

1917-018
Nansemond Co (Suffolk)

Chancery Causes: W.T Pittman, Jr vs Naomi Carter et al

Ferry

Suffolk, Va. July 18th, 1917.

\$ 9 $\frac{74}{100}$

Received of R. H. Rawles, Special Commissioner
in the Chancery cause of W. T. Pittman, Jr., vs. Naomi
Carter and others, now pending in the Circuit Court of
Nansemond County, Nine $\frac{74}{100}$

Dollars,

in full payment of Cont

in said cause.

Sign & mail to
R. H. Rawles

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

Suffolk, Va. July 17th, 1917.

\$ 2 $\frac{50}{100}$

Received of R. H. Rawles, Special Commissioner
in the Chancery cause of W. T. Pittman, Jr., vs. Naomi
Carter and others, now pending in the Circuit Court of
Nansemond County, Two $\frac{50}{100}$

Dollars,

in full payment of

ack for Bond bill

in said cause.

HERALD PRINTING CORPORATION.

By

Miss Bous

Suffolk, Va. July 17th, 1917.

\$ 5.00

Received of R. H. Rawles, Special Commissioner
in the Chancery cause of W. T. Pittman, Jr., vs. Naomi
Carter and others, now pending in the Circuit Court of
Nansemond County, Five

Dollars,

in full payment of

fee for Crim Service

in said cause.

James H. Jones

Suffolk, Va. July 17th, 1917.

\$ 15⁰⁰

Received of R. H. Rawles, Special Commissioner
in the Chancery cause of W. T. Pittman, Jr., vs. Naomi
Carter and others, now pending in the Circuit Court of
Nansemond County, Fifteen

Dollars,

in full payment of fee for account

in said cause.

Bradford Tieby

M

R H Rawles

SUFFOLK, VA.,

July 11th, 1917

191

Sp. Comr. Bettman is better

To **WOODWARD & ELAM, Dr.**

Insurance

OFFICE—No. 526 MAIN STREET

Date	Policy No.	Company	Property Insured	Term	Amount	Premium
June 14	Prem	on bond		1 yr	900	5.00
<i>Paul 7/17/17</i> <i>Womwren Secm</i>						

Suffolk, Va. July 17th, 1917.

35⁰⁰ per
10.00 paid

Received of R. H. Rawles, Special Commissioner
in the Chancery cause of W. T. Pittman, Jr., vs. Naomi
Carter and others, now pending in the Circuit Court of
Nansemond County, Twenty Five

Dollars,

in full payment of per allm^{ts} m^y Clerk
of Court & ten dollars for writing said
in said cause.

R. H. Rawles atty

Received from ~~W. H. Rader~~ special Carrier
Fifteen Dollars
for all work done in case of W. J. P. M.
for Naomi Barker et al in circuit court of Jackson Co.
\$ 15⁰⁰
T. W. Costin.

July 17th, 1917.

\$116.69

Received of R. H. Rawles, Special Commissioner in the Chancery cause of W. T. Pittman, Jr., vs. Naomi Carter and others, now pending in the Circuit Court of Nansemond County, one hundred and sixteen dollars and sixty-nine cents (\$116.69), in full payment of my share of the proceeds of the real estate of which W. T. Pittman, Sr., died seized and possessed in Nansemond County, and which said real estate was sold by a decree in the above cause.

Naomi Carter.

July 16th, 1917.

\$116.69

Received of R. H. Rawles, Special Commissioner in the Chancery cause of W. T. Pittman, Jr., vs. Naomi Carter, and others, pending in the Circuit Court of Nansemond County, one hundred and sixteen dollars and sixty-nine cents (\$116.69), in full payment of the amount due me as my distributive share of the proceeds of the sale of land sold in said cause.

W. T. Pittman Jr.

July 16th, 1917.

\$116.69

Received of R. H. Rawles, Special Commissioner in the Chancery cause of W. T. Pittman, Jr., vs. Naomi Carter, and others, pending in the Circuit Court of Nansemond County, one hundred and sixteen dollars and sixty-nine cents (\$116.69), in full payment of the amount due me as my distributive share of the proceeds of the sale of land sold in said cause.

In Lydia Pittman
Guardian of Bradford Pittman.

July 17th, 1917.

\$116.69

Received of R. H. Rawles, Special Commissioner in the Chancery cause of W. T. Pittman, Jr., vs. Naomi Carter and others, now pending in the Circuit Court of Nansemond County, one hundred and sixteen dollars and sixty-nine cents (\$116.69), in full payment of my share of the proceeds of the real estate of which W. T. Pittman, Sr., died seized and possessed in Nansemond County, and which said real estate was sold by a decree in the above cause.

Mrs Hardy Pittman Davenport. per Pittman.

Copy of Costs

Taxed in the Suit of:

R. H. Rawles, ----- p. q.

W. T. Pittman, Jr. -----

vs.

Naomi Carter, et als. -----

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax	✓	1.50
Clerk	✓	8.24
Sheriff		<u>2.24</u>
Attorney as per decree		50.00
Commissioner		<u>15.00</u>
Printer, for Order of Publication, etc.		\$74.74

Date of Judgment or Final Decree 191

Paid July 18 - 1917 -
Kate P. Bell, D. Clerk

T. W. COSTEN

ATTORNEY AT LAW

GATESVILLE, N. C.

July 24th. 1917.

Hon. R. H. Rawles,

Suffolk, Va.

Dear Mr. Rawles:

I am enclosing receipts signed by Mrs. Davenport and Mrs. Carter. Again thanking you for your promptness in the dispatch of this business, I am

Yours very truly,

T. W. Costen,

Mr. Geo. E. Bunting Clerk of the Circuit
Court of Nassau and County:

W. J. Pittman Jr

Deft

¹¹/₁₂
Naomi Carter

In chancery,

L. C. Carter

Lydia Pittman

Hardy Pittman

Bradford Pittman) infants

Deft.

Issue summary to first May rules 1919
In plaintiff against defendants to
Answer a Bill in chancery.

R. H. Carls Jr

Send all summary to
me. R. H. R.

Memo for
Clerk

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Naomi Carter, L. C. Carter,
Lydia Pittman, Hardy Pittman and Bradford Pittman

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 First Monday in May, 1917, to answer a
Bill in Chancery, exhibited against them
in the said Court by W. T. Pittman, Jr.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 2nd day of
May, 19 17, in the 121st year of the Commonwealth

A Copy Teste:

Clerk

Teste:

G. E. Bunting,

Clerk

By Kate P. Bell, D.C.

I have a copy deposited and legal return
of this summons. May. 2. 1917.

Naomi Carter, L. C. Carter
Lydia Pittman
by T. W. Cosket, Counsel.

Original
J. C. Cosket

R. H. Rawles

P. q.

W. T. Pittman, Jr.

vs.

In Chancery

Naomi Carter & als.

1917

May

Rules

Thurs

Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 144

Sheriff

in person, in the County of Nansemond, State of Virginia.

in process to

Executed this day of , 1917, by delivering a true copy of the with-

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon ~~Naomi Carter, L. C. Carter,~~
~~Lydia Pittman, Hardy Pittman and Bradford Pittman~~

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 ~~First~~ Monday in ~~May, 1917~~, to answer ~~0~~
Bill in Chancery, exhibited against ~~them~~
in the said Court by ~~W. B. Pittman, Jr.~~

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ~~2nd~~ day of

~~May~~, 19~~17~~ in the 13~~41st~~ year of the Commonwealth.

A Copy--Teste:

Teste:

~~G. E. Bunting,~~

Clerk
D.C.

~~G. E. Bunting,~~

Clerk
D.C.

By ~~Kate P. Bee~~

By ~~Kate P. Bee~~

Executed this _____ day of _____, 191____ by delivering a true copy of the with-

in process to _____

in person, in the County of Nansemond, State of Virginia.

_____ Sheriff

Copy for Bradford Pittman

p. q.

vs. } In Chancery

19_____

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No. _____

Page _____

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon Naomi Carter, L. C. Carter,
Lydia Pittman, Hardy Pittman and Bradford Pittman

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 First Monday in May, 1917, to answer a
Bill in Chancery, exhibited against them
in the said Court by W. T. Pittman, Jr.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 2nd day of
May, 19 17, in the 121st year of the Commonwealth.

A Copy--Teste:

Teste:

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

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

Executed this day of, 191... by delivering a true copy of the with-

in process to.....

.....

.....

in person, in the County of Nansemond, State of Virginia.

..... Sheriff

Copy for Hardy Pittman

-----p. q.

vs. } In Chancery

19.....

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page.....

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF HANSEMOND COUNTY,
IN VACATION, ON THE _____ DAY OF MAY, 1917.

W. T. Pittman, Jr.,

Plaintiff.

vs.

In Chancery.

Naomi Carter, L. C. Carter,
Hardy Pittman, infant,
Bradford Pittman, infant,
and Lydia Pittman,

Defendants.

On motion of the complainant, L. P. Holland, a competent and discreet attorney-at-law, is hereby appointed guardian ad litem for the infant defendants, Hardy Pittman and Bradford Pittman, and required to defend their interest in the above suit.

Order
Appointing Guardian
ad litem.

Pittman vs. Carter.

Balance due me by you \$ 116.62

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, et als.

STATE OF NORTH CAROLINA:

County of Gates, to-wit:

I, W.T.Cross # Clerk Superior
Court for the county aforesaid, in the State of North
Carolina, do certify that T.W.Costen

whose name is signed hereto, has this day personally appeared
before me, and made oath that Hardy Pittman, an infant now of
the age of eighteen years, and one of the defendants in the
above cause, who has since its institution married and is
now Hardy Pittman Davenport, is of sufficient age and dis-
cretion to use judiciously the amount due to her from the
proceeds of the sale of real estate mentioned in said cause,
said fund which is due to her being less than \$300.

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

W.T. Cross

Clerk Superior Court

T.W. Costen

Applicant.



To W. T. Pittman Jr.

and

Naomi Carter, L.C. Carter, Lydia Pittman, Hardy Pittman, Bradford Pittman, and L.P. Holland, Guardian ad Litem of Hardy Pittman and Bradford Pittman, infant defendants.

You are hereby notified that on the 31st. day of May 1917, at my office in Suffolk, Virginia, between the hours of 10 A.M. and 5 P.M., (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, settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Virginia, rendered the 26th. day of May 1917 in the suit in Chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) The real estate of which W.T. Pittman Sr. died seised and possessed, in the County of Nansemond and State of Virginia.

(2) The liens thereon, with their amounts, dignities and priorities, and whether the same has ever been sold for delinquent taxes.

(3) The heirs at law of the said W.T. Pittman Sr. and whether all parties in interest are properly before the Court.

(4) Whether the said land mentioned in the bill can be conveniently divided in kind among the parties entitled to receive the same, without a sacrifice of interest.

(5) If it can not be, whether any one of the parties in interest will take the whole of said land and pay to the other parties their respective interests therein.

(6) If the said land can not be conveniently divided in kind, and if none of the said parties are willing to take the whole by allotment and pay to the other parties for their respective interests, whether it will be to the interest of all parties to have the said land sold for a division and partition.

(7) Any other matter deemed pertinent by the commissioner or which shall be required to be stated by any of the parties in interest.

