

1925-004

Nansemond Co (Suffolk)

Chancery Causes: Mary E. Harrell vs Ernest J. Harrell et al

Rountree, Crumpler, Harris, Price, Morgen, Benes, Arthur, Byrd, Rodgers, Smith,
Eason, Pope, Copeland, Norfleet

3, 174

S. E. Everett, Assignee of the Adm. of J. T. Holland

vs.

J. H. Copeland & W. T. Copeland

\$7.50 with int. from Jan. 1, 1903 + \$2.45 costs.

Rendered Jan. 26, 1911

Docketed June 9, 1911.

4, 107

Superior Guano Co.

vs.

J. H. Copeland & Archie Copeland

\$140. with int from 1st day of Dec. 1920 + 10%
for collection charges + \$3.75 costs.

May 28, 1921

July 26, 1921

no. 2 p. 52

James H. Copeland
10 acres

18

53

71 cents

Copeland + Stolland

delinquent for 1913

Sold to Commonwealth.

same

James H. Copeland
10 acres

\$1.31.

1913

72 125
26 page 576

10-3-1892

5-23-1893

William Copeland and Jeremiah Ashe
to

- James Copeland

\$250 00

General warranty & Eng Co.

69 Acres more or less

[Faint scribbled text on the left margin]

17 page 126

9-10-1886

9-13-1886

Elisha Leopold (of Kate)

To

Lucinda Leopold for life
then to Mary A. Smith wife of Harrison
Smith General warranty and Eng. Conments

\$5⁰⁰ and natural love and
affection.

"All the right title and
interest of the said Elisha Leopold,
in and to a tract of land in
Cypress district Tennessee
containing or adjoining the land of
Daniel St Byrd Elisha Briggs
and others which land belonged
to Kate Leopold mother
of said Elisha Leopold
said land estimated at fifty
nine acres more or less

The said Lucinda Leopold
is authorized sell the wood
now cut on said land to
pay whatever debts the said
Elisha Leopold may now
owe and to dispose of
all the chattel estate of
every kind whatever for the
same purposes together with all
and singular the appurtenances belonging to said

7 page 553
1-16-1911
11-19-1912

Harrison Smith Jr + Harriet A wife
~~Eugenia H Pope~~
To

~~87 p 488~~	Eugenia H Pope	✓
~~64 p 331~~	Martha S Eason	✓
~~86 p 605~~	Mary J Smith	✓
~~92 p 581~~		
~~96 p 544~~	General Warranty + Eng. Co.	

\$1.00 + other Considerations.

Third: A tract of land
Containing 69 acres by estimation
lying in Cypress District, in
said County adjoining the lands
of Daniel H Byrd, Elisha Briggs,
and others, and which was
conveyed to Mary A Smith by
Elisha Capeland. of Kate by
deed dated the 10th day of
September, 1886, and recorded
in MB No 17, page 126.

Note:
The grantor signed the deed.

Suffolk, Virginia.

\$10.00 Received of W. M. Crumpler and G. A. Harris, Special Commissioners, the sum of Ten Dollars (\$10.00) for crying the property in the suit of Mary E. Harrell vs Ernest J. Harrell et als, this 1st day of May, 1924.

Jewel Moring

Frank W. Jones

Herman A. Jones

Managers

SUFFOLK, VA.

192

M

INSURANCE DEPARTMENT

AMERICAN BANK & TRUST CO.

INSURANCE OF ALL KINDS

SURETY BONDS

MEZZANINE FLOOR

PHONE 676

AMERICAN BANK & TRUST COMPANY

P. O. BOX 132

DATE	POLICY NO.	COMPANY	COVERING	AMOUNT	TERM	RATE	PREMIUM
Feb 9	11701707	W. A. ...	Bomb	1000			500
<i>[Handwritten signature: Paul ...]</i> <i>[Handwritten signature: 4/24/50 ...]</i> <i>[Handwritten signature: 11/3/50 ...]</i>							

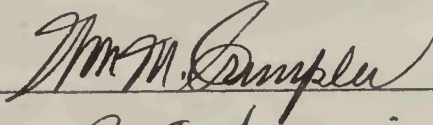
\$25.00 Received of W. M. Crumpler and G. A. Harris, Special Commissioners, the sum of Twenty Five Dollars (\$25.00) for drawing three Special Commissioners' deeds in the suit of Harrell vs Harrell.....

Given under our hands this 23rd day of April, 1924.

Wm M. Crumpler
G A Harris

\$75.00 Received of W. M. Crumpler and G. A. Harris, Special Commissioners in the suit of Harrell vs Harrell, the sum of Seventy Five Dollars (\$75.00) in full payment of fees for conducting this suit.

Given under our hands this 23rd day of April, 1924.





Suffolk, Virginia.

\$2.50 Received of W. M. Crumpler and G. A. Harris, Special Commissioners, the sum of Two Dollars and Fifty Cents (\$2.50) for taking depositions in the suit of Mary E. Harrell vs Ernest J. Harrell et als, this 1st day of May, 1924.

Wm. L. L. L.

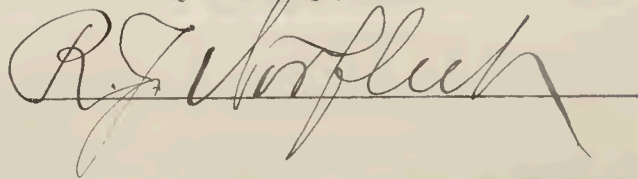
Suffolk, Virginia

\$35.00 Received of W. M. Crumpler & G. A. Harris, Special Commissioners, the sum of Thirty-five Dollars (\$35.00) for making report in the suit of Mary E. Harrell vs Ernest J. Harrell et als, this 1st day of May, 1924.

Bradford Kilby
Comm. in Chancery

Suffolk, Virginia.

\$2.50 Received of W. M. Crumpler and G. A. Harris, Special Commissioners, the sum of Two Dollars and Fifty Cents (\$2.50) for appraising the property in the suit of Mary E. Harrell vs Ernest J. Harrell, et als, this 1st day of May, 1924.

A handwritten signature in dark ink, appearing to read "R. J. Harrell", is written over a horizontal line. The signature is fluid and cursive, with the last name "Harrell" being more prominent.

Telephone 33

P. O. Box 674

The Artcraft Press

"Real Good Printing"

139 S. Main Street

Suffolk, Virginia

[Dated]

May, 1, 1924

Sold To G. A. Harris, Special Commissioner,,
City

2/14/24 250 Hand Bills, Harrell vs. Harrell

\$7.50

*Paid May 3, 1924
The Artcraft Press
R. C. Gurley*

\$614.10 Received of W. M. Crumpler and G. A. Harris, Special Commissioners, the sum of Six Hundred Fourteen Dollars and Ten Cents (\$614.10), it being the net amount from the proceeds of the sale of the land in the petition suit of Harrell vs Harrell.

Given under our hands this 23rd day of April, 1924.

May E Harrell

L. B. Harrell
Executrix and Executor of the will of
A. L. Harrell, deceased.

Copy of Costs

Taxed in the Suit of:

W. C. Harris

p. q.

Mary E. Hauree

vs.

Ernest J. Hauree et al.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

Clerk

Sheriff

Attorney

Commissioner

Printer, for Order of Publication, etc.

