

1919-021
Nansemond Co (Suffolk) Chancery Causes: Lelia V. Lester et al vs B.F. Atkinson, infant et al

Osborn, Harrison

August 11, 1919

Mr. A. V. Atkinson,

Holipso, Va.

Dear Mr. Atkinson:-

I am sending you a receipt for \$225.00, which all of the heirs can sign. You will understand this, but I will repeat it:

You were to put in the hands of the Special Commissioner, Mr. Bunting, \$425.00, for the property which you bought, \$200.00 of which paid the costs, and the remainder, of \$225.00 is in the hands of the heirs.

Instead of being paid to Mr. Bunting and then given back to you and taking receipts, just signing this receipt will answer the purpose, and you will have no further trouble about the money. This means that the adults must give the minors \$45.00 each.

I trust you will understand this, and you can mail the receipt to "Mr. George E. Bunting, Clerk, Suffolk, Virginia."

Allow me to thank you, and wishing you happiness and success, I am,

Very truly yours,

SET/ES



Lelia V. Lester, et als. Complainants
vs

B.F. Atkinson, et al. Defendants

225.00

Received of George E. Bunting, Special Commissioner in the
above styled suit, the sum of Two Hundred and Twenty-five Dollars
for our share of the proceeds of the sale of the lots in the
above styled suit.

B. F. Atkinson
J. F. Atkinson
W. Maude Atkinson
Lelia V. Lester

Lelia V. Lester, et als ., ... Complainants

vs

B.F. Atkinson, et al. Defendants

\$224

Received of George E. Bunting, Special Commissioner in the
above styled suit the sum of Eighty Two & 24

Dollars, for

Harmon

Lelia V. Lester, et als. Complainants

vs

B.F. Atkinson, et al. Defendants

Received of George E. Bunting, Special Commissioner in the
above styled suit the sum of

Dollars

for

Lelia V. Lester, et als Complainants

vs

B.F. Atkinson, et al. Defendants

\$ 89⁵⁰

Received of George E. Bunting, Special Commissioner in the
above styled suit the sum of Eighty nine 50/100
Dollars, for

G. E. Bunting

Lelia V. Lester, et als. Complainants

vs

B.F. Atkinson, et al. Defendants

\$ 28⁰⁰

Received of George E. Bunting, Special Commissioner in the
above styled suit the sum of

Twenty eight & 00/100 Dollars

for

G. E. Bunting

Lelia V Lester, et als. Complainants

vs

E.F. Atkinson, et al. Defendants

\$ 225.00

Received of George E. Bunting, Special Commissioner in the
above styled suit, the sum of Two Hundred and Twenty-five Dollars
for our share of the proceeds of the sale of the lots in the
above styled suit.

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COMMONWEALTH'S ATTORNEY
FOR NANSEMOND COUNTY

S. E. EVERETT
ATTORNEY AT LAW
SUFFOLK, VA.

August 11, 1919

Mr. A. V. Atkinson,

Eclipse, Va.

Dear Mr. Atkinson;-

I am sending you a receipt for \$225.00, which all of the heirs can sign. You will understand this, but I will repeat it:

You were to put in the hands of the Special Commissioner, Mr. Bunting, \$425.00, for the property which you bought, \$200.00 of which paid the costs, and the remainder of \$225.00 is in the hands of the heirs.

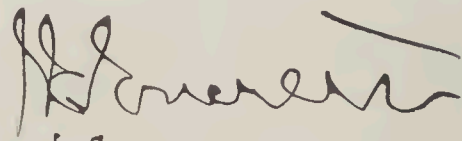
Instead of being paid to Mr. Bunting and then given back to you and taking receipts, just signing this receipt will answer the purpose, and you will have no further trouble about the money. This means that the adults must give the minors \$45.00 each.

I trust you will understand this, and you can mail the receipt to "Mr. George W. Bunting, Clerk, Suffolk, Virginia."

Allow me to thank you, and wishing you happiness and success, I am

Very truly yours,

SEE/MB



Eclipse! Va!
Aug. 23, 1919

Mr. G. E. Bunting
Suffolk! Va.
Dear Sir:

I am enclosing
a letter received
from Mr. S. E. Everett
and a receipt
that has been signed
by all the heirs
and you will under-
stand this.

Yours Very Respect

A. B. Thindley

Know All Men by These Presents,
and S.E. Givens

That we,

G.E. Bunting

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
One Thousand (\$1000.00) DOLLARS,
to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

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

Sealed with our seals, and dated this *2nd* day of *August* in the year
of our Lord one thousand nine hundred and *nineteen*, and in the *1919* year of
the Commonwealth.

