

1923-004
Norfolk Co (Suffolk) Chancery Causes: Otelia Vaughan et al vs Della Ophelia Copeland et al

McClenny, Ballard, Herrell

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon... Della Dphelia Copeland, George W. Copeland and Aubra Copeland

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March, 1920, to answer a Bill in Chancery, exhibited against them in the said Court by Otelia Vaughan and C. J. Vaughan, her husband

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 5th day of March, 1920, in the 44th year of the Commonwealth.

A Copy---Teste:

Clerk

Teste

G. E. Bunting

Clerk

Court returns inside. E.B. Rawls

Executed this 12 day of March, 1920 by delivering a true copy of the with-

in process to Della Ophelia Copeland at her usual place of abode
a copy of Geo W Copeland & Arthur Copeland
with Mrs Della Ophelia Copeland who served
her usual place of abode as her husband's
in person, in the County of Nansemond, State of Virginia.

E.B. Rawls Sheriff

Wm S Holland p. q.

Oelia Vaughan et als.

vs. } In Chancery

Della O. Copeland et al

1920

March Rules

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page

near Brackets near windows

Aubra Copeland could not be found at his usual place of abode on the 12 day of March 1920, so the within process was executed on the said 12 day of March 1920 within the county of Nansemond by delivering a true copy of the same, in writing, and giving information of its purport to

Delia Ophelia Copeland

who was found at Aubra Copeland a usual place of abode, and who is a member of his family, and above the age of sixteen years.

E.B. Rawls Sheriff of Nansemond County

Executed on the 12 day of March, 1920 within the county of Nansemond, by delivering a true copy of the within process, in writing, to Delia Ophelia Copeland in person E.B. Rawls Sheriff of Nansemond County.

Geo W Copeland could not be found at usual place of abode on the 12 day of March 1920, so the within process was executed on the said 12 day of March 1920 within the county of Nansemond by delivering a true copy of the same, in writing, and giving information of its purport to

Delia Ophelia Copeland

who was found at Geo W Copeland's usual place of abode, and who is a member of his family

E.B. Rawls Sheriff

JOHN N. SEBRELL, JR.
ATTORNEY AND COUNSELLOR AT LAW
SEABOARD BANK BUILDING
NORFOLK, VIRGINIA

MEMORANDUM:

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

OTELIA VAUGHAN and C. J. VAUGHAN,
her husband,

v.

DELIA OPHELIA COPELAND, GEORGE W.
COPELAND and AUBRA COPELAND.

Summons in Chancery to Rules Third Monday in March, 1920.

Wm S. Holland)
Geo. G. Schuef.) P. q.

SALE

Of Valuable Real Estate AT PUBLIC AUCTION

By virtue of authority vested in me by a certain decree entered on May 9th, 1921, in the chancery suit of Otelia Vaughan, et al., vs. Della Ophelia Copeland, et al., now pending in the Circuit Court of Nansemond County, Virginia, I shall sell at Public Auction in front of the National Bank of Suffolk Building, corner of Main and Washington Streets in the City of Suffolk, Virginia, at

12 O'clock M.

Saturday, June 18th, 1921

the following property, to-wit:

"All that certain tract or parcel of land in Holy Neck Magisterial District, Nansemond County, Virginia, bounded as follows: On the North by the lands of F. A. Ballard, on the East by the County Road, on the South by J. H. Daughtrey, and on the West by M. O. Holland, Guss Winborn, and containing one hundred and fourteen [114] acres, more or less. It being the same tract of land conveyed from Frank R. McClenny and wife to George W. Copeland, et al., by a certain deed duly recorded in Deed Book No. 56, page 480 in the clerk's Office of the Circuit Court of Nansemond County, Virginia.

TERMS: One half cash, balance in six months from day of sale with option to the purchaser to pay all of the purchase price upon confirmation of the sale by the court.

WM. S. HOLLAND
SPECIAL COMMISSIONER

May 25th, 1921

Suffolk, Virginia.

COMMONWEALTH OF VIRGINIA:--In the Clerk's Office of the Circuit Court of Nansemond County. I, George E. Bunting, Clerk of the Circuit Court aforesaid, do hereby certify that on the 25th day of May, 1921, William S. Holland, duly qualified in said Circuit Court as special Commissioner in suit of Otelia Vaughan, et al, v. Della Copeland, et al., and gave bond as such according to law.

Given under my hand this 25th day of May 1921.

G. E. BUNTING, Clerk.

(For further information apply to, John N. Sebrell, Jr., Norfolk, Va., or William S. Holland, Suffolk, Va.)

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY

OTELIA VAUGHAN and C. J. VAUGHAN

v.

DELLA OPHELIA COPELAND, GEORGE W. COPELAND, AUBRA COPELAND an infant under the age of twenty one years, and G. A. HARRIS guardian ad litem for Aubra Copeland.

This cause came on this day to be again heard on the papers formerly read, on the report of William S. Holland, Special Commissioner, filed in this cause on the 27th day of June, 1921, and on notice to W. R. Copeland, the purchaser, as well as the affidavit of Frank R. McClenny, and was argued by counsel.

On consideration whereof, the court doth approve and confirm the said report and doth adjudge, order, and decree that the bid made by W. R. Copeland, mentioned in the said report, be and the same is hereby rejected, and the said William S. Holland, Special Commissioner, is hereby authorized and empowered to again offer the said property for sale at public auction according to the terms and provisions in a certain decree entered in this case on the 9th day of May, 1921.

And the said special commissioner shall report to the Court.

Otelia Vaughan, et al.

v.

Della Ophelia Copeland, et al.

DECREE

Entered June 27, 1921.

Jas. H. McNamee

5-79. 347

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Otelia Vaughan and C. J. Vaughan,

v.

Della Ophelia Copeland, George W. Copeland, Aubra Copeland an infant under the age of twenty one years, and G. A. Harris guardian ad litem for Aubra Copeland.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE:

The undersigned, in pursuance of a decretal order of the Circuit Court of the County of Nansemond, Virginia, entered on the 9th day of May, 1921, in this cause in chancery in said Court depending, after advertising the time, place, and terms of sale, by posting notices thereof at the door of the courthouse of the county of Nansemond and at two other public places in said county for at least ten days prior to day of sale, offered for sale, at public auction, on the 18th day of June, 1921, at 12 o'clock m., in front of the National Bank of Suffolk Building, that certain tract or parcel of land, which land is described in the bill in the proceedings above mentioned at which sale W. R. Copeland bid the sum of \$600.00, for said property, and, his bid being the highest and best bid made for the said property (according to the bids heard by the auctioneer & commissioner), it was struck off to the said W. R. Copeland, subject to the confirmation of this Court.

The undersigned respectfully recommend that, ~~this sale be set aside of \$600. from W. R. Copeland be rejected~~ ^{the said bid} not confirmed for the following reasons:

First. That the bid is grossly inadequate, that according to the report of your commissioner, filed in this cause on the 31st day of July, 1920, in which report said land is valued from \$1,000. to \$1,200. Your special commissioner has been informed that one or more other bids were not made, because such bidders were under the impression that W. R. Copeland was

acting for the widow, Della Ophelia Copeland, who wanted the place for a home.

Second. That a bid of \$610.00 was made at the sale, which was not heard by either the auctioneer nor your special commissioner, according to the affidavit hereto attached from Frank R. McClenny.

Third. That the rights of an infant are involved, and that it would be gross injustice to his interest to have the sale confirmed, as well as being injustice to the interest of the other parties.

Fourth. That an upset bid of ten per cent has been offered your special commissioner in order to have the property re-sold.

Respectfully submitted this _____ day of June, 1921.

William S. Holland
Special Commissioner.

TO W. R. COPELAND:

You are hereby notified that at 11 o'clock A.M., Monday, June 27th, 1921, I shall file this report in the suit of Vaughan v. Copeland, et al., and that I shall ask for a decree in accordance with this report.

William S. Holland
Special Commissioner.

Due and legal notice is hereby accepted.

W. R. Copeland

STATE OF VIRGINIA,

City of Suffolk, to-wit:-

I, Frank R. McCleney, of the County of Hansemond, Virginia, do hereby solemnly state on my oath that I was present at 12 o'clock M. Saturday, June 18th, 1921, in front of the National Bank of Suffolk Building, in Suffolk, Va., when William S. Holland, special Commissioner in the suit of Vaughan v. Copeland, offered for sale that certain tract of land described in the bill of the aforesaid suit, at which sale the land was bid in by W. R. Copeland for \$600.00, but that I did make a bid of \$610.00 before the auctioneer stopped receiving bids, and that such bid was evidently not heard by the auctioneer; that I was conscientiously under the impression that I bought the property for \$610.00 untill some time after the sale when Joshua Harrell informed me that the auctioneer had sold the property to W. R. Copeland for \$600.00 instead of to me for \$610.00; and , under which circumstance I respectfully request that said sale to W. R. Copeland be not confirmed.

