1914-011
Nansemond Co (Suffolk) Chancery Causes: P.L. Rodgers vs C.M. Rodgers et al

Harrell, Voight, Truitt, Copeland, Norfleet, White, Corbitt, Jones, Mathias, Parker, Brothers

DEPOSITED IN THE

Farmers Bank of Nansemond

By L. P. Hallard Spcl. Comr Rdpus & Rdgrs

Suffolk, March 25, 1917

CHECKS AND DRAFTS CREDITED SUBJECT TO FINAL PAYMENT.

	Dollars	Cents
Currency		
Gold		
Silver		
Checks as follows PLEASE LIST EACH CHECK SEPARATELY		
Farmers Bk	$265	
	265	00

SEE THAT ALL CHECKS ARE ENDORSED

See conditions on back hereof

THE depositor using this ticket hereby agrees that all items payable outside of Suffolk shall be forwarded by this bank as agent for the depositor at the depositor's risk; that this bank shall not be responsible for negligence, default or failure of sub-agents, nor for losses in the mails; that this bank shall have the right to charge back to the depositor's account any items for which actual payment is not received; that items may be sent direct to the banks on which drawn without waiving any of the above conditions, and that items on Suffolk are credited subject to actual payment either on day of deposit or succeeding business day.

To P.L.Rodgers ,Plaintiff,

and

C.M.Rodgers,Mary Rodgers,his wife, Mary F. Darrell,Bertie Voight, John Voight,Oscar Voight,Jesse Voight and Other Voight,the last five of whom are infants under 21 years of age,and John F. Lee, Guardian ad Litem of said infants.

In Chancery.

You are hereby notified that on the 3rd. day of February 1914,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 taken,stated,settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Va.rendered the 12th. day of January 1914 in the suit in chancery pending in said court to which you are parties plaintiff and defendant/to-wit:

(1) Whether the interests of the said infant defendants and all other parties in interest will be promoted by a sale of the property in the bill mentioned,or whether the interests of all parties,together with the infant defendants will best promoted by a division of the property in kind.

(2) Whether the interests of any of the parties will be violated by a sale of the property in the bill and proceedings mentioned.

(3) Whether there are any deeds of trust on said land,any judgments docketed against the same,or any liens of any kind, together with their priority.

(4) Whether there are any delinquent taxes upon the said real estate.

(5) The annual and the fee-simple value of the land in the bill and proceedings mentioned.

(6) Anyother matter specially stated deemed pertinent by himself,or required by any person to be so stated.

Given under my hand as Commissioner in Chancery of said Court this 22 day of January 1914.

Bradford Kilby

Commissioner in Chancery.

LAW OFFICES OF
E. E. HOLLAND & L. P. HOLLAND
BOOTH BUILDING
SUFFOLK, VIRGINIA

Dec. 6, 1913.

Geo. E. Bunting, Esq., Clerk,

Suffolk, Va.

Dear Sir:-

I am sending you herewith memorandum in the case of P. L. Rodgers vs. C. M. Rodgers et als., and will thank you to have summons issued, returnable as stated in said memorandum.

Please appoint Mr. J. P. Lee guardian ad litem for the infant defendants at the proper time.

Yours very truly,

L. P. Holland.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

P. L. Rodgers
)
vs.) IN CHANCERY.
)
C. M. Rodgers, Mary Rodgers, his wife, Mary F. Harrell, Bertie Voight, John Voight, Oscar Voight, Jesse Voight and Other Voight, the last five of whom are infants under the age of twenty-one years.

Issue summons returnable to Second December Rules.

L. P. Holland p.q.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON C.M.Rodgers,Mary Rodgers,his wife,Mary F. Harrell,Bertie Voight,John Voight,Oscar Voight,Jesse Voight,and Other Voight, the last five of whom are infants under the age of 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 December 1913, to answer a Bill in Chancery, exhibited against them in the said Court by P.L.Rodgers.

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 8th. day of December, 1913, in the 138th year of the Commonwealth.

A copy—Teste:
G. E. Bunting, CLERK.

Teste:
G. E. Bunting, CLERK.

A. P. Holland, ... p. q.

A CO.
FOR

Isaac Rodgers

vs. } In Chancery

1913

Dec. ..... Rules,

Third ..... Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 113

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON C.H.Rodgers,Mary Rodgers,his wife,Mary F. Harrell,Bertie Voight,John Voight,Oscar Voight,Jesse Voight,and Other Voight, the last five of whom are infants under the age of 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 Monday in , to answer Bill in Chancery exhibited against December 1913 in the said Court by thos P.T.Rodgers.

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this day of , 191, in the 13th year of the Commonwealth. 8th.

December A copy—Teste: 8 Teste:

G.E.Bunting, CLERK. G.E.Bunting, CLERK.

R. P. Holland p. q.

A COPY
FOR

Mary D. Harrell

vs. } In Chancery

1913

Dec. Rules,

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 118

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON C.M.Rodgers,Mary Rodgers,his wife,Mary F. Harrell,Bertie Voight,John Voight,Oscar Voight,Jesse Voight and Other Voight, the last five of whom are infants under the age of 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 December 1915, to answer a Bill in Chancery, exhibited against them in the said Court by P.L.Rodgers

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 8th, day of December, 1913, in the 138th year of the Commonwealth.

~~A copy—Teste~~:

~~, CLERK.~~

Teste: G. E. Bunting, CLERK.

Executed this 9th day of Dec. 1913 by delivering a true copy of the Summons & Bill & Amended Bill with endorsements thereon to each of the following defendants, to-wit: Bertha Rodgers - from Norfolk - Oct. 10th 1913 - Norfolk - Oct. 10th 1913 - Rodgers, & Wm. E. Rodgers, & Wm. E. Rodgers, & Wm. E.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON C.M.Rodgers,Mary Rodgers,his wife,Mary F. Harrell,Bertie Voight,John Voight,Oscar Voight,Jesse Voight,and Other Voight, the last five of whom are infants under the age of 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 December 1913, to answer a Bill in Chancery, exhibited against them in the said Court by P.L.Rodgers.

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 8th day of December, 1913, in the 138th year of the Commonwealth.

A copy—Teste:
G. E. Bunting, CLERK.

Teste:
G. E. Bunting, CLERK.

L. P. Holland p. q.

A COPY FOR

C. W. Rodgers

vs. } In Chancery

1913

December Rules,

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 119

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ Sergeant of the City of Norfolk, Va. —Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON C.M.Rodgers, Mary Rodgers, his wife, Mary F.Harrell Bertie Voight, John Voight, Oscar Voight, Jesse Voight, and Other Voight, the last five of whom are infants under the age of 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 December 1913, to answer a Bill in Chancery, exhibited against them in the said Court by P.L.Rodgers,

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 8th, day of December, 1913, in the 138th year of the Commonwealth.

~~A copy Teste:~~

~~, CLERK.~~

Teste: G. E. Bunting, CLERK.

Executed in the City of Norfolk this 11th day of December 1913 by serving a copy hereof on Mary Rodgers and not finding C. M. Rodgers and Mary J. Harrell on this named place of abode executed in the city of Norfolk this 11th day of December 1913. by serving a copy hereof for each of them on Mary Rodgers she being there and a member of his family over the age of sixteen years and giving information of the purport thereof.

J. A. Lawler Sergt
City of Norfolk
by C. L. Dunn
Dep.

Accpts for 1.50 Paid
C. L. Dunn
D.S.

B. P. Holland, p. q.

P. R. Rodgers

vs. } In Chancery

C. M. Rodgers et als.

1913

December Rules,

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 119

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., MAR 30 1914 191

Mr L. P. Holland
City

To SUFFOLK HERALD CORPORATION, Dr.

: : Newspaper and Job Printing : :

Suffolk's Leading Job Printers

No. 912 WASHINGTON ST.

TERMS OF THIS BILL—NET CASH

BELL PHONE 135

1914 Mch 28	To 100 H Bills Mch 11/14 Rodgers vs Rodgers			2 25

PAID
Mch 30 1914
THE SUFFOLK HERALD CORPORATION
H. Kendrick Mgr

$119.09 Suffolk, Va., April 8, 1914

Received of L. P. Holland, Special Commissioner in the suit of P. L. Rodgers vs. C. M. Rodgers et als., the sum of One Hundred and Nineteen Dollars and Nine Cents ($119.09), being my full distributive share in the proceeds of sale of the Jas. Rodgers tract of land sold in above mentioned proceedings, together with the amount due me from the various other heirs as the result of a certain deed from the said heirs to me for their interests in said tract of land.

P L Rodgers

$4.41 Chalkeyville, Va., Apr. 1 19

Received of L. P. Holland, Special Commissioner in the suit of P. L. Rodgers vs. C. M. Rodgers et als., the sum of Four Dollars and Forty-one Cents ($4.41), being the share of my children, Bertie Voight, John Voight, Oscar Voight, Jesse Voight and Other Voight, in the proceeds of sale of the property owned by the late Jno. Rodgers, and which was sold in the said suit, a decree being entered in said suit by which said amount due my children was to be paid to me for their maintenance, education and support.

Mrs. Alice Voight.

$35.36 Norfolk, Va., Dec. 1, 1914

Received of L. P. Holland, Special Commissioner in the suit of P. L. Rodgers vs. C. M. Rodgers et als., the sum of Thirty-five Dollars and Twenty-six Cents ($35.36), being my full proportionate share in the proceeds of sale of a certain tract of land owned by the late Jas. Rodgers, and sold in said suit.

Mary J Hazzard

$17.63 Norfolk, Va., Apr. 1, 1914

Received of L. P. Holland, Special Commissioner in the suit of P. L. Rodgers vs. C. M. Rodgers et als., the sum of Seventeen Dollars and Sixty-three Cents ($17.63), being my full proportionate share in the proceeds of sale of a certain tract of land owned by the late Jas. Rodgers, and which was sold in said suit.

C. M. Rodgers

$5.00

April 2nd 1914.

Received of L. P. Holland, Special Commissioner in the suit of P. L. Rodgers vs.C. M. Rodgers et als., the sum of Five Dollars ($5.00) in full settlement of my fee for auctioning the property of the late Jas. Rodgers on March 25th, 1914, at the residence of P. L. Rodgers, in the above mentioned suit.

A L Harrell

Crier

Many Thanks

L. P. Holland ..... p. q.

Copy of Costs
Taxed in the Suit of:

P. R. Rodgers

vs.

B. W. Rodgers et als

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax	1	50
Clerk	3	61
Sheriff	4	00
Attorney	15	00
Commissioner	15	00
Printer, for Order of Publication, etc.		

Date of Judgment or Final Decree 191

Credit $7 50 $43 11

Paid 3 - 28, 1914 A. E. Brooks Clerk

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

P. L. Rodgers

vs.

C. M. Rodgers et als.

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

Your Commissioner respectfully begs to report that P. L. Rodgers the purchaser of the land in the bill and proceedings mentioned, has paid the full purchase price for said land and that your Commissioner, in obedience to the decree entered in this cause on the 28th day of March, 1914, has executed to him a good and sufficient deed of conveyance, with special warranty, for the land purchased by him.

Your Commissioner further reports that he has deposited said purchase money in the Farmers Bank of Nansemond to his credit as Special Commissioner in this cause, and that out of the proceeds of the said purchase price he has paid the costs of this suit, including fee of counsel.

Your Commissioner further reports that he has paid to Alice Voight , the mother of the infant defendants in this cause, for their education, maintenance and support, the sum of Four Dollars and Forty-one Cents ($4.41), being the proportionate share of said infants in the proceeds of sale of the land in the bill and proceedings mentioned, the said infants being the children of the late Oscar Voight, and as such, entitled to one-eighth of the share of their grandmother, Nancy Voight, in said proceeds of sale of said tract of land.

Your Commissioner further reports that he has paid to Mary F. Harrell the sum of Thirty-five Dollars and Twenty-six Cents ($35.26), being her share in the proceeds of sale of the said land as the sister of the said Jas. Rodgers, deceased,

while he has paid to C. K. Rodgers the sum of Seventeen Dollars and Sixty-three Cents ($17.63), being his proportionate share in said proceeds of sale as a half brother of the said Jas. Rodgers, deceased.

Your Commissioner further reports that the balance of the amount realized from the sale of said property, he has paid to P. L. Rodgers, which was due to him as the result of the fact that he was a half brother of the said Jas. Rodgers, deceased, and also as a result of a certain deed of conveyance, duly recorded in the Clerk's Office of the Circuit Court of Nansemond County in D. B. 76, page 450, by which all of the other heirs and parties in interest conveyed their respective shares in the said estate to the said P. L. Rodgers.

A further and more specific report of the distribution of said fund is shown by the attached statement.

Respectfully submitted.

L. P. Holland
Special Commissioner.

To proceeds of sale of land,			$265.00	
By amount paid	G. E. Bunting, Clerk, for court costs, including fee of Commissioner in Chancery			$ 43.11
" " "	Holland & Holland for writing deed,			5.00
" " "	Holland & Holland for fee for bringing suit,			20.00
" " "	A. L. Harrell, auctioneer,			5.00
" " "	L. P. Holland, for commissions as Special Commissioner,			13.25
" " "	Suffolk Herald for hand bills,			2.25
" " "	Mary F. Harrell as her proportionate share in proceeds of sale,			35.26
" " "	C. M. Rodgers as his proportionate share in proceeds of sale,			17.63
" " "	Alice Voight, mother of infant defendants, as their proportionate share in proceeds of sale,			4.41
" " "	P. L. Rodgers as his proportionate share in proceeds of sale,			119.09
			$265.00	$265.00

In the Circuit Court of
Nansemond County.

P. L. Rodgers
)
vs.) REPORT
)
C. M. Rodgers et als.

—

Filed April 3. 1914
J.L.M.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.
March Term, 1914.

P. L. Rodgers

vs.

