

1933-087
Nansemond Co (Suffolk)

Chancery Causes: Lottie Taylor vs George Mason et al

103

Johnson, Hunter, Parker, Jones, Stokes, Eley, Norfleet

65 ginger
50 pickle
30 tuna
35 orange
1.80
50
2.30

Mellie Parker

1925 taxes delinquent

Lot No. 15, Boston

Sold to Commonwealth,

\$2.50

Mellie Parker

1926 taxes delinquent

\$4.40,

Not sold,

Mellie Parker

1927 taxes delinquent,

\$3.99



52
4
208

CUSTOMERS DRAFT.



NATIONAL BANK OF SUFFOLK

68-124
5

30693

SUFFOLK, VA.

June 19th 1928

At Sight

PAY TO THE ORDER OF

Julia Johnson

FEB

\$14 ²⁷/₁₀₀

Fourteen and ²⁷/₁₀₀

DOLLARS

VALUE RECEIVED AND CHARGE TO ACCOUNT OF

To Saunders & Hutton, attys
Suffolk, Va.

Leonard Goldstein
att'y.

Julio Johnson
Leonard Goldstein

COLLECTION No. 1534
Pay ANY BANK OR ORDER
PREVIOUS ENDORSEMENTS GUARANTEED
JAN 25 1929
STATE BANK OF PORTSMOUTH
68-71 PORTSMOUTH, VA.
GEORGE LARKIN, - Cashier

June 19th, 1928.

Recieved of Lottie Taylor the sum of FOURTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$14.27), it being paid to me in full settlement of my one-seventh ($1/7$) interest in the land described in the suit of Lottie Taylor, complainant, vs. George Mason, et als, defendants, now pending in the Circuit Court of the County of Nansemond, Virginia, on the chancery side thereof.

Julio Johnson

Mr Laundee & Hutton attys

TO PAUL J. POWELL, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK. VA..

192

TAX, \$

TRANSFER, \$

FEE, \$

RECORDING

DEED FROM

TO

Received of Father Taylor by Laundee & Hutton attys
for Del. Tax in Name of Nellie Parker
for years 1925-1926 # 9.29

Paid

December 10

1928

By

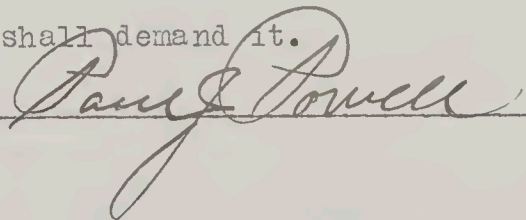
Paul J. Powell
M. K. Laundee

Clerk

D. C.

Suffolk, Virginia,
December 10th, 1928.

Received of Lottie Taylor by Saunders & Hutton, her attorneys, the sum of Fourteen Dollars and Twenty-seven Cents (\$14.27), which sum was directed by the decree of the Circuit Court of Hansemond County, Virginia, entered on December 6th, 1928, in the chancery cause of Lottie Taylor vs. George Mason, et als, to be paid to the undersigned as Clerk of said Court to be in turn paid by the undersigned as such Clerk to Julia Johnson, one of the parties to said suit, whenever she shall demand it.



VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Lottie Taylor,.....Complainant

Vs.

Martha Mason
George Mason, Mamie Mason, Julia
Johnson, and Virginia Hunter.....Defendants

TO GEORGE E. BUNTING, CLERK OF SAID COURT:

Please issue summons returnable to Second August Rules,
1927.

Saunders Kuttan

p. q.

Rule Notes:

July 25, 1927 Process issued returnable to August Rules, Third Monday, 1927

Julia Johnson - 630 Nelson St. Portsmouth

VIRGINIA:

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY:

Lottie Taylor,
Complainant,

Vs.

George Mason, Mamie Mason, ^{Hunter}
Julia Johnson, and Vir-
ginia Hunter,
Defendants.

MEMORANDUM.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon George Mason, Maria Mason, Martha Mason,
Julia Johnson and Virginia Hunter

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 Third Monday in August, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lot ie Taylor

And have then there this writ. Witness C.E. Duntig., Clerk of our said
Court, at the court-house, the 25th day of July, 1927, and in the
192nd year of the Commonwealth.

A true copy: Tests: [Signature] Clerk

[Signature] Clerk

A copy for No. 300

George Brown

vs.

} SUBPOENA IN CHANCERY

p. q.

To.....Rules,

.....Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon George Mason, Mamie Mason, Martha Mason,
Julia Johnson and Virginia Hunter

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 Third Monday in August, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lotie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 25th day of July, 19 27, and in the
152nd year of the Commonwealth.

A true copy: Teste: G.E. Bunting Clerk G.E. Bunting Clerk

Q 300

Francis Hanson

vs.

SUBPOENA IN CHANCERY

--p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon George Mason, Mamie Mason, Martha Mason,
Julia Johnson and Virginia Hunter

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 Third Monday in August, 19 27,
to answer a bill in chancery, exhibited against them in our said Court by
Lottie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 25th day of July, 19 27, and in the
152nd year of the Commonwealth.

At test: G.E. Bunting, Clerk
G.E. Bunting, Clerk

A copy for
No. 300
Virginia Hunter

vs. } SUBPOENA IN CHANCERY

.....p. q.
.....

To.....Rules,
.....Circuit Court.
.....

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon George Mason, Mamie Mason, Martha Mason,
Julia Johnson and Virginia Hunter

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 Third Monday in August, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lottie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 25th day of July, 19 27, and in the
152nd year of the Commonwealth.

No. 300

vs.

} SUBPOENA IN CHANCERY

p. q.

To.....Rules,

.....Circuit Court.

The Commonwealth of Virginia,

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

WE COMMAND YOU, That you summon George Mason, Mamie Mason, Martha Mason,
Julia Johnson and Virginia Hunter

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 Third Monday in August, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lottie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 25th day of July, 19 27, and in the
152nd year of the Commonwealth.

A true copy: Teste: G.E. Bunting Clerk G.E. Bunting Clerk

US. } SUBPOENA IN CHANCERY

To.....Rules,

-----Circuit Court.

The Commonwealth of Virginia,

Sergeant of the City of Portsmouth
To the ~~Sheriff of the County of Hansemond~~, Greeting:

WE COMMAND YOU, That you summon George Mason, Mamie Mason, Mar ha Mason,
Julia Johnson and Virginia Hunter

to appear at the Clerk's office of the Circuit Court of the County of Hansemond
at the rules to be held for the said Court on the Third Monday in August, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lottie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 25th day of July, 19 27, and in the
152nd year of the Commonwealth.

G.E. Bunting, Clerk

Executed in the City of Portsmouth,
Virginia, this the 29th day of July
1927 by calling at the usual place of
abode of Julia Johnson and
not finding her there or any other
person upon whom service could be made
I left a copy of the within Summons
posted upon the front door of the usual
place of abode of the said Julia
Johnson - at 620 Nelson St.
Beblow City Serg't.
by J. S. Talbot Deputy Serg't.

Oryman No. 300

Rolla Taylor

vs. }

SUBPOENA IN CHANCERY

Geo. Mason et al.

Saunders & Hullen p. q.

To Clayton Rules,
and Monday
Restmond Aug Circuit Court.

Sgt. Free Bird

The Commonwealth of Virginia,

To the Sheriff of the County of.....**Nansemond**....., Greeting:

WE COMMAND YOU, That you summon **George Mason, Mamie Mason, Martha Mason,**
Julia Johnson and Virginia Hunter

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 **Third** Monday in **August**, 19 **27**,
to answer a bill in chancery, exhibited against **them** in our said Court by
Lottie Taylor

And have then there this writ. Witness **G.E. Bunting**, Clerk of our said
Court, at the court-house, the **25th** day of **July**, 19 **27**, and in the
152nd year of the Commonwealth.

G.E. Bunting, Clerk

Original
No. 300

Rollie Taylor

vs.

SUBPOENA IN CHANCERY

Geo. Mason & al

J. Sumner & Hullin p. q.

To *August* Rules,
and Monday
Marshall Day Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Nansemond~~, Greeting:

as at another time we have commanded you
WE COMMAND YOU, That you summon ~~George Mason, Mamie Mason, Martha Mason,~~
~~Julia Johnson and Virginia Hunter~~

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 First Monday in September, 1927,
to answer a bill in chancery, exhibited against them in our said Court by
Lottie Taylor

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 17th day of August, 1927, and in the
15th year of the Commonwealth.

G.E. Bunting

Clerk

Apr. No. 300

Roller Taylor

U.S.

SUBPOENA IN CHANCERY

Gen. Mason et al.

Journal i Heltin p. 9

To *Septimus* Rules,
187 *Monday* 1877
Ammon *Shay* Circuit Court.

Executed on the 29 day of Aug
1927, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to Virginia
Smith in person.
E B Rawls
Sheriff of Nansemond County

By Deputy Sheriff of Nansemond County

Executed on the 29 day of Aug.
1927, within the County of Nansemond, State
of Virginia, by delivering a true copy of the With-
in summons ~~motion~~ in writing, to Mamie
Mason in person.
E. B. Rawles
Sheriff of Nansemond County

By A
Deputy Sheriff of Nansemond County

Executed on the 29 day of Aug.
1927, within the County of Nansenland, State
of Virginia, by George of the with-
in summer George to George.
Mason George
Ed B Rawler
By Ed B Rawler
Deputy Sheriff of Nansenland County

Martha Mason could not be found at
his usual place of abode on the 29th day of
Aug, 1927, so the within
summons in here was executed on the said 29th
day of Aug 1927, within the
County of Nansemond, State of Virginia, by de-
livering a true copy of the same, in writing, and
giving information of its purport to George
Mason.

usual place of abode, and who is a member of Mantle Masons Family, and above the age of sixteen years.

By Ed Rawls
Deputy Sheriff of Nanssmond County

Julia Johnson
not found in my
County
E B Rowley

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Hansemond~~, Greeting:

as at another time we have commanded you
WE COMMAND YOU, That you summon ~~George Mason,emie Mason,Martha Mason,~~
~~Julia Johnson and Virginia Hunter~~

to appear at the Clerk's office of the ~~Circuit~~ Court of the ~~County of Hansemond~~
at the rules to be held for the said Court on the ~~First~~ Monday in ~~September~~, 19 ~~27~~,
to answer a bill in chancery, exhibited against ~~them~~ in our said Court by
~~Lottie Taylor~~

And have then there this writ. Witness ~~G. B. Bunting.~~, Clerk of our said
Court, at the court-house, the ~~17th~~ day of ~~August~~, 19 ~~27~~, and in the
.....year of the Commonwealth.

.....
Clerk

No. 300

vs.

SUBPOENA IN CHANCERY

p. q.

To.....Rules,

.....Circuit Court.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Lottie Taylor
Complainant

V.

George Mason, Mamie Mason,
Julia Johnson and Virginia Hunter
Defendants

ORDER

It appearing to the Court that this day a defendant,
Julia Johnson, desires to file her answer to the Bill in the
above cause; on the motion of the said Julia Johnson, by her
attorney, leave is hereby granted her to file same; and is
hereby ordered filed.

LOTTIE TAYLOR
Complainant

V.

GEORGE MASON, MAMIE MASON
JULIA JOHNSON & VIRGINIA HUNTER

ORDER

LEONARD GOLDSTEIN

ATTORNEY-AT-LAW

PORTSMOUTH, VIRGINIA

Lottie Taylor.....Complainant

Vs.

REPORT

George Mason, et als.....Defendants.

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

The undersigned special commissioner respectfully submits
the following report.

By the decree entered herein on the 7th day of June,
1928, the said special commissioner was directed to convey to
Lottie Taylor the one-seventh (1/7) undivided interest of the said
Julia Johnson in the property therein described upon payment by
said Lottie Taylor to said Julia Johnson of the sum of FOURTEEN
DOLLARS AND TWENTY-SEVEN CENTS (\$14.27), and all liens in the nature
of delinquent taxes as shown by the report of the commissioner in
chancery.

The undersigned special commissioner respectfully reports
that he has been unable to locate the said Julia Johnson and re-
quests that said Lottie Taylor, in lieu of the payment of the sum
of FOURTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$14.27) to said Julia
Johnson, be directed to pay the same to the Clerk of the Circuit
Court of Nansemond County, Virginia, to be by him paid to the said
Julia Johnson whenever she shall demand it.

Respectfully submitted,

John K. Hutton
Special Commissioner.

Lottie Taylor,
Complainant,

Vs. REPORT

George Mason, et als,
Defendants.

1928 Dec. 6. Filed.

J.M.

Lottie Taylor.....Complainant

Vs.

DECREE

George Mason, Mamie Mason, Julia
Johnson and Virginia Hunter.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Bradford Kilby, Commissioner in Chancery, filed on the 3rd day of May, 1928, to which report there is no exception, and was argued by counsel.

On consideration whereof, the court doth approve and confirm said report, and it appearing from said report and the evidence filed therewith that the purchase price of the lot described in the bill was furnished, and all improvements thereon made, by Lottie Taylor; that when the purchase of the lot was completed the legal title was taken in the name of Nellie Parker, mother of Lottie Taylor, where it remained until her death; that Lottie Taylor is one of seven heirs at law of Nellie Parker, deceased, and has acquired by deed the interest, if any, of all of the other heirs at law, save Julia Johnson; that said property cannot be conveniently divided in kind and that said Lottie Taylor is willing to take the property and pay to Julia Johnson such sum as her interest therein may entitle her to receive; that the fair market value of said property without the improvements made thereon is \$100.00, of which amount said Julia Johnson is entitled to receive one-seventh or \$14.27; the court doth adjudge, order and decree that, upon payment by said Lottie Taylor to said Julia Johnson of the said sum of \$14.27 and all liens in the nature of delinquent taxes, as shown by the said report of the said commissioner in chancery, taking vouchers therefor, John K. Hutton, who is hereby appointed Special Commissioner for the purpose, convey with special warranty unto Lottie Taylor the one-seventh undivided interest of said Julia Johnson in the following property, to-wit:

All that certain lot or parcel of land situated in Nansemond County, Virginia, which was conveyed to Nellie Parker by

W. Hatcher Eley and Beulah Eley, his wife, by deed dated June 4th, 1920, and duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 104, page 131, and described in said deed as follows:

"Beginning at a certain point on the East side of Pitch Kettle Road, at a point One Hundred and sixty (160) feet North of the Northeast corner of Pitch Kettle Road and Garfield Avenue, should the same be extended across Pitch Kettle Road in a straight line, and running thence from said beginning point Northwardly along the East side of said Pitch Kettle Road Forty, (40) feet, thence in an Easterly direction at right angles to said Pitch Kettle Road One Hundred and Twenty (120) feet to the point of beginning.

The lot herein conveyed being known, numbered and designated as 'Lot No. 15 in 'East Boston', as will appear by reference to a plat of said Boston 'in the office of Jno B and Jno F. Pinner' in the city of Suffolk, Virginia."

Together with all and singular the appurtenances belonging to the same.

And said special commissioner shall report his proceedings hereunder to the court.

VIRGINIA:

IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND:

Lottie Taylor,
Complainant,

Vs. DECREE

George Mason, et als,
Defendants.

Enter the 9 day of
June, 1928.

Jas. S. McNamee

Entered in Chancery Order

Book 6, page 164.

To Lottie Taylor

and

George Mason, Mamie Mason, Julia Johnson and Virginia Hunter.

You are hereby notified that on the 27th. day of January 1928, between the hours of 10 A.M. and 5 P.M., at the office of Saunders and Hutton, on Washington Square in 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 the decree of the Circuit Court of Nansemond County, Virginia, rendered on the 2nd. day of January 1928 in the suit in chancery pending in said court to which you are parties complainant 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 can not be conveniently divided in kind, whether any party will take the entire property and pay the others parties therefor, such sums of money as their interest therein may entitle them to.

(3) And, if the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the 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 allotment of part and sale of the residue.

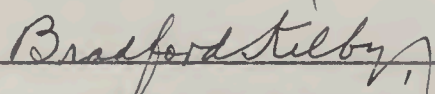
(4) The fee-simple and annual value of the said land.

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

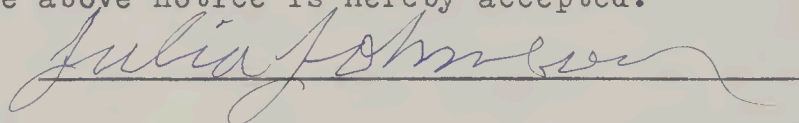
(6) What allowance for improvements, if any, should be made to the complainant.

(7) 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 the Circuit Court of Nansemond County, Virginia, this 17th. day of January 1928.


Commissioner in Chancery.

Service of the above notice is hereby accepted.



Original

RS
Address 630 Nelson St.
instead of 620 Nelson St.
J. Talbot

Executed this 23rd day of January
1928 in the City of Portsmouth, Va. by
delivering copy of the within Police
to Julia Johnson
_____ in person.
B. B. Glover City Serg't.
by J. Talbot Deputy Serg't.

Lgt. Fee Paid.

To Lottie Taylor

And

George Mason, Mamie Mason, Julia Johnson and Virginia Hunter.

You are hereby notified that on the 27th. day of January 1928, between the hours of 10 A.M. and 5 P.M., at the office of Saunders and Hutton, on Washington Square in 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 the decree of the Circuit Court of Nansemond County, Virginia, rendered on the 2nd. day of January 1928 in the suit in chancery pending in said court to which you are parties complainant 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 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 interest therein may entitle them to.

(3) And, if the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the 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 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) What allowance for improvements, if any, should be made to the complainant.

(7) 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 the Circuit Court of Nansemond County, Virginia, this 17th. day of January 1928.

Bradford Kilby
Commissioner in Chancery.

Executed on the 24 day of Jan
1928, within the County of Nansemond, State
of Virginia, by delivering a true copy of the
in summons notice, in writing, to George
Mason in person.
E. B. Rawles
Sheriff of Nansemond County

By _____
Deputy Sheriff of Nansemond County

Executed on the 24 day of Jan
1928, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to Mamie
Mason in person.
E. B. Rawles
Sheriff of Nansemond County

By _____
Deputy Sheriff of Nansemond County

Executed on the 24 day of Jan
1928, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to Virginia
Hunter in person.
E. B. Rawles
Sheriff of Nansemond County

By _____
Deputy Sheriff of Nansemond County

Virginia,

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

Lottie Taylor

v.) In Chancery.

George Mason, Mamie Mason, Julia Johnson and Virginia Hunter.

Commissioner's Office,

Suffolk, Va. May 3, 1928.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 7th. day of January 1928 in the suit in chancery pending in said court between Lottie Taylor, Complainant, and Julia Johnson and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 17th. day of January 1928, your commissioner gave notice to the parties to the said suit that he would proceed on the 27th. day of January 1928, between the hours of 10 A.M. and 5 P.M. at the office of Saunders and Hutton, on Washington Square in Suffolk, Virginia, to make the several inquiries required by said decree.

That the said notice was duly served on the aforesaid defendants and accepted by the Complainant as will appear from the endorsements on said notices herewith returned as a part of this report

That on the said 27th. day of January 1928 or on other days, succeeding, to which the taking of the required accounts and inquiries were duly adjourned, your commissioner took the testimony of M. J. Parker, R. J. Norfleet, Lottie Taylor, George Mason, Julia Johnson, Albert Taylor, and Virginia Hunter, touching the said inquiries, which testimony is herewith returned as a part of this report.

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

(1)

That the real property in the bill mentioned can not be conveniently divided in kind between the several parties entitled to share therein.

(2)

Lottie Taylor, the complainant, will take the entire property and pay the other parties therefor, such sums of money as their interests therein may entitle them to. It appears from the testimony that Julia Johnson is the only party who has not already conveyed her undivided interest in the said property to Lottie Taylor and the said Lottie Taylor has testified that she is willing to take the entire property and pay the said Julia Johnson such sum of money as her interest may entitle her to receive.

(3)

If the said Lottie Taylor should decline to take the entire property and pay the said Julia Johnson for her interest therein, as she has offered to do, then your commissioner reports that the interests of those who are entitled to the said property or its proceeds will be promoted by the sale of the entire property, rather than by an allotment of part and the sale of the residue.

(4)

The fee-simple value of the said property is about \$700. or \$750. and its annual value about \$100. based on a rental of \$2. per week. *The fair market value of ^{said} land without the improvements is \$100.*

(5)

The taxes for the years 1925, 1926 and 1927 are delinquent.

The amounts, without interest or penalties added, are as follows:

For 1925 , \$2.50.
For 1926 , \$4.40
For 1927 , \$3.99

Taxes for 1928 should be pro-rated in case of a sale of the property. There are no other liens against the said land.

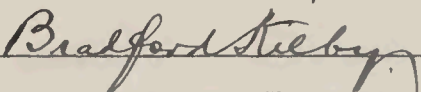
(6)

Full allowance for the value of all the improvements on the said land should be made the Complainant. The uncontradicted testimony, taken before your commissioner, shows that the complainant, Lottie Taylor, and her husband, Albert Taylor, furnished from their own funds, the entire cost of the erection of the dwelling house on said land. It also shows that the said Lottie Taylor paid from her own money, earned by her, the purchase price of the said land, with the exception of \$5. which was a gift to her by her niece, Virginia Hunter, and of \$25. which was a gift to her from her step-father, M. J. Parker.

(7)

There is no other matter deemed pertinent by your commissioner or required to be stated by any party in interest.

Respectfully submitted this 3rd. day of May 1928.



Commissioner in Chancery.

Comr's fee: \$ 30.⁰⁰.

Direct Examination by Mr. Hutton.

M. J. Parker, a witness for the complainant in this cause, being first duly sworn, deposes as follows:

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

A. Name, M. J. Parker; age, 72; residence, "Boston" on Pitch Kettle Road, Nansemond County, Virginia; occupation, carpenter.

Q. You are the husband of Nellie Parker, who is now dead?

A. Yes, sir, she was my wife.

Q. Did you know personally the children of Nellie Parker?

A. Yes, sir.

Q. Are you acquainted with the house and lot situated on the East side of Pitch Kettle Road one hundred and sixty (160) feet North of the Northeast corner of Pitch Kettle Road and Garfield Avenue, in which house Lottie Taylor resides?

A. I am acquainted with the house and lot.

Q. Will you please name the children and heirs at law of Nellie Parker.

A. George Mason; Julia Johnson; Mabel Jones; Willie Mason; Henry Mason and Lottie Taylor; They are all living, one is dead.

Q. Which one is dead?

A. Nannie, Nannie Stokes.

Q. Did she leave any children?

A. Yes, one child.

Q. What is her name?

A. Virginia Hunter.

Q. That is her only child?

A. The only one living.

Q. Is Virginia Hunter's father dead?

A. Yes sir, mother and father both dead.

Q. When did Nellie Parker die?

A. She died the 11th of May, 1925. She has been dead three years the 11th of this coming May.

Q. State whether or not you attended to the purchase of the lot now in question.

EXCEPTION NOTED BY MR. GOLDSTEIN:

I note exceptions on the ground that parole evidence is inadmissible to vary or contradict the terms of a valid, existing, written instrument, namely, a deed duly recorded and acknowledged in the Clerk's Office of the Circuit Court of Nansemond County, Virginia,

in Deed Book 104, page 131, conveying lot Number 15 to Nellie Parker by the deed of W. Hatcher Eley.

A. Yes sir, I attended to it from the beginning to the ending.

Q. From whom was the lot bought?

A. From Mr. Hatcher Eley. I bought it from him for that girl there, Lottie Taylor. Now Mr. Eley had a plat of ground that he bought from Mr. Pinner. It was a little south to my house. I was keeping store over there at that time and my wife said she wanted to get the lot for her girl, Lottie. I went to Mr. Eley myself and told him my wife wanted to buy that lot for her child. Lottie, she paid for the lot. I bargained for the lot with Mr. Eley myself. I taken her money. Mr. Eley made a note and put it in the bank. I told him to make the note for sixty (60) days and I would meet it. This girl worked for her money, gave the money to me and I took the money and paid the note out to \$25.00. The note went to protest and Mr. Eley paid it off, I was working for him at that time, and I paid the \$25.00 to Mr. Eley when the note was due. I paid it for Lottie Taylor. I was her step father and I taken her as my own child.

Q. State whether or not it was understood when that lot was originally purchased that it was to be paid for out of the funds of Lottie Taylor and was to be her property.

A. Yes sir. It was understood it was her property and money, and that was the understanding in the beginning.

Q. And that was the understanding in the beginning?

A. Yes, sir.

Q. When did you get the deed, Parker?

A. Yes sir, when I paid the money.

Q. Why did you take the deed out in the name of your wife, Nellie?

A. Because she purchased the lot for that girl of hers. I told Mr. Eley to put the deed in Nellie's name because Lottie was not of age. I didn't know whether she could have a deed.

Q. If she had been an adult would you have taken the deed in Nellie's name?

A. No. If she had been over age she could have taken the deed herself.

Q. Then I understand from you that the title was merely being held by Nellie Parker for her daughter, Lottie?

A. Yes sir.

Q. Who built the house on that property?

A. I built it.

Q. For whom did you build it?

A. For Lottie and her husband.

Q. Who furnished the funds that built it?

A. Lottie and her husband.

- Q. What part of the house, if any, did you build before Nellie Parker died?
- A. I built the back part, the bedroom and cookroom.
- Q. What part did you build after Nellie's death?
- A. I built the front part.
- Q. What would you say is the market value to-day of that house and lot?
- A. The whole thing?
- Q. Yes. To-day.
- A. Well, I don't know hardly. I don't think it would amount to over \$400.00 or \$500.00, hardly that.
- Q. Would it be worth, at the outside, in any event, over \$700.00?
- A. No sir.
- Q. What would you say the lot is worth to-day?
- A. I reckon between \$75.00 and \$80.00, not over \$100.00 at the very highest.
- Q. Now, how about the relative cost of the two rooms on the back as compared to the two rooms in front?
- A. The front part of the house cost more than the back because the material at the back of the house cost \$170.00 some dollars and the front part of the house cost 350 some dollars.
- Q. So the front two rooms cost twice as much as the back?
- A. Well, yes. I think so.

Cross-examination by Mr. Goldstein.

- Q. Why was the deed made out in the name of Nellie Parker?
- A. It was made out in her name because Lottie Taylor was under age.
- Q. Why didn't you have it made out in your name?
- A. Because it was her child and not mine. I thought it would go back to her at her mother's death.
- Q. Have you the cancelled notes to show that you made the payments on this property?
- A. I aint got 'em here with me.
- Q. But have you them?
- A. Yes, sir.
- Q. Did Lottie pay for this property?
- A. Yes sir, she paid for it.
- Q. Did Virginia Hunter have anything to do with it?

A. Virginia Hunter paid \$5.00 on it, I think.

Q. Was the property originally bought for Lottie or for Virginia?

A. For Lottie.

Q. Then why did Virginia pay on it?

A. Well, when the lot was purchased, these two girls were her children and Virginia she wanted to go in and help Lottie Taylor pay for it and she paid \$5.00 and after she paid on it, she decided she didn't want it and let Lottie take it.

Q. Do you know approximately when the property was bought?

A. No sir, I don't exactly know the date. It was bought, I think, somewhere in 1920, somewhere along in there.

Q. How much consideration was paid for it?

A. \$125.00.

Q. Was there anything on the lot when it was bought?

A. Nothing, nosir, nothing but broomstraw, small bushes and undergrowth.

Q. Have you the receipts with you showing payment by the parties for the lumber used in the building on there?

A. I aint got the receipts but Albert Taylor has them. I give the receipts to Albert. I had the lumber sent in my name from J. E. Crocker Lumber Company and he paid for it.

And further this deponent saith not.

Mr. Hutton.

R. J. Norfleet, being duly sworn, deposes as follows:

Please state your name, age, residence and occupation.

A. Name, R. J. Norfleet; age, Legal; Residence, Suffolk, Virginia; Real Estate dealer, occupation.

Q. Mr. Norfleet, have you looked at the house and lot out in what is known as "Boston" on the Pitch Kettle Road, in which Lottie and her husband reside at this time?

A. I have. I did so on yesterday, the 22nd.

Q. What, in your opinion is the fee simple value of that house and lot?

A. Do you mean as to what it might be worth or what it would sell for?

Q. What it would sell for right now.

A. \$700.00 to \$750.00.

Q. What is in your opinion the rental value?

A. About \$2.00 per week.

Q. At what would you value the lot?

A. Not to exceed \$100.00.

Q. Can this property be conveniently divided in kind among two or more heirs or claimants?

A. It can not.

Q. So that unless one party would take all the property and pay the other parties such sum or sums as his interest would entitle him to, it would be to the best interest of the heirs to sell it and divide the proceeds. Would it not?

A. It would be.

And further this deponent saith not.

By Mr. Hutton.

Lottie Taylor, the complainant in this cause, being first duly sworn, deposes as follows:

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

A. Name, Lottie Taylor; age, 29; residence, "Boston", Nansemond County, Virginia; occupation, factory hand.

Q. How long have you been working, Lottie?

A. I have been working ever since I was about 13 or 14 years of age.

Q. Are you the complainant in this suit?

A. Yes, sir.

Q. Have the other heirs conveyed any interest they might have in this land to you by deed?

A. Yes sir, they all signed except my sister, Julia.

Q. How many shares were there in all in this property?

A. Six outside myself, making 7 altogether.

Q. Did you pay anything for these conveyances or did they voluntarily sign these deeds for you.

A. They just signed them for me because they did not have no right in it and they just signed for me.

Q. How much did the lot cost, Lottie, when it was first purchased?

A. \$125.00.

Q. Who furnished the money to pay for that lot?

A. I. I furnished the money.

Q. Is that with the exception of the \$5.00 that your sister, Virginia, paid and the \$25.00 your stepfather let you have?

A. Yes, sir.

Q. Where were you working then, Lottie?

A. I was working at the Butterdish.

Q. Why was not the deed made out in your name?

A. Because I was under age?

Q. When did your mother die?

A. In 1925.

Q. When were you married?

A. I was married in 1922.

Q. About how old were you when this lot was contracted for to start with?

A. Between 15 and 16 years. I would have been 16 years that October.

Q. About how many years did it require to pay for the lot?

A. About 4 years, I believe.

Q. Who furnished the money to build the house on that lot?

A. My husband, Albert Taylor, and myself.

Q. Who actually built the house and attended to buying the lumber, etc?

A. My stepfather, M. J. Parker.

Q. Who actually made the payments to Mr. Hatcher Eley for the lot?

A. My stepfather, M. J. Parker.

Q. Lottie, are you willing to take the property as it now stands and pay to Julia Johnson such sum as her interest in the lot may entitle her to receive?

A. No.

Q. I mean by that that you would not wish the property sold, would you?

A. No sir.

Q. And what you mean is that if it is held by the court that Julia Johnson has any interest in the lot, you agree to take it and pay what that interest is worth?

A. Yes sir.

Cross Examination by Mr. Goldstein.

Q. How old were you when the lot was first bought?

A. I was between 15 and 16 years. Something like that.

Q. How old were you when the deed was made to Nellie Parker?

A. I do not know.

Q. The deed was made to Nellie Parker in 1923, that is 5 years ago. If you are 29 now would you not have been 24 when the deed was made to Nellie Parker?

A. Yes sir.

Q. If you were 24 years old when the deed was made to Nellie Parker, why was not the deed made to you?

A. Because they said I was under age.

Q. Because you were under age?

A. Yes sir.

Q. Well, anybody over 24 is not under age.

Re-direct by Mr. Hutton.

Q. Lottie, do you know when you actually began to pay for this property?

A. I do not exactly know.

Q. When did you marry?

A. I married in 1922.

Q. Had you paid for the lot when you married?

A. Yes sir.

Q. Yow old were you supposed to have been in 1922 when you married?

A. 22.

Q. Do you remember when you finished paying for the lot, or do you recall?

A. No sir.

Right reserved to insert documentary evidence.

And further this deponent saith not.

Examined by Mr. Goldstein.

George Mason, being first duly sworn, deposes as follows:

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

A. Name, George Mason; age, 46; residence, Jericho, Nansemond County, Virginia; occupation, work Farmers Manufacturing Company.

Q. George, you are the brother of Lottie, are you not?

A. Yes sir.

Q. And a brother to Julia?

A. Yes sir.

Q. You conveyed your interest in lot Number 15 Boston, Pitch Kettle Road, to Lottie Taylor, did you not?

A. In Lottie Taylor's lot.

Q. You conveyed that to her?

A. Yes sir.

Q. Did you convey that interest because you thought it was hers or to discontinue the trouble of being bothered with it?

A. I cannot say I think Lottie paid for the lot.

Q. You have been bothered right much here lately about that lot?

A. Yes sir. I have been down to Portsmouth two or three times trying to get the children together and get things straight.

Q. And you found it the easiest way out to just merely convey your interest and be over with it?

A. Yes sir.

Cross-examination by Mr. Hutton.

Q. You don't know who paid for the lot, do you?

A. I can't say I know who paid for it.

And further this deponent saith not.

By Mr. Goldstein.

Q. Julia Johnson, being first duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation.

A. Name, Julia Johnson; age, 42; residence, Portsmouth, Virginia; occupation, housemaid.

Q. You are sister to Lottie Taylor, are you not?

A. Yes sir.

Q. Your mother was Nellie Parker?

A. Yes sir.

Q. Who owned this lot when your mother died?

A. My mother.

Q. Your mother owned it?

A. Yes sir.

Q. To your knowledge, did Lottie pay anything for it at all.

A. Not at all.

Q. Was there anything built on that lot when your mother bought it?

A. Nothing on it when she bought it.

Q. Was anything built there during the lifetime of your mother?

A. A two room house because she didn't have any place to go, Lottie didn't have any place to do and she built a two room house there for her until she got a place to go.

Q. Who built the house, these two rooms?

A. Mr. Parker.

Q. Who paid for it.

A. My mother.

Q. Your mother died without a will, did she not?

A. Yes sir.

Q. You have a sister by the name of Mabel Jones living in New York?

A. Yes sir.

Q. Has she signed her interest away?

A. I don't know whether she did or not.

Q. Have you been asked to sign your interest?

A. Yes sir.

Q. Why didn't you sign it?

A. Because I didn't aim to sign it. I didn't want to sign my interest out of my own property.

Cross-examination by Mr. Hutton.

Q. Where are you now living, Julia?

A. In Portsmouth.

Q. You work for Mr. Goldstein, your lawyer here, do you not?

A. Yes sir.

Q. How long have you been living in Portsmouth?

A. About 19 years.

Q. How long have you been married, Julia?

A. About 24 years.

Q. Did you ever see your mother make any payment on this house?

A. I really could not see her when I was in Portsmouth and she was in Suffolk.

Q. Was your answer, "how could you see your mother pay on it when I in Portsmouth and she in Suffolk?"

A. Yes sir.

Q. You were living in Portsmouth all the time that the house was being built on that lot, were you not?

A. Yes. I came backwards and forwards.

Q. Did you see your mother, or were you present at any time that your mother made any payments on the house, or purchase any material or paid for any labor on the house?

A. I was not there. I was in Portsmouth.

Q. Then anything that you know about this matter at all would have to be heresay and not what you of your own knowledge would know?

Mr. Goldstein: I object because that is obvious.

Q. That is true, isn't it?

A. No sir, I don't know any more than what was told me.

BY THE COMMISSIONER:

Q. What did your mother do in the way of working, did she stay out and work or did she stay at home and keep house?

A. She stayed home some and worked out some. She had a husband to work for her and she didn't have to work all the time.

By Mr. Goldstein.

Q. Your mother had other property?

A. Yes sir.

Q. She had income from other property?

A. Yes sir.

Q. That income was sufficient to give her enough money to pay for this lot and pay for the improvements?

A. Yes sir, I think so. She had it rented out long enough, Had it rented for the last 19 years.

Re-cross Examination by Mr. Hutton.

Q. Had what rented out for the last 19 years?

A. Her property.

Q. What property?

A. She has another house and lot.

Q. Where is it?

A. I don't know how those side streets are located over there.

Q. How many houses and lots did your mother own?

A. One.

Q. One besides this one? Besides this one in litigation?

A. Where she lived.

Q. She lived there until she married?

A. Yes.

Q. You mean until she married M. J. Parker?

A. Yes sir.

Q. When did she marry M. J. Parker?

A. About 19 years before she died.

Q. Then she want to live with Parker?

A. Yes sir.

Q. And from that on she rented out the house that was her home place?

A. Yes sir.

Q. Who rented it?

A. I don't know.

Q. How much rent did it pay?

A. I don't know.

Q. Where was Lottie living before she married?

A. With her mother and her stepfather at her stepfather's home.

Q. And all this time you were in Portsmouth?

A. Backwards and forwards to home.

And further this deponent saithnot.

Examined by Mr. Hutton.

Albert Taylor, being first duly sworn, deposes as follows:

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

A. Name, Albert Taylor; age, 32; residence, Boston, Pitch Kettle Road, Nansemond County, Virginia; occupation, laborer at Water Works.

Q. Taylor, did you furnish the money with which that house was built on the property in question here?

A. Yes sir.

Q. Did anybody else but you furnish any part of it?

A. No sir.

Q. You are the husband of Lottie Taylor?

A. Yes sir.

Q. Did Nellie Parker, the mother of Lottie Taylor, furnish anything at all in connection with the building of that house?

A. No sir, not a dime. Nobody furnished anything to me on that house but my wife, she helped me.

Cross examination by Mr. Goldstein.

Q. You are the husband of the complainant, are you not?

A. Yes sir.

Q. Did Mr. Parker furnish any of the money for this lot?

A. No sir, nothing.

Q. Have you the receipts showing that you paid for that house?

A. Yes sir.

Q. Have you them with you?

A. Yes sir.

Receipts here introduced in evidence and marked as Exhibit B.

Q. Well, these receipts represent only a small part of what is claimed to be paid on that property, do they not?

A. No that is not all, some have been misplaced.

Q. Have you any other receipts than these to put in evidence to show that this was the lumber put on lot Number 15?

A. I have no other evidence other than Mr. Parker there. He is able to tell you.

Q. Who did the work?

A. Mr. Parker.

Q. Do you do any carpenter work?

A. No sir.

Q. What kind of work do you do?

A. I work at Lake Kilby Water Works.

Q. Mr. Parker testified to the fact that he paid for these lots for Lottie and you testified that you paid for it all.

A. I said the building. I have nothing to do with the lot.

And further this deponent saith not.

Virginia Hunter, a witness for the complainant, being first duly sworn, deposes as follows:

BY THE COMMISSIONER:

Please state your name, age, residence and occupation:

A. Age, 29; residence, Boston, Nansemond County; occupation, general housework.

BY MR. HUTTON:

Q. Which is the older, you or Lottie?

A. I am the oldest.

Q. What relation are you to Nellie Parker?

A. She is my grandmother.

Q. You are the daughter of Nannie Stokes and she was Nellie Parker's child?

A. Yes sir.

Q. Now what was the understanding, Virginia, about this lot when it was first contracted for from Mr. Hatcher Eley?

A. Well, the first thing was this, that me and Lottie was supposed to pay for the lot and it was to be ourse when we finished paying for it. I got married before the lot was finished paying for and what I paid I give to her and she finished paying for it.

Q. Well, do you know whether Lottie went ahead and made payments for this lot or not?

A. Yes sir, she worked and paid for it.

Cross-examination by Mr. Goldstein.

Q. How do you know she paid for it?

A. Because I do know.

Q. How much money had you put towards it, Virginia?

A. I don't know.

Q. Don't know how much money you spent on it?

A. No sir.

Q. How old were you at the time the lot was bought?

A. When they bargained to buy the piece of land, it was along about 1915.

Q. But when they actually bought it, you don't know?

A. No sir.

Q. Was there any house on that lot before your grandmother died?

A. Yes sir.

Q. How much of it was there?

A. Two rooms.

Q. Two rooms before your grandmother died?

A. Yes sir.

Q. Who built those two rooms on there?

A. Lottie Taylor and Albert.

Q. Who was the carpenter?

A. Mr. Parker.

Q. Do you know whether your grandmother, Nellie Parker, owned any other property or not?

A. She had a place around there in front of the church. Mr. Parker can tell you more about that than I can.

Q. Well, do you know why, when the deed was made that it was not made out to Lottie instead of to Nellie Parker?

A. When the deed was made out I was not with them at the time.

And further this deponent saith not.

LOTTIE TAYLOR RECALLED:

BY MR. HUTTON:

Q. Lottie, you stated this morning that you were 29 years of age? Didn't you?

A. Yes sir.

Q. When were you married?

A. I was married in 1922.

Q. Is it not a fact that in 1922 when you obtained a license from the Clerk of the Circuit Court of Nansemond County to marry that you gave your age as 21?

A. Yes sir.

Q. Then you gained two (2) years from 1922 to now? Haven't you now, Lottie?

A. I don't know.

Q. Why did you say you were 29?

A. I was going by what other people say.

Q. You heard your niece testify that she is 29?

A. Yes.

Q. Is Virginia supposed to be younger or older than you?

A. Older.

Re-cross examination by Mr. Goldstein.

Q. Lottie, did you bring the receipts showing that you had paid for this property or the building on it with you?

A. No.

And further this deponent saith not.

M. J. PARKER RECALLED:

BY MR. HUTTON:

Q. Parker, did I understand you to say this morning, or if you didn't say it then, you say it now, that the property was paid for more than a year before you got the deed?

A. Yes sir. We didn't get the deed for more than twelve months after it was paid for.

BY MR. GOLDSTEIN: I note an exception on that, that parole evidence is inadmissible to vary or contradict a valid, written instrument.

Q. Parker, was it or not the understanding from the very beginning that you agreed to buy this lot from Mr. Eley that it was being bought for and on behalf of Lottie Taylor?

A. Yes sir, that was the bargain made with Mr. Eley.

Q. And do I understand you to say that the purchase price therefor was furnished by Lottie Taylor before a deed was ever taken?

A. Yes sir.

BY THE COMMISSIONER:

Q. Were you acting as agent for Lottie Taylor in this deal?

A. Yes sir.

RE-CROSS EXAMINATION BY MR. GOLDSTEIN.

Q. And why did you not have the deed made in Lottie's name?

A. Because she was not of age.

Q. How old is Lottie now?

A. I don't know.

Q. Well, if you don't know how old Lottie is now, how do you know she was not of age then?

A. Well, I don't know how old she was. She was not grown.

REDIRECT EXAMINATION BY MR. HUTTON:

Q. Mr. Parker, whatever her age was when you were doing the dickering with Mr. Eley, you thought she was under age?

A. Well she was not grown. When I married her mother she was only eighteen months old.

RE-CROSS EXAMINATION BY MR. GOLDSTEIN:

Q. Lottie Taylor didn't ask you to have the deed put in Nellie Parker's name?

A. No sir.

BY THE COMMISSIONER:

Q. State the circumstances by reason of which the deed was made to

your wife.

A. There were only three in the family, my wife, myself and Lottie Taylor. The others had left home and were living elsewhere. I told Mr. Eley to make the deed over in my wife's name. I and my wife had talked this matter over and we both agreed the child was under age and therefore when I went to Mr. Eley I told him to make the deed to my wife.

And further this deponent saith not.

ALBERT TAYLOR RECALLED:

BY MR. HUTTON:

Q. I understood you to say that you furnished the money to build the house on the lot?

A. Yes sir.

Q. Well, when you furnished that money to build that house, was it your understanding that it was your wife's or your mother-in-law's?

A. I thought it was my wife's or I would not have built on it.

RECBROSS EXAMINATION BY MR. GOLDSTEIN:

Q. How long have you been married, to Lottie?

A. Since 1922.

Q. Then you were married to her before the deed was made out to the land?

A. Yes sir. I don't know nothing about when the deed was made.

And further this deponent saith not.

In the Circuit Court of Nan-
semond County, Virginia:

Lottie Taylor

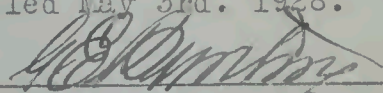
v.) In Chancery.

)
Julia Johnson et als.

COMMISSIONER'S REPORT.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of January 7,
1928.

Filed May 3rd. 1928.


Clerk.

BRADFORD KILBY
ATTORNEY AT LAW
SUFFOLK, VA.

Lottie Taylor.....Complainant

Vs.

DECREE

George Mason, Mamie Mason, Julia
Johnson and Virginia Hunter.....Defendants.

This cause, in which process was duly served on all the defendants, came on this day to be heard on the complainant's bill, the defendants, George Mason, Mamie Mason and Virginia Hunter still failing to appear and plead, answer or demur, and on the answer of the defendant, Julia Johnson, ^{jud. Dec. 5. 1927} with general replication thereto by the complainant, and was argued by counsel.

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 enquire 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 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 interest therein may entitle them to.

(3) 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 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) What allowances for improvements, if any, should be made to the complainant.

(7) Whether all the proper parties in interest are before the court.

(8) 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 THE
COUNTY OF NANSEMOND:

Lottie Taylor,
Complainant,

Vs. DECREE

George Mason, Mamie Mason,
Julia Johnson and Virginia
Hunter,
Defendants.

Enter the 7th day of
January, 1928.

J. L. M. L. Moore

Entered in Chancery Order

Book 6, Page 125.

Due \$4.00

Suffolk, Va. Oct- 7- 1925

Received of M. J. Parker
Eleven & no/100 DOLLARS
on Floorings for Albert Taylor

J. E. CROCKER LUMBER CO.

By J. H. Whitely

\$ 11.00

Suffolk, Virginia

1925

M

M J Parker
For Albert Taylor
To **Brinkley, Pruden & Brinkley, Inc.,** Dr.

Sash, Doors, Blinds, Hardware & Building Material
Fine Cutlery, Pumps, Paints, Oils, Glass, Etc.

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By Cash

220

Balance 200
20

H. L. JACOBS, Prest.

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PHONES:

Office 177

Plant 417

Office 147 Washington Street

Suffolk Clay Co.

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SHIPPING POINT: LADYSMITH, VA.

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COLONIAL STYLE
ROUGH TEXTURE
PAVING AND
BUILDING BRICK

Suffolk, Va., *Sept. 18* 1925

M. Bean

Terms: CASH.

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\$280

Pd. Albert A Taylor
W. H. Jacobs

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280

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MANUFACTURERS OF

Rough and Dressed N. C. Kiln Dried Yellow Pine Lumber

Suffolk, Va., *March - 24* 19*55*

Received of

M. J. Carter

Timothy

Suffolk Va

Dollars

(Balance 750)

Crocker-Brinkley Lumber Co.

\$

1000

By

Whitney

for Robert J. Lee

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SALES AND SHIPPING RECORD

Date _____

P. O.

Shipping Point

[illegible]

THIS DEED, Made this 4th day of June, in the year one thousand nine hundred and twenty-three, between W. Hatcher Eley and Beulah L. Eley his wife, of the City of Suffolk, State of Virginia, parties of the first part, and Nellie Parker (the wife of M. J. Parker) of Nansemond County, State of Virginia, party of the second part-

WITNESSETH: That for and in consideration of the sum of Ten Dollars and other good and valuable considerations, received, the said W. Hatcher Eley and Beulah L. Eley his wife, do grant unto the said Nellie Parker, with General Warranty, all that certain piece, parcel or lot of land, situated in the Northwest suburbs of the City of Suffolk, lying and being in the County of Nansemond, State of Virginia, in that plat of building lots known as "Boston", and being bounded and described as follows: Beginning at a certain point on the East side of "Pitch Kettle" Road in said "Boston" which said point would be One hundred and sixty (160) feet North of and distant from the Northeast corner of "Pitch Kettle" Road and Garfield Avenue if the said Garfield Avenue should be extended across "Pitch Kettle" Road in straight parallel lines, and running thence from said beginning point Northwardly along and fronting on the east side of said "Pitch Kettle" Road Forty (40) feet, thence running Eastwardly at a right angle to the said "Pitch Kettle" Road One hundred and twenty (120) feet, thence running Southwardly at a right angle and in a line parallel with the said "Pitch Kettle" Road Forty (40) feet and thence Westwardly at a right angle One Hundred and twenty (120) feet to the point of beginning. The said land hereby conveyed constituting and being known as Lot Fifteen (15) "East Boston" as will appear by reference to a plat of said "Boston" on file in the office of John F. and John B. Pinner in the City of Suffolk, Virginia, reference to which is hereby made. Together with all and singular the appurtenances belonging to the same.

Said lot Number Fifteen (15) "East Boston" being one of the two lots of land conveyed to the said W. Hatcher Eley by John B. Pinner and wife, by deed bearing date on the 2nd day of July 1914, and duly recorded on the 1st day of August 1914, in Deed Book Number 73, page 476, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia,

The said parties of the first part covenant that they have the right to convey the said land (said Lot Number 15, "East Boston") to the grantee that they have done no act to encumber the said land; that the said grantee shall have quiet possession of the said land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

W. Hatcher Eley----(SEAL)

Beulah L. Eley----- (SEAL)

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, S. M. Lawrence a Notary Public for the City aforesaid, in the State of Virginia, do certify that W. Hatcher Eley and Beulah L. Eley his wife whose names are signed to the foregoing writing, bearing date on the 4th day of June 1923 have acknowledged the same before me in my City aforesaid.

My term of office expires on the 27th day of March 1926.

Given under my hand this 8th day of June 1923.

S. M. Lawrence

Notary Public.

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County the 1st day of March 1924.

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

Teste: G. E. Bunting, Clerk.

By Ruby V. Benton, D. C.

A true copy.

Teste:

, Clerk.

H. Hatcher Esq
and wife
Deed of Bargain
and sale
Mellie Parker

Lottie Taylor.....Complainant

Vs.

DECREE

George Mason, et als.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of John K. Hutton, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing from said report that by the decree entered herein on the 9th day of June, 1928, the said special commissioner was directed to convey to Lottie Taylor the one-seventh (1/7) undivided interest of the said Julia Johnson in the property therein described upon payment by said Lottie Taylor to said Julia Johnson of the sum of FOURTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$14.27), and all liens in the nature of delinquent taxes as shown by the report of the commissioner in chancery; and it further appearing from said report that said special commissioner has been unable to locate the said Julia Johnson, the court doth adjudge, order and decree that said special commissioner, upon payment of the said sum of FOURTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$14.27) by the said Lottie Taylor to the Clerk of the Circuit Court of Nansemond County, Virginia, to be paid to the said Julia Johnson whenever she shall demand it and all liens in the nature of delinquent taxes, as shown by the report of the commissioner in chancery, convey with SPECIAL WARRANTY unto the said Lottie Taylor the one-seventh (1/7) undivided interest of the said Julia Johnson in the property described in the aforesaid decree.

The said special commissioner shall report his proceedings hereunder to the Court.

VIRGINIA:
IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND:

Lottie Taylor,
Complainant,

Vs. DECREE

George Mason, et als,
Defendants.

Enter the 6 day of
~~December~~
November, 1928.

J. S. M. Linn

Entered in Chancery Order

Book 6, Page 206.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Lottie Taylor
Complainant

V.

George Mason, Mamie Mason,
Julia Johnson and Virginia Hunter
Defendants

ANSWER

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

Your defendant, Julia Johnson, respectfully represents
the following facts;

FIRST: That your defendant, Julia Johnson, so far as
she knows, admits the truth of the allegations in paragraphs,
Nos. 1, 2, 3, and 4.

SECOND: That your defendant, Julia Johnson, denies
allegations set out in paragraph No. 5, that the purchase price
thereof was furnished by Nellie Parker, your defendant's mother;
that the legal title to said lot and their appurtenances remained
in the said Nellie Parker at the time of her death.

THIRD: That your defendant, Julia Johnson, denies
allegations set out in paragraph No. 6, that your defendant's
mother, Nellie Parker, built or caused to be built, the dwelling
house on said lot at her own cost and expense, and made all
improvements on said lot during her lifetime.

FOURTH: That your defendant, Julia Johnson, so far as
she knows, admits the truth of the allegations in paragraph,
No. 7.

In consideration whereof, and for as much as your
defendant is remediless in the premises save by the aid of a
court of equity, she prays that proper process issue; that the
said estate be divided between the parties entitled thereto,

or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties according to their respective rights; that all proper orders and decrees may be made, accounts taken, and inquiries directed; and that now, having fully answered the complainants bill, your defendant prays to be hence dismissed with her reasonable costs by her in this behalf expended; and that your defendant may have all such further and other and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Julia Johnson.
By Counsel

Leonard Goldstein.
Counsel

LOTTIE TAYLOR
Complainant

V.

GEORGE MASON, MAMIE MASON,
JULIA JOHNSON AND VIRGINIA HUNTE
Defendants

ANSWER

Filed Dec. 5, 1937
W. B. Anthony
Clara

LEONARD GOLDSTEIN
ATTORNEY-AT-LAW
PORTSMOUTH, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Lottie Taylor.....Complainant

Vs.

BILL

George Mason, Mamie Mason, Julia
Johnson and Virginia Hunter.....Defendants.

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

Your complainant, Lottie Taylor, respectfully represents
the following facts:

FIRST: That Nellie Parker departed this life on or about
the 11th day of May, 1925, leaving as her children and heirs at
law George Mason, Julia Johnson, Mabel Jones, Willie Mason, Henry
Mason, Lottie Taylor, and leaving one grandchild, Virginia Hunter,
who is the daughter of Mamie Stokes, the said Mamie Stokes being
dead, and leaving also her husband, M. J. Parker.

SECOND: That the said Nellie Parker died seised and pos-
sessed of a certain lot or parcel of land situated in Nansemond
County, Virginia, which was conveyed to her by W. Hatcher Eley and
Beulah Eley, his wife, by deed dated June 4th, 1920, and duly re-
corded in the Clerk's Office of the Circuit Court of Nansemond
County, Virginia, in Deed Book 104, page 131, and described in said
deed as follows:

"Beginning at a certain point on the East side of Pitch
Kettle Road, at a point One Hundred and sixty (160) feet North
of the Northeast corner of Pitch Kettle Road and Farfield
Avenue, should the same be extended across Pitch Kettle Road
in a straight line, and running thence from said beginning
point Northwardly along the East side of said Pitch Kettle
Road Forty (40) feet, thence in an Easterly direction at
right angles to said Pitch Kettle Road One Hundred and Twenty
(120) feet to the point of beginning.

The lot herein conveyed being known, numbered and de-
signated as 'Lot No. 15 in 'East Boston', as will appear by
reference to a plat of said Boston 'in the office of Jno B
and Jno F. Pinner' in the city of Suffolk, Virginia."

Together with all and singular the appurtenances belong-
ing to the same.

THIRD: That by deed dated September 28, 1925, and duly
recorded in the aforesaid Clerk's Office, your complainant, Lottie
Taylor, acquired the undivided interest of the said Henry Mason,

Mabel Jones and Willie Mason and the courtesy interest of the said M. J. Parker.

FOURTH: That Mamie Mason, who is the wife of Willie Mason, did not execute the aforesaid deed by which Willie Mason's interest in said land was conveyed to the said complainant.

FIFTH: That, while said lot of land was conveyed to Nellie Parker, your complainant's mother, the purchase price thereof was paid and furnished by your complainant at and before the time of said conveyance; that the legal title to said lot was held by said Nellie Parker in trust for your complainant and was so held at the time of Nellie Parker's death.

SIXTH: That your complainant built or caused to be built the dwelling house on said lot at her own cost and expense, the said improvements having been recently completed.

SEVENTH: That the said real estate is, as the complainant believes, susceptible of partition among the parties entitled thereto; but complainant believes, and here states that said property is not divisible in kind and 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 same, or by an allotment of part and the sale of the residue.

In consideration whereof, and for as much as your complainant is remediless in the premises save by the aid of a court of equity, she prays that the said George Mason, Mamie Mason, Julia Johnson and Virginia Hunter may be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties according to their respective rights; that all just and proper allowances be made complainant for improvements made on the land by her; that all proper orders and decrees may be

made, accounts taken, and inquiries directed; and that your complainant may have all such further and other and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Lettie Taylor
Examiner

Samuel H. Hutton
Counsel.

VIRGINIA:

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY:

Lottie Taylor,
Complainant,

Vs. BILL

George Mason, et als,
Defendants.

Filed Sept 7th 1927
J. E. Bunting Clerk
By, M. K. Saunders D. C.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

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Samuel & Huller, T. 9

Wells Taylor

or

George Mason & Co

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