Deposit

\$ 1.50

14.50

0

15.00

\$ 31.40

Date of Judgement or Final Decree

192

Paid

May 1,

192

W. C. Harris

Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell et als.....Defendants

Your Commissioners, W. M. Crumpler and G. A. Harris, beg to report that in pursuance of decree entered in this cause on the 1st day of April, 1924, they conveyed unto M. Coleman - Harrell, by Special Warranty deed, the following property, to-wit:

1. "All that certain tract, piece or parcel of land situate lying and being in Cypress Magisterial Distr. in the County of Nansemond and State of Virginia, and bounded and described as follows; to-wit: On the North by the land of Stephen Harris shown by a dead chopped black gum at the branch and chopped pine and an iron stob at the Northeast corner; on the East by the land of the East Suffolk Land Company; on the South by the land of H. A. Morgan or his estate shown by a chopped black gum at the Southeast corner a white oak and a pine a corner in a branch; and on the West by the run of said branch the land of H. A. Morgan or his estate, and containing two and one quarter (2-1/4) acres by measure, sold in gross and not by the acre, being the same land Wright Price purchased of H. A. Morgan. Together with all and singular the appurtenances belonging to the same."

and have collected from him the sum of Two Hundred Dollars (\$200.00), being in full payment of the purchase price of said land; that they conveyed unto the Pigeon Hill Farm Corporation, by Special Warranty deed, the following property, to-wit:

2. "That certain parcel of land known as the Robert W. Banes land, bounded and described as follows:- Beginning at a point on the East side of the Norfolk-Southern Railroad (formerly the Suffolk and Carolina Railroad) about three hundred yards South of the Ten Mile Post on the said Railroad at or near a marked spruce pine tree, thence running in a Northeastwardly course forty six yards to a marked holly; thence in a Northwestwardly course forty six yards in line with a marked pine tree on the opposite side of the said Railroad;

thence in a Southwardly course, parallel with the said Railroad, at a distance of twenty-five feet from the said Railroad, to the point of beginning, being the same land which Robert W. Banes and wife conveyed to the said School Board of said District by deed dated July 7, 1892, and recorded in D. B. No. 25, page 652, in the Clerk's Office of Mansemond County."

and having collected from said Corporation the sum of Ten Dollars (\$10.00), being in full payment of the purchase price of said land; and that they conveyed unto Hersey V. Knight, by Special Warranty deed, the following property, to-wit:

3. "All their right, title and interest of every kind, legal and equitable, in and to that certain tract of land containing by estimation sixty nine (69) acres, lying in Cypress District in Mansemond County, Virginia, and adjoining the lands formerly belonging to Daniel H. Byrd, Elisha Briggs and others, and being the same land conveyed to us by Harrison Smith, Jr., and wife by deed dated the 16th day of January, 1911, and recorded in D. B. 72, page 553, in the Clerk's Office of Mansemond County, and the same that was conveyed to Mary Smith by Elisha Copeland of Kate, her father, by deed dated September 10, and recorded in D. B. 17-126; Mary Smith died intestate and the property descended to her children, Mary F. Smith, Martha S. Eason and Eugenia H. Pope, its grantors herein, and then their father and his present wife conveyed their curtesy interest in the same to said children by the deed above named."

and having collected from Hersey V. Knight the sum of Six Hundred and Fifty Dollars (\$650.00), being in full payment of the purchase price of said land.

The following is an itemized account of the receipts and disbursements:

1924		
Apr. 1	To amount collected from M. Coleman Harrell of full purchase price of Tract Number One.....	\$200.00
Apr. 1	To amount collected from Pigeon Hill Farm Corporation of full purchase price of Tract Number Two.....	10.00
Apr. 18	To amount collected from Hersey V. Knight of full purchase price of Tract Number Three.....	650.00
		<u>\$860.00</u>

	To amount brought forward.....		\$860.00
1924			
Apr. 23	By amount paid G. E. Bunting, Clerk, to cover Court costs.....	\$31.40	
Apr. 23	By amount paid Artercraft Press to printing handbills adver- tising sale of property.....	7.50	
Apr. 23	By amount paid R. J. Norfleet to making appraisement of property.....	2.50	
Apr. 23	By amount paid Bradford Kilby, Commissioner, for making report....	35.00	
Apr. 23	By amount paid Miss Minnie Lavine, stenographer.....	2.50	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris, attorneys, for conducting this suit.....	75.00	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris, Special Commissioners' commission.....	26.20	
Apr. 23	By amount paid for docket stamps on deed of Hersey V. Knight.....	1.00	
Apr. 23	By amount paid for docket stamps on deed of M. Coleman Harrell.....	.50	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to Hersey V. Knight.....	10.00	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to M. Coleman Harrell.....	10.00	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to Pigeon Hill Farm Corporation.....	5.00	
Apr. 23	By amount paid G. E. Bunting, Clerk, for delinquent taxes as shown by Commissioner's report.....	13.80	
Apr. 23	By amount paid American Bank & Trust Company, Insurance Department, for premium on Commissioners' Bond.....	5.00	\$225.40
			\$860.00

To amount brought forward..... \$860.00
 By amount brought forward..... \$225.40

1924
 Apr. 23 By amount paid Suffolk News
 for publishing sale of the
 three tracts of land..... 10.50
 Apr. 23 By amount paid J. Walter
 Hosier for crying property..... 10.00
 Apr. 23 By amount paid Mrs. Mary E.
 Harrell, Executrix and V. B.
 Harrell, Executor of the will
 of A. L. Harrell, deceased..... 614.10 \$860.00 \$860.00

Proper receipts covering the foregoing disbursements
 are returned with this report.

Respectfully submitted this 24th day of April, 1924.

Thurman M. Lawrence
W. H. Harris
 Special Commissioners.

VIRGINIA:

IN THE CIRCUIT COURT
OF HANSEMAN COUNTY

Mary E. Harrell

vs

Ernest J. Harrell et als

.....

R E P O R T

1925 Octo. 12. filed
J.L.M.

In Re: Matter of the County School
Board of Nansemond County condemning
the land of Mary E. Harrell, Roger
Harrell and Clyde Harrell; Mary E.
Harrell being the tenant of the
freehold.

ORDER

It appearing to the Court that Roger Harrell
and Clyde Harrell, two of the defendants herein, are infants.
On motion of Mary E. Harrell, the Court doth appoint G. A.
Harris, a discreet and competent attorney at law, as Guardian
ad Litem to such infants.

Monday

Enter April 6. 1925

J. L. Williams

5-—534

Ints. or order
being ans. by G. H.
& infants by G. H.
Apr. 14, 1925

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell et als.....Defendants

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COURT:

Your undersigned, Special Commissioners, who were appointed by decree in this suit entered on the 23rd day of February, 1924, beg to report that in pursuance of said decree they caused to be advertised as directed by said decree the property described in the bill in these proceedings, and -- M. Coleman Harrell bid the sum of Two Hundred Dollars for the following described piece of land, which was the highest and best bid made:

"All that certain tract, piece or parcel of land situate lying and being in Cypress Magisterial Dist. in the County of Nansemond and State of Virginia, and bounded and described as follows, to-wit: On the North by the land of Stephen Harris shown by a dead chopped black gum at the branch and chopped pine and an iron stob at the Northeast corner; on the East by the land of the East Suffolk Land Company; on the South by the land of H. A. Morgan or his estate shown by a chopped black gum at the Southeast corner a white oak and a pine, a corner in a branch; and on the West by the run of said branch the land of H. A. Morgan or his estate, and containing two and one quarter acres (2-1/4) by measure, sold in gross and not by the acre, being the same land Wright Price purchased of H. A. Morgan, Together with all and singular the appurtenances belonging to the same."

The Pigeon Hill Farm Corporation bid the sum of Ten Dollars (\$10.00) for the following described piece of land, which was the highest and best bid made:

"That certain parcel of land known as the Robert W. Banes land, bounded and described as follows:- Beginning at a point on the East side of the Norfolk-Southern Railroad (formerly the Suffolk and Carolina Railroad) about three hundred yards South of the Ten Mile Post on the said Railroad at or near a marked spruce pine tree, thence running in a Northeastwardly course forty six yards to a marked holly; thence in a Northwestwardly course forty six yards in line with a marked pine tree on the opposite side of the said Railroad; thence in a Southwardly course, parallel with the said Railroad, at a distance of twenty-five feet from the said Railroad, to the point of beginning, being the same land which Robert W. Banes and wife conveyed to the said School Board of said District by deed dated July 7, 1892, and recorded in D. B. No.25, page 652, in the Clerk's Office of Nansemond County."

Hersey V. Knight bid the sum of Six Hundred and Fifty Dollars (\$650.00) for the following described piece of land, which was the highest and best bid made:

"All their right, title and interest of every kind, legal and equitable, in and to that certain tract of land containing by estimation sixty nine (69) acres, lying in Cypress District, in Nansemond County, Virginia, and adjoining the lands formerly belonging to Daniel H. Byrd, Elisha Briggs and others, and being the same land conveyed to us by Harrison Smith, Jr., and wife by deed dated the 16th day of January, 1911, and recorded in D. B. 72, page 553, in the Clerk's Office of Nansemond County, and the same that was conveyed to Mary Smith by Elisha Copeland of Kate, her father, by deed dated September 10, and recorded in D. B. 17-126; Mary Smith died intestate and the property descended to her children, Mary F. Smith, Martha S. Eason and Eugenia H. Pope, its grantors herein, and then their father and his present wife conveyed their curtesy interest in the same to said children by the deed above named."

Your Commissioners are of the opinion that the offer of M. Coleman Harrell for 2-1/4 acres is a very good one and should be accepted by the Court.

While the offer made by the Pigeon Hill Farm Corporation of Ten Dollars (\$10.00) for what is known as the School House Lot seems ridiculously small, however, when you take into

consideration that the tract contains less than an acre and that it is surrounded by the lands of the Pigeon Hill Farm Corporation, you may at once see that the offer is a fair and just one, and that it is not possible for anyone but the Pigeon Hill Farm Corporation to make an offer at all.

Your Commissioners are also of the opinion that while the offer of Hersey V. Knight for the 69 acre tract is not a large one, it is, however, a reasonably good one and should be accepted by the Court.

Your Commissioners are advised by the heirs and distributees of the late A. L. Harrell that it is their desire that the proceeds from the sale of the lands hereinabove mentioned, after the payment of a reasonable attorney's fee and all Court costs incurred in connection with this suit, be turned over to Mary E. Harrell, Executrix, and V. B. Harrell, Executor of the will of A. L. Harrell, deceased.

Respectfully submitted this 31st day of March, 1924.

Thos. W. Lawrence

G. H. Harris
SPECIAL COMMISSIONERS.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell et als.....Defendants

This cause came on this day to be again heard on the papers formerly read and upon the report of W. M. Crumpler and G. A. Harris, who were appointed Special Commissioners on the 23rd day of February, 1924, and this day filed, to which report no exception has been filed, and was argued by counsel.

On consideration whereof, and by consent of all parties, the Court doth approve and confirm said report, and it appearing from said report ^{that} the offers for the real estate to be hereinafter described are fair and just, therefore, the said Special Commissioners are authorized and directed to make proper conveyance to M. Coleman Harrell by Special Warranty deed, upon the payment to them of the sum of Two Hundred Dollars (\$200.00), the following piece or parcel of land, to-wit:

"All that certain tract, piece or parcel of land situate lying and being in Cypress Magisterial Dist. in the County of Nansemond and State of Virginia, and bounded and described as follows; to-wit: On the North by the land of Stephen Harris shown by a dead chopped black gum at the branch and chopped pine and an iron stob at the Northeast corner; on the East by the land of the East Suffolk Land Company; on the South by the land of H. A. Morgan or his estate shown by a chopped black gum at the Southeast corner a white oak and a pine a corner in a branch; and on the West by the run of said branch the land of H. A. Morgan or his estate, and containing two and one quarter acres (2-1/4) by measure sold in gross and not by the acre, being the same land Wright Price purchased of H. A. Morgan, Together with all and singular the appurtenances belonging to the same."

And that the said Special Commissioners are authorized and directed to make proper conveyance to the Pigeon Hill Farm / Corporation

by Special Warranty deed, upon the payment to them of the sum of Ten Dollars (\$10.00), the following piece or parcel of land, to-wit:

"That certain parcel of land known as the Robert W. Banes land, bounded and described as follows:- Beginning at a point on the East side of the Norfolk-Southern Railroad (formerly the Suffolk and Carolina Railroad) about three hundred yards South of the Ten Mile Post on the said Railroad at or near a marked spruce pine tree, thence running in a Northeastwardly course forty six yards to a marked holly; thence in a Northwestwardly course forty six yards in line with a marked pine tree on the opposite side of the said Railroad; thence in a Southwardly course, parallel with the said Railroad, at a distance of twenty-five feet from the said Railroad, to the point of beginning, being the same land which Robert W. Banes and wife conveyed to the said School Board of said District by deed dated July 7, 1892, and recorded in D. B. No. 25, page 652, in the Clerk's Office of Nansemond County."

And that the said Special Commissioners are authorized and directed to make proper conveyance to Hersey V. Knight by Special Warranty deed, upon the payment to them of the sum of Six Hundred and Fifty Dollars (\$650.00), the following piece or parcel of land, to-wit:

"All their right, title and interest of every kind, legal and equitable, in and to that certain tract of land containing by estimation sixty nine (69) acres, lying in Cypress District in Nansemond County, Virginia, and adjoining the lands formerly belonging to Daniel H. Byrd, Elisha Briggs and others, and being the same land conveyed to us by Harrison Smith, Jr., and wife by deed dated the 16th day of January, 1911, and recorded in D. B. 72, page 553, in the Clerk's Office of Nansemond County, and the same that was conveyed to Mary Smith by Elisha Copeland of Kate, her father, by deed dated September 10, and recorded in D. B. 17-126; Mary Smith died intestate and the property descended to her children, Mary F. Smith, Martha S. Eason and Eugenia H. Pope, its grantors herein, and then their father and his present wife conveyed their curtesy interest in the same to said children by the deed above named."

The said purchasers made the highest and best bid for the said property.

And the said Special Commissioners are ordered and directed to pay to W. M. Crumpler and G. A. Harris the sum of

\$75_____ as an attorney's fee for conducting this suit and also pay to the Clerk of this Court all Court costs incurred in this suit.

It appearing to the Court that there is not sufficient funds in the hands of the Executrix and Executor to pay the debts of the Estate of A. L. Harrell, deceased, and the specific legacies under his will, by consent of all parties to this suit, the said W. M. Crumpler and G. A. Harris, Special Commissioners aforesaid, are authorized and instructed to pay to Mrs. Mary E. Harrell, Executrix and V. B. Harrell, Executor, ~~the remainder of~~ the funds left in their hands, after the payment of the aforesaid attorneys' fee and Court costs, taking their receipt therefor.

And the said Commissioners shall report to Court.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

Mary E. Harrell
vs
Ernest J. Harrell et als

.....
I consent to this decree:
U.P. Lifecomb,
Guardian ad Litem.

DECREE

I have seen this decree
Ernest J. Harrell
Harry B. Harrell
Annice C. Rountree
G. E. Harrell Jr.
By M. McLaughlin
Counsel -
G. A. Starnip p. r.

Enter April 1, 1924
Jas L. McLaughlin
#5 - Pg. 467

This Deed, Made this 15th day of December in the year
one thousand nine hundred and Seventeen between May F Smith and
William Smith her husband, Martha Eason and Augustus
Eason her husband and Eugenia H. Pope & J. F. Pope
of Staunton County Virginia
parties of the first part, and A. L. Harrell

of said County and State, parties of the second part—

WITNESSETH: That in consideration of the sum of One Hundred &
fifty (\$150) DOLLARS

the said parties of the first part

do grant unto the said

party of the second part

with GENERAL WARRANTY all

their right title and interest of every kind legal
and equitable in and to the certain tract
of land containing by estimation sixty nine
(69) acres lying in the town of Staunton in
Staunton County Virginia and adjoining
the lands formerly belonging to Daniel H.
Byrd Elisha Briggs and others, and
being the same land conveyed to me by
Harrison Smith Jr and wife by deed
dated the 16th day of January 1911 and
recorded in V.B. 72 page 553 in the
Clerks Office of Staunton County: and the
same tract was conveyed to May F Smith & Elisha
Copeland of late, her father May Smith died
interest and the property descended to her
children May F. Smith, Martha S. Eason, and
Eugenia H. Pope the parties herein, and then
their father Harrison Smith & his present wife
conveyed their entire interest in the same
to said children by the deed above named.