F. R. McCleney

Subscribed and sworn to Before me, Marion Spencer, a notary public for the City of Suffolk, Virginia, this 22nd day of June, 1921.

Marion Spencer.
Notary Public.

Otelia Vaughan and C. J. Vaughan

v.

Della Cornelis Copeland, George
W. Copeland and Abbra Copeland.

Special
Commissioners report.
(Requesting that sale be
set aside.)

*1921. June 27. filed
J.L.M.*

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Terms ~~cash~~. *One half cash, balance in six months from day of sale*
with option to the purchaser to pay all of the purchase price upon confirmation

But the said commissioner shall have no power to execute this decree until he shall enter into a bond with sufficient security to be approved by the Clerk of this Court, payable to the Commonwealth of Virginia, in the penalty of \$2000. and conditioned for the faithful discharge of his duties hereunder.

And the said commissioner shall report to the Court.

approved by the Court.

Otelia Vaughan and C.J. Vaughan,

v.

Della Onnelia Copeland, et al.

Decree confirming Commissioner's
report.

Enter May 9. 1921

J. L. M. Lumore

5. Pg. 339

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Exhibit "A"

THIS DEED of Gift made this 22nd day of June, A.D.1904, between Frank R. McClenny and Gertrude Lillian McClenny parties of the first part and Della Opelia Copeland, Otelia Copeland, George W. Copeland, and Aubra Copeland, parties of the second part, (and wife and children of C.C. Copeland), all of the county of Nansemond and State of Virginia.

WITNESSETH: that the said parties of the first part for and in consideration of Five Dollars, and the natural love and affection which they have unto the said parties of the second part have given, granted, released and conveyed unto the said parties of the second part their heirs and assigns, all that tract of land and premises in Holy Neck Magisterial District, Nansemond County, Virginia, and bounded as follows, on the north by the lands of F.A. Ballard, on the east --- the county road, on the south by J.H. Daughtrey, and on the west by M.O. Holland Guss Winborn, and containing 114 acres, more or less, being all that tract of land purchased of Christopher Copeland, To have and to hold unto them the said parties of the second part, their heirs and assigns, all that tract of land and premises thereof to them and their proper use and behoof forever.

And the said parties of the first part do forever warrant the right and title to the aforesaid tract of land and premises to be good unto the said parties of the second part their heirs and assigns

Witnesseth the following signatures and seals.

Frank R. McClenny, (SEAL)

Gertrude Lillian (her X mark) McClenny, (SEAL)

STATE OF VIRGINIA,

Nansemond Co. to-wit:

I, F. E. Stallings, a Justice of the Peace do certify that Frank R. McClenny & Gertrude Lillian McClenny, whose names are signed to the above writing berin date June 23rd, 1904, have acknowledged the same before me in my county aforesaid.

Given under my hand 24th day of June, 1904.

F.E. Stallings, J.P.

In the Clerk's Office of Nansemond County Circuit Court the 25th day of June, 1904.

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

Teste: A.P. Gomer, Deputy

for R.R. Smith, Clerk.

A true copy:

Attest:

Ruby V. Baufau J.P.C.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

Otelia Vaughan and C. J. Vaughan,

v.

Della Ophelia Copeland, George W.
Copeland and Aubra Copeland.

This cause came on this day to be heard upon the complainants bill, and exhibits filed therewith, the bill taken for confessed as to adult defendants, Della Ophelia Copeland and George W. Copeland, on whom process had been duly served, they still failing to appear, plead, demur, or answer to the said bill; and G. A. Harris, a discreet and competent attorney at law, is appointed guardian ad litem to defend the interest of the infant, Aubra Copeland, and thereupon the said guardian ad litem filed his answer to the said bill, with general replication thereto, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree, that the papers in the cause be referred to one of the commissioners of this court, who is directed to enquire into and report to the court.

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

2. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3. And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue.

4. Whether there are any delinquent taxes due upon the said land or not. *also its annual and fee simple value.*

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

OTELIA VAUGHAN & C. J. VAUGHAN,

v.

DELIA OPHELIA COPELAND, GEORGE W.
COPELAND and AUBRA COPELAND.

ORDER referring cause to one of
the Commissioners of the Court
to ascertain whether the property
can be divided in kind, &c.

