

1933-121

Nansemond Co(Suffolk)

Chancery Causes: Mary A. Copeland et al vs Admr of Jesse Copeland et al

147

Cross, Hare, Edwards, Everett, Leathers, Luka, Bank of Holland, Inc I

MEMORANDUM FOR USE OF JUDGE AND COUNSEL

Memorandum for suit~~m~~ filed the 12th day of March, 1926;
Affidavit of Non-residence filed 12th day of March, 1926;
Certificate of Clerk, posting, filed 12th day of March, 1926;
Bill of Complaint, filed 15 day of June, 1926;
Certificate of Suffolk News, filed 26 day of April, 1926;
Clerk's Notes, filed _____;
Order _____;
Decree entered the _____ day of _____, 1926 .

Page Of T

VIRGINIA, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, ON THE 12th DAY OF MARCH, 1926.

Mary A. Copeland, Rosa Cross, Emma L. Hare, Ella M. Edwards and Tom C. Copeland

Complainants

Vs. ORDER OF PUBLICATION

S. E. Everett, Administrator of Jesse Copeland, deceased, and Charles J. Copeland

Defendants

The object of this suit is to have partition of the real estate of which Jesse Copeland died seized and possessed, said real estate being situated in Holy Neck District, Nansemond County, Virginia, and being bounded by the lands of I. A. Lake, William Holland, William Frank and the road leading from Holland to Box Elder, and to have an accounting of the transaction of S. E. Everett, Administrator of Jesse Copeland, deceased, an affidavit having been made that Charles J. Copeland, a defendant in this suit, is a non-resident of the state of Virginia, he is hereby required by law to appear within ten days after the due publication of this order and do what may be necessary to protect his interest.

GEO. E. BUNTING,
Clerk

S. E. EVERETT,

A COPY TESTE: GEO. E. BUNTING,
Clerk.

Mar. 12-4t

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GEO. E. BUNTING,
Clerk

S. E. EVERETT;
A COPY TESTE: GEO. E. BUNTING,
Clerk.

Mar. 12-4t

Suffolk, Va., March 31 1926

S. E. Everett, Atty. _____

To, **SUFFOLK NEWS COMPANY, Inc. Dr.**

153 S. Main Street

Publishers THE SUFFOLK NEWS

MONTH			
Date	Inches	Words	Lines
1			
2			
3			
4			
5			
6			
7			
8			
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12	1/4	Cross	Edward E.
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19	1/4	Captain's Cross	Hors
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25			
26	1/4	Captain's Cross	Edward E.
27			
28			
29			
30			
31			
Totals	16		

To Balance _____ \$ _____

To Inches 16 @ 50 \$ 8.00

To Words _____ @ _____ \$ _____

To Lines _____ @ _____ \$ _____

TOTAL _____ \$ _____

Mary A. Copeland, Rosa Cross ,
Emma L. Hare, Ella M. Edwards
and Tom C. Copeland.....Complainants

vs. AFFIDAVIT

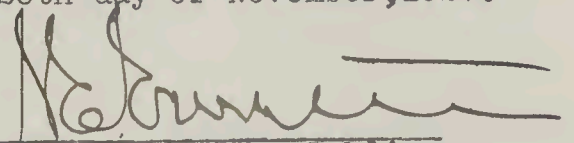
S. E. Everett, Administrator of
Jesse Copeland, deceased, and
Charles J. Copeland.....Defendants

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

 This day Rosa Cross, one of the above-named
complainants, personally appeared before me, S. E. Everett,
a Notary Public in and for the County and State aforesaid,
in my County aforesaid, and made oath that Charles J. Cope-
land, one of the defendants in this suit is a non-resident
of the State of Virginia; that the said Charles J. Copeland
is now living in Chicago, Illinois, and that his last known
address is 4346 Grand Building, ³hird Floor, Chicago, Illinois.

 Given under my hand this 12th day of March, 1926.

 My commission expires the 26th day of November, 1927.



Notary Public.

Del'd Mar. 12,
1824

L. E. Burdett,
Clerk

VIRGINIA, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
NANSEMOND COUNTY, ON THE 12TH DAY OF MARCH, 1926.

Mary A. Copeland, Rosa Cross,
Emma L. Hare, Ella M. Edwards
and Tom C. Copeland.....Complainants

vs. ORDER OF PUBLICATION

S. E. Everett, Administrator of
Jesse Copeland, deceased, and
Charles J. Copeland.....Defendants

The object of this suit is to have partition of
the real estate of which Jesse Copeland died seized and
possessed, said real estate being situated in Holy Neck
District, Nansemond County, Virginia, and being bounded
by the lands of I. A. Luke, William Holland, William Faulk
and the road leading from Holland to Box Elder, and to have
an accounting of the transaction of S. E. Everett, Adminis-
trator of Jesse Copeland, deceased, an affidavit having been
made that Charles J. Copeland, a defendant in this suit, is
a non-resident of the State of Virginia, he is hereby re-
quired to appear within ten days after the due publication
of this order and do what may be necessary to protect his
interest.



p. q.



Clerk.

Paid Mar. 12, 1834

G. E. Smith,
Clerk

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

May A. Copeland et al Pltiff.)

vs.

In _____

St. Edmund, Adm. et al Df't)

I hereby certify that on the 12th day of June 1926

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said

order was entered, *and I further certify that I mailed a copy to Charles J. Copeland, to 4346 Grand Building 2nd floor, Chicago, Ill.*

Given under my hand this 12th day of June, 1926

H. P. Smith, Clerk,

By _____, Deputy Clerk.

Mary A. Copeland et als.....Complainants

vs.

S. E. Everett, Administrator Jesse
Copeland, deceased, et als.....Defendants

I, W. E. Johnston, Editor and Publisher
of the Suffolk News, a newspaper printed in the City of
Suffolk, County of Nansemond and State of Virginia, do
hereby certify that the foregoing order of publication
was duly published in the said newspaper for four (4)
successive weeks from and after the 12th day of March, 1926.

W. E. Johnston
Editor and Publisher of
The Suffolk News.

Mary A. Copeland et als

vs. Certificate of Editor

S. E. Everett, Administrator
Jesse Copeland, deceased, et
als

Filed the 26th day of April,
1926.

G. E. D. M. J., Clerk

Mary A. Copeland, Rosa Cross,
Emma L. Hare, Ella M. Edwards and
Tom C. Copeland.....Complainants

vs. IN CHANCERY

S. E. Everett, Administrator of
Jesse Copeland, deceased, and
Charles J. Copeland.....Defendants

Please issue summons returnable to Third
Monday (Second Rules) in March, 1926.


_____ p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon S.E. Everett, Administrator, of Jesse Copeland,
deceased, Charles J. Copeland, W.V. Leathers, Trustee, and I.A. Luke, assignee of
Bank of Holland, Incorporated

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 March, 19 26
to answer a bill in chancery, exhibited against them in our said Court by
Mary A. Copeland, Rosa Cross, Emma L. Hare, Ella M. Edwards and Tom C. Copeland

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 12th day of March, 19 26, and in the
150th year of the Commonwealth.

G.E. Bunting, Clerk

Original
No. 300

May A. Copeland et al

vs. } SUBPOENA IN CHANCERY

J. C. Grunt, Adm. et al

p. q.

To..... Rules,

Circuit Court.

Legal & Sufficient
Service is hereby
accepted

J. A. Lusk

W. V. Leathers, Jr.
by S. E. Everett, Clerk
atty

H. Everett
Adm. of Jesse Copeland

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

Mary A. Copeland, Rosa Cross, Emma L. Hare,
Ella M. Edwards, and Tom C. Copeland.....Complainants

vs. REPORT OF COMMISSIONER

S. E. Everett, Administrator of Jesse Copeland,
deceased, et als.....Defendants

Your undersigned Commissioner, S. E. Everett, appointed
by decree entered in this cause on the 14th day of September, 1926,
to make sale of the property in these proceedings, makes to your
Honor the following report:

In accordance with said decree, your said Special Com-
missioner/after giving required bond, advertised the property in these proceedings to be sold
at twelve o'clock, Noon, on Saturday, October 2nd, 1926, in front
of the National Bank of Suffolk, Suffolk, Virginia, to the highest
bidder therefor, and at the said sale the said tracts of land,
described as follows:

(1.) All that certain tract of land containing Thirty
and one-half (30-1/2) acres, more or less, and being
bounded by the lands of I. A. Luke, formerly the
William Councill farm; the land known as the Noah
Howell land; the lands of William Holland, William
Faulk and Alfred Hare, and being the same land con-
veyed to the said Jesse Copeland by deed duly executed
by Alfred Hare, dated the 2nd day of January, 1880,
and recorded in the Clerk's Office of the Circuit Court
of Nansemond County, Virginia, in Deed Book 9, page 579.

(2.) All that certain tract of land containing
Nineteen (19) acres, more or less, formerly two tracts
of land but adjoining each other and described as one,
being situated on the road leading from Holland to Box
Elder and being bounded by the above-described tract
of land, the W. H. Jordan land, the Ned Cross tract of
land, and also being the same land conveyed to the said
Jesse Copeland by deed duly executed by S. E. Everett
and wife, dated the 13th day of February, 1918, and re-
corded on the 22nd day of February, 1918, in the said
Clerk's Office, in Deed Book 88, page 131.

were struck off to Rosa Cross, she being the highest bidder
therefor at said sale, for the sum of Fourteen Hundred Twenty-five

(\$1,425.00) Dollars, which was the highest bid for said land.

Your Commissioner states that this is a fair price for the said land, sufficient to pay all of the indebtedness on the estate of the said Jesse Copeland, deceased, and the liens on said land, and all of the parties being adults, the said Commissioner asks that ^{the said sale be confirmed and that} he be directed, after paying the costs of the said sale, to pay all the liens on said property and the claims against the estate of Jesse Copeland, as set out in the report of Bradford Kilby, Commissioner in Chancery, and then distribute the remainder of the purchase money among the parties entitled thereto.

Respectfully submitted:


Special Commissioner.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland et als
vs. REPORT OF COMMISSIONER
S. E. Everett etc. et als

Filed the 22 day of October,
1926.

Jdm

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland et als.....Complainants

vs. ORDER CONFIRMING REPORT OF COMMISSIONER

S. E. Everett, Admr. of Jesse Copeland et als...Defendants

This cause came on again this day to be heard on the papers formerly read and on the report of Bradford Kilby, Commissioner in Chancery, filed on the 20th day of July, 1926, in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, to which report there is no exception and was argued by counsel.

On consideration whereof it is adjudged, ordered and decreed that the said report be confirmed, and it appearing to the Court from the said report that the said real estate cannot be conveniently partitioned in kind among the parties entitled thereto and that no heir desires his or her share allotted, and that the interest of all would be promoted by a sale of the entire real estate, the Court doth adjudge, order and decree that S. E. Everett, who is hereby appointed Special Commissioner for the purpose, do, after having advertised the time, place and terms of sale for ten days, by posting notices in numerous public places in Nansemond County, Virginia, proceed to sell, in front of the National Bank of Suffolk, Suffolk, Virginia, the following two tracts of land, situated in Nansemond County, Virginia:

1. All that certain tract of land containing Thirty and one-half (30-1/2) acres, more or less, and being bounded by the lands of I. A. Luke, formerly the William Councill farm; the land known as the Noah Howell land; the lands of William Holland, William Faulk and Alfred Hare, and being the same land conveyed to the said Jesse Copeland by deed duly executed by Alfred Hare, dated the 2nd day of January, 1880, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 9, page 579.

2. All that certain tract of land containing Nineteen (19) acres, more or less, formerly two tracts of land but adjoining each other and described as one, being situated on the road leading from Holland to Box Elder and being bounded by the above-described tract of land, the W. H. Jordan land, the Ned Cross tract of land, and also being the same land conveyed to the said Jesse Copeland by deed duly executed by S. E. Everett and wife, dated the 13th day of February, 1918, and recorded on the 22nd day of February, 1918, in the said Clerk's Office, in Deed Book 88, page 131.

The said Commissioner is to sell the said land on the following terms, to-wit: One half cash and the balance the first day of January, 1927, the title to the said property to be retained until the whole of the purchase money is paid in full, or, if the purchaser, or purchasers, shall elect to do so, he, or they, may pay the whole of the purchase money in cash.

It is further ordered that the said Special Commissioner, S. E. Everett, shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$2000, conditioned upon the faithful discharge of his duties under this decree, or any further decrees that may be entered herein.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA

Mary A. Copeland et als

vs. ORDER CONFIRMING
REPORT OF COMMISSIONER

S. E. Everett, Admr. etc.

Enter 14th ^{Sept}~~August~~, 1926.

Jas. L. M. Lmare,

Entered August __, 1926,

Chancery Order Book

No. 6, page 35.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland, Rosa Cross, Emma L. Hare,
Ella M. Edwards and Tom C. Copeland.....Complainants

vs. DECREE

S. E. Everett, Administrator of Jesse Copeland,
deceased, Charles J. Copeland, W. V. Leathers,
Trustee, and I. A. Luke, Assignee of Bank of
Holland, Incorporated.....Defendants

This cause came on this day to be heard upon the complainants' bill, proof of legal service of proper process on defendants, S. E. Everett, Administrator of Jesse Copeland, deceased, W. V. Leathers, Trustee, and I. A. Luke, Assignee of Bank of Holland, Incorporated, who have failed and still fail to appear, plead, demur or answer the said bill, which is taken for confessed against them, and it appearing that the said complainants have proceeded in the mode prescribed by law against the non-resident defendant, Charles J. Copeland, who has failed and still fails to appear, plead, demur or answer the said bill, which is taken for confessed as to him, 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 directed to inquire into and report to the Court-

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

2. If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest 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 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 allotment of part and sale of the residue.

4. All liens on the said property mentioned in the bill, including delinquent taxes.

5. The fee simple and annual value of said property.

It is further ordered that the said S. E. Everett, Administrator of Jesse Copeland, deceased, render an account of his transactions as such Administrator, before the said Commissioner of this Court, who is directed to examine, state and settle, and report to the Court, with any matter specially stated deemed pertinent by himself, or which may be required by any of the parties to be so stated.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland et als

vs. DECREE

S. E. Everett, Administrator
of Jesse Copeland, deceased,
et als

Enter the 24 day of May,
1926.

Jas. L. Moore

Entered May _____, 1926,

Chancery Order Book

No. 6, page 12.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland, Rosa Cross, Emma L. Hare,
Ella M. Edwards and Tom C. Copeland.....Complainants

vs. DECREE CONFIRMING REPORT OF COMMISSIONER

S. E. Everett, Administrator of Jesse Copeland,
deceased, et als.....Defendants

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

On consideration whereof the Court, approving and confirming said report, doth adjudge, order and decree that upon payment by Rosa Cross of the sum of Fourteen Hundred Twenty-five (\$1,425.00) Dollars, the said sum being the amount for which the said tracts of land were struck off at said sale, the said Commissioner, S. E. Everett, convey, with SPECIAL WARRANTY, to the said Rosa Cross, the following described tracts of land:

(1) All that certain tract of land containing Thirty and one-half (30-1/2) acres, more or less, and being bounded by the lands of I. A. Luke, formerly the William Councill farm; the land known as the Noah Howell land; the lands of William Holland, William Faulk and Alfred Hare, and being the same land conveyed to the said Jesse Copeland by deed duly executed by Alfred Hare, dated the 2nd day of January, 1880, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 9, page 579.

(2) All that certain tract of land containing Nineteen(19) acres, more or less, formerly two tracts of land but adjoining each other and described as one, being situated on the road leading from Holland to Box Elder and being bounded by the above-described tract of land, the W. H. Jordan land, the Ned Cross tract of land, and also being the same land conveyed to the said Jesse Copeland by deed duly executed by S. E. Everett and wife, dated the 13th day of February, 1918, in the said Clerk's Office, in Deed Book 88, page 131.

And it is further ordered that after payment by the said Special Commissioner of the costs of this suit, including a fee of \$100- for the attorney instituting this suit, he then pay the liens on said property and the claims against the estate of Jesse Copeland, as set out in the report of Bradford Kilby, Commissioner in Chancery, and then distribute the remainder of the purchase money among the parties entitled thereto, taking receipts for the same, and make report to the Court of his proceedings hereunder.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Mary A. Copeland et als
vs. DECREE CONFIRMING SALE
S. E. Everett etc. et als

Enter 22 day of October, 1926.

Jas. L. McLenore

Entered October _____, 1926,

Chancery Order Book

No. 6, page 43.

Mary A. Copeland, Rosa Cross, Emma L. Hare,
Ella M. Edwards and Tom C. Copeland.....Complainants

vs. IN CHANCERY

S. E. Everett, Administrator of Jesse Copeland,
deceased, Charles J. Copeland, W. V. Leathers,
Trustee, and I. A. Luke, assignee of Bank of
Holland, Incorporated.....Defendants

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

Your complainants, Mary A. Copeland, Rosa Cross, Emma L.
Hare, Ella M. Edwards and Tom C. Copeland, respectfully submit
unto your Honor:

First: That Jesse Copeland, husband of your complainant,
Mary A. Copeland, and father of your complainants, Rosa Cross,
Emma L. Hare, Ella M. Edwards and Tom C. Copeland, and also the
father of Charles J. Copeland, one of the defendants, was in his
life time seized and possessed of certain real estate situated
in Holy Neck District, Nansemond County, Virginia, consisting
of two tracts of land bounded and described as follows:

1. All that certain tract of land containing Thirty and
one-half (30-1/2) acres, more or less, and being bounded by the
lands of I. A. Luke, formerly the William Councill farm; the
land known as the Noah Howell land; the lands of William Holland,
William Faulk and Alfred Hare, and being the same land conveyed
to the said Jesse Copeland by deed duly executed by Alfred Hare,
dated the 2nd day of January, 1880, and recorded in the Clerk's
Office of the Circuit Court of Nansemond County, Virginia, in
Deed Book 9, page 579.

2. All that certain tract of land containing Nineteen
(19) acres, more or less, formerly two tracts of land but
adjoining each other and described as one, being situated on
the road leading from Holland to Box Elder and being bounded
by the above-described tract of land, the W. H. Jordan land,
the Ned Cross tract of land, and also being the same land con-
veyed to the said Jesse Copeland by deed duly executed by
S. E. Everett and wife, dated the 13th day of February, 1918,
and recorded on the 22nd day of February, 1918, in the said
Clerk's Office, in Deed Book 88, page 131.;

and while so seized and possessed, the said Jesse Copeland,
in November, 1923, died, intestate, leaving his wife, Mary, A.

Copeland, and Rosa Cross, Emma L. Hare, Ella M. Edwards, Tom C. Copeland and Charles J. Copeland, his children and only heirs at law.

Second: That there are two deeds of trust on the said property, as follows: One to W. V. Leathers, Trustee for the Bank of Holland, Incorporated, which is assigned to I. A. Luke; and one to Beverley P. Baker, Trustee for the Bank of Whaleyville, which is assigned to S. E. Everett.

Third: That your complainant, Mary A. Copeland, widow of the said Jesse Copeland, deceased, joined her husband, Jesse Copeland, in two deeds of trust covering the said property, therefore she is asking for the said property to be sold in order to pay the said deeds of trust, and whatever interest she has in the said property as dower, she asks to have commuted.

Fourth: That the said real estate is, as your complainants believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, the complainants believe, and here state, that the 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 forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said S. E. Everett, Administrator of Jesse Copeland, deceased, Charles J. Copeland, W. V. Leathers, Trustee, and I. A. Luke, assignee of Bank of Holland, Incorporated, be made parties defendant to this suit, and required, but not on oath, 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 rights; that all proper orders and decrees may be made, accounts taken, and inquiries directed; that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Mary A. Copeland
Rosa Cross
Bertha L. Hare
Ellen M. Edwards
Lucy C. Copeland
 Complainants.

H. G. [Signature]
 Counsel.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA

Mary A. Copeland et als

vs. IN CHANCERY

S. E. Everett, Administrator
Jesse Copeland, deceased,
et als

Filed the 15th day of March,

1926.

H. C. Runtz
Cluck

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY, AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATT'Y.
E. B. RAWLES, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA.

May A. Cyeland, et al
vs

S. E. Everett, Comr. et al.

Mar. 12, 1934 Proven in, affidavit of non-
residence filed, Copy of order of public, posted at
C.H. door & copy mailed to last known address &
Copy to Suffolk News

S. E. Everett.

27

May 11, Copeland

18

S. E. Everett, Adams & Co.

149