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

Witness the following signature... and seal...

Mary F. Smith (SEAL.)

W. H. Smith (SEAL.)

Martha S. Eason (SEAL.)

Augustus Eason (SEAL.)

Eugenia H. Pope (SEAL.)

J. F. Pope (SEAL.)

STATE OF VIRGINIA,

City... of Suffolk } To-wit:

I, Mary D. Andrews, a Notary Public
for the city... aforesaid, in the state of Virginia, do certify that Mary F.
Smith, W. H. Smith, Martha S. Eason,
Augustus Eason, Eugenia H. Pope & J. F. Pope
whose names are signed to the writing hereunto annexed, bearing date the 15th day
of December, 1917, have acknowledged the same before me in my
city... aforesaid.

Given under my hand this 15th day of December, 1917.

Mary D. Andrews N. P.

My term of office expires on the 8th day of March, 1919.

MEMO—To be acknowledged before a Justice, Notary Public, or Commissioner in Chancery.



VIRGINIA:

In the Clerk's Office of the Circuit Court of Harrison County
the 15th day of December, 1917.

This deed was presented, and, with the certificate... annexed, admitted to record. The requisite
amount of 50 in Revenue stamps

affixed & cancelled. Teste:

D. E. Bunting Clerk.

By Reuben J. Bunting, D. C.

Indexed

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Deed of Bargain and Sale

Mary F. Smith, hus.,
To & a/c.
A. S. Hamer

Admitted to Record this 15th day of

December, 1917

Recorded D. B. 86 Page 605

Examined and verified

D. E. Burtin, Clerk

By Ruby V. Burtin, D. C.

Paid \$100

Tax \$50

Fee \$1.35

\$115.35

Recd as soon
as recorded to A. S. Hamer

SALE OF LAND SITUATED IN
NANSEMOND COUNTY, VIRGINIA.

Pursuant to the terms of three certain deeds of trust dated the 16th day of February, 1903; 16th day of February, 1907, and the 1st day of July, 1909, respectively, from James H. Copeland and Frances Copeland, his wife, of Nansemond County, Virginia, to D. L. Harrell, Trustee, duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Books No. 55, page 38, No. 61, page 44², and No. 65, page 490, respectively, and at the request of the holders of the bonds therein secured, default having been made in the payment of the said bonds and interest thereon, the said undersigned, D. L. Harrell, Trustee, will offer for sale at public auction to the highest bidder, in front of the National Bank of Suffolk, Suffolk, Virginia, on Thursday August 30, 1923, at 12:00 M., the following property, to-wit:

"All that certain piece or parcel of land situate lying and being in Cypress Magisterial District, County of Nansemond and State of Virginia, bounded and described as follows: lying on the North side of the path leading from James O. White's to George W. Morgan's and adjoining the lands of James O. White, William Rawls, George W. Morgan and others, containing Sixty-nine (69) acres, more or less."

The above property will be sold on the following terms, to-wit: "for cash as to so much of the proceeds as may be necessary to defray the expenses of executing this trust, including a trustee's commission of five per centum, the fees for drawing and recording this deed, if then unpaid, and to

discharge the amount of money then payable upon the said debt; and if there be any residue of said purchase money, the same shall be payable at such time and secured in such manner as James H. Copeland and Frances Copeland, their executors, administrators or assigns shall prescribe and direct, or in case of their failure to give such directions, at such time and in such manner as said trustee shall see fit.

Trustee.

Dated August 6, 1923.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell, Harry B. Harrell, Annie C.
Rountree, A. L. Harrell, Jr., Delila Harrell,
W. M. Crumpler, G. A. Harris, Clyde Harrell,
Roger Harrell and Frank Harrell, the last three
being infants under twenty-one years of age.....Defendants

This cause came on this day to be heard on the com-
plainant's bill ^{and W. S. Holland is appointed as guardian ad litem to defend the interest of the infant defendants} upon the joint and separate answers of the adult
defendants and upon the joint and separate answer of William S.
Holland, a discreet and competent attorney at law, guardian ad
litem for Clyde Harrell, Roger Harrell and Frank Harrell, the
infant defendants, and by consent of all parties, was docketed
for hearing, and was argued by counsel.

On consideration whereof, it is ordered, adjudged and
decreed that this cause be referred to one of the Commissioners
of this Court, who is directed to inquire and report to the Court,
as follows:

1. What are the respective interest of the parties
to this suit in the real estate mentioned in the bill.
2. Whether there are any delinquent taxes or other
liens against the said real estate.
3. Whether the said real estate can be conveniently
divided
in kind among the several parties entitled to share therein.
4. 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 sum of money as their inter-
ests therein may entitle them to.
5. 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.

6. Whether all parties interested in said real estate are properly before the court in this cause.

And this cause is continued.

VIRGINIA:

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY

Mary E. Harrell

vs

Ernest J. Harrell et als

.....

DECREE

Said by:

William H. Conyers,
counsel for first fine
styled and named defen-

dant - G. M. Targis

Enter Dec. 21/1923.

Jas L. McInnis

5-75, 450

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell et als.....Defendants

This cause came on this day to be again heard on the papers formerly read and on the report of Bradford Kilby, Commissioner in Chancery, bearing date the 5th day of February, 1924, and this day filed, to which report no exception has been filed, and was argued by counsel:

and by consent of all parties
On consideration whereof, the Court doth approve and confirm the said report, and it appearing from said report that the interest of all parties would be promoted by sale of all the property mentioned in the bill in these proceedings, and being described as follows:

(1) "All that certain tract, piece or parcel of land situate lying and being in Cypress Magisterial Dist. in the County of Nansemond and State of Virginia, and bounded and described as follows, to-wit: On the North by the land of Stephen Harris shown by a dead chopped black gum at the branch and chopped pine and an iron stob at the Northeast corner; on the East by the land of the East Suffolk Land Company; on the South by the land of H. A. Morgan or his estate shown by a chopped black gum at the Southeast corner a white oak and a pine a corner in a branch; and on the West by the run of said branch the land of H. A. Morgan or his estate, and containing two and one quarter (2-1/4) acres by measure, sold in gross and not by the acre, being the same land Wright Price purchased of H.A.Morgan. Together with all and singular the appurtenances belonging to the same."

(2) "That certain parcel of land known as the Robert W. Banes land, bounded and described as follows:- Beginning at a point on the East side of the Norfolk-Suffolk Railroad (formerly the Suffolk and Carolina Railroad) about three hundred yards South of the Ten Mile Post on the said Railroad at or near a marked spruce pine tree, thence run-

ning in a Northeastwardly course forty six yards to a marked holly; thence, in a Northwardly course forty six yards in line with a marked pine tree on the opposite side of the said Railroad; thence in a Southwardly course, parallel with the said Railroad, at a distance of twenty-five feet from the said Railroad, to the point of beginning, being the same land which Robert W. Banes and wife conveyed to the said School Board of said District by deed dated July 7, 1892, and recorded in D. B. No. 25, page 652, in the Clerk's Office of Nansemond County."

- (3) " All their right, title and interest of every kind, legal and equitable, in and to that certain tract of land containing by estimation sixty nine (69) acres, lying in Cypress District in Nansemond County, Virginia, and adjoining the lands formerly belonging to Daniel H. Byrd, Elisha Briggs and others, and being the same land conveyed to us by Harrison Smith, Jr., and wife by deed dated the 16th day of January, 1911, and recorded in D.B. 72, page 553, in the Clerk's Office of Nansemond County, and the same that was conveyed to Mary Smith by Elisha Copeland of Kate, her father, by deed dated September 10, and recorded in D. B. 172126; Mary Smith died intestate and the property descended to her children, Mary F. Smith, Martha S. Bason and Eugenia H. Pope, its grantors herein, and then their father and his present wife conveyed their curtesy interest in the same to said children by the deed above named."

