commissioner and executors.

And it further appearing that the following indebtedness, as of January the 15th, 1918 is due by the estate of said A. C. Joyner:

T. Executors of J. G. Wilson, balance due on bond	603.68
A. L. Saunders, note	119.07
G. F. Whitley, attorney's fee	36.00
J. H. Gwaltney for merchandise	1.79
C. F. Joyner for merchandise	326.47
M. C. Joyner nurse	200.00
West and Withers, insurance premiums	54.00
J. W. Babb, witness fee	2.50
W. J. RHodes, witness fee	2.50
A. L. Saunders, witness fee	2.50
Total	<u>1348.51</u>

On consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree that the said E. L. Joyner and C. F. Joyner, executors and special commissioners, do pay the said indebtedness last herein-above set forth, and all the cost of suit to the date of this decree, to Parke P. Deans, attorney the sum of \$ 310.⁰⁰/₁₀₀ as his fee for conducting this cause, and to themselves, five per cent of their gross receipts, for their services as executors under the last will of the said A. C. Joyner, and they shall report their proceedings hereunder.

All of which is certified to the ~~Court~~ Clerk of this Court to be entered in the Chancery Order Book, *in vacation*.

P. H. White

17

JOYNER'S ETC.

V.

JOYNER ET ALS.

DECREE

ENTER THIS

Jan 1895

v

*C. S. B. - #7
page - 446*

In the Circuit Court of the County of Isle of Wight, Virginia:
Joyner's Executors etc

v.

Joyner et als.

This cause came on this day to be again heard on the papers formerly read, ^{upon} the petition of E. L. Joyner and ^{upon} the report of E. L. Joyner and C. F. Joyner, Special Commissioners and Executors of the Estate of A. C. Joyner, deceased and was argued by counsel.

It appearing from the report of the said special commissioners and executors that they have received from Joseph Beatchford ^{on account of the purchase price of the property directed by the will} the sum of fifteen hundred dollars and two bonds, one for three thousand dollars and the other for forty five hundred dollars, the same being secured by deed of trust on the real estate in the proceedings mentioned, said bonds payable ^{with interest} January 1st, 1918, and it further appearing that they have paid out of said sum the following:

Commissions to M. D. White and Company	450.00
Cost of Court ~~14.00~~ , Commissioner in Chancery ~~25.00~~ and qualification on estate ~~14.50~~	53.50
A. S. Barrett, premium on bond	30.00
Balance in Bank	966.50

At consideration whereof the said report is
~~It is order that the same be confirmed, and the Court~~

out of the cash in their hands,
d th adjudge order and decree that the said sepcial commissioners and executors pay to the County Treasurer the taxes now due and payable ^{when said property is} and the balance be applied on the lien indebtedness held by the executors of John G. Wilson, deceased.

And it further appearing from the petition of E. L. Joyner that *Coming to him under the provisions of devise of A. C. Joyner, and* he desires a part of the funds coming into the hands of the special commissioners and executors, be invested in certain real estate in the City of Norfolk, *And it also appearing from* the affidavits of E. B. Lewis of the E. B. Lewis and Company and W. E. Etheridge of the M. D. White and Company, real estate *in the City of Norfolk,* agents that the property is worth twenty eight hundred and fifty dollars, *that said amount* ~~the amount of the purchase price,~~ and it is recommended also by the special commissioners and executors, as a good investment; and it further appearing that Lora Belle McTague and husband has executed a deed, dated June 25th 1917 for the said property to be delivered, in escrow to the Marine Bank of Norfolk, upon the delivery in the same manner ^{of} the bond for three thousand dollars made by Joseph Balchford, secured by deed of trust; it is ordered, adjudged and decreed that the said E. L. Joyner and C. F. Joyner, special commissioners and executors of the estate of A. C. Joyner deliver to the said Marine Bank of Norfolk, the said bond for three thousand dollars; and the said Marine Bank of Norfolk is directed upon the payment of the said bond, to first pay to Lora Belle McTague the sum of twenty eight hundred and fifty dollars, with interest from June the 25th, 1917; and then deliver said deed to the said special commissioners and executors, and pay the balance of said bond to ^{Said special commissioners and executors} them, to be deposited in the Bank of Windsor, Windsor, Virginia to their credit subject to the order of this Court. *The deed from*

which is numbered

Said Lora Belle McTague ^{share} convey the said property, numbered 246 Lucille Avenue, by metes and bounds, the same to be held in the manner set forth in the fifth clause of the will of said A. C. Joyner. But before said purchase money shall be paid for said property, the title thereto shall be examined and certified by an attorney at law, to this Court. Said special commissioners are directed to assign said bond to said Marine Bank, the use for the purposes herein set forth.

15

Jymis Ex 15 re.
153257
Jymis Ex 15 re.

1417
July 10/1917
Enter this.
B. D. W.

C. O. B. 7 - p - 423

v

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

Joyner's Executors

v.

Joyner et als.

IN VACATION ~~MAY~~ THE 28th, 1917.

This cause came on this day to be again heard upon the papers formerly read, ^{and upon} the report of E. L. Joyner and C. F. Joyner, Executors and Special Commissioners this day filed, ~~by leave of Court~~, to which no exception is taken, and was argued by counsel:

And ~~it~~ appearing from said report that Joseph Blatchford has offered for the real estate in the bill and proceedings mentioned, the sum of nine thousand dollars, of which amount fifteen hundred dollars is ^{in cash} ~~this~~ ^{to be} ~~day~~ paid, and the balance ~~is to be paid~~ on or before the ^{first} ~~1st~~ day of January, 1918, ^{with interest on said balance from this date,} and it further appearing that the offer is a good one, and recommended to be accepted by E. L. Joyner and C. F. Joyner, Executors and Special Commissioners.

~~Said Joseph Blatchford~~ ^{On} consideration whereof, the Court doth approve the said offer and doth adjudge, order and decree that the said E. L. Joyner and C. F. Joyner, ~~Executors and as~~ ^{and heirs} Special Commissioners shall execute a deed, ^{with} ~~containin-~~ the covenants of special warranty unto the said Joseph Blatchford for the real estate as heretofore described ^{in which said deed the said} ~~and herein described as follows:~~

E. L. Joyner and C. F. Joyner, shall unite as executors of the last will of Adrie C. Joyner

Sub not
And said deed is to be delivered to the said Joseph Blatchford *until he shall*
pay said sum of \$1500 and payable to said E. L. and C. F. Joyner, Special Commissioners in
execution by him of two bonds, one for three thousand dollars and the

other for forty five hundred dollars, payable on the 1st day of January,

1918, bearing interest from date and secured by a first lien upon said

real estate, *said deed to be drawn and recorded at the expense of said Joseph Blatchford.*

It is The Court doth further order that the fifteen hundred dollars, ~~this day paid~~ be deposited in the Bank of Windsor, Incorporated,

Windsor, Virginia, subject to the further order of this Court. ~~The Court~~

~~And it further appearing from said report that the sale doth direct that the said executors and special commissioners upon the~~

~~execution of the proper papers by Joseph Blatchford to draw check for four hundred and fifty dollars payable to the said M. D. White and Company as commissions for the sale of said property.~~

All of which is certified to the Clerk of said Court making sale of farm lands is for per cent to be entered upon the Chancery Order Book of said Court.

of the amount of the purchase price, and that said sale by said agents was authorized by said special commissioners and executors.

It is therefore ordered that as soon as said Joseph Blatchford shall have paid the said sum of \$1500 and executed the bonds afore-

said and said deed of trust securing the same, then said special commissioners shall check upon said sum of \$1500 in favor of said

M. D. White and Company for the sum of \$450, and they shall also check on said fund for the amount of the cost of this cause to this

date. All of which is certified to the Clerk of this Court to be entered in vacation in the Chancery order book.

M. D. White

This Court and also the executors with the will herein.

In the Circuit Court of Isle of Wight County, Virginia, *in vacation,*
May 28th 1918

Joyner's Executors

v. *{ 257*

Joyner et als.

