1907-12 Southampton County Chancery Harrell, Ralph W. et al vs. Harrell, Claude F

Real Estate Divided, or sold, and proceeds to be divided

Harrell, Lucile
Harrell, Mildred
Harrell, Geny W. Jr

Howell, &c.

vs. { Bill.

Howell.

1905. 1st Oct: Rules Filed.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentis,
Judge of the Circuit Court of Southampton Co.

Humbly complaining shew unto Your Honor your complainants, Mary A. Howell, and Ralph W. Howell, Lucile Howell, Mildred Howell, and George W. Howell, Jr., the last four being infants under the age of twenty one years, who sue by their mother, the said Mary A. Howell, as their next friend, that the late George W. Howell was, in his life-time, seized and possessed, in fee-simple, of that certain lot or parcel of land, with the buildings thereon and appurtenances thereto belonging, lying in the town of Courtland, in Southampton County, Virginia, and bounded and described as follows, to-wit: Beginning at the Southeast corner of the R. M. Batten lot (now owned by Roger T. Whitfield) on Main Street, and running thence in a Southerly direction down Main Street about 85 feet to the lot formerly purchased by G. W. Lawrence and Mary A. Lawrence from J. J. Kindred and wife; thence at right angles to Main Street Westerly along the original J. F. Latimer line to the river low-lands, thence up the line of the river low-lands, as the same was originally purchased by said J. F. Latimer and wife to the said R. M. Batten line; thence

down the Batten line Easterly to Main street, the point of beginning, and being so thereof seized and possessed, the said George W. Howell, on or about the 4th day of August 1905, died intestate, leaving the complainant, Mary A. Howell, as his widow, and the said complainants, Ralph W. Howell, Lucile Howell, Mildred Howell, and George W. Howell, Jr., and the defendant, Claude F. Howell, his only children and heirs at law.

And your complainants believe, and so state and aver, that the said real estate is not susceptible of partition among the parties entitled thereto; if, however, it be so susceptible, then your complainants desire that partition be made thereof in one of the modes prescribed by law, and in such case that dower be assigned the said widow, Mary A. Howell, no dower ever having been assigned to her in the said real estate; but, if, as your Complainants believe, the said real estate cannot be justly or properly divided in kind among the parties entitled thereto, then your complainants desire that the same may be sold and the proceeds divided among the parties according to their respective rights, and that the dower of the said plaintiff, Mary A. Howell, widow of the

said George W. Howell, deceased, in the said real estate be commuted and a gross sum, to be computed according to law, be paid her in lieu thereof, the said plaintiff, Mary A. Howell, assenting to such commutation, she being forty five years of age.

And your complainants further state that they believe, and, therefore, aver that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by the sale of the entire property, including the widow's dower-interest therein. Inasmuch, therefore, as your complainants are without remedy in the premises, save in a Court of Equity, where such matters are properly cognizable, they pray that the said Claude F. Howell may be made a party defendant to this Bill, and required to answer the same, though answer under oath is hereby waived; that proper process issue; that the said real estate be divided among the parties entitled thereto and the widow's dower assigned her, or else that the entire property, including the widow's dower therein, be sold and the proceeds divided among the parties entitled thereto, and a gross sum paid to said widow in lieu of her dower, in case said real estate be indivisible in kind; that all proper orders and decrees be made, accounts taken, and inquiries directed, and that

all such other, further, general, and special, relief may be granted, as in the premises may be just and right.

And your complainants will ever pray, &c.

And notice is hereby given that the Court will be asked to allow to W. J. Sebrell, attorney for the plaintiffs, a reasonable attorney's fee for his services in this suit.

Mary A. Howell, & Ralph W. Howell, Lucile Howell, Mildred Howell, & Geo. C. Howell, Jr., the last four infants under twenty one years of age, who sue by their mother, the said Mary A. Howell, as their next friend.

By Counsel.

W. J. Sebrell, p. q.

Hawell, Dale

vs. } Canvs. Report

Hawell, C.F.

Oct. 23rd, 1900: Filed.

B.F. McLemore C.C.

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., Oct. 18th, 1905. ~~18th~~

To

Mary A.Howell, Ralph W.Howell, Lucile Howell, Mildred Howell, and George W. Howell, jr., the last four infants, ~~who~~ under the age of twenty one years of age, who sue by their mother the said Mary A.Howell, as their next friend,

and

Claude F.Howell,

You are hereby notified that I have fixed upon the 23rd day of October, 1905, ~~next~~ if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st:- The annual and fee simple value of the real estate in the bill mentioned, and the interests of the several parties, plaintiffs and defendants, in the said real estate.

2nd:- Whether said real estate can be conveniently divided in kind among the several parties entitled thereto.

3rd:- If the same can not be so divided, whether any party will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to receive.

4th:- If the same can not be so divided, and if no party will take the entire property and pay to the others for their shares, whether the interests of the parties would be promoted by a sale of the entire property, or by alllotment of part and sale of the residue.

5th:- Whether there are any liens on the shares of any of the parties in interest, and if so, the character and the amount of each.

6th:- Whether there are any delinquent taxes due on the ~~shares~~ said real estate, together with any matter specially stated deemed pertinent by the commissioner or required to be so stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at~~ on the 16th day of October, 1905 ~~Term, 1905~~ in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first aforesaid.

Joseph B Prince, Commissioner.

To the Sheriff of Southampton County to execute.

Howell, et als,

v. } Commissioners Notice

Howell.

We hereby acknowledge due and legal service of the within process, or notice -

W. D. Isbell.
Attorney for the Plaintiffs.

Defendant.

C. F. Howell

Mary A.Howell, and Ralph W.Howell, Lucile Howell, and Mildred Howell and George W.Howell, jr., the last four being infants under the age of twenty one years, who sue by their mother, Mary A.Howell, as their next friend,

Plaintiffs.

vs.

Claude F.Howell, Defendant.

This day this cause came on to be heard upon the bill of thecomplainant, taken for confessed as to the defendant, upon whom process has been duly served, he still failing to appear and plead, answer or demur to the said bill, and was argued by counsel.

On consideration whereof thecourt doth adjudge, order and decree that it be referred to one of the commissioners of this court to ascertain and report to the court:

1st:-the annual and the fee simple value of the real estate in the bill mentioned, and the interests of the several parties, plaintiffs and defendants in the said real estate.

2nd:-Whether said real estate can be conveniently divided in kind among the parties entitled thereto.

3rd.-If same can not be so divided, whether any party will take the entire property, and pay to the other parties such sums of money as their interests therein may entitle them to receive.

4th:- If same can not be so divided and if no party will take the entire property and pay the others for their shares, whether the interests of all the parties would be promoted by a sale of the entire property, or by allotment of part and sale of the residue.

5th:- Whether there are any liens on the shares of any of the parties in interest, and if so, the character and the amount of the same:

6th:-Whether there are any delinquent taxes due upon the said real estate, all of which said inquiries, the commissioner will make and report to the court, together with any other matters specially stated deemed pertinent by himself or requested to be so stated by any interested party. And by consent of the parties in term entered of record it is ordered that this cause be submitted to the judge of this court for such decisions and decrees therein in vacation as might be made in term.

A Copy. Teste:-

R. F. McLemore C.C.

Co mmissioners Office. Courtland, Va.

October 23rd,1905.

To the Circuit Court for the county of Southampton:-

Pursuant to a decree of the Circuit Court for the county of Southampton, entered on the 16th day of October,1905, in the chancery cause therein depending, styled Howell &c., vs. Howell, the undersigned, a commissioner in chancery of the said court to whom was referred for settlement the accounts called for by the said decree, begs to report, that on the [illegible]th day of October, 1905, he issued notices against the several parties to the said suit, requiring them to attend the settlement of the accounts of the saidd decree, at his office in the town of Courtland, Va., on the 23rd day of October,1905, which notices were returned to your commissioner duly acknowledged by the parties in interest, or their legal representatives, and in obedience to said notices, the commissioner ppoceeded to take the said accounts, and begs to report as follows:-

The annual value of the said real estate is about ninety dollars, and the fee simple value is about thirteen hundred dollars, ($1300.).

The entire piece of real estate is subject to the dower interest of Mrs. Geo. W.Howell, widow of Geo. W. Howell, deceased, and Claude F.Howell, Ralph W.Howell, Lucile Howell, Mildred Howell and Geo. W.Howell, jr., children of Geo. W.Howell, decd., are entitled, subject to their mother's dower, to one fifth each.

Third:-The said real estate can not be divided in kind among the parties entitled thereto. In fact, your commissioner is informed that none of the parties desire an allotment of part, or to purchase the entire property and pay to the others such sums of money as their interests therein would entitle them to receive, and he we reports that the only practical way to dispose of said real estate is to sell the entire property and divide the proceeds among those entitle to receive the

same according to their respective interests.

There are no liens upon the shares of any of the parties in interest.

There are no delinquent taxes due on the said real estate.

Commissioners fee	$5.00
J.N.Sebrell, Sr.	.50
H.B.McLemore,	.50
	$6.00

Respectfully submitted,

Jos B Pruett

Commissioner in Chancery.

H.B.McLemore, being first dul, sworn, deposes as follows:-

State your name, age , residence, occupation, and do you know the partie to thissuit?
A. H.B.McLemore, 27,Courtland, Va., Deputy Clerk Southampton County, and know all the parties.
Q. Are you familiam with the land in the bill and proceedings mentioned ?
A. I am.

Q. What in your opinion is the annual and what the fee simple v lue of thesame ?
A. Annual value of about $85.00. Fee simple avlue of about $1200 or $1300.00.

Q. Is it your ipinion that this real estate can be conveniently divided in kind among the parties entitled thereto ?
A. No. It can not be divided in kind among the parties. There are ~~six~~ five of the children, who are entitled to one ~~sixth~~ fifth each, besides the entire tract is subject to the dower interest of Mrs. Geo. W.Howell, and the property consists of but one house and lot, which could not even be so divided as to make it convenient to build another house on the lot.

Q. Do you know of any party who would like to take the entire proerty and pay to the others such sums of money as their interests therein would entitle them to receive.?
A. I do not.

Q. Do you think the interests of the parties would be promoted by a sale of the entire property, and division of the proceeds according to law among the parties entitled thereto ?
A. I do.

Q.What are the interests of the parties entitled to the property, and the names of each.
A. Mrs. Geo. W.Howell is entitled to dower in the entire property. Claud Howell, Ralph Howell, Lucile Howell, Mildred Howell and George Howell are entitled to one sixth each.

And further this deponent saith not.

H.B.McLemore

Virginia, Southampton County, to-wit:-

I, Jos.B.Prince, a commissioner in chancery of the Circuit Court for the county of Southampton, in the state of Virginia, do certify that the foregoing depositions of John N.Sebrell,Sr., and H.B.McLemore were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose in the caption hereto annexed.
Given under my hand this 23rd day of October, 1905.

Jos.B.Prince
Commissioner in Chancery.

The depositions of John N.Sebrell, Sr., and H.B.McLemore, taken before me, Jos. B.Prince, jr., a commissioner in chancery of the Circuit Court for the County of Southampton to assist said Commissioner in making a report in the chancery suit of Howell &c. vs. Howell, said depositions being taken at the time and place of the taking of an account in said ssuit, as shown by the notice of ~~said~~ the time and place of taking said account, herewith filed.

Witness J.N.Sebrell, Sr., after being first duly sworn, deposes as follows:-

Q. State your name, age, residence, occupation, and do you know the parties to this suit ?

A. J.N.Sebrell, Sr., 57, Courtland, Southampton County, Va., Know all the parties.

Q. Are you familiar with the real property in the town of Courtland of which Geo. W.Howell died seized and possessed ?

A. I am.

Q. What in your opinion is the annual and what the fee simple vlaue of the said property.

A. Annual value of about $90.00, and fee simple value of about $1200.00, certainly not to exceed $1500.00

Q. Is this property capable of division in kind among the parties entitled thereto ?

A. I don't think it is. The property consists of a house and lot in Courtland, which fronts on Main Street about 50 feet, and it could not be divided even among two, and there are five heirs in this case.

Q. If this property can not be divided in kind among the parties entitled thereto, do you know of any party who would take the entire property and pay to the other parties such sums of money as their interests therein would entitle them to receive ?

A. I do not.

Q. Do you think the interests of the parties would be promoted by a sale of the entire property, and division of the proceeds among those entitled thereto ?

A. I think it would. This would be the only satisfactory way to the parties, that is,to sell and divide the proceeds.

And further this deponent saith not.

J.N.Sebrell Sr

Howell et als.

vs. } Spain bky.

~~Howell~~ U. S.

1905, 1st. Oct. Rules.

Especulat Sept 29th 1905 by delivering a true copy of within with within name.

Jno Bryan Sheff for

H. L. Hillebrandt

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Blanche F. Howell

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 1st Monday in October 1906 ~~next~~, to answer a Bill in Chancery exhibited against Same in our said Court by Mary A. Howell and Ralph W. Howell Lucile Howell, Mildred Howell and George W. Howell, Jr. the last four being infants under the age of twenty one years, who sue by their mother, the said Mary A. Howell, as their next friend.

And this he shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 23" day of Sept., 1906, in the 130" year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

Howell & Co

" } Stat: Rules.

Howell

Mary A. Howell and Ralph
W. Howell, Lucile Howell,
Mildred Howell and George W.
Howell Jr. the last four being
infants under the age of
twenty one years who sue by
their mother, the said Mary
A. Howell, as their next friend.

Orlando F. Howell.

1905. Sept: 23d. Process issued to 1st Oct: Rules.
" 1st Oct: Rules: Process returned Executed.
Bill filed.
Decree nisi.
1905. 2d Oct Rules: Bill taken for confessed
as to Adult and Cause
set for hearing.

Howell, &c.

v.

Howell.

Consent in writing for
vacation cause.

We, the parties, plaintiffs and defendant, in the Chancery cause of Mary A. Howell and Ralph W. Howell, Lucile Howell, Mildred Howell, and Geo. W. Howell, Jr., the last four being infants under twenty one years of age, who sue by their mother, the said Mary A. Howell as their next friend, vs. Claude F. Howell, pending in the Circuit Court of Southampton County, Virginia, hereby consent, in writing, to submit the said cause to the Judge of the said Court for such decision and decree therein in vacation as might be made in term -

Mary A. Howell

C. F. Howell

W. J. Sebrell, p.q.

Howell &
v } Stat. Conts.
Howell

Howell et. als.
v
Howell, C.J.
} Stat: Costs

Summ: 75 - Copy 13 - Rec't 18 - Atty. 10 .66
Do & C 18. Entering action 35 - filing bill 15. .53
Rule $1.00 1.00
3 Decrees 1.08 Copy decree 36 - 1.44
Filing Comm's Report 15 .15
Taxing Costs 40. filing away papers 25 .65
Paid B. F. McLemore Sheriff 4.43
Paid J. L. Gillette Sheff .50
Paid W. J. Sebrell, P.C. Law fee 16.00
Paid Jos B. Prince, Comm J. B. Prince 5.00
paid Jo Sebrell Witness - J. N. Sebrell 50 .50
paid H B McLemore " H B McLemore .50

$ 27.43
Paid Future Costs B F McLemore 1.58
Total - 29.01

Received Janry. 1st 1907 of B. F. McLemore, Clerk of the Circuit Court of Southampton Count, the bond for $566.66 executed by R. A. Wynns & W. D. Sebrell, Jr., for the first deferred payment for the Howell lot sold under decree in the chancery cause of Howell &c. vs. Howell, said bond being this withdrawn by me under authority of decree entered in said cause on the 15th day of Janry. 1906.

W. D. Sebrell,
Special Comr.

Received March 29th 1907 of B. F. McLemore, Clerk of the Circuit Court of Southampton County the bond for $566.67, executed by R. A. Wynne & W. J. Sebrell, Jr., for the second deferred payment for the Howell lot sold under decree in the Chancery cause of Howell &c. vs. Howell, said bond being this withdrawn by me under authority of decree entered in said cause on the 15th day of January 1906.

W. J. Sebrell,
Spec. Comr.

THE PEOPLES BANK

DEPOSITED BY

W. J. Sebrell, Special Commissioner

Courtland, Va., Jan 8 1906

PLEASE LIST EACH CHECK SEPARATELY

Currency		
Silver		
Gold		
CHECKS AS FOLLOWS:		
R. A. Wynns	566	67
Total, $	566	67

SEE THAT ALL CHECKS AND DRAFTS ARE INDORSED

Howell, &c.

vs. { In Chancery.

Howell,

Report of Special Commissioner, W. J. Sebrell.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

Howell &c. }
v. } Report of Special Comr. W.J. Sibrill.
Howell. }

In this cause, the undersigned Special Commissioner most respectfully reports to the Court that, in pursuance of the decree herein entered on the 6th day of November, 1905, he, after having given due notice of the time, place, and terms of sale, exposed to sale by public auction at Courtland, Va., on the 28th day of November 1905, the real estate in the bill and proceedings mentioned, and described, at which sale, R.A. Wynns became the purchaser of the said real estate in the sum of ($1700.00) Seventeen hundred dollars, he being the highest bidder therefor. The said R.A. Wynns has paid the cash installment of $566.67, which your Commissioner has deposited, payable to his order as Special Commissioner, in The Peoples Bank, of Courtland Va., as will appear from the said Bank's statement of said deposit herewith filed; and the said R.A. Wynns has also executed his two several bonds, with W.J. Sibrill, Jr. as his security, for the deferred payments, payable one and two years, respectively, from day of sale, with interest from day of sale, which said bonds are returned herewith to be filed among the papers in this cause.

In the opinion of the Special Commissioner

the said sale is a good one, and he, therefore, respectfully recommends that the same be confirmed.

~~The Commissioner~~ ~~report~~ ~~further~~ ~~to~~ report to the Court that on the 9th day of September 1905 Mary A. ~~Howell~~, ~~mother of the infants~~ Ralph Howell, Lucile Howell, Mildred Howell and Geo. W. Howell Jr., qualified in this Court as guardian of the said infants, giving bond in the penalty of $8000.00, with the American Surety Company, of New York, as surety, and that said Mary A. Howell, guardian as aforesaid, has, therefore, in the opinion of the Commissioner, given bond in sufficient penalty and with surety sufficient for the security of the amounts coming to said infants from the proceeds of said sale, the amount coming to each of said infants being less than $300.

Respectfully submitted,
W. J. Tebrell,
Special Commissioner.

Howell et al.
v.
Howell.
Report of Special Comr. W. J. Tebrell.

COMMISSIONER'S SALE!

— OF —

GOOD DWELLING HOUSE & LOT IN COURTLAND,

By virtue of a decree of the Circuit Court of Southampton County, entered on the 6th. day of November 1905, in the Chancery cause therein depending, styled Howell etc. vs. Howell, the undersigned Special Commissioner will offer for sale, by Public Auction,

AT COURTLAND, VA., ON TUESDAY, NOV. 28, 1905,

(Supervisor's Day) At 12 O'clock M.,

that certain lot or parcel of land, with buildings and appurtences, of which the late Geo. W. Howell died siezed and possed, situate in the Town of Courtland, Va., and bounded and described as follows:

Beginning at the Southeast corner of the R. M. Batten lot, (now owned by Roger T. Whitfield) on Main Street, and runnning thence in a Southerly direction down Main Street about 85ft. to the lot formerly purchased by G. W. Lawrence and Mary A. Lawrence from J. J. Kindred and sisters; thence at right angles to Main Street, Westerly along the original J. F. Latimer line to the river low-lands; thence up the line of the river low-lands as the same was originally purchased by said J. F. Latimer and wife to the said R. M. Batten line; thence down the Batten line Easterly to Main Street, the point of beginning.

TERMS: One-third in Cash, and the balance in two equal credit installments, payable one and two years, respectively, from day of sale, the purchaser to execute bonds, with approved security, for the deferred payments, bearing interest from date of sale, and the title to be retained till all the purchase-money is paid, with the option to the purchaser to pay the entire purchase-price in cash, and take a deed, upon confirmation of the sale by the court.

W. J. SEBRELL,
SPECIAL COMMISSIONER.

November 7th., 1905.

Howell, &c., vs. Howell.

I, B. F. McLemore, Clerk of the Circuit Court of Southampton county, do hereby certify that the bond required of W. J. Sebrell, as Special Commissioner in the above styled cause, has been given with security deemed sufficient by me.

Given under my hand this 8th day of November, 1905.

B. F. McLEMORE, C. C.

Received of W J Sebrell Special Comr in Howell Vs Howell Eight & 33/100 Dollars amount of premium on Bond written by the Safe Deposit & Trust Company of Virginia

Jan. 31. 1906

Jno N Sebrell Agt

Received Jany 31st 1906 of W.J. Debrell, special Commissioner in Chancery suit of Howell vs. Howell, two & no/100 dollars in payment for printing advertisements of sale of the property sold by said special Commissioner under decree in said Chancery Cause.

Paul Scarborough,
Editor The Tidewater News.

Received January 31st 1906 of W. J. Debrell, Special Commissioner in the Chancery cause of Howell &c. v. Howell, depending in the Circuit Court of Southampton County, the sum of five & no/100 dollars ($5.00) for services as auctioneer in selling the real estate sold by said special Commissioner under decree in said Chancery cause.

W. H. H. Pierson auctioneer

Plaint. depos & returns

Received February 1st 1906 of W. J. Sebrell, Special Commissioner in the Chancery suit of Howell &c. vs. Howell, depending in the Circuit Court of Southampton County, Virginia the sum of One hundred and two ₰ 17/100 ($102.17) dollars, the same being paid to me under decree entered in said Chancery suit at the January term 1906 of the said Court on account of my dower interest in the cash payment distributed under the said decree.

Mary A. Howell.

Widow of Geo. W. Howell, deceased.

EVERETT WADDEY CO.,
RICHMOND, VA.

Received Janu. 31, 1906. of W. J. Sebrell, Special Commissioner in the Chancery suit of Howell &c. vs. Howell, depending in the Circuit Court of Southampton County, the sum of $38.96, same being the amount decreed to be paid me by decree entered in said Chancery suit at the January term 1906 of the said Court in the distribution of the cash payment for house and lot in Courtland, Va., sold by said special Commissioner.

C. L. Howell

Please sign & return.

Received February 1st 1906 of W.J. Sebrell, Special Commissioner in the Chancery suit of Howell &c. vs. Howell, depending in the Circuit Court of Southampton County, Virginia, the sum of Two hundred and seventy five & 87/100 dollars ($275.87), the same being the amount decreed to be paid to me as Guardian of Ralph Howell, Lucile Howell, Mildred Howell, and George W. Howell, Jr., by decree entered in the said Chancery suit at the January term 1906 of the said Court, in the distribution of the Cash payment for House and lot in Courtland Va. sold by said Special Commissioner.

Mary A. Howell

Gdn. of Ralph, Lucile, Mildred & Geo. W. Howell, Jr.

Howell Va.

v. Ex Parte Chauncy.

Howell.

Report of Special Comr. W. J. Sebrell.

Howell &c. }
v. } Report of Spec. Comr. W. J. Tebbell.
Howell. }

In this cause, the Special Commissioner most respectfully reports that, pursuant to decree herein entered on the 15th day of January 1906, he has paid out and distributed the cash payment of $566.67 as directed by the said decree, all which will more fully appear from the statement and receipts herewith filed as a part of this report.

Respectfully submitted,
W. J. Tebbell,
Special Commissioner.

EVERETT WADDEY CO.,
RICHMOND, VA.

Statement:

Amo. Cash payment distributable	$566.67.
Paid taxes costs - see statement costs -	29.01
" atty's fee to W.J. Sebrell, ordered by decree, paid, W.J. Sebrell,	50.00
" Com's. on $566.67 - Paid, W.J. Sebrell, —	20,33
" Va. Safe Deposit & Trust Corp'n, Surety on Com's. bond,	8.33
" Paul Scarbaugh, Editor &c. advertisement of sale -	2.00
" W.H.H. Pressen, auctioneer, crying property at sale -	5.00
[illegible] ined. to pay for writing deed to purchaser.	5.00
Paid Widow amo. her dower - interest &c.	102.17
" C. F. Howell his share -	68.96
" Mary A. Howell, Gdn. &c. share of infants -	275.87
	$566.67 - $566.67

Howell vs.

v. Decree.

Howell.

March 19, 1906.

Enter this,

Robt. E. Prentis

Entered in

D. O. 11 - fo. 239.

W. J. Wade, p.q.

Howell vs. }
v. } Decree.
Howell. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner W.J. Sebrell, this day filed by leave of the Court, showing disbursement of the cash payment of $566.67, as directed by decree herein entered on the 15th day of January 1906, the same being supported by proper vouchers, to which report there is no exception, and was argued by counsel. On consideration whereof, the Court doth approve and confirm the said report.

Howell vs.
v.
Howell.

Final Report of
Special Commis-
sioner, L.D. Sebrell.

1907. Sept. 15th. Filed
J.H.

Howell &c., }
v. } Report of Spec'l. Com'r. W. J. Sebrell.
Howell. }

In this cause the undersigned special Commissioner most respectfully reports that, pursuant to decree herein entered on the 15th day of January 1906, he has collected the two bonds executed for the two deferred payments of the purchase price for the home and lot sold under a former decree in this cause, and that he has fully and completely disbursed and distributed the amounts, so collected by him, among the parties entitled thereto, as directed by the said decree, as will more fully appear from the statements and receipts hereunto filed as a part of this report.

The said special Commissioner has executed to the purchaser a deed, with special warranty, for the said real estate purchased by him, as directed by the said decree.

Respectfully submitted,
W. J. Sebrell,
Special Commissioner.

☞ — Statement on next page.

Statement of Collection & Disbursement.

1st Deferred Payment.

Amo. 1st bond collected - principal & int. $603.76.

To 2% commissions on $603.76,	12.07
" paid 1st year premium on Com's bond,	8.33
" " Mary A. Howell, widow,	133.33
" " C. F. Howell, adult heir,	90.00
" " Guardian of four infant heirs,	360.03
	$603.76. $603.76

2nd Deferred Payment - (paid before maturity.)

Amo. 2nd bond collected - principal & int. $612.00.

To 2% com's. on $612.00	12.24
" paid 2nd yr. premium on Com's. bond.	8.33
" " Mary A. Howell, widow,	135.17
" " C. F. Howell, adult heir,	91.25
" " Guardian of four infant heirs,	365.01
	$612.00 $612.00

Receipts for above disbursements hereto attached.

Received Jany. 30th 1907 of W. J. Debell, Special Comr. in the Chancery cause of Howell vs. Howell, Eight & 33/100 dollars in payment of second year's premium on Commissioners bond in said suit.

J. N. Debell Jr
Agent.
for Va Safe Deposit & Trust Corporation

Received Janu. 25th 1907 of W.J. Sebrell, Special Commissioner in the Chancery cause of Howell vs. vs. Howell, One hundred and thirty three & 33/100 dollars ($133.33), the same being paid to me, under decree entered in said cause, on account of my dower interest in the first credit installment of the purchase price for the Howell lot in Courtland Va.

Widow of Geo. W. Howell, dec'd.

Mary A. Howell.

Received January 28th 1907 of W.J. Sibell, special Commissioner in the Chancery suit of Howell vs. Howell, Ninety & 00/100 Dollars ($90.00), in payment of my part of the first credit installment of the purchase price for the Howell lot in Courtland, sold by said special Commissioner under decree in said Chancery cause.

Jany 30. 07

C. H. Howell

Received Janu. 25th 1907 of W. J. Sebrell, Special Commissioner in the Chancery cause of Howell &c. vs. Howell the sum of Three Hundred and Sixty & 03/100 dollars ($360.03) the same being paid to me, under decree in said suit, in settlement of the amounts due to my wards Ralph Howell, Lucile Howell, Mildred Howell & Geo. W. Howell Jr., from the first credit installment of the purchase price for the Howell lot in Courtland, Va.

Gdn. of Ralph, Lucile, Mildred, & Geo. W. Howell, Jr.

Mary A. Howell.

$8.33

Received July 12th 1907 of Wm J Sebrell Special Commission in Stowell vs Stowell & others, Eight & 33/100 Dollars, ~~the~~ premium on surety bond, executed by him in above suit.

Jno. W. Sebrell & Agent
Va. Safe Deposit & Trust Company

Received June 15th 1907 of W. J. Debrell, Special Commissioner in the Chancery Cause of Howell &c. vs. Howell, One Hundred and thirty five & 17/100 Dollars, ($135.17), the same being paid to me under decree entered in said cause, on account of my Dower-interest in the third payment of the purchase price for the Howell lot in Courtland, Va.

Mary A. Howell.

Widow of Geo. W. Howell, dec'd.

Please sign & return promptly.

Received June 15th 1907 of W. J. Isbell, Special Commissioner in the Chancery Cause of Howell &c. vs. Howell, Ninety one & 25/100 dollars, ($91.25) in settlement of my part of the third payment on the Howell lot in Courtland, Va.

C. T. Howell

Received June 15th 1907 of W.D. Sebrell, Special Commissioner in the Chancery Cause of Howell &c. vs. Howell, Three Hundred and Sixty five & 01/100 Dollars, ($365.01) the same being paid to me, under decree in said suit, in settlement of the amounts due to my wards, Ralph Howell, Lucile Howell, Mildred Howell, and Geo. W. Howell, Jr., from the third payment of the purchase price for the Howell lot in Courtland Va.

Mary A. Howell.

G'dn. of Ralph, Lucile, Mildred & Geo. W. Howell Jr.

Howell &c -
v.
Howell -

Statement of
distribution of
Cash payment

EVERETT WADDEY CO.,
RICHMOND, VA.

Howell &c.
vs.
Howell } Costs & Expenses of Suit & Sale.

29.01	Taxed Court costs.
50.00	Atty's fee to W.S. ordered by decree.
20.33	Comis. on $566.67, same being 5% on first $300. & 2% on remainder
8.33	Paid Va. Safe Deposit & Trust Corpn. surety on Comis's bond.
2.00	" advertisement of sale.
5.00	" auctioneer for selling Property.
5.00	Retains to pay for writing deed to purchaser.
119.67	Total costs of Suit and Sale.
102.17	amo. paid widow
68.96	" " C.T. Howell.
275.87	" " Ders of Ralph, Lucile, Mildred & Geo. W. Howell, Jr.
$566.67	Total amt. distributed as directed by decree.

Howell vs.

vs. { Decree.

Howell.

Oct. 16, 1905.

Enter this

Robert Martin

Entered in

D. O. B. p. 194

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

Mary A. Howell, and Ralph W. Howell, Lucile Howell, Mildred Howell, and Geo. W. Howell, Jr., the last four being infants under the age of twenty one years, who sue by their mother, the said Mary A. Howell, as their next friend, — Plaintiffs,

vs.

Claude F. Howell, — Defendant.

This day this cause came on to be heard upon the bill of complainants, taken for confessed as to the defendant, upon whom process has been duly served, he still failing to appear and plead, answer or demur to the said bill, and was argued by counsel. On consideration whereof, the Court doth adjudge, order, and decree that it be referred to one of the Commissioners of this Court to ascertain and report to the Court,

1st. The annual, and the fee-simple value of the real estate in the bill mentioned, and the interests of the several parties, plaintiffs and defendant, in the said real estate.

2nd. Whether said real estate can be conveniently divided in kind among the parties entitled thereto.

3rd. If same cannot be so divided, whether any party will take the entire property, and pay to the other parties such sums of money as their interests therein may entitle them to receive.

(over)

Howell &c.

vs. { Deree.

Howell.

November 6, 1905.
Entered this,
Robert R. Prentis
Entered in
D. O. B. - p - 218.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

Howell vc. }
v. } Decree.
Howell. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Commissioner J.B. Prince, filed Oct. 23, 1905, to which report there is no exception, and was argued by counsel. On consideration whereof, the Court doth approve and confirm the said report; and it appearing that the real estate in the bill and proceedings mentioned cannot be conveniently divided in kind among the parties entitled thereto, and that it would be to the interest of the parties for the entire property to be sold, and the proceeds divided among the parties according to their respective rights, the Court doth adjudge, order, and decree that W.J. Sebrell, who is hereby appointed a Special Commissioner for the purpose, do proceed to sell, by public auction, the real estate in the bill mentioned and described, after having given reasonable notice of the time and place of sale, upon the following terms, to-wit:-
One-third in Cash, and the balance in two equal credit installments, payable one and two years, respectively, from day of sale, the purchaser to execute bonds, with approved security, for the deferred payments, bearing interest from date of sale, and the title to

be retained till all the purchase-money is paid, with the option to the purchaser to pay the entire purchase-price in cash, and take a deed upon confirmation of the sale by the Court.

But before the said Special Commissioner will proceed to act under this decree, he shall enter into bond, with approved security, before the Clerk of this Court, in the penalty of $1800., conditioned for the faithful discharge of his duties under this, or any subsequent decree in this cause.

And the said Special Commissioner will make report to this Court,

Howell vs.
v. } Decree.
Howell.

Janᵛ 15ᵗʰ 1906.

Enter this
Robt R. Ellis
Entered in
D. O. B. fo 227.

EVERETT WADDEY CO.,
RICHMOND, VA.

Howell &c. }
v. } Decree.
Howell. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner W.J. Sebrell, this day filed by leave of the Court, reporting sale of the real estate in the bill and proceedings mentioned, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order, and decree that the sale of the real estate in the bill and proceedings mentioned to R.A. Wynne for the sum of $1700.00, as reported by the said special Commissioner, be and the same is hereby confirmed, and made firm and binding between the parties.

And the Court doth further adjudge, order, and decree that the said special Commissioner, W.J. Sebrell out of the sum of $566.67 reported to have been collected by him, pay, first, the taxed costs of this suit and sale, including an additional attorney's fee of $50.—, to W.J. Sebrell, attorney for the plaintiffs, for his services in this suit, and including the commissions of said special Commissioner on the sum of $566.67,

and the balance then remaining the said special Commissioner will distribute among the parties entitled thereto, as follows, to Mary A. Howell, widow of Geo. W. Howell, deceased, such portion thereof as she is entitled to, as the present value of her dower therein, under chapter 102 of the Code of Virginia, and of the residue one-fifth to C. F. Howell, and the remaining four-fifths to Mary A. Howell, guardian of Ralph Howell, Lucile Howell, Mildred Howell and Geo. W. Howell, Jr., the Court being satisfied that said guardian has given bond in sufficient penalty and with surety sufficient for the security of the same.

And the Court doth further adjudge, order and decree that, upon the maturity of the bonds, which have been executed by the purchaser for the deferred payments, or in case the said purchaser shall desire to anticipate the maturity thereof, the said special Commissioner is hereby authorized and directed to withdraw the same from among the papers in this cause, by receipting therefor to the clerk of this Court; and upon collecting the full amounts of said bonds, with interest computed and added thereon up to the time of payment, the said special Commissioner will execute to the purchaser a deed, with special warranty, for the said real estate.

And upon collecting the said bonds, the said special Commissioner, after deducting his

Commissions, will distribute the balance among the said widow and the said seven children of the said Geo. W. Howell, deceased, in the same manner as hereinbefore indicated and directed in regard to the distribution of the cash payment among them, paying the shares of the infants to the said Mary A. Howell, their legally qualified guardian, she having given bond in sufficient penalty and with surety sufficient for the security of the same.

And the said Special Commissioner will take receipts from the parties for the amounts so paid by him and return the same along with his report to this Court.

1907

Horrell, &c.,
v. } Decree.
Horrell.

July 15, 1907.

Enter this

James L. McAmore

Entered in
O. O. B. P. 347.

Howell vs. }
v. } Decree.
Howell. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Special Commissioner, W.J. Sebrell, this day filed by leave of the Court, showing collection and complete disbursement of the two deferred payments of the purchase price for the real estate sold by him under a former decree in this cause, the same being supported by proper vouchers, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court doth approve and confirm the said report.

And it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.