

1915-018

Nantuxetona Co (Suffolk)

Chancery Causes. Emory T. Milteer vs Mary C. Milteer, widow et al

Brinkley, Knight, Ellenor, Robertson, Page, Worrell

Farmers Bank of Mansfield

By

Suffolk,

1947

Currency.

Dollars

Cents

Gold

Silver

Checks as follows

PLEASE LIST EACH CHECK SEPARATELY

732 y Whaleyville

570

500

See conditions on back hereof

THE depositor using this ticket hereby agrees that all items payable outside of Suffolk shall be forwarded by this bank as agent for the depositor at the depositor's risk; that this bank shall not be responsible for negligence, default or failure of sub-agents, nor for losses in the mails; that this bank shall have the right to charge back to the depositor's account any items for which actual payment is not received; that items may be sent direct to the banks on which drawn without waiving any of the above conditions, and that items on Suffolk are credited subject to actual payment either on day of deposit or succeeding business day.

*

7 5.0 0

4 4.5 0

6.0 0

1 4 3.6 3

1 4 3.6 3

1 4 3.6 3

3 2 9.9 4

1 4 3.6 3

1,0 2 9.9 6*

Copy of Costs
Taxed in the Suit of:

...*H. P. Holland*... p. q.

...*Emory T. Miller*...
vs.

...*May G. Miller et al*...

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

Clerk

Sheriff

Attorney

Commissioner

Printer, for Order of Publication, etc.

Date of Judgment or Final Decree

Paid *Dec. 22-*

1914 - *Kate Parker,*
D. Clerk

1 50

8 00

15 00

25 00

~~\$ 49 50~~
~~15 00~~
\$ 34.50

attor fee
attor fee
1911

\$60.00

Suffolk, Va., March 1, 1915.

Received of L. P. Holland, Special Commissioner in the chancery cause of Emory T. Milteer vs. Mary C. Milteer et als., payment of the sum of Sixty Dollars (\$60), Fifty Dollars (\$50) thereof being in full settlement of attorney's fee in said suit, and Ten Dollars (\$10), being in settlement of fees for deeds for the land in the bill and proceedings mentioned.

L. P. Holland

Folio _____
Terms -- Cash.

Suffolk, Va., Dec. 1st. 1911 ✓

M. L. P. Holland,

Leidy

TO WEST & WITHERS, DR.
Fire, Life, Marine, Accident, Health, Employers' Liability,
AND STEAM BOILER INSURANCE AND SURETY BONDS

P. O. Box 103

OFFICE, No. 936 WASHINGTON STREET.

Bell Phone No. 10

Date	Policy No.	Company	Property Insured	Amount	Premium
12/1/11	1082468	West & Withers	Spencer Leam. Bond) Milton E. Murtus	2000	10 00
Paid 10/1/11 West & Withers Spencer Thank you !					

W
\$329.94

Gary, Ind., January ____, 1915.

Received of L. P. Holland, Special Commissioner,
payment of the sum of Three Hundred and Twenty-nine Dollars and
Ninety-four Cents (\$329.94) in full settlement, satisfaction
and discharge of my commuted dower interest received from the
proceeds of sale of the lots of land sold in the chancery cause
of Emory T. Milteer vs. Mary C. Milteer et als.

Mary C. Milteer

\$143.63

Gary, Ind., January ____, 1915.

Received of L. P. Holland, Special Commissioner,
payment of the sum of One Hundred and Forty-three Dollars and
Sixty-three Cents (\$143.63) in full settlement, satisfaction
and discharge of the amount of money coming to me as one of
the heirs of Alfred D. Milteer, deceased, in the proceeds of
sale of the lots of land sold in the chancery cause of Emory
T. Milteer vs. Mary C. Milteer et als.

Emory T. Milteer

\$143.63

Gary, Ind., January ___, 1915.

Received of L. P. Holland, Special Commissioner,
payment of the sum of One Hundred and Forty-three Dollars and
Sixty-three Cents (\$143.63) in full settlement, satisfaction
and discharge of the amount of money coming to me as one of
the heirs of Alfred D. Milteer, deceased, in the proceeds of
sale of the lots of land sold in the chancery cause of Emory
T. Milteer vs. Mary C. Milteer et als.

Alfred D. Milteer

\$143.63

Gary, Ind., January ___, 1915.

Received of L. P. Holland, Special Commissioner,
payment of the sum of One Hundred and Forty-three Dollars and
Sixty-three Cents (\$143.63) in full settlement, satisfaction
and discharge of the amount of money coming to me as one of
the heirs of Alfred D. Milteer, deceased, in the proceeds of
sale of the lots of land sold in the chancery cause of Emory
T. Milteer vs. Mary C. Milteer et als.

S. Minnie Milteer

\$143.63

Gary, Ind., January ____, 1915.

Received of L. P. Holland, Special Commissioner,
payment of the sum of One Hundred and Forty-three Dollars and
Sixty-three Cents (\$143.63) in full settlement, satisfaction
and discharge of the amount of money coming to me as one of
the heirs of Alfred D. Milteer, deceased, in the proceeds of
sale of the lots of land sold in the chancery cause of Emory
T. Milteer vs. Mary C. Milteer et als.

W. Lloyd Milteer

\$19.00

Suffolk, Va., March 1, 1915.

Received of L. P. Holland, Special Commissioner in the chancery cause of Emory T. Milteer vs. Mary C. Milteer et als., payment of the sum of Nineteen Dollars (\$19) in full settlement of fee for services rendered in connection with the transfer of the funds due to the infant defendants in said cause from this State to the State of Indiana.

L. P. Holland

No. _____

Suffolk, Va.,

Feb 2nd

191 5

Farmers Bank of Nausemond

PAY TO THE
ORDER OF

Mrs. Mary C. Miltner, Guardian

\$ 549.54

Five hundred + forty-nine + 54/100

DOLLARS



L. P. Holland
Spl. Comm. Emory T. Miltner vs. Mary C. Miltner et als.

Mary L. Milteer
Guardian

PAY TO THE ORDER
ANY BANK, BANKER OR
Prior Endorsements Guaranteed
3 2
CONTINENTAL & COMMERCIAL
2-3 NATIONAL BANK OF CHICAGO
NATHANIEL R. LOSCH, CASHIER
ALL PAY TO THE ORDER OF
COMMERCIAL TRUST BANK
CHICAGO, ILL.
All Prior Endorsements Guaranteed
CITY STATE BANK
CHICAGO, ILL.
Y-1-145
S. S. GALE, Cashier

No. _____

SUFFOLK, VA. Jan. 16 1915

Farmers Bank of Nansemond

PAY TO THE
ORDER OF

Suffolk Herald
Six

\$ 6.00

DOLLARS

L. P. Hollister
Spt. Comr. Milton v. Milton Adm.

MADE TO ORDER BY
THE SAVINGS BANK TRANSFER
AGENCY
The Suffolk Herald Corporation

TO WHOM IT MAY CONCERN:

Notice is hereby given that as guardian of Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, lawfully appointed and qualified as such guardian in the State of Indiana, where said infants reside, I shall, on the first day of the next term of the Circuit Court of Nansemond County, Virginia, in which said County the estate of said minors is, in pursuance of the act of the General Assembly of the State of Virginia in such cases made and provided, make application and petition the said Court to make an order empowering and authorizing me, as guardian as aforesaid, to sue for, recover and receive all money or person property which may belong to said minors, or either of them, including the accrued rents of their real estate, if any, in like manner as if I were appointed guardian of said minors in the State of Virginia, and to remove the same to the State of Indiana.

MARY C. MILTEER,

Guardian of Catharine C. Milteer,
Nellie A. Milteer, Mary V. Milteer
and Alton B. Milteer.

By L. P. HOLLAND,

Counsel for Petitioner.

Dec. 18-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., JAN 15 1915 190---

I hereby certify that the order of which the annexed is a
copy has been published in *THE SUFFOLK HERALD* in the
manner prescribed by law---once a week for four successive weeks.
beginning Dec 18-1914 -----and ending
Jan 8-1915 -----

W J Kendrick

Editor Herald

Chas
600

Exhibit B.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

Emory T. Milteer,

vs.

IN CHANCERY.

Mary C. Milteer (widow of Alfred D. Milteer),
Arthur D. Milteer, S. Minnie Milteer, W. Floyd
Milteer, and Catharine C. Milteer, Nellie A.
Milteer, Mary V. Milteer and Alton B. Milteer,
the last four of whom are infants under the
age of twenty-one years.

Issue summons returnable to Second October Rules.

L. P. Lee

Appoint John P. Lee guardian ad litem of infant
defendants.

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

505 N. 5TH ST.

NEW YORK

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
505 N. 5TH ST.
NEW YORK

THE NEW YORK PUBLIC LIBRARY

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
505 N. 5TH ST.
NEW YORK

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE ^{Sergeant of the City of Gary, Indiana.}
~~SHERIFF OF NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.. Mary C. Milteer. (widow of...
Alfred D. Milteer,) Arthur D. Milteer, S. Minnie Milteer, W. Floyd Milteer,
and Catharine C. Milteer., Nellie A. Milteer., Mary V. Milteer and Alton B..
Milteer., the last four of whom are infants under the age of twenty-one....
years

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the
said Court, on the... Third..... Monday in... October....., to answer..... 8..... Bill in
Chancery, exhibited against... them.....
in the said Court by..... Emory T. Milteer.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... 15th..... day of
..... October....., 19 14., in the 13 9th. year of the Commonwealth.

~~X~~ Attest:

Teste:

G. E. Bunting,

Clerk.
D. C.

By Kate Parker

October __, 1914.

Full and sufficient service of the within process is hereby accepted by us.

Arthur Milteer

S. Minnie Milteer

W. J. Milteer

Mary V. Milteer

J. M. Milteer

Guardian ad litem for
Catharine C. Milteer,
Nellie A. Milteer,
Mary V. Milteer,
Alton B. Milton, in-
fants under the age of
twenty-one years.

ORIGINAL

...L. P. Holland....., p. 9.

...Emory T. Milteer.....

vs.

In Chancery.

Mary C. Milteer & al's.....

1914....

...Second.....Rules.

...Third.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3....

Page 127.

Sheriff.

in person, in the County of Nansemond, State of Virginia.

Executed this.....day of....., 191.... by delivering a true copy of the within process

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

Emory T. Milteer,

vs.

Mary C. Milteer (widow of Alfred D. Milteer),
Arthur D. Milteer, S. Minnie Milteer, W. Floyd
Milteer, and Catharine C. Milteer, Nellie A.
Milteer, Mary V. Milteer and Alton B. Milteer,
the last four of whom are infants under the age
of twenty-one years.

By consent of all parties in writing and entered of record,
it is ordered that this cause be submitted to the Judge of this
Court in vacation for such decisions and decrees, judgments and
orders therein in vacation as might be made in term.

In the Circuit Court of
Nansemond County, Virginia.

Emory T. Milteer,

)
vs) Consent Decree.
)

Mary C. Milteer et als.

We consent:

Arthur Milteer

S. Mignio Milteer

W. F. Milteer

Mary C. Milteer

J. H. Hill

Guardian ad litem for
Catharine C. Milteer,
Nellie A. Milteer,
Mary V. Milteer,
Alton B. Milteer,
infants under the age
of twenty-one years.

Filed Nov. 3, 1914.
J. H. Hill,
Clerk

Entered Nov 14 1914
Jas. S. McInnis

Order Book No. 4.
Page 674.

CAPITAL \$500,000.00

INCORPORATED 1822

THE NORTH RIVER INSURANCE COMPANY

95 WILLIAM STREET

NEW YORK

WEST & WITHERS, AGENTS,
WASHINGTON ST.,

SUFFOLK. VA. Dec. 23, 1914

Mr. L. P. Holland,
Suffolk, Va.

Dear Sir:

We beg to acknowledge receipt of yours of
December 18th in which you state that you have
closed the case of Special Commissioner in the
matter of Milteer vs. Milteer et als. Kindly
furnish us proper certificate from the Clerk of
the Court to this effect, and oblige.

Yours truly,

West & Withers

CYRUS E. WORRELL PRES & TREAS JULIAN B. WORRELL V. PRES

WORRELL REALTY CORPORATION

REAL ESTATE & RENTAL AGENTS

NORFOLK, VA.

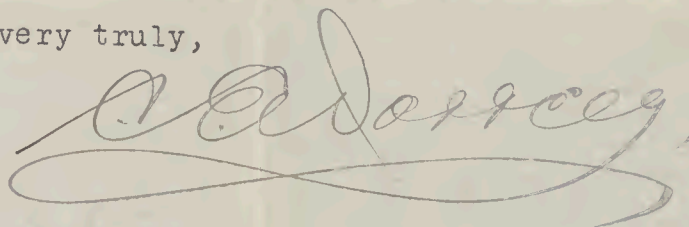
December 9th, 1914.

Messrs E. E. & L. P. Holland,
Suffolk, Virginia.

Gentlemen:-

Your letter of December 4th. in
reference to lots 37 and 39 in Block 17, Thirtieth
Street, this city, received, and in reply to same
will say that I have looked the lots over, and would
consider them, taken together, worth Five Hundred Doll-
ars each.

Yours very truly,

A handwritten signature in dark ink, appearing to read "C. E. Worrell", with a large, sweeping flourish underneath.

CEW/M.

Age 30 yrs,

PHONE 1091

E. A. PAGE & CO.
Real Estate Auctioneers and Rental Agents

Members of the Norfolk Real Estate and Stock Exchange

236-38 Monticello Arcade

NORFOLK, VA., December 5th 1914

Messrs B.E. & L.F. Holland,,

Attorneys at Law,

Suffolk, V.,

Gentlemen:-

Replying to yours of the 4th inst will say that the lots you refer to in my opinion are worth \$1100.00 Eleven hundred dollars, I would be glad to list same at this figure if they are for sale and try to sell them for you my commission if I should sell same would be \$52.50, being the regular charge of 5% on the first Thousand and 2 1/2 % on the Balance, Any time I can be of any assistance to you call on me

Yours very truly



C. * Page vacant.

\$1000. 00 fee - ample

46 yrs. real estate

No. annual

G. W. AMORY & CO.

REAL ESTATE AND INVESTMENTS

STOCKS AND BONDS

625 SEABOARD BANK BUILDING

NORFOLK, VA., November, 19th, 1914.

Mess, E.E. & L.P. Holland,

Suffolk, Va;

Gentlemen:-

Your Esteemed Favor of the 17th is at hand, and Contents are noted, Replying beg to Renew the Offer made to Mr, A.D Milteer, of Gary Ind, Of the sum of \$1100.00 nett to you as attorneys for the Milteer Estate, for lots Number 37 & 39 Located in block Number 17 Thirtieth street, this city, Deed to be made to WEST END REAL ESTATE AND INVESTMENT COMPANY INC, Thanking you for your promptness in replying and hoping for a speedy termination I am,

Very truly yours,

*G.W. Amory & Co.
by G.W. Amory*

T. O. KNIGHT

DEALER IN

GENERAL MERCHANDISE

HIGHEST CASH PRICES PAID FOR
PEANUTS AND OTHER PRODUCE



FIRST-CLASS LIVERY ATTACHED ::

WHALEYVILLE, VA., Oct. 12, 1914.

E. E. & L. P. HOLLAND,
Suffolk, Va.

Gentlemen:-

Yours of even date to hand in refrence to the corner lot of Mrs Mary C. Milteer, or rather A. D. Milteer's esstate.

Your discription and boundaries are correct as far as ^{they} go but only take in just half of the land meant to be sold. Inclosed you will find a little diagram, or plot, which will give you some idea of the lot which was bought in two pieces and at different times, the first being bought of F. E. Ellenor, and the second piece of myself (T. O. Knight) and being several years from the time of the purchase of the first piece. On examining the record you will find second piece 75 x 75 ~~feet~~ ^{feet} Deeded from myself to A. D. Milteer perhaps 15 years or more later, these two pieces of land adjoining each other, was considered as one lot in the sale, ##### and sold for Five-hundred (\$500.00) Dollars, and being 75 by 150 feet and containing 11250 square feet,

Yours very truly,

T. O. Knight

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.
In Vacation, _____ day of March, 1915.

Emory T. Milteer

vs.

Mary C. Milteer et als.

To the Honorable James L. McLemore, Judge of said Court:

Your Commissioner, L. P. Holland, begs to report that, pursuant to the decree entered in this cause on the 16th day of December, 1914, he has paid the costs of this suit, including fee of counsel, that he has paid to Mrs. Mary C. Milteer, the widow of Alfred D. Milteer, deceased, her commuted dower interest in the proceeds of sale of the land in the bill and proceedings mentioned, and that he has also paid to the adult children of Alfred D. Milteer, deceased, the amounts to which they were entitled from the proceeds of said sale.

Your Commissioner further begs to report that he has filed in this cause, on behalf of Mary C. Milteer, guardian, a petition for the transfer of the funds to which the infant defendants were entitled from this State to the State of Indiana, where the said infants, as well as the said Mary C. Milteer, now reside, and in which State she has given a guardianship bond.

Your Commissioner further reports that in the said petition he has complied with the provisions of the Code in such cases made and provided for the transfer of the funds of infants from the State of Virginia to a foreign State.

Your Commissioner further reports that, pursuant to the decree entered in this cause on February 26, 1915, he has turned over to Mary C. Milteer, guardian of said infants, the funds to which they were entitled, less his fee for preparing said petition and the costs incurred in the said proceeding.

Your Commissioner further reports that he has taken proper receipts from all of the parties to this cause, that he has obtained proper receipts showing the payment of costs and also a

a proper receipt for the fees allowed counsel, and that the following is a complete account showing the distribution of the funds received from the sale of the property in the bill and proceedings mentioned, which said account, together with the receipts filed along with same, are requested to be taken as a part of this report:

To proceeds of sale of property,		\$1600.00
By court costs,	\$ 49.50	
" attorney's fee,	50.00	
" fees for deeds,	10.00	
" tax on "	1.50	
" Special Commissioner's bond,	10.00	
" amt. paid Mrs. Mary C. Milteer,	329.94	
" " " S. Minnie Milteer,	143.63	
" " " Emory T. Milteer,	143.63	
" " " Arthur D. Milteer,	143.63	
" " " T. Floyd Milteer,	143.63	
" " " Mrs. Mary C. Milteer, guardian of Catharine C. Milteer, Mary V. Milteer, Nellie A. Milteer, and Alton B. Milteer,	549.54	
" amt. paid Suffolk Herald for publication of notice,	6.00	
" attorney's fee for petition for transfer of infants' funds to State of Indiana,	19.00	
	\$1600.00	\$1600.00

Respectfully submitted.

L. P. Holland
Special Commissioner.

In the Circuit Court of Nan-
second County, Virginia.

Emory C. Milteer .

v.) REPORT.

Mary C. Milteer et als.

Filed March 20, 1915
J. L. m.

IN THE CIRCUIT COURT OF HANSEN COUNTY, VIRGINIA.
IN VACATION, on the 26th day of February,
1915.

Mrs. Mary C. Milteer, guardian, etc.,

Ex parte.

—

This day came Mary C. Milteer, a citizen of the State of Indiana and resident therein, by counsel, and upon her motion by counsel, liberty is granted her to file her petition in the cause of "Emory T. Milteer vs. Mary C. Milteer et als.," which cause, by a previous decree, has been regularly submitted to the Judge of this Court for such decisions and decrees therein in vacation as might be made in term, and she files the same, and on her motion, John P. Lee, a discreet and competent attorney at law, having been assigned as guardian ad litem to the said infants, Catharine C. Milteer, Mary V. Milteer, Nellie A. Milteer and Alton B. Milteer, in the cause of Emory T. Milteer vs. Mary C. Milteer et als., to defend their interests in that suit, the said John P. Lee is also assigned as guardian ad litem to defend the interests of said infant defendants in this suit, thereupon he files the answer of the infant defendants to said petition.

On consideration whereof and of the exhibits therewith filed and arguments of counsel for the petitioner, it appearing by a duly authenticated transcript of the record of the proceedings had in the Superior Court of Lake County, in the State of Indiana, marked exhibit "A", and filed with said petition, that the said Mary C. Milteer has been duly appointed and qualified in said State as guardian of Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, minor children of the late Alfred D. Milteer, all of whom reside in said State, and that the said Mary C. Milteer, in the said State where she, qualified, has given bond with surety sufficient to insure her accountability for the whole amount of the estate of her said wards in her hands, or which will probably be re-

ceived by her as such guardian, and it further appearing from the said petition that the said minor children are entitled to money in the County of Nansemond, in the State of Virginia, and by exhibit "B", filed with said petition, that the said Mary C. Milteer has caused notice of her intended application for this order to be published in the manner and for the length of time prescribed by the statute of this State in such cases made and provided, and the Court being satisfied that the removal of the property and money of said wards from this State will not impair the rights nor be prejudicial to the interests of the said wards, nor of any other person, it is ordered that the said Mary C. Milteer, as guardian as aforesaid, be, and she is hereby, empowered to sue, for, recover and receive all money and personal property in this State which may belong to her said wards, or any or either of them, including all accrued rents, if any, of any real-estate of said wards, in like manner as if she were appointed guardian of said wards, and each of them, in this State, and to remove the same to the State of Indiana, after paying the costs of this proceeding, including fee of counsel, amounting to \$25⁰⁰.

All which is hereby certified to the Clerk of this Court to be entered in his Chancery Order Book,

Jas. D. McInnis

In the Circuit Court of
Nansemond County, Virginia.

In the matter of
Mrs. Mary C. Milteer, Guar-
dian, etc.

DECREE.

Enter Feb. 26. 1915

Jas. L. McInmore.

Under Book 4 -
Page 695 -

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.
IN VACATION, on the 16 day of December, 1914.

Emory T. Milteer,

vs.

Mary C. Milteer, et als.

—
This cause, by consent of all parties entered of record, came on this day to be again heard on the papers formerly read and on the report of Bradford Kilby, Commissioner in Chancery for this Court, made under a decree entered herein on the 14th day of November, 1914, which report was filed on the 12th day of December, 1914, to which report there is no exception, and was argued by counsel.

On consideration whereof, ^{and by like consent of all parties} the Court doth confirm said report, and it appearing from the said report that it is to the interests of the parties entitled to the pieces of property in the bill and proceedings mentioned that the same be sold and the proceeds divided among the respective parties entitled thereto, owing to the fact that all of the pieces of property are town lots and, therefore, not susceptible of being divided in kind, the Court doth order, adjudge and decree that L. P. Holland, who is hereby appointed a Special Commissioner for that purpose, do proceed to sell for cash the land in the bill and proceedings mentioned, either by public or private sale, whichever may appear to be to the best interests of the parties entitled to the proceeds of sale of said land; by private sale, if a fair and reasonable offer is made, or by public sale, after having advertised the time, terms and place of sale for ten days by hand bills duly posted at three or more public places in the County. And the said Commissioner is directed to deposit the cash received from the proceeds of sale in the Farmers Bank of Nansemond, in Suffolk,

Virginia, to his credit as Special Commissioner in this cause and to report the sale of the property hereunder to the Court for approval, whether the same be sold by public or by private sale.

But the said Commissioner shall have no power to execute this decree until he shall enter into bond, with sufficient security, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of ~~\$6500~~ ²⁰⁰⁰, and conditioned for the faithful discharge of his duties hereunder, or under any other decree entered in this cause.

.And this cause is continued.

All of which is certified to the Clerk of this Court to be entered in his Chancery Order Book.

James McShore.

✓
In the Circuit Court of the
County of Nansemond, Vir-
ginia, In vacation, on the
___ day of December, 1914.

Milteer

vs.) DECREE.

Milteer et als.

Enter

Dec 16. 1914.
Jas. S. McLeure

We consent:

Emory T. Milteer.

Mary C. Milteer

Arthur D. Milteer

S. Minnie Milteer

W. Floyd Milteer.

By

L. P. Holland Atty

Catharine C. Milteer

Nellie A. Milteer

Mary V. Milteer,

Alton B. Milteer,

infants under the age of
twenty-one years,

By

J. H. H.
Guardian ad litem.

Order Book 4 -

Page 680

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA,
IN VACATION, on the ___ day of December, 1914.

Emory T. Milteer

vs.

Mary C. Milteer et als.

To the Honorable James L. McLemore, Judge of said Court:

Your Commissioner, appointed by a decree entered in this cause on the 15th day of December, 1914, respectfully reports that for the two lots of land situated in Whaleyville, Virginia, which he has been authorized to sell by the decree entered in this cause on the 15th day of December, 1914, he has received an offer from T. O. Knight, of Whaleyville, Virginia, for the purchase of these two lots at the cash price of Five Hundred Dollars (\$500.00).

Your Commissioner further reports that for the two lots of land situated in Norfolk, Virginia, which he was authorized to sell by the said decree in this cause referred to above, he has received a cash offer of Eleven Hundred Dollars (\$1100.00) from the West End Real Estate and Investment Company, Incorporated,

Your Commissioner further reports that the offers of the above parties in writing are filed along with this report and asked to be taken as a part thereof.

Your Commissioner further reports that the said purchasers are ready and willing to turn over to your Commissioner the full purchase prices of the said lots as soon as a decree can be entered authorizing and approving the said sales to them, under the terms and for the prices mentioned.

Eleven Hundred Dollars (\$1100.00) is the price which Bradford Kilby, the Commissioner in Chancery to which this cause was referred, has reported as a fair value for the two lots of land in Norfolk, Virginia, while Five Hundred Dollars (\$500.00)

is the price which the said Commissioner has reported as a fair value for the two lots in Whaleyville, Virginia. Your Commissioner would accordingly recommend that the sales to the above parties, for the prices and on the terms mentioned, should be confirmed by this Court, and that proper deeds should be ordered to be given to the said parties.

Respectfully submitted,

L. P. Hallard
Special Commissioner -

December 15, 1914.

In the Circuit Court of the
County of Nansemond, Vir-
ginia.

Milteer

vs.)

REPORT.

Milteer.

Filed

Dec. 16 1914

J. L. M.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.
IN VACATION, on the 16th day of December, 1914.

Emory T. Milteer

vs.

Mary C. Milteer et als.

This cause, by consent of all parties entered of record, came on this day to be again heard on the papers formerly read and on the report of L. P. Holland, Special Commissioner, filed herein on the 15th day of December, 1914, to which report there is no exception and was argued by counsel.

On consideration whereof, ^{and by like consent of all parties} the Court doth approve and confirm the sale of the two lots of land in Whaleyville, Virginia, to T. O. Knight for the sum of Five Hundred Dollars (\$500) cash, and doth also approve and confirm the sale of the two lots in Norfolk, Virginia, to the West End Real Estate and Investment Company, Incorporated, for the sum of Eleven Hundred Dollars (\$1100).

And the Court doth adjudge, order and decree that when and as soon as the said L. P. Holland, Special Commissioner, shall receive the full amount of Five Hundred Dollars (\$500) from T. O. Knight for the property in Whaleyville, Virginia, he shall give to the said T. O. Knight a good and sufficient deed, with special warranty, for the following described property, to-wit:

"1st. All that certain tract, piece or parcel of land known as the "corner lot", located in the village of Whaleyville, in Cypress Magisterial District, Nansemond County, Virginia, being seventy-five (75) feet square, and further described as follows:

Beginning at an iron post on the Southeast side of the South Quay Road where the Somerton Road crosses the South Quay Road, and running along the Southeastern side of the South Quay Road or Little Mill Road seventy-five (75) feet to an iron post, a corner with Mrs. Edith Jones, formerly F. R. Ellenor, thence along said Jones' line seventy-five (75) feet to another iron post, a corner on F. R. Ellenor, thence ~~seventy-five~~ (75) feet to the Southeast side of the Somerton Road at an iron post, a corner with A. D. Milteer's estate, formerly F. R. Ellenor, and thence along the side of the said Somerton Road seventy-five (75) feet to the be-

ginning; it being the same tract of land that was conveyed to A. D. Milteer and J. D. Brinkley by F. R. Ellenor by deed dated July 21, 1884, and recorded in Nansemond County Clerk's Office in D. B. 13, page 421, the one-half interest in which J. D. Brinkley conveyed to A. D. Milteer by deed dated February 2, 1888, and recorded in D. B. 19, page 512.

2nd. All that certain tract, piece or parcel of land in the village of Whaleyville, in Cypress Magisterial District, Nansemond County, Virginia, further described as follows:

Commencing on a corner at the Somerton Road, a corner with A. D. Milteer's store lot, and running along the said A. D. Milteer's store lot East seventy-five (75) feet to an iron post, a corner on F. R. Ellenor, thence along the line of the said F. R. Ellenor South seventy-five (75) feet to an iron post, a corner on F. R. Ellenor, thence along the line of the said F. R. Ellenor West seventy-five (75) feet to the Somerton Road, thence along said Road Seventy-five (75) feet to the point of beginning; and being the same tract of land conveyed to A. D. Milteer by T. O. Knight and F. R. Ellenor by deed dated July 26, 1901, and duly recorded in Nansemond County Clerk's Office in D. B. 50, page 337."

And the Court doth further order, adjudge and decree that when and as soon as the said L. P. Holland, Special Commissioner, shall receive from the West End Real Estate and Investment Company, Incorporated, the sum of Eleven Hundred Dollars (\$1100) he shall give to the said West End Real Estate and Investment Company, Incorporated, a good and sufficient deed, with special warranty, for the following described property, to-wit:

"All those two certain lots of land in the City of Norfolk, State of Virginia, fronting on Thirtieth Street, in Park Place, known, numbered and designated as lots "37" and "39", in block "17", on the plan or plat of said Park Place, which plan is duly of record in the Clerk's Office of the City of Norfolk."

And after the said L. P. Holland, Special Commissioner, shall have received and deposited said sums of money above referred to in the Farmers Bank of Nansemond, in Suffolk, Virginia, to his credit as Special Commissioner in this cause, he is directed to pay out of the proceeds of said sale all of the costs of this suit, including fee of counsel amounting to \$55.⁰⁰

And it being suggested to the Court from the report of Bradford Kilby, Commissioner in Chancery, filed in this cause on the 12th day of December, 1914, that it is to the best interests of Mary C. Milteer, the widow of Alfred D. Milteer, that her dower interest in the said property shall be commuted, the Court doth accordingly order, adjudge and decree that the said Special Commissioner shall pay to the said Mary C. Milteer her commuted dower interest in the said proceeds of sale as aforesaid, shall take from her a proper receipt therefor and file the same in these papers.

And the Court doth further adjudge, order and decree that that the parts of the proceeds of sale of said property to which Emory T. Milteer, Arthur D. Milteer, S. Minnie Milteer and W. Milteer. Floyd, the adult defendants in this cause, are entitled shall be turned over to them, good and sufficient receipts being taken therefor and filed in these papers.

And it further appearing to the Court that Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, the infant defendants in this cause, now reside with their mother, Mrs. Mary C. Milteer, in the City of Gary, Indiana,

And it further appearing to the court that the said Mary C. Milteer is the guardian of said infants, and that the said minor children are entitled to their shares in the proceeds of sale of the property in the bill and proceedings mentioned, situated in the County of Nansemond, Virginia, and in the City of Norfolk, Virginia, as aforesaid,

The Court doth adjudge, order and decree that the funds to which said infants are entitled shall be turned over to the said Mary C. Milteer, guardian as soon as she shall have complied with the provisions of the Code of Virginia, as prescribed in sections 2629, 2630 and 2631.

And this cause is continued.

All of which is hereby certified to the Clerk of this Court to be entered in his Chancery Order Book.

Wm. McInnis

2
In the Circuit Court of the
County of Nansemond, Vir-
ginia. IN VACATION, on the
___ day of December. 1914.

Milteer
vs.) DECREE
Milteer,

Enter

Dec. 16. 1914
Jas. L. McInnis

We consent:

Emory T. Milteer.
Mary C. Milteer,
Arthur D. Milteer
S. Minnie Milteer,
W. Floyd Milteer,

By

L. T. Holland Atty
Catharine C. Milteer,
Nellie A. Milteer,
Mary V. Milteer,
Alton B. Milteer,
infants under the age
of twenty-one years.

By

J. L. McInnis
Guardian ad litem.

Order Book 4-

Page 681

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

Emory T. Milteer,

vs.

Mary C. Milteer et als.

This cause came on this day to be heard on the complainant's bill, proof of the acceptance of legal service of proper process on the adult defendants, who have failed, and still fail, to appear, plead, answer or demur to said bill, which is taken for confessed as to them, the answer of the infant defendants, by John P. Lee, their guardian ad litem, duly appointed at Rules to defend their interests in this suit, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners in Chancery of this Court, who is directed to inquire into and report to the Court as follows:

1st. Whether it is to the interests of the parties entitled to the land in the bill and proceedings mentioned that the same be divided in kind, or as to whether it is to the interests of the parties entitled to the proceeds of said property that the same be sold and the proceeds divided among the respective parties entitled thereto.

2nd. Whether there are any taxes or deeds of trust recorded against said property, or as to whether there are any judgments recorded against any of the parties entitled to the proceeds of said property.

3rd. The annual and fee simple value of said property.

4th. Whether it is to the interests of Mary C. Milteer that her dower be assigned to her in kind, or as to whether it is to her best interests that her dower be commuted according

to the statute in such cases made and provided.

5th. Any other matter specifically stated, deemed pertinent by himself or which may be required by any person interested to be so stated and reported.

And this cause is continued.

In the Circuit Court of the
County of Nensemond, Vir-
ginia.

Emory T. Milteer

vs. }

DECREE.

Mary C. Milteer et als.

Enter Nov 14. 1914
Jas L. Moore.

Under Book No. 4.
Page 674

Commissioner's Office,

To Emory D. Milteer

and

Mary C. Milteer, widow of Alfred D. Milteer, Arthur D. Milteer
S. Minnie Milteer, W. Floyd Milteer, Catharine C. Milteer, Mollie
A. Milteer, Mary V. Milteer, and Alton B. Milteer, the last
four being infants under 21 years of age, and John P. Lee, Guardian
of said infants defendants.

You are hereby notified that on the 20th day of November 1904,
at my office, in Suffolk, Va., (at which time and place you are required to attend), I
shall take, state and settle the following accounts which are to be taken, stated and settled and
reported to Court in pursuance of the decree of the Circuit Court of Nansemond County
Va., rendered the 14th day of November, 1904, in the suit in chancery
pending in said Court to which you are parties plaintiff and defendant, to-wit:

- (1) Whether it is the interests of the parties entitled to the land in the bill and proceedings mentioned that the same be divided in kind, or as to whether it is to the interests of the parties entitled to the proceeds of said property that the same be sold and the proceeds divided among the respective parties entitled thereto.
- (2) Whether there are any taxes or deeds of trust recorded against said property, or as to whether there are any judgments recorded against any of the parties entitled to the proceeds of said property.
- (3) The annual and fee simple value of said property.
- (4) Whether it is to the interests of Mary C. Milteer that her dower be assigned to her in kind, or as to whether it is to her best interests that her dower be commuted according to the statute in such cases made and provided.
- (5) Any other matter specifically stated, deemed pertinent by himself or which may be required by any person interested to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, the 16th day of

November, 1904

Bradford Kelby
Commissioner in Chancery.

Sufficient and legal service of the within notice is
hereby accepted by us.

Mary C. Miller widow of Alfred D. Miller,
Arthur D. Miller, S. Minnie Miller, W. Eliza Miller
By L. F. Hall and their attorney
Catherine C. Miller, Nellie A. Miller, Mary V. Miller
and Alton B. Miller

By J. H. Hill
Guardian ad litem

Virginia,

Circuit Court for the County of Nansemond, to-wit:

Emory T. Milteer

v.

Mary C. Milteer et als.)

In chancery.

Commissioner's Office,

Suffolk, Va. Dec. 12th. 1914.

To Honorable James L. McLemore, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 14th. day of November 1914, in the suit in chancery pending in said court between Emory T. Milteer, Complainant, and Mary C. Milteer and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery of said court, respectfully reports, as follows:

That on the 16th. day of November 1914, your commissioner gave notice that he would proceed on the 20th. day of November 1914, at his office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the Commissioners in chancery of said court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit, as will appear by the endorsements on the notice herewith returned.

That on the 20th. day of November 1914, at his said office, your commissioner took the depositions of George B. Robertson and J.W. Robertson and *on Dec. 11th, 1914, took the depositions of E. A. Page & C. C. Worrell in Norfolk, Va.* touching said inquiries, which depositions are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

(1)

It is to the interests of the parties entitled to the land in bill mentioned that the same should be sold and the proceeds divided among the respective parties entitled thereto, rather than to have it divided in kind, inasmuch as all four pieces mentioned are small lots, two of them located in the Town of Whaleyville, in Nansemond Co. Va. and the other in the City of Norfolk, Va., and are therefore not susceptible to division in kind. The two lots in Whaleyville are vacant, and the two in Norfolk, Va. are also vacant.

(2)

The fee-simple value of the land situated in Whaleyville, Va. is about \$500. and its annual value nothing, it being a vacant lot and not rentable. The fee-simple value of the lots No. 37 and 39 in block "17" in Park Place, in Norfolk, Va. is about \$ 1100. and their annual value is ~~about \$1100.~~ nothing.

(3)

It is to the best interest of Mary C. Milteer to have her dower commuted according to the statute in such cases made and provided rather than assigned to her in kind, on account of the small size of the real estate, consisting as it does of town and City lots, which renders it impracticable to have the dower assigned in kind.

(4)

There are no ^{taxes} due or delinquent against the two lots of land in Whaleyville, Va. and there are no liens by way of deeds of trust or judgments against said lots.

There are no taxes due or delinquent against the two lots in Norfolk, Va. and there are no liens by way of deeds of trust or judgments against them.

(5)

There is no other matter specifically stated, deemed pertinent by your commissioner or which is required by any person interested to be so stated.

Respectfully submitted this 12th. day of December 1914.

Bradford Kilby

Commissioner in Chancery.

Comr's fee \$25.

George B. Robertson, being duly sworn, deposes as follows:

What is your name, age, residence, occupation and are you acquainted with the two lots of land in Whaleyville, Va. belonging to the estate of Alfred D. Milteer?

A. George B. Robertson, age 65 years, residence in Whaleyville, Va. occupation manager of Jackson Bros. Lumber Mill, I know the land well.

Q. What, in your opinion is the fee-simple and annual value of the two said lots.?

A. Both adjoin and form one piece of land which I think is worth about \$500. It has no annual value, being vacant and not rented.

And further this deponent saith not.

Signature waived.

J. W. Robertson, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation, and are you acquainted with the two lots of land in Whaleyville belonging to the estate of Alfred D. Milteer?

A. J. W. Robertson, age 62 years, occupation, Supt. of Lumber Mill, I know the land. I lived in Whaleyville up until Sept. 1914.

Q. What in your opinion is the fee-simple and annual value of said land?

A. I think the two adjoining lots are worth about \$500. They have no annual value, being vacant and un-rented.

And further this deponent saith not.

Signature waived.

E.A. Page, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are you acquainted with lots No. 37 and 39 in Block "I7", fronting on 30th. St. in the City of Norfolk?

A. E. A. Page, age 46 years, residence, Norfolk, Va. I am in the real estate business and know the said lots well.

Q. What in your opinion is the fee-simple and annual value of said lots?

A. I think the fee-simple value is \$1100. and the annual value nothing as they are vacant.

And further this deponent saith not.

Signature waived.

C.E. Worrell, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are you acquainted with lots. No. 37 and 39 in Block "I7" fronting on 30th. St. in the City of Norfolk?

A. C.E. Worrell, age 30 years, residence in Norfolk, occupation real estate dealer and I know the lots.

Q. What in your opinion is the fee-simple and annual value of said lots?

A. I think they are worth \$1000. or \$500 each, they have no annual value, being vacant.

And further this deponent saith not.

Emory D. Milten

v. } In chancery

Mary C. Milten et als

Report of Bradford Kilby
Comm. in Chancery under decree
of Nov. 14, 1914

Filed Dec. 12-1914

Hate Parker, R.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.
In Vacation, 20 day of March, 1915.

Emory T. Milteer

vs.

Mary C. Milteer et als.

This cause, which, by a previous decree, has been regularly submitted to the Judge of this Court for such decisions and decrees therein in vacation as might be made in term, came on this day to be again heard on the papers formerly read and on the report of L. P. Holland, Special Commissioner, filed herein on the 20th day of March, 1915, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the court that all costs in said suit have been paid, that all of the funds have been distributed and that proper receipts have been taken in both cases, the court doth approve and confirm the said report.

And it further appearing to the court that there is nothing more to be done in this cause, the same is ordered herewith stricken from the docket.

All of which is hereby certified to the Clerk of this court to be entered in his Chancery Order Book.

Jas. L. McShore,

In the Circuit Court of Nan-
semond County, Virginia.

Emory I. Milteer

vs.) DECREE.

Mary C. Milteer et als.

Enter March 20. 1915.

Jas L. McNamee

Order Book No. 5 -
Page 1 -

To the Honorable James L. McLemore, Judge of the Circuit Court
of the County of Nansemond, Virginia:-

Mrs. Mary C. Milteer, a citizen of the State of Indiana and resident therein, respectfully represents that she has been lawfully appointed and qualified in said State as the guardian of Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, minor children of her late husband, Alfred D. Milteer, which children also reside in said State, and that she, in said State where she has qualified, has given bond with surety sufficient to insure her accountability for the whole of the estate of her said wards in her hands, or which will probably be received by her as such guardian, all of which premises will appear by a duly authenticated transcript of the records of the proceedings had in the Superior Court of Lake County, in the State of Indiana, filed herewith, marked exhibit "A".

Your petitioner further represents that her said wards are entitled to money in the State of Virginia; that they are the children, and as such, heirs at law of the said Alfred D. Milteer, deceased, formerly of the County of Nansemond, Virginia; that the said Alfred D. Milteer, deceased, at the time of his death, was possessed of two lots of land in Nansemond County, Virginia, and two lots of land in Park Place, Norfolk, Virginia, which said lots have been sold in the cause of "Emory T. Milteer vs. Mary C. Milteer et als.," and that her said wards are entitled to their proportionate part of the money realized from the sale of the said real-estate, amounting to Sixteen Hundred Dollars (\$1600.00), after the payment of all costs and expenses.

Your petitioner desires to be empowered as guardian as aforesaid to receive and collect said money of said wards in the State of Virginia and to remove the same to the State of Indiana, in which she and her wards reside, and in order to receive said funds, she has caused a notice of her intended appli-

cation hereunder to be published, according to the act of the General Assembly of Virginia in such cases made and provided, for four successive weeks in the Suffolk Herald, a newspaper published in the City of Suffolk, Virginia, as will appear by a duly certified copy of said notice and certificate of its publication, filed herein, marked exhibit "B."

Your petitioner further represents that the removal of said property and money from the State of Virginia will not impair the rights nor be prejudicial to either of said wards, nor of any other person.

The premises considered, your petitioner prays by the order of this honorable court that she may be empowered and authorized, as guardian as aforesaid, to sue for, recover and receive all money which may belong to her said wards, and each of them, in the State of Virginia, including all accrued rents of any real-estate of said wards therein, if any there be, in like manner as if she were appointed guardian of said wards in the State of Virginia, and to remove the same to the State of Indiana.

Your petitioner alleges that she, together with Emory T. Milteer, Arthur D. Milteer, S. Minnie Milteer and W. Floyd Milteer, the brothers and sisters of her said wards, and all parties to the said petition, are before the court as parties to the suit of Emory T. Milteer vs. Mary C. Milteer et als., and your petitioner prays that she may be allowed to file this petition in the said cause.

Your petitioner further prays that John P. Lee, who has already been appointed guardian ad litem for the infant defendants in the cause in which this petition is filed, may defend the interests of said infants in this suit, and that he shall answer the said petition, answer under oath being waived; that

she may be allowed to pay the costs of this proceeding out of the amount to which the said infants are entitled, and that all such other, further and general relief may be afforded your petitioner as the nature of her case may require, or to equity shall seem meet.

And your petitioner will ever pray, etc.

Mary C. Milteer, Guardian,

By

L. P. Holland
Counsel.

E. E. L. P. Holland p. q.

State of Indiana, County of Lake, ss:

I, **ERNEST L. SHORTRIDGE**, Clerk of the Superior Court of Lake County, in the State of Indiana—said Court being a Court of Record—do hereby certify that the Hon. Virgil N. Ruter, whose name is subscribed to the annexed and foregoing certificate, was, at the time of the signing thereof, and now is, the sole presiding Judge of Room No. 1, of said Superior Court, duly elected, commissioned and qualified, and that his said signature is genuine.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of said Superior Court, at my office in Hammond, in said Lake County, this 20 day of February A. D. 1915

Ernest L. Shortridge
Clerk

State of Indiana)
County of Lake) SS

In the Lake Superior Court,
Room Number 1.
V. S. Reiter, Presiding
Judge.

In the Matter of the Guardianship of Floyd, Mary,
Catherine and Alton Milteer.

C E R T I F I C A T E .

I, V. S. Reiter, presiding judge of the Lake Superior Court, Room Number One, do hereby certify that the guardianship bond, heretofore filed by Mary Milteer, guardian, with William F. Hodges and Arnold B. Kellar, as surety, is sufficient in law and that the sureties thereon are solvent, and answerable for the amount of the bond.

In Witness Whereof I hereunto set my hand this
Eighteenth day of February, 1915.

Virgil S. Reiter.
Judge Superior
Court Room 1.

Exhibit "A"

PETITION.

In the Circuit Court of Nan-
semond County, Virginia.

In the matter of
Mrs. Mary C. Milteer, Guar-
dian, etc.

1915 Feb. 26th filed
Jm.

HOLLAND & HOLLAND
SUFFOLK, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

Emory T. Milteer,

vs.

Mary C. Milteer et als.

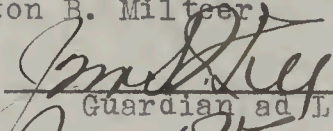
The answer of Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, infants under the age of twenty-one years, by John P. Lee, their guardian ad litem, assigned to defend them in this suit, and the answer of the said John P. Lee, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Emory T. Milteer in the Circuit Court of the County of Nansemond, Virginia.

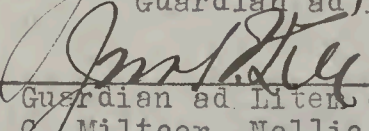
For answer to the said bill the said infant defendants, by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants, for answer to the said bill, answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants.

And now, having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer,

By


Guardian ad Litem.


Guardian ad Litem of Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer.

Phil. Nov. 2, 1844
G. B. Perkins,
Clerk.

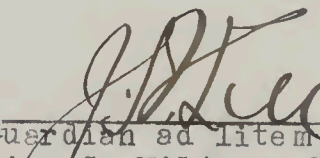
IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

The answer of John P. Lee, guardian ad litem for Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, infant defendants, and the answer of the said Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer by the said John P. Lee, their guardian ad litem, to the petition filed in the Circuit Court of Nansemond County, Virginia, by Mrs. Mary C. Milteer, their guardian, in the suit of Emory T. Milteer vs. Mary C. Milteer et als.

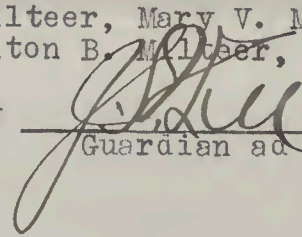
For answer to the said petition, the said guardian ad litem answers and says, that he does not know whether the interests of the said infants will be promoted by the removal and transfer of the property as prayed for, or not.

And the said Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, by their guardian ad litem, answer and say, that being infants of tender years they know nothing of the matters mentioned in the petition and commit the protection of their interests to the court.

And now, having answered, they pray to be hence dismissed, etc.


Guardian ad litem for Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer.

Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer,

By 
Guardian ad litem.

In the Circuit Court of
Nansemond County, Virginia.

In the matter of Mrs. Mary
C. Mi teer, guardian, etc.

Answer of John P. Lee,
Guardian ad Litem.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

To the Honorable James L. McLemore, Judge of said Court:

Your complainant, Emory T. Milteer, respectfully represents unto the court that your complainant's father, Alfred D. Milteer, was in his life time seized and possessed of certain real estate lying in the County of Nansemond, in the State of Virginia, and in the City of Norfolk, in the State of Virginia, as follows:

1st. All that certain tract, piece or parcel of land known as the "corner lot", located in the village of Whaleyville, in Cypress Magisterial District, Nansemond County, Virginia, being seventy-five (75) feet square, and further described as follows:

Beginning at an iron post on the Southeast side of the South Quay Road where the Somerton Road crosses the South Quay Road, and running along the Southeastern side of the South Quay Road or Little Mill Road seventy-five (75) feet to an iron post, a corner with Mrs. Edith Jones, formerly F. R. Ellenor, thence along said Jones' line seventy-five (75) feet to another iron post, a corner on F. R. Ellenor, thence seventy-five (75) feet to the Southeast side of the Somerton Road at an iron post, a corner with A. D. Milteer's estate, formerly, F. R. Ellenor, and thence along the side of the said Somerton Road seventy-five (75) feet to the beginning; it being the same tract of land that was conveyed to A. D. Milteer and J. D. Brinkley by F. R. Ellenor by deed dated July 21, 1884, and recorded in Nansemond County Clerk's Office in D. B. 13, page 421, the one-half interest in which J. D. Brinkley conveyed to A. D. Milteer by deed dated February 2, 1888, and recorded in D. B. 19, page 512.

2nd. All that certain tract, piece or parcel of land in the village of Whaleyville, in Cypress Magisterial District, Nansemond County, Virginia, further described as follows:

Commencing on a corner at the Somerton Road, a corner with A. D. Milteer's store lot, and running along the said A. D. Milteer's store lot East seventy-five (75) feet to an iron post, a corner on F. R. Ellenor, thence along the line of the said F. R. Ellenor South seventy-five (75) feet to an iron post, a corner on F. R. Ellenor, thence along the line of the said F. R. Ellenor West seventy-five (75) feet to the Somerton Road, thence along said Road seventy-five (75) feet to the point of beginning; and being the same tract of land conveyed to A. D. Milteer by T. O. Knight and F. R. Ellenor by deed dated July 26, 1901,

and duly recorded in Nansemond County Clerk's Office in D. B. 50, page 337.

3rd. All those two (2) certain lots of land in the City of Norfolk, State of Virginia, fronting on Thirtieth Street, in Park Place, known, numbered and designated as lots "37" and "39", in block "17", on the plan or plat of said Park Place, which plan is duly of record in the Clerk's Office of the City of Norfolk.

And being so seized and possessed of the said real estate, some time in the year 19 , the said A. D. Milteer departed this life intestate, leaving your complainant, Emory T. Milteer, and Arthur D. Milteer, S. Minnie Milteer, W. Floyd Milteer, Catarine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, the last four of whom are infants under the age of twenty-one years, his only children and heirs at law.

Your complainant states that the said real estate is, as he believes, incapable of partition among the parties entitled thereto, and since he does not believe that it is capable of such partition, then your complainant desires the same to be sold and the proceeds divided among the adult and infant parties, according to their respective rights, the shares of the infants to be held as directed by the statute in such cases made and provided; should the property be found not to be divisible in kind, as is the belief of your complainant, then your complainant believes and here states that the interests of those who are entitled to the said real-estate or its proceeds will be promoted by a sale of the whole of said real-estate.

Your complainant is informed that Mary C. Milteer, the widow of Alfred D. Milteer, is desirous that the said land shall be sold free of her dower and that she may be paid the value of her dower interest in money, which interest shall be calculated according to the statute in such cases made and provided.

In tender consideration whereof, and for as much as your

complainant is remediless in the premises save by the aid of a court of equity where matters of this kind are alone and properly cognizable, your complainant prays that Mary C. Milteer, widow of Alfred D. Milteer, Arthur D. Milteer, S. Minnie Milteer, W. Floyd Milteer, Catharine C. Milteer, Nellie A. Milteer, Mary V. Milteer and Alton B. Milteer, the last four of whom are infants under the age of twenty-one years, may be made parties defendant to this bill and required to answer same, answer under oath being waived; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue; that should the said real-estate be capable of division in kind among the several parties entitled thereto, your complainant's portion thereof be allotted to him; and in case the said real-estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale divided among the parties entitled thereto, the interest of the widow, she being willing thereto, to be commuted and the same paid out of the proceeds of said sale; that proper counsel fees shall be allowed; that all proper orders and decrees may be made and proper inquiries directed, and that all such other, further and general relief may be afforded your complainant as the nature of his case may require or to equity shall seem meet.

And your complainant will ever pray, etc.

Emory D. Milteer
by L. P. Holland atty.

L. P. Holland f.g.

Emory T. Milteer
vs.) BILL
Mary C. Milteer et als.

Filed October 19, 1914
G. E. Brantley,
Clerk.

HOLLAND & HOLLAND
SUFFOLK, VA.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MARCH, MAY,
JULY AND OCTOBER

HON. JAMES L. McLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX. H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Mansemond County Clerk's Office

SUFFOLK, VA.,

Rules:

Erroy T. Miller

Plff.

vs.

Mary O. Miller (widow of Alfred O. Miller)
Arthur O. Miller, S. Minnie Miller, W. Floyd
Miller, Catherine C. Miller, Helen C. Miller,
Mary O. Miller and Alton B. Miller, the
last four of whom are infants under the age of
twenty one years

Oct. 13, 1914. Process issued returnable to 2nd October
Rules, 3rd Monday, 1914. J.P. has aft. Guad. ad lib. to inform debt.
3rd Monday, Oct. Rules. Process returned & executed,
bills filed & decree nisi.

Nov. 3, 1914, 1st mv. Rules, decree nisi confirmed
& cause set for hearing.

J.P. has appointed Guad. ad lib.