This cause came on this day to be again heard on the papers formerly read, *and* on the report of E. L. Joyner and C. F. Joyner, Special Commissioners and Executors of the estate of Addie C. Joyner, deceased, this day filed by leave of Court, to which there is no exception and was argued by counsel,

And it appearing from said report that the said executors and special commissioners have executed the bond with proper surety and that they have received from Joseph Batchford an offer for the real estate described in the bill and proceedings hereunder at the sum of nine thousand dollars, of which sum fifteen hundred dollars to be paid in cash and the remainder to be closed by a bond secured with a prior lien upon the real estate, said bond payable on January the first, 1918, subject however to a commission of five per centum of the gross amount to be paid M. D. White and Company of Norfolk, Virginia, real estate agents who obtained the purchaser;

On consideration *Judge of this Court in vacation,* whereof, the ~~Court~~ doth adjudge, order and decree that the said offer of Joseph Batchford be accepted *and the* said E. L. Joyner and C. F. Joyner, Executors and Special Commissioners, *adhering,* are directed to execute a deed, with covenants of special warranty, unto the said Joseph Batchford, and deliver the same to him upon the payment of fifteen hundred dollars, in cash, and the execution and deliver of a bond for seventy-five hundred dollars, secured by a first lien upon the said property. *Judge of this Court in vacation* And the ~~Court~~ doth further direct that the said executors and special commissioners deposit in the Bank of Windsor, Incorporated, Windsor, Virginia the sum of fifteen hundred dollars, and out of same they are directed to pay

the ~~cost~~ cost of this suit to date, ~~also~~ the premium on ^{their} bond and the sum of four hundred and fifty dollars, (it being five per cent of the gross amount), to M. D. White and Company, Real Estate Agents; ^{to procuring the purchaser} and the balance ^{to} be subject to the further order of this Court, that may be entered herein.

All of which is certified to the Clerk of this Court to be entered upon the Chancery Order Book in vacation.

M. D. White, Judge

Virginia: Clerk's Office of the Circuit Court
of the County of Isle of Night. ~~at vacation~~
On the ~~4th~~ day 30th day of May, 1918,
this vacation order was received and
entered of records

Test. *[Signature]* Clerk

Joyner's Executors

v.

Joyner et als.

Decree

Enter this

1917

May 28

Enter this sum
pro sum.

B.W.

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

E. L. Joyner and C. F. Joyner, Executors of the Estate of A.
C. Joyner, deceased, Complainants.

v.

E. L. Joyner, Lillie E. Joyner, Mattie C. Joyner, William D.
Joyner, C. Shelton Joyner, adults; and Doris L. Joyner, E. Owen
Joyner, Lucille E. Joyner, H. Gordon Joyner, Duddley F. Joyner,
Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner,
infants under the age of twenty-one years, Defendants.

This cause came on to be heard upon the bill of ~~the~~
complaints, and upon ^{for} the answers of the adult defendants, E. L.
Joyner, Lillie E. Joyner, ^{and upon the joint answer} Mattie C. Joyner, W. D. Joyner and
C. S. Joyner, and upon the answer of the infants, Doris L. Joyner,
E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F.
Joyner, Robert Allen Joyner, Adelle C. Joyner and Helen W. Joyner,
by Geo. F. Whitley, their guardian ad litem duly appointed at
^{this day filed} rules, filed by leave of court, and on the petition of W. D.
^{paying in partition of the land mentioned in this bill} Joyner, and C. S. Joyner, also filed by leave of court, and upon
the general replication thereto and was argued by counsel,

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

- 1, When A. C. Joyner died and what debts, if any are
due by her estate, to whom and their priority.
- 2, What debts are due the estate of A. C. Joyner and by
whom and the nature of same,
- 3, Of what estate, real and personal ~~or both~~, said
A. C. Joyner was possessed of at her death.
- 4, Whether there are any liens against the real estate
on account of delinquent taxes or otherwise.

5 Whether the rents and profits of the real estate mentioned in the bill and proceedings will be sufficient in five years to pay the indebtedness upon the estate.

6, Whether it will be practicable to manage the whole of the real estate for the term mentioned, as ^{is set forth} ~~suggested~~ in the third clause of the will of said A. C. Joyner,

7, ^{Whether} ~~Ascertain if~~ a tombstone and fence have been provided as directed in the tenth clause of said will.

8 ~~Ascertain~~ ^{Whether} it be practical to dispose of the property as directed in fourth clause of will, and further if it should be impracticable to manage ^{said} as directed in the third clause of said will, ^{the said} ~~whether or not the executors~~ ^{who have} have power to convey the said real estate and execute a deed for same under the ^{terms} said will.