Given under my hand this 28th. day of May 1917, as Commissioner in Chancery of the Circuit Court of Nansemond County, Virginia.

&

Bradford Kilby
Commissioner in Chancery.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, et als.

TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your undersigned Special Commissioner in the above cause, respectfully begs leave to report that pursuant to a decree entered in said cause on the 9th day of July, 1917, he has collected of the purchaser, W. T. Pittman, Jr., the whole of the purchase money for the real estate sold to him under a decree of this court to-wit: The sum of six hundred (\$600) dollars; that he has paid off all the cost and expenses of this suit and sale, and has paid the remainder of the purchase money to the four (4) heirs-at-law of W. T. Pittman, Sr., entitled to receive the same.

Your commissioner further reports that the infant, Hardy Pittman, who is now above the age of eighteen (18) years, has since the institution of this suit married and become Hardy Pittman Davenport; that she has filed the certificate under oath of T. W. Costen, showing that she is of sufficient age and discretion to use the fund coming to her judiciously, and said amount due and payable to her being less than three hundred (\$300) dollars, your Commissioner paid the same directly to her, and respectfully asks that the Court will confirm said payment.

Your commissioner herewith returns proper vouchers for all the disbursements and payments made by him in said cause, and appends hereto a statement of the receipts and disbursements in said cause.

All of which is respectfully submitted.

R. H. Reeves
Spec. Commr.

1917

July 17. Cash rec'd from W. T. Pittman, Jr., for
land sold in cause.

\$600.00

Paid out:

George E. Bunting, Clerk Court, cost	9.74	
Herald hand bills	2.50	
J. W. Hosier, crier,	5.00	
Bradford Kilby, Commissioner,	15.00	
Woodward & Elam, premium on bond	5.00	
Commissions on sale	21.00	
Writing deed	10.00	
Atty. tax fee	15.00	
Fee allowed by court to R. H. Rawles	35.00	
" " " " " T. W. Costen	15.00	133.24
		\$466.76

PAID:

Naomi Carter	116.69	
W. T. Pittman, Jr.,	116.69	
Lydia Pittman, gdn. Bradford Pittman	116.69	
Hardy Pittman Davenport	116.69	\$466.76

The last one married since the
institution of the suit and be-
came Davenport

W. T. Rawles
Special Collector

Report of
Distribution

1907 Octo. 19. filed
JM

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, and others.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

This cause came on this day to be again heard on the papers formerly read, as well as on the report of R. H. Rawles, Special Commissioner, which said report was filed on the 9th day of July, 1917, and to which no exception has been filed and was argued by counsel.

ON CONSIDERATION WHEREOF, It appearing from said report that the said Special Commissioner, after having given bond and having duly advertised the real estate mentioned below and having in all other respects fully complied with all the terms and conditions of the decree for sale in this cause, has sold at public auction to W. T. Pittman, Jr., he being the highest bidder, the real estate of which W. T. Pittman, Sr., died seized and possessed, in the County of Nansemond and State of Virginia, which is described as follows :

"All that certain tract of land, containing about forty-five (45) acres, situated in the County of Nansemond and State of Virginia, and lying directly on the North Carolina State line, bounded and described as follows: On the North by the County Road leading from Somerton in Nansemond County, Va., to Dort, in Gates County, N. C.; on the East by the lands of T. T. Pittman; on the South by the State Line between the States of Virginia and North Carolina; and on the West by the land of Herman Boone, and being a part of the land which was conveyed to W. T. Pittman, Sr., by T. T. Pittman, by deed dated January 2, 1894, and recorded in Book 55, page 799 in Register of Deeds Office, Gates County, N. C."

For the price and sum of six hundred (\$600) dollars, and the Court being of the opinion that the said price is a fair and just price for said real estate, doth confirm the said *report and* sale; and it further appearing from said report that the purchaser of said real estate has expressed a desire to pay the whole of the purchase price in cash, the court doth order, adjudge and decree that the said Special Commissioner shall proceed to collect of the purchaser the whole of the purchase money in cash, to-wit: ~~Six~~ hundred dollars (\$600)

and when he has so collected same, to make to the said purchaser a good and sufficient deed for said real estate, with the covenants of title usual in cases of this kind.

Out of the proceeds of said sale the said Special Commissioner is directed - 1st. To pay all the cost and expenses of this suit and sale, including an attorney's fee of \$ 35⁰⁰ to R. H. Rawles, and a further attorney's fee of \$ 15⁰⁰ to T. W. Costen, for services rendered by them in said cause; and the remainder of the said purchase money the said Special Commissioner shall pay to the parties entitled to receive same, taking proper vouchers for all of his said disbursements.

And the said Special Commissioner is directed to report all his actions under this decree to this court, and this cause is continued.

Decree
Confirming Sale

Enter July 9. 1917.
Jas. S. McElmore

Order Book # ~~113~~ ⁵

Page 113 -

TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your undersigned Special Commissioner, duly appointed as such by a decree entered in the Chancery cause of W. T. Pittman, Jr., vs. Naomi Carter, and others, on the 14th day of June, 1917, and required by said decree to sell the real estate in the bill and proceedings mentioned, ^{of} which W. T. Pittman, Sr., died seized and possessed, in the County of Nansamond and State of Virginia, respectfully begs leave to report that pursuant to said decree, and after having given bond as required by said decree, with security approved by the Clerk of this Court, and after having duly advertised the said real estate and in all other respects fully complied with all the terms, requirements and conditions of said decree, he offered the said real estate for sale at public auction to the highest bidder on the terms stated in said decree, before the Law Building (old Post Office site), in Suffolk, Virginia, at 12 o'clock M. on the 7th day of July, 1917, at which sale the said real estate was struck off to W. T. Pittman, Jr., for the price and sum of six hundred (\$600) dollara, he being the highest bidder for the same.

Your commissioner reports this a good and fair sale and respectfully recommends that it be confirmed.

Your Commissioner further reports that after the sale was over the purchaser expressed a desire to pay the whole of the purchase money in cash and to take a deed upon confirmation of the sale by the Court.

All of which is respectfully submitted.

R H Rauler
Special Collector

Report of Sale

Filed July 9. 1917
JLm

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION, ON THE _____
DAY OF _____, 1917.

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, et als.

This cause came on this day to be again heard on the papers formerly read as well as on the report of Bradford Wilby, one of the Commissioners of this Court, to whom said papers had been referred, which said report was filed on the 31st day of May, 1917, and to which no exception has been filed and was argued by counsel.

On Consideration Whereof, the Court doth confirm the said report and doth order, adjudge and decree that R. H. Rawles who is hereby appointed a Special Commissioner for that purpose shall, after first having advertised the time, place and terms of sale for at least twenty (20) days in such manner as he shall deem best, proceed to sell at public auction the real estate of which W. T. Pittman, ^{Sr.} died seized and possessed, and which is as follows:

"All that certain tract of land, containing about forty five (45) acres, situated in the County of Nansemond and State of Virginia, and lying directly on the North Carolina State line, bounded and described as follows: On the North by the County Road leading from Somerton in Nansemond County, Virginia, to Dort in Gates County, N. C.; on the East by the lands of T. T. Pittman; on the South by the State Line between the States of Virginia and North Carolina and on the West by the land of Herman Boone, and being a part of the land which was conveyed to W. T. Pittman, Sr., by T. T. Pittman by deed dated January 2, 1894, and recorded in Book 55 page 799 in Register of Deeds Office, Gates Co. N. C. and which said deed is also recorded in the Clerk's Office of Nansemond County, Virginia.

The said sale to be made on the following terms, to-wit: One half (1/2) cash, and the balance in two equal instalments payable respectively six (6) and twelve (12) months after date, the purchaser to give bond for the deferred payments bearing interest from date of sale, and the title to the said real estate to be withheld until the further order of this Court, with the option to the purchaser to pay the whole of the purchase money in cash if it be so desired. Said sale to be made subject to the timber rights of the Camp Manufacturing Company, as shown by an ~~in~~ instrument in writing dated September 9th, 1913, and recorded in D. B. No. 76 page 285, in the Clerk's Office of Mansemond County.

Before the said Special Commissioner shall act under this decree he shall first enter into a bond before the Clerk of this Court in the penalty of \$900-, conditioned for the faithful performance of his duties as such Special Commissioner, under this and all other decrees that may hereafter be rendered in this cause, and with such security as the said Clerk of this Court shall deem sufficient. And the said Special Commissioner is hereby directed to report all his actions under this decree to this court and this cause is continued.

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

Search
For Sales.

1914 June 14. Enter.
Jas L. McIsmore
Under Book 3 -
Page 108 -

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, and others.

This cause came on this day to be heard on the bill and exhibits filed, the answer of the defendant Lydia Pittman, the answer of the infant defendants, Hardy Pittman and Bradford Pittman by L. P. Holland, guardian ad litem duly appointed at their rules, and the defendants Naomi Carter and L. C. Carter, who have been duly summoned and proceeded against according to law, failing to plead, answer or demurr, the bill was taken for confessed as to them, and was argued by counsel.

ON CONSIDERATION WHEREOF, The court doth order, adjudge and decree that the papers in this cause be submitted to one of the Commissioners of this Court, who is hereby directed to take and state the following accounts, to-wit:

1st. The real estate of which W. T. Pittman, Sr., died seized and possessed, in the County of Nansemond and State of Virginia.

2d. The liens thereon, with their amounts, dignities and priorities; and whether the same has ever been sold for delinquent taxes.

3d. The heirs at law of the said W. T. Pittman, Sr., and whether all parties in interest are properly before the Court

4th. Whether the said land mentioned in the bill can be conveniently divided in kind among the parties entitled to receive the same, without a sacrifice of interest.

5th. If it cannot be, whether any one of the parties in interest will take the whole of said land and pay to the other parties their respective interest therein.

6th. If said land cannot be conveniently divided in kind and if none of said parties are willing to take the whole by allotment and pay to the other heirs for their respective interest, whether it will be to the interest of all parties to have the said

land sold for a division and partition.

7th. Any other matter deemed pertinent by said Commissioner, or which shall be required to be stated by any of the parties in interest.

And the said Commissioner is hereby directed to report all his actions under this decree to this Court, and this cause is continued.

Debit for
Accounts.

Enter May 26, 1916,
J. S. & W. S. Moore

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, L. C. Carter,
Lydie Pittman, Hardy Pittman,
and Bradford Pittman.

By consent of all parties, plaintiffs and defendants, entered of record, it is ordered that the papers in this cause may be submitted to the Judge of this Court, in vacation, for such judgment, order or decree in vacation as might be made in term.

Decree
Her. Vacation Case

6
Enter May 26. 1914
Jas. M. Moore
Under Book #5--
Page 104
we insert to this
decree.

W. J. Pittman Jr
By R. H. Rawles
counsel.

Naomi Carter
L. C. Carter
Lydia Pittman
By J. W. Costin
counsel

Honey Pittman
Malina Pittman
By L. P. Holland
Quatenus ad litem

North Carolina,
Gates County.

Superior Court
Before the Clerk.

Lydia Pittman, widow of W.T. Pittman, dec'd

vs

Naomi Carter and husband, L.C. Carter,
W.T. Jr. Hardy and Bradford Pittman
Heirs-at Law of W.T. Pittman, dec'd.

REPORT OF JURY ALLOTING BOWER

To the Clerk of the Superior Court of Gates County:

Pursuant to a summons by the sheriff of the county, we, the undersigned jurors, assembled on the premises described in the writ of dower, on the 20th. day of March, 1917, and after being duly sworn by _____, proceeded to lay off ~~###~~ ~~####~~ and allot to Lydia Pittman, her dower and thirds in the lands of W.T. Pittman, deceased, according to the following boundary.

"Beginning at the rod ^a on the West corner of the yard: thence a straight line across the field to a gum tree: thence a straight line with a line of ~~####~~ trees to the swamp at Cordy Boone's line at the swamp: thence with T.T. Pittman's line to the county road: thence with road to the starting point, including the dwelling-house, out-houses, buildings and improvements thereon".

March 20th. 1917.

I. A. Lines,

L. F. Goodman,

H. S. Fanny,

North Carolina,
Gates County.

The above is a true copy of the report of the jurors in above cause, filed in this office.

W. D. Cross

May 2nd. 1917.

Clerk Superior Court Gates County, N.C.

North Carolina
Gates County.

This deed, made the 2nd, day of January, 1894 by Thomas T. Pittman of Gates County and State of North Carolina, of the first part to W.T. Pittman of Gates County, State of North Carolina, of the second part; Witnesseth: that said Thomas T. Pittman, in consideration of the sum of Eight Hundred (\$800.) Dollars, to him paid by W.T. Pittman the receipt of which is hereby acknowledged have bargained and sold and by these presents do bargain, sell and convey to said W.T. Pittman and his heirs and assigns, a certain tract or parcel of land part of it in Reynoldson Township, Gates County, State of North Carolina, and the remainder in Nansemond County, Virginia, adjoining the lands of J.J. Gatling, T.T. Pittman, Mr. Brady and others, bounded as follows, viz: Beginning at a pine at the head of a branch, a corner on T.T. Pittman: thence along the said T.T. Pittman, new line of marked trees, North 11 1/2 East 36 poles: North 20 East, 18 poles to a pine: North 16 East, 26 poles; North 10 East, 25 poles and 15 links to a ditch: thence along the ditch 37 East 14 poles to the road: thence the various courses of the road to the Beaver Dam Swamp: thence up the run of said swamp: thence a branch to the first station, containing 160 acres, more or less. Known as a part of the J.B. Langston tract.

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging, to the said W.T. Pittman, and his heirs and assigns to their only use and behoof forever. And the said T.T. Pittman covenants ~~with~~ to and with the said W.T. Pittman and his heirs and assigns that he is seized of said premises in fee and have right to convey the same in fee-simple.

That the same are free from all incumbrances and that he will warrant and defend the said title to the same against the claims of all persons whatsoever.

In testimony whereof, the said Thomas T. Pittman has herunto set his hand and seal, the day and year above written.

Attest
E.L. Smith, J.P.

T.T. Pittman

Seal

North Carolina
Gates County.

The execution of the foregoing instrument was this day acknowledged before me by T.T.Pittman, the grantor for the purposes therein expressed. Let the same with this certificate, ^{be recorded} signed this the 2nd day of January, 1894.

E.L.Smith, J.P. Seal

North Carolina,
Gates County.

The foregoing certificate of E.L.Smith, a Justice of the Peace of Gates County is adjudged to be correct and sufficient. Let the instrument with these certificates be registered, this the 16th day of February, 1905.

W.T.Cross,
Clerk of Superior Court.

The original of the foregoing deed was delivered to me for registration February 17th. 1905 and duly registered February 28th. 1905.

Lycurgus Hofler,
Register of Deeds,
By J.E.Lilly, Clerk.

The above is a true copy of deed Recorded in Book 55 page 799 and etc. in Register of Deeds office, Gates County, North Car.

J. E. Hofler
Register of Deeds.

Exhibit. "A".

To W. T. Pittman Jr.

and

Naomi Carter, L.C. Carter, Lydia Pittman, Hardy Pittman, Bradford Pittman, and L.P. Holland, Guardian ad Litem of Hardy Pittman and Bradford Pittman, infant defendants.

You are hereby notified that on the 31st. day of May 1917, at my office in Suffolk, Virginia, between the hours of 10 A.M. and 5 P.M., (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, settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Virginia, rendered the 26th. day of May 1917 in the suit in Chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) The real estate of which W.T. Pittman Sr. died seised and possessed, in the County of Nansemond and State of Virginia.

(2) The liens thereon, with their amounts, dignities and priorities, and whether the same has ever been sold for delinquent taxes.

(3) The heirs at law of the said W.T. Pittman Sr. and whether all parties in interest are properly before the Court.

(4) Whether the said land mentioned in the bill can be conveniently divided in kind among the parties entitled to receive the same, without a sacrifice of interest.

(5) If it can not be, whether any one of the parties in interest will take the whole of said land and pay to the other parties their respective interests therein.

(6) If the said land can not be conveniently divided in kind, and if none of the said parties are willing to take the whole by allotment and pay to the other parties for their respective interests, whether it will be to the interest of all parties to have the said land sold for a division and partition.

(7) Any other matter deemed pertinent by the commissioner or which shall be required to be stated by any of the parties in interest.

Given under my hand this 28th. day of May 1917, as Commissioner in Chancery of the Circuit Court of Nansemond County, Virginia.

3

Bradford Kilby

Commissioner in Chancery.

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

W. J. Pittman Jr
of R.R. order Colesville

W. W. Costin
common for

Navmi Carter, L. C. Carter

And Lydia Pittman

Hardy Pittman
Mary Jane Pittman of
L. C. Collier
Shannon as heirs

Virginia,

Circuit Court for the County of Nansemond:-

W.T.Pittman Jr.)

v.)

Naomi Carter et als.)

In Chancery.

Commissioner's Office,

Suffolk, Va. May 31, 1917.

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 26th day of May 1917, in the suit in chancery pending in said court between W.T.Pittman Jr., Complainant and Naomi Carter and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 28th day of May 1917, your commissioner gave notice to the parties to said suit that he would proceed on the 31st day of May 1917, at his office, in Suffolk, Va. between the hours of 10 A.M. and 5 P.M., to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of said Court.

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

That on the 31st day of May 1917, at his office, your commissioner took the depositions of H.S.Fanny, J.R.Pittman and W.T.Pittman Jr. 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:

(1)

W.T.Pittman Sr. died seised and possessed of the following real estate situated in the County of Nansemond and State of Virginia:

"All that certain tract of land, containing about forty-five (45) acres, situated in the County of Nansemond and State of Virginia, and lying directly on the North Carolina State line, bounded and described as follows: On the North by the County Road leading from Somerton in Nansemond County, Va. to Dort in Gates County, N.C. ; on the East by the lands of T.T.Pittman; on the South by the State Line between the States of Virginia and North Carolina and on the West by the land of Herman Boone, and being a part of the land which was conveyed to W. T. Pittman Sr., by T.T.Pittman by deed dated January 2, 1894, and recorded in Book 55, page 799 in Register of Deeds Office, Gates Co. N.C. "

The fee-simple value of the above described land is about \$500. to \$600. It has no annual value, being all woodland.

(2)

There are no liens against said land by way of deeds of trust or judgments.

By an instrument in writing dated Sept. 9, 1913 and recorded in Deed-book No. 76, page 285 in Nansemond County Clerk's office, Va., W.T. Pittman and Martha Lydia Pittman, his wife, granted an extension of time from June 6, 1904 to June 6 1924, to Camp Manufacturing Co. to cut the standing timber on said tract of land above described, 10 inches in diameter across the stump and larger, at the time of cutting, and 18 inches from the ground, in consideration of \$325. The said Camp Manufacturing Co. is to pay the grantors \$60. per year for each year after June 6, 1919. The original deed for sale of this timber is not on record in Nansemond County Clerk's office, Va.

The said land has never been sold for delinquent taxes and no taxes are now due on it.

(3)

The heirs-at-law of W.T.Pittmand Sr. are as follows:

Martha Lydia Pittman, his widow, aged 38.

W.T.Pittman Jr. a son.

Naomi Carter, a daughter, wife of L.C.Carter,

Hardy Pittman, a daughter, 19 years of age.

Bradford Pittman, a son, 14 years of age.

All parties in interest are properly before the Court.

(4)

The said land mentioned in the bill can not be conveniently divided in kind among the parties entitled to receive the same, without a sacrifice of interest. It is all woodland and the timber has been sold to Camp Manufacturing Co. as specified above.

(5)

No party in interest will take the whole of said land and pay the other parties for their respective interests therein.

(6)

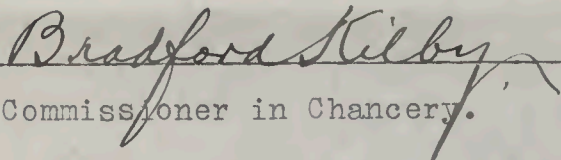
It will be to the interest of all parties to have the said land sold for a division and partition.

(7)

L.P.Holland, Guardian ad Litem of the infant defendants, Hardy Pittman and Bradford Pittman was present during the taking of the depositions herewith returned.

There is no other matter deemed pertinent by your commissioner or required by any parties in interest to be stated.

Respectfully submitted this 31st. day of May 1917.


Commissioner in Chancery.

Comr's fee: \$15.

H. B. FANNY, being duly sworn deposes and says as follows:

Examined by R. H. Rawles.

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

A. H. B. Fanny, 68 years, Gates County, N. C., farmer, and I know the parties to the suit.

Q. Mr. Fanny, the bill in this case states that W. T. Pittman, Sr., owns a certain tract of land of about 45 acres, which lies in Hansemond County, Virginia. Are you well acquainted with this tract of land?

A. Yes sir.

Q. How far do you live from it?

A. About a mile, a short mile.

Q. How long have you been ^{living} that near to it?

A. I have been living there forty years.

Q. Is it a woodland tract of land or is it cleared land?

A. It is a ll wooded land.

Q. What is the fee simple value of this forty-five acre tract of land?

A. Well, I shouldn't think it would be worth but ~~\$500~~ \$600 and I would hate to put that in it.

Q. What is its annual value?

A. Only nominal, it is wooded land and therefore produces no revenue.

Q. State if this tract of land can be conveniently divided in kind among the parties to this suit, without a sacrifice of interest?

A. I don't think it can.

Q. Why do you say this?

A. I say it because the way it lies, the State line runs right across the yard, right near the door, and it is a small tract.

Q. What in your opinion would be the best way to have a division?

A. Full sale and divide the money.

And further this deponent saith not.

Witness
T. W. Costin

H. B. Fanny
in ch

J. R. PITTMAN, being duly sworn deposes and says as follows:

Examined by R. H. Rawles.

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

A. J. R. Pittman, 41 years, Nansemond County, Virginia, farmer, I know the parties to the suit.

Q. You are not one of the parties thereto are you?

A. We are related, but I am not one of the parties to the suit.

Q. Are you acquainted with the tract of land of forty-five acres which W. T. Pittman, Sr., died seized and possessed, and which lies in Nansemond County, Virginia?

A. Yes sir.

Q. How far do you live from it?

A. About a mile.

Q. How long have you been living that near to it?

A. About 13 years.

Q. Then you are very well acquainted with it?

A. Yes sir.

Q. State the nature of it?

A. Well, it is wooded land, you might as well consider it all wooded land, there is a little corner of it that runs across the yard, a little piece of cleared land, but it is worthless.

Q. What is the fee simple value of this tract?

A. I should think \$500.

Q. What is its annual value?

A. Not any, because it is all covered with wood.

Q. Can this land be conveniently divided in kind among all the parties entitled to share therein, without a sacrifice of interest?

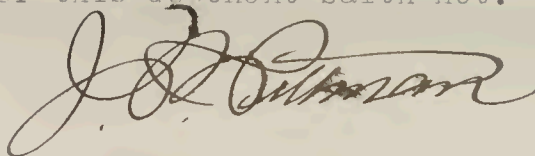
A. No it cannot be, on account of the way in which it is situated, and the manner in which lies, and because it is such a small tract that to divide it up among all the parties would be to destroy to a great degree the value of each small tract. It is a long, narrow

piece of land that runs back to a swamp and comes back this way (indicating), and the shape of it is such as would forbid its being divided in kind.

Q. What would be the best way to divide it?

A. I should think to sell it and divide the money.

And further this deponent saith not.



W. T. PITTMAN, JR., being duly sworn deposes and says as follows:
Examined by R. H. Rawles.

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

A. W. T. Pittman, Jr., 21 years, Gates County, N. C. farmer, and I am the plaintiff in this suit.

Q. You have heard the testimony just given by the two witnesses, Mr. Fanny and Mr. Pittman. Would you say that their valuation of the land is correct, as stated by them?

A. Yes sir.

Q. Do you know any one of the parties in interest that is willing to take this land by allotment?

A. I do not.

And further this deponent saith not.



In Chancery.

W.T. Pittman Jr.

v.

Naomi Carter et als.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of May 26, 1917.

Filed May 31, 1917.
G. B. Dunning,
Clk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

IN THE CIRCUIT COURT OF HANSEMOND COUNTY:

W. T. Pittman, Jr.,

vs.

In Chancery.

Naomi Carter, et als.

This cause came on this day to be again heard on the papers formerly read, as well as on the report of R. H. Rawles, Special Commissioner in said cause, which said report was filed on the 19th day of July, 1917, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing from said report that the said Special Commissioner, R. H. Rawles, has collected the whole of the purchase money, to-wit: The sum of six hundred (\$600) dollars, from W. T. Pittman, Jr., purchaser of the real estate heretofore sold by said Special Commissioner under a decree in this cause; that he has paid off and discharged all the cost and expenses of this suit and sale, and has paid the balance of the purchase money in his hands to the parties entitled to receive the same, as heirs-at-law of W. T. Pittman, Sr.

And it further appearing from said report that the infant Hardy Pittman has since the institution of this suit married and become Hardy Pittman Davenport; that she is above the age of 18 years; that the amount due and payable to her is less than the sum of \$300, and the court being of opinion from evidence submitted in this cause that she is of sufficient age and discretion to receive said fund and use the same judiciously, doth confirm the payment to her of the said amount due and payable to her by said Special Commissioner.

And it further appearing from said report that the said Special Commissioner has filed proper vouchers for all his disbursements and payments in this cause; that he has properly distributed the whole of the purchase money,

-2-

the court doth confirm the report; and it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

Final Decree.

Enter Octo. 19. 1917
Jas. L. McMore

Entered in
Chancery Order
Book No. 5
Page 123.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

W. T. Pittman, Jr.,

Plaintiff.

vs.

In Chancery.

Naomi Carter, L. C. Carter,
Hardy Pittman, infant,
Bradford Pittman, infant, and
Lydia Pittman.

The answer of the infant defendants, Hardy Pittman, aged nineteen (19) years, and Bradford Pittman, aged fourteen (14) years, to a suit in equity brought against them and others, by W. T. Pittman, Jr., in the Circuit Court of Nansemond County, and State of Virginia.

For answer to said bill, or to so much thereof as it is necessary that they should answer, these defendants by L. P. Holland, guardian ad litem duly appointed as such, answer and say: That the said Hardy Pittman is nineteen (19) years of age, and the said Bradford Pittman is fourteen (14) years of age; that so far as they are capable of understanding this suit, they believe it would be to their best interest to have the land in the bill mentioned, sold for a division among the parties entitled to receive the proceeds, but as they are infants under the age of twenty-one (21) years, and on account of such infancy are incapable of fully understanding or protecting their interest they commend the same to the protection of the Court, and pray that no judgment, order or decree may be rendered in this cause which will tend to their prejudice; and having fully answered they pray to be hence dismissed with their reasonable cost in this behalf expended, and they will ever pray, etc.

Hardy Pittman,
Bradford Pittman,

By

L. P. Holland
Guardian ad litem.

Sworn to and subscribed before me, by L. P. Holland, guardian ad litem, in the City of Suffolk, Virginia, on this ____ day of May, 1917. My term of office expires on the 8th day of March, 1919.

Mary V. Andrews N. P.

Answer.

Guardian ad litem

1917 May 26. Filed
JLM.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

W. T. Pittman, Jr.,

Plaintiff.

vs.

In Chancery.

Naomi Carter, L. C. Carter,
Hardy Pittman, infant,
Bradford Pittman, infant,
and Lydia Pittman.

The answer of Lydia Pittman to a bill in chancery exhibited against her and others in the Circuit Court of Nansemond County, by W. T. Pittman, Jr.;

For answer to said bill, or to so much thereof as it is necessary that she should answer, this defendant answers and says: That she is the widow of the late W. T. Pittman, who died in April, 1915, intestate; that at the time of his death the said W. T. Pittman was seized and possessed in fee simple of about one hundred (100) acres of land in North Carolina and about forty-five (45) acres of land in Nansemond County, Virginia; that by proper proceedings in the State of North Carolina, her dower in all the real estate of her said late husband has been assigned to her, and lies within the one hundred (100) acres of land lying in the County of Gates and State of North Carolina with the exception of about one (1) acre of said dower which is included in the said forty-five (45) acre tract lying in the County of Nansemond.

And having fully answered she prays to be hence dismissed with her reasonable cost in this behalf expended.

Lydia Pittman,

Answer of
Mrs. Lydia Pittman

1917 May 26. filed
J.M.

TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your orator, W. T. Pittman, Jr., respectfully sheweth unto the Court the following case:

Your orator says that his father, W. T. Pittman, departed this life intestate in April, 1915, leaving his widow Lydia Pittman, now aged thirty-eight (38) years, and the following children and only heirs-at-law, to-wit: Your orator, whose age is twenty-three (23) and W. T. Pittman, Jr., his daughter Naomi Carter, whose husband is L. C. Carter, his daughter Hardy Pittman, who is now nineteen (19) years of age and Bradford Pittman, whose age is now fourteen (14) years ~~xxxxxx~~

Your orator further says that at the time of the death of his said father W. T. Pittman, the said father was seized and possessed in fee simple of a certain tract of land situated in the County of Nansemond and State of Virginia, and lying directly on the North Carolina State Line, and bounded and described as follows: On the North by the County road leading from Somerton in Nansemond County, Virginia, to Dort, in Gates County, North Carolina; on the East by the lands of T. T. Pittman; on the South by the State Line between the States of Virginia and North Carolina; and on the West by the lands of Herman Boone; and being a part of the land which was conveyed to W. T. Pittman by T. T. Pittman, by deed dated January 2d, 1894, a copy of which is herewith filed, marked Exhibit "A" and prayed to be read as a part of this bill. Your orator further says indirectly, that his said father was seized and possessed of a tract of land containing about one hundred (100) acres, in the County of Cates, and State of North Carolina, said land being conveyed by the said deed of January 2d, 1894, above referred to. The said W. T. Pittman was also seized and possessed of about \$400 worth of personal property in said State of North Carolina, the said W. T. Pitt-

man being at the time of his death a resident of the County of Gates, in said State of North Carolina.

Your orator further says that by proper proceedings in said State of North Carolina certain Commissioners have been appointed in that State who have laid off the dower of the widow, Lydia Pittman, in all the lands of the said W. T. Pittman, and that the said dower so laid off comprises and takes in about one (1) acre of the said forty-five (45) acres of land which lies in the State of Virginia, the remainder of the said dower being comprised and contained in the one hundred (100) acres of land lying in the State of North Carolina; all of these lands lying together and forming one tract.

Your orator further says that he is informed and believes and therefore charges that proceedings have already been begun for the settlement of his father's estate in the State of North Carolina, and for the sale of his said real estate in said State; leaving the said forty-five (45) acres minus one (1) acre, lying in the State of Virginia, to be apportioned and divided among his said heirs-at-law. Your orator herewith files a copy of the report showing that the dower of the widow Lydia Pittman, has been duly laid off, which is herewith filed marked Exhibit "B" and prayed to be read as a part of this bill.

Your orator further says that said tract of forty-five (45) acres of land lying in the County of Nansemond and State of Virginia, is not susceptible of a division in kind among the parties entitled to receive the same, without a sacrifice of interest, so he therefore desires that the same may be sold and the proceeds divided among the parties entitled to receive the same.

and forasmuch as your orator is
IN TENDER CONSIDERATION WHEREOF, your orator prays that the said Naomi Carter, L. C. Carter, Hardy Pittman, Bradford Pittman and Lydia Pittman, may be made parties defendant to this suit and required to answer this bill, though an answer under oath is hereby waived, and though the said Hardy Pittman and Bradford Pitt-

without remedy in the premises, save by the aid of a court of equity where such matters are alone and properly cognizable

man, infants, are non-residents of the State of Virginia; that a proper guardian ad litem may be assigned the infant defendants Hardy Pittman and Bradford Pittman, and required to defend their interest in this suit; that proper process may issue; that all proper accounts and depositions may be taken; and that the said real estate of forty-four (44) acres may be divided in kind among the parties entitled to receive the same if it be susceptible of such division without a sacrifice of interest; and that if it be not so susceptible, that the same may be sold and the proceeds divided among the parties entitled to receive the same, after payment of the cost and expenses of this suit and sale; and for all such other, further and general relief as this case requires or which to equity may seem meet, and your orator will ever pray, etc.

Notice is hereby given that the Court will be asked to allow a reasonable compensation for counsel for his services in prosecuting this suit.

W. T. Pittman, Jr.

STATE OF NORTH CAROLINA:

County of Gates, to-wit:

I, *H. S. Arthur*, a Notary Public for the county aforesaid, in the State of North Carolina, whose term of office expires on the 18th day of *Sept.*, 1918, do certify that W. T. Pittman, Jr., whose name is signed to the foregoing bill, personally appeared before me, and after being duly sworn made oath that the statements contained in the foregoing bill as coming of his own knowledge are true, and that all other statements therein contained as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 3rd day of May, 1917.

H. S. Arthur

N. P.

Bill

Died May - 1717

A. H. Rowley Jr.

H. J. Patterson, Jr.
vs. Channing
Brown Carter & Co.

1917 - May 20

£ 100.00

W. J. - 1917

Clark	8.54
Mail Box	1.50
Shaf.	
Atty. as for 100.00	
Comm.	1.50
	<u>74.74</u>
	74.74