

1912-022

Chancery Causes: Laura Butler v Adolphus Butler vs Sarah E Smith v

119

Isle of Wight County

Amanda Holland
Petition of Laura Butler, Adolphus Butler, Sarah E. Smith &
Amanda Holland

THIS DEED, Made this 9th day of September, 1908, between Laura Butler and Adolphus Butler; her husband and Sarah E. Smith, parties of the first part and Abram Holland party of the second part:

W I T N E S S E T H:

That, whereas the said parties of this deed are seised in fee simple of and have equal shares as tenants in common in, subject to the dower interest of Amanda Holland widow of the late Henry Holland deceased, two tracts, pieces or parcel of land lying and being in Windsor Magisterial District, in the County of Isle of Wight, and in the State of Virginia, and bounded as follows:

(Tract No. 1.) All that certain tract of land containing one hundred and thirty six (136) acres more or less and bounded by the lands of Gilbert Roberts, J. P. Rhodes, J. Woodland Darden, Louisa Spivey and others.

(Tract No. 2.) All that certain tract of land containing one hundred (100) acres more or less and which is bounded by the lands of J. W. Babb, William H. Eley and others and the County Road leading from Knoxville to Western Branch.

These two tracts are the land of which the late Henry Holland deceased died seized and possessed.

Now, therefore, to the end and intent that a perfect partition may be had and made by and between the said parties of the said tracts, pieces or parcel of land, they the said parties of the first and second part by their own mutual consent and agreement, have and do hereby make partition of the same in manner following:

The said Laura Butler and Sarah E. Smith shall have for their part and portion of the said tract piece or parcel of land, all of that part thereof known as Tract No. 2. which contains 100 acres more or less and bounded by the lands of J. W. Babb, William H. Eley, and others and the County Road leading from Knoxville to Western Branch and divided from the portion of the Abram Holland.

It is understood that the said Abram Holland is to pay the sum of one hundred and twenty five (\$125.00) dollars to Laura Butler and one hundred and twenty five (\$125.00) dollars to Sarah E. Smith. And the said Abram Holland shall have for his part and portion of the said tract piece or parcel of land, all that part thereof described as tract No. 1 which is as follows: by the lands of Gilbert Roberts, J. P. Rhodes, J. Woodland Darden, Louisa Spivey and others. And divided from the portion of the said Laura Butler and Sarah E. Smith. And the said Laura Butler and Sarah E. Smith in consideration of the provision contained in this deed, doth grant unto the said Abram Holland with special warranty, all that tract of land containing 136 acres more or less and bounded as follows: by the land of Gilbert Roberts, J. P. Rhodes, J. Woodland Darden, Louisa Spivey and others.

And the said Abram Holland in consideration of the provision contained in this deed doth grant unto the said Laura Butler and Sarah E. Smith with special warranty all that certain tract of land containing 100 acres more or less and bounded as follows: by the lands of J. W. Babb, William H. Eley and others and the County Road leading from Knoxville to Western Branch.

Witness the following signatures and seals.

Laura Butler. (SEAL)

Adolphus ^{for} Butler (SEAL)
mark.

Sarah E. ^{her} Smith (SEAL)
mark.

Abram Holland. (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Parke P. Deans, a Notary Public of and for the County aforesaid, in the State of Virginia, do certify that Laura Butler, Adolphus Butler, Sarah E. Smith and Abram Holland whose names are signed to the foregoing writing, bearing date on the 9th day of September, 1908, have this day acknowledged the same before me in my county aforesaid.

Given under my hand this 9th day of September, 1908.

Parke P. Deans,

Notary Public

My commission expires July 8th, 1909.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, December 16th. 1908, at 9:30 o'clock A. M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. Johnson, C.C.

Laura Butler, sales

To } B.B.

Abram Holland

December 16th
9:30 a.m.
75

.....	50
.....	1.25
.....	1.00
.....	(2.75)

Chy P.P.M.

Capt. A. S. Johnson, Clerk of Circuit Court, Isle of Wight County:

Laura Butler and Adolphus Butler

versus

Sarah E. Smith and Amanda Holland.

Issue summons in Chancery to Third Monday in March, 1922

Paul Deane
p. q.

Butler et al

vs of Thomas

Smith et al

Attorney's Memo

Dated Mar 11/1912

In the Circuit Court of the County of Pulaski

Laura Butler and Adolphus Butler.....Complainants.

versus IF QUINCY.

Sarah E. Smith and Amanda Holland.....Defendants.

This cause came on this day to be ~~heard~~ heard from the petition of all ~~of~~ the parties ^{to} ~~this~~ ^{her} ~~case~~ ^{deed} in this ~~cause~~ ~~on~~ the 1st day of ~~the~~ ~~1st~~ ~~of~~ ~~the~~ ~~1891~~, ~~and~~ ~~the~~ ~~same~~ ~~was~~ ~~argued~~ ~~by~~ ~~Samuel~~

On consideration whereof, it appearing to the Court that all the other parties have conveyed their interest in the land in the bill and proceedings mentioned to Sarah E. Smith, the said land being described as follows;

All that certain tract of land situate in Windsor Registrarial District, Isle of Wight County, Virginia, containing one hundred (100) acres, more or less and which is bounded by the lands of E. W. Bell, William H. Eley, and others and the County Road leading from Woodville to Western Branch Church, and it ^{further} appearing to the Court that the purpose of this suit has been accomplished by the parties themselves, ~~and~~ the Court doth adjudge order and decree that the Complainants and Defendants in this suit pay one-half of the Court costs each, and that this suit be hence dismissed from the docket.

Laura Butler et. al.

v. IN CRANCHY.

Sarah E. Smith et. al.

1412
Jan 3
into his P.D.

102k

~~FINAL DECREE.~~
~~RECORDED IN BOOK 31~~
~~1912~~

We hereby consent
to this decree.
Laura Butler & William Butler
of New York City

Sarah E. Smith and
Amanda Holland
by B. Holland, their atty.

Vol. 7 - Page 124

Laura Butler and Adolphus Butler Complainants
 versus IN CHANCERY
 Sarah E. Smith and Amanda Holland Respondents

This cause, came on this day to be heard upon the complainants' bill and exhibits filed; proof of legal services of proper process on the respondents, Sarah E. Smith and Amanda Holland in person, who have failed, and still fail, to appear, plead, demur or answer the said bill, which is taken for confessed as to them; and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that J. W. Babb, J. J. Turner, E. W. Garris, J. E. Vaughan and N. T. Lewis ^{Austerman} be appointed commissioners, ~~who~~ or any three of ~~them~~ ^{whom after}, being first duly sworn, shall well and truly allot and assign to the defendant, Amanda Holland, widow of Henry Holland, deceased, by metes and bounds, one full and equal third part, in quality and quantity, of the tract of land in the bill and proceedings mentioned whereof the said Henry Holland died seised of an estate of inheritance and described as follows:

All that certain tract of land situate in Windsor Magisterial District, Isle of Wight County, Virginia, containing one hundred(100) acres, more or less and which is bounded by the lands of J. W. Babb, William H. Eley and others and the County Road leading from Knoxville to Western Branch Baptist Church, to have and to hold the said third part for the term of her natural life, as and for dower of the said Amanda Holland in the said land. And that the said commissioners are directed to report their proceedings in pursuance of this decree to the court.

The Court doth further adjudge, order and decree that the aforementioned commissioners ^{on said day} ~~or any three of them~~ are hereby ~~appointed commissioners for the purpose, after first been duly sworn,~~ ^{further} do proceed to lay off and divide the real estate of which Henry Holland died seised and possessed as described above, in

* On Tuesday the 1st day of June 1884
 and hermaples furnished, and
 of the 1st day of June 1884
 A. M. of that day meet upon the 1st of June

two equal parts, having regard to quality, quantity, and value, and assign one of the two said parts to each, Laura Butler and Sarah E. Smith.

But if the said commissioners should find that partition cannot be be conveniently made of the said real estate among the aforesaid parties, *They shall so report and* then they are required to report the facts upon which their opinion is based to the Court, *together with any evidence they may hear,* and also whether the interest of those who are ^Entitled to the said real estate, or its proceeds, will be promoted by a sale of the entire real estate, or allotment of part and the sale of the residue, and what in their opinion is the fee simple value of the whole of the real estate of which the said Henry Holland died seised and possessed; and in either case they are required to report their proceedings under this order to the Court, *A Copy of this Decree shall be ~~sent~~ forthwith served upon all the parties to this Cause.*

Butler et als

v.

Smith et als.

Decree

ENTER THIS

1912
Apr. 12.
Enter this.
B.D.W.

C.O.B. #7 Page 116

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon Sarah E. Smith and Amanda Holland,

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
3rd. Monday in **March,** _____, 191**2**, to answer a bill in
chancery exhibited against **them** _____ in our said Court by **Laura Butler**
and **Adolphus Butler,**

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this **11th.** day of **March,** _____, 191**2**, and in the
_____ year of the Commonwealth.

Teste, *A. S. Johnson* Clerk.

Butler et al

vs) Chancery

Smith et al.

Subpoena for parties
Returnable 2nd. March
rules, 1912.

Executed the within summons this the 18th, day of March 1912
by serving a true copy of same on Sarah E. Smith and Amanda
Holland in person within the County of Isle Of Wight.

R. Augustus Edwards Sheriff.

Laura Butler and Adolphus Butler.....Complainants

versus IN CHANCERY

Sarah E. Smith and Amanda Holland.....Defendants

Your petitioners respectfully represent that the purpose of this suit was to partition among the parties hereto entitled that certain tract of land in the bill and proceedings mentioned above of Henry Holland died seized and possessed and described as follows:

All that certain tract of land situate in Meador Registrarial District, Isle of Wight County, Virginia, containing one hundred (100) acres, more or less and which is bounded by the lands of J. W. Babb, William H. Eley and others and the County Road leading from Knoxville to Western Branch Church.

And your petitioners further represent they constitute all the parties to this suit; that, being the widow and heirs-at-law of Henry Holland and Archibald Holland the only remaining heir having conveyed his interest to the undersigned Laura Butler and Sarah E. Smith, they, the undersigned petitioners are the only parties interested in said land, that the undersigned petitioners are of sufficient age and discretion to divide said land by deed or to sell their interest;

And your petitioners further represent that Laura Butler and Adolphus Butler by a deed in deed drawn on the 23rd day of May 1918, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County have conveyed to the said Sarah E. Smith all their interest in and to the said land, and that Amanda Holland deed dated the 3rd day of 1918, and duly recorded in the Clerk's Office of the Circuit Court of the County of Isle of Wight has conveyed to the said Sarah E. Smith all her interest to the said land:

NOW THEREFORE, WHEREAS, the purpose of this suit has been fully accomplished by the parties themselves, the

undersigned petitioners do most respectfully pray that this
suit be dismissed from the Court and that the Complainants
and Defendants pay one-half of the Court costs.

Most respectfully submitted,

Laurelville
Adopted by
Sarah E. Smith
& Amanda Holland

Sarah E. Smith
Amanda Holland
by Hugh J. Holland,
their attorney,

Laura Butler et. al.

v. IN CHANCERY.

Sarah E. Smith et. al.

PETITION.

[Faint handwritten text, possibly a signature or date, is visible in the center of the page.]

Laura Butler and Adolphus Butler

versus

BILL

Sarah E. Smith and Amanda Holland

To the Honorable Circuit Court of Isle of Wight County:

Your Complainants, Laura Butler and Adolphus Butler respectfully represent:

(1) That Henry Holland was in his lifetime seized and possessed of certain real estate lying in the County of Isle of Wight, and while so seized and possessed, the said Henry Holland died intestate, on the _____ day of _____ 1908, leaving three children, Abram Holland, Laura Butler and Sarah E. Smith and a widow, Amanda Holland;

(2) That the three children by their deed of the 9th day of September, 1908 partitioned their interest, the deed herewith filed, marked "Exhibit A" and made a part of this bill, wherein Laura Butler and Sarah E. Smith received as their part the tract of land described as follows:

All that certain tract of land situate in Windsor Magisterial District, Isle of Wight County, Virginia containing one hundred (100) acres, more or less and which is bounded by the lands of J. W. Babo, William H. Eley and others and the County Road leading from Knoxville to Western Branch Baptist Church.

(3) That Amanda Holland has not been assigned her dower in said real estate.

(4) That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, 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 same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Sarrah E. Smith and Amanda Holland may be made parties defendant to this bill and required, but not on their oaths to answer the same, the oaths being hereby waived; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so devised, that it may be sold and the proceeds divided among the parties according to their respective rights; that all proper orders and decrees may be made, accounts taken, and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Laura D. Smith

Adolphus Smith
Complainant.

Patrick D. Smith
Counsel.

Ballester

vs

Smith et al

2nd March rules 1912

Process returned executed
Bill filed. Decree nisi

3rd March rules 1912

Case set down for hearing

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.