9. ~~Ascertain who shall invest any funds derived from said estate as directed in the fifth clause of said will and how shall each share be invested.~~

~~10 Whether or not any obligation mentioned in will have been paid or satisfied and to and by whom.~~

9 ~~Whether~~ any insurance policy or policies on the life of E. L. Joyner are in force and effect at her death

10 ~~12~~ And in the event that it is impracticable to dispose ^{or manage} of the real estate as ^{set forth} ~~mentioned~~ ^{said} under will, whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein,

11 ~~13~~ 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.

12 ~~14~~ 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.

~~13~~ ¹³ ~~15~~ 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.

~~14~~ ¹⁴ ~~16~~ Whether all the proper and necessary parties to this cause are properly before the court and the ages and residences of the infant defendants.

~~15~~ ¹⁵ ~~17~~ What are the transactions of the executors, since their qualification. *or administrators, appointed or qualified before the death of the testator*

Which several inquiries, the said commissioner shall make, and to the court report, together with any matter specially stated, deemed pertinent by himself, or required by any party 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 *might be entered* as in term time.

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Note for decess

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N 20, 207
Jeynor et al

1917
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Enter this
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COB.# 7 Page 408

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

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

E. L. Joyner and C. F. Joyner, executors of the estate of
A. C. Joyner, deceased
vs) Chancery. 257.

E. L. Joyner, Lillian E. Joyner, Mattie C. Joyner, William
D. Joyner, C. Shelton Joyner, adults; and, Dorris L. Joy-
ner, E. Owen Joyner, Lucille E. Joyner, H. Gordon Joyner,
Dudley F. Joyner, Robert Allen Joyner, Adelle C. Joyner,
and Helen W. Joyner.

Upon the motion of the complainants, by counsel,
George F. Whitley is, hereby, appointed as gusraidn ad
litem for the infant defendants Dorris L. Joyner, E. Owens
Joyner, Lucille E. Joyner, H. Gordon Joyner, Dudley F.
Joyner, Robert Allen Joyner, Adelle C. Joyner, and Helen
W. Joyner, to defend their interests herein.

47
Journel Extra
n 3 Cy 257.
Journel et des

Not for decree

Subr. Apr 7/1917

C.O.B. #7 Page 408

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

Joyner's executors, et als.

vs) Chancery.

Joyner et als.

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

The undersigned, executors of the last will
and testament of Addie C. Joyner, deceased, and also
Special Commissioners in the above entitled cause, res-
pectfully report to the Court that they have, in accordance
with the decretal order entered in said suit, on the 3rd.
day of April, 1918, disbursed from the funds in their
hands, the following amounts and to the persons named, to-
wit:

To Lucille Joyner,..... \$409.97

Your Commissioners have loaned to Mattie C.
Joyner, the sum of \$2049.87, of the funds of the infant
children of F. D. Joyner, taking as evidence of the said
debt a bond, payable on demand, to said executors and
special commissioners, ⁱⁿ the just and full sum of two
thousand and forty nine dollars and eighty seven cents,
secured by a deed of trust, which is the first lien,
upon a farm situate about four miles from the City of
Suffolk, in the County of Nansemond, and State of Vir-
ginia, which, according to the affidavits of A. Lee
Saunders, J. W. Babb, and W. J. Bradshaw, persons well ac-
quainted with the values of real estate in this section,
is a safe investment.

We desire to report that Blount Marble Works has installed tombstone and fence around grave of A. C. Joyner and \$158.00 has been paid them for same.

We have not carried into effect the remainder of the decree as we find that the interest paid by Joseph Blatchford amounting ^{and \$109.44, totaling \$269.44} to \$160.00 should not be considered a part of the corpus of the estate but should be divided equally between E. L. Joyner and the heirs of F. D. Joyner. We respectfully ask that the decree last entered, dated April 3rd, 1918 be changed to meet this end.

Your special commissioners find that in their figures, there are some errors which should be corrected. In stead of \$5237.36 as cash to be disbursed under our report filed January 23rd, 1918 and confirmed by decree of that date, we should report as follows:

Check from H. L. Page and Company	171.06
Cash from Joseph Blatchford for bond and interest	4660.00
Balance in hand from fund paid previously by Joseph Blatchford	72.83
Amount received from personal property by executors	392.87
Total	<u>5296.76</u>

Then again, the account of West and Withers for premiums on insurance policies was \$56.00 and not \$54.00 and the amount of \$56.00 was paid, making the total disbursement under our report dated April 3rd, 1918 and confirmed of that date, of \$2322.19, leaving a balance to be disbursed among the heirs of \$2974.57. In addition thereto, your commissioners have received from the Bank of Windsor, \$ 84c and the Farmers Bank of Nansemond \$ 29c totaling \$1.17, the amounts deposited by said A. C. Joyner at her death, making a grand total of \$2975.74.

There should be deducted from this amount the following items heretofore overlooked and which should be ~~deducted~~ directed to be paid:

To E. L. Joyner recording fees of Norfolk property	5.40
Parke P. Deans, preparing deed to Joseph Blatchford	10.00
A. S. Johnson additional court cost	2.00
Balance to be disbursed of	<u>2958.34</u>

By reference to last report and decree, you will find that an error of addition should be corrected as follows:

By amount due by E. L. Joyner	418.41 instead of 416.41
By amount due by heirs of F. D. Joyner	1264.27 instead of 1364.27

Therefore we should report for final disbursement:

By actual amount in hand	2958.34
By actual amount advanced to E. L. Joyner	2938.38
By amount due by E. L. Joyner	418.41
By amount due by F. D. Joyner's heirs	1264.27
Total	7579.40

One-half or \$3789.70 should go to said E. L. Joyner and heirs, from which should be deducted the sum of \$418.41, the indebtedness of E. L. Joyner, and the \$2938.38 heretofore advanced, thereby leaving the sum of \$432.91 due, of this amount \$132.91 is income and therefore paid direct to E. L. Joyner and the balance is placed in United States Liberty Bonds, that is, \$300.00.

And the heirs of F. D. Joyner are entitled under the terms of said will to the other one-half, or \$3789.70 from which should be deducted the sum of \$1264.27, the indebtedness to said estate by the heirs of F. D. Joyner thereby leaving the sum of \$2525.43 due the said heirs, of which amount, \$2459.84 has been disposed of as indicated by previous decree and the balance, amounting to \$65.59 belonged to the six children, Lucille, Gordon, Robert, Dudley, Adelle and Helen, which amount \$10.93 has been paid direct to Lucille Joyner and the other \$54.66 has been paid to M. C. Joyner, the mother to purchase clothing for the said infant children and who has the care of said children, this amount being a part of the income from bonds.

Therefore your commissioners herewith set forth their full settlement:

Money received-first payment of Joseph Blatchford 1500.00

Account with Marine Bank of Norfolk (one bond of
Joseph Blatchford)

Advanced E. L. Joyner 2938.38
Check of H. L. Page and Co 171.06 3109.44

Cash from Joseph Blatchford (other bond and
full settlement) 4660.00

In Banks to credit of A. C. Joyner, at
her death 1.17

Received from personal property

Sale of personalty 81.27

Account of C. F. Joyner 241.60

Sale of personalty 40.00

Received of Cumberland Lumber
Company 30.00 392.87

Due estate by E. L. Joyner 418.41

Due estate by F. D. Joyner's heirs 1264.27

Total assets of estate 11346.16

Paid out:

Commissions to M. D. White and Co
Real Estate Agents, for sale of farm 450.00

Cost of court, including commissioner in
chancery, and qualification of executors 53.50

Premium on bond, paid A. S. Barrett 30.00

Paid W. E. Laine, County Treasurer, taxes 72.17

C. W. Bailey and Bro. burial expenses 90.00

Dr. R. L. Seward, physician in last illness 31.50

Executors of J. G. Wilson on bond 700.00

Executors of J. G. Wilson balance on bond 603.68

A. L. Saunders, note 119.07

G. F. Whitley, attorney's fee 36.00

J. H. Gwaltney for merchandise 1.79

C. F. Joyner for merchandise 326.47

M. C. Joyner, nurse 200.00

West and Withers, insurance premium 56.00

J. W. Babb, witness fee 2.50

W. J. Rhodes, witness fee 2.50

A. L. Saunders, witness fee 2.50

OVER

E. L. Joyner, commissions		239.59
C. F. Joyner, commissions		239.59
Parke P. Deans, attorney's fee		310.00
A. S. Johnson, clerk's fee, court cost and taxed attorney's fee		18.50
Reserved for taxes		6.00
Blount Marble Works		158.00
E. L. Joyner, recording deed of Norfolk real estate		5.40
Parke P. Deans, preparing deed to Joseph Blatchford		10.00
A. S. Johnson, additional court cost		2.00
Paid E. L. Joyner-----		
Purchase of Norfolk real estate	2938.38	
Amount due estate	418.41	
Paid direct to Joyner (one-half of income from Blatchford bond)	132.91	
Purchase of Liberty Bonds	300.00	
		3789.70
Paid to heirs of F. D. Joyner		
To Lucille Joyner	409.97	
Loaned to M. C. Joyner, money of Gordon, Dudley, Robert Adelle and Helen	2049.87	
Amount due estate	1264.27	
To Lucille Joyner	10.93	
To M. C. Joyner, for clothing for Gordon, Dudley, Robert Adelle and Helen	54.66	
		3789.70
Total paid out		11346.16

And now that we have transacted all the affairs as indicated for us to do as special commissioners and whatever now remains to be done can be managed under the will of the said A. C. Joyner as has been construed by this cause, and as the executors have qualified properly under said will; we therefore ask that we be relieved of further duties as special commissioners and our bond as such be canceled and that we proceed hereafter as the executors of the estate of A. C. Joyner and that this suit may be dismissed from the docket.

Respectfully submitted,

May 27th, 1918

A. C. Joyner
A. C. Joyner

Special Commissioner and Executors.

Joynes &

Joynes & Co.

Comptroller
Report

Delivered Jan 21st 18

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

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

I, A. S. Johnson Clerk of the Circuit Court of the County of Isle of
Wight, do hereby certify that on the 15 day of January 1917,
E. L. Joyner and C. F. Joyner duly qualified in my
said court as Executors of the last will and testament of
W. C. Joyner, deceased
and gave bond as such according to law. Sum of One Thousand Dollars

Given under my hand this 15 day of January 1917.

A. S. Johnson, Clerk.

For value received
we hereby assign the
within note to
E. L. C. F. Joyner
Executor of A. C. Joyner
and Spelt. Comon,
without recourse
to us.

Ladie J. Wilson }
J. H. Wilson }
Mrs R. R. Ramey }

Exec J. H. Wilson
7/13/18 Cax

DEPOSITED BY

SMITHFIELD, VA. _____ 191_____

PLEASE LIST EACH CHECK SEPARATELY

	DOLLARS	CENTS
CURRENCY_____		
GOLD_____		
SILVER_____		
CHECKS_____		
TOTAL \$		

SEE THAT ALL CHECKS AND DRAFTS ARE ENDORSED

DEWITT WADSWORTH, JR.



For value received
The Bank of Windsor
does hereby assign the
within note secured
by deed of trust
to Bert F. Whitley,
without recourse
to it

Bank of Windsor
By F. J. Leathers
Cashier.

For value received
I hereby assign the within
note secured by a
deed of trust to
the Executor of the Estate
of John S. Wilson
without recourse to
me

Bert F. Whitley
August 24, 1914.

\$1200⁰⁰/₁₀₀

Windsor, Va.,

Mar 24 - 1916

1915

Ninety

days after date I promise to pay unto

Bank of Windsor 17758

or order, negotiable and payable

without offset, at the BANK OF WINDSOR, INC. WINDSOR, VIRGINIA,

Twelve hundred

DOLLARS,

for value received, with ten per cent for cost of collection; and it is hereby agreed upon by the parties that the interest on this Note shall be payable in advance, and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

P. O.

This note is secured by deed of trust

Handwritten signatures and notes:
- "Full payment" (vertical)
- "No effect on Homestead Exemption" (vertical)
- "C. Joyner" (signature)
- "to be paid" (vertical)
- "at 10% interest" (vertical)
- "on 3/24/16" (vertical)
- "to C. Joyner" (vertical)

For value received
we hereby assign the
within note to A. H. & C. F.
Joyner, Executors of
A. R. Joyner and Sp. Com.
without recourse to
us ^{James G. Wilson} ^{John G. Wilson}
2/13/18 ^{John G. Wilson}

For value received
the Bank of Windsor
do hereby assign
the within note
secured by a deed
of trust to
Mr P. Whitley
without recourse
to it.