Therefore, the Court doth adjudge, order and decree that W. M. Crumpler and G. A. Harris be, and they are hereby, appointed Special Commissioners for such purpose, do proceed to sell for cash the said land by public auction sale, after having advertised the time, place and terms of sale for Ten (10) days by printed handbills posted at the front door of the Courthouse and at least three other conspicuous places, and in such other manner as the said Special Commissioners may elect.

But the said Special Commissioners shall have no power to execute this decree until they have given joint bond with sufficient security in the Clerk's Office of this Court, payable to the Common-

wealth of Virginia, in the penalty of One Thousand Dollars (\$1000.00), and conditioned for the faithful discharge of their duties hereunder, or any other decree entered in this cause.

And the said Special Commissioners shall report to Court.

VIRGINIA:
IN THE CIRCUIT COURT OF
NORFOLK COUNTY

Mary E. Harrell

VS

Ernest J. Harrell et als

.....
5-7g. 460

DE CREE

I have seen the within
decrees.

Thurman W. Campbell
att'y for both defendants
some widow of J. B. Harrell

Wm. S. Holland
guardian ad litem
for all infants & depts.

W. A. Harris att'y
for Respondent

Enter Feb. 19th 1924.
J. L. McLeone

To Mary E. Harrell

and

Ernest J. Harrell, Mary B. Harrell, Annie C. Rountree, A. L. Harrell Jr., Delila Harrell, W. M. Crumpler, G. A. Harris, Clyde Harrell, Roger Harrell, Frank Harrell, the last three being infants under 21 years of age and William S. Holland, Guardian af Litem of said infants.

You are hereby notified that on the 26th. day of January 1924 at the office of G. A. Harris, 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 the decree of the Circuit Court of Nansemond County, Virginia, rendered on the 21st. day of December 1923, in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to-wit:

(1) What are the respective interests of the parties to this suit in the real estate mentioned in the bill.

(2) Whether there are any delinquent taxes or other liens against the said real estate.

(3) Whether the said real estate can be conveniently divided in kind among the several parties entitled to share therein.

(4) If the same can not be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties such sum of money as their interests therein may entitle them to.

(5) And, if the same can not 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.

(6) Whether all parties interested in said real estate are properly before the Court in this cause.

Given under my hand this 12th. day of January 1924, as Commissioner in Chancery of said Court.

Bradford Kilby
Commissioner in Chancery.

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

Clyde Harrell, Rodger Harrell
and Frank Harrell by Wm
S. Holland, their guardian ad
litem -

W. S. Holland guardian
ad litem of all above infant
defendants.

Theresa M. Compher atty for
adult defendants and widow
of S. B. Harrell -

Virginia,

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

Mary E. Harrell

v.

Ernest J. Harrell and others)

In Chancery.

Commissioner's Office,

Suffolk, Va. Feb. 5, 1924.

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 21st. day of December 1923 in the suit in chancery pending in said court between Mary E. Harrell, Complainant and Ernest J. Harrell and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 12th. day of January 1924, your commissioner gave notice to the parties to said suit that he would proceed on the 26th. day of January 1924 between the hours of 10 A.M. and 5. P.M. at the office of G. A. Harris in the City of Suffolk, Virginia, 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 26th. day of January 1924, at the said office of G.A. Harris, between the hours of 10 A.M. and 5 P.M., your commissioner took the depositions of V. B. Harrell, Mary E. Harrell, and R. J. Norfleet touching said inquiries, which depositions are herewith returned as a part of this report.

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

(1)

The respective interests of the parties to this suit in the real estate mentioned in the bill are as follows:

Mary E. Harrell, one-eighth undivided fee-simple interest.

Ernest J. Harrell, one-eighth undivided fee-simple interest.

Harry B. Harrell, one-eighth undivided fee-simple interest.

Annie C. Rountree, one-eighth undivided fee-simple interest.

A. L. Harrell Jr. one-eighth undivided fee-simple interest.

Frank Harrell one-eighth undivided fee-simple interest, subject to dower of his mother, Delila. This share was inherited by Frank Harrell from his father Gene B. Harrell, a son of A. L. Harrell. Gene B. Harrell died intestate.

Clyde Harrell, one-eighth undivided fee-simple interest.

Roger Harrell, one-eighth undivided fee-simple interest.

The above interests were acquired by virtue of the thirteenth clause of the will of A. L. Harrell which reads as follows:

"Thirteenth: I give, devise and bequeath to my beloved wife and seven children the residue of my estate to be equally divided between them, in fee-simple forever."

The land mentioned in the bill in this cause not being otherwise devised in the will of said A. L. Harrell, passes to the above mentioned residuary devisees in accordance with the terms of the the clause quoted from the language of said will.

G. A. Harris and W. M. Crumpler, parties to this suit, have no equitable interest in the land mentioned in the bill. They bid in one of the tracts, known as the James Copeland tract, containing 69 acres, at a public auction sale thereof, held under a deed of trust foreclosure, on the 30th. day of August 1923, and received a deed for said property from D. L. Harrell, the Trustee in said deed. They hold said land and bid the same in as Trustees for the estate of A. L. Harrell, and are willing

to relinquish all of their right, title and interest in said land to the heirs of A. L. Harrell.

(2)

The following liens are found on the 69 acre tract, known as the James Copeland land:

(1) A deed of trust from James Copeland and Frances Copeland to A. A. Holland, Trustee, dated March 27, 1901 and recorded March 28, 1901 in Deed-book No. 48, page 384 in the Clerk's office of the Circuit Court of Nansemond County, Virginia, to secure to Z. T. Holland the sum of \$52.75. evidenced by a negotiable note of even date for said sum payable on demand.

(2) A deed of trust from James Copeland and Frances Copeland to D. L. Harrell Trustee, dated February 16, 1905 and recorded February 25, 1907 in Deed-book No. 61 at page 442 in the Clerk's office of the Circuit Court of Nansemond County, Virginia, to secure to A. L. Harrell the sum of \$130.52 evidenced by a negotiable note of even date for said sum payable on demand.

(3) A deed of trust from James Copeland and Frances Copeland to D. L. Harrell, Trustee, dated July 1, 1909 and recorded July 7 1909 in Deed-book No. 65 at page 490 in the Clerk's office of the Circuit Court of Nansemond County, Virginia, to secure to A. L. Harrell the sum of \$197.46 evidenced by a bond of even date for said sum payable on demand.

The following taxes are due for the year 1923.

On the $2\frac{1}{4}$ acre tract	.78
On the School House Lot.	.39
On the James Copeland 69 acre tract.	\$12.63
Total.	\$13.80

(3)

None of the three tracts of land mentioned in the bill in this cause can be conveniently divided in kind among the several parties entitled to share therein. Two of them are too small and the 69 acre tract is not in proper shape for division among eight parties, nor does its physical condition lend itself to such division. Only 20 acres have been cleared .

(4)

No party will take the entire property and pay therefor to the other parties such sum of money as their interests therein may entitle them to.

(5)

The interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property rather than by an allotment of part and sale of the residue.

(6)

All parties interested in said real estate are properly before the Court in this cause.

(7)

Your commissioner deems it pertinent to say that William S. Holland Guardian ad Litem of the infant defendants in this cause was present during the taking of the depositions herewith returned. Also that the widow of Gene B. Harrell, Mrs. Delila Harrell, is forty-three years old. Mary E. Harrell, widow of A. L. Harrell, is forty-seven years old, but her dower interest is not involved in the land mentioned in the bill, she taking an one-eighth undivided fee-simple interest under the will of A.L. Harrell.

