1911-002
Nansemond Co (Suffolk) Chancery Causes: Annie Peed vs Benjamin Culpepper et al

Rawles, Overton, Whitfield, Cotton, Cheatham, Philhower

ERNEST L. BEALE
ATTORNEY AND COUNSELLOR AT LAW
FRANKLIN, VIRGINIA

FRANKLIN
FEB
2
9

U.S. POSTAGE
TWO CENTS

Judge R. H. Rawles,

Suffolk, Va.

FEB 23
VA.

1911

ADD TO YOUR SAVINGS

Always remember that every little added
to what you have makes just a little bit more

# National Bank of Suffolk

## Suffolk, Va.

*In account with*

R. W. Rawles, Spl
Comm'r. Reed vs Culpepper

Everett Waddey Co., Richmond, Va.

EVERETT WADDEY CO.
STATIONERS,
PRINTERS, BINDERS,
ENGRAVERS,
RICHMOND, VIRGINIA.

Bank Pass Book

No. 801

## NOTICE

**Always bring this book with your deposit.**

**See that your entries agree with your ticket.**

**Book should be left monthly for balancing.**

1911

**National Bank of Suffolk**

**Dr.** *In account with* **Cr.**

R. H. Rawes, Spl
Edwin Reed vs Deceased

| | | | | |
|---|---|---|---|---|
| May 3 | Dep't | 600 | | |

# Blank Pages Not Scanned

R. H. Rawles p. q.

Copy of Costs
Taxed in the Suit of:

Annie Peed

vs.

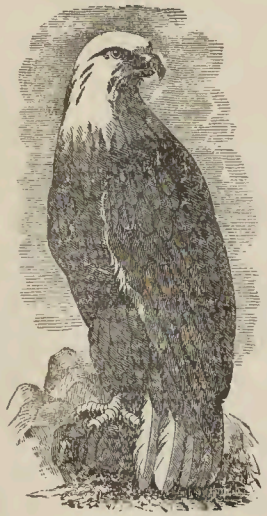
Benjamin Culpepper & others

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

| | |
|---|---|
| Writ Tax | 1 50 |
| Clerk | 7 83 |
| Sheriff | 50 |
| Attorney | 1500 |
| Commissioner | 1000 |
| Printer, for Order of Publication, etc. | |
| | $34 83 |

~~Date of Judgment or Final Decree 191~~

Memo — 1911- Apl. 13- 2 Decrees & 1 Report yet to come —
Justs: M M Watkins D.C.



$ 5.00

LINEN

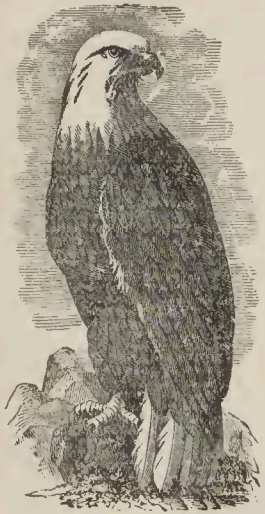
Received of R H Rankes special Commr

May 9. 1901

Five Dollars.

In selling land in cause of Annie Peck vs B F. Coffman et als in Circuit Court.

J. Mack Thomas
Asst



$4.00

LINEN

Received of

May 9. 1901

R H Kanes Special Commiss

Four x x Dollars.

In Hand-bills advertising land for sale

in Annie Reed's B.F. Coffee Addn.

Suffolks Herald Copy

K—

Mr. A. G. Culpepper Est Dr.

Judge R. H. Rawles to pay

1910 To G. W. BUTTS, Treasurer of Nansemond County, Va.

No. 60

| | STATE TAXES. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | State Tax Support Gov. 20c on $100 R. E. and P. P. Schedule B | State Tax Support Gov. 25c on $100 P. P. Sched C | State School Tax 10c on $100 R. E. & P. P. Sched. B. & C | State Tax for Pensions 5c. on $100 R. E. & P. P. Schedule B | County Levy 27c on $100 | County Road Tax 15c on $100 | County School Tax 25c on $100 | District School Tax 15c on $100 | Parish Levy 8c on $100 | TOTAL TAX |
| Real Estate, acres 2 Lots valued $ 500 | 1 | 00 | | | 50 | | 25 | 1 | 35 | | 75 | 1 | 25 | | 75 | | | 5 | 85 |
| Personal Property, Schedule B, val. $ | | | | | | | | | | | | | | | | | | | |
| Personal Property, Schedule C, val. $ | | | | | | | | | | | | | | | | | | | |
| Value $ | | | | | | | | | | | | | | | | | | | |
| Poll Tax for State and County | | | | | | | | | | | | | | | | | | 1 | 50 |
| Total | | | | | | | | | | | | | | | | | | 5 | 85 |
| 5 Per Cent. Penalty | | | | | | | | | | | | | | | | | | | 30 |
| Total | | | | | | | | | | | | | | | | | | 6 | 15 |

Received payment 19 day of May 1911 Geo. W. Butts Treasurer.

J. R. H. Rawles Special Com.

Received of

May 7. 1901

R H Rankin Special Agent

Ten x x x Dollars.

Premium on bond in case of

Annie Reed vs B F. Culpepper dec'd.

$ 10 —

Woodward & Elam.

LINEN

$9 £3 Too

LINEN

Received of R. H. Rankin Special Commr

May 9, 1901

£3

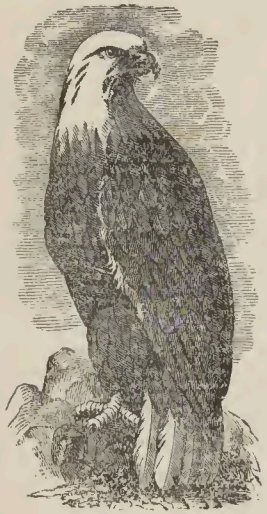
Nine 100 Dollars.

Clerks & Sheriffs Cost & mil tax in Cause

J Armin Reed vs B.F. Cockfield et al.

R. R. Smith, Clerk

By M. M. Watkins D.C



Received of R. H. Ranken Special Master

May 9, 1901

Seventy five Dollars.

in full of all fees & perquisites in

cause of Annie Reed vs P. J. Carlin et al

$75.00

R. H. Ranken Atty

LINEN

Received of

May 9. 1861

R H Rawle Special Comr

Ten x x Dollars.

for in cause of Annie Reed

vs B. L. Culpepper &c.

$10—

LINEN

Bradford Tilby

Commissioner in Chancery

May 9. 1911.

Recd of R H Rader special Commissioner Eighty six $\frac{65}{100}$ dollars in full payment of my commutation of dower in the real Estate of A.S. Coalfleet deed sold in the chancery cause of Annie Peed vs B.F. Coalfleet et al in the Circuit Court of Greenbrier County, being all her dower right in said property.

$86 $\frac{65}{100}$

Mary Lizzie Coalfleet

R. H. RAWLES
Attorney at Law and Notary Public

Administrator of the Estate of
Z. T. Holland

SUFFOLK, VA.,----------, 1908.