Bank of Windsor
By F. J. Leather
Cashier

For value received
I hereby assign the
within note secured
by a deed of trust to the
Executors of the
Estate of John G. Wilson
without recourse
to me Mr P. Whitley
August 24/1916.

Due June 22 1916

\$ 1200⁰⁰

18378

Windsor, Va., 3/4 1916

(90) Fifty days after date 2 promise to pay unto
The Bank of Windsor or order, negotiable and payable

without offset, at the **BANK OF WINDSOR, INC., WINDSOR, VIRGINIA,**
Twelve Hundred **DOLLARS,**

for value received, with ten per cent. for cost of collection; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption

A. C. Lyner



THOMAS L. WOODWARD
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

June 2nd, 1924.

Mr. R. A. Edwards, Clerk
Isle of Wight Courthouse, Va.

Dear Sir:

Re: Joyner v.
Joyner's Executors.

Kindly file the enclosed petition
and record the enclosed order in the above matter. I am en-
closing ^{letter} ~~date~~ received from Judge White with reference to the
date which is inserted on the petition and order, and will
thank you to return this to me along with the bill for your
services, whereupon I will send check to cover.

Yours very truly,

Thomas L. Woodward

TLW/J

T H I S D E E D, Made this 25th day of December, 1915,
between A. C. Joyner, party of the first part, and F. T. Leathers,
chosen trustee, party of the second part,

W I T N E S S E T H :

That the said party of the first part doth grant unto
the said party of the second part, the following property, to-wit:

All that certain tract of land situate in Newport Mag-
isterial District, Isle of Wight County, Virginia, containing
four hundred and seventy five acres, more or less, and adjoins the
lands of Henry Griffin, E. W. Laine, J. D. Pittman, Geo. W. Denson,
Adolphus Butler, Junius Warkins and others. It being the tract
of land conveyed to said Joyner by deed from J. R. Kilby, Commis-
sioner, of record in the Clerk's Office of Isle of Wight County
in Deed Book 43 page 502.

IN TRUST to secure to the Bank of Windsor, Incorporated,
Windsor, Virginia, the payment of the sum of \$1200.00 evidenced
by a certain negotiable note for that amount of even date here-
with, made by A. C. Joyner and payable to the Bank of Windsor,
ninety days after date and contains a waiver of the homestead
exemption.

It is covenanted that in case of default in the payment
of the said note, then sale shall be made at the request of the
beneficiary or its representative, and that said sale be made
after advertising the time, terms and place thereof for fifteen
days, for cash, and out of the proceeds of sale, pay first the
cost of sale including a commission of five per cent of gross
amount to the trustee and then pay off said note with all accrued
interest and legal charges and pay the balance, if any, as the
law directs.

It is also covenanted that this deed of trust shall
secure any note or notes given in renewal, extension or curtailment
of the aforementioned note.

The said party of the first part covenants to pay all taxes, assessments, dues and charges upon the said property hereby conveyed so long as she or her heirs or assigns shall hold the same.

If no default shall be made in the payment of the above-mentioned note, then, upon the request of the party of the first part, a good and sufficient deed of release shall be executed to her at her own proper cost and charges.

Witness the following signature and seal:

A. C. Joyner (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Parke P. Deans a Commissioner in Chancery for the Circuit Court of the County aforesaid and State of Virginia do certify that A. C. Joyner whose name is signed to the foregoing bearing date on the ~~25th~~ day of December, 1915 has acknowledged the same before me in my County aforesaid.

Given under my hand this 20th day of December, 1915

Parke P. Deans
Commissioner in Chancery.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight December 29th. 1915 at one o'clock P.M. this deed was received and with the certificate annexed, admitted to record.

Teste,

A. Johnson Clerk.

Trust Deed

A Gaynes
to
F. T. Leathers. No
for Bond of Murther

\$1200

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

17/29.....10.13
Recorded in D. B. No. 84....page 531...

State Tax,	<i>Paid</i>	\$ 120
Clerk,		\$ 125
Comp. Return,		\$
Total,		245

Wm. B. H. H. H.

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