C. M. Rodgers et als.

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

The undersigned commissioner, appointed by decree entered in this cause on the 24th day of February, 1914, begs to report as follows:

That after advertising the time, terms and place of sale for two weeks, as directed by said decree, he proceeded to sell at public auction to the highest bidder, on the premises near Murney, in Nansemond County, Virginia, on the 25th day of March, 1914, the land in the bill and proceedings mentioned, and at said sale P. L. Rodgers became the purchaser thereof at the price of Two Hundred and Sixty-five Dollars ($265).

Your commissioner further begs to say that he would recommend the confirmation of this sale. He would recommend such confirmation, first, because of the fact that there were a number of farmers attendant upon the sale who live on and occupy the farms in the vicinity and who should be familiar with the value of a piece of land of the type sold, and that a number of bids were made on the land, the purchaser being run up gradually from $100 to $265; second, that the highest bid made on the land was for a sum within the near neighborhood of the sum at which the land was valued by the witnesses on which the Commissioner in Chancery made his report, and was only $55 less than the estimate made by the Commissioner in Chancery; and third, that the land is situated away from the road, that the only way of getting to same is through and over the lands of P. L. Rodgers, and that

it would not be worth anything like the amount which the pur - chaser has agreed to pay for it to any one except the purchaser himself.

Your commissioner is advised that said purchaser is ready and willing to pay the entire purchase price as soon as said sale is confirmed by the court.

Your commissioner has also given the bond required by the decree directing the sale.

Respectfully submitted.

L. P. Hallard
Special Commissioner.

In the Circuit Court of
Nansemond County.

P. L. Rodgers
)
vs.) Report.
)
C. M. Rodgers et als.

Filed 28th day of March, 1914.

J. L. M.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.
March Term, 1914.

P. L. Rodgers

vs.

C. M. Rodgers et als.

This cause came on this day to be again heard on the papers formerly read and on the report of sale made by Special Commissioner L. P. Holland, filed herein on the 28th day of March, 1914, to which report there is no exception and was argued by counsel.

On consideration whereof, the court doth approve and confirm said report and doth confirm the sale made to P. L. Rodgers, and the court doth adjudge, order and decree that when and as soon as the said purchaser shall pay the purchase price for said property, then the said L. P. Holland, Special Commissioner, shall convey, by good and sufficient deed, with special warranty, unto the said P. L. Rodgers,

"That certain tract of land in Cypress Magisterial District, in Nansemond County, Virginia, containing forty (40) acres, more or less, known as a part of the "James Rodgers" farm, and bounded and described as follows:

Beginning at the cart path leading to the County Road, a corner with Chas. M. Rodgers, on Richard T. Rodgers' line, thence along said Richard T. Rodgers' line to a black gum, a corner with the said Mary F. Rodgers, thence along a line of new marked trees to a small red oak, thence a straight line across the field to the corner of the yard, thence along the yard to and along the Eastern side of the same, thence the Eastern side of said lane or cart path to the beginning, and contains forty (40) acres, more or less, the said land is sold in gross and not per acre; together with all and singular the appurtenances belonging to the same.

And being the same property conveyed to Jas. C. Rodgers by Mary F. Rodgers by deed dated the 10th day of February, 1890, and duly recorded in Nansemond County Clerk's Office in D. B. 23, page 382."

And the said L. P. Holland, Special Commissioner, is directed to deposit the purchase price in the Farmers Bank of Nansemond, in Suffolk, Virginia, to his credit as Special Commissioner in this cause, and out of the proceeds of sale, he is directed to pay the costs of this suit, including fee of counsel amounting to $20-, and it appearing to the court that the total amount due Bertie Voight, John Voight, Oscar Voight, Jesse Voight and Other Voight, the infant defendants in this cause, is less than $300, the court doth adjudge, order and decree that the amount to which said infants are entitled be paid to Alice Voight, the mother of said children, to be used for the education, maintenance and support of said infants.

And the said Commissioner shall report his proceedings hereunder to the court.

And this cause is continued.

In the Circuit Court of Nansemond County, Virginia.

P. I. Rodgers
)
vs.) DECREE.
)
C. M. Rodgers et als.

1914 March 28. 1914

Jas. L. McLemore.

Entered in Chancery Order Book No. 4- Pg. 630

Virginia In Vacation

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, Virginia. February 24. 1914

P. L. Rodgers,

vs.

C. M. Rodgers et als.

This cause came onthis day to be again heard in vacation on the papers formerly read and on the report of Bradford Kilby, Commissioner in Chancery, made pursuant to a decree entered in this cause on the 12th day of January, 1914, and filed herein on the 16th day of February, 1914, to which report there is no exception and was argued by counsel.

On consideration whereof, the court doth approve and confirm said report, and it appearing from said report that the land in the bill and proceedings mentioned cannot be conveniently divided in kind, and that it will be to the best interests of all parties that the said land be sold, the court doth adjudge, order and decree that L. P. Holland, who is hereby appointed a Special Commissioner for the purpose, shall proceed, after having advertised the time, place and terms of sale for two weeks by hand bills duly posted at three or more public places in this County, to sell for cash, in one parcel, at public auction, the land in the bill and proceedings mentioned, and the said Commissioner is directed to deposit the proceeds of sale of said land in the Farmers Bank of Nansemond, in Suffolk, Virginia, to his credit as Special Commissioner in this cause, and to report his proceedings hereunder to the court.

But the said Commissioner shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of $500, and conditioned for the faithful discharge of his duties under this or any other decree entered in this cause.

Which is hereby certified to the Clerk of this Court to be entered in his Chancery Order Book.

And this cause is continued.

James L. McLemore

In the Circuit Court of
Montgomond County.

P. L. Rodgers.
vs.) DECREE.
C. M. Rodgers et als.,

Entd Feb. 24. 1914
Jas L. McLemore,
Entered in Chancery
Order Book No. 4
Page 621

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

P. L. Rodgers,

vs.

C. M. Rodgers et als.

By consent of all parties given in writing and entered of record, it is ordered that this cause be submitted to the Judge of this Court in vacation for such orders and decrees therein in vacation as might be made in term.

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

John L. McLemore

In the Circuit Court of
Nansemond County.

P. L. Rodgers
vs.) DECREE
C. H. Rodgers et als.

We consent to this decree:

C. H. Rogers

Mrs. C. H. Rogers

Mrs. Mary J. Harrell

L. D. Holland atty for
Complainant

J. W. Lee
Guardian ad litem
for infant defendants

Enter Feb. 24. 1914

J. M. L. McCONNOR.

Entered in Chancery
Order Book No. 4.
Pg - 621.

To P.L.Rodgers ,Plaintiff,

and

C.M.Rodgers,Mary Rodgers,his wife, Mary F. Harrell,Bertie Voight, John Voight,Oscar Voight,Jesse Voight and Other Voight,the last five of whom are infants under 21 years of age,and John P. Lee, Guardian ad Litem of said infants.

In Chancery.

You are hereby notified that on the 3rd. day of February 1914,at my office in Suffolk,Va.(at which time and Place you are required to attend),I shall take,atate and settle the following accounts which are to taken,stated,settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Va.rendered the 12th. day of January 1914 in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1) Whether the interests of the said infant defendants and all other parties in interest will be promoted by a sale of the property in the bill mentioned,or whether the interests of all parties,together with the infant defendants will best promoted by a division of the property in kind.

(2) Whether the interests of any of the parties will be violated by a sale of the property in the bill and proceedings mentioned.

(3) Whether there are any deeds of trust on said land,any judgments docketed against the same,or any liens of any kind, together with their priority.

(4) Whether there are any delinquent taxes upon the said real estate.

(5) The annual and the fee-simple value of the land in the bill and proceedings mentioned.

(6) Anyother matter specially stated deemed pertinent by himself,or required by any person to be so stated.

Given under my hand as Commissioner in Chancery of said Court this 22 day of January 1914.

Bradford Kilby

Commissioner in Chancery.

Rodgers
v.
Rodgers
} In chancery

Commissioner's Notice

Original.

Not finding C. M. Rodgers at his usual place of abode I executed in the city of Norfolk this 26th day of Jan. 1914 by serving a copy hereof on Mrs C. M. Rodgers his wife she being there and a member of his family over the age of sixteen years and gave information of its purport to her.

Not finding Mary F. Harrell at her usual place of abode I executed in the city of Norfolk this 26th day of Jan 1914 by serving a copy thereof on Miss E. M. Rodgers her sister she being there and a member of her family over the age of sixteen years and gave information of its purport to her.

C. C. Hudgins
City Sergt

C. A. Tumbleson
Deputy

IN THE CIRCUIT COURT OF THE COUNTY OF HANSEMOND, VIRGINIA.

P. L. Rodgers,

vs.

C. M. Rodgers et als.

This cause come on this day to be heard on the complainant's bill, proof of legal service of proper process on the respondents, C. M. Rodgers, Mary A. Rodgers and Mary M. Harrell, in person, who have failed, and still fail, to appear and plead, answer or demur to the said bill, which is taken for confessed as to them, the answer of the infant defendants by John P. Lee, their guardian ad litem, duly appointed at Rules to defend their interests in this suit, and the answer of John P. Lee, guardian ad litem, 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 the following:

1st. Whether the interests of the said infant defendants and all other parties in interest will be promoted by a sale of the property in the bill and proceedings mentioned, or whether the interests of all parties, together with the infant defendants, will be best promoted by a division of the property in kind.

2nd. Whether the interests of any of the parties will be violated by a sale of the property in the bill and proceedings mentioned.

3rd. Whether there are any deeds of trust on said land, any judgments docketed against the same, or any liens of any kind, together with their priority.

4th. Whether there are any delinquent taxes upon the said

real-estate.

5th. The annual and fee simple value of the land in the bill and proceedings mentioned.

Which said inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the court, along with any other matter, specially stated, deemed pertinent by himself, or required by any person to be so stated.

In the Circuit Court of
Nansemond County, Virginia.

P. L. Rodgers,
)
vs.) DECREE
)
C. M. Rodgers et als.

Enter January 12 1914.

Jas. L. W. Lemon.

Chancery Order
Book No. 4 Pg. 606.

To P.L.Rodgers ,Plaintiff,

and

C.M.Rodgers,Mary Rodgers,his wife, Mary F. Harrell,Bertie Voight, John Voight,Oscar Voight,Jesse Voight and Other Voight,the last five of whom are infants under 21 years of age,and John P. Lee, Guardian ad Litem of said infants.

In Chancery.

You are hereby notified that on the 3rd. day of February 1914,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 taken,stated,settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Va.rendered the 12th. day of January 1914 in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1) Whether the interests of the said infant defendants and all other parties in interest will be promoted by a sale of the property in the bill mentioned,or whether the interests of all parties,together with the infant defendants will best promoted by a division of the property in kind.

(2) Whether the interests of any of the parties will be violated by a sale of the property in the bill and proceedings mentioned.

(3) Whether there are any deeds of trust on said land,any judgments docketed against the same,or any liens of any kind, together with their priority.

(4) Whether there are any delinquent taxes upon the said real estate.

(5) The annual and the fee-simple value of the land in the bill and proceedings mentioned.

(6) Anyother matter specially stated deemed pertinent by himself,or required by any person to be so stated.

Given under my hand as Commissioner in Chancery of said Court this 22 day of January 1914.

Bradford Kilby

Commissioner in Chancery.

Not finding ..... nor any member of his/her family above the age of 16 years at his/her usual place of abode I executed the within process in the city of Norfolk, Va., this the ..... day of ..... 191.. by leaving a COPY thereof posted at the FRONT DOOR of his/her place of abode.

C. L. HUDGINS,
Sergt. City of Norfolk, Va.
By ..... Depty.

Not finding C M Rodgers at his/her usual place of abode I executed the within in the City of Norfolk, Va., this 26 day of Jan 191 4 by delivering a copy thereof to Miss Rodgers his Wife She being then there, a MEMBER of his/her FAMILY and over the age of 16 years, and giving information of its purport to her.

C. L. HUDGINS,
Sergt. City of Norfolk, Va.
By C A Tumbleson Depty

Not finding Miss Mary E Harrel at her usual place of abode I executed the within in the City of Norfolk, Va., this 26 day of Jan 191 4 by delivering a copy thereof to Miss C M Rodgers her Guardian She being then there, a MEMBER of her/his FAMILY and over the age of 16 years, and giving information of its purport to her/him

C. L. HUDGINS,
Sergt. City of Norfolk, Va.
By C A Tumbleson Depty

Sufficient and legal service of the within notice is hereby accepted by us.

S. P. Shallcross Att'y
for Complainant

C M Rodgers
Guardian ad litem for infant defendants.

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

P.L.Rodgers,)
v.) In Chancery.
C.M.Rodgers et als.)

Commissioner's Office,
Suffolk, Va. Feb. 16, 1914.

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 12th. day of January 1914, in the suit in chancery pending in said court between P.L.Rodgers, Complainant and C.M.Rodgers and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 22nd. day of January 1914, your commissioner gave notice to the parties to said suit that he would, on the 3rd. day of February 1914, at his office in Suffolk, Va. proceed 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 accepted by some of said parties and served on others, as will appear by the endorsations on the notices herewith returned.

That on the 3rd. day of February 1914, at his said office, your commissioner took the depositions of Robert E. Brothers, and Frank Parker, 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 interests of the said infant defendants and all other parties in interest will be promoted by a sale of the property in the bill mentioned.

It is impractical to divide the property in kind, as there are only about five acres under cultivation, and the remainder is in woodland, which has been recently cut over, down to 8 inches on the stump. The whole tract contains only about 40 acres. It would be more advantageous to all parties concerned to sell the tract as a whole, because a division in kind would give each party a part of little or no value.

(2)

The interests or rights of no parties in interest will be violated by a sale of the property in the bill and proceedings mentioned

(3)

There are no liens of any kind on said land by way of judgments or deeds of trust.

(4)

There are no delinquent taxes upon the said real estate.

(5)

The fee-simple value of said land is about $300. Its annual value about $15.

(6)

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

Respectfully submitted this 16th. day of February 1914.

Bradford Kilby

Commissioner in Chancery.

Comr's fee: $15.

Frank Parker, being duly sworn, deposes and says as follows:

Q. What is your name, age, residence, occupation, and do you know the parties to this suit?

A. Frank Parker; age, 52 years; residence, Cypress Chapel, Virginia; I am a farmer; I know the parties.

Q. Are you familiar with the land in the bill and proceedings mentioned?

A. I am. Have seen it a number of times, but have not been on it recently.

Q. What do you consider a fair price for this land?

A. Not over $250 or $300,-I should think this would be a fair for it like it is located.

Q. What is the annual value of this land?

A. Not over $15.00.

Q. Do you think it would he to the interests of all parties in this suit to sell this land?

A. I should think it would, because I do not think it large enough to be conveniently divided.

Q. Do you think that the interests of any of the parties would be violated by such sale?

A. I do not.

And further this deponent saith not.

Signature waived.

Robt. E. Brothers, being duly sworn, deposes and says as follows:

Q. What is your name, age, residence, occupation, and do you know the parties to this suit?

A. Robt. E. Brothers; age, 49 years; residence, Cypress Chapel, Va; I am a merchant; I know the parties.

Q. Are you familiar with the land in the bill and proceedings mentioned?

A. Yes.

Q. What do you consider a fair price for this land?

A. Anywhere from $5.00 to $8.00 an acre.

Q. What is the annual value of the land?

A. Not over $10 or $15.

Q. Do you think it would be to the interests of all parties in this suit to sell this land?

A. Yes, I think it would.

Q. Do you think that the interests of any of the parties would be violated by such sale?

A. No, sir, I do not know of any.

Q. Why do you think it would be to the interests of all parties to sell this land?

A. Only about four or five acres of the land are under cultivation. The remainder of the land was woodland, but all the timber on it has been cut down to 8 inches across the stump, and the land, therefore, in its present condition, is producing practically no revenue and will not for a number of years. Therefore, I think it to the advantage of all parties to convert this unproductive land unto cash, which will draw interest.

And further this deponent saith not.

Signature waived.

P. L. Rodgers

v. | In Chancery

C. M. Rodgers et als

Report of Bradford Kilby
Commissioner in Chancery
Under decree of January
12. 1914

Filed Dec. 16, 1914

G. D. Bradford

[redacted],
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

IN THE CIRCUIT COURT OF THE COUNTY OF WARREN, VIRGINIA.

P. L. Rodgers

vs.

C. M. Rodgers et als.

This cause came on this day to be finally heard on the papers formerly read and on the report of L. F. Holland, Special Commissioner, filed herein on the 3rd day of April, 1914, to which report there is no exception and was argued by counsel.

On consideration whereof, the court doth approve andconfirm said report, and there being nothing further to dispose of in this suit, it is ordered that the same be stricken from the docket.

In the Circuit Court of
Nansemond County.

P. L. Rodgers
)
vs.) DECREE
)
C. M. Rodgers et als.

Enter April 6th 1914.
Jas. L. Williamore

Entered in Chancery Order Book No. 4. Page 636.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

P. L. Rodgers

vs.

C. M. Rodgers et als.

The answer of Berta Voight, John Voight, Jesse Voight, Oscar Voight and Other Voight, infants under the age of twenty-one years, by J. P. Lee, (a discreet and competent attorney at law), their guardian ad litem assigned to defend them in this suit, and the answer of the said J. P. Lee, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said defendants and others by P. L. Rodgers, in the Circuit Court of the County of Nansemond, Virginia.

For answer to the said bill the said infant defendants by their guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their 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.

Berta Voight

John Voight

Jesse Voight

Oscar Voight

Other Voight

By J. P. Lee
Guardian ad Litem.

J. P. Lee
Guardian ad Litem of said infants.

Answer of
Guardian ad
litem

Filed Dec. 15, 1913.
C. E. Bunting.
Clerk.

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

Your complainant, P. L. Rodgers, respectfully represents unto the Court that James G. Rodgers, your complainant's half brother, was in his life time seized and possessed of certain real-estate lying in Cypress Magisterial District, in Nansemond County, Virginia, containing forty (40) acres, more or less, known as a part of the James Rodgers" farm, and bounded and described as follows, to-wit:

"Beginning at the cart path leading to the County Road, a corner with Chas. M. Rodgers, on Richard T. Rodgers' line, thence along said Richard T. Rodgers' line to a black gum, a corner with the said Mary F. Rodgers, thence along a line of new marked trees to a small red oak, thence a straight line across the field to the corner of the yard, thence along the yard to and along the Eastern side of the same, thence the Eastern side of said lane or cart path to the beginning and contains forty (40) acres, more or less, the said land is sold in gross and not per acre; together with all and singuler the appurtenances belonging to the same."

And being the same property conveyed to Jas. G. Rodgers by Mary F. Rodgers, by deed dated the 10th day of February, 1890, and duly recorded in Nansemond County Clerk's Office in D. B. 23, page 382.

And being so seized and possessed of said real-estate, some time in the year 1913, the said Jas. G. Rodgers departed this life intestate, leaving as his only heirs, Mills Rodgers, a brother, Mary F. Harrell, a sister, C. M. Rodgers, a half brother, P. L. Rodgers, a half brother, L. A. Rodgers, R. E. Rodgers, Mrs. Lura Truitt, Mrs. Beverly Copeland, Mrs. Mamie Norfleet, J. T. Rodgers, and Miss Georgia Rodgers, the children of R. T. Rodgers, deceased, a brother, Joseph Voight, John B. Voight, Mrs. Julia Mathias, Mrs. Sallie White, Mrs. Ella Corbitt, Mrs. Leora Jones and Wm. H. Voight, the children of Nancy Voight, deceased, a sister, and Oscar Voight, Jesse Voight, John Voight, Berta Voight and Other Voight, infants under the age of twenty-one years, the children of Oscar Voight, deceased, the son of Nancy Voight, deceased.

Your complainant further states that Mills Rodgers, L. A. Rodgers and Maggie Rodgers, his wife, R. E. Rodgers and Eva Rod-

gers, his wife, Lura Truitt and Irving Truitt, her husband, Beverly Copeland and Jesse Copeland, her husband, Mamie Norfleet and Claud Norfleet, her husband, J. T. Rodgers and Edna Rodgers, his wife, and Georgia Rodgers, the heirs of R. T. Rodgers, deceased, and Joseph Voight and Lillian Voight, his wife, John B. Voight and Effie Voight, his wife, Julia Mathias and Matthew Mathias, her husband, Sallie White and James White, her husband, Ella Corbitt and Augustus Corbitt, her husband, Leora Jones and James Jones, her husband, and Wm. H. Voight and Sallie Voight, his wife, the heirs of Nancy Voight, have joined in a deed conveying all their right, title, interest and estate in said above mentioned tract of land to P. L. Rodgers, which deed is dated 2nd day of July, 1913, and is duly recorded in Nansemond County Clerk's Office in D. B. 76, page 450.

Your complainant further states that the only heirs of Jas. Rodgers who have not joined in said deed are Mary F. Harrell, a sister of Jas. Rodgers, C. M. Rodgers, a half brother of said Jas. Rodgers, and the children of Oscar Voight, deceased, who are infants under the age of twenty-one years.

Your complainant further states that the said real-estate is, as he believes, incapable of advantageous partition among the parties entitled thereto, and as the property is not susceptible of advantageous division 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 said real-estate.

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 matters of this kind are alone and properly cognizable, your complainant prays that the said Mary F. Harrell, C. M. Rodgers, Mary Rodgers, his wife, and Berta Voight, John Voight, Jesse Voight, Oscar Voight and Other Voight, the last

five of whom are infants under the age of twenty-one years, may be made parties defendant to this bill and required to answer the same, answers under oath being waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer the bill; that proper process issue; that the said real-estate be exposed to sale and the proceeds of said sale be divided among the parties entitled thereto; that proper counsel fees shall 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 his case may require or to equity shall seem meet; and your complainant will ever pray, etc.

P. L. Rodgers
by Counsel.

L. P. Holland p.q.

In the Circuit Court of
Nansemond County, Va.

P. L. Rodgers
)
vs.) BILL.
)
C. M. Rodgers et als.

Filed Dec. 15, 1913
G. E. Bunting
C Clerk

HOLLAND & HOLLAND
SUFFOLK, VA.

CIRCUIT COURT

Second Monday in January, March, May, July and October

HON. JAMES L. McLEMORE, Judge
GEO. E. BUNTING, Clerk
S. E. EVERETT, Commonwealth's Attorney
ALEX. H. BAKER, Sheriff
C. R. FULGHAM, County Treasurer
LEE BRITT, Commissioner of Accounts

Nansemond County Clerk's Office

SUFFOLK, VA.,

Rule Notes.

P.L.Rodgers, Plft.

Vs. In Chancery:

C.M.Rodgers,Mary Rodgers,his wife,Mary F.Harrell,Bertie Voight, John Voight,Oscar Voight,Jesse Voight,and Other Voight,the last five of whom are infants under the age of twenty-one years.

Process issued Dec.8,1913,returnable to Second December Rules;Third Monday 1913

J.P.Lee, appointed guardian ad litem for all infant defendants.

Dec. Rule, (1st) Third Monday 1913. Subpoena returned executed on all defts; Bill filed & docketed. Jan. Rules 1st Monday 1914. Bill taken for confessed and cause set for hearing.

Rule Notes: