

1929-014
Nansemond Co (Suffolk) Chancery Causes: B.D Crocker vs Nannie B. Howell et al

Davis, Copeland, Vellins, Norfleet, Sheffield

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL et als.

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

The undersigned, who was appointed Special Commissioner in this cause on the 16th day of February, 1928, begs to report that, in pursuance of a decree entered in this cause on the 31st day of March, 1928, he did, on the 4th day of June, 1928, convey by Special Warranty deed to B. D. Crocker, the following property, to-wit:

All that certain tract, piece or parcel of land situated lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by _____; containing 297.1 acres.

That the said Special Commissioner has received and disbursed the following sums, to-wit:

To amount received from B. D.
Crocker, covering Court costs.....\$291.02

By Special Commissioner's
Commission.....\$195.00

By amount paid Ledger-Dispatch
Corp. for advertising property.....12.37 ✓

By amount paid Virginian and
Pilot Publishing Company.....12.65 ✓

By amount paid Clerk of Court.....18.50

By amount paid Minnie Lavine,
stenographer, for taking depo-
sitions.....2.50 ✓

By amount paid G. A. Harris,
attorney, for drawing Special
Commissioner's deed.....10.00 ✓

By amount paid H. W. Churn,
auctioneer.....5.00 ✓

\$291.02

\$256.02

To amount brought forward.....	\$291.02	
By amount brought forward.....		\$256.02
By amount paid E.R.Custis, guardian ad litem.....		10.00 ✓
By amount paid L.P.Holland, Commissioner, for making his report.....		15.00 ✓
By amount paid S.M.Lawrence, for appraising the property.....		5.00 ✓
By amount paid R.J.Norfleet, for appraising the property.....		5.00 ✓
	<u>\$291.02</u>	<u>\$291.02</u>

Nothing further appearing to be done in this suit,
your Special Commissioner would recommend that same be stricken
from the docket.

Respectfully submitted this 31st day of October,
1928.

G. A. Harris
Special Commissioner.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL et als.

.....

R E P O R T

.....

Filed this 28 day of June,
1929.

J. L. M.
Judge.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. Crocker

vs.

NANNIE B. HOWELL et als.

THIS CAUSE, came on again to be heard on the papers formerly read and upon the report of G. A. Harris, who was appointed Special Commissioner in this cause on the 16th day of February, 1928, said report bearing date the 31st day of October, 1928, and this day filed, to which report no exception has been taken; and was argued by counsel.

It appearing to the Court that the said G. A. Harris, Special Commissioner, by Special Warranty deed bearing date the 4th day of June, 1928, conveyed to B. D. Crocker, the following property, to-wit:

"All that certain tract, piece or parcel of land situated lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by _____; containing 297.1 acres;" and,

It further appearing to the Court from the said report that the said G. A. Harris, Special Commissioner, has received and disbursed the following sums, to-wit:

To amount received from B. D. Crocker, covering Court costs.....	\$291.02
By Special Commissioner's commission.....	\$195.00
By amount paid Ledger-Dispatch Corp. for advertising property.....	12.37
By amount paid Virginian and Pilot Publishing Company, for advertising property.....	12.65
By amount paid Clerk of Court.....	18.50
By amount paid Minnie Lavine, stenographer, for taking depositions.....	2.50

By amount paid G. A. Harris, Attorney, for drawing Special Commissioner's deed.....	\$10.00
By amount paid H. W. Churn, auctioneer,.....	5.00
By amount paid E. R. Custis, guardian ad litem.....	10.00
By amount paid L. P. Holland, Commissioner, for making his report.....	15.00
By amount paid S. M. Lawrence, for appraising the property.....	5.00
By amount paid R. J. Norfleet, for appraising the property.....	5.00
	<u>\$291.02</u> <u>\$291.02</u>

ON CONSIDERATION WHEREOF, the Court doth approve
and confirm said report.

Nothing appearing to be done further in this cause,
it is ordered to be stricken from the docket.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL et als.

.....

D E C R E E

.....

Entered this ²⁹ day of
~~November, 1928.~~ June 1929.

J. L. Williams
Judge.

Chancery Order Book
No. 6 Page 256

Folio

192

From

TO

Norfolk, Va.,

March 12 1928

M

G. A. Harris

Special Comm.

To Virginian and Pilot Publishing Company, Dr.

Feb. 21-25

March 2-9

ADVERTISING

5-3/4 inc 475 ad.

Chauncery suit B. Crocker

vs - Nannie B. Halwell

12

65

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.

Per

Daisy Newman

G. A. Harris

Suffolk
Norfolk, Va.

MAR 31 1928

LEDGER-DISPATCH CORP.

119 E. PLUME STREET, NORFOLK, VIRGINIA

Feb. 22 - 27

To Advertising 5 1/2 in. 4 times

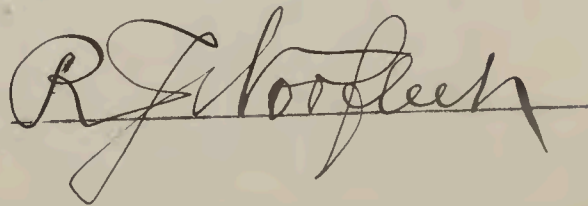
12.37

Mar. 2 - 8

Paid
F. L. Brittl 11/7/28

$$\begin{array}{r} 21 \\ 26 \\ \hline 61 \end{array}$$

RECEIVED this 31st day of October, 1928, of G. A. Harris,
Special Commissioner, the sum of \$5.00, for appraising
the property in the suit of Crocker vs. Howell et als.

A handwritten signature in cursive script, reading "R. J. Hoofleer", written over a horizontal line.

RECEIVED this 31st day of October, 1928, of G. A. Harris,
Special Commissioner, the sum of \$5.00, for appraising
the property in the suit of Crocker vs. Howell et als.

S. M. Lawrence
4

RECEIVED this 31st day of October, 1928, of G. A. Harris,
Special Commissioner, the sum of \$15.00, covering my fee
for making Commissioner's report in the suit of Crocker
vs. Howell et als.

L. J. Holland

RECEIVED this 31st day of October, 1928, of G. A. Harris,
Special Commissioner, the sum of \$10.00, as guardian ad
litem in the suit of Crocker vs. Howell et als.

E. R. Curtis

RECEIVED this 31st day of October, 1928, of G. A. Harris, Special
Commissioner, the sum of \$5.00, for auctioneering the property in
the suit of Crocker vs. Howell et als.

A. C. Harris

RECEIVED this 31st day of October, 1928, of G. A. Harris, Special
Commissioner, the sum of \$10.00, for drawing Special Commissioner's
deed in the suit of Crocker vs. Howell et als.

G. A. Harris

RECEIVED this 31st day of October, 1928, of G. A. Harris, Special
Commissioner, the sum of \$2.50, for taking depositions in the suit
of Crocker vs. Howell et als.

Winnie Lawrence

NOTICE OF SALE OF REAL ESTATE
SITUATED IN THE COUNTY OF
NANSEMOND, VIRGINIA.

IN PURSUANCE OF A DECREE ENTERED by the Circuit Court of Nansemond County, Virginia, on the 16th day of February, 1928, in the chancery suit of B. D. Crocker vs. Nannie B. Howell et als., I shall, on Saturday, March 10, 1928, at 12 o'clock M., in front of the National Bank of Suffolk, Suffolk, Virginia, offer for sale, at public auction, upon the terms of cash, the following real estate, to-wit:

All that certain tract, piece or parcel of land situated, lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by.....; containing 297.1 acres.

Sale and conveyance will be made, however, subject to an easement of right-of-way conveyed by B. D. Crocker and others to the Virginia Electric and Power Company, by deed duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia; reference to which is hereby made

Given under my hand this 20th day of February, 1928.

G. A. HARRIS,
Special Commissioner.

STATE OF VIRGINIA, COUNTY OF
NANSEMOND, to-wit:

I, G. E. Bunting, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that G. A. Harris, Special Commissioner, has executed a bond, with surety approved by me, in compliance with decree entered by the Circuit Court of Nansemond County on the 16th day of February, 1928, in the suit of B. D. Crocker vs. Nannie B. Howell et als.

Given under my hand this 20th day of February, 1928.

G. E. BUNTING,
Clerk.

NOTE: The above tract of land is situated $3\frac{1}{2}$ miles South of Suffolk and borders on the West side of the Hosier Road more than one-half a mile. This property is also crossed by the Norfolk & Southern and Atlantic Coast Line railroads. The land is well-set with young pines and hard woods.

For further information apply to G. A. Harris, attorney-at-law, third floor, National Bank of Suffolk Building, Suffolk, Va. fe21,25-mh2,9-4t

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL, DAISY H. DAVIS,
MARVIN D. HOWELL and JOHN D.
HOWELL, the last named being an
infant under twenty-one years of age.....DEPENDANTS

This cause came on again to be heard on the papers formerly read and upon the report of L. P. Holland, Commissioner, the deposition of witnesses, and the exhibit filed with said report, dated the 3rd day of February, 1928, and this day filed, to which report no exception has been taken; and was argued by counsel.

On consideration whereof, and it being shown to the Court that the real estate described in the bill in these proceedings, the partition of which is sought, is owned in fee-simple, in undivided shares, by parties to this suit as follows:

B. D. Crocker, an undivided one-half interest,
Nannie B. Howell, dower in an undivided one-half interest of which John D. Howell died seised and possessed,
Daisy H. Davis, Marvin D. Howell and John D. Howell, an undivided one-sixth interest, each, subject to the dower of the said Nannie B. Howell.

And it appearing that the complainant has a clear right to demand the partition of said land as prayed for in his bill, and it being shown to the satisfaction of the Court that no one of the said parties is willing to accept an allotment at a fair value of said parcel of real estate, and that partition in kind of said parcel of real estate cannot be made to advantage amongst the parties entitled thereto, the Court is therefore of opinion and doth decide that it is to the advantage of said parties to decree a sale of said parcel of real estate as a whole in order to effect a partition thereof

and to divide the proceeds from the sale amongst the parties according to their respective rights, and doth so adjudge, order and decree.

It is ordered that G. A. Harris, who is hereby appointed Special Commissioner for the purpose, do proceed, after having advertised the time, place and terms of sale in one or more newspapers having general circulation in the City of Suffolk and Nansemond County for at least five (5) times, one of which times shall be at least ten (10) days before the sale, to sell at public auction, in front of the National Bank of Suffolk, Suffolk, Virginia, upon the terms of cash, the real estate in the bill in the proceedings mentioned, which real estate is described as follows:

All that certain tract, piece or parcel of land situated lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by _____; containing 297.1 acres.

The conveyance is to be made, however, subject to an easement of right-of-way conveyed to the Virginia Electric and Power Company by B. D. Crocker, Nannie B. Howell and others by deed duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, and being generally described as follows:

All that certain parcel of land in Cypress District, Nansemond County, Virginia, being Parcel No. 8 on Flat made by W. W. LaPrade & Bros., dated May 26, 1926, being a strip of land 100 feet wide, the center line of which begins on the dividing line between the land of James Phillip Duke and the land of Crocker & Howell, at Station 121 plus 00, thence S. 20° 17' W. 247.3 feet to Station 123 plus 47.3 thence S. 2° 45' W. 3543 feet to Station 158 plus 90 in center of branch on the dividing line of said Crocker and Howell and R. L. Brewer, Jr., being a part of the land conveyed to B. D. Crocker and J. D. Howell by deed from John Letcher Gay, widower, dated April 10, 1920, and recorded in the Clerk's Office of Nansemond County,

in Deed Book 94, page 198.

But the said Special Commissioner shall have no authority to act hereunder until he has given bond in the penalty of \$4000,, conditioned as the law directs.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSIMOND COUNTY

B. D. CROCKER

vs.

NANNIE B. HOWELL et als

.....

D E C R E E

Entered Feb. 16. 1928

Jas. L. W. Malone
Judge.

Chancery Order Book
No. 6 Page 137

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL, DAISY H.
DAVIS, MARVIN D. HOWELL
and JOHN D. HOWELL, the last
named being an infant under
twenty-one years of age.....DEFENDANTS

This day came B. D. Crocker, and by leave of Court filed his bill; and on his motion, E. R. Custis, a discreet and competent attorney at law, is appointed guardian ad litem of John D. Howell, the infant defendant, to defend his interest in this suit; and, thereupon, the said guardian ad litem filed the answer of the said infant defendant and his own answer to the said bill, and also the said infant filed his separate answer to said bill, and the adult defendants filed their answer to said bill, to which answers the complainant replied generally; and, thereupon, by consent of all parties by counsel, the guardian ad litem consenting for the infant defendant, this cause is set for hearing and docketed; and by like consent came on this day to be heard on the aforesaid bill, the answers of the defendants as above set out, and the general replication thereto.

On consideration whereof, the Court doth adjudge, order and decree 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) Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

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

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

(4). The fee simple and annual value of said land.

(5). Whether or not there are any delinquent taxes or other liens against the said land.

(6). Whether all the proper parties in interest are before the Court.

(7). And any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE D. HOWELL et als.

.....

DECREE OF REFERENCE.

*We Consent to the
entering of this
decree*

*E. R. Custis - Guardian
a litera and Guardian
a litera of John R. Howell*

G. M. Davis p. p.

*Given Jany 9th
1928*

J. L. Moore

*Chancery Order Book
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VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. Crocker.....Complainant

vs.

Nannie B. Howell, Administratrix, et als.....Defendants

This cause came on again to be heard on the papers formerly read and upon the report of B. D. Crocker, who was appointed Special Commissioner in this suit on the 3rd day of August, 1925, said Commissioner's report bearing date the 16th day of February, ^{and this day filed} 1926, and was argued by counsel.

On consideration whereof, it appearing to the Court that the said Special Commissioner has collected from S. T. Gay and C. P. Gay the sum of Twenty Six Hundred and Fifty Dollars (\$2650.00), and has conveyed to the said S. T. Gay and C. P. Gay, by Special Warranty deed, the following property, to-wit:

All the timber and timber trees (except oak) measuring ten (10) inches, and upwards, in diameter, across the tree stump, twelve (12) inches above the general level of the land at the time of cutting; standing, growing, lying, being and situated upon that certain tract of land situated near Buckhorn, in the County of Nansemond, State of Virginia, containing One Hundred and Ninety-eight (198) acres, more or less, and bounded on the North by the Wyatt farm; on the East by the lands of Walter H. Harrell; and on the West by the County Road leading from the Holland Road to Buckhorn.

Also the saw-mill, boiler, engine and other saw-mill equipment owned by B. D. Crocker and the estate of J. D. Howell, deceased, and located on the above-described land.

It appearing to the Court that B. D. Crocker had an undivided one-half interest in the above described property; that J. D. Howell at the time of his death owned an undivided one-half interest in the above described property; that Nannie B. Howell has qualified as Administratrix of the estate of the said J. D. Howell, and that nothing else appearing to be done, except making distribution of the money in the hands of the said Special Com-

missioner;

It is therefore ordered, adjudged and decreed that the said Special Commissioner's report be confirmed and approved, and he is hereby ordered and directed to pay, first, all Court costs in this suit, and the balance of the money in his hands as Special Commissioner he is directed to pay to B. D. Crocker and Nannie B. Howell, Administratrix of the Estate of J. D. Howell, deceased, in equal parts.

And the said Special Commissioner shall report to Court.

VIRGINIA: IN THE CIRCUIT
COURT OF HANSEMOND COUNTY.

B. D. Crocker,

vs.

Mannie B. Howell et als.

.....

DE C R E E

Enter March 31. 1927
Jas. S. McGlmore

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VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. Crocker.....Complainant

vs.

Nannie B. Howell, Administratrix, et als.....Defendants.

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

B. D. Crocker

The undersigned, who was appointed Special Commissioner by decree entered in this cause on the 3rd day of August, 1925, begs to report to the Court that, strictly in pursuance of the terms of said decree, he did, on the 19th day of August, 1925, convey by Special Warranty deed to S. T. Gay and C. P. Gay the following property, to-wit:

All the timber and timber trees (except oak) measuring ten (10) inches, and upwards, in diameter, across the tree stump, twelve (12) inches above the general level of the land at the time of cutting; standing, growing, lying, being and situated upon that certain tract of land situated near Buckhorn, in the County of Nansemond, State of Virginia, containing One Hundred and Ninety-Eight (198) acres, more or less, and bounded on the North by the Wyatt farm; on the East by the lands of Ballard and Jernigan; on the South by the land of Walter H. Harrell; and on the West by the County Road leading from the Holland Road to Buckhorn.

Also the saw-mill, boiler, engine and other saw-mill equipment owned by B. D. Crocker and the estate of J. D. Howell, deceased, and located on the above-described land;

that before the conveyance was made, the said B. D. Crocker, Special Commissioner, collected from the said S. T. Gay and C. P. Gay the full purchase price of said property, amounting to TWENTY SIX HUNDRED AND FIFTY DOLLARS (\$2650.00), which he now holds pending the further order of the Court.

Your Special Commissioner further represents to the Court that B. D. Crocker had an undivided one-half interest in the property hereinabove described, and is, therefore, entitled to one-half of the proceeds of the sale therefrom; and that Mrs. Annie B. Howell is

Administratrix of the Estate of J. D. Howell (who had an undivided one-half interest in the property hereinabove described, and is, therefore, the proper person entitled to receive one-half of the proceeds of the sale therefrom.

Nothing remaining to be done in this suit, your Special Commissioner would recommend that the cost in these proceedings be paid out of the money in the hands of the Special Commissioner, and that one-half of the balance be paid to B. D. Crocker and the other one-half be paid to Nannie B. Howell, Administratrix of the Estate of J. D. Howell, deceased.

Respectfully submitted this 16th day of February, 1926.

B. D. Crocker

Special Commissioner.

VIRGINIA: IN THE CIRCUIT COURT
OF THE COUNTY OF HANSEMOND.

B. D. CROCKER

vs.

NANNIE B. HOWELL, et als.

.....

R E P O R T

*1927 March 31. filed.
J.L.M.*

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

VS.

NANNIE B. HOWELL, ADMINISTRATRIX OF THE ESTATE OF J. D. HOWELL, NANNIE B. HOWELL, DAISY H. DAVIS, MARVIN D. HOWELL AND JOHN D. HOWELL, the last two mentioned being infants twenty and twelve years of age, respectively.....DEFENDANTS.

This day came B. D. Crocker and by leave of Court filed his bill; and on his motion William S. Holland, a discreet and competent attorney at law, is assigned as guardian ad litem of the infants Marvin D. Howell and John D. Howell to defend their interests in this suit; and, thereupon, the said guardian ad litem filed the answer of the said infant defendants and his own answer, and the said Marvin D. Howell, an infant more than 18 years of age, Nannie B. Howell, Administratrix of the Estate of J. D. Howell, and the adult defendants filed their answers to the said bill, to which several answers the complainant replied generally; and, thereupon, by consent of all parties, this cause is set for hearing and docketed, and by like consent came on this day, to be heard on the bill of complaint, ^{and the deposition of J. S. Keene, filed this day.} the several answers of the defendants to the said bill, ^{also filed this day} as above set out, and the general replication of the complainant to every one of said answers, and was argued by counsel.

On consideration whereof, it appearing to the Court from the bill of complaint and the answers of the defendants that B. D. Crocker and the heirs of J. D. Howell have an undivided, one-half interest each in the following timber situated in Nansemond County, to-wit:

All the timber and timber trees (except oak) measuring ten (10) inches, and upwards, in diameter, across the tree stump, ~~twelve~~ (12) inches above the general level of the land at the time of cutting, standing, growing, lying, being and situated upon that certain tract of

land situated near Buckhorn, in the County of Nansemond, State of Virginia, containing One Hundred and Ninety-eight (198) acres, more or less, and bounded on the North by the Wyatt farm; on the East by the lands of Ballard and Jernigan; on the South by the land of Walter H. Harrell, and on the West by the County Road leading from the Holland Road to Buckhorn;

and also a one-half interest each in the saw-mill, boiler, engine and equipment which have been used by the said B. D. Crocker and J. D. Howell as partners in the conduct of the saw-mill business;

And it further appearing to the Court that the time for cutting and removing the said timber from the land of the owners will expire on the 2nd day of May, 1926, leaving only nine months in which to cut and remove said standing timber;

And it further appearing to the Court that S. T. Gay and C. P. Gay have offered the sum of \$2650.00 for said timber, saw-mill and equipment, which offer, according to the averments in the bill of complaint ^{The deposition of J. S. Venable} and the answers of the defendants, is fair and just and is as much as can possibly be realized for the property if offered at public auction.

It is therefore ordered, adjudged and decreed that the offer made for said timber and equipment by the said S. T. Gay and C. P. Gay be accepted; and B. D. Crocker is hereby appointed Special Commissioner for the purpose of making conveyance of the said property to the said S. T. Gay and C. P. Gay, by Special Warranty deed, which deed shall contain the same conditions and restrictions as contained in the deed from W. R. Copeland and wife to the said B. D. Crocker and J. D. Howell, conveying said timber, upon the payment to him of the said sum of \$2650.00.

And the said Special Commissioner shall report to Court.

VIRGINIA: IN THE CIRCUIT COURT
OF HANSEMOND COUNTY.

B. D. CROCKER

VS.

NANNIE B. HOWELL, ADMR., ET ALS.

.....

DE C R E E

I do Consent to this
deed
Hugues & Esquivel
by J. A. Harris J. J.

Wm S. McLean
Guardian ad litem
for all infant defendants.

Enter August 3, 1925
Jas L. McNamee.

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VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL et als.....DEFENDANTS.

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

The undersigned, who was appointed Special Commissioner in this cause on the 16th day of February, 1928, begs to report to the Court that, strictly in pursuance of the aforesaid decree, he did, after having advertised the time, place and terms of sale for five times in the Virginian-Pilot, a newspaper published in the City of Norfolk, Virginia, and having general circulation in the City of Suffolk and Nansemond County, Virginia, and also for five times in the Suffolk News, a newspaper published in the City of Suffolk, Virginia, and having general circulation in the City of Suffolk and Nansemond County, Virginia, the first of said publication in each of said papers being made more than ten days before the date of sale, offer for sale, at public auction, to the highest bidder, on Saturday, March 10, 1928, at twelve o'clock M., in front of the National Bank of Suffolk, Suffolk, Virginia, the following property, to-wit:

All that certain tract, piece or parcel of land situated lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by _____; containing 297.1 acres;

said property being offered, however, subject to the easement or right-of-way of the Virginia Electric and Power Company which was conveyed to said Company by B. D. Crocker and others

by deed duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia.

That at said sale, B. D. Crocker bid the sum of \$3900.00 for the said property, it being the highest and best bid offered, the same was knocked down to him.

Your Special Commissioner is requested by B. D. Crocker to report to the Court that at the time of the death of J. D. Howell (who owned an undivided one-half interest in said property), the said J. D. Howell was indebted to the said B. D. Crocker, on account of the purchase price of said land and the timber that was standing on same at the time the purchase was made, in the sum of \$3000.00, with the interest on the principal sum up to and inclusive of the 3rd day of February, 1928, amounting to \$1260.00.

In view of the fact that the heirs of the said J. D. Howell, viz: Nannie B. Howell, ^{his widow, and} Daisy H. Davis, Marvin D. Howell and John D. Howell, his children, have no equity in said property, after the payment of the amount due by the said J. D. Howell to the said B. D. Crocker, representing the purchase price on said property, the said B. D. Crocker desires that the property be conveyed to him upon the payment to the said Special Commissioner of all costs incident to this suit, which sum is to be applied by the said B. D. Crocker in part payment of the debt of the said J. D. Howell due the said B. D. Crocker.

Respectfully submitted this 16th day of March, 1928.

W. H. Davis
Special Commissioner

VIRGINIA:

IN THE CIRCUIT COURT OF
HANSEMOND COUNTY.

B. D. CROCKER .

vs.

NANNIE B. HOWELL et als

.....

R E P O R T

.....

Filed this 31 day of March,
1928.

J. M.

Judge.

To

B. D. Crocker.....Complainant
and

Nannie B. Howell, Daisy H. Davis,
~~Marvin D. Howell~~, Marvin D. Howell and
John D. Howell, the last named being
an infant under twenty-one years of age.....Defendants

You are hereby notified that on the 31st day of January, 1928, at ten o'clock A. M., at the office of G. A. Harris, on the Third Floor of The National Bank of Suffolk Building, Suffolk, Virginia, (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 and settled and reported to court in pursuance of a decree of the Circuit Court for the County of Nansemond, State of Virginia, entered on the 9th day of January, 1928, in a suit in Chancery pending in said court, to which you are parties Plaintiff and Defendant, to-wit:

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

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

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

(4) The fee simple and annual value of said land.

(5) Whether or not there are any delinquent taxes or other liens against the said land.

(6) Whether all the proper parties in interest are before the Court.

(7) And any other matter deemed pertinent by the Commissioner or required to be stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court this 20th day of January, 1928.

L. P. Holland -
Commissioner in Chancery

Full and sufficient service
of this notice is hereby
accepted by us.

Hennie A Howell

Daisy H Davis

Marcia A Howell

By E. R. Austin

John D. Howell

By E. R. Austin
Guardian ad litem

Harris & Rippscomb p. q.

Copy of Costs

Taxed in the Suit of:

B. D. Crocker

vs.

Harris B. Howell, Admr. et al

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

Clerk

Sheriff

Attorney

Commissioner

Printer, for Order of Publication, etc-

1.50

1.50

15.00

~~\$24.00~~

Date of Judgment or Final Decree

192

Paid

May 13,

192

7

R. B. Rippscomb
Clerk

1500

2352

2650

4700
1500
6200

5300

RECEIVED this 1st day of November, 1928, of B. D. Crocker, Special Commissioner, the sum of \$1282.00, representing one-half of the proceeds from the sale of the timber in the suit of B. D. Crocker vs. Nannie B. Howell, Administratrix, etc.

B. D. Crocker

RECEIVED this 1st day of November, 1928, of B. D. Crocker, Special
Commissioner, the sum of \$1282.00, representing one-half of the
proceeds from the sale of the timber in the suit of B. D. Crocker
vs. Nannie B. Howell, Administratrix, etc.

Nannie B. Howell
Administratrix of the Estate of
J. D. Howell, Deceased.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL, ADMINISTRATRIX,
etc., et als.....DEFENDANTS

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

The undersigned, who was appointed Special Commissioner in this cause on the 3rd day of August, 1925, begs to report to the Court that, in pursuance of a decree entered in this cause on the 31st day of March, 1927, he has made the following disbursements:

To amount received from sale of timber and saw-mill.....	\$2650.00	
By amount paid G. E. Bunting, Clerk, for court costs.....		\$24.00
By amount paid B. D. Crocker as Special Commissioner's fee.....		62.00
By amount paid B. D. Crocker representing one-half of the balance in the hands of the Special Commissioner.....		1282.00
By amount paid Nannie B. Howell, Administratrix of the Estate of J. D. Howell, representing one-half of the balance in the hands of the Special Commissioner.....		1282.00
	\$2650.00	\$2650.00

Nothing further appearing to be done in this cause,
your Special Commissioner recommends that same be dismissed
from the docket.

Respectfully submitted this 1st day of November,
1928.

B. D. Crocker
Special Commissioner.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSLEMOND COUNTY

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMINIS-
TRATRIX, etc.

.....

R E P O R T

.....

Filed this 29 day of ~~November~~ *June*,
1929.

J. L. M.

Judge.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL et als.....DEFENDANTS

This cause came on again to be heard on the papers formerly read and upon the report of L. P. Holland, Commissioner, which report bears date the 3rd day of February, 1928, and was filed in this cause on the 6th day of February, 1928, and further upon the report of G. A. Harris, who was appointed Special Commissioner in this cause on the 16th day of February, 1928, to which reports no exceptions have been taken; and was argued by counsel.

On consideration whereof, and it appearing to the Court that the said G. A. Harris, Special Commissioner, did, after having advertised the time, place and terms of sale for more than ten days by publication in the Virginian Pilot, a newspaper published in the City of Norfolk, Virginia, and having general circulation in the City of Suffolk and Nansemond County, Virginia, and also for five times in the Suffolk News, a newspaper published in the City of Suffolk, Virginia, and having general circulation in the City of Suffolk and Nansemond County, Virginia, the first of said publication in each of said papers being made more than ten days before the date of sale, offer for sale, at public auction, to the highest bidder, on Saturday, March 10, 1928, at twelve o'clock M., in front of the National Bank of Suffolk, Suffolk, Virginia, upon the terms of cash, the following property, to-wit:

All that certain tract, piece or parcel of land situated lying and being in Cypress Magisterial District, Nansemond County, Virginia, and being bounded on the North by the lands of Phillip Duke, on the East by the Hosier Road, on the South by a branch, and on the West by _____; containing 297.1 acres;

said land being offered, however, subject to the easement of right-of-way of the Virginia Electric and Power Company which was conveyed to said Company by B. D. Crocker and others by deed duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia.

And it further appearing to the Court from the report of the said G. A. Harris, Special Commissioner, that B. D. Crocker bid for said property the sum of \$3900.00, which was the highest and best bid offered for said property.

It is therefore adjudged, ordered and decreed that the report of the said G. A. Harris, Special Commissioner, be, and it is hereby, confirmed.

It further appearing to the Court from the reports of L. P. Holland, Commissioner, and G. A. Harris, Special Commissioner, that, at the time of the death of J. D. Howell (who owned an undivided one-half interest in said property), he was indebted to the said B. D. Crocker (who owned the other undivided one-half interest in said property) in the sum of \$3000.00, which sum represented a part of the purchase price of said property and which should have been paid by the said J. D. Howell, and that the accrued interest up to and inclusive of February 3, 1928, amounted to \$1260.00, which interest and principal are in excess of the amount of the proceeds from the sale of said land due by Nannie B. Howell, widow of J. D. Howell, and Daisy H. Davis, Marvin D. Howell and John D. Howell, children of the said J. D. Howell, as heirs of the said J. D. Howell; and, therefore, leaves no equity in said property or the pro-

ceeds therefrom to be delivered or paid to the heirs of the said J. D. Howell.

On consideration whereof, the said G. A. Harris, Special Commissioner, is authorized and directed to convey to the said B. D. Crocker the property hereinabove described by Special Warranty deed, upon the payment to him by the said B. D. Crocker of all costs incident to this suit.

And the said Special Commissioner shall report to Court.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL et als

.....
D E C R E E
.....

G. A. Starnes p. y.
E. R. Buntin Treasurer
and Clerk for John B. Howell.

Entered this 31. day of March,
1928.

James L. McInnerey
Judge.

Chancery Order Book
No. 6 Page 150

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

B. D. Crocker :
vs. : In Chancery
Nannie B. Howell, et als :

Commissioner's Office
Suffolk, Va. January 31, 1928.

To the Honorable James L. McLemore, Judge of the said Court:

Pursuant to the decree of the Circuit Court of the County of Nansemond, entered on the 9th day of January, 1928, in the suit in chancery pending in the said court between B. D. Crocker, Complainant, and Nannie B. Howell, et als., Defendants, the undersigned, L. P. Holland, one of the Commissioners in Chancery of the said court, respectfully represents, as follows:-

That on the 20th day of January, 1928, your Commissioner gave notice that he would proceed on the 31st day of January, 1928, at ten o'clock A. M., at the office of G. A. Harris, in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of the Circuit Court of Nansemond County; that sufficient and legal service of the said notice was accepted by all of the parties to the said suit; that on the 31st day of January, 1928, at ten o'clock A. M., at the said office of G. A. Harris, your Commissioner took the depositions of R. J. Norfleet, S. M. Lawrence, A. M. Davis, and O. W. Sheffield touching said inquiries, which depositions are herewith returned; that from the testimony of said witnesses, and from information otherwise obtained, your Commissioner reports as follows:

1. The real estate in the bill and proceedings mentioned is a low-lying tract of land, which in rainy weather is swampy and largely under water, and, for this reason, is not suitable for anything except the growth of timber; that the timber has been cut in recent years, and the land is covered only with a very young growth of timber; that one-half of the property is owned by B. D. Crocker and the other half of the property is owned by the estate of J. D. Howell; that J. D. Howell died in the Spring of 1925, leaving a widow and three children; that the property, therefore, on account of its small value and on account of the number of people between whom it would have to be divided, cannot be conveniently divided in kind between the several parties entitled to share therein.

2. There is no party that will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to.

3. The interest of all of those who are entitled to the property will be promoted by the sale of the entire property.

4. The fee simple value of the land is \$12.50 per acre. As it is timbered land and has no cleared acreage on it, it is not capable of being rented out, and, therefore, has no annual value.

5. There are no delinquent taxes or other liens recorded against this property.

6. All proper parties in interest are before the court.

7. It appears by the statement filed by O. W. Sheffield, Secretary & Treasurer of The Suffolk Lumber Company, along with his deposition, that the estate of John D. Howell is indebted to B. D. Crocker for a part of the purchase price of the interest of John D. Howell in the property in the bill and proceedings mentioned, which John D. Howell and B. D. Crocker bought from John L. Gay. The aggregate of this amount is \$4,260.00, with a principal of \$3,000.00 together with interest of \$1,260. The personal estate of John D. Howell is not sufficient to pay this debt, and the fact that it is not is another reason why this property should be sold, viz., so that the interest of the estate of John D. Howell therein can be applied towards the satisfaction of this debt. There is nothing further deemed pertinent by the Commissioner or required to be stated by any party in interest in this cause.

Respectfully submitted this 3rd day of February, 1928.


Commissioner in Chancery

Commissioner's Fee	\$15.00
Stenographer's "	
Witness, S.M. Lawrence	\$5.00
" R.J. Norfleet	\$5.00

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

Q. Please state your name, residence and occupation?

A. R. J. Norfleet, Suffolk, Virginia, real estate business.

Q. Mr. Norfleet, are you familiar with the property owned by Mr. B. D. Crocker and the late J. D. Howell, situated West of the Hosier Road, about 3-1/2 miles South of Suffolk, known as the "Gay Property", containing approximately 297 acres?

A. I am.

Q. Are there any buildings of any kind on the property?

A. No.

Q. Is any of it cultivated land?

A. No. All in small undergrowth.

Q. Is there any merchantable timber on it at this time so far as you know?

A. Not that I know of.

Q. What do you consider a fair market value per acre for it?

A. \$12.50 to \$15.00 per acre.

Q. Has it any annual value?

A. No.

Q. Do you believe, Mr. Norfleet, that it would be to the best interest of all parties concerned to make sale of the whole of the property, or to divide it among the several parties entitled thereto?

A. I would think it would be best to sell it as a whole. There is no revenue to derive from it and they will have the proceeds from the sale to invest in property that would yield some revenue.

And further this deponent saith not.

R. J. Norfleet

MR. A. M. DAVIS, being duly sworn, testifies as follows:

Q. Mr. Davis, you are the husband of Mrs. Daisy H. Davis, who is one of the defendants to this suit, are you not?

A. Yes.

Q. Your wife is the daughter of J. D. Howell, deceased?

A. Yes.

Q. Will you please state the names and ages, if known to you, of the children of the late J. D. Howell?

A. Mrs. Davis, I think, is in her 26th year; Marvin D. Howell is about 22 years, and J. D. Howell, Jr., is about 15 years Mrs. Nannie B. Howell is the widow of J. D. Howell.

Q. They are all the heirs of the late J. D. Howell?

A. Yes.

Q. Mr. Davis, do you know whether or not any of the heirs of the late J. D. Howell are willing to take the whole of the property and pay the other interested parties for their respective interest?

A. I don't know that they are so situated that they could take it, and if they could they do not care to. I know it is the desire of Mrs. Howell to settle and she has left the matter entirely with Mr. Crocker - to be governed at least by his judgment in the case.

And further this deponent saith not.

A. M. Davis

MR. S. M. LAWRENCE, being duly sworn, testifies as follows:

Q. Mr. Lawrence, what business are you engaged in?

A. Real estate.

Q. Are you familiar with the property owned by Mr. B. D. Crocker and the late J. D. Howell, lying West of the Hosier Road about 3-1/2 miles South of Suffolk, containing approximately 300 acres?

A. Fairly so.

Q. Do you know whether or not there are any buildings on the property?

A. There are no buildings on the property.

Q. Is there any merchantable timber on the land?

A. No; but apparently fairly good growth of small timber.

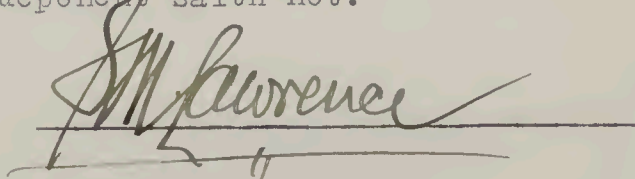
Q. What is the fee-simple and annual value of this property, would you say?

A. At this time it has no annual value. I consider its fee-simple value to be \$10.00 to \$15.00 per acre as a whole; and at the present market value, I should be inclined to say around \$10.00 per acre.

Q. Mr. Lawrence, do you believe the interest of all parties to the suit would be promoted by a sale of the whole of the property and a division of the proceeds therefrom, or do you think the property should be partitioned among the several parties entitled thereto.

A. I think it would be to the interest of the parties to be sold.

And further this deponent saith not.



MR. O. W. SHEFFIELD, being duly sworn, testifies and says as follows:

Q. Mr. Sheffield, you are the book-keeper for Mr. B. D. Crocker, are you not?

A. Yes, sir.

Q. Do you know whether or not Mr. J. D. Howell was, at the time of his death, indebted to Mr. Crocker for any part of the purchase price of the land described in the bill in these proceedings?

A. Yes; to the extent of \$3000.00 - by three notes of \$1000.00, each.

Q. This was money Mr. Crocker had advanced to pay the purchase price?

A. Yes; he paid the notes up and charged it to the Crocker and Howell books.

Q. There was a deed of trust on the property at that time and these were the notes secured by the deed of trust and held by John L. Gay?

A. Yes, sir.

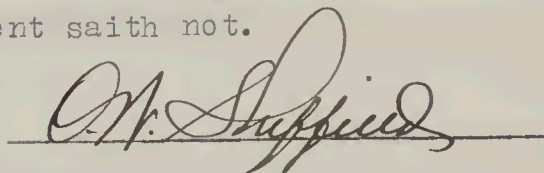
Q. Do you know whether or not Mr. Crocker is willing to take the property and pay the Howells their interest in same or did he prefer that same be sold?

A. I was under the impression that he wanted same to be sold.

Q. Mr. Sheffield, will you make up a statement of the account, showing the amount due Mr. Crocker from Mr. Howell in the partnership transaction, and file same with the Commissioner.

A. Yes, sir.

And further this deponent saith not.



B. D. CROCKER
President and Manager

O. W. SHEFFIELD
Secretary & Treasurer

Flooring
Ceiling
Moulding
Partitions
Stair Rail
Balusters
Newels
Door & Window Frames
Framing
Laths

SUFFOLK LUMBER CO.

Manufacturers of

ROUGH & DRESSED N. C. KILN DRIED PINE

Suffolk, Virginia

Jan. 1st, 1928.

Mill and Office Address
Mulberry St.
Near A. C. L. Depot

Telephone 372

P. O. Box 523

M J. D. Howell's Estate,

Address Suffolk, Va.

Terms { 2% 10 Days
 { 30 Days Net

Customers No.

Car Initial & No.

To balance due on purchase price for land on Hosier Road bought from John L. Gay by Crocker & Howell., and the following notes were paid by B. D. Crocker and were consign to him by John L. Gay.

Three (3) \$1000.00 Notes \$3000.00

Interest to date on notes 1260.00

\$4260.00

REPORT OF COMMISSIONER

B. D. CROCKER

V.

MARNIE B. HOWELL, ET ALS.

FILED the 16th day of
February, 1928. *J. M.*

E. E. & L. P. HOLLAND
SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF HANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL, ADMINISTRATRIX, ET ALS.....DEFENDANTS.

Depositions of J. S. Vellines, taken before me, Minnie Lavine, a Notary Public for the City of Suffolk, State of Virginia, by agreement of all interested parties, the infant defendants consenting by William S. Holland, their guardian ad litem, on Saturday, the First day of August, 1925.

PRESENT:

G. A. Harris, attorney for the complainant.

William S. Holland, guardian ad litem of the infant defendants.

MR. J. S. VELLINES, being first duly sworn, deposes and says as follows:

(Examined by Mr. Harris).

Q. State your name, age, residence and occupation?

A. J. S. Vellines, 42 years old, Suffolk, Va., sawyer for American Lumber Corporation.

Q. Mr. Vellines, have you seen the standing timber on the land owned by W. R. Copeland which was purchased by B. D. Crocker and J. D. Howell in May, 1924?

A. Yes, sir.

Q. This timber is owned jointly by B. D. Crocker and the heirs at law of J. D. Howell. Please state whether or not it can be divided between the parties entitled thereto?

A. I don't see how it can. It's a small tract and aint got but a short time to cut and remove it.

Q. Do you think it would be to the interest of all parties concerned to sell the timber as a whole?

A. It would be to their interest because they only have a short time to cut it.

Q. Do you consider \$2650.00 a good offer for the mill and the standing timber?

A. Yes, sir. I think so.

And further this deponent saith not.

J. S. Vellines

I, Minnie Lavine, a Notary Public for the City of Suffolk, in the State of Virginia, do certify that the foregoing depositions of J. S. Vellines were taken before me on the First day of August, 1925; all interested parties having waived the time and place of the taking of said depositions and all parties being represented.

Given under my hand this 3rd day of August, 1925.

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

Minnie Lavine
Notary Public.

VIRGINIA: IN THE CIRCUIT COURT
OF HANSEMOND COUNTY.

B. D. CROCKER

VS.

NANNIE B. HOWELL, ADMR. ET ALS.

.....

D E P O S I T I O N S

of

J. S. VELLINES.

1925 Aug. 3. filed J.P.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL, ADMINISTRATRIX,
etc. et als.....DEFENDANTS

THIS CAUSE came on again to be heard on the papers formerly read and upon the report of B. D. Crocker, who was appointed Special Commissioner in this cause on the 3rd day of August, 1925, which report is dated the 1st day of November, 1928, and this day filed, to which report no exception was taken; and was argued by counsel.

It appearing to the Court that the said B. D. Crocker, Special Commissioner, in pursuance of a decree entered in this cause on the 31st day of March, 1927, has disbursed the following sums:

To amount on hand.....	\$2650.00	
By amount paid G. E. Bunting, Clerk, for court costs.....		\$24.00
By amount paid B. D. Crocker as Special Commissioner's fee....		62.00
By amount paid B. D. Crocker representing one-half of the balance in the hands of the Special Commissioner.....		1282.00
By amount paid Nannie B. Howell, Administratrix of the Estate of J. D. Howell, representing one-half of the balance in the hands of the Special Commissioner.....		1282.00
	\$2650.00	\$2650.00

On consideration whereof, the said report is approved and confirmed.

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

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMINISTRATRIX,
etc.

.....

D E C R E E

.....

Entered this 29, day of
~~June~~ 1929.

James M. Moore
Judge

Chancery Order Book
No. 6 Page 254

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL et als.....DEFENDANTS.

THE ANSWER OF JOHN D. HOWELL, INFANT UNDER THE AGE OF TWENTY ONE YEARS, by E. R. CUSTIS (A DISCREET AND COMPETENT ATTORNEY AT LAW) HIS GUARDIAN AD LITEM ASSIGNED TO DEFEND HIM IN THIS SUIT, AND THE ANSWER OF THE SAID E. R. CUSTIS, GUARDIAN AD LITEM OF THE SAID INFANT DEFENDANT, TO A BILL OF COMPLAINT EXHIBITED AGAINST THE SAID INFANT AND OTHERS BY B. D. CROCKER IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

For answer to the said bill the said infant by his guardian ad litem answers and says that being of tender years he does not know what his true interest is in relation to the subject-matter of the said bill, nor does he know whether or not the statements contained therein are true. He confides the protection of his 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, this defendant prays to be hence dismissed, with his costs, etc.

John D. Howell) BY E. R. Custis
Guardian ad litem.
E. R. Custis
Guardian ad litem.

Sworn to before me in the City of Suffolk, State of Virginia, by E. R. Custis, this 9th day of January 1928.

G. H. Harris
Notary Public.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE ~~B.~~ HOWELL et als.

.....

ANSWER OF
GUARDIAN AD LITEM.

1928. Jan'y 9th filed.
J.L.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B HOWELL et als.....DEFENDANTS

THE ANSWER, UNDER OATH, OF JOHN D. HOWELL,
AN INFANT UNDER THE AGE OF TWENTY-ONE YEARS,
BUT OVER THE AGE OF FOURTEEN, TO A BILL OF
COMPLAINT EXHIBITED AGAINST HIM AND OTHERS
IN THE CIRCUIT COURT OF THE COUNTY OF NANSE-
MOND, VIRGINIA, BY B. D. CROCKER, COMPLAINANT.

For answer to said bill, this defendant says that
he is fourteen years of age; that he, by reason of his tender
years, knows but little of the language of said bill, but so
far as he does know, he believes the same to be true; that he
sees no reason why the prayer of the bill should not be granted;
and that he accordingly concurs therein, but relies on the Court
to protect his interest.

And now having fully answered, he prays to be hence
dismissed with his reasonable costs by him in this behalf expended.

And he will ever pray, etc.

J. D. Howell Jr.

Sworn to before me in the City of Suffolk, State of
Virginia, by John D. Howell, this 9th day of January 1928.

G. A. Perini
Notary Public.

W
VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE D. HOWELL et als.

.....

ANSWER

OF

JOHN D. HOWELL

1928 Jan 9th filed J.H.M.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE ^D HOWELL et als.....DEFENDANTS

THE JOINT AND SEPARATE ANSWERS OF NANNIE D. HOWELL,
DAISY H. DAVIS AND MARION D. HOWELL TO A BILL IN
EQUITY EXHIBITED AGAINST THEM AND OTHERS IN THE
CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA, BY B.D.
CROCKER.

These respondents saving and reserving, etc.,
for answer to the said bill, say that they believe the statements
therein made are true. These respondents do not object to the
sale of the land as prayed for in the said bill; they concur in
the prayer of the said bill.

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

Daisy H. Davis.

Nannie B. Howell

Marion D. Howell

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs. .

NANNIE B. HOWELL et als.

.....

ANSWER OF NANNIE D. HOWELL,
DAISY H. DAVIS AND MARION
D. HOWELL.

1928 Jan 9th. filed
J.M.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL, ADMINISTRATRIX, ET ALS.....DEFENDANTS.

THE SEPARATE ANSWER OF MARYON D. HOWELL, AN
INFANT UNDER TWENTY-ONE YEARS OF AGE, BUT
MORE THAN EIGHTEEN YEARS OF AGE, IN HIS OWN
RIGHT TO A BILL OF COMPLAINT EXHIBITED
AGAINST HIM AND OTHERS IN THE CIRCUIT COURT
OF NANSEMOND COUNTY, VIRGINIA, BY B. D.
CROCKER, COMPLAINANT.

The respondent, reserving unto himself the benefit of
all just exceptions to the said bill, for answer thereto or to so
much thereof as he is advised that he should answer, answers and
says:

That he is an infant being only twenty years of age,
and by reason of his infancy is incapable of taking care of his
rights and interests; however, to the best of his knowledge, he
believes that the averments in the bill in these proceedings are
true, and he concurs in the prayer of the bill. He commends him-
self and his rights and interests to the protection of the Court,
and prays that no decree may be pronounced which will tend to his
prejudice.

And having fully answered, the said respondent prays
to be hence dismissed with his reasonable costs in this behalf
expended.

And he will ever pray, etc.

Maryon D. Howell

STATE OF VIRGINIA,

Convey of Houseman to-wit:

This day personally appeared before me,

G. A. Harris, a Notary Public in and for the
aforesaid, in the State of Virginia, *Martin D. Howell*, and made
oath that the foregoing statements are true to the best of his
knowledge and belief.

Given under my hand this *31st* day of July, 1925.

My commission expires *Oct. 2 - 1926*.

G. A. Harris

Notary Public.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMR. ET ALS.

.....

ANSWER OF

MARY D. HOWELL.

1915 Aug. 3. filed
J.L.M.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL, ADMINISTRATRIX, ET ALS.....DEFENDANTS.

THE ANSWER OF NANNIE B. HOWELL, ADMINISTRATRIX
OF ALL AND SINGULAR THE GOODS, CHATTELS AND
CREDITS WHICH WERE OF J. D. HOWELL AT THE TIME
OF HIS DEATH, WHO DIED INTESTATE.

The respondent, reserving unto herself the benefit of
all just exceptions to the said bill,^{for} answer thereto, or so much
thereof as she is advised is material she should answer, answers
and says:

That she qualified as Administratrix of the estate of
J. D. Howell, deceased, on the 27th day of May, 1925; that she
has read the bill filed by B. D. Crocker, as complainant, vs.
Nannie B. Howell, Administratrix, et als, and believes the state-
ments therein are true; and that she concurs in the prayer of said
bill. This respondent further states to the Court that it will be
necessary to dispose of the standing timber described in the bill
in the proceedings for the reason that there is not sufficient
funds in her hands as Administratrix, or personal property belong-
ing to the Estate of J. D. Howell, to pay the debts owing and due
by the said J. D. Howell at the time of his death. She believes
that the offer of \$2650.00, for the timber and saw-mill, made by
S. T. Gay and C. P. Gay is a fair and just offer and recommends
that same be accepted and proper conveyance made to them of the
property described in these proceedings.

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

And she will ever pray, etc.

Nannie B. Howell
Administratrix of the estate of
J. D. Howell, deceased.

STATE OF VIRGINIA,

Candy of Rosemond to-wit:

This day personally appeared before me,
G. A. Davis, a Notary Public in and for the
aforesaid, in the State of Virginia, Nannie B. Howell, Adminis-
tratrix of the Estate of J. D. Howell, deceased, and made oath
that the foregoing statements are true to the best of her know-
ledge and belief.

Given under my hand this *31st* day of July, 1925.

My commission expires *Oct 2 - 1926*.

G. A. Davis

Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF HANSELAND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMR. ET ALS.

.....

ANSWER OF

NANNIE B. HOWELL, ADMR.

1925 Aug. 3. Filed.
J.L.N.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

VS.

NANNIE B. HOWELL, ADMINISTRATRIX, ET ALS.....DEFENDANTS.

THE JOINT AND SEPARATE ANSWER OF WILLIAM S. HOLLAND, GUARDIAN AD LITEM OF MARYON D. HOWELL AND JOHN D. HOWELL, INFANTS UNDER THE AGE OF TWENTY-ONE YEARS, AND OF MARION D. HOWELL AND JOHN D. HOWELL BY WILLIAM S. HOLLAND, GUARDIAN AD LITEM ASSIGNED TO DEFEND THEM IN THIS SUIT TO A BILL OF COMPLAINT EXHIBITED AGAINST THEM AND OTHERS IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA, BY B. D. CROCKER, COMPLAINANT.

The respondents, reserving unto themselves the benefit of all just exceptions to the said bill, for answer thereto, or so much thereof as they are advised is material they should answer, the guardian ad litem in-proper person and the infants by their guardian ad litem, answer and say:

That they are infants of tender years and by reason of their infancy are incapable of understanding and of taking care of their rights and interests. They, therefore, by their guardian ad litem, commend themselves and their rights and interests to the protection of the Court. They pray that no decree be pronounced that will tend to their prejudice.

The guardian ad litem for answer, answers and says to the best of his knowledge and believe that the rights of no person will be violated and that the interests of his infant defendants will be promoted by a sale of the property mentioned in the bill in these proceedings. From the best information before him, he believes that the offer made by S. T. Gay and C. P. Gay of \$2650.00 for the property is fair and just.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended.

And they will ever pray, etc.

William S. Holland
Guardian ad litem of Marion D.
Howell and John D. Howell.

Marion D. Howell

John D. Howell

By William S. Holland
Guardian ad litem.

STATE OF VIRGINIA,

Cordley of Newsum to-wit:

This day personally appeared before me,
a Notary Public in and for the *Gastavis* aforesaid, William
S. Holland, guardian ad litem of Marion D. Howell and John D. Howell,
and made oath that the foregoing statements are true to the best of
his knowledge and belief.

Given under my hand this *31st* day of July, 1925.

My commission expires *Oct. 2 - 1926*.

Gastavis
Notary Public.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMR., ET ALS.

.....

ANSWER OF

WILLIAM S. HOLLAND, Guardian
ad litem.

1925 Aug. 3. filed

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL, ADMINISTRATRIX, ET ALS.....DEFENDANTS.

THE JOINT AND SEPARATE ANSWERS OF NANNIE
B. HOWELL AND DAISY H. DAVIS, TWO OF THE
DEFENDANTS TO A BILL OF COMPLAINT EXHIBITED
AGAINST THEM IN THE CIRCUIT COURT OF NANSE-
MOND COUNTY, VIRGINIA, BY B. D. CROCKER,
COMPLAINANT.

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

That the several averments in the bill of complaint are
true and that they concur in the prayer of the bill; that they be-
lieve that the price offered for the property mentioned in the bill
is as much as can reasonably be expected to be obtained for same;
and they further believe that the rights of no person will be vio-
lated, and that it will be to the interest of all parties concerned
to make sale of the property for the price of \$2650.00 offered by
S. T. Gay and C. P. Gay.

And having fully answered the complainant's bill, pray
to be hence dismissed with their reasonable costs by them in this
behalf expended.

And they will ever pray, etc.

Nannie B. Howell

Daisy H. Davis.

STATE OF VIRGINIA,

County of Henric to-wit:

This day personally appeared before me,

W. A. Lewis, a Notary Public in and for the
aforesaid, in the State of Virginia, *Mannie B. Howell* and *Daisy H.*
Havis, and made oath that the foregoing statements are true to the
best of their knowledge and belief.

Given under my hand this *31st* day of July, 1925.

My commission expires *Oct. 2 - 1926*.

W. A. Lewis

Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE B. HOWELL, ADMR. ET ALS.

.....

ANSWER OF

NANNIE B. HOWELL

and

DAISY H. DAVIS.

1925 Aug. 3. filed x.m.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT

vs.

NANNIE B. HOWELL, DAISY H.
DAVIS, MARYON D. HOWELL and
JOHN D. HOWELL, the last
named being an infant under
twenty-one years of age.....DEFENDANTS

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

Your complainant, B. D. Crocker, respectfully
represents unto the Court the following case:

(a) That your complainant and J. D. Howell purchased
from John L. Gay, widower, by deed bearing date the 10th day of
April, 1920, and recorded in the Clerk's Office of the Circuit
Court of Nansemond County, Virginia, in Deed Book 94, page 198,
the following property, to-wit:

All that certain tract, piece or parcel of land
situated lying and being in Cypress Magisterial
District, Nansemond County, Virginia, and being
bounded on the North by the lands of Phillip
Duke, on the East by the Hosier Road, on the
South by a branch, and on the West by _____
_____; containing 297.1 acres.

That a plat of said property is hereto attached,
marked "Exhibit A", and prayed to be read as a part of this bill.

That subsequently B. D. Crocker and Nannie B.
Howell, Daisy H. Davis, Maryon D. Howell and John D. Howell, by
agreement, granted an easement of right-of-way through the afore-
said property to the Virginia Electric and Power Company, and
being generally described as follows:

"All that certain parcel of land in Cypress District,
Nansemond County, Virginia, being Parcel No. 8 on
Plat made by W. W. LaPrade & Bros., dates May 26,
1926, being a strip of land 100 feet wide, the cen-
ter line of which begins on the dividing line between
the land of James Phillip Duke and the land of Crocker

& Howell, at Station 121 plus 00, thence S.20° 17' W. 247.3 feet to Station 123 plus 47.3 thence S. 20° 45' W. 3543 feet to Station 158 plus 90 in center of branch on the dividing line of said Crocker and Howell and R. L. Brewer, Jr. being a part of the land conveyed to B. D. Crocker and J. D. Howell by deed from John Letcher Gay, widower, dated April 10, 1920, and recorded in the Clerk's Office of Nansemond County in Deed Book 94, page 198."

(b) That in the early spring of 1925 the said J. D. Howell died intestate, leaving a widow, Nannie B. Howell, 42 years of age, and three children: Daisy H. Davis, 24, Marvin D. Howell, 20, and John D. Howell, 12.

(c) Marvin D. Howell is now 22 years of age, and the infant, John D. Howell, is 14 years of age.

(d) That your complainant owns an undivided one-half fee-simple interest in the aforesaid described property and the remaining undivided one-half fee-simple interest is owned by Daisy H. Davis, Marion D. Howell and John D. Howell, subject to the dower rights of Nannie B. Howell.

(e) That Daisy H. Davis, Marvin D. Howell and John D. Howell own no other real or personal property.

(f) That your complainant, therefore, represents that the said real estate is, as he believes, susceptible of partition among the parties entitled thereto, but that a sale of same as a whole would promote the interest of all parties concerned, and the rights of no person will be violated by said sale.

(g) That no one of the co-owners of the said property is willing to take same at its value and pay to the other co-owners the value of their respective shares.

(h) That your complainant desires that the said real estate may be sold and the proceeds divided among the complainant and defendant parties according to their respective rights; the share of the infant to be held as directed by statute in such cases made and provided.

For as much therefor as your complainant is remediless in the premises, save by the aid of a court of equity, he prays that the said Nannie B. Howell, Daisy H. Davis, Marvin D. Howell and John D. Howell may be made parties defendant to this bill and required, but not on their oath, to answer the same, the oath being hereby waived, the said adults in their own proper person and the infant by guardian ad litem; that a proper guardian ad litem be appointed in this suit for said infant, who shall also answer this bill; that the said real estate be sold and the proceeds of said sale be divided among the parties entitled thereto; that proper process issue; that all proper accounts and decrees be made and proper inquiries be directed, and that such other and further and general relief may be afforded your complainant as the nature of his case may require, or to equity may seem meet. Notice is given that counsel fees will be asked.

And your complainant will ever pray, etc.

B. D. Crocker
Complainant.

G. A. Harris p. q.

STATE OF VIRGINIA,
CITY OF SUFFOLK, to-wit:

This day personally appeared before me, Minnie Lavine, a Notary Public for the City aforesaid, in the State of Virginia, B. D. Crocker, complainant, and made oath that the foregoing statements are true to the best of his knowledge and belief.

Given under my hand this 9th day of November, 1928.

My commission expires the 2nd day of October, 1930.

G. A. Harris
Notary Public.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

vs.

NANNIE *B.* HOWELL ET ALS.

.....

BILL OF COMPLAINT

1928 Jan 9th filing A.M.

G. A. HARRIS

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

B. D. CROCKER.....COMPLAINANT.

vs.

NANNIE B. HOWELL, ADMINISTRATRIX OF THE
ESTATE OF J. D. HOWELL, NANNIE B. HOWELL,
DAISY H. DAVIS, MARVON D. HOWELL AND
JOHN D. HOWELL, the last two mentioned
being infants twenty and twelve years
of age, respectively.....DEFENDANTS.

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

Your complainant, B. D. Crocker, respectfully represents
unto the Court the following case:

(a) That on the 2nd day of May, 1924, your complainant and
J. D. Howell purchased from W. R. Copeland and Helen E. Copeland,
his wife, for the sum of Sixteen Hundred Dollars (\$1600.00), the
following property:

All the timber and timber trees (except oak) measuring
ten (10) inches, and upwards, in diameter, across the
tree stump, twelve (12) inches above the general level
of the land at the time of cutting; standing, growing,
lying, being and situated upon that certain tract of
land situated near Buckhorn, in the County of Nansemond,
State of Virginia, containing One Hundred and ninety-
eight (198) acres, more or less, and bounded on the
North by the Wyatt farm; on the East by the lands of
Ballard and Jernigan; on the South by the land of
Walter H. Harrell, and on the West by the County Road
leading from the Holland Road to Buckhorn;

the original deed being filed herewith, marked "Exhibit A", and
prayed to be read as a part of this bill;

(b) That in the early spring of the present year the said
J. D. Howell died intestate, leaving a widow, Nannie B. Howell,
42 years of age, and three children, viz: Daisy H. Davis, 24 years
of age, Marvön D. Howell, 20 years of age, and John D. Howell, 12
years of age;

(c) That your complainant and the said J. D. Howell were, at
the time of the death of the said J. D. Howell and for several years
prior thereto, engaged in the manufacture of lumber;

(d) That the standing timber described in "Exhibit A", filed herewith, had not been manufactured into lumber at the time of the death of the said J. D. Howell, although your complainant and the said J. D. Howell were preparing to manufacture said timber into lumber at the time of the said J. D. Howell's death;

(e) That your complainant and J. D. Howell also owned jointly a saw-mill which they had used for several years in the manufacture of lumber, and which is now owned by your complainant and the estate of the said J. D. Howell.

In view of the fact that the deed from W. R. Copeland to your complainant and J. D. Howell stipulates that the timber should be cut and removed from the land of W. R. Copeland, the grantor, within two (2) years from the date of the deed, which now leaves less than ten (10) months to comply with the terms of said deed, it becomes necessary to make some disposition of said timber without further delay.

Your complainant is so situated that he cannot manufacture the timber into lumber within the time specified in the deed, under which he and the said J. D. Howell acquired title, and the heirs of the said J. D. Howell are not in a position to purchase the interest of your complainant; therefore, nothing remains to be done but sell the timber to other manufacturers.

Your complainant has received an offer from S. T. Gay and C. P. Gay of \$2650.00 for the standing timber and saw-mill and equipment owned jointly by your complainant and the said J. D. Howell, provided that they are given immediate possession of the same. Your complainant believes that the offer made by the said S. T. Gay and C. P. Gay is as much as can possibly be realized for the timber if offered at public auction.

Your complainant further represents to the Court that

on account of the short time which remains for the owners to cut and remove the timber, unless the timber is disposed of at once, no one will be interested in the purchase of same.

In tender consideration whereof, and for as much as your complainant is remediless, in the premises, save by the aid of a court in equity, where matters of this kind are known and cognizable, your complainant prays that the said Nannie B. Howell, Administratrix of the estate of J. D. Howell, Nannie B. Howell, Daisy H. Davis, Marylen D. Howell and John D. Howell may be made parties defendant to this bill and require to answer the same, but answer under oath is waived; that a proper guardian ad litem be assigned to the infant defendants to defend their interest in this suit, who shall also answer this bill; that the offer of S. T. Gay and C. P. Gay of \$2650.00 for the timber described in the exhibit filed in this bill and the saw-mill hereinabove mentioned be accepted, and the proceeds of said sale be divided among the parties entitled thereto; that proper process issue; that all proper orders and decrees be made and proper inquiries be directed, and that all such other, further and general relief may be afforded your complainant as the nature of his case may require, or to equity may seem meet.

And your complainant will ever pray, etc.

B. D. Crocker
Complainant.

STATE OF VIRGINIA,

Wm. T. Gay to-wit:

This day personally appeared before me, *G. A. Smith* a Notary Public in and for the *County* aforesaid, B. D. Crocker, complainant, and made oath that the foregoing statements are true to the best of his knowledge and belief.

Given under my hand this *31st* day of July, 1925.
My commission expires *Oct 2 - 1926*

G. A. Smith
Notary Public.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

. vs.

NANNIE B. HOWELL, ADMR. ET ALS.

.....

BILL OF COMPLAINT.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

B. D. CROCKER

VS.

NANNIE B. HOWELL, ADMR., ET ALS.

.....

BILL OF COMPLAINT

1925 Aug. 3. filed Jan

G. A. HARRIS

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

Nansemond County Court

B. H. Crocker

VS.

Naemie B Howell
et al.

Papers in above Styled Suit
in the Hands of

M. E. Watkine

Attorney

July 2 1937