

1927-002
Norfolk Co (Suffolk) Chancery Causes: Teddy Tomlin & wife vs A.G. Tomlin et al

Glover, Jernigan, Johnson, Whitehead

After 5 days, return to
WEST & WITHERS,
Lock Box 103,
SUFFOLK, VA.



Mr. E. L. Beale,
Franklin, Va.

*Deposited 10.00
Postage 10.00
Coms Report 75.00
Storage fee 2.50
Postage
over*

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.



Mr. Ernest L. Beale,
Attorney-at-Law,
Franklin, Virginia.

IN THE CIRCUIT COURT OF HANSENHEND COUNTY, VIRGINIA:

TOMLIN vs TOMLIN

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

Your Special Commissioner, L. L. Beale, acting in the above styled cause begs leave to report to court as follows:

That in obedience to a decree entered in the said cause on the 3rd day of February, 1927, he has collected from T. O. Duck the sum of Twenty-seven Hundred (\$2700.00) Dollars, which was the purchase price of the farm sold in these proceedings, and out of the said sum, as directed in the said decree, he has disbursed the said sum as follows:

Clerk for deposit- - - - -	\$10.00
Attorney's writ tax- - - - -	15.00
Commissioner's report- - - - -	25.00
Stenographer's fee- - - - -	2.50
Guardian ad Litem- - - - -	-10.00
Fee- - - - -	75.00
Commission on Sale- - - - -	125.00
Crier at Sale- - - - -	10.00
Bond premium- - - - -	10.00
Fee for drawing deed- - - - -	10.00
Julia A. Tomlin, widow- - - - -	-427.30
Teddy Tomlin- - - - -	-328.36
J. B. Tomlin- - - - -	-328.36
Hattie T. Jernigan- - - - -	-328.36
Ella Mae Glover- - - - -	328.36
A. G. Tomlin- - - - -	-328.36
J. B. Tomlin, Gdn. for Elsie Tomlin,- - - - -	<u>-328.36</u>
Total- - - - -	\$2700.00

As directed by letter from the court bearing date February 22nd, I beg to report to the court that J. B. Tomlin, Guardian for Elsie Tomlin, executed a bond as such Guardian in the penalty of One Thousand (\$1,000.00) Dollars, a certified copy thereof signed by G. E. Bunting, Clerk, being herewith filed, which bond in the opinion of your Commissioner is ample in this matter.

There being nothing further to be done in this suit, your Commissioner requests that a decree be entered removing this cause from the docket of this court.

Respectfully submitted:



SPECIAL COMMISSIONER.

Franklin, Va.

March 25, 1927.

Virginia: In the Circuit Court of the County of Nansemond

the 10th day of January 1927.

Tomlin et als

v

Tomlin et als

named as Special Commissioner under a decree rendered on the 10th day of January

1927, in the chancery cause of Tomlin et als

vs.

Comlin et als

this day, in open court, together with Fidelity and Deposit Company of Maryland

suret. J.

who first testified on oath as to the sufficiency of *it* estate, entered into and acknowledged a bond in the penalty of \$ 3,000.00, conditioned according to law as required by said decree.

W. B. Smith
Clerk

Form No. 311.

US.

{

CERTIFICATE OF COURT
THAT COMMISSIONER
HAS GIVEN BOND.

Copy of Costs

Taxed in the Suit of:

E.L.Beale, p. q.

Tomlin et al

vs.

Tomlin et als

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

Clerk

Sheriff

Attorney

Commissioner

Printer, for Order of Publication, etc.

Deposit

Deposit required

\$10.00

Date of Judgement or Final Decree

192

Paid 12-24

192

[Signature]

Clerk

• Franklin, Va., Mch 29-1927

Received from E. L. Beale, Sp. Com

Ten ~~400~~/100 ————— Dollars

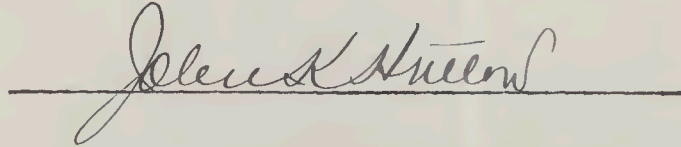
For fee allowed by Court Foulie vs. Foulie

\$10⁰⁰ —

R. L. Walker
Guardian ad Litem Elsie Foulie

March 16th, 1927.

Received of E. L. Beale, Special
Commissioner, in the chancery suit styled Teddy Tomlin, et als,
vs. A. G. Tomlin, et als, now pending in the Circuit Court of
Nansemond County, Virginia, the sum of \$25.00 as Commissioner in
Chancery.


A handwritten signature, "J. Lee K. Stinson", is written in cursive over a horizontal line.

March 16th, 1927.

Received of E. L. Beale, Special Commissioner, in the
chancery suit styled Teddy Tomlin, et als, vs. A. G. Tomlin, et
als, now pending in the Circuit Court of Nansemond County,
Virginia, the sum of \$2.50 as Stenographer's fee.

Carlyle T. Palmer

Feb 22

1927

RECEIVED from E. L. Beale, Sp. Com

Ten $\$100$ / 100

DOLLARS

100

For Crying Foulie farm "Foulie vs. Foulie"

\$ 10 $\frac{00}{100}$

S. P. Whitfield

Crier

342⁵⁰

Feb 22 - 1927

RECEIVED from E. L. Beale, Sp. Com

Four Hundred Twenty Seven & ²⁰/₁₀₀ DOLLARS

My distulutive share Tomlin vs Tomlin sale of farne Com -
muted over. & agreeing to take a child's part.

\$ 427³⁰ -

Julia A. ^{her} Tomlin
mark

Witness Teddy Tomlin

378³⁶

Feb 22

1927

RECEIVED from E. L. Beak, Sp. Com

Three Hundred Forty Two & ⁵⁰/₁₀₀ DOLLARS

for my distributive share Foxlin vs Foxlin

\$342⁵⁰

Teddy Foxlin

328³⁶

Feb 22 1907

RECEIVED from E. L. Beale, Sp. Com.

Three Hundred Forty Two & 50/100 DOLLARS

for my distributive share Tomlin vs. Tomlin

\$ 342⁵⁰

J B Tomlin

378³⁶

Feb 22

197

RECEIVED from E. L. Beah, Sp. Com.

Three Hundred Forty Two + ⁵⁰/₁₀₀ DOLLARS
100

For my distributive share Tomlin vs Tomlin

\$ 342⁵⁰

Hettie T. Gammon

328³⁶

Feb 22

1927

RECEIVED from E. L. Beale, Sp. Com.

Three Hundred Forty Two & 50/100 DOLLARS

For my distributive share Tonlin vs. Tonlin

\$ 342⁵⁰

Ella Mae Glover

Feb 22 1927

RECEIVED from E. L. Beale, Sp. Com

Three Hundred Forty Two & ⁵⁰/₁₀₀ DOLLARS

For distributive share Foulis, vs. Foulis

\$342⁵⁰—

A. G. Foulis

328 36

Feb 22 1927

RECEIVED from E. L. Beale, Jr. Com

Three Hundred Forty Two 50/100 DOLLARS

for distributive share Tomlin vs Tomlin for Elsie Tomlin

\$ 342⁵⁰

J B Tomlin
Guardian Elsie Tomlin

TERMS--CASH

SUFFOLK, VA.,

January 11, 1927..... 192

M

E. L. Beale

Franklin, Va.

TO WEST & WITHERS, DR

Fire, Life, Marine, Accident, Health, Workmen's Compensation

Steam Boiler Insurance and Surety Bonds

P. O. BOX 103

OFFICE No. 117 N. MAIN STREET

PHONE No. 10

[illegible]

VIRGINIA:

In the CLERK'S OFFICE of the CIRCUIT COURT of the COUNTY OF NANSEMOND,
on the 24th day of December, 1926.

I, G. E. BUNTING, Clerk of the Circuit Court of the County of Nansemond, in the
State of Virginia, do certify that it appears from the records of the said Court, on file in my office
that J.B.Tomlin

duly qualified on the 24th day of December, 1926, as
Guardian of Elsie Tomlin, an infant under the age of fourteen years.

~~of the estate of~~ ~~and deceased~~
and that he executed and acknowledged a bond as prescribed by law, in the penalty
of \$ 1,000.00, with Fidelity and Deposit Company of Maryland
as surety.

GIVEN UNDER MY HAND this 24th day of
December, 1926 the day and year first
herein above written.

G. E. Bunting CLERK,
By D. C.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

February 19th, 1927.

Mr. James L. McLenore, Judge,
Suffolk, Virginia.

Dear Judge:-

I am inclosing a copy of the decree in the
suit of Tomlin vs Tomlin. I had a carbon copy on thin
paper so I made this on regular legal cap.

I trust that the papers will soon be located
in this suit. Trusting this will be satisfactory, I am,

Very truly yours,

E. L. Beale

ELB:NG

15-
7-5-
1-3-
5-1-
4-2-
7-11-
I have returned the decree as
of Feb. 3. - adding at the end thereof these words
"But said Spickard must first see to it that
the guardian's bond is sufficient to protect the
interests of the surety ample, and report this fact to
Court" -

Yrs JLM

Wm. J. J.

Report of Special Com.

Foulton, et als.

vs.

Foulton, et als.

1927 March 31. Filed
J.P.M.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF HANSENOMD COUNTY, VIRGINIA:

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A.G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and H. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twenty-one years,
by R.E.L. Watkins, her Guardian ad Litem.

This cause came on this day to be further heard upon the papers formerly read, and upon report of F. L. Beale, Special Commissioner, this day filed by leave of Court reporting sale of: That certain tract or parcel of land lying situate and being in the County of Hansenomd, State of Virginia, and bounded as follows: On the north and east by the lands of Mildred Cutchins, on the south by the lands of J. T. Duck and John Robinson, on the west by the lands of the said J. T. Duck and containing by estimation One Hundred and Seventy (170) acres, more or less, it being known as the Josiah Eloy land, and being the same tract or parcel of land conveyed to the said J. A. Tomlin by deed of bargain and sale from Olive Johnson et als August 21, 1903, and of record in the Clerk's Office in Hansenomd County, Virginia, excepting the family burial ground, twenty-five yards by twenty-five yards, square, with the right of ingress and egress thereto, and from which said land the grave yard and right of way was expressly reserved from the sale of the said property, to P. O. Duck for the sum of Twenty-seven Hundred (\$2700.00) Dollars, that being the highest bid made for the said land, and that the said P. O. Duck intends to pay cash for the said property.

On consideration whereof, the Court doth approve and confirm the said report and doth confirm the said sale to the said P. O. Duck, and doth order and decree the said F. L. Beale, Special

Commissioner, execute and deliver to the said P. O. Duck a deed therefor excepting the family burial ground with right of ingress and egress thereto, with Special Warranty, and out of the proceeds of sale, he shall pay first the costs and expenses of this cause including a fee of \$ 75⁰⁰ to E. L. Seale for prosecuting this suit, R.E. L. Watkins, Guardian ad Litem for Elsie Tomlin, \$ 10⁰⁰, and all unpaid taxes to date, pay to Julia A. Tomlin her computed dower therein before any of the expenses are deducted, the same being figured 7.313 at age sixty two (62), ~~six per cent (6%) interest~~ on one-third (1-3) of Twenty-seven Hundred (\$2700.00) Dollars, amounting to the sum of Four Hundred Twenty-seven Dollars and Thirty Cents (\$427.30), and when the said costs, expenses, commission and computed dower interest have been paid, divide the remainder into six equal parts, paying to the adult heirs their one-sixth (1-6) interest, and pay to J. B. Tomlin, Guardian for Elsie Tomlin, her one-sixth (1-6) interest, taking receipts of all of the said sums so paid out and report to court, *Let said Special Commissioner please first see to it, that the guardian's bond is sufficient to protect the fund and the surety ample and report this fact to court.*

Towlin et als

vs.

Towlin et als.

Decree.

1927. February 3rd, Enter.

Jas. L. McGmore

We consent to this decree.

E. L. Beale
Counsel for complainants and
adult defendants.

R. E. L. Watkins
Guardian ad Litem for Elsie
Towlin.

Book # 6
Page 64

IN THE CIRCUIT COURT OF HANSEMOND COUNTY, VIRGINIA.

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A.G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and H. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R.B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twenty-one years,
by R.E.L. Watkins, her Guardian ad Litem.

This cause came on this day to be further heard upon
the papers formerly read, and upon ^{the} report of E. L. Beale, Special
Commissioner, this day filed by leave of Court, reporting sale
of: That certain tract or parcel of land lying situate and being
in the County of Hansemond, State of Virginia, and bounded as fol-
lows: On the north and east by the lands of Mildred Cutchins, on
the south by the lands of J. T. Duck and John Robinson, on the
west by the lands of the said J. T. Duck and containing by estima-
tion One Hundred and Seventy (170) acres, more or less, it being
known as the Josiah Eley land, and being the same tract or parcel
of land conveyed to the said J. A. Tomlin by deed of bargain and
sale from Olivia Johnson et als August 21, 1903, and of record in
the Clerk's Office in Hansemond County, Virginia, excepting the
family burial ground, twenty-five yards by twenty-five yards
square, with the right of ingress and egress thereto, and from
^{said land the} which grave yard and right of way was expressly reserved from
the sale of the said property, to P.O. Duck for the sum of Twenty-
seven Hundred (\$2700.00) Dollars, that being the highest bid made
for the said land, and that the said P. O. Duck intends to pay
cash for the said property.

On consideration whereof, the Court doth approve and
confirm the said report and doth confirm the said sale to the
said P. O. Duck, and doth order and decree the said E. L. Beale,
Special Commissioner, execute and deliver to the said P. O. Duck
a deed therefor excepting the family ^{burial} ground with right of ingress

and cress thereto, with Special Warranty, and out of the proceeds of sale, he shall pay first the costs and expenses of this cause including a fee of \$75.⁰⁰ to E. L. Beele for prosecuting this suit, R.E.L. Watkins, Guardian ad Litem for Elsie Tomlin, \$10., and all unpaid taxes to date, pay to Julia A. Tomlin her computed dower therein before any of the expenses are deducted, the same being figured 7.913 at age sixty two (62), ~~six per cent (3%) interest on one-third (1-3)~~ ^{and} ~~of Twenty-seven Hundred (\$2700.00) Dollars,~~ amounting to the sum of Four Hundred Twenty-seven Dollars and Thirty Cents (\$427.30), and when the said costs, expenses, commission and computed dower interest have been paid, divide the remainder into six equal parts, paying to the adult heirs their one-sixth (1-6) interest, and pay to J. B. Tomlin, Guardian for Elsie Tomlin, her one-sixth (1-6) interest, taking receipts of all of the said sums so paid out and report to court.

Third Decree

Joulin, et al

vs.

Joulin, et al.

1927 Feby 3. Enter
Jas. L. Beale

We consent
E. L. Beale Counsel
for adult complainants
and respondents.

[Signature]
Guardian ad Litem

Book # 6 Page 64

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

Tomlin vs Tomlin et als.

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

Your Special Commissioner, E. L. Beale, duly appointed,
qualified and acting in the above styled cause, begs leave to
report to Court.

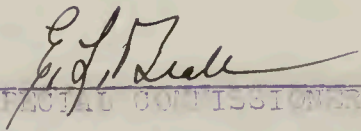
That in obedience to a decree entered in the said
cause on the 10th day of January, 1927, He sold at public auction
the following described land: That certain tract or parcel of
land lying situate and being in the County of Hansemond, State
of Virginia, and bounded as follows: On the North and East by
the lands of Mildred Cutchins, on the South by the lands of J.T.
Duck and John Robinson, on the West by the lands of the said J.T.
Duck, and containing by estimation One Hundred and Seventy (170)
acres, more or less, it being known as the Josiah Eley land, and
being the same tract or parcel of land conveyed to the said J.A.
Tomlin by deed of bargain and sale from Olivia Johnson et als
August 21, 1905, and of record in the Clerk's Office in Hanse-
mond County, Virginia.

That at the sale so held on the 28th day of January,
1927, P. O. Duck became the purchaser thereof by bidding there-
for the sum of Twenty-seven Hundred (\$2700.00) Dollars, which
was the highest bid made as appears from the Crier's certificate
hereto attached. That at the sale it was announced that the
family burial grounds, twenty-five yards by twenty-five yards
(25) square, with right of ingress and egress thereto and there-
from was excepted.

That the said P. O. Duck has expressed his intentions
of paying cash for the said property and has accepted service
for the property so sold to be confirmed to him, his acceptances
being hereto attached.

Your Commissioner begs to advise that he has talked with all of the adult heirs except one who thinks the price obtained is a fair price, and request that your Commissioner recommend that the sale be confirmed.

Respectfully submitted.


SPECIAL COMMISSIONER.

Mr. P. O. Duck
R 7 S Franklin, Va

TAKE NOTICE

The undersigned will apply to the Judge of the Circuit
Court of ~~Southampton~~ ^{Nancemont} County in Chambers, on the ^{1st} day of
~~February~~ ^{February} 19²⁷ for a decree confirming the sale of the
land purchased by you at the sale held at J. A. Lomlin's Estate farm
on the ^{28th} day of January 19²⁷

E. L. Beale, Sp. Comm.

I accept Service of the above notice

P. O. Duck

COMMISSIONER'S SALE OF
VALUABLE FARM

By virtue of a decree of the Circuit Court of Nansemond County, Virginia, entered on the 10th day of January, 1927, in the chancery cause therein pending, generally styled, Tomlin et als vs Tomlin et als, I shall offer for sale at PUBLIC AUCTION on

FRIDAY, JANUARY 28th, 1927,

AT ABOUT 11:00 O'CLOCK A.M.

ON THE PREMISES IN

NANSEMOND COUNTY, VIRGINIA,

ON THE ROAD BETWEEN FRANKLIN AND P.O. DUCK'S STORE:

That certain tract or parcel of land lying situate and being in the County of Nansemond, State of Virginia, and bounded as follows: On the North and East by the lands of Mildred Cutchins, on the South by the lands of J. T. Duck and John Robinson, on the West by the lands of the said J. T. Duck, and containing by estimation One Hundred and Seventy (170) acres, more or less, it being known as the Josiah Eley land, and being the same tract or parcel of land conveyed to the said J. A. Tomlin by deed of bargain and sale from Olivia Johnson et als August 21, 1903, and of record in the Clerk's Office in Nansemond County, Virginia.

TERMS: One-third (1-3) cash, and the remainder in two equal annual installments due in one and two years from date of sale, with interest on deferred payments to be secured by a deed of trust on the property, to be drawn, executed and recorded at the expense of the purchaser, or the purchaser may pay all cash.

E. L. BEALE, SPECIAL COMMISSIONER.

Franklin, Virginia,
January 11, 1927.

In the Clerk's Office of the Circuit Court of Nansemond County, Virginia, Tomlin et als vs Tomlin et als:

I, G. E. Bunting, Clerk of the said Court do certify that the bond required of the Special Commissioner by the decree entered by said cause the 10th day of January, 1927, has been duly given.

Given under my hand as Clerk of the said Court this 11th day of January, 1927.

G. E. Bunting, Clerk.

Sold the within property on the date and
at the place advertised, with the family burial
ground 25 yds by 25 yds, with right of ingress
and egress thereto excepted, to P.O. Duck
for \$2700⁰⁰. that being the highest bid
made for same, this 28th day of January
1927.

J. P. Whelpley
Clerk.

Report of Special Commissioner

Toulin, et al

vs.

Toulin, et al.

1927. Feby 3rd Filed
J.L.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A. G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twentyone years,
by R.E.D. Watkins, her Guardian ad Litem.

This cause came on this day to be further heard upon the
papers formerly read, and upon the report of Commissioner in
Chancery, John K. Hutton, this day filed by leave of court, and
on the depositions of witnesses returned with said report, to
which said report there is no exceptions, and was argued by coun-
sel:

not by consent of all parties
On consideration whereof, it appearing to the Court from
the said report that the following parties are entitled to the
said real estate herein described, to-wit: Teddy Tomlin, A.G.
Tomlin, Ella Mae Glover, J. B. Tomlin, Hettie Jernigan and Julia
A. Tomlin, all of whom are of legal age, and Elsie Tomlin, an
infant of the age of thirteen (13) years; that the said real
estate of which J. A. Tomlin died seized, is described as follows:

That certain tract or parcel of land lying situate and be-
ing in the County of Nansemond, State of Virginia, and bounded
as follows: On the North and East by the lands of Mildred Cutchins,
on the South by the lands of J. T. Duck and John Robinson, on
the West by the lands of the said J. T. Duck, and containing by
estimation One Hundred and Seventy (170) acres, more or less,
it being known as the Josiah Eley land, and being the same tract
or parcel of land conveyed to the said J. A. Tomlin by deed of
bargain and sale from Olivia Johnson et als August 21, 1903, and
of record in the Clerk's Office in Nansemond County, Virginia.

That there are no liens against the said property nor the
interest of any of the parties; that the said land can not be

conveniently divided among the said parties; that no party in interest will accept the entire property at a price satisfactory to the other parties in interest, and pay therefor to the others such sums as they might be entitled to receive; that there cannot be allotment of part and a sale of residue; that it would be to the interest of all parties that the said land be sold and the proceeds of sale be divided among them according to their respective rights and interest; and that all the necessary and proper parties to this cause are properly before the court, the court doth confirm the said report and doth adjudge, order and decree that E. L. Beale, who is hereby appointed Special Commissioner for the purpose to sell ^{on the premises,} at public auction, after duly advertising for at least fifteen (15) days, the time, place and terms of sale by hand bills posted in three or more public places in Nansemond County, Virginia, in Franklin, Virginia, the land in the bill and proceeding mentioned and described above, the said sale to be upon the following terms: One-third (1-3) cash, and the remainder in two equal annual installments due in one and two years from date of sale, with interest on deferred payments, payable semi-annually, the deferred payments to be secured by a deed of trust on the property, to be drawn and executed at the expense of the purchaser, or the purchaser may pay all cash.

But before the said Special Commissioner shall proceed to act under this decree, he shall execute a bond before the Clerk of this Court in the penalty of \$3000., with surety deemed sufficient by the said Clerk, conditioned for the faithful discharge of his duties under this or any future decree entered in this cause.

And the Commissioner will report to Court.

*Certified
to be correct*

Second Decree

Tomlin, et al.

vs -

Tomlin, et als.

1927 Jan 10 Enter

Jas. L. Moore

*We consent
E. L. Beale atty for
adults*

[Signature]

*Gdn. ad Litem for Elsie
Tomlin*

[Signature]

Gdn. ad. Litem

E. L. BEALE

**ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT**

#47939

VIRGINIA:

IN THE CIRCUIT COURT OF HANSEMOND COUNTY:

J. B. Tomlin, Guardian
of Elsie Tomlin, an infant.

vs

Elsie Tomlin, an infant
under the age of twentyone.

This day appeared J. B. Tomlin, Guardian of Elsie Tomlin, and in open court, filed a petition under section 5321 of the Code of Virginia, 1919, verified by petitioner's affidavit, for an order for permission to use part of the corpus of the estate of said ward for the support and maintenance of the said ward, said application being filed after due notice served more than five days before the filing of the said petition, on the said ward, as shown by copy of said notice attached to said petition, and R.E.L. Watkins, a discreet and competent attorney at law is appointed Guardian ad Litem to defend the interest of the said ward, and thereupon the said Guardian ad Litem filed his answer and the answer of the infant defendant, on oath;

And ~~then~~ this matter coming on to be heard on the petition, on the copy of notice showing due service more than five days before the filing of this application, on the said answers, and on the oral testimony of Elsie Tomlin and J. B. Tomlin, her Guardian, taken in the presence of said Guardian ad Litem in open court, and was argued by counsel.

On consideration whereof, the court being satisfied that it would be judicious and proper that the expenditure prayed for in said petition be made, doth adjudge order and decree that J. B. Tomlin, Guardian for Elsie Tomlin, be and is hereby authorized, until further order of the court, to expend the sum of Fifty (\$50.00) Dollars cash and Ten (\$10.00) Dollars per month ^{beginning March 1927} out of the corpus of his ward's estate for the maintenance and support of the said ward, and pay to E. L. Beale, Attorney \$15⁰⁰ For his services in presenting this petition.

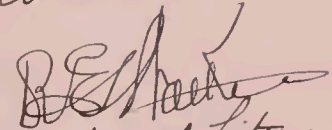
Ex parte: Order

J.B. Fournier, Gdn
Elsie Fournier

1927 Jan 5 Enter
E.L. Beale

6 - Pg. 55-

I Consent


Guardian ad litem for
Elsie Fournier.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

J. B. Tomlin, Guardian of
Elsie Tomlin, an infant under
the age of fourteen (14) years.

vs

R.E.L. Watkins, Guardian ad Litem
for Elsie Tomlin, an infant under
the age of fourteen (14) years.

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

Your petitioner, J. B. Tomlin, Guardian of Elsie Tomlin, his infant sister, represents that he was duly appointed Guardian of the estate of his said sister, Elsie Tomlin, by order of this Court entered on the 24th day of December, 1926.

That your petitioner's father, J. A. Tomlin, died on the 25th day of November, 1926, and the only estate left by him was a small amount of chattel property, including household goods, farming implements and the crops raised on his farm during this year, two team and a few hogs, and that all of the said property was sold on the 20th day of December, 1926, which amounts to a very small sum, and that after paying funeral expenses, the remainder is to be divided among his widow and six children, of whom the said Elsie Tomlin is one;

That Teddy Tomlin qualified as Administrator and has disposed of the chattel property, and is willing to advance or has advanced to your petitioner, J. B. Tomlin, Guardian of Elsie Tomlin, the sum of Fifty (\$50.00) Dollars, with which to pay the expenses of qualifying as such guardian, and to buy necessities, including clothing for his said ward, ~~that~~ the said J. A. Tomlin died before any of his crops had been disposed of and before any fall and winter clothes were bought for his said child, your petitioner's ward, and that she is seriously in need of clothing at this time and has no money with which to pay for same.

That this petition is filed in pursuance of Section 5321 of

the Code of Virginia, and upon notice of service duly accepted by R.E.L. Watkins, Guardian ad Litem of the said Elsie Tomlin, in accordance with said Section as shown on the back hereon, due service of which is thereon shown more than five (5) days before the filing of this petition.

In consideration whereof, and for as much as your petitioner is remediless save in a court of equity, your petitioner prays that his said ward, Elsie Tomlin, be made a party defendant to this petition, that a Guardian ad Litem be appointed to protect the interest of the said ward, that all proper answers be required to be made, and that an order be entered by this Court ^{after} ~~at~~ a hearing hereon, permitting and directing your petitioner to use the said sum of Fifty (\$50.00) Dollars at once, and the sum of Ten (\$10.00) Dollars per month beginning with March, 1927, and until the further order of this Court, ~~out~~ of the corpus of the estate of the said Elsie Tomlin, to be used for her support and maintenance, and that your petitioner may have all such further and general relief as the nature of his case may require or to this court shall seem meet. Your petitioner will ever pray, etc.

J. L. Beale
Counsel.

J. B. Tomlin
Guardian.

State of Virginia,
County of Southampton, to-wit:

I, Nellie Gray, a Notary Public in and for the county aforesaid do hereby certify that J. B. Tomlin, Guardian for Elsie Tomlin, personally appeared before me this day in my county aforesaid, and made oath that he believes the several statements in the foregoing petition are true. My commission expires August 31, 1930.

Given under my hand this 31st day of December, 1926.

Nellie Gray

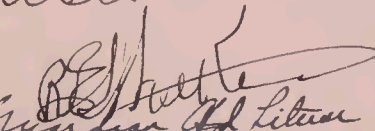
Petition

J. B. Foulmer, Guardian
Elsie Foulmer

1927-Jan 5, Filed
Lm

We accept due and
legal service of the
within this 31st day of
December 1926.

Elsie v. Foulmer.


Guardian of Estate for
Elsie Foulmer
E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A. G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her
husband, J. ~~B~~. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twenty one years,
by R.E.L. Watkins, her Guardian ad Litem.

This day came the complainants praying partition of the real estate in the bill mentioned, and by leave of court filed their bill together with exhibit in this cause and on motion of complainants, the court doth assign R.E.L. Watkins, a descreet Attorney at Law, practicing in this court, as Guardian ad Litem for Elsie Tomlin, an infant, to defend her interest in this cause, and on motion of the said Guardian ad Litem, leave is granted him to file his answer as such Guardian ad Litem, and on like motion leave is granted A. G. Tomlin and Berta Tomlin, his wife, Ella Mae Glover and M. L. Glover, her husband, J. V. Tomlin and Sallie Tomlin, his wife, Hettie Jernigan and R. B. Jernigan, her husband and Julia A. Tomlin, adults, to file their joint answer to said bill, and the same is accordingly filed; to which answers the complainants ^{on the petition of Julia A. Tomlin widow, also filed this day} replied generally; And on motion of the complainants this cause is placed upon the docket.

There-upon this cause came on to be heard upon the bill, and exhibit, and upon the answer of R. E. L. Watkins, Guardian ad Litem as aforesaid, and upon the answer of A. G. Tomlin and Berta Tomlin, his wife, Ella Mae Glover and M. L. Glover, her husband, J. ~~B~~. Tomlin and Sallie Tomlin, his wife, Hettie Jernigan and R. B. Jernigan, her husband, and Julia A. Tomlin, adults, defend-
ants, and upon the general replications to all said answers ^{and was signed by counsel}

On consideration whereof, the court doth adjudge order and decree, that the papers in this cause be referred to one of the

Commissioners of this court to ascertain ^{and} ~~their~~ report;

(1) The respective interests and ages of the parties to this cause, in the real estate in said bill described, and how the same were acquired:

(2) Of what estate the late ^{J.A. Foulis} ~~George L. Carr~~ died seized and possessed, and how the same was acquired, and a description and the location thereof in this county:

(3) The present fee-simple and annual values of the said real estate;

(4) Whether there are any liens binding the said land for delinquent taxes, or otherwise, or the interests of any of the parties, and whether the current taxes for the year of 1926 have been paid:

(5) Whether the land can be conveniently divided among the parties entitled thereto, whether any party in interest will accept the entire subject and pay therefor to the others such sums of money as their interests therein may entitle them to, And if the said property can not be conveniently divided, whether the interest of those entitled to the subject, or its proceeds, will be promoted by a sale of the entire property and a division of the said proceeds, or an allotment of part and a sale of the residue.

(6) Whether all the ~~proper and~~ necessary parties to this cause are properly before the court.

(7) Any other matter deemed pertinent by the Commissioner, or required to be stated by any party in interest, and the Commissioner shall report to Court the evidence heard by him.

By consent of all parties in interest to this suit, it is ordered and decreed that this cause be submitted to the judge of this Court for such decisions and decrees in vacation as may be rendered in term.

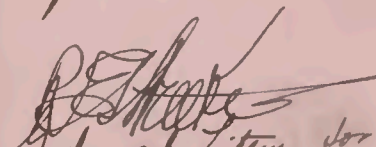
First Decree

Zoulier, et al.

vs -

Zoulier, et al. -

We consent
J. J. Beale, Counsel for
Complainants and Adult
Defendants -


Sole at liton for Elise
Zoulier

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

6 pg. 51

Enter Dec. 20. 1926.

Jas. L. McLenore

Coped by J O Tammie

TH 98. DEC 11. Made this 21st day
Johnson and J. D. Johnson her
flect of the county of Goochland,
of the first part, grantors,
the county and state aforesaid,
grantee.