*Enter May 20, 1920.
Jas. L. Brockmore
#5- pg. 264*

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

COMMISSIONER'S REPORT.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Otelia Vaughan and C. J. VaughanComplainants

vs.

Della Ophelia Copeland, George W.
Copeland, Aubra Copeland, an infant under
the age of twenty one years, and G.A.Harris
guardian ad litem for Aubra Copeland.....Defendants

Office of Commissioner.

Suffolk, Va., July 31, 1920.

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

In pursuance of a decree of your honor's court, entered in
the suit of which the above is the general style, on the 20th day
of May, 1920, I gave notice to the parties that on the 24th day
of July, 1920, at 10 o'clock A.M., at the office of William S.
Holland, attorney at law, Suffolk, Virginia, I should proceed
to execute the said decree. The said notice, with service of the
same acknowledged by the counsel for the complainant and the
guardian ad litem of the infant defendant, Aubra Copeland, is
herewith returned. Copies of said notice were served on the
adult defendants, Della Ophelia Copeland and George W. Copeland
by the sheriff of Nansemond County, as will appear from the return
of said officer on the back of the notice filed herewith.

I attended at the time and place so appointed, and in the
presence of William S. Holland, Jr., of counsel for the complain-
ant and of G. A. Harris, the guardian ad litem of the infant
defendant, I took the depositions of A. W. Ballard and J. B.
Harrell.

The said depositions are herewith returned, and after
consideration of the same, together with the pleadings in the
cause, I respectfully report:

(2)

1. That the real estate mentioned in said bill cannot be conveniently divided in kind, among the several parties entitled to share therein.

2. That no party entitled to share in the property will take the entire property, and pay to others such sums as their interest may entitle them to.

3. The interest of the said parties will be promoted by the sale of the entire property.

4. There are no delinquent taxes due upon the said land.

5. The fee-simple value of the property is ^{from} ~~between~~ One Thousand Dollars (\$1,000) to Twelve Hundred Dollars (\$1200), and its annual value is from Seventy-five Dollars (\$75) to One Hundred Dollars (\$100).

Your commissioner deems it pertinent to state that the words, "(and wife and children of C. C. Copeland)", following the names of the grantees in the deed, mentioned in the bill in this cause, from Frank R. McClenny and Gertrude Lillian McClenny to Ophelia Copeland et als., are "descriptio personae" of the parties of the second part. The word "wife" refers to Della Ophelia Copeland, the second wife of C. C. Copeland, and now his widow; while the words "and children of C. C. Copeland" refer to Otelia Copeland, (now Otelia Vaughan, your complainant), George W. Copeland and Aubra Copeland, children of C. C. Copeland by his first marriage, and the only children of C. C. Copeland, living at the time of the execution of the aforesaid deed. This conclusion is based on the testimony given in the depositions in this cause as well as from the fact that these words were enclosed in brackets in the aforesaid deed.

Respectfully submitted,

M. Anderson Masey Commissioner.

Commissioner's Fee \$ 5.00.

Original

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

Otelia Vaughan and C. J. Vaughan,

v.

Della Ophelia Copeland, George W.
Copeland and Aubra Copeland,

EXTRACTS from DECREE entered on the 20th day of May, 1920.

"On consideration whereof the court doth adjudge, order, and decree, that the papers in the cause be referred to one of the commissioners of this court, who is directed to enquire into and report to the court.

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

2. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3. And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue.

4. Whether there are any delinquent taxes due upon the said land or not. Also its annual and fee simple value.

Which several inquiries the said commissioner shall make and to the court report, together with any matter especially stated, deemed pertinent by himself, or required by any party to be so stated."

TO THE PARTIES TO THE ABOVE SUIT:

I have fixed on the 24th day of July, 1920, at ten o'clock a.m., as the time, and the office of William S. Holland, in the City of Suffolk, Virginia, as the place for executing the decree, of which the foregoing is an extract.

Given under my hand as Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, this 20th day of May, 1920.

M. Anderson Masey
Commissioner in Chancery for the Circuit
Court of Nansemond County, Virginia.

We hereby accept legal service of the notice hereto attached.

Wm. S. Holland, Atty for Otelia
Vaughan and C. J. Vaughan

G. Harris Guardian ad Litem
of Ouba Copeland.

For service of notice
on Della Ophelia Copeland
and Geo. W. Copeland
see sheriff's returns
on the back hereof.

State of New Hampshire
County of Rockingham

Know all men by these presents that I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the within process.

Witness my hand and seal of office at the City of Concord, New Hampshire, this 21st day of July, 1920.

Executed on the 21 day of
July 1920 within the county of
Rockingham, by delivering a
true copy of the within process,
in writing, to Della Ophelia
Copeland
E. B. Rawler
Sheriff of Rockingham County.

Executed on the 21 day of
July 1920 within the county of
Rockingham, by delivering a
true copy of the within process,
in writing, to George W
Copeland
E. B. Rawler
Sheriff of Rockingham County.

Mr. A. W. Ballard being duly sworn deposes as follows:

- Q. Please state your name, age, residence, and occupation.
- A. A. W. Ballard, sixty-seven years, Buckhorn, Va., farmer and peanut dealer.
- Q. Please state whether the real estate mentioned in the bill in the suit of Otelia Vaughan, et al., v. Della Ophelia Copeland, et al., can be conveniently divided in kind between the several parties entitled to share therein?
- A. I do not think it could be divided in kind. It is not practicable to divide between parties as there are only six or seven acres of cleared land next to the road and the other is swampy land.
- Q. If it cannot be conveniently divided in kind, please state whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to?
- A. No sir. There is not a single one financially able to do it.
- Q. Will the interest of those who are entitled to the said property and the proceeds be promoted by the sale of the entire property or by an allotment of part and sale of the residue?
- A. It would bring far more by selling the whole tract at one time, and it is not practicable to allot part and sell the residue.
- Q. Do you think the interest of those who are entitled to the property would be promoted by sale by public auction?
- A. I think so.
- Q. Please tell who are the following persons named in that certain deed from Frank R. McClenny as grantees, dated June 22nd, 1904, Della Ophelia Copeland, George W. Copeland, Aubra Copeland, and Otelia Copeland ?

A. Della Ophelia Copeland was the second wife of C. C. Copeland and is now his widow, and the other three named are the children of C. C. Copeland by his first marriage.

Q. Are these the only children he had at the time of that deed?

A. Yes sir.

Q. What do you consider the fair fee simple value of this property?

A. About \$1000. to \$1200.

Q. How much will it rent for ?

A. About \$100. per year.

Further this deponent saith not.

A. W. Ballard

Mr. J. B. Harrell being duly sworn deposes as follows:

- Q. Please state your name, age, residence, and occupation.
- A. J. B. Harrell, sixty-five years, Suffolk, Virginia, market huckster.
- Q. Please state whether the real estate mentioned in the bill in the suit of Otelia Vaughan, et al., v. Della Ophelia Copeland, et al., can be conveniently divided in kind between the several parties entitled to share therein?
- A. No sir. Because there are only five or six acres of cleared land and the rest is swampy land.
- Q. If it cannot be conveniently divided in kind please state whether or not any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to?
- A. No, sir. I told Mr. Ballard that there was no way to dispose of this property except by public auction.
- Q. Will the interest of those who are entitled to this property and the proceeds be promoted by a sale of the entire property, or by an allotment of part and sale of the residue?
- A. By a sale of the entire property.
- Q. Do you think the interest of those who are entitled to the property would be promoted by sale by public auction.
- A. I do. As it would give everybody a chance.
- Q. The real estate described in the bill of this suit was conveyed to Della Ophelia Copeland, George W. Copeland, Aubra Copeland, and Otelia Copeland. Who is Della Ophelia Copeland?
- A. That was C. C. Copeland's wife, and now his widow.
- Q. Who are George W. Copeland, Aubra Copeland, and Otelia Copeland?
- A. They are C. C. Copeland's children, two sons, and a daughter.

- Q. Were they his only children in June, 1904?
- A. Yes, sir.
- Q. Has C. C. Copeland been married twice?
- A. Yes, Sir.
- Q. Were these children by his first wife or by his second wife?
- A. His first wife.
- Q. Is Della Ophelia Copeland his second wife?
- A. Yes, sir.
- Q. Were there children born to this second marriage?
- A. Yes, sir.
- Q. What do you consider a fair fee simple value of this property?
- A. About \$1000. to \$1100.
- Q. How much will it rent for annually?
- A. It will rent for about \$75. at this time.

Further this deponent saith not.

J. B. Harrell

COMMISSIONER'S REPORT.

Otelia Vaughan et als

v.

Delia Ophelia Copeland et als.

July 31

Filed July 31, 1920
W. B. Ambrose,
Clerk

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

OTELIA VAUGHAN and C. J. VAUGHAN

vs.

DELIA OPHELIA COPELAND, GEORGE W.
COPELAND, AUBRA COPELAND an infant
under the age of twenty-one years, and
G. A. HARRIS, guardian ad litem for
AUBRA COPELAND.

It appearing to the court that the infant
defendant Aubra Copeland has reached the age of twenty-one
years and that the parties of this suit have made a compro-
mise among themselves, and that, therefore, a sale of the
property mentioned in the bill is not necessary. Wherefore,
the court doth order and decree that this case be dismissed
and stricken from the docket.

VAUGHAN

vs. Decree

COPELAND

Entire March 24, 1923

J. D. Moore

#5-75. 411

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Otelia Vaughan and C. J. Vaughan,

v.

Della Ophelia Copeland, George W.
Copeland and Aubra Copeland.

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*

Answer.

The separate answer of Aubra Copeland, an infant under the age of twenty-one years, by G. A. Harris, his guardian ad litem appointed to defend him in this suit, to a bill of complaint filed against him and others in the Circuit Court of Nansemond County, by Otelia Vaughan and C. J. Vaughan, complainants.

This respondent, reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as he is advised that it is material he should answer, by his said guardian ad litem, answers and says:

That he is an infant of tender years, and by reason of his infancy is incapable of understanding or of taking care of his rights and interests herein; and that he therefore commends himself and his rights and interests to the protection of the court, and prays that no decrees may be entered that will tend to his prejudice.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

G. A. Harris
Guardian ad litem for Aubra Copeland.

~~Della Ophelia Copeland~~

~~Geo W. Copeland~~

Aubra Copeland
by G. A. Harris
Guardian ad litem

OTHELIA VAUGHAN & C. J. VAUGHAN,

v.

DELIA OPHELIA COPELAND, GEORGE W.
COPELAND and ABURA COPELAND.

ANSWER OF INFANT BY GUARDIAN AD
LITEM TO BILL IN EQUITY.

Filed May 30, 1830
Wm. S. Holland,
Att.

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

OTELIA VAUGHAN and C. J. VAUGHAN,

v.

DELLA OPHELIA COPELAND, GEORGE W.
COPELAND and AUBRA COPELAND.

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

Humbly complaining sheweth unto your Honor your complainants,
Otelia Vaughan and C. J. Vaughan, as follows:

1. That by deed dated on the 22d day of June, 1904, Frank R. McCleeny and Gertrude Lillian McCleeny conveyed to your complainant, who was Otelia Copeland, and to Della Ophelia Copeland, George W. Copeland and Aubra Copeland, all that certain tract or parcel of land in Holy Neck Magisterial District, Nansemond County, Virginia, bounded as follows: on the North by the lands of F. A. Ballard, on the East by the County Road, on the South by J. H. Daughtry, and on the West by M. O. Holland, Guss Winborn, and containing one hundred and fourteen (114) acres, more or less, and being the tract of land which was purchased by said grantors from Christopher Copeland, all of which will fully appear by a certified copy of said deed, which is herewith filed as Exhibit "A" and prayed to be read and taken as a part of this bill.

2. That the said Aubra Copeland is an infant under twenty-one years of age.

3. That the said real estate is as your complaint ^{auto} believes susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainant believes

and here states that the interest 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 sale of the residue.

In consideration whereof, and inasmuch as your complainants are without remedy save in a court of equity, they pray that the said Della Ophelia Copeland, George W. Copeland, and Aubra Copeland may be made parties defendants to this bill and required to answer the same, but not under oath, oath being hereby expressly waived; that a proper guardian ad litem be appointed in this cause for said infant, who shall also answer this bill but not under oath; 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; 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. And your complainants will ever pray.

Proctor & Chief
Wm. H. Deane } *By*

Della Vaughan
G. Vaughan
A. Copeland

VIRGINIA:
IN THE CIRCUIT COURT OF
HANSEMOND COUNTY.

OPHELIA VAUGHAN AND C. J.

VAUGHAN,

v.

DELIA OPHELIA COFFLAND,

AND OTHERS.

BILL.

Filed March 17, 1890
W. S. M. J.
Clerk

JOHN N. SEBRELL, JR.
ATTORNEY AND COUNSELLOR AT LAW
SEABOARD BANK BUILDING
NORFOLK, VIRGINIA