DEAR SIR:

No. _____ May 9th 1911

Received of R H Rawles special Commissioner

Ninety Eight 34/100 Dollars

for fifth payment of the amount due me from the order of the Circuit Court of Pat. Gallagher deceased in the chancery cause of Anna Reed vs B. F. Shelfer et al in the Circuit Court of St Clair County.

$98 34/100

Annie Reed

No. _____ May 9th 1911

Received of R. H. Rawles Special Commissr

Ninety Eight 34/100 100 Dollars

in full payment of the amount due me upon the sale of Peter Reel estate by R. S. Coulfield dec'd in the County Court of Navarro County.

$98 34/100

Sylvia Rawles

No. _____ May 9th 1911

# Receivedof

R H Rader Special Commr

Ninety Eighth 34/100 100 Dollars

in full payment of the amount due me from the sale of the real estate of B. Coffeen deceased in the Probate Court of Livingston County, Illinois to B. F. Coffeen also in the Circuit Court of Livingston County.

$98 34/100

B F Coffeen per

May 23rd 1901

Received of R H Rawls Special Commr

Ninety Eight 35/100 Dollars.

in full payment of the account due Mary Norton infant in the chancery cause of Annie Reed &c. vs. P. F. Coleffer &c. &c. from the Order of Court of A. G. Coleffer deceased in the Circuit Court of Nansemond Co. Va.

$98 35/100

LINEN

X A B Richardson X

Guardian of Mary Norton an infant.

R. R. Smith Clerk of the Circuit Court of Hancock County:

Annie Reed — Pltff

vs

Benjamin Coulpepper
Sophia Rawls
Mary Liggin Coulpepper
Mary Overton (infant) — Defts.

Issue summons for plaintiff against defendants to Second Saturday Rule (Third Monday) 1911 to answer a Bill in chancery.

R H Rawls [illegible]

Benjamin Coulpepper: Magnolia

Sophia Rawls
Mary Liggin Coulpepper — City Sergeant Pascagoula
Vh Send to R H Rawls

Mary Overton, infant: Just in Jefferson.

Memo for Clerk

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ Sergeant of the City of Portsmouth:- GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Benjamin Culpepper, Sophia Rawls, Mary Lizzie Culpepper and Mary Overton, (Infant)

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in February, 1911, to answer a Bill in Chancery, exhibited against them in the said Court by Annie Reed

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 8th day of February, 1911, in the 135th year of the Commonwealth.

~~A copy Teste:~~

....., ~~CLERK.~~

Teste:

R. R. Smith, CLERK.
By A. L. Smith, D.C.

C. F. Rawles p. q.

Annie Reed

vs. } In Chancery.

Benj. Culpepper, Sophia Rawls,
Mary Lizzie Culpepper & Mary Overton,
(Infants)

1911

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 95

the herein a sufficient and legal service of
the writing summons: and the
an attorney at law duly admitted
and all pleadings in this cause may be
known, without the necessity of the issuing
and delivery of any further writ or
and plaintiff's attorney is also
steps. Feb. 9, 1911
Sam Rawles

Mary Lizzie Culpepper
Sophia Rawles

CHANCERY SUMMONS.

# THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Benjamin Culpepper Sophia Rawls, Mary Lizzie Culpepper and Mary Overton, (Infant)

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in February 1911, to answer a Bill in Chancery, exhibited against them in the said Court by Annie Reed

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 8th day of February, 1911, in the 135th year of the Commonweath.

~~A copy—Teste:~~

....., ~~CLERK.~~

Teste:

R. R. Smith

By A. L. Smith, D.C.

....., CLERK.

July 22, 1911.
I hereby accept legal and sufficient service of the within process.
B F Culpepper

R. H. Rawles p. q.

Annie Reed

vs. } In Chancery.

Benj. Culpepper, Sophia Rawls, Mary Lizzie Culpepper & Mary Reed (an Infant) ℓ

1911

February Rules.

Thursday Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 95

7/22/11

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Benjamin Culpepper, Sophia Rawls, Mary Lizzie Culpepper and Mary Overton, (Infant)

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in February 1911, to answer a Bill in Chancery, exhibited against them in the said Court by Annie Reed

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 8th day of February, 1911, in the 135th year of the Commonweath.

~~A copy Teste:~~

....., ~~CLERK.~~

Teste:

R. R. Smith

By A. L. Smith, D.C.

....., CLERK.

R. H. Rawles, p. q.

Copy for

vs. } In Chancery.

Mary Overton (Infant)

1911

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 95

VIRGINIA, NANSEMOND COUNTY, to-wit:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SAID COUNTY, IN VACATION, ON THE--14th----DAY OF FEBRUARY, 1911.

| | |
|---|---|
| Annie Peed. | |
| vs. | In Chancery. |
| Benjamin Culpepper, et als. | |

On motion of the plaintiff, in the above cause, pending in the said court, John P. Lee, a competent and discreet, attorney-at-law is hereby appointed guardian ad litem, of the infant Mary Overton, who is one of the defendants, in said cause, and is required to represent and defend her interest therein.

R. R. Smith, Clerk
By M. H. Watkins D.C.

Order appointing
Levandian ad litem

**Know All Men by These Presents,** That we, ~~R. H. Rawles and~~

The United States Fidelity and Guaranty Company

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of

~~Fifteen hundred~~ DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

~~Sealed with our seals, and dated this day of in the year of our Lord one thousand nine hundred and , and in the year of the Commonwealth.~~

In Testimony Whereof, the said ~~R. H. Rawles~~ has hereto set his hand and seal, and the said ~~The United States Fidelity and Guaranty Company~~ has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this 23rd day of March in the year of our Lord, one thousand nine hundred and eleven, and in the 135th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound R. H. Rawles who on the 22nd day of March, 1911, by a decree entered in the Circuit Court of Nansemond County, in the chancery cause therein pending of Annie Peed, Complainant against Benjamin Culpepper & others, Defendants, was appointed Special Commissioner to sell the land in the bill and proceedings mentioned.

Now, therefore, if the said R. H. Rawles, as Commissioner aforesaid, shall faithfully discharge and perform his duties as Commissioner aforesaid, under said decree and all other decrees he may be required to execute in said cause, then the above obligation to be void, otherwise to remain in full force and effect.

United States Fidelity & Guaranty Co. Incorporated 1896 By

R. H. Rawles SEAL

The United States SEAL

Fidelity and Guaranty Company SEAL

by Richard L. Woodward SEAL

its attorney -in-fact SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 23rd day of March, 19 11:

The above bond was executed and acknowledged before me by the obligors to the same (the security ~~justifying~~ approved), and ordered to be recorded.

Teste: R. R. Smith, Clerk.

By A. L. Twitty, D. C.

A Copy - Teste:
R. R. Smith, Clerk
By M. H. Waskins D.C.

R. H. Rawles

To } Special Comr. Bond

The Commonwealth.

1911

March 23

Recorded in Official
Bond Book No. 2. Pg. 170.

Copy

I, R. R. Smith, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of R. H. Rawles as Special Commissioner under the decree of said Court made on the 22nd day of March 1911, in the Chancery cause pending in said court between Annie Reed, complainant, and Benjamin Culpepper & others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 23rd day of March 1911.

R. R. Smith, Clerk.
By A. L. Pretty, D.C.

Annie Peed

vs. In Chancery.

Benjamin Culpepper, et als.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

I, Benjamin Culpepper, one of the defendants in the above suit, do hereby make and appoint R. H. Rawles, as my attorney-in-fact and at law, to represent me, and all my interest in said cause; to accept service of all notices which may be issued in said cause, and to agree to any and all decrees that may be asked for therein, and generally to do all things concerning this cause, which I might do if I were personally present.

Given under my hand this 3d day of March, 1911.

Sign here → B F Culpepper

Power of Atty.

Know all men by these presents:

That I, Sarah Bernstein of the City of Cleveland, County of Cuyahoga and State of Ohio, do hereby constitute and appoint Isaac Bernstein, my husband, of the same place, my true and lawful attorney for me and in my name, place and stead to ask, demand, sue for, collect, receive and recover all such sum or sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as now are or hereafter shall become due, owing, payable or belonging to me, and have, use and take all lawful ways and means for the recovery thereof by arrest, attachment, or otherwise, in the name of me or of my said attorney, or otherwise, and to compound for the same and acquittances or other sufficient discharges for the same, for me and in my name to make, seal and deliver, and to settle all accounts touching the premises, and to appear in any court, and before any judge or justice, and to do and perform all and every act and thing whatsoever requisite and necessary to be done in the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal this 20 day of March, 1917.

Signed, Sealed and Delivered in the presence of:

Sarah Bernstein

Isaac Bernstein

Theodore Schaefer

Theodore Schaefer

Notary Public

In Cleveland.

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your indersigned Special Commissioner, in the Chancery Cause of Annie Peed vs. Benjamin Culpepper and other, now pending in the Circuit Court of Nansemond County, respectfully begs leave to report that pursuant to a decree entered in said cause on the 8th day of May, 1911, requiring him to make a deed for the real estate of which A. G. Culpepper died seized and possessed, and mentioned in the bill in said cause, to the purchaser thereof, J. Walter Hosier, with the covenants of title usual in such cases, and to distribute the purchase money amounting to $600.00 which had already been paid to him by said purchaser, after paying the cost and expenses of suit and sale, to the parties entitled thereto, that your commissioner has made such a deed to the purchaser, J. Walter Hosier, and that he has out of the proceeds of sale, paid off and discharged all cost and expenses of said suit and sale, including a fee allowed counsel in this cause, and that he has paid to the widow her portion which she received in cash in commutation of her dower, and that he has paid the remainder of the said money to the parties entitled thereto, as will more fully appear by a statement hereto attached, and made a part of this report, and your commissioner hereby files proper vouchers for each and all of said disbursements, all of which is respectfully submitted.

R. W. Parker
Special Commissioner

Cash received from J. W. Hosier from sale of land of A. G. Culpepper. $600.00

Paid out.

| | | |
|---|---|---|
| J. Walter Hosier, Crier, | $5.00 | |
| Suffolk-Herald, handbills, | 4.00 | |
| George W. Butts, Treasurer, 1910 taxes | 6.15 | |
| Woodward & Elam, premium on bond of Special Commissioner | 10.00 | |
| R. R. Smith, Clerk of Court, cost | 9.83 | |
| Bradford Kilby, Commissioner | 10.00 | |
| R. H. Rawles, fee allowed by decree. | 75.00 | |
| | | $119.98 |
| Mary Lizzie Culpepper, widow, commutation of dower | 86.65 | |
| | | $206.63 |

Purchase money $600.00

Deduct the above 206.63

$393.37

| | |
|---|---|
| Paid Annie Peed | $98.34 |
| Paid Sophia Rawles, | 98.34 |
| Paid B. F. Culpepper | 98.34 |
| Paid J. B. Philhower, Guardian of Mary Overton, | 98.35 |
| | $393.37 |

Vouchers filed for all disbursements.

Respectfully submitted
R. H. Rawles
Special Commissioner

Final Report.

Filed May 23. 1911
M. M. Watkins D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Annie Peed

vs. IN CHANCERY.

Benjamin Culpepper, et als.

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County:

Your undersigned Special Commissioner, appointed as such by a former decree in the above entitled cause, of Annie Peed vs. Benjamin F. Culpepper, et als, respectfully begs leave to report that pursuant to a decree entered in this cause on the 22d day of March, 1911, he did after due advertisement in accordance with the terms of said decree and after having given bond as required by said decree, and having in all other respects fully complied with all the terms and conditions thereof, proceed to sell the real estate of which A. G. Culpepper died seized and possessed, and in the bill and proceedings mentioned, at public auction to the highest bidder, before the Post Office, in Suffolk, Virginia, on the 8th day of April, 1911, at which sale the said land was struck off to J. Walter Hosier, for the sum of six ($600.00) dollars that being the highest bid offered for same. Your commissioner further reports that after the said sale was over the purchaser J. Walter Hosier elected to pay the wole of the purchase money in cash, and has done so, and the same is now in the hands of your commissioner. Your commissioner respectfully asks that this sale be confirmed and that he be allowed to make to the purchaser the usual deed in such cases, and to pay out anddistribute the purchase money after the payment of cost and expenses, among those who are entitled to receive the same, all of which is respectfully submitted.

Apr 28. 1911.

R H Rawles.
Special Commr.

Report of Sale.

Filed April 26. 1911

IN THE CIRCUIT COURT OF RANDOLPH COUNTY:

Annie Pond

vs. IN CHANCERY.

Benjamin Culpepper, et als.

To the Honorable James I. McElwee, Judge of the Circuit Court of the second County:

Your undersigned Special Commissioner, appointed to act by a Decree before in the above entitled cause, of Annie Pond vs. Benjamin T. Culpepper, et als, respectfully begs leave to report that pursuant to a decree entered in this cause on the 23d day of March, 1911, he did after due advertisement in accordance with the terms of said decree on 8 after having given bond as required by said decree, and having in all other respects fully complied with all the terms and conditions thereof, proceed to sell the real estate of which A. T. Culpepper died seized and possessed, and in the bill and proceedings mentioned, at public auction to the highest bidder, before the Post Office, in Du Puis, Virginia, on the 8th day of April, 1911, at which sale the said land was struck off to T. Walter Mosier, for the sum of six ($600.00) dollars and he executed bond as directed for same. Your commissioner further reports that after the said sale was over the purchaser T. Walter Mosier elected to pay the whole of the purchase money in cash, and has done so, and the same is now in the hands of your commissioner. Your commissioner respectfully asks that this sale be confirmed and that he be allowed to make to the purchaser the usual deed in such cases, and to pay out and distribute the purchase money after the payment of cost and expenses, among those who are entitled to receive the same, all of which is respectfully submitted.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 400

Commissioner's Office,

To

Annie Peed Complainant.

and

Benjamin Culpepper, Sophia Rawls, Mary Lizzie Culpepper, and Mary Overton, infant and John P. Lee, Guardian ad litem, for said infant defendant Defendants.

You are hereby notified that on the 10th day of March 1911, at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County Va., rendered the 3rd day of March, 1911, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) The real estate of which Augustus G. Culpepper, died seized and possessed, together with its annual and fee-simple value

(2) The liens thereon, if any, and especially whether it has ever been sold for delinquent taxes

(3) Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

(4) If the same can not be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties, such sums of money, as their respective interests therein may entitle them to.