Witnesseth: That the said parties
and in consideration of the
000 to them in hand paid by
the receipt whereof is here by
convey. bargain and with J. D. H.
party of the second part, the
"A certain tract or parcel of land
county of Hanover and state
the North and east by the land of
by the land of J. T. Duck and
the land of said J. T. Duck and
Hundred and seventy (170) acres
as the Josiah Coley tract of land

of Aug. 1803, between Oliver
husband and Elizabeth M. Inor-
state of Virginia. parties
and James A. Tammie of
party of the second part,

of the first part for
sum of Two Thousand Dollars, \$2000,
the said of the second part,
acknowledged, to hereby grant,
E. R. G. Warrady unto the said
following real property to-wit:
lying and situated in the
aforesaid and bounded as follows: on
Mildred Deutchman; on the south
Jno. Roberson; on the West by
containing by estimation one
more or less, it being known
it being the same tract

conveyed by the deed of bargain and sale by Josiah Eley et als.
by deed of bargain and sale bearing date the 1st day of November
1893 and recorded in D. B. No. 40 page 287 in the Clerks

Office of Hansemond County state aforesaid. Possession to be
given to said land Jan. 1, 1904, and crop is here by excepted.

The said parties of the first part here by covenant with
the said party of the second part that they have the right to
make this conveyance; that they will make any further assurance
necessary to convey an undisputed title to the same.

Witness the following signature and seals

Oliver Johnson (Seal)

J. M. Johnson (Seal)

Elizabeth M. Harflet (Seal)

State of Virginia.

Southampton County, to Wit:

I - E. J. Edwards a Notary public for and in the county and
state aforesaid, do hereby certify that Oliver Johnson, J. M. Johnson
and Elizabeth M. Harflet, whose name are signed to
the writing hereto annexed, bearing date the 21st day of Aug.
1903. have acknowledged the same before me in my county aforesaid.

My term as Notary public expires August 13, 1906

Given under my hand this 21 day of August

1903

E. J. Edwards. Notary Public.

\$1900.00

Franklin, Va.

For value received with interest from date, I promise to pay to Olivia Johnson or order NINETEEN HUNDRED DOLLARS in the following manner: \$500.00 on Janusry 1, 1904 and \$280.00 with accrued interest on each and every January 1st thereafter until ~~this~~ bond is paid in full. With the right on the part of the obligor to this bond to anticipate said payments.

And as to the debt which is secured by a deed of trust on Real Property in Nansemond County, Va. I hereby waive the benefit of my Home-stead Exemption.

Witness my hand and seal this 21st day of August 1903.

Jas. A. Jontine (Seal)
mark

Witness to,

L.R. Edwards
L.R. Edwards

\$600.00

Franklin Va

Aug 21st 1903

Received from Jas. A. Tomlin
Six hundred dollars, on part
payment of within bond

Olivia Johnson

By J. K. Johnson

Franklin Va

Feb. 23, 1904

Received of Jas. A. Tomlin Five
Hundred dollars, on part-payment
of within bond.

\$500.00

Olivia Johnson.

May 8, 1905 -

Received of Jas. A. Tomlin
Five Hundred dollars part payment
of within bond.

Olivia Johnson.

\$300 ⁰⁰/₁₁

Recd. of Jas. A. Tomlin three
Hundred dollars payment - in full
of within bond,

Olivia Johnson.

THIS DEED, made this 21st day of August 1903, between James A. Tomlin and Francis Tomlin his wife of Isle of Wight County, state of Virginia, parties of the first part, grantors, and L. R. Edwards chosen as trustee of Southampton County, ~~xxx~~ state aforesaid, party of the second part, grantee,

WITNESSTH: That the said parties of the first part, do hereby grant, convey, bargain and sell with GENERAL WARRANTY, unto the said L.R. Edwards trustee, the following real property To-Wit: " A certain parcel or ~~tract~~ of land lying and situate in the county of Nansemond state aforesaid and bounded as follows. On the north and east by the land of Mildred Cutchin; on the south by the lands of J. T. Duck and Jno. Robinson; on the west by the land of said J. T. Duck, and containing by estimation One Hundred and Seventy (170) acres more or less, it being known as the Josiah Eley tract of land." It being the same parcel or tract of land conveyed to the said James A. Tomlin ----- by Olivia Johnson and J. D. Johnson and Elizabeth M. Norfleet by deed of bargain and sale bearing even date with this deed.

This conveyance, however, is made IN TRUST: To secure the payment of a certain bond for the sum of NINETEEN HUNDRED DOLLARS (\$1900.00), bearing even date with this deed, with interest from date, due and payable by said Jas. A. Tomlin unto Olivia Johnson or order, in the following manner: \$500.00 on January 1st 1904 and \$280.00 with accrued interest on said bond on each and every first day of January thereafter until said bond is paid in full. With the right by said Tomlin to anticipate said payments.

And should default be made in any one of said payments of bond, the said trustee, shall after advertising the time and place of sale according to law, sell the said land herein described at public auction to the highest bidder for cash and apply the proceeds of sale as the law directs.

It is hereby agreed that the said trustee shall have 5 % commission for executing this trust.

Witness the following signatures and seals.

James ^{his} A Tomlin (Seal)
_{mark}
Francis ^{her} Tomlin (Seal)
_{mark}

State of Virginia,

Southampton County, To-wit:

I, C. J. Edwards a notary public for and in the county and state aforesaid, do hereby certify that James A. Tomlin and Francis Tomlin his wife, whose name is signed to the writing hereto annexed, bearing date the 21st day of August 1903, have acknowledged the same before me in my county aforesaid.

My term as Notary Public expires August 13, 1906.

Given under my hand this 21st day of August 1903.

C. J. Edwards
Notary Public.

Virginia:

In the Clerk's Office of Nansemond County Court the 18th day of December, 1903:

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

Teste:

R. R. Smith, Clerk
By S. M. Lawrence D.C.

27

JAS. A TOMLIN AND WIFE

TO

OLIVIA JOHNSON'S TRUSTEE.

DEED OF TRUST.

Dated Aug. 21, 1903.

Admitted to record
December 18, 1903.

Recorded in D. Q. 55
Page 568.

1906 - Nov. 12 Examined
& verified & returned

CLAUDE J. EDWARDS,
ATTORNEY AT LAW,
FRANKLIN, VA.

Tax 1.90
Fee 1.25
Paid \$3.15

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Teddy Tomlin, et al Complainants.)

Vs.)

A. G. Tomlin, et als.....Defendants)

REPORT OF COMMISSIONER

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

This cause was referred to the undersigned commissioner by a decree entered on the 20th day of December, 1926, Your commissioner gave notice to the parties, and to the guardian ad litem for the infant defendant, Elsie Tomlin, that he would on Thursday, January 6th, 1927, at 10:00 o'clock, A. M., at the office of Saunders and Hutton, in the City of Suffolk, Virginia, proceed to execute said decree. Service of said notice was acknowledged by E. L. Beale, counsel for all the adult parties, and by R. E. L. Watkins, Guardian ad Litem, both for himself and the infant defendant, as will appear by reference to said notice herewith returned.

The hearing was had at the said time and place, at which time the depositions of one of the complainants and others were taken, in the presence of the guardian ad litem. The said depositions are herewith returned.

The inquiries contained in said decree will be answered in their order.

(1) The interested parties to this suit are composed of six (6) children and heirs at law of J. A. Tomlin, who died on November 25th, 1926, all of whom are adults save Elsie Tomlin who is an infant thirteen years of age, and the widow of the said J. A. Tomlin who is sixty-two years of age as shown by her answer.

(2) The land described in the bill was conveyed to the said J. A. Tomlin by deed dated August 21st, 1903, executed by Olivia Johnson and others, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, on October 3rd, 1903, in Deed Book 56 on page 30, which deed purports to convey the

fee simple title to the land therein described to the said J. A. Tomlin. The description of the land contained in the bill is substantially the same description as that contained in the aforesaid deed of bargain and sale, which description appears to be correct as shown by the depositions herewith returned.

(3) The fee simple value of the said real estate is about \$2250.00, and its annual value about \$125.00.

(4) There are no delinquent taxes or other liens against the said tract of land. The 1926 taxes, which have not been paid, amount to \$45.22 exclusive of interest and penalty.

(5) (a) The real property in the bill mentioned cannot be conveniently divided in kind among the several parties entitled to share therein. There are only forty acres of clear land which is in large part surrounded by swamp land, and it would be highly impracticable to attempt to divide it in kind among the seven parties. It would be to the advantage of the parties interested to have a sale of the entire property and a division of the proceeds.

(b) No party appears to be willing to take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

(c) The interest 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 the allotment of part and a sale of the residue.

(6) All the necessary parties to this cause appear to be before the court.

(7) There appears of record sale of 154 acres of land of Josiah Eley estate for taxes for 1865 to 1883 inclusive to John B. Vaughan for \$4.40. The Commissioner is not sure whether this land is the land described in the bill, but in view of Section 2503 a of the Code of Virginia, the Commissioner is of the opinion that no tax deed could be obtained and that, therefore, said tax is not a lien.

Your Commissioner recommends that R. E. L. Watkins,
guardian ad litem for the infant defendant, be allowed a reasonable
fee for his services.

Respectfully submitted this 10th day of January, 1927.

John K. Hutton
Commissioner.

Commissioner's fee: \$ 25.00
Stenographer's fee: \$ 2.50

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Teddy Tomlin and Lizzie Tomlin, his wife.....Complainants

Vs.

A. G. Tomlin, and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and Elsie Tomlin,
the last of whom is an infant under the age of
twenty-one years, by R. E. L. Watkins, her Guardian
ad Litem.....Defendants.

(Extract from decree entered in above-styled cause on the 20th day
of December, 1926) :

"On consideration whereof, the court doth adjudge order
and decree, that the papers in this cause be referred to one of the
Commissioners of this court to ascertain and report;

(1) The respective interests and ages of the parties to
this cause, in the real estate in said bill described, and how the
same were acquired:

(2) Of what estate the late J. A. Tomlin died seized and
possessed, and how the same was acquired, and a description and
the location thereof in this county:

(3) The present fee-simple and annual values of the said
real estate;

(4) Whether there are any liens binding the said land for
delinquent taxes, or otherwise, or the interests of any of the
parties, and whether the current taxes for the year of 1926 have
been paid:

(5) Whether the land can be conveniently divided among the
parties entitled thereto, whether any party in interest will accept
the entire subject and pay therefor to the others such sums of
money as their interests therein may entitle them to, And if the
said property can not be conveniently divided, whether the inter-
est of those entitled to the subject, or its proceeds, will be
promoted by a sale of the entire property and a division of the
said proceeds, or an allotment of part and a sale of the residue.

(6) Whether all the necessary parties to this cause are
properly before the court.

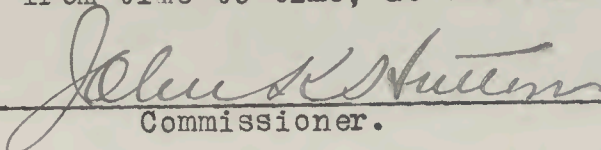
(7) Any other matter deemed pertinent by the Commissioner,
or required to be stated by any party in interest, and the Commis-
sioner shall report to Court the evidence heard by him."

Office of Commissioner,
Suffolk, Va., Dec. 28th, 1926.

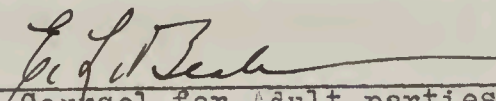
To the parties to said suit, and to
R. E. L. Watkins, Guardian ad Litem
for the infant defendant, and to R.
E. L. Watkins, Guardian ad Litem;-

You will please take notice that the undersigned Commis-

sioner will on THURSDAY, JANUARY 6th, 1927, at 10 o'clock, A. M., at the offices of Saunders & Hutton, Suffolk, Virginia, proceed to execute the foregoing decree. If the hearing is not commenced, or, if commenced, is not concluded, on said date, it will be adjourned and continued from time to time, at the same place, until completion.

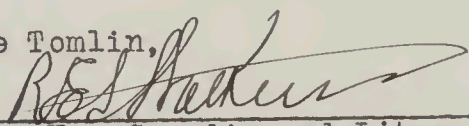

Commissioner.

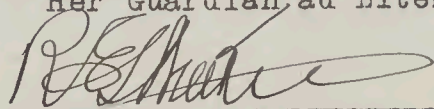
Service of the within notice is hereby acknowledged:


Counsel for Adult parties.

Elsie Tomlin,

By


Her Guardian ad Litem.


Guardian ad Litem.

The depositions of Teddy Tomlin and others, taken on the 6th day of January, 1927, before John K. Hutton, a commissioner in chancery of the Circuit Court of Nansemond County, at the office of Saunders and Hutton, number 105 West Washington Street in the City of Suffolk, State of Virginia, to be read as evidence in a certain suit depending in the said court, under the general style of Teddy Tomlin and Lizzie Tomlin vs. A. G. Tomlin and others, and referred to the said commissioner for certain inquiries, accounts and report.

Present: Mr. Ernest L. Beale, Counsel for the Complain-
ants and the actual defendants
ants, and Mr. R. E. L. Watkins, Guardian ad Litem for the Infant Defendant.

Teddy Tomlin, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation.

A. Name, Teddy Tomlin; age, 37; residence, Holland, Virginia; occupation, farmer.

Q. Mr. Tomlin, you are complainant in a suit against your brothers and sisters and the widow of J. A. Tomlin for partition of certain real estate formerly belonging to your father and I would like for you to state what real estate your father died seised and possessed of and how the same was acquired and as good a description as you can give of the same.

A. I should say it is about one and one-half miles from P. O. Duck's store in Holy Neck Magisterial District, Nansemond County, Virginia, on the Wash Hole Road to Franklin.

Q. Is the description contained in the bill a correct description of the property? (Reading)

A. Yes, sir.

Q. How did he acquire it?

A. He acquired the same by deed from Mrs. Olivia Johnson.

Q. The respective interests of the parties are one-six (1/6) each subject to the dower of his widow. Is that correct?

A. There are six children entitled to one-sixth each, subject to the dower of the widow. The names of the children and widow are correctly set forth in the bill.

Q. How did all of the children acquire their interest in your father's property?

A. By inheritance.

Q. Your father did not leave a will?

A. No, sir.

Q. Are all the parties to this suit adult parties?

A. All of the parties to this suit are adult parties, over the age of twenty-one years, except Elsie Tomlin who is 13 years of age.

Q. What would you consider a fair fee simple value of this farm belonging to your father's estate?

A. Well, I'll say \$2250.00.

Q. What would you consider a fair rental value?

A. Well, I'll say the land ought to rent for \$150.00

Q. Do you think the land can be conveniently and equitably divided among the parties entitled to it?

A. No, sir.

Q. Do you think any party in interest would take the farm and pay to the others such sums as they are entitled to?

A. No, sir, I do not think so. There are forty acres of clear land, part is woodland and the rest is surrounded by swamp land.

Q. Do you think that it would be to the interest of all parties concerned for the property to be sold and the money divided?

A. Yes, sir.

Q. Why?

A. None of the heirs live there and it would soon depreciate in value.

Q. Do you think that the interest of those entitled to the proceeds of the land will be promoted by a sale of the entire property and a division of the proceeds or by an allotment of part and a sale of the residue?

A. Yes, sir. I think it would be more satisfactory for the land to be sold and the proceeds divided for the reasons I have already stated. It would not be best for an allotment of a part and a sale of the residue.

And further this deponent saith not.

Luddy Lortin

Please state your name, age, residence and occupation.

A. A. G. Tomlin; age, 41; residence, Isle of Wight County near Franklin; occupation, farmer.

Q. Do you think that the land in question belonging to your father's estate can be conveniently divided among the parties entitled thereto, or whether any party in interest will accept the entire land and pay to the others such sums of money as their interest therein may entitle them to?

A. No, sir.

Q. Do you think the interest of those entitled to the land, or its proceeds, will be promoted by a sale of the entire property and a division of the proceeds or an allotment of a part and a sale of the residue?

A. I think it would be to the best interest for the property to be sold and the proceeds divided because it would give better satisfaction than a sale of a part and an allotment of part.

Q. What in your opinion, Mr. Tomlin, is a fair fee simple value of this land?

A. Well, about \$2250.00 I reckon.

Q. What do you think would be a fair rental value?

A. Well, it ought to rent for \$150.00 a year, which is less than \$5.00 an acre for the cleared land.

Q. Are all the proper parties, that is the heirs of J. A. Tomlin and having an interest in this land, properly before the court?

A. Yes, sir, all of them.

And further this deponent saith not.

A. G. Tomlin

W. T. Whithead, Jr., being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation.

A. Name, W. T. Whithead, Jr.; age, 40; residence, Nansemond County, Virginia, near the Tomlin farm; occupation, farmer.

Q. Do you know the parties to this suit?

A. I know all of the parties to this suit.

Q. Mr. Whithead, what, in your opinion, is a fair fee simple value for the J. A. Tomlin farm and a fair rental value of the same?

A. I think as the others have said would be about right. Of course, I am not prepared to say exactly, but think a fair value would be \$2250.00 and it ought to rent for \$100.00 or \$125.00.

Q. Are you familiar with this tract of land on account of living near it?

A. I think so.

Q. Do you think the property could be conveniently divided among the parties entitled to it?

A. No, sir.

Q. If not, the best would be to sell the farm and divide the money would it not?

A. I think so.

Q. So far as you know no party in interest will take the farm and pay to the others such sums of money as they are entitled to?

A. I think not.

Q. Do you think it would be to the best interest of all parties concerned for the property to be sold and the money divided?

A. Yes, sir.

Q. Why do you think it would be to the best interest of all parties concerned for the property to be sold and the money divided?

A. I don't see how they could use it as it is. My understanding is that all of the heirs have left the farm and it will depreciate in value unless it is sold and the money divided.

BY MR. R. E. L. WATKINS:

Q. Was this farm kept through the year 1926?

A. Yes, sir.

Q. Who rented it then?

A. Mr. J. A. Tomlin lived on it. He was the owner.

BY THE COMMISSIONER:

Q. When did he die?

A. It was on Thanksgiving Day.

And further this deponent saith not.

W. J. Whitehead, Jr

J. B. Tomlin, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation.

A. Name, J. B. Tomlin; age, 39; residence, Franklin; occupation, yard foreman for Camp Manufacturing Company.

Q. Mr. Tomlin, you are one of the parties to this suit. I would like for you to state what is the fee simple and annual value of the farm belonging to your father's estate.

A. About \$2250.00 and would rent for \$125.00 to \$150.00.

Q. Do you think the interest of all heirs, including the widow and the minor child, would be promoted by a sale of this land and a division of the proceeds among the parties entitled thereto?

A. Yes, sir.

Q. Why do you think it would be better to sell the farm?

A. Because I do not think it would be divided satisfactory under the condition the farm is in. None of them are living there and to divide it in kind would destroy its value.

And further this deponent saith not.

J B Tomlin

VIRGINIA:

IN THE CIRCUIT COURT OF NANSE-
MOND COUNTY:

Teddy Tomlin et al,
Complainants,

Vs.

A. G. Tomlin, et als,
Defendants.

#&# &# &# &# &# &# &# &# &# &# &# &# &# &# &

REPORT OF COMMISSIONER.

1927 Jan'y 10. *K. S. J. M.*

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

IN THE CIRCUIT COURT OF HANSEMAN COUNTY, VIRGINIA:

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A. G. Tomlin and Berta Tomlin, his wife,
Ellie Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hottie Jernigan and R. B. Jernigan,
her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an infant
under the age of twenty-one years,
by R. E. L. Watkins, her Guardian ad Litem.

This cause came on this day to be further heard upon the papers formerly read, and upon report of E. L. Beale, Special Commissioner, this day filed by leave of court reporting the collection of Twenty-seven Hundred (\$2700.00) Dollars from F. O. Duck for the purchase price of that certain tract or parcel of land lying situate and being in the County of Hanseman, State of Virginia, and bounded as follows:

On the north and east by the lands of Mildred Cutchins, on the south by the lands of J. T. Duck and John Robinson, on the west by the lands of the said J. T. Duck and containing by estimation One Hundred and Seventy (170) acres, more or less, it being known as the Josiah Elly land, and being the same tract or parcel of land conveyed to the said J. A. Tomlin by deed of bargain and sale from Olivia Johnson et al August 21, 1903, and of record in the Clerk's Office in Hanseman County, Virginia, excepting the family burial ground, twenty-five yards by twenty-five yards square, with the right of ingress and egress thereto, and from which said land the grave yard and right of way was expressly reserved from the sale of the said property, and of the said sum so collected, the funds have been disbursed as follows:

Clerk for deposit - - - - -	10.00
Attorney's audit fee - - - - -	15.00
Commissioner's report - - - - -	65.00

Stenographer's fee- - - - -	2.50
Guardian ad Litem- - - - -	10.00
Fee- - - - -	75.00
Commission on Sale- - - - -	135.00
Crier at Sale- - - - -	10.00
Bond premium- - - - -	10.00
Fee for drawing deed- - - - -	10.00
Julia A. Tomlin, widow- - - - -	427.50
Teddy Tomlin- - - - -	328.36
J. B. Tomlin- - - - -	328.36
Hettie E. Jernigan- - - - -	328.36
Ella Mae Glover- - - - -	328.36
A. G. Tomlin- - - - -	328.36
J. B. Tomlin, Adm. for Elsie Tomlin- - - - -	<u>328.36</u>
Total- - - - -	\$2700.00

On consideration whereof, the court doth approve and confirm the said report and doth confirm and approve the said disbursements. It appearing that there is nothing further to be done in this cause, the same is removed from the docket of this court and the Clerk is instructed to file the papers with the removal causes.

Final Decree

Foulis, et al.

vs.

Foulis, et al.

1927 March 31st. Enter
Jas. L. McIlmore

#6 Page 72

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A. G. Tomlin and Berta Tomlin, his wife,
Alla Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twenty one years,
by R.E.L. Watkins, her Guardian ad Litem.

The separate answer of Julia A. Tomlin, widow of J. A.
Tomlin, and one of the defendants to a bill of complaint exhibit-
ed against her and others in the Circuit Court of Nansemond County,
Virginia, by Teddy Tomlin, et als.

This respondent reserving to herself the benefit to all
just exceptions to the said bill for answer thereto, or to so
much thereof as she is advised that it is material she should
answer, answers and says:

That she beleives the allegations contained in the said
bill are true. That J. A. Tomlin died intestate, and that your
respondant is his widow, and as such is entitled to dower in the
real estate mentioned and described in the said bill. That your
respondant is 62 years of age.

Your respondent is willing for the said land to be sold
and prays that her dower rights therein may be commuted, and pay
to her in cash according to the law made and provided in such
cases.

This respondent denies any fraud unlawful combination, and
prays to be hence dismissed with her resonable costs by her in
this behalf expended, and she will ever pray, etc.

Witness
Emma J. Tomlin

^{her}
Julia A. Tomlin
mark

Petition of widow.

Joulin, et al.

vs.

Joulin, et al.

1926. Dec 20, Filed
Jlm

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

A. G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jernigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an infant under the age of twenty one years,
by R.E.L. Watkins, her Guardian ad litem.

The joint answers of A. G. Tomlin and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her husband, J. B. Tomlin and
Sally Tomlin, his wife, Hettie Jernigan and R. B. Jernigan, her
husband, Julia A. Tomlin to a bill of complaint filed against
them and Elsie Tomlin in the Circuit Court of Nansemond County,
Virginia, by Teddy Tomlin and Lizzie Tomlin, his wife.

The respondents reserving to them ^{themselves} the benefit of all just
exceptions to the said bill of complaint, ^{believe the same} to be true; that they
do not object to a sale or partition of the land as prayed in
said bill; and that they ^{Concur} ~~concur~~ in the prayer of the said bill.

Respondants further state that they are willing and hereby
consent for this cause to be made a vacation cause for such de-
cisions and decrees in vacation as may be made in term, and fur-
thermore hereby appoint E. L. Beale as their Attorney to consent
thereto to any and all decrees that may be entered in this cause,
and are willing for the said E. L. Beale to be allowed and paid
a resonable Attorney's fee for his services in this matter, and
for the costs and expenses herein to be paid.

And now having fully answered the complainants bill, these
respondants pray to be hence dismissed with their resonable costs
by them in this behalf expended.

Ella M. Glover
M. L. Glover

R. G. Tarrlin

Berta M. Tarrlin

J. B. Tarrlin

Mrs J. B. Tarrlin

R. B. Journeigau

Hattie J. Journeigau

Julia A. ^{her} Tarrlin
mark

Witness

Mrs J. B. Tarrlin

Answers of Adults

Foulis, et al

vs -

Foulis, et al -

1926 Dec 20 Filed
JLm

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

Teddy Tomlin and Lizzie Tomlin, his wife,

vs

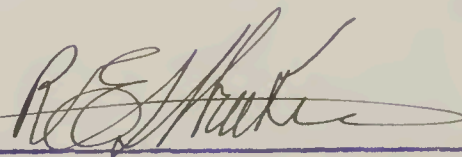
A. G. Tomlin, and Berta Tomlin, his wife,
Ella Mae Glover and M. L. Glover, her
husband, J. B. Tomlin and Sally Tomlin,
his wife, Hettie Jernigan and R. B. Jer-
nigan, her husband, Julia A. Tomlin and
Elsie Tomlin, the last of whom is an in-
fant under the age of twenty one years,
by R.E.L. Watkins, her Guardian ad litem.

The separate answer of R. E. L. Watkins, Guardian ad litem
appointed to defend the interest of Elsie Tomlin, an infant under
the age of thirteen (13) years, in this suit, in proper person
to a bill of complaint against her and others in the Circuit Court
of Nansomond County, Virginia, by Teddy Tomlin and Lizzy Tomlin,
his wife.

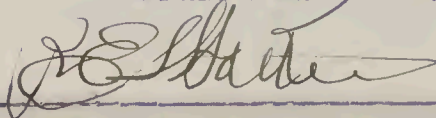
This respondent reserving to himself the benefit of all just
exceptions to the said bill of complaint, for answer thereto,
answers and says:

That he is the Guardian ad litem appointed to defend the in-
terest of the infant in this suit; that he knows nothing as to the
truth or ^{falsity} ~~falsity~~ of the statements in the said bill of complaint;
that he prays full protection of the court for the said infant.

And now having fully answered the complaintants bill, this
respondant prays to be hence dismissed with his resonable costs
by him in this behalf expended.



Guardian ad litem.



Guardian ad litem for Elsie
Tomlin.

R.E.L. Watkins, Guardian ad litem for Elsie Tomlin, the respondent
named in the foregoing answer, being duly sworn, says that the

facts and allegations therein contained are true. *Given under my
my hand this 18th day of Dec 1926.*

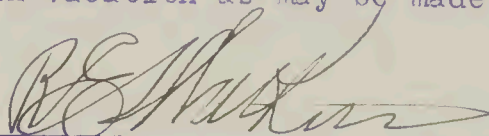
effie July 23rd, 1930

Annie May Corgan

(over)

NOTARY PUBLIC.

I hereby consent for this cause to be made a vacation cause
for such decisions and decrees in vacation as may be made in
term.

A handwritten signature in dark ink, appearing to be "R. E. Miller", written over a horizontal line.

Guardian ad litem for Elsie Tomlin.

Answer of Gdn. ad Litem

Toulie, et al.

13-

Toulie, et al.

1926- Dec 20. Filed.
J.L.M.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

The answer of Elsie Tomlin, infant under the age of twenty-one years, by R. E. L. Watkins, her guardian ad litem assigned to defend her in this suit, and the answer of the said R. E. L. Watkins, guardian ad litem of the said infant defendant, to a bill of complaint exhibited against the said infant by J. B. Tomlin in the Circuit Court of Nansemonnd County, Virginia.

For answer to the said bill the said infant defendant by her said guardian ad litem answers and says that being of tender years she does not know what her true interests are in relation to the subject-matter of the said bill, nor does she know whether the statements therein contained are true or not. She confides protection of her interest therein to the care of the court. And the said guardian ad litem of the said infant defendant 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 defendant. And now, having fully answered, the defendant prays to be hence dismissed, with the costs, etc.

Elsie Tomlin

BY

R. E. L. Watkins

Guardian ad Litem.

R. E. L. Watkins

Guardian ad Litem of the said infant.

STATE OF VIRGINIA,

COUNTY OF SOUTHAMPTON, TO-WIT:

Sworn to before me in my county aforesaid by R.E.L. Watkins, Guardian ad Litem as aforesaid, this 31st day of December, 1926.

Wesley Gray.

NOTARY PUBLIC.

Answer

R. E. L. Watkins, Gdn
as Litem Elsie Fomlin

To:

Petition JB Fomlin
Gdn Elsie Fomlin

1927 Jan 5th. Filed
H.M.

E. L. BEALE

ATTORNEY AT LAW
FRANKLIN, VIRGINIA

EXAMINER OF RECORDS SECOND JUDICIAL CIRCUIT

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

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

Humbly complaining, your complainants, Teddy Tomlin and Lizzie Tomlin, his wife, respectfully represent unto the court the following:

That the late J. A. Tomlin was, during his life time, siezed and possessed a certain tract or parcel of land bounded as follows: A certain tract or parcel of land lying situate in the County of Nansemond, State of ^{of record} Virginia, and bounded as follows: On the north and east by the lands of Mildred Cutchins, on the south by the lands of J. T. Duck and John Robinson, on the west by the lands of the said J. T. Duck, and containing by estimation One Hundred and Seventy (170) acres, more or less, it being known as the Josiah Eley land, and being the same tract or parcel of land conveyed to the said J. A. Tomlin by deed of bargain and sale from Olivia Johnson et als August 21, 1903, and of record in the Clerk's Office in Nansemond County, Virginia, a copy thereof being herewith filed and marked Exhibit "A", and prayed to be read as a part of this bill.

And, the said J. A. Tomlin left six (6) children and a widow as his sole heirs and distributees as follows: The complainant, Teddy Tomlin, whose wife is named Lizzie Tomlin, A. G. Tomlin, whose wife is named Berta Tomlin, Ella Mae Tomlin, who married M. L. Glover, J. ~~B~~. Tomlin, whose wife is Sallie Tomlin, Hettie Tomlin, who married R. B. Jernigan, all of whom are adults, and Elsie Tomlin of the age of thirteen (13) years and Julia A. Tomlin, widow. That the said J. A. Tomlin died intestate on November 25, 1926.

That the said real estate is as your complainants verily believe **susceptible** of partition among the parties entitled thereto; but should the property not be divisible in kind, the complainants

believe and here state 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 a part and a sale of the residue.

In consideration whereof, and for as much as your complainants are remediless in the premises saved by the aid of the court of equity, they pray that the said A. G. Tomlin and Berta Tomlin, his wife, Ella Mae Glover and M. L. Glover, her husband, J. B. Tomlin and Sally Tomlin, his wife, Hettie Jernigan and R. B. Jernigan, ~~here~~husband, Elsie Tomlin and Julia A. Tomlin may be made parties defendant to this bill ^{and} ~~these~~ required, but not on their ~~oaths~~ to answer the same, the ~~oaths~~ being hereby waived, the said adults in their own proper person, and the infant by her Guardian ad litem, that a proper Guardian ad litem be appointed in this cause for the said infant who shall also answer this bill; that proper process issue; that the said real estate be divided between the parties entitled thereto, or else if it can not be so divided among the adults and infant and widow ~~parties~~ according to their respective rights, ^{the same to be sold and its proceeds divided among those entitled thereto,} the share of the infant to be held as directed by the statute for such cases made and provided; that all proper orders and decrees may be entered, accounts taken and inquires directed, counsel's fees and costs be allowed, and that your complainants may have all such 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, etc.

Teddy Tomlin

Lizzie Tomlin

E. L. Bear

P.Q.

Bill for Partition

Jomlin, et al

vs.

Jomlin, et als.

1926. Dec 20. Filed
J.L.M.

E. L. BEALE
ATTORNEY AT LAW
FRANKLIN, VIRGINIA
EXAMINER OF RECORDS
SECOND JUDICIAL CIRCUIT



E. H. Pratt, N. H.

Went to see

at

Went to see

1927

Final Decree