The fee-simple value of the several tracts is about as follows:

The $2\frac{1}{4}$ acre tract	\$125.00
The School-house tract	15.00
The James Copeland 69 acre tract	\$700.00
Total	<u>\$840.00</u>

Your commissioner has no knowledge of any other matters which might be specially stated or deemed pertinent by himself or required by any party to be so stated.

Respectfully submitted this 5th. day of February 1924.

Bradford Kilby
Commissioner in Chancery.

Comr's fee: \$35.00.
Stenographer: \$2.50.

MR. V. B. HARRELL being recalled

(Examined by Mr. Bradford Kilby)

- Q. Mr. Harrell, what, in your opinion, is the fee simple value of the Jim Copeland tract
- A. Something about \$700.00. It ought to be worth that in my opinion
- Q. What is the fee simple value of the Pleasant Hill tract
- A. I don't know I have never seen it
- Q. Do you know how long Jim Copeland was in possession of the land called the James Copeland tract
- A. From my personal knowledge, Jim Copeland was in possession of this tract for 20 years and I heard that he had been there 10 years before that
- Q. What, in your opinion, is the fee simple value of the School House tract
- A. \$10.00

And further this deponent saith not

(Signature Waived)

MRS. MARY E. HARRELL being first duly sworn, deposes and says as follows:
(Examined by Mr. Bradford Kilby)

Q. Give name, age, residence and occupation

A. Mary E. Harrell, of legal age, housekeeper, Cypress Chapel, Virginia

Q. Mrs. Harrell, the following people are made parties to this suit: Mary E. Harrell, Ernest J. Harrell, Harry B. Harrell, Annie C. Rountree, A. L. Harrell, Jr., Delilah Harrell, W. M. Crumpler, G. A. Harris, Clyde Harrell, Roger Harrell and Frank Harrell. Are they all the people that have an interest in this land

A. Yes, sir

Q. Are you acquainted with any of the pieces of land mentioned in the bill in this suit

A. I know the School House piece and the Wright Price land

Q. Please state whether the pieces you are acquainted with can be conveniently divided in kind amongst the parties entitled to share

A. No, sir

Q. Why not

A. The size is too small

Q. What is the size of the School House Lot

A. It is a small lot; less than an acre

Q. How about the Wright Price lot? How many acres

A. I don't know to save my life

Q. If this land you are acquainted with cannot be divided in kind, do you know whether any party will take the entire property and pay therefor to the other parties such sum of money as they are entitled to

A. I don't think any of them will take it

Q. Do you think the interest of all the parties entitled to the property in this suit will be promoted by sale of the entire property rather than by the allotment of part and the sale of the residue.

A. By the sale of all

Q. Mrs. Harrell, please state your age

A. Forty Seven years

Q. Is there any other widow besides Mary E. Harrell

A. Mrs. Genie B. Harrell

Q. Do you know the age of Mrs. Delilah Harrell, the widow of
Genie B. Harrell

A. Yes Forty Three years

And further this deponent saith not.

(Signature Waived)

MR. V. B. HARRELL being sworn deposes and says as follows:
(Examined by Mr. Bradford Kilby)

Q. Give name, age, occupation and residence

A. Vivian B. Harrell, 44 years old, farmer, Cypress Chapel, Va.

Q. Mr. Harrell, the following are parties to this suit: Mary E. Harrell, Ernest J. Harrell, Harry B. Harrell, Annie C. Rountree, A. L. Harrell, Jr., Delilah Harrell, W.M. Crumpler, G. A. Harris, Clyde Harrell, Roger Harrell and Frank Harrell. Are these all of the parties interested in this suit

A. All that I know anything about

Q. Mr. Harrell, are you acquainted with all of these pieces of land

A. I am acquainted with all of these pieces of land except the School House. I know its history and only know it from observation

Q. Please state whether, in your opinion, the land of James H. Copeland can be conveniently divided in kind amongst the parties entitled thereto

A. I don't think so

Q. Why

A. In the first place, it is not located - it cannot be done practicably as it is not in the right shape and the many heirs interested

Q. What is the nature? Cultivated or clear land

A. It is twenty acres clear; under cultivation about ten years ago. It is practically set in pine brush. I couldn't find the lines. I didn't see any timber that would be worth market value - in growing shape, but nothing to be of any material value at present

Q. Any house on it

A. An old shack

Q. That is all

A. Some little old temporary mess on it

Q. The Jim Copeland tract is the only one you are acquainted with

A. Yes

Q. You know the size of it from the deed

A. Yes

Q. You think it can be conveniently divided

A. No, sir

Q. Will any party take this entire property and pay the others for their interest

A. Not that I know of

Q. Do you think it will be to the best of the parties to allot a part of this land and sell the residue, or to sell it all for cash

A. Best to sell for cash

Q. Everybody would realize better values, do you think

A. Yes, sir

And further this deponent saith not

(Signature Waived)

MR. R. J. NORFLEET being duly sworn deposes and says as follows:
(Examined by Mr. Bradford Kilby)

- Q. State your name, age and residence
- A. R. J. Norfleet, 57, residence Suffolk, Virginia.
- Q. Mr. Norfleet, what is your occupation
- A. Real estate and insurance
- Q. You are acquainted with the lands mentioned in the bill in this suit
- A. One piece situated in Pleasant Hill
- Q. Please state whether or not you think that the piece which you are acquainted with situated in Pleasant Hill can be conveniently divided in kind amongst the heirs
- A. It can not
- Q. Why
- A. Do to the fact the acreage is too small Nobody would want a small portion of it
- Q. What is the acreage
- A. I judge it is two acres. The deed call for two and one-quarter acres
- Q. Do you think it would be to the advantage of the parties interested to sell a part of this tract you are acquainted with and allot the residue, or sell it all for cash
- A. Sell it all for cash
- Q. What do you think the fee simple value is
- A. \$125.00

And further this deponent saith not

(Signature Waived)

Mary E. Harrell

v.

In Chancery.

Ernest J. Harrell et als.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of December 21,
1923.

Filed February 1924.

Clerk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell et als.....Defendants

This cause came on again to be heard on the papers formerly read, and upon the report of Special Commissioners W. M. Crumpler and G. A. Harris, dated the 24th day of April, 1924, and this day filed, to which report no exception has been taken, and was argued by counsel.

On consideration whereof, and by consent of all parties, the adults by their attorneys and the infant defendants by their guardian ad litem, the Court doth approve and confirm the said report and doth approve and confirm all disbursements made by said Special Commissioners; the receipts and disbursements shown in said Commissioners' report being as follows:

1924

Apr. 1	To amount collected from M. Coleman Harrell of full purchase price of Tract Number One.....	\$200.00	
Apr. 1	To amount collected from Pigeon Hill Farm Corporation of full purchase price of Tract Number Two.....	10.00	
Apr. 18	To amount collected from Hersey V. Knight of full purchase price of Tract Number Three.....	650.00	
Apr. 23	By amount paid G. E. Bunting, Clerk, to cover Court costs.....	\$31.40	✓
Apr. 23	By amount paid Artcraft Press to printing handbills advertising sale of property.....	7.50	✓

1924

Apr. 23	By amount paid R. J. Norfleet to making appraisement of property.....	\$ 2.50	✓
Apr. 23	By amount paid Bradford Hilby, Commissioner, for making report.....	35.00	✓
Apr. 23	By amount paid Miss Minnie Lavine, stenographer.....	2.50	✓
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris, attorneys, for conducting this suit.....	75.00	✓
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris, Special Commissioner's commission.....	26.20	
Apr. 23	By amount paid for docket stamps on deed of Hersey V. Knight.....	1.00	
Apr. 23	By amount paid for docket stamps on deed of M. Coleman Harrell.....	.50	
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to Hersey V. Knight.....	10.00	✓
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to M. Coleman Harrell.....	10.00	✓
Apr. 23	By amount paid W. M. Crumpler and G. A. Harris for drawing Special Warranty Deed to Pigeon Hill Farm Corporation.....	5.00	✓
Apr. 23	By amount paid G. E. Bunting, Clerk, for delinquent taxes as shown by Commissioner's report.....	13.80	
Apr. 23	By amount paid American Bank & Trust Company, Insurance Department, for premium on Commissioners' Bond.....	5.00	✓
Apr. 23	By amount paid Suffolk News for publishing sale of the three tracts of land.....	10.50	

	To amount brought forward.....	\$860.00	
	By amount brought forward.....		\$235.90
1924			
Apr. 23	By amount paid J. Walter Hosier for crying property.....		10.00
Apr. 23	By amount paid Mrs. Mary E. Harrell, Executrix, and V. B. Harrell, Executor of the will of A. L. Harrell, deceased.....		614.10
		<u>\$860.00</u>	<u>\$860.00</u>

Nothing further appearing to be done in this suit,
it is ordered that same be dismissed from the docket.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

Mary E. Harrell

vs

Ernest J. Harrell et als

.....

D E C R E E

Enter Octo. 12. 1925.
Jas. L. McKeown.

#5, pg. 562

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell, Harry B. Harrell, Annie C.
Rountree, A. L. Harrell, Jr., Delila Harrell,
W. M. Crumpler, G. A. Harris, Clyde Harrell,
Roger Harrell and Frank Harrell, the last three
being infants under twenty-one years of age.....Defendants

The joint and separate answers of Clyde Harrell, Roger Harrell and Frank Harrell, infants under the age of twenty-one years, by William S. Holland(a discreet and competent attorney at law), their guardian ad litem assigned to defend them in this suit, and the answer of the said William S. Holland, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Mary E. Harrell.

For answer to the said bill the said infant defendants by their guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the Court. and the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants.

And now, having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

Clyde Harrell

Roger Harrell

Frank Harrell

By Wm. S. Holland
Guardian ad litem

Wm. S. Holland

Guardian ad litem of
the infant defendants

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

Sworn to before me in my City aforesaid by William S. Holland,
guardian ad litem as aforesaid, this the 19th day of December, 1923.

My commission expires the 2nd day of October, 1926.

G. A. Jones

Notary Public.

VIRGINIA
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

Mary E. Harrell

vs

Ernest J. Harrell et als

.....

ANSWER OF

Guardian ad Litem

1923 Dec. 21. filed *J.L.M.*

VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell, Harry B. Harrell, Annie C.
Rountree, A. L. Harrell, Jr., Delila Harrell,
W. M. Crumpler, G. A. Harris, Clyde Harrell,
Roger Harrell and Frank Harrell, the last three
being infants under twenty-one years of age.....Defendants

The joint and separate answers of Ernest J. Harrell,
Harry B. Harrell, Annie C. Rountree, A. L. Harrell, Jr., and Delila
Harrell, to a bill of complaint exhibited against them and others in
the Circuit Court of Nansemond County, Virginia, by Mary E. Harrell.

Thesrespondents reserving to themselves the benefitt of
all just exceptions to the said bill, for answer thereto, or so much
thereof as they are advised that it is material they should answer,
answer and say:

That true it is that A. L. Harrell died testate some-
time during the month of May, 1923, seised and possessed of the
real estate mentioned in the bill in these proceedings.

True it is that James Copeland attempted to mortgage
the property described under item three of the bill, but at the
time the deeds of trust were given by said James Copeland he did
not hold the legal or equitable title to said property.

True it is that our father, A. L. Harrell, after
accepting from James Copeland the four deeds of trust mentioned in
said bill, he discovered that James Copeland did not have legal or
equitable title to the said property, and that he later acquired
the legal and equitable title from Mary F. Smith, W. H. Smith,
Martha S. Eason, Augustus Eason, Eugenia H. Pope and J. F. Pope.

True it is that our father, A. L. Harrell, owned several other tracts of land situated in Nansemond County which he devised to his children as shown by a copy of his will filed in these proceedings, marked Exhibit "H".

Your respondents answer, therefore, and say that they do not believe that the real estate mentioned in the bill in these proceedings is susceptible of partition among the parties entitled thereto, but that they do believe, however, that the interest of those entitled to said real estate, or its proceeds, will be promoted by a sale of the whole.

Your respondents are willing and respectfully request the Court to make immediate sale of the real estate mentioned in the bill in these proceedings, and request that proper application be made of the proceeds therefrom.

And having fully answered the complainant's bill, pray to be hence dismissed with their reasonable cost by them in this behalf expended, and they will ever pray, etc.

Ernest J. Harrell

Harry B. Harrell

Lucie C. Pamphrey

A. L. Harrell, Jr.

Delila Harrell
Respondents. By Counsel

William W. Carmichael p.d.

VIRGINIA:
IN THE CIRCUIT COURT OF
Nansemond County

Mary E. Harrell

vs

Ernest J. Harrell et als.

.....

ANSWER OF

Ernest J. Harrell
Harry B. Harrell
Annie C. Rountree
A. L. Harrell, Jr.
Delila Harrell.

1913 Dec. 21. *filed*
J.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell, Harry B. Harrell, Annie C.
Rountree, A. L. Harrell, Jr., Delila Harrell,
W. M. Crumpler, G. A. Harris, Clyde Harrell,
Roger Harrell and Frank Harrell, the last three
being infants under twenty-one years of age.....Defendants

The joint and separate answers of W. M. Crumpler and G. A. Harris, two of the defendants to the bill of complaint exhibited against them and others in the Circuit Court of Nansemond County, Virginia, by Mary E. Harrell.

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

It is true that they purchased at public auction on the 30th day of August, 1923, from D. L. Harrell, Trustee, for the sum of \$150.00 the tract of land consisting of sixty nine (69) acres, more or less, and known as the James Copeland tract of land, and that they now have an unrecorded Special Warranty deed in their possession, executed by D. L. Harrell, Trustee, conveying said property, but that same has not been recorded.

It is also true that they purchased said property for the benefit of the estate of A. L. Harrell, deceased, and that they now hold legal title to the property for the benefit of said estate, and they are ready, willing and anxious to convey by Special Warranty deed all their right, title and interest in and to said property to such party or parties as the Court may direct. They, therefore, answer and say that they have no financial interest in the property, the purchase price of \$150.00 having been paid by the Executrix and

Executor of the will of A. L. Harrell, deceased, to the said D. L. Harrell, Trustee.

Now having fully answered the complainant's bill, pray to be hence dismissed with their reasonable cost by them in this behalf expended, and they will ever pray, etc.

William W. Conyers

G. A. Harris
Respondents.

VIRGINIA

IN THE CIRCUIT COURT OF
HANSEMOND COUNTY

Mary E. Harrell

vs

Ernest J. Harrell et als

.....

ANSWER OF

W. M. Crumpler

G. A. Harris

1923 Dec. 21. *filed.*
jam

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Mary E. Harrell.....Complainant

vs

Ernest J. Harrell, Harry B. Harrell, Annie C.
Rountree, A. L. Harrell, Jr., Delila Harrell,
W. M. Crumpler, G. A. Harris, Clyde Harrell,
Roger Harrell and Frank Harrell, the last three
being infants under twenty-one years of age.....Defendants

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COURT:

Your oratrix, Mrs. Mary E. Harrell, sheweth unto the Court
the following case:

That she is the widow of A. L. Harrell, who died testate
sometime during the month of May, 1923, seised and possessed of the
following real estate, to-wit:

- (1) "All that certain tract, piece or parcel of land situate
lying and being in Cypress Magisterial Dist. in the
County of Nansemond and State of Virginia, and bounded
and described as follows, to-wit: On the North by the
land of Stephen Harris shown by a dead chopped black
gum at the branch and chopped pine and an iron stob at
the Northeast corner; On the East by the land of the
East Suffolk Land Company; on the South by the land of
H. A. Morgan or his estate shown by a chopped black gum
at the Southeast corner a white oak and a pine a corner
in a branch; and on the West by the run of said branch
the land of H. A. Morgan or his estate, and containing
two and one quarter acres (2-1/4) by measure sold in
gross and not by the acre, being the same land Wright
Price purchased of H. A. Morgan. Together with all and
singular the appurtenances belonging to the same."