(5) And if the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests 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 a part and the sale of the residue.

(6) Whether all parties in interest are before the court by proper process.

(7) Any matter specially stated deemed pertinent by himself or required by any party to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, the 7th day of March, 1911

Bradford Kilby
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by us. March 7th 1911.

Annie Reed
Benjamin F. Culpepper
Sophia Rawles
Mary Lizzie Culpepper
by R. H. Rawles ally.
Mary Ozelia by
J. D. Lee
Guardian ad litem.

Form No. 400.

Annie Reed

vs. } COMMISSIONER'S NOTICE.

Benjamin F. Culpepper
et Vals,

# AUCTION
# SALE
## ... OF ...
# Real Estate
## At Magnolia, Virginia

By virtue of a decree of the Circuit Court of Nansemond County, entered on the 22d day of March, 1911, in the Chancery cause therein pending, under the style of Annie Peed, vs. Benjamin Culpepper and others, I shall offer for sale, at public auction, to the highest bidder, before the Post Office, in Suffolk, Virginia, at 11 o'clock A. M.

## On Saturday, April 8th, 1911

the following real estate to-wit:

(1) All that certain lot of land bounded and described as follows:

Beginning on a lane on the side of the right of way of the Tidewater Ry. Co. at the corner of the lot of land now belonging to Eddie Whitfield, and others, and running thence North 8 degrees East 124 1-2 feet to a stake; thence South 73 degrees West 105 feet to the land belonging to the trustees of the M. E. Church, South; thence along the line of said church lot, 79 feet four inches, to a stake; thence North 73 degrees East 189 feet to a stake; thence South 17 degrees East 177 feet to a stake on said lane; thence South 73 degrees West 177 feet to the point of beginning, containing one-half acre, and 280 square yards, and being the same land that was conveyed to said Augustus G. Culpepper by Eddie Whitfield and others by deed dated the 30th day of August, 1905, and recorded in D. B. 60, page 112 in the Clerk's Office of Nansemond County.

(2) That certain tract of land containing one-half acre, and bounded on the North and East by the land now formerly owned by John W. Cotton, on the South by the right of way of the Virginian Railway, and on the West by the lands of Moses Crocker and Augustus G. Culpepper, and being the same land which was conveyed to the said Augustus G. Culpepper by John W. Cotton by deed dated the 22d day of June, 1893, and recorded in D. B. 34 page 233 in Nansemond County Clerk's Office.

TERMS—One-half cash, and remainder in two equal installments, payable six and twelve months after date, with interest from date, but with option to purchaser to pay the whole in cash, if so desired.

**R. H. RAWLES,**
SPECIAL COMMISSIONER,
SUFFOLK, VA.

March 27, 1911.

---

I, R. R. Smith, Clerk of the Circuit Court of Nansemond County, do certify that the bond required of R. H. Rawles, Special Commissioner, in the above cause of Annie Peed vs. Benjamin Culpepper, and others, has been given as required by decree, with security deemed sufficient by me.

Witness my hand this 23d day of March, 1911.

R. R. SMITH, Clerk.
By M. M. WATKINS, D. C.

# AUCTION
# SALE
## ... OF ...
# Real Estate
## At Magnolia, Virginia

By virtue of a decree of the Circuit Court of Nansemond County, entered on the 22d day of March, 1911, in the Chancery cause therein pending, under the style of Annie Peed, vs. Benjamin Culpepper and others, I shall offer for sale, at public auction, to the highest bidder, before the Post Office, in Suffolk, Virginia, at 11 o'clock A. M.

## On Saturday, April 8th, 1911

the following real estate to-wit:

(1) All that certain lot of land bounded and described as follows:

Beginning on a lane on the side of the right of way of the Tidewater Ry. Co. at the corner of the lot of land now belonging to Eddie Whitfield, and others, and running thence North 8 degrees East 124 1-2 feet to a stake; thence South 73 degrees West 105 feet to the land belonging to the trustees of the M. E. Church, South; thence along the line of said church lot, 79 feet four inches, to a stake; thence North 73 degrees East 189 feet to a stake; thence South 17 degrees East 177 feet to a stake on said lane; thence South 73 degrees West 177 feet to the point of beginning, containing one-half acre, and 280 square yards, and being the same land that was conveyed to said Augustus G. Culpepper by Eddie Whitfield and others by deed dated the 30th day of August, 1905, and recorded in D. B. 60, page 112 in the Clerk's Office of Nansemond County.

(2) That certain tract of land containing one-half acre, and bounded on the North and East by the land now formerly owned by John W. Cotton, on the South by the right of way of the Virginian Railway, and on the West by the lands of Moses Crocker and Augustus G. Culpepper, and being the same land which was conveyed to the said Augustus G. Culpepper by John W. Cotton by deed dated the 22d day of June, 1893, and recorded in D. B. 34 page 233 in Nansemond County Clerk's Office.

TERMS—One-half cash, and remainder in two equal installments, payable six and twelve months after date, with interest from date, but with option to purchaser to pay the whole in cash, if so desired.

**R. H. RAWLES,**
SPECIAL COMMISSIONER,
SUFFOLK, VA.

March 27, 1911.

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I, R. R. Smith, Clerk of the Circuit Court of Nansemond County, do certify that the bond required of R. H. Rawles, Special Commissioner, in the above cause of Annie Peed vs. Benjamin Culpepper, and others, has been given as required by decree, with security deemed sufficient by me.

Witness my hand this 23d day of March, 1911.

R. R. SMITH, Clerk.
By M. M. WATKINS, D. C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Annie Peed

vs. In Chancery.

Benjamin Culpepper and others.

This cause came on this day to be again herad on the papers formerly read as well as on the report of R. H. Rawles, Special Commissioner, who had been heretofore appointed as such, and directed to sell the real estate in the bill and proceedings mentioned, which said report was filed on the 28th day of April, 1911, and to which no exception has been filed, and was argued by counsel.

On consideration whereof it appearing from said report that the said R. H. Rawles, has by direction of a former decree in this cause sold the real estate in the bill and proceedings mentioned, of which A. G. Culpepper, died seized and possessed, at the price of six hundred ($600.00) dollars; that before said sale the said commissioner had given bond and had in all other respects fully complied with all the terms requirements and conditions of said decree, and that the said sale was made after due advertisement and on the terms stated in said decree, and it further appearing that after the said sale was over the purchaser J. Walter Hosier, elected to pay the whole of the purchase money in cash, which it appears from said report he has done, the court doth hereby confirm said report and said sale and doth order, adjudge and decree that the said R. H. Rawles, Special Commissioner shall make to the said purchaser J. Walter Hosier, a deed for the real estate of which A. G. Culpepper died seized and possessed, and mentioned in the bill in this cause, said deed to contain the covenants of title usual in cases of this kind. Out of the proceeds of this sale, the said commissioner shall first pay off and discharge all the cost and expenses of this suit, and also all taxes due on the said estate up to January, 1st, 1911, and the court doth allow further, a fee of $ 105 ---------- to said R. H. Rawles, for services as counsel in this cause, which said amount of $ 105 ---------- shall include all other perquisites such as commissions, writing of deed, tax fees, etc., usually allowed, and the remainder of the pur-

chase money the said R. H. Rawles, Special Commissioner shall pay over to the parties entitled thereto, as appears of record in this cause. That the amount due the infant mentioned in this cause shall be paid over to her proper guardian, and the amount due the widow of the late A. G. Culpepper as commutation for her dower shall be paid to her. The said commissioner shall take and file proper receipts and vouchers for all his disbursements under this decree, and he is directed to report all his actions under this decree to this court, and this cause is continued.

Decree.
Confirming Sale &
ordering distribution.

Entd. May 8. 1911.
James L. McShane

Entered in Chancery
Order Book No. 4. Page 472.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Annie Peed,

vs. In Chancery.

Benjamin Culpepper, et als.

This cause came on this day to be again heard on the papers formerly read, as well as on the report of Bradford Kilby, one of the commissioners of this court, to whom the papers in said cause had been referred, which said report was filed on the 10th day of March, 1911, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth approve and confirm the said report, and doth order, adjudge, and decree that R.H. Rawles, who is hereby appointed a special commissioner for that purpose, shall after having first advertised the time, place, and terms thereof, proceed to sell, at public auction, to the highest bidder, in front of the Post Office, in Suffolk, Virginia, on some day to be named in said advertisement, the real estate of which A. G. Culpepper died seized and possessed, and fully set forth and described in the bill in this cause; said sale shall be made on the following terms to-wit: One-half of the purchase money to be paid in cahs, and the remainder in two equal installments, payable respectively six and twelve months after date, with interest from date, and the title of the said real estate to be witheld until the further order of this court; but Beforethe said special commissioner shall act under this decree, he shall enter into a bond, in the sum of $1500.-------- with security deemed sufficient by the clerk of this court, for the faithful performance of all his duties, under this and all other decrees that may hereafter be rendered in this cause, and he is directed to report all his proceedings under this decree to this court and this cause is continued.

Decree for Sale.

Entered March 22. 1911.

Rec

Entered in Chancery Order Book
No. 4. Page 469.

Annie Peed

vs. In Chancery.

Benjamin Culpepper, et als.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION, ON THE 4th
----DAY OF MARCH, 1911.

By consent of all parties in this cause, plaintiff and defendants, entered of record, it is ordered that the papers in this cause may be presented to the judge of this court, in vacation, for such orders, judgments, decrees or decisions therein, in vacation, as might be made in term.

To the Clerk of this Court to be entered in the Chancery Order Book

James L. McLemore

Decree for Vacation
proceedings.

Entered March 4. 1911.
James L. McGhee

Entered in Chancery Order Book
No. 4- Page 463.

We consent to this decree.
Mary Lizzie Culpepper.
Sophia Rawls
Annie Reid.
By R. H Rawls Counsel.
B. F. Culpepper.
J. D. Kell
Guardian ad litem for
Mary Owen infant.

Everett Waddey,
Stationer and Printer,
Richmond, Va. } Form No. 38.

~~Virginia, In Vacation, in the Circuit Court for Brunswick County, March 1st. 1911.~~

Annie Reed

vs.

Benjamin Culpepper et als. } In Chancery.

This cause came on this day to be heard on the bill of the complainant, and the exhibits filed, the answer of the infant defendant by her guardian ad litem, John R. Lee, duly assigned at rules, and the adult defendants on whom process has been duly served, failing to plead, answer or demurr, the bill is taken for confessed as to them, and was argued by counsel.

On consideration whereof, the court doth order, adjudge and decree, that the papers in this cause be referred to one of the commissioners, of this court, to ascertain and report to court:

1st. The real estate of which Augustus G. Culpepper, died seized and possessed, together with its annual and fee simple value.

2d. The liens thereon if any, and especially whether it has ever been sold for delinquent taxes.

~~On consideration whereof the court doth adjudge, order and decree, that it be referred to one of the commissioners of this court, to ascertain and report to the court;~~

3rd ~~First.~~ Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

4th ~~Second.~~ If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties, such sums of money as their respective interests therein may entitle them to.

5th ~~Third~~. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests 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 a part and the sale of the residue.

6th All are parties in interest before the court by proper process.

Which several inquiries the said commissioner shall report to the court together with any matter specially stated deemed pertinent by himself or required by any party to be so stated. And this cause is continued. All which is hereby certified to the Clerk of this Court to be entered in the Chancery order book.

James L. McSmoke,

Form No. 38.

Annie Peed

*vs.* { Decree Referring Cause to Commissioner to Ascertain whether Property can be Divided into Kind

Benjamin Culpepper et als.

Enter this: March 3. 1911.

Jas. L. D. McGehee.

Entered in Chancery Order Book
No. 4- Page 463.

We consent to this decree.
Annie Peed
Mary Lizzie Culpepper
Sophia Rawles.
Benjamin F. Culpepper
by R. H. Rawles Commr.
J. D. Kell
Guardian ad litem
for Mary Overton
infant.

R. H. RAWLES
Attorney at Law and Notary Public
SUFFOLK, VA.

March, 22, 1911.

Mrs. A. G. Culpepper,

Portsmouth, Va.

Dear Madam:

I have a decree for the sale of the two lots at Magnolia. I am afraid we will not be able to get as much as you think they are worth. The witnesses who were called to testify in the case, as to their worth, put them down at about $700.00 for two. Of course when they are sold, you will want your share in cash, therefore you will have to commute your dower, and agree to take the same in cash. In order to accomplish this I would thank you to sign the paper at the bottom of this sheet and return the same to me. I understood your age to be 57 years. I am going to ride down to Magnolia quite soon, and examine the property, thoroughly, and see the very best offer your son will make for it. I will notify you.

Yours very truly, R H Rawles.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

In the chancery cause now pending in said court, under the style of Annie Peed vs. Benjamin Culpepper et als, I desire to say that it is my wish, as widow of the late A. G. Culpepper, to commute my dower and to accept my part of the real estate in cash, and that my age is 57 years.

Sign here ~~~ Mary Lizzie Culpepper

Sign your own name
Not Mrs. A. G. Culpepper

Judge R. H. Rawles,
Attorney at Law,

Suffolk, Va.

SUFFOLK
MAR 23
8-30P
19 11
VA.

Portsmouth.

April 12, 1911.

Mr. R. H. Rawles,

Suffolk, Va.

Dear Sir,

I have received your letter of the 8th inst. and noted contents.

We are all satisfied with the sale of the property. We think it brought all it was worth.

Neither of us will bid more than $600.

and therefore Am. are satisfied to let it go at that price.

Yours truly

Mrs. A. G. Culpepper

Mrs R. N. Rawles

Atty at Law

Suffolk

SUFFOLK
APR 12
10-30A
19 11
VA.

DEED OF BARGAIN and SALE with wife's Relinquishment.

H. Anstice & Co., Stationers, 23 Nassau St. N. Y

# This Deed,

made the — 22nd — day of June — in the year of our Lord one thousand eight hundred and ~~seventy~~ ninety-three between John W. Cotton ——

——————————————————————— and his wife, of the County of Norfolk in the State of Virginia, of the one part, and Augustus G. Culpeper ——— of the County of Nansemond in said State — of the other part, **Witnesseth:** That in consideration of the sum of forty (40) dollars — the said John W. Cotton —— and his wife, do grant with general warranty, unto the said Augustus G. Culpeper — and to his heirs and assigns, forever, the following real estate, to wit:

All that certain tract or parcel of land situated near Stever Station in Sleepy Hole Magisterial District in said County of Nansemond and State of Virginia, containing one-half (1/2) of an acre and bounded on the North and East by the land of said John W. Cotton, on the South by the Railroad of the Seaboard and Roanoke Railroad Company and on the west by the lands of Moses Crocker and said Augustus G. Culpeper, and being a part of the land which by deed dated the 10th. day of August A.D. 1888 and recorded the same day on page 381 in deed-book (N). 20 in the office of the clerk of the County Court of said County of Nansemond, was sold and conveyed to said John W. Cotton by Emily A. Vinson and James H. Vinson together with all and singular the appurtenances belonging to the same.

And the said John W. Cotton —— covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land free from all encumbrances; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

John W. his + Mark Cotton (SEAL.)

Sarah A. Cotton (SEAL.)

**Witnesses:**
as to signature of
John W. Cotton
Jno. A. Downing.

**State of Virginia,** County of } **To wit:**

I, ____ in and for the county aforesaid in the State of Virginia, do certify that ____ the wife of ____ whose names are signed to the writing above, bearing date the ____ day of ____ 187 , personally appeared before ____ in the county aforesaid, and being duly examined by ____ privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said ____ acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under ____ hand this ____ day of ____ eighteen hundred and seventy

**Virginia,** ~~City~~ County of Portsmouth } **To wit:**

I, N. B. Rivers a Notary Public in ~~and~~ for the said ~~county~~ city, in the State of Virginia, do certify that John W. Cotton and Sarah A. Cotton his wife whose names are signed to the writing above, bearing date ~~the~~ on the 22d day of June A.D. 1893, have acknowledged the same before me in my ~~city~~ ~~county~~ aforesaid.

Given under my hand this 17th day of July A.D. 1893.

N. B. Rivers
Notary Public

In the Clerk's Office of Nansemond County Court the 25th day of April 1894.
This Deed was presented with the Certificate annexed and admitted to record.

Teste: R. R. Smith Clerk
By A. P. Gomey D.C.

Ex B

# Deed of Bargain and Sale.

John W. Cotton wife

TO

Augustus G. Culpeper

Admitted to record
the 25th day of
April 1894

Recorded in Deed
Book No. 34 Page 233

1894 July 9th. Examined Verified and delivered.

L. P. Gomey D.C

Tax 50.
Fee 1.25
Paid 1,75

**This Deed,** Made this 30th day of August, in the year one thousand nine hundred and five between EDDIE WHITFIELD, S. E. WHITFIELD, J. D. WHITFIELD, and J. B. SAUNDERS, of Nansemond County, Virginia, parties of the first part, and A. G. CULPEPPER, of said County and State, party of the second part—

**Witnesseth:** That in consideration of the sum of Fifty eight & 17/100 Dollars, the said parties of the first part, do grant unto the said party of the second part, with GENERAL WARRANTY, all

"All that certain lot, piece or parcel of land, in Sleepy Hole Magisterial District, in Nansemond County, Virginia, bounded and described as follows; Beginning on a lane on the side of the right of way of the Tidewater Railway Company, at the corner of the lot of land now belonging to the said grantees, and running thence North 8° East 124 1/2 feet to a stake, thence South 73° West 185 feet to the land belonging to the Trustees of the M. E. Church South, thence along the line of the said church 79 feet and 4 inches to a stake, thence North 73° East 189 feet to a stake, thence South 17° East 177 feet to a stake on said lane, and thence South 73° West 117 feet to the point of beginning, and bounded by other lands of said grantee, the lands of the M. E. Church South, the lands of said grantors, and the said lane as aforesaid, and containing one half (1/2) acre and two hundred and eighty (280) square yards.

And whereas there is now a deed of trust on said property in favor of the Farmers Bank of Nansemond, in which W. H. Jones, Jr. is named as Trustee, and which said deed of trust is duly recorded in Nansemond County Court Clerk's Office, the said Farmers Bank of Nansemond and W. H. Jones, Jr., Trustee, become parties hereto for the purpose of releasing the lot of land above conveyed from the lien of said deed of trust.

STATE OF VIRGINIA,

To-wit:

COUNTY OF NANSEMOND,

I, N. Woodward a Notary Public, in and for the County of Nansemond, in the State of Virginia, do certify that W. H. Jones, Jr., Trustee, and E. E. Holland, President of the Farmers Bank of Nansemond, whose names are signed to the writing above, v bearing date the 30th day of August, 1905, have acknowledged the same before me in my County aforesaid.

Given under my hand this the 14th day of October, 1905.

My term of office expires the 25 day of Nov 1908.

N. Woodward N.P.

The said parties of the first part covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumberances, and that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Witness:
E. E. Haseand

Eddie his X Whitfield SEAL
mark
E. E. Whitfield SEAL
E. D. Whitfield SEAL
J. B. his X Saunders Seal
mark
Trustee Seal
Trustee
Trustee
Trustees Behalf of Nansemond
by E. E. Haseand Pres't

STATE OF VIRGINIA,
County of Southampton } To wit:

I, T. A. Bishop, a Justice of the Peace for the county aforesaid, in the State of Virginia, do certify that J. D. Whitfield whose name is signed to the writing hereunto annexed, bearing date the 30 day of Aug, 1905, has acknowledged the same before me in my county aforesaid.

Given under my hand this 25 day of Sept, 1905.

T. A. Bishop J.P.

No.—To be acknowledged before a Justice, Notary Public, or Commissioner in Chancery.

~~My term of office expires day of~~ 190

STATE OF VIRGINIA,
County of Nansemond To-wit:
I, J. P. Lee, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Eddie Whitfield, E. E. Whitfield and J. B. Saunders, whose names are signed to the writing hereto annexed, bearing date the 30th day of August, 1905, have acknowledged the same before me in my county aforesaid.
My term of office expires on the 19th day of May, 1909.
Given under my hand this the 6th day of September, 1905.

J. P. Lee N.P.

VIRGINIA:

In the Clerk's office of the Circuit Court of Nansemond County, the 11th day of November 1905.

This deed was presented, and, with the certificate annexed, admitted to record.

Teste: R. R. Smith, Clerk,
By W. M. Lawrence, D. C.

All Available Text Successfully Captured

Ex. 144

# Deed of Bargain and Sale.

Whitfield Parr & Saunders

*To*

H. G. Culpepper

*Admitted to Record this* 11th *day of*
November, 1905.

*Recorded D. B.* 60 *Page* 112
1905 Nov 27th
*Examined and verified. and*
*delivered* J. P. Gomer, *Clerk.*
*By* ....., *D. C.*

$.....

Tax .50 $.....

Fee 1.25 $.....

Paid $1.75 $.....

PRINTED AND FOR SALE AT HERALD OFFICE, SUFFOLK, VA.

Virginia,

Circuit Court for the County of Nansemond,to-wit:

| | |
|---|---|
| Annie Peed | Complainant. |
| vs. In Chancery. | |
| Benjamin Culpepper et als. | Defendants. |

Commissioner's Office,

Suffolk, Va. March 10,1911.

To Honorable James L. McLemore,Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 3rd. day of March 1911,in the suit in chancery pending in said court between Annie Peed,Complainant and Benjamin Culpepper and others,Defendants,the undersigned,Bradford Kilby,one of the Commissioners in Chancery of said Court,respectfully reports as follows:

That on the 7th. day of March 1911,your commissioner gave notice to the parties to said suit that he would proceed on the 10th. day of March 1911,at his office in Suffolk, Va. to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit as will appear by the endorsations on the notice herewith returned.

That on the 10th. day of March 1911,at his said office,your commissioner took in the presence of J. P. Lee,Guardian ad litem, the depositions of James A. Cheatham and R. P. Philhower touching said inquiries,which depositions are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained,your commissioner reports as follows:

(I)

The real estate of which Augustus G. Culpeper died,seised and possessed is as follows:

(I) All that certain lot of land bounded and described as follows: Beginning on a lane on the side of the right of way of the Tidewater Ry. Co.at the corner of the lot of land now belonging to Eddie Whitfield,and others,and running thence North 8 degrees East I24 I/2 feet to a stake;thence South 73 degrees West I05 ft. to the land belonging to the trustees of the M.E.Church South; thence along the line of said church lot 79 feet 4 inches,to a stake; thence North 73 degrees East I89 feet to a stake; thence South I7 degrees East I77 feet to a stake on said lane;thence South 73 degrees West II7 feet to the point of beginning,containing one-half acre,and 280 square yards,and being the same land that was conveyed to said Augustus G. Culpepper by Eddie Whitfield and others by deed dated the 30th. day of August 1905,and recorded in D.B. 60,page II2 in the Clerk's office of Nansemond County.

(2) That certain tract of land containing one-half acre and bounded on the North and East by the land now or formerly owned by John W. Cotton,on the South by the right of way of the Virginian Railway,and on the West by the lands of Moses Crocker and Augustus G. Culpepper,and being the same land which was conveyed to said Augustus G. Culpepper by John W. Cotton by deed dated the 22nd. day of June I893 and recorded in D.B.34,page 233 in Nansemond County Clerk's office.

The fee-simple value of both of said tracts of land is about $700. or $750. The annual value of both tracts is from $90. to $I00.

(2)

There are no liens on said land,except for I9I0 taxes which amount to the sum of $6.I5.

(3)

The said real estate can not be conveniently divided in kind, consisting as it does of two small lots.

(4)

No party will take the entire property and pay therefor to the other parties such sums of money as their respective interests therein may entitle them to.

(5)

The interests of those who are entitled to said property or its proceeds will be promoted by a sale of the entire property,and not by an allotment of a part and the sale of the residue.

(6)

All parties in interest are before the court by proper process.

(7)

There is no matter specially stated deemed pertinent by your commissioner or required by any party to be so stated.

Respectfully submitted this 10th. day of March 1911.

Bradford Kelby

Commissioner in Chancery.

Com's. fee $10.

James A. Cheatham being duly sworn, deposes and says as follows:
Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. James A. Cheatham, forty-two, Suffolk, Virginia, railroad clerk and operator, and I know all the parties to this suit.

Q. Please stzte whether you are acquainted with the real estate belong ing to the late A. G. Culpepper, and situated at Magnolia, Virginia, and consisting of two lots one known as the house lot, and the other known as the mill lot?

A. Yes I am well acquainted with that property.

Q. Did you ever reside at Magnolia, Virginia?

A. Yes sir, I resided there for twenty-one years.

Q. Then I presume this gave you an intimate acquaintance with that property?

A. It did.

Q. This is a suit for a petition of said property, among the various heirs, entitled thereto. Will you state whether or not in youro- pinion, said property is capable if being divided in kind among said heirs?

A. It is not, for patent reasons. It consists of two small lots one a residence or house lot, and the other a mill lot, and I do not see how it could be divided to any advantage into four or five differ- ent shares in kind.

Q. Do you think then, the best way for a division of this property would be a sale of the same, and a division of the proceeds among the heirs?

A. Yes sir, I do.

Q. What in your opinion is about the fee simple value of this property?

A. Anywhere from $750.00 to $800.00, I think would be a fair val ue for it.

Q. What would you think is a fair annual value for it?

A. About six or seven dollars per month.

Q. Do you think it would be advisable to allot a part of it to some of the heirs, and to sell the residue?

A. I do not see any advantage in such a proceeding?

And furthe r thisdeponent saith not.

Signature waived by consent.

R. P. Philhower, being duly sworn deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. R. P. Philhower, age 54 years, saw mill man, Suffolk, Virginia, and I know the parties to the suit.

Q. Did you ever reside at Magnolia, in Nansemond County, and if so how long?

A. Yes I lived there continuously for forty years.

Q. Are you well acquainted with the real estate situated at that village.

A. Yes I am very well acquainted I think with every lot or tract of land there.

Q. Do you know anything of the two lots of land there belonging to the estate of the late A. G. Culpepper, and now mentioned in this suit?

A. Yes, I am very well acquainted with these two lots; they lie together and form one lot, on one piece of it there is a small dwelling house, and on the other piece a little mill, known as a reid mill. Both of said places are now in bad repair.

Q. This is a suit for partition or division of the said land among the heirs of the late A. G. Culpepper. Will you state whether such property can be divided in kind among four or five different parties without a sacrificing the property?

A. No, in my opinion it cannot be divided in kind, it it not capable of such a division in kind. To attempt to so divided it would practically destroy its value.

Q. Do you think it could be divided by alloting a part of it to some of the heirs, and a sale of the residue.

A. I do not think this could be done to any advantage. The property does not lie in such a position as to render it capable of a division.

Q. How in your opinion woud be the best way to bring about a partition of this property among the heirs.

A. The only way to do it in my opinion is to sell it, and divide the money.

Q. What is the fee simple value of this property.

A. I think not to exceed $600. 00.

Q. What is its annual value?

A. Not to exceed nine or ten dollars per month, at the utmost.

And furthe r this deponent saith not.

Signature waived by consent.

Annie Peed

v. } In Chancery

Benjamin Culpepper

et als

Report of Bradford

Kilby, Commissioner

in Chancery, under

decree of March 3rd.

1911.

Filed March 10th 1911

M M Watkins D.C.

Bradford Kilby

ATTORNEY AT LAW.

SUFFOLK, VIRGINIA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Annie Peed

vs. In Chancery.

B. F. Culpepper, et als.

This cause came on this day to be heard on the papers formerly read as well as on the report of R. H. Rawles Special Commissioner, which said report was filed on the 23d day of May, 1911, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing to the court from said report that R. H. Rawles Special Commissioner in the above cause had collected of J. W. Hosier the purchaser the amount of the purchase money, for the real estate in the bill and proceedings mentioned; that he had made to the said purchaser J. W. Hosier a deed for the real estate, with the covenants of title usual in such cases; that he had paid off and discharged all the cost and expenses of this suit and sale, and that he had paid over the remainder of the purchase money to the parties entitled thereto, as they appear of record in this suit, and all of said disbursements and payments being accompanied by proper vouchers, the court doth confirm the said report, and it appearing that nothing further remains to be done in this cause it is ordered that the same be stricken from the docket.

Final Decree.

Enter May 27. 1911.

James L. McDermott.

Entered in Chancery Order
Book No. 4. Page 478

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 48 B. [ Code of Va., § 2616, etc.]

In the Circuit Court of the County of Nansemond:

The answer of Mary Overton an

infants under the age of twenty-one years, by John P. Lee (a discreet and competent attorney at law), ~~their~~ her guardian *ad litem* assigned to defend ~~them~~ her in this suit, and the answer of the said John P. Lee, guardian *ad litem* of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Annie Reed in the Circuit Court of the County of Nansemond

For answer to the said bill the said infant defendants by ~~their~~ her said guardian *ad litem* answer and say that being of tender years ~~they~~ she do not know what ~~their~~ her true interests are in relation to the subject matter of the said bill, nor do ~~they~~ she know whether the statements therein contained are true or not. ~~They~~ She confide the protection of ~~their~~ her interests therein to the care of the court. And the said guardian *ad litem* of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed with their costs, etc.

Mary Overton

By John P. Lee
Guardian *ad litem*.

John P. Lee } Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,
County OF Nansemond } *ss.*

Sworn to before me in my County aforesaid by John P. Lee guardian *ad litem* as aforesaid, this the 20th day of February A. D. 1911.

My term of office expires Feb 3. 1915

Robt Rawles, N. P.

Form 48 B.

.....

*vs.* { ANSWER OF INFANT DEFENDANTS BY THEIR GUARDIAN AD LITEM, AND ANSWER OF THE GUARDIAN AD LITEM FOR THE INFANTS.

.....*et als.*

*Filed* Feb. 20th 1911 ~~189~~

TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Humbly complaining showeth unto the court, your oratrix, Annie Peed, the following case:

Your oratrix says that her father Augustus G. Culpepper, departed this life about the month of October, 1907, intestate, leaving his widow, Mary Lizzie Culpepper, age 57 years, and the mother of your oratrix, and the following children, and one grand-child, as his only heirs-at-law, to-wit:

Benjamin Culpepper, and Sophia Rawles, formerly Sophia Culpepper, and Mary Overton, the only child of Georgia Overton, who was also a daughter of the said Augustus Culpepper, (who departed this life intestate, in the month of August, 1907, leaving as her only heir-at-law, the said Mary Overton, who is now nine years old); and your oratrix

Your oratrix further says that at his death, her father, died seized and possessed in fee simple, of the two following small lots of land, situated in Sleepy Hole District, at Magnolia, in Nansemond County, Virginia, to-wit:

1st.

All that certain lot of land bounded and described as follows:

Beginning on a lane on the side of the right of way of the Tidewater Ry. Co., at the corner of the lot of land now (them) belonging to Eddie Whitfield, and others, and running thence north 8 degree east 124 1/2 feet to a stake; thence south 73 degrees west 105 feet to the land belonging to the Trustees of the M. E. Church South; thence along the line of the said church lot 79 feet and 4 inches, to a stake; thence north 73 degrees east 189 feet to a stake; thence south 17 degrees east 177 feet to a stake on said lane; thence south 73 degrees west 117 feet to the point of beginning, containing one-half an acre, and 280 square yards, and being the samd land that was conveyed to the said Augustus G. Culpepper, by Eddie Whitfield, and others, by deed dated the 30th day of August, 1905, and recorded in D. B. 60 page 112 in the Clerk's Office of Nansemond County Court. Ex A a copy of said deed is herewith filed and prayed to be read as a part of this bill.

2d.

That certain tract of land containing one-half acre, and bounded on the north and east by the land now or formerly belonging to John W. Cotton, on the south by the right of way of the Virginian Railway, and on the west by the lands of Moses Crocker, and Augustus G. Culpepper, and being the same that was conveyed to the said Augustus G. Culpepper, by John W. Cotton, by deed dated the 22d day of June, 1893, and recorded in D. B. 34 page 233, in said Clerk's Office. Ex. B a copy of said deed is herewith filed and prayed to be read as a part of this bill.

Your oratrix further says that the said real estate, as she is informed and believes, and therefore charges, is not susceptible of a division in kind, among the parties entitled to the same, without a great sacrifice of interest.

She further says that if the said real estate be susceptible of a division in kind, without a great sacrifice of interest, that it is her wish and desire, that the said real estate be partitioned and divided among those so entitled, but that if the same be not so susceptible of such division without sacrifice, then it is her wish and desire that the same be sold, and the proceeds thereof divided according to law.

She further says that she is informed and believes that it is also the wish and desire of all the other parties interested in said estate, that the same may be sold, and the proceeds divided; and that her mother Mary Lizzie Culpepper, the widow of Augustus G. Culpepper is willing to commute her dower interest in said real estate, and receive her share thereof in cash.

In tender consideration whereof, and forasmuch as your oratrix is without remedy in the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your oratrix prays that the said Benjamin Culpepper, Sophia Rawles, Mary Lizzie Culpepper, and Mary Overton, may be made parties defendant to this suit, and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper accounts may be taken and inquiries made; that a proper guardian ad litem, may be assigned the infant defendant, and required to defend her interest in this suit; and that the said real estate may be divided in kind among all the heirs-at-law of the said Augustus G. Culpepper, deceased, according to their respective interest, if the same be susceptible of such division, without sacrifice of interest, and that if the said real estate be not so susceptible of such division without a sacrifice of interest, then that the same may be sold and after paying all the cost and expenses of this suit and sale, that the proceeds arising therefrom may be distributed among said heirs-at-law according to their respective interest; and for all such other further and general relief, as this case may require, or which to equity may seem meet, and your oratrix will ever pray, etc. Notice is hereby given that the Court will be asked to allow Dennis Leach ly Counsel her Counsel fee for services herein.

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, R. H. Rawles, a Notary Public for the County aforesaid, in the State of Virginia, do certify that Anmie Peed whose name is signed to the foregoing bill, has this day personally appeared before me, in my county aforesaid, and made oath that the statements contained in said bill, as coming of her own knowledge are true, and that all other statements therein contained derived from knowledge or information received from others, she believes to be true.

Given under my hand this---11-----day of February, 1911.

My term of office expires on the 3d day of February, 1915.

R H Rawles N P

Bill.

R. H. RAWLES,
ATTORNEY - AT - LAW,
SUFFOLK, VA.

SUFFOLK HERALD--PRINTERS, PUBLISHERS, STATIONERS

1911 Feb 14 Filed
M. M. Watkins D. C.

E. H. Rawles Jr.

Annie Reed

W. E. to Chancery

Benjamin Campbell et al

1911 May 27

Final Decree

Costs:

| | |
|---|---|
| Jay | 1.50 |
| Clerk | 7.83 |
| Sheriff | ✓ |
| Atty | 15.00 |
| Comr. | 10.00 |
| | $34.33 |

No. 10. 2 CUSSETS