In Testimony Whereof, the said _____ has
hereto set his hand and seal, and the said _____

_____ has caused its corporate name to be hereto signed, and its
corporate seal to be hereto affixed, this _____ day of _____ in the year of our
Lord, one thousand nine hundred and _____, and in the _____ year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*G.E. Bunting, Special Commissioner, who was by a
decree of the Circuit Court of Nansemond County, entered on
the 2nd day of August, 1919, in the Chancery cause
pending in said court between Belia V. Parker & as
vs B.P. Atkinson et al, affirms Special Commissioner
to sell real estate of which B.P. Atkinson died
seized & possessed, which is fully described in
the bill in this cause, shall faithfully discharge
and perform his duties under said decree and
all other decrees & may be required to execute
in said cause, then this obligation to be void,
otherwise to remain in full force & virtue*

G.E. Bunting
H. B. Bunting

SEAL

SEAL

SEAL

SEAL

SEAL

VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the *2nd* day
of *August*, 19*19* :

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

Teste :

Hubert H. Bunting

H. B. Anthony.

To *Special Com*

The Commonwealth.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT
COURT OF HANSMOND COUNTY.

Lelia V. Lester, et als. Complainants
vs
B.F. Atkinson, et al., ... Defendants

Your Commissioner reports to Your Honor that he executed
deeds in accordance with the decree entered the 2nd day of
August, 1919, in the above styled suit, and delivered the same
to the said parties as directed in said decree, and collected
from J.P. Atkinson, A.V. Atkinson, and Lelia V. Lester, Four Hundred
and Twenty-five Dollars. \$425.00

Your Commissioner disbursed the said
\$425.00 as follows, and files vouchers herewith:

Clerk of the Court,	\$28.26	
Geo. E. Bunting, Special Com'rs Commissions,	89.50	
S. E. Everett, for writing five deeds,	7.24	
S. E. Everett, fee allowed by Court,	75.00	
Total		200.00
Balance on hand		\$225.00

Said charge for writing deeds was reduced by the
said S. E. Everett, so that the costs should not
exceed \$200.00.

The balance on hand, \$225.00 was
paid out as follows:

J.P. Atkinson, one-fifth,	\$45.00	
A.V. Atkinson, one-fifth,	45.00	
Lelia V. Lester, one-fifth,	45.00	
B.F. Atkinson, one-fifth,	45.00	
V. Maud Atkinson, one-fifth,	45.00	
Total		225.00

Respectfully submitted,



Special Commissioner

Lelia V. Lester, et als
vs Report of Com'r
B.F. Atkinson, et al

Filed this *11th* day of
August, 1919

H. B. Conning
Clerk

Lelia V.Lester, et als. COMPLAINANTS
VS

B.F.Atkinson, et al. Defendants

This cause came on this day again to be heard upon the papers formerly read, and on the report of J.R.Dixon, G.M.Mitchell and S.J.Dunaway, three of the Commissioners appointed by the decree entered herein on the 7th day of July, 1919, ^{to} ~~of the~~ partition ~~of~~ the land in proceedings mentioned among the several parties entitled thereto, agreeable to the terms of the said decree, ^{which report was filed on the 15th day of July 1919, and to which no exception has been taken} and was argued by counsel.

On consideration whereof, it appearing to the court that in the partition made by the said Commissioners, Lot No.1, described as follows: fronting on the County Road leading from Chuckatuck Creek to Crittenden, 67 feet, and bounded on the North by the land of C.G.Adams; on the East by the land of J.R.Dixon; on the South by Lot No.2, and on the west by the said County Road, fell to the share of B.F.Atkinson; lot No.2, described as follows: fronting 145 feet on said road, and bounded on the North by Lot No.1; on the East by the lands of J.R.Dixon; on the South by a sixty foot avenue, and on the west by the said County Road, fell to the share of A.V.Atkinson and V.Waud Atkinson; lot No.4, described as follows; fronting on said Road 79 feet, and bounded on the North by Lot.No.3; on the East by the Osborne Estate; on the South by Lot No.5, and on the West by the County Road, fell to the share of J.P.Atkinson; and Lot No.5, described as follows; fronting on said County Road 80 feet and bounded on the North by Lot.No.4; on the East by the Osborne Estate; on the South by Lot No.6, and on the West by the said County Road, fell to the share of Lelia V.Lester; and it further appearing to the court that Lot No.3, valued at \$300.00, and described as follows; fronting on said road 68 feet, and bounded on the North by a sixty foot Avenue; on the East by the Osborne Estate, and on the South by Lot No.4, and on the West by the said County Road;

and Lot No.6, valued at \$125.00, described as follows; fronting on said County Road 204 feet, and bounded on the North by Lot. No.5; on the East by the Osborne Estate; on the South by the land of Scott B.Appleby, and on the West by the said County Road were assigned to A.V.Atkinson, J.P.Atkinson and Lelia V.Lester, the adults in this suit, and they are to pay therefor Four Hundred and Twenty-five (\$425.00) Dollars, the court doth adjudge, order and decree that the said A.V.Atkinson, J.P.Atkinson and Lelia V.Lester pay in to the court the said Four Hundred and Twenty-five (\$425.00) Dollars, which said sum is to be equally divided among all of the heirs of R.H.Atkinson, deceased.

and further the said court doth approve and confirm the said report in full, and doth adjudge, order and decree that Geo.E.Bunting, who is hereby appointed Special Commissioner for the purpose, do execute deeds conveying said property to said parties as set out in said report and in this decree, and collect from the said A.V.Atkinson, J.P.Atkinson, and Lelia V.Lester the Four Hundred and Twenty-five (\$425.00) Dollars;

And it further appearing to the court that the amount to be distributed among the parties entitled thereto is less than Three Hundred (\$300.00) Dollars each, and that the said infants are of sufficient age and discretion to use said funds judiciously, the said George E.Bunting is directed to make distribution among the parties entitled thereto as if all were of age, after deducting the costs in these proceedings, and the fee of \$75⁰⁰ to Counsel for instituting and conducting this suit.

And the said Special Commissioner, George E.Bunting, shall have no power to execute this decree until he shall have entered into bond, with sufficient security, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the sum of One Thousand (\$1,000.00) Dollars, conditioned upon the faithful discharge of his duties herein, or of any further decrees to be entered hereunder.

Lelia V. Lester, et als.

vs Confirming Com'rs
Report
H.F. Atkinson, et al.

Enter this 2 day of

August, 1919

Gas S. McInmore

Entered in Chancery

Order Book, No. 51

Page, No. 222

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Lelia V.Lester, et als., ...Complainants
vs

B.F.Atkinson, and V.Maud Atkinson,infants
under the are of twenty-one years. Defendants

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT
COURT OF HANSEMOND COUNTY

The undersigned Commissioners appointed by the decree
entered on the 7th day of July, 1919, in the above cause, on the
15th day of July, 1919, after being duly sworn, proceeded to
execute the duties thereby enjoined upon them by said decree.

Your Commissioners partitioned said land of which R.H.
Atkinson died seized and possessed as follows:

Lot No.1, which was valued at \$850.00, is assigned to
B.F.Atkinson, and described as follows: fronting on the County
Road leading from Chuckatuck Creek to Crittenden, 67 feet, and
bounded on the north by the land of C.C.Adams; on the East by
the land of J.R.Dixon; on the South by Lot.No.2, and on the West
by the said County Road.

Lot No.2, valued at \$1700.00 is assigned to A.V.Atkinson,
and V.Maud Atkinson, and described as follows: fronting 145 feet
on said road, and bounded on the North by Lot No.1; on the East
by the land of J.R.Dixon; on the South by a sixty-foot Avenue,
and on the West by the said County Road.

Lot No.3, valued at \$300.00, is assigned to J.P.Atkinson
and A.V.Atkinson, and Lelia V.Lester, and described as follows:
fronting on said road 68 feet, and bounded on the North by the
said Avenue; on the East by the Osborne Estate, and on the
South by Lot No.4, and on the West by the said County Road.

Lot No.4, valued at \$850.00 is assigned to J.P.Atkinson,
and described as follows; fronting on said road 79 feet, and
bounded on the North by Lot No.3; on the East by the Osborne
Estate; on the South by Lot No.5, assigned to Lelia V.Lester,
and on the West by the said County Road.

Lot.No.5, valued at \$850.00 is assigned to Lelia V.Lester,
and described as follows: fronting on said County Road 80 feet
and bounded on the North by Lot No.4; on the East by the Osborne
Estate; on the South by Lot. No.6, and on the West by the said
County Road.

Lot No.6, valued at \$125.00, is assigned to A.V.Atkinson,
J.P.Atkinson and Lelia V.Lester, and described as follows;
fronting on said County Road, 204 feet, and bounded on the North
by Lot.No.5; on the East by the Osborne Estate; on the South
by the land of Scott B.Appleby, and on the west by the said
County Road

The partition in this manner gives each one of the heirs
a lot, and in addition to that, we assign Lot.No.3 with a small

house on it, and Lot.No.6, with no house, to the three adults;
and they are to pay into Court on this division, \$425.00, which
is to be equally divided among all of the heirs.

Your Commissioners further state that they think they
have made a fair partition of said tract of land, and all of
the heirs acknowledge their satisfaction, and are signing this
report with the Commissioners as evidence of that fact.

J. R. Dickson
H. V. Mitchell
S. J. Pooraway

J. R. Dixon
G. M. Mitchell
H. Sunaway

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Commissioners

R. H. Atkinson
L. V. Lester
J. F. Atkinson
J. Maude Atkinson
B. F. Atkinson

Heirs of R.H. Atkinson.

Lelia V. Lester, et als
vs. Report of Com'rs
V.F. Atkinson, et al.

Filed this 15 day of July
1919

G. O. Bentley, Clerk

Lelia V. Lester and Ben. R. Lester, her husband,
A.V. Atkinson, and J.P. Atkinson. Complainants
vs. Decree
B.F. Atkinson, and V. Maud Atkinson, infants
under the age of twenty-one years. Defendants

This day came Lelia V. Lester, Ben. R. Lester, her husband,
A.V. Atkinson, and J.P. Atkinson, complainants, and by leave of
Court filed their bill, and, on motion, W.S. Holland, a discreet
and competent attorney at law was assigned as guardian ad litem
of the infants, B.F. Atkinson and V. Maud Atkinson, to defend
their interests in this suit, and thereupon the said guardian
ad litem filed the answer of the said infant defendants, and his
answer to the said bill of complaint, to which several answers
the complainants responded generally and thereupon by consent
of all parties by counsel, this case was docketed and set for
hearing, and by like consent came on this day to be heard on the
bill of complainants, and the several answers of defendants to
said bill as above set out, and general replication of the
complainants to several answers, and was argued by counsel:

On consideration whereof the Court doth adjudge, order and
decree that J.R. Dixon, G.W. Mitchell, W.A. Harrison, Otto Moser
and S.J. Donaway, who are hereby appointed Commissioners for the
purpose, any three or more of whom may act, having been first
duly sworn, do proceed to lay off and divide the real estate of
which R.H. Atkinson died seized and possessed in the bill mention-
ed, into five equal parts, having regard to quality and quantity,
and assign one of the said five parts to each of the heirs of
the said R.H. Atkinson, deceased, namely, to Lelia V. Lester, one-
fifth part, to A.V. Atkinson, one-fifth part, to J.P. Atkinson,
one-fifth part, to B.F. Atkinson, one-fifth part, and to V. Maud
Atkinson, one-fifth part. But if the said commissioners should
find it impracticable to divide said land among the aforesaid
parties, or should be of opinion that the interests of the

said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the court, and also what, in their opinion, is the fee simple value of the whole of the real estate of which R.H. Atkinson died seized and possessed, and in either case they are required to report their proceedings under this order to the court.

Lelia V. Lester, et als

vs Decree

B.F. Atkinson, etc.

Enter this day

of July, 1919

We consent:

D.E. Souther *Attor*
all adults

William S. Halland
Guardian ad litem
for all infants

Enter July 7, 1919.

J. L. McNamee

Entered in Chancery

Order Book, No. 5-

Page No. 221

Lelia V. Lester, et als. Complainants

vs

B.F. Atkinson, et al. Defendants

This cause came on this day again to be heard on the papers formerly read and on the report of George E. Bunting, Special Commissioner, filed the 11th day of August, 1919, to which report there is no exception, and was argued by Counsel.

On Consideration whereof, it appearing from the said report that the said Commissioner has made proper distribution of the funds after paying the costs of Court, it is adjudged, ordered and decreed that said report be confirmed, and there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket.

Lelia V. Lester, et als,

vs. Final decree

E.F. Atkinson, et al

Enter this 22, day of

Sept, 1919

Entered in Chancery

Order Book, No 5

Page No. 226

In the Circuit Court of Nansemond County.

Lelia V.Lester, et als. Complainants

Vs. Answer

B.F.Atkinson, and V.Maud Atkinson, infants

under the age of twenty-one years. Defendants

The answer of B.F.Atkinson and V.Maud Atkinson infants under the age of twenty-one years by W.S.Holland, their guardian ad litem appointed to defend them in this suit, to a bill of complaint filed against them in the Circuit Court of Nansemond County by Lelia V.Lester, et als, Complainants.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaints, for answer thereto, or such thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests therein; and that they therefore commend themselves and their rights and interests to the protection of the court, and pray that no decree may be entered that will tend to their prejudice.

And now, having fully answered the complainants' bill, these respondents pray hence to be dismissed ~~with~~ their reasonable costs by them in their behalf expended, and they will pray, etc.

William S. Holland

Guardian ad litem for B.F.Atkinson
and V.Maud Atkinson.

[Signature]

Counsel.

Lelia V. Lester, et als
vs. Answer of guardian
ad litem

B.F. Atkinson, etc

Filed this 7th day of
July, 1919

J.L.M.

Lelia V. Lester, and Ben. R. Lester, her husband,
A. V. Atkinson, and J. P. Atkinson. Complainants
vs. In Chancery

B. F. Atkinson, and V. Maud Atkinson, infants
under the age of twenty-one years. Defendants

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Your Complainants, Lelia V. Lester and Ben. R. Lester, her
husband, A. V. Atkinson, and J. P. Atkinson, respectfully represent:

I. R. H. Atkinson, died the first of the year, 1918, leaving
his real estate to his widow, Hattie E. Atkinson
during her life. Said Will is recorded in the Clerk's Office
of the Circuit Court of Nansemond County, in Will Book 7, page
266. Shortly after his death, the said Hattie E. Atkinson
also died. The said real estate of which the said R. H. Atkinson
died seized and possessed is described as follows:

(1) All that certain tract of land situated in Barrett's Neck,
Nansemond County, Virginia, consisting of one acre, and bounded
and described as follows: Situated on the east side of the
County road leading to Crittenden, and bounded on the east by
the lands of J. R. Dixon; on the North by the lands of Charley
Adams; on the South by a sixty foot avenue, and on the West by
the County road; it being the same land conveyed to R. H. Atkinson
by deed duly executed by Wm. T. Osgborn, and recorded in the Clerk's
Office of the Circuit Court of Nansemond County the 15th day of
October, 1898, in Deed Book 42, page 17.

Houses have been built on this tract of land, and it is now
divided into lots as follows:

Lot No. 1, bounded on the West by the County road, leading to
Crittenden; on the North by the lands of Charley Adams; on the
East by the lands of J. R. Dixon, and on the South by other lands
of R. H. Atkinson.

Lot No. 2, bounded on the West by the County Road; on the North
by Lot No. 1, described above; on the east by the lands of J. R.
Dixon, and on the south by a sixty foot Avenue.

(2) All that certain tract of land situated in Barrett's Neck,
Nansemond County, Virginia, consisting of two acres, and bounded
and described as follows: Situated on the East side of the
County Road leading to Crittenden, and bounded on the East by

the lands of Scott B.Appleby; on the North by a sixty foot Avenue on the South by the lands of Scott B.Appleby, and on the West by the County Road; it being the same land conveyed to R.H.Atkinson by deed duly executed by Carter B.Harrison and wife, and recorded in the Clerk's Office of the Circuit Court of Mansemond County the 1st day of May, 1905, in Deed Book 58, page 265.

Houses have been built on parts of this tract of land, and it is now divided into lots as follows:

Lot.No.3, bounded on the East by the lands of Scott B.Appleby; on the North by a sixty foot Avenue; on the South by Lot No.4 of this same tract of land, and on the West by the County Road.

Lot.No.4, bounded on the East by the lands of Scott B.Appleby; on the North by Lot.No.3, described above; on the South by Lot No.5 of this same tract of land, and on the West by the County Road.

Lot.No.5 bounded on the East by the lands of Scott B.Appleby, on the North by Lot.No.4 described above; on the South by the other lands of R.H.Atkinson, and on the West by the County Road.

All the remainder of the two acre tract as described above, and containing one acre, more or less, bounded on the East by the lands of Scott B.Appleby; on the North by Lot.No.5 as described above; on the South by the lands of Scott B.Appleby, and on the West by the County Road.

II The following are the only children and heirs at law of R.H.Atkinson: Lelia V.Lester, A.V.Atkinson,; J.P.Atkinson; B.F. Atkinson, and V.Maud Atkinson, the last two being infants under the age of twenty-one years

III. The said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe and here state, 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 an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said B.F.Atkinson and V.Maud Atkinson, be made parties defendant to this bill, and the said infants be required to answer the same by their guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process

issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so devised, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken, and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Levia F. Lester Ben R. Lester

A. V. Atkinson

J. P. Atkinson

H. S. Brown

Complainants. by S. E. Brown
Their attorney

Counsel.

Lelia V. Lester, et als
vs. In Chancery. Bill
B.F. Atkinson, etc.

Filed this 7th day of
July, 1919
J.L.M.

Handwritten notes in cursive script, likely a signature or set of initials, oriented vertically.