

1912-001
Nonsenmond Co (Suffolk)

Chancery Causes: E. Wilder Cobb vs Ethel H. Yates et al

Hosier

Copy of Costs
Taxed in the Suit of:

Lee Britt p. q.

E. Wieder Cobb

vs.

Ethel H. Yates & others.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

150 PA 4/15/11

Clerk

832 PA 4/15/11

Sheriff

✓

Attorney

1500

Commissioner

1500 PA 4/15/11

Printer, for Order of Publication, etc.

✓

(Fee allowed attorney for legal services by Court) \$398.2
Fee for drawing and to purchase 6000
Total: R.R. Smith Clerk 8109.82
By M.H. Watkins D.C.

Date of Judgment or Final Decree

191

1911- March 6 - 1 Decree & 1 report yet to come -

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY:--

E.Wilder Cobb,
Known as W.E.Cobb,

vs

Ethel H.Yates,Z.Taylor Yates,her husband,
Albert H.Cobb and Augustus H.Cobb
Wilder E.Cobb and Marion E.Cobb,
the last three being infants under twenty one years

Issue summons in Chancery returnable to Rules on third
Monday in September,1910.

Lee Britt

P.Q.

September 16,1910.

Cobb

vs

Jakes vs

Memorandum

✓

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Ethel H. Yates, Z. Taylor
Yates, her husband, Albert H. Cobb and Augustus H. Cobb, Wilder E. Cobb
and Marion E. Cobb, the last three being infants under twenty one years

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 September, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by E. Wilder Cobb, known as W. E. Cobb,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 17th day of
September, 19 10, in the 135th year of the Commonwealth.

~~A copy of Teste.~~

Teste:

R. R. Smith, Clerk,
By A. L. Mitty, Deputy,

CLERK.

We hereby accept and acknowledge full and sufficient legal service of the within process and believe of a copy is kept of us.

2-
Card 18 Yato
Albert H. Cross
Joseph H. Cross

Lee Britt

p. q.

E. Helder Cobb, known
as H. E. Cobb.

vs.

IN CHANCERY.

Ethel H. Yates rather

1910

September

Rules.

Thud

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 5

PAGE

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Ethel H. Yates, Z. Taylor
Yates, her husband, Albert H. Cobb and Augustus H. Cobb, Wilder E. Cobb
and Marlon E. Cobb, the last three being infants under twenty one years,

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 September, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by E. Wilder Cobb known as W. E. Cobb,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 17th day of
September, 19 10, in the 13 5th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith }
By A. L. Smithy, Clerk.

R. R. Smith }
By A. L. Smithy, Clerk.

Lee Britt

p. q.

A copy for

vs.

}

IN CHANCERY.

Marion E Cobb,

an infant.

1910

September

Rules.

Thurs

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE

89

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Ethel H. Yates, Z. Taylor Yates, her husband, Albert H. Cobb and Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb, the last three being infants under twenty one years,

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 September, 1910, to answer a Bill in Chancery, exhibited against them in the said Court by E. Wilder Cobb known as W. E. Cobb,

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 17th day of September, 1910, in the 135th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith, CLERK. }
By A. L. Smith, De.

R. R. Smith, CLERK.
By A. L. Smith, De.

Lee Britt

p. q.

A copy for

vs.

IN CHANCERY.

Augustus H. Cobb,
an infant

1910

September

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 89

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Ethel H. Yates, Z. Taylor
Yates, her husband, Albert H. Cobb and Augustus H. Cobb, Wilder E. Cobb
and Marion E. Cobb, the last three being infants under twenty one years,

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 September, 1910, to answer
a Bill in Chancery, exhibited against them
in the said Court by E. Wilder Cobb known as W. E. Cobb,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 17th day of
September, 1910, in the 135th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith, CLERK.
By A. L. Mitty, Sec.

R. R. Smith, CLERK.
By A. L. Mitty, Sec.

Lee Britt

p. q.

A copy for

vs.

IN CHANCERY.

Walter E. Cobb,

an infant.

1910

September

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE

89

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

E.Wilder Cobb,known as W.E.Cobb,

vs) In Chancery-

Ethel H.Yates and Others*****

On motion of the complainant by counsel,
L.P.Holland,a discreet and competent attorney at law,is
hereby appointed guardian ad litem to Augustus H.Cobb,Wilder
E.Cobb and Marion E.Cobb,infant defendants in this cause
to defend their interests in said cause.

R. R. Smith, Clerk
By M. M. Wainwright, D.C.
Sept. 19. 12. 1910

✓
Cobb
n
yates et al
" "
orden appointing
Guarantee ad Libent

Know All Men by These Presents, That we, ~~Lee Britt and~~
~~Fidelity & Deposit Company of Maryland~~

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
~~Three Thousand~~ DOLLARS,
to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, 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 ~~January~~ in the year
of our Lord one thousand nine hundred and ~~eleven~~, and in the ~~135th~~ year of
the Commonwealth.

In Testimony Whereof, the said ~~Lee Britt~~ has
hereto set his hand and seal, and the said ~~Fidelity & Deposit Company of Maryland~~
~~has caused its corporate name to be hereto signed, and its~~
corporate seal to be hereto affixed, this ~~10th~~ day of ~~January~~ 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
Lee Britt, who was by a decree of the Circuit Court of Nansemond County,
entered on the 9th day of January, 1911, in the Chancery cause pending
in said Court between E. Wilder Cobb, Complainant and Ethel H. Yates
& others, Defendants, appointed Special Commissioner to sell the real
estate in the bill and proceedings mentioned and described in said cause
shall faithfully discharge and perform his duties under said decree and
all other decrees he may be required to execute in said cause, then the
above obligation is to be void, otherwise to remain in full force and
effect.

Lee Britt (SEAL).

Fidelity & Deposit Co. of Md. (SEAL).

By J. T. Withers, atty in fact. (SEAL).



VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the ~~10th~~ day
of ~~January~~, ~~1911~~ :

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

Teste :

R. R. Smith, Clerk.

By A. L. Twitty, D. C.

Copy Testi: R. R. Smith, Clerk.
By A. L. Twitty, D. C.

Lee Britt
To { Special Court Bond.
The Commonwealth.

1911

January 10.

Recorded in Official
Bond Book No. 2.

Pg. 162.

Copy.

R. R. Smith
I, ~~AZRA~~ P. GOMER, Clerk of the Circuit Court of Nansemond County, Virginia,
do certify that the bond required of Lee Britt

as Special Commissioner under the decree of said Court
made on the 9th day of January 1911, ~~189~~, in the Chancery cause pending
in said court between E. Wieden Cobb

, complainant, and Ethel H. Yates & others
defendant s,

has been executed with security deemed sufficient by me.

Given under my hand this 10th day of January 1911 ~~189~~.

R. R. Smith, Clerk.
E. A. L. Smith, De

In the Circuit Court of the County of Nansemond -

E. Wilder Cobb,
Known as W.E. Cobb)

VS

Ethel H. Yates and Others----

To the Honorable James L. McLeMore, Judge of said Court:--

The undersigned Commissioner respectfully reports to the Court that, pursuant to decree entered in this cause on the 4th day of March, 1911, he received from E. Wilder Cobb the sum of Twenty One and Fifty (2150) Dollars, the purchase price of the real estate in the bill and proceedings mentioned, and upon the payment of the same he executed to the said E. Wilder Cobb good and sufficient deeds, with special warranty, conveying to the said E. Wilder Cobb the said real estate.

In further pursuance of said decree to pay out of said purchase price, the costs of this suit, a fee of sixty dollars allowed for the prosecution of this suit, and to distribute the balance of the proceeds from the sale among the parties entitled thereto, your Commissioner paid out the said fund as follows:--

1911-		
April 18-	To Bradford Milby, Commissioner, for report,	\$15.00
"	" To R.R. Smith, tax and fees,	9.82
"	" To Lee Britt, Attorney, fee allowed and taxed fee	75.00
"	" To Lee Britt, Attorney, fee for deed to purchaser,	10.00
"	7 To E. Wilder Cobb, distributee,	1020.09
"	" To Ethel H. Yates, distributee,	204.02
"	" To Albert H. Cobb, Distributee,	204.01
"	" To E. Wilder Cobb, Guardian of Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb, infant wards, each the sum of \$204.02,	612.06
		\$2150.00

Receipts for which disbursements, together with receipt for premium on surety bond of Commissioner paid by the plaintiff, are herewith filed. All taxes have been paid by parties in interest. The records in the Clerk's Office of the Circuit Court of the City of Suffolk show that E. Wilder Cobb qualified as guardian of the infant defendants April 3, 1911 and gave bond in the penalty of \$8000, with surety sufficient for the security of the interests of the infant defendants. There is nothing further to be done in this cause.

March 15, 1912.

Respectfully submitted,
Lee Britt
Commissioner.

1911 April 18, Received of Lee Britt, Special Commissioner in
the suit of E. Wilder Cobb v. Ethel H. Yates et als, fifteen (\$15.)
dollars in full payment of fee for report made by me, a commissioner
in chancery in said suit.

Bradford Kelby
Comm. in Chancery

Mr. Lee Britt, Atty

TO R. R. SMITH, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA.

1911 E. Wieden Cobb vs. Ethel H. Yates & others.

Apl.	18	TAX, \$1. ⁵⁰	~~TRANSFER, \$~~	CLERK, \$8. ³²	\$982
Tax & Clerk's fees in above styled suit —					

Paid Apl. 18"

1911 -

M. M. Watkins Depy Clerk.

COMMISSIONER OF ACCOUNTS
OF CIRCUIT COURT

COMMISSIONER IN CHANCERY

LAW OFFICES OF
LEE BRITT

SUFFOLK, VA.

April 18. 1911.

\$85.00 Received of Lee Britt, Special Commissioner in the chancery of
E. Wilder Cobb vs Ethel H. Yates and Others the sum of Sixty (60)
Dollars in payment of counsel fee allowed by Court in said cause,
the sum of Fifteen (15) Dollars the taxed attorney's fee in the
cause and Ten (10) Dollars in payment of fee for drawing deed
to purchaser of the real estate sold and conveyed.

Lee Britt
Atty

Folio _____

Terms -- Cash.

Suffolk, Va., March 1st 1911Mr Lee Brit Special Commission**To WEST & WITHERS, Dr.**

(Successors to HARPER & WEST)

**Fire, Life, Marine, Accident, Health, Employers' Liability,
AND STEAM BOILER INSURANCE AND SURETY BONDS**

P. O. Box 103

OFFICE, No. 936 WASHINGTON STREET.

Both Phones

Date	Policy No.	Company	Property Insured	Amount	Premium
Jan 10 1911	188155	F & W Special Com	Lebb & Yates	2000	12 00
Paid West & Withers 3/13/11					

Received of Lee Britt, Special Commissioner, in the Chancery Cause of E. Wilder Cobb vs Ethel H. Yates and others in the Circuit Court of Nansemond County the sum of One Thousand and Twenty and 09/100 Dollars in full settlement of my interest in the proceeds from the sale of the real estate mentioned in the said Chancery Cause.

April 7, 1911. *E. Wilder Cobb*

E. Wilder Cobb

Received of Lee Britt, Special Commissioner in the Chancery Cause of E. Wilder Cobb vs Ethel Yates and others in the Circuit Court of Nansemond County, the sum of Two Hundred and Four and 02/100 Dollars, in full settlement of my interest in the proceeds from the sale of the real estate mentioned in the said Chancery cause.

April 7, 1911. *Ethel H. Yates*

Ethel H. Yates

Received of Lee Britt, Special Commissioner in the Chancery Cause of E. Wilder Cobb vs Ethel ~~H~~ Yates and others in the Circuit Court of Nansemond County, the sum of Two Hundred and Four and 01/100 Dollars, in full settlement of my interest in the proceeds from the sale of the real estate mentioned in the said Chancery cause.

April 7, 1911 *Albert H. Cobb*

Albert H. Cobb

Received of Lee Britt, Special Commissioner in the Chancery Cause of E. Wilder Cobb vs Ethel H. Yates and others in the Circuit Court of Nansemond County, the sum of Six Hundred and Twelve and 06/100 Dollars, in full settlement of the amount due Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb infant heirs at law and devisees under the will of Mary E. Cobb and distributees in said cause, from the proceeds of sale of the real estate mentioned in the said Chancery cause.

April 7, 1911

E. Wilder Cobb

E. Wilder Cobb

Guardian of Augustus H. Cobb Wilder E. Cobb and Marion E. Cobb.

1912 March 16th Sat.
J.L.M.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

E. Wilder Cobb
known as W.E. Cobb,

vs

Ethel H. Yates and Others-

TO THE HONORABLE JAMES L. McLEMORE, Judge of said Court:-

The undersigned Special Commissioner respectfully reports to Court that he has received from E. Wilder Cobb an offer in writing of Twenty One Hundred and Fifty Dollars for all the property described in the said suit, which said writing is hereto attached and returned with this report.

Commissioner Bradford Kilby, in his report filed in this cause on the 28th day of October, 1910, reports that the fee simple value of the several pieces of property mentioned in the bill is Nineteen Hundred Dollars.

Your Commissioner believes that the price offered is a fair price for the property, and would recommend that the said offer of E. Wilder Cobb be accepted and that he be authorized, upon the payment of the said purchase price in full, to make to the said E. Wilder Cobb a deed therefor.

Your Commissioner further reports that the sale is recommended by the two adult defendants, A.H. Cobb and Ethel H. Yates in writing, which said writing is hereto attached and is returned with this report.

Your Commissioner has given the bond required by decree entered in this cause.

Respectfully submitted,

Lee Pratt

Investigation July 4, 1911

Quartz exposed in pit below.

Microscopic examination of quartz from above indicates its
relation with the bed.

Quartz is exposed only slightly in lower stratum and is
associated in the white quartzite. It is not in upper H.

Also microscopic examination indicates that the quartz is
not so pure as the white quartzite and is very porous.

Exposed in the bottom of the very massive bed in
the red clay of E. 11th St. It is associated with the
in a thin layer with the limestone and is associated with
the limestone.

Exposed in the pit to the north of the road.

The quartz is white of the lowest stratum of the road.

In the red clay of the road and in the limestone.

Microscopic examination indicates that the quartz is
not so pure as the white quartzite and is very porous.

Also microscopic examination indicates that the quartz is
not so pure as the white quartzite and is very porous.

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not so pure as the white quartzite and is very porous.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

E.Wilder Cobb
known as W.E.Cobb

VS

Ethel H.Yates and Others-

To Lee Britt, Special Commissioner in said cause:-

I hereby make you a private offer of \$215-00
for all the real estate described in said suit. I believe this
is a fair price for the property and that it will be to the
interest of all parties to sell the same at said price.

I, therefore, request that you submit this offer
to the Circuit Court of Nansemond County, or to the Judge thereof
in vacation, and that if my offer is accepted, that deed be made
to me for said property on the payment of the purchase price,
which I am ready to settle.

Respectfully submitted,

E. Wilder Cobb

We the undersigned adult defendants in said cause and devisees
under the will of Mary E.Cobb, deceased, believe that the offer
above made by E.Wilder Cobb for the real estate described in
said cause is a fair price for the same and that it will be
to the interest of all parties to sell the same at said price

We recommend to the Court that the offer be accepted
and the sale made to the said E.Wilder Cobb at the price
stated.

Albert H. Cobb
Ethel H. Yates

IN THE NAME OF GOD, Amen. I, Mary Elizabeth Cobb, of the County of Nansemond and State of Virginia, being of sound mind and fair bodily health, do make this, my last will and testament as follows, to-wit:-

FIRST- I direct that my body be decently buried, without needless expense, in a manner corresponding to my estate and situation in life.

SECOND- I direct that my just debts, if any, funeral expenses and cost of administration of my estate herein mentioned be paid as soon after my decease as may be, conveniently, done, and to that end charge my estate with the same.

THIRD- I hereby give, bequeathe and devise, in fee, unto my children, Ethel Hand Yates, Albert Harper Cobb, Augustus Huston Cobb, Wilder Edwin Cobb and Marion Elliott Cobb, share and share alike, equally, between them, all my real, personal and mixed estate of every kind, except my undivided one half interest in the mill property, assets and business of A. H. & W. E. Cobb, known as the Suffolk knitting Mills, owned jointly by my brother in law, E. Wilder Cobb, and myself.

FOURTH- I hereby request and direct that the mill property, assets and business of said A. H. & W. E. Cobb, known as the Suffolk knitting Mills, at Suffolk, Virginia, remain in the hands of the said E. Wilder Cobb and the business conducted and operated by him until my youngest child, Marion Elliott Cobb, shall reach the age of twenty one years, unless the said E. Wilder Cobb, my partner, in the exercise of his judgment, shall deem it best to sell and close up the said business before that time, when, that is, the date of her attaining the age of twenty one years, or at any earlier date if he deems it best, in his judgment, the said business and all estate, real, personal and mixed,

connected with and being a part of the said business, shall be sold by the said E. Wilder Cobb, my partner, known as W. E. Cobb, and my one Half, my interest in the net proceeds from the same shall be divided equally, share and share alike, between my children, Ethel Hand Yates, Albert Harper Cobb, Augustus Huston Cobb, Wilder Edwin Cobb and Marion Elliott Cobb.

I hereby invest and clothe the said E. Wilder Cobb, my partner with full power and authority to incorporate the said business, if he should deem it best, and in the event of such incorporation of the business of A. H. & W. E. Cobb, my half interest in the same shall be taken in stock and the said stock shall be equally divided among my said children above mentioned.

FIFTH- I hereby appoint my brother in law, E. Wilder Cobb, executor of my estate, and request that no security be required of him as such executor.

SIXTH- I hereby nominate and request the Court to appoint the said E. Wilder Cobb as the Guardian of my minor children, Augustus Huston Cobb, Wilder Edwin Cobb and Marion Elliott Cobb.

SEVENTH- I hereby revoke all previous wills and codicils hitherto made by me.

Witness my hand and seal this 23 day of March, 1910.

Mary Elizabeth Cobb. (SEAL).

Signed, sealed, published and declared by Mary Elizabeth Cobb, and for her last will and testament, in the presence of us, who, in her presence, at her request, and in the presence of each other, have hereunto subscribed our names as witnesses.

C. J. Duke.

L. W. Jones.

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County on Tuesday the 31st day of May, 1910.

The last will and testament of Mary Elizabeth Cobb, late of this county, deceased, was this day produced before the Clerk of the Circuit Court of Nansemond County, and proved according to law by the oaths of C. J. Duke and L. W. Jones, the two subscribing witnesses thereto, and is ordered to be recorded.

And on the motion of E. Wilder Cobb (known as W. E. Cobb), Who is named in the said last will and testament as the Executor of the estate of said Mary Elizabeth Cobb, deceased, who made oath according to law and entered into and acknowledged a bond in the penalty of Eight Thousand Dollars conditioned according to law, (but without security, the said last will and testament directing that no security be required of him) certificate is granted him, the said E. Wilder Cobb (known as W. E. Cobb), as Executor, for obtaining a probate of said last will and testament in due form.

And it is ordered that said bond be recorded.

Teste:

R. R. Smith, Clerk.

By M. M. Watkins, D. C.

A Copy, Teste:

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

Mary Elizabeth Cobb's
Will

Recorded in Will
Book No. 2. Page 116.

a Copy ✓

Commissioner's Office,

To

E. Wilder Cobb, known as W. E. Cobb, Complainant,

and

Ethel H. Yates, J. Taylor Yates, her husband, Albert H. Cobb, Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb, the last three being infants under twenty-one years

You are hereby notified that on the 24th day of October 1910, 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 Hansemond County, Va., rendered the 11th day of October 1910, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

- (1) Whether the real property in the bill mentioned can be conveniently divided in kind among the several parties entitled to share therein
- (2) 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 interests therein may entitle them to.
- (3) 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 allotment of part and sale of the residue.
- (4) Whether or not the parties to this suit are all the parties entitled to an interest in said property.
- (5) What liens, if any, by way of taxes, deeds of trust or judgment are now on said property.
- (6) The fee-simple values of the said several parcels of property mentioned in the bill in this cause.
- (7) Any other matters 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 13th day of

October

1910

Bradford Kilby

Commissioner in Chancery.

We hereby accept full and sufficient legal service of
the within notice.

E. Wilder Cobb

Ethel H. Yates

Albert H. Cobb

Ethel H. Yates

J. P. Walling Guardian ad litem
Augustine H. Cobb
Wilder E. Cobb
Marion E. Cobb

Form No. 400.

E. Wilder Cobb

vs.

COMMISSIONER'S NOTICE.

Ethel H. Yates v. others

Virginia,

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

E. Wilder Cobb

Complainant.

vs.

In Chancery.

Ethel H. Yates et als.

Defendants.

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 11th. day of October 1910, in the suit in chancery pending in said court between E. Wilder Cobb Complainant, and Ethel H. Yates and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 13th. day of October 1910, your commissioner gave notice to the parties to the said suit that he would proceed on the 24th. day of October 1910, 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 said notice was duly accepted by the parties to said suit as will appear by the endorsements on the notice herewith returned.

That your commissioner took the depositions of J. Walter Hosier, Walter Jordan and E. Wilder Cobb, touching said inquiries which depositions are returned herewith.

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

(1)

The real property in the bill mentioned can not be conveniently divided in kind among the several parties entitled to share therein,consisting as it does of two small town lots and two factory sites. The latter are large in size,but their value as factory sites would be destroyed by subdivision,and the money value of the same greatly diminished.

(2)

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

(3)

The interests of those entitled to the property or its proceeds will be promoted by a sale of the entire property. Allotment of part would necessitate the division of the factory sites which would be a monetary loss to all.

(4)

The parties to this suit are all the parties entitled to an interest in said property.

(5)

There are no liens on said property by way of taxes,deeds of trust or judgments.

(6)

The fee-simple value of the several pieces of property mentioned in the bill are as follows:

(1) Lot on Culloden Street	\$400.
(2) Factory site on Northwest corner of Madison Ave. and Factory St.	1000..
(3) Factory site on Southwest corner of Madison Ave. and Factory St.	450.
(4) Lot on Allen St.	50.

Total.

\$1900.

(7)

There is no other matter deemed pertinent by the Commissioner or required by any party to be so stated.

Respectfully submitted this 26th. day of October 1910.

Bradford Kilby

Commissioner in Chancery.

Commissioner's fee \$15.

J. Walter Hosier being duly sworn,deposes as follows:

Q. What is your name,age residence and occupation and are you acquainted with the real estate mentioned in the bill in this suit?

A. J. Walter Hosier,48 years,Suffolk, Va. real estate and insurance. I am well acquainted with the real estate mentioned in the bill in this suit.

Q. Do you think the said real estate can be divided in kind?

A. No. Two are factory sites and these would be greatly depreciated in value if divided up,as the value of a factory site depends upon its large area. The two other pieces are small lots in the negro district,and it would be impossible to divide them in kind among so many interested parties without totally destroying their value.

Q. Would it be to the interest of the parties to sell part and allot the residue?

A. No. for the reason given above. These pieces of land will bring their best money value by being sold without sub-dividing.

Q. What is the fee-simple value of the several pieces?

A. (1) The lot on Culloden Street about	\$400.
(2) Factory site on Northwest corner of Madison Ave. and Factory St.	1000.
(3) Factory site on Southwest corner of Madison Ave. and Factory St.	350.
(4) Lot on Allen St.	<u>50.</u>
Total.	\$1800.

And further this deponent saith not.

J. Walter Hosier

Walter Jordan being duly sworn,deposes as follows:

Q. What is your name,age,residence and occupation and are you acquainted with the real estate mentioned in the bill in this suit?

A. Walter Jordan,56 years,Suffolk, Va. real estate and insurance I am acquainted with the land,having been in the real estate business in Suffolk for four years..

Q. Do you think the said real estate can be conveniently divided in kind?

A. No. It is not adapted to convenient division,as two of the lots are small,and the two large lots are factory sites which would be greatly decreased in value by any sub-division.

Q. Would it be to the interest of the parties to allot part and sell the residue?

A. No. I think not. They would lose money by such a plan.

Q. What is the fee-simple value of the several pieces of land?

A. (1) The lot on Culloden St. \$450.

(2) Factory site on the Northwest corner
of Madison Ave. and Factory Street. 1000.

(3) Factory site on the Southwest corner
of Madison Ave. and Factory Street. 500.

(4) Lot on Allen St. 50.

\$2000.

And further this deponent.saith not.

Walter Jordan

E. Wilder Cobb being duly sworn,deposes as follows:

Q. What is your name,age,residence,and occupation,and are you the plaintiff in this suit?

A. E. Wilder Cobb,52 years,Suffolk, manufacturer, I am the plaintiff.

Q. Are the parties to this suit all the parties entitled to an interest in said property?

A. Yes.

Q. Will any party take the entire property and pay therefor to the other parties such sums of money as their respective interests may entitle them to?

A. No.

Q. Is it the purpose of the parties in interest to tear down the wooden buildingsnow situated on the Northwest corner of Madison Ave. and Factory St.?

A. Yes.

Q. In view of that fact,what value do you place upon the buildings on said land?

A. None whatever. I shall have to give a contractor all the lumber in the buildingsin order to have the same torn down.

And further this deponent saith not.

E. Wilder Cobb

E. Wilder Cobb

v. { In Chancery

Ethel H. Yates et als

Report of Bradford

Kilby Commissioner

under decree of 11th day
of October 1910.

1910 - Octo. 28. Filed
M M Watkins, D.C.
Bradford Kilby

~~W. M. Watkins, D.C.~~
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

Virginia, Invocation in the Circuit Court for Chancery and
Deputy. March 4, 1911.

James & I were in vacation as night.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY--

E.Wilder Cobb,
known as W.E.Cobb,

vs

Ethel H. Yates and Others-

Ethel H. Yates and Others-
which has heretofore been regularly submitted to the judge of this for such decision
This cause came on this day to be again heard upon the
papers formerly read and upon the report of Lee Britt, Special
Commissioner, reporting the offer of Twenty One Hundred and Fifty
Dollars cash from E. Wilder Cobb for the parcels of property
in the bill and proceedings mentioned, which offer is in writing,
and signed by the said proposed purchaser and was argued by
counsel.

On consideration whereof, the court doth approve and confirm the said offer of Twenty One Hundred and Fifty Dollars from the said E. Wilder Cobb for the said property, and doth adjudge order and decree that Lee Britt, who is hereby appointed a Special Commissioner, for the purpose, upon the payment to him by the said E. Wilder Cobb of the sum of Twenty One Hundred and Fifty Dollars, being the purchase price of the said property in this cause mentioned, which payment is hereby authorized and directed, shall proceed to make and execute a good and sufficient deed, with special warranty, conveying to the said E. Wilder Cobb the property in the bill and proceedings mentioned.

And the said Special Commissioner, after paying the costs of this suit, and also after deducting from the purchase price of said property the sum of Sixty Dollars, the fee allowed for the prosecution of this suit shall proceed to distribute the balance of the proceeds of the sale among the parties entitled thereto.

parties entitled thereto.
All which is hereby certified to the Clerk of this Court to be entered in the Chancery order book.

James Longmore,

Cobb-

vs

Yates and Others-

Decree-

To be entered this 4th day of
March, 1911.

James S. McSmare

Entered in Chancery Order Book
No. 4- Page 464.

KNOW ALL MEN BY THESE PRESENTS,
That the above and others

IN THE CIRCUIT COURT OF THE UNITED STATES

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND-

E. Wilder Cobb
known as W. E. Cobb----

vs

Ethel H. Yates and others-

This cause came on this day to be again heard upon the papers formerly read and upon the report of Bradford Kilby, commissioner in chancery, herein filed on the 28th day of October, 1910, to which report there is no exception, and was argued by counsel.

On consideration thereof, the Court doth approve and confirm said report, and, it appearing from said report that the land in the bill mentioned cannot be divided in kind, doth adjudge, order and decree that Lee Britt, who is hereby appointed a special commissioner for the purpose, do proceed to sell the real estate in the bill and proceedings mentioned ~~either privately, or~~ at public auction. If sold at public auction, that the sale shall be made in front of the Post Office in Suffolk, Virginia, after having advertised the time, place and terms of sale by hand-bills duly posted in public places in Suffolk, Virginia, for two successive weeks and upon the following terms, to wit:—One half cash, and the residue on credit installment of twelve months, the credit installment to be evidenced by the bond or bonds of the purchaser or purchasers, bearing interest from the day of sale, and the title to be retained until the further order of Court, or, any purchaser so desiring may pay the entire purchase price in cash.

And the said commissioner shall deposit the credit installment in the National Bank of Suffolk to his credit

~~22~~
as special commissioner in this cause and shall make report thereof to Court.

But before the said commissioner shall proceed to execute this decree, he shall enter into bond in the penalty of \$3000, payable to the Commonwealth of Virginia, with surety approved by the Clerk of this Court, and conditioned for the faithful discharge of his duties under this or any other decree entered in this cause.

And this cause is continued.

Cobb-----

vs Decree for Sale-

Yates et Als--

To be entered this 4th day of
January, 1911.

James S. Moore

Entered in Chancery Order
Book No. 4. Page 452.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY--

E. Wilder Cobb
known as W. F. Cobb-----

VS

Ethel H. Yates and Others-----

We, the undersigned parties, plaintiff and defendant, to the above entitled cause now pending in the Circuit Court of Nansemond County, hereby consent that the said cause may be submitted to the Judge of the said Court in vacation for such decisions and decrees as might be made and entered in term.

L. P. Holland
Guardian ad litem
for Augustine W. Cobb
Wilder E. Cobb
Marion E. Cobb

E. Wilder Cobb
Ethel H. Yates
J. Taylor Yates
Albert H. Cobb

With the consent of the parties, plaintiff and defendant, entered of record, it is hereby adjudged, ordered and decreed that this cause may be submitted to the Judge of this Court in vacation for such decisions and decrees therein as might be made and entered in term.

Cobb---

vs

Yates et Als-

Order making Vacation Cause-

To be entered this 11. day of
October, 1910.

James L. Moore

Entered in Chancery
Order Book No. 4. Page 432.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

E. Wilder Cobb,
known as W. E. Cobb-----

VS

Ethel H. Yates, z. Taylor Yates,
her husband, Albert H. Cobb,
and Augustus H. Cobb, Wilder E. Cobb
and Marion E. Cobb, the last three being
infants under the age of twenty one years----

This cause, which has been regularly matured at rules, and set for hearing, came on this day to be heard on the bill taken for confessed as to the adult defendants, they still failing to appear, plead, answer, or demur, and upon the answer of L. P. Holland, duly appointed at rules as guardian ad litem for the infant defendants, and of the said infant defendants by the said L. P. Holland, guardian ad litem, filed in Court this day, with replications thereto, and was argued by counsel.

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

1st-Whether the real property in the bill mentioned can be conveniently divided in kind among the several parties entitled to share therein.

2nd-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 interests therein may entitle them to.

3rd-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 allotment of part and sale of the residue.

4th-Whether, or not, the parties to this suit are all the parties entitled to an interest in said property.

5th-What liens,if any,by way of taxes,deeds of trust or judgment are now on the said property.

6th-The fee simple values of the said several parcels of property mentioned the bill in this cause.

Which several inquiries the said commissioner shall make and to the Court report,together with any matters specially stated deemed pertinent by himself,or required by any party to be so stated.

Cobb -----

VS Decree of Reference-

Yates et Als--

To be entered this 11th
day of October, 1910.

James L. W. Moore,

*Entered in Chancery
Order No. 4. Page 432*

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND--

E. Wilder Cobb
(Known as W. E. Cobb)--

VS

Ethel H. Yates and Others--

This cause came on this day to be again heard on the papers formerly read and on the report of Lee Britt, Commissioner, filed in Court this day, showing an account of his transactions in execution of the decree entered in this cause on the 4th day of March, 1911, together with vouchers attesting his disbursements, to which report there are no exceptions filed, and was argued by counsel.

On consideration whereof, the Court doth ratify and confirm the said report and disbursements and all acts of the said Commissioner therein mentioned, and doth further approve and confirm the said sale and conveyance of the property mentioned in this cause to the said E. Wilder Cobb.

And it appearing that there is nothing further to be done in this cause, the Court doth order and decree that the same be removed from the docket.

Cobb-

VS

Ethel H. Yates and Others-

Decree confirming report
of Commissioner etc.

To be entered this 16th day
of March, 1912.

James L. Moore.

Entered in Chancery
Order Book No. 4.
Page 505

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND-

E. Wilder Cobb,

known as W.E. Cobb--

VS-----In Chancery-----

Ethel H. Yates, Z. Taylor Yates,
her husband, Albert H. Cobb and
August H. Cobb, Wilder E. Cobb
and Marion E. Cobb, the last three
infants under the age of twenty
one years----

The answer of L.P. Holland, guardian ad litem to the infant
defendants, Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb, and
the answer of the said infants by the said L.P. Holland, their
guardian ad litem, to the bill in equity exhibited against the
said Ethel H. Yates and others in the Circuit Court of Nansemond
County by E. Wilder Cobb, known as W.E. Cobb.

For answer to the said bill the said guardian ad litem
answers and says that he does not know whether the interests of
the infant defendants will be promoted by a sale of the property
as prayed for in the said bill, or not.

And the said infant defendants, by their said guardian
ad litem, answer and say that being infants of tender years, they
know nothing of the matters mentioned in the bill in this cause,
and commit the protection of their interests to the Court.

L. P. Holland
Guardian ad litem to Augustus H.
Cobb, Wilder E. Cobb and Marion
E. Cobb.

Augustus H. Cobb, Wilder E. Cobb
and Marion E. Cobb,
By the said P.L. Holland,
their guardian ad litem.

Cobb-----

VS

Yates et Als-

Answer of Guardian ad Litem-

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND-

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

Your complainant, E. Wilder Cobb, known as W. E. Cobb, respectfully complaining, shows unto the Court the following case:-

That on the day of May, 1910, Mary E. Cobb, widow, departed this life leaving Ethel H. Yates, formerly Cobb, Albert H. Cobb, Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb, her only children surviving her, and that the said Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb are infants under the age of twenty one years.

That the said Mary E. Cobb died leaving a will which was admitted to probate in the Clerk's Office of the said Circuit Court on the 31st day of May, 1910 (a copy of which will is herewith filed marked "Exhibit A"), under which will the real estate and interest in real estate of the said Mary E. Cobb were devised to her said children jointly.

That at the time of her death your complainant and the said Mary E. Cobb were the owners of the following real estate in the Town of Suffolk, Virginia:-

1st- A certain lot of land situated on the West side of Gulloden Street, in the Town of Suffolk, in the County of Nansemond and State of Virginia, fronting forty (40) feet on said Street, and running back between parallel lines Westwardly from said Street one hundred (100) feet.

2nd- A certain other lot of land situated in the Town of Suffolk, in Nansemond County, Virginia, with the improvements thereon, beginning at the Northwest corner of Madison Avenue and Factory Street, as shown on the map of the East Suffolk Land Company's First Addition to the Town of Suffolk, and running thence North along the West side of Factory

Street three hundred and fifty (350) feet, thence West one hundred and twenty five (125) feet to the right of way of the Norfolk and Carolina Railroad Company, thence South along the East side of the said right of way three hundred and fifty (350) feet to Madison Avenue, thence East along the North side of said Madison Avenue one hundred and twenty five (125) feet to the point of beginning.

3rd- All that certain other lot of land in the Town of Suffolk, Virginia, bounded and described as follows:- Beginning at the Southwest corner of Factory Street and Madison Avenue, as designated on the map of the East Suffolk Land Company's First Addition to the Town of Suffolk, thence running South along the West side of Factory Street one hundred (100) feet, thence West and parallel with Madison Avenue one hundred and forty (140) feet, more or less, to the Eastern boundary of the Norfolk and Carolina Railroad Company's right of way, thence North along the said right of way one hundred (100) feet to the South side of Madison Avenue, and thence East along the South side of Madison Avenue one hundred and forty (140) feet, more or less, to the point of beginning.

4th- A certain lot of land on Allen Street, near the corporate limits of Suffolk, fronting forty (40) feet on Allen Street, and running back therefrom ninety (90) feet to a lane.

All of which lots or parcels of land were conveyed by E.E. Holland, Special Commissioner, to the said E. Wilder Cobb, as W.E. Cobb and the said Mary E. Cobb, deceased, jointly, by deed dated the day of March, 1910, and recorded in D.B. No Page in the Clerk's Office of Nansemond County.

That on the second and third lots of land herein described are located the factory buildings in which the said E. Wilder Cobb as W. E. Cobb and Mary E. Cobb, deceased, under the name and style of A. H. and W. F. Cobb, ^{heretofore} conducted a hosiery mill, and that by constant use the said buildings have become of little value.

Your complainant further states that the said real-estate is, as he believes, not susceptible of partition among the parties entitled thereto, and if it be not, then your complainant desires the same to be sold and the proceeds thereof divided among the adult and infant parties according to their respective interests, the shares of the infants to be held as directed by the statute in such cases made and provided; should the property not be divisible in kind, your complainant believes, and here states, that the interests of those who are entitled to the said real-estate, or its proceeds, will be promoted by a sale of the whole of the said property or by the allotment of part and sale of the residue.

In tender consideration whereof and for as much as your complainant is remediless in the premises save by the aid of a court of equity where such matters are alone and properly cognizable, your complainant prays that Ethel H. Yates and Z. Taylor Yates, her husband, Albert H. Cobb, Augustus H. Cobb, Wilder E. Cobb and Marion E. Cobb may be made parties defendant to this bill and required to answer the same, but answers under oath are waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue; that the said real estate be divided among the several parties entitled thereto and your complainant's portion thereof be allotted to him, but in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale and the proceeds of such sale be divided among the parties entitled thereto; that proper counsel fees be allowed; that all ~~proper~~ orders and decrees may be made

and proper inquiries directed; and that all such other, ^{further} and general relief may be afforded your complainant as the nature of this case may require or to equity shall seem meet.

And your complainant shall ever pray etc.,

Lee Brutt
P. L.

E. Wilder Coll.

E. Wilden Cobb

vs —

Elhel N. Gale and others

Bill.

Filed Sept. 21, 1910
M. M. Watkins D.C.

over

E. Wieder Cobb
vs.

Ethel H. Gates & als

1910

Sept

17 Process issued returnable to 2nd Sept.
(1910) rules - Executed on or service accepted
by Ethel H. Gates, Albert H. Cobb & J. Taylor Gates.

"

19 P. L. Holland appointed guardian ad litem to
Augustus H. Cobb, Wieder E. Cobb and Marion
E. Cobb infants.

"

21 Bill filed and decree nisi - vs adult defendants - Answer
of Guardian ad litem filed.

Octo

3 Decree nisi confirmed as to adult defendants and
cause set for hearing

Notes

Lee Britt, pg.

E. Wilder Cobb
vs Chancery

Ethel H. Yates & others

1912. Nov 16
Final Decree

Cost:

Jay	1.50
Clerk	8.32
Sheriff	✓
Atty	15.00
Comis.	15.00

\$39.82