It being the same land that was conveyed to the said
A. L. Harrell by Wright Price and wife by deed bearing date the
4th day of May, 1905, and recorded on the 24th day of May, 1905,
in Deed Book 58, page 316, of the Clerk's Office of the Circuit
Court of Nansemond County, Virginia; said deed being filed with
this bill and marked Exhibit "A".

- (2) "That certain parcel of land known as the Robert W. Banes land, bounded and described as follows:- Beginning at a point on the East side of the Norfolk-Southern Railroad (formerly the Suffolk and Carolina Railroad) about three hundred yards South of the Ten Mile Post on the said Railroad at or near a marked spruce pine tree, thence running in a Northeastwardly course forty six yards to a marked holly; thence, in a Northwestwardly course forty six yards in line with a marked pine tree on the opposite side of the said Railroad; thence in a Southwardly course, parallel with the said Railroad, at a distance of twenty-five feet from the said Railroad, to the point of beginning, being the same land which Robert W. Banes and wife conveyed to the said School Board of said District by deed dated July 7, 1892, and recorded in D. B. No. 25, page 652, in the Clerk's Office of Nansemond County."

It being the same piece or parcel of land that was conveyed to the said A. L. Harrell by Thomas V. Arthur, Charles E. Byrd and R. Emmett Rodgers, constituting the Board of Trustees of the School Board of Cypress District, Number One, of Nansemond County, Virginia, by deed bearing date the 14th day of November, 1916, and recorded on the 22nd day of November, 1916, in Deed Book 84, page 503, of the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed being filed with this bill and marked Exhibit "B".

- (3) "All their right, title and interest of every kind, legal and equitable, in and to that certain tract of land containing by estimation sixty nine (69) acres, lying in Cypress District in Nansemond County, Virginia, and adjoining the lands formerly belonging to Daniel H. Byrd, Elisha Briggs and others, and being the same land conveyed to us by Harrison Smith, Jr., and wife by deed dated the 16th day of January, 1911, and recorded in D.B. 72, page 553, in the Clerk's Office of Nansemond County and the same that was conveyed to Mary Smith by Elisha Copeland of Kate, her father, by deed dated September 10, and recorded in D. B. 17-126; Mary Smith died intestate and the property descended to her children, Mary F. Smith, Martha S. Eason and Eugenia H. Pope, its grantors herein, and then their father and his present wife conveyed their curtesy interest in the same to said children by the deed above named."

It being the same tract, piece or parcel of land conveyed to the said A. L. Harrell by Mary F. Smith, W. H. Smith,

Martha S. Eason, Augustus Eason, Eugenia H. Pope and J. F. Pope, by deed bearing date the 15th day of December, 1917, and recorded on the 15th day of December, 1917, in Deed Book 86, page 605 of the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed being filed with this bill and marked Exhibit "C".

Your oratrix further sheweth unto the Court that James Copeland was in possession of the last mentioned tract, piece or parcel of land for several years, and while in possession, gave the following deeds of trust against said property, which deeds of trust have not been paid:

James Copeland and Frances Copeland to A. A. Holland, Trustee, to secure to Z. T. Holland the payment of the sum of \$52.75, under date of March 27, 1901, and recorded on the 28th day of March, 1901, in Deed Book 48, page 384, of the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed of trust being filed herewith marked Exhibit "D".

James Copeland and Frances Copeland to D. L. Harrell, Trustee, to secure J. B. Harrell the payment of the sum of \$88.00, under date of February 16, 1903, and recorded on the 4th day of July, 1903, in Deed Book 55, page 38, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed of trust being filed herewith marked Exhibit "E".

James Copeland and Frances Copeland to D. L. Harrell, Trustee, to secure A. L. Harrell the payment of the sum of \$130.52, under date of February 16, 1905, and recorded on the 25th day of February, 1907, in Deed Book 61, page 442, of the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed of trust being filed herewith marked Exhibit "F".

James Copeland and Frances Copeland to D. L. Harrell, Trustee, to secure A. L. Harrell the payment of the sum of \$197.46,

under date of July 1, 1909, and recorded on the 7th day of July, 1909, in Deed Book 65, page 490, of the Clerk's Office of the Circuit Court of Nansemond County, Virginia; said deed of trust being filed herewith marked Exhibit "G".

That Mary E. Harrell and V. B. Harrell, Executrix and Executor of the will of A. L. Harrell, are the legal holders of the bonds secured by said four deeds of trust, and as such legal holders, required the trustee mentioned in the last three deeds of trust to advertise and expose to sale the said property on the 30th day of August, 1923, at which sale, W. M. Crumpler and G. A. Harris became the purchasers of said property for the sum of \$150.00, and the said D. L. Harrell, trustee mentioned in said deeds of trust, has executed and delivered to the said W. M. Crumpler and G. A. Harris a trustee's deed, with Special Warranty of title, conveying the said property;

Your oratrix is advised that the said W. M. Crumpler and G. A. Harris bid in said property, under the foregoing mentioned deeds of trust, as trustees for the estate of the said A. L. Harrell, and that they are willing and desire to relinquish all of their right, title and interest of every kind and description in and to the said property to the heirs of the said A. L. Harrell.

Your oratrix further sheweth unto the Court that James Copeland had no interest in the said last mentioned tract of land at the time he gave the aforesaid deeds of trust, but that Mary F. Smith, W. H. Smith, Martha S. Eason, Augustus Eason, Eugenia H. Pope and J. F. Pope, heirs of held legal title to the said land and that they conveyed by deed bearing date the 15th day of December, 1917, to A. L. Harrell the said real estate as heretofore mentioned.

Your oratrix further sheweth unto the Court that the said A. L. Harrell owned several other tracts of land at the time of his death, situated in Nansemond County, and that he disposed of

all of his real estate by will dated the 24th day of May, 1923, and probated on the 26th day of June, 1923, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, except the tracts of land hereinabove mentioned, and in his will specifically directed that the residue of his estate be equally divided between his seven children and your oratrix, his widow, Mrs. Mary E. Harrell; a copy of the will of A. L. Harrell is filed herewith and marked Exhibit "H".

Your oratrix further sheweth unto the Court that since the death of A. L. Harrell, Genie B. Harrell, one of his sons, died, leaving his wife, Delila Harrell, and one son, Frank Harrell, who is an infant under twenty one years of age.

Your oratrix believes that the said real estate is susceptible of partition among the parties entitled thereto; but should the property not be devisable in kind, your oratrix 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, or by allotment of part and the sale of the residue.

In consideration whereof, and forasmuch as your oratrix is remediless in the premises, save by the aid of a court of equity, she prays that Ernest J. Harrell, Harry B. Harrell, Annie C. Rountree, A. L. Harrell, Jr., Delila Harrell, W. M. Crumpler, G. A. Harris, Clyde Harrell, Roger Harrell and Frank Harrell, the last three being infants under twenty one years of age, may be made parties defendant to this bill and required, but not on their oath, to answer same, the oath being hereby waived, the said adults in their own proper person, and the infants by 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, or that the proceeds from the sale of all of the said land be applied to the unpaid debts and specific legacies mentioned in the will of the said A. L. Harrell; that all proper orders and decrees may be made; accounts taken and inquiries directed; and that your oratrix may have all such further, other and general relief as the nature of her case may require, or to equity may seem meet.

And your oratrix will ever pray, etc.

S. Harris p. q.

Mary E. Harrell
By Counsel

BILL OF COMPLAINT

VIRGINIA:
IN THE CIRCUIT COURT OF
hansemond County

Mary E. Harrell
vs
Ernest J. Harrell et als.

*1923 Dec. 21. filed
Jm*

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA