1930-014
Nansemond Co (Suffolk) Chancery Causes: Annie Burgess Boone vs Vanderbilt Burgess et al

Cherry, Brown, Bond

The Artcraft Corporation
Printers and Publishers
Suffolk, Va.

Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Shiriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon wife Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Mariteen Burgess

to appear at the Clerk's office of the Circuit Court of the County of Nansemond, at the rules to be held for the said Court on the 1st Monday in December, 1929, to answer a bill in chancery, exhibited against them in our said Court by Annie Burgess Boohe

And have then there this writ. Witness Paul J. Powell, Clerk of our said Court, at the court-house, the 19th day of November, 1929, and in the 154th year of the Commonwealth.

Paul J, Powell, Clerk

By Olivera Whitehurst, D. C.

1 Mamie Burgess

Posted 11/20/29

No. 300

Annie Burgess Boone

vs. } SUBPOENA IN CHANCERY

Vanderbilt Burgess

et als

Holland & Lovelace p. q.

To First December Rules,

Nansemond County Circuit Court.

2.50 Pd Shff

Vanderbilt Burgess not
not being found at his
usual place of abode 11/20/29
Executed 11/20/29 by
delivering a copy of
within Summonses
to Mamie Burgess
found at Vanderbilt Burgess
usual place of abode and
a member of Vanderbilt
Burgess family over 16 years
of age.

Edward Burgess not
being found at his usual
place of abode nor any one
on whom Summons could
be served. 11/20/29
Executed 11/20/29 by
posting a copy of within
Summons on front
door of Edward Burgess
usual place of abode in
Nansemond County,
E B Rawles Shff

No one found at
Lyndia Burgess Brown on
whom Summons could
be Served. 11/20/29.
Executed 11/20/29 by
posting a copy of the
within Summons on
front door of Lyndia Burgess
Brown usual place of
abode in Nansemond Co. Va
E B Rawles Shff

No one found at Leslie
Cherry, on whom Summons
could be served 11/20/29
Executed 11/20/29 by
posting a copy of Summons
on front door of Leslie
Cherry usual place of
abode in Nansemond Co Va
E B Rawles Shff

Marteen Burgess not home
No one there 11/20/29.
Executed 11/20/29 by posting
a copy of Summons on
front door of Marteen Burgess
usual place of abode in
Nansemond Co Va
E B Rawles
Shff

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Annie Burgess Boone.....Complainant

V. MEMORANDUM

Vanderbilt Burgess, Edward Burgess, Lydia Burgess, Brown, Leolia Cherry and Meriteen Burgess.....Defendants

TO PAUL J. POWELL, CLERK

Please summon defendants for complainant to First December(1929) Rules, in Chancery.

Holland & Loveloce
& V

p.q.

Annie Burgess Boone....Complainant

V. MEMORANDUM

Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess..Defendants

Filed Nov 16th 1925
R.J.P

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Annie Burgess Boone.....Complainant

V. NOTICE

Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess.....Defendants

To Annie Burgess Boone, Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess:

TAKE NOTICE that we shall on the 21st day of December, 1929, at 10 o'clock A. M. appear before Judge James L. McLemore in his chambers in the National Bank of Suffolk Building, Suffolk, Virginia, for the purpose of having him declare what is right and proper that we should receive as a fee for instituting and conducting the above suit, and shall ask that our said fee be declared a lien on the property mentioned in the Bill of Complaint filed in this cause, to-wit, the real estate left by the late Everett Burgess.

HOLLAND & LOVELACE

BY J. Melvin Lovelace

Annie Burgess Boone.....
.....Complainant

V. NOTICE

Vanderbilt Burgess et als.....
.....Defendants

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

Executed 12/13/29 by
delivering a copy of with
notice on each of the follwing
parties in person,
Lydia Burgess Brown
Leslie Cherry
Merlene Bridges
Annie Burgess Boone
E B Rawles Sheriff

Vanderbilt Burgess not
at his usual place of
abode 12/13/29
Executed 12/13/29 by delivering
a copy with Vanderbilt
Burgess wife found at Vanderbilt
Burgess usual place of abode
in Nansemond Co, She
being over Sixteen yrs of age

Edward Burgess not found
at his usual place of abode
12/13/29, 12/13/29
Executed by posting a copy
within notice on front
door of Edward Burgess
usual place of abode
in Nansemond Co VA

E B Rawles
Sheriff

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Annie Burgess Boone.....Plaintiff

V ORDER

Vanderbilt Burgess et als.....Defendant

On motion of the Plaintiff this cause is dismissed and ordered stricken from the docket.

Annie Burgess Boone.....Plaintiff

V. ORDER

Vanderbilt Burges et als.....
.....Defendant

Enter this 1st day of February, 1950.

A. L. McLemore
Judge

Chancery Order Book
No. 6 Page 311

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Annie Burgess Boone.....Complainant

V. BILL OF COMPLAINT

Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess.....Defendants

TO THE CIRCUIT COURT OF NANSEMOND COUNTY:*

Humbly complaining show unto the Court, your Complainant, Annie Burgess Boone, is one of the daughters of the late Everett Burgess and that she owns a one-sixth (1/6) interest in fee simple in a certain tract or parcel of land situate, lying and being in Nansemond County, Virginia.

The other five-sixth (5/6) interest in said tract or parcel of land is owned and held in fee simple by the following children and heirs at law of the late Everett Burgess: Vanderbilt Burgess, brother of the Complainant, one-sixth (1/6) interest; Edward Burgess, brother of the Complainant, one-sixth (1/6) interest; Lydia Burgess Brown, one-sixth (1/6) interest; Leolia Cherry sister of the Complainant, one-sixth (1/6) interest; and Meriteen Burgess, sister of the Complainant, one-sixth (1/6) interest. The wife of the said Everett Burgess, deceased, having died on or about the _____day of July, 1929.

Your Complainant and the said Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess, are the co-owners in fee simple of the said property hereinafter described, and the object of this suit is to procure a partition thereof by some method prescribed by law. Owing to the small size of the said property, it is obvious that a partition in kind is wholly impossible and no one of the co-owners is willing to take said property at its value and pay to the other co-owners the value of their respective shares, and your Complainant alleges that it is to the advantage and interest

of all parties concerned that said property be sold as a whole in order to effect a partition and the proceeds of sale be divided by the Court amongst the various parties according to their respective rights in said tract or parcel of land.

Said property is assessed for taxation in the name of Everett Burgess estate. A sufficient history of the title in said property of the present owners will now be given:-

FIRST:

All that certain piece or parcel of land in Nansemond County, Virginia, containing 22.22 acres and bounded and described as follows: Beginning on the County Road leading from Portsmouth to Suffolk, in the line of Charles Bond, and running thence East 1960 feet to the Norfolk & Carolina Railroad, thence North 23°24' E. 390 feet to the land of B. M. Bruce; thence N. 84° W. 230 feet; S. 81 40W 247.6 feet, N. 88, 40 W. 205.7 feet; S. 88, 12 W. 1324 feet to the County road; thence S. 29° 05' E 35 feet to the point of beginning.

SECOND:

Also all that certain piece or parcel of land in said county and state, containing 10-1/2 acres more or less, and bounded and described as follows: Beginning on the line of the right-of-way of the Norfolk & Carolina Railroad in the line of the lands of B. M. Bruce and running thence S. 73 E. 800 feet; thence S. 23' 24' W. 573 feet; thence N. 73° W. 800 feet to the Norfolk & Carolina Railroad and thence along the line of the Norfolk & Carolina Railroad 573 feet to the beginning.

All of the above described land is more fully described on a plat or survey of same which plat or survey is duly of record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 36, at page 374 and is a part of the same land which was sold and conveyed to Everett Burgess and Charles Bond by W. H. Jones, Trustee, and others, by Deed duly recorded in the Clerk's Office of Nansemond County, Virginia, in Deed Book 36, at page 374. This is also the same land which was conveyed to Everett Burgess by Charles Bond and Lillie Bond, his wife, by their Deed dated November _____, 1895, and duly recorded in said Clerk's Office on October 26, 1900, in Deed Book 47, at page 265.

The parties to this suit are the only heirs at law of the late Everett Burgess who died intestate.

Forasmuch as your Complainant is remediless in the premises save in a Court of Equity where such things are alone cognizable, she prays that the said Vanderbilt Burgess, Edward Burgess, Lydia Burgess Brown, Leolia Cherry and Meriteen Burgess be made party Defendants to this Bill and be required to answer the same, but answers under oath are hereby expressly waived; that partition of said tract or parcel

of land may be made and decreed in some manner prescribed by the Statute, preferably by a sale of the whole thereof and division of the proceeds of sale amongst the owners according to their interests; that all proper accounts and inquiries may be directed and taken; and that your Complainant may receive all such other and further general relief as to equity may seem meet and the nature of her case may require.

ANNIE BURGESS BOONE

BY J. Melvin Lovelace
Counsel

Holland & Lovelace
p.q.

Annie Burgess Bonne.....
.....Complainant.

V. BILL OF COMPLAINT

Annie Burgess, Edward Burgess,
et als.....Defendants

Filed this 2d day of
Dec 1929 PJP

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA