

1891-19

Southampton County Chancery - Sebrell, W. T. et als vs Kindred, J. J. et als

division of real estate

Sebrell, Nettie K.
Kindred, John Jos.
" , M. E.

Kindred - M. E.
Prince - J. B.
Darden, J. D.

Sebrall Karte

v. { Bill & Exhibits.

Kindred Forten

To the Hon. O. W. Still, Judge of the
Circuit Court of Southampton Co.,
In Chancery.

Humbly complaining shew unto
your Honor your complainants,
W. J. Sebrill and Nettie K. Sebrill,
his wife, that the said Nettie K.
Sebrill, Jno. Jos. Kindred and M. E.
Kindred are jointly seized in
fee-simple of the following Real
Estate lying in Southampton County,
to-wit:- All those certain town-lots
lying and situate in the town of
Courtland in said County, and
known and numbered on the map
of said town as follows:- Lot no 2;
lot no 6; lot no 59; lot no 61; lot no 63;
lot no 65; lot no ~~79~~⁷⁹; lot no 101; lot no 103;
lot no 105; lot no 107; lot no 108; lot
no 110; lot no 112; lot no 114; lot no 116;
lot no 71; lot no 72½; lot no 73; lot
no 79; lot no 82; lot no 85; lot no 88;
lot no ~~91~~⁹¹; lot no 77; lot no 83; lot no 89;
lot no 30; lot no 32; no 118; lot no 120;
lot no 45; lot no 53; lot no 54; lot no
139; lot no 93; lot no 95; lot no 97;
lot no 126; lot no 130; lot no 134; lot
no 136; lot no 138; lot no 133; lot no 129;

lot no 125; lot no 140; lot no 142;
lot no 144; also that portion of lot no.
67 with building thereon, fronting 30 ft. on
the A. & P.R. Co's right of way running
back 176 ft to Pine St.; also that portion
of the Kindeed Reservation north of Pine
Street, fronting 85 ft. on Main St. and
running back 208 1/2 ft.; also that certain
other lot lying between the lot sold and
conveyed by J. J. Kindeed & others to M. A.
Lawrence and the lot sold & conveyed
by said Kindeed & others to Wm. Beaton,
said lot fronting ft. on Main St.
running back ft.; also a certain
other parcel of land lying around
and adjacent to the said town and
containing acres, more or less.

in Trust That the said J. J. Kindeed, by deed
dated Feb. 6th 1889, conveyed his interest
in a portion of this said Real Estate
to J. B. Prince, trustee, to secure certain
debts therein specified, due to M. E. Kin-
des and Jas. D. Darden, assignee of said
W. J. Schell wife. as will more fully
appear from a copy of said trust-deed
heretofore filed as Exhibit "X" & prayed
to be read as a part of this bill.
Your complainant state that the

said Real Estate is ^{in their opinion} susceptible
of partition among the parties
entitled thereto; but, if it be not, then
they desire the same to be sold & the pro-
ceeds divided among said parties en-
titled thereto in proportion to their in-
terests therein. In consideration whereof,
& inasmuch as your complainants are
without remedy save in a Court of Equity
where such matters are properly cognizable,
your complainants pray that the said
J. J. Kindred, M. E. Kindred, J. B. Prince
trustee, and J. D. Darden, assignee of
W. J. Sebrell & wife be made defendants-
to this bill & required to answer the same,
but answer under oath is hereby expressly
waived; that the said Real Estate be
divided between the said parties en-
titled thereto, and your complainants' ^{pro-}
portion assigned to them, and, in case
the said Real Estate be indivisible, that
same be sold & the proceeds distributed
to the parties entitled thereto, and that
all such other further relief may be
afforded as the nature of the case may
require or to Equity shall seem meet.

And your complainants will ever pray &c.
May it please the Court &c.

Prince & Sebrell, v. g.

This Deed of Trust made this 5th day of Feb.
1889 between John Jos. Kindred of the first part
and J. B. Prince Trustee of the second part. Witnesseth
that for and in consideration of the sum of
five (\$5) dollars in hand paid to the party of
the first part, the said John Jos. Kindred, of
the first hereby grants and conveys with general
warranty to the said trustee all his interest
in certain lots of land & real estate conveyed
by Mr & C. Nettie Kindred to said Jno Jos Kindred
by deed of bargain and sale dated Sept. 18th 1888,
that is to say, said Kindred grants and conveys to
said Trustee the property hereinbefore described &
also his, (said Kindred's) interest in the whole
tract of land occupied by the Jno. J. Kindred as held
by him as trustee for his children. M. E. & J. & C.
Nettie Kindred, but not to include the said Jno.
Jos. Kindred interest in the town lots surveyed
by Capt. J. C. Mills, in and around the town of
Courtland Va. in the year 1887 and 1888. In Trust
to secure certain bonds, ^{viz, two bonds} each for \$700 ⁰⁰/₁₀₀ dated
Jan'y 1. 1889 one due twelve months from date, the
others due two (2) years from date, due M. E. Kin-
dred by said Jno. Jos. Kindred, and to secure equally
two others bonds due from said Jno Jos Kindred to
C. Nettie Kindred, dated Feb'y 5th 1889 one due twelve
months from date & the other due two (2) years from
date, each bond being for Eight hundred and
twelve and 02/100 dollars. Witness the following signature &
seal

Jno. Joe Kindred *Real*

Southampton County. In the Clerk's office May 8th/1889
The foregoing Deed of Trust from J J Kindred to
M.E. and C. Nellie Kindred's Trustees was this received
and acknowledged by the said J J Kindred and ad-
mitted to record.

Teste B. F. McLenore C.C.

A Copy

Teste B. F. McLenore C.C.

Subrell wife
to } notice -
Kinched et al.

I acknowledge legal
service of this notice.

Sept. 24th/91.

Gas. L. M. Linnert.

To Most Kindred And M. E. Kindred,

Take notice that on the 8th
day of Oct. 1891, we shall apply to
the Judge of the Circuit Court of
Southampton, for an interlocutory
decree, referring it to one of the
Commissioners of said Court to lay
off and divide the Real Estate in
the bill mentioned and described,
among the parties entitled thereto,
in proportion to their interests, and
authorizing and empowering said
Commissioners to employ the services
of a competent surveyor to assist
him in making said partition.

C. J. Sebrall & wife,

By Counsel.

—H—

Certificate of
Jas. D. Darden
and
J. B. Prince, Trustees

Sept. 25th 1891.

This is to certify that the deed of trust heretofore executed by J. J. Kindred, conveying his interest in Real Estate in and about Courtland Va., to J. B. Price, Trustee, for the benefit of myself & others has been fully satisfied as far as I am concerned, and that, therefore, I have no further interest in the partition suit, brought in the Circuit Court of Southampton, by W. J. Sebrall wife vs. Kindred & others -

Jas O Darden
J. B. Price Trustee

Sebrell wife

M } Sam:

Kindred & als:

1891. 2 Aug. Ruler
Leir: let:

Prince & Sebrell p.g.

Executed by delivering a
copy of this 'Sum' to each
of the within named parties
& apt. Jno. for Kindness who
is not a resident of my family
Aug 17 1891 J. Williams Chff

H. J. Blom depts for
J. Williams Chff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Geo. Jos. Kindred, Mary E.
Kindred, J. R. Pineda Trustees, and J. D. Barden
assignees of W. J. Sebrell wife*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for
the said Court on the *3^d* Monday in *August 1891* ~~next~~, to answer a Bill in Chancery
exhibited against *them* in our said Court by

*H. J. Sebrell and Nettie
H. Sebrell, his wife*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this

Aug *6*, 1891, in the 11⁶th year of the Commonwealth.

Test: B. F. McLemore

C. C.

I hereby acknowledge by the service of the
within writ this 8th day of Aug. 1891.

J. J. Hubbard

Sebrill wife

2^d  Sum:

Kindred + als:

1891. 2. Aug. Rules

Cur: let:

Princed + Sebrill p-g.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Jno. Jos. Kindred - M. E. Kindred -
J. B. Price Trustees and J. D. Darden Agents
of W. J. Sebrice wife*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for
the said Court on the *3^d* Monday in *August 1891* ~~next~~, to answer a Bill in Chancery
exhibited against in our said Court by

*W. J. Sebrice & Nettie K
Sebrice, his wife*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *6th* day of
Aug, 1891, in the 11⁶th year of the Commonwealth.

B. F. McLemo C. C.

Southampton Circuit Court. Oct 10. 1891.
 Sebrell wife

vs Kindred et al: } Decree

This day this Cause came on to be heard upon the bill of the Complainant, & Exhibits therewith filed. Taken for confessed as to the defendants, the certificate of Jas. D. Darden, and J. B. Prince, trustee, and was argued by counsel. On consideration whereof and it appearing from said certificate that said Jas. D. Darden and J. B. Prince, trustee, are no longer interested in the subject-matter of this suit, it is hereby ordered that the same abate as to them. And the Court doth further adjudge, order and decree that it be referred to one of the Commissioners of this Court to lay off and divide the Real Estate in the bill mentioned and described into three equal parts, having regard to quality and quantity, and assign one of said equal parts to Nethe K. Sebrell, the wife of W. J. Sebrell, one to Jas. Jos. Kindred, and one to M. E. Kindred, And the said Commissioner is hereby authorized and empowered to employ the services of a competent surveyor to assist him in making the said Partition. But if said Commissioner should find it impracticable to divide said land

among said ~~said~~ parties, or should be of opinion that the interest of the parties would be promoted by a sale of same, in such case he will report the facts, upon which his opinion is based, to the court, & also what, in his opinion, is the fee simple value of the whole Real Estate. And, in either case, the Commissioner will make report to this Court.

~~C. H. Hill~~

Attest - Jcto: B. F. McLeenan C. C.

Commissioner's Office -
Sutherland Co.

Oct 24. 1891.

To the Circuit Court of Sutherland Co.
The undersigned Commissioner reports to
Court. that in obedience to a decree
of said Court. rendered in vacation, on
the 10th day of October 1891. in the Chancery
Cause of Sebrell wife & Kinder et al.;,
pending in said Court. - having obtained
the services of Capt. J. B. Wills, County
Surveyor. and having had the lands in
the bill mentioned, as belonging to Dr
Geo. Jos. Kinder. Mary E. Kinder and
Mrs Nettie K. Sebrell, wife of W. J. Sebrell,
surveyed and laid off into lots. he thereupon
proceeded to divide the same into three
equal parcels or lots. and divide the
same among the parties entitled thereto -
in which said division the following
lots fell to the share of Dr Geo. Jos.
Kinder. to wit: lots No 2. 59. 105. 112.
65. 79. 82. 77. 118. 54. 139. 95. 126. 129. 125. 147.
149. 151. 155. 159. 160. 25 1/2. 162. 165. 170. 171. 175.

The following lots fell to the share of Miss
M. E. Kinder, to wit: lots No 2 1/2. 63. 101. 110.
114. 107. 73. 85. 89. 32. 45. 120. 140. 130. 133. 142.
93. 146. 148. 153. 156. 158. 161. 26 1/2. 164. 167. 169. 172. 174.

and the following lots fell to the share of Mrs Nettie K. Sebrell - wife of W. J. Sebrell, to wit: N^o 6. 61. 103. 108. 91. 72½. 71. 88. 83. 30. 53. 138. 97. 134. 136. 144. 145. 150. 152. 154. 157. 67. 27½. 166. 168. 173. 75½. 176. 163.

There is, also, a small strip of land, containing 10 acres - lying between the lands of J. B. Paine and J. D. Pettow, which, from the ~~poor~~ shape and location thereof - cannot be divided between the parties - the Commissioner, therefore, recommends that the parties entitled, being adults - sell the said strip of land and divide the proceeds among themselves, which they ~~parties~~ have consented to. ~~The above lots have been divided.~~

In dividing the above mentioned lots, special regard ~~has~~ had to quality, ~~and~~ quantity; ~~and location and value.~~ and is believed to be as fair as could be made.

Special reference is hereby made to a plat and Survey of the above described property - filed herewith - from which the parties can easily ascertain the exact location of their respective lots.

The Commissioner respectfully recommends that this report be confirmed.

Respectfully Submitted
B. F. McLeod, Comr

Comr's fee \$
Sawyer's fee \$
Chain Carriers fees:

Subcell + wife
v. $\begin{matrix} \text{Final} \\ \text{Deene.} \end{matrix}$

Kindred orther

Nov. Term 1891.

It be entered—

0702

Mar 5 1891

Entire

We consent to this decree.

Prince & Schell, n.g.

Jan. 6. M^{rs} Linnemph

Sebrill wife
v. $\frac{3}{3}$ Decem.
Kindred & others

This day this cause came on to be further heard upon the papers formerly read, and upon the Report of Comm^r: B. J. McLeane, filed Oct. 24th 1891, of the partition of the land in the proceedings mentioned, among the parties entitled thereto according to the terms of the said decree, and was argued by counsel. On consideration whereof, it appearing to the Court that in the partition made by the said Commissioner, the following lots and parcels of land fell to the share of Dr. Jno. Jno. Kindred, to-wit: lots No. 2; 59; 105; 112; 65; 79; 82; 77; 118; 54; 139; 95; 126; 129; 125; 147; 149; 151; 155; 159; 160; 25 $\frac{1}{2}$; 162; 165; 170; 171; and 175;

and the following lots and parcels of land fell to the share of M. E. Kindred, to-wit: lots No. 2 $\frac{1}{2}$; 63; 101; 110; 114; 107; 73; 85; 89; 32; 45; 120; 140; 130; 133; 142; 93; 146; 148; 153; 156; 158; 161; 26 $\frac{1}{2}$; 164; 167; 169; 172 and 174.

And the following lots and parcels of land fell to the share of Nettie K. Sebrill, wife of W. J. Sebrill, to-wit: lots No. 6; 61; 103; 108; 91; 72 $\frac{1}{2}$; 71; 88; 83; 30; 53; 138;

(over)

B. J. McLeane

M. E. K.

W. J. Sebrill

97; 134; 136; 144; 145; 150; 152; 154;
157; 67; $27\frac{1}{2}$; 166; 168; 173; $75\frac{1}{2}$; 176;
and 163.

The Court doth adjudge, order and decree that
the said report of Com^r: B. F. McLeune,
to which there is no exception, be confirmed
and that the partition, in manner and
form aforesaid made, be held firm
and stable. And it is further ordered that
the costs and expenses of this suit be pro-
portionally borne by the parties thereto.

And nothing further remaining ^{material} in this
suit, it is ordered that the same be re-
moved from the docket.

Sebrill wife
v. } Decree.

Kindred et al.

This day this cause came on to be heard upon the bill of the complainants exhibits therewith filed, taken for confessed as to the defendants, the Certificate of Jas. D. Darden, and J.B. Prince, trustees, and, was argued by counsel. On consideration whereof, and it appearing from said certificate that said Jas. D. Darden and J.B. Prince, trustees, are no longer interested in the subject-matter of this suit, it is hereby ordered that the same abate as to them. And the Court doth further adjudge, order and decree that it be referred to one of the Commissioners of this Court to lay off and divide the Real Estate in the bill mentioned and described into three equal parts, having regard to quality and quantity, and assign one of said equal parts to Nettie K. Sebrill, the wife of W.D. Sebrill, one to Mrs. Jos. Kindred, and one to M.E. Kindred. And the said Commissioner is hereby authorized and empowered to employ the services of a competent surveyor to assist him in making the said partitions. But, if

said Commissioner should find it impracticable to divide said land among said parties, or should be of opinion that the interests of the parties would be promoted by a sale of same, in such case he will report the facts, upon which his opinion is based, to the Court, & also what, in his opinion, is the fee-simple value of the whole Real Estate. And, in either case, the Commissioner will make report to this Court.

C. W. Hill

Abuel v. 3 Decree.

Knicker et al.

To be entered-

C. W. Hill

Oct 10, 1891

We consent to this decree-

Prince & Prince, Attys.
Geo. L. M. Lawrence, Jr.

Geo Jos Kindred - Lot. 2. 59. 105. 112. 116. 65.
79. 82. 77. 118. 54. 139. 95. 126. 129. 125. 147. 149.
151. 155. 159. 160. 25½. 162. 165. 170. 171. 175.

Miss M E. Kindred - 2½. 63. 101. 110. 114. 107.
73. 85. 89. 32. 45. 120. 140. 130. 133. 142. 93. 146.
148. 153. 156. 158. 161. 26½. 164. 167. 169. 172. 174.

Mrs Nellie K. Subrell - 6. 61. 103. 108. 91. 72½.
71. 88. 83. 30. 53. 138. 97. 134. 136. 144. 145.
150. 152. 151. 157. 67. 27½. 166. 168. 173. 75½. 176.
163.

Lots No 5. 6 + 2 1/2

2. J. D. Kindred	30 Mrs W. Sebrell
6 Nathl Sebrell	32 Miss M. E. Kindred
2 1/2 M. E. Kindred	118 J. J. Kindred
59 J. J. Kindred	45 + M. E. Kindred
61 Mrs W. Sebrell	53 Mrs. W. Sebrell
63 M. E. Kindred	54 J. J. Kindred
101 M. E. Kindred	120 Miss M. E. Kindred
103 Mrs W. Sebrell	139 J. J. Kindred
105 J. J. Kindred	138 Mrs. W. Sebrell
108 Mrs W. Sebrell	95 J. J. Kindred
110 M. E. Kindred	97 Mrs W. Sebrell
112 J. J. Kindred	140 Miss M. E. Kindred
114 M. E. Kindred	126 J. J. Kindred
116 J. J. Kindred	130 Miss M. E. Kindred
91 Mrs W. Sebrell	134 Miss C. Sebrell
107 Miss M. E. Kindred	136 Miss "
65 J. J. Kindred	133 Miss M. E. Kindred
7 1/2 Mrs W. Sebrell	129 J. J. Kindred
71 Mrs W. Sebrell	(93) Miss M. E. Kindred
73 Miss M. E. Kindred	125 J. J. Kindred
79 J. J. Kindred	144 Mrs W. Sebrell
82 J. J. Kindred	~~69~~ .. Kindred
85 M. E. Kindred	145 Mrs W. Sebrell
88 Mrs W. Sebrell	146 Miss M. E. Kindred
77 J. J. Kindred	147 J. J. Kindred
83 Mrs W. Sebrell	
89 Miss M. E. Kindred	

148	Miss M. E. K.	171	22 - Mrs. Jos. Kindred -
149	J. J. Kindred	172	23 - Miss M. E. Kindred
150	Mrs. W. J. Schell	173	24 - Mrs. W. J. Schell
151	J. J. Kindred		
152	Mrs. W. J. Schell	174	25 - Miss M. E. Kindred -
153	Miss M. E. K.	175	26 - Mrs. Jos. Kindred -
154	Mrs. W. J. Schell	176	27 - Mrs. W. J. Schell -
155	J. J. Kindred		
156	Mrs. M. E. Kindred	176	28 - Mrs. Schell
157	Mrs. W. J. Schell		
158	Miss M. E. Kindred		10 acres to be sold and
159	J. J. Kindred		proceeds divided

67	67 - Mrs. W. J. Schell
160	68 - Mrs. Jos. Kindred
161	69 - Miss M. E. Kindred
Reservations	70 1/2 - Mrs. Jos. Kindred
	71 1/2 - Miss M. E. Kindred
	72 1/2 - Mrs. W. J. Schell -
162	73 - Mrs. Jos. Kindred
163	74 - Mrs. W. J. Schell -
164	75 - Miss M. E. Kindred -
165	76 - Mrs. Jos. Kindred
166	77 - Mrs. W. J. Schell
167	78 - Miss M. E. Kindred -
168	79 - Mrs. W. J. Schell
169	80 - Miss M. E. Kindred -
170	81 - Mrs. Jos. Kindred

Sebrell & wife ¹⁷⁹
or } Stat: Ruler.

Hundred & others

2 Aug

x

W. J. Sebrill & Nellie K. Sebrill

His wife.

~~Pltff~~

against

John Jos. Stindred. Mary E. Stindred.

J. B. Paine, Trustee, and J. D. Darden,
Attorneys of W. J. Sebrill wife.

Defts.

1891. Aug 6. Process Sp. to 2 Aug. Rules

" 2 " Rules. Process Executed. bill & Ex: filed.
decree nisi.

" 1 Sept. " Bill taken for confessed and
cause set for hearing.