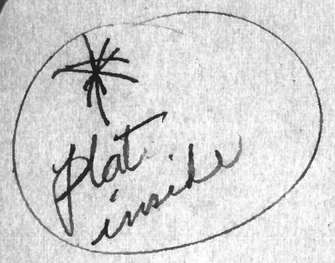
1909_02 Southampton County Chancery_ Applewhite Heirs et als vs Applewhite Infants etals



divide real estate; if not divisable then sell and proceeds be divided among those rightfully entitled_

Applewhite, Thomas W.
" , Natali T.
" , Bessie
" , George P.
" , Lewis M.
" , Edgar T.

Applewhite, Mary H. (widow)
Minors { " , Wilby
" , H. Aston
" , Emma G.
" , Gladys P.
" , Archa A.

by:
Sebrell, T. N.
(G.A.L.)

Appellant's Brief.

vs. Bill in Eq.

Appellee's Brief.

1896 Jan. 14 Filed

L. M. Boyd Clk

JAMES L. McLEMORE,

Attorney-at-Law,

ROUTLEDGE, VIRGINIA.

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

Complaining, showeth unto the Court, your Complainants, Thomas W., Natali J., Bessie, George P., Lewis M, and Edgar J. Applewhite, that your complainants' father, Thomas H. Applewhite, was in his life time seized and possessed of a large tract of land lying chiefly in the County of Southampton, containing about 1840 acres more or less, and bounded by the lands of J.S.Gilliam, T.M.Newsom's estate, L.A.Ezell, the "Three Creeks", and others, a small portion of which lies in the County of Sussex, and about 130 acres of which has been sold by order of the Chancery Court since the decease of the said Thomas H. Applewhite, and being so seized and posessed, of the said real estate, sometime in the year 18 , he departed this life intestate, leaving your orators, and Wilby, H. Ashton, Emma G., Gladys P., and Archa A. Applewhite, as his only children and heirs at law, leaving also a widow, Mary A. Applewhite, That said Wilby, H. Ashton, Emma G., Gladys P., and Archa A, are infants under the age of twenty one years.

Your Orators farther state that as they believe the said real estate is susceptible of partition in kind among the parties thereto; but if it be not, then your complainants desire the same to be sold, and the proceeds divided among the adults and infants, according to their respective rights; the shares of the infants to be held as directed by the Statute in such case made and provided. Should the property not be divisible in kind, your complainants believe, and here state that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the said real estate, or by allottment of part, and sale of the residue.

In tender consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a Court of Equity, where matters of this kind are alone and properly cognizable, your complainants pray that Mary H. Applewhite, widow, and Wilby; H. Ashton; Emma G.; Gladys

P.,and Arena A. Applewhite,may be made parties defendants to this bill, and required on their oaths to answer the same; that a proper guardian ad litem be assigned the infant defendants,to defend their interest in this suit,who shall also answer this bill; that the said real estate be divided between the several parties entitled thereto,and your complainants portions allotted to them,and in case the said real estate cannot be partitioned in kind,that the same be exposed to sale,and the proceed of such sale be divided among the parties entitled thereto; that all pr proper orders and decrees may be entered,and enquiries directed,and that all such other,farther and general relief may be afforded your complainants as the nature of their case may require,or to equity may seem meet. Notice is hereby given that the Court will be asked to allow to Plaintiff's Counsel,reasonable fees for their services,out of any funds coming under its control in this cause.

And your Complainants will ever pray &c.,

Thos. W. Applewhite Duncan McLaurin P.Q.

Lewis M. Applewhite

The petition of G. P. Applewhite of the County of Southampton Va. represents to the Court that there is pending in the Circuit Court of Southampton County Virginia, a chancery suit styled Applewhite Heirs against Applewhite etc als. which was instituted for the purpose of having partition of certain land mentioned in the bill in said suit. That your petitioner is one of the parties to said suit, and one of the parties having an interest ~~in~~ in the land sought to be partitioned, That as will be seen from the different reports made in the progress of said suit, there has been difficulty to make sale of the said land, and that in view of the inexpediency of further attempts to make sale, your petitioner says that the parties in interest, being ~~one~~ over the age of twenty one years agreed to make a division of the said land among themselves, and that in pursuance of said agreement a certain part of said land was assigned to your petitioner, as follows, to-

that certain part of the estate of Thos. H. Applewhite, died - seized in part in the County of Southampton and partly in Sussex, and said to contain three hundred acres more or less, bounded as follows, on the north by the public road, leading to Mann's depot, on the east by Applewhites mill pond, on the west by the old Great Brook tract and on the east by Thomas H. Applewhites estate. That in consideration of the above allotment to your petitioner, he agreed to and did release all of his interest in the remainder of said land, That the assignment to him as above was fair and equal. That a fair and equal assignment of part of said land was at the same time made to L. W. Applewhite, and that the said L. W. Applewhite agreed to release all his right and interest in the land designed to your petitioner. That there are several liens upon the interest

of said L. W. Applewhite in the said land, and that for that reason the said L. W. Applewhite did not join in a conveyance to your Petitioner, Your Petitioner says that he is desirous of having his title to said part assigned to him made clear and free from any liens upon the property of the said L. W. Applewhite, and he says that if the Court shall be of the opinion that the said L. W. Applewhite has any interest in the said land assigned to your Petitioner, that he desires said interest assessed in value and that he is willing to pay a proper account therefor.

Your Petitioner therefore prays that it may be referred to one of the Commissioners of this Court to enquire and report to Court whether the assignment of parcels of land of the estate of Hen. H. Applewhite, dec'd, to said L. W. Applewhite and your Petitioner, are fair and equal and the agreement between the

parties interested in said land.
The lien debts against L Wafflewhite
and whether said L Wafflewhite
has any interest in the parcel
assigned to your petitioner.
Heard if so the value thereof.
That such proper orders and
inquiries may be directed
and taken, and that proper
relief may be granted your petitioner
in the premises, and that such
further, general and special
relief may be granted your
petitioner as the nature of
his case may require
or to equity may seem meet.
And your petitioner will ever
pray &c.

J. P. Applewhite
By Counsel

Pabree & Debnell p.q.

D. Applewhite et als.

(1)

Franklin Va
Sept-27th 98

Mr E. L. Hickman
Suffolk Va

Dear Sir. Enclosed find Express act. for survey of A. B. Kilpatrick farm. which I hope you will find O.K. I would have briefed an outline survey of the whole farm but I could not have the time on act of the difficulty in procuring labor. I ran about one third of the outline and the courses dividing lines enables me to correct the errors in the old plat.

which I found to be very inaccurate at several points I have made the corrections as best I could and send the map as corrected by actual measurements.

You will find that the areas overrun the old survey. but this is fully sustained by the measurements made in dividing. lines which should have check on the old map, and when this line failed to check I proved the old line in as near as to check

As new survey seemed have been more satisfactory To all. but the last that could be done under the circumstances has been done.

Yours Truly
S. C. Wells

On my act- I have charged for the time actually employed in making The Survey. In all & Calculating & Preparing & Drawing

I find myself This morning entirely Bald and you will confer quite a favor if you will send Check for the amt- due me in this act- or such part of amt- as you may elect. Please Notify M. F. Brown by Phone of the amt- of check & when you will send it as I want to borrow some money from him to take

am To the Bap. Association
at Emporia. Tomorrow
(Wednesday) and as your
order can not arrive in
time I will have to borrow.
As an your notice by then
will enable me to do so.

Yours Truly
A. G. Wiles

Franklin N.C.
Sept 27th 1898

Mr J. L. Inclosure Com.
To J. L. Wiles & others

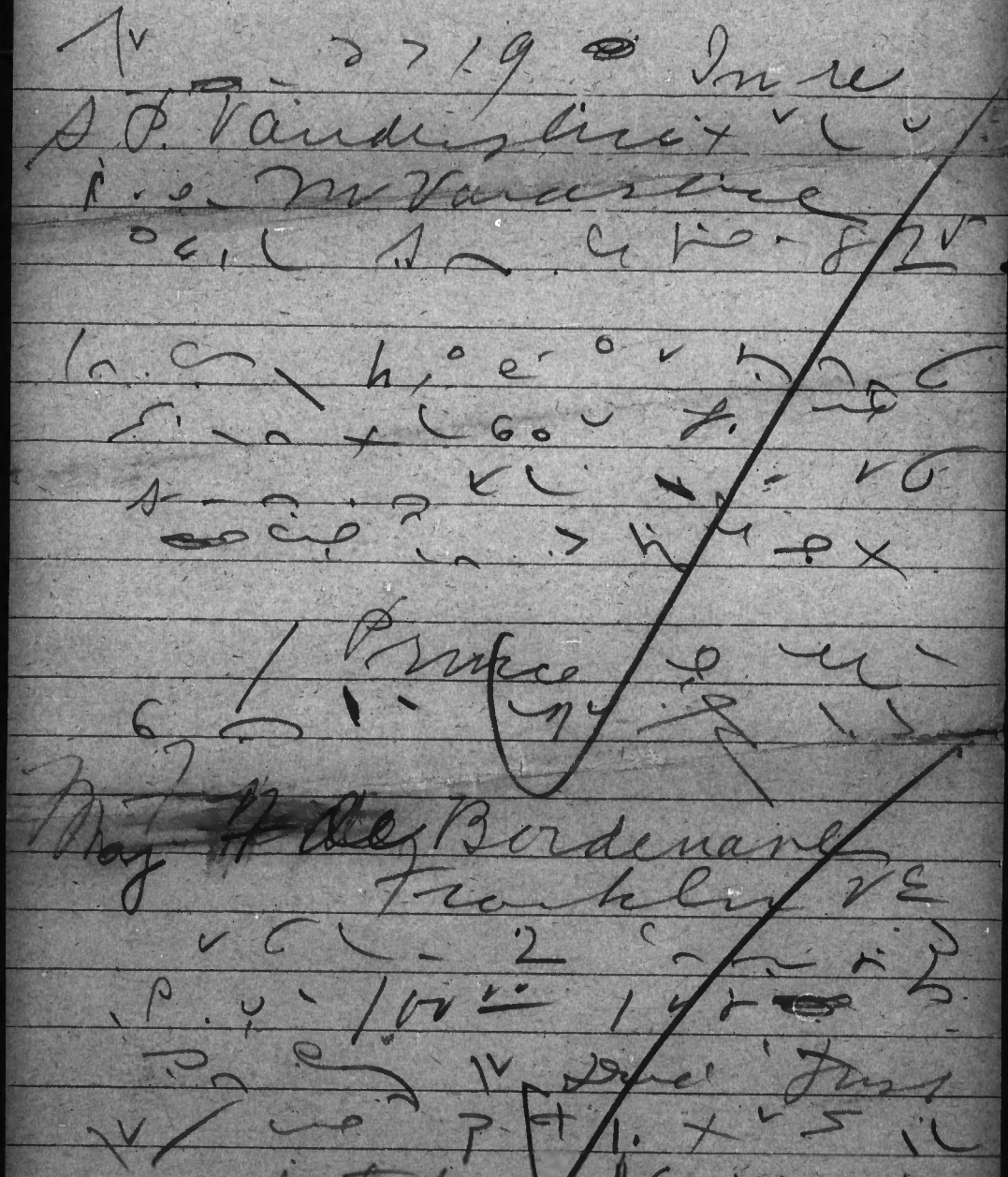
For Services in Making Survey
and dividing Applewhite
Farm. As follows.

J. L. Wiles 5½ days as Surveyor 27.50
" R. R. Farm 1.40

$ 28.90

(18 cts)
F. J. Harris Axeman 3 da 2.40
W. J. Harris Chainman 2 " 00 1.20
Sim Lucas " 2. 50. 1.00
Jim Lucas Flagman 2 " 50 1.00
At Applewhite 4½ days
Board & Lodging for Surveyor

Respectfully Submitted
J. L. Wiles Surveyor



In the Circuit Court of Southampton County, Virginia.

The separate answer of Mary A. Applewhite, one of the defendants to a certain bill in Chancery filed in the said Court against her, and others by Thomas W. Applewhite et als. 2nd. June Rules 1896.

This respondent, for answer to the said bill, or so much as she is advised it is necessary for her to answer, answering, says:

That it is true, as stated in the said bill, that she has a dower interest in the lands of which her late husband died seized, as described in the bill of complaint, which has never been assigned to her, and she now respectfully asks the Court to direct that all of the said farm be sold, and her dower interest, as ascertained by the annuity tables, be paid to her in cash, in satisfaction, and in lieu of her dower therein. And having fully answered, she prays hence to be dismissed, with her reasonable costs, &c.

M A Applewhite

Applewhite's heirs.

Vs. Answer of M.A. Applewhite

Applewhite's infants et al.

1896 June 17 filed -

L.A. Gayle Clk.

Applewhite et al

vs. 3 Decree

Applewhite et al

Entd. January 19. 1899

Robt. R. Prentis

Recorded Page 240

Virginia, In the Circuit Court of Southampton County, In Vacation, January 19th. 1899.

Applewhite et als.

vs. A

Applewhite et als.

This day this cause came on again to be heard upon the papers former ly read, upon the report of Special Commissioner James L. McLemore, filed December 22nd. 1898, to which no exceptions have been taken, upon due and legal notice of plaintiffs' intention to apply for this degree in vacation, given to all parties the guardian ad litem for the infant defendants and including the purchaser, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that the said report of sale of the two tracts or parcels to on the plat filed with said report, T.W. Applewhite, one designated as No. 5. containing 373.9 acres, and one designated on said plat as No. 6, containing 341.85 acres, for the sum of $1300. be and the same is hereby confirmed, and the sale made firm and binding. And upon the payment of the said purchase price, the said Commissioner will make to him a deed with special warranty for the same.

The said Commissioner is also directed to re-advertise the remainder of the said real estate in accordance with the terms of the original decree of September 28th. 1896, and sell said property.

Robert D. Prentis.

To the Clerk of Circuit
Court of Southampton County.

Appellatis Heirs

V.s Decree

Appellants In Jamb et als

Entered

Page 84

Virginia:

In Vacation, in the Circuit Court of Southampton County, July 22nd, 1896.

Applewhite's Heirs.

Vs.

Applewhite's Infants et als.

This day this cause, which has regularly matured at rules, came on to be heard in vacation, upon the bill and exhibits filed, bill taken for confessed as to the adult defendants, answer of the infant defendants by J. N. Sebrell Jr. guardian ad litem, regularly appointed at rules, with general replications thereto, upon notice to all parties in interest of plaintiff's intention to apply for this decree, 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 will enquire and report to Court, the following:

1st. What is the present value of the dower interest of Mrs. Mary A. Applewhite, widow of Thomas H. Applewhite deed, in the real estate of which the said decedent died seized, together with the fee simple value.

2nd. Whether or not the said real estate of the decedent, can be partitioned in kind

among the parties entitled thereto, and if not whether any two or more parties will take their shares laid off together, thereby making partition in kind practicable? or whether any one or more of the parties will take the entire subject matter, paying to the other parties such sums of money, as their interest therein may entitle them to?

3rd. Whether or not it will be to the interest of all parties concerned to have the entire subject matter sold and the proceeds divided as the several interest may demand, and whether the rights of any party will be affected by such sale.

4th. Any other matter specially stated, deemed pertinent, or required to be stated by any interested party.

A Copy.

Test: L. R. Gay C.C.

Applewhite's Heirs
&
Applewhite's Infants et. als:

Notice

1896. Sept. 8.

Have This signed by Dfts.
Applewhite plus costs
L.L.M.

We acknowledge due and legal service of this notice.
Sept. 1st 1896.

Thos. W. Applewhite
Natalie J. Applewhite
Bessie Applewhite
Lewis M. Applewhite by J.T.R. atty.
Geo. P. Applewhite by J.L.M. atty
Edgar J. Applewhite.
Mary A. Applewhite
Jno. Gabriel Jr.
Guardian ad litem

Commissioner's Office,

Courtlaid

Jerusalem, Va., Augt 20th 1896

To Thos. H. Applewhite - Natalie J. Applewhite - Bessie Applewhite - Geo. P. Applewhite - Lewis M. Applewhite & Edgar J. Applewhite - Mary A. Applewhite - Willy H. Ashton - Emma G. - Gladys P. and Archer A. Applewhite the last four infants.

You are hereby notified that I have fixed upon the 8th *day of* September *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 What is the present value of the dower interest of Mrs Mary A. Applewhite, widow of Thomas H. Applewhite, dec'd in the real Estate of which said decedent died seized, together with the fee simple value.

2nd Whether or not the said real Estate of the decedent can be partitioned in kind among the parties entitled thereto - and if not, whether any two or more parties will take their shares laid off together, thereby making partition in kind practicable - or whether any one or more of the parties will take the entire subject matter - paying to the other parties such sums of money as their interest therein may entitle them to.

3rd Whether or not it will be to the interest of all parties concerned to have the entire subject matter sold, and the proceed divided according to the interest of the parties.

4th Whether or not the rights of any party will be affected by such sale.

With any other matter specially stated deemed pertinent by me.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at~~ the 22nd July 1896 *~~term, 188~~ , 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.

B. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

Applewhite
v. } Report.
Applewhite
1896. Sept. 8. filed.
L. A. Gay l.b.

Fin

Commissioner's Office,
Courtland, Va.
Sept. 8th 1896.

To the Circuit Court of Southampton Co.

Pursuant to a decree of said Court entered the 22nd day of July 1896. in the Chancery Cause of "Applewhite's Heirs &c Applewhite's Infants &c." the undersigned Commissioner reports to Court that on the 20th day of August 1896. he issued Notice against the parties hereto, requiring them to appear before him, at his Office in Courtland, on the 8th day of September 1896. at which time and place he should proceed to enquire into Sales, State and report to Court the accounts asked for by the aforesaid decree; that legal service of said Notice has been acknowledged, and is herewith returned. The Commissioner having seen and talked with a number of parties living in the vicinity of the land and from his own knowledge thereof (he having known this farm from his childhood, and lived for many years on the adjoining farm) submits the following report:- That Thos. H. Applewhite died seized of a tract of Land situated in Southampton County containing 1840 acres, assessed at $4600.00. The decedent left a widow, Mrs M. A. Applewhite and Eleven children. in order to divide the Land among the several parties, it will have to be cut up into Twelve shares. 1/3 to the widow and the remaining 2/3 among the children, this will be difficult to do, with equal justice to all concerned. There is about 1/4 of the entire tract cleared, and the residue is in woods and old field, with all the Merchantable timber sold and with out

buildings or improvements of any kind., the open land lies at and near the Mansion House. and used, if partition is made, regarding to custom: assigned to the widow as part of her dower & therefore leave nothing but wood land for the Children - and inasmuch as they have no means with which to clear or build - or otherwise improve their respective shares. Your Commissioner is at a loss to see how they can be benefited by partition, as there would be no revenue or income to them whatever. Your Commissioner is advised that all of the adult parties, the widow inclusive - (who prefers money in lieu of her right of dower) desire a sale of the entire tract - and distribution of proceeds - that the money to be derived from the land, if sold - so far as the infants are concerned - is necessary for the support and Education of said infants - that without money this Education cannot be completed. All things considered, the Commissioner is of opinion, that it would be to the interest of the parties, and especially to the infants, to have the land sold. provided a fair price can be obtained therefor - and the proceeds divided according to the rights of the parties.

The decree requiring the Commissioner, to report the present value of the dower interest of Mrs Mary A. Applewhite in the real Estate of her late husband. The Commissioner submits: that he cannot tell the present value of the dower interest unless he knows the value of the property or life Estate to which the widow is entitled -, Assuming that the real Estate in question is worth its assessed value, to wit: $4600.00 - (the Commissioner thinks it is worth considerably more) - then

present value of the dower interest would be $784.66.
the widow being 59 years of age. but should the
property sell for more or less - then present value of the life estate
would be more or less - as the case may be.
~~The Commissioner~~

Respectfully Submitted.
D. F. McLemore.
Comr in Chancery.

Comr's fee $10.00
on Petn.

1909

A. P. Blackwell Chas

vs. 3/5 Deeds

A. P. Blackwell Chas.

Entered this

March 24 1904.

Robert R. Mullins.

Entered.

D. O. B. pg. 75

In Chancery

Thomas W. Applewhite et als.

vs.

Mary A. Applewhite et als.

This day this cause came on to be further heard on the papers formerly read, and upon the petition of G. P. Applewhite this day filed by leave of Court, 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 enquire and report to Court

1st What agreement if any has been had between the heirs at law of Thos. A. Applewhite dec'd concerning the partition of his real estate

2nd Whether any assignments of parts of said land have been made to any of the parties having an interest therein, and if so whether same were equal and fair.

3rd The lien debt against L. W. Applewhite.

4th Whether the said L. W. Applewhite has any interest in any assignment of any part of said land to G. P. Applewhite and if so, the value thereof.

All of which matters the said Commissioner will make and report to Court, together with any other matter deemed pertinent by the Commissioner, or required by any interested person to be so stated.

Applewhite et al.
vs. Report of Sale
Applewhite et al.

1898 Dec. 22nd
filed

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County.

The undersigned commissioner, appointed in the Chancery cause of Applewhite et als. vs. Applewhite et als. by decree of September 28th. 1896, begs to report that afte duly advertising the time place and terms of sale, he exposed to sale on the premises on September 24th. 1898, the land in the bill and proceedings mentioned, having first had a map and survey made of same, and the farm divided into seven different farms. That he had no bids for the property on day of sale save for the tracts No. 5 containing 373.9 acres, and tract No. 6, containing 341.85 acres, which were sold together and brought the sum of $1300. being bid off by T.W. Applewhite, who is now ready to pay for same upon confirmation of the sale by the Court. The Commissioner has seen in person all of the adult heirs (and they are numerous) and they are willing that the sale be confirmed to the purchaser.

Which is filed herewith as apart of this report, marked "K"-

Dec. 22. 1898.

Jas. L. McShore
Special Commissioner.

APPLEWHITE et als.

vs DECREE

APPLEWHITE et als.

Enter April 1899.

APPLEWHITE ET ALS/

vs

APPLEWHITE ET ALS.

This day this cause came on again to be heard on papers formerly read and upon report of special commissioner James L.McLemore filed this day reporting execution of a deed to the purchaser of the land sold by him received and disbursement of the purchase money supported by proper vouchers and was argued by counsel.

On consideration whereof and no exceptions having been taken to the said report, the court doth order, adjudge and decree that the same be confirmed, and it appearing to the court from said report that the share of Lewis M. Applewhite in the said estate is subject to certain liens of record against the same, doth further order, adjudge and decree that the papers of this cause be referred to one of the commissioners of this court with directions to inquire and report the several lien creditors of Lewis M.Applewhite with their priorities, together with any other matter deemed pertinent by Himself or required to be stated by any interested party.

I acknowledge due and legal service of this summons, June 10th. 1896.

M A Applewhite

Applt's exhibits & als.
vs.
Sum. In Eq.
Applee exhibits & als.

1896. 2" June Rules
6 in Ct.

Simon & McKenzie S. J.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Mary A. Applewhite Widow, Jno. Willey, H Alton, Emma G. Gladys, F., and Archa A. Applewhite, the last five infants,

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 3rd Monday in June 1896 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by Thomas W. Applewhite, Natali J. Applewhite, Bessie Applewhite, George F. Applewhite, Lewis M. Applewhite & Edgar J. Applewhite.

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 9th day of June, 1896, in the 120 year of the Commonwealth.

TESTE: L. A. Gay, C. C.

COMMISSIONER'S BOND.

Applewhite et als.
vs
Applewhite et als.

Jas. L. McLemore

to

Commonwealth.

1898. 5th. Sept. Filed
L. A. Gay C.C.

Know All Men by These Presents, That we, Jas. L. McLemore

and J. B. Prince

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($8000.00)

Eight Thousand 00/100 Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals, and dated this 5th day of Sept. one thousand eight hundred and ninety-Ninety Eight

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Jas. L. McLemore

shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Circuit Court of the County of Southampton

pronounced on the 28th day of Sept., 1894, in the suit therein depending

under the name and style of Applewhite et als. vs. Applewhite et als.

or any future decree that may be entered herein

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Jas. L. McLemore SEAL

J. B. Prince SEAL

SEAL

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

This day J. B. Prince

surety on the above bond, made oath before me, L. A. Gay Clerk

of the Circuit Court of the county of Southampton, and State of Virginia, that his

estate, after the payment of all his just debts and those for which he is bound

as security for others and expect to have to pay, is worth the sum of Eight

Thousand dollars.

Given under my hand this 5th day of September, 189-8-

Teste: L. A. Gay, Clerk.

APPLEWHITE ET ALS

vs SPC'L.COM'RS.REPORT

APPLEWHITE ET ALS.

1899 April 5 Pub.

Rm 1 Atl 529

In the Circuit Court of Southampton County.

APPLEWHITE et als.

vs

APPLEWHITE et als.

To the Hon. R. R. Prentis Judge.

Your commissioner appointed by decree of September 28th, 1898, begs to report that in obedience to decree of January 19th, 1899, your commissioner made to Thomas W. Applewhite a deed with special warranty for the two tracts of [redacted] mentioned in said last named decree upon receipt of $1300. the purchase money therefor, which funds he disposed of as follows;

Amount received from Thomas W. Applewnite		$1300.00
To commissions on $1300.	$35.00	
To paid Surveyor	28.90	
To paid Chainmen	5.60	
To paid for posters and postage	1.50	
Cost of suit	35.00	
Writing Special Commissioner deed	10.00	
Paid Prince & McLemore fee	35.00	$ 151.00
Balance in hand to be distributed		$1149.00
To the widow(60 years of age) present value	$183.84	
To Thomas W.Applewhite 1/11 of $965.14	87.74	
" Natali J. Applewhite " "	87.74	
" Bessie Applewhite " "	87.74	
Wilbie Applewhite " "	87.74	
" Ashton Applewhite " "	87.74	
" George Applewhite " "	87.74	
" Edgar Applewhite " "	87.74	
Emma G. Applewhite " "	87.74	
" Gladis P. Applewhite " "	87.74	
" Archer A.Applewhite " "	87.74	
" Lewis M.Applewhite " " (not paid)	87.76	$1149.00

To, Mary A. Applewhite, widow, Wilbur N. Asthon, Emma G. Gladys P., and Archer A. Applewhite the last four infants by Jno. W. Sibley Jr.

Take notice that we shall through our Counsel apply to the Judge of the Circuit Court of Southampton county at his office in Suffolk, Va. on the 19th day of January 1899, for a decree to be entered in Vacation in the Chancery cause of Applewhite trustees vs. Applewhite &als.

Your obedient servant,

Thomas W. Applewhite. by Counsel.

Acknowledge due
legal service of this
notice - June. 10/1899.

Mr. M.A.A.

Mrs M A Applewhite

Noel Stowe Jr.

Guardian ad litem

vs. Edgar P. Applewhite

Take notice that I shall through my Counsel apply to the Judge of the Circuit Court of Nansemond county at his office in Suffolk, Va. on the 14th day of June 1899, for an decree to be entered in Vacation in the Chancery cause of Applewhite etal vs. Applewhite etal.

Your obedient servant,

Thomas W. Applewhite
by Counsel

To, Natali J. Applewhite, Bessie Applewhite, Geo. P. Applewhite, Lewis M. Applewhite and Edgar J. Applewhite and Wilby Applewhite.

Take notice that I shall through my Counsel apply to the Judge of the Circuit Court of Southampton county at his office in Suffolk, Va. on the 19th day of January 1899, for a decree to be entered in Vacation in the Chancery cause of Applewhite vothers, vs. Applewhite chals.

Your obedient servant,

Thomas W Applewhite.
by Counsel.

We acknowledge due
legal service of this notice
January. 10. 1899.

Natalie J. Applewhite
Bessie Applewhite
Wilby Applewhite
Geo. O. Applewhite
L M. Applewhite

Appellant's bill et als,

vs. } Statement of costs

Appellee's bill et als.

L. A. GAY, CLERK.

Clerk's Office
OF THE
Circuit Court of Southampton County,

Courtland, Va., _____ 189

Applewhite et als.
vs } Statement of Costs
Applewhite et als.

Summ. 25. 1 Copy 13. Precept 18. Atty, 10. Docketing 18= .74
Rules 1.00, Entering returns 35. Filing Bill 15 = 1.50
Fil. answer of Wm. additum 15. Do M.A. Applewhite 15 .30
Filing Comrs report 25. Do Special Comrs report 15= 40
Taking bonds of Special Comrs. $1.40 Filing plat 15= 1.55
3 Decrees & 2 copies $1.20 4 Continuances $1.00 2.80
Tax costs 40. Filing away papers 25 .65
Future Costs $2.50 2.50
Feby 2nd. 99 By Cash of D.L. McLemore & L.A. Gay Clerk $15.84
Shff 0.00
Lawyers. 16.50
$27.04
Fee of Comr. B.F. McLemore 10.00
Feby. 21st. 1899 $37.04

Note: L. A. Gay C.C.

Applewhite's Heirs
vs. Answer of Gdn ad litem.
Applewhite's Infants &c.

The answer of John N. Sebrell Jr., guardian ad litem for the infant defendants, Milby H. Ashton, Emma G., Gladys P. and Archie A. Applewhite and the answer of the infant defendants by their guardian ad litem to the bill of complaint filed against them and others by Marion W. Applewhite and others, in the Circuit Court of Southampton County, Virginia.

These respondents, reserving &c, all just exceptions to the said bill of complaint, through their said guardian ad litem, answering, say: that being infants they know nothing of the truth or falsity of the statements contained in the said bill, and they therefore confide their interest to the protection of this court. And having fully answered, they pray hence to be dismissed with their costs &c.

Jno. N. Sebrell Jr.
Guardian ad litem.

To: Mary A. Applewhite and Nilby H. Ashton, Emma
& Gladys P. & Archa A. Applewhite last four infants by J.N. Sebrell
P.G.A.L. Take notice, that we shall through our Counsel,
apply to the Judge of the Circuit Court of Southampton in Va-
cation, at his Office in Suffolk, Va., on the 22nd day of July
1896, for a decree to be entered in the Chancery ~~cause~~
cause of Applewhite's Heirs v. Applewhite's Infants &c.
now pending in the said Circuit Court of Southampton County,
prepatory to a final decree.

July 15th 1896

Respectfully.

Thomas W. Applewhite & others.
by Pruden & McClenny
Att'ys—

Applewhite et als.

Vs

Applewhite et als.

Decree.

Enter, 28 September 1896.

Robt R Prentis

Entered Page 75

Applewhite et als.

Versus.

Applewhite, et als.

This day this cause came on again to be heard upon the upon the answer of Mrs Mary A. Applewhite filed June 17, 1896.
papers formerly read, and upon the reprt of Commissioner R. F. McLemore filed September 6th. 1896, to which no exceptions have been taken and was argued by Counsel.

On consideration whereof, and it appearing to the Court that the land in the bill mentioned cannot be conveniently partitioned in any of the modes prescribed by law, doth adjudge order and decree that J.R. Prince and J.H. McLemore, be and they are hereby appointed special Commissioners for the purpose, (either of whom may act,) to make sale of the said real estate by public sale either at Courtland, or such other public place as to the said Commissioners may seem best, and upon the following terms: One third cash, the remainder in two equal installments payable in one and two years, interest from day of sale, and title to be retained till all of the purchase price is paid, with option to the purchaser to pay all of the purchase money in cash and take a deed upon the confirmation of his purchase by the Court. The said Commissioners or Commissioner shall have the right and authority, if to him it may seem best, to divide the property in to any number of small farms, before sale employing the assistance of a competent surveyor if necessary to aid him in this work. The Court doth order that the entire interest in the said real estate be sold, it appearing from the answer of the widow Mrs. Mary A. Applewhite, that she does not want her dower set aside in kind, but desires its value computed, and paid in cash, at its present value. But before the said Commissioners shall proceed to act hereunder, they shall enter into bond with security to be approved by the Clerk, in the penalty of $6000. conditioned for the faithful performance of this or any future decree that may be entered herein, and they will report to Court.

1st Jud for H Mason & Co. #333.86
May 24 95 -

2. J.T. Gilliam Nov. 18 95 7.10

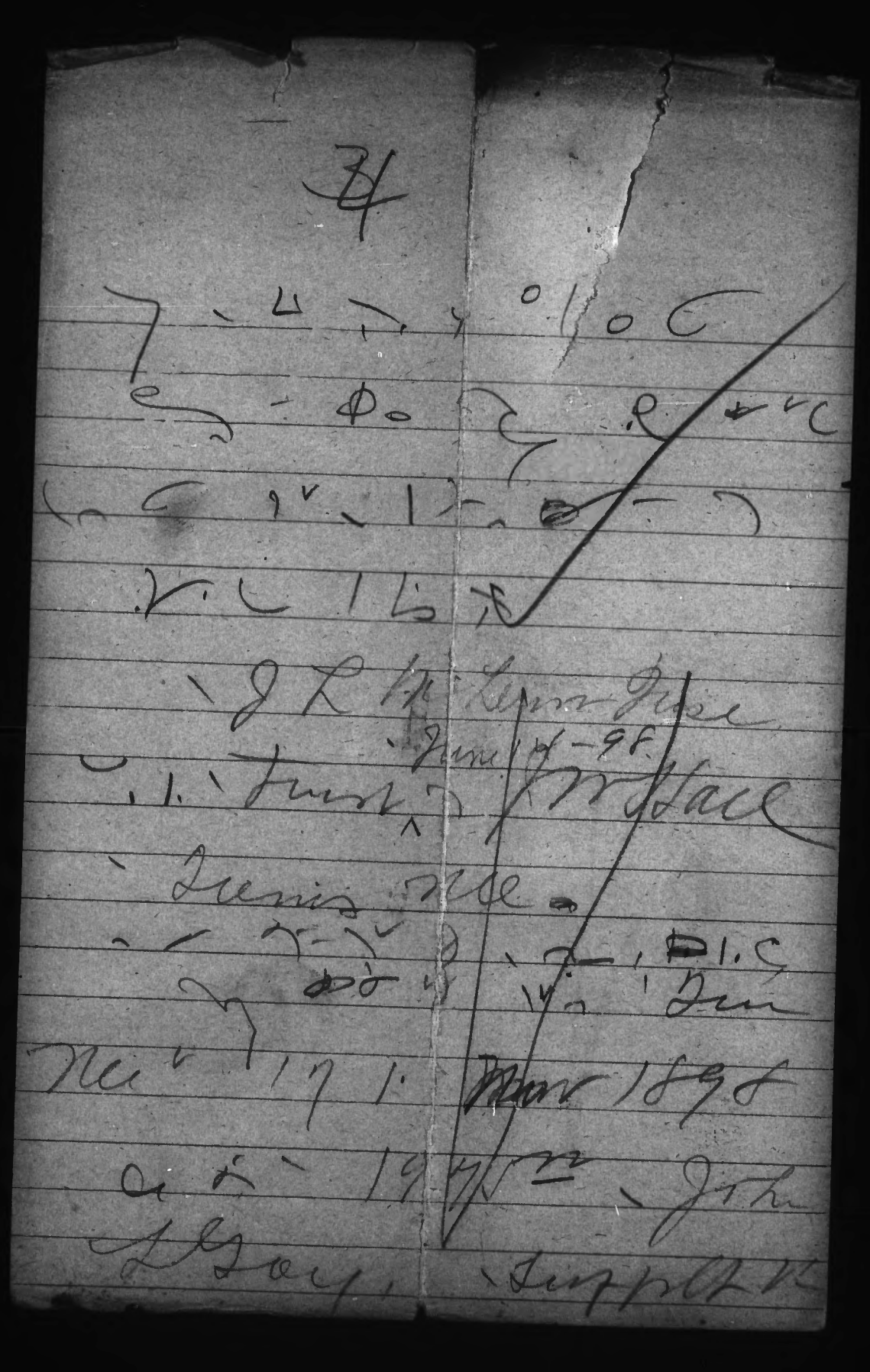
3 J.W. Rawlins 12.30
Benj Dodd 13.31
Wiley Brown 18.08
- June 6. 96 -

4. C.E. Holland & Co 166.20
Apl 7. 96 -

5. B.L. Lewis & Co #134.21
Sept 12, 96 -

1st Def & Mo for Jud. Sept 2. 96

2. Jefferson Co & Co vs J.M. May 30. 96
recorded May 30. 96
Mo a - June 22. 96 + #800.00



J. W. Applewhite

P. S. Thomas $14.50 Homestead waived -
v. Jdt. Sep. 25: 1891 - of 1st acct
J. W. Applewhite

Applewhite et als.

vs. Statement of Case

Applewhite et als.

L. A. GAY, CLERK.

Clerk's Office
OF THE
Circuit Court of Southampton County,

Courtland, Va., _____ 189

Applewhite et als.
vs. } Statement of Costs.
Applewhite et als.

Summons 25. Copy 10. Receipt 18. Atty. 10. Docketing 18= .84
Rules $1.00. Entering return 35. Filing Bill 15= 1.50
Filing answer of Gdn. ad litem 15. Do. M. A. Applewhite 15 .30
Filing Comr's report 25. Do. Special Comr's report 15= .40
Taking bond of Special Comr. $1.40. Filing plat 15= 1.
3 Decrees & 2 copies $1.80, 4 Continuances $1.00 = 2.80
Tax Costs & Copy 40. Filing away papers 25 = .65

Paid Feby 23d. 1899 by L. McLemore Atty, L. A. Gay Clerk $8.04
10 54
2 50
6.04 Sheff. 0.00
Lawre. 16.50
$24.54
Fee of Comr B. F. McLemore 10.00
$34.54

A Copy
Teste: L. A. Gay C.C.

Feby 21st 1899

PHONE NO's STORE 4019, RESIDENCE 4014.

Franklin, Va., Dec 26th 1898

Rec'd of J. L. Jackson Atty in
Suit of Applewhite Vs. Applewhite
Twenty Dollars. in act for Serv-
ices in division of Applewhite farm

J. L. Jackson

ESTABLISHED 1870.

Suffolk, Va., Jan 1899

Mr. Jas L McLemore Sth Conn

To SUFFOLK HERALD, Dr.

Newspaper and Job Printing Establishment,

No. 9 WASMINGTON SQUARE.

Terms of this Bill.....

Sep 6 1899	50	Bills Sale Apple whiskey Jan 4		1 25
Jan 13		Received payment.		
			J. E. Booker,	
			Mgr.	

Rec'd February 3rd. 1899, of Jas. L. McLemore. Special Commissioner in the Chancery Cause of Applewhite et al. vs. Applewhite, &c. the sum of $87.74; each, same being our share of the funds in his hands derived from the sale of the real estate to Thos. W. Applewhite for $1300.00, as shown by his report.

Thos. W. Thomas W. Applewhite
Miss Natalie. Natalie J. Applewhite
Miss Bessie. Bessie C. Applewhite
Miss Wilbur. Wilbur Applewhite
Ashton Applewhite
Geo.
Edgar.

Rec'd Feby 3rd. 1899 of Jas. L. McLemore, Spec'l. Comr. cause of Applewhite tab. v. Applewhite et al. the sum of $183.84, same being my interest at its present cash value, my age being 60 years, in the funds in his hands derived from the sale to Thos. W. Applewhite of the two tracts of land at $1300.00 for the two tracts.

Mary A. Applewhite

Rec'd also at same time the sum of $263.20, same being the shares of Emma G. Gladis P. and Archie A. Applewhite, infants in the above fund. Mary A. Applewhite

Guardian for said infants.

Received, February 3rd,1899, of James L. McLemore, Special Commissioner in the Chancery Cause of Applewhite et als. vs Applewhite &c, the sum of $87.74, ~~each~~, same being our share of the funds in his hands derived from the sale of the real estate of Thomas W. Applewhite for $1300.00, as shown by his report.

E. J. Applewhite

Received, February 3rd,1899, of James L. McLemore, Special Commissioner in the Chancery Cause of Applewhite et als. vs Applewhite &c, the sum of $87.74, ~~each~~, same being our share of the funds in his hands derived from the sale of the real estate of Thomas W. Applewhite for $1300.00, as shown by his report.

Geo. P. Applewhite

To. The Honorable Robert R. Reuter, Judge of the Circuit Court, Southampton County.

Applewhite et als. vs. Applewhite et als.

Your Commissioner, appointed Sept. 28th 1896 to make sale of the real estate in the bill mentioned, and by decree of January 1899, to collect the purchase price of $1300. from T.W. Applewhite, make him a deed for the land purchased by him, begs to report as follows: That he has collected same, made a deed & disposed the proceeds as follows:-

Amo. of sale gross. $1300.00

To Costs on $1300.	35.00
" Pd. Surveyor.	28.90
" " Chairmen - (retained)	5.60
" " Posters & Postage,	1.50
" " Costs of Suit	10.
" " for writing deeds.	
" " Prince & Holmes, attys,	35.

Balance in hand to be distributed.

To the Widow, (60 yrs of age) present value,	$183.84
To. Thomas W. Applewhite 1/1. of $	87.74
" Natalie J. Applewhite, " "	87.74

Appellate's Hours:

Pierce

Appellate Input

1896 July 22nd

Entered the

Robert C. Harris

Virginia.

In Vacation, in the Circuit Court of Southampton County.

July 22nd, 1896.

Applewhite's Heirs,

Vs.

Applewhite's Infants et als.

This day this cause, which has regularly matured at rules, came on to be heard in vacation, upon the bill and exhibits filed, bill taken for confessed as to the adult defendants, answer of the infant defendants by J.N. Sebrell Jr., guardi n ad litem, regularly appointed at rules, with general replication thereto, upon notice to all parties in interest of plaintiff's intention to apply for this decree, 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 will enquire and report to Court, the following:

Ist. What is the present value of the dower interest of Mrs. Mary A. Applewhite, widow of Thomas H. Applewhite, dec'd, in the real estate of which the said decedent died seized, together with the fee simple value of such real estate.

2nd. Whether or not the said real estate of the decedent, can be partitioned in kind among the parties entitled thereto, and if not whether any two or more parties will take their shares laid off together, thereby making partition in kind practicable? Or whether any one or more of the parties will take the entire subject matter, paying to the other parties such sums of money, as their interest therein may entitle them to?

3rd. Whetehor or not it will be to the interest of all parties concerned to have the entire subject matter sold and the proceeds divided as the several interest may demand, and whether the rights of any party will be affected by such sale.

4th. Any other matter specially stated, deemed pertinent, or required to be stated by any interested party.

To the Clerk of the Circuit Court of Southampton County.

W. Hart Atkins.

Amo. recd from sale of the farm $1300.

Dr.

To Comm. $1300.	35.00	
" $5 Surveyor	28.90	
Chaining	5.60	
Plotting & postage	1.50	
Costs of suit.	35.00	
Deed	10.	
Atty fees	35%	
	151.00	151.00
		1149.00

Appellants Heirs.

VS } Statement of Rules.

Appellants In Error

Thomas W. Applewhite, Natali J. Applewhite,
Bessie Applewhite, Geo. P. Applewhite,
Lewis M Applewhite & Edgar J. Applewhite } Plaintiffs
vs } In Chancery.
Mary A. Applewhite widow, and Wilby,
H Ashton, Emmia G. Gladys P., and
Archa A. Applewhite the last five } Defendants
infants.

1896. 9th. June. Process Iss'd. to 2nd June Rules.
" 2nd June Rules. Process returned executed as
to Mary A. Applewhite. Bill filed.
Decree nisi as to M A. Applewhite.
J. N. Sibrie Jr. appointed G.M.
ad litem to infant defendants

1896. 1st. July Rules. Bill taken for confessed as
to M A. Applewhite, answer of
M A. Applewhite with general
replication filed, and cause
set for hearing as to her.

APPLEWHITE FARM

DREWRYVILLE VA


REEDY BRANCH
Mill Pond
Mill Pond
Mill Swamp Gum
Mill Swamp Gum
Hunts Bridge
Hunts Bridge
Road
Road
Road
Road
Mobley Mill
Mobley Mill
Mobley Mill
Mobley Mill
10 FT EAST
Mobley Mill
10 FT EAST
Mobley Mill
Mobley Mill
Mobley Mill
Mobley Mill