

1917-005
Nansemond Co (Suffolk)

Chancery Causes: Luella F. Holland vs James Arnold et al

Pinner, Carter, Hines, White

VIRGINIA:..In the Clerk's Office of the Circuit Court of Nansemond County, to-wit:

Luella F. Holland,

vs. In Chancery

James Arnold and Maggie Arnold, his wife, Henry Arnold, Edward Arnold and Sadie Arnold, his wife.

The object of the above styled suit is to have a partition of the following real estate:

All that certain tract, piece, or parcel of land situated in the County of Nansemond, near Suffolk, and in the State of Virginia, in that plat of building lots known as "West Jericho" and described as follows: Beginning at a certain point on the North side of Railroad Avenue in said "West Jericho" Forty (40) feet East of and distant from the Northeast corner of said Railroad Avenue and Third Street in said "West Jericho" and running from said point Eastwardly along and fronting on said Railroad Avenue Forty (40) feet, thence running Northwardly at a right angle to the said Railroad Avenue One Hundred and Twenty (120) feet, thence running Westwardly in a line parallel with the said Railroad Avenue Forty (40) feet and thence running Southwardly in a straight line One Hundred and Twenty (120) feet to the beginning point, it being Lot Number Sixty-seven (67) in said "West Jericho" as will be seen by reference to a map of said building lots duly recorded in the Clerk's Office of Nansemond County Court in D. B. No. 22, page 304, and

It appearing by affidavit filed according to law, that James Arnold and Maggie Arnold, his wife, Henry Arnold, Edward Arnold and Sadie Arnold, his wife, the above named defendants, are not residents of this state, it is ordered that the said James Arnold and Maggie Arnold, his wife, Henry Arnold, Edward Arnold and Sadie Arnold, his wife, do appear within fifteen (15) days after due publication of this order, in the Clerk's Office of our said Circuit Court, and do what is necessary to protect their interests. And it is further ordered that this order be published once a week for four (4) consecutive weeks in the Suffolk Herald, a newspaper printed in the City of Suffolk, Virginia.

G. E. BUNTING, Clerk.

Hugh L. Holland, p. q.

Sept. 22-4t.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., OCT 21 1916 191_____

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four weeks.

beginning Sept 22 - 1916 and ending Oct 13 - 1916

W. J. Hendrick

Editor Herald

W. J. Hendrick

Charges
\$ 14.40

Manning, Charles.....	1 lot.
Miller, Henry A.....	1 lot.
Morris, Wm. H.....	1 lot.
Norfleet, Alfred.....	15 acres.
Owens, Edward.....	80 acres.
Owens, Argenia and Zion, Jr.....	12 1/2 acres.
Phillips, Emma Jane.....	1 lot.
Randol, John.....	Strip.
Rainey, George H.....	2 1/2 lots.
Rawles, William.....	10 acres.
Rawles, James T.....	7 1/2 acres.
Rawles, Bettie Cora (Est.)	20 A.....

Luella F. Holland

vs.

James Arnold and Maggie Arnold,
his wife, Henry Arnold, Edward
Arnold and Sadie Arnold, his
wife

AFFIDAVIT

STATE OF VIRGINIA

City of Suffolk -----TO-WIT:

This day, Luella F. Holland, the above named
plaintiff, personally appeared before me, L. G. Taylor,
a Notary Public in and for the city and state aforesaid,
in my city aforesaid, and made oath that James Arnold
and Maggie Arnold, his wife, Henry Arnold, Edward Arnold
and Sadie Arnold, his wife, the above named defendants,
are not residents of this state.

Given under my hand this 9th day of September,
1916.

L. G. Taylor.
Notary Public.

My commission expires Nov. 7, 1919.

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

Luella F. Holland

vs.

James Arnold and Maggie Arnold, his wife,
Henry Arnold, Edward Arnold and Sadie
Arnold, his wife

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MEMORANDUM

Please summon defendants to second October (1916) rules
for plaintiff, In Chancery.

Aug 6 1916
J. J.

HUGH L. HOLLAND
ATTORNEY AT LAW
BARBEE BUILDING
SUFFOLK, VIRGINIA.

Sept. 9, 1916.

Mr. Geo. E. Bunting, Clerk,
Suffolk, Va.

Dear Sir:-

Luella F. Holland vs. James Arnold et als.

I enclose you herewith memorandum in this chancery
suit, returnable to second October (1916) rules. This
is the matter that I mentioned to you over the 'phone to-day.

I also enclose you affidavit of complainant
as to the non-residence of the defendants. I also enclose
you Order of Publication, which I will thank you to have
published for me in the Suffolk Herald, making any changes
that you think advisable.

I also enclose you my check for \$7.50 to cover
writ tax and deposit on this suit.

Very truly yours,

Hugh L. Holland

HLH/T.
Enclosure.

THIS DEED made this 4th. day of January 1917 between James Arnold and Mamie Arnold, his wife, of Sharon Hill, Delaware County, Pennsylvania; Henry Arnold, and Edward Arnold and Sadie Arnold, his wife, of the City of New York, N.Y., parties of the first part, and Luella F. Holland, of the City of Suffolk in the State of Virginia, party of the second part;

WITNESSETH : That in consideration of the sum of five (\$5.) dollars, and other good and valuable considerations, the said James Arnold, Mamie Arnold, Henry Arnold, Edward Arnold and Sadie Arnold do grant, with general warranty, unto the said Luella F. Holland, and to her heirs and assigns, forever, the following real estate, to-wit:

All their right, title and interest in that certain lot of land situated in the County of Nansemond and State of Virginia, in a suburb of the City of Suffolk, known as "West Jericho", and described as follows: Beginning at a certain point on the North side of Railroad Avenue in said "West Jericho", forty (40) feet East of and distant from the Northeast corner of said Railroad Avenue and Third Street, and running from said point Eastwardly along and fronting on said Railroad Avenue forty (40) feet; thence running Northwardly at a right angle to said Railroad Avenue, one hundred and twenty (120) feet; thence running Westwardly in a line parallel with said Railroad Avenue, forty (40) feet; thence running Southwardly in a straight line one hundred and twenty (120) feet to the beginning point; it being Lot No. 67 in said "West Jericho" as will be seen by reference to a map of said building lots known as "West Jericho" duly recorded in Nansemond County Clerk's office, Va. in Deed-book No. 22, page 304, and also being the same land which by deed dated February 27, 1891, and duly recorded in said Clerk's office, was conveyed to James Arnold and the heirs of Edward Arnold by John F. Pinner and wife.

The respective interests of the said parties of the first part in the real estate herein described, are as follows: James Arnold conveys an undivided eight-sixteenths fee-simple interest; Henry Arnold conveys an undivided one-sixteenth fee-simple interest, and Edward Arnold conveys an undivided one-sixteenth fee-simple interest.

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

Witness the following signatures and seals:

James Arnold seal.

Mamie Arnold seal.

Henry Arnold seal.

Edward Arnold seal.

Sadie Arnold seal.

State of Pennsylvania,
Philadelphia
County of ~~Delaware~~, to-wit:

I, C. K. Klunk a Notary Public for the County of Philadelphia ~~Delaware~~ in the State of Pennsylvania, do certify that James Arnold and Mamie Arnold, his wife, whose names are signed to the writing above bearing date on the 4th. day of January 1917, have acknowledged the same before me in my county aforesaid.

My term of office expires on the 18th day of April 1919
Given under my hand and seal this 10th day of January 1917.

C. K. Klunk
Notary Public.

State of New York,

City of New York, to-wit:

I, Elias M. Gutovitz, a Notary Public for the City of New York in the State of New York, do certify that Henry Arnold and Edward Arnold and Sadie Arnold, his wife, whose names are signed to the writing above bearing date on the 4th day of January 1917, have acknowledged the same before me in my city aforesaid.

My term of office expires on the 30 day of March 1918

Given under my hand and seal this 16 day of January 1917.

Elias M. Gutovitz

Notary Public.

New York County
Clerk

Notary Public
202

Register
New York County Clerk, 5042



VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County
the 23rd day of January, 1917

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

Teste:

G. E. Bunting, Clerk.
By Kate P. Bell D. C.

indexed 51

Deed of Bargain and Sale.

James Arnold and others.

to

Luella F. Holland.

*Admitted to record
Jan. 23-1917 -
Recorded D.B. 86*

Page 65

Examined & verified

Kate P. Bell, D.C.

*7p 1.00
Tax 5-00
Fee 1.35
2.85*

BRADFORD KILBY

Attorney at Law

SUFFOLK, VIRGINIA.

[Signature]
Baltimore Office Supply Company, Baltimore, Md.

In the Circuit Court for the County of Nansemond:

Luella F. Holland	)	
	)	
v.	)	In Chancery.
	)	
James Arnold and others	)	

This cause came on this day to be heard upon the papers formerly read, and it appearing to the Court that the defendants have sold and conveyed all their right, title and interest in the land mentioned in the bill in this cause to the Complainant, Luella F. Holland, by deed dated January 4th. 1917 and duly admitted to record in the Clerk's office of this Court on January 23, 1917, and recorded in Deed-book No. 86, page 65, and that nothing further remains to be done in this cause, the Court doth adjudge, order and decree that this suit be stricken from the docket.

Luella F. Holland

v. In Chancery.

James Arnold and others.

FINAL DECREE.

Enter:

March 23, 1917.

Jas. S. McInnere

Chancery Under
Book No. 5 -

Page 92 -

Luella F. Holland,

v.

James Arnold, and Maggie
Arnold, his wife, Henry Ar-
nold, Edward Arnold and
Sadie Arnold, his wife

ANSWER.

joint and separate

The answers of James Arnold, Henry Arnold and Edward Arnold to a Bill of Complaint filed against them in the Circuit Court for the County of Nansemond in the State of Virginia, by Luella F. Holland, Complainant.

These respondents, reserving to themselves the benefit of all just exceptions to the said Bill of Complaint, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

That the real estate described in the Bill in this cause is now owned by the parties as alleged in said Bill; namely, Your respondent James Arnold owns in fee-simple eight-sixteenths; your respondent Henry Arnold owns one-sixteenth, and your respondent, Edward Arnold owns one-sixteenth, and Luella Holland owns six-sixteenths, all being fee-simple interests.

That inasmuch as the said lot of land is only 40 by 120 feet in size, it can not be divided in kind, and your respondents hereby join in the prayer of said bill for the sale of said real estate and a division of the proceeds of such sale among the parties entitled according to their respective interests.

Your respondents state that they are non-residents of the State of Virginia, Henry Arnold and Edward Arnold having been residents of New York City for the past fifteen years or more, and your respondent, James Arnold having been a resident of City of Philadelphia, Pa. for the past thirty years or more; that since they left the State of Virginia, their mother, Amanda Arnold, occupied the said house and lot mentioned in the Bill, up to *January*

1911 or four years before her death which occurred about.

January 27, 1915.

That since the removal of the said Amanda Arnold from said real estate, the said premises have been rented, at a rental of one dollar or more per week, and that ^{since August 1st, 1914} Luella F. Holland, through her Attorney, Hugh L. Holland, has been collecting the said rent.

That your respondents have never received a penny of said rent, and they hereby pray that the said Luella F. Holland and her ^{said Attorney} may be required to give an accounting of said rents for the said period of time and to pay to your respondents their proper share of said rents.

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

James Arnold

Henry Arnold
by Counsel.

Bradford Kilby
Counsel.

Edward Arnold
by Counsel.

State of Virginia,
City of Suffolk, to-wit:

James Arnold, one of the respondents, in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be on information he believes them to be true.

James Arnold

Taken, sworn to and subscribed before me, Ruby G. Keller
a Notary Public of and for the City and State aforesaid in my city
aforesaid this 26th. day of October 1916.

My term of office expires on the 2d day of October

1920.

Ruby G. Keller
Notary Public.

ANSWER.

Luella F. Holland

v.

James Arnold et als.

In Chancery.

Filed November 1, 1884
G. E. Runkle
Plaintiff

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

Luella F. Holland

vs.

James Arnold and Maggie Arnold, his wife,
Henry Arnold, Edward Arnold and Sadie
Arnold, his wife

BILL

To the Honorable Circuit Court of Nansemond County:

Your complainant, Luella F. Holland, respectfully
represents:

That John F. Pinner and wife by their deed dated
February 27, 1891, and recorded in the Clerk's Office of
Nansemond County, in D. B. 40, page 545, did convey unto
James Arnold and heirs-at-law of Edward Arnold, deceased,
the following real estate, lying in the County of Nansemond,
in the State of Virginia, described as follows:

All that certain tract, piece or parcel of land
situated in the County of Nansemond, near Suffolk, in the
State of Virginia, in that plat of building lots known as
"West Jericho" and described as follows: Beginning at
a certain point on the North side of Railroad Avenue in said
"West Jericho" Forty (40) feet East of and distant from the
Northeast corner of said Railroad Avenue and Third Street in
said "West Jericho" and running from said point Eastwardly
along and fronting on said Railroad Avenue Forty (40) feet,
thence running Northwardly at a right angle to the said Rail-
road Avenue One Hundred and Twenty (120) feet, thence running
Westwardly in a line parallel with the said Railroad Avenue
Forty (40) feet and thence running Southwardly in a straight
line One Hundred and Twenty (120) feet to the beginning point,
it being Lot Number Sixty-seven (67) in said "West Jericho"
as will be seen by reference to a map of said building lots

duly recorded in the Clerk's Office of Nansemond County Court in D. B. No. 22, page 304; and

(2) That James Arnold, Joseph Arnold, Nancy Carter, Mary White, Henry Arnold, Edward Arnold, Alice Arnold and Martha J. Hines, were the children and heirs-at-law of said Edward Arnold, deceased, at the time of said conveyance, and that Amanda Arnold was the widow of said Edward Arnold, deceased, at the time of conveyance; and

(3) That Amanda Arnold, now deceased, and Alice Arnold and Martha J. Hines, by their deed dated September 26, 1913, and recorded October 9, 1913, in D. B. 75, page 138, in the Clerk's Office of Nansemond County, Virginia, did convey unto John B. Archer, Trustee, for Hugh L. Holland, the above described property, to secure a certain debt therein described; and

(4) That the interests of the said grantors were under said deed of trust, at which sale your complainant, Luella F. Holland, became the purchaser thereof, and that the interests of Amanda Arnold, Alice Arnold and Martha J. Hines, were conveyed to your complainant by John B. Archer, Trustee, as aforesaid, by his deed dated July 30, 1914, and recorded July 31, 1914, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in D. B. 78, page 472; and

(5) That James Arnold and Maggie Arnold, his wife, Joseph Arnold, Nancy Carter and Oscar Carter, her husband, Mary White and John White, her husband, conveyed their interest in said property as the heirs of Edward Arnold, deceased, to Amanda Arnold, by their deed dated February 28, 1891, and recorded June 25, 1898, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in D. B. 40, page 547, which interest conveyed as above stated to Amanda Arnold was in turn conveyed by her to John B. Archer, Trustee, as aforesaid,

and in turn by John B. Archer, Trustee, as aforesaid, to Luella F. Holland, as above stated; and

(6) That the said property is now owned in fee simple as follows: James Arnold eight-sixteenths; Henry Arnold one-sixteenth; Edward Arnold one-sixteenth and Luella F. Holland six-sixteenths; and

(7) That the said real estate is, as she believes, susceptible of partition among parties entitled thereto, but should the property not be divisible in kind, 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 same, or by allotment of part and a sale of the residue:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save by a court of equity, she prays that the said James Arnold and Maggie Arnold, his wife, Henry Arnold, Edward Arnold and Sadie Arnold, his wife, be made parties defendant to this bill, and requiredm but not on their oaths, to answer the same, the oath being hereby waived; that proper process issue; that the said real estate be divided between the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties according to their respective rights; and that all such proper orders and decrees may be made, accounts taken, and inquiries directed; and that your complainant may have all such furth^{er} and other and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Luella F. Holland Complainant.

Hugh Holland Counsel.

Iuella F. Holland

vs.

James Arnold et als.

(B I L L)

Filed October 16, 1846
J. G. Brantley
Clk.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA