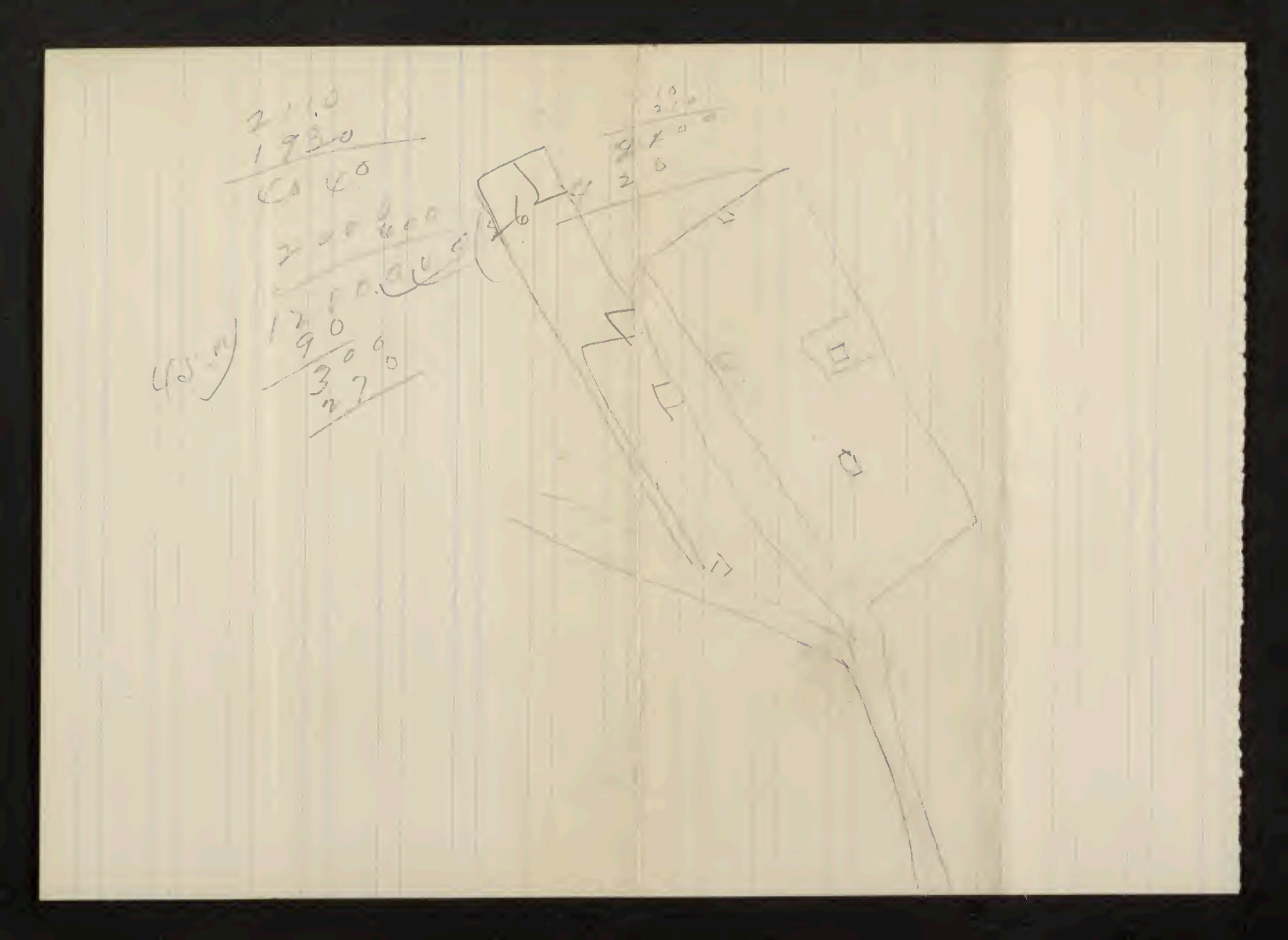
1933-005
Nansemond Co (Suffolk) Chancery Causes: Willie Colden vs Luvina Ford, infant et al 9

Harris, Gray, Wright, Phillips, Atkins, Hale, Gale, Hosier, Jorden, Crumpler

Mary E Hall, Aunt of Lucie Harris
born in 1882
David about 5 yrs. older—



W. J. KENDRICK, PRESIDENT AND EDITOR
J. C. HOLLADAY, SECRETARY AND TREASURER

Suffolk, Va., July 22 1909

M J. A. Corbitt Atty

City

To SUFFOLK HERALD CORPORATION, Dr.

NEWSPAPER AND JOB PRINTING.

No. 912 Washington Street.

TERMS OF THIS BILL—NET CASH. Both Phones.

June	Pub notice four times suit Willie Colden Vs Luvonia Ford et al	720

Oct. 21st

VIRGINIA,

At rules held in the Clerk's office of the Circuit Court of Nansemond County on Monday, the 7th day of June, 1909.

Willie Colden, Plaintiff,

vs.

Luvina Ford, an infant under the age of twenty-one years, William Ford, her husand, David Harris, the hushand of Lonie Harris, Henry Gray, an insane person, and the Unknown heirs at Law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased.

In Chancery.

The object of this suit is to have partitioued a certain lot or parcel of land of which Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins. and then the wife of Joshua Wright, all deceased, died seized and possessed, lying in the town of Suffolk, in the County of Nansemond and State of Virginia, bounded by the lands of Willie Colden, the land of Mary Ellen Hale, the land of Willie Pinner and Main street.

It appearing by proper affidavit filed that David Harris, the husband of Lonie Harris, and Henry Gray, an insane person, are not residents of the State of Virginia, and that diligeuce has been used on behalf of the complainant to ascertain the unkuown heirs at law, if any, of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, without effect, it is ordered that the said David Harris, the husband of Lonie Harris, Henry Gray, an insane person, and the unknown heirs at law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, do appear at the Clerk's Office of this court within fifteen days after due publication of this order in the Suffolk Herald, published at Suffolk Virginia, and do what is necesary to protect their interests in this suit, and that this order be published and posted according to law.

R. R. SMITH, Clerk.

Teste:

By A. P. GOMER, D. C.

A Copy Teste: R. R. SMITH, Clerk,
By A. P. Gomer, D. C.

J. H. CORBITT, pq.

Office of SUFFOLK HERALD.

SUFFOLK, VA., July 22 *1909*

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK EVENING *HERALD in the manner prescribed by law---once a week for four successive weeks. beginning* June 7, 1909 *and ending* June 28, 1909

W. J. Kendrick

Editor Herald

VIRGINIA,

At rules held in the Clerk's office of the Circuit Court of Nansemond County on Monday, the 7th day of June, 1909.

Willie Colden, Plaintiff,

vs.

Luvina Ford, an infant under the age of twenty-one years, William Ford, her husand, David Harris, the husband of Lonie Harris, Henry Gray, an insane person, and the Unknown heirs at Law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased.

In Chancery.

The object of this suit is to have partitioned a certain lot or parcel of land of which Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, died seized and possessed, lying in the town of Suffolk, in the County of Nansemond and State of Virginia, bounded by the lands of Willie Colden, the land of Mary Ellen Hale, the land of Willie Pinner and Main street.

It appearing by proper affidavit filed that David Harris, the husband of Lonie Harris, and Henry Gray, an insane person, are not residents of the State of Virginia, and that diligence has been used on behalf of the complainant to ascertain the unknown heirs at law, if any, of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, without effect, it is ordered that the said David Harris, the husband of Lonie Harris, Henry Gray, an insane person, and the unknown heirs at law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, do appear at the Clerk's Office of this court within fifteen days after due publication of this order in the Suffolk Herald, published at Suffolk Virginia, and do what is necesary to protect their interests in this suit, and that this order be published and posted according to law.

R. R. SMITH, Clerk.

Teste:

By A. P. GOMER, D. C.

A Copy Teste: R. R. SMITH, Clerk.
By A. P. Gomer, D. C.
J. H. CORBITT, pq.

Posted at Courthouse door
June the 9th 1909

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Luvenia Ford an infant under the age of twenty-one years, William Ford her husband, David Harris the husband of Lonie Harris, Henry Gray an insane person and the unknown heirs at law of Barbara Wright who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright all deceased,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in June, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Willie Colden

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of June, 19 09, in the 133rd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A B Storey DC

Teste:
R R Smith, CLERK.
By A B Storey DC

James N Corbitt, p. q.

A copy for

vs. } In Chancery.

David Harris

1909

June Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 71

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Luvenia Ford an infant under the age of twenty-one years, William Ford her husband, David Harris the husband of Lonie Harris, Henry Gray an insane person and the unknown heirs at law of Barbara Wright who was first the wife of William Phillips, then the wife of Alfred Atkins and then the wife of Joshua Wright all deceased,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in June 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Willie Colden

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of June, 1909, in the 133rd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A B Lowery DC

Teste:
R R Smith, CLERK.
By A B Lowery DC

James H Corbitt, p. q.

A copy for

vs. } In Chancery.

The Unknown heirs
of Barbara Wright

1909

June Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 71

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ Norfolk City Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Luvenia Ford an infant under the age of twenty-one years, William Ford her husband, David Harris, the husband of Lonnie Harris, Henry Gray, an insane person, and the Unknown Heirs at Law of Barbara Wright who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright all deceased.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in June 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Willie Golden

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of June, 1909, in the 133rd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R R Smith, CLERK.

By L O Stones D.C.

James N Corbitt, p. q.

Willie Colden

vs. } In Chancery.

Luvina Ford

and others

1909

June Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 71

Executed in the City of Norfolk. This 9th day of June 1909. by serving a copy hereof on Luvina Ford, and not finding William Ford at his usual place of abode I executed in the City of Norfolk. this 9th day of June 1909. by serving a copy hereof on her husband Luvina Ford and his wife, she being there, and a member of his family, over the age of sixteen years. and gave information of its purport to her.

J. T. Lawler Sergt
City of Norfolk.
by C. L. Quinn
Deputy

Sergt fee 100 paid
C. L. Quinn
D.S.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Luvenia Ford an infant under the age of twenty-one years, William Ford her husband, David Harris the husband of Lonie Harris, Henry Gray an insane person and the unknown heirs at law of Barbara Wright who was first the wife of William Phillips, then the wife of Alfred Wtkins and then the wife of Joshua Wright all deceased,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in June 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Willie Colden

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of June, 1909, in the 133rd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey DC

Teste:
R R Smith, CLERK.
By A P Gomey DC

James H Corbett, p. q.

A Copy for

vs. } In Chancery.

Henry Gray

1909

June Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 71

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Luvenia Ford an infant under the age of twenty-one years, William Ford her husband, David Harris the husband of Lonie Harris, Henry Gray an insane person and the unknown heirs at law of Barbara Wright who was first the wife of William Phillips, then the wife of Alfred Wtkins and then the wife of Joshua Wright all deceased,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in June 1909, to answer a Bill in Chancery, exhibited against them in the said Court by Willie Colden

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of June, 1909, in the 133rd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A B Gomey D.C

Teste:
R R Smith, CLERK.
By A B Gomey D.C

....., p. q.

.....

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vs. } In Chancery.

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19------

----------Rules.

----------Monday.

Nansemond Circuit Court.

Process Book No.--------

Page----------

Capt. Gomer: You have a decree recently entered. Please put this in paper, tax all cost & return papers to me promptly with statement.

Yours,

L. H. Beckett

All in for mother
Denver

Haine Gdn. ad litem accept service of Commrs Notice

" J.H. Corbitt Atty for Colden do same

Did commr. Exam. Execution to see if judgments against the property were alive

Did commr. Exam. deed books so as to report whether or not Thomas Phillips + Newman Phillips have other real estate which owned first have to be subjected to judgments prior to their incumbents in this one held by Colden

Necessity for beneficiaries in deed of trust to be made parties

Have commr. show that the deed of trust also covers the adjoining property

See 4 Min. 1463
Va. Code § 2616 & seq. § 2764
Cox v Mullin, 14 Grat. 91

38 Cent. Dig pp 133-143

6

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Willie Colden
v.
Luvina Ford, an infant under the age of twenty-one years,
William Ford, her husband,
David Harris, the husband of Lonie Harris,
Henry Gray, an insane person, and the
Unknown Heirs at Law of Barbara Wright, who was
first the wife of William Phillips, then the wife of
Alfred Atkins, and then the wife of Joshua Wright,
all deceased.

Issue summons in chancery to 2nd June 1909 Rules.

James H. Corbett p.q.

Note:

Direct process for Luvina Ford and William Ford to the Sergeant of the city of Norfolk.

Issue order publication for David Harris, the husband of Lonie Harris, Henry Gray, an insane person, and the unknown heirs at law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willie Colden
v.
Luvina Ford, an infant under the age of twenty-one years,
William Ford, her husband,
David Harris, the husband of Lonie Harris,
Henry Gray, an insane person, and the
Unknown Heirs at Law of Barbara Wright, who was
first the wife of William Phillips, then the wife of
Alfred Atkins, and then the wife of Joshua Wright,
all deceased.

State of Virginia,
To-wit:
County of Nansemond,

This day personally appeared before me A P Gomes Deputy Clerk of the Circuit Court for the ~~a Notary Public in and for the state and~~ county aforesaid, Willie Colden, who maketh oath that David Harris, the husband of Lonie Harris, and Henry Gray, an insane person, are not residents of this state, and that dilligence has been used on behalf of the plaintiff in the above entitled suit to ascertain the unknown heirs at law, if any, of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, without effect.

Willie Colden

Sworn to and subscribed before me in my state and county aforesaid this 7th day of June, 1909.

~~My commission expires~~ A P Gomes Deputy Clerk

Notary Public.

VIRGINIA, At rules held in the Clerk's Office of the Circuit Court of Nansemond County on Monday the 7th day of June 1909.

Willie Colden, Plaintiff,
v.
Luvina Ford, an infant under the age of twenty-one years,
William Ford, her husband,
David Harris, the husband of Lonie Harris,
Henry Gray, an insane person, and the
Unknown heirs at Law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased.) In Chancery.

The object of this suit is to have partitioned a certain lot or parcel of land of which Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, died seized and possessed, lying in the town of Suffolk, in the County of Nansemond and State of Virginia, bounded by the lands of Willie Colden, the land of Mary Ellen Hale, the land of Willie Skinner and Main Street.

It appearing by proper affidavit filed that David Harris, the husband of Lonie Harris, and Henry Gray, an insane person, are not residents of the State of Virginia, and that diligence has been used on behalf of the complainant to ascertain the unknown heirs at law, if any, of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, without effect, it is ordered that the said David Harris, the husband of Lonie Harris, Henry Gray, an insane person, and the unknown heirs at law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, do appear at the Clerk's Office of this court within fifteen days after due publication of this order in the Suffolk Herald, published at Suffolk, Virginia, and do what is necessary to protect their interests in this suit, and that this order be

published and posted according to law.

Teste: R.R.Smith, Clerk.

~~By A. P. Comer, D. C.~~.

By A P Gomey D.C

~~A Copy Teste: R. R. Smith, Clerk~~

~~By A. P. Comer, D. C.~~

J. H. Corbitt, p. q.

A Copy posted at Courthouse door June 9th 1909.

A copy of the above order of publication was posted at the front door of the Courthouse of Nansemond County in Suffolk Va. on June the 9th. 1909.

A P Gomey D.C

A Edouard Lenz
Lettre à Lettres

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

LONG DISTANCE PHONE 98

June 12, 1909.

Mr. R. R. Smith, Clerk,

Suffolk, Va.

Dear Sir:

In re Willie Colden, v. Luvina Ford.

I am herewith enclosing the original process showing service on the defendents, Luvina Ford and Wm. Ford, her husband. Please file this with the papers in the case.

Very truly,

James H Corbitt

June Rules 3rd Monday
June 21st 1909.
Willie Colden
vs } In Chancery
Lavenia Ford and Others.

On motion of the Complainant by Counsel, A Stewart Lewis a discreet and competent attorney at law, is hereby appointed guardian ad litem, to Henry Gray an insane person defendant in this cause to defend his interest in this suit,

L P Gomez D.C

Willie Golden
vs
In Chancery
Lucinda Fordyce

Guardian ad litem
to Henry Gray an
insane person

June Rules 3rd Monday
June 21st 1909.
Willie Golden
Vs In Chancery
Luvenia Ford Dothen,

On Motion of the Complainant by Counsel, A Stewart Lewis a discreet and competent attorney at law, is hereby appointed guardian ad litem to the infant defendant Luvenia Ford in this cause to defend her interest in this suit.

L. L. Gomey D. C.

Willie Golden
Vs
M. Chauvey
Lucrecia Fontenot
Guardian ad litem
to Lucrecia Ford,
an Infant

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Willie Colden

v. DECREE.

Luvinia Ford, et als.

By the consent required by statute of parties hereto, in Term Time entered of record, it is ordered, adjudged and decreed that this cause be submitted to the Judge of this Court for such decision and decree, judgment or order therein in Vacation as might be made in Term.

2

Willie Colden

v. DECREE.

Luvinia Ford, et als.

Enter

29th day of July, 1909.

James L. McTamore.

Entered in Chancery Order Book No. 4. Page 360.

We consent to this decree:

Jos. Corbett, atty for Plaintiff

+ Luvinia Ford

+ + William H. Ford

W. Stuart Lewis Guardian ad litem for Henry Ryley an Insane Person

W. Stuart Lewis, Guardian ad litem for Luvinia Ford an infant -

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Willie Colden

v. DECREE.

Luvinia Ford, an infant under the age of twenty-one years,
William Ford, her husband,
David Harris, the husband of Lonie Harris,
Henry Gray, an insane person, and the
Unknown Heirs at Law of Barbara Wright, who was
first the wife of William Phillips, then the wife of
Alfred Atkins, and then the wife of Joshua Wright,
all deceased.

This cause, in which the plaintiff has proceeded against the defendants, David Harris and Henry Gray, an insane person, in the mode prescribed by law against absent defendants, and as to the unknown heirs-at-law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins and then the wife of Joshua Wright, all deceased, in the mode prescribed by law against unknown defendants, came on this day to be heard on the bill taken for confessed as to ~~the defendant, Luvinia Ford, an infant under the age of twenty-one years, and as to~~ the defendant, William Ford, on whom processes have been duly served, the said absent defendants, the unknown defendants and the said defendants, Luvinia Ford and William Ford, still failing to appear and plead, answer or demur to the said bill; on the answers of the defendant Henry Gray, an insane person, and of Luvinia Ford, an infant under the age of twenty-one years, by their Guardian ad litem, H. Stuart Lewis, duly assigned at Rules todefend them in this suit, with general replications thereto, and was argued 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, who is in-

structed to inquire and report to court:

(1) The parties entitled to the real property in the bill mentioned, with their respective interests therein, and the liens of record, if any, against their said respective interests.

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

(3) 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 interests therein may entitle them to.

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

(5) The annual and fee simple value of said real estate and whether there are any delinquent taxes against the same.

Which several inquiries the said Commissioner shall make and to the court report, together with any matter specially stated, deemed pertinent by himself, or required by any party to be so stated, also whether all parties in interest are properly before the Court.

1

Willie Colden

v. DECREE

Luvinia Ford, et als.

Enter,

29th day of July, 1909.

James E. McSmoore

Entered in Chancery Order
Book No. 4. Page 359.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willie Colden

v.

Luvinia Ford, et als.

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

Your petitioner, William M. Crumpler, Trustee in a certain deed of trust from Willie Colden, dated June 13th, 1908, and admitted to record and recorded in the Clerk's Office of Nansemond County, petitioning showeth unto the Court that there is pending in the Circuit Court of Nansemond County a Chancery suit styled Willie Colden v. Luvinia Ford, et als. brought for the purpose of partitioning the real-estate, described in the bill in the proceedings mentioned, owned by the said Willie Colden, Luminia Ford and others.

That your petitioner by reason of being Trustee in the aforesaid deed of trust becomes a necessary party to the said chancery cause and he is cognizant of the proceedings had in the said chancery cause, and before Bradford Kilby, Esq., Commissioner, up to this time, and in so far as he may properly do so he approves of the same, and he further petitions the Court that he may be allowed to become a party defendant to the s aid bill of complaint, and that hereafter in all matters and proceedings had in the said cause he may be permitted to come and be directed as a defendant as fully and effectually as though he had been originally served with process.

Your petitioner consents that the above named cause be submitted to the Judge of the Court for such decision and decree, judgment or order therein in vacation as might be made in term.

And your petitioner will ever pray, etc.

Wm. M. Crumpler

Trustee.

Commissioner's Office ,

Suffolk, Va.

To

Willie Colden Complainant.

and

Luvinia Ford,infant under the age of 21 years,William Ford, her husband,David Harris,the husband of Lonie Harris,Henry Gray,an insane person,and the unknown heirs at law of Barbara Wright,who was first the wife of William Phillips,then the wife of Alfred Atkins,and then the wife of Josua Wright,all deceased.

Defendants.

You are hereby notified that on the 6th. day of August 1909, at my office in Suffolk, Va. (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 the decree of the Circuit Court of Nansemond County,Va. rendered on the 29th. day of July 1909,in the suit in chancery pending in said court to which you are parties plaintiff and defendant,to-wit:

(1) The parties entitled to the real property in the bill mentioned,with their respective interests therein,and the liens of record,if any,against their respective interests.

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

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

(4) If the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their shares,whether the interests of those 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 the sale of the residue.

(5) The annual and fee-simple value of said real estate and whether there are any delinquent taxes against the same.

(6) Any matter specially stated,deemed pertinent by himself or required by any party to be so stated,also whether all parties in interest are properly before the court.

Given under my hand as Commissioner in Chancery of said Court the 30th. day of July 1909.

Bradford Kilby

Commissioner in Chancery.

We acknowledge sufficient and legal service of the within notice.

Witness: Bill E Verelt — William B Ford

Witness: Bill E Verelt — Lavinia Ford

I Stuart Lavin Guardian ad Litem for Lavinia Ford and Henry Gray.

James H Corbitt, Atty for Plaintiff.

Colden
vs
Ford et als

Commissioners
Notice
"

Original.

Virginia,

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

Willie Colden — Complainant

vs. In Chancery.

Luvinia Ford et als — Defendants.

Commissioner's Office,

Suffolk, Va. August 6th. 1909.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond pronannced on the 29th. day of July 1909, in the suit in chancery pending in said court between Willie Colden, Complainant and Luvinia Ford and others, Defendants, the undersigned Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 30th. day of July 1909, your commissioner gave notice to the parties to the said suit that he would proceed on the 6th. day of August 1909, at his.office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That sufficient and legal service of the notice was duly accepted by the parties to said suit as will appear by the endorsations on the notice herewith returned.

That on the 6th. day of August 1909, at his office, your commissioner took the depositions of J. Walter Hosier and Walter Jordan touching said inquiries, which depositions are returned herewith.

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

(I)

The parties entitled to the real estate in the bill mentioned and their respective interests therein are as follows:

(a) Willie Colden is the fee-simple owner of twelve-fifteenths and also the owner of another fifteenth except the curtesy right therein. This fifteenth formerly belonged to Lonie Harris who conveyed the same to Willie Colden,but David Harris,the husband of said Lonie Harris,did not sign the deed conveying said interest.

(b) Henry Gray,an idiot,residing in New York City,N. Y. is the owner of one-fifteenth in fee-simple.

(c) Luvinia Ford,an infant,residing in Norfolk, Va. is the owner of one-fifteenth ,in fee-simple.

(2)

The real property in the bill mentioned can not be conveniently divided in kind between the several parties entitled to share therein because it is a town lot,39 feet 8 inches in width and 73 feet deep,and is partly covered by an old brick house which lacks only a few feet of being as wide as the lot itself,and further because the interest of some of the parties is so small,two owning only one-fifteenth each.

(3) and will pay to David Harris $4.03 the value of his contingent right of curtesy

Willie Colden will take the entire property and pay therefor to the other parties, Luvinia Ford and Henry Gray $33.33 each,for their one-fifteenth interest, This seems to be a fair valuation of a one-fifteenth interest,as the depositions returned herewith show that the whole property is estimated to be worth $500.

(4)

The interests of those entitled to said property or its proceeds would not be promoted by a sale of the entire property because according to the depositions herewith returned,the entire property would not bring any more than $500. at a sale. It would be impracticable to allot a part and sell the residue,on account of its being a small town lot. To do that would practically destroy entirely the value of the two-fifteenths interest belonging to the infant and idiot defendants,respectively.

Liens of Record against the real estate belonging to Willie Colden, Lavinia Ford et Als

(No. 1).			
A judgment against Thos. Phillips, former owner of 1/5 interest in said real estate, in favor of Bowden and Edwards for sum of $9.	9		
Rendered Oct. 9. 1889.			
Docketed Nov. 21. 1891.			
Int. from Nov. 1. 1887	1071		
Costs	130		2101
(No. 2)			
Judgment against said Thos. Phillips in favor of John S. Copeland for sum of $9.38	938		
Int. from 11 Feb. 1893.	924		
Costs $1.30	130		1992
Rendered Feb. 11. 1893.			
Docketed Mar. 18. 1893.			
(No. 3.)			
Judgment of Bono Fertilizer Co. against Meverson Phillips, former owner of 1/5 interest in said real estate, for sum of $13.50	1350		
Int. from 1st. Sept. 1889	1620		
Costs.	175		3145
Rendered Nov. 21. 1892			
Docketed Apl. 1st. 1893.			
			7238

Amount brought on			7238
(No. 4)			
Judgment of Bono Fertilizer Co.			
against said Meverson Phillips			
for sum of $8.00		8	
Int. from 1st Dec. 1888		996	
Costs.		125	1921
Rendered Apl. 15, 1893			
Docketed Apl. 24, 1893.			
(No. 5)			
E. L. Polk & Company's judgment			
against Thos. Phillips, for $2.00		2	
Int. from 13. Aug. 1894		180	
Costs.		125	505
Rendered Aug. 13. 1894			
Docketed Jan. 10. 1895			
(No. 6.)			
Judgment of M. P. Hubbard & Co.			
v. Thos. Phillips for $5.00		5	
Int from 1st. March. 1893.		495	
Costs.		130	1125
Rendered Jan. 23. 1894			
Docketed Jan. 10. 1895			
See (Next) page			
~~A deed of trust, dated Aug. 9. 1898~~			
~~and admitted to record 1898~~			
~~made by Henry Gray to Wilbur J.~~			
~~Kibby, Trustee, to secure to Barbara~~			
~~Wright the payment of the sum~~			
~~of $325.00, payable in instalments~~			
~~of $25.00 every three months, without~~			
~~interest, and evidenced by one bond~~			
~~of even date with said deed. payable~~			10789

Amount brought on			10789
(No. 7)			
A ~~Judgments~~ of Virginia —			
Carolina Distributing Co. against			
Reverson Phillips		91	
Int. from 2 Aug. 1906		17	
Costs		145	253
Rendered Sept. 25. 1906.			
Docketed Oct. 9. 1906.			
(No. 8)			
A deed of trust dated June 13 1908 and admitted to record June 1908, made by Willie Colden to Wm. M. Crumpler, Trustee, to secure to Sallie A. Crumpler $265.86 and to Flossie C. Harrell $384.14 evidenced by two bonds of even date with said deed and payable on demand.			650
No interest due on said bonds. This deed of trust is on Willie Colden's 13/15 interest in the real estate in the bill described, and also on the adjoining lot which belongs to him.	Total		76042

(5)

The annual value of said property at the time of the taking of the depositions returned herewith,was about $30. ,but before the completion of this report,Willie Colden,destroyed one-half of the large brick building which was located partly on a lot owned by him and partly on ~~the~~ this said lot,thus rendering the portion of said building still standing on said lot,uninhabitable and reducing the annual value of said property to nothing.

The fee-simple value of said real estate is $500.

There are no delinquent taxes against the same.

(6)

Your commissioner reports that William M. Crumpler,Trustee,in a deed of trust on said real estate, made to secure Sallie A. Crumpler and Flossie C. Harrell the sum of $650.,was not made a party to this suit.

There are no other matters deemed pertinent by your commissioner or required by any party to be so stated.

Respectfully submitted this 6th. day of September 1909.

Bradford Kilby

Commissioner in Chancery.

Commissioner's fee ~~$15.00~~ $15.

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Your commissioner deems it pertinent to say that the present value of the contingent right of Curtesy of David Harris, husband of Lonie Harris, is $4.03. The said calculation is made on the basis of Lonie Harris being 27 yrs. of age, David Harris being 32 yrs. of age, and the value of Lonie Harris' interest in said real estate being $33.33, all of which facts are shown in the depositions returned herewith.

Respectfully submitted.

Bradford Kilby

Comm. in Chancery.

Willie Colden being duly swwrn,deposes as follows:

Q. What is your name,age,residence and occupation?

A. Willie Colden,45 years old,Suffolk, Va.,huckster.

Q. Have you any interest in the real estate described as located in Suffolk, Va. on the West side of Main St. and bounded on the North by the land of Willie Pinner,East by Main St.,South by your own property and West by land of Mary Ellen Hale? If so,what?

A. Yes,I own thirteen-fifteenths interest in that property.

Q. Are you willing to take the entire property and pay therefor to the other parties such sums as their interest may entitle them to?

A. Yes.

Q. What sum are you willing to pay?

A. $33.33 for each one-fifteenth interest. I have paid $100. for a one-fifth interest and on that basis,I think $33.33 is a fair price to offer.

And further this deponent saith not.

Willie Colden

Willie Colden being again sworn deposes as follows:

Q. Do you know the ages of Lonie and David Harris

A. Lonie Harris is twenty-seven, and David Harris is five years older.

And further this deponent saith not.

J. Walter Hosier, being duly sworn deposes as follows:

Q. What is your name, age, residence and occupation and do you know the real estate in the bill mentioned in this cause?

A. J. Walter Hosier, 46 years, Suffolk, Va. real estate business. I know the property.

Q. What in your opinion is its fee-simple and annual value?

A. Fee-simple about $500. and annual about $25.

Q. Can the real estate mentioned be conveniently divided in kind?

A. No, I think not, because it is is a town lot on which there is a house, nearly as wide as the lot itself and because the interests of some of the parties are so small, two owning only one-fifteenth each. A sale of the whole for $500 or of a fifteenth for $33.33 would be a good price in either instance. And further this deponent saith not.

J. Walter Hosier

Walter Jordan, being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation, and do you know the real estate which is described in the bill in this cause?

A. Walter Jordan, 55 years, Suffolk, Va., real estate and insurance business. I know the lot.

Q. What in your opinion is its fee-simple and annual value?

A. Fee-simple about $500. and annual about $30.

Q. Can the real estate mentioned be conveniently divided in kind?

A. No, because it is a town lot, 39 feet 8 inches wide and 73 feet deep and its entire frontage is almost covered by an old brick house.

Q. Do you know whether any parties in interest will buy the whole and pay the others for their interests?

A. I do not.

Q. What in your opinion is a one-fifteenth interest in said property worth?

A. Well, on the basis of $500. valuation of the whole, $33.33 would be a good price for one-fifteenth.

And further this deponent saith not.

Walter Jordan

Willie Colden
v. } In Chancery
Luvinia Ford et
als

Report of Bradford
Kilby, Commissioner,
under decree of
July 29. 1909.

1909 Sept 27th Filed
A.P.G. D.C.

Bradford Kilby, Jr.
WILBUR KILBY.
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Willie Colden

v. DECREE.

Luvinia Ford, an infant under the age of twenty-one years,
William Ford, her husband,
David Harris, the husband of Lonie Harris,
Henry Gray, an insane person, and the
Unknown Heirs at Law of Barbara Wright, who was

first the wife of William Phillips, then the wife of
Alfred Atkins, nd then thw wife of Joshua Wright,
all deceased.

This cause came on this day to be heard upon the papers formerly read and upon the report of Bradford Kilby, one of the Commissioners in Chancery of this Court, dated the 6th day of September, 1909, and the depositions returned therewith, which report and depositions were returned to the Clerk's Office of this Court and filed therein on the 27th day of September, 1909, to which no exception has been taken and was a rgued by counsel.

ON CONSIDERATION WHEREOF the said report is confirmed, from the report of the said Bradford Kilby, and it appearing to the Court that partition of the property in the bill mentioned cannot be conveniently made in kind between the several parties entitled to share therein, and that the plaintiff, Willie Colden, will accept the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to, and that the interests therein of Luvinia Ford and Henry Gray entitled them to the sum of $33.33 each, and the interest therein of David Harris entitled him to t he sum of $4.03, the Court doth adjudge, order and decree that the entire property in the bill mentioned be, and the same hereby is, allotted to the said Willie Colden, and James H. Corbitt is hereby appointed Special Commissioner to execute and deliver to the said Willie Colden a deed, with Special Warranty, conveying to him the

interests of the said Luvinia Ford, Henry Gray and David Harris in the property in the bill mentioned upon the receipt by the said Commissioner from the said Willie Colden of the said sums of money aforesaid.

But before the said Commissioner shall have authority to act under this decree he shall execute before the Clerk of this Court a bond with surety approved by the said Clerk, payable to the Commonwealth of Virginia, in the sum of $150, conditioned upon his faithful discharge and performance of the duties of his office, post or trust as Special Commissioner under this decree and all other decrees that may be entered in this cause.

And the court doth allow to J. H. Corbitt, the sum of $55 as a reasonable fee for his services as attorney in this cause, to be taxed as a part of the costs in this suit; and it is further ordered, adjudged and decreed that the costs shall be paid by the parties in interest in proportion to their respective interests in the said subject matter. And the said J. H. Corbitt, Special Commissioner, is directed to pay out of the funds in his hands as Special Commissioner remaining, after allowing a reasonable fee for the deed directed to be given, the proportionate part of the costs that should be paid by Luvinia Ford, Henry Gray and David Harris.

After the payments of costs as aforesaid the said Commissioner is ordered and directed to pay the remainder in his hands of the share of Luvinia Ford to Lonie Harris, Guardian of Luvinia Ford, the remainder in his hands of the share of Henry Gray to Lonie Harris, Committee for Henry Gray, and deposit the remainder in his hands of the share of David Harris in the Bank of Suffolk, Suffolk, Virginia, subject to be withdrawn upon the order of the said David

Harris and, in case of his failure to withdraw same within a reasonable time, subject to the future order of this court.

And the said Commissioner will report to court.

Willie Golden

v. Decree

Lavinia Ford et als

Entd. Octo. 27. 1909

James L McSmoot

Entered in Chancery
Order Book No. 4. Page 380

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willie Colden,

v.

Luvinia Ford, et als.

The separate answer of Henry Gray, an insane person, by H. Stuart Lewis, his guardian ad litem appointed to defend him in this suit, to a bill of complaint filed against him and others in the Circuit Court of Nansemond County, by Willie Colden, complainant.

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

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

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

Henry Gray an Insane Person
by H Stuart Lewis —
His Guardian ad litem

Willie Colden

v.

Lennie Ford et als

Answer of guardian
ad litem of Henry Gray

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Willie Colden,

v.

Luvinia Ford, et als.

The separate answer of Luvinia Ford, an infant under the age of twenty-one (21) years, by H. Stuart Lewis, her Guardian ad litem appointed to defend her in this suit, to a bill of complaint filed against her and others in the Circuit Court of Nansemond County, by Willie Colden, complainant.

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

That she is an infant under the age of twenty-one years, and by reason of her age is incapable of understanding or taking care of her rights and interests herein; and that she therefore commends herself and her rights and interests to the protection of the Court, and prays that no decrees may be entered that will tend to her prejudice.

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

Luvinia Ford - an Infant
by H Stuart Lewis, her guardian
ad litem.

Willis Colden

v.

Lavinia Ford

Answer of guardian
ad litem of Lavinia
Ford

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Complaining sheweth unto the Court your complainant Willie Colden, that Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, was in her lifetime seized and possessed of certain real estate in the town of Suffolk, in the County of Nansemond, and State of Virginia, now bounded as follows: On the south by the land of Willie Colden, on the west by the land of Mary Ellen Hale, on the north by the land of Willie Pinner and on the east by Main Street, and being so seized and possessed of the said real estate, sometime on or about the ____ day of _____ 18____ the said Barbara Wright departed this life intestate, leaving Neverson Phillips, Mary E. Hale, formerly Mary E. Phillips, wife of Matt Hale, now deceased, Lonie Gale, formerly Lonie Phillips, wife of Peter Gale, Tom Phillips, now deceased, Maggie Gray now deceased, formerly Maggie Phillips, the wife of Henry Gray, now deceased, and possibly ot-her children or parties unknown, her only heirs at law; that on the _____ day of _____ 19____ the said Maggie Gray, a daughter of the said Barbara Wright, departed this life intestate, leaving Lonie Harris, formerly Lonie Gray, the wife of David Harris, Luvina Ford, formerly Luvina Gray, an infant under the age of twenty-one years and the wife of William Ford, and Henry Gray, an insane person her only heirs at law; that your complainant has obtained by good and valid deeds the interests of all the parties above named in and to the property above described, except the interests of the following:

First: The contingent right of David Harris, the husband of Lonie Harris, to curtesy in the former interest of his wife,

Lonie Harris, who has conveyed her said interest to your complainant by a deed in which her said husband David Harris, whose whereabouts are unknown, did not join.

Second: The interest of Luvina Ford, an infant under the age of twenty-one years, and the wife of William Ford.

Third: The interest of Henry Gray, an insane person.

Fourth: The interests of the unknown heirs at law, if any, of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased.

And your complainant further states that the said real estate is as he believes, susceptible of prtition among the parties entitled thereto; but if it be not, then your complainant desires same to be sold and the proceeds divided among the adult, infant and insane parties according to their respective rights, the shares of the infant and insane parties to be held as directed by the statute in such cases made and provided. Should the property not be divisible in kind, your complainant believes and here states that the interests of those who are entitled to the said real estate or its proceeds will be promoted by a sale of the whole of the said real estate or by allotment of part and sale of the residue.

In tender consideration whereof, and for-as-much as your complainant is remediless in the premises, save by the aid of a court of equity where matters of this kind are alone and properly cognizable, your complainant prays that the said Luvim Ford, an infant under the age of twenty-one years, William Ford, her husband, David Harris, the husband of Lonie Harris, Henry Gray, an insane person and the unknown heirs at law of Barbara Wright, who was first the wife of William Phillips, then the wife of Alfred Atkins, and then the wife of Joshua Wright, all deceased, may be made parties defendant to this bill and required to answer the same, but not under oath, the oath being hereby waived; that a proper guardian ad litem be assigned

the infant and insane defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue, that the said real estate be divided between the parties entitled thereto, and your complainant's portion thereof be allotted to him, and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees any be made and proper inquiries be directed , and that all such further, other and general relief may be afforded your complainant as the nature of his case may require, or to equity shall seem meet.

Notice is hereby given that the court will be asked to allow a reasonable counsel's fee to complainant's counsel conducting this cause.

And your complainant will ever pray, etc.

Willie Gordon by
James H Corbitt Att'y

James H Corbitt p q

Counsel

Willie Colden

v.

Lurina Ford et als

Bill

James H. Corbitt
~~McLemore &~~
ATTORNEYS AT LAW
SUFFOLK, VA.

Jewell & Co., Phila.

LAP OVER MARGIN

James A Corbin Esq

Willie Golden

vs Chancery

Luvina Ford and
others

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Costs

Clerk	$6.44
Jail	1.50
Sergt	1.00
Printing	7.20
Commr	15.00
Atty	15.